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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, March 17, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Rejoice in the Lord, O ye righteous: for praise is comely for the upright—Psalms 33: 1.

All praise and thanksgiving to Thee, our Father, for the coming of another day, for this assemblage of Congressmen ready for their work, and for the quiet assurance of Thy quickening presence. Grant unto us Thy gifts of peace and joy and yet a measure of dissatisfaction that we may never be satisfied while injustice exists between men, intolerance between women, and children go hungry, not only for food, but for love.

May we so use Thy gifts to us and so serve the cause of justice, that we may come to the evening hours with a clear conscience. May the spirit of our lives this day be the praise Thou dost deserve and the gratitude Thou art ever seeking: through Jesus Christ our Lord. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; and

S. Con. Res. 9. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program".

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on March 16, 1971, the Clerk received from the Secretary of the Senate today the following messages:

That the Senate passed without amendment the following:

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

H. Con. Res. 97. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives", and for other purposes.

That the Senate agreed to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4690) entitled, "An Act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes."

Respectfully yours,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair desires to announce that pursuant to the authority granted him on Tuesday, March 16, 1971, he did on Wednesday, March 17, 1971, sign the following enrolled bill and joint resolution of the House:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The **SPEAKER** laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

MARCH 11, 1971.

Hon. CARL ALBERT,
The Speaker, The House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans involved are:

WATERSHED, STATE, AND EXECUTIVE COMMUNICATIONS NUMBER

Hargis Creek, Kansas, 893, 91st Congress.

Lovelock Valley, Nevada, 1049, 91st Congress.

West Upper Maple River, Michigan, 2171, 91st Congress.

Sincerely yours,
W. R. POAGE,
Chairman.

OFF-THE-RECORD BRIEFING ON PRISONER-OF-WAR SITUATION, TUESDAY, MARCH 23

(Mr. **MONTGOMERY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MONTGOMERY**. Mr. Speaker, I would like to remind my colleagues of the off-the-record briefing on the prisoner-of-war situation that will be held next Tuesday, March 23. The session will last 1 hour beginning at 9 a.m. in room 334 of the Cannon Building and will be for Members only.

Representing the State Department will be Ambassador William H. Sullivan and Mr. Frank Sieverts. The Department of Defense will be represented by Mr. Armistead Selden and Rear Adm. Horace Epes, Jr. Appearing on behalf of the National League of Families will be Mr. Charles Havens. These gentlemen will only make brief remarks and the rest of the time will be for Members to ask questions. The meeting will be very beneficial in providing us the latest information on the POW/MIA situation and hope you will make your plans to attend.

SST CONTRACTUAL LOOPHOLES MUST BE PLUGGED

(Mr. **BROOKS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BROOKS**. Mr. Speaker, the public's investment in the SST will be over $1 billion. We have committed hundreds of millions to this project and tomorrow will vote on an additional $290 million.

This is an investment of public moneys, not a subsidy nor a gift to the Boeing Co. and the airlines. The public has been told that if the SST program is successful, all of the Government's $1.3 billion investment will be returned through royalties.

Mr. Speaker, I have studied the contractual arrangement closely and it is clear that the public's investment will be recouped only if the supersonic transport meets certain specific criteria, such as titanium construction, and designed to cruise at at least mach 2.2. Any other design will not qualify for the much-publicized royalties.

The airlines and Boeing may ultimately agree to a production aircraft that does not meet these criteria. Obviously, much of the technology resulting from our investment in the SST could be used in the manufacture of a slower aircraft. In my opinion, the public should still be entitled to its share of the partnership.

A detailed statement of my position will appear in the Extensions of Remarks in today's Record. It outlines the loopholes through which the public may lose its entire $1.3 billion.

Although I have up until now supported public participation in the development of the SST, I do not believe we should continue to pump funds into this project until these contractual loopholes are plugged so that this "investment" does not become a gift.

PERSONAL ANNOUNCEMENT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, about a month ago I accepted an invitation to speak in Iowa on March 18. It would greatly inconvenience the Iowa group if I altered my schedule. Further, I personally want to fill the engagement because of the important subject of the conference.

I want the record to show that I have been, and am opposed to the supersonic transport program, and that I support the constitutional amendment which will be subject to vote tomorrow.

FALSE ISSUES EXPOSED: TIME TO PROCEED ON SST WITH FACTS

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, I commend the Subcommittee on Transportation of the House Appropriations Committee and its chairman, the gentleman from California (Mr. McFall) for the manner in which hearings on the supersonic transport were conducted. These were open hearings, exhaustingly long, but the false issues that had been raised against the SST were finally and completely laid to rest. Now, Mr. Speaker, we can get down to the facts regarding the economics of this program and its necessity to our aviation future.

We are talking now of funds to construct two prototype aircraft, and it is essential to realize that we are speaking only of prototypes. Webster's dictionary defines a prototype as "an original model on which something is patterned." We are not talking about a fleet of 500 SST aircraft to be financed by the Federal Government, only two prototypes on which the production models will be patterned.

It also is important to realize that through March 31, 1971, the U.S. Government will have spent $864 million in the SST prototype program. For a total of $478 million, we can complete the program and have two prototypes to show for it. If we cancel the project at this time, it still will cost $178 million to get out from under present contracts for a total Government investment of $1,042 billion. In other words, for only $300 million more we get the prototypes; cancellation means we get nothing for the money that has been invested.

Mr. Speaker, there are many thousands of American jobs in practically every State, dependent upon what we do here tomorrow on the SST. I intend to vote for the SST on the basis of the facts, for American labor, and because of the absolute importance of the supersonic program to the future of U.S. aviation technology.

REPUBLICANS AND BLACK VOTERS

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I take the floor as an elected Republican—to address my Republican colleagues—and Republicans across the country.

It is reported in this morning's Washington Post, and I quote:

> Republican National Chairman Bob Dole is urging President Nixon to name a black spokesman with clout enough to make friends for the Administration with black voters across the country.

He was quoted as saying: "We've got to get some of the black vote."

Unfortunately, this story—and these remarks have a patronizing tone—whether intended or not—that can only serve to further alienate black Americans from the Republican Party.

What has to be understood by our party leadership—is that we will only receive black political support in direct proportion to the extent that we genuinely commit ourselves to helping meet the needs—and secure the rights—of all black Americans.

Blacks want performance and honest commitment—not token representation. It is time our party rededicated itself to the human rights philosophies and policies which were the origin of our party when it was formed over 100 years ago. And, I think our party owes that commitment to blacks—and to all Americans.

But, let us not kid ourselves about where things stand today. This administration has—

Consciously pursued a racial policy of "benign neglect,"

Pursued an overt southern strategy,

Tried to diffuse the Voting Rights Act,

Nominated G. Harrold Carswell to the Supreme Court,

Refused to meet with the black Members of Congress for over a year,

Followed priorities that put spending for the war—ABM and SST—ahead of meeting the urgent human needs of our citizens here in America—particularly minority people.

These policies, whether intended or not, are antiblack—and are perceived as such by black citizens all across America.

Chairman Dole is right in saying that GOP needs black votes if it is going to survive—but we would not get—or deserve—black support until this administration changes its policies.

And, the notion that token black representation in the White House makes any real difference in winning black support to the GOP is nonsense.

The Republican Party will get black support when it earns it—and that is the way it should be.

SOCIAL SECURITY INCREASE NOT SUFFICIENT

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, the 10-percent increase in social security benefits passed yesterday by the Congress was a step in the right direction, and I supported it.

Much, however, still remains to be done if we we are to assure millions of senior Americans the full benefits they so richly deserve. The 10-percent increase is a mere drop in the bucket compared to the need that must be met. It falls far short of solving the tremendous problems facing our elderly.

They should, for example, be provided automatic increases in benefits, tied to the rising cost of living. In addition, the maximum outside earnings limitation should be raised to at least $2,400 a year.

Both of these measures deserve our prompt attention.

For too long, our senior citizens have watched their benefits—already at the near-starvation level—being eroded by inflation. They are forced to wait patiently for Congress to act—and the performance unfortunately is too little too late for many.

At election time, candidates for high office woo our seniors for their votes; candidates vie over who can promise them most. Our seniors are caught—they know it takes an act of Congress for them to receive increases which they truly need.

To millions of Americans, their only income is their social security check. It is time to stop playing politics with them.

It is time to get the politics out of social security by guaranteeing that elderly Americans will receive benefit increases automatically as the cost-of-living rises.

THE LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, on October 26, 1970, the Legislative Reorganization Act of 1970 became law. In that legislation there is a provision which reads as follows and I quote:

> It shall not be in order to consider the report of a committee of conference unless such report and the accompanying statement shall have been printed in the Record, at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such report by the House. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement are then available on the floor."

There are other parts of that particular provision, but those are the pertinent portions.

Mr. Speaker, yesterday we considered the conference report on the public debt limit and social security legislation. That report was not printed in the RECORD at least 3 calendar days before it was considered. A copy of the report to my best knowledge was not available on the floor of the House at the time.

Also, Mr. Speaker, in the Legislative Reorganization Act passed last year the following language is included and I quote again:

> Such a motion, and any motion, rule, or order to dispose of amendments between the two Houses to any House or Senate bill or resolution (other than a motion to request or agree to a conference), shall require for adoption, on demand of any Member, a separate vote on each amendment to be disposed of if, originating in the House, such amendment would be subject to a point of order on a question of germaneness.

Mr. Speaker, the Legislative Reorganization Act also goes on to state:

> 3. No amendment of the Senate which would be in violation of the provisions of clause 7 of Rule XVI, if such amendment had been offered in the House, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

Mr. Speaker, there was a nongermane amendment.

The SPEAKER. The time of the gentleman has expired.

For what purpose does the gentleman from Iowa rise?

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman from Iowa.

Mr. Speaker, there was a nongermane amendment on the conference report that came back to the House yesterday. We passed a Legislative Reorganization Act in the best of faith. We naturally believed that that legislation should be the rules by which we operate. On the other hand, Mr. Speaker, I fully appreciate that there are national emergencies. Mr. Speaker, I had no forewarning of any such national emergency yesterday, and I regret that as a consequence of the waiving of those two provisions in the Reorganization Act, the conference report was brought to the floor of the House, and the net result was that some 70 Members, 27 on the Republican side and 43 on the Democratic side, were not able to participate in the vote on this important legislation.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ARENDS. At this particular time I have no intention of pointing my finger at anyone or of being personally critical. However, let me state that last Thursday I was privileged to ask the majority leader what the legislative program would be for this week. He carefully informed me, after which I sent such notice to the Members on our side of the aisle, just as they did on the majority side.

Particularly noticeable was this statement:

> Tuesday: Private Calendar. No bills.

At the bottom of the list there was no such statement that conference reports could be called up at any time. All Members relied on such information and accordingly 70 Members were not in attendance for one reason or another when two rollcalls were taken. Many of our Members have now called me, rather critical of the fact that we had sent this information to them and they were not here.

Accordingly, Mr. Speaker, I want to at this time do something unprecedented, very much unprecedented. I am now going to ask unanimous consent of the House of Representatives to permit any absentee yesterday, in view of the fact that they were misinformed, to cast their vote on the two bills that passed this House yesterday.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

THE LEGISLATIVE PROGRAM

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Louisiana.

Mr. BOGGS. I find myself constrained to make a statement with respect to the events on yesterday. I said on the floor of the House last Thursday that there would be no business on Monday or Tuesday of this week, and in response to a direct inquiry from the gentleman from Missouri (Mr. HALL), I specifically said that there would be no voting on Tuesday.

Mr. Speaker, as of 11:45 a.m. yesterday, the majority leader's office and the majority whip's office were advising Democratic Members that there would be no voting yesterday.

Thereupon members of the Ways and Means Committee made certain representations to the Speaker with reference to an alleged immediate emergency situation on this bill, unknown to me. As a matter of fact, I was attending Whitney Young's funeral in New York. Mr. GERALD R. FORD asked me as late as 9 a.m. on yesterday whether or not there would be a vote, and I told him there would not be. Had I any knowledge that there would be a vote, I would have returned to Washington despite my desire to attend that funeral.

I have also examined the record. I am unimpressed with the argument that the debt ceiling could not have waited 24 or 48 hours as is obviously the leader of the administration forces on the floor here, Mr. GERALD R. FORD, I feel constrained to apologize to the Members of this body on both sides of the aisle, both Republicans and Democrats, for the fact that I was unable to live up to the statement that I made here last Thursday.

SOCIAL SECURITY AMENDMENTS

(Mr. THOMSON of Wisconsin asked and was given permission to adress the House for 1 minute and to revise and extend his remarks.)

Mr. THOMSON of Wisconsin. Mr. Speaker, conditions prevented me from being present on the floor yesterday after returning from meetings in my district in time to be recorded on H.R. 4690. Had I been present, I would have voted "aye" on the conference report to increase the public debt limit and amending the Social Security Act.

I have long been a supporter of increases in social security. I am gratified that the House has approved this report calling for a 10-percent increase in benefit levels effective January 1, 1971, with no increase in the social security tax until next year. I am pleased that the supplemental funds will be mailed as early as June.

But I am quite disappointed that the conference report did not include two important features that I have advocated for some time; namely, a provision that would automatically increase benefit levels in accordance with the rising cost of living and increases in the amount of outside earnings by recipients from $1,680 to $3,000. I am certain that many elderly part-time workers are distressed at this failure to approve at least an increase to $2,400 which they were led to expect.

I urge my colleagues to support H.R. 1186 which I introduced on January 22, and which would increase to $3,000 the amount of outside earnings permitted to recipients. I also intend to support an amendment to the social security amendments now part of H.R. 1 which would tie benefit levels to the cost of living. Both these improvements in social security are necessary and desirable.

SPECIAL RURAL DEVELOPMENT REVENUE SHARING BILL

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, revival of communities and farms has been of great concern to me for a long period of time. The rural segment of our economy has been largely stagnant, because of problems that overwhelmed the local resources needed to cope with modern changing conditions.

We have attempted to correct inequities that prevailed between the various segments of our rural and urban economic positions by makeshift legislation. Undoubtedly the laws funding new plans at the Federal level each year accomplished some worthwhile purposes, but generally they proved inadequate.

Now we have received legislation which, if passed, can change the direction for rural America and once again make it into a dynamic leading force for development of all segments of our society.

Turning 180° to place responsibility back upon local people and their lawmakers cannot help but reverse a trend of more than a decade. States have developed ideas, along with many local communities, for improving the lot of their people and thereby holding down on the disastrous trek of too many rural residents to the cities. But, by and large, they were unable to allot sufficient funds to implement adequate projects.

Under the special rural development revenue sharing bill now before us, we cannot only provide the money to begin meaningful starts toward a stronger America but also generate new enthusiasm for action among those people and communities directly affected. When citizens know their well-being and advancement is in their own hands the spirit of rural America can again rise to new heights.

Admittedly, this bill just offers a start in the direction we should be going, but a beginning has to be made. With passage of the measure into law, the legislatures of our 50 States can initiate actions necessary to take fullest advantage of its programs and funding. Every State will then be in a position to achieve desired ends that will be of greatest benefit to each particular area.

I heartily advocate the speedy handling of the rural development revenue sharing measure so that legislatures now in session may know what they can expect in the way of Federal money and can foster legislation that will get the job done.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YATES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Anderson, Ill.
Annunzio
Ashley
Badillo
Baker
Belcher
Blatnik
Celler
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collier
Collins, Ill.
Conyers
Corman
Cotter
Coughlin
Crane
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dowdy
Drinan
Dulski
Edwards, La.
Fascell
Foley
Frey
Gallagher
Gibbons
Green, Pa.
Hall
Hogan
Halpern
Hanley
Hansen, Wash.
Hathaway
Hawkins
Hicks, Mass.
Hogan
Jarman
Landgrebe
Long, La.
McCulloch
Macdonald, Mass.
Martin
Metcalfe
Mink
Minshall
O'Hara
O'Neill
Patten
Pucinski
Rangel
Rees
Reid, N.Y.
Robison, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ryan
Satterfield
Scott
Seiberling
Slack
Stanton, J. William
Stanton, James V.
Steele
Stokes
Stuckey
Udall
Watts
Wiggins
Wilson, Charles H.
Yatron

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting a Report and Study on Control of Hazardous Polluting Substances.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

CALL OF THE HOUSE

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and nineteen Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 23]

Addabbo
Anderson, Ill.
Annunzio
Ashley
Badillo
Baker
Baring
Belcher
Blanton
Carey, N.Y.
Clark
Clawson, Del
Clay
Collier
Collins, Ill.
Colmer
Conyers
Corman
Coughlin
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dickinson
Diggs
Dingell
Dowdy
Downing
Drinan
Dulski
Eckhardt
Edwards, La.
Fisher
Flood
Flowers
Foley
Frelinghuysen
Frey
Gallagher
Green, Pa.
Griffiths
Hagan
Hall
Hanley
Hanna
Hathaway
Hawkins
Hicks, Mass.
Hillis
Hogan
Hosmer
Jarman
Kyl
Landgrebe
Lent
Long, La.
McCloskey
McCulloch
Macdonald, Mass.
Mailliard
Metcalfe
Mikva
Mink
Minshall
Mollohan
Montgomery
Moorhead
Morgan
O'Hara
O'Neill
Patman
Pelly
Pettis
Podell
Price, Tex.
Pucinski
Railsback
Rangel
Rarick
Rees
Robison, N.Y.
Rostenkowski
Rousselot
Ruppe
Ruth
Ryan
St Germain
Satterfield
Seiberling
Sisk
Smith, N.Y.
Springer
Stafford
Stanton, J. William
Stanton, James V.
Stokes
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Tiernan
Udall
Veysey
Watts
Wilson, Bob
Wilson, Charles H.
Wright
Yatron

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–70)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I have the honor to transmit herewith for the consideration of the Congress a report on "Control of Hazardous Polluting Substances" as required by Section 12(g) of the Federal Water Pollution Control Act as amended.

The recommendations made in the enclosed report reflect the conclusions reached by the Department of Transportation in its study made at my request. Additional study, beyond that possible in the short period available for this report, may indicate a need for modifications in these recommendations. Such modifications would be incorporated in any legislation which is developed to implement the recommendations of the report.

RICHARD NIXON.
THE WHITE HOUSE, *March 16, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the 20th Annual Report of the National Science Foundation for the fiscal year ending June 30, 1970.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS, *Clerk.*
U.S. House of Representatives.

TWENTIETH REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–69)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics, and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress the Twentieth Annual Report of the National Science Foundation, covering the fiscal year 1970.

The activities described in this report underscore the importance of science as a national resource and as an essential element in our Nation's progress. The scientific research supported by the Foundation reflects our continuing concern for the quality of life in the United States today and in the future.

Science has entered an era of unprecedented fruitfulness. The investment we have made in the last three decades offers us an array of opportunities in the next. This guarantees us no instant or easy answers, but it does afford us the ability to bring to bear on our national problems an array of scientific talent and a heritage of scientific achievement unprecedented in human history.

New programs initiated by the Foundation in fiscal year 1970 are designed to promote and encourage the search for solutions to problems of the natural and social environment. Interdisciplinary work by scientists from many specialties shows promise of producing new knowledge of the earth, the oceans, and the atmosphere which will permit a better understanding of the relationship between man and his surroundings.

The programs of the National Science Foundation during fiscal year 1970 covered a broad range of activities. More than $200 million was devoted to the pursuit of scientific research, including major interdisciplinary efforts of national and international significance. Another $120 million was allocated to support of science education at all levels, and nearly $45 million was invested in broad-based institutional development in our colleges and universities.

I believe it was a most productive year. I commend this report to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the Annual Report of the Corporation for Public Broadcasting.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with Section 396(i) of the Public Broadcasting Act of 1967, as amended, I hereby transmit the Annual Report of the Corporation for Public Broadcasting covering the fiscal year July 1, 1969 to June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 16, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Tuesday, March 16, 1971, said to contain a Message from the President transmitting the 22nd Semiannual Report of the National Aeronautics and Space Administration.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

THE 22D SEMIANNUAL REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–371)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed, with illustrations:

To the Congress of the United States:

I transmit herewith the Twenty-Second Semiannual Report of the National Aeronautics and Space Administration.

This Report covers the six month period ending December 31, 1969.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1971.*

LEGISLATION TO IMPROVE INTERSTATE SHIPMENT OF SMALL QUANTITIES OF DOMESTIC FREIGHT

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I am today introducing long overdue legislation to improve the interstate shipment of small quantities of domestic freight. This measure, which is part of my CONSUMER ACTION PROGRAM of 1971 is designed to increase the viability of the regulated freight forwarder business, revitalize railroad freight activities, and benefit the small shipper, the local businessman, and, most importantly, the consuming public.

This bill grew out of a study and investigation by the Interstate Commerce Commission (ICC) of the role of the regulated freight forwarder industry. Undertaken at the direction of the House Committee on Interstate and Foreign Commerce, the study was completed early this year. The ICC report (ICC Ex Parte No. 266, January 25, 1971) recommends that freight forwarders and railroads be allowed to enter negotiated arrangements, a step which will benefit the public through expanded forwarder service and lower rates.

My bill is simple, fully supported by precedent, and economically justified and feasible. It authorizes common carrier freight forwarders, regulated under part IV of the Interstate Commerce Act, to work with railroads on the basis of contracts mutually agreed to by the forwarders and railroads and filed with the ICC. That same basis of relationship has long been authorized and utilized between forwarders and trucklines—basically the short-haul truckers who work with forwarders in assembling and distributing small shipment freight in areas surrounding the forwarders' terminals. I propose to extend the same flexibility of arrangement to the service which forwarders and railroads jointly perform—the movement of shipments that have been consolidated into carload, trailerload, or other volume lots between the forwarders' freight terminals.

Freight forwarders, like the express agency and the Post Office, take the full responsibility for door-to-door transportation and then arrange with other carriers, primarily rail and motor, to physically move the shipments over the most direct and economical combination of routes and services available. Basically, forwarder service consists of gathering individual shipments, consolidating them into large lots, moving the numerous individual shipments for as long a distance as possible as one large unit, and deconsolidation and distribution. Trucks, working with forwarders under contracts as stated, perform most of the gathering and distribution service. Railroads are the main arteries of the consolidated hauls. For reasons that are now neither clear nor significant, forwarders compensate the railroads on the basis of rates published by the rail lines for use by shippers. Of course freight forwarders are not shippers. They are common carriers, and to treat them as shippers robs them of the flexibility which one common carrier needs in dealing with another.

The Departments of Transportation, Defense, and Justice, and the Federal Maritime Commission, are on record in support of the ICC recommendations to permit contracts between forwarders and railroads, and will support this legislation. I am hopeful that we can pass this measure this year, particularly in view of this widespread support within the Executive Branch.

In publishing its report, the ICC called for a change in the regulatory treatment of freight forwarders because it was convinced that a new approach was necessary for forwarders to remain economically healthy and able to perform their important role in the transportation of small shipments of goods.

The ICC recommendation, embodied now in my bill, would have the effect of allowing forwarders and railroads to negotiate the charges which forwarders would pay for transportation services. Forwarders, who combine small shipments into bulk cargo for interstate transportation, would thus be free to negotiate with the railroads on a competitive basis, and ultimately move freight at reduced unit costs.

In its report, the ICC said:

> The freight forwarding industry should be given every opportunity to prove its continued usefulness and to demonstrate that it still has a vital role to play on the national transportation scene.

Over the years, it has become increasingly difficult for the small manufacturing concern, and the merchants he serves, to move goods in interstate commerce at reasonable costs. The result: higher prices at the end of the line for consumers.

Freight forwarders combine small shipments from many sources, and move them to common destinations. However, until now they have been prevented from enjoying the price advantage available to other carriers which utilize rail service, and the small shipper has suffered under increasingly difficult transportation conditions. My legislation will correct this unnecessary situation, and, with the backing of the ICC and the Executive Branch, should receive early consideration this year. I invite my colleagues to cosponsor this important legislation.

CERTAIN FURTHER CONTINUING APPROPRIATIONS 1971

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 300 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 300

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the five-minute rule. No amendments shall be in order to section 1 of said joint resolution except amendments offered by direction of the Committee on Appropriations, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 300 provides a modified rule with 3 hours of general debate for consideration of House Joint Resolution 468 making certain further continuing appropriations for fiscal year 1971, and for other purposes. All points of order are waived against the joint resolution because of legislation in an appropriation bill and against clause 6 of rule XXI of the Rules of the House of Representatives—the 3-day rule. No amendments may be offered to section 1 of the joint resolution except those offered at the direction of the Committee on Appropriations and such amendments shall not be subject to amendment. However, it shall be in order for amendments to be offered to sections 2 and 3 of the joint resolution.

The purpose of House Joint Resolution 468 is to supply funds to continue through June 30, 1971, those projects and activities normally provided for in the Department of Transportation and Related Agencies Appropriations Act.

The joint resolution would permit for each activity of the Department of Transportation and related agencies, except civil supersonic aircraft development, a rate of operations equal to the level provided in H.R. 17755 of the 91st Congress as it was passed by the Senate and further modified by the conference agreements ratified by the House on December 15, 1970. The rate of operations of the civil supersonic aircraft development would switch from $210 million—the level provided for in the conference agreement passed by the House on December 15, 1970—to $289,965,000, the budget estimate for fiscal year 1971.

Funds are currently being made available for the activities of the Department of Transportation and related agencies under Public Law 91–645, which was enacted on December 15, 1970.

Mr. Speaker, I urge the adoption of House Resolution 300 in order that House Joint Resolution 468 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to take up a great deal of time, but this is a rather unique situation. I think it is probably the first time any of us have faced it. I know it is the first time the first-term Members have faced it, and probably it will be the only time they will ever face such a parliamentary situation as we are confronted with today.

House Resolution 300, out of the Rules Committee, provides for consideration of House Joint Resolution 468, having to do with certain further continuing appropriations. Last year there was a lot of trouble with some appropriation bills. Technically they should all be completed by June 30, because the fiscal year starts July 1, but from a time standpoint it is absolutely impossible to do that.

I do wish to commend the Appropriations Committee, because last year they came in with a schedule setting forth each and every appropriation bill, the time when they would hold hearings, the time when they intended to mark up the bills, and the time when they hoped to bring them to the floor. They kept their end of the schedule, but we had some problems when the other body dealt with the Cooper-Church amendment, which delayed the military bill and held up our military authorization bill, and thus held up the appropriation bill. We had some difficulty on the transportation bill when we had controversy on the SST. It looked as if we might not get an appropriation bill for the Department of Transportation. Actually it was not until January 2 of this year that a continuing resolution was passed taking it through until March 30, so we really will have 3 months and 1 day until completion of this fiscal year.

The intent of the joint resolution, House Joint Resolution 468, is to provide appropriations for those 3 months and 1 day.

Usually appropriation bills do not come to the Rules Committee, but there are certain instances when they do. This is one of those particular instances.

Section 1 of the joint resolution sets forth all the money for the Department of Transportation; aviation, mass transit, and all those things.

Sections 2 and 3 have primarily to do with the SST funding.

So, in order not to go back into section 1, all the other parts of the Transportation Department, we have suggested a closed rule on section 1. So no amendment can be offered, except amendments by the Committee on Appropriations.

Now, as to sections 2 and 3, for the SST, they are open, and any amendment can be offered to that particular part of House Joint Resolution 468.

There is a requirement in the rules that appropriation bills lay over for 3 days before they can be considered, which would mean tomorrow. We have waived that as a point of order, so that the joint resolution can be taken up today.

So no amendments can be offered to section 1, we have suggested closing the rule on section 1, but leave it open so far as sections 2 and 3 are concerned.

There will be 3 hours of debate, at the conclusion of which amendments can be offered by the Committee to section 1, and by any Member to sections 2 and 3.

I would hope we might conclude debate today, and possibly tomorrow we can have a vote.

A request was made of the Rules Committee by the gentleman from Illinois, (Mr. YATES) that we make a special rule providing for a separate vote, when we return to the House, on the amendment to strike out the SST, or whatever the amendment may be. We did not think that was necessary, because the rules now provide for a recorded teller vote. We had one, as Members will remember, recently. There were 391 voting, with the green boxes on the "aye" side, on the Republican side, and the red boxes on the "no" side. So a recorded vote can be held on the basis of a teller vote at the end of the debate in the Committee of the Whole House, at the time that arises for sections 2 and 3.

There is one other item. We did set a time on this of 3 hours. Normally we do not do that, because the Appropriations Committee sets its own time, but in this instance we attempted to cover all the aspects which would be necessary so that we can proceed with this bill and attempt to complete it one way or the other.

Mr. Speaker, I support the rule and I urge the adoption of the rule.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

Mr. SMITH of California. I am pleased to yield to the gentleman from Illinois.

Mr. YATES. It was my impression when the distinguished chairman of the Appropriations Committee (Mr. MAHON) appeared to request the rule, that, as to points of order that were to be waived, his request was directed to section 1. I note that points of order are waived to the entire joint resolution. I just saw the rule, and I note that points of order are waived to the entire joint resolution.

I had hoped to make a point of order against the appropriation for the SST. By action of the Rules Committee now I am precluded from making a point of order against section 2. Is that the gentleman's interpretation? Why should not section 2, which relates to the SST, be omitted from the waiver of points of order?

Mr. SMITH of California. I of course do not know whether there are any points of order which would lie to sections 2 or 3, but we had an additional problem, in addition to section 1 on amendments, to making it closed and waiving points of order, from the standpoint that there is legislation in the bill, from the standpoint that the date is changed.

We did not see any reason why we should not waive all points of order, because nobody brought to our attention there was any possibility of points of order against sections 2 or 3. That was not brought to our attention.

Mr. YATES. Is it in order now to try to amend the rule to permit a point of order to be made against section 2 when the joint resolution is presented for consideration under the 5-minute rule?

Mr. SMITH of California. Well, I am not the Speaker and I am not the Parliamentarian. I can tell the gentleman, though, as he well knows, if you wish to try to vote down the previous question, and succeed you would have an opportunity to amend the rule. I certainly suggest to the gentleman, though, that you might lose a few votes when it comes to the vote on the SST if you do that.

Mr. YATES. We cannot afford to lose any votes. I think the gentleman may have merit there. The only point on that in connection with that is that it is most unfortunate that the SST section is not wide open. Those of us who oppose the program will not be permitted to make a point of order against the SST tomorrow. I think the Rules Committee never intended that and it ought not to be.

Mr. SMITH of California. We tried to do the best we could in presenting this matter to the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I am glad that the gentleman from Illinois pointed out that points of order are waived on the entire resolution. It seems to me that the Committee on Rules is getting an awful early start in this session of Congress in the business of issuing rules waiving points of order and closing bills to amendment. I do not know what the exercise, which took so long in the House last year, amounted to if we are now going to set aside 3-day rules and waive points of order. It makes a hollow mockery of the so-called Reorganization Act, the so-called reform bill that was passed last year. I am sorry to see this kind of a start on legislation coming to the floor of the House with points of order waived and closed rules. I think it is a bad, bad way to legislate. I am one of those who voted against that bill last year, and I am tickled to death that I did.

I thank the gentleman for yielding.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. Yes. I yield to the gentleman from Illinois.

Mr. YATES. In connection with the waiver of points of order on appropriation bills, I would hope that the Committee on Appropriations would not be compelled to seek a rule from the Committee on Rules on its appropriation bills, because there is no need for a rule in order to bring an appropriation bill to the floor. But does not the gentleman believe that if the Committee on Appropriations comes before the Committee on Rules and raises the need for a waiver of certain points of order, would it not be more appropriate for the Committee on Rules to specify in the rule which points of order are waived rather than adopting a blanket waiver of all points of order?

Mr. SMITH of California. As the gentleman will recall, we specifically did that last year.

Mr. YATES. That is right.

Mr. SMITH of California. In the last months of the session, when we decided to do that, we requested the chairmen to set forth in a letter the specific points of order that they requested and we tied them down. In the hearings yesterday on this bill there was no question about points of order being waived except on the 3 days and on the legislative language. None of the witnesses who testified before us mentioned any other points of order. This is a short bill, a page and a half in length, with only three sections, and I see no difficulty in waiving all of the points of order to the bill, because we did not have any information on it and were simply attempting to submit these things to the Members of the House for their consideration. We have only one bill up there, and we are trying to get some business before the House.

Mr. YATES. Had I had at the time I appeared before the Committee on Rules in opposition to the rule the information that I now have, which serves as a basis for making any point of order, I would have so indicated before the committee. As it happens, from the research I have been doing, this point only came to light with this later research.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

I urge the adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. YATES) for the purpose of debate.

Mr. YATES. Mr. Speaker, as I indicated previously, I am opposed to closed rules on appropriation bills and particularly opposed to a closed rule on this appropriation bill.

I appeared before the Committee on Rules and submitted my arguments in opposition. I regret the committee decided to grant a rule.

One of the things I would have liked to have been able to do is to have made a point of order against the action regarding the SST appropriation. However, I have been precluded from doing so now and I shall not discuss that at the present time, because we cannot do it.

But, Mr. Speaker, one of the reasons I raised my objection to the closed rule in this particular instance is that it freezes the appropriations that were approved in the conference between the House and the Senate on the bill making appropriations for the Department of Transportation for fiscal year 1971.

Mr. Speaker, among the appropriations frozen, to the unhappiness and dismay of many Members who come from urban areas, is the freezing by the administration of much of urban mass transit appropriation. The committee had achieved a good and reasonable appropriation for the first year of the urban mass transportation program when both the House and the Senate approved an appropriation for $600 million. However, Mr. Speaker, I have just received a letter from the commissioner on public works of the city of Chicago who points out that the Office of Management and Budget has emasculated that program by reducing the construction money for the whole country to $269.7 million. Think of it.

The urban mass transportation funds for construction for this fiscal year are limited to $269.7 million for the whole country.

This bill proposes to appropriate $290 million for the SST for this fiscal year, approximately $20 million more than in the urban mass transit appropriation for construction for the entire country. What a distortion of priorities.

How does this affect the city of Chicago? The city of Chicago has a request for $500 million in subway construction. In addition, it has capital gains for commuter railroads and private bus lines, and other local governments in the State would increase her needs for the urban mass transit funds to over $700 million alone.

This is what is happening through freezing these funds.

I want to make another point regarding the freezing of funds. I have been trying to help obtain from HEW an allocation of $12 million for the Chicago Medical School in the city of Chicago. The Chicago Medical School graduates 81 students now. It seeks to expand its teaching facilities and all the plans are already approved. To do this it requires a construction grant of $12 million from the Department of Health, Education, and Welfare.

For the first time in the history of the State of Illinois, $6 million has been appropriated by a State legislature for a private medical school, contingent upon receiving a $12 million appropriation from the Federal Government. HEW refuses to make available the $12 million. They say they do not have the funds. As a result, the State appropriation will fail. If that fails it is doubtful if it can again be obtained. The expansion will fail. And, so, this new facility which would graduate another 81 doctors, which would double the number of doctors to be turned out by the school each year, is going to have to start all over. Who suffers? The people do. Yet the SST gets its full appropriation.

Mr. Speaker, these are only two examples of what is going on. Yet, Mr.

Speaker, the appropriation for the SST continues at supersonic speed. What an incredible distortion of our priorities when the administration insists upon the Congress appropriating the full amount requested for the SST and yet freezes such appropriations. Eleven billion dollars has been deposited from all appropriations in the budget.

Paradoxically, among the appropriations that are finding themselves in the deep freeze of the Office of Budget and Management is an appropriation of $970 million for the Federal Aviation Administration.

The people of the United States want a solution to the traffic congestion which now stacks up planes in the air with their passengers or lines them up on the ground for a half hour or an hour at a time before they can take to the air.

Yet a substantial part of the money that our committee made available for air navigation equipment and for air traffic supervisors, and for additional airports, is now in the deep freeze while at the same time this ineffective, useless appropriation for the supersonic transport is aproved in its full amount.

The House and the Senate met last year and decided that they did not want to appropriate the full amount. Instead of $290 million, they said, "Well, this program can get along with $210 million." That was overruled by our Committee on Appropriations. Instead of $210 million they approved a budget of $290 million, the full amount, so that the SST aircraft appropriation can go ahead at full speed.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to congratulate the gentleman in the well, the gentleman from Illinois (Mr. YATES). He has made a very important contribution. Apparently the administration by its freeze on mass transit funds is more interested in flying a few people in an SST than it is in moving the millions of Americans that have to be moved to and from their jobs in a manner that does not destroy the environment.

I would like to tell the gentleman that I sponsored a resolution with 43 other Members of the House which establishes mass transportation as a priority, and it should certainly have priority over further expenditures for the SST at this time.

Mr. YATES. The gentleman is absolutely right. Even if the SST is completed, not more than 3 percent of the people of this country who are paying for this program will use the SST in international air travel.

Mr. VANIK. I agree with the gentleman in the well, and I appreciate what the gentleman has done.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. MCFALL).

Mr. McFALL. Mr. Speaker, I rise to give some perspective to the statement made by the gentleman about the freezing of mass transit funds, and the freezing of funds generally, which I would oppose as strongly as he does. I strongly oppose the action of the administration in freezing much of the money that is presently frozen. I appeared before the House Committee on Public Works this morning, and proposed the extension of the Public Works Acceleration Act, which will provide aid and jobs for people in depressed areas throughout this country.

I do not believe it is realistic to argue that just because funds are being withheld in one area that that is reason for suspending the action on the SST. One of the things that we are interested in with respect to the SST, besides the progress of building an airplane for the future, is the jobs that are involved. If you want to rub salt into the wounds of the American workingman who is out of work now, if you want to throw the baby out with the bath water, then you should say, "Well, because they are freezing money for certain projects throughout the country, we ought to freeze more money and put some more people out of work."

I do not think that is very logical.

Let me tell you about the urban mass transit fund money, and then I will be very glad to yield if I have sufficient time to do so.

It is not $269 million, as my friend, the gentleman from Illinois, has pointed out. It is $400 million. Under the provisions of the Urban Mass Transportation Assistance Act of 1970, authority was provided to UMTA to obligate $3.1 billion.

While this contract authority of $3.1 billion was provided for the capital facilities, relocation and technical studies activities, under an amendment offered by the gentleman from Massachusetts (Mr. BOLAND) all direct appropriations made for research and administrative expenses are also chargeable against the $3.1 billion.

Thus, the total availability for the urban mass transportation fund for fiscal year 1971 amounts to approximately $3.1 billion. Under House Joint Resolution 1421 the maximum amount the Congress has allowed UMTA to obligate in fiscal year 1971 is $600 million.

The joint resolution now being considered, House Joint Resolution 468, does not change that level but would permit the $600 million expenditure.

The SPEAKER. The time of the gentleman has expired.

Mr. McFALL. Mr. Speaker, may I ask the gentleman from Texas to yield me an additional minute?

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. McFALL. The President's most recent budget—fiscal year 1972—indicates a fiscal year 1971 program level of $400 million for the Urban Mass Transportation Administration. This would be applied to the following activities:

I have all the figures—but perhaps the gentleman would like me to read the figures. They are as follows:

Capital facilities grants	$269,700,000
Technical studies grants	15,000,000
Research, development, and demonstrations	40,300,000
University research and training	3,000,000
Capital facilities loans	57,000,000
Subtotal	385,000,000
Supplemental capital facilities grants	15,000,000
Total	400,000,000

Mr. YATES. Mr. Speaker, will the gentleman yield for a correction?

Mr. McFALL. I yield to the gentleman.

Mr. YATES. If the gentleman would recall my words, I said that the amount that was available for construction under the mass transit program for the entire country is $269.7 million, and I got that figure from the clerk of our committee this morning.

Mr. McFALL. Well, you neglected to include other figures which add up to $400 million. So you were giving the House the wrong impression. Is that not correct?

Mr. YATES. That is not correct. I gave the House the facts with respect to the most important part of that program, which is construction money. The cities which have gone through their planning are waiting for construction money. Now they are going to be limited drastically as a result of funds being placed in the administration's deep freeze.

The SPEAKER. The time of the gentleman from California has expired.

Mr. McFALL. Mr. Speaker, will the gentleman from Texas yield me another minute please?

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. McFALL. Mr. Speaker, the point is that all of the $400 million is chargeable against the $3.1 billion in contract authority which was made available by the Urban Mass Transportation Assistance Act of 1970. The $400 million represents the total UMTA effort and it includes things such as technical studies grants, research and development, university research and training, and capital facilities loans.

It should be emphasized, however, that the $3.1 billion provided for this program is a multiyear authorization. It will be available until June 30, 1975, a period of 5 fiscal years. It was not intended that all $3.1 billion would be obligated during the first fiscal year.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield such time to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) as he desires to use.

Mr. GERALD R. FORD. Mr. Speaker, in further response to the comments made by the gentleman from Illinois, I think it is very appropriate that the Members of the House have the benefit of the observations made by the Under Secretary of the Department of Transportation, Hon. James M. Beggs, in testimony he gave before the Senate Committee on Banking and Currency regarding the urban mass transportation program level for the fiscal year 1971. This testimony was given on March 4, 1971. If I may, Mr. Speaker, I will quote from it.

Mr. Beggs said and I quote:

> Firstly, it must be recognized that until January 2, 1971 the Urban Mass Transportation program level for fiscal year 1971 was $214 million. This $214 million was the limitation imposed by the continuing resolution then in effect, which was based on the action of the Congress in providing the Department's appropriations for fiscal year 1970 which included an advance appropriation to UMTA for fiscal year 1971. By law the UMTA program could not exceed this limitation until further action of Congress authorized a higher program level.
>
> This action was not finally taken until January 2, 1971, with the enactment of the current Joint Resolution (P.L. 91–645, H.J. Res. 1421), which provided continuing appropriations for the Department of Transportation. It had the effect of raising the UMTA program limitation for 1971 to $600 million. In brief, the Urban Mass Transportation program was operated for the first six months of fiscal year 1971 at the required level of $214 million for the fiscal year.
>
> Secondly, the Urban Mass Transportation Assistance Act of 1970 also required the Department to initiate several new major procedural steps in the approval of projects. These included, most significantly, a requirement that public hearings be held and the establishment of additional safeguards relating to environmental quality. Pending the passage of this Act, it was impossible to forecast the outcome of these various amendments and consequently there was some delay in the filing of final applications with the Administration by the State and local authorities and in the subsequent processing of these applications. The review of these applications has since been further delayed, in many instances, due to the insufficiency of the environmental data submitted.

In further justification of this problem, Mr. Speaker, he goes on to state various additional points that I shall not now take the time of the Members of the House to read. But I will put in the RECORD his full statement which, in my opinion, fully explains and justifies the situation we face today.

As a personal note I will add that I want the full $600 million made available. I support that request. But I think the statement of the Under Secretary will justify the practical problem which we face today.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. I am glad to hear the minority leader say that he supports the full $600 million appropriation. But even assuming that Mr. Beggs' facts are true—and I accept his facts because Mr. Beggs is considered to be an outstanding public servant—but even assuming that is true, why cannot the program be accelerated during the second 6 months of this year to raise the construction money above the freeze limit of $269 million? All the municipalities of the country are begging for funds, literally, to begin improvement of their rapid transit lines.

Mr. GERALD R. FORD. Let me make this observation: I do not believe the gentleman from Illinois wants to accelerate the program so rapidly that the Department is called upon to disregard the environmental questions and requirements that have been raised by the Congress. To accelerate too rapidly might very well undermine the environmental requirement that the Congress imposed upon the Department.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Washington.

Mr. ADAMS. I might state further to the gentleman that one of the problems that has been involved is that you must have a comprehensive plan in each area before the funds can be allocated. The two areas that were out in front in this respect when the legislation was passed happened to be the cities of Seattle and Atlanta. Unfortunately, what has occurred throughout the country is that the local matching funds—and this happened both in Atlanta and Seattle—the local citizens turned down the bond issues. Local funds were therefore not available. The plans failed, and the Department could not allocate any money to these cities. We stand with the gentleman on urban mass transportation, and as I think the gentleman well knows, these are some of the practical problems of trying to allocate funds immediately. It does not affect this program, which we also support.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. What the gentleman has said is correct, but does not the gentleman agree with me that a ceiling of $269 million for the whole country for the construction of mass transit facilities is woefully inadequate?

Mr. ADAMS. I do. But I talked with the Secretary of Transportation as recently as yesterday, and what the gentleman from Michigan has stated is correct. They have not placed the kind of ceiling as was stated by the gentleman. The ceiling has been $400 million. But the other requirements of the act must be met before the money can be allocated, and that is the main problem.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has responded in a measure to the point I made with respect to urban mass transit. But the gentleman has not responded with respect to the question of providing for the funding of medical schools. Too much of that money is being put into the deep freeze by the Office of Budget and Management.

As the President has pointed out on numerous occasions, one of the national priorities that must be met in order to meet the massive health crisis—and I use the phrase he used last year when he went into the Roof Garden with Dr. Egeberg and with the Secretary of Health, Education, and Welfare—"the massive health crisis must be met through the provision of funds to expand our medical schools so we can turn out more doctors."

Mr. GERALD R. FORD. Let me just respond, if I may.

Mr. YATES. Certainly the gentleman may.

Mr. GERALD R. FORD. In the President's health message which came to the Congress and the American people several weeks ago, he pointed out in that message to those of us in the House and Senate that they intend in fiscal year 1972 to expand aid and assistance to medical schools throughout the country. I believe that to be the view of this administration. If that is, then I think the administration should release the funds that have been made available in fiscal year 1971, and I personally would urge that.

Mr. YATES. Good, but the time is now. This program deserves higher priority than the SST.

Mr. GERALD R. FORD. But I do not believe we should interweave those problems with the issue before us, which I also support, and I wish the gentleman from Illinois would do likewise.

At this point I extend as a part of my remarks the testimony of the Honorable James M. Beggs, Under Secretary, Department of Transportation:

Statement of James M. Beggs, Under Secretary, Department of Transportation, Before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency Regarding the Urban Mass Transportation Program Level for Fiscal Year 1971, March 4, 1971

Mr. Chairman and Members of the Committee, I appreciate this opportunity to appear before you to explain the circumstances leading to the decision to conduct the Urban Mass Transportation program at a $400 million level in fiscal year 1971. You have indicated that many of our Nation's governors, mayors, and the general public have expressed their concerns to Congress about the funding levels for Urban Transportation programs for fiscal year 1971. It would appear that there are two causes behind this concern: one is the authorization level of $3.1 billion set in the Urban Mass Transportation Assistance Act of 1970 passed on October 15, 1970; a second is the difference between the $600 million program level approved by the 91st Congress shortly before adjournment and the $400 million level for fiscal year 1971 set in the President's 1972 budget.

With regard to the $3.1 billion obligation authority, it is important to recognize that Congress made it very clear that this amount would be applied over a five-year period commencing in fiscal year 1971 and extending through fiscal year 1975, and that these moneys would be programmed in an orderly fashion consistent with good management.

At this time I would like to discuss the three primary factors which influenced our decision to conduct this program at the level indicated in the President's 1972 budget.

Firstly, it must be recognized that until January 2, 1971 the Urban Mass Transportation program level for fiscal year 1971 was $214 million. This $214 million figure was the limitation imposed by the continuing resolution then in effect, which was based on the action of the Congress in providing the Department's appropriations for fiscal year 1970 which included an advance appropriation to UMTA for fiscal year 1971. By law the UMTA program could not exceed this limitation until further action of Congress authorized a higher program level.

This action was not finally taken until January 2, 1971, with the enactment of the current Joint Resolution (P.L. 91-645, H.J. Res. 1421), which provided continuing appropriations for the Department of Transportation. It had the effect of raising the UMTA program limitation for 1971 to $600 million. In brief, the Urban Mass Transportation program was operated for the first six months of fiscal year 1971 at the required level of $214 million for the fiscal year.

Secondly, the Urban Mass Transportation Assistance Act of 1970 also required the Department to initiate several new major procedural steps in the approval of projects. These included, most significantly, a requirement that public hearings be held and the establishment of additional safeguards relating to environmental quality. Pending the passage of this Act, it was impossible to forecast the outcome of these various amendments and consequently there was some delay in the filing of final applications with the Administration by the state and local authorities and in the subsequent processing of these applications. The review of these applications has since been further delayed, in many instances, due to the insufficiency of the environmental data submitted. In these cases, the applicant has had to gather more information, such as comments by the State governments, and in many cases has been instructed to hold public hearings. In addition, the Administration must coordinate the final application with other Federal agencies pursuant to the provision of the Urban Mass Transportation Assistance Act of 1970. It also should be noted that Federal and Departmental guidelines on the National Environmental Policy Act of 1969 were not finalized until shortly before the Urban Mass Transportation Assistance Act of 1970 became law.

In summary, the need to educate applicants, and to familiarize ourselves, on the procedural requirements of the National Environmental Policy Act and the new public hearing requirement in the amended Urban Mass Transportation Act, have slowed down the submission of applications and increased the time necessary to process them.

Finally, we must point out that personnel resources available to the Urban Mass Transportation Administration have been too few in number. The testimony of the Department before the Appropriations Committees, in connection with the 1971 budget, clearly indicated that a significant increase in staff was needed not only for the 1971 program then authorized, but also for the expanded program proposed under the Urban Mass Transportation Legislation which was under consideration by the Congress at that time. Since we have been operating under the usual form of continuing resolutions it has not been possible to obtain the staff resources requested in the 1971 budget. On January 2, 1971, enactment of P.L. 91-645 permitted the addition of staff resources needed for the $214 million program level. The staffing problem should be alleviated through the proposed 1971 supplemental appropriation for UMTA set forth in the President's budget for 1972. Thus, the timing of the passage of the Urban Mass Transportation Assistance Act of 1970 and the lack of authority to hire a sufficient number of employees hampered our ability to properly process, review and approve applications for a program level of more than $400 million in fiscal year 1971.

In conclusion, Mr. Chairman, it was our considered judgment that in view of the foregoing a program level of $400 million was our best estimate of program level that could be orderly achieved during fiscal year 1971.

That concludes my prepared statement and at this time I shall be pleased to answer any questions which the Committee may have.

STATEMENT OF CASPAR W. WEINBERGER, DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, BEFORE SENATE SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, MARCH 4, 1971

Mr. Chairman and Members of the Committee, I welcome this opportunity to appear before the Committee to describe the Administration's plans for funding the housing, urban development, and mass transit programs for the remainder of fiscal year 1971. As you know, the essential figures are presented in the 1972 Budget recently submitted to the Congress, but I hope today that we will be able to explain the detailed plans for these programs to the Committee, the reasons why we have settled on the specific levels proposed in the Budget as appropriate, and resolve any other issues that you may be in doubt about concerning these programs.

Secretary Romney and Under Secretary Beggs have statements dealing with the specific programs in their respective departments. I thought it would be most helpful to the Committee if I, instead of echoing what they will say, outlined the legal authority that prompted the Administration to adopt these particular funding levels, which in some instances are below the amounts of funds actually authorized and appropriated by the Congress. Then I will briefly review the general economic circumstances of this fiscal year which make it necessary for us, relying on these authorities, to limit the funding levels for the programs in question as we have done.

AUTHORITIES

I believe it is important at the outset to bear in mind that there is no requirement that every dollar appropriated by the Congress be used by the Executive Branch. As President Roosevelt stated nearly 30 years ago, the mere fact that Congress had made available specified sums for various programs is "not a mandate that such funds be fully expended."

Similarly, in 1950 the House Appropriations Committee emphasized the fact that appropriations do not place a floor under Government spending. On the contrary, as the Committee stated, the appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended.

The foregoing expressions are reflected in section 3679 of the Revised Statutes—the so-called "Antideficiency Act" (31 U.S.C. 665). Since the turn of the century, this statute has required that appropriations be subdivided so as to insure that agencies would not enter into commitments in excess of the amounts appropriated. In 1950, it was strengthened by the addition of provisions for central management of appropriations of the Executive Branch. These provisions include the specific authority to establish reserves in particular circumstances to:

1. Provide for contingencies, and

2. Provide for savings when savings are made possible by (1) changes in requirements, (2) greater efficiency of operations, or (3) other developments subsequent to the date when the appropriation was made available.

At the present time, the authority which is being exercised when funds are reserved under the Antideficiency Act is the authority of the President. He has, however, delegated this authority to the Director of the Office of Management and Budget.

In addition to the specific statutory authority provided by the Antideficiency Act, authority for the President to establish reserves is derived basically from the Constitutional provisions (Article II, section 1) which vest the Executive power in the President. In addition to the President's general responsibility as Chief Executive there may be involved his specific functions as Commander-in-Chief, his responsibilities with respect to the conduct of foreign affairs, and the requirement that he "take care that the laws be faithfully executed."

Further, the President, in the exercise of his authority as Chief Executive, must be concerned with all the laws, not simply with those laws which appropriate funds or which authorize the making of appropriations for particular programs. The President must, for example, bear in mind that the Congress has placed a limit upon the public debt and that expenditures must be managed in such a fashion that the limit will not be exceeded. In addition, as is the case in the current fiscal year, the President may be confronted with specific limitations upon expenditures and he may from time to time be obliged to impose restrictions upon certain programs in order to insure that such limitations are not exceeded. Finally, mention should be made of the Employment Act of 1946, which declares it to be ". . . the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy . . . to promote maximum employment, production, and *purchasing power*." (emphasis added.) In the past, actions have been taken to restrict Government spending in order to resist inflationary pressures. For example, President Johnson in September 1966, ordered substantial cutbacks in appropriations in an effort to stabilize the economy.

Subsequently, action taken by the Director of the Bureau of the Budget and the Secretary of Transportation—pursuant to President Johnson's September order—to reduce obligations against Federal-aid highway funds was upheld by Attorney General Clark in a published opinion of February 25, 1967.

These are the most important authorities which enable and, in many circumstances, require the President to withhold or defer the expenditure of appropriated funds.

RESTRICTIONS ON SPENDING IN FISCAL 1971

In the economic and fiscal environment of fiscal 1971, several situations or conditions have existed which make the reservation of some appropriations a virtual necessity.

Budget deficits and the debt limit

We estimate that the 1971 budget deficit will be $18.6 billion, which will make necessary an increase in the debt limit. Though we have asked that the debt ceiling be increased, it should be recognized that the existing ceiling represents a legal constraint which must be accepted. The President has the responsibility to live within that constraint and to keep his requests for increases to a minimum. In doing this, he needs the ability to exercise spending restraint, and budgetary reserves are required as one means of helping accomplish this objective. As a result of the Congress' failure to enact Administration proposals for raising revenues, its mandated increases in spending above the President's budget, its failure to enact recommended economy measures, and general economic conditions, throughout fiscal 1971 we have been extremely close to the debt ceiling, as indicated by our two requests for increases.

Statutory outlay ceilings

The executive is also required to control the use of funds if he is to comply with the existing statutory ceiling on spending. The statutory ceiling on 1971 budget outlays (established in the Second Supplemental Appropriations Act for 1970, P.L. 91-305) is fixed at the February 1970 estimate of outlays adjusted by the effects of congressional action and limited revisions in the estimates of uncontrollable payments. To determine the required for the effects of congressional action. This task is doubly difficult this fiscal year, when the Congress enacted most of the regular appropriation bills after November 1. In fact, the Congress has not completed its actions affecting 1971 outlays. The Transportation appropriation bill for fiscal year 1971 has not yet been enacted, and action must also be taken on a number of supplementals. The latter include $4.6 billion in pay raises approved under legislation passed last session for which appropriations have not yet been made.

If the Congress decides that more of that increase should be absorbed than assumed in our estimates, then the outlay ceiling would be reduced, even though actual outlays would not necessarily change. In setting particular agency outlay ceilings and projected program levels, we must take into account such possibilities for differing congressional actions.

Another reason for providing some leeway in setting agency outlay ceilings is the wide range of uncertainty in uncontrollable programs—not all of which are covered by adjustments permitted under the existing ceiling. Estimates for such programs are highly speculative. Even for those uncontrollable programs designated in the Act, 1971 outlays are currently estimated to exceed the original ceiling by $4.0 billion of the $4.5 billion adjustment allowed by the law.

The 1971 outlay estimates included in the January budget fall short of the estimated outlay ceiling by only $1.7 billion. In developing plans to live within the statutory ceiling for 1971, we considered it prudent management to provide some contingency for the uncertainty associated with outlay estimates. In our opinion, the $1.7 billion difference between the January estimates for the outlay ceiling and total outlays represents a prudent amount when compared with the uncertainty involved.

Combating inflation

Currently, the Nation is suffering an inflation that is in large part a legacy of excessive Federal spending during fiscal years 1966 to 1968, when the economy was otherwise fully employed. It has been the responsibility of this Administration—legally, as well as a matter of sound public policy—to conduct its affairs in a manner that would help bring the inflation under control. And fiscal prudence, including, where necessary, the withholding of appropriated funds, is a necessary part of carrying out this responsibility.

Of course, a balance must be struck between bringing inflation under control and meeting other national needs. One way of doing this is by being selective in applying fiscal restraint. For this reason, most of the funds withheld—and those in which this Committee has expressed an interest—are in construction programs.

The gross national product deflator, our most comprehensive measure of prices, increased at about 1.5% per year from 1960–65, by 4% in 1968, and by 5% in 1970. The comparable rates of increase for construction costs were 3.1%, 4.8%, and 7%, respectively. These higher increases for construction, together with the threat of a continued strong rise as a result of sharply higher wage settlements—medium first-year wage increases negotiated under major collective bargaining agreements during the first 9 months of 1970 were 15.7% in the construction field—explain both the higher reserves for Federal construction programs and the President's recent action in suspending the Davis-Bacon Act.

Fiscal stabilization

The President has made the full-employment budget concept the centerfold of his economic stabilization policy. He must be allowed the reasonable powers necessary to implement that policy. Full-employment receipts in 1971 exceed projected outlays. The 1972 margin is even thinner, being approximately in balance on a full-employment basis. Higher outlays could destroy the full-employment balance and lead the economy once again down the road to inflation. The President should—and, consistent with other national needs and the general welfare, must—have the power to try to prevent such a happening, and to see that fiscal policy is consistent with orderly, non-inflationary economic expansion.

These are the general economic considerations which prompted reserving or deferring the expenditure of funds appropriated for these programs, in accordance with the authorities I have described.

I hope that this general review has proven helpful to the Committee. Secretary Romney and Under Secretary Beggs will speak specifically about the decisions affecting housing, urban development, and mass transit funds.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 468, with Mr. PRICE of Illinois in the Chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. McFALL) will be recognized for 1½ hours, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1½ hours.

The Chair recognizes the gentleman from California.

Mr. McFALL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the parliamentary situation leading to the consideration of this legislation by the Committee of the Whole at this time was discussed adequately under the rule, but I would like just briefly to remind the Members of that situation.

The joint resolution now being considered by the Committee is relatively straightforward. It is to supply funds to continue through June 30, 1971, those projects and activities normallly provided for in the Department of Transportation and related agencies appropriations bill.

There is only one item in the resolution on which there is any controversy, and that is the supersonic transport. At the last session, as the members of the Committee will recall, H.R. 17755, the Department of Transportation and related agencies appropriations bill for fiscal year 1971 died after the Senate tabled the conference report on the bill. In order to enable the Department of Transportation to continue its operations, House Joint Resolution 1421 was introduced and enacted. Under that resolution, all of the activities provided for in H.R. 17755 were allowed to be continued until March 30, 1971, at the conference funding levels passed by the House last December 15.

For all activities, except for the supersonic transport, the joint resolution now being considered merely continues the rate of operations approved in the House Joint Resolution 1421 from March 30 until the end of the current fiscal year. There should be no controversy on these activities. The House has already had the opportunity to act on these funding levels two times. On December 15, 1970, the conference report on H.R. 17755 was approved by a vote of 319 to 71, and on December 31, House Joint Resolution 1421, was approved by a vote of 180 to 37.

Mr. Chairman, this resolution makes no changes in the levels approved on those dates except in the case of the supersonic transport.

The resolution itself is divided into three parts. The first section which I have discussed provides for the regular appropriations for the Department of Transportation in accordance with the conference agreement ratified, as I said, on December 15, 1970.

The second section provides for the funding of the SST, specifically $289,965,000; or, for convenience, I suppose everyone will refer to it as $290 million.

This contrasts with the $210 million rate provided by the 91st Congress up to March 30.

The third section provides for a limitation, for the first time, on SST funds to make certain the intent of the Congress that this development program is to produce two prototypes and is not to finance production. Production financing is a separate matter to be determined at a later date. The production of commercial SST airplanes would be after the construction and testing of the two prototypes. The only authority we intend that anyone in the Government should have is for the construction and testing of those prototypes, not for the production of any commercial airplanes.

For the information of Members, the details of the appropriation provided for in section 1 are printed in the hearings. If Members desire to look up any of the important parts of that, they will find them in the first part of the hearings.

We do mention in the report some of the larger matters acted upon. Page 3 of that report shows the commitment of this committee and the Congress to the development of other forms of transportation.

We point out the funds that we have just discussed, the $600 million for mass transportation. Members will recall, I believe, that the House passed an authorization for 5 years for urban mass transportation, of $3.1 billion. We in the conference committee made the initial year $600 million.

The CHAIRMAN. The time yielded by the gentleman from California has expired.

Mr. McFALL. Mr. Chairman, I yield myself 5 additional minutes.

So we feel there has been an adequate amount of funds for urban mass transportation in accordance with the will of the House, at least, for the fiscal year 1971.

I would like to comment on the development of the testimony on the supersonic transport. We held 4 days of open hearings, where everyone had an opportunity to state his case both for and against the supersonic transport.

The most important thing about the testimony was the satisfactory answers received on the environmental question. You will notice in the debate today and tomorrow the shift in the arguments of those who oppose the continuation of the SST program from the environmental question to one of economics. Both in the minority views which are included in the report and in the hearings in the other body you will find this switch of emphasis. Summarized on page 5 is some of the pertinent information on the environmental questions. In the hearings beginning on page 594, are answers to many of the questions of how the SST will affect the environment. The most spectacular new development is the improvement in engine noise. Prior to production there will be an improved engine for the SST which will meet the FAA noise standards for the new four-engine subsonic transports. This new engine will enable the SST to meet the 108 decibel requirement, and the SST will be quieter than the present large subsonic jets.

There are still some questions to be answered, as you will notice from the testimony. Programs to develop the answers are forthcoming, and these answers will be obtained in the next 2 years while we are building the two prototype airplanes. However, most significant was the statement of one of the distinguished scientists who appeared before our committee. While it is in the report, I would like to read for emphasis. The report says:

> Just as the work on the environmental problems must go forward, the committee feels that the prototype construction must also continue. As Dr. William Kellogg, Associate Director, National Center for Atmospheric Research and Chairman of the Climatic Effects Working Group for the Study of Critical Environmental Problems (SCEP) stated:
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> "I am very much disturbed over recent gross exaggerations and scientific mis-statements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason to delay construction of the two prototype SST's.
>
> "It is my profound hope that the U.S. Congress will not be mislead by these exaggerations or by scientific mis-statements. Dr. Ed David's statement, which Dr. Walter Roberts and I strongly endorse, says it well: "Let's not suppress technological advances but through research, development and experimentation make sure that those advances are obtained without undesirable side effects." I support a vigorous environmental research program in parallel with prototype SST construction. Don't downgrade the ability of American scientists and engineers to apply their genius to the successful resolution of uncertainty."

All of us here share the concern of the Nation to protect our environment. The majority of the full Committee on Appropriations of this House believes that the program as it is now constituted will do exactly that.

Now, the opposition has shifted to the economics, and there are distinguished economists on both sides of the question. I am sure that the gentleman from Illinois (Mr. YATES), who will follow in this discussion, will present a number of those statements, and I shall have some further statements later which will, I think, provide the other side of the argument. Many of those being quoted did not come before our subcommittee. Those arguments were made in the other body, and if they are going to be made here on the floor of the House, then we will have some statements in opposition to them.

I would like to summarize the SST funding and costs. The total Government share of the program will be $1,342 million. Money obligated as of March 30, taxpayers' money, is $864 million. Private spending in this partnership between the Government and the manufacturers and the airlines amounts to $246 million to date, $164 million by the manufacturers and $82 million by the airlines, including some $22 million that they have deposited with the Government which they will eventually get back if we should not go ahead with the program.

I would also point out that if the program is stopped there would be penalties in the amount of $97 million. In addition there would be the repayment of the $22 million to the airlines. So the cost, in a sense, would amount to $119 million. Thus, the investment of the Federal Government to stop this program, without any results, would be close to $1 billion. The total amount lost to the Government and to the private sector would be $1.11 billion.

What we are considering today and tomorrow is whether to finish the program and to have two prototype SST's flying and also to answer the environmental questions.

The amount for fiscal year 1971 that we are actually considering now is $134 million. In 1972 the level will be $235 million and so on down the line.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I am glad to yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Chairman, I wish to commend the statement which the gentleman has just made. As I see it, he has presented a compelling argument for the continuation of the supersonic transport program.

It seems to me that the argument in favor of the program now is much stronger than it was last year.

The main argument against it, prior to a few weeks ago, was the environmental argument. That argument has been demolished apparently, although there may be some questions to be answered during the prototype program.

But, Mr. Chairman, it would seem to me a great mistake, inasmuch as we have an investment already of over $800 million in this program—it would be most unwise to cancel the program at this stage especially in view of the fact that the overall cost to us would be about $1 billion, including cancellation costs, and then we would virtually have nothing at all to show for our investment. But if we go ahead and expend a total of about $1.3 billion then we will have two prototypes.

I think we all to some extent have been skeptical about the future of the program. Nobody can guarantee it today. Certainly I would not propose to guarantee that the program is going to be a howling success but, regardless of that, it would seem unwise for this Nation and for this Government and for this Congress to try to chop the program off now without finding out the answers to these questions.

The gentleman from California has many other arguments in connection with the whole program on the supersonic transport, but I would feel that any Member, regardless of whether he is skeptical as to the long-range outlook for the SST, would feel compelled to agree that we should at least complete the two prototypes and know whether or not we want to go into competition with Russia, with France, and with England, in the field of the supersonic transport. It just seems to me that the arguments are compelling, and I again want to commend the gentleman for his statement, and also to commend the gentleman for the type of hearing that was conducted in connection with this legislation.

I think the only problem really before us—and I think that we should vote for the SST by a wider margin than last year—is the matter of transmitting to the Members of the House all of the facts, and all of the new developments that were brought out during the hearings on this bill.

Again I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McFALL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I agree with my chairman, the gentleman from Texas (Mr. MAHON) and I appreciate his statement.

I would say that when we consider the economics there are arguments on both sides. There are economists who will come in and say one thing and then there are economists who will come in and say another. I suppose that every Congressman and every man on the street is his own economist in a sense. Some economists will tell you one thing today, and then come in tomorrow and tell you exactly the opposite with all good grace, and a straight face. I do not doubt that that there are economic arguments, but I think that there are economic arguments on each side. They do not contain the emotion, though, that the environmental arguments do. I am glad that the chairman has pointed out the difference in the environment arguments and economics.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I just want to take a minute to commend the gentleman from California who is the chairman of the subcommittee that heard this matter, as one who sat through and watched the hearings, I want to say that they were excellent open adversary hearings. I happen to know that the gentleman in the well, Mr. McFALL, made available to the opponents in this case, any time that they wanted to call witnesses, made very certain that any witnesses for the opponents whom they wanted to appear could appear, and in fact made efforts to invite opposition witnesses to be certain both sides were represented.

I would hope that during the course of the debate we would stay with the testimony that we have before the committee, because certainly both the people involved in the environment and in the economics in this case were brought before the committee on both sides, and were cross examined. Letters are far less effective than the type of committee hearings that the gentleman conducted. Since there is no cross examination and no chance to compare facts by rebuttal.

Again I compliment the gentleman for conducting these hearings in such an excellent fashion.

Mr. McFALL. I thank the gentleman. I think the hearings were good. I think what made the hearings good was that all of the members of the subcommittee were there and participating.

The gentleman from Illinois (Mr. YATES), has made a monumental contribution not only during the most recent testimony before the committee, but in the past he has been the leading critic of the supersonic transport. Perhaps we will have to say that some of the progress on the SST has come about as a result of the criticism of the gentleman from Illinois and others. Perhaps all of us, including the gentleman from Illinois, can share some of the credit for this.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding, and I also want to thank the gentleman for his gracious comments on the part I played during the hearings on the SST.

I also want to join in the statement that was made by the gentleman from Washington (Mr. ADAMS). The gentleman in the well, the gentleman from California (Mr. McFALL), could not have been more fair, could not have been more gracious, could not have been more thorough in seeking to bring out the facts relating to the supersonic transport in our hearings.

It was a pleasure to be on the same committee with him and it is a pleasure to be serving with him on this subcommittee. I look forward to continued service and cooperation with him after this SST fight is over.

Mr. McFALL. I thank the gentleman.

Mr. Chairman, I would like to make a few comments about economic matters that are before the House—the bread and butter arguments.

There are 13,000 direct jobs involved in this program right now and I know that those who are directly affected by those jobs will be before this body to discuss them. There can be as many as 50,000 direct jobs in the building of a successful production SST and perhaps the total employment would be 150,000 jobs over the life of the program.

Boeing has seven major airframe subcontractors throughout the country and they have 550 suppliers in 40 States. General Electric has 2,000 suppliers in 38 States.

There is a balance-of-payments consideration which will be discussed today or tomorrow. Much of the balance-of-payments argument is dependent upon whether or not we go ahead with the production of the SST, whether or not the Concorde is successful and whether or not we have a second generation Concorde.

There could be a balance-of-payment benefit from $17 to $22 billion and perhaps even $30 billion if you go all the way up on the projection.

I would say, however, that this airplane we are considering is not some kind of toy. It will be a most productive airplane. It will be the most productive airplane ever considered by the American people. It will be twice as productive as the 747.

Well, I would hope that our present economic recession or malaise or whatever you refer to it as will not continue for the next 8 years. When we discuss the SST we are looking 8 years into the future transportation demands of this country and the world. By the 1980's we will need an airplane like the SST. We believe it will be productive and that it can be built with private financing. There are three banks in New York that will, they say, provide the kind of financing necessary to do the job, providing, of course, the airlines and manufacturers are healthy. The SST will be economically viable and will be a transportation asset to the world.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for yielding. I think the gentleman has made a very good point. I think many people are under the impression that this plane is going to be available tomorrow or the day after tomorrow and they say that we do not need to fly to London in 2 hours and that it is good enough to fly over there in 6 hours. We are talking about a plane for 10 or 15 or 20 years from now. We try to provide second generation military weapons. We develop new automobiles for the future so we certainly ought to develop new aircraft for the future. Would not the gentleman agree?

Mr. McFALL. I agree with the gentleman and thank him for the observation, which I think is a good one.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the question of Government funding for the SST program is one of the most difficult issues I have wrestled with in my 12 years in Congress. The Transportation Subcommittee of the House Committee on Appropriations held 4 days of exhaustive hearings and compiled a lengthy, detailed record. As ranking minority member of that subcommittee, I was determined to cross-examine every witness and explore every issue with all the diligence and persistence I could muster. Believe me, it was a long and hard 4 days.

I wish I could say that this probing convinced me that Government support of the SST program was either absolutely right or absolutely wrong. To my mind, this is not a black and white proposition. Strong arguments have been made on both sides of this complex and controversial issue. Some of my colleagues are completely convinced of the merits of the program. Others are equally firm in their conviction that it must be stopped—and stopped immediately.

Having weighed all the arguments and all the issues, I have decided that I cannot in good conscience support further Government funding of the SST program. I, therefore, will vote no and can only recommend to my colleagues that they make up their minds about the merits of this program in this same manner: carefully examine all the issues and then vote on the basis of their innermost convictions.

As far as the environmental issue is concerned, it became perfectly clear in the hearings that building and testing the two prototypes will pose no threat to the environment. Gary Soucie of the Friends of the Earth stated as much to the committee.

Another witness, Dr. William Kellogg, of the National Center for Atmospheric Research, reported that preliminary studies regarding the climatic impact of large-scale SST operations show a negligible increase in carbon dioxide. Particles added to the stratosphere could have a small but possibly measurable effect on stratospheric temperatures during periods of low volcanic activity but little or no influence on surface temperatures. Ozone in the atmosphere could decrease by 1 or 2 percent, but, in his opinion, this would have a trivial effect on ultraviolet radiation reaching the ground.

Dr. Leo Beranek of the SST Community Noise Advisory Committee testified that there does not appear to be any technical reasons why an SST cannot be built which will meet the noise standards of the Federal Aviation Administration for subsonic planes—108 EPNdb—effective perceived noise in decibels. Sonic booms should be no problem since the Department of Transportation indicates that the SST will not be allowed to fly supersonically over land areas of the United States. As for supersonic flights over water, present evidence indicates that effects below the surface would not be significant.

On the basis of this and other testimony, I am convinced there is no environmental basis for delaying the SST program to develop two prototypes. As for large-scale operations, preliminary research indicates that such would be environmentally safe. However more research is needed and is being conducted. Clear-cut results of this research should be available before a decision on full-scale production has to be made.

Mr. Chairman, I am casting my vote against the program because I do not believe the Federal Government should be financing the development of the SST. In my 12 years in the Congress, I have been in the forefront of many a fight against subsidies. I need only mention my efforts to limit farm subsidy payments.

As I see it, the same principle is at stake here. If the supersonic transport program has merit, it should stand on its own. If it is an economically profitable venture as its supporters claim, it should be financed by private industry—and not by the Federal Government. A basic tenet of the free enterprise system is involved here. As Princeton economics Prof. W. J. Baumol points out, the logic of the free enterprise system dictates that a new product is worth producing if its potential demand is sufficient to cover its cost and provide an attractive return to capital invested in it. Capital will pour in to take advantage of profit opportunities and Government funding becomes unnecessary. I see no reason why this analysis should not apply to the SST.

It has been said that the United States has been in the forefront of civilian aerospace technology and that we must maintain our lead. Supporters of the SST project declare that England, France, and Russia are now providing direct financial support for similar projects and that it is in our best interest to do the same thing. They declare that we must help our airline industry through its time of troubles so that it can ward off this threat that looms up against us from across the sea.

My response to this argument is twofold. First, I believe the alleged economic threat of foreign SST's is exaggerated. I have seen the Anglo-French Concorde and I have grave doubts about its economic viability. It has a very narrow shell, only two lavatories, and no kitchen facilities. With two seats on each aisle, it is likely that the plane will be entirely first class and thus will not attract much of the tourist traveling public. Because of its seating capacity of 110 or less, it will have to fly at full capacity on every flight to operate profitably. This is an almost impossible assumption.

French National Assemblyman Jean'-Jacques Servan-Schreiber has termed the plane a commercial and financial disaster. To use his words:

> The European SST looks to us, on this side of the Atlantic, like an industrial Vietnam.

He pointed out that every cost analysis of the Concorde has proved to be wrong. In fact, the cost of the plane has multiplied four times above the initial evaluations. It comes as no surprise to me that not a single U.S. airline has as yet made a definite, firm commitment to purchase the Concorde.

As for the Soviet TU-144, I consider it most unlikely that any Western democratic country would purchase a Russian-made plane since its airlines would not want to be dependent for spare parts and replacement models on a totalitarian country which can turn foreign trade on and off for political reasons.

My second point is this. Assuming arguendo that foreign SST's pose a threat to the already financially troubled U.S. air industry, I see no reason to single out this industry for preferential treatment by the Government.

There are industries in my district that desperately need help and money. As an example, the United States has been the leader in the heavy transformer field for years. That lead is being threatened by the dumping activities of France, England, Italy, Sweden, and Japan. To make matters worse, the TVA has purchased 95 percent of its transformers from foreign countries, rather than from domestic sources. Our domestic companies want to produce a better transformer. But they are being hurt by foreign competition. If something is not done soon, they will not be able to plow any more money into research and development. Without this necessary activity, they will not be able to keep pace with these foreign countries. Yet they are not running to the Federal Government to seek research and development funds. Is it not just as vital to maintain our heavy transformer industry as it is to maintain our air industry?

The economic problems that currently beset the air industry bring me to another consideration. I am not at all convinced that the industry will be able to secure private financing for the production phase of the SST program. Last year U.S. airlines suffered a $170 million loss. Future passenger growth is uncertain. At the same time they are heavily committed to purchasing large numbers of new, jumbo-sized aircraft. All this leads me to conclude that there is a very real possibility that the industry will come back to us when the time comes to secure funds for large-scale production of of supersonic transports. The probability that the Government will recover its investment in the program would become even more remote.

To conclude, if the SST project is an economically viable program, it should be nurtured and supported by private industry—not the Federal Government.

Thank you, Mr. Chairman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Very briefly I yield to the gentleman.

Mr. YATES. I would say this, that I would consider it a breach of duty by the members of the Civil Aeronautics Board if they permitted American airlines to buy the Concorde in view of the testimony that has been given to our committee, and other facts that the Concorde will have operating costs twice those of the 747 and will operate at a loss. The CAB should consider most seriously the objections raised in the letter from Reuben B. Robertson III to Chairman Secor Browne of the CAB, dated March 12, 1971, as follows:

MARCH 12, 1971.

Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN BROWNE: In the past year the U.S. airline industry suffered unprecedented losses aggregating $155 million. Fares have risen steeply during the past two years and are under increasingly severe pressure for further increases; meanwhile traffic growth has been stultified and even reversed. The new fleets of wide-bodied jets as well as conventional jet transports are flying half full at best, based on seating configurations far below optimum, when they are flying at all; most of the time they are standing idle in the carriers' hangars or parking areas. Interest rates on unconditionally guaranteed airline loans, secured by mortgages on their new aircraft, have risen to 11% and higher, roughly double the present prime interest rate. In the past 3 years, the airlines have paid about a billion dollars for the use of borrowed funds, roughly the cost of 45 Boeing 747's. As a result, the industry's leading companies are under a critical liquidity strain, with some of the largest carriers now reduced to a cash position of only a few million dollars.

The airlines have largely attempted to pass off the blame for these conditions onto others—for example, on consumers who are accused of not flying enough, and the CAB for not permitting enough fare increases. The facts remain, however, as a general indictment of the wisdom, prudence and competence of airline management throughout the industry. The adverse financial conditions in the industry stem directly from management policies to engage in wasteful and destructive cost competition and the exceptionally poor planning and traffic projections done prior to the introduction of Boeing 747 fleets into service by many of the carriers. In addition, some of the airlines have diverted needed funds and resources into real estate, hotels and other enterprises unrelated to aviation, many of which incurred substantial losses or little or no profit. The major airlines have also made a variety of non-refundable development contributions to the Boeing SST program which are not even to be credited toward the purchase of that aircraft, if it is ever produced. and very likely will never be regained by the carriers.

For its part, the Civil Aeronautics Board has failed to restrain or check the carriers in these policies and practices.

Now, when management and regulatory errors have already brought the industry to its financial knees, it appears that the airlines are intent upon performing a final act of corporate hari-kari. Specifically, several U.S. airlines are reportedly now preparing to bind themselves to the expenditure of more than 1.2 billion dollars, plus large but indeterminate financing costs, for the purchase of the Concorde supersonic transport which is being developed by Sud Aviation-France and British Aircraft Corporation, Ltd.

There is incredibly little to recommend the procurement of the Concorde at this time. On the contrary, it appears that this acquisition program is merely another phase of the equipment and seat war between the various major carriers which, rather than create any benefits for either consumers or the carriers, will contravene the basic policies of the Federal Aviation Act. To name a few of the specific problems:

Air fares will be increased. Not only will there be a necessary surcharge for flights on the Concorde itself, which will probably be in the range of 40% or more of present first class fares even to achieve break-even operations, but it is very likely that extreme financial demands on the airlines will increase substantially their cash flow requirements and inevitably lead to general fare increases.

Inadequate traffic projections. The problem of achieving accurate estimates of future demand for the Concorde is very serious, yet the importance of obtaining reliable projections is underscored by the experience with the untimely introduction of wide bodied jets into service. The best data available from the Department of Transportation is fraught with uncertainties. The principal demand analysis was done for the FAA in 1966 by the Institute for Defense Analysis. (The CAB did some work for this project on a subcontract basis.) This study, however, is generally regarded by economists as imprecise and unreliable due to the uncertainties in values of various critical parameters. In 1969 the IDA study was updated for the FAA by Charles River Associates who stated in transmitting their report that "a new demand study should be performed which would provide more reliable estimates and validation (or rejection) of certain key assumptions in the IDA report. Such a study would require substantial effort, but if successful would eliminate many of the problems inherent in the IDA models." The CRA transmittal also observed that "economic analysis has generally been given short shrift for a program of the magnitude of the SST."

Environmental concerns. There are many unknowns in terms of how extensive SST commercial operations may affect the environment. It is clear, nevertheless, that Concorde operations may be subjected to severe restrictions due to concerns about pollution and noise, and these restrictions may make its utilization impracticable.

Safety concerns. There are many unknowns regarding the safety of Concorde operations. One of the world's leading technological experts on supersonic air transportation, Mr. Bo K. O. Lundberg, director general of the Aeronautical Research Institute of Sweden, has summarized some of the problems as follows:

"The only thing that can be said—with almost one hundred per cent certainty—about the safety of the SST's and their operation is that they will be appreciably *less safe* than contemporary long-range subsonic airation. The reasons for this are mainly:

"1. The multitude of radically new design features.

"2. Aerodynamic heating effects on structures and systems.

"3. The almost complete lack of relevant military experience.

"4. The 'ballistic' speed, which calls for very exact navigation and makes the crew virtually blind for collisions with 'weather' (*e.g.* hail or other formations of precipitation) and other aircraft.

"5. The fact that deviations from the straight course full-optimal climb and cruise flight profile will result in a much greater increase in fuel consumption, which might critically encroach upon the fuel reserve, than for subsonic jets. This may lead to situations of conflict between the pilot, responsibile for keeping a safe fuel reserve. and Air Traffic Control.

* * * * *

"These fundamental facts cannot be changed by statements, for instance by ICAO and IATA, that the SST's 'must have a safety at least equal to that of contemporary subsonic aircraft.' Assurances that SST's will be as safe as subsonic aircraft can be nothing but wishful thinking." Lundberg, Pros and Cons of Supersonic Aviation in Relation to Gains or Losses in the Combined Time/Comfort Consideration, 68 Journal of The Royal Aeronautical Society 611, 618 (Sept. 1964).

Although the CAB may assert that safety is principally the concern of other agencies such as the FAA, the Board does have an obligation to consider any such problems as may interfere with the aircrafts' operations or passenger acceptance, or may jeopardize the financial stability of the airlines.

Inefficiency. As MIT economist Paul A. Samuelson recently testified before Congress, the Concorde is generally acknowledged to be a "lemon" by aerospace engineers. It is almost universally assumed to be substantially less efficient than other existing and projected commercial transports such as the wide bodied jets. The Concorde has severe and debilitating restrictions on range, and overland flight limitations will make optimal scheduling extremely difficult. The FAA has estimated that the Concorde's cost per seat mile, in the 3,000–4,000 mile distance bracket, will be about 2.80 cents, substantially above the comparative cost projections for the 747, the stretched DC–8–63 and even the Boeing SST. However, even very slight increases in the various elements of operating cost would make the Concorde prohibitively expensive to operate. For example, classification of Concorde flight crews as radiation workers may result in substantial wage increases.

Initial acquisition costs and terms. The Concorde is now projected to cost approximately $30 million per aircraft, although the final price has not yet been fixed and undoubtedly will be subject to various escalation provisions. The overall project cost has already escalated five times, from the $400 million figure given in 1962 to the present $2 billion projection. Recent experience with massive cost overruns in other aerospace programs such as the C5A Galaxy transport, Sidewinder missile and the RB.211 engines underscores the importance and potential magnitude of this problem.

Financing problems. Financing arrangements have not been made, nor is it clear that adequate sources of funds for this enormous procurement program can be found at acceptable terms. Financing burdens on the airlines arising from the Concorde procurement, could very conceivably lead to the financial collapse, forced merger or acquisition of one or more of our major carriers.

Competitive disadvantages. The Concorde is widely regarded as a "loser" within the airline industry, of little or negative commercial and competitive value. Bo K. O. Lundberg has recently been quoted as stating that the Concorde will not be able to compete economically with subsonic jets, due to its substantially higher purchase costs per seat and higher operating costs per seat mile. In addition, enormous costs will be incurred by various governmental units in construction of the new airport and navigational facilities that will be required to accommodate the Concorde, and these costs may well be passed along, in whole or in part, to airline consumers in general. The fare increases associated with the Concorde's introduction into commercial service may also tend to reduce traffic and significantly hamper the growth of aviation.

The airlines purchase of the Concorde today appears wholly frivolous in light of the still unanswered questions which were raised in the 1967 FAA "Economic Feasibility Report" on the United States' SST program:

"Although the study was based on the best information and judgement available at this time, the large number of variables and areas of uncertainty involved in the analysis should be noted. Despite military experience with high-speed, high-performance aircraft, the development and production costs and thus the price of a commercial SST are major uncertainties. In addition, it has not yet been determined whether the aircraft will be permitted to fly at supersonic speeds over populated areas. Other major uncertainties include the preference of the traveler for speed as opposed to fare savings, in the event the SST's operating costs should require higher fares than for competing aircraft, and the general economic growth rate on which the air passenger traffic is based. Any significant changes in data relating to these areas could have a profound effect on the economic performance of the SST." (p. II–2)

The Civil Aeronautics Board has clear and direct regulatory responsibilities in the surveillance of such massive and critical contractual commitments by U.S. air carriers. As Chairman of the CAB, you have only recently returned from an urgent mission to England necessitated by the financial collapse of Rolls-Royce in the midst of the RB.211 production program under subcontract in the Lockheed L–1011 Tristar project. You would seem to be acutely aware of the direct and critical impact that equipment acquisition has upon the the financial health of the carriers themselves. You noted at that time that:

"United States air carriers have more than $200 million invested in this airplane [L–1011] and its proposed engines at a time when their economic outlook is not considered at its best.

"The failure of Rolls-Royce to deliver on its contract with Lockheed has widespread importance and far reaching consequences for the economics of the industry as well as a wide segment of the public outside the industry. The information I seek will be of great benefit to the Board as we perform our job."

The fact of the matter is that the CAB should have carefully reviewed the airline industry's investments in the L–1011's long before Rolls-Royce imperiled the program and their financial viability by declaring bankruptcy. The case for review is even stronger in the Concorde procurement which will entail commitments of six times the amount for the Tristar or more, and which involves enormously more complicated and more critical economic and operating projections.

For the foregoing reasons, I urge you and the Civil Aeronautics Board to initiate an immediate investigation into the management of the airlines and specifically into all aspects of the proposed commitments and expenditures in connection with the Concorde. The carriers should be directed forthwith to file with the Board all such agreements and proposed agreements for the Concorde and other procurements of similar magnitude, together with such economic and traffic data as they may have which purportedly justifies their participation. The CAB staff and the public should be given ample opportunity to evaluate and comment upon any such agreements or data, and the Board itself should make every effort to have full information regarding the merits and disadvantages of the program before reaching a final decision. Pending completion of this investigation, of course, the Board should place a moratorium on any commitments binding the airlines to further expenditures for the Concorde acquisition program.

The Board clearly has ample authority under the Federal Aviation Act to undertake any such investigation and to issue such orders as may be necessary and appropriate. See, *e.g.*, 49 U.S.C. secs. 1377, 1378, 1382 and 1385. This action is not only required to protect the interests of the airlines and their stockholders, but the interests of consumers and the general public as well. *Cf.*, *Moss* v. *CAB*, 430 F. 2d 891 (D.C. Cir. 1970).

Thank you very much for your consideration.

Sincerely,

Reuben B. Robertson III.

Mr. CONTE. I thank the gentleman.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my friend from California.

Mr. McFALL. I wish to compliment the gentleman from Massachusetts on his statement. While we do not entirely agree, like most Members of the House, we nearly agree.

I did want to offer my compliments to the gentleman from Massachusetts, the ranking minority member of the subcommittee, who has cooperated in all these hearings on the SST. I believe his cooperation and that of all the members of the subcommittee has brought the kind of information before the country which is necessary in order to understand and to resolve this matter.

I thank the gentleman for his cooperation.

Mr. CONTE. I thank the gentleman from California.

I wish to point out to the Committee of the Whole House that the gentleman from California recently assumed the chairmanship of the subcommittee, and has taken the gavel over from my colleague from the Second Congressional

District of Massachusetts (Mr. BOLAND) who was an excellent chairman of the subcommittee. In the short time the gentleman from California (Mr. McFALL) has been the chairman of the subcommittee, he has done an outstanding job. He has been fair with all of us on the committee. He has been extremely fair with the witnesses.

I must say that almost en bloc, Mr. Chairman, after the hearings were over, the proponents of the SST and the opponents of the SST came up and said, "Those were some of the best hearings we have ever witnessed here on Capitol Hill."

A good share of the credit goes to the gentleman from California. I am proud to be able to serve with him. I know we have a slight disagreement here, but I know we will pull as a team in the future on many important issues facing this Nation.

Mr. McFALL. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the distinguished gentleman from California for yielding me this time.

Mr. Chairman, I have indicated before one of the reasons why I thought we should not use Government funds for the SST. I consider it an incredible distortion of our national priorities. At the same time this country faces a huge financial deficit which has resulted in the administration placing in the deep freeze programs that are vital to the men and women of this country, the SST has been launched by the Appropriations Committee and is flying at full-funding level on its flight.

The SST, Mr. Chairman, seems to me to stand really for super sock the taxpayer. He is going to have to pay through the nose, as he has done in the past, to build the prototype and probably the production version of the plane as well.

It is ironic that he will not ride in it, assuming that it flies. Oh, yes, he can ride in it if he is ready to pay the fare, which is higher than the first-class fare for a subsonic plane. How many of them will do that? Less than 10 percent of the American people now fly in international travel, and the SST is dedicated to international flight. Of that 10 percent who fly in international travel only 3 percent fly in first-class accommodations. I suppose that of those who fly first class you will find some who will be paying the super fare for the SST flight and charging it off as a business expense. However, the average American who flies from here to Europe or to other parts of the world is going to be doing exactly what he does at the present time; namely, to fly where he can save a dollar and not where he can save 2 hours. He is going to fly economy class or charter or else he will fly in a class that will permit him to save a certain amount of money. The SST will not permit him to do that.

Mr. Chairman, there is a strange elusive quality about the arguments of my friends on the other side of this issue. On the one hand they assure us that the Federal contribution to the program will be held down to a mere $1.5 billion in connection with the financing of two prototype aircraft. Yet on the other hand you go into the Speaker's lobby and you see those roseate pictures of what is going to happen in the wake of the SST. There will be 150,000 jobs and billions of dollars in our balance of payments accruing to the Treasury as a result of this. There will be a $1 billion profit through the sale of 500 SST's. But what my friends on the other side fail to point out is the huge financing gap, the gap between the completion of the prototype and the production version of the plane. The prototype is said to be costing in the neighborhood of $1.5 billion. The total cost, according to Mr. Magruder's own testimony, is $4 billion to $4.5 billion, which make the production version of the plane cost in the neighborhood of $3 billion to $4 billion. Mr. Magruder conceded that by the time the first SST is turned out the cost of the program will have escalated through inflation so that it will be costing between $5.2 billion and $5.5 billion for this program.

Who is going to pay for that? A section has been put into this bill in which proponents of the SST pledge that no money in this bill will go for payment of the production version of the plane. Why, of course it will not. There is no money in this bill for the production version. There is no money in the next bill for the production version, either. We will not be ready to finance the production version of the SST until 1973, when the prototype is scheduled to fly. At that time, in 2 years, where are they going to come up with a financing program which will permit the country to know that private industry is assuming the payment of those billions of dollars that will be needed for that part of the program?

My friend, the chairman of the committee, Mr. MAHON of Texas, says we have invested so much already, why do we not invest several hundred million more dollars so that we will know what the prototypes will be like; we will have two prototypes. But, Mr. Chairman, who will have the prototypes? The Federal Government will not own them. This is a continuing process, Mr. Chairman, from the beginning through the commercial version of the plane. All that we can hope for is that Government financing stops at the completion of the prototypes. The prototypes will be owned by the Boeing Aircraft Co.

So it can at best only be described as a sweetheart deal. The Federal Government is putting up 90 percent of the funds for the prototype version of the plane. Based upon putting up 90 percent of those funds, the Federal Government is going to draw royalties at such time as the prototype version is through, in the event that private industry can come up with $3 billion to $4 billion which will be necessary for the production version of the plane.

I seriously doubt that, as I have pointed out in my separate views which I have written that when 300 planes are sold, mind you, 300 planes, a rather large number are sold, what happens? The Government gets its money back if 500 planes are sold. The Government gets a $1 billion profit. But, Mr. Chairman, if 500 planes are sold, how much does Boeing get?

According to a study that has been put into the CONGRESSIONAL RECORD, Boeing will make a profit of something in the sum of $6 billion in the event 500 planes are sold.

Mr. BOW. Mr. Chairman, will the gentleman yield at that point?

Mr. YATES. I would be glad to yield to the gentleman from Ohio.

Mr. BOW. Is it not a fact that if Boeing could make a profit of $6 billion, 50 percent of that would come into the Federal Treasury in the form of taxes?

Mr. YATES. I will say to the gentleman from Ohio that the gentleman and I do not know Boeing's accounting. I am sure the gentleman will concede that many corporations have depreciation standards and have other kinds of tax gimmicks that may very well prevent 50 percent of the profits from coming into the General Treasury.

Mr. BOW. The gentleman has said, and it is in the record, that Boeing would make a profit.

Mr. YATES. I am not opposed to a profit

Mr. BOW. I am not either. However, if there is a profit about 50 percent would come into the Federal Treasury in the form of corporate taxes and if this number of planes is sold that would be $3 billion that would come into the Treasury. So you have a $4 billion profit.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I wonder if the gentleman from Ohio would justify all the expenditures and subsidies that we pay out from the Government on the ground that no matter to whom you throw it away some of it comes back as taxes?

Mr. YATES. Of course, that is true. All of the subsidies that go into the creation of wealth in this country results presumably in profits.

Mr BOW. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I shall be glad to yield further to the gentleman from Ohio in a moment.

Mr. BOW. I will take my own time and I hope the gentleman from Maryland (Mr. LONG) will be here at that time.

Mr. YATES. The gentleman from Ohio receives no subsidy and yet he pays taxes to the Federal Government I assume without a subsidy. I do not know why he puts Boeing in this glorious position of paying taxes as the result of a profit. It just does not make sense to me, that kind of argument.

Any kind of a "sweetheart deal" would result in the payment of profits, but that does not justify what at best could be described as a most favorable contract for the contractor. The one who suffers is the taxpayer because he is going to have to finance the whole program.

My friend, the gentleman from California (Mr. McFALL), the distinguished chairman of the subcommittee, has indicated that you can get economists to speak on both sides of this program.

However, what is very interesting, Mr. Chairman, is that the only economists who have been brought forward to testify on this program are those who have opposed it.

There has been placed in the RECORD, at page 6668, statements by some of the leading economists in the country, all of whom are opposed to the SST, and I read some of their names: Prof. Kenneth J. Arrow, Harvard University; William M. Capron, of Harvard University; Prof. Milton Friedman who, incidentally, is usually on the administration's side, professor of economics, is opposed to the program; Walter Heller, professor of economics, University of Minnesota; Wassily Leontief, professor of economics at Harvard; Richard R. Nelson, professor of economics at Yale University; Arthur M. Okun, formerly Chairman of the Council of Economic Advisers; Paul Samuelson, professor of economics at MIT and a Nobel Prize winner. The only one who in every way supports the SST program is Henry Wallich, professor of economics at Yale, and he is the only one who is supporting it, and he says the only reason he is supporting it is because France and England have got the Concorde flying, and he considers that to be a threat, and we have to get into it like all the rest. But he is the only one the administration has brought forward of all the economists who said he was for the subsidization by the Government of this program.

No economist of standing is in favor of it.

Oh, yes; oh, yes; there is a letter in the Record by Paul McCracken, who is Chairman of the Council on Economic Advisers, and I suggest that the Members ought to read it in order to see how lamely he strives to justify the intervention of the Government, and how reticent he is to be summoned to this duty. He is the only one that they can point to.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, since the gentleman is talking of numbers here——

Mr. YATES. Yes.

Mr. McFALL (continuing). I have got a long list of numbers and names.

Mr. YATES. Those are scientists that I think the gentleman has.

Mr. McFALL. These are people who are for the program.

Mr. YATES. I thought those were the scientists who are referred to in Dr. David's letter.

Mr. McFALL. Since we are talking about numbers and names, I also have a number of names.

Mr. YATES. Are we talking about economists?

Mr. McFALL. We are talking about economists. Just to read a few: Buford Brandis, Ph. D., an industrial economist, and Grant Davis, a Ph. D. from Auburn University.

Mr. YATES. I think the gentleman ought to put his economists into the Record because they are not in the Record as yet. I think the gentleman is trying to minimize the impact of the arguments made by these economists, because they are devastating arguments. And the list of names the gentleman has I am sure does not contain any arguments of the stature of those presented by these people.

Mr. McFALL. What I am saying to the gentleman is that the gentleman can put in his list, and I can put in my list, but what we are interested in are the arguments.

Mr. YATES. Right.

Mr. McFALL. So if you wish to make those arguments then I will counter those arguments with the statements that I have.

Mr. YATES. But these arguments are in the Record.

Mr. McFALL. The number of economists on either side is really irrelevant.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I would like to make the comment that in listening to the colloquy between the gentleman from Illinois and the gentleman from California, it seems to prove and demonstrate that in all of these issues with which we have been confronted in the United States that we have usually found scientists, engineers, and economists on both sides on any given position at any given time.

So that the list of eminent econmists the gentleman has waved before us this afternoon, many of whom are from my own city of New Haven, where Yale is located, does not convince many of us, one way or the other. We in Congress must still make the decision. Quite frankly, neither does a list of experts impress many of us too much, because we can get an equal number of economists to take a different position. I think that we ought to get down to the merits of the arguments rather than waving lists of economists about.

Mr. YATES. Well, if the gentleman will permit me to reply to him before he leaves——

Mr. GIAIMO. I am not leaving.

Mr. YATES. I thank the gentleman. I suggest to the gentleman that he read the arguments that have been advanced.

Mr. GIAIMO. The gentleman should not assume that we have not read them. I have read the arguments and the testimony.

Mr. YATES. Well, I would suggest that if the gentleman has read the arguments of these economists that I am surprised that he still continues to adhere to his position in support of the SST.

Mr. GIAIMO. May I say that I adhere very strongly to that position.

Mr. YATES. Continuing on, Mr. Chairman, the able gentleman from Massachusetts, Mr. Conte, has pointed out some of the defects of the Concorde. Secretary Volpe of the Department of Transportation appeared before our committee, and testified, and he said:

> I would remind you that the Russians, the British and the French are breathing down our necks. The British-French Concorde is flying. A second generation Concorde may already be on the drawing boards. The Russian TU-144 is flying . . . I assure you they mean business. They intend to sell these planes in the world market and so do the British and French with their Concorde.

And I asked an economist who appeared before us as to why he really was so frightened of the Russians. I said, "How many planes have the Russians sold to the free world?"

He said that he did not know how many planes they had sold, but he said that when he was in North Africa there was a Russian Iluyshin he saw flying down there.

Of course, the Russians have not been able to sell planes outside of the block countries.

I am surprised that the Secretary of Transportation would advance that seriously as an argument.

Insofar as the French and the British and their Concorde is concerned, only a few days ago the press reported a statement by a BOAC official—a Government official, in other words, because BOAC is owned by the Government—a Government official who very sadly stated that the operating costs for the Concorde were twice those of the 747. The press reported a few days later a statement in which it was said that the representatives of the Concorde from Britain and France were going to meet on March 29 to determine whether or not to stop work on the Concorde.

There is total dissatisfaction with the operation of the Concorde. If those people are not enough—and if my good friend, the gentleman from New Haven, is not satisfied with the thrust of the economic argument, let me present an argument of a very practical economist, president Robert Six of Continental Airlines who testified before the Magnuson subcommittee on the Senate side in response to Senator Inouye's question as to whether or not the airline industry would be forced to purchase the Concorde and he replied this way to Senator Inouye. He said:

> Technically, I think the Concorde is a good airplane. I think the economics of it are poor at the present time. It escalated in price from $13 million to a price unknown today, somewhere between $20 and $25 or even more millions.
>
> The economics are poor. Based upon present requirements you can only fly over water in the case of Continental. It would cut the time about in half but you would have in the Concorde roughly 120 passengers on all first class superfare and I don't think we have that kind of a market in the Hawaiian market to stand that kind of a fare structure.

That is president Robert Six of the Continental Airlines.

I would have thought that a flight from Hawaii over here to the west coast of the United States would have been a natural for a supersonic aircraft—but not for President Six of the Continental Airlines—he said, "This is no good. It will not work."

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am delighted to yield to the gentleman from Connecticut.

Mr. GIAIMO. I think that gentleman, Mr. Six, if I remember correct, is president of Continental Airlines.

Mr. YATES. Yes.

Mr. GIAIMO. I think, if I remember correctly, Mr. Six indicated it would not be economically wise if they were to use this in a flight to Hawaii.

Mr. YATES. That is right.

Mr. GIAIMO. But he also indicated that the Concorde was a very fine airplane.

Mr. YATES. No; he did not say that. Just a second—let me say what he did say. He said that the Concorde will fly and will be a very good airplane.

Mr. GIAIMO. Yes; then I will correct my statement that instead of him saying that it was a fine airplane, he said that it was a very good airplane.

Mr. YATES. Mr. Six is not engaged in the business of flying airplanes; he is engaged in the business of making money, and he is not going to be making any money with the Concorde, and that is the point.

Now I want to make two other points.

The distinguished gentleman from California pointed out that we have not emphasized the environmental arguments to the same extent we have in the past. The point is—the proponents of the aircraft very suddenly have shifted their emphasis to the prototypes and they have limited in their arguments exclusively their commitment to the prototypes.

The point I want to make is this—nobody has any objection to the prototype or the amount of pollution that the prototype will produce. But I will say this—we are still concerned about what fleets of SST's will do to the environment and the fact that the prototype's flight has never been a source of worry or concern to us. On the research on the environment I voted for the appropriation for the research on the upper atmosphere to attempt to determine what the fleets of SST's and what they would do to that atmosphere. I will say to the gentleman before I yield to him that Dr. McDonald, before our committee, was concerned about it. I will say to the gentleman that Dr. Kelly, whose name he used, I believe, in his direct presentation as an environmental expert, said in response to my question that he was still concerned about what the fleets of SST's would do to the environment and he looked forward to what the research would show.

Mr. McFALL. We will agree that the testimony showed no one is concerned about what the two prototypes would do.

Mr. YATES. Correct.

Mr. McFALL. The testimony went to what a fleet of 500 airplanes would do.

Mr. YATES. Correct.

Mr. McFALL. The scientists before us agreed that there were some problems that could be and should be resolved in the next 2 years, but they believed that at the end of those 2 years over 99 percent of those problems would be resolved. Dr. Singer said that 95 percent of the problems have been resolved, and by the end of 2 years 99-and-a-fraction percent of the problems would be resolved. The biggest problem, which is noise, will be resolved.

Mr. YATES. There you are. We talk about the strange, elusive arguments of the proponents of the aircraft. Now we have the gentleman talking about noise pollution, and that that will be resolved. All we have is the testimony of Dr. Beranek, an expert on noise, who appeared before our committee and said that they now have on the drafting table a plan which, by changing the diameter of the engine and by removing the afterburner, should bring about an engine that will reduce the noise produced by the SST to 108 EPNdb following the FAA regulations. That is the testimony of Dr. Beranek.

Mr. McFALL. You will agree that the testimony showed without contradiction that this motor will do the job as designed, will you not?

Mr. YATES. I will agree that the testimony of Dr. Beranek is to the effect that they have in the drafting stage a motor which conceivably may reduce the noise of the engine. But I suggest to the chairman that there is many a slip between the drafting table and the time that the motor gets on the wing of a plane, and I suggest to him that the cost which is presently indicated at an extra $50 to $60 million for that motor may very well escalate as the Concorde costs has escalated.

Mr. McFALL. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I yield to the gentleman from California.

Mr. McFALL. The testimony was that it is on the drawing boards. Every expert who has examined this motor feels that it will do the job. There is no controversy at this time about the motor being able to meet the noise requirement.

Mr. YATES. I suggest that you and I could argue that point, but I am telling you what Dr. Beranek's answer was to my question. That is in the hearings, and those who want to take sides can read the hearings.

I want to make one further point in connection with the environmental question. All witnesses, without exception, the environmentalists—and Dr. Beranek himself—stated that you do not need the prototypes, you do not need to complete the prototypes in order to get the results of the research on environmental pollution. You do not need the prototypes in order to find out about noise-producing engines. So the answer to the question about whether or not you will be polluting the atmosphere or whether or not you will be polluting the atmosphere through knowledge does not necessarily come from the prototypes. It is not necessary to build them for those reasons.

My good friend from Massachusetts (Mr. CONTE) is willing to accept the administration's position on sonic boom. The administration has stated that it will not fly supersonically over land at speeds which create a sonic boom. I am not as optimistic as my friend is about that, for reasons I expressed in my minority views in the report, and I urge Members of the House to read that. There is testimony to the effect that the economic liability of the SST will be hurt in the event it is not permitted to fly over land supersonically, and I suggest that with the passage of time, if the SST is built, and if the Concorde flies over the Atlantic and wants to fly over the country and some of our airlines do buy the Concorde—which I do not think they ought to do—I suggest that the pressures will build up in future years on the ground in support of the view that this is just part of the knowledge in improvement in transportation. I suggest that the pressures will build up to the point where they will be permitted to fly supersonically over land as well.

As a matter of fact, Gen. Jewell Maxwell, the predecessor of Dr. Magruder, appeared before our committee 2 years ago and stated in response to my question about sonic booms:

> I believe that the people of America will come to accept the noise of sonic booms in the same way as they have accepted the noise inherent in other advances in transportation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I know I questioned Mr. Volpe and others about allowing the plane to fly over land supersonically, and whether they would support legislation that would prohibit the SST or other commercial planes from flying supersonically over land, Mr. Volpe and others said they would support such legislation.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. McFALL. I believe the FAA and the Department of Transportation have said they will support legislation which will provide that no supersonic flights over the United States would be permitted.

Mr. YATES. I would suspect the FAA would come forward with that kind of legislation. I would suspect the FAA would do anything it could to try to get the legislation for the SST at this time.

I had not intended to go into this until later, but as the gentleman knows, I requested a report from the present Advisory Science Panel be made available to the committee, and I say if that report were favorable to the SST, that report would have been made available to the committee, so the only conclusion I can come to is that the report is not favorable to the SST. The administration has brought forth every argument, advertisement, and report in support of the SST. It refuses to make that particular report available.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I might report that a bill is pending in the Senate, which I anticipate will be passed before the end of the week, on the sonic boom to prohibit supersonic flight over the United States. This gentleman is sponsoring such a bill in the House.

We have the problem, if the gentleman is not aware, that the Russians have requested that there be bilateral discussions on landing of their fleet here. So from the point of view of supersonic flights over land, we will have the problem whether with this airplane or whether with other foreign airplanes. I hope the gentleman from Illinois will support us in our efforts.

Mr. YATES. Mr. Chairman, I will tell the gentleman I was one who pressed for elimination of the supersonic boom.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, would the gentleman agree that we can technically reduce both the sideways noise and the sonic boom, but we can only do it by increasing the cost and therefore further reducing the economic viability of it?

It will fly over the seas supersonically, and God help anybody out on the ocean when one of those things flies over. I feel sorry for anyone in that position.

Mr. YATES. Mr. Chairman, I will close by saying that every public opinion poll in the country—and if this is not correct, I hope someone in the House will tell me so—shows the American people are opposed to the SST without exception. The distinguished gentleman from Iowa (Mr. Gross) told me a few days ago that in his home State of Iowa the Wallace poll, which he says is quite reliable, indicates the farmers of Iowa are 66 percent opposed to the SST.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, did I understand the gentleman to say there would be promulgated laws or regulations to prohibit this plane from flying over land?

Mr. YATES. At speeds which generate the sonic boom, yes.

Mr. ANDREWS of Alabama. So it can fly only over water?

Mr. YATES. Yes. And its economic viability would depend on that.

Mr. ANDREWS of Alabama. I just happened to think of an old poem I heard years ago:

The little girl said,
"Mother dear, may I go out to swim?"
"Yes, my darling daughter;
Hang your clothes on a hickory limb,
But don't go near the water."

So, as I see this plane, we should say: You cannot go near the land.

Mr. YATES. I thank the gentleman.

Mr. Chairman, at any rate for all these reasons, I oppose the SST appropriation, and I urge the House to vote it down.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Chairman, with as much hot air on the subject as the farmers from Iowa and throughout the country have been exposed to in the last few months on the SST, it is of small wonder they are confused.

Mr. GROSS. Wait a minute. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am talking about the people all over the country. I will yield in just a moment. Let me finish my statement.

Mr. GROSS. Let me tell the gentleman that they are not confused.

Mr. KUYKENDALL. Mr. Chairman, several years ago during the Kennedy administration the idea of whether the American SST was going to be built with private funds or whether it was going to be built with Government funds was debated on this floor. This debate followed shortly after a debate in which it was determined whether or not the Comsat, communications satellites, were to be built with private funds or public funds. Some will recall that in the other body there was a filibuster against Comsat being built with private funds, because they did not like the idea of a "giveaway." Thank goodness they were defeated.

A great many gentlemen in this body, including Mr. Bow, were strongly opposed to the American SST being built with public funds, but the die was cast, the will of the Congress was expressed, and it was decided that is the direction it would go, and so be it.

Very little has been said about the fact that if we withdraw from this contract, yes, then there will be an opportunity for a group of business concerns to really make a bonanza. First, it will cost the taxpayers $178 million of new money for us to withdraw, so everyone who votes "no" should remember he is voting an appropriation of $178 million to withdraw.

And then what will the Secretary of Transportation have on his hands? He will have an engine. He will have a finished simulator. He will have a finished skin technology. He will have a finished mockup. And he will have a no-value price on it. Without any new legislation—in fact, it would take legislation to prevent it—he may auction off the whole package to the highest bidder for one dollar. And whoever buys it will not owe the Federal Government one penny. There will not be any payback, not any royalty, not any payback of the billion dollars invested. Not one penny will they owe.

That is one little effect of a "no" vote on this appropriation that has not been discussed.

The gentleman from Illinois has said that nobody wants to discuss the effects of the entire SST fleet. Well, I am happy to discuss the effects of the entire SST fleet.

Mr. YATES. I did not say that.

Mr. KUYKENDALL. I am talking about the proponents of the SST.

Mr. YATES. I never said that.

Mr. KUYKENDALL. The gentleman said everyone was perfectly happy to discuss the effects of the two prototypes but everyone was avoiding discussion of the entire SST fleet. I believe those are his words; if not, I am sorry.

In my rather short public service career there has been no issue in which there have been so many deliberate and nondeliberate half truths and fabrications as have been told by many of the foes of the SST. This holds true particularly in the field of ecology. So I have taken this opportunity to bring into focus the greatest example of a tempest in a teapot or a drop of water in the ocean that I have even seen.

I will share with you for the next few minutes some facts about the SST engines and pollution. First, let me make this clear. What I shall tell you is not conjecture based on some theory. One or more of the SST engines have been on the test blocks for over 3 years. We know exactly what their present performance is as regards pollution and noise, and what it will be. Aerodynamically, we can only project what this plane will do. But as far as pollution and ecology is concerned—we know exactly.

It has been said, and with absolute proof, that this is the cleanest mode of hauling people ever devised by man. But let me be more specific. The entire American SST fleet projected to 1985 is 500 airplanes or 2,000 separate engines. The total emission of pollutants from these 2,000 engines is equivalent to 1,800—get that now—only 1,800 brandnew 1971 model automobiles, fully equipped with Government-approved emission control devices. How many cars is 1,800?

And remember, I am speaking of worldwide. Well, let us bring it closer to home. There are approximately 4,100 inside parking places on the House of Representatives side of Capitol Hill. This means that the entire American SST fleet—worldwide by 1985—would project less than half the pollution per hour as the cars driven by the U.S. Congress and their staffs.

To those of you that live on the west coast this pollution is the equivalent to the number of cars that pass over the Golden Gate Bridge every 28½ minutes 24 hours per day. To those of you who live in New York that is the amount of pollution produced by the cars that pass through the Holland Tunnel every 46 minutes 24 hours per day. And to you from New Jersey, this is the amount of pollution produced by the cars that pass down the New Jersey Turnpike every 49 minutes 24 hours every day.

So what I am saying here is this. When you consider the total effect of the emissions that only 1,800 new automobiles would have on the ecology of the entire world it is too ridiculous to even be an issue. Yet it is an issue because too many people have believed so much absolute unmitigated hogwash over the past few months.

Now, concerning water in the outer atmosphere. When I first heard this charge many months ago, I thought how ridiculous can it be. Since I am a pilot and I have known meteorology, I know that particularly in all the warmer climates thunderstorms rise about 60,000 feet every day. So I asked a meteorologist to make some estimate of the moisture content in the substratosphere of a typical thunderstorm and they were able to arrive at an estimate that one typical thunderstorm rising to 60,000 feet would introduce as much moisture into the outer atmosphere as the entire SST fleet of 500 airplanes and that there are 1,600 such thunderstorms reported in the world every day.

Mr. Chairman, these two points that I have made only cover a part of the barrage of unbelievable propaganda that has been placed upon the American people. But it has always been my belief that if you are able to discredit part of the so-called learned comments then people should look seriously at all parts. I think practically all of the anti-SST propaganda has had about as much basis in fact as the two parts that I have mentioned.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Keating).

Mr. YATES. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. KEATING. I will be glad to.

(Mr. HELSTOSKI, at the request of Mr. Yates, was granted permission to extend his remarks at this point in the Record.)

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the gentleman from Illinois (Mr. Yates) in his endeavor to delete funds for the SST, and hope that enough Members of this body will join him in stopping the expenditure of funds to build this unnecessary supertransport.

The proponents of the SST claim that these fast flying planes will fly principally over water and the sonic booms created by this aircraft will not affect land areas. I cannot accept this theory and idea that it will be a sole over water endeavor and I can foresee the clamor of the general public pressure will be such that the plane will not be allowed to fly over land anywhere in the world. If that be the case, we are encumbered with a plane of limited function.

The environmental significance of the SST is so obvious that it does not need to be outlined in detail.

Recently a National Academy of Sciences panel on atmospherics warned that large scale deployment of the SST's might increase the incidence of skin cancer if exhaust from the planes thins the protective layer of ozone that shields the earth from the full force of the sun's rays.

The Chairman of President Nixon's own Council of Environmental Quality, Mr. Russell E. Train, has urged that the effects of the SST's on the atmosphere "should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports."

Meteorologists Dr. Reginald Newell of MIT, and Dr. James E. McDonald of the University of Arizona, testified that water vapor emissions from the projected 500 SST's pose a significant hazard by reducing the stratosphere ozone. Boeing Co. scientist H. Harrison predicts a decrease of about 4 percent of the ozone from SST vapor emissions. Ozone absorbs potentially lethal ultraviolet radiation, preventing it from reaching the earth's surface in harmful quantity. Dr. Newell testified that this would lead, for example, to an 11-percent increase in ultraviolet at the latitude of Miami in summer. Dr. McDonald indicated a potential increase in the incidence of skin cancer as a result.

Dr. Newell also testified that increased cloudiness could be expected in the northern latitudes, with unknown effects on the climate.

Mr. Chairman, I am sure that there are other environmental problems that we could discuss with the construction and flying of the SST, but I shall not beleaguer this House with known statements made by respected members in the scientific world.

Mr. Chairman, what is the price tag for this supersonic transport? The Department of Transportation figures show that already—1962 through March 30, 1971—the Government has spent $864 million on this project and, it is estimated that it will cost the taxpayer another $478 million by 1974 when the prototype testing is completed. I do not favor this Government financing of private programs and these private supporters of the SST should carry the complete burden of this endeavor.

The expenditure of hundreds of millions of dollars of public money in support of this ill-conceived venture is economically unsound and contrary to our national interests.

Millions of American travelers now make their trips by bus or private cars because of air fare increases. Only 4 years ago a one-way flight from New York to Boston could be had for $13—now that same flight costs $26. And when our airlines lose money because of empty seats and rising costs, research and development efforts to provide for a somewhat faster transportation over the ocean for a few thousand well-heeled travelers at still a higher cost make no sense whatsoever.

I feel that a redirection of the bulk of public SST funds to higher priority uses should be our prime consideration. We should pursue such projects as the abatement of air and water pollution, the building of new cities, and the solving of mass—not class—transit problems.

According to recent newspaper accounts, the BOAC does not consider that they can operate the Anglo-French supersonic airliner Concorde economically. If this story is true, it is hardly a good predicator for U.S. success with our proposed SST. We should not be taken in by assurances that if, upon completion of the prototype, the SST is economically unjustified or environmentally unsuitable, the entire program will be terminated. Let us not put any more funds into a program which runs into the probability that it will be entirely wasted.

In our work as Representatives of the citizens of the United States, we must make many difficult decisions. The SST is not one of those decisions. The only difficult part now is how to disengage the Federal Government's involvement as rapidly and as efficiently as possible.

The SST is not a high priority program for which Federal funds have to be allocated to serve vital national interests. The Nation has urgent priorities and urgent needs that need Federal action—the SST is not one of them.

We must not continue down the path of the administration proposal to continue this program. If we open the door for further funding, we may find ourselves that we have given up our last chance to devote a higher proportion of funds to slum clearance, education, mass transit, and other high priority domestic programs.

Mr. Chairman, I respectfully urge this House to vote down appropriations for further research and development of the SST.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes. I will be glad to yield to the gentleman.

Mr. CHAMBERLAIN. Mr. Chairman, I take this time to inquire of the gentleman from Tennessee (Mr. KUYKENDALL), if he can advise us where these statistics he just recited originated.

Mr. KUYKENDALL. These statistics originated in the latest form from the Department of Transportation. Statistics on the traffic across the different freeways and bridges came from the Department of Commerce and the Department of Transportation as of yesterday. Ecologists and scientists with the Department of Transportation and Boeing and an outside agency that was employed by Boeing were asked by me to put these figures together as early as 3 months ago.

Mr. CHAMBERLAIN. I thank the gentleman for yielding.

Mr. KEATING. Mr. Chairman, I have not a prepared text from which to give my opinion on the SST. I have listened to some of the arguments presented from this well this afternoon, and I would like to make my comments as to some of them.

With respect to the American people being overwhelmingly opposed to the SST, I would like to make a couple of comments about my own personal experience in my district. Originally, my mail, as most others, was opposed to the SST and the development of the two prototypes.

Since I support the development of the SST through the prototype stage, I decided that I would go to the people in my district and give them my reasons for supporting this program. I did this. The response from my constituency was most gratifying in that it completely reverses itself. I feel the people now understand the problems involved in the development of the SST and the arguments pro and con. My mail is running approximately 2½ to 1, in support of the development of the SST through the prototype stage. You may take your polls and listen to the returns in your own district but I say that as I stand here today, the people in my district are supporting it because they have been given the facts.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Washington.

Mr. PELLY. I would like to say to the gentleman that I wrote an article for the American Legion magazine in favor of the SST and a Member of the other body wrote one opposed to the SST. Then the American Legion members had a coupon which they sent in expressing whether they were opposed to or in favor of the development of the SST. The returns were overwhelmingly in favor of it. They overwhelmingly supported it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Illinois.

Mr. YATES. Where is the gentleman's district located?

Mr. KEATING. In Cincinnati, Ohio, the First Congressional District.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, is that where they are manufacturing the General Electric engines for the SST?

Mr. KEATING. Yes, that is correct, this is where they are manufacturing the engines. It is also the place where they have overcome the sidelines noise problems in the development of this engine. I would also like to point out that as in many other districts, people are concerned with the effect of the SST on the environment. I have met with the representatives of these various groups and discussed the effect of the SST upon the environment. The attitude of many of the representatives changed when presented with the arguments concerning the environment.

Mr. Chairman, I support the SST and I believe the people in my district support the SST because we have understood the facts. I believe the people across the country will support it as soon as they have received the complete facts on the subject.

Mr. Chairman, with reference to the environmental question it is interesting to note that most of the reasons advanced for opposing the SST and its development was the adverse effect upon the environment. However, as we have moved along in the process of developing the aircraft and the process of debating the environmental issue these questions on that issue have pretty well dissipated to the point where the arguments center primarily around the economies and priority issues.

We have talked about a lot of statistics this afternoon and I shall not belabor that any longer. However, I would like to make one comment on the development of the SST in other parts of the world. I am convinced, as are many others; that there will be an SST; that an SST will fly; that the British-French Concorde will fly commercially; that the Russian plane will fly commercially. We know that the Russians today are advertising in our magazines and developing brochures for the sale of the Russian version of the SST.

There have been indications that the U.S. airlines want to purchase some of the Concordes.

I am convinced that if we do not develop the SST in this country that the airlines of the United States will be buying these airplanes and they will be landing on our shores and they will be transporting people between the continents. Purchase of these foreign planes by U.S. airlines will adversely affect our balance of trade.

Mr. Chairman, there is not any question in my mind on that fact. I think we ought to continue to have our mastery and our superiority in the aerospace industry. We can do a better job. If we had not progressed in the areospace industry over the years and had not developed larger and faster aircraft, our skies today would be completely littered with small aircraft transporting people across this country. The productivity of the SST is three times that of the 747. I am convinced our environment is not going to suffer from the prototype development of the SST.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Illinois.

Mr. YATES. Does not the gentleman believe that commercial aircraft should be developed by private industry other than the Government?

Mr. KEATING. I would have to answer that question in this fashion. Throughout the history of the aircraft industry the military has done a great job in developing techniques and technology—technological progress—in the air industry and private industry has benefited from that development. I do not see any distinction in this particular instance. In fact, the U.S. Government has been financing the research and development of aircraft for many years. All major work in this area has been done on military aircraft and then the knowledge has been applied to civilian aircraft. This is the first time that civilian needs have run ahead of military requirements.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, and Members of the Committee, I would just like to say in response to a question that was posed concerning Government subsidization that when it came to building the railroads throughout this country that the Federal Government had to subsidize and build the railroad industry. When it came to developing a merchant marine it was only with the help of the American Government that a merchant marine could be developed.

I think in the whole history of transportation it has been the Federal Government that has had to take the initiative in developing these several forms of transportation.

And may I say perhaps as a matter of some little interest that the great hue and cry about the sonic booms, every time we have a thunderstorm you have a sonic boom created in the same way the sonic boom from a plane takes place, and I do not know that any of us have had our brains particularly addled by these thunderstorms.

Mr. McFALL. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, Congress is under deafening assault to pour more hundreds of millions into the SST. Scientists question whether the technical problems of noise and damage to the atmosphere have in fact been licked. Regardless of the threat to the environment, however, we would still not be justified on economic grounds to further subsidize the SST in view of more worthwhile ways to spend our money.

Economic arguments for the SST have been, to say the least, misleading.

Claim: The SST would create 150,000 jobs.

Fact: Only a few thousand jobs would be created for the near future. The 150,000 figure is a planner's speculation for 10 years hence. By that time we might have a labor shortage rather than the present unemployment problem. We need jobs now. Almost any other way of spending this money, such as housing, education, health programs, and combating pollution to name a few, would yield more jobs at this time.

You know, the ancient Egyptians are said to have built pyramids to provide jobs but, as a job producer, this flying pyramid would be a flop.

Claim: The SST will generate new tax moneys.

Fact: So would any other industrial investment. Unfortunately, the SST will also cost tax moneys. And for most States, more tax money would flow out than would flow in from the SST. As a matter of fact, a recent check on this showed that only six States would obtain more tax money than they would have to pay out, and those, interestingly enough, happen to be the State represented by the gentlemen from Ohio, the gentleman from California, the gentlemen from Washington, and the gentlemen from Connecticut. For all of these I have enormous admiration, and I have been puzzled as to how such intelligent men could be so wrong on this issue in supporting the SST. Now that I have learned about the increased tax benefits for their States I can understand. But I also have to represent my own constituents. Maryland is one of the 44 States that would not be benefited.

Claim: The SST is necessary to head off capture of the world airways by the British-French Concorde.

Fact: The French-British Concorde is in deep trouble. As Mr. CONTE pointed out, its manufacturing costs have already been multiplied four times. Maintenance cost estimates have doubled. Estimated to carry 134 passengers to be competitive, tests now show it will carry only 110. A parliamentary report in France warns, "we are throwing away billions with no hope whatsoever of any future commercial returns."

The British Aircraft Corporation admits:

> There is no prospect for many years to come that any supersonic transport will be able to rival the operating costs achieved by the large, wide-bodied jets.

Claim: The SST is the most productive airplane the world has ever seen.

Fact: The SST proponents have defined productivity in a most unusual way as seat-miles per hour, omitting cost and fuel consumption. By the definition of seat-miles, our moon rockets would only have to carry 30 people at 17,500 m.p.h. to be equally productive to the SST—but try to make a profit on it.

Claim: The SST would improve our balance of payments.

Fact: This prognosis is derived from adding the most optimistic forecast of foreign sales to the most fanciful estimate of purchases by American airlines—all for years in the future, and omitting that tourist dollars spent abroad would offset SST income.

Claim: The American people would benefit from the SST.

Fact: At the higher fares, relatively few Americans could ever afford to ride this plane. Much of the traffic would be tax-deductible expense-account flying, putting still greater burden on the middle income taxpayer who would pay higher taxes to make up for these tax deductions but could not ride in luxury planes.

Claim: $500 million in additional funding will end the Government's financial contribution.

Fact: In 1963, President Kennedy assured us that in no event would it exceed $750 million. We have already spent $864 million and are being asked for $500 million more. It has been admitted that we might have to put another $1 billion to $5 billion.

In sum, the SST would not provide any significant number of jobs now, when the jobs are needed, or as many jobs as the same money spent on remedying pollution or providing adequate health care. It would cost most States more tax money than it would bring in. Claims that the SST will be a profitmaker are based on long-range forecasts and assumptions similar to those which in Britain and France have already been acknowledged to be a keen disappointment. The SST offers as much prospect of hurting, as of helping, our balance of payments. Most Americans would never ride in it but would nevertheless bear the burden of the subsidies. No limit on the U.S. subsidy is in sight. And the enormous sums that we will be asked for in the near and distant future will divert from vital needs now being starved for funds as the President impounds billions of dollars appropriated by Congress for education, water and sewers, naval vessels, military housing, public works projects, Appalachia, and health care.

Mr. CONTE. Mr. Chairman, I yield to my friend the gentleman from Ohio (Mr. Bow) such time as he may consume.

Mr. BOW. Mr. Chairman, I shall not take much time in this debate today. Dr. Long has just made a very fine statement of rumor and facts or whatever he called them. I just wonder whether some of the facts are as much rumor as the questions he raised—or where the facts come from. But I would question many of the facts that were given by the good doctor.

I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Which fact do you want to question?

Mr. BOW. I can only answer that the gentleman has so many unusual facts that I would question a good many of them.

Mr. LONG of Maryland. The gentleman must have one in mind.

Mr. BOW. I will do that tomorrow after I have had a chance to read them.

Mr. LONG of Maryland. I just wonder if the gentleman had anything in mind or whether he was just speculating about anything.

Mr. BOW. The gentleman says or mentions speculation by those who are opposed to the SST. I should think the gentleman out of generosity would give some of us a chance to speculate a little bit, too—along with the hard facts that we are going on why the SST should be built.

Mr. Chairman, on this question of the balance of payments, I know that Dr. Long and many others have been at airports all over the world. Well, I will not say all over the world but in certain areas of the world. As you look out over these airports, you see practically nothing but American aircraft used by the airlines of other countries. The fact of the matter is that between 80 percent and 85 percent of all aircraft now being flown in international traffic were built in the United States. If we lose our prominence in this field, it will seriously affect the balance of payments. There can be no question about that—that is a fact.

If they build an SST-type plane, the Concorde or the Russian plane, they will capture the market, and we will lose our position in world trade in the building of aircraft. I think that is a very important consideration.

I wish to go into another question that was raised, and that is the question of financing. The gentleman from Tennessee (Mr. KUYKENDALL) said that I was opposed to Government financing of prototypes, and that is true. I did oppose it. I had introduced a bill in several Congresses known as H.R. 15, in which I had proposed that there be private financing of the entire construction of the prototypes in the building of the SST. I tried my best to get hearings on those bills before the Interstate and Foreign Commerce Committee in order to submit the facts. The matter was debated on the floor in the House on an amendment, but I do not believe it was sufficient. It should have been heard by a committee of the Congress so all the facts could have been presented. We could have done it at that time.

I had talked to bankers, brokers, and people who were in Comsat and others. They said at that time it could be done, because interest rates were lower and money was freer. It could have been done.

But the decision was made by the Congress not to do it that way, but to do it in the manner in which we are now building the plane. But I have said at all times, even when I was opposed to Government financing and I supported private financing, that I felt an SST should be built in order to enable us to maintain our position in the aviation world.

Therefore, I am supporting the joint resolution today providing that we build the SST, in order not to bring about a cost that has been estimated might go over $1 billion if we should cancel the contract today by not supporting the appropriation. The cost of canceling today or voting against the joint resolution could cost the taxpayers of this country at least $1 billion or more. Then what would we have? We would have nothing.

But if we build the prototypes, we will then have an opportunity to determine whether all the charges made against the SST are true or not. If these claims that the gentleman from Illinois and others are making should be proven to be true, then we should not fly the SST. But until we have the prototypes—and I know the gentleman from Illinois said we did not need a prototype to prove these things, and that is about what he was going to tell me right now, so I will yield to the gentleman so he can get it in at this point.

Mr. YATES. To the contrary, I have already put it in the record, and it has been testified to in the hearings by experts.

Mr. BOW. The statement is also in the record by witnesses that the building of a prototype will lead to the final decision on whether or not the airplane will do those things. That statement is in the record. You can read this record and you can get almost anything you want out of it.

I sat through most of the hearings, and I have never seen a better case made for the building of the SST than we had this year. I thought the witnesses who came up from the administration, from the Government, and those on the outside made an excellent case. I admit some of the witnesses on the other side made an excellent case. I am reminded that one of them had a long, long statement about how the ozone was going to be affected, and I think the gentleman from Tennessee took pretty good care of that point. The witness delivered a long statement to the effect that we were all going to get skin cancer if the SST were produced and flown. I do not want to be a party to such a thing. Therefore, I was interested in what this gentleman had to say.

It developed later that this is the same gentleman—the one who said that we were all going to get skin cancer—who talked about the brownout in New England and the cause of the brownout in New England. He said it was caused by unidentified flying objects from outer space, that they were manned unidentified flying objects from outer space, and that they were down here to spy on us, and they caused the brownout up in New England and New York.

And they caused the blackouts in New England and New York. Now I cannot give much credence to the testimony of that expert on skin cancer and ozone.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think the gentleman goes further than the testimony before our committee when he says Professor McDonald said that. Professor McDonald said that might have happened. He did not say it did happen.

I might say the other administration witnesses, including Dr. Singer and Dr. Kellogg, said Dr. McDonald, of whom the gentleman speaks, has the very highest qualifications as an atmospheric scientist.

Mr. BOW. I think he has some qualifications, and certainly more than I have on that subject. He has more letters and Ph. D.'s behind his name than the colleagues of mine who spoke a few minutes ago on that sort of thing, but I do not think he is much of an expert when he talks about what caused the blackouts in New England. Maybe he does know something about the ozone, but not about the blackouts in New England.

Let me say this. I look around the Chamber and I see all the young people are here.

Mr. GROSS. Wait a minute.

Mr. BOW. Yes; I see one older man back there. He is still younger than I, but I am older than most of the Members here. I heard last November about how old and feeble and senile I was, so let an old, senile gentleman make a statement. I can remember the day when the farmers in Iowa—no; let us make it Ohio, because I know more about Ohio than I do about Iowa—would go out along the highway with a shotgun to try to stop the automobile from coming by because of what it was going to do not only to their stock, but to the ecology.

I can remember riding in a horse and buggy with my family. We had a surrey—no fringe on top, but it was a surrey—and we would be going along the road. Father would see an automobile coming along. Under the law of Ohio at that time, if the driver of a horse and buggy held up his hand, the automobile had to stop. I think father at that time was thinking the same as opponents of the SST today—that if he put up his hand, he was going to stop the automobile.

We can go back to the steamboat. They were not going to have the steamboat because of pollution. Look at all the progress we have made in this country. Somebody sometime has used the same scarecrows we are hearing today.

I can remember one thing. In my city of Canton, Ohio, we had the Sun Vapor Light Co. there. The Sun Vapor Light Co. made the mantles and the standards for the gaslight on the streets of the cities. They were good. But when Mr. Edison invented the electric light bulb, and his wife had come from Canton, Ohio, he went, or his representatives went, to the Sun Vapor Light Co. to try to sell them his electric light bulbs for some of their lamps. The directors of the Sun Vapor Light Co. said:

> Oh, no. The electric lamp will never take the place of our fine gas mantles.

So any time we get a question of development and of progress and advancement in the sciences, somebody is bound to raise the questions and raise the same scarecrows, but let us find out. Let us build the prototype. Let us actually find out.

I wonder if the gentleman from Maryland wants to discuss taxes any further? Does the gentleman from Maryland (Mr. Long) want to discuss taxes any further?

Mr. YATES. Mr. Chairman, I wonder if the gentleman will permit me to ask him some questions. The gentleman said we would get taxes back from subsidizing Boeing.

Mr. BOW. The gentleman is putting words in my mouth. I did not say we would get taxes by subsidizing Boeing. The gentleman from Illinois said if we would build 500 planes, the Government would get $1 billion, and Boeing would get more.

Mr. YATES. Boeing would get a profit of $6 billion.

Mr. BOW. The gentleman said Boeing would get a profit of $6 billion. My question then was if they get a profit of $6 billion, would not about half of that or $3 billion come back into the Treasury? Set the record straight.

Mr. YATES. Yes; I will accept the gentleman's version of the record.

I think that same argument would hold for the Government subsidizing all of us for the reason that we all pay in taxes to the Treasury.

Mr. BOW. I just wonder if the Government is not subsidizing us. That question was raised, as to whether I was not getting a Government subsidy. I get a Government subsidy up to $42,500 a year, and I pay taxes on it.

Mr. YATES. I suggest to the gentleman that he works a little for it, so it is not a true subsidy.

Mr. BOW. I suggest to the gentleman that if they build the SST and if it makes a profit of $6 billion somebody is going to have to work pretty hard to make that profit.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. McFALL. Just so that the record can be clear about the profit estimate, though I do not know whether we can estimate profits, the estimated production profit under a 500 SST program shows an accumulated profit after taxes of $1,346 million.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Does the gentleman mean that the Government and Boeing are making the same profit for the sale?

Mr. McFALL. What I am saying is that the information given me by the Department of Transportation concerning the estimates made by Boeing on the profit from the sale of 500 SST's is $1,346 million after taxes.

Mr. YATES. I believe that figure certainly ought to be examined, because I certainly believe it is not accurate.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to my friend from Iowa.

Mr. GROSS. I thank my friend from Ohio for yielding.

In those days of transition from the horse and buggy to the automobile, I, too, was there. I do not recall, at any time, hearing that the Federal Government subsidized to the tune of millions and billions of dollars the automobile industry.

Mr. BOW. I believe the gentleman is quite right. Oh, there is no question about that. I wish we had not subsidized this one. The gentleman knows I fought pretty hard not to have this one subsidized.

I believe we have to have the advancement. The Congress decided it should be done. The gentleman and I did not decide to do it this way, but since Congress has decided, then we must support it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman's analogy about a subsidy for himself of $42,500 makes me wonder whether the gentleman knows what a subsidy is. In fact, the gentleman sounds as if he were running against himself.

To me a subsidy is when one pays out money and is not getting value received, because he wants this vehicle or project which cannot stand on its own merits.

I happen to know the gentleman. I have served with him on the committee. I believe he is a gentleman who is worth far more than $42,500 a year over the years. I wish we had more Congressmen like him. I would not regard that as a subsidy.

I do believe that what we are doing here in the case of the SST is throwing money into a proposition that is not commercially viable or will not yield back to the country anything like what it is going to cost us, even counting taxes from companies which might earn some profits.

After viewing what happened to the Lockheed Co., in Georgia we are entitled to wonder whether firms are going to make profits despite the projections.

Mr. BOW. I thank the gentleman. I respect his views. I know he is sincere in what he believes, that it may not work out. I am just as sincere in believing it will.

I do not believe his definition of a subsidy is exactly right, because if it is something we subsidize knowing it is going to be a failure, that we are not getting anything out of it, then we have been making a lot of mistakes in subsidizing many things, such as farm programs and the merchant marine.

Mr. GROSS. Just a minute.

Mr. BOW. I am just answering his "subsidy" question for a minute. If the gentleman will just wait, we will get to that. I believe the definition of a subsidy is a little bit wrong. I just cannot buy that definition of "subsidy."

I yield to the gentleman from Iowa.

Mr. GROSS. Without the Federal Government backing the farm program and the farmers to some extent, the gentleman would be paying about 25 percent more for his food. The gentleman and his constituents in Ohio have gotten plenty of benefits from it.

Mr. BOW. Just 1 minute. The gentleman should check the record a little bit. I have supported the farm subsidies.

This is one of the problems.

The gentleman from Massachusetts has a problem. He has not, and he does not believe there should be subsidies for this kind of program, and although he has heard all this testimony and found a lot of mistakes in what has happened he cannot support this program because he has been against this subsidy.

But I agree with the gentleman that what we have done for the farmer is beneficial to the Nation. I think if we build the SST and get the profits from it, it will be of advantage to the Nation.

Mr. CONTE. I thank the gentleman.

Mr. WALDIE. Mr. Chairman, will the gentleman yield to me?

Mr. BOW. Yes. I yield to the gentleman.

Mr. WALDIE. I am one of a number of Members of the present Congress who were not present when the initial decision to advance this venture from taxpayer funds was made. Had I been here, I would have been on the side of the gentleman in the well at that time. It does seem to me now the opportunity to correct what seems to me to have been an error and at the time seemed to the gentleman to have been an error presents itself. If the decision made in the Kennedy administration was a bad decision and if the amount of taxpayer funds invested thus far indicates that the decision then made is bad now, then it seems to me it might be on the side of wisdom to back out and let private enterprise in this capitalist system take advantage of the public funds that have been invested thus far and proceed with it as a private venture, and then we can seek to recoup our investment by the increased taxes that would come about as a result of a successful venture on the part of private economy.

What is wrong with that argument?

Mr. BOW. I must yield the floor shortly, but I would like to answer, if I may.

Mr. WALDIE. Yes.

Mr. BOW. What would be wrong with that would be if you discontinued the funds now, it means that you have to shut down these plants.

Mr. WALDIE. Why would not private enterprise——

Mr. BOW. Because it means you have to set up bonding procedures and get into the money market——

Mr. WALDIE. But private enterprise——

Mr. BOW. Let me finish my answer, please.

Mr. WALDIE. I am sorry.

Mr. BOW. Then you run into the situation of suspending the building of the plane, which would be a very costly thing at this time. If we started that way, we would have been all right, but we cannot stop now and set up the whole procedure without a great loss in time and dollars under this program, in my opinion.

I thank the gentleman.

I yield back the balance of my time.

Mr. CONTE. I thank the gentleman from Ohio.

I yield to the gentleman from Ohio (Mr. CLANCY), as much time as he may consume.

Mr. CLANCY. Mr. Chairman, I rise in support of House Journal Resolution 468.

The supersonic transport has been attacked from all sides and so far, reason has always prevailed, and work has gone ahead to build two U.S. prototypes. The Congress of the United States has considered all attacks. It has balanced the issues and always found that the United States should build this aeronautical marvel which can mean so much in this world in these fast paced times. When man so often finds he must be in two places at once, the SST offers the greatest promise to approaching that impossibility. With the SST, 200 men can be set down anyplace else in the world within 12 hours.

To date, we have agreed that the SST should be built; not only because it will provide the most modern transportation system in history, but because it will generate 150,000 jobs, produce tax revenues up to $10 billion, induce between $22 billion and $50 billion in our balance-of-trade payments from 1978 to 1990, and return a conceivable profit to our Government of $1 billion.

Now, we must consider the latest attack. Many who are opposed to development of the SST have appealed to the Nation's anxiety about pollution as a means of curtailing production of the first two SST's. They have said the noise of its engines and sonic booms would be devastating to anyone unfortunate enough to be close by or in the path of an SST. They have said its exhaust emissions will throw a shadow over all the earth.

Most recently, one professor testified that fleets of 800 SST's might cause skin cancer. His testimony has evolved into the most damaging indictment aimed at the SST's development.

Incidentally, this same gentleman has suggested that unidentified flying objects may be related to power failures in the United States. He said there should be an investigation of the correlation of UFO's to the power failures in New York during the 1960's—although engineers have since blamed those power failures on overloaded generator systems.

This person said the water vapors from vast fleets of SST's would eat up the ozone in the stratosphere and allow great quantities of ultraviolet rays from the sun to strike humans and cause skin cancer.

It should be pointed out—and the professor admits this—there is no evidence to support the case.

I really got interested in Dr. James McDonald's testimony—and this is notable today, St. Patrick's Day—because he said that blue-eyed Irishmen particularly were susceptible to sunburns and skin cancer. He said Irishmen especially should stay out of Arizona because the sun there is most harmful to them. The professor should know better than to try to tell an Irishman where he should or should not go.

We are considering here only to build two prototypes.

Eventually, we see the possibility of 300 or more supersonic planes flying around the world but that fleet will be produced over several years. Certainly, any harmful effects will be observed as the fleet grows and can be corrected before any effects become damaging. There will be no rapid pileup of pollution to plague the earth.

In these times, when Congress is so concerned about the environment in which we live, there is no likelihood that we will allow the production of an uncontrollable monster. And, remember, through the measure we consider today, we hold firm control of the SST and its future.

I noticed one other apparent contradiction in Dr. McDonald's testimony. At one place, he emphasized that water vapor from the SST's would eat up the stratosphere's ozone. But, at another place, he said the vapor trails would be so slight that people on the ground would be unaware of SST's flying overhead. There usually would be no contrails.

I prefer to believe that there would be little relative water vapor. Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, said 500 SST's operating 7 hours daily would increase the stratospheric water vapor from 3 parts per million around the world to 3.2 parts per million. Relying on recent calculations at the University of Colorado, he said the increased water vapor would decrease the ozone by only 1 or 2 percent in the stratosphere.

The prospect of noise pollution still bothers a lot of people. But changes in design of the SST engine by General Electric and in the aircraft structure by Boeing Co., will lower the sounds emanating from the SST to below that of jet airliners now taking off from our airports.

Dr. Leo L. Beranek, chairman of the SST Community Noise Advisory Committee, has concluded that commercial supersonic transports can be built which will be acceptable with regard to noise. In other words, modern science and engineering can safeguard our lives and environment at the same time as we are keeping up with the demands of our fast paced times.

We are deciding here if we shall give $134 million more to develop the Nation's SST. If we do not pass this measure, the Federal Government will have to pay $119 million to companies for breaking contracts. We have the controls. We have a choice and it narrows down to this:

We fulfill our commitments and contracts and produce two prototypes for $1.342 billion, or we spend almost a billion dollars and have nothing to show for it. There will be a supersonic transport. It should be ours.

My colleagues, let me make this final point. There are those who say the favorable benefits a U.S. supersonic transport will have on our balance of trade is a myth. They contend that any favorable effects derived from the export of U.S. SST's will be offset by money American tourists, traveling in these planes, will spend overseas.

I ask: Are the favorable benefits U.S. subsonic transports have had on our balance of trade a myth? Have the favorable effects derived from the export of U.S. subsonic jets been offset by money spent by American tourists overseas? Let us look at the record.

Airplanes are one product we still export competitively. More than four-fifths of all the jet airliners flying the non-Communist world are built in the United States. Our aircraft exports have been running at about one and a quarter billion dollars a year.

To say that these exports have not had a favorable effect on our balance of trade is to pretend that American tourists would not have left the country if there had been no U.S. subsonic jets. What, may I ask, was to keep these tourists from traveling in British built VC-10's and Comets instead of American built 707's and DC-8's? And what would our balance of trade situation have been then? Let me tell you. It would have been a lot worse than it is today.

The British and French know this, and so do the Russians. That is what the Concorde and the TU-144 are all about. The British and French would much rather build a competitive new airliner at home, instead of continuing to buy them from us, and then do some exporting of their own. Already more than half of the 74 Concordes on order are slated to go to U.S. airlines.

In meeting this challenge with a bigger, faster, and more economical SST, the United States expects to sell at least 500 airplanes. More than half, 270 would go to overseas carriers. However, the Concorde manufacturers already have plans to produce a second generation, advanced Concorde that would be competitive with the U.S. SST. Delay in offering an American-built SST would provide the opening for a go-ahead on the larger Concorde. Moreover, a European consortium is starting the development and production of a two-engine airbus to fill a gap in the line of advanced transports. Production and sale of a family of transports to foreign carriers that previously were supplied by U.S. manufacturers would do irreparable damage to the export market for both SST's and subsonic jets with its unfavorable effect on our balance of trade.

It seems to me that our friends across the ocean—the benefactors of an immense American tourist trade—are after our airplane trade as well. I, for one, think it would be a shame to give it away.

Mr. CONTE. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, the issue before us today bears vitally upon a fundamental question about the Nation's future: Do we wish to continue to invest even more of our resources and money in meeting demands for better transportation and more services? Or should we concentrate our energies and resources on improving the quality of existing methods?

Every day, in this country alone, an average of almost 10,000 babies are born, about 5,000 persons die, and over 1,000 more persons enter the country than leave. This adds up to a net increase in total population of about 6,000 a day or over 2 million persons a year.

By the year 1980, when the SST's could be rolling down our commercial runways in large numbers, we will have increased our population by at least 20 million. At the end of this decade, not even considering the potential foreign market, the citizens of this country will demand, if it is not available, better international transportation and service.

For that reason, Mr. Chairman, I rise in support of the SST.

I realize that many, though they see the problems ahead, dare not recommend the obvious solution. Why should this be the case? Dr. S. Fred Singer, Chairman, SST Environmental Advisory Committee has a theory about these objections. Dr. Singer was the first Director of the National Environmental Satellite Center and subsequently was dean of the School of Environmental Sciences at the University of Miami. His scientific interests include atmospheric physics, space physics and oceanography. He has authored and edited a recent book entitled "Global Effects of Environmental Pollution." He is currently chairman of the American Geophysical Union's Committee on Environmental Quality.

He declares that—

> I think the answer is complex, but perhaps one of the important reasons is that the SST has become a symbol. In my view, we are witnessing here a general reaction against all technological progress, and against basic science itself, on the part of a coalition of people which—paradoxically—includes scientists.

The environmentalists overlook the important fact that the chief reason the SST is attractive to the world's airline companies also promises a beneficial effect upon the environment. Namely, that the SST would be twice as productive as the most productive subsonic jet, the Boeing 747. As a result, it would take half as many SST's as 747's to handle the international traffic, with the real expectation that the SST can be made quieter and cleaner than the 747.

"The environmental arguments against the supersonic transport (SST) are now in tatters," according to the objective correspondent, Jude Wanniski. Writing in the March 8, 1971 issue of the National Observer, he summarizes the demise of the environmental argument:

> Of all the horrifying charges raised by the environmental lobby against the SST, not one has survived a barrage of intense scientific scrutiny.

Mr. Chairman, though I rise in support of the SST today, I must admit that I am not 100 percent sure that we have the economically viable, airport compatible, transport. Proof of that will come in the development of the prototype. However, Mr. Chairman, I think it would be wrong to default the program and for me to vote against the SST on the basis of a 5-percent anxiety factor. Even Dr. Singer testified he is only "95 percent sure" about the SST, but he hastened to add, within 2 years, before the United States would have to decide whether or not to go from prototype to production of SST's, he believes he can be "99.9 percent sure."

Mr. Chairman, I intend to be open and completely honest about my emotions concerning the future of the SST and I think it is important to point out that we have a great deal of flexibility in our commitment. This joint resolution before us today is simply to supply funds to continue through June 30, 1971, those projects and activities normally provided for in the Department of Transportation and Related Agencies appropriations which includes funding for the SST as authorized in 1958.

Mr. Chairman, if this resolution is passed and we have a continuing appropriation for the SST—this is not the end. Even yet this year we will have before the Congress the fiscal year 1972 appropriations for the Department of Transportation which, of course, will include SST funding. If, what I call my "anxiety factor" has increased, I might very well vote to end SST funding.

No one has positive proof on all issues of the SST and it is unfortunate that claims, currently undecipherable, have been made on both sides. As James Reston pointed out in the March 17, 1971, New York Times:

> For this has been one of the most vicious and misleading debates of the year and most of the time, the national interest has been lost in the turmoil.

As I pointed out in my opening statement, Mr. Speaker, I am concerned about the national interest 10 years from now, but I am not unaware of the current potential for a favorable economic impact. There are 13,000 people employed directly on the SST at this time. It would be serious enough to lay off these individuals, but 10 years from now, if some country is flying a successful, commercial SST and we are not in the field—the total industry would experience an employment trauma.

Mr. Chairman, I am also aware that the interest rate of return on this loan to industry to develop the SST points up the fact that we are voting risk capital to keep our aircraft industry not only No. 1 in the world, but also a significant factor in our economy.

We all become acutely aware of this when the Russians have made it clear that they intend to enter the air transport field and have recently run two-page ads in Aviation Week and Space Technology, an American magazine, urging aerospace executives to buy the Soviet TU-144 SST. They also announced that their plane will go into regular passenger service in October.

But it would be nonsense to put good money after bad in order to seek prestige or leadership for their sake alone. A proponent of the SST made a flat statement in the hearings:

> I said very clearly the taxpayers will get all of their investment back. When the 500th airplane is sold they will get a billion dollar profit. The taxpayers wil get $6 to $10 billion in tax revenue.

Even though I am not a member of the distinguished Transportation Appropriations Subcommittee, whose studious members evaluated the testimony, I cannot honestly say there is in my mind, an absolute certainly that the loan will produce profits. I do know that seven out of nine very able and distinguished members of the subcommittee, on a bipartisan basis, recommend that the joint resolution be passed.

It is interesting to note that some say the SST should not be developed because other problem areas are underfinanced. What the SST opponents do not acknowledge, but what must constantly concern us in Congress, is where the funds are to come from to assure that social needs are not underfinanced.

Without a healthy aviation industry, yielding 2 to 2¼ billion export dollars a year, plus other billions in personal and corporate income taxes, your taxes and mine might well be higher.

Delay now would be exceedingly costly—perhaps costing the United States the market to foreign competitors. Should that happen, the United States would be denied the $22 billion in trade benefits forecast, the $6 to $10 billion in tax revenues, and perhaps 150,000 jobs; we would also lose the $1 billion already invested—money contractually repayable to the Government, plus a good chance for a billion-dollar profit, from SST sales.

Mr. Chairman, the purpose of the prototype program is to resolve uncertainties. Some people talk about a list of priorities. But those who say there are more important priorities cannot be intellectually honest for how can we measure uncertainties not to mention an impact that will not be felt for at least a decade.

By asking Congress to withhold appropriations until uncertainties are resolved, is, Mr. Chairman, recommending action that is not only impractical but, in my opinion, fiscally irresponsible.

Mr. SCHEUER. Mr. Chairman, will my colleague yield to me at this point?

Mr. KEMP. I shall be glad to yield to the gentleman from New York.

Mr. SCHEUER. I am a great believer in the free enterprise system, but I know nothing in the free enterprise system that indicates that the Government is supposed to contribute risk capital.

How does the gentleman justify the Government providing taxpayers' money as risk capital? Is not that the task, the challenge, and the function of the private entrepreneur, of whom I am proud to classify myself?

Mr. KEMP. I do also.

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield further, is not this the role of private industry which is supposed to have the guts, supposed to have the talent and which moves and puts it in the marketplace and does its thing?

Mr. KEMP. I believe there are extenuating circumstances in view of the world situation which involves the complete funding of the Anglo-French Concorde and the TU-144.

Mr. SCHEUER. If supersonic travel is commercially advisable—and I assume some day it will be—why can we not go to the private money market for its development?

Mr. KEMP. I believe I have covered that in my general statement.

Mr. McFALL. Mr. Chairman, I yield

5 minutes to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in opposition to the SST program, and I support the position taken by the distinguished gentleman from Illinois (Mr. YATES), who has outlined an excellent case against the SST.

Mr. Chairman, I think I am well enough known to the Members of this House that they would agree with me when I say that I am not by nature a crusader or a man who espouses one new cause after another. When I made the decision last December to vote with Congressman YATES on his amendment to delete further funding of the SST from the transportation appropriations for fiscal year 1971, I did so only after considerable reflection and consultation. I also did so after reading carefully the hundreds of letters which were then pouring into my office from my constituents, nearly all of which urged me to vote against further funding for the controversial SST. Since that vote, in which I was in the minority as things turned out, nothing has happened to change my mind. In fact, the volume of mail has increased and again has been nearly unanimous in urging me to continue to vote against further funding of the supersonic project.

In all of this, I think that I am correct in saying my voting record on matters affecting the interests of organized labor has been as close to 100 percent as is humanly possible. It, therefore, was an agonizing decision last December, as it is today, to find myself opposing some of my labor union friends on this issue. I would never want to vote in such a way as to cause unemployment. The last thing this Nation needs today is more unemployment. I have satisfied my conscience on this matter to the point where I am convinced that if the funds requested for the SST were spent on other worthwhile projects, there would be plenty of work to go around.

And that is why I find myself about to vote against further funding for this supersonic plane. I am convinced that there are other worthwhile projects—too many other worthwhile projects which need attention immediately—for me to vote for this experiment, and that is what it is. The most positive statement on the matter seems to be to continue the funding so that prototype models can be tested to determine whether it is, in fact, a feasible proposition both scientifically, economically, and ecologically to mass produce the SST. In other words, the funds which we are requested to appropriate today will, at best, complete two prototype models. Only if the tests are successful and some 300 planes are sold will the Nation have recouped its investment in this plane. My friends, I feel that there are too many higher national priorities which are competing for the limited funds available with the SST. We know that the expenditure of this amount of money will revitalize the ground transportation system in this country beyond belief. An expenditure of this amount of money would considerably alleviate the congestion and difficulties in getting in and out of our Nation's major air terminals. Instead of over $1 billion being spent on a prototype model, that kind of money, it seems to me, is urgently needed to tackle some of the major problems confronting the elderly and the disadvantaged citizens of our Nation.

Again, if I were convinced that this Nation's balance-of-payments position would suffer irreparable damage because of my vote today, I would hesitate to vote this way. But I am not convinced that the development of a prototype SST will have that much effect on the balance of payments. Given the generally critical reception accorded the British-French venture in this area, the limitations of overwater routes and reduced power and thrust, I just do not see the market for this plane that the supporters claim for it. As a matter of fact, if the market itself saw the need for such a plane, then, as has happened so many times in the past, private enterprise in this country would have done the job before the Federal Government. Bankers would have been interested. As it is, the Federal Government has spent millions on this project and what we are being told today is that if funds are not continued by the Federal Government, then the experiment is hopelessly doomed. It seems to me the market does not have a very hopeful view of the future prospects of this plane. To those who have told me that this will be the first time the United States will bow out of competition involving a major innovation and let other nations win it by default, I can only say that in the past, private enterprise has always felt it necessary to compete. In this area, apparently the risk is too great. The fact is that our airlines which have invested so much in the 747 have fallen on hard times and have found it increasingly difficult to secure bank credit. Bankers all over the country have indicated their skepticism about yet another multibillion-dollar investment by the Nation's airlines. The race to get somewhere in half the time might prove to be the straw that breaks the backs of our Nation's airlines. The few jetsetters that would benefit from the results and the high costs they would have to pay for their travel just does not strike me as a compelling argument for changing my position.

In short, having weighed all the facts, considered all the priorities facing this Congress, I have been lead to the conclusion unemotionally and even unenthusiastically that the course of reason in this matter is to join with Congressman YATES in voting for an amendment when the House dissolves itself into the Committee of the Whole to delete funds for the continued development of the SST provided in the transportation appropriations for fiscal year 1971 as reported by the Appropriations Committee.

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as one member of the Committee on Appropriations who voted against the appropriation of this money, I would like to commend the gentleman from Illinois (Mr. YATES) for his tenacious devotion to the cause that is before us here today, and I would like to urge a vote against the resolution.

I think it ought to be abundantly clear that merely building and flying two prototypes for 100 hours, at an expense of $1.3 billion to the Federal Government, would not tell us a thing about the economic or the environmental aspects of SST flight.

In fact, going that far in my judgment would only open the door to what the administration concedes is a three- to five-billion-dollar no man's land between prototype and production. It offers no plan for private financing of those production costs, nor can it guarantee that the Federal Government will not be asked to pick up some of that giant tab, or all of it, when the time comes.

We have been exposed these past few months to the hard sell on the theme that "we are too far into the prototype development to quit now, that we should spend millions more to underwrite the $800 million in public funds already spent." Simply, what bothers me about this whole affair is that if that argument has any force at all today it would be virtually nonstoppable once those prototypes rolled out of the hangar, and I think the Government could be asked for millions, and even billions more than we are being asked to fund in this resolution today.

To support their case for full speed ahead, boosters of the SST keep insisting that the age of supersonic transport is here. As evidence, they cite the existence of the Anglo-French Concorde and the Soviet TU–144, implying that these foreign aircraft represent a competitive threat to the American aviation industry.

Actually, the Concorde and TU–144 prototypes demonstrate only that the combination of aluminum technology and prodigious government spending can produce flight-testable aircraft. It has absolutely not been shown that either can operate profitably in civil aviation, or indeed that the aircraft can even be sold.

The Federal Government is being implored to develop and build two SST prototypes at a time when private industry is either unwilling or unable to do so. And what of the prohibitively expensive stages between prototype and certified production model?

Last December, after a meeting in New York, a number of top airline presidents met in New York and expressed their belief that the United States should proceed with the prototype program. In a statement on behalf of those present, Najeeb Halaby, president of Pan American World Airways, posed the question, "Are we able to pay for our part of the program," and answered:

> We believe that the government and the aerospace industry and the airlines will be able to arrange for each to pay its part in the time period 1976 to 1980.

That sounds like a flatout expectation that the taxpayer will be footing at least some of the SST bill years after the prototype development and construction phase.

As a sign of support for the program, the statement noted that 26 airlines had put up $81 million—"money we could have used otherwise," Mr. Halaby said, "but which we paid into the U.S. Treasury 5 years ago as our evidence of faith in the program."

Unlike the Government subsidy, the airlines' money has not all been spent, since $22.4 million of the $81 million was put in escrow to reserve delivery positions for aircraft and is totally refundable.

Second, the remaining $59 million was not all outgo. As the Wall Street Journal has noted, the Internal Revenue Service ruled the money deductible as research and development expense. At corporate tax rates, the airlines' "evidence of faith" in the program dwindles by about half.

Mr. Speaker, there is no reason why this Congress should gamble additional public funds to develop and build two SST prototypes that will not prove out either the economic or environmental aspects of supersonic transportation.

Mr. McFALL. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, article I of the Constitution gives Congress the power to lay and collect taxes to provide for the general welfare of the United States.

Whenever anyone comes to Congress asking for the taxpayers' money, therefore, the first question we should ask is: Is it for the general welfare? If the proposed expenditure will only benefit a few people, if it promises no real public benefits, if it is the kind of thing which can and should be provided by the marketplace without Government subsidy, then the Government should not get involved. It is not for the general welfare.

Using this test, the SST clearly is not a general welfare program.

Who is it going to benefit? It is a high-priced plane for people in a hurry, people whose time is so important to them that they will be willing to pay higher fares to get to Europe a couple of hours faster.

The Transportation Department has labored mightily trying to prove that there are a lot of people like this. The best they have been able to do, however, is to come up with projections showing that 10 percent of the American people will be flying internationally by 1985. But only a small fraction of these people will be flying on SST's, even using the Transportation Department's own figures. According to those figures SST's will make up only about 25 percent of the international jet fleet in 1985, so unless all the subsonic jets are going to be flying empty. Only 2 or 3 percent of the population will be flying on SST's. That is not very many people.

But, it is said, the SST will provide jobs for thousands of persons and be of great help in solving our balance-of-payments problems.

These two arguments—jobs and balance of payments—have been rejected and even ridiculed by the most eminent economists in the country.

Dr. Milton Friedman has said it is disgraceful for knowledgeable Government officials to use these arguments, and calls them demonstrable fallacies.

Arthur Okun, Chairman of the Council of Economic Advisers in the Johnson administration, calls the jobs argument palpable nonsense and says the balance-of-payments calculations are numerical science fiction.

Other economists have called these arguments specious, irrelevant, and economic hyperbole.

The principal and obvious defect in the jobs argument is that the expenditure of a billion dollars of the Government's money on anything—be it SST's, or mass transit, or housing, or whatever—will provide a billion dollars' worth of jobs. The choice is not between jobs or no jobs—it is a choice between jobs building the SST or jobs building something else.

Walter Heller, Chairman of the Council of Economic Advisers in the Kennedy administration, has called the SST "an enormously costly way to create jobs." He said:

> It can't begin to match the job-creating power of a public service jobs program, or a housing program, or even a carefully selected program of consumer stimulus.

Arthur Okun, Dr. Heller's counterpart in the Johnson administration, has said much the same thing:

> There is simply no evidence that expenditure of federal funds on SST will create more jobs or better jobs than expenditures for manpower programs or health or urban renewal.

Milton Friedman, who agrees with these gentlemen on little else, agrees with them on this:

> The so-called employment effects involve a fallacy of composition. . . . Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market, not by government subsidization of leaf-raking jobs.

As for the balance-of-payments benefits from the SST, these are so conjectural and so far in the future that no reputable independent economist thinks they should be given any weight at all.

Dr. C. P. Kindleberger, of MIT, the leading authority in the country on international trade and the balance of payments, has said:

> There is very little validity to these estimates of the balance of payments losses from not building the SST, but . . . this is a faulty basis for deciding the question in the first place.

Milton Friedman has called the balance-of-payments argument "a complete red herring."

Paul Samuelson has testified that the effects of the SST on the balance of payments "can as well be unfavorable as favorable."

The issue is summed up by Dr. Kenneth Arrow of Harvard:

> (1) The balance of payments is not currently a significant economic problem for the United States and may not be in the future;
>
> (2) If it were a problem, it should be handled by general fiscal and monetary tools, not by expansion of one industry at the possible complication of increased readjustment problems in the future;
>
> (3) Short-run problems should not in any case be handled by long-run solutions; the problem may simply be turned into its opposite at some future time.

In contrast to the SST, virtually every other Federal subsidy program has been, at least initially, a general welfare program. They have added to our national defense, like the merchant marine program; or provided frequent benefits to large numbers of people, like the highway program and urban mass transit systems; or opened up new parts of the country to settlement, like the railroads, or benefited the economy of large geographic areas, like the TVA, inland canals, and the St. Lawrence Seaway.

There is no such public benefit from the SST. It will benefit a few well-to-do airline travelers, but if they want to they should pay for it. There is no reason for the Federal Government to interfere with the decision of the marketplace. If investment bankers, aircraft manufacturers, and the airlines do not think the SST is worth paying for, there is no reason why the taxpayers should pay for it.

Earlier this month, Deputy Budget Director Weinberger admitted before a Senate subcommittee that the administration is withholding $8 billion in funds Congress has already appropriated for a variety of domestic programs in this fiscal year. The funds being withheld include $200 million for water and sewer facilities grants, $200 million for urban renewal, $350 million in housing assistance, and $200 million for urban mass transit.

All of these programs would create jobs, and they are all general welfare programs that would benefit great numbers of people. But to spend money on them would be inflationary, the administration says, although spending $290 million for the SST presumably is not.

If we are to have Federal subsidies, let them be subsidies like these that will do people some good. Let there be an end to this business of subsidizing luxury transportation for the few.

Finally, I would like to include in the RECORD at this point two letters I have received from former presidential science advisers giving their views on the SST. The first is from Dr. George B. Kistiakowsky of Harvard, who served as President Dwight Eisenhower's science adviser from 1959 to 1960. The second is from Dr. Donald F. Hornig, now president of Brown University, who served as science adviser to President Lyndon Johnson from 1964 to 1968:

> FEBRUARY 11, 1971.
>
> DEAR MR. REUSS: In response to your enquiry here are my views regarding the desirability of continuing the public financing of the SST project.
>
> I should begin by noting that I am not an expert in the domain of supersonic flight, in the sense that I have not made any scholarly or engineering contributions to parts of this domain. I have had however considerable personal research experience with combustion and shock waves (the "sonic boom") in the laboratory and I know something about the design of jet engines.
>
> My first contact with supersonic flight as a civilian public issue goes back slightly more than ten years when CAA (predecessor to FAA) proposed to the White House Office, where I then served, to develop a supersonic air transport and President Eisenhower decided against the inclusion of this project in his budget.
>
> On balance I am definitely opposed to massive public financing of the SST project for the following reasons.
>
> Since we already have more than one type of operational aircraft capable of about Mach 3 flight, our international prestige, regardless of the Concorde and the similar USSR plane, is hardly an issue. The argument that we must spend large additional public moneys just to demonstrate the

American technology of supersonic flight is not tenable even though the current project will most likely be successful in a narrow technical sense, that is the prototypes will be capable of sustained supersonic flight. Thereupon, as usual, the pressures for continuing public support into the operational phase of the aircraft will become irresistible. Because of this it is not appropriate to consider separately the desirability of developmental models of SST and of a fleet of operational SST. I am convinced that the latter is definitely not desirable. I am basing this conclusion on the level of perceived noise they will generate near airports on landing and take-off; the problems of stacking them over airports for longer time intervals in bad weather because of high fuel consumption in subsonic flight; or pollution of the stratosphere while they are in supersonic flight.

While I am not qualified to form independent judgement of SST's economic importance, I give more weight to the judgement of such distinguished independent economists as Paul Samuelson (Nobel Prize in Economics, 1970) who discount the economic importance of SST to United States, even though the Concorde may become commercially available.

Finally, I have grave misgivings about spending the resources of very many Americans—the taxpayers—to provide a small elite with prestige transportation on a few over-water routes that will actually save only a small fraction of travel time when computed on a door-to-door basis.

While, thus, my opinion on the present SST project is firmly negative, I believe that vigorous efforts to advance the "state of the art" of supersonic flight should be continued. Improvements in propulsion, including reduction of noise and chemical pollution, perhaps some engineering break-throughs in the design of swing-wing aircraft, etc. may make a civilian supersonic air transport a very desirable undertaking some years hence.

Sincerely yours,

G. B. KISTIAKOWSKY,

Harvard University, Department of Chemistry.

BROWN UNIVERSITY,

Providence, R.I., March 12, 1971.

Hon. HENRY S. REUSS,

Rayburn House Office Building,

Washington, D.C.

DEAR HENRY: I am happy to respond to your question concerning my attitude on the SST prototype development. As you know, I studied this question with the aid of very able consultants during all of my years as President Johnson's Science Adviser. I sat with the President's Committee on the SST during its deliberations. Since then I have followed the debate with lively interest, although I have not had access to any information not publicly available.

My opposition to the program is, principally, that it is so unlikely to succeed as to make it a very poor risk. The tests of response to the sonic boom conducted at Oklahoma City as well as those conducted at my instigation at Edwards Air Force Base and elsewhere make it certain that it will not be acceptable for operation over populated areas. You will recall the finding that the sonic boom is as annoying to people as a 707 jet under full takeoff power directly overhead at altitudes less than a thousand feet. Moreover, the causes of the sonic boom are so fundamental that there is no prospect of significantly diminishing it.

Aside from the unacceptable sonic boom, the payload of the projected aircraft is so small a part of its total weight that it would be an economic disaster—particularly if it grows in weight as it is made safe and reliable as has happened with most, if not all, previous aircraft. Moreover, the economic prospects are diminished if the number produced is reduced to those required for routes over the oceans or unpopulated areas.

At present I understand that the engines are too noisy to be tolerable at major jet airports. In this respect it may have been improved and may be improved further but only at the cost of a further loss of efficiency, making the economic prospects still worse.

As to the various environmental effects, other than noise and sonic boom, which have been suggested, they are speculative and I have no comment.

Finally, there is no question that this development would contribute to the technological advance which is so essential to maintaining the U.S. position in the world. Nonetheless, I believe that this development program is too expensive for that purpose alone and much of the technology will be developed for military aircraft which are already operating at the speed of the SST.

In sum, this is a high risk development which would benefit only the small number of people who can afford first-class transoceanic travel and even then would operate at a loss.

It makes no sense to me to carry it even to the prototype stage since the prototypes will answer no basic questions that we can't answer now.

Sincerely,

DONALD F. HORNIG.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I thank the gentleman from Massachusetts, and I want to compliment him and his colleagues on the other side of the aisle for the very detailed attention which they have given to this question in the recent hearings, and for the extraordinarily fine caliber of debate that has taken place here on the floor of the House today

Mr. Chairman, the SST was the big issue in my last election. It lends itself beautifully to a political campaign. Television producers can create a clever, visible, and audible image of a vast pollution machine, endangering the health and tranquility of one's constituents.

Tens of thousands of dollars were spent in the campaign against me on this issue alone—a TV viewer heard the plane and saw the smoke and was sure that ecological disaster was around the corner. I am delighted today that the ecological disaster which was forecast by my opponents has been shown to be fictitious by the discussion that has taken place on both sides of the aisle this afternoon.

The economics of the issue reminds me somewhat of the salty seafaring economy that flourished in southeastern Massachusetts in mid-1800. In the 1860's we had clipper ships that sailed the seas and we dominated world trade on the oceans.

During the Civil War, distracted by the military effort, we lost our leadership on the seas as the British subsidized a ship known as the packet and took away our lead in that field. From then on our merchant marine has literally gone down the drain until today, less than 4 percent of ocean travel is in American bottoms.

In order to recapture our lead in this area, the Congress authorized a $10 billion merchant marine program just last fall. We did this in an effort to catch up with the Russians, Japanese, and the others who have been building merchant ships and plying the oceans of the world with crews from countries other than our own.

Wealth comes only from production. It is very well to say that other programs have higher priorities. We all want to improve our ecology and our economy. But you cannot do it without revenues. The purpose of this plane is to generate such revenues by maintaining our worldwide lead in aerospace.

All over the world, in war and peace, you see American commercial aircraft—and 85 percent of these planes are manufactured in this country. The Russians, the British, and the French economists recognized that the next generation of aircraft is going to be supersonic and they decided to capture the lead—in the same way that the British did in the era of clipper ships.

Unless we respond as called for in this resolution we cannot compete with the state subsidized SST efforts of other nations of the world. We have lost our shoe industry. We have lost our textiles. We have lost our television manufacturing. I tried to buy a domestic television set the other day and got one from Sylvania. As I was installing the antenna, I noticed that it said on the back of the set "Made in Taiwan."

Much of what we use today comes from abroad. Aerospace is the only industry in which we are still the unrivaled leader. That, too, can go the way shoes, textiles, and our television industry have gone unless we do something about it.

Now, Mr. Chairman, my support of this program does not mean that the SST is desirable at any and all locations. Even though the atmospheric and noise pollution problems may be resolved, success with these aspects of its development does not mean it will or should use existing airports. It is evident that in the new air transport system, new backup communities and facilities may be, and probably are, necessary. On the other hand, my district in Massachusetts, and particularly Cape Cod, is not that community nor does it have the facilities.

During the last campaign, Mr. Chairman, my opponents tried to convince the people of Cape Cod that this plane would land in their backyard. They tried to convince these intelligent people that their fragile and precious environment would be the nest for ear-shattering, pollution-bearing supersonic transports. But these people, my constituents and friends, remembered. They remembered 10 years ago, when the Cape Cod National Seashore was established through my vigorous support, that we made some judgments that have a parallel today. The national seashore could have been developed like a Jones Beach, or a Coney Island. But we decided then that the cape could not survive that kind of development. It could not absorb that reckless abandon that comes with big projects that devastate our resources, could turn our pine lands into concrete, or litter our quiet leisure with blaring music and blustering neon.

Cape Cod must remain as we know it, as our neighbors know it, and as our visitors from all over the world know it. To conceive of the cape as a potential receptacle for a jetport city, with 60,000 people to service it, with massive requirements for ground or supplemental air transportation, is, to say the least, absurd. We cannot, and will not, remove an asset from the Massachusetts economy and from the Nation's inventory of national parks that is enjoyed by so many people, for so many reasons. As strong as my support is for the development of the SST, my opposition is even stronger to any thought of its operation in southeastern Massachusetts.

To put this question further into perspective, I would venture to say that a cape jetport is both environmentally and economically absurd. The centers of population and commerce which such a jetport would be intended to serve—Greater Boston, Providence, Worcester, the Merrimack Valley, and perhaps Hartford—are simply too remote from Cape Cod for a proposed jetport to attract sufficient passengers and cargo to be economically viable.

Finally, I believe that the Federal statutes dealing with environmental policy, which require a thorough evaluation of the ecological impact of such federally funded projects as airport development, would restrain the Commonwealth from establishing a commercial jetport in such an environmentally delicate area as the cape. And I know, since any plan of this magnitude and impact would have to be approved by the Governor, the Honorable Francis W. Sargent, who is a former Commissioner of Natural Resources, and who served as the executive head of a committee on national conservation and recreation resources, will unequivocally oppose any such project.

In conclusion, Mr. Chairman, because of my many contacts with constituents on this matter and because of my concern and fight for the preservation and conservation of our natural resources and the environment, I would like to add to the Record four letters which provide more detail and more insight on the subject. These letters, two to Mr. Henry Beetle Hough, editor of the Vineyard Gazette, and Mr. Thomas Hale of Vineyard Haven, and Mrs. Phyllis S. Garvey of North Abington, will be of interest to many of the concerned residents of the 12th District of Massachusetts:

February 19, 1971.

The Vineyard Gazette,
Edgartown, Mass.

To the Editor:

The Vineyard Gazette, along with a number of other newspapers in Southeastern Massachusetts, has taken strong exception to my support for the SST development project. I would like the opportunity to respond to some of the arguments being made against the SST, particularly those contained in your editorial of February 5th.

The discussion surrounding the SST, I regret to say, has generated more myths and misunderstandings than any other public policy debate in my memory. The most important of these myths, insofar as Southeastern Massachusetts is concerned, is that which holds that the question of developing an SST prototype is somehow directly linked to the question of establishing a jetport at Otis Air Force Base.

At present the proposed Cape jetport is nothing more than a gleam in the eye of Mr. Crocker Snow. In the past few years he has tried and failed to win acceptance of commercial aviation at the South Weymouth Naval Air Station; I expect and trust that he will be no more successful as far as the Cape and Otis are concerned for the odds against a commercial jetport there remain quite long. The Air Force currently occupies the property in question and has assured me that its ongoing plans call for no phase-out of the mission at Otis. Further, the Governor and the Massport Authority, in response to urgings by interested citizens, including me, have stated that they oppose the establishment of a jetport in our area. Without the support of these key officials, with the continued presence of the Air Force at Otis, and in the face of spirited opposition on the part of an aroused citizenry on the Cape, how can Mr. Crocker Snow fulfill his dream of establishing a jetport there?

To put this question further into perspective, I would venture to say that a Cape jetport is economically and environmentally absurd. The centers of population and commerce which such a jetport would be intended to serve (Greater Boston, Providence, Worcester, and the Merrimack Valley) are simply too remote from Cape Cod for the proposed jetport to attract sufficient passengers and cargo to be economically viable. The lack of adequate surface transportation linking the Cape with the rest of Massachusetts is another nail in the coffin of the jetport scheme.

Finally, I believe that the Federal Environmental Policy Act, which requires a thorough evaluation of the ecological impact of such federally funded projects as airport development, would restrain the Commonwealth from establishing a commercial jetport in such an environmentally delicate area as the Cape.

So, how does all of this relate to the SST? Not at all, in my view. Assuming, for the sake of argument, that Mr. Crocker Snow overcomes the forces arrayed against him and establishes the Cape jetport, SSTs landing at Otis would be no more annoying to nearby residents, including those on the Vineyard, than would existing jets. Indeed, they may be even less annoying.

First of all, the FAA is currently developing a rule to prohibit jets from flying at such speeds over land as to cause a sonic boom to reach the ground. In effect, the sonic boom will occur only well out to sea where, according to studies of flights by military supersonic aircraft, the impact of the boom on the marine ecology is negligible.

Secondly, due to current and projected technological developments aimed at quieting the SST's engines, the "sideline" noise of the Supersonic Transport, as it rolls down the runway will be well within the maximum guidelines set by the FAA for new subsonic jets. Finally, the SST will take off on such a steep angle of ascent that by the time it is over populated areas adjacent to the airport, the engine noise heard at ground level would be considerably less than that created by current four engine subsonic jets which do not climb so rapidly. And, by the time an SST taking off in the direction of Martha's Vineyard passed over that island, the noise heard at ground level would be about equivalent to the existing noise level on Main Street in Edgartown on a busy Saturday afternoon in summer.

In any case, even if the American SST program were scuttled tomorrow, the British-French Concorde, which gives every indication of being a viable supersonic aircraft, will be flown to and from the United States. Thus, a vote for or against the development of an American SST prototype has no direct relationship to the presence or absence of SSTs at Otis.

Regrettably, the American press in general has failed to provide its readers with anything approaching objectivity or accuracy in its treatment of the SST question. No aspect of the SST debate has been more distorted or subject to more unfounded, emotional generalities than the question of the SST's possible impact on the environment. Some charge that the SST will bring on a new ice age; others say that a melting of the polar ice caps will result. To put it charitably, such allegations are pure fantasy.

As I noted above, noise pollution, whether supersonic or subsonic, will be no greater than that associated with aircraft already in use. And what will the SST's impact on the upper atmosphere be? Last summer the report of the MIT Summer Study of Critical Environmental Problems received considerable national attention as it related to the SST's effect on the stratosphere. Despite innuendos in the press to the contrary, the study in no way saw any reason for delaying or ending the American SST program.

Indeed, in reply to irresponsible allegations supposedly based on the MIT-Williamstown report, Dr. Will Kellogg, Chairman of the Work Group on Climactic Effects and Associate Director of the National Center for Atmospheric Research, issued the following statement:

"I am very much disturbed over recent gross exaggerations and scientific mistatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August, a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SSTs."

I regret that time and space prevent me from further commenting on the speciousness of many of the arguments being used against the SST. Allow me in closing, however, to say that the SST is no doomsday machine or otherwise a threat to man or his environment. All ecological questions will have to be answered satisfactorily during testing of the prototypes before production of an SST fleet is allowed.

In conclusion, I would like to restate briefly some of the reasons *for* the SST. First of all, advances overseas in SST technology, particularly in the development of the Concorde, indicate that, as the next generation of aircraft is produced, the American lead in aviation markets, in the absence of a competitive SST, will be seriously eroded. In this regard, studies show that the SST's beneficial impact on our balance of payments over a 12 year period can range from $17 billion to over $45 billion. In contrast, a serious trade deficit could occur as foreign and domestic airlines, for lack of an American SST to buy, shift their aircraft purchases overseas.

Further, the SST will create 150,000 jobs in, and related to, the aerospace industry and will generate some $10 billion in state, local and federal tax revenues. Lastly, the federal government, after the projected market of 500 SSTs has been sold, will recover its full investment, plus royalties of $1 billion.

No one can predict for certain that the SST will be an economic success—though, as of now, the data does point toward that conclusion. So it is an economic gamble to be sure. But the economic and social gains which promise to result from development of this new aviation technology far outweigh the small investment which the government is required to make.

Sincerely,

Hastings Keith.
Member of Congress.

March 3, 1971.

Mr. Henry Beetle Hough,
Editor, The Vineyard Gazette,
Edgartown, Mass.

Dear Henry: Thank you for yours of February 27th. I'm sorry you detected "anti-intellectualism" in my letter to the Editor of a few weeks ago. I thought the letter was an intellectually honest, rational, and logical rebuttal to many of the charges being made about the SST's impact on the environment and its threat to the tranquility of Southeastern Massachusetts. And, my contact with the professional lobbyists for the SST has been quite limited. Last August I talked about the SST's environmental effects with several officials of GE; about a month ago, at my request, William Magruder of the SST Development Office in the Transportation Department came over to be quizzed for several hours about a broad range of questions surrounding the controversial aircraft. Apart from these visits I can't recall being lobbied by the interests.

I can understand your concern about the press being maligned by the politicians. However, the press certainly feels no restraints with respect to criticizing the politicians so I think that the politicians should be accorded some First Amendment rights when the situation calls for it. And, I still believe that the American people are receiving a good deal of misinformation on the SST via the press. For example, I recall an editorial in the Boston Globe last year which advised its readers that an SST taking off would make the noise of 50 subsonic jets. Had the Globe taken the trouble to check its facts a little further, it would have learned that this was a half-truth; to an observer at the side of the runway, the perceived noise level would be more like four jets. Obviously, even this is an unacceptable noise level and would have to be reduced before the SST could go into production. A further check of the facts would have revealed to the Globe the existence of efforts at modifications of the SST's engines to bring noise levels within acceptable bounds. And, these modifications have proceeded to the point where the Noise Advisory Committee on the SST reported a few weeks ago that the technology now exists to bring the SST's noise down to the level of new, four-engine, subsonic jets.

All of this is simply to say that the press, like any other human institution, is not infallible. And, I don't think it improper or unfair for me to point out areas which I believe the press has exhibited some poor judgment or lack of objectivity. Heaven knows, I've been crucified regularly on numerous editorial pages for my alleged poor judgment in voting for the SST appropriations.

With respect to Mr. Shaffer's remarks, I'm sure that the airlines will do their best to fly SST's as profitably as possible; however, I've been in politics long enough to know that the Congress and an aroused citizenry from coast to coast will not let the FAA get away with relaxing the proposed ban on cross-country supersonic flights by the SST. In early 1969 the hue and cry about the ABM in cities like Boston, Chicago and Seattle resulted in a quick transformation of the Sentinel into the Safeguard, with the missile sites removed from urgan areas to rural locations. I expect that the outcry about sonic booms would be considerably greater. And, I'm sure that the FAA and the airlines know this.

Perhaps, as you and Mr. Lewis noted, the British would be happy to have an excuse to drop Concorde financing. On the other hand, they might be just as happy to see the Americans drop our SST project so that Concorde could dominate the market.

In any case, regardless of what the Boeing and BAC people said at the press conference Lewis was reporting on, I don't share the view that the earth should be paved over for airstrips. Nor should it be paved over for superhighways. We should instead seek to diversify our modes of transportation and encourage those which cause a minimum of pollution and congestion. It was for this reason that I voted last summer against cutting a mass transit authorization bill from $5 billion to $3 billion. It was for this reason also that I strongly supported the Railpax proposal both in Committee and on the Floor. And, I'm now looking into the possibility of promoting experimental helicopter shuttle service in the Northeast Corridor so as to reduce congestion at major airports.

Finally, I would like to try to put the SST appropriations into some kind of financial perspective. The amount in question this fiscal year was $290 million. A large amount to be sure; however, the space budget was $3.4 billion for this period. The farm budget was $7.9 billion. I have consistently voted against both of these programs. Obviously, only a small reduction in these expenditures would fully cover the annual cost of the SST. This is not to say that we should spend our federal moneys on worthless projects because they are relatively inexpensive; it is to say that the SST, whether a wise or foolish investment, represents a small expenditure when compared with the cost of moon shots and farm subsidies. And, it is an investment which I believe will be fully repaid.

With best regards.

Sincerely,

Hastings Keith,
Member of Congress.

March 17, 1971.

Mr. Thomas Hale,
Hine's Point,
Vineyard Haven, Mass.

Dear Tom: Thanks very much for your recent letter replying to mine which had been published in the Vineyard Gazette.

To reply to your comments, point by point, I would first say that I agree that airplane development should be relatively low on our scale of national priorities. And, I believe that if the funds for the SST are seen in perspective, this is the case. For example, the Urban Mass Transportation Assistance Act of 1970 expressed a federal commitment of spending $10 billion on mass transit over the next 12 years. (For the next five years the authorization is $3 billion, an amount which I had voted to raise to $5 bililon.) And, for Fiscal Year 1970 federal education appropriations amounted to $4.4 billion. SST appropriations for the same fiscal year were (or will be) 290 million dollars and the amount required to be appropriated will be substantially reduced over the next few years. I could continue citing large appropriations for social programs. The point I want to make however, is that the government is devoting many more billions to education, mass transit etc. than it is to the SST. Further, once the SST fleet is produced, up to $10 billion in additional revenues for state, local and federal social programs will be generated.

With respect to the current airport-airways system, I agree that great improvements are needed. It was for this reason that I supported in Committee and on the floor the Airport/Airways Development Act of 1969. Largely through the levy of user taxes this legislation will raise $5 billion over the next ten years for airport and airways modernization.

Again, I agree with you that we shouldn't be in a constant race with the Russians simply for the sake of being in a race. This philosophy prompted me over the years to oppose appropriations for NASA. If we want to begin reallocating priorities the NASA budget of $3.4 billion might be a good place for Congress to begin cutting. I would point out that this is well over ten times the amount appropriated this fiscal year for the SST.

The problem of foreign competition becomes critical, in my view, when balance of payments problems are considered. I am not quite ready to write the Concorde off as a failure and would point to BOAC's reaffirmation of a few weeks ago of its intention to proceed with Concorde purchases. Once these craft appear in the world's airways, I believe, competitive pressures will force American and other airlines to purchase SST's. In the long run our balance of trade position could be seriously eroded if we fail to compete.

One final word on the environmental questions associated with the SST. This afternoon on the floor of the House, Congressman Silvio Conte of Massachusetts, who is opposed to the SST and who sits on the Appropriations Subcommittee which recently held hearings on it, stated in effect: There are no environmental reasons for delaying SST prototype development. Conte and most other SST opponents in the House have now shifted the basis of their arguments against the plane from ecology to economics.

Thanks again for writing and best regards,

Sincerely,

Hastings Keith,
Member of Congress.

March 17, 1971.

Mrs. Phyllis S. Garvey,
North Abington, Mass.

Dear Mrs. Garvey: Thanks very much for your recent letter in opposition to further development of the SST prototypes. To explain my views on a number of critical questions surrounding the SST, particularly those concerning its environmental impact, I'm enclosing a copy of a letter which I sent last month to the Editor of the Vineyard Gazette.

With respect to the specific points which you raised, I believe that the Massachusetts legislature would be overreaching its authority if it were to ban SSTs from the Commonwealth. Unless Massachusetts has sound public health or safety reasons for banning SST it would be engaged in an interference with Interstate and Foreign commerce which is the exclusive province of the Congress to regulate. Since, as my letter to the Vineyard Gazette points out, the noise pollution associated with the SST will be less than that created by current four engine jets, I do not believe Massachusetts will have any reasonable grounds for banning this new aircraft.

I fully share your belief that the government should devote more resources to developing a good ground transportation system. It was for this reason that I voted last year for a five-year, $5 billion federal mass transit assistance act. (The authorization was finally cut to $3.1 billion, a move which I opposed.) And, I participated in Committee and on the floor in the creation of the Railpax Corporation which promises to save passenger trains in the United States. Further, I strongly support federal participation in the development of new types of rail transportation such as the Metroliner and the Turbotrain. If you examine the expenditures for such program, I believe you'll find that they greatly outweigh the funds for the SST.

Finally, I would call your attention to the fact that after the SST fleet has been sold, the government will recover its full investment, plus royalties of $1 billion. Further, sales of the airplane, taxes on wages etc. will generate up to $10 billion in revenues which, in turn, can be invested by the government in a broad range of social programs.

Sincerely,

Hastings Keith,
Member of Congress.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, many of us came prepared originally to this debate with an immense amount of environmental material. We have measurements of ozone, measurements on cubic miles of air, and so on. But I think the chairman has pointed out, the hearings have established, and Mr. Conte I think put it very well in saying that the ecological bubble burst during the course of the hearings, so we are talking about economics now.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. YATES. I will tell the gentleman that the ecological problem and the environmental quandary that the SST would place us in has not burst. It is still a matter of great concern, and I would suggest to the gentleman since the question is still to be considered by the Senate, he had better put his ecological studies into the RECORD.

Mr. ADAMS. I had put the facts in before, but I will check the RECORD to be certain it is covered.

The reason I rise to speak today is because I am a member of the Transportation and Aeronautics Subcommittee of the Committee on Interstate and Foreign Commerce and I want to talk about the matter of priorities. Many of my colleagues have said to me, "Why is it you can support this program? We know you have people in your district who are out of work, but we think there are other and better ways that you can do something for them."

During the course of the past 2 years those of us in the transportation field have spent a great part of our time and effort on every mode of transportation. The SST is one small part of a very big transportation problem. For example we have studied and passed legislation on barges. As I pointed out to my good friend from Illinois—and he is my good friend from Illinois—we have worked together and done everything we can to push forward the mass transportation program, and we will continue to do so.

I stood in the well of this House during the fall of last year for my friends from New York, from Massachusetts, and from Rhode Island arguing—and we had one awful fight—trying to keep their trains, and I will be here again later this year trying to see to it that the trains run in the so-called Golden Triangle of the United States. We are all national legislators and, yes, it is probably going to cost the Federal Government some money in each of these fields. For example, did you know what we did with our trains? We let them go out of business. We lost our technological capacity to move people on the ground efficiently. I will be before this House again, and I hope some of you will be here, too, to put some money into the high-speed ground transportation research which is now going on in Colorado. We must have that as well as this air transportation research.

I will say to you gentlemen—and I have looked at the railroad systems in the world—we do not have a system that we can point to any place in the United States today which will move large numbers of people efficiently. Yes, we will have to put some Federal money into developing such a system, because it cannot be developed in private industry. Why not? Because we have let the railroads collapse, technically, and they have collapsed financially.

I will also be here trying to do something for the Penn Central Railroad service. In another field I have supported the bill which will try to bring back the merchant marine. Yes, Government does have to be involved in these things. We regret that, but it is true. We are trying to establish our national priorities, and a viable transportation system is part of that.

Again, I, like some of my friends, have been here in the well of the House supporting domestic and social programs to help the poor and the needy. Yes, we will try to undertake such programs, but we have to decide how much we can put into each program, and this SST program, one small part of transportation which, in turn, is part of our whole system of Federal spending.

To give you some idea of the problems involved in trying to move more and more people, if we were still flying the DC–3, to move the number of people we are moving today with 3,000 jets, it would take us 50,000 DC–3 airplanes. Think of the amount of pollution that would be caused by that number of planes flying to say nothing of the congestion that would occur.

Members will also have some idea of the pollution that would be caused if we were to continue DC–3's into 1990 when we would have needed 250,000 DC–3's.

We are going to try to put together all parts of this transportation system. Last year 6 million Americans were flying in the international trade. It is estimated by the year 1990—and that is what we are looking at with this airplane—we will have 26 million Americans traveling in international trade.

The problem with economics and making economic projections—and I think this is what causes the concern of my friend the gentleman from Illinois is worried about. He is saying that if this depression continues and the airlines stay flat on their backs and the money remains tight, this thing cannot succeed. I might say to the gentleman, if all those things continue as he suggested, then very few things in America can suceeed. We have to have a little optimism and we have to have it in the mass transportation system too.

Mr. YATES. Mr. Chairman, if the gentleman will yield, the gentleman was right in expressing my concern, but he was wrong in coming to the conclusion he did. I would not say it would not succeed. I would say instead of there being private financing of the production plane, I would say it would have to be financed by the Government, as I think it will have to be done, and because of the fact that Boeing has not enough funds with which to go to the private market to get production backing for the plane. I do not think the private financing market would support the production phase of the plane, and that would have to be done in 2 years. The airlines are not in a position to do that.

Mr. ADAMS. This is the precise point brought out about this project. This airplane cannot possibly be certified within 4 years and probably not before 1978. Remember, this gentleman has never said to the Members that the Concorde and the TU–144 are competitors to the 2700-300 series, but the follow-on airplane will be, and that is the airplane they will be building, and that is the airplane we are competing against in the late 1970's. That is what we are trying to develop.

The reason this Member has put in a bill on sonic boom is that we know there is going to be supersonic flight starting in October of 1971 with the Moscow-to-Delhi flight of the TU–144. We know the British will request to come over here with their Concorde. We do have to deal with these factors. We are trying to develop what to do in 1974.

In 1829 this is what Martin VanBuren wrote to President Andrew Jackson with regard to the railroads:

> As you well know, Mr. President, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock, and frightening women and children. The Almighty never intended that people should travel at such breakneck speed.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I think the gentleman did not really intend to leave the impression with the House that further financing of the production version and certification of the plane will take place in 4 to 8 years. As a matter of fact, the production financing must be made immediately during the prototype testing phases of it, and we cannot go into a production phase of the plane until there is money with which to do it.

Mr. ADAMS. The gentleman will remember the testimony of Mr. Magruder on that was very specific, that the size of the industry as it increases during the next 2 or 3 years and the airlines, if and as their business comes back—if it does not, there will not be much financing any place—but these factors are provided. They have three banks they say the project can be financed through. They finance two or three planes a month and not 300 of them at one time.

Mr. YATES. If the gentleman will yield further, I called the Chase Manhattan Bank, which was one of the banks suggested by Mr. Magruder, and their expert said it would be very difficult to finance that kind of program.

Mr. ADAMS. All I have is what the gentleman said.

Mr. YATES. But Mr. Magruder invited me to call the banks and I took him at his word, and I found the banks really reluctant.

Mr. ADAMS. I talked to the gentleman yesterday, and the gentleman said his testimony stands.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, there is much misinformation concerning the Government's current and proposed role in development of the supersonic transport—SST—particularly with regard to its alleged environmental impact.

This Nation proposes to build two prototype aircraft and to test the concept—nothing more—of supersonic flight. These two planes will not be a menace to the environment. But they will provide some valuable answers concerning the future of aviation.

I have been involved actively in aviation since 1942. In fact, I still fly my own plane each week whenever possible to and from my home in Cape May, N.J.

Mr. Chairman, I am confident that the country that was able to place a man on the moon is also able to build the world's finest supersonic transportation in such a way that it will be economically beneficial and that it will have no detrimental effects whatever on the environment.

My record in fighting air and water pollution during the 15 years I have held elected office at the State and Federal levels is a strong one. Currently before both Houses of Congress is my bill to regulate and eventually eliminate ocean dumping of wastes. With the support of the President and the vast majority of the general public, I am confident this type of environmental protection will be enacted this session.

Concerning the issue of SST sonic booms, both the President and Secretary of Transportation Volpe have stated flatly to my satisfaction that commercial SST's will not be permitted to fly at speeds causing sonic booms or excessive noise to reach the ground in the United States.

Many questions have been raised concerning possible adverse effects of large numbers of SST's upon the world's climate. Again, I have been assured that absolutely no full-scale production of this aircraft will be allowed unless it is proven, beyond any doubt, that no damage to the natural world will result.

Mr. Chairman, it is clear that the SST can only be developed in prototype by the Federal Government. The borrowing capacity of the five largest airlines all combined cannot support the financing of the prototype. However, once the plan is put into production, the entire enterprise can be self-liquidating and profitable.

Currently, over 50,000 jobs are at stake in the development of the two prototypes. In the production program, some 200,000 jobs will be affected, directly and indirectly.

I have attended every possible briefing on the SST project during the last 5 years. I have met with authorities and interested parties on both sides of the issue and have weighed each argument carefully.

The arguments against our continuing the development of the SST have about the same substance as those arguments once advanced against this Nation's purchase of the Louisiana Territory or Alaska.

Similar arguments were used against the building of the Suez Canal, against America's space program, and against about every other major job that we have ever undertaken.

Mr. Chairman, I will not stand by to allow the United States to take a back seat to any nation in this field.

My vote in support of continued development of the SST is a very conscientious one. I am convinced the program will benefit the Nation, our people, and our economy without harming the environment.

I include as part of my remarks a concise and factual point-by-point report on how the SST will benefit all Americans:

THE SUPERSONIC TRANSPORT: A PROGRAM TO BENEFIT ALL AMERICANS

THE SUPERSONIC AGE IS HERE

Military supersonic airplanes have been in use throughout the world for more than 20 years.

Russia, France, and Britain not only have prototype supersonic transports in flight test, but have made production commitments, challenging the leadership in aviation long held by the United States. Their aviation industry is on the upswing, while aerospace jobs are declining in the U.S.

With 9 years and $864 million already invested, the U.S. SST development program is two-thirds complete. The prototype preserves for the U.S. the option to compete for the supersonic air market of the future.

WHY DO WE NEED AN SST?

To meet the need for rapid, efficient, economical international air transportation in the 1980s and beyond.

Because of its speed, the SST can do the work of about two 747s and do it economically. The SST can also make more trips per day, affording more flexible scheduling to reduce airport congestion.

International air traffic is forecast to increase six fold over today's traffic by the mid-1980s. The SST can do the work of two to three subsonic jets and is needed to keep the number of airplanes in the free world's commercial fleet to a manageable level.

WHO WILL BENEFIT FROM THE SST PROGRAM?

THE PEOPLE

International travelers — approximately 10% of the adult population in 1985—will have fast, efficient transportation at reasonable fares.

National benefits from a successful SST program include thousands of jobs, more than $6 billion in tax revenues, $1 billion royalty return on Government investment, and at least $22 billion in a favorable balance of trade.

The nation needs profit-making programs like the SST to strengthen the tax base, undergird the economy and thereby provide the funds necessary to support the many social reform programs that consume revenues but do not generate them. The United States needs to foster products which can be produced at our higher wage scales and still compete with foreign products.

At present, 14,000 jobs are directly involved in the SST program; 40,000 persons in 44 states are providing services. In the production program, 50,000 jobs will be directly affected; 150,000 jobs indirectly.

THE AIRCRAFT INDUSTRY

The SST represents a major advancement in aeronautical technology. Advanced technology has sustained the American aircraft industry in the position of world leadership for over 25 years. To stop the SST now and relinquish this leadership to other nations would seriously affect the future of an industry important to our economy and our security.

THE AIRLINES

The airlines need improved productivity to meet the market demand in the 1980s. Forecasts indicate that as many people will be flying on SSTs in 1985 as are now flying on *the total, free-world scheduled airlines today.*

If the U.S. does not build an SST, the airlines will buy SSTs from foreign countries. They may buy new subsonics as well from the growing family of aircraft available on the foreign market. The European supersonic transports are 100% subsidized with no pay-back provisions.

WILL THE SST ADVERSELY AFFECT THE ENVIRONMENT?

Russell Train, Chairman of the Council on Environmental Quality, acknowledges that the prototype program poses no danger to the environment.

Last summer's Study of Critical Environmental Problems, sponsored by MIT, resolved of ameliorated many of the rumors about the SST's supposed effects.

Production SST aircraft noise levels have been greatly exaggerated. The SST will generate *less* noise over the community, where virtually all noise complaints originate, than the four-engine jets of today.

Prior to production commitments, the capability of the commercial SST to achieve noise levels consistent with those required for the certification of four-engine, intercontinental subsonic jets will be demonstrated.

The SST will not be allowed to fly over land at speeds that would produce a sonic boom.

CONCLUSION

The SST program is a calculated investment in a field where U.S. competence is proven, earning for the United States 85% of the free world civil aircraft market. By extending that leadership, we can further nourish the economy of our nation, providing the means to a better America for all the people.

Mr. McFALL. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, supporters of Government expenditure for the supersonic transport airplane have argued that the project will provide badly needed jobs for many people left unemployed by our sick economy. They are correct. But they fail to observe that we could provide the jobs without building the SST, and maybe get something for our money besides a lot of noise and a polluted stratosphere. As Paul Samuelson, the Nobel Prize winning economist said in a recent discussion of the SST:

> Any way that the U.S. government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs.

In the current debate over the appropriation for the SST I am not concentrating on the environmental effect of the airplane alone, no matter how severe I believe that to be. I think, rather, we have to consider why the administration wishes to create a billion dollars worth of jobs by constructing an airplane to save a few wealthy people 3 hours of trans-Atlantic flight time, instead of creating a billion dollars worth of jobs by repairing slum housing, feeding hungry children, improving the Nation's health care, providing mass transit, or cleaning up the environment. In my district we are fighting very hard just for a decent subway.

Indeed, those workers who might be hired for an SST program could be the object of a cruel hoax. If, as many economists have predicted, no one buys the useless airplane, the workers will again be laid off their jobs to face the same hardships over again. Meanwhile the corporations involved, having risked little of their own capital, will be counting the profits earned at the taxpayers' expense.

The administration's push for the SST represents the same kind of government by vested interest that allows the Pentagon to spend billions of dollars each year on useless armaments. Unsatiated by the profits they earn in the conventional marketplace, certain corporations resort to stimulating business with campaign contributions and lobbying expenses. It is a time-tested technique. We thus witness the spectacle of administration officials and some Members of Congress behaving as though they represented Boeing or General Electric instead of the people in their districts or the people of this country.

There are a lot of arguments against the SST, and I do not intend to repeat them now. But there is only one real argument for it: Profits for a very few people. While we debate such false issues as the SST's effect on the balance of payments or the dangers of Russia or England or France producing the first "White Elephants," children in this country suffer from not having enough food to eat. That the Congress should even consider financing this venture invalidates the responsibility of this body. How long must the working people of this country watch their taxes spent, not for anything that might benefit them or their fellow human beings, but for useless pieces of metal that make some rich people richer?

We must vote against the SST. But we should do more than state that we do it because we do not like sonic booms and increased stratosphere pollution. We must declare that we consider the needs of the people of this country to be more important than the profits of the corporations.

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, let me say at the outset that I, like many of my colleagues, have been beseiged by those who favor the SST as well as those who oppose development of the plane. First, let me point out that I am certainly not against the development or production of the SST, and I am not persuaded that the plane will be ecologically disastrous to our environment. In fact, I firmly believe that, at a time when we have lost our lead in the electronics industry to Japan and textiles to the Middle East, we must not permit our lead in the aerospace industry to backslide. Yet, in the development of the SST, we are years behind the British and the French, who themselves are years behind the Russians.

But what does bother me is that this plane is being built with $1.3 billion in public Federal funds under the guise of a loan.

In the 1950's, when the British led the United States in developing the first commercial jet, the aerospace industry came to the Congress and asked for subsidies for the American counterpart—the 707. There were dire predictions then that we would fall behind in aerospace technology. The Congress did not approve such subsidies and today we have 85 percent of the world aviation market. Nor were there any Government subsidies of the 747 which is now considered one of the most sought after commercial planes in the world. These planes were financed by private sources. So why cannot or why will not these private sources finance the SST instead of letting the taxpayer handle the 80- to 90-percent subsidy.

My contention is that, if the project is worth while economically, then the private sector would be more than eager to jump in. Supporting me is W. J. Baumol, professor of economics at Princeton University:

> The logic of the free enterprise system is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be a sufficient demand for the item, capital will pour in to take advantage of the profit opportunities, and government funding then is simply unnecessary. The SST has clearly failed this market test.

And so why does not private industry at least take it from here since the Federal Government already has shelled out, in my opinion, more than its share, totaling $864 million?

The taxpayers do not want to pay for this rich man's toy. Their money should be targeted toward the benefit of the majority of the people, not just the privileged few who can afford to whiz across the Atlantic. It appalls me that it takes me virtually as long to travel the 15 miles from my home in Brooklyn to Kennedy Airport as it would take me to cross the Atlantic on the supersonic jet.

In other words, we need the ways and means simply to get to the airports. I should also add that it often takes as long to get from downtown Washington to downtown New York as it would to fly the length of the 3,000-mile ocean.

That the project will create employment in our currently hard-pressed economy, there is no doubt. But these public funds could be better used for other much-needed projects, as I mentioned earlier. Other pressing social problems deserve higher priority for these public funds, and work on them could certainly contribute to a fuller employment. We can ill afford to ignore the welfare of millions to benefit a few. We cannot afford to spend a billion dollars in public funds on this project and ignore the problems of the majority. Mr. Chairman, let us redirect these funds so the taxpayers may benefit.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman and Members of the House, at the outset I would like to make some admissions. Perhaps that is not the best way to begin, but I would like to make the admission that I represent the Second Congressional District of Washington, which has a very substantial Boeing component in it. We build there the 747 aircraft. Perhaps I should not be supporting this program, because if it turns out to be as good as they say it will, it may take business away from the 747 and thereby cause unemployment in my district. That is admission No. 1.

Second, I am considered probably in this House as a liberal. That is to say, I support programs for education, programs against poverty, and programs mainly relating to human values and changes in priorities within our system.

The third admission is, I think, I can be considered a conservationist. I am the prime sponsor in this House of the North Cascades National Park legislation and a cosponsor of the National Trails legislation and the National Scenic Rivers legislation. I voted for and worked for every piece of water and air pollution legislation that has gone through this House in the 6 years that I have been here.

The fourth admission I have to make is, I am no expert in technical matters. As a matter of fact, I had a little trouble passing chemistry and physics in high school. So I cannot stand here and say that I know for sure what the effects on the environment are going to be. As a matter of fact, I do not think anyone else can, either. I do not know what the effect of water vapor will be. My experts tell me it will not be very much. Some experts say it is going to be substantial. I do not know what the absolute effect of carbon emission is going to be. I do not know what the absolute effect of the noise factor is going to be. I do not know what the effect of radiation exposure is going to be, for sure. I can tell you what some experts say and I can tell you what other experts say.

But it seems to me that we are here considering a prototype aircraft or two prototypes, to be exact, and that we ought to get along with the business of building them and testing a lot of these theories out. A lot of them have been tested, but the gentleman from Illinois said earlier today that there are lots of slips between the drawing board and the wing and the engine of the aircraft, and then he turned around and said that we do not need to build prototypes in order to test these theories out. I submit to you that we do need to build them. In fact, we probably know more about the engines than anything else. We really have to build these prototypes to find out the truth about many of the theories that the experts are throwing around here. I suggest that we ought to go ahead with that.

I said earlier that I am a liberal. I want to see the untrained trained, the hungry fed, our uneducated and undereducated educated, and I do want to see the promise of America fulfilled.

But I submit to you that before this can be done or when this is done, we must have a healthy, vibrant economy. We need jobs to have a healthy vibrant economy.

Mr. Chairman, I am not saying that this SST prototype program will stand on its own as a producer of jobs. Obviously, it will not. That is just one of the factors. But if we build this prototype and if the SST becomes a viable tool, then we stand to produce from 300 to 500 of those aircraft and then we get back into the Federal coffers every cent we have put out, and if we produce 500, an additional $1 billion.

If we build this and if it is a viable economic implement, then we can forget the $17 billion balance of payments outflow that we are talking about and turn it to a credit. Speaking about credits, we need credits very badly in this country. One SST is the equivalent of the importation of 20,000 Volkswagens. If we sell one SST we can offset the importation of 20,000 Volkswagens, and we are going to import them.

Mr. Chairman, we need, in addition to our computer software another good arrangement with reference to the balance of trade. I submit that the SST will be that.

There are many, many more advantages. Many of the advantages are theories. Many of the so-called disadvantages are theories. But I submit to you that it is going to cost us within $300 million as much to cancel this program as it is to go through with it and complete it and check out all of these theories which a number of us have talked about when we take the well of this House and discuss the problem of the further development of the SST. Let us go through the prototype development and find out.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, under the circumstances of the recent assertion by the President of the right to cancel by himself, without consulting Congress, duly authorized and appropriated—for projects, we have no assurance that the President will not end this program when, after we have spent billions of dollars on it, he may find it to be unattractive to him ecologically or politically. This is what he did relative to the Cross Florida Barge Canal.

About $50 million has been spent on this canal, first, which the Joint Chiefs of Staff supported to provide "an additional and shorter line of communication between the Gulf Coast and the East Coast" that would "reduce exposure of shipping to submarine attack," and second, which several independent studies found to be justified and beneficial for economic and job-producing reasons, and third, which many ecologists, and all congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds.

Yet, the President canceled the canal without notice to the public or to Congress. If he has the power to do this, what is to protect the billions of dollars contemplated for the SST should he conclude at a later date, it was a mistake to go forward? Why allow him to waste those hard-to-come-by Federal funds?

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I am not one of those who opposes the SST at this time because it is a new form of jetset transportation. I hope that sometime we will have private enterprise producing an SST. I think it could be a great thing.

I am sure that those who deride the SST because it may be used only as jetset transportation will find the contrary to be true. I hope that we will have economical, environmentally sound jet transportation available to secretaries and laborers as well as the wealthy.

As I understand it, Mr. Chairman, since remote time, when the first cave man put tree trunks between two wheels, and since the chap developed the Stanly Steamer and then the first internal combustion engine, they have been accused of building some kind of a jet-set transportation, but yet we very quickly built them for the masses. So in principle I am in favor of the SST, and I hope I can enjoy the benefits of it in my remaining active or declining years. However, this is not the time to do it, and I can express several good reasons why this is not the time.

First of all, because of the many varied, complicated, esoteric, and confusing environmental questions that have been raised, the final answers to which are not yet in, we cannot proceed with the SST. The administration has admitted as much in saying that they do not want to proceed with the construction of these prototypes until they have satisfactory independent surveys and reports on the environmental problems that had been raised. I would like to see those answers. I would like Congress to discuss and analyze those answers and reports before we act. When the SST is developed the economic pressures for going immediately into mass production will be such that any remaining environmental questions for which there appear to be no satisfactory answers will be ignored. These environmental risks will be part of the price we will pay because of the pressure to get on with the production of the aircraft.

Second, I believe that when New York City is about to fire 12,000 teachers, when the cities of our country are so financially hard pressed, when our public services are being dismantled, when the quality of urban life is being degraded and demeaned, when every American is denied the freedom to walk the streets safely, we should apply our resources to the concerns of life here on earth.

I would like to see the aeronautical sciences that are so heavily involved with the SST applied to make our cities safe, to improve the quality of our criminal justice system, to create an effective mass surface transportation system and to benefit directly all 200 million Americans and their myriad unmet needs.

Mr. McFALL. Mr. Chairman, I have no further requests for time.

Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I was sorry to hear the gentleman from Florida state that he was going to vote against the SST, because the President of the United States saw fit to close the cross-Florida barge canal. There are plenty of good reasons for voting against this program but I do not think this is one of them. As a conservationist and one who has visited and fished in the Oklawaha River many, many times, I want to commend the President of the United States in his decision to close the cross-Florida barge canal project and thus protect this beautiful waterway.

Mr. SHRIVER. Mr. Chairman, I rise in support of this continuing appropriations resolution which includes funding for fiscal 1971 for the Department of Transportation and related agencies, and approximately $290 million for the civil supersonic aircraft development.

I want to commend the Subcommittee on Transportation Appropriations on the excellent hearings on the entire scope of the SST issue ranging from environmental questions to the economic impact upon employment and the balance of payments.

This is a moment of decision for the SST program and, in a larger sense, for our Nation's entire attitude toward the advancement of technology.

This country's aviation leadership is at stake here. Because of the superiority of American jet transports, 85 percent of all such aircraft throughout the free world today are built in the United States. Today, we must ask ourselves whether or not we are going to abdicate American leadership in aviation to the British, French, and Russians who already are years ahead in supersonic transport development.

We are not asked to obligate a single Federal dollar today in commercial production of the SST. We are considering only the completion of building and testing two experimental planes. These two prototype aircraft will help find answers to many questions about civil supersonic flight. They will put performance and economic objectives to the test. They will enable us to replace emotional fears with facts concerning the impact of supersonic flight upon man's environment.

Significantly, the Administrator of the Environmental Protection Agency, William Ruckelshaus, testifying before the transportation subcommittee emphasized that the administration is committed to getting answers to all of the environmental questions regarding noise, sonic boom, radiation effects from the possible reduction of zone, cosmic radiation effects on passengers and crew, and so forth, before commercial production proceeds on the SST.

How else do you solve the problems of supersonic flight unless you pursue solutions through such an experimental or prototype program?

There is nothing new or novel in providing Government financial assistance to the SST. Most commercial air transport advancements were based on some type of Government financing. The one thing different with the SST is that the investment will be returned to the taxpayers with interest.

There are 13,000 jobs which depend immediately upon our decision—and as many as 150,000 jobs are at stake in the years ahead.

In recent months we have witnessed a sharp downtrend in employment in the aerospace industry. I am deeply concerned over an unemployment rate ranging between 9 and 11 percent in Wichita, Kans., in my congressional district, where the Boeing Co. maintains a division. In Seattle, Wash., the unemployment rate is even higher.

The go-ahead on the prototype program will mean jobs for 2,000 men and women in Wichita, Kans. The failure to move ahead will unquestionably mean further layoffs.

Earlier today, I testified before the Special Economic Development Subcommittee on Public Works in support of an accelerated public works bill, costing approximately $950 million over 1 year, designed to assist high unemployment areas. In this continuing resolution we are asked to provide $290 million, which eventually will be returned to the U.S. Treasury with interest and it will guarantee immediately the jobs of 13,000 people and eventually create 150,000 jobs, as well as inaugurate a new era for the U.S. aviation industry.

In addition to the impact upon employment, an American-made SST will have a favorable impact on our balance of payments amounting to over $22 billion.

Mr. Chairman, we are already well along in the construction of two SST prototypes. This is not a new program. It is 10 years along the way. The first funds for research were voted in 1961, during the first year of President Kennedy's administration, and a national program to develop a U.S. SST was established in June 1963.

The Federal Government has invested more than $860 million out of a total investment of $1.3 billion. Private industry, including contractors and airlines, presently has invested more than $246 million out of its committed total investment of $403 million.

We have gone too far, invested too much, and are too near our goal to let this all go down the drain with no tangible returns.

The SST is a logical next step in the state of the art. It now rests with the Congress to determine whether or not there will be an American SST 7 or 8 years from now to assure a position of continued technological leadership for the United States in aviation.

I strongly urge the House to approve this resolution.

Mr. BADILLO. Mr. Chairman, it should surprise no one that as the Member of Congress whose district includes LaGuardia Airport, whose constituents in the Borough of Queens are plagued day and night with the screech and roar and pollution of jet aircraft and who worry not about getting to London or Paris in less than 6 hours but about getting to and from their jobs with safety and convenience, I am unalterably opposed to continue public subsidy of the supersonic transport. My only regret is that I did not serve in earlier Congresses with the opportunity to lend my voice and my vote to colleagues like the gentleman from Illinois (Mr. YATES) who have been waging a valiant fight against a project that clearly has no place in our national priorities.

The SST debate, both last year and this year, has been long and involved. Both sides have been given ample opportunity to state their cases. I believe the following issues have generated the most concern:

First, is the SST necessary to maintain the competitive position of the U.S. aircraft industry? I do not believe it is, particularly in view of the difficulties being experienced by the Concorde. But even assuming that the SST was necessary in this regard, why should all American taxpayers foot the bill? If the project really had merit, it would seem logical that private financing would be readily available, particularly in view of the profits the banking community has made in recent years. The obvious reluctance of the banking community to make commitments on the SST should be warning enough.

Second, is not the SST necessary to protect and stimulate thousands of jobs in the already-impacted aerospace industry? It seems to me that this is like asking if the war in Vietnam is not necessary to safeguard jobs in the Pentagon and profits of defense contractors. Several eminent economists have pointed out, correctly in my view, that the SST will generate no more jobs than the amount of money it represents would generate in any other endeavor. The fact of the matter is that about 13,000 people are now employed on the SST program. This figure is expected to hit about 20,000 later this year as work on the prototypes advances and then decline sharply in the next 2 or 3 years. Should the SST actually go into production—a stage at least 8 years away—about 50,000 more jobs would be generated but this depends on a decision to go into production and a worldwide demand for 500 SST's.

It seems to me that there are really urgent needs in our society that must be met now and which require even greater manpower commitments than even the most optimistic SST proponents envision. When our cities are crumbling, our transit systems stalled, our housing goals unmet, and our air and water increasingly poisoned, what sense does it make to divert manpower to a short-term program that will benefit only the international jet set?

I am as concerned as any Member of Congress about the unemployment crisis in our Nation. But I feel that we would do far better to move speedily on the public-service employment bill and other measures than to pour more millions down this particular rathole.

Finally, Mr. Chairman, I am gravely concerned about the environmental issues raised by the SST program and which simply have not been resolved to the point where further public subsidy would be justified.

We do not need construction of SST prototypes to resolve the issues and this point has been backed up by the administration's own environmental experts—Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency and Interior Under Secretary Russell Train.

What is needed is the kind of independent, comprehensive research program which to date has not been undertaken by the Federal Government but which must be launched regardless of whether this SST program proceeds.

If we have learned anything about our environment in these past few years of growing national awareness, it is that playing catch-up is costly and frequently impossible. We have learned that we do not live at the large end of an environmental cornucopia that has no limit. Our resources are finite and they are precious. The possible effects of a fleet of SST's on the ozone in the upper atmosphere are frightening. The obvious effects closer to the ground are particularly alarming at a time when noise has become more than a nuisance—it is now a serious health hazard.

The American taxpayer has already footed an $864 million bill for the SST. It is time to call a halt to this wasteful exploitation and to restore some sanity to our spending priorities.

Mr. LENT. Mr. Chairman, for months a national debate has raged over the question of whether this Nation should continue to finance the development of a commercial supersonic transport. In the Halls of Congress and in all of the national media both sides of this issue have been discussed at length and with varying degrees of passion.

Tomorrow, we in the House will be called upon to make the decision: shall we appropriate funds for the SST, or not?

As a new Member of Congress, Mr. Chairman, I have listened with interest to the arguments on both sides of this question. I have heard all the arguments for continuing the Government-supported development of the SST. I have heard that we want this plane because it will provide employment. I have heard that we want this plane because we have already invested $1 billion in it and all that is required now is another $290 million. I have heard that we want this plane because it would help the balance of payments, or because we fear the economic competition of Britain and France, Japan, or Russia.

But not once have I heard that we want this plane because the people of this Nation want and need a supersonic airplane. On the basis of that consideration, I shall vote "no" on the continuing appropriation for the SST.

There are many compelling arguments against the SST—ecological dangers, accelerated depletion of our fuel oil resources, the impact of sonic boom, landing and takeoff noise, technical difficulties with the aircraft design, as well as grave economic risks in an unproven market.

These and similar arguments have been flowing forth in a steady stream from many of our Nation's economists, sociologists, investors, and environmentalists. They comprise an impressive document, and I need not recount them here.

Even when we scrutinize the statements in support of the SST, we do not find any assurance that these arguments are without merit. Indeed, the testimony of SST proponents at hearings of the Senate Appropriations Transportation Subcommittee, on August 27, 1970, leave my own pessimism unrelieved.

For example, on the question of employment that supposedly would be generated by this program, the Secretary of Labor, the Honorable J. D. Hodgson, told that subcommittee:

> Considering the planned further war-time to peace-time conversion activity, it cannot be contended that additional jobs would be created by the SST Program.

And the Chairman of the Council of Economic Advisers, Dr. Paul W. McCracken, pointed out:

> It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonable full employment.

Another unresolved question is that of the potential environmental and sociological problems of sonic boom, airport noise, hazards to passengers and crew, and effects of water vapor in the stratosphere. Secretary Elliot Richardson of Health, Education, and Welfare based his support of the SST on "the understanding that some additional data is now available on some of these problems," but advised that "continuous study and research, aimed at finding real solutions, will be required."

Carrying Secretary Richardson's thought one step further, the then-Secretary of the Interior, Walter J. Hickel, stated:

> I believe it is important that the horse be kept in front of the cart and that we insure that satisfactory solutions to these environmental problems actually exist before a major commitment is made for commercial production.

In support of the program, the Chairman of the Council on Environmental Quality, Russell E. Train, stated:

> The concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's.

But his statement yields small comfort when the Executive Secretary of the National Aeronautics and Space Council, William A. Anders, observed almost simultaneously that—

> The government stands to regain the entire $1.3 billion investment when the three hundredth airplane is sold.

Apparently, by committing ourselves to further development of SST prototypes, we may be forced to underwrite commercial production of a fleet of SST's in order to recover our investment, regardless of the detriment to our environment or budgetary considerations.

On the question of the costs of continuing the SST program, the Deputy Director of the Office of Management and Budget, Caspar W. Weinberger said:

> I am concerned about further Federal financial support beyond the prototype development phase of this program. The cost of certification and initial production could run as high as $4 billion.

Interestingly, Mr. Weinberger went on to make another telling point against the very program in favor of which he spoke.

> In my opinion—

He stated:

> the true test of the SST prototype should be in the free marketplace. If investment bankers, air carriers and aircraft manufacturers have confidence that the SST will be economically viable, they will finance the program.

As yet, we have no assurances that the incentive for private financial support of this program exists. Henry Kearns, president and chairman of the Export-Import Bank of the United States, has stated:

> As the SST will not be available for sale until the late 1970's, we cannot point to any such proven demand [for the SST in the world markets].

What we have in the foregoing testimony in support of the SST program is faith overlaid with qualifications and contradictory statements based on irreconcilable points of view, not statements of fact.

The evidence against the SST, however, is substantial. One projection of potential SST subcontracts going to the States indicates that 44 States will actually lose money when the tax investment they would make to the program is measured against the value of the subcontracts they might gain. Most alarming to me is that New York State, expected to contribute $245.7 million to the SST program, may be expected to bring in only $55.2 million in contracts and subcontracts—a net loss to the taxpayers of New York of some $190.5 million.

New York State ranks first on the list of losers, exceeding the predictable loss of the second State, Illinois, by some $108 million. The economic benefits of prototype production to New York's industries and aerospace labor market will be significantly diminished by the overall tax support New Yorkers will contribute to the SST. Indeed, some of the States whose financial plight is presently most critical—New York, Illinois, Pennsylvania, New Jersey, Massachusetts—even California, home of the giants of the aircraft industry—stand to suffer net losses when their tax contribution to this program is measured against the promised production windfall of a single industry.

Another important factor: for me, living on Nassau County's South Shore abutting John F. Kennedy International Airport, the noise argument does not exist merely on a test-engineer's chart or a scientist's memorandum. Noise from jets landing and taking off is a constant phenomenon, relentlessly assaulting the eardrums of the residents of what we call "jet alley" in my district. As past chairman of the New York State Senate Committee on Health, I have consistently fought for limitations on sustained noise over 85 decibels. And yet, SST proponents point with pride to the clearly insufficient reduction of SST noise from 124 to 108 decibels. It is estimated that 10 to 20 million people in the United States suffer hearing impairment, in most instances caused by overexposure to excessive noise. Its contribution to nervous fatigue and cardio-vascular disorders is incalculable.

We hear assurances that noise levels will be further reduced. But can we be sure? Do we recall that the Federal Aviation Administration, in considering imposing noise level standards, includes as a factor the economic and structural feasibility of the aircraft to meet that standard? And do we really believe that the pressures to allow overland flights could be resisted for long if that meant the difference between success and failure of the commercial SST?

The SST prototype program is clearly fraught with risks to our economy, our environment, our people's health, and its own success. In other areas in which the Government has invested, there has traditionally been a broad public benefit based on a broad public need. There is, in my opinion, no demonstrated public need for the SST.

Today, less than 4 percent of the U.S. population holds passports for international travel. These are the only people who would benefit at all from the SST. Yet daily, we in the cities and suburbs are witness to the spectacle of millions of Americans attempting to get to and from work by automobile or by using largely inadequate public transit systems. The state of urban-suburban mass transit in the United States is a national disgrace, yet even now there is a move afoot to reduce the already insufficient Federal funds for this pressing need.

New York's Nassau and Suffolk Counties alone count one-quarter million people who daily ride the Long Island Railroad. And yet, until only recently LIRR equipment production and procurement practices consisted of an off-the-shelf philosophy, with no plan for technological development: just a "holding operation" to keep the line—and its equipment—from falling apart.

Almost 40 percent of this Nation's people live in suburban areas. Many of them spend half their working days on jammed highways and obsolete trains, trying to get to work and back to their families with some dignity intact. Automobile commuters in Los Angeles spend hours on freeways to move a few miles. A few years ago, Boston was ensnarled in a 6-hour traffic jam that paralyzed the city. Airport parking facilities and traffic conditions on the roads that lead to them make air travel more discouraging with each coming year. And yet we are today discussing the continuation of a $1.3 billion program to enable a handful of wealthy businessmen, tourists and jet-setters to fly to London in 2 hours instead of 4.

At a time in our history when we talk about commitment to domestic priorities, it is ironic that we should consider a major public expenditure that will benefit very few. We should instead be talking about the kind of world we want to live in on the ground. The $290 million could buy a lot: engineering and technological talent to start developing mass ground transportation programs equal to the needs of the last quarter of the 20th century, or to start developing new cities to help relieve urban pressures. We could apply these funds to our efforts to upgrade preventative health programs and rebuild our health delivery system; to improve the lot of our elderly and our physically and mentally handicapped; to expand educational and vocational programs; to train and retrain qualified personnel to help find technological solutions to the problems of mass transportation, health science, recycling solid and liquid wastes and cleaning up our polluted air and waterways. We should not spend taxpayer's money on a risky program that threatens to create more problems than it solves.

Our Nation's greatness lies, in part, in the skill and enthusiasm with which we mobilize our resources to meet the challenges before us. Let us utilize those resources by creating unified programs in vital areas to provide employment, economic and physical health, and technological excellence to millions of Americans instead of frittering away still more millions on the dubious SST venture.

Mr. FRENZEL. Mr. Chairman, I am opposed to further Federal funding of the commercial supersonic transport airplane. I wish the issue were as simple as the respective spokesmen would have us believe, but it is not.

Some would have us believe that failure to continue Federal financing of this project need result in either massive unemployment or cause a serious decline in America's technological superiority. I remain unconvinced.

Nor am I persuaded by the arguments of those who prophesy an ecological disaster should the Congress, despite my best efforts, vote to continue Federal participation in the development of the SST. This form of argumentation reminds me of chicken little. An acorn's worth of evidence is interpreted to mean the sky is falling. I am satisfied that neither the Congress nor the Secretary of Transportation would ever permit the SST to go into production should future testing demonstrate that these planes would produce unacceptable environmental damage or discomfort.

But there are other and better arguments which led me to the conclusion that the Federal Government should stop funding this commercial venture. The fundamental issue before us today revolves around the question of priorities. We have heard much rhetoric recently about the need for the Federal Government to reorder its priorities. If there ever was a clear-cut case of old versus new priorities, SST is that case.

There are simply far too many other legitimate but unmet demands which should receive our priority attention. Low- and moderate-income housing, urban mass transit, welfare reform, health care, education, and pollution control—each of these areas is underfunded. Even the authors of the basically sympathetic study of the SST commissioned by the Library of Congress acknowledge that ground transportation and not air transportation is the most underdeveloped mode of transit. Yet, at a time when we are spending at an annual rate of only $75 million for the development of new urban transit technology which would benefit a majority of Americans, we are today being asked to vote an additional $290 million for an aircraft which will benefit only a relative few.

We are also told that we cannot afford to stop now. The Federal Government is in too deep. By March 31 we will have spent $864 million, and if we are to stop now, the proponents lead us to believe that these funds would have been wasted. This curious line of reasoning, of course, assumes that the private sector would abandon the SST in the event the Federal Government withholds further funding. Yet, these same proponents are also arguing that the SST will be a huge commercial success. Now we cannot have it both ways. If it is going to be a moneymaker for the Government, it should also be a bonanza for private financial backers who could pick up the slack in the absence of Federal support. But if it is only a make-work plan, I believe we can devise better alternatives.

For these reasons, I intend to vote against the SST.

Mr. MOORHEAD. Mr. Chairman, the supersonic transport program was begun a few short years ago when we in this country were living in a different age. A decade or so ago this country was startled and chagrined when the Soviet Union launched the first sputnik. We read into the launching of the Russian satellite, signs that this country's technology was flagging and falling behind. We responded by initiating a number of space and aviation program in hell-bent-for-election fashion. The SST was one of these programs.

In the decade since, we have become more aware of the nature of the many deep problems facing the Nation—social problems, environmental problems and economic problems. And as part of this increasing awareness, we are beginning to realize that ungoverned technology, can just as easily create blight as progress. This reordering of the country's priorities is bringing with it the dawning realization that programs such as the SST pale next to our domestic needs.

Regardless of any of the arguments raised by the proponents of the SST program, I am firmly convinced that the billions of dollars that will be sought for the continuation of this program could be spent far better in other areas.

The administration has made very elaborate analyses to support its contention that an SST is an absolute necessity. Yet, I have seen no cost-benefit analysis which showed the relative merits of an SST as opposed to the same amount being spent on additional housing for low income families. Or the benefits of the SST versus ameliorating the seemingly interminable delays in ground transportation to and from airports of our obsolescent air traffic control system. Have these analyses been made or are we merely continuing to travel a path of postsputnik reaction, totally oblivious to the needs of the citizens we represent?

There are a spate of arguments raised by the proponents of the SST—balance of payments; the Europeans are going to get ahead of us; employment benefits; scientific advancements; national prestige; and so on. These arguments are tired and old. Those arguments that center around "the Europeans are going to get ahead of us" and "we need the SST for national prestige" are composed largely of common, garden soil nutrients. The Europeans are having definite second thoughts on the economic feasibility of the Concorde. And as for national prestige—when are we ever going to stop this continual fretting over how we superficially appear to the other nations of the world? In this respect we have become somewhat like an aging movie queen—continually preening in front of a mirror, applying another coat of paint and plaster, draping another bauble around the neck—all the while failing to notice the fat derriere and the varicose veins. Perhaps this Nation can endure and even get healthier without the sort of national prestige that derives from technological baubles.

No, it is not national prestige that we are debating here today. The question here is primarily one of economics and employment. The proponents of this program cite the fact that thousands of jobs would be created. Everyone, save perhaps the administration, readily admits that this country is facing a severe unemployment problem. The SST program, then, would appear to have benefit in alleviating unemployment in much the same way that building the pyramids centuries ago kept the Egyptians off the streets. Unfortunately, however, the SST is not a pyramid. You just cannot stack enough people in or about an SST to truly ameliorate the current unemployment problem. The Boeing Co., prime contractor on the SST, employs only 20,000 people on the SST during its current development stage. It will not be until the production phase of the program in the mid 1970's that significantly greater numbers of people will be employed. I realize that by not funding the continuation of the SST we will be aggravating what is already a serious unemployment problem for the folk in the Seattle area. However, there are other means and other less expensive Federal programs for mitigating unemployment in urban areas. Thus far, according to the mayor of Seattle, the administration has studiously avoided the Seattle area in its economic aid programs. This is a fact which I think is terrible. Indirect subsidy through the Boeing Co. is not, in my estimation, the best way to assure the long-term economic health of the Seattle area. For years, the Seattle area has experienced a boom-or-bust economy. Following World War II the area was economically desolate and it was not until the B-52 and other military programs of the early 1950's and the natural growth of commercial aviation that the area was nurtured back to health. The reason for this is quite simple—the Boeing Co. continues to have an economic stranglehold on the Seattle area.

I for one have great respect for the Boeing Co. They are prudent businessmen—unlike some within the industry who wander about teary-eyed and bleating about the well-being of their employees, and how the company would rather die than let its loyal workers go. Some companies perhaps—but not Boeing. For did you notice that in the midst of this economic calamity, Boeing has been making the best of a bad situation? It had an amazingly profitable year last year while most companies were having trouble just breaking even. I think that that is admirable. So let us not worry about the Boeing Co., it can take care of itself.

If the administration is truly concerned about unemployment in the Seattle area let it come forward with plans and programs that tend to diversify the Seattle area in order to put an end to the boom-and-bust cycle once and for all. Let us not play games with ourselves and pretend that the SST will greatly affect employment on a national scale or provide a real cure to the problems that have plagued the State of Washington for many years.

I might interject here that unemployment is not unique to the State of Washington. We also have a severe problem in Pennsylvania. Yet, we derive little benefit from this program. It only costs us more. The same is true of about 45 States in the Union.

Another aspect of the SST program is the economics of projected sales, balance of payments, and so forth. To listen to the more ardent supporters of the SST we have only to wait for a time and then watch the dollars come rolling back into our coffers. Well, first off—even if the most glowing expectations prove correct, we the citizens of the country, will get our money back plus 6 percent interest. Now that is not such a good investment when you stop to think about it. What is worse, however, is that we will probably never see the money again or at least not all of it. If the Boeing Co. is able to peddle 500 of these conveyances then perhaps we will break even—you, me and the Boeing Co. But what happens if they cannot hustle enough of them—and more importantly, what is the likelihood of not selling sufficient to break even? I might be introducing a somewhat sobering thought by reminding you that the people making these rosy sales predictions are substantially the same ones that have been giving us the low cost estimates which led to $4 billion overrun on the Minuteman and the currently troubled SRAM.

Any figures will do I guess as long as they end up portraying the program in a favorable light. Instead of accepting these figures on faith, look for a moment at the buyers of this work of technological virtuosity—the airlines. General Quesada, a director of American Airlines, has stated he wished the SST would go away. The airlines are currently in a soft state. They are trying to swallow and digest the current generation of jumbo jets such as the 747 and the DC–10; and that is not proving to be easy. With their heavy financial commitments to the jumbo jets along with a decrease in passenger travel resulting from the sagging economy, the airlines are not going to be in any condition to assimiliate an SST for a number of years. Oh, I guess we could hold their feet to the fire and make them buy SST's, but I would be willing to venture that we would have to end up subsidizing the airlines to an even greater extent in order for them to afford these speedy contrivances. The operating costs of the SST are bound to be considerably higher than those of the 747 and DC–10 generation of jets. So I suppose we may have to end up paying people to ride on the things. Either that or those poor passengers who have to ride an old-fashioned 747 will be paying a portion of the costs of those lucky few who are zipping to Europe or Asia in an SST. Quite frankly, this program is economic folly.

But even if one were to accept the financial fantasy and the underlying economic ramifications, there are other serious issues at stake.

The SST, if pursued, is bound to affect our environment to some extent. There are those who warn of polluting the stratosphere and its potential effects upon climatic conditions. Proponents argue that the amount of pollutants is negligible when compared to the rather messy volcanoes we have here on earth. I am not a scientist and I do not know which side is right. And I am not convinced that the scientists really know, either. Yet if we err, I believe we should err on the side of caution when it comes to our environment and the environment of other countries of the world. For if stratospheric pollution will in fact constitute a serious environmental problem, I am not sure when the time comes that we will possess either the technological genius or the money to build a monstrous vacuum cleaner to sweep up all the garbage that we have left up there.

There is another environmental question on which I feel somewhat more qualified to speak. And that is noise. I have two ears that have become somewhat tired of being assaulted at every turn. Neither of them particularly relishes the idea that they will be forced to learn to live with yet another attacker. I am not sure at what decibel level they will rebel and fight back or at what increase in pressure they, along with plate glass windows and ancient Greek ruins, will shatter. My ears do not care about the bland assuagements of the scientists that the noise and sonic booms will not be unbearable. They have heard only one thing—the promise of a better quality to our lives. And they fervently hope that this better quality can be accomplished without the staccato accompaniment of sonic booms as a continual reminder that this so-called better quality of life has arrived.

Mr. Chairman, the SST program is nothing more than part of a national ego trip to use the argot of the young. It is fiscal lunacy in the guise of an employment panacea. And it is yet another attack upon the environmental quality of our lives. It deserves to be defeated.

Mr. DORN. Mr. Chairman, it is a pleasure for me enthusiastically to endorse this bill and the inclusion of funds to help finance prototypes for an American SST. There is no question of SST's being built; in fact the Soviet version will soon be ready for commercial service. The real question is whether the traditional American supremacy in the field of commercial aviation will be lost by forfeit. I support the development of the American SST, and believe any such refusal to continue this initial development would be tragic. It would be interpreted by some as a decision to fight progress, and a decision by our Nation to abdicate our role as the technological leader of the world. For economic reasons, for balance-of-payment reasons, for military reasons and for national prestige, we should continue development of an American SST.

Mr. VANIK. Mr. Chairman, my vote will be cast against further funding of the supersonic transport. The time is long past due to call a halt to this economically unsound and environmentally dangerous project. The last several weeks has seen a strong and well organized lobbying effort on behalf of the SST. A multitude of facts and figures have been thrown at the Congress in an effort to prove that the SST will not threaten the environment and that it is worth funding. In my mind, these facts have not been convincing and the case has not been made for continuing this program. Because of the confusion which has been created in the public mind by this lobbying effort, I would like to state at this time my reasons for continued opposition to the SST.

First, I would like to discuss some of the economic arguments.

It is said that 150,000 jobs would be lost if the SST is not continued. In this time of high unemployment, it is vital that the Government encourage job creation. I do not believe, however, that the SST is the best or most efficient method of providing workers with paychecks. For one thing, the 150,000 figure associated with the SST is highly inflated. At the current time there are only 13,000 workers involved with the SST. Even if funding is continued and some 500 of these aircraft are ordered—which is highly speculative—then only 50,000 workers would be employed on the assembly lines in about 6 or 8 years from now. Only by considering the multiplier effect can anywhere near a figure of 150,000 jobs be claimed for the SST.

But as Paul Samuelson, America's only Nobel Prize winning economist, stated Thursday, the same number of jobs could be created by the Federal Government's expenditure of $1.3 billion—no matter what it was spent for. I would much prefer the money to be spent immediately on emergency public employment which could employ 300,000 immediately in vitally needed public service jobs. Another alternative would be support for the accelerated public works bill, H.R. 4400, of which I am a cosponsor. This legislation would provide immediate assistance to economically hard-hit regions.

Another alternative, which exists in the bill before us today, would be to strike SST funding and increase urban mass transit funds. This would put thousands upon thousands of Americans to work constructing rapid rail coaches and buses and thousands of others constructing the needed transit lines. This would have the immediate effect of increasing employment and the long-range effect of making our cities more habitable. The need for these rapid transit lines is one that is felt in nearly every American city. In my city of Cleveland alone, the modernization needs in this decade amount to $46 million and the cost of needed, new transit lines is put at $235 million. Throughout the Nation rapid transit modernization and expansion is put at about $17.7 billion. It is my belief that our land transportation systems for millions of Americans need improvement before we proceed with a 1,800-mile-per-hour airplane to be used by a very small percentage of the population.

I might add, Mr. Chairman, that the employment picture will be even worse if we proceed with construction of the SST and then have to cease work because of the environmental problems raised by the aircraft.

Another argument put forward on behalf of the SST is that the Government will recoup a profit on the plane of approximately $1 billion. This claim is also highly questionable. First, it assumes that some 500 of these planes will be sold. Yet some economists have estimated that as few as 139 of these planes will be purchased. If this happens, the Government will lose $1.2 billion on the project—but the private corporations will make $150 million profit. This is hardly a fair share of the profits when one considers that the Federal Government puts up 90 percent of the risk capital and private investors put up only 10 percent. Even if all 500 planes were sold, it has been figured that the Government would receive a return of only 4.3 percent on money—money which the Government has been borrowing at 6 percent or more in the money markets. For the Government to finance a deal like this, some might call it state socialism, but it is closer to robbery of the Treasury for the private gain of a special few. No wonder Dr. Samuelson called the SST "the biggest lemon ever devised" in Washington.

Another economic argument used by proponents of the SST is that it is a more productive aircraft than existing planes. It is argued that the SST has two-thirds of the seats that a 747 has but that it flies 3 times as fast and is therefore twice as productive. This calculation ignores the fact that the plane will cost twice what a 747 costs, its range is 1,000 miles shorter than the 747, and it consumes more fuel. In addition, the SST cannot fly over land masses without creating an unbearable sonic boom problem; as a result, it must fly at the same speed as the 747 over much of the world. As a result of all this, operating cost per seat-mile may well be twice that of 747's. Thus, the entire productivity argument is highly questionable.

And there is the argument that it we do not build the SST the world market will go to the Concorde or the Soviet TU-144. This too is a questionable argument. With the Concorde costing twice as much per seat-mile as the 747, most airlines will not be rushing into the showrooms to buy Concorde's. The Soviets have never sold aircraft in the West before and there is reluctance to use these aircraft because of a lack of experience with them and the difficulty of obtaining spare parts. One African nation which was virtually given an airfleet from the Soviet Union ended up returning it as unusable.

I believe that we can—and should—wait until the problems accompanying supersonic transports are resolved. In the meantime we can continue our world leadership on air buses and other jumbo jets. It would be good policy for the United States to work for world regulation of supersonic transports at the upcoming U.N. Conference on the World Environment to be held in Stockholm next year. Rather than encouraging world competition of these environmentally dangerous aircraft, we should take the lead in controlling them.

There are two remaining economic arguments. First, that an increasing number of people will be flying and the SST will be needed for that market. It is true that increasing number of people will be using airplanes and taking vacations in foreign countries—but these people want economy flights. But the SST will be a premium fare aircraft. This means that the ticket on an SST, which will shave a few hours off a flight, will be about one-third above current first-class tickets. If there is anything that the current overcapacity on today's aircraft indicates, it is the fact that rising air fares have driven people to other forms of transportation—particularly the car where five can still travel for the price of one. People are not interested in "lumbar seats" "imported liqueurs," "23-inch-wide seats," and a choice between John Wayne and Jerry Lewis "classic" movies—they want a cheap and safe way to travel. The 747 and Air Bus provide that cheap way of traveling. Only a very, very small percentage of the population—international businessmen and couriers—are interested in the rapid, expensive travel that will be provided by a SST. To tax all the people to pay for this plane that will benefit only a few is unfair and unsound.

The last economic argument states that since we have spent so much money on the project we ought to follow through with the rest. Yet we are really being asked to follow through with an undetermined and potentially very large sum. By the end of this month we will have spent $864 million on the SST. The absolute minimum Department of Transportation estimate of the Federal Government's cost of developing two prototypes is $1.342 billion. This does not allow for cost overruns, inflation, or adjustments to the final models. If private financing fails to develop, the Federal Government will probably be asked to make an additional $1 billion or more in loan guarantees. Gen. Elwood Quesada, former head of the Federal Aviation Administration estimates that the final cost of the SST to the taxpayer could amount to $3 or $5 billion.

Despite the persuasiveness of the economic arguments against the SST, the environmental arguments are even more convincing. The main argument here centers on the effect of the SST on the upper atmosphere.

On a flight from New York to Paris, a 747 would put out about 1.1 million pounds of combustion products such as carbon dioxide and water into the regular atmosphere. The SST, making the same flight, would put out about 1.36 million pounds. But the major problem is that the SST would release these products in the quiet, still stratosphere at 65,000 feet. These emissions would stay in the stratosphere for months—some say years—and react chemically with the substances that are present there. The major substance at this altitude is ozone which is absolutely invaluable to life on earth since it absorbs the sun's lethal ultraviolet rays and keeps them from reaching the earth's surface. But the water vapor released from SST's—and the promoters of the plane are talking about 500 of them flying in the stratosphere—would deplete part of the ozone present there. Officials have estimated that this ozone depletion could range from between 7 and 4 percent thereby increasing ultraviolet radiation by a significant amount. By introducing these aircraft into the stratosphere we may well be upsetting a balance worked out by nature since the start of the earth billions of years ago. We are willing to play with the temperature of the earth and the ultraviolet rays reaching its surface simply to cut a few hours of traveltime. This has to be a form of insanity, of national and world suicide.

The Administrator of the Environmental Protection Agency has indicated that through testing methods which we now have available the question of environmental damage from SST's can be determined without the construction of even the two prototype planes.

Another environmental problem which has been given very little consideration is the impact of the sonic booms created by up to 500 SST's. It is said that the SST will not fly at supersonic speeds over land masses. Let us assume that this resolve is maintained. But what about sonic booms over the oceans? On March 3, 1971, 175 leading oceanographers and marine scientists sent a letter to Senator GAYLORD NELSON protesting supersonic flights over the oceans. Since this letter has not received the attention that it is due by the House in consideration of the SST, I would like to enter it in the RECORD at the conclusion of my remarks.

In summary, Mr. Chairman, I would like to say that for the reasons which I have enumerated—both economic and environmental—I will vote against further funding of the SST.

CITIZENS LEAGUE AGAINST
THE SONIC BOOM,
Cambridge, Mass., March 3, 1971.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: In recent weeks 175 oceanographers and marine scientists from the leading oceanographic and marine research institutes throughout the United States have gone on record as having serious concern for the marine life of the North Atlantic Ocean—if hundreds of supersonic planes (SSTs) inflict sonic booms on this ocean night and day for decades.

As you know, just 50 SSTs in routine operation over the North Atlantic would blanket more than 50% of that area with sonic booms of an intensity 2 to 4 pounds per square foot, as often as every half-hour (see map and text released by this League on Nov. 30, 1970).

Forty oceanographers from Woods Hole Oceanographic Institute and Marine Biological Laboratory signed letters of protest in December 1970. Since then they have been joined by more than 130 other oceanographers from many well-known institutes. Many have sent, in addition, personal letters explaining the grounds for their very deep concern.

The signed protests read as follows:

TO WHOM IT MAY CONCERN

As one who has been concerned with the oceans and ocean ecology for many years, I wish to protest the assumption by aviation administrators and airline officials that it is permissible to inflict SSTs' sonic booms on a considerable fraction of the North Atlantic, day and night, year after year, for decades. At present no adequate answers are available to questions as to the possible harm of such booms, known to be startling to men and animals, to life above and below the surface of the ocean.

The names of the signers are indicated on the attached list. Included are many of the world's ranking experts on oceanography, ocean ecology, marine biology, animal physiology, etc.

Sincerely,
WILLIAM A. SHURCLIFF,
Director.

P.S.—Clearly, the issue is not just the immediate annoyance of sonic booms, but the long-term effects of repeated booms, day and night, for decades. SST proponents claim that two prototype SSTs are needed "to test" the environmental threats posed by the SSTs; but it is obvious that two prototypes would, in fact, resolve none of the environmental issues.

Mr. BROOMFIELD. Mr. Chairman, in the last 2 years I have followed carefully the growth of congressional opposition to the SST; first, on the basis of its questionable priority, then on purely economic grounds, and finally in terms of certain serious environmental questions.

In all fairness, I must admit that the most serious pollution problems have to a large extent been resolved; those which have not been met by the builders, have been discredited as trivial by research. I applaud these most recent findings.

Still, the question of priorities, the one upon which I originally opposed the SST, remains unanswered: Is the SST of sufficient social and economic value to the American public to justify its continued subsidization by the Federal Government? That question is, I believe of historic consequence, for our answer will influence technological development in the United States for the rest of this decade and, perhaps, for the rest of the 20th century.

The most primitive argument against the SST was founded philosophically on the belief that the Government should not finance a purely commercial venture. In the past most subsidies have been granted to assist the development of aircraft that would ultimately be purchased by the Government; the subsidy, therefore, ostensibly served the public interest, usually by strengthening national security.

The SST, however, was and is to be sold exclusively to private airlines, so that whatever value it had to the American public would be indirect. The opposition suggested that such an indirect value, no matter how great, did not justify Federal funding.

I am convinced today that this is a shortsighted, inflexible, and overly restrictive philosophy. The Government should be available to encourage technological progress which will benefit the public—even if the benefits are not direct and even when they are not immediate. Naturally, this form of support must be limited to activities of transcendant concern to the public.

Granted, then, the principle of Government subsidization, we must apply the criteria of public usefulness to the SST. What value would it have, social or economic, to the public at large?

The SST is designed to cut trans-Atlantic flight times by 3 hours. On a social level, therefore, it would be of great value to the 4 percent of our people who fly regularly to Europe; to the rest of us, none at all. I doubt that one more luxury for our privileged few justifies Government financing of such enormous proportions.

In economic terms, the issue is much more complex. Proponents of the SST argue, first, that it will create 150,000 jobs in the depressed aerospace industry and, second, that it will erase our balance of payments deficit. Both, of course, hinge on the marketability of the plane, of which, even now, considerable doubt persists. But let us assume that the plane actually is worth buying when it is completed, that it will create all those jobs and that it will ease our balance of payments crisis. No one would then deny its public usefulness nor the justification for its Federal subsidization.

Yet, there are many more projects that could accomplish just these economic aims; projects that could meet several of our more critical social needs as well. The SST cannot stand up to comparison with these, simply because it is of purely economic benefit to the Nation. A public service jobs program, for example, would surely increase employment of those hit hardest by the Government's anti-inflation policy, while, at the same time, greatly assisting our mayors in their effort to clean up our cities. This is the form of dual-benefit program with which the SST must be contrasted.

If the health of the aircraft industry demands some form of Government subsidy, then I suggest that it diversify its operations to meet those problems which truly concern the entire American public; mass transit, for one. The development of a high speed railway system to serve our cities would create employment for millions of people in technical fields as well as improve the quality of American life. Moreover, the fruits of that advance could certainly be marketed in Europe to the relief of our balance-of-payments situation. This, not the SST, is the type of project which deserves Federal financing.

The Government can and should encourage diversification of our technical industries. With a little imagination we will find an incredible number of areas that could well use the managerial and technological skills of the aircraft industry.

It has been said that those who oppose the SST would oppose any technological advance. That accusation is patently false: it is, rather, those who confine one of our most gifted industries to a narrow area of development who most hamper technological progress. By calling for the aircraft industry to turn its expertise to other areas I express confidence in, not opposition to, the uses of technology.

I believe in progress through technology, Mr. Chairman, but I believe we can advance best by applying it to those problems which have not seen its benefits. Diversification has been delayed too long; it must begin now—for the good of the aircraft industry and the good of the American Nation.

This is why I stated earlier, Mr. Speaker, that the SST debate is of historic consequence. By opposing the SST we oppose Government subsidy of a project that can little improve American life; by opposing the SST we encourage technological progress, we encourage full employment in the technical industries, and we demand a new set of priorities for our Nation.

I will not deny that the SST could conceivably have certain real economic benefits for the American public. But surely it must stand far down on any list of national priorities, behind projects of immense economic and social value that have long had prior claim on our attention. When cancer is cured, when our urban areas are equally accessible to all, when our cities are free of smog and crime, then let us consider the SST.

Progress must be subject to the law of supply and demand, Mr. Chairman, just as any marketable product. At this time, we can subsidize progress in areas where the demand of the American public far outweighs their need for a supersonic transport plane. I urge that this project be defeated.

Mr. HALPERN. Mr. Chairman, as representative of the sixth district in the great city of New York, which lies between John F. Kennedy and LaGuardia Airports, I take special interest in opposing further SST funding. My reasons are fivefold:

First, the SST poses an environmental danger of unknown dimensions. Its effects on the upper atmosphere could be significant. Further study of environmental issues related to the SST should be conducted to determine the magnitude of the problem. Such studies could be undertaken on the basis of present flights by military planes. We do not need two prototype SST's to conduct it.

Second, sideline noise due to the SST engine during takeoff will produce a high-level noise in a radius of at least 1 mile beyond the airport and into residential areas.

Current plans to retrofit the SST, thereby reducing its noise output during takeoff are technologically questionable. This process is extremely costly, and it is being considered as the only alternative to gain public acceptance of the SST.

To reduce the noise factor resulting from takeoffs and sonic booms, the SST must be restricted to over water routes and to a reduction in engine power and thrust. These changes would sharply limit the SST's effectiveness.

Third, there is little escape from sonic boom. Not only is this noise unpleasant, but it can be physically harmful to people as well. Subsequent bans of SST flight over densely populated areas would still subject thousands of people on the seas to the psychological and nuisance aspects of sonic boom. Every SST flight across the North Atlantic would affect many people on the ocean. The booms would be most intense just off the coast where there is a large concentration of passenger ships, freighters, tankers, fishing, and pleasure vessels.

Fourth, the Federal Government is contributing most of the funds for the SST project. To date, Government spending has totaled about $900 million as compared to the industry's contribution of only approximately $200 million.

Further development of prototypes and eventually large-scale production for use by commercial airlines is economically unsound. Current evidence suggests that the Government and the airlines are headed for tremendous losses. Since the risk is so great for the Government and for the industry, how can the SST project be expected to attract private capital?

As one French statesman recently noted in his transatlantic warning, the Concorde has become the financial Vietnam for his country. I strongly urge that we do not permit such a fiasco to occur here.

Fifth, abandonment of the present SST project would not have an adverse effect upon the current balance-of-payments deficit as claimed by SST supporters. This problem would best be solved by committing our resources to their most efficient uses and not to projects which require enormous expenditures before they become operative. I can see us returning to this chamber in years to come, arguing once again for more and more money to put into this project. Just as with the huge cost overrides we have seen in defense contracts, I foresee this project costing millions, perhaps billions, more than we are now told. Once SST development has passed the prototype stage the Federal Government and the airlines will find themselves committed to a program "beyond the point of no return."

In conclusion, the SST has failed the test of the marketplace—the smart money from private financial institutions has refused to touch this project with a 10-foot pole; its economic consequences are purely speculative; there is a possibility of adverse environmental effects; and reduction of noise will impair engine efficiency. Deployment of the SST at anything less than its maximum effectiveness would be an unwise and uneconomical move. It could well become another financial Vietnam.

The CHAIRMAN. Under the rule, the joint resolution will be read for amendment under the 5-minute rule.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91–294, as amended by Public Laws 91–370, 91–454, and 91–645), is hereby further amended by striking out "March 30, 1971" and inserting in lieu thereof "June 30, 1971": *Provided,* That projects and activities (other than those financed under the appropriation "Civil Supersonic Aircraft Development") provided for in the Department of Transportation and Related Agencies Appropriation Act, 1971 (H.R. 17755, Ninety-first Congress), may be conducted at a rate for operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on December 15, 1970.

The CHAIRMAN. Under the rule, no amendments shall be in order to section 1 of the joint resolution except amendments offered by direction of the Committee on Appropriations. Are there any committee amendments?

Mr. McFALL. Mr. Chairman, there are no committee amendments. I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and to include pertinent extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 223, LOWERING THE VOTING AGE TO 18

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 299

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens eighteen years of age or older. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 223, it shall be in order to take from the Speaker's table the Senate joint resolution (S.J. Res. 7) and to consider the said Senate joint resolution in the House.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume. Mr. Speaker, House Resolution 299 provides an open rule with 2 hours of general debate for consideration of House Joint Resolution 223 to lower the voting age to 18. After passage of House Joint Resolution 223 it shall be in order to take Senate Joint Resolution 7 from the Speaker's table and consider the same in the House.

The purpose of House Joint Resolution 223 is to amend the Constitution of the United States so as to prohibit the United States or any State from denying or abridging the right of citizens of the United States to vote because of age if such citizens are 18 years of age or older.

Thereafter, on December 21, 1970, the U.S. Supreme Court rendered a decision which upheld the provisions of title III of the act lowering the minimum voting age for Federal elections but invalidated the provisions of the Federal law which lowered the minimum age to 18 in State and local elections.

Therefore, in order to lower the voting age to 18 in all elections, House Joint Resolution 223 was introduced in order for the voting age to be lowered in State and local elections by constitutional amendment.

It is felt that, since the legislation is being considered at such an early date in this Congress, it will be ratified prior to the 1972 presidential election.

Mr. Speaker, I urge the adoption of House Resolution 299 in order that House Joint Resolution 223 may be considered.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks made by the distinguished gentleman from Massachusetts (Mr. O'NEILL) with reference to House Resolution 299 which I am pleased to say is a completely open rule.

I think there will be an amendment possibly offered to the joint resolution which would extend these rights to all other civil rights of a person who is 18 years of age. So we should have a rather interesting debate on that, I am certain.

Mr. Speaker, I am pleased that this matter is being brought up. For the last year we have considered it in a rather unique fashion. As you recall, Mr. Speaker, the House passed H.R. 4249, which had to do with the voting rights act of 1965. The other body added a nongermane amendment to it to permit 18-year-old voting. It applied not only to Federal elections but all State elections. When it was returned to the House, the leadership apparently decided to accept the Senate amendment rather than to go to conference. I objected to this procedure.

However after considerable discussion, debate, meetings, and the like, the Rules Committee did bring down House Resolution 914. After 1 hour's debate, we approved House Resolution 914 which took H.R. 4249 from the Speakers table and agreed to the Senate amendment which permitted 18-year-old citizens to vote. Many of us thought it was unconstitutional for the Federal Government to interfere with State voting rights. I voted against House Resolution 914.

As anticipated, it went before the Supreme Court of the United States, and they have upheld the right of those 18 years of age to vote so far as Federal elections are concerned.

This is where we should have been in May or June of last year, to let the people indicate their will as to whether they wished citizens of their State who were 18 years of age to be of voting age.

So this will give the States 7 years in which to get 38 of them to ratify the measure if they wish to do so. If they do not, they may turn it down.

Mr. Speaker, I urge adoption of the rule. I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The SPEAKER. The question is on

the motion offered by the gentleman from New York.

For what purpose does the gentleman from Iowa rise?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Is it proposed to take up this joint resolution at this hour?

The SPEAKER. For general debate only.

Mr. GROSS. Mr. Speaker, I intend to make a point of order that a quorum is not present.

Mr. CELLER. Mr. Speaker, I withdraw the motion.

Mr. GROSS. Mr. Speaker, does that not require unanimous consent?

The SPEAKER. The gentleman has the authority of withdrawing his motion before it is acted upon by the House.

The gentleman has withdrawn his motion.

HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE CERTAIN REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have permission until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. ADAMS). Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only for the purpose of trying to ascertain here and now whether we are to follow the custom of no business of the House being transacted after embarking on special orders. That has been the custom in the past, and I should like to have some assurance from the Speaker or the distinguished majority whip that we can rely upon the custom that has been in practice for a long time, that no business will be transacted after special orders are begun.

Mr. O'NEILL. I would be happy to answer the gentleman from Iowa.

Mr. GROSS. I would be glad to have the answer.

Mr. O'NEILL. When I want to the minority leader and explained to him what had happened, that this notification did not come to me until we went into special orders, the gentleman heard the colloquy. I went to the Speaker of the House, and the Speaker has assured us that it is unprecedented and it will not happen again during the session.

Mr. GROSS. I thank the gentleman for that assurance.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LT. GEORGE C. BASS, U.S. ARMY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, 1st Lt. George C. Bass was killed in Vietnam on March 6; he was not quite 24 years old.

George Bass was a soldier; he was a graduate of West Point, and I had the honor to nominate him to the Military Academy.

He was a soldier when he died. His father was a soldier before him, and George grew up on Army posts. He wanted to be a soldier all his life. He knew the risks, but he was an eager and a brave man.

I attended the funeral for George Bass, and listened to his father deliver the eulogy.

No one wants to die, and no one wants to see his son die. But George was a soldier, and understood what it meant. His father was a soldier, and understood it, too.

It is fitting that we should remember men like George Bass. He brought honor upon himself, and served in the best tradition of the U.S. Army. He was a brave and good man, of whom his father was proud. He is a hero at a time when it is hard to be one.

Mr. Speaker, I enter into the RECORD the words of this man's father. Here is George Bass, lieutenant, U.S. Army, as his father remembers him:

EULOGY FOR 1ST LT. GEORGE C. BASS DELIVERED BY HIS FATHER, LT. COL. KOY M. BASS, JR., RETIRED

In December 1943 I was wounded near San Pietro. Sitting here today is Bob Trevino who was with me at the time. My parents were notified and were permitted to send me a telegram which was limited to 5 words. The words my father sent me were, "Matthew Seventeen Five."

This Scripture I now read.

"He was still speaking, when lo, a bright cloud overshadowed them, and a voice from the cloud said, "This is my beloved son with whom I am well pleased, listen to him."

Lord God of Hosts, this is my beloved son with whom I am well pleased.

Lord God of Hosts, accept the gallant spirit of my beloved son with whom I am well pleased.

1st Lt. George C. Bass was born on March 8, 1947 in San Antonio, Texas.

He was killed in action in the Republic of Vietnam on March 6, 1971. At the time of his death he was commanding B Company of the 2d Battalion, Seventh Cavalry, on a military mission against an armed and dangerous enemy of free men.

George was a gallant and competent professional soldier. He was a tender lover. He was literate, a reader and writer of poetry. He was a fierce and eager competitor. He died an early death, but a wonderful thing happened to him. His childhood dreams came true.

He was born into the Army, he lived all his life in the Army, and he died in the Army. George grew up on Army posts in Germany and the United States. He grew up to the sound of bugles and cadence counted by clear voiced drill sergeants. He heard the sounds of rifle fire on ranges and blank rounds fired in the training areas. He and his younger brother Koy were constant companions. Together as toddlers they stood retreat, heard the cannon, lifted their short and pudgy arms in salute and watched the slow descent of their nation's flag.

They were frequently adopted by soldiers and became accustomed to the rough talk of barracks. They loved to hear the exaggerated tales of the old sergeants and the good natured banter of young lieutenants. George grew to love soldiers and he began to build a dream of being one and of leading men in battle.

As a boy he frequently visited his paternal grandparents in San Antonio. Each visit he begged to be taken to the Alamo and asked to be retold the story of the siege. He died 135 years to the day after the fall of the Alamo.

At the age of 10 he arrived at Fort Benning where we were assigned to the 15th Infantry. I see here one of my comrades-in-arms of the 15th, Col. Paul Casper. On visiting the trophy room of the 15th Infantry, George read a poem by some anonymous soldier. He was struck by the poem and this may have been the beginning of his interest in poetry.

The motto of the 15th Infantry is the Pidgeon English phrase "Can Do". This is the poem.

It's Naught but "Pidgeon English"
Emblazoned on a rag,
Above the clutching eagle
. . . The whole to make a flag.

It asks no humble homage,
No boasting claim it flaunts.
It tells of a spirit,
A spirit nothing daunts.

It tells of living soldiers,
It tells of honored dead,
Of men who went down smiling
At the banner overhead.
It claims but God as partner,
It boasts not of its might.
The men beneath is spokesman
And he owns no goal but right.

It has no earthly equal
And it holds within its span
The spirit of an army,
And the honor of a man.
Yet, it's naught but "Pidgeon English"
Emblazoned on a rag,
Above the clutching eagle
. . . The whole to make a flag.

George's high school years were spent at Fort Leavenworth, Kansas. In his junior and senior years he started on both offense and defense of championship football teams. In his senior year his team mates elected him co-captain. On graduating in 1965 he won an academic scholarship to the University of Kansas and an appointment to the United States Military Academy by the Honorable Henry B. Gonzales.

During high school his interest in poetry deepened. He was fond of the romantic and Victorian poets and he loved martial poetry.

He loved Kipling. He frequently prayed "Lord God of Hosts, be with us yet." from "Recessional." His favorite Kipling poem was "If".

He read Alan Seegar. George was ready for his "rendevous with death at some disputed barricade" or "in some flaming town." And when spring came round this year, George did not fail that rendevous.

He loved the poetry of A. E. Houseman. Time permits only a few fragments from his favorites.

From "1887":

God save the Queen, we living sing,
From height to height 'tis heard
And with the rest your voices ring,
Lads of the Fifty Third.

Oh, God will save her, fear you not.
Be you the men you've been,
Get you the sons your fathers got
And God will save the Queen.

From "The Recruit";
And you will list the bugle
That blows in land of morn,
And makes the foes of England
Be sorry you were born.

I have abridged "Day of Battle" by Houseman:

For I hear the bugle blow
To call me where I would not go
And the guns begin their song
Soldier, fly or stay for long.

Comrad if to turn and fly
Made a soldier never die,
Fly I would for who would not
Tis sure no pleasure to be shot.

But yet the man that runs away
Lives to die another day
Therefore though the best is bad
Stand and do the best, my lad.

Finally, from an unnamed piece by Houseman about men dying young but well. The poem comforts me. The last two lines are,

They carry back bright to the coiner the mintage of man
The lads that will die in their glory and never be old.

George also loved a poem by General Buck Brooke who fell in France in World War I. George's favorite was "The Great Lover". "I have been so great a lover" and George was a great lover.

George also loved a poem by General Buik Lanham. This poem is little known outside the military service. It is called "Soldier Poem". I quote the last quatrain.

I see these things and still I'm slave
When banners flaunt and bugles blow
Content to fill a soldiers grave,
For reasons I shall never know.

George also wrote poetry during his high school years. On the death of President Kennedy he wrote,

The country mourns the loss of a chief
It cannot console a widow in grief.
In the afternoon air a volley rings loud
For a casket adorned with a flag for a shroud,
She took the flag and lit the flame
That would mark a grave with a President's name.
Now he's gone, no more can be said
But the nation must go where he would have led.

At West Point George distinguished himself primarily by graduating. There are two century clubs at West Point. There is one for cadets who spent over a hundred hours walking the area for punishment and there is one for cadets who spent over a hundred hours in confinement. George belonged to both. I asked why he was not pictured with the century clubs in the year book and he replied "I was on confinement when the picture was taken."

George played 150 lb. football until he literally outgrew it and then took up Karate. He boxed intramurally and was heavyweight champion of his regiment.

On leave from the acedemy he loved to visit the coast. He loved salt water fishing and swimming in the surf. He wrote this poem he called "The Sea."

Listen to the sea, it roars like thunder
Casts its foam on the land down under
Eats away at sandy beaches
Stretches on in endless reaches
Heralds the sun by turning gold
Metes out death to young and old.
Moves in tides pulled by the moon
Tosses in throes of a dead typhoon.
Lies acalmed like a great blue bowl
Breeds its children in swarming shoal.
Glimmers and glints with hidden treasure
Wimpers in pain, sighs in pleasure.
Comes alive with swarming life.
Dooms its spawn to endless strife.
Climbs in waves eighty feet tall
Listen to the sea and heed its call.

George's best friend and classmate at the Academy, Lt. Jeff Donaldson, wrote this about George in the yearbook. I abridge Jeff's words slightly.

"If ever there was a born infantry leader, it is George. George never has shown the academic departments the slightest mercy. Unfortunately worn out shoe leather is not a criterion for cadet rank, otherwise he would be a member of the brigade staff. But if loyalty, integrity and common sense are the criteria by which successful professional soldiers are measured George will be the first in our class to wear stars."

After graduation in 1969, George served at Fort Benning and Fort Bragg before going to Vietnam. In the basic course at Benning he was known to his classmates as "Sarge" because of his skill in the fundamental and practical aspects of soldiering.

George was a man of violence and he knew that violence is the essence of warfare. George was a violent warrior. He killed by rifle and he killed by knife. He did not apologize for killing. He was not ashamed of killing his enemies, my enemies, your enemies and the enemies of all who think that self determination is a wonderful thing.

George was also a tender lover. He loved his family, his sweetheart, his nation, his comrades-in-arms, and he loved the United States Army.

In 1969 he wrote the following letter to his sister on her 17th birthday.

DEAR LAURIE: Congratulations on having acquired the exalted status of seventeen, a truly gold age about which poems are written and magazines named. Albeit my paltry pen lacks power to praise as is deserved, let me add a few feeble phrases to the legion of truly magnificent odes that adorn the vision of beauty, calm and couth which is your hair. I think that ears have yet to hear a sweeter symphony that floats naturally off your lips. Nor can heart have felt a gentler warmth than that which bespeaks itself in the manner of your loving, for you love with the openness of one much younger than your seventeen, and with the intensity of one much older.

A thoughtful gesture, a friendly smile, a considerate action, open arms, homeward turning lover—all these and more you are.

Therefore, my sister, while I have breath to speak or heart to give, let me pledge myself.

With Eternal Love.
Your Brother

GEORGE.

George fell in love with Isabel Gibbons and planned to marry her on his return from the war. He wrote this poem to her. It is called "To Isabel."

When your tender arms surround me,
When your lovely lips meet mine,
When your laughter rings out clearly,
Like a glow lamp lit, I shine.

For we have touched the stars my love
And danced in the light of their fire,
In dizzying dreams of colored night
We've swum the heights of desire.

Too we've loved on summer Sundays
When sea gulls wheeled the blue,
The warm baked earth reached up its arms
And joined in the love we knew.

Yes, we have sung the sky, my love
And laughed with the sea and wind.
For our love were all these lovely
And now all these must end.

God know it were far better
To spend my days with you
But I serve a sterner mistress
To whom I will be true.

Oh, the Queen of battles beckons,
And I must heed her call
To the land of flaming midnights
I go to fight and fall.

The war did not brutalize George. No one was ever brutalized by defending his country who was not a brute to begin with. After distinguishing himself in combat George was wounded in October 1970 and was briefly hospitalized at Long Binh. This is part of a letter dated October 25th.

"I have a new friend. His name is Jason Cleft. He is about 1½ years old. A doctor took him out of a C.I.D.G. hospital. Jason is going to be operated on to close his cleft palate. Right now he is sitting between my legs sound asleep. I'm teaching him to smile. I guess at the orphanage he doesn't have much of an opportunity to learn. I take him for walks and everyone smiles. Jason hasn't smiled yet but I have my hopes. He doesn't have any toys. I got some blocks from a board game at the red cross and strung them together. Someone blew up a rubber glove and tied it with a string. It's just as good as a balloon. I went to the PX but couldn't find any toys. I did buy him a Christmas ornament shaped like a cloth bear beating a drum. It's his favorite thing."

Present today are two of George's comrades-in-arms. Capt. Charles Gillespie and 1st Lt. Charley Armstrong. George served under Capt. Gillespie in B Co. of the 2d Battalion, 7th Cavalry and succeeded him as company commander, until wounded, Lt. Armstrong commanded the 3d platoon of B company. The love that develops between men who fight shoulder to shoulder and bravely and who suffer together is almost too personal to mention. One of the greatest rewards of combat is to look into the eyes of a man you think is valiant, competent and unselfish, and know as he looks back he thinks of you as valiant, competent and unselfish. One of George's favorite plays was Shakespeare's Henry V. Shakespeare has the King say on the eve of battle, "We few, we happy few, we band of brothers, for he today that sheds his blood with me shall be my brother."

And those who shed their blood with George shall always be my son.

George was a skilled and competent leader of men in battle. Prior to his death he had been decorated with the silver star for gallantry in action, twice with the bronze star for valor, the Army Commondation Medal for valor and two Purple Hearts. I am told that he has been recommended for many other awards. In each engagement George and his unit held or captured the disputed ground and thus owned the field at the battle's close.

He was ready to spend the lives of his subordinates but never needlessly. In November his first subordinate was killed in action. Sgt. Freddie Dacus was killed in a fierce action at Fire Support Base Pershing. George and his reinforced platoon, the 2d platoon of B Co. inflicted a major defeat on a North Vietnamese Army unit. In this action the members of George's platoon were awarded 9 silver stars, 2 bronze stars for valor, and 10 army commendation medals for valor.

On the 15th of November, 2 days after the action, George wrote about Freddie Dacus that which could now be written about George Bass. I quote from a letter from George: "We held a memorial service for Sgt. Dacus today. I quoted Thomas Paine "The tree of liberty must from time to time be refreshed with the blood of patriots." I said "Let none of us forget that our personal liberty and the liberty of free men everywhere was bought in part with the blood of Sgt. Freddie Dacus." Say a prayer for him, he may have saved my life and yours.

Love,

GEORGE.

George was a gallant and competent professional soldier. He was a tender lover. He was literate, a reader and writer of poetry. He was a fierce and eager competitor. He died an early death, but a wonderful thing happened to him. His childhood dreams came true. He led men in battle and showed himself worthy of the comradeship of the noblest.

PRAYER FOR A GALLANT SON

Lord God of Hosts, accept the gallant spirit
Of my beloved son with whom I am well pleased.

Induct him in the ghostly ranks of heroes
Who fought and fell in other wars in other years.

Oh, let him be at one with minutemen and
Patriots who fought in Washington's command.

Let him assemble with the brave defenders
Who fought at San Jacinto and the Alamo.

Oh, let him know the spirits of the fallen
Of Chateau Thierry, the Second Battle of the Marne,

Salerno, San Pietro, The Rapido,
Velletri, Montelimar, the village of Bastogne,

Pusan's perimeter and Wonsan's harbor,
And many unnamed hills and valleys of Vietnam.

This fallen hero honored memories of
These valiant men and now is worthy of their honor.

Like them he felt the growing pains of hunger.
He heard his body shriek for sleep, but made his rounds.

Aggressively, he did not shrink from contact.
He always held the ground disputed by his foes.

Lord God of Hosts, accept the gallant spirit
Of my beloved son with whom I am well pleased.

THE NEED TO REORDER NATIONAL TRANSPORTATION PRIORITIES

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, my colleague from Ohio (Mr. MOSHER) and I have joined together in sending a letter to the Members of the House requesting their cosponsorship on a House Resolution entitled "Mass Transit—A National Priority."

In the short time that has been available for Members to respond, I am most pleased with the number who are cosponsoring. Yesterday, I introduced one resolution with 20 Members. Today another is being introduced with 21 signers.

The resolution is being introduced at this time as a response to the up-coming debate on the supersonic transport. It is an indication that we are concerned about jobs for American workers, that we believe that increased appropriations for systems such as mass transportation could create at least as many jobs as would be created by the SST while making our communities cleaner and more habitable for all concerned, and that it is a misplacement of our national priorities to proceed with the SST at this time.

I would like to enter in the RECORD at this point, Mr. Speaker, a copy of the resolution and a list of the cosponsors:

H. RES. 324

Whereas adequate mass transportation facilities are sorely needed in every major metropolitan area in America to transport people efficiently and economically, and

Whereas such mass transportation facilities cannot now be funded adequately because of lack of commitment of federal resources and technical capabilities, and

Whereas the decision will soon be made on continued federal funding for the development of supersonic transports and a decision in favor of further funding would not reflect a balanced allocation of the nation's human and economic resources, and

Whereas commitment of funds equal to those now being contemplated for the SST program would produce jobs in the number equal to or greater than those predicted in the SST program, and

Whereas the appropriation level for the Urban Mass Transportation Administration in the Department of Transportation for FY 1971 was $600 million and the budgetary allocation for this program was only $400 million, and

Whereas it is the strong sense of this Congress that a shift of allocation of these resources to the development of efficient and economical mass transit systems would better serve the national interest by solving a crisis in transportation which more critically effects a clear majority of the country's population, therefore

Be it resolved by the House of Representatives that it is the sense of the Congress that the Executive Branch re-examine its budgetary commitments toward the end of developing a re-constituted transportation policy which emphasizes mass transportation, and

Be it further resolved by the House of Representatives that it is the sense of the Congress that a suspension of the supersonic transportation program would be in order until the development of a rational urban mass transportation program can be implemented.

LIST OF COSPONSORS

Mr. Vanik, Mr. Mosher, Mr. Abourezk, Mrs. Abzug, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Bingham.

Mr. Carey, Mrs. Chisholm, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mrs. Dwyer, Mr. Forsythe.

Mr. Fraser, Mr. Frenzel, Mr. Fulton of Tennessee, Mr. Gallagher, Mrs. Grasso, Mr. Green of Pennsylvania.

Mr. Harrington, Mr. Hechler, Mr. Helstoski, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. Metcalfe.

Mrs. Mink, Mr. Mikva, Mr. Morse, Mr. Moss, Mr. Podell, Mr. Riegle, Mr. Roybal.

Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. James V. Stanton, Mrs. Sullivan, Mr. Tiernan.

THE INTERNATIONAL BRIDGE ACT OF 1971

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which would give the consent of the Congress to the construction of certain international bridges. The enactment of this legislation would make unnecessary, for the most part, separate authorizations for individual international bridges.

In this respect, the legislation which I am introducing follows the philosophy of the General Bridge Act of 1946 by which the Congress granted consent for the construction, maintenance, and operations of bridges and approaches thereto over the domestic navigable waters of the United States.

I should like to note at this point that similar legislation was considered previously both in the U.S. House of Representatives and in the other body.

In the 88th Congress, for example, both Houses of the Congress passed general legislation on this subject, but the official papers did not reach the Senate for action before adjournment.

During the 89th Congress, separate bills on this subject were passed by both Houses and sent to conference. Unfortunately, the conferees did not meet.

In the 90th and 91st Congresses, legislation dealing with the construction of international bridges was introduced and given some further consideration in the other body.

Mr. Speaker, I am hopeful that the Subcommittee on Inter-American Affairs, which I have the honor to chair, will act on this proposed legislation during the early part of this session, thereby enabling the Committee on Foreign Affairs and the House to exercise their will with respect thereto.

The text of the proposed legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Bridge Act of 1971."

SEC. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter referred to as an "international bridge"), and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) commitment by the State in which the bridge would be located to review the detailed plans and specifications for the bridge with respect to structural soundness and to inspect the bridge on completion and periodically thereafter; and (3) the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491–498), except for section 6 (33 U.S.C. 496), and (4) the provisions of this Act which follow hereafter.

SEC. 3. No bridge may be constructed, maintained, and operated pursuant to section 2 unless the President has first given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, (2) the Governor of the State in which the bridge would be located, and (3) the heads of such departments and agencies of the Federal Government as he deems appropriate.

SEC. 4. The approval of the Secretary of the Army, as required by section 1 of the Act of March 23, 1906 (33 U.S.C. 491) shall only be given subsequent to the President's approval, as provided for in section 3 of this Act, and shall be null and void unless the actual construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary may, for good cause shown, extend for a reasonable time either or both of the time limits herein provided.

SEC. 5. If tolls are charged for the use of an international bridge constructed under this

Act, the following provisions shall apply, so far as the United States has jurisdiction—

(a) in the case of a bridge constructed or taken over or acquired by a private individual, company, or other private entity, tolls may be collected for a period not to exceed sixty-six years from the date of completion of such bridge, and at the end of such sixty-six years, such bridge and approaches thereto, if not previously transferred to a public agency pursuant to section 6, shall become the property of the State wherein the United States portion of such bridge is located, and no further compensation shall be deemed to be due such individual, company, or entity; or

(b) in the case of a bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period not to exceed forty years from the date of completing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, any such bridge shall thereafter be maintained and operated free of tolls.

An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Nothing in this Act shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this Act, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this Act to any public agency and any such successor agency is authorized to exercise the rights, powers, and privileges acquired under this section in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency: *Provided, however,* That with respect to the collection of tolls the provisions of section 5(b) shall apply.

SEC. 7. The provisions of this Act shall apply only to international bridges the construction of which is approved under such provisions.

SEC. 8. Nothing in this Act shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters or any interstate or foreign commerce.

SEC. 9. The Secretary of the Army shall, at the end of each calendar year, transmit to the Congress a report of all approvals pursuant to this Act during such year.

SEC. 10. The right to alter, amend, or repeal this Act is expressly reserved.

CURBING AMPHETAMINE ABUSE

(Mr. PODELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, today I am introducing a bill that would alter the classification of amphetamine and amphetamine-like substance for the purpose of controlling their production and their distribution. Such substances are more commonly known by names as pep pills, diet pills, and speed, but all have one important characteristic in common—they have a stimulant effect on the central nervous system. They are presently classified under schedule III of the Controlled Substances Act passed last session by Congress as part of a larger bill dealing with drug abuse. I am proposing today that this category of drugs be moved up to schedule II.

Why is such a change in classification necessary? Because the abuse of these drugs has grown to the extent that it now constitutes a crisis situation. Eight billion doses of amphetamines are produced each year in this country. Translated into other terms, this means that enough is being produced to provide every man, woman, and child in this Nation with approximately 40 doses per year. I believe that greater control over the production and the distribution of these drugs is vital. Changing their classification would establish such controls.

Except for the treatment of both narcolepsy—a rare disease similar to sleeping sickness—and hyperkinetic children, the recognized medical uses for amphetamines are extremely limited.

Perhaps the most serious and well-known case of amphetamine abuse occurs when a derivative of amphetamines—methamphetamine—or speed is injected directly into the veins. We tend to think of this type of use as directly associated with the drug culture and as an extreme type of amphetamine abuse.

Most commonly, amphetamines are taken by people to avoid sleep or to aid in weight reduction. The users of these pills would not consider them to be in any way associated with a substance like speed. Yet these pills can be and are often abused. They are easy to obtain, and the large quantities available have led to over half their number finding their way into illegal channels. Some of the more ordinary forms are also known to be diluted and injected in the same manner as speed.

There is even greater cause for alarm after we examine the testimony of Dr. John D. Griffith, assistant professor of psychiatry at Vanderbilt University School of Medicine presented before the House Select Committee on Crime in November 1969. Dr. Griffith said:

> Addiction to amphetamines also occurs. The older medical literature suggested that this was not so; however, direct observation of amphetamine addicts now make it clear that amphetamine addiction is more widespread, more incapacitating, more dangerous, and socially disrupting than narcotic addiction. Intravenous use of amphetamine is common, and this abuse is often indistinguishable from cocaine availability of amphetamine and barbituate combinations.
>
> The psychological and physical penalties for amphetamine abuse are severe. Individuals who abuse the drug have great difficulties following occupational, domestic, or social pursuits. These risk damage to body organs, and they may risk severe mental illness. The drug may cause a psychosis in normal individuals.
>
> Amphetamines can also elevate blood pressure, have direct action on the heart, and cause brain damage.

This is chilling testimony, especially since we know that the abuse of such drugs continues to increase.

I strongly believe that one thing helping to promote this increased abuse is the easy availability of amphetamines. I hope that my bill, changing the classification, will bring an end to such abuse.

A specific drug is classified on the basis of its rating on the following criteria:

Its potential for abuse;

Whether or not it has an accepted medical use; and

Whether abuse may lead to severe psychological and physical dependence.

These criteria are used to classify or schedule drugs into five different categories. For each, a set of penalties for abuse have been set down. For example, the penalties for the abuse of a drug in schedule II, for the first offense, are up to 15 years and $25,000 fine. The first offense for the abuse of a drug in schedule III calls for up to 5 years and $15,000 fine. In addition, the distribution of the drugs placed within schedule II is illegal without a written order issued by the Attorney General; there is a quota imposed on their manufacture; they can be dispensed only with a doctor's written prescription; and it would be illegal to import these substances unless the Attorney General found it necessary for medical or other legitimate purposes.

By placing amphetamines in schedule II, these restrictions would become applicable. For those who require the drug for medical purposes, there would be legitimate means for obtaining it. But by cutting down on the amount of the drug produced yearly, and by requiring a doctor's prescription for the drug, I believe that we can significantly decrease the amount of abuse that has come to be associated with amphetamines.

Delay on the part of this Congress can lead only to worsening abuse and tragedy within our own population. I am therefore urging immediate and positive action on this bill as another indication of our Government's commitment to protecting its citizens from dangerous drugs.

TO AMEND THE PUBLIC WORKS ACCELERATION ACT

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to call to the attention of the House the fact that hearings have begun today on the Randolph-McFall accelerated public works bill, which I hope the Committee on Public Works will report out expeditiously in view of the fact that it deals with the problem of acute unemployment through worthwhile public works projects.

Mr. Speaker, it was my pleasure to join with my good friend and colleague, JOHN MCFALL, in cosponsoring the Randolph-McFall accelerated public works bill, and I want to commend the Speaker and the chairman of the Public Works Committee for assigning high priority to the consideration of this proposal.

This is a program that is greatly needed, and needed now.

The Nation is haunted by the specters of unemployment and the fear of unemployment. Nearly 5½ million Americans who want to work are unable to find work. Many others have given up the job hunt in despair. Their names are not recorded on the unemployment rolls and their numbers are not reflected in the official statistics issued monthly by the Bureau of Labor Statistics. But we know of their existence, and we know of their hopelessness.

It is the obligation of this Congress to restore hope to these people, and to restore their faith in the processes of government.

They are the innocent victims of the administration's misguided economic policies. They are paying the price of the Nixon administration's efforts to control inflation, which have produced a stagnating economy characterized by an alarming decline in national productivity and an equally alarming increase in the jobless rate.

We Democrats have always placed human values above dollar values. We have always looked upon full employment as the basic element of a healthy economy.

When this administration took office, it inherited from the Democratic administration that preceded it an unemployment rate of 3.3 percent. In less than 2 years, we saw that rate spiral to 6 percent as a result of Republican policies. In some areas, the rate is nearly double the national average.

Month after month, we hear the optimistic forecasts of the administration's spokesmen who promise an economic upturn just around the next corner. Month after month, the statistics on unemployment and productivity belie those optimistic forecasts. The picture continues to be one of a sick economy.

We must relieve the symptoms of this sick economy in the most direct and expeditious manner possible. The Congress cannot wait, and the victims of unemployment cannot wait, for the rosy predictions of administration economists to come true.

We cannot offer instant relief to all these victims, but we can act promptly to create new jobs in areas that have suffered the most from persistent and long-term unemployment.

I urge prompt and favorable action on the Randolph-McFall accelerated public works bill because I am convinced that it offers the most direct and immediate remedy to those who are in greatest need.

In every area of acute unemployment, there are public works projects that have been delayed for lack of local revenues—projects that need to be expedited in the interests of the communities and for the protection of the environment. The Randolph-McFall bill would enable the launching of these projects with Federal subsidies. It would take workers off the unemployment rolls and the welfare rolls and put them on payrolls. It would stimulate economic recovery in poverty pockets and help to reverse the trend of increasing and persistent unemployment.

ST. PATRICK'S DAY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am sure that it does not have to be called to your attention either that today is March 17 or that it is St. Patrick's Day. Nor does anyone need reminding at this late date that it is once again a great day for the Irish—so tradition has it. But I would like to break with tradition today, on St. Patrick's Day, March 17, 1971, to the extent that I shall not indulge the Members' patience by turning backward in time and traveling east across the seas to Ireland, that Emerald Isle, that land of saints and scholars, the blessed realm—that on 1 day each year comes close to being inundated with a veritable flood of worldwide oratory, bathos, and nostalgia.

Ireland's relevance today, though rooted in history and that fabled piece of earth called Ireland, is not limited to the distant past nor to far-off shores. Ireland's true and continuing relevance is not a matter of looking back or looking across the sea. Ireland's relevance is all around us for all to see. Far too often St. Patrick's Day is devoted to attempts to trace one's ancestral tree back to the land of the shamrocks. Too often it ends up in a painful longing to return to a quiet land with rolling hills, thatched roof cottages, pleasant country lanes, plenty of good conservation and time to really live. It is easy to understand the difficulty to resist the temptation.

But the incredible phenomenon that is the Irish people goes far beyond this. Today there are fewer Irish living in that small island called Ireland than other lands. England, Australia, Canada, this country, and even Argentina, is where most of the Irish live, work, shed their tears, tell their stories, raise their families, and achieve their fame. From one small land, one small island, millions have departed. There is no point now in chasing after old myths, reopening old wounds, engaging in bitter recollections as to why these millions had to leave or wanted to leave; nor is this the time or place to recall the hardships that were their lot when they arrived in the lands of promise in other continents. That would be looking back and, as I said at the outset, that is not the point of my rising here today on this St. Patrick's Day. Suffice it to say that in a comparatively short while, the Irish people have succeeded in establishing themselves, in integrating themselves, and ingratiating themselves into the social fabric and innermost being of their new found homelands. If, in fact, most of the Irish were still in Ireland, if, in fact, most of the well-known men with Irish blood in their veins achieved their greatness in a land called Ireland, then, in fact, St. Patrick's Day would hardly be noticed before it had passed. The reason St. Patrick's Day is participated in by so many people around the world, whether they be of Irish descent or not, is that there are so many sons of St. Patrick throughout the far corners of this earth. It is the hyphenated Irish—the American-Irish, the Canadian-Irish, the Australian-Irish, the Scotch-Irish, the Liverpool-Irish, who are in the majority. The Irish-Irish are in the distinct minority.

So that if there is any truth to the whole idea of ethnic characteristics and national traits, then whatever it is the Irish have, this country and many others besides Ireland possess in abundance too. If the stereo-typed Irishman is endowed with the gift of the gab, a low boiling point, the humor of the Leprechaun, the charm of the diplomat without the striped pants—if any of this is true, then we have a lot of people walking the streets of New York, Boston, Chicago, and Philadelphia, to mention but a few, who prove or disprove this bit of folklore every day of the week. If these qualities surface in and give color to the writing of an Irishman, then the place to look is really the volumes published over the years in such unlikely places as London and New York rather than the Gaelic tomes devoured by the Celtic few in Dublin. If there is an Irish style or recognizable Irish quirks, then one might as well start by reading the works of men as separate in time and style as Jonathan Swift, Oliver Goldsmith, Richard Sheridan, William Congreve, John Synge, Oscar Wilde, George Bernard Shaw, James Joyce, William Butler Yeates, Samuel Beckett, Eugene O'Neill, and Sean O'Casey. If it is the touch of a poet, an indomitable wit, a glimpse of the true Irish rebel, one is after, one does not have to turn back to the troubles, the Easter rebellion, to De Valera O'Connell, Sir Roger Casement or the Plunketts. You only have to look at men like the Fitzgeralds, the Kennedys, the Curleys, or the McCarthys.

I think my point is made and hopefully well taken: That if it is a little bit of Irish you are after, you need look no further than your own city or town, and despite the distance imposed by generations and thousands of miles, you will, in all likelihood, find fellow Americans in whom you can detect all the sense of outrage and rebellion which come from years of foreign domination and oppression; A highly developed wit which comes from lifetimes spent in pleasant conversation over a glass of Guinness in front of a roaring peat fire, or in a quiet country lane, or on a crowded O'Connell street; a sense of humor which comes from centuries of smiling at misfortune and looking at the brighter side of things; a sense of fierce, clannish loyalty and togetherness that comes from living for years in the same village, walking the same bogs, climbing the same hills. And while there may be some who might deny that a nation which has reservoirs of such qualities in its citizens is better off for it, there is no denying that that nation is not a much more interesting place for it.

ON PRIVATE EYES

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, proud as we are of the traditions of our military, we would hope that the application of its proven capacity for "reconnaissance," "pacification," and "protective reaction," to say nothing of "search and destroy," would be restricted as presidentially and congressionally authorized, to other parts of the world than the continental United States, at least for the foreseeable future. Although the "I want you" poster does not offer training in domestic counterintelligence it may be that our large draft calls over the past few years have interrupted so many promising careers, in the field that a program was devised to make their military obligation more meaningful.

One could, however, suggest that sufficient scope for the application of these skills would appear to exist in the post exchange problems and other in-house phenomena which seem at the moment to be taking the valuable time of such overburdened panels of inquiry as the Permanent Investigations Subcommittee of the U.S. Senate. A proper division of labor here would, I think, provide a relevant service experience to a specialized group, and do so without giving the public undo cause for alarm. Although somewhat more serious in tone, Mr. Speaker, I feel the March 5 editorial in the Kansas City Star merits the consideration of the House, and would respectfully request that it be inserted in the RECORD at this point.

NO PLACE FOR THE MILITARY

The Department of Defense, in effect, has now said that it is sorry military personnel spied on civilians and that it won't happen again. In fact the department has destroyed numerous files in a fit of remorse and it will be impossible to say for sure whether information was kept on Sen. Adlai Stevenson III and Rep. Abner Mikva, Democrats of Illinois.

Nobody is sure, and an assistant secretary of defense says he thinks there were no such files and if there were, they were just old newspaper clippings.

But the assistant secretary misses the main points of the whole sorry episode and apparently doesn't understand the tremors of alarm it has inspired. If surveillance of civilians was undertaken in the late 1960s on an unprecedented scale because of fears of civil disorders and demonstrations, that is understandable. But it was not a job for the Army. Citizens do not pay taxes for the maintenance of a fighting force with the understanding that this force will be used against them. Nor does a gestapo apparatus have any place in the U. S. military establishment no matter what the excuse.

Whether files on Stevenson and Mikva and others were only newspaper clippings is not the primary concern. The existence of the files is what matters. It is the sort of information that, made public, could destroy an individual. If a man's name is on record at police headquarters because his dog once bit somebody that is one thing. If his enemies can say he has a "police record" then that is something else. The paralled would be in whispering that agents responsible for internal security have a dossier on Stevenson or Mikva.

What may have seemed like a good idea to the Army in 1968 does not come over very well now. It is not the duty of the military to keep files on "persons and organizations who conceivably might contribute to . . . civil disturbances," or on "persons or organizations who were believed to have a potential for assisting in preventing or ending civil disturbances." The military simply is not qualified to make judgments in such matters and it has no business meddling in them. Any heavy-footed tramping through the civil sector of dissent and politics is bound to be destructive.

The assistant secretary who testified before a Senate subcommittee said the Army was very reluctant to become involved in the intelligence operation directed against civilians. It is said that it all began at the suggestion of Cyrus W. Vance, a Defense department official at the time, and a civilian. But once the reluctance was overcome there were instances of overzealous activity. It is not unusual for orders to become amplified as they trickle down from general to lieutenant.

If and when military power is needed to control civil disturbances, the Army no doubt will be ready and perform efficiently. Little Rock in the 1950s and Detroit in the 1960s are examples. But the military cannot be an accessory before the fact without posing grave dangers to the system it is supposed to protect.

CAMPAIGN SPENDING SHOULD HAVE REALISTIC AND ENFORCEABLE LIMIT

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, the spiraling cost of running for office in the last few years has properly been characterized as a scandal and some action must be taken before the 1972 election process is underway. Last year the Congress passed a bill limiting sums to be spent during campaigns for the broadcasting industry. I contend that no one segment of a campaign should be limited. No one industry or medium should be singled out and limited. I believe that the whole cost of a campaign, and I mean the whole cost, should have a realistic and enforceable limit put on it.

This limit needs to be set and needs to be understood and must be enforced.

The Founding Fathers are trotted out regularly to prove and disprove all kinds of beliefs and ideas of government. However, it is inconceivable to me that they intended that public office should go to the highest bidder. Further, whether the Founding Fathers intended it or not, I do not believe that the present-day American public wants its officials elected on the basis of how much money they can spend. I do not believe that the American public is going to stand for the Congress not taking some positive action in this area.

Today I am introducing a bill which I hope will be given consideration and study by the Congress.

This proposed legislation is to apply only to campaigns for election to the U.S. Senate and House of Representatives. It regulates activities with respect to general or special elections but does not apply to primary or runoff elections or to party nominations. These are under the control of the States and should remain so.

The key and main thrust of my proposal is that any person is prohibited from making any campaign expenditure without the written authorization of the candidate on whose behalf or in whose support the expenditure is made. If this section were written into law and everyone understood that what was said was really meant, many of our problems would be over in this whole field.

Any candidate for the Senate or House would be limited to spending an amount equal to the amount obtained by multiplying 5 cents by the total number of individuals residing in the State or congressional district. It would seem to me that, say, in the case of my own State of Texas, a creditable statewide campaign could be adequately financed for about $600,000 and a congressional campaign would be adequately financed for about $25,000. These sums may sound large, but certainly in many races in our country many millions have been spent. This ought to be as unacceptable to the Members of Congress as it is to the American people.

Each candidate would be required to file a statement containing a complete itemized account of each expenditure made. And as a check on these reports, every newspaper, radio station, television station, printing shop, advertising agency, and telephone company, and all other similar businesses which received campaign expenditures would be required to file an itemized list of all expenditures received. This section of the bill would apply to all persons who received $100 or more in campaign expenditures.

Any candidate who violates this act would be guilty of a felony and be fined not more than $5,000. Any other person in violation would be deemed guilty of a misdemeanor and be fined not more than $1,000.

The Secretary of the Senate and the Clerk of the House would receive these required reports and would certify to the House or Senate that a violation had been determined and that such violation had been the subject of a conviction. When the presiding officer of either body would be so informed, he would request that such body refuse to seat the violator or expel the violator, whichever would be appropriate.

I have not attempted to touch in this legislation, the question of campaign contributions. I firmly believe that once a reasonable and workable solution is found to the question of limitation on total expenditures that great sums of money will not be freely given out to candidates by any special interest or group of persons. There have certainly been abuses in this area of campaign financing. However, once a limitation is set, there will be no point in great sums of money being given in behalf of any candidate.

Mr. Speaker, there are many problems in this whole field of legislation, I am not being so naive as to think that there are not. I do maintain, though, that it is our duty as public officials to face up to these problems and try to iron out an equitable solution that will keep the Congress responsive to the will of the people which is the premise for and the only safeguard of our Federal Government.

I know that many proposals are being recommended. However, I believe that the bill which I am introducing provides a positive and effective method of policing major campaign expenditures.

GENERAL REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 1 hour.

Mr. CONABLE. Mr. Speaker, the subject of my special order is general revenue sharing, and I am grateful for this opportunity to continue a debate already well advanced in the House of Representatives and which I think is one of the most significant debates that the 92d Congress can consider during its tenure here in Washington.

We have had, of course, a great deal of controversy surrounding this proposal, and I have been somewhat bemused by the reaction of many of my colleagues to what I think is a very significant initiative by the President and the administration. My colleagues' reactions remind me more than anything else of a group of doctors who have agreed that the patient is critically ill, but then put aside treatment to argue about the best remedy.

The patient in this case, of course, is local government—not State government and not the Federal Government, although goodness knows we have enough problems also. Local government is in crisis in this country, suffering from a very severe fiscal illness in improvision to any other level of government. Those who think the State government is the issue in revenue sharing fail to understand that in most cases the State can easily pass the buck to local government by reducing many of the aid programs which are traditional between State and local government such as aid to schools on per capita aid.

Local government, in other words, is in extremis at this point, a very ill patient. We all agree on the diagnosis. Beyond diagnosis we are engrossed, however, here in Congress in advancing our own nostrums and calling the other fellow a quack. Meanwhile, the patient has been forgotten and is sinking. He needs a transfusion in the worst way. General revenue sharing, I am convinced, is the answer.

The Federal income tax system, the graduated progressive Federal income tax is the best medical delivery system for this victim. I think we are foolish if we fail to use this system. We know that lack of life-giving blood has made the patient sick, and I am dismayed to see some of the present consultants suggesting that further leeching would help his condition. Local government has already had too much blood leeched from its fiscal system by the endless categorical grants which have required matching federally mandated funds. We need to rebuild strength with transfusions, rather than further reducing available local resources through matching-fund categorical grants controlled in Washington.

I notice that it has been reported recently that hearings are to be scheduled on general revenue sharing in late April or early May.

I am pleased to hear this, Mr. Speaker. I think it is desirable to get at this vital business. But I am somewhat dismayed to find that the people who are calling the hearings say the purpose is to kill revenue sharing. In other words, they are proposing to scrap the remedy rather than apply it.

In this respect I would have to say that the committee doctors are being sanguinary rather than sanguine, and that there is little reason for optimism on the local level.

I hope, before we get through here, my colleagues in the House will place the patient's interest above professional pride before the condition of local government is beyond repair.

I know, Mr. Speaker, that there are many philosophical objections to revenue sharing. I can understand many of these objections. I believe the condition of local government, though, has put us beyond the point where we can afford to nitpick, to quibble or to suggest that perhaps some other type of remedy more complicated in application would be more systematical in Federal philosophy. Without unique transfusions, we are going to have a considerable reduction in the services local governments can perform.

That is the issue. Local government is not going to go bankrupt in the traditional sense. There is still going to be money coming in. They are still going to be performing services. But they are going to have to abandon many of the traditional services that we like to think our Federal system is able to deliver on the local level. These traditional services are, for the most part, based on personnel like policemen and teachers, or like public works departments. Roughly 50 to 80 percent of the cost of local government goes in salaries. That being the case, it seems to me once cutbacks occur, once we have local government personnel being laid off.

If these services are abandoned on the local level because of the failure of local tax resources, inevitably the result will be increased pressure for picking up of these services on some other level of government. That is one thing I think most of us who believe in the Federal system do not want to see happen. What we are hoping instead is that some mechanism similar to the general revenue sharing proposed by the administration can be devised to preserve the services on the local level, that is, on the level where the people can have some control over them and where we will see democracy functioning at its best.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. Yes. I yield to the gentleman.

Mr. KUYKENDALL. The distinguished Governor of the State of New York spoke at a breakfast recently on the question of picking up of the garbage. I think this may be uttered tongue in cheek, but it might get to that, and I would like to share with you an experience that I would like to ask every Member who reads this record to see if he does not find that similar experiences have happened in his city or district, because I consider this to be a classic example of the costs and complications which attend the Federal system on the categorical grants.

The city of Memphis, Tenn., in my congressional district, has a grant from the Office of Renewal Assistance of the Department of Housing and Urban Development. This comes under the interim assistance program. The objective of this categorical grant program is:

> To assist localities to plan and carry out programs to alleviate harmful conditions in slum and blighted areas which are planned for urban renewal in the near future but in which some immediate public action is needed until permanent action can be undertaken.

That is a direct quote from the law. It is hard enough, really, to read the law. Recently, some officials of the city of Memphis contacted me because the Department of Housing and Urban Development in Atlanta informed them that the major portion of this grant would be canceled effective February 28 due to the fact that activities being conducted by the city in this portion of the grant were now ineligible. The officials of the city of Memphis emphasized—and remember the grant originally was to have run until June 30—emphasized that they were upset because at the time this grant was applied for and originally approved by HUD the actions were fully explained and approved. The city's budget and operational plans in this area had been built around funds that were to be provided by the Department of Housing and Urban Development's grant.

As a result of proceedings initiated by my office, this was straightened out, and it was decided that the city could continue under the original terms of the grant for the remainder of the current fiscal year. But this problem need never have occurred if the Nixon administration's special revenue-sharing program had been in force. Under the special revenue-sharing program the States would get lump sums or urban community development funds, and presumably this misunderstanding would never have occurred. There is another example I would like to share with the gentleman. Recently, when I first obtained for the State of Tennessee and my community the list of the counties and cities that would receive funds under the general revenue-sharing program, I noticed that the city of Nashville, which has a metro government encompassing the whole county, received a larger amount than Memphis, which is half again as large. Well, I was immediately upset and checked up on it. Then I looked at the county which the city of Memphis is in. I found that a large part of the city revenue is collected by the county and is returned intact to the city. Therefore, the county got the credit for it. So last week, on March 10, on page 5884, when the gentleman from California (Mr. DANIELSON), spoke during the special order of the gentleman from California (Mr. HOLIFIELD) he stated:

> I further point out in the county of Los Angeles the average per capita allocation is $9.10, that is, $9.10 for every resident of the unincorporated territory of Los Angeles.

Well, I had the notion that the gentleman from California (Mr. DANIELSON) had run into the same misunderstanding that I had run into.

So, I immediately found out that in the city and county of Los Angeles the county collects all real estate taxes for the entire county, whether it is in the city or not, and that all welfare funds even in the city are paid by the county and that all health services even in the cities are paid by the county.

Now, I am not being critical of the gentleman from California for his misinterpretation because I did the same thing. I just did not put it in the record. But the point I am making is that this points out the need of revenue sharing, because no Member of Congress is capable of keeping up with every detail of local and State government. Certainly, a Member of Congress is not necessarily obligated to know that the city of Los Angeles does not have a real estate tax; it is collected by the county. I happened to learn this only by accident. So, this is an example here as to why a congressman is not capable of governing a local community.

Mr. CONABLE. I thank the distinguished gentleman from Tennessee for his contribution.

I think we all have reason to be grateful for the research which he is doing on this subject and I know he will continue his interest and make further contributions before we are ready to bring this whole effort to fruition.

It seems to me remarkable that many of our distinguished colleagues in facing the crisis of local government are in effect advocating the very thing that brought local government close to ruin; that is, the extension of the categorical grant programs with the siren song of easy Federal money sopping up ultimately all of our local decisionmaking power.

Mr. KUYKENDALL. Mr. Speaker, if the gentleman will yield further, I would like to ask that every Member, if he has not already done so, check the fiscal condition of his own city and his own State, and if he is in a large city particularly to find out how much of their financial plight is the result of matching Federal grants which will not continue under President Nixon's revenue-sharing plan. The fact that the siren call of so-called free money wooed a bunch of legislators and city councils into appropriating money on long-term matching grants, does not the gentleman agree that this is part and parcel of a lot of the crises?

Mr. CONABLE. That is correct. I would say that matching Federal grants do continue under President Nixon's plan, but 30 percent of the total categorical grant program would be folded, assuming full implementation by the Congress, into bloc grants without local matching, which I think would make a great deal more sense ultimately for the localities and give back to them some of the flexibility they have lost as a result of the categorical Federal grant program.

Mr. Speaker, I view this whole issue in part at least as a continuation of tax reform begun in 1969 with the Tax Reform Act of that year.

As a member of the Committee on Ways and Means I have been interested in the issue of progessivity of our Federal income tax. In fact, those who have studied it know that at least prior to 1969, as economic income went up the percentage tax paid by the taxpayer did not automatically go up at the same rate, and very wealthy people who invested their money in special ways enjoyed a tax preference with the result that the effective rate of tax could fall off quite sharply.

Mr. Speaker, we need a major effort to try to improve the credibility of our graduated income tax system. The reason was not simply because we wanted to soak the rich; it was because a part of the American tradition is that taxes should be based upon the ability to pay. A graduated income tax harnessed this tradition. But the tax resources available to the localities, and for the most part to the States as well, are generally regressive taxes such as the real estate property tax or the sales tax.

The cost of local government, based on salaries to the extent it is, has been going up sharply with living costs. It has been going up considerably more sharply than the costs of the Federal Government. Therefore it is not surprising that, as part of the Tax Reform Act of 1969, we did cut back somewhat on our Federal income tax. The other recent major step taken with respect to the Federal income tax came in 1963, when there was an actual tax reduction as a stimulus to business. In short, the graduated part of our tax system, the Federal Government's part, has been cut back constantly since 1952 as a proportion of the total tax burden of the country. Local taxes, on the other hand, have increased in almost geometric proportion, and since they are not based on the ability to pay, the hardship implicit in this increase is a major burden for the American people to carry.

What I am saying, in effect, is that it does not make sense to increase the progressivity of our Federal income taxes by continuing reform if we are going to put less and less percentage of the country's total tax burden on the Federal income tax. It does make sense in these terms to consider some way to siphon to the local government, which is carrying such a heavy burden of regressive taxes, a portion of our progressive income tax through such a scheme as the President has advanced.

Mr. Speaker, I hear a great deal of pessimism about revenue sharing. There are many people, to return to the original simile with which I started, many of the consultants, the doctors consulting on this issue here in the Congress, who are in effect burying revenue sharing prematurely. I think they are premature because the circumstances of local government make it inevitable that this particular idea is an idea whose time has come. The alternative, the abandonment of major local services by our local government, is unthinkable in terms of the viability of our democracy. In one way or another, we are going to have to find a way to return some of the progressive tax revenue gathered at the Federal level to the States and localities.

The President's initiative in this respect, as I see it, is an ingenuous formula which avoids many of the abuses implicit in earlier suggestions, and which fits in very well with the special revenue sharing part of the program which itself will, I think, impart an added flexibility to local government.

I know that other people will come forward with other suggestions for ways in which we can meet the crises of our localities. I hope that if these are constructive ideas they will be considered constructively. I personally am grateful that we are going to have hearings, for whatever purpose, and the sooner the better. I am afraid, unless we move quickly to find some solution rather than quibbling about its details, that we will find the patient—local government—in grave condition before any benefits flow to him from the inevitable solutions we will achieve.

Mr. Speaker, I yield back the balance of my time.

THE IRISH AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 30 minutes.

Mr. HOWARD. Mr. Speaker, who are we, anyway, what are we, the American Irish? What makes us different from other Americans, what did not get simmered away in the melting pot that we hold so dearly and treasure so highly?

Or is there anything?

Of course, no one really understands the Irish, least of all the Irish themselves. Over the years, we have produced writers and poets out of all proportion to our numbers, all of them trying to explain the mysterious mix of melancholy and mirth, gaiety and gloom, gentle heart and battling spirit, that make up the Irish character and the Irish temperament. And none of them has ever succeeded to the satisfaction of the others.

So I do not pretend to have any special powers of analysis or insight. My only qualifications for the task are all spelled out in my County Carlow and County Roscommon background.

But I do wonder why we feel such an affection for, and have such pride in, a land that most of us have never seen, or as the American-born Irish writer John McNulty called it, "Back home where I never came from."

Joseph Kennedy, the former Ambassador and the father of the late President, once complained, after a Boston newspaper referred to him as an Irishman:

> I was born here. My children were born here. What the hell do I have to do to be called an American?

And yet, our joy over the election of his son, our grief at his passing, were not untinged by the fact that, in our minds, John Kennedy was Irish—Irish American, American Irish. John Kennedy, who at the very least, was one of the brightest shooting stars in the firmament of mankind was Irish, as we are Irish. And if, through the lens of history, his light is perceived to have permanently lit the heavens, and become the beacon for a new, and nobler age, I am sure there will still be other Americans around to point with pride, and tell their children: "He was Irish—like us."

The certain cruelty of fate—it looms large in the Irish consciousness. It is the heritage of centuries of struggle in a harsh and oppressed land; and we accept it, just as we always carry with us, deep in our bones, the knowledge that to be born is to face certain death.

But throughout the stormy history of the Gaelic strain, that is never been for the caring now. When it comes, it comes, and we have been too long with the world not to know that protest is a pointless epilog to life—and a demanding one at that.

So, while we relish life and revel in it, our soul's eye is always on the clock, and we always know where midnight is.

There is no doubt but that these wide swings in the Irish outlook on life have their roots deep in history, and in the land itself.

Take a people who, after St. Patrick, knew 500 years of unparalleled intellectual and spiritual achievement; a proud people whose land became renowned as the citadel of civilization during the darkest age of the Western World, the home of saints and scholars; and then enslave them for 700 years.

For seven centuries beat them down at every opportunity, steal their lands, strip them of every human right—and you have a race that sees all too clearly the high comedy of all man's vain pretentions, set as they are against the inescapable background of blind chance and brute mortality.

And you have a race that sees, too, both the wonder and the tragedy of human possibility, the capacity for accomplishment that ends so often with "what might have been."

But you also have a hard-headed, realistic people with an unshakable faith that tells them that both the comedy and the tragedy will always be resolved in the triumph of immortality.

It is this that sustained them as a nation and kept their spirit alive. And it is this that is the gift of the man we remember today—St. Patrick—and whose memory we celebrate with good reason.

This then, is the nature of the Irish in you and the Irish in me, passed along to us from all the Gaels who ever inhabited that wet and wintry little isle, whose loveliness, when it breaks through, seems almost like an illusion.

This is the imprint of the blood conferred on us by all the O'Flahertys and Flynns who battled with life and its oppressors there, who starved and laughed and loved in Kilkenny and Cork and who, when they left, left not because they ever gave up the fight, but because they wanted to get on with it.

And when they boarded the ships for America during the famine of the 1840's, they left behind them only their relatives and the millions of dead, and they brought with them everything else they had—namely, themselves.

They brought, in themselves, a certain wildness of spirit that matched the untamed Irish countryside and the angry ocean that surrounds it; and they brought a countryman's sense of awe at the mystery of things.

They brought a love of life and a love of fancy, and neither the long voyage over nor the long years since have done anything to diminish the conflict that still rages between the two.

They brought with them a gay, offhand courage, and a fierce, unbridled lust for freedom that is as vital to an Irishman as the air he breathes.

And they lost not a bit of their deep capacity for affection and warmth—for the Irishman off his guard is as openhearted as he is wild, and as warm as the heat of his temper.

I am not denying that the Irishman can be a cantankerous creature. He loves a fight, there is no doubt about that. G. K. Chesterton, who called Ireland "the land of broken hearts and broken heads," wrote of the Irish that "all of their wars are merry, all their songs are sad."

Meaning, I would guess, that a good donnybrook is as good a way as any to put some spice into life—and it does not much matter whether the other fellow is Irish, too. Samuel Johnson, the eminent doctor of English letters, once said:

> The Irish are a fair people, they never speak well of one another.

Or, as another student of Irish ire expressed it:

> If you put an Irishman on a spit, you'll never have much trouble finding another one to baste him.

But the Irishman's combative spirit served him well in the New World, and it served his adopted country well, too.

The Irish have distinguished themselves in every American war, including the Revolution.

All told, there were no less than 695 Kellys on the rolls of the Revolutionary army, more than any other name, including Smith—which gives you some indication of the Irish contribution to the cause of American freedom.

Probably the most famous single corps in Washington's army was the formidable "Pennsylvania Line," and it was so solidly Hibernian that Light Horse Harry Lee renamed it "the Line to Ireland."

The Irish helped fire the spirit of Independence, too, as well as muskets. Four signers of the Declaration of Independence were born in Ireland, and 5 others had Irish parents or grandparents.

It is no wonder that when the surrender of Cornwallis at Yorktown was announced to the British parliament, one Lord Mountjoy groaned:

> England has lost America through the exertions of Irish immigrants.

At Fredericksburg 1,200 men of the storied Irish Brigade stormed the Confederate held heights, green sprigs in their hats to take the place of their Irish banners too tattered to carry; 282 survived.

"Never," said General Robert E. Lee, "were men so brave."

In World War I and World War II, the Irish continued to add chapters to the book of valor—and names to the muster of the dead.

But the Irish did more than fight for this country. They helped to build it.

They pitched the dirt for the canals that extended the early life lines of the Nation's commerce, and when the railroads came, it was the Irish who laid the track and hammered the ties, for peasant's wages and a bribe of whiskey.

It was in the labor movement that the Irish found a natural battleground. In a sense, they were made for each other. The majority of Irish in the late 1800's were laborers, and the majority of laborers were oppressed. The result was a traditional spontaneous combustion of the freedom-loving Irish spirit, and if excesses were committed in the name of social justice, they can perhaps be forgiven in the light of the conditions that inspired them.

In the big cities, the name of oppression was discrimination, and the struggle was for acceptance. Signs that read, "No Irish or dogs allowed," and "No Irish need apply," were a constant slap in the face. But they were also a constant challenge, a chip on the shoulder of the upper and middle classes that the pugnacious Irish were only too happy to keep knocking off.

The Irish had learned a bit about outwitting a ruling class under the domination of the English, and the lessons were put to good use in the cities.

It did not take them long to realize that the best way to fight the "powers that be" was to become a power themselves. So, while they played a respectful footsy with the society that stereotyped them as pig-owning street brawlers, and while they lathered its leaders with blarney in the interests of survival, they gradually gathered up the reins of social control through the one means open to them—politics.

It was the Irishman who made politics a profession. Unfortunately, some of them also turned it into a business, with fine distinctions to be drawn between honest graft and dishonest graft. But even they served a vital function in consolidating Irish influence.

Moreover, the Irish political boss, with his finely tooled vote-getting machine, paid generous dividends to his supporters by filling a social void and tending social sores that a callous society ignored until Franklin Roosevelt and the welfare and social security legislation of the New Deal.

Politics was the real foot in the golden door for the Irish. As much as anything else, it gave them the economic base they needed to batter down the barriers to opportunity. And in relatively short order, Irish cops and hod carriers were looking forward to the graduation of their sons from college, and Irish names began to appear on the shingles of the professions.

Today, the Dictionary of American Biography lists almost 500 distinguished Americans who were born in Ireland, and literally thousands of Irish descent.

That, I think is a good beginning. But only if it is a beginning, only if it is the first few chapters of the story of the Irish in America.

We have come a long way from the days of the shanties and lace-curtain anxieties, and the time when the term "Fighting Irish" was meant as a reproach rather than a compliment.

We have come a long way, and I would hope that like the Irish who fled the famine, the only thing we have left behind is our sorrows. I would hope that we are still as Irish as they were then.

I would hope that creature comforts and social status have not led us to believe that all is so well with the world that there is no need for Irish dreaming of better things to come, or Irish compassion for those less fortunate than ourselves.

I hope we have not forgotten those ironies of existence that have always provided ballast for the Irish spirit. I hope we have not forgotten how to experience the joy of gratitude that keeps a man in touch with his God.

We have got a lot to be grateful for, and it puts a burden on us—the burden of giving as much as we have gotten. There never was an Irishman who could not do that in a fight, and that is what we have got on our hands today—the unfinished fight to fulfill the promise of the American dream for those millions among us for whom the golden door has slammed shut; the unfinished fight to insure that no one goes hungry; that no one is denied the opportunity to make the best of himself, for his sake and ours, so that everyone can share in and contribute to the well-being of the Nation, so that everyone can experience the self-wonder of human dignity, rather than merely hear about it.

And there is the fight to keep open the golden door to the future.

Our cities, the traditional home of the Irish in this country, are undergoing social and economic convulsions. Our air and our streams are polluted.

Our countryside is blighted. Our educational facilities are woefully inadequate, and every new birth is an indictment of our delay in improving them.

Hate, it has been said, is not the most vicious human emotion. Indifference is.

You have often heard it said, "God save us from perfection." And He did, especially when He made the Irish. But the beauty of it is, the Irish have always been aware of it, and it is this awareness that is the essence of the Gaelic spirit.

St. Patrick gave us a glimpse of heaven. And then we had our noses ground into the dirt for a thousand years. It made us dreamers, and it made us realists, and I think that the love of a fight that is in us is caused by the lure of the dream.

One hundred years ago, to the Irish whose pride we are, the goals of modern America would have sounded like a dream, a wonderful alluring dream. And they would have embraced it.

Today, with the technological capacity and the social and economic tools we have on hand, ready for the using, the dream is no longer a dream but a reality within our grasp.

Al Smith, at the beginning of his career, was given some very sound advice by an old Irish politician. "Never make a promise," he said, "unless you are absolutely sure you can deliver on it."

Let us make a promise today, a promise to our children and to their children, and let us deliver on it. A better America for all.

INSTALLATION OF AN ATOMIC WASTE DUMP IN KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, on yesterday, March 16, I appeared before the Joint Committee on Atomic Energy to testify in opposition to the installation of an atomic waste dump in my State of Kansas. I include the text of my statement before the committee, together with supporting reports from a number of Kansas authorities and the Department of the Interior in the CONGRESSIONAL RECORD.

STATEMENT OF HON. JOE SKUBITZ, BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY, MARCH 16, 1971

Mr. Chairman, Members of the Committee: For the record, I am Joe Skubitz, Congressman from the Fifth District of Kansas. I would like to thank the committee for its graciousness in permitting my attendance. I am here, as the Committee knows, to testify on Project 72–3–b in H.R. 5522, an Atomic Energy Commission proposal for an authorization of $25 million, to purchase lands and begin work on the construction of a repository for nuclear wastes, in and about Lyons, Kansas.

Let me say first that I am not a physicist, nor a chemist, nor do I have any special scientific learning. I am certainly not in a position to discuss nuclear theory or radiation nor do I intend to do so in my statement to you. I am here rather as a layman, a citizen of Kansas and of the United States who is concerned with the ecology of our land and the protection of its environment.

More importantly, Mr. Chairman, I am here because I am worried about the health and the lives of Kansas citizens and before you for consideration is a project that jeopardizes the life of Kansas people, and indeed a great many other people in other states.

I am here, Mr. Chairman, as a lawyer speaking for a client, for people in Kansas whose lives, and the lives of their children yet unborn, are involved. I come here as a Congressman elected by some of those people whom I represent in this House. I come also in behalf of certain members of the State Legislature of Kansas. I come as a lawyer appealing to a jury of my peers, since twelve Members of this Committee are lawyers.

As I see it, two separate but closely related issues must be considered and settled before a nuclear-waste depository should be built at Lyons, Kansas.

The first concerns the right of a state itself, the responsibility of its people to make intelligent and informed judgments and decisions. These are legal, social, economic and political questions.

The second involves the state of the art, the so-called safety factors; whether high-level atomic wastes can be handled reasonably safely, buried for hundreds of thousands of years without danger to mankind and his environment.

I propose to deal with both issues.

My State, Kansas, has been selected for the dubious honor of being the first laboratory experiment for burial of lethal wastes in salt.

As the Members of this Committee may assume, not everyone in Kansas is entirely happy about this proposed guinea-pig status. Every newspaper in the State that I know anything about, excepting only one, has either urged a halt until additional facts are in or opposed the project outright. Some editors have strongly condemned it. The project has become a hot issue in the State legislature, now in session. Forty-eight members of the House and nine senators have sponsored bills that call upon the Governor, the Congress, and the President to reject the project in its present frame of reference.

(I submit copies of the bills for inclusion as part of my statement.)

Since salt beds are the currently preferred medium for atomic-waste disposal, the people of most states may not face the problem of whether or not they want a nuclear-waste depository in their area. But there are some 400,000 square miles of salt beds in this country, and some day citizens of other states and their representatives in Congress will have to face the issue. Of course, if the constituency of one of the Members of this Committee welcomed such a waste depository, you would be faced with an easier position than that in which I find myself.

For the people of Kansas, as indeed for the people of any state facing such an issue, the waste depository brings up questions that go beyond its safety. What will such a project mean to the industrial development of a state that now ranks forty-third in that field. Will it deter commercial expansion and population increase? What are the state's responsibilities to out-of-state nuclear-power plants to become their wastes' depository? What direct economic benefits will accrue to the state and its citizens from the operation of the facility? What will be the effect of the waste facility on property values, adjacent to, near, and even far removed from the site?

No one needs to teach me a law course about the right of eminent domain. I sit on the Interior Committee and have some knowledge of the power of our Federal Government. But if the people of Kansas either by law or resolution in their legislature or by statewide referendum oppose a nuclear-waste dump, I seriously doubt that even the AEC would insist on the Lyons site. I am even more sure that the Attorney General of the United States would not undertake an eminent domain proceeding in those circumstances.

The decision to install a waste facility is not one for the AEC to make unilaterally. It is not one for the Governor, or for me, or for the Members of the Kansas Delegation in Congress. Indeed, in the final analysis it is not one for a group of scientists, whether they are employed by the AEC or by the State of Kansas; it is not one for a group of environmentalists; it is not one for a group of industrialists. It is a decision that belongs properly in the hands of the people of Kansas.

They are entitled to have the facts, all the facts, before such a decision is reached. In my small way, I am trying to make some of the pertinent facts available to them.

But if this Committee authorizes the funds and permits the AEC to purchase the ground, it will have effectively denied Kansas people any choice in this vital issue. The

Committee will by its action have allowed a Government agency, which admittedly seeks to install a facility for the benefit of private entrepreneurs to make the decision for Kansas. And that decision will have been premised on the single issue of safety—as AEC interprets safety.

This Committee and the AEC can be certain that the issue will be resolved intelligently and equitably if the people of Kansas are permitted to make the ultimate decision. If the AEC can and will prove to Kansas scientists and the Kansas Advisory Council on Ecology that the Lyons salt beds are geologically and physically safe; if AEC can demonstrate safe means of transport and effective, in-being means of retrieval; if AEC can show more effectively than by current rhetoric that Kansas and its people would be performing a national service and just not a convenience for privately-owned facilities; if AEC can show that Kansas industrial expansion will be enhanced or at least not hindered; if these things can and will be shown, I have no doubt that the people of Kansas, acting through their legislature or other suitable means, will endorse and approve the nuclear-waste depository.

That, Members of the Committee, is one side of the issue.

I turn now to the other issue—the so-called safety issue. This involves scientific questions, and I intend to bring in scientific evidence.

As lawyers, you will agree I am sure, that the Atomic Energy Commission must lay before this Committee overwhelming evidence that its existing—I want to emphasize that word—that its existing plans for installing an atomic-waste repository is safe now and will be safe for the hundreds of thousands of years during which these wastes will remain lethal.

It will not be enough, in my judgment, that what the AEC lays before you is simply a preponderance of the evidence. That might meet the requirements for an irrigation or reclamation project.

But here we are talking about peoples' lives. The AEC is playing God. I suggest that the Committee therefore must be convinced beyond a reasonable doubt that the waste project in its present stage and frame of reference is safe for mankind.

If the Committee will rely on that rule of law, it will shortly be clear that the AEC evidence before you will not support authorization now. The facts adduced by and presented by the AEC itself, and the questions raised by the United States Department of the Interior, the Kansas State Geological Survey, and the professors and scientists from Kansas State University and the University of Kansas in their comments to the Kansas Advisory Council on Ecology—questions I must remind the committee that remain largely unanswered—clearly show that further intensive investigations and studies must be pursued before actual construction of a reasonably safe depository can begin.

That is all I ask—that study go forward before a Government agency be permitted to endanger life. Indeed, because of the language of Sec. 103 of the bill which would permit the AEC to perform actual design services whenever "such construction project has been included in a proposed authorization bill transmitted to the Congress . . ." I earnestly request that the Committee delete Project 72-3b and increase funds as necessary for Project 72-1-e, which is limited to "improvements in radioactive-waste management and supporting facilities, multiple sites, $5,000,000."

The Committee should know that I am not a Johnny-come-lately to the problem of disposal of nuclear wastes. Some seventeen years ago when I was the Administrative Assistant to the late Sen. Andrew Schoeppel, the AEC first proposed burying its then very limited amounts of atomic wastes in Kansas salt beds.

As I recall, the AEC proposed then that a huge vault, resembling in shape a laboratory flask, be excavated in the salt beds. Into this salt flask would be poured the high temperature, lethal wastes in liquid form. A tube-arrangement would be made to carry the gases to the surface for cooling and return to the cavern, operating like a moonshiner's still. Need I point out that Senator Schoeppel, and indeed all of the Members of the Kansas Delegation, were aghast.

Even though they knew no more than I do now about nuclear matters and atomic physics, they were convinced that the waste-disposal project as then proposed was not only hair-brained, but of the utmost danger to mankind in that area, and indeed through whatever area the wastes had to be transported to be brought to Kansas.

Obviously, the AEC would not propose any such project now. It knows a lot more and it has more sophisticated ideas now. I am suggesting that given time and funds and the willingness to regard nuclear-waste disposal as something that acutely and directly affects all of us, the AEC can and will come up with a waste disposal process and plans for a depository that would be acceptable to reasonable people.

The AEC must change its outlook on waste disposal. Its view is currently colored by its client relationship with private companies operating nuclear-power plants and the rapid proliferation of breeder reactors by these companies. In its zeal to promote peaceful uses of the atom, AEC has spent billions on research and development. It has all but ignored the waste problem. Burying it, getting it out of sight is the AEC's current solution for this grave situation.

I doubt that I can put it better than did Dr. Lloyd C. Hulbert, Associate Professor of Biology at Kansas State University in his report[1] to Governor Docking, and I quote: ". . . I am aware that the AEC is trying to plan well." "However," he added, "there can be honest mistakes, and also it is possible for the AEC to become a promoter of nuclear power with a zeal or method that causes carelessness or oversight."

Let me make clear that the AEC deserves commendation for its investigation of the waste-disposal problem. It has engaged the services of experts in every relevant field in addition to its own Oak Ridge experts. It has commissioned independent studies by qualified experts in Kansas. It is apparently continuing this program of research. My concern, the obvious concern of every independent expert who has studied the AEC's Environment statement, is that the AEC hasn't gone far enough, hasn't completed its research.

AEC proposes to go ahead on a conditional basis with acquiring land and beginning burial while it continues studies and investigation. Such a procedure was originally suggested by a Committee on Radioactive Waste Management of the National Academy of Science.[2] However this NAS Committee added this caveat:

"If these studies and investigations reveal problems or conditions that would jeopardize the safety and integrity of the storage site, the project should be reconsidered."

I submit, Mr. Chairman, the people of Kansas can't afford the AEC policy, they can't live with it. They insist that the studies and investigations precede the jeopardy stage, that the horse come before the cart instead of the other way around.

Let me turn now to official reports and documentation of facts. The expert witnesses I will cite direct their comments and questions to material contained in two reports that I assume the AEC has supplied to the Committee.

One is the AEC's November, 1970, Draft Environmental Statement on the Radioactive Waste Repository[3] to which I have previously alluded. The other is a study commissioned by the AEC and carried out by the Committee on Radioactive Waste Management of the National Academy of Sciences, also dated November, 1970.

The AEC sent its 57-page Environmental Statement to the Kansas State Geological Survey and requested comments. The AEC also sent its Environmental Statement to the Department of the Interior and to the Kansas Advisory Council on Ecology and requested their respective comments.

The AEC may not have made available to the Committee the texts of these answers to its Environmental Statement. These responses by experts form in large part my reference points. I shall be quoting liberally from them. If the Committee desires, I shall be pleased to furnish copies of each report for inclusion in the record as I refer to them.

The Committee will want to bear in mind that the AEC's environmental statement is a 38-page memorandum with a 17-page appendix that refers to important aspects of the proposed repository. It deals, for example, with the environmental impact, the thermal problems, radiological and physiological effects, geophysical, ecological, and sociological effects, transportation and a number of other items. It did not deal, for example, with retrieval, a subject that Dr. Seaborg found it expedient subsequently to comment upon. The point is that the AEC invited critical evaluation from a number of sources on what it included and what it failed to include. I trust the Committee will give appropriate consideration to these invited evaluations.

Since the initial investigations and studies dealt with geology and hydrology of the site, we should turn first to the work done and reports submitted by Dr. William W. Hambleton, State Geologist and Director of the State Geological Survey. His initial 15-page report, dated July 7, 1970, records briefly some historic data. He tells of an Oak Ridge Laboratory scientist calling on him in January of that year and a subsequent meeting in March between representatives from Oak Ridge and Governor Docking and other State officials. Dr. Hambleton records that AEC's interest in the Lyons area had been dormant for some years, and was now suddenly revived by a request for all available geologic data, earth movements, hydrology, and similar information. He reported that "Governor Docking was assured by the AEC officials of the safety of the site and the need for a public relations program concerned with safety . . . which might arise from such a facility."

Pointing out that under Kansas law (48-1604(h)) the State Geological Survey is charged with responsibility of continuing investigations on the geologic effects of storing atomic wastes in subterranean areas, Dr. Hambleton's report says that he wrote Governor Docking on April 17, 1970, expressing concern about the selection of Lyons as a site for storage of high-level, radioactive waste. His letter dealt with, he explained:

"The inadequacy of detailed geologic information and expressed strong recommendation that final selection should be deferred until the integrity of the site could be demonstrated."

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[1] Hulbert, Lloyd C., Asso. Prof. of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology, February 2, 1971

[2] "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits," Report by the Committee on Radioactive Waste Management. National Academy of Sciences. Washington, D.C. Nov. 1970.

[3] "Draft Environmental Statement on the Radioactive Waste Repository Lyons, Kansas," United States Atomic Energy Commission, Washington, D.C. R. E. Hollingsworth, General Manager—November 1970.

I ask the Committee to remember this concern by the State Geologist expressed to the Governor because as his subsequent reports will demonstrate, his concerns have not yet been satisfied.

Let me now quote further from Dr. Hambleton's July 1970, report:

"In general, studies related to the Lyons site have been developed from a simplistic view of the geology . . . The local geology at Lyons may introduce complexities of a serious nature."

Dr. Hambleton went on to say:

"The long term possibility of the salt being subject to solutional activity, erosion, or other stresses cannot be ignored . . . Significant base-line information on water quantity and quality in near-surface rocks and rocks above and below the salt is not available . . . The geology of the area is not known in sufficient detail with respect to structural or stratigraphic characteristics . . . Uniformity of the salt in the un-mined part of the Lyons site has not been demonstrated."

It is not my intention to bore the Committee. I simply want this jury to understand that a case has been made by scientists, not by me, to stop, look and listen. I intend to cite chapter and verse, if I may.

Further in the report, Dr. Hambleton continues:

". . . . there is evidence of a westward migration of this dissolving salt front, a condition which could destroy the integrity of the disposal site."

After calling attention to the problem of disposing of an average of 320,000 tons of salt a year that would be brought to the surface by excavation of the disposal site and emphasizing that projected suggestions fall far short of a satisfactory solution, Dr. Hambleton makes twelve specific recommendations to be carried out by the AEC.

We come now to Dr. Hambleton's second report[4] of December 2, 1970. He begins this six-page survey by describing that in August of 1970 his agency together with the U.S. Geological Survey, the U.S. Corps of Engineers, the State Department of Health, and a privately employed drilling company "initiated a detailed study of the surface geology, ground water hydrology, and subsurface geology of a nine-square-mile area centered on Lyons. . . ."

He explains that the studies and the work have been supported by funds totaling about $100,000 supplied by the Oak Ridge Laboratory and Union Carbide.

A number of oil and gas exploratory test holes drilled earlier had yielded little geological information, he says. So AEC contracted with the Corps of Engineers to drill a six-inch core through to the 1300 foot level at one corner of the site and thereafter a second hole at another corner, although not cored. Some 40 additional shallow holes have been drilled and studies are continuing on rock outcroppings.

I quote these facts in some detail to emphasize that a great deal of geologic work has been done and that more is probable and that again the AEC deserves praise for the investigations it has commissioned.

Dr. Hambleton's six-page report continues with a survey of the water supply, pointing out that ground water is the principal source for municipal, industrial, irrigation, stock and domestic use in the area, coming from large wells yielding 300 to 1000 gallons per minute. He discusses the salt thickness, geologic formations, fractures, etc. Then he turns to the subject of heat transfer. And what does he say? I quote,

"Problems relating to heat flow and surface subsidence remain largely unsolved."

Listen to his paragraph of conclusions on heat transfer:

"Oak Ridge National Laboratory and AEC staff have exhibited remarkably little interest in the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section. The interaction of subsidence, thermal expansion, and heat flow could be responsible for breaking the seal of overlying rocks, and permitting entry of surface or subsurface waters. The State Geological Survey regards solution of this problem as crucial to the safety of the repository site."

Following an extensive discussion of the storage of energy within the salt itself due to radiation damage of the salt, a topic of considerable importance, I might add, Dr. Hambleton concludes this point with the following significant observation:

"Staff of Oak Ridge National Laboratory and the Atomic Energy Commission have exhibited remarkably little interest in studies of radiation damage. The State Geological Survey regards this problem as extremely critical to safe storage of radioactive waste at the Lyons site."

The December Geological Survey report ends with an observation on transportation and retrieval of radioactive waste, a subject on which I will have something to say presently. Dr. Hambleton observes that although his Geological Survey has not direct responsibility for transport and retrieval, he would be remiss (that's his word, not mine) if he did not call attention to these critical factors and reinforce the concern of other state agencies that are involved in them.

"We judge," he concludes, "that plans for safe transportation of these radioactive materials are completely inadequate and that no contingency plans for retrieval of waste exists at all. We conclude that these two elements are critical and crucial to the safe storage of radioactive materials at the Lyons Site."

Subsequent reports from Dr. Hambleton, the Advisory Committee on Ecology, and the Department of the Interior make this same point. Is it any wonder, Mr. Chairman, that some of us in Kansas shudder at the prospect that confronts great numbers of people, not only Kansas living near the waste site but people all long the transportation routes from the Atlantic and the Pacific into Kansas.

We come now to Dr. Hambleton's latest report,[5] a six-page momorandum dated January 15 of this year to the Chairman of the Kansas Advisory Council on Ecology. Incidentally, Dr. Hambleton's memorandum is one of three scientific papers that form the basis of the Ecology Council's Report to the Governor on the AEC Environmental Statement.

On February 22, 1971, Governor Docking submitted the Council's report with a covering letter directly to John A. Erlewine of the AEC. I will deal subsequently with the Council's full report and the Governor's letter.

May I remind the Committee that Dr. Hambleton is the State's most informed official on the geologic integrity of the Lyons site and that he was brought into the planning at the very earliest stage. He worked with AEC officials, Oak Ridge experts and outside contractors employed by AEC. He has sat on panels of the National Academy of Science on the disposal of radioactive wastes. He has been consulted by all concerned parties. He has contributed heavily of his time and energy on the project. Most important of all, and I cannot stress this too strongly, Dr. Hambleton does not oppose creation of the facility, nor does he cringe at the possibility that the Lyons salt beds might be the eventual site.

In light of these facts, let me now quote from Dr. Hambleton's latest report to the Governor:

"I am pleased to have the opportunity to comment on these reports because I have been widely quoted in the newspapers as stating that I wrote the National Academy report, that the report endorses the Lyons site for radioactive disposal, and that I thereby express my approval and endorsement of the project. These statements are not correct."

He continues:

"Actually, I served on the Panel on Disposal in Salt Mines of the Committee on Radioactive Waste Management, and I did make major contributions to the Panel report, which subsequently was reviewed and changed by the parent Committee. For the most part, I agree with the National Academy report," which he points out "does not give unqualified endorsement of the Lyons site, and contains many constraining statements. For example, under Summary and Conclusions, the Committee states that disposal in bedded salt is the safest choice now available, provided the wastes are in an appropriate form and the salt beds meet the necessary design and geological criteria. The Committee states that the site near Lyons, Kansas, is satisfactory, subject to the development of certain additional confirmatory data and evaluation. The recommendations of the Committee for additional studies and investigations are the same recommendations of the Kansas Geological Survey, and I acknowledge responsibility for making sure that they were a part of the report."

". . . I am disturbed to note an Appendix to the Committee report," he notes in referring to the NAS report on waste handling, "which was not a part of the original report. Seemingly, the statements in the Appendix were added gratuitously in an attempt to refute some of the concerns of the Committee."

Dr. Hambleton then turns to the AEC's Environmental Statement and says:

"I find many parts of it to be general, meaningless, and a public relations effort designed to relieve the fears of critics. Throughout the report, conclusions are based upon results derived from studies using simplified models or naive assumptions. The assumption is made that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale."

Dr. Hambleton then recites a number of assumptions made by the AEC on mine subsidence, retrieval and transportation, all of which he warns "should be scrutinized carefully."

Referring to the geological integrity of the site, he reports:

"In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are assumed. Furthermore, we have reason to judge that the assumed stresses may be in error."

Let me quote a brief extract from what Dr. Hambleton says about thermal and radiological stresses.

"The project," he says, "has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock section consists of laminated salt and shale, and analytical results may be very erroneous. . . . Our own trial calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt."

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[4] "Preliminary Report on Studies of the Radioactive Waste Disposal Site at Lyons, Kansas." The Kansas Geological Survey. Dr. William W. Hambleton, Director. December 2, 1970.

[5] Hambleton, William W. Director, The State Geological Survey of Kansas. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology, January 15, 1971.

Then he continues:

"The Oak Ridge National Laboratory and AEC staff have exhibited remarkably little interest in a proper study of the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section."

Dr. Hambleton, the Kansas State Geologist, next discusses the irradiation of salt. And what does he have to say about the AEC research in this field. I now quote two brief paragraphs:

"The affects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. Thus an additional thermal problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300 degrees C. to 620 degrees C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive affect due to the sudden thermal expansion. Thus, thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

"Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigation of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained."

He concludes:

"The State Geological Survey regards solution of these problems as crucial to the safety of the repository site, and urges most strongly that studies be undertaken immediately."

As the Committee may know, a major problem with the most serious implications has developed in planning for safe transportation of the wastes and their retrieval in case of accident.

In the earlier stages, in fact as recently as ten months ago, the AEC wasn't very concerned about either problem or at least it didn't so indicate publicly. Its general manager, Mr. Erlewine, told me that the wastes would be buried permanently, that I should not worry about any possibility of accident that might require retrieval. AEC's reports acknowledged that a transportation problem existed but, they said, it was being studied. They had no doubt that given time they would come up with procedures that would conform to national safety standards.

Mr. Chairman, existing standards aren't good enough. Nobody has yet moved this kind of material. Presumably the same standards that apply to transporting fuel elements would be followed. Those movements to power plants are limited in size and scope. We are talking here about a project that will involve the movement of hundreds and hundreds of encapsulated solids, radiating lethal rays. Specially built freight cars will have to be designed, tested, and then built. But as matters now stand, we are asked to be satisfied with AEC assurances that in good time all this will be done.

I have pointed out that retrieval was not seriously contemplated by AEC until very recently. But when I began asking questions and when a newspaper in Kansas asked a specific question on retrieval, Dr. Seaborg for the first time publicly admitted that there was, of course, always the possibility of an accident and that the AEC was working on retrieval plans.

I hesitate to differ with an eminent Nobel Prize winner, but I must in good conscience point out that it is this attitude of "leave it to us; we're great scientists" that most affronts a layman. The AEC acts as if your concern and mine should be limited to acknowledging their superior intellect and following their dicta. Of course, they don't say so but the inference is—it's going to be a long time, maybe a hundred years, maybe a thousand years before that salt might have to be moved and by that time our successors will have figured out an effective, safe way to take it out.

Let me read to you Dr. Hambleton's analysis why retrieval may be more than a vague possibility sometime earlier than the distant future:

"As long as the waste containers maintain their integrity", he points out, "only small quantities of salt would be subject to high-energy, heavy-particle radiation. However release might occur once or twice a year for about three years and melting or explosion could cause containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. In addition, the metal containers are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. Accordingly, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses. The ceramic material also can store energy, and gamma radiation can cause chemical breakdown of salt. Radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements," (he means AEC statements) "that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are relatively meaningless. Furthermore, the recovery of these dispersed wastes in a hostile environment at high temperature and radiation levels is scarcely a trivial problem. Although the staff of Oak Ridge National Laboratory and the AEC have stated that the technology for such recovery is available, no design concept has been revealed."

That bears repeating, Mr. Chairman. No design concepts have been revealed, says Dr. Hambleton. Not even to him who is AEC's contractor and has worked intimately with them. Yet when I noted that the AEC either hasn't gotten very far with transportation and retrieval plans or were keeping such plans secret, Dr. Seaborg retorted that "there has been no secrecy about this project . . . the general public as well as the officials of Kansas have been given extensive information on all aspects of the project." Obviously if Dr. Seaborg's statement is to be taken at face value, it confirms my point that the AEC just doesn't have advanced plans for retrieval and transportation.

I bring Dr. Hambleton forward again with a final word on transportation. He says:

"Although not really within the competence of the staff of the Geological Survey, our views concerning transportation are stated here in order to reinforce the expressed concerns of competent staff in other state agencies. If statements that the surface temperatures of transportation casks will be approximately 350 degrees C. are correct, most certainly these containers will not be in conformance with AEC and Department of Transportation regulations. Furthermore, railroad roadbeds in Kansas are judged by authorities to be in exceedingly poor condition. Adequate designs for a transportation system have not been revealed, and to the best of our knowledge the proposed National Academy of Science Committee on Transportation has not yet been appointed."

As I previously noted, the AEC's environmental statement was also submitted to the United States Department of the Interior for evaluation and comment. Last month, on February 3, Hollis Dole, assistant secretary speaking for the Department, formally replied to the AEC with a six-page letter-memorandum.[6] If the AEC has not submitted the Department of the Interior's response to the Committee, I will be pleased to supply a copy for the record.

I most urgently recommend that the Department's findings and recommendations be carefully read. As much as I would like to, because it helps make my case, I dare not burden this Committee now with more than selected extracts. The Department of the Interior's report deals with geologic factors, possible effect on ground and sub-surface waters, thermal effect on subsurface rocks, and numerous environmental factors.

Noting that of the currently available choices, salt beds seem safest as waste depositories, Interior interposes:

". . . we believe that additional significant studies and confirmatory data concerning the geology and hydrology of the salt deposits and overlying rocks at and near Lyons, Kansas, and the effects of construction of the waste-disposal facility will be necessary to demonstrate, conclusively, that these deposits are indeed suitable for the 'final repository' . . . Our concerns are based partly on the statements . . . that, although retrieval of the wastes is conceptually possible, the emplacement of the wastes in the salt formation at Lyons would, actually, be regarded as 'permanent storage.' Such a permanent commitment of the wastes requires a very strong and scientifically convincing demonstration that the wastes will remain in a geologically relatively undisturbed and hydrologically isolated position for the several thousand years required for the decay of the high-level fuel-reprocessing wastes, and the several hundred thousand years required for the decay of the other 'alpha-emitting' solid wastes (which contain long-lived isotopes such as plutonium). Such a scientific and engineering demonstration does not appear to be impossible at all, but it will require a more thorough and better-documented approach than is presented in the draft environmental statement."

Discussing environmental factors, Interior says:

"Although the . . . statement indicates in summary that no significant impact on the environment is anticipated from the construction or operation of the repository, it does not present sufficient information to evaluate the potential impact of all aspects of the facility. Therefore, an endorsement of the establishment of the repository cannot be given on the basis of the environmental statement, or the included report by the NAS–NRC Committee. The NAS–NRC Committee, of course, has given only a qualified endorsement; has pointed out special management problems; and has prescribed continuing studies and development programs to be carried out before waste-disposal operations begin. Most of these problems and investigation have a strong bearing on final decisions as to whether the project is feasible."

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[6] Dole, Hollis M., Assistant Secretary of the Department of the Interior. Letter to John A. Erlewine, Asst. Gen. Manager for Operations, AEC. February 3, 1971.

The Department of the Interior continues:

"We believe that there are inadequacies in the presentation of specific items in the draft statement . . . It is noted that the statement does not provide an adequate specific description or analysis of the contemplated design of its 'high-level mine' from which the effects of mining subsidence can be evaluated, even in a general, qualitative manner. For example, if multilevel mining is contemplated, such a process in a small area might produce entirely different effects in terms of subsidence and possible fracturing of overlying rocks (including possible ground-surface rupturing) than would mining at one level over a large area. Such unspecified effects could be critical to the location and safe operation of surface facilities; to the long-term integrity of the stored wastes; and to possible environmental changes at the land surface, such as stream-drainage changes, ponding, and poor soil drainage."

The Department of the Interior report then discusses earth movements and says:

"A brief analysis of earthquake hazards is presented . . . Nevertheless, since earthquakes have occurred at many places in the Kansas-Nebraska region, they can be expected to occur in the future."

I interject, Mr. Chairman, to observe that we experienced an earthquake in Kansas less than 100 miles from the Lyons site as recently as 1968. The Department statement continues:

"Therefore, the statement should derive and specify the expected earthquake; the expected vibrational or other ground effects at the site; and a definition of the potential hazard to mines or surface structures."

". . . Nevertheless, in view of the above-stated concern related to the lack of data on the 'high-level mine,' it should be pointed out that further analyses of thermal and other stresses on the heterogeneous rocks in the Hutchinson Salt Member at the site are warranted. These stresses (prolonged heating and exposure to radiation, and subsidence and deformation associated with the mining and flow of salt) could result in fracturing of the rocks above the salt. If the system of induced fractures extends upward through the 500-foot-thick section of shales between the Hutchinson salt and the Stone Corral dolomite, which is a freshwater aquifer, ground water might move down to the salt . . . Convective water circulation through fractures, induced by heat from the radioactive wastes, could result in a long-term cycle of dissolution of the salt and the eventual aqueous transport of radioactive wastes to the surface. In view of the fact that the 'high-level' and 'alpha-emitting' wastes will not have decayed to innocuous levels of activity for thousands of years (in the case of plutonium, hundreds of thousands of years), there would be adequate time for this circulation system to transport radioactive wastes to shallow aquifers or to the surface."

The Department of the Interior concludes its report with a catalogue of eleven criteria, operational procedures, and studies that it recommends the AEC adopt. It assumes that the AEC certainly must be aware of them in planning the depository but it emphasizes that they are vital to the safe long-term operation of the facility.

We turn now to environment problems, to ecology of the area and how the nuclear waste depository might affect the land, the water, the air, plant life, game, fish, and domestic animals. These are matters of concern to all the people in Kansas—to hunters and fishermen, to farmers and cattlemen. These people have rights too that are as important to them and as valuable to our country as is the reaction of a Lyons banker or the town's mayor.

Governor Docking very appropriately turned to professors in the Division of Biology of Kansas State University for expert opinion in this field, for their professional comments no the AEC's environmental statement. Their responses were attached to the Governor's official report to the AEC and are summarized in it.

Dr. Lloyd C. Hulbert, Associate Professor of Biology, and Dr. R. J. Robel, vice chairman of the Kansas Ecology Council, responded in early February to the Governor's request.[7] I submit for inclusion in the record full texts of both letters since I will excerpt only brief quotations from each.

Dr. Robel, commenting on the AEC statement, says that the statement, I quote:

". . . devotes less than one page to the effects of the proposed project on the ecosystem. What is stressed is that 'In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition.' One might question," he asks, "what is 'significant' to AEC, likewise, what do they mean by 'anticipated.' Few plans are ever foolproof as exemplified by the accident at the Idaho Falls plant in 1961, the accident at Windscale Works in England (400 square miles contaminated), the nerve gas accident in Skull Canyon, the escape of radioactive materials from recent underground nuclear blasts in Nevada, the high level releases of strontium 90 from the Nuclear Fuel Services plant in New York, etc. None of these were anticipated, but they did happen as have many, many more such unanticipated events which we term accidents."

Dr. Robel then recommends two major studies broken down into ten parts, as an absolute minimum to provide the answers that have been posed by ecologists. He then concludes:

"Many issues have not even been mentioned in AEC's environmental statement, including the increased cost of road and residence maintenance due to subsidence in the area, increased costs for the Lyons citizenry to cool drinking water taken from warm aquifers, etc. Until we have answers to many of the above questions . . . I strongly recommend that the Advisory Council of Ecology advise Governor Docking not to accept, as adequate, the November 1970 environmental statement . . . I would recommend further that the Advisory Council on Ecology make its reactions known, via the Governor of the State of Kansas, to the Environmental Protection Agency and the President's Council on Environmental Quality."

Dr. Hulbert deals also with a problem to which very little attention has been paid by the AEC, a problem I touched upon briefly earlier. It is what is to be one with the vast quantities of salt that would be excavated. The AEC, somewhat casually I believe, suggested it could be converted to brine and then injected underground into what is known as the Arbuckle Formation. Dr. Hulbert says there is a great lack of knowledge as to the possible effects of such injection. He points to the detrimental effects of material injection near Denver and observes that the brine could move into fresh water aquifers.

Surely environmentalists would have a valid objection to storing salt in huge piles above ground. Members of the Committee who have seen the ravages of strip mines have some idea of the moon-scape that would be created by thousands of tons of salt. Dr. Hulbert suggests that it could, of course, be trucked to the coast and dumped into the ocean or possibly buried in other salt mines. The problem is yet to be solved, and I submit, Mr. Chairman, it is not one that ought to be airily dismissed as of little consequence.

We come now to the February 22 eight-page Report by the Kansas Council on Ecology[8] to Governor Docking and the Governor's transmittal letter to the AEC.[9] I ask that both be made a part of the hearing record. I shall limit myself to the very briefest of extracts since the Council's report is largely a summary of the individual reports prepared by the Kansas scientists I have heretofore cited.

The Kansas Advisory Council initially points out that it distributed the AEC's environmental statement to its own members, to the Kansas Nuclear Energy Council, Kansas Academy of Science, Kansas Department of Health, Kansas Geological Survey, and to knowledgeable citizens for comment. Its report, it says, was compiled from the responses from these sources.

The Council recommends:

"That the AEC document the additional data and evaluations which . . . are required to assure the safety of the project. Without this information, and the plans which AEC has to obtain the information, the Environmental Statement is litle more than a review of existing knowledge."

Summarizing the ecological memoranda, it says:

"The ecology section of the Environmental Statement is inadequate. Despite the tremendous potential for ecological problems which the project presents, less than one page is devoted to this subject."

Discussing meteorological effects, the Council observes:

"The climatological and meteorological section presented a very light overview of the wind patterns and velocities. An assessment of the potential problems related to the spread of escaped radioactive particulates or gases, and an adequate monitoring system to detect accidental releases to the atmosphere must be included. In view of some of the recent accidental releases of radioactive material, it is imperative that this problem receive further consideration, especially with respect to potential for carrying radioactive material downward over populated areas."

The Committee should be aware that the Chairman of the Advisory Council on Ecology is Dale E. Saffels, who in his capacity as Chairman of the Kansas State Corporation Commission is a qualified authority on rail and truck transportation. It is significant, therefore, to report the Council's comment on transportation of the wastes.

"The transportation problems are a major concern," the Council says. "The Atomic Energy Commission has apparently planned to utilize only railroad shipping for waste transport. The design plans for the unloading points include railhead transfer stations without provision for truck or air shipments. This decision has been made although the suitability of railroad beds to take the loadings associated with the large shipments and heavy shielded railroad cars is not mentioned.

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[7] Hulbert, op. cit. Robel, R. J. Asso. Prof. of Biology, Kansas State University. Letter to Dale E. Saffels, Chairman, Advisory Council on Ecology. February 9, 1971.

[8] "Report on the Atomic Energy Commission's Environmental Statement," Advisory Council on Ecology. Dale Saffels, Chairman. February 22, 1971.

[9] Docking, Robert B. Governor of the State of Kansas. Letter to John A. Erlewine, Asst. Gen. Mgr. for Operations, AEC. February 22, 1971.

"If statements that the surface temperature of the high-level shipping casks will be approximately 350 degrees C. is correct, then the containers will not be in conformance with the AEC or Department of Transportation regulations. If the casks are to approach this temperature, and no cooling system is included, then the railroad cars will constitute a hazard to railroad employees."

Now, let us hear how the Council summarizes the retrieval problem. It minces no words. It says:

"A primary concern with regard to the high level mine is related to the retrieval of the stored wastes. The (AEC) Statement on page 18–19 implies that because the storage site will be permanent, and because the circumstances requiring recovery are not obvious at the present time, no effort will be expended to plan or demonstrate a system which would allow recovery. This type of negative attitude could endanger the health and welfare of the citizens of the State of Kansas.

"The facility must be designed to facilitate retrieval. The portion of the paragraph beginning on line 23 of page 18 of the Environmental Statement is misleading. Not only is there insufficient data available to demonstrate that the capsules can be relocated with precision after they have been buried for ten or more years, but the remote mining equipment which is necessary to accomplish this is not available to us."

The Council's Report then turns to an analysis of the proposed waste containers with some incisive language. It says:

"The report implies that the high level waste residues are to be incapsulated in high integrity containers. This concept is misleading if the capsules used by Oak Ridge National Laboratory during the Salt Vault tests are selected."

Finally, we come to a conclusionary paragraph by the Council, I quote:

"The Description of the high level waste facility is vague. The facility will supposedly consist of a waste receiving building, a newly mined area underground, and miscellaneous surface support facilities. The miscellaneous surface support facilities should be described in detail as should the monitoring system for exhaust gases. Emergency plans for mine shutdown in the event of a power failure, accident, or other unforseen problems must be discussed also."

Do you wonder, Mr. Chairman, that I have insisted that the AEC's plans are incomplete, inconclusive, and do not warrant funding for the actual construction of a waste disposal facility?

Do you wonder why I urge that the AEC be granted whatever funds it requires to continue investigations, and studies, to hire expert and knowledgeable outside contractors in specific fields of endeavor and that it especially pursue studies designed to make the nuclear wastes safer to handle.

Governor Docking's transmittal letter of February 22 accompanying the Ecology Council report also makes clear that the major problems not yet dealt with adequately are transportation, geological and site integrity, surveillance and monitoring, and retrievability.

The Governor emphasizes that it is the Kansas scientists who tell him this, it is the Kansas experts who recommend that. It is as if he is a bit chary of backing them up. I am not. But in a closing paragraph he comes around and tells the AEC that:

"I am concerned that the future of Kansas be protected and feel that the investigations recommended in the attached report must be undertaken promptly. The final draft of the Environmental Statement should indicate this intent."

I applaud the Governor for that comment. We, he and I, apparently are not far apart. He seems to be saying that if and when the AEC writes another version of its Environmental Statement and deals with all of the questions raised and acknowledges all of the recommendations made, all will be well with the world.

My view is that it is not enough that the AEC should issue another statement, however it may be written. My view is that the AEC must undertake the studies and investigations that have been recommended and complete them, and report on them in their completed and usable state before construction work is begun on the site.

I do not want to be unreasonable, Mr. Chairman. I recognize that the nuclear age is with us. I recognize that peaceful uses of the atom will not only expand but that they must do so if our country is to maintain its position in the world. I realize that until fusion processes have been developed for effective, safe peaceful uses, dangerous, high-level wastes will continue to be produced. I recognize that a way must be found to store them. I ask only that a safe way be found to store them. I ask only that a safe way be found before we experiment with current, untried, unsure methods. I repeat that if the Pentagon found it expedient to accommodate the people of Okinawa by transporting mustard gas away from that island to Johnston Island, the AEC might, just might conceivably, find a way to neutralize this dangerous waste, or a better place, a safer place than within the continental United States for its nuclear wastes.

How ironic it is for a Member of Congress to find it necessary to stand here and plead that an agency of Government not pollute the environment while at the same time the Congress will be asked to consider the expenditure of billions of dollars to clean up the pollution that already exists.

How ironic it is to be required to make a case against a new kind of pollution, so hazardous and so lethal, that all existing pollutions seem almost inconsequential.

The President's message on the urgent need to begin to deal with the contamination that we have visited on our land says plainly that preventive measures are as important as remedial measures. He says that the enormous task we have and the enormous sums we require to return the land and the water to some semblance of what they were a quarter century ago is meaningless if we do not promptly halt further pollution.

Is it not evident that this Committee has been asked to approve a project that at this stage of its development and in its present frame of reference would result in pollution of the gravest kind?

I submit, Mr. Chairman, and Members of this Committee, the facts before you can lead to only one conclusion. They say loudly—this depository problem must be studied in greater depth; let the experts come up with something more than "design concepts" for safe transportation and for retrieval in case of accident. They say you must demand further study on processes that just maybe could reduce, or modify, or better contain the lethal effect of the radioactive wastes.

That, Mr. Chairman, concludes my analysis of the so-called safety question. The AEC has in its correspondence and discussions with me relied exclusively on its own scientifically-based assurances that it has, or will have the answers.

I submit, however, that the AEC has no competence in the legal, social, economic and political fields which I raised earlier in my statement to the Committee. Whenever I sought to make this point with the AEC and its eminent chairman, Dr. Seaborg, the responses dealt with assurances on the scientific level with less than subtle hints that Federal rights were superior to Kansas rights, that AEC has chosen Kansas and that was that.

May I repeat, Mr. Chairman, that Kansas citizens will be on the front lines, and that they should not be subject to a propaganda blitz that denies them the facts and the time to understand and assay them. I simply desire to emphasize that resolution of the safety issues does not and will not settle the problem. Kansas has rights too and I ask that they be carefully considered.

I respectfully request, therefore, that this Committee delete the authorization for the acquisition of lands and site work at Lyons, Kansas. I request that Section 103 of the bill be amended to make certain that the AEC shall not have authority to undertake construction design services for the Lyons depository simply because AEC included such a request in its transmission to Congress of a proposed authorization bill.

At the same time I strongly recommend that this Committee authorize whatever additional sums it deems appropriate to carry out further intensive studies and investigations aimed at safer handling and burial of high-level nuclear wastes.

I thank you, Mr. Chairman, and Members of the Committee for your patience and courtesy.

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EXHIBIT 1

SENATE CONCURRENT RESOLUTION 38

A concurrent resolution opposing a proposed atomic energy commission authorization to acquire acreage in the state of Kansas for the establishment of a permanent nuclear waste storage facility

Whereas, The atomic energy commission has requested from congress an authorization of $3,500,000 to acquire land in and about Lyons for the purpose of establishing a permanent storage facility for the commercial nuclear high-level wastes of the entire United States, and have done so unilaterally without public consent of the people of the state of Kansas; and

Whereas, The said commission following such acquisition will make estimated annual shipments of casks containing cylinders of solid high-level radioactive waste increasing from about three in 1976 to about 500 in the year 2000, the cylinders having an axial temperature of 1,800 degrees Fahrenheit and an initial outside temperature of 650 degrees Fahrenheit, and approximately 700 shipments per year of low-level wastes; and

Whereas, Such atomic wastes will remain a questionable environmental hazard for thousands of years and radioactively dangerous for as much as a half million years with consequent danger of contamination of air, ground, and water sources due to geological faults, cracks or shifts, and the United States department of commerce has designated the area in which the proposed facility would be located near the designated zone two earthquake area; and

Whereas, Additional shipments of such atomic wastes will require eventually additional acreage and result in greater relative contamination; and

Whereas, Research and development plans and procedures for safe, permanent burial of such atomic wastes has not yet reached the point where the atomic energy commission is certain that retrieval of the wastes will not become necessary, thereby further endangering surface areas and all living things, and the environmental statement filed by the atomic energy commission was on February 3, 1971, rejected in its present form by the United States department of interior; and

Whereas, The state of Kansas has not had definitive responses from the atomic energy commission to all questions dealing with problems flowing from the presence of vast amounts of highly radioactive wastes at high temperatures over a long span of years; and

Whereas, The necessity of transporting highly radioactive wastes over long distances from the nuclear-power sites into the Lyons area arises the likelihood of accidents from derailments and collisions and similar accidents at the repository site itself with the attendant probability of grievous harm to Kansas residents; and

Whereas, The proposed atomic waste repository facility will be of no economic benefit to the state of Kansas or to its citizens and may on the contrary deter and frighten off potential industrial enterprises; and

Whereas, Efforts to locate similar atomic waste repositories in other states have been firmly rejected and it remains questionable whether such wastes should be permanently located within the fifty states; and

Whereas, It is now clear that the statement made, at the time of the announcement of the project by the atomic energy commission, that the project is of benefit to Kansas is not borne out by the report of the state geological survey, or the United States department of interior's rejection of the atomic energy commission's environmental statement. Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the state of Kansas, through its governor, reject the proposal of the atomic energy commission to create, establish, and operate a depository for the containment of atomic wastes from nuclear power plants in or about Lyons, Kansas.

Be it further resolved: That a duly attested copy of this resolution be immediately transmitted by the secretary of state to the Honorable Richard Nixon, President of the United States, to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, to each member from Kansas in the Congress of the United States, and to the Governor of the state of Kansas.

Be it further resolved: That a duly attested copy of this resolution together with a covering letter noting that the state of Kansas officially opposes the proposed authorization for funds for the acquisition of the Lyons site and any construction work thereon, be immediately transmitted by the secretary of state to the Honorable John O. Pastore, Chairman of the Joint Committee on Atomic Energy of the United States Congress.

Be it further resolved: That if in his judgment he deems it desirable the Governor or his duly designated representative is authorized to appear in person at the hearing before the Joint Committee on Atomic Energy in Washington for the purpose of officially opposes the proposed authorization tion that has for its purpose the acquisition of land in the Lyons, Kansas, area to create and construct a depository for atomic wastes.

HOUSE CONCURRENT RESOLUTION No. 1043

A concurrent resolution opposing a proposed atomic energy commission authorization to acquire acreage in the state of Kansas for the establishment of a permanent nuclear waste storage facility.

Whereas, the atomic energy commission has requested from congress an authorization of $3,500,000 to acquire land in and about Lyons for the purpose of establishing a permanent storage facility for the commercial nuclear high-level wastes of the entire United States, and have done so unilaterally without public consent of the people of the state of Kansas; and

Whereas, The said commission following such acquisition will make estimated annual shipments of casks containing cylinders of solid high-level radioactive waste increasing from about three in 1976 to about 500 in the year 2000, the cylinders having an axial temperature of 1,800 degrees Fahrenheit and an initial outside temperature of 650 degrees Fahrenheit, and approximately 700 shipments per year of low-level wastes; and

Whereas, Such atomic wastes will remain a questionable environmental hazard for thousands of years and radioactively dangerous for as much as a half million years with consequent danger of contamination of air, ground, and water sources due to geological faults, cracks or shifts, and the United States department of commerce has designated the area in which the proposed facility would be located near the designated zone two earthquake area; and

Whereas, Additional shipments of such atomic wastes will require eventually additional acreage and result in greater relative contamination; and

Whereas, Research and development plans and procedures for safe, permanent burial of such atomic wastes has not yet reached the point where the atomic energy commission is certain that retrieval of the wastes will not become necessary, thereby further endangering surface areas and all living things, and the environmental statement filed by the atomic energy commission was on February 3, 1971, rejected in its present form by the United States Department of Interior; and

Whereas, The state of Kansas has not had definitive responses from the atomic energy commission to all questions dealing with problems flowing from the presence of vast amounts of highly radioactive wastes at high temperatures over a long span of years; and

Whereas, The necessity of transporting highly radioactive wastes over long distances from the nuclear-power sites into the Lyons area raises the likelihood of accidents from derailments and collisions and similar accidents at the repository site itself with the attendant probability of grievous harm to Kansas residents; and

Whereas, The proposed atomic waste repository facility will be of no economic benefit to the state of Kansas or to its citizens and may on the contrary deter and frighten off potential industrial enterprises; and

Whereas, Efforts to locate similar atomic waste repositories in other states have been firmly rejected and it remains questionable whether such wastes should be permanently located within the fifty states; and

Whereas, It is now clear that the statement made at the time of the announcement of the project by the atomic energy commission, that the project is of benefit to Kansas is not borne out by the report of the state geological survey, or the United States department of interior's rejection of the atomic energy commission's environmental statement: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the state of Kansas, through its governor, reject the proposal of the atomic energy commission to create, establish, and operate a depository for the containment of atomic wastes from nuclear power plants in or about Lyons, Kansas.

Be it further resolved: That a duly attested copy of this resolution be immediately transmitted by the secretary of state to the Honorable Richard Nixon, President of the United States, to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, to each member from Kansas in the Congress of the United States, and to the Governor of the state of Kansas.

Be it further resolved: That a duly attested copy of this resolution together with a covering letter noting that the state of Kansas officially opposes the proposed authorization for funds for the acquisition of the Lyons site and any construction work thereon, be immediately transmitted by the secretary of state to the Honorable John O. Pastore, Chairman of the Joint Committee on Atomic Energy of the United States Congress.

Be it further resolved: That if in his judgment he deems it desirable the Governor or his duly designated representative is authorized to appear in person at the hearing before the Joint Committee on Atomic Energy in Washington for the purpose of officially opposing any legislative authorization that has for its purpose the acquisition of land in the Lyons, Kansas, area to create and construct a depository for atomic wastes.

EXHIBIT 2

KANSAS STATE GEOLOGICAL SURVEY COMMENTS ON AEC REPORT

THE UNIVERSITY OF KANSAS,
STATE GEOLOGICAL SURVEY,
Lawrence, Kans., January 15, 1971.
Mr. DALE E. SAFFELS,
Chairman, Advisory Council on Ecology, State Corporation Commission, State Office Building, Topeka, Kans.

DEAR MR. SAFFELS: I am responding to a letter from Governor Robert Docking, dated December 29, 1970, asking me to forward comments to you regarding a draft copy of Environmental Statement, Radioactive Waste Repository, Lyons, Kansas from the Atomic Energy Commission under covering letter from John A. Erlewine, and a report entitled Disposal of Solid Radioactive Wastes in Bedded Salt Deposits by the Committee on Radioactive Waste Management of the National Academy of Sciences.

I am pleased to have opportunity to comment on these reports because I have been widely quoted in the newspapers as stating that I wrote the National Academy report, that the report endorses the Lyons site for radioactive disposal, and that I thereby express my approval and endorsement of the project. These statements are not correct. Actually, I served on the Panel on Disposal in Salt Mines of the Committee on Radioactive Waste Management, and I did make major contributions to the Panel report, which subsequently was reviewed and changed by the parent Committee.

For the most part, I agree with the National Academy report, which does not give unqualified endorsement of the Lyons site, and contains many constraining statements. For example, under Summary and Conclusions, the Committee states that disposal in bedded salt is the safest choice now available, provided the wastes are in an appropriate form and the salt beds meet the necessary design and geological criteria. The Committee states that the site near Lyons, Kansas is satisfactory, subject to the development of certain additional confirmatory data and evaluation.

The recommendations of the Committee for additional studies and investigations are the same recommendations of the Kansas Geological Survey, and I acknowledge responsibility for making sure that they were a part of the report. Included in the recommendations are geological and hydrological studies, including cored and logged drill holes; study of subsidence of the mine, studies of radiation damage affects, further information on the thermal and mechanical properties of the salt beds and other key stratigraphic units, theoretical and experimental work using cored material to determine the possibility of thermally initiated flow patterns, additional information on thermal conductivity, thermal diffusion, thermal expansion and phase changes, and a waste retrieval plan.

I am disturbed to note an Appendix to the Committee report which was not a part of the original report. Seemingly, the statements in the Appendix were added gratuitously in an attempt to refute some of the concerns of the Committee.

As to the Environmental Statement, I find many parts of it to be general, meaningless, and a public relations effort design to relieve the fears of critics. Throughout the report, conclusions are based upon results derived from studies using simplified models or naive assumptions. The assumption is made that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. Temperatures at the surface, in water bearing rocks, and in the salt are considered to be of relatively little significance. The report concludes that closure of the mine, caused by consolidation and recrystallization of crushed salt backfilled into rooms, will eventually find expresison in very shallow subsidence at the surface. These movements are judged to be so slow and gradual that the surface and all intervening rocks will adjust to this deformation without deleterious affects, and any fractures which might develop will be readily healed by plastic deformation of the salt.

The report states that once radioactive wastes are emplaced in the salt repository they will be regarded as in permanent storage. Retrieval would only be considered in light of an objective safety problem under circumstances which to date have not been postulated. However, the facility will be designed so as not to preclude retrieval. The burial locations for each container will be accurately surveyed and recorded so that retrieval by use of remotely controlled automatic mining equipment would thus be possible. With regard to transportation, solid wastes will be shipped in a special container by rail during initial years of operation, and wastes will be packaged and shipped in conformance with A.E.C. and Department of Transportation regulations. All of these statements should be scrutinized carefully.

GEOLOGICAL INTEGRITY OF THE SITE

In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are assumed. Furthermore, we have reason to judge that the assumed stresses may be an error. Even so, some structural deformation is evident from our geological studies. The salt thins over structural highs, the Harper Sandstone exhibits numerous high-angle fractures which appear to be open, and high-angle fractures, which do not appear to be open, occur in the overlying Kiowa Formation.

THERMAL AND RADIOLOGICAL STRESSES

The project has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock section consists of laminated salt and shale, and analytical results may be very erroneous. The analytical solutions for heat flow and temperature distribution assume homogeneous and isotropic media in two dimensions only for steady and unsteady conditions, and are based on constant rock properties. Furthermore, heat flow per cannister is an assumed value, and actual values have not yet been determined. Our own trial calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt. Physical properties of rocks do change with temperature, and the physical properties of salt especially are susceptible to temperature change. Some of these property changes range from the fourth to the tenth power of the temperature. In addition, we have no measure of pore pressures that may develop in fluid-bearing shales.

The Oak Ridge National Laboratory and A.E.C. staff have exhibited remarkably little interest in a proper study of the heat flow problem, and have not demonstrated capability for solving three-dimensional problems involving a complex laminated section.

The affects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. Thus, an additional thermal problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300° C. to 620° C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive effect due to the sudden thermal expansion. Thus, thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigations of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained. The State Geological Survey regards solution of these problems as crucial to the safety of the repository site, and urges most strongly that studies be undertaken immediately.

RETRIEVAL PROBLEMS

As long as the waste containers maintain their integrity, only small quantities of salt would be subject to high-energy, heavy-particle radiation. However release might occur once or twice a year for about three years and melting or explosion could cause containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. In addition, the metal containers are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. Accordingly, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses.

The ceramic material also can store energy, and gamma radiation can cause chemical breakdown of salt. Radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are relatively meaningless. Furthermore, the recovery of these dispersed wastes in a hostile environment at high temperature and radiation levels is scarcely a trivial problem. Although the staff of Oak Ridge National Laboratory and the A.E.C. have stated that the technology for such recovery is available, no design concept has been revealed.

TRANSPORTATION

Although not really within the competence of the staff of the Geological Survey, our views concerning transportation are stated here in order to reinforce the expressed concerns of competent staff in other state agencies. If statements that the surface temperatures of transportation casks will be approximately 350° C. are correct, most certainly these containers will not be in conformance with A.E.C. and Department of Transportation regulations. Furthermore, railroad roadbeds in Kansas are judged by authorities to be in exceedingly poor condition. Arequate designs for a transportation system have not been revealed, and to the best of our knowledge the proposed National Academy of Sciences Committee on Transportation has not yet been appointed.

I hope that these comments will be useful to you in assembling comments for the development of a statement by Governor Docking, and I enclose an additional copy of our preliminary report dated December 2, 1970 for your possible use.

Sincerely yours,

WILLIAM W. HAMBLETON,
Director.

EXHIBIT 3

MEMORANDUM FROM U.S. DEPARTMENT OF THE INTERIOR

FEBRUARY 3, 1971.

Mr. JOHN A. ERLEWINE,
Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: This is in response to your letter of November 30, 1970, requesting our comments on the draft environmental statement on the Atomic Energy Commission's proposed radioactive-waste repository near Lyons, Kansas. This draft environmental statement, and the included report on "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits" by the Committee on Radioactive Waste Management of the National Academy of Sciences-National Research Council, have been reviewed by the several Bureaus within this Department that have special expertise with respect to the environmental impact of the project.

We believe that the proposal of the Atomic Energy Commission to establish a thoroughly investigated, underground, national repository in relatively impermeable rocks for solid, radioactive wastes on federally owned property is a major, positive step in isolating radioactive wastes from man's environment, and in eliminating the problem of proliferating the disposal sites of radioactive wastes in environmental situations whereby the products might reach water or other resources valuable to man. The research efforts of the AEC, and the utilization of various fields of scientific and engineering expertise over the past decade, to develop methods whereby highly radioactive wastes can be reduced to small volumes of encapsulated, relatively insoluble waste that can be transported safely from various fuel-element reprocessing plants to areas of ultimate disposal in relatively impermeable rocks, are commendable.

We agree with the general conceptual conclusions of the NAS–NRC Committee on Radioactive Waste Management, as expressed in their reviewed report (p. 1–2), that the use of bedded salt deposits for the disposal of radioactive wastes in bedded salt is the safest choice now available, provided that the wastes are in an appropriate form and that the salt beds meet necessary engineering-design and geological criteria. However, we believe that additional significant studies and confirmatory data concerning the geology and hydrology of the salt deposits and overlying rocks at and near Lyons, Kansas, and the effects of construction of the waste-disposal facility will be necessary to demonstrate, conclusively, that these deposits are indeed suitable for the "final repository" mentioned (on p. 2) in the draft environmental statement. Our concerns are based partly on the statements in the draft environmental statement (p. 18) that, although retrieval of the wastes is conceptually possible, the emplacement of the wastes in the salt formation at Lyons would, actually, be regarded as "permanent storage." Such a permanent commitment of the wastes requires a very strong and scientifically convincing demonstration that the wastes will remain in a geologically relatively undisturbed and hydrologically isolated position for the several thousand years required for the decay of the high-level fuel-reprocessing wastes, and the several hundred thousand years required for the decay of the other "alpha-emitting" solid wastes (which contain long-lived isotopes such as plutonium). Such a scientific and engineering demonstration does not appear to be impossible at all, but it will require a more thorough and better-documented approach than is presented in the draft environmental statement. Our views concerning the Lyons, Kansas, site are generally similar to those of the NAS–NRC report which recommends (p. 7, item 4) that "additional studies and investigations, described below, be undertaken concurrently with planning and site acquisition. If these studies and investigations reveal problems or conditions that would jeopardize the safety and integrity of the storage site, the project should be reconsidered. However, based on research and development performed to date, the Committee does not anticipate any insurmountable problem."

Our specific comments on the draft environmental statement are provided below.

Although the subject environmental statement in summary (p. 2) that no significant impact on the environment is anticipated from the construction or operation of the repository, it does not present sufficient information to evaluate the potential impact of all aspects of the facility. Therefore, an endorsement of the establishment of the repository cannot be given on the basis of the environmental statement, or the included report by the NAS-NRC Committee. The NAS-NRC Committee, of course, has given only a qualified endorsement (p. 6–7); has pointed out (p. 7–9) special management problems; and has prescribed (p. 9–16) continuing studies and development programs to be carried out before waste-disposal operations begin. Most of these problems and investigations have a strong bearing on final decisions as to whether the project is feasible.

We believe that there are inadequacies in the presentation of specific items in the draft statement that the Commission may wish to consider in preparing its final statement. It is noted that the statement (p. 18–19) does no provide an adequate specific description or analysis of the contemplated design of its "high-level mine" from which the effects of mining subsidence (p. 35–36) can be evaluated, even in a general, qualitative manner. For example, if multilevel mining is contemplated, such a process in a small area might produce entirely different effects in terms of subsidence and possible fracturing of overlying rocks (including possible ground-surface rupturing) than would mining at one level over a large area. Such unspecified effects could be critical to the location and safe operation of surface facilities; to the long-term integrity of the stored wastes; and to possible environmental changes at the land surface, such as stream-drainage changes, ponding, and poor soil drainage. Additionally, it would be advisable to describe in more detail how the mined salt will be processed and utilized to increase its density for backfill to reduce subsidence in both the existing mine and the "high-level mine", and to specify the scheduling for backfilling operations. Criteria for backfilling in the areas of disposal of "alpha-emitting" solid wastes are especially desirable, since salt flowage and other deformations are presently occurring in the Carey Salt Mine.

A brief analysis of earthquake hazards is presented on pages 24–27 of the draft environmental statement. This analysis points out that, during the relatively brief historic record of the central stable region of the United States, earthquake activity has been relatively low, but that the earthquakes in this region have ranged up to intensity VI (Modified Mercalli). The geologic history of the region indicates tectonic stability for a vary long period of time. Neverthless, since earthquakes have occurred at many places in the Kansas-Nebraska region, they can be expected to occur in the future. Therefore, the statement should derive and specify the expected earthquake; the expected vibrational or other ground effects at the site; and a definition of the potential hazard to mines or surface structures. Presumably, the degree of conservatism in seismic design criteria should be based on an analysis of the potential radioactivity hazard presented by failure of man-made structures and their components at the site.

The environmental statement (p. 9) indicates that one of the most important features of salt deposits is that they are free of circulating ground water and are isolated from aquifers by essentially impermeable shale. The geologic history of these deposits indicates that such conditions have obtained for a very long period of time. However, we must stress that the conditions referred to apply only to the rocks in their natural state, undisturbed by man. Also, the tendency of fractures in salt to heal by plastic flow applies primarily to relatively pure salt, whereas the Hutchinson Salt Member of the Wellington Formation at the Lyons, Kansas, site contains a significant number of interbedded layers of shale. In a 1966 report, the National Academy of Sciences-National Research Council, Committe on Geologic Aspects of Radioactive Waste Disposal, included the suggestion that a study be made of, "the behavior of shale interbeds that will be subjected to long periods of elevated temperatures and radiation, in order to anticipate possible changes in wall, ceiling, and floor conformation (of the mine) additional to those caused by creep and flow of salt." Following the recommendations of the NAS-NRC, the AEC sponsored intensive investigations by Oak Ridge National Laboratory on these topics. The results of these investigations are reported to be generally favorable in the existing mine workings. Nevertheless, in view of the above-stated concern related to the lack of data on the "high-level mine," it should be pointed out that further analyses of thermal and other stresses on the heterogeneous rocks in the Hutchinson Salt Member at the site are warranted. These stresses (prolonged heating and exposure to radiation, and subsidence and deformation associated with the mining and flow of salt) could result in fracturing of the rocks above the salt. If the system of induced fractures extends upward through the 500-foot-thick section of shales between the Hutchinson salt and the Stone Corral dolomite, which is a fresh-water aquifer, ground water might move down to the salt. Sandstones of Cretaceous age, about 100 feet above the Stone Corral dolomite, are another source of fresh water which might be involved. Convective water circulation through fractures, induced by heat from the radioactive wastes, could result in a long-term cycle of dissolution of the salt and the eventual aqueous transport of radioactive wastes to the surface. In view of the fact that the "high-level" and "alpha-emitting" wastes will not have decayed to innocuous levels of activity for thousands of years (in the case of plutonium, hundreds of thousands of years), there would be adequate time for this circulation system to transport radioactive wastes to shallow aquifers or to the surface. These problems are not overwhelming, but they are legitimate areas for further analysis and documentation.

The discussion of natural, ground-water leaching of rock salt deposits (p. 34) states that the salt deposit ends abruptly about 25 miles east of the site and a series of subsidence ponds and salt-water springs overlie the present stratigraphic position of the salt member. The environmental statement indicates that, based on the "precise dating of subsidence features," the salt front has retreated westward five miles in the last one million years in Saline County, an 13 and 12 miles, respectively, in about five million years in McPherson and Harvey Counties. It is impossible to evaluate these rates of subsurface solution of the salt formation without specific and detailed information on the regional paleogeology and inferred paleohydrology, and on the methods used to date the subsidence features. Such information, presumably, will be developed by investigations in progress, such as those discused under "Long-term research and development" on pages 14–16 of the NAS-NRC report.

The following design criteria, operational procedures, and studies that the Commission must have certainly considered while planning the repository are believed to be vital to the safe long-term operation of the proposed facility and therefore should be presented in the final detailed statement:

1. Studies to determine the deterioration rate of the stainless steel and high carbon steel canisters to be used for storing radioactive wastes in the salt environment of the mine;

2. Studies to determine the rupture strength of these canisters from internal gas and temperature build-up during the decay of the contained radioactive materials;

3. Provisions for continuous air monitoring to detect dangerous levels of radioactive gases and airborne particulate matter within the mine and at the mine ventilation exhaust port, both before and after filtration;

4. Provisions for rapid and automatic sealing of all mine openings in the event of a

radiation accident, atmospheric contamination, destruction of support facilities (receiving buildings and hoisting), and loss of power (ventilation and monitoring);

5. Provisions for removal, storage, and treatment of water that may accidentally enter storage areas in the mine and become contaminated;

6. Provisions for drilling and instrumenting deep wells about the perimeter of the disposal site to monitor temperature and radiation levels in the Hutchinson and adjacent formations, and overlying aquifers;

7. Construction and posting of a personnel barricade around the perimeter of the repository;

8. Continuous ecological and other environmental monitoring within and immediately surrounding the site;

9. Provision for strategically located mine safety areas and/or shelters to which personnel could retreat in the event of a caving or radiation accident, and from which they can be rescued without bringing radioactive contaminants to the surface;

10. Provisions for installing radiation monitoring equipment and/or sealing of all existing oil, gas, and water wells within or surrounding the repository site;

11. Planned means for cleaning up radioactive waste spillage within the mine, receiving facilities, and along principal access routes.

Regardless of possible industrial or other uses, the area should be revegetated to the natural state as soon as possible in order to maintain the actual ecological niche of the general area.

The waste handling procedures and emplacement of wastes into the mine should be further described. The terms used for waste containers (casks, waste packages, high-level waste containers, etc.) should be defined to give a better perspective of the operation. It should be pointed out if there is any limit on container size or the amount of activity per container of high-level waste. If not, spacing of holes for thermal control in the floor of the mine may need to be determined for each container. Additionaly, the containers should not be placed next to beds of shale or anhydrite that contain gypsum because shale and gypsum when heated can yield moisture and corrode the metal containers. Comments in these regards should be embodied in the Statement.

Hydrologic studies being made should also determine the need to control man's activities on the surface from new agriculture development and industrial installations that may precipitate unintentional changes in the ground-water regimen above the salt beds. Over several decades this could adversely effect salt storage areas.

A problem area that is still under investigation by the Committee on Radioactive Waste Management is the disposal of salt excavated from the repository. Since this could affect the water quality of surface or ground-water in the site vicinity if incorrectly conducted, further mention should be included in the Statement.

The possibility of induced movement of water in the aquifers resulting from increased temperatures caused by nuclear wastes further emphasizes our previous comments on the need to sample groundwater and analyze the samples for radioactive components.

We hope that our comments will be helpful in the development of a final environmental statement that gives full consideration to the areas of concern expressed above, and we note that the Geological Survey of this Department is participating, at the request of the Atomic Energy Commission, with the Kansas Geological Survey in evaluation of the geologic, hydrologic, and geophysical factors relevant to establishing a national repository for radioactive wastes in salt deposits near Lyons, Kansas. Accordingly, we look forward to the opportunity of reviewing the revised environmental statement.

Sincerely yours,

HOLLIS M. DOLE,
Secretary of the Interior.

EXHIBIT 4

BIOLOGY LETTER FROM MESSRS. HULBERT AND ROBEL, KANSAS STATE UNIVERSITY

KANSAS STATE UNIVERSITY,
Manhattan, Kans., February 9, 1971.

Mr. DALE E. SAFFELS,
Chairman, Advisory Council on Ecology, Kansas Corporation Commisison, State Office Building, Topeka, Kans.

DEAR DALE: This letter is being drafted in response to the November 1970 Environmental Statement on the proposed Radioactive Waste Repository compiled by the United States Atomic Energy Commission. My comments will be slanted toward the potential effects of this project on the plant-animal community since you and Dr. Hambleton will treat the transportation and geological portions respectively.

The statement by AEC that "No significant impact on the environment resulting from either the construction or operation of the proposed repository is anticipated" is well and good. However, there are no plans to monitor the environment to detect changes if they do occur. Without continual monitoring of this "experimental project", no scientist can say in 25 years that there were no adverse effects . . . similarly in 25 years, AEC could not defend itself against charges of adverse effects if no monitoring takes place. I have great confidence in AEC's engineering capabilities, however if their interpretation of environmental relationships is actually as native as their report seems to indicate, then I feel even more strongly that we must have independent (state) controls on this project. The AEC report devotes less than one page to the effects of the proposed project on the ecosystem. What is stressed is that (page 37) "In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition." One might question what is "significant" to AEC, likewise, what do they mean by "anticipated." Few plans are ever foolproof as exemplified by the accident at the Idaho Falls plant in 1961, the accident at the Windscale Works in England (400 square miles contaminated), the nerve gas accident in Skull Canyon, the escape of radioactive materials from recent underground nuclear blasts in Nevada, the high level releases of strontium 90 from the Nuclear Fuel Services plant in New York, etc. None of these were anticipated, but they did happen as have many many more such unanticipated events which we term accidents.

In an attempt to obtain some ecological information on the proposed repository site, AEC contracted seven ecologists at Kansas State University (via the Oak Ridge National Laboratory) to conduct surveys of the area and to then recommend precautionary measures to insure the protection of the environment at the Lyons site. These seven reports were submitted to AEC in September and October of 1970 and constituted over 130 pages of material. None of these data is mentioned in AEC's environmental statement nor are any of the recommendations mentioned in AEC's statement. All seven of the ecologists in Kansas recommended independently that continous studies must be conducted on the site to detect changes if they occur. No such plans are mentioned in the November 1970 environmental statement prepared by AEC. If AEC does not plan to do this, then the State of Kansas must conduct them for its own protection. The continuous studies proposed by the Kansas State ecologists would essentially monitor the effects of the repository site on the plant-animal ecosystem. These studies would require acquisition of at least two (four would be more ideal) 160-acre tracts of land on which to conduct research. The data collected on these control sites would then be compared to similar data collected from the repository site. These sudies must be initiated prior to the development of the repository site if they are to be of any value in monitoring the effects of the operations on the site.

Recommended studies included, but were not limited to, the following areas.

1. An evaluation of the potential effects of chronic and accidental releases of radioactive wastes into the environment.

a. Pathways and flow rates of ^{90}Sr, ^{137}Cs ^{244}Cm, ^{241}Am, and Pu thorugh the terrestrial ecosystem.

b. Pathways and flow rates of ^{90}Sr, ^{137}Cs, ^{244}Cm, ^{241}Am, and Pu through the aquatic ecosystem.

c. Potenial dispersal of radioactive contamination to humans in the 40 to 60-mile area surrounding the Lyons site via terrestrial animals.

d. Potential dispersal of radioactive contamination to humans in the Arkansas River Drainage via aquatic organisms (this includes Hutchinson, Wichita, and Arkansas City in Kansas)

e. Changes in species composition of the flora and fauna on the Lyons site; most critical in this area are the natural balances in the ecosystems, i.e., populations of ectoparasites are known to increase rapidly in response to very small changes in radioactive contamination and ectoparasites are known to tarnsmit many diseases to humans, livestock, and plants.

2. Potential effects of temperature changes on the ecology of the site.

a. Effects of a 10–14° F temperature increase on the deep (60–70 ft) root systems of trees on the area . . . including those in Lyons itself.

b. Effects of a 3 to 5° temperature increase on the deep (3 to 15 ft) root systems of perennial grasses and herbs.

c. Effects of 1° F or more temperature increase on the biota of soil, especially the incubation time of eggs of economically important insects and the reproductive potential of pathogenic bacteria.

d. Changes in soil-water interactions due to changes in soil temperatures, primarily those affecting soil fertility and decomposition action of bacteria.

e. Potential effects on Cow Creek of temperature increases in the subsurface and surface runoff water from the site.

The above are but a few of the types of unanswered questions posed by ecologists. Funds and manpower are needed to answer them. Many issues have not even been mentioned in AEC's environmental statement, including the increased cost of road and residence maintenance due to subsidence on the area, increased costs for the Lyons citizenry to cool drinking water taken from warm aquifers, etc. Until we have answers to many of the above questions or at least are assured that these questions will be given serious consideration, I strongly recommend that the Advisory Council of Ecology advise Governor Docking not to accept, as adequate, the November 1970 environmental statement prepared by the United States Atomic Energy Commission. I would recommend further that the Advisory Council on Ecology make its reactions known, via the Governor of the State of Kansas, to the Environmental Protection Agency and the President's Council on Environmental Quality.

Sincerely,

R. J. ROBEL,
Vice Chairman,
Advisory Council on Ecology.

KANSAS STATE UNIVERSITY,
Manhattan, Kans., February 2, 1971.
Mr. DALE E. SAFFELS,
Chairman, Avisory Council on Ecology,
State Corporation Commission,
State Office Building,
Topeka, Kans.

DEAR MR. SAFFELS: In response to the letter from Governor Docking of December 29, I am sending the following comments concerning the detailed environmental statement on the proposed Radioactive Waste Repository at Lyons, Kansas. My first comment is in the subject area in which I have the most competence. The others are more general comments.

1. The statement assumes, on the basis of planning, that there will be no change sufficient to affect the biota, including man, either from the heat produced or from radioactive wastes in the environment. I am willing to accept that this is probably so, but this is an experimental undertaking and we cannot guarantee that it is so. The escape of radioactivity from the recent underground nuclear test in Nevada, which planners said would not occur, and the problems encountered in the lunar space craft, where extreme care is used to assure success, both attest to the fact that perfection is not assured. Perhaps equally important, even if no adverse effects do arise, it will be important that we be able to establish that no effects did occur. It will be likely that someone in the area around the repository who gets sick, or who has livestock or plants that get sick, will accuse the repository for causing the malady. Without constant surveillance and study, we will not be able to know whether such accusations are true or false. In addition, in any experimental facility we need to check on all possibilities in order to learn as much as possible from the experiment and to detect unintended effects. For these reasons I consider it essential that we in Kansas require that the policy statement include the following:

a. Studies must be conducted before, during, and after the active storage of radioactive wastes, on the composition of the vegetation, populations of invertebrate and vertebrate animals, decomposers, and of the radionuclide concentrations in important members of each trophic level in the area. Such studies must be made both on the repository site and on control sites with as similar soils and vegetation as it is possible to find. The control areas should be about five miles away, preferably to the east or west.

It is likely that the heat in the soil will alter the moisture relations and the biota to some extent. Even though the change in the biota may well be acceptable to us, it is of great importance to know what the change is. Less likely is the possibility of radionuclide concentrations in the biota becoming hazardous, but we must know whether these levels are high or low, and we must know the source and rate of increase if they occur. For all these changes it is essential that control areas a few miles away be established for comparison studies, preferably one east and one west. The control areas need to be far enough away to have radionuclide concentrations that might come from the repository at a level low in comparison to the repository site, yet the areas should be close enough to make comparative studies easy and to keep weather variations low.

b. Monitoring of radionuclide concentrations must be carried on in the atmosphere, stream, groundwater, and soil of the repository area, the control areas, and of selected other sites in Rice or adjoining counties.

c. Meterological records must be collected before, during, and after storage of radioactive wastes, both on the repository site and on the control areas.

2. The statement on p. 36 says that there is only one low-producing oil well on the repository site and that other information from the area indicates that no significant mineral resources underlay the repository site. A petroleum geologist at Saline, O. S. Fent, recently told me that he understands that one new producing well was drilled on the area, and that more drilling is in progress. It would appear that the statement needs to be modified in light of this. It also seems pertinent to have competent personnel see if this affects the plans for the site. Finally, it emphasizes the fact that judgements given in the statement can be incorrect.

3. On the basis of what I know, I urge that we in Kansas require that the excess salt be disposed of preferably by sale or storage in another mine, or if these are not possible, by shipment to the ocean, although this latter possibility is not desirable ecologically. I believe it would be unwise to convert the excess salt to a brine and inject it into the Arbuckle Formation, because we lack sufficient knowledge of possible effects of such injection. For example, the argument that such disposal by petroleum industry has worked well does not seem valid, as they remove more than they inject. The injections of material near Denver are suspected of having some detrimental effects in that area. If the brine were to later move into a fresh-water aquifer, the economic effect would be considered.

4. It seems to me wise to have the State of Kansas receive some financial remuneration for the storage of radioactive wastes in the state. The method is not my concern, but might be a certain amount per cask of waste shipped to Lyons. The reason I suggest this is that we are the ones to most suffer if something does not work out as planned at the facility, and one way to reduce the chance of this is to have the State, or a reliable independent laboratory selected by the state, conduct surveillance, in addition to surveillance conducted by the AEC. I am aware that the AEC is trying to plan well, and is concerned with safety. However, there can be honest mistakes, and also it is possible for the AEC to become a promoter of nuclear power with a zeal or method that causes carelessness or oversight. If the state also is keeping watch, the chance of wrong procedures continuing long unnoticed are diminished. Surveillance by the state will cost money, and it certainly seems right that the cost be a part of the cost of power production, and not come from the general tax sources of Kansas.

It is not clear to me what the steps are in developing the Lyons Project, so I am not sure if all of the above comments are meant to be covered by the environmental statement of AEC. However, the lack of understanding of steps can be one of the ways that mistakes are made, so it seems wise for us to ask about these points and to follow up on them until we are sure they are satisfactorily resolved. I will be glad to amplify on any of my statements expressed herein.

Sincerely,

LLOYD C. HULBERT,
Associate Professor.

EXHIBIT 5

AEC ENVIRONMENTAL STATEMENT AND GOVERNOR'S TRANSMITTAL LETTER TO AEC

REPORT ON THE ATOMIC ENERGY COMMISSION'S ENVIRONMENTAL STATEMENT TO GOV. ROBERT B. DOCKING BY THE ADVISORY COUNCIL ON ECOLOGY, FEBRUARY 22, 1971

In December of 1970, the Atomic Energy Commission forwarded a *Draft of the Environmental Statement, Radioactive Waste Repository, Lyons, Kansas,* to the Governor of Kansas for review and comment. Governor Docking transmitted the Draft to the Advisory Council on Ecology for preparation of a statement to the Atomic Energy Commission.

The Advisory Council on Ecology distributed the *Environmental Statement* to its members and members of the Kansas Nuclear Energy Council, Kansas Academy of Science, Kansas Department of Health, Kansas Geological Survey, and knowledgeable citizens for comment. This report has been compiled by the Advisory Council on Ecology from the responses received.

GENERAL COMMENTS

The *Environmental Statement* does not include a documentation that permits evaluation of all aspects of the facility, a description and degree of implementation of continuing studies and development programs prescribed in the qualified endorsement of NAS-NAC Committee, and it is recommended that this be included in the revised draft.

A better organization of the Statement, use of standard language, and the inclusion of a bibliography would allow scientists and those with a legitimate interest to have a better knowledge of the proposal.

Adequate designs for the transportation system and receiving facilities are not yet available. The proposed National Academy of Science Committee on Transportation, which is to aid in the development of these designs, should be appointed as soon as possible and charged with examining the possibilities for a safe transport system, which would include alternate modes of transportation.

The report of the National Academy of Science's Committee on Radioactive Waste Management is cited as concluding that the bedded salt use for disposal of radioactive waste is "satisfactory pending additional conformatory data and evaluation."

It is recommended that the A.E.C. document the additional data and evaluations which the Committee indicated are required to assure the safety of the project. Without this information, and the plans which the A.E.C. has to obtain the information, the Environmental Statement is little more than a review of existing incomplete knowledge.

ENVIRONMENTAL IMPACT

The impact of the disposal of waste on the geological environment needs additional consideration because of several factors.

Heat.—The thermal impact of the project cannot be adequately estimated because the project has been designed without a clear understanding of heat diffusion problems. Models used for solution of the complex heat-flow problem have been based upon a rock section consisting of units of pure salt and pure shale. The actual rock section consists of laminated salt and shale, and analytical results may be very erroneous. The analytical solutions for heat flow and temperature distribution assume homogeneous and isotropic media in two dimensions only for steady and unsteady conditions, and are based on constant rock properties. Furthermore, heat flow per cannister is an assumed value, and actual values have not yet been determined. The Kansas Geological Survey calculations, based on introduction of 10 and 20 foot shale layers, 15 and 55 feet above the mine, indicate a 34 percent rise in the peak temperature of the mine as compared with a peak temperature in pure salt. Physical properties of rocks do change with temperature, and the physical properties of salt especially are susceptible to temperature change. Some of these property changes range from the fourth to the tenth power of the temperature. In addition, we have no measure of pore pressures that may develop in fluid-bearing shales.

Radiation Damage—As long as the waste containers maintain their integrity, only small quantities of salt would be subject to high-energy, heavy-particle radiation. However, release might occur once or twice a year for about three years by rapid melting or explosion. This could cause the containers to migrate to lower depths, possibly to shale layers, and faults could develop in overlying rocks because of explosions. However, the metal containers as designed are expected to begin to deteriorate within six months, and the ceramic material containing the radioactive wastes is expected to deteriorate within several years. As a result, radioactive particles could migrate through the salt. If the particles are heavy, downward migration might occur due to localized melting; if they are light they might migrate upward. Water is available in the salt, and the waste particles could be suspended by turbulent boiling. Furthermore, the solid particles would expose the salt to significantly higher radiation doses. The ceramic material in the containers also can store energy. Gamma radiation can cause chemical breakdown of salt and radiolysis could result in formation of new chlorine compounds that are capable of leaching plutonium. Thus, statements that burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known are incorrect. The recovery of dispersed wastes in a hostile environment at high temperature and radiation levels is also difficult. Although the staff of Oak Ridge National Laboratory and the A.E.C. have stated that the technology for such recovery is available, no design concept has been submitted for review.

The effects of radiation damage to salt have not been adequately examined. Samples of salt obtained from the Salt Vault site at Hutchinson show energy storage of approximately 10 to 50 calories per gram from gamma radiation. Samples of salt irradiated with protons from the Van de Graaff Accelerator show energy storage as high as 80 calories per gram. A problem arises from the potential capacity of the salt to undergo rapid thermal excursion through sudden release of the stored energy. The release of 80 calories per gram would cause temperatures in the affected region to rise from 300° C. to 620° C. These high temperatures could result in greater flowage of salt around the containers and could cause an explosive effect due to sudden thermal expansion.

Geologic Integrity—The geophysical impact of the project is based on the assumption that the impermeability of the salt bed will protect against release of radioactive material to underground water resources, and that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. Temperatures at the surface, in water bearing rocks, and in the salt are considered to be of relatively little significance. The report concludes that closure of the mine, caused by consolidation and recrystallization of crushed salt back-filled into rooms, will eventually find expression in very shallow subsidence at the surface. These movements are judged to be so slow and gradual that the surface and all intervening rocks will adjust to this deformation without deleterious effects, and any fractures which might develop will be readily healed by plastic deformation of the salt.

In general, it is true that the salt deposits are free of circulating groundwaters and are isolated from underground aquifers by essentially impermeable shale. However, these rocks never have been subjected to the thermal or radiological stresses that are assumed. Furthermore, there is reason to judge that the assumed stresses may be in error. Even so, some structural deformation is evident from our geological studies. The salt thins over structural highs, the Harper Sandstone exhibits numerous high-angle fractures which appear to be open, and the overlying Kiowa Formation exhibits high-angle fractures which do not appear to be open. Thermal and radiological stresses interacting with the stresses caused by consolidation and recrystallization of the salt could produce shear in overlying rocks, and subsidence of some magnitude.

Accordingly, the seal of overlying rocks could be broken, creating vertical permeability and permitting entry of surface or subsurface waters. Our investigations of the sandstones of the Kiowa Formation reveal that water in them may be under artesian pressure. It is imperative that studies be continued to determine whether this underflow exists and whether it could feed a system of fractures. One can state with some certainty that access of water to the salt, at calculated or higher than calculated temperatures, would create a thermal convection and circulation system. Most certainly, solution of the salt would take place and the integrity of the storage site could no longer be maintained. The solution of these problems are crucial to the safety of the repository site.

The precise number of oil and gas wells on the site and the plan for sealing them should be included in the Environmental Statement. This is a vital consideration to the integrity of the bedded rock and must be completed before the operation of the repository is authorized.

The enclosed letter from Dr. Hambleton of the Kansas Geological Survey contains an orderly discussion of the thermal, geophysical, and radiological problems.

ECOLOGICAL IMPACT

The ecology section of the Environmental Statement is inadequate. Despite the tremendous potential for ecological problems which the project presents, less than one page is devoted to this subject.

Radiological and Physiological Effects—Page 37 in the Statement concludes, "In general, no significant effect on wildlife populations is anticipated either in regards to numbers or in species composition."

The descriptions of the site ecology should include more than the bare mention of the vertebrate components. A statement of the functional relationships between all known components of the ecosystem is essential, along with a description of the required research.

Ecologists at Kansas State University conducted surveys and reported on various aspects of the site ecology. In the fall of 1970, they submitted extensive reports with recommendations. These scientists state that the determination of what is "significant effect" on the ecology is important and cannot be detected unless continual monitoring of the environment is instituted immediately.

Meteorological Effects—The climatological and meteorological section presented a very light overview of the wind patterns and velocities. An assessment of the potential problems related to the spread of escaped radioactive particulates or gases, and an adequate monitoring system to detect accidental releases to the atmosphere must be included. In view of some of the recent accidental releases of radioactive material, it is imperative that this problem receive further consideration, especially with respect to potential for carrying radioactive material downward over populated areas.

Surveillance and Monitoring—The need for monitoring to detect changes if they occur is essential. The continuous studies proposed by the Kansas State ecologists would monitor the effects of the repository site on the plant-animal ecosystem. These studies require acquisition of at least two (four would be more ideal) 160-acre tracts of land for purposes of establishing controls. Studies must be initiated prior to the development of the repository site if they are to be of any value in monitoring the effects of the operations on the site.

A surveillance and monitoring system for all aspects of the project should include the following:

(a) Studies must be conducted before, during, and after the active storage of radioactive wastes, on the composition of the vegetation, populations of invertebrate and vertebrate animals, decomposers, and the radionuclide concentrations in important members of each trophic level in the area. Such studies must be made both on the repository site and on control sites with as similar soils and vegetation as it is possible to find. The control areas should be about five miles away, preferably to the east and west.

It is likely that the heat in the soil will alter the moisture relations and the biota to some extent. Even though change in the biota may well be acceptable, the extent of change must be determined, and we must know the source and rate of increase if they occur. The control areas must be far enough away from the repository site so as to preclude radionuclide contamination, yet the areas should be close enough to determine normal radionuclide concentrations and to make comparative studies possible and to keep weather variations low.

(b) Monitoring of radionuclide concentrations and thermal levels must be carried on in the atmosphere, stream, groundwater, and soil of the repository area, the control areas, and of selected other sites in Rice or adjoining counties. Such a plan should be included in the *Environmental Statement*.

(c) Meteorological records must be collected before, during, and after storage of radioactive wastes, both on the repository site and on the control areas.

The enclosed letters from Dr. Robel and Dr. Hulbert contain more specific information on the proposed monitoring and surveillance programs which need to be initiated.

TRANSPORTATION

The transportation problems are a major concern. The Atomic Energy Commission has apparently planned to utilize only railroad shipping for waste transport. The design plans for the unloading points include railhead transfer stations without provision for truck or air shipments. This decision has been made although the suitability of railroad beds to take the loadings associated with the large shipments and heavy shielded railroad cars is not mentioned.

If the statements that the surface temperature of the high-level shipping casks will be approximately 350° C is correct, then the containers will not be in conformance with the A.E.C. or Department of Transportation regulations. If the casks are to approach this temperature, and no cooling system is included, then the railroad cars will constitute a hazard to railroad employees.

UTILITIES

Provision of adequate utilities is also important. Although the *Environmental Statement* suggests that ample electric capacity is available, recent communications indicate that the provision of service to the high level mine is dependent upon construction of a new substation by Kansas Power and Light Company. It is recommended that an emergency power supply be available in addition to the planned surface utility supply.

RETRIEVAL

A primary concern with regard to the high level mine is related to the retrieval of the stored wastes. The Statement on P. 18–19 implies that because the storage site will be permanent, and because the circumstances requiring recovery are not obvious at the present time, no effort will be expended to plan or demonstrate a system which would allow recovery. This type of negative attitude could endanger the health and welfare of the citizens of the state of Kansas.

The facility must be designed to facilitate retrieval. The portion of the paragraph beginning on line 23 of page 18 of the *Environmental Statement* is misleading. Not only is there insufficient data available to demonstrate that the capsules can be relocated with precision after they have been buried for ten or more years, but the remote mining equipment which is necessary to accomplish this is not available.

WASTE CONTAINERS

The report implies that the high level waste residues are to be encapsulated in high integrity containers. This concept is misleading if the capsules used by Oak Ridge National Laboratory during the Salt Vault tests are selected. The tested containers were light walled (0.125 inch) stainless steel containers which are well-suited to the operations involved in encapsulating the waste, but not suited for long-term integrity if the container is subjected to mechanical shock, internal pressure or the corrosive environment of the salt bed. In order to protect the safety of the working area and the surrounding environment, it is important that these containers be properly engineered for high integrity.

Waste packages of alpha wastes should be required to be sealed containers in standard sizes for handling and storage operations. The waste should be non-toxic, non-flammable solids with the same stipulation for the containers. In addition, the containers should be of sufficient structural integrity to sustain handling, stacking, and crushed salt backfilling operations. The returnable containers should not be restricted to rail car transport as discussed under transportation.

Waste-storage canister design should include consideration of canister structural integrity in bedded salt environments for reasonably long periods of time, concurrent with the design to facilitate retrieval of stored waste material. (Concrete compression members between concrete liners are a possibility.) This is important because the spacing of containers to preclude radioactive decay from heat creating excessive temperatures in the salt cannot be assured if the waste containers lose their integrity and are free to migrate in the salt.

SITE AND FACILITIES

The Site Selection section of the report should include water as a valuable resource for the State of Kansas. The description of the site and requirements should include a stipulation for permanent bomb-resistant markers located at the corners of the site to serve as warning monuments to future generations. The peripheral surface area of the storage vaults should be dimensionally defined and marked. The sub-surface salt and mineral rights should also be acquired prior to authorization for the project with contingencies for expansion planned in order to provide a thermal cushion area. All planning for future repositories or expansion of the present site should be completed before the project is undertaken.

The alpha waste facility should mention the surveillance and control procedures to prevent fissionable material from being introduced into the waste storage area. A receiving inventory checking system, either in the surface facilities or in the mine, should be provided to assure control of strategic fissionable material or sabotage attempts. The A.E.C. should have plans, procedures, facilities and personnel for this surveillance system included in the *Environmental Statement*.

The description of the high level waste facility is vague. The facility will supposedly consist of a waste receiving building, a newly mined area underground, and miscellaneous surface support facilities. The miscellaneous surface support facilities should be described in detail as should the monitoring system for exhaust gases. Emergency plans for mine shutdown in the event of a power failure, accident, or other unforeseen problems must be discussed also.

There is no discussion regarding a surface holding area (swimming pool). Such a holding area is required and must be capable of accommodating a receival backlog created by one or more of the following conditions: (a) mining disruptions, (b) storage cavity drilling flow times associated with matching spacing requirements and radiation levels of waste containers, (c) uncoordinated surges in receival of waste material, and (d) high rejection rates from repository inspection of waste containers. These eventualities must be planned for and accommodated by the surface facilities.

EXCESS SALT DISPOSAL

The discussion of the mine operation indicates that most of the salt will remain below the surface. This will be very difficult to accomplish as the rates of storage increase during the later years of operation. The mining operation will generate ever increasing quantities of salt and will become a sizeable aspect of the repository operation. Space requirements for the mined salt indicate that disposal will become a critical problem. When this problem arises, it is recommended that the salt be sold to commercial outlets or deposited in other nearby salt mines as stated * * *.

TOPEKA, KANS.,
February 22, 1971.

Mr. JOHN A. ERLEWINE,
Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: I am pleased to submit the recommendations and concerns of the appropriate state agencies and citizens of Kansas with respect to the November 1970 draft of the *Environmental Statement, Radioactive Waste Repository, Lyons, Kansas.* We advise the recommendations in the attached Report be included in the final draft of the Environmental Statement.

The concept of isolating radioactive wastes from the natural environment to protect the health and welfare of our citizens is a positive step toward the goals of the National Environmental Policy Act. The efforts of the Atomic Energy Commission to develop methods of reducing the waste volume and permanently disposing of them in impermeable rocks are necessary and commendable.

Because bedded salt deposits presently offer one of the more satisfactory methods for disposal of radioactive waste and a site near Lyons, Kansas, has been chosen as the repository location by the Atomic Energy Commission, the State of Kansas is responsible to its citizens for assuring the safety of the project over thousands of years. Despite the fact that we cannot conceive of all problems which may arise, investigation must be undertaken with respect to those problems which are foreseeable and which are herewith recommended.

The major problems not covered adequately by the Environmental Statement fall into the categories of transportation, geological and site integrity, surveillance and monitoring, and retrievability. These problems are reviewed in considerable detail in the enclosed Report.

The Atomic Energy Commission has limited itself initially to a discussion of only rail transportation. Some of the railroad beds and tracks in Kansas over which these loads would necessarily traverse to reach Lyons are in questionable condition and further investigation is necessary to assure the safety of delivering shipments to the site. In addition, adequate designs of the transportation system have not been presented despite reassurances from the Atomic Energy Commission that they will conform to the specifications set by the Department of Transportation and the Atomic Energy Commission. The handling procedures to prevent sabotage or loss of fissionable material are not described. In addition, the container problems need to be treated in greater depth for a variety of reasons.

Monitoring and surveillance is not adequately considered in the Environmental Statement. The Atomic Energy Commission contracted with Kansas scientists to make a preliminary site evaluation and their recommendations that the site to be monitored before, during, and after its use as a repository have not been acknowledged. The surveillance of the ecological, meteorological, hydrological, geological, radiological, and thermal factors must also be instituted as soon as possible to allow the detection of any serious alteration in the environment of this site.

According to our Kansas scientists, the planning and implementing necessary to assure retrievability of the high level wastes are not provided. The only provision cited which allows recovery is the documentation of the location of casks. This is inadequate because the wastes are presently scheduled to be encapsulated in casks which will lose their integrity within a few years after burial. When the casks disintegrate, the solid particles of radioactive waste will then be free to migrate according to their heat and radioactive material content.

The Kansas scientists are concerned with the effects of heat, radiation damage and subsidence as it relates to the integrity of the site. They suggest that the evaluation in the Environmental Statement is based on a homogeneous bed of salt rather than the layered salt and share which actually exists, and that therefore this evaluation may not be realistic.

I am concerned that the future of Kansas be protected and feel that the investigations recommended in the attached report must be undertaken promptly. The final draft of the Environmental Statement should indicate this intent.

On behalf of the people of Kansas, I would like to thank you for the opportunity of reviewing and commenting on the Environmental Statement. Our objectives are similar—to assure the safety and welfare of the people while disposing of a hazardous waste in a permanent and safe location. I feel sure that the Atomic Energy Commission wishes to provide a truly safe national repository.

With every good wish.
Very truly yours,
ROBERT DOCKING,
Governor of Kansas.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The American people have the greatest access to information than any other nation in the world. In January 1969, 95 percent of all American households had at least one television set. Of those having a TV receiver, 32 percent were color sets. Twenty-nine percent of the American households having television at that time had two TV sets.

TEXTILE QUOTA LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to call the attention of my distinguished colleagues to a development that should have a great impact on our deliberations over proposed textile quota legislation.

The U.S. Tariff Commission informed me yesterday that former employees of the now-idle Arista Mills Co. in Winston-Salem, N.C., are eligible to apply for Government assistance provided to workers who lose their jobs as a result of U.S. trade agreements with foreign countries.

A similar ruling was issued in November, stating that the company itself was eligible for Government assistance, but the new ruling extends eligibility to workers as well.

The significance of this action—and we should attach very great significance to this action—is that there is now official cognizance of the fact that the high rate of textile imports from Asian competitors has been directly responsible for the loss of textile jobs in the United States.

Three former workers at Arista Mills filed a petition in January to determine if they were eligible to apply for assistance provided under the Trade Expansion Act of 1962.

The Tariff Commission ruled yesterday that the workers were eligible to apply for assistance, which could include retraining, relocation, or a supplement to unemployment insurance, but the Department of Labor will have final determination of whether such assistance will be awarded, and in what cases.

The Tariff Commission ruling stated that—

> As a result, in major part, of concessions granted under trade agreements, articles like or directly competitive with the fabrics formerly produced at the Arista Mills Company are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers.

Mr. Speaker, I doubt that this will be the last such ruling made by the Tariff Commission. I am convinced that more industries will become insolvent and more workers will become unemployed unless the flood of textile imports is stopped.

The Tariff Commission, by ruling in favor of the former Arista workers, has set a precedent that, though extremely well merited, could result in astronomical costs for retraining workers, for relocating them, and for paying them cash subsidies to unemployment compensation.

How long must this go on, Mr. Speaker, before we can all realize that to effectively cope with this problem, we must go to its source. And the source is none other than the low-wage Asian textile producers who are flooding our domestic markets.

The major source is a trading partner that meets serious negotiating efforts with either intransigence or approval of a proposal that is completely unacceptable, by any reasonable standards.

These developments, Mr. Speaker, serve better than any rhetoric or any set of statistics to prove that we desparately need effective textile quota legislation to protect American textile industries and American textile jobs, and we need it now.

I urge my colleagues, as fervently and as sincerely as I possibly can, to support the textile quota bill which I introduced on Tuesday, and to join with me in voting for its passage.

Arista Mills is only one example of the lethal effect unrestricted importation can have on our domestic textile industry. How many more companies must be shut down, and how many more men and women must lose their jobs, before we at last see the right course of action, and follow it?

WISE DECISION ON MILK SUPPORT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I was pleased, as I know many of my colleagues in the House were, to learn that Secretary of Agriculture Clifford M. Hardin has decided to hold the line on dairy price supports at $4.66 per hundredweight for the marketing year beginning April 1, 1971.

In his announcement Friday, Secretary Hardin pointed out that a year ago the price support was increased by 38 cents per hundredweight. At that point, total milk production in the Nation was declining. Since that time, however, the decline has not only been halted, but reversed and now farmers are producing slightly more milk than they were a year ago—and Government surpluses are climbing again.

The wise and thoroughly considered decision by Secretary Hardin should be applauded by all who are interested in the long-range future of the dairy industry. Dairy farmers need only look to the past record of soybean sales and farmer prices as an indication of what can happen when the Government-established floor under the price is too high.

The dramatic recovery of the soybean industry since Secretary Hardin made his most statesmanlike decision to reduce the soybean support level 2 years ago is an excellent example of what can happen when Government supports are used as Congress meant them to be—a floor under the price, not the price-setting mechanism. The market is the best vehicle for determining price. Dairy interests should express appreciation to Secretary Hardin for making a constructive decision to retain dairy price supports at their present level.

A copy of my letter of March 10 to Secretary Hardin follows:

> DEAR MR. SECRETARY: Certain dairy interests are seeking an increase in support level from 85 to 90 percent of parity.
>
> I'm writing in opposition to an increase at this stage. I do so in what I believe to be the interest of the dairy industry and our position in world trade.
>
> The February 1, 1971, Cold Storage Report of the U.S.D.A. indicates total U.S. butter stocks are 95 million pounds above a year ago and government-owned butter is 40 million pounds more than in 1970. This shows an unfortunate position contrasted with that prevailing prior to last year's increase of five percent in the support rate.
>
> While many farmers need and deserve higher net income, an increase in dairy support level to 90 percent of parity may well have the reverse effect on their income. A representative of the dairy industry told me recently that the price he was receiving for milk on his farm was well above the current level and was even above the proposed 90 percent of parity level. It seems to me dairymen would do well to examine the record of soybean sales and prices since your statesmanlike approach to the loan level for that crop two years ago. The dairy industry spokesman who visited my office privately conceded that an increased support level was actually not in the best interest of the dairy industry.
>
> In addition to the problems higher support levels could bring directly to our domestic dairy industry, the potential effect on world trade is important. Recent visits I've had with representatives of EEC governments present potential international trade problems for the United States if our dairy support level is increased.
>
> When I suggested to a Dutch Cabinet Minister recently that American agriculture is working out its agricultural income problems without going the way of trade barriers, he cited the increase in the dairy support price of a year ago as an exception.
>
> At a critical period in world trade, a delicate balance between demand and supply for dairy products, and when the dairy industry's profits are not depressed, I hope you will decide to maintain U.S. dairy support level for the next year at not more than 85 percent of parity level.
>
> Sincerely yours,
>
> PAUL FINDLEY,
> *Member of Congress.*

In addition to the information already on record concerning dairy price supports, it should be noted that several dairy organizations have not been seeking the higher support level.

Included among them is Land O' Lakes Creameries, Inc., Minneapolis, Minn., one of the most successful dairy cooperatives in the Nation and one which has an outstanding record of butter sales. It is significant to note that Land O' Lakes has recorded increased butter sales each year while nationally butter consumption continues to decline.

In a recent memo this leading dairy cooperative clearly outlined its reasons for not seeking increased dairy supports. The substance of that memo is printed with these remarks.

In addition, one of the more successful independent dairy cooperatives in Wisconsin has questioned the wisdom of increased support prices. In a story taken from the Appleton Post-Crescent of Appleton, Wis., on January 28, 1971, the general manager of Consolidated Badger Cooperative of Shawano, Wis., questions the wisdom of higher price supports. A copy of that newspaper account is also attached to these remarks.

A story taken from the New York Journal of Commerce of March 9, 1971, reporting the increases in dairy surpluses since the support price was increased a year ago.

From these illustrations it should be clear that responsible voices in agriculture and some of the leading spokesmen in the dairy industry do not favor higher dairy price supports. I urge all who are considering sponsorship of a proposal to raise, by statute, the dairy price floor, to consider thoroughly the hardships to soybean growers caused by the former administration when it pegged loan rates at a higher level than the market would bear.

Examine, too, the outstanding record of growth in both sales and farmer prices for soybeans in the 2 years since Secretary Hardin took a most statesmanlike approach to the problem and lowered the soybean loan rate. Dairymen need to ponder well the problems they face as individual farmers and what pricing farm goods too high for the market has done to cotton, as well as soybeans.

No agricultural commodity, with the possible exception of cotton, has been more adversely affected by substitutes than has milk. Dairymen who have seen per capita consumption of their product decline for the past several years should ask themselves what higher prices for their milk and milk products will do to total milk sales and prices.

The Land O' Lakes memorandum follows:

REVIEW OF THE DAIRY SITUATION

Several important factors are emerging in the dairy industry which need to be recognized in establishing the dairy price support for 1971. They also point up the need for a review and "overhaul" of our basic dairy policies. Several comparisons are made between 1965 and 1970 so we can note the trends taking place.

1. Consumption of milk and dairy products have declined 11 percent per capita (whole milk equivalent basis) since 1965—refer to Table 1.

2. The price of all milk at wholesale has increased 34 percent, manufacturing milk is up 41 percent and bottling milk price is up 29 percent since 1965 as price support for manufacturing grade milk has been raised to keep pace with parity. Refer to Table 2.

It should be noted that these increases are fairly well in line with increases in per capita income. Had demand remained constant per capita consumption should not have declined.

3. Tony Mathis, who writes the Dairy Situation for the Department of Agriculture predicts the decline in per capita civilian consumption in 1971 may be slightly greater than the 6 pound milk equivalent decline of 1970. This prediction is based on the assumption of no change in price supports.

If we have no change in price supports this year (current level of $4.66 is about 79 percent of parity) the support level will fall close to 75 percent of parity if not below by April 1 of 1972, and producers net return will suffer accordingly. If price supports are raised this year, the decline in per capita consumption will be greater, but more important—

(a) Price support increases since 1965 have forced butter prices up 18 percent and cheese 44 percent, while nonfat dry milk has gone up a whopping 86 percent. Refer to Table 3.

The table also shows the percent increase in price of the various dairy items since 1965.

Cheese has rode these price increases up very nicely as noted in the increase in per capita consumption, but could it have taken an 86 percent increase?

If price supports are raised in 1971, I expect nonfat dry milk will carry most of the burden compared to any butter price increase.

TABLE 1.—MILK AND DAIRY PRODUCT SALES (DOMESTIC DISAPPEARANCE, COMMERCIAL SOURCES) TOTAL AND PER CAPITA, UNITED STATES, 1965–70[1]

Product	Pounds per capita		Percent change
	1965	1970	
Fluid milk and cream (whole milk equivalent)	294.0	258.0	−12
Butter	5.8	4.4	−24
American cheese	5.7	6.8	+19
Other hard cheese	3.4	4.4	+29
Cottage cheese[2]	4.6	5.1	+11
Evaporated and condensed	15.8	11.8	−25
Ice cream	18.8	17.9	−5
Ice milk	6.6	7.5	+14
Nonfat dry milk	4.8	5.0	+4
Aggregate (whole milk equivalent)	563.0	506.0	−11
Whey solids	.6	.8	+33

[1] Excludes milk used on farms where produced and distribution from USDA supplies; includes sales to the Armed Services for use in the United States.

[2] Includes full skim American.

TABLE 2.—INCREASE IN PRICES PAID FOR MILK SINCE 1965

Product	1965	1970	Percent change
Dollars per hundredweight average test:			
All milk at wholesale	$4.23	$5.69	+34
Manufacturing grade milk	3.34	4.70	+41
Bottling milk	5.39	6.94	+29
Blend price	4.63	6.07	+31
Changes in per capita income (dollars per person):			
Per capita disposable income	2,432	3,292	35.3
Deflated to 1958 basis	2,213	2,464	11.3

(b) As cheese production increases so does whey production. We are currently using only 160 million lbs. of whey solids for human food out of a total of something over 1,300 million lbs. New large automated cheese plants now coming into production and on the drawing boards, combined with the pollution problem of many of the existing cheese plants, will cause a rapid increase in whey solids utilized for human food in the period ahead. Thus, a serious competitive problem for nonfat dry milk is looming on the horizon. The 30 percent increase in CCC purchases occurring in 1970–71 may prove modest compared to this year or next depending on when supports are increased. The net government expenditures of dairy price supports excluding school milk was $284 million in the year ending April 1, 1970. It is estimated that the cost will be $400 million this year. Increased quantities of butter, powder and cheese purchases resulting from increased milk production, decreased consumption and larger imports of dairy products *combined* with higher support prices have caused this 40 percent increase in government costs this year.

(c) Current estimates are that there remains about 30 billion lbs. of manufacturing grade milk which means that more than half of manufactured dairy products are made from Grade A surplus milk.

When we are dealing with, "what level of price supports", we must keep the total picture in focus—more than 55 percent of the milk sold from farms is made into manufactured dairy products and less than 45 percent is used as fluid milk (in Class I).

TABLE 3.—AVERAGE RETAIL PRICE CHANGE OF DAIRY PRODUCTS SINCE 1965

Product	1965	1970	Percent ctange
B.L.S. 1957–59=100:			
All dairy products	105.0	130.5	+24
Fluid milk (store price)	102.8	127.0	+24
Butter	103.6	121.1	+17
Process cheese	116.6	157.5	+35
Ice cream	94.4	103.8	+10
Evaporated	105.3	131.4	+25
Colored margarine	101.9	111.1	+9
Change in price-supported items (cents per pound):			
Butter	58.96	69.7	+18.1
Nonfat dry milk	14.6	27.2	+86.3
Cheese	36.1	52.0	+44.0

(d) Originally, the Federal Order program and dairy price supports were two separate phenomena. This is no longer true as price supports basically determines the Minnesota-Wisconsin series on which Federal Order prices are established.

This gives us the interesting situation where, if an organization with a lot of grade A milk can do anything to enhance the Minnesota-Wisconsin series price, he benefits directly on all his grade A sales.

At the same time an increase in price supports automatically puts a floor under the Minnesota-Wisconsin price series which enhances the grade A price for the whole next year.

We have a concern that some of the predominately fluid or grade A organizations that have some manufacturing operations in Minnesota or Wisconsin, and thus can influence the Minnesota-Wisconsin series price may overlook the impact of an inflated Minnesota-Wisconsin series price or a price support level that adversely effects sales of milk and dairy products.

Tables 4 and 5 indicate the Minnesota-Wisconsin series price leaves a minus margin quite frequently. Table 6 perhaps provides one clue to the minuses on the manufacturing side. When the pay price is below the announced blend, this may provide some cushion to overpay on manufacturing milk, and thus increase the Minnesota-Wisconsin series price which in turn increases the Class I price under the federal milk orders.

(e) We have urged the Secretary of Agriculture to convene a committee representing all sectors of the dairy industry to study and develop a proposed set of dairy policies appropriate to the current and developing status of the dairy industry and national economy.

That status includes:

(1) 75 percent of all milk is grade A—27 states are 100 percent grade A.

(2) Large regional coops operate in several federal market orders and process manufactured products as well as sell fluid milk.

(3) Federal orders are no longer single market oriented.

(4) Land O'Lakes position on price support level:

(a) Our policy is always to pay the producer the highest price possible, compatible with good business practices and without impairing a sound financial position.

(b) We believe the present level of supports ($4.66 per cwt. for average test) is the most sound for 1971 because—

TABLE 4.—PRICES OF MANUFACTURED MILK MADE INTO BUTTER AND POWDER COMPARED TO MINNESOTA-WISCONSIN SERIES PRICES BY MONTHS, 1970–71

Month	Average price		Gross value [1]	Can afford to pay [1]	M–W series	Difference
	Chicago 92 score	Nonfat dry milk (Chicago)				
January	.6761	.2300	$4.85	$4.23	$4.67	—$.44
February	.6760	.2315	4.86	4.24	4.63	—.39
March	.6795	.2318	4.88	4.26	4.58	—.32
April	.6983	.2596	5.18	4.56	4.60	—.04
May	.6985	.2684	5.25	4.63	4.58	.05
June	.6981	.2677	5.25	4.63	4.61	.02
July	.6980	.2702	5.27	4.65	4.60	.05
August	.6938	.2685	$5.23	$4.61	$4.61	$.00
September	.7052	.2686	5.29	4.67	4.66	.01
October	.7012	.2685	5.27	4.65	4.77	—.12
November	.6988	.2682	5.25	4.63	4.82	—.19
December	.7040	.2690	5.29	4.67	4.83	—.16
January 1971	.6977	.2691	5.25	4.63	4.79	—.16

[1] Gross value minus a 62 cent make cost gives the "Can Afford to Pay" price.

Note: L.O.L. pay prices are for bulk and they demonstrate a 17 cents bulk-can differential at the beginning of the period and a 10 cents differential at the end.

Example: 100 pounds of 3.5 percent milk gives:	Yield (pounds)	Price (in dollars)	Gross value (in dollars)
Butter	4.3	.6977	=3.00
Powder	8.1	.2691	=2.17
Buttermilk	.32	.2390	=.08
Total gross value			5.25
Minus make cost			—.62
Left to pay producers			4.63
Minus L.O.L. pay price			—4.83
Difference			—.20

TABLE 5.—PRICE OF MANUFACTURED MILK MADE INTO CHEESE COMPARED TO MINNESOTA-WISCONSIN SERIES PRICES BY MONTHS, 1970–71

Month	Cheese exchange average price	Gross value [1]	Can afford to pay—	MW series	Difference (dollar)
January	54.87	$5.49	$4.71	$4.67	.04
February	53.12	5.32	4.54	4.63	—.09
March	53.00	5.32	4.54	4.58	—.04
April	52.18	5.23	4.45	4.60	—.15
May	52.16	5.24	4.46	4.58	—.12
June	52.25	5.24	4.46	4.61	—.15
July	52.25	5.24	4.46	4.60	—.14
August	52.25	$5.24	$4.46	$4.61	—.15
September	52.81	5.30	4.52	4.66	—.14
October	55.25	5.52	4.74	4.77	—.03
November	55.50	5.55	4.77	4.82	—.05
December	55.50	5.55	4.77	4.83	—.05
January 1971	54.00	5.41	4.63	4.79	—.16

[1] The gross value is based upon a 9.45 lb. yield for cheese and further adjustments for whey and whey cream. The "Can afford to pay price" is computed by deducting a 78 cents make cost from the gross value. (See example.)

Example: 100 lbs. 3.5 percent milk:	Yield (pounds) × price (dollars)	Gross value (dollars)
Cheese	9.45×.5437=	5.138
Whey cream	.35×.7140=	.2500
Whey solids		=.056
Total gross value		5.444
Minus make cost		—.78
Left to pay producers		4.664
Minnesota–Wisconsin series price		—4.79
Difference		—.13

TABLE 6.—GRADE A MILK PRICES IN 1970–71

[In dollars]

	M–W series	Order 68 Cl. I	Super-pool premium	Percent Cl. I	Announced blend	Mid-Am. blend (Mpls.)	LO'L blend (Mpls.)
January	4.67	5.69	0.30	48	5.27	5.01	[1] 5.02
February	4.63	5.73	.30	42	5.18	4.93	4.96
March	4.58	5.69	.46	39	5.08	4.93	4.95
April	4.60	5.64	.51	39	5.08	5.00	5.00
May	4.58	5.66	.49	35	5.03	5.00	5.00
June	4.61	5.64	.51	33	5.03	5.05	5.03
July	4.60	5.67	.48	39	5.09	5.09	5.08
August	4.61	5.66	.49	44	5.16	5.09	5.10
September	4.66	5.67	.48	57	5.32	5.15	5.16
October	4.77	5.72	.43	53	5.34	5.20	5.21
November	4.82	5.83	.32	52	5.41	5.20	5.21
December	4.83	5.88	.27	45	5.37	5.25	5.26
January 1971	4.79	5.89	.26				

[1] Price paid at St. Michael, Minn. was $0.06 less from January to September which reflects the location differential. LO'L did not have a Mpls. price until October 1970.

(1) Higher price support would increase production still further (Our 1971 forecast is 118.5 billion.

(2) Sales of dairy products will decline even more rapidly.

(3) When consumers substitute consumer packages of instant nonfat dry milk for either fluid whole milk or fluid skim milk the producer loses $2.08 per cwt. (In 1970 skim milk in the bottle averaged $3.86 per cwt. while skim milk in manufacturing milk averaged $1.78 per cwt.—a different of $2.08). Instant nonfat consumer package sales increased 14 percent in 1969 over 1968 sales—strong evidence that substitution is taking place, with a loss to producers.

(4) If supports are raised to 85 percent of parity, the cost to government would increase as follows in our opinion:

	Million
1969	$284
1970	400
1971	550

5. We may be nearing the point where the Bureau of the Budget, Congress, or city consumers may force expenditures for dairy supports to be reduced as occurred in the early 1960's.

6. Dairy farmers in the midwest are relatively better off currently than the livestock or grain farmer. He needs more money, but we should get it for him by adopting new dairy policies that will allow his income to keep pace with the rest of the economy without seriously disrupting market sales of dairy products.

7. The argument used last year and again this year is that the Secretary can establish support price at the current market level and not increase cost to the government or the consumer. This is not true because both the price level and government costs increased last year and would increase again this year.

8. We are deeply concerned with the present apparent price manipulation which obviously is being done to influence the M-W price series, currently, in the hopes that this will in turn influence the price support level. Refer to the following exhibit material which was given to the Secretary of Agriculture last week.

9. Rumors persist that a "deal" has been made that price support would be established at the level of M-W series price existing in March.

If a "deal" has in fact been made evidence of manipulation should cancel it.

CHEESE EXCHANGE ACTIVITIES

1. The cheese market has shown greater strength than butter or powder with the result that the price is above support levels more than is butter, especially during the Fall and Winter months.

2. Section 709 purchases added strength to the cheese market in October-January period of 1969–1970.

3. During the past two winters cheese operations have purchased substantial quantities of milk from butter-powder operations and produced to capacity. Three things happened in January and early February of 1971.

(a) On January 15 the price of forty-pound blocks and barrels dropped two cents.

(b) Large merchandisers of cheese cut off unneeded sources of supplies in late January and transfers of milk from butter-powder plants tapered off.

(c) Borden sold forty cars of processed American five-pound loaf to the government the week of February 5 for delivery before March 31, 1971.

These three actions indicate supplies of cheese are plentiful and price declines to price support level were anticipated by the trade.

4. Cheese exchange activities beginning February 5, 1971 have not been normal.

(a) AMPI purchased five cars of forty-pound blocks on February 5, 1971—market was up ¾ cent. One of these cars was previously sold by AMPI to the dealer who sold it back to AMPI at the higher price on the exchange.

(b) This exchange activity was publicized in the Wisconsin State Journal.

(c) AMPI purchased six cars of forty-pound blocks on February 12, 1971—market rose ¼ cent.

(d) AMPI purchased six cars of forty-pound blocks on February 19, 1971—market closed 1½ cents higher.

(e) At the same time AMPI has been buying on the Exchange, they have continued to sell cheese to various cheese concerns.

(f) On February 19, 1971 Central purchased ten cars of barrels—market rose ½ cent. The government had accepted bids for five-pound loaf American processed cheese at ½ cent higher level on February 15.

(g) The spread between barrels and forty-pound blocks has been 2½ cents for several months—now it is 4½ cents.

TABLE 7.—BLOCK CHEESE PRICES AT WISCONSIN CHEESE EXCHANGE, 1969–71

[In cents]

Month	Average prices for 40 lb. blocks		
	[1] 1969	[1] 1970	1971
January	47.35	54.9	54.0
February	47.38	53.1	(2)
March	48.94	53.0	--------
April	49.88	52.2	(3)
	(49.5)	(53.5)	
May	50.30	52.2	--------
June	50.75	52.2	--------
July	50.50	52.2	--------
August	50.50	52.2	--------
September	51.56	52.8	--------
October	52.75	55.2	--------
November	53.50	55.5	--------
December	54.13	55.5	--------

[1] Wisconsin Cheese Exchange prices plus 1½ cents assembly charge.

[2] Actual Wisconsin Cheese Exchange prices, i.e., no assembly charge. 52¾ cents, Feb. 5; 53 cents, Feb. 12; 54½ cents, Feb. 19, 55¾ cents, Feb. 26.

[3] Support price announcements plus 1½ cents assembly charge.

SUMMARY

1. Why this apparent manipulation of prices at this time?

(a) To raise the Minnesota-Wisconsin series price which automatically raises the Class I price. For example: under the contract just negotiated in Chicago, if the Minnesota-Wisconsin series reaches $4.92 for February the super pool price goes up 15 cents, raising the Class I price to handlers from $6.39 to $6.54.

(b) AMPI expects the dairy support price to be announced at the level of the Minnesota-Wisconsin series established in March.

We do not believe the market situation justifies a price support increase at this time.

(a) A year ago, when you set supports, we felt you were sold a bill of goods based on maintaining the existing price level and the argument it wouldn't cost the government any more. This proved to be erroneous as we understand costs will be up from $284 million to about $400 million.

(b) Milk production increased 1.1 billion pounds in 1970. Most of this was in fluid milk oriented states and by Grade A producers.

(c) The government bought the increased production as per capita consumption based on commercial sales (on a whole milk equivalent basis) continued to decline. Undoubtedly, commercial dairy sales were helped some through the expansion of the use of food stamps

(d) Reports in the Midwest are fairly general that the dairy farmer fared relatively well in 1970 compared to other farmers.

(e) Are we justified in further jeopardizing dairy product sales and, particularly, the projected loss in commercial sales of nonfat dry milk that maintaining 85 percent of parity would cause?

[From the Appleton Post-Crescent, Jan. 28, 1971]

High Dairy Prices Could Hurt Farmers

Wittenberg.—Higher federal prices for dairy products could hurt farmers, according to Neil McBeath, general manager of Consolidated Badger Cooperative, Shawano.

Consumer backlash could cause changes in federal price support programs hurting farmers next year if producers successfully press for an increase in parity prices, he said here at a Mid-Winter Delegate meeting.

At the present time milk price supports are $4.66 per hundredweight. At 90 per cent of parity, which is the legal limit, milk would bring an estimated $5.25, said McBeath. Parity prices are established by a formula based on prices received by farmers from 1910 to 1914. The 1971 prices must be announced by April 1.

"We can see a violent reaction from the Administration a year from now (if prices rise)," he said. Such a reaction could result in drastic revisions of parity pricing.

PRICED OFF MARKET

Some dairy products could virtually be priced out of the market. Skim milk powder manufactured from surplus milk now is marketed at 27.2 cents per pound and has sustained serious losses in domestic markets. At maximum levels skim milk powder would hit a 33 cent rate. "There would be practically only one buyer and that would be CCC (Commodity Credit Corporation)," he said.

McBeath also warned dairymen against anticipating large gains in milk checks from a 50-cent per hundredweight super-pool price announced recently for Class I (bottling) milk sold by Central Milk Producers Cooperative in Chicago.

WITHHOLD MILK

Administrative costs and promotion efforts will eat much of the premium, he explained.

Consolidated Badger Cooperative is one of 16 members of the organization which markets a majority of the Class I milk sold in Chicago. The 50-cent hike in price would be effective Feb. 15.

[From the Journal of Commerce, Mar. 9, 1971]

U.S. Dairy Surpluses Seen Rising

Washington, March 8.—Dairy surpluses which rose by 29 per cent last year will increase again in 1971, Agriculture Department economists predict.

The forecast came in a summary of a forthcoming "Dairy Situation" report prepared by the department's economic research service.

The report noted that government purchases of surplus dairy products under price support and other programs in 1970 reached the equivalent of 5.8 billion pounds of milk, up 29 per cent from the 4.5 billion pounds removed from the commercial market in 1969.

Removals in 1971 "likely will exceed" the 1970 total, the summary released here noted.

"MODEST INCREASE"

The report also predicted that total milk production in 1971 would probably show a "modest" increase from last year's total of 117.4 billion pounds. Economists said that if government dairy price supports are left at current rates, farm-level milk prices will continue above 1970 averages. But the gain will be smaller than both last year's 3.5 per cent rise and the 3 per cent gain posted in the first quarter of 1971, the report said.

Gross income for dairy farmers may rise some $200 million to $6.7 billion this year, but rising costs will limit gains in net income, the report added.

Economists noted that domestic per capita milk consumption last year fell to 561 pounds from 568 in 1969. But they said the expanded food stamp program and more aggressive industry promotion could strengthen sales and slow the potential 1 or 2 per cent decline in per capita consumption this year. In spite of last year's drop in per capita sales, total commercial milk sales rose last year because of population gains, the report added.

GAO DISCLOSURE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Gubser) is recognized for 15 minutes.

Mr. GUBSER. Mr. Speaker, on March 15, 1971, I made a special effort to focus attention upon the policy under which GAO operates with respect to public disclosure of its reports. On that day I raised the question as to whether this policy serves to make GAO a personal publicity agency for individual Members of Congress. In this connection, I made reference to the fact that when I asked GAO to provide me a report on independent research and development, which was to be provided to a Member of the other body, I was told I would have to go and get the permission of the Senator.

Next thing I knew, the report was discussed in the Washington papers, and I still had no copy. As you may recall, the subject of I.R. & D. has been a special interest to me over the last 2 years and has been of interest to Congress in general because of related legislation passed on this subject. The House and Senate Armed Services Committees studied it, the GAO studied it, DOD studied it, and NASA studied it. After all of this studying, we passed legislation which was considered an appropriate solution to certain weaknesses in the system.

But, on March 15, 1971, the press informed me, as it did others, that "the Pentagon is opposed to efforts within Congress to provide visibility and accountability for this program," and the evidence was found in the GAO report that I could not have. Frankly, this stunned me because I had been closely following the progress of the implementation of the recent legislation and had no indication whatever that such opposition existed.

After the press release had been published that morning, a GAO representative delivered a report to my office. Upon a cursory examination of the report, I found that the reference to the alleged "cover up" had no foundation. All DOD was saying was, "let us get the facts before a report is made to anyone." And the critique on Pentagon advice on page 6662 then proceeds to recommend the very action suggested by the Pentagon. It asks the General Accounting Office to make a new study of I.R. & D. Thus we have the anomaly of criticising advice as a "cover up" and in the next sentence recommending that the advice be followed.

I am glad to see that after my expression of concern on Monday, that on Tuesday on page 6662, the full GAO report was inserted in the CONGRESSIONAL RECORD. Everyone can now determine for himself just what the report stated. It is interesting to note that the Comptroller General did not comment on any effort to cover up information and, furthermore, he suggested that no further legislative controls be imposed. This latter suggestion was not mentioned at all in the paper. Extravagance and boondoggling were the theme of this press release.

Despite all of our efforts over the past 2 years, the many pages of testimony and evidence received in hearings, the extensive reviews by GAO, and others, a Member of the other body wants yet another study of I.R. & D. The justification appears to be malignant neglect, the attempt of the Pentagon to suppress, and serious abuses.

I would like to recount just a few facts concerning I.R. & D. and the results of the studies readily available to all. These facts will point up the absurdity of making still another study to file with those already completed.

The General Accounting Office performed a 2-year study which involved a review at 10 Government agencies and nine plant locations of seven major contractors. Certain weaknesses were noted during this study which needed attention and the House subcommittee duly noted these and recommended remedies. The weaknesses were not significant enough to warrant scrapping the present system of management and starting over. Nor, in the opinion of those examining the facts, was stringent legislation, such as the line item approach, a practical solution.

With respect to the GAO reports dated February 16, 1970, and March 8, 1971, I wish to point out that the GAO comments on the results of its studies draw no conclusions of "malignant neglect, coverup, or serious abuses." Furthermore, none of the evidence accumulated by our subcommittee established such cases. Why, then, is there a call for another study using the same old tired and unsubstantiated allegations as the reason?

Mr. Speaker, I suggest that we reexamine the use of GAO's services by individual Members. I cannot but feel that this circumstance I bring before you represents a personal hoarding of congressional services to the exclusion of other Members. GAO was established to serve all of the membership. Moreover, when any member publicly charges neglect, coverup, and abuse, particularly after the subject matter has been studied almost to death, I believe the Member has the obligation to provide some semblance of evidence backing up that charge. If there are details on abuses and neglects in the I.R. & D. management, these details ought to be forwarded as a requisite to the initiation of any further GAO study and the results should be a matter of record provided to each Member at the same time—not after they have read it in the press.

ASSURING FOOD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, I have cosponsored a measure providing that packaged perishable foods be taken off the market when they are no longer fresh.

This legislation would include within its jurisdiction such foods as meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, and other foods. Such a measure is necessary to insure that food that was initially pronounced safe and healthful for public consumption does not become unsafe with the passage of time.

The bill is intended to dovetail with legislation that I introduced earlier in the session to prevent inadequately tested food additives from being used in foods.

Food additives, which are substances added to foods for a variety of reasons such as taste, preservation, and color, are generally regulated under Federal law. However, a specific group of food additives is specifically exempted from such control; these are known and generally recognized as safe food substances. I have long questioned the soundness of a list that would permit food additives to be widely sold and used without conclusive proof of their safety. Many food substances on the so-called GRAS list have never been proven safe; moreover, standards for their usage in safe quantity have never been established.

There are an estimated 680 substances accepted by the Food and Drug Administration as generally safe, although many have never been adequately tested. Cyclamates were on the list until their recall from the market.

In October 1969 I contacted then HEW Secretary Robert Finch requesting a ban on the sale of cyclamates until further testing had proved them safe and free from cancer-producing agents. Cyclamates at that time were on the GRAS list and were to be found in a multitude of foods, including children's vitamins. Shortly thereafter, the HEW Secretary did indeed act to restrict the sale of cyclamates. This action was possible because there was a question of carcinogenic of cancer-producing agents in cyclamates. Had there been a question of genetic damage, or blood deterioration or liver destruction or a host of other possible organic damage from repeated usage of a food substance, the Food and Drug Administration would not have been able to act so rapidly. Only in cases where a substance is suspected of containing cancer-producing agents can it be swiftly taken off the market. In other circumstances, the FDA would merely have set an "interim tolerance level," with no change in status for the food additive in question until it has been evaluated. And the public would continue to ingest it in food.

There is another disturbing aspect of underregulated food substances. Take monosodium glutamate—MSG—for example, which had been used in baby foods although tests conclusively demonstrated that it whetted only the appetite of the mother. In 1969 I also communicated with the HEW Secretary concerning the inclusion of MSG in baby foods, since that particular food substance had caused some disturbing effects on laboratory animals in their infancy. That matter was never fully settled. The manufacturers agreed to discontinue the usage of MSG in baby foods before the FDA formally investigated the matter. Monosodium glutamate is still an acceptable food substance on the GRAS list. Although it was voluntarily removed by the food industry from baby foods, it is nonetheless contained in other foods available to young children.

After considering the matter, I prepared and introduced legislation in November of 1969 to review food additives on the GRAS list. A little over a month after that, the Food Safety Committee of the White House Conference on Food, Nutrition, and Health decided that food additives presently unregulated by the FDA be reviewed. I, thereupon, wrote to the President, asking that these recommendations be implemented. In April of last year, the Food and Drug Administration notified me that it was working to establish a priority for GRAS list substances review. This review may be completed by the end of 1971.

While I am gratified that GRAS list substances will be reviewed, I am still dissatisfied. Although the FDA plans to review all available evidence about the GRAS substances in order to conclude that there is no risk of harm, the Center for Responsive Law has pointed out that this would place reliance solely on evidence already available to the FDA—and in some cases would rely on lack of evidence.

This is an unsound basis for insuring food safety.

Therefore, in spite of the ongoing FDA review of GRAS list substances, I have this session of Congress sponsored legislation to provide that extensive evidence concerning the safety of any food substance must be furnished by the food industry before the FDA can permit its inclusion in foods. If the evidence is inconclusive or inadequate, the substance in question could not be added to food.

This measure, in concert with the bill I have recently introduced prohibiting the sale of stale or spoiled food, would go far to improve food safety.

I am committed to the principle that foods must be proven safe before they can be made available to the public. Moreover, even though they may be harmless when they initially go on sale, there must be adequate follow-up to insure they are safe at the time of sale.

We cannot assume foods are safe. We must assure it.

DEMOCRATS TO PUSH BANK PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, we are well aware of the drastic need of our communities for help to build vitally needed facilities. I conducted studies at the Joint Economic Committee a few years ago which showed a tremendous unmet need in the communities of the United States for funds to build schools, hospitals, and other necessary facilities. I have urged, as you know, a federally supported credit institution which would provide financial support to meet the high priority borrowing needs of our communities, as well as for our low-cost housing and other basic needs that are not now well served by our private banking system. Mr. Speaker, the proposal for a National Development Bank, introduced by Senator SPARKMAN in the Senate, S. 350, and my bill, H.R. 3550, would meet these needs. It is the Sparkman-Patman bill.

It would assure an adequate source of loan funds at reasonable interest rates to State and municipal governments; small- and medium-size commercial and industrial entities, and public agencies and private nonprofit groups, for the construction of low- and moderate-income family housing projects.

In view of the great urgency of this need, I was delighted to see that the House Democratic leaders, spearheaded by our great Speaker of the House, CARL ALBERT, intend to push legislation to make low-interest Federal loans to cities and States as an alternative to President Nixon's revenue-sharing proposals.

According to an article by Mr. Thomas J. Foley in the Los Angeles Times under date of Monday, March 15, our distinguished majority leader, the Honorable HALE BOGGS, of Louisiana, has made the point that an urban bank is one of the institutions being devised by congressional Democrats to answer the President's legislative proposal.

Mr. BOGGS has been a colleague of mine for many years on the Joint Economic Committee and we have been deeply concerned with this problem for some time. I know that his advocacy is going to provide a tremendous asset in getting this measure through the Congress and into actual operation. I can think of no more crucial requirement at the present time.

I want to take this opportunity to commend our Speaker and our majority leader for the strong leadership that they are providing, particularly in trying to get our economy back on the track toward full employment and prosperity. They have been consistent and constructive critics of the administration for the many deficiencies in their economic program and they have been articulate proponents of measures that will move this country back to the high production that we should have.

URBAN BANK PLAN TO BE PUSHED BY DEMOCRATS

(By Thomas J. Foley)

WASHINGTON.—House Democratic leaders will push legislation to make low-interest federal loans to cities and states as an alternative to President Nixon's revenue-sharing proposals.

According to House Majority Leader Hale Boggs (D-La.), the idea of setting up an urban bank is one of several being devised by congressional Democrats to answer the President's major legislative proposal.

The President's revenue-sharing proposal calls for the federal government to grant states and cities $5 billion beginning Oct. 1 and more in succeeding years.

"Whether Mr. Nixon really wants to pass revenue sharing is a horse of a different color," Boggs told a group of newsmen recently." My own feeling is that he thinks it's a good political issue."

LOAN, NOT GIFT

The urban bank idea is similar to revenue sharing but would loan money to states and cities rather than give it to them. It was first proposed early this month by freshman Rep. Herman Badillo (D-N.Y.) who suggested it as a short-term solution to municipalities experiencing severe fiscal problems because of declining revenues.

Badillo proposed $10 billion in interest-free loans for each of the next two fiscal years while Congress works on longer-range solutions. States and cities could use the money any way they wished but could not cut local tax rates. The proposal includes a nondiscrimination provision. The loans would be paid back over a 50-year period.

Badillo said New York state would receive $1.068 billion each year under his proposal with New York City getting $378,614,000 of this. California would get $1,180,439,000 and Los Angeles $69,443,000.

Badillo discussed his proposal several times with Ways and Means Committee chairman Wilbur D. Mills (D-Ark.) whose opposition to revenue sharing has all but buried Mr. Nixon's proposal.

Boggs made clear that while the Democratic leaders supported the loan plan, they believed cities and states should pay at least a nominal interest rate for use of the money.

Boggs conceded that revenue sharing was Mr. Nixon's best political issue against the Democrats but said he believed the party could develop alternatives to neutralize its effect.

NO MATCHING FUNDS

Besides the urban loans, these include a proposal to eliminate the matching formula for federal grant programs and urging Mr. Nixon to release $600 million already appropriated by Congress for various programs but withheld by the Administration.

Boggs, while saying he believed Mr. Nixon had done an "outstanding job" on handling foreign affairs, called the President's domestic record "a miserable failure."

He said he didn't believe any President could have done any better in getting a disengagement in Vietnam.

OIL COMPANY HOLDINGS OF COAL LEASES ON PUBLIC LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, because of my concern regarding the extensive holdings oil companies have and are continuing to acquire in the coal and uranium industries, I introduced H.R. 4731 to amend the Clayton Act to make it unlawful for any oil company to purchase any coal or uranium assets and to require the divestiture by oil companies of all coal and uranium assets.

Among the Nation's top 50 coal producers, 29 are subsidiaries of oil companies, accounting for 28 percent of the national coal production. The concentration of ownership control over coal supplies extends also to nuclear fuel for many of the same companies which are increasing their influence over coal also are extending their control over uranium supply and processing. Petroleum corporations account for one-sixth of the national uranium production, hold about 45 percent of all known uranium reserves and make more than half of the new discoveries each year.

I recently obtained some preliminary statistics regarding the holders of coal leases on our public lands which reveals the extent to which oil companies, the traditional competitors of coal, are tightening their grip on the Nation's coal reserves. Of an initial survey of 479,553.54 acres of public lands containing proven coal reserves, oil companies hold leases on 144,973.54 acres or approximately 30 percent of the total acreage. It could be possible that these figures could be higher if one could cut through the maze of corporate structures to determine whether certain lessees were, in fact, subsidiaries or street names of firms with oil interests. A table showing the lessee, the amount of acres held and the effective date of the lease follows:

State and lessee	Acres	Lease date
MONTANA		
Concho Petroleum Co	540.86	July 1, 1965
Kerr McGee Corp	2,033.71	Nov. 1, 1967
NEW MEXICO		
Consolidation Coal Co. (Continental Oil Co.)	1,998.14	July 1, 1967
Do	2,432.94	Do.
Do	2,505.47	Do.
Do	2,206.04	Dec. 1, 1964
Gulf Oil Corp	540.49	Nov. 1, 1964
Kerr McGee Corp	4,352.92	Sept. 1, 1969
Do	3,400.00	Do.
North American Resources Corp	3,342.43	Sept. 1, 1967
Do	2,927.45	May 1, 1968
Do	2,839.86	Do.
Seneca Oil Co	6,336.12	Sept. 1, 1967
UTAH		
Consolidation Coal Co. (Continental Oil)	2,540.64	May 1, 1967
Do	2,537.69	Do.
Do	2,542.84	Do.
Do	2,560.00	Jan. 1, 1969
Do	2,560.00	Sept. 1, 1967
Do	2,557.36	Do.
Do	2,560.00	Do.
Do	2,554.88	Do.
Do	2,560.00	Do.
Do	2,560.00	May 1, 1967
Consolidated Coal Co. et al (Continental Oil)	720.00	July 1, 1970
Do	2,496.00	Nov. 1, 1962
Heiner Coal Co., c/o Island Creek Coal Co. (Occidental Petroleum Co.)	680.00	Dec. 1, 1962
Do	2,212.00	Sept. 1, 1966
Do	480.00	July 1, 1962
Heiner Coal Co. et al, c/o Island Creek Coal Co. (Occidental Petroleum Co.)	160.00	Mar. 1, 1962
Do	480.00	Do.
Hiko Bell Mining & Oil Co	1,920.00	Nov. 1, 1965
Do	1,920.00	Mar. 1, 1965
Do	2,560.00	Dec. 1, 1965
WYOMING		
Atlantic Richfield Co	5,844.31	Dec. 1, 1966
Do	40.00	Do.
Do	5,800.07	Nov. 1, 1967
Belco Petroleum Corp	640.00	Jan. 1, 1971
Do	4,551.46	Jan. 1, 1970
Carter Oil Co	5,251.44	Dec. 1, 1967
Do	4,781.59	Do.
Do	5,457.47	Do.
Concho Petroleum Co., et al	1,571.19	Mar. 1, 1965
Do	195.32	Do.
Do	2,550.98	June 1, 1963
Do	1,620.07	Sept. 1, 1963
Do	756.01	Mar. 1, 1965
Do	440.00	Dec. 1, 1964
Do	480.00	Do.
Do	360.00	Do.
Do	80.00	Do.
Kerr McGee Corp	4,191.84	Sept. 1, 1970
Do	160.00	Do.
Do	1,263.35	Jan. 1, 1970
Do	880.00	July 5, 1965
Do	2,560.00	Oct. 1, 1965
Do	2,200.00	Do.
Mobil Oil Corp	4,000.00	Feb. 1, 1971
Sun Oil Co	14,679.98	July 1, 1968

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, yesterday on rollcall No. 20, on the conference report on H.R. 4690, public debt limit—social security benefits, I was in New York City attending funeral services for the late Whitney Young, executive director of the National Urban League.

In making plans to attend this great leader's funeral, it was my understanding there would be no record votes in the House yesterday. Therefore, I would ask, Mr. Speaker, that the record show that had I been present I would have voted "yea."

THE LOSS OF WHITNEY YOUNG

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I join with thousands in mourning the loss of Whitney Young.

His death leaves a void which is uniquely felt because his was a unique voice against an oftentimes confused, cacaphonous and occasionally stridently angry background of voices exploiting the appeal of ruthless militancy. Had he chosen merely to play to the gallery there is no doubt, given his matchless talent, he might have achieved the quick notoriety of many another comet which has flashed its brief moment against the sky, all too soon to be as quickly extinguished. He chose, to the good fortune of us all, the harder path to enduring fame in the pantheon of great civil rights leaders.

It is as if he had heard "the sound of a different drummer" or the injunction of Goethe's Faust to "win your effects by honest means; eschew the cap and bells of the fool."

His reasoned arguments were no less effective for their quietly impassioned and eloquent tone. His dedication to the great cause of equal rights for all were no less effective for his stoical and heroic forbearance. Whatever vindictiveness he harbored was directed at his lifelong enemy—injustice.

A more fitting eulogy could not be found than his own words, spoken in testimony before the Education and Labor Committee in the early sixties. I was moved by his eloquence then, and moved all the more now in recalling them at this moment as we observe his tragic loss to the Nation:

> We will either provide money for rehabilitation and prevention or we will automatically spend more money on welfare and for crime. . . .
>
> "Now I think Negro citizens, in the face of the years of provocation; in the face of the historic abuse, have shown an amazing restraint and an amazing loyalty. I give you only last year as an example. Last year you saw the March on Washington (1963) with its quiet dignity and its fervent pleading. Last year you saw Negro parents, Negro citizens, after children were bombed in a Sunday School, remain calm and cool and continue to pray; last year you saw in Jackson, Mississippi, Negro people in a church after their leader had been slain; and after the widow of their slain leader addressed a meeting, a woman who had every right to hate, stood there and said, "You must not hate, you must love." And we saw thousands of people in that audience who had every reason to be incensed, stand up and sing spontaneously without anybody announcing it, "My Country 'Tis of Thee, Sweet Land of Liberty." Now I don't know what more simple element of testimony of faith in a system you need on the part of the people who have so little reason to have this kind of faith, who have all the provocation, the abuse, the murders, the years of want, poor housing and rats biting their children.
>
> "They have said to America, I believe in you. It seems to me it is time for America through its elected representatives here in Washington, to say to the Negro citizen, "We, too, believe in you."
>
> "We must have a coalition of private and public agencies working together. Finally, let me say that what we are really trying to do here is to ask you to work and provide hope for Negro parents who themselves have no real illusion that they can change overnight from functional illiterates to skilled technicians, but who desperately are looking for the kind of action that says *this* will not be the destiny of their children."

Those 1964 words are meaningful today, also. They serve as a fitting epitaph for a courageous and compassionate man of rare vision and patience, challenging us to rise above the commonness of everyday human struggle and strife and to examine anew the possibilities latent in the human heart and consciousness.

CONGRESSMAN SEYMOUR HALPERN'S TRIBUTE TO WHITNEY YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today, a great American is being laid to rest. May he rest in peace.

The tragic loss of Whitney Young will be deeply felt by us all.

In a time when frustrated young people, many angry, disillusioned, and spurred by preachers of volume, could have turned this Nation's racial conflict into a bloodbath, it was the natural role of this great statesman to temper these conflicts with reason and to govern their solutions with pragmatism.

Whitney Young's masterful ability to view the intrinsic nature of these problems and put them in proper perspective made him an invaluable adviser to three Presidents and a great asset to seven presidential commissions. He believed with all his heart that the only just solution to our black-white conflicts could be reached when all segments of our society worked together for the common good of all. His stand, at a time when others were calling for separatism and more radical solutions, singles out Whitney Young as the arbiter and proponent of moderation.

But although he was moderate of speech and temperament, Whitney Young had a burning fire in his heart—a fire that often reflected in his eyes—to reach the goals of justice for all America, indeed, the world. As a most accomplished diplomat for race relations, he came to the leaders of our country and sought justice for the deprived of all races and ethnic origins. He was an accomplished bargainer, who persuaded some of the most powerful legislators and public leaders of this century to listen. As a vital force in the movement for equality, Whitney Young's sudden departure from the scene leaves a void that will never be filled.

One national newsmagazine has appropriately called Mr. Young, "an effective voice of the voiceless and an effective hope of the hopeless." On this day of his burial, I would call on all people, in all walks of life, to look upon the enormous effect and tremendous impact this one man has had upon our Nation.

Whitney Young once stated:

> Your monuments will be people helped in moments of distress, people given hope when they had every reason to feel dispair.

If so, few men have more and greater monuments than he. Let us dedicate ourseves to the goals espoused by this great American. On this day when the Nation that owes him so much reclaims him, let us complete the monuments he sought to build. This is the only meaningful and lasting testimonial to a man who stood for the highest ideals of mankind.

I am sure that I reflect the feelings of countless Americans when I express my deepest sorrow to Mrs. Young and the family, separated so so sadly, so untimely from their husband and father.

LONGVIEW CREDIT UNIONS SHOW SAVINGS INCREASE OF 800 PERCENT IN PAST 10 YEARS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the February 7 edition of the Longview Morning Journal, one of the outstanding papers in the country, reports a banner year for the six major credit unions in Longview which include areas represented by me in the First Congressional District. The paper reports that the six credit unions have not only made substantial gains in 1970 over 1969, but in the past 10 years have increased their loans more than 400 percent and their savings almost 800 percent.

These are indeed impressive figures and they show why more than 22 million Americans are members of credit unions, with more joining every day and new credit unions opening at a near record rate. In an area of record interest rates for borrowers, credit unions still charge 1 percent or a fraction of 1 percent a month on the declining balance, with many credit unions charging less than that figure and which average out about 6½ percent a year.

There are credit unions in every congressional district in this country, and I think Members would profit greatly from finding out how well the credit unions in their districts are doing, not only in providing low cost loans for their members, but also in providing a safe and profitable place to save money.

I am including in my remarks the article in the Longview Morning Journal.

CREDIT UNIONS BOOMING HERE

Loans and savings in Longview's six major credit unions made substantial leaps from 1969 to 1970, while in the past 10 years loans have increased more than 400 per cent, and savings almost 800 per cent.

All but one of Longview's credit unions showed increases in both loans and savings in the past year as compared to 1969 figures. One credit union showed a slight decrease in the amount of money loaned in 1970 from 1969 loans, but reported substantial savings increases.

Credit unions operating in the city include East Texas Teachers Credit Union, 1516 Judson Road, East Texas Telco Credit Union, 501 N. Green Street, Humble Credit Union, South 16th Street, Sweetex Credit Union, 606 E. Methvin Street, TP Longview Federal Credit Union, 606 E. Methvin Street, and Teachers Alliance Federal Credit Union, 1014 Young Street.

Loan in the six credit unions collectively increased some $6,890,260, from $2,827,808 to $9,718,068, from 1960 to 1970, while increasing some $785,783, or from $8,932,285 to $9,718,068, over 1969.

Savings (on record as of December 31 each year) increased $7,077,353, or from $1,843,652 to $7,077,353, from 1969 to 1970, and some $1,431,712, or from $7,489,293 to $8,921,006, from 1969 to 1970.

CALIFORNIA CREDIT UNION SEEKS TO HELP POOR CREDIT RISKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when a financial institution goes after someone who is overburdened with a long list of debts, his home is in foreclosure, his car is being repossessed, a garnishment is pending, and he is on the verge of bankruptcy, it is usually to try to collect money owed the financial institution.

But that is not the case with the Hughes Aircraft Employees Federal Credit Union. The Los Angeles credit union instituted a family money management service in 1968 to help people who desperately needed another financial chance. The credit union has taken the worst possible financial risks and turned them into financially sound citizens. In the past 3 years, the program, operated by Gil Richards, has worked with more than 500 persons, lending nearly $1 million. Since that time, nearly one-fourth of the money has been repaid and there has been only one writeoff for $762.45. In addition, these credit union members who were once on the brink of financial disaster have built up savings of more than $87,000.

Mr. Speaker, I have said on many occasions that next to the church credit unions do more good than any other institution. Certainly the efforts of the Hughes Aircraft Employees Credit Union back up my statement.

I am including in my remarks an article about the family money management service of the Hughes Aircraft Federal Credit Union in the March issue of the credit union's magazine. It shows that those who are down and out should never really consider the door as being closed if there is a credit union that they can look to.

ONE LAST CHANCE

HUGHES CREDIT UNION HAS A PROGRAM TO HELP THE "HOPELESS" PULL THEMSELVES TOGETHER

There isn't a member that Hughes Aircraft Employees Federal Credit Union can't help—if he's really sincere about solving his problems.

This may sound extreme, but the Los Angeles-based credit union has committed four full-time staff members—two loan counselors and two clerical assistants—to work with the type of members credit committees turn down.

The loan counselor's primary reason for existence is to help members in deep finanical trouble build a solid financial base. And this isn't easy when someone owes a dozen or more different creditors, has fallen behind on his house and car payments, is on the verge of divorce—and who knows what else.

But in the past three years Gil Richards has worked with more than 500 persons who had these problems and more. Under his guidance nearly $1 million has been lent to them, with more than a fourth of it repaid and only one write-off—that for $762.45.

The Family Money Management Service (FMMS) began operating in February, 1968, but it was in the making long before that. Once the board had decided to commit the credit union to this type of counseling program, it laid the groundwork very carefully.

When Gil Richards was finally selected to head the service, he spent eight months getting acquainted with the credit union's branch operation and working out details of the program before the first member was interviewed. It was important that he gain the confidence of the branch managers because, as Richards asks, "Would a branch manager tell a member to take off from work and drive 70 miles to the main office if he didn't think I could help him?"

The time spent in setting up FMMS was evidently well spent. As a result, the credit union has had to make no major revisions in the program. The biggest changes have been to keep up with its growth.

The board originally set a $250,000 limit for Richards' consolidation loans. "We hit that right away," general manager R. N. Pacheco said. "The board raised it to half a million. Now we're up to $750,000, and we're going to have to raise it again."

Nearly $700,000 is out on loan to almost 300 members (1 per cent of the credit union's total membership) with less than a half dozen delinquencies. At 1 per cent a month, these loans produce a fair amount of income and the program is certainly designed to minimize loss.

Each consolidation loan is fully secured by co-maker or collateral. Payments on debts being pro-rated to other creditors are made only from the member's share account. No checks are sent out unless there are sufficient funds in shares and the credit union has the member's bills.

Because losses are so low—lower than the credit union's other loans—the program is paying its own way and opearting in the black.

Average maturity of these FMMS loans is 37 months. The 293 borrowers also have built up $87,753 in shares. Thirty-eight of these loans are with members no longer employed by Hughes, "but these are paying like clockwork," said assistant manager John Sieberg.

The income from these loans is certainly a small part of a credit union with $46 million in assets, but the program is helping the credit union's over-all operation in a number of tangible and not so tangible ways.

"You'd be surprised in how many of these cases we would have had to sustain a loss if it weren't for Gil's program," Pacheco explained. "It has helped us with our delinquency, and he's taken over some of the loans that might have gone to our collection department."

FMMS has also made the lot of the credit committee easier, reports Sieberg, who serves as its chairman. "We were concerned about whether the prorgam would be successful because its success depends on having someone managing the accounts who's firm in his decision making. Gil makes decisions and stands on them."

Now, when the credit committee turns down a loan because of a member's adverse financial condition, it knows there is still an avenue of help open to him.

The branch managers are also sold on the program.

"There's a big enough load in this branch office just serving the members with good credit ratings," said Charles H. Scott, who heads the credit union's Culver City office. "We don't have the time to sit down and counsel in depth—and it does take time."

More than 8,000 members are served from Scott's office, with anywhere from 100 to 150 loan applications a week. About one a week is turned over to Richards.

"This takes quite a burden off the branch so we can serve the other members," Scott explained, referring to the initial work and continual follow up involved in helping the over-extended debtor.

Naturally, the credit union continues to stress prevention outside FMMS, both through branch office staff and programs of the education department.

The credit union has always been looked upon with favor by Hughes Aircraft Co. management, but now more than ever.

The company's industrial relations managers and employee counselors pass out the FMMS pamphlets. In other instances, company personnel have sent employees to Richards for advice and help. And Richards himself is called upon regularly for information and assistance by the company's Equal Opportunity Section and on-the-job training program for hardcore unemployed.

"This program has enhanced the image of the credit union more than anything we've done in many, many years," Pacheco said.

But even more important, "We have returned to financial—and in many cases social—responsibility 477 people, virtually all of whom were condemned to financial ruin in a credit-oriented society."

The tangible results are easily documented with figures: The number of people helped; the number of loans made; the amount repaid; the amount of debts pro-rated; and the amount saved in shares.

But how do you put a price tag on a marriage that is saved, or a wholesome atmosphere that is created for the children in a home? Richards asks rhetorically.

Certainly Hughes Aircraft Employees Federal Credit Union has proved that a program of this kind, with professional direction and guidelines, can be operated successfully without exposing the members' assets to undue risk.

Gil Richards is looking for someone.

That someone has been turned down by the credit committee. He's overburdened with a long list of debts. His home is in foreclosure and his car is being repossessed. A garnishment is pending. He's on the verge of bankruptcy. He really needs *and wants* budgeting assistance.

Admittedly, such people are not the cream of the creditor's crop. But who needs help more than they? More importantly, though, who is willing to help them?

Sometimes it takes them quite awhile to realize that. They may pull away after the first telephone call to Richards' office because it sounds tough, only to return a month or so later, deeper in trouble but ready to go through the ordeal. And for most it is an ordeal—including Richards.

Setting up a Family Money Management Service such as that at Hughes Aircraft Employees Federal Credit Union in Los Angeles, is no easy matter. Having a guy like Gil Richards in it, though, does help.

By background and temperament, Richards is ideally suited for the counseling role. He knows the finance industry and he knows people. He has been a collector for a finance company and assistant vice-president of a bank. He's a good listener, he's compassionate, and he is capable of empathy. But he is also tough enough to say "no" when he has to.

Here is how Richards works:

INITIAL INTERVIEW

Once a member contacts Richards or is referred to him by a branch manager, he is sent an application and financial data form, which he must complete before making an appointment.

During the initial interview, Richards obtains the full names and addresses of all creditors and amounts owed, and a detailed budget list of living expenses.

"I start in a friendly way, talking about the job, trying to relax him. Then I lead into it: 'Well, you must have a problem or you wouldn't be way over here.' You begin to get an idea of the depth of the problem when you see a grown man start to cry. I listen with compassion to their stories, but they always start out giving only part of the story. Eventually it all comes out, though. This initial interview takes a couple of hours. I'm tapped out after that."

AFTER THE INTERVIEW

Following the interview, Richards reviews and verifies the application. A check with various sources reveals whether the member omitted information, especially any he might consider derogatory. He also verifies the person's employment status and checks with the supervisor on the member's reliability and whether there are disciplinary problems. If possible, Richards also personally appraises real estate, household goods, cars, and other collateral offered for the loan.

"I take the information home with me to get ideas on what to do. I know what they want me to do: Put it into one big, unmanageable package. I don't always do what they want."

FINAL INTERVIEW

Both the member and spouse must come to the credit union's general office for the final interview. At this time, Richards questions the couple closely to determine the reasons for their financial problems and any future emergencies and plans, such as marriage, child support, divorce, college bills, dental and medical bills. He also extracts a verbal and written promise to avoid using credit cards and further credit of any kind.

Using the family's own budget—the one they filled out on a budget form provided by the credit union in preparation for the interview—Richards shows them what is happening to their finances now. He also presents at least three alternate solutions, and insists that they take plenty of time to think over the possibilities, pointing out the hardships of living on a fixed budget with very restricted income.

"I never sugar-coat it. I try to impress upon the couple that they will face tough sledding. Unless they accept this at the outset, they are certain to duck the responsibility further on down the road. And I lay it on the line: 'You've been incurring debt everywhere. You've had your chance to work your way out and it failed. Now we are going to put together a workable solution, but it's up to you to make it work. Study it because you must stay on it and have it reviewed by me every three months.' Then I cut up all their credit cards for them right in front of them."

POSSIBLE SOLUTIONS

The solutions are based on pro-rata arrangements with the family's creditors, a consolidation loan, or both. The credit union makes no charges for the service itself, of course. Income from the program comes only from the interest on loans.

In all cases, though, all salary or wages in excess of the set amount for living expenses go via payroll deduction to the credit union to be applied to the loan or the share account. The share account, meanwhile, has been transferred to the main office and coded to prevent withdrawal of shares without approval. Information and service, then, are available only by contacting FMMS directly.

"This gives me control and saves the member valuable time. It also helps us be of more service to the member. Everything they do in this program has to be cleared through one of the counselors. This is no popularity contest. I'm firm with the people. I have to be. That way they're constantly trying to prove themselves to me. Some of them can hardly wait to get out from under the tight restrictions. But in the end, if the person is to succeed, he must learn to accept and impose discipline on his spending."

CONSOLIDATION LOANS

Any advance of funds by the credit union must be fully secured by collateral, and all loans are at the 12 per cent annual rate.

"The member understands he must provide me with co-makers, titles, stocks, acreage, furniture, or whatever. We did turn down a $2,000 diamond ring, though, because of the responsibility and problems of protecting it."

PRO RATA ACCOUNTS

When the member owes a number of creditors, Richards may set up a repayment schedule calling for monthly payments usually—but not always—in lesser amounts than called for in the contracts. Once Richards determines the amount the member can pay, he advises the creditors either by phone or letter, carefully outlining the member's general credit situation.

"I call and talk to the credit managers to explain the situation and schedule the repayment. I've grown up in the credit business, and have 25 years in Southern California. So it's seldom I don't find someone I know in the company I'm calling. And I've got the Hughes name behind me. I haven't had a turndown from a creditor yet."

When the member's payroll deduction has been set up to cover the repayment schedule agreed upon, Carole Moser—Richard's assistant—sets up a pro-rata ledger card listing payroll number and member's name; name of creditor, complete address, account number, and amount owed; amount to be deducted each month from payroll deduction; and the date it's to be mailed to the creditor.

At present, 248 members are in the pro-rata program, and Mrs. Moser is writing 397 checks totaling $16,917 each month to creditors.

"We pay the collection companies and high-interest rate lenders first, then the bank charge-cards, and department stores. Where there is no security—such as banks, finance companies, department stores, oil credit cards—the member repays out of current earnings, disbursed each month from his share account by FMMS. To ensure our program being a success, we usually don't go in unless we take and handle the house payment, too. The person is, usually in arrears with that payment, too, and the member shouldn't lose his home."

THOSE IN NEED

People of all ages and income levels, from the well-schooled to those who never finished high school have made the journey to Richards' office. Surprisingly, less than half of the people he works with are compulsive spenders. Most are financially distressed because of domestic problems, family illness, and unforeseen emergencies with which they are unable to cope.

"Most of my people are the younger people. They're recently out of college, earning lots of money for the first time in their lives. They have many problems. They're assuming new responsibilities, getting married, buying houses, buying cars. And then there is the easy use of credit—credit cards, check credit—coupled with the unforeseen emergency or occurrence."

Richards averages two or three interviews a day. Not all of them wind up in the prorata card box, though. Some can straighten themselves out with a little help and advice. Many come in just for the budgeting materials now that they know he has them.

Those that come, though, bring a wide range of problems. Among those seeking his assistance:

A man whose son was facing murder charges in Vietnam wanted to testify on his son's behalf.

A male member married three years being sued for paternity by another woman. (The couple is now reconciled, and they have a baby of their own.)

A family about to lose a very substantial equity in a large house because they had moved to another location to be able to send their children to a religious school.

A childless couple who wished to adopt a child but could not pass the financial requirements. (They now have both an adopted and a natural child.)

The woman who wished to become a nun. (She owned a recent model Jaguar at the time her first interview, had a teen-aged son, and a substantial debt.)

A custodian with 13 children, holding two jobs, who needed a car.

A highly paid department assistant with an alcoholic problem whose employment was terminated in a cutback of his department. (He has now completed graduate school and is doing well in a high school teaching position.)

The senior computer programmer who couldn't set up a workable budget. (Once relieved of his tensions, he could concentrate again on his job and as a result came up with an idea that saved the company $8,000. This earned him a Certificate of Merit and a monetary reward.)

"We have 30,000 members. That's like a small city. And anything that happens in a small city can happen here. When they bring their problems to me I try to understand them and find solutions. True counseling is to find the solution to the problem without increasing the financial burden. These are solutions that are really meaningful because you don't get them further in debt."

IMMEDIATE SUCCESS OF BANK HOLDING COMPANY LEGISLATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on last Thursday, March 11, 1971, the Wall Street Journal carried a lengthy and very interesting article concerning the immediate impact on banking of the passage of the Bank Holding Company Act Amendments of 1970.

This act finally became law last December after 2 long years of consideration and controversy in the Congress. While much of the attention given to this legislation in the press concerned the complicated substantive issue of what constituted a bank-related activity, there were those of us who were also seriously concerned about seeing to it that holding companies which were clearly mixing banking and nonbanking activities be prohibited from continuing this practice. After all, this was one of the basic purposes of this act.

While most students of the subject agree that the legislation passed last year was a successful effort to separate the business of banking from nonbanking businesses, a few have contended otherwise.

The Wall Street Journal article I am inserting in the Record today clearly indicates in a very practical sense that this legislation is having a substantial and immediate impact in separating the banking business from nonbanking activities. As the article points out, there are approximately 70 conglomerates owning banks which are either in the process of disposing of those banks because of the 1970 act, or are seriously considering doing so. A number of others, the article points out, will probably eventually follow the same route. In some cases both large banks or a large corporation controlling a bank are involved.

Aside from the long-range impact of this most important economic legislation, which I am confident will have a favorable effect in increasing competition and reducing the concentration of economic power in this country, it is heartening that the public will almost immediately be able to feel the favorable impact of this legislation.

I insert the Wall Street Journal article of March 11, 1971, at this point in the Record:

Big, Diversified Concerns That Own Banks Will Have To Unload Them Under a New Law

(By Edward P. Foldessy)

New York.—J. C. Penney Co., the giant retailer that has sold an almost endless variety of merchandise, may soon offer to sell a full-scale commercial bank.

Penney controls one bank. And that's one too many—because of changes last year in federal banking laws. As a result of these changes, specialists say, Penney and most of the 70 or so other commercial concerns that control banks will have to divest themselves of these interests.

Such a situation might conjure up visions of wholesale disposals of banks at distressed prices. But experts say the transition probably will be orderly and will be carried out over many years. For the companies involved, however, the selling process is expected to involve headache-producing decisions and cumbersome paper work—and possibly costly legal battles.

Basically, the 1970 amendments to the Bank Holding Company Act of 1956 brought so-called one bank holding companies under the same restrictions as multibank holding companies. The original act had provided a loophole exempting those companies controlling only one bank.

Under the amendments, enacted in December, a concern controlling a single bank will have to register with the Federal Reserve Board by June 29 as a bank holding company As such, the company essentially is forbidden to engage in activities that aren't related to banking.

There are about 1,100 one-bank holding companies in existence, but the ax hits hardest at the approximately 70 whose banking business is only a sideline to a conglomeration of other activities. (The remaining 1,000 or so concerns haven't any significant operations outside banking.)

GRANDFATHER COMPANIES

The amendments essentially divide the one-bank holding companies into two categories—the so-called grandfather companies, formed before June 30, 1968, and those formed after that date. Under present plans, the grandfather companies can keep their long-established non-banking activities. Within 10 years, however, bank holding companies formed after the cut-off date must either pull out of banking or cease their nonbanking operations.

For many of these latter companies, like Penney, the decision won't be difficult; their banking interests amount to only a small fraction of their commercial and industrial operations. Penney owns about 97% of Citizens National Bank of Dallas, a small bank with assets of approximately $20 million. It obtained the interest through the acquisition of Great American Reserve Corp. at the end of last year.

Other companies that, like Penney, have a clear-cut choice of industry or banking include such well-known concerns as Sperry & Hutchinson Co., General American Transportation Corp., Archer-Daniels-Midland Co., National Lead Co. and Kinney National Services Inc. These companies all acquired their banks after the cutoff date.

It isn't known how many companies fall into this category, but most of those contacted indicate they will eventually dispose of their banking interests. Sperry & Hutchinson, the trading-stamp concern that also makes carpeting and furniture, says its decision would be "quite obvious. . . . It's a choice of keeping a small part of the corporation or the rest." Thus, it is likely that S&H's State National Bank of Connecticut will go. The bank has about $400 million in assets.

LITTLE COMFORT FROM "GRANDFATHER"

Even companies that do fall under the grandfather clause say the privilege isn't very comforting. The clause allows those companies to remain in activities they continuously operated since June 30, 1968.

But bankers say this provision might be meaningless. For one thing, the Federal Reserve Board has the discretion to withhold the grandfather privileges. And under the law, the board is required within two years to make a decision on each company whose bank has more than $60 million in assets. The act says the privilege must be revoked in any instance where the board finds "undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices."

Even if a company comes through the board test unscathed, it must face some harsh realities. The amendments, in effect, freeze a company into those nonbanking activities in which it was engaged on June 30, 1968. Any new venture would have to be related to banking. Moreover, a Reserve Board source states that such a company could expand its grandfathered nonbanking activities only by internal means and not through acquisitions. There are, however, "hardship" exemptions to this rule.

Among the giants that will have to face the Reserve Board's grandfather test are Gulf & Western Industries Inc., Marcor Inc., D. H. Baldwin Co., World Airways Inc. and C.I.T. Financial Corp.

C.I.T. IS OPTIMISTIC

C.I.T. controls by far the biggest bank in this group, National Bank of North America, which has assets of $2 billion. But Walter S. Holmes Jr., C.I.T. president, doesn't see "any significant changes in our corporate posture." He adds, "We have no reservations on our ability to comply fully with the amended" act.

Unlike most of the other companies, C.I.T. derives the bulk of its earnings from financial activities, such as financing, factoring, leasing and insurance. It does have small operations in such fields as greeting cards and X-ray equipment.

Other companies aren't as optimistic. Marcor, which owns Montgomery Ward & Co. and Container Corp. of America, says the law's restrictions could force disposal of its Pioneer Trust & Savings Bank, a $250 million Chicago institution. It's quite clear, says Gordon Worley, financial vice president, that "at some point Marcor will have to decide whether to continue as a one-bank holding company" even if it passes the Reserve Board test.

World Airways would very much like to keep First Western Bank & Trust Co., Los Angeles, which it acquired in June 1968 for $63 million. The $1 billion bank provides the lion's share of the company's earnings. "We are fortunately covered by the grandfather clause," states Samuel L. Teitler, general counsel. "Our operations as they are now will in no way be affected."

That, of course, assumes World Airways will pass the Reserve Board test and won't want to expand in nonbanking fields.

Continuing as a bank holding company would "put a clamp on the possibility of expanding into other fields," Mr. Teitler, concedes, but he adds that "we have no present intention of expanding into any field that wouldn't be functionally related to banking."

WOULD THE PRICE BE RIGHT?

Most companies say that if they were required to divest themselves of their banking interests, the action would cause little, if any, hardship on the concerns or their stockholders. Chiefly, they say that the time given for divestiture is long enough for an orderly transition and that banking is a lucrative property on the auction block.

Some companies believe they could make out well on a sale, but not all are exuberant. An official of one holding company fears that "on a forced sale, you might not be able to get what the bank's worth."

But holding companies have an almost endless number of ways to dispose of their banking interests. Besides an outright sale to another concern or investment group, they could, for example, spin the bank stock off to their shareholders (much in the same way as a stock dividend) or offer the stock for sale through a public offering.

Another tactic could be simply to dispose of enough shares in the bank so that the corporation no longer controls the bank. At least one company is considering merging its bank with a large one so that it would wind up owning a smaller, noncontrolling interest in the bigger bank.

COMPLICATIONS ON CONTROL

Reduction of ownership, however, might be a tricky matter. Under the original act of 1956, ownership of at least 25% of a bank indicated control, whereas anything under 25% was assumed a noncontrolling interest. The new amendments retain the 25% figure. But they also authorize the Reserve Board to determine whether a controlling situation does indeed exist where a company owns 5% to 25% of a bank's stock.

A decision in this area could affect Tenneco Inc.'s interest in Houston National Bank, which has about $350 million in assets. The company has a 12% voting interest in the bank but a combined 40% voting and nonvoting interest. Tenneco got into the banking business in 1961 through the acquisition of a small Texas bank that was later merged into Houston National.

"If we were classified" as a bank holding company, a Tenneco spokesman says, "we would be forced to divest ourselves" of the bank. He explains that "we couldn't be put into the position of having the Federal Reserve regulate us at every turn."

WHO OWNS WHAT BANKS? BIG FIRMS ARE ON LIST

What industrial companies own interests in banks? Here's a partial list:

Archer-Daniels-Midland Co. (National City Bank, Minneapolis); D. H. Baldwin Co. (Central Bank & Trust Co., Denver); CNA Financial Corp. (Garden City Trust Co., Newton, Mass.); CPC International Inc. (Argo State Bank, Summit, Ill.); Gamble-Skogmo Inc. (Gambles Continental State Bank, St. Paul); General American Transportation Corp. (LaSalle National Bank, Chicago).

Goodyear Tire & Rubber Co. (Goodyear Bank, Akron); Keystone Consolidated Industries Inc. (Jefferson Trust & Savings Bank, Peoria); Kinney National Service Inc. (Garden State National Bank, Hackensack, N.J.); Marcor Inc. (Pioneer Trust & Savings Bank, Chicago); National Lead Co. (Lake View Trust & Savings Bank, Chicago); J. C. Penney Co. (Citizens National Bank of Dallas); Sperry & Hutchinson Co. (State National Bank of Connecticut).

Tenneco Inc. (Houston National Bank); Universal Telephone Inc. (Continental Bank & Trust Co., Milwaukee); Wilshire Oil Co. of Texas (Trust Co. of New Jersey); World Airways Inc. (First Western Bank & Trust Co., Los Angeles); and Vanguard International Inc. (First State Bank of San Leandro, Calif.)

A RESOLUTION BY AMERICANS OF LITHUANIAN DESCENT

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to associate myself with the following resolution which was adopted by the Americans of Lithuanian descent at a meeting held on February 21, 1971, Brockton, Mass.:

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we, the representatives of the Lithuanian ethnic community of Brockton, Mass., assembled here on February 21st, in Brockton to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought in 1812, 1831, 1863, 1905, 1941 and in the partisan War of 1944–1952 to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the representatives of the Lithuanian ethnic community of Brockton, Mass.

Do hereby protest Soviet Russian aggression and perpetration of the following crimes in occupied Lithuania:

1. the murder and deportations of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;
2. the yearly systematic deportations, under various guises, of Lithuanian youths to forced labor in Soviet Russia and their unlawful conscription into the Soviet Russian army;
3. the colonization of Lithuania by Russians, most of whom are Communists and undesirables and who receive various privileges at the expense of the Lithuanian people;
4. the pauperization of the Lithuanian people, conversion of once free farmers into serfs or kolkhozes and sovkhozes, as well as the exploitation of workers;
5. the persecution of the faithful, the restriction of religious practices, the closing of houses of worship;
6. the distortion of Lithuanian culture by efforts at incorporating it into a Soviet-Russian culture and the continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives/Congressmen to make use of every opportunity to urge that President Nixon once again publicly reiterates long standing United States position of the nonrecognition of the incorporation of the Baltic States into the Soviet Union.

The Government of U.S. to raise the issue of Lithuanian in the United Nations and at various international conferences as well as to support our just requests for the condemnation of Soviet aggression against Lithuania and for the abolition of Soviet colonial rule in that country.

ON CONTINUATION OF THE PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am still vitally interested in two House concurrent resolutions on the continuation of the Public Health Service hospitals and outpatient clinics currently being considered by your subcommittee. I am convinced that if it had not been for the filing of resolutions such as 108 and 151, both of which I was proud to cosponsor, a decision might have been made to close the hospitals by now. Quite honestly, I feel that the administration did not expect the outpouring of concern from Congress which followed the December announcement that the Department of Health, Education and Welfare was reviewing the continuation of the Public Health Service hospitals around the country.

In the months that followed, I have been deluged with expressions of concern for the future of the hospitals from organizations and individuals throughout the Commonwealth of Massachusetts. They all wrote with one aim in mind—a plea that medical facilities which have provided such excellent service as the Public Health Service hospitals over the years not be closed down. They also expressed bewilderment at how an administration which was publicly announcing its committment to providing better health service to the country at more reasonable costs could consider—I repeat, even consider—closing down what are perhaps the only hospitals in the country which have traditionally surpassed both stated objectives of the administration. Every one of the constituents who have written to me expressed complete satisfaction with the quality of service that they have been in the habit of receiving from Public Health Service hospitals. Not one of the constituents welcomed the prospect of having to shift to the already overburdened Veterans' Administration hospitals in the area.

HEW has tried to make out a very strong case that the remaining Public Health Service hospitals in this country have been inefficient and too expensive to operate in this day and age. They have tried to describe them as outmoded and out of date. Mr. Speaker, this just does not square with the opinion of people who are getting service from these hospitals. They are not complaining about dilapidated buildings. They are not writing demanding more up-to-date appliances and technological innovations. The Government workers, the Coast Guard men, and the fishing-merchant marine industry in my State over the years have found the hospitals able to provide immediate, highly professional and somewhat personal service in times of growing lines and depersonalization of service at other Government hospitals.

The fact is that to even contemplate turning over the workload of the Public Health Service hospitals to existing Veterans' Administration hospitals is totally inconsistent with the stated aim of HEW and would cost untold millions to the Government in order to accomplish it. The VA hospitals are already overburdened and just cannot deliver the same quality of medical attention to the communities serviced at present by the Public Health Service hospitals at anywhere near the same low cost.

Mr. Speaker, I have said from the outset that one of the beneficial byproducts of having the Public Health Service hospitals in my community over the years is that they have always provided an example of excellent medical service at the lowest possible cost in the area. The existence of such a low-cost alternative has offered incalcuable benefits to those entrusted with the responsibility of determining reasonable medical costs. The Public Health Service hospital has traditionally served as an example of what could be done at less cost to, other more expensive medical institutions in the area. In this respect, I was happy to read in yesterday's papers that what some of us have known for some time now, that the Brighton Public Health Service Hospital operated at less cost per patient than other Boston area hospitals in 1970. The per diem cost at Brighton was $60 compared with $130 at Peter Brent Brigham, $108 at Massachusetts General, and $70 at the average suburban hospital. What many of us have known to be true for some time has apparently finally been brought to the attention of the Secretary of Health, Education, and Welfare in a confidential report.

Recent indications are that the administration is backing down on its original plans to dismantle these hospitals. Recent reports are that they will be kept open and their role expanded. They will be given, in all likelihood, not fewer responsibilities, but entrusted with additional responsibilities for the handling of the local communities around them. It seems to me that in times of shortage of good health service, an administration that was at all serious about its responsibilities for providing health protection to the citizens of this Nation, would be thinking about expanding existing medical facilities which have already proven themselves over the years rather than talking idly of closing them down.

Mr. Speaker, I do not want to take up any more of the House's time. Let me say in closing that the strong expressions of congressional concern over the past weeks have accomplished much. A comparison of the statements made by Secretary Richardson last December 30 with that made on March 5 readily confirms this. The March 5 statement is a much more positive statement and one which can be interpreted as committing the administration to expanding the role of the Public Health Service hospitals in the years ahead. The one of December, in sharp contrast, read more like a cost analysis prepared by some backroom efficiency expert concerned with eliminating the expenditure of a few dollars at one point in the budget, without any consideration being given to the extra costs which would appear elsewhere as a result of any decision to close the hospitals. I am convinced we have made progress and would only recommend that we do not stop now, but continue our pressure. Right now the best way to do this would be to pass the concurrent resolutions now under consideration by the Subcommittee on Health and Public Welfare of the Interstate and Foreign Commerce Committee.

MINERAL LEASING REVISION ACT OF 1971

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, in mountainous south-central Idaho, 25 miles north of Sun Valley, a small range of spectacular peaks, turquoise lakes, and green, flower-sprinkled basins bear the poetic name White Clouds. According to legend, the Indians so named them because of the white limestone mountains and cliffs. I have visited these mountains and I can tell you they are among the most beautiful in the country, if not the world. They are populated by deer, elk, bighorn sheep, and Rocky Mountain goats. There are California golden trout in some of the lakes; rainbows, brook trout, cut-throats, and Dolly Vardens in others.

The environment of the White Clouds is threatened. In 1968, the American Smelting & Refining Co.—ASARCO—began prospecting in the area for molybdenum, a mineral used to toughen and harden steel. To date ASARCO's activities have had a limited impact on the White Clouds, but future plans are ambitious and potentially disastrous. If ASARCO's findings justify it, their plans call for at least one open pit mine from which 20,000 tons of rock would be removed per day, and a mill to process the low-grade ore on the spot. The operation would leave large areas of the White Clouds permanently scarred and could have an adverse impact on the Salmon River drainage system, the most important spawning area for salmon and other anadromous fish in the entire Columbia River complex.

A similar situation to the White Clouds is now occurring in the Pike National Forest, Colo. Mining dolomitic limestone by open pit method has scarred the beauty of parts of the front range of the Rocky Mountains. A huge, unsightly scar can be seen from a wide area including the Garden of the Gods Park and it spoils the once picturesque view of Pike's Peak.

The world's worst examples of strip mining are found in the East. Anyone who has flown over the coalfields of Pennsylvania, Ohio, West Virginia, and Kentucky, can only be appalled by the devastation of whole sections of once beautiful forest lands. No war, no holocaust, could wreak such havoc as that which the strip miners have left in the once beautiful rolling green hills of Appalachia.

Destruction of the land is occurring all over the country. In the West, open pit copper mines dot the landscape. In parts of the Midwest, iron ore miners have had a similar effect. In Wyoming, developers of jade deposits have left huge scars on the land.

In my home State of Arizona, there are a number of examples of this phenomena:

Above Tucson, there is a scar on the side of the Santa Rita Mountains visible from anywhere in the valley below. Home-Stake Production Co., of Tulsa, is preparing to open a $1.5 million limestone quarry and plant. According to Dennis K. Pickens, senior vice president of Home-Stake:

> Our plant is a very small one. It's nothing compared to what the larger companies will do once they start operating in the area. It's not a legal matter, nor an ethical one. That whole mountain will come down if we can sell enough limestone over the coming years.

On the backside of the Santa Ritas, a Chicago-based firm, Continental Materials Corp., has announced a "significant copper deposit" in a recreational area of 600 to 1,000 acres of beautiful mountain country.

In the Patagonia Mountains, southeast of Tucson, prospectors, using explosives and bulldozers, have destroyed natural drainage channels, dammed creeks and destroyed mountaintops in Three R Canyon.

In the Huachuca Mountains, Ash Canyon has been stripped of live oak and manzanita, and has suffered clogged and silted drainage channels. A former jeep trail has also been opened up to accommodate 100-ton ore trucks.

In the Tucson Mountains, a recreational area is now the subject of mineral production. Where hikers used to tread, ore trucks ply an old trail. The air is full of dust, smoke, noise, and the smell of burning oil which detracts from the remaining land still available for recreational use.

I do not cite these facts to malign the mining industry. Mineral development is vital to our society. Without copper, zinc, lead, silver, and many other minerals very little of our complex industrialization would be possible. In much of the West the mining industry is vital to economic health. Arizona copper production is reaching the billion-dollar-per-year level. Five mining industries in the Tucson area alone reported paying $53.7 million to 63,000 employees and two construction firms paid $29.2 million to more than 2,000 workers on mine construction and expansion.

Arizona's mines also have national importance. Copper is a strategic material and approximately 50 percent of the Nation's copper is produced in Arizona. Production of U.S. copper takes on increased importance when considered in the context of a movement by some foreign countries to nationalize American and other foreign mineral holdings. Chile is a case in point. Obviously mineral production must continue in Arizona and the Nation.

The question is not whether the mining companies should be allowed to operate, the question is how and where they should operate. The question is whether mining operations should be allowed to continue in areas like the White Clouds no matter what other value that wilderness may have to our urban society. Obviously disputes over competing values must be solved on a case-by-case basis. The problem is that under present law the result will always be in favor of the developers, and in many instances I believe this to be a mistake.

Much of this country's mineral production comes from the public lands. At the present the Federal Government owns close to 50 percent of the land in seven western lands, which comprise 90 percent of all federally owned land. The percentage of mineral production from these Western States includes 90 percent of copper, 95 percent of mercury and silver, 100 percent of nickel, molybdenum, and potash, and 50 percent of lead. Obviously, the structure of our Federal laws is of vital importance to the mineral industry. It is also of vital importance to agricultural, grazing, water, recreational, and scenic resources since much of the Nation's undeveloped land is in the West.

The law that governs development of mineral resources on the public lands is the mining law of 1872. Under it mineral prospectors are allowed to enter the public domain, unless otherwise withdrawn or reserved by act of Congress or by Executive order, to hunt for "hardrock" minerals in any way that is desired. The discoverer of a valuable deposit can establish a legal claim to it merely by marking the boundaries of the claim and if State law requires, recording the location in the county office.

No more is required. There is no provision for notifying the Federal Government of the existence, position, or size of the claim or of the fact that minerals are being extracted. Having staked his claim, the miner may continue indefinitely to enjoy what amounts to almost total ownership of the property, mining it or not as he wishes in any manner that he desires with no revenue flowing into Federal coffers. His only obligation is to make $100 worth of improvements on his location each year, or risk being dispossessed by another claimant. If the developer wishes, he can file proof of his valuable discovery with the Department of the Interior and obtain fee simple title to the land at a nominal per-acre price.

The Mining Law of 1872 places the miner in a unique position. He has all the rights of ownership but none of the responsibilities. There is no practical way that the Federal Government can prevent a miner from using destructive techniques in prospecting, mining the mineral deposits and then moving on, leaving behind his broken machinery, trash and a scarred and desecrated landscape.

What I propose today, Mr. Speaker, is a basic change in the present system of hardrock mineral prospecting and development on the public lands. The Mineral Leasing Revision Act of 1971, would apply a leasing system to hardrock minerals similar to that now used by the Federal Government for fuel minerals such as oil. The basic idea behind my proposal is to change the present self-executing nature of the mining law. I propose to give the Department of the Interior greater control over what portion of the public domain is to be explored, how it is explored and how the mineral development proceeds.

The legislation would accomplish this in the following way:

Land Subject to Exploration: All Federal land not otherwise reserved or withdrawn would still be subject to the mining laws, but there would be a vital difference. Under the proposed leasing system, the mineral laws could not be triggered by a citizen's entering the public domain for the purpose of mineral exploration. The Secretary of the Interior would be given discretion to make land available for exploration by competitive lease as he sees fit. This means that in areas where there are more important values at stake than mineral production the Secretary could refuse to open the land to mineral exploration or could carefully limit the same.

The Secretary's discretion would be controlled in this situation and prospective developers would have the right of judicial review in cases of gross abuse of discretion. Values that the Secretary might look to in making a determination would include environmental considerations—That is, Is it a wilderness area that has not been afforded protection by Congress?—competing demands for the same land such as agricultural, the likelihood of a marketable mineral deposit, the present supply of the mineral sought after and long term national needs for the mineral.

Conditions imposed on the mineral developer: Both prospecting and production leases shall include provisions for protection and restoration of the lands covered by the lease and for the protection of environmental and recreational values for the same land and surrounding lands. The developer would be protected from unreasonable changes in lease conditions and would have a right of judicial review for gross abuse of discretion.

Revenue generated for the Federal Government: Bidding for prospecting permits is by competitive bidding, with the permittee having the right to a production lease upon proof of a valuable mineral deposit. In cases where no prospecting permits are outstanding on lands known to contain workable deposits, production leases will go to the highest qualified bidder under a competitive bidding situation.

Each productive lease shall be conditioned upon payment of a royalty of not less than 5 percent of the gross value of production—provided that the operation remains profitable after payment of the royalty—and a minimum annual rental of $5 per acre.

In awarding bids, the Secretary may consider both the initial cash bonus offered by a prospector and royalty payments offered above the 5-percent minimum.

The Mining Law of 1872 was one of the hotly contested subjects that the Public Land Law Review Commission considered, Mr. Speaker, and I know from my experience on that Commission that many in the mineral industry object to the leasing system that I propose. But defects in the present mineral law are by and large admitted even by those people involved in mineral development on the public lands and the majority position of the Commission in large part recognized the need for change my only criticism of the Commission's position is that it did not go far enough.

The Commission did recommend that a prospector file notice of his claim with the Federal Government and that failure to diligently explore the parcel be ground for termination of a required exploration permit. The Commission also recommended that the land administrator be given limited authority to impose exploration and development restrictions on the claimant and that henceforth reasonable royalties should be paid to the Federal Government for mineral production.

But the Commission's recommendations leave a major fault in the present system intact; if adopted, the mining laws would still be self-executing. The land administrator would have no control over what lands are explored and where development occurs. Thus multiple-use land management would still be hindered.

In the other body Senator JACKSON of Washington has introduced the National Land Use Policy Act. Here in the House Chairman ASPINALL has introduced legislation designed to bring more consistency to land use planning; I intend to do the same in the very near future. In the President's state of the environment address he called for a national land use policy and Secretary of the Interior Morton has voiced his desire to see more orderly development of this country's land resources. There are few people who would disagree with this worthwhile goal, but the fact is that until we can reform the antiquated Mining Law of 1872 sound land use planning on a national basis can never be realized.

If a land administrator determines that an area is particularly suited for grazing cattle and acts accordingly, that decision can be overruled by a mineral prospector. If that same administrator recognizes that an area is crucial for the water supply of a metropolitan area some distance away and acts to conserve water resources, his act can be negated by a mineral prospector. If Federal land is needed to grow crops to feed people, a mineral prospector can act unilaterally to block agricultural use of that Federal land. If the citizens of Tucson want to use the Santa Rita Mountains as a recreational area, their wishes can be ignored by one small mining company that wants to bring the Santa Ritas down.

We simply must find a way to balance competing interests on the public lands, and to balance them in a way that will allow for development of the land in a manner consistent with a sound environment. Reform of the Mining Law of 1872 will not do this for us in a single stroke, Mr. Speaker, but unless we have reform our chances of planning for future use of the land will be that much less.

MISSED VOTE ON SOCIAL SECURITY INCREASE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I deeply regret that the conference report providing for a 10-percent increase in social security benefits was brought up without warning yesterday morning, immediately after the opening of the session. I was forced to miss this vote because, along with many other Members of the Senate and House and several Cabinet members, I attended the funeral services at Riverside Church in New York City for a great American, Whitney Young, Jr.

If we had known that a vote on the social security increases was anticipated, we surely would have asked that the vote be deferred as a matter of courtesy, until those Members attending the funeral services could get back from New York. This has, as you know, often been done in the past in similar circumstances.

Obviously, I would have voted in favor of the conference report had I been present. While a 10-percent increase in my judgment is far from sufficient, and while a further increase and other improvements in the social security laws are sorely needed and will remain a matter of high priority, the 10-percent increase, added to the 15-percent increase enacted in 1969 by the 90th Congress, is at least a small step in the right direction.

REPRESENTATIVE HANSEN OF IDAHO INTRODUCES LEGISLATION TO AMEND THE RAIL PASSENGER SERVICE ACT OF 1970

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 6278 to expand the basic national rail passenger system to include passenger service to all of the contiguous 48 States.

As each of us knows, on January 28, 1971, the Department of Transportation issued its final report on the basic national rail passenger system. Many of us were deeply disappointed to discover that five States were eliminated from the projected Railpax network. These States are South Dakota, Vermont, New Hampshire, Maine, and Idaho.

The exclusion of these States from Railpax will result in a severe hardship for thousands who rely on train service. Each of these States frequently experience severe winters, and at times, train service may be the only feasible means of travel. Many of our senior citizens, who have come to rely on rail service for transportation, will suffer great hardship with the termination of this service. Equally important, I believe that the decision to eliminate these States tacitly violates the Congressional mandate that the Secretary of Transportation's recommendation must take into account the need for rail passenger service between "all regions of the continental United States" and that he should look to the provision of "service to more centers of population."

For these reasons, prompt action on this bill is necessary. I welcome as cosponsors of this legislation Representatives MCCLURE, STAFFORD, HATHAWAY, WYMAN, and ABOUREZK. As you can see, Mr. Speaker, there is general agreement among Representatives of each of these five States that the 3½ million people of these States must not be deprived of rail passenger service.

My own State of Idaho is currently served by two viable rail passenger lines, running in both a north-south and east-west direction. Members of Idaho's delegation have long fought for retention of trains Nos. 35 and 36, which run from Butte, Mont., to Salt Lake City, Utah, and which serve many communities in southern Idaho. "Clearly the service provided by these trains meets a significant public need. The use of the trains for purposes of going to hospitals or to receive medical care, for example, is impressive. The area served relies to a considerable degree on these trains for its economic and social well-being."

This statement of the importance of trains Nos. 35 and 36 is not my own, Mr. Speaker, but that of an ICC examiner, who only a few months ago denied the application of Union Pacific to discontinue service.

I find it slightly incredible that the public convenience and necessity which dictated that this service be continued before passage of the Rail Passenger Act of 1970 can now allow the service to disappear after passage of an act which ostensibly was designed to preserve passenger service.

Even more vital to the people of Idaho is the east-west line which currently serves several major population centers in Idaho.

Mr. Speaker, I include H.R. 6278 as a part of my remarks.

H.R. 6278

A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 203. EXTENSIONS OF BASIC SYSTEM AFTER INITIAL DESIGNATION

"The Secretary shall, within sixty days after the effective date of this section, designate an extension of the basic system to provide adequate intercity rail passenger service to a major population area of each of the contiguous forty-eight States which did not have any large population area provided with intercity rail passenger service by the basic system designated pursuant to section 201. Extensions pursuant to this section shall be part of the basic system for all purposes of this Act and the designation of such extensions shall not be reviewable in any court."

PROTECT OUR HERITAGE—AND PROFIT BY IT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, now is the time to preserve and protect our historic heritage.

With the bicentennial of our Nation just a few years away, Americans should take a fresh look at the older parts of their cities and towns. We should ask ourselves, "What are the features of my town that have character and charm and historic meaning? Is there an old home whose gardens were once the pride of the town? Is there a worthwhile structure connected with a legend or an incident in history? Is there an old building that could be an attractive restaurant or inn?"

In preserving and protecting these features we can show our young people their roots in American traditions. Our older people will also profit, knowing that not everything that is old and comfortable is due to be demolished, to be torn down because it is unappreciated.

Our cities and businesses can profit, too. The preservation of a historic structure can give new vitality to the area around it and create a new appreciation of the central city. Restoration can make central neighborhoods exciting and rewarding places to live. And this can boost business in the centers of towns and increase the tax base of the town itself.

This is well described in an editorial in the Annapolis Evening Capital:

> ### Annapolis Is Doing Something Right
>
> No one needs to thoroughly digest the grim prose or attentively listen to the cassandrian lectures of learned urbanologists to conclude that downtown areas of many American cities are in wretched condition. To be fully convinced of the nightmarish realities of urban blight, all that is required is a trip through the inner city section of the nearest municipality. Ultimately the instinctive questions are: Did this have to happen? Can it be prevented in the future?
>
> And for answers, one might start by looking at what is going on in Annapolis. Our city has not found all the solutions or even an ample fraction of them. But Annapolis is taking a constructive approach and there is impressive evidence that this is working.
>
> While local preservationists were engaged in their long, relentless campaign on behalf of the historic district ordinance, they constantly and effectively contended that their aims were consistent with the goal of revitalizing commercial activity in the city.
>
> The logic of the argument is quite simple: attractive downtown residential neighborhoods encourage and inspire businesmen to maintain their property in a manner befitting the local environment. Or, put another way, pride is contagious.
>
> Annapolis has discovered that, in terms of urban improvement, community pride must be generated by a cooperative venture; it is absolutely essential that citizens, public officials and merchants work in harmony in order to build and maintain a compatible and enriching atmosphere.
>
> Mayor Roger W. Moyer emphatically indicated the other day that the results of a cooperative, constructive approach to urban revitalization are already being demonstrated in Annapolis. At a hearing before the Maryland Senate Finance Committee. Mayor Moyer said New York bond merchants recently told him Annapolis is one of the few cities where downtown property values have risen in recent years. Bond merchants are not inclined towards puffery; they are cold-eyed, hard-nosed businessmen. The Mayor largely credits Annapolis' reversal of a nationwide trend to the successful preservation efforts in the city.
>
> Moyer noted that Annapolis' assessable base has been increasing $8 million to $10 million a year. Mrs. J. M. P. Wright, of Historic Annapolis, Inc., told the committee that the city's assessable base has soared 112 per cent in seven years.
>
> Mayor Moyer and Mrs. Wright appeared before the committee in support of a proposed $150,000 state grant in the governor's supplemental budget for beautification funds for the city. Because the city has been doing a commendable job on preservation and beautification and because Annapolis is the state capital in which every citizen of Maryland has a stake, we feel this would be a worthwhile expenditure of state funds.
>
> We would not even begin to pretend that Annapolis has performed miracles of urban revitalization. We also fully recognize that portions of the city, West Street in particular, require considerable rehabilitation. But we do know that this city is doing something right by taking the approach that preservation is good for tourism, good for business and good for the community as a whole.
>
> It is also apparent that in its colonial charm and quaintness, Annapolis has unique characteristics to utilize as a foundation for urban rehabilitation that other cities do not have. However, each city has its own individual characteristics that can be developed through imagination and cooperation. These cities, after studying the remarkable rise in Annapolis' assessable base, may profit by the example that has been established here.

Along this line, associate professor of architecture John Wiebenson, of the University of Maryland, has made an interesting proposal for providing substance and vitality to the area of 12th Street and Pennsylvania Avenue NW., here, through use, or "reuse," of the handsome Old Post Office Building whose tower is a landmark and whose unusual architecture saves the Federal Triangle from the dullness of uniformity:

> There is an area on Pennsylvania Avenue in Washington D.C. which is common to the Federal Government, to tourists, to the District Government, and to local citizens. This is the area surrounding the Old Post Office Building at 12th and Pennsylvania Avenue, N.W. Each of these governments and each of these peoples have interests and activities there: They come together there. This coming together happens now, even with this street in its present deteriorated state. The WMATA subway (now under construction) will increase the potential for this coming together, and rebuilding the Avenue will give it elegance. However, current planning runs a grave risk of providing little more than elegant offices on an elegant avenue. Current planning also calls for the demolition of the Old Post Office Building, the very structure which could naturally, through re-use, provide substance and vitality to this area.
>
> Any proposal regarding Washington must, of course, respond to this City's dual role as a home to thousands of people and as a national capitol. There are many problem areas in which such proposals are being made—and should be made. Some involve housing, some involve transportation, or commerce, or any number of areas that help to make up this City. That this proposal would affect a portion of planning for Pennsylvania Avenue does not mean that there are not many other proposals of vital importance to this City. Rather, this proposal is stated with the hope that we can solve many problems at this time, including that of the relationship of Pennsylvania Avenue and the Old Post Office.
>
> Pennsylvania Avenue is a sort of "Main Street" for the City and for the Nation. As such, it indeed should *look better:* Places where people work or where they tour should have dignity. But, it is also vital that this "Main Street" should *serve better:* People need numerous facilities in their public places. They need facilities for eating, for shopping and for discovering. They need new resources, but they also need ties to their past.
>
> The Old Post Office Building, located as it is in the center of this important area, offers a fine means for meeting these many needs of these many groups. It is a noble looking structure (even for a "modern" architect). It is in the basically sound condition that would permit its re-use to serve this area. Its many floors, although now dim and dismal, wrap around a high central court capable of being brilliantly sun-lit, hung with plants and banners, rich with people exploring its by-ways. People could eat and shop here, drink and rest, listen to music and look at displays (the Smithsonian might lend flags, or even airplanes, for the court). This could be a natural setting for an elegant, vital, cheerful coming together of people from near-by or from far away, a natural setting for a rich mixing of cultural and commercial services.
>
> This is not a new suggestion, as it has been made before by the architectural critic, Wolf Von Ekhardt. He suggested that Washington could emulate San Francisco's fine Ghirardelli Square and Cannery projects, which are cultural and commercial facilities of elegance, vitality and cheerfulness. They are located where people work, and where local people and tourists come to see historic attractions. Moreover, these projects saved old buildings for re-use, rather than as empty, dead mementos of the past.
>
> Current planning for Washington's Pennsylvania Avenue provides solutions for a number of problems. But, it is important that other needs be met, too. The Old Post Office Building might be demolished as part of the development of the area. Or, it might be demolished except for only its tower: In either case a rare and important opportunity would be lost. San Francisco is a better, richer, more responsive city because of its projects of similar intent. Such opportunities should not be missed here.
>
> It must be recognized that many problems stand between this proposal and its realization. Currrent plans must be changed so that this old building is not demolished. Designs must be made for re-using this building at its fullest potential, and an organization must be formed for implementation and operation. However, it can also be recognized that there could be many rewards to the city, its people and and its visitors, if these problems are met and solved. The immediate task, of course, is to save the building. If this is to happen, all those who can help, must help. This proposal includes a request for that help.

THE KELLEMS' ADVERTISEMENT FOR THE SINGLE TAXPAYER

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the 92d Congress should strike a gold medal for Miss Vivien Kellems of East Haddam, Conn., for her courage, tenacity, and public-spiritedness. Because she has the courage of her convictions, the tenacity to fight Big Brother, and because she cares about the 26 million other taxpayers in a bind such as hers, Miss Kellems was willing to spend approximately $8,000 of her money to publicize her battle with the Internal Revenue Service.

The issues in the battle are of great magnitude; in brief, can the Government force her to pay more in income taxes simply because she is single? Miss Kellems rightly points out that the Constitution does not authorize such a tax policy. Miss Kellems does not argue with the basis of the income tax, rather, with the patently discriminatory aspects of it.

To her eternal credit, Miss Kellems has been willing to fight the Government on the issue. However, to the eternal discredit of the bumbling bureaucrats of the IRS, the issue has not been resolved. Miss Kellems is asking the Government to go to court and substantiate its position but the bureaucracy is afraid of her and the issue. It is refreshing to see the minions of our Orwellian Federal Establishment trembling before a single, female, golden-age, crusader. Unfortunately, these same faceless paper-pushers have the power not to face the issue.

To get the issue into the public forum, Miss Kellems wrote an open letter to Secretary of the Treasury Connally and reproduced it in the form of an advertisement in this morning's Washington Post.

I would be doing Miss Kellems an injustice were I to attempt to excerpt her marvelous letter so I have asked that the advertisement be appended in my remarks.

Her battle, and the battle for tax justice of all single taxpayers, has been taken up in the Congress by myself and 75 cosponsors of a bill to end tax discrimination against unmarried individuals. I am sure all the cosponsors of H.R. 851 hope the advertisement will prompt more sponsors. The time for tax justice for singles is long overdue. Based on the actions, inaction, and misaction of the IRS relative to Miss Kellems, I am convinced that the only hope for her and similar taxpayers is via the legislative route. As one of the leaders of the 1969–70 battle to increase the personal exemption amount, I can testify to the effectiveness of sustained pressure from our colleagues to effect a reform in the tax system. It can be done again with regard to the single taxpayer. It must be done.

The advertisement follows:

EAST HADDAM, CONN.,
March 11, 1971.

Secretary JOHN B. CONNALLY,
U.S. Treasury,
Washington, D.C.

MY DEAR MR. SECRETARY: Today I have signed Form 1040 for 1970, and mailed it to the Internal Revenue Service, Andover, Massachusetts. I have not filled in the Form, nor have I sent any money. And I am not going to pay any more income tax until you refund to me $48,572.91, taxes taken from me illegally over the past twenty years plus 6% interest, or a total of $76,323.40. An itemized statement is attached.

This is the third time I have had to suspend payment of taxes. Since you may not be familiar with this situation, a short resume follows:

There is no law that says I must pay a penalty because I have no husband. The Constitution does not authorize such a tax and Congress has never had the unmitigated gall to pass such a law. Every member of Congress knows that if he voted for it, he would never be reelected. This foul deed was done with a snide, backhanded trick called the "Community Property Law" in 1948, which wasn't a Community Property Law at all since not one dollar changed hands under this law. It was a cheap gimmick to saddle the single people of this country with the highest taxes in our history, which they paid from that date right down to 1964. And these are the people least able to bear this heavy burden.

I will no longer submit to this tyranny, nor can I fill out the form and sign it because I would be signing a lie; this penalty tax is illegal and I will not admit its validity by filling out your Form 1040.

The Government is a machine. Push a button and it starts. It cannot think and it cannot deviate from a set pattern. It operates precisely as it is designed and built to operate.

The human factor is never considered. Had the machine asked I could have explained that my action was a very deliberate and thoughtful one. Any citizen, doubting the constitutionality of a tax based upon marital status which penalizes 25,000,000 helpless citizens, has the right to refuse to pay and ask that the question be submitted to the Court.

But no. "That crazy, old woman in Connecticut refuses to pay her income tax. Press the IRS button. IRS machine, go to work. Mow 'er down!" The wheels whirred, the ponderous, creaky machine moved into action, exactly as it is programmed.

"First scrutinize her tax returns as far back as you can go. Oh, here is something—medical expense for 1965! Never mind that two doctors have testified that Miss Kellems is allergic to pesticides, they make her deathly sick, and she has to have fruit and vegetables flown to Connecticut from California. Never mind that this expense has been allowed as a proper medical deduction for years. Throw it out, assess a deficiency tax of $813.30 for 1965."

That was stupid, but then of course the machine is stupid. I have a brilliant tax lawyer in Washington, Mr. David R. Shelton. We had been trying to get the IRS to sue me to test the constitutionality of this tax, but the IRS machine wouldn't do so. I didn't know, and the average citizen wouldn't know, that I could bring suit in the Tax Court for a deficiency, even though I had not yet paid it. But Mr. Shelton knew. And in we went! "You say I owe you $813.30 for 1965? Well you owe me $2,939.13, because that is what you penalized me that year for being single." This provided the test case. (Docket No. 427–70)

Mr. Secretary, that suit was filed in the Tax Court in Washington, January 21, 1970, and we are not yet in Court. Your lawyers fiddle-faddle, stall and rake up every excuse in the book of instructions, to keep from trying this case. Why? Is it because they can't face a decision?

Instead, push another button. "Machine get her books and papers for 1966, 1967 and 1968." Again the machine went into action. Subpoenas were served upon me and upon my accountants. "Bring in all your documents, no matter how personal, pertaining to your income taxes for these three years."

On October 7, 1969, I met two of your nice, young men, small Cogs in the IRS machine, in Middletown, Connecticut. The following is the gist of our conversation, taken from the transcript of that meeting:

COG. Do you intend to produce the documents and records cited in the subpoenas?

Miss K. Why do you want these documents?

COG. To audit your tax returns.

Miss K. Why do you want to audit my tax returns?

COG. I don't think we will answer that question. You're here to answer the summons and to produce the records cited therein. I don't think we have to discuss that right now.

Miss K. Oh yes we do. By issuing this summons you are accusing me of cheating on my income tax. If my tax were satisfactory, you wouldn't ask for these documents. Isn't that true?

COG. No that is not true.

Miss K. Well then, why do you want them?

COG. For verification of certain items contained in your returns. You are here in answer to the summons and you will or will not produce the records cited therein.

Miss K. By what authority do you ask for these records?

COG. I won't answer that question.

Miss K. Very well then, I'll make a statement. I am not going to produce the records. I am standing on my constitutional rights under the 4th, 5th and 16th Amendments. Will you give me permission to read these Amendments?

COG. Yes.

Miss K. 4th Amendment: "The right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the places or things to be seized."

The 16th Amendment did not nullify my rights under the 4th Amendment, nor is it possible for Congress to pass any law which can take these rights away from me. The only way you can get these documents is to get a Court Order. In this case, I wish you to explain in detail exactly what documents you wish. If you want cancelled checks, I want the dates, the amounts and the person to whom issued. Every single document must be described in detail because you have no power, nor does the IRS have any power whatsoever, to take these documents away from me. They're my personal property and the Constitution says my right to my property shall not be violated.

Now the 5th Amendment: "No person . . . shall be compelled, in any case, to be a witness against himself, nor be deprived of life, liberty or property without due process of law . . ."

You are accusing me of being a thief and a liar. You are demanding my property to make me incriminate myself and to prove that I am dishonest. I refuse to give them to you.

This whole thing is illegal. You are getting me here to collect an illegal tax because I have refused to pay a penalty for not having a husband. Now I present to you an itemized statement of the money you owe me. The full amount is $48,572.91, plus interest of $24,836.12, a total of $73,409.03.

If the IRS wants to come into Court, or into a proceeding such as this, they should come in with clean hands. You owe me money. I don't owe you one penny. You can't prove that I do unless you take my documents away from me.

COG. Then you refuse at this time, to submit the records cited in the summons, or to comply in any way with it.

Miss K. I refuse. If you want these records get a court order. I shall not produce them otherwise.

COG. That concludes the interview.

This upset the machine. It wobbled a bit.

One week later the Cogs were in my accountant's office in New York, demanding my books and papers. Mr. Shelton had told these men that my papers did not belong to them, and I had warned that if they parted with one document, I would fire them, loudly. With this stiffening of the spine, they said they wished to do the right thing, but since the matter would undoubtedly go to Court, they preferred to let the Judge decide. All very nice and polite and deferential, as most accountants are with the IRS machine, that is, if they know on which side their bread is buttered.

The machine was now on its well defined track.

On December 16, 1969, I stood before Judge Cannella, in the United States District Court, in New York City, an accountant on either side. Your little Cog lawyer got up and gave the Judge a graphic description of this horrible defendant. "She is a meddlesome, old woman. She refuses to pay her income tax. She causes the IRS machine in Hartford endless trouble and most heinous, she refuses to surrender her books and papers so we can prove she is a liar and a cheat."

JUDGE. Do you wish to make a statement?

Miss K. Yes, Your Honor. Any books, papers or other documents which I have given to these accountants belong to me. And please tell the IRS if they want these documents to come to Connecticut and sue me.

JUDGE. I know all about it. They (the IRS) can have them.

The entire proceeding did not take five minutes and no record was kept of this so-called trial. When later I asked for a transcript, there was none.

Maybe Moscow can top it!

Your little Cog walked out of that Courtroom, jubilant. "This'll show her!"

But I was quite calm. You see, Mr. Secretary, I never permit my documents out of my possession. And when your IRS machine got nothing except some work papers, the machine broke down. The wheels spun, and it came to a dead stop

I did not appeal the case. While important, this was a side issue. I was in a hostile court and an appeal would be expensive. But Mr. Secretary, this question must ultimately be answered. Who owns private papers entrusted to an accountant?

Maybe we'll get back to this after we settle these other matters.

Now what to do? There was another button to push but the machine wouldn't respond. It was on dead center. No amount of pushing could get it going again.

Then Mr. Shelton filed my suit in the Tax Court and they lost their cool. This was a shocker, totally unexpected. Someone poured adrenalin into the gas tank and the machine tore into New Haven in exactly 2 days and filed a lawsuit demanding my books and papers in exactly two days. They'd had it ready for over two months but couldn't get up the courage to serve me.

On February 25, 1970, I stood before Judge Zampano, in the United States District Court in New Haven. Despite the Judge's concern that I could not properly represent myself, I chose to do so. The machine was well represented. There were three Cogs from Hartford, a handsome, young lawyer Cog from Washington and a not-so-handsome big-shot Cog from New York.

Mr. Secretary, we are a small, unpretentious State and, of course, honored by all this attention, but we do have any number of excellent lawyers, some of them quite famous. As a matter-of-fact, the Yale Law School is right across the Village Green from the Courthouse. You may have heard of it.

Your Cogs contended that this was just an ordinary audit. I said no, the presence of such important Cogs was proof that this was no ordinary audit; it was a punitive action dictated by Washington. Our able District Attorney would have handled an ordinary audit, and if I may say so, much better too.

But again let the record speak:

Judge. I am concerned that you present to me your feelings and your legal position. Assume the lawsuit is punitive. It may be mortally right, but is it legally wrong? Are you claiming that to turn over these books and papers would violate your rights under the 4th and 5th Amendments?

Miss K. Quite right.

Judge. Including the right of self-incrimination?

Miss K. And unreasonable searches and seizures and forcing me to testify against myself.

Judge. Let me ask Mr. Cog this: What do you have to say on the ground of the 4th and 5th Amendments? Doesn't she have the right to say, "I refuse to turn over my books and papers on the grounds of the 4th and 5th Amendments?"

Cog. Is that what she is saying?

Judge. She is claiming the 4th and 5th Amendments on the grounds that it may tend to incriminate her. What is the Government's position on that?

Cog. I frankly was not aware that this was her defense. Its the first time I have heard about self-incrimination. I don't think Miss Kellems wishes to raise the self-incrimination issue. Do you?

Miss K. I certainly do.

Cog. As I understand self-incrimination, there has to be some explanation.

Judge. What is your authority for that?

Cog. Just what I read. I have not researched that particular thing.

Judge. The self-incrimination argument is, of course, one of which I have some knowledge, and maybe we should work on that point first because it is a legal issue. I don't need any testimony on it. I am very interested in the claim made by Miss Kellems, which apparently catches the Government somewhat by surprise.

I would like the Government's position on that.

Cog. The Government's position relative to self-incrimination is: Should Miss Kellems wish to take the stand under oath and plead that to produce the various records as requested by the summonses, would incriminate her in terms of filing false and fraudulent returns with the intent to evade and defeat the payment of the tax involved, and this Court uphold her plea in camera, let the order be so stated.

Judge. Do you have authority for this? In other words, do you have any authority that when someone pleads the 5th Amendment, the Court must in camera decide whether the plea is based on a bona fide set of facts?

Cog. I do not have the citation.

Judge. This is just why, perhaps, you shouldn't be too hasty. Take your time, I will give you time to get me a brief.

Cog. I don't believe, Sir, that Miss Kellems wishes to do this. I don't believe that is why she is here in Court.

Judge. She has said at least four times that she does wish to do it. You asked her directly, and she answered voluntarily, that's exactly what she is claiming.

Miss K. There is no reason why Mr. Cog should have been caught by surprise. They know perfectly well in Hartford what my position is. The whole thing is in the transcript of the Middletown meeting. There is no reason why Mr. Cog shouldn't have been informed.

It isn't necessary for me to make a detailed statement to Mr. Cog. I can go on the stand and say I refuse to answer on the grounds that it might tend to incriminate me.

Judge. Before we go any further I would like to rule on this point. I am going to suspend and declare this hearing in recess until I decide the 5th Amendment issue. If I decide that issue against you, then we will resume the hearing and I will hear your other points. If I decide the issue in your favor, the application will not be granted and you will have gained as much as you could possibly gain and there will be no need for further hearings.

Cog. Your Honor, might I ask only that Miss Kellems take the stand and take the 5th Amendment so that we have an issue framed. We have no issue framed now.

Judge. I would have to have authority on that, I have had this situation come up in other circumstances. If a lawyer refused to produce documents on the grounds that it might incriminate his client, I don't recall that I ever demanded that the client be brought in and put on the stand.

Miss K. Your Honor, I am perfectly willing to make a statement.

Judge. Very well, if you are willing to do it. There is no necessity for bringing her to the stand, do it right from there.

Miss K. A tax proceeding of this kind is the only one in our whole legal process where a person is dragged into court, guilty, and must prove his innocence. Everywhere else a person is innocent and it is up to the petitioner to prove he is guilty. I come in here accused and guilty before I ever open my mouth.

Cog. There is no question of guilt or innocence in this proceeding. We are trying to secure some records.

Miss K. Why do you want the records? To prove the position you have already taken.

Judge. Would you feel a little better if she says it in open court?

Cog. Yes, frankly, I would feel better about it.

Miss K. I refuse to answer any questions under the protection afforded me by the 4th and 5th Amendments, on the grounds that this is an unreasonable search and seizure and that answering their questions would tend to incriminate me.

Judge. I suppose to produce the documents and records would also do the same thing?

Miss K. Yes, Your Honor, quite right.

Judge. Are you satisfied with that?

Cog. Yes, Sir.

While not complete, I have, nevertheless, given this testimony in some detail as it is important in two respects, the right of the taxpayer to the protection of the 4th and 5th Amendments, and the tricky, underhanded, sneaky methods used by your lawyers. Here I am, in Court, claiming protection against self-incrimination and your Cog brazenly trying to make me swear that I had filed false and fraudulent returns. Three times he admitted that he had no authority for making such outrageous demands.

What kind of funny business is this, Mr. Secretary? And these tactics are used by your Cogs against decent, respectable taxpayers all over this country. I've had ten thousand letters. Read them and find out what is going on in this "land of the free."

The Judge gave us three weeks in which to file briefs. I painstakingly wrote mine, citing decision after decision, supporting my right to the 5th Amendment. The Government never wrote one word.

Instead the lawyer Cog in Washington called the Judge behind my back and requested permission to withdraw the suit against me. More tricky stuff!

And then one of your biggest lawyer Cogs in the Department of Justice, no less than Assistant Attorney General, Tax Division, wrote the following letter to the Judge:

Re: United States v. Vivien Kellems No. 23,665.

Mr. Lawyer Cog "of this office, handling the above-styled case has informed me that he had a short conversation with you on March 31st, 1970. As you know, it is the wish of this office, having studied the transcript of the hearing, to withdraw our request for enforcement of the three summonses at issue. We are of the opinion that Miss Kellems has properly pleaded the Fifth Amendment privilege against self incrimination as to her personal records. We have prepared the enclosed order for your signature."

Over my protest the Judge signed the order.

There are no words to describe such a cowardly action. Why did they back down? Because they would have had to appeal a decision and take it to the Supreme Court and that they did not dare do.

I issued a statement to the press: "This is a tremendous victory. It proves that the average, decent American is entitled to the same protection of the 5th Amendment as thousands of murderers, rapists, robbers, dope pushers and hoodlums roaming the streets of our big cities. It will definitely curb the IRS which has arrogated unto itself awesome power. No longer can it demand a taxpayer's books and papers."

Your Cog in Washington replied: "It wasn't a victory for Miss Kellems, It was a constitutional right which everybody in this country has, and she was accorded it."

At which I wrote the Master Button Pusher in Washington, "If this is my right, then why have I been dragged through endless meetings and two expensive lawsuits? Why have I been singled out for harassament and abuse? After all these months of persecution and expense, I ask one question. Mr. Secretary, who has my books and papers? Do you, or do I? As you know they are safely in my possession and there they are going to remain."

But your Cog boasted, "Oh, she'll produce her books and papers, all right. We're going to throw the book at her."

This stymied the machine. It blew a gasket and unhinged all the buttons. No amount of pushing could get it started again. That was April 13th and it wasn't until December 27th that I again met with your Cogs in Hartford. It took that long for the "book throwing" to marterialize.

It was the book all right; $43,346.10 for 1966 and $6,507.95 for 1967, almost $50,000.00 for those two years.

But there was something peculiar about those deficiencies.

They were based on the sale of two properties. In each case, the IRS machine gave the selling price but listed the acquisition price as zero. Since this made the selling price almost all profit no wonder they could levy such a big deficiency. That button was only half-hinged, or they assumed God must have given me those two buildings.

I didn't even consider it. I wouldn't demean myself by discussing such ridiculous figures.

But here we were in Hartford and this time, two intelligent and eminently fair Cogs, handicapped a bit, as we were again favored with another lawyer Cog from New York. As I said, Mr. Secretary, we simple, Connecticut Yankees are flattered with such attention but we really do have many fine lawyers, some right in the IRS in Hartford.

The young, lawyer Cog carefully explanied to me all of my constitutional rights but it was really time wasted. I told him that it wasn't necessary. I knew both of these men, in fact, one of them had audited my account at various times over the past twenty years, and neither would do anything to hurt me.

And they were both familiar with the 4th Amendment, about which your New York Cog was hazy. I had to read it to him.

But down to business:

Cog. Miss Kellems, we are here to discuss deficiencies for 1966 and 1967. Did you bring your books and papers?

Miss K. Why no, of course I didn't bring any books and papers.

Cog. Why not?

Miss K. Because your high lawyer Cog in Washington said I didn't have to produce my books and papers, that I am entitled to the protection of the 5th Amendment. Haven't you seen this?

With which I gave him a copy of the letter to the Judge. He asked, "May I keep this?" I replied in amazement, "Why, yes, of course. But do you mean to say you haven't seen it?" Apparently it was in the file, but as you can imagine by now the file must be voluminous.

Cog. (Almost pleading) Why didn't you bring the papers?

Miss K. You have dragged me through two expensive lawsuits to force me to surrender those papers. If I wouldn't produce them under subpoena, what makes you think I would bring them here today?

Cog. But this is voluntary.

Miss K. Voluntary! (Mr. Secretary, with a gun at my head.)

Now it is possible I could make a mistake of $500 in two years, it's possible I could make a mistake of $5,000, although I have excellent accountants whom you know. But *never* could I make a mistake of $50,000.

You are not here to justify a deficiency. You are here making criminal charges against me. When you say I owe you $50,000, you are accusing me of lying and cheating on my income tax, you are accusing me of embezzling the funds of the Government. I demand that you take me to Court and prove these charges.

And don't you take me to that Tax Court. You take me to a proper Court where I can have a jury of my peers. That Tax Court is a rigged deal set up to cheat the taxpayer out of a jury trial. It was spawned by the IRS and is staffed by so-called Judges who have come up through the IRS. Its a heads-I-win, tails-you-lose Court, and I haven't a prayer. But let them decide against me on the constitutional question of the penalty tax on singles. Then I can appeal and take it to the Supreme Court where it belongs.

Cog. I believe you want to go to Court.

Miss K. What else is there to do? The 16th Amendment says: "The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

I do not question the 16th Amendment. It was passed by Congress and ratified by three-quarters of the States. It is a part of our Constitution. I do not question the power of Congress to levy an income tax. Nor do I question your power, as an agent of the government to collect the tax. But where in the 16th Amendment does it say I have to *help* you collect that tax?

That is your job. You are paid for it. So go right ahead and collect—I am not going to help you.

Mr. Secretary, again the poor, old machine is bogged down. I await your next move. Better push another button.

Respectfully yours,

Vivien Kellems.

A woman's last word: I understand you have a charming and beautiful wife. If you should lose your wife or she should divorce you, can you tell me why your taxes should go up? That is what has happened to millions of other Americans.

(Note.—This advertisement paid for by Vivien Kellems, East Haddam, Connecticut, 06423.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Hagan (at the request of Mr. Boggs), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Howard, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Frenzel), to revise and extend their remarks, and to include extraneous matter:)

Mr. Skubitz, on March 17, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Mizell, today, for 5 minutes.

Mr. Findley, today, for 5 minutes.

Mr. Gubser, today, for 15 minutes.

Mr. Halpern, today, for 5 minutes.

(The following Members (at the request of Mr. Bergland), to revise and extend their remarks, and to include extraneous matter:)

Mr. Minish, today, for 10 minutes.

Mr. Patman, today, for 10 minutes.

Mr. Kastenmeier, today, for 10 minutes.

Mr. Metcalfe, today, for 10 minutes.

Mr. Mikva, on March 18, for 30 minutes.

Mr. Pryor of Arkansas, on March 24, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson in three instances and to include extraneous matter.

Mr. Yates, in the Committee of the Whole today, and to include extraneous material.

Mr. Keating (at the request of Mr. Conte), his remarks during general debate on the SST in the Committee of the Whole today.

Mr. Gerald R. Ford, to revise and extend his remarks made earlier in the day, and to include the testimony of the Under Secretary of Labor before the House Committee on Banking and Currency.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter:)

Mr. Schmitz in three instances.

Mr. Pelly.

Mr. Kemp in two instances.

Mr. Spence.

Mr. McCollister.

Mr. Wyman in two instances.

Mr. Fish.

Mr. Latta.

Mr. Devine.

Mr. Horton.

Mr. Lent in two instances.

Mr. Steiger of Arizona.

Mr. Erlenborn.

Mr. Myers.

Mr. Gerald R. Ford.

Mr. Shoup.

Mr. McDonald of Michigan.

Mr. Steiger of Wisconsin.

Mr. Veysey.

Mr. Sebelius.

Mr. Shriver.

Mr. Ashbrook in two instances.

Mr. Wydler.

Mr. Michel in two instances.

Mr. Rousselot in two instances.

Mr. Derwinski in three instances.

Mr. Schwengel.

Mr. Anderson of Illinois in two instances.

Mr. Blackburn.

Mr. Hosmer.

Mr. Hastings.

Mr. McClory.

(The following Members (at the request of Mr. Bergland) and to include extraneous matter:)

Mr. Brademas in six instances.

Mr. William D. Ford in two instances.

Mr. James V. Stanton in two instances.

Mr. Drinan.

Mr. Carney.

Mrs. Grasso in 10 instances.

Mr. Celler.

Mr. Rooney of New York.

Mr. Ryan in three instances.

Mr. Ashley in two instances.

Mr. Abourezk in two instances.

Mr. Nix.

Mr. Rodino in two instances.

Mr. Gallagher.

Mr. Scheuer in two instances.

Mr. Minish.

Mr. Corman.

Mr. Rarick in three instances.

Mr. Karth.

Mr. Kluczynski.

Mr. Fountain in two instances.

Mr. Patten.

Mr. Gibbons in two instances.

Mr. Fulton of Tennessee in two instances.

Mr. Purcell in two instances.

Mr. Waldie in two instances.

Mr. Bingham in two instances.

Mr. Boland.

Mr. Monagan.

Mr. Rooney of Pennsylvania in five instances.

Mr. Aspin.

Mr. Downing in two instances.

Mr. BENNETT in two instances.

Mr. GIAIMO in 10 instances.

Mr. MACDONALD of Massachusetts in two instances.

Mr. HENDERSON in four instances.

Mr. WRIGHT in two instances.

Mr. EDWARDS of California.

Mr. JOHNSON of California in three instances.

Mr. JACOBS.

SENATE JOINT AND CONCURRENT RESOLUTION REFERRED

A joint and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

S. Con. Res. 9. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Investigation Into Electronic Battlefield Program"; to the Committee on House Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.J. Res. 465. A joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 18, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

426. A letter from the Administrator, Environmental Protection Agency, transmitting the environmental impact statement on the draft of proposed legislation submitted February 17, 1971, to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Agriculture.

427. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the second quarter of fiscal year 1971 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

428. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

429. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the Determination of the President numbered 71–8 authorizing certain military grant assistance, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

430. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on the disposal of certain foreign excess property, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

431. A letter from the Administrator Environmental Protection Agency, transmitting the environmental statement on the draft of proposed legislation submitted February 17, 1971, to amend the Federal Hazardous Substances Act, as amended, and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Interstate and Foreign Commerce.

432. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

433. A letter from the Adjutant General, Military Order of the Purple Heart, transmitting the audit of the Order for fiscal year 1970, pursuant to section 14b of Public Law 85–761; to the Committee on the Judiciary.

434. A letter from the Administrator, Environmental Agency, transmitting the environmental impact statement on the draft of proposed legislation submitted February 17, 1971, to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Merchant Marine and Fisheries.

435. A letter from the Secretary of Transportation, transmitting a report on oil pollution liability and financial responsibility, pursuant to the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

436. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 5688 of the Internal Revenue Code to provide for the sale of forfeited distilled spirits, wines and beer; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

437. A letter from the Comptroller General of the United States, transmitting a report on a defense industry profit study made pursuant to Public Law 91–121; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 149. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 20; with amendments (Rep. No. 92–45). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 202. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to H. Res. 201; with amendment (Rep. No. 92–47). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 175. Resolution to provide funds for the Committee on the Judiciary; with amendments (Rept. No. 92–46). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 210. Resolution providing funds for the Committee on Rules; with amendment (Rept. No. 92–48). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 218. Resolution to provide funds for the expenses of the investigations and study authorized by H. Res. 21; with amendment (Rept. No. 92–49). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 225. Resolution to provide funds for the expenses of the investigations and studies by the Committee on Ways and Means (Rept. No. 92–50). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 226. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by H. Res. 114; with amendment (Rept. No. 92–51). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 236. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct (Rept. No. 92–52). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 253. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. (Rept. No. 92–93). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 272. Resolution providing for the expenses incurred pursuant to H. Res. 213; with amendment (Rept. No. 92–54). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 279. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 217 (Rept. No. 92–55). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 285. Resolution to provide funds for the expenses of the investigations and studies authorized by H. Res. 18 (Rept. No. 92–56). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution

290. Resolution to provide funds for the expenses of the investigation and study authorized by H. Res. 170 (Rept. No. 92–57). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 301. Resolution to provide funds for the expenses of the investigations and studies by the Committee on House Administration (Rept. No. 92–58). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 6217. A bill to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. ABOUREZK:

H.R. 6218. A bill to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe; to the Committee on Government Operations.

H.R. 6219. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak.; to the Committee on Veterans' Affairs.

By Mr. ASHBROOK:

H.R. 6220. A bill to protect the safety and welfare of American workers by providing for a uniform system of identification for all receptacles containing compressed gas; to the Committee on Interstate and Foreign Commerce.

H.R. 6221. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 6222. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Addabbo, Mr. Bergland, Mr. Byron, Mr. Carey of New York, Mr. Rees, Mr. Roybal, and Mr. Udall):

H.R. 6223. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. CABELL:

H.R. 6224. A bill to provide for realistic limits on the amount of money spent on political campaigns by candidates for the Senate and House of Representatives; to the Committee on House Administration.

By Mr. CELLER (for himself and Mr. McCulloch):

H.R. 6225. A bill to implement article I, section 7, of the Constitution; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6226. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6227. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 6228. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 6229. A bill to provide for a gradual reduction in the membership of the Interstate Commerce Commission from 11 members to five members; to the Committee on Interstate and Foreign Commerce.

H.R. 6230. A bill to provide for the issuance of a commemorative postal stamp in honor of the 50th anniversary of the first Constitution of Ireland; to the Committee on Post Office and Civil Service.

H.R. 6231. A bill to amend the River and Harbor Act of March 3, 1899; to the Committee on Public Works.

By Mr. DINGELL (for himself, Mr. Anderson of California, Mr. Leggett, Mr. McCloskey, Mr. Moss, and Mr. Van Deerlin):

H.R. 6232. A bill to authorize the control of marine traffic in the ports of the United States and certain other waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. ERLENBORN (for himself, Mr. Abourezk, Mr. Anderson of Illinois, Mr. Bell, Mr. Buchanan, Mr. Don H. Clausen, Mr. Collier, Mr. Córdova, Mr. Davis of Georgia, Mr. Dellenback, Mr. Dent, Mr. Dulski, Mr. Duncan, Mrs. Dwyer, Mr. Esch, Mr. Findley, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Halpern, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway, and Mr. Hawkins):

H.R. 6233. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. Helstoski, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. McDade, Mr. Matsunaga, Mr. Mazzoli, Mr. Morse, Mr. Pepper, Mr. Perkins, Mr. Peyser, Mr. Powell, Mr. Price of Illinois, Mr. Quie, Mr. Reid of New York, Mr. Rhodes, Mr. Ruth, Mr. Smith of New York, Mr. Steiger of Wisconsin, Mr. Talcott, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Wydler, and Mr. Begich):

H.R. 6234. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 6235. A bill to provide for regulation of pubic exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 6236. A bill to amend title 38, United States Code, to make nonservice-connected disability pension benefits payable from the time the cause of the disability occurs if application for benefits is made within 1 year of the date of such occurrence, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 6237. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. GUDE (for himself, Mr. Hogan, and Mr. Broyhill of Virginia):

H.R. 6238. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEGGETT (for himself, Mr. Pelly, Mr. Dellenback, and Mrs. Green of Oregon):

H.R. 6239. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL:

H.R. 6240. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL:

H.R. 6241. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 6242. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself, Mr. Fulton of Tennessee, Mr. Giaimo, Mr. Bingham, and Mr. Dellums):

H.R. 6243. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 6244. A bill to amend section 5 of the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H.R. 6245. A bill to amend section 5 of the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 6246. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. PUCINSKI:

H.R. 6247. A bill to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years; to the Committee on Education and Labor.

By Mr. RONCALIO:

H.R. 6248. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72 to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. Poage, Mr. Patman, Mr. Sisk, Mr. Obey, Mr. Sikes, Mr. Steed, Mr. Culver, Mr. Kyl, Mr. Bergland, Mr. Abbitt, Mr. Abourezk, Mr. Kastenmeier, Mr. Fascell, and Mr. Broyhill of North Carolina):

H.R. 6249. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. Casey of Texas, Mrs. Hansen of Washington, Mr. Shriver, Mr. Pickle, Mr. Pryor of Arkansas, Mr. Blanton, Mr. Flowers, Mr. Fulton of Tennessee, Mr. Hammerschmidt, Mr. Wright, Mr. Aspin, Mr. Thone, Mr. Daniel of Virginia, Mr. Dorn, Mr. Fisher, and Mr. Edwards of Louisiana):

H.R. 6250. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. STEELE:

H.R. 6251. A bill to amend title II of the Social Security Act to eliminate the provisions which presently prevent an individual from receiving more than one benefit at the same time, and to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 6252. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 6253. A bill to amend the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 6254. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such a retirement system; to the Committee on Ways and Means.

By Mr. VIGORITO (for himself and Mr. Ichord):

H.R. 6255. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 6256. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. Hanna, Mr. Pepper, Mr. Don H. Clausen, Mr. Johnson of Pennsylvania, Mr. Hungate, Mr. Duncan, Mr. Helstoski, Mr. Meeds, Mrs. Mink, Mr. Dellenback, Mr. Hammerschmidt, Mr. Kuykendall, Mr. Scherle, Mr. McCloskey, Mr. Burlison of Missouri, Mr. Chappell, Mr. Coughlin, Mr. Hansen of Idaho, Mr. Mann, Mr. Whitehurst, Mr. Melcher, Mr. Harrington, Mr. Abourezk, and Mrs. Grasso):

H.R. 6257. A bill to amend the act of 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Fisher, Mr. Byrnes of Wisconsin, Mr. Miller of California, Mr. Saylor, Mr. Edmondson, Mr. Frelinghuysen, Mr. Hosmer, Mr. Moss, Mr. Fascell, Mr. Collier, Mr. Casey of Texas, Mr. Downing, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Johnson of California, Mr. Kastenmeier, Mr. Addabbo, Mr. Pike, Mr. St Germain, Mr. Udall, Mr. Nedzi, Mr. Roberts, and Mr. Cleveland):

H.R. 6258. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself and Mr. Foley):

H.R. 6259. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BERGLAND:

H.R. 6260 A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6261. A bill to amend the Internal Revenue Code of 1954 to provide for an investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 6262. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

By Mr. BURKE of Massachusetts:

H.R. 6263. A bill to provide that the Federal Government will collect State and local individual income taxes which are a percentage of Federal tax liability or are based on a percentage of Federal taxable income; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 6264. A bill to authorize the Government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

H.R. 6265. A bill to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. CORMAN:

H.R. 6266. A bill to provide for a national program of disaster insurance; to the Committee on Banking and Currency.

H.R. 6267. A bill to provide for a national program of earthquake insurance; to the Committee on Banking and Currency.

H.R. 6268. A bill relating to the Federal income tax treatment of losses sustained as the result of the 1971 Los Angeles, Calif., earthquakes; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Bell, Mr. Don H. Clausen, Mr. Danielson, Mr. Dellums, Mr. Goldwater, Mr. Gubser, Mr. Hawkins, Mr. Johnson of California, Mr. Leggett, Mr. McDonald of Michigan, Mr. Miller of California, Mr. Pettis, Mr. Pucinski, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Smith of California, Mr. Talcott, Mr. Van Deerlin, Mr. Wiggins and Mr. Charles H. Wilson):

H.R. 6269. A bill to provide for contributions by the Federal Government to repair, restore, reconstruct, or replace nonprofit hospitals under the provisions of the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. CORMAN:

H.R. 6270. A bill to amend section 235 of the National Housing Act to make periodic assistance payments thereunder available to families whose homes are destroyed or damaged by natural disasters; to the Committee on Banking and Currency.

By Mr. DERWINSKI (for himself, Mr. Buchanan, Mr. Vander Jagt, and Mr. Wolff):

H.R. 6271. A bill to limit the period of time during which appropriations are authorized to carry out the purposes of the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

By Mr. DRINAN:

H.R. 6272. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself and Mr. Roe):

H.R. 6273. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 6274. A bill to give the consent of Congress to the construction of certain international bridges; to the Committee on Foreign Affairs.

By Mr. FISHER:

H.R. 6275. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY:

H.R. 6276. A bill to amend the act of June 27, 1960 (74 Stat. 220) relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 6277. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself, Mr. Abourezk, Mr. Kyros, Mr. Hathaway, Mr. McClure, Mr. Stafford, and Mr. Wyman):

H.R. 6278. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA (for himself, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. Terry, and Mr. Schwengel):

H.R. 6279. A bill to amend the Public Works and Economic Development Act of 1965, to extend the authorization for titles I through V through fiscal year 1972; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 6280. A bill to amend section 37 of the Internal Revenue Code of 1954 to increase the credit against tax for retirement income and to coordinate it with the maximum yearly social security retirement benefit; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 6281. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

H.R. 6282. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD (for himself, Mrs. Dwyer, Mr. Garmatz, Mr. Horton, Mr. Rosenthal, Mr. Erlenborn, Mr. Wright, Mr. Wydler, Mr. St Germain, Mr. Brown of Ohio, Mr. Fuqua, and Mr. Moorhead):

H.R. 6283. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. LONG of Maryland:

H.R. 6284. A bill: The Southeast Asia Disengagement Act; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA (for himself, Mr. Steele, and Mr. Steiger of Wisconsin):

H.R. 6285. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 6286. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce; and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6287. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NEDZI:

H.R. 6288. A bill to amend titles 10 and 32 of the United States Code; to the Committee on Armed Services.

By Mr. O'KONSKI:

H.R. 6289. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. PATMAN:

H.R. 6290. A bill to provide for an audit of the Federal Reserve System by the Comptroller General; to the Committee on Banking and Currency.

By Mr. PELLY (by request):

H.R. 6291. A bill to provide for the disposition of funds arising from judgments in Indian claims commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. BYRNE of Pennsylvania, Mr. COLLINS of Illinois, Mr. MANN, Mr. MURPHY of New York, Mr. ROONEY of Pennsylvania, and Mr. YATRON):

H.R. 6292. A bill to provide for a program of Federal assistance in the development, acquisition, and installation of aircraft antihijacking detection systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 6293. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS (for himself and Mr. KOCH):

H.R. 6294. A bill to amend the Housing Act of 1949 to provide that owners of a farm may receive grants and special loans to make certain repairs or improvements on farm dwellings occupied by the family of the operating tenant, lessee, sharecropper, or migrant worker, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 6295. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 6296. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 6297. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 6298. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 6299. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 6300. A bill to amend section 401(e) of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall have authority to regulate the type of service performed by an air carrier under the terms of any certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 6301. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

H.R. 6302. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 6303. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 6304. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 6305. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 6306. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6307. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

H.R. 6308. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

H.R. 6309. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 6310. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. RUPPE:

H.R. 6311. A bill to extend title V of the Public Works and Economic Development Act of 1965 for 2 additional years; to the Committee on Public Works.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 6312. A bill to amend the first section of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

H.R. 6313. A bill to amend the Federal Trade Commission Act; to the Committee on Interstate and Foreign Commerce.

H.R. 6314. A bill to provide increased warranty protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6315. A bill to provide increased protection for consumers, prevent consumer fraud, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6316. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 6317. A bill to provided needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 6318. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oreg., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 6319. A bill to amend the Railroad Retirement Act of 1937 to provide that actual entitlement to a social security benefit shall not have the effect of reducing an individual's railroad retirement annuity by depriving such individual of the full advantage of the so-called social security guarantee formula in the computation of his or her annuity; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY of Texas:

H.J. Res. 474. Joint resolution to authorize and request the President to proclaim the week of June 20, 1971 through June 26, 1971, as "National Royal Ranger Week"; to the Committee on the Judiciary.

By Mr. FOLEY:

H.J. Res. 475. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 476. Joint resolution proposing an amendment to the Constitution of the United States to extend the right to vote to persons 18 years of age and older and to require that they be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 477. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.J. Res. 478. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 207. Concurrent resolution relating to an Atlantic Union Delegation; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H. Con. Res. 208. Concurrent resolution expressing the sense of the Congress with respect to the establishment of permanent Peace Ambassadors by the United Nations; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 210. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H. Res. 310. Resolution; Mass transit—A national priority; to the Committee on Interstate and Foreign Commerce.

By Mrs. CHISHOLM:

H. Res. 311. Resolution to abolish the House Committee on Un-American Activities and enlarge the jurisdiction of the House Committee on the Judiciary; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H. Res. 312. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 5 and House Resolution 19; to the Committee on House Administration.

By Mr. FULTON of Pennsylvania:

H. Res. 313. Resolution expressing the sense of the House of Representatives with respect to the establishment and staffing of a permanent position of Science Attaché in Canada; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania (for himself and Mr. Teague of Texas):

H. Res. 314. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 12 mission; to the Committee on Science and Astronautics.

H. Res. 315. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 13 mission; to the Committee on Science and Astronautics.

H. Res. 316. Resolution expressing the commendation and gratitude of the House to the men and women of the national space program in connection with the Apollo 14 mission; to the Committee on Science and Astronautics.

By Mr. HAYS (for himself and Mr. Kluczynski):

H. Res. 317. Resolution creating a select committee to be known as the Select Committee on the House Restaurant, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE:

H. Res. 318. Resolution expressing the sense of the Congress to place more emphasis on mass and rapid transportation, and suspend our commitment to the SST until a more rational national transportation program can be implemented; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H. Res. 319. Resolution on U.S. withdrawal from Vietnam; to the Committee on Foreign Affairs.

By. Mr. PATMAN (for himself, Mr. Evins of Tennessee, Mr. Widnall, and Mr. Conte):

H. Res. 320. Resolution transferring jurisdiction of the Subcommittee on Foundations of the Select Committee on Small Business to the Committee on Banking and Currency; to the Committee on Rules.

By Mr. ROE:

H. Res. 321. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 322. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. RYAN:

H. Res. 323. Resolution creating a select committee to conduct an investigation and study of the files retained by the Committee on Internal Security; to the Committee on Rules.

By Mr. VANIK (for himself, Mr. Mosher, Mrs. Abzug, Mr. Abourezk, Mr. Ashley, Mr. Bergland, Mr. Carey of New York, Mrs. Chisholm, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Gallagher, Mr. Green of Pennsylvania, Mr. Helstoski, Mr. McCloskey, Mr. Metcalfe, Mr. Mikva, Mr. Morse, Mr. Roybal, Mr. St Germain, Mr. Evins of Tennessee, and Mr. Mazzoli):

H. Res. 324. Resolution: Mass transportation—A national priority; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII,

72. By Mr. BARING: Memorial of the Senate and Assembly of the State of Nevada, jointly, that the U.S. Forest Service is respectfully requested not to grant requests heretofore made to increase the maximum number of gallons of sewer effluent now authorized and allowed by it to be discharged into the "Cinder Cone" area of the Truckee River Basin near Tahoe City, Calif., nor to extend the termination date set for discontinuance of the use of the "Cinder Cone" as a locale for sewer effluent discharge until such time as the States of Nevada and California and agencies of the Federal Government concerned with water quality are satisfied that such requested actions are not detrimental to the domestic water supply of the inhabitants of the Reno-Sparks area and the fish, wildlife and recreational facilities and potentials of the Truckee River, Pyramid Lake and Lahontan Valley; and be it further

Resolved, That the U.S. Forest Service, through its appropriate officers, provide the Legislature of the State of Nevada with copies of current reports concerning the use of the "Cinder Cone" area as a dumping ground for sewer effluent originating in the Lake Tahoe Basin; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6320. A bill for the relief of Carmine Aletto; to the Committee on the Judiciary.

H.R. 6321. A bill for the relief of Anna Gioia Bosco and daughter, Francesca Bosco; to the Committee on the Judiciary.

H.R. 6322. A bill for the relief of Shiela Joy Brown; to the Committee on the Judiciary.

H.R. 6323. A bill for the relief of Filippo and Lilla Galletta and minor child, Antonina Galletta; to the Committee on the Judiciary.

H.R. 6324. A bill for the relief of Antonio and Maria Sferrazza and minor child, Giovanna Maria Sferrazza; to the Committee on the Judiciary.

H.R. 6325. A bill for the relief of Francesco Sorce; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 6326. A bill for the relief of Giuseppe Ancona, Maria Ancona, and their daughter, Maria Ancona; to the Committee on the Judiciary.

H.R. 6327. A bill for the relief of Ferruccio Bertulli; to the Committee on the Judiciary.

H.R. 6328. A bill for the relief of Mrs. Calogera Carollo and Miss Raffaela Carollo; to the Committee on the Judiciary.

H.R. 6329. A bill for the relief of Leonard and Giuseppa Patti; to the Committee on the Judiciary.

H.R. 6330. A bill for the relief of Angelo, Antoninia, and Nunzia Brigida Zuzze; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 6331. A bill for the relief of Mrs. Il Sun Ko (Baik); to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 6332. A bill for the relief of Emilio D'Adamo, Anamaria D'Adamo, Aldo D'Adamo, and Dora D'Adamo; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 6333. A bill for the relief of Socorro Cruz; to the Committee on the Judiciary.

H.R. 6334. A bill for the relief of Angelo Ferrante and his wife, Maria Ferrante, and their son, Daniel Ferrante; to the Committee on the Judiciary.

H.R. 6335. A bill for the relief of Pietro Ferrantelli; to the Committee on the Judiciary.

H.R. 6336. A bill for the relief of Catalina Chien Hsia; to the Committee on the Judiciary.

H.R. 6337. A bill for the relief of Melbourne Murray; to the Committee on the Judiciary.

H.R. 6338. A bill for the relief of Mrs. Santa Buffa Pagano; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6339. A bill for the relief of Leslie Gerard Paul; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 6340. A bill for the relief of Adolfo Lopez Sanabria; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 6341. A bill for the relief of Guadalupe Lily Tai Liu; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 6342. A bill for the relief of Carmen Maria Pena-Garcano; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 6343. A bill for the relief of Capt. Charles A. Aycock; to the Committee on the Judiciary.

H.R. 6344. A bill for the relief of Donald L. Tyndall, Bruce Edward Tyndall, Kimberly Fay Tyndall, Lisa Michele Tyndall, and the estate of Elizabeth M. Tyndall, deceased; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 6345. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 6346. A bill for the relief of Laura Colubig and her daughter, Barbara Colubig; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 6347. A bill for the relief of Olive R. Lawrence; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 6348. A bill for the relief of Domenico DeBellis; to the Committee on the Judiciary.

H.R. 6349. A bill for the relief of Pietro Palazzo; to the Committee on the Judiciary.

H.R. 6350. A bill for the relief of Mr. and Mrs. Paola Pesce; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 6351. A bill for the relief of Paz I. Cruz; to the Committee on the Judiciary.

H.R. 6352. A bill for the relief of Miss Bettina Woon Sum Yau; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 6353. A bill for the relief of Ola Belle Meredith; to the Committee on the Judiciary.

By Mr. VIGORITO:

H.R. 6354. A bill for the relief of Teresa Martelletti; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 6355. A bill for the relief of Michiko Unoki Gonzalez; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 6356. A bill for the relief of Thalia Simos; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A GIFT TO THE NATION—PORTRAITS OF JOHN QUINCY ADAMS AND WIFE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I was privileged to be in the east room of the White House on February 26, 1971, for the impressive ceremony to unveil the Gilbert Stuart portraits of President John Quincy Adams and Louisa Catherine Johnson, his wife.

These portraits were presented as a gift to the Nation and to the White House collection by Mr. John Quincy Adams, the great-great-grandson of President John Quincy Adams, who is a resident of Dover, Mass., and one of my constituents of the 10th Congressional District. The portraits were accepted by President Nixon, while Mrs. Nixon presided as mistress-of-ceremonies. There were 75 members of the Adams family present. No other family in American history has provided both a father—John Adams—and a son as Presidents. These magnificent portraits, because of the generosity of the Adams descendants, will now be enjoyed by the millions of Americans who visit the White House. The Nation's heritage has been greatly enriched.

The brilliant career of John Quincy Adams was summarized during the program by Mr. Andrew Oliver, portraits editor of the Adams Papers, thus:

> His career has been eloquently summed up in a few words. He served his country in every department of public occupation. He was Minister to five great powers in succession. He negotiated and signed the Treaty of Ghent, the Commercial Treaty of 1815, the French Treaty of 1822, the Prussian Treaty and the treaty which acquired Florida from Spain. He was Senator, Representative, Foreign Minister, Secretary of State and President. And he breasted the stormy waves of the House of Representatives at the age of 80.

I should like to share the moving moments of the ceremony by inserting the text of the program in the RECORD. I think we can also profitably reflect on Adams' own words, in a speech at Plymouth, where he said:

> Think of your forefathers? Think of your posterity!

We shall draw inspiration from these portraits for many generations to come. The text of the ceremony follows:

REMARKS OF THE PRESIDENT, MRS. NIXON, MR. JOHN QUINCY ADAMS OF DOVER, MASS., AND MR. ANDREW OLIVER, PORTRAITS EDITOR OF THE ADAMS PAPERS, AT THE UNVEILING CEREMONY OF PORTRAITS OF PRESIDENT JOHN QUINCY ADAMS AND MRS. ADAMS

Mrs. NIXON. Good afternoon. It is a great pleasure for me to welcome all of you here to the East Room. This is one of the most important days in the history of the White House, because we have two life portraits of John Quincy Adams and Louisa Catherine Johnson, his wife, and they are to be presented today.

To show our appreciation and interest in continuing to add to the White House collection of important American paintings, we have not only invited the Adams descendants, but also members of the Historical Society of the White House, the members of the present and previous Committee on the Preservation of the White House, and Mrs. Kennedy's Paintings Committee.

The President and I are most grateful to all of you who take an interest in this House and help us try to make it the best one in America.

We have over a million and a half visitors here every year. They come to see all of the beautiful objects which have historical meaning. So we are so pleased that they are going to get to see the Adams' portraits beginning tomorrow morning.

We are grateful to Mr. John Quincy Adams, of Dover, Massachusetts, for his very generous gift of the valuable portraits to the White House collection. We are especially pleased to have the one of Mrs. Adams because there was not one of her in the White House until this time.

I should like today to greet Mrs. Arthur Adams, who is the mother of the donor and also the mother of the Governor of Massachusetts.

Would she take a bow, please? (Applause.)

It gives me great pleasure at this time to introduce Mr. John Quincy Adams, who is a great-great-grandson of President John Quincy Adams and a great-great-great grandson of John Adams. No other family in American history has provided both a father and a son as Presidents.

Mr. Adams.

Mr. ADAMS. Mr. President, Mrs. Nixon, distinguished friends of the White House:

When John Quincy Adams arrived at the President's House in 1825, after a bitter campaign which he finally won not in the electoral college but in the House of Representatives, this Mansion soon to be called the White House stood largely by itself. It was surrounded by farm buildings, stables, sheds, tool houses and dairies. Cows grazed nearby; sheep kept the grass from getting out of hand. Pennsylvania Avenue was a dust bowl in the summer and no doubt a quagmire of mud in the winter and spring. There was neither plumbing nor running water in the building, and things were, by today's standards, Spartan, to say the least.

But to a puritanical New Englander, the son of a Yankee farmer turned lawyer, this wasn't so bad. After all, during the last few months of his father's term in office, Abigail, the first First Lady to live here, hung her laundry in this, the famous East Room.

Complaining bitterly in a letter to her sister that she much preferred Philadelphia, Abigail wrote, "Not one room or chamber is finished of the whole. It is habitable by fires in every part, 13 of which we are obliged to keep daily or sleep in wet and damp places."

We hope that things are a little better now. (Laughter.)

Ours was a rural society in the 1820's. The President travelled back and forth to Boston by coach and by ship unannounced and uncomfortable. When his father, John Adams, died in Quincy, on July 4, 1826, by extraordinary coincidence, the same day his friend Thomas Jefferson died and, again, to the day, the 50th anniversary of the Declaration they labored over in Philadelphia, it took five days for the news to get to Washington.

John Quincy Adams was unquestionably a man of brilliant intellect, stubborn, aloof, courageous, bound by principle and not by expediency. In short, a statesman but not a politician. Underneath it all he had a warm heart but he certainly did his best to hide it, and in this case his best was very good indeed.

Incredible as it may seem in an era of television and press conferences, he made only two public speeches during his entire four-year term in office. I have often wondered why it was that in succeeding generations of the family nobody has been able to win a substantial victory—political victory. Certainly, there has been ability and courage and vision to wrestle with the great issues of the day. Some were determined and seemingly had the ambition. My grandfather ran for Governor of Massachusetts five times, for instance, but he never made it.

I am afraid the answer is that they were simply unable or refused to allow themselves to develop an ability to communicate effectively with the man in the street. We may have been strong on principle with all its virtues, but I am afraid we haven't been able to accept the fact that Madison Avenue, like it or not, is almost as necessary a part of the political process as a sound background in the classics and a keen sense of history.

This failure to face the world as it is and not as we would like to have it has been, I feel, a tragedy. Somewhere among the bright younger generation—and there are some of them in this room today—I hope we will again produce a young man or maybe, who knows, a young lady, who will make it to this House on his own, to paraphrase Winston Churchill.

Ladies and gentlemen, these two portraits have been in the family for 150 years. We have kept them with quiet pride on the walls of our houses in Boston, in Quincy, and lately in Dover. While we treasure them and we always will, they belong here together, in the house and in the public phase that neither of them enjoyed, for all Americans to view.

We hope you will agree that they are quite outstanding, especially the charming one of Louisa Catherine.

And now, on behalf of all Adams and with great pride in the memory of our distinguished ancestors, we present these Gilbert Stuart masterpieces to the American people, to our First Families, and to all who visit this, the President's House.

Mrs. NIXON. I am glad to have a pretty First Lady for the White House.

I remember when I went to the National Gallery, to see the John Quincy Adams portraits, I had a wonderful companion who told me so many interesting stories. I have asked him to come here today. He is a great authority on the Adams family, and he is Portraits Editor of the Adams Papers, author of the book "Portraits of John and Abigail Adams" and author of the volume "Portraits of John Quincy Adams and His Wife."

It gives me much pleasure to present Mr. Andrew Oliver.

Mr. OLIVER. Mr. President, Mrs. Nixon:

Although John Quincy Adams sat for more than 60 portraits, there are only three pairs of oil portraits of himself and his wife, and this pair was the last of the three to be painted.

In 1794, when John Quincy Adams, age 27, was sent abroad by Washington as Minister to the Hague, his mother, Abigail, extracted his promise to send her a miniature of himself, which he did in 1795, and she wore it on her bracelet.

A year later he became engaged to the second of the seven daughters of the well-to-do merchant Joshua Johnson. Nothing would satisfy Abigail but to have a likeness of her future daughter-in-law, so she, too, was painted in miniature, which, with that of her son, have always been kept together and are even now on display together in the diplomatic reception rooms of the Department of State.

In 1797, they were married. Almost immediately afterwards, her father failed in business and fled to America to avoid his European creditors. To her, appearances suggested that in Adams, her father had simply found a promising young man and married off his penniless daughter in the nick of time. This fear long haunted her.

Shortly after their marriage, Adams was sent as Minister to Berlin where they lived for four years. In 1801, on the election of Jefferson as President, Adams was recalled to America and Louisa had to run the gauntlet of all her husband's Adams' and Quincy kin who thronged about to view the half English, London-bred wife of their young relative. She was aghast.

"Had I stepped into Noah's ark," she wrote, "I do not think I could have been more utterly astounded."

In 1809, President Madison appointed Adams as Minister to Russia where he lived for upwards of five years. And when he was called to Ghent to negotiate the treaty to end the war of 1812, Mrs. Adams followed later with her 17-month old son on a 40-day journey across the wintry wastes of northern Europe to join him.

Life was sometimes a trial. She had, however, a brief and happy respite in London, when in May 1815, her husband, treading in his father's footsteps, took up his post as Ambassador to the Court of St. James's. It was then that the second pair of portraits was painted by Charles Robert Leslie.

Then after Adams' recall again to America in 1817 to serve as President Monroe's Secretary of State, this pair of portraits were commenced. Adams and Louisa dropped into Stuart's studio in Boston one morning and she persuaded him to sit for his portrait for their children. And presumably he agreed to do so if she would.

In his diary he wrote, "I sat for Stuart before and after breakfast and found his conversation very entertaining as at every sitting, his own figure highly picturesque, taking snuff from a large round tin wafer box holding half a pound, which he must use up in a day. He considers himself beyond all question the first portrait painter of the age and tells numbers of anecdotes concerning himself to prove it. And his conclusion is not very wide from the truth."

Adams' only comment on his portrait was that, "Stuart was much satisfied with what he has done but I cannot exactly say the same."

His cousin, Ward Nicholas Wilson, however, saw the pair just before they were finished and with a keen critic's eye commented that Stuart had never given greater proof of his talents or done more justice to the precise likeness of those they were intended to represent.

But Louisa, with a weakness we all share about pictures of ourselves, had a different opinion. "It speaks too much," she said, "of inward suffering and of a half-broken heart to be an agreeable remembrance."

Yet her son Charles later wrote of the picture: "Her face wears a sorrowful appearance too common to her but I shall value that picture as presenting something of her appearance in those days, for hereafter there will be nothing, and I love to think of her as she was in the midst of her gaiety and her prosperity."

And we at this distance can see at a glance that in her portrait, Stuart did live up to his own ingenuous claim to be the first portrait painter of the age.

This period was one of Louisa's happiest. She won the etiquette war of Washington which reached the level of a Cabinet discussion in 1819 over whether Cabinet wives or Congressmen's wives should pay first calls on each other.

And she became famous for her parties, the most spectacular of which, long remembered as Mrs. Adams' ball, was held for General Jackson in 1824, on the ninth anniversary of the Battle of New Orleans, at which some 1,000 persons danced their way into the wee hours of the morning.

In 1829, after four years in the White House, for a moment she believed they would go back to Quincy and live out their lives in the peace and quiet of country life. But as it turned out, Adams was on the threshold of another and great career. We are all familiar with his 15 courageous years in the House of Representatives and his fatal stroke at his desk in the House in 1848. Where could death have found him but at his post of duty?

His career has been eloquently summed up in a few words. He served his country in every department of public occupation. He was Minister to five great powers in succession. He negotiated and signed the Treaty of Ghent, the Commercial Treaty of 1815, the French Treaty of 1822, the Prussian Treaty and the treaty which acquired Florida from Spain. He was Senator, Representative, Foreign Minister, Secretary of State and President. And he breasted the stormy waves of the House of Representatives at the age of 80.

When he died in the capitol, he left no purer or loftier fame behind him, but he left a devoted wife who survived him four long years. And we have an affectionate picture of her by her grandson Henry Adams.

"Little Henry," he wrote, "first remembered her from 1843 to 1848 sitting in her paneled room at breakfast with her heavy silver teapot, sugar bowl and cream jug. By that time she was 70 years old or more, Louisa, thoroughly weary, being beaten about a stormy world, more remote than the President, but more delicate.

"To the boy she seemed a fragile creature, presiding over her old President and her Queen Anne mahogany, an exotic like her service of china, and with great deference to everyone and affection to her son Charles, but hardly more Bostian than she had been 50 years before on her wedding day in the shadow of the Tower of London."

Now in a later and different century, through the generosity of another John Quincy Adams, strictly in keeping with Adams' tradition of the supremacy of country before personal considerations, and after a lapse of more than 140 years, we here today can welcome back the first John Quincy Adams and his wife to their House, the President's House, to the White House, to what the President and Mrs. Nixon have so graciously have said, "All Americans might call our House."

Mrs. NIXON. Thank you very much. That was just great, reliving a little bit of history.

I am going to get your books and read them because I think they must be very fine.

Now, since we are accepting the pictures of the Sixth President of the United States and his wife, I thought it appropriate that the Thirty-Seventh President make the acceptance remarks.

The PRESIDENT. Mr. Adams, Dr. Oliver, all of our distinguished guests:

I, of course, make many appearances in my role as President of the United States, and each differs somewhat. Let the record show this is the first time my wife has ever introduced me, and I am very happy.

I, as most Presidents happen to be, am a student of history in the spare hours that I have, one or two a week. And as a student of history I was as fascinated as I am sure all of you were, by the remarks of John Quincy Adams and also of Dr. Oliver.

The difficulty is that after hearing their remarks there is so very little that I can add because, as I was running mentally through my own mind what I planned to say, they ticked off virtually everything that John Quincy Adams had done during his life.

But not quite everything, because it would be impossible in the brief space of time that each of them had for the life of this very remarkable man to be described.

Let me begin at the end and then go to the beginning, and then perhaps put it in the perspective of the times in which we live.

When John Quincy Adams died, as Dr. Oliver pointed out, he had a stroke on the floor of the House of Representatives, and among those who were there and saw him on that day was Abraham Lincoln, serving in his first and only term as a Member of the House.

After he had the stroke, he was moved to the Speaker's room and two days later there he died. I do not recall exactly what his last words were, but I think I can paraphrase them. It was something like this: My life on earth is finished, but I am content.

And well he could be content, not simply because his life had been a long one, but because of perhaps all of the men who have served as President of the United States, it was the most complete life in terms of the areas of service: a United States Senator, Congressman, diplomat for 37 years, President of the United States, and the whole history of America from the time of its beginning until the time of his death.

He was born seven years before the Revolution, but at 14 years of age—and let all young Americans note this—before he finished Harvard he was Secretary to the American Delegation which negotiated the treaty ending the Revolutionary War, which began a long diplomatic career of very great success.

Here was a man who was in Moscow at the time that Napoleon's armies came through Russia and finally were turned back not so much by the Russian armies, but by the weather.

Here was a man who later was in Paris and saw Napoleon when he came back from Elba.

A man who negotiated many treaties—and, as Dr. Oliver pointed out, the one ending the war in 1812.

And this little historical note should be added, and one who served as Secretary of State in President Monroe's Administration, and in that capacity, at least according to an authority as respected as Carl Sandberg, probably had more to do with the concept and the execution of the Monroe Doctrine than President Monroe himself.

And then who, after serving as President of the United States, did not quit, but went back and served in the House, and even there rendered a service that probably would not have been rendered had he not been there.

There was a gag rule then in the House of Representatives. For eight years he fought it. The first time the vote overwhelmingly was against him. But he was a persistent man and after eight years the gag rule was abolished.

So he could well say at the end of that life, looking back over the history of his country and the history of his service: President, Congressman, Senator, Secretary of State, diplomat all over the world representing his country, "My life on earth is finished, but I am content."

There is a little vignette which tells us something about this man, which perhaps, as the John Quincy Adams of today has already alluded to: The fact that he was shy, the fact that he perhaps may not have had the ability to communicate with people generally that many in political life are supposed to have, but a man who had a very warm heart.

Among his antagonists in the House of Representatives was Alexander Stevens, a very brilliant man; sometimes bitter, but extraordinarily eloquent. Lincoln, in his two years, said that Alexander Stevens made the best one-hour speech he had ever heard made in his whole life up to that time.

Alexander Stevens, as we know, later went on to be Vice President of the Confederacy. But Adams, despite the fact that he and

Stevens were on different sides of the great issue of slavery, had the ability to communicate across that chasm of different and to retain a friendly relation.

He also had a capacity to express himself perhaps not so well in speeches—and maybe two speeches in four years is enough for any President, may I say—but an extraordinary capacity to express himself sometimes in bits of poetry.

One day after a bitter debate he wrote a poem and sent it across the aisle to Alexander Stevens. What Adams said to Stevens on that occasion I think is worth reading in this ceremony today.

"We meet as strangers in this hall, but when our task of duty is done, we blend the common good to all and melt the multitude into one.

"As strangers in this hall we met, but now with one united heart, what e'er of life awaits us yet, in cordial friendship let us part."

That Adams legacy is something we all could well remember today, and for that and many other reasons we are proud to have in this House, which belongs to all of the American people, our House as we often describe it—which means your and ours together—these two portraits.

There is one, incidentally, as you know, of John Quincy Adams hanging in the White House, painted at a time when he was 78 years of age. This portrait now is when he was 51 as Secretary of State. And, of course, it is the first one of the fifth First Lady.

So joining Mrs. Nixon, we express our appreciation to the Adams family, one of the really great American families, for their generosity, and the gratitude of the Nation goes to them for making it possible for millions now to walk through these rooms, to think of the past and, as they look at these portraits and see this man, they will think of a man who has seen more of American history and has participated more in it, in more capacities, than any President in history.

Mrs. Nixon. And now I invite you for refreshments in the State Dining Room and for a chance to visit with you, too.

Thank you for coming. Thanks to all the Adams family for parting with their treasures. Thank you.

ERIE COUNTY LEGISLATURE SUPPORTS REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. KEMP. Mr. Speaker, my good friend and colleague, John Terry and I held briefings on revenue sharing for all interested Erie County officials as well as other leaders in Mr. Terry's district. The Erie County meeting was held in Buffalo in February and I am pleased that the response has been very favorable.

We had a terrific turnout at our Buffalo meeting and I am looking forward to serving in this capacity in other areas because from the above experience, I know we have an exciting product.

At this point, I include two resolutions sent to me by county executive, John Tutuska, in support of revenue sharing:

Resolution Adopted by Erie County Legislature on January 19, 1971

Item 37—Messrs. Carlsen and Abbott presented the following preamble and resolution.

INTRO. NO. 3–1. RESOLUTION NO. 48

Whereas, The demands on County Governments for services have increased alarmingly over the past few years, and

Whereas, These demands have overburdened the prime source of funding local government, "the real estate tax", and

Whereas, the National Association of Counties (NACO) wages support of an effort to push through Congress a Federal revenue sharing program,

Now, therefore, be it

Resolved, That the Erie County Legislature does hereby respectfully memorialize the Congress of the United States to enact into law a principle of Federal revenue sharing, whereby County Governments would receive substantial share payments unrestricted as to use, and be it further

Resolved, That the clerk of this Legislature be and he hereby is directed to forward certified copies of this resolution to President Nixon, Senators Javits and Buckley, to Congressman Smith, Dulski, Kemp, Conable and Hastings, to the County Officers Association and to the Inter-County Association of County Legislative Bodies of Western New York urging each of them to exert their influence in having such a bill enacted into law.

Arthur J. Carlsen,
Legislator, 18th District.
Seth A. Abbott,
Legislator, 19th District.

Mr. Vackel asked for a suspension of the necessary rule for the immediate adoption of the resolution.

Request granted.

Mr. Abbott moved that the resolution be adopted.

Messrs. Vackel, Wolf, Tuppen and Pieto seconded the motion.

Carried.

Resolution of the Legislature of Erie County

Whereas, there is presently a bill in the Ways and Means Committee of the United States Congress titled, "General Revenue Sharing Act of 1971", and

Whereas, the County of Erie and a great number of other counties and municipalities throughout the State of New York and the United States are suffering an ever more painful financial squeeze in receiving revenue necessary to supply essential services to their citizens, and the means of taxation available to it and them are now being pressed to their practicable limits, and

Whereas, it is the sense of this Legislature that the practical and logical solution to the problem is revenue sharing by the United States Government, and

Whereas, the President of the United States, the Governor of the State of New York and many federal, state and local officials who have studied the problem are urging the principle of federal revenue sharing as a proper and statesmanlike solution for the aid of counties and municipalities in performing their obligations.

Now, therefore, be it

Resolved, that the Erie County Legislature does hereby strongly urge and memorialize the Senate and the House of Representatives of the United States Congress, the Chairman of the Ways and Means Committee of the United States, the United States Senators from the State of New York and all Congressmen representing districts in the Western New York area to expeditiously take all steps necessary to study, consider and enact into law, "The General Revenue Sharing Act of 1971", and be it further

Resolved, That the allocation to be made to the State of New York be one billion dollars as urged by Gov. Rockefeller, and be it further

Resolved, that certified copies of this resolution be forwarded to Senators Jacob K. Javits and James L. Buckley, Congressman Wilbur Mills, Chairman of the Ways and Means Committee of the United States House of Representatives, and all congressmen representing districts in the Western New York area.

Richard C. Tipple,
Legislator, 15th District.
Arthur J. Carlsen,
Legislator, 18th District.

U.S. SUPREME COURT DECISIONS—RECENT TRENDS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HÉBERT. Mr. Speaker, Associate Justice Walter B. Hamlin delivered an address to the Attorney General's Conference for District Attorneys on March 5.

His subject is one of interest to all of us—trends of the U.S. Supreme Court. I have often been critical of the Supreme Court in past years for the trend it had adopted. Hopefully, we will see a new trend in the years ahead.

I have known Justice Hamlin for many years. He is a distinguished judge and is respected for his knowledge of the law and his fairness on the bench.

I want everyone to have the benefit of his words, and I insert them at this point in the Record:

U.S. Supreme Court Decisions—Recent Trends

I am again honored at having been invited to addres you today. In March, 1965, six years ago, I delivered an address before this conference entitled, "A Discussion of Recent United States Supreme Court Decisions With Regard to Local Law Enforcement."

I discussed, among others, Mapp v. Ohio (1961), which overruled Wolf v. Colorado (1949), Beck v. State of Ohio (1964), Aguilar v. Texas (1964), on search and seizure, Massiah v. United States (March, 1964), and Escobedo v. Illinois (June, 1964), and observed that, in spite of divergent views on the part of members of the court, no really fixed formula was set forth in the majority opinions.

The Miranda and Johnson cases were decided later and will be mentioned later.

In March, 1965, I stated:

"It is a matter of common knowledge that the number of serious crimes committed annually in the United States has increased by a shocking 50 percent over the last decade. The public generally is alarmed, because we are increasingly frustrating or throttling our law enforcement officers with judge-made rulings that stagger the common-sense of the average citizen. He simply cannot understand them. However, he does feel that there is today the danger of our having a nation of criminals within our great nation, simply because the criminal has increased in numbers. An article in the January, 1965, issue of the American Legion Magazine states that according to FBI head J. Edgar Hoover, the growing crime rate is out-stripping the population growth by a ratio of more than 5 to 1.

"The average citizen is afraid of a taking over by this criminal element. And because of his feeling it could be that many years hence, after most of us have passed on and there is an entirely different membership with its different philosophy on our highest court, the pendulum will swing again and a real 'police state' might come into being under the guise of striking at the criminal with an iron heel. The stream of history has recorded that should this occur, no one will be safe.

"If the pendulum swings and a future Supremt Court should create a 'police state', it will be nationwide; whereas, the possibility of fifty 'police states' being in existence at one time is remote indeed. With the radio, television, news media and modern methods of communication, I believe that the people of our fifty states are too enlightened today to stand for the existence of a 'police state' in any one of them. The people possess an intrinsic human dignity, an inner majesty, which gives them an appetite, a passion, for freedom. They will not willingly relinquish that which they have earned by the sweat of their brain or brow to either the criminal or the tyrant.

"Under our system of government, men here, on this land, built from wilderness a nation with the most freedom for the greatest number of people enjoying the highest standard of living the world has ever known. The fact of this magnificent achievement is inescapable; it surrounds us; it is part of our blood and bone. Yet the ever-increasing criminal element, with a blindness or perversion stunning to the national mind, would destroy the system which produced this magnificent achievement.

"Therefore, in these times of mounting danger from the criminal element, *local law enforcement* should not be handcuffed at the expense of the public safety and welfare. So, as Justices Clark and Black said in the Beck Case, I simply suggest that the United States Supreme Court try to allow the state courts to determine and resolve the issues involved in local law enforcement.

"Let me observe that our state judges are sincere men, honorable men, and they know what is best to be done for the safety and welfare of their communities. They want their people to live with freedom from fear—either of the criminal or the tyrant. They know that the course of Right will not die; it suffers eclipses, but is born again; it may be ignored or trampled under foot, but it does not, therefore, cease to exist, and all good souls recognize it as the only rule of life. It is a useless endeavor to place Might upon the pedestal which others have raised to Right."

On May 5, 1969, the United States Supreme Court, *by per curiam opinion,* decided the case of Halliday v. United States, 89 S. Ct. 1498, 394 U.S. 831, 23 L. Ed. 2d 16 (1969). This matter involved the acceptance of a guilty plea in a case where a United States District Judge who accepted it failed to comply with Rule 11 of the Federal Rules of Criminal Procedure. The *per curiam* of the United States Supreme Court stated in part:

"In McCarthy we noted that the practice we were requiring had been previously followed by only one Circuit; that over 80% of all verdicts in the federal courts *are obtained after guilty pleas;* and that prior to Rule 11's recent amendment, not all district judges personally questioned defendants before accepting their guilty pleas. Thus, in view of the general application of Rule 11 in a manner inconsistent with our holding in McCarthy, and in view of the large number of constitutionally valid convictions that may have been obtained without full compliance with Rule 11, *we decline to apply McCarthy retroactively. We hold that only those defendants whose guilty pleas were accepted after April 2, 1969, are entitled to plead anew if their plea was accepted without full compliance to Rule 11.*

"Accordingly, the judgment of the Court of Appeals for the First Circuit is affirmed."

It is my view that the foregoing *per curiam* was rendered to put an end to a massive and indiscriminate jail and penitentiary release and delivery from custody of convicted criminals, which had been caused by the rendition of Gideon v. Wainwright and similar decisions.

I am firmly of the opinion that the United States Supreme Court, in rendering this *per curiam,* realized the effect of the violence of these decisions to the enforcement of criminal justice in this Nation *and established* a deadline date.

I believe that my opinion is corroborated by the action of the United States Supreme Court in Johnson v. State of New Jersey, 384 U.S. 719, 16 L. Ed. 2d 882, 86 S. Ct. 1772, *June 22, 1966,* as follows:

"We hold that Escobedo affects only those cases in which the trial began after *June 22, 1964,* the date of that decision. We hold further that Miranda applies only to cases in which the trial began after the date of our decision one week ago. * * *"

The Court established a deadline in Johnson; *it evidently realized the devastating effect of its failure to set a deadline in Miranda.*

Dutton v. Evans, 91 S. Ct. 210, was decided on December 15, 1970. In that case, the Supreme Court of the United States reversed the judgment of the Court of Appeal and remanded the case to that court for consideration of other issues presented. But what is most significant is the following quote from that decision:

"Almost 40 years ago, in Snyder v. Massachusetts, 291 U.S. 97, 54 S. Ct. 330, 78 L. Ed. 674, Mr. Justice Cardozo wrote an opinion for this Court refusing to set aside a state criminal conviction because of the claimed denial of the right of confrontation. The closing words of that opinion are worth repeating here:

"'There is danger that the criminal law will be brought into contempt—that discredit will even touch the great immunities assured by the Fourteenth Amendment—if *gossamer possibilities of prejudice to a defendant are to nullify a sentence pronounced by a court of competent jurisdiction in obedience to local law, and set the guilty free.'* 291 U.S. 122, 54 S. Ct. 338."

In order to be sure about what Justice Cardozo meant by the use of the word "gossamer" I looked it up in the dictionary and found that it has two meanings, as follows:

1. A film of cobwebs floating in the air in calm clear weather.
2. Any gauzelike fabric.

At this point I am going to pause to render a great cheer, because at last the Supreme Court of the United States, as now constituted, has realized that what I said before this conference six years ago is correct.

The Dutton Decision is going to have a salutary effect upon the people of this Nation, the enforcement officers and prosecutors, as it filters down.

I say this because for several years past, common sense has been put behind exaggerated judicial concern over the rights of an accused. This situation has been staggering to the national mind. People have never been able to understand why a convicted murderer or rapist—or anyone else—unchallengeably guilty, should be freed because of some inconsequential error which did not diminish by any common standard the fairness of his trial.

The true test, in my opinion, is and should be: Not the legal technicalities involved, *but whether the rules have denied the defendant a fair trial.*

I do not desire to contribute to the devastating effect of technical decisions on the enforcement of criminal justice in this Nation. As a Justice of the Supreme Court of Louisiana, I am reluctant to adopt a technical ruling in favor of a guilty defendant, unless there is a ruling that fits like a glove the case under consideration. In that event, I am compelled to do so.

Another decision of importance is the recent case of McGarry v. Fogliana, 370 F. 2d 42, decided by the United States Court of Appeals, Ninth Circuit, on December 14, 1966, rehearing denied January 18, 1967, in which it was held in habeas corpus proceeding:

"Appellant also asserts that his retained counsel failed to perfect an appeal from his conviction. Standing alone, this is not a ground for federal habeas corpus. He makes no showing whatever that any prejudicial errors occurred that would have called for a reversal of his conviction. * * *"

I am quoting that decision because many applications for habeas corpus received by us today contain an allegation that defendant had ineffective counsel; that he wanted to appeal, but that his counsel did not or would not allow him to do so. Today, any lawyer who is compelled to accept appointment to defend these criminals is placing his reputation at their mercy. They do not hesitate to attack his ability, leaving it open for some demagogue to use what one of these people has had to say about him if he ever runs for public office.

It is my hope that the lower federal courts will take notice of the trend that the United States Supreme Court is establishing, as the United States Court of Appeals, Ninth Circuit, apparently did in McGarry v. Fogliana.

I am sure that the Supreme Court of the United States is going to continue this trend.

I hope that the lower federal courts will take heed. They have been unduly exercising the so-called "post-conviction remedies," which, as an old practitioner since 1919, stuns me. It is amazing that this expression crept into the jurisprudence. When I was admitted to the Bar in 1919, the only post-conviction remedy which was exercised was by application to the Board of Pardons for clemency. When a man was convicted he stood convicted unless the conscience of the State—the Board of Pardons—did something for him.

I have a simple remedy. All the Supreme Court of the United States has to do is to overrule Mapp v. Ohio and go back to Wolf v. Colorado and the previous jurisprudence. This will do away with Motions to Suppress and the daily complaint "They arrested me too fast."

We all know that trials for murder are rare in the federal courts. Murder, manslaughter, robbery, burglary, rape, theft, and many other types of cases are tried in the state courts that are not tried in the federal courts.

The effect of Mapp v. Ohio has been to prevent the police from pursuing a murderer for the purpose of seizing the lethal weapon; from pursuing a burglar or robber for obtaining the money, jewels or articles stolen, when they have entered a building after the commission of a crime. I could go on and enumerate other instances, but I know it would not be feasible at this time.

It is my view that it was very unwise and ill-advised for the United States Supreme Court to have overruled Wolf v. Colorado, which it did ex proprio motu. The overruling of Wolf was not necessary to the decision.

Mapp put the police in handcuffs.

This address may well close with a reading of a portion of an article appearing in the Times-Picayune of Wednesday, February 24, 1971, quoting Justice Hugo L. Black:

Justice Hugo L. Black, in explaining the Supreme Court's reversal of their actions, said federal district courts should not stand in the way of developing state prosecutions except when the prospective defendant proves he would suffer "irreparable injury" or that the state officials were guilty of "bad faith and harassment." What constitutes irreparable injury was not defined.

Black said there must be "a proper respect for state functions, a recognition of the fact that the entire country is made up of a union of separate state governments, and a continuance of the belief that the national government will fare best if the states and their institutions are left free to perform their separate functions in their separate ways."

VIETNAM—A CRISIS AHEAD

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. DOW. Mr. Speaker, early this month I devoted the weekly news column that I send to constituents to a summary of my thinking on the Vietnam problem. I place this in the RECORD, as follows:

VIETNAM—A CRISIS AHEAD

Despite all our discussions about revenue sharing, welfare costs, and other problems, the chief problem facing this nation today is still our involvement in Southeast Asia.

As one of the first few Congressmen to oppose our actions in Vietnam six years ago, I can fairly state that our performance there has been a terrible detriment.

The reports of our forces in Vietnam are constantly reflecting the shabbiest of qualities, rather than the nobility which should have been learned from our American history.

Consider the free fire zones where artillery men fire at will into the countryside. No other civilized country has openly sanctioned such tactics in modern warfare.

Consider the reports of citations for valor trumped up out of whole cloth which say that 50 per cent of the generals receive awards while only 10 per cent of the boys out in the front lines have been so honored.

Consider the corruption in the PX stores charged to the sergeants and other military officials who are responsible. Consider the use of marijuana and other drugs which is widespread among American forces in Vietnam. Consider the black market occasioned by our financial presence.

The Vietnam involvement has shattered the American ideals that I and others were brought up to admire.

Instead of bravery, we find military leaders who are covering up for atrocities that have been committed. Instead of courage, we find hardly any present leadership that is great enough to admit that we have made a mistake.

Instead of gallantry, we find our bombers all over Vietnam killing tens of thousands of civilian men, women, and children and leaving some six million homeless. Our poisons have for years been destroying the crops of the Vietnamese peasants. What has happened to the humanity of the American people?

On top of all this, our country has been torn internally by disagreement over this war. The inflation resulting from this senseless involvement in Vietnam and the rest of Southeast Asia has placed a painful financial burden on every American family because of increasing prices and higher taxes.

The net effect has been great damage to our own nation but none to the great Communist powers like China and the Soviet Union which we are supposedly blocking. They are escaping unscathed while we suffer at home and abroad.

There is no clear end in sight. While "withdrawal" is the present Administration policy, we have at the same time recently invaded Cambodia and Laos.

The recent foray that we have engineered of sending Saigon soldiers to cut the Ho Chi Minh Trail in Laos is building up to a crisis that may soon be a major turning point.

The unwisdom of sending a small contingent of 16,000 Saigon troops into the position most vital to the North Vietnamese, is another example of the mistakes that our civil and military leaders have been making regularly for years. Anyone can see that if our marines could not hold the base at Khesanh, it is reckless to send a small number of Saigon troops into an enemy nest miles beyond Khesanh.

All of this promises to be a setback to the Laos expedition and the United States backup efforts. It may shortly present the Administration and the nation with the hard decision whether to expand the war even further or to accept the setback. I predict much trouble in this situation shortly.

It is utterly clear that the solution in Vietnam will finally be one that is provided by the Vietnamese people themselves. The United States is incapable of providing a solution.

The one ray of brightness about the war that has any similarity to historic American ideals is the sacrifice of those 45,000 boys who gave their lives in the faith that they were defending their country.

To those boys who are following them the leadership of this nation owes more than a continuation of the same dreadful folly. As a small part of that leadership, I once again call for an end to the Vietnam War so that we can sweep away the recent tarnish on our heritage and restore unity and nobility to the American nation.

HORTON PRAISES UNIQUE EDUCATIONAL PROGRAM AT THE FOREMAN CENTER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HORTON. Mr. Speaker, the Lester B. Foreman Area Educational Center is located in my congressional district in the town of Perinton. The center is a public school, serving 10 school districts. It is unique, however, in that it serves handicapped and retarded children.

The center has initiated a training program which I think deserves special mention. Since September, children ranging in age from 11 to 17, who are mentally retarded but considered educable and trainable, are being trained for jobs in the outside world.

Perceptual and motor skills are emphasized. The youths learn to stay with a job until it is finished.

The aim of the program, according to Mrs. Winifred Wagner, supervisor of the learning center, is to keep the youths out of institutions as much as possible so that they may contribute to their own living.

Special mention should be made of Mrs. Wagner. Her dedication, patience, and understanding are important ingredients in the success of this program.

Also, several businesses in the Rochester area have contributed supplies and equipment to the school to help make the program more exciting for the children: The Xerox Corp. donated trays, dish racks, and glasses; Rochester Button Co., buttons, and the Penfield Tavern offered pots and pans.

A feature story in the Rochester Times-Union gives a vivid explanation of the Foreman Center program. I share the article, written by Mr. George Anderson, with my colleagues in the House:

TRAINING THE "EDUCABLE" IS AIM AT FOREMAN CENTER

(By George Anderson)

At the Lester B. Foreman Area Educational Center in Perinton, a group of children come to school to learn how to wash dishes, set a table, mop a floor or sort buttons.

The children are involved in a new training program for the mentally retarded which began at the center, 41 O'Connor Road, last September. Ranging in age from 11 to 17, they were chosen because they're "educable and trainable."

Students are being trained for jobs in the outside world. "They're learning how to work," said Mrs. Winifred Wagner, supervisor of the learning center. "They're being trained for jobs in sheltered situations or sheltered workshops—a protected type of environment so they have some supervision," she said.

The center is a public school serving 10 school districts on the east side of the Genesee River. Another center, in Spencerport, serves districts on the west side of the river. Both have programs for handicapped and retarded children and occupational education courses such as data processing, beauty culture, carpentry and auto repair and body shops. Both centers are operated by a BOCES (Board of Cooperative Educational Service).

The children in the program are excited about learning new skills and are anxious to be successful, teachers said.

Mrs. Wagner explained that when the children leave the center—at age 21 or earlier if they're ready—"we hope they can earn some money toward their keep. Our idea now is to keep children out of institutions as much as possible so that they may contribute to their own living." All the children except two live with their parents.

With skills learned at the center, children can help out at home—"This is much better than the old idea of them (retarded children) sitting in a rocking chair all day," Mrs. Wagner said.

There are about 70 children in the program. They attend academic classes where the "3R's" are taught and special classes including music, gym, cooking and art.

For an hour or so each day, groups of 10 are taken to the learning center where they "practice" what they did the day before.

There are five teachers involved in the program: Mrs. Jane Kohl, Mrs. Barbara Mitacek, Mrs. Marion Copeland and Mrs. Jill Kelly. All of them are required to have a certificate for special education plus an elementary (school) teaching certificate.

In the time spent in the learning center, the children's small muscle skills, motor skills and eye and hand skills are sharpened. Mr. Mitacek explained that at the buttons table, "children build endurance and learn discrimination in the colors and sizes and shapes of the buttons.

"They learn that they have to stick to the job to get it done. It teaches them accuracy and counting where they have to put a certain number of buttons into a bag," Mrs. Mitacek said.

"These jobs can relate to other jobs. They go on to them with the skills they've built here . . . in industry on an assembly line. It's important they get the feeling they're tending to a task," Mrs. Mitacek said.

At another table, girls were collating papers. The girls have been doing this for four weeks and their teacher said this is the first week they didn't need supervision.

Perceptual skills are also developed. "A student must use his eyes to see what needs to be done and make his hands move to do it," Mrs. Wagner said.

After lighter skills are developed, "we'll go on to more complicated things such as machine parts."

In other parts of the room, children are washing dishes, mopping and sweeping the floor, learning how to correctly place glasses into a glass rack, setting a table for four. A young boy is learning the sequence of how to add a washer and a nut to a bolt sticking through a slab of masonite.

Teachers hope that all the students will be ready for a job on the outside by the time they're 21. They all agree that the children are very slow learners, "but once they learn it, they know and won't forget it," Mrs. Wagner added.

So far, the only "graduate" has been a 21-year-old youth who attended the center in Spencerport. He's been employed at a Xerox cafeteria since last summer.

"Some of the children are on real jobs within the school," Mrs. Wagner said "That's the first step. They deliver films, they work in the Xerox room, they pass out supplies, do janitorial tasks and deliver messages."

Much of the training equipment in the room has been donated to the center. Xerox donated the trays, dish racks, glasses and cups; Rochester Button Co. donated the buttons and a plastic company gave plastic bags. The Penfield Tavern offered pots and pans.

A note on the door of the room makes an appeal to parents and teachers for empty coffee cans, margarine dishes and other assorted things found around the house. A shop teacher picked up a work bench at an auction and had his auto repair class paint it bright yellow. Students now use it to store their supplies.

Mrs. Mary Hess, a working coordinator at the center, will be responsible for looking after the "graduates." She also is program placement director.

ABUSES IN NURSING HOMES

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, over a year ago, I rose on the floor of the House of Representatives to describe conditions I personally observed while working as a volunteer in nursing homes in the Washington, D.C., area. While much of what I said that day was concerned with almost unbelievable conditions, I did think that making public their existence would spark a national outrage giving rise to legislative action.

It is now 14 months since I visited and worked in those homes and there has been little or nothing done to remedy this tragic situation.

I rise today to insert in the CONGRESSIONAL RECORD the first in a series of articles written by staff members of the Chicago Tribune. These are remarkable articles, not only because of the way in which they are written, but more importantly because of what they have to say about our Nation.

These articles are the result of Tribune writers entering nursing homes in Chicago as janitors, nurses aides, and even patients, and they describe conditions which literally boggle the imagination.

What is most remarkable about the articles, however, is the fact that they speak of human misery which has been detailed time after time after time in this Nation and is still no closer to alleviation than at the time of the first report. Now the scene is Chicago, but that is transient, for tomorrow it will be Los Angeles and the next day it will be New York, and the day after it will be Philadelphia. And on and on it will go until someone is made to realize we are giving in some instances better treatment to animals than to our own parents and making a profit on it.

Mr. Speaker, I have lived with the reports of incredible misery for over a year now. I have received over 10,000 letters from older Americans and have read avidly the reports of others who have come face to face with the national scandal in nursing homes. Today, as I stand in the well of Congress and insert the first of a series of articles written by a newspaper which is trying to do something in a major American city, I am forced to ask—what about the towns and cities whose newspapers are not leading the fight? To whom can they turn?

[From the Chicago Tribune, Feb. 28, 1971]

ABUSE IN NURSING HOMES—SOME ELDERLY PREFER DEATH, REPORTERS FIND

(NOTE.—The first assignment of the newly formed Tribune Task Force was a comprehensive investigation of patient care in Chicago area nursing homes. This is the first report on the six-week probe by Reporters William Jones, Philip Caputo, William Currie and Pamela Zekman.)

They are hidden in warehouses for the dying.

Millions of tax dollars are misspent every year to keep them in squalor so depressing that they enjoy talking about their own deaths.

They are Chicago's elderly poor and they are being dumped by the thousands into Chicago nursing homes so poorly administered that a bum off the street can become a nurse's aide in less than 24 hours and adminster narcotics and other medications to the ill.

ONLY ONE WAY TO TELL STORY

They have been abandoned. And with every day that passes thousands of our senior citizens are spending their last days wondering why it all must end in the indignity of filthy, rat-infested rooms, physical abuse, wretched food and a series of caretakers who can't see beyond the next welfare or Social Security check.

There is only one way to tell their story and that is to live with them, bathe them, feed them, watch and listen to their "keepers" and then report their story of rage, confusion and frustration as they live out their days in a warehouse for the dying. We worked and lived in these warehouses and this is what is happening:

1. Two old women, their bodies crippled with age and trembling in the cold of a winter night without heat, screech and claw at each other as they struggle for a single, ragged blanket. A nurse's aide appears in the doorway, watches the struggle for a moment and then shouts: "Shut your goddam mouths, both of you, or I'll take your blankets away and you can both freeze."

KICKS AND ABUSE

2. An elderly man, his right foot and leg wasted from a skin disease, accidentally brushes the foot against the white uniform of a woman aide. In an instant the woman kicks him in the leg and punches him in the chest, repeatedly cursing the man and describing him as an "old bastard."

3. The 37 patients living on the filthy second floor of a large North Side nursing home wait silently to be served their evening meal. On this night, however, there is not enough food and the nurse's aide in charge scrapes uneaten portions of steamed cabbage and noodles onto other trays and serves it a second and third time until all are fed.

4. A nurse complains that many elderly patients are kept in the home even tho they are seriously ill and belong in a hospital. They are kept there because their presence guarantees a continued flow of welfare payments. "They're on their death beds before they send them to the hopsital," she notes.

"They leave them lying here when they have fevers up to 103 or 105, aren't eating and have diarrhea."

NO ROOM FOR DIGNITY

5. Two aides herd a man and woman into the same bathroom in an effort to complete the bathing of patients as quickly as possible. Both patients are confused and obviously embarrassed, but they obey the order to undress in front of each other. Then, in a final desperate effort to salvage a shred of dignity, the woman insists: "He's not my boyfriend." Once bathed, they again stand staring at each other while the aides dry them with dirty pillow cases. There are no towels.

6. A 91-year-old man stands tottering in a bathtub of a South Side nursing home as two aides attempt to give him a bath. He pleads with them to "slow down, I can't bend my legs this fast." One of the aides responds with a sharp slap across the face and the man cries out.

SEARCH CAN BE DECEPTIVE

This is not an effort to condemn the entire nursing home industry. Indeed, in some of the homes where we worked the atmosphere and patient care matched that of a hospital.

But to the outside observers—especially the families of the elderly, mentally ill and other helpless persons—the search for a good home can be tragically deceptive.

Just as they have learned to outwit and avoid any major crackdown from city and county health officials, so have these warehouse operators learned to dupe the public.

Many homes have freshly waxed and sparkling front hallways while the living quarters of the patients are little better than dimly lit, filthy dungeons. As one operator told his maintenance man:

"Take special care of these front two rooms—my office and this hall. You know what I mean, anything that people will see when they first come in. We must keep it very clean."

Another operator insisted that his janitor ignore the filth in rooms occupied by patients and concentrate on the lobby area because "the lobby and [front] hall are the first thing the Health Department will see if they show up."

These are the places where many of our elderly have been sentenced to die and they know it.

"We are the living dead," one old man observed. "Look around at these people. We're all worn out and we just keep on living. We'd be better off dead."

THEY ARE OBSTACLES

They sit in rooms where the paint is peeling from the walls and the windows covered with grime and they stare. If they are helpless, senile or bedridden they also may have to endure the taunts and abuse of aides who consider them as obstacles to their coffee breaks and to the end of another eight-hour shift.

Our very presence on the staffs of nearly 20 nursing homes in the past six weeks underscored the lack of controls and the gross neglect in an industry responsible for the health and safety of thousands of helpless citizens.

Posing as drifters, college students and nurse's aides with out-of-state experience, we were able to find employment vitrually at will in many of the hundreds of nursing homes in Chicago and its suburbs. The investigation was conducted in cooperation with the Better Government Association, which also sent its investigators into the homes.

BECOMES ADMINISTRATOR

Our phony references were never checked and in one case a reporter was hired as a nursing home administrator less than 72 hours after he applied for work as a handyman.

The owner admitted he was under pressure from the Chicago Board of Health to hire an administrator and apparently was willing to fill the post with the first candidate who walked in the door and was willing to work for $80 a week.

In another home, an applicant seeking work as a janitor became a nurse over the objections of the director of nursing. The administrator ignored the protest, claiming the applicant was a "personable young man" who could easily master the techniques of administering drugs to the elderly.

HIRE FROM SKID ROW

In a more bizarre case of employe recruiting, a northwest suburban nursing home pays a finder's fee for skid row alcoholics to work as orderlies, nurse's aides and cooks between binges. The clearing house for this cheap labor is a West Madison Street flophouse from where derelicts are sent to the suburb by train. Once they arrive at the nursing home, they must stay for 30 days and are not paid until they depart.

Perhaps the most frightening practice uncovered during the investigation was the handling of narcotics and medication and the possible tragic consequences for patients.

One reporter wandered into a north suburban nursing home and claimed she had experience as a nurse's aide. No effort was made to check her credentials before she was hired.

In less than 24 hours she was left in charge of the home and its 32 patients. She also was told to administer a variety of medications to the patients. She narrowly avoided giving what could have been a fatal dosage to an elderly man. Tragedy was averted only by chance when another aide returned to pick up a forgotten purse.

"OH, BY THE WAY"

"Oh, by the way," the aide told the reporter as she hurried out the door. "If his pulse is over 60 don't give him his pill. He might have a heart attack. Sometimes you screw up giving these pills, but it happens."

In another home the aides have discovered a simple way to deal with patients who balk at taking their medication. They throw it in the sink.

The patients in a large North Side home are frequently subjected to a bizarre form of Russian roulette with medication because of the rapid turnover in employes. At one time, they were at the mercy of a janitor, hired as a nurse, and an aide who had just replaced a fired employe.

"JUST BORROW SOME . . ."

"I'm really not too sure who gets what medication, but I'll do my best," the aide told the janitor as they prepared to distribute the medication. "Oh, this lady is out of her medicine, but I'll just borrow some from this lady."

The investigation also disclosed that several volumes of new state codes regulating the operation of all nursing and shelter care homes largely have been ignored since they went into effect last June. Public and private employes familiar with the new codes ridicule the publications because they have never been enforced.

Nurses employed by the County Health Department have refused since 1967 to inspect the nearly 100 nursing homes in suburban Cook County.

LICENSES STILL ISSUED

Sources close to the agency said the refusal came after years of watching substandard homes repeatedly obtain new licenses from the state Department of Health despite critical reports submitted by county nurses.

This bitterness extends to employes of many of the worst nursing homes where they are repeatedly frustrated in efforts to provide proper care. They describe the food as slop and one floor supervisor declared, "I wouldn't put my dog in this place."

For most residents of the warehouses for the dying, the misery will continue until they die. A group of them listened attentively one bleak February day to a minister who visited a filthy North Side nursing home. His message was one they were waiting to hear:

"Are you ready to change your cross for a crown? For when you die and go to heaven you will have a crown. In heaven there are no nursing homes . . . no suffering, no pain . . ."

TRIBUNE TASK FORCE REPORTS FROM INSIDE

The Chicago Tribune begins today an extraordinary report on the misery and plight of hundreds of persons living in a shadow world of our society. They are the unfortunate confined to poorly staffed and equipped nursing homes in the metropolitan area.

Today's account and eyewitness stories which will appear in the next several days have been compiled by a task force of reporters. It is the first assignment for this special unit of Tribune reporters and introduces a new concept in comprehensive news gathering.

DIRECTOR WINS PRIZES

The task force, directed by William Jones, a reporter who has won numerous awards for investigative reporting, has worked for six weeks in a thoro investigation of the shocking conditions in nursing homes.

Other members of the task force are William Currie, 29, Philip Caputo, 29, and Pamela Zekman, 26. All are outstanding reporters on the Tribune city staff.

The concept of using a team of reporters enables The Tribune to present to its readers, quickly and comprehensively, stories which will analyze the major concerns of society today.

The task force will have varied assignments which will take it into the complexities of government, the maze of social programs and the dilemmas of urban affairs.

WORK WITH B. G. A.

To compile the material for the nursing home series, the reporters worked as janitors, medical aides, kitchen help and even supervisors. Investigators of the Better Government Association worked with The Tribune to make possible a compilation of reports from 21 nursing homes. Without such a team it would have been impossible to make such an in-depth report on the barren lives of the elderly and mentally handicapped, virtually left to die in bleak rooms.

This assignment involved personal risk and long hours of hard and tedious work. Task force reporters found themselves emptying bed pans, changing sheets, scrubbing floors and painting rooms. They faced ominous warnings from fellow workers who suspected them of being state investigators.

PROTECTING EMPLOYEES' PENSION BENEFITS

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. CARNEY. Mr. Speaker, I introduced a bill in the House of Representatives today which will go a long way toward safeguarding the pension benefits earned and paid for by employees during their working years.

At the present time, there is an abundance of legislation on the books to regulate banks and protect the savings of depositors. Yet, there is no such legislation protecting the savings of 27 million employees and their families under private pension plans.

The working people of this Nation have over $125 billion in private pension plans, but the Federal Government has done very little to insure that these people will receive the money to which they are entitled.

If an employee's company goes out of business or merges with another company, or if an employee is laid off or quits his job 1 day before he reaches a certain age or accumulates some magic number of years' service, he may lose his entire pension benefits. There is no valid reason why workers who have earned pensions by a lifetime of labor should lose their benefits.

Since private efforts to secure employees' pension rights have failed, the Federal Government has a responsibility to secure these rights. The bill I am sponsoring contains the following provisions:

First, it requires that all private pension plans be registered with the Secretary of Labor.

Second, it requires that all private pension plans be properly funded.

Third, it holds the administrators of private pension plans strictly accountable for the management of pension plan funds.

Fourth, it requires the complete financial disclosure and reporting of private pension plans and their assets.

Fifth, it authorizes fines and prison sentences for violating the disclosure or trust provisions of this act.

Sixth, it provides a Federal reinsurance program guaranteeing the payment of all nonforfeitable pension rights of employees.

Seventh, it establishes a portability system to facilitate the transfer of credits between registered pension plans.

Federal legislation protecting the pension rights of employees is long overdue. It is my fervent hope that Congress will enact a bill encompassing these seven provisions this year.

GENERAL LEMAY, GENERAL POWER, GENERAL EAKER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. SCHMITZ. Mr. Speaker, as the appropriate congressional committees begin hearings on the new defense budget it might be well to heed the words of some outstanding former military leaders.

The first article which I would like to bring to the attention of my colleagues is an interview with Gen. Curtis Lemay, former head of the Strategic Air Command, which appeared in the Santa Ana Register of February 24, 1971. General LeMay feels that within approximately 18 months the Soviets will have increased their lead in essential fields of strategic weaponry to the point that they will have the superiority necessary to destroy the last vestiges of United States extended deterrence. In the near future our nuclear umbrella will no longer stretch far from the shores of the continental United States.

The second article appeared in the Phyllis Schlafly report of February 1971 and contains some statements from another former head of the Strategic Air Command, the recently deceased Gen. Thomas S. Power. It is extremely important to take note of General Power's comment:

> Nuclear parity with the Soviet Union is a trap because, by giving them the prerogative of striking first, we automatically more than double their relative nuclear strategic strength.

Mrs. Schlafly goes into some detail on General Power's great disappointment with President Nixon for retreating from campaign pledges to regain nuclear superiority over the Soviet Union to what is known as "sufficiency"—parity fading into inferiority.

The third article is by Lt. Gen. Ira C. Eaker, USAF, retired, and appeared in the January–February issue of Ordnance magazine. General Eaker makes a very astute point:

> Does anyone who has observed the truculence of the Kremlin during the years since World War II, when their strategic forces were inferior, doubt that they will be more difficult to deal with now that they are the world's foremost military power?

Unfortunately there is an entire school of thought, identified with the past Secretary of Defense Robert McNamara, which believed just that. These parity theorists came to the conclusion that as Soviet Union which was relatively equal to the United States in strategic military power would pursue its expansionist aims with less vigor. They felt that a lasting peace could be best secured from a position of relative military strength which made it impossible to defeat the potential aggressor.

The three articles follow:

LeMay Predicts Russian "Yield-or-Else" Ultimatum

(By Len Davis)

Retired Air Force Gen. Curtis E. LeMay Tuesday predicted that within 18 months Russia will serve a "capitulation-or-else" ultimatum on the United States, and that President Nixon will have no choice but to surrender and succumb to Soviet demands.

He would not speculate on what the "demands" would be, other than complete withdrawal of American forces in Vietnam.

Asked to define the words "or else," LeMay replied:

"Nuclear weapons."

Interviewed at the South Coast Gun Club, Santa Ana, the 64-year-old former Air Force chief of staff said "while the United States is wasting money on TNT for use in the jungles and rice paddies of Southeast Asia, Russia is spending money on what today is the finest strategic weapons system in the world.

"We have become a second-rate power," he said, "and our whole military establishment is rapidly going downhill because our weaponry—both offensive and defensive—is outmoded and the general public lacks the proper spirit and respect for our nation's leaders."

The former head of the Strategic Air Command (SAC), who built from the remnants of World War II an all-jet bomber force manned and supported by professional airmen dedicated to the preservation of peace, had this to say about the nation's defense capabilities:

"We lack superiority which, to win," he said, "should be overwhelming—more than is actually needed.

"It isn't just the money that is being misspent or not budgeted," he added, "it's the whole basic philosophy of our people, which needs a greater demonstration of patriotism and a stronger manifestation of confidence in the leadership of our country—at all levels."

He attributed the "sorry state of our nation" to "the growing Communist menace" and said racial troubles and draft protests, for example, "are all Communist-inspired."

"Like it or not," he said, "we are at war with the Communists—and we'd better do something about it, fast, before it's too late."

"All they (the Communists) have to do is infiltrate our police and military organizations to the point where they are in control," said LeMay.

"The rest will be easy, and they'll take over our country," he added.

LeMay urged the American people to "stand up and shout down the radicals, learn their tactics so you can combat them, and support our men in uniform.

"Quit tearing things down. Quit believing everything that's told us. Investigate. Read the history and development of Communist methods and see how they apply to what's happening across our land today. Then act accordingly," said LeMay.

He said the American people "would be derelict in their duty to believe we have a strong national defense system.

"That's what we're told," he said, "but it's not so—really.

"And I know," added the four-star general under whose leadership at SAC for 10 years plans were laid for the development and integration of the nation's intercontinental ballistic missile (ICBM) capability.

Commenting on the need for a volunteer military service, LeMay said:

"It's a good idea, but the odds are against the plan.

"The American people just won't pay for it, as badly as it's needed."

LeMay recommended the armed forces "pay their members salaries commensurate with those paid civil service people.

"And give our soldiers, sailors, airmen and Marines added incentives for being away from home without their families," be said.

"A fellow should get something extra for being shot at," LeMay added.

"We need more men in our armed forces with better education, which means they should first finish their schooling before entering the service," he said.

"It's simply a case of constantly upgrading the caliber of both our officers and enlisted men and giving them the best possible equipment and climate in which to do the job required," LeMay explained.

Speaking on the controversial subject of military discipline, LeMay said:

"The ones who criticize rigid disciplinary measures the loudest are usually the ones who have never been in combat and are unaware of its tremendous importance when it comes to saving lives and winning battles. "Discipline is a team operation," LeMay continued, "and at some point in the military everyone's life is on the line."

LeMay posed this question:

"How can you expect to have effective discipline in the service today when civilians are constantly criticizing the military and belittling those in uniform?"

He said "the boys in Vietnam, for example, are at a great disadvantage, knowing that the people back home are not behind them as they risk their lives almost daily."

"Their will to win is diminished." he added.

LeMay would only speak about Vietnam, and what should be done there, off-the-record.

"I've said my piece time and time again," he explained, "but no one listened."

His only comment about Vietnam, on-the-record:

"The war should have been won five years ago."

LeMay, who moved to Newport Beach last September from Bel Air, a Los Angeles suburb, spent Tuesday at the gun club trying his hand with both shotgun and revolver.

Typically, no one beat him.

Story of the Unanswered Warning

(By Phyllis Scheafly)

Three Air Force F–104 jets streaked out of the sky above Arlington National Cemetery on December 10, dipping their wings in a final salute to one of America's most distinguished leaders, and in seconds were gone. Thus was General Thomas S. Power, U.S.A.F., given full military honors following his sudden death at his home in Palm Springs, California.

When the poet wrote, "God give us men! A time like this demands strong minds, great hearts, true faith, and ready hands," he must have been thinking about leaders such as General Power. A poor boy who could not afford to attend college but loved flying, he earned his way into the Air Force after months of solitary study in the New York Public Library. By the end of his career, he had piloted every type of military plane from the trainers of the 1920s to the B–58s.

When the mission was war, General Power personally led the most devastating air raids in history, the fire bombing of Tokyo. When the mission was peace, he personally built our great Strategic Air Command into the world's most effective weapon to deter attack. During the Cuban Missile Crisis of 1962, General Power was the one who had his finger on the trigger of 90% of the free world's striking power—and this is why we had peace instead of war.

In 1963 at the peak of his career, General Power retired early in order to testify before the Senate Foreign Relations Committee against the Moscow Nuclear Test Ban Treaty. He felt the urgent duty to warn Americans against this act of folly—even at the risk of ending his career by opposing the Kennedy Administration. General Power was that kind of patriot.

OVERWHELMING SUPERIORITY

General Power endorsed the book *Strike From Space* by Phyllis Schlafly and Rear Admiral Chester Ward, published in 1965. This book was the first to expose the disastrous policies of Secretary Robert McNamara of boasting of our four-to-one nuclear superiority while secretly and systematically dismantling it.

When General Power took Phyllis Schlafly and her husband Fred on a tour of our Strategic Air Command in January 1966, he accurately predicted that our then nuclear superiority would be gone by 1970 if the policies were not reversed.

General Power subsequently spent many weeks working with the Schlaflys on a proposed television program to alert the American people to the need for the United States to be "overwhelmingly superior to the Soviet Union in nuclear strength." General Power always insisted that the key factor in the survival of America as a nation is the word "overwhelming."

"If we want peace," he said, "it is not enought to be a little superior to the Soviets, or to have just enough nuclear weapons to destroy every Russian. Our posture must be one of *overwhelming* superiority. Why? Because the United States will never strike first, but the Soviets have a long history of always striking first—and without warning. The Soviets committed surprise, sneak attacks on Finland and Poland in 1939, on Latvia, Lithuania and Estonia in 1940, on Hungary in 1956, and on Czechoslovakia in 1968."

"Therefore," General Power concluded, "the test of U.S. survival is not how much nuclear power we now possess, but how much nuclear power will we have left after a surprise Soviet attack? Only *overwhelming* nuclear superiority will insure our safety from a nuclear ambush."

Unfortunately, General Power was not able to persuade a television network or sponsor to air a program with this message which is vital to the lives of every American.

NIXON SUPPORTER

General Power was an enthusiastic supporter of Richard Nixon for nomination and election in 1968. Based on personal conversations with Nixon, General Power believed that Nixon clearly understood and agreed with the principle of the absolute necessity of the United States having overwhelming nuclear superiority.

Many speeches and statements by Nixon during the 1968 campaign corroborated this belief, and there is no question but that Nixon's position on nuclear superiority kept hundreds of thousands of votes for Nixon which might otherwise have gone over to the Wallace-General LeMay ticket.

For example, on October 19, 1968, candidate Richard Nixon warned in a radio network broadcast that the Johnson Administration by "short-sighted defense policies" had dissipated the strategic advantage left by the Eisenhower Administration. "As a result, even where the thinly stretched forces of the United States can be deployed, they no longer are backed by the decisive nuclear superiority which in past crises made our power fully credible."

Continuing, Nixon warned that the Soviet Union had "very nearly achieved its goal of superiority in strategic nuclear power."

On October 24, 1968 Nixon charged in a nationwide radio speech that under the Democratic Administrations since 1961, when McNamara took over the Defense Department, "a gravely serious security gap" had developed that could grow to a "survival gap" by 1970 or 1971. Citing decreases in percentages of American superiority over the Russians in modern weaponry, Nixon charged that "in recent years our country has followed policies which now threaten to make America second best both in numbers and quality of major weapons." Nixon said that if elected President he would undo the sweeping Pentagon reorganization of former Secretary of Defense Robert S. McNamara.

Nixon blasted what he called the Democratic Administration's "peculiar, unprecedented doctrine called 'party.'" He said he intends to "restore our objective of clear-cut military superiority," and "do away with wishful thinking either as to the capability or the intent of potential enemies."

Soon after the November 1968 election, Presidential adviser Henry Kissinger drafted a Presidential Foreign Policy statement in which America retreated from "nuclear superiority" to "nuclear sufficiency."

"SURVIVAL GAP"

As the months wore on, it became clear that the Soviets are building long-range ICBMS at the rate of almost one per day, and the United States is building none at all, that the Soviets are building many multi-megaton SS-9 weapons (each 25 times more powerful than our best missile, the Minuteman III) while the United States neither possesses nor plans such weapons, that the Soviets are building nuclear submarines at a crash wartime rate while the United States builds none at all.

Nothing has been done to repair the damage done to our security by Robert McNamara or to restore "the decisive nuclear superiority which in past crises made our power fully credible."

Apparently, the State Department was influential enough to override the urgent warnings of Dr. John Foster, the U.S. Director of Research and Development, that 420 Soviet SS-9 missiles could destroy 95% of our land-based ICBMs, and the Soviets already have more than 300.

By early 1970 it became obvious to anyone who could count missiles and submarines that the "gravely serious security gap" of 1968 had indeed developed into a "survival gap," just as candidate Nixon had predicted. General Power became so alarmed about what the Nixon Administration is *not* doing to assure the survival of America that he sent a personal, urgent message to the President. Aware that the protective screen around the President might divert this message away from the President's eyes, General Power sent copies of this message to the President via four different personal friends of the President who were scheduled to see him at the White House.

General Power stated bluntly in his message what is required if we are to survive as a nation:

"We must make strategic nuclear superiority our stated policy. The alternative is to risk our security on the gamble that the SALT (nuclear disarmament) negotiations will prevent nuclear war or nuclear blackmail. The history of disarmament coupled with the Communist credo makes this at best a dangerous game of Russian roulette.

"Unquestioned nuclear strategic superiority by the United States is the best insurance against a large-scale nuclear war. Nuclear parity with the Soviet Union is a trap because, by giving them the prerogative of striking first, we automatically more than double their relative nuclear strategic strength."

NO REPLY TO POWER

General Power received no reply to his message. By the fall of 1970, he reluctantly came to the conclusion that the Administration was either hamstrung by the liberal majority in the Senate, or has given up on its campaign to "restore our objective of clear-cut military superiority" and to rebuild the strategic might of America which had been dismantled by McNamara. The Administration was not even maintaining the position of the Johnson Administration which Nixon had labeled the "peculiar, unprecedented doctrine called 'parity.'"

Because of the Soviet crash missile program, parity had come and gone, but the State Department was still able to persuade the Administration to do nothing and rely on "wishful thinking" about a nuclear arms treaty with the Russians. For one year, we have talked arms limitation with the Russians at Helsinki. The result: nothing—except the United States has kept frozen the number of our missiles while the Russians have increased theirs in number and power at an alarming rate.

For five years, General Power had been saying that 1970 would be the decisive year. He was right. Apparently, in 1970, the State Department secretly made the decision to veto President Nixon's campaign promises and to allow the Soviets to go into first place without any contest.

The Nixon Administration's ABM and MIRV programs cannot by any stretch of the imagination be considered a fulfillment of candidate Nixon's promises to restore "clear-cut military superiority." Not a single new land-based or submarine-based missile launcher has been added to our forces since 1967, during which time the Soviets have built hundreds, many of which are vastly more powerful than any we possess.

One of General Power's many constructive proposals was to make some of our long-range missile launchers mobile by putting them on railroad cars and on ships. Obviously, this would make it fantastically more difficult for the Soviets to target their SS-9s to knock out our weapons. Secretary Robert McNamara killed General Power's proposal when he first made it. Dr. Foster, has recommended similar plans in the present Administration, but nothing at all has been done to implement them.

General Power knew that the American people would never knowingly make the decision to abandon our first-place position to the Soviets. But the State Department apparently made this decision secretly, and there have been no headlines to proclaim this dread fact. Many friends believe that General Power died of a broken heart when the events of 1970 revealed the impending danger of a world in which the Soviet Union, not the United States, holds the decisive power.

RED STRATEGIC SUPERIORITY—THE SOVIETS HAVE BECOME THE NO. 1 MILITARY WORLD POWER BY THEIR INCREASE IN NUCLEAR MISSILES AND NAVAL STRENGTH WHILE THE UNITED STATES HAS BEEN PURSUING A STRANGE POLICY OF UNILATERAL DISARMAMENT

(Lt. Gen. Ira C. Eaker, U.S.A.F. (Ret.))

As late as last November 10th, Gen. Andrew J. Goodpaster, Supreme Allied Commander, Europe, warned: "The Soviet forces of today constitute a concentration of military power far beyond anything the world has ever previously seen. It is a force far exceeding their reasonable defense requirements."

This and other assessments of the Red threat clearly indicate that the U.S.S.R. is now the No. 1 military world power, that the U. S. is now a second-class power, and that the disparity is still growing in favor of the Reds.

In a dramatic speech in the House on October 10, 1970, the Honorable L. Mendel Rivers, Chairman of the Armed Services Committee, after detailing the size of the Red threat, said:

"Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this Nation."

I share completely Mr. Rivers' concern and I do not believe he overstated the case when he continued:

"I have no doubt that the Soviets are now building a nuclear submarine base in Cuba. Mark my words well—one of these fine mornings we are going to be told by the Russians, in most unmistakable terms, to get out of the Mediterranean."

Here are other quotes from this speech which are of significance:

"The 7 per cent portion of the gross national product which is now allocated to our national defense represents the smallest allocation of our gross national product to national-defense purposes in 20 years. Surely no American would argue that we can put a price tag on the lives of our people. But I would rather be alive at 10 per cent than dead at 7 per cent.

"The Soviet Union now has a nuclear strategic weapon capability in excess of ours, and this superiority will continue to increase if we do not take dramatic action to stem the tide.

"In calendar year 1969, the United States spent a total of $7.5 billion on strategic offensive and defensive weaponry. During that same period the Soviet Union expended approximately $13 billion dollars in the same effort."

There are two decisive factors which give the Russians a tremendous advantage in any nuclear exchange with us. There are many more lucrative nuclear targets in the U.S. than in the U.S.S.R. due to the fact that population and industry is much more concentrated here into urban areas.

For example, if Russia hits the 50 largest U.S. cities it would kill 86 million Americans and destroy 55 per cent of U.S. industry. On the other hand, a nuclear attack against the 50 largest Russian cities would kill only 40 million Soviet citizens and destroy but 40 per cent of their industrial capacity. Such attacks would result in the death of 42 per cent of the U.S. population but only 20 per cent of Russia's.

The other dangerous inequity lies in the fact that it is U.S. policy not to deliver the first nuclear strike. The only U.S. retaliatory nuclear capability would be that which survived an enemy nuclear attack. Present estimates of our weapons survival is between 15 and 20 per cent. This policy makes it possible for the U.S.S.R. to plan their nuclear first strike against the strategic forces of the U.S.

Obviously, the U.S. strategic capability which survives a Red first strike will not hit the nuclear delivery capacity of the Russians, since it would be senseless to destroy ICBM sites which have already released their missiles.

Since President Nixon expressed grave concern, when he was a candidate, about Russia's growing strategic strength coincident with our own unilateral disarmament, and since both have accelerated since he became Commander in Chief, it seems appropriate to examine this phenomenon.

Following is my present analysis of the administration's defense policy:

The President went to the country recently, in an effort to elect a Republican Congress, and reminded our people that he expressed the hope in his inaugural address that we are leaving a period of confrontation with the Reds and moving into a period of negotiation.

Since he became President, therefore, he has reduced our defense budgets by more than $10 billion and has not deployed a single new offensive strategic weapon, relying upon SALT (the Strategic Arms Limitation Talks) to provide for our security through negotiation.

In the meantime, Mr. Nixon will continue to wind down the Vietnam war, reducing by more than half the extent and cost of that conflict and reducing our defense forces by about one million men, military and civilian.

Whether this plan will be politically effective, I cannot predict, not being a politician or a political commentator. But I am certain, having spent 50 years as a Red watcher, that it will not favorably influence Kremlin policy. The U.S.S.R. will never agree to return to strategic inferiority or parity at Vienna, Helsinki, or anywhere else. There is no evidence that they have abandoned their plans for world domination, and they know that parity is not the route to success in that area.

Instead of the period of negotiation for which the President hopes, we shall, I believe, have a period of Red nuclear blackmail. Taking advantage of their strategic superiority, the Reds will begin to show their muscle and make more and more hostile demands.

Their air and sea bases in North Africa, their missiles and fighters in Egypt, their growing naval thrusts into the Mediterranean Sea and Indian Ocean, and their missile-carrying subs off our coast provide unmistakable evidence of this.

On last May 20th their missile ships returned to Cuban waters, and U.S. intelligence agencies report that Russian bombers are now using Cuban bases.

Faced then with positive evidence of Red truculence and blackmail, President Nixon may go to the American people in his own reelection bid in 1972 reminding our people and all the world that he bent over backward in an effort to support SALT. He even continued our own strategic disarmament for two years despite certain evidences of the Red strategic arms build-up, particularly in nuclear weapons.

Since this effort failed, he may propose to begin at once to restore the strategic imbalance. He can point out that since we have twice the economic resources of the U.S.S.R. we can and will do this without further delay. Such a campaign promise will be very effective, as our people will by then have ample warning of the hazard in strategic inferiority, the loss of the credibility of our deterrent posture.

But there is a terrible danger in the Nixon defense strategy as I have outlined it. The Reds may not permit our rearmament. Over the Hot Line from Moscow could come this ultimatum:

"As you know, Mr. President, we now have your land-based ICBM's well covered with our SS-9's. Your own Secretary of Defense has told your Congress that we can destroy 95 per cent of your ICBM capability in a surprise first strike. The only thing we now have to fear is your Polaris and Poseidon nuclear submarines. We now order you to send these vessels into the Black Sea where we can be sure they are disarmed. You will be wise to comply, since each of your subs at sea is now followed everywhere it goes by two of our killer subs.

In such a circumstance, when the U.S.S.R. has about the same four-to-one strategic superiority which we enjoyed at the time of the Cuban missile crisis, the President may have no alternative but to comply with the Red ultimatum, as Khushchev responded in 1961.

With loss of our No. 1 power position will go loss of world leadership. Many fateful consequences will inevitably follow.

One early and tragic result may be the destruction of Israel. The U.S. has been the only nation guaranteeing Israel's continued status as a free nation with the strength to enforce its pledge. This guarantee will be ineffective in the future with the U.S. a second-rate world power.

A second inevitable result will be the breakup of NATO. European leaders have realized for some time that the U.S. no longer was a dependable ally and assured protector, her people having lost the will and refused to provide the means for free world leadership.

This is why the leaders in Germany and France recently have been to Moscow seeking some form of *detente* with the Kremlin. That also was the reason Greece and Turkey refused use of their bases to U.S. aircraft in the late Middle East crisis. Likewise it accounts for the recent defection of Canada, confirmed by her recognition of Red China.

The U.S. must now alter its strategy since its defense posture is such that its peacekeeping ability is no longer credible. When the U.S. was the No. 1 world power, so acknowledged by friend and foe, its earlier policies of massive retaliation and graduated response were effective.

A nation faced with an adversary having superior nuclear capability and strategic strength has only these options: It can strike first in a surprise attack in order to reduce the nuclear capacity of the enemy. It can await the enemy's first strike and then retaliate by launching whatever nuclear weapons survive upon the cities of the enemy. Or it can accede to nuclear blackmail—tantamount to surrender.

Our former allies of the free world have but two options now. They can make the best deal they can get from Moscow or they can develop their own nuclear defenses. Britain and France have a nuclear start, and Germany and Japan will no doubt be making that hard decision soon.

In the past, whenever U.S. defense appropriatons were reaching dangerously low levels, the Reds always took some offensive action to alarm our people and warn our leaders. The blockade of Berlin, the invasion of South Korea, and the Cuban missile crisis were such examples. The U.S. then acted promptly to restore the credibility of its deterrent posture.

The Reds have done the same thing this time. They have never been more aggressive than since gaining strategic superiority. Their fleets in all the world's oceans, their aircraft, missiles, and troops in Egypt, their nuclear submarines patrolling our coasts, and their sub base in Cuba have given unmistakable warning. But our people have not responded as in the past.

Some defense leaders credit this apathy to an unrealistic reliance upon SALT (the Strategic Arms Limitation Talks). The recent action of the House on defense appropriations cuts the ground from under SALT. Why would Russia agree to *mutual* disarmament when she has congressional confirmation that U.S. *unilateral* disarmament is being accelerated?

According to Gen. H. N. Cordes, Deputy Chief of Staff, Intelligence, Strategic Air Command: "The Soviets have established a technically oriented society. As a measure of this growth, they have nearly doubled the number of research institutes over the past 20 years and quadrupled their graduated engineers. This technical manpower force is now six times the size of ours."

Dr. John S. Foster, Director of Defense Research and Engineering, has repeatedly warned the Congress of the tremendous Red research and development effort and its dangerous consequences for us.

In Russia, the scientists, engineers, and technicians enjoy favored status, ranking right after the Party leaders in salary, housing, food, and prestige. There are no unemployed scientists and engineers in the U.S.S.R., while today we have thousands of unemployed scientists and engineers. To me, this has obvious and ominous future consequences.

It means that the U.S.S.R. will have superior strategic weapons in the future. Add this to their numerical superiority, and our defenses lose their deterrent credibility entirely.

There is another grave significance to this Soviet technological superiority. They ultimately will control the markets of the world. Their consumer products will be better, cheaper, and favored worldwide as were those of Britain in earlier times and as are those of Germany, Japan, and the United States today.

I foresee and fear the time when Russian technology joins the great industrial capacity of Western Europe to dominate the world's commercial markets.

The Reds also have caught this vision. That's why they are now building a vast merchant marine, able to deliver these merchandise cargoes to every people on every island and continent on earth.

There is another side to the U.S.S.R.-U. S. inequity which disturbs me greatly. I have a sufficient acquaintance with history to know that more nations have fallen due to internal disorder and decay than from outside conquest. I see in our country today many of the maladies which have been fatal to other peoples and other once-great nations which ultimately disappeared.

The apathy of our people to their defense establishment and military forces passes all understanding. There was strong popular support for President Kennedy when he ordered the Russians to get their offensive missiles out of Cuba. Contrast that reaction with the lack of popular concern when President Nixon told us that the Soviets were building a nuclear sub base in Cuba.

We also have in this country, as we all know, a large and growing group of traitors.

By definition of long standing, a traitor is one who gives aid and comfort to the enemy. During the Vietnam war many of our citizens—some in high places—have given aid and encouragement to the Reds, hiding behind the legal fiction that the war was not declared by Congress.

When some historian of the future does the job on us which Gibbon did on Rome, I believe he will trace the beginning of our decline to our tolerance of treason. The Reds do not have that problem.

There is now much talk about national priorities. We are told that we must reduce defense expenditures in order to provide more funds for other pressing priorities. I submit that our first priority must be the national security, for if that fails the other priorities do not matter. Our conquerors will take care of those.

There appears to be a considerable feeling in this country, which has been fostered by the intellectual left, that the Reds no longer represent a serious menace, since Russia and China are quarreling. I believe the U.S.S.R.-ChiCom quarrels are like those between a husband and a wife. They can be bitter, but when a third party intervenes the couple promptly doubles up on the intruder.

Despite this heated oral controversy, I note that both big Red powers have been supplying aid to North Vietnam.

No free world leader knows what would deter an enemy from launching a nuclear first strike. Only the rulers in Moscow and Peking know that. We do, however, have some pertinent yardsticks. Our strategic superiority has kept the truce thus far. At the time of the Cuban missile crisis when our strategic superiority was four or five times theirs, they were deterred.

A nation whose policy is to survive a nuclear first strike and retaliate must be sure to emphasize all defense measures, including the ABM and civil defenses, especially shelter programs and ample warning devices.

An adequate force, when on the defensive, must also be much larger, more extensive, and more expensive than a nuclear first strike force due to the frightful destructiveness of nuclear weapons. Incidentally, I never knew of any nation which became victorious while on the defensive.

The frequently heard argument against the great cost of our defense system is scarcely valid, since whatever it costs is but a pittance compared with what we would lose by defeat.

Here I want to suggest one caution to the military.

Sometimes in the past when defense appropriations were inadequate the armed services have engaged among themselves in heated controversy over the sparse funds which were available. That would be fatal now when it is open season on all things military.

Every military leader must put national interest above any partisan or parochial advantage. The Joint Chiefs of Staff and all subordinates in uniform must speak with one voice, resolving all issues in conference and creating no headlines about interservice rivalry.

One decisive aspect of the Red threat has not received the attention it deserves. That is the intention, plan, and will of enemy leadership.

Does anyone who has observed the truculence of the Kremlin during the years since World War II, when their strategic forces were inferior, doubt that they will be more difficult to deal with now that they are the world's foremost military power?

Has anyone seen any evidence that Soviet leadership has abandoned its announced plan for world conquest?

Two things are necessary for world domination—the military power and the will or determination of national leadership to use it. Russia undoubtedly now has both.

When the U.S. was the No. 1 military power in the world this represented no menace to any people or nation on earth. Everyone here and abroad knew that our strength was defensive. Not since 1898 (the Spanish American War) has the U.S. been an expansionist nation or had an aggressive policy. Can any informed person say the same of the Soviets?

In 1914 the Kaiser and his Prussian war lords had the will for conquest but not, as it developed, the military strength. In 1940 Hitler, Mussolini, and the Japanese war lords had the will but not the means. Now for the first time there is a nation with the strength whose leaders obviously possess the will for conquest.

Finally, I have observed that some of our people misunderstand why we recommend superior U.S. military strength. Recently, for example, Senator Brooke criticized Gen. John D. Ryan, Air Force Chief of Staff, for saying that our strategic forces must be able to disarm an enemy.

Frankly, I have little interest in retaliation or how many Russians or Red Chinese are killed after a massive nuclear attack on the U.S. Everything, everyone, every institution I cherish will have been destroyed.

What I want, what this country must have, is a strategic force of such size and composition that no enemy will ever dare to launch that massive nuclear first strike. We have had such a force, and it has kept the uneasy nuclear truce for two decades. We have lost it. We must never cease our effort until we get it back. That is our highest national priority.

THE PLIGHT OF SPANISH-SPEAKING AMERICANS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. McCLORY. Mr. Speaker, the plight of Spanish-speaking Americans continues to be a matter of deep concern to political leaders of our Nation.

It is my understanding that more than 500,000 Spanish-speaking Americans reside in my State of Illinois.

A comprehensive legislative program is to be introduced in the Illinois General Assembly to provide State authorization for our Americans of Spanish origin. State Representative Arthur Telcser, of Chicago, is a leading supporter of this legislative program.

Mr. Speaker, the work of Representative Telcser and others in the Illinois General Assembly has been recognized in an editorial which appeared in the March 8, 1971, issue of the Chicago Sun-Times.

This editorial articulates convincingly the advantages which can follow effective authority to serve the needs of our growing number of Spanish-speaking Americans. The editorial follows:

THE 500,000-PLUS

His name is Jose and he is a Spanish-speaking Illinois resident, employed perhaps in a Chicago factory, perhaps on a farm. Whether in dealing with his employer or wrestling with forms and applications, he probably is hampered by bad English. He is poorly paid, has little if any protection when hard times come and he lives in dilapidated quarters. He may be fully an American citizen, but he feels deeply the burden of an alien.

Now, however, a better deal may be coming his way. A comprehensive legislative program dealing with problems of the Spanish-speaking is being readied for introduction in the General Assembly. The program, first of its kind in state legislative history, coincides with the release of a major U.S. Census Bureau survey.

The survey, recently released, identified 9.2 million Spanish-origin residents in the United States, although John Bareno, executive director of the Cabinet Committee on Opportunity for the Spanish-Speaking, says he suspects the figure is actually about 12 million. In Illinois the figure is 500,000-plus.

The Illinois legislative program is the result of work by the Spanish-Speaking Peoples Study Commission. The legislative measures touch on housing, employment, education, and health and welfare services. They are being prepared for both the migrant field worker and the factory worker.

For example, the commission, headed by Rep. Arthur A. Telcser (R-Chicago) will seek legislation providing unemployment compensation for migrant workers between jobs during the picking season. Among other goals are offering certain intelligence tests in Spanish and tests for the driver's license in Spanish.

The Census Bureau tended to confirm the widespread notion that in general the Spanish-speaking have replaced blacks at the bottom of the economic ladder. There are of course wide differences. Cubans tend to be refugees from Castro and therefore middle class, older, better educated and more prosperous than Mexicans, Puerto Ricans and South Americans. Yet over-all, Spanish-origin workers are more concentrated in lower-paying occupations than other Americans. Only 25 per cent of the men are in white-collar jobs and the seasonally adjusted unemployment rate in November, 1969, for Spanish-origin workers was 6 per cent compared to 3.5 per cent for the rest of the population.

One may doubt that such Illinois legislation can quickly accomplish much. But the very existence of the commission is a move ahead because it tends to give prestigious attention to the matter. Heretofore there have been mosty sincere sentiments or unorganized good intentions. Telcser deserves support and he has struck the right note in saying: "These people are American citizens, entitled to all the rights and privileges of other Americans. But in the past they have been denied them and in some instances systematically exploited."

REQUIRING 1 MILE VISIBILITY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BOW. Mr. Speaker, the FAA is proposing an unreasonable and unwarranted restriction of general aviation in the form of new proposed regulations requiring 1 mile visibility for takeoff on an instrument flight plan.

To many of my friends, this seems to be another indication that too many FAA officials believe their agency was established by, for, and in the interest of the airline industry.

I am including with my remarks for the information of everyone concerned an excellent statement of the proposed regulation by my friend and constituent, Forest Beckett, president of Beckett Aviation Corp., the largest executive fleet operator in the world. I hope that the letter is very carefully considered and its message heeded by those in FAA to whom it was addressed.

The letter follows:

BECKETT AVIATION CORP.,
Youngstown, Ohio, March 2, 1971.
FEDERAL AVIATION ADMINISTRATION,
Office of the General Council,
Washington, D.C.
Attention: Rules Docket. GC-24.

GENTLEMEN: I would like to express our very strong objection to the proposed changes in Part 91 of the Federal Aviation Regulations, to apply to takeoff weather minimums.

I feel that imposing these drastic changes in the minimums is a distinct regression in one of the most desirous and vital needs of the industry, 'all weather capabilities'.

In your notice of proposed rule making you mention that in the old, 'Air Share' meetings, some pilots thought if such a measure was adopted, they would be protected from the demands of their employers. I believe it is very obvious that if a pilot is not strong enough or capable of setting up standards for his operation which his employer will respect, he is not capable of running his flight operation; and if he averts an accident on takeoff by citing the FAA regulations, he will have one somewhere when he cannot cite FAA regulations. I believe we all know rules cannot substitute for judgment, and trying to regulate, 'decisions of judgment', would be sheer folly.

While I will agree that many private operations have large transport equipment in their operations, not all do, and in any event, I do not think the type of equipment should have any bearing on establishing takeoff minimums. If it could be shown that certain types of equipment have known characteristics which would indicate that, in the interest of safety, minimums for that particular type of equipment should be established, that action could be taken.

As I understand it, the accidents cited as reason to change this rule are:

A Piper PA-23 at Newton, Iowa on 7-22-69.

A Cessna 310-G at Fletcher, N.C. on 5-4-68.

A Piper PA-27 at Chesapeake, Ohio on 3-18-68.

An Aero Commander 1121 at Salt Lake City, Utah on 12-16-69.

First, I believe the fallacy of citing these accidents is best pointed out by citing a fact we all know. Accidents, with very few exceptions, happen at or near the point of takeoff or landing. I would believe a careful analysis of accidents would show that the number of accidents, which happen under VFR conditions or conditions where airline minimums prevail, outnumber those where minimum conditions do not exist, and that the fact that there were four accidents over a period of years under such conditions, is not indicative of a problem.

In fact, page 290 of the National Transportation Safety Board's briefs of accidents, which cites the accident involving the Cessna 310-G, lists three other accidents. Every one of these accidents resulted in substantial damage. Every one of them happened on takeoff or landing. Also, in every case they reflect an error in either judgment or proficiency. In these cases no amount of regulation could have averted them. The point I am trying to make is this. Is anyone sure the accident involving the 310-G was not an error in judgment or proficiency and was not the takeoff in restricted visibility, in itself, a perfectly safe operation?

I think the Jet Commander accident at Salt Lake City on 12-16-69 further substantiates this theory. The airplane was far over weight, there was sleet and freezing rain, the pilot was suffering from fatigue, and as cited in the report, lifted off prematurely. Undoubtedly, the 7000 foot elevation, plus fatigue, affected his judgment as to time of rotation, and how do we know the visibility had anything to do with the fact that the airplane got away from him after it lifted off.

Without going into a very careful analysis of each and every accident, either VFR, IFR with minimums, or IFR below stated minimums, I see nothing that would indicate that the accidents that happened under conditions where marginal minimums existed, may not have been attributable to plain pilot error. I think a strong possibility exists that these accidents would have happened whether the visibility was ¼ mile, 1 mile, or even 5 miles.

To go a little further on this, a Jet Commander recently went in at Lake Champlain just after takeoff, for no apparent cause. What if whatever caused this accident had happened under takeoff conditions of ¼ mile. Immediately someone would have said, "If the weather had been better, it would not have happened". Again, in my opinion, factors other than weather could have caused every accident that was cited as being caused by below minimum conditions.

Along these lines of pilot error, and the whole idea of regression on takeoff minimums at the same time we are lowering landing minimums, I wonder if the FAA has done enough practical experimentation on blind takeoffs.

For many years I gave instrument instruction and instrument flight tests and while, with a manual technique operation, it requires a very high degree of skill to accomplish a completely blind landing; a blind takeoff is relatively a simple operation. In fact, it requires much less training and skill than ordinary instrument flying. In my opinion, and I believe a little research will substantiate it, an average student half way through an instrument course, but far from being able to pass an instrument flight test, can be taught to make full IFR takeoffs with very little trouble.

What I am trying to say is that the degree of skill required to accomplish a full IFR takeoff is much, much less than that required to make a standard instrument approach or a routine instrument flight, which are certainly considered safe.

In closing, it would be my suggestion that were it ever evident, which doesn't seem to be the case, that too many accidents were happening on takeoffs in conditions of bad visibility, an effort be made by FAA to stress the fact that accidents were happening in such a condition. In that event, additional training, simulating such conditions could be recommended, just as such training has been recommended in other problem areas in the past.

Sincerely,

FOREST BECKETT,
President.

TAX SHARING

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks I am including a copy of a speech on tax sharing which I gave before the National Public Affairs Conference of the American Bankers Association today. I am also including some tables on state and local tax effort to which I refer in my speech.

REMARKS OF REP. JOHN W. BYRNES BEFORE THE NATIONAL PUBLIC AFFAIRS CONFERENCE OF THE AMERICAN BANKERS ASSOCIATION

I would like to direct my remarks to one aspect of the subject of raising and distributing the tax dollar or, in the parlance of the day, to Revenue Sharing.

This is a subject that rightfully should engage our attention. I congratulate the President for making it a matter of prime national concern.

For too long, we at the federal level have ignored the state and local governments which represent the real strength of our federal system of government. For too long, we have delayed facing up to their problems within the framework of our federal System.

In speaking before the National Conference of State Legislative Leaders in December, 1968, I said, "In recent decades, and especially during the 1960's, the trend toward centralization in Washington of decision making on domestic public service has been all too apparent" and "this trend, if left unchecked, can destroy the system of government our Founding Fathers created."

At the heart of this trend is the change in the method of distributing our federal tax dollars (and also, our government-borrowed dollars).

CATEGORICAL GRANTS IN AID

The trend is portrayed most vividly by the unparalleled growth of specialized grants-in-aid programs from a few dozen with expenditures of $1 billion not too long ago to over 400 programs and a total outlay of almost $30 billion at the present time. They cover virtually the entire range of domestic public service.

As a result of federal inducements, followed by detailed federal controls and restrictions, states, counties, cities, towns, and school districts have learned that they are no longer masters of their own affairs.

Attempting to get the most in federal funds, states and localities often fail to meet more urgent needs because federal money is available for other, less important, purposes. Nationally-determined priorities again and again determine what will be done even though needs differ widely from area to area.

I suggest that a most urgent problem crying for attention is a drastic reform of the present method of distributing the almost $30 billion that now is either collected or borrowed by the federal government and distributed back to the states in the form of specific grants-in-aid. This system has sapped the vitality of local government and is wasteful in the emphasis it places on federally-determined priorities to the neglect, in many cases, of local needs.

I told the legislative leaders in 1968 that, pragmatically, our first and most important need was to consolidate the over 400 separate programs into broad functional areas. Such a consolidation and conversion of the multitudinous categorical grants to block grants would not only revitalize local government and permit the establishment by the states and localities of more appropriate priorities for use of public moneys; it would also reduce substantially the administrative costs and burdens which have been imposed at all levels by the current method of specialized grant assistance. In Wisconsin today, about 6% of the expenditures for elementary education comes through federal aid programs. Yet, over 50% of the man hours consumed by our State Department of Education is spent in administering this 6%. How crazy can we get? Block grants would sharply reduce the need for personnel at both the local and federal level and greatly reduce the cost of providing federal assistance.

SPECIAL REVENUE SHARING

The Administration has recommended a long step in this direction in what it terms Special Revenue Sharing. Some $10 billion of current categorical grants would be consolidated into six broad grant areas—law enforcement, manpower training, urban development, rural development, transportation and education. I agree with the President that it represents an historical opportunity to restore some balance to our federal system and to markedly strengthen state and local government. It recognized the national interest in certain broad functional areas of public need but leaves the determination of priority of need within the functional area to the states and localities.

Because my disagreement and the disagreement of Chairman Mills with the President on another part of his program, which is called General Revenue Sharing, has been highlighted by the press, let me emphasize my solid support for his Special Revenue Sharing proposal which in dollar terms represents over ⅔ of the President's total program for "Revenue Sharing."

GENERAL REVENUE SHARING

This brings me then to part two of the President's program which, if implemented, would also be historic. General Revenue Sharing would, in my judgment, represent a fundamental change in the relationship between the national government and the states and their local governments. With your permission, I'd like to explore it in some depth.

Part two would represent the assumption by the federal government of the responsibility for financing part of the general cost of state and local governments. A small share at first—yes, if we can call $5 billion small—but the principles would be established—federal responsibility for funding the general operations of state and local governments. And anyone who thinks that the degree of responsibility for funding would not grow need only listen to the demands already being made that we should start out with $10 billion rather than $5 billion.

Let me say right from the start, while the dollars and cents are important, what concerns me most is the basic change in principle and philosophy that is involved. Rather than improving our structure of government, I think it would weaken it.

I have confidence in our American System. Yes, I have confidence in our governors, our state legislators, our mayors, our city councils, our county boards of supervisors. I also recognize the fiscal problem many of them face in attempting to meet the demands for public services. I also recognize the intolerable burden of state and local levies on many of our people. It is understandable that hard-pressed taxpayers are demanding relief.

No one can contend that there is not a serious problem of crisis proportions or that a better way cannot be found to raise and distribute that portion of our national wealth that is needed for government services.

THE FISCAL PROBLEM

Let me suggest, however, that the problem is broader than just the fiscal plight of the states and cities. It is deeper than just the question of how we raise and distribute the tax dollars.

We are a great and rich country. There is no question about our capacity to meet our real national needs—and we will meet those needs.

We must be aware, however, that in spite of our riches there is a limit to our resources—a limit to what our people can pay in taxes and a limit to how much we can borrow.

Let me make this real clear—it cannot be emphasized too strongly—neither the federal government, the state governments, or local governments—all put together—have the tax resources to finance all of the programs that may be desired at any given time. There is a limit to the amount of our resources that can be dedicated to public service without jeopardizing our economic, social, and political system—yes, our way of life.

The fact of the matter is that we, as a people, are demanding of all government, state, local, national, more services than we are willing to pay for or, in fact, can pay for.

It's time that politicians at all levels—governors, mayors, presidents, congressmen—make clear that we can't give the people all the services they want and still pay for them.

This fact must be recognized by all of us. We must curb our appetites for more and more government service.

THE FISCAL DIVIDEND

I am sometimes amused by the term "Federal Revenue Sharing". What revenue is there to share?

The term cropped up a number of years ago when there was a belief on the part of some economists that the federal government soon would have an excess of receipts over expenditures and a good way to spend it would be to divide it among the states through revenue sharing.

At that time, Dr. Walter Heller expressed it this way: "Looking beyond current rising Vietnam costs, big deficits, and contingency tax increases, one can visualize (he should have said fantasize) an $8 billion annual automatic growth in federal revenues generating new leeway for fiscal dividends—tax cuts, revenue sharing, program increases—if Vietnam demands level off. If rising revenues are not to hold the economy back under such circumstances, we need to get our bets down promptly on the competing entrants in the fiscal drag race."

But it has not worked out that way—as we all know. The projection of what the federal government will have to borrow in order to pay its bills for just this year and next is optimistically estimated at $48 billion. The House and Senate as recently as last week passed legislation increasing the borrowing authority of the Treasury by $35 billion just to get us through the next twelve months.

I find nothing in the fiscal history of the last thirty years to justify the dream of sugar plums—or fiscal dividends—all of a sudden overwhelming us. That history has been one of deficits, mostly high—in good economic years and bad.

The Administration, in supporting general revenue sharing, envisions a budget margin or surplus of $30 billion in 1976. But that is without any new government programs being initiated and the Administration frankly states, "Certainly it will be insufficient to cover all demands for further government programs, even without consideration of demands for further tax reduction or reduction of the public debt."

Wham! Bang! There goes the fiscal dividend. Only last year the Administration projected a budget margin of $22 billion for 1975, but it now acknowledges that changes which have taken place during the past year altered the projection and it now has to be cut almost in half.

CREDIT SHARING

If we will just be a little realistic, we must recognize there is no revenue to share. The only thing the federal government has to share today is more debt. Fiscal dividends are nothing more than mirages in the mind of those who desire to rationalize a justification for expenditures which they are unwilling to pay for currently.

If we were to give general revenue sharing a more honest designation, we would call it "credit sharing." Let us frankly admit that there is no excess federal revenue to share and I know of no proponent of revenue sharing who is proposing new taxes to finance the payments.

Yet, I submit, *revenue to be shared must first be collected.*

This so-called "new money" for the states and cities, as the proponents like to refer to it, can come only from increased federal borrowing or increased taxes. None of the proponents, as far as I know, have the power to perform the miracle of the loaves and fishes. Pray tell me then: When is our big borrowing going to end? Or how much higher are we prepared to go in raising federal taxes?

If I am any judge, we are reaching the point of taxpayer revolt. Governors and Mayors tell me they can't possibly raise local taxes. "The taxpayers won't stand for it," they say. Why are federal taxes any different? I don't think they are.

WHAT ABOUT THE TAXPAYER?

Because the argument is always made that there is something unique about the federal government's capacity to tax, first let us recognize that no matter how you dress it up, the federal government has no tax resources that are not available to the states, and the federal taxpayers are but a composite of the state taxpayers. We are all—federal, state and local governments—trying to squeeze blood out of the same turnip.

Let's remember that all government spending eventually focuses at one spot, the American taxpayer. He is the one who must pay the bill. I would hope that he has learned to be leery of any proposal for government spending, at no matter what level, which ignores the question of where the money is to come from. Too often I get the feeling as I hear mayors and governors and federal officials discussing revenue sharing that I am witnessing a gathering of Robin Hoods planning a robbery with the participants trying to figure out how the loot is to be divided.

I suggest to you as taxpayers that it's your money they are talking about taking and dividing among them.

What about the sources of revenue? There is only one source of revenue available to the national government that is not also available to the states—that is the revenue from duties or tariffs.

True it is that the income tax is the primary source of revenue of the national government. And it has merits as a means of raising revenue not shared by other forms of taxes.

But there is one observation I'd like to make. If the national government has preempted the income tax, and particularly the personal income tax, as some contend, then it means this tax is already at its maximum level. Where, then, is the national government going to get the new money?

Even if we accept the argument of preemption by the national government of the personal income tax as it applies to some of our states, it cannot be generalized to apply to all states.

STATE REVENUE EFFORT

I would make two points as we look at the fiscal problems of our states. First: Many of the states do not tax themselves with the severity which other states accept. Second: When we view the variation in the use of the personal income tax among the states, it is clear that many are merely crying "wolf".

Look at the total revenue effort of state and local governments of the various states in relation to personal income. We have the four highest states—Wyoming, North Dakota, New Mexico, and Hawaii, taxing to the tune of between $172 and $195 per $1,000 of personal income while the four lowest, the District of Columbia, Connecticut, Illinois, and Ohio, are taxing at a rate of between $108 and $113 per $1,000. I would not call a spread of almost 45% insignificant.

When we realize that general revenue sharing as proposed is primarily related to the personal income tax, it is revealing to look at the use of the personal income tax by the states and at the disparity which exists in this area.

It is important to note that seven states—Florida, Nevada, Ohio, South Dakota, Texas and Wyoming—have no individual income tax whatsoever. An eighth state, Pennsylvania, adopted this tax only a few days ago. Five additional states which are credited with an income tax by the census bureau qualify only on technical grounds.

In addition, many states make extremely limited use of this revenue source. Louisiana and Maine, at the bottom of the list, levy personal income taxes which represent only 4/10th and 6/10th of 1%, respectively, of the personal income of the State. Yet some states impose a very high burden of personal income tax on their citizens. Hawaii imposes a personal income tax amounting to 3.4% of its personal income, and the Wisconsin income tax amounts to 3.2% of its personal income.

If we look at the relative burdens on the states and the use of the personal income tax, I submit that the argument is not well made that *all* states have exhausted their revenue capacity. Nor can we generalize that the federal government has preempted the use of the individual income tax as a source of revenue. The arguments may apply to some few states, but not to the many.

I would suggest that the solution is not in the perpetuation of these disparities and these inequities, as general revenue sharing would tend to do. We would do better to look to methods that would encourage the reduction of the disparity that currently exists.

A substantial number of states could make a greater revenue effort and also greater use of the individual income tax than they now do. Is it not logical to expect them to do so before asking the federal government, in effect, to do it for them?

CONSTITUTIONALITY

Let me move to that aspect of general revenue sharing that gives me even greater concern: What does it do to the basic structure of our federal system of government?

Frankly, I have serious doubts concerning the constitutionality of general revenue sharing as it is proposed. There is no doubt that a blanket grant to the Department of Commerce to spend as it saw fit would be an unconstitutional delegation of power under Supreme Court decisions. Is the same delegation any less unconstitutional because it is made to the states instead of to another branch of the national government? Under special revenue sharing, we would require the money be spent for a specific purpose—education, transportation, law enforcement, etc., and an accounting is required. No accountability, however, is demanded under general revenue sharing. The Secretary of the Treasury merely sends a check.

Congress is empowered to collect taxes to provide for the "general welfare of the United States." The relationship that the expenditure of the shared revenues bears to the general welfare of the United States will depend on policy judgments made not by the U.S. Congress and the President, but by 50 state legislatures and thousands of local units of government. Can it be assumed that these judgments will always be for the "general welfare of the United States?" I wonder.

PRINCIPLES, NOT COMPETENCE, THE ISSUE

In wondering, I am not questioning the competence or dedication of state or local governments. Their judgment may on occasion, however, be influenced by what might be advantageous to their area rather than to the general welfare of the nation as a whole.

I do not share the view of those who oppose revenue sharing because of a lack of confidence in local officials. They are as conscientious, yes, and as able as the officials of the national government. The wisdom of Washington versus the wisdom of state and local governments is not the issue.

Basic principles and precepts of sound government are at issue.

I said earlier that one of the greatest needs today is to restrain our appetite, as a nation, for more and more government services. If the pleasure of spending public funds is to have any restraint, it must be coupled with the odium of imposing the taxes to pay the bill.

One of the basic precepts of government, it seems to me, is that the authority to spend public funds should be connected as closely as possible to the responsibility for collecting them.

We talk about the need to establish priorities. A fundamental decision that every public official should be required to make is the relative priority of spending for some desirable cause as against the levying of taxes to pay for it.

Also, once the national government acknowledges and assumes responsibility for even a small part of the general cost of state and local government, we make a fundamental change in the relationship between the national government and the states.

We talk about decentralizing government and thus giving greater authority to the people.

Centralization has been defined as "that device by which the taxpayer's normal prudence is overcome by his greed." Revenue sharing may represent the most invidious type of centralization yet devised. By centralizing the burdens and decentralizing the benefits, we make the benefit more immediate and the burden more remote.

With this division of responsibility, will the proper legislative judgment be made? Will citizens be sufficiently motivated to assure that their resources are prudently administered? Even with sufficient motivation, will they be able to develop a coordinated picture of benefits and burdens related to activities spread over several governmental levels?

Once the foot is in the door, where will the demand for more and more financing from Washington stop? It won't. Any lack of capacity on the part of our states or localities to meet requests for additional services will be passed on to Washington in a demand for more funding, and you will have the same lobby at work that is today pressing for general revenue sharing.

What about the controversy that will then develop between state-local officials on the one hand and federal officials on the other. We see some of the tensions and controversy rising already. A group of state legislators has been moved to threaten a refusal to act in congressional redistricting if general revenue sharing is not enacted, thus forcing Congressmen to run at-large in the next election.

Because general revenue sharing is tied o the Internal Revenue Code, what effect will it have on our tax laws? Every city and state will have a vested interest in enlarging the taxable personal income base and opposing the reduction of that base, since the amount they will receive is a percentage of the base—1.3%. In considering changes in the Code, a new element will be added—the effect of the change on the amount of funds going to the states. I can testify that we have enough problems already in trying to devise an equitable system without adding another controversial complication.

EXPERIENCE OF OTHERS

Let me emphasize my concern over general revenue sharing by reciting a little history.

Social and economic conditions vary radically from one country to another and, although it can be misleading and dangerous to attempt to transfer fiscal lessons from one socio-economic milieu to another, it might be even more risky to ignore completely the experience of others. With this caveat, look at the experience of Germany in the 1920's and early 1930's.

The central German government, or Reich, collected all taxes and distributed to the states and localities a percentage of its annual revenues.

Germany also had to pay a portion of its income to the allied powers, as reparations from World War I. When the Reich failed to meet its World War I commitments, the Allies sent a commission to try and straighten out the country's finances.

S. Parker Gilbert, who was the Agent General for the Commission, filed this report in 1930:

". . . the underlying fault in the whole system of transfers to the States and communities (is) the division of responsibility as between the authority which collects the taxes and the authority which spends the money. The Government of the Reich collects the taxes, but does not feel the full responsibility for them since it must pass on a large share of the proceeds to the States and communes . . . . The States and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits. One of the States, in fact, has recently entered 'additional transfers from the Reich as the balancing item in its draft budget, and with each new provisional settlement, the States and communes generally unite to exert all possible pressure to get larger payments from the Reich as if the Government of the Reich were an external authority depending on some other body of taxpayers. The financial relations between the Reich and the States and communes will not be on a sound basis until the responsibility for raising the money by taxation has been reunited with the responsibility for spending it . . ."

Another lesson might be learned from the Argentine experience. Professor Harley H. Hinrichs, now at the University of Maryland, had the following to say, based on his World Bank missions to Argentina in 1964 and 1966:

"As decentralized governmental units have found themselves more and more reliant on the central purse for budgetary revenues, their own vitality and independence have tended to decrease. This Argentine result casts doubt on the common assumption that revenue sharing—in and of itself—is a sufficient force for shifting power within a federal system to state and local governments."

DIFFERING POSITIONS

Having voiced my deep-seated objections to general revenue sharing, let me make some distinctions concerning my opposition and then, hopefully, end on a more positive note.

I find myself in the strange position of opposing my own President on this issue and being joined by some of my liberal friends whose political philosophy and mine are miles apart. It is important to distinguish between our positions.

Some liberals are centralists at heart and are quick to protest any shift in power from the federal to the state and local level. It is natural, therefore, that they should oppose both forms of revenue sharing. They want the federal government to establish the priorities and call the tune on where and how the money should be spent. They have a basic distrust of state government and most local government. I support special revenue sharing because of my fundamental belief that we will only solve our pressing domestic problems through the revitalization of state and local governments and that special revenue sharing will assist in that revitalization process. I oppose general revenue sharing because, as I have pointed out and as experience has shown, it will lead not to the revitalization but to the weakening of state and local governments.

As far as the President is concerned, I find myself in the unpleasant position of disagreeing with him on the means to achieve the objective to which he and I both deeply subscribe. It is because I believe special revenue sharing contributes to the goal of revitalizing local government that I support it and it is because I believe general revenue sharing gravely endangers that goal that I oppose it.

The President and I are not, in fact, very far apart even in our disagreement over the means to reach a commonly-shared objective. We do not disagree on sharing; we only disagree on what should be shared.

TAX SHARING

The fundamental error in general revenue sharing, it seems to me, lies not in the act of sharing; it lies in the sharing of federal revenues. If we need to share, then, as I suggested long before the Administration's program was devised, what we need is tax sharing, not revenue sharing.

We should not make available to states and localities to be spent as they see fit, funds they have not raised, thus encouraging irresponsibility. We should make available tax resources which they can use to collect their own revenue which can then be spent as they see fit, thus encouraging responsibility.

The difference is great. It is the distinction between unresponsive and dynamic local governments; between dependent and independent local governments; between weak and strong local governments.

I would make two specific suggestions for tax sharing, always assuming, of course, that the fiscal plight of the states and localities is so much worse than the federal government that greater federal deficits are justified, an assumption I have questioned here today. I suggest we consider the enactment of a federal individual income tax credit for state and local income taxes paid and the updating of the present federal estate tax credit for death taxes paid to a state. Without going into all of the details, let me outline this two-pronged approach, which would make over three billion dollars available to states and localities in the first full years of operation—and substantially more in the future—in a manner greatly preferable to revenue sharing.

First, I would recommend that a 20% tax credit be provided against an individual's federal income tax liability for state and local income taxes that he pays. It would be extremely simple and easily understood by the taxpayer. A taxpayer would simply claim a credit on his federal return for 20% of the state and local income taxes he has paid. For all taxpayers, whether they itemize or take the standard deduction, the credit will be in addition to and not a substitute for the deduction already provided for state and local taxes. This means that state governments would know in advance that all taxpayers in their state, regardless of what income tax bracket they are in, would have a reduction in their federal personal income taxes equal to 20% of their state and local taxes paid.

The additional state tax resources made available by the new credit—over two billion dollars—would be clearly identified, and the state or local government, if they had justification, could raise an equivalent amount by simply increasing their tax rates across-the-board by 20% or by imposing a 20% surtax.

I propose that we update the federal estate tax credit for state death taxes. Historically, death taxes have been regarded by both the federal and state government as a state revenue source. Although the federal government enacted an estate tax in 1916, it recognized the states' prior claims to this revenue source. Congress, in 1926, provided an 80% credit against the federal estate tax for state death taxes as an alternative to repeal of the federal tax. The credit mechanism, which was based on the 1926 rates, was intended to minimize interstate competition for estates while reserving death taxes essentially for the states.

Under the financial pressure of the depression and the fiscal crunch of World War II, the federal government sharply increased federal estate tax rates while continuing to base the credit for state death taxes paid on the 1926 rate schedule.

The law is now an anachronism providing a credit of only about ten percent of the present rates rather than the 80% originally intended. Cooperative federalism and fiscal balance in our federal system dictate that we update this credit.

The federal estate tax credit should be increased to 80% of the first $150,000 of a taxable estate and 20% of the remainder. This proposal, based on recommendations made by the Advisory Council on Intergovernmental Relations, would substantially reduce the incentive in present law for "forum shopping" by people of means, provide a fair distribution of over one billion dollars in revenue among the several states, and stabilize this source of state taxation.

Forty-four states, including the District of Columbia, now have "pick-up" provisions in their state laws that would automatically increase their death taxes to the level provided by the new credit, although eleven of these states would need a minor conforming amendment. The other seven states would have to change their laws.

Unlike revenue sharing, the two-pronged approach I am suggesting would not divorce the responsibility for taxing from the privilege of dispensing benefits. It would help those states willing to help themselves and provide an incentive for them to improve their tax structures. States would retain more control over and responsibility for their fiscal affairs and taxpayers would retain a greater interest in the way local governments use their resources. The danger of making the states functional appendages to the federal government, dependent on federal largesse inherent in revenue sharing, would be avoided.

Tax sharing—coupled with the enactment of special revenue sharing—is the sound answer, it seems to me, if our real objective is to strengthen and revitalize the federal system.

You have been very patient. If I have been burdensome, I apologize. This is a subject, however, that I hope will not be taken lightly. We know we face a problem at all levels of government in developing the best possible way to raise and distribute the tax dollar.

The answers are not going to be simple. Certainly the problems are not going to be solved by just passing the buck from one governmental unit to another. In my book, they will not be solved by concentrating greater and greater taxing responsibility in Washington.

STATE AND LOCAL TAX EFFORT

[General revenues from own sources as a percent of personal income by State]

State	Personal income, 1968 [1]	General revenue from own sources, 1968–69 [1]	Revenue effort (col. 2 as a percentage of col. 1)
Alabama	$8,316	$1,121.8	13.49
Alaska	1,136	182.7	16.09
Arizona	5,034	826.2	16.41
Arkansas	4,611	584.0	12.66
California	76,581	12,822.1	16.74
Colorado	6,824	1,052.0	15.41
Connecticut	12,611	1,394.4	11.06
Delaware	2,026	280.7	13.85
District of Columbia	3,580	386.6	10.80
Florida	19,626	2,739.6	13.96
Georgia	12,705	1,684.7	13.26
Hawaii	2,705	466.4	17.24
Idaho	1,876	299.0	15.94
Illinois	43,760	4,897.6	11.19
Indiana	17,270	2,178.9	12.62
Iowa	9,057	1,351.7	14.92
Kansas	7,574	1,033.7	13.65
Kentucky	8,516	1,170.8	13.75
Louisiana	9,814	1,547.1	15.76
Maine	2,757	359.4	13.03
Maryland	14,048	1,878.5	13.37
Massachusetts	20,974	2,841.4	13.55
Michigan	32,119	4,694.0	14.61
Minnesota	12,185	1,953.8	16.03
Mississippi	4,878	763.4	15.65
Missouri	15,065	1,758.0	11.67
Montana	2,039	311.9	15.30
Nebraska	4,661	693.3	14.87
Nevada	1,777	285.4	16.06
New Hampshire	2,288	262.6	11.48
New Jersey	28,047	3,405.6	12.14
New Mexico	2,667	472.7	17.73
New York	75,049	12,472.0	16.62
North Carolina	13,642	1,721.4	12.62
North Dakota	1,712	321.7	18.79
Ohio	37,151	4,195.7	11.29
Oklahoma	7,259	1,022.4	14.09
Oregon	6,660	1,024.9	15.39
Pennsylvania	40,102	4,738.6	11.82
Rhode Island	3,244	402.7	12.41
South Carolina	6,341	785.6	12.39
South Dakota	1,887	301.8	15.99
Tennessee	10,252	1,283.7	12.52
Texas	33,254	4,085.6	12.29
Utah	2,885	442.5	15.34
Vermont	1,306	198.4	15.19
Virginia	14,100	1,796.0	12.74
Washington	12,081	1,844.5	15.27
West Virginia	4,451	602.1	13.53
Wisconsin	14,197	2,262.2	15.93
Wyoming	1,005	195.7	19.47
Total	683,072	95,397.5	13.95

[1] Millions of dollars.

Source: Governmental Finances in 1968–69, Bureau of Census.

RELATIVE TAX EFFORT—RANKING OF STATES BY STATE INDIVIDUAL INCOME TAX REVENUE AS A PERCENT OF STATE PERSONAL INCOME

State	Total individual income tax revenue, fiscal year 1970 (in thousands)	Total personal income, calendar year 1969 (in millions)	Tax as a percent of personal income
No individual income tax:			
Florida		$22,396	
Nevada		2,037	
Ohio		40,145	
Pennsylvania [1]		43,182	
South Dakota		1,995	
Texas		36,458	
Washington		13,093	
Wyoming		1,073	
Selective individual income tax: [2]			
New Jersey	17,643	30,312	0.58
Rhode Island	18,644	3,515	0.53
New Hampshire	3,462	2,489	0.14
Tennessee	12,113	11,189	0.11
Connecticut	4,916	13,784	0.04
Broad base individual income tax:			
Hawaii	105,019	3,060	3.43
Wisconsin	489,944	15,376	3.19
Delaware	68,486	2,218	3.09
New York	2,506,435	81,384	3.08
Vermont	43,668	1,426	3.06
Oregon	213,053	7,261	2.93
Maryland	413,366	15,336	2.70
Alaska	32,455	1,258	2.58
Minnesota	345,733	13,448	2.57
Massachusetts	517,952	22,722	2.28
Utah	61,335	3,132	1.96
Virginia	282,769	15,441	1.83
North Carolina	270,945	15,030	1.80
Montana	38,871	2,172	1.79
Idaho	36,662	2,120	1.73
Colorado	129,097	7,569	1.71
California	1,150,604	83,408	1.38
South Carolina	95,398	7,018	1.36
Kentucky	121,423	9,202	1.32
Georgia	184,943	14,253	1.30
New Mexico	35,730	2,879	1.24
Illinois	575,601	47,340	1.22
Michigan	415,345	35,010	1.19
Arizona	64,974	5,709	1.14
Indiana	216,394	18,868	1.14

Footnotes at end of table.

RELATIVE TAX EFFORT—RANKING OF STATES BY STATE INDIVIDUAL INCOME TAX REVENUE AS A PERCENT OF STATE PERSONAL INCOME—Continued

State	Total individual income tax revenue, fiscal year 1970 (in thousands)	Total personal income, calendar year 1969 (in millions)	Tax as a percent of personal income
Broad base individual income tax—Con.			
Iowa	$112,746	$9,870	$1.14
Kansas	78,423	8,096	0.97
Alabama	85,081	9,116	0.93
Arkansas	42,548	4,963	0.86
Nebraska	44,444	5,230	0.85
Mississippi	44,162	5,234	0.84
West Virginia	40,061	4,735	0.84
North Dakota	15,379	1,852	0.83
Missouri	129,654	16,085	0.81
Oklahoma	50,516	7,825	0.65
Maine	18,885	2,987	0.63
Louisiana	47,993	10,413	0.46

[1] Pennsylvania on Mar. 4, 1971, enacted a State individual income tax.

[2] Income subject to tax in these States as follows: New Hampshire—interest and dividends; Connecticut—capital gains; Tennessee—interest and dividends; New Jersey—commuter tax, New Jersey residents deriving income from New York sources and New York residents deriving income from New Jersey sources; Rhode Island—interest, dividends and capital gains.

Source: State Tax Collections in 1970, GF 70 No. 1, Bureau of the Census, tables 3 and 6.

TELEPHONE IS INDISPENSABLE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BROOMFIELD. Mr. Speaker, over the years we have come to take the telephone for granted. For fishwives and politicians the telephone is literally an extension of the body—an indispensable appendage to the auditory system. For the other 200 million Americans across the Nation it is only slightly less necessary. Indeed, who would do without one?

In the process, however, we have lost sight of one of the telephone's prime virtues: its ability to provide a speedy response in an emergency situation. Very few Americans can recite offhand the numbers of their police and fire departments or their local ambulance service. And their alternative—dialing an operator who never knows which one of her thousands of calls is an emergency—is just too slow.

As long as Americans continue to rely on the telephone we might as well see that it is used to maximum advantage. The present system of calling in emergencies is plainly inefficient and time-consuming. Thousands of crimes, fires, and deaths occur annually only because they are not reported quickly enough. To solve this problem I have introduced a bill that would establish a single nationwide phone number to be dialed in the event of an emergency.

The number—911—is easy to dial and easy to remember. It has proven effective in hundreds of cities across the Nation.

One of these cities is Oak Park in my own district. Prior to the installation of 911, the city made a survey of 622 people. They were asked a single question, "What is Oak Park's emergency telephone number?" Only two knew the number.

Six weeks after 911 was in service 1,200 students were interviewed, and 96.7 percent knew that 911 was Oak Park's emergency telephone number. In fact, for the first 7 weeks of the new service the city answered 1,247 calls for help.

Today, Mr. Speaker, I am simply asking that the remainder of our communities be provided funds for the installation of 911. We spend millions of dollars every year on crime prevention and health care. Yet, we have ignored one of the easiest means we have to prevent crimes and to provide immediate and adequate health care: a universal emergency phone number. For the benefits it will have, 911 is well worth the cost.

THE POLITICS OF DEATH

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HARRINGTON. Mr. Speaker, an honest judgment is often obtained when, removed from the immediacy of a situation, speculation and passions fade into the background and the simple reality of events emerges.

Anthony Lewis' column "The Politics of Death," written in London, achieves such a perspective. His comments on the future of the Vietnam war are stripped of the rhetoric and emotion which too often clothe less removed observations.

I quote from Mr. Lewis' column:

> In the six years since those marines landed, American weapons have killed upward of 200,000 civilians in Indochina and made several million people refugees. Whatever the original reason, that scale of destruction is an indecency.

That drives home the horror of this war.

I commend Mr. Lewis' column to my colleagues:

THE POLITICS OF DEATH

(By Anthony Lewis)

LONDON, March 7.—Six years ago tomorrow the first American ground combat unit, 3,500 marines, landed in Vietnam. Their announced mission was to protect U.S. bases. As late as June, 1965, a State Department spokesman said that was still the role of the rapidly growing American force—though if fired upon, he said, "our troops naturally return the fire."

The furtive way Lyndon Johnson got us into a land war in Asia has been followed by so many other deceptions that we are almost numb to them. What matters now, to most Americans, is not so much truth as just getting out. We want to liquidate the disastrous process that began six years ago.

Since President Nixon began withdrawing troops, there has really been only one central issue for the United States in Indochina: Would it be a complete withdrawal, with that fixed aim and by a time certain or would it be a conditional withdrawal, indefinite in extent and timing? Events make increasingly clear how significant that issue is.

There are elements within the Nixon Administration that favor a fixed commitment to total withdrawal, possibly including Secretary of Defense Laird. The reason is that the "Korean solution" of leaving a large residual American force is unattractive in budgetary and strategic terms. It would be a hostage to Vietnamese politics, always in danger of either having to leave or having to call more Americans back to help.

Indeed, the U.S. negotiating position at the Paris peace talks does not envisage a Korean settlement. The delegation under Ambassador Bruce is operating on the theory that, if the other side ever takes up our proposal for a cease-fire in place, the talks would move on to discuss the terms of a total withdrawal.

Yet the President has declined to make total withdrawal his policy. His recent statements, in fact, have tended to make the end of American involvement in Indochina recede into the even more indefinite distance.

At his news conference last week he said that "as long as there are American prisoners of war in North Vietnam, we will have to maintain a residual force in South Vietnam. At another point he indicated that our withdrawal depended on North Vietnamese forces leaving the South and Laos and Cambodia: "If that happens, we will be glad to withdraw."

Why does Mr. Nixon take this position?

The prisoner argument is really the other way. We may all wish that North Vietnam would make the gesture of releasing the 460 Americans we believe it holds (not 1,600, as Mr. Nixon said). But we know that the one sure way of getting them out is to end the war and withdraw.

A more serious contention is that delaying and conditioning our exit will give time for "Vietnamization" to work—for the South Vietnamese to be strong enough to protect themselves without our help. But the Laos operation, however it turns out, has shown that in terms of any imaginable time and effort, the goal is a will-o'-the-wisp.

In the limited area of the Laos invasion, American forces have flown more than 20,000 helicopter sorties and 2,500 bombing missions in the last month. Yet Vice President Ky of South Vietnam said last week that the United States had not done enough. On the basis of the Laos experience, with all the difficulties encountered by Saigon's troops, when can we ever imagine them ready to operate without American air cover?

The only thing that a delayed and indefinite withdrawal can gain is time. And there we come to the real reason for the Nixon policy. Its aim must be to hold the Saigon Government together at least until the American Presidential election next year. Mr. Nixon wants to be the candidate who withdrew most of our forces without "losing South Vietnam."

The question is whether Mr. Nixon's reelection is worth the cost of his way of withdrawing—the cost in human lives and damage to the social fabric. For his policy is necessarily one of aggressive withdrawals, depending on immense air activity to carry on the fighting as our ground troops leave. The Washington correspondent of the Financial Times of London, John Graham, described the effects of the policy succinctly when he wrote recently of the Nixon Administration: "It is bombing four countries, and has invaded two, in order to withdraw from one."

In the six years since those marines landed, American weapons have killed upward of 200,000 civilians in Indochina and made several million people refugees. Whatever the original reason, that scale of destruction is an indecency. And under the Nixon policy it will go on indefinitely.

Mr. Nixon is gambling, politically, on the belief that low U.S. casualties and continuing gradual withdrawals of ground troops will satisfy American opinion—in other words, that Americans will show no moral concern for death and disintegration among other people. I think he is wrong.

PROFESSIONAL FORESTRY IS NEEDED MORE THAN EVER BEFORE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. WYATT. Mr. Speaker, in recent years more and more of the debate in this Chamber has centered on the need to protect and preserve our environment.

Some of the words have concerned our forest resources, and the men who manage them. William Towell, executive vice president of the American Forestry Association, recently commented on the role of the professional forester in both the utilization of this valuable natural resource and in the management of associated values—water, wildlife habitat, wilderness. The editorial, titled "Let's Not Scuttle Professional Forestry," was published in the March 1971 issue of American Forests magazine and I insert it in the RECORD at this point.

LET'S NOT SCUTTLE PROFESSIONAL FORESTRY

The forestry profession is taking a beating. Forestry itself has become a dirty word among certain environmental revolutionists. Foresters have been labeled exploiters, money-grabbers or even traitors. The Forest Service is being severely criticized as having total disregard for esthetics, for wilderness or for the environment. Industrial foresters have become the villains in an ecologically oriented society which frowns upon anyone making a profit from cutting trees. Strong sentiments are being expressed for taking public land management decisions away from foresters and giving them to landscape architects, to ecologists or to the public itself.

Clearcutting and even-aged forest management are under attack in the East and in the West. Prime monoculture in the South is opposed by wildlife enthusiasts who label it a biological desert for game. Forest cutting practices and forest road construction are being blamed for floods, erosion and stream siltation. In fact, little if anything good is being credited to the forestry profession these days or to those who are responsible for the care and management of our nation's forest lands.

And, there is some truth to all these charges. Foresters are not blameless for many of the land and resource decisions that today offend a public suddenly aroused by what they see in their natural environment. Mistakes have been made by foresters, just as they are made by all men of action who must make judgments and decisions. At the time they were made, however, most were not mistakes and the foresters' batting average probably is as good or better than most. It is easy to focus on the negative and to be critical, but let's take a look at the positive side for a moment.

Conservation in America began with forestry. The setting aside of federal forest reserves was the first significant conservation act in our growing, exploitative nation. It was foresters who first recognized the evils of fire and who brought this demon under control. It was foresters who saw the need for wilderness and set aside vast areas of our National Forests as wilderness and primitive areas long before there was a Wilderness Act. It was foresters who recognized the necessity for multipe-use management of public forests and made it the law of the land.

The U. S. Forest Service has been a model of efficiency in land administration, an example to other land management agencies that followed. Federal foresters are well trained, dedicated and highly respected in the eyes of the people who know them best. Congress long has recognized the Forest Service as a well disciplined, scandal-free, reliable public agency. The Service has shown strong leadership in helping the states develop sound, productive programs on state and private forest lands. Industry looks to the federal service for leadership in land management techniques, for research and for environmental protection.

From the ranks of professional foresters have come many leaders in American conservation, the Director of the Bureau of Land Management and former Directors of the Bureaus of Outdoor Recreation and Sport Fisheries and Wildlife. Several state conservation departments are headed by foresters who have demonstrated as much concern for water quality, for recreation, for wildlife and esthetics as they have for trees. Professional foresters direct the work of two national conservation groups—The Wilderness Society and The American Forestry Association. Schools of forestry have become schools of natural resources under the leadership of foresters concerned about ecology and the total environment.

Let's not scuttle professional forestry in America. Foresters have made mistakes, yes, but they still represent the best trained management professionals for more than a third of our nation's lands. They, too, are awakened to the new ecological relationships which must govern our use of land and resources. Many foresters, particularly the younger men who will be directing forestry programs in the future, are just as concerned with esthetics and the amenities as they are with providing lumber, pulpwood and plywood which commercial forest lands must produce.

Clearcutting most certainly has been abused in some areas. But it is a necessary tool in the professional forester's kit. It is the only way of regenerating forests of desirable species in certain regions. It is the only way to control some diseases and insects which can destroy the forest in a much more unsightly way. Clearcutting can be just as important to the forester as amputation is to the surgeon who must use it to save a life, but unlike human amputation, the forest will grow again. Foresters are learning to use the clearcut more sparingly, in smaller units and away from public view, just as they are giving greater priority to esthetics, to recreation, to wildlife, to water quality and other amenities of forest lands. Let's not rob him of the essential tools of his profession, but rather demand that they be used with greater discretion in the public interest. The forester is a professional who will rise to the challenges of today as he has in the past. Let's give him that chance.

AID TO RURAL AMERICA

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. SKUBITZ. Mr. Speaker, I have been listening to the needs of rural America for a long time. During that time I have tried to give fullest recognition of the problems peculiar to our greatest resource comprising more than nine-tenths of our land area. I have worked and voted for legislation that has at least met the basic requirements of the people still holding the economic fort at the crossroads and the comparatively small communities.

We are at a period in history, however, when it is no longer sufficient to fight delaying battles against the onrushing problems of this modern era. These tactics have not been successful in past decades, and they most assuredly would be destined for calamity if continued into the decade of the 1970's.

President Nixon has advocated offering the chance for the keen minds and initiatives present, but stifled, in rural America to emerge into the greatness available and merely awaiting the opportunity. This could only come about by removing the shackles of unnecessary bureaucratic government and returning initiative and adequate tax money back to the people who created the economic climate that makes it possible for the Nation to prosper.

The rural development special revenue sharing program just introduced in the Congress is the first real plan of action that will permit rural America to overcome Government-induced handicaps and contribute mightily to our country's true potential. The benefits will not only lift rural communities to new vigor and growth, but will relieve the pressure upon the large cities. Leaders of the metropolis need a breathing space in which to replan and also gain new direction and momentum.

The measure we will now be considering cannot be termed a cure-all, of course. But, it does give more hope for rural people rather than continuing the deep frustration they have known for too long. It does offer an immediate means for setting up priorities that will fit the needs of each State and local community. It does turn initiative back to the people themselves through their legislatures. It does begin a reversal of the resource flow from Washington back to the creators of the resources.

I can see no reason why this portion of the administration's revenue sharing program should not receive fast attention from the Congress. I commend it with no reservations to my colleagues.

CONGRESSMAN MOORHEAD WANTS FUNDING FOR OCCUPATIONAL HEALTH AND SAFETY BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. MOORHEAD. Mr. Speaker, I must rise to express some concern I have that the occupational health and safety legislation which this House voted so favorably for last year, was not given any funding by the Appropriations Committee.

The administration came before the committee with two supplemental appropriations bills; one for unemployment compensation and the second for the occupational health and safety legislation.

The first received funding. The health and safety bill did not.

This legislation becomes effective next month on April 28.

I feel that the Appropriations Committee should act quickly and grant the administration the funds needed to put this desired program to work.

I feel the longer this program remains unfunded the more we are playing games with health and safety of this Nation's workforce.

I urge the committee to act now on a money bill for this program.

SENATOR GRUENING—HIS PROPHETIC WORDS STILL RING TRUE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. RYAN. Mr. Speaker, on March 10, 1964—almost exactly 7 years ago—the Honorable Ernest Gruening, then Senator from the State of Alaska, took the floor of the Senate to deliver a major address. The subject of his discussion was entitled "The United States Should Get Out of Vietnam."

Since that time, and before it, as well, Senator Gruening has been one of our most astute and perceptive analysts of the war, and of this Nation's role in it. His vigor, his dedication, and his concern have been constant and unswerving.

What Senator Gruening had to say on March 10, 1964, bears repeating. It has borne repeating for these long and tragic years, as this war has continued, claiming more than 53,000 American lives by now. At the time he spoke, some 200 Americans had been killed in Vietnam, 115 of them in combat. Yet, his words were startlingly prophetic, and the events since then have borne out their acuity.

Senator Gruening said then:

> I consider the life of one American worth more than this putrid mess. I consider that every additional life that is sacrificed in this forlorn venture a tragedy. Some day—not distant—if this sacrificing continues, it will be denounced as a crime.

And Senator Gruening continued:

> Let us do a little hard rethinking. Must the United States be expected to jump into every fracas all over the world, to go it all alone, at the cost of our youngsters' lives, and stay in blindly and stubbornly when a decade of bitter experience has shown us that the expenditure of blood and treasure has resulted in failure?
>
> Shall we not, if taught anything by this tragic experience, consider that of the three alternatives: First, to continue this bloody and wanton stalemate; second, to go in "all-out" for a full-scale invasion and the certain sacrifice of far more lives and a scarcely less doubtful outcome; or, third, to pull out with the knowledge that the game was not worth the candle.

This last is the best of these choices. Senator Gruening stated:

> All our military should immediately be relieved of combat assignments. All military dependents should be returned home at once. A return of the troops to our own shores should begin.

And he concluded:

> This is a fight which is not our fight into which we should not have gotten in the first place. The time to get out is now before the further loss of American lives.

Senator Gruening's words were not heeded in 1964. But, they still ring true. We cannot undo the tragedy of the ensuing years, but we can prevent the tragedy of future days and months and years. We must end our involvement in this war.

DAIRY PRICE SUPPORT DECISION MADE IN A VACUUM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. OBEY. Mr. Speaker, on or before April 1 of each year, the Secretary of Agriculture must make a decision whether or not to raise the price support level for milk.

The support price at the present time is $4.66 per hundredweight, equal to just about 81 percent of parity. There is ample justification, I think, for raising that support level to $5.15 per hundredweight. For example, our dairymen have seen a significant increase in their costs of production, and they have competition from large volumes of dairy imports. There has been a decrease in milk production in that area of our Nation which produces the major share of our total milk supply, a development which should cause concern for those who know we need to have adequate future supplies of milk.

Judging from their remarks on the floor of the House and the Senate, it is obvious that many others in Congress agree with me that an increase in the support level is needed.

Unfortunately, the Secretary of Agriculture did not agree, for we learned late last Friday that there will be no increase in the price support level for milk on April 1.

Mr. Speaker, the Secretary's decision must have been made in a vacuum—with no consideration for the increasing costs of operation facing our dairy farmers, with no concern for the possibility of future milk shortages, and with no feelings whatsoever for the economic problems of those in our rural communities.

The decision of the Secretary of Agriculture not to increase the price support level for milk was linked with two other announcements: That the U.S. Government will begin to purchase domestic cheeses and that the Tariff Commission has been instructed to begin an investigation of imported cheeses selling for over 47 cents per pound.

The Secretary of Agriculture is wrong if he believes a Tariff Commission investigation of imported cheese can act as a sop for those of us who attempted to get an increase in the price-support level. The Secretary knows full well it will be months before any investigation is completed, and if the President pays as much attention to this Tariff Commission report as he did to the last such report on cheese imports, we know now that our dairy producers will continue to face serious economic problems.

The fact remains that the price support for milk is now at 81 percent of parity, the lowest level since 1966–67 when parity was at 78 percent. At that time, many dairymen sold their herds and went out of business. If farm operating costs go up this year as much as they did last year, we could even find ourselves with a support level below the 75 percent of parity required by law.

Mr. Speaker, just a few days ago the President told the Congress that—

> Rural Americans deserve a full share in the nation's prosperity and growth.

It is certainly hard to believe he takes his own words seriously when the Secretary of Agriculture's decision Friday could very well lead to a drop in the price of milk this spring.

I have long felt, and still do, that the price-support level for milk ought to be set at the full 90 percent of parity authorized by law. I shall continue to press the Secretary of Agriculture to establish the support price as close as possible to that level, and as a start I am joining several other Members of the Congress today in the introduction of a bill which will require the support level for milk to be set at a minimum of 85 percent of parity for the marketing year beginning April 1.

I include a copy of a letter to Secretary Hardin more fully explaining my justifications for such a support price increase in the RECORD below:

MARCH 10, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On or before April 1st of this year you must make a decision with regard to the price support level for manufacturing milk.

I hereby ask that you raise that price support level from the present $4.66 per hundredweight, which is equivalent to 81% of parity, to the full 90% of parity authorized by law. It is my understanding this would set the support price level at approximately $5.16 per hundredweight.

I would like to urge you also to recommend to the President that action be taken immediately to halt the tremendous influx into this country of cheeses selling for over 47 cents per pound.

Just one month ago Undersecretary of Agriculture Phil Campbell was discussing the reasons why you decided to increase the price support for milk to $4.66 cwt in April, 1970:

"... Dairymen's capital investments needed to be protected in order to supply milk demands 5 or 10 years hence—otherwise, a milk shortage might have resulted. The price support increase works out to the advantage of both the producers and the consumers."

And, said the Undersecretary:

"Consumers must realize that if they want to be assured of a continuing abundant supply of wholesale milk, they must pay the producer enough for his milk to make dairying worthwhile."

Mr. Secretary, I believe the justifications cited by Mr. Campbell which led to an increase in the price support level in 1970 are just as relevent today.

While there was a small overall increase in milk production in 1970, due largely to good weather and a decrease in pork and beef prices, the 12 north central states—those economically producing 48% of the nation's total supply of milk—showed a net decline in production of 394 million pounds when comparing the first eleven months of 1969 with the same period for 1970. With an increase in the prices of pork or beef this year, and with a decrease in our present unemployment rates which may siphon dairy farmers off their farms, the possibility certainly exists that the production of milk may drop below adequate levels in the future.

Mr. Secretary, as the Undersecretary said, we must encourage those on our dairy farms to continue their operations so that our citizens are assured of an adequate supply of milk in the future.

In the past there have certainly been many factors which have pushed hundreds of these farmers off their farms and proved to be of great hardship for those who have stayed.

From 1952 to 1970 production costs have increased 36%. Wages farmers paid increased 7% from 1969 to 1970. Farm machinery costs increased 6% in the same period. Farmers' state and local taxes have skyrocketed, increasing 11% from 1968 to 1969. Certainly we know they haven't decreased since then.

Unless we encourage our dairy farmers to stay on their land—and we can do so by raising the price support for milk—there is always a risk that even with increased production by those who continue their operations, we may find ourselves with an inadequate supply of milk and milk products in the future.

In addition to the frustrations to our dairy farmers such as those I mentioned above, a very large increase in dairy imports over the past 3 years has caused a great deal of concern within many dairy farm communities in my District.

I am particularly concerned now with the imports of cheese selling for over 47 cents per pound.

Cheese selling for over this amount now enter the country quota-free. This 47 cents price-break has resulted in an evasion of our import quotas through the use of export subsidies, rebates and artificial pricing arrangements. Imports of such products in 1970 were 237% of what they were a year ago. Dairy imports, in general, totaled 1.92 billion pounds of milk equivalent, 119% over last year. There is adequate information, I believe, to indicate that such a large volume of imports is doing serious harm to our domestic dairy support program, and I believe action by the President is justified.

Rapidly increasing costs of production, competition from large volumes of foreign dairy products and the lure of non-farm employment all are and will continue to be of concern to our dairy farmers.

Our concern must be to provide the incentives needed to keep these farmers in business. If farmers do not have price stability, we won't have a stable milk supply. And if the price support is not set at a level which will keep these farms going, then short milk supplies will increase consumer prices well above any level that might evolve as a result of an increase in the price support level.

Therefore, Mr. Secretary, I believe we have ample evidence to indicate that action on two levels is needed: that we have an increase in the price support level to 90% of parity, and that action be taken to curb the importation of cheese selling for over 47 cents per pound. It will be a tremendous encouragement economically for our dairy farmers—they have little else nowadays to cheer about.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

SST: FACTS AND FOLLY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. WOLFF. Mr. Speaker, during these next few days the Congress will decide the future of the supersonic transport, or SST aircraft. In making that decision, we will commit our country either to an enormous investment of money and technological resources with questionable returns in terms of profits and operational performance, or we will choose to postpone this project until such time as research enables us to build an aircraft whose performance and effects on the environment have been carefully tested to meet accepted standards.

In making a decision such as this, that will affect so critically the future of aviation in this country, we must consider not only the environmental questions, not only the economics, but the justification in terms of benefit to the public for using tax dollars to subsidize a project undertaken by the commercial aviation industry.

I insert in the RECORD an especially cogent article written by Nancy L. Chance which recently appeared in the Oyster Bay Guardian, one of the fine weekly newspapers in the Third District of New York, which I believe reflects the views of many people concerning this vital issue:

THE SST: FACTS AND FOLLY

The history of the super-sonic transport, which in our abbreviating mania we label SST, continues to be written with strong rhetoric. Every major group concerned with ecology and conservation has spoken emphatically in opposition to it, and many are lobbying actively against it in Washington. Yet its advocates remind us that other nations must not be allowed to replace us in the forefront of this headlong race for technological glory, and President Nixon has placed his administration firmly behind this argument. Since what is at stake is essentially an immense federal subsidy to the commercial aviation industry, as taxpayers we must examine carefully the potentialities of this project for which so much of our money may yet be spent.

Any evaluation of the relationship between price paid and value received must begin with a statement of actual monetary cost. Development of a single prototype will cost a minimum of $1.5 billion, of which $1.3 billion will come from federal funds. At least 300 SST's must be actually built and sold before the government can break even on developmental costs alone, and if the industry is subsequently unable to attract sufficient private capital for actual production of planes, the government will then be faced with the unpleasant prospect of rescuing the entire project from impending financial disaster. The argument is circular of course: possibility of future profit justifies the original expenditure, which becomes in turn the justification for massive additional expenditures so that the original investment may not be wasted. It should be noted here that the SST would cost more than twice as much per plane to build, and would consume twice the fuel per mile as the 747, which carries many more passengers. Similarly, unprofitable seat-mile costs have brought about a suspension of production in the Anglo-French Concorde, for lack of firm orders from any airline.

The total price however is paid in somewhat different coin—it is a question of the quality of life itself. Potential environmental dangers are enormous, but for the sake of current polemics no one possesses sufficiently verifiable data. The proof must wait upon the fact, but the point once proven may be irreversible: what shall we do if we discover that, in truth, disturbance of the upper atmosphere can permanently change the earth's weather patterns? And there is the noise. We are told that super-sonic flight will not be allowed over heavily populated areas. Where then will the sonic boom come on transcontinental flights—Pittsburgh? Cleveland? Kansas City? On Aug. 28, 1970, Laurence Moss, executive secretary of the Committee for Public Engineering Policy of the National Academy of Engineering, stated before a Congressional Committee hearing on the SST: "Sideline noise will be highly objectionable at distances of 15 miles from an airport of heavy use, such as JFK."

And for the price, what is the value received? A little prestige, a bit more speed, profits for the aircraft industry—perhaps. Common Cause believes the government should end this wasteful project and instead support efforts by Boeing and other aerospace firms to diversify into fields such as antipollution activities, where their technical abilities could be better used. House and Senate Appropriations Committees will hold hearings on the SST the first week in March and the resulting Appropriations Bills will be reported out to the House the second week of March and to the Senate shortly thereafter. Common Cause urges those who feel strongly about this issue to communicate with their elected representatives in Washington.

RURAL DEVELOPMENT SPECIAL REVENUE SHARING PROGRAM

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. WINN. Mr. Speaker, I believe that most Members of this Congress, perhaps some reluctantly, will admit that the programs of recent years designed to aid farmers and people in our small communities have been something less than successful. The same problems still exist in a greater or lesser degree, with little accomplished in a positive turnaround of direction or trend.

The Nixon administration has attempted under the existing framework to achieve better response for and within rural America. More funds have been allocated in most categories of assistance than in previous years. But, a massive assault upon the problem has not been possible because planning is on a stopgap basis rather than on intelligent long-range development.

Now this Congress has before it the first real opportunity to reverse tired, unworkable thinking and approach the problem from a new direction.

The rural development special revenue-sharing program proposes that people in the 2,600 rural counties be given decisionmaking on projects which will benefit their communities the most. In addition, the bill would return more of the financial resources which are being currently siphoned from these communities for Federal use.

We have an opportunity to offer 65 million people a chance to manage their own affairs, while benefiting the entire Nation. Harnessing the talents of rural leaders to adequate revenues to carry out projects determined to be most feasible by local planners would seem to be the best possible means of eventually reversing the flow of people into our overcrowded and troubled cities.

Freeing the Congress and national leaders from the constant specifics of determining each rural project is another plus to be gained from block financing of locally conceived expansion programs.

Having been close to people in rural America for a number of years, I am convinced that there are few problems they cannot handle on an efficient plane if permitted to make use of more resources originating in rural areas—both human and financial. Coupling local initiative with a minimum of Federal assistance is surely preferred to the maze of strings tying projects presently to the Washington bureaucracy.

We have plenty of proof that existing governmental conditions have not permitted proper development of rural America. We stand to gain much, and lose nothing, by trying a different and logical course offered by this revenue-sharing legislation.

SOVIET SUBMARINE BASE AT CIENFUEGOS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. SCHMITZ. Mr. Speaker, Secretary of Defense Laird, in his recent report to the House Armed Services Committee on March 9 of this year, pointed out that the Soviet ballistic-missile submarine fleet is presently the fastest growing element of the military threat which the Soviets pose to the survival of our Nation.

Secretary Laird stated:

> The Soviet ICBM threat is augmented by a substantial nuclear-powered, ballistic-missile submarine fleet, that is presently the fastest growing element of the threat. The most capable component of this fleet is the Y–class, which, like the U.S. POLARIS, has 16 tubes for launching missiles. There are now at least 17 such subs operational—capable of launching at least 272 missiles with a range of 1,300 nautical miles. The additional ballistic missile capability in older Soviet submarines gives them a total of more than 350 launchers in the operational inventory. Another 15 or more Y-class submarines are in various stages of assembly and fitting out. At the current production rate of 7–8 SSBNs per year, the USSR could develop an operational force of Y-class submarines by 1974, comparable in size to the current POLARIS force. A longer range submarine launched ballistic missile is under active development. We cannot estimate deployment at this time.

In the light of these facts the Soviet submarine base in Cuba takes on added significance. In order to help acquaint my colleagues with this aspect of the situation in Cuba as it develops I would like to insert in the RECORD at this point the latest intelligence report from Dr. Manolo Reyes, a noted expert on Cuba, as it was passed on to him from the Cuban Patriotic Resistance.

Following Dr. Reyes latest report is an article which appeared in the December 21, 1970, issue of Aviation Week & Space Technology magazine which also contains information bearing on the Soviet submarine base at Cienfuegos, Cuba.

The two articles follow:

SOVIET SUBMARINE BASE AT CIENFUEGOS, CUBA

We have just received new information from the Cuban Patriotic Resistance referring to the Russian Naval Base in Cienfuegos Bay, in Cuba. The new information reveals, among other things, the perimeter of that base. On the water, the extension of the Russian Naval Base is of about 4¼ miles. On land, on closed littoral, from La Milpa to Punta Gorda, it is of almost 15 miles.

According to the report received from the Cuban Patriotic Resistance, The Russian Naval Base in Cienfuegos occupies the South, South East, East and North East parts of the Cienfuegos Bay. That is, from the tip of La Milpa towards the East of the Laguna de Guanaroca. From there, towards the Ensenada de las Calabazas, including, of course, Cayo Colorado, Punta de la Trompada, the mouth of the Caonao River, the Estero de Bada, the tip of La Hierba up to Punta Gorda. Therefore, the sections of Laredo, Playa Alegre and Punta Gorda have been vacated. All of these places mentioned before, and that form the perimeter of the Russian Naval Base, are precisely in the hands of the Russians.

In Punta Gorda, where the Naval Base mentioned before, ends, the militaries have taken possession of all the houses, accroding to the Resistance. In the attached photograph, taken some years ago, you can appreciate the extension of about two blocks of Punta Gorda, where there are some ten houses. All of them have been occupied by Russian Naval officers, while the so called Bulgarian and Russian technicians are staying at the Hotel Jagua in Punta Gorda.

The Resistance also informs that the house marked with an arrow, and of which you can see the top part of the building, belonged for many years to the Cacicedo family, from whom it was stolen by the Castro-communist regime. The house is two stories high, with eight rooms, six bathrooms, a wide hall on both floors and is of Spanish style. At present, that house is constantly visited by Fidel Castro. And the offices of the Communist Party have been established there and it is where the Russian Naval Staff meets, sometimes by itself, sometimes with Castro. Not over six Russian Naval officials of high rank have taken part of these meetings. Raul Castro has also been at the meetings.

The high Russian Naval officers that go to Cuba, according to the Resistance, meet in Punta Gorda. But later they go, apparently, to rest at the facilities built in Cayo Alcatraz. Facilities that are far superior to the ones available to the noble Cuban people at present. The Resistance informs that the facilities at Cayo Alcatraz are also for the change of crews from the surface units and submarines of the Soviet Union. According to the report, Fidel and Raul Castro have gone to Cayo Alcatriz. No other Cuban is permitted at present in that key. The same is totally in the hands of the Russians. Finally, the Resistance says that Fidel Castro has ordered the fast construction of a bridge over the Caonao River where a strictly military road passes towards the Russian Naval Base. That military road leaves from a point of the Cienfuegos road to the Tomas Asea Cemetery, and goes directly South, passing over the Caonao River, near its mouth, crossing the San Mateo farm up to a place called El Laberinto de los Naturales, near Guanaroca. Up to here the latest information received from the Cuban Patriotic Resistance about Cienfuegos.

SOVIETS BOOST CARIBBEAN PRESENCE

(By Cecil Brownlow)

WASHINGTON—Soviet Union is building towards an impressive strategic naval strength in the Caribbean to pose a direct, immediate threat to the U.S. mainland and to provide political-military muscle for Moscow-oriented organizations throughout Latin America.

Home base for these operations is Communist Cuba, where the Russians already have in place a base for nuclear-powered submarines that could become operational in a matter of days. From this base in Cienfuegos (Hundred Fires) in south central Cuba, Russian Y-class nuclear-powered, ballistic-missile submarines could launch their ordnance from port, if necessary, striking U.S. East Coast targets as far north as Boston. Primary mission of the base, however, would be to provide a replenishing point for the submarines, substantially extending the time they could remain near their assigned stations off the U.S. coast in the Caribbean and Atlantic.

The Y-class submarine carries 16 1,500-mi-range ballistic missiles that can be fired while the vessel is surfaced or submerged. It is similar in range and ordnance-delivery capabilities to the U.S. Navy's Lockheed Polaris fleet ballistic missile system. Weapons accuracy and submarine reactor safety are considered somewhat inferior to those of the Polaris, but U.S. officials believe the Soviets are rapidly overcoming these shortcomings. Pentagon authorities also estimate the Russians will have 35–50 Y-class submarines operational by 1974–75.

The Soviet buildup in the Caribbean is a further reflection of that nation's increasing strategic strength and assurance in comparison with the relatively-declining position of the U.S., with its reduced defense budgets and a creeping public sentiment for a return to its isolationist past. Russia has continued to build additional intercontinental ballistic missiles and ballistic-missile submarines. The U.S. has stood on the quantitative par it reached in 1969.

The buildup also closely follows the pattern of the Soviet navy's expanded presence in the Mediterranean, once considered a U.S. "mare nostrum" as is the Caribbean today. The increasing Russian strength in the Mediterranean, designed to increase its political posture in the Middle East and to intimidate members of the North Atlantic Treaty Organization's southern flank, already has virtually pushed the U.S. Navy from the eastern end of that particular ocean (AW&ST Mar. 30, p. 14).

The Russian presence in the Caribbean may never reach its Mediterranean proportions so far as numbers of ships are concerned. Logistics is more difficult, and intimidation of the U.S. and Latin American governments from there much easier. But, there is little doubt the Soviets are moving into the Caribbean to stay. Among the indications aside from Cienfuegos:

Soviet nuclear- and diesel-powered submarines plus surface vessels have been carefully charting the Caribbean ocean floor and operational conditions for the past several years, particularly the two major passages through the West Indies to South America. Searches usually are conducted by flotillas composed of no more than four ships to dampen U.S. concern. Submarines have included the November-class anti-submarine-warfare (ASW) nuclear-powered attack vessel with excellent sonar facilities to help chart the ocean depths.

A Russian task group currently is visiting Cuba, docked at the southern Cuban naval base of Antilla. Force is composed of a Foxtrot-class diesel-powered submarine, an ASW frigate, with good sonar capabilities, and a tanker.

Soviet Tupolev Tu–95 Bear long-range reconnaissance aircraft have begun to make regular visits to Havana on nonstop flights to and from Russia, establishing a presence and gathering reconnaissance at the same time. Four flights of the four-turboprop aircraft, with an unrefueled range of 7,800 mi., have been recorded by the U.S. since April. Three of the four were composed of two-aircraft formations; the third had three.

The first two flights were detected in April, during the course of the wide-ranging Soviet Okean fleet maneuver exercises. The third came in May. The fourth flight of two Bears was observed earlier this month by U.S. Air Force General Dynamics/Convair F–106 interceptors flying off the Florida coast. Estimated Russia-Havana flight time for the aircraft without refueling is 17 hr. U.S. officials believe a backup crew is carried on such missions.

Thus far, no Soviet nuclear submarines have pulled into Cienfuegos, primarily because of sharp U.S. protests to Moscow when the construction of shore facilities was detected in September by USAF/Lockheed U–2 high-altitude aircraft. This detection was later confirmed by Navy/Lockheed P–3 reconnaissance planes hastily dispatched from the mainland to Guantanamo Bay, the isolated U.S. Navy enclave near the southern end of Castro's Cuba, to aid in the surveillance.

But there is no doubt that Cienfuegos can be transformed to operational status within a minimum of time, despite Soviet assurances that it has no plans to take such a step and apparent State Dept. willingness to accept them.

Best reason to suspect Soviet intentions—and its October announcement that it is not constructing "its military base in Cuba"—is the continued presence in Cienfuegos of two specially constructed Russian barges. They have been built to accept the radioactive effluent salt-water waste from Soviet nuclear-powered submarines.

Soviet submarine reactors use salt water as a coolant, as opposed to the pressurized distilled water reactors employed on U.S. nuclear vessels. The former method creates an in-port radiation hazard since the salt crystals in the water become highly irradiated during the cooling process.

The two barges are designed to accept the effluent waste from any visiting nuclear-powered submarine. They then would be towed into the Caribbean or Atlantic to dump the radioactive water. The submarines do not discharge the water while at sea. To do so would leave an easily identifiable trace for tracking U.S. ASW aircraft and vessels.

After the U.S. September complaints concerning the Cienfuegos buildup, the Russians did remove a submarine tender from the harbor, perhaps the second best after Guantanamo as a ship anchorage in the Caribbean. The tender, however, has continued to hover in the region.

At least *some military specialists concerned with the problem believe the Russians will continue to "low profile" their Cienfuegos capability until their production permits them to base approximately 10 Y–class submarines in the harbor*. Then, their military presence might be strong enough to resist U.S. political efforts to force them to leave.

The shift in strategic nuclear power since 1962 leaves the U.S. in a much more vulnerable bargaining position than it enjoyed at that time when it forced the Soviets to remove their growing network of ground-based/intermediate range ballistic missiles from Cuba. The Cuban-based fleet ballistic missiles could achieve the same intimidation objectives with the added factor of mobility.

In addition to the barges, Cienfuegos harbor has been equipped with a steel submarine net stretching across the deep channel of the harbor from the mainland to the island of Cayo de Carenas. Shallow water areas of other portions of the bay would make it difficult for U.S. attack submarines to penetrate the area without detection.

A recreation area and barracks complex for enlisted men from the submarines also have been constructed on Cayo de Carenas. Logistics storage areas, a communications center and 40-mm. anti-aircraft gun emplacements to defend the harbor have been built on the mainland. The emplacements had been occupied, but the guns were withdrawn following the U.S. complaint. The mobile weapons could be returned to position on short notice.

There are no submarine repair facilities on the island or mainland. Nor is there any indication that the Russians plan to stock missiles there to resupply the submarines after they have expended their initial stores of ordnance. The supposition is that the submarines, if ordered to launch their missiles, would then be instructed to return to their home base in the Soviet Union.

The U.S. contends it reached a "verbal agreement" with Soviet authorities in October that the latter would not establish a nuclear submarine base in Cuba, reaffirming terms of an earlier 1962 pact under which Russia removed its land-based IRBMs from that island. But, both State Dept. and Pentagon officials have been chary of dwelling upon the specifics.

Defense Secretary Melvin R. Laird has conceded, however, that the Soviet tender in Caribbean waters might still be employed to service nuclear submarines outside Cuban territorial limits, increasing their time on station by 33–40%. Y-class submarines have been operating off the U.S. Atlantic coast for the past year.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the plight of the over 1,600 American men listed as Prisoners of War/Missing in Action in Southeast Asia has been the subject of much discussion in this Chamber. The mistreatment of these men at the hands of their captors has been echoed by concerned individuals and groups, both at home and abroad. And what has been, and what must continue to be emphasized is the dual imposition of torture by the North Vietnamese Government. Not only are the American prisoners of war being maltreated and being denied the decency and care to which they are entitled, but their wives, children and parents have undergone untold suffering from being denied even the most basic information on the condition and whereabouts of these missing and captured servicemen.

What has been lacking in this drive to force the North Vietnamese to abide by the provisions of the Geneva Accords, which they have signed, is a joint effort on the part of all Americans, a unified show of support for our men who are being held prisoner or whose whereabouts are unknown. Because of this, Congressmen MYERS, ZION, and I introduced a bill to designate the week of March 21–27 as a "National Week of Concern for Prisoners of War/Missing in Action." We were very gratified to have over 170 Members of the House join us in cosponsoring this legislation which has been passed by both Houses of Congress and is due to be signed into law by the President this week. I am hopeful that this week of concern will mark the beginning of a renewed effort on behalf of these American men. We have taken out a special order on Tuesday, March 23, and we would like to invite our colleagues from both sides of the aisle to join us on the floor that day in expressing support for our POW/MIA's.

The present administration is very much aware of the need for a revitalized effort in this area. President Nixon chose the occasion of the annual Gridiron Club dinner on March 13th to pledge once more his own firm commitment to "obtain the release of all our prisoners as soon as possible." In the President's words:

> Let us give it our continued dedication and continued public understanding, for the sake of the prisoners, for the sake of their families, and for the sake of human decency.

At this point in the RECORD, I would like to commend the full text of the President's statement to the attention of my colleagues:

STATEMENT BY THE PRESIDENT, READ BY SECRETARY OF STATE WILLIAM P. ROGERS AT THE GRIDIRON CLUB DINNER

It is appropriate that, as the one solemn note on this evening's program, the Gridiron Club has chosen a matter of deep humanitarian concern to all Americans—the plight of more than 1600 U.S. military men captured or missing in Southeast Asia. Some of our men have been in Prisoner of War camps for more than six years, many with no word ever to their families. Many of the families endure the anguish of not knowing whether their man is dead or alive.

There are many kinds of heroism in wartime: the raw courage of the soldier or marine in the field; the skill under pressure of the air crew in combat; the dedication of the corpsman going after the wounded under fire. Another kind of heroism is that imposed in meeting the ordeal of prolonged captivity.

The three men standing before you have survived that test—but they know, and we all know, that there are hundreds of others who continue to endure prolonged confinement. We salute these three men tonight, and in doing so we honor their comrades who remain in enemy hands, and the many who are missing. And also we honor their comrades who have given their lives to the service of our Nation.

I know all of us are concerned about the problem of those who are Prisoners of War or missing in action. As journalists many of you have reported on this humanitarian problem. Growing public interest and concern about our POW's stems to a large extent from what the news media have done. Your reporting has brought information to citizens around the world and comfort to the families by letting them know these are not forgotten men, far from it. We believe that some of the progress that has been made in obtaining information about those captured in Southeast Asia results from the awakening of public opinion as a result of your news reports.

All of us are concerned also about your American journalist colleagues who are missing or captured in Southeast Asia as well as the dozen other journalists of other nations who may be in communist hands.

I fervently hope that all Americans will continue to support efforts to obtain the release of all our prisoners as soon as possible, as I proposed on October 7, 1970. So let us join our prayers to this purpose. And let us give it our continued dedication and continued public understanding, for the sake of the prisoners, for the sake of their families, and for the sake of human decency.

TRUTH ARISES IN AG CRISES

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. TALCOTT. Mr. Speaker, it is often difficult under the best of circumstances and the most sincere purposes to ascertain the truth when conflicting allegations are bandied about.

The truth is even more difficult to ascertain when the subject is remote and willful efforts are made to deceive.

The farm-labor crises in California are examples of how the truth can be subverted and persons can be misled when they are able to learn only from a single source.

The truth about the farm-labor crisis is emerging; however, more information is necessary. The tone of the eastern press has begun to reflect a new and more informed attitude concerning the reasons for the attempted strikes and boycotts of California lettuce; however, more accuracy is necessary. Some light is beginning to shine; but much darkness remains.

I urge Members of the Congress to keep an open mind until all of the evidence is in. I urge the committees of the Congress which may be called upon to consider legislation in the farm labor field to conduct hearings in the field, to solicit testimony and evidence from the persons involved and affected before any decisions are made.

I insert a copy of a recent editorial from the Los Angeles Herald-Examiner, which I urge everyone residing outside of California to read:

TRUTH ARISES IN AG CRISES

Slowly but tellingly, the truth about the continuous crisis in California agriculture—first in grapes, then in melons, currently in lettuce—is coming to light. Fact after fact has been produced. And, as each fact appears the effort of Cesar Chavez's United Farm Workers to control crop production is revealed to be the nefarious scheme that it is.

Within the past week came the debunking by health authorities of UFWOC's cry that field workers have been physically harmed by pesticides and fertilizers used by growers. Chavez has claimed that "hundreds of workers" are poisoned each year.

State Department of Agriculture officials checked with the chief health officer of Monterey County, which contains the world's lettuce-growing capital—Salinas. "In 1969 there were no cases of harmful effect caused by this source," replied Monterey's Dr. R. S. Fraser. "In 1970 there were three cases. The three cases were extremely minor in nature and after treatment the workers returned to their jobs." Studies in other leading crop counties—Kern, San Joaquin, Imperial, Sacramento, Fresno—produced similar reports.

Only a few dozen incidents in a two-year period, among more than 20,000 workers, could be found. Which, says the Free Marketing Council in Los Angeles, is ample evidence that UFWOC has spread an untrue story of death and rampant disability across the country.

Meanwhile the Marketing Council is sending representatives across the United States, showing civil leaders that our harvesters do not live in the neglect and poverty painted by Chavez—but, in fact, are the highest-paid in the nation. State figures show workers average $2.90 per hour. In specialized lettuce-cutting, income averages $160 per week for 39 hours of work, or $8200 per year for 50 weeks of labor. UFWOC propagandizes that farm housing is a disgrace. The State Department of Housing and Community Development points to 2000 new living units built for workers in recent years and with no shortage of homes. In California, under a deal with the federal government, migrant workers are paid to build their own prefabricated homes—after they are given free training in construction work.

Lack of protection under law for the field hand is still another old UFWOC allegation.

This week the U.S. Department of Labor stated that of 10 protective laws recommended to the states by Labor, California has nine in effect. In the protective-law area, no state other than this one has more than six of the prescribed statutes on its books. This is the only state, for instance, which provides temporary disability insurance ($25 to $87 per week, plus $12 daily hospital benefit) to ill or injured farmworkers. We are among the few with a minimum wage law, wage-collection laws and farm-labor-camp regulation laws.

Boycotting of lettuce has been called a "success" by militants under Chavez. If so, the Teamsters Union is not aware of it. As of Feb. 7, the Teamsters refused to truck any "black eagle" insignia UFWOC lettuce into Los Angeles or San Francisco and this week reported their act had been close to 100 per cent effective. At the moment, very little lettuce carrying the Chavez stamp of approval is available in either city.

Point after point, fact after fact, has been hammered home to those outside the state who have been misled.

And, the farm industry assures us, this is only the beginning.

BRIDGE BETWEEN ISRAEL AND ARAB WORLD

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BINGHAM. Mr. Speaker, a lot of thinking is going on in Israel today about the political future of the area. While in Jerusalem recently, I read with interest an article in the Jerusalem Post which was introduced by the editor, as follows:

An economic and political federation of independent Jewish and Arab states on both sides of the Jordan is the only hope for lasting peace in our area, writes Naftali H. Bein in this Personal Viewpoint column. Such a development might take 10 to 20 years, and the resultant commonwealth would serve as a genuine bridge between Israel and the Arab world, he believes.

The text of Mr. Bein's article follows:

FEDERAL WAY TO M.E. PEACE

If we genuinely want peace, security and the integrity of the character of our own state within the wholeness of the Holy Land, within its historical borders on both sides of the Jordan—as we do—and if the Arabs demand a similar status for themselves—as they do—then both parties can have that only in the form of an economic and political federation of two independent states, Israel on one hand, and an Arab Palestinian-Jordan state on both sides of the Jordan.

The latter should receive Gaza as its seaport and a free-zone in Haifa port. No corridors should be needed, because both peoples would be accorded full freedom of movement and residence, and gradually also of work and settlement, in all parts of a joint federal commonwealth. This would develop through vision and goodwill, in natural stages during 10 to 20 years, into the flourishing whole of Eretz-Yisrael and "Falastin" respectively.

DEFENCE COOPERATION

Such a union could begin its common administration with a joint committee for defence and foreign affairs, backed by some kind of a joint defence organization. This nucleus would gradually and necessarily develop, in the course of time, into a full-fledged federal government under which the final borders between the two states would certainly lose much of their present importance. The name and constitutional character of the Arab state would be for the Arabs alone to decide. Any representative leadership of it should be welcome to us.

The Arab Palestine-Jordan state thus federated with Israel would serve as a genuine bridge between us and the Arab world, whose moral backing it would enjoy. Israel, on the other hand, would be a convenient bridge for the Arabs to the best achievements of western civilisation, without any strings attached. Our present efforts in the West Bank represent a good start for such beneficial co-operation. Mass tourism would enter from both sides to the Holy Places of the three great religions, all properly supervised by their own autonomous religious authorities and their integrity internationally guaranteed.

Re-united Jerusalem, never in history any nation's capital other than that of the Jewish people, should remain a united municipality and Israel's capital. It should, however, also become the federation's central administrative seat and in its final stage its capital. An Arab local government constituency arrangement and the option of Jerusalem's Arab residents to choose between the citizenships of Israel and the Arab state, without prejudice to their full municipal rights, should go far to meet Arab national aspirations in the Jerusalem region. Without underestimating the many difficulties and obstacles in the way of its execution, such a solution should be attainable.

A federation on such lines would probably become in due course the stable nucleus for some kind of a Middle Eastern Common Market.

A federal solution would considerably facilitate an equitable solution of the refugee problem, obviously one of the pre-requisites of a lasting peace with the Arabs. The economy of the Arab federal partner, rapidly developing with our constructive aid, would eagerly absorb a good deal of the valuable man-power, senselessly wasted for so many years in dreadful refugee camps. The grievances caused by the harsh conditions in the campus would disappear and with them a good deal of the hostility of the previous camp inmates.

For other refugees within and outside the occupied territories places of work and resettlement should be found elsewhere by joint efforts and with international assistance. It goes without saying that generous compensation should be provided for all those whose property was expropriated or destroyed or should also be made for the reunion of families and other hardship cases in Israel proper.

A TURNING POINT

The public declaration of this peace concept might mean a turning point in our political situation and in that of the Middle East. A new wave of goodwill would be created among our friends and would-be-friends in the world. It would help to forestall the superficially conceived or inimical peace plans offered so generously by friend and foe alike.

It would certainly strengthen the hand of the moderates in the Arab countries and especially on the West Bank. It would soon make armed resistance against us appear superfluous and would help to clip the wings of the terrorists. In the absence of any other solution, all sides might ultimately be won over, hopefully, to such an equitable and attainable compromise.

Unfortunately, the Arab-Israel conflict, originally confined to the Palestine problem, has gradually expanded into a power conflict between Israel, with the Jewish people in the world behind it, and the Arab world, the latter mainly represented by Egypt, its strongest and most ambitious power. Dangerously behind it looms a possible super-power conflict. Obviously, the Jarring talks' main task will have to be to defuse this dangerous conflict and to disengage both sides from the heavily armed confrontation on the Egyptian front. Even this, however, will hardly be possible, if we cannot show at least a tangible concept intended to solve the Palestine problem, the origin and hard core of the conflict.

ANNEXATION

The idea of an Arab-Israel coexistence, based on a federal solution as elaborated above, has steadily gained support during the last years in Israel. Events and developments in this area since last summer have strengthened the tendency in this direction. It may well be assumed that such a peace movement should now be endorsed by a majority of our population. It may replace the senseless movements for and against withdrawal from the occupied territories. It certainly should take the sting out of the suicidal movement for large-scale annexations. Contrary to all these movements, which can only destroy the unity of our people without reaching anything positive, the proposed peace movement would tend to unite most of them.

WAVE EDITORIAL RECOMMENDS STIFFER SENTENCES FOR DRUNK DRIVERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. MAZZOLI. Mr. Speaker, on March 4, WAVE, a radio and television station in Louisville broadcast an editorial pertaining to the fatalities that have occurred on Kentucky and Indiana highways attributable to drunk drivers.

The editorial cites the experiences of Judge Baymond Berg, of the Cook County, Chicago traffic court who imposes a minimum sentence of 7 days in jail and a year's suspension of a driver's license for anyone convicted of drunk driving. A reduction of 40 percent in traffic deaths in Chicago during January and February of this year as compared to 1970 is attributed to the judge's stern punishment.

I commend the editorial to the attention of our colleagues.

I include the article as follows:

Drunk Driving

More than 1,200 people might be alive in Indiana and Kentucky today if drinking drivers had stayed off the highways last year.

National statistics indicate that roughly half the traffic fatalities are caused by people who drink and drive. Most of them are social drinkers. And the great majority of those who have a few drinks believe they are still capable of driving.

Safety authorities have tried everything. There are fines, assessment of points, traffic school, suspension of licenses and a continuing appeal for the traffic courts to be tough. The results are only partly successful.

However, we've heard of one program that seems to be quite effective. In Chicago, Cook County Traffic Court Judge Baymond Berg has a simple formula he applies to anyone convicted of drunk driving. Loss of license for a year and at least seven days in jail. Judge Berg started his plan in December. During January and February of this year there were 19 fewer traffic deaths in Chicago than in the same period a year ago, which represents a reduction of 40 percent.

Kentucky recorded more than 1000 highway deaths during 1970. The state of Indiana had more than 1500. Drinking and driving is blamed for about half the total. Which means about 1200 people were victims of drivers who had had too much alcohol.

Judge Berg's plan might also work in Kentucky and Indiana. We admit it's harsh punishment. But measure that against the loss of a life.

EARTH DAY

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. TEAGUE of California. Mr. Speaker, I introduced House Joint Resolution 406 calling for the designation of March 21, the Vernal Equinox, as "Earth Day." I want to advocate this resolution as proper and fitting for Congress to enact.

First, I think such a congressional designation would be appropriate to set 1 day aside to focus national and world attention on our earth. The environmental enthusiasm we all know is being expressed is not a transitory expression but an expression that I think will prove a lasting, as well as a very legitimate, concern. The Congress should foster and commemorate this concern.

The Vernal Equinox is an appropriate day as historically the beginning of spring has been a time of celebration. Unfortunately, relatively few people today, except perhaps for lovers and poets, pay enough attention to this fundamentally appealing occasion. We in Congress can repair this oversight by encouraging everyone to participate in Earth Day.

The Vernal Equinox, March 21, marks the day when most of the worlds population, those of us who live in the increasingly crowded and increasingly polluted Northern Hemisphere, put drab winter behind and welcome spring. Traditionally with spring, the earth itself forces all of us to observe a certain equality; namely, whether you live in Greenland, Gambia, New York, or the Netherlands, on the first day of spring you enjoy exactly 12 hours of daylight and 12 hours of darkness. The beginning of spring emphasizes man's equality and is a time symbolic of hope and the regeneration of life.

The United Nations Secretary-General, U Thant, has already signed an Earth Day proclamation for the celebration of Earth Day on March 21, 1971. This commemoration by the U.N. is a fresh example of what President Eisenhower called a "people to people program." This proclamation has already been signed by a number of eminent personalities, including Col. Buzz Aldrin, U.S. astronaut; Luther H. Evans, former director-general of the United Nations Educational, Scientific and Cultural Organization; Miss Margaret Mead, anthropologist; Miss Estelle Feldman, chairman of the Commission on Man and Environment of the 1970 World Youth Assembly, and Chief S. O. Adebo, executive director of the United Nations Institute for Train and Research. This country can follow the U.N. lead and take the leadership to designate a day for environmental focus, We should do this.

The UN Secretary-General will issue a message in connection with the observance of Earth Day, and will attend a private ceremony at United Nations Headquarters at which the Peace Bell will be rung. The ceremony will take place at 2 p.m. on Sunday, March 21, the hour of the signing of the United Nations Charter at San Francisco on June 26, 1945.

Many fine groups such as Kiwanis, church groups, and neighborhood associations organized for a variety of other purposes are endorsing Earth Day and are making plans for this purpose. Under the uniting slogan "Now is the time for all good people to come to the aid of their planet" organizations with more traditional direct connection with the fight to improve our environment, especially in high schools and colleges, are planning to take time out from their daily activities in this field to rededicate themselves by joining in what could easily become a worldwide event.

A single day could provide the sharp focus for nationwide media and could perhaps best foster an awareness and careful examination of our environmental predicament.

I urge the Judiciary Committee's consideration of the designation of Earth Day and the reporting out of House Joint Resolution 406.

POSTAL CLERKS CELEBRATE 40TH ANNIVERSARY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to recognize the 40th anniversary of the United Federation of Postal Clerks, Santa Clara Local 1832 which will be this Saturday, March 20. This group deserves our recognition not only as a valuable and responsible labor organization, but also as a civic-minded group. They have been active in community projects, such as the youth athletic league as well as other programs for the benefit of the people of the city of Santa Clara, Calif. I would like to congratulate all the members of the local on this 40th anniversary and commend their efforts to be of service to the city of Santa Clara.

SST—SYMBOL OF EXTRAVAGANCE FOR THE WEALTHY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. FISH. Mr. Speaker, since my election to Congress I have at every opportunity opposed the continued Government subsidy of development costs for the supersonic transport plane. Since my last vote, I have followed the arguments for and against this project, and find I still oppose this expenditure of taxpayers' money.

Although I share the deep concern of conservationists about the possible long-range consequences to our environment should this plane become a reality, my basic objections are and have been, economic and social in nature. For us to pour billions of taxpayers' dollars into a project which, even should it prove successful beyond the wildest dreams of its promoters, would admittedly provide only additional luxury transport for a handful of rich world travelers is, in my opinion, both questionable economics and bad governmental policy.

Every government at any time must make the choice between socially useful and socially useless activity. It is essentially on the balance of these two extremes that governments and nations rise or fall. For any government such a symbol as the SST which represents concern for the rich over the needs of the many, would be questionable. But for a country whose mass transportation system is a shambles, a country in which the average citizen in average circumstances cannot travel 50 miles with any degree of comfort or speed, such a symbol of taxpayer money lavished on such a travel luxury item as the SST is a symbol of social irresponsibility. It is a choice for a socially useless project as opposed to potential socially useful activities which surround us.

There is no question that the SST once in production will provide employment. The problem in my mind, however, is that it is socially useless employment.

With our cities fast becoming crime-ridden, bankrupt shambles; with our Nation's railroads either bankrupt or teetering on the edge of bankruptcy, with mass transportation virtually nonexistent; with the danger of this once clean and beautiful land of ours becoming a septic society drowned in its own pollution, surely this $290 million we are being asked to lavish on the SST can be put to some greater social good. The scientific knowledge and engineering talents of our Nation could be directed to meeting these critical, immediate concerns. These are the needs of all Americans.

As to the supposed economic necessity of this proposed project, I place into the RECORD an editorial from the New York Times of this date, which deals quite fully and explicitly with that fallacy.

SWALLOWING A LEMON

The economic arguments against the supersonic transport continue to pile up. In testimony before the Senate Appropriations Committee, Prof. George W. Rathjens of the Massachusetts Institute of Technology warned Congress against buying "a pig in a poke." He demonstrated that design changes intended to reduce the SST's severe noise level would almost certainly mean such increases in the plane's weight and operating costs that it could not be a profitable plane.

However, on the other side of the Capitol yesterday the House Appropriations Committee approved the full $290 million requested for SST by the Administration. The House will vote later this week on the measure, which will then be taken up in the Senate.

Prof. Paul Samuelson of M.I.T., a Nobel Prize winning economist, has described the plane succinctly as perhaps "the biggest lemon ever devised" in Washington. He refuted the contention that this country has to build its own SST to compete in the world aviation market with the Anglo-French Concorde. The plane's backers use this argument on both sides of the Atlantic, insisting in London and Paris that the Concorde is needed to head off the Americans and insisting in Washington that the SST is needed to head off the Europeans.

SST advocates also like to have it both ways in another stage of the argument. When the possible danger of the plane's vapor to the thin air of the upper atmosphere is pointed out, they piously insist that only two or three prototypes are being built for test purposes. But when the possible jobs and profits are being glowingly described, they admit that they want fleets of these planes built.

Professor Samuelson testified that the SST would be "relatively ineffective" in providing jobs. This is the answer to the theme that the labor unions are hammering hard in their pro-SST lobbying. There is a case to be made for stimulating the economy, and the expenditure of $2 billion in public funds, whether spent for this useless airplane or for building pyramids, would be a stimulus. But with schools, hospitals, housing, mass transit, medical research, care of the mentally ill and the mentally retarded and dozens of other social institutions and programs desperately pinched for money. It is fantastic that the A.F.L.-C.I.O. is beating on Congressmen's doors in behalf of this supersonic lemon.

The Machinists Union hopes that additional jobs may develop for its members if the SST proves viable and if the airlines buy it. But most of these hypothetical jobs are some years in the distance and may never materialize if the plane's operating costs make it a commercial failure. It is one thing to invest public funds in a worthwhile social project. It is another to gamble them against the economic odds in a project for which there is no dependable market, no customer demand, and no redeeming social purpose. It is strange that the A.F.L.-C.I.O. cannot tell the difference.

Mr. Speaker, for these reasons, without even touching upon the environmental questionability of this project, I shall continue to vote against additional funds for the SST.

DR. FREDERIC SUTTER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. MURPHY of New York. Mr. Speaker, early this year Staten Island lost a distinguished citizen and churchman when Rev. Dr. Frederic Sutter died at the age of 95. A church in Stapleton, built under his direction in 1914, stands as but one monument to his humanitarianism; his greater monuments are the thousands of islanders who were touched by his gentleness and belief in God. An article from the Staten Island Advance, written by Christine Keene, describes the work of this tireless champion of the community. I commend the article to my colleagues:

CHURCH, COLLEGE, COMMUNITY IN LAST FAREWELL TO DR. SUTTER

(By Christine Keene)

The Rev. Dr. Frederic Sutter, whose list of achievements and honors stretched as long as his 95 years, was buried yesterday from Trinity Lutheran Church in Stapleton, an institution that is synonymous with the Sutter name.

The son of a German stonecutter, Dr. Sutter rose to prominence on Staten Island for his tireless efforts on behalf of his Stapleton church, his alma mater, Wagner College, and the Island community. He died Sunday in Staten Island Hospital following a stroke.

Hundreds of mourners crowded into the 57-year-old church, filing past a stone bust of Dr. Sutter that was given to Wagner College 17 years ago.

BUILT IN 1914

The towering, stone church, built in 1914 under Dr. Sutter's direction, seemed a fitting place to pay tribute to the clergyman who had ministered there for more than six decades.

The clergyman's grandson, the president of Wagner College, the assistant pastor of Trinity Church and the president of the Metropolitan Synod of the Lutheran Church in America took turns conducting the funeral service."

The Rev. Carl R. Sutter of San Francisco, a grandson of Dr. Sutter and the third generation of Sutters serving the Lutheran Church as clergymen, delivered the invocation prayers and read a psalm, while the Rev. Robert C. Wakefield, assistant pastor of the Stapleton church, read the Bible lessons and gave the benediction.

The Rev. James A. Graefe, president of the Metropolitan Synod, delivered the address praising Dr. Sutter's "unselfish service" in "never losing sight of living hope" throughout all his years of work.

Dr. Arthur O. Davidson, president of Wagner College, an institution Dr. Sutter bolstered and shaped in its early history on Staten Island and continued to watch over ever since, gave the eulogy.

KEEP COLLEGE ALIVE

"Chairman of the board of trustees for over 40 years, instrumental in moving Wagner College to Staten Island from Rochester, N.Y., in 1918, acting president of the college three times and chairman emeritus the last 12 years, he kept the college alive, then firmed its foundation and directed its purpose and growth," Dr. Davidson said.

Dr. Davidson stressed the late clergyman's continuing interest in the college and its students.

"He spent much time on the campus," he continued. "He talked to freshman classes on opening day for 52 years, attended athletic events until last year and participated in the planning, groundbreaking and dedication of every building on the campus erected since 1918."

In 1951, Dr. Davidson said, the college that Dr. Sutter often referred to as "the baby left on his doorstep" named its newly constructed gymnasium after him.

The Wagner president said Dr. Sutter would be remembered as "pastor . . . not to Trinity alone . . . . not to the Lutheran Church . . . not to Wagner College alone . . . but to us all."

At the conclusion of the service, the purple-draped coffin was wheeled from the church and placed in a hearse across from Dr. Sutter's residence at 332 St. Paul's Ave.

The esteemed clergyman's family, including his three sons, the Rev. Dr. Carl J. Sutter, pastor of Trinity Church, and Herbert, and Frederick; his five grandchildren and six great grandchildren followed the hearse to Moravian Cemetery, where Dr. Sutter was buried beside his wife of 55 years, Emma, who died in 1954.

The tributes and memorials to Dr. Sutter are likely to continue for several months.

The Rev. Frederick Boos, principal of Trinity Lutheran School, conducted a memorial service for Dr. Sutter this morning in the church attended by the children of the school.

Wagner College also plans a memorial to him at the beginning of the spring semester.

THE LATE WHITNEY M. YOUNG

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. MAZZOLI. Mr. Speaker, it is with great regret that I mark the death of Whitney M. Young, executive director of the National Urban League. He was a man of integrity, honor and high conviction who was devoted to protecting the civil rights and promoting the economic improvement of the black citizens of the United States. He was a practical man, knowledgeable in politics and government, and yet he was deeply committed Commonwealth of Kentucky and spent equality for all Americans.

Whitney Young was a native of the commonwealth of Kentucky and spent his early, formative years there. His father was a prominent educator in Kentucky and doubtless young Whitney learned much about life and love of his fellow man at his father's knee.

Upon receiving his army discharge at the close of World War II, Whitney Young enrolled in the University of Minnesota for graduate study and was awarded a master's degree in social work. In 1947 he accepted a position as director of industrial relations and vocational guidance with the St. Paul, Minn., chapter of the National Urban League, an agency dedicated to the eradication of racial prejudice and job discrimination in America. With the exception of a few years' service as dean of the School of Social Work at Atlanta University, he was to remain with the National Urban League for the rest of his life. In 1961 he assumed the position of executive director.

Under the authority of Whitney Young, the National Urban League was to become one of the truly influential nongovernmental forces in the United States working toward the self-sufficiency of the poor American whether black or white. There were 60 chapters of the Urban League when Whitney Young took over the reins a decade ago. Today there are 98 chapters. It was mainly through his strong efforts that many millions of dollars are spent yearly by various agencies, public and private, to aid poor and deprived citizens of this country.

Whitney Young did not stress public protests to call attention to the inequities suffered by his people. But, rather, he worked hard and untiringly in the halls of Congress and at all levels of Government to find and fund cures for these inequities. He was quite effective in his dealings with governmental officials and private citizens, and he became quickly one of the most influential civil rights leaders in th world.

In the early days of the administration of President Johnson, Whitney Young proposed a number of recommendations designed to help poor people get back into the mainstream of America. Many of these proposals were adopted as parts of the antipoverty program which continues to brighten the lives of millions of Americans.

Whitney Young opposed violence and destruction as strongly as he opposed prejudice. He stood always for reason and rationality and understanding at a time in American history when such traits are rare commodities.

He will be sorely missed. But, hopefully, his counsel and his wisdom will live on to help America weather the crises of the future.

PUBLIC MAY LOSE MILLIONS ON SST CONTRACT DEFICIENCIES

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BROOKS. Mr. Speaker, in the past I have supported Government participation in the development of the SST. I recognize the seemingly distorted sense of priority of investing vast sums in this highly sophisticated area as contrasted to devoting the money to other highly deserving programs. But, in the ultimate sense, I do not believe that the Nation can afford to cast the SST in terms of an all-or-nothing alternative. Development of the SST is not necessarily at the expense of our continuing struggle against poverty, ignorance, and disease. In fact, technological breakthroughs offer much hope for the advancement of our sciences and often contribute many times their cost in benefits to mankind. The SST program is a vital part of this search for technological breakthroughs, and I have supported this effort up to now.

One facet of the SST program, however, which has not received the attention it deserves is whether the United States is prudently investing tax funds in the development of this aircraft which will be returned in the form of royalties, or whether we are simply making a gift of tax funds to the airlines and the airframe manufacturers. With hundreds of millions of dollars in tax funds involved, this question is of utmost importance as we consider the appropriation of more funds for this program.

In my opinion, the present arrangement between the Federal Government and Boeing does not fully protect the taxpayers' interest.

The original SST contract provides for the Government to recover its "airframe investment" by means of royalties to be paid on the first 300 production SST's. In the contract, an "SST" is defined as an airframe "principally of titanium structure and that achieves or is designed to achieve a maximum safe cruising speed of not less than mach 2.2 nor more than mach 3.1." The two prototypes, incidentally, are required to be designed for mach 2.7.

In the original contract, there was no provision for royalty payments on any supersonic planes designed for a maximum speed below mach 2.2. FAA maintains that such a plane would have to be an entirely new design concept incorporating little or none of the SST technology and requiring totally new development expenditures by Boeing and, therefore, no royalties should be paid.

I am not at all convinced that the FAA is correct in that assumption. Although a plane designed to do less than mach 2.2 might differ considerably in that it could be made of aluminum rather than titanium and with much less sophisticated construction techniques and, therefore, technically not an SST as defined in the contract, there is no reason to assume that much of the design technology and support systems developed under the contract would not be used.

After the Subcommittee on Government Activities, of which I am chairman, began an investigation of this problem, a provision was added to the contract providing for additional royalties to be paid on aircraft designed to achieve a maximum safe cruising speed of more than mach 1.0 and less than mach 2.2. This provision, however, provides for a much lower royalty return and might result in the Government's receiving little or nothing. The primary deficiencies in the agreement are as follows:

First. The slower plane must be the same as or substantially similar to the SST prototype. This description is much too vague for us to rely on for the return of hundreds of millions in tax funds. For example, could it be of aluminum, or would it still have to be made of titanium to qualify for the royalties?

Second. Royalties would be paid by weight on sections or systems of the SST used in the slower aircraft. Weight obviously has no relation to cost or value.

Three. Royalties would be limited to 13 percent of the average royalty payable on each mach 2.2-plus SST. Since the royalty on the SST is calculated to return the Government's investment on 300 production models, limiting the return on the slower aircraft to 13 percent of that amount would either require the production of 2,310 slow SST's to return the Government's investment, or would mean that the Government only recovers 13 percent of its investment if no mach 2.2 SST's are built. The contract assures that the latter will be the case because the additional provision also limits royalties to the first 300 of the slower aircraft.

Fourth. Most of the royalty provisions in the additional agreement ultimately depend on after-the-fact "good faith negotiation by the parties." In essence, it constitutes a lawyer's nightmare susceptible to numerous interpretations that could reduce the Government's return to zero.

The provisions concerning the return to the Government on the slower than mach 2.2 aircraft are of major importance in considering the continued funding of the SST because it is quite possible, if not probable, that Boeing and the airlines may agree on a production aircraft designed to do mach 1.9 or mach 2.0 since there is a significant difference in production costs. I have not been able to get a reliable economic analysis from the FAA on the incremental cost/benefit relationship of the mach 2.2-plus SST to the mach 2.2-minus SST. A simple comparison with the Concorde is not sufficient because of basic differences in capacity and design. Nor is a comparison with a mach 2.7 SST being operated at a slower speed useful, since there would be an inherent overinvestment. I have been given no figures on the economic feasibility of a U.S. version of the SST designed to do less than mach 2.2.

In conclusion, I am not at all convinced that the ultimate supersonic transport produced by Boeing and sold to the airlines will not be designed to do somewhat less than mach 2.2 and, therefore, will not come under the royalty provisions of the SST contract. If so, the Government will be cut entirely out of its return or at best limited to a return of 13 percent of its investment. I see no reason for the Government to continue to invest these funds if they may ultimately end up as a windfall to Boeing and the airlines.

While it would be impossible to identify with exactitude the precise value to Boeing of the public's investment, I do believe that the circumstances I have discussed today necessitate changing the definition of the SST on which full royalty payments would be required to include aircraft falling within the mach 1.95 to mach 3.1 area. An additional contract provision could provide for a graduated percentage reduction in royalties covering supersonic production aircraft that fall within the mach 1 to mach 1.95 area. Amendments to the contract of this type would not be unreasonable insofar as Boeing is concerned as they would simply reflect the public's heavy investment in aircraft development. Nor should arguments as to the unliklihood of the SST production aircraft having a speed below mach 2.2 sway our considerations. After all, if that contingency does not occur, then, of course, neither the public's interest nor Boeing's would be affected. I feel that that contingency, however, is likely enough to occur that we must protect the public's investment.

Although I have favored the continued development of the SST, I do not think the taxpayers should continue to fund the supersonic transport program until the contractual definition of the SST is revised to assure that the Government will realize the full return of its investment upon the production of any supersonic transport utilizing the technology for which the taxpayers have paid.

CBS DOCUMENTARY ON SOUTH AFRICA PROVEN REPLETE WITH DISTORTIONS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. FISHER. Mr. Speaker, only recently the gentleman from Louisiana (Mr. HÉBERT) exposed distortions of actual information contained in the CBS documentary on "The Selling of the Pentagon." The errors there recorded have been thoroughly confirmed.

My attention has been called to another film, also replete with errors. I am referring to the CBS documentary on "Black View of South Africa."

This raises the question of why any responsible news media in this country should engage in misrepresentations concerning that nation. We all know that South Africa is a consistent and reliable ally of this country, both in war and in peace. Our Nation, beset as it has been with racial violence, riots, and bloodshed, is certainly in no position to give advice on the subject to South Africa, or to any other country, on the best way to deal with racial problems.

The film to which I have referred has been challenged by Mr. John H. Chettle, director of the Washington office of South Africa Foundation. In a letter to the president of CBS, which pinpoints some obvious distortions in the show, Mr. Chettle addresses himself to some of the contents. The letter follows:

SOUTH AFRICA FOUNDATION,
Washington, D.C., March 2, 1971.

Dr. FRANK STANTON,
President, Columbia Broadcasting System Inc., New York, N.Y.

DEAR DR. STANTON: I have always followed with admiration your statesmanlike approach to the responsibilities of television, and your strong defense of the objectivity of the news media.

Perfection has, of course, its own special obligations. I hope, therefore, you will not take it amiss if I point to at least two dozen verifiable errors of fact in the thirty minute CBS presentation on December 15, 1970 of the film "Black View of South Africa."

It is not the purpose of my Foundation to act on behalf of the South African Government, or to disseminate its views. The Trustees of the Foundation are made up of a cross-section of South African opinion, ranging from those vigorously opposed to the Government, to those equally vigorously supporting it. The Foundation does, however, believe that truthful, factual and objective reporting are required to deepen understanding of a highly complex situation. It was this element which I found so sadly lacking in your programme.

It is for this reason that I have attempted to do the work which should have been done by your Research Department, and I itemise for their information and your own ten of the major errors in the programme.

1. Your correspondent, John Hart, set the tone for the whole melodrama on an appropriately sinister note.

"This is an illegal film . . . made in South Africa by black South Africans, violating laws, risking prison and even death."

We are not told what laws they are supposed to be violating. In fact, the legal position is as follows: There is a law in South Africa which prevents anyone from photographing a prison [for prison security reasons], and strategic nuclear and defense installations [a similar law covers nuclear installations in the United States]. Outside these exceptions, anyone, whether white or black, may photograph anything and may freely remove the photographs or films from the country.

2. Mr. Hart continues:

" . . . It is daring indeed. The camera equipment was smuggled in, and so was the film."

One can only regret that the makers of the film put themselves to so much unnecessary expense. All photographic equipment is freely available in South Africa.

3. Mr. Hart then has a fleeting flirtation with truth when he says:

"The government here spends as much as $7 million a year to make us familiar with this South Africa."

But he omits to note that that amount represents the annual budget of the South African Department of Information and covers not only its internal operation but also its offices in seventeen countries [by comparison the U.S.I.A. Budget is $183,000,000]. Seen in this perspective, the allocation made to the Department would seem, to the average detergent manufacturer, contemptibly small.

4. One has often noted the tendency of some American commentators to be more harsh to countries friendly to the United States than to its enemies. There was an interesting example of this kind in the course of Mr. Hart's introduction when he said that:

"It is easier for an American newsman to get into Hanoi than into South Africa."

The Department of State has given us the following figures showing the number of American newsmen who went to Hanoi over the past five years:

1966	1
1967	4
1968	1
1969	0
1970	4

More than one hundred American newsmen have visited South Africa over the same period. Further newsmen are based in South Africa. The two main wire services, AP and UPI, have bureaus there, as have Reuters, Agence-France Presse and others.

5. The errors in the film itself are much more serious. Referring to Bantu townships adjoining white urban areas, the statement is made:

"Some of these slums were condemned as long ago as the early thirties as being unfit for human habitation. But they linger on with their pollution and poverty."

This is an extraordinarily misleading statement. If there is one achievement in which the South African Government can take pride it is in the provision of housing. At the end of the Second World War, most of South Africa's cities were disfigured by slums. Almost no slums now remain. Since 1948, more than 250,000 houses have been built for Bantu outside the Bantu homelands. If the U.S. were to have made a comparable housing effort, in terms of its Gross National Product, it would have had to build more than 16 million such houses. Most of these houses have three rooms plus kitchen and bathroom. Every home has its own garden. They are fully serviced, and rent for approximately $7 per month.

6. The narrator Mr. Mahomo, goes on:

"It requires a minimum of forty-eight dollars a month for a family of four to live here. The average earnings of a man-wife team is thirty-eight dollars a month."

Moments later, however, Mr. Mahomo states:

"A black man is paid sixty-three dollars a month."

Any auditor would list that as unreconciled. Moreover, even a generally unfriendly source like Newsweek pointed out in its December 7, 1970 issue, that:

". . . A black city dweller in South Africa now earns an average $70 a month in a continent where the median income for blacks hovers at $70 per year. More impressive yet, some 120,000 urban blacks in South Africa now earn more than $350 per month, and in Soweto a fair number of professional men, traders and entrepreneurs have made small fortunes."

7. Mr. Mahomo:

"The land in this park-like eighty-seven percent of all the land in South Africa, is by law, for whites only."

Also:

"These are remote areas in South Africa certified by the government as homelands for the black. Much of the land is unfit for agriculture."

Between 65 and 70% of this "park-like" country is either arid, with less than 15" annual rainfall, or mountainous and unsuitable for agriculture. Of the arable land, some 45% lies within the Bantu homelands. Despite this the Bantu—for perfectly understandable reasons, including conservatism, the tribal practice of communal tenure, and the belief that agriculture is women's work—produce a negligible proportion of South Africa's agricultural production. The Government has been adding land to the homelands every year, but it is obvious that to do this too rapidly would mean more land badly farmed.

Of course, these facts lack the emotional stimulation and the apparently self-evident simplicity of Mr. Mahomo's version, which is no doubt why your Research Division evaded the tiresome necessity of correcting the record.

8. Mr. Mahomo continues:

"No precious minerals have been discovered there [in the Bantu homelands]."

On the contrary, a large portion of the rich Bushveld igneous complex falls within the Tswana homeland. Here we find the world's largest single producer of platinum. An article in the New York Times of October 18, 1970, mentioned that this mine, "which is expected to bring in about $70 million dollars a year in foreign exchange, will make Tswanaland one of the richest tribal homelands in South Africa."

There are also, among other deposits major coal and asbestos mines within the homelands.

9. Mr. Mahomo:

"The miner's contracts are for periods of twelve months renewable until the effects of consumption or tuberculosis make them unproductive for the gold mines."

Mr. Mahomo fails to explain why 350,000 blacks annually apply, quite voluntarily, to go to the mines, 220,000 of them quite inexplicably coming from other countries in Africa to do so. They enjoy the benefits of board and lodging, medical attention, first-class sporting facilities, free entertainment, etc. The large majority of the annual recruits are those who are returning for a second, third, fourth or even a fifth term of service—again voluntarily.

Living conditions on these mines are of a higher standard than in many European countries. In 23 South African gold mines, the average daily intake of calories was 4,077 as compared to the following categories in England:

Miner, 4,030 calories.

Army serviceman, 3,814 to 4,114 calories.

Factory employee, 2,910 calories.

All recruits are under constant and strict medical supervision, and their physical condition is excellent.

The 220,000 blacks who come from abroad each year to work in the mines form part of about one million blacks from outside South Africa working in that country. This must be the only case in history where a supposedly persecuted group flocks yearly in such numbers to the land in which they are supposedly persecuted.

10. Mr. Mahomo:

"The families of the Indian girls who work for the sugar estates: Theirs is a life contract. Often if only one member of the family leaves this world the entire (sic) is evicted from the land."

There is no life contract for any families of any race.

The Tongaat Sugar Company, on whose property the film shown was taken, provide rent-free accommodation to all personnel, and no charge is made for fuel, light or water. The company has a homeownership scheme for personnel of all races, and the company assists those who wish to purchase their own houses.

A permanent Tongaat employee who has a house is required to vacate should services terminate for any reason but this applies uniformly to all races. On the death of an employee, his family is allowed three months to find alternative accommodation. On some estates, however, the deceased's widow and his family are permitted to remain in occupation of a company house, even though they may have no further connection with the company.

These conditions can be considered typical because basic conditions of employment are governed by an industrial agreement covering remuneration, overtime, annual and sick leave, hours of work, etc.

The program contained other errors of fact, not to mention quotations taken out of context, allegations impossible to substantiate and impossible to disprove, vague generalizations, instances of the particular referred to as if it were general, and other tricks of the age-old art of special pleading.

In these circumstances the CBS offer to the South African government of a few minutes on this program must be seen as highly disingenuous. To reply to a program of such length, and containing so many errors would require equal time rather than five minutes comment. If this program is any indication of your network's objectivity or desire to be fair, I am not surprised at the South African Government's reaction, or at their reluctance to let a CBS camera team go to South Africa.

In closing, I must question your choice, as your expert on South Africa for this program, of Mr. Carl Rowan, a man who, for all his great achievements and considerable stature, has no background in South African affairs and has spent all of three weeks in the country.

In short, the whole program emphasized rather poignantly for me the truth of Mr. Rowan's assessment, spoken in another context, when he said that, "The major deficiency of this film is that it does not tell enough of the truth."

Copies of this letter have been sent to the Federal Communications Commission and other interested people.

Very truly yours,

JOHN H. CHETTLE,
Director.

CAMPAIGN SPENDING REFORM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BROOMFIELD. Mr. Speaker, campaign spending reform must be comprehensive, if it is to be effective. It must include precise ceilings on general and media expenditures, enforceable reporting requirements, equal opportunities for the challenger, strict limitations on individual contributions, and new incentives for participation by the small-income donor. One of these reforms without the others would be of little value. A limit on general expenditures, for example, without controls on the size of individual donations, would merely preserve and perhaps intensify the present reliance on small numbers of large contributors. Similarly, a ceiling on general campaign advertising, without a limit on TV ads, would guarantee the final takeover of political broadcasting by packaged candidates, for, with reduced amounts of dollars to spend, they would simply seek maximum exposure through repeated, short-spot commercials.

A piecemeal approach, therefore, simply cannot work. We must take the broadest possible view of this increasingly complicated problem.

The most apparent defect of our present system is its price tag. Candidates for most major offices must usually be either independently wealthy or backed by a few big-money interests.

Moreover, these candidates, in many instances, spend too much for too little—huge amounts for taped TV spot advertisements when they could be buying half-hour segments at a comparable price. As a result we find the broadcast media bombarded at election time by slick, but meaningless advertisements, which give little, if any, real picture of the candidate.

The bill I am introducing today would limit the amount of spending for all campaign items in all elections—primaries included. In this way, the citizen of average means, who can gain the confidence and support of his fellows, would have as much access to public office as the rich or the influential.

Candidates for the office of President and Vice President would be permitted to spend an amount equal to 10 cents a vote cast for that office in the previous election. Candidates for the Senate and House could spend 20 and 30 cents per vote, respectively, in both the primary and general elections.

At the same time, the bill would provide Government funds to purchase blocks of TV time for Federal candidates. This concept of "Voter's Time" was proposed by the Twentieth Century Fund Commission and is designed to replace spot commercials with more informative, more personal discussions of the issues in 15- or 30-minute shows.

Candidates of both major parties for the Presidency would receive six half-hour blocks in the 35 days preceding a general election, candidates for the Senate three half-hour, and three 15-minute blocks, and candidates for the House two half-hour, and three 15-minute blocks. The bill also provides a formula for distributing lesser amounts of time to minor party candidates.

The cost of the shows to the Treasury would be set at the lowest commercial rate made available during prime time and aired simultaneously by all stations in the particular jurisdiction.

As a corollary to "Voter's Time," my

bill would limit TV spending by the candidate personally to 1 cent per vote. This is an extremely severe limit, intended to further discourage reliance on the spot announcement.

I might add at this point that the bill does not authorize "Voter's Time" for primaries, where too many candidates would practically eliminate television as a form of entertainment. But TV spending for primaries would be limited to 3 cents per vote, again a much lower level than we have at present.

A second major area of reform must be the disclosure of campaign contributions. The present Corrupt Practices Act does not require reports of contributions for primaries, does not include intrastate committees or candidate's committees organized in the District of Columbia, and does not provide an adequate central depository and administrative agency to process candidate's reports and determine violations of the law. With so many loopholes, most candidates—even after they spend millions of dollars on an election—can legally report no expenditures.

Not only do these loopholes allow widespread violations of the law's intent, but they increase as well the public's mistrust of the electoral process. If we are to restore faith in the political system, a most important first step will be to open campaign giving to the full light of public scrutiny. The ineffective Corrupt Practices Act is just not going to help us here.

The measure I am introducing would correct each of the three deficiencies I noted in the Corrupt Practices Act.

First, primaries as well as general elections would be covered.

Second, all committees formed to support one or more candidates would be required to register with the Federal Government, have the candidate's explicit permission to spend anything over $500 on his campaign, and file itemized reports of their financial activities with the Government.

Finally, a registry of election finance in the GAO would be created, designed to collect, process, and analyze reports by candidates and committees and to monitor the law for violations.

The improved definitions, disclosure procedures, and data processing will give us a law that is finally enforceable, enabling us to insure observance of the spending limits imposed earlier in my bill. In doing so, it should renew the confidence of the people in their election system.

The third problem we must consider is the advantage of the incumbent. I personally believe that this advantage will always exist, but that we can attempt, at least, to minimize its effect.

My legislation would equalize to some extent opportunities for the challenger. It would allow each candidate for the House or the Senate, a chance to provide the voters at least one reasoned statement of his views on the issues. Incumbents, of course, can and must do this year round while challengers usually find the cost of such a statement much too high.

My bill would provide a special campaign frank to all House and Senate candidates in the 35-day period before both primary and general elections. This would include two pieces of mail for every registered voter in the district for major party candidates in the general election and one piece for any minor party challenger whose candidacy meets certain minimum requirements. During a primary election two pieces of mail for every registered voter would be allotted to candidates filing petitions bearing the signatures of 5 percent of the registered voters in their jurisdiction and one piece of mail for candidates filing petitions bearing the signatures of 3 percent of the voters.

The two final areas of reform—limiting individual contributions and encouraging broader giving by the public—must be considered hand-in-hand. Under our present system a large percentage of campaign funds—aside from the candidate's personal wealth—come from a small number of big contributors, who thereby have a large claim on the attention of the public official. Too often this claim covers only the most narrow special interests, not the broader needs of the elected official's constituency.

The campaign bill I am introducing would limit contributions by any individual to $5,000 to candidates for President, $2,500 to candidates for the Senate, and $1,000 to candidates for the House.

At the same time, it would provide a 50 percent tax credit for political contributions aggregating up to $50 in any calendar year. We can expect, then, increased participation by the average citizen and, as a result, broader responsibility for the elected official.

Mr. Speaker, in a sense, this bill would return the electoral process to the people. It would quell their growing cynicism, give them incentive to participate and encourage candidates to deal with them on a more meaningful and personal level. Our system of elections was designed to express the needs of the people; for too long it has met but the will of the rich and the influential. I suggest, therefore, that this bill be given the most careful consideration.

THE RURAL DEVELOPMENT REVENUE SHARING BILL

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. SEBELIUS. Mr. Speaker, many times in recent years I have expressed the hope that rural America could have a greater hand in its own destiny. I have worked toward this end. Now I am pleased to be a part of the change taking place which will accomplish a long cherished goal.

The special rural development revenue sharing bill can become the sparkplug to ignite the energy that is ready and waiting in our smaller communities and farming areas.

True decentralization would be achieved by the measure. To this point, rural planners have labored mightily and thousands of ideas have evolved which could be of benefit in stemming the exodus of people to the cities. But, many were stopped by the formidable mountain of Federal bureaucratic involvement. Others could not be consummated within the time bracket to make the projects workable simply for lack of funds.

I have knowledge of small community sewage disposal projects which have been waiting for years to be accepted and funded, as one example of the massive backlog awaiting action. Discouragement on the part of local people follows this kind of delay.

Under this proposal Federal revenue will be shared by the States in direct proportion to the true rural needs. The State legislatures will determine where and when the funds are to be spent on what appears to be an equitable prorate basis. The peculiar needs of one State, or any one area of a State, can thus be properly and quickly provided for in contrast to the past when nationwide criteria often failed to fit local requirements.

It is pleasant indeed to be present as a witness to a vital change in course which can mean so much to the future of our country, not just for rural America but for our cities as well. Migration of population to the metropolitan areas has added to the vast problems of the cities as they became more congested year after year.

Because 2,600 counties containing 65 million of our citizens would share in this new plan, I feel we are on the threshold of a new era. Certainly we have proven that all the laws and authorizations for stopgap or pump-priming projects of the past have not accomplished satisfactory results. Rural America has continued to wither, while the cities became obese and unhealthy.

Passage of this measure may not be the entire answer to the problems, but it is a start in the right direction—a reversal of years of pyramiding control of Federal assistance in the Nation's Capital. The processes became so cumbersome that ordinary citizens were bewildered and unable to take advantage of the 800 or more programs scattered throughout the Government.

AN UNCOMMON MAN

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1971

Mr. FISH. Mr. Speaker, there are a number of men in life who are outstanding in one field, there are few who are leaders in many. Such a man was the late Armand Grover Erpf, of New York City, and a summer resident of Arkville, N.Y., located in my 28th Congressional District.

Although much has been written on this man since his death, few of the articles I have seen so well sum up a life which could serve as an example to all of us, as does an editorial which appeared in the Catskill Mountain News, of

Margaretville, N.Y., which I insert in its entirety:

AN UNCOMMON MAN

To many who live in this area, Armand G. Erpf was almost a legendary figure. His brilliant achievements in business, finance, the military, the arts, philanthrophy, and many other fields placed him in a select circle among his peers and in the public eye. By concentrating on the lustre of the public figure, the tendency among many was to give too little thought to the personal qualities of the man.

Like many persons of high station, he was direct and down to earth. He had little patience with the sham of putting on airs. Conversation and friendships with persons from all walks of life were one of his great enjoyments. He could often be seen stopping in the midst of one of his many walks in and around Arkville to visit with a passer-by or local resident. He truly cared about the thoughts and feelings of his neighbors in the community. His last illness may have come from subway travel in New York City, which he insisted on because it enabled him to sense the moods and feelings of the working man. His employes and friends will always remember the genuine concern he had for their lives and problems.

He loved the mountains and the natural surroundings of the Catskills. He treasured the times to be with his family in the peace, relative solitude and the glories of the changing seasons. He often said that he came home to Arkville to "recharge his batteries" to prepare himself to face once again the rigors of Wall Street and the hectic round of activities in New York and the rest of the world.

He was dedicated to the preservation of the beauty of the Catskill environment and to the conservation of its resources. No cause was closer to his heart. Yet at the same time, his perspective was not a narrow one. His business acumen and technical wisdom led him to recognize the need of the area for increased jobs and business opportunities. He tried to initiate patterns of approach which would balance the two tendencies for the over-all benefit of both residents and visitors.

This balance was typical of his approach in all areas of life. He was impatient with hypocrisy and dogma and the simplistic solutions of both the left and the right. A voluminous reader, he had an amazing knowledge of a wide variety of seemingly unlike subjects. He had an ingenious ability to isolate and put forward the side of an argument which had been ignored. He liked nothing better than to have his partner in dialogue to do the same in return. He was far more interested in having someone disagree intelligently with him than in being a "yes-man." His brilliant mind was able to penetrate extraneous facts to get to the heart of problems quickly, often suggesting unorthodox, but sound, solutions.

He was impatient with the easy rejection of religion which he found typical of a secularistic and rationalistic age. He never took himself so seriously as to think that there were not other philosophies in this world which none had dreamed of. His interest in mazes was a symbol of the profound perception he had of the mystery of life and of the invisible powers which guide and affect us.

He was enthused about the turmoil and dissolution of the present age, discerning therein the roots of new spiritual awareness and a religious revival which would assume patterns different from the past and yet be vital. At the same time, he was more familiar with the orthodox religious tradition than many were aware. When asked what was his favorite passage from the Bible, he replied, "The words of Jesus, 'I came that they might have life, and have it more abundantly'." John 10–10. Nothing he said could be a more fitting epitaph.

ARSENIC DUMPING

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. HARSHA. Mr. Speaker, I am pleased to learn that the Nixon administration, acting through the Administrator of the Environmental Protection Agency, has taken prompt and decisive action to stop the planned disposal in the ocean this past weekend of 70 tons of material containing arsenic.

Calling the effects of the material on marine life "deleterious and probably lethal," Mr. Ruckelshaus asked the two firms involved to seek alternate methods of disposal. I am including a copy of his telegram immediately following my remarks.

The controversy over the disposal of nerve gas a year ago should have taught us that a practice which can have severe and possibly long-lasting effects on the environment should not be allowed to continue just because it has always been done that way. The immediate cost of disposal by this method may be cheap, but the ultimate costs to the environment are anything but cheap.

Bills are now pending in the Congress to prohibit or to license ocean dumping. By the terms of a proposal submitted as part of the administration's legislative package on the environment, the Administrator of EPA would issue permits for transportation from the United States of material inteded for dumping, and for the dumping itself.

An applicant for a permit would be required to prove that the transportation or dumping would not "unreasonably" degrade or endanger health, welfare, or environmental amenities.

Until this legislation is enacted, enlightened actions like that taken by the Nixon administration will insure that the values of the environment and of life itself are considered along with matters of convenience and cost.

The text of Mr. Ruckelshaus' telegram follows:

ARSENIC DUMPING

My attention has been called to reports of the booking by your company of a ship leaving Saturday from Philadelphia carrying about 70 tons of an arsenic compound to be dumped about 150 miles out in the ocean.

The discharge of this material will have deleterious and probably lethal effects on fish and other aquatic biota.

The concentration of such material in marine fauna and flora may give rise to long range damages. The Council on Environmental Quality, in its recent report to the President on ocean dumping setting forth a national policy stated that ocean dumping of materials clearly identified as harmful to the marine environment or man should be stopped.

Accordingly, it is requested that you suspend the arrangements made for Saturday's shipment and dumping of the arsenic compound and seek alternate methods of disposal.

The staff of the Environmental Protection Agency will be available for consultations with you on this matter.

GEN. FREDERICK CLARKE SEES FUTURE U.S. WATERWAY DEVELOPMENT AS A NEW BALL GAME

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. EDMONDSON. Mr. Speaker, the Chief of the Army Corps of Engineers delivered an excellent speech to the members of the Arkansas River Basin Development Association at their March 12 annual meeting, and it was my privilege to be among the large gathering who heard General Clarke speak at the Friday noon luncheon.

The theme of General Clarke's remarks was that in the future, river basin development projects will be undertaken in light of new concepts in resource planning. These new concepts are an outgrowth, General Clarke says, of the realization within Government that immediate efforts must be made to relieve swelling urban pressures, and relocate a larger percentage of our citizens in less densely populated areas. Pointing to the thousands of newcomers who have already been attracted to the Arkansas River Basin region, General Clarke cites the great Arkansas River navigation project as proof that future flood control and river navigation projects can and will be one solution to easing urban pressures elsewhere in the Nation.

General Clarke called attention to recent court decisions involving the Refuse Act of 1899, and subsequent decisions within the Government which will put the Corps of Engineers at the forefront of cleaning up our country's polluted streams and harbors, and protecting those yet unspoiled waters. I commend General Clarke not only for his very fine speech to the association, but for once again demonstrating the kind of leadership which has made the Army Corps of Engineers one of the most significant agencies in the Federal Government. I include his speech at this point in the RECORD:

It's good to be back with my friends in Arkansas Valley. I never cease to be amazed by the rapid change taking place in this region.

I regret that I was not with you January 21 when the first commercial tow tied up with a load of newsprint at Tulsa's new port of Catoosa. It seems appropriate that the first tow to navigate the entire 440-mile length of the McClellan-Kerr Arkansas River Navigation system should carry newsprint since the event was big news indeed for this valley and also newspapers played a significant role in helping make this project possible.

When your Mayor LaFortune and his official party met the barge at the dock, it was the end of a long journey of development and the beginning of a new era for this basin. Truly your ship had come in.

But long before construction was completed this waterway was already making transportation history.

Although it has been in limited operation a short time, it is producing results that exceed even the rosiest expectations of its proponents. You well recall that this project was once lampooned as "the innards of a fat pig", a boondoggle, and so forth. But the skeptics who expected pork now find they must eat crow.

The economic growth along the McClellan-Kerr waterway is well ahead of the forecast in justifying the project—these forecasts were first derided as impossible and over optimistic by the project's detractors. But hasn't this been the story of waterway development down through the years? We saw the same thing happen on the Ohio River, the Upper Mississippi, the Gulf Intracoastal Waterway, and many others.

One of the important things about the Arkansas River achievement that comes to my mind is that those industries and factories, those jobs and new communities which are rising in this region represent so many people and enterprises which are *not* crowding into congested cities and adding to the almost insuperable burdens of our great urban complexes.

For our Nation is adding more people; those people will require more employment and services; these in turn will necessitate the development and use of more natural resources of all kinds, and will generate more waste for disposal. This will happen wherever those people live. But the effects can be worse if they locate in certain areas—say, our already over-strained cities—than if they are more equally and optionally distributed about the country.

I don't think the American people will ever go for the kind of managed society in which bureaucrats will arbitrarily move people about, tell them where they must invest or work, or determine the fates of geographic regions from on high. But I believe that our resource-management programs provide a means by which, through the democratic process, we can find out which regions have the potential for economic development and want to encourage it. Appropriate forms of enterprise will then find their own ways to such areas, just as they have migrated to the Arkansas Basin. In this way, within the framework of our free enterprise, democratic system, we can encourage and help direct the decentralization of our population which I believe is imperative to the future quality of life in this country.

Also, this is perhaps the most sensible way to develop a region for its expanding population while at the same time protect priceless environmental resources for the future generations.

It is within this frame of reference that I view future waterway development in this country.

In line with this, many of my talks during the past year have revolved around the theme: "It's a new ball game." The old rules, the old strategies, the old formulae will no longer serve. Those who keep trying to do business as usual are finding that they aren't doing any business at all.

What's new about the new ball game is not simply the injection of a new factor, the environment. It's not even the emergence of a new source of opposition to development-preservation for preservation's sake. It is rather the evolution of a new way of looking at resources and their environment, a new concept of resource planning. Nobody, not even those who are most energetic in bringing it about—can define this new concept or its impact on our resource programs with any precision. It's something we must all work out together. But the first step is to realize that the old rules are no longer any good unless, after testing and scrutiny, they can be shown to be relevant and useful to the new concepts.

With respect to waterway projects, we aren't going to discard considerations of national economic efficiency. But such considerations will not be the dominant factor that they have been in the past. For it is not enough—you are misleading yourselves if you think so—to assume that future major projects will be planned on the basis of economic efficiency plus some more or less separate environmental superstructure. When the issue at stake is whether there should be any further regional economic development at all, we miss the point if we merely dress up our waterway proposals with some environmental landscaping.

It seems to me that we as a Nation are gradually feeling our way toward an approach in which water or other transportation will be only one element to be considered in preparing the whole future destinies of major regions. The basic questions to be determined first are the temper and tempo of the people. Do they have the drive, the urge to build and grow? Do they want to slow down, preserve their present comforts about as they are, but not seek further ventures? Or do they even want to go back, undo some of what has been done in the recent past, and try to restore values that may have been sacrificed to growth? Our people may not ever make a flat decision on such questions in such direct terms; but their preferences will be indicated by the trend of their resource decisions.

I do think we may have a problem in helping the people in each region preserve their autonomy of choice. Naturally, all regions are entitled to a share in national decisions. But the population centers of the Northeast, with their great numerical and financial and political advantages, and their dominant position with respect to the media of opinion, should not be allowed to determine the future of the Southwest, Alaska, the Lower Mississippi Valley, or other regions quite different from their own. If the people who called the Arkansas project a "fat pig" had had the deciding voice, the project would not have been built, and the region would have stagnated, while the problems of the great cities would have been worse even than they are now.

As you can see, this kind of approach is quite different from the traditional approach based on engineering and economic feasibility. To demonstrate the advantages of a proposed waterway project, we now must go back and demonstrate the advantages and implications of the very existence of the waterway, no matter how feasible it may be in the traditional sense. We must relate our proposal to a whole context of resource proposals and decisions, some of them contrasting or competing, involving the same lands and waters. We must shape our waterway proposal to accommodate and adjust it into those other considerations, which may be very broad and varied. Any waterway built in the light of such scrutiny may well be quite different from those we have been accustomed to.

Concurrent with the changes in our planning process, a new factor begins to emerge into the water resource management picture whose significance is not yet generally appreciated. On the basis of some laws passed and court decisions rendered last year, the Federal Government has discovered that it has, in the permit system established under the Refuse Act of 1899, the power to regulate the use of water and of riverside lands in the public interest. And the Government has decided to exercise that power on a large and thorough-going scale. Several agencies participate in the shaping and exercising of this authority, including the new Environmental Protection Agency the Council of Environmental Quality. and the Corps of Engineers, just to name a few.

The decision to apply this authority could be one of the most far-reaching ever made by any Government in all history.

We have not yet come to grips with this regulatory power in terms of its impact on our comprehensive river-basin planning. Until and unless we do. conceivably we might find ourselves planning and even building a waterway under a regional framework plan, and then not letting anybody use it when we come to apply specialized environmental criteria.

For instance, what's going to be the impact of new permit policies on the different criteria on which River Basin planning is based? The Federal Government is still committed to the river basin as the geographic planning unit. This means that we should have different approaches to resource management in, say, the economically expanding Arkansas or Lower Mississippi Valleys, the rural Missouri and Upper Mississippi Valleys, and the wild and rugged Snake. As we apply nationwide water-quality standards and nationwide criteria on permit applications, therefore, we might consider providing for some exceptions to accommodate the differing goals and concepts embodied in the different framework plans in the respective river basins. I think we need some common denominators to help us fit our various approaches together, and keep them from mutual interference.

When we consider the disposition of a given resource—whether through a permit application, a local flood-protection, a navigation or water supply project, a reservoir, or whatever form it may take—I suggest that we consider formally what will happen to the people affected by it if it is approved, and what will happen to them and what will they do if it is turned down.

Will the people have to relocate? In a big city, perhaps?—or will they stay where they are and be underemployed, or even unemployed?

If we prohibit construction of a proposed powerplant, or navigation channel, will they have to be built elsewhere? Economic activity which does not take place in one locality or valley or State must surely take place in another area, if we are to maintain our economic growth at its expected levels. To what extent do our environment-based decisions result in net gains and to what extent mere displacement of problems; and what is the impact of such displacement?

Obviously, today many questions need answering and many more community elements will now participate in the past. The Engineers and navigation interests, for all their expertise, must be prepared to listen to, and learn from, and perhaps be vetoed by, other kinds of interests, just as we may properly expect those other interests to heed our views in our important fields of competence.

I know that many of you are aware that the Midcontinent Environmental Center Association has been programmed to use the best skills of the academic and business communities to study the total environment in this region. I had my first contact with MECA last month. Perhaps this consortium approach in coordinating and undertaking programs related to the region's environment may be a good solution. MECA certainly represents an effort to blend the best of the two worlds in attempting to gain a better insight into the environmental and economic needs of this region.

The institutions and techniques and even the community climate for such a joint participation and cooperation have not yet been fully developed throughout the rest of the country. Consequently, there are many questions; for which we have no answers; there are many clouds through which we cannot yet see.

In times of community disunity and strife, each turns his hand against his neighbor, and those who seek to serve all are denounced by all. But such are the times, and this is *not* the way to promote the well-being of *all* the people. *This* is the cause to which the Corps of Engineers and the U.S. Government are devoted. And so, I believe, are each of you and the organization which you represent.

Thank you.

DR. JEROME WIESNER

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. DRINAN. Mr. Speaker, I am delighted that the new and distinguished president of the Massachusetts Institute of Technology is a constituent of mine in the Third Congressional District of Massachusetts. Dr. Jerome Wiesner, who will very soon succeed Howard W. Johnson as the president of MIT, is about to enter another complex assignment as the head of one of the world's leading centers of research in the natural and social sciences.

Jerome Bert Wiesner grew up in Michigan, where after a boyhood during which he sold newspapers and caddied regularly on the golf course, graduated from the University of Michigan with a degree in electrical engineering. He went on at the same distinguished university to receive the degrees of master of science and doctor of philosophy. Mr. Wiesner first joined the faculty of MIT in 1942 as a member of the radiation laboratory where radar was being developed. Later Dr. Wiesner worked on many military projects and became an authority on communications science, microwave theory, and other aspects of electronics.

Dr. Wiesner became the dean of science at MIT in 1946 and was appointed provost of the university in 1966. In that position Dr. Wiesner had overall academic responsibility for the 23 academic departments, the 25 research and teaching laboratories, and the 2,200 members of the faculty.

Dr. Wiesner has always combined with graciousness and charm his role as a distinguished academic administrator and his extraordinarily important role as a consultant to and a member of several governmental agencies and panels. It was his work on the Gaither committee to which Dr. Wiesner was appointed by President Eisenhower that convinced him that all of us must recognize the futility of the arms race. Dr. Wiesner continued his thoughtful work in the general area of disarmament when he was the science adviser to President Kennedy. Dr. Wiesner is credited with a major role in bringing about the nuclear test ban treaty of 1963.

Dr. Wiesner is the author of several volumes, one of which centers on the ABM. This document, put together in connection with Senator EDWARD M. KENNEDY, denounces the anti-ballistic-missile system—ABM—as unsound strategically, militarily, and economically.

Dr. Wiesner and his wife, Laya, live in Watertown, Mass., where Jerome Wiesner has been for some years an elected member of the school committee of that town. The Wiesners have four children, Stephen J., Zachary K., Elizabeth A., and Joshua A.

The 79-member board of the MIT Corp., the faculty and administration, as well as the 7,800 students of the 110-year-old university of MIT are to be congratulated for selecting Dr. Jerome B. Wiesner, a shrewd statesman of science and a militant opponent of the war in Indochina as the leader of this great institution at a particularly difficult moment in our history for private colleges and universities.

SENATOR McCLELLAN CALLS FOR COMPREHENSIVE PLANNING OF ARKANSAS BASIN RESOURCES

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. EDMONDSON. Mr. Speaker, it was a pleasure to attend the Arkansas Basin Development Association annual meeting this last weekend in Tulsa, Okla., and to visit with members of this fine organization. For more than 25 years, members of the ABDA have contributed their time and energy in support of the Arkansas River navigation project.

The keynote speaker at the closing banquet was a man for whom the waterway has been named—Senator JOHN L. MCCLELLAN, of Arkansas. Senator MCCLELLAN has for many years led the battle to keep the project on schedule, and without the leadership and dedication of men such as himself, the return of navigation to the Arkansas River would still be only a dream in men's minds.

In his address, Senator MCCLELLAN reminded members of the association that much work remains to be done to assure orderly and pollution-free development along the river. Pointing to the millions of dollars which have already been invested by new industries along the river, Senator MCCLELLAN forecasts the need for immediate comprehensive planning to avoid manmade pollution—a task far easier than trying to control and cure pollution which has already occurred.

Mr. Speaker, I believe Senator MCCLELLAN's speech to the association contains the blueprints for successful economic development along the Arkansas River, and similar public works development projects throughout the country. Under unanimous consent I include his remarks and very thoughtful analysis of this subject in the RECORD at this point:

REMARKS OF SENATOR JOHN L. MCCLELLAN

Your association was organized more than a quarter of a century ago. Since then, you have held your annual meetings here in Tulsa. It has been my very great pleasure to attend many of those meetings and to participate in some of your programs. I am happy to be with you again tonight.

In those annual sessions, you planned your future programs and activities, you made assessments of your progress, and you resolved with renewed inspiration and encouragement to pursue vigorously and relentlessly the attainment of the ultimate goals and objectives of your organizations.

In the beginning, following Congressional authorization of the project, you sought to get planning started and funds appropriated therefor. Your next task was to secure construction funds for the building of the separate units which are included in the over-all plan. And, once there had been established a time schedule for completion of the navigation system to Catoosa, you were concerned with keeping construction of all the dams and other components of the project on schedule—to the end that we would have navigation operable to Catoosa by 1970.

That goal has been reached, and tonight we acclaim and rejoice in the success you have achieved. Your labors, your patience, and your perseverance and dedication add up to a superb job—to a job "well done."

I see the completion of this gigantic project as a great triumph—as a most rewarding victory. It is truly a victory of the people, by the people, and for the people. A victory by the people who with vision, pride, and determination have wrought an achievement that is monumental in both its extent and its potential.

Within the next three months, we shall witness the formal dedication which will officially record the completion of this navigation system. That dedication ceremony will be a testimonial to and will mark the fulfillment of our aspirations and the transformation into a reality of our long-time fervent dreams of this major development in the Arkansas River Basin.

I know we all look forward to June 4–5 with anticipated exultation and with a deep sense of pride and gratification.

To me, that day of celebration will be in some measure analogous to graduation day at college and the receiving of a diploma. Dedication day will not signify the end of our endeavors, but rather it will signal the beginning of renewed interest and effort.

I compare the dedication of this River Basin development to the life of a student who for the first 25 years of his life—up to the day of his college graduation—builds a foundation of knowledge through the channels of education. He has thus equipped himself for citizenship responsibilities, for an active career, and for the many viscissitudes of life. But, in reality, graduation day for him is the beginning of his productive life—of fruitful services to himself, to his family, to his country, and to his fellowman.

And, so it is that the completion of this original Arkansas River multipurpose project has laid the foundation for and its dedication will mark the beginning of greater opportunities for the full development of the valley's natural resources and economic potentials. Thus, we are now better prepared to accelerate economic growth and expansion and to enhance the welfare and prosperity of our people.

As it does to the young graduate, the future now brightly beckons to us with exciting challenge and promise. We face it with resolve and purpose to pursue new objectives and to attain further goals of improvement and progress. Our work is not done. Your Association is not through. Instead, we now have the momentum and strength to forge the instruments of continued progress, development, and expansion and to utilize fully those advantages that we have already secured.

Mr. Marcus R. Tower, in his letter inviting me to address you this evening, said: ". . . again this year our meeting will mark the time when we turn our attention to the many other important water resource development needs of the Arkansas Basin," and that the theme of this meeting tonight is: "Future Water Development—Key to Environmental Protection and Economic Growth."

With Mr. Tower's statement and the general theme of this meeting, I am in full accord.

Now that the most dramatic part of this big river development is completed, we could encounter greater difficulty in getting future authorizations and appropriations necessary to start new projects—auxiliary projects—either on the main stem of the river or on its tributaries.

There are major extensions of the barge canal on up the Arkansas hopefully to Wichita and possibly with a branch, or lateral to Oklahoma City, which may already be, or may soon be, economically justified. These prospects certainly compel our continuing interest and attention.

We want to see the day when the whole vast Arkansas River Basin will reflect the image of pure water, pure air, clean space, and beautiful forests. We want to see its hills and valleys made even greener with growing things, including a rich endowment of native trees, of grass, and of fish and wildlife—all living and thriving. I believe we can achieve this, and if we do, we will have here in this valley one of our country's finest environments and one of the best ecological conditions to be found anywhere in our nation.

For 40 years, I have been actively engaged in trying to improve the environment and, I hope, the ecology of our rivers and river basins. I have sought by legislation and appropriations to harness and control their destructive power and to divert and convert their mighty energies into a constructive force for the benefit and service of mankind. At the same time, I have supported programs to manage and improve our forests—both state and national—to enlarge and improve our national park system, and to provide greater protection for our wilderness areas.

I believe that all of these vital resources are basic to the beauty and unity of nature, which it is our duty to protect and preserve. But, I also believe that we can develop both our large rivers and their tributaries and simultaneously improve their watersheds; thus, enhancing their total contribution to the ecology and to a better environment.

To me, this marvelous development in the Arkansas River Basin is a classic showcase example of putting nature to work to help solve some of the serious ills that plague our country. This River Basin program was not conceived and it has not been executed in the framework of a governmental bureaucracy in action—telling the people what to do and when to do it. Rather, it has been a project where the people determined the kind of improvement that was needed and, working through their Congress and the appropriate Federal Government agencies, developed a partnership in a resource-managed program that will be a profitable investment for our government while at the same time re-enforcing and strengthening our traditional free enterprise system.

Yes, it is truly a profitable investment and not an irredeemable expenditure. Its cost to the government will be repaid many times—both directly and indirectly. Direct revenues into the U.S. Treasury will be derived from the sale of hydroelectric power and from taxes that will accrue by reason of the increased prosperity of the inhabitants of the valley. Indirectly, our nation will profit by controlling the natural water runoff, by preventing soil erosion, and by preventing heavy property damage and human suffering caused by ravaging floods.

This great Arkansas River development borne on the wings of the seventies, is the largest civil works project ever constructed by the Corps of Army Engineers. Indeed, it is the biggest water success story of our generation. It has already produced results greatly exceeding our fondest expectations and the predictions made when its cost-benefit ratio was established. Barge shipping has already more than doubled those predictions.

The articles of commerce that are now moving on the River in world trade make an exciting list. Timber and agricultural products are going out to Rotterdam and other world ports. We are getting imports of steel from Belgium and bauxite from South America. There are many, many other items and products being carried. They are too numerous to mention.

A recent innovation in world shipping is the new "LASH" barge—LASH meaning "lighter aboard ship."

These LASH barges are now being loaded on the Arkansas. Somewhere down the Mississippi or at New Orleans, whole barges are simply lifted aboard a "mother" ocean-going freighter and moved intact to the foreign port of their destination. This innovation not only increases the speed but also reduces the cost of delivery.

More than 50 different items of cargo—food, feed, clothing, and shelter products—are now being barged down the Arkansas River destined for foreign markets and ports abroad. All of this barge commerce represents a savings in cost both to the shipper and to the consumer.

Although still in its infancy, this navigation system has attracted several hundred million dollars in new industry and pledges for new plants in the Arkansas Valley.

With these barge-shipping attractions to industry and the recreational opportunities and advantages provided by the vast reservoirs and lakes of sky blue water which this development has created, we can make this valley come alive with activity—with new industries, new businesses, new jobs, new homes, and new happiness.

Such an economic surge will keep our people in the valley, attract others to come here to live, and thus reduce the burdensome migration that is now flowing to our already overcrowded and congested cities.

Recently, I introduced two bills in Congress, which, if enacted into law, will make a major economic contribution to the future development of the Arkansas River Basin and also to the solution of two of our most pressing national problems.

Seventy percent of the American people are now living on only two percent of the land in the United States. This high concentration of population results in increased pollution, critical problems of housing, unhealthy living conditions, congested transportation, and increased crime. It is anticipated that our national population will increase by another one hundred million persons within the next 40 to 50 years. These people will have to live somewhere, and they obviously cannot be properly accommodated in our great metropolitan centers.

During the past decade, because industry expanded in already overcrowded and congested areas, one-third of the counties in the United States lost population, thus denying equal opportunities for economic advancement in the rural and less populated communities of America. This trend must be reversed.

One of the bills to which I have referred, which now has 40 cosponsors, would establish a national policy designed to encourage and promote a greater decentralization and a more balanced pattern of industrial growth throughout the country. It would help to revitalize the rural economy of our nation and to prevent the migration of people from the rural areas to the larger cities in search of jobs that are often not there. Today when they find no job, they join the ranks of the unemployed and swell the relief rolls that are already heavily burdensome and rapidly becoming intolerable in many of the cities to which they go.

The bill would require government agencies to give preference to the maximum extent practicable to the communities in which new industry locates, particularly in connection with the administration of our multibillion dollar federal-aid programs, namely, such aid programs as housing, hospitals, schools, parks, streets, and water and sewer facilities. Thus, when a new industry locates in a rural town necessitating the construction of such improvements, federal assistance from existing programs would be made available to assist the local community in meeting the demands which growth imposes.

Such a policy, properly administered, will stimulate industrial growth and revitalize the economy in rural America while at the same time bringing urgently needed relief to many of the already overcrowded, overburdened, and virtually bankrupt metropolitan centers of our nation. The implementation of such a policy will enrich the lives and enhance the welfare of all Americans.

The other bill which I introduced, S. 907, if enacted, would authorize states to enter into interstate environmental compacts. This would enable Arkansas, Oklahoma, and all other states to work cooperatively together to prevent pollution and to solve environmental problems. Thirty Senators have cosponsored this measure.

Man-made pollution is much easier to avoid and prevent than it is to control and cure. It is much easier to keep our streams clean and clear than it is to restore them and remove pollution once they are seriously contaminated.

States working together can apply and administer effective preventive measures.

I have great faith in the future of the Arkansas River Basin. We can never develop it into a Utopia, for we all know that the building and perfection of a Utopia is not within the power of man. Utopia is still locked in the book of fiction and beyond man's achievement.

But, if we pursue and capitalize on the great opportunities of this River Basin, we can build within this valley an economic empire—agricultural, industrial, and recreational. In doing so, we will strengthen the whole nation.

That is the challenge we face—the great task that now lies ahead of us. With continued faith, perseverance, and dedication, we will successfully meet that challenge and move on to the achievement of our further goals and aspirations.

WASHINGTON DAILY NEWS' SUPPLEMENT ON THE ENVIRONMENT

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. McDONALD of Michigan. Mr. Speaker, I wish to call my colleagues' attention to a collection of articles on environmental problems which appeared as a special supplement in the Washington Daily News on March 9, 1971. Mr. V. S. Choslowsky, director of the special projects department of that newspaper, asked a number of leaders of the administration, Members of the Congress, and leaders in private organizations to contribute their thoughts to this feature publication. I ask that certain of these articles be printed in the Congressional Record, in order that the Congress will have the opportunity to become familiar with the statements by Interior Secretary Rogers C. B. Morton, Chairman Russell B. Train of the Environmental Quality Council, Administrator William D. Ruckelshaus of the Environmental Protection Agency, Chairman John A. Blatnik of the Public Works Committee of the House of Representatives, Congressman Guy Vander Jagt, and others of these contributors:

President's Commitment to Environment Reaches Every Level

(By Rogers C. B. Morton)

It is a national characteristic of Americans that we work together when it counts. Everywhere today, we find that traditional cohesion applying to the environment.

An alarmed American populace has awakened to the self-destructive potential of its material emissions. Conservation groups are no longer voices in the wilderness. They are being heard, and the public clamor and determination rises accordingly.

INDIVIDUALS, TOO

Recently, I observed that the interests which brought our civilization to its present development were more concerned with economics than with the preservation of resources and environment. That was not a rebuke intended for the "interests" alone, for in his smaller way, the Sunday driver who throws a beer can from his car window shares the guilt of a callous industrialist whose plant pollutes a river.

With this realization, we have taken on a commitment that reaches every level of national life and aspiration. That means government, commerce, industry, and no less, the individual.

President Nixon has set the goals for this national effort. In making environment the first priority of the new decade, the President proposed a 37 point program last year. He has added even more definitive plans in this year's State of the Union message.

These are initiatives to clean up our air and water, to preserve and restore our surroundings, even to eliminate the scourge of excessive noise. The President has enlisted all citizens in the crucial campaign now underway.

DIFFICULT DECISIONS

We have tough decisions to make along the road. The Department of the Interior must decide in the months ahead how best to transport oil from the rich north slope of Alaska to closer domestic markets. The proposed Alaska pipeline could be one answer but we need more time to evaluate its possible effects and viable alternative methods. There must be full provision made for the economic claims of native Alaskans, as well as safeguards for the migratory habits and the well being of wildlife.

The Santa Barbara channel presents another difficult question mark. The Interior Department must conclude if renewed offshore oil drilling would again unnecessarily endanger the Santa Barbara beaches or whether the oil resources there should be placed in reserve.

These are delicate matters involving contracts signed in good faith with the government. Furthermore, the decisions will have to be made under the pressure of a growing fuel and energy shortage in this country.

In other areas of concern, the Administration and the Congress are imposing stringent regulations on the industries that might poison water with waste and pollutants. The penalties for violation will be anything but mild. We are demanding that the strip mining companies restore the land they use, and that mine safety be their watchword.

LONG RANGE GOALS

In the long haul, the Nixon Administration is drafting environment plans that transcend the immediate future. We are making the initial moves toward a national energy policy, designed to streamline government management and to enhance our resources.

These are ambitious projects, but well within the national capability. Placed on a par with the economy and military defense, environmental programs will preserve and protect this abundant land. I foresee, before the end of this decade, a rennaissance of quality in the American experience.

Pollution Charges: Valuable Adjunct to Firm Regulations

(By Russell E. Train)

The Administration has proposed an important new approach in our effort to find ways to enhance environmental quality by using charges on pollutants to stimulate abatement.

In his environmental message of Feb. 8, the President recommended charges on sulfur oxide emissions in the atmosphere and a tax on lead in gasoline. Even earlier, in his 1970 State of the Union message, President Nixon said:

"We no longer can afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead, we should begin now to treat them as scarce resources, which we are no more free to contaminate than we are free to throw our garbage in our neighbor's yard. This requires that, to the extent possible, the price of the goods should be made to include the costs of producing and disposing of them without damage to the environment."

AN UNDERSTANDING

We are beginning to understand that pollution is costing us money. Air pollution, for example, increases our medical expenses, requires us to repaint our homes more frequently and may even lower the value of our urban real estate by making the area less esthetically pleasing.

Without pollution control measures, these costs are not reflected in the costs of products.

Our economic system today provides no incentive to clean up pollution. Indeed, because firms attempt to minimize costs in order to compete in the market, the incentive is to incur as few pollution-control costs as possible.

But if pollution itself becomes a cost thru a charge system, the incentive is then reversed. The firm would attempt to reduce pollution to the lowest level that is economically feasible to reduce the charges applicable to his production. Hence, the powerful forces of the market system would be working to enhance environmental quality.

UP TO EVERYONE

The administration is firmly committed to a comprehensive and firm regulatory program. But we simply do not have the resources to police the hundreds and thousands of individual sources in the United States.

Pollution charges provide a valuable supplement to regulatory authority in achieving our environmental goals faster, stimulating the development of new technology and methods of reducing pollution, encouraging more economic solutions and achieving higher levels of abatement than those required by standards.

But, they will never supplant regulatory authority nor will payment of the tax provide immunity to enforcement actions.

It is ultimately to everyone's advantage to stop pollution. The pollution charge approach will add a powerful tool in our battle to enhance and maintain high levels of environmental quality.

New Environmental Agency Has a Dual Challenge

(By William D. Ruckelshaus)

The alarm of the environmental pollution crisis has been sounded and heard. Now we must begin to act.

In the Environmental Protection Agency, the United States has gathered together in a single Federal agency the responsibility for research, standard-setting, monitoring, and enforcement with regard to the air, water, noise, radiation, pesticide, and solid waste pollution problems.

DUAL CHALLENGE

We have been presented with a dual challenge—to attend to what is urgent and, at the same time, to foresee and respond to what is ahead. We shall exercise these responsibilities as an independent agency, beholden by no obligations to promote commerce or agriculture.

Besides what we may do technically, our larger mandate is to exercise leadership. This includes informing and guiding those people responsible for and affected by pollution, which at present excludes no one.

We must work closely together, not only on the national level, but on the local level as well. Towards this end, we hope to have set up by mid-year ten regional offices to deal primarily with local people on local issues, to coordinate closely with local and state governments, in order to bring about a united effort of environmental enhancement.

Close contact with local people is vital, as the crucial environmental decisions to be made in this decade are really societal decisions.

One of the first and most important steps we can take in making these decisions is realizing the necessity of working towards the development of a new environmental ethic.

We need to discover a new reverence for all forms of life and their systems of support. We must come to understand that we can no longer afford the myopic type of progress which results in denuded forests, sterile land, and polluted water. Technology unchecked has as much potential for diminishing the quality of life as it has for enhancing it.

Thruout these endeavors we must continually realize that what we seek is progress and cooperation, not scapegoats. We do not seek to point the accusing finger of guilt, but rather we seek to pinpoint areas of difficulty and together, at all levels, work towards a common solution.

The levers of making beneficial change are in our hands. It is up to all of us to realize, whether we act in government, in industry, or as a private citizen, that we must work together. Pollution is everybody's problem; the solutions are difficult, but obtainable if we pull together.

Ecology Was a Four-Letter Word 15 Years Ago

(By Representative John A. Blatnik)

Ecology has caught on—the idea that we Americans have come close to destroying the water we drink, the air we breathe, the land which sustains us and that we'd better act fast if we want to see the year 2000.

No one could be happier than I at this vast groundswell of public concern, and at the great impact individuals and local groups have had on the effectiveness of the movement. The nation, Congress and the administration stand firmly committed to preserving and enhancing the environment.

LITTLE SUPPORT

But 15 years ago, when I wrote the first water pollution control legislation, we "ecologists" could have written our legislation and planned our strategy in a phone booth—with plenty of room left over. Our early legislation came thru only after bitter fights, and one bill was actually vetoed by President Eisenhower.

Even then, when our waters were relatively clean, you could see the crisis coming down the pike like a 10-ton truck. Our cities were growing up and out, like atomic clouds and with consequences as disastrous for the environment. Our industries were spewing out ever more complex wastes, which were increasingly more difficult to find and remove by available technology.

But we knew full well that that clean-up could not be accomplished by federal dictum alone. The federal government would have to play a positive and constructive role, enlisting the cooperation of state and local governments as well as industry. We wanted to encourage industry to clean up its pollution voluntarily, and to avoid the extremes of "close-'em-down" or "let-'em-pollute." To that end, the federal government has coupled tax incentives and federal funds for research with tough penalties for polluters.

FIRST PROGRAM

My first bill, signed into law in 1956, set up the first permanent national program for pollution control. It brings federal and state officials together with representatives of the source of pollution—be it federal government installation, municipal facility or industry—to work out a schedule and method for ending the pollution or keeping it within tolerable limits. If the offender does not follow this schedule or refuses to abate its pollution, he faces court action and possible shutdown.

Since that first law, federal jurisdiction has expanded to cover all navigable waterways of the United States, established federal water quality standards and strengthened the enforcement mechanisms.

Our most recent law, the Water Quality Improvement Act of 1970, provides stiff penalties for oil companies who, thru negligence, allow oil spills from tankers or on or off-shore wells. This same act, for the first time, requires the companies to prove their innocence, rather than the government to prove their guilt.

The 1965 law also began channeling funds into construction of municipal waste treatment plants, and to date, the federal government has invested over a billion dollars in 10,000 plants treating sewage and other wastes which would otherwise be dumped directly into our rivers and lakes.

LONG ROAD AHEAD

The fight for clean water is far from over. Tho there are some success stories, our waters are generally worse now than they were 15 years ago. But they would be far more polluted without the legislation and federal funds.

Within the foreseeable future, I think we will see a marked improvement in the quality of our waters, as present techniques are more widely applied, as research bears fruit, abatement measures take hold and we build more treatment plants.

It will be difficult. It will be costly. But it is possible.

I am confident that we will win the battle—because I believe in the people's lasting commitment to clean water. I believe the American people will continue to demand action by all levels of government and by industry, and that both government and industry will be responsive to these demands.

COMMON SENSE IS NEEDED TO CONTROL WATER POLLUTION

(By Representative GUY VANDER JAGT)

With timely stimulation from Rachel Carson and others, with environmental problems reaching proportions unacceptable to the general public, with the long heard but commonly ignored cries of conservationists suddenly making sense, the American people have entered the 1970s with a great desire to halt the degradation of their land, clean up their water resources, and restore the quality of air to levels insuring survival of human beings.

In 1969, I joined with other members of Congress who were also on the House Government Operations Conservation and Natural Resources Subcommittee in calling for an environmental decade in the 1970s—ten years of concentrated effort to solve environmental problems. Our goal then, as it is now, is a harmonious relationship between man and the earth on which he lives.

JOIN TOGETHER

Government, industry, individual citizens and organizations have rallied to the environmental flag. While remnants of opposition to the cause remain, the sound logic of arguments supporting the need has carried the day. America has the motivation to solve these problems. And the dollars are being spent.

The question, then, becomes one of effectiveness. Are we going to solve problems, or are we simply going to contribute to human frustration?

Some of our programs seem to be built on shaky foundations. Take water pollution control, for example. The basic premise on which standard primary and secondary treatment systems are constructed (we have a national goal of a minimum of secondary treatment or its equivalent for every city) is that the removal of organic matter to a substantial degree from sewage, coupled with chlorination to kill bacteria, will solve most of our water pollution problems. The effluent from such systems is disposed of in the nearest river or lake.

Have you ever lived on a river or lake "blessed" with the results of such treatment: Such bodies are usually weed filled or algae covered; trash fish, which can survive in low oxygen content water, have displaced more desirable species; and the "no swimming" signs are up.

Until fairly recent times it seemed reasonable to dispose of effluent from sewage treatment plants in such a manner. Our surface waters were capable of diluting those effluents to a point where the environmental damage was minimal.

But there are now too many of us, using too much water, producing too much sewage for natural bodies to assimilate even when current secondary treatment concepts are employed.

The answer lies in applying a little common sense to the problem. First of all, we should decide that we do not want that stuff in our water. We should permit no discharge of industrial or municipal waste into any surface water. Our lakes and streams are better used for swimming and fishing and supplying drinking water.

What are the alternatives? One is disposal of sewage sludge by burning, but burning introduces pollutants into the air, and destroys many potentially valuable elements in wastes.

We are acutely aware that the components in treated sewage causing pollution problems are, for the most part, basic fertilizer elements—phosphorous, nitrogen and potassium. They come from the food we eat and the detergents we use, and farmers buy them to spread on the land to produce food for livestock and human beings. But when they enter our lakes and streams, they make weeds and algae grow. Could we get those fertilizer elements back on the land where they came from, where we need them to produce food?

Yes, we can. Present day technology allows us to treat raw sewage to a sufficient degree that the resulting effluent can be safely spread on the land by irrigation systems to help make crops grow. And the costs are reasonable. Muskegon County in my Congressional District in Michigan is about to establish such a system.

Substantial amounts of land are needed for these systems, and it is necessary to pipe the sewage outside high land cost urban areas. But the system will help pay for itself because it does provide the land with water and fertilizer.

Back on the land, these elements are not pollutants at all, but precious resources, resources that we would otherwise waste. In "disposing" of them on the land we are recycling scarce resources which would otherwise be lost.

One additional argument for this approach to water pollution control relates to viruses, which cause diseases like hepatitis, influenza and the common cold. Some researchers think viruses could even be the cause of some forms of cancer.

Primary and secondary treatment systems with chlorination do not kill a substantial share of the viruses in sewage. But 100 per cent are killed when water in which they are present is filtered thru the first seven inches of surface soil. The electrical charge in a virus attaches it to a soil particle, and the bacteria in the soil then break the virus down to simple, harmless protein.

Land disposal of treated sewage will accomplish what we really want in our water pollution control programs. We can have drinking-water-pure lakes and streams. We can recycle precious resources for economic benefits to our children and our children's children. We can reduce the threat of waterborne disease. All we need to do it is apply some common sense in our water pollution control programs.

And we must apply this same kind of thinking to other pollution problems such as solid waste disposal. We must plan and design and engineer within an "environmental framework." If we look at pollutants as simply "resources out of place" and plan accordingly, we will have gone far down the road towards solving our environmental problems.

THE ENVIRONMENT IS AN INTERNATIONAL PROBLEM

(By Charles S. Rhyne)

Co-operation by all nations to protect and improve man's environment around the globe will be studied and acted upon by some 4,000 lawyers from 128 nations attending the Fifth World Conference on World Peace Thru Law at Belgrade, Yugoslavia, July 21–25.

Pursuant to the theme of the Conference, "The Law of the World and Man's Environment," the participants will hear reports from experts on environment problems and will then consider ideas for improving existing international laws and for creating new laws and legal bodies to combat the rapidly-growing menace of pollution of land, sea, air and space.

MODEL TREATY

A draft of a model treaty proposal is now being prepared by Dr. Carl A. Fleischer of the Institute of Public and International Law of the University of Oslo, Norway, an outstanding authority of the international legal aspects of environmental problems.

Norway, along with Sweden and Denmark, has a special interest in international pollution matters, having experienced the effects of a fall-out from the smokestacks of the Ruhr Valley.

Dr. Fleischer will review the actions taken by eight European nations in June, 1969 on pollution by oil in the North Sea and by a meeting called in December, 1969 by the Nordic United Nations Associations in Stockholm.

A proposal on weather control is being prepared for the conference by Professor J. W. Samuels, Faculty of Law, University of Western Ontario, Canada. This is in accordance with a resolution adopted by the Fourth World Conference on World Peace Thru Law at Bangkok in 1969 which stated that "weather control can be either a threat to international peace, or a means of bettering mankind's condition."

Chairman of the World Peace Thru Law Center's Committee on law and environment is James L. Elsman, a Detroit attorney. Mr. Elsman will propose an amendment to the United Nations Charter on environmental control, and will suggest that the World Court be given jurisdiction over disputes arising from international environmental agreements.

Mr. Elsman is chairman of the Michigan State Bar Association's International Law Committee and has served for the past six years by appointment of the Secretary of Commerce on the Regional Export Expansion Council.

Chairman Elsman has been aided by a panel of experts from groups such as the World Health Organization, World Meteorological Organization, International Atomic Energy Agency, and United Nations Economic Council for Europe as well as private conservation organizations and law professors.

UNIFIED EFFORT

The decisions arrived at on international environmental legal problems at the Belgrade Conference will be circulated to all interested persons around the world—legislators, government officials, national leaders, specialists, universities and the press—and should give a tremendous impetus and cohesion to the many scattered efforts underway to combat the many forms of pollution now being identified.

The Belgrade Conference will, of course, take up many other subjects besides environment, including the exploration and exploitation of the seabed, airplane hijacking, investment in Socialist nations, legal urban problems, strengthening the United Nations, international courts and tribunals.

Every lawyer in the world is welcome to attend the conference in their private capacity. Concurrent with the conference will be a meeting of the World Association of Judges, which has as its prime object the promotion of world peace by providing for a year-round exchange of experience and for leadership initiatives.

Laymen are also invited to attend the conference and to become associate members of the center, which is headquartered in Geneva.

This will be the first time the two meetings will have been held in a Socialist country. Previous world meetings have been held in Athens, Bangkok.

INDUSTRY LEADERS BAND TOGETHER TO FIGHT POLLUTION

(By Bert S. Cross)

American business, governments and the public have all moved rapidly in the past year to undo decades of neglect to our environment.

The changes which are taking place are as fundamental as any economic or social development in our time. The resources of clean air, clean water and a quiet environment are the raw materials necessary to production of the good and services essential to our economy.

The leaders of every American industry are joining in constructive response to this new recognition of our basic environmental concerns. Large investments are require to clean up the sources of pollution which most urgently threaten the environment.

It is essential that the standards and enforcement programs established by Federal, state and local governments take into account not only that which is technically feasible but the time required for implementation and the economic consequences involved as well.

The National Pollution Control Council, advisory to the President on industrial environmental policies and programs, is working with both government and industry to build the cooperative partnership necessary to achieve our environmental goals.

Our task is to find the most expeditious and effective ways of reducing pollution. This we are well on the way to doing.

It means new and different products and new and different practices for both industry and the public.

Change is the order of the day. Industry welcomes this change, this challenge and this new environmental role.

SAVING THE ENVIRONMENT: BIGGEST MASS MOVEMENT IN AMERICAN HISTORY

(By William Steif)

Nancy Batora of Bannister, Mich., mailed a letter to an office here a few days ago. In a painstaking teen-age scrawl, she wrote:

"I am a freshman at Avid-Elsie High. Recently in my earth science class I have seen a group of movies concerning air pollution in America. I am very concerned with this problem, as most of my classmates are. Could you please send me some ideas on cleaning up our community? We could make a class project of it. Thank you for your time."

POTENT MOVEMENT

Nancy's letter was almost routine. Between 40 and 50 similar letters come to Environmental Action Inc., 1346 Connecticut-av., n.w., every day, nearly a year after the whoopla of the 1970 "Earth Day."

These letters are an index to the fact that saving the environment has turned into one of the biggest, most powerful mass movements in American history.

The key word is "mass". Many millions of people are involved. It is not a fad. It will not go away. Indeed, the movement has broadened and deepened and become more a part of the American fabric than ever before.

Here are a few suggestions of the movement's potency, as drawn from two days' mail at Environmental Action:

Brent B. Bleier, acting president of Appeal for an Environmental Alternative (AWA), Hobart College, Geneva, N.Y., sent along a report of his group's "county-wide glass recycle program," a $10 check, asked for information and signed this letter "ecologically yours."

The Rev. Ronald Haseley of Bethlehem Lutheran Church, Round Top, Tex., asked for materials on "forming a local society, the purpose of which would be to help create a better environment by protecting wildlife, conserving and recycling raw materials, and disseminating information."

Mrs. David G. Rose of Hastings, Neb., reported she was "very short on factual, statistical data" and, among other items, asked "how many trees are needed to make 12 dozen boxes of Pampers?"

John Richter of the Bridgewater State College biology club, Bridgewater, Mass., said that "even if there is no national teach-in scheduled for this year, we are going to attempt one of our own."

Mary Anne Deutschmann of Alexandria wrote that "our church youth group is holding a pollution awareness program to make our church members, about 500 families, aware of what they can do."

Thomas S. Neoyen, loan officer of the Northern State Bank, Appleton, Wis., told of the bank's display and informational activities and reported "we gave away Colorado blue spruce seedlings to whomever expressed a desire to plant them."

Gilbert R. Tortolani, president of the Ecology First Federation (EFF) of Pacific Grove, Calif., wrote of plans to "involve not only the individual but industry as well in combatting the pollution problem" on the Monterey Peninsula 100 miles south of San Francisco.

Mrs. Craig B. Smith of New Hartford, N.Y., sought information on behalf of her local ecology committee and asked: "Also, if you have any information on the voting records and actual positions (on environmental matters) taken by our representatives, Sens. Jacob Javits and James Buckley, and Congressman Alexander Pirnie, we would appreciate receiving it."

Joe F. Johnson II, a student at Arkansas Polytechnic College, Russellville, Ark., said he was "forming a chapter of Zero Population Growth."

"A SURPRISING RESPONSE"

Unsolicited contributions rain in on Environmental Action amounting to between $25 and $200 daily—and a donation to the group is not tax-exempt. A biweekly newsletter begun a year ago now goes to 20,000 subscribers, and 25 new subscriptions come in daily. A pamphlet called "Do-It-Yourself Ecology" has sold 15,000 copies, at 25 cents per, and the order backlog for it is 20,000. This will be satisfied when a new printing of 50,000 copies is delivered shortly.

A new $1.25 paperback, "Earth Tool Kit," will be published April 1. Initial printing is 100,000 copies. The "kit" offers detailed instructions in how to bend industry and government to the environmentalists' will.

Sam Love, long-haired and bewhiskered, sits in the cluttered seventh floor office where he, Dennis Hayes and a dozen other young evironmentalists have built their organization and says in a slow, Southern drawl: "We've had a surprising response . . . We hope to give the movement direction."

Young organizations like Environmental Action, David Brower's Friends of the Earth and the Environmental Defense Fund, together with the new breed of public-interest lawyers, have played key roles in bringing the movement to its present potency. But the older groups, inevitably, have carried the biggest load in broadening its constituency.

Membership increases in some of these older groups are instructive:

The National Wildlife Federation, basically a conglomerate of state organizations of hunters and fishermen with an increasingly strong conservation bent, has more than 1.6 million members today, up more than 300,000 over last year at this time. It also has an auxiliary of nearly 400,000 high school and grade school members.

In three years, the National Audubon Society's membership has leaped from 70,000 to 150,000. In a decade, the Wilderness Society has grown from 8,000 members to its current 74,000 members. And the 79-year-old Sierra Club, originally just a western regional group, has increased from 70,000 members two year ago to 120,000 today.

These membership figures represent commitment. For example, it costs $12 a year, plus a $5 initial admission fee, to belong to the Sierra Club, and the club is getting 2,000 to 3,000 applications a month. Two new chapters have just been organized in the Canal Zone and the Governor of American Samoa has written to say he wants to organize a chapter there.

Lobbyists and press agents in this often-cynical city are clamoring to jump aboard the environmental bandwagon. Politicians, recognizing vote power when they see it, are hastening to sublimate their normal Babbittry to embrace the movement.

Sen. Gaylord Nelson, D-Wis., one of the politicians who became involved early, reports that 15 Governors already have "proclaimed" the third week in April as "Earth Week," even tho no national observance is planned this year.

The six million Boy Scouts of America have been enlisted in the movement. They will "keep America beautiful" by picking up litter June 5.

Hundreds of college, high school and grade school ecology courses have sprung up, like daffodils blooming on a warm April day.

JUMPING ON

Almost every industry is looking for ways to gratify the new-found American taste of an improved environment. The beer and soft-drink people move toward recycling cans, in conjunction with the steel and aluminum producers. The scrap metal companies work with the government on re-use. Pulp paper firms look to Europe for recycling methods. Steel, copper and chemical companies try to cut air and water pollution, and brag of their efforts.

The detergent folks, trapped between algae-producing phosphates and the false promise of the chemical NTA, thrash about desperately in search of substitutes. General Motors hires a real air pollution authority from the University of California, and all the auto makers—pressed by a new law—hunt despairingly for ways to produce clean internal combustion engines.

Government at all levels has felt the environmentalists' impact. For instance, think of what's happened recently at the Federal level alone:

The President created his Council on Environmental Quality and the enforcement-oriented Environmental Protection Agency.

Still new water and air pollution laws breezed thru Congress, the latter over the anguished opposition of the nation's biggest industry, the auto makers.

Legislation authorizing increased private-industry cutting in the public forests has been beaten.

Use of DDT and other pesticides has been reduced drastically.

The proposed supersonic transport has been placed in grave jeopardy.

Oil drilling in the Santa Barbara Channel has been foreclosed.

The 789-mile oil pipeline in Alaska has been delayed indefinitely.

The cross-Florida barge canal has been stopped cold, as has been a big airport planned to lie adjacent to Florida's Everglades National Park.

Environmental protection on Gulf Coast oil platforms has been strengthened immeasurably.

The Department of Transportation is approving new highways in a much more gingerly manner and moving against billboards, at last.

Hundreds of thousands of public acres—beaches, forests, mountains, deserts—have been newly dedicated to national parks and wildernesses.

Even the Supreme Court reads the papers. Just the other day the court stalled, for several more years at least, local efforts to drive an Interstate highway thru Overton Park in downtown Memphis.

A typical impact at the state level has been a German company's abandonment of plans to build a giant petro-chemical complex along the South Carolina coast.

"The state legislatures are flooded with environmental legislation," says Charles Callison, executive vice president of the National Audubon Society. "New York State, for instance, enacted a bill banning the sale of rare animal and bird skins. Now 8 or 10 other legislatures—New Jersey, Pennsylvania, Connecticut, Massachusetts, Nebraska, some others—are doing the same thing. At the county and city levels, it's just the same."

The movement represents a consolidation of two distinct trends in American life.

One is an essentially romantic view of nature and the untouched American wilderness. This view grew up in the 19th Century in the writings of H. D. Thoreau and later in the writings of John Burroughs and John Muir, and blossomed in the early years of this century in the conservation movements led by Gifford Pinchot.

Typical of this somewhat mystic view is a part of the Wilderness Society by-laws, which says: "We believe that wilderness is a valuable natural resource that belongs to the people and that its preservation . . . is part of a balanced conservation program essential in the survival of our civilized culture."

ACADEMIA

The second trend is academic-scientific. It is a climax of a century of furious industrial growth that has produced a nation in which 6 per cent of the world's population consumes 50 per cent of the world's manufactured goods.

There is a price for such habits of consumption, or over-consumption. Scientists like Stanford biologist Paul Ehrlich, Cal Tech chemist Arie J. Haagen-Smit and Washington University biologist Barry Commoner insist our consumption patterns have led us to poison our air, foul our water, ruin our earth and destroy our wildlife.

When the romantic and scientific views were joined, they formed a powerful counter to the common notion that never-ending industrial expansion could be equated with "progress." Many people began to notice that there were costs—in manufacturing, in agriculture, in the retail industry, and in our life styles—that had never before been counted.

The costs can be summed up in a word: pollution.

Where are we now? Where are we going? President Sydney Howe of the Conservation Foundation says:

"I am absolutely certain that the problems that have roused public concern are profound and that, so long as they fester, they will continue to develop public response. The human animal is so basically affected (more) as an organism by the environment's continued worsening that, increasingly, we are going to have to accept losses or reductions in profits.

"This means a larger share of public expenditures to control environmental problems."

What would Howe put at the top of his list of problems?

"Energy production and its use. This is intimately connected to our style of living. Transportation is close, thereafter."

He adds that "the Alaska oil pipeline hearings may be a significant turning point in making national decisions about where we get our energy and how we use it. We may wind up with a national energy policy soon."

Stewart M. Brandberg, executive director of the Wilderness Society, says "we are all caught living on one little planet. . . . We have failed to bring population growth into equilibrium, we continue to make more demands on technology, our effluents are getting more and more out of hand.

"The pinch on the environment grows stronger, we are running out of resources, and we are not cutting back on our life style. The hopeful note is that more and more people are becoming aware of our dilemma—and are willing to take steps to call a halt. And they no longer focus on a single issue, they recognize the need to join hands."

The message from Michael McCloskey, executive director of the Sierra Club, is similar. The movement, he says, now "conflicts with almost every major American industry"—primarily because industry normally wants to put its products on the market before those products' environmental effects are known. McCloskey says it may be necessary to change the ground rules, so the environmental constraints dominate commerce.

He says his crystal ball is too cloudy to predict the future, but adds that he operates on "one premise—the laws of nature can't be tampered with indefinitely."

A sentence in the "Earth Tool Kit" sums up what has been happening: "As roses wilt from air pollution, the garden club becomes a hotbed of social activities."

LOGARITHMIC SCALE GAME

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SEBELIUS. Mr. Speaker, I read the statement recently, prepared by a so-called expert, that said the 707 is equal in noise to 50 SST's on takeoff. The author of this statement is playing games with the logarithmic scale. For many years the professional societies such as SAE, ATA, and AIA have been working with universities and industry to establish a meaningful noise measuring system. They have settled on PNdB, and effective PNdB. What our expert has done is to ignore this measuring technique and to use only the pressure aspects of noise as measured in decibels. Using his method of measuring, the noise generated by 50 SST's over the community after takeoff would be the same level as that produced by one 707 aircraft. On landing, 25 SST's would make the same noise as one 707. Playing this kind of number game, gentlemen, is neither productive nor reasonable.

TACTICAL AIR COMMAND, SILVER ANNIVERSARY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DOWNING. Mr. Speaker, on March 21, 1946, Tactical Air Command was created as one of the combat commands of the U.S. Air Force.

From rather humble beginnings, Tactical Air Command today stands as a decisive deterrent force in modern diplomacy.

During these past 25 years, the men and women of this Command have researched, defined, studied, tested, and perfected the tactical or limited warfare capability of the U.S. Air Force.

The growth of the Command reflects the increased importance of tactical airpower since World War II.

The Korean conflict emphasized the need for a "limited war" capability. This has been and continues to be the mission of the Tactical Air Command. TAC serves as the primary force in developing Air Force doctrine, techniques, tactics, and training for limited warfare.

Through such developments as the composite air strike force concept, the United States was ready to respond effectively to the Lebanon and Formosa Straits crisis which erupted in 1958.

As the air arm of the U.S. Atlantic Command and the U.S. Strike Command, TAC made significant contributions during the Cuban crisis of 1962, the Congo rebellion of 1964, and the Dominican Republic uprising of 1965.

This steadfast command has also trained and deployed professional aircrews and ground personnel in support of Air Force efforts in Southeast Asia.

No matter what the crisis, the men and women of Tactical Air Command have responded. They have helped survivors of earthquakes in South America, hurricanes and floods in the United States and overseas, and stopped a dreaded ininsect from spreading an epidemic throughout the Southwest United States.

Whether on military or humanitarian

missions, Tactical Air Command has set an enviable record in these past 25 years.

I take this opportunity to salute the Commander of Tactical Air Command, Gen. William W. Momyer and his professional military organization as it completes a quarter century of dedicated service to this Nation.

MILITARY MANPOWER PROCUREMENT IN THE EARLY 20TH CENTURY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in reviewing the historical tradition of military service in America, it is clear that the use of compulsion has been the exception, rather than the rule. According to a background study prepared for the Gates Commission by Jack Rafuse, the tradition of universal service in the militia has existed only on paper.

The study states:

> The Militia Act of 1903, perpetuated the fiction of universal service by the same device as the earlier law had done—it simply defined "militia" to include nearly everyone. The 1916 law, with amendments, is still in force. The exemptions are few relative to the entire male population. On paper, then, every male adult is a militiaman, in accordance with the "American tradition."

The fact is, of course, that only a minority of the population is ever called to military service, in spite of the "universality" of the law.

During the First World War, the Nation resorted to compulsory military service for the first time since the Civil War. The study stated further:

> The arguments used to justify conscription in World War I focused on the potential surplus, rather than lack of volunteers. *The Secretary of War, Newton D. Baker, admitted that the number of volunteers might be adequate,* but felt recruitment of volunteers would lead "to the earliest sacrifice of the bravest, most zealous, most active men." Senator Calder of New York stated that "under a volunteer system there is no way of preventing men from leaving necessary industries and crippling resources that are just as important as an army itself."

Actually, the World War I draft provides us with the first dramatic example of how an affluent majority can use conscription to reduce the cost of war to the general public:

> The alacrity with which Congress passed the draft law seems incredible, unless one accepts the view of the draft as a tax by the politically powerful on the less powerful. Men 18–21 years old did not vote in most states, but they provided the bulk of the military manpower, and at low wages. Negroes often were prevented from enlisting, but were drafted in disproportionate numbers.

The World War I experience is particularly relevant to the current discussion of the use of the draft to shift the defense burden onto a minority of the young, and the use of the draft to compel the poor and the black to serve disproportionately. I commend this item to your attention:

U.S. EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

(By John L. Rafuse)

PART FOUR: THE MILITIA LAWS AND WORLD WAR I

Militia reform laws of 1903 and 1916

One direct result of the Spanish American War was the reform of the militia system. During Theodore Roosevelt's presidency, Secretary of War Elihu Root initiated a military reform. The Militia Act of 1792 was repealed and replaced. The new law made broad beginnings at forming the militias (now called the National Guard) into a true national reserve force by aligning them, at the request of the individual governor, more closely with Regular Army officers, drill, and discipline. The law also perpetuated the fiction of universal service by the same device as the earlier law had done—it simply defined "militia" to include nearly everyone. The exemptions were basically those of the 1792 statute, so 20th century America kept 18th century exemptions. The Act[1] read, in part:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia.

"That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all customhouse officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: *Provided,* That nothing in this Act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States."

The next legislation which related to service obligation was the National Defense Act of 1916.[2] It perpetuated the "tradition" of universal militia service, stating:

"Composition of the militia

"The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter noted, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia."

The 1916 law, with amendments, is still in force. The exemptions are few relative to the entire male population. On paper, then, every male adult is a militiaman, in accordance with the "American tradition." The Act did change some things, however. It provided federal pay in peacetime for those National Guard units which met standards, drilled regularly, and had a set number of encampments per year. In time of war, the President could call those units into federal service with the Regulars.

World War I

In theory, the army was ready with 210,000 men (133,000 Regulars and 77,000 National Guard) when war was declared on April 6, 1917. But the men lacked training. Except for a few demonstration units, eight months passed before American troops began arriving in quantity in Europe. Eighteen of the 29 American divisions which saw action in France (7 divisions of Regulars, and 11 of Guardsmen) were all-volunteer divisions. That proportion is striking since in World War I voluntarism was curtailed by law and volunteers were a minority among armed service men.

In World War I, as in the Civil War, the U.S. resorted to conscription, though for a different reason. In 1863, insufficient volunteering was cited, whereas in 1917 the reason was ostensibly to prevent indiscriminate voluntarism. Again, as in the Civil War, the Congress acted quickly. On April 6, 1917, the U.S. declared war and the following day the draft law was requested. On May 18th it was signed into law. The law acknowledge and corrected many of the mistakes which had been made in the Civil War draft law—men registered themselves and were not registered by the military, draftees and deserters were not processed by the same group, and the approach to conscription was different.

There were no widespread draft riots nor violence in World War I, and some claimed that this was because the draft was more or less self-imposed and administered. On the other hand, there were an estimated 171,000[3] draft "evaders" who never registered plus another 360,000 "draft deserters" who never responded to induction orders. Since approximately 2,800,000 men were drafted, this means another 20 percent of the eligibles evaded. In addition, 64,693 men filed as conscientious objectors of whom 20,973 were inducted and another 500 of whom were court martialed. All was not smooth, despite President Wilson's statement that the draft ". . . is in no sense a conscription of the unwilling; it is, rather, selection from a nation which has volunteered in mass."[4]

The arguments used to justify conscription in World War I focused on the potential surplus, rather than lack of volunteers. The Secretary of War, Newton D. Baker, admitted the number of volunteers might be adequate, but felt recruitment of volunteers would lead "to the earliest sacrifice of the bravest, most zealous, most active men." Senator Calder of New York stated that "under a volunteer system there is no way of preventing men from leaving necessary industries and crippling resources that are just as important as an army itself."

Conscription lasted for nineteen months in the U.S. during World War I. On May 18, 1917, the Selective Service Act became law. By June 5, 9.6 million men had registered, and in the broader (18–45) registration of 1918, another 14.6 million registered. Of the total 24.2 million, only 2.8 were actually inducted. All manpower enrolled (or registered for the draft) was divided into five classes ". . . in the inverse order of its industrial importance; the fifth class containing those exempted from all liability under the terms of the selective service law. Class I was to constitute the reservoir of manpower, the drain of which for military duty would least disturb the domestic and economic life of the nation. The other classes were to contain the men whose domestic and industrial relations were such that their call to the

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Footnotes at end of article.

colors be deferred as long as the exigencies of the military situation would permit." [5]

The statement sounds as if the primary concern had been the convenience of the Selective Service rather than the conduct of the war. The incongruity of the 1917 draft rationale was equalled in its application: enlistment in the Army by draft registrants was discontinued on 15 December 1917 and on 8 August 1918 all voluntary enlistments in all branches of service were discontinued. The "right" had been taken from those who most wanted to volunteer and the state was allowed to decide which citizen had the "right and duty" to serve. The Provost Marshall General [6] cites the reasoning which lay behind the curtailment of enlistments:

"Such recruiting played havoc for a time with the orderly process of selection. During the period in which enlistments were permitted, 1,300,000 men were withdrawn from the available sources of supply, upon which the selective service organization relied.[7] The volunteer plan took no heed of economic value; it received as readily the man indispensable to production as it did the industrially worthless. We were presented with the strange anomaly of a nation which had intrusted its manpower to a selective organization, at the very breath turning over the same resources to an indiscriminate withdrawal by the agencies of recruitment. The task of accounting became highly difficult; an equitable of efficient apportionment of manpower between the military and industrial realms was impossible. Recruitment disturbed every phase of the scientific administration of our task and impaired the efficiency of the whole organization."

Despite the inflation in the U.S. economy and the rising demand for the services of those in Class I, military pay and allowances did not change at all during the war—there was no need to manipulate incentives since men had no freedom.

This was the first war in which America fought that draftees were sent out of the country to fight. It was also the first in which military compensation, pay and allowances, or enlistment bounties remained unchanged. It was the first in which reliance on the draft was so complete. The use of draftees in combat outside the United States was an important break with any pretense of tradition. Previously that had been a job for the Regular Army, but draftees were not Regulars. The legal justification for a draft had always related conscription to militia service, and retained the distinction between the militia, and army, missions. This distinction was eradicated without mention in World War I. Class I manpower was a minority [8]—in scarce supply relative to the enormous demand. Yet there was no change in military compensation. As the war continued draft calls drew more and more people from the minority in Class. Negroes totalled only 9.63 percent of total registrants, but more than 13 percent of those inducted were black.[9] To state it another way, 52 of every 100 black registrants was placed in Class I, only 33 of each 100 whites. Further, 34 of every 100 black registrants were inducted, while fewer than 26 of every 100 white registrants were.[9] The breakdown is shown below:

TABLE 7—*Registrants in Class I and inducted, by race*

[In Percent]

Class I Colored	51.6
Class I White	32.5
Inducted Colored	34.06
Inducted White	25.51
Class I and inducted Colored	66
Class I and inducted White	78.5

The 9.6-to-13 percent effect is a result of more Negro registrants being Class I, rather than more Class I Negroes being drafted. The disparity was primarily due to their social and economic standing. Negroes were not allowed to volunteer in National Guard or some other armed service branches prior to the war, but were a relatively large part of the Class I pool once it was set up.[10]

The World War I draft was passed within days. The alacrity with which Congress passed the draft law seems incredible, unless one accepts the view of the draft as a tax by the politically powerful on the less powerful. Men 18–21 years old did not vote in most states, but they provided the bulk of the military manpower, and at low wages. Negroes often were prevented from enlisting but were drafted in disproportionate numbers. The new draft enactment passed Congress without consideration being given to higher taxes for increased military pay.

All in all, because of differences in rationale, approach, justification, and sheer size of the undertaking, the World War I draft had no link with any previous draft. It provides another legal precedent for today's conscription, but offers no parallel and no direct link with any other. It is, then, no part of "tradition."

FOOTNOTES

[1] "An Act to promote the efficiency of the militia, and for other purposes" is included in its entirety in *United States Statutes at Large*, Vol. XXXII, 57th Congress (1901–1903), Part I: Public Laws, Chapter 196, pp. 775–780.

[2] H.R. 12766, Public Law No. 85 of June 3, 1916. Section 57 is cited.

[3] The statistics in this and the following several paragraphs are taken from *The Second Report of the Provost Marshal General* (Washington, 1918).

[4] Wilson's *Proclamation on Registration for the Draft*, May 18, 1917.

[5] *Second Report*, p. 2.

[6] *Ibid.*, p. 6.

[7] The full total of American troops and sailors who saw active combat service was about 1,390,000. Morrison, *Oxford History*, p. 867.

[8] *Second Report*, p. 170.

[9] *Ibid.*, pp. 191–193 gives the data on which these figures are based.

[10] *Ibid.*, pp. 191–199.

TEXTILE IMPORTS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MANN. Mr. Speaker, much has been said lately about the depressed state of the American economy. The textile industry faces the problems generated by a sluggish economy and carries the added burden of an ever-increasing flow of foreign textile imports which are threatening to make one of America's most vital industries extinct. This week one of the largest textile producers in the United States, Dan River, Inc. of Greenville, S.C., announced that over 600 salaried employees will be permanently removed from the Dan River payroll. The president of Dan River, Robert S. Small, cited losses which the company had sustained during 1970 and said:

> We regret losing many capable and loyal employees, but there is no alternative to this major cost reduction if the company is to regain its forward momentum.

Mr. Speaker, I know many of Dan River's employees, and I know that they cannot find solace in rhetoric which promises an upturn in the American economy. For months we have been promised a brighter economic picture, but the layoffs continue and families face an uncertain future.

I believe that this Congress has a responsibility to the American public to provide an impetus for our economy. As a beginning, I would suggest, as I have on numerous occasions, that the Congress provide relief for our textile industry from unfair foreign competition. In my judgment, viable textile quota legislation is long overdue, and I believe that such legislation would help to stop the erosion of one of our most essential industries.

IMPROVED PASSPORT PROCEDURES

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MONAGAN. Mr. Speaker, by holding hearings on legislation to improve passport procedures, the Subcommittee on State Department Organization and Foreign Affairs of the House Committee on Foreign Affairs this week took an essential step toward assisting America's travelers. The bill there under consideration, S. 531, identical to one which I introduced in this session of Congress, authorizes the Secretary of State to pay to the U.S. Postal Service the execution fee of $2 for each passport application executed before postal officials. It would implement and expand a successful passport application test program that has been operating in Connecticut for the last half-year. It could also provide a source of considerable revenue to the Postal Service.

During yesterday's hearings, I testified that this legislation would provide an invaluable addition to several steps that have been taken in the past year to ease the passport crisis. For instance, the use of probate courts, 96 in number, in Connecticut to accept passport applications, in line with a suggestion I made to the State Department during hearings of this subcommittee last year, has provided prompt and accessible service to many citizens. This week's primary witness, Administrator of the Bureau of Security and Consular Affairs for the State Department, the Honorable Barbara M. Watson, stated:

> At our request, the Probate Assembly of the State of Connecticut approved the participation by Connecticut Probate Judges in the taking of passport applications. As a result, some 96 Probate Courts in Connecticut are now accepting passport applications. These measures have ameliorated the problem in certain areas of the country. They are not, however, a complete solution.

In March 1970, Secretary Rogers appointed a State Department committee to facilitate travel. I expressed to this committee my hope that passport procedures could be improved through immediate administrative action. In June

1970, the State Department announced that 12 first-class post offices in 8 Connecticut and in 2 cities in 2 other States would take passport applications on a 6-month trial basis.

As Miss Watson asserted, this test program has been quite successful, especially for citizens of Connecticut. During the 6-month trial period, 12 first-class post offices in 8 Connecticut cities processed 7,074 passport applications. The 2 other post offices participating in the program, Detroit, Mich., and Houston, Tex., processed 2,408 and 1,485 passports respectively.

The legislation considered by the subcommittee acknowledges the success of this test program. Miss Watson urged approval of this bill as the most efficient means of improving passport procedures, with a minimum of new bureaucracy. I hope that the committee will approve and the House will accept this proposal. Passage of this legislation will mean better service for America's travelers.

THE AMERICAN CRISIS—FREEDOM OR SLAVERY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. RARICK. Mr. Speaker, with Russian naval strength frequently sighted off all of our coasts, a Soviet nuclear naval base in Cuba, and red diplomats in Canada, our President sedates the American people with reassurances that we are winning the peace—that we are withdrawing our men on all battle fronts, and that the present hostilities in South Vietnam will probably be our last war.

And all this while reports reach us that the President has already offered U.S. ground forces as a "peace keeping" Army under U.N. control in the Middle East—a most unpeacelike position between the Arabs and Israelis.

Can any American predict the national indignation when we start tallying "peace keeping" casualties from either or both the Arabs and Israelis? And rather than POW's we experience POP's—prisoners of peace in the Middle East.

Does it really make a difference whether a casualty statistic results from losses in a war or a "peace keeping" police action hostility?

Quite interestingly, other distinguished Americans disagree most emphatically with the disengaging pacifist rhetoric of our President. In California, retired Air Force general, Curtis E. LeMay, a former head of the Strategic Air Command, has predicted that within 18 months Russia will serve a capitulation-or-else ultimatum on the United States and that President Nixon will have no choice but to surrender and succumb to Soviet demands.

The celebrated journalist, author, and lecturer from Nashville, Tenn., Tom Anderson, explained the upcoming crisis this way:

When and if the Russians attack us, many conditions will prevail which we in this country have never known. We have never known war on our own ground, except during the war between the States. In a war with Russia, thousands of "Americans" and maybe hundreds of thousands will be for the enemy and/or for our surrender. Professors, students, hippies, appeasers, cowards, anarchists, one-worlders, "peaceniks." Thousands of them deliberately brought us to the brink. Any red-blooded American will know what to do with them when the time comes.

Warfare presents many calculated risks. One which I feel that the enemy, its "dear American friends," and our peace at any cost, soft on communism collaborators in the administration have overlooked is the last ditch determination of the individual American citizen.

Free people who have had a taste of individual liberty may be hard to convince that their freedom is in jeopardy, but woe unto those on the wrong side once the people wake up to what is taking place and identify the enemy among them.

Mr. Speaker, I insert several pertinent newspaper clippings at this point in the Record:

[From the Santa Ana (Calif.) Register, Feb. 24, 1971]

LEMAY PREDICTS RUSSIAN "YIELD-OR-ELSE" ULTIMATUM

(By Len Davis)

Retired Air Force Gen. Curtis E. LeMay Tuesday predicted that within 18 months Russia will serve a "capitulation-or-else" ultimatum on the United States, and that President Nixon will have no choice but to surrender and succumb to Soviet demands.

He would not speculate on what the "demands" would be, other than complete withdrawal of American forces in Vietnam.

Asked to define the words "or else," LeMay replied:

"Nuclear weapons."

Interviewed at the South Coast Gun Club, Santa Ana, the 64-year-old former Air Force chief of staff said "while the United States is wasting money on TNT for use in the jungles and rice paddies of Southeast Asia, Russia is spending money on what today is the finest strategic weapons system in the world.

"We have become a second-rate power," he said, "and our whole military establishment is rapidly going downhill because our weaponry—both offensive and defensive—is outmoded and the general public lacks the proper spirit and respect for our nation's leaders."

The former head of the Strategic Air Command (SAC), who built from the remnants of World War II an all-jet bomber force manned and supported by professional airmen dedicated to the preservation of peace, had this to say about the nation's defense capabilities:

"We lack superiority which, to win," he said, "should be overwhelming—more than is actually needed.

"It isn't just the money that is being misspent or not budgeted," he added, "it's the whole basic philosophy of our people which needs a greater demonstration of patriotism and a stronger manifestation of confidence in the leadership of our country—at all levels."

He attributed the "sorry state of our nation" to "the growing Communist menace" and said racial troubles and draft protests, for example, "are all Communist-inspired.

"Like it or not," he said, "we are at war with the Communists—and we'd better do something about it, fast, before it's too late.

"All they (the Communists) have to do is infiltrate our police and military organizations to the point where they are in control," said LeMay.

"The rest will be easy, and they'll take over our country," he added.

LeMay urged the American people to "stand up and shout down the radicals, learn their tactics so you can combat them, and support our men in uniform.

"Quit tearing things down. Quit believing everything that's told us. Investigate. Read the history and development of Communist methods and see how they apply to what's happening across our land today. Then act accordingly," said LeMay.

He said the American people "would be derelict in their duty to believe we have a strong national defense system.

"That's what we're told," he said, "but it's not so—really.

"And I know," added the four-star general under whose leadership at SAC for 10 years plans were laid for the development and integration of the nation's intercontinental ballistic missile (ICBM) capability.

Speaking on the controversial subject of military discipline, LeMay said:

"The ones who criticize rigid disciplinary measures the loudest are usually the ones who have never been in combat and are unaware of its tremendous importance when it comes to saving lives and winning battles.

"Discipline is a team operation," LeMay continued, "and at some point in the military everyone's life is on the line."

LeMay posed this question:

"How can you expect to have effective discipline in the service today when civilians are constantly criticizing the military and belittling those in uniform?"

He said "the boys in Vietnam, for example, are at a great disadvantage, knowing that the people back home are not behind them as they risk their lives almost daily."

"Their will to win is diminished," he added.

"I've said my piece time and time again," he explained, "but no one listened."

"The war should have been won five years ago."

[From the Washington (D.C.) Evening Star, Mar. 10, 1971]

THIS WAR PROBABLY THE LAST, NIXON SAYS

(By C. L. Sulzberger)

President Nixon, in a rare on-the-record interview, said that the Vietnam war was ending and added, "In fact, I seriously doubt if we will ever have another war. This is probably the very last one."

During a conversation Monday in his private office in the Executive Office Building across from the White House, Nixon summed up the crux of his foreign policy.

He spoke easily, sitting relaxed in an armchair and more or less thinking aloud as he began to recapitulate his aims, methods and hopes.

As soon as the President confirmed that the contents of the conversation could be published, he was asked for permission to take notes, and he nodded agreement.

Later, asked if he would like to see a text of the notes, he declined.

While repeatedly emphasizing that the Vietnam war was winding down, the President made no secret of his concern at being caught in a "vicious cross fire" between those he termed the Superdoves and those he termed the Superhawks. He thought each offered an unreasonable course of neoisolationism that was impractical and dangerous.

It disturbed him that the establishment and many former ardent internationalists were now wedded to what he viewed as neoisolationism.

"I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world," he said. "I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

"Part of the answer is simply that Americans, like all idealists, are very impatient people," he commented. "They feel that if a good thing is going to happen it should happen instantly."

Nixon, recalling the ideals of his mother, a Quaker, described himself as a deeply committed pacifist but added: "It is not enough just to be for peace. The point is, what can we do about it?

"No one who is really for peace in this country can reject an American role in the rest of the world."

He described the Vietnamese conflict as exceedingly difficult for people to understand and "a war where there are no heroes, only goats."

Nevertheless, he recalled having told Mrs. Golda Meir, the Israeli premier:

"If America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East.

"Mrs. Meir saw the point immediately," he added.

The greatest concern of the President, as he made plain, is that the U.S. withdraw in orderly fashion from Indochina but without falling into a mood of isolationism or stripping national defenses.

He does not contemplate any risk of falling behind in the arms competition with the Russians, nor does he foresee withdrawing American forces from Europe until balanced reductions can be arranged by mutual negotiation.

"We must not forget our alliances or our interests," he said. "Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests."

But he stressed a desire to continue negotiations with Moscow and open the door of cooperation to Peking so that "there will be a chance of building a world that is relatively peaceful."

The President emphasized the importance of a non-Communist Asia and the fact that the U.S. was itself a Pacific power. This fact will soon be underscored, he said, when a supersonic transport is developed—by others, if not by the United States—and brings it within three hours flight of Japan.

He expressed deep concern for the internal problems of this country—environment, poverty, education—but said the nation had to deal both with those and with the mantle of responsibility imposed upon it abroad.

"After all," he said, "if we manage to improve the environment and living conditions in this country, we must also assure that we will be around to enjoy those improvements."

Asked if he could give any precise indication of how many American troops he expected to be in South Vietnam by mid-1972, Nixon grinned and replied:

"Well, you know I can't disclose the withdrawal figures. But let me say this: Those who think Vietnam is going to be a good poltical issue next year are making a grave miscalculation.

"LAOS BATTLE HELPING"

"Now I am not applying our policy there for political reasons but for reasons of national security. Nevertheless, those who are counting on Vietnam as a political issue in this country next year are going to have the rug jerked from under them.

"Certainly the way the Laotian battle is going is helping our withdrawal program. And I can tell you that if I were running as a political candidate, I wouldn't select as an issue something that is likely to become a non-issue."

At that point Nixon was asked if he felt that it was essential to his long-range plans that he be re-elected to a second term. Again he smiled in a relaxed manner and replied:

"I work here as if every day was going to be my last day. My theory is that you should never leave undone something that you will regret not having done when you had the power to do it.

ROLE OF SUPERPOWER

"The fact of the matter is that for the next 25 years the United States is destined to play this superpower role as both an economic and a nuclear giant. We just have to do this. We cannot dodge our responsibilities.

"If I lived in another country that wanted to be sure and retain its right to self-determination, I would say: 'Thank God that the United States exists at this moment in history.'

"We are not bent on conquest or on threatening others. But we do have a nuclear umbrella that can protect others, above all the states to which we are allied or in which we have great national interest.

"This is the moral force behind our position. We could be a terrible threat to the world if we were to lose that restraint or if we were to sacrifice our own power and allow ourselves to become too weak to uphold the weak."

[From the Washington Post, Mar. 12, 1971]

PRESIDENT'S PLEDGE TO ISRAEL

(By Rowland Evans and Robert Novak)

A tough international commitment guaranteeing Israel's security *after* total withdrawal of Israeli forces from Egypt's Sinai Peninsula is now being hammered out at top echelons of the Nixon administration.

That commitment would not only place American soldiers on the strategic heights of Sharm El-Sheik but would pledge the use of American military power to prevent any possible Egyptian military power to prevent any possible Egyptian move across the Israeli-Egyptian border.

With final details subject to minor change, the commitment would take the form of a signed agreement between President Nixon and the government of Israel backed by a Congressional resolution underwriting the presidential pledge. There is no question in high administration quarters about congressional willingness to pass such a resolution.

That would give the guarantee something less than the full force of a treaty—which many experts here think Israel really wants—but enough legal backing to remove all doubt about the U.S. commitments to guarantee Israel's territory.

Israel's main argument against total withdrawal from the Sinai is its claim that the international guarantees "by their very substance cannot but be tenuous" (in the language of an Israeli embassy policy paper widely distributed here this week).

The Nixon administration is trying to give the lie to that claim by saying this: While the U.S. will not underwrite Israel's occupation of territories seized by war, it will guarantee its security against possible Arab aggression aimed at Israel proper.

The focal point of Israel's refusal to evacuate the Sinai under the plan originally drafted by Secretary of State William P. Rogers is Sharm El-Sheik, the promontory controlling the strategic Strait of Tiran, the entrance into the Gulf of Aqaba and Israeli's port of Eilat.

To put teeth into a U.S. guarantee of Israeli passage through the strait, the Nixon administration is prepared to put a small contingent of U.S. troops on Sharm El-Sheik and keep them there as long as needed. Private agreement has been reached with the others in the Big Four—the Russians, British, and French to do the same, under the umbrella of the United Nations.

These contingents would be housed at Sharm El-Sheik itself, flying national flags and commanded by a non-Big Four military officer responsible to the U.N. Security Council. They could not be removed without a unanimous vote of the Security Council, where the U.S. has a permanent seat.

Thus, the plan being devised here is not remotely comparable to what Israel rightly calls the "mixed bag of international arrangements . . . which were to collapse upon their first real testing" following Israeli withdrawal from Sharm El-Sheik after its first military takeover of the Sinai in 1956. That plan had no built-in safety features, and no U.S. presence. Nor did President Eisenhower offer Israel the assurance of a signed agreement pledging U.S. military intervention to enforce it.

Despite these obvious differences, the Israeli government shows little interest so far in discussing this proposition seriously with the Nixon administration as part of a total Sinai withdrawal. Clearly, it would rather keep its conquered territory. The vast gulf now separating Washington and Jerusalem on the withdrawal question is, if anything, wider today than before Israel rejected U.N. Ambassador Gunnar Jarrings' Feb. 8 appeal for withdrawal to the old border.

That reply asserted that "Israel will not withdraw to the pre-June 5, 1967, lines," an assertion that U.S. diplomats in Tel Aviv and here begged the Israelis not to include. What the Nixon administration wanted, at the very least, was that Israel tell Jarring what it was for and refrain from blocking the negotiating route by announcing an unequivocal negative.

In rejecting those appeals, Israel undercut not only the U.N. but the basic settlement formula for total withdrawal from Sinai that for 16 months has been the heart of President Nixon's policy. Presidential advisers are counting heavily on the offer of U.S. military guarantees in their tenacious effort to soften the hardening posture in Jerusalem.

[From the Washington Post, Mar. 13, 1971]

NIXON SEES U.S. ARMS AS KEY TO PEACE; STRENGTH HELD KEY TO CURBING FUTURE WARS

(By Carroll Kilpatrick)

NEWPORT, R.I., March 12.—President Nixon today criticized "the new isolationists" who would cut the nation's defenses to the bone and said that America "must have strength" to prevent future wars.

The President also said that U.S. involvement in the Vietnam war "is coming to an end" and that the nation's men in uniform will become a "peace force."

Their responsibility will be to keep the peace, he said in an address to the 216-man graduating class of the Naval Officer Candidate School, including his son-in-law Dwight David Eisenhower II.

The President stressed the theme, developed in several recent statements and interviews, that he is pursuing a middle course between the hawks and the doves and that he believes peace can be guaranteed only if the nation maintains a strong defense.

He did not name the "new isolationists," who, he suggested, do not understand "the cost of weakness."

The President told the new ensigns that although America has fought four major wars in this century, it did not seek or begin any of them. Yet there are those, despite the evidence of that record, he said, who have refused "to learn the hard lessons in the history of tyranny."

"They would tell us—as their predecessors in other times have told us—that the appetite for aggression can be satisfied if only we are patient and that the ambitions of the aggressors are justified if only we understand them properly."

The President said he was never surprised by such arguments. "But I am always astonished to see them held in the name of morality," he declared. "We know too well what follows when nations try to buy peace at the expense of other nations."

"We know that when force is rewarded, the cost of peace and the only alternative to war will be tyranny," Mr. Nixon said. "This fact dominated the first half of this century. We are determined that it will not dominate the last half."

"For this reason, we have accepted the necessity of war. But our purpose is peace."

If the world were free, he said, there might be no need of arms. But while "the values we cherish" are threatened, "we must keep the strength we need to keep the values that we cherish," he said.

Mr. Nixon said that the "new isolationists" say that although defense spending has been cut it has not been cut enough and that the administration can never increase domestic spending enough.

"I understand these arguments," he said. "But I understand the cost of weakness, too."

Even if the nation has the most extensive urban renewal programs the most far-reaching medical programs and the finest schools, but is unable to defend itself "we would soon enjoy none of the fruits of our efforts," the President argued.

"So we will look at the possibilities of the future with a careful regard for the realities of the present and the lessons of the past," he said.

"We have been and we continue to be willing to pay the price for peace."

[From the Washington Post, Mar. 13, 1971]

U.S. ENVOY IS OPTIMISTIC ABOUT ARMS AGREEMENT

VIENNA, March 12.—Gerard C. Smith, chief of the U.S. delegation to the strategic arms limitations talks, expressed optimism tonight about reaching an agreement with the Soviet Union although he added that "significant differences remain to be overcome."

In a statement issued upon his arrival for the fourth round of SALT talks starting on Monday, Smith said: "It is the view of the U.S. government, as recently stated by President Nixon . . . that the basis of an agreement may be emerging. Thus the fourth phase of our talks may reach a significant stage."

Smith did not elaborate on the differences between the U.S. and Soviet delegations.

It is reported that the United States rejected a Soviet proposal for an agreement limited to defensive missiles, or ABMs. The United States is understood to seek a package agreement on big offensive missiles and long-range bombers, as well as ABMs.

"The rate of progress in the discussions during the first three phases of the talks has been influenced by the differing perspectives of the two sides and the inherently complex issues involved," Smith said.

He termed it of "considerable significance" that the delegations were engaged "in the most searching examination of strategic relationships ever conducted by the United States and the Soviet Union.

"We anticipate that this examination will continue."

He said that during the first three phases, the two delegations were able "to move in a fairly short period from the preliminary explorations of issues to concrete negotiations."

This resulted in mutual understanding "how an agreement could deal with concerns that each has about the present and prospective posture of the other."

The SALT sessions opened in Helsinki, Finland, in November, 1969. Last April, the talks were moved to Vienna, then returned to Helsinki in the fall for the third round.

Last month, the Soviet Union took issue in public for the first time with Smith, accusing him of maintaining a "strange position."

The government newspaper Izvestia said U.S. senators are puzzled by Smith's "extremely negative" view on the question of whether to reach an agreement on defensive missiles as a first step toward a broader agreement.

There has never been any official disclosure, but word leaked out that the United States presented an outline in the Vienna phase for a package deal.

According to American sources, the Soviets never came up with a comprehensive outline themselves.

[From the Washington Daily News, Mar. 10, 1971]

DEEP GLOOM IN PENTAGON: RUSSIA TAKING ARMS LEAD

(By Mike Miller)

The nation's top military officer warned today that nuclear superiority by Russia "must be avoided at all costs" both because of its military implications and the adverse impact it might have on U.S. foreign policy.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, said clear-cut strategic superiority by the Soviet Union could cause U.S. allies to lose faith in the deterrent power of the U.S. nuclear forces.

And Adm. Moorer, in his annual appearance before the House Armed Services Committee in support of the Defense Department budget, said that in his opinion the overall strategic balance "has drastically shifted in favor of the Soviet Union" over the past five to six years.

"Our comfortable lead has now all but vanished, and within the next five or six years we could actually find ourselves in a position of overall strategic inferiority," he said.

"We will pay a very high price in the effectiveness of our diplomacy if we permit the Soviet Union to achieve a clearly evident strategic superiority, even were that superiority to have no practical effect on the outcome of an all-out nuclear exchange."

Adm. Moorer said overall strategic nuclear power must be measured as a combination of three factors—megatonnage, numbers of delivery vehicles (missiles and planes) and numbers of nuclear warheads.

He said the Russians already have a substantial lead in megatonnage and could surpass the United States within one or two years in numbers of delivery vehicles.

"Only in numbers of strategic offensive warheads is the United States likely to maintain its lead over the Soviet Union during the 1970s," he said.

While the Russians recently have slowed construction of ICBMs, Adm. Moorer said, they have continued full speed in building new missile-carrying nuclear submarines at the rate of about eight per year. He predicted the Soviet Union will have 20 of these nuclear submarines at sea by mid-1971.

The United States has 41 Polaris missile-firing submarines. Defense officials estimate that at the current rate of construction, the Russians will overtake the United States in strategic nuclear submarines by 1974.

[From the Manchester (N.H.) Union Leader, Feb. 15, 1971]

SOVIETS DEVELOP POWERFUL NEW WARHEAD: U.S. AUTHORITIES THINKING TWICE ON MISSILE FREEZE

(By Paul Scott)

WASHINGTON.—American military and intelligence authorities are having some second thoughts about Russia's apparent decision to slow down or halt temporarily at least the deployment of its huge SS-9 intercontinental missile.

Hailed as highly encouraging news when first detected last December, the SS-9 freeze is now taking on a very ominous meaning because of some very recent intelligence on new Russian nuclear warhead development.

Hard evidence has been gathered by the Central Intelligence Agency linking the SS-9 halt to a new Soviet breakthrough in the perfection of MIRVs, independently targeted warheads over a long range. This is double the target capacity that American officials believed the Russians would be able to achieve.

In other words, the Soviets now have an intercontinental missile which can carry six separate warheads with up to 2½ megatons of nuclear explosives to as many separate targets at the same time.

To fully grasp the magnitude of this military breakthrough, one should consider the recent frank report of John Foster, the Defense Department's chief scientist, to Congress.

In discussing the SS-9 development, Foster stated that the Russians would need approximately 420 missiles to seriously threaten the backbone of U.S. retaliatory force—the 1,080 Minuteman missiles.

This assumption was based on the Soviets being able to fit three MIRVs in their SS-9s as the U.S. is doing in our far less powerful Minuteman III missiles.

Foster revealed that the Russians now have approximately 300 SS-9s deployed and operational and that it would take from eighteen months to two years to obtain a force of 420 deployed missiles.

If the Russians now equip 210 of their presently deployed 300 SS-9s with their new "six pack" warheads, Defense Department officials admit privately that the Minuteman retaliatory force will be seriously threatened for the first time in history.

THE DANGER PERIOD

Satellite reconnaissance photographs of several of the SS-9 installations indicate that the Russians are already at work fitting their huge 5,000 mile missiles with the six independently targeted warheads.

The estimate is that the Russians will be able to complete the change-over of warheads on 200-plus missiles within the next twelve to fourteen months depending on the production rate of the MIRVS.

This development would permit the Soviets to gain missile superiority over the U.S. without the deployment of any large number of additional costly SS-9s.

The SS-9s now have an immense single warhead containing an explosive power of from 25 to 30 megatons as against the Minuteman's one megaton. These super-warheads are believed to be designed to destroy all communications in large areas of the U.S. in addition to hardened missile sites.

While the Russians are expected to keep from 50 to 75 of their SS-9s loaded with these super-warheads, they will probably put their "six packs" on all the other missiles—giving them a first strike nuclear force unequaled in the world.

THE CHANGING BALANCE

What all this would mean to the U.S. in another Cuban type confrontation with Russia is now being carefully studied by President Nixon and his military and intelligence advisers.

At the time of the 1962 Cuban crisis, the U.S. enjoyed a three to one advantage in ICBMs over the Soviets. We also had a spy, later caught and shot, in the Kremlin who kept the late President Kennedy informed that the Russians weren't prepared to go to war.

Now, the U.S. has neither. It is also why the President's intelligence advisers are urging him to take a new look at the continuing unproductive Strategic Arms Limitations

Talks (SALT) with the Soviets. They want the President to make sure that he doesn't get trapped into making concessions to the Russians that might limit this country's capability of dealing with the growing Soviet missile threat.

The new Soviet MIRV development has caused both the military and intelligence community to recommend to the President that he reject the Soviet proposal for eliminating all anti-missile (ABM) defenses except those in the Moscow and Washington areas.

Acceptance of that proposal now, they warn, would leave the backbone of U.S. missile strike force completely naked to attack by the Russian SS–9 force.

VITAL SUPPLY ROUTE

Russia has supplied more than 30,000 trucks, and 2,000 anti-aircraft guns to the North Vietnamese during the past two years. This is the latest CIA estimate of Soviet war material being delivered to Hanoi through the port of Haiphong. In addition to these supplies, the Russians have given the North Vietnamese 160 jet aircraft, 470 radars, equipment for 40 surface-to-air missile battalions. The CIA report states that "if this route of supplies to the North Vietnamese could be cut off, Hanoi would have to pull all of its troops out of South Vietnam, Laos, and Cambodia within six months".

[From the Chicago Tribune, Mar. 16, 1971]

UNITED STATES ENDS LAST RESTRICTIONS ON TRAVEL TO COMMUNIST CHINA

(By Frank Starr)

WASHINGTON, March 15.—The United States today lifted a 19-year-old passport restriction barring Americans from traveling to Communist China.

The decision was the latest in a series of moves since July, 1969, conforming with President Nixon's policy of encouraging greater communication with Red China, State Department officials said.

Restrictions on travel to North Viet Nam, North Korea and Cuba, which like the Chinese restriction come under review every six months, have not been lifted and are to be reconsidered next September.

NO RECIPROCITY BY CHINA

State Department officials cautioned that the lifting of travel restrictions did not imply that the United States could now provide consular protection to Americans inside China. They also said that there have been no reciprocal moves from the Chinese side in response to American initiatives to ease contacts.

The U.S. does not officially recognize the government in Peking.

In July, 1969, the U.S. permitted Americans with special reasons—newsmen, students and academicians among others—to travel to Red China and to make noncommercial purchases worth up to $100.

Since then, a thousand U.S. passports have been validated for travel to China, 270 of them in the last year, officials said. The new rule means that any American who wants to go will, as of today, need no validation stamp.

CHINESE ADMIT ONLY THREE

In the last year, however, China authorities have accepted for travel there only three Americans with valid passports, a journalist, Edgar Snow, and his wife, and John S. Strong, a nephew of Anna Louise Strong, who died in China last year after participating in the postwar revolutionary activities of Chairman Mao-Tse-tung. Strong has been living there ever since.

State Department officials said no action had been taken against Americans who violated passport restrictions since federal courts in 1967 invalidated several of them.

In the best known of these cases, Staunton Lynd, a former university professor, visited North Viet Nam without using his passport, and a federal court ruled that it could not therefore be revoked.

The chief remaining statute, officials said, provides a fine of $2,000 or five years imprisonment, or both, for using the passport in violation of restrictions printed on it.

Among other moves intended to free communications with China, the government allowed in December, 1969, unlimited purchases of Chinese goods by tourists, universities, and museums for private, noncommercial use, and also allowed American controlled subsidiaries abroad to trade in nonstrategic goods.

[From VFW Magazine, March 1971]

THE RISE OF THE SOVIET NAVY

(By Hymen R. Kaplan)

At the end of World War II the Soviet Union was a second-rate naval power, but in the intervening quarter century America's major Communist adversary has developed a fleet capable of challenging the free world everywhere at sea—from the Indian Ocean to the Caribbean.

For the first time in modern history, the navy plays a vital role in the highest circles of the Kremlin and ship construction is being given a top priority.

As an indication of the greater status being accorded the navy, the Soviet fleet's commander-in-chief, Adm. S. G. Gorshkov, has been given a rank equivalent to that of a field marshal.

Reflecting the Soviets' new confidence in their naval strength, Gorshkov recently said the United States "will have to understand it no longer has the mastery of the seas" because the flag of the Soviet navy "now proudly flies over the oceans of the world."

Capsulized, the Soviet navy shapes up like this:

A submarine fleet of 385, of which 65 are nuclear-powered.

Some subs armed with the equivalent of the powerful Poseidon missile.

Heavy-missile armed cruisers, two helicopter carriers and many destroyers and smaller vessels.

It is estimated that at the present rate of Soviet submarine construction, the U.S. Polaris-Poseidon force will be matched or outstripped by the mid-1970s.

To answer the question of how the Soviets have managed to forge ahead so rapidly, one has to review the whole story of the Russians at sea, including a substantial shipbuilding industry of their own, dating back to long before the Bolshevik Revolution in 1917.

At the turn of the century Tsarist Russia had the world's third largest fleet, ranking just after those of Britain and France.

However, the crushing defeat of the Russians at the hands of the Japanese at Tsushima in 1904 during the Russo-Japanese War eliminated the Tsar's navy as a serious factor in any calculations of world naval strength.

The Russians' naval tradition goes back some three centuries to Peter the Great who gave his country its first navy. Catherine the Great, who had the help of John Paul Jones, further strengthened it on the Black and Baltic Seas in the days when Swedes and Turks were Russia's major threats.

Coupled with the long nautical tradition is the record of ruthless exploitation of ships and shipbuilding facilities made available to the Soviets after the war and the acquisition of large naval craft from the U.S. and Britain at war's end.

One of the great weaknesses of the Russian navy has been its on-again, off-again status; treatment as a junior service, or a kind of seaward extension of the land forces, as shown in its lackluster performances in the two World Wars.

Political unreliability under the Tsars and the Soviets has been one reason the navy has not until recently been accorded a higher status. Widespread mutinies by sailors in the Baltic and Black Sea fleets followed the Russo-Japanese War. Further uprising just prior to World War I diminished imperial confidence in the loyalty of seamen.

So militant were the Russian sailors during the Bolshevik Revolution that Lenin himself singled them out for special praise, but this was only a short-lived accolade. In 1921 the men at Kronshtadt, the big naval base outside Leningrad, rose in revolt. Finally, Marshal Tukhachevsky in a brutal campaign over the ice crushed the rebels, only to be liquidated in the purges of the 1930s.

It took years for the Soviet navy to recover whatever esteem it had, so noxious was its reputation among Red leaders for rebelliousness.

At the outbreak of WWII the unimpressive Soviet fleet consisted of four battleships, eight cruisers, an aircraft carrier, 28 destroyers, 109 submarines and a few other odds and ends. Five of the cruisers were of the fast, heavily armed *Leningrad* class, patterned after the French anti-torpedo boats the Soviets greatly admired. Many were patched up and rearmed hold-overs from the old imperial days and considered inferior to Allied ships. Officers and crews, though brave, were poorly trained. In short, Soviet emphasis on land forces, combined with disdain for the navy's reputation for political unreliability, had destroyed much of its effectiveness as a fighting arm.

Stalin's paranoia by 1946 brought him to the conclusion that the Soviet fleet should be reconstructed to counter the free world's might.

Despite the brief interval of collaboration with the Western Allies during what the Russians call the Great Patriotic War, Stalin never trusted the West. Communist ideology demanded unceasing war against the "bourgeois democracies" to clear the way for Soviet world dominion.

Booty Stalin gained as post-war reparations made the naval building program easier. At the 1945 Berlin conference, the Soviets got 10 German submarines, 10 destroyers and the cruiser *Nurnberg,* renamed the *Makarov* after a Tsarist admiral in the 1905 debacle, plus hulls of three German cruisers under construction at war's end.

Further, with the consent of the Americans and British, the Italians provided the Soviets with one battleship, the *Giulio Cesare* of 23,622 tons, a cruiser, the *Duca* two submarines, the training ship *Cristoforo Colombo,* three coastal craft and a variety of small vessels. For a long time Stalin had coveted the Italians' fast cruisers of the *Condottieri* class, of 5,000 to 8,300 tons and a speed of 37 knots.

Stalin seized the spoils of victory from Hungary and Romania. Their reparations included many Danubian river craft to augment the Soviets' river flotillas. But more important, they established control of Danubian navigation, regarded as a free highway up to then.

Britain and the U.S. were generous to the Soviets after the war. Transfers made to the USSR included the British *Royal Sovereign* and four submarines, eight American destroyers, four modern American submarines and 49 steel submarine chasers loaned to the wartime Russian navy.

U.S. contributions also included 62 destroyer escorts and 28 frigates.

At the end of WWII 100 of Russia's 500 shipyards were out of operation. As an emergency measure, the Soviets took full advantage of reparations rights gained by their peace treaty with Finland. The Finns undertook to build 571 ships for the Reds' military and mercantile fleet. As a result, expansion of Finnish shipyards gained for the greedy Soviets a further advantage. They also took over the shipbuilding facilities of the satellites. (A fifth of the Soviet merchant fleet now is Polish-built.) All during the 1950s the Soviets were working steadily towards their goal of a powerful, modern navy.

Since virtually the whole Russian WWII fleet was either obsolete or fast becoming so, the Soviets had the additional advantage of starting from scratch to shape a navy of their own determination, incorporating the newest advances in ship design and architecture.

Stalin took an active part in the program, even down to the details of ship design and construction. He sought a compromise between the defensively oriented "young school" of naval strategy with its emphasis on submarines, aviation and light, fast surface craft and the "old school" which leaned towards a balanced fleet of larger, more heavily armed vessels.

By 1950, the navy had gained Stalin's approval for a 10-year plan, which envisaged the building of four aircraft carriers. Before construction could begin several heavy and light cruisers being built had to be completed. In the three years between 1950 and 1953 the Soviets built 50 destroyers and expanded their submarine construction.

Stalin's right-hand man was Admiral N.G. Kuznetzov whom he had ignominiously dismissed some years before for confiding too much in Russia's wartime allies! But in the rough world of Kremlin politics such sudden twists of fortune are the rule.

Stalin died in March, 1953, just when his long-frustrated vision of a big, balanced fleet was beginning to take shape. His passing gave the free world a respite which it did not use.

Stalin's heir, Nikita Khrushchev, had virtually no comprehension of the strategic importance of sea power. A Soviet-style politician, he was essentially land-oriented in his military thinking. Shortly after assuming power, he and his defense minister, Army Marshal Grigori Zhukov, hero of WWII and friend of Gen. Eisenhower, turned away from Stalin's naval doctrine and towards the concept of a defensive navy of nuclear-equipped submarines, light surface vessels and land-based aviation. This decision was politically expedient in the face of growing economic problems and shortages of consumer goods.

During a 1959 visit to the United States, Khrushchev announced the Soviet navy was scrapping 90% of its cruisers and would concentrate on submarines and smaller fleet units.

Failure of Khrushchev's plan was due largely to Gorshkov's skillful maneuvering. While paying lip service to Khrushchev's views, the admiral pointed out the continuing need for larger surface ships. In an article in the authoritative army newspaper, *Red Star*, he said in 1962:

"Conventionally-powered and armed ships hold an honored position and are assigned a great role in naval combat operations. These and their armaments are very complex and are still being perfected in order to acquire new and modern capabilities."

Gorshkov had gained an indefinite reprieve for the larger fleet units, no small achievement in the Kremlin's rigid bureaucracy.

But even the admiral could not alter the Soviets' overwhelming reliance on its undersea fleet. This is still true. It constitutes the Soviets' principal naval weapon, although lately, the missile-carrying cruiser has begun to emerge on the world scene. It appears that the Russians regard the submarine-cruiser combination as their answer to the power of U.S. attack aircraft carriers.

Yet, to many naval authorities, the submarine is a defensive rather than a strategic weapon which does not give a fleet the sharp, cutting edge of attack aircraft carriers, an area in which the Russians are notably deficient.

They possess only two helicopter-carriers of the cruiser class. The enormous cost of carriers and the disadvantageous positions of the Soviet fleet on the Baltic and Black Seas have deterred the Soviets from carrier construction.

Nevertheless, they do have 25 of the larger-type cruisers, some carrying missiles. The remainder of the fleet consists of escort ships, minesweepers, missile patrol boats, motor torpedo boats and landing craft. About 500,000 officers and men are serving in the Russian fleet, as compared to about 750,000 in the U.S. Navy. But the "numbers game" is always tricky, and figures don't always tell the whole story.

The Soviets are showing increasing skill in fleet deployment in support of diplomatic and economic offensives. They have always been adroit in the propagandist art of making maximum display of whatever new naval hardware they possess. In less advanced areas of the world, such as the Middle East, a naval show of force can be very effective.

The recent strengthening of the powerful Sixth Fleet in the eastern Mediterranean, however, has obviously given the Soviets pause, judging by their reaction. "Gunboat diplomacy," the Soviets have reminded us, even in these times, can be highly effective.

The U.S. still regards the Soviet fleet as essentially defensive, although it is fully aware of the enormous damage of which nuclear-armed submarines are capable, especially if they are launched from a Cuban base, a new element in the delicate balance of forces.

Nevertheless, the U.S. is still placing its bets on the attack aircraft carrier whose sea-based aircraft can pierce deep into the heart of the foe. The Polaris/Poseidon-armed submarine fleet is also a powerful deterrent.

But U.S. ship construction has been faltering. The rapid decommissioning of many aging ships of the line could leave this country in a relatively weaker position at a time demanding maximum naval capability. There is also evidence of war-weariness in the country. None of this works to American advantage.

Much has been made of the rapid rise of the Soviet merchant marine in recent years, but in event of war much of this tonnage would be bottled up in the Baltic and Black Seas. Nor would merchant ships be able to count on adequate fleet protection since the Soviet fleet has been fashioned to serve as a shield for the "Soviet Fatherland."

To the Soviets, the Baltic Sea in particular represents a long salient reaching into the very heart of the north. It must be controlled at all cost, otherwise the enemy could strike a lethal blow. This means a good part of the fleet would have to remain constantly on guard on this vital waterway.

Soviet boasts of their naval capabilities do not change basic factors of the disadvantageous Russian geography, a limited and severely strained economy lagging far behind that of the U.S. and the NATO countries and party control over military thinking.

The United States and its Free World allies far outclass the Soviets at sea. The Soviets probably do not seriously entertain dreams of opposing them. Their satellites provide important bases of operations, but little else.

Unquestionably, the Soviet navy is powerful and is capable of inflicting great losses on the West and under the Brezhnev-Kosygin leadership it is faring very well. Generous appropriations are being made for naval construction. With a gross national product of only half the Americans', Soviets are spending as much as this country on naval building.

The cloud of suspicion which has hovered for so long over the navy appears to have lifted. The new leadership gives every indication of understanding the uses of sea power.

What should be U.S. reaction to the Soviet naval challenge? Adm. Arleigh Burke, former chief of naval operations who is consultant to the V.F.W. National Security Committee, summed it up like this 10 years ago and today his words seem strangely prophetic:

"The Soviets will continue to nurture the growth of Communism everywhere, especially in the Middle East. They will promote unsettlement and chaos, for in such fertile soil, subversives have a greater chance to take over. They will attach themselves to local issues and keep the pot boiling while proclaiming unselfish interest in the well-being of the people they intend to enslave. When it suits their purpose they will shift sides and put on a new mask: some years ago they championed Israel; in 1956–58 they were comrades to the death of Egypt and Syria.

"They will loudly beat the frayed dog of colonialism and devouring western capitalism while practicing the most ruthless imperialism and colonialism of prison camps, slavery, mass deportation and execution.

"They will continue to maintain military strength to support these policies—from the nuclear missile and its delivery vehicles of submarines, aircraft and rockets to the foot soldier with his rifle and the coastal minelayer with its load of sudden death."

Time has shown how right Adm. Burke was. Today, the Soviet goal is still world dominion. Their immediate thrust is towards the Middle East with its valuable oil reserves and its strategic importance to the West.

The sea power of the United States and its NATO allies is one of the chief obstacles to that ambition. For the sake of free peoples everywhere, it must not be diminished.

[From the Washington Post, Mar. 17, 1971]

ISRAELI PULLBACK, U.N. PEACE FORCE PRESSED BY UNITED STATES: ROGERS VOWS COOPERATION FOR SECURITY

(By Marilyn Berger)

Secretary of State William P. Rogers yesterday sought to induce Israel to withdraw from Egyptian territory in return for a contractual peace agreement, an international force to assure security and continued American support.

"We don't think that geography is solely responsible for security, or even to a large extent responsible for security," Rogers said at a news conference. "What is important is the political arrangement . . ."

In terms that combined a plea with promises, Rogers laid out the case that the United States was expected to impress on Israeli Foreign Minister Abba Eban when he visits Washington Friday, that security is a political, not a geographic concept.

The Secretary said explicitly that the United States sought Israeli withdrawal from the edge of the Suez Canal and from the Sinai Desert to the international border between Egypt and Israel prior to the 1967 six-day war. But he specified that this did not include the Gaza Strip.

His words were in sharp contrast to the Israeli position as stated by Premier Golda Meir in an interview last week. Mrs. Meir called for retention of Sharm el-Sheikh at the southern tip of the Sinai, as well as access to it.

To Rogers, Israel's territorial demands were understandable but not the answer to Israeli needs. "Certainly, in modern day world situations, geography is not ordinarily important," Rogers said. "What is important is the political arrangement that is made—the agreement itself, whether the parties are belligerent and hostile."

The Secretary reaffirmed U.S. readiness to participate in a peacekeeping force as part of an agreement. A U.S. presence, he said, "is the most adequate possible guarantee that you can conceive of in modern life." In addition, he hinted at long-range military, economic and political commitments.

To underscore that he anticipated a long-term binding U.S. role, Rogers said congressional approval would be sought. "I would think," he said, "and I feel sure that this is the position of our government, that in an undertaking of this magnitude, in which we took part with other nations we would expect congressional approval."

Rogers said he thought Congress would be "favorably disposed" toward U.S. participation in a peacekeeping force to guarantee a "satisfactory agreement."

Such an agreement, in Rogers' definition, would rule out "anything that does not provide security to Israel."

Rogers said that the 1967 international boundary should be re-established, "provided that satisfactory arrangements are made for demilitarization of the Sinai . . . and that satisfactory arrangements are made concerning Sharm el-Sheikh." These arrangements he said, "should be negotiated between the parties."

Rogers returned to his main theme repeatedly: "It is not necessary to acquire territory to make adequate provisions for security."

The Secretary drew an intriguing distinction between acquisition of territory and what he called "use of territory."

As one example of "use" he said that Sharm el-Sheikh could become the site of a U.N. peacekeeping force, "which would include the permanent members of the Security Council and other nations." Egypt has explicitly accepted the stationing of a U.N. force in that region.

Another and quite different "use" would be a suggestion by Israeli Foreign Minister Eban that his country might propose "leasing" the strategic strongpoint. Such an arrangement would leave sovereignty to Egypt and control to Israel.

In addition to an international force, which would be stationed in critical areas, would continue for a definite period of time and could not be removed unilaterally, Rogers said there would be additional assurances of Israeli security.

The new situation, he said, would be different from the one that existed in 1957, when Israel accepted international promises and U.S. assurances in return for a withdrawal from the Sinai. What was being proposed now, he said, was not mere U.S. assurances, but a U.S. presence and a "contractual agreement . . . with reciprocally binding commitments, signed, sealed and delivered."

Under the new arrangement belligerency would cease, Rogers said, and there would be a commitment not to interfere in each other's internal affairs. By contrast, in 1957, he said, there was a continuation of the armistice in a state of belligerency.

The Secretary said the United States was not now thinking of "bilateral guarantees" for Israel, but sought to leave open the question of some kind direct assurances. These, he said, "would be a very important factor in Israel's attitude toward its security."

Rogers said, "We would continue to give support to Israel in terms of economic assistance and other assistance . . . we would be prepared to continue to play a supportive role to Israel."

His remarks, while general, were understood to encompass a whole range of long-term military, economic and political commitments which are known to be under consideration in the administration.

Rogers stated strong support for the mission of U.N. mediator Gunnar V. Jarring, and optimism that the current impasse could be broken.

On other issues Rogers:

Regretted that negotiations about Japanese textile exports to the U.S. had been unsuccessful but said that the differences would not impair basic relations between the two countries nor upset arrangements for the return of Okinawa to Japan.

The United States is watching Soviet naval movement around Cuba. He said the "understanding" with the Soviet Union "has recently been clarified." He added: "We, I think, understand each other."

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HENDERSON. Mr. Speaker, the only hesitancy I have in helping to highlight this week as a national week of concern for our prisoners of war and men missing in action is that it could be misconstrued to mean that we are not steadily, regularly, and constantly concerned for these brave Americans and not just concerned during 1 week.

There can no longer be any doubt in the minds of the leaders in Hanoi that the American public is concerned—deeply concerned—about the Americans who have fallen into the hands of North Vietnam and have never been even properly accounted for since.

Petitions, letters, and other expressions signed or joined in by millions of individual American citizens ranging from school children to elderly, retired persons have been obtained and delivery attempted to sources which would bring them to the attention of Hanoi.

We can no longer tolerate Hanoi's ignoring of our petitions on behalf of these men.

We are told that Asiatics do not place the same value upon the lives of individual humans that we do and that Hanoi just cannot believe that our country is really concerned about a few hundred prisoners of war.

Let me say that in my judgment, the average American would support this war more strongly and be far more insistent upon military victory than he now is if he were told that we seek to liberate American prisoners than he does when he is told that we are fighting for abstract principles.

Not that we do not believe in abstract principles or are unwilling to fight for them, but above almost everything else, we believe in the dignity, the value and the worth of an individual human being. This is true partly and largely because of our belief in God and God's concern, revealed through Christ, for every individual. But it is also true because we long ago, as a Nation, rejected the idea of slavery, of royalty, and a "class society," and embraced the concept that all men are created equally free.

I have joined my colleagues in the House in a letter to Ton Duc Thang, President of the Hanoi Government urging him, in the name of humanity and truth, to grant a request that a representative group from the U.S. Congress be permitted to inspect the POW camps in North Vietnam.

I hope that he takes our request seriously. I can assure him that we are serious in making it.

DR. LOUIS JONES, DEDICATED TO COMMUNITY, FAMILY, AND PROFESSION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JOHNSON of California. Mr. Speaker, I direct my remarks today in tribute to an individual from my hometown of Roseville, Calif., whose entire life has been spent in service to his community, his family, and his profession.

Dr. Louis E. Jones has dedicated a lifetime to a single responsibility of caring for and assisting his fellowmen. In this day and age, we hear much about specialization in many areas of endeavor including the medical profession.

With a general awakening of the importance of the rapidly disappearing general practitioner, including congressional efforts to encourage the general practitioner of medicine, it is appropriate that we applaud one who has devoted his life in this area. In addition to his medical work, Dr. Jones has contributed his talents, energies, and knowledge to the service of his community in many other ways in numerous professional organizations and associations as well as many service and community groups.

Dr. Jones was born on April 5, 1900, near the old Rattlesnake Bridge on the American River at a homesite which has since been inundated by Folsom Lake. The son of a hard rock miner, William Owen Jones, who worked in the Zant-Graff mines near the American River, Dr. Jones had an uphill struggle in achieving his goal in medicine, particularly since he lost both of his parents when he was very young. Intermingled during his school days was summer and after-school work, especially during his college days when he had jobs washing dishes, mowing lawns and, during the summers, working for the Southern Pacific Railroad building snow sheds in the Sierra Nevada Mountains.

He came to Roseville in 1909 and attended local schools, graduating from high school in 1920. He left Roseville to gain his AB degree at Stanford University in 1924 and followed that with 4 more years in the St. Louis University Medical School.

Returning to Roseville, he set up his practice in 1929 and has practiced there since. In the same year, Dr. Jones became the assistant district surgeon for the Southern Pacific Co., attaining the position of district surgeon in 1934. This Saturday evening, March 20, 1971, the community of Roseville will pay its tribute to his long and dedicated service in this capacity and I am proud to be serving as master of ceremonies at this event.

The benefit of Dr. Jones' energies has

been felt by the State Board of Medical Examiners on which he served as secretary for the last 6 of his 12 years of membership, and his service to other professional organizations includes the Federation of State Medical Boards of which he served as president, the Western Association of Railroad Surgeons also having served as president, president and member of the Placer-Sierra Counties Medical Society, member of the California Medical Society, the American Academy of General Practice; his community affiliations include the Masonic Lodge, the Sciots, the Ben Ali Shrine, the Redmen, Eagles, Moose, and Lions clubs. He served as a director of the Placer County Fair for 30 years and was president of that board as well as serving as a member of the Roseville City Council. Dr. Jones was very instrumental in the establishment of the Roseville District Hospital where he served as chief of staff for 10 years.

As I mentioned above, it is especially appropriate that we recognize the professional contributions made by one who has "specialized" as a general practitioner. Certainly this is the case with my old friend Louie Jones, and I thought his remarks based on 40 years of the practice in medicine exceptionally pertinent, and I would like to share some of his comments with you:

> I never use the appointment system. I see the patients as they come in and I believe I see more each day than the so-called highly organized offices. The old-fashioned general practitioners came to know the patients better. They trusted your judgment and even today they drop in to see me and to talk about many things which are not concerned with medicine or illness.
>
> I always wanted to be a small country doctor and I was for many years. I don't like the idea of bringing the city to me. I used to be able to laugh with the people—and to cry with them—because I knew nearly every one of them.

Dr. Jones and his wife, Frances, who were married in 1931, are nearing their 40th wedding anniversary. They have a son, Louis E. Jones, Jr., an assistant superintendent of Grant High School District, and a daughter, Mrs. Martha Romero. They are very proud of their seven grandchildren.

In Dr. Jones' words:

> I wouldn't change a single part of my life if I had it all to do over again.

I am glad that our good Dr. Louis Jones, while he is setting aside his railroad company responsibilities, will remain with a practice, however limited, in the community.

Dr. Jones has assisted at the birth of more than 2,300 children to local residents. Roseville residents might say that it takes a good doctor to keep a community going and growing.

ROGERS' RECORD BELIES SYMINGTON'S APPRAISAL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. KEMP. Mr. Speaker, recently the Secretary of State was characterized as being the "laughing stock of the cocktail circuit" and it was implied that he was a mere figurehead. Lucian Warren, the very able Washington bureau chief of the Buffalo Evening News in this article takes a look at Secretary Rogers at work, and the resulting characterization shows a dynamic, able, and influential man. I suggest my colleagues read Mr. Warren's article to see how the American public views Mr. Rogers and not rely, instead, on senational, headline-seeking remarks for their picture:

ROGERS' RECORD BELIES SYMINGTON'S APPRAISAL

(By Lucian Warren)

(NOTE.—The following article is in part an editorial analysis based on material from various sources and in part an exclusive Buffalo Evening News interview, the 12th and final one with the Nixon Cabinet. Although previous interviews were tape recorded and the texts reproduced, ground rules set by the State Department forbade use of a tape recorder and specified only limited direct quotation.)

WASHINGTON, March 6.—Secretary of State William P. Rogers deserves a better rating than that accorded him this week by Sen. Stuart Symington (D., Mo.).

While history will be the final judge of his effectiveness, certain facts are emerging which would seem to negate Sen. Symington's assertion that Mr. Rogers is the "laughing stock of the cocktail circuit" and that presidential adviser Henry A. Kissinger is the actual secretary of state in everything, but title.

As Mr. Rogers candidly acknowledges, the President doesn't always take his advice. But he does so a good share of the time, and when he doesn't, time might well rule that Mr. Rogers was right.

There was, for example, the decision to send U.S. troops into Cambodia last spring. Mr. Rogers advised against it and was overruled.

While there appears to have been a military success in Cambodia, this must be balanced against the domestic uproar that resulted in the fatal shooting of students at Kent State University in Ohio.

Mr. Rogers was a dove on the Cambodia decision while Defense Secretary Melvin R. Laird supported his military advisers in favor of the incursion.

The opposite was true as regards a proposed reduction in U.S. troops in Europe. Mr. Laird supported a demand on Capitol Hill to reduce U.S. troop strength. Mr. Rogers was opposed. The President took his secretary of state's advice and the troop strength remained at about 300,000 men.

The decision was extremely popular with the nation's European allies in NATO, and it is one of the secretary's satisfactions that NATO morale is extremely high. As the secretary noted recently: "There is a good spirit of unity there."

While the oil crisis was at its height in the Middle East and the prospect for agreement among the oil-producing states and the consuming nations was dim, the secretary dispatched his undersecretary, John N. Irwin II, to the area. An agreement was reached.

Rogers was directly responsible for improving U.S. relations with the black African nations by closing the American consulate in Southern Rhodesia. His counsel has prevailed on the U.S. attitude on the ABM question with regard to SALT talks with the U.S.S.R.

Perhaps more than any other one man, Rogers can be considered the author of President Nixon's Vietnamization policy.

In April, 1969, the secretary of state, addressing a meeting of Associated Press editors and publishers in New York, suggested that the U.S. should not put all its eggs in one basket, i.e., the Paris peace negotiations. He advocated a twin policy of regular U.S. troop withdrawals. The Vietnamization policy soon after was announced by President Nixon.

These are some of the actions which may well provide the foundation for a coming historical label on Rogers as a great secretary of state.

Rogers was reluctant to talk about the Nixon Administration's decision-making proccess in a recent exclusive interview with this correspondent. He also declined to talk about his relations with Dr. Kissinger.

However, it is perhaps significant that another State Department official pointedly noted this week that an understanding has been worked out with the White House as to Dr. Kissinger's contacts with foreign diplomats. Most of such contacts henceforth will be arranged through the State Department, the spokesman said.

But the secretary was willing to talk about some of the satisfactions of his job.

First on his list was a general feeling about the status of U.S. foreign policy.

"I think it is generally recognized," he said, "that foreign affairs have gone quite well in this Administration."

As proof, he cites the fact that foreign policy was not an issue in the 1970 political campaign.

The handling of the crisis involving Nigeria's civil strife is one of the secretary's quiet satisfactions. Although the crisis is long since over, Rogers well remembers the pressures he resisted to intervene politically or militarily or both.

The U.S. did provide economic and humanitarian aid, but stopped short of activity which might have plunged the U.S. into a disastrous deep involvement.

As to the Middle East, Secretary Rogers is happy about the way the area seems to be slowly progressing towards a peaceful settlement.

He notes there was constant turmoil there for nearly 25 years. When he assumed office, the situation was bleak with the continued Israeli bombings, many casualties among the Egyptians, a stepped-up loss of Israeli Phantom jets and continued trouble in Jordan with Fedayeen activity.

Prospects for peace were "very dismal," he recalls. He gave the problem his early attention and worked to come up with something "simple and direct" which would have an appeal to both sides to halt the fighting.

Rogers hatched the idea of a peace initiative which would get the parties to "stop fighting and start talking," but which would not get bogged down with the complicated issues involved.

As the peace initiative was perfected, Rogers happened to see on May 1, 1970, a broadcast by Egyptian President Nasser in which the latter offered a six-month cease fire.

The secretary seized this opportunity to merge his cease-fire formula with the Nasser offer.

"We made it a major initiative and it worked," he explains.

Rogers, however, is under no illusions about the elusiveness of a permanent peace. He feels there are still many things that must be ironed out before peace can be achieved.

"There are signs of progress being made," he says.

While "optimistic" would be too strong a word to use, the secretary is willing to say: "I now feel there is some hope for peace in the area."

The secretary feels he has made a start on improving relations with Communist China. His policy has been to reduce trade barriers and reduce travel restrictions with Red China while at the same time offering a U.S. dialogue with China at the ambassadorial level at Warsaw, Poland.

By such a "step-by-step" policy, relations between the two nations may well continue to improve, although he will not hazard a guess as to when U.S.-Chinese diplomatic relations might be resumed.

Nor will he offer an opinion as to whether the U.S. should or eventually will recognize Communist Cuba. He notes in passing that Fidel Castro seems to be having troubles, as evidenced among other things that he forced the Cubans to forego a Christmas holiday this year.

Elsewhere in the Western Hemisphere, Secretary Rogers finds relations with Mexico particularly excellent. He took satisfaction in U.S.-Mexican settlement of an old border dispute that means the U.S.A. has no border dispute anywhere for the first time in 100 years.

The secretary is not unduly disturbed over reported friction between Canada and the U.S. over business and cultural matters. He considers all this a natural outgrowth of problems connected with the "largest trade between two countries ever experienced in the history of the world."

He says the business problems stem not only from the larger investments by U.S. interests in Canada, but from the reverse flow of capital.

He notes that the Canadians have a larger per capita investment in the U.S. than the other way around. He feels the Canadian government has a good understanding of the problems involved and will act responsibly in settling differences in trade policies.

Rogers was asked about his "major frustrations".

It could hardly be said, he replied, that he was "really frustrated about anything."

Relations with the Democratic Congress?

"I've had very good relations there," he said.

Presidential interference with foreign affairs?

The secretary said he refuses to become disturbed when the "President doesn't always do as I suggest."

While he declined to estimate his batting average on presidential acceptance of his advice, he said the President often consults with him several times a day on foreign policy matters.

Rogers acknowledged that one minor disappointment was to achieve only one third of a goal he had set for himself—a restoration of diplomatic relations with Cambodia, Egypt and Algeria.

Although the latter two have not resumed diplomatic relations, Rogers feels these two nations are showing a much friendlier attitude to this country than when he became secretary.

U.S.-U.S.S.R. relations do not fall, in the secretary's view, either on his list of satisfactions or frustrations.

Relations between the two superpowers, he feels, cannot be described with "adjectives like good or poor." Rather, he says, they should be viewed in terms of "realistic" attitudes by both nations towards each other.

Thus, he concludes, while there's no great spirit of detente at the moment, neither is there a "cold war" or "overt hostility."

Rogers would not hazard a guess when the Strategic Arms Limitation Talks with Russia would be concluded or how they would turn out.

How long would he remain as secretary of state?

"I am not a candidate for a second term," he declared half-in-jest, but there was enough earnestness to indicate he meant it.

In any event, the secretary still manages to get in an occasional game of his favorite sport, golf, despite his strenuous routine.

His game is improving, he says, and he's proud that he has broken under 80 for 18 holes twice within the last couple of months.

Perhaps his score will be as good in the history books.

THE DAV—A TRIBUTE TO QUIET COURAGE

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MACDONALD of Massachusetts. Mr. Speaker, I am privileged to rise today in order to pay tribute to the Disabled American Veterans, an organization which this year celebrates its 50th anniversary. I feel that the theme "A Tribute to Quiet Courage" is especially appropriate, for it recognizes the unfailing determination not only of the organization itself, but of the men who belong to it and of all disabled veterans in this country.

The disabled veteran returns to society with a double handicap. There is his own disability and, in addition, there are the problems connected with returning and readjusting to society. For today's returning veteran, these problems have become especially severe. Only 15 percent of the returning veterans are enrolled in regular schools—this despite numerous increases in educational benefits enacted by Congress. Unemployment for these same veterans stands currently at a rate which is double that for the country's work force as a whole.

The disabled veteran who has given so much for his country on the foreign battlefield, returns home to become an unwilling participant in the domestic war against inflation. Congress must continue to look for more and better ways to assist these veterans, and we must utilize the tremendous resources of the DAV in these efforts.

As the DAV celebrates its golden anniversary, its members can be proud of a fine record over the years. The DAV has handled over 8 million cases, obtaining over $1.5 billion in entitlements for disabled veterans and their dependents. The DAV has initiated and cooperated in countless programs in the areas of vocational rehabilitation, higher education, health and medical care, and specifically adapted facilities for amputees. In addition, the DAV must be commended for its current efforts to gain more information about, and more humane treatment for, our prisoners of war in North Vietnam. These efforts reflect a concern which we in Congress have voiced on many occasions.

I would like to take this opportunity to commend the national commander of the DAV, Cecil W. Stevenson; the Massachusetts commander, Robert C. Hagopian; and the Massachusetts junior vice commanders, Edward Orso and William Tabb, for their valuable leadership. I would like to bring to the attention of my colleagues a letter which I received from Joseph R. Harold, the department adjutant of the Massachusetts DAV, and I would also like to recognize the efforts of the numerous local chapters of the DAV in my congressional district, including Malden Chapter No. 85, of which I am a longtime member.

DISABLED AMERICAN VETERANS,
Boston, Mass, February 24, 1971.

Hon. TORBERT MACDONALD,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN MACDONALD: Time has been set aside in the House on March 3, 1971, to commemorate the golden anniversary of service by the Disabled American Veterans to America's wartime disabled.

This day is called "DAV Day In Congress—A Tribute to Quiet Courage."

The Disabled American Veterans, Department of Massachusetts, has surpassed its membership quota for the 1970–71 year. Increases in our life and annual membership combined gave us a total of more than 20,329 members, which is the largest membership in the history of the Department. This year we organized three new Chapters—Rockland Chapter No. 50, located in Rockland, Massachusetts, General George S. Patton Memorial Chapter No. 58, located in Hamilton, and Falmouth Memorial Chapter No. 81, located in Falmouth, Massachusetts. The DAV has 103 active Chapters throughout the Commonwealth.

We have four National Service Officers who are located in the John F. Kennedy Federal Building, Government Center, Boston, Mass., who maintain our Service Program for veterans, widows and their dependents. They are Arthur Wilson, National Service Officer In Charge, Albert Hubka, Thomas J. Tomao and John Blake.

The five VA Hospitals and two Soldiers Homes in Massachusetts have individual DAVS appointees. The first Sunday in December is proclaimed DAV Hospital Day by the Governor, at which time we visit each of the five VA Hospitals and two Soldiers Homes.

The DAV has many successful activities to continue the patriotic services the veterans have rendered to their country. We also have a very active Legislative Program in the Commonwealth.

We are enclosing for your information and use a copy of the Chapter and Department Offices here in Massachusetts.

As our Congressman, we urge you to participate in this program.

If I can furnish you with any additional information, please call upon me.

Sincerely yours,

JOSEPH R. HAROLD,
Department Adjutant.

DAV CHAPTER LIST: SEVENTH CONGRESSIONAL DISTRICT—MASSACHUSETTS

Arlington DAV Chapter No. 49—Commander Richard P. Danton.

Chelsea DAV Chapter No. 62—Commander John P. Hanlon.

Everett DAV Chapter No. 51—Commander George Desiderio.

Malden DAV Chapter No. 59—Commander A. B. Hoffman.

Malden Lt. Dexter W. Clifford DAV Chapter No. 85—Commander George O'Farrell.

Medford Mystic Valley Gold Star DAV Chapter No. 21—Commander Robert M. Booker.

Revere Beach DAV Chapter No. 112—Commander Guy Festa.

Saugus Irving Campbell DAV Chapter No. 115—Commander Herbert D. Redden.

GOV. THOMAS E. DEWEY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. FISH. Mr. Speaker, today, I, like all those who knew him, am deeply saddened by the news of the sudden death of former Gov. Thomas E. Dewey at the age of 68. For me, perhaps, the loss is more deeply felt than for most, as he was a longtime neighbor in Dutchess County, and until last year's redistricting of New York State, the leading constituent in my old 28th Congressional District.

As one who knew him, I can say that Governor Dewey was one of this Nation's outstanding leaders. From his beginning in public life as a driving, racket-busting New York City district attorney, to his 12-year record as one of New York State's most outstanding Governors, to his position as Republican presidential standard bearer in 1944 and 1948, Governor Dewey never lost his drive, his loyalty to the Republican Party, and his dedication to the public interest.

Even in defeat in 1948, he did not become embittered, but went on as titular head of our Republican Party and was chiefly responsible for the nomination of Dwight Eisenhower as the presidential candidate in 1952.

Through his death this Nation is the poorer. But, because of his life, we are all much, much richer.

INEQUITIES IN THE MILITARY PAY SCALE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the fact that over 50,000 servicemen now qualify for public welfare should not surprise anyone who has looked at the history of military compensation. According to the Army Times:

> As recently as 1967 new recruits received less than $100 a month. Their monthly basic pay remained at $78 for one 12 year period! (1952–1964).

Low rates of military pay are the direct result of the use of the draft to force young men to serve regardless of the wage rate:

> The government's rationale was that they received food, clothing, and shelter for free. And, anyway, they had an obligation to fulfill, so why pay them more, officialdom reasoned. Also, there were so many E-1's that even small raises amounted to big expenses.

Consequently, we have maintained a large military force at relatively small cost to the taxpayers by forcing a minority of our young men to serve at poverty level wages. In a democratic society, particularly in an affluent democratic society, it is intolerable that we use compulsion to reduce the burden of defense to the general public. It is time to implement the pay raises in H.R. 4450, the Voluntary Military Manpower Procurement Act of 1971, and end the inequities in the military pay scale.

I commend this item to your attention:

> RECRUITS' PAY LAG IS NOT NEW
>
> WASHINGTON.—The government's failure to raise the basic pay of military recruits for so many years underscores the reasons billions of dollars are needed quickly if their pay is to be made respectable and the all-volunteer force idea given a fair chance of success.
>
> The accompanying chart, tracing the course of military basic pay for over 60 years, also dramatizes other compensation trends and oddities.
>
> For decades military recruits and draftees have done miserably in the pocketbook department. The pre-war I and War II rates of $15 and $21 monthly, while difficult to imagine, and perhaps less incredible than the fact that as recently as 1967 new recruits received less than $100 a month. Their monthly basic pay remained at $78 for one 12-year period!
>
> The government's rationale was that they received food, clothing and shelter for free. And, anyway, they had an obligation to fulfill, so why pay them more, officialdom reasoned. Also, there were so many E-1s that even small raises amounted to big expense.
>
> That thinking is changing. Under the all-vol package the Congress is currently weighing, basic pay for an E-1 with less than two years service would rise to $201.90 on May 1, less than two months from now. E-2s, E-3s, and E-4s with less than two would climb to $222.90, $224.20, and $305.10, respectively. Under-two 0-1s and 0-2s would, on the same day, get a 10 and a nine percent boost—to $495.66 for the new second lieutenant.
>
> The same package has other new benefits for recruits of all services. In addition, the government is cranking up additional pay raises for under-two service people which may become effective next year. The price tag, if it all comes off, will be huge.
>
> Some lawmakers would provide larger increases for recruits than the Administration is talking about.
>
> The accompanying chart, besides reflecting the recruits' pay dilemma in past years, reveals such things as (1) new second lieutenant basic pay remaining at $222.30 monthly for over 12 years; and (2) chiefs of staff receiving a raise of nearly $600 monthly in 1958.
>
> The apparent low pay for many ranks in the 1920s and 1930s wasn't as bad as it might appear, however. Even $100 a month, which was more than many civilians made, represented considerable purchasing power.

Pay grade	Years of service	May 13, 1908	July 1, 1922	Aug. 19, 1941	June 1, 1942	July 1, 1946	Oct. 1, 1949	May 1, 1952	Apr. 1, 1955	June 1, 1958	Oct. 1, 1963	Sept. 1 1964	Sept 1, 1965	July 1, 1966	Oct. 1, 1967	July 1, 1968	July 1, 1969	Jan. 1, 1970	Jan. 1, 1971
Commissioned officers:																			
C/S	30	------	------	------	666.67	733.33	954.75	992.94	1,276.40	1,875.00	1,970.00	2,019.30	2,140.20	2,208.60	2,332.20	2,493.00	2,807.10	3,000.00	3,000.00
O-10	30	------	------	------	666.67	733.33	954.75	992.94	1,276.40	1,700.00	1,785.00	1,829.70	1,939.50	2,001.60	2,113.80	2,259.60	2,544.30	2,750.40	2,967.50
O-9	30	916.67	------	------	666.67	733.33	954.75	992.94	1,176.40	1,500.00	1,575.00	1,614.30	1,711.20	1,766.10	1,865.10	1,993.80	2,244 90	2,426.70	2,618.40
O-8	30	666.67	666.67	666.67	666.67	733.33	954.75	992.94	1,076.40	1,350.00	1,420.00	1,455.60	1,542.90	1,592.40	1,681.50	1,797.60	2,024.10	2,188.20	2,361.00
O-7	30	500.00	500.00	500.00	500.00	550 00	826.50	859.56	967.20	1,175.00	1,235.00	1,266 00	1,341.90	1,384.80	1,462.20	1,563.00	1,759.80	1,902.30	2,052.00
O-6	27	416.67	483.33	483.33	483.33	531.67	669.75	696.54	780.00	985.00	1,085.00	1,112.10	1,178.70	1,216.50	1,284.60	1,373.10	1,546.20	1,671.30	1,803.30
O-5	22	375.00	393.75	393.75	393.75	433.13	555.75	577.98	639.60	775.00	885.00	907.20	961.50	992.40	1,047.90	1,120.20	1,261.20	1,363.80	1,471.20
O-4	16	325.00	312.50	312.50	312.50	343.75	456.00	474.24	530.40	610.00	720.00	738.00	782.40	807.30	852.60	911.40	1,026.30	1,109.40	1,197.00
O-3	10	240.00	230.00	230.00	230.00	264.50	370.50	385.32	436.80	480.00	595.00	609.90	646.50	667.20	704.70	753.30	848.10	916.80	989.10
O-2	5	183.33	175.00	175.00	175.00	210.00	277.88	289.00	335.40	370.00	465.00	476.70	505.20	521.40	550.50	588.60	662.70	716.40	773.10
O-1	0	141.67	125.00	125.00	150.00	180.00	213.75	222.30	222.30	222.30	222.30	241.20	294.60	303.90	321.00	343.20	366.40	417.60	480.00
Enlisted personnel:																			
E-9	28	------	------	------	------	------	------	------	--------	440.00	500.00	573.00	636.90	657.80	694.20	742.20	835.80	903.60	975.00
E-8	24	------	------	------	------	------	------	------	--------	380.00	450.00	461.40	512.10	528.60	558.30	596.70	672.00	726.30	783.60
E-7	20	99.00	157.50	167.50	179.40	214.50	264.60	275.18	304.20	350.00	375.00	384.30	426.60	440.40	465.00	497.10	559.80	605.10	652.80
E-6	15	65.00	96.60	110.80	142.50	168.75	213.15	221.68	249.60	275.00	315.00	322.80	358.20	369.60	390.30	417.30	469.80	507.90	548.10
E-5	10	52.00	79.20	92.80	110.40	132.25	176.40	183.46	210.60	240.00	265.00	271.50	301.50	311.10	328.50	351.30	395.70	427.80	461.70
E-4	5	33.00	56.70	76.00	81.90	105.00	132.30	137.59	159.90	170.00	205.00	210.00	233.10	240.60	254.10	271.50	305.70	330.60	356.70
E-3	1	21.00	42.00	64.00	66.00	90.00	95.55	99.37	99.37	99.37	99.37	99.37	117.90	121.80	128.70	137.70	155.10	167.70	180.90
E-2	1	18.00	30.00	46.00	54.00	80.00	82.50	85.80	85.80	85.80	85.80	85.80	97.50	110.50	106.20	113.40	127.80	138.30	149.10
E-1	0	15.00	21.00	40.00	50.00	75.00	75.00	78.00	78.00	78.00	78.00	78.00	87.90	90.60	95.70	102.30	115.20	124.50	134.10

THIRTY-FIVE BILLION DOLLARS MORE IN DEFICIT SPENDING AUTHORIZED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHMITZ. Mr. Speaker, 40 years ago, in fiscal year 1930, the Federal Government collected $4.1 billion in taxes from the American people and spent $3.3 billion. The $738 million surplus was used to reduce the national debt, which at that time was $16.2 billion.

Since then we have had just nine years when there was a budget surplus, and 31 years of deficits. Federal revenue collections have risen to $193.8 billion, expenditures to $196.8 billion, and the national debt to $382.5 billion—fiscal year 1970. Almost one hundred billion dollars has been added to the national debt through deficit spending in the last decade alone. The interest now costs us almost $18 billion every year.

Since 1930 the value of the dollar has been more than cut in half through inflation primarily caused by all this Federal deficit spending which in effect creates money by government fiat. Because this new money is not backed by anything of intrinsic value, it dilutes the value of all the money already in circulation, thereby driving prices up.

On March 4 of this year the House of Representatives voted to raise the national debt limit $35 billion, from $395 billion to $430 billion. We can be virtually certain, in light of past performance, that this guarantees $35 billion more in Federal deficit spending, with consequent inflation, in the next few years.

The debt limit increase was approved by a vote of 227 to 162. It was encouraging to find so many of my colleagues willing to take a stand against this action, even though the leadership of both parties in the House favored the increase. Some of the statements made in opposition, on the House floor, deserve wider dissemination.

Congressman JOE SKUBITZ, Republican from Kansas, said:

> For eight years I have seen this body make a mockery of the term 'debt ceiling.' No longer does it serve as a warning to halt and to reappraise our position. Our objective seems to be one of crashing through regardless of the ultimate consequences. As much as I regret finding myself in opposition to the administration and its fiscal experts, I simply cannot countenance by my vote the continual increases in debt limits without at the same time witnessing at least the semblance of an effort made to reduce expenditures.

Congressman CHARLES W. SANDMAN JR., Republican of New Jersey, said:

> It is all too apparent that our refusal to approve debt ceiling increases is absolutely essential for Congress to retain some measure of control over government spending, notwithstanding hysteria in the various statehouses and city halls.
>
> This is our final weapon, it seems. The question we face today is simply: Do we have the courage and good sense to wield it?

Congressman H. R. GROSS, Republican of Iowa, summed it up:

> This is the worst debt-ridden nation in the world. As of January 1, this year the public and private debt is estimated at more than $1,800,000,000,000 (one trillion, 800 billion). This nation is living on borrowed time and borrowed money. The time has come for Congress and the executive branch of government to start acting responsibly to stop kiting checks.
>
> Mr. Speaker, the backwaters of history are littered with the rotting hulks of profligate governments. This Government is staggering down the road to insolvency and this bill marks yet another milestone toward that tragic end.

TRIBUTE TO THE LATE WHITNEY YOUNG

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. CORMAN. Mr. Speaker: "Here I stand. I cannot do otherwise." This was the ideal. This was the dedication.

The man was Whitney M. Young, Jr. He was a man of courage and commitment; he was a man who lived his convictions in the cause of human dignity.

Whitney Young had faith in America; faith that bridges could be built to span the gulfs between what was and what could be. He looked to the future with hope and determination in all areas of human endeavor, wherever progress needed to be made. His notable involvement as executive director of the National Urban League and as vice chairman of the Committee for National Health Insurance exemplified his forward looking nature and his interest in just causes wherever they were.

It has been said that a journey of 1,000 miles must begin with a single step. Whitney Young took that step—a step that led America down the path of national conscience.

'TIS A DAY FOR THE IRISH

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. PATTEN. Mr. Speaker, today is the day we Irish like to call our own. Out comes the green and the shamrocks and the songs.

But in all this celebration, what I like to remember are the contributions that the Irish have made to America to help make her great.

My good friend, Joseph T. Karcher of Sayreville, N.J., shares my love of the Irish. Joe and I clerked together many years ago and have been close since then. To express my feelings about St. Patrick's Day and the Irish, I would like to place in the RECORD an article that Joe wrote. It really expresses how I feel about this great day and how I feel about the wonderful fraternity of Irish-Americans with whom I share a great heritage:

> WHAT IS AN IRISHMAN?
>
> (By Joseph T. Karcher, Esq.)
>
> He may be one of the policemen or the priest in your home town, or perhaps one of the doctors or lawyers or public officials or the Judge on the Bench, or he may be the man working next to you. Or *she* may be the school teacher in your public or parochial school, the nurse in the hospital, or the saleslady in the store or your neighbor next door. Their names may be Clancy or Kelly, McCarthy or O'Brien or just plain Smith or Baker or Barnes. They may belong to the Friendly Sons of St. Patrick, the Ancient Order of Hibernians, or the Knights of Columbus—but just as likely to belong to the Moose, or the Eagles, or perhaps the Elks.
>
> Irish men and women come in all sizes, shapes and colors—but you can usually tell them by the lilt in their voices and the sparkle in their eyes because "When Irish eyes are smiling, sure they'll steal your heart away."
>
> Whether it was a year ago or a century or two ago when their ancestors came from "The Old Sod" they still cling to their love of that "one isle in the sea" where hearts are the happiest, laughter the cheeriest, cheeks the rosiest, eyes the bluest, grass the greenest and *where laughter and good cheer are a way of life*. History tells us that since the time of the Druids they have believed in fairies and leprechauns; the luck of a four leaf clover; the magic of the shamrock and the medicinal virtues of the "cup that cheers". Ancient invaders never quite conquered them because they fell in love with the Irish and stayed there! That's why it is that even today there is an old saying that "There are no strangers here—only friends you have not met."
>
> But they also remember that oppression and persecution did eventually overtake their happy land and that as a result wave after wave of handsome and gifted sons and daughters spread to the four corners of the earth. They always brought with them their mirth; their charm; their love of liberty and their faith in God, Wherever they went they poured out their splendid strength and talents in improving the lot of their less fortunate fellow men!
>
> And so we see from the earliest days they appeared in schools and churches, in hospitals and orphanages—carrying the banner of Christ and His benefactions to the poor and afflicted, regardless of race, creed or color. And as a result their homeland came to be known as the "Isle of Saints and Scholars"!
>
> Here in America the records show that the Irish were with Washington at Valley Forge, with Meade at Gettysburg and Pershing in the Argonne Forest and Patton in the Battle of the Bulge lending their strength and courage and their lives as well in the sacred cause of liberty! We also see that they gave their brawn alongside that of the Italian, the Swede and the Pole, and so many others, in clearing the forests, building the railroads, digging the coal mines, manning our police and fire departments to help America reach its present greatness.
>
> But they brought brain as well as brawn to these shores. Thus we see that their descendants are now heads of universities and colleges and leaders in all the professions, arts and sciences. In the entertainment field their numbers were to become legion, including among them such as John McCormack, George M. Cohan, on down to our present Bing Crosby, Lucille Ball and Jackie Gleason, whose innate, natural born humor has endeared them to millions.
>
> It is safe to say that no race has contributed more in song and story to commemorate their love of life and compassion for their fellow men. A list of Irish songs and lyrics would indeed be endless. When an Irishman tells you in simple English of Tipperary and Killarney and dear old Donegal, his words are lucid and limpid and liquid and dulcet. His language is always lyrical because for centuries good conversation has also been a way of life with the entire race. They are the first to laugh with you when you are happy—the first to cry with you when you are sad. Laughter and tears are their hallmark. The "Top of the morning" to you is as much of a blessing to you as "May God hold you in the hollow of His hand".
>
> Most Irishmen recognize Christmas and Easter as their principal holidays. But it's St. Patrick's Day that is universally recognized by them, when, like Harrigan, they say "I'm proud of all the Irish blood that's in me—cause divil a one cay say a word again me!"
>
> And so the Irish race, spread all around the world, *goes smiling through the years, with a twinkle in their eyes, a prayer on their lips and a song in their hearts*. Erin go Bragh!

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FREE IRAN—OPEN LETTER TO PRESIDENT NIXON

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. PURCELL. Mr. Speaker, today I was handed a most interesting copy of Mr. Hossin Habiby's open letter to President Nixon urging him to reevaluate our "position with the present illegal government of Iran."

We have seen countless flyers, pamphlets, and copies of material covering hundreds of subjects. Sometimes they do receive more than cursory attention. I am inserting Mr. Habiby's letter in the RECORD today that my colleagues might take notice of its most important aspect.

The letter has come to our President as the symbol of freedom-loving people everywhere. He has addressed his remarks in the name of the foundations of our country—the freedoms of speech, press, right of assembly and religion. I commend this letter to the personal attention of every Member:

[From the Washington Post, March 15, 1971]

FREE IRAN—OPEN LETTER TO PRESIDENT NIXON

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The foundation of your country is firmly embedded on the premise of freedom for all men. Millions of Americans have gone to war to protect not only this country's freedom but the freedom of mankind throughout the world. In order to fulfill this desire thousands of American soldiers have been killed or wounded.

Considering this country's honorable intentions and actions, it is inconceivable that the United States should ally itself with an illegal and corrupt monarchy that has enslaved thirty million freedom-loving people. We are referring to the masses of Iran who have been, and are yet now, enslaved under the yoke of a monarch and his ruthless secret police, SAVAK.

How can this great nation hold its head high when Iran's people are under complete censorship of speech, press, right of assembly and religion? The major concern of Free Iran is not only the tyranny of its present puppet government, but a complete Communistic take-over. The basis for the latter concern is:

(1) During the late 1950's Communists' radios hourly broadcast the corruption of the Royal Family, including its daily improper activities. These broadcasts were received from Baku, Astara, Erivan, Tiflis, and Ashkhabad, all in the Soviet Union.

(2) Because of these embarrassing truths of these broadcasts to the Royal Family, an arrangement was made between the monarchy and the Iranian Communist Party, Tudeh, to allow an "Open Door" policy among Iran, the Soviet Union and Communist Bloc countries.

(3) The building of a Soviet steel mill in Iran (Isfahan) further solidified Communist take over. The cost of production of Iranian steel is now three times the normal cost.

(4) The laying of a gas line from Southern Iran to Russia. Russia has no need for said gas line.

(5) The planning and building by the Russians of many unneeded plants in Iran.

(6) The Communists now control the Royal Family like puppets on a string. The Royal Family is being led down the dreamy path that when the British leave the Persian Gulf in 1971 that Iran will be the power in that area of the world. In reality, the Communists will then control it.

These things were accomplished through blackmail of the Iranian Royal Family by Russia, whose sole purpose is to infiltrate the country and eventually take it over. The loss of which will be thirty million Iranians. Since the present monarchy is only interested in lining its pockets with bullion, the day will come when they will flee the country in their ever-ready private jet planes and the Communists will control Iran.

The stakes are very high. Not only is Iran the "Bridge to Asia" but also the U.S. has invested billions of dollars in oil wells and allied fields. All will be lost if you continue to acknowledge the corrupt self-interested few.

Last fall a shocking affront to all freedom loving people occurred when Princess Ashraf, twin sister of the Shah of Iran, was invited to the White House in celebration of the U.N.'s 25th anniversary. Her contribution to the goodness of mankind number among the following:

(1) Legalizing the planting and harvesting of opium in Iran. This plant has been and is the scourge of our civilization.

(2) Gambling enormous amounts of ill gotten moneys at the gambling casinos in the world.

(3) Being deeply involved in illegal and corrupt activities. She has been stopped by French authorities for the possession of suitcases full of narcotics.

The time is now, before it is too late, to re-evaluate your position with the present illegal government of Iran. The time is now to free Iran.

HOSSIN HABIBY,
Chairman.

INDUSTRIAL PRODUCTION DROP POINTS TO NEED FOR INVESTMENT TAX CREDIT

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. FULTON of Tennessee. Mr. Speaker, the drop in industrial production for the month of February appears to dim hopes that there is any real steam mounting in the economy.

These hopes were based on the fact that for the 2 previous months, December and January, industrial output in America had risen. This was attributed to the end of the General Motors strike and the return to work of thousands of GM workers. It was hoped that this would provide some lasting momentum within the economy. It now appears this was hope denied.

For the month of February the national industrial output dropped four-tenths of 1 percent. This marks, then, another dreary month of listless economic performance during which no progress could be marked by the administration's seemingly impotent policies to get the Nation moving forward on the road to needed recovery.

Obviously stronger medicine is needed and needed soon if 1971 is to come anywhere near fulfilling the economic promise held out by the administration in January.

My suggestion is restoration of the investment tax credit and in line with this suggestion I am sponsoring legislation to reinstate the credit.

There is little doubt that this would give the economy a tremendous lift. Production would be stimulated as modernization and plant expansion were initiated. This in turn would create jobs, reduce unemployment, increase real wages, and stimulate demand for more goods and services. The overall effect would be a very positive boost for the economy.

Mr. Walter Heller in testimony before the Joint Economic Committee on February 1 of this year termed the investment tax credit "the biggest bang for the buck" in the arsenal of weapons available in the fight against economic stagnation.

Just recently, the Federal Reserve Board Chairman suggested that the administration should give serious consideration to the investment tax credit because tax incentive may well be the best approach open.

Mr. Speaker, I am certain that if we wait long enough the economy will work itself into a growth attitude. However, it is not wise nor desirable that we leave the economy to itself. Too many people are out of work. Too many businesses are failing. Too many paychecks are shrinking because of continuing inflation. Too little is being done when much could be done to help speed our way to recovery and full employment.

MAYOR OF JACKSONVILLE, FLA., ASKS WHY CROSS-FLORIDA BARGE CANAL WAS STOPPED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BENNETT. Mr. Speaker, when the President halted construction of the Cross-Florida Barge Canal on January 19, 1971, he apparently acted in a vacuum, because the people most involved in constructing this great national project, one third complete, were not consulted.

The people of Florida—their elected officials and representatives in the Congress—were not given an opportunity to be heard before the President, who in an unconstitutional manner, stopped the construction on the project, which was authorized by the Congress for national defense reasons, and for which $60 million had been appropriated by the Congress.

The able and fine mayor of Jacksonville, Fla., has publicly asked for an explanation on the halting of construction of the canal. He has not been heard, just as the Members of Congress and local and State officials interested in this vital project have not been heard by the White House. Mayor Hans Tanzler, Jr., of Jacksonville, recently reelected by an overwhelming vote, says the people of Jacksonville "have a right to know" if the President's decision was justified.

The citizens of Jacksonville have a

right to know not only because it is fair and democratic for all sides to be heard, but also, because taxpayers in Jacksonville have paid $6.5 million for right-of-way for the Cross-Florida Barge Canal.

As the elected representative of the Third Congressional District of Florida, which comprises Jacksonville, I have asked to be heard, and have not been heard. The Cross-Florida Barge Canal is an important national defense project, economically justified and it has been approved by many geologists, ecologists and scientists. I include in the CONGRESSIONAL RECORD a news report on Mayor Tanzler's concern about the stoppage of the Canal:

[From the Florida Times-Union, Mar. 12, 1971]

MAYOR: CANAL HALT NEEDS EXPLAINING

Mayor Hans Tanzler says the people of Jacksonville and the rest of the state, particularly this community, "have a right to know" whether there was justification in President Nixon's halting of construction on the Cross-Florida Barge Canal.

The mayor told newsmen Thursday that if there was no ecological justification, then work on the canal should proceed.

Should the construction halt be permanent, he stated, he would instruct the City General Counsel James Rinaman, to do everything possible, including filing suit, to recover the $6.5 million Jacksonville has contributed toward the canal from an annual half-million ad valorem tax levy.

The mayor said he could not see this community contributing that much money for something that could be turned into a downstate park serving several other counties.

Tanzler said he feels there has been a "great deal of misunderstanding" regarding the city's position on the canal. He said a City Council resolution approved unanimously Tuesday night and signed by him the next day is designed to afford this community participation in any legal determination of final disposition of public funds levied for the canal.

PROPOSAL FOR A WHITE HOUSE CONFERENCE ON EDUCATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ERLENBORN. Mr. Speaker, those Members of Congress who are dubious about the effectiveness of our schools—and most Americans are—will be interested in a bill which 46 of our colleagues and I are introducing today, a bill calling for a White House Conference on Education in 1972.

The prevailing mood convinces me that the first years of this decade ought to be used by the American people for a thorough reexamination of the structure, purposes, and needs of our vast educational enterprise. In particular, we really ought to reexamine the structure and performance of education in light of the ever-accelerating pace of social and technological change. The needs of the final quarter of this century almost certainly cannot be met by institutions designed to fulfill the requirements of the first quarter. There must be change. Yet, almost uniquely in education, change must be strongly rooted in wide public understanding and support.

A White House Conference on Education similar to that which we are proposing today was held in 1955. The problems considered then included badly organized districts, the teacher shortage, a shortage of facilities brought on by two decades of depression and war, and underfinancing of education at all levels.

We can breathe a little more freely now because our schools are mostly new, and our districts are better organized. Instead of a teacher shortage, we face a surplus of those prepared to teach. And, with total spending for education now reaching $65 billion a year—representing almost 7 percent of our gross national product—the American commitment to education today is undeniably great.

Just as undeniable, however, is our concern about education. Economic disadvantage, linguistic and cultural isolation, racial discrimination and disadvantage, the deterioration of city ghetto schools, the inadequacy of isolated rural schools, what should be taught, and what teaching format should be utilized are among our concerns today. In sum, they are causing many Americans to question the effectiveness of our schools.

The 1955 White House Conference on Education brought about wide public understanding of our needs in education and support for the changes that evolved. It involved some 1,500 local and State conferences in which almost a million people took part. Every State and territory participated, and the citizen interest and participation that was generated continued in many States and resulted in far-reaching gains for education. We believe that this democratic approach to assessing the condition, needs, and goals of our education system is again needed, that it would serve as a useful and meaningful guide in determining future education policy—hence our proposal for a White House Conference on Education in 1972, patterned after that which took place in 1955.

A summary follows:

SUMMARY

A BILL TO AUTHORIZE A WHITE HOUSE CONFERENCE ON EDUCATION

The President of the United States is authorized to call a White House Conference on Education in 1972 in order to stimulate a national assessment of the condition, needs, and goals of education and to obtain from a broadly representative group of citizens a report of findings and recommendations resulting from such assessment.

Section 2 gives wide latitude to the Conference in making up its agenda, but requires 5 areas of study:

1. Pre-school education, including child care and nutritional programs, and calling for particular attention to the needs of disadvantaged children;
2. The adequacy of primary education in teaching the skills of communication—reading and writing—and arithmetic;
3. The place of occupational education in helping to meet the nation's requirements for skilled workers;
4. Higher education, including ways of providing adequate levels of institutional support an student help; and
5. The adequacy of education at all levels in meeting the special needs of individuals.

A 35-member National Conference Committee, appointed by the President, is authorized in Section 3. Twelve of the members would be educators, and the other 23 would be representative of the public interest in education. The Committee would describe the guidelines, organize the Conference, and make its final report before December 1, 1972.

Section 4 authorizes grants ranging from $25,000 to $75,000 to States to defray expenses of the conferences.

A State is defined to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

PRIORITIES—JOBS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DEVINE. Mr. Speaker, we have heard a lot of talk lately about the supersonic transport and national priorities. There are some who say the money needed to develop a U.S. SST could be better spent elsewhere. Could it be that they have forgotten an important lesson from history?

Technology as it will be harnessed to develop the SST has fueled our Nation's industrial development for decades. To borrow a phrase from the petroleum industry, advanced technology has been the tiger in our economic tank. Scientific innovation in nuclear power, computers, space systems, jet transports, and the like is producing hundreds of jobs for the Nation's ever-increasing work force. The development of an American SST will do the same.

The aerospace industry is the largest single production element in our economy. Of a total national work force—excluding agricultural workers—of about 70 million, slightly over 1 million now work in the aerospace industry.

During the next two decades the U.S. Government will reap its investment in the prototype program many times over. Federal tax revenues are estimated at $5.4 billion from industrial and individual participants in the production program, compared to $1.34 billion of investment by the Government in the development program to be recovered from royalties on the sale of SST's.

We also must consider the significance of the SST in relation to changing job requirements. We have funded Government programs aimed at upgrading and increasing the utilization of the labor force. The SST will continue this process, while at the same time providing a variety of other jobs, not only highly skilled technical ones, but others as well.

It would do well for us to remember what has happened in other countries where large scale, technically sophisticated programs were not carried out Jobs were lost, placing a ceiling on upward mobility of both the highly trained new entrants to the labor force and on experienced workers. This, in turn, made it more difficult to provide job opportunities for new applicants with lesser skills. The ultimate result is economic reversal.

The British and French have learned a lesson. That is what the Concord is all about. It would seem to me that we should pay attention to the advances being made by foreign manufacturers with the direct assistance of their governments and not make it impossible for our aerospace companies to compete in the commercial market as they have up to now in sales of subsonic jets.

THE LATE THOMAS E. DEWEY

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. LATTA. Mr. Speaker, it is difficult to express the sorrow we feel over the passing of Thomas E. Dewey. He meant much to this Nation and to the Republican Party.

Although somewhat out of the public eye over the past few years, he has never been out of our hearts. Speaking as an Ohioan, our esteem for him goes back to 1944 when he chose the late distinguished John W. Bricker, then Governor of Ohio, as his vice-presidential running mate.

Of his many public accomplishments, perhaps the greatest was his strong influence upon Richard Nixon to run as General Eisenhower's running mate on the Republican ticket in 1952. From the relative obscurity of a California Senator, Richard Nixon has journeyed to become the President of the United States, a journey Thomas Dewey was never able to make. It is a fitting tribute.

Because Thomas Dewey was so close to the President, I think it especially appropriate to know the President's feeling on his passing away. Therefore, I include the text of President Nixon's statement to be printed at this point:

TEXT OF NIXON'S STATEMENT ON DEWEY

All America is poorer tonight for the loss of Governor Thomas E. Dewey—a great patriot, a distinguished statesman and a fine human being.

New York will remember him as a man of the law whose services spanned four decades: enforcing the law as a prosecutor in the Thirties, administering it as governor in the Forties and Fifties, and practicing it privately right into the Seventies. The nation will remember him as a man of politics who led the loyal opposition with vigor and vision in the presidential contests of 1944 and 1948, and who played such a vital role in giving Americans General Eisenhower as their President in 1952.

For my own part, I will remember Thomas Dewey as a close personal friend and political associate for over 20 years. His wise counsel has been of immense value to me on many occasions during the years I served in the House, the Senate, as Vice President and as President. I found invariably that when a problem was most difficult he could always be counted on to be at his best in giving his advice.

Governor Dewey was to have been a guest at the White House tonight and the occasion is diminished beyond words for both Mrs. Nixon and me by his death. What consoles us, and what many help to console his family and countless friends, is the high distinction of his long life. John Quincy Adams' dying words—"This is the last of earth; I am content"—speak well the satisfaction which Thomas Dewey also deserved to feel in his full and varied career of service to this nation.

TRIBUTE TO THE LATE GRACE HAMILTON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. GERALD R. FORD. Mr. Speaker, one of the sweetest, most wonderful people I have ever known has left this world.

Miss Grace Hamilton, who, with her newspapering sidekick, Nina Babcock, made Cedar Springs, Mich., famous as "Red Flannel Town," died March 3 while vacationing in Clermont, Fla., and was buried March 6 in her beloved community of Cedar Springs. Cedar Springs is in my congressional district, 20 miles north of Grand Rapids.

Grace would never tell anyone exactly how old she was—and rightly so. It was her philosophy that the only point of importance about an individual is his or her contributions to the betterment of a community.

Grace Hamilton possessed the sharp, inquiring mind of a natural newspaperwoman. And although she always knew a good story when she ran into one, she always took the human and responsible point of view in writing it.

She and Nina Babcock were New York newspaperwomen back in 1932—in the bigtime, so to speak—but they had always wanted to own their own paper. So they pooled their resources and bought the Cedar Springs Clipper. The Clipper was one of Michigan's oldest weekly newspapers, establish in 1869. When Grace Hamilton and Nina Babcock bought it, it had a circulation of 405.

The people of Cedar Springs quite naturally fell in love with Miss Hamilton and Miss Babcock. And in due course, the two women became known as the Clipper Girls.

Years later, an incident occurred which made the Clipper Girls and Cedar Springs known throughout the country.

The New York Sun put a reporter to work during an unusually cold winter to find a suit of red flannel underwear.

After searching the shops in New York City and making phone calls to other cities, the reporter gave up the hunt and wrote a story mourning the demise of red flannel undies.

But no, it is not so, Grace Hamilton and Nina Babcock rejoined in a story in the Cedar Springs Clipper. The fact that the New York Sun story was a fiction could be seen in the red long johns flapping in the breeze on Cedar Springs clothes lines every week, they wrote. Anybody who wanted a pair of red flannel underwear could get them in Cedar Springs, they noted.

An Associated Press man picked up the story from the Cedar Springs Clipper and it went out all over the country on the AP wire. Newspapers everywhere used the item.

Two days later, orders for red flannel underwear began pouring in to Cedar Springs. When local merchants ran out of them, store owner Jack Pollack persuaded an eastern manufacturer to start making them again.

Red flannels were shipped in to Cedar Springs by the carload and then redistributed throughout the United States and Canada, and even sent to England, Scotland, and Singapore.

In the 1950's a factory was set up in Cedar Springs to produce red flannel nightshirts, night caps and berets. Recently, teenagers have been going in for red flannel granny gowns.

The red flannel craze gave rise to an annual Red Flannel Day in Cedar Springs, appropriately celebrated with a parade and other events wrapped up in a lumberjack atmosphere. Red Flannel Festival-goers traditionally feast on flapjacks.

Red Flannel Day still is an annual and very festive event in Cedar Springs—and it owes its origin to the Clipper Girls, Grace Hamilton and Nina Babcock.

The Clipper Girls once spoke before the Michigan Retail Clothiers and Furnishers Association in Detroit. There they solemnly proposed that delegates to the United Nations begin wearing red flannels. This, they said, would "combat the cold war and make the Russians see red."

Grace Hamilton and Nina Babcock sold the Cedar Springs Clipper in 1955 but they continue to be known as the Clipper Girls—Cedar Springs celebrities, much loved.

Miss Hamilton was active in civic affairs even after leaving the newspaper business. She was a member of the Cedar Springs Chamber of Commerce, the Cedar Springs Woman's Club, the Historical Society, and the National Federation of Press Women. She was an honorary Rotary Ann. She attended Cornell University and University of Michigan.

After Miss Hamilton and Miss Babcock sold the Clipper, Miss Hamilton opened a real estate office in Cedar Springs and operated it until 1968.

The Clipper Girls were always active politically, in a constructive way—not seeking public office or personal glory. Grace and Nina were loyal friends of mine, always ready to help. Nobody could adequately repay them for their many kindnesses to their multitude of friends.

In 1952 Grace and Nina came to Washington for the first inauguration of Dwight D. Eisenhower and were the guests of me and my wife Betty during the many activities on that occasion. I shall never forget the pleasure Betty and I in hosting the Clipper Girls at that moment in history.

Mr. Speaker, everyone who knew Grace Hamilton feels a deep sense of loss. I am especially grieved because of our close friendship. She was one of the finest persons I have ever known. To her dear friend, Nina Babcock, and to her family I extend my most heartfelt condolences.

MAJORITY LEADER BOGGS SPEAKS ON REVENUE SHARING

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EDMONDSON. Mr. Speaker, a comprehensive and persuasive Democratic alternative to the administration's revenue-sharing proposal was presented on Monday by our able and distinguished majority leader, the Honorable Hale Boggs.

In an address to the paper industry executives meeting in New York, Mr. Boggs outlined a constructive and attainable program to aid the cities and States of this country. He also exposed effectively the inherent weaknesses of the administration proposal.

Because this is such an important issue, and because Mr. Boggs has more than two decades experience in the financing of government, I am inserting his speech in the Record and calling it to the attention of my colleagues.

Address by Representative Hale Boggs

I am truly delighted to be with you today and to have this opportunity to address the men and women who manage one of our country's greatest and most vital industries—the paper industry.

I have been asked to talk about the work of the 92nd Congress and particularly the prospects of legislation affecting, directly or indirectly, the paper industry.

There can be little doubt that the domestic issue of greatest concern to you, both as businessmen and as private citizens is the condition of the economy.

Americans have had a very sobering experience in the past two years. After the longest sustained period of economic growth in our country's history, our economy has suffered its first recession in almost a decade. Last year, our gross national product declined for the first time in twelve years . . . consumer prices rose 5.5 percent, the second largest increase in nineteen years . . . and unemployment rose to six percent of the labor force, the highest it has been in seven years.

As a result, in 1970 we lost more than $50 billion worth of production, some of it, no doubt, in the paper industry, corporate profits after taxes have declined eight percent in the last twenty-four months.

The House Democratic Leadership firmly believes that getting the economy back on the right track must be this Country's number one domestic priority. We cannot hope to meet the many pressing needs of our people in the absence of a healthy, expanding economy.

It is therefore clear that the 92nd Congress must devote a major portion of its energies to getting the Nation's economy moving again.

I can report to you that we are already at work. Last week, the House passed legislation extending standby wage and price controls for the President. This legislation will give the President the tools necessary to curb inflation. The Committee on Education and Labor is presently holding public hearings on Public service employment. This proposal will enable hard pressed local communities to receive financial assistance in areas of personnel shortages such as police, fire, hospitals, schools, and sanitation. Last Monday the Committee on public works began hearings on accelerated public works legislation which will provide funds for public works construction in communities suffering from high unemployment.

Each of these is tangible evidence that the 92nd Congress is already working to revive the Nation's economy.

Other Congressional Committees are now hard at work drafting legislation in virtually every other field of public policy: from health to housing, from employment to the environment, from education to consumer protection.

If I offer these examples somewhat defensively, it is because Congress is once again the target of criticism.

After almost three decades as a member, I have begun to wonder if there ever has been a Congress which was popular. A popular Congress? It even sounds ridiculous.

The truth is, of course, that the framers of our Constitution intended Congress as the place where social conflicts would be peaceably resolved. It is, as Harry Truman would say, no place for those who cannot stand the heat in the kitchen.

I have served in fourteen Congresses, and I have seen a lot of heat come and go. I was a member of the 89th Congress which was accused of 'rubber stamping' legislation. A short while later I served in the 90th Congress which was accused of being a "do nothing" Congress.

The truth is that Congress has an enormous amount of work to do. It has to consider a budget each year of at least $225 billion. It has to take a close look at each and every one of the problems of our country, at home and abroad. This is an enormous undertaking, and it requires an enormous amount of human energy.

Ten years ago, we didn't have to worry about the pros and cons of an S. S. T. Twenty years ago, no one would have dreamed that the environment would be one of the great issues in Congress. Thirty years ago, Congress did not have to consider a space program, or anti-ballistic missiles, or nuclear disarmament.

In times past, no one dreamed that our cities would become jam packed with people who had migrated from other parts of the country without skills, or training, or education. No one dreamed that we would one day have 87 million automobiles jamming and packing the streets of every community in our country.

These are the difficult problems which now confront us. It is exiomatic that problems worry people, and when solutions are not forthcoming, people begin to criticize Congress. Congress very often becomes an easy scapegoat for other branches of government, especially when they are controlled by an opposing political party.

A case in point, is the Administration's revenue sharing proposal. The President announced in his State of the Union address that one of his six goals of the new American revolution is the adoption of a revenue sharing program.

Although we have yet to receive the details, I understand that the President proposes a $16 billion program, of which $5 billion represents general revenue sharing, to be distributed among the states on a no-strings-attached-basis. The remaining $11 billion is referred to as special revenue sharing, for it is to be directed into six areas: law enforcement, elementary and secondary education, rural development, urban development, manpower training and transportation. Of this $11 billion $10 billion is already being spent in the same six areas and $1 billion represents additional money.

Neither general or special revenue sharing represent new ideas. General revenue sharing has been kicked around fifty years, and approximately $30 billion in special revenue sharing—in the form of block grants is now on the books.

Another $80 to $90 billion in Federal revenues is shared directly with private individuals, such as social security beneficiaries, and private institutions, such as colleges and universities, and with Cities and States under various other programs.

What the President is really proposing then, is that the Federal control on a substantial amount of money now going to the States, be removed.

The reasoning behind the Administration's revenue sharing proposal is colored with politics. The economic policies of the past two years have produced the economic paradox of recession and inflation. These conditions have had a severe impact on our States and Cities, most of whom were already facing financial crises. There are now two million more unemployed persons than there were two years ago. Unemployed workers and failing businesses do not pay taxes, and State and Local income fell by $4 billion in 1970.

Increased welfare and unemployment compensation due to high unemployment increased their burden by $3 billion. Increased costs due to inflation and high interest rates accounted for another $3 billion. The condition of the economy in 1970 resulted in a net loss of $10 billion to State and Local governments in 1970 and this, more than anything else, is the proverbial straw which is now breaking the backs of Local and State governments.

In response to the clamor of Local and State officials, the Administration took an old idea, packaged it in a new wrapper, and began an intensive campaign to blame it all on Congress.

Why is the House Democratic Leadership opposed to the President's revenue sharing proposal?

I can assure you that our opposition does not arise from any kind of ignorance or insensitivity to severe problems confronting our Cities and States. It was Democratic Congresses which began the effort to rebuild urban America in the 1960's.

It is precisely our *concern* for the Cities and States which leads us to oppose the President's proposal.

A recent study conducted by the staff of the Joint Committee on Internal Revenue Taxation is revealing: It shows that the Administration's proposal, instead of increasing assistance to the Cities and States, would actually result in reduced aid in such critical areas as elementary and secondary education, the model Cities program and urban and rural community development. There are actual reductions in the new budget in such items as: highway related safety grants, school lunch programs, Federal impact aid to schools, and loans for rehabilitating water and sewer facilities.

I do not believe revenue sharing will strengthen Local and State governments; I believe it will weaken them. Does it strengthen a government—does it make it more effective and efficient—if you make money available to it on a no-strings-attached basis? I think the responsibility of raising revenues is an essential factor in achieving responsible, effective government on all levels. A local or State government, substantially dependent upon Federal revenues, will be a hot house variety of government.

We Democrats in the House of Representatives are acutely aware of the problems of this Nation and particularly of the problems of our Nation's Cities. The great empires in history were built on their cities where commerce and culture thrived and there was a good life for all.

We do not believe that the Administration's answers to the crisis now facing our urban areas are adequate ones. In many instances the Administration seeks to dismantle the programs that have been used for many years to overcome urban blight. The oversimplified gimmick of "revenue sharing" has been invented to cynically mislead our municipal leaders into thinking that this is the golden answer to their darkest problems. It is a fool's gold.

But opposition for opposition's sake is not a dictim of the Democratic Party. We will offer alternatives and we will work with the Mayors of the great Cities of this Nation to find them.

Toward this end the House Democratic Leadership has launched a monthly conference with a committee of the U.S. Conference of Mayors. We held the first such meeting last Wednesday in the Speaker's office in the Capitol. There we put all our cards on the table. The House Leadership told the Mayors the fact of life about so called "revenue sharing" and we began a meaningful discussion of realistic proposals to help the Mayors face their problems.

Some of the alternatives we discussed, and the Mayors received them with enthusiasm, were:

1. A new proposal to discontinue the various matching fund formulas that Cities are finding increasingly hard to meet as their revenues decline. The idea here is to give outright grants to Cities in need, and "forgive" them on the 10, 30, and 50 percent matching funds that are now required of them. This proposal would let the Cities keep desperately needed funds and allow them to put the money where local officials think it will do the most good.

2. Full funding of programs for the Cities. As you may know Congress first authorizes programs and then, in a separate action, provides money for them. There is often as much as a 30 percent "shrinkage" in the process. The Democrats will work to insure that this does not happen particularly in the case of programs for the inner city.

3. Where the President has recommended little or nothing for existing programs, we Democrats will work to see to it that we provide sufficient funds. At this moment the Administration is holding up $600 million in community development funds that can be released for the fiscal year we are now in—right now. The breakdown is $200 million in urban renewal funds, $200 million in water and sewer funds and $192 million in public housing contract authority. We are urging the President to release these funds. Meanwhile we are scrutinizing his budget and finding gaps in other programs for the Cities.

4. Federal takeover of welfare costs. Although this would benefit States rather than Cities, we are exploring the possibility of a provision that would make it mandatory for much of these funds saved by the States to be passed on to the Cities.

5. Public service employment. We are now conducting hearings and will have a bill that will help pay the salaries for firemen, policemen and other municipal workers. This will provide much needed jobs for many of our unemployed and will stop the cutback in essential municipal services. Now President Nixon vetoed a bill like this last year and if he does it again we will override his veto. In the year that has passed since that veto, the problem has become worse with no relief in sight.

6. An urban development bank. This bank would provide loans to Cities on a long term, low interest basis, to finance much needed public works and housing projects. Interest rates would be under 6 percent and a borrower would have to prove he could not obtain a loan from private lending sources or at reasonable terms. So this public bank would not be competition with conventional lending institutions.

7. Accelerated public works. Hearings have started on a $2 billion accelerated public works bill which would immediately provide these extra funds for water and sewer facilities, hospitals and other public programs, local roads and streets, etc., above funds provided through the regular grant-in-aid programs in these areas. This would attack the twin problem of environment and unemployment.

8. Several Democrats have come forward with a fine new idea for intergovernmental cooperation. This proposal would have the Internal Revenue Service collect for the States and Local governments their income tax. The tax would be coordinated with the Federal tax by being either a percentage of the Federally computed income or the tax. This suggestion would allow the most effective and efficient tax gathering agency in the world (004 of 1%) to collect the State and Local tax and immediately pay it over. Not only would this greatly increase collections—variously estimated at about one billion dollars—but it would eliminate the costs of collection incurred by the States of almost $200 million. At the same time, the plan would reduce the complexity of return filing for our citizens and business since the State and Local returns would be eliminated and replaced by only one extra line on the Federal return.

This plan would not impinge on any States sovereignty as each would levy the tax at its own rate. I fear greatly that revenue sharing as proposed by the Administration cannot make this claim. It will only be a short time before the States are devoid of revenue potential and completely dependent on the Federal revenue sharing—at that time Federal controls may eliminate State government as real forces.

The Administration's revenue sharing proposal is failing the acid test: All over our Country, Mayors and Governors are finding out that the pot at the end of the rainbow is filled with fool's gold. They are learning that the Administration proposes to undo the hard won legislative achievements of the last ten years. They are finding out that revenue sharing would actually reduce aid to the Cities in a number of key areas.

I assure you that a Democratic Congress—which began the assault on the problems of the cities—is not about to preside over the liquidation of the great legislative achievements of the past decade. We are offering constructive alternatives which will not jeopardize existing programs which are working efficiently to help our Cities and States and the people who reside in them.

Thank you.

THE BRISTOL PRESS CELEBRATES ITS 100TH ANNIVERSARY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mrs. GRASSO. Mr. Speaker, March 9 was a very special day for the community of Bristol and particularly for its outstanding daily newspaper, the Bristol Press, which celebrated the 100th anniversary of its first publication.

These hundred years chronicle the story of a people and the events which shaped the life of this community. These hundred years are marked also by the distinctive and dedicated contributions which the Press family has made to the development of the city of Bristol.

A democratic society reflects and is reflected in the image of the news media. The Bristol Press is among those newspapers which, through honest and complete reporting, has demonstrated the highest standard of journalism. Its past is prologue to a new era of responsibility and service. I am honored to salute the Press on this anniversary and to bring to the attention of my colleagues a brief history of the newspaper contained in a recent Press editorial:

BRISTOL PRESS 100TH

Back in early January we commented that in this year of 1971, The Bristol Press was observing its 101st year of publication. The appropriate designation under the masthead on page one was therefore Vol. C 1. During the first year of publication, previous to the first birthday anniversary, the designation on the masthead was Vol. 1.

Tomorrow, Tuesday March 9, is quite a special day in our long and eventful history. The first publication of The Bristol Press was on March 9, 1871. So The Press joins the distinguished ranks of Bristol centenarians with Vol. C 1, No. 57 edition Tuesday.

As we did with the 90th anniversary ten years ago, The Press has plans for a special edition later in the year. Naturally we want to review our own history, but of more general interest to the community and our readers, we have plans for reviewing numerous phases of Bristol history in the past century. Preparing such an anniversary edition is a fascinating and challenging assignment. We are eagerly moving in on it.

Right now we will give you just a capsule on The Press. Rev. Charles Hart Riggs, a retired Congressional minister, founded The Press, with the first edition of the weekly newspaper on March 9, 1871. In the 1890's a group of Bristol business men and manufacturers took over the control and operation of The Press and The Bristol Press Publishing Company became the publishers.

In 1902 the officers and directors of The Bristol Press Publishing Company convinced Arthur S. Barnes, a Bristol native, to come back to Bristol from New Haven to take over the management responsibilities of The Press. Arthur Barnes had been in business in New Haven since his graduation from Yale in 1892.

In 1910 The Press became a semi-weekly and in 1916 the move was made to the daily field. Arthur Barnes continued as editor and publisher of The Press until his death at age 85 in 1956. He used to enjoy pointing out that he was practically contemporary with the start of The Press. He was born in Bristol on March 12, 1871, three days after the first issue. He had seen The Press grow from a small weekly publication in the early 1900's to a lively and thriving daily in the 1950's. We pay tribute to him and his associates for their guidance of The Press for over half a century.

And as we move in on the assignment of planning for the anniversary edition, we are conscious of our heritage and our responsibilities. We aim to live up to this challenging obligation.

ST. PATRICK'S DAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JAMES V. STANTON. Mr. Speaker, today we are all Irish. We all share in the St. Patrick's Day celebrations, parades and merriment. But the holiday spirit should not make us forget the sadness many Americans of Irish descent feel about the terrorism that has plagued our ancestral land for more than 50 years.

Today all Irishmen must assume some responsibility for helping to bring peace to Ireland. On this St. Patrick's Day I have introduced a resolution that could bring an end to the civil strife that has flared anew in Northern Ireland.

My resolution calls for a free election on the question of unification of Ireland under the supervision of the United Nations. I feel this is a step in the right direction toward a permanent and lasting peace.

THE WAYWARD PRESS—TUBE DIVISION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HÉBERT. Mr. Speaker, Air Force and Space Digest magazine has just released a most interesting analysis of the CBS program, "The Selling of the Pentagon."

The article was written by senior editor Claude Witze, who in my book is one of Washington's top reporters. I have known him for many years and not once have I seen him write anything which could not stand up under close scrutiny for accuracy and objectiveness.

If I were still a city editor, Claude Witze would be the kind of reporter I would want to have working for me. His objective investigation into "The Selling of the Pentagon" has turned up some interesting facts heretofore unknown.

For that reason, I want to insert his article in the RECORD at this point so everyone will be aware of these important aspects:

AIR FORCE AND SPACE DIGEST,
Washington, D. C., March 15, 1971.

On February 23, CBS News presented, on a national TV network, a documentary, one-hour broadcast entitled "The Selling of the Pentagon."

In view of the public interest in this program and the discussion that has followed in the press and in Congress, Air Force Magazine is releasing the attached commentary, prepared for its upcoming April issue, in advance of publication.

You are free to quote from it, or to reprint the article in its entirety, with credit to Air Force Magazine.

JOHN F. LOOSBROCK,
Editor and Assistant Publisher.

THE WAYWARD PRESS—TUBE DIVISION

The winter issue of the Columbia Journalism Review, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team —two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high misson of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the U.S. involvement in Vietnam.' "

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MacNeil. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MacNeil. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MacNeil. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MacNeil. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

Mudd. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

Henkin. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the answer appears, most of which ended up on the CBS cutting-room floor:

Henkin. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL–TV—had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympthetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlet, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

SST TRAVELERS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SHRIVER. Mr. Speaker, the opponents of the SST research and development prototype program clamor that the U.S. Government is embarked on a program for the "jet set," the "privileged few," the "pompous, self-important fools," the "less than one-half of 1 percent of our population." Well, let us examine just who is traveling overseas by air.

In 1970 over 18 million overseas air trips were taken between the United States and foreign ports of which more than 6 million were business trips. This equates to more than 6½ million individual Americans who availed themselves of this service.

By 1985, these numbers will have grown to more than 59 million annual air trips including 15 million business trips or more than 25 million individual Americans flying to overseas ports. And are these travelers "jet setters"? Well, less than 8 percent of them have combined yearly household incomes more than $25,000. Nearly one-half have combined household incomes between $5,000 and $15,000 annually. Do the opponents of this program really believe that these passengers will not want the fastest way of getting there—that the history of the introduction of the present jets will not be repeated? For those who do not remember, more than 10 years ago, there was a surcharge imposed to "protect" the piston engined transports but the passengers—"jet setters," and ordinary tourists alike still opted for the jet transports because they cut the flying time in half, were more comfortable, and less tiring. The same thing will happen again and for the same reasons with the introduction of the SST.

Let us talk a little bit about that much disdained businessman who travels by air. The Universal Air Travel Plan, one of several air travel credit card companies, has more than 100,000 individual business accounts and 2½ million cardholders among businessmen. We know, for example, that all of the top 1,000 industrial firms in the United States use this form of travel for their personal contacts in pursuit of business for their companies. Who benefits by these air trips? Well, these top 1,000 industrial firms alone did nearly a half a trillion dollars worth of business in 1969 and employed almost 17 million direct employees. In addition, a special survey was conducted by the Department of Commerce in 1969 of 158 U.S. exporting firms—all but 11 of whom are included in Fortune's magazine's "1,000 biggest industrials"—and all of whom use air travel as essential to their business. These 158 firms estimated that by 1973, their exports would be $11.3 billion or one-third of the expected export of total U.S.-manufactured products.

The development program to prove the economic and social acceptability of the SST is an imperative national goal if we hope to keep our aeronautical leadership. As Nobel Prize winning economist Paul Samuelson states: His textbook:

> Having more people and more machines of the 17th century variety would not be likely to take us far beyond the standards of living of the Mayflower Pilgrims. Obviously better machines—not simply new machines—are needed for progress.

He goes on to say:

> The single least controversial measure for inducing greater growth is promotion and subsidy of more research and development.

The SST and its development program meet the test of these criteria.

CONGRESSMAN GIBBONS ASKS YOUR OPINION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. GIBBONS. Mr. Speaker, I am again mailing a questionnaire, which I send out periodically, to the residents of my congressional district, the Sixth District of Florida. I insert this questionnaire in the CONGRESSIONAL RECORD so that my colleagues will have an opportunity to see the type of questions which I am asking.

92D CONGRESS—FIRST SESSION,
March, 1971.

DEAR FRIEND: Many of the important issues before the 92nd Congress—including health insurance and revenue sharing—will first be considered by the Ways and Means Committee on which I serve.

Your views on these and other matters before the Congress are important to me. The reverse side of this card contains some questions with which we must deal, and your response to these questions will be helpful.

If you have additional comments on any of these questions or on other issues, I hope you will write me. I am always glad to hear from you.

Sincerely,

SAM.

If you have not been receiving my monthly Legislative Reports and would like to receive them, please fill in your name and address in the space below. I will be glad to add your name to my mailing list.

INSTRUCTIONS

Read each question carefully and decide on your answer. Push out appropriate box with a sharp pencil. Remove punched tabs from back of card. Return your questionnaire in a stamped envelope and mail to: Congressman Sam Gibbons (Opinion Survey), House Office Building, Washington, D.C. 20515.

CONGRESSMAN GIBBONS ASKS YOUR OPINION

1. ECONOMY: What should the Federal Government do to control inflation? (a) institute wage and price controls, (b) establish voluntary guidelines, (c) intervene in specific cases of abuse, (d) not intervene with wage-price structure.

2. POLLUTION: How would you assess the Federal Government's role in the areas of pollution control? (a) more efforts needed, (b) done enough, (c) has been oppressive.

3. DRAFT: (a) eliminate the draft, (b) ensure adequate volunteer army before eliminating draft, (c) require some form of military or public service for all men, (d) continue the draft.

4. MID-EAST: The United States should (a) aid Israel to maintain balance of power in Middle East, (b) improve relations with Arab nations, (c) participate only in diplomatic negotiations, (d) discontinue involvement in Middle East crisis.

5. SST: Government should (a) eliminate development of SST, (b) suspend development pending further research into possible drawbacks of SST, (c) continue development, but at slower spending rate per year, (d) continue development of supersonic transport.

6. VIETNAM: (a) withdraw all troops immediately, (b) announce fixed timetable for withdrawing all troops, (c) present policies are best alternative, (d) accelerate and "win" as quickly as possible.

7. REVENUE SHARING: Federal Government should (a) share tax revenues with states, (b) share revenues only if budget is balanced, (c) local government should raise its own revenues to solve local problems.

8. BUDGET: (a) maintaining balanced budget is unrealistic, (b) unemployment is more of a problem than inflation, (c) temporary deficit spending to reduce unemployment is acceptable, (d) balanced budget is first essential.

9. HEALTH INSURANCE: (a) establish federally subsidized health insurance program for all citizens, (b) establish program for persons in need and for catastrophic illness, (c) present programs are sufficient, (d) Federal Government should not subsidize health insurance.

10. FOR PRESIDENT IN 1972: (a) McGovern, (b) Muskie, (c) Nixon, (d) Wallace.

11. Optional information:

BAD PROCEDURE EQUALS BAD LAW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. CRANE. Mr. Speaker, today, in a single vote, this House granted a deserved increase in benefits to millions of social security recipients, and then wiped out the beneficial effect of that increase by voting to raise the ceiling on the national debt and open the door to runaway inflation.

I personally was forced, counter to my conscience, to vote against the social security increase because I did not feel I could rightly vote in favor of this startling level of national indebtedness. I believed, even more strongly, that I could not misrepresent myself to my constituents by casting such a totally contradictory vote: I could not honestly support an increase in social security benefits and, at the same time, go along with a deficit spending measure sure to soon render that increase null and void.

Mr. Speaker, how long is this House going to downgrade its status as a coequal party in the legislative process by accepting nongermane amendments offered by the so-called upper body? How long are the Members of this House going to stand by and be forced to cast votes which not only misrepresent their views to their constituents, but run counter to their consciences?

If this national debt increase had not been tied to a totally unrelated, and, in fact, contradictory measure, I wonder if the vote this afternoon might not have been different. The fact that when the bill to increase the debt ceiling was originally presented on the House floor 162 Members voted against it indicates it would have been different.

It is interesting to recall that the very reason social security benefits were not increased last year was because some of our friends in the Senate tacked the social security bill to a trade measure. By the time the two measures were separated again, it was too late in the session to get approval of a conference report on social security.

The Legislative Reorganization Act, passed by a near-unanimous vote of the last Congress, was designed to insure that "a clear expression of House opinion would be obtained in the consideration of nongermane matters." It appears, Mr. Speaker, that in the voting today, the House has violated the spirit, if not the letter, of that act.

The vote today forced on me one of the most difficult decisions of my career in Congress. I hope I am not forced into such a contradictory position again. But, unless this House starts rising in protest against the addition of nongermane amendments to important bills, I am sure I and many of my colleagues will be put in that unfortunate position often in the future.

The sad result of this bad procedure can only be bad legislation.

VIETNAM VETERANS USING GI EDUCATION BILL IN RECORD NUMBERS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. TEAGUE of Texas. Mr. Speaker, during the last Congress and in years past, many irresponsible and inaccurate statements were made concerning the lack of participation by our returning servicemen in the GI education and training programs. During the 91st Congress, Congress updated this law. The wisdom of this action is borne out by a recent report which I received from Donald E. Johnson, the Administrator of Veterans' Affairs.

Mr. Speaker, for the benefit of my colleagues, I want to highlight the report which I received from the Veterans' Administrator:

In February 1971 there were more than 977,000 veterans and servicemen in training which is double the number in training during mid-1969.

In less than 5 years there have been as many in training under the current GI bill as were trained in the entire 13 years of the Korean conflict program. It is further anticipated that the peak enrollment during April of this year will be 43 percent higher than the peak of the Korean conflict program. The trend indicates that over one-half of the eligible veterans will receive some type of training under the current program.

Three out of five of the GI bill trainees are attending college as compared to 29 percent under the World War II program and 50 percent under the Korean program.

Almost 100,000 are engaged in apprenticeship and on-the-job programs. There has been developed some highly successful public service on-the-job programs where more than 8,000 veterans have been trained in public-safety-type positions. Similar new programs have been initiated in other such areas as water pollution, sanitation, health, hospital care, and recreation type areas.

Approximately 90,000 veterans are now in training who had not completed high school when they were separated from service. One of the new innovative features of the bill passed by the 91st Congress, provides that these veterans can complete high school training without using any of the entitlement earned as a result of military service. This encourages the veteran to pursue higher education goals after completing high school to a greater extent than was permitted under previous law.

Mr. Speaker, we all know that these programs for our returning servicemen have been a great investment in the future—not just handouts. According to the Internal Revenue Service, it is estimated the higher salaries earned by those participating in the GI education and training programs will return, in increased individual income taxes, about eight times more than the outlay which the Government makes for this program.

Mr. Speaker, this is a program which is of great benefit to all America. It is one which all of us can be proud of and I want to commend the Veterans' Administration for the action they have taken to implement this legislation voted by the Congress.

LENT CALLS FOR ACTION ON WILD MUSTANG BILL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. LENT. Mr. Speaker, although I have the honor of representing the largely metropolitan Fifth Congressional District of New York, the need for protective legislation to save our Nation's dwindling wild mustang population has become a matter of prime importance to me.

I was pleased to join my distinguished colleague, Congressman GUDE, in the introduction of H.R. 4221 last February 10, and I would urge the Congress to give this important measure early consideration.

This legislation would empower the Secretary of the Interior to set aside designated areas for the protection of the wild mustang. Stringent fines and jail terms would be imposed on those commercialists found chasing down and killing the wild mustang for pet food.

So today, Mr. Speaker, I call on the Congress to give its early attention to this bill which I have joined in introducing so these beautiful animals which are the remaining living symbols of the historic and pioneer spirit of the American West will be preserved. It was not so many years ago that this country nearly slaughtered the buffalo into extinction. Let us not repeat this senseless killing with the mustang.

WESTMINSTER ROTARIANS HONOR HON. SAM F. REEDER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DORN. Mr. Speaker, the Westminster, S.C., Rotary Club recently honored the Honorable Sam F. Reeder with the 1970 Citizen of the Year Award. Mr. Reeder, truly one the pioneers of Westminster, was three times mayor, and owns a perfect attendance record over a 42-year period at the Westminster Rotary Club. Mr. Speaker, Sam Reeder is a good example of the basic strength and vitality of grassroots America. I am pleased to insert in the RECORD the award presentation address, made by Martin D. Watkins of Westminster:

CITIZEN OF THE YEAR AWARD, 1970

President Raymond, Rotaryanns, fellow Rotarians, guests: Over the years our Rotary Club has made an annual award known as the Citizen of the Year Award. This award is presented to an outstanding citizen for his contribution to his fellowman. In making these awards I have always felt that the recipients truly portrayed the Rotary ideal of "Service Above Self".

Tonight it is my privilege to make another Citizen of the Year Award. Our recipient this year was born in Seneca some 88 years ago: Came to Westminster in 1902, and has been active in business here since that time. He has always been known as progressive, and, truly, he has seen our country develop from the ox team to routine trips into space.

One of his most outstanding acts was selection of a young school teacher for a mate on Otcober 18, 1913. No man's success is accomplished alone. This was a perfect match and over the years her contribution has meant much to Westminster.

His first official service to Westminster was on the City Council when Mr. K. W. Marett was mayor. This was in the early years when the city hall and jail were located across the railroad where Dr. Hall's office now stands. Time won't permit tonight but get him to tell you the story of his work on the street committee. In later years, he served three terms as Mayor of Westminster.

In the early days Westminster had a band—he played coronet in that band. He was drafted in World War I, but the war ended before his induction into service. He served as chairman of our county selective service board until age made retirement mandatory.

He was the organizer and the first president of the Oconee County Planning and Development Board, now the county planning commission, and spent untold hours with the late John Duncan in the early industrial development of our county.

Here in Westminster he was one of the organizers of the Westminster Industrial Corporation and was one of its largest stockholders. This building is presently leased by Jantzen.

He has always been interested in our county heritage and was instrumental in organizing the Oconee County Historical Society; He served this organization ably as president.

He served as chairman of the Oconee County Recreation Committee. In his church he has served as church treasurer, deacon, building trustee, and still teaches a Sunday School Class every Sunday.

He is listed in *"South Carolina Lives—Who's Who In South Carolina"*. He is a life long democrat and has served his party at the local, county, and state level.

He is a charter Member of our Rotary Club and has a perfect attendance record over the past 42 years. This loyalty and enviable record should, indeed, be an inspiration to all Rotarians.

In behalf of the Members of the Westminster Rotary Club, I proudly present the "1970 Citizen of the Year Award" to one of our own—Sam F. Reeder.

SENATOR COTTON'S NEWSLETTER PAR EXCELLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. WYMAN. Mr. Speaker, for years the skillful articulation of national problems by New Hampshire's senior Senator, NORRIS COTTON, has been presented in his weekly column to the people of New Hampshire. His columns are renowned among his colleagues throughout the Congress. New Hampshire's senior Senator writes these columns himself and they show his vast experience and learning.

Senator COTTON's most recent column deploring the bombing of the Nation's Capitol states the larger issues of this unfortunate event so succinctly and appealingly, that I am including excerpts from his column in the CONGRESSIONAL RECORD at this point. As Senator COTTON points out:

> Oppression in America is, for the most part, a figment of rhetorical extremism, but permissiveness is a reality.

The courts should help this country to deal justly and firmly, with its deliberately criminal element. The excerpts follow:

> It was inevitable that the bomb blasts sweeping across the Nation would eventually hit our historic Capitol. But we didn't admit it even to ourselves, or take security precautions, which is characteristic of the shut-eye, hope-it-will-go-away attitude of the American people. Washington columnist Bill Gold, never a scaremonger, noting the lack of reaction by the public even when their Capitol was bombed, said:
>
> "I am deeply concerned that a revolution has begun and that we are sleeping through all the warning signs of it . . . We're attending to business as usual while the crazies are measuring us for coffins."
>
> To be sure, the Capitol of the United States is no different, nor its occupants more worthy, than other structures throughout the land. But it is a national symbol and the nerve center of the country, and its bombing shows the pass to which we have come. I am reminded of the words of Pastor Niemöller after his imprisonment by the Nazis:
>
> "The Nazis first came for the communists, and I didn't speak up because I wasn't a communist. Then they came for the Jews, and I did not speak up because I wasn't a Jew. Then they came for the Catholics, and I didn't speak up because I wasn't a Catholic. Then they came for Me . . . by that time there was no one left to speak up for anyone."
>
> So it has been here. A cluster of bombs hits office buildings and churches in Rochester, N.Y. The bulk of Americans are not disturbed. They do not live in Rochester. Armories, recruiting stations, and ROTC buildings are blasted in cities and on campuses. Too bad, but just the work of peaceniks. A college research center is destroyed and a student killed. Sad, but only a protest against military research. Even the fire bombing of a Camp Fire Girls' headquarters causes hardly a ripple.
>
> To me, the explosion in the Senate wing March 1st brought memories of another March 1st exactly 17 years ago when I sat in the House of Representatives under pistol fire from Puerto Ricans in the gallery. There is a marked difference, however. That was the crazy act of a few unhappy people from an island possession. Today we appear to have an organized, national conspiracy of vicious and depraved Americans bent on destroying the Republic.
>
> As long as politicians and editors excuse violence on the ridiculous assumption that this Nation, the "last best hope" of democracy on earth, oppresses its people, as long as Court decisions hamper investigations, Judges turn habitual criminals loose, and police are degraded and harassed, violence and destruction will thrive.

ST. PATRICK'S DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. CARNEY. Mr. Speaker, for over 1,500 years the world has remembered the passing on March 17 of the great apostle of the Irish, St. Patrick. Primarily a man of religion, St. Patrick was also one through whose leadership the character, history, and destiny of a whole people were profoundly changed. He was, in truth, one of the makers of history. One scholar has defined his historical greatness in terms of his "vast energy, unbending determination, and broad vision", qualities essential to his pioneering missionary vocation.

The world of St. Patrick's day bears striking resemblances to our own troubled times: a world of change and ferment. The Roman empire was engaged in shortening the lives of its military and cultural influences in northern Europe under pressure of barbarian incursions. Born in Britain, then a distant outpost of the empire, Patrick was to dedicate his life to the opening of the frontiers for the spread of Christian faith. His labors won to the universal church a new people, whose native genius, newly baptized in the faith, would radiate throughout the Western World within but a few generations of the great saint's death—in about 461. Irish missionaries would go forth, in the spirit of St. Patrick, to evangelize large sections of Europe and to bring new peoples into the life of the Christian commonwealth. The cultural and religious renaissance which made Ireland a center of European civilization during the Dark Ages owed much to St. Patrick and to his effective planting of the Gospel among the Irish people. Such a work as the Book of Kells, that magnificent example of mediaeval Irish script, ornamentation, and scholarship, survives as a product of the creative energies inspired by the faith of St. Patrick.

The life of St. Patrick is shrouded in the mist of legend, lovingly retold through the centuries. Yet, beneath the lore, there exists a solid core of fact: by his skills as diplomat and preacher alike, he organized the scattered Christian communities which he found in Ireland, converted much of the pagan west, and brought the whole country into closer relations with the rest of the western church and with the Holy See. He encouraged the study of Latin and raised the general standards of learning.

The light which St. Patrick kindled in Ireland so long ago has never died—the light of learning and, above all, the light of faith. Wherever the Irish people have gone, they have borne that light proudly. The story of the Irish in America is witness to its presence and power. On this St. Patrick's Day I am happy to salute the achievements of Irish Americans and their unique contributions to this Nation. May the faith of St. Patrick continue to inspire in the Irish and in all men everywhere those values and ideals which, under God, give dignity and hope to human life.

GOVERNOR DEWEY—A GREAT CITIZEN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HASTINGS. Mr. Speaker, the death of former New York State Governor, Thomas E. Dewey, is a loss which will be felt by Americans everywhere.

One of the youngest Governors to serve in New York State, he had a long and illustrious career. As a young lawyer and crime fighter in New York City, he demonstrated early in his life his deep concern for good and effective government.

While I did not have the privilege of serving with him during my years in Albany, it was clearly evident that our State's leadership in the Nation was due in no small part to the contributions he had made.

He brought to the task of government a keen and discerning mind. His role in national affairs and in the Republican Party is distinguished beyond words.

Twice a candidate for the Presidency, he remained an eminent and visionary spokesman for his party. History will show him not only one of the great Governors of New York State but a man who served his country with supreme dedication.

Although to the public he sometimes appeared as a man of cool efficiency, he had warmth and wit and deep sentiment, and he carried great affection for the people.

I know I share the view of millions of Americans in expressing my condolences to the relatives and close friends of Governor Dewey. He was truly a great citizen.

OIL WAR?

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ABOUREZK. Mr. Speaker, I have today sent a letter to the Honorable THOMAS MORGAN, chairman of the Foreign Affairs Committee of the House, asking that his committee undertake an immediate and complete investigation into the matter of offshore oil leases about to be offered for bid by the Government of South Vietnam. It is my hope that such an inquiry will bring to light all of the facts surrounding the mysterious oil lease situation in South Vietnam.

I use the word "mysterious" because too many questions remain unanswered about this newest aspect of possible American involvement in Vietnam. It is imperative that we now begin talking honestly about the prospect of massive U.S. oil investment in that part of the world.

For too long our entanglement in Southeast Asian affairs has been shielded by a hazy veil of secrecy. For too long the American public has been kept in the dark as to our Government's actions, motives, and participation in this area of the world. For too long we have asked questions only to be given one pat answer, then another, and then a third.

Let me be specific:

We were told in 1965 that we must start bombing North Vietnam to retaliate for attacks on American ships in the Gulf of Tonkin only to learn later that the attacks did not occur.

We were consistently told that victory was just around the corner, only to find out that more American troops were needed by our military planners to carry out what they believed to be their objectives.

When we invaded Cambodia in 1970, the administration told us the invasion was for the purpose of capturing COSVN, the North Vietnamese military headquarters. When COSVN could not be found, we were told that its discovery was not important.

Then, the President announced on nationwide television that the real reason we invaded Cambodia was because Communist troops were massing on the Cambodian border for an attack. When Defense Secretary Laird admitted 2 weeks later that Communist troops were actually moving away from the border, the American people were then treated to a massive propaganda campaign pronouncing the value of all of the rice and supplies we had captured.

News of the American-backed invasion of Laos by South Vietnam was embargoed by the Department of Defense not for security reasons, but for the administration's own political reasons, since the invasion was common knowledge all over Vietnam, both North and South, weeks before it happened, yet the American people were denied access to this information.

It is small wonder, Mr. Speaker, that a former member of the Nixon administration, Daniel P. Moynihan, was moved to write in the Washington Post of Sunday, March 14, 1971, that the Vietnam war ". . . entailed a massive deception of the American people by their Government."

The American people want and deserve honest, factual answers about the Indochina war and they know when they are not getting them. Several years ago this situation was referred to as a credibility gap. Today, however, the problem has reached such massive proportions that it can best be described as a credibility chasm. In support of this statement, I refer you to a Harris survey reported only 4 days ago which clearly showed that a majority of Americans—51 percent—believe that President Nixon has not told us the real truth about this war.

Mr. Speaker, I am shocked and appalled by this finding. The fact that more than half of the citizens of this democratic Nation believe that they have been lied to and deceived about American involvement in Vietnam is a bitter indictment of the manner in which our foreign policy has been conducted up to now.

I believe the time has come for our Government to put an end to its policy of deception and nondisclosure. The citizens of America, our constituents, are asking hard, direct questions about various aspects of our involvement in Indochina. The least that we, their elected representatives, can do is provide them with frank, straightforward answers.

One area of recent inquiry involves the relationship between U.S. oil companies and leases for oil exploration off the coast of South Vietnam. As reported in the press, over 10,000 people from all across the country have expressed an interest in this subject. These people want to know the facts.

The investigation that I am calling for today would provide all of us with this much-needed information.

The evidence that U.S. oil companies are seeking to expand their interests into South Vietnamese waters is indisputable. On December 1, 1970, the South Vietnamese General Assembly promulgated a law authorizing that Government to accept best-offer bids on 18 offshore oil concessions from foreign companies. The response, according to Prof. Gabriel Kolko writing in the New Republic, March 13, 1971, was:

> Within a month (after passage of the legislation) at least 22 firms—predominantly American—were in Saigon ready to offer bids.

Originally scheduled for February, the South Vietnamese Government has now temporarily postponed its call for bids. According to Paul Cowan and David Gelber in their article, "Oil: A Hidden Factor in the Indochina War," in the February 25, 1971, Village Voice, the delay of 60 days was necessary so that the Saigon regime could clarify the terms of its new oil law for the American firms.

What do we know about these South Vietnamese offshore oil deposits? In early 1969 the Ray Geophysical Division of Mandrel Industries, Inc., of Houston, Tex., performed a 4,000-mile seismic survey on the continental shelf off of eastern and southern South Vietnam. According to correspondence I have had with a number of American oil companies, at least two, Standard Oil of New Jersey and Phillips Petroleum, were sponsors and participants in that survey. The indications are that several other American oil companies were involved as well. Although the results of that survey have never been made public, and although none of the oil companies nor the Ray Geophysical Co. would reveal to me the results of that preliminary reconnaissance, apparently the information has been made available to the State Department. Mr. David Abshire, an Assistant Secretary of State for congressional relations, has informed me that the results of the seismic exploration "have been favorable."

This is the extent to which the State Department acknowledges any information about offshore Vietnamese oil. Other sources, however, have been much more specific.

In the February 1, 1971, Los Angeles Times, George McArthur wrote:

> . . . Oilmen have always regarded the vast basin surrounded by Indonesia, Malaysia, Thailand, Cambodia, South Vietnam and the Philippines as a natural prospecting area. Every major international oil company already has interests or concessions in the area and the Indonesian fields have long been among the world's richest.
>
> Interest in the South Vietnamese offshore area was heightened in 1969 when a geological survey by 10 American firms turned up evidence of oil-bearing sedimentary layers as much as five miles thick.

In January 1971, the semiofficial "Economic Report" published by the Vietnam Council on Foreign Relations stated, in an article entitled, "Green Light for Oil Men:"

> The face of South East Asia may change beyond recognition within this decade and the Viet Nam war may take a dramatic turn, if the South Vietnamese oil dream comes true. Somewhere in the continental shelf off the South Vietnamese shore lies hidden one of the most spectacular petroleum deposits in the world.
>
> This at least has become common belief among Vietnamese geologists, mining experts, and government authorities. Expectations already running high have been strengthened by the intense interest of well-known international oil concerns. According to authoritative official sources, about fifteen foreign firms have to date approached the South Vietnamese Government to apply for reconnaissance permit. Reportedly one major company highly experienced in offshore exploration has even offered the Vietnamese unusually advantageous conditions such as bearing all the costs of immediate training of South Vietnamese technicians regardless of whether oil will ultimately be found or not."

The Wall Street Journal of September 22, 1970, carried a story by William I. Hartley titled, "World's Major Oil Firms Jam Singapore as Drilling Fever Spreads in Southeast Asia." In that story, Mr. Hartley reports:

> Southeast Asia is gripped in the excitement of oil fever and just about every international company with position in the petroleum business has rushed to Singapore, which most use as headquarters, to get in on the action. The tempo is increasing. Pre-

liminary seismic work is mostly finished and exploration drilling rigs are moving in.

The June 1970 issue of Petroleum Engineer, on page 51, contained the following:

> The projected work pace for all of Asian Pacific could turn out to be woefully conservative, depending on how long it takes to settle the war against the communists in Vietnam. If and when the U.S. wins its objectives there, oil exploration conceivably could be successful enough to turn that part of the world into another South Louisiana-Texas-type producing area. This would be one of the biggest booms in the industry's history. It all depends on the Vietnam war, how long it takes to get the job done and how well the job is done.

Mr. Speaker, I also refer you to speeches which appeared in the CONGRESSIONAL RECORD of Thursday, March 10, 1971, and Monday, March 15, 1971, given by my distinguished colleagues, Representative WILLIAM ANDERSON of Tennessee, and Representative BELLA ABZUG, of New York, which provide additional background information on the Vietnam oil question. I further wish to state that while I have written to every major oil company in the United States requesting information on their activities with regard to South Vietnamese oil, not a single one of them will admit anything more than a casual interest in that oil. In addition, I have yet to hear from the Government of South Vietnam with respect to their intentions in letting bids for oil rights off their coast.

Despite their reluctance to admit it publicly, every indication we have points to the conclusion that U.S. oil companies are preparing, in the very near future, to invest massively in these offshore Vietnamese oil concessions. Without further information, I fear what effects this investment may have on American foreign policy and military presence in this part of the world.

Specifically, I fear that a new economic constituency such as these investments would create, could become a powerful force in seeking to protect their investments. I fear that these companies, after staking huge sums of capital in this venture, would seek from the American Government either an all-out military victory or else a Korean-type solution to the conflict entailing an indefinite, albeit limited American military presence in South Vietnam. I find neither of these protective solutions acceptable.

These facts raise a whole series of grave implications which must be placed openly before the American public. In order to accomplish this, the investigation I am calling for today should address itself to the following questions:

First. To what extent are American oil companies currently engaged in oil explorations off the coast of South Vietnam?

Second. What, if any, assurances have these companies received from the Government of the United States that enough political stability will exist in South Vietnam to protect 30-year lease agreements entered into by these companies?

Third. Whether possible lease agreements between American oil companies and the Thieu-Ky government will tie us into continued support of that specific government? If American oil is to invest billions on the basis of leases which are valid only so long as the Thieu regime stands, does this mean that our policy in Vietnam will change from self-determination to blind support for Thieu and his generals?

Does this mean that even a non-Communist government other than Thieu-Ky would be unacceptable to us if that government did not guarantee continued oil profits for American companies?

Mr. Speaker, the prospect of America celebrating its 200th birthday of freedom by sending her sons to die in defense of oil profits for billion dollar corporations is an abomination. I cannot believe that the American people will permit such a perversion of our founding principles to occur. But, like the war itself, just such a perversion could occur by slow degrees unless we are made aware soon enough that it is happening. For the sake of our Nation, for the sake of every American, I urge the Foreign Affairs Committee of the House of Representatives to look promptly and thoroughly at the dangerous growth of American oil interests in South Vietnam.

The replies I have received from a number of American oil companies follow:

PHILLIPS PETROLEUM CO.,
Bartlesville, Okla., March 12, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABOUREZK: In reply to your letter of inquiry of March 2 regarding participation by Phillips Petroleum Company in exploration off-shore South Vietnam, this is to advise of our activity in that area.

Phillips Petroleum Company, along with twelve other international oil companies, has participated in a very modest reconnaissance seismic effort in this off-shore area conducted under the auspices of the Ray Geophysical Company. This is not an unusual undertaking since we, as well as other international oil companies, are continually making geophysical reconnaissance surveys in off-shore areas around the world where we anticipate a possible oil-bearing sedimentary basin. This type of information, reconnaissance geophysical surveys, is used to determine if our geological theories on the presence of these basins are correct and, if so, if they are interesting enough to pursue with a more intensive seismic and geological survey.

Phillips Petroleum Company as of this date has not made an offer for any off-shore South Vietnam concessions. As to whether we will in the future, I cannot say at this time as many geophysical as well as governmental factors are rather uncertain about this area.

I hope this has satisfactorily answered your question.

Sincerely,

JOHN M. HOUCHIN.

STANDARD OIL COMPANY,
New York, N.Y., March 12, 1971.

Hon. JAMES ABOUREZK,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: This is in reply to your letter dated March 2, 1971 concerning the Standard Oil Company (New Jersey) interest in South Viet Nam.

A generally used worldwide practice in collecting preliminary exploration data is to participate in group geophysical surveys. This type survey was conducted off the coast of South Viet Nam in 1969 and 1970. It was sponsored and conducted by the Ray Geophysical Division of Mandrel Industries, Inc., and made available for public participation or purchase. To our knowledge, thirteen American and foreign oil companies elected to participate in this group survey including Esso Exploration, Inc., a Standard Oil Company (New Jersey) affiliate.

On December 1, 1970, South Viet Nam passed a petroleum law giving wide latitude to the government in establishing exact terms. No specific definition of certain important financial conditions has yet been announced.

South Viet Nam initiated requests for expressions of interest in their offshore acreage from the worldwide petroleum industry. Esso Exploration's response to the request was that they would be interested in being advised of the specific terms and conditions under which the offshore permits will be granted. Our understanding is that some twenty additional companies of many nationalities have made similar responses. We have not received additional communication from the South Viet Nam Government and until we do, we cannot evaluate our future interest.

I trust that this will clarify our present position. With kindest regards, I remain

Yours truly,

M. M. BRISSO.

TENNECO, INC.,
Houston, Tex., March 9, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR MR. ABOUREZK: This is in response to your letter of March 2 directed to our Mr. N. W. Freeman and inquiring about certain activities our company may have or contemplate offshore South Vietnam.

Specifically, your inquiry was whether our company or any of its affiliates has been involved in the Southeast Asian oil exploration, and whether we have offered or will offer a bid on any or all of these South Vietnam offshore oil leases.

Tenneco Oil Company in partnership with Phillips Petroleum Company of Bartlesville, Oklahoma, and AGIP (the Italian National Oil Company) have leases on what is generally designated as Block "A" and "C" of the South China Sea. These leases were acquired from the Indonesian government and lie within Indonesian territorial waters. We have been exploring these leases for something like two years. A part of these leases border on the South Vietnam territorial waters, and we understand that a part of the adjoining waters will be subject to bidding in the forthcoming offshore lease sale of South Vietnam.

We have done no work to date in the South Vietnam territorial waters of the South China Sea. At this writing I cannot advise you whether or not we would bid for leases offshore South Vietnam if they are offered for sale. We have been advised that the South Vietnamese government is considering such a sale, but we do not know the terms nor the date of such sale if it has even been set.

Should this area become available for lease we would have to give it serious consideration. If you know of some reason why we should not bid for oil leases in the territorial waters of South Vietnam we would appreciate your so advising us.

I would appreciate a reply at your earliest convenience.

With kindest personal regards.

Very truly yours,

WILTON E. SCOTT.

GULF OIL CORPORATION,
Pittsburgh, Pa., March 8 1971.

Hon. JAMES ABOUREZK,
House of Representatives, Cannon House Office Building, Washington, D.C.

MY DEAR MR. ABOUREZK: In your letter of March 2nd you asked to be advised whether Gulf Oil Corporation or any of its affiliates has been involved in Southeast Asian oil exploration and whether Gulf Oil or any of its affiliates has offered, or will offer, a bid on any or all of the South Vietnamese offshore oil leases that might be offered for sale later this year.

In the area generally referred to as Southeast Asia, through subsidiaries, Gulf Oil Corporation is engaged in exploration activities in Australia, Indonesia and Thailand. Neither Gulf Oil, nor any of its subsidiaries, has any investment in South Vietnam, Laos or Cambodia, nor has any offer been made with respect to any South Vietnamese offshore oil leases.

As an international oil company we have an obligation to our shareholders as well as to the economy to continue our search for the reserves needed to meet the ever increasing demands of the world for petroleum and its products. If there is a possibility of discovering oil in an area belonging to a nation recognized by our Federal Government, if the terms are acceptable and if there is a reasonable probability that the governing body of that nation will honor contractual provisions covering an oil company's rights to explore and produce, then we will seriously consider whether Gulf Oil should take the business risk of investment of sizable sums of money in that area in an effort to locate new petroleum reserves.

The oil business is a high risk business. That is why we are obliged to play our cards close to our chests, so to speak, so far as future plans are concerned. It would be detrimental to Gulf Oil's interests to divulge what our intentions are with respect to future investment and activity in Southeast Asia or, indeed, in any part of the world.

Very truly yours,

B. R. DORSEY.

MOBIL OIL CORP.,
New York, N.Y., March 5, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABOUREZK: This is in response to your letter of March 2 concerning oil exploration off the coast of South Vietnam.

First, let me state that at the present time Mobil has no operations or concessions in South Vietnam. We do not market there. We have no refineries. We have no exploration and producing operations, nor have we any concessions from the South Vietnamese government which would allow us to engage in exploration and producing work.

We are aware, as you are, that the South Vietnam government did promulgate a law which would allow them to grant concessions to explore for and produce oil in offshore areas falling within the jurisdiction of South Vietnam. As of this date, to the best of our knowledge, the South Vietnam government has not promulgated any terms and conditions under which bids for concessions in these areas could be made. At this time neither Mobil nor any of its affiliates has made any offer for any concessions in South Vietnam, nor are there any conditions in existence which would allow us to bid at this time. Whether or not we will bid, should South Vietnam establish conditions allowing such a bid, would depend upon all circumstances in existence at that time.

Sincerely,

WILLIAM P. TAVOULAREAS.

SUN OIL CO.,
Philadelphia, Pa., March 11, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR MR. ABOUREZK: Mr. Dunlop asked that I reply to your letter of March 2, 1971, concerning offshore South Vietnam.

A number of oil companies recently have been engaged in conducting reconaissance seismic surveys in the territorial waters of South Vietnam. The purpose of these surveys was to find whether or not geologic conditions exist that may be favorable to the accumulation of petroleum. The actual presence of petroleum, of course, is impossible to determine without drilling a well. Since no drilling has been done, press reports of the existence of a potentially valuable oil field, offshore South Vietnam, are unfounded.

Neither Sun Oil Company nor any of its affiliates have participated in any such exploratory programs off the coast of South Vietnam, nor are we planning to bid for any leases that may be offered in the immediate future.

Yours very truly,

D. DWAYNE TAYLOR.

ATLANTIC RICHFIELD CO.,
New York, N.Y., March 12, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Cannon House Office Building,
Washington, D.C.

MY DEAR MR. ABOUREZK: In response to your letter of March 2, I would like to inform you that neither Atlantic Richfield Company nor any of its affiliates is involved in Southeastern Asian oil exploration except on acreage in Indonesian waters north of the Island of Java. Atlantic Richfield's International Division is constantly appraising and updating information on potential oil deposits all over the world. Neither Atlantic Richfield nor any of its affiliates has offered any bid on any South Vietnamese oil leases. Whether or not Atlantic Richfield will, in the future, offer a bid on any South Vietnam off-shore oil leases is purely speculative and would depend on the circumstances that exist at the time.

Sincerely yours,

T. S. BRADSHAW.

SHELL OIL CO.,
Washington, D.C., March 9, 1971.

Hon. JAMES ABOUREZK,
Cannon House Office Building,
Washington, D.C.

DEAR MR. ABOUREZK: Your letter of March 2 has been referred to me. In this connection I might mention that Mr. McCurdy retired from Shell Oil Company at the end of 1969. Mr. D. B. Kemball-Cook is now our President.

As you may know, until 1970 Shell Oil Company restricted itself to operations within the U.S.A.; however, beginning last year we embarked on an exploration venture in Canada and are currently looking for exploration prospects elsewhere. I can assure you that our plans thus far have not been projected outside this hemisphere.

Should you have any other questions, please do not hesitate to let me hear from you.

Yours very truly,

J. C. PERKINS,
Vice President.

CITIES SERVICE CO.,
New York, N.Y., March 8, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in reply to your letter of March 2 requesting information concerning our interest in exploration and development activities off the coast of South Viet Nam and neighboring countries.

This is to advise you that we have no interest in the Viet Nam area nor are we aware of any bidding activity at this time. However, since 1968, we have been working with a major concession in the Java Sea off Indonesia.

Thank you for writing as you did, and I trust this is the information you desire.

Sincerely,

J. E. HESTON.

ASHLAND OIL, INC.,
Ashland, Ky., March 6, 1971.

Hon. JAMES ABOUREZK,
Cannon House Office Building,
Washington, D.C.

DEAR MR. ABOUREZK: With reference to your letter of March 2 regarding offshore South Viet Nam oil exploration activities, we have been studying the situation but have not reached a decision on bidding.

As I am sure you can appreciate, while the area may have great geological merit it would, nonetheless, seem to be fraught with considerable political peril.

Cordially yours,

ORIN E. ATKINS.

SIGNAL OIL AND GAS CO.,
Los Angeles, Calif., March 8, 1971.

Hon. JAMES ABOUREZK,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. ABOUREZK: This is in answer to your letter of March 2nd inquiring as to our interest, if any, in Southeast Asian oil exploration.

As of this date, neither Signal nor any of its affiliates has offered, or had any intention of offering, a bid on any or all the South Vietnamese offshore oil leases. While this states our present situation, it could change in the future.

Sincerely,

F. D. LORTSCHER.

OCCIDENTAL PETROLEUM CORP.,
Bakersfield, Calif., March 12, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR MR. ABOUREZK: This is in response to your letter of March 2, 1971, directed to Mr. Thomas F. Willers who has handed it to me for reply. Occidental Petroleum Corporation has not been involved in Southeast Asian oil exploration and has not to this date considered offering a bid on any or all South Vietnamese offshore oil leases that may be offered.

Very truly yours,

E. F. REID.

THE STANDARD OIL CO.,
Cleveland, Ohio, March 10, 1971.

Hon. JAMES ABOUREZK,
House of Representatievs,
Washington, D.C.

DEAR MR. ABOUREZK: I have your letter of March 2, 1971.

This company has no plans at all to bid on any of the South Vietnamese off-shore oil leases to which you refer.

Sincerely yours,

ALTON WHITEHOUSE.

SOCIAL SECURITY INCREASE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. WYDLER. Mr. Speaker, I support the social security bill and increase which passed the House yesterday. This was consistent with my support for much-needed increases in this legislation over the years I have been in Congress.

GRAVE ENVIRONMENTAL CONCERNS STIMULATED BY TRANS-ALASKAN PIPELINE PROPOSAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. WALDIE. Mr. Speaker, I have recently received a statement concerning the proposal for a trans-Alaskan pipeline from R. W. Solberg of Walnut Creek, Calif. Mr. Solberg raises some very salient questions in regard to this project. He calls attention to grave environmental concerns stimulated by the prospect of such a pipeline. Both the environment of the State of Alaska and the posture of the Federal Government in respect to ecological questions are involved. I, therefore, would like to submit Mr. Solberg's comments for consideration by my colleagues in the House.

His comments follow:

WALNUT CREEK, CALIF.,
March 3, 1971.

DIRECTOR,
Bureau of Land Management, U.S. Department of the Interior, Washington, D.C.

DEAR SIR: As a part of the Trans-Alaska oil pipeline hearings, will you please include the following statement in the hearing record:

"This pipeline project should not be given the precipitate approval sought by its sponsors. Rather, we should follow Canada's example of deliberate and cautious procedure in examining and testing their pipeline plans, reinforced by appropriate scientific studies. Listed below are some of the reasons I urge such a course be followed.

"1. This project is now the first major test of the 1969 National Environmental Policy Act. That test has crucial and precedent-setting import for the direction in which the Executive Branch will move under the Act. We cannot afford, upon its initial major test, to subvert the purpose and policy of this Act.

"2. In urging all possible haste, supporters are using at least two mutually incompatible arguments; one, that immediate extraction is required for national security, and a second, that America needs this oil to help meet our expanding demand. Obviously, exploitation now will deplete reserves that may be needed later in a national emergency. Moreover, the president of Atlantic Richfield has been quoted as saying that Prudhoe Bay . . . "is not the answer to a nation's need'.

"3. One of the three amazing conclusions set forth in Interior's January Draft Environmental Impact Statement for the Trans-Alaska Pipeline states that 'Construction and operation of the proposed . . . pipeline . . . would reduce foreseeable environmental costs to acceptable levels'. Acceptable to whom? How can environmental costs be classed as 'acceptable' when the Statement itself admits that 376 miles of the proposed 789 mile route are now considered questionable as regards the appropriate mode of construction? When no approved design has been developed for above-ground pipe? When through the southern two-thirds of its route, the proposed pipeline will traverse areas known to be subject to large earthquakes?

"These questions and others are raised in the Statement. In light of their significance, I do not believe we can classify environmental costs as 'acceptable'.

"4. A prudent and sound policy for administering national resources and minimizing environmental destruction should be based on the long-term public interest. It should not be bent or warped to suit the short-term gain of private interests.

"I believe the public interest requires that further exploration of alternatives should be conducted before granting the pipeline right-of-way. Trans-Canada pipelines, now under intensive study, may, in the end, pose fewer problems and hazards than the Trans-Alaska route.

"5. Last but not least is the impact upon fish and wildlife resources, certain to be highly significant; the certain destruction of the isolated character of Alaska's Brooks Range; the impact on the fragile tundra of the 100-foot pipeline right-of-way plus a separate 200-foot right-of-way for the proposed road.

"In the light of the legal, engineering, environmental and other grave doubts with which the Trans-Alaska Pipeline proposal is fraught, I ask that the application for a right-of-way be rejected. Until such time as alternatives have been carefully and thoroughly explored, and until questions of engineering and mode of construction have been resolved, this project should be delayed as a matter of America's national interest".

Thank you, Mr. Director, for the courtesy of including this statement in the hearing record.

Respectfully yours,
R. W. SOLBERG.

SALUTE TO SUZIE METZLER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. McCLORY. Mr. Speaker, it is most significant that my long-time friend, Suzie (Mrs. Harvey) Metzler, executive secretary of the Lake County Republican Federation and of the Lake County Republican Central Committee, is being honored in my congressional district on Saturday, March 28, 1971.

The "Salute to Suzie Dinner" provides an opportunity for her many long-time friends and admirers to recount some of the contributions which she has made to the political and civic life of Lake County, Ill., and of the 12th Congressional District.

Mr. Speaker, there are few if any of us who would question that political activity is among the noblest work which can be performed—for it is through political action that we construct our public leadership and continue to achieve the great goals of freedom which characterizes our nation.

Mr. Speaker, Suzie Metzler is no newcomer to political affairs. During most of her lifetime, she has worked at the grassroots level of our political system—serving as Lake County Republican chairwoman and as president of the Waukegan Women's Republican Club. For the past 10 years, Suzie Metzler has been at the helm of our Republican county organizations and, in her calm and winning way, she has indeed held the organizations together and combined the various parts into a unified whole. In a sense, she has epitomized the expression which our President has emphasized of "bringing us together."

Mr. Speaker, in addition to her talents as an effective and capable executive secretary, Suzie Metzler has fulfilled admirably her multiple roles as daughter, wife and mother in one of the most distinguished families of Illinois' 12th Congressional District.

Mr. Speaker, many will gather to honor Suzie Metzler at the "Salute to Suzie Dinner"—and I expect the privilege of being among those on hand to honor her.

Mr. Speaker, I am most anxious that you and my other colleagues in the U.S. House of Representatives are made aware of the respect and affection in which Suzie Metzler is held by her friends and neighbors—and I am proud to be included among those who will be paying tribute to her on "her day." I congratulate the Warren Township Republican Women's Club for arranging this affair, and for the enthusiasm of the club's president—George Anne "Mrs. Robert" Depke.

REORGANIZATION PLAN OF THE BUREAU OF INDIAN AFFAIRS IS IN THE BEST INTERESTS OF THE INDIAN

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. STEIGER of Arizona. Mr. Speaker, for those who might doubt that the reorganization plan of the BIA is felt to be in the best interests of the Indian I urge that he read this forthright and decisive speech. Peter MacDonald is not only a great Navajo leader, a great Indian leader but truly a great American.

The speech follows:

ADDRESS OF PETER MACDONALD, CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL TO THE NATIONAL CONFERENCE ON INDIAN SELF-DETERMINATION AT KANSAS CITY, MO., MARCH 8, 1971

Some of you have said that the Navajo Nation has not fully cooperated with other tribes in the common causes of all Indians—That the Navajos have stood apart from the common battle.

You are right! Many times we have taken a position without *due regard* for our Indian brothers. Today we break that pattern. We desire to join with all of you in united support of self-determination for all Indians.

Last July 8, I rejoiced when President Nixon declared "The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Today I no longer rejoice. It is rumored that the administration may abandon that policy. It is said that the reorganization of the bureau which is Indian-designed and which Indians would put into effect is about to go down the drain. It is reported that those who have always opposed Indian self-determination are now succeeding in their "divide and conquer" strategy. It is reported that area directors who have opposed Indian self-determination for 30 years and who have kept Indians in a state of dependency are continuing their efforts to keep us as dependents.

They are not coming out in the open—they never do—since they are more effective using Indian against Indian. They are spreading confusion, doubt and fear—and the very people who never consulted with us in the past, are now invoking the magic words "lack of consultation" to destroy the first genuine opportunity for self-determination which Indians have been offered in my lifetime. It is likely to be the last such opportunity if we do not seize it now and hold firmly together as one united group.

For many months there have been press releases indicating that one tribal leader or another was unhappy or insulted because he was not consulted—consulted before policies truly providing us the most freedom and flexibility ever seen were made known to the public. Neither were the Navajos "consulted" but we believe that our freedom is more important than being indignant at the bad manners of the bureau. Surely you all must believe in your hearts that the present opportunity for self-determination is more important than fussing about which of us are offended because we were not treated with the courtesy our posts as leaders should demand. A starving man must get the food in his belly—he does not worry about the correct spoon. He must eat! Likewise, those of us who are hungry for self-determination should take what has been thrust upon us without worrying about how we got such good fortune. Take what has been offered—then complain, if you will, about how you got it.

From the first days when the white man landed on our shores, he was able to find some of us who would pretend to speak for our people and sign away our peoples' rights, our land and our future. And they always give the white man a piece of paper which said the Indians had consented to the "give-away". So you see we have been "consulted" ever since Plymouth Rock. There will always be Indians who can be used by others as it is with all peoples and nations of the world. It is up to us to make sure that none of our people can be used to prevent self-determination.

It is an old story—Chief Tecumseh told his people in 1810: "A few chiefs have no right to barter away hunting grounds that belong to all the Indians—for a few paltry presents or a keg of whiskey, it requires *all* people to make a bargain for all."

Today a few chiefs may be bargaining away the opportunity, of all Indian people, for self-determination. It is not solely their fault, as old-line bureaucrats, the area directors and superintendents, have now banded together to attempt to find a few tribal leaders to provide the illusion of Indian opposition—an illusion created from fear, friendship or dependency. Let us work together to stop any internal disorder.

They are fighting this new day in Indian affairs which President Nixon has proclaimed, which Vice-President Agnew has proclaimed and which Commissioner Bruce and his Indian team have moved so effectively to carry out. Do not let your dissatisfaction with the urban Indian situation or other unrelated matters lead you from the feast of freedom which has been offered.

I cannot pretend to speak for all Indian people—only for myself and my own people which make up the largest Indian nation. We are one-third of all reservation Indians.

I plead with all of you to act together in supporting the policy and the actions of this administration.

Let me be more specific:

We should all support the system of rotation of area directors and superintendents.

We should all support the contracting out to Indian tribes the functions which in the past had been carried out by non-Indians.

We should support the use of the "Buy Indian Act" to enable the Bureau to purchase services from Indians which before were performed by Bureau employees.

We should support the redesignation of area offices and area directors as people to provide services and we should support the elimination of the old concept of Bureau officials as people who administer our lives, our affairs and our destiny.

These are bold changes—important changes—historic changes!

Can any of us dare to oppose these policies and take this opportunity from our people? Surely there can be no more than a scattered handful who insist on making a lot of noise at the expense of 500,000 Indians who have waited so long for real self-determination. Who among us can seriously oppose freedom?

Let us consider who has spoken out—have the urban Indians spoken? No, yet they constitute almost half of our total number. Has Indian youth opposed this policy? No, yet Indian youth represents more than 50% of the total Indian population. Has the reservation Indian spoken? Only a few, and these few have complained more about the bad manners of the Bureau, rather than in opposition to self-determination.

We should not let a handful divide the rest of us.

The hogan, the teepee, and the long house divided against each other will not stand—and we will not survive. That is exactly what some of the BIA administrators are counting on. They hope to buy time—they want to stop this forward motion. Every delay provides them with a new chance to stir dissention, cause confusion and undermine those of us who work for real change and great progress. Time is on their side unless we take a united stand now.

I have spoken of the complaints about lack of consultation. They are a smoke screen—A phony tactic.

We have been offered a choice: To keep things as they are, or to accept change at whatever pace and in whatever way we decide. Many think that the Bureau has not gone far enough. Our area director believes that the rotation system should have been made mandatory rather than voluntary. That way the ties which the old bureacrats have, the strings by which they manipulated Indians, the dependency that they cultivate and perpetrate will be destroyed once and for all.

You do not nibble at the chain of slavery—you cut it through clean! Once and for all!

But the Nixon administration has been more gentle, it has said: If we do not want to stand on our own two feet, that is our choice. But if we do want to stand tall, then the administration will respect our wishes—it has said: If we wish to take over certain functions, then we can choose which functions we want to take over; we choose the time period and if we fail or find it too difficult we can give it back and the old arrangement will be restored.

I call that a good deal—no one ever sold me a car with that kind of guarantee and no one ever took anything from an Indian and offered to give it back again when an Indian wants it back.

It is very easy and popular to have someone serve as a whipping boy and scapegoat. It is easy to let someone else make the decision and then blame him for the consequences. Then you can sound like a big militant and declare that if you had the power to make the decisions, you would not make such mistakes. That is easy and irresponsible.

It is much tougher when the Bureau turns around and says: All right, you make the decision—if you want the power, you can have it. If you want the positions, you can have them. If you want to run the programs, you can have them.

But then we have no scapegoat—we cannot pass the blame to someone else. We have to take responsibiilty and that is what self-determination means.

I have enough confidence in my people and in all Indian peoples to believe that together we can meet this challenge. Some of you may not share this confidence—some may be afraid that you lack the ability or strength to take on the job. No one is forcing any of us, we simply have been offered our choice.

Above all let us not deprive our people of the choice of self-determination by crying "termination", "coercion" and "lack of consultation". If anyone wants to keep the Bureau in its old form a scapegoat to blame and to lean and depend on, that is his decision, but do not spoil it for all of the rest of us who have waited so long for the opportunity to enter the world on an equal footing.

As a final word—let us speak with one voice in supporting the self-determination policies presented for our consideration here—let us before we leave this conference pass a resolution unanimously supporting the new policies for self-determination.

NIXON-REAGAN WELFARE REFORM APPROACHES COMPARED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner, in a recent editorial, discussed the welfare reform approaches of both President Nixon and Gov. Ronald Reagan, of California.

Because of the interest of my colleagues and the American people in this most important subject I place this editorial in the Record herewith.

The editorial follows:

Our Welfare Program a Monstrous, Consuming Outrage

Welfare—the program known by that name—has been called "the shame of a nation." President Nixon has characterized it as "a monstrous, consuming outrage." And the descriptions do not exaggerate. It is monstrous in its dimensions—and growing. It is consuming in the insatiable appetite—feeding at the trough which politicians replenish with greater outpourings of taxpayer dollars. It is outrageous in its contempt for principle, moral and economic; and for any sense of responsibility on either the receiving or the dispensing end of the habit-forming, something-for-nothing handout.

To say that is not to discredit the impulse of charity for the helpless. There are such in this land—and toward them a reasoning humanitarian duty exists. They are the very young and the very old, who cannot help themselves; and they may include the physically or mentally incapacitated. But there are no such numbers of these as to account for the millions now on relief, and the current increase now estimated at 200,000 a month. The valid needs do not exist in such proportions as to require the estimated current cost of $15 billion a year.

It is a political truism that everybody talks about "welfare"—and the necessity of reforming it—especially at campaign time; but nobody does much about it. It is a sensitive subject, but the sensitivity needs to be on the public side; in which it is not only a thorn, but an infection poisoning the body politic, and threatening to wreck both the social and the economic structure thereof.

The one man in a position of major stewardship, consistent in his treatment of this subject—proposing realistically to match deeds with words—is California Gov. Ronald Reagan. He hasn't marched up the campaign hill only to retreat when the chips were down. Among his proposals—for whose enactment he is stumping the state—is the requirement that unemployed able-bodied welfare recipients register for public-assistance work force projects aimed at making California a better place to live. That would not only make some jobs—it would go a long way toward getting a job done, looking to recovery of a major principle in constituent character.

Few men in public life, especially positions of leadership therein, have put emphasis on that principle. They have ignored it, or ridden over it roughshod—to the point that welfare has become a way of life, for families now numbering into the millions, some of which are in their third generation of free-loading, and are organized against any reform that would put them to work.

A barnacle load of such weight and dimensions can sink the ship of state—can swamp it financially; and ultimately, if corrective measures are not taken to prevent their political control, can take over whatever may be salvaged.

Significantly, Governor Reagan is beginning this reform movement in his own state—which would be Exhibit A in the matter of responsibility, solvency, and self-respect. It could, as he sees it, show the rest of the country the way out of its problem. It is as elementary as the pride and self-help principles with which this free land started out—further sustained by the conviction stated and shared, that every right carries with it a responsibility; whether it is the unalienable rights stated in the Declaration of Independence—or that of bringing children into the world. These are among the areas where lack of a commensurate responsibility can despoil, impoverish, and sink the ship.

The nation did not reach this day of reckoning in an instant—or last year—or in the last decade. It has been skidding along on this same downhill course for more than 30 years of political welfare-exploitation, and reckless social engineering.

It cannot be corrected, nor wholly reformed, overnight.

But it must begin—somewhere, and now. It could well be by a promising start in California, under the responsible leadership of one who has not changed his tune, or the major premise with which he started out, since constituents accepted him on his declaration of policy and intent.

In the judgment of this newspaper, the absolutely vital reform of a welfare system that is—as called—"a monstrous, consuming outrage" cannot come from the proposals of a guaranteed annual income, as now espoused by President Nixon's administration. That could only worsen the dilemma and compound its costs.

The Banner strongly commended Mr. Nixon's own determined expression, at Knoxville during the presidential campaign, that "Rather than placing more millions on the welfare rolls, we must have more millions on payrolls." It pointed out its own opposition to a guaranteed annual income in an editorial upholding the policy he stated in that campaign—wherein he said, "One of the reasons I do not accept a guaranteed annual income or a negative income tax is because of my conviction that doing so, first, would not end poverty; and second, while it might be a substitute for welfare, it could have a very detrimental effect on the productive capacity of the American people."

You don't, after all, convalesce by intensifying an illness. You don't get people off welfare rolls and onto payrolls by making it even approximately as profitable to stay on the former.

Governor Reagan has advanced a practical plan—an alternative to the route of disaster until now pursued.

He is right, and the majority of adult, thinking Americans know it.

OUR POSITION ON INDOCHINA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the administration is currently going to great lengths and making considerable effort to communicate one message: the United States will not request, pressure, urge, or stop the South Vietnamese from invading North Vietnam.

In fact, administration spokesmen go even further, implying the United States could commit its forces to aid such a mission.

First. During an interview on the CBS Morning News on February 26, 1971, Dr. Henry Kissinger, Assistant to the President for National Security Affairs, presumed that the President alone shall decide such matters as whether American forces can be committed to an invasion of North Vietnam.

The following exchange between Mr. Bernard Kalb of CBS News (Interviewer) and Mr. Kissinger is taken from the transcript of that interview.

> INTERVIEWER. Dr. Kissinger, could we get your thoughts on what we've been hearing about in a speculative sense of the President not ruling out the possibility President Thieu indicating that something might be underway at sometime in the future, his office charging about some move by the South Viet Nam, that is, into the North?
>
> Dr. KISSINGER. Well, it's a novel problem because so far it's North Viet Nam that invaded all the neighboring countries and the idea that any of the Indo-Chinese countries might be invading North Viet Nam would have been unthinkable, even a year ago. So that this indicates a certain evolution in the relative balance of strength.
>
> INTERVIEWER. Any change of the evolution becoming a reality?
>
> Dr. KISSINGER. Well, it's not the dominant probability at this moment.
>
> INTERVIEWER. Well, who would decide that, Doctor? The South Vietnamese or us?
>
> Dr. KISSINGER. Well, the United States will certainly decide, as the President has pointed out, about any American participation. The South Vietnamese could not involve us in any military move by any American forces even of a purely logistic nature without the approval of the President of the United States.

According to Dr. Kissinger, the approval of the President is all that is necessary for any American military move.

Second. One week later during his nationally broadcast news conference, Mr. Nixon commented on the possibility of the South Vietnamese invading the North. He said:

> President Thieu has to take the position that unless the North Vietnamese leave the South Vietnamese alone, he has to consider the possibility of going against the North. That is his position, and I am not going to speculate on what position he might take in the future. In order to defend himself, the right of self-defense, in view of the fact that he is being attacked, he is not attacking North Vietnam.
>
> Now, the third question is this one—whether or not the United States, through its air power, might support a South Vietnamese operation against North Vietnam? The answer to that is that no such plan is under consideration in this government.

He did not rule out the possibility of future consideration or implementation of a plan to invade North Vietnam.

Third. Before the winter conference of the Veterans of Foreign Wars here in Washington, Secretary of State William P. Rogers continued public acknowledgment of this Nixon position. Speaking on March 8, 1971, he said:

> There is no reason, when the South Vietnamese are as strong as they are, why they should be under any restrictions militarily.

Mr. Rogers continued that the aggressive posture taken recently by the South Vietnamese Army means that it is no longer at the mercy of the enemy. If a nation fights a defensive war, the enemy dictates the time and place of battle. "And you all know what that means."

Regrettably, the Nixon administration means that American forces are likely to be committed to supporting, at least, an invasion of North Vietnam. Even though Mr. Nixon did not spell out specifically in his press conference the probability of such American participation, he pointedly refused to eliminate it.

The American people have heard enough of this before—before Vietnam, before Cambodia, before Laos. That is why seven out of 10 Americans recently questioned by the Gallup organization doubted the administration was telling the whole story about our involvement in Southeast Asia.

No wonder so many are confused about what the administration is saying. Just a few hours after Mr. Rogers spoke, Vice President AGNEW said the administration would not approve of a South Vietnamese invasion of North Vietnam.

However, he clearly indicated that he did not want to be construed as foreclosing any of Mr. Nixon's options. He added:

> And the reason I say "may not (invade North Viet Nam)" is that I cannot really look into the future and foresee the conditions under which a military operation might take place.

Enough. The safe and immediate withdrawal of all American forces is long overdue. The United States cannot continue to pretend to be simply engaged in a defensive commitment to the Thieu-Ky government as it contemplates an invasion of North Vietnam.

The best and only route home for American forces is not through Cambodia, Laos, and North Vietnam. It is a direct route home.

QUEEN DEIDRE, OF CLEVELAND, 1971

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Cleveland has many fine residents of Irish descent who are being honored this St. Patrick's Day.

One of them is Miss Mary K. Cafferkey, a native of Ballycroy County, Mayo, Ireland, who will reign as 1971 Queen Deidre, of Cleveland, at the annual St. Patrick's night dance sponsored by the Cleveland Gaelic Society, Gaelic Football Club, and Irish Musicians Association.

Miss Cafferkey came to Cleveland from Ireland in 1966. She is a secretary for the Hanna Mining Co.

THE PLIGHT OF THE CONSTRUCTION WORKER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MICHEL. Mr. Speaker, during a press conference conducted while I was back in my district recently, there was a brief discussion of wages earned by construction workers. Shortly thereafter I received a letter from a construction worker's wife, Mrs. Mildred Spillman, of Creve Coeur, Ill. Her letter sets forth in plain, understandable language the plight of the construction worker when he is prohibited from working because of bad weather, strikes of unions other than his own, and so forth, and I include the text of her letter in the RECORD at this point:

CREVE COEUR, ILL.,
March 5, 1971.

HON. ROBERT H. MICHEL,
House of Representatives,
Washington, D.C.

DEAR MR. MICHEL: After hearing your comments over the radio last Saturday morning, February 27th, regarding the wages for construction workers, I tried to contact you by phone but found you were in Chicago. I tried to reach you Monday morning at your office and was told you had returned to Washington. I wanted to talk to you, giving you the opinion and comments of a construction worker's wife's view of the situation.

First of all, you said a construction worker could draw unemployment at a high rate of pay. I would like to know how to go about this. Unless unemployment laws have been changed recently, the weekly amount payable to an unemployed person is the same for everyone. Right now the minimum, I believe, is approximately $40. This, of course depends on the number of dependents.

Next, you must be off work for two weeks. Mr. Michel, don't you know that most time a construction worker is off perhaps one, two or three days at a time, due to rain, snow, cold weather, in between jobs, contractor waiting for another construction group to catch up so that his gang can continue, etc.? How can you draw unemployment in a situation such as this?

The construction worker does not get paid when he is sent home due to any of these conditions. He does not get paid for holidays or vacations. There is no pay for sick leave.

Now, Mr. Micheal, look at the risk involved in a construction worker's job. Do you think he should get nothing for the risk? Take for instance the man sitting behind a desk in an air conditioned office in the summer and a heated office in the winter. In the winter these men work hundreds of feet above the ground on beams, sometimes covered with ice and snow, risking their life for that pay. The temperature is down to zero. The man in the office is warm. In the summer the temperature is 90 degrees to 100 degrees and he is up on those same beams and cat-walks, taking the risk of being overcome by the heat, while the office worker sits in an air conditioned room and the temperature around 70.

There is a lot more that should be taken into consideration Mr. Michael, than just that hourly rate. Try it some time. You'll change your mind, I'm sure.

My husband has been fortunate the last few years and has worked most of the time (due to the fact that there is a lot of construction work going on right now); however, over a years time, he has not earned any more than the man next door sitting in an office at Caterpillar. He did not get paid for his two week's vacation, the time he was off sick, the two days off at Christmas, New Years, Thanksgiving, plus the rest of the holidays during 1970. He has been a construction worker for about twenty years and has never been able to draw unemployment.

My son, who is a steamfitter, was off work four days last week. He was working for a contractor who had a job at Hiram Walker's. Hiram Walkers went on strike so consequently they had to stay out also. The Walker employees can draw strike benefits. The construction worker can't. He could not draw unemployment either. He went back to work on the fifth day, getting one day's pay last week, less than $48 for the week. Monday and Tuesday of this week they would not let the construction workers in again at Walker's, but they did Wednesday and Thursday. Consequently, he will get two days pay this week. This happens quite often Mr. Michel, so if you will just weigh the construction worker's pay against the others, over a period of a year, you will find that the construction worker's W-2 form is no larger than anyone else's and most of the others don't have the risks involved.

I was at Proctor Hospital when I heard your comments over the radio. My room was $45 a day. In November I was in a room across the hall and at that time it was $35 a day. Can you account for this? A raise of $10 a day in three months and then you can say to freeze the pay of the construction worker? Why not freeze all wages?—lawyers, doctors, dentists, teachers, senators, congressmen, etc. Also freeze the prices on hospitals, pharmacys, prescriptions, groceries, etc.

How can you single out one job when that job over a period of a year gets no more than any other? Most of the time, not as much. I am speaking from years of experience; are you and Mr. Nixon?

Sincerely,

MRS. MILDRED SPILLMAN.

ARTHUR ASHE AND SOUTH AFRICA'S SUGAR QUOTA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BINGHAM. Mr. Speaker, on February 25, 1971, the Government of South Africa once again refused to grant a visa to tennis player Arthur Ashe. As I stated more than a year ago—the last time South Africa excluded Ashe from participating in its national championships—such a decision, while not surprising, is an outrage.

Shortly, the House Committee on Agriculture will continue hearings on the extension and revision of the Sugar Act of 1948. According to section 202(c) of this act, South Africa is permitted to sell 60,000 tons of sugar to the United States annually. She realizes profits of nearly $4 million from this sugar beyond what would be received by selling it on the world market.

South Africa's quota will be up for review, as will all other sugar quotas. One criterion upon which such quotas are allotted by the United States is the existence of "friendly government-to-government relations including nondiscrimination against U.S. citizens in the quota country"—source: the "Sugar Program of the United States," House Committee on Agriculture, December 1970, page 49.

In the past I have called for the termination of South Africa's sugar quota, based on, among other factors, that country's treatment of U.S. citizens like Mr. Ashe. I intend to remind the committee of this latest incident when I testify, and again urge the committee to adopt H.R. 600 which would terminate South Africa's total 60,000-ton quota, and redistribute it to Mauritius, the Malagasy Republic, Swaziland, and Uganda.

Reports on the rejection of Arthur Ashe's visa application from the Washington Post follow:

[From the Washington Post, Feb. 11, 1971]

ASHE TRIES AGAIN FOR TRAVEL VISA

Black American tennis star Arthur Ashe, twice refused permission to go to South Africa, has applied again for a visa so he can play in the South African Open.

A South African Embassy spokesman said yesterday that Ashe applied for a visa "over the last few days" and the application had been referred to Pretoria.

Ashe, who became a contract professional in October, is playing in a tourmanent at Philadelphia. He told reporters he did not know what the chances were of getting the visa.

In Johannesburg, tournament organizer Owen Williams said, "No official entry has been received. Ashe's application might still be in the post, but we have nothing concrete so far."

He described Ashe as a "well-behaved, elegant tennis player, adding that South African tennis would benefit from a player of Ashe's caliber competing.

[The Washington Post, Feb. 25, 1971]

S. AFRICA SAYS NO TO ASHE

CAPE TOWN, SOUTH AFRICA, February 24.—South Africa, for the third time, has rejected an application from U.S. tennis star Arthur Ashe for a visa, Interior Minister Theo Gerdener announced today.

Ashe, a black, applied for the visa to play in the South African Open tennis championships in April. His reaction in New York today was a statement in which he expressed "pity" for South Africa.

Gerdener's statement said: "The application of Mr. Arthur Ashe was again considered and in view of the fact that he is still persona non grata, his application was not granted. No other reason for the refusal was given.

POLITICAL CAPITAL FEARED

His previous applications were turned down because South African authorities felt Ashe would make political capital out of a visit here in the land of apartheid. He has stated that he had no political motives for the latest application and simply wanted to play in the tennis championships in Johannesburg, a major fixture on the world tennis circuit.

South Africa has granted visas to Australian aborigine Evonne Goolagong and a Japanese girl, Kazuko Swamats, to play in the championships.

Official sources verified that Ashe was considered persona non grata because of his alleged political activities. Ashe's name was the second on a list of 33 American Negro sportsmen who signed a petition for the exclusion of South Africa from the Olympic Games that was presented to the United Nations Feb. 20, 1968, the sources pointed out.

ZAMBIA VISIT CITED

They added that although Ashe had said he was interested solely in playing tennis during a coaching trip to Zambia (formerly Northern Rhodesia) last October he was quoted as saying that he "would always be more concerned with black liberation movements than about tennis."

While declining to say whether he would apply again in the future, Ashe said in New York, "Maybe it's over for me but to South Africa, I say, there will be more after me and more after them."

Owen Williams, director of the South African Open championships, said in Johannesburg he was "very, very disappointed" to hear of Ashe's visa refusal.

[From the Washington Post, Feb. 26, 1971]

State Regrets Ashe Refusal

State Department officials said yesterday the South African government's rejection of a visa for American tennis star Arthur Ashe was "a regrettable decision, particularly because of its racial overtones."

They said they had not received official word from the U.S. embassy of the formal rejection of Ashe's visa request but had seen news reports of the denial. Ashe, a friend of Secretary of State William P. Rogers, applied for the visa so he could play in the South African Open tournament in April.

BURLINGTON: A FRIENDLY CITY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHWENGEL. Mr. Speaker, the March 1971 issue of the Eagle magazine carried an article on the city of Burlington, Iowa.

It tells of the friendly atmosphere in Burlington, something I have known for some time. It also tells of the activities of Aerie 150, the Eagle Lodge in Burlington. The community activity record of this organization is excellent and worth emulation.

The article is worth reading and I commend it to the attention of the House. It follows:

Busy Aerie in a Friendly City—Bustling Burlington, Iowa, and a Hustling Aerie Have Warm and Winning Ways

(By Art Ehrmann)

A fellow could easily fall in love with Burlington, Iowa.

I did.

It isn't the wild infatuation that some develop for the chic, glittery places where the "in" crowds gather and where being seen is more important than being welcome.

Rather, it is a warm, comfortable affection for a city that is pleasant to look at and pleasant to be in, a community peopled by friendly folk who maintain some old fashioned ideas about the virtue of hard work and who place a high value on neighborliness.

For one who takes Eagledom to heart, an affection for Burlington comes even more easily because its Aerie 150 is, by any standard of measurement and gauge of success one of the very finest Eagle units anywhere.

Burlington, a city of not quite 35,000, is snuggled alongside the Mississippi River and its back yard is the bountiful farmland of Iowa; both of these factors contribute to its character and its charm.

Like many another progressive city in these times, Burlington has developed a growing ring of outlying shopping centers with smart shops, fine restaurants, plush motels and modern commercial establishments. Yet the downtown section keeps pace, retaining its vitality and vigor and showing no signs of the decay that blights the centers of so many cities.

This is a place of rare transportation advantages; it sits astride a major rail system, has air facilities, and is served by a network of highways. And, of course, the Mississippi is a barge-busy artery. Consequently, there are ninety manufacturers and processors in the area. Industry has a healthy diversification here and the economy is sturdy.

Most of the city's residences are single family dwellings; they have the attended-to look of being lived in by people who care.

The early river town heritage still shows in the big, lovely nineteenth century homes that stand in once opulent neighborhoods. Some are maintained to preserve their oldtime spendor. Many have been carved up for multi-family occupancy. All are reminders of an enduring tradition.

The city's parks alone would rate a separate admiring article. Adjacent Crapo and Dankworth Parks are vast; they offer a lovely variety of wooded glades and breathtaking horticulture as well as a wide range of recreational facilities. Toward the other end of town, Mosquito Park affords a magnificent view upriver.

Rightly proud of all that is Burlington is able and personable Mayor Raymond Eastin, an active Eagle. He is highly regarded among the Midwest's educators as his city's director of secondary education.

The community's excellent daily, *The Burlington Hauk-Eye,* now in its 134th year, is Iowa's oldest newspaper; it doesn't show its age.

Acknowledged to be the friendliest organization in town—as well as the biggest—Burlington Aerie 150 makes itself a very real part of the community, as opposed to merely being a lodge that just happens to be located there.

With a membership of 3,500, give or take a few, it is undeniably in the big Aerie class. Its size and strength and financial solidity enable it to do things in a big way. Yet its atmosphere is so warm and friendly and personal that a visitor does not get the impression of bigness, except perhaps in the large numbers of people who are enjoying themselves at their club.

One enters the richly accoutered second floor spread that is the hub of the Aerie's social life and he is at once enveloped by a unique sense of being with longtime friends. Everybody seems to know everybody else—and everybody seems to like everybody else.

The plush facility is generally conceded to be primarily the work of Trustee Bryan Lewis who planned and labored for two years to spearhead the team effort which resulted in as beautiful a set of social rooms as exists anywhere in Eagledom.

One of its features is a supper club type dining room which is crowded to capacity each noon and evening. "The reason we do such good business is easy," explains Secretary Norbert Cross. "We serve the best food in town."

Aerie 150 is a busy one. Something always seems to be going on—Saturday dancing on two floors of the club. Auxiliary parties for youngsters, Thanksgiving banquet for 1,000, bowling, golf, charity benefit events. You name it. They do it all in Burlington.

The Aerie keeps growing steadily. A different membership chairman for each month sets up his own plan and handles his own campaign. Last month's membership effort honored Nate Burt, 93, the Aerie's sole surviving charter member, who until fairly recently was at the club every day. The goal was 93 new members to match his age.

The percentage of producers in Aerie 150 is uncommonly large, but the officers are expected to do more than their part. Worthy President Norman Cooper (everybody calls him Ben) personally signed up 132 new members last year.

Outstanding leadership year after year is undoubtedly the key to the Aerie's steady string of successes. But here the generals work side by side with the troops—and work just as hard. Past presidents don't fade away; they stay interested and keep working.

Carl Bergquist edits the splendid Aerie bulletin. Denny Ahlberg is the Aerie's ace charity fund raiser; his chief aides are Harold (Big Ortie) Orton and Denny's pert wife, Lola. William J. Curley, who has held every job in his local and state Aeries, plus a few in the Grand Aerie, stays on as Aerie treasurer and lends his great abilities in many other ways.

Says Dick Peavey, food committee chairman, "Maybe the reason so many are so willing to work so hard here is that officers and leaders like Bob Corrick, Bob Fillmore, Louie Reed (now a Grand Trustee), Dale Stimpson, Milt Bardon, Russ Rawlings, Dick Fuller and Bob Orton, to name a few among many others, are so ready to pitch in and work, too."

The Aerie's list of contributions to community betterment is too long to detail but too important not to mention. They range from things as large as a $3,000 donation to Hope Haven, a rehabilitation center, to chores as humble as 37 Eagles braving the cold to cut a year's supply of firewood for the YMCA camp.

The Auxiliary is as good as the Aerie—this writer's idea of maximum praise.

Burlington, Iowa, has a lot of things going for it. Looming large among them is one of the truly great Aeries in Eagledom.

TAX CREDITS FOR COST OF HIGHER EDUCATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BLACKBURN. Mr. Speaker, as one who introduced legislation into the 91st Congress providing for the extension of tax credits for the costs of higher education, and as a current cosponsor of Mr. Coughlin's bill which would provide for identical benefits, I have received numerous communications from constituents urging that this bill be adopted.

Higher education has become a necessary prerequisite for bettering one's position in today's society. As the cost of higher education has risen to an all-time high, it is not possible for many of our ablest young people to receive this education. With the proposed tax credit program, middle-income parents would not only be able to afford a college education for their children, but they would be able to know the satisfaction of providing for themselves what the Government would have to provide otherwise.

For the information of my colleagues, I hereby insert letters received from two of my constituents:

CHAMBLEE, GA.,
February 18, 1971.

DEAR SIR: I am a voter from your Congressional District (4). I am also aware that you are on the Banking and Currency Committee in the House of Representatives. I was very interested in the bill that you cosponsored with eight-seven other House Representatives. I also understand Congressman Lawrence Coughlin of Pennsylvania joined with you in introducing the bill. The bill provided for tax credits for the costs of higher education. The provisions were, a tax credit of one-hundred percent to be permitted for the first two-hundred dollars spent on higher education; twenty-five percent of the expenses from two-hundred dollars to five-hundred dollars, and five percent of the expenses from five-hundred dollars but not to exceed fifteen-hundred dollars. The bill also allowed you to pay up to three-hundred and twenty-five dollars. Universities, colleges, business trade, vocational and technical institutions are covered if they meet Federal and State standards.

I feel, that in the long run this tax credit would save the government money. Under the bill, the people would have money for higher education and would not become wards of the government. If people are not financially able to seek a higher education they usually turn to the government or relinquish the thought of a higher education.

I think the biggest crime of all is when people have saved money for years for the college education of their children and have had to pay tax on the interest this money drew. With this in mind and the necessary cost of education and the price of inflation of everyday living, it is unfair to families with several children not to be able to deduct any of the costs of higher education. I am speaking here of middle class income tax payers. The middle class family usually encourages its siblings to seek a higher education, but when their time comes the family financially may not be able to handle these expenses. I agree with you that this bill would lessen the strain on the families where the situation occurs. You suggested it would promote education through private institutions rather than pushing students to tax supported colleges, giving more government money to private institutions. As private institutions are much more expensive, I do not believe this to be possible unless the government would allocate a sizeable sum to private institutions which would cause their costs to be lowered.

The government has given us Job Corps program for lower income families. School drop-outs and children of families who do not provide any higher education can receive up to ten thousand dollars worth of Job Corps training at the government's expense. Yet children of middle class families who stay in school and work for a higher education get no free assistance from the government. Therefore to keep more people from becoming wards of the government, education is the answer to keep more people making a liveable wage and in all fairness to those families spending thousands of dollars on higher education some tax relief is duly justified. I will be anxious to receive a reply from you on the tax credit bill.

Sincerely,

BARBEE COPLIN.

FEBRUARY 19, 1971.

Ion. BENJAMIN BLACKBURN,
House Office Building,
Washington, D.C.

DEAR SIR: My name is Anne Evans. As a voter and a student in your district, I am much interested in your tax credit for higher education bill. I feel this bill would be very profitable to persons like myself who are sending themselves to college.

I agree with the arguments for tax credits in *Tax Credits: Past Exprience and Current Issues.* I believe that tax credits for education could serve as a means of promoting interest in pursuing educational careers. This would also be a help to young people trying to help themselves to a better social position through a better education.

This bill should be a help to cut down on the presence of persistent urban and rural poverty. This helps people to improve themselves without the use of direct government doles. If increased education were made available at this lower cost, there would be a reduction in the number of those needing welfare in this generation.

With the increasing cost of a good education past the high school level, I believe that some sort of government assistance to students will soon become mandatory. The drop-out of students from colleges and training schools represents a substantial waste of highly trained manpower. Many of these students are of superior capacity and could excel in college level work, except for economic factors (Harold M. Groves' *Tax Treatment of the Family*).

There are obviously not enough scholarships to give to all those who qualify. I think that basically your bill is a good one. However, I feel that the introducers of this bill do not realize the cost of a good education.

I attend Georgia State University, which is one of the least expensive schools in the University System. For a full time student attending three quarters a year, the basic tuition cost is $405. This does not include books, transportation and activity fees which must also be paid. The $200 tax credit does not begin to cover these expenses. In higher than college education (medical school, etc.), this is only a drop in the bucket. I feel a more realistic rate would be 100% for the first $300 spent on higher education, 50% for expenses $300 to $500, and 5% of expenses from $500 but not to exceed $1500.

Thank you for your time.

Sincerely yours,

ANNE EVANS.

WHITNEY YOUNG CHOSE THE ROAD TO REASON

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. NIX. Mr. Speaker, it is now for history to decide the significance of the contributions made by Whitney Young, Jr., to his country and to those causes for which he dedicated his life. For myself, I have no doubt of the importance of the role he played in the advancement of social and human rights in America. The passing of Whitney Young leaves a void among responsible black leaders that will not be easily filled.

Whitney Young, Jr., returned to his native Kentucky today and was buried in Lexington. It is now for us to insure that those ideals for which he committed his life will not be buried with him.

Above all else, Whitney Young had an abiding belief that white Americans could be made to recognize injustices experienced by black Americans and move together to correct them.

He was as pragmatic as he was idealistic, as resourceful as he was imaginative. Whitney Young knew where power lay in America and chose to do battle where it did the most good—around the conference table, not on the street corner.

As executive director of the National Urban League, he called upon the white churches of the United States to integrate their services. The vast majority have.

He shed light on the discriminatory practices of many local labor unions and moved their parent organizations to demand reform.

He proposed a domestic "Marshall Plan" to make up for long years of employment discrimination and economic deprivation of black Americans. Much of that program was incorporated in the national effort to eliminate poverty.

He championed educational programs, job training, and placement programs increased Federal commitment to black businessmen, and had a hand in advancing every civil rights measure adopted in recent years.

He spoke out forcefully against the overindulgence of the news media in revolutionary and cynical protestations which inflamed passions and set Americans apart.

Whitney Young knew that the road to change was inseparable from the road of reason. There are too few men of equal intelligence and ability. His death is a loss to all Americans.

COMMISSION ON UNIVERSAL SERVICE CORPS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. CELLER. Mr. Speaker, on Monday, March 15, 1971, I introduced a bill to establish a Commission on a Universal Service Corps. The purpose of such a bill is to have a study in depth to determine the manner of creating, operating, and maintaining a Universal Service Corps in which young men and women would be required to serve, and through which they could be provided training to enable them to effectively participate in education, health, conservation, agriculture, and similar programs of service to the needs of this country. I ask further that such Commission look into:

First, the needs that can and should be met by the corps; second, the entities (public and private) through which the corps should work to meet those needs; third, the training that corps personnel should receive; fourth, the eligibility and service requirements and compensation and other benefits for corps personnel; fifth, the relation of military service obligations to compulsory service in the corps; sixth, the relation to existing service organizations, including Volunteers In Service To America, the Job Corps, the Teacher Corps, and the Peace Corps; seventh, the effect on employment opportunities; and eighth, problems under the Constitution in requiring service in the corps.

Such proposal has been made throughout history and is currently being discussed in relation to the extension of the draft. While many have been advocates of just such a corps, I believe the time has now come to explore the idea in all its ramifications, not only to stimulate a national dialogue, but to emphasize how our domestic needs can no longer be ignored.

We need definitive answers to the questions which the idea of a Universal Service Corps raises. Can we build a corps out of a manpower pool of men and women from all classes of society to serve the needs of life and living?

I propose that the Commission be composed of nine members:

Three appointed by the President from persons who are not employees of any government and who, because of their education or experiences, are especially qualified to serve on the Commission.

Three appointed by the President pro tempore of the Senate from Members of the Senate. Not more than two Members appointed under this paragraph may be of the same political party.

Three appointed by the Speaker of the House of Representatives from Members of the House. Not more than two Members appointed under this paragraph may be of the same political party.

I propose further that such Commission report to the President and each House of Congress no later than 18 months after the date on which the Commission is duly organized. I mandate that the final report contain a detailed statement of the findings and conclusions of the Commission, together with recommendations for legislative action.

In establishing this Commission, the Congress will seize the initiative to focus its attention on our youth, on our needs, and on our priorities.

HOW TO BEAT THE "CORRUPT CAPITALISTIC SYSTEM"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DERWINSKI. Mr. Speaker, a constituent has directed my attention to a very entertaining column by Tom Tiede carried in the San Juan, Puerto Rico, Star on Sunday, March 14. I presume the column bears definite factual relationship to some New York City hippie types who are enjoying a truly blissful existence under the benevolent administration of that city's fun-loving mayor.

The article follows:

HOW TO BEAT THE "CORRUPT CAPITALISTIC SYSTEM"

(By Tom Tiede)

NEW YORK.—Let's call the couple J. and K. They are young, early 20's, fairly educated, unmarried but living together and Hip with an upper case H.

They live in a rent-controlled apartment in lower Manhattan, but right now are not even paying the city-mandated minimum. They are in the midst of a rent strike because the landlord wants them to pay for their own lights and heat.

Neither is working. He gets unemployment compensation, she gets welfare. Both receive money each month from parents with whom they have nothing to do.

They rise at 10. Or maybe 11. Or maybe later.

They brush with tooth-paste ripped off a local supermarket counter, dry with towels copped from local hotels and dress in clothes supplied in part by the Salvation Army. He wears shoes he kept from the Army. She puts on bell-bottoms, knit blouse and wide belt shoplifted from one of the downtown department stores.

They eat a full breakfast, thanks to items purchased with federal food stamps, off plates which they walked off with from a neighborhood church party, using knives and forks provided by the landlord to whom they refuse to pay rent.

The morning mail is closely checked. There is a state report on their application for a federal education grant. There is a letter from a large manufacturing company apologizing for a fictitious complaint about a fly in its canned goods—"One case of our product has been shipped to you, please accept it along with our regrets that you were inconvenienced." There is also a note from the telephone company, along with stamps worth 75 cents which J. and K. were supposed to have lost (they didn't) trying to make a pay phone call.

The couple is overjoyed at the telephone refund, and decide to try again. They write another complaint on stationery picked up while visiting their congressman's office, and this time they say they lost $1.50 on an attempted long distance call from a 14th Street pay booth. They use an old Christmas seal for the stamp, since they know Post Office scanners will probably not spot the fake.

They pet their dog, which they got free from the SPCA, and whose veterinary bills are paid for by public assistance, and they leave their pad for the street.

It's to be a routine day. J. must give the employment service a list of fictitious employment refusals to indicate he is actively seeking work. K. must go down to the welfare clinic for new granny glasses and birth control bills.

They kiss goodby. Her lipstick is an Avon sample.

J. takes the subway, but does not pay. He arranges to have a young acquaintance drop a coin at the token attendant's feet, and while the man is distracted he jumps over the turnstiles. He picks up a paper from a garbage can, puts a slug in a candy machine and boards his transportation.

K., meanwhile, takes a bus to her destination. It's free of course. She gets on with a $5 bill and the driver winces because he is authorized only to take exact change. She winks, wiggles, pleads and he tells her to, oh, well, take a seat. She sits next to an old man whom she engages in conversation, tells him she is a runaway from Seattle who is ever so lonesome for her mom and dad and would he possibly consider lending her $1 to help buy a ticket home?

In the afternoon, J. and K. regroup at the public library, where they check out several books and read more of the day's newspapers. The newspapers carry lists of upcoming weddings, bar mitzvahs, etc., which they will crash for banquet goodies. The papers also provide them with times and places of free entertainment, such as exhibitions, recitals, lectures, etc., all over town.

For late lunch they go to an automat and eat the left-behind food of other patrons. For dinner they visit a more elegant place, enjoy a large meal, thank the waiter, give compliments to the chef and walk out without paying.

Finally, it's evening. And they have an important engagement, J. makes a phone call using a No. 1 washer instead of a dime. He gets instructions which he jots down with a pencil he was given once when filling out forms for veterans' benefits. Then they hitchhike to lower Manhattan and get out adjacent to the Federal Building. They are handed posters by members of a tax-exempt, religious organization and, you guessed it, spend the rest of the night chanting in a picket line, protesting the oppressive, corrupt, capitalistic society.

SPEECH BY VERA GLASER FOR THE MINNESOTA NEWSPAPER ASSOCIATION

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. KARTH. Mr. Speaker, in only a short period of time we have seen a new civil rights movement burst forth on the American scene. A new civil rights movement that is fighting the same kinds of prejudices, unjust laws, and inequities that were targets of the sit-ins of the 1950's. And with the rise of this new thrust for civil rights we are beginning to understand that the theory of male supremacy is as unequal, unjust, and foreign to our American ideals as the theory of white supremacy. The growth of the call for equal rights for women is impressing upon us that old sayings such as "A woman's place is in the home"—that have been supported by the power of law—are as invalid today as the idea that blacks should ride only in the back of the bus.

In any movement there are voices of outrage and by their volume and tactics these voices can sometimes cloud rather than clear an issue. At the same time there are what we have come to know as "responsible" voices. Unfortunately these so-called responsible voices are often said to be those who agree not to push too hard, or, shall we say, make their point and then quietly move to the back of the bus.

I mention that only because the author of the speech I am inserting into the RECORD today is widely recognized as a "responsible" voice for women's rights. But if that term is taken to mean someone who refuses to rock the boat, then the description does not apply. Rather, if it means a person who presents reasoned arguments in persuasive terms, then the description does apply.

The author is Vera Glaser of the Knight Newspaper, Inc., Washington bureau. I have heard people refer to her as "one of the best women reporters in Washington." By such a dubious compliment the speaker reveals the very bias that Vera Glaser opposes. I prefer to believe that she is one of the best reporters in Washington, believing that no qualifying designation of sex, male or female, is necessary when it comes to talent. And in this speech before the Minnesota Newspaper Association the issue of women's rights is indeed cleared and not clouded.

I include the article as follows:

Remarks of Vera Glaser, Correspondent and Syndicated Columnist, Knight Newspapers, Inc.—and Member of President Nixon's Task Force on Women's Rights and Responsibilities

It is an honor to appear before the Minnesota Newspaper Association, and to bring this distinguished group of professionals the latest vibrations from Washington on sex.

Needless to say, we could not have chosen a more fascinating after-dinner preoccupation. Since I come from a city with a man shortage, I am indebted to you for reversing the situation this evening. What a lovely ratio!

As I was scanning this audience, a line from the Broadway musical, "My Fair Lady," came to mind. Do you remember Rex Harrison's complaint about Eliza Doolittle's exasperating behavior? He traced it all to the fact that she was a woman.

Men, he concluded, are a marvelous sex.

I agree. And no matter what you may hear, read, or see on television, most of us in the women's movement agree.

I believe it says something very impressive about your Association that this predominantly masculine group seeks to inform itself tonight on the women's issue—an issue which has set off one of the most profound soul searchings of our time—in the United States and throughout the world—and is giving us, as human beings, new insights to ourselves and to each other.

Much of the ferment is erupting in Washington. We reporters in the nation's capital are chronicling the legal, economic and social pressures, directed against Congress, the White House, and the Supreme Court, to enhance the status of women.

I can report that some progress is being made, and hopefully we shall see more. It will come about, I expect, with the understanding and cooperation of fair-minded men.

But first, may I salute you as innovators for inviting the female of the journalistic species to speak here tonight. They tell me this is a historic first—and let us hope I avoid making it an ignominious last.

Seriously, I value this opportunity to communicate on a subject of importance to you as employers, as thought leaders, and as men.

I understand your Association is pioneering also in setting up a Press Council to open a dialog between the public and the news media. I congratulate you for courage and vision, and wish you every success.

When I spoke with Bob Shaw about coming here, I told him I would be happy to take questions after these remarks. Bob thought the group was too large for that. However, this is a broad subject, impossible to cover in half an hour, so I will be available afterward if any of you seek further information.

One of the most remarkable aspects of today's women's movement is the speed with which it has erupted. In two short years women's groups, ranging in philosophy from radical to conservative, are popping up all over . . . a body of research and literature has grown up . . . books on feminism are rolling off the presses . . . colleges and universities are launching women's study courses . . . demonstrations, "rap" sessions, parades, are commonplace . . . new leaders are emerging . . . new thinkers . . . a scattering of men are joining the movement . . . volumes of documentation on the second-class status of women in our society have been built up in the reports of Congressional hearings . . . an intelligence network is keeping women activists informed by at least four very professional newsletters.

So much is happening, in fact, that it may be time for editors to consider assigning full-time specialists to cover the women's movement in the same way specialists dig in on civil rights, economics, and foreign affairs.

Moreover, it is clear to me, as a political observer, that the women's issue not only was a factor in state races last November, but will have an even greater impact in the 1972 Presidential contest.

It is apparent to most of us who cover the White House that the Nixon Administration has been rather slow to recognize the political whammy in the women's movement.

On the Democratic side, however, at least one Presidential hopeful, Senator Birch Bayh of Indiana, is making an open bid for the women's vote by pushing the equal rights amendment.

For some women all this may be moving a little too fast. They feel like those monkeys who were shot into outer space. When they realized where they were, one monkey turned to the other and moaned, "What a way to make a living!"

The second monkey snapped back, "Yes, but it beats hell out of the cancer research lab!"

Despite the barrage of publicity, it is sometimes difficult to find men or women who really understand what the movement is all about.

For instance, David Susskind can usually be expected to listen with sympathy to any expounder of liberal causes on his TV talk show. But when it comes to women's liberation, he can hardly conceal his annoyance. He puts it down with sarcasm and ridicule.

Mr. Susskind is not alone. The response from the average male ranges from amusement to intense hostility. Rarely does it include the open-mindedness with which men discuss other issues.

To many men, the issue is either one they cannot take seriously (because they have been trained since birth about women's proper place, and any further discussion of it is frivolous), or it is an affront to their masculinity perpetrated by a handful of uppity women.

A woman's reaction tends to be different, but often no less hostile. Those who consider themselves "feminine," and have prospered by being so, feel superior and scornful of "feminists." Their attitude is "I've made it by accommodating men and working my wiles upon them. The fact that these women are complaining proves they lack charm and feminine instincts."

And many women quite honestly feel secure, happy and protected in their present roles of wife and/or mother. They resent the current trend that appears to belittle that role.

On the assumption that many of you may be mystified by the whirlwind, or disturbed by it, or infuriated with it, may I put one or two things in perspective.

When you read about bra burnings or trumpetings by some women to destroy our society and rebuild it from the bottom up, doing dire things to men—do not be deceived.

The outlandish antics, as we here know, get media coverage. They are not—repeat not—broadly representative of the women's movement. They are extremist fringes, as the black panthers are to the civil rights movement.

The well springs of the women's movement go back a century. When women worked to help free the slaves, they saw similarities in their status and that of the blacks.

More recently, when young women from the campuses went south to join the civil rights movement, they found themselves identifying more easily with the blacks than with the white boys. They knew how it felt to shut up, to take a back seat, accept segregation, exclusion from clubs, restaurants and meetings, to lower their sights and take work which was "realistically" open to them, to cope with imputations of natural inferiority, and to see themselves portrayed in print and picture as stereotypes rather than individuals.

For a hundred years the movement has been growing. It is deep, intense, and it is accelerating. It has been and still is powered by influential women organizations representing millions of female lawyers, educators, business and professional women, black women, republican and democratic women. In fact, the women of the two political parties, in an extraordinary move, have joined forces to push for equal rights. It has swept up the women—and many young men—on campuses. It is reaching into the home.

The women I have mentioned are not kooks. They are potent establishment groups. They are not strident. Their weapon is the law of the land. They are taking cases on behalf of women up through the courts—as the National Association for the Advancement of Colored People did on behalf of blacks—and breakthroughs are being made.

Many of these women activists are turned off, as you gentlemen and ladies may be, by extremist tactics.

But you will have to look long and hard to find a woman who disowns the concept—no matter what tactics are employed to convey it—that she be treated as a person in her own right, rather than as an appendage to a man, or an individual whose legal position is inferior to that of a man—which is the role our society and our laws traditionally have ascribed to women.

If women are to move ahead, it is important for fair-minded men to understand that the movement is not a crusade to take over the country or to dominate men.

It is an effort to win a fair share of the nation's economic rewards and political leadership—a share women have been denied by old fashioned attitudes and prejudice—but a share to which our numbers, our education, our training, our experience, and our qualities as human beings fully entitle us.

It is most emphatically not a war against men. It is a battle against a system which downgrades half our citizens, women, and places a crushing burden on the other half, men, bringing on a disproportionate share of ulcers, heart attacks, and early deaths. As such it robs the entire society.

No society is so rich that it can afford to waste educated brain power. Yet that is what we do with our women.

Dr. Estelle Ramey, the distinguished physiologist, wrote recently that women also have noticed that some of our men are willing to pay almost any price for the privilege of getting out of the house, away from the wife and kids, out into the world where the action is, to any job, however dull, anywhere but the security and comfort of the home.

Could it be possible that security and comfort are not the pinnacle of human happiness? Many of us think so. After all, women in harems have reached the ultimate in security and comfort—they don't have to worry about anything. They just have to wait their turn.

When Bob Shaw spoke with me about coming here tonight, he said, "Tell us how a woman really feels about this."

Well, I suppose there are a lot of things I could say about how I feel personally—about how it feels, after a twelve-hour day on the campaign trail with no time for a meal, to suffer the humiliation of being turned away from a restaurant because you are unescorted . . . or how it feels to know you are as well qualified, perhaps more so, than the next person, and to have a prospective employer look you in the eye and say, "I prefer a man in that job." (Can you imagine what would happen if he said that to a black?) . . . or how it feels to learn you've been called a lesbian because you are interested in equal rights for half the population of the country, women.

But those are personal views, and subjective. You will be more impressed, I believe, by a poll taken in January by Louis Harris.

It was the most far-reaching survey of women's attitudes done so far.

In releasing it, Mr. Harris said:

"What we are reporting today is a state of mind among women comparable to black attitudes in 1962, just prior to the emergence of Martin Luther King, or among college students in late 1967, just prior to the surfacing of young people behind Eugene McCarthy in 1968.

"The underlying mood of women in America today," Mr. Harris said, "is one of conflict, frustration, deep division, and change. And yet the enemy barring the gates to the liberation of women is not men, inflexibly blocking the way, but women's lack of confidence in herself."

Mr. Harris did not find women ready to kick over the traces of their motherhood and wifehood. But he did find that 64 percent of them want more day care centers, and one fourth of all women with children under twelve would go to work if day care were available.

A plurality of women also feel that "most men find it necessary for their egoes to keep women down."

These are real storm signals, in Mr. Harris' view. Women can be expected increasingly to express resentment at being judged by something other than what is inside their heads. They want to be appreciated for their minds as well as their bodies.

When President Nixon named thirteen of us to a task force on women's rights and responsibilities in late 1969, some of us discovered for the first time the shocking fact that the laws and courts of this country are hostile to women.

A woman does not have the right, as a man does, to retain her own name in marriage.

She may not maintain a domicile apart from her husband.

Prostitution laws punish a woman for selling her body, but not the man who patronizes her.

Women have been given longer prison sentences than men for the same offense in Connecticut, Pennsylvania, and an unknown number of other states.

To top it off, the Supreme Court has never accorded the protection of the 5th and 14th amendments to female citizens, as it has to blacks and others. It has upheld or refused to review laws and practices making discriminatory distinctions based on sex.

The report our task force submitted to the President was called "A Matter of Simple Justice." Some of you may have seen it. It contains a moderate program of change designed to wipe out some of the existing legal inequities between the sexes. It made 22 recommendations and called for a national commitment to changes that will bring women into the mainstream of American life.

More than a year has passed since the report was submitted. What have the results been? Has it done any good?

I suppose if I were writing a headline, I might say, "Report goes over with Nixon Administration like a lead balloon."

But in checking the recommendations point by point recently, I was pleasantly surprised to find that there has been action on about a third of them. It came about largely in response to the fierce lobbying and pressure of women's groups, but certainly the Administration can claim a share of the credit.

Here are some of the accomplishments:

For the first time in history, the Justice Department has filed suit to give women equal employment rights under Title VII of the Civil Rights Act.

Moving against Libbey-Owens-Ford Company and the United Glass and Ceramic Workers Union (unions, incidentally, have collaborated in the discrimination against women)—moving against the company and the union, the Justice Department won a consent decree giving women employees equal access to jobs from which they had been barred, and a system of redress for past inequities.

The Justice Department also filed a brief on behalf of Mrs. Ida Phillips in her suit in the U.S. Supreme Court against the Martin Marietta Corporation. The firm had denied Mrs. Phillips a job because she had preschool-age children. The Court ruled that unless the same personnel policy applied to men, it was a violation of Mrs. Phillips' civil rights.

Secondly, the Department of Health, Education and Welfare has moved to cancel federal grants to colleges and universities whose hiring and salary practices discriminate against women.

On pain of having its federal money withheld, the University of Michigan became the first to adopt a plan designed to wipe out sex bias on its faculty. The University of Pittsburgh followed.

Complaints are pending against more than 100 other educational institutions, including Harvard, the entire state university system of California, New Jersey, and many others, including I believe the University of Minnesota.

Thirdly, day care for economically deprived kids would receive $386 million in federal money in the first year of President Nixon's family assistance plan, if Congress passes it.

These are some of the recommendations in our report which are moving toward reality.

On the negative side, the White House is still letting men make the decisions on the women's issue. Presidential Counselor Robert Finch handles the problem, when it is handled, as does Presidential consultant Leonard Garment. The priority it is given is indicated by Mr. Garment who refers to himself as the President's "odds and ends" man.

Our task force also urged passage of the equal rights amendment to the Constitution, which would ban sex discrimination by the government. The Administration has paid lip service to this, but has not pushed it.

As you may know, the equal rights amendment passed the House overwhelmingly last summer, aided by intensive lobbying from women. It died in the Senate after Senator Ervin attached crippling language. But a new effort by a coalition of women's groups is under way to get it through the 92nd Congress.

We think the amendment is needed to wipe out existing inequities concerning jobs, education, and domestic law. It would impose as many responsibilities on women as it would confer rights. It would make women liable for military service, although they would not be required to serve in functions for which they are not fitted, any more than men are so required.

When I was here last fall to speak to the Minnesota Press Women, I was impressed with the fact that a number of them are handling jobs not usually regarded as women's bailiwick. They were covering hard news, or serving as news editors. This, too, is a mark of your open-mindedness and willingness to innovate.

But it is only a beginning.

One of the most important challenges for business and government is to open opportunities for women from the bottom up. It is all very well to name women to the high-visibility top Administration positions, and certainly there should be more of that, but even more important is to make certain that women are considered for promotions at the very lowest level. Just because that girl over there is behind a secretarial desk, don't overlook her as a promotion possibility. When there is a steady upward floor of talent in the pipeline, it will be much easier to find women for the top positions.

Mrs. Elizabeth Koontz, head of the Women's Bureau in the Labor Department, believes that the most difficult barriers facing women are the invisible ones, all but unreachable by legislation. These are the barriers that will be lowered only when we have educated the human heart. For the real enemy lies within.

It expresses itself in all those unadmitted prejudices, unthinking assumptions, and outworn myths which, often so subtly, oppose the full development of a woman as an individual.

The grandmother of them all is, "A woman's place is in the home." But there are others:

A woman must choose between home and a job; she cannot do both well.

When a woman works, the chances are increased that her children will become neurotic or troubled.

Women are overly emotional; they can't be cool under pressure.

Women have intuition, but men have the logical, analytical minds.

Women are practical and down-to-earth, but only a man can think abstractly, take the larger, long-range view.

Women just don't have what it takes.

These are the kinds of prejudices women absorb from the world around them from the time they are little girls. From them a girl learns what is expected of her: that she may do things, but not too well; that she may aspire, but not too high.

These are some of the myths which condition a woman to put limitations upon her own expectations, to narrow her vision of the world and what she might do in it.

The really pernicious aspect of these myths is not that men believe them, but that women do.

I would like at this time to ask how many in this audience have daughters. May I have a show of hands? How many are parents of girls? (about half of the hands in the audience went up.)

Well, as you know, in our society little girls are trained from babyhood to be passive and sweet, and retiring. These are the prized "feminine" qualities.

Little boys are trained to be original and courageous and strong. A woman who shows originality, courage, strength and brains is often demeaned as "unfeminine."

Little girls, the studies also show are intellectually superior to little boys through high school. Then something happens. Little girls get the idea fast that brains may be a drawback in snagging a man. And so little girls begin putting on the act which will last a lifetime. The act might be title, "little old stupid me, and great, big intelligent you." The woman has discovered that society may penalize her for expressing her talents—and so education, ability, and the money invested in them go down the drain.

Last fall, when President Nixon was campaigning in Chicago, according to a UPI dispatch, he asked a group of women who greeted him, "Are you women's lib?"

They happened to be members of the Junior League and explained to the President that they concentrated on community volunteer work.

The President said "Good. I like a woman to be a woman."

Well, the President has had two news conferences since then, and one was limited to foreign affairs. You need strong knees and a voice that would cut through concrete to get recognized in the mob of reporters. In neither instance did I have an opportunity to place a question.

But I hope that some reporter, some day, will ask the President what he meant by that, "I like a woman to be a woman."

Did the President mean that the 30 million women who work, who constitute one-third of the country's labor force, should pull out and go home? Millions of them are heads of households with dependents, are helping put kids through college, or supplementing their husbands' substandard wages. More women than men are in poverty and in need of jobs.

Did the President mean that women should maintain a ladylike silence about the fact that their average earnings are sixty percent those of men and that the gap is widening? Or that a woman college graduate, on the average, earns about the same as a man with an elementary school education?

Did he mean that the women who are drawing unequal pay for equal work should meekly say, "thank you, mr. employer?"

Did the President mean that women should be happy about the fact that we stand today constitutionally about where the Negro stood in 1940?

Did the President mean that young women who aspire to be doctors, lawyers and engineers, should shift to such "feminine" occupations as secretary, nurse, and teacher?

Did he mean that the law and medical schools of this country should continue to enforce their unwritten quotas against women—quotas which have kept the percentage of women doctors in the U.S. to six percent while the Soviet Union's medical profession is 70 percent women?

Did the President mean that women reporters, to take one example, should never be considered for positions as city editors or managing editors, as their male counterparts are?

Did he mean that an abiding concern for home and family should cut off a woman—any more than it does a man—from participating in the outside world?

Because if that is what our President means, the youth of this country, the women of this country, and quite a few of the men of this country are light years ahead of him.

No one argues that the woman who chooses to remain at home should not be free to do so. We applaud her, although she may be a vanishing species.

But the woman who wants to contribute in the outside world should be permitted to make that choice without prejudice and without onus.

Senator Marlow Cook of Kentucky has four daughters and is a member of the subcommittee which held hearings last summer on the equal rights amendment. I covered the hearings and was fascinated when the Senator questioned one of the witnesses, a gorgeous blonde who happened to be an honor graduate of Harvard Law School.

The young lady told the subcommittee she had been offered no positions with law firms, although young men in her class whose grades did not match hers appeared to be in demand by prestigious firms.

"Did you pay the same law school tuition as the others?" the Senator asked. "Yes, indeed," the witness replied.

Then he asked, "Did the University inform your parents that their tuition money would not buy the same thing for you in the job market as the tuition paid for young men?"

"No," said the witness.

Well, if women are going to be shortchanged in the job market, perhaps they should get cut rates on their education, Cook observed.

Senator Cook's daughters, your daughters, and mine, will reach maturity in a world very different than ours. We grew up in a society which put enormous pressure on both men and women—and particularly women—to marry, as the socially acceptable thing, and to have children.

Today that pressure is falling away as we strive to reduce the world's population. More than that, many young women coming out of college no longer see marriage as the be-all and end-all of their existence.

At a result our values are changing. They must change in terms of what it is proper for women to do.

Our daughters must be given an opportunity—if they want it—to supplement or to replace the childbearing and child care function with something meaningful.

This is beginning to happen.

Over and over again, men ask me what do women want?

It can be boiled down to a few words:

Women want the opportunity to climb.

Think back for a moment on the jobs you have had. When you got that promotion, didn't you think at first, "I can't possibly handle this?" But you had to. You forced yourself to meet the challenge. By doing that, you forced yourself to grow.

But first you had to have the opportunity.

One of the great things to come out of the women's movement, it seems to me, is a rise in our self-esteem. The word "feminist" is becoming a badge of pride.

Mr. Harris' findings notwithstanding, women are discovering that they like and respect and trust each other. They are disproving those silly myths that they can't work together, that they are temperamental, catty, or have smaller brains than men.

If you think seriously about it for a moment, you will realize that equality for women is linked to many broader questions of social justice. It is more than an economic issue, more than a social issue, more than a legal and political issue.

Equality for women is a moral issue.

That is the challenge to you as fair-minded men, as communicators, as teachers, as one of the enlightened segments of our society.

One of the brilliant young thinkers in the women's movement, Lucy Komisar, has pointed out that the game we have been playing for centuries says that to be a man one must possess, one must control, one must dominate. Domination sometimes must be assured by force and violence.

Masculinity is equated with male supremacy.

But the masculinity game can't have a winner unless it also has a loser. That has been the classic status of women.

And now comes the beginning of a challenge to the masculine mystique of domination. It comes from those who were its first victims—women.

Today women are demanding new definitions of masculine and feminine that do not require the dominance of one sex over the other.

We reject all the myths about masculine aggression and feminine passivity. We seek to replace them with values that encourage human relations based on equality, compassion and respect.

The caveman mentality outlived its usefulness when technology made the bow and arrow obsolete.

Today men need a kind of courage that is only exhibited by those who have no doubts at all about their manhood, and that is the courage to assert their humanity.

We love you, and we are counting on your help. Thank you.

WHITNEY M. YOUNG, JR.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BRADEMAS. Mr. Speaker, the sudden death of Whitney M. Young, Jr., has robbed the Nation of one of its outstanding leaders.

During the past decade, a turbulent time of hope and despair, Whitney Young served as executive director of the National Urban League. He was a wise leader with a great record in winning job opportunities and working to unify America.

His death at the age of only 49 intensifies our sense of loss because his leadership will be needed so badly in the years to come.

In an address in Elkhart, Ind., in 1967, Mr. Young lamented the "active indifference" of too many Americans. He attributed many of the Nation's problems to this apathy. Whitney Young's philosophy was marked with positive activism, however. And no one could accuse him of indifference or apathy because his commitment to try to solve the problems of America was evident in his work as well as his words.

Editorial comment from the Elkhart Truth and the South Bend Tribune editions of March 13, 1971, indicate the high esteem with which he was held in the Third Congressional District of Indiana. He had many friends there. We all will miss him very much.

Mr. Speaker, I am inserting the editorials from these two Third District newspapers as well as a splendid article on Whitney Young by Philip Geyelin, which appeared on the editorial page of the Washington Post, March 16, 1971, in the RECORD:

[From the South Bend Tribune, Mar. 13, 1971]

WHITNEY YOUNG

The country cannot afford to lose men like Whitney Young Jr., whose sudden death at 49 takes from us one of the most effective civil rights workers.

As executive director of the National Urban League, Young worked on a realistic, practical level in seeking to improve the status of Negroes and wipe out the accumulated racial prejudices that mar our country.

He wasn't a propagandist whose posturing for crowd applause repulsed the very people whose attitudes need to be changed, and whose help is required in bringing about change. As he himself once said, "It isn't a question of moderate versus militant, but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectivenes."

Because he chose the pragmatic course, he suffered attacks from those who want instant remedies to ancient wrongs and believe erroneously that these can be achieved best by belligerent words and threats. One of the nastiest attacks against Young appeared recently in the New York Times Sunday magazine, which labeled him an Oreo cookie—black on the outside and white inside.

The full extent of Young's achievements cannot be measured today. Many of the programs he helped to create, and the personal impacts he made, are only beginning to show results.

By coincidence, on the same day Young died, former Gov. Otto Kerner of Illinois gave an encouraging report on the racial situation in the United States.

Kerner headed a presidential commission which warned that racism threatened to split the nation. Now he states his conviction that great improvement has been made in the racial situation. While blacks and whites are drifting further apart in some communities, he said, the general mood is improving.

Now a federal judge, Kerner told a press conference that laws alone won't provide the answer for further improvement. He said the problem is "not in the White House, not in the halls of Congress, or the governors' offices or the state legislatures," but between individuals on a personal basis.

Perhaps Kerner's encouraging report is as good a eulogy to Whitney Young as could be made. His persistent, intelligent work contributed significantly to the improved atmosphere.

[From the Elkhart Truth, Mar. 13, 1971]

WHITNEY YOUNG, GREAT AMERICAN

The shocking death Thursday of Whitney Young, Jr., 49, has cost this nation not only an outstanding civil rights leader, but also one of the greatest Americans.

As executive director of the National Urban League, Young dedicated his career to the elimination of segregation and discrimination in U.S. life.

None could outdo Young in expressing eloqeunt indignation and stinging rebukes against injustices suffered by American blacks.

Truth editorial page readers know this well because we have carried his column weekly since May 31, 1968.

But Young's great talent was in achieving practical results toward his goal—and in doing so within the framework of the American system.

In the spring of 1964, the national Urban League announced plans to fight poverty and despair in black communities.

Two years later, Young was able to report the league had obtained jobs for 40,000 unemployed blacks, and better jobs for another 8,000.

Young was condemned by some black militants for spending so much time with whites. Once he observed, in connection with his job in New York City:

"I think to myself should I get off this train this morning and stand on 125th Street cussing out Whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

His choice was to go down and talk with GM or some other big firm. He inspired a good many other black leaders to take a similarly constructive attitude.

Young said the Negro was in revolt not to change the fabric of society or to seek a special place in it. but to enter into partnership in that society.

Whitney Young was a man of immense personal charm and persuasiveness as Elkhartans well remember. In 1967 he spoke at the annual dinner meeting of the Elkhart Urban League. Also he spoke that year before a jam-packed breakfast meeting of businessmen at Hotel Elkhart, and was well received.

Elkhart's own chapter of the Urban League has reflected Young's own philosophy, with a multi-faceted program for bringing equality and inter-racial good-will in our community.

One of Young's remarks in Elkhart deserves to be remembered in particular, as others seek to fill the big void left by his passing:

Really good or really evil people are not the problem, he said. but rather the "large majority of Americans doing nothing." He called this "active indifference." It remains one of the big problems because while much has been done to remedy racial discrimination, there is a long way to go.

[From the Washington Post, Mar. 16, 1971]

"THE LOSS OF WHITNEY YOUNG"

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Bayard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber. . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendous sublimated anger and he turned it into creative acts." His achievements were very practical ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strengths. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an acadamic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, for none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen—that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counseled with Presidents; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with that patient impatience to the end. "We have to talk to people who are hungry *tonight,*" he said at another point while he was in Lagos. "The rats are biting the kids *tonight.*"

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

CONGRESSMAN WRIGHT CITES LENORA ROLLA AS DEEPLY DEDICATED HUMANITARIAN

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. WRIGHT. Mr. Speaker, on the evening of Friday, March 19, it will be my privilege to join in a communitywide salute in Fort Worth to one of the most dedicated humanitarians I know, Mrs. Lenora Rolla.

Over the years Lenora Rolla has helped so many of her fellow human beings in so many ways it is difficult to sum up all her altruistic activities. Teacher, journalist, churchworker, government employee, social work volunteer—she has fulfilled all these roles and more.

Perhaps the success that has crowned her efforts is due at least partly to her own unique personal philosophy. She likes to consider herself as "one of the Lord's favorite servants." She says:

> He can call on me any time.

As the most recent achievement in Mrs. Rolla's long career, she took the leading role in the establishment of Fort Worth's East Hattie Street Haven. This is a neighborhood center that gives help to people of all ages. It is a real asset to our community.

Friday night Mrs. Rolla will be honored at a banquet in Sycamore Park Recreation Center in Fort Worth. Characteristically, she has insisted that all proceeds from the banquet be used to support the Hattie Street Haven.

Mr. Speaker, I insert in the Record the following story by Paul Rowan from the March 9 edition of the Fort Worth Star-Telegram. The article pays a well-deserved tribute to Mrs. Rolla for her dedicated and unselfish contributions to the life and the people of our city:

Youth-Oriented Refuge: Operating Haven Takes "Tire" Out of "Retirement"

(By Paul Rowan)

Mrs. Lenora Rolla is a very retiring person.

But then, she's a very unretiring person, too.

Three years ago, for instance, she unretired as a retired college dean to contribute to the beginning of the East Hattie Street Haven.

She also has retired from governmental work, insurance work, teaching and journalism. "I've retired so many times I hardly remember what I'm retired from."

And sometimes, she says, the retiring and unretiring can become just plain tiring.

"I used to tell the Lord, 'Don't you know that I get tired sometimes?'

"Then I decided that maybe I'm one of His favorite servants, and He can call on me anytime."

The youth-oriented haven, Mrs. Rolla said, is "really a follow-up to this Christmas cheer thing that you hear once a year . . .

"I have always felt that if any group of individuals had the proper assistance and knew that someone was concerned, they could work themselves out of any predicament."

"We work with all ages of people. A man has been in here this morning looking for clothing. As cold as it is, he had on no socks.

"We ask very few questions when they come in. We try first to accept them as people and communicate with them and respect their dignity."

Mrs. Rolla also holds many offices at the East Annie Street Christian Church. She does not live in the Haven area, but helped found it because her church was in the area.

"I've been criticized, too, because they say the area around her home on the far West Side is as bad an area as here. But I do go to church in this area.

"For a long time, I felt like an outsider." This feeling passed, she said.

The haven is located in an old firehouse at 1525 E. Hattie. It is rented from the city—"for $1 per year, and we're two years behind on that."

Despite a volunteer staff and donations, funding is the major problem for the Haven, Mrs. Rolla said.

But part of that problem may be solved soon. Friends and admirers of Mrs. Rolla decided in late January that she has earned some sort of recognition, and began plans for a Lenora Rolla Testimonial Banquet.

A committee was named to set the dinner, and, said one committee member, Mrs. Rolla agreed to the idea "only when she was convinced that any proceeds would be donated to the Hattie Street Haven . . ."

The banquet will be at 6:30 p.m. March 19, at the Sycamore Park Recreation Center, 2525 E. Rosedale.

Tickets, at $5 per person, may be obtained by telephoning or visiting the testimonal headquarters, 1109-A Evans Ave., 332-2715.

Mrs. Opal Lee, one of the committee members, said anyone may attend.

Mrs. Rolla said the Haven could use some items: "We're short on furnishings and equipment. And we really need professional staff."

Mrs. Rolla is a graduate of Alcorn A&M, with a degree in mathematics. She spent 20 years in the insurance business before becoming a teacher in Mississippi; then, during World War II, she worked with the U.S. Maritime Commission in Washington, D.C., where she also aided Settlement House, a social work project.

She returned to Fort Worth where she worked as a funeral director and burial association manager, then began editing the Dallas Express, the oldest black newspaper in Texas. She left that job in 1955 to become dean of women at Jarvis Christian College in Hawkins. She retired from that job in 1958 and returned to Fort Worth.

And there were other jobs in the meantime, such as an administrative assistant for Sen. Don Kennard.

Mrs. Rolla was asked the most important thing she has done.

"The most important thing? That was to marry Jake Rolla, who lets me do all these things."

Her husband is a retired Texas & Pacific Railroad man. Mrs. Rolla said he has never complained about her activities.

Mrs. Rolla said she feels the Haven is important because it provides aid for persons who live in a community where poverty and misdeeds are commonplace.

But the Haven isn't exempt. Not too long ago, for instance, vandals broke into the building and, among other things, poured paint on the floor.

"The people in the community came in and really cleaned it up," said Mrs. Rolla.

"I know there were more involved in cleaning it up than were involved in the vandalism."

"Until very recently, I stayed awfully long hours (at the Haven). Now the people in the community have started relieving me and I can leave almost any time I desire and leave some responsible person in charge.

"The community is becoming involved. It's not involved yet to the extent that we would have.

"I'm looking forward to the community taking it (the Haven) over any minute now.

"My fishing poles are in the trunk of my car."

THE SENIORITY SYSTEM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JACOBS. Mr. Speaker, this is the statement I did not make before the House Democratic caucus today:

Mr. Chairman, I have never opposed use of the seniority system for the purpose of assigning office space to members of Congress. Lining up for better offices and other such conveniences relates to members as individuals, and is along the line of the familiar American practice, "first come—first served."

That's fine for members as individuals.

But we are not here just as individuals. Each of us is here principally to represent the majority view of nearly a half million Americans. And no district of them has seniority over another.

A requirement that these various points of view line up to determine which will be given Committee and Subcommittee chairmanships, rather than putting them to a vote just as they were put to a vote back home—the seniority system which requires this is out of line itself. Out of line with representative government. Out of line, as a matter of fact, with what we call our own Party. Out of line with everything we were taught as children to believe American democracy means.

So I oppose the disproportionate representation function of the seniority system. I'm old-fashioned. I still believe elected representatives should be elected, and representative.

But, Mr. Chairman, there is one thing even worse than the seniority system. And that is the FIX.

Everyone knows full well this is exactly what has taken place in arranging subcommittee chairmanships in the D.C. Committee. The FIX in favor of thought control. The FIX against a valid point of view.

There are many in this Caucus and many in this country who believe that just as in England, and Italy and France and Germany and all the other Western democracies, there should be local democracy in the Capital of the American democracy.

This a point of view so valid as to have been included in our national Party platform.

Despite this, the Democratic Chairman of the House District of Columbia Committee opposes not only the point of view but also opposes so much as even giving that point of view a fair public hearing.

This is why Mr. McMillan has attempted contortion of his beloved seniority system and passed over me for a Subcommittee chairmanship. After all, he and his collaborators say, Jacobs doesn't believe in the seniority system anyway—which is roughly equivalent to saying that even though you cooperate with the income tax, if you don't believe in it, you shouldn't get your refund.

Though I oppose the seniority system, I have cooperated with it by recognizing the various Committee and Subcommittee chairmen of the House and by not throwing up roadblocks such as unlimited quorum calls and other points of order which would tend to make even slower the operation of this House.

It is obvious that as an individual I have been cheated from a personal honor because of my support for the Democratic Party platform plank of democracy for the District.

One might assume that I come here today to ask for restoration of this personal honor.

I don't at all.

I am content to be the victim whose case has exposed the hypocrisy of a system devoid of democracy.

I accept being denied the personal honor of a Subcommittee chairmanship. I accept this with pride in the knowledge that I have single-handedly broken the seniority system.

This honor I waive in good conscience because in doing so I waive something which accrues to me personally.

What I cannot waive in good conscience is the democratic right in a Democratic Caucus for this Democratic platform point of view which many D.C. Committee Democrats and I support—the right of this point of view to be represented by the Subcommittee chairman who assumes the post I might have had.

Therefore, bearing in mind the fact that by Mr. McMillan's action the seniority system is no longer relevant in the House District of Columbia Committee, and, in the event that he will have been elected, I shall move the Caucus at its next meeting to instruct that our Democratic nominee for Congress from the District of Columbia, Walter B. Fauntroy, be made Subcommittee chairman in my place.

Mr. Fauntroy has the point of view to which I have referred as being held by many Democrats on the D.C. Committee.

And, if elected, he will have something else, too.

Mr. Fauntroy will have something else which no member of the House District of Columbia Committee and, in fact, no member of either body of this Congress can claim.

Mr. Fauntroy will have "the consent of the governed."

CONTROL OF PSYCHOTROPIC DRUGS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHEUER. Mr. Speaker, a United Nations Conference in Vienna attended by representatives from 71 nations has concluded its work on an international convention on the control of psychotropic substances. These new synthetic drugs of abuse are threatening young people not only in American cities but around the entire world. The new international convention is aimed at curbing this growing problem by applying new reporting, licensing, and export-import controls on the manufacture and distribution of manmade psychotropic drugs.

I was privileged to attend the Conference by virtue of your appointment of me as a congressional adviser to the U.S. delegation. I am grateful to you for this opportunity and would like to make some brief observations concerning this new treaty, its scope and purpose, as well as the challenge of the job left to be done.

The principal international instrument for the control of drugs of abuse is the 1961 Single Convention on Narcotic Drugs. The United States and nearly 80 other nations are parties to this treaty, which provides for the international control of all opium and narcotics substances. Although the treaty also contains provisions designed to control certain nonnarcotic drugs, such as marihuana and cocaine, it was not designed to control the new synthetic substances.

In the last 5 years, the drugs which make up the pill culture—the amphetamines, barbiturates, hallucinogens, and tranquilizers—have become the major drugs of abuse on our college campuses, in our city elementary and secondary schools, and in our slums. At the same time inadequate and inconsistent regulation of the manufacture and trading of these drugs has permitted them to enter international trade and thereby feed the growing habits of even larger numbers of drug abusers in many nations. This fact coupled with the fact that the Single Convention was not designed to regulate the psychotropics, that is, the pill culture, caused the United Nations, after several years of preparation, to convene a conference in Vienna during January and February of this year to prepare a new treaty governing international traffic in pills and their ingredients.

As a result of this conference, on February 21, 1971, the Convention on Psychotropic Substances was signed by 20 nations and opened for ratification. It provides for a system of international and national controls to insure that these drugs will no longer be abused and that those which are most dangerous will be limited to medical and scientific uses.

The nations which helped draft the treaty agreed to establish the following control measures:

First. Licensing of all those who deal with the drugs;

Second. Restriction of the use of these drugs to legitimate uses by prescription requirements, quota controls or other means;

Third. Maintenance of records and conduct of inspections at all levels of handling;

Fourth. Export and import controls;

Fifth. Submission of statistical reports to an international control body on the manufacture of and trade in psychotropics.

The treaty authorizes an existing international narcotics control body, the United Nations Commission on Narcotic Drugs, to publicize violations or abuses of the treaty and to recommend enforcement measures. Worldwide publicity and pressure, combined with the possible curtailment of the trade in drugs with a country which violates the treaty's provisions, are thus the document's only enforcement measures. Given the great desire of the international community to control this devastating traffic and the consequent public pressure which can be brought to bear against any country which willfully violates the treaty, I am hopeful that these enforcement measures will produce broadscale and meaningful compliance with the provisions of the convention.

Mr. Speaker, I am proud of the conduct and competence of the U.S. delegation. The U.S. delegation, composed of representatives from Justice, HEW, State and Treasury—Customs—and from the Congress, was active and effective, both in the formal conference sessions, and in the parlors, corridors and coffee rooms, where much of the most useful work of the conference was accomplished.

The head of our delegation, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, and U.S. Representative to the U.N. Commission on Narcotic Drugs, did a thoroughly professional job. Mr. Ingersoll was spokesman for the United States on the entire range of complex technical treaty provisions as well as on the important and delicate international political issues of the Conference. Under his astute leadership, the U.S. delegation played a leading role in the formulation of some of the most important provisions of the treaty. Additionally, Mr. Larry Hoover, the highly competent and resourceful legal officer for the U.S. mission in Geneva; Mr. Harvey Wellman, Special Assistant to the Secretary of State for Narcotics; Mr. John Miller, Chief Counsel, Bureau of Narcotics and Dangerous Drugs; and Mr. Charles Bevans, assistant legal adviser, Department of State, were also unusually effective.

Mr. Speaker, the U.S. negotiating team clearly and persuasively asserted its leadership role in the field of international controls over drug abuse. The positions which it took on the various issues were basically sound and were consequently accepted by the Conference. Some delegations from the Western developed nations were identified either as opposed to meaningful controls or else in favor of the strictest theoretical controls regardless of the practical problems they might create. The U.S. delegation took a realistic rather than a doctrinaire approach. Consequently, it was able to enlist strong support from manufacturing as well as developing countries on some of the most important issues.

In fact, one of the highlights of the conference came during one emotion-laden debate when the representative from Togo strongly criticized several of the European representatives for trying to weaken the treaty by adding loopholes and escape clauses. He then warmly endorsed the U.S. compromise proposal as a realistic contribution to a sounder, more effective, more widely acceptable treaty. Indeed, he heartily congratulated the United States for its strong leadership throughout the conference.

Mr. Speaker, the U.S. delegation to this important conference has helped create a workable international instrument for the control of synthetic drugs. Our Government showed a healthy recognition of the dangers of psychotropic substances and demonstrated its desire to take a leading role in controlling their use and abuse. Any other tactic would have caused our Nation great embarrassment, since we are demonstrably one of the principle manufacturing sources of these new drugs.

Our Government made it clear to the international community that we intend to do everything in our power to curtail the abuse of these substances. By seeking strong controls on these new drugs of abuse, we have enhanced our ability to press for more effective controls in the traditional narcotics field, where we have yet to develop adequate action programs to regulate and control the world supplies of illicit opium and heroin.

Mr. Speaker, the 1961 Single Convention on Narcotic Drugs and its predecessor documents have provided the legal and administrative framework for effective control of the international traffic in those narcotic substances which are required for medicinal and scientific purposes. But, while the international community has successfully prevented the diversion of legitimately grown and manufactured narcotic substances into illicit channels, it has failed totally to build upon this solid foundation to eliminate the illicit traffic in opium, its derivatives, and the other narcotic drugs, which have found their way into virtually every town and hamlet of America.

The danger exists that we shall commit the same error when the Protocol on Psychotropic Substances takes its place alongside the Single Convention. We have learned by experience that treaties are not enough. America must play a more vigorous, more effective leadership role in developing a specific and comprehensive program of tough international controls which will build upon these two international documents to eradicate completely the traffic across national boundaries of mind-altering drugs, to keep them out of our neighborhoods, and out of the hands of our kids. I will shortly present such a program to you and I hope that my colleagues in the Congress and the administration will consider it as a useful basis for discussion.

We must act and we must act quickly if we are to stop this scourge which is literally killing our cities and our youth.

CONSTRICTIVE ANSWERS TO THE PROBLEM OF LOGGING RESIDUALS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SHOUP. Mr. Speaker, Montana's First Congressional District is large, some 65,000 square miles, comparable in size to the State of Washington. Of this area, approximately one-half is Federal land with 23,000 square miles of national forests. We, in western Montana, live and work in little enclaves located within these Federal lands.

We are not independent of these lands. While they provide us with no taxes, they do provide us with resources. I would like to concern myself with wood as a resource in these remarks.

The manufacture of wood products is one of the mainstays of our economy. It is our largest manufacturing industry. It has grown more rapidly in Montana than has the wood industry over the rest of the country. Since World War II, it has provided new jobs for our people while such giants as agriculture and mining have provided fewer jobs. It is of great importance to us.

Two-thirds of the wood used in our wood products operations come from the national forests through Forest Service timber sales. It is incumbent upon us to utilize this resource wisely so that we will be assured of a future for the industry.

The Forest Service, as custodian of these forests, has worked hard to manage them to the benefit of the public to whom they belong. Of late, superconservationists have seen fit to turn on the Forest Service, criticizing their custodial practices. Many of these critics have done nothing more than criticize, castigating roadbuilding and for leaving debris—logging residuals—behind, but never proposing a solution to the problem.

It is refreshing to read a prospectus for a study designed to come up with constructive answers to problems. Logging residuals, commonly known as "slash," are the target of this study. How can we best deal with this unsightly and wasteful timber refuse?

The proposed studies seek ways in which this slash can be utilized to the economic good. An answer to this problem would move us toward full utilization of a tree. It would remove some of the stigma from necessary clearcuts, would eliminate air-polluting slash burns and would provide a wood resource that would save standing trees. It is a move in the right direction. I would commend the reading of this prospectus to all my colleagues.

I include the article as follows:

PROSPECTUS FOR PROPOSED STUDIES OF DISPOSITION OF LOGGING RESIDUALS IN THE CENTRAL AND NORTHERN ROCKY MOUNTAIN AREA

Timber cutting on the National Forests—especially clearcutting—causes an impact on the forest of substantial and not fully understood dimensions. Logging alters the short term forest cover, affects big game ecology, watershed behavior, and most of all appearance. It is the visual impact, probably, that provokes the greatest amount of adverse public reaction. The fact that timber provides important rural jobs, taxes, federal revenues, and badly needed products appears to some to be insufficient justification for continued harvesting unless public opposition is ignored. It is not nearly enough, apparently, to point out that clearcutting has certain biological justification under many circumstances. Nor is it nearly enough to point out that substitutes for wood and paper drain heavily against non-renewable resources, require costly imports, or are the product of industrial systems that have high social costs. The fact remains that far too many people reject clearcutting as a viable means of meeting multiple use forestry objectives.

The problem is more than finding the economic and biological balances under which logging can be maintained. The social impacts of clearcutting must be determined and a way found to continue this vital practice within some favorable level of public acceptance.

The public rarely objects to the existence of large, grassy, natural openings within forested areas of the central or northern Rocky Mountain region. No one, really, suggests seriously that these treeless openings should be planted to forest. No one, really, worries about the hydrologic function of these slopes nor about the wildlife carrying capacities. Given the same set of conditions, however—the same size, aspect, slope, or locale—but with the addition of stumps, cull logs, or other logging leftovers—and most of the public cries "forest destruction" and demands instant rehabilitation. When foresters point out that such an area has either reestablished itself naturally or that it has been planted, or that the area will provide intermediate crops of big game forage, or that clearcutting might in some cases improve total water yields or timing the cry still goes up, "destruction."

If the fundamental difference between public reaction to natural openings and forest cutovers is one of appearance, i.e. stumps and logging leftovers, much of the adverse reaction must be psychological. It could be assumed, therefore, that much of the adverse reaction to clearcutting could be alleviated by a satisfactory level of post logging cleanup. Unfortunately, conventional practices of broadcast burning or piling and burning seemingly fail to meet the desired standard, especially when residues are made up of large pieces.

Americans have a powerful ethic regarding waste, real or imagined. We are trained by our mothers to "clean our plates" for fear of being wasteful. Similarly, Americans possess a powerful ethic regarding neatness. Generally speaking we abhor cluttered desks, unmade beds, or littered forests. Both of these ethics must be involved in the formulation of adverse public reaction to logged-over forests. Forest leftovers, especially in old growth western forests, often represent as much as half of the total stand volume; this appears to be wasteful. And residues that are left are scattered helter-skelter alongside roads, landings, skid trails, or throughout the cutover. This is grossly untidy.

The material left behind is not waste in an economic sense, at least most of it. True, much of it has the physical properties to be converted into lumber, fence posts, pulp chips, or particles for reconstituted boards. If it had value in place, however, it would be removed as part of the profit-making, free market system into which forests products are fed. To convert a logging area, then, to resemble a natural opening will require costs above those related to the economic utilization into the free market system. In other words, costs for a total logging and cleanup job may well exceed values from the products. Whether the logging residues are reduced in place by burning or by on-site chipping and grinding, or whether they are removed to some manufacturing site for conversion into lumber, posts, paper, or particleboard it is apparent that total costs—including site rehabilitation—might exceed total commercial values. The difference, costs above value, are the social costs that must now be associated with supplying forests products into the national raw materials requirements. Whether these costs are passed along as part of product pricing or are provided by government is not the important issue. The important thing, now, is that no means are available to make proper management decisions as to how much material should be removed, under what sets of circumstances these amounts could be varied, what the possible uses are for removed materials, or what the costs might be for various degrees of removal. Most important of all, there is no way at present to determine the degrees of public acceptance at various degrees of post logging treatment.

The Forest Service, Intermountain Forest and Range Experiment Station is proposing a major research thrust directed towards providing criteria that can make logging on the National Forests acceptable to public scrutiny.

The proposed research will provide answers to the following questions:

1. What is the nature and amount of residues now left on various sites following logging, including live standing and live down boles dead standing and dead down boles; tops, branches, and needles?

2. What products can be manufactured from this material by categories of residues and mixes?

3. How can these residues be moved most efficiently from the forest to the wood-using plant?

4. To what extent will regeneration problems be changed by removal of residues, and

what steps will need to be taken to assure adequate, rapid regeneration?

5. To what extent will the removal and utilization of residues, and the processes used in removal alter or enhance esthetics, air quality, water quality, and wildlife habitat? To what extent will it alleviate the need for slash disposal by burning?

6. Is the conversion of residues into products economically feasible and does conversion as part of a total land management system have a suitable cost-benefit ratio?

The studies will provide badly needed hard data for analysis as well as a series of demonstrations of various levels of logging residue employment. From these studies, land management decision makers on both public and private forest lands can determine in advance to the total social, biological, and economic impact timber cutting will have.

The research would be multi-disciplinary involving economists, biologists, hydrologists, utilization technologists, and social scientists. The results would be applicable to National Forests of Montana, Idaho, Utah and Wyoming. Although scientists of several disciplines and at several laboratory locations will be engaged in this research, the project headquarters will be at the Forestry Sciences Laboratory in Missoula with primary project responsibility assigned to the Forest Utilization research project.

Preliminary and exploratory studies along the lines outlined in this proposal are now underway in cooperation with a major wood products manufacturer in Wyoming. Additional studies are badly needed in adjacent states. An initial annual budget of $200,000 is recommended. This will need to be appropriated as an increase to the Forest Utilization Project, Forestry Sciences Laboratory, Missoula, Montana.

SONIC BOOMS OVER WATER ONLY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. VEYSEY. Mr. Speaker, Federal aviation regulations prohibiting commercial SST flights in the United States at speeds generating sonic boom which may be heard on the ground are in the process of being issued by the FAA. But in the absence of established sonic boom standards, the SST program directors have long presumed that the public would find sonic booms objectionable and that flights over populated areas at supersonic speeds would therefore be prohibited. All U.S. SST program decisions, economic and technical, have therefore been made on that assumption. The airlines sharing in the development costs of the SST support this assumption and there is an estimated market for over 500 SST's.

With regard to the possible effect of the SST sonic boom on marine life, Dr. John C. Calhoun, Chairman of the National Academy of Sciences Committee on Oceanography, informs us that—

> A substantial amount of work has been done on the effects of explosions in air, which demonstrates clearly that acoustic energy is transmitted very inefficiently from the atmosphere to the ocean. Other experiments on attempts to influence fish acoustically are trivial if detectable.

A special report to the Secretary of Interior also indicates that it seems unlikely that the pressures from sonic boom could have any effect on aquatic life, especially "since the overpressures from sonic booms are much less than differences in pressure between the top and bottom of a small ocean wave."

For more than 20 years, military aircraft, generating sonic booms of considerably greater magnitude than SST's, have been conducting extensive supersonic operation off the east and west coasts of the United States, as well as other ocean areas throughout the world. To my knowledge, to date, no Government agency including the Air Force, Navy, and the Coast Guard have received any sonic boom complaints or damage claims resulting from this overocean-supersonic operation. During this period of time, boats and ships of all classes, fishing industry operations and the like have been frequently exposed to sonic boom. We, therefore, must conclude that supersonic flights over water presents no threat to man, ships or marine life.

ST. PATRICK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. RODINO. Mr. Speaker, the words and deeds of relatively few men have directed the course of history throughout the ages. One of those rare individuals was St. Patrick, apostle to the Irish people, who during the historic Dark Ages set forth to evangelize Ireland.

Patrick, a onetime captive slave, not only shed the chains of slavery which bound him as an individual, but through his selfless devotion he brilliantly adapted the Christian faith to the tradition and customs of a proud and honorable people, thus laying the foundations for the future Irish nation.

Today, the commemoration of St. Patrick is one of the most universal feasts and one which unites all those who are Irish by heritage or in spirit. For St. Patrick remains a vibrant symbol for that which is Irish. The customs and traditions—indeed, the contribution of the Irish to America has surely been the fulfillment of his spirit in this land. The strengthening of family life, the Christian ethic, the pride and vitality of this people have immeasurably enriched this Nation.

These very qualities are required today to reconcile the tragic divisions which separate countryman from countryman in Northern Ireland. St. Patrick's Day is an appropriate occasion not only to salute the Irish-Americans for the unique cultural heritage with which our own Nation has been gifted; but it is a timely occasion to reaffirm those bonds which unite all Irishmen in the spirit of St. Patrick to a new birth of unity and peace.

WHAT HAPPENS WHEN JOE DIES?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HOSMER. Mr. Speaker, an article by Miss Barbara Tillman of Long Beach, Calif., titled "What Happens When Joe Dies?" reflects a refreshingly sincere concern for the future welfare of our Nation, an aspect of the younger generation which unfortunately commands little attention by the press.

Miss Tillman is presently earning her masters degree in mathematics at Louisiana Tech University, and I submit her essay for the RECORD:

WHAT HAPPENS WHEN JOE DIES?

(By Barbara Tillman)

Americans are dwarfed by the size of our society and by its creations. We are so conscious of the interdependency within society that we have forgotten the most important part of society: the individual.

Surrounded by our modern conveniences, we have forgotten that these were created by individuals. The catering of these conveniences has given Americans a complacent attitude towards individual exertion. As individual accomplishments diminish, we have become more egotistical over the accomplishments of our generation. We've forgotten those who have laid the foundation for "our" achievements. We've forgotten the true value of history.

Why? Is it because history is incomplete? Is it because we are apathetic? Is it because too many historians tend to worship history rather than try to understand its significance in today's world? Or is it because, in a desire for brevity, we have condensed the meaning, significance and excitement out of the infinite number of historical facts?

Perhaps, because of our ignorance of history, we have forgotten some of the words and meaning of our important national documents. In the Declaration of Independence we were guaranteed the right to "life, liberty, and the pursuit of happiness." Each individual must discover his own definition of happiness. It is not the duty of any government to try to define it in monetary terms and dole it out in "care" packages.

The success of a republic is based not only on the people's ability to govern themselves, but also on their desire to assume this important responsibility. A republic is not a perpetual motion machine but an old car that is forever in need of repair. When a government creates the environment that suffocates the repairmen, the "Joes" of the country, it has carved for itself a place in history but not in the future. No republic of the magnitude of the United States has survived the test of time. Each has succumbed due to lack of interest.

The American car can continue to run only if those riding in it stop worrying about which seat they occupy and realize that it is all part of the same car. The ideas of the riders need not be identical, but all must possess the desire to keep the car running. The vital parts must be repaired. No amount of "extras," disguised as necessities, can ever replace one vital part.

Our car is presently running at a speed faster than it ever has in its history. The major difficulty is that this engine was built for slow country driving. As maintenance needs increase, will the additional repairmen be found or will we find out what does happen when Joe dies?

TO ROOT AGAINST YOUR COUNTRY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EDWARDS of California. Mr. Speaker, I have received many letters from my constituents about an article that recently appeared in the San Francisco Chronicle by Mr. Arthur Hoppe. It is a sad day, indeed, when some Americans feel ashamed of what their country is doing around the world. It is sad and unfair, because we all love our country and we all need to feel a pride in our Nation's actions. Today, many citizens feel chagrin and dismay over what this country is doing in Southeast Asia. We have succeeded in stilting and warping the natural love the people of this country feel for America. I think we should all read this article and consider the price we are paying at home for this horrible and immoral war in Southeast Asia. The article follows:

[From the San Francisco Chronicle, Mar. 1, 1971]

TO ROOT AGAINST YOUR COUNTRY

(By Arthur Hoppe)

The radio this morning said the Allied invasion of Laos had bogged down. Without thinking, I nodded and said, Good.

And having said it, I realized the bitter truth: Now I root against my own country.

This is how far we have come in this hated and endless war. This is the nadir I have reached in this winter of my discontent. This is how close I border on treason:

Now I root against my own country.

How frighteningly sad this is. My generation was raised to love our country and we loved it unthinkingly. We licked Hitler and Tojo and Mussolini. Those were our shining hours. Those were our days of faith.

They were evil; we were good. They told lies; we spoke the truth. Our cause was just, our purposes noble, and in victory we were magnanimous. What a wonderful country we were! I loved it so.

But now, having descended down the torturous, lying, brutalizing years of this bloody war, I have come to the dank and lightless bottom of the well: I have come to root against the country that once I blindly loved.

I can rationalize it. I can say that if the invasion of Laos succeeds, the chimera of victory will dance once again before our eyes—leading us once again into more years of mindless slaughter. Thus, I can say, I hope the invasion fails.

But it is more than that. It is that I have come to hate my country's role in Vietnam.

I hate the massacres, the body counts, the free fire zones, the napalming of civilians, the poisoning of rice crops. I hate being part of My Lai. I hate the fact that we have now dropped more explosives on these scrawny Asian peasants than we did on all our enemies in World War II.

And I hate my leaders who, over the years, have conscripted our young men and sent them there to kill or be killed in a senseless cause simply because they can find no honorable way out—no honorable way out for them.

I don't root for the enemy. I doubt they are any better than we. I don't give a damn any more who wins the war. But because I hate what my country is doing in Vietnam, I emotionally and often irrationally hope that it fails.

It is a terrible thing to root against your own country. If I were alone, it wouldn't matter. But I don't think I am alone. I think many Americans must feel these same sickening emotions I feel. I think they share my guilt. I think they share my rage.

If this is true, we must end this war now—in defeat, if necessary. We must end it because all of Southeast Asia is not worth the hatred, shame, guilt and rage that is tearing Americans apart. We must end it not for those among our young who have come to hate America, but for those who somehow manage to love it still.

I doubt that I can ever again love my country in that unthinking way I did when I was young. Perhaps this is a good thing.

But I would hope the day will come when I can once again believe what my country says and once again approve of what it does. I want to have faith once again in the justness of my country's causes and the nobleness of its ideals.

What I want so very much is to be able once again to root for my own, my native land.

THE SST

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ROUSSELOT. Mr. Speaker, in the past, the Federal Government has worked in close partnership with private enterprise in the development of worthwhile transportation systems, such as railroads, and I have generally favored this copartnership. In providing funding for the development of two model—prototype—SST's, the Federal Government has entered into a unique loan arrangement with private enterprise. The funds provided by the Federal Government will assist private industry in the construction of two prototypes and 100 hours of flight testing. The main use of a prototype aircraft is to provide a model in order to test the performance, basic design, operating economics, and environmental criteria before production. Government funds are not committed beyond the prototype development phase; the production phase will be financed by the private sector of the economy.

The total cost of developing the two prototype planes will be approximately $1.7 billion. The Federal Government is providing $1.3 billion which is considered a loan and will be repaid; the Government's investment will be returned when the 300th plane is delivered, but the Government will continue to receive royalty payments. Both the British-French Concorde and the Russian Tupolev TU-144 are entirely government funded.

A recent article in Aviation Daily stated that the Russian TU-144 supersonic transport is scheduled to enter limited commercial operation in October 1971, on both domestic and international flights. The Russians are vigorously attempting to market their SST—TU-144—and such advertisements have appeared in Aviation Week and Space Technology. In addition, it is my understanding that the two British-French Concorde prototypes are already being tested. It is expected that the British-French SST will be ready to enter commercial operations in 1974 or 1975. If the development of the U.S. SST is continued as planned, it will probably enter commercial service in 1978, and it is believed that the U.S. SST will be the most superior in design and ability and will operate at a lower cost.

While I think that it is important for our Nation to maintain its leadership in the transportation field, I would not advocate the continued development of the two SST prototypes if I believed that that such action would be detrimental to our economy or our environment.

The following economic facts must be considered:

First. As of the end of March 1971, the U.S. Government will have invested $864 million in the SST. To cancel the program now would mean a loss of this investment, and an additional expenditure to pay the cost of cancellation and reimbursement to the contractors.

Second. The difference between the cancellation costs and the Federal funds needed to complete the project amounts to about $200 million.

Third. Considering the unemployment rate in the aircraft/aerospace industry, it is important to note that the SST represents employment for more than 150,000 people.

Because of my special concern about the environment, I have thoroughly considered the following available data:

First. According to well-qualified scientists, development of a prototype SST will have no environmental impact. It is estimated that total emissions from all jet aircraft will contribute less than 1 percent of the measurable air pollution.

Second. If the United States continues its research into the SST, it will be accompanied by an extensive program to investigate all environmental aspects.

Third. Regardless of whether the United States continues its development of the SST, foreign development of the aircraft will make an environmental research program still necessary.

Fourth. The answers to the questions about the environmental impact of a fleet of commercially operated SST's, whether they be a foreign or U.S. model, can best be determined through the environmental research program and the flight testing of two prototypes.

Not only have I thoroughly reviewed technical information on the SST, but I have also attended detailed briefings and discussed this matter with local, State, and Federal officials. It is my conclusion that, at this time, the best course for the United States to follow is to continue Federal funding for the development of two prototype supersonic transports.

ST. PATRICK'S DAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JAMES V. STANTON. Mr. Speaker, on this St. Patrick's Day I wish to commend a true Irishman, Michael B. Comer.

Today he will be grand marshal of Cleveland's annual St. Patrick's Day Parade in recognition of his many years of dedication to Americans of Irish descent.

For 10 years Mr. Comer has hosted Cleveland's best known Irish radio program, "Echoes of Erin." He has never forgotten his days of his youth in Glenamaddy, Ireland, County Galway. An engineer, he came to this country and started his own construction company. Now that he is retired, he devotes even more time to activities associated with his Irish homeland.

Mr. Comer has been a leader in Cleveland's Irish community for many years. It is most appropriate that he should lead this year's St. Patrick's Day Parade.

HAWAII'S FIRST FAMILY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ROONEY of New York. Mr. Speaker, for many years I have been privileged to know and to count as friends the distinguished Governor of Hawaii and his lovely wife, the Honorable and Mrs. John A. Burns. Jack Burns is, as many of my colleagues know, one of the Nation's more dedicated men, a man whose public service has run from his police duties in Honolulu to Governor of his beloved State. He was the brilliant and successful leader in the fight to bring Hawaii into the Union and he still fights to make Hawaii one of our brightest stars. His concern for his State and people was also exemplified in his successful efforts to establish Hawaii's East-West Cultural Center in Honolulu, a bridge leading to cooperation and understanding between the United States and Asia. I was privileged in 1959 to join Jack and the then Senator, Lyndon B. Johnson, in establishing this center.

But this is only a part of the story of Jack Burns. The rest cannot be told without telling of his gracious and selfless wife, Beatrice. In a recent issue of the Washington Evening Star, a writer named Marian Burros notes that "The island's cordiality and warmth, epitomized by the gracious Mrs. Burns . . ." and goes on to describe how her loveliness spills over even into the Burns' official life. All during his career, Jack has been blessed with having Bea at his side. I can only add that I wish all my colleagues were lucky enough to know this wonderful lady.

Mr. Speaker, I include at this point the article on Mrs. Burns published in the Washington Evening Star:

HAWAII'S KEY HOSTESS

(By Marian Burros)

"Receiving lines," Beatrice Burns says, "are boring. You can't say anything relevant. When you mingle at least you have a fighting chance to talk to people."

So the governor of Hawaii, John Burns, and his wife dispensed with them when he first took office in 1962. They are symbolic of more formal living, inappropriate to the 50th state's friendly, casual image.

Even though there may be three to four "protocol-type" receptions each week, which makes Honolulu one of the entertainingest state capitals, few of them are formal. Thinking of their constituency, where an aloha shirt is the dress for most social occasions, Mrs. Burns explains that they don't have many black tie functions "because it would eliminate a lot of people who might like to come."

The island's cordiality and warmth, epitomized by the gracious Mrs. Burns, extends to spur of the moment entertaining—what she calls "ad lib." It is a fairly frequent occurrence for the governor to call her at 5 o'clock from his office across the street and say, "By the way, I'm bringing three couples home for dinner." On a recent night that meant liver and bacon.

When Luci Johnson Nugent was visiting Hawaii with her son, Lynn, Mrs. Burns had been told she had very little time, but as the dinner hour drew near and the little boy was playing happily with Mrs. Burns' grandchildren, the Nugents were invited to stay. The young mothers fed their children in the kitchen and the adults "sat down to potluck."

As different as Hawaii is in climate, attitude and people from the mainland, modern communications and transportation have made it very much like its sister states.

Along with poi, shushi, papayas and long rice on the grocery shelves, there are all of the name brands familiar to anyone who goes to the supermarket. And what the Burns enjoy eating reflects the Americanization of the island as well as its influences from Polynesia and the Orient.

Family favorites include devil's food cake, sukiyaki and poi.

A typical official reception buffet will have a cheese platter, roast beef and shrimp. But it will also have cherry tomatoes stuffed with lomi-lomi salmon, wun tun and roast suckling pig.

The pig is not a favorite of Mrs. Burns since it is always presented to her flaming on a platter, "like an offering," she says. Her reaction each time is, "what did the poor thing do to deserve that?"

Mrs. Burns' days are spent very much like other governors' wives, except that she is confined to a wheel chair, the result of polio some 30 years ago. She attends teas and lunches, oversees the "somewhere around 19" room house, plans menus and struggles with her voluminous correspondence. She insists on answering all the letters herself whether it is a request for "recipes, hats, buttons, leaves or Hawaiian dolls."

"I have a feeling that if they wrote to me, I should answer them."

Keeping up Washington Place, as the governor's residence has been known since 1848, presents less problems than most such official residences. There are "no restrictions, within reason—no budget," Mrs. Burns admits, not quite sure if the information should be spread abroad.

The white porticoed house was built by a New England sea captain in 1846 and bought for $40,000 by the government in 1917. In 1922 a new section was added; in 1953 a patio off the living room. It is the most Hawaiian looking part of the house.

Though it fronts on a six-lane highway, the cool impressive looking mansion is set so far back from the road and is so sheltered by lush tropical foliage, that all one can hear is the singing of the birds.

It's a beautiful place to live, in a magnificent part of the world. Life is paced more leisurely, the entertaining more casual and no one does it better than Beatrice Burns.

PITTSBURGH'S THREE RIVERS—WHO'S WHO GOVERNMENTALLY SPEAKING ON OUR THREE RIVERS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I wish to compliment TRIAD, the Three Rivers Improvement and Development Corp. of Pittsburgh, a nonprofit corporation, on its success in achieving cooperation by the industries and municipalities to improve our Pittsburgh waterways. TRIAD was formed to improve and develop Pittsburgh's rivers through coordinated planning.

TRIAD has done such a good job on conservation and restoration of our rivers that I believe this can set an example for other river areas in the United States.

TRIAD was created to carry Pittsburgh's renaissance to the rivers—to continue a renaissance that, over the next 10 years, could produce one of the most beautiful waterfronts in the world right here in western Pennsylvania.

I include the following:

WHO'S WHO GOVERNMENTALLY SPEAKING ON OUR THREE RIVERS

(By Three Rivers Improvement and Development Corporation (TRIAD))

. . . was created to carry Pittsburgh's renaissance to the rivers—to continue a renaissance that, over the next ten years, could produce one of the most beautiful waterfronts in the world right here in western Pennsylvania.

TRIAD serves as a sounding board for innovative ideas for the enhancement of the commercial, industrial, and recreational potential of the three rivers; works to stimulate the development of walks, parks, and picnic areas for public use along the riverbanks; and coordinates programs to foster clean riverbanks and clean waterways.

But TRIAD is not alone in its efforts—a number of federal, state, and local government agencies are also concerned. Some of the major organizations are briefly described in this pamphlet.

Neither TRIAD nor government agencies can do the job alone. The beautification, improvement, and development of our rivers requires the cooperation and combined energies of all of the people in the Western Pennsylvania community.

These flowing waters mean that "new" rivers pass the Point every day; and all of us should work to make each river day better than the day before. The result of all these efforts will be a beautiful, viable community attracting vital people and retaining the bright young graduates of our educational institutions.

Additional information on the organizations described in this pamphlet can be obtained by writing to the addresses listed on the back cover.

ENVIRONMENTAL PROTECTION AGENCY

Water quality office, Ohio basin region

The federal water pollution control program began on a small scale in 1948 with the passage of Public Law 845. This basic law has been strengthened and expanded several times since then. When the President signed the Clean Water Restoration Act of 1966, it marked the beginning of the present program of pollution abatement.

Within the federal government, the Water

Quality Office has the principal responsibility for carrying out the provisions of the law. In its assigned function in the new Environmental Protection Agency (EPA), the Water Quality Office bears a special obligation to assure that our water resources are conserved and that they are managed to produce optimum yields in order to contribute their full measure to the progress and prosperity of America, both now and in the future.

The assigned work area of the Ohio Basin Region is the Ohio River watershed with the exception of the Tennessee River. Upper Ohio Basin Office at Wheeling, West Virginia, and the Lower Ohio Office at Evansville, Indiana, carry out all activities that can best be performed near the geographical areas involved.

Important continuing programs of the Water Quality Office include:

Making grants to any state, municipality, inter-municipal or interstate agency for the construction of waste treatment facilities. The Ohio Basin Region administers this program in the four states of Indiana, Kentucky, Ohio, and West Virginia. Though designed basically to aid municipalities, the grant program has a side effect which benefits industry. Cooperative projects designed to provide both industrial and municipal waste treatment can get financial assistance through a federal grant, thus providing better economics for all.

Making grants to states and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution—including the training of much needed manpower. These grants are intended as realistic incentives for more vigorous action in pollution abatement and are a most effective means to foster and expand the role of the states in pollution control.

Making grants to state planning agencies to assist with the development of basinwide comprehensive pollution control. This means a coordinate effort at eliminating or reducing the pollution of an entire river basin rather than isolated, individual projects.

Executing an enforcement campaign against the pollution of inter-state or navigable waters including the establishment and administration of adequate Water Quality Standards by the states for these waters. This includes upgrading water quality where water is now polluted, and protection of water quality where it is currently high. All of the state Water Quality Standards are under continuing scrutiny and, as new knowledge becomes available, efforts will be made to encourage the states to upgrade their existing standards.

Advising and assisting federal agencies responsible for the construction of reservoirs which regulate steamflow to include adequate water storage to facilitate downstream water quality control.

Encouraging cooperative activities by the states for the prevention and control of water pollution, including uniform state laws and interstate compacts. State lines are not barriers to the spread of pollution. Pollution in one state or locality can—and often does—affect people living in another. Cognizance is taken of the primary responsibility of the states to abate water pollution. However, when complications and inequities arise concerning interstate waters, the Director of the Environmental Protection Agency has been delegated enforcement responsibilities. Enforcement action is initiated: (1) when Water Quality Standards are violated; (2) when the heatlh and welfare of persons in another state are endangered; (3) when requested by a governor due to damage of health and welfare of persons within his state; (4) when shellfish are damaged and the marketable product in interstate commerce is affected; and (5) when international pollution exists.

Supporting and conducting research and development aimed at finding better methods of controlling all forms of water pollution. The multiplication of varied and complex water pollution problems has been faster than the development of solutions to combat them. The Water Quality Office's research and development activities include actual work in its own laboratories and demonstration projects; and grants for research in colleges, universities, and other public and private institutions and agencies.

Collecting and disseminating information on chemical, physical, and biological water quality and other data pertaining to water pollution and the prevention and control thereof.

Providing technical advice and assistance to other federal agencies in order to prevent, control, and abate water pollution by federal activities; and providing review and surveillance of all such activities to assure that pollution control standards are met on a continuing basis. Applications from the U.S. Army Corps of Engineers and the U.S. Coast Guard for permits to do work in, on, over, or under navigable waters are examined for consistence with federal law and Water Quality Office policy on water pollution and water quality control. Applications for licenses from the Federal Power Commission or the Atomic Energy Commission also are reviewed for consistency with water quality control plans developed by the Water Quality Office, and considerable effort is currently being expended in the Ohio Basin Region on reviews and recommendations relating to power companies' requests for adding hydropower facilities to the high locks and dams on the Ohio River.

UNITED STATES COAST GUARD

The history of the Coast Guard goes back to 1790 when it had its beginnings as the Revenue Marine and operated ten cutters. It was later known as the Revenue Cutter Service until it received its present name in 1915. Though originally formed to enforce customs laws and to stop smuggling, both the Coast Guard and its responsibilities have grown over the intervening years. These responsibilities include conducting search and rescue missions, weather patrols far at sea, oceanographic missions, the nation's ice breaking duties to keep sea lanes open, merchant marine inspection, maintaining over 43,000 aids to navigation including a world-wide loran system, patrolling regattas and enforcing federal laws and regulations on the navigable waters of the United States.

In pollution control, the Coast Guard's role emphasizes both preventative and punitive measures; and its jurisdiction extends from the tank vessels carrying cargo to the shoreside facilities where the cargo is transferred.

Tank barges carrying petroleum products and other dangerous cargoes are subject to Coast Guard inspection and certification to ensure that they meet all applicable regulations, and can safely carry the cargo for which certificated. Each vessel is inspected from the day the keel is laid until it is ready to be put into service. At this point, it is issued a certificate of inspection. Although the certificate is valid for two years, the vessel is inspected again half-way through the life of the certificate. And when the certificate is renewed, the vessel undergoes another inspection. Further, any time a tank barge develops a leak, repairs are mandatory and are inspected and tested to the satisfaction of a Coast Guard Marine Inspector.

On the rivers, tank barges either receive or transfer cargo to oil terminals located along the banks. The safety and pollution functions of the Coast Guard Captain of The Port also extend to these terminals. Personnel in charge of cargo transfer operations must be qualified to perform these operations, and persons handling petroleum products are examined by the Coast Guard and issued certificates attesting to their competency. At facilities where oil and other dangerous cargoes are handled, the Coast Guard is provided a list containing the names of individuals qualified to handle the company's various cargoes. In addition, these companies are now required to notify the Coast Guard 24 hours in advance of any cargo transfer. This permits the Coast Guard to have an observer on the scene to ensure that all safety and pollution regulations are being complied with.

Besides the preventative functions described above, the Coast Guard has other duties to perform when an actual pollution occurs. All oil pollution incidents in navigable waters are reported to the Coast Guard. These reports are investigated to determine the source of the pollution so that it can be stopped as promptly as possible and held to an absolute minimum. The type of oil and extent of pollution are ascertained and, if necessary, steps are taken to contain the oil to prevent its spread. During the course of the investigation, the Coast Guard also obtains samples of the pollution and pictures for use as evidence.

Once the spreading of the pollutant has been controlled, clean-up operations are started. Normally, clean-up is performed by the party responsible for the pollution. If those responsible fail to act, then the oil is cleaned up by the Coast Guard and the costs assessed against the responsible party.

The Coast Guard is the federal agency designated to assess the penalties authorized by the Water Quality Improvement Act of 1970. Any person who knowingly discharges oil into the river in violation of this Act, is liable to a civil fine not to exceed $10,000.00. The enforcement of this provision will be vigorously pursued by the Coast Guard. The Coast Guard District Commander will determine the amount of the penalty. The Act also provides for a penalty of not more than $10,000.00 and/or one year in jail for failure to report the discharge of oil into the water. Such cases will be referred to the U.S. Attorney for prosecution. Evidence gathered and documented by investigative teams will be preserved in the event it is needed in these cases. The important aspect of this Act, however, is to encourage the responsible parties to report the discharge of oil into the water, and to take it upon themselves to clean it up.

UNITED STATES ARMY CORPS OF ENGINEERS

Pittsburgh engineer district

The Pittsburgh Engineer District has functioned as a civil works arm of the Corps of Engineers since 1864. For over a century, it has been active in water resource development, and has provided navigation improvements and flood control measures on the upper Ohio and its tributaries. Like many other government agencies, the Corps is also concerned with the deterioration of our natural water resources and has taken steps for improvements within the scope of its authorized ability.

Navigation improvements

Transportation by boat on the Ohio, Monongahela, and Allegheny Rivers started, no doubt, with their discovery. However, river navigation and transportation as we know it today began in the eighteenth century when English settlers started building boats at Fort Pitt.

In 1824, the rivers gained federal recognition by enactment of the first River and Harbor Bill of significance to this area. A part of the bill provided ". . . that for the purpose of improving the navigation of the . . . Ohio from Pittsburgh to the junction with the Mississippi, the President of the

United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river . . ." President Monroe directed that the superintendence of such improvements be assigned to the Corps of Engineers.

Then, more than one hundred years ago, an Act of Congress transferred responsibility for government surveys from the Army's Topographical Corps to the Army's Corps of Engineers. This new responsibility made it possible for the Corps to complete surveys of the Ohio River with a view to improving the river to accommodate increasing traffic. The opening of the Davis Island Lock to traffic in October 1885 was the forerunner of a navigation project that ultimately provided slackwater from Pittsburgh to Cairo through a series of locks and dams that totalled 53 in 1929 when the project was dedicated.

In 1898, the Monongahela Navigation Company facilities were purchased by the Federal Government and the tolls were lifted. In succeeding years, the Corps completed canalization of the Monongahela River from the Pennsylvania line to the headwaters above Fairmont, West Virginia, and rebuilt all of the Navigation Company's original locks. Canalization of the Allegheny River also began at the turn of the century, reaching upriver to Lock and Dam No. 9 by 1938, and providing 72 miles of slackwater as far as the Bradys Bend area.

Today, there are now more than 300 miles of river improved for commercial navigation in the Pittsburgh Engineer District.

Flood control measures

In 1911, the Pittsburgh Flood Commission recommended a plan for flood control reservoirs; and predicted that, without them, Pittsburgh would some day experience a flood stage of 43 feet. In March 1936, a flood stage of 46 feet was reached.

Since 1936, the Pittsburgh Engineer District has constructed and is operating 13 multi-purpose flood control reservoirs in the Beaver, Allegheny, and Monongahela Basins. The cost of this 13-dam flood control system has been approximately 280 million dollars. To date, however, it is estimated that this system has prevented flood damage in excess of half a billion dollars.

Plans for further flood protection for Pittsburgh and other communities in the Pittsburgh Engineer District include three reservoirs in the French Creek Basin in Pennsylvania and two in West Virginia, one on the Cheat River and one on the West Fork River. In Pennsylvania a major reservoir on the Clarion River is proposed in the current Appalachia Study.

The District has also completed some 35 local flood protection projects involving widening, deepening, and straightening a stream; building flood wall and/or dykes; the construction of cut-off channels; or various combinations of these methods to contain a troublesome stream within its banks and thereby eliminate a flood problem.

The environment

At no other time in our history have so many people been conscious of the value of our natural scenic areas and realized the need for clean, unpolluted water. Unfortunately, population growth and the expansion of our economy has led to the widespread deterioration of our natural water resources.

While the Corps of Engineers is taking steps to improve the situation, much of what has been done is already contributing to this objective. The 13 flood impoundment reservoirs built by the Corps in the Allegheny, Monongahela, and Beaver River basins not only have reduce flood damage and enhanced the river environment of this region, but the government lands around the reservoirs also provide protected forest and open areas where the natural habitat can flourish and be rebuilt safe from outside interference. Together with the extensive reservoir lakes, these areas provide refuge for wildlife and recreation and scenic enjoyment for people.

Eight of the reservoirs, in addition to their flood control purposes, also help to improve the water quality in our rivers by providing additional water flow for areas where either water quality or flow is critical.

Current studies

Current work in the District involves two comprehensive basin studies; one in the Youghiogheny River Basin, and one in the Monongahela River Basin. Public meetings are being held throughout these basins to develop problem areas and needs that are related to water resources and land use. Each study will require a minimum of five years to complete.

Flood plan studies have become a continuing work item in the District. The studies are conducted by the District when requested by a community through the state. Comprehensive reports compiled as the result of such studies have definite value for purposes of zoning in flood plains by regional planning boards and other groups.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

In order to ensure that wastes are adequately treated before being dumped into our rivers and streams, the Clean Streams Law requires that all industrial operations, mining operations, and municipalities in the Commonwealth obtain a permit before discharging new or increased loads of waste water into the waters of the Commonwealth. The responsibility for administering the Clean Streams Program, and seeing that the best interests of the people of Pennsylvania are served, rests with Pennsylvania's Department of Environmental Resources. In the continuing struggle against Pollution, the policies of the Department of Environmental Resources are designed to ultimately return all of Pennsylvania's rivers and streams to a clean, unpolluted condition and prevent future pollution.

Since the control and elimination of water pollution is a highly complex and technical business, the cooperative effort of people of many different skills are required. More than a hundred of such technical and professional people serve in the Department's Bureau of Sanitary Engineering. Included are sanitary engineers, mine drainage engineers, chemists, biologists, geologists, laboratory technicians, and environmental protection specialists. Their activities vary from making regular inspections to preparing comprehensive river basin programs.

Environmental protection specialists make regular checks of mines and industrial and municipal waste treatment plants to make certain that they are complying with the state's Clean Streams Law. Samples of plant discharges are taken and sent to the Department's laboratory in Harrisburg for analysis. Hundreds of stream samples and waste discharge samples are analyzed by chemists and technicians each week. Analysis determines which chemical characteristics of the water have been altered by its prior use, and the degree of waste treatment that is needed. Aircraft and boat patrols supplement the "on-foot" program.

The number and kinds of fish, aquatic plants, and fish food organisms in streams, lakes, and reservoirs respond significantly to changes in water quality. By analyzing the biological life as well as the chemical and physical conditions of surface waters, the Department's aquatic biologists can determine whether or not pollution is occurring, and to what degree. Such analyses are an important means of evaluating the effectiveness of a water pollution control and abatement program.

In order to make certain that the quality of Pennsylvania's rivers and streams remains high, the Department operates a 175-station water quality network. Water samples are taken regularly at each station and analyzed in order to evaluate the progress of the Clean Streams Program. This information is also made available to potential municipal and industrial water users.

While all of the professional people engaged in water pollution control are college graduates, their learning never stops. Each person—professional and technical—receives many hours of additional in-service training designed to acquaint him with the responsibilities of his position and the latest knowledge in his particular field. In addition, these college graduates are encouraged to study for higher technical degrees. The Department of Environmental Resources also conducts and stimulates research programs aimed at discovering new knowledge which will help protect Pennsylvania's waterways from the many kinds of waste and pollution.

But rivers know no political boundaries. They flow wherever nature decides—from city to city and often from state to state. This makes the problem of pollution of streams between states one of mutual concern. Pennsylvania cooperates, therefore, with other neighboring states in solving water pollution and water management problems on a drainage basin basis. Through compacts, Pennsylvania has joined four interstate agencies representing 14 states, the District of Columbia, and the Federal Government. The objective of these agencies is to prevent the discharge of wastes in one state that would affect the interests of other states.

Pennsylvania is also represented on the Lake Erie Pollution Abatement Advisory Board of the International Joint Commission. The function of this board is to provide for cooperation between Canada and the United States in controlling the pollution of Lake Erie.

Even though the last half-century has seen a gradual increase in the role of federal, interstate, and state governments in the water pollution control field, it is still the people who must ultimately pay the price for clean water—through taxes and through the cost of products and services they purchase. Much progress is being made, but much work remains to be done.

Reports of pollution, fish kills, and similar complaints should be made to the Regional Sanitary Engineer's Office in Pittsburgh for Region V, (Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, and Westmoreland counties). Reports may be made to the Chief or the Field Supervisor of the Operations Section at the address listed on the back cover.

PENNSYLVANIA FISH COMMISSION

Having celebrated 100 years of conservation progress in 1966, the Pennsylvania Fish Commission is now moving into its second century of continuous operation. During its long existence, the Commission has grown from a one-man operation into an agency employing over 300 people concerned with conservation and protection of our fisheries and waterways.

Initially, the fisheries program was supported by legislative appropriations. In 1921, however a fishing license fee was established and the revenues derived became the source of financial support for the work of the Commission. Since then, these license dollars have not only paid for the operation and maintenance of a program to perpetuate fishing resources, but have financed the construction of nine fish hatcheries, and have paid for the acquisition and construction of over 400 acres of lakes and more than 100 public access areas on fishing and boating waters. In fact, the present day assets of the Fish Commission are estimated to be around 50 million dollars.

Much of the credit for the Commission's record goes to its dedicated, hardworking, waterways patrolmen. Even though law enforcement, pollution, mine drainage, farm pond projects, channel changes, stream improvements, and drawdowns make large demands on each patrolman's time, he also attends hundreds of sportmen's clubs, civic, church, and school meetings in his area each year; conducts fishing schools and safe boating classes, and provides visual aids to these groups. Yet he is ever ready and available to offer personal assistance, advice, and guidance to fisherman and boaters.

Pollution control and inspection of sources is an important job for the waterways patrolman. Maintaining clean, clear water for fishing and for enjoyable boating is vital to outdoor recreation. Dumping of refuse from all sources can damage boat hulls, props, and engines; and pollution can kill thousands of fish. Fish kills should be reported at once so that an immediate investigation can be made.

Fighting pollution is one job where everyone can help. Proper collection of samples of suspected polluted waters above, at, and below the source usually can be done by any person. This information, turned over to the waterways patrolman, can help pinpoint the source of pollution. And one of the biggest problems at the 42 lakes and 150 access areas, maintained and serviced by the Commission's maintenance crew, is littering by fishermen and boaters. Use of trash containers provided at these sites would be a big help. An enlightened, pollution-conscious public is one of the best deterrents to pollution.

Each year, the Fish Commission propagates and distributes about 30 million fish from its eleven State Hatcheries and the National Hatchery. Included are trout, coho salmon, muskellunge, northern pike, and other species suitable for the various waters stocked.

In Allegheny County, Deer Creek and Pine Creek have now been surveyed and approved for trout stocking; and Bull Creek is being seriously considered. Also, carp and brown bullheads have been stocked in Peters Creek following an extensive survey there.

Pike Run in Washington County has also been approved for trout stocking—the first in that general area. An extensive survey of Pigeon Creek was also made, but a favorable stocking recommendation could not be made due to serious pollution.

Pollution also remains a serious problem on the Youghiogheny River, and no formal stocking program was recommended for the river for that reason.

Fish Commission personnel have also worked with the Water Quality Office in conducting fish surveys in several lock chambers in the three rivers as part of a four-year program to correlate fish population with water quality.

If pollution abatement measures become more effective in the Three Rivers area, the Commission will definitely institute new fish management, including stocking programs. And if pollution can be controlled in the three rivers, there is no question but what they, too, will be stocked. In fact, the Commission believes that these stretches of river would become self-managing with the exception of some of the more exotic species such as the esocids (pike family).

The passage of strong anti-pollution legislation and the effects of long-range pollution abatement programs have brought into use miles of formerly "dead" water for fishing and boating use. And in a period of less than ten years—from 1966 to 1975—the acreage of fishable lake areas in Pennsylvania will all but have doubled, going from 57,000 acres to about 111,000 acres. Many of the impoundments are already complete or under construction; and land is being acquired with construction scheduled in the near future for others.

The Pennsylvania Fish Commission is constantly looking ahead, planning, and building, for a greatly expanded development of our fishing and boating areas—so that all Pennsylvanians can enjoy healthy, relaxing, outdoor recreation.

ALLEGHENY COUNTY DEPARTMENT OF HEALTH

Water protection

In its efforts to safeguard the water supply in Allegheny County the Health Department periodically inspects and samples the water in swimming pools, private homes and milk and food establishments, and investigates complaints about public water supplies. Public health engineers also inspect sewage treatment and disposal facilities throughout the County.

To insure compliance with State and County health standards, each of the County's sewage treatment plants is inspected quarterly. The Department issues abatement orders against violations of Pennsylvania Clean Streams and Sanitary Water Board regulations and seeks compliance through the courts.

Plans for new sewage disposal systems are reviewed for permits by Department engineers. Facilities include sewage treatment plants, sewer and sewer line extensions and septic tank systems.

The Department also reviews plans for water supply and sewage disposal systems on lots slated for land development. The County has a comprehensive 10-year sewerage plan for Allegheny County.

During 1970, public health engineers participated in a U.S. Department of Agriculture survey, which will provide useful information in planning sewerage.

Field staff inspects watering points where river boats, airlines and railroads trains take on potable water supplies.

Solid waste disposal

New rules for solid waste control adopted by Allegheny County Commissioners in September, 1969 imposed rigorous uniform restrictions on trash hauling and disposal facilities.

To upgrade operating procedures and eliminate health hazards, the Health Department stepped up enforcement at disposal sites in the County. Field staff makes inspections, issues abatement orders, conducts administrative hearings with owners, and files criminal complaints in magistrate's court.

Compliance is sought on these main points; adequate soil cover; compliance with State Sanitary Water Board rules covering underground seepage into nearby streams; surface water drainage; control of windborne litter; elimination of rodent and insect harborage.

CITY OF PITTSBURGH

Department of water

While Pittsburgh's Department of Water is deeply concerned with the water quality in all of the rivers and streams of our area, its principal concern is the Allegheny River from which the city of Pittsburgh draws its water supply.

Between the time it is taken from the river and the time it arrives at your water faucet, this water must undergo extensive treatment to make it fit for human consumption. Most of this processing takes place in a group of buildings located on the Allegheny River adjacent to Aspinwall Borough. In this building complex are the Ross Pumping Station (which also houses the Chemical Center), the Clarifier, the new Rapid Sand Filtration Plant, and the underground Filtered Water Reservoir.

The new Rapid Sand Filtration Plant, erected at a cost of over ten million dollars and dedicated on November 25, 1969, is designed to accommodate expanded future water needs. It replaces the old slow sand filter beds which were located directly across Freeport Road from the new plant. Located on the second level of the Filtration building is the focal point of the complex—the Operations Center. This Center contains a laboratory with its service rooms, and instrument room containing automatic controls and recording devices, general and private offices, and assembly and conference rooms for accommodating visitors and officials.

Water preparation

The preparation process starts at the Ross Pumping Station where raw water is pumped from the river at the rate of 80 million gallons a day. As the water passes from the Ross Pumping Station to the Clarifier, chemical solutions are added to it by the Chemical Center which feeds chemical additives automatically into the water at this and various other locations during the preparation process.

The primary function of the Clarifier is to remove the heavier particles from the water. In the rapid mix basin at the Clarifier, the Chemical Center feeds Chlorine, Alum, Lime, Permanganate, Clay, Coagulant Aid and Carbon into the water, in that order. The water next moves to the slow mix flocculator, and then into settling basins. After being collected in weir troughs, the water flows into the Rapid Sand Filtration Plant where additional chlorine solution is added. (This process will be altered in the future with the completion of cleaning and rehabilitation of the detention basins formerly used with the slow sand filters. In the altered process, water from the Clarifier will flow to the detention basins for further detention and settling, then go to the Rapid Sand Filtration Plant.)

The filtration area consists of 18 double filter beds with the design capability of producing 117 million gallons of filtered water a day. Periodic cleansing of the filter beds is accomplished by a back-washing process. The filtered water then flows into the underground Filtered Water Reservoir. It is at this point that a tooth decay preventative, hydrofluosilicic and soda ash acid, are introduced into the water. These additives complete the water preparation process.

Water Distribution

The water is now pumped to high elevated storage facilities so as to create a natural gravity distribution system. The primary distribution system starts with the Aspinwall Pumping Station located adjacent to the Filtration Plant, and the Brilliant Pumping Station across the river. The Aspinwall Pumping Station has a capacity of 86 million gallons a day and pumps its water to the Lanpher Reservoir located on Friday Road in Shaler Township at an elevation of 971 feet. The Brilliant Pumping Station has a capacity of 184 million gallons a day and pumps its water to Highland Reservoir No. 1 (elevation 1,062 feet) and Highland Reservoir No. 2 (elevation 972 feet) in Highland Park. Together, these three reservoirs have a total capacity of approximately 400 million gallons. The water stored in these reservoirs feeds into the secondary distribution system and, except for further chlorination, is ready for human consumption.

In the secondary distribution system, seven pumping stations pump water to four reservoirs and six elevated tanks. The seven stations have a total pumping capacity of 100 million gallons a day. The reservoirs will hold 30 million gallons, and the tanks a total of 18 million gallons. These storage facilities feed water into approximately five million feet of pipeline containing pipe ranging from 2 inches to 8 feet in diameter. Also included in this vast distribution system are 7,500 fire hydrants and 30,000 gate valves.

This, then, is the system that takes raw Allegheny River water and turns it into a potable water supply for the city of Pittsburgh, and which also provides the city with water for fire protection.

TRIAD's address is Post Office Box 886, Pittsburgh, Pennsylvania 15230 and their telephone number is area code (412) 391–8702.

METROPOLITAN CHALLENGES FOR 1971

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ASHLEY. Mr. Speaker, those of us who have attempted to understand the problems confronting urban America find ourselves in agreement on one significant point—there can be no resolution to the problems which beset metropolitan America until we can find the means for dealing with the fragmentation of political institutions which is common to our Nation's metropolitan areas.

The National Service to Regional Councils was initiated by the National League of Cities and National Association of Counties in 1967. It was incorporated in 1968 and since that time has played an increasingly important role in assisting and supporting a growing number of regional councils in every corner of the Nation. The National Service provides advice and guidance to regional councils at the local level and provides a mechanism through which such councils can articulate their views and objectives in regard to national programs and policies.

Earlier this week it was my pleasure to take part in the Fifth Annual Conference of the National Service to Regional Councils at New Orleans. I shared a general session on the subject of "Land Use" with Michael Cafferty, Acting Assistant Secretary for Environment and Urban Systems in the U.S. Department of Transportation. Mr. Cafferty's comments on "Metropolitan Challenges for 1971" outline efforts within the Department of Transportation to provide the means for strengthening local government and for promoting metropolitan approaches to problem solving. His remarks have real relevance for all of us who are aware of the vital need for institutional innovation as a step toward the resolution of urban problems:

METROPOLITAN CHALLENGES FOR 1971

I am delighted to be here representing Secretary Volpe at the Fifth Annual Conference of your young and growing association of regional councils. I have two messages this morning. First, 1971 will be a year of unprecedented challenges to metropolitan organizations. Second, you have a friend in the Department of Transportation to help you meet these challenges. The challenges I speak of include Federal revenue sharing, responding to the National Environmental Policy Act within the context of the A–95 process, and organizing for effective land-use and urban transportation planning. The friend I speak of is the Office of the Assistant Secretary for Environment and Urban Systems. This office is devoted expressly to strengthening local government and to building a metropolitan approach to problem solving, including those dealing with the environment, land-use and transportation.

In meeting with you this morning, I want to discuss four major recent developments at the Federal level which have grave implications for the metropolitan organizations which this group represents.

First, let me discuss President Nixon's Revenue Sharing Plan and Secretary Volpe's recent work in defining the "transportation" part of that plan. As you know, the President's revenue sharing plan is aimed at strengthening State and local government and at moving the focus for decision-making out of Washington to local levels. The President's General Revenue Sharing Plan provides—in 1972, if enacted—a full year allocation of $5 billion to States and localities, while six broad Special Revenue Sharing plans will provide $11 billion of shared revenues for: (1) Rural Community Development; (2) Urban Community Development; (3) Education; (4) Manpower Training; (5) Law Enforcement; and (6) Transportation. I would like to comment briefly on the transportation portion of that plan and particularly on how urban areas can benefit from it.

Under Special Revenue Sharing, $2.6 billion would be available to develop balanced transportation systems serving local urban and rural areas. Special provision for passing Federal funds through the States are yet to be worked out. I suggest that your organization may well be one to lead the support for including generous "pass through" provision. "Pass through" will assure that local governments receive an equitable share of this fund and that they will be provided with the tools it needs to solve its own problem. Federal funding for the Interstate Highway System will be maintained separate from other transportation funds until completion of the system.

You might well ask what this development has to do with the future of regional councils. I suggest to you today that it places upon local elected officials, local government, and regional agencies a new and heavy burden. The burden will be the job of building institutions and of coordinating the planning and decision process, without direct Federal strings and incentives for guaranteeing that this is done. It seems to me that this must be done even if Revenue Sharing is not given immediate Congressional approval.

Secondly, agencies such as yours face a new challenge in regard to the National Environmental Policy Act of 1969. All of you are somewhat familiar with this landmark legislation I'm sure, but just let me make a few comments on it.

With this legislation, the Congress has, for the first time, attempted to treat government actions and a broad range of environmental values. The policies, plans, regulations and public laws which agencies propose are required to give positive consideration of their impact upon the environment in which they operate. To this end, all agencies of the Federal establishment and their state and local constituent agencies are required to:

(1) "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment."

(2) "identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations."

The Council on Environmental Quality has been working with all agencies in an effort to identify and develop those methods and procedures which will make it possible to insure that what we call "unquantified environmental amenities and values" are given equal consideration in design planning equal to that given to cost benefit and technological feasibility. Further, in proposing legislation or in "other major Federal actions" which significantly affect the environment, Federal agencies must prepare and submit to the Council on Environmental Quality statements on environmental impact before they submit legislation to the Congress or before they approve or move forward on Federal programs and projects. This is called "the 102 Statement" and it is designed to factor environmental considerations into the process early enough to make intelligent choice a possibility.

This "102 Statement" must set forth:

(1) the environmental impact of the proposed action;

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposed action;

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Obviously, this is pervasive legislation. There have already been cases where implementation of the Environmental Policy Act has required painful readjustments in the old ways of doing business.

Until now, project sponsors have circulated their "102 Statements" to local, State and Federal agencies having an interest or jurisdiction over some phase of the project. Effective April 1, 1971, Revised OMB Circular A–95 authorizes and encourages the use of A–95 agencies as the appropriate vehicle for recurring State and local inputs to their statements.

Agencies such as yours will be provided with the opportunity to coordinate the comments on the environmental impact of Federal and Federally funded projects from the viewpoint of State and local concerns.

This is a powerful new tool which has significant long range implications to you and your staff. We in the Department of Transportation view this as a significant step forward in providing local and metropolitan officials with the tools they need to control the destiny of their areas.

Your participation and your consideration of environmental issues will be required at an early stage in the planning of projects which may have—in either the short or the long term—an environmental impact. The Department is proud of the record which it is establishing in this area. We seek your support and your guidance in maintaining that record. We offer you ours as you enter this new arena of action.

The third topic that I want to discuss relates to my second, and reorganizes the fact that environmental issues are really issues of proper land-use planning.

Nationally, there has been considerable interest and activity this year in the area of land-use planning. President Nixon included a Land Use Policy Act as part of his new broad program of environmental legislation.

Three weeks ago, in his annual report on the state of the Nation's environment, President Nixon stated that:

"The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the use of our land is often thwarted by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance."

The Administration's Land Use Legislation would establish a National Land Use Policy to encourage the States, in cooperation with local governments, to plan for and regulate development affecting growth and the use of critical land areas. Further, the Bill would encourage State governments to find ways to protect lands of critical environmental concern, to control large-scale development, and to improve the use of lands around key facilities and new communities.

During the last session of the Congress, Senator Jackson, Chairman of the Senate

Committee on Interior and Insular Affairs, introduced a National Land Use Policy Act which differs slightly in emphasis from the Administration Bill. Senator Jackson would require States to develop State-wide land use plans but would not require actual State control of or regulation of land. Senator Jackson's Bill moved forward but was not passed. Both of these Bills will be considered by Congress during the current session and there seems to be a good possibility that a National Land Use Policy will be enacted this year.

We in the Department of Transportation are enthusiastic in our support of this strong emphasis on land use planning. We have long maintained that there should be a closer integration of land use and transportation. Transportation systems should be used to further and to promote land use decisions made at both the State and metropolitan level. This would facilitate transportation planning and it might eliminate many of the conflicts which have arisen in the past between particular transportation projects and their land use implications.

My fourth and final topic relates to urban transportation planning, a subject with which most of you are involved daily.

Last year, the Executive Office of the President requested the Department of Transportation to evaluate the existing urban transportation planning process, and to make recommendations for improvement, if necessary.

This is an outgrowth of Section 134 of the 1962 Federal Aid Highway Act which required that every urban area of over 50,000 in population have a comprehensive coordinated continuing transportation plan.

In the past studies such as this have focused on the problem from the Federal level and have primarily involved highway transportation interests. Our study, however, is different. It has taken a non-Federal perspective, has involved other Federal agencies, such as HUD and the Office of Management and Budget, and it has crossed modal transportation lines to include all forms of transportation. As part of the study, questionnaires were sent to 40 key mayors across the country, to 25 councils of government, to the 50 State Highway Directors; and to over 233 urban transportation planning agencies; 96 percent responded and provided a remarkable body of opinion on the urban transportation planning process as we know it.

In addition to the questionnaire, I personally visited 10 major metropolitan areas to discuss the study, the evaluation with elected officials, with professional staff and with public-interested groups. We sponsored, along with the American Institute of Planners, six three-day conferences in other major metropolitan areas. Each State Department of Transportation now operating has been brought up-to-date on our efforts. We have discussed the study with the U.S. Conference of Mayors, with the National League of Cities, the National Governors Conference, the National Service to Regional Councils, with groups similar to these, and with professional associations of highway engineers, of planners, of architects, and of public administrators. In short, we have attempted to make our recommendations on the basis of the broadest possible frame of reference.

In addition to the foregoing, our office has sponsored a comprehensive series of research projects expressly aimed at providing further insight into existing urban transportation planning and with a view toward improving that planning process. Our research program—which incidentally was carried out by nationally recognized consultants—was likewise oriented toward State and local officials. It, too, involved countless discussions with governors, mayors, and legislators all over the country.

Our projects were concerned with developing an improved urban transportation planning process, which would reflect the impact of the National Environment Policy Act, and with improved citizen and political participation in transporation planning.

All of these sources of data and opinion are reflected in our study of the urban transportation planning process. We have found that urban transportation planning, as required under the 1962 Highway Act, has performed well as the first major Federal effort to stimulate joint State/local planning for land use, transportation and highways. Further, it has functioned—to some degree—at least, in each of the Nation's 233 urbanized areas.

The "3C Process" as it is called—Comprehensive, Coordinated, Continuing—has been the primary stimulus for the development of improved planning techniques and procedures. It has been the means by which data have been acquired for transportation planning decisions. In many instances, it has been effective in strengthening relationships among the individual communities in urbanized areas and between these areas and State governments.

Further, the process has provided a constant and fairly adequate source of Federal funds for planning at the State and local levels. In fact, over 60 percent of all Federal funds spent for transportation and land use planning at these levels comes from the Department of Transportation as part of this process.

At the same time, I think I would be less than frank if I did not say that, by and large, the urban transportation planning process—as we know it—has generated plans that are mere reaffirmations of plans that most highway departments have developed 20 or so years ago, long prior to the initiation of the 1962 Highway Act planning requirement. This suggests to me that the question of need for, and impact of the transportation plan has probably not been as thoroughly re-examined as called for in the 1962 Highway Act.

Few of the transportation plans which resulted from this process contained significant provisions for public transportation; even fewer, for service to planned new airports, for consideration of railroad facilities, for local street improvements, for parking or for the like. This was largely due to the lack of implementation funds and to a concentration on regional transportation needs—as opposed to total transportation needs—but, nevertheless, the problem remains the same.

To extend this thought, the limitation on funding sources has also tended to minimize consideration of innovative transportation solutions particularly as they might relate to new technology and joint development with other urban improvements.

In another area, while the comprehensive transportation planning process did establish elaborate committee structures of elected officials, technicians, and citizens, the conduct of the process itself was largely in response to the interests of the highway technicians. There is no evidence that either elected officials or private citizens have influenced the process significantly. An opportunity was there, but I find little evidence that the plans which came forward reflected anything more than a highway—rather than a transportation—solution.

The urban transportation planning process, to date, has not made significant progress toward comprehending, much less analyzing the physical, social, and environmental impact of transportation plans on urban areas. The results of the urban planning process—as we know it—continue to be influenced largely by traffic considerations.

In this respect, we could all probably agree that little exists in the way of information or planning techniques, pertaining to the environment and its interrelationship with transportation and other physical facilities. Too little research has been done to determine how transportation and other physical improvements can be assessed objectively in light of their social, environmental and aesthetic impacts.

Then, too, there is the problem of defining the term "environment" and of measuring the trade-off between environmental and economic and technical considerations.

Consider these six additional points:

Although no one knows for sure, we think that about $200 million has been spent on urban transportation planning since 1958 or so. An expensive process and what have we gotten for our money?

Most urban transportation studies take talented researchers from three to six years to develop recommendations. It behooves us to shorten the process if we can.

There is a semantic problem. Requirements for Federal planning, even the definitions used in transportation planning, differ among Federal agencies. This is another source of confusion and inefficiency.

For too long urban transportation planners have not focused on the analysis of existing plans and programs. They should. The fact that a transit or highway agency has programmed a project for 10 or 15 years need not mean that it should not be reexamined. The opposite may well be true, that all transportation plans should be reexamined critically and on a continuing basis and in light of prevailing knowledge, particularly as community goals and values may change. As a matter of fact, the longer a plan is on the books without being implemented the more I am inclined to suspect its viability.

Let me cite an example. The transportation system—both freeways and transit routes—for a large Eastern metropolitan area was fixed in concept in the 1940's. In spite of the fact there there was general agreement that community goals had changed over the years, it took an act of political courage by the Governor of the State to say—as he did, in 1970—that the system didn't satisfy the current needs of the area. He recommended that work toward the system be suspended; it should not have been necessary for him to make such recommendations. The transportation planning process should be designed so as to accommodate and meet changing goals.

Finally, urban transportation planning has never been linked very closely with project planning. By and large, current urban transportation planning has little to do with when or where a particular transportation improvement will be made. It has even less to do with the broader elements of the design of such a project. We must correct this.

In recent years, urban transportation planning has concentrated almost exclusively on problems at the regional level. Such problems certainly need to be addressed but not to the exclusion of local transport problems.

In short, urban transportation planning today is a complex technical process of traffic demand forecasting. It should be a process leading to action, to total transportation and to urban improvement. Some of you may say I've been too critical of the process. If so, it is because I believe in its importance. I also believe that it is absolutely necessary for those who are involved in the process to continually appraise its usefulness and its relevance.

This evaluation of Section 134 study has suggested that the urban transportation planning process is a viable one which improved, could do much not only toward solving our Nation's urban transportation problems, but also toward improving the quality of life in urban areas.

I would say that five major conclusions emerge as the basis for improvement in the "3C" process. These conclusions, roughly in their order of importance, follow:

First, institutionally we have long maintained that transportation must be planned on a metropolitan basis as one integral part of regional development planning. Even so only marginal progress has been made in providing, within our constitutional system, a mechanism for doing this and for giving all elements of government and society equitable access to this mechanism.

Second, technically, though the urban transportation planning process has evolved into the most sophisticated of all urban planning processes, there are areas where improvement can and should be made.

We must consider local as well as regional transportation needs for all modes.

We must assess environmental, social, and aesthetic factors, as well as economic and traffic factors as they relate to transportation facilities.

We must determine the degree to which planned transportation facilities further other defined goals and objectives.

Third, Federal definitions for urban transportation planning must be modified in both institutional and technical terms to recognize emerging planning frameworks. For several years, urban transportation planning has consisted of two levels of planning—regional system planning and detailed project planning—with most significant decisions made at the project scale. The emergence and success of the "Design Concept Team" has suggested the desirability of a third, a middle planning level. Official recognition of this concept as part of the planning framework could stimulate effective urban transportation planning:

By providing a focus for citizen participation,

For joint development planning,

For an improved response to the Environmental Policy Act, and

For the use of multidisciplinary design talents.

Fourth, an institutional approach, the urban transportation planning process must be tied more closely to transportation program decisionmaking. We must heighten existing efforts to insure that planning leads to action.

Fifth and finally, we must face a problem which emerges from improved Federal planning, capital funding for public transit and airports, and the development of State DOT's. The Federal DOT must develop a focal point within its structure for urban transportation planning to include the technical and financial aspects of such planning.

Where do we go from here? Given the mandates of Federally funded transportation programs, how do we improve urban transportation planning.

Given transportation as an urban function which can disrupt community life as well as shape community form and structure, how can we make it a positive force?

I think our studies have identified three goals. Improvements in urban transportation planning must:

Enhance and strengthen State and local governmental institutions so that they can respond to the expressed needs and desires of all elements of society;

Be conducive to the implementation of a fully coordinated intermodal transportation system; and

Provide transportation the maximum opportunity for serving as the catalyst for better urban development and a higher quality of urban life.

Lofty goals? Yes. Practical objectives? Yes, again. On the basis of these findings, we are now in the final process of preparing our specific recommendations to the Secretary.

The Office of the Assistant Secretary for Environment and Urban Systems believes that progress has been made. We must continue our efforts on urban transportation planning to guarantee metropolitan areas a real capability for making their own choices, to be masters of their own destiny, if you will. This requires a strong, cooperative effort by Federal, State and local authorities. We welcome your views.

It is important that each of these four areas which I have discussed are designed to lead to change—change in the way we look at our problems and change in the way we seek their resolution. That's not just change, I think that's progress.

ALASKAN PIPELINE LETTER TO SECRETARY MORTON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ASPIN. Mr. Speaker, below is a letter which I, along with 38 other Members of the House and seven Senators, have sent to Secretary of Interior Rogers Morton. The letter expresses our grave reservations about the adequacy of the draft environmental impact statement on the proposed trans-Alaska pipeline.

The letter follows:

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Interior Building, Washington, D.C.

DEAR SECRETARY MORTON: We would like to express to you our deep concern over the advisability of proceeding with the construction of the Trans-Alaskan pipeline. We are, and must remain, opposed to the granting of any further permits for the construction of the pipeline: (1) Until the very grave ecological problems that constructing the pipeline pose to the Alaskan wilderness have been adequately considered and resolved, and (2) until the rights and welfare of the Alaska Natives have been fully protected.

It was clear from much of the testimony at the Interior Department's pipeline hearings that the draft of the Department's Environmental Impact Statement failed to adequately consider the basic environmental questions involved in the proposed pipeline. Indeed, many statements contained in previous reports and memos of Interior Department officials flatly contradicted the Impact Statement's unsupported conclusion that "The proposed pipeline system would not result in any significant adverse environmental effects that can be related to present or future cultural features of most Alaskans."

Among the more basic environmental questions that the Impact Statement failed to confront was the possibility of an oil spill resulting either from one of the numerous earthquakes common to the area over which the proposed pipeline would go, or from a pipeline break due to the melting and collapse of the permafrost in areas where the pipeline would be built underground. In the words of an Interior Department official:

"With miles between shutoff valves, any rupture would be catastrophic, no matter where it occurred." (Memo, "Proposed Pipeline Stipulations," July 7, 1969, p. 2.)

Unfortunately, neither this statement nor similar ones made by Interior officials was even alluded to in the Impact Statement's conclusion.

The impact Statement was equally disappointing in its failure to consider the impact the pipeline would have on native Alaskan cultures—both Indian and Eskimo. These natives' very existence depends on maintaining the delicate ecological balance of the land—which could be disastrously affected by an oil spill. It is virtually certain that even under optimum conditions, the construction of the pipeline would significantly alter many natives' way of life. We urge you, at the minimum, to require that the following three stipulations be included in any agreement reached with the pipeline company (Alyeska) to insure that the natives receive both fair treatment and fair compensation:

(1) That Alyeska must agree to specific stipulations guaranteeing the natives indemnification for any economic losses they incur as a result of a pipeline break or as a result of other extraordinary damage caused by the pipeline. At present, the stipulations require the companies to indemnify only the U.S. Government for any damage, and then, only for the cost of "cleaning up." It is indeed difficult to understand why the companies should object to such a stipulation if the pipeline is as safe as they say it is.

(2) That Alyeska be required to enter into an agreement with the natives regarding job recruitment, training, placement, and conditions in relation to the pipeline. In its present form, Draft Stipulation C is inadequate because it is vague and because it requires Alyeska to reach agreement only with the Secretary of the Interior, but not with the natives themselves.

(3) That Alyeska agree to compensate the natives for the effect that the construction both the pipeline and the haul road will have on their lands and on their traditional way of life. So far, the pipeline company has refused to make any agreement with the native villages along the pipeline route to compensate them for the inevitable and permanent damage that will certainly occur to many of the natives' traditional hunting and fishing sites.

As a trustee for these Alaska Natives, we urge you to insure that their interests and rights are fully protected if and when the pipeline is to be built. We were greatly encouraged by the statements concerning the pipeline that you made before the Senate Appropriations subcommittee last week. We applaud your recognition that the environmental problems related to the pipeline have not been adequately dealt with.

We believe the only sensible solution to the pipeline issue is the delay of the pipeline construction until we have the best possible assurance that, first, the damage to the environment will be absolutely minimal and, second, that the rights of the human beings in its path are fully protected. This could take five, ten, twenty, or more years. But the fact that the environmental sciences are now only in their infant state, and are likely to develop significantly in the future, is an additional argument for its postponement.

We would very much appreciate receiving your reactions to the specific points contained in our letter.

Thank you very much for your attention,

With kind regards,

COSIGNERS OF LETTER TO SECRETARY MORTON

Rep. Aspin, Wisconsin, Rep. Abourezk, South Dakota, Rep. Abzug, New York, Rep. Ashley, Ohio, Rep. Badillo, New York, Rep. Brademas, Indiana, Rep. Broomfield, Michigan, Rep. Dellums, California, Rep. Diggs, Michigan, Rep. Drinan, Massachusetts, Rep. Edwards, California, Rep. William Ford, Michigan, Rep. Grasso, Connecticut.

Rep Halpern, New York, Rep. Hamilton, Indiana, Rep. Harrington, Massachusetts, Rep. Hathaway, Maine, Rep. Howard, New Jersey, Rep. Kastenmeier, Wisconsin, Rep. Long, Maryland, Rep. Matsunaga, Hawaii, Rep. Mikva, Illinois, Rep. Minish, New Jersey, Rep. Mink, Hawaii, Rep. Mitchell, Maryland.

Rep. Mosher, Ohio, Rep. Nedzi, Michigan, Rep. Obey, Wisconsin, Rep. O'Neill, Massachusetts, Rep. Rees, California, Rep.. Rooney, Pennsylvania, Rep. Rosenthal, New York, Rep. Roy, Kansas, Rep. Scheuer, New York, Rep. Seiberling, Ohio, Rep. Stokes, Ohio, Rep. Tiernan, Rhode Island, Rep. Vanik, Ohio, Rep. Waldie, California.

Senator Brooke, Massachusetts, Senator Harris, Oklahoma, Senator Hart, Michigan, Senator Kennedy, Massachusetts, Senator McGovern, South Dakota, Senator Nelson, Wisconsin, Senator Proxmire, Wisconsin.

FALLOUT BENEFITS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SPENCE. Mr. Speaker, the SST is one of the most advanced high-performance supersonic cruise airplanes, either civil or military, in development in the United States today. Combining this performance with commercial standards of safety, durability, reliability, and economy means that the SST program must perfect thousands of components and details that have never been built before.

I would like to point out that technological fallout benefits begin to accrue immediately with the start of a new, technically challenging program. Experience with the SST's GE–4 engine shows how this process unfolds.

To launch the initial GE–4 design, the latest concepts and technology from General Electric's J–93 military engine, which powered the XB–70 bomber provided a base. But performance and fuel economy required higher turbine inlet temperatures, improved turbine blade cooling, and new, better materials.

Work on improving the SST engine beyond the XB–70 engine then permitted GE to use new turbine technology for their TF–39 engine that powers the Air Force's C–5A. The TF–39 basic design was then adapted to the CF–6 engine for the McDonnell-Douglas DC–10. Using cross-fertilization from all these engines, GE has proceeded on to the development of a new military engine, the F–101 for the B–1 strategic bomber.

The SST engine also provided a new high-temperature rotor disk material named René 95. The improved annular combustor, which is used in the SST engine, is now used in all GE designs. It delivers more performance and durability at lower fabrication costs than previous combustors. The SST engine program has contributed to development of René 63 and 80 high temperature alloys, new improved titanium alloys, and advanced manufacturing processes.

Boeing's SST program has already contributed significantly to technology in general, as well as to aviation technology. A major, broad benefit has been developed in conjunction with the U.S. Air Force of the voluminous Titanium handbook and other standard references for titanium design properties and design allowables. This information forms the basic foundation for titanium design in new projects including military aircraft such as the F–14 and F–15. SST titanium technology development has been utilized in the Boeing 747 program such that a major structural assembly on the 747 airplane was switched from steel to titanium at a significant saving in weight and cost.

A new method has been developed for constructing plastic contour tooling for the outside shape of the SST, both cheaper and lighter. This should have wide usage in a number of industries.

Other SST manufacturing developments include cutters, drills, and coolants which have produced a tenfold improvement in titanium machining rates electromagnetic riveting for more precise, higher-strength joints; cast ceramic heated forming dies; and improved automatic resistance and fusion welding.

There are also notable advancements in high-temperature nonmetallic materials such as glass, titanium sandwich construction, automatic flight control systems, fluids and lubricants, wire insulation, sealants, and insulation. So anyone who insists there is no technological fallout from the SST obviously does not know what the words mean.

THE PLIGHT OF THE LIVESTOCK FEEDERS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. McCOLLISTER. Mr. Speaker, the livestock feeders of our Nation have found themselves playing scapegoat in recent years to consumer wrath over rising beef prices. The feeders do an excellent job of finishing livestock so that the Nation can enjoy the high quality of beef that it does. Their scapegoat situation is unfair, and I blame it on what I will call deceiving facts.

For example: It is true that the average price of choice steer has gone up 5 percent in the past 10 years. And it is true that the average price of beef for the housewife has risen almost 20 percent in the same amount of time. It is a substantial gain, I will grant you. But let us take a look at some statistics which help put the rising beef prices in perspective.

Compare the 20-percent increase in retail beef to the rise in the Consumer Price Index on all items: a whopping 34.4 percent. Or take a look at the increase in 10 years in the average cost of all consumer services: more than 50 percent.

Focus on some of the average hourly earning increases workers in other industries have netted over the past 10 years. Nonagricultural workers have increased their wages nearly 58 percent. Hourly earnings in the retail trade have gone up more than 62 percent, and construction workers are earning more than 76 percent increase.

The beef increase is certainly in line, and probably more than reasonable, in view of the other rising costs—costs which the feeders must bear as well as the consumer in order to provide their service. Expenditures per capita for food alone, for example, have risen more than 45 percent in 10 years.

In view of the overall mounting costs in the last decade, I think the fact that beef is as inexpensive as it is remarkable. The feeders do a very efficient and effective job and have helped make beef one of the best bargains available today.

PRESIDENT SHOWS SURPRISING DEPTH

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MYERS. Mr. Speaker, the President's courageous ability to act decisively, without regard to political expediency, has been aptly described by journalist Holmes Alexander. I submit Mr. Alexander's article for the RECORD as it realistically rates the success of both the Laos and Cambodian maneuvers and dramatically analyzes the consequences of forgoing both:

[From the Albuquerque (N. Mex.) Journal, Feb. 22, 1971]

PRESIDENT SHOWS 'SURPRISING' DEPTH

(By Holmes Alexander)

WASHINGTON.—Richard Nixon is a person of undiscovered depths. None of his biographers—whether dipping the pen in perfume or poison—prepared us for the war-leader we now have in the White House. The politician in domestic affairs has become the statesman of foreign affairs. His conduct of the Indochina War, 1970–71, has been superlative, and his countrymen should be cheering him to the echo.

In order to understand his invasion of Laos this year, we must go back to his invasion of Cambodia last year. There were "expert" advisers who reacted in horror last spring when Mr. Nixon first broached the subject of attacking the Communist supply caches in "neutral'" Cambodia.

In the first place, they said, it was an election year, 1970, and the GOP had the best mathematical chance since 1946 and 1952 to take over the Senate. Discretion called for the exercise of conventional political wisdom. He was advised: don't rock the boat, keep preaching peace and bring the boys home, stay out of combat situations.

Other persons, identified to me only as "experts," told the President that casualties in Cambodia might well run to 1000 a week, and that he was asking for a "civil explosion." As it turned out, the battle losses were only a fraction of that prediction, and the public alarm, after some campus disturbance, soon subsided.

But Mr. Nixon could not foresee these mild outcomes. What he did perceive with certainty was that by allowing the Communist sanctuaries to remain intact in Cambodia, he would be exposing the reduced American forces of 1971–72 to the mortal danger of overwhelming attacks. The President decided to strike first.

He dispatched U.S. troops who destroyed vast stores of military supplies, and who also liberated the port city of Sihanoukville which received 85 per cent of the weapons, ammunitions and rice from North Vietnam.

This year, in February of 1971, the President turned his attention to Laos. The Ho Chi Minh Trails, entering Laos, now carried all that they had done in the past six years, plus the cargoes that once went by water in Sihanoukville.

It is not well understood, but the Reds have a system of sending supplies first, hiding them in caches, and then sending the combat troops into the area. The President saw that by disrupting or destroying Communist supplies during the dry season that lasts till May, he would not have to contend with the Communist combat troops who were expected to show up in Laos during the winter of 1971–72.

The risks were greater in Laos '71 than in Cambodia '70. A foolish law passed by Congress forced the President to rely on non-American troops to fight for American national interests.

True, the Saigon troops had been greatly improved by the U.S. training programs and weapons. An official figure given in Washington is that last year only two South Vietnam divisions were rated as "excellent," whereas this year there are eight such "excellent" divisions.

Nevertheless, it must have gone against the Nixon grain of self-reliance to find his foreign policy carried out by Asians instead of Americans. Moreover, he was hearing the ominous code word, "Dienbienphu." It implied that a major victory by the enemy might mean a quick and tragic end of the war for our side.

Had he been looking for excuses, the President could have stayed out of Cambodia and Laos. The first campaign had not gained him a Republican Senate; the second was not likely to insure his own reelection next year. But it was opportunities, not excuses, that he seized upon.

Nobody can foretell that the American people will hail Mr. Nixon for playing the statesman. But somebody in my presence did suggest that the President at least averted a personal misfortune by acting as he did.

In 1938, British Premier Neville Chamberlain chose inaction and attained "peace in our time," only to find that he had World War II on his hands by 1939. Something similar might have happened again if Richard Nixon hadn't been made of sterner stuff than Chamberlain.

MILITARY OWED BETTER RETIREMENT PAY PLAN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. YOUNG of Florida. Mr. Speaker, for the past 15 years our retired military men and women have sought unsuccessfully from the Congress a fair and workable formula for providing increases in their retirement pay.

Before 1958, that pay was recomputed to keep up with increases in the pay of military personnel on active duty. However, Congress abandoned this plan and substituted one that supposedly was tied to increases in the cost of living.

This program just has not worked out. The cost of living has soared; yet, the retirement pay has not kept pace. The gap between active duty and retirement pay has grown wider and wider.

Like many others on fixed income, our military retirees have been hardest hit by inflation.

Many of our retired military personnel live in my own Eighth Congressional District of Florida, and I am personally and acutely aware of their plight. Many of these men and their families are forced to live a very marginal existence.

For this reason, I have introduced H.R. 1198, to return to the former system and equalize the retirement pay with that of active duty military personnel of equal rank and years of service.

Our retired military people have devoted long, hard years of service to this Nation. Many have fought valiantly and risked their lives to protect America and preserve its great freedoms.

Therefore, I strongly urge my colleagues to join in promptly enacting legislation to provide these men and women with a just system of computing increases in their retirement pay. They are entitled to no less.

THAT'S A LOT OF POST TOASTIES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. KOCH. Mr. Speaker, the Banking and Currency Committee, of which I am a member, held hearings on February 23 through 26 relating to the bill which gives to the President the power to impose selective wage and price controls. This House passed the bill on March 10, and I voted for it. I do think it, however, important, and informative to present to our colleagues the point of view of an industry spokesman who receives an annual salary of $260,000 plus "fringe benefits," and who testified in support of the bill because, as he states:

> A major cause—perhaps the major cause [of inflation]—is to be found in the exorbitant increases in compensation, most of which have ensued from collective bargaining.

I would like to quote from parts of the testimony and of the dialog between myself and C. W. Cook, chairman and chief executive of General Foods Corp.

Mr. Cook. The root causes of a major inflation, of course, are complex and not easy to identify in toto. In the current spiral, however, I share the opinion of many businessmen who are convinced that a major cause—perhaps the major cause—is to be found in the exorbitant increases in compensation, most of which have ensued from collective bargaining and some disastrous strikes in a number of our major industries, particularly construction and transportation.

I can understand why the leaders of organized labor dispute this view. But in the light of the overwhelming evidence supporting it, I fail to see how they can sustain their argument. It is an indisputable fact that increases in wages and benefits far in excess of productivity increases exert enormous inflationary pressure. . . .

I believe, as do others, that freezing all forms of compensations alone—salaries, dividends, and commissions as well as wages and benefits—would be effective without a price freeze. But I am realistic enough to know that such a proposal is not politically feasible, so I would include prices in the temporary pegging. . . .

Mr. Koch. I wonder if you could tell us what your gross salary, including all increments and benefits paid to you, was in the calendar year 1969 and the calendar year 1970, and the projected salary in 1971.

Mr. Cook. Well, I don't see that that personal information really has a bearing here except let me say it did not go up.

Mr. Koch. Am I not correct that it is not personal information at all and could be found in the balance sheet, profit and loss statements issued by your company? Isn't your salary——

Mr. Cook. Yes, sir, my salary——

Mr. Koch. As chairman of General Foods Corporation, a matter of public knowledge?

Mr. Cook. Yes, sir; $260,000 a year.

Mr. Koch. In 1969 it was $260,000 a year?

Mr. Cook. Yes, sir.

Mr. Koch. Does that include all benefits, pension benefits?

Mr. Cook. This is what gets very difficult. We have, for example, a thrift investment plan that is available to every member in General Foods in the United States and Canada.

Now, if you participate in that the company makes a contribution to it. We have a pension plan that has very definite benefits, so it is awfuly hard to add up all of these things.

Mr. Koch. If you are not in a position now to give me that figure, would you be able to provide that figure in the testimony when it is presented at the conclusion of the hearing?

Mr. Cook. I am curious. We are talking about not letting inflation run away and I said to you this has not increased. I have said to you I would favor freezing that, including my salary and everybody else's. Now, why is this point germane?

Mr. Koch. I will get to why I think it may be terribly helpful in a minute. Would you provide that information? You gave us $260,000 for 1969.

Mr. Cook. That is salary.

Mr. Koch. But there are other benefits and increments. Would you provide that total information to us at the time that the transcript is given you? Would you include it in the record?

Mr. Cook. You were going to tell me why this is germane.

Mr. Koch. I will.

Mr. Cook. I don't know. I would like to know here if it is germane.

Mr. Koch. I will get to that in a moment.

Mr. Cook. Let us hear that.

Mr. Koch. In 1970, was your income higher than $260,000?

Mr. Cook. No.

Mr. Koch. And in 1971, is it projected that it will be any higher?

Mr. Cook. No.

Mr. Koch. Now I will tell you why I think it is terribly important we know exactly how much the chairman of General Foods Corp. made in those 3 years or will be making.

I happen to believe in selective price, profit, and wage controls, but what is difficult for someone like myself or someone out in the other areas of the economy to accept is your concern——

Mr. Cook. Yes, sir.

Mr. Koch. About salaries paid to workers in this country when you are receiving a salary in excess of $260,000 a year, and I ask you whether you might not make a voluntary contribution toward that campaign to reduce prices in this country and to bring inflation under control by suggesting a cut in your salary?

Mr. Cook. I have just figured my income tax and I can assure you it wasn't voluntary, but I think you would be staggered by the percentage of it that went to New York State and the Federal Government.

Salaries like this always sound high. We have lost about three of our very key executives who were making, let us say, at least half as much because other companies come in and offer them more.

It so happens, and I certainly don't intend to pay myself a compliment in this, but it so happens that there are relatively few people who have had the education, who are willing to work 60 and 75 hours a week, which I do, and who will take the responsibility and who will neglect, if you will, a family life and so forth to carry responsibilities of this kind.

They are very scarce.

In response to another Member's question:

Mr. Cook. The idea of paying an unskilled teenager the minimum wages in New York

City, in New York State, has resulted in a very high unemployment rate among them.

And if you just simply try to hire one of them to do some work around your house or whatever, they are not available because I think they priced themselves out of the market. And when the labor leaders propose that this minimum increase be raised still further, I understand now they say: "$2 is not enough, it needs to be higher than that," without making an exception for the unskilled and let us say the inexperienced, I think these people are going to be left right out in the cold. . . .

Mr. Speaker, I believe that some of the wages in this country and particularly in the construction industry have been inflationary, but I am appalled that Mr. Cook is opposed to paying to adolescents engaged in summer jobs $2 an hour. This suggestion comes with little grace from Mr. Cook, who, if we accept his assertion that he works 70 hours a week, receives compensation at the rate of over $74 an hour—and this figure does not include the "fringe benefits" which he has not yet revealed to the Banking and Currency Committee.

Again, Mr. Speaker, I want to reiterate, I am for selected price and wage controls, but I also believe that the working man in this country, particularly in the low and middle ranges of wages and salaries, and surely those earning less than $2 an hour, ought to have their needs attended to. Those receiving huge salaries such as Mr. Cook might temper their remarks on the need for salary increases for the less fortunate.

Mr. Speaker, $260,000—that is a lot of Post Toasties.

ST. PATRICK'S DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MINISH. Mr. Speaker, today millions of Americans join to honor the Irish and to observe a day set aside in tribute to their patron, St. Patrick. Whether we are Irish by birth, by descent, or in spirit, St. Patrick's Day unites us all in celebration of the Irish character and culture.

It is a fitting occasion, I believe, to call to the attention of this House an injustice which now bars many sons of Erin from joining their forebears in the United States.

Due to a largely unexpected result of the 1965 Immigration and Nationality Act immigration to the United States from Ireland has been severely curtailed. Between 1956 and 1965, before the new law was enacted, an average of more than 7,000 Irishmen came to the United States annually. Since 1965, however, Irish immigration has declined to less than 2,000 each year.

Legislation I have introduced would remedy this deplorable situation. H.R. 166 would place a "floor" under immigration from nations, like Ireland, which are the most adversely affected by the new law. This floor would be equal to 75 percent of the average immigration from a country between 1956 and 1965 or 10,000, whichever is less.

Enactment of this measure during the first session of the 92d Congress will insure an especially joyous St. Patrick's Day in 1972.

THE RIGHT LABEL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ROSENTHAL. Mr. Speaker, LABEL is an acronym for Law Student's Association for Buyers' Education and Labeling. Its members, five students at George Washington University Law School, have submitted a petition to the Food and Drug Administration calling for a full disclosure of all ingredients in order to predominance on the label of food products.

I have long advocated strengthening our food labeling requirements. I have introduced a Better Labeling Act both in the last session and this session of Congress.

This petition, which I place in the RECORD, is the first project of this new group. I support their efforts and hope that they will continue to work for reforms on behalf of consumers:

THE RIGHT LABEL

SUMMARY

The Petitioner, LABEL, Inc., is a non-profit corporation registered under the laws of the District of Columbia. The goal of the organization is to promote more complete ingredient labeling on all food products. The petitioner respectfully suggests that the purpose of the Standards of Identity provided for by 21 U.S.C. § 341 Definitions and Standards for Foods) was to insure the quality and uniformity of food products but not to deny the consumer the knowledge of ingredients and thus the right to make an educated choice. This petition respectfully requests the Food and Drug Administration to issue a rule under section 701(e) (1) (B) of the Federal Food, Drug, and Cosmetic Act requiring all food manufacturers and/or distributors to label all ingredients which are contained in the food products they put forth for consumption.

PETITIONERS

LABEL is an acronym for Law Students Association for Buyers' Education and Labeling.

The officers and members of LABEL are Louis Kaufman, Arthur Koch, Gary Laden, Joan Levy, and Ellis Saull.

LABEL, Inc., contends that a new Food and Drug Administration regulation is both required and needed to allow the consumer to make a knowledgeable choice with respect to the foods he eats.

The members of LABEL, Inc., are personally affected in this matter by virtue of the fact that they are consumers.

I. FOOD AND DRUG ADMINISTRATION POLICY

In accordance with Congressional Intent,[1] the Food and Drug Administration has promulgated Standards of Identity "to promote honesty and fair dealing in the interests of consumers."[2] The Food and Drug Administration maintains that "food products are labeled with required information to guide and protect the consumer."[3] Further, in1967, the Food and Drug Administration stated that "labeling requirements should be designed to give the consumer the fullest pertinent information possible in concise terms, completely factual and free from any element of trade puffery."[4] "Food standards are not a device to be used in the interest of industry to circumvent the consumer's right to choose."[5] It is clear that the stated policies of the Food and Drug Administration are both to inform and protect the consumer.

However, the American Consumer cannot determine the ingredients of the foods he eats. According to the White House Conference on Food, Nutrition, and Health:

"As a result of the maze of present laws and regulations governing food labeling, consumers are presented with confusing or incomplete information about the products they purchase. The label of an unstandardized food, must bear a full statement of ingredients whereas the label of a standardized food need not disclose the mandatory ingredients. Nutritional information may be required on the label of a special dietary food, but not on a general purpose food.

"Consumers have requested and are entitled to more meaningful and useful information than is now provided them about food. Such reforms as required statement of properties, a declaration about the amount of any characterizing ingredient, and simplification of ingredient designation, will help the consumer understand the product more fully and help him to make more intelligent purchasing decisions."[6]

This confusing state of affairs is due to the way in which the Food and Drug Administration has in the past implemented 21 U.S.C. 341 which authorizes the Secretary of H.E.W. to "promulgate regulations fixing and establishing for any food . . . a reasonable definition and standard of identity."

Section 341 of title 21 of the U.S.C. reads as follows:

"DEFINITION AND STANDARDS FOR FOOD

"Whenever in the judgment of the Secretary such action will promote honesty and fair dealing *in the interest of consumers, he shall promulgate* regulations (F.D.C. Regs. parts 10, 14–20, 22, 25, 27, 29, 31, 36, 37, 42, 45, 46, 51, 53) fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container: *Provided,* That no definition and standard of identity and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the Secretary shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. *In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label.* Any definition and standard of identity prescribed by the Secretary for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing."

For the purposes of this petition, as an aide to understanding the confused state of the present F.D.A. standards, the following is a hypothetical food standard which assumes that Product X is a product for which a

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Footnotes at end of article.

Standard of Identity has been promulgated under 21 U.S.C. § 341:

Product X; identity; label statement of optional ingredients.

Product X contains ingredients A, B, and C.

Product X must contain at least one of the following: D, E, or F.

Optional Ingredients.

Product X may contain G, H, I, or J, or any combination thereof. If it contains I and/or J, the names of those ingredients must appear on the label.

With all due respect it is suggested that present FDA regulations have resulted in four vague and misleading categories of ingredient labeling, which we, for the purposes of this petition, will designate as follows: [These definitions will be used throughout this petition.]

(a) *Mandatory Ingredients:* There are ingredients that are listed in the Standard of Identity which must be contained in the product. They do not have to be labeled. (Example: caffeine in cola drinks (21 C.F.R. 31.1) or ingredients A, B, C in the hypothetical standard.)

(b) *Permissible Mandatory:* These are ingredients which are listed by group in the mandatory category within the Standard of Identity, at least one of the ingredients within the group must be in the product. This means that of all those ingredients listed as mandatory in the Standard of Identity only some of them are actually contained within the product. If they are contained within the product under this group, they do not have to be labeled. (Example: the form of egg in mayonnaise (21 C.F.R. 25.1(c)) or ingredients D, E, and F in the hypothetical.)

(c) *Labeled Optionals:* There are ingredients which are listed in the Standards of Identity as "optional ingredients", implying that they do not have to be in the product. Of these ingredients, there are those that must be labeled, by order of the Secretary of HEW, if they are contained in the product. (Example: calcium disodium EDTA in mayonnaise or ingredients I and J in the hypothetical.)

(d) *Unlabeled Optionals:* These are ingredients listed as optional ingredients in the Standard of Identity, which do not have to be labeled if they are included in the product because the Secretary has not so designated (Example: monosodium glutamate in mayonnaise (21 C.F.R. 25.1(a)(4)) or ingredients G and H in the hypothetical.)

The fact that these four categories exist has resulted in inconsistent, incomplete, and misleading food labeling, as illustrated by the following examples:

1. *Many products list no ingredients whatsoever on their labels.*

Hellmann's Mayonnaise (Exhibit A), and Polaner Pure Red Raspberry Preserves (Exhibit B), are nationally distributed food products that do not list any ingredients on their labels. Thus the consumer is unaware of the existence of eggs in mayonnaise or sugar in raspberry preserves.

2. *Some products list only the coloring ingredient, without disclosing any other ingredients.*

Pepsi-Cola (Exhibit C), and Coca-Cola (Exhibit D), two well known soft drinks, tell the consumer that they are caramel colored, but list none of the more than seventy other ingredients. The consumer is unaware of the required presence of caffeine.

3. *Some products label several of their ingredients, but neglect to inform the consumer that this is only a partial disclosure.*

Howard Johnson's Cola (Exhibit E), lists five ingredients on its label. The average consumer could interpret this to be a full disclosure of all the ingredients contained in this product. In fact, some of the major ingredients of this product are not labeled. Thus the consumer is unaware of the presence of caffeine.

4. *Pet food labeling is qualitatively and quantitatively more informative than the labeling required by the Food and Drug Administration for human foods.*

Exhibit F is illustrative of this more informative labeling. This shows that informative labeling is feasible.

5. *Retailers and Distributors often receive a more informatively labeled product than the consumer.*

The retailer using Coca-Cola syrup will be able to learn that Coke contains sugar, water, phosphoric acid, caffeine, extractive from cocoa leaves (Cocaine removed) and cola nuts, and other flavorings, and that it is caramel colored (Exhibit G).

The retailer using pre-bottled Coca-Cola, and the consumer will be able to learn that Coke contains: "Caramel coloring."

6. *The Consumer has no way of determining the amount or quality of additives in his food.*

"The use of additives in food in the United States rose from 419,000,000 pounds in 1955 to 661,000,000 pounds in 1965—a 58% gain in ten years. It is estimated that the use of additives will soar to . . . 1.03 billion in 1975."[7] Due to the lack of labeling requirements under the Standards of Identity, many of these additives go into the product unlabeled.

II. ARGUMENTS

1. *The purpose of the Standards of Identity is to insure quality and uniformity within standardized foods*

In 1938, Congress enacted Federal Administrative authority to create Standards of Identity for Foods (21 U.S.C. 341). The purpose of these standards was to insure a definite level of quality and uniformity for many foods.

Senator Royal S. Copeland, the sponsor of S. 5, which became the Food and Drug Act of 1938, in a report to the Senate from the Senate Committee on Commerce, commented on the purposes of the act. He stated that the provisions concerning foods not under a Standard of Identity should help "the consumer . . . to obtain reasonable information regarding the composition of the food he buys." He further stated that if a definition and Standard of Identity for a product existed, "a consumer can be assured that the composition is the normal and proper one, and that optional ingredients if used will be labeled."[8] Moreover, in the reports which accompanied S. 5 to the Seventy-fifth Congress, it was declared, "the purpose of the Standards of Identity was to keep food manufacturers from straying from time honored standards.'[9] The original intent in the creation of food standards was to insure a standard of quality and uniformity in foods, and that any supplemental deviation from such standards would be made known to the consumer.

According to the Food and Drug Administration, "Food products are labeled with required information to guide and protect the consumer."[10] This objective is not being fulfilled. Adequate information as to the contents of food products should be on the label so that the consumer in the grocery store can make an informative decision of the product he buys. The FDA food labeling procedures must be modified if this objective is fulfilled.

2. *The Food and Drug Administration regulations governing Standards of Identity are not in accord with the policies and purposes of the Federal Food, Drug, and Cosmetic Act*

The fact that major ingredients, such as caffeine, MSG, milk, and eggs are not listed on labels of standardized products conflicts with the policy and Congressional mandate of promoting honesty and fair dealing in the interest of the consumer.

Caffeine is a mandatory ingredient in cola drinks and as such does not have to be labeled. The consumer in the grocery store has no way of knowing this unless he happens to have a copy of Title 21 of the Code of Federal Regulations in his back pocket. For example, the presence of MSG and coconut oil in mayonnaise are hidden from the consumer.

In addition to promoting honesty and fair dealing, there are health reasons which would require the labeling of caffeine.

Modern medical evidence indicates a possible harmful effect of caffeine. "Dr. Samuel Bellet, Chief of Cardiology of Philadelphia General Hospital, has suggested that 'caffeine may be more important than smoking in setting the stage for heart attacks,'"

Doctors Samuel Bellet, MD, Alfred Kershbaum, MD, and Laurian Roman, MD, writing for the *Archives of Environmental Health* make the following remarks about caffeine:

"These studies show that ingestion of cola drinks containing caffeine (sugar-free cola) alone results in a progressive increase in FFA [Free Fatty Acids]; When the cola contained caffeine plus sugar (regular cola), the FFA usually became lower in the first three hours and then tended to increase by the fourth hour after ingestion. These effects were quite similar to those obtained following the administration of coffee alone and coffee with sugar, respectively. The ingestion of carbonated water had no significant effect on FFA."[12]

What portion of the general consuming public knows that caffeine not only is present in every cola drink, but that every cola drink *must* contain caffeine? 21 C.F.R. 31.1.

At one time, even the Food and Drug Administration announced that there should be "no tolerance for the amount of caffeine that may be added to cola beverages (TC 144). This TC stated further that 'we have consistently discouraged the addition of caffeine in any amounts to soft drinks which may be, and of course often are, consumed by young children. Parents may not always desire them to consume caffeine-containing beverages. Whether or not caffeine is present in a soft drink in an amount which may constitute a deleterious ingredient which may render the article injurious is a question of fact in each case.'" (Exhibit H).

Other ingredients which have been questioned as to their safety include monosodium glutamate, coconut oil, and cyclamates. Even many basic ingredients which have gone unquestioned for years are now controversial, including sugar, salt, eggs, and milk. Some consumers may need or wish to avoid products containing some or all of these ingredients.

Honesty and fair dealing with respect to labeling would enable people with allergies to determine what products they should avoid. Dr. Theron G. Randolph of Chicago's Human Ecology Research Foundation believes that "mental confusion, agitation, comas, and amnesia can be caused by repeated contact with the wrong food or substance."[13] Many consumers have adverse reactions to substances in their food, yet find themselves unable to avoid them due to inadequate labeling.

Those with heart diseases or the predisposition towards such diseases must likewise carefully watch what they eat. They must limit themselves as to cholesterol (*i.e.*, eggs, milk, cheese). These items are often unmarked and are often eaten without the knowledge of the consumer. 21 C.F.R. 19.500 *et seq.*, 21 C.F.R. 42.1 *et seq.*, 21 C.F.R. 18.520 *et seq.*

Honesty and fair dealing would also dictate that those who wish to restrict their intake of certain items for religious dietary reasons be enabled to do so with the help of informative labeling. The Jewish faith has a complicated system of dietary laws that excludes many items and prohibits the eating of certain items (such as milk deriva-

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Footnotes at end of article.

tives) after the eating of others (such as meat derivatives). Although many products are marked with a "K" or an "(u)", religious Jews would not be restricted to these products if they knew what was in the foods they bought. Mormons also have items, such as caffeine, which they, by religious convictions, must not consume.

The existence of the category of unlabeled optional ingredients under the standard for Non-alcoholic beverages illustrates how the honesty and fair dealing standard has been ignored by FDA procedures. Here is but a glimpse of the ingredients which are included under this standard, but which need not be labeled:

One or more of the emulsifying, stabilizing or viscosity-producing agents, brominated vegetable oils, carob bean gum (locust bean gum), glycerol ester of wood rosin, gual gum, gum acaia, gum tragacanth, hydroxylated lecithin, lecithin, methylcellulose, mono- and diglycerides of fat-forming fatty acids, pectin, polyglycerol esters of fatty acids, propylene glycol alginate, sodium alginate, sodium metaphosphate (sodium hexametaphosphate). 21 C.F.R. 31.1(6)(i). (See Exhibit I for complete standard)

It is interesting to note that two of the ingredients (brominated vegetable oils and mono- and diglycerides of fatty forming acids) are currently under FDA scrutiny.[14] Surely no consumer can be expected to know that these ingredients may be present in their soft drink, and there is no way for him to find out if the ingredient is actually present.

The curious category of permissible mandatory ingredients even further undermines the consumer's right to know what is in the food he eats. In many cases, if an ingredient is mandatory under the Federal Food, Drug, and Cosmetic Act, the ingredient may or may not be present. An example is milk in white bread (21 C.F.R. 17.1(2)). This does not comport with the plain meaning of the English word "mandatory." For example, the Standard promulgated for mayonnaise states that "mayonnaise dressing, is the emulsified semisolid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg yolk containing ingredients specified in paragraph (c) of this section" (21 C.F.R. 25). Paragraphs (b) and (c) then list a number of ingredients from which the industry may choose to put in its product as a "mandatory" ingredient:

b) The acidifying ingredients referred to in paragraph (a) of this section are: (2) Lemon juice or lime juice or both or any such juice in frozen canned, concentrated or dried form, or any one or more of these diluted with water.

The mayonnaise industry has discretion in choosing its "mandatory" ingredients. This concept of discretion makes a mockery of the word "mandatory," and leaves the consumer bewildered as to the ingredients of the foods he eats.

Due to the inconsistency between the stated purposes and the subsequent application of Standards of Identity there has evolved an anomaly within the context of the Food, Drug, and Cosmetic Act. Products outside the Standards of Identity are more informatively labeled than products within the standard.

When a Standard of Identity is promulgated for a product, that product is excused from the more informative labeling requirements of unstandardized foods. Such a provision only makes sense if Standards, as originally intended, are tightly drawn, based on long usages, and easily understood by consumers. In fact, standards have not maintained their original purpose, and are of no substitutional value for informing consumers. In effect, all standardized products are misbranded pursuant to 21 U.S.C. 321(n):

For the purposes of this Act—

(n) If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

In essence, misbranding refers to both material omissions and commissions with respect to ingredient labeling requirements. Both of these routinely occur in present food standards.

The F.D.A. has recognized the fact that Standards of Identity have the potential of becoming a haven for misbranding as defined by 21 U.S.C. § 321(n). Thus the F.D.A. has announced a policy to prevent such inconsistent activities:

"No provision of any regulation prescribing a definition and standard of identity . . . under section 401 of the act shall be construed as in any way effecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding. (Title 21, Chapter 1, subchapter b, section 10.1(c).)"

This regulation asserts that the Standards of Identity shall not excuse industry from conforming to standards of informative labeling. However, FDA action again has failed to achieve FDA Policy.

Consumers who spend hard earned money for food in order to maintain their families' health and welfare should be entitled to know the ingredients for which their money is being spent. Various qualities of ingredients are used in different food products. For example, the Standard of Identity for white bread states the following choices:

"Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk, or any combination of two or more of these. . . . 21 C.F.R. 17.1(2)."

There are marked differences in the value and nutritional benefits of these alternative ingredients. In reality, the only one who gets milked is the consumer. Such secret discrepancies in alternative ingredients flagrantly violate any standards of honesty or fair dealing which the statute may impose.

3. Standards of Identity have produced misleading and inadequate food labeling, contrary to the original intent of the law

The assumption that a Standard of Identity is a substitute for informative food labeling is no longer valid. The absence from labels of the names of all mandatory ingredients and all non-designated optional ingredients can in no way be considered an adequate substitute for informative labeling. It is impossible for any consumer to learn from the FDA information program what goes into a product covered by a Standard of Identity. Even if he should obtain a copy of the standard, he will not know what composes the product.

Optional ingredients under Standards of Identity also contribute to the misleading effect of the standards.

Section 401 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 341, not only creates authority to promulgate standards for foods, but further authorizes the Secretary to "designate the optional ingredients which shall be named on the label." "Honesty and fair dealing" would dictate that all optional ingredients be labeled in order to avoid consumer confusion. Presently, however, this authority has been interpreted by the FDA to mean that the Secretary may pick and choose which of those optional ingredients included in a particular Standard of Identity will be listed on a label. It provides no standard other than *honesty* and *fair dealing* by which to make the choice. If this discretion has been vested in the Secretary, it has been abused.

The consumer has a right to know what ingredients are in the food products which he buys. Who should make the ultimate choice about the consumption of the ingredients in the foods he eats? By not requiring the labeling of all ingredients, and thus effectively hiding the presence of many of them from the public, the DA has usurped the consumer's right to make that choice.

III. CONCLUSION AND PRAYER

Under the present labyrinth of FDA regulations, the consumer has no way to ascertain the ingredients contained within the product under the Standard of Identity. Instead, the Standard of Identity has become a sanctuary for hidden ingredients and additives.

The Federal Food, Drug, and Cosmetic Act and supporting FDA policy statements have invested the consumer with a right to know what is contained in the foods that he purchases. Moreover, there is an absolute need due to health, dietary, and religious purposes for there to be a full disclosure of food contents.

In order to correct this situation, the FDA must issue new regulations in accord with the import of 21 U.S.C. 341.

Accordingly, the petitioners pray that the Food and Drug Administration issue a new regulation (under 21 U.S.C. 341) requiring that:

For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product.

The petitioners ask that this proposal be published in the Federal Register, as per 21 C.F.R. sections 2.65 and 2.66.

Respectfully submitted.

LABEL, INC.,
LOUIS KAUFMAN,
ARTHUR KOCH,
GARY LADEN,
JOAN LEVY,
ELLIS SAUL.

FOOTNOTES

[1] Federal Food, Drug, and Cosmetic Act, Section 401, 21 U.S.C. 341.

[2] *Food Standards*, Facts for Consumers, FDA Publication No. 8, 1964.

[3] *Additives In Our Food*, FDA Publication No. 43, October 1968.

[4] *Food Standards* by L. M. Beacham, Reprint from FDA Papers, Sept. 1967.

[5] *Food Standards* by L. M. Beacham, Reprint from FDA Papers, Sept. 1967.

[6] Final Report, *White House Conference on Food, Nutrition and Health*, at pp. 120–121 (1970).

[7] Longgood, William, *The Poisons in Your Food*, Pyramid Books, New York, 1960, p. 13.

[8] S. Rep. No. 361; 74th Cong., 1st Sess. 12 (1935).

[9] S. Rep. No. 2139; 75th Cong., 3rd Sess. 5 (1938).

[10] *Additives In Our Food*, FDA Publication No. 43, October, 1968.

[11] Turner, James S., *The Chemical Feast*, Grossman Publishers, New York, 1970.

[12] Bellet, Samuel, Kershbaum, Alfred, Roman, Laurian, "Effect of Cola Drinks on Serum Free Fatty Acids", *Archives of Environmental Health*, November 1968, Volume 17.

[13] Chicago's American, April 12, 1966, Article by David Noble: "Illness of Mind Tied to Allergies."

[14] Petition of F.A.T.S., Inc. & Mr. James S. Turner, *Petition to Revise FDA Regulations on Labeling of Food Fat Content and Labeling of Food Containing Vegetable Oils and Fats* filed December 2, 1970.

HORTON CITES TASKS AND ACCOMPLISHMENTS OF COMMISSION ON GOVERNMENT PROCUREMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HORTON. Mr. Speaker, it has been 20 years since the procurement policies of the U.S. Government have been reviewed. During that time, Government buying has risen from $9 billion to $55–$60 billion. As my colleagues in the House know, the nonpartisan Commission on Government Procurement was created by an act of Congress in 1969 to study all aspects of Federal purchases of goods, services, and facilities for defense and nondefense purposes.

The Commission will make recommendations to Congress which, hopefully, will bring some relief to the conflicts, duplications, and confusion in Government buying, which have come about in the years since our procurement policies were last studied.

As one of the 12 members appointed to the Commission on Government Procurement, I am hopeful it will make substantial contributions toward more economical and efficient Government procurement policies. The Commission is already moving in this direction.

In the March 1971 edition of Governernment Executive, an article by the magazine's senior editor, Leon Shloss, explores the organization, goals, and activities of the Commission.

Titled "Government Procurement Under the Microscope," the article outlines the tasks which confront the Commission and the progress which it has already made in its review of procurement procedures.

I know my colleagues in the House will find this well-written article interesting and informative:

After 20 Years, Reform in the Offing—Government Procurement Under the Microscope

(By Leon Shloss)

Bounded on the east by the Peace Corps and on the West by the Atomic Energy Commission—both of which are trying to pass miracles—there reposes a tiny U.S. Government task force which, if it can complete its mission, will have passed the greatest miracle of all.

Housed in the *Matomic Building* (it was supposed to be called the *Atomic Building* but in a typical Government foul-up the sign painters goofed) this little task force is named the "Commission on Government Procurement": Its mission is to untangle, reform and streamline the age-old mess of law, regulations, directives, etc., that direct (or misdirect) Government procedure in buying $55 billion to $60 billion worth of things each year ("everything from pencils to nuclear submarines," as President Nixon puts it).

A glimmering understanding of the immensity of the Commission's chore is offered in a 229-page *"Preliminary* Compilation of Laws Pertaining to Government Procurement." Possibly as amazing as the volume of such laws, etc., is the fact that this recently completed compilation is the first to be made in the history of the United States. Small wonder that the compilation is already on the Government Printing Office best-seller list, at $1 a copy, as legislators, the military and industry rush to try to find out exactly what they are supposed to be doing.

The need for the new (November 26, 1969) Commission is strikingly revealed in the nine volumes of hearing testimony (2,619 pages) accumulated by the House Committee on Government Operations in the six months prior to Congressional passage of the legislation creating the Commission.

But already the Commission has trouble. The enabling Act sets a deadline of November 26, 1971, for submission of the Commission's final report, with recommendations. Delay in the appointment of the 12 Commission members has resulted in a six-month slippage in the work schedule, so the November 26, 1971, deadline for completion of the job has become completely unrealistic. Further legislation to extend the Commission's life will be necessary and it is believed that an extension to December 31, 1972, will be authorized.

Meanwhile the Commission is getting into real high gear. Eight of its 13 study groups have been activated, staffed with top-drawer talent from industry, the military, Congress and from the educational and scientific communities. The other five study groups are nearly ready to go.

E. Perkins "Perk" McGuire, longtime Washingtonian and universally respected, was chosen to chair the Commission. McGuire, an Assistant Secretary of Defense under Eisenhower, has as vice-chairman the "father" of the legislation which created the unit—Rep. Chet Holifield, a Democrat. Both McGuire and Holifield declare no politics will be played in the Commission operation, and the carefully recruited, highly skilled staff members attest that there "is a singular (for Washington) lack of political activity."

The need for a comprehensive, systematic review of Federal procurement is underscored further by the Office of Management and Budget (OMB) in terms of the vast increase in procurement spending and the far-reaching changes which have occurred in the last 20 years. OMB says: "No full-scale review of Government procurement policies has been undertaken since 1949. During this period the dollar value of procurement awards for supplies and equipment has increased from $9 billion to about $55 billion. We believe current statutes, policies and practices should be examined objectively in the light of greatly increased and changed requirements."

U.S. Comptroller General Elmer Staats, a Procurement Commission member, says: "Federal procurement statutes are chiefly concerned with procurement authority and procedures and do not contain a clear expression of Government procurement policies. Implementing procurement regulations are voluminous, exceedingly complex and at times difficult to apply."

"These procurement regulations have great impact on the rights and obligations of contractors," Staats continues, "and on the high level of spending for Government procurement. For Fiscal Year 1968 the Department of Defense alone awarded contracts totalling about $43 billion for supplies and services, representing about 80 percent of total Government procurement expenditures.

"It is clear that not only members of Congress receiving complaints from their business constituents, but those who do business for the Government, those who do business with the Government and those in the legal and engineering professions who do business on both sides, all have an interest in this legislation. And certainly the taxpayers, who ultimately must foot the bills for these massive yearly procurements, will be interested in the Commission's recommendations for economy, efficiency and improved management in Government procurement and contracting."

Holifield, the initial sponsor of the legislation who fought a five-year, uphill battle for its adoption, sums up its objectives concisely:

"We want to improve Government procurement and contracting procedures and practices. We are interested in economy and efficiency. We want Government to get its money's worth and contractors to be treated fairly.

"We want to examine the accretion of laws, iron out inconsistencies, close gaps in coverage, throw out what is obsolete and recognize what is new and necessary.

"We want to reconcile the regulations within and among agencies which may have needless differences in phrasing or intent, to disseminate useful information more widely, to make the knowledge and experience of some agencies available to all."

So there are the goals, so tersely stated by Holifield.

The ebulient, 61-year-old McGuire, understands the complexity of the problem but is confident substantial progress will be made. As the Study Groups were just beginning to be formed, he said in an interview on May 7, 1970:

"Although many witnesses expressed their endorsement of the Commission proposal in the course of the Congressional hearings, the Commission believes that additional meetings at this time will be helpful in updating prior statements and in making sure that the Commission's attention is directed to important procurement matters of current concern."

"The purpose of these meetings," McGuire continued, "is to (1) invite recommendations for special areas to be reviewed by the Commission; (2) receive studies and other pertinent documents bearing on procurement matters; and (3) provide current orientation to the Commission members in addition to the hearing materials which preceded the legislation creating the Commission.

"The Commission believes that representatives of industry, labor, legal, accounting and other associations may want to submit information."

McGuire's comments helped establish the "open door policy" which maintains. Fruitful meetings were held on June 2, 3 and 4, 1970.

McGuire is forthright—and a realist—as he gets on with the job. As this issue was going to press he told *Government Executive*:

"We don't figure to come up with a panacea. The procurement problem is too complex and keeps changing day by day as new situations arise. But we are trying to make this a place where all parties put their cards on the table. We want all parties to be hard-boiled in presenting their ideas. We don't want to wind up with compromises, but with hard decisions—with one or two alternatives, because we realize we can never get unanimity of opinion."

"I think we are making excellent progress to date. We have gotten unbelievable cooperation from Government and industry," he continued. "We will need more time and more money because the legislators, who did such a wonderful job in studying the problem, still could not fully realize the scope of the job.

"I have asked everybody involved whether they thought our effort would be productive, or just a waste of time. Every answer was an ardent 'productive.'

"We feel that we can make a valid contribution to Congressional and public understanding of the problem."

The Commission's policy of gathering all the information it can as a base for further study resulted in a series of public meetings being held by the Commission's Legal Remedies Study Group. The meetings began in

Washington on February 17, 1971, and continued on February 24 in Atlanta, Ga. At this writing additional meetings were slated for March 10, 1971, in San Francisco; March 24 in Boston; April 7 in Denver and April 21 in Chicago.

The Legal Remedies Study is intended to identify the various disputes-solving processes that are available to the Government, its prime contractors, subcontractors and prospective contractors; to identify, analyze and explain selected remedial problems generated by these processes, both directly and indirectly, in terms of their effect on the procurement process and to recommend changes that will facilitate an accomplishment of the policy expressed in the organic act of the Commission, i.e., "to promote economy, efficiency and effectiveness in the Federal procurement system in order to encourage fair dealing among the parties concerned with Government contracting."

Under study are some of the thorniest problems confronting Government and industry. Included are:

Regulations. Adequacy of current regulations, the potential for simplification and greater uniformity and the most economical and efficient Government organization and procedures for the development, revision, issuance and distribution of regulations, including the means for public participation. Also the differing approaches to regulations between agencies and the adequacy of the regulation-making process to meet the needs of newly emerging social programs in civil agencies.

Organization and Personnel. Organization and functional relationships affecting the Government procurement process. Job requirements, recruitment, training and career development of personnel in the procurement field.

Contract Audit and Administration. Identify the objectives and methods employed in the performance of the audit and contract administration functions. Review the auditor and administrative contracting officer's (ACO) relationship to a contractor's management prerogatives. Also review the roles of the auditor, the ACO and procuring contracting officer in the performance of such functions as the method and effectiveness of negotiating overhead rates, the application of cost accounting standards and matters concerned with questioned or disallowed contractor costs.

Research and Development. Develop factual data and information concerning the policies, procedures and practices of Federal agencies and departments in the acquisition of Research and Development and make recommendations for improvements. This study will encompass research and development in all areas of science and technology, including the social sciences. It will address such problems as contracts versus research grants, basic research restrictions, technological base, independent research and development, source selection and contract types.

Major Systems Acquisition. Develop factual data and information concerning the policies, procedures and practices of Federal agencies and departments in the acquisition of major systems and make recommendations for improvements. Study will include such systems acquisition problems as the appropriations and budget process, contract type, cost estimating, feasibility studies, extent of competition, program management, risks and benefits, source selection, trade-off decisions and specifications. While the majority of Study Groups scrutinize in detail particular related functions of procurement, this is one of the three studies organized to delve into and evaluate an entire process from the viewpoint of fulfilling a specific Government need.

Commercial Products, Architect & Engineering Services and Construction. Involves the largest segment of products and industries of any of the studies. Will develop factual data and information concerning the policies, procedures and practices of Federal agencies and departments in the acquisition of commercial products (including automatic data processing equipment), A&E services and construction. Included are such factors as the role of the General Services Administration, the Defense Supply Agency and other individual departments and agencies in the purchase of commercially available items. In the A&E and construction areas, methods used in awarding contracts and the role of competition in their awards will be reviewed.

Reports and Management Controls. Whether there is an over-reliance on reporting versus other techniques of managing the procurement process whether the report goals are proper for and relevant to the type of procurement activity involved; whether the reports are timely enough to be truly useful for oversight purposes; whether statistical reports on procurement activities communicate effectively such things as the nature of the procurement and competition involved (for example, should procurement statistics reported to Congress on advanced weapons continue to be commingled with more common types of procurement?); whether reports are duplicative of others; whether report requirements are being uniformly imposed on activities where the same purpose is being served; whether requirements for reports permit information systems to be individually tailored to meet management objectives, whether reporting requirements are designed so as to permit management by results.

That's the way things stand today. The searching look taken by *Government Executive* reveals the probability of successful completion of the Commission's mission.

The trouble, when and if it comes, will not be of the Commission's doing. That will be when the final report, with recommendations, reaches Congress and agencies whose wings may be at least partially clipped, begin their campaigns to stall implementing legislation.

THE COMMISSION LINEUP

These are the members of the Commission on Government Procurement which is trying to modernize the archaic procurement concept:

E. Perkins McGuire, Washington, D.C., chairman.

Rep. Chet Holifield of California, vice chairman.

Sen. Henry M. Jackson of the state of Washington.

Sen. Edward J. Gurney of Florida.

Rep. Frank Horton of New York.

Elmer Staats, Comptroller General of the U.S.

Robert L. Kunzig, Administrator, General Services Administration.

Frank Sanders, Assistant Secretary of the Navy.

Paul W. Beamer, Vice President and General Manager, Wyman-Gordon Co., Worcester, Mass.

Peter Dierks Joers, Assistant to the President of Weyerhaus Co.

Joseph W. Barr, American Security and Trust Co., Washington, D.C.

Richard E. Horner, E. F. Johnson Co., Waseca, Minn.

THE PROBLEM AREAS

The Commission has broken down its work into 13 areas. A study group comprising seven to nine experts from Government, industry, and the educational/scientific communities will work on each problem. The eight groups already named and staffed (the remaining five will probably be in business before this article appears) are:

Regulations. Chairman, Wayne M. Wallace of Control Data Corp.

Legal Remedies. Chairman, Russell Fairbanks, Dean, Rutgers University Law School.

Organization and Personnel. Chairman, Allen A. Kaufmann, Litton Systems, Inc.

Reports and Management Controls. Chairman, Rear Admiral Edward F. Metzger.

Contract Audit and Administration. Chairman, Robert S. MacClure, of Peat, Marwick, Mitchell and Co.

Research and Development. Chairman, Dr. William J. Price, Air Force Office of Scientific Research.

Major Systems Acquisition. Chairman, John Russell Clark, of Ling-Temco-Vought Aerospace Corp.

Commercial Products, Architect and Engineering Services, and Construction. Chairman, Robert J. Brown, Atomic Energy Commission. This group's study involves the largest segment of products and industries of any of the Study Groups.

The other five Study Groups will be engaged with Utilization of Resources, Controls Over the Procurement Process, Pre-Contract Planning, Cost and Pricing Information, Negotiation and Subcontracting—plus a Statutory Study Group headed by Comptroller General Elmer Staats.

THE NEW POSTAL SERVICE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. UDALL. Mr. Speaker, when we passed the Postal Reorganization Act last year, the Congress removed the U.S. Post Office from its departmental level status in the executive branch and created a new corporation, the U.S. Postal Service, to be run by a board of governors. The aim was to provide service for the public in a more businesslike manner.

An article entitled "The New Postal Service" appeared in the February 18, 1971, issue of the Public Utilities Fortnightly. It was written by Elmer Cerin who has served as a consultant and transportation specialist for the Post Office Department.

In this study of the Postal Reorganization Act, Mr. Cerin describes the background of, and the outlook for, the new U.S. Postal Service. I would like to direct the attention of my colleagues to this excellent article:

The New Postal Service

(By Elmer Cerin)

The nine brave men who have been nominated by the President to constitute the board of governors of the new Postal Service have their work cut out for them. They will be faced with problems that will tax their ingenuity, experience, and ability. In addition, they will be required to spend a great deal of time, especially during the transition period and formative years, in coping with the formidable, numerous, and complex difficulties that beset the Postal Service in an ever-increasing degree.

Although the Postal Reorganization Act (PL 91–375) provides that the governors will be paid, at most, for thirty days of meetings each year and for not more than sixty days of meetings during the first two years, Congress recognized the fact that the actual time the board of governors will, of necessity, be required to spend on postal problems and their hoped-for solution will probably be far in excess of the time paid for. Indeed, the board of governors is specifically advised that, while payment will be limited to thirty days annually, this should not "be construed to limit the number of days of meetings each year to thirty days."[1]

SERVICE AND COSTS

The Postal Service has only two measures to evaluate its performance: service to the public and costs. Over the past ten years, service for all classes of mail has steadily deteriorated so that the total elapsed time from receipt to delivery has increased by at least one day.[2] Whereas in the fifties and early sixties the objective had been to deliver most of the letter mail on the next day and to develop a regular, dependable service for all other classes of mail, this goal has now been set aside. Despite billions spent, during the past fifteen years, on new postal structures and in the installation of mechanized equipment, and despite improved intercity transportation facilities, the Postal Service has evidently not been able to derive the anticipated cost and service benefits from these heavy capital expenditures.

Not only has service deteriorated but postal costs have risen far in excess of any of the principal price indices. As Postmaster General Winton M. Blount has stated on several occasions, postal productivity, as measured by pieces of mail processed per hour or by pieces of mail delivered per day, has not kept pace with the rise in national productivity.[3] Indeed, in the American economy, industrial productivity has increased by some 2.7 per cent per year; postal productivity, on the other hand, has not perceptibly changed in over ten years even with the introduction of letter sorters, facer cancelers, culling and facing conveyors, edger stackers, parcel and sack sorters, and bulk transport conveyor systems. In fact, in many of the larger postal facilities productivity has actually decreased since 1960.[4]

Thus, the board of governors, working through the Postmaster General and the other postal officials, will need to direct their immediate attention to finding the mechanism for increasing postal productivity. Since labor costs account for over 75 per cent of total operating expenses, no marked reduction in unit cost can possibly be achieved without substantial improvement in the productivity of postal employees.

POSTAL DEFICITS

The Postal Service has incurred annual operating deficits in all but a few years of its history.[5] These deficits have steadily mounted. By fiscal year 1967, the operating deficit had reached the $1 billion mark and by fiscal year 1970 had increased to an estimated $1.5 billion. A major portion of this $1.5 billion deficit had arisen from the substantial pay increase granted federal employees following the postal work stoppage, without a concomitant adjustment in postage rates. For the current fiscal year 1971, the operating deficit will unquestionably be the highest in postal history, ranging between $2 and $2.5 billion, depending upon the effective date when the prospective postage rate increases go into effect.

Another measure of the postal financial health, or lack of health, is the postal fund deficit, which represents the excess of obligations incurred over postal revenues. For the ten-year period, 1960–69, the deficit ranged from 14 to 19 per cent of obligated funds.[6] In fiscal year 1970, this percentage, however, equaled 20 percent, and for the current fiscal year it could well reach 25 per cent or even higher.[7]

Since the Postal Reorganization Act provides for an annual reimbursement to the Postal Service for public service costs of 10 per cent of the amount appropriated for fiscal year 1971,[8] there would still exist a massive deficiency between the revolving fund, consisting of postal revenues and other receipts, and its obligations. Under the formula, Congress would make an annual appropriation to the Postal Service of some $934 million through 1979 and reduced amounts thereafter. Thus, the Postal Service will no longer be able to petition the Congress for supplemental appropriations but will be required to meet the annual deficiencies from increases in postage rates, borrowings in the open market, and improved operations and management. The board of governors will certainly be struggling with this critical problem from its initial meeting.

CONGRESSIONAL POSITION

That the Congress will be an interested observer of the Postal Service is apparent. Since the Congress will be appropriating substantial sums for at least the next thirteen years, it will need to know what progress the Postal Service can demonstrate in reaching the goals set out in the Postal Reorganization Act.[9] In addition, Congress will be receiving an annual report of the postal operations and will surely ask many questions and request clarification and explanation on postal operations and programs.[10] But, most important, the Congress has divested itself of significant authority and powers, and will, therefore, expect the Postal Service to operate more efficiently and achieve the service and cost improvements which the proponents of the legislation promised.[11] Should the Postal Service, after a reasonable period of independent existence, be unable to carry out its responsibilities in the mail processing functions or fiscal management, the Congress would not hesitate to transfer the Postal Service back to departmental status or to authorize private or quasi-public operation.

COLLECTIVE BARGAINING AGREEMENTS

For the first time in the history of the Federal government, the Postal Reorganization Act provides for collective bargaining agreements entered into between the officials of the Postal Service and representatives of the postal labor organizations having exclusive recognition.[12] Following the work stoppage this past spring postal employees were able to obtain an immediate 6 per cent pay increase, and negotiated an additional 8 per cent for withdrawing their opposition to the pending postal reform legislation. This 14.4 per cent increase has added over $850 million to the total postal salary and wage expenses for the current fiscal year. This was the result of the first negotiations between postal officials and labor representatives that had the tenor of collective bargaining.

The labor organizations have already indicated some of the things needed that they will submit when the collective bargaining sessions get under way. In addition to further wage increases, the Postal Service will be requested to agree to a shorter workweek, thirty-five hours or less; to higher contributions for health and hospital benefits; to retirement at full annuity after twenty-five years of service; and to other fringe benefits. The net effect would be to increase postal costs, unless a commensurate increase in employee productivity accompanies the acceptance of any of these labor proposals.

While collective bargaining agreements are essential to bring labor and management together and to avoid costly and detrimental work stoppages, the economic costs of these agreements must be recognized. Without offsetting gains in productivity, the postal deficit would necessarily become larger and pressure for postage rate increases mount. Thus, collective bargaining sessions must be held with full understanding and appreciation of the effect that each labor proposal and management counterproposal would have on postal operations and costs.

OBLIGATIONS OF THE POSTAL SERVICE

The Congress adopted a major policy change in the construction and rehabilitation of postal facilities by authorizing the Postal Service to borrow money through the issuance and sale of obligations in the aggregate amount of $10 billion, of which $2 billion maximum may be obtained in any one fiscal year.[13] Since these obligations are not obligations of the government of the United States, the payment of the principal and interest is not guaranteed by the government of the United States, unless the Postal Service requests and the Secretary of the Treasury determines that such guaranty would be in the public interest.[14] Evidently, without this guaranty the sale of the obligations would be more difficult and substantially more costly in terms of interest and other charges.[15]

Previously, the Post Office Department was required to obtain authorization and to submit funding requests and other supporting information for new postal facilities. Once the Congress authorized the funds, that ended the financial responsibility as far as the Postal Service was concerned, for the appropriations then become an obligation of the government of the United States. But under the new obligational authority of the Postal Service, whether or not there exists a guaranty by the government of the United States, the interest charges become an added postal operating cost. Thus, total postal expenses would be increased, requiring a rise in postal income in order not to enlarge the postal deficit.

SEARCH FOR COST REDUCTIONS

With a postal deficit of $2 to $2.5 billion, the board of governors will surely initiate programs to try to reduce the magnitude of this deficit. While comprehensive increases in postage rates, supplemented by the congressional appropriations, would diminish the size of the deficit, there would still exist a considerable portion of the postal expenses not covered by income.

During the initial discussions of the administration's proposals for postal reform in 1969, postal representatives pointed to studies which purported to demonstrate the potential reduction in operating expenses of $1 billion and that this savings could be accomplished within five years.[16] While this potential cost reduction appears to be overstated, it is nevertheless incontrovertible that improvement in postal productivity at all levels is feasible and, to be effective, must be given top priority.

Other areas where savings should be sought is in the administrative staffs at headquarters and in the 15 regional offices. Postmaster General Blount has repeatedly stated that decentralization of operations is one of his key programs and has shown that he is serious by delegating a number of important responsibilities directly to postmasters.[17] If decentralization is indeed a basic concept of postal organization, then the large staffs in the headquarters and in the regional offices must be adjusted to their true requirements.

During the past ten years, the Postal Service had conducted several surveys of its regional offices to determine whether it would not be more appropriate under existing conditions to reduce the number of such offices from 15 to a smaller number. When first established in the midfifties, there may have been a need for all 15 regional offices. But, once in operation, it became politically infeasible to eliminate any of the offices, even though consolidation would have improved efficiency and reduced administrative complexities. With the new Postal Service the political climate has changed. Moreover, cost reduction must be explored wherever practicable, and the consolidation of the functions and responsibilities of regional offices is a relatively easy task, resulting in manpower savings and in improved operations.

Postmaster General Blount has testified that postal productivity has been almost stagnant for the past decade, during which time the Postal Service had an extensive fa-

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Footnotes at end of speech.

cility construction program. For each of the major mechanized facilities, the Congress had been presented with an economic feasibility study or cost-benefit analysis to support the requested appropriation. Yet if overall postal productivity has not improved with the construction of new facilities and the installation of mechanized equipment, it must be apparent that the anticipated savings did not materialize. The board of governors would want to know why the expected savings in productivity to offset the capital investment were not realized. A comparison of after-occupancy operating conditions with the initial economic feasibility study would disclose wherein the assumptions were in error and more realistic criteria would become available in the planning for new facilities.

Postal officials will need to explore not only the aforementioned areas of postal operations and planning but many other aspects of the Postal Service if the growing postal deficit is going to be brought under control. Postmaster General Blount has declared that a transition period of five years will be required to reach the break-even point. The Congress, in enacting the Postal Reorganization Act, was more liberal and provided the Postal Service with substantial appropriations for at least thirteen years.[18] It would indeed be a remarkable accomplishment to have the Postal Service operate on a break-even basis and, at the same time, provide the American people with efficient and dependable service. It is within the purview of the board of governors to demonstrate that these goals are achievable.

POSTAL RATE COMMISSION

The Postal Reorganization Act also established a five-member Postal Rate Commission which will operate independently of the Postal Service. Heretofore, the Congress held hearings and fixed new postal rates and charges. In addition, the Interstate Commerce Commission had been authorized to hold hearings and approve or reject rates and charges, proposed by the Postmaster General, on fourth-class parcels and catalogues. While the Postal Rate Commission will be functioning in a regulatory capacity, it does not possess the authority to issue final rate, service, and enforcement orders. Its principal responsibility is to submit recommendations and advisory opinions to the Postal Service. Nevertheless, the Postal Rate Commission has great latitude and opportunity for exploring new ideas and concepts, and for recommending much needed changes in postal rates, mail classification, and service.

The board of governors of the Postal Service, upon receiving the recommendations from the Postal Rate Commission, can then adopt any one of the four following alternatives:[19]

1. Approve the recommendations and order the new rates and charges into effect.

2. Allow, under protest, the recommendations to take effect but seek judicial review or return the recommendations to the Postal Rate Commission for reconsideration and a further decision.

3. Reject the recommendations and request the Postal Rate Commission to reconsider and submit new recommendations. However, the board of governors, by unanimous written concurrence, may modify the recommendations under certain conditions.

4. Place into effect temporary changes in rates and charges.

In addition to rate-making functions, the Postal Rate Commission has the following additional responsibilities:

1. Issue advisory opinions to the Postal Service on proposed nation-wide changes in postal services.

1. Study and submit recommendations for a new mail classification schedule.

3. Receive, study, and issue recommended decisions to the Postal Service on complaints received from the mailing public as to rates and postal services.

How well the Postal Service and the Postal Rate Commission mesh in their respective areas of responsibility will not be known until these organizations have been in operation. The language of the Postal Reorganization Act, however, seeks a high degree of cooperation between the two agencies, and, yet, some of the provisions are vague and ambiguous. For example, rates and charges recommended by the Postal Rate Commission are not automatically geared to postal costs. While rates and charges should be set at levels to provide revenues wherein income and appropriations approximate costs, the Postal Service will need to operate "under honest, efficient, and economical management"[20] to merit such level of rates and charges. The question then arises: How efficient and economical is the management of the Postal Service and what adjustment, if any, should the Postal Rate Commission make for inefficient service or low productivity?

A careful reading of the Postal Reorganization Act re-enforces the conclusion that the Postal Service is the major policy-making and operating agency. On the other hand, the Postal Rate Commission, in its advisory capacity, will conduct hearings and studies on postal rates, charges, and service, and will submit recommendations to the Postal Service.[21] This is a novel regulatory system but it may well be the mechanism to meet administrative requirements of the new Postal Service and our nation.

FOOTNOTES

[1] Postal Reorganization Act, PL 91-375, § 2-101(a) and § 5(g).

[2] National Service Index, FY 1968-70, Bureau of Finance and Administration, Post Office Department; Service Analysis Studies, Bureau of Operations, Post Office Department.

[3] Hearings on Post Office Department Appropriations for FY 1971, 91st Congress, 2nd Sesssion, pp. 33, 34, 687, and 728.

[4] Work Measurement System Reports, Work Load Reporting System, and periodic reports prepared by large Part 1 post offices and submitted to headquarters, Post Office Department, 1961 to date.

[5] Annual Report of the Postmaster General, FY 1969, Table 803.

[6] Annual Report of the Postmaster General, FY 1969, p. 168.

[7] For FY 1970, comparison of obligations incurred and net postal revenues, National Operating and Financial Report, Accounting Period No. 13, FY 1970, Post Office Department, p. 3.

[8] Postal Reorganization Act, PL 91-375, § 2-2401(b).

[9] Postal Reorganization Act, PL 91-375, §§ 2-101(a)-(g).

[10] Postal Reorganization Act, PL 91-375, § 2-2402.

[11] Hearings of Post Office Reorganization before House Committee on Post Office and Civil Service, 91st Congress, 1st Session, Serial No. 91-3, pp. 331-334; Serial No. 91-4(a), p. 1200.

[12] Postal Reorganization Act, PL 91-375, § 2-1206.

[13] Postal Reorganization Act, PL 91-375, § 2-2005.

[14] Postal Reorganization Act, PL 91-375, § 2-2006.

[15] Hearings on the Post Office Reorganization before House Committee on Post Office and Civil Service, 91st Congress, 1st Session, Serial No. 91-4(a), pp. 1203-1206. Statement by William E. Simon, partner, Salomon Brothers and Hutzler at Postal Forum IV, reported in *Federal Times*, November 11, 1970, p. 17.

[16] See Footnote 11.

[17] Hearings on Post Office Department Appropriations for FY 1971, 91st Congress, 2nd Session, pp. 54, 55.

[18] Postal Reorganization Act, PL 91-375, § 2-2401.

[19] Postal Reorganization Act, PL 91-375, § 2-3625.

[20] Postal Reorganization Act, PL 91-375, § 2-3621.

[21] *Congressional Record*, August 3, 1970, pp. 26953 and 26958, and August 6, 1970, pp. 27605, 27606.

A NEW PLAN FOR POWER DISTRIBUTION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ABOUREZK. Mr. Speaker, in these days when the citizens of our urban areas are increasingly plagued by threats of brownouts or blackouts, some sort of rational planning for our nationwide power distribution systems is fast becoming a necessity.

A House resolution has been introduced by the Honorable RICHARD FULTON of Tennessee which would establish a House Select Committee to conduct a complete investigation of all aspects of the energy resources of the United States. This is a step in the right direction.

Another suggestion which I feel has a great deal of merit was made in a speech by my good friend Ken Holum, former Assistant Secretary for Water and Power in the Department of the Interior. In his address, Mr. Holum suggests that the creation of wholesale public power districts is an idea whose time has come. These districts would provide all utilities, regardless of ownership, with a new, reliable source of bulk energy. Further, they would enable the development of new means of power creation such as mine-mouth generating plants in the coalfields with the energy transmitted outward from these plants, or possibly geothermal steamplants in areas where these would be feasible.

In any case, this would be the creation of a new institutional arrangement to help meet the challenge of providing for the power demands of the American public that will only increase in the years to come. I feel that this concept suggested by Mr. Holum is of such importance that I would call his entire speech to your attention.

It follows:

STATEMENT OF KEN HOLUM BEFORE THE MISSOURI BASIN SYSTEMS GROUP, DENVER, COLORADO, MARCH 10, 1971

During the summer of 1962, I served as Chairman of the United States delegation at an Economic Commission for Europe Power Conference held in Venice, Italy. European and North American nations participate in the E.C.E. This particular conference was convened to discuss problems associated with "peak load coverage."

Our delegation emphasized the value of hydro-power and pumped back storage as sources of generation to meet peak loads. With the Department of Interior's interest in high-voltage transmission during the Kennedy-Johnson years, you will not be surprised to hear that our delegation discussed the potential contribution of a high voltage transmission network towards meeting peak loads in a country with four time zones and a wide variety of climatic conditions.

European countries with substantial hydro-power discussed their use of this resource. Gas turbines and jet engines received substantial attention from other delegates. A few countries from both Eastern and Western Europe discussed their load shedding programs as a peak load covering device.

Although we remembered to mind our manners, you can be sure that no member of the American delegation considered selective load shedding as a proper tool for peak load coverage—in 1962, that is. We were sure that it would never happen here.

I imagine U.S. public officials and power company executives still consider power reductions and load shedding unattractive. Nonetheless, before the decade of the 60's was over, voltage reductions and brown-outs became routine over much of the country every time normal, high summer temperatures increased the demand for air-conditioning. Similarly, fuel and energy shortages threatened much of the country during normal winter cold snaps.

While I'm reminiscing and worrying with you about power shortages and organizational problems in the electric utility industry, let me recall some of the comments I made as Assistant Secretary for Water and Power Development in a paper entitled "Looking Ahead 25 Years," delivered to the Annual Meeting of the Northwest Public Power Association in 1964.

"Now that we know the advantages of extra-high voltage, long distance transmission, and recognize its growing importance in the future, I expect the industry, both private and public, to make greater use of this new tool."

"Another power source of growing importance is mine-mouth thermal plants. Here again, extra-high voltage transmission is a key factor. Without it, power could not be carried economically to distant markets, and because some of our most extensive deposits of low-grade coal are in sparsely populated areas, the lack of high voltage transmission capability has inhibited the economic development of important fuel reserves."

"We will see more and more of our power generation located at mine-mouth using large, highly efficient and economic machines."

"Long before the 25 years are over, the nation's electric utilities will be interconnected with a substantial network of high voltage A.C. and D.C. transmission lines."

As you can tell, I find it extremely interesting recalling an international visit of nine years ago and a series of predictions made two years later. Permit me to quote one more paragraph from my remarks at Spokane—

"We can leave the field to the technicians and their bigger machines and longer transmission lines and in 25 years have a national system controlled either by a handful of giant corporations or a single nationalized system. If you don't like either alternative—and I don't—then we must address ourselves to the problem of protecting the integrity of individual systems by making certain that all utilities, regardless of size or ownership, share in the benefits of improving technology."

At this point let me emphasize again my personal preference for a pluralistic electric system with individual communities free to choose whether they secure their electric service from utilities owned by others or alternatively by utilities that they own themselves. The chances, as I see it, remain the same today as they were in 1964.

However, I suggest that repeated power shortages, together with the stubborn and unreasoning refusal of the private companies to develop new approaches or even to consider new approaches objectively when they have been initiated by others, has moved the country significantly in the direction of a Federalized system since I made the quoted prediction in 1964.

By now, of course, you are all familiar with the views of George Cabot Lodge as expressed in Fortune Magazine of October, 1970. This distinguished New England Republican, now an Associate Professor at Harvard's Graduate School of Business Administration, puts the question this way:

"Would it not make more sense for the New York State Power Authority or a new Northeast Regional Public Power Authority to be charged with the task of power production, leaving to private companies the distribution of power on a decentralized basis to meet local consumer needs?"

George Cabot Lodge is only one of many leaders expressing concern that the vital electric power industry is not organized—and managed in a way that makes it possible for the industry to discharge it public responsibilities. I suggest that many more people would answer Mr. Lodge's question with an affirmative today than would have been the case if the question had been put in 1964.

The power user on the East coast and in the nation's major cities is having his problems with interrupted service and voltage reductions. While this was occurring, the forward looking leaders of the consumer-owned electric utilities in the West have been temporarily frustrated by power company executives who have successfully delayed inter-regional use of Rocky Mountain coal for power generation for a period of two years.

Study 190—conducted by three power marketing agencies of the Department of Interior—and released during the summer of 1968, established the economic and technical feasibility of interconnecting major load centers west of the Mississippi with a high voltage transmission network. Our study of January a year ago, entitled "Coal Resources For Electric Generation", and the system's group study, entitled "Western Intersystem Diversity And Energy Program", confirmed the economic attractiveness of locating large generating stations at mine-mouth on the abundant Rocky Mountain coal fields and delivering that power over a wide area by a transmission network essentially similar to the concepts outlined in Study 190.

Implementing the program identified in the "Coal Resources For Electric Generation" report or one of the schemes identified in the Western Intersystem Diversity And Energy Program" would provide all electric utilities in the West with an alternative source of low-cost bulk power. Equally important, converting the coal to electric power in the states where the coal is found will provide substantial economic growth opportunities in states that urgently need these opportunities.

In our transmittal letter of January, 1970, we said:

"Traditionally, the consumer-owned electric utilities have been the pace-setters for the industry. Development of the inter-regional relationships required to take advantage of the economies suggested by Study 190 and this investigation represents a new and exciting challenge to that leadership."

Unfortunately for their utilities, the states directly involved, and the entire West, top management of the privately-owned utilities in Wyoming, Montana and North Dakota, reconfirmed their inability to examine objectively new concepts and ideas. If George Cabot Lodge decides to examine the philosophy and managerial concepts of Pacific Power and Light, Montana Power and Montana-Dakota Utilities, he will find them at least as religiously opposed to new ideas as Con. Ed.

Robert Partridge, General Manager of the National Rural Electric Cooperative Association, discussed the complications caused by the uneasy relationships which exist between the investor-owned and the consumer-owned utilities at the Association's Annual Meeting in Dallas. He said:

"Recognizing that the bitterest of the controversies of the past seem to have revolved around plans for bulk power supply facilities, it would seem that this function should be separated from the distribution function.

"Under this concept, corporations or public bodies would be empowered to finance, build and operate bulk power facilities. Wholesale energy from them would be available to all electric systems—large and small, commercial and cooperative, public and private."

On December 15th of last year, Senator George McGovern delivered the keynote address to the Annual Meeting of the Mid-West Electric Consumers Association. As we listened that day, we knew that we were hearing a workable and urgently needed program enunciated for the electric power and energy industries.

Senator McGovern recalled Leland Olds "Giant Power Concept" and his proposals for establishing separate organizations with responsibility for generation and transmission. "Today", he said, "it is more attractive than ever before."

After emphasizing the urgent need for developing large, efficient generating stations with the output available to all utilities and the need for a national power grid which "we need so badly", the Senator from South Dakota found encouragement in the report to the New England Regional Commission recommending the creation of a single public bulk power supply agency for all of New England. He urged publicly-owned electric utilities to take the leadership in developing and promoting new institutional arrangements in the power field—for the benefit of all consumers.

A few moments ago, I quoted my 1964 concern that the pluralistic electric utility industry would not survive unless we developed techniques which make certain that all utilities share in the benefits of the new technology and the economies of scale. The only thing that has changed since 1964 is the intensification of the nation's conservation consciousness. Electric utilities are going to learn that the public will not permit them to build generating plants and transmission lines until it has been established that regional needs have been considered in the planning process.

Towards this end we have all supported and been involved in power pooling activities. We have either participated in or kept ourselves informed on joint-ownership arrangements in existence or under discussion. We advocate the "one system approach" as utilities plan the facilities needed to provide bulk power supply on a regional basis.

I am certain that the Missouri Basin Systems Group will continue to promote these concepts—and you should.

However, you have found progress towards the one system planning approach agonizingly slow and negotiations related to joint ownership have proven to be extremely complicated and time-consuming.

As Bob Partridge noted in his Annual Meeting report, these activities involve the area where relations between utilities have historically been the most difficult. When you think in terms of regional and inter-regional participation involving many utilities, large and small, public, private and cooperative, you recognize an urgent need to have available a simpler way to provide the benefits and economics of scale to all utilities.

Fortunately, this can be done without disturbing in any way the ownership patterns that have developed at the distribution level.

Wholesale public power districts, a completely new concept in the bulk power supply field, is another of many new ideas to originate with the consumer owned electric utilities in the Missouri Basin region. Really, it isn't surprising that the region which developed a Missouri Basin Systems Group—and a Basin Electric Power would now pioneer a technique which makes both the "one system approach" and all of the inherent advantages of joint ownership simple and easy for all utilities.

Before the Model T Ford had replaced the horse and buggy, people in the transportation business discovered that it made sense to centralize the manufacture of horse-collars while leaving distribution to specialists in that particular function. Once manufactured, the horse-collars could find their way to the ultimate consumers through a public agency, a cooperative or a private business.

If it makes sense to have shoes manufactured in a centralized shoe factory in Boston, why not have kilowatt hours manufactured in a factory located on the rich coal fields in Montana, Wyoming or the Dakotas.

Why not permit the individual utility or an appropriate grouping of smaller utilities to purchase the kilowatts and kilowatt hours that they need to meet their future requirements from an organization that exists for the sole purpose of meeting this need?

Traditionally, the distributors of consumer goods have made their own deals directly with the manufacturer. Why should the electric business be so different?

Why build slurry pipelines to flush the coal out of Wyoming and Montana when it is clear that the cheapest way to provide bulk power for the West is to build large mine-mouth generating plants on the coal fields and move the electric energy by wire?

Why not establish the necessary ground rules so that all utilities can participate, including the ability of publicly-owned utilities to finance with tax-exempt revenue bonds?

Your answer to all of these questions is contained in legislation designed to authorize the creation of *wholesale public power districts* which was introduced and strongly supported in the Montana, Wyoming and North Dakota Legislatures.

When this legislation is enacted, citizens in the states will be able to organize subdivisions of their state government for the purpose of building generating plants and high voltage transmission lines. As agencies of the state, they will be able to finance the development of their resources with tax-exempt Revenue Bonds. Their communities and their state will secure the economic growth associated with building, operating, supervising and maintaining the kilowatt hour factories. Although traditionally agencies of a state do not pay taxes, substantial "in lieu" payments will help support public institutions and activities.

Wholesale Electric Energy Districts will provide utilities, or groups of utilities, regardless of ownership, with an opportunity to secure their bulk power supply from an organization that exists for the sole purpose of supplying bulk energy at the lowest cost consistent with sound environmental requirements.

George Cabot Lodge suggests a separation of bulk power supply from the distribution function. The Wholesale Electric Energy Districts concept provides utilities with an alternative source of supply, but permits them to make the management decisions to supply their own needs. As introduced in Montana and Wyoming, the legislation specifically limits the proposed Districts to supplying bulk power to other utilities.

While the legislation will not pass in 1971, more progress has been made than I would have dared to predict six months ago:

(1) The legislation has been drafted, reviewed and perfected;

(2) Strong and determined sponsorship has emerged in each state. This includes both members of the Legislature and citizen support;

(3) The public generally is more knowledgeable of the potential advantages inherent in locally sponsored and financed Wholesale Public Power Districts.

The legislation is on the agenda for future action—in all three states. It will pass in 1973 in all three states if consumer-owned electric utilities provide an appropriate interest and support. I am convinced they will.

Electrical Week—for February 22nd quotes G. W. O'Conner, President of Montana Power Company, "Never had a hellova lot of concern that it would get through." He called it "a ludicrous and unreasonable bill".

It makes sense for Mr. O'Conner not to be concerned about the legislation's passage because the proposal can't possibly hurt Montana Power Company. It may well prove to be the company's salvation in the near future. The proposal is "ludicrous and unreasonable" only if you consider it ludicrous and ridiculous to help the rural electric cooperatives and the consumer-owned utilities and the economic development of Montana and the West.

At this point in time, I don't know whether the first Wholesale Public Power District mine-mouth kilowatt hour factory will be located in Wyoming, Montana or one of the Dakotas. I am certain it will be built and that the people attending this Annual Meeting of the Missouri Basin Systems Group will find great satisfaction in another significant accomplishment.

Senator McGovern challenged you to pioneer the development of new institutional arrangements for the benefit of consumers. You have responded. Wholesale Electric Energy Districts—a new, institutional arrangement applied across the country—could well eliminate selective load shedding and voltage reductions from the peak load coverage plans of American utility management.

HIBERNIAN WOMAN OF YEAR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Mrs. Mercedes Scofield has been named Hibernian Woman of the Year on this St. Patrick's Day in honor of her many years of service to Cleveland's Irish community.

Mrs. Scofield is State president of the Ladies Auxiliary of the Ancient Order of Hiberians, and will be honored at the organization's 104th annual banquet tonight.

She is also past president of Division No. 2 of the Ladies Hibernian Auxiliary, past treasurer and vice president of the Ladies AOH Auxiliary, and present Division No. 2 treasurer.

For the past 15 years Mrs. Scofield has been head teller for Lincoln Savings & Loan. She has 2 daughters, Delaine Clare, and Sharon Patricia.

THE RIGHTEOUS HOLLER OF "OUCH" BY THE MIDDLE CLASS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MANN. Mr. Speaker, I think many of my colleagues might find much to agree with in this editorial from the Spartanburg Herald of March 15, 1971. It strongly protests the swollen presence of the dole, that shapeless and ever-growing beast which is eating up more and more of the food and funds which hard-working middle-class citizens need for themselves. Some day the beast may, indeed, outgrow our country's ability and willingness to feed it. It is a useless, cumbersome animal. To say that we will put it out to pasture is no answer, for that is where it already is. To say that we will reform it, change its shape, disguise it behind the mask of "workfare," is no solution either, for the welfare dole has lived all its life behind nothing but disguises. To say that we shall slaughter it outright, of course, causes all those welfare humanists to gird for holy battle. So what can we do? It is a problem that is always with us, like the poor. The Herald editorial states the problem very well, but it does not presume to have a solution. However, a real solution is something that we may need to have sooner than we think, or else the hard-working middle-class taxpayers of America may order the beast of tax-eating brutally slaughtered before we act.

The editorial follows:

STATES HOLLERING ABOUT WELFARE

From a cloud no bigger than a man's hand a few years ago, the cost of welfare programs on both a state and federal level has ballooned into a gigantic dark thing hovering over the nation.

The rise in welfare rolls not only continues to go up, the rate of increase is accelerating.

The Department of Health, Education and Welfare reports that in November, the latest month for which full figures are available, there was an unprecedented increase of 282,000 recipients of Aid to Families with Dependent Children (AFDC).

The total was swollen somewhat because it included thousands of families of striking General Motors workers. Even so, November was the fourth straight month that AFDC rolls climbed by more than 200,000.

Two years ago, the number of Americans on AFDC was rising at the rate of one million annually. In 1970 it was two million annually. If the October-November rate were to be maintained, it would leap to 3.4 million annually.

In any event, as of last November, a total of 9.4 million men, women and children were enrolled in AFDC.

The welfare situation has reached the crisis point in a number of states, precisely those which should be the wealthiest and most prosperous.

In Illinois, for example, Gov. Richard B. Ogilvie estimates that increasing costs of the state's public aid programs will consume more than four-fifths of the growth in revenues from all state sources in the coming fiscal year.

"The existing system of public welfare is a social and financial disaster," he commented as he presented a $1.12 billion welfare budget for fiscal 1972, $261 million higher than that for 1971.

"During the past two years, we have been able to live with this crisis in Illinois," says Ogilvie. "But this runaway growth will catch up with us in 1972."

Gov. Ronald Reagan calls California's welfare system "a $3 billion moral and administrative disaster." However, his proposed reform plan, which would cut back a variety of free services, makes it tougher to get on welfare and require recipients to work in public work projects, is expected to get nowhere in a legislature controlled by the opposition party.

Welfare is not only a political issue but an emotional one. Human beings are involved. Faced with agonizing choices or bankruptcy, state leaders increasingly look to the federal government, that fount of inexhaustible wealth, to take the welfare albatross from around their necks, or at least to carry more of the burden.

But proposals that the federal government take over responsibility for all public aid, a shift which would be of greatest benefit to the industrial states, have little support among small-state congressmen. And as it is, the accelerating increase in aid to recipients may already have thrown the welfare column of President Nixon's estimated 1972 budget out of kilter by as much as $1.5 billion.

In the meantime, up and up welfare goes, and where it will stop—or how to stop it—nobody knows.

IN SALUTE OF ST. PATRICK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BIAGGI. Mr. Speaker, it is with great pleasure that I rise to salute the patron saint of Ireland, St. Patrick. Back in my district the cities of New York and Yonkers are alive with the shining hearts of Ireland's sons on their annual dance through the towns. All Americans join with them in their celebration today.

Those of Irish descent have contributed much to the formation of this great country. When their motherland was struck by famine, many crossed the Atlantic to find a new life in the virgin lands of America.

Here at first they were met with skepticism and distrust. Hostility and hardship marked the early path they followed. But they endured and survived. Their hard-working spirit and devotion to God and country soon won them a special place in our history.

During the rapid building of this Nation into a great industrial state, many Irishmen were counted among the leaders in the worlds of business and finance. In fact, their contributions were many in every field of endeavor.

When this Nation went to war, the blood of countless thousands of Irish Americans was spilled to help preserve the freedom and democracy that this country has enjoyed for nearly 200 years.

And today still this Nation welcomes new Irishmen to its shores and counts itself blessed by the gift of St. Patrick's land.

America has brought together many peoples of various races, creeds, and lands of origin. It has been characterized as the melting pot of the world. And on this day in particular it might seem that the Irish flavor is a wee bit stronger.

WILL ENACTMENT OF A UNIVERSAL NATIONAL HEALTH PLAN JEOPARDIZE THE VA HOSPITAL SYSTEM?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. TEAGUE of Texas. Mr. Speaker, a number of bills have been introduced in the 92d Congress providing universal health insurance for all of America's citizens. The introduction of these measures is causing considerable concern among our national veterans' organizations because they fear that the VA hospital system might be dismantled and service to veteran patients jeopardized. Evidence of this concern appears in a recent article coauthored by two high national officials of the Veterans of Foreign Wars and published in a recent issue of their national magazine. I commend this article, which follows, to the attention of my colleagues:

NATIONAL HEALTH INSURANCE: A THREAT TO VA HOSPITAL SYSTEM?

(EDITOR'S NOTE.—Health care for Americans is a major issue. Cooper T. Holt, a Past Commander-in-Chief of the V.F.W. and director of the Washington Office, and Norman Jones, director of the V.F.W. National Rehabilitation Service, have carefully studied current bills which propose to solve the problem. This is their analysis, with all its serious implications for the VA Hospital System.)

Supporters of a Universal National Health Care Program are no longer dreaming of success—they are predicting it.

Spurred by compelling and disturbing evidence that the country is failing to deliver medical services to the whole populace, many groups, including influential labor unions, have joined this decade's health crusade.

Their objective is "to create a national health security program which . . . will make health services available to all residents of the United States . . ." as one bill before Congress states.

Hopefully this laudable objective should in some manner be achieved.

Universal health insurance probably will not become the law of the land in the next year or two. Its realiaztion may require three or four years and it's almost a certainty. But the major question to be resolved is what kind of a program and what method of payment.

Several plans are in the legislative hopper. One would simply provide a limited tax credit for private health insurance and health costs. Proponents of universal health insurance do not believe this idea would scratch the surface of the real need.

Another proposal which seems to be favored by the Administartion, although top Presidential advisers are still wrestling with the entire problem, would cover only costly illnesses which could wipe out personal and family financial resources.

Another concept would incorporate and utilize private health insurance. Some plans would maintain existing federal programs such as Medicaid and Medicare, but attempt to fill in their gaps. Even if one of these partial remedies is adopted, it presumably will be only temporary. Unless they are proved to be reasonably adequate, universal health insurance legislation surely would follow.

Of the various proposals for universal health insurance, the bill introduced by Sen. Edward M. Kennedy (Mass.) and cosponsored by several of his Senate colleagues, and one introduced in the House by Rep. Martha Griffiths (Mich.), with numerous cosponsors, seem to be the vehicles which will be accorded serious consideration.

Each would cover almost every conceivable health treatment or service provided by recognized health practitioners. The Griffiths Bill would require a deduction from benefits of $2.00 for each professional visit or its equivalent. This presumably would be paid by the individual benefit recipient. The Kennedy Bill, on the other hand, requires no co-payment by the patient.

These two proposals would basically eliminate current federal health programs, such as Medicare, Medicaid and vocational rehabilitation remedial treatment and would blanket all citizens under one broad program. Military hospitals presumably would be maintained because of their special mission. One can foresee, however, the possibility of transfer of servicemen's families and military retirees and their dependents to a universal federal health program.

Various estimates of the cost of universal federal health care are bandied about. A reasonable consensus seems to be that in the first period of full implementation, which probably occur within two years, or less, of enactment, the cost might well be a staggering $77 billion a year.

Remembering that Medicare's cost, particularly for physicians' fees, has far exceeded original so-called expert estimates, one could well add a sizable figure to the $77 billion estimate. Of course, advocates of costly legislation usually minimize projected price tags in order to encourage support.

How would it be paid? No one is certain. One proposal would exact a 3% employer's tax and a 1% employees tax on wages and salaries up to $15,000 a year. One source estimates this scheme as meeting 60% of the total cost, with 40% to be provided by appropriations from general federal revenue.

Neither the Kennedy Bill nor the Griffiths Bill would abolish or otherwise directly alter the VA hospital system. A crystal ball would be needed to predict the actual multiple effects and their extent on the VA hospital system over a period of several years after implementation of a universal federal health care program. These detrimental effects can, however, be predicted:

The dramatically increased demand created by health care activities financed through universal health insurance will make it more difficult for the VA to attract and keep top notch personnel.

Some veterans eligible for VA hospitalization, but who also could come under the federal health program, would utilize the general federal program to obtain necessary treatment in or close to their homes instead of traveling hundreds of miles, in some cases, to the nearest VA hospital. Medicare already has had this effect to some degree among elderly veterans and it is logical to predict the same thing if adequate health care is available to all veterans regardless of age under a broad federal program.

Thousands of currently vacant hospital beds and additional thousands of bed vacancies, created if veterans choose other facilities in electing federal health insurance benefits, might well be used for federal health insurance beneficiaries—the general public. The Griffiths Bill includes permission to enter into an agreement to pay VA hospitals for services to health insurance program beneficiaries.

This is where the Kennedy Bill is more complex. It states that while no VA facility or employee is a "participating provider," the VA nevertheless may be reimbursed for services furnished to a person eligible for universal health insurance benefits otherwise ineligible for care under any other federal program. Either of these provisions clears the way for admission of thousands of health insurance program beneficiaries to VA hospitals. Some may say it is illegal under present provisions of the law governing VA hospitals. True, so contends the V.F.W. However, the President could by executive order place federal health care beneficiaries in the same category for care in VA hospitals on a reimbursable basis as are Merchant Marine, Bureau of Indian Affairs beneficaries, federal employees compensation beneficiaries and others. Legal or not, it would be difficult and probably impossible to negate such a Presidential decree.

In any event, it can be foreseen easily that universal health insurance will require all the health care personnel and facilities which can be mustered. It is unlikely that in view of such a demand that 30,000 or more VA hospital beds will be permitted to lie vacant.

What then is the proper V.F.W. position and action?

First, it is essential to preserve intact the VA hospital system and separate entitlement of veterans regardless of other federal health benefit programs.

Second, it is essential to fill all VA hospital beds with veteran patients or obtain legislation which would make certain dependents and survivors of veterans eligible for care in VA facilities. Military retirees and their dependents and survivors could be included. So could dependents of military personnel, particularly those not residing close to Armed Forces hospitals. In this manner it may be possible to utilize all VA hospitals to maximum capacity for the care of veteran patients or veteran-related patients.

The V.F.W. is committeed to fight for preservation of the VA hospital system as a separate program for veterans. This it shall do.

INTERNATIONAL DEMOLAY WEEK

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, I recently introduced in the House a bill authorizing the President to proclaim this week—March 14 to 21, 1971—as "International DeMolay Week."

The Order of DeMolay is a character building organization of young men from the ages of 14 to 21 who are seeking to prepare themselves as better leaders and citizens for tomorrow.

The organization was founded in Kansas City, Mo., in March 1919, by the late Frank S. "Dad" Land, and is thus celebrating its 52d anniversary. It currently boasts a membership of nearly 3 million boys, with 2,500 chapters in 11 countries and territories.

Although the order serves as a recruiting ground for the Masonic lodges, membership is not restricted to the sons of Masons. Some Masonic relative or background is expected, however.

DeMolay is founded on and teaches its members the virtues of reverence, comradeship, courtesy, fidelity, filial love, and patriotism. I am hopeful that my colleagues will join me this week in observing the 52d anniversary of DeMolay.

NO PROTEST ON LAOS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. MICHEL. Mr. Speaker, I would like to call to the attention of my colleagues an excellent editorial appearing in the Thursday, February 18, 1971, edition of the Daily Trojan, the campus newspaper at the University of Southern California.

The editorial emphasizes and contrasts the reaction on campuses, particularly the USC campus, during the early days of the Laos campaign as compared to the violence and unrest which accompanied the incursion into Cambodia.

I think the editorial will encourage the President as well as those of us in the Congress who have been supporting his efforts to disengage militarily from Southeast Asia and I insert the editorial in the Record at this point:

No Protest on Laos

The outcome of the invasion of Laos by South Vietnamese troops is still in doubt. Yet the outcome of this operation will have significant influence on the duration of American involvement in the war.

American students, including USC students, have in the past been vocal and sometimes violent, in expressing their opposition to American moves that to them signal continued American participation and escalation of the Indochina conflict. Yet, unlike the Cambodian invasion last May, which resulted in massive strikes on American campuses, the Laotian invasion has stirred little protest from the students.

At USC, while individuals may express opinions, there has been no unified action of protest. Leaders of last May's strike attempted to rally support for a protest march over the weekend, but failed to generate any significant student response.

While perhaps a majority of students may disagree with this extension of the war, an observer of campus events would have no reason to believe that they did. The last five years have been a time of large protest, and last May saw the largest number of students participating in protest. Why, then, have the campuses been quiet on the Laotian invasion?

The reasons are complex, but there are reasons. President Nixon did not build up the invasion of Laos, as he did with the Cambodian invasion, by going on television before the nation. Rather the preliminaries of the operation were cloaked in a news embargo. The Laotian action was not made to seem as great as the Cambodian invasion, and, thus, protest would not be as great.

No U.S. ground combat troops are involved with the invasion as they were in the Cambodian invasion. U.S. participation does not seem as great. The Laotian invasion is a South Vietnamese action, despite the fact that the operation was planned and approved by President Nixon.

Student leaders, particularly those at USC, have lost the support of the mass of students, and they realize it. Too many students recognize that their goals at the universities are not mass protests against the war. Students, also, seem to believe that President Nixon's plans of Vietnamizing the war are leading to decreased American troop participation. Few students buy the theory of American aggression and imperialism espoused by campus militants.

The Laotian invasion is vital to Nixon's plans for American withdrawal. If the South Vietnamese can keep the Ho Chi Minh trails blocked and keep supplies from reaching the enemy troops in Cambodia and South Vietnam, the American withdrawal timetable can be met and the forces of Cambodia and South Vietnam can be built up to a level capable of withstanding future enemy offensives.

But if the invasion fails, the war could continue much as it has. North Vietnam could choose to step up support for guerrillas in Thailand or step up its own military effort in central Laos. Or the North could strike directly against the forces of the South in Laos. Any of those actions might necessitate even further American involvement and indicate a failure of Nixon's famous plan to win the war.

The war must end. Nixon's policies, if the South Vietnamese succeed in Laos, seem to be decreasing American involvement in the war. Nixon's policies seem to be the best means of ending the war, aside from a negotiated political settlement, which seems an impossibility, judging from the peace talks. Unilateral withdrawal would be a disaster, as great a disaster as trying to win the war militarily. American students realize these things, and are no longer protesting.

A TRIP TO IRELAND

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ROONEY of New York. Mr. Speaker, one of the things that seems to be an eternal certainty is the beauty that is Ireland. Her lakes and fields, her mountains and rivers, and her people have thrilled men through the ages. Father Daniel Lyons, S.J., has recorded his impressions of a journey through Ireland in the Sunday, March 14, issue of the National Catholic Register. While Father Lyons writes of some interesting spots in Ireland, he unfortunately neglects two of the country's more beautiful counties: Leitrim and Sligo. I do not mean to sound prejudiced, but even before I first saw them I knew they were the best spots in the Emerald Isle; my mother and father, who were born in these counties told me so.

Under the permission heretofore unanimously granted me, I include the article written by Father Lyons:

A Trip to Ireland

(By Father Daniel Lyons)

March 17, the Feast of St. Patrick, is an appropriate time to plan a trip to Ireland. Take it from one who studied there for four years: it is the friendliest country in the world. There is no language barrier, and asking for directions is like a letter of introduction. The weather is refreshing, the people are delightful, and every nook and corner is as pretty as a park. In other countries you tour; in Ireland you visit.

Start at Shannon and drive to Killarney in the kingdom of Kerry, where they never answer your question but ask you another. Kerry, where the mountains laugh, weep, and weave their spells. Kerry, where they had so much land they "put it in hapes."

Killarney, said Austin, "has all the world over no superior." Queen Victoria called it "fairyland." Wrote Wordsworth: "In point of scenery this is the finest portion of the British Isles." Lord Macaulay added: "The gem of Killarney, not a reflex of heaven, but a bit of heaven itself."

Be sure to drive around the Ring of Kerry, through Kenmare. Lunch at Waterville. Visit Cahirciveen, the former home of Daniel O'Connell, who won emancipation for the Catholics. See Dingle Bay and Castlemaine. You will see why E. V. Morton referred to "the enchanted hills of Kerry, as the evening turns them purple."

Killarney is the ideal place for strolling, golfing, boating, sightseeing or just plain resting. Muckross Abbey (1348 A.D.) is there. So is Ross Castle, where Tennyson wrote "The splendor falls on castle walls. . . ." Wrote Macaulay: "The myrtle in Kerry loves the soil. The turf is of a livelier hue than elsewhere. The hills glow with a richer purple. . . . I never in my life saw anything more beautiful."

Drive on to Cork City via Glengariff, Bantry Bay, Skibbereen, Bandon and Kinsale. The sights are as pretty as they are interesting. "You can set God in every turn of the road in west Cork," say the people. So you can, for He is "nearer than the door."

The city of Cork was founded in the 8th century by St. Finbarr. All extroverts, Corkonians are sly of wit but their hearts are warm. When I asked a farmer in Macroom how come there were no Jesuits in Cork, he replied: "We attribute that to the power of prayer."

Drive to Cobh, then north to kiss the Blarney Stone. Cliodhna, queen of the fairies, gave it to Cormac: "Kiss it," she said, "and you'll never want for words." No one who kissed it ever has. Drive on to Youghal, where Sir Walter Raleigh was mayor in 1588. Visit the famous Cistercian Abbey at Mount Mellary. Then on to Waterford and the cut-glass factory.

Visit Tipperary and Wexford, birthplace of Commodore Barry, father of the American Navy. Be sure to see Glendalough, with its seven monastic ruins, where thousands of Irish youths were trained as missionaries to the Continent.

Don't forget Dublin, which Morton described as "an aristocrat among cities, with an easy manner and a fine air of unstudied elegance." Added Lynn Doyle: "Dublin is easy to live in. If there is a pleasanter place in the world post me a ticket." Visit Galway Bay and watch the sun sinking in the west, filling the sky with brilliant gold.

Drive on to County Mayo, which furnished America's first Cardinal, a mayor of New York, and the father of the Argentine Navy. See the Belleek factory and press on to Donegal, where the air is so salubrious that no one ever dies, they say, "except the doctors, and they die of poverty."

They are good people in Ireland, and none have been stauncher to the one true Faith. Nor has any country in this century supplied more missionaries to the waiting world. There is not a mean man among them. But be careful; they'll steal your heart away!

HOUSE OF REPRESENTATIVES—*Thursday, March 18, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Wait on the Lord: be of good courage and He shall strengthen thine heart: wait, I say, on the Lord.—Psalms 27:14.

Our Father God, we come to Thee, troubled about the tensions of these times, fearful about the future, and with a deep concern about our Nation and our world. As we endeavor to do our work and play our part during these days of destiny, we bow at the altar of prayer seeking the guidance of Thy wise spirit.

"God of the strong, God of the weak,
  Lord of all lands and our own land,
Light of all souls: from Thee we seek
  Light from Thy light, strength from
    Thy hand."

Thus empowered and sustained may we enter upon the labors of this day with souls restored and spirits renewed.

Bless our Nation with Thy favor and by Thy grace enable us to lead our people in the paths of righteousness for Thy name's sake. Amen.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman let the Chair announce the approval of the Journal?

Mr. HALL. Mr. Speaker, I insist on my point of order at this point.

The SPEAKER. The gentleman from Missouri insists on his point of order, and, of course, there is no quorum present in the Chamber.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Alexander
Anderson, Tenn.
Ashley
Badillo
Baker
Biaggi
Blatnik
Buchanan
Clark
Clay
Conable
Crane
Davis, Ga.
Dent
Devine
Diggs
Dorn
Dowdy
Edwards, La.
Fraser
Gallagher
Goldwater
Gray
Green, Oreg.
Green, Pa.
Halpern
Hansen, Idaho
Hawkins
Heckler, Mass.
Hogan
Jones, N.C.
Kyl
Landgrebe
McCulloch
Macdonald, Mass.
Madden
Mink
Rhodes
Roberts
Rosenthal
Rostenkowski
Rousselot
Scheuer
Skubitz
Steiger, Wis.
Stuckey
Wilson, Bob
Wright

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

Mr. HALL. Mr. Speaker, I reserve the right to object.

The SPEAKER. The question is on agreeing to the approval of the Journal.

The question was taken; and the Speaker announced that the ayes had it.

So the Journal was approved.

PERSONAL STATEMENT

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, it has often been said by those far wiser than I, that a politician's word is his greatest asset. I am sure this applies equally to elected public officials. I full well understand the apologies that were issued for "the leadership" here yesterday, referring to the promise last Thursday of no legislative business; in fact, the statement was that on Monday and on Tuesday those could be absent for other business, who would not attend the pro forma meetings.

I hold here in my hand those commitments. To involve the leadership, in addition to breaking the word, indicates some question of the quality of leadership and the planning program that we must expect hereafter.

Mr. Speaker, I have no intention of prolonging the proceedings here today when we have come in early for the purposes of considering an alleged international emergency. However, I do want to serve notice on all concerned that if we are going to have violations of the public trust, indeed, of legislative program hereafter by any act of chicanery which involves renegation of the rules adopted by the last Congress and the law of the land, to say nothing of the given word—there will be objection per se, if not obstruction per se.

ROLLCALL VOTES ON TUESDAY LAST

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, on yesterday the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) and myself, discussed this matter. The gentleman from Missouri is correct. He did ask me specifically whether or not there would be any business on Tuesday and I replied categorically that there would not be business.

I said on yesterday, and I repeat today, that my office as late as 11:45 on Tuesday was telling people there would be no votes.

I went to the late Whitney Young's funeral. There I saw the minority leader. He asked me at 9 o'clock in the morning on Tuesday whether there would be a vote and I told him "No." We both missed the votes.

It was a matter over which I had no control. I again say what I said yesterday, I did not think the matter was of any special urgency to require a vote on Tuesday. I am sorry it happened and I apologize to the membership that it happened.

THE SST AND MASS TRANSIT

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, today the

House votes on whether to approve funds for the continued development of the supersonic transport while each day Americans struggle to get to work and back home again in slow and inadequate transportation facilities.

A number of Members have addressed themselves to the environmental hazards of the SST, and I share these concerns, but I would like to focus my remarks on the need to turn down the request for SST funds and reallocate these moneys to mass transit.

Last year the Congress passed a 5-year urban mass transportation assistance program to expand the Federal role in mass transit development. For fiscal year 1971 the Congress has appropriated $214 million and authorized $600 million in commitments under the new contract authority financing mechanism whereby the Department of Transportation can enter into long-term obligations that will be met with cash in later years. This long-term guaranteed funding is very important to our cities that require, before entering into any large project, a commitment that Federal funds will be forthcoming.

According to studies conducted for the Department of Transportation some $35 billion will be needed to meet mass transit capital requirements during this decade. This suggests how minimal the $3.1 billion 5-year program enacted by the Congress is.

Despite the modest commitment made by the Congress, however, the President, in the program's very first year, has cut back the level of commitments by one-third—from $600 to $400 million. This was one of the President's spending reduction cuts. I would respectfully submit, however, that in the long run this will prove to be very poor economy. It just delays for another year the commencement of $200 million worth of public transportation improvements so desperately needed while billions of man-hours continue to be lost in traffic delays and construction costs mount at a rate of approximately 10 percent a year.

It is interesting to note that in actual dollars provided, more money has been recommended for the construction of two SST prototypes than for the entire country's mass transit needs.

Mr. Speaker, there is something wrong with our priorities when our budget allocates more money for the development of a plane to shorten the trip to Europe for vacationers and a few businessmen than for the improvement of public transportation. The $214 million was appropriated in the 1970 appropriations bill in forward funding for the urban mass transportation program in fiscal year 1971; then, the Urban Mass Transportation Assistance Act of 1970 was passed authorizing the appropriation of an additional $80 million for this fiscal year. And yet, the President's budget calls for a supplemental appropriation of only $15 million bringing the total mass transit budget to $229 million.

Mr. Speaker, I urge that the $134 million appropriation for the SST be struck from today's bill, and that the President take the opportunity to redirect these funds into mass transit development. The investment of these funds in mass transit will benefit many more people—including those who fly, but have to utilize some form of ground transportation to complete their journey.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to address the House for 1 minute.)

Mr. DULSKI. Mr. Speaker, due to illness I was unable to be present at the session of the House on March 16, and missed two rollcall votes. Had I been present and voting, I would have voted "yea" on rollcall No. 20 and "yea" on rollcall No. 21.

SOCIAL SECURITY VOTE

(Mr. BYRNE of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRNE of Pennsylvania. Mr. Speaker, I was very shocked to learn that the vote on the 10-percent increase in social security took place on Tuesday, March 16, in my absence. Only that morning I had been assured there would be no votes on the floor of the House and, therefore, I felt I could serve my constituents best by remaining in my Philadelphia office to meet with them personally.

I do want to state emphatically that I am very interested in a sizable increase in social security payments, and on March 10 I introduced H.R. 5811, to increase the benefits by 15 percent. On the same day I made a statement in the RECORD explaining this legislation. This statement appears on page 5895 in the RECORD.

You may be assured I would have actively supported the 10-percent increase on March 16 had I been here as I believe our social security annuitants have worked hard and are certainly entitled to comfortable security in their older years. Therefore, I am planning to stimulate the interest of my colleagues in raising the increase from 10 to 15 percent as outlined in my bill, H.R. 5811.

THE SOCIAL SECURITY VOTE

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, when the House voted Tuesday to increase social security payments I was at Fort Leavenworth, Kans., meeting with Army officials and black inmates of the stockade there. I arranged the meetings in Kansas, because I felt that the problems of the black prisoners there warranted my personal attention, and after these meetings, I think that progress is being made in improving communications between the Military Establishment and the inmates.

Of course, when I made my plans, the leadership had announced there would be no business to come before the House on Tuesday. I must admit it was a shock to be in Kansas Tuesday afternoon and hear on the radio news of the House taking a major vote.

I am quite upset that I missed a vital vote. I hope that the leadership can organize itself better in the future so that this sort of thing does not happen any more.

I would have voted "yea" on rollcall No. 70, the social security conference report. Indeed, I believe that just a 10-percent increase is inadequate for the millions of Americans dependent upon social security payments as their primary source of income, and I would hope that the Congress can act to raise these benefits—and broaden overall social security programs—even more during the coming months.

PERSONAL ANNOUNCEMENT

(Mr. EILBERG asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EILBERG. Mr. Speaker, I was unavoidably absent on Tuesday, March 16, and was thus unable to vote on the conference report accompanying H.R. 4690.

Had I been present, I would have voted in favor of increasing social security benefits by 10 percent, retroactive to last January.

Additionally, I look forward to this House soon having the opportunity of raising benefits another 5 percent, providing a minimum monthly payment of $100, increasing the outside earnings limitation to $2,400 and providing coverage for prescription drugs through medicare. Let us hope that the great Committee on Ways and Means will soon complete its further deliberations on matters affecting senior Americans.

The commitment of this House must be absolute in assuring economic justice to hundreds of thousands of older Americans who have worked all their lives to contribute toward a better country. I pledge my unstinting support in this effort.

CERTAIN FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 468), with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1, commencing on page 1, line 1, to line 6, page 2 of the joint resolution.

Under the rule, no amendments except committee amendments were in order to section 1, and the Chair had asked the chairman of the committee whether there were any committee amendments, and the Chair was informed that there were no amendments.

The Clerk will read.

The Clerk read as follows:

SEC. 2. During the period from March 30, 1971, activities under the appropriation "Civil Supersonic Aircraft Development" may be conducted at a rate for operations not exceeding $289,965,000, but otherwise to the extent and in the manner provided for in the bill (H.R. 17755, Ninety-first Congress) as modified by the House of Representatives on December 15, 1970.

Mr. McFALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to discuss with the House and the Committee of the Whole the procedure that we may be able to follow in order to get to an expeditious conclusion of the matter before this body.

As I view the procedure at this moment the gentleman from Illinois (Mr. YATES) will be recognized next for the presentation of his motion to strike out section 2. This is probably the only amendment which will come before the Committee. It will present to the House the issue of whether or not we should go forward with the SST.

The gentleman from Illinois (Mr. YATES) would like to proceed for the usual 5 minutes, and then he will ask unanimous consent for an additional 5 minutes, so that he will have 10 minutes in order to present his amendment.

Then I will rise to oppose the amendment, and I will ask unanimous consent to proceed for another 5 minutes, if necessary, in order to reply. At that point we will then ask unanimous consent for some kind of time limitation. We would propose that all Members who wish to speak on the amendment to please rise and we will count the number of people who want to talk and multiply that by 5, so that everyone will have 5 minutes to talk. We do not want to cut off debate on anyone, but we want to arrive at some expeditious way to conclude this matter.

Then, presumably, there will be a recorded teller vote on the amendment of the gentleman from Illinois (Mr. YATES).

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman.

Mr. CONTE. Mr. Chairman, I wish to inform the Committee of the Whole that the chairman of the subcommittee discussed this procedure with me before he spoke, and it is perfectly agreeable to our side with regard to the procedure. I imagine some Members may have some other feelings on it, but so far as we are concerned on this side, it is agreeable.

Mr. McFALL. Of course, at the time when unanimous consent is asked, everyone in the House will have to agree. If the situation is changed at that time, then we will just have to see what other alternative might be acceptable. But this is the suggested procedure that we have in mind after discussion on both sides of the aisle.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 2, line 7, strike out section 2 and renumber the following section.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes and was granted permission to revise and extend his remarks.)

Mr. YATES. Mr. Chairman, the time has come to vote on the SST. There are five reasons why I believe the appropriations for the SST should be defeated.

Mr. McFALL. Mr. Speaker, a point of order.

If Members would permit the gentleman in the well to present his arguments with a certain amount of solicitude, perhaps we would get this matter concluded much more expeditiously than otherwise.

The CHAIRMAN. The point of order is well taken. The Committee will be in order.

The gentleman from Illinois (Mr. YATES) will proceed.

Mr. YATES. Mr. Chairman, the first reason is the enormous expense of the SST program. The prototype stage in itself will cost "only"—and I put that in quotes—"only $1½ billion." But this is only the first step in this huge outlay of the taxpayers' money. After the prototypes are completed, there still will be required to be expended before the first commercial SST can be turned out another $3 to $4 billion.

There is no doubt in my mind that even if the proponents say that the commitment of the Government will end with the prototype stage, that Boeing will be back—and the contractors will be back, to request funds from the Government with which to complete the commercial plane. Where else can the contractors go to get it? You know very well the financial conditions of the aerospace and airline industries today. They are in worse condition that they have ever been in their history. Where can Boeing and General Electric get their funds? They must do it not 5 or 6 years hence—when some argue that there will be a recovery of those industries—but almost immediately. Time is hard upon them. They must finance the later stages during the prototype flight phase—and the prototype is scheduled to fly in March 1973.

There are those who say about this program ,"Well, we have gone so far, why do we not put another couple of million dollars into it in order to get the prototype?" Surely, those who make that argument will be back to the Congress after the prototype stage to make the same argument: "We have about $1.5 billion in the prototypes. How can we stop now? We must help Boeing raise the additional amount of money so that we can have the commercial version of the plane."

Aircraft production is a quagmire. We learned that from the C–5A; we learned it from other aircraft programs. What makes us think that the SST will have a different fate than the C–5A or, a different fate than the Concorde—the Concorde, which originally started out with a limitation of $400 million for its production and development, and now finds its cost escalating to above $2 billion? Are our aircraft manufacturers so much better versed in costs and techniques than the French and the British that they can avoid escalations in costs in this new and untried field?

The second reason we oppose this appropriation, Mr. Chairman, is that it is an appropriation of public money for a private purpose. Yes; we do call upon the taxpayers and ask for their funds to build military planes. But we own those military planes. We need those planes for national defense. The SST is not in that category. The SST will not belong to the United States. The SST will belong to Boeing. The prototypes will belong to Boeing. There is a substantial difference between appropriating funds for the purpose of developing and producing military craft and producing and developing a commercial plane for a private company. And that is exactly what this program is about.

The American people do not want this plane. They do not want their money to be used for this purpose. Every poll in the country shows that Americans, in overwhelming numbers, are opposed to Government financing of the SST, and I say outside of Seattle and Cincinnati——

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. YATES. I would prefer to yield to the gentleman in a few moments.

Mr. LONG of Maryland. What is the gentleman's estimate of the percentage of the American population that would have the ability to afford a ride in this proposed plane? Would it be more than 1 or 2 percent?

Mr. YATES. I am coming to that point. If the American people had an opportunity to vote on this appropriation as they do on school bond issues, what do you think the fate of this program would be? Obviously, it would be turned down overwhelmingly. On the point that is raised so cogently by my friend from Maryland, the ironical part of the program is that only 3 percent of the taxpayers who are financing this plane will use it. I say 3 percent. How do I arrive at that percentage? Today only 10 percent of American air travelers fly internationally. About one-third of those who fly internationally fly first class. The SST will have a fare that is higher than the first-class fare of supersonic jets. If American taxpayers are not willing to pay a first-class fare to fly overseas, what makes you think that they would be willing to pay a superfare to fly overseas? The only ones who use the plane will be business executives who can charge their travel off as a business expense.

Why should this House vote American tax dollars against their owners' will for a frivolous purpose for the benefit of a few well-heeled travelers?

The third reason that we oppose the plane is because of the possibility of polluting the environment. Proponents of the SST keep feeding us soothing syrup. They tell us not to worry that the environment issue has been dissipated. The gentleman from Washington, my good friend, last night said, "The environmental bubble has been burst." Nothing is farther from the truth.

They take the position that an environmental committee of scientists has been organized by Mr. Magruder and will report in 2 or 2½ years about the results of their investigation. Only then will we know, although I must say I am concerned that the research team is headed by a scientist who told our committee he was 95 percent sure of what the results will be. We ought to have totally open minds for this project.

Again I say, Mr. Chairman, this is not true. The scientists are still concerned about the possible effect of fleets of SST's flying at stratospheric levels. There is a possibility of polluting that atmosphere and the result of that pollution being felt upon this earth.

They say, second, that noise pollution has been dissipated—and that, too, is not true. There is on the drafting board a design for a new engine which will not be in the prototype, but will be in the production version of the plane, in the event that can be financed. This is a new engine that is supposed to reduce the sideline noise to a level the FAA has established for subsonic jets in the future. But that, too, is in the future and is only a hope at the present time. That is why I say the environment issue is still very much with us and has to be taken into consideration.

Also, much has been said that the age of the SST is upon us, that if the SST does not fly under the American flag, it will fly under a foreign flag. They speak about the Concorde and about the Russian Tupolev. I do not know what the information is about the Tupolev. Our committee has little information about the Tupolev at all, and we had thousands of pages of testimony. We do not know anything about it except what the Russians have said about it, and what the Russians have said about the speed of it is that it flew at mach 2. The fact is, however, no country in the world has yet bought a Russian plane. No country is willing to take the chance of buying a Russian plane and then trying to get spare parts.

Insofar as the Corcorde is concerned, that is no threat. Most Members have read a few weeks ago about the comment of a BOAC official, a sad comment, in which he said that the operating costs of the Concorde are twice those of the 747. What airline executive in his right mind would buy a Concorde that has twice the operating costs of an American 747?

Further than that, Mr. Chairman, on March 29 of this month, less than 2 weeks from now, executives of the British and French companies building the Concorde will meet—will meet—in order to decide whether or not to continue production of the Concorde.

Finally, we are opposed to the appropriation for the SST because we consider that the money being allocated from the very restricted number of Federal dollars in the budget could be used for much more vital purposes. Almost every appropriation in the budget without exception has been cut.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. Yates was allowed to proceed for 1 additional minute.)

Mr. YATES. But the SST program has not been cut. It receives its full amount. School funds have been cut. Health funds have been cut. Hospital funds have been cut. Antipollution funds have been cut. Mass transit funds have been frozen. Funds for air navigation and equipment for airports that could go to relieve traffic congestion which plagues air travelers today have been cut. Housing funds have been cut. But not the SST, which flies on at supersonic speeds fully funded.

Why the rush? Why should the SST be a sacred cow that cannot be touched? Why does the SST deserve a higher priority than all the other programs that touch the lives of the American people much more vitally than does this aircraft?

I submit to the House, Mr. Chairman, this appropriation should be defeated. I urge the House to vote for my amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I heard the gentleman say something about nobody in his right mind would fly the 747 if he could fly the Concorde. I have flown in a 747, and I think I am in my right mind.

Mr. YATES. I did not say that. I said no executive in his right mind would buy the Concorde if he could buy the 747. I fly the 747.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. Springer was allowed to proceed for an additional 5 minutes.)

Mr. SPRINGER. Mr. Chairman, I have listened with a great deal of interest to all that has been said yesterday and today with reference to the SST.

Back in 1963 the Committee on Interstate and Foreign Commerce conducted extensive hearings for several days extending far into the night on all of the problems with reference to the SST.

There are many here today who seem to be under the impression that flying at supersonic speeds is something new. The Air Force has been flying not hundreds but thousands of flights in the last 18 years over the United States. Extensive tests have been had by our experimental laboratory in Oklahoma City under the supervision of the Federal Aviation Administration. At the time of our hearings, the problems of the SST had been studied no end.

In 1963, where were all of these people who are today objecting to the SST? If there were substantial objections, those should have been voiced years ago and the project should have been stopped if those objections were justified. There may have been those who were against the SST before 2 years ago. If they were, they had not been registered with our committee. The first time I heard any objection to this matter was 2 years ago which was roughly 6 years after our hearings and the start of the SST. It seems to me that those who are now making objections are not only 7 years late, but are also $1.1 billion late. The cost of producing the prototype is estimated at $1.3 billion. We have spent approximately that figure up to now. Even if we stop the SST today, there would be an additional $115 million necessary to close up present operations. This simply means that we would have plowed over a billion dollars down a rathole when the program could be completed for approximately $1.3 billion.

I am never one who has criticized the loss of the horse because someone did not close the barn door. But it seems to me that when this matter has been open since 1963 and suddenly the complaints only arose some 24 months ago, that those who are opposing the project have certainly been lacking in diligence. Personally, I am not trying to change anyone's opinion with reference as to how he believes he should conscientiously vote. I just wanted to be sure that those who are in doubt will have some background of how this whole matter originated and was studied extensively in the beginning. If you will go back and read the appropriations hearings and also the vote on this matter, insofar as I can find in the record, nothing was raised substantially as an objection until 2 years ago.

When our committee had hearings on this matter, the problem with which we were greatly concerned was the recoverable costs. We had about every cost accountant and everyone connected with the program before us in an attempt to determine whether or not we were going to be able to get back the cost plus a reasonable rate of interest. At that time, I stated I would not support the program unless evidence to that effect was presented to the committee. From the hearings that were conducted, it was my feeling that there would be a recovery of the costs plus a reasonable rate of interest. I do not believe that the committee itself would have considered the project further unless the members in their own minds were convinced of that particular fact.

The question has been raised on the floor as to why private capital could not do the job. Mr. Bow, the ranking minority member on the House Committee on Appropriations, and I, together presented to President Johnson a plan for private funding through Government guaranteed bonds. The bonds, although guaranteed by the Government, would be sold to the public. There would not have been any public appropriations or financial problems insofar as the Federal Government was concerned except in guaranteeing the bonds. The company which offered to finance it was convinced that it was a project which would pay off. And it was their feeling that it could be done in that manner. I will admit that President Johnson did give it thoughtful consideration but came to the conclusion that it was inadvisable to change the policy since the project had been underway for some 3 years. I want it to be known that I am not in any way critical of President Johnson's choice which was based upon the advice he had from his own advisers. They thought it would not be wise to change the financial structure of the program 3 years after starting. I merely point this out to the House that there was a plan presented to do this through some kind of private enterprise effort in connection with the Government.

It seems to me that a great deal of what has happened since 1963 has escaped the notice of the House and the purpose of my presentation of these facts is to give the background from the beginning.

It is true that after the hearings were over and before the committee could come to any conclusion as to the authorization, the Department of Transportation was created. Under the language of the Department of Transportation regulations and policies, their legal counsel came to the conclusion that it was not necessary to have the authorization of either the House or Senate Commerce Committees. On the advice of the legal counsel, the Secretary could go before the Appropriations Committee and seek the necessary funds. However, I am advised that there were rather extensive hearings on the SST each year before the Committee on Appropriations. There certainly were complete hearings this year. I hold in my hand the hearings which run into several hundred pages over weeks of time. I would suggest that if there is doubt in anyone's mind, that they read those hearings and determine the witnesses they choose to believe as being most thoughtful and reliable in determining how they should vote on this issue.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. McFALL was allowed to proceed for 5 additional minutes.)

Mr. McFALL. Mr. Chairman, one of the most remarkable things about the debate yesterday which many were unable to hear because of the St. Patrick's Day celebrations was the emphasis upon the economics of the SST. Many would have thought earlier that the emphasis would have been upon the environment. During the 4 days of open hearings in the subcommittee much information was provided that addressed the issue of the environment.

The gentleman from Illinois (Mr. YATES) says there are some problems yet to be solved. Yes, but there are some that the scientists believe can be easily solved. The main one has already been taken care of. They have designed a modified engine that will meet the noise requirements of FAR-36 which will make a quieter airplane than the present large subsonic jets which fly today.

Mr. Chairman, what we are talking about is not an emotional matter of destroying the environment with technological progress. I think this has been our problem in the past. People in the United States want to see progress but they do not want to see this technological progress destroy the environment in which we live. I think we have put these fears to rest. So, what we are talking about here is a matter of economics. Now we can deal with the same kind of problem we have on this floor nearly every day.

There are economists who say we should not build this airplane. There are other economists who say we should. There has been over $1 million in studies on the future market for the SST, a market which will be for the 1980's. Remember we are building an airplane for the 1980's.

Mr. Chairman, the important thing is that we decided over 7 years ago to go ahead with this program. When the late John Kennedy was the President, he recommended that we go ahead and build the supersonic transport because he thought it would be essential for transportation in the 1980's.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I will yield to the gentleman when I have finished my general statement.

President Kennedy also recommended that we go to the moon—and we have. I did not think we could at the time, but I said if the recommendation is that we should go to the moon, I am willing to try—and we have succeeded. And I believe we can build a supersonic transport and succeed. We are building a supersonic transport that will be a productive airplane for the 1980's.

The point is made that this is only the first step, and they will be back here for production funds. Well, production financing is a matter to be determined later. We have letters from banks indicating that they would be interested in private financing of the production plane. This will be considered by this body in further debate. But I would point out to you that the private sector and the taxpayers will have $1.11 billion put into this by March 30. It will cost us another $119 million to stop now. On the other hand, we will have less than $350 million to go after this fiscal year.

When we get through with development, we will own about 90 percent of these airplanes, and Boeing will own about 10 percent—contrary to the statements made here on the floor that Boeing will own it all. We will own 90 percent and we will have the option on what to do with them.

The statement has been made that only a few people will fly in the airplane. Well, over 6 million Americans, secretaries and others, fly overseas. A large percent of the overseas flying is to Australia, to the Far East, and to Europe. By the 1980's there will be 25 million people flying overeas. While the aircraft industry is depressed now, overseas flight has continued in 1970 to increase by 15 percent as it has for the last 10 years. But we are building an airplane for the future.

It is said that we should not put public money into it—why, we put public money into any number of transportation modes that will produce for our economy. We started in transportation with the Panama Canal. Look at the money we put into our merchant marine. Look at the money we put into our airlines—and talking about airplanes, every airplane that we are flying today has been subsidized by the taxpayers. The 707 came through the B-52 technology, and the K-135 technology. It cost $2 billion to develop that technology. But this is the first time where the taxpayers have had a contract where they are going to get back some of the money that is expended for the development of an airplane.

We are putting money into mass transit. The point was made that every other program has been cut back. There have been cutbacks. I have a list of them. I am not in favor of those cutbacks. I think the administration ought to go ahead and spend the money for those things.

We are spending $400 million this year for mass transit, which is less than the amount we have allowed in the appropriation bill. We provided for a program level of $600 million and I think we ought to spend it all. But should we cut back on this program because other programs have been cut back? It seems to me that is like cutting off your nose to spite your face, or rubbing salt in the wounds of American labor which now needs jobs.

We could spend more money on this program and produce more jobs. There are jobs involved. Yes, there are 13,000 jobs involved right now. The aerospace industry is in very bad shape and if we are going to cut these jobs back, it will have a multiplier effect throughout our economy.

In the future there are 50,000 direct jobs involved in this as well as leadership in the aerospace industry. So I say to you, if you are talking of the tradeoffs in economics—and that is what we are talking about—we should go ahead as planned. We should build the prototypes and demonstrate that America can produce an airplane that will be the most productive airplane in our fleet for worldwide use during the 1980's.

Other countries are going ahead with their subsidized SST airplanes. Our airlines will have to buy these if they are going to compete, unless we have an American airplane. By going ahead with the SST we will keep our world leadership in the aerospace industry.

I would like to see if we can get some agreement on the discussion time.

I would propose that all those who wish to speak stand up.

I have counted 21 Members standing and assume 5 minutes each that makes 105 minutes or 1 hour and 45 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, end at 2 o'clock.

Mr. MOSS. Mr. Chairman, reserving the right to object, do I understand the gentleman's objective is to assure 5 minutes for each Member?

Mr. McFALL. That is right.

Debate will be concluded at 5 minutes after 2 p.m.

Mr. MOSS. It is not possible to do that within that time by merely multiplying by five the number of Members on the floor who desire to speak. If the gentleman's unanimous consent request is that those on their feet be entitled to at least 5 minutes, I would withdraw my objection.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I would suggest that rather than setting the time at 1:45 p.m. or 2 o'clock, inasmuch as you might have a quorum call and the time would be thus taken up by the quorum call, it is far better and far more equitable to set a definite total amount of time regardless of any quorum calls or any other interruption. I only make that as a suggestion to the gentleman.

Mr. McFALL. Would everyone agree to 2 hours?

Mr. MOSS. Mr. Chairman, again reserving the right to object, I think Members on their feet should be assured that they will have 5 minutes each. This request has come very early in the debate today for a limitation of time and it has come after the gentleman now in the well has used 10 minutes of time and his precessor in the well used 11 minutes. Some of us have very strong views on this and we would like very much to have the assurance of having 5 minutes.

Mr. McFALL. If you allow 5 minutes for everybody, then you do not have much of a limitation on the time.

Mr. MOSS. I am speaking of 5 minutes for those on their feet and that would be the limit.

The CHAIRMAN. The Chair would suggest to the gentleman from California (Mr. McFALL) that he amend his unanimous-consent request.

Mr. McFALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 2 hours with 5 minutes to be allotted to each Member standing at this time.

Mr. MOSS. Mr. Speaker, further reserving the right to object, is it implicit in that request that should a quorum call occur that it would not come out of the time?

Mr. McFALL. That is the reason for asking for the limitation by the time used rather than by the clock. The time would be 2 hours with everybody on their feet now to get 5 minutes.

Mr. MOSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. McFALL)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, there are many reasons why Members will support or will not support the SST, and I suppose we can find an excuse for any position that we take. I think you probably have heard all the arguments, and anything that is said now is just going to be something you heard before. So I am not going to use all of my 5 minutes.

I merely wish to leave with you one thought that I think is paramount. We can argue all day about how we got here, whether you voted for this or against it before. The fact is that we are here today having spent $860 million on the SST, and the fact is that we stand today at a crossroads. Are we going to add to that $860 million another $100 million or so, for a total of about $1 billion and have nothing, absolutely nothing, to show for it, or are we going to commit ourselves to go the $1.3 billion and have the two prototypes and have the 100 hours of testing and finally determine once and for all, all the questions that have been raised here today? I think it is that simple.

What is our responsibility to the taxpayers? Not to stand here and argue about the votes that were cast in the last 6, 7, or 8 years, but to face up to the fact that we have spent $860 million, that it will cost the Federal Government a total of about $1 billion to get out of the project for which we would have nothing, or spend about $1.3 billion and finally carry to a conclusion that which we embarked upon 8 years ago.

When you listen to all the arguments about 300 planes, 500 planes, or what the payoff is going to be, or how much we are going to make, all the comments about the environment, that, literally, in my opinion, clouds the whole issue because we are not at that point.

We are trying to decide today the best course to follow as far as the taxpayers of the United States are concerned. I have sat in the hearings on the subcommittee, and I have heard the witnesses both pro and con, and I believe that the administration put forth the best case I have ever heard in any hearing I have ever been in.

I think we would be derelict in our duty if we did not, having reached this point, follow through on this commitment and see it to a conclusion.

I will be very frank with the Members. If we follow through and the SST does not prove itself economically, if we cannot resolve the environmental questions, I am not going to be standing up here asking the Members to go forward. First of all, I think if it proves itself economically, we are going to have the leading lending institutions in there to finance the thing, and it will be built with private capital.

But that is beside the point. We must face today the simple question: Do we stop, having gone so far, or do we finally go over the last hurdle and complete the two prototypes and 100 hours of testing? I think it would be foolhardy to stop when we can see the light at the end of the tunnel.

I urge you to vote down the Yates amendment and vote to continue this project.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, in the summer of 1962 Najeeb Halaby, then FAA Administrator, appeared before the Government Activities Subcommittee, which I serve as chairman, and discussed in the most enthusiastic terms the development of an American supersonic transport. Even then the immense potential in terms of scientific advancement was readily apparent from such a project. As a general matter of policy, I accepted the supersonic transport concept as an advancement that would maintain American domination in the production and operation of commercial aircraft.

When FAA Administrator Halaby described how the leading edge of the wings of a supersonic transport would glow "cherry red" at top speed and that the aircraft would have to be constructed of titanium with even the most minor joint or moving part completely sealed from the searing heat and the bitter cold that would be the continually changing environment in commercial operation, I also realized there were formidable problems in translating such an aircraft from the prototype into an economically feasible commercial venture.

During the past several years, as the SST has been under discussion a number of other problems have arisen. Although considerable effort has been expended in research, the sonic boom has not been mastered. Questions have been raised as to national priority, pointing to the desperate need for more funds in the continuing struggle against poverty, ignorance, and disease.

All factors considered, the SST has been a close question requiring the most delicate judgment. Fundamentally, I believe that the need for continuously pushing forward through the spectrum of science and technology adequately supports the development of an SST and the investment of large sums of tax funds in the project.

Reluctantly, however, I must oppose apropriations for the SST in the absence of reasonable protection of the taxpayers' huge investment. Under the contract with Boeing, the taxpayers would not receive the normal royalty payment unless the production aircraft was designed for a speed of at least mach 2.2. If the airlines that would ultimately purchase and operate the SST's decide that the most economical speed of the aircraft would fall below mach 2.2, the taxpayers' huge investment would be limited to the recoupment of only 13 percent of the total investment, and this sum would be recovered only if 300 production models were produced.

Despite extensive efforts over a period of more than 2 years, detailed in Wednesday's RECORD on pages 6807 and 6916, I have not been able to obtain economic studies from the Department of Transportation reflecting a comparison of the incremental costs of increasing the aircraft's speed above mach 2.2 as contrasted to the economic benefit flowing from such increase in speed. Furthermore, even if studies were produced which indicated some potential economic benefit of the higher speed, there is absolutely no excuse for failing to protect the taxpayers' investment. There is no reason for arbitrarily limiting the definition of the SST to an aircraft capable of flight from mach 2.2 to mach 3.1.

The normal risk of investment in a project such as the SST is high in any event. However, to add to this risk serious loopholes in the contract with Boeing which deny the Government royalties on production aircraft falling squarely within the supersonic range is simply more than I can tolerate as a Representative of the taxpayers. I must vote against this appropriation until obvious contract deficiencies are remedied.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in support of the continued funding of the SST program.

As I have stated before, the question before us today is Will the United States develop the SST, and not will we have an SST. The fact is that the Concorde is an SST and it has been successfully flown by the British and the French. The fact is that the TU-144 is an SST and has been flown successfully by the Russians and the TU-144 will shortly be making commercial flights.

If we want to continue to be the leader in the aerospace industry, and not force our airlines to go abroad and buy many billions of dollars worth of aircraft, we have to maintain our position of leadership in the aerospace industry. This means tens of thousands of jobs for Americans, billions of dollars in a favorable balance of payments, and billions of dollars to the U.S. Treasury in taxes.

The return to the Federal Government of the Federal money in the SST will start with the sale of the first SST. Over $4 million will be added to the price of each SST and this over $4 million will come directly to the Federal Government. With the production of the 300th SST the Federal Government will have recovered all of its money invested and the sale of the SST's over the 300 mark will provide a most substantial return to the Federal Government, as we will continue to receive the over $4 million on each SST sold after the 300th sale.

All of the talk about the pollution in the upper atmosphere and the harmful effect that the SST will have on our ecology is unfounded. Russia already has a variable sweep wing bomber with a speed exceeding the speed of sound. The American B-1 bomber being designed and built by North American Rockwell is also a supersonic aircraft.

Our B-52 bombers can cruise at altitudes up to 50,000 feet. We also have the SR-71 and the U-2, both of which fly at altitudes equal to or in excess of the altitudes at which the SST will fly and, I believe, the SR-71 is a supersonic aircraft.

There have been no reports of any harmful effects on our ecology being caused by these aircraft. We heard yesterday from Mr. KUYKENDALL that if the entire SST fleet reaches a total of 500 planes, which will have 2,000 separate engines, the total emission of pollutants from these 2,000 engines would be equivalent to the pollutants discharged from only 1,800 new 1971 model automobiles equipped with Government-approved emission control devices.

In view of these facts, I urge that this amendment be defeated and the funding of the SST be continued.

Mr. KEATING. Mr. Chairman, I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, last week at the hearings of the Subcommittee on Appropriations some opponents of the SST pulled out all of the stops in their hysterical opposition to this program. Prof. James McDonald of the University of Arizona testified that the SST would probably increase the number of skin cancer cases. Later witnesses put down this theory. Dr. William Kellogg, Associate Director of the National Institute for Atmospheric Research, stated that the amount of ozone increase by virtue of increased water vapor would be virtually imperceptible. Thus the ultraviolet radiation would not increase in the manner in which Dr. McDonald suggested. He showed how misleading the statistics mentioned by Dr. McDonald were when he showed that if one actually believed Dr. McDonald's theory, a girl in a bikini would have to wear a bathrobe once in 2,000 years in order to protect herself from the incremental effect of the SST. But apart from the answers to Dr. McDonald's theory——

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I have concerns about the environmental consequences of the SST, but to be perfectly frank, I do not think a specific enough case has been made about those consequences that I personally would utilize that argument alone as a means of opposing the SST project.

Yet I am in opposition to it. I am in opposition to it, because I think the method of financing it was in error when it was first adopted. It does not seem to me, under our system of free enterprise, that the taxpayer ought to be asked to contribute investment risk capital to a project as risky as this one is. If this project is not risky, as is now the allegation from the proponents, then it does seem to me that private risk capital should be anxious and, indeed, enthusiastic to take over the remaining financing of this project, particularly now that we have sweetened up the risk by contributing the taxpayers' funds in the enormous amounts that we have done thus far and which we will be required to do in the future. Does it not make sense, then, at this point to say, "Look. We have done all that we could do with taxpayer funds to advance what is essentially a commercial project with very limited utilization for the people of this country. We are willing to forgo that tax money. We hope to recoup it, to get it back, because if the project is successful, we will receive the taxes that the production and utilization of these planes will generate, but for the time being we are willing to let that money go and allow private capital to take over this project. You who believe that this venture is such a glorious venture, which has such great hopes and promises, you put your money on the line and do not ask the taxpayers to put up their capital, which is far more limited than the risk and venture capital which is supposedly abounding in this country." If we are going to spend $390 million this year to create jobs, if we are seeking WPA-type projects, then let us spend it on a project that will utilize the money in a better way and provide more benefits to the American public as well as creating jobs. I can think of a number of such projects, but just in the transportation field alone, if we contributed that amount of capital to rapid transit in this country, we would create far more jobs than will be created under this project. In addition to that, we would be contributing to solving the environmental problems of the country by ridding ourselves of some utilization of the motor vehicle and substituting in lieu thereof a rapid transit system. We would be creating a far better quality of life for a far greater number of people in America in that way than we would be by the creation of an SST.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I would be pleased to yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. The gentleman from California talks about the method of funding the development of the two prototypes. It is my understanding that the contract with Boeing gives the Government the right to start to recover its investment with the sale of the first aircraft and the option has been exercised to have the Federal Government start to recover its investment with the sale of the first aircraft.

Is that the gentleman's understanding?

Mr. WALDIE. That is my understanding.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield further, let me say this to the gentleman. When we are talking about jobs, we are not talking about just the jobs to produce two prototypes of the SST. This bill specifically mandates the fact that once these two SST's are produced, the contractor will have to secure all of the financing with which to go into production, and that sum of money is going to run into billions of dollars.

I would also like to say to the gentleman that France and Britain and Russia have subsidized the production of the prototypes and they are investing money in the actual production of the aircraft.

Mr. WALDIE. I have heard that argument made throughout the last 2 days, that Russia is paying for the construction of it, but that is a Communist system. We should anticipate that to be the case. The British system with reference to transportation is a nationalized system.

If we are in fact a free enterprise system, please tell me why our risk capital people in this country were not willing to advance the capital with which to start this project. Why is that?

Mr. WILLIAMS. The fact of the matter is that the outlay was too great for the development of the prototypes. We are talking about the free enterprise system. We are talking about a project which will produce tens of thousands of jobs for a number of years.

Mr. WALDIE. The outlay we are talking about is not too large for private capital in this country unless the risk is too great. In other words, for the large amount of money involved, the risk is too excessive for private capital so the promoters of the SST seek public tax funds knowing full well that the guardians of public tax funds are not nearly as careful or cautious in their trust as are the guardians of private investment capital.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I reserve my time until a later time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, I reviewed rather carefully this morning the debate of yesterday on the SST, trying to find out if there was anything there that would encourage me to change my opinion in opposition to the further funding of this rather costly undertaking and nothing appeared.

I saw a great deal of comment about markets, and the need of this country to be preeminent, to continue to be preeminent, in the air transport equipment industry.

Now, I want this country to be preeminent, but nowhere was there any information as to proven markets or as to a potential market for this aircraft.

At this time in this Nation and throughout the world the air transport industry is sick. It has lost a great deal of money and it is going to lose a great deal more. So, I do not think that our airlines are in a position to buy the planes if they were available or when they ultimately become available, at the magnitude of 500 aircraft which they would have to do if this Government investment is to be returned. This appears to be not within the realm of probability.

The most successful aircraft produced, the 707, as of the end of 1970 sold 673 planes worldwide since 1958. A great many of those are not of the intercontinental variety.

Mr. Chairman, the following facts are supplied for the information of Members. They represent worldwide total sales for all jet aircraft of U.S. manufacture.

	In service	On order	Total by types
707	655	18	673
727	797	40	837
737	249	24	273
747	40	150	190
DC–8	529	18	547
DC–9	571	36	607
CV–880	52	1	53
CV–990	31	0	31

Source: Turbine Engine Fleets of World Air Lines ESSO Air World, May–June 1970.

Mr. Chairman, this SST aircraft is highly speculative, we are told it will be flying in 1973, and will have two prototypes, and we will test it for 100 hours, and it will all be wrapped up with a total cost of $1,591 million.

I do not think it is going to wrap up at a cost of $1,591 million. This is an industry that has a remarkable record for understating costs, and you can see it repeated time and time again. I think it is going to cost much closer to $2 billion to complete the prototypes—and then more money has to be found if these jobs which are conjured up as the second attraction are to be realized.

If the objective is jobs, we can utilize the funds far more effectively and produce far more jobs, and have them dispersed far more broadly around this Nation, than we can by investing further funds in a project which actually was never authorized by this Congress.

I have served for 14 years, I am now in my 15th year on the committee which would have had to authorize it. I was called down to the White House at the time of the presentation of the package back in 1963, and the package offered then was an entirely different package than the one that is before us today—75 percent industry financing, and 25 percent Government financing, with an absolute ceiling of $750 million from the Federal Government, a ceiling long since exceeded, and one certain to be exceeded by at least 100 percent, or possibly 300 percent before we are finished. No, this is not a wise investment for tax dollars, which now are some of the most competitive dollars in the world. We have far too many demands at home and we need to reconsider some priorities, and I would suggest a few—and let me say again I am not at all impressed by the Concorde or the Tupelov, that they are going to be bought. The air industry of this country is sick, and a great many people traveling in the airlines of this country are disgusted and frustrated because they are called upon to go into facilities that are under par, and to travel airlines that are unsafe—airways that are unsafe.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. RONCALIO yielded 2 minutes of his time to Mr. Moss.)

Mr. MOSS. But instead of spending the money to improve these facilities, the very agency that comes in here and urges us to provide this money for the supersonic transport sits at this moment handcuffed in moving ahead on programs for the improving of airways of this Nation, and the airports of this Nation.

There is not a Member of this House, I do not believe, who does not fly, and who has not experienced the frustrations that are so common in air transportation today, which must be overcome by this industry if it is to attract a broader base of users and permit it to operate profitably.

Now, I know something whereof I speak. Because of my personal concern over the airlines, and with the sad financial condition of the arilines and the failure of the Civil Aeronautics Board to discharge its responsibilities, I instituted a suit in the Circuit Court of Appeals for the District of Columbia, and I won that suit—*Moss* v. *CAB* (430 F. 2d 281 (C.A.D.C. 1970))—to force the CAB to pay attention to some of the underlying problems of the air industry, and to recognize that the industry could not go on endlessly solving these problems by merely upping the fares, and that there were problems of management that need to be handled, such as the problem of over capacity.

The best evidence of this overcapacity was the fact that just last week the CAB issued an order suspending the antitrust provisions in order to permit the air transport industry to get together and to discuss the overcapacity in the air industry and to discuss the canceling out of some of the schedules and rearranging others so that they would be able to operate fewer planes and fewer seats, and do it on the sort of plan, well, almost a cartel arrangement between the air carriers. Certainly, the suspension of the antitrust provisions indicates that there is going to be a lot of soul searching.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent Mr. YATES yielded 1 minute of his time to Mr. Moss.)

Mr. MOSS. Mr. Chairman, the airlines cannot even sell all the capacity of the latest ariplanes they are putting in service today—even with wider seats, a greater selection of movies, more exotic meals, and fancier stewardess uniforms. I have here in my hands an order issued by the CAB, dockets 23137 and 21866.

[United States of America, Civil Aeronautics Board, Washington, D.C., Order 71–3–80]

ORDER DISMISSING COMPLAINT

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of March 1971, B–747 coach seating configuration proposed by American Airlines, Inc., Dockets 23137 and 21866.)

By tariff revision [1] marked to become effective March 14, 1971, American Airlines, Inc. (American) proposes to establish a coach/economy lounge in its dual and triple configured B–747 aircraft. The lounge is to contain 17 seats, all of which are to be withheld from sale.

Trans World Airlines, Inc. (TWA) has filed a complaint requesting investigation and suspension. It is alleged that the proposal will necessitate removal of up to 40 seats; that this coupled with the fact that the seats would be withheld from sale will result in underutilization of B–747 capacity; and that American is attempting to gain a competitive advantage which could have a potentially adverse impact on all B–747 operators by increasing unit costs. Delta Air Lines, Inc. (Delta) has filed an answer in support of TWA's complaint, alleging essentially that seating configurations have a way of becoming "writ in stone"; and that if other carriers are forced to follow suit the B–747 could be frozen for years into wasteful underutilization of capacity, thereby preventing this aircraft's economic potential from ever being realized.

In answer to the complaint, American alleges that the B–747 has not lived up to expectations in terms of passenger appeal, and that until it becomes more attractive carriers will be reluctant to retire older aircraft and thereby alleviate airport congestion. It is further alleged that the proposed reconfiguration will result in a loss of only 13 seats available for sale; that the issue of

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 65.

> withholding the lounge seats from sale is academic at today's load factors; that its lounge seats cannot be sold because they do not satisfy FAA standards for take-off and landing; and that the lounge can be withdrawn within 48 hours and replaced by normal coach seats when demand so justifies.
>
> Upon consideration of the tariff filing, the complaint and answer thereto, and other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension. Seating configurations are already under investigation in the *Domestic Passenger-Fare Investigation*, Docket 21866. If it does not prove possible to resolve the issues relating to American's present proposal in the course of the *Passenger-Fare* case, however, the Board intends at a subsequent time to issue an order setting down a separate investigation. In our view, it will be essential to explore the long-run implications of a possible trend toward removing substantial numbers of salable seats from this aircraft for a future period when renewed traffic growth will again begin to put pressure on capacity.
>
> The primary issue raised by American's proposal is whether or not it should be permitted to withhold the lounge seats from sale. In the past, where lounges have been provided in coach/economy service the seats have been available for sale as necessary to accommodate traffic demand. However, in light of the current disparity between traffic and capacity, we do not believe that as a practical matter withholding the lounge seats from sale will undermine the economics of B–747 coach service at this time. We are also influenced by the fact that the lounge unit to be used by American can be replaced by normal coach seats within a relatively short period of time, should traffic demand during certain periods or on certain routes so justify.
>
> Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,
>
> It is ordered that:
>
> 1. The complaint of Trans World Airlines, Inc., in Docket 23137 is hereby dismissed; and
>
> 2. A copy of this order be served upon American Airlines, Inc., Delta Air Lines, Inc., and Trans World Airlines, Inc.
>
> This Order shall be published in the Federal Register.
>
> By the Civil Aeronautics Board:
>
> HARRY J. ZINK,
> *Secretary.*
>
> MURPHY, MEMBER, CONCURRING
>
> I wish to set forth more precisely the basis for my determination to permit American's proposed coach lounge configuration to take effect. In its answer to the complaints, American states that the 747 aircraft are currently facing a "crisis in passenger appeal" and that load factors on the aircraft have failed to reach the level to support economic operations. American states that at present even if the lounge seats were offered for sale, they would generally remain unsold. Accordingly, they contend the salability of the lounge seats is academic.
>
> My decision is based on a *prima facie* acceptance of this representation by American. It will probably be some time before the traffic taxes the capacity of the B–747's and while load factors continue at the present low level, I see no practical advantage in trying to maximize seating density in the coach/economy section of these aircraft or any other aircraft. In these circumstances I am not willing to reject the decision of the American Airlines management and would allow them to provide the benefit of a 17-seat lounge to the traveling public.
>
> ROBERT T. MURPHY.

American Airlines had applied for the right to remove 17 seats out of the B–747 in the coach section in order to give more room to the passengers and to make it a little more attractive. That was opposed by Trans World Airlines.

The Board found unanimously for American Airlines and they pointed out in answer to the complaint that "American Airlines B–747 has not lived up to expectations in terms of passenger appeal." The air transportation industry will not recover until we start attacking some of the fundamental ills of that industry.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. YATES. Will American Airlines exercise its option that it does have to purchase the Concorde?

Mr. MOSS. I do not think it will. I do not think the CAB should permit the airlines recover the costs of purchasing and operating either the Concorde or the Tupelov if they are not economical and efficient. That would be against the law. The public can only be charged fares that are based upon economical and efficient service.

One final point, I think it should be noted for the record that another major trunk airline, United, has so far first, canceled eight DC–10 aircraft, second, spread out the delivery of four Boeing 747 aircraft and eight DC–10 aircraft, and third, allowed its option on seven other Boeing 747 aircraft and 15 DC–10 aircraft to expire.

A tabulation follows:

Termination costs

[In millions]

New funds which must be appropriated to pay Boeing and General Electric	$97
Returned from escrow account at FAA (no appropriation of public funds)	22
In addition, some parties claim a moral obligation to return the risk money invested by the airlines by appropriation from public funds	59
Total claim of certain parties as amount to be appropriated by Congress as new funds	178

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, may I take this opportunity to elaborate on my opposition to continued Federal funding of the supersonic transport plane. While the environmental arguments against the SST have been well documented in several authoritative studies, I would like to emphasize the conclusions of a Massachusetts Institute of Technology study on the SST's impact on the upper atmosphere. As the Study Group on Critical Environmental Problems affirmed:

> The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale.

After emphasizing that no one can be certain about the magnitude of the plane's various consequences, they urge that—

> Uncertainties about SST contamination and its effects be resolved before large scale operation of SST's begin.

The production of SST prototypes, however, will not aid in resolving these uncertainties. For, as Dr. Richard Garvin of the President's Science Advisory Committee pointed out in recent testimony, the prototypes will not "serve to alleviate any environmental concerns, since the production of sulfur-bearing particulate matter, the influence of water vapor in the stratosphere, etc., can never be determined by a brief flight test of one or two aircraft, but must be investigated by real research not involving high-speed aircraft." I concur with the scientist's contention that to proceed with the Government's support of SST at this stage of scientific knowledge about its effects would not only constitute a callous disregard for the welfare of citizens worldwide but may well doom subsequent generations to the potentially tragic effects of any commitment we may make now to the supersonic transport.

In an attempt to cloud over the major environmental concerns just expressed, pro-SST advocates have emphasized the ostensive economic benefits for American workers to be derived from its production. Yet this argument is also subject to great question in that it assumes that any moneys earmarked for the production of these planes would not necessarily be used to employ workers for other more useful projects. In fact, as Walter Heller, a former Chairman of the Council of Economic Advisers points out:

> On strictly economic grounds the SST is an enormously costly way to create jobs.

Rather than proposing the SST as a means to ameliorate the current crisis in the job market, the administration ought to direct the vast sums of money earmarked for the SST into public service job programs whose job-creating potential is immeasurably higher and more equitably distributed than the airplane's production could ever hope to be.

Another argument in defense of further Federal support of the SST which must be dispelled in its supposed beneficial effect on our trade balance with respect to other nations. While it is true that both the Soviets and Western Europe are already subsidizing planes similar to SST, these countries have no more evidence than we have that the plane will be either economically feasible to mass produce or environmentally safe. The English French Concorde supersonic jet, for example, has yet to find a buyer and significant segments of both English and French population I am informed are totally opposed to their government's further subsidizing of the plane's production.

What with the grave economic doubts surrounding the SST's ultimate marketability and attractiveness to transcontinental passengers, it is apparent to me that our balance-of-trade interest is better served by devoting our resources to their most efficient uses rather than undertaking a program requiring a $1.3 billion subsidy to just get off the ground.

In conclusion, the SST will only contribute to an already unstable economy by contributing to the inflationary cycle caused by superfluous government spending. It is my belief that continued Federal support of such an economically unsound and ecologically unwise project as the supersonic transport would be a grave error and an injustice to our constituents who look to us for reasoned judgments on public policy.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I share with many in the House the deep concern over the environmental problems that have been advanced in discussions of the SST. I also find myself in the position of not being an expert in environmental affairs, and I find that I can find experts on either side of the coin who will testify and state their positions, one, that there are no problems that cannot be resolved, and the other ones who state that we are going to bring about utter disaster by going ahead with the SST program. Because of this situation, and as a result of listening to the testimony of experts and reading reports, I personally have reached the conclusion that this project should move forward, but that it should move forward on the basis of a control.

I am going to introduce in the form of a bill, assuming that the appropriation for the SST is passed by the House today, proposed legislation which will call for the development and institution of an independent commission that will evaluate the full environmental effects of the SST when the two prototypes are completed, and that this commission will report back to the Congress. We will have to have, I believe, an affirmative kind of position. Certainly from my own point of view, the commission involved will have to give a clean bill of health, the environmental to the SST, in order that I would go ahead any further in allowing the SST's to fly.

I would hope that other Members of the House would be willing to join with me in this type of a proposal, and I intend to make it possible for every Member to join me in bringing this type of legislation about.

There is a point that I think has been brought up several times, and I would like to briefly speak to it, and that is the question of percentages.

It has been stated by some of my colleagues that only 3 percent of this country would utilize the SST, and, therefore, it is not a valid investment for all taxpayers. I think if we start evaluating programs of this Government on the basis of percentages of the people who are directly affected, we may be missing many very fine programs. One specifically I have introduced this year and which the President has spoken of is the development of the National Cancer Foundation, which I happen to support very strongly, and I very much support the allocation of $100 million a year to fight the battle against cancer. But if we follow the percentage argument, the figures would show only one and one-half percent of our population dies each year from cancer. I think this is a horrible figure.

However, I think if we start discussing programs on the basis of their percentages and evaluate these figures in many programs—and I use cancer, because this is one that is going to be before the House—I think we will be making a terrible mistake. So I urge Members to discount this area of the discussion dealing with percentages.

Finally, my feeling is that I agree completely with one of my colleagues who just preceded me, who said probably there are going to be very few people whose minds will be changed here, but there may be a few, and I think if the few involved will measure the points I am bringing out, namely an independent commission to evaluate the SST when completed and not being related to percentages of use, then perhaps they will find a way of supporting this legislation.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER assumed the chair.

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 17, 1971, the President approved and signed a bill and joint resolution of the House of the following titles:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

CERTAIN FURTHER CONTINUING APPROPRIATIONS, 1971

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming, Mr. RONCALIO.

Mr. RONCALIO. Mr. Chairman, the supersonic transport plane has generated more response from Wyoming than any other national issue, and it is nearly unanimous in opposing another cent for the SST at this time.

There is no way to characterize the mail from Wyoming. It has come from medical doctors, ranchers, laborers, housewives, students, retired persons, from a genuine cross section of the population.

These letters, for the most part, have itemized arguments thoroughly familiar to this body. There are those who ask why the strain on the national debt be aggravated, and those who say the money is critically needed in more obvious programs of merit. There are those who question its value as a contribution to the American air superiority, and those who lament its possible effect on the environment, and on human life itself.

There is, however, another theme underlying these objections. Variously stated, but with the same agonizing presence, is the question I address now, "Who shall determine how the public revenue shall be spent?"

Mr. Chairman, each and every one of us is familiar with the crisis of confidence which now grips the Nation, which causes the people to wonder if the men who are elected to guide this Nation are, in fact, responsive to the public will.

They do not merely wonder how the funding for the supersonic transport plane is sewed up in the face of the great outcry against it, they wonder how Congress itself is mobilized to act for something when public opinion is so strongly against it.

Do we, the Members of Congress, reply to this situation with sincere action, with effort worthy to be called "thinking" and "working" or do we respond with another speech, or score "for the record" technique?

I am seriously concerned with this erosion of congressional reputation. We have allowed ritual and custom to engage us, and the resulting failure to work or think contributes to the troubled spirit of these times.

But, I am not here today to discuss this issue in historical terms, but rather to apply it to the issue before this House, the approval of continuing appropriations for the SST and for the Department of Transportation.

I have developed a special interest in the Department of Transportation in the short 2 months of this session. I had barely arrived from Wyoming, when I was confronted with the report of the Secretary of Transportation on a National Railroad Passenger Corporation and the basic system it would direct.

In that report, which purportedly concerns a national rail passenger system, my own State of Wyoming was threatened with exclusion. And, as Senator FRANK CHURCH pointed out in his speech in the Senate on February 26, this same, so-called national plan also threatens to exclude five other States: South Dakota, Vermont, New Hampshire, Maine, and Idaho.

In response to a groundswell of protest from Wyoming, I put full effort on this, and the results, I am sorry to say, have been very disappointing. I have received polite acknowledgements, and, in the case of my most recent letter to Federal Railroad Administrator, Mr. Carl V. Lyon, no reply at all.

During this entire time, my office was well supplied by the Department of Transportation with bulletins, briefings, and a buffet for funding the supersonic transport plane.

Also, on March 8, I wrote to Secretary Volpe inquiring about a news item in the February 21 issue of the Washington Star. The article reported the awarding of two $100,000 contracts for development of a tracked air-cushioned vehicle to run from Dulles Airport to Dolley Madison Boulevard in McLean, Va.

Without even beginning inquiry into why the one most satisfactory stretch of road in this area—the one with the least traffic problem—should receive a rapid transit project, I asked only for the background on these contracts. I have not yet received a reply to this legitimate inquiry into the expenditure of Department of Transportation funds.

To put it bluntly, Mr. Chairman, I am tired of this blase attitude by Federal agency heads, whose responsibility to the public is as great as mine, even if it is not as directly established.

I am not going to vote for this SST or any other present Department of Transportation project and I urge my colleagues to stand up to this kind of summary treatment by doing likewise.

If the individual Members of this body are treated as adverse parties, and if the House as a whole finds itself reacting to situations, instead of directing them, then the quality of lawmaking here descends to a charade, to theatrics, and brief moments of surly submission to the well-oiled machinery of persuasion and of "vote by rote."

I am voting against funding the SST and against any continuing appropriation to the Department of Transportation to protest this gradual subjection of the legislative branch of this Government.

In the matter of appropriations, the buck stops here, in the Congress. If we cannot respond to the public outrage against wasteful diversions of the National Treasury, then we fail our constituents, we fail ourselves, and we fail the Constitution.

There can be little hope for the peaceful, reasonable, and orderly realtering of national priorities if the House today bows down to the demand for funding the SST and the Department which is forcing its failure on us for continued support.

In conclusion, I remind my colleagues that in addition to the evidence against the SST on the basis of sound economics and ecology, there is the larger issue of out-of-time—of priorities. If we wish to right the wrongful present direction, we must begin by voting down this request for continuing appropriations. Let us look at this stage of SST development 3 years from now.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Chairman, when I went on this subcommittee 2 years ago I soon discovered that one of the major problems with which I was going to have to be concerned was this issue of the SST. Since that time up to now I have heard many witnesses and much discussion of this issue.

I approached it with an open mind. I had no strong feelings one way or the other. It is not a political issue in my district. It is not an employment issue in my district. So I was in a position to approach it on its own merits.

As I learned more and more about it I became more and more convinced that the issue before the House today is one on which I had to be in support.

I have been interested in all the great discussions, the many words that have been spoken, but I have also been equally surprised at how little of it has to do with what is before the House to be decided today.

We are not going to decide the environmental issues today, and we are not going to decide the economic viability of the planes today.

I believe I can describe this situation as it really faces us in this way: We are in a stud poker game. Russia, England, France and the United States have hands in that game. We have already dealt four cards. We have called all bets up to this point. We have put into the pot, counting what we have already spent and what it will cost us to stop today, $1.1 billion.

This information is in the hearings, and I specifically saw that the actual cost of quitting was in there.

So if we throw in the hand today we will have stuck the American taxpayers $1.1 billion and they will have nothing on earth to show for it.

But if we draw that fifth card we can look at the exposed cards on the poker table. We know there is almost a certainty that we will win that pot. We are going to have to ante up another $200 million or $300 million, more than we are already stuck for.

I want America to stay in this poker game and to draw that fifth card and to win that pot.

What are we winning? Two prototype planes with 100 hours of testing.

If I were opposed to this because of environmental problems I would be here insisting that we go this far, because that would be where we would get the answers to prove my case.

If I were opposed to this on the problem of economic viability, I would want to go this one more step, because the testing of the prototypes would prove that point.

It is a strange thing to me why some want to stop right now. I ask the question: If we stop now who will benefit? Certainly not the American people, for they are going to be stuck for $1.1 billion. Since England, France and Russia have gone as far as they have, if there is any winning to be done by our stopping it has to be them and not us.

I begin to wonder why so much of this smoke screening and straining at gnats.

We can make one of two decisions today; either to stop or to go ahead. All we are stopping or going ahead on is two prototype planes.

The only way this country will ever get to the bottom of this issue, as to whether it will be safe for the environment and whether it will have economic viability, after having spent $1.1 billion, is to go ahead. What on earth is the reason why we will not give our Nation the rest of this answer for such a comparatively small additional cost?

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. I want to aline myself with the gentleman's principles as enunciated here today. He is talking sense. He is talking along the line of every accomplishment this Nation has ever made in every field of research and development.

We can go back to the diesel engine, developed by the Navy, and the Wright airplane engine, and the Boeing jets, and all these things. These were all done by Government subsidy, and then turned over to the civil uses of the people of the United States.

I want the gentleman to know I appreciate his remarks. He is talking sense.

Mr. STEED. I thank the gentleman.

I want America to stay in this poker game until we get the answers that will be so important in the years ahead. I believe, having gone this far, there is no sensible or logical way in which you can justify throwing in the hand now and telling the American people that we have paid $1.1 billion and have nothing to show for it. I am going to vote to go ahead, and when I do that I want you to know I have absolutely no commitment that I will go any further with any of this until prototypes have been built and tested and we get the answers that we are all arguing about here all over the lot today.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, I rise in support of the continuing appropriation, House Joint Resolution 468. I oppose the pending amendment. I do it primarily as a scientist. Inasmuch as we have the state of the art, I am convinced that we should use it. I think the technical breakthroughs have been adequately proven in the light of my long service on the Strategic Airlift Subcommittee of the Committee on Armed Services and continuous service on the Research and Development Subcommittee of the same committee.

It was there, Mr. Chairman, that we saw the SR–70, the XB versions, to say nothing of the F–4's, the U–2's, and the SR–71's and others which overfly and perform surveillance missions here and around the world regularly. Without such support of Congress in the McNamara era in the Pentagon—a disaster in itself—our Nation would have few such aerial superiorities in its defense measures.

I have had the privilege of visiting the plants in which the mockups and the prototypes are developed. Indeed, much of this technical know-how has come out of the great McDonald-Douglas Aircraft and aerospace area in Missouri.

I would simply remind those who hesitate, Mr. Chairman, that given a technical breakthrough; those persons, whether they be individuals or nations that stand idly by, are surpassed by others who pick up the baton and pursue it in their sovereign national interest.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Iowa.

Mr. MAYNE. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the further Federal funding of construction of civilian supersonic transports, and in support of the Yates amendment striking the SST subsidy provisions from the pending Department of Transportation continuing appropriation bill.

I have opposed this subsidy on previous occasions. While I appreciate the excellent arguments and presentations made on both sides of this issue, I remain unpersuaded that this controversial plane, despite costly "safeguards."

would not cause further deterioration of our environment and complicate the struggle against man-created pollution.

It appears to me that the proponents of this costly project have failed to present scientific proof that overflights by supersonic transports would not make life on this planet more hazardous through air and noise pollution. I can see no great and overriding benefit to mankind compensating for the potential dangers of this project.

Nor is continued subsidy of the SST sufficiently justified on any economic grounds, least of all as a glorified public work project. If ever actual need arises for Federal programs to provide work for the jobless, certainly projects could be devised that would enhance and protect the environment rather than contribute to its pollution and deterioration.

If the civilian supersonic transport succeeds, it will shave intercontinental travel by a few hours for the relatively few citizens desiring and able to afford the luxury of such travel. But how about the average citizen who cannot get decent railway passenger service or adequate highways for essential travel?

There must be reordering of priorities, with greater relevance to the most urgent needs of our cities and rural areas and with more realistic visualization of our true national values and interests.

If moneys proposed for the SST project were instead expended upon transportation for the masses instead of the few, for example in improving our railroad passenger service through networks more adequately serving the public throughout all these United States rather than the bare skeleton proposed by planners, far more good would be done the greatest number.

Funds diverted from continuation of the SST project can also be put to work in improving our educational system, in conserving our resources, in enriching the lives of all citizens through expanding opportunities for cultural growth and recreational experience.

Perhaps some thought could even be given to possibly letting the taxpayer keep more of his earnings.

In this time of crucial need to exercise fiscal responsibility and special stringency with regard to any Federal expenditures, and in view of the many other far more meritorious projects needing priority consideration, I see no justification for gambling further Federal investment in the SST.

I, therefore, urge my colleagues to vote for the Yates amendment which strikes all funds for the SST from the pending bill.

Mr. HALL. Mr. Chairman, I am delighted to yield to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Chairman, in going on further about the distinguished Dr. James McDonald who appeared before the Subcommittee on Appropriations, I think something in his history would be interesting for the House to know. It turns out that he is the same scientist who appeared before a House Committee on Science and Astronautics in 1968 and testified about UFO's, that is, unidentified flying objects, which he said might have caused the blackout along the East Coast in the mid-sixties.

Now, Mr. McDonald also distributed a prepared statement, and I want to quote verbatim the whole paragraph:

> An extremely unusual category of cases, those involving reports of humanoid occupants of landed UFO's . . . I have tended to skirt such cases on tactical grounds; the reports are bizarre . . . For the record, I should have to state that my interviewing results dispose me toward acceptance of the existence of humanoid occupants in some UFO's. My efforts over the past two years being aimed at arousing a new degree of scientific interests among my colleagues in the physical sciences, have led me to play down even the little I do know about occupant sightings. One or two early attempts to touch upon that point within the time limits of a one-hour colloquium taught me that one loses more than he gains in speaking briefly about UFO occupants, but occupants there seem to be, and contact (with them) of a limited sort may well have occurred.

Mr. Chairman, is this the best the SST opposition can bring up here, a man who spends a great deal of his time talking about little men flying around the sky? Mr. Chairman, this is a serious subject, the jobs of hundreds of thousands are in the balance, at least $22 billion of trade balance is at stake, and the future sales market of our aerospace industry hangs in the balance.

Mr. Chairman, let us consider the responsible testimony of men like Dr. Will Kellogg, Associate Director of the National Center for Atmospheric Research, and of Dr. Leo Beranek, chief scientist of Bolt, Beranek & Newman, who ranks among the Nation's top acoustics scientists. I am not saying that Professor McDonald is not qualified in the atmospheric sciences, but he is no more qualified to talk about skin cancer than I am; and, I would hope the opposition to the SST would have the courtesy to their colleagues to bring someone forward who has not confided to us that little men in flying saucers are causing our blackouts.

Or, are we about to now hear that flying saucers may be an impediment to safe SST flights in the stratosphere? Mr. Speaker, I submit that the reasoned and perceptive testimony of Dr. Kellogg, Dr. Fred Singer, and Dr. Leo Beranek is persuasive evidence that the environmental hysteria ought to be laid to rest.

Mr. HALL. My colleague from Kentucky speaks about facts with which both he and I are acquainted.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. Mr. Chairman, this is the type of appropriation that would be very simple and very easy to vote down. It is going to cost billions of dollars. There are other questionable concerns over the SST.

One question concerns the environment and another concerns the finances and whether the Federal Government should finance it rather than private industry.

But, Mr. Chairman, I think we cannot take the easy way out in this appropriation. I think we have to think about what is going to be in the best long-term economic interest of our Nation.

I believe the environmental argument against the SST has been blown out of all proportion. This is not unusual. This happens whenever we have any new developments in any instance when we try to advance technological know-how, going back to the development of the iron horse in the United States in the last century.

I think there will be and there must be proper safeguards concerning the effects on the environment. I think that it will take time but that it will come about.

The question of financing implies that this is something novel, that this is the first time the Government has financed the development of a new type airplane. The fact of the matter is that the United States has financed with Federal funds the development of every major airplane that has ever been designed in this Nation, going back to the DC-3, the DC-6 and the Boeing 707.

In all of these cases the research and development was performed by the military and the developmental fallout and know-how was then handed over to the civil aviation industry of the Nation.

The result of all this has been that we are supreme in this highly technological field throughout the world. Eighty percent of all civilian aircraft in the world are American made, both planes and engines.

Now, many of us are concerned about trade. We want to see free trade prosper and thrive in the world. We are going to be able to compete with the Japanese and with others in the world only if we remain proficient in the highly technological items such as aviation, electronics and the like. We cannot compete in some other areas but we certainly cannot afford to give up our tremendous competitive advantage in highly technological areas such as aviation.

We are talking here about the airplane of the 1980's. The supersonic transport is the airplane of the next decade. The preparation for it must come now.

I say that we have got to get on with this plane and we must favor and support this appropriation so that we will maintain the tremendous economic and trade lead in aviation which we have worldwide.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I will be happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to say that the gentleman in the well, the gentleman from Connecticut (Mr. Giaimo) is, I think, one of the most thoughtful and intelligent Members of the entire Congress, and I almost always find the gentleman voting the way I do, but in this case we are on opposite sides of the question. I am wondering whether, if it were not for the fact that Connecticut is one of the six States, and there are only six States out of the 50 States in the Union that would really benefit from this program, whether that has anything to do with the gentleman being on the opposite side of this question?

Mr. GIAIMO. Let me say this to the gentleman: that there are many people in this House who have a vested interest in the supersonic transport, but I happen to come from the only State in the Union which lost whatever great financial interest it might have had because in the competition for the engine for the supersonic transport, and this was between the General Electric Co. and the Pratt & Whitney Co. of United Aircraft in Connecticut, the Pratt & Whitney Co. and Connecticut lost. So we do not benefit from the SST contract except in a relatively minor capacity, perhaps.

Mr. LONG of Maryland. Is the gentleman saying that the figures I have given are wrong, and that the State of Connecticut does not get any benefit from the SST?

And that Connecticut does not get an important piece of this action?

Mr. GIAIMO. I think that the important piece of the action that Connecticut gets, to the best of my knowledge, is in the neighborhood of $15 to $35 million, which is a very small portion of the overall amount. If the Pratt & Whitney Co. rather than the General Electric Co. had won the engine contract then, of course, we would have had a tremendous economic interest affecting the workers of our State.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am interested first of all, and above all else, in the economic feasibility of this plane, and what we are doing to the overburdened taxpayers of this country in continuing to spend millions for it. I heard almost every statement that was made on the floor yesterday, and again this afternoon, on the subject of this plane, and I have yet to hear a single individual supporter even come close to staking his reputation on the fact that this is economically feasible; that it will be able to carry a payload sufficient to pay for its operation and the costs to produce it.

Is there anyone here who wants to stake his reputation on the fact that it is going to be economically feasible?

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will yield very briefly. The gentleman can say: "Yes, I stake my reputation on it," and that will take care of it.

Mr. WAGGONNER. No; I am not going to do that.

Mr. GROSS. Then I do not yield further to the gentleman.

Mr. WAGGONNER. There are some things that are worth more than dollars to this country.

Mr. GROSS. I do not yield further, because the gentleman will not say that this aircraft will pay its way.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I would stake my reputation on it, and I base it on the testimony of the conversations I have had with Withington, who is probably the world's foremost aeronautical engineer.

Mr. GROSS. The gentleman from Washington, the home of Boeing, has a deep and unusual interest in this program, does he not?

Mr. ADAMS. I certainly do.

Mr. GROSS. All right.

Mr. Chairman, I do not see any more Members who are ready, willing, and able to hit the sawdust trail.

Mr. ADAMS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. No; I decline to yield further at this time.

I am not unmindful of the fact, Mr. Chairman, that a few years ago we were confronted with the TFX, which later became the F-111.

It was to be a supersonic, dual purpose military aircraft capable of being operated from aircraft carriers as well as land bases. Thus it was to be used by both the Navy and Air Force. The Navy washed it out long ago as being unfitted for carrier use and the Air Force found it full of defects.

Because of the unending trouble the Air Force has with this plane, Members of the House were told, when the fiscal year 1970 funding was under consideration, that it would be the last funding for production of the F-111. Do you remember that?

Then came the 1971 fiscal year and lo and behold the funding for further production of this questionable airplane was before us again as big as life and I believe it was twice as much. And so it goes on and on.

And do you remember how we were told by General Dynamics that it would provide 1,726 of these F-111's for $5.8 billion? Now we are told that we may get 514 of these supersonic planes for $7.88 billion—nearly one-third fewer planes at a cost of $3 billion more than estimated.

Yes; you bet your life we have subsidized aircraft in this country and the taxpayers have paid through the nose for them. I cannot recall the name of the St. Louis company that produced planes for the Government that would not fly and had to be towed by tractors through the streets of St. Louis to get them to the scrap heap.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. YATES. Does not the gentleman recall the FB 40 program where the Government spent $1½ billion to produce two bomber prototypes and one of them crashed and one of them is now in the air museum?

Mr. GROSS. The time has come for the public to get what they are promised for their tax dollars. The time has come to put a stop to this program until somebody in authority tells us that this plane is economically feasible. Let the promoters of this SST organize some type of Comsat Corp. and those of you who feel that this is such a good deal, then would have the opportunity to step up and put some of your capital to work by buying stock in this corporation. Let private risk capital take over from here and produce this plane if it is so good.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. YATES. The gentleman makes a very valid point because the Department of Transportation which is pushing the funding of the SST so hard has the task as well of having to certify as to the safety and viability of the SST at such time as the prototype is completed.

I agree with the gentleman that there ought to be an outside agency, like a commission, that has the supervision as to whether or not this is a good plane.

Mr. GROSS. Yes; it is time to quit hornswaggling the taxpayers with deals of this kind.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MEEDS).

Mr. ADAMS. Mr. Chairman, will the gentleman yield so that I may reply before he starts his remarks.

Mr. MEEDS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I just want to state in response to the gentleman that this program was transferred to the Department of Transportation and the certifying agency, is the FAA, and is separate from the Department of Transportation. So the gentleman was not correct, that the department that certifies is not the department in charge of monitoring the construction.

Mr. MEEDS. Mr. Chairman, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from Washington for yielding to me briefly. I am sorry I did not have any time of my own.

Mr. Chairman, I just want to say this. In answer to the question of spending tax money for this, you might well look to all other facets of American industry and life to find where the subsidies are coming from.

We subsidize the merchant marine to the extent of $750 million—and I voted for it every time because I think it is in the national interest.

We subsidized the Penn Central Railroad.

We subsidize the Lockheed Aircraft Co.

We subsidized the development of the Boeing jet plane when it was first developed and the Wright diesel engine was developed by the Navy.

All of these things have been subsidized by tax moneys and they have returned to the American people in service and in dollars one hundredfold for every dollar that was spent.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MEEDS. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, there have been some statements made here today which I think needs to be gone into in a little more depth. One of the most preposterous of those statements has been the statement that only 3 percent of the people of the United States are going to use the SST. I do not know—maybe not even 3 percent will use it. But if it becomes an economically, commercial viable airplane—in time a lot of people are going to use it.

I rather imagine that the SST is at this time where some of the old planes built by the Wright brothers were shortly after they were built. Very few people were using those planes at that time. In a relative sense, I think ultimately as many people will be flying the SST as are flying in the available aircraft today. We have to start somewhere in this industry. We will not pounce into it full blown with 60 percent of the population using the first model. We must look ahead. We have to understand that we are making a start in this program. We have to start some place, and it is not going to be a full-blown venture at first.

Second—and I think Mr. Holifield mentioned the point here—I voted on the floor of the House a number of times each year for what I consider to be subsidies. I think they are good subsidies. I think they are necessary. The gentleman from Iowa made some remarks about the SST, but he supports the farm program, the farm subsidy. He feels it is essential. I feel the farm subsidy is essential, too, because it is an important part of our economy. But I also feel that the aircraft industry is an important part of our economy. I think there is an opportunity here for us, Mr. Chairman, to go into the next generation of aircraft, which is the supersonic aircraft, and to be a leader in that field, to continue and retain our world leadership in the aircraft transportation industry; I think we have a great deal at stake here.

I think the gentleman from Oklahoma (Mr. Steed) put it very well when he used the analogy of a poker hand. We have one more draw. It will cost us almost as much not to see the next card as it will to fold. We have an awful lot at stake, Mr. Chairman; so much at stake that I do not think we can afford to fold.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment to strike funds for the SST and to deal specifically with one point which the gentleman from Illinois (Mr. Yates) raised; namely, the pollution of the environment. This is not to say that my objection to the SST is based solely on environmental considerations. Although they are of great, and perhaps primary, importance, I also oppose the SST on the grounds of misplaced priorities: Specifically, that it would benefit only a small portion of our population, those engaged in overseas luxury travel, while it would adversely affect millions living near airports, suffering already from excessive air noise.

Specifically, regarding the environment, I would like to call to the attention of the Members the evidence and, indeed, the wisdom of Dr. Vincent Schaefer, the director of the Atmospheric Sciences Research Center at the State University of New York at Albany. Dr. Schaefer is one of the very few cloud physicists in the United States and, so far as I know, he has done more research than anyone in the world on the question of microscopic particulate matter and the effect on the troposphere and the stratosphere of these particles. Specifically he has made the point that one of the greatest dangers of the SST is the possibility that the effluent from the SST engines will produce an increasing concentration of microscopic particles in the upper atmosphere which could modify the weather pattern of the globe.

This particulate matter ranging in size from 0.05 to 0.2 microns in diameter, move at random, unaffected by gravity. In other words, Dr. Schaefer says:

> **The bombardment of gaseous molecules play nearly as great a role in their motion as the force of gravity.**

They therefore remain suspended in the stratosphere where the SST is scheduled to fly, for long periods of time. Unfortunately, there are no obvious cleansing mechanisms in the stratosphere, since only the area up to about 40,000 feet, the lowest part of the stratosphere, is affected by precipitation. Further, since the SST's particulates have little mass, the residue may remain for years.

Dr. Schaefer concludes that a high concentration of such particles could cause such a reduction in the incoming solar radiation as to have weather modification effects all over the globe and lead in time to a new ice age.

I would like to repeat that last point and to quote very precisely from Dr. Schaefer's research. He says:

> **A high concentration of very small particles in the stratosphere might cause such** a reduction in the incoming solar radiation as to begin to have weather modification effects on a global scale. If this were to **happen, a very large capital investment could be completely wasted, since further insult to the environment from this source would be intolerable since it would lead toward a new ice age.**

I repeat—

> It would lead toward a new ice age.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, all the scientists who appeared before the committee, Dr. Kellogg, Dr. Singer, and Dr. McDonald, the environmental scientists, agree that the stratosphere is effectively about 100 times more sensitive to technological contamination that the troposphere, the lower area, because its turnover is 100 times lower approximately than the lower level.

I think the House would do well to believe that the hazards of this operation are still very much a part of this debate.

Mr. REID of New York. Mr. Chairman, if I may respond to the gentleman from Illinois first, I thank the gentleman for his comments. However, Dr. Schaefer goes on to say:

> **Our lower atmosphere is rapidly approaching a situation in which pollution is filling it up to the tropopause even though there are very active weather processes tending to remove the pollution particulates quite frequently.**

This will not be the case, Dr. Schaefer points out, with the stable and cloudfree stratosphere—in other words, the upper environment does not have adequate processes of purging itself of these particles.

Mr. YATES. The gentleman is exactly correct.

That is the testimony that was presented to our committee as well, that is, the atmosphere in which we live is constantly washed by winds and rains, but the upper atmosphere is relatively calm and stable and when pollutants are deposited—and I include water vapor—they would remain there for 2 years before the possibility of their disappearing.

In sum, I would like to make clear that the environmental arguments are not tangential, but rather central and serious. Dr. Schaefer's testimony is corroborated by findings of other scientists, and is known to this administration. One may question how rapidly a number of SST's would affect solar radiation, but there is little doubt that it could happen.

Indeed, when similar buildups of particulate matter have already begun to saturate our lower atmosphere up to the tropopause, we should have received warning enough.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, on page 613 of the hearings, there is a statement made by the gentleman from Massachusetts (Mr. Conte) and these are his exact words:

> **Mr. Conte. * * ***
>
> **One fast observation: I just want to commend Dr. Singer for his testimony. I think he has done an excellent job. I think that after 3 days of hearings, I only have to resolve one question. I think the environment question has been put to rest. I think that you and the other scientists that came here have definitely put to rest the environment question. * * ***

Also, in yesterday's Record, on page 6819, the gentleman from Massachusetts (Mr. Conte), the ranking Republican member of this subcommittee, said:

> **As far as the environmental issue is concerned, it became perfectly clear in the hearings that building and testing the two prototypes will pose no threat to the environment.**

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin, (Mr. Obey).

Mr. OBEY. Mr. Chairman, much has been made of the fact that we have already spent $1.3 billion on this, and we cannot afford to back out. It is important to recognize, as I mentioned yesterday, that if that argument has any force whatsoever, it will be virtually unstoppable once the prototypes roll out of those hangars, because there is a $3 to $5 billion no man's land between prototype and production.

I think it is impossible to believe that once those shiny new airplanes roll out of those hangars, we are not going to be asked to come back and finance millions and even billions of dollars more for the next step.

Last December, after a meeting in New York, a number of top airline presidents met in New York and expressed their belief that the United States should proceed with the program. Of those present, the president of Pan-Am posed the question: "Are we able to pay for our part of the program?" He then answered his own question. "We believe," he said, "that the Government and the aerospace industry and the airlines will be able to arrange for each to play its part in the time period 1976 to 1980." That sounds to me like a flat-out expectation that the taxpayer will be footing at least some portion of that bill years after the prototype and construction phase is passed.

A second point I would like to discuss, is the argument that has been made that if we build these two prototypes, we can settle questions concerning the environmental and economic feasibility of the development of this fleet of airplanes. Does anyone in this House really believe that flying those two planes for a total of 100 hours will answer any of the questions involved as to either the ecological consequences of the flight of a fleet of 500 planes or the economic possibility of selling that many planes? I really do not think anyone does, if he really and truly understands the worries raised by the economists and by the environmentalists.

I believe the biggest question we have to face here, Mr. Chairman, is purely a question of need. Do we really need to be able to fly to Europe in one-third the time we can do it today? Perhaps we do. I suppose it is possible we do. But I do not believe there is any doubt whatsoever that we do need 50,000 new doctors in this country and we do need 150,000 nurses in this country. I have 37 communities in my district which need now sewer and water programs and they cannot get them.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would not the gentleman also agree if we are talking about an airplane traveler his greatest need is to get back and forth from the airport a lot faster than we do rather than to travel faster once he gets onto the plane?

Mr. OBEY. Absolutely.

I believe we must recognize that despite the fact that we are the richest country in the world we cannot afford to do everything we would like to do. We simply cannot do it. When we face up to that fact we must recognize we have to do the things which are important. I submit that this program is not that important, and I hope the amendment will be agreed to.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman has made a very good statement. I believe it is important to point out that the proponents of this proposal have not been able to answer one fundamental question. Even after the prototypes are built and are found successful, the United States will have to sell a minimum of 300 SST's at $60 million apiece before we get back penny one of the taxpayers' money on this project, and there is no one who can state here with any degree of certainty that there is a market or will be a market in the next 10 or 15 years for 300 SST's at a minimum of $60 million apiece. No airline can pay that kind of money now, nor in the foreseeable future, for one airplane.

Mr. OBEY. That is correct.

And I would emphasize again that flying two airplanes for 100 hours will not tell us one thing at all about the possible environmental damage that can be done by a fleet of 500 of these things flying at 60,000 feet.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I should like to say at the outset that I have no Boeing or GE plants or significant SST subcontractors I know of in my district. So far as I know in my district I do not have more than a handful of employees of any company who will benefit from work in this project.

I do not represent the State of Ohio; I represent 500,000 people who live in Ohio in my congressional district.

I believe there is little point in continuing this debate in what is a relatively empty Chamber. Those of us who are here probably have all made up our minds. There are likely to be no new facts presented, and perhaps no new arguments developed nor any new methods of argument demonstrated.

But I have come to the conclusion that facts are not always persuasive in our peripatetic media-ridden society, for facts tend to lose their significance to emotional rhetoric these days.

Arguments against the SST have been full of misstatements and suspicions and what one television program my youngsters frequently watch calls nonfacts.

The suggestion has been made here today that the CAB should deny Pan American the right to buy any foreign-made SST. I believe CAB will have to do just that to keep Pan Am from buying foreign-made SST's, if we kill this project today. All of us know Airflot is now coming into New York with a New York-Moscow run. The Soviet TU-144 will soon be flying the SST into New York.

Pan American is going to have to "hawk" an awful lot of free "booze" for its old-fashioned 7½-hour trip to Europe to make up for the attractiveness of getting to Europe in 3 hours on Airflot.

The problem America faces in our modern society of speed is that U.S. airlines just simply will not be competitive if they take 2½ times as long to get to Europe. Otherwise Pan American might be successful by operating the *Queen Mary*.

Being slower or behind technologically is not a logical argument, gentlemen. I am sorry.

In the favorite words of the SST opponents I think, I suspect, I assume that TU-144's and Concordes will be sold in America next year because of the facts. The facts are here. Here is a book on the Concorde which I was given by a Member of the English Parliament. Or, if you want the facts on the Russian TU-144, they are here in this advertising poster. The TU-144 is advertised for sale. The specifications are here if we are interested in facts. But I am not sure that we are.

The Joint Economic Committee, on which I sit, developed a study with regard to the SST in which they avoided facts pretty liberally. The committees developed no data from Concorde engineers or from British-French economists. The committee report quoted scientists and economists in this country out of context and in the reverse attitude of their positions. The committee report implied opposition when the actual posture was one of support. The most unfortunate twisting of facts occurred yesterday when one of my colleagues on that distinguished joint body charged a Government scientist opposed to the SST had been muzzled. The press, of course, gave full attention to that in spite of the fact that the scientist himself said he had not been muzzled.

Now, what kind of an argument is this? The SST will not belong to Boeing. If developed, it will bring gains back to the U.S. Government in the form of royalties: the $1 billion initially invested by the Government and $1 billion beyond that from added royalities if 300 to 500 planes are sold. There will also be $6.5 billion available in the form of taxes not to mention the balance-of-trade situation.

How important is the balance-of-trade situation? One of the things I have learned from facts developed by the Joint Economic Committee is that last year we had a $9.8 billion favorable trade balance in the high-technology intensive industries in this country. This is the only area in which we have a favorable trade balance of any significance. The reason why is that we are able to keep technologically ahead of other countries. Our aerospace industry has given us $2.5 billion economic advantage in foreign trade balances. That pays a lot of taxes, and there are thousands of taxpaying workers working for the aerospace industry. That is where we get the money for housing, education, welfare payments for the unemployed. Where will such social support come from if we do not go ahead and develop this kind of industry?

Mr. Chairman, I am an environmentalist. If the SST is not desirable from an environmental standpoint, we want to go to the rest of the world and say "Here is the reason why the SST is environmentally harmful." We have invested $1 billion and found out that it will be degrading to the world's atmosphere. If that is true, although I doubt it is true, it will be worth the investment. The present investment will give us the facts. I do not think the Russians, the Japanese, the English, or the French will be interested in nonfacts. They will want to know.

They will want to know facts if we want them to stop their SST's because of the danger of pollution. And they will not stop their SST's on suspicions because they know that the way to progress economically is to build a better mousetrap and they are making a national commitment to try to win that race—not just in aerospace, but in many industries which have seen them overtake America technologically and economically. And victory in that kind of race will eventually mean they will overtake us in social benefits.

The SST is a symbol for those who are not satisfied to use the golden eggs that our golden goose has been laying. They would like to kill that goose, too. We kill American technological advantage to our future peril. America cannot be the most advanced nation in the world in social progress and the development of the free human spirit without the economic strength which comes from our capacity to do things better, quicker, and cheaper. The SST is such an economic advantage for our Nation in the world—unless we stifle its development today and yield the race to the competition. I urge you not to do that for the sake of our Nation's future.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, last year I voted against further funding of the SST not because I considered the SST to be a serious threat to the environment but because I did believe that the SST was not a sound proposition economically. I am still inclined to believe that the plane will never be placed in production.

I have a great deal of admiration for and wish to commend the gentleman from California (Mr. MCFALL), for the way in which he has led this debate. The gentleman from California has stated that he does have a strong belief that the plane will be successful as an economic proposition and that it will be put into production. I would like to ask the gentleman from California this question: One of my reasons for believing that it would not ever be put into production was the short range of the SST.

It is my understanding that the SST will not be able to fly from Great Britain to Miami, for example; that it will not have the range although it can fly from New York to Great Britain but not from Miami to Great Britain.

Mr. McFALL. I am advised that the range is in excess of 4,000 miles for the production SST.

There was an exhaustive study made as to the economic viability of this airplane and the testimony given the subcommittee is that it is an economically viable airplane with a range in excess of 4,000 miles for the production model.

Someone asked if we would stake our reputation on it. All we can say as politicians is that the testimony given to us, after much study by responsible people is that it is an economically viable airplane.

Mr. ICHORD. I thank the gentleman for his answer. However, there is no way that I can be certain as to the validity of my own beliefs until the two prototypes are completed.

I am inclined to believe that the hour of the gentleman from Illinois (Mr. YATES) has already passed. I have already spent $864 million and only $478 million is required to bring the prototypes to completion. If we stop now we will not only be liable for penalties but we also have the obligation to continue with the advanced payments. I would say to the gentleman from Illinois that if the plane is to be eliminated, that action should have been taken before we reached the point of near completion today.

For these reasons, I have decided to support the further funding of the SST.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Illinois.

Mr. YATES. I recognize the soul searching the gentleman has been going through these last few years.

However, as the gentleman well knows I tried to stop the funding of the SST several years ago; I tried to stop it last year and I am trying again this year.

The point I am trying to make is that the gentleman proposes to vote for the prototypes because so much has been invested in them.

Mr. ICHORD. Does not the gentleman believe there is the possibility that if this plane is successful we will recoup the money that we have been spending, while if we stop at this time we will have lost $900 million-some-odd.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, the object is to let private enterprise enter the field and take over the burden. My amendment will give them that opportunity, assuming that the environmental hazards are not present.

The gentleman is looking at the amount of money which has already been invested and that same argument might move him to vote for production money at such time as the prototype is completed and Boeing comes back and asks for $3 or $4 billion.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, while it would undoubtedly be an exaggeration to say that we have witnessed a total collapse of the ecologist argument, I think it is fair to say we have witnessed a considerable deflation of this argument. So, my very astute opponents have taken to the economic argument. We have heard them suggest that there is not even a remote possibility within the foreseeable future that American airlines will be able to purchase the required number of SST's that would enable the Federal Government to recoup its investment. Well, that is a rather astounding prediction, indeed. It is one that indicates a little less faith than I feel this afternoon in the resiliency of the American economy. I think that that argument upon a little closer analysis makes about as much sense as my friend who said, do not build this plane because of the decline that has occurred in the earnings of the American airline industry means they will not be able to afford it.

We might just as well say do not invest money in the great cities of America, do not invest money in urban renewal, or do not invest money in mass transit, because after all, our cities throughout the country are declining today, they are no longer economically viable as central cities.

Well, I do not accept that argument. I have more faith in the future of our American economy than some. Of course, there is a certain element of risk involved in this. Certainly we are talking about some gamble, just as we did back in 1961, when a bold, confidant, young American President suggested that we launch a space program, and that some day we reach the moon. He was taking perhaps one of the most gigantic gambles in all history, and yet we succeeded in that particular venture.

One thought occurred to me as I have listened to the arguments of my distinguished friend, the gentleman from Illinois, and that is that he is analyzing the situation totally within the context of 1971, and I would suggest that this is the exact fallacy of the argument that he is making.

As we have seen during the course of the research and development phase of this aircraft, I think that answers are going to be obtained to some of the very serious environmental questions that have disturbed me, and that disturbed the gentleman.

I would suggest—and I repeat—I would suggest that we do not live in a static world. This is a very dynamic world, and a very dynamic society indeed. We are talking about an airplane that is going to be flying during the decade of the 1980's and even into the 1990's. We are talking about an entirely different world than we have in 1971. A world where we will have burgeoning population, a world where changes in science and technology are going to take place at an ever-accelerating pace in every single phase of human endeavor.

Let me address myself, if I have time, to the argument that the gentleman makes that only 3 percent of the American people today could fly in this airplane, and that therefore we are guilty of constructing merely a rich man's plaything. Well, I suppose that back in the early part of the 20th century when that first heavier-than-air machine rose in very faltering fashion from the sands at Kitty Hawk that there were skeptics then who said that, well, there are not 3 percent of the people in the world who will ever fly in that kind of a contraption, why in the world are they building it?

So I would suggest the mere fact that in 1971 only 3 percent of the people have indicated that they are willing to fly does not mean that in 1980 or 1990 we are not going to be living in the kind of world where this is going to be the workhorse of the international air fleet of the world.

I myself am interested in the priorities of this Nation, and what these should be, so let me, if I have time, attempt to deal with the argument on priorities. There are those who suggest, and in fact, they concede, that the aerospace industry, a great basic industry of our country, is in real trouble today, and we ought to do something to help it. Then they say let them turn to making air pollution equipment, or let them turn to making something else.

Well, let me say to you that that must be very, very scant comfort, my friend, to the man who lost a job yesterday or the day before yesterday. It does not represent very much comfort to the man who feels the hot breath of unemployment blowing on the back of his neck to be told, "You can go ahead and retrain yourself, you can easily do something else."

I will say that I am interested in the unemployment problem, and I will freely confess that we have lost 7,000 jobs in my immediate area in 1970, and I am worried, and I do not want to contribute to a further exacerbation of that unemployment problem, and that is why I intend to support this project today, and vote down the motion to strike this appropriation.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, one of the things that has disturbed me in this debate today has been some of the quick and easy comments that have been thrown out that are strictly against the facts as they were developed in the committee when the hearings were being held.

Somebody asked me if this is going to be an economically viable plane and would I stake my reputation on it. I answered "Yes." Not because of any information that I happen to have from the companies, but if you will look at the hearings on page 286 and 287, of the hearings, it was worked out in detail exactly where these planes will be sold and the number that will have to be sold and the price and where they are going to be sold.

Somebody stated that private industry has not been involved—and why not? Yet, in the hearings it was precisely stated that out of $1,342,000,000 cost by the Federal Government, $535 million is being put in by private industry. They have gone as far as they can. The airlines are in it and the manufacturers are in it. All of them have placed their money in the project.

Then there is this talk about productivity. When you talk about the productivity or pollution—productivity is the product of two things—the number of seats that you can put in an airplane and how fast it can fly. If we do not have this kind of an airplane in the 1980's, it would take 250,000 DC-3's to carry the same number of people.

The gentleman from Illinois just mentioned unemployment. Yes, I am concerned about unemployment. The gentleman said he lost 7,000 jobs in his district in the last year. There have been 70,000 jobs lost in the last 2 years in our general area as a result of unemployment in the aerospace industry alone.

There is this talk about shifting to other things and that we are going to spend the Federal money someplace else, and if they did that you could put many people to work.

As I said yesterday when I stood in the well of this House, I have supported mass transportation. I have supported the subsidy program for the merchant marine. When it comes to the railroads, I was here with Penn Central and the Penn Central does not come within 3,000 miles of my district.

If we are going to have a viable transportation system in this country, we had better see to it that we are technologically alert. We let the railroads go. This House of Representatives is going to have to face the fact that within the next year we will probably have to spend an immense amount of money to maintain any type of ground transportation at all in the United States.

Another point has been made that we are not spending the urban mass transportation funds. You do not turn on those funds tomorrow. We had an absolute statement from Secretary of Transportation John A. Volpe that these programs are now delayed to a degree because we have passed the ecological requirements that must be met and comprehensive plans are required before any program can be funded. They cannot allocate even the $600 million we have already given them this year.

I can speak from experience on the local projects too. We had a plan in Seattle which requires matching funds and the matching funds were voted down by the local taxpayers and the Federal Government cannot allocate money to build an urban mass transit system there no matter how much they might want to do it.

We are all interested in the way things are going and how they may proceed but let us please stick with the facts.

There was developed, for example, in the hearings, the matter of the upper atmosphere effects of particulate matter. There is more particulate matter put into the atmosphere by one volcanic eruption than can be put in a fleet of 500 SST's if they fly for 2,500 years. If you want to hear the facts about it, they are there in the hearings.

EFFECT OF AN SST ON A CUBIC MILE OF AIR AT CRUISING ALTITUDE

Characteristic	Natural air content-pound	SST exhaust contribution pound
Nitrogen	755,000,000.0	0.1
Oxygen	231,000,000.0	192.
Argon	12,700,000.0	0.
Carbon dioxide	500,000.0	176.
Carbon monoxide	150.0	0.06
Water vapor	4,000.0	72.
Water vapor at saturation	156,000.0	
Oxides of nitrogen	600.0	0.3
Hydrocarbons	2,000.0	0.03
Particulate matter	2.7	[1] 0.015 [2] 0.015
Gaseous sulphur oxides	4,000.0	0.01
Total, Rounded	1,000,000,000.0	56.

[1] Sulfate.

[2] Carbon.

Note: SST passage will occur once each 45 days average for northern hemisphere (60–70,000 feet altitude).

A cubic mile of air weighs about a billion pounds. Do you know how much an SST would distribute in that billion-pound mile of air by going through it? It is less than one-quarter of a pound out of 1 billion pounds.

How much goes in there already in natural form—2.7 pounds.

You could fly an SST through that cubic mile of air for many days to even vary the natural amount and a fleet of 500 planes would go through the same mile of air, even over the North Atlantic, only once in 3 or 4 weeks. This would allow plenty of time for the air to cleanse itself from any tiny amount that was deposited.

As to the ozone content we have checked that. It is in the hearings.

In Caribou, Maine, the ozone content of the atmosphere day by day varies over 50 percent. The facts are here.

The total effect of a 500-plane SST fleet—let alone the prototypes—would be less than 1 percent, and you can see the natural content varies over 50 percent per day.

You can take any position or prove anything with figures. When a man says that this is going to increase skin cancer, I can tell you this. If you want to stay outside 4 or 5 more days a year any day of the year in a climate that you are not used to, you will get between 4 and 15 times the effect of any SST fleet flying.

Please, let us stay with the facts in debate. The ecological and economic arguments in favor of the prototype program are clear. I urge the Members to support the SST prototype program.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois and support the continuing resolution for the Department of Transportation. It was my honor to have chaired this subcommittee since its inception 4 years ago. This year I changed my assignment to chairmanship of the HUD, Space and Science Committee and was succeeded by the distinguished gentleman from California (Mr. MCFALL). I join with my colleagues on that subcommittee and Members of this House in complimenting the gentleman from California (Mr. MCFALL) on the manner in which he conducted the hearings and the testimony that was adduced and the reports that have been issued.

I am sure that there is very little I can say here to change anyone's mind on this subject. We have had votes in this House before on this matter. Some will say that they have been on procedural points. I am sure the Members of this House, when they vote on procedural points, know precisely what they are voting for. In a sense, they are voting up or down the real issue the House has to face.

It is not an easy task to carry this issue to this House; it has not been over the past 3 or 4 years and is not today. It does not help me in my district. I am not aware of many jobs in my area that are connected with the SST. So politically it would be a nice thing to walk away from it. I have received many letters opposed to the SST.

But I sense the responsibility I have to this Nation, I sense the responsibility I have to provide the means in resolving the talk about priorities many complex problems this Nation faces. "Priorities" has been a word that has been much abused and over-used in this Congress and in the press. The fact of the matter is what we cannot pay for solution of the great problems we have in the areas of the enviroment, health, education, welfare, mass transit and crime—we cannot pay for those programs unless we have economic stability and the economic health to do so.

How do you do it? You do it by supporting research and development—by constantly improving and developing technology. Eighty percent of the commercial aircraft sold in the free world is built here in the United States. You can go to any airport in the free world and you will see standing there the magnificent 707's and the 747's that have been built by the brilliance and the technical know-how of the workers of America. We have been able to undertake and pay for many of the programs that assist the cities and assist the ghettos in our Nation because we have a healthy economy in this area.

As the gentleman from Illinois has indicated, there have been more untruths more misstatements, and more half-truths in relation to this program than on almost any other issue that I can think of.

If anyone wants to build a house of horror with the statements that have been made by some of those who oppose the SST, just get the news clippings of the Washington papers or the New York papers or other papers around the country, the statements of some of the people who serve over in the other body. Witness the statement that appeared last night in the Washington Evening Star:

WHITE HOUSE SST GAG CHARGED

Well, it was easy for the person who made the charge to have called the doctor in NIH. He could easily have found out that Dr. Gori was not gagged, and that he was told by his superior that if he desired to appear at a press conference yesterday, it was up to him.

And yet the charge was made that he was gagged—that he was told not to go there. That was not so. That is an indication of the kind of opposition and the scare tactics that have been used by some who oppose this program.

Mr. Chairman, I have said that I have received considerable mail opposed to the SST. Practically all of the opposition is based on the plane's impact on the environment. It is good that there is a deep concern by so many of our people on the effect that men and machines have upon the environment. And because this was and is a genuine concern of the committee that considered funding the SST, considerable time and much testimony was spent on the ecological faction. While no one testified that the present program of two prototypes will harm the environment, some questions have been raised about the impact a fleet of SST's might have on the environment. Although not all these questions can now be answered with absolute certainty, the evidence clearly indicates that any possible adverse effects of the SST on the environment can be resolved before any commercial U.S. SST's are flown.

Some of the most distinguished scientists in fields concerned with the environment testified before the committee. I present some of the issues raised and the conclusions of testimony by Dr. Beranek and Dr. Singer as well as Dr. Kellogg. Some of their testimony is summarized in the following excerpt from the committee report:

TESTIMONY PRESENTED BY DR. BERANEK AND DR. SINGER—EXCEPT ITEM NO. 2

1. Engine noise: FAR-36 is a reasonable standard and the SST will be able to meet this requirement. Subsonic jets flying now are not able to meet this standard.

2. Sonic boom (flight over land): Testimony presented by DOT indicates that the SST will not be operated supersonically over the United States at speeds that will allow a sonic boom to reach the ground.

3. Sonic boom (flight over water): The effects below the surface of the water will not be significant.

4. Carbon dioxide: This is not judged to be a problem, because the contribution is minor compared to the carbon dioxide which is contributed by many other sources in the earth's atmosphere.

5. Nitrogen oxide: This is not judged to be a problem.

6. Water vapor and sulfates, hydrocarbons, and soot (immediate effects): Water vapor will radiate away some heat from the stratosphere and tend to cool it, while exhaust particles will absorb energy from the sun and heat the stratosphere, tending to offset the effect of the water vapor.

7. Effect of water vapor on ozone (skin cancer) (long-term effects): Water vapor may remove some of the ozone but the argument that this will increase the number of cases of skin cancer appears to be unsupportable at the present time. This concern can be disposed of with some relatively simple additional measurements which will be conducted.

8. Long-range climatic effects: The weather modification questions are not considered to be serious but additional testing is planned.

Just as the work on the environmental problems must go forward, the committee feels that the prototype construction must also continue. As Dr. William Kellogg, Associate Director, National Center for Atmospheric Research and Chairman of the Climatic Effects Working Group for the Study of Critical Environmental Problems (SCEP) stated:

"I am very much disturbed over recent gross exaggerations and scientific mis-statements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason to delay construction of the two prototype SST's.

"It is my profound hope that the U.S. Congress will not be mislead by these exaggerations or by scientific mis-statements. Dr. Ed David's[1] statement, which Dr. Walter Roberts[2] and I strongly endorse, says it well: "Let's not suppress technological advances but through research, development and experimentation make sure that those advances are obtained without undesirable side effects." I support a vigorous environmental research program in parallel with prototype SST construction. Don't downgrade the ability of American scientists and engineers to apply their genius to the successful resolution of uncertainty."

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, and my colleagues of the House, this issue, as is the case with all others, is indeed controversial. There are two sides to the issue and some merits on each side. To demonstrate the magnitude of this controversy, first of all, I think it needs to be said that the two usually together in almost any scheme have found themselves on opposite sides of this issue, the gentleman from Iowa (Mr. GROSS) and the gentleman from Missouri (Mr. HALL). But this in itself still does not indicate the magnitude of this controversy. We also find an alinement in which the gentleman from Iowa (Mr. GROSS) and the gentleman from Illinois (Mr. YATES) are on the same side. But it is still a little bit worse than that. The gentleman from the Northwest, from Washington (Mr. ADAMS) and the gentleman from Louisiana (Mr. WAGGONNER) are on the same side. So we do have a controversy.

People have talked about sticking with the facts and sticking with the truth in this particular issue. Everybody has made an allegation somewhere along the line, but everybody has tried to protect himself by saying it could do this or that, or it might do this or that.

Some of these things could happen if—and on and on we go.

The Members and I have listened to 2 days of arguments based upon the economics of the situation, and based upon environmental factors, and nobody has changed his mind in either instance, I am led to believe.

But I do want to say this and then I am through. What is wrong, now that we have $864 million of the taxpayers' money already invested in the development of the SST, with spending a little bit more money and completing the development of the two prototypes to get some answers to some of these questions which have been raised? At least we would have something and if we quit we will have nothing. That is the time to make a final decision, not now.

I leave the Members with this warning, having asked that question: The day will come when we are going to conclude, as I have already concluded, that we are going to build it at some point in time or we are going to buy it. I prefer to build it. This Nation cannot afford to abandon its curiosity. We cannot forego the need for advancing our technology. This Nation is what it is because of our farsighted approach to our problem at home and abroad. We can never afford to be shortsighted because the road is too perilous.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

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[1] Dr. Edward E. David, Jr., the President's Science Adviser, in a statement issued Dec. 5, 1970.

[2] Director, National Center for Atmospheric Research.

(Mr. CONTE asked and was given permission to revise and extend his remarks.

Mr. CONTE. Mr. Chairman, yesterday I explained at length my reasons for voting against further Government funding of the SST program. Today, I will summarize my feelings about the main issues surrounding this controversy.

While I realize this is not a black-and-white proposition, my innermost convictions compel me to vote no. I have consistently opposed Government subsidy programs in the past, and I see no reason now for retreating from my position on this matter. If the supersonic transport is the economic marvel that its advocates claim it to be, let it stand the test of the marketplace.

Some have said that we who oppose it do not have a sense of responsibility. I take issue with that. I am not voting against the SST because some environmentalists from my district have written to me and have sent me telegrams.

I represent employees in the western part of Massachusetts who get a piece of this action from Boeing Aircraft. So I believe it takes a lot of "guts" to stand up here and vote against this particular issue.

Now, if private industry stands ready to reap the benefits of this project, then it should be willing to sow the financial seeds needed to bring it to a successful harvest.

Aside from my fundamental objections to Government subsidy of private industry, I have serious reservations about some of the economic arguments that are advanced by the plane's supporters.

I, for one, do not feel the hot breath of the Concorde or the Soviet TU-144 breathing down our economic necks. The economic soundness of these planes is by no means established, as is evidenced by the fact that not a single U.S. airline has made a definite commitment to purchase a foreign SST.

Nor have I resolved all the economic uncertainties concerning our own SST. For one thing, passenger statistics cited by proponents of the plane are misleading. If one person travels overseas 10 times in 1 year, he is counted as 10 passengers for statistical purposes. The fact of the matter is that only about one-half of 1 percent of the country's population travels internationally on a regular basis. Granted this may climb to 2 or 3 percent in the next 10 or 15 years, but this is hardly enough to make regular overseas travelers a significant portion of the population. I do not see how we can justify a governmental outlay of more than $1.3 billion for a program that will benefit such a small segment of the traveling public.

The shaky financial condition of our domestic airlines makes me extremely skeptical about assurances that, should the Government continue financing the prototype phase of the program, its help would not be needed to finance full-scale production of the plane.

Under the terms of the original contract between Boeing and the Government, a financing plan for production was to be submitted by June 30, 1968. First the date was put off until December 31, 1969. Now we are assured that the plan will be submitted in June of 1972. This hardly inspires confidence in me that Government financing for the production phase of the program would not ultimately be sought.

Apparently my lack of confidence is shared by at least two officials of the airline industry. Robert Six, president of Continental Airlines, has told the Senate Aviation Subcommittee that he does not think there is a rush for the SST. Even more amazing is the statement of former FAA head Elwood Quesada who declared before the House-Senate Subcommittee on Economy in Government that—

> There are a lot of people that say that the airlines wish the airplane would go away. And I am one of them.

That same individual has predicted that the Government's share of the SST program could go as high as $3 to $5 billion.

Despite all these factors, supporters of the SST program insist that the Government will ultimately regain its investment with a $1 billion profit. Let us assume for the moment that this will be the case. The $1 billion profit, which in turn assumes the sale of 500 planes, represents a return of only 4.3 percent on the Government's money. Since the Government pays 6 percent to use its money, the $1 billion return is actually a loss as far as the Government is concerned.

Let me answer another question. The gentleman from Louisiana quoted from the hearings in regard to the environmental issue. I tried to be fair. Those Members who heard me yesterday know I tried to give both sides of the argument. I said that anyone in this House could vote on either side of the issue, and I feel that way today, because I believe some of the proponents have made an excellent case and some of the opponents have also made an excellent case on this particular issue.

I narrow it down to one issue, and that is the economic issue. I fought with some of the Members of this House for the past 12 years on farm subsidies, and I feel this is a parallel case.

I said yesterday that my industry, the General Electric Co., makes heavy transformers and is in trouble because of heavy transformer imports into this country from France, England, Italy, Sweden, Switzerland, and now Japan. I said that this company is having a difficult time going to its stockholders and asking money for research and development; that unless something is done for this industry it is going to have to stop its research and development program.

Furthermore, the whole thing is compounded by the Federal Government's buying 95 percent of its transformers in the past 5 years from abroad.

Therefore, carrying this argument a bit further, why can we not come to the Federal Government and say, "Give us a billion dollars for research and development of the heavy transformer industry"? We have been the leaders in this industry. We have been in the forefront for decades and decades.

This is where we open up Pandora's box. This is where problems begin.

But let me go back to the environmental issue. We had 4 days of hearings. We heard everyone who wanted to testify. We heard some of the foremost scientists in the country before the committee. And they came to the conclusion that the environment was not in danger with respect to the two prototype SST's.

I believe my good friend the gentleman from Illinois (Mr. YATES) and I, who team up on this, both agree on this particular point.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Illinois.

Mr. YATES. But they did express concern that there may be an environmental hazard with fleets of SST's flying at that altitude, did they not?

Mr. CONTE. Yes, they did, and they said this was a part of their studies.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my chairman.

Mr. McFALL. I believe the record also shows that the testimony went to 500 SST's, and the scientists believe there will be a minor chance of there being any environmental problem. That is the record.

Mr. CONTE. I believe Dr. Singer felt he was 95 percent certain there would not be any dangers to the environment even with a fleet of SST's.

I mentioned here yesterday that Dr. Kellogg, of the National Center for Atmospheric Research, has testified that there is no environmental basis for delaying the SST program to develop these two prototypes. He said that preliminary studies regarding the climatic impact of large-scale SST operations indicate a negligible influence on the heat balance of the global atmosphere and a negligible increase in carbon dioxide. Particles added to the stratosphere could have a small, but possibly measurable, effect on stratospheric temperatures during periods of low volcanic activity but little or no influence on surface temperatures. Ozone in the atmosphere could decrease by 1 or 2 percent, but this would have a trivial effect on ultraviolet radiation reaching the ground, in his opinion.

In addition, Dr. Leo Beranek of the SST Community Noise Advisory Committee has testified that there does not appear to be any technical reasons why a commercial SST cannot be built which will meet Federal Aviation Administration noise standards for new, subsonic planes—108 decibels. Sonic booms should be no problem since the Department of Transportation indicates that the SST will not be allowed to fly supersonically over land areas of the United States. As for supersonic flights over water, studies indicate this will have a negligible effect below the surface.

Thus building the two prototypes poses no threat to the environment. Preliminary study indicates that large-scale SST operations would be environmentally safe but more research is needed and is being done. Results should be in by the time a decision on full scale production has to be made.

To summarize, the comparatively small segment of the public which will use the SST, my skepticism regarding the alleged economic threat of the foreign SST's, and my reservations about our domestic airlines' being able to finance production of the plane and our Government's being able to recover its investment in this project—all this, when added to my fundamental objection to Government subsidy programs, compels me to vote against further funding for the SST.

Mr. HORTON. Mr. Chairman, I rise in support of the Yates amendment to strike out all funds for the supersonic transport.

Many of my colleagues oppose the SST because of the possibly dangerous environmental consequences of penetrating our atmosphere with polluting machinery. I, too, feel that sound arguments have been made about the ecological dangers of the SST, and many serious questions remain unanswered. Yet, I also believe that, with the technological capability of our country, these environmental problems can be solved.

I vote in favor of the Yates amendment because, in good conscience, I do not feel we can afford to appropriate millions of dollars directly out of the Federal budget for a program that can be financed with private capital. Far more pressing budgetary demands must be met and we cannot let this airplane, of benefit to relatively few people, preempt tax dollars that are more desperately needed in other areas.

Mr. Chairman, as early as 1969, I addressed my colleagues in this Chamber and proposed an alternative method of SST financing. I called upon the various companies involved in building the SST to work out a capital funding arrangement whereby the necessary money could be raised through the sale of federally-guaranteed bonds in the private sector. These bonds would fall due in the decade between 1980 and 1990, when the sales of the American SST should put developers in a position to repay the bonds. The Federal Government would stand behind these SST bonds with a guarantee equal to the total amount requested as the Federal share of SST development.

In this way, the Government would encourage immediate production of the necessary capital by attracting private investors who, in turn, would rely on a Federal guarantee of repayment to lessen their risk. If the SST is the financial success its proponents say it will be, the Federal Government would substantially reduce its direct dollar investment in the plane's development. At worst, the Federal investment would be postponed a full decade, with far less disasterous effects on the Federal budget.

I urge my colleagues to give careful consideration to this proposal as I feel it is the most desirable solution to the SST dilemma.

Mr. Chairman, at this point in the RECORD, I would like to insert my letters to Transportation Secretary John Volpe and the editor of the Washington Post on financing of the SST:

MARCH 16, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Independence Avenue SW.,
Washington, D.C.

DEAR JOHN: Since 1969, I have been proposing an alternative method of SST financing which places greater emphasis on private development and less strain on the Federal budget. Even if funds for the prototypes are appropriated by the Congress, I understand that final funding arrangements for actual SST production have not been fully worked out. Therefore, I would like to put forth my suggestion again.

Briefly, I propose that the government and the various companies involved in producing the SST work out a capital funding arrangement so that the necessary money can be raised through the sale of federally-guaranteed bonds in the private sector. Enclosed are two of my statements which detail the proposal. Such an approach would have reduced the problems we are encountering today with the SST issue. Moreover, the private financing approach with Federal guarantees lends itself to accommodating cost overruns and inflation far better than the direct appropriation process.

The technological and environmental problems of the SST are the kinds of problems that can be solved by American ingenuity. In my mind, the crucial issue is whether funds should be taken directly from the Federal budget at a time when there are still severe cutbacks in other areas of high priority. From this point of view, appropriations for the SST are very difficult to justify. This difficulty is illustrated by the number of conflicting studies that have been issued on the economic, environmental and social consequences of an American SST.

I would be happy to meet with you and discuss my proposal in greater detail if you feel it warrants further interest.

With kindest personal regards, I am

Sincerely,

FRANK HORTON.

[From The Washington Post, June 21, 1970]

FINANCING OF THE SST

Herblock's cartoon in the June 12 Washington Post makes a very valid point about the financing of the supersonic jet transport and one I have held for some time now. I cannot, in good conscience, approve direct federal expenditure for the SST.

In a statement on the House floor on Nov. 18, 1969, I proposed that government and the various companies involved in building the SST work out a capital funding arrangement so that the necessary $1.5 billion can be raised through the sale of federally guaranteed bonds in the private sector.

Such bonds would fall due in the decade between 1980 and 1990 when the sales of the U.S. SST should put the developers in a position to repay the bonds.

It is obvious that the SST development cannot be undertaken without federal assistance. But I do not believe this airplane, already riddled with financial and environmental problems, should pre-empt tax dollars that are more desperately needed in other areas of our economy.

It would seem to me that the federal guarantee of SST bonds should be sufficient to encourage the production of the necessary capital. In this way, the direct and immediate expense to the federal government would be eliminated. If the airplane is successful, the bonds can be repaid by the corporate borrowers. At worst, the federal investment is postponed for a full decade with far less disastrous effects on a very sensitive federal budget.

FRANK HORTON,
Member of Congress.

WASHINGTON.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, there is a mood of expectancy and excitement in the House of Representatives today which we seldom find.

We have been working on the SST program for quite a number of years. We do not have the SST today. We would not have it until the late 1970's. However, in our national legislative business we must look to the future with respect to the great interests of our country. That is what we are undertaking to do through the recommendations in the pending resolution.

The Committee on Appropriations has, I assume, been the closest to this matter in recent years. We have considered and debated this issue up and down from time to time. After another debate on Monday last, when we considered reporting this bill and recommending that the House pass it, the vote in committee came as to whether we should kill the SST program or whether we should proceed with the program. Three Members abstained from voting, but out of the 41 Members voting 26 voted for a continuation of this program and 15 against, showing quite a decisive vote in favor of continuation.

I realize that many Members have had some difficulties in trying to determine what should be done about this matter, but it is my judgment that, as of today, the issue is not very complex or very difficult. As has been pointed out time and time again, the issue here is, shall we capitalize on the $800 million which we have already spent? Shall we realize that if we kill the program today the total cost to the Government, with little if anything coming in return, will be about $1 billion? Or, shall we take the step of saying we will go forward and spend a total of about $1.3 billion and develop two prototypes and see where we want to go from there?

It seems evident to me that, today, we have only one logical course of action—regardless of whether we are strong for the SST, or lukewarm for the SST, or even against the SST. Why do not those who are so strongly against the SST want to see it completed so that they can be vindicated and be able to point the finger of criticism at those who continue to support the program?

The press, the columnists, the television, and the radio commentators, are all very much interested in what we do here. The news at to what we do here today will be flashed around the globe very quickly. If we vote to stop this program, the leaders in the Soviet Union may well say, "Well, America has lost that spirit which made her great—the spirit of taking a gamble, the willingness to risk something for something to be gained." Of course, the Governments of France and Great Britain would take heart to this extent: They will have a better chance to lead the world in commercial aircraft production in the future.

So, Mr. Chairman, I would urge that we not flash the news to the rest of the world that America is taking a back seat in anything potentially worthwhile or in anything potentially enduring. The stakes are very high.

The transportation industry is worthwhile and is enduring. We as a Nation are now foremost among the nations of the world in aviation development and progress.

So, I would repeat, let us not take a back seat to any nation in the world. Let us maintain the industrial preeminence which we now occupy. Let us vote down with a resounding vote the amendment which has been offered by the gentleman from Illinois (Mr. YATES).

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, a number of Members have come up to me expressing concern about whether the money for research on the environment and research on engine noise is contained in the money for the SST and would that be stricken by the success of my amendment. The answer to that is "No."

The money for the environment is in the Office of the Secretary of Transportation and environment research will go on if my amendment is successful or not.

The money for the noise abatement is in the appropriation for the Federal Aviation Administration and that too will go on.

So, with respect to the research that seeks the answers on environment and noise, that research will continue whether my amendment is successful or not. Nor, Mr. Chairman, will the prototypes be necessary to conduct that research. Witnesses before our committee stated positively that the prototypes are not necessary in order to conduct the atmospheric research, they are not necessary to conduct the research on noise.

My good friend and chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), declared that the Committee on Appropriations had voted, as he said, overwhelmingly against the amendment which I offered. I do not agree with his conclusion.

The members of the Committee on Appropriations did vote 26 to 15 against my amendment. But I suggest to the distinguished chairman of our committee that that is two more votes than my amendment got last year, which is progress.

Second, of the three members who voted "present" two of them are going to vote against the SST. One member who voted against this amendment in committee has turned around and he is going to vote for my amendment on the floor.

Further, the Committee on Appropriations usually supports the reports of its subcommittees overwhelmingly, almost unanimously. When an amendment like mine can get 15 votes before the Committee on Appropriations one knows the amendment has a great deal of merit.

Now, my good friend, the gentleman from Ohio (Mr. BROWN), waved a pamphlet and said, here are the facts regarding the Russian Tupolev. I have seen so many of these travel folders with pictures of planes and beautiful places, I suggest they do not always contain entirely factual information. The fact is that the testimony before our committee did not indicate——

Mr. BROWN of Ohio. In view of the fact that the gentleman used my name, will the gentleman yield?

Mr. YATES. I shall yield to the gentleman in just a second, as soon as I finish my sentence.

The case before our committee did not indicate any testimony as to the Tupolev other than its speed, other than the fact that its wing configuration was the same as the Concorde.

If those characteristics are like the Concorde, and if it looks as though the operating expenses will be similar to the experience of the 747's, then I say any airline executive who buys one of those planes is out of his mind.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will now yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, my comment has to do with reference to the facts related in the gentleman's comments earlier in that he had not seen the material on the Russian plane, how fast it would go, what its seating capacity would be, and so forth and so on, and I will state to the gentleman that that material is available in the pamphlet which I have.

Mr. YATES. I am glad to have that information, but I will tell the gentleman that that information was not in the record.

Mr. BROWN of Ohio. Then I hope the gentleman will have the opportunity of looking at it afterward.

Mr. YATES. I will be glad to look at it later.

Mr. Chairman, in conclusion I think that this is an historic moment. We have reached the culmination of years of debate on the SST. In all those years the Members of the House have never had the opportunity to vote by rollcall on authorizations for the supersonic transport or on appropriations. This will be the first time. I say let us end the supersonic transport now.

The CHAIRMAN. The Chair now recognizes the gentleman from Ohio (Mr. BOW).

(By unanimous consent, Mr. BOW yielded his time to Mr. GERALD R. FORD.)

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, if the Members of this body are interested in the most recent facts, then they should read the 709 pages of testimony and exhibits contained in this book of hearings produced by the Subcommittee on Transportation of the Committee on Appropriations. And may I say that on the basis of the factual arguments and evidence presented here, pro and con, anyone, even those who in the past have voted against this proposal, if they are objective, could be and should be convinced that we should vote against the amendment offered by the gentleman from Illinois (Mr. YATES), and vote for the supersonic transport.

Mr. Chairman, the temptation is to appeal perhaps at this late hour to those on the Democratic side, and those on the Republican side on certain emotional grounds. The RECORD shows that a Democratic President in June of 1963 made the first recommendation for the supersonic transport before the Congress of the United States. And for 5 successive years President Lyndon B. Johnson recommended to the Congress that we approve the supersonic transport funding.

I say to my Republican friends, for the last 2 years a Republican President has joined with his predecessors, John F. Kennedy and Lyndon B. Johnson, to support this project and this program. They had the vision and the courage and the dedication to know of its importance—not for today but in the future, for the United States to remain preeminent so far as the aircraft industry is concerned.

Yes, four Congresses—the 88th, the 89th, 90th, and the 91st Congresses have supported the requested appropriation for the SST and now this Congress in one of its very first tests has to make the decision whether it is a man or a mouse. This Congress is going to make up its mind whether it is going down the path and at the crossroad take the road to strength or the road of weakness for the future of America.

There are about five or six main issues involved in this vote.

As to the pending amendment, if you vote "yes" on this amendment, you in effect are giving layoff slips figuratively tomorrow to 13,000 employees who are currently engaged in various production jobs on the SST. You are in effect issuing layoff slips to a second tier of 50,000 employees who are now working on this project.

If you vote "yes" on this pending Yates amendment, in effect, you are denying 150,000 American jobs a year for the next 10 years. If you vote "no" on the Yates amendment then you are, in effect, insuring jobs today for 13,000 people and 150,000 American jobs each year for the next 10 years.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOW. Mr. Chairman, will the gentleman repeat his statement for the benefit of the Members to the effect of the vote on the pending amendment?

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the gentleman's comment.

If you vote for the SST, you are insuring 13,000 jobs today plus a total of 50,000 current jobs in the second tier and 150,000 jobs each year over the next 10 years.

If you vote for the Yates amendment, you will be handing out layoff slips to those individuals who are currently employed in this project all over America.

As to the question of cost. If you vote against the SST, you are, in effect, insuring that the Federal Government will have to pay approximately $176 million in cancellation costs and, in effect, you will be throwing down the drain approximately $860 million of money that has already been spent.

Furthermore, if you vote for the SST, you are insuring when we get through with the investment that we have now, and the $290 million that we propose to put into it with this proposal, we will end up with some worthwhile hardware, the two prototypes, which will give us an opportunity to do something affirmatively and to answer some of the questions and some of the problems that have been raised.

Mr. Chairman, a few moments ago the gentleman from Ohio (Mr. BROWN) exhibited for the members of the committee this sales material put out by the Soviet Union in favor of their version of the SST. This sheet shows the speed of the aircraft and the other flight characteristics of the Russian SST. It shows the other benefits of this aircraft which is on the market today and will be flown on commercial flights in October of 1971.

I have in my hand here a public announcement that the Soviet Union has signed a sales agreement with an American to market this aircraft in America.

Now the question comes right down to this—if you vote against an American SST, you are insuring that the Soviet Union, the British, and the French will dominate the market in advanced aircraft over the next two decades.

On the other hand, if you vote for the American SST, then you are insuring that the U.S. plane will be flying and that we will outdistance the competition of the British and the French and of the Soviet Union.

On the next issue, the question of the environment, I say now that I would not vote for the two prototypes if I was convinced that there was any problem in the area of the environment, and I say, categorically, right now that I will not support the production of an American SST if I believed there would be any problem in relation to environment in the future. The testimony that was heard by the subcommittee of the Committee on Appropriations answers the environmental questions. The distinguished gentleman from Massachusetts, who is an opponent of this program, admits that the overwhelming weight of the evidence is against any environmental problems caused by an American SST.

Let me talk about the balance of payments. This country cannot subsist now or in the future if we do not have a net plus in our balance of payments. The record is clear that one of the biggest producers of an American favorable balance of payments has been the aircraft industry. If you ground the American SST, you, in effect, will kill any possibilities of our American aircraft industry in the future producing a favorable balance of trade.

The argument has been made here, "Who is going to buy the American SST?" I have in my hand a copy of a statement made by Najeeb C. Halaby, president of Pan American Airways, a person known to many of us over many years. He, in this prepared statement, speaking for all of the U.S. commercial airlines, indicates that they, as a group, support the continued research, development, and production of the two prototypes of the SST. In a statement they say that it is essential for us as a nation to proceed with this project.

The question has been raised, will private industry finance the actual production of some 300 or 500 American versions of the American SST?

I have in my hand a copy of a letter from the executive vice president of the Bank of America, and a copy of a letter signed by Eugene R. Black and James B. Mitchell, all renowned bankers in this country, representing the largest financial institutions in America, and they say that private industry will finance an SST, an American version, if we have the courage to proceed with the prototypes that we are trying to proceed with at the present time.

Mr. Chairman, let me conclude with this observation and comment: If we vote "yes" on the Yates amendment we are throwing down the drain $1.34 billion of U.S. taxpayers' dollars. If we vote "no," if we vote for the SST, we are voting to keep the United States preeminent in the aircraft industry, and we are voting for a program to build and to sell American SST's rather than a program to buy foreign versions of an SST.

I urge, strongly urge, a vote against the Yates amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McFALL).

(By unanimous consent, Mr. McFALL yielded his time to Mr. BOGGS).

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I find myself on the same side of the aisle with the minority leader but for entirely different reasons. I would say to the Members that the SST—and 10 SST's—could not rescue the economic policies of the Nixon administration. This program is not a WPA. It is not designed to make work. It is not designed to give jobs. It either stands on its own as a scientific advancement necessary for the continuing movement ahead of the United States of America as a technological leader on this earth, or it has no justification whatsoever.

At another time and on another occasion I will deal with the economic policies of this interim administration in the White House. Suffice it to say that after 12 years of moving ahead in this economy the Nixon administration succeeded in giving us zero growth last year. Suffice it to say that with all the things we need in this country, in the cities, and in the urban areas and in the rural areas around this country, we have 6 million able-bodied Americans, talented Americans, engineers, craftsmen, and nonunemployed. Twenty-five percent of the industial capacity of the United States is unused. So, Mr. Chairman, please do not buy the minority leader's WPA argument for this project.

Let us take a look at the record, as Al Smith used to say. Let us see if we can separate the wheat from the chaff. What is involved here? What is the issue before us? The gentleman from Illinois, my old and dear friend, Mr. YATES, says this is a historic occasion, because never have the gentlemen as Members of the great House of Representatives had the opportunity to say "yes" or "no" on an SST. The Members know that is not so. The Members know over the years that the distinguished Committee on Appropriations has brought here the appropriation for the Transportation Department and anyone could have offered a motion to recommit where we would specifically strike the SST.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I do not yield.

Mr. YATES. The gentleman should yield. He used my name.

Mr. BOGGS. I yield to the gentleman from Illinois.

Mr. YATES. Of course, the gentleman should yield. There has never been a vote on this in the House of Representatives directly on this question of striking the SST, and the minority had the motion to recommit, and we did not.

Mr. BOGGS. The gentleman is technically correct. I know that the gentleman is perfectly sincere in his position.

But let us see what is proposed. We propose to build two prototypes of an aircraft that is already being flown by the Soviets and the French and the British.

Today I read in the press, in the New York Times, that if today we pass this bill, and we vote down the motion of the gentleman from Illinois, that we will increase the danger of skin cancer. I read down a little further in the story, and I discovered that one of the men making this assertion was the same man who allegedly made a statement a few years ago that the power failure in New York might be attributable to flying saucers.

I read also where Charles A. Lindbergh is opposed to this program.

Well, so be it. I sat in this House when Mr. Lindbergh said, "Let us make a deal with Hitler." I sat here when Mr. Lindbergh said it was impossible to defeat the Nazis. I do not find his testimony commanding.

Now, in truth and in fact one of few areas, since World War II, where the United States has prevailed has been in the field of aviation; and, thanks largely to the vision of the late President John F. Kennedy, in the field of space. By some strange coincidence I find so many people who are opposed to the SST program also opposed to the space program.

I know the arguments they make. They say, "We cannot afford both."

Well, I find that argument hard to buy. I find it hard to believe that in an economy of a trillion dollars—not a billion dollars, not $100 billion, not a half trillion dollars, but $1 trillion—we cannot afford about $300 million to maintain the scientific ingenuity of the United States of America.

I am for urban mass transit.

I am for the poverty program.

I am for model cities.

I am for aid to education.

I am for building hospitals.

I am for cleaning up the slums.

I am for helping the small towns and farms of this country.

I am for cleaning up the environment.

But none of this will happen if we do not maintain the scientific ingenuity of this Nation.

Why, a few weeks ago we had here three brave men here who had gone to the moon, two had walked on the moon. They stood here and talked to us, and we were proud of them. I said to myself, repeating someone else, "Why did we go to the moon? Because of man's eternal quest for knowledge."

When the time comes that we in America turn back on that quest for knowledge when we say we do not have the know-how, we do not have the resources and we cannot do it, then we shall cease to move ahead. There is no such thing as a static society.

These two aircraft are admittedly experimental. No one who has studied the issue says with any degree of certainty that we should or should not build supersonic aircraft. But they do say: "Let us pursue the subject. Let the scientists and engineers and environmentalists and ecologists, after they are built, make that determination."

That is all we are saying.

Now, the economic consequences flow naturally therefrom. We do have a balance-of-payments surplus on the sale of aircraft. We have been able to sell our aircraft when at the same time we have seen the complete demise of the American merchant marine and the decline of the American Navy. We are spending today billions of dollars to revive the merchant fleet of the United States. At the end of World War II the United States had more modern ships than all the other nations put together. But today we carry about 8 percent—mind you, 8 percent—of the foreign commerce of the United States in American bottoms.

We are now required to spend billions of dollars in order to modernize the American merchant fleet, and face the same situation with respect to the American Navy. It is obsolete, outmoded, outgunned in the Mediterranean, as I speak to you, by the Soviet Navy.

So, my colleagues, the issue here is simple. It is not complex. This is not a WPA project. This is a question as to whether or not you have faith in the ingenuity of the people of this country and want to see this country move ahead.

Mr. COTTER. Mr. Chairman, as a freshman in this great House, I have not before been recorded on the SST. I took the opportunity during the first weeks of this Congress to acquaint myself with the various components of the debate surrounding the SST. My review of the arguments, Mr. Chairman, has not been helped by the high emotional level of both proponents and opponents of the SST. The rhetoric, frankly, has been a great source of disappointment to me as I have attempted to study conscientiously and with an open mind the economic, environmental and technological aspects of this most important decision. In almost 20 years of public service I have rarely faced a decision of such complexity. But the time for decision has come for me as well as many of my colleagues who have conscientiously studied this question.

Mr. Chairman, I have decided to support funds for the construction of two prototypes. I would like to share with you and the Members of this great body my reasons for this decision.

The debate, as is well known, centers on two separate but interlocking issues: the economic impact of the SST and the environmental aspect of the SST. I want to make this clear that my decision today is confined only to the development of two prototype aircraft. I am not convinced at this time that full production is economically feasible or environmentally sound. Let me repeat, we are not deciding today whether the SST will go into full production; we are deciding merely whether to provide continued support for research and development for two planes. This is an important distinction, and one which has unfortunately been overlooked by the proponents who promise billions of dollars in economic benefits and the opponents who conjure up visions of environmental cataclysms.

ECONOMICS OF THE SST

The prototype development will have a beneficial effect on the horrible unemployment in my district. Unemployment figures fluctuate, but it is reliably estimated that over 8 percent of the Connecticut work force is unemployed. I am informed by reliable authorities that to discontinue prototype development would mean that 1,200 to 1,500 more men and women would be out of work. That translates into the immediate loss of some $15 million in contracts in Greater Hartford. I am frankly hard pressed to justify a vote that would deny these people employment when, as I have noted above, we are today deciding only to support money for research and development of two prototype aircraft. I will state just as firmly that I am willing to vote against any production beyond these two aircraft—no matter what the consequence is to employment in my district—if the studies that result from production and testimony of the prototype indicate a serious threat to our environment. Again, let me repeat that I am basing my vote today on the immediate economic impact in my district, but I am willing to stand up and say "No" to my district if full production of the SST proves after testing to be harmful to our environment.

Mr. Chairman, I have been talking about and we are voting on funds for two and only two experimental planes. At this point, I would like to suggest to all-out supporters of the SST that I have serious doubts about the economic viability, as well as the environmental soundness, of mass production. Let me concentrate for a moment on the economics of the SST. For the U.S. Government to get its money back, there must be a sale of 300 SST's. This, I believe, is unrealistic, but I still support the need for R. & D. to keep the state of the art highly developed in the United States. Future mass production must pass rigid environmental tests, but even if prototypes secure answers to these vexing problems, the economic issues remain. These are:

First, there is a functioning high speed—not supersonic—aircraft with large passenger and load capacity. I refer, of course, to the 747. There are more "airbuses" on the way. I believe that airlines will not duplicate their inventories of air carriers, especially as the supersonic carrier has limitation of flight privileges—the SST cannot fly overland at top speed.

Second, in light of the need to sell 300 SST's, rumor of cutback in 747 acquisitions casts doubts on the ability to sell 300 SST's.

Third, I believe that the Soviet SST and French-English Concorde, which are nearly operational, will seriously reduce any market for the U.S. SST. In short, by 1978–79, the date for an operational U.S. SST, I feel there will not be a market for 300 such aircraft and the U.S. and aircraft companies will sustain great losses.

Fourth, economic viability is also based on desirability and cost factors. Let us look at each in turn. The SST is being supported on its increased speed. I have computed some statistics on estimates of SST capability and operational characteristics of the 747.

Plane	Passengers	Time to Europe (hours)	Speed (miles per hour)	Range (miles)	Cost
SST	298	[1] 3	1,800	4,000	$40,000,000
747	350+	6	550	5,000	20,000,000

[1] Estimate.

Note in this table, column 2, time to Europe. The figures in both cases involve airport to airport and do not include waiting time over airports. There is approximately 3 hours difference, but, as can be seen by the chart, there is a difference in seating capacity. In my concern for economic viability of the SST, I called several airlines to find out if their 747's were not filled. I reasoned that, if existing 747's were not filled, there might not be a great demand—300 planes worth—for the SST with smaller but still large capacity. To my dismay, I found that on the most popular route, New York to London, 747's leave with almost 100 seats vacant! If this is a problem now, how much greater will it be when 747's, other airbuses, Soviet and French-English SST's and U.S. SST's compete for a 1978 market? My questimate: The U.S. SST will not fare very well.

Still, I believe given the long lead time and life of supersonic aircraft, the U.S. must continue its R. & D. effort.

I am intrigued with the argument over termination costs. It will cost $478 million to complete the R. & D. program. DOT says that termination will cost $178 million; opponents say $97 million. Whichever figures are accepted, I believe that the $487 should be appropriated for the two test planes in order to maintain the state of the art in the United States.

I would warn the aviation industry including labor that any effort to place a "life saver" role on the SST is questionable at best and foolhardy at worst. I do believe that the technological aspects of prototype development are vital, but as I have noted, I have serious reservations about the future beneficial economic effects of mass production.

ECOLOGICAL CONCERNS

I wish to state categorically that I am opposed to full production of any U.S. SST until all environmental questions are satisfactorily resolved.

The chief concern of both proponents and opponents of the SST have been centered on sideline noise and atmospheric changes resulting in climatic changes.

It has been asserted by opponents that a fleet of high flying SST's will cause climatic changes by affecting the ozone layer in the stratosphere and by increasing the level of carbon dioxide in the atmosphere. I have read the allegations and charges on both sides and I have neither the personal competence in analyzing meterological and stratospheric assertions of the two groups to come to any informed decision on this problem, but I feel that two prototypes will answer these questions.

NOISE

It is with the concept of noise that I feel more comfortable, although scarcely more learned. The debate over noise has two components: ground noise and sonic booms. Let me discuss each in turn:

Ground noise—noise at or near the airport.

Community noise: Noise over communities after takeoff. Both proponents and opponents seem to argue that faster rate of climb will allow the SST to make less noise on takeoff than is presently required.

"Sideline" noise: Noise on the airfield before takeoff. Both sides initially agreed that the sideline noise was much too high to be acceptable. In recent weeks there have been announcements that sound suppressors have been discovered to eliminate this problem, although there is concern that the additional weight of these sound depressers will severely lower the seating capacity of the U.S. SST. Two prototypes will answer this question.

Sonic boom: The issue of the sonic boom has received the most publicity. The FAA has ruled that the SST is not allowed to fly at supersonic speeds over the continental United States. Both supporters and opponents agree with this ruling. If this ruling is kept in effect, I believe there will have to be a tremendous increase in overseas passengers to make the SST economically viable. Opponents have pointed out that the sonic boom over the seas might affect the ecology in the oceans and cause discomfort to persons on the high seas.

I find convincing the argument that further research and development might answer the problems of ground noise and potential climatic changes. I remain skeptical that there are any answers to the sonic boom. If these problems are not resolved, I will fight production of the SST.

Finally, I wish to join with those of my colleagues who are demanding that the Office of Management and Budget release funds appropriated for urban mass transit. The OMB, it has been reported, is freezing more than half the moneys allocated for this purpose for this fiscal year. This must stop immediately. I believe that this Nation can afford to keep its primacy in aviation and develop an effective mass transit system.

Mr. EDWARDS of California. Mr. Chairman, I am voting against increased appropriations for the supersonic transport because the arguments advanced by its supporters are specious and because the social risks and hazards to the environment far outweigh any possible short-range advantages.

Supporters argue that continued development of the SST prototypes will preserve jobs and will protect the United States against a potential threat to her balance of payments. Toward these ends they would have us underwrite an unprecedented investment of U.S. tax dollars as a substitute for the private venture capital which the program has failed to attract. They project a two to one return on this public investment.

Taking the arguments in order, I do not believe the United States should invest in private, nondefense industries merely to create jobs, unless those jobs in some way contribute to the general social welfare. We cannot justify massive investment in a make-work project at a time when our taxpayers are screaming for relief, our schools are on the verge of bankruptcy, our cities are rife with crime and delinquency, when more than 20 percent of our citizens are ill clothed, ill housed, and ill fed, and when our very environment is endangered by civilized evils which we are only beginning to comprehend.

Second, no one can predict what our balance of payments will be in 1985 or 1990, but to argue that a favorable balance of payments depends on development of the SST is to carry the logic of the cold war and the arms race into the arena of economic competition. If the SST cannot stand the test of economic competition it should be abandoned. If it cannot attract private venture capital on its own merits, in sufficient quantity, we should take that as a warning and avoid sending good money after bad. If other nations want to gamble on such a risky proposition, let them do so. The United States has never been at a loss to capitalize on a technological breakthrough and to remain on a sound competitive footing with other nations. We did not develop the subsonic jet transport but we are and will remain the world's leading producer. Finally, U.S. policy will largely determine whether there will be any world market for supersonic transports.

As I said in the beginning, the arguments for the SST are specious. The arguments against it are compelling. First, there is the moral question: How can we justify such an investment when there are so many unmet needs in our society? Second, there is the practical question: Can we afford to gamble further with our already threatened environment? When Mount Agung erupted in Bali in 1963, the resulting particles in the atmosphere raised the temperature of the equatorial stratosphere 6 to 7 degrees centigrade and the temperature remained 2 to 3 degrees above normal for several years after the eruption. According to the study of critical environmental problems sponsored by the Massachusetts Institute of Technology last July, a fleet of 500 SST's "could range from a small widespread continuous Agung effect to one as big as Agung." In short, we would be inviting a new ice age. Pro-SST propaganda to the contrary, the supersonic transport would not be quieter than subsonic transports. They would create a 50-mile wide sonic boom over the entire course of their flight, doing incalculable harm to man and his environment.

Finally, we must ask who would benefit from the SST. Only three States stand to make more in contracts and subcontracts than they would spend in tax dollars. Several thousand aviation industry workers would have their jobs a little longer, but their skills could be redirected into less risky enterprises or into new technologies such as high-speed ground transportation. If the SST ever did go into commercial use, a few select individuals would enjoy the privilege of making intercontinental junkets in one hour instead of several, at a cost that the common man could never hope to pay. But the common man would be asked to subsidize the new aircraft and the ground facilities to handle them and to suffer the noise and pollution for the benefit of the select few.

Obviously, those who conjured up the SST did not have the general welfare in mind. Their responsibility was less broad than ours. But we are responsible for the general welfare and can be held accountable for our action here today. We cannot go along with this boondoggle in good conscience.

Mr. ADDABBO. Mr. Chairman, I rise to support the motion to strike from House Joint Resolution 468 those funds for development of the supersonic transport. On a number of previous occasions I have made statements in the House on this subject and as a member of the House Committee on Appropriations I have voted against Federal funds for construction of prototypes of the SST.

As the Representative of the Seventh Congressional District of New York, in which Kennedy Airport is located, I have followed this issue closely and have opposed the project for several reasons, among them my conviction that there is no economic justification for the project, there are grave environmental problems connected with the program, and few projects deserve lower priority.

In light of the recent public relations campaign in support of the SST, I also want to remind my colleagues of optimistic statements in the past about the ability or willingness of the aircraft industry to control air and noise pollution and weigh this against the substantial costs involved and the number of Americans to be benefited. We should consider who will use the SST and the need for its development. We should consider not only our Nation's domestic priorities but those who need our help and those who do not.

No one disputes the fact that very few Americans will ever travel by supersonic aircraft. It is a luxury item we cannot afford—a luxury for the wealthy and a tax burden for Americans in middle- and low-income brackets. This is further brought out by a recent study. Those who support the SST tell us that fears about increased air and noise pollution are unwarranted. I remember when FAA officials told us in 1957 that jet aircraft at Kennedy International and other airports would be as quiet as prop aircraft. I have no reason to believe present optimistic statements about the SST are any more accurate.

The SST poses a threat to the environment which we must resist and this threat includes operations at U.S. airports by foreign supersonic aircraft. Instead of worrying about whether France or the Soviet Union will capture the SST market, we should concern ourselves with procedures to protect our environment from the air and noise pollution which any supersonic aircraft will cause.

If the SST will produce the return on investment and profits which its proponents would have us believe, then private industry should be more than willing to make the required financial investment without the need for Government subsidies.

I urge my colleagues to join me in opposing the further funding of the SST.

Mr. JAMES V. STANTON. Mr. Chairman, the reasons for ending Government financing of the SST program at this time are legion. Among them are the steadily escalating costs which have plagued the SST during its developmental stage; the grave doubts as to whether this craft can be operated profitably by the airlines, should it be built; and the whole range of environmental issues which have been raised against it. However, in the short time remaining before this House votes on the SST, I would like to call to your attention the almost intolerable situation which now confronts those who reside near our major airports, and those characteristics of the SST which would actually result in a further deterioration.

AIR POLLUTION NEAR AIRPORTS

First, there is the problem of air pollution over the areas surrounding our airports. Research indicates that although these levels vary, air pollution in some airport areas is now as high as that inflicted upon central urban areas. SST engines operate in such a way that widespread use of the craft would increase greatly pollution of the air. Russell Train, Chairman of the President's Council of Environmental Quality, has written:

> It is my understanding that [SST] operation at subsonic speeds, including speeds necessary for takoff and landing, results in inefficient fuel combustion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.

The fuel combustion problem for the SST is especially large because it consumes so much more oil than subsonic jets do. For example, in takeoff the SST burns 1 ton of fuel per minute. If this Congress is at all serious about preventing further contamination of the lower atmosphere, harsh action must be taken to reduce and eliminate this type of pollution which jet aircraft produce.

AIRPORT NOISE

Second, the tremendous amount of noise produced by the SST in takeoff and landing has attracted much attention lately. Department of Transportation officials have been boasting for the past month that they have solved the problem of community noise. Through some changes in the engine design, they say, the SST noise level has been reduced to approximately that of subsonic jets now in use. However, if these officials or anyone else believes that the present noise levels are acceptable in any way, let them ask the people who live near Cleveland's Hopkins Airport. For years these people have been subjected to the constant roar of jets as they fly immediately overhead after takeoff and before landing. Just last year hundreds of them signed petitions demanding that something be done about this noise.

And the views of these people have been backed up by scientific studies. Recently the National Academy of Sciences and the National Academy of Engineering called upon the Department of Transportation to establish maximum airport noise levels which are substantially below those now in effect. Let us be quite clear in what we are talking about when we speak of airport noise and the regulations governing it. Noise amounts are measured in units called decibels, a figure which also takes into account the length of time the noise is heard, and its pitch or tone. The FAA has ruled that the noise emitted by an aircraft into the community surrounding an airport cannot exceed 108 decibels. Subsonic jets presently in use are approximately at this level, and the SST is barely able to reach it. As a comparison, the amount of noise produced by the type of jackhammer used to break pavement is about 115 decibels near the operator's ears. At these levels, is it any wonder that there should be so much concern about noise?

Concern over noise pollution has been enhanced by recent findings of scientists who state that prolonged exposure to noise can result in serious damage to the human body. Thus not only is such noise annoying and distracting, it can also impair hearing and other bodily functions. Much research remains to be done in this area, and during this time when noise pollution is a worsening problem for all cities, commonsense dictates that we call a halt to any program which might further harm our environment in this way.

In my past consideration of legislation involving commercial aircraft and the airports, I have always kept the wellbeing of those who reside near the airports foremost in my mind. I certainly cannot now justify the expenditure of $1.3 billion of the taxpayers' money on such an unwise project that will actually worsen their situation. For this reason, I shall cast my vote against the SST.

Mr. BRASCO. Mr. Chairman, the question will shortly be before the Congress as to whether or not the Government will continue to finance the private development of a supersonic transport.

Arguments have raged back and forth with increasing intensity. Claim and counterclaim are made with a growing divergence between the various views. To me the choice is plain.

I do not believe that the taxpayers of the United States should be forced to take a $1.4 billion risk that private enterprise is unable or unwilling to sustain.

It is increasingly obvious that a powerful, inextricably intertwined lobby is seeking to siphon this vast sum from the public treasury for the benefit of an aerospace complex that is already in deep financial difficulty because of its own poor judgment and past errors.

The airlines have no desire to have this craft, even if it were brought into being, upon them. Staggering from debts and interest rates incurred by overbuying of large jets, they look with horror upon the costs of this new mastodon of the air.

Yet the aerospace companies affected have attempted to force this monstrosity down the throats of an already balky public.

Who would utilize such a monster? Only the very wealthy. Why do we need such an aircraft? So we can cross the oceans faster and have the extra 2 hours to spend in traffic jams? That is the only use that comes to my mind.

Arguments are put forward by the smoothly functioning, well financed lobby about the Anglo-French Concorde. News from the other side of the Atlantic piles up to the effect that the British and French are stuck with a flying white elephant; a grossly expensive technical disaster that tears roofs off houses near airports, drives people half insane with its roars and shows no sign of ever approaching a financial breakeven point. Mr. Servan-Schreiber's communications of recent weeks are more than a little thought provoking.

Yet to me the ultimate argument centers around the environment as well as about priorities. Expert technical people have again and again raised pertinent questions about what long-term environmental effects this craft or a fleet of them will have upon the world we inhabit.

By daring to have the courage to raise these questions, the environmental groups and their allies have been attacked, maligned and threatened. Their patriotism, judgment, and even sanity has been called into question along with their tax exempt status. Yet all they are doing is asking questions Americans should have begun asking years ago. Before pesticides ran wild, before subdivisions ran amuck, before all the forests were hewn down, before mercury began to be dumped in large quantities, before all sorts of chemical compounds began to be added to our food; ad infinitum, ad nauseum.

American industry has, in the name of technology and progress for progress' sake, perpetrated one atrocity after another upon the Nation, reaping vast profit from public indifference. Now that indifference is at an end, particularly when the very people who will be victimized by their latest little technical gimmick are being asked to subsidize it.

I represent a district in New York City's borough of Brooklyn. My constituents know what they require in terms of transportation requirements.

Mass urban transit that is safe, fast, cheap and dependable. Fewer traffic jams. Less lead in gasoline. Better and safer cars. Subsidies to help the beleaguered city and suburban dweller who cannot move with dispatch any longer in the confines of his own living area.

It is presently impossible for any large number of Americans to move safely, quickly and cheaply on urban mass transit with any consistency anywhere in the Nation. And we are now being asked to subsidize this ridiculous flying boondoggle for the benefit of the SST lobby? Not on anyone's life.

And what about the other national priorities crying out for attention and assistance? What of housing? What of antipollution? What of drug programs? What of the hungry among us? How about our schools and the millions of jobless citizens whose hopes drop lower daily?

Instead of these people's needs, we are asked to approve subsidies for the ultimate in noise pollution. Have any of the SST's proponents walked through downtown Manhattan on an average day? Let them have a treat in terms of noise, and then come back here and ask us for money for a chain of sonic booms stretching across the oceans and land areas.

Howls of anguish are heard on this score. They say they will never, never, never fly across the land routes. This is so much nonsense. All the lucrative routes for any such craft lie across land. If they do not fly such a plane across them, complete with sonic booms that would do nationally what already has been shown in Oklahoma City, the plane would lay an even bigger financial egg than we are assured it will do anyway.

The blather about how many jobs it would create or take with it is just that. Hollow, empty mouthings by public relations men who are frightening apprehensive aerospace workers into lobbying on behalf of the vested interests.

The Russian SST is obviously going to become as great a cropper as the Concorde. Attempts to scare us into massive subsidies because of national pride are as empty as the other claims on behalf of the SST.

My home State of New York already contributes more than $23 billion annually into the Federal Treasury. In return we receive less than $3 billion in Federal programs. I for one am outraged at the thought of having to pay for such a venture. If private industry wants it, then let them pay for it as they have done in previous instances.

Finally, if this atrocity is foisted upon the public in spite of their expressed wishes, then it is my fervent hope that my home city will insure the passage of a measure now pending before the New York State Legislature. It would prevent the use by any SST of any airport facilities in the New York area. Without such privileges, there will be no SST.

Let the forces lobbying on behalf of this incredibly brazen project be aware that this is not isolated opposition they face. The harder they fight, the greater the forces they rouse in opposition to the entire range of attacks upon the environment. Americans have passed the point of no return in regard to awareness of the finite nature of clean air, water, and other irreplaceable resources.

Future SST's and any other projects similar to it will have to run the same gauntlet. Those struggling on behalf of the environment and a restructuring of priorities have tasted victory again and again in recent months. We shall not rest until we have turned this particular parade around. Let those who are immediately affected take note.

Mr. Chairman, under the circumstances, I shall cast my vote against any further subsidy for the SST.

Mr. DANIELS of New Jersey. Mr. Chairman, in the last few weeks my office has been besieged by telephone calls, letters, newsletters, and advertisements both for and against the supersonic transport. I frankly believe that the issue has been so charged with emotion that it is necessary for me to explain why I am voting today to continue Federal financing of the two prototypes.

The Federal Government has a contract to finance the prototypes. Whether a fleet of SST's is finally produced or not, it is my understanding that we are obligated to fulfill the financial terms of that contract. Thus we would save nothing by failing to fund the prototypes.

Many claims have been made concerning the aircraft. Proponents allegedly have spent millions of dollars in newspaper and radio advertising directed at our constituents. While I doubt the propriety of such expensive pressures—which may well have come from Federal funds as have been charged—the plane's opponents have also expended a great deal of time, energy and money in making their case. I have taken the advice of a columnist writing in a recent issue of the New York Times and applied what he called the "mendacity discount rate."

The claims on both sides of the issue have been found wanting.

Mr. Chairman, even assuming the truth and ultimate validity of the arguments of either the proponents or the opponents, it seems to me one fact stands out: If we fail to finish the propotypes, about 14,000 employees, directly or indirectly involved with services and production, would be quickly laid off.

Considering that we are now experiencing one of the highest unemployment rates in the last 25 years, I cannot in good conscience at this time vote to cut off the funds. The Federal Government has not only a legal obligation to the company under the contract, it has an obligation to the workers and the public not to exacerbate an already intolerable employment and economic situation which is not their fault.

Even if the Federal Government reneges on the contract, it is my understanding that we will have to pay the company the same amount we are obligated to spend to complete construction. In voting the way I do today, I have chosen to complete the prototype, whatever its merits, and insure that those now employed in its construction will remain employed and not become additions to the welfare rolls. In fact, according to the administration, if we were to merely stop construction of the plane, we would be handing over to the companies involved upwards of $200 million in cash to bail them out of a program they started and which has caused them to deplete their own capital resources. I do not believe it is the function of the Federal Government to indemnify private industry for mismanaged risks. In this case, I would prefer to utilize the money to insure the employment of those working on the plane rather than to bail out the company.

My vote in favor of building the prototype should not be interpreted as being in favor of the Federal Government's continued involvement with the plane, nor should it be interpreted as even being in favor of the plane itself. The ultimate decision of whether the plane ought to be built must be based on whether there is a commercial market for the final version, rather than on whether somebody else may build it first. I should like to remind my colleagues that in another age the United States put all its resources into the construction and development of fast clipper sailing ships in order to build a sleeker, faster ship before anyone else. Meanwhile, other countries developed slower but steadier steamships which carried more cargo and go to their destination with greater dependability in spite of the wind and at any time of the year. As a result, we had a fancier ship before anyone else. The other countries, with their ugly steamers, however, carried the commerce.

In addition to the marketability question, we must also consider the effect of this plane on the public, many of whom will never be able to afford to fly in it. The noise, the supersonic boom, possible effects on the environment and weather, the pollution and smog all must be weighed against the need to carry 130 persons to Europe a few hours faster.

Therefore, it should be clearly understood that my vote today will not prevent me from taking a fresh look at any future requests for further appropriations as well as Federal restrictions on the plane's use of the public air space.

Mr. DENNIS. Mr. Chairman, for me the vote on the SST is a difficult one.

There are persuasive arguments on both sides, and I have listened to them all and have considered them to the best of my ability.

I set the environment-ecology argument largely to one side, not because it is not important—it is important—but because it is, to my mind, inconclusive and highly speculative in character.

I set the balance-of-payments arguments to one side, for somewhat similar reasons; and I am not willing to spend billions solely for the purpose of artificially stimulating employment, unless the project involved—here the SST—is itself an important and worthwhile objective for public expenditure. Any and all moneys spent for any purpose whatsoever will, of course, create some temporary employment. This can hardly be a determinative argument in respect to the merits of the SST.

The Federal budget is unbalanced; it is a deficit budget. It is deep in red ink. It is an inflationary budget. The SST is costly—and any additional expense makes for bigger deficits and more inflation, or for higher taxes. This consideration weighs against the SST. It may not be determinative if a strong national interest nevertheless demands the expense. A military aircraft, for example, might in some cases be a necessity, regardless of expense. The SST, however, is not a military plane.

In the final analysis it seems to me that there are two determinative arguments.

First. The strongest argument for the SST is the contention that to go ahead with the American SST today, and by means of this appropriation of funds, is essential to the future maintenance of our country's leading position in manufacturing and sales in the field of civil aviation. If I were fully persuaded of this I might well vote to fund the SST. It has not been demonstrated, however, that our foreign competition is itself viable from an economic point of view, or that we cannot in the end compete successfully by means of private enterprise alone.

Second. The strongest argument against the SST—and one which meets my fundamental beliefs—is that public funds ought not to be spent to finance private enterprise or private interest, and that this is a field where private enterprise and private financing should prevail. Coupled with this view is the visceral feeling—despite all the arguments that this is beyond the financial capacity of private enterprise—that private enterprise will, in the end, find a way to the necessary financing if it has to do so, and if in fact the SST can be commercially profitable, as its proponents all say that it can be.

This feeling is heightened when we consider that, on the basis of figures submitted, private industry would only have to find an additional $480 million between now and 1973 to bring the prototypes to completion, than it is contemplated that it would spend if it has continued Government assistance.

Surely private enterprise can find an additional $480 million if there is fair prospect of a profit. If there is no such prospect ought the taxpayer to foot the bill?

I cannot demonstrate in a Euclidian fashion the soundness of my conclusions. But, on balance, I am persuaded, on the foregoing basis, that if the SST is sound American private industry ultimately will build it. If so, I think that is how it should be done; and I am not persuaded that there is an overriding need to vote today to abandon this route in favor of a subsidy which I believe, if granted now, will, in all reasonable probability, be increased in the future and increased again, and yet again.

Mr. STRATTON. Mr. Chairman, I intend to vote against the Yates amendment and in favor of the committee recommendation to continue the SST for the balance of this fiscal year.

Frankly, I had hoped that the committee would come in with a smaller figure for the SST, so that we might slow the program down a bit. But, unfortunately, that recommendation was not made; the only question before us is whether we are going to continue the SST at the present rate or whether we are going to stop the program altogether—immediately—with the loss of some 13,000 jobs in industries, including the General Electric Company, already working on the SST program, and some 50,000 other jobs in industries related to the current SST development effort.

Mr. Chairman, I believe several points need to be made clear. First of all, it ought to be clearly understood that the SST is not a plane for tomorrow or the day after tomorrow. Certainly we do not need an SST today to travel around the world. The 707's, the DC-8's, the 747's, and the other aircraft are filling our current aviation needs at the present time.

But in air travel, as with automobiles, we always have to look ahead to the future. The Model T does not meet our needs today, and so we have constantly sought to develop new and better and more effective models to meet the increasing and more complex requirements of the future. The SST is not being built for the 1970's; it is being built for the 1980's and the 1990's. And if we do not get going now, in terms of technology, to keep America's technical lead two decades ahead, we could find ourselves in real trouble a generation from today.

Second, many people have suggested that this project, desirable as it may be, ought to be financed by private industry, not by the Government. But the fact is that in today's depressed aircraft industry market, the additional necessary funds are just not available. Either the Government furnishes the money, or else the project comes to a full stop.

Besides that, whether rightly or wrongly, we have now spent over $800 million of Federal money on this project already. If we end it today, the termination costs will bring the total to $1.1 billion, with nothing at all to show for our money. If we complete the Government's commitment, it will cost us $1.3 billion—just $200 million more—and we will then have two prototypes that just might succeed in keeping our American predominance in the international commercial aircraft field.

Many people have expressed concern about the environmental impact of the SST. But one thing has come out of this debate today: two prototype planes will not have any adverse impact on our environment, but two prototypes will enable us, as I see it, to find the answers to some of these environmental questions that cannot be fully answered in the laboratory.

And we ought not to forget, by the way, that the present research work on these environmental questions, including the noise factor, is being carried out at the General Electric Research Center in Schenectady, in my district. Just in the past few weeks, they have come up with impressive results in reducing the sideline noise level of the SST engines to a level even below the present 707 jet airplane.

So, Mr. Chairman, I shall support continued research on the SST, and shall oppose the Yates amendment, in an effort to preserve our technology, to keep the jobs we have, to prevent doing anything that, by some domino effect, might depress our great aerospace industry still further. And I intend to cast my vote as an expression of faith in progress and in the future.

Mr. BROYHILL of Virginia. Mr. Chairman, it is with great hestitancy and reluctance that I rise in opposition to the appropriation of additional funds for construction of a supersonic transport prototype. This represents a change in my prior position, is a matter of grave concern to me, and comes as a result of countless hours of study and research on the subject.

I have agreed in the past with the proponents of this project about the desirability of maintaining a leading role for the United States in air travel, the probable benefits to our economy, the fact that the Russians are constructing their own supersonic TU-144 and the French and British are constructing a British-French Concorde, which if successful in production and sales will result in supersonic transports being flown in the stratosphere whether we want them there or not. On the other hand, I do not believe the proponents of the project have effectively and convincingly answered the many questions concerning threats to the environment which could and should be answered by additional research. Futhermore, with development of the jumbo jet 747, I do not believe there will be public demand by a sufficient number of people for supersonic speed in the immediate future to justify the financial investment.

Eventually, of course, it may well become economically feasible. But if so, I am convinced that this vibrant, healthy, free-enterprise system of ours can and will provide the necessary additional private risk capital. Most certainly the more than $800 million of Federal funds we have already committed to this project should represent a sufficient public contribution.

I feel, therefore, Mr. Chairman, that no harm will be done in delaying further Federal participation in this project until more answers can be obtained, particularly when such a large number of the American people are expressing grave concern about it. My vote today is not a vote against progress or against maintaining leadership in the field of air travel, but a vote to stop, look and listen, and then proceed with caution.

Mr. RAILSBACK. Mr. Chairman, proponents of the SST are currently petitioning Congress for $290 million in Federal funding for fiscal 1971. This is approximately $80 million more than what was requested last December to continue development on the SST prototypes for 1971. These additional expenditures will have to be totally subsidized by the Federal Government owing to the severe economic woes of the air industry.

Last year the airlines lost $123 million and their projected loss for 1971 is $192 million. In 1963, when the SST program was first initiated, an agreement was made whereby the Federal Government would be paid back in full after the first 500 SST planes were sold. To date only 122 planes have been ordered and this does not necessarily mean that they will be sold.

Since the SST project was first begun, the costs have doubled the original $750 million guidelines. The complete cost is expected to total $1.8 billion with Federal Government providing 85 percent, or $1.3 billion of it. Now cost experts are estimating that the total expenditures for the SST could go as high as $5 billion and the SST plane is expected to cost between $40 to $50 million each. An additional $30 million has just been spent for experimental testing to reduce the noise level of the SST engines at takeoffs and landings.

I think it is the time to evaluate the Federal Government's priorities in its subsidizing of the SST. We have paid millions of the taxpayers' dollars for the SST already and it is expected to cost millions more before the project is completed.

The SST has not been designed for military purposes, therefore, it is not a question of priority concerning national defense. Neither will the future of the country be dependent on the SST.

Essentially what is being developed is a high-speed plane designed to travel at 1,800 miles per hour—faster than the speed of sound. A trans-Atlantic flight would save the passenger 2 to 2½ hours in traveltime. Primarily the people who would benefit from this are the international travelers and businessmen. This is very impressive, but it would be much more advantageous to build adequate mass transit and improve other forms of transportation which could be used by more people than would be traveling on the SST. There are statistics which indicate that 95 percent of the population will never fly in the SST.

In terms of public needs which now face our Nation, the SST does not meet a high priority. The funds that are being spent for the SST could be channeled into programs such as the housing industry, social security, and welfare reform. I hope the Congress will make a very serious examination of the SST project before they vote millions of dollars more of the taxpayers' money.

Mr. DERWINSKI. Mr. Chairman, I support this appropriation so that work on the supersonic transport may continue without a damaging delay. As one of the members representing Greater Chicago, I do so with my region as well as the basic matter in mind.

Those of us who reside in Chicagoland are very much aware of the importance of transportation. While Washington, D.C., has been the political capital of the United States since the early days of the Republic, Chicago, which is much nearer the center of population, is the transportation capital. No matter how you wish to travel—by land, by water, or by air—we have the most up-to-date facilities for accommodating travels to and from Chicago.

More than a dozen major highways, tollways, and expressways and more than 20 trunkline railroads serve Chicago. Its location on Lake Michigan makes it the link between the St. Lawrence Seaway and the Mississippi River. More than 100 steamship lines serve the Port of Chicago. Twenty-eight scheduled commercial airlines are served by the world's largest and busiest commercial airport which is located in Chicago.

The importance of transportation is, of course, not limited to Chicago—it is important to all 50 States. Our Nation grew in size, population, and wealth as it took advantage, first of the steamboat and the locomotive, then of the automobile, and finally of the airplane.

While helping us to solve the problems of time and distance, the various transportation systems inevitably created new problems. Fortunately, for the well-being of the American people, we did not permit these problems to frustrate us; instead they were challenges to America's inventive genius. We made the rivers navigable, built railroads and highways from coast to coast, and constructed airports.

Improvements in the various modes of transportation made them faster and safer. The outstanding example of a vehicle combining speed and safety is the space capsule that has enabled man to reach the moon. The problem which immediately concerns us, however, is how to enable the ordinary American to travel quickly and safely, not to the moon, but to other parts of the United States and to nations all over the globe.

The critics of the supersonic transport are sincere in their arguments and I am convinced that constructive criticism has helped the aviation industry in building a cleaner and quieter plane as well as a safer and faster one. Some of the opposition, however, has come from ill-informed opponents.

Let us consider first of all the problem of noise. Inasmuch as the supersonic transport will remain at subsonic levels while flying over populated areas, the worry over the damage to people and buildings that might be caused by sonic booms can be calmed. The new planes will travel supersonically—at altitudes between 60,000 and 70,000 feet—only while flying over the oceans and such uninhabited regions as the polar zones.

Next let us consider the problem of pollution. Three automobiles traveling at a rate of 60 miles per hour will emit as much pollutant material as one supersonic transport carrying 298 passengers at 1,798 miles per hour. There are, of course, millions of automobiles in use in the United States every day, most of them in highly congested areas. All the commercial jet transport aircraft presently in existence could stop flying today and the instruments that measure pollution would detect no change in the atmosphere.

We now turn to the problem of weather modification. A fleet of 500 supersonic transports that made five daily flights would produce approximately 200,000 tons of water vapor—about as much as one large thunderstorm. Between 3,000 and 6,000 thunderstorms occur around the world every day. According to the National Academy of Science and the Office of Meteorological Research, a fleet of supersonic planes will have no appreciable effect on the normal atmospheric balance of the earth.

The next question should not be, "Can we afford to build it?", but "Can we afford not to build it?" especially when we realize that foreign countries are already producing similar planes.

France and the United Kingdom, working in partnership, are already building the Concorde, which, while carrying only 128 passengers and flying but 1,350 miles per hour, will be available in 1973. While we are debating the issue, the Soviet Union is building the Tupolev. It will carry 120 passengers, two-fifths as many as the SST, and will fly 1,550 miles per hour, slower than the SST, but with this important difference—it will be ready for use next year, 6 years earlier than the American product.

Soviet experts have predicted that by the year 2000 they will produce an SST which could circle the globe in an hour with a passenger load three times that of any version now being tested.

Obviously, if we decide not to build supersonic transports and foreign nations continue to build them, our balance of trade will be adversely affected.

We could, of course, bar the new planes, but the victims of the embargo could retaliate by barring our planes. Even if banning made sense, we could not persuade Canada to join us in such action.

Both foreign nations and domestic airlines are hoping that we will proceed with the manufacture of the supersonic transport.

Turning on the green light for production of the supersonic transport will benefit not only the aviation industry, which is presently suffering from financial and other difficulties, but also its workers, many of whom are now unemployed. About 150,000 jobs are involved in the SST controversy.

One of the most serious problems that confronts the airlines and one that is very annoying to those who use their facilities is airport congestion. The supersonic transport would help relieve such congestion, as a 298-passenger SST could make 27 New York-London round trips in the same flying time that the new Boeing 747 requires for 10 such round trips.

Air travel became cheaper while it was becoming faster and safer. Although the purchasing power of the dollar decreased 28 percent between 1959 and 1969, the average air passenger fare remained about the same. In terms of constant dollars, air travel in 1969 was 25 percent cheaper than in 1959. Do we want such progress to continue or do we want to force increases in air fares by stifling progress?

Contrary to interpretations that have been circulated, the supersonic transport program is not being subsidized, as were the railroads, highways, and waterways. The Federal Government is not subsidizing, but investing, in the case of the SST. It will receive a royalty of approximately $4,000,000 on each plane that is sold. The first 300 will result in royalties totaling $1,200,000,000, almost as much as the Federal Government's $1,300,000,000 investment. When 500 planes have been sold, the Government will receive an additional $1,000,000,000 as interest. Royalties will continue as more planes are sold.

Mr. Chairman, Presidents Kennedy, Johnson, and Nixon all favored production of the supersonic transport, believing that the airplane is here to stay. Let those of us who have the power of the purse demonstrate our desire for a faster, safer, cleaner, quieter, and, in the long run, cheaper airplane by voting for the pending measure. Let us cast a vote of confidence for the twentieth century.

Mr. HOGAN. Mr. Chairman, for the third time since my election to Congress the House is voting on whether or not we should appropriate funds for the two prototypes of the supersonic transport. In the past I have had sufficient doubts in my mind regarding the economic feasibility of the plane, as well as questions regarding its effect upon the environment, to warrant withholding my support for its funding.

I have attempted to follow the progress of the plane's development and the issues surrounding it and found on each occasion the situation to be changed. In 1970, although I felt the environmental arguments against the SST were being washed out, I continued to be concerned over the effect of this large expenditure of Government funds when other worthwhile programs were being cut to the bone to curb Government spending and rising inflation.

Today, the economic situation is further changed. The economy has slowed to a standstill, the unemployment rate is high and President Nixon has proposed to Congress a deficit-spending budget which it is hoped will revitalize the economy and restore full employment.

In a further attempt to resolve all questions in my mind regarding the economic impact of the program, I have reviewed all available facts and figures, including several current studies, and I have satisfied myself that the following facts are true and pertinent to the decision we will be making—

Over $1 billion has been appropriated to date for the two SST prototypes, as a research and development project.

It would only cost approximately $300 million more to complete the prototypes than to close down the project.

Any stretchout or delay in the funding of the prototypes will result in greater costs to the project.

Government funds are being invested in the prototypes as a loan only, to be repaid with interest. The Government's investment will be recovered when the 300th plane is delivered and the Government will receive an additional billion when the 500th plane is delivered, as well as royalties on additional planes.

World air travel will triple by the 1980's, and, unless the United States develops the SST to compete with foreign models, most of this will be in foreign air carriers.

Commercial air carrier sales by U.S. producers contribute to the balance of payments; in 1970 the United States sold $3.4 billion worth of aerospace products overseas, including $1.5 billion in commercial transport planes alone.

Export of the production SST is expected to create a $22 billion to $50 billion favorable trade balance for the United States.

Cutbacks in defense and aerospace spending in 1970 alone resulted in the loss of 168,000 jobs, and the industry is presently in a serious state of depression.

The SST prototype project provides more than 13,000 jobs directly and when in production will provide 50,000 jobs which would aid in reviving the industry.

The plane is not going to be flown over land at supersonic speeds, thereby voiding the concern over sonic boom. Furthermore, close scrutiny by environmentalists such as Russell B. Train, Chairman of the Council on Environmental Quality, and Dr. William Kellogg, Associate Director of the National Center for Atmospheric Research, and other studies into the environmental effects have concluded that the SST poses no major threat to the environment. The air lines have given assurances that the production SST will meet noise standards and the administration has pledged that, should the plane not get a clean bill of health from scientific research, it will not be produced. As the administration and the aviation industry have acknowledged, we will not really know how economically feasible the SST will be until the prototypes are completed and tested.

The decision we make today appears to me to be whether we want to drop the project completely and write off approximately $1 billion already spent for the prototypes, leaving it up to the industry to come up with the means to complete the prototypes. The delay which would result could greatly reduce the economic benefits to be realized by the United States. Or the decision is whether we want to complete the investment when all the odds appear to be in our favor to derive substantial economic gain for the country on a long-range basis.

My decision is to vote against the crippling amendment and support continued limited Federal funding of the SST prototypes.

I would like to point out that the request for the SST in fiscal year 1971, amounts to about 3 percent of the transportation outlays of the Department of Transportation. The Airport and Airway Development Act of 1970 provides authority for the next 5 years to fund airport development at $295 million per year and airway facilities development at $250 million per year. In fiscal year 1971, the ground transportation category, a $4.8 billion outlay is planned for highways. Urban mass transportation has a $400 million program level in fiscal year 1971 and $600 million in fiscal year 1972 as part of the $3.1 billion authorized over the next 5 years. A revitalization of water transportation is planned with over $400 million authorized in fiscal year 1971 for maritime research and development and for subsidies of ship construction and operation with plans following to construct 30 merchant marine ships a year over the coming decade.

With regard to national priorities, the SST funding represents only about one-tenth of 1 percent of the total fiscal year 1971 U.S. Government outlays. Billions are planned for social and welfare programs. On the other hand, in fiscal year 1971 with trust funds included, support for human resource programs will surpass national defense and account for the largest percentage or about 42 percent of the total year's outlays. This funding supports programs such as education and manpower, health, income security, and veterans' benefits and services.

It is my belief that completion of the SST is an investment in the economic growth of our country that should be made, as other investments must be made to insure the jobs and taxes needed to fund the domestic and social programs of the future.

Mr. WOLFF. Mr. Chairman, I rise in strong support of the Yates amendment, which would delete the $134 million provided for the SST in House Joint Resolution 468.

As has been pointed out repeatedly in recent weeks, we still have not solved the monstrous difficulties and dangers of the SST. We should not continue with its construction while the problems of noise, environment, and economics remain.

The plane as now designed produces a sonic boom that will not be tolerated over land in any country where the inhabitants can vote. On takeoff, the SST noise problem is much greater than with ordinary jets—and though proponents of the program claim that the problem of sideline noise has been "solved" in recent weeks, the noise level will be reduced only from 124 decibels to 108 decibels. Even at this level, the SST would barely reach the interim standard set by the FAA in December 1969, and would be unable to meet the limit of 98 decibels which the National Academy of Sciences has recommended be set for John F. Kennedy Airport in New York by 1975.

The unresolved economic questions associated with the plane are enormous. The president of the American Economics Association, Prof. Wassily Leontief, of Harvard, estimates that the project would create less than 3,000 jobs in the next few years. Certainly no one can deny that there is a serious unemployment problem in this country—but if we are going to create new jobs through "make work" projects, there are many products which are more important than the SST. Housing, improved waste treatment systems, and new health facilities are all urgently needed in this country. We should encourage our scientists and engineers to concentrate their efforts on these vital areas; and if the Government is to fund public service projects, those projects should be geared to meet our domestic needs.

Walter Heller, former chairman of the Council of Economic Advisers, points out that, if the SST is supposed to be such a profitable undertaking, the taxpayer should not have to pay 80 to 90 percent of the development costs—private industry, which will make the profits which are being predicted, should underwrite the project. Paul Samuelson, professor of economics at MIT, says:

> Any realistic cost-benefit analysis will reach the conclusion that . . . Government subsidy of the SST or similar supersonic aircraft is at this stage of technology and economic development both an economic and a human disaster.

With regard to broad environmental questions, the risks the SST would pose to the oceans and the atmosphere are still unknown. In routine operation on the New York to Paris run, planes flying at supersonic speed could cover more than half the North Atlantic with sonic booms of an intensity of 2 to 4 pounds per square foot as often as every half hour during peak travel seasons. The effect on migratory birds, fish, and other marine life, and the ocean itself is still unknown.

The SST will discharge vapor into the thin air of the stratosphere, leading to unknown effects on health and climate. The gentleman from Illinois (Mr. YATES) pointed out in his separate views in the report on House Joint Resolution 468 that prototypes are not necessary to carry out atmospheric research to determine the SST's probable effect on the atmosphere. I, therefore, urge that we have the necessary research conducted, and look at the results, before we continue with this project. We have already discovered the havoc a man can wreak when he pursues technology for the sake of advancement, without assessing the harmful affects of his technological triumphs. To testify to our folly, we have DDT in our fruit and mercury in our tuna; and our lakes are choking from the effects of detergent phosphates. The radiological hazards associated with nuclear powerplants are still unknown.

There is no point in continuing construction of the prototype SST, when there are so many questions about the value of the ultimate product, and so many valid arguments against the project. We should take a good hard look at the possible effects before we pursue a questionable technological goal.

I urge adoption of the Yates amendment, to delete SST funds from this continuing resolution.

Mr. MAILLIARD. Mr. Chairman, disturbed by predictions of environmental and economic disaster, I have scrutinized my previous support of funding for the development of an American supersonic transport. Compelled by the urging of many constituents, I have searched for facts that would justify a reversal of my position.

Most of the arguments against continuing Government support of the SST have not withstood careful examination. They have often been obscured by emotion and supported by inaccurate or unsubstantiated information. Yet some cannot, for lack of conclusive data, be lightly dismissed.

The prospect of a fleet of supersonic aircraft cannot, at this time, be judged all good or all bad. There is much evidence that such aircraft could prove beneficial to our economy. Yet there are disturbing possibilities that such a fleet could have unacceptable consequences.

Environmental opponents of the SST contend that it will generate excessive noise. Furthermore, they fear that the current regulation banning overland flights at speeds that would cause sonic booms will be relaxed should the industry exert pressure to do so. There are also warnings that the amount of moisture introduced into the stratosphere by SST's will significantly reduce the ozone content, thereby dangerously increasing our exposure to ultraviolet radiation and, perhaps, drastically altering the weather.

Experiments on the American SST engine indicate that this aircraft will be quieter than subsonic jets when flying over the community. Excessive sideline noise, however, has not been completely eliminated and there is admittedly no guarantee that the regulation banning overland flights at supersonic speeds will never be relaxed.

Although an SST fleet would undeniably add moisture, and other elements, to the stratosphere, the consequences of these intrusions remain speculative. Proof of adverse effects simply does not exist.

The programs of other nations to develop supersonic aircraft must here be considered. Both the Soviet Union and Britain, in cooperation with France, have already test-flown their versions of the SST. If supersonic flights should damage the stratosphere, our environment will be harmed—whether or not we produce and fly an American product.

It would seem imperative, then, that our prototype phase be completed so that all possible safeguards can be devised. In the event of unsolvable problems, we can confront the nations of the world with valid evidence that an international banning of SST's is required.

Economic questions involve many areas of dispute: balance of payments; employment; Government involvement; and return on the Government's investment, as well as questions involving the profitability of the aircraft in commercial operation.

In regard to maintaining a favorable balance of payments, critics argue that this is not currently a problem and that the impact of the SST could never be sufficient to justify the expense involved in its development.

However, we must consider the fact that foreign countries are now flying, and plan to market their models of the SST. It would be unrealistic to assume that we could retain our 84-percent corner on the free world aircraft market if we fall behind the competition technologically. Moreover, it would be fallacious to assume that a loss of any portion of this vital market would not adversely affect our balance of payments.

Critics contend that the impact of the SST program on unemployment would be negligible. They also argue that the Government would do better to spend such funds on domestic programs.

It must be realized, however, that the Government plans to spend 42 percent of its total budget for human resource programs this year. Yet due to cutbacks in defense spending, our scientific and technological community is faced with an unemployment crisis. A full-scale SST program, contingent on sound estimates of market demand, would relieve this pressing situation. It would not be a "make-work" program. Employment of a wide range of people in the SST program would also have a positive effect on other jobs and help create the revenue required to further increase Government activity in domestic fields.

Some opponents believe that the Government should not be involved in a commercial, profitmaking venture. However, the Government has often provided financial assistance to major transportation programs: railroads; highways; previous commercial aircraft. In addition, the SST proposes to be the first of these programs to return the Government's investment to the taxpayers with interest.

Will the Government recoup its investment in the SST?

Adversaries of the program suggest that the SST will never prove to be a profitable, self-supporting venture, and that the Government will be forced to support production of the fleet. As evidence they cite the production company's inability to present, at this time, a plan showing that adequate private financial backing will be available.

Under the existing contract, royalties are due the Government on every SST sold until the Government has earned 6 percent on its investment. Production of a viable SST would also generate substantial Federal, State, and local tax revenues. As I cited earlier, these funds are urgently needed to help support domestic programs.

The magnitude of possible economic effects that the country could reap from the SST program is a compelling reason to continue examining and refining this aircraft. While there are always risks involved in such undertakings, we cannot ignore the fact that two-thirds of the estimated Government portion of the SST program has already been committed. If the program is abandoned now, an $884 million "downpayment" will have been totally wasted. We will have neither a viable aircraft nor proof that such an aircraft would be contrary to the public interest. In addition, the Government would have to pay substantial closing costs if the program were halted now.

I can only conclude that possible benefits and the importance of resolving disputed issues urge completion of the prototype program.

The authentic hazards of continuation of the SST program must, however, be eliminated. I have therefore introduced legislation that will mitigate problems of: Excessive noise, continued presentation of conjecture as fact—by both sides, and Government assumption of an increasingly greater share of financial responsibility.

The SST represents a technological advance. To insure, however, that it does not betray those it should serve, I have proposed the statutory prohibition of overland flights at speeds that would cause sonic booms to reach the surface. To further protect the public from exposure to excessive noise, my bill stipulates that the SST demonstrate its ability to meet required noise levels before production is inaugurated.

Future decisions regarding the SST must be based on reliable data. Completion of the prototype phase, rather than representing a threat, is a means by which questions can be answered and threatening unknowns resolved. To stimulate compilation of objective data, I have proposed the formation of an independent, interdisciplinary group of non-Government scientists and economists. It would be the duty of this group to monitor all aspects of development of a civil SST and assess each innovation objectively to determine its long-range consequences.

To further insure a concerned public that all evidence will be weighed before actual production begins, my bill would require that the Secretary of Transportation make available to the Congress and the public a report on all aspects of the prototype phase when it is completed.

Not until these two reports have been submitted to and evaluated by the Congress could a single SST be produced, according to a provision of my bill.

If any benefits are to be derived from the SST, the aircraft must prove itself in the competitive market. I have consequently proposed that the major production companies be required to submit a plan showing evidence of adequate private financial backing before the production of SST's is initiated.

To prevent continuous cost revisions and ever increasing appropriations, my bill would place a $1.5 billion ceiling on the amount which the Government could invest in developing the SST.

In conclusion, I express the hope that we can all rise above the emotionalism in which the SST debate has become mired. I am convinced that the overall national interest requires that we determine to do two things: First, proceed with completion of the SST prototypes; and second, reserve final judgment on commercial production until more conclusive data is available.

Mr. BROYHILL of North Carolina. Mr. Chairman, I am opposed to the recommendation of the Appropriations Committee to provide further funding for the SST program for the development of two prototypes, and I feel that this section should be deleted from the bill.

It seems to me that the recommendation to pour more money into this program represents a misplaced set of priorities. Many Federal programs have suffered cutbacks in funds because of the administration's desire to curb Federal spending as an anti-inflation measure. I have generally supported these efforts, and I feel that the level of spending requested for the SST is not in line with them.

One program in which I have had a particular interest is the Hill-Burton program for hospital construction grants. Under the proposed allocation of funds for the current fiscal year, my State of North Carolina's share will be reduced by nearly 20 percent. Surely a program of hospital construction is of more direct benefit to a greater number of people than the construction of the SST.

Proponents of the SST reason that by investing Federal money in this project, the Federal Government will realize profits from royalties on SST sales and taxes. I have studied the record of hearings conducted by the House Appropriations Committee, and I feel there is serious question that private industry will be able to finance the very high cost of commercial production of the SST, even if a successful prototype is developed.

I urge my colleagues to support the deletion of funds for the SST from this continuing appropriation.

Mr. RARICK. Mr. Chairman, I rise in support of the SST funding because I believe in technological advancement, but more so because I support continued U.S. air strength.

Like many other Members, I likewise share concern over the unemployment statistics and the constant partisan use of unemployment figures by some as if an insinuation that we in Congress are not doing everything we can to curb inflation and curb unemployment.

I think very shortly we will be receiving a program labeled the Public Service Employment Act which will be sold to us as a community employment scheme to train the hard-core unemployed by getting them used to working—even if they are doing nothing constructive.

Yet, today, opposing the SST funding program are many of those who are most vocal in spreading the hysteria of unemployment, joblessness, malnutrition, and lack of opportunity. Certainly it seems contradictory to express concern over unemployment and then oppose the SST program.

Had I been in Congress when the enabling act to nationalize aviation was considered, I would probably have opposed it. However, in the present technological race, I am convinced that the SST program is performing a needed vital purpose which because of related scientific experimentation and development will offer many benefits to humanity far exceeding the supersonic aircraft itself.

Additionally, I might add that I much prefer spending tax dollars for salaries for constructive workers rather than rewarding those who produce nothing.

I most certainly urge defeat of the amendment to delete all funds from the SST program and plan to cast my people's vote for continuation of the SST program.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the Yates amendment.

I do so even though I am not one of those who believes that the SST will be the prime instrument which will inevitably bring about irreversible environmental collapse. This issue is so precariously balanced even now that *x* number of Volkswagens added to the highways will probably suffice as the instrument of our destruction as well as *y* number of SST's, and I shall leave it to more competent experts than I to delineate the fatal equation with scientific precision. I simply concede that the SST or, for that matter, the highly touted "airbus" now in the offing, will both make a dubious contribution to the air we breathe.

The most compelling arguments for continued funding of the SST project can be summed up in one word: "JOBS." It would be callous indeed to ignore the unemployment picture, especially in the hard-hit aerospace industry—and pretend that continued funding would have other than a beneficial effect in this industry—and pretend that continued funding would have other than a beneficial effect in this industry. Proponents say it could mean as many as 150,000 jobs, and despite the criticism that this involves a generous use of "multiplier" factors, and that the employment effort is concentrated in a very specialized field, it is not a prospect to be lightly ignored.

If we resort to this means, however, of economically stimulating the depressed aerospace industry, there are certain long-range implications inherent in the course of action we will have embarked upon. One noted Harvard economist has spotlighted these by asking the following question:

> If we overcome some employment or balance-of-payments problems by subsidizing SST development, what happens when the SST demand is fulfilled? Will there be another demand for something to keep this industry occupied and happy?

Prof. Walter Heller predicts that "private producers are likely to return to the Federal well again and again."

A University of Chicago economist, Milton Friedman, puts it succinctly, if tartly:

> Our objective should not be jobs but *productive* jobs and that objective is best achieved by the test of the market, not by government subsidization of "leaf-raking" jobs—and if the SST is not commercially viable, then jobs in producing it are the economic equivalent of "leaf-raking."

Arthur Okun, former Chairman of the Council of Economic Advisers, forecasts the ultimate reduction and absurdam of the jobs argument—

> Used to prove that jobs would be created by a Federal appropriation for digging holes and filling them, or for dynamiting buildings and rebuilding them.

How useful, how viable will be the SST?

Arguments over this are likely to rage for a long time to come, regardless of the outcome of these debates. But I am struck by another observation of Professor Heller's that—

> The benefits (of the SST) will go mostly to . . . travelers for whom "time is money"—

> for whom a 3-hour instead of a 6-hour ocean crossing is meaningful—while the risks and costs will be borne by taxpayers generally (most of whom will never fly an SST).

If we look at the choice before us steadily and unflinchingly, we are obliged to admit that considerations of creating more jobs and maintaining American technical excellence are ultimately focused in the service of that traveler "for whom a 3-hour instead of a 6-hour ocean crossing is meaningful."

Let us not forget that point. We are not voting for continued unemployment in the aerospace industry. We are not voting to concede a technological lead to the Russians, the French, or the British. We are not voting for skin cancer. We are not voting for further environmental degradation.

We are being asked now to vote on continuing appropriations not exceeding $289,965,000 in fiscal year 1971 for SST development based on its own merits and in relation to other outstanding appropriations requests in a rational order of priority.

It is, of course, absolutely essential that we consider SST appropriations in the broad context of national priorities. If this were not a factor, then we could proceed to act favorably at once on all proposals worthy of our immediate attention: Further and more realistic increases in social security; improved care for veterans; increased Federal aid to education; an improved system of national health care; salary increases to members of the Armed Forces to hasten implementation of the all-volunteer army concept and the end of selective service; increased national security; increased Federal aid in the war on crime and drug abuse; better manpower training programs; and so on.

The list is endless and each proposal carries with it its special urgency and demand for priority consideration. The SST has a natural order of priority among these, and it is our task to establish it.

Earlier this week we considered social security increases. The 10 percent this body approved and already signed into law by the President is a lot less generous than many of us had hoped it would be. No one is more buffeted by the cruel blows of inflation than the elderly poor, yet in real terms the raises we voted can amount to as little as $6.40 a month—hardly enough to cover rising medicare costs they have experienced while waiting for us to take action.

There is a genuine crisis in proper nursing care in the Veterans' Hospital in my hometown of Portland. The same problem undoubtedly exists in many of your districts, too. Chairman TEAGUE will tell you that it boils down to appropriations for veterans' hospitals, and I know no one who has fought more compassionately and ably than he to gain the necessary appropriations.

The crisis in education continues to mount. Colleges are failing and the middle-income families, the same ones who are to principally foot whatever bill is forthcoming for SST, are apparently at the bottom of the totem pole in consideration of tax dollars—primarily their own—to aid them in sending their sons and daughters to college.

The son who cannot go to college, of course, is especially vulnerable to the continuing inequity—and iniquity—of the draft—which his parents' hard-earned tax dollars might help eliminate; if we decide on this priority for their allocation.

Meanwhile, many of our citizens, especially the elderly poor exposed to soaring medical costs, are finding, literally, that it is cheaper to die. It would not be, of course, if we assign a proper priority to a system of national health care.

The housing picture has begun to brighten perceptibly in recent months, but all of us realize that we still have a far way to go in realizing the housing requirements of this Nation.

President Nixon himself has said that to keep up with the housing requirements of our exapnding population, we shall have to build the equivalent of a new city of 250,000 persons each month from now until the end of the century. I would hope that we would have the will, the wit, and the wisdom to utilize available and otherwise unemployed skills to the undertaking of so vast and worthwhile an enterprise. And who would deny that the skills are more easily converted from aerospace industry to housing than the opposite direction? If jobs are the most compelling argument for the SST, we had better examine all the arguments again.

I have.

I have examined each of the priority items already discussed and how they will benefit the vast majority of our taxpaying citizens. Relative to how they would be served in concentrating on programs for increased social security, veterans' care, aid to education, housing, youth opportunity, crime-fighting capability, and national security, I find that the requirements of the citizen to whom a 3-hour as opposed to a 6-hour oceanic crossing is meaningful are significantly wanting in priority of our attention.

Mr. RANDALL. Mr. Chairman, I support House Joint Resolution 468. I do so after careful consideration of most recent arguments by both the proponents and the opponents of the supersonic transport.

I have listened to such diverse considerations as the matter of national priorities, the question of balance of trade, the loss of jobs, sonic boom, the effects on the atmosphere, and a lot of others.

I intend to follow the same course I did when this issue was before us last fall, not simply to be undeviating or to avoid being self-contradictory, but because I believe the issues are about the same as they were then and after listening to all of the arguments all over again I have reached the same conclusion.

But regardless of what may have been contemplated in the past, today we are not talking about the manufacture at any time in the future at Government expense of any given number of SST's. We are talking about only two prototypes and the expense of 100 hours of testing. No more. The money provided in section 2 of House Joint Resolution 468 in the amount of $289 million will provide for the SST to be taken out of the realm of speculation and placed into a laboratory status. The U.S. SST is designed to carry 298 passengers as against 128 for the Concorde and only 120 for the Russian TU-144. Ours will have a speed of 1,800 miles per hour as compared with 1,350 miles per hour for the Concorde and 1,550 for the TU-144.

The U.S. SST is a better plane than the TU-144 and the Concorde. We know the world will buy our version if only we get to build it. If the Congress grounds the SST now it will mean the Russians and British and French will literally take over the skies of our world in the years ahead.

Where do we stand timewise so far as our plane and that of the British, French, and Russian competitors? Well, the Russians have their first flight scheduled for October of 1971. The Russians are taking delivery orders now and the British and French are close behind. It is not a question anymore of someone's guess or speculation because the French accomplished a successful test flight in March of 1969. They estimate that in the not too distant future, they can offer their plane for sale. They say they can expect delivery for commercial sale not later than the first few months of 1974.

Foreign competition is only one issue that should be considered. We have heard a lot about the loss of jobs to American workingmen. I would hope that we would not at this time make the job issue the only issue. The SST should not be thought of as only a make-work project. It has a far better justification than that. The real reason for continuing research and development on SST is to assure that our country will continue to be the technological and scientific leader of the world. If we have faith in our scientific community then we should have faith enough to maintain American leadership by voting for continuing technological and scientific advances made possible by SST which will benefit not only our aircraft industry but our entire country, and yes, because of willingness to share knowledge, it will benefit all mankind.

Oh, there are so many arguments which must be considered and answered that it is impossible to consider them in any particular sequence or any relative order of importance. There is the environmental issue. There has been a lot of hysteria brought into the campaign against development or commercial use of supersonic flight. After I have listened to all the evidence I am convinced any additional pollution from supersonic travel will be offset by shorter travel time required by these planes for covering any given distance. I know that our country has an environmental consciousness at the present time but I also know we are continuing to go ahead on research and development in air pollution and much of the money in section 2 of House Joint Resolution 468 will be helpful to the field of antipollution research. I introduced in the last Congress and again in this Congress a measure to prohibit supersonic flight over the continental United States. The facts are the SST will fly at subsonic speed over land and accelerate to 1,800 miles per hour only when it is well over the ocean or over the poles.

Despite the boost to our economy, I would be opposed to the SST if I seriously believed it would be environmentally offensive. I mean by that if I thought that it would be responsible for some of the scare charges that have been made against the plane in recent days. At least two Government studies assure us that even a large fleet of SST's will not threaten the earth's atmosphere. In further consideration of the environmental issue I believe that if there is as much evidence as the critics of the SST suggest then instead of wanting to stop building our SST these same critics should be seeking international abolition of the SST. Unilaterally grounding our own U.S. planes is not enough. But all of us ought to know, and if we are fair with ourselves, do know, there are no environmental risks involved in the proposition to proceed with two SST prototypes.

Another question has been raised of priorities. Mr. Chairman, I think I have had a rather consistent record of voting for programs to try to attain what is regarded as our top national priorities. I have voted for improved health programs. I have voted for increased funding for hospital construction. I have voted in favor of larger appropriations for aid to education and to override the President's veto last year. I have voted for hundreds of millions of dollars to assist environmental cleanup in the field of water pollution. I have supported an increased Federal gasoline tax to build better highways. I have supported urban mass transit.

In proper perspective, Mr. Chairman, it is not a question of having these progressive programs or the SST. Rather it becomes a question of needing both. Soon we will have a $1 trillion gross national product. Surely, we can afford the $289 million provided by section 2 of House Joint Resolution 468. Rather than the either/or approach it is a matter of a balance between the two. We can have both. We have reordered our priorities. Recently we have been spending more on those things we hope lead to social programs. But we must also continue to spend enough money to be sure that the inventiveness, ingenuity, and resourcefulness of our scientific community is not neglected. In other words, we must also maintain American technological leadership.

Someone has asked the question, Just what is at stake in this vote today on House Joint Resolution 468? Is it just a question of $289 million? The answer is an emphatic "No." The reason is that to vote no today means not only the issuance of termination slips to 20,000 aerospace workers. It means a matter of the loss of 150,000 jobs over the next 10 years. It has been said that to stop now means millions and millions of dollars down the drain with nothing to show for it except some incomplete prototypes. At stake is a chance to make $31 billion made up of $10 billion in a favorable trade balance between 1978 and 1990; a $12 billion trade loss avoided between 1978 and 1990, if we continue on now. At stake is $6.7 billion to be lost in State and Federal tax revenues and over a billion in royalties to be made from the sale of our SST.

Without itemizing all of the constituent items in the total, if we stop now most of the total investment of Government contractors and the airlines may be lost. This totals over $1.1 billion, and over and above that is the opportunity or a chance for this country to have $31 billion in benefits in the period from 1978 to 1990. Moreover, if the SST is canceled now, it is not a question of adverse balance of trade alone and tax revenues lost, but it may well be the permanent loss of the world aircraft market.

I know that figures and statistics are confusing and sometimes even misleading. But one thing we can point to that does not require any reference to statistics. That is the fact there is little or no question but that a commercial SST will be built. The only question is who will build it? If we in America turn around and run away from this present opportunity it will be a permanent and irrevocable loss to our country.

Sure there are obstacles to be surmounted in SST construction. Some are real. Others have been manufactured by critics of the SST. Yet, over the years since the time of our Revolution, the American way has been to recognize the obstacles and they find a way to surmount them. We can, I am confident, solve the problems of sonic boom noise and potential pollution.

Reliable economists estimate that in the next 20 years the volume of commercial air travel will multiply six times because of population growth, renewed business activity, increased personal income and more leisure time. At this moment because our American air carriers are faced with the uncertainties of whether our country will meet this newest of air challenges by the Anglo-French Concorde and the Russian TU-144 they have had no other choice but to consider purchase of one of these other model SST's. But that is not the American way.

We know that these airliners will be flying around the world regardless of what is done here in the United States. The age of commercial SST flight is upon us. There is no way to turn back the clock. A vote for the American SST is clearly a vote in the American interest. We must not be left behind in this area of travel development. To vote to retain section 2 of House Joint Resolution 468 is not only a vote to keep America first in commercial SST but it is a vote of faith that we can and will in the years ahead maintain our technological and scientific leadership of the world.

Mr. MIZELL. Mr. Chairman, I rise at this time to again voice my support for American efforts to develop a supersonic transport aircraft.

I am convinced that those efforts cannot be effective or productive unless there is substantial financial assistance from the Federal Government.

Two foreign competitors, the Soviet Union's TU-144 and the British/French Concorde, are being developed solely with government funds, with no financial participation by private companies at all.

In the United States, the Federal Government has for the past 8 years been working as a team member with several of the Nation's commercial airlines and engine industries, and those efforts have brought us almost to the prototype stage of development.

Before I came to Congress, more than $800 million had already been spent to finance those efforts. Regardless of how we vote on this additional appropriation today, another $178 million will have to be spent to cover contract cancellation costs.

For $112 million more, we could have two prototypes in the air, testing environmental effects such as noise and air pollution and conducting other experiments to answer other questions that are being posed today.

With the answers to those questions, based on hard facts rather than theories, we can make a much more knowledgeable decision on whether mass production of the SST is warranted or not.

But if we fail to appropriate these additional funds, we will have sent more than $1 billion down the drain, the questions will still not be answered, the United States will lose the lead in aviation, 150,000 jobs will be lost. This is clearly not the solution to the current controversy over the SST.

On the other hand, if we do continue the project, the result will be the safest, most comfortable and fastest commercial transportation ever devised, a $1 billion return on Government investments, additional billions in tax revenues generated by the SST, and a vital shot in the arm for our ailing aerospace industry.

Surely, we can see that this is the more responsible course. I urge my colleagues to join me in voting for the continued development of an American supersonic transport.

Mr. HARRINGTON. Mr. Chairman, once again the House is being asked to fund the supersonic transport program. The blitz which has accompanied the forthcoming vote has attempted with slick, high-flying propaganda to suggest that the major questions which have hounded this program since its inception have somehow gone away.

In addition to this tactic, I object to the current campaign seeking to brand opposition to Government subsidization of the SST as anti-America.

But all the full-page advertisements, all the tricky little radio spots, all the high-pressure tactics that public relations men can dream up cannot erase the serious problems which militate against the SST.

I am personally concerned with the argument that jobs by the thousands will vanish if the SST is junked. But after careful examination, I am convinced the proponents are misleading Congress on this point.

This is the job picture as outlined by the Department of Transportation with relation to the SST project:

Presently employed	14,000
Presently providing services	40,000
Mid-1971 employment	20,000
Full production employment (1978)	50,000
Full production service employment	100,000

These figures will add up to President

Nixon's full-production total of 150,000, but they are based on two broad presumptions.

One, that the SST will be technically feasible.

Second, that there will be sufficient world market to require 300 to 500 SST's, which is, by the way, in the range which must be sold for the Federal Government to anticipate some payback on the funds which are under consideration.

Taking into account the big competition argument with which the proponents of this plane are drowning Congress, I find it doubtful that 300, much less 500, of the American version of this craft will be ordered.

The employment figures alone would make the ditching of the project seem alarming. But the silent sums do not ask the important question: If the SST program is not continued, will the Government funds presently dedicated to the program not be spent? With the number of critical needs facing this country, I do not expect that these funds will lie fallow.

Federal funds that would be spent on the SST should create as many jobs when spent for manpower programs, or health, or mass transit.

A report of the Democratic Study Group on the SST comments:

> The employment situation depends on the willingness of consumers and businesses to spend their incomes and on the stimulus of Federal budget and monetary policy. If the SST is not produced, airline passengers and airlines will keep spending money in job-creating ways. Even if airlines invest less, adjustments to monetary policy can enable other industries to invest more and thereby create other jobs. The issue is where to spend public funds—not whether to spend them.

That, Mr. Chairman, is the question this House faces.

Will we strap the taxpayers of this Nation to a program that the industry itself will not fund—or will this Nation begin to move to correct the grave ills that those of us who spend most of our time on the ground face daily.

Every poll shows that if the taxpayers of this Nation could speak directly on this subject, they would say "No." That, Mr. Chairman, should clearly be the answer of this House.

Mr. HANLEY. Mr. Chairman, like every Member of the House of Representatives, I have given long and considered attention to the SST issue. In the past, I have supported the requests of both President Johnson and President Nixon for SST appropriations. I am philosophically in agreement with the contention that the supersonic aircraft is the plane of the future and that the United States should be in the forefront of its development.

The Federal Government has already made a substantial investment in the SST, and I would hope that the remaining investment can be generated from private capital.

There are considerations present in this round of debate on the SST which were not necessarily so weighty in past debates. Certainly one of the most compelling is the question of priorities. I believe that the SST is important, but I also believe that there are much greater needs within the transportation field itself; for example, the development of mass transit systems for urban and metropolitan areas. There are other areas of pressing public need which have a much higher priority on public funds than the SST. Environmental protection, urban and rural community development, narcotics control and rehabilitation, law enforcement, health and education, to mention a few.

If we are sincere in our declarations about establishing meaningful priorities, we must exercise responsibility and make hard choices.

It is impossible to ignore the weight of testimony from concerned environmentalists. The United States already has a supersonic aircraft resting in an air museum, I refer to the B–70. I would assume that this aircraft could be utilized extensively to test and to develop information about the impact of supersonic flight on the environment. The SR–71 is a mach 3 aircraft, and perhaps it would be feasible to employ these planes in the testing phase.

For these reasons, I voted in favor of the Yates amendment to the Department of Transportation appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Yates, Edwards of Alabama, McFall, and Conte.

The Committee divided, and the tellers reported that there were—ayes 217, noes 204, not voting, 12, as follows:

[Recorded teller vote No. 2]

AYES—217

Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corbett
Coughlin
Culver
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Goodling
Grasso
Green, Oreg.
Griffiths
Gross
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Horton
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jones, Tenn.
Karth
Kastenmeier
King
Koch
Kyros
Latta
Lent
Link
Long, Md.
Lujan
McCloskey
McCollister
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Myers
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pike
Podell
Poff
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Seiberling
Shoup
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Waldie
Wampler
Widnall
Wolff
Wydler
Wylie
Yates
Yatron
Zwach

NOES—204

Abbitt
Abernethy
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brown, Ohio
Buchanan
Burleson, Tex.
Byrne, Pa.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Delaney
Derwinski
Devine
Dickinson
Downing
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Griffin
Grover
Gubser
Hagan
Haley
Hall
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Hébert
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hull
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Kuykendall
Landgrebe
Landrum
Leggett
Lennon
Lloyd
Long, La.
McClory
McClure
McCormack
McDade
McEwen
McFall
McKay
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Meeds
Miller, Calif.
Mills
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Roe
Rooney, N.Y.
Sandman
Satterfield
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Steed
Stephens
Stratton
Stubblefield
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Van Deerlin
Veysey
Vigorito
Waggonner
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—12

Barrett
Crane
Dorn
Dowdy
Edwards, La.
Green, Pa.
Jones, N.C.
Kyl
McCulloch
Rostenkowski
Rousselot
Stuckey

So the amendment was agreed to.

Mr. ANNUNZIO. Mr. Chairman, I voted "aye" by mistake in all the confusion. I want to be recorded as voting "no" and ask unanimous consent that my vote be corrected accordingly.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent to be recorded as voting for the amendment instead of against it. I voted against it, and I ask unanimous consent to correct my vote.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. None of the funds provided by this joint resolution shall be available for the execution of a program for commercial production of a civil supersonic aircraft.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, pursuant to House Resolution 300, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 2, line 7, strike out all of section 2 and renumber the following section.

The SPEAKER. The question is on the amendment.

Mr. BOW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Mr. Speaker, an "aye" vote will be a vote in favor of the Yates amendment; it that correct?

The SPEAKER. The gentleman is correct.

The question was taken; and there were—yeas 216, nays 203, answered "present" 1, not voting 12, as follows:

[Roll No. 25]

YEAS—216

Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Caffery
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corbett
Coughlin
Culver
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Goodling
Grasso
Green, Oreg.
Griffiths
Gross
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Horton
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jones, Tenn.
Karth
Kastenmeier
King
Koch
Kyros
Lent
Link
Long, Md.
Lujan
McCloskey
McCollister
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Myers
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pike
Podell
Poff
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Seiberling
Shoup
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Waldie
Wampler
Widnall
Wolff
Wydler
Wylie
Yates
Yatron
Zwach

NAYS—203

Abbitt
Abernethy
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bell
Betts
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Brown, Ohio
Buchanan
Burleson, Tex.
Byrne, Pa.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Delaney
Derwinski
Devine
Dickinson
Downing
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Gray
Griffin
Grover
Gubser
Hagan
Hall
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Hébert
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Hull
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Kuykendall
Landgrebe
Landrum
Leggett
Lennon
Lloyd
Long, La.
McClory
McClure
McCormack
McDade
McEwen
McFall
McKay
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Meeds
Miller, Calif.
Mills
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Robinson, Va.
Roe
Rooney, N.Y.
Sandman
Satterfield
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Steed
Stephens
Stratton
Stubblefield
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Van Deerlin
Veysey
Vigorito
Waggonner
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

ANSWERED "PRESENT"—1

Latta

NOT VOTING—12

Crane
Dorn
Dowdy
Edwards, La.
Green, Pa.
Jones, N.C.
Kyl
McCulloch
Roberts
Rostenkowski
Rousselot
Stuckey

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Latta for, with Mr. Rousselot against.

Mr. Rostenkowski for, with Mr. Dorn against.

Mr. Green of Pennsylvania for, with Mr. Dowdy against.

Mr. Jones of North Carolina for, with Mr. Edwards of Louisiana against.

Mr. Kyl for, with Mr. Roberts against.

Until further notice:

Mr. Stuckey with Mr. Crane.

Mr. SCHEUER changed his vote from "nay" to "yea."

Mr. LATTA. Mr. Speaker, I have a live pair with the gentleman from California (Mr. ROUSSELOT). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Yates amendment to the SST section of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. JONES of North Carolina. Mr. Speaker, I was unavoidably detained returning from the State of North Carolina on official business. Had I been present, on rollcall 25 I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished majority whip inform the House what is the program for the remainder of the week, if any, and the schedule for next week?

Mr. O'NEILL. At the close of business today, there will be nothing scheduled for tomorrow.

The program for the week of March 22 is as follows:

Monday is District Day, no bills.

Tuesday, funding resolutions from House Administration Committee:

House Resolution 149, Committee on Veterans' Affairs;

House Resolution 175, Committee on the Judiciary;

House Resolution 202, Committee on Armed Services;

House Resolution 210, Committee on Rules;

House Resolution 218, Committee on Merchant Marine and Fisheries;

House Resolution 225, Committee on Ways and Means;

House Resolution 226, Committee on Banking and Currency;

House Resolution 236, Committee on Standards of Official Conduct;

House Resolution 253, Committee on Agriculture;

House Resolution 272, Committee on Education and Labor;

House Resolution 279, Committee on Post Office and Civil Service;

House Resolution 285, Committee on Interior and Insular Affairs;

House Resolution 290, Committee on Interstate and Foreign Commerce; and

House Resolution 301, Committee on House Administration.

House Joint Resolution 223, proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older. Open rule, 2 hours debate.

Wednesday and the balance of the week:

House Resolution 304, Committee on Government Operations investigating authority; and

House Resolution 7, Rural Telephone Bank, subject to a rule being granted.

Conference reports may be brought up at any time.

Any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman from Massachusetts indicate whether there is any more business today and for the rest of the week?

Mr. O'NEILL. There is no further business scheduled for today or for the rest of the week.

Mr. GERALD R. FORD. The program the gentleman from Massachusetts has just read off is the program for next week?

Mr. O'NEILL. The gentleman is correct.

Mr. GERALD R. FORD. I thank the distinguished majority whip.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I would just like to know whether or not, in view of no District business or other listed business for Monday, it is contemplated that there might or might not be any votes, inasmuch as conference reports are eligible at any time. Is the acting majority leader advised by the leadership as to whether or not there is liable to be a vote on Monday? Would the gentleman care to make a commitment and, if so, can it be backed up?

Mr. O'NEILL. It is my understanding that no votes are contemplated on Monday, and no conference reports are contemplated on Monday.

Mr. HALL. Mr. Speaker, I appreciate the statement of the gentleman from Massachusetts. I believe he has the best of intent. I hope it will be borne out better than when some Members demand of the Speaker that votes be taken regardless of prior commitment.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman from Missouri must understand that there is no such thing as an iron-clad commitment. There is always the question of a matter of high priority or a matter of national emergency. I had great reservations about whether or not the vote on Tuesday was a matter of national emergency, but the Speaker was confronted by the chairman of the Committee on Ways and Means and the ranking Republican member of that committee, and they assured him that there was an emergency. The gentleman from Missouri is a Member of this body and he is subject to the possibility of voting on questions of national emergency at any time, regardless of any type of assurance that we might try to make.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the majority leader's going to the microphone and rationalizing the position in which the leadership finds itself for its broken commitment of last week. One can claim national emergency, and that is subject to definition. I am just about as handy with semantics as anyone around hére, if you want to bandy words on that basis. One can claim that the chairman of the Committee on Ways and Means is running the House and is, in fact, the leadership thereof instead of the majority leader. One can claim that the Parliamentarian makes demands on the Speaker to which traditionally he has had to bow. But the final question will come up as to who is the leadership and whether its word is inviolate or not, and whether that word has been broken, be it in the name of expediency or be it in the name of any other rationalizing term that you want to use. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, the colloquy which has just occurred developed the information that apparently there will be no legislative business on Monday next. However, I should like to take this opportunity to announce that in room 340 of the Cannon Building there will be a reception for the wives and families of prisoners of war. This is pursuant to the proclamation of the President that the week of March 21 through March 27 is National Families of Prisoners of War Week. I should certainly hope that every Member of the House on both sides of the aisle would accept the invitation in writing that has now been extended by the distinguished chairman of the Democratic caucus, the gentleman from Texas (Mr. TEAGUE), and myself, and attend that reception at 11 o'clock next Monday in room 340 of the Cannon Building.

ADJOURNMENT OVER TO MONDAY, MARCH 22, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL REVENUE-SHARING PROGRAM FOR TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-71)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

When the early settlers first encountered the American wilderness, a man's mobility was dependent upon his strong legs and the sharp axe with which he cleared his path. But even in those pioneering times, Americans quickly came to realize that good roads and docks and bridges were community concerns.

Over the years, government has become increasingly involved in improving the Nation's transportation systems, from the building of post roads and canals in the early periods of our history, to the construction of airports and superhighways in recent years. The question we face today, therefore, is not *whether* government should participate in transportation matters, but *how* government should participate—and *which levels* of government should undertake which responsibilities. These are the central questions I am addressing in this message as I outline a new Special Revenue Sharing Program for Transportation.

GROWING TRANSPORTATION SYSTEMS AND GROWING PROBLEMS

As the demand for mobility has mushroomed and as new means of transportation have been invented in recent years, the size of our transportation system has reached staggering proportions. It has been less than 70 years, for example, since the Wright brothers flew at Kitty Hawk. In that time, our aviation system has grown to the point that last year it served over 173 million commercial passengers and handled more than 4 billion ton miles of air freight. An open field with a wind sock was a sufficient airport for most communities only a few decades ago. Today many airports are cities in themselves and air traffic is controlled by highly sophisticated electronic systems.

At the turn of the century there were only 8,000 automobiles in America. By 1920 nearly 8 million cars traveled our highways and today we have more than 100 million registered vehicles which travel over one trillion miles annually. The people of our Nation are driving more than twice as many automobiles as they did just 20 years ago.

These two technological developments—the airplane and the automobile—give dramatic evidence of both the successes and the failures of American transportation. The automobile and the airplane are mechanized masterpieces. The highways and airports which they use are often glowing displays of America's engineering genius. But behind the mystique of jet travel and the convenience of the family car lie serious problems that have been growing more acute in recent years.

The airplane means fast travel over great distances, to be sure. But it also can mean harmful noise and air pollution, congested terminals, misplaced luggage and airports that are difficult to reach. Highways that speed motorists between cities can become long and narrow parking lots where cars are stalled for hours within urban areas. It often takes longer to move by "horseless carriage" across our major cities today as it did by horsedrawn carriage a century ago. Efforts to improve this situation by building new highways often have the effect of destroying neighborhoods and disrupting lives. It is estimated, moreover, that automobiles are responsible for almost half of our air pollution—a growing problem that is slowly choking our central cities.

And there is another serious problem, as well. For with our heavy investment in automobiles and air transportation has come a sharp decline in rail passenger service and in public mass transit systems.

The first electric street car lines and the first subway appeared at about the same time as the automobile and, like the automobile, they grew in popularity during the first quarter of this century. In 1905, local urban transit systems carried 5 billion passengers. By 1926, ridership had more than trebled, but that was the peak of mass transit's popularity—except for a brief period during World War II. After 1945, public transit ridership, revenue and service declined steadily. In 1950, there were still some 1,400 urban transit companies operating 87,000 vehicles and carrying 17.25 billion passengers. By 1970, however, there were 327 fewer companies and 25,500 fewer vehicles carrying only 7.3 billion passengers.

Public transportation has been caught up in a vicious cycle of increasing costs, rising fares, shrinking profits, decreasing quality, and declining ridership. Ironically, this decline in mass transit has come at the same time that the need for fast, convenient, economical public transportation has become greater than ever before. This Nation has the technology to provide such transportation. If we can move three men a quarter million miles to the moon, then surely we can also find ways to move millions of men and women over short distances in our cities. This is another of the great transportation challenges of our time.

HOW HAVE THESE PROBLEMS BEEN MET?

All of these problems—pollution, congestion, inefficiency, and the lack of sufficient mass transit services—have been recognized for years. And for years the Federal Government has been working to alleviate them. In the past two years, this administration has recommended a number of new programs to improve American transportation. As a result, we now have an accelerated program to develop urban mass transit systems, new authorizations for the expansion and improvement of airports and airways, and a quasi-public corporation to operate a national rail passenger system.

It is clear, however, that more money and more regulations alone will not solve our transportation problems. Nor will they make the Federal Government more responsive to local needs and local aspirations. It is equally clear that the established relationships among Federal, State and local governments are unsuitable for achieving the goals we pursue.

What are those goals? They can be usefully described under the general heading of "balanced transportation."

ACHIEVING BALANCED TRANSPORTATION

A balanced transportation system is essentially one that provides adequate transportation not just for *some* of the people in a community but for *all* the people in a community. A balanced system also recognizes that an individual can have different transportation needs at different times. Such a system treats speed as only one of the factors in the transportation equation and does not ignore the importance of other qualities such as comfort, safety, and reliability.

Despite our technological capacity, we do not enjoy a fully balanced transportation system in modern America, particularly in our larger cities. We have relied too much in our cities on cars and on highways; we have given too little attention to other modes of travel. Approximately 94 percent of all travel in urbanized areas is by automobile, yet only about 25 percent of our people—especially the old, the very young, the poor and the handicapped—do not drive a car. They have been poorly served by our transportation strategy.

DISTORTIONS CAUSED BY MATCHING REQUIREMENTS

One of the most disturbing elements in the present transportation picture is the fact that such inequities have often been reinforced and even precipitated by the Federal Government. One reason is that Federal dollars have been relatively easy to obtain for highway building but more difficult to obtain for other transportation purposes. The Federal Government now pays 90 percent of the costs for a new interstate expressway, for example, but only 67 percent of the costs for a new mass transit system and only 50 percent of the costs of building an airport. It is little wonder that State and local planners are encouraged to cover the landscape with ribbons of concrete. Such distortions of local priorities are among the major problems that this administration is seeking to correct.

EXCESSIVE FEDERAL CONTROL

But local priorities are not only distorted by Federal requirements concerning matching funds. Local determinations of what is needed most must constantly yield to Federal judgments about what a local community should do with the money it receives from Washington.

The Federal Government has a great influence on the particular *mixture* of transportation spending in any locale, for it carefully allocates so much of its money for one kind of transportation and so much for another. Each program is funded separately—and even at the State and local level, different agencies frequently administer monies which are designated for different purposes. As a result, it is extremely difficult to achieve sound intermodal planning of comprehensive transportation systems. There is no single place where sufficient resources and authority are available for making wise choices between various transportation alternatives. Nor can anyone effectively coordinate investments in any one mode of transportation with efforts in other transportation fields. We err, in short, by treating the transportation challenge as a series of separate problems rather than as a single problem with many interrelated parts.

The hard fact is that the best mixture of transportation modes is not something that remote officials in Washington can determine in advance for all cities, of all sizes and descriptions, in all parts of the country. Nor do the Federal officials who grant money for specific projects understand local needs well enough to justify their strong influence over how local projects should be planned and run.

As I have contended in a number of messages to the Congress in the past two years, our society has become too complex and too diversified to profit from such highly centralized control. This is not to deny that improving our transportation systems is a national concern. It *is* a national concern and that is why it should continue to be funded in part from Federal tax resources. But the specific manner in which any city or metropolitan area goes about achieving this goal is *not* something that can be most effectively determined at the Federal level. In fact, transportation needs are among the social and economic factors that vary *most widely* from one place to another. That is why many of our Federal transportation programs can profit so much from conversion to the Special Revenue Sharing approach.

Community organizations, concerned individuals and local units of government should not have to shout all the way to Washington for attention. Community standards and community transportation goals are changing and some of those who only five years ago welcomed the prospect of a new highway or airport are now protesting in front of bulldozers. Transportation planning and appropriations mechanisms must be flexible enough to meet the challenge of changing community values. This flexibility can best be achieved by concentrating more decisionmaking power in the States and the localities.

The purpose of Special Revenue Sharing is to focus Federal resources on major public problems and at the same time maximize flexibility of choice at the State and local level. The Special Revenue Sharing approach provides an ideal means for addressing national problems that have local solutions.

A SPECIAL REVENUE SHARING PROGRAM FOR TRANSPORTATION

The proposal I am submitting today would establish a new Special Revenue Sharing Program for Transportation. In simplest terms, this program means returning Federal tax dollars to States and to local communities for investment in transportation—without the usual Federal controls and restraints. It signals a philosophical return to the days when the man who best understood the local terrain was the man who blazed the trail.

FUNDING

I propose that the Special Revenue Sharing Program for Transportation become effective on January 1, 1972, and that it be funded initially at an annual level of $2.566 billion. All funds that would be included in this new program would come from twenty-three existing Federal grant-in-aid programs which are now grouped under five major headings: Urban Mass Transit Grants, Airport Grants, Highway Safety Grants, Federal Aid for Highways (but not the Interstate System), and Highway Beautification Grants. The size of these programs in my proposed budget for Fiscal Year 1972 is as follows:

	Millions of dollars
Urban mass transit	$525
Airport grants	220
Highway safety grants	130
Federal aid for highways (except for the interstate system)	1,625
Highway beautification grants	66
	2,566

The money for these programs presently comes from three different funding sources: general tax revenues, the Highway Trust Fund and the Airport and Airway Trust Fund. The two trust funds were established so that money could be collected directly from those who use highways or airports—through special taxes on gasoline and on air tickets—and then used to improve the related transportation mode.

This principle would continue to be observed under Special Revenue Sharing. In the first year of operation, Special Revenue Sharing money would be drawn from the two trust funds and from general revenues in the same proportion as under the existing categorical grant system, though it could be spent as the localities see fit. After that, however, the portion of the Special Revenue Sharing Program for Transportation derived from the trust funds in any year would equal the portion of the program that was used for highways and for aviation-related purposes in the preceding year. Thus the money in the trust funds would still go to achieve the general purposes for which the funds were established. General funds would pay for all other transportation activities.

The National System of Interstate and Defense Highways would not be included in this Special Revenue Sharing Program. This 42,500-mile system is now 74 percent finished and is scheduled for completion in 1978. The Interstate highways that have been built under this program have helped to open America to new dimensions of intercity travel. The system has advanced the cause of highway safety while at the same time permitting unparalleled individual mobility. In my judgment, it would not be in the national interest to alter the basic funding mechanism for the construction of this system at this time.

Although all Special Revenue Sharing funds would be assigned to governmental units, the recipient government could, in turn, channel the funds to private enterprises which meet public transportation needs. This would include the many urban bus systems that are privately owned and operated.

No State or local matching funds would be required under this program. The Federal Government would not rigidly apportion funds among a variety of narrow transportation programs nor would it approve specific local projects. Thus the Special Revenue Sharing Program for Transportation would stimulate State and local governments to take the initiative in meeting transportation needs, to experiment with new and more creative projects, to listen to local opinion and to mobilize local energies which are often stifled under present arrangements.

I would emphasize in addition that each State would receive at least as much money from the new Special Revenue Sharing Program for Transportation as it has been receiving under the current categorical grant programs. Each State would thus be "held harmless" against any reduction in the overall level of support it receives from programs which become a part of this Special Revenue Sharing fund.

TWO FUND ELEMENTS

The Special Revenue Sharing Program for Transportation would consist of two elements, one for General Transportation activities and one for Mass Transit Capital Investment.

GENERAL TRANSPORTATION ELEMENT

The General Transportation element would total $2.041 billion for the first full year of revenue sharing. This money could be spent for the planning, construction, acquisition, improvement, operation and maintenance of a broad spectrum of transportation systems and services, including highway, aviation and mass transit.

The money in this General Transportation element would be distributed in the following manner: Ten percent would be allocated among the States and localities at the discretion of the Secretary of Transportation. This money would be used to encourage planning, to fund research development and demonstration projects, and to finance other activities related to the development and implementation of national transportation objectives.

The remaining 90 percent of this General Transportation element would be allocated to the States according to the following four-part formula: 25 percent of this remainder would be distributed according to the ratio of each State's *total population* to the total population of the United States; 35 percent would go to States according to the ratio of their *population in urban places* (over 2,500 in population) to the Nation's total population in urban places; 20 percent would be given out according to the ratio of the *geographic area* of each State to the total area of the United States; and the remaining 20 percent would be allocated according to the ratio of each State's *star and rural post route mileage* to the total of that mileage in the country.

This formula, which resembles formulas which are used under current categorical grants, would provide the best means for distributing Special Revenue Sharing funds in a similar pattern as under the present system. In addition to the guarantee that it would be held harmless against any reduction in support, each State would be guaranteed a minimum allocation of one-half of one percent of this General Transportation element.

As I have noted above, a percentage of the General Transportation element would be distributed among the States according to their share of the Nation's population that lives in urban areas. Each State would be required to pass along its share of *this* money directly to its communities of more than 2,500 persons to spend as their local governments think best. If we are to restore confidence in local government then we must give public officials at the local level a reasonable opportunity to make sound plans and courageous investment decisions. This means that they must be able to *rely* upon a certain amount of funding. Our "pass-through" formula is designed to provide this needed assurance.

MASS TRANSIT CAPITAL INVESTMENT ELEMENT

The second part of the new Special Revenue Sharing fund is the Mass Transit Capital Investment element—which would total $525 million for the first full year. This money would be distributed to each State according to its share of the Nation's population that lives in Standard Metropolitan Statistical Areas (SMSA). An SMSA is defined as an area which contains a central city or cities with an aggregate population of 50,000 or more and those surrounding counties which have a metropolitan character and are socially and economically integrated with the central city. There are 247 such areas in the United States.

Eighty percent of the funds in this Mass Transit Capital Investment element would be distributed according to each State's share of the Nation's population that lives in SMSA's of *over one million persons*. The remaining 20 percent would be allocated according to each State's share of the Nation's population that lives in SMSA's of *less than one million persons*. Every State would be guaranteed a minimum allocation of $250,000.

In the Mass Transit Capital Investment element as in the General Transportation fund element, I propose that a portion of the funds be passed through the States directly to urban areas. Of the 80 percent distributed to States on the basis of SMSA's of more than one million in population, I proposed that half go directly to the local governments within these SMSA's to spend for mass transit purposes as they see fit. The other half of this money would also have to be spent within these same larger SMSA's, but it would be spent at the State's discretion. Currently, there are 33 SMSA's with more than a million persons in the United States and these are the areas that would automatically receive "pass-through" funds for Mass Transit Capital Investment.

In 1969, I submitted to the Congress a proposal for establishing an Urban Mass Transportation Assistance program. The passage of that legislation helped to create a significant momentum for the rejuvenation of public transit systems. I feel very strongly that this momentum must not be lost and that is why I propose that a part of this new Special Revenue Sharing Program for Transportation be devoted to this purpose.

I believe that this Mass Transit Capital Investment element would assure continued support and enthusiasm for mass transit initiatives. It would also provide fast relief for many systems which now suffer from inadequate equipment, allowing them to undertake the essential work of modernization without further delay.

COMBINING OLD AND NEW STRENGTHS

Special Revenue Sharing would strengthen our transportation efforts in many significant ways without sacrificing the strengths of our present programs. Any transportation project that is working well today could be continued, and in all probability expanded, under the new arrangements. While narrow grant categories would be eliminated, none of the programs which they now support need be discontinued if the State or locality believes they are worthwhile.

In recent years, governments at all levels—and private groups and individuals as well—have become more sensitive to problems such as transportation safety and the environmental impact of transportation. Our whole society can be proud, for example, of the fact that there were no fatalities from commercial airline accidents in the United States last year. We can be grateful, too, that despite increasing traffic on our highways, automobile fatalities in 1970 decreased significantly for the first time since 1958.

We have also become more alert to the effects which transportation has on the beauty of the landscape and the quality of the environment. Our traditional economic concerns have been complemented by our growing esthetic concerns and the result has been a strong effort at all levels of society to improve the quality of American life.

There is no reason why growing sensitivity on matters such as safety and environmental quality should not continue to grow under this new Special Revenue Sharing program. State and local governments, after all, have often been particularly responsive to citizen pressure in these areas and they have frequently acted as bold pioneers in meeting these concerns. I am confident that as more responsibility is given to governments closer to the people, the true and abiding interests of the people will be even better reflected in public policy decisions.

I would emphasize again, as I have in presenting each of my revenue sharing programs, that there could be no discrimination in the use of any of these monies. All of the funds included in this Special Revenue Sharing Program for Transportation would be subject to the provisions of Title VI of the Civil Rights Act of 1964.

THE IMPORTANCE OF PLANNING

No transportation system—on the national, regional, or local level—can serve the public with maximum effectiveness unless there is a great deal of cooperative planning between various modes of conveyance and between various levels of government. A multitude of government jurisdictions, public authorities and private companies must learn to work closely together if our needs are to be met in a comprehensive manner. The legislation I present to the Congress will therefore require that transportation plans be developed in coordination with the development plans prepared under my proposed Special Revenue Sharing Programs for Urban and Rural Community Development.

RECOGNIZING DIVERSITY

Just as each unique individual has unique transportation problems, so do cities, States, and other governmental jurisdictions. The single most important fact about our Special Revenue Sharing Program for Transportation is that it recognizes this diversity. It combines the resources of the Federal Government with the flexibility of State and local governments. It provides the best way to meet the problems which diversity implies by utilizing the energies which diversity produces.

RICHARD NIXON.

THE WHITE HOUSE, *March 18, 1971.*

DIVERSION OF DOT TRUST FUNDS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, I think it is appropriate during this debate on a supplemental appropriation for the Department of Transportation to call attention of my colleagues that virtually every fixed-base operator in general aviation throughout America has registered his indignation over the diversion of aviation trust funds collected for capital improvements and spent for administration last year under the Airport and Airway Development and Revenue Act of 1970.

To many aircraft owners, to their friends, to employees around the many airports of America this action was a breach of trust and one which demands correction. Now, we are called upon to vote for an additional $2,398,000,000 as a continuing deficiency appropriation for a Department that appears to be doing a less and less satisfactory job and I think Members would be interested in this matter. It is an outright breach of trust. The Department of Transportation dipped into the till to use for its administrative purposes the moneys that were collected under a law passed by this Congress and specifically earmarked for airways and airport improvements only.

Following is an excellent summation of this sorry case. It was prepared by Mr. Robert E. Monroe, congressional liaison officer for the Aircraft Owners and Pilots Association. I submit it today in the hopes that my colleagues will consider it well before just voting willy-nilly another vote by rote. A shrugging approval of this $2¼ billion will be another step in the pell-mell road to ungovernability which seems to be in store for us. The patterns of voting about which I formerly addressed this House and which are apparent in this very debate today on the SST should not be continued in this Congress.

The article follows:

DIVERSION OF AVIATION TRUST FUND TAX REVENUES

P. L. 91–258, the Airport and Airway Development and Revenue Acts of 1970, as a study of the hearings, reports and debates will reveal, was justified and enacted because extensive capital investments were considered to be essential and needed to be made as quickly as possible to alleviate an existing crises in air commerce and prevent it from becoming worse as air traffic continued to increase in the future.

Administration witnesses, as well as others, placed great emphasis on the need for immediate action to expand and improve the nation's aviation system.

Special taxes were imposed upon selected users of the airport and airway system to finance this expansion program and a trust fund was established to make sure that these special tax revenues were available and used for that purpose.

Since enactment of the law, the Administration has not followed through as it should. It has delayed action. It has managed to divert tax revenues from their intended purposes. And it has confused the issue as much as possible.

It is true that Section 208(f) (1) of the law is written in such a way that trust funds may be appropriated and expended for day-to-day routine expenses of the Federal Aviation Administration for administration, operations, maintenance, research and development, as well as for capital investments for expansion and improvements, but the approach pursued by the Administration is neither in full conformance with the entire language of the law or the spirit and rationale for its enactment.

Section 208(f) (1) (A) is the first of three subsections dealing with expenditures from the trust fund for aviation purposes. It specifically refers to "title I of this Act" and the reference is principally to Sections 13 and 14 which authorize expenditures.

Section 14 is particularly important since it contains the largest authorizations and states the ground rules for their application. Note that this language authorizes "not less than" $250,000,000 and $30,000,000 respectively, a total of $280,000,000, for development of two categories of airports for each of the fiscal years 1971 through 1975; "not less than $250,000,000" for purchase, installation and improvement of airway facilities each year for the same years; and authorizes only "The *balance* of the moneys available in the trust fund" to be used for administrative, maintenance, operations, research and development expenses. (Emphasis supplied.)

In other words, at least $530,000,000, more if needed, but at least that much, must be devoted to capital investment in airport development and airway facilities and only whatever amount remains may be used for routine purposes.

Thus, it appears to us that, Section 208 (f) (1) must be read and interpreted in the light of the requirements contained in Section 14. The Administration has not done this. Instead, it has relied solely upon the language of Section 208(f) (1) and imposed its own ideas, rather than those of the law, as to the amounts which should be allocated to the purposes set forth in subsections (A), (B) and (C) of that section. As a result, the basic objectives of the law have been frustrated and tax revenues intended for capital investment in airports and airway facilities have been diverted to finance routine expenses of the FAA.

The first application under this law went to Congress as a request (H. Doc. 91–408) for supplemental appropriations for F.Y. 1971, almost six months after the law was signed on May 21, 1970. This was not very expeditious action in response to what had been described as a "pressing crisis."

Parenthetically, it must be noted that the regular Transportation appropriations bill (H.R. 17755) was already in process, had passed the House on May 21, 1970, still awaited action by the Senate, contained an appropriation of only $190,000,000 for airway capital investment, and also, in prospect of enactment of P.L. 91–258, carried a provision which had the effect of limiting potential contract authority obligations for airport assistance to $220,000,000, the amount which the 1971 Budget said would be requested if the airport-airway legislation and aviation user taxes were enacted. The Administration delayed and did not so request.

Instead, the supplemental message requested only $10,000,000 for airport planning pursuant to Section 13 in contrast to the maximum allowable authorization of $15,000,000.

With respect to airport development pursuant to Section 14, the message indicated that only $100,000,000 of the $840,000,000 authorized in contract authority would be used and requested only $40,000,000 in contract liquidation cash instead of the $280,000,000 authorized for such liquidations. Thus, in no case could the requirement for the use of "not less than" $280,000,000 for airport development in F.Y. 1971 be met.

With respect to investment in airway facilities pursuant to Section 14, the message requested only $36,000,000, in addition to the $190,000,000 already in the regular bill, making a total of $226,000,000, instead of the $250,000,000 required by the "not less than" phrase.

The Administration proposed to use the difference between the amounts requested and the amounts required, $264,000,000, for routine expenses. The message also completely restructured the appropriation accounts in a very confusing but hardly essential way.

Congress did not permit the FAA to completely restructure its accounts in the manner requested and limited diversion of trust funds appropriated in the Supplemental Appropriations Act of 1971 (P.L. 91–665) to $6,000,000 in the routine operations account.

However, in dealing with the regular bill for Transportation Appropriations for 1971—which still has not been enacted, though operations are permitted until March 30, 1971 under the terms of a continuing resolution (H.J. Res. 1421) according to the compromises reached in the Conference (H. Rept. 91–1730)—Congress allowed diversion of another $28,000,000 to finance anti-hijacking guards on airline aircraft; an activity which may be justifiable in itself but which does not seem to come within the scope of the activities authorized or intended by P.L. 91–258. Moreover, Congress denied an Administration request for a tax increase to cover the cost of these guards.

The second request under this law went to Congress January 29, 1971, in the President's Budget for F.Y. 1972. Again, the FAA restructured the appropriation accounts in the manner previously denied.

The Budget requests full funding of airport planning grants pursuant to Section 13 at the $15,000,000 authorized.

With respect to airport development pursuant to Section 14 however, the Budget indicates that contract authority obligations will be administratively limited to $205,000,000 and the request for liquidating cash for these contracts is only $92,000,000. Again, the minimum requirement of "not less than" $280,000,000 will not be satisfied unless Congress decrees otherwise.

With respect to airway capital investment pursuant to Section 14, the Budget requests $274,000,000 which meets the minimum requirement and picks up the shortage from the previous year.

Thus, the total capital investment in airports, including airport planning grants, and airways requested by the Budget amounts to $381,000,000 in contrast to the minimum required of $530,000,000 exclusive of airport planning.

The Budget requests that the entire balance of tax revenues in the trust fund be allocated to routine expenses.

The balance in the trust fund is substantial. Due to the treatment of the 1971 appropriations outlined above, the Budget shows a balance carried forward from 1971 of $402,500,000 in user tax revenues. Trust fund revenues for 1972 from existing user taxes are estimated at $673,000,000 making with the carryover a total of $1,075,500,000. The Budget also envisions enactment of the additional taxes to support anti-hijacking guards, previously denied, for another $53,000,000. This addition would make a total of $1,128,500,000 in tax revenues.

The Budget is clear that the Administration intends to exhaust the trust fund completely for it shows no ending balance for 1972. This means that $1,128,500,000 minus $381,000,000 or $747,500,000 of user tax revenues is to be used for day-to-day operations and expenses of the FAA. It also means that $188,000,000 which should have been used in 1972 alone for required capital investments in airport development will not be so used or preserved for such use.

If we aggregate the amounts for the two years, 1971 and 1972, we find the cumulative results even more abusive. As pointed out above, the law calls for minimum annual expenditures for airports and airways of $280 and $250 millions respectively, and if we add the $15 millions for planning grants these total $545 million per year or $1,090 million for the two year period. Omitting the book-keeping recycling of previous appropriations, FAA will use only $475 million for these purposes during the two year period while collections of existing user taxes will total $1,247 million. The total diversion of funds which should be used for capital investment will amount to $615 million. Even counting the amount appropriated from the general fund last year for airways investment, in order to place the best possible face on the entire capital investment program, the total capital investment in airport planning and development and airways facilities would only amount to $677 million and the program would still be short of the total intended by $413 million.

Further verification of this state of affairs is provided by the fact that in the 1971 Supplemental request, the FAA asked for an appropriation, which was denied, from general funds to the trust fund of $576,989,000 to make up the difference between trust fund tax revenues and what the FAA intended to spend from the trust fund, whereas in the 1972 Budget the request is for only $293,144,000 for this purpose even though the intended spending level is some $200,000,000 higher.

It is clearly apparent that aviation trust fund tax revenues have been diverted from the purposes intended by the law which imposed those taxes and that the DOT/FAA are incorrect in their view of the matter. It is also apparent that the Administration intends to pursue this course unless prevented from doing so by Congress.

If the Administration will not administer the law in the manner intended, the law and its accompanying taxes should be repealed.

NEED FOR DEVELOPING A METHOD OF EXAMINING THE CROSS IMPACT OF MANY PROGRAMS ENACTED IN CONGRESS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, recently, an incident in my district demonstrated to me the need for developing a method of examining the cross impact of many of the programs we enact in Congress. This could be done either through a legislative or executive mechanism. I strongly suspect that in some cases one Government program cancels out the impact of another program. It also appears that one Government agency, working to implement its programs, can have a detrimental effect on other Government agencies and the overall well-being of the Nation and its economy.

The specific incident that brings this to mind concerns a manufacturer of raincoats in Boston. This case is of serious consequence in the Boston area because of the many people involved, but it is also important as an example of the complexities of our Government.

This company, Blauer Manufacturing, was located in Boston for many years, was a large manufacturer and had a skilled and stable labor force. The employer was under union contract with the International Ladies' Garment Workers' Union for 30 years.

For the past several years, Blauer Manufacturing has been cutting down its Boston work force and opening up production facilities in other areas. Finally, they completely closed the Boston factory and terminated all of its workers. The move was a shift from an area of higher wages to an area of lower wages.

The reason I am discussing this particular case is that Blauer Manufacturing produced rainwear, a product which was purchased almost exclusively by various Government agencies. The largest purchases were made by the Defense Department. The purchase policy under which this rainwear was acquired is that of making contract awards to the lowest bidder.

Of course, we all support economy in Government, but this is false economy that ends up costing the Government more in unemployment compensation, lost taxes, and training and retraining programs. Whatever benefits this firm may have derived from the move away from the Boston area, and whatever harm to the work force, the immediate cost to the Government is obvious. Whereas the Defense Department as a separate entity may have economized, Government as a whole is losing a great deal more than these small and illusionary savings. Unemployment compensation has to be paid to those people who lose their jobs, and in this period of high unemployment, it seems likely that other jobs will not be easily found.

During this period of decreased earning or no earnings, the Government loses revenue because these former taxpayers no longer have income on which to be taxed. There are various manpower programs for which many of these people would be eligible and of course that will cost money for job training in new fields.

All levels of government, local, State, and Federal, will lose revenue because of this move, and it is all caused by a Government policy that is supposed to save money—that is awarding contracts to the lowest bidder. But if we award these contracts without examining the practices of a firm that may be injurious to a local community or to the national economy, we are perhaps not pursuing the most economically feasible course. By making cost the sole factor, we are, unwittingly, encouraging firms to move from higher to lower wage areas, to pursue policies that injure employees, create unemployment, and multiply many costs of local, State, and Federal Government.

The purpose of this policy is to save money, but if one agency of Government saves money by multiplying other costs of Government and the demands on other agencies' resources, then the people and its Government as a whole have not saved money.

With this particular example very much in mind, but also with an eye to the ramifications of this practice multiplied all over the country, I suggest that the Congress of the United States should make a much more thorough investigation of the purchasing policies of the Department of Defense. What should be taken into consideration is how those policies affect unemployment and indirect costs to Government.

When unemployment is increasing in so many parts of the Nation, in so many sectors of the economy, I think it is imperative that we begin this now. I think what we are seeing is a policy that removes jobs from one area of the country and takes them to another. There are no new jobs created, and if the move is for lower wages, tax money is lost as well as the loss from unemployment compensation and other benefits.

I think it is extremely important that we do not accept apparent savings that may indeed be actual losses.

REPRESENTATIVE CEDERBERG COSPONSORS LEGISLATION WHICH WOULD ENCOURAGE STATES TO ESTABLISH ABANDONED AUTOMOBILE REMOVAL PROGRAM

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I am a cosponsor of H.R. 5646, legislation which would encourage States to establish abandoned automobile removal programs. I believe this type of program is needed now and I want to take these few minutes to expand on the provisions of this measure and to describe how it can help solve a very difficult environmental problem.

In a recent flight over one of the small counties in my congressional district, approximately 2,500 to 3,000 derelict automobiles were spotted. Undoubtedly there were many, many more which were not located due to deep snow. This situation is not unique to Michigan or Mecosta County. I have driven through many parts of the United States and these heaps of metal stick out like a sore thumb. This littering of the American landscape can no longer be tolerated as it is a constant drain on our natural resources.

The crux of the problem is that our smaller counties and cities throughout the Nation do not have the funds to finance a project of the magnitude it would take to clear away these eyesores. I believe Mecosta County is typical of many others across the Nation whose citizens have recognized the problem and want to do something about it. The citizens of this county have made a valiant effort to solve the problem on the local level, with local funds; however, in spite of their hard work, they are unable to continue the project due to the lack of funds.

In relating their story I hope that I can demonstrate the need for action on H.R. 5646. Mecosta County is a rural county of native beauty, of splendid streams and lakes which its citizens set out to protect. Their stated goal was, "Getting these junked vehicles back into productive use via the scrap route."

Appeals were made through local newspapers for public support and assistance. They employed 4–H groups, Boy Scouts, and other youth groups, setting a $2 fee for every old car they could get county residents to donate to the cause. It was at this point that several legal problems arose: How to find the legal owner of the car and transfer the title to the State so that the junked car could be recycled. My bill provides that the Secretary of the Interior shall prescribe regulations for effective means of transferring titles of abandoned automobiles to a public agency or private business which will dispose of such automobiles.

Another major problem is the machinery that will be needed to crush the old cars into a compact unit, which is then loaded on a tilted bed winch truck and hauled to a commercial reclamation center where the metal would be reclaimed for further use. My legislation would offer rapid amortization tax benefits to scrap processors who install modern, more effective equipment with which to reduce old cars to reusable scrap. In this way the local units of government will not be strapped with the high cost of providing this type of machinery.

In the case to which I have been referring, the county had access to the recycling equipment but as the officials informed me, "We have the depot sites ready throughout the county but what we need is equipment to transport cars to these sites." H.R. 5646 provides that the State removal plan should include means for the prompt removal to scrap-processing facilities of all abandoned automobiles in the State.

Mr. Speaker, I want to stress one more time that action on this legislation is absolutely necessary and that the need is not restricted to one area of the country. Passage of H.R. 5646 would greatly benefit not only individual districts but the Nation and its citizens as a whole.

TO EVOKE DISCUSSION AND CLOSER STUDY OF A REVENUE-SHARING FORMULA

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, last Wednesday—March 10—in a discussion of the administration's general revenue-sharing plan, the esteemed dean of the California delegation (Mr. HOLIFIELD) included in his remarks a table which I had developed showing relative projected per capita allocations for cities within Los Angeles County.

This little study has caused a good deal of interest and, for this reason, I would like to place in the RECORD at this point a slightly revised and more accurate version of what was a rather hastily prepared document designed to show broad comparisons more than fine details.

I think that the table has served its primary purpose, which is to evoke discussion and closer study of a revenue-sharing formula which results in glaring inequities such as are so readily evident. I welcome suggestions as to how these inequities can be eliminated if, in the end, we do adopt the administration formula substantially as it has been proposed.

The revised document follows:

PROPOSED ALLOCATIONS TO LOCAL GOVERNMENTS UNDER THE NIXON ADMINISTRATION'S GENERAL REVENUE SHARING PLAN

[Prepared by Congressman George E. Danielson (California, 29th)]

	Per capita allocation	Total allocation	1970 population	1960 median income
County of Los Angeles	$9.13	$64,206,019	7,032,075	$7,046
Commerce	47.78	503,444	10,536	5,827
Beverly Hills	24.30	811,871	33,416	11,977
Long Beach	20.05	7,191,917	358,633	6,570
Signal Hill	19.29	107,696	5,582	5,542
El Segundo	19.17	299,479	15,620	7,783
Santa Fe Springs	19.15	282,446	14,750	6,986
Culver City	15.90	493,526	31,035	7,862
Santa Monica	13.78	1,216,458	88,289	6,845
Los Angeles	12.33	34,721,456	2,816,061	6,896
Pasadena	12.31	1,394,982	113,327	6,922
Burbank	11.54	1,025,646	88,871	7,757
Redondo Beach	10.40	583,003	56,075	6,880
San Fernando	9.71	160,843	16,571	6,270
San Marino	9.29	131,736	14,177	16,728
Covina	9.11	276,732	30,380	7,865
Alhambra	8.82	547,751	62,125	7,185
South Pasadena	8.70	199,868	22,979	8,245
Montebello	8.52	364,808	42,807	7,351
Pomona	8.45	738,348	87,384	6,585
Monrovia	8.35	250,752	30,015	6,630
Glendale	8.19	1,086,770	132,752	7,563
Arcadia	8.04	344,649	42,868	9,526
Huntington Park	7.98	269,186	33,744	6,285
Inglewood	7.84	705,899	89,985	7,764
Hawthorne	7.78	414,937	53,304	7,645
Torrance	7.54	1,015,296	134,584	8,050
Azusa	7.39	186,393	25,217	6,501
Whittier	6.87	500,857	72,863	7,740
Manhattan Beach	6.86	242,343	35,352	8,289
Gardena	6.82	279,643	41,021	7,741
Hermosa Beach	6.72	116,967	17,412	7,050
Palos Verdes Estates	6.64	90,555	13,641	10,000
South Gate	6.24	355,214	56,909	6,892
Sierra Madre	$6.12	$74,277	12,140	$8,172
South El Monte	5.82	78,266	13,443	4,834
Monterey Park	5.70	280,398	49,166	7,650
San Gabriel	5.60	163,323	29,176	7,814
Claremont	5.59	131,089	23,464	8,188
Downey	5.35	472,828	88,445	8,265
West Covina	5.23	355,537	68,034	8,580
Glendora	5.08	159,226	31,349	7,557
Compton	5.06	398,012	78,611	6,256
El Monte	4.98	348,099	69,837	6,559
Rolling Hills Estates	4.90	29,538	6,027	10,000
La Verne	4.84	62,742	12,965	6,013
Bell	4.70	102,521	21,836	6,438
Lynwood	3.90	169,036	43,353	7,182
Maywood	3.63	61,772	16,996	5,951
Lakewood	3.15	261,316	82,973	7,600
Bellflower	3.02	155,561	51,454	6,834
Duarte	2.84	42,475	14,981	6,810
Palmdale	2.72	23,178	8,511	7,325
Paramount	2.60	90,232	34,734	6,230
Baldwin Park	2.57	121,711	47,285	6,186
Pico Rivera	2.52	136,372	54,170	7,069
La Mirada	2.34	72,013	30,808	
La Puente	2.31	71,690	31,092	6,718
Norwalk	2.11	193,616	91,827	7,015
Lawndale	1.89	46,895	24,825	6,303
Artesia	1.87	27,598	14,757	5,732
Rosemead	1.81	74,169	40,972	6,924
Hawaiian Gardens	1.73	15,200	8,811	
Bell Gardens	1.71	50,021	29,308	5,567
San Dimas	1.67	26,196	15,692	
Lomita	1.64	32,449	19,784	6,194
Temple City	1.42	42,259	29,673	7,782
Cudahy	1.31	22,315	16,998	

ARMS LIMITATION IN LATIN AMERICA

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, according to some observers, newspaper readers in Washington are better informed and more exacting than media audiences in some other urban centers of our country. They are also exposed to more bad news.

It is for that reason that Mr. Louis H. Diuguid's story in yesterday morning's edition of the Washington Post provided such a refreshing and exciting contrast to the news which we are accustomed to digesting with our breakfast coffee.

The story, filed in Bogotá, Colombia, describes the Colombian President's proposal for an OAS review of military expenditures in Latin America with a view to arriving at a regional arms limitation agreement.

This is exciting news, indeed; for if our neighbors to the south can demonstrate self-restraint and self-denial in the area of military spending, could not their example become the turning point in the world armaments race?

Mr. Speaker, I believe that President Misael Pastrana Borrero is to be commended for his daring proposals—and the foreign ministers of our hemisphere, who will be meeting next month in San Jose, Costa Rica, should be urged to give him the thorough consideration that they deserve.

The Colombian proposal singles out three areas of military expenditures for particular study of the OAS system. They include—

First, the influence of unnecessary military spending on economic and social development of the countries of our hemisphere;

Second, expenditures on arms which, because of their excessive cost and clearly offensive nature, are disproportionate to the requirements of internal security and could, by common agreement, be eliminated; and

Third, the adoption of the principle of proportionality between the arms, territorial area, population, and economic potential on the one hand, and the basic requirements of national security on the other hand.

Mr. Speaker, these proposals may be said to flow from, and certainly are consistent with, the declaration of the Presidents of the Americas, drawn up at Punta del Este, Uruguay, in 1967.

In my view, they are to be welcomed and supported.

I sincerely hope that the U.S. delegation to the forthcoming meeting of the OAS General Assembly will address itself to this matter with the energy, enthusiasm and openmindedness it deserves.

For the information of my colleagues, I should like to place in the RECORD a translation of the Spanish text of the Colombian arms control proposal.

MEMORANDUM FROM THE MINISTER OF FOREIGN AFFAIRS OF COLOMBIA

1. The Declaration of the Presidents of America drawn up at Punta del Este, Uruguay, in 1967 dealt amply with the problem of the Latin American Common Market, the incorporation into our hemisphere of the benefits of scientific and technological progress, and the fundamental role of the utilization of all resources in order to promote economic and social development.

2. The presidents of America also expressed "their intention to limit military expenditures in proportion to the actual demands of national security in accordance with each country's constitutional provisions, avoiding those expenditures that are not indispensable for the performance of the specific duties of the armed forces and, where pertinent, of international commitments that obligate their respective governments."

3. The foregoing statement was the object of the recommendation contained in chapter VI of the declaration of Punta del Este concerning the elimination of unnecessary military expenditures.

4. Colombia feels that the moment has come to study measures that will implement the intentions of the presidents of America. Unquestionably, this is not a case of speaking of disarming Latin America, in view of the internal security needs of each country, as well as the commitments of mutual assistance deriving for each of them from the obligations of the Inter-American Treaty of Reciprocal Assistance of Rio, but is rather a

matter of studying the problem of unnecessary military expenditures with relation to:

A. The influence of unnecessary military expenses on economic and social development;

B. Arms which, because of their excessive cost and clearly offensive nature, are disproportionate to internal security, could, by common accords, be eliminated.

C. The adoption of a criterion of proportionality between the arms, territorial area, population, and economic potential on the one hand, and the basic requirements of national security on the other hand.

Undoubtedly, these questions cannot be examined immediately without a thorough study of the problem, and for that purpose it would be advisable to establish a special committee, on which all the member states of the Inter-American system would be represented and which would submit specific proposals to the regular general assembly of the Organization of American States next year.

5. To this end, Colombia wishes to place the following topic before the regular general assembly of the Organization of American States, to be held in San Jose, Costa Rica, beginning April 14 of this year: "Study of measures designed to implement chapter VI of the Declaration of the Presidents of America, issued at Punta Del Este, Uruguay, in 1967, for the elimination of unnecessary military expenditures."

6. At the same time, Colombia believes that it is essential to obtain the fullest possible cooperation from all the states forming part of the Inter-American system to support the inclusion of the topic in the agenda of the Inter-American general assembly and to study gradually the measures that will contribute to the implementation of the purposes of the Presidents of America concerning the elimination of unnecessary military expenditures in Latin America, as an encouraging factor for peace and economic and social development.

7. Colombia is earnestly engaged in an undertaking for social progress and economic development and does not wish to invest in arms any more than is needed to meet its real requirements for national security. Hence, it is ready to cooperate with the member states of the inter-American system in studying the most appropriate procedures and solutions, in harmony with the desire of the nations of this Hemisphere to improve their present standards of living.

8. This proposal is consistent with Colombia's steadfast adherence to the principles of international law and, especially, the free determination of peoples, and its fervent desire always to utilize the procedures of peaceful settlement of international differences. In its judgment, the strengthening of the inter-American system requires an irrevocable commitment to the maintenance of peace in the Americas and a greater effort to limit unnecessary military expenditures that endanger economic and social development.

9. Colombia awaits with interest the replies or comments that the governments of the members states of the regional organization may wish to make on the proposal for the presentation and discussion of the aforementioned topic, as set forth in this memorandum.

LEGISLATION TO INCREASE THE AMOUNT A PERSON CAN EARN AND STILL OBTAIN SOCIAL SECURITY

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, today, I am reintroducing legislation which would remove the limits on the amount a person can earn as wages and still obtain social security benefits. My bill would also provide that once a person reaches 65 and has paid into social security for at least 30 years, no social security taxes will be deducted from his pay.

Under the present law, one can earn as wages a maximum of $1,680 without a reduction in social security payments. Earned income above that figure decreases one's benefits. One dollar in benefits is withheld for every $2 that is earned between $1,680 and $2,880 but above $2,880, $1 in benefits is withheld for each dollar in earnings.

As you know, a person must work for 30 years in order to be eligible for full social security benefits. Many of our older citizens have worked for these 30 years but wish to continue to work on a full- or part-time basis. Yet do they not deserve to receive their social security benefits?

In 1936, when the Social Security Act was passed, the old age survivor's insurance program was established. The original concept was that this was to be an insurance program in order to provide supplemental income for our senior citizens. If this is to be an insurance program similar to that which is available in private industry, the same principles of equity should apply. Thus, the income limitation should be removed.

In private industry or even the military, a person can retire and continue to received earned income from some endeavor without any reduction in one's benefits. This is a matter of equity which they have built up over numerous years of service.

In researching the reasons for the original implementation of this limit, I found the economic conditions of the time to be the cause. The Government was trying to encourage our older citizens to retire and make room in the labor market for younger men. In a time of depression, this was considered a very feasible way to reduce high unemployment. These conditions no longer exist today. In many of our industries, the experience and knowledge of our senior citizens would be appreciated and is needed. Furthermore, many of our senior citizens feel that they should not be forced to live out their last years in idle complacency when they would rather work and attempt to do something useful.

Another great inequity which is imposed on our older citizens is that if they choose to continue to work even though they paid into social security for over 30 years, they must continue to pay social security taxes on the money they earn. Thus, the working elderly are being discriminated against on two counts. In my opinion, this tax is equal to a "penalty tax."

Most of these elderly who are still working have been paying into social security since its inception. Thus, every month they continue to work, they reduce the Federal Government's liability to provide them with the benefits they more than deserve.

Therefore, as part of the legislation which I am introducing, I have included a provision which would prevent social security taxes from being deducted from the pay of a person who has reached 65 and has paid into social security for at least 30 years.

This House, last year, passed a bill which would guarantee an annual income to all citizens whether or not they wish to work. I cannot see how we can logically guarantee an income to people who may refuse to work and then turn around and penalize those who have worked for over 30 years in order to receive their full social security benefits.

For this reason, Mr. Speaker, I hope that my bill is promptly enacted into law.

DEMOCRATIC STEERING COMMITTEE REORGANIZED

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, the House Democratic steering committee held its organization meeting this afternoon. Representative RAY J. MADDEN was reelected as chairman while Representative SPARK M. MATSUNAGA was reelected secretary. John E. Barriere was reappointed as executive director.

The committee voted to hold regular meetings during the 92d Congress on the first and third Wednesdays of the month at 2 p.m.

The committee agreed unanimously that in the future the committee would keep in continuous contact with the chairmen of the various legislative committees so as to assist the majority leadership in better apprising the Democratic Members of the House as to content and status of the legislative program.

SUPPORT FOR ATLANTIC UNION RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today, support for the Atlantic Union Resolution has reached a record high. For the first time since the resolution was introduced over 20 years ago, the number of sponsors in the House of Representatives has topped 100. The additional resolution which I am introducing today is sponsored by 21 Members of the House. They are:

WILLIAM A. BARRETT, Democrat of Pennsylvania.

BOB BERGLAND, Democrat of Minnesota.

HUGH L. CAREY, Democrat of New York.

FRANK M. CLARK, Democrat of Pennsylvania.

ROBERT J. CORBETT, Republican of Pennsylvania.

HAMILTON FISH, JR., Republican of New York.

THOMAS S. FOLEY, Democrat of Washington.

William D. Ford, Democrat of Michigan.

Martha W. Griffiths, Democrat of Michigan.

James M. Hanley, Democrat of New York.

James Harvey, Republican of Michigan.

Torbert H. Macdonald, Democrat of Massachusetts.

John Melcher, Democrat of Montana.

Lucien N. Nedzi, Democrat of Michigan.

Robert N. C. Nix, Democrat of Pennsylvania.

Claude Pepper, Democrat of Florida.

Ogden R. Reid, Republican of New York.

Philip E. Ruppe, Republican of Michigan.

B. F. Sisk, Democrat of California.

Henry P. Smith III, Republican of New York.

Samuel S. Stratton, Democrat of New York.

This brings to 105 the total number of Representatives who have this year cosponsored identical resolutions urging the exploration of Atlantic Union.

I am confident the list will lengthen. In ensuing days, I anticipate that additional resolutions will be introduced by other Members. In addition, several Members have informed me that, while they have not become sponsors of the resolution, it has their support and will receive their vote.

Support for Atlantic Union also is growing across the Nation. On February 26, 1971. The Des Moines Register editorialized:

> The major arguments for Atlantic union have been political and economic. It could be a gigantic nucleus of political strength. It could be a huge co-prosperity sphere as a common market with a single currency, a single banking system and union-wide opportunities for employment and sales and purchases.
>
> Representative Jim Wright (D-Tex) has also added a new argument. The Atlantic countries consume 80 per cent of the world's annual production and cause about 80 per cent of the world's population. "If we can find an effective way to attack these problems together," he said, "there is much that we can do for the future of the human race; but it cannot be done through any existing institution."

The Register reminded its readers that:

> President Nixon in 1966 (then a private citizen) made a strong statement in support of a very similar resolution to the House Foreign Affairs Committee. "It is fitting," said Citizen Richard Nixon on September 1, 1966, "that the United States, the world's first truly federal government, should be the main force behind the effort to find a basis for a broad federation of free Atlantic nations."

The Register then asked rhetorically:

> Does President Nixon in 1971 still see the issue as Citizen Nixon did in 1966?

The Cincinnati Enquirer, which has spoken out in the past in favor of the Atlantic Union resolution, did so again on March 11, 1971, and that editorial follows:

Atlantic Union—Again

> There is no longer a great deal of news value in the introduction of the Atlantic Union resolution in Congress. It has occurred in every congressional session since 1949. The news lies in the circumstance that each year finds a larger and more broadly based group of legislators supporting the resolution.
>
> The original sponsor was Sen. Estes Kefauver (D-Tenn.), who later became the Democratic Party's vice-presidential nominee in 1956. This year no fewer than 71 representatives are urging favorable congressional action. They come from both parties, from 25 states and from every region of the country. Ohioans among the sponsors are Reps. Charles A. Mosher (R) and Thomas L. Ashley (D).
>
> In essence, the Atlantic Union resolution calls for the creation of an Atlantic Union delegation of 18 eminent Americans to meet with similar delegations from the other nation identified with the North Atlantic Treaty Organization. Together the Atlantic Union delegates, in the language of the resolution, would explore the possibility of agreement on:
>
> "A declaration that the goal of their peoples is to transform their present alliance into a federal union.
>
> "A timetable for the transition to this goal.
>
> "Democratic institutions to expedite the necessary stages and achieve the objective in time to save their citizens from another war or depression, and let them enjoy, as soon as possible, the greater freedom and higher moral and material blessings which federation has brought free people in the past."
>
> Any plan devised by such an assemblage of delegates from the Atlantic nations, of course, would be subject to approval by the constitutional processes of the nations involved.
>
> The Atlantic Union idea had its origins in the fertile, creative mind of Clarence K. Streit, who, during the span between World Wars I and II, covered the League of Nations for the New York Times. As the menace of Nazi Germany grew unchecked, Mr. Streit was struck by the manner in which the Western democracies were dissipating their strength and influence by failing to act together. The product of his concern was a book, "Union Now." Later when Hitler had overrun most of Europe, he produced another volume, "Union Now with Britain."
>
> The supporters of the Atlantic Union idea see an arresting parallel between the democracies of the contemporary world and the individual states of the United States in the years immediately following the revolution—states that were bound together by nothing more than a "league of friendship." Only when their freedom was imperiled by internal quarrels and external threats did they see the prudence of establishing a federal union to make them one nation. The federal-union idea became, in consequence, the United States' most distinctive contribution to the world of political thought.
>
> It seems only logical that there should now be a formal effort to determine whether the same principle has any applicability to today's world.
>
> The Atlantic Union resolution, which has earned the support of political figures ranking from former Sen. Eugene J. McCarthy (DFL-Minn.) to President Nixon and from Gov. Nelson A. Rockefeller of New York to Sen. Barry M. Goldwater (R-Ariz.), opens doors the free world can ill afford to see remain closed.

YATES AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Vander Jagt) is recognized for 5 minutes.

Mr. VANDER JAGT. Mr. Speaker, I am pleased to insert in the Record at this point a telegram from Michigan's Governor, William G. Milliken, in support of the Yates amendment. The telegram follows:

> Lansing, Mich.,
> *March 18, 1971.*
>
> Hon. Guy Vander Jagt,
> *Longworth House Office Building,*
> *Washington, D.C.:*
>
> I understand the debate and vote on the Supersonic Transport will be coming up shortly in Congress. Although many of the environmental questions now appear to have answers, most will take large additional sums of money and research. The SST program is clearly one of misplaced priorities for limited tax dollars. There is a much greater need for research and development on short take-off and landing aircraft and rapids transit systems which would provide an equal number of jobs in our economy. I am opposed to further spending for SST development at this time and therefore urge you to vote yes on the Yates amendment.
>
> Gov. William G. Milliken,
> *State of Michigan.*

DISTRICT OF COLUMBIA FOOD STAMP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Harsha) is recognized for 15 minutes.

Mr. HARSHA. Mr. Speaker, the Washington Post last Tuesday joined the chorus of those complaining about recent improvements made in the food stamp program jointly by the District of Columbia Department of Human Resources and the U.S. Department of Agriculture. I think the Congress should be aware of some key facts involved in this situation so that the progress the food stamp administrators have made is not obscured by well-intentioned, but misleading news stories and editorial writers.

Following a joint request by the Food and Nutrition Service—the agency within the Department of Agriculture which administers the food stamp program—and the District of Columbia Department of Human Resources, the Agriculture Department's Office of Inspector General conducted a special audit of the District of Columbia program. Both agencies were concerned about long delays involved in the certification process and the very high number of irregularities incurred in over-the-counter issuances of authorizations to purchase food stamps.

The auditors quickly became aware that significant numbers of recipients were obtaining duplicate authorization cards and, therefore, multiple issuances of food stamps. In June of last year alone, the overissuance of food stamps in the District of Columbia approximated $50,000. Based on that information, the program administrators clearly were obligated to take corrective actions. After lengthy exploration of a variety of alternatives, Federal and District of Columbia officials agreed on the new system which became effective February 1.

The new system is designed to provide the card needed to buy stamps within 3 days. A new application is checked the evening of the same day it is received to insure that the applicant is not already participating in the program. The food stamp authorization card is mailed the next morning. In emergency cases where the processing and mailing delay will create hardship, the District provides a small cash allotment to cover the period until the authorization card is received. During the first month of the new system, these emergency payments amounted to a little over $5,000. The early estimate of $33,000 per month erroneously repeated as fact by the Post was obviously grossly overstated.

Neither the Department of Agriculture nor the District of Columbia Department of Human Resources claims that this is the perfect system. Continuing efforts are being made to improve the current process, and a major project has been initiated to establish a model food stamp program within the District. One thing is clear, however: The current system is a vast improvement over the previous one, and the efforts of community leaders should be directed toward supporting and accelerating the positive steps which are being taken.

Finally, the Post editorial suggests that the distribution of free food demonstrates that large numbers of people are going hungry. It seems to me more likely it demonstrates that one can always find a market for free goods.

EXTENDING LIFE OF REGIONAL COMMISSIONS UNDER PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan, Mr. RUPPE, is recognized for 5 minutes.

Mr. RUPPE. Mr. Speaker, I am today introducing a bill to extend the life of the five regional commissions originally created under title V of the Public Works and Economic Development Act of 1965. These commissions are: The Upper Great Lakes Regional Commission, the Four Corners Regional Commission, the Ozarks Regional Commission, the New England Regional Commission, and the Coastal Plains Regional Commission. The current authorization for these commissions will expire on June 30 of this year.

Mr. Speaker, President Nixon has offered the Nation a comprehensive program of Special Revenue Sharing for Rural Community Development. I laud the President's concern and effort. I believe he is the first President to concentrate national efforts to stem the migration from rural America to the urban centers and to give this vast segment of the Nation equal opportunity for better jobs, better education, and improved community environment. Certainly, any success we realize in meeting the urban crisis will necessarily entail the concurrent strengthening of our nonurban economy.

I support the President's program for rural America. By sharing Federal resources with the State and local governments, the President will have broadened the scope of aid to rural communities and families. At the same time, we will have given those States and communities enough flexibility to deal with local problems more effectively.

My bill today will add to the President's program the Regional Commissions. I do not believe that these commissions are at all incompatible with the concept of Special Revenue Sharing. These commissions, including the Appalachia Regional Commission, were created because the Congress recognized that special problems existed in certain identifiable areas. These problems were not confined to single States, and they were of such magnitude that they require a multi-State approach, including multi-State or regional planning, and special or supplemental resources over and beyond those already available under existing Federal and State programs.

I believe that those special problem areas still exist, and that Congress, in establishing a comprehensive program for all of rural America, must take particular account of these economically lagging areas. I am convinced that these regions still require the special consideration that Congress gave them in 1965.

In fact, the regional commissions as they exist today constitute a viable form of Federal revenue sharing. They utilize Federal funds to provide better regional planning and to augment existing programs within their prescribed areas. Decisions on the use of these Federal funds are not made in Washington. Rather, these decisions are made by the Governors of the States involved, who are regional cochairmen. Not only are these decisions made at the State level, they are greatly facilitated by the built-in flexibility which the Congress envisioned in establishing the commissions. This, incidentally, is the same kind of flexibility to which President Nixon addressed himself in his Rural Community Development message to the Congress.

There is a key provision of the regional commission authorization which I would like to discuss here. This is known as "maintenance of effort." Briefly, it states that commission resources are not provided to replace existing State and Federal programs, but to augment them. This is the key to solving regional problems. These regions have been singled out for special attention. The regional commissions were not created to solve those special problems all alone. They were created to add to the regular and Federal effort regional planning and supplemental funding capabilities. Therefore, I find nothing in the retention of the regional commissions which is inconsistent with the President's Special Revenue Sharing approach. The States, in President Nixon's program, will assume the responsibility for all the major Federal efforts to help rural communities. The regional commissions, as they have done in the past, would add to the efforts generated by the various States. They would also assist those States which share similar problems with other States in a given region by assuming responsibility for multi-State planning.

Mr. Speaker, last week, the Senate acted to extend the authorization for the Appalachia Regional Commission, as well as the five so-called title V regions. I do not question the decision to continue the Appalachia Commission; I fully expect that it will be authorized by the 92d Congress. Yet, if we are to continue the Appalachia program recognizing our special responsibilities to that area, then I believe the other 5 regional commissions, which have particular problems of their own, deserve no less attention by the Congress. Not only must we in the House act to extend the lives of these commissions; we must, at long last, fund them adequately so that they can carry out their assigned tasks within the designated areas.

Mr. Speaker, I wish to submit the text of my bill to extend the authorization of the title V regional commissions.

A bill to extend title V of the Public Works and Economic Development Act of 1965 for two additional years

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $255,000,000."

SUPPORT GROWS FOR STUDY OF NATION'S ENERGY PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 30 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, today I have reintroduced my House Joint Resolution to establish a Select House Committee to study the Nation's energy problems. The text of the resolution follows the conclusion of my remarks.

I am particularly pleased to be able to report that joining with me in cosponsorship of the Energy Study Resolution are 94 of our colleagues.

The names of these cosponsors will appear in that portion of today's RECORD devoted to the introduction of new legislation. Therefore, I will not crowd the RECORD at this point by including their names.

However, it should be noted that this is not regional or partisan groups. It is a bipartisan expression of support extending from Maine to California and from Michigan to Mississippi.

This is gratifying but not surprising because almost every section of the Nation faces the continued threat of power shortages during the peak load periods which are coming up this summer.

In fact, the Federal Power Commission warns:

> Some areas of the country may experience power supply shortages this coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads.

This is quoted from the FPC's Preliminary Reports on Summer 1971 Electric Load-Supply Situation which was released February 22.

This report goes on to state:

> Reports filed with the Federal Power Commission by the Nation's major electric utility systems and pools indicate that some areas of the country may experience tight power supply problems during this coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads.

In other words, Mr. Speaker, the expected demands on our Nation's electric power generating capacity are going to be greater, in all probability, than existing capacity can provide. This means, according to the FPC, if everything goes well and there are no breakdowns, shortages of fuel, or unexpected eventualities, then we may just squeak by this summer.

It also means that in all probability there are going to be blackouts, brownouts, power cutbacks, and reductions such as were experienced this past winter, particularly in the New York metropolitan area, simply because everything did not go well and eventualities did occur.

Just what is the outlook for this summer? Well, on a region-by-region basis, it looks something like this, according to the Federal Power Commission.

Northeast region:

> The Power supply of the Northeast Region appears to be better than last summer, however, conditions are considered to be tight.

East central region:

> This region has less than desirable reserves and some utilities or pools may face a tight supply situation this summer if an appreciable amount of the 3,748 megawatts of new capacity scheduled for service before the end of May is delayed.

Southeast region:

> The reserves of this area are less than desirable . . .

West central region:

> This region has less than desired reserves, but the addition of 867 megawatts scheduled for June and July should raise the reserve margin to 6,551 megawatts or 17.7 percent. A number of areas in the region have low reserves and problems could develop if some large units were to be forced out of service.

South central region:

> The load-supply situation of the Region for the coming summer appears to be satisfactory . . .

West region: Without quoting from the FTC report, the situation for the west region for the summer appears to be good.

Thus, we can see that far more than half the people of this Nation could face the threat of serious power shortages this coming summer.

The reason for all this, according to the Federal Power Commission, is a shortage of adequate generating capacity to meet peak demand.

This is a major national energy problem and by itself it would be worthy of immediate attention.

But this is just one of many, many problems existing in the national energy picture today. These problems grow more numerous and more complex with each passing season.

There is the problem of environmental integrity and of pollution as they relate to power production.

There are the problems of power fuel resources and how they can and should best be utilized in the production of power for our immediate needs today, our intermediate needs of tomorrow and our long-range requirements in the next and following generations.

There are the problems of financing new power facilities and the distribution of the power which these facilities will produce.

There is the problem of financing the research required to enable us to learn to better manage our power production and pollution and to devise methods to reach our objective of low-cost electricity and high-quality environment.

There is the problem of assuring an adequate and dependable long-range, low-cost supply of power fuels as well as the means and methods of transporting them to power production facilities.

There is the problem of ownership of power fuel resources and the necessity of maintaining a viable and financially strong and independent power fuel industry.

We are going to have to face these problems and either solve or alleviate them because over the next 20 years our power demands are going to be tremendous.

Over the next 20 years America is going to increase its electric energy appetite by 248 percent.

To meet this demand our electric utility industry must quadruple its existing capacity requiring the addition of nearly 1 billion kilowatts.

These problems cannot be solved nor will these demands be met without the help of the Federal Government and the Congress.

That is why I propose the establishment of this Select Committee to investigate the energy resources of the United States.

Right here I would like to restate and emphasize two points I stressed when this resolution was first introduced earlier this year.

First, this is not a witch hunt. It would not be the purpose of the Committee or study to seek out and hold up for public scorn some preconceived villain or some fabricated strawman. What we are after and what is demanded is a clear picture of the condition of our national energy capabilities today and how they must be expanded, reshaped and modernized to meet the demands of the future.

Second, and this is of paramount importance, it would be my intent to have this Committee complete its work and report back to this body within 2 years. Once that report was made, I can foresee no reason at this time for the continued existence of the Committee and would recommend that it be terminated.

Mr. Speaker, the Members co-sponsoring this resolution today represent somewhere between 40 and 50 million Americans. They each recognize the need for this Committee and the work which it would undertake.

The so-called "energy crisis" in America has been apparent for almost a year now but what has or is being done?

There have been proposals for Commissions. There have been proposals for studies. There have been demands for investigations and there have been outraged calls for antitrust actions.

Many proposals and suggestions have been offered but like the weather, everyone complains about the energy crisis but no one seems to be able to do much about it.

The primary reason for this, I believe, is that too many agencies and bodies have jurisdiction over some portion of the problem but no one body has overall jurisdiction. This is perhaps as it should be for administrative purposes and I have no quarrel to offer in this regard.

However, for purposes of providing an overall in-depth study of the energy resources of the Nation, these able but dispersed jurisdictions simply are not oriented, staffed, or constituted to undertake such a task.

Thus, the need for and task of a short-term select committee to investigate the Nation's energy resources; to provide this body with a full, factual and fair report upon which our various standing committees could draw in working toward a common goal for the future to insure and assure that we will have the energy capacity and energy resources required to meet our power needs of tomorrow and achieve our dual objective of low-cost energy and high-quality environment.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point the text of House Resolution 155 as it is being reintroduced today and also the Federal Power Commission report of February 22, 1971.

H. RES. 155

Resolved, That there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation of all aspects of the energy resources in the United States, including (1) the availability of oil, gas, coal, and nuclear energy reserves; (2) the identification of the ownership of such reserves; (3) the reasons and possible solutions for the delay in new starts of fossil fueled powerplants; (4) the effect of pricing practices by the owners of energy reserves; (5) the effect of the import of low sulfur fuels; (6) measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials; (7) measures to close the gap between the supply and demand for electric energy; and (8) the identification of the environmental effects of the electricity industry.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

FPC Releases Staff Analysis of Preliminary Reports on Summer 1971 Electric Load-Supply Situation

Some areas of the country may experience power supply shortages this coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads, according to an analysis by the Federal Power Commission staff of preliminary reports filed with the FPC by the Nation's major electric utility systems and pools.

The staff analysis indicates that the capacity shortage is due primarily to delays in placing new generating facilities in service. To make up for the delayed capacity utilities are installing large blocks of gas turbine capacity, which while well suited to carry peak loads for short periods, are not completely satisfactory for carrying loads for an extended time, the staff reported.

The staff report emphasizes that the analysis is based on preliminary data. There will be a continuing review and further reports will be issued this spring.

In addition, the staff said, the Nation's electric supply is dependent upon the availability of an adequate fossil fuel supply. Utility stocks of coal are better than last fall, and the outlook for the availability of coal and oil for the coming summer appears good, the analysis shows. However, it is dependent on the rigidity, extent, and timing of air pollution standards, the staff said.

The natural gas supply remains tight and cannot effectively fill the gaps in fossil fuel supply which may develop as a result of coal or residual fuel oil shortage, the staff said. Any delays in scheduling nuclear generating capacity additions or unavailability of existing nuclear capacity could place added strain on the fossil fuel supply for utility generation, according to the report.

The summer's fuel supply is contingent on the availability of continuing transportation, and on the supply from foreign sources.

The FPC report covers 181 major utility systems and pools in all states except Alaska and Hawaii. These major systems and pools include about 350 individual utilities and account for approximately 98 percent of the Nation's total power production.

The accompanying FPC staff analysis compares estimated 1971 summer peak loads with generating capacity scheduled to be in service as of May 31, 1971, increased or decreased by firm purchases or obligations expected to be in effect at the time of the summer peak. Any capacity which becomes available after May 31 to carry load dependably in advance of summer peaks would increase the indicated reserve margins.

The staff analysis reflects only those intersystem transfers that are reported to be covered by firm contracts. The staff made no attempt to account for emergency measures that might be resorted to for the purpose of matching power requirements and supply, such as dropping interruptible loads and reducing voltage. Similarly, the report does not consider any reduction in dependable capacity resulting from scheduled maintenance of units, or other factors.

The staff report points out that to provide a continuity of supply, all power systems must have available more generating capacity than their aggregate loads. The desirable amount of this spare capacity, known as "reserve," varies from system to system. It is affected by a number of factors, including system size, the sizes and types of generating units, extent of interconnections, system load characteristics, required maintenance, uncertainties in load forecasting, delays in placing generating facilities in service, and other contingencies. In some instances, the staff noted, systems that appear to have adequate reserves may experience difficulty if one or more large units is forced out of service. For purposes of this analysis, reserve margins amounting to about 20 percent of expected peak load demands are considered necessary to compensate for these factors.

The following table summarizes the load-supply situation for the summer of 1971:

LOAD-SUPPLY SITUATION FOR SUMMER 1971

Region	Net dependable capacity (megawatts)	Estimated peak (megawatts)	Capacity available for reserves		Additional capacity scheduled for service during June, July, August	
			Megawatts	Percent of peak	Megawatts	Percent of peak
Northeast	68, 119	57, 198	10, 921	19.1	1, 006	1.8
East Central	54, 355	47, 727	6, 628	13.9	177	0.4
Southeast	65, 979	58, 872	7, 107	12.1	2, 640	4.5
West Central	42, 621	36, 937	5, 684	15.4	867	2.3
South Central	49, 147	42, 702	6, 445	15.1	2, 894	6.8
West	64, 196	52, 788	11, 408	21.6	1, 286	2.4
Contiguous United States	344, 417	296, 224	48, 193	16.3	8, 870	3.0

Analysis by FPC of Preliminary Reports Filed With Federal Power Commission by Major Electric Utilities on Summer 1971 Load Supply Situation

Reports filed with the Federal Power Commission by the Nation's major electric utility systems and pools indicate that some areas of the country may experience tight power supply problems during this coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads. The shortage of capacity is due primarily to delays being experienced in placing new generating facilities in service. To make up for the capacity being delayed, the utilities have been and are continuing to install large blocks of gas turbine capacity. While this capacity is well suited to carry peak loads for short periods of time, it is not entirely satisfactory for carrying loads for extended periods of time. In addition, the Nation's electric supply is contingent upon the availability of an adequate fossil fuel supply. Utility stocks of coal are better than last fall. The outlook for the availability of coal and oil for the coming summer appears good but is dependent on the rigidity, extent, and timing of air pollution standards.

It should be emphasized that this analysis is based on preliminary data. There will be a continuing review and further reports will be issued this spring.

Owing to the delays experienced in completing some scheduled major transmission lines, it is imperative that power systems operations be coordinated adequately to assure the delivery of available supplemental power when needed.

The natural gas supply remains tight and cannot effectively fill the gaps in fossil fuel supply which may develop as a result of coal or residual fuel oil shortage. Any delays in scheduled nuclear generating capacity additions of unavailability of existing nuclear capacity could place added strain on the fossil fuel supply for utility generation.

The summer's fuel supply is contingent on the availability of continuing transportation, and on the supply from foreign sources.

The report covers 181 major utility systems and pools in all states except Alaska and Hawaii. These major systems and pools include about 350 individual utilities and account for approximately 98 percent of the Nation's total power production.

The FPC staff analysis compares estimated 1971 summer peak loads with generating capacity scheduled to be in service as of May 31, 1971, increased or decreased by firm purchases or obligations expected to be in effect at the time of the summer peak. Any capacity which becomes available after May 31 to carry load dependably in advance of summer peaks would increase the indicated reserve margins. The analysis reflect only those intersystem transfers that are reported to be covered by firm contracts. No endeavor has been made to account for emergency measures that might be restored to for the purpose of matching power requirements and supply, such as dropping interruptible loads and reducing voltage. Likewise, no reduction in dependable capacity has been considered due to scheduled maintenance of units or other factors.

In order to provide a continuity of supply, all power systems must have available more generating capacity than their aggregate loads. The desirable amount of this spare capacity known as "reserves," varies from system to system. It is affected by a number of factors, including system size, the size and types of generating units, extent of interconnections, system load characteristics, required maintenance, uncertainties in load forecasting, delays in placing generating facilities in service, and other contingencies. In some instances, systems that appear to have adequate reserves may experience difficulty if one or more large units are forced out of service. For purposes of these analyses, reserve margins amounting to about 20 percent of expected peak load demands are considered necessary to compensate for these factors.

The staff analysis of potential company or system wide problem areas are summarized on a regional basis below. A map showing the regions and Power Supply Areas is attached.

Northeast region

	Megawatts
Net dependable capacity	68, 119
Load	57, 198
Reserves (19.1 percent)	10, 921

The power supply situation of the Northeast Region appears to be better than last summer, however, conditions are considered to be tight. The capacity for the summer includes 4,124 megawatts of capacity scheduled for this summer's peak period but not yet in service. It also includes 2,560 megawatts of capacity out of service with extensive damage which is also scheduled back in service before the peak period. Each of the three groups of utilities comprising the region will be discussed in the following paragraphs.

New England pool (PSA 1 and 2)

	Megawatts
Net dependable capacity	12,711
Load	10,253
Reserves (24 percent)	2,458

The New England Pool peaks in the winter, and summer loads are slightly less than those experienced during the preceding winter. The pool will enter the summer period with about the same capacity as that available last winter, but some of this capacity must be taken out of service for maintenance. During the past winter it was not uncommon for the pool to have 2,000 megawatts out of service because of forced outages of equipment. On eight occasions during January and February 1971, it was necessary to institute load curtailment measures because capacity was limited, however, the load curtailment on one occasion was called primarily to assist a neighboring pool. A new 400-megawatt Montville unit No. 6 at Montville, Connecticut, scheduled for service in June 1971, will improve the power supply situation above that shown. It is probable that this pool may face very tight capacity situations this summer when loads approach or exceed the estimated peak and if large amounts of capacity are forced out of service.

New York power pool (PSA 3 and 4)

	Megawatts
Net dependable capacity	22,754
Load	18,800
Reserves (21 percent)	3,954

On the basis of capacity and load data, the New York Pool appears to have satisfactory reserve generating capacity. However, conditions are not as satisfactory as indicated. The problem area of the pool is the Consolidated Edison's system around New York City. It is quite likely that the pool will be required to reduce voltage and possibly use other load curtailment procedures at times during the summer. The main cause of Consolidated Edison's condition is due to the company's inability to locate and place in service large generating units in or adjacent to its service area because of environmental controversies. The load-supply situation of the Consolidated Edison's system is as follows:

Consolidated Edison Co. (PSA 4)

	Megawatts
Net dependable capacity	10,119
Load	8,125
Reserves (24.5 percent)	1,994

The reserves of 1,994 megawatts or 24.5 percent appear satisfactory. This capacity, however, includes 597 megawatts of new gas turbine capacity, all of which may not be available before the summer peak. The 1,000-megawatt Ravenswood unit is currently out of service because of a damaged generator. It is now being repaired, and is scheduled to be in service by mid-May. However, the labor contract covering the repair crews expires on March 10 and there is a possibility that a strike may ensue. Should this happen, the Ravenswood report could be delayed beyond the peak load period.

In view of the difficulties that have been encountered with this large unit, the large amount of gas turbine capacity under construction, and the large amount of over-aged capacity still in operation on the Company's system, the load-supply situation for this summer on the Consolidated Edison Company's system is expected to be one of continuing difficulty.

During January and February the company had 3,000 megawatts or more of capacity unavailable for service almost daily in addition to the Ravenswood unit, and it is reasonable to assume that the company will continue to be plagued with forced outages this summer. The company's 873-megawatt Indian Point unit No. 2 was originally scheduled for service in 1969. It is now about ready for service and is only awaiting an AEC operating permit. Since the unit can be put in service about two months after the permit is issued, a speed-up in the licensing process would greatly enhance the capacity situation in the area.

Consolidated Edison has completed arrangements with Canadian sources in Ontario and Quebec under which they believe they can receive 300 megawatts of power until the end of the summer peak period, but this anticipated importation is not reflected in the dependable capacity shown above.

Pennsylvania - New Jersey - Maryland interconnection (PSA 5 and 6):	*Megawatts*
Net dependable capacity	31,499
Load	27,285
Reserves (15.4 percent)	4,214

The PJM Interconnection should be in a slightly better position than it was last summer, provided the new 558-megawatt Morgantown unit No. 2, near Washington, D.C., and the 820-megawatt Conemaugh unit No. 2, near Johnstown, Pennsylvania, are placed in service as scheduled and are fully dependable. The 820-megawatt Keystone unit No. 1, near Indiana, Pennsylvania, and the 556-megawatt Morgantown unit No. 1 and the 184-megawatt Dickerson unit No. 2, both in the environs of Washington, D.C., are currently out of service for extensive repairs. All, however, are expected to be returned to service before the coming summer peak. It appears that the PJM Interconnection may be facing a difficult power-supply situation for the summer 1971, especially if some of the new large units are delayed or if a large amount of forced outages are experienced.

East central region

	Megawatts
Net dependable capacity	54,355
Load	47,727
Reserves (13.9 percent)	6,628

This region has less than desirable reserves and some utilities or pools may face a tight supply situation this summer if an appreciable amount of the 3,748 megawatts of new capacity scheduled for service before the end of May is delayed. An additional 180 megawatts of capacity is scheduled for June which will add to the available capacity. There are only four large utilities in the area with less than ten percent reserves, but the indicated reserves of six utilities could vanish if capacity scheduled for service before the summer peak is delayed until after the peak period.

Southeast region

	Megawatts
Net dependable capacity	65,979
Load	58,872
Reserves (12.1 percent)	7,197

The reserves of this area are less than desirable particularly in view of the fact that 3,729 megawatts of new capacity is scheduled for service during the first five months of the year. This new capacity is equal to about 6.3 percent of the estimated peak load and over half of the indicated reserves. An additional 2,640 megawatts of capacity is scheduled for service in June, July, and August and will improve the reserve capacity situation to the extent that it becomes available before the summer peak.

Virginia-Carolinas pool (PSA 18 and 21)

	Megawatts
Net depenable capacity	19,420
Load	18,272
Reserves (6.3 percent)	1,148

The Virginia-Carolinas Pool consists of Virginia Electric and Power Company, Duke Power Company, Carolina Power and Light Company, and South Carolina Electric and Gas Company. The pool has only 1,148 megawatts of reserves or 6.3 percent of peak demand. The new H. B. Robinson nuclear unit No. 2 near Hartsville, South Carolina, scheduled for February 1971, has a capacity of 700 megawatts which is equal to 3.8 percent of the pool's peak demand. This area could experience problems this summer if the Robinson unit is not fully dependable or if one or two large units are forced out of service. The pool has an additional 1,416 megawatts of capacity scheduled for service in June, July and August. This new capacity if fully dependable before the summer peak would raise the reserve margin to 14.0 percent.

With regard to individual members of the pool, the Virginia Electric Power Company, considering its firm commitments only, has no reserves for the summer period. The company has, however, 141 megawatts of gas turbine capacity scheduled for June, which would bring reserve margins to about one percent. Duke Power Company's reserve margin is 4.6 percent, but it has 53 megawatts scheduled for July and 922 megawatts scheduled for August which would bring its reserve margin to about 20 percent. Both companies can call on the pool's limited reserves as required.

Florida pool (PSA 24)

	Megawatts
Net dependable capacity	12,274
Load	10,867
Reserves (12.9 percent)	1,407

The pool reserve of 12.9 percent is less than desirable, but the new 725-megawatt Turkey Point nuclear unit No. 3 near Miami, Florida, is scheduled for service in June. The installation of this unit will raise the reserve margin to 19.6 percent. The Florida Power Corporation's reserve is only 5.1 percent. The Florida Power & Light Company's reserve is 3.5 percent. This margin will be improved considerably if the company's Turkey Point nuclear unit becomes available before the summer peak.

West central region

	Megawatts
Net dependable capacity	42,621
Load	36,937
Reserves (15.4 percent)	5,684

This region has less than desired reserves, but the addition of 867 megawatts scheduled for June and July should raise the reserve margin to 6,551 megawatts or 17.7 percent. A number of areas in the region have low reserves and problems could develop if some large units were to be forced out of service.

These areas are: (1) Eastern Wisconsin (PSA–13) with reserves of 612 megawatts or 12.9 percent; (2) Western Wisconsin and Minnesota (PSA–16) with reserves of 636 megawatts or 13.8 percent; (3) Iowa (PSA–17) with reserves of 277 megawatts or 9.6 percent; and (4) Nebraska (PSA–28) with reserves of 266 megawatts or 12.9 percent.

Commonwealth Edison Company has 1,935 megawatts of reserves or 17.4 percent, but these reserves are based on the availability of the new 809-megawatt Dresden nuclear unit No. 3 which is scheduled for May and 200 additional megawatts from Dresden nuclear unit No. 2 which went in service on a limited basis last August. A delay in the availability of Dresden nuclear unit No. 3 would cause problems. The new 809-megawatt Quad City nuclear unit No. 1, near Cordova, Illinois, scheduled for July would improve the power supply situation of both Commonwealth Edison and the Iowa Interconnection if it becomes available before the summer peak.

South central region

	Megawatts
Net dependable capacity	49, 147
Load	42, 702
Reserve (15.1 percent)	6, 445

The reserves in the South Central Region include 2,894 megawatts of new capacity which is scheduled for service in the first five months of the year. An additional 1,056 megawatts of new capacity is scheduled for service during June, July and August. This capacity would increase the available reserves to 17.6 percent of peak load if brought into service before the summer peak.

Of the individual systems within the pool, nine systems will have less than 15 percent reserves at the summer peak. However, one of these systems will have reserves of only 10.7 percent.

The load-supply situation of the Region for the coming summer appears to be satisfactory with no significant problems apparent at this time. The situation can change however, if delays are encountered in the completion of new capacity construction programs. If such unforeseen delays should develop, at least six systems could face the summer peaking season without reserves. No nuclear units are among those scheduled for completion in the region prior to summer 1971.

West region

	Megawatts
Net dependenable capacity	64, 196
Load	52, 788
Reserves (21.6 percent)	11, 408

The Pacific Northwest with reserves of 1,559 megawatts, equal to 11.4 percent of the peak demand, has the lowest reserves of any area in the West Region. These reserves should be ample since the region has 1,546 megawatts of interruptible loads which can be dropped when capacity is not available. The region has 907 megawatts of idle generating capacity in its hydro plants which could be used during periods when other generating equipment is removed for maintenance or repair.

The 800-megawatt Hanford dual purpose nuclear plant was shutdown during the latter part of January. The loss of the electric power from this plant should not be critical this summer because water conditions in the Pacific Northwest are good and because summer is the low load period for the area. The loss of Hanford will be critical during the winter seasons.

The 750-kilovolt D. C. Pacific Northwest-Southwest intertie was lost during the Los Angeles earthquake of February 9th. The dc Terminal and Converter (which converts direct to alternating current) Station at Sylmar suffered extensive damage and may be out of service some six to twelve months or longer. A second substation in the same area, which is the receiving point for 212 MW of hydro power was heavily damaged and will have to be rebuilt. The utility is bypassing the sub-station with temporary transmission service.

The two 500 kV alternating current lines are expected to provide reasonable adequate transfer capacity, north and south, for at least the immediate future. Studies are being made of alternative transmission capability to meet peak power transfer requirements over the long term while the dc terminal facilities are being repaired.

The following table summarizes the load-supply situation for the summer of 1971:

LOAD-SUPPLY SITUATION FOR SUMMER 1971

Region	Net dependable capacity (megawatts)	Estimated peak (megawatts)	Capacity available for reserves		Additional capacity scheduled for service during June, July, August	
			Megawatts	Percent of peak	Megawatts	Percent of peak
Northeast	68, 119	57, 198	10, 921	19. 1	1, 006	1. 8
East Central	54, 355	47, 727	6, 628	13. 9	177	0. 4
Southeast	65, 979	58, 872	7, 107	12. 1	2, 640	4. 5
West Central	42, 621	36, 937	5, 684	15. 4	867	2. 3
South Central	49, 147	42, 702	6, 445	15. 1	2, 894	6. 8
West	64, 196	52, 788	11, 408	21. 6	1, 286	2. 4
Contiguous United States	344, 417	296, 224	48, 193	16. 3	8, 870	3. 0

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, on Tuesday, March 16, the House considered the conference report on H.R. 4690 which included a 10-percent increase in social security benefits. I understood there would be no legislative business on Tuesday and was unavoidably detained in Chicago when an emergency callup of the bill was requested and granted.

I would ask, Mr. Speaker, that the record show that had I been present I would have voted "yea."

CAREER INCENTIVES FOR ARMED FORCES OFFICERS

Mr. GONZALEZ. Mr. Speaker, I have reintroduced two bills of vital importance to the recruitment and retention of professionally trained specialists in the Armed Forces.

My first bill—H.R. 6374—provides for the extension to judge advocates and legal specialists of pay incentives now available to doctors, dentists, and veterinarians in the Armed Forces. Hopefully, these incentives would make service careers more attractive to legal specialists who are presently hesitant to extend their service terms because of the huge discrepancy in pay between civilian law practice and military legal careers.

When this bill was first introduced in 1969, the Department of Defense reported a shortage of 737 lawyers. Today, that figure is a startling 842 and the services report they are far below the manpower they consider adequate to staff the large number of JAG posts with experienced and knowledgeable specialists.

Draft pressures have been instrumental in attracting lawyers to the services, but the sizable financial disadvantages of military legal careers has produced a disabling turnover rate in the JAG department. Pay incentives would be at least a partial solution to this problem.

The incentive pay would provide for $50 per month for grades O–1 through O–3, $150 for grades O–4 and O–5, and $200 per month for O–6 and above. The continuation pay would be paid to those judge advocates who extend their service on active duty for at least 3 years but not more than 6 years, at the rate of 2 months' pay for each additional year he agrees to remain on active duty. The bonus is payable upon the completion of 4 years' active duty.

My other career incentive bill—H.R. 6373—would provide service credit for time in school for professionals who are ophthomologists, pharmacists, engineers, and lawyers. This bill would credit servicemen with up to 3 years of active commissioned status if he is enrolled in a program of professional study that requires more than 4 years of college. For example, a captain who is an engineer with 4 years of service time would get the pay of a captain with 6 years of service time.

We must act promptly and definitely to make service careers more attractive to professionals and to encourage servicemen to pursue professional courses of study while they are in service. My bills are a step in this direction.

CRITICAL DAYS FOR ISRAEL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, these are critical days for the State of Israel: not as dramatic perhaps as the 6-day war but more important for the future of that nation. As Abba Eban, Foreign Minister of Israel, visits the United States this week and Israel considers the question of whether it should agree to a return to her old insecure borders, I believe it is appropriate to state my views about this important issue.

The question of Israel's borders must be considered in the context of recent history, and I think history is clear on one point: from its origins through the 1948 United Nations partition to the present day, Israel has sought only one thing—to live at peace with its neighbors and to get on with its work of creating a vibrant and progressive society. Its military actions have been a reluctant and expensive reaction to Arab aggression and terrorism for the Arab nations have never wavered from the announced goal of the destruction of Israel. The history of the Middle East since 1948 demonstrates that if it is to survive Israel cannot rely on the United Nations or on great power gurantees. It must rely on its own power. These are the facts of history.

Because I believe that the fate of Israel is in jeopardy I am fearful of the cavalier attitude being taken by our State Department toward the Jarring negotiations. Our State Department is exerting pressure on Israel to force it to sacrifice its minimum requirements for secure borders in exchange for flimsy international guarantees. I call this a cavalier attitude.

Indeed it is worse—it is hypocritical and desperately dangerous. How different it is from our posture in Southeast Asia. There, in a area where we have no business and where U.S. security is in no way at stake, we are investing tens of thousands of American lives and billions of dollars and are taking a tough uncompromising negotiating stance. In the Middle East, on the other hand, we expect Israel to jeopardize its very existence. There are some who suspect that oil interests which formerly dominated the State Department are ascending again in the formulation of Middle East policy.

It is noteworthy that many of the nations which now call upon Israel to abandon Jerusalem, Sharm el Sheikh, Gaza and the Golan Heights are nations which themselves have relatively recently obtained secure borders. The Soviet Union, for example, does not consider returning portions of Finland, Japan, East Prussia, Poland, and Rumania. And we should not forget that our Southwestern border is the result of a war with Mexico whose causes were by no means altruistic on our part.

I do not wish to oversimplify the Middle Eastern situation. But let us not be deluded by its complexities into forgetting the simple fact that Israel is now engaged in a diplomatic struggle for its survival. The United States should support, not thwart, Israel's efforts to assure a secure future. I want the people and Government of Israel to know that not all Americans agree with our State Department when it presses for a return to the past. The past is the past and the perils that it held should not be revived. The future must be negotiated, and it must be negotiated by Israel with the objectives of permanent peace and security.

THE ADMINISTRATION CUTS IN HEALTH CARE MUST BE STOPPED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in the last few days we have been advised that the administration has cut the budget of the New York metropolitan regional medical program so that a number of very worthwhile programs which were financed by the Federal Government will have to come to an end.

St. Vincent's Hospital and Medical Center of New York is one of the outstanding hospitals in this country furnishing great service to the community. I would like to bring to the attention of our colleagues two of the programs which are being terminated as a result of the Nixon administration's cutbacks. One is St. Vincent's Hospital Mobile Coronary Care Unit and the second which will be dropped is the asthma detection program which is primarily for poor youngsters in the community. These two programs cost very modest sums. The coronary care unit has been funded at the rate of $62,262 a year since its establishment, and it will now be required to terminate July 1, 1971, for lack of funding. The asthma detection program costs $59,962 a year and it, too, will come to an end unless the Federal funding is continued.

Mr. Speaker, considering the enormous sums being spent by our country for destructive purposes we cannot in good conscience terminate these two lifesaving programs which are so modest in cost. These reductions by the Nixon administration in health programs are not limited to the city of New York. That administration is wielding a butcher knife on health programs and I hope we here in the Congress will be successful in resisting the Nixon administration's cuts and compelling the necessary funding of these vital programs.

I have asked Sister Margaret Sweeney, director of St. Vincent's Hospital and Medical Center of New York, to prepare a statement on the two programs in detail so as to better acquaint our colleagues with the good works of that hospital. The statement with additional matters is appended:

STATEMENT BY MARGARET SWEENEY

St. Vincent's Hospital and Medical Center of New York protests that this Administration has cut the budget of the New York Metropolitan Regional Medical Program and thereby has put a halt to federal financing for two highly successful programs run by the hospital. The Regional Medical Programs are funded through the Department of Health, Education and Welfare whose budget has been seriously reduced.

One victim of the cut is the hospital's Mobile Coronary Care Unit, the first of its kind in the United States and the model for other such heart teams now used across the country. Dr. William Grace, Director of the hospital's Department of Medicine, says that since his project began three years ago they have noted a reduction of the mortality rate for heart attack victims from 20%, the City's overall average, down to 6%, with *no* deaths on the coronary ambulance. The Coronary Care Unit had been funded at the rate of $62,262 a year since it was established.

The coronary program, which is due to terminate July 1, 1971 is popularly said to make Greenwich Village and Chelsea the safest places in the United States to suffer a heart attack.

The second project to be dropped is the Asthma Detection Program for poor youngsters in the community.

Dr. Vincent Fontana, Director of the Department of Pediatrics, says the Asthma Detection Program, which costs $59,962 a year, has made unusual progress since its inception in October 1968.

This is a joint project of St. Vincent's Hospital with St. Mary's Hospital in the Bedford-Stuyvesant section of Brookyln.

Asthma teams seek out youngsters for treatment in deprived areas and give them complete physical examinations as well. The majority of these children never see a physician except in a crisis. Not only have undetected asthma cases been discovered but many other diseases as well which have been followed up and treated.

Dr. Fontana declared:

"The erratic approach in the provision of medical care to the indigent does not recognize the fears and feelings of the people served by the programs.

"The hard, cold, impersonal approach to these people with the turning of programs on and off, dictated by an uncertain budgetary picture and changing priorities only causes further deterioration of already fragmented health programs and unrest among the people of the ghetto."

The Sisters of Charity came to Greenwich Village in 1849 to care for the sick and indigent people here. This has been our mission for all of these years. How can we continue to fulfill this mission if programs as important as the M.C.C.U. and the Asthma Program are cut entirely with so little advance notice?"

In the case of the coronary program, it has taken a great deal of time to educate the public to become aware of the signs of heart attack and to act promptly to obtain prompt medical care.

The Asthma Program is really just becoming accepted by the people it is meant for and mutual trust has developed, she noted.

ST. VINCENT'S HOSPITAL AND MEDICAL CENTER OF NEW YORK

FACT SHEET

Mobile coronary care unit:

Total Calls—	
October 15, 1968, through December 31, 1970	1,203
Dead on arrivals	109
Died at scene after arrival	7
Arrived alive	956
None died en route.	
Discharge from emergency room not requiring hospitalization	375
Hospitalized:	
Coronary care unit	256
Intensive care unit	132
Other hospital beds	192

11 definite cases where ventricular fibrilation was done on patients on the scene of their attack definitely saved their lives.

STATEMENT BY DR. VINCENT J. FONTANA, DIRECTOR PEDIATRICS ST. VINCENT'S HOSPITAL AND MEDICAL CENTER

The Metropolitan Regional Medical Program for the fiscal year 1971 has been reduced by $500,000 because of a severe budget squeeze in Washington. Reduced funding has resulted in terminating our contract for the Pediatric Asthma Program at St. Vincent's Hospital and Medical Center of New York and St. Mary's Hospital in Brooklyn's Bedford-Stuyvesant section. We were notified on March 3 of a March 31st termination date after a letter was sent to the Director of the Regional Medical Program stating:

"We unfortunately extend ourselves to the people with a program which is oftentimes short-lived. This is now again happening. Its effects on the community as well as on the Regional Medical Program can only be most harmful.

"Our commitments to the community and to those who are actually involved in the program necessitate that funds for this program be continued through July 1, 1971."

We have attempted in our program at St. Vincent's and St. Mary's Hospital to bring to the children of the slum and ghetto areas the benefits of modern medicine related to bronchial asthma and other chronic lung diseases. Children have been examined in the community schools, in day-care centers, and in neighborhood parks in an attempt to uncover previously undetected lung problems in children. Medical histories were obtained, complete physical examinations done, lung function breathing tests performed, and testing for tuberculosis completed the evaluation.

Teaching programs for the parents, teachers, school nurses, and doctors in the management of the child with asthma was another means utilized to improve the health needs of these children from low income families—only half of whom see any doctor during the span of one year.

I do not know who is to blame for this poor planning that is resulting in the denial of better health care to the children in the ghetto areas.

The Federal government's interest in health is obvious but what can be seriously questioned is whether they properly recognize the realistic needs of the poor neglected sick of the community.

There are dozens of programs on a national level that have been established to promote better health for the people of our nation.

For the most part, the record indicates that they are fragmented, disorganized, and short-lived. This erratic approach in the provisions of medical care to the indigent does not recognize the fears and feelings of the people for which the programs are for. The hard, cold, impersonal approach to these people with the turning of programs on and off dictated by a hodgepodge budgetary picture and changing priorities only causes further deterioration of already fragmented health programs in the community and unrest among the peoples of the ghetto areas. Splintered health services that last for short periods of time and are not ongoing on a continuous basis can only discourage people's confidence in our health programs and encourage the continuance of the health care crisis that our nation and city is faced with at the present time. We cannot deny these children the basic right to health because of budgetary changes and changing priorities dictated by political pressures and not community health needs.

FEDERAL GOVERNMENT MUST TAKE ACTIVE ROLE IN PROMOTING THE USE OF RECYCLED PAPER IN EVERY DAY BUSINESS

(Mr. DOW asked and was given permission to extend his remraks at this point in the Record and to include extraneous matter.)

Mr. DOW. Mr. Speaker, recycling is a national environment issue that is of increasing concern to all Americans.

In my study of what the Federal Government is doing to keep its own house in order, I have been dismayed to learn that only a very limited effort is being given to the purchase of recycled products by the General Services Administration and the Defense Supply Agency.

I am today offering a bill to require maximum use of recycled paper for all General Services purchases. My recycling bill directs the Administrator of the General Services Administration to proscribe regulations for the purchase of paper to provide for the maximum use of recycled material consistent with the use of the paper.

Because the problem usually falls into the area of definition of recycled material, I have worked out a definition which is supported by those who produce recycled materials. The definition requires the percentage of paper to be computed from that paper which has been previously manufactured, served its purpose, and been scrapped or discarded. The language can be found in the text of the bill at the end of these remarks.

My colleagues do not need to be reminded of the flexibility that is often found between the intent of legislation or administrative fiat and its implementation. This bill assumes that no official will be able to misconstrue the desire of the Congress to move effectively in the area of recycling.

The Federal Government should boost the use of recycled paper in its everyday business to help improve the environment.

Recycled paper can be used for almost any purpose, but the Federal specifications require almost totally virgin material in the paper it buys.

The General Services Administration buys more than 400,000 tons of paper each year at a cost of $140 million. This would be a tremendous market for the recycling industry which could produce an economical product that would also use up the growing supply of waste paper.

The major complaint of the recycling industry is that there is no market for their product; and the Federal Government as the largest single user is the biggest offender.

I feel that as legislators we must set the example, not follow it. The Government by changing its purchasing policies can demonstrate the feasibility of recycled materials both economically and ecologically.

The President's message on the environment sent to the Congress on February 8 stated that the General Services Administration is reviewing the Government's purchasing policies. I applaud these efforts. Martin Skala in the Christian Science Monitor on February 13, 1971, reported that the new specifications will contain a minimum of from 3 to 50 percent reclaimed fibers.

I submit, however, that the effort currently underway needs to be shored up by legislation to assure that the best efforts of the Government are realized. The economic changes caused by an emphasis on recycled use are bound to have their economic effect. Virgin products have been sold for years on the premise that the paper using virgin timber was of superior quality. However, present industry capability has the capacity to produce products of equal quality from recycled materials.

To demonstrate this fact I have decided to print the newsletter I send to constituents in the 27th District of New York, that I am privileged to represent, on recycled paper. I believe that I am the first Member of Congress to take this step.

These efforts are not enough. I am presently drafting additional legislation to require all governmental purchasing agencies to study and report back on what steps they are taking to use recycled material. When this legislation is prepared I will solicit other Members who would like to join me in the effort to emphasize better use of our natural resources at the Federal level.

The text of the bill follows:

H.R. 6368

A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured by executive agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(f) (1) The Administrator shall prescribe regulations establishing standards with respect to the contents of any paper procured by, or for, executive agencies. Such regulations shall specify that the contents of such paper shall consist of as great an amount of recycled material as is possible consistent with the purpose for which such paper is procured.

"(2) For the purposes of any regulations prescribed by the Administrator under this subsection the term 'recycled material' means any paper that meets the following criteria:

"(a) has served the purpose for which it was originally manufactured; and

"(b) has been scrapped or otherwise discarded as an element of solid waste; and

"(c) has been recovered in whole or in part and reprocessed into a new raw material element for the manufacture of a paper product.

"However, for the purposes of the regulations to be established, 'recycled content' shall not include those materials generated and reused within a plant (intraplant) as part of its own manufacturing process."

FLOOR DEBATE ON SST APPROPRIATION

(Mr. DOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DOW. Mr. Speaker, the question of the supersonic jet transport comes before the House again today and I feel strongly that it is time to halt this program. Over the past few months, I have studied this issue carefully, looking at arguments on both sides and have reached the conclusion that there are still too many unanswered questions.

In addition to the noise factor and other abuse to the environment, I believe that continued Federal funding of the SST will use funds that are more greatly needed in domestic areas. The SST is a subsidy by poor people to permit wealthy people to go to Paris in half the time.

Rather than continuing to dump Federal tax dollars into the SST, we could better spend the money on providing training for doctors and nurses, for more and improved health care facilities, on education and job training, on cancer research, and other long delayed programs.

There may be some reasons to build an SST, but not from Federal funds at a time when there is greater priority on other projects.

A rough sampling of my mail has shown a preponderance of opposition to the SST. In the past few weeks I have had 76 letters from constituents against further funding of the SST and five in favor. Mr. Speaker, I would like to share a letter from one of my constituents, Mr. Richard T. Lumb of Poughkeepsie, N.Y. He sums up the issue nicely when he says:

> To put it simply—there's not enough money to do all we'd like to do. So let's put what there is where it will do the most good.

Mr. Lumb's point as you will see is that we should move faster to improve mass transit facilities before pumping more money into the SST:

March 8, 1971.

Representative John G. Dow,
House Office Building,
Washington, D.C.

Dear Congressman Dow: The only reasoning I can support for pressing ahead with the development of the SST is to maintain technical parity with France, Great Britain and Russia. It is all too obvious that the commercial airlines will not be able to digest what they have now for many years. In fact, it would appear that there are several airborne Penn Centrals in the making through a combination of governmental support, permissiveness and restrictive controls, and by very short-sighted industry planning. And there will never be more than limited need for an SST.

There can, of course, be no prediction at this time of the payload possibilities of the SST—if it should become economically feasible in the future. It seems to me that at best it could provide practical service for very few passengers.

The real need—now and urgent—is to pay more than lip service to millions of today's harried commuters—bus, air shuttle and, especially, rail. If the SST development is desirable, direct government assistance to mass transit facilities in massive amounts is required—and at once.

(a) Provide every rider with a comfortable seat under all conditions.

(b) Make it possible for the various transportation authorities or companies to offer fast, frequent, on-time service.

(c) Allow Railpax the money required to include some of the extra amenities to return inter-city passenger travel to respectability—and desirability.

(d) Give equal emphasis to research and development for all sectors of the airline industry.

In other words, I would suggest that the SST program be funded only from the surplus of the money and effort needed now merely to give today's travelers a decent ride to work. To put it simply—there's not enough money to do all we'd like to. So let's put what there is where it will do the most good now.

Very truly yours,

Richard T. Lumb.

Mr. Speaker, I would also like to tell my colleagues about a group of students from Marist College in Poughkeepsie who came into my district office with a petition signed by 1,300 persons. I am taking the liberty of sharing this petition with Secretary Volpe.

I think I can speak for most Members of the House when I say that we should not be swayed totally by those people who write for and against an issue. As Federal legislators we are called upon to study all sides of an issue and then vote our conscience.

For my own part I strongly believe there are more reasons to vote "no" on the SST appropriation than to vote "yes." For these reasons, I am voting for the amendment to eliminate the SST funds from the Department of Transportation appropriation measure.

POW WEEK SHOULD BE MORE THAN HOT AIR

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, next week has been designated "National Week of Concern for Prisoners of War and Missing in Action." I have signed the resolution sponsoring this week. But I hope we will be able to do more than simply "show concern." Concern is all very good, but it is not what the POW's and their families need.

I have talked a great deal with many POW–MIA wives. They have told me they have had more than enough of being patted on the head and praised for their bravery. They have had enough of writing letters to Hanoi. None of this has brought their husbands one step nearer to release. What they want is a concrete plan to bring their husbands home.

A number of us have developed such a plan, which we call "proportional repatriation." It involves trading the POW's for the only thing the other side wants from us: Our absence. We shall be introducing it as a concurrent resolution next week. I insert the text of the resolution in the Record at this point:

H. Con. Res. 212

Concurrent resolution expressing the sense of the Congress with respect to the proposed "Proportionate Repatriation" plan for obtaining the release of American prisoners held in Southeast Asia

Whereas the Government of the United States has indicated it will not totally withdraw from Vietnam until the American prisoners held in Southeast Asia have been released; and

Whereas the National Liberation Front and the Government of the Democratic Republic of Vietnam have indicated they will discuss the return of American prisoners once a date for total American military withdrawal from Vietnam has been set; and

Whereas the Government of the United States has an obligation to secure the release of those American citizens held as prisoners in Southeast Asia; and

Whereas the American national interest would best be served by termination of the war in Vietnam: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that American troops should be withdrawn from Southeast Asia and American prisoners in Southeast Asia should be released simultaneously.

Sec. 2. It is further the sense of the Congress that the President of the United States should take such steps as may be necessary to inform the representatives of the forces holding American prisoners in Southeast Asia that the United States is prepared to—

(1) withdraw military and paramilitary personnel from Southeast Asia, including offshore naval air and naval artillery support forces, in proportionate numbers, by stages, each stage equal in percentage to the percentage of American prisoners concurrently released by the forces holding American prisoners in Southeast Asia;

(2) accept the good offices of an intermediary, who would be a neutral nation or international agency acceptable both to the United States and to the forces holding American prisoners in Southeast Asia, whose function would be to (A) receive and hold each contingent of American prisoners as they were released, (B) verify that the appropriate number of American military and paramilitary personnel had left Vietnam, and then to (C) turn the American prisoners over to the American forces;

(3) permit the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that withdrawn American troops are not being replaced under the guise of rotation;

(4) publish, twice monthly, a list of the total number of American military and paramilitary personnel in Southeast Asia; and

(5) complete the withdrawal of all American military and paramilitary personnel, including offshore naval air and artillery support forces, from Southeast Asia by a specified date to be determined by negotiation, which date shall not be later than December 24, 1971.

Sec. 3. It is further the sense of the Congress that actions by the United States to implement the proposals described in section 2 of this concurrent resolution should be contingent upon an agreement on the part of the forces holding American prisoners in Southeast Asia to—

(1) publish a complete list of all American prisoners they hold, including a description of the physical condition of each prisoner;

(2) publish a complete list of American prisoners who died in captivity, including date and cause of death;

(3) return all American prisoners in proportionate numbers, by stages, each stage equal in percentage to the percentage of American military and paramilitary personnel withdrawn from Southeast Asia;

(4) accept the good offices of an intermediary, as outlined in paragraph (2) of section 2 of this concurrent resolution;

(5) allow the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that there are not more American prisoners than were named in the list provided under paragraph (1) of this section;

(6) repatriate American prisoners in the order of the length of their captivity, with the exception that those in serious need of medical attention be returned first;

(7) refrain from initiating military action against departing American troops;

(8) send all Chinese and Soviet military advisers out of the Democratic Republic of Vietnam, and permit the intermediary to verify that this had been done; and

(9) complete the repatriation of all American prisoners on or before the date of completion of the withdrawal of American military and paramilitary personnel from Southeast Asia.

LEGISLATION OFFERED TO DISCOURAGE PAID BROADCAST TIME BY GOVERNMENT AGENCIES

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, in recent weeks the Army has received extensive publicity about its new $10.6 million campaign to saturate the commercial airwaves with paid-for commercials, aimed at the young and intended to stimulate enlistments.

The notices have been definitely mixed, although the other armed services are understandably intrigued by the Army's enterprise in buying up all that time.

Heretofore, of course, the Army and its sister services have relied on donated time to convey their radio and television messages to the public. Broadcast licenses traditionally have provided such time, at no cost and as a public service, for messages by Government agencies.

I am deeply concerned about the implications of what the Army is doing now.

Accordingly, I am today offering a "sense of Congress" resolution to express the opposition of the House and Senate to the use of public funds at any level of Government for purchase of time on commercial stations.

The wording of my resolution is intentionally vague, because at this point I concede that I do not have all the answers.

While I am strongly opposed in principle to any public agency buying time in this fashion on what are supposed to be the public's airwaves, there may nevertheless be rare instances in which this practice can be justified.

Hearings, involving the Army and any other concerned Federal departments, as well as broadcasters, would at least shed light on existing policies and provide for whatever actions may be necessary in the future. My proposal is submitted with the hope that it might serve as the vehicle for hearings to explore this complex problem.

A number of broadcasters have turned down the Army's money for the commercials, on grounds they are obligated to provide the time without charge. They should be given the opportunity to testify, as well as the radio and television executives who have agreed to sell the time.

We should also attempt to find out exactly what precedents, if any, exist for the Army's campaign. Have Federal agencies or departments bought time in the past, and under what circumstances?

In drafting the resolution, I have chosen an approach which does not have the force of law—rather than offer prohibitory legislation. This will permit some leeway as we deliberate the propriety of the Army's actions.

The warning implicit in my proposal would apply only to purely governmental agencies, not to quasi-public corporations such as the new Railpax Corp., which are funded by a mix of private and public money.

The text of the resolution follows:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO PAID ADVERTISEMENTS BROADCAST FOR THE FEDERAL OR STATE OR LOCAL GOVERNMENTS OR DEPARTMENTS OR AGENCIES

Whereas, radio and television broadcasters are licensed to serve the public interest, convenience, and necessity; and

Whereas, the Advertising Council and numerous radio and television broadcasters have, voluntarily and without charge, cooperated in presenting public service announcements for the Federal and State and local governments, and departments and agencies thereof; and

Whereas, the United States Army Recruiting Command has committed itself to the expenditure of $10.6 million for a four month radio and television recruiting campaign; and

Whereas, freedom of expression and vigorous and unfettered media for the dissemination of news, views, and information are essential parts of this Nation's legal and social traditions and are absolutely necessary to the existence of any free democratic society; and

Whereas, the receipt of significant sums of money by radio and television broadcasters from a department of the Federal Government raises the spectre of government influence over this sensitive media: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Federal Government, State and local governments, and departments and agencies thereof should not expend public funds to purchase time for the carriage of advertisements by radio or television broadcast stations.

NATIONAL LEGAL SERVICES CORP. ACT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, Mr. STEIGER of Wisconsin and I along with more than 100 other Members in both Houses of Congress are today introducing legislation to give independent status to the Office of Economic Opportunity's legal services program.

Legal services has proven itself as one of our most effective tools in redressing the problems of poverty. It has given millions of our Nation's poor renewed hope and developed new confidence in the American system of law and government. "Equal justice under law" is now within reach for everyone.

Despite the program's success, legal services attorneys are confronted with conflict-of-interest problems and political interference because the program is located in OEO and the executive branch. Special problems have arisen when suits were brought against agencies of the Federal Government or against State and municipal governments.

The bill being introduced today is designed to remove legal services from the political arena. The measure would provide legal services through a private, nonprofit corporation—the National Corporation for Legal Services. The 19-member board of directors would operate the corporation free of the veto power of State Governors that has caused major poverty law battles of recent years.

This plan has been endorsed in principle by two committees of the American Bar Association and by the President's Advisory Council on Executive Organization.

The corporation would be funded through the Economic Opportunity Act; $140,000,000 is authorized for the first year of operation. This amount is nearly twice that now spent by Legal Services, but former OEO Director Donald Rumsfeld generously estimated that only 28 percent of the legal assistance need of low-income Americans is presently being met. This legislation would more fully meet the need for new programs and additional services in existing programs.

The National Corporation for Legal Services will insure unfettered legal representation for low-income Americans. Only when the attorney-client relationship is free from political manipulation will we truly have "equal justice under law."

At this point in the RECORD, I request that the bill for a National Legal Services Corporation be printed in full.

The bill follows:

H.R. 6361

A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Legal Services Corporation Act".

SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness and reform;

"(2) many low income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall qualify as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of six months following the date of enactment of the National Legal Services Corporation Act for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons: the president of the American Bar Association, the president elect of the American Bar Association, the president of the National Legal Aid and Defenders Association, the president of the American Association of Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within 30 days after the enactment of the National Legal Services Corporation Act to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the National Legal Services Corporation Act the Incorporating Trusteeship shall establish the initial Clients Advisory Council to be composed of 11 members who are selected, in accordance with procedures established by the Incorporating Trusteeship, from among individuals recommended by the governing boards of existing legal services programs who are representative of the class of clients served by any such program.

"(2) Not later than sixty days after the enactment of the National Legal Services Corporation Act the Incorporating Trusteeship shall establish the initial Project Attorneys Advisory Council to be composed of 11 members to be selected, in accordance with procedures established by the Incorporating Trusteeship, by attorneys who are actively engaged in providing legal services under any existing legal services programs from among individuals who are attorneys actively engaged in providing such services.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the Incorporating Trusteeship. In order to carry out the provisions of this subsection the Director of the Office of Economic Opportunity shall make available to the Incorporating Trusteeship such administrative services as it may require.

"(d) Not later than ninety days after the enactment of the National Legal Services Corporation Act the Clients Advisory Council and the project Attorneys Advisory Council shall each meet and each appoint three representatives to serve on the initial Board of Directors of the National Legal Services Corporation.

"(e) During the ninety day period of incorporation of the Corporation the Incorporating Trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of Articles of Incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the Board of Directors, except the selection of the Executive Director of the Corporation.

"(f) During the 90 day period immediately following the period specified in subsection (e) of this section the Board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the National Legal Services Corporation Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a Board of Directors consisting of 19 individuals, one of whom shall be elected annually by the Board to serve as Chairman. Members of the Board shall be appointed as follows:

"(1) Public Members. Five members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, and one member shall be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. After giving due consideration to individuals recommended by associations of attorneys whose membership is actively engaged in conducting legal services programs the President shall make the appointments under this paragraph to the initial Board of Directors. After giving due consideration to recommendations of individuals recommended by the Board the President shall make the appointments under this paragraph for any Board subsequent to the initial Board.

"(2) Legal organization members. Six individuals shall be members of the Board by virtue of holding the following offices:

"(A) The President of the American Bar Association.

"(B) The President-elect of the American Bar Association.

"(C) The President of the National Legal Aid and Defender Association.

"(D) The President of the American Association of Law Schools.

"(E) The President of the American Trial Lawyers Association.

"(F) The President of the National Bar Association.

"(3) Attorney-client members. Six members of whom three shall be selected by the Clients Advisory Council and three shall be selected by the Project Attorneys Advisory Council. Any Board after the initial Board shall, in consultation with the respective Advisory Councils, provide for the rules with respect to the subsequent meetings of the Clients Advisory Council and the Attorneys Advisory Council and the process of selection of members of the Board in accordance with this paragraph.

"(4) The Executive Director of the Corporation.

"(b)(1) Members appointed under paragraph (1) of the preceding subsection shall be appointed for terms of three years except that—

"(A) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire, as designated by the President at the time of appointment, three at the end of three years, two at the end of two years, and in the case of the Director appointed by the Chief Justice two years; and

"(B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder Justice, two years; and

"(2) The members selected under paragraph (2) of the preceding subsection shall serve for the term of office for which they are elected and by virtue of which they become members of the Board except in no case shall a term exceed three years. If anyone of the organizational members' term will exceed three years by virtue of holding a position more than three years, the Board shall provide for the appointment of a successor by the appropriate organization.

"(3) The members selected pursuant to paragraph (3) of the preceding subsection shall serve for a term of three years except that—

"(A) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire as designated by the selecting Advisory Council, one at the end of one year, one at the end of two years, and one at the end of three years after such date; and

"(B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an Executive Director, who shall be an attorney, and such other officers as may be named and appointed by the Board of Directors, at rates of compensation fixed by the Board, and serve at the pleasure of the Board. No individual shall serve as Executive Director of the Corporation for a period in excess of 6 years.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"ADVISORY COUNCIL: EXECUTIVE COMMITTEE

"SEC. 905. (a) The Board shall provide for the selection of a Clients Advisory Council subsequent to the first such Council to be composed of not more than 11 members, selected in accordance with procedures established by the Board, from among individuals who are representative of the class of clients served by the legal services programs conducted or assisted by the Corporation. The Clients Advisory Council shall be available to advise the President on general policy matters relating to the needs of the members of the client community and to select members of the Board in accordance with section 904.

"(b) The Board shall provide for a Project Attorneys Advisory Council subsequent to the first such project. Project Attorneys Advisory Council shall be composed of not more than 11 members to be selected in accordance with procedures established by the Board, from among individuals who are attorneys actively engaged in providing legal services conducted by the Corporation. The Project Attorneys Advisory Council shall be available to advise the President on general policy relating to the furnishing of legal services to members of the client community and to select members of the Board in accordance with section 904.

"(c) The Board may establish an Executive Committee of not less than five members nor more than seven members which shall consist of the Chairman of the Board, the Executive Director of the Corporation, one director appointed pursuant to paragraph (1) of section 904(a), one director appointed pursuant to paragraph (2) of section 904(a), and one director appointed pursuant to paragraph (3) of section 904(a).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective six months after the enactment of the National Legal Services Corporation Act, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal service to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 3 of the National Legal Services Corporation Act;

"(3) carry out research, training, technical assistance, experimental and clinical assistance programs designed to improve the provisions of legal services to members of the client community;

"(4) increase opportunities for legal education among individuals who are members of a minority group or individuals who are economically disadvantaged;

"(5) collect and disseminate information designed to coordinate and evaluate the effectiveness of the activities and programs for legal service in various parts of the country;

"(6) assist and coordinate all programs for the provision of legal service and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government together with making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purpose of this title.

"(b) In the performance of the functions set forth in subsection (a) the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements or other transactions, in accordance with by-laws established by the Board of Directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective and comprehensive delivery of legal services to the client community;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority and members of the client community constitute at least one-third of the members of such Board.

"(c) In any case in which services are performed for the Federal Government by the Corporation the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"NON-PROFIT AND NON-POLITICAL NATURE OF THE CORPORATION

"Sec. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, employee or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"Sec. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection or monitoring of grantees and contractees shall be maintained for a period of at least three years, subsequent to such evaluation, inspection or monitoring visit. Upon request, substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection or monitoring visit.

"(c) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"Sec. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORD AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"Sec. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files and all other papers, things or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto, as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the Executive Director and to each member of the Board at the time submitted to the Congress.

"(c) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this section shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"Sec. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the thirtieth day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition and accomplishments of the Corporation together with dissenting views and recommendations, if any, of Members of the Board.

"Sec. 912. As used in this title the term—

"(1) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"DEFINITIONS

"(2) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate means;

"(3) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(4) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities and similar activities;

"(5) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(6) 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(7) 'nonprofit' as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual;

"(8) 'Corporation' means the National Legal Services Corporation to be established pursuant to this title.

"FEDERAL CONTROL

"Sec. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title."

Sec. 3. (a) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the Executive Director of the National Legal Services Corporation, to arrange for the orderly continuance by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232 or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(b) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

SEC. 4. (a) Of the amounts appropriated to the Office of Economic Opportunity for carrying out the Economic Opportunity Act of 1964, there shall be reserved and made available to the Legal Services Corporation established pursuant to title IX of such Act, not less than the sums of $140,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

SEC. 5. Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"RESPONSIBILITY FOR NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

THE REVENUE SHARING TRAP

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, on March 10, 1971, I was privileged to address this House for 60 minutes on the politics and pitfalls of the administration's revenue sharing proposals. Subsequent to my speech, three articles in the Sacramento Bee have been brought to my attention. These articles clearly point out the folly of approaching solutions to national problems through the distribution of Federal funds to State and local governments with little or no Federal control.

Mr. Speaker, I am inserting these articles in the RECORD, and I highly commend them to my colleagues:

[From the Sacramento (Calif.) Bee, Mar. 7, 1971]

OPPONENTS MISS POINT OF NIXON PROGRAM FOR REVENUE SHARING

(By Leo Rennert)

WASHINGTON.—President Nixon's plan to return "power to the people" by sharing federal revenues with state and local governments deserves a better critique than it has received so far from political opponents.

Many Democrats in Congress have been quick to reject the proposal simply on the ground that state legislatures and city councils cannot be trusted to handle major new responsibilities.

Evidence of corruption and malfeasance is being compiled gleefully on Capitol Hill to show how the taxpayers' money would be squandered if Washington began to turn it over to state and local officials with no strings attached.

This crude attack, however, completely misses its target. Every lapse of virtue in statehouses and city halls can be duplicated by an instance of wrongdoing at the federal level. It would be difficult to pick the winner between Washington and other levels of government in a contest centering on honesty, intelligence or dedication.

But that is not—and should not be—the decisive criterion. What matters is whether at this stage in American history major problems lend themselves better to solutions at the national level—or can be neatly cut up and treated within the confines of state and local jurisdictions.

The question really boils down to one of practicality. Which approach is likely to produce a greater measure of success?

EASILY RESOLVED

Viewed in that light, the issue is easily resolved. Given the increasing "national" character of most of our social and economic problems, it is sheer delusion to pretend that a return to simpler days offers any real hope.

State and local governments cannot regulate conglomerate empires, oil cartels and utility combines which stretch across many states and even take on global dimensions. Nor can they cope with problems of economic dislocation, poverty, welfare dependence, rural migration and inadequate health care, which are rooted in developments hundreds and thousands of miles beyond their immediate borders.

Nixon himself has recognized this unavoidable set of affairs by a number of actions which have tended to centralize and expand power at the national level—in complete disregard of his official rhetoric.

It was under his administration that rail passenger service became effectively nationalized with the creation of Railpax—a move which abolishes the last vestiges of state control in this vital field.

It is under this administration that the federal government is expanding by quantum leaps its authority to control air and water pollution.

And it was Nixon who only recently recommended a new comprehensive health care system which for the first time would set national standards for the insurance industry and impose additional federal requirements on practically every employer in the nation.

Similarly, the President continues to fight for a welfare reform plan which would go a long way toward eliminating states and counties from any effective decisionmaking roles regarding public assistance programs. In education, he is recommending creation of national research institutes which could undermine much of the curriculum diversity now evident at elementary, secondary and university levels.

All these actions, of course, are triggered as practical responses to national problems which simply will not go away. The federal government may not have the best possible solutions. Or sometimes not even workable ones. But in these, as in so many other fields, it often turns out to be the only place where a critical problem can be tackled with some realistic expectation of success.

Even Gov. Ronald Reagan, whose rhetoric at times borders on secessionism, now clamors for federal action to solve farm labor disputes—a rank admission that "sovereign" California occasionally must turn to Washington for help.

WHY THE PUSH?

Why then the big push for revenue sharing, less power in Washington and a rebirth of state and local governments?

To some extent, this rhetoric satisfies a romantic longing in all of us for less complicated institutional mechanisms.

To the President it offers a potential means of dumping unpopular problems and decisions on state and local officials, while it camoflauges his opposite moves in the direction of concentrating power along the banks of the Potomac.

After all, revenue sharing and decentralization are being recommended by a President who so far has doubled the White House staff and tripled its budget.

[From the Sacramento (Calif.) Bee Mar. 9, 1971]

SHARING PLAN FAVORS LEAST NEEDY CITIES

(By Leo Rennert)

WASHINGTON.—Beverly Hills would receive $24 for every resident under President Nixon's revenue sharing plan—twice as much as Sacramento's $12-per-capita share.

The municipal treasury of Palm Springs would be enriched by $26 for each inhabitant of that plush resort—double the $13-a-head slice earmarked for Fresno.

The City of Commerce in Los Angeles County, with one of the wealthiest tax bases in California, could claim $47 a person—more than five times as much as Modesto's $9 level.

These sharp disparities, which are just coming to light, are expected to intensify Democratic opposition to the President's tax-sharing plan—the cornerstone of his domestic program.

CENSUS FIGURES

A check of 1970 census figures shows practically every section of California would experience wide variations in revenue-sharing allocations from one city to another.

In many instances, communities with high levels of poverty would end up at the bottom of the list.

For example, affluent Carmel would qualify for $19 per capita while neighboring Monterey, faced with a growing list of urban problems, would be compensated only at the rate of $11.

In Los Angeles County, comparatively well-off Long Beach would receive $20 a person while economically depressed Compton would have to settle for a $5 level.

Even so, Compton would be more fortunate than several other communities in its county, including Norwalk, $2.10; Culver City, $1.60; Hawaiian Gardens, $1.70, and Cudahy, $1.30.

BASIS OF FORMULA

The highly varied pattern of per-capita rates is due to a White House decision to distribute revenue-sharing sums within each state on the basis of the tax effort of each jurisdiction.

The formula ignores such factors as population and need.

Thus, a city with a high tax base which has an easy time raising sufficient funds for municipal services would fare better than a community struggling with a rising population and low assessments.

STATE GOVERNMENT

California would receive $590 million in unrestricted grants under Nixon's plan to share $5 billion a year with smaller parts for state, county and city governments.

In determining each state's allocation, population would count as a major factor. But, when it comes to dividing those slices into smaller parts of state, county and city governments, each jurisdiction's revenue-raising effort becomes the governing element.

Thus, California's state government would keep $273 million—or about 46 per cent—because its tax collections are slightly less than the combined total of all revenues raised by city and county governments.

In turn, cities and counties would split the rest—$317 million, or 54 per cent of California's over-all allocation.

Of the $317 million, the cities would keep $154 million and the counties $163 million—again a split reflecting their respective tax-raising efforts.

Finally, the share of each city and county also would be determined by its relative performance in raising revenues.

For example, the Treasury Department places current revenues of the City of Sacramento at $29.5 million—about $116 a person.

SOME EXAMPLES

Beverly Hill's revenues are figured at $7.5 million—about $224 per capita, or just about double Sacramento's rate.

Thus, Beverly Hills would be entitled to $811,871 for its 33,416 residents under revenue sharing—or $24 per capita—while Sacramento would receive $3,179,135 for its 254,413 inhabitants—a rate of $12.

With eight times the population of Beverly Hills, Sacramento would receive only four times as much from Washington in revenue-sharing money.

In contrast, San Francisco would top them both—with $33 per capita. The bay city's high standing under the President's plan is traceable to two factors—a declining population and a fast rising commercial tax base.

Oakland would receive only $15 per capita.

[From the Sacramento (Calif.) Bee, Mar. 8, 1971]

STATE HAD RECORD YEAR GAIN IN U.S. FUNDS

(By Leo Rennert)

Washington.—Figures released by the Treasury Department show California registered a record one-year gain of $775 million in federal grants to its state and local governments.

California's share rose to $2.998 billion in the last fiscal year, compared with $2.223 billion in the previous year.

Federal support for the state's welfare programs accounted for the lion's share of the new total and the huge jump.

FROM HUD

The Department of Health, Education and Welfare funneled $1.446 billion into California for various public assistance programs, an increase of $342 million over fiscal 1969.

Another major jump took place in federal highway aid, with payments to the state rising from $300 million to $495 million.

In contrast, California received $20.9 million for urban mass transportation, a drop of $3.3 million from the year prior.

12% OF TOTAL

The state's overall take of nearly $3 billion represents more than 12 per cent of a national total of 524.2 billion.

Nationally, grants to state and local governments rose by about $4 billion with California accounting for nearly 20 per cent of the increase.

New York remained in No. 2 position with $2.365 billion—$633 million behind California, New York's one-year gain totaled $318 million, less than half the increase registered by California.

BOUND TO INTENSIFY

By putting into sharp relief California's huge stake in existing federal grant-in-aid programs, the new figures are bound to intensify questions about the state's potential gains or losses under President Nixon's $5 billion revenue-sharing plan.

Under the President's proposal, California's state and local governments would receive $590 million a year in unrestricted funds. The White House maintains this money would be on top of the amounts the state now receives from grant-in-aid programs.

But critics contend congressional approval of revenue sharing inevitably would lead to a contraction or leveling off of existing grants. Were this to happen, California would be accepting an additional $590 million under revenue sharing but having to forego much bigger annual jumps in existing grants-in-aid.

BY NJ SOLON

The new statistics on federal grants were obtained by Rep. Charles W. Sandman Jr., R-NJ, in advance of official publication. Treasury officials said they remain subject to final review.

The congressman, who inserted each state's total in the Congressional Record, said the information should prove "most interesting" in the consideration of Nixon's revenue-sharing plan.

The grant totals are limited strictly to funds channeled to state and local agencies. They do not include federal payments to individuals, such as Social Security and veterans' benefits.

NOT REFLECTED

Nor do they reflect defense and other outlays for federal activities in the various states.

Thus, California's share of nearly $3 billion in federal grants represents only about 10 per cent of the estimated amount actually spent in the state by Washington in the last fiscal year.

The Treasury figures show the following changes in California's grant allocations from 1968–69 to 1969–70:

Agriculture—Food stamps, up from $20.6 million to $60.6 million; surplus commodities distribution, up from $13.4 million to $16.1 million; child nutrition, up from $8.6 million to $22.7 million.

Disaster relief—Up from $2.2 million to $60.9 million.

War on Poverty—Community action programs down from $91.6 million to $77.2 million; adult work training, up from $16.7 million to $18.6 million; Neighborhood Youth Corps, up from $22.9 million to $23.2 million; work experience training, up from $791,000 to $25.5 million.

Education—Elementary and secondary programs, $106 million, no change; "impact" aid to districts near federal installations, up from $55.8 million to $95.4 million; vocational education, up from $20.2 million to $22.5 million.

Health—Hospital, health research and health education facilities, down from $23.4 million to $21 million; comprehensive health planning, down from $13.4 million to $9.8 million; health manpower education, up from $5 million to $6.2 million; mental health research and services, up from $7.9 million to $18.1 million.

Housing and urban development—Low-rent public housing, up from $20.5 million to $31.8 million; urban renewal, up from $64 million to $65.3 million; open space grants, down from $9.5 million to $5.7 million; model cities, up from $258,000 to $2.5 million; urban planning, up from $2.1 million to $2.8 million.

Pollution control—Waste treatment facilities, up from $10.5 million to $13.2 million.

Law enforcement—Manpower training, up from $1.5 million to $37.6 million.

Unemployment compensation—Up from $69.2 million to $72.4 million.

Transportation—Airports, down from $6.7 million to $3 million.

WE MUST COMPLETE OUR JOB ON SOCIAL SECURITY REFORM

(Mr. GROVER asked and was given permission to extend his remarks at this point in the Record.)

Mr. GROVER. Mr. Speaker, on Tuesday last, the House took up without prior notice to the membership, and on a day when no business was scheduled, a conference report on the debt ceiling legislation to which the Senate had attached an amendment increasing social security benefits by 10 percent across the board. The increase is retroactive to the first of the year and includes a 5-percent increase in special payments to noninsured persons aged 72 and over.

I have two regrets, Mr. Speaker. One, that the legislation was brought in without due notice, depriving me of the opportunity to be recorded in favor of this long-delayed increase to help our retired citizens, those who are hardest hit by the insidious backdoor tax of inflation.

The other is that the conference report did only a half-way job. It struck out the proposed increase in allowable income, also referred to as an "increase in earnings test." At the present time social security beneficiaries may only earn up to $1,680 annually before loss of benefits.

Older people blessed with good health and talent should be encouraged to work, not penalized. We should set our sights on an increase now in the earnings test with a programed elimination over a reasonable period.

The conference report also neglected the very desirable feature of gearing benefits to the cost of living.

The job is only half done after months of promise and delay which has caused much suffering to our older citizens so many of whom face serious economic hardships.

Let us urge our colleagues on the Ways and Means Committee to complete the job swiftly.

DYNAMIC PROPOSAL BY GOVERNOR REAGAN ON WELFARE

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the problem of welfare is escalating at an alarming rate, and this is certainly demonstrated by the rising welfare rolls. Many proposals and alternatives have been suggested. Most of them have been extremely costly, and offer no tangible or realistic hope for real and constructive reform. However, on the 3d of March 1971, the Honorable Governor Ronald Reagan of California, in an address, offered a sensible and feasible plan for the State of California. The Governor's plan would bring relief to the already overburdened taxpayer, and at the same time, would not penalize those on welfare in real need, or who have a desire to work and a desire to better themselves. His proposal is a dynamic example of State and local leadership taking the initiative to solve America's No. 1 domestic problem. If successful, Governor Reagan's plan can serve as a model for other Governors and other States to follow, as well as this entire Nation.

Governor Reagan's plan and speech of March 3, 1971, is as follows:

STATEMENT BY GOV. RONALD REAGAN

Mr. Chairman, Members of Town Hall, Ladies and Gentlemen:

First let me thank you of Town Hall for your thoughtful and timely invitation. I suspect that you were aware you were providing a forum through which the people of California could be reached. In doing so, you have been of great service because the people of California are confronted by a most serious problem.

In the last few days, I have been asked a number of times if the political honeymoon is over. I am not sure it ever started. On the wedding night someone said something about stepping into the next room to slip into something comfortable—and they never came back.

On January 4, in my inaugural remarks I said that unless we who had been elected to office were willing to completely reform our programs of social welfare, we would have to ask you for a tax increase this and every succeeding year as far as we could see into the future.

What we call California's welfare and health care system is in reality nothing more than a state implementation of federal mandates approaching $3½ billion in cost and leading us into sure bankruptcy unless we have the courage to choose another course before it is too late.

If misery loves company the theme music for the National Governors Conference in Washington last week must have been "Hearts and Flowers." Those states which have breezed along without having to tap all the potential tax sources such as the sales or statewide income tax are now adopting one or the other, or both. In an unprecedented crisis Pennsylvania ran totally out of state funds four days ago.

There was no partisanship at this conference nor in the unanimous endorsement of federal revenue sharing. But the topic dominating all others was welfare and how long government at any level could keep pace with it's ever increasing cost. I might add there was great interest in California because we were the only state readying a concrete proposal for welfare reform. Surprising was the general acceptance that added revenues were only temporary expedients and not a permanent answer to the problem.

Certainly this is true in California. The biggest of our welfare programs, Aid to Dependent Children, increased its case load 39 percent last year and its cost 42 percent. Medi-Cal is increasing more than twice as fast as our normal increase in revenues. One out of nine Californians is drawing some form of welfare now and by the end of the next fiscal year, if welfare goes on increasing at the present rate, it will be one out of seven.

Even cutting back legitimate government services and postponing important and needed projects, we face the fact that to continue the present welfare and Medi-Cal programs without change will require $220 million more than we have. To save the state $220 million in welfare means reducing the total costs more than $600 million. We cannot reduce our share without reducing costs at the county and the federal level. Or put another way, if we have to ask the taxpayers for an additional $220 million in state revenue, we force the counties to raise property taxes another hundred million and add roughly $300 million to federal costs. And of course the same citizen pays it all—county, state and federal. Right now, Californians are paying $32 billion in taxes of which more than $20 billion goes to Uncle Sam. That is a tax burden that pro-rates out at $4,152 for every average family of four in California. A choice has to be made. Either we tighten government's belt or we loosen your purse strings and extract even more money than we are now taking. I am unalterably opposed to that latter choice.

Last month I submitted to the legislature a budget which can be balanced without increased taxes if we undertake a total reform of welfare and Medi-Cal. About two hours ago a message outlining this reform was delivered to both chambers of the legislature. I had planned a more personalized delivery of this message but a funny thing happened to me on the way upstairs.

Perhaps it is just as well, for the message is probably the most comprehensive and detailed ever submitted by any governor of this state. It calls for a sweeping 70 point reform of the entire welfare system. Legislation by the Senate and Assembly will be required in some of the proposed changes. Others can be made administratively and we will need the cooperation of the federal government to complete the package. The Social Security Act says that states should be encouraged to experiment with demonstration projects. On this basis, we are requesting the necessary waivers.

If there were no fiscal crisis, we would still have to urge welfare reform on the grounds of common sense. Present regulations are so ambiguous that court decisions have added $441 million to the cost of California welfare since 1967 and if we lose the cases still pending, another $1.8 billion will be added. But an even more compelling reason for reform is one of moral responsibility.

We had a task force of volunteer citizens and our own appointees and staff working on this problem last summer. The counties were doing the same and some of our reform proposals, incidentally, reflect their findings.

Reform is needed not only because welfare is an administrative disaster leading us to bankruptcy, but because it is a tragic failure for those who are destitute and who have nowhere else to turn for the most basic requirements of living. Let me emphasize this latter point because any time changes are proposed in welfare there are those who will raise a cry that we are lacking in compassion for the poor. The very opposite is true. Welfare today is spread so thin it is incapable of properly caring for the truly needy and destitute. It is spread thin in attempting to provide for too many who are not needy but who through loopholes are legally eligible to claim welfare benefits, and too many who are receiving aid illegally because there is just no way to prevent their cheating and because there is a gigantic extravagant administrative overhead bound in endless miles of red tape and born of overlapping and duplicating agencies.

I have heard the repeated statements that welfare fraud is only one or two percent and not really an item of concern—or even something you can do much about. The truth is no one knows. No one in the United States knows how many people are receiving welfare. We all know how many checks are being mailed out but we have no way of knowing how many individuals are getting several checks under different names. We do not know because regulations keep us from checking on an applicant's declaration—we must accept his word as to his need.

Recently in the San Francisco bay area, a group of citizens set out to show how easy it is to get on welfare. Some of them managed to get on as many as four times in one day in a single office. In our neighbor state of Nevada, the governor (who declared himself to me as a liberal Democrat), ordered a house to house canvas of welfare recipients. (They have a limited enough population to be able to do this.) This actual head count revealed 22 percent of their welfare recipients are receiving welfare dishonestly. Some time ago a welfare conducted investigation in the District of Columbia turned up less than two percent of fraud—a congressional investigation then found it was 57 percent. Even so, I have to question whether fraud costs as much as the legal kind of cheating we have created by our own well intentioned effort to provide work incentives. This idea (spawned in Washington) has created a whole new class of affluent poor.

An answer was needed for the individual who sees no reason to work if the dollars for working only replace the dollars he or she can get from welfare. It was decided that a proper incentive would be to supplement earnings by continuing to pay at least a part of the welfare grant. By the time they had finished "thinking of everything", the intended incentive had become a windfall known in the welfare trade as the 30 and a third formula. It goes to work when the recipient gets a job. How much of the welfare grant he keeps is determined by not counting $30 of his earnings as eligible income, nor do you count one-third of the remainder, nor deduction for income tax, union dues, or pension plan. Additional allowance is made for clothing, child care, transportation (and this includes car payments) and finally $25 miscellaneous. There is virtually no ceiling on earnings above which you become ineligible for welfare although we have found it usually does not go much above $1,200 a month. At least one man in California, however, managed to keep his welfare grant plus $16,800 a year in salary. More typical is the case I described in the current issue of "U.S. News and World Report". I gave an example of a California recipient receiving a grant of $339 a month who took a job paying $582 a month. The formula reduced the $582 to $42 countable income and thus the $339 grant was only cut by $29. This individual now has an income of $892 a month—a good portion of it tax free—and is eligible for Medi-Cal and food stamps.

Our task force surveyed those counties which together carry 40 percent of the welfare case load. We learned that working welfare recipients have average earnings of $346 a month. Their grants in aid not counting Medi-Cal (for which they remain eligible) averaged $186. The grants for those with no outside earnings or income are only $21 more or $207 a month. Simple decency suggests reducing the supplemental grant and increasing the $207 so as to provide a more decent living for the totally destitute. Our reform proposes doing this. We will first of all provide better for the truly needy. Admittedly our first requirement in these stringent times must be balancing the budget but even so we can also improve the lot of the poor and as we put our financial house in order do so even more substantially.

Some will accuse me of citing horror stories which they claim are only isolated cases. But they are wrong, Contra Costa County estimates it has 2500 people fully employed and on welfare; 148 of them earn more than $600 a month. Alameda County puts its figure at almost 4000 with 198 earning more than $600.

We can have realistic eligibility procedures to eliminate or at least curtail fraud, a ceiling on earnings above which no welfare payments will be made and a reduction in the grants to those who have outside income. Able-bodied and employable recipients will be required to work or take job training and we will go after those fathers who have deserted their families, contributing nothing to their support. In California they number 250,000. We intend to provide the counties with the financial incentive to solve this problem. Properly pursued it could be used to help the counties offset their welfare expenses.

Strengthening the role of the family is basic to our proposal. It is called: "Meeting the Challenge: a responsible plan for welfare and Medi-Cal reform." Obviously time will not permit the details of the 70 point proposal we have made, but let me summarize the more important changes. First, we think the unemployables who are in fact pensioners, the aged, the disabled and blind should be removed from the welfare structure. The state will assume all administrative and grant payments for these citizens numbering about 600,000. Their payments will be automated similar to the method used in paying Social Security. There is no need for a costly bureaucracy checking to see if the elderly are continuing to get older. With the administrative savings we should eventually be able to increase their pensions so as to give life a little more dignity, pleasure and meaning.

The state would be taking over about $92 million in present county expenses but in another area—"Aid to Families with Dependent Children"—the counties would assume an additional $84 million of cost. So the net effect of these statistics is $8 million in savings to the counties in 1971–72.

Let me say here and now to those who have charged we intend to balance state spending by dumping the load on the counties . . . they are, as usual, talking through their hats. One of the absolute musts in this reform program is that there be no net cost shift to the counties. As a matter of fact, let me repeat what I said earlier, if there is *no* reform, county costs will go up $100 million. With reform this will, of course, be eliminated. The $8 million projected savings next year will grow in future years and could be as much as $47 million in savings to the counties during 1972–73.

With the change of the elderly and disabled to a pension status, welfare will then be dealing with the potentially employable. As of now welfare is as I have described it "at sea without rudder or compass." Just putting ever increasing numbers of people on a dole and providing food and shelter is not a worthwhile goal. These people are not a faceless mass—they are individuals with individual and unique reasons why many have been unable to get into the competitive labor market. Finding and treating with that unique and personal reason will give welfare a purpose and a goal. The goal must be to eliminate, if possible, the need for itself. We must begin to measure our success by how many people we have removed from the rolls each year, not how many we have added. We intend to place the employable welfare recipient under the jurisdiction of the Department of Human Resources Development. This department's total effort is devoted to job hunting and job training. Social workers assigned to this new jurisdiction will be judged not on the basis of how many people they place on welfare, but how many they place in jobs. This entire concept was born of recommendations made by the County Supervisors Association.

California has not been hesitant about job training programs, quite the contrary. The only major government funded program now dealing with welfare job training is "WIN"—work incentive program. Almost a third of all those who have obtained jobs through "WIN" in the entire nation, have done so in California.

Now we propose going further. The able-bodied employables will be expected to work in a public work force if they are not engaged in a job training program. They will receive the same benefits they are getting now, but will in return work at public assistance jobs which will benefit the community and the state. These will not be boondoggles or meaningless tasks for some punitive reason of "work for the sake of working." Every department of the state has been told to list those things it would do if it had the manpower and the funds. In addition, local government will be asked to provide work which can range from supervising school playgrounds and helping in child care centers, to working in the field of environment. Los Angeles County has already proposed using recipients as school watchmen to prevent vandalism. The program will be permanent but the individuals will be as temporary as we can make them. Every effort will be made to move them from this public work force into jobs in the private sector.

If an individual refuses to take a job when it is available, participate in a job training program or in this interim public work force, he or she will be denied further welfare assistance.

This, very much briefed down, is the direction our welfare reform takes. There are, in addition, changes in eligibility standards, elimination of unnecessary red tape and paperwork, increased auditing of abuses, flat grant computations and prior month budgeting to determine the size of welfare grants.

The goals are simple and straight forward: to increase our assistance to the truly needy; to require those who are able to work to seek work, train for a job or serve their community if asked as a reasonable condition for receiving welfare; and to strengthen family responsibility as the basic element in our society.

Then we propose to reform our health care program, known as Medi-Cal. This program went into operation in the spring of 1966. By spring of 1967 it was in financial trouble and was bogged down administratively with providers of service waiting six months or more for payment. Some of the management snarls have been taken care of but not the problems created by its unlimited benefits plus the case load explosion in welfare.

The working men and women in California who pay for this program are providing a level of health care for the others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-Cal offers 20 totally free services with no restriction whatsoever on utilization.

In 1967 there were 97 claims of Medi-Cal for every one hundred participants—today there are 141 claims per 100 enrollees. The per capita health care cost per year for the average citizen is $312. The average cost per Medi-Cal recipient was $517 last year. We are proposing legislation to bring Medi-Cal benefits in line with those which the tax-paying citizens can afford.

Instead of a no-limit credit card Medi-Cal will provide a card good for the same amount of health care services the average citizen uses each year. Provision will, of course, be made for the cases of catastrophic illness or accident or emergency. To control over-utilization we propose a partial or token payment by every Medi-Cal patient for the services he receives—a dollar for each visit to the doctor or for each drug prescription, etc. The provider would collect this and bill Medi-Cal for the balance.

In North Carolina a test was run on drug prescriptions alone and utilization was reduced by 25 per cent. In England socialized medical program token payment resulted in almost 10 percent reduction when tried.

I know that many will see our proposed welfare reform only as a device to balance the budget and this will lead to charges that we are placing dollars above human beings. To do so is at best the cheapest kind of demagoguery and at worst selfish, irresponsible protection of self interest.

Of course, we seek to balance the budget; the Constitution and common sense require that we do so. What is the alternative? An increase in state taxes which must be accompanied by a corresponding increase in county taxes and further deficit spending at the federal level. And if all of that is done, it must be repeated again and again until the very system collapses.

In the meantime, welfare goes on failing those who need it most, destroying our most precious resource, our people. Finally faced with economic crisis, we will find ourselves no longer able to help those who turn to us because they have no other refuge. Our present fiscal plight is not the reason for welfare reform; it is the excuse. It prompts us to do at last that which has needed doing for a long, long time.

Thirty-six years ago, in the dark days of the Depression, a president of the United States who called on our people to be compassionate warned us at the same time to temper compassion with wisdom. Franklin D. Roosevelt said, "The lessons of history show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief is to administer a narcotic, a subtle destroyer of the human spirit." Was he right? Is there a sickness of spirit spreading over our land?

Last week in Washington, D.C., the "National Welfare Rights Organization," ostensibly formed to protect the interests of the needy, picketed the governor of Nevada for daring to expose those who fraudulently posed as needy in order to rob their fellow citizens. In one of our cities a man with no dependents and earning $800 a month sued to prevent a county from making him contribute $20 a month to the support of his aged mother. In St. Louis an industrial firm ran blockbuster ads in six papers offering the unskilled, jobs at $100 to $150 a week. One hundred forty-one applied, but most weren't seriously looking for work or they didn't like the money. Of the thirty-eight who finally went on the payroll, 27 didn't show up or if they did, quit in the first two days. The company is still advertising.

An unemployed young father in California, finally forced to accept welfare, is urged by the social worker to free himself of debts by declaring personal bankruptcy. His only assets, his household furnishings, are taken to pay his creditors a few cents on the dollar. But this, he is cheerfully told by the welfare worker, makes him eligible for a house full of brand new furniture courtesy of the taxpayers.

Perhaps you saw the Negro mother on the TV news telling of how she was forced into welfare. She had never been on welfare before. She worked from late afternoon until 11 or 12 at night to support her children. Each evening she left the children at home in charge of the oldest. She arrived home from work one night to find a social worker waiting for her. She was told her children were to be taken from her unless she stayed home to care for them. When she asked how she could support them if she didn't go to work, she was told to quit work and go on welfare. Wouldn't it make more sense to provide a baby sitter?

To those who say reform of welfare is impossible or unworkable, I can only say, "not to Californians." Last week we talked to Secretary Elliot Richardson of HEW and were assured of his very real interest and cooperation. We talked to the Finance Committee of the U.S. Senate and obtained their enthusiastic pledge of support in our efforts to make California welfare a pilot program. They asked how many governors would favor what we were trying to do. It was the last day of the conference and we could only contact 27. Twenty-four of them, Democrats and Republicans, signed a letter supporting our major proposals, three took the letter to consult with their congressional delegations, all of them asked for our detailed reform proposals. We are writing the other 23 and have every reason to expect most or all will sign the letter based on their views as expressed at the conference.

I asked for the opportunity to address the joint session of our legislature precisely because of the news coverage that would follow. It is absolutely imperative that the people of California understand what we are trying to accomplish.

Right now the propaganda fires are being stoked by special interest groups determined to resist and kill any effort to change welfare. In the days ahead the legislative committee hearings will be the target for demonstrations and pressure of every kind.

We have had great cooperation from some in the social welfare field who are true professionals and who want order brought out of the present mess. But others, feeling their bureaucratic empires threatened, will challenge every proposal and predict dire results if any part of our plan is adopted. Others will urge total federal takeover as the only solution. This would mean surrendering to those who caused the problem in the first place, and few in federal government want this.

Today we stand at a crossroad. We can continue to talk about welfare, complain about it and watch it grow unchecked while we raise taxes this year and every year thereafter to feed its cancerous growth. Or we can take the steps necessary to control it and reform it so that it will at last have the proud purpose of maximizing human dignity and salvaging the destitute.

This is not a jerry-built, hasty answer to a crisis. It is the result of months of work and study. It is perhaps our last chance. Neither Democratic or Republican, it is humanitarian—and it is ready to be tried.

I have addressed this message to the people of California because we need you.

NATIONAL PARKINSON FOUNDATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on February 21 of this year, the National Parkinson Foundation held its 12th annual Bob Hope Dinner. Bob Hope is Honorary National Chairman of the National Parkinson Foundation. He for 12 years has attended this great fund-raising dinner for research in respect to Parkinson's disease and for rehabilitation programs for the victims of Parkinson's. Bob Hope provides a thrilling evening of entertainment by having many personalities of distinguished national reputation to perform and acting as master of ceremonies himself. In addition, Bob Hope makes annually a generous contribution to the fight against Parkinson's disease which has been carried on very magnifically by the National Parkinson Foundation and the National Parkinson Institute, under the dedicated direction of a great and wonderful lady, Mrs. Jeanne Levey, who with her husband, a victim of Parkinson's disease, founded the National Parkinson Foundation.

My wife was chairman of the dinner this year as she has been for many years previously and she is national chairman of the women's division of the National Parkinson Foundation in which I have also taken an active part.

The National Parkinson Foundation was very fortunate to have as the principal speaker at this year's dinner the Honorable Robert H. Finch, Counsellor to the President. Mr. Finch, out of his great knowledge of the subject from his experience as Secretary of the Department of Health, Education, and Welfare, and his warmhearted compassion for the victims of this killing and crippling disease, delivered a magnificent address which gave new heart and encouragement to both the victims of Parkinson's disease and those who have struggled to conquer it with such dynamic leadership.

All honor to a great lady like Mrs. Jeanne Levey and my wife and others who worked devotedly with them and to such great men as Robert H. Finch and Bob Hope for what they have done and will do to find the cause and cure of Parkinson's disease and afford relief to the 1 million people in the United States who are Parkinson's victims.

Mr. Speaker, I am pleased to include the able address of Mr. Finch on this moving occasion in the Record immediately following my remarks:

Remarks by the Honorable Robert H. Finch

Sitting next to me tonight is one of the most lively, most energetic, and most dedicated women I have ever had the pleasure of knowing . . . Mrs. Jeanne Levey. She is vital proof that charming ladies can indeed lead in the betterment of their community and Nation.

As the motivating force behind this tremendous endeavor, Mrs. Levey has built the Parkinson Foundation into a medical facility of the highest caliber.

Now I know that Mrs. Levey couldn't have accomplished all that she has without the generous support of all of you present. So my tribute to her is a tribute to you as well—for sharing her dream.

I couldn't begin to give the deserved recognition to all those who have given special help to Mrs. Levey over the years, but I would like to pay my compliments to Congressman and Mrs. Claude Pepper. Claude, your vice chairman, has long been recognized across the Nation for his valuable contributions to the betterment of health for all our citizens, and he has a long list of impressive awards and tributes which salute his valuable efforts.

But particularly I want to honor the man we all salute tonight, Bob Hope.

No one in this room would disagree with the statement that he is literally one of the great humanitarians of our time.

Nothing could be more appropriate than to have this new Parkinson's Research Institute named in his honor.

When you consider the millions he has raised for charitable causes—the worthwhile endeavors he has been identified with—I guess you'd have to say he's sort of a one-man ambulatory HEW.

Gosh, come to think of it, if you put Bob's generous impulses and fund raising prowess together with the assets of Howard Hughes you could probably do away with the Federal Government entirely.

I will have to talk to the President about that—now that would be *real* Government reorganization.

The last two years when he did his annual Christmas show for the troops abroad, I worked with Bob so the boys would be actually signing up and preparing to return to college. We called it Project "Hope." It was a great success. Over 50,000 men signed up in 1969 alone.

The President's Message to Congress three days ago is a landmark in our pursuit of health. Here is a national strategy which has been two years in the preparation, and which will marshal and coordinate a variety of health forces, both private and public, to meet the major needs of our people. The proposals cap a long self-examination.

In 1969 the Department of Health, Education, and Welfare launched a program to determine how America's health capabilities could best be used to meet our health needs.

Early in the inventory, we saw the unevenness in the distribution of our health efforts. There was an overabundance of funding and manpower in one area—a shortage in another. Some needs were overstressed, and others disregarded. And through it all—the most advanced nation in the world, in health research, capabilities, and expenditures—the United States, continued to receive poor marks in health statistics. You know them well.

This shortcoming required immediate attention from the new Administration in 1969—and as Secretary of the Department, I was pleased to see the health services turn to, and verify the need for, a new strategy.

The efforts have continued under Secretary Richardson and in our Domestic Council. The result is the President's plan.

It is a new template for making certain that when we invest more of our Nation's resources in the health of our people, we will get a full return on our investment—and we will avoid and overcome the ills that have so long and so often befallen us.

President Nixon has asked Congress to build this new strategy on these basic principles. First we must build on the strengths we have established—one of those strengths is the diversity of our system. We must take advantage of the range of choices our health structure offers to doctors and patients alike, so that from this spectrum of services and achievements, we can select and maximize the care and the cure that will do best.

Second, we must increase our health capabilities by increasing our health manpower. There is need for more doctors and more paramedical personnel. By expanding our medical training facilities, and accelerating their programs, our private health personnel will be increased, and health care will be more widely available and accessible to all.

Third, we must organize for efficiency. So many of our philosophers say, "Money isn't everything." (Even Bob Hope says it, but not out loud.)

In health care this is clearly the problem of the day. But we have one immediate solution. Preventive medicine is a lot less expensive.

We can usually be sure that *an ounce of prevention is worth a pound of cure*. We can always be sure that it costs a lot less in money, time, and especially in pain.

Certainly curative medicine is the last resort in defense against disease. Preventive medicine is the first. And it is the only truly satisfactory way to insure personal health.

The best patient care, the most effective care, comes before any illness—not after.

Here is the thrust of our national health strategy. We seek improvements in quality—based on research and discovery. We seek improvements in availability—based on increased numbers of better trained physicians and health personnel. We seek improvements in efficiency—resulting from a broadened practice of preventive medicine.

THE FIGHT AGAINST PARKINSON'S DISEASE

The pitched battle which all of us here wage against Parkinson's disease is one whose success will be near and dear to me. It is near, because relatives, friends and clients of mine suffered it. And it is dear, because those I have seen in its throes suffered such untold anguish.

It is an unexpected invader, stealing in and striking almost without warning—taking its toll really before a defense can be made against its dread progress. Those who have watched know best.

But tonight, we can say that our concerted struggle has brought a promise of victory.

We could be on the verge of solving the riddle of Parkinson's disease—how it is caused, how it can be cured or arrested, and how it can be prevented. I can dare to make this bold statement because of the vital work you are doing here in Miami, for example, and because that work is backed up by substantial efforts in research that will answer these questions.

These earnest efforts have brought us L-Dopa, and enabled us to wisely use this first really effective anti-Parkinson drug to arrest the effects of the disease. Now, however, neurologists predict even greater potential.

L-Dopa will be the new research tool whose usefulness in further discoveries about the disease will prove at least as important as its immediate effectiveness in counteracting Parkinsonism.

As Secretary of HEW I soon got excited about L-Dopa. Let me tell you why.

The National Institute of Neurological Diseases and Stroke was a source of that excitement (Dr. MacNichol) because preliminary findings were being positively corroborated. Large-scale trials by other research projects confirmed earlier conclusions so that we could give the green light to widespread use of the drug. In June of 1970, while I was still Secretary of HEW, the Food and Drug Administration was able to license L-Dopa for prescription sale.

In the Domestic Council we have continued to receive favorable reports on research with the drug—in Brookhaven National Laboratory, where Dr. George Cotzias (COT'-SEE-US) continues his broadened work of discovery—and in Miami. Here, the National Parkinson Institute was one of the first organizations in the world to have the vision and courage to go ahead with L-Dopa while it was still considered highly experimental.

The hundreds of patients you have treated can testify to your strikingly successful results.

Some additional, advanced work you are doing is even more current.

An important question now is whether L-Dopa really changes the progress of Parkinson's disease. Does it actually arrest it? Or is it merely symptomatic treatment?

There is a cooperative project on this, which promises to give us an answer to the question.

Together with the National Institute of Neurological Diseases and Stroke, the National Parkinson Foundation is collecting data on patients who were here—at the Institute—between 1962 and 1964. This information is being matched against identical information for post-L-Dopa patients. The results of the work are beginning to come in, and they will be examined carefully.

To put it all together, now—

Everyone I know, who is aware of the work of this organization, has been impressed and indeed inspired.

The dedication and the courage shown by Mrs. Levey—and by the other leaders in the organization.

The volunteers—the contributors—all of these are dedicated as well—and all have exceeded the call of duty and certainly of charity.

But the most impressive test of any institution of this kind is what you have done for the patients. There is the final proof of success. And now, there is a vision of even greater success.

Only a few years ago the only thought for Parkinson patients was that the disease process could be slowed so that they might enjoy a few more active years.

Today, there is a new expectation that in a short while the process can be completely controlled or arrested.

Then over a million Americans will be freed from the virtual slavery of this tortuous crippler.

And here—*your deeds are father to more than just a wish.*

So tonight we are one step closer to that day when we will be able to say with Bob Hope, *Thanks for Making Parkinson's a Memory.*

NATIONAL LEGAL SERVICES CORPORATION ACT

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I am proud to join the distinguished gentleman from Washington (Mr. MEEDS) and more than 100 other Members in both Houses of Congress in introducing this bill to establish a National Legal Services Corporation. Identical legislation is to be introduced in the other body when the Senate meets tomorrow. Its chief sponsors there are Senators MONDALE and TAFT.

The Legal Services program giving people who cannot afford a lawyer full access to the American system of law has proven itself a very effective tool in redressing the problems of poverty. It is developing in many parts of this Nation a confidence in the ability of the law to be a force for good among people who have always thought of the law as the loanshark, the Welfare Department, or an adversary. It is offering hope to people who heretofore have had to face the legal system without education or sophistication.

Despite the program's success, legal services attorneys regularly confront conflict-of-interest problems and political pressures because of its location in the executive branch of the Federal Government.

In the early days of Legal Services, the Office of Economic Opportunity provided a natural location for the initiation and maturing of the legal assistance program. Nevertheless, experience has taught us the difficulties that are inherent in this structure. Throughout the past 5 years—regardless of which administration governed—the integrity of legal help for the poor has been challenged by politics and conflicts. Under the present structure, special attorney-client problems necessarily arise when suits are brought against agencies of the Federal Government, or against State and municipal governments.

The National Legal Services Corporation will encompass the full range of legal assistance presently offered through OEO. The Corporation approach is designed simply to meet three serious needs of the legal services effort—independence, security, and viability to the poor.

The problems of the OEO legal services program have been the subject of considerable study this past year by the President's Advisory Council on Executive Organization—known as the Ash Commission—and by the American Bar Association Committee on Right to Legal Services. Both the ABA Committee and the Ash Commission have reached the conclusion that the objective of legal services—assuring that the Nation's poor have full access to our legal system—will stand the greatest chance of success by making the program an independent corporation. By the legislation we introduce today, we hope to implement that recommendation.

The ABA consultant's report, written by Charles L. Edson, followed a review of all pertinent Federal statutes as well as more than 70 interviews with leaders in the Departments of Justice, Health, Education, and Welfare, and Housing and Urban Development, and throughout the U.S. Government. The final report contains an appendix written by the Washington law firm of Covington and Burling asserting that the Corporation proposal has been found to be legal and constitutional in all respects.

The National Legal Services Corporation will be established as a separate title under the Economic Opportunity Act. It is patterned after the Corporation for Public Broadcasting.

The Corporation will be funded by yearly appropriations from Congress. The first fiscal year authorization is $140 million, about twice the amount spent for the present program. OEO officials estimate that present funding provides legal assistance to less than 20 percent of eligible low-income Americans.

The Corporation will be administered by a 19-member Board of Directors. Five members of the Board will be chosen by the President, with the advice and consent of the Senate. One member will be appointed by the Chief Justice of the Supreme Court, upon the recommendation of the Judicial Conference of the United States. Six members serve by virtue of their office, including the president and president-elect of the American Bar Association, president of the American Trial Lawyers Association, president of the National Bar Association, president of the National Legal Aid and Defenders Association, and the president of the American Association of Law Schools. Three Board members will be chosen by a Clients Advisory Council and three will be chosen by a Project Attorney's Advisory Council—each council to be established by the act. The Executive Director of the Corporation, selected by the Board, will also be a voting member of the Board of Directors.

Six months after the date of enactment of this legislation, the Corporation will become fully operative. During the transition period, the Board of Directors will be selected and the Corporation will take necessary organizational steps. OEO will continue to administer the legal services program throughout this transitional period.

I want to stress the fact this legislation has broad bipartisan support. The delivery of legal help to an individual who cannot afford it is critical to each of us, regardless of political or philosophical persuasion.

In drafting this legislation we have sought the advice of many persons in and out of Government, and over a period of many months. We believe it is the best possible way to assure equal justice for all Americans. We strongly urge our colleagues in both Houses of Congress to act swiftly to establish the independence of legal services.

Mr. Speaker, as supplementary information for my colleagues, I want to have printed in the Record excerpts from two lengthy studies on the legal services program. The first excerpt comes from the Ash Council Memorandum to the President, released February 6, 1971; the second is from the consultant's report of the Committee on the Right to Legal Services of the American Bar Association. Following the excepts, I will include a section-by-section analysis of the National Legal Services Corporation Act.

Excerpted From: The Corporation for Legal Services, a Consultant's Report, Approved by the Committee on Right to Legal Services, Section of Individual Rights and Responsibilities, American Bar Association

SUMMARY

The five years of the Legal Services Program of the Office of Economic Opportunity have been marked by singular achievement. Legal Services lawyers now handle a million matters a year for those who otherwise would see justice denied. Some cases have resulted in landmark judicial decisions significantly altering the law as it affects the poor. Impulses generated by the program have affirmatively affected the law schools, the law firms and other legal institutions.

The program's success dictates that serious thought be given to its permanent structuring. * * * The Departments of Health, Education and Welfare; Housing and Urban Development, and Justice each have some logical claim to the program, and long term security might be gained if legal services were submerged within a large department. However, legal services lawyers have brought numerous suits against both HEW and HUD funded agencies and those departments as well. Justice represents these departments when they face court challenges. Placing legal services within any of them would create serious conflicts. Further, legal services within either HEW or HUD could mean a replay of the destructive administrative conflicts that have plagued it at OEO. The possibility of placing the program within the Administrative Office of the Courts or the Judiciary itself was rejected on conceptual, administrative and financial grounds.

The study of independent entities focuses on one model of compelling attractiveness, the federally-funded private non-profit corporation as exemplified by the Corporation for Public Broadcasting. Congress established this corporation in 1967 as a vehicle to channel federal funds to the producers and distributors of educational television programming. The First Amendment concerns of communications freedom that impelled this entity have equal cogency with respect to Legal Services' need for independence. * * *

Legal Services could enjoy similar success if administered by such a private non-profit federally-funded corporation. It is recommended as the permanent funding vehicle for the program. * * *

Law Reform and the Legal Ethic

The OEO Legal Services Guidelines issued in early 1966 stressed the necessity for law reform—a position reemphasized not only by all Directors of the Legal Services program but by OEO Directors as well. President Nixon recognized the need for such activity when he stated in his Message of August 11, 1969:

"The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens, is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they full understand the lawful means of making their needs known and having their needs met."

In addition, the ethics of the legal profession require a lawyer to serve his client by any permissible legal remedy to secure his object. Canon 7 of the Code of Professional Responsibility commands, "A lawyer should represent a client zealously within the bounds of the law." Ethical Consideration 7–1 elaborates:

"The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense."

This explicit command makes no exception to a lawyer who feels that his clients' rights can only be redressed by challenging a law or practice that impinges on those rights. In the final analysis, law reform is no more than a lawyer performing his ethical and professional duty for his client.

Basis of Judgment

Quickly summarized, to perform its mission, a permanent legal services structure must couple *independence* for the program with the *security* needed to assure its continuation.

Independence connotes: Freedom of a lawyer to represent his client to the limits of his ability within the bounds of professional discretion, including a challenge to established or favored institutions, laws or practices.

Freedom from any political intimidation or retaliation for such representation whatsoever, including efforts to bar action against public agencies.

Freedom for a legal services lawyer to represent his client pursuant to the Code of Professional Responsibility and the highest practices of the profession without interference by any outside source, lay or legal. As Disciplinary Rule 5–107(b) states:

"A lawyer shall not permit a person who recommends, employs or pays him to render legal services for another to direct his professional judgment in rendering such legal services."

As Ethical Consideration EC5–23 amplifies the issue:

"Since a lawyer must always be free to exercise his professional judgment without regard to the interest or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom."

By security is meant the establishment of a permanent legal services structure with the capacity to achieve governmental, public, client and bar understanding of and support for the provocative and controversial role of legal services in a free society.

Private, nonprofit federally aided corporations

Perhaps the least known of all government-affiliated entities, the federally-supported non-profit corporation enjoys a long history. Since 1867, the federal government has been the principal source of funds for Howard University, a comprehensive university organization located in the District of Columbia. Howard is governed by its own trustees, selected independently from any federal government source. The federal government has a similar relationship with another private institution in the nation's capital—Gallaudet College, a higher institution for deaf persons. Since 1879, Congress has been making funds available to the American Printing House for the Blind in Louisville, a non-profit corporation, to assist in the education of the blind by distributing braille books and other equipment.

Two well-known variations of the federally-assisted non-profit corporation are the American Red Cross and the Smithsonian Institution. Congress chartered the Red Cross to fulfill United States obligations under the Geneva Convention and the President appoints the chairman and seven members of the board of governors; however, the Red Cross receives no direct federal funding for its activities and thus provides an undesirable model for the Legal Services program. The Smithsonian Institution, a charitable non-profit corporation, has a dual status—private and governmental. It administers a number of federally-funded programs and, in its private capacity, receives and administers contracts and grants and accepts gifts and bequests from non-federal sources. Its governing body, the Board of Regents, includes the Vice President, the Chief Justice, three members of the Senate, three members of the House, and six citizen members. All in all, the Smithsonian presents an interesting blending of both public and private funding to carry out activities in the public interest.

The Corporation for Public Broadcasting

In January 1967, after a year of study, the Carnegie Commission on Educational Television concluded an exhaustive report on public interest broadcasting. Significantly, the Commission recommended extensive federal funding for television program production, although recognizing the free speech danger implicit in government participation in the communications media.

"Because we contemplate federal assistance to Public Television on a far larger scale than at present, the pressing need arises to identify the manner in which federal funds will flow to the system. There is at once involved in the relation between freedom of expression, intimately and necesarily a concern of Public Television, and federal support. (Carnegie Commission, *Public Television—A Program for Action*, at pp. 36–37.)"

The Commission proposed the establishment of a federally-chartered non-profit corporation which would neither be an agency nor an establishment of the United States Government. The considerations of broadcasting integrity that impelled the Carnegie Commission to suggest such an entity are equally relevant to the question of Legal Services freedom.

Legislation embodying the Commission's report was introduced shortly after its issuance. The following excerpts from the hearings show that Congress was appraised of and sensitive to the free speech problems involved.

Fred Friendly, a television consultant to the Ford Foundation posed the issue at the Senate hearings:

"Of one thing we can be certain: Public Television will rock the boat. There will be—there should be—times when every man in politics—including you—will wish that it had never been created. But Public Television should not have to stand the test of political popularity at any given point in time. *Its most precious right will be the right to rock the boat.* (Hearings before Communications Subcommittee of Commerce Committee, U.S.

Senate, April 11, 1967, 90th Congress, 1st Session, S. 1190, at p. 173.) (Emphasis added.)"

At the hearings Senator Hugh Scott (Pa.) recognized the necessity for

". . . total freedom, if that could be obtained, in programming and in the presentation of ideas and in the protection of thought we hate, protection of the unpleasant, the protection of the Lar Dailys of this country, for example, who like to get out in uniforms and run for office, the protection of the oddball, beatnik, crackpot, jackass, fool, *the protection of anybody*. (Hearings, at p. 151.) (Emphasis added.)"

Better credos could not be stated for the Legal Services program.

Both the House and Senate Committees recognized in their reports the compelling need for the government to keep its hands off the operations of the corporation. As stated in the House report:

"How can the Federal Government provide a source of funds to pay part of the cost of educational broadcasting and not control the final product? That question is answered in the bill by the creation of a non-profit educational broadcasting corporation.

"Every witness who discussed the operation of the Corporation agreed that funds for programs should not be provided directedly by the Federal Government. It was generally agreed that a non-profit Corporation, directed by a Board of Directors, none of whom will be Government employees, will provide the most effective insulation from Government control or influence over the expenditure of funds. (H.R. 90–794, Committee on Interstate and Foreign Commerce, on Public Broadcasting Act of 1967, August 21, 1967, 90th Congress, 1st Session, at p. 15.)"

CONCLUSION

Judge Learned Hand taught that unless the spirit of liberty dwells within the hearts and minds of men, no court can be its ultimate protector. Similarly, unless legal services has wide-spread public and official support and understanding, no entity will withstand adverse pressures. However, within the ambit of this overriding warning, the proposed Corporation for Legal Services affords the greatest promise of independence coupled with permanence. It presents an opportunity to the nation to make a lasting unequivocal commitment to the concept of justice for all. The capacity of this society to ventilate internal pressures through traditional modes rests in part on this choice.

ASH COUNCIL MEMO ON THE LEGAL SERVICES PROGRAM

BACKGROUND

The Legal Services Program is administered by the Office of Economic Opportunity under the specific authority of the Economic Opportunity Act. Its purpose is ". . . to further the cause of justice among persons living in poverty" by providing advice, representation, counseling, education and other appropriate legal services for the poor.

The program operates through grants to local, nonprofit legal services corporations which have on their boards of directors representatives of both the legal profession and the clientele served by the program. A recent report showed 268 neighborhood offices staffed by 2,000 lawyers. Appropriations for 1970 are $54 million.

The Legal Services Program is an attempt to extend the benefits of the traditional adversary process to those who otherwise would not have the ability to seek redress of their grievances within the framework of our legal system. As such, the program has strong and continuing support of its clients and of the American Bar Association which has frequently testified before Congress in behalf of the program.

Both the Advisory Commission on Civil Disorders and the Commission on the Causes and Prevention of Violence supported expansion of the program to help make the legal system a more effective avenue through which the poor might have their complaints adjudicated.

The President's message on the reorganization of the Office of Economic Opportunity of August 11, 1969, stated that:

The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate Legal Services Program, one which can test new approaches to this important challenge.

* * * * *

The nature of some actions, particularly those which involve challenges to administrative procedures or statutes often involves a confrontation with established authority. Thus the program is not free of controversy.

With this in mind, it is our view that the continued development of the Legal Services Program will depend to a large degree on the organizational arrangement under which this activity will be conducted.

The Office of Economic Opportunity as an organizational location for legal services

The Office of Economic Opportunity provided an excellent location for the initiation and maturing of the Legal Services Program. As part of the Community Action Program, it was assured funding as it developed a broad base of support and experimented with a variety of operating techniques.

While the bulk of Legal Services cases concern domestic relations, garnishment and landlord-tenant relations, the important class action cases or actions in behalf of clients against Federal, State or local government agencies have aroused public attention. These cases have raised a difficult issue: should an agency whose program is sponsored and funded by the Federal Government be permitted to undertake suits against other units of government? Despite the program's success in forestalling Congressional attempts to limit its freedom of action, this issue will remain a subject of political controversy so long as the Legal Services Program remains in the Executive Branch.

A second problem concerns the retention of the Legal Services Program in the Executive Office of the President. In our Memorandum for the President of October 26, 1970, we recommended that operating programs of the Executive Office of the President be transferred to appropriate operating agencies of the Executive Branch. In this Memorandum, we recommend placing all other operating programs of the Office of Economic Opportunity within either the proposed Departments of Human Resources or Community Development. The proposed transfer of these programs breaks the organizational tie between the Legal Services Program and other programs offering specialized services to the poor.

Retention of this one operating program within the Executive Office of the President would be inconsistent with the concepts discussed in our Memorandum of October 26, 1970, on the Executive Office of the President. As important, it would leave in the President's hands the need to resolve those controversies which the Legal Services Program may generate and which, by the nature of how they arose, are better left to the courts.

Other organizational alternatives

In examining alternative organizational locations for the Legal Services Program, we considered how well each would meet the criteria that we believe are necessary for the continued success of the program. These criteria are:

Maintenance of high professional standards;

Broad participation and support of the legal profession;

Responsiveness to the client group;

Ability to attract competent lawyers;

Maintenance of high professional standards;

Avoidance of conflict of interest by separating the roles of the parties in the adversary process; and

Visibility, to assist in reducing levels of social tension in society.

One alternative considered was the transfer of the Legal Services Program to either the proposed Department of Human Resources or the Department of Community Development. Such a transfer would parallel our recommendations for transfer of other Office of Economic Opportunity operating programs.

We believe, however, that subordination of this program within a line department, would reduce its visibility and hence its symbolic importance. Furthermore, it would place within the Departments, a program funding lawyers whose caseload would at times involve suits against agencies within the same department. This we view as a conflict of interest that would inhibit the proper functioning of the program. Also, within either department, the objectives of the Legal Services Program could become subordinated to the mission of that department.

A second alternative considered was the transfer of the program to the Department of Justice. This location would place the program within a larger legal context and might encourage increased involvement of the legal profession in the program. However, the conflict of interest problems arising in cases between Federal agencies and clients of attorneys in the program would be substantial. The Department of Justice is Counsel to the Executive Branch and would in most instances represent the Federal agency in such cases. To have the attorneys for both sides funded by the same department and ultimately reporting to the same Cabinet member would create real or apparent conflicts of interest that could severely impair the effectiveness of the program and raise serious questions as to the fairness of the system.

Another alternative considered was the creation of an Office of Public Advocate within the Federal Judiciary. This alternative was rejected for two reasons. First, such an arrangement would create at least the appearance of a special relationship between the courts and a particular client group, thus giving rise to questions of partiality by the courts. Secondly, an important distinction should be made between a system which provides for representation of clients in cases before the courts such as the Public Defender system and the more active assistance provided by Legal Services attorneys on a broad range of social issues. This latter role, in our view, is incompatible with the passive responsibilities of the judiciary.

The council's view

We have concluded that achievement of the objectives of the Legal Services Program will be served best by granting the program independent status.

Accordingly:

We recommend the transfer of the Legal Services Program to a nonprofit corporation chartered by Congress.

. . . Granting corporate status to the Legal Services Program would remove it one step from the political process, while at the same time, guaranteeing the necessary government support. Equally important, such a move would give the program greater visibility and in so doing, signal recognition of the importance of the concept that all citizens should have the ability to participate within our legal system.

We believe that this recommendation is consistent with the best interests of the program and its clients and with Administration policy.

IMPLEMENTATION

The Economic Opportunity Act provides that the authority for delegation does not extend to the Legal Services Program. Therefore, any transfer of the program would require legislation. The legislation to establish a public corporation could be modeled on the amendments to the Communications Act of 1934 which established the Public Broadcasting Corporation and should be considered in connection with the Administration's review of the Economic Opportunity Act in 1971.

SECTION-BY-SECTION ANALYSIS—NATIONAL LEGAL SERVICES CORPORATION ACT

Section 1, Short Title: Legal Services Corporation Act: authorizing a National Legal Services Corporation by amending the Economic Opportunity Act of 1964.

Section 2, Establishes Title IX to the Economic Opportunity Act of 1964 entitled "National Legal Services Corporation."

Section 901, Declaration of Policy:

(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness and reform;

(2) many low income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that the performance and provision of legal services be free from political interference;

(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

(6) a private nonprofit corporation should be created to encourage the availability of legal services and appropriate institutions to all citizens of the United States, free from extraneous interference and control.

Section 902, Establishment of Corporation: Establishes a non-profit Corporation, under the laws of the District of Columbia, which will not be an agency or establishment of the United States Government.

Section 903—Process of Incorporation: There is established an incorporating trusteeship made up of the President and President-Elect of the American Bar Association, and the Presidents of the National Legal Aid and Defender Association, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association. The incorporating trusteeship shall, within sixty days after enactment, establish an eleven member Clients Advisory Council from among persons recommended by the Boards of Directors of existing Legal Services programs and who are representative of the client community. Similarly, the trustees shall establish a Project Attorneys Advisory Council. Within ninety days of enactment the Clients and Project Attorneys Advisory Council will select three representatives to serve on the Corporation's Board of Directors.

Section 904—Directors and Officers: The Corporation shall have a Board of Directors made up of nineteen persons, one of whom shall be elected annually by the Board to serve as Chairman. Five members of the Board are appointed by the President with the advice and consent of the Senate. One member by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Six members serve by virtue of their office (Presidents of the ABA, NLADA, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association) and the President-Elect of the American Bar Association. Six members are chosen by the Clients and Project Attorney's Advisory Councils (three members each). The Executive Director of the Corporation is a voting member of the Board of Directors. The term of office for a Director is three years. The initial Board will be so constituted that members will have staggered terms of one, two, and three years. The Executive Director, selected by the Board of Directors, shall be an attorney and no individual can serve in this position for a period which exceeds six years.

Section 905—Advisory Council; Executive Committee: Establishing Clients and Project Attorneys Advisory Councils selected in accordance with procedures promulgated by the Board of Directors. The Board of Directors shall also establish an Executive Committee of five members.

Section 906—Activities and Powers of the Corporation:

(a) (1) Provide financial assistance to programs furnishing legal services to the client community.

(a) (2) Carry out programs, including research, training, technical assistance, and law school clinical assistance, to improve the provision of services to the client community.

(a) (3) Increase opportunity for legal education for individuals who are economically disadvantaged or members of minority groups.

(a) (4) Co-ordinate activities in various parts of the country through information collection and dissemination.

(a) (5) Assist and coordinate all Federal programs for the provision of legal services to the client community by reviewing and making recommendations upon (a) grants and contracts concerning legal services and (b) proposed legislative or executive action.

(a) (6) Assure that attorneys paid in whole or in part by funds from the Corporation owe the same duty to clients and enjoy the same protection from interference as if the attorney was directly employed by the client.

(a) (7) Establish policies which assure the professional quality of the attorneys and adherence to the Canons of Ethics.

(a) (8) Establish eligibility standards for clients with first priority on those who are destitute or extremely poor.

(b) The Corporation is further authorized to make grants, contracts, and enter into cooperative agreements. Promulgate regulations approving grants and contracts using criteria regarding (1) the most economical, effective, and comprehensive delivery of services (2) peaceful and orderly methods of seeking change and (3) maximum utilization of organizations presently delivering legal services. Insure that the Board of Directors of grantees are made of a majority of attorneys and at least one-third representatives of the client community.

Section 907—Non-Profit and Non-Political Nature of the Corporation: The Corporation may not contribute to or support any political party or candidate for elective public office.

Section 908—Access to Records and Documents Related to the Corporation: Full access to records is insured. The Corporation is subject to the provisions of the Freedom of Information Act as long as consistent with the Canons of Ethics and the ABA Code of Professional Responsibility.

Section 909, Financing: Authorizes funds to be appropriated for payment to the Corporation as may be necessary for any fiscal year, including funds to assist the Corporation in meeting its organizational expenses. The proposed Act also reserves and makes available not less than $140 million for the first fiscal year of operation and $170 million for fiscal year 1973. Funds made available to the Corporation under this Act shall remain available until expended.

Section 910, Records and Audits of the Corporation and the Recipients of Assistance: Authorizes annual audit by the GAO and requires Comptroller General to make an annual audit report to Congress.

Section 911, Reports to Congress: An annual report shall be prepared for the President and the Congress.

Section 912, Definitions: "Client Community" means that group of individuals not able to obtain private legal counsel because of inadequate financial means; in establishing eligibility standards for clients, the Corporation must give first priority to those who are destitute or extremely poor.

"Legal Services" includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities and similar legal activities.

Section 913, Federal Control: Prohibits Federal control over the Corporation or its employees.

Section 3—During the first year of operation the Director of OEO shall take such action as may be necessary to arrange for the orderly continuance by the Corporation of the Legal Services Program.

Section 4—See Financing section in this analysis.

BAN SPORTS ON CLOSED CIRCUIT TV

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPIN. Mr. Speaker, next Wednesday, March 24, I will be introducing a bill which would ban the production of major sports events on closed circuit television in order to keep professional sports on home TV and radio. This bill would prevent the future showing of chamiponship fights, superbowls, world's series games, and other major sports events on closed circuit TV. The purpose of the ban would be to force promoters to turn to public network television and radio for the broadcast of all major sports. In other words, this bill would keep professional sports in America open to all sports fans, not just a select few.

The exorbitant profits made by a handful of professional promoters from the recent Ali-Frazier fight were, I believe, totally unjustified and were responsible for numerous lawsuits and the illegal counterfeiting and scalping of tickets at incredible prices. I believe the way the Ali-Frazier fight was promoted seriously injured the public's image of professional boxing and of professional sports in general. I believe that the $20 million or more expected profits from the Ali-Frazier fight will represent an enormous temptation for other sports to follow suit and produce their events on closed circuit TV.

After all, if a championship fight can reap such amazing profits, so could a superbowl, a world's series games, or an NBA championship game. When we reach that point, however, spectator sports would become the province of the rich and the boon of the professional promoter. The only losers would be the vast majority of American sports fans.

I believe my bill would prevent such an absurd situation from arising. It would place closed circuit TV in the same category as pay TV, which is handled by the Broadcast Bureau within the Federal Communications Commission. At present, closed circuit TV comes under the jurisdiction of the FCC's Common Carrier Bureau, which regulates such nonpublic areas of communications as the telephone industry. Under my bill, promoters of major sports events would be required to accept the highest bid from a television network for the broadcast of a sports event. The only exception to the closed circuit TV ban would apply if the Broadcast Bureau determined that the anticipated profits from a live network broadcast—along with other expected receipts, such as gate receipts) would not be sufficient to justify the holding of the sports event. In that case, which would be extremely rare, I think, the FCC would allow for the production of that event on closed circuit TV.

There is no question that under my bill the profits of, say, future championship fights would be significantly reduced. But the fact that the boxers themselves might only make a half million dollars apiece from a network TV contract, instead of $2.5 million from a closed circuit production, would hardly be a deterrent to the holding of their matches.

There is a critical need for the passage of this preventive legislation before the lure of these unprecedented profits extends to other major spectator sports. If that occurs, remedial legislation would be terribly difficult to pass in the face of intense opposition from the powerful vested interests who would favor the continuance of closed circuit productions.

This is one instance where the threat to the public good is clear and immediate, and where preventive legislation—taken now by Congress—would be both politically feasible and effective in keeping spectator sports open to the general public. It would be the height of irony if sports fans were further excluded from viewing their teams while, at the same time, their tax money was going for the construction and maintenance of bigger and more modern stadiums for their teams to play in.

Mr. Speaker, I will be working hard in the near future for the passage of this important legislation. I believe that the chances for its passage this session could be surprisingly decent if public support of this bill is as strong as I hope it will be and if we in Congress are sensitive to the people's best interests.

WHITHER INDIA AND INDIRA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, India has voted socialist straight down the line, giving Prime Minister Indira Gandhi complete control of that country's government. Her electoral success is being hailed by the press as one of the extraordinary political achievements of post-independence India. Mrs. Gandhi has outstanding ability, and she is endowed with great appeal to the people of India from the fact that her father was Nehru and because of the name which she bears. What is not being said about her victory is that Mrs. Gandhi won through an emotional appeal to the country's poor. They think she is going to take from the "haves" and give to the "have-nots." Ninety percent of the people of India are extremely poor, and it follows that they would vote for the person who promised them most, particularly if they trust that person. They would also have voted for her as a conservative or a middle-of-the-road candidate, and in fact they did so for years.

America, as a capitalist country, can have some earnest reservations about the course which the Government of India is now expected to follow. Nationalization of more of the country's principal industries is now in prospect. The distressing part of it is that there just are not enough assests in India for universal sharing. When this fact finally dawns on the people, there could be resentment, even violence, and the next step could be communism for that country.

NATIONAL WILDFIRE DISASTER FUND

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is an area in forest fire control programs which should have more emphasis and adequate funding. I refer to the fire protection problems known as wildfires.

These are fires of catastrophic proportions which can occur whenever there are adverse combinations of high temperature, low humidity, protracted drought, and gale force winds. At such times any open flame may be fanned into a fire that destroys millions of dollars worth of property and endangers the lives of many people.

Examples of such disasters are the Peshtigo fire of 1871 which burned over more than 1 million acres and killed 1,500 people. A decade later a similar conflagration burned a million acres in Michigan and killed 119 people. The Hinckley fire of 1884 claimed 418 lives in Minnesota. The great Idaho fire of 1910 blackened 3 million acres.

In more recent years, the Bar Harbor fire of 1947 destroyed over 200,000 acres in Maine and killed 16 persons. South Carolina had an emergency situation in 1966. The Idaho fires of 1967 reached disaster proportions because of frequent lightning strikes during extreme burning conditions. Last year severe fires ravaged eastern Washington and southern California.

No part of this country is immune to fires of disaster proportions. By the same token no single fire control agency, Federal, State, or private, can afford the cost of maintaining sufficient reserve equipment and manpower to combat a fire of disaster proportions.

Needed is a national program for wildfire control. Such a program should establish national guidelines for organizing all firefighting agencies into a disaster fire network. Every State should have a plan for forecasting, mobilizing, and organizing for emergency fire situations. Funds for emergency use should be available for instant use.

I offer such a program for your consideration. I am introducing a bill which I feel would provide important steps toward the control of disaster from wildfires. I include a copy of the measure in the Record at this point:

H.R. 6399

A bill to provide for the establishment and administration of a national wildfire disaster control fund

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

Section 1. There is hereby authorized an emergency fund in the amount of $10,000,000 to be administered by the Secretary of Agriculture, until expended, for the purposes described below to supplement the efforts of State and local governments in the prevention, control, and suppression of forest and grass fires on private and public property when, in the discretion of the Secretary, such additional assistance is deemed necessary.

(1) Fire emergency preparation including planning, administrative, supply and other activities designed to increase capabilities for quick and effective action in the event of a fire emergency.

(2) Control and suppression of disaster or potentially disastrous fires on forests, ranges, and intermingled agricultural lands upon request of State or local government officials when regular and emergency fire control resources are considered potentially or actually inadequate or have been exhausted.

Sec. 2. The appropriation of such moneys for the initial establishment of the fund and for its replenishment on an annual basis is hereby authorized: *Provided,* That pending such appropriation of said sum, the Secretary of Agriculture may allot, from existing appropriations, such funds as may be necessary for the immediate prosecution of work herein authorized, such appropriation to be reimbursed from the appropriation herein authorized when made.

Sec. 3. The authority conferred by this Act, and any funds provided hereunder, shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law.

THE PLEDGE TO SOUTH-WEST AFRICA

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, I would like to direct the attention of my colleagues to an informed and enlightened article on South-West Africa which appeared in the Washington Post this morning. The author, Mr. Ernest A. Gross, has impressive credentials to comment on this subject by virtue of his previous service as Assistant Secretary of State and U.S. Delegate to the United Nations. Mr. Gross presents a logical and cogent argument that South Africa has violated the terms of its mandate over South-West Africa by extending apartheid to the territory and by refusing to account to the United Nations as required by a 1950 opinion of the International Court of Justice. I trust that these points will be given careful consideration by the Court in its current consideration of the Security Council's request for an advisory opinion on the legal consequences for states of South Africa's continued presence in the territory. The text of the article follows:

THE PLEDGE TO SOUTH-WEST AFRICA

(By Ernest A. Gross)

United States policy in regard to South West Africa (Namibia) has been assailed by Mr. Dean Acheson on the ground that "if the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path to huge and gratuitous folly" (Washington Post, Jan. 2). Mr. Acheson's strictures, harsh and marred by factual error, omit any reference whatever to the central moral and legal issue: South Africa's persistent violation of its Mandate—a trust assumed on behalf of the international community—to "promote to the utmost the material and moral well-being and the social progress of the inhabitants" of the Territory of South West Africa.

Mr. Acheson, when Secretary of State, characterized the problem as "perplexing," and the dilemma posed for the United States (and the United Nations) has not abated in the two decades since he left office. The source of perplexity is easy to define. The United States, together with all other U.N. members, is pledged to protect the rights of the peoples of an international trust territory, in the face of South Africa's obdurate refusal either to honor those rights or to respect the authority of the Organization upon which the trust is laid.

The *apartheid* policy, which South Africa applies as rigorously in this international territory as in South Africa itself, excludes "non-whites" (the large majority of the population) from any effective participation in political life. It imposes limits upon their economic and social progress and forbids them under criminal sanction, to form of join labor organizations to seek improvement of their condition. It denies educational opportunities essential to qualify for scientific or technical skills and denies them entry into a large number of professions. It prohibits their emigration, while limiting at home their freedom of movement and of residence, by means of an onerous and degrading "pass system."

Needless to say, such a policy has been condemned, officially and universally, as a grave breach of the Mandate.

Moreover, South Africa has refused to account to the United Nations in respect of its administration of the territory, despite a 1950 Opinion of the International Court of Justice that it was under an obligation to do so. The court's decision fully sustained the views of the United States in this regard, submitted to the court in a statement cleared by then Secretary of State Dean Acheson.

At last, on October 28, 1966, the U.N. General Assembly acknowledged the obvious futility of further efforts to persuade South Africa to fulfill its obligations under the Mandate. The Assembly decided that, by reason of its material breach and, indeed, by its own disavowal of the Mandate, South Africa had forfeited all right to continue to administer the Territory. The Assembly decreed that, with the termination of the Mandate, the Territory was to come "under the direct responsibility of the United Nations." An *Ad Hoc* Committee was established to recommend "practical means" for the administration of the Territory, until the inhabitants could exercise their right of self-determination and achieve independence.

The territory thus becomes the only area on the surface of the earth over which the United Nations has asserted a direct responsibility of government. The decision, taken with near unanimity and with the full concurrence of the United States, is to be seen as the product of a long-smouldering sense of frustration and moral outrage. There was no illusion concerning the nature of the obstacles for the enforcement of this "sacred trust of civilization," so long betrayed by the power in control and in possession.

The United States representative on the ad hoc committee for South West Africa, in 1967, was William Rogers, the present Secretary of State. In his opening statement to the committee, Mr. Rogers declared that it was the responsibility of the United Nations to provide the people of South West Africa "with the best practical means—and the emphasis must be on the word 'practical'—of exercising their right to self-determination and independence."

To be sure, standards of practicality in matters of essentially moral and human concern are to be measured against a flexible yardstick. Few, if any, responsible persons would advocate the use of outside military force to "coerce South Africa out of South West Africa," in Mr. Acheson's phrase. But how many would counsel supine acquiescence in South Africa's defiance of the confirmed authority of the United Nations to bring relief to the oppressed inhabitants of a territory impressed with an international trust?

As is true of all struggles for human rights and freedoms, regeneration must take place from within the social order, which is the primary architect of its own change. Nevertheless, the international society—rudimentary as it is—cannot passively accept an evil anachronism, without impairing its own integrity and stunting its own growth. It must bring to bear all practicable pressures, short of force, with the hope of inducing, even if it cannot compel, necessary change.

Many such political, economic and moral pressures are available to the United States, as well as to other of South Africa's major trading partners.

The United States government has announced that export-import guarantees would not be available for trade with the territory and that American investments made after the termination of the Mandate would not be protected against claims of a "future lawful government." Tax and trade treaties with South Africa should be regarded as inoperative insofar as they purport to extend to the territory.

The U.N. Council for Namibia, which has superseded the earlier committee, should be strengthened by added personnel and resources. It should assist and train Namibian leaders, both at home and in exile, to shape economic and political institutions requisite for an independent state. The council will gain in stature and effectiveness if the United States agrees to become a member, as it thus far has declined to do. A Namibian government-in-exile should be fostered. All U.N. members should honor Namibian passports, validated by the United Nations.

These measures are merely illustrative of the many open to the international community, if it is determined—as the United States promised at the time of the General Assembly decision in 1966—"to bring practical relief to the people of South West Africa in their time of need."

When the United States sought to conserve foreign exchange it did not hestiate to prohibit all new direct investment in South Africa. Can it be said that measures adopted in order to correct the balance of payment are a "gratuitous folly" if designed to redress the balance of justice?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones of North Carolina (at the request of Mr. Boggs) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hillis) and to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 5 minutes, today.

Mr. Vander Jagt, for 5 minutes, today.

Mr. Harsha, for 15 minutes, today.

Mr. Ruppe, for 5 minutes, today.

(The following Members (at the request of Mr. Murphy of Illinois) and to revise and extend their remarks and include extraneous matter:)

Mr. Fulton of Tennessee, for 30 minutes, today.

Mr. Rarick, for 10 minutes, today.

Mr. Murphy of Illinois, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield in two instances and to include extraneous matter.

Mr. Leggett and to include extraneous matter.

Mr. Boland to revise and extend remarks made in the Committee of the Whole.

Mr. Horton to revise and extend remarks during debate today right after Mr. Conte and to include extraneous material.

The following Members (at the request of Mr. Hillis) and to include extraneous matter:)

Mr. Pettis.

Mr. duPont.

Mr. Hogan in five instances.

Mr. Riegle.

Mr. Railsback in two instances.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Anderson of Illinois in three instances.

Mr. Frenzel in two instances.

Mrs. Heckler of Massachusetts.

Mr. Derwinski in two instances.

Mr. Price of Texas in three instances.

Mr. Keith in six instances.

Mr. Whitehurst in two instances.

Mr. Ware.

Mr. Wylie.

Mr. Duncan.

Mr. Chamberlain in two instances.

Mr. Robison of New York.

Mr. Brotzman.

Mr. O'Konski.

Mr. Mizell in three instances.

(The following Members (at the request of Mr. Murphy of Illinois), and to include extraneous matter:)

Mr. Annunzio.

Mr. William D. Ford in six instances.

Mr. Badillo in three instances.

Mr. Vanik in two instances.

Mr. Sisk in two instances.

Mr. Ryan in three instances.

Mr. Anderson of California in two instances.

Mr. Harrington in two instances.

Mr. Roush in two instances.

Mr. Hamilton in 10 instances.

Mr. Pryor of Arkansas in two instances.

Mr. Dingell in four instances.

Mr. Matsunaga.

Mr. Hawkins.

Mr. Corman in two instances.

Mr. Wolff.

Mr. Gaydos in five instances.

Mrs. Abzug.

Mr. Kluczynski in two instances.

Mr. Fountain.

Mr. Gonzalez.

Mr. Rodino in two instances.

Mr. Bennett in two instances.

Mr. Purcell in two instances.

Mr. Scheuer.

Mr. Jarman in two instances.

Mr. Hagan in two instances.

Mr. Denholm in three instances.

Mr. Foley.

Mr. Long of Maryland.

Mr. Blatnik in two instances.

ADJOURNMENT

Mr. MURPHY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, March 22, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

438. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; to the Committee on Armed Services.

439. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

440. A letter from the Director, Office of Economic Opportunity, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

441. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

442. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

443. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for titles I through V through fiscal year 1972; to the Committee on Public Works.

444. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to make permanent the provision in the Social Security Act for providing assistance for U.S. citizens returned from foreign countries; to the Committee on Ways and Means.

Received From the Comptroller General

445. A letter from the Comptroller General of the United States, transmitting a report on the acquisition of major weapons systems by the Department of Defense; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 6357. A bill to support the price of milk at 90 percent of the parity price for the period beginning April 1, 1971, and ending March 31, 1972; to the Committee on Agriculture.

By Mr. ANNUNZIO:

H.R. 6358. A bill to facilitate the entry into the United States of aliens who are brothers and sisters of U.S. citizens; to the Committee on the Judiciary.

By Mr. ASPINALL (for himself, Mr. Johnson of California, Mr. Saylor, and Mr. Hosmer) (by request):

H.R. 6359. A bill to amend the Water Resources Planning Act to authorize increased appropriations; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Mr. Steiger of Wisconsin, Mr. Biester, Mr. Brademas, Mr. Clay, Mr. Conable, Mr. Erlenborn, Mr. William D. Ford, Mr. Preyer of North Carolina, Mr. Railsback, Mr. Abourezk, Mrs. Abzug, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Bolling, Mr. Brown of Ohio, Mr. Carney, Mr. Collier, Mr. Corman, Mr. Coughlin, Mr. Dellenback, and Mr. Dellums):

H.R. 6360. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. Meeds, Mr. Diggs, Mr. Dingell, Mrs. Dwyer, Mr. Eckhardt, Mr. Edwards of California, Mr. Esch, Mr. Fish, Mr. Foley, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mr. Hicks of Washington, Mr. Howard, Mr. Kemp, and Mr. Koch):

H.R. 6361. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Steiger of Wisconsin, Mr. McDade, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Obey, Mr. O'Konski, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Pryor of Arkansas, Mr. Rees, Mr. Reid of New York, Mr. Rhodes, Mr. Riegle, Mr. Rosenthal, Mr. Roy, Mr. Roybal, and Mr. Ruppe):

H.R. 6362. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. Meeds, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Schwengel, Mr. Smith of New York, Mr. Stokes, Mr. Symington, Mr. Udall, Mr. Waldie, Mr. Widnall, Mr. Charles H. Wilson, Mr. Wolff, Mrs. Chisholm, and Mr. Robinson of New York):

H.R. 6363. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal service program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 6364. A bill to provide a maximum age for persons to be seated as a Member of the House of Representatives; to the Committee on House Administration.

H.R. 6365. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 6366. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. William D. Ford, Mr. Karth, Mr. McCloskey, Mr. Moss, Mr. Nedzi, Mr. Reuss, and Mr. Saylor):

H.R. 6367. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Interstate and Foreign Commerce.

By Mr. DOW:

H.R. 6368. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured by executive agencies; to the Committee on Government Operations.

By Mr. ERLENBORN (for himself, Mr. Brown of Ohio, Mr. McDonald of Michigan, and Mr. Halpern):

H.R. 6369. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ERLENBORN (for himself, Mr. Collier, and Mr. Conable):

H.R. 6370. A bill to amend titles X, XVI, and XIX of the Social Security Act so as to limit, for purposes of determining need of an individual for aid under any State program established pursuant to any of such titles, to specified relatives of such individual the persons whose financial responsibility for such individual may be taken into account; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 6371. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. FULTON of Tennessee (for himself, Mr. Blanton, Mr. Baker, Mr. Buchanan, Mr. Burke of Florida, Mr. Byron, Mr. Hansen of Idaho, Mr. Arends, Mr. Scherle, Mr. Mayne, Mr. Caffery, Mr. McDonald of Michigan, Mr. Broomfield, Mr. Ruppe, Mr. Montgomery, Mr. Galifianakis, Mr. Taylor, Mr. Latta, Mr. Spence, Mr. Dorn, Mr. Price of Illinois, Mr. Whitehurst, and Mr. Scott):

H.R. 6372. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 6373. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

H.R. 6374. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

H.R. 6375. A bill to provide for the establishment of a system of overtime pay for the U.S. Capitol Police; to the Committee on House Administration.

By Mr. GUBSER:

H.R. 6376. A bill to amend title 10 of the United States Code to provide for more equitable retired pay for members of the military services; and for other purposes; to the Committee on Armed Services.

H.R. 6377. A bill to amend the Internal Revenue Code of 1954 to eliminate the present limitations on eligibility for, and the amount of, the child-care expense deduction; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 6378. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6379. A bill to amend title 18, United States Code, to prohibit the dissemination through interstate commerce or the mails of obscene materials to persons under the age of 18 years, to restrict the exhibition of movies or other obscene matter to such persons, to prohibit the sale of mailing lists used to disseminate by mail obscene materials to such persons, and for other purposes; to the Committee on the Judiciary.

H.R. 6380. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation and fishery programs; to the Committee on Merchant Marine and Fisheries.

H.R. 6381. A bill to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 6382. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Anderson of Tennessee, Mr. Brooks, Mr. Clay, Mr. Dent, Mr. Fraser, Mrs. Grasso, and Mr. Green of Pennsylvania):

H.R. 6383. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Alexander, Mr. Aspin, Mr. Burton, Mr. Long of Maryland, and Mr. Vanik):

H.R. 6384. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Burton, Mr. Collins of Illinois, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Frenzel, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. McCollister, Mr. McKinney, Mr. Metcalfe, Mr. Mitchell, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, and Mr. Steele):

H.R. 6385. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Pepper, Mr. Stokes, Mr. Whitehurst, Mr. Williams, and Mrs. Abzug):

H.R. 6386. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. Bell):

H.R. 6387. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Burton, Mr. Harrington, and Mr. Horton):

H.R. 6388. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 6389. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of the Dickinson reclamation project in North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAILLIARD:

H.R. 6390. A bill to protect the public from exposure to excessive noise from civil supersonic aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 6391. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

H.R. 6392. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 6393. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. QUIE (for himself and Mr. Perkins):

H.R. 6394. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 6395. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROUSH:

H.R. 6396. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 6397. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of expenses incurred by an individual for transportation to and from work by automobile; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 6398. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 6399. A bill to provide for the establment and administration of a national wildfire disaster control fund; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin:

H.R. 6400. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 6401. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 6402. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 6403. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6404. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6405. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

H.R. 6406. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 6407. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on certain deposits in thrift institutions; to the Committee on Ways and Means.

H.R. 6408. A bill to amend the Internal Revenue Code of 1954 to allow an individual an income tax deduction for the expenses of traveling to and from work by means of mass transportation facilities; to the Committee on Ways and Means.

H.R. 6409. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 6410. A bill to amend the Internal Revenue Code of 1954 to allow an employer a deduction for the cost of making changes in his place of business to make it possible to hire or retain handicapped individuals as employees; to the Committee on Ways and Means.

H.R. 6411. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 6412. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. ANDERSON of California:

H.R. 6413. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act), to strengthen the provisions therein relating to the protection of U.S. vessels on the high seas; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM:

H.R. 6414. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 6415. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits and to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 6416. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 6417. A bill to reduce the number of class A retailers' licenses issued and outstanding under the District of Columbia Alcoholic Beverage Control Act, to establish the number of such licenses that may be issued and outstanding under such act, and for other purposes; to the Committee on the District of Columbia.

By Mr. COLMER (for himself, Mr. Poff, Mr. Hammerschmidt, Mr. Abernethy, Mr. Alexander, Mr. Baring, Mr. Mayne, Mr. Mikva, and Mr. Bob Wilson):

H.R. 6418. A bill to consent to the interstate environment compact; to the Committee on the Judiciary.

By Mr. COUGHLIN (for himself, Mr. McCloskey, Mr. Mayne, Mr. Mazzoli, Mr. Roe, Mr. Rooney of Pennsylvania, and Mr. Sandman):

H.R. 6419. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 6420. A bill to amend the Immigration and Naturalization Act; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 6421. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to political subdivisions within redevelopment areas for public purposes; to the Committee on Government Operations.

By Mr. HAGAN:

H.R. 6422. A bill to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral; to the Committee on Armed Services.

H.R. 6423. A bill to provide for the payment of medical or surgical services or hospital treatment for certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protection Service, and the U.S. Secret Service Division, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARRINGTON:

H.R. 6424. A bill to provide certain essential assistance to the U.S. fishing industry; to the Committee on Merchant Marine and Fisheries.

By Mr. HARVEY:

H.R. 6425. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

H.R. 6426. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 6427. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 6428. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 6429. A bill to provide for the establishment of the Thaddeus Kosciuczko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6430. A bill to amend title XVIII of the Social Securtiy Act to provide payment for for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 6431. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; to the Committee on the District of Columbia.

By Mr. KOCH:

H.R. 6432. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 6433. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6434. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LATTA:

H.R. 6435. A bill to restore the investment tax credit; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 6436. A bill making appropriations to the Secretary of Commerce for the fiscal year 1972 to carry out the provisions of the National Sea Grant College and Program Act of 1966; to the Committee on Appropriations.

By Mr. PERKINS:

H.R. 6437. A bill to increase annuities payable under the provisions of title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

H.R. 6438. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 6439. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Texas:

H.R. 6440. A bill to require the Secretary of Agriculture to make advance payments to producers of cotton; to the Committee on Agriculture.

H.R. 6441. A bill to require the Secretary of Agriculture to make advance payments to producers of wheat; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.R. 6442. A bill to amend the act of August 12, 1965, relating to the establishment of Herbert Hoover National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa (for himself, Mr. Abernethy, Mr. Stubblefield, Mr. Purcell, Mr. Matsunaga, Mr. Vigorito, Mr. Denholm, Mr. Martin, Mr. Roberts, Mr. Halpern, Mr. Zablocki, Mr. McFall, Mr. Montgomery, Mr. Johnson of California, Mr. Schwengel, Mr. Anderson of Tennessee, Mr. Watts, Mr. Perkins, Mr. Riegle, and Mr. Whitehurst):

H.R. 6443. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 6444. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself and Mr. Mikva):

H.R. 6445. A bill to authorize the Secretary of Transportation to make grants to persons in the aerospace industry for the purpose of enabling such persons to transfer the application of aerospace technology to the problems of ground transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 6446. A bill to provide for addition of the Minam River Canyon and other areas to the Eagle Cap Wilderness, Wallowa and Whitman National Forests, to modify the boundaries of the Wallowa National Forest in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.J. Res. 479. Joint resolution to authorize and request the President to designate by proclamation the third week of May of each year, beginning May 16 through 22, 1971, as "The Week of the Young Child"; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 480. Joint resolution proposing an amendment to the Constitution of the United States permitting the offering of prayers and the reading of the Bible in public schools or other public bodies in the United States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 481. Joint resolution authorizing the President to proclaim the week beginning on the last Monday in October of each year as "National Magic Week"; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.J. Res. 482. Joint resolution authorizing the President to proclaim the week of June 8 through 14, 1971, as "National Fraternal Week"; to the Committee on the Judiciary.

H.J. Res. 483. Joint resolution authorizing the President to proclaim the 28th day of September of each year as "Teacher's Day"; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. Barrett, Mr. Bergland, Mr. Carey of New York, Mr. Clark, Mr. Corbett, Mr. Fish, Mr. Foley, Mr. William D. Ford, Mrs. Griffiths, Mr. Hanley, Mr. Harvey, Mr. Macdonald of Massachusetts, Mr. Melcher, Mr. Nedzi, Mr. Nix, Mr. Pepper, Mr. Reid of New York, Mr. Ruppe, Mr. Sisk, Mr. Smith of New York, and Mr. Stratton):

H. Con. Res. 211. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. LEGGETT (for himself, Mr. Riegle, Mr. Seiberling, and Mr. McCloskey):

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress with respect to the proposed "proportionate repatriation" plan for obtaining the release of American prisoners held in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROBISON of New York:

H. Con. Res. 213. Concurrent resolution providing for the appointment of a study team to observe the election in Vietnam in October 1971; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H. Con. Res. 214. Concurrent resolution urging the withdrawal now of U.S. forces in Vietnam; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN:

H. Con. Res. 215. Concurrent resolution expressing the sense of Congress with respect to paid advertisements broadcast for the Federal or State or local governments or departments or agencies; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H. Con. Res. 216. Concurrent resolution to establish minimum standards on pollution in international waters; to the Committee on Foreign Affairs.

By Mr. CLAY:

H. Res. 325. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. DAVIS of Georgia:

H. Res. 326. Resolution that the U.S. Department of Transportation give every consideration, without further delay, to the proposed route of Interstate Highway 75 across Lake Allatoona; to the Committee on Public Works.

By Mr. FULTON of Tennessee (for himself, Mr. Mills, Mr. Watts, Mr. Evins, of Tennessee, Mr. O'Neill, Mr. Dingell, Mr. Murphy of New York, Mr. Jones of Tennessee, Mr. Adams, Mr. Blanton, Mr. Carter, Mr. Kuykendall, Mr. Delaney, Mr. Sisk, Mr. Anderson of Tennessee, Mr. Quillen, Mr. Burke of Massachusetts, Mr. Rostenkowski, Mr. Landrum, Mrs. Griffiths, Mr. Gibbons, Mr. Jones of Alabama, Mr. Corman, Mr. Duncan and Mr. Baker):

H. Res. 327. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. FULTON of Tennessee (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Addabbo, Mr. Aspin, Mr. Betts, Mr. Bevill, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Bray, Mr. Brinkley, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Burton, Mr. Carey of New York, Mr. Cleveland, Mr. Conte, Mr. Cotter, Mr. Coughlin, Mr. Davis of Georgia, Mr. Denholm, Mr. Dorn, and Mr. Drinan):

H. Res. 328. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. FULTON of Tennessee (for himself, Mr. Evans of Colorado, Mr. Fascell, Mr. Flowers, Mr. Fuqua, Mr. Gallagher, Mrs. Grasso, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hathaway, Mr. Hays, Mrs. Heckler of Massachusetts, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Howard, Mr. Kastenmeir, Mr. Lloyd, Mr. McCloskey, Mr. McKinney, Mr. Mann, Mr. Mazzoli, Mr. Meeds, and Mr. Melcher):

H. Res. 329. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. FULTON of Tennessee (for himself, Mr. Mikva, Mr. Montgomery, Mr. Obey, Mr. Price of Illinois, Mr. Rees, Mr. Robison of New York, Mr. Roncalio, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Stephens, Mr. Stubblefield, Mr. Stuckey, Mr. Taylor, Mr. Tiernan, Mr. Vander Jagt, Mr. Vanik, Mr. Waggonner, Mr. Wampler, Mr. Charles H. Wilson, and Mr. Wolff):

H. Res. 330. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 331. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. LONG of Louisiana:

H. Res. 332. Resolution protesting the showing of X-rated motion picture previews at G and GP rated motion pictures; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, and Mr. O'Hara):

H. Res. 333. Resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

By Mr. ROBISON of New York:

H. Res. 334. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. VANIK (for himself, Mr. Mosher, Mr. Aspin, Mr. Davis of Georgia, and Mr. McKinney):

H. Res. 335. A resolution: Mass transportation—A national priority; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (by request):

H.R. 6447. A bill for the relief of Dionisio Pajimola Almirol; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 6448. A bill for the relief of Madonna Cudjoe; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 6449. A bill for the relief of Maria Lourdes Rios; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6450. A bill for the relief of Constantin Andreopoulos; to the Committee on the Judiciary.

H.R. 6451. A bill for the relief of Dr. Rafael Arias; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 6452. A bill for the relief of Desanka (nee Rogic) Haen; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 6453. A bill for the relief of Francesco and Giuseppa Daniele; to the Committee on the Judiciary.

H.R. 6454. A bill for the relief of Luis Elkin Echavarria-Quintero; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 6455. A bill for the relief of William M. Starrs; to the Committee on the Judiciary.

H.R. 6456. A bill for the relief of Dr. Cheng Tsuau Su; to the Committee on the Judiciary.

H.R. 6457. A bill for the relief of ToppSav, Inc., formerly known as the Topp-Cola Co.; to the Committee on the Judiciary.

H.R. 6458. A bill for the relief of Bak Hon Woo; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 6459. A bill for the relief of Rosario Anzalone; to the Committee on the Judiciary.

H.R. 6460. A bill for the relief of Angelo Carusotto; to the Committee on the Judiciary.

H.R. 6461. A bill for the relief of Giuseppe Gugliotta; to the Committee on the Judiciary.

H.R. 6462. A bill for the relief of Vitantonio Presidio; to the Committee on the Judiciary.

H.R. 6463. A bill for the relief of Mrs. Caterina Scafuro; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 6464. A bill for the relief of Edith C. H. Yang and three children, Julia Chen, Dorothy Chen, and Samuel Chen; to the Committee on the Judiciary.

H.R. 6465. A bill for the relief of Mrs. Elba Engracia Davila-Martinez; to the Committee on the Judiciary.

H.R. 6466. A bill for the relief of Mrs. Pilar Sartiaguda; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 6467. A bill for the relief of Harold J. Seaborg; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 6468. A bill for the relief of Angela Buono Gallidoro; to the Committee on the Judiciary.

H.R. 6469. A bill for the relief of Pietro Gallidoro; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 6470. A bill for the relief of Sullivan I. Kite; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H. Res. 336. Resolution commemorating the 100th anniversary of Elmhurst College of Elmhurst, Ill.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEW SBA ADMINISTRATOR KLEPPE EMPHASIZES IMPORTANCE OF PRIVATE ENTERPRISE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the magazine, Government Executive, in its current issue has an excellent article featuring our former colleague and the new Administrator of the Small Business Administration, Thomas S. Kleppe.

Administrator Kleppe, in this article, emphasizes the importance of small business and our competitive free enterprise system to our Nation.

In this connection I place the article from Government Executive in the Record herewith, because of the interest of my colleagues and the American people in this most important subject.

The article follows:

SBA's New Administrator Kleppe: "Private Enterprise Built This Country"

The Small Business Administration was created by Congress in 1953. The average tenure of its administrators over its 18-year history has been 14 months. Reasons for this impermanency? Politics, allegations of graft, too much heat in the kitchen (Truman's famous line), etc.

Now sitting in the hot seat, since January 18, is Thomas S. Kleppe, 51, of Bismarck, North Dakota. He has several distinctions. He is a college dropout. He has made a hole-in-one. He has bowled a perfect (300) game. He picked up money as a rodeo rider. He turned down an offer by the St. Louis baseball Cardinals. He is a self-made millionaire.

Kleppe was a two-term Congressman, assured of a third term, when President Nixon asked him to run for the Senate last year.

He lost. People say Nixon rewarded him with the SBA job. Reward?

A LOOK AT THE OBJECTIVE

Kleppe's views on his job as told to *Government Executive:* "There isn't much question about the fact that small business and our private enterprise system is what built this country. This is what sustains this country and this is the real hope of this country."

"The small business community is vast and far-reaching," Kleppe continued. "Probably the reason there has been such a primary interest on Capitol Hill is that every single man that's up there has SBA activity in his district. He hears about it and he feels it. So he has to be close to it. This is one of the motivations I had in coming here. It is a little disturbing for me to know that there is ever said anything negative about SBA. The reason I say this is that everything we have to offer is for good.

"We have nothing but good for people. I am not concerned when somebody complains because they have been turned down on a loan application. That's not what I'm talking about. I am talking about an overall negative image that someone or some group of people might have because of something SBA should have done or didn't do, when really everything we represent is for good.

"So I look at our objective and our problems as those that must be corrected to fulfill the commitment of Congress when they founded SBA—to do good for this great small business community.

"I want to make one point clear. One of the first things that seems to be on the minds of the public and the press is that my primary responsibility is to find a way to pressure Congress into larger appropriations, that if another billion dollars were appropriated for SBA, all our problems would be over in the small business community.

THE MORATORIUM PROBLEM

"Very clearly this is not the case, I think it is my objective, as far as my working relations with Congress and the Office of Management and Budget are concerned, that we lay before them the facts—the facts as to what we have done with the resources they have provided for us. What can we do with additional resources if they provide them for us?

"I have confidence in my former colleagues on the Hill to accept what we give them as being truthful and honest, based on the predictions that are always hard to make.

"It's unfortunate that last year SBA had to declare a moratorium because it ran out of loan funds. We have problems along this line right now. It is one of the areas that I am getting into now very thoroughly, so that this doesn't happen in the future because, not only do you lose momentum from the standpoint of people knowing the SBA is here and does provide a service, but it creates a stigma in the public sector that is negative.

"So we have responsibilities to communicate with the Administration through OMB and Congress so that they know what our purposes are and I have great confidence that they will be met. Then the ball will be in our court, to execute as efficiently as we can, to use those resources and provide these services, in the form of loans and other services to our small businesses."

Kleppe continued: "We have a very candid feeling that Congress never, through the use of taxpayers' funds, will provide the dollars necessary to take care of the total small business community.

THE CALIFORNIA QUAKE

"Small businesses are normally nonbankable candidates for loans," Kleppe said, "that's where we fit in. We come in with a guarantee; even though the bank furnishes the funds, we are creating leverage that is tremendous. We guarantee the loans or, in many instances, we participate with the banks. They put up part of the money and we put up part."

Kleppe then discussed SBA's disaster loan program. SBA has $100 million in the Fiscal Year 1972 budget estimate. "This," said Kleppe, "is going to be tested by the California earthquake. It takes a lot of money and it's going to take a lot of manpower but it's done on a business basis. We have no grants for disaster, other than the forgiveness features of a loan. But there is a great deal of incentive in this for people who want to help themselves."

In FY 70 SBA provided record assistance to small businesses. It made 32,000 loans—93 percent more than in FY 69. Total dollars loaned were $885 million.

SBA's budget for Fiscal Year 1972, beginning July 1, calls out $1,249 billion, exclusive of $100 million in disaster loans. The agency spends only $65 million to $70 million to run itself—in salaries, overhead and other costs.

Kleppe served four years in the Army Air Corps in World War II but never got overseas. War over, he spurned the Cardinals' offer and joined the Gold Seal Co. in Bismarck where he says quietly, "I made an awful lot of money." He sold his interest in Gold Seal when he ran unsuccessfully for the Senate in 1964. When he won a House seat two years later, he decided to "release any skeleton anybody might have thought could have been in my closet." His declaration of holdings showed a worth of $3.5 million, excluding a trust fund for his children.

"I am," he says, "the opposite of a mercenary. I've never used money for strength and power and I never will. It isn't to feather Tom Kleppe's pocket. When I was in Congress I voted against my own best interests. If money is used wrong, it's sin of the worst kind."

LENT APPLAUDS SOCIAL SECURITY BENEFITS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. LENT. Mr. Speaker, the passage yesterday of the social security benefit increase has provided our Nation's much-deserving senior citizens a 10-percent benefit increase retroactive to January 1, 1971. The enactment of this measure is long overdue, and it is heartening to me that this Congress has chosen to make the benefit increase one of the first and most important orders of business.

My only regret is the fact that this increase bill did not in any way increase the archaic $1,680 earnings ceiling. The Congress will not have demonstrated its sincere care for our elderly until those persons who have initiative enough to work past their normal retirement are permitted to earn a reasonable sum without being penalized for it. I urge the Congress to attend to this matter without delay.

While property taxes in our States and localities have soared, pricing many senior citizens out of their own homes, Congress has, up until now, demonstrated little sympathy for those who spent a lifetime of diligent work. While housing, food, health care and other living costs have skyrocketed, the Congress has left the elderly to fend for themselves on outmoded pensions which do not approach an adequate retirement income.

We now have pasesd a sizable increase in benefits. I hope that the Congress will use the passage of this initial bill as a springboard for the passage of future legislation that will provide automatic increases geared to the cost-of-living index. When the senior citizen knows that his benefits will be increased in this manner, only then will he be able to plan for his everyday needs.

In summary, Mr. Speaker, we have made some headway in granting our senior citizens what they rightfully deserve, but there is yet much to be done to insure that those over 65 maintain a life of dignity and not one of constant humility, dependent on the whim of the Congress for periodic handouts.

MENTIONING THE UNMENTIONABLE OPTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHMITZ. Mr. Speaker, President Richard Nixon said in his state of the world message, February 1971:

> Some urged that we escalate in an attempt to impose a military solution on the battlefield. We ruled out this approach because of the nature of the conflict and of the enemy, the costs of such a policy, the risks of a wider war, and the deeply held convictions of many of our people.

The President has at long last set forth the reasons for the policy of not seeking a military victory over the North Vietnamese Communists. The four reasons for not seeking to defeat the enemy through the application of armed force are: First, the enemy we face cannot be defeated by military means; second, it would cost much more in terms of both lives and money to defeat the enemy; third, attempting to defeat the enemy might lead to Soviet or Chinese intervention; and fourth, certain sectors of our own people would object to victory. Let us analyze these arguments.

The enemy is defeated militarily when military action reduces his material capability or his will to the point where he no longer is able, or wishes, to carry on the war. Without necessary weapons and supplies the enemy cannot continue to fight no matter what his desires. Unequivocally and beyond a shadow of a doubt, the United States possesses the military means to shut off the flow of supplies to the enemy, and decisively disrupt his rear areas. Over 80 percent of the war material used by the enemy now comes into North Vietnam through the port of Haiphong Harbor. The United States has never attempted to close this harbor even though it is easily possible to do so through naval blockade, aerial bombing, or mining.

The greatly reduced level of enemy activity in the southern portions of South Vietnam is due in large part to the fact that the Communists can no longer use the Cambodian port of Sihanoukville—Kompong Som—for resupplying their southern forces. Closing Haiphong Harbor would have even greater results since it is the last major point of input remaining to the enemy. Whatever the nature of the enemy may be, he simply cannot fight without equipment.

It is very difficult to see how taking the war determinedly to the enemy in his rear areas could cost more, either by way of lives or money, than refusing to do so. Had we utilized our military forces effectively in 1965, 1966, 1967, 1968, 1969, or 1970 to destroy the capability of the enemy base areas from which the invasion of Southeast Asia is being mounted, the war would have been over in any one of those years. The efficacy of denying inviolable base areas to the enemy was conclusively proved by the military operation last spring into enemy held areas of Cambodia. Serious efforts to disorganize the sanctuary of North Vietnam would have even greater effects.

We have already dealt in past newsletters—70–12, 71–1, 71–6—with the possibility of direct Soviet military intervention on behalf of the North Vietnamese politboro. It was pointed out that the President's Assistant for National Security Affairs, Dr. Henry Kissinger—one of the major architects of this state of the world message—finds it very hard to see what we could do in Southeast Asia that would lead to a general war with the Soviet Union. The only thing I see that we could do in Southeast Asia that would result in a nuclear war with the Soviets is to deplete the defense funds going to maintain our strategic forces to the point that the Soviets gain a position of such superiority that an attack on the continental United States becomes feasible. This is an argument for quick victory, not surrender. The unlikely possibility of Red Chinese intervention will be covered in a later newsletter.

Our society has already suffered real damage because we have so far refused to win the war in Indochina. Watching 6 years of war on the television set with no hope of victory because a military solution had been ruled out has seriously undermined the morale of our citizens. Although some of our own people may now be deeply committed to enemy success, it is intolerable that the views of these people should be allowed to counterbalance the fact that tens of thousands of loyal young Americans have been deeply committed to our success, to the point of having given their lives for their country in Vietnam, or suffering for years in Communist prison camps.

Evidently the President sees risks in the option of victory—the specter of a Soviet attack on the United States, or of the march to victory floundering in some hidden morass, some trap which may have been overlooked. But our cause in Southeast Asia is just. Victory is needed to turn the international tide running against our Nation now as never before. Every individual dies only once. I am sure that a great many people would not ask others to risk their lives for them without understanding that they bear the ultimate responsibility and must consider themselves as possibly subject to the same fate as the young soldier torn to bits on a battlefield far away.

Our people will not be united through surrender or further hesitation. It is time to end the conflict in Southeast Asia in the only honorable manner—through defeating the aggressor on those Asian shores to which we committed ourselves so long ago.

AUSTIN CARR OF NOTRE DAME: COLLEGE BASKETBALL'S PLAYER OF THE YEAR

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BRADEMAS. Mr. Speaker, the sports legacy of the University of Notre Dame is a great one. The Four Horsemen, Knute Rockne, Frank Leahy, The Gipper, Johnny Lujak, Tom Hawkins, Paul Hornung are names which have become legends at Notre Dame and across the country.

The newest name in that galaxy is Austin Carr, the dazzling star of the Notre Dame basketball squad.

Mr. Speaker, I am delighted to note on St. Patrick's Day that this Fighting Irish standout has been named the player of the year in college basketball by United Press International.

Austin Carr's basketball prowess is well known. A national television audience saw his great 46-point performance earlier this year as Notre Dame defeated the No. 1 team in the country, UCLA. This past Saturday he scored 52 points as the Irish won their first NCAA tournament test against TCU. And he complements his scoring ability with quick offensive assists to his teammates and determined defensive play.

Mr. Speaker, Austin Carr's coach, Johnny Dee—who has already guided the Irish to 20 victories in a most successful season—had some very appropriate words for this fine young man. Coach Dee said:

> Austin Carr is a very special young man. He has great poise and great temperament. Not only is he an outstanding player on the court, but he is an unbelievable guy, period.

Mr. Speaker, I congratulate Austin Carr, and I wish Coach Dee and the Notre Dame team the best of Irish luck in the NCAA playoffs.

THE UNIFICATION OF ITALY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DERWINSKI. Mr. Speaker, it was 110 years ago today that the unification of Italy was proclaimed by its first parliament. The transformation of Italy from a miscellaneous conglomeration of petty states into one nation was completed on March 17, 1861. This auspicious date in European and world history was the culmination of a series of political, diplomatic, and military triumphs in which three figures stood out—Vittorio Emanuele II, Cavour, and Garibaldi.

Vittorio Emanuele, who had become King of Sardinia, which included Piedmont on the mainland as well as the island, in 1849, was the first monarch of modern Italy. Count Camillo Benso di Cavour, his prime minister, lived less than 3 months after his dream of a united country had been realized, as he died on June 6. The military hero during the campaign for unification was Giuseppe Garibaldi, one of the most outstanding figures of Italian history.

Lombardy had been annexed to the Kingdom of Sardinia in 1859. Parma, Modena, Romagna, and Tuscany were added in March 1860, Naples and Sicily—the Kingdom of the Two Sicilies—in October, and the Marches and Umbria in November. France ceded Venetia to

Italy in 1866, but it was not until October 2, 1870, that Rome was annexed to the new kingdom and made its capital.

During the century and more that has elapsed since its unification, Italy has been a good friend of the United States, except for World War II, when it threw in its lot with National Socialist Germany. Following its defeat in that conflict, which resulted in the collapse of Fascism as well as Naziism, the Italian people changed their form of government from a monarchy to a republic. During the quarter of a century of turmoil that followed World War II, Italy has been an ally of America and the many other nations that make up the free world.

Present day Italo-American friendship is a renewal of the amicable ties that were established when America, itself a union of many States, was engaged in a struggle to preserve that union from disruption. Abraham Lincoln, who had become President of the United States but 13 days before the unification of Italy became an accomplished fact, referred to that friendship on July 30, 1864, when he addressed these words to Joseph Bertinatti, Envoy Extraordinary and Minister Plenipotentiary:

> I am free to confess that the United States have in the course of the last three years encountered vicissitudes and been involved in controversies which have tried the friendship, and even the forbearance of other nations, but at no stage of this unhappy fraternal war, in which we are only endeavoring to save and strengthen the foundations of our national unity, has the King or the people of Italy faltered in addressing to us the language of respect, confidence, and friendship. . . .
>
> I pray God to have your country in his holy keeping, and to vouchsafe to crown with success her noble aspirations to renew, under the auspices of her present enlightened Government, her ancient career, so wonderfully illustrated by the achievements of art, science, and freedom.

Mr. Speaker, it is my earnest hope, as I am sure it is that of my colleagues also, that the friendship between the United States and Italy, which inspired such eloquent words from Abraham Lincoln, will continue to grow through the years.

NEW YORK CITY COUNCIL APPROVES SAFE SCHOOLS ACT OF 1971

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. BINGHAM. Mr. Speaker, on February 1, in response to the growing problem of criminal activity in the schools of New York and other cities against students, teachers, and administrators, I introduced in the House the Safe Schools Act of 1971. This legislation would provide Federal assistance to school districts to deal with this problem. No such Federal assistance is available under existing educational assistance programs.

A great many local and national organizations, representing parents and educators, have endorsed this legislation.

I am now delighted to report that a resolution endorsing my bill was introduced in the New York City Council by Councilman-at-Large Aileen B. Ryan, and was unanimously adopted on February 19. The text of the resolution follows:

RESOLUTION No. 407

Resolution calling upon Congress to pass the "Safe Schools Act" which would combat Crime in the elementary and secondary schools

Whereas, The incidence of crime in schools has reached astronomical proportions; and

Whereas, A congressional study of 110 school districts across the country has revealed that since 1968 school robberies have increased by 306%; aggravated assaults by 43%; burglaries and larcenies by 86%; assaults on teachers by 7,100%; narcotics abuse 1,069%; weapons offenses 136%; assaults on students 167% and drunkenness 179%; and

Whereas, In the year 1970, in New York City, 289 assaults were made upon teachers and vandalism alone amounted to a loss of over 5 million dollars; and

Whereas, Problem children, delinquents and student gangs are ravaging the schools and public transit facilities enroute to school, using them as their hunting grounds and threatening and intimidating students; and

Whereas, A bill, sponsored by Representative Jonathan B. Bingham, of The Bronx proposes that federal funds be channeled directly to school districts where they would be used for expansion and training of security guards, parent patrols, the installation of surveillance and alarm systems, student identification badges and to improve community liaisons; and

Whereas, The present atmosphere of anxiety and fear on the part of students interferes with learning while the cost of educational staffs is steadily increasing; and

Whereas, School children, who will be the parents, professionals, and leaders of the future should be insulated from interference with their learning progress; and

Whereas, School authorities are unable to deal with the present situation due to lack of funds and planned security and crime control programs to counter the present menace; now, therefore, be it

Resolved, That the Council of The City of New York calls upon Congress to pass the "Safe Schools Act" which would combat crime in the elementary and secondary schools.

Adopted, February 19, 1971.

HOUSE TRAMPLES INDIVIDUAL RIGHTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. DRINAN. Mr. Speaker, I wish to bring to the attention of all of the Members of the House of Representatives a perceptive article written in the Boston Sunday Globe of March 14, 1967, by S. J. Micciche, one of the able writers of the Globe Washington bureau.

The title of the article is "The House Tramples Individual Rights" and the subtitle of this piece is "Senate Voices Unheard in House Chamber."

Mr. Micciche recalls the debate on the floor of the House on March 2, 1971, with regard to a resolution of the House Internal Security Committee. Mr. Micciche reports that that resolution "balked at the request for clippings and transcripts—of the House Internal Security Committee—as being inconvenient and burdensome" for the staff of that committee to compile.

Mr. Micciche concludes that by the action of the House on March 2:

> The plaintiffs in the constitutional test of the Committee's powers will get less than the full discovery ordered by the Federal Court.

In my judgment the denial by the House of Representatives of the basic evidence required by three witnesses subpenaed by the former House Un-American Activities Committee in Chicago is another self-inflicted wound on the part of the Members of the House.

Mr. Micciche's article follows:

SENATE VOICES UNHEARD IN HOUSE CHAMBER: HOUSE TRAMPLES INDIVIDUAL RIGHTS

(By S. J. Micciche)

WASHINGTON.—Being the political institution that it is, the Congress can be a source of immense contradiction at times.

Take this recent example:

There was the Senate, fearful of a debilitation of Constitutional rights from the ominous spectre of government snooping, particularly by the military, of American citizens engaged in non-violent social and political activities.

And across Capitol Hill, the House was denying basic judicial rights for the sake of convenience to the staff of the House Internal Security Committee.

The Senate subcommittee on Constitutional Rights, deeply concerned as it is over unwarranted intrusions by Federal agencies into the private lives of Americans need look no further than to the Senate and House Internal Security committees for shuddering examples.

With privileged immunity cloaking their actions, these committees practice the star chamber art of villification without trial, all perpetrated in the haloed defense of the Constitution.

The practice of these committees is to take raw testimony in secret, often hearsay, speculative and opinionated, and later publish it without affected individuals having been heard. The result is too often a composite by inference and innuendo of allegations unsupported by evidence.

A Constitutional test of the existence of the House Internal Security Committee has been before the courts since 1966, when it was then the House Unamerican Activities Committee.

The case has been up and down the judicial ladder to the US Supreme Court twice and is back before a US District Court in Illinois.

The test of the existence and powers of the House Committee is being raised by three Illinois residents who had been subpoenaed to testify before the old HUAC in May 1965 during its investigation of the Communist party in that state.

The day before the committee's hearing in Chicago, the trio filed suit asking the Federal courts to declare unconstitutional the reaction of the HUAC in 1945 and to enjoin its successor from holding hearings.

The Illinois residents appeared before the committee but walked out after answering preliminary questions. They were cited by the House for contempt of Congress.

In the latest action on their suit against the House committee, a three judge Federal court ordered last Dec. 7 that the three plaintiffs were entitled to the discovery of information essential to their case and held by the committee.

To support their case that the conduct of the House committee consists of "exposure of witnesses . . . to public scorn, obloquy and harassment and intimidation of witnesses without any legislative purpose," they asked the committee for its files of newspaper clippings and unedited transcripts, among other items.

Since the House is the exclusive keeper of its own records, a vote of the branch was necessary.

But US Rep. Richard H. Ichord (D-Mo.), Internal Security chairman, balked at the request for clippings and transcripts as being inconvenient and burdensome for his staff to compile, going back to 1945. He sought permission of the House to refuse.

US Rep. Robert F. Drinan (D-Mass.), a holding that "it is not for the members of committee member, opposed his chairman. the House . . . to decide upon the relevancy or materiality of evidence decreed by a Federal court to be the inherent right of plaintiffs in litigation."

Drinan, who would like to see the internal security committee abolished, said the denial of all documents sought by the plaintiff would be a "deprivation of basic justice to these individuals . . . who have been told they have a basic right" to it by a Federal court.

But at the finish, Ichord got his way on a 291–63 vote. The plaintiffs in the constitutional test of the committee's powers will get less than the full discovery ordered by the Federal court.

And meanwhile, the Senate subcommittee on Constitutional Rights continued to amass voluminous evidence of Federal agencies trampling upon basic individual rights, though obviously not within earshot of the House chamber.

BROUGHT TO YOU BY THE CIA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, seemingly the American taxpayers, already overburdened, continue to pay the bill for many useless and costly pet projects of the far right and the far left, both in this country and abroad.

There are many who feel that the time has come to tighten the belt on many of these costly fringe programs. It has developed, for example, that two broadcasting stations in Europe which many Americans thought were being operated by private contributions are in reality costly extensions of the CIA. This disclosure in itself negates the effectiveness of these propaganda outlets. Earlier reports indicate that the CIA has been making monetary grants to various foundations—which in turn have been giving these funds away to extremist groups both of the far left and far right. These costly giveaways should be discontinued.

In this connection I place in the RECORD herewith a recent editorial from the Nashville Tennessean, because of the interest of my colleagues and the American people in this most important subject.

The editorial follows:

BROUGHT TO YOU BY CIA

It has long been a fiction that the U.S. broadcasting stations in Europe, Radio Free Europe and Radio Liberty were privately supported by citizens anxious to send the messages of freedom into East Europe.

There have been private contributions of course, but Sen. Clifford Case, Republican of New Jersey, finally blew away the fiction by his public disclosure that the stations have been secretly financed by the Central Intelligence Agency at a cost of about $30 million annually.

But the fiction of non-governmental operation permitted the stations to broadcast from West Germany while Bonn shrugged aside East German protests of the stations being operated by the U.S. government. Lately, with Bonn making overtures toward East Europe, the nettlesome question of the clandestine stations came up and forced West Germany to consider their future operation.

Now that Senator Case has made it clear the stations are being operated by the CIA, Bonn has a more sticky problem, and so does the U.S.

Reportedly, President Nixon has ordered a study of alternate ways of financing the operation of the stations. One method which seems to appeal to Congress would be the formation of an independent agency, which would function through congressional appropriations.

But it is not helpful to the credibility of either to have it known they are secretly financed by CIA.

DESTROYING THE ENEMY'S SUPPLIES IS THE MOST EFFECTIVE WAY TO BRING THE WAR TO AN END

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. SCHMITZ. Mr. Speaker, a very interesting article on the relation between military supplies and military operations appeared in the Manchester Union Leader of February 29, 1971. The author of this column, Mr. John P. Gardiner, makes the point that destroying the enemy's capability to continue waging war is one of the most efficacious methods for bringing a war to an end.

No matter what the enemy's will, no matter how great his hostility, no matter what objectives he may hold in his mind, without the implements necessary to carry out his design he will be unable to achieve his goals. The first and overriding principle of war is to destroy the enemy's powers of resistance, material, and morale, to the point where he is no longer capable of carrying on active armed struggle. The North Vietnamese Communists have shown by word and deed that they seek to extend their domination over the whole of Southeast Asia. As their hostility and objectives remain constant they leave us no choice but to reduce their material capability to the point where their desires become mere fantasy.

The article follows:

EYES ON SUPPLIES—No. 1

(By John P. Gardiner)

This is the first of two articles on supplies and their relationship to current hostilities in Southeast Asia.

"For want of a nail, the shoe is lost. For want of a shoe the horse is lost. For want of the horse, the rider (Messenger) is lost. For want of the rider, the battle is lost. For loss of the battle the kingdom is lost and all because of a horseshoe nail."

—"Jacula Predentum," George Herbert, 1651

One cannot scan the pages of history without becoming impressed by the pivotal role often played by events considered at the time to be peripheral. Standing by themselves, even if noticed, and apparently having little connection with the chain of events which ultimately lead to Victory or Defeat, history now permits us to view them within the context of reality and to realize that such a simple little thing as a lost "horseshoe nail" at the critical time and place can be held accountable for the rise and fall of nations, yes, even of whole civilizations. Here are a couple of examples:

Napoleon is said to have lost the Battle of Waterloo because he had a head cold on that fateful day for Europe in 1815. And in our Civil War in September 1862, if a still-unknown Confederate cavalry officer hadn't decided to wrap his four carefully-hoarded cigars in a copy of General Robert E. Lee's field orders. If the package hadn't dropped out of his pocket while the Confederate army was passing through Frederick, Maryland, during Lee's first invasion of the North. And if the cigars with their wrapper hadn't been casually picked up by an officer of the trailing Union army. And if the importance of the wrapper hadn't been instantly realized by that officer and passed up the chain of command to General George Brinton McClellan known as "The Little Napoleon" who, once he knew the location of the various segments of the Confederate army, immediately put his forces in motion, there wouldn't have been any Battle of Antietam (or Sharpsburg) with the result that Lee's Army of Eastern Virginia might have triumphed. As a result there might have been no more United States. North or South maybe, but the United States as we know it today, almost certainly not. Consider the ultimate result of a soldier's desire to protect his perhaps last four precious cigars, if you follow our line of thought.

It would be ridiciulous, of course, to attempt to assess the ultimate importance of a single bag of rice, or one medicine chest in the course of the current lunge of the South Vietnamese army into the Laos panhandle across the Ho Chi Minh Trail. Perhaps someday, someone will in the sense of the four cigars and their wrapper as described above but hardly now. To the unmilitary eye these don't seem to be in the same class with artillery, tanks and rockets. But mutliply the former several thousand times, cutting them out of the supply line on which the North Vietnamese armies operating further South in Laos, Cambodia and Vietnam depend, and the destruction of these highly-unspectacular objects can become a matter of critical importance. Even if you can't see it that way, the Communists sure do! Witness the anguished howls emitted from every Red and Leftward inclined throat everywhere in the world not excluding the august Senate of the United States at our 21.7-mile, time-locked sweep in Cambodia of last May and the current slash of the South Vietnamese armed forces into Laos with the intent of disrupting traffic on the Ho Chi Minh Trail and destroying all supplies of any nature uncovered in their operational area.

With Cambodia's only port of Sihanoukville sealed off last year and the supply caches of the North Vietnamese forces located in Cambodia within striking distance of Saigon destroyed, the Communist threat to the Southern segment of Vietnam, if not entirely eliminated for at least a year was, without a shadow of a doubt, seriously crippled. And now, with the main remaining Communist supply jugular imperiled ———. Well, when Hanoi starts making noises about the possibility of the Red Chinese coming in in force, knowing how much the Vietnamese hate the Chinese, you can be sure that they're hurting.

History has proven time and time again that if you can sit across your enemy's supply lines and maintain your position he's finished. You may have to repel attacks but you don't need to expend a single bullet to completely destroy the armed forces dependent on it.

Remember how in World War II, General of the Armies, Douglas MacArthur, completely annihilated the Japanese armies in his operational area simply by cutting their supply lines and leaving them to "wither on the vine"? His brilliant strategic maneuver of unexpectedly landing in Inchon during the early days of the Korean War of the early 1950s and thereby effectively getting astride of the supply lines of the North Korean army, until then, operating most effectively against our tenuously-held beachhead far to the South in the Pusan area, followed the same basic pattern of his operations against the Japanese in New Guinea and Rabaul in World War II.

So if you "Keep Your Eyes On Supplies" in Southeast Asia as we have been doing ever since the first column we ever had published in the Union Leader more than four years ago, we don't think you can go far wrong. We'll pick up the ball again next week giving special attention to the supply jugular even further North.

BUDGET BUREAU CHALLENGED ON FREEZING AND IMPOUNDING OF FUNDS APPROPRIATED BY THE CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Office of Management and Budget, formerly the Bureau of the Budget, continues to defy the Congress by ignoring authorization and appropriation by arbitrarily freezing, withholding, and impounding funds appropriated by the Congress.

In this connection, because of the interest of my colleagues and the American people in this matter, I place in the RECORD herewith my recent newsletter, Capitol Comments.

The newsletter follows:

CAPITOL COMMENTS

(By JOE L. EVINS)

BUDGET BUREAU CHALLENGED ON FREEZING AND IMPOUNDING OF FUNDS APPROPRIATED BY THE CONGRESS

This week, under the bright lights of television, the full Committee on Appropriations held its annual full-scale review of Administration budgetary and economic policies—and the first open hearings in the Committee's 105-year history, a historic occasion.

Administration officials at the witness table were Secretary of the Treasury John Connally; Director George P. Shultz of the Office of Management and Budget (formerly the Bureau of the Budget); and Dr. Paul McCracken, Chairman of the President's Council of Economic Advisers.

Many searching questions were raised concerning the Administration's deficit-financing budget and its projections of Federal revenues which are based on many contingencies and assumptions.

Your Representative in his questions challenged the authority of the Office of Management and Budget to arbitrarily impound, freeze and withhold funds for projects which have been approved and funded by the Congress. For example, even though the Congress cut and reduced appropriations for public works by some $26 million last year, the Office of Management and Budget has impounded funds in this bill for 145 projects totaling $90 million 662 thousand throughout the country.

In other words, non-elective officials of the Office of Budget have in effect substituted their won priorities for the priorities set by the Congress after exhaustive hearings on the merit and need for various projects and programs in water resource development, power generation, navigation, flood control, water supplies, and other essential public purposes.

In our District, for example, the Office of Budget has withheld substantial funds for import programs of the Atomic Energy Commission at Oak Ridge, including $17 million to improve and expand production of enriched uranium to fuel nuclear power plants in the face of brownouts, blackouts, and electric power shortages. Certainly this is a matter of high national priority and need.

When questioned about this, Director Shultz said that until the controversy is resolved between those interested in preserving the environment and the necessity for locating nuclear power plants to provide electric power, he is opposed to moving forward with this project at this time.

Certainly it is my feeling that nothing is more important than assuring people in our area and throughout the United States of an adequate power supply.

The Office of Management and Budget also has withheld appropriations totaling some $4.3 million for the Normandy and Columbia Dams on the Upper Duck River.

Your Representative pointed out that the Office of Management and Budget in addition has withheld and impounded some $1 billion 325 million for various programs for our cities, large and small—including appropriations for water and sewer grants, urban renewal, various housing programs, the Model Cities program, and others.

"What authority does the Office of Budget have to withhold funds in this magnitude which have been appropriated by Congress?" your Representative asked.

Director Shultz said he would have to consult an attorney and would supply a legal response for the Record.

"The Office of Management and Budget is going too far," your Representative asserted. "It is my feeling that you are substituting your judgment for the judgment of the Congress. Mr. Director, when you substitute your judgment for a Congressional mandate by singling out specific projects for impoundment, are you not in effect resorting through subterfuge to an item veto which is unconstitutional?"

Shultz insisted that this was not the case and argued that the Office of Management and Budget is attempting to carry out "the complex and related purposes which Congress puts before us."

It is my feeling that the Office of Management and Budget is attempting to usurp the appropriations powers of the Congress to the point that if this practice continues, the appropriations power of the Congress could become meaningless.

Testimony showed that as of last January a total of $8 billion 923 million has been impounded by the Office of Budget from funds appropriated by Congress for the current fiscal year budget.

The Congress must not be a rubber-stamp for the policies of the bureaucrats. Congress must re-assert its constitutional responsibilities and obligations and certainly it is my intention to endeavor to maintain the integrity of separate and equal branches of government as established by our forefathers in the Constitution.

ELIMINATION OF JOB CEILINGS—AN EXPERIMENT IN ECONOMY

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. HENDERSON. Mr. Speaker, I have long advocated an end to mandatory manpower ceilings for the purposes of economy. It has been proven time and again that arbitrary ceilings on the number of civilian employees that Federal departments and agencies can have, particularly in the Department of Defense, is a false economy. Missions must be performed, missions that are approved and funded by the Congress. When the number of civilian employees to perform these missions is arbitrarily limited, the military services are left with the more costly alternatives of using combat-trained military personnel, contractor-furnished personnel, or paying overtime to incumbent civilian employees.

The Department of Defense, with the approval of the Office of Management and Budget, has made the first great stride. The Secretary of Defense is in the process of removing manpower ceilings—on an experimental basis for 1 year. Fiscal controls will be used instead. This procedure will give our military managers the flexibility they need to accomplish their respective missions. Decisions can be made on the type of manpower to be used for the performance of a particular function—civilian employees, military personnel, or contractor personnel—based entirely on economy and experience.

Joe Young, staff writer of the Washton Star, aptly covered this subject in his Federal Spotlight column of February 5, 1971.

I include the article in the RECORD at this point:

PENTAGON TESTING PLAN TO SAVE CIVILIAN JOBS

(By Joseph Young)

An experiment has begun that could save tens of thousands of Defense Department civilian jobs.

Deputy Defense Secretary David Packard has ordered that fiscal controls be used to determine the number of civilian jobs instead of civilian personnel ceilings.

Packard ordered the personnel ceilings removed.

Packard noted that the Defense units have been getting around the restrictions by using contractor-furnished personnel or military personnel. Civilian career employes were then laid off in order that Defense could remain within the ceilings.

This proved more costly to Defense than if the jobs had remained filled by civilian employes.

Defense's experiment in removing the ceilings to see how the new system will work has been approved by the Office of Management and Budget.

It has been endorsed by Rep. David Henderson, D-N.C., chairman of the House Civil Service and Manpower subcommittee, who long has advocated abolishing civilian personnel ceilings.

PRYOR SUPPORTS CONSTITUTIONAL AMENDMENT ON THE 18-YEAR-OLD VOTE

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, few congressional events testify more eloquently to the sweep of American history than votes to amend the Constitution of the United States. Next week's vote on the amendment to extend the franchise to 18-year-old citizens presents one of those rare instances in which the future is given the opportunity to do justice to its past. For we would not be standing here today debating the question of young people's role in 20th century America were it not for the role played by them in 18th century America.

I am going to support this constitutional amendment not because it is pragmatic, or because it will save a great deal of money, but because it is right. It is right not only for the 11 million citizens who will achieve meaningful participation in State and local elections, but more important, it is right for America.

The very document we seek to amend today was largely the work of young men, young by the standards of their day and young by our standards. As Samuel Eliot Morison, the eminent historian, observed:

> The most surprising thing about the delegates (to the Constitutional Convention) was their youth.

Five of them, in fact, were under 30 when they wrote the document which has survived longer than any constitution in the history of man.

Mr. Speaker, the U.S. Senate has already passed this constitutional amendment unanimously. Now the eyes of this Nation's young will turn to the House of Representatives to see if it will open the door to the most precious right a free people possess, the right to vote.

The constitutional amendment is made necessary by the decision of the Supreme Court of the United States in Oregon against Mitchell. In that case, the Court ruled upon the constitutionality of legislation passed by the 91st Congress which sought by statute to extend the right to vote to 18-year-olds. Its decision upheld the authority of Congress to establish voting guidelines for the conduct of Federal elections, but ruled out the possibility of altering voting age requirements for State and local elections in the absence of a constitutional amendment.

Now that a constitutional amendment has been passed by the Senate, we in the House must act switftly to insure that State legislatures will have sufficient time to ratify it before the 1972 elections.

There are many compelling reasons for passing this constitutional amendment. Not the least of them is the money it will cost to hold a dual election; one ballot for citizens over 21 and another for those only eligible to vote in Federal elections. The results of a State-by-State survey provide graphic evidence of the cost of holding an election under current law. In New York City alone, it is estimated that the cost of a dual election will exceed $1.5 million. There is no excuse for burdening the taxpayers of this Nation with the staggering cost of holding two elections at the same time when it is clear that in the near future we will have a constitutional remedy for the current dissimilarity in Federal and State election laws. There is a simple and expeditious way to eliminate that dissimilarity and it is presently before the House of Representatives.

But, Mr. Speaker, arguments about cost provide neither the only nor the best reason for passing the proposed constitutional amendment. This amendment should be passed for the simple reason that it is right. As Senator BIRCH BAYH pointed out the other day, the age of 21 is of no magical significance. Its designation as the age of majority stems from the 11th century, from a time in which 21 years was the age at which most males reached the physical capability of carrying armor.

Now we have a chance to right the wrong which has been perpetrated on this segment of our society, a segment which has had to assume the burdens of democracy without participating in it. And the reasons why we should are impressive:

About one-half of the 11 million 18-to 21-year-olds are married.

Some 1.4 million are serving the Nation in the Armed Forces.

More than 3 million are full-time employees and taxpayers.

They can make wills in over one-half of the United States.

In all but one State, they are treated as adults in criminal courts.

Tens of thousands have died in the Indochina war without ever having any chance to play a role in determining whether they should be there.

Mr. Speaker, these are times when each of us is questioning the role America should be playing in the world. Each of us, I am sure, believes that democracy's role should loom large. Failure to enfranchise this creative and productive segment of this Nation would be a large blot on our Nation's record. I urge the passage of this amendment.

CATASTROPHIC HEALTH INSURANCE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ROUSH. Mr. Speaker, medical costs, doctor bills, and hospital expenses have risen phenomenally over the past decade. Each citizen is now spending twice what he paid for his health care in 1960, at a time when dollars are dearer and all basic family needs have suffered a price rise.

At the same time, health care, through scientific and medical advances, has improved, and patients with formerly fatal or totally debilitating illnesses can expect to survive, even recover, with extended hospital and medical care.

There are presently before this body a number of proposals regarding comprehensive health insurance plans. Today, I am introducing a bill that is aimed specifically at those persons, those families who suffer and must finance catastrophic illnesses; illnesses, as I mentioned before, which advances in scientific knowledge and technology now rendered curable or at least manageable.

I am not talking about any special kind of illness, other than that which requires long-term and extraordinarily expensive treatment, treatment which goes beyond the financial capacity of most American families and beyond medical insurance coverage.

It seems to me that, regardless of what overall health insurance program this Congress endorses, we must immediately attend to this special problem. It is the problem of those who must rely on kidney machines, or must undergo numerous and protracted transplant operations, those with strokes and the accompanying paralysis, those required to take extensive and continued radiation therapy in association with surgery.

No one can deny a member of the family the benefits of such treatment, yet many times families do not have the money to buy these wonders of science. This is a choice no family should have to make.

The bill I am introducing would reinsure private insurors, provide a Federal backup against loss, thus stimulating the insurance industry to provide coverage that would allow families to protect themselves against the costs of catastrophic illnesses. The legislation would encourage the creation of insurance pools similar to those available for flood insurance, but this time for catastrophic illnesses requiring extended care.

This legislation sets up a deductible formula which would be used to encourage each family to provide basic health-care protection. Only when this level was exceeded would the catastrophic insurance protection plan be utilized. A family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Existing basic health and major medical plans coverage would generally be sufficient for this deductible amount.

If that same family incurred expenses during the period of a year that exceeded $8,500, the catastrophic program would be available.

If American citizens cannot reap the rewards to be garnered from the advancement of scientific knowledge and technology, then the funds we are spending from the taxpayer's pocketbook had better be allocated elsewhere.

MORE CRIES FOR REVENUE SHARING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PEYSER. Mr. Speaker, cities, States, and counties throughout the country continue to cry out in need of revenue sharing to help them meet their serious financial crises. The legislature of Rockland County, N.Y., made another such plea on March 10 when they unanimously passed the following resolution, which I bring to the attention of my colleagues in the House of Representatives:

RESOLUTION NO. 169—MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT THE SHARING OF FEDERAL REVENUES WITH THE SEVERAL STATES

Mr. Lovett offered the following resolution which was seconded by Mr. Balsamo:

Whereas, President Richard M. Nixon announced in his State of the Union Address a Five-billion Dollar Revenue Sharing Plan to be used by the several states and the localities therein to provide essential services and to relieve the financial burdens being imposed upon the states and localities, and

Whereas, Governor Nelson A. Rockefeller has not only urged the support of this measure but further has suggested that the amount be increased to Ten-billion Dollars for such purposes, and

Whereas, The Chairman of the Legislature of Rockland County proclaimed February 22, 1971 as Federal Revenue Sharing Day in the County of Rockland, and

Whereas, an informal estimate by the New York State Division of the Budget has indicated that if the President's request is honored the County of Rockland would receive an additional $508,000.00 and twice that amount if Governor Rockefeller's suggestions are enacted, and

Whereas, it is to the interest and benefit of the taxpayers of the County of Rockland that every effort should be made to secure this additional revenue to relieve the burdens of taxation on our local citizenry, now therefore be it

Resolved, that the Legislature of Rockland County hereby expresses its approval of the proposals of the President of the United States and the Governor of the State of New York and urges the Congress of the United States to adopt either of these proposals, and be it further

Resolved, that the Clerk to the Legislature of Rockland County be and he is hereby directed to send certified copies of this resolution to the President and Vice-President of the United States; the Governor and Lieutenant-Governor of the State of New York; the United States Senators representing the State of New York; the United States Representatives representing the County of Rockland in the Congress of the United States; and the Legislators representing the County of Rockland in the New York State Legislature.

The question was taken upon the adoption of the foregoing resolution which was adopted by the following vote:

Ayes: 15.

Nays: Messrs. Connor and Goodfriend.

Absent: Mr. Miller.

EDINA HIGH SCHOOL CAPTURES MINNESOTA STATE HIGH SCHOOL HOCKEY CHAMPIONSHIP

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. FRENZEL. Mr. Speaker, I have the honor of representing the community of Edina, Minn. Edina High School sports teams have consistently been in the forefront of the State scholastic athletic programs.

Last weekend the Edina High School hockey team brought further honors to the community when it captured the Minnesota State high school hockey championship. In these days of maligned youth it is tremendous to see the sportsmanship, fair play, and competitive determination of a group of young men such as these.

State Representative Otto Bang, who represents Edina in the Minnesota State Legislature, has introduced a resolution, passed by the Minnesota House, congratulating the team, the coaches, and all other participants in the tournament. It is a pleasure for me to insert this excellent and well-deserved resolution in the RECORD at this point:

A HOUSE RESOLUTION CONGRATULATING THE EDINA HORNETS, THE 1971 MINNESOTA STATE HIGH SCHOOL HOCKEY CHAMPIONS

Whereas, competitive sports in our high schools are helpful in teaching the principles of sportsmanship and fair play to our high school students, thereby contributing to better citizenship; and

Whereas, high school hockey teaches not only principles of sportsmanship and fair play, but promotes vigorous good health of the participants; and

Whereas, the Edina Hornets, the high school state champion hockey team, exemplify the ideals of sportsmanship and fair play; and

Whereas, the Edina Hornets won the state high school hockey championship by a series of hard fought and challenging competitions; now, therefore,

Be it resolved, by the House of Representatives that an expression of its respect and admiration be extended to this outstanding team, and that Head Coach Willard Ikola, Assistant Coaches Bartley Larson and Bill Beste, and the following team members be congratulated for their outstanding accomplishment in winning the State High School Hockey Championship.

1971 CHAMPIONSHIP TEAM

Dave Bremer, Dave Geving, Todd Nieland, Scott Nieland, Bill Broback, Steve Eichhorn, Rick Wineberg, John McMorrow, Ron Sorem, Dave Otness.

Tim Carlson, Rick Cabalka, Charlie Kelly, Jeff Baker, John Engquist, Dan Finke, Jeff Tscherne.

Mike Schmunk, Student Manager.

Stu Schmerler, Student Manager.

Be it further resolved, by the House of Representatives that an expression of its admiration and respect be extended to the other teams that were participants in the 1971 state high school hockey tournament: Hastings, Alexander Ramsey, East Grand Forks, St. Paul Johnson, Minneapolis Southwest, International Falls and Roseau.

Be it further resolved, that the Chief Clerk of the House of Representatives be instructed to prepare formal copies of this resolution for presentation to the coach, assistant coaches, and team members of the Edina hockey team, and to the Hastings, Alexander Ramsey, East Grand Forks, St. Paul Johnson, Minneapolis Southwest, International Falls and Roseau high school hockey teams.

R. REID VANCE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WYLIE. Mr. Speaker, a resident of my district, the 15th Congressional District in Ohio, will be honored by his friends and associates on the 25th of March for a long and excellent career devoted to the improvement of the graphic arts industry in Columbus and the State of Ohio.

Mr. R. Reid Vance has served for over 50 years as an effective, imaginative and versatile official of Printing Industry of Central Ohio, the trade association of the printing and allied industries in Columbus and the mid-Ohio area. Almost singlehandedly, Mr. Vance has provided a large variety of services to his members, such as accounting, credit information, employment, and recruitment services, labor negotiation, government agency liaison, and many others. In so doing, he has aided immeasurably in the growth and improvement of the industry's services to the community.

In addition, he has served as spokesman for the printing industry in the Columbus area. As the executive secretary of Printing Industry of Ohio, Mr. Vance has attended to the concerns of the printers of all Ohio in the Ohio Legislature. His comprehension of the relationship of the printing industry to the community and the State have established respect for his wisdom and reason.

Reid Vance is widely known and respected throughout the entire State of Ohio. Union leaders, employees, plant owners, printing customers, government officials—all have come to know and respect him as a devoted servant of his industry as well as its leader and spokesman.

In his private life as well as his professional capacities, he has demonstrated a love for his hometown by serving unselfishly and enthusiastically in such activities as the Columbus Community Fund and the Ohio State University Alumni Association and many other local service organizations.

Mr. Speaker, of such men as Reid Vance is the fabric of our society constructed. That our country continues to produce such conscientious men, such steadfast, and unselfish leaders is the factor that insures our preservation. It is therefore with pride that I insert this tribute to my longtime friend Mr. Vance in the RECORD today.

U.S. GEOLOGICAL SURVEY RECOMMENDATIONS USEFUL FOR THOSE WHO WANT ECOLOGICAL FACTS ON CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. BENNETT. Mr. Speaker, before the decision by the administration to terminate the Cross-Florida Barge Canal, it was generally conceded that the January 1970, U.S. Geological Survey publication entitled "Geohydrology of the Cross-Florida Barge Canal Area With Special Reference to the Ocala Vicinity," gave a clean bill of health ecologically and otherwise to the construction of the Cross-Florida Barge Canal. I know of no one who then gave it a different interpretation.

Now, after the President's edict to stop or halt the canal, opponents of the canal assert that the Council on Environmental Quality received on February 24, 1971, an assembly of excerpts subtracted from the survey and introduced with a statement that this survey "provides evidence that there is a significant potential for ground water contamination in the Summit Pool, Eureka Pool, and Inglis Lock areas of the canal system."

Mr. Speaker, I have read this entire 216 pages of the survey and I think that any objective analysis of it would be that the survey does not give encouragement to anyone who would oppose the canal for any reason whatsoever. The following excerpt speaks of the purpose of the survey:

> The design for the canal calls for an accommodation to the local ground-water regime to the extent that the new waterway will alter natural conditions as little as possible, and, in any case, for the canal to have no significant adverse effect on the ground-water system. In a further effort to see that this aim be accomplished, plans were made in 1965 for the U.S. Geological Survey to monitor the ground-water in the area of the Barge Canal before, during and after canal construction.

The resulting 1970 survey revealed that the canal would not necessarily do any damage at all if proper and simple precautions are taken. It is probable that this fact is the reason why the President's edict halting the canal made no reference to water pollution or contamination as a reason for his edict.

The conclusions of the survey are summarized at the beginning of it as follows:

> The geohydrologic investigation of the Cross-Florida Barge Canal area reveals that the design of the canal and the plan of operation are consonant with the hydrologic regime. Thus canal operations should not seriously affect the regimen of the economically and ecologically important large springs—the water level, rate of flow, and the quality of water at Rainbow Springs, for example. Further, if Summit Pool lockage losses are essentially replaced and operating precautions are taken against pollution of Summit Pool waters, there should be no noticeable adverse effects on the water level, rate of flow, and quality of water of Silver Springs.

The excerpts relied upon in the February 24, 1971, memorandum make reference to insoluble contaminants but the survey makes no assertion that anything that is expected ever to happen in the use of the canal will ever bring such contaminants to the canal's waters. Nor does the survey assert that any such contaminants that might enter the canal or its associated water systems could not be easily prevented from doing any damage by inexpensive and easily taken precautions.

It is apparent from the survey that the area of possible entry of waters into the aquifer is quite small and could be easily cemented in, or otherwise closed off. It is also clear that there are adequate sources of clean water available for replenishing the Summit Pool so there is no need for impure waters ever to be there. The slight possibility of an occasional oil spill could hardly be cause for alarm because the narrow containment area could be quickly and easily closed off and cleaned. The survey did not consider these as significant threats to water purity if proper precautions were taken.

The survey did mention, however, a much more serious, already existing, oil pollution of the underground waters of the area, which arises not from the canal but from the draining of city streets, with their oil residues, into drainage wells. Under a discussion of the "Ocala Drainage Well System" the report at page 212 said of two public wells and one industrial well in Ocala:

> The three wells were found to have a 30 to 35 foot column of pump lubricating oil floating on the water.

Speaking of these drainage wells, the survey further observed at page 38:

> A system of drainage wells drilled into the limestone of the Floridan aquifer has been developed in the city of Ocala in the bottoms of partly plugged sinkholes and excavated retention ponds. The drainage wells were drilled to augment the natural internal drainage system as storm runoff increased with urban expansion. However, present State regulations against the drilling of additional drainage wells, because of the risk of pollution of ground-water supplies, precludes further expansion of the drainage well system. A few other drainage wells are no doubt located within the study area, but Ocala is the only place where there is a sizable concentration.

Further discussion of these drainage wells is found at page 127 of this survey. And at page 81 of the survey the following statement is made:

> Numerous large depressions, some whose lowest points are at altitudes below 100 feet, have developed as a result of the collapse of limestone caverns at depth, thus producing a hilly, subdued karst topography. Many depressions, large and small, have clay bottoms and thus pond runoff. Drainage of the outliers is for the most part into the depressions. Some sinks are connected directly with the limestone aquifer, and many partially plugged depressions allow seepage into the aquifer. Drainage from the edges of the outliers infiltrates rapidly into the surrounding near surface limestones.

Speaking of pollution control in the Summit Pool, the report said, at page 205:

> Any normal use of the canal by barges and boats will tend to cause at least minor dirtying of the water, but the natural filtering capacity of the aquifer immediately adjacent to the canal can minimize movement of particulate contaminants into the aquifer, provided large caverns do not open into the canal channel at the zone of outflow. Dissolved contaminants will remain in the water as it enters and moves through the aquifer, so enforcement of sanitation and pollution control regulations will be important in order that chances for contamination of the pool waters be minimized. However, the risk of accidental spills remains and should be anticipated with plans made for handling such emergencies before polluted water may enter the aquifer.

Concerning the Eureka Pool, the survey said at page 158:

> Where leakage into the aquifers is expected from the Eureka Pool, the sands and clayey sands through which the pool water will seep will tend to filter out any particulate materials which might contaminate the pool water, although the natural filter will not preclude movement into the aquifer of dissolved contaminants if present in the pool waters.
>
> The controlled water level in Eureka Pool will have an important stabilizing effect on the water level at the head of Silver Springs, and will in turn limit the range in stage of the Summit Pool, although there is no direct hydraulic connection through the aquifer between Eureka Pool and Silver Springs or between Eureka Pool and Summit Pool.

Concerning the Inglis Pool, the report said at page 163:

> The Inglis Pool will consist essentially of what presently is called the Withlacoochee backwater or Lake Rousseau, the impoundment on the Withlacoochee River maintained by the old Inglis Dam for approximately 45 years, with no known adverse effects on the ground-water system. The canal pool will be operated within about the same stage range as the present impoundment, so there is no reason to expect canal operations to cause significant changes in the ground-water levels.

And further with regard to the Inglis Pool, the report said at page 166:

> The difference in stage of the Gulf reach of the canal and the Inglis Pool will be about 25 feet. This considerable difference in elevation is expected to aid in minimizing the lockage of Gulf salt water into the upper pools of the canal. Over the long term of canal operation, possibility exists for the "locking up" of significant amounts of salt water into the Inglis Pool as a result of salt water and fresh water intermingling during lock filling operations. Although the high stage differential at the lock reduces the probability of high volume movement of salt water into the upper pool, remedies for control of migration should be developed.

And the Rodman, Eureka, and Summit Pools were discussed in their relationship to eliminating contaminants at page 206 as follows:

> Studies indicate that the chance of contaminated water entering the aquifer directly from the lower pools, especially Eureka and Rodman Pools, is much less than in the Summit Pool. Therefore, if contaminants, especially highly water soluble ones, could not be removed by the means just mentioned, the Summit Pool might be drained rapidly through the locks. Thus the contaminants could be removed through the lower pools and out to sea with less risk to ground-water supplies. The stage of the Summit Pool would be lowered temporarily, and flow would be reversed in the zones of outflow so that water could not enter the aquifer from the pool. In fact, if some contaminants had already entered the aquifer, they might be flushed back out.

As to salt water entry and precautions to prevent it, the report said as follows at page VIII:

Minimal locking up of Gulf of Mexico water into Inglis Pool is indicated by past experience at the old Inglis Lock and Dam on the Withlacoochee River, and by the fact that considerable flushing action should result from Withlacoochee River flows augmented by possible increases in fresh water flow to the Gulf from some additional ground-water inflow to the Inglis Pool reach and from lockage releases at Dunnellon Lock. However, if significant lockage of Gulf water is found to occur, special operational procedures may need to be effected to minimize such lockage into the canal pools.

Speaking of existing salt water in the Florida underground, the report said at page 51:

The underlying Oldsmar Limestone contains salt water in many parts of Florida, but this is probably not the case in much of the canal area. Based on the height of the potentiometric surface, the fresh-water-salt-water interface is estimated to occur in the Cedar Keys Limestone in the Ocala vicinity.

And at page 101 it was said:

Beneath the northern part of the Ocala National Forest near the Oklawaha River, the Floridan aquifer contains salty water.

There are well-known salt springs in the area.

When the entire survey is read carefully, it makes no assertion that insoluble contaminants mentioned in the summary are expected to be present in any substantial or significant amounts; and to the extent that they might be present at all, ever, it is suggested that there are inexpensive and easily achievable methods of prevention available. It is therefore obvious that this survey is no basis for closing down construction of this canal—now over one-third complete. As a credit to the President, he did not assert anything to the contrary.

PRESIDENT NIXON RUNS AHEAD OF EVERY MAJOR DEMOCRATIC PRESIDENTIAL HOPEFUL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, there was bad news this week for those who seek to replace President Nixon.

Despite the fact that the President faces a constant barrage of criticism from politically motivated sources, the American people are not being fooled.

Opinion Research, a highly respected survey film, disclosed that the President continues to run ahead of every major Democratic presidential hopeful, including Senators KENNEDY, HUMPHREY, and MUSKIE.

As President Nixon continues to set a record of winding down the war, of keeping peace in the Middle East of stabilizing our economy and pacifying our country, I expect his margins will widen.

I include in the RECORD a UPI wire story which disclosed the results of the Opinion Research poll:

OPINION RESEARCH POLL

WASHINGTON.—The Opinion Research Corporation said Monday its latest poll shows that President Nixon is running at least 4 percentage points ahead of three possible Democratic presidential contenders.

Nixon ran ahead of Sen. Edward M. Kennedy of Massachusetts 42 per cent to 38 per cent. He topped Senator Edmund S. Muskie of Maine 40 to 34, and Senator Hubert H. Humphrey of Minnesota, his 1968 opponent, 44 to 35.

The corporation said it based the results on telephone interviews with a nationwide sample of 1,018 persons age 18 and above March 1–3.

Alabama Gov. George C. Wallace got between 12 and 16 per cent in the three trial heats and 7 to 10 per cent were undecided.

The corporation asked these questions: "In 1972 there will be another presidential election. If this election were being held today and the candidates were Richard Nixon, (Kennedy) (Humphrey) (Muskie), and George Wallace as a third party candidate, which one would you vote for?"

FASCELL NOTES FLORIDA CONSERVATION WEEK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. FASCELL. Mr. Speaker, our colleagues will be interested to learn that this week of March 14–20 is Florida Conservation Week.

The activities of this special week include exhibits, field trips, and numerous panel discussions sponsored by the State of Florida Department of Natural Resources and citizens groups. The emphasis will be on the important goal of conserving the precious natural resources of our State and Nation.

Mr. Speaker, I commend the attention of our colleagues to the text of an article which appeared in the Florida Conservation News concerning Florida Conservation Week.

The article follows:

FLORIDA CONSERVATION WEEK, MARCH 14–20

The largest Conservation Week in Florida's history will be held in the Winter Park Mall, Winter Park, Florida, during the week of March 14.

Exhibits that will be open to the public include those from the National Wildlife Federation, Florida Department of Natural Resources, Central and Southern Florida Flood Control District, Florida Game & Fresh Water Fish Commission, Sierra Club, American Forestry Association, National Audubon Society, Nature Conservancy, Winter Park Chamber of Commerce, Tri-County Water Pollution Control, Shikar-Safari Club, Conservation International, Incorporated, and the Florida Audubon Society.

The formal opening of the exhibits is to be at 3:30 p.m. on Tuesday, March 16 in the Mall. This will be followed by the Annual Conservation dinner at the Langford Hotel at 7:30 that evening.

Wednesday and Thursday will be devoted to field trips under the direction of the Florida Audubon Society. On Thursday there will also be a boat trip of the Winter Park Lakes.

Friday and Saturday will feature outstanding panel discussions. All of the panels will be open to the public and held at Security Federal Savings and Loan Association on the Winter Park Mall property.

At 9:00 a.m., Friday, March 19, Robert Ingle of the Florida Department of Natural Resources and Phil Edwards of the Florida Game and Fresh Water Fish Commission will discuss what is being done in both freshwater fisheries and saltwater marine research.

At 10:30 a.m. there will be a discussion on aquatic weed control. This panel will consist of Dr. Alva P. Burkhalter, Florida Department of Natural Resources; Representative William Fulford; and Robert D. Blackburn, Botanist, United States Department of Agriculture.

At 2:00 p.m., E. T. Heinen of the Federal Water Quality Administration and George Gardner of the Florida Department of Air and Water Pollution Control will talk about pollution problems.

Saturday, March 20 at 9:00 a.m., Steve Fickett, Florida Game and Fresh Water Commission; Chuck Salter, Division of Forestry, Florida Department of Agriculture and Consumer Services; and Eldon Lucas of the U.S. Forest Service will hold forth on the forests and wildlife.

At 10:30 a.m., a panel revealing the problems of beach erosion will be held. It will consist of Dr. William Tanner, Florida State University, Department of Geology, William Carlton, Florida Department of Natural Resources, and Lt. General William Cassidy, Erosion Control District Advisory Committee.

At 2:00 p.m. in the Mall there will be a film festival showing a number of prize-winning outdoor and conservation films.

SECRETARY HENKIN ON THE REBROADCAST OF "THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HÉBERT. Mr. Speaker, Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, issued the following release upon learning that CBS is going to rebroadcast "The Selling of the Pentagon."

The message speaks for itself and I want to include it at this point in the RECORD:

STATEMENT BY ASSISTANT SECRETARY OF DEFENSE DAN HENKIN

I note that CBS News has decided to rebroadcast the show which it calls "The Selling of the Pentagon."

I would hope that the numerous factual errors, the unprofessional distortions and the misquotations in the show, as it was originally aired, will be corrected so that the American public will not be misinformed and misled once again.

I also hope that CBS News has now complied fully with certain legal requirements concerning the use of some of the material provided at their request by the Department of Defense. I am informed this compliance was not previously accomplished.

If these corrective actions are not taken, I would only add: let the viewer beware.

THE RAILROAD SITUATION—A STATEMENT OF THE STATUS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. O'KONSKI. Mr. Speaker, I rise today to thank the United Transportation Union for the fact that we are not presently wrestling with the nearly insoluble problems that confront the Congress when a national railroad strike occurs. I hope that other House Members will join with me in expressing similar gratitude.

The United Transportation Union has, since it was formed by a merger in 1969, given every evidence that it does not want to plunge the Nation into a crisis that grows out of a national railroad strike. At the same time, it is determined to bargain vigorously and effectively for better wages and working conditions. Thus, we have the example of an aggressive but responsible labor organization.

Look for a moment at the UTU's handling of its long-existing problem of rules pertaining to the use of locomotive firemen on diesel engines. The union's dispute in this area reached a stage where it was free to strike in the latter part of 1969. But it did not strike. It continued to search for a negotiated solution until the middle of 1970. When the situation appeared hopeless, UTU did not strike nationally. It struck only four railroads. However, the railroads rushed to court and got a restraining order, and the President intervened by appointing an emergency board.

There we have the crux of the problem involving labor-management relations on the railroads. The railroads, with the help of some tortured court logic, have established a situation which holds that unions cannot legally strike a few railroads but must strike all railroads. Then, when a national strike is threatened, the Government moves in to avoid a national emergency. I ask: How can any union function in such a no man's land?

The railroads' legalistic maneuvering prevailed in the above-mentioned firemen's dispute in mid-1970 and earlier in the year in a dispute involving railroad shopcraft unions. Carriers have refused to subject these decisions to appellate court review, pleading each time that the matter has become moot before it reaches a higher court. In the firemen's case, UTU had to bring a declaratory judgment action of its own to counter these tactics. It finally got a decision in the district court last week holding that selective strikes are legal on that issue.

Now let us turn to the UTU's wage-rules dispute that dominates the news these days. It goes back to October 1969, when the union served notices on most of the Nation's railroads for wage increases needed to meet skyrocketing living costs. At an earlier and later period in 1969, the Maintenance of Way Employees, Railway Clerks, and Dining Car employees also served notice for wage increases. The unions' notices were countered by carrier proposals for rules changes. It was not until mid-1970 that the railroads offered any pay increase at all.

After the unions had exhausted the Railway Labor Act's extensive procedures for bargaining, and mediation, the disputes reached an impasse stage in September 1970. Again the effort was made to strike selectively so as not to precipitate a national crisis—this time only two railroads were struck. Again the unions were stopped by a temporary restraining order and the President appointed an emergency board to prevent any strikes or lockouts for 60 days.

The unions went back to the court that had imposed the restraining order to get a prompt trial so that the issue of the legality of selective strikes might be resolved. The railroads opposed this motion and the court denied it.

So it came about last December, when the emergency board report had been made and the negotiating period after that had expired without culminating in an agreement, that the unions were forced into setting a national strike, and Congress responded by enacting Public Law 91-541.

The law imposed a moratorium on any strikes or lockouts until March 1 of this year. It also granted the first year of the board's recommended wage proposals. During the moratorium period, the unions involved in disputes other than UTU managed to make settlements of their disputes—though not without great difficulty.

I do not set myself up as a judge of the merits involved in this rather complex UTU dispute. But I am informed, and it has been frequently reported in the press, that the difficulty in getting a settlement lies in the fact that rules are involved. Rules were not significant issues in the other disputes.

The rules sought by the carriers would have an adverse effect on its members, UTU contends. The union's president, Charles Luna, says:

> If we were to accept them as the carrier insists, it would amount to our members suffering severe layoffs and pay cuts. We would, in effect, be paying for our wage increase and the increases won by the other unions, too.

A key rule change sought by the carriers is the unilateral right to extend road crews' runs without negotiations. In other words, UTU's members would not have the right to negotiate on the length of runs, hours on duty, meal periods or protection to adversely affected employees. Carriers have offered some protective conditions in recent negotiations but they "are entirely inadequate," the union points out.

The UTU has proposed that the questions of interdivisional runs be referred to a standing committee called for in the board's recommendations. The carriers seem to be in favor of the standing committee idea but will not put the interdivisional run issue before it.

One of the most interesting and revealing changes being sought by UTU is a modification of the present away-from-home expense rule. The present rule provides only one meal allowance—and get this—of $1.50 during an entire period an employee may be required to be away from home. It staggers reality to think of workers trying to buy meals away-from-home for 1 day, or several days, as often is the case, on $1.50. Furthermore, the allowance covers only about 45 percent of the employees represented by UTU. Would you not think it justified that the union get the allowance extended and increased?

I find it unbelievable, and I am sustained by many experts on the law, that the Railway Labor Act makes it illegal for unions to strike a few railroads—even one—but must instead strike nationally if they are to strike at all, and thus create an emergency that throws a particular dispute into the laps of Congress.

Yet that is exactly what one judge of the district court for the District of Columbia reasoned to be law last week in blocking a scheduled UTU strike against two railroads—despite the fact that the declaratory judgment of another judge in the same court—in the firemen's case—found selective strikes to be legal.

Two things involving the behavior of the railroads in this situation are most startling: First, they have made the most spectacular efforts imaginable to avoid any appellate court resolution of what the present law means, obviously in the hope that they can continuously stop any selective strikes through temporary restraining orders and preliminary injunctions; second, their ultimate objective in continually enjoining selective strikes, and thus forcing national strikes, must be to pressure Congress into permanently denying transportation workers the right to strike. Let us make no mistake about it, the railroads cannot possibly believe that a shutdown of the entire industry is better for them and better for the country than a selective strike of a few railroads would be. Their objective has to be abdication of their responsibility for collective bargaining and the substitution of compulsory arbitration.

Incidentally, there is another aspect of the railroads' behavior that interests me. Last Wednesday the Wall Street Journal—March 10, page 12—in reporting the current battles in the courts, indicated that a mutual strike insurance plan among the railroads, that I had heard about some 10 years ago but assumed had lapsed, was still operative. I understand that when the railroads' counsel was asked about this scheme by the court of appeals last Friday, March 12, he admitted that it was still in operation. I suggest that we Members of Congress would be well advised to inform ourselves most thoroughly concerning this scheme and to make our own determinations as to whether its existence does not result in a complete perversion of labor relations in the railroad industry.

EL DIARIO SUPPORTS BADILLO URBAN AID PLAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. BADILLO. Mr. Speaker, in the 2 weeks since I made my first speech in this House detailing my proposal for meeting the immediate, urgent financial needs of our cities and States, there has been increasing support from concerned individuals and groups and from the news media.

This week, the distinguished newspaper, El Diario-La Prensa endorsed my plan editorially, noting that:

> Our cities cannot wait two years for the debate over revenue sharing and its alternatives to be resolved. Congress should approach the problem right now and Mr. Badillo's proposal is the best solution advanced up to this date.

I present herewith for inclusion in the RECORD the March 15 El Diario-La Prensa editorial:

> BADILLO'S PLAN
>
> A stopgap measure to save our cities from its present financial crisis was presented last week by Congressman Herman Badillo, (D-N.Y.)
>
> Mr. Badillo proposed that the federal government lend states and cities $20-billion over the next two years to meet what he called "a physical crisis that has brought many local governments to the brink of collapse."
>
> "Our cities", he said, "are strangling in traffic congesion, noise and poisonous air. The slums are spreading like a cancer feeding the insidious growth of racial strife, violence and crime. We hear demands for law and order, but our cities can barely meet police payrolls. The welfare rolls continue to grow but the cities are unable to find sources of revenue to keep pace. Our slumping economy and the flight of the white middle class to the suburbs, exacerbate the crisis still further".
>
> We cannot but agree with Mr. Badillo's picture of our cities. In fact, this is exactly what is happening in New York. His plan does not intend to be a cure-all, but a temporary measure tending to give Congress time to come out with a more permanent solution.
>
> He proposed that the $20-billion loan should be financed by a 50 year U.S. bond issue on which the federal government would pay the interest charges.
>
> The money should be apportioned to states and cities according to the formula contained in the Nixon Administration's general revenue sharing plan. Under the Badillo proposal New York state would receive $2.1-billion over the next two years, of which about $760-million would go to New York City.
>
> The money would be a loan which the states and localities would be required to repay in 50 years. "Because this money is in the form of a loan, rather than a grant, I believe that we can avoid a long, drawn out debate over restrictions, the earmarking of funds and so forth", said Mr. Badillo.
>
> We do believe that Congress should give serious consideration to Mr. Badillo's plan. It should be passed without delay. If we are going to save our cities, we must do it now with a massive infusion of money. Otherwise, many of our cities will sink irretrievably into filth, decay and crime.
>
> If Badillo's bill is passed, Congress would be able to develop a long-range solution on the basis of the Administration's revenue sharing plan, a Federal takeover of welfare, tax-credits or other measures, enabling the states and cities to provide the essential services their citizens need and deserve.
>
> Mr. Badillo is confident that a sound approach will be worked out and enacted by this 92nd Congress. It seems clear, however, from the discussion and debate which has already taken place, that a long range solution is not likely to be found this year and it may well come too late to be effective before 1973.
>
> Our cities cannot wait two years. Congress should approach the problem right now and Mr. Badillo's proposal is the best solution advanced up to this date.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION PROGRAMS OUTLINED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WHITEHURST. Mr. Speaker, as a member of the American Revolution Bicentennial Commission—ARBC—the organization established by Congress to plan the celebration of our Nation's 200th anniversary in 1976, I am pleased to report the commission is acting to discharge its responsibilities.

Previously the commission has always met in Washington, but it recently concluded its first full meeting outside the District in open hearings at San Francisco, Calif. The public hearings were an effort to meet State ARBC organizations on a face-to-face basis, and they were successful. Six Western States and several cities made presentations to the commission. Both sides learned much, and another meeting has been planned for a different region of the Nation in the near future. An expanded program is contemplated for the meeting, helping both ARBC members and State and local organizations in planning and establishing goals for the celebration. ARBC Chairman, Mr. David Mahoney, and his outstanding staff deserve congratulations for the fine contribution they have made.

The activities of the American Revolution Bicentennial Commission have been performed in the face of severe financial limits imposed by Congress. However, an organizational framework has been established and programs outlined. The time has now come for expanded action to carry out the responsibilities Congress has given the commission.

The commission has been going about its job rather quietly, shunning headlines and controversy, so I doubt many of you have much of an understanding of the ARBC programs or goals. Let me briefly outline them for you.

The ARBC believes the U.S. 200th anniversary celebration should be nationwide. It is to be developed during what the commission has designated the bicentennial era, a period extending to 1983. This 13-year span will recognize the 200th anniversary of many major events that formed this Nation.

The ARBC believes this period is the best time for: First, intensive review and reaffirmation of the basic principles on which the United States was founded; second, how these principles affect and influence our lives today; and third, whether they should be enhanced or changed in guiding our people in the future.

To accomplish this tricornered look at ourselves and our country the Commission has established three programs through which all Americans can participate. They are: Heritage '76, Open House USA, and Horizons '76.

Heritage '76 will review our past. It will be a nationwide summons to recall our heritage and reexamine our origins, our values and the meaning of America. It will be a summons to take pride in our accomplishments and to dramatize our developments. The Heritage '76 program asks that all groups and individuals in our society reexamine themselves in the national context and take pride in their contribution in making the United States the leader of nations.

Open House USA will provide a nationwide opportunity for cities and States to program activities and events to stimulate travel, encourage citizens to expand their knowledge of the Nation, and to extend a particular welcome to visitors. Open House USA is a concept for managing a national voluntary effort to invite citizens of other countries and assist them in attending our national celebration. This program will be the coordinating framework to inspire individuals and private groups to a great outpouring of hospitality. American clubs and organizations will be encouraged to invite their counterparts from abroad.

Horizons '76 is a nationwide challenge to every American, acting individually or with others, to undertake at least one principal project which manifests the pride, the priorities, and the hopes of his community. Every group is encouraged to pool its resources and talents in a constructive way to demonstrate concern for human welfare, happiness, and freedom. Projects of a lasting nature, of long-term benefit to an area, are especially encouraged.

This is a brief outline of the programs. Greater detail can be obtained in the Commission's July 4, 1970, report to the President. Obviously the programs will need top organizational and managerial talent on both the national and local level. You will notice that there is a great deal of cooperation needed between individuals and groups in all three programs. The economic benefits, combined with an uplift of spirit when Americans are given the opportunity to work together for a common peaceful cause, will benefit the Nation now through 1976 and beyond.

The ARBC is providing the opportunity for Americans to plan and work together for their own betterment and enjoyment. Out of that cooperation will come an understanding and appreciation of the worth of the individual and the other person's point of view. A better America will result.

Cooperating with the American Revolution Bicentennial Commission will be State bicentennial commissions, and hopefully each city and town in the country will establish their own Commission to provide this opportunity and challenge.

The opportunities these programs provide are boundless. The ideas have been outlined, put down on paper. Now comes the time for action. This is where the project now stands. At this critical juncture Congress will decide whether the celebration will go forward and fulfill its promising future.

Legislation will soon be presented to Congress that will enlarge the Commission and provide for the necessary funding of its operations.

The commission has been struggling manfully to accomplish its goals with a totally inadequate budget. Presently it does not even have funds to support an open public hearing outside of Washington. An opportunity for the public to contribute its ideas, and the Commission to establish grassroots contact, is being threatened because of inadequate funding. That is a deplorable situation for a prestigious Commission of the Federal Government headed and staffed by talented, dedicated citizens to find itself forced into. The new legislation will provide for adequate funding of the Commission and its programs.

When the new legislation is presented to Congress, I ask for immediate consideration by the referred committee and quick approval by all Members. Time is getting short and so much work remains to be done.

The American Revolution Bicentennial Commission is a child of Congress. It has performed its homework admirably. Soon the time will be upon us to give it the spiritual and financial support it needs to develop. Congress must then face up to its own responsibility.

EARTH STEWARDSHIP DAY

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. JARMAN. Mr. Speaker, I proudly call to the attention of my colleagues a project of 150 to 200 teenage youngsters from the Episcopal churches in the greater Oklahoma City area which has resulted in our mayor proclaiming March 27 as "Earth Stewardship Day." On this day Episcopal youth from Oklahoma City and the neighboring towns of Moore, Edmond, and Norman will forgo their usual quarterly social event and invade Stars and Stripes Park with their mowers, hoes, rakes, and spades. They will devote a full day's work to improving the undeveloped section of Oklahoma City's newest public park. This beautification project will be a commemorative occasion for our city, and the young participants and sponsors of the project are to be commended for this worthwhile and constructive venture.

A BILLION BUSHELS OF GRAIN DUMPED

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DENHOLM. Mr. Speaker, as a member of the Committee on Agriculture and of the Subcommittee on Livestock and Grains of that committee many of my constituents have written to me concerning the Commodity Credit Corporation sales of grain and decision of the Department of Agriculture not to extend reseal privileges on vast amounts of grain in storage.

Recently, the National Farmers Union had its annual meeting in Washington, D.C. One of the speakers at that event was Hon. ROBERT J. DOLE, U.S. Senator from Kansas.

While I did not have the privilege of hearing Senator DOLE on that occasion, I was provided with a copy of his remarks.

I should like to insert a portion of his comments in the RECORD at this point:

> I recall the millions of bushels of grain dumped into the market to hold down prices during the Freeman years. I recall a former Secretary of Agriculture expressing pleasure when farm prices fell, and a Chairman of Economic Advisers under President Johnson stating on television that dumping Corn and other grains on the market was good because it would result in lower hog prices.
>
> I recall an effort made in the House Agriculture Committee to raise the minimum resale price above the 105 percent of loan level and the pressure that came from the Great Society to maintain that low resale price—an effort which was successful by the narrow margin of one Democrat.
>
> I recall the outcries from the farmers union GTA against this market-destroying activity.
>
> However, my recall mechanism does not include any statements of criticism of these policies by the present chairman of the Democratic National Committee in regard to the interests of our farm families on this real dollar and cents issue.
>
> I can recall in the mid-sixties farmers would dread the day Commodity Credit Corporation was to announce the sale of some surplus grain. It was a pretty sure bet grain markets would drop 3¢ to 10¢. I am pleased to say that the minimum legal resale for grains is now 115 percent of loan. CCC is getting that much and more. There is no "dumping" philosophy or practice in this administration.

The statement of Senator DOLE concerning "dumping" of grains under this administration as compared to the previous administration and the information which was being supplied to me by farmers from South Dakota prompted me to check into the statistics concerning this matter.

The Department of Agriculture has provided me, through Legislative Research Service, the information on the CCC activities in grain markets for the years 1967 through 1970. That information is contained in the table below:

[Million bushels]

	1967	1968	1969	1970
Wheat sales:				
Domestic use	7.8	1.6	4.0	41.9
Export	42.4	19.0	14.3	35.2
Corn sales:				
Domestic use	15.2	14.0	24.5	195.3
Export	6.8	5.7	4.3	3.2
Grain sorghum:				
Domestic use	6.8	1.6	12.9	23.3
Export	40.2	0.6	17.7	39.3

Further, the Department of Agriculture advised me that—

> In January 1968, the Department of Agriculture announced that reseal privileges would be extended on all loans maturing in 1968 and in October 1968 it announced that reseal privileges would be extended on all loans maturing in 1969.
>
> In December 1969 and February 1970 it announced that reseal privileges would not be extended in 1970 for grains in storage from specified crop years. In December 1970 and February 1971, it also announced that reseal privileges would not be extended in 1971 for grains in storage from specified crop years. The amount of specific grains under government loans at the time of the announcements, not eligible for reseal in 1970 and 1971 were:

[In millions of bushels]

December 1969:	
Wheat	54.8
Corn	147.5
Grain sorghum	44.5
February 1970:	
Corn	8.3
December 1970:	
Wheat	247
Corn	100
Grain sorghum	21
Barley	28
Oats	36
February 1971:	
Corn	87

Thus, in 1969 and in 1970 the Department of Agriculture releases of grain to markets, by CCC sales and by terminating resealed grain loans, totaled more than 1 billion bushels—1,103,000,000. That compares with about 16 percent of that amount for the previous 2 years—161,700,000 bushels.

It is obvious to me that the purpose of these sales by CCC and the decisions concerning reseal privileges have been made by the administration for only one purpose—to hold down the price of these farm products.

The magnitude of the Government grain dumping policy revealed by that tabulation is alarming and unbelievable—especially when the agriculture industry is suffering the consequences of a price depression.

The market price of spring wheat in South Dakota has dropped as much as 24 cents per bushel during the last 60 days.

This grain-dumping policy is another demonstration of the doubletalk philosophy in how to emphasize rural development and economic stability.

It is the same pattern that was followed last week when the Secretary of Agriculture refused to increase the price support of manufactured milk and ignored completely the rising costs of feed, labor, and other costs of production imposed on farm families by continued policies of national inflation.

It is the same pattern followed when the Secretary of Agriculture set support levels for corn and wheat at the lowest possible levels allowable under the law.

Congress must act quickly to reverse present USDA policies that are not in the best interest of farm families and insist that the Secretary of Agriculture take positive action to stop the farm depression.

One such effort is a bill which I am cosponsoring with Representative Neal Smith, Democrat, of Iowa, to continue the producers' price of milk at 85 percent of parity.

I will seek other legislation that provides fair, equitable, and reasonable income for farm families.

DO NOT MARCH BACKWARD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DERWINSKI. Mr. Speaker, it should be obvious to us that many issues by their very complexity deserve thorough and objective study and are subject to well-intended but highly emotional pressures.

This is, as I interpret it, the practical point made in an editorial Saturday, March 6, in the Polish American of Chicago, Ill. The editorial follows:

DO NOT MARCH BACKWARD

A curious transition has been taking place in both public and private attitudes toward our way of life in the United States. Under the guise of improving physical health, quality of life and the environment in which we live, a drive is on to reduce the availability or utilization of the very things that for centuries were considered the ultimate goals of a better life. Even the abundance of good food is now considered a hazard to health in some quarters.

This drive toward regression is bound, sooner or later, either through regulation or other forms of coercion, to cause a sort of "hardening of the arteries" of the production and marketing system that heretofore has operated on the traditional premise that people will demand more and better things in the future. Normal, healthy people are told, for example, that they should eliminate certain items from their diet in anticipation of heart attacks or some other disability—although there is abundant scientific evidence that such sacrifice is neither necessary nor likely healthful. In an effort to help counteract rising confusion over food—what to eat—the food industry is launching a long-range program to encourage people to eat normally of the four basic food groups—meat, fish and poultry; fruit and vegetables; dairy products; and breads and cereals. The National Dairy Council is one of the research and educational organizations charged with the task of helping to present the nutrition story in which dairy products have an important place. Normally healthy people need milk and milk products just as they need the other foods that make up a balanced diet.

It is hard to see how the quality of life or the health of the individual can be improved by turning away from the bounty that has been given to us by the most efficient food production and marketing system ever known. In food, as in everything else, a healthy and wholesome future lies in the wise use of that which science and technology have given to us.

NADER, THE OBSESSION MAN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. KEITH. Mr. Speaker, I noticed an interesting column last Sunday by the distinguished writer, Donald Walsh, in the Cape Code Standard-Times that quotes some statements made by our colleague, Representative Bob Wilson of California on the subject of Ralph Nader.

I include it as a portion of my remarks:

NADER, THE OBSESSION MAN

(By Donald Walsh)

Ralph Nader is a busybody by profession. Also he has an obsession.

Ralph's particular hangup is a conviction that Big Business has only one aim—to send each and every one of its customers to an early grave.

If a company happens to be in the food processing-business nobody can tell the sultan of snoopers that they do not work with might and main, around the clock, yet, to poison people. Baby food manufacturers have achieved high skills in this direction, the Nader theory has it.

Automobile manufacturers, and especially General Motors, have been pulling the wool over our eyes for years and years and have pretty well convinced the public that their aim is to provide reliable transportation and price it within reach of most wage-earners.

Poppy-cock, balderdash and sheer, utter nonsense are Nader's terms for this fabrication because he knows the motor trust is intent on killing us, one and all, by turning out cars with brakes that don't brake, steering wheels that don't steer, trap doors that dump passengers to the pavement when speeds exceed 35 miles-an-hour and various other pieces of equipment designed with evil in mind.

Oil companies, instead of striving to improve and purify their products, lavish princely sums on laboratories and scientists to man them for the sole purpose of discovering molecular tinker-toys guaranteed to make car exhaust systems as lethal as San Quentin's gas chamber, thus placing every living thing on Death Row.

Giant soft-drink companies are in cahoots with the American Dental Association by means of an underground cartel known as Cavities Unlimited, but everybody knows that.

In the Nader scheme of things airplanes are made for the express purpose of escalating the eradication of the ecology and the nation's cigaret rollers, all along the busy production lines, are dedicated to the proposition that all lungs are susceptible to carcinoma and what's wrong with spreading it around.

I confess to being a rapt Nader-watcher so when I tell you he has yet to sound any warnings about the possible harmful effects of puffing marijuana or hashish you'd better believe it. This proves conclusively, I would guess, that he is not a 100 per cent, absolute killjoy and has due appreciation for the finer things in life. Nevertheless, if pot falls into the hands of corporate curs, watch out!

It will go on the Nader blacklist quicker than you can say G.M., rest assured.

Another thing to be noted about Ralphieboy is that his every word, every syllable, is treated as if it were the Sermon on the Mount by scribblers and talk-merchants of liberal persuasion. His bitterest accusation gets immediate endorsement from these people who, I am overjoyed to remind you, are the very ones who swallowed with gusto and A-1 sauce the Big Lie about 28 blacks having been murdered in cold blood by policemen at the opposite end of the color spectrum and spread the falsehood the length and breadth of the land without making even a cursory investigation of the facts.

A careful analysis by a responsible reporter reduced the number to two and even this total is questionable because some evidence points to the fact that these victims were engaged in a shoot-out with police when they fell. A regrettable incident, of course, but hardly cold-blooded murder if shots actually were being exchanged.

It is a strange fact of life among the liberals that Nader's knocks against anything and anybody constitute legitimate stories, hard news as a matter of fact, whereas anyone who dares criticize the arch-critic gets about as much attention as a cap pistol on an artillery range.

To cite as an example, how many gentle readers are familiar with a speech delivered in Washington only last month by California's Congressman Bob Wilson of the San Diego Wilsons? The speech took Nader to task for complaining bitterly to the House judiciary committee and the Senate antitrust and monopoly committee that his, Nader's, demand that General Motors and Ford be broken up had been ignored by Congress.

In his letter, Nader professed to see, in Wilson's words, "all sorts of diabolical and political reasons why such action had not been taken."

The Californian continued, "It is not just a case of trying to breakup GM that bothers me, though. It is this whole trend toward making business the goat for all our problems. Of late it almost seems to be a sport to shout that business, and particularly Big Business, is bad. I will readily admit that Big Business is one of the establishments in American life.

"But let us not forget for a minute that it gained that position by 'establishing' itself over the years as a solid economic base for the growth of our country. Large corporations did not just spring up in this country overnight, despite the fact that some crusaders feel they should be dismantled in that time span.

"They were built slowly and arduously. And only in response to the demands for more of the things that make ours the highest standard of living in the world. This may sound like a lot of flag-waving but it's not. It is the story of American business and all of us should be quick to defend it against blithe attacks by so-called crusaders.

"We should be quick to speak out against such assaults no matter where they arise and, to my dismay, they are beginning to come from some pretty high places."

There was a lot more, in the same general vein, to the speech but what I want to ask is this—

Why, if Ralph Nader is so all-fired newsworthy whenever he, himself, opens his trap, isn't it also worth a headline or two when someone puts the blast on him as Bob Wilson did in his February speech that was carried in the Congressional Record?

Just asking, that's all.

HORRIBLE CONDITIONS IN MANY OF CHICAGO'S NURSING HOMES

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, I am inserting today in the CONGRESSIONAL RECORD the second in a series of articles which appeared recently in the Chicago Tribune. These articles, which exposed the horrible conditions in many of Chicago's nursing homes, were the result of the work of a task force of Tribune writers who spent 6 weeks working in nursing homes and reporting on their findings.

The Tribune writers involved in the project were: William Jones, Philip Caputo, William Currie, and Pamela Zekman. While there will be those who will criticize these articles as being sensational, I believe, as one who has shared their experience of working in nursing homes, that these men and women have performed a valuable service not only to Chicago and Illinois, but to the Nation as well. My only hope is that the day will soon come when reporters can go into nursing homes and find no story to write.

[From the Chicago Tribune, Mar. 2, 1971]

HALT NURSING HOME FUNDS—STATE WELFARE IS WITHHELD; PROBE BEGINS

(By Philip Caputo and William Currie)

The State Public Aid Department announced yesterday it is withholding thousands of dollars in public aid payments to Chicago area nursing homes named in a Tribune series exposing mistreatment and neglect of the elderly poor.

George Dunne, County Board president, disclosed plans to remove hundreds of public aid patients from substandard nursing homes in an attempt to force them to close.

Dunne and Harold Boysaw, deputy director of the county public aid department, said 30 investigators have been assigned to a full-scale nursing home investigation. Boysaw said he expects a preliminary report by late tomorrow or Thursday.

The Tribune began a series of articles Sunday disclosing patient abuse and wretched living conditions in area nursing homes. The probe was conducted in cooperation with the Better Government Association.

REACTION OF OFFICIALS

In other related developments:

Ald. Claude W. B. Holman [4th], chairman of the City Council health committee, and Ald. Wilson Frost [34th] said they will submit a resolution March 10, seeking public hearings on nursing homes.

"It will be a sweeping investigation with the view of passing new laws, if necessary, to remedy the evils you have exposed," Holman said.

An aide to Gov. Ogilvie said the governor's office has directed state officials dealing with welfare payments and nursing home inspections to increase inspections from once a year to once every 30 days.

The aide also said his office has uncovered evidence that state employees may be selling information to some nursing home operators, telling them when surprise inspections are planned.

HANRAHAN COMMENTS

State's Atty. Edward V. Hanrahan said his office will "enthusiastically prosecute" all cases where there is evidence of patient brutality.

A Chicago health official admitted that one of the nearly 20 homes where a task force reporter worked as a maintenance man is not licensed by the city. A public health nurse attempted to inspect the Golden Age Home, 4542 N. Malden St. was turned away at the door by an employee of the home.

Dr. Murray Brown, commissioner of the Chicago Board of Health, which controls nursing home licenses in the city, said his agency plans to seek no special action as a result of the disclosures.

"If you're looking for some reaction, you're not going to get it," Brown said. "We're reacting to it all year long. We do have limitations. What you as reporters can see in 24 hours we can't see in our inspection visits.

WANTS COURT'S SUPPORT

"There are people that shouldn't be in this business but they are there and it is difficult to keep them out. If you close them down, where are you going to put the people. It's not our purpose to close homes down. It's our purpose to care for the people."

Brown also called for more support in the courts when action is taken against poor conditions in nursing homes.

"We would like to have support from the courts," Brown said. "We aren't attacking the courts but we would like their full, wholehearted support such as an increase in the amount of fines. A $5 to $1,500 fine is peanuts compared to the effect of cutting off payments."

Robert Wessel, chief of the medical administration section of the state Public Aid Department announced the cutoff of funds to nursing homes named in the series. He said his investigators are on the street to determine if the homes threaten the health and safety of patients.

"The reports in the Tribune show we are apparently not getting what we are paying for," Wessel said. Wessel said the ban on public aid payments now covers these homes:

Melbourne Nursing Center, 4621 N. Racine Av.; The Park Home, 2320 S. Lawndale Av.; Monterey-Drexel Home, 4616 S. Drexel Blvd.; La Grange Convalescent Center, 40 S. Ashland Av., La Grange; Austin-Congress Nursing Home, 901 S. Austin Blvd.; and Whitehaven Acres Nursing Home, 1505 Greenwood Rd., Glenview.

Dr. Robert Glass, director of the Illinois Mental Health Department, said he will lead a series of inspections into homes where former mental patients now live.

RECALL 1969 SCANDAL

Thousands of mental patients have been transferred into private nursing homes in recent years as a result of a 1969 scandal in mental institutions that resulted from overcrowding and brutality.

Glass said if he finds the same conditions outlined in the Tribune series he will ban the transfer of former mental patients to the nursing homes and transfer those already there.

Another source in the Mental Health Department complained that inspectors have apparently not been doing an adequate job in inspecting the homes. He complained that Board of Health inspectors have failed to notify mental health officials of conditions in some of the homes until nursing home operators are taken to court.

REPLIES TO DISCLOSURES

Hillel Yampol, executive director of the Metropolitan Chicago Nursing Home Association, described the disclosures as "superficial" and said his organization will hold a press conference at 9:30 a.m. today in their offices at 43 E. Ohio St.

The Illinois Nursing Home Association released a statement late yesterday criticizing what the organization described as very poor enforcement of standards, rules and regulations of the nursing home industry by the Chicago Board of Health and the County Health Department.

"The Illinois Nursing Home Association supports the nursing home investigation and proposed crackdown on standards enforcement in Chicago," said Ross A. Reardon, executive director of the group.

NURSING HOME'S SHAVING TIME BECOMES TORTURE FOR PATIENT

The young man had just begun to mop the filthy floor of the South Side nursing home when he was summoned by a nurse's aide.

"Hold this guy's head or I'll never get him shaved," the aide ordered.

The old man, his body crippled by a nervous disorder that caused his arms and head to jerk uncontrollably, hadn't been shaved in a week. It was a difficult task at best and today it would quickly become an ordeal.

Using only a pan of cold water and a sliver of soap, the aide began hacking away at the whisker growth. She had gathered several old safety razors for the job and as the blood trickled down the patient's face she would discard one and try another.

SEEKS NEW BLADE

Finally, unable to watch it any longer, the mopboy told the aide to wait while he ran thru the home searching for a razor blade that hadn't been used before. When the ordeal was finally over, the aide added a final touch to the patient's discomfort. She splashed rubbing alcohol over his face in an effort to stop the bleeding.

This is the Monterey-Drexel Home, 4616 S. Drexel Blvd., one of a chain of nursing homes owned by the N-H Managment Corp., 105 W. Adams St.

The shaving incident is one of many examples of the kind of care received by thousands of elderly citizens living in warehouses for the dying in the Chicago area.

EXPOSED 8 YEARS AGO

Tribune Task Force reporters worked as orderlies, janitors, nurses' aides, and mopboys to document the abuses.

This is the second time in the last eight years that the Monterey-Drexel Home has been exposed for filthy conditions and wretched patient care. The N-H Corp. is headed by Joseph Bonnan, a former aide to Mayor Daley and the man who wrote the city's nursing home code while serving as the Mayor's assistant.

The same day that the old man submitted to the shaving ordeal, another aide was discussing the plight of an emaciated man too weak to move from his bed.

"He's supposed to be on a special high protein diet," the aide explained to a reporter employed as a mopboy. "But he gets the same thing everyone else gets."

PATIENT GIVES VIEWS

Another patient, one of hundreds dumped into private homes in an effort to reduce the patient load at state mental hospitals, discussed his problem this way:

"I wish I was back there [Kankakee State Hospital]. They don't care here. You come here all messed up, you're gonna stay messed up. They don't pay no attention to you."

His conclusions tragically parallel the attitude of the administrator of Monterey-Drexel.

"We're not going to help them [the patients]," she said. "I don't worry about them. I just want to keep myself out of here."

HOME IN PALATINE

At the Bee Dozier Home in Palatine, an old farmhouse that houses up to 40 patients, a reporter working as a nurse's aide made the mistake of attempting to change the bath water after every patient.

"Don't do that," a male orderly cautioned. "I just let a little bit out and add a little clean hot water to warm it up a bit. This ain't the Savoy dear. It's the Workingman's Palace and we don't do that." The Workingman's Palace is one of Skid Row's largest flophouses.

The orderly then poured a single pitcher of clean water into the tub and used the dirty water to give two more patients their weekly bath.

MANY ALCOHOLICS USED

The male orderly was one of dozens of Skid Row alcoholics who make up the major labor force at the Dozier home.

Recruited from a West Madison Street flophouse by a maid who receives a kickback for every derelict, the men are sent to the Northwest suburb by train and then ride a cab to the nursing home. They must stay at least 30 days and work as orderlies, nurse's aides and cooks. During two of the three shifts in the home they are the only employes in charge of patients.

The only nurse at the home explained that before she was hired a year ago one of the derelicts was performing all the nursing duties. She said the same employe who gave the baths had been banished to the laundry shack recently after he was caught stealing drugs prescribed for the patients.

SCRIMPING ON FOOD

The home also features one of the most unusual diet items uncovered during the investigation. In order to scrimp on the food budget, the head nurse explained, the management purchases such items as canned pineapple cores instead of the more expensive pineapple slices. The cost cutting scheme apparently backfired, however, when the employes couldn't eat the so-called fruit and a blender failed to pulverize it.

At the Park House, 2320 S. Lawndale Av., which describes itself in a brochure as "Chicago's newest, most modern convalescent, retirement and nursing home," the weekly bath became a horrifying experience for a 91-year-old patient.

Two nurse's aides were attempting to make the patient sit down in the bath tub despite his pleas to "slow down, I can't bend my legs this fast."

AIDE SLAPS PATIENT

One of the aides responded with a sharp slap across the face and the old man cried out in pain.

Another aide slapped a patient who objected to the way he was being shaved.

The home is infested with cockroaches and puddles of urine are allowed to dry on the floor. No effort is made to provide special care for patients unable to control their body functions.

One aide, who has worked in a number of other nursing homes, said it was the first home she had seen where such patients did not receive extra care. Instead, she noted, "they have the patients' bare buttocks against the chairs. These people are usually kept in some kind of diapers, but they don't do that here."

One subzero morning at Park House, a senile woman managed to make her way into an outer hallway where the temperature hovered around freezing. She was shaking uncontrollably from the cold. When the maintenance man called her plight to the attention of an aide he was told:

"She'll come in when she gets cold enough."

CLEAN FRONT HALLWAY

The home's claim to being the city's most modern is apparently based on the care given to the front hallway and several selected rooms. George Smith, the administrator, insisted that particular attention be paid to areas of the home that might be seen by visitors.

"Take special care of these front two rooms, my office and this hall," Smith told a mopboy. "You know what I mean, anything that people will see when they first come in, we must keep it very clean."

The Beacon Hill Nursing Home, 4530 N. Beacon St., also restricts its sanitation demands to the front hallways. While the first floor glistens from repeated mopping and waxing, the second floor is constantly filthy and includes chipped and cracked toilets and toilet seats, plumbing pulled loose from the walls, and in one bathroom a toilet jarred loose from the floor that floods the entire room every time it is flushed.

OWNER EXPLAINS PROCEDURE

The most helpless of the patients are kept on the second floor, the owner pointed out, "so they don't smell up the first floor."

In a day room a very old woman is ignored completely and spends hours each day slumped forward in a chair with her head against her food tray. She had been in this position so long that a large circular sore has opened on the tip of her nose.

Patients, including an elderly diabetic, frequently complain that they don't receive their medication. The nurse's aide assigned to the floor occupied by the diabetic said she refuses to give him his insulin because "it scares me to stick needles in people."

TRIES TO GET MEDICINE

In another case, a woman cried out for hours in an effort to tell someone she hadn't received her medication the night before or that morning. She was told to shut up by several aides, but persisted until the chief nurse told her:

"You got along without your medicine last night, you can get along without it today."

PILLS FOUND ON FLOORS

The nurse then noted that the woman had not received her medication the previous night because someone had gone home with the keys to the medicine cabinet. Sometime later the nurse told an aide to give the still complaining patient her medication.

"What's she get?" the aide asked.

"Oh, a white one, a yellow one, and a black one and green one," the nurse answered.

Several days earlier, while mopping the floors at Beacon Hill, a reporter hired as a maintenance man discovered a pill on the floor where it had been tossed or dropped into a puddle of urine. He picked up the pill and complained to an aide that he was finding pills on the floors thruout the home.

The aide took the pill, walked over to the medicine cabinet, and dropped it inside a pill bottle to be used again.

At the Whitehaven Acres Nursing Home, 1505 Greenwood Rd., Glenview, and the Kenmore Nursing Home, 5517 N. Kenmore Av., investigators noted pill swapping by aides at medication time. One patient runs out of medication, the medicine prescribed for another is used. At Whitehaven the cook dispensed medicine.

THROWS PILLS AWAY

At the Melbourne Nursing Center, 4621 N. Racine Av., the aides throw away pills if a patient has a reputation for balking at taking his medication.

Neither is any effort made at Melbourne to maintain accurate records of day-to-day progress or problems of the patients.

The licensed practical nurse in charge of the shift was aware of the practice and cautioned the employes to also enter a time for their observations, pointing out that "these are legal documents. If anything should happen and you get pulled into court on them, they are the only way you can prove it didn't happen on your shift."

"NOBODY WORKS TOO HARD HERE"

(By William Jones)

It is called the Kenmore House Nursing Home and it is a reminder that for many of our elderly poor the golden years are a cruel trick filled with dreary, smelly rooms, incompetent staff and meals consisting of table scraps.

I worked at Kenmore House and the filth is everywhere.

The stench first hits an outsider at the basement level entrance and gets worse as you ride a rickety elevator to the upper floors of the converted transient hotel. One of the most foul-smelling rooms on the fourth floor, occupied by three elderly men, is directly across the hall from the dining area. The stench from the room is so strong that it carries into the dining area.

BEGINS WORK AS MOPBOY

The floors in some of the rooms are so filthy that the day I began work as a mopboy my efforts to mop the floors created muddy swaths across the cracked tile floors. In another room, where the bathroom window was broken and replaced with clear glass, the patients have taped an old bath towel across the window to afford a degree of privacy.

The home has been the target of numerous city health department complaints in the last year, yet continues to receive more than $250,000 a year from public aid for patient care.

I obtained the job after an interview with the administrator, Rabbi Benjamin Cohen, who made no secret of the fact that he was not happy with my out-of-town work experience.

QUESTIONS CREDENTIALS

"You have no roots, you just wander around," Cohen said. "How can I check you out? I can't hire you without any references. I'm in trouble now with the Board of Health now because I hired a guy without checking him out and he started roughing up the patients."

I insisted I was willing to work for less than $2 an hour, however, and a week later Cohen decided to take a chance.

"This guy says he wants to works as a maintenance man," Cohen told his head houseman. "You talk to him. He seems a little eager to me."

William Recktenwald, a Better Government Association investigator, also applied for work as a janitor and apparently made a better impression, despite similar phony references.

"This is a nice young fellow," Cohen told his director of nursing. "Let's make him a nurse."

"We can't make him a nurse," the nursing director responded. "He has no training. He couldn't dispense medication without training."

"He's a nice personable young man," Cohen said. "Make him a nurse and he can dispense medication. I'm sure he can catch on quickly."

The next day Recktenwald was given a set of keys to the narcotics and medicine cabinets and worked the next two days as a nurse.

My own introduction to work as a mopboy was handled in a slightly different manner. On the day I reported for work, another houseman who was washing his underwear in the basement was told to show me the ropes. It was his day off and he was still drunk from the previous night.

As we moved from floor to floor I found my fellow worker walking into walls and cursing his bad fortune at having to spend even a minute of his day off showing a new man around.

"If you see something laying around sweep it up," I was told. "You know, just look busy. Nobody breaks their——around here. Do you drink?" When I responded that I did on occasion he said: "Well, I've got a bottle down in my locker and I better get to it."

With that he disappeared and I was left to clean the fourth floor. No disinfectants are used in cleaning the floors or toilets and the head houseman related that such chemicals only streak the floors.

My pail of mop water had turned black by the time I had completed the first room. Linen and blankets are grimy and the wastebaskets in each room are so dirty they resemble garbage cans.

PILLS FALL ON FLOOR

During my chores on the fourth floor I also observed a nurse's aide preparing the mid-morning medication. She stood in front of a medicine closet with a variety of pills scattered at her feet where they had been dropped and never retrieved.

As she prepared each dosage I noticed a unique cost-cutting device. She was reusing several crumpled wax paper pill cups stashed in the bottom of the medicine cart with no apparent knowledge of who had previously used the cups.

It was not the first cost-cutting scheme uncovered at Kenmore. While Recktenwald worked as a nurse, he also helped feed the patients. One night, when the evening meal had been sent to the 37 patients living on the second floor, it quickly became apparent that there would not be enough to go around.

SOLVES MEAL PROBLEM

A licensed practical nurse working with Recktenwald said this happened frequently. Then she and Recktenwald began gathering the trays of those who had finished eating and set about solving the problem.

All of the leftover steamed cabbage and noodles on each tray were scraped onto new trays and fed to other patients. What they didn't eat was again scraped onto fresh trays until the evening meal was completed.

When Recktenwald returned to the home a few days later a nurse was complaining about large quantities of narcotics missing from the drug cabinet. This was her solution to the problem:

"The drug and narcotic records are all messed up. We have big shortages on some of the narcotics. He [the administrator] had better get that pharmacist over here to phony up the records. I'm not going to get in trouble for this."

PACOIMA MEMORIAL LUTHERAN HOSPITAL

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. CORMAN. Mr. Speaker, on January 31, 1957, two airplanes crashed at Pacoima Junior High School, killing two boys, five men, and injuring scores of others. There was no local hospital available and victims were transferred long distances for treatment. This meant unnecessary pain and misery.

Because of this tragedy, Rev. John Simmons decided to build a hospital—Pacoima Memorial Lutheran Hospital. Last October the hospital celebrated its 10th anniversary, and Reverend Simmons declared:

> God through us has made a triumph out of tragedy.

On February 9, 1971, the hospital became a victim of the California earthquake. More than 100 patients were evacuated from the hospital without injury, and 200 emergency cases were brought in and treated at no charge. The same morning, the hospital was condemned.

Less than a week later the hospital opened operations in a new wing that had been undamaged by the disaster—the Golden State Community Center. This was not an easy task, and credit for completing the task must be given to Reverend Simmons, the medical staff, hospital employees, hospital volunteers, and many other volunteers including those from police and fire departments.

Pacoima Memorial Lutheran Hospital experienced death, resurrection, and rebirth all in 1 week. It was first born out of tragedy, and it must again rise from tragedy. Hence, we honor the hospital, its devoted members, and its dedicated founder, Rev. John Simmons, March 28 with the theme, "Triumph Out of Tragedy—An Instant Replay."

The hospital now faces the future with greater determination to serve those in need. It is a lesson for us all.

THE LATE THOMAS E. DEWEY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the sudden passing of Thomas E. Dewey brings to a close the life of one of the leading public figures in our Nation's recent past.

It is not generally known, I believe, that the three-time Governor of New York was originally from Michigan, having been born some 68 years ago in Owosso, which is located in the Sixth Congressional District.

It is, therefore, the special combined sense of loss and pride that I wish to express at this solemn time which I know is shared by many in that Shiawassee County community.

Governor Dewey served his country and his party with uncommon distinction. His counsel will be missed. The Washington Evening Star and the Washington Post have both published commemorative editorials which I believe give some indication of the measure and appreciation of the man and I include them in the Record at this point:

[From the Evening Star, Mar. 17, 1971]

Thomas Edmund Dewey

The death yesterday at the age of 68 of Thomas E. Dewey deprives New York, the Republican party and the nation of one of its most distinguished sons. As a racket-busting federal prosecutor, as district attorney for New York County and as a three-time Republican governor of the Empire State, Dewey served with both moral integrity and intellectual distinction.

Twice he was the G.O.P. standardbearer for the presidency, losing in 1944 to Franklin D. Roosevelt and in 1948 to Harry S. Truman. In the latter instance, his victory had been so unanimously predicted by the pundits that several newspapers' (notably the Chicago Tribune's) early editorials hailed it. But when the votes were counted, the man from Independence was the victor by 2 million popular votes and a margin of 303–189 in the electoral college. On both occasions Dewey was a good loser, concealing any personal disappointment he may have felt in the interest of national unity.

If his record as governor was any indication, Dewey would have made a good President. In addition to shaking the power of organized crime, he reduced New York's bonded debt, prohibited racial and religious discrimination in employment and education and banned strikes by public employes. The Michigan-born statesman, who always regarded himself as a "true liberal," advised those who opposed the G.O.P.'s "progressive" policies to leave the party.

There were those who said that if Dewey had shaved the mustache he grew the summer after his graduation from Columbia University, he would have been President. It was typical of Dewey that, after two presidential defeats, he kept the mustache and disavowed further political aspirations.

His decision, as he put it, was "as certain and final as death and the staggering New Deal taxes." And as usual, Dewey had said what he meant and meant what he said. He'll be missed.

[From the Washington Post, Mar. 18, 1971]

Thomas Edmund Dewey

It is in New York that Thomas E. Dewey will be best remembered—as an able, progressive governor of the state for three terms, as a dogged, even dynamic district attorney, as a distinguished lawyer in the years after his retirement from public office and public politics at the early age of 52. As a national politician, he will be worst remembered for the two losing candidacies for the presidency, and especially the last catastrophic campaign against President Truman in 1948. Yet neither remembrance will do justice to the enormous influence he exerted on the history of his times by the manner in which he did—or did not—exercise political power. On no less than three occasions he had as much to say as any man—indirectly, in two instances and inadvertently in another—about who would become President of the United States.

It is probably safe to say, for instance, that Richard Nixon would not be President today had it not been for the role played by Mr. Dewey, both in the choice of Mr. Nixon for the second spot on the Eisenhower ticket in 1952, and in the retention of Mr. Nixon on the ticket after the uproar over the famous "secret" political fund which had been collected on his behalf. It was Mr. Dewey who guided the young Senator Nixon through that particular political crisis in his life. And it was Mr. Dewey who stuck by him when most of the Eisenhower high command was ready to let him withdraw as the vice presidential candidate, which would almost certainly have put a stop to his political career.

A case can similarly be made that had it not been for the slickly professional support of Governor Dewey and his forces for General Eisenhower, the GOP Convention of 1952 might well have turned to the old warhorse, Robert Taft, who had stood up for the party and fought its battles during its long hard 20 years of opposition to Democratic presidencies. It was the Dewey crowd that engineered the so-called Fair Play maneuver that turned the tide against Taft; even so, the Eisenhower edge was a narrow one.

And finally, of course, there is no getting around the hard fact that Governor Dewey had as much as anybody to do with the triumph of Harry Truman in 1948. It was easy enough to say after the fact that the silky smooth, super-confident, noncombative Dewey campaign was a mistake. It was, of course, a mistake founded on a miscalculation which pretty nearly everybody but Mr. Truman shared; there was a contagion about the way in which wrong assumptions reinforced themselves until nobody in the Dewey entourage bothered to examine what the reality might be because the polls and the press had already agreed on it. Still, it was his show and it will always be said that he misplayed it in part because it was in his nature to be arrogant, and cold and therefore out of touch. He was too glib, too efficient, too programmed, the argument ran.

Yet he was extraordinarily competent; you could not dismiss or discount his qualifications for the presidency. He did his party no disgrace in 1948, and he rendered it long service, with modesty and good humor, after departing from the public stage. To remember him most vividly in defeat is to overlook the fact that he was a valuable public servant in New York for many years and, nationally, a man who made a considerable difference in the political history of his times.

THE BROWNSVILLE RAID—A STUDY OF MILITARY INJUSTICE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HAWKINS. Mr. Speaker, a few months ago a most significant study of military injustice was published. Entitled "The Brownsville Raid," it is a thoroughly documented chronicle by John D. Weaver of an almost forgotten bit of history involving a cast of characters that included Presidents of the United States, Senators, the Military Establishment, white townspeople of Brownsville, Tex., and 170 black soldiers.

The incident in Brownsville, which often has been called America's "black Dreyfus affair," occurred on August 13, 1906, when shots were fired in the vicinity of the army barracks, killing one civilian and wounding another, and culminated in the discharge without honor of 167 black infantrymen of the U.S. Army.

His curiosity, aroused by a casual reference to Brownsville of his mother, Mr. Weaver commenced a research project that involved 2 years and much travel to develop and correlate the facts. He has written a remarkable and provocative account of the incident.

Following are several reviews of "The Brownsville Raid," which I hope will ignite an interest in my colleagues to delve further into this little known incident in our Nation's history and join with me in seeking to right a grievous wrong:

Black Episode at Brownsville

(By John D. Weaver)

I grew up with anecdotes my mother liked to tell of a trip she took from her native Washington, D.C., to Brownsville, Texas, in the early years of her marriage. My father was a court reporter in those days and I had always assumed that litigation of some sort had taken him down to the Mexican border. Not until three or four years ago, when mother made a casual reference to Brownsville, did I get around to asking why she and my father had gone there.

"Some Negro soldiers shot up the town," she said, "and Teddy Roosevelt kicked them out of Army."

"Did Dad report their trial?" I asked.

"They didn't have any trial. He just kicked them out."

"But not even the President can go around kicking people out of the Army without a trial," I said.

"Teddy Roosevelt did," mother insisted, and when I dug into the official records of the case in the library at the University of California at Los Angeles, I discovered she was right.

DISMISSED WITHOUT HONOR

Three companies of black soldiers had been dismissed without honor by a stroke of the presidential pen in 1906. Roosevelt's order had been carried out by his Secretary of War and hand-picked successor, William Howard Taft.

Three years later, I found, my father had reported the proceedings of a court of inquiry composed of five retired generals who were less interested in righting the wrong than in making the wrong appear right.

Although two Presidents of the United States had first committed and then tried to justify this massive assault on the civil rights of 170 black soldiers (many of whom had fought at Roosevelt's side in Cuba), it has been swept under history's rug. I could find few standard reference works that even mentioned the raid and none that gave a full, fair and accurate account.

This was all the more astonishing because the story turned out to be a fascinating who-done-it. Sometime around midnight August 13, 1906, when shots rang out in the dark corridor between Brownsville and Fort Brown, the newly arrived black troops assumed they were being attacked by a local mob because, just the night before, a white woman had fought off an assailant she'd described as a Negro soldier. The townspeople, on the other hand, assumed that the black soldiers were firing on the town because of the ill treatment they'd received.

From the outset the War Department took the soldiers' guilt for granted, but time and again in the evidence it dug up to establish the men's guilt proved, on further investigation, to be compelling evidence of their innocence. To this day not a single soldier has ever been proved guilty of the offense for which all of them were punished.

Aside from its interest as a mystery story, the episode also had far-reaching political significance. Because of their resentment of the harsh, unjust treatment of the Brownsville soldiers by a Republican Administration, more blacks voted against Taft in 1908 than had ever voted against any other Republican presidential candidate.

Thus, Brownsville marks a watershed in the development of Black Power, but for more than 60 years the official records had rested on library shelves virtually ignored.

No full-length examination of this Black Dreyfus Affair was available to students swarming into classrooms set aside for new programs in the field of Black Studies. The long neglect of the Brownsville Raid constitutes a most persuasive argument for the initiation of such programs.

[From the Los Angeles (Calif.) Sentinel, Dec. 24, 1970]

"Brownsville Raid"

(By Frank W. Terry)

A massive assault by two U.S. Presidents on the civil rights of 167 black soldiers has been swept so far under history's rug that few Americans—black, brown or white—have ever heard of the episode, John D. Weaver reveals in "The Brownsville Raid: The Story of America's Black Dreyfus Affair," which has just been published by W. W. Norton & Co., New York.

"Aside from its fascination as an exciting mystery story," Weaver says, "the story of the Brownsville soldiers is of great historical importance. Its political repercussions mark a watershed in the development of black power, but two generations of historians, biographers and encyclopedists have virtually ignored the affair. It's an excellent example of the need for black studies departments."

The incident took place in Brownsville, Tex., on a hot summer night in 1906 when three companies of black soldiers were stationed at the old Mexican War fort on the edge of town. Around midnight, just two weeks after the arrival of the black battalion, shots rang out in the dark corridor separating the town and the fort.

WHITE WOMAN ACCUSES NEGRO

The soldiers assumed they were being attacked by a local mob inflamed by talk of the attempted rape of a white woman who had identified her assailant as a black man in an Army uniform. At the same time, the townspeople jumped to the conclusion that black soldiers were attacking the town because some of them had been assaulted by white men.

At the end of the 10-minute shooting spree, a young white man lay dead, a police official had been wounded and an angry mob had formed in the center of the town demanding punishment of the black soldiers. All of the soldiers signed sworn statements proclaiming their innocence, but from the outset the War Department took their guilt for granted.

The men were confronted with an ultimatum from President Theodore Roosevelt: They must either tell what they knew about the raid or they would be summarily dismissed from the Army. The men insisted they had nothing to tell. The President made good on his threat. By a stroke of his pen, he discharged the men of all three companies.

The executive order dismissing the black soldiers without honor—and without any sort of public hearing—was carried out by Secretary of War William Howard Taft, who was Roosevelt's hand-picked successor. Outraged blacks were urged to take their vengeance at the polls, and they did. More blacks voted against Taft in 1908 than had ever voted against any Republican Presidential candidate. The bitter campaign pitted the loyalist forces of Booker T. Washington against those of W. E. B. DuBois who voted for Bryan and predicted the eventual shift of the black vote to the Democratic column.

IN BLACK MAN'S LIMBO

"They lived and died in the black man's limbo," Weaver writes of the Brownsville soldiers. "Alive, they were denied the equity of the white man's justice and, dead, the vindication of his Jim Crow history."

One of the first readers of "The Brownsville Raid" (he read the book in manuscript) was Ronnie Dugger, publisher and editor of "The Texas Observer."

"In our moral intelligence we know that American history is, as John Weaver says, the white man's 'Jim Crow history,'" Dugger has written. "There is a large, hard work to be done, righting this. In 'The Brownsville Raid,' Weaver has done more of it than most historians ever will. His book teaches those of us who didn't know it—which includes me, and I dare say includes most of us—that Teddy Roosevelt committed one of the most blatant racist injustices in the history of our all-white Presidency. . . .

BOOK REDRESSES WRONGS

"Weaver's book redresses, if a book can, a grievous wrong (among the uncountable grievous wrongs) against the blacks in our received history. It is a text for the new Black Studies programs and an example for every historian, white or black, of diligent seeking after the moral realities of history."

[From the Kansas City (Kans.) Star, Nov. 21, 1970]

The Raid Was Real; So, Too, the Injustice

(By Calder M. Picket)

Because I had never heard of the Brownsville raid, and because the historical implications suggested by John Weaver's book intrigued me, I looked up the "raid" in the "Concise Dictionary of American History" and "The Chronological History of the Negro in America." Both did, unblushingly, what Weaver says most histories do: They gloss over the legal and racial implications of the affair, and they state as bald fact what must come through to any fair-minded reader of "The Brownsville Raid" as something quite unproved.

The "something quite unproved" is that it was black soldiers who made an attack on Brownsville, Tex., on August 13, 1906, shooting up the town, killing one person and wounding another. What seems quite proved by Weaver's fine book, is that two presidents, Theodore Roosevelt and William Howard Taft, and a good many other civilian and military figures completely ignored the civil liberties of these black soldiers, not according them even what seems a basic right today, a trial and an opportunity to answer charges against them.

"The Brownsville Raid" is by an associate editor of Holiday magazine and one-time member of The Star's staff. In this newspaper Weaver told (October 18) about the background of the book, about how the story of the raid went back to his boyhood, when his father was a court reporter. Weaver sees the case as a "black Dreyfus affair" and as "a watershed in the development of black power."

The incident occurred in a time when a few black leaders were vying for strength both nationally and among their people. The central figures in this power struggle were W. E. B. DuBois, the most militant black figure of his time, and Booker T. Washington, the most revered of American Negroes then and the man who shook up much of the white gentry of the land when Roosevelt invited him to the White House for lunch, The Brownsville raid became a cause in the militant black movement of the time.

A knowledge of history will tell one that an incident of this kind could happen much more easily in the America of early 20th century than in the America of today. There were few black leaders of national importance then, and there were few whites ready to take up the battle for the Negro.

The liberal statesmen of the time (Woodrow Wilson comes rapidly to mind) were scarcely liberal in the matter of civil rights.

There was powerful antiblack feeling in the town of Brownsville, and much of it came, by the way, from the sizable Mexican-American population of the city. There also were those who thought it insane for the Army to station black soldiers near such a town.

Weaver tells the story in dramatic narrative style, moving along with the sweep of a novel. It is a detective story, in a sense, but a detective story with no solution, for the reader never learns who it was who shot up part of the town of Brownsville. The accused soldiers were dismissed from the Army "without honor." A court of inquiry did take place later, but Weaver shows it to have been a stacked court.

Histories, Weaver says, have stated conventionally the kind of thing one finds in "The Chronological History of the Negro in America":

"In August, in Brownsville, Texas, a Negro soldier of the 1st Battalion of the 25th Infantry, USCT, had an altercation with a white Brownsville merchant. For this Brownsville was put off limits for the Battalion. In protest, a dozen or more Negro soldiers entered the town, shooting wildly in the streets, killing one white man, wounding two others, including the chief of police. . . ."

That is it, baldly stated, in a new book (1969) whose very purpose is to restore—or create—a balance in the history of the black man in America. How much of our history, it becomes necessary to ask, is based on data so slight, and so biased? John Weaver, it seems to me, has provided a real service in researching and in engrossing retelling the circumstances of "The Brownsville Raid."

[From the Fort Worth (Tex.) Star-Telegram, Dec. 27, 1970]

AUTHOR EXAMINES BROWNSVILLE RAID AND ITS LEGENDS

(By Ron Tyler)

On the evening of Aug. 13, 1906, a fusillade of shots cracked through the air in the hot, humid Texas border town of Brownsville. This was the long expected confrontation between angry whites and the battalion of Negro soldiers stationed at Fort Brown. "The Brownsville Affray," as it is generally called in historical accounts, seems to get confusing from that point.

The white citizens of Brownsville hastily gathered information to "prove" that the Negro soldiers had attacked the town, while the white officers at Fort Brown seemed to have irrefutable evidence that all their troops had been within the confines of the fort, armed only with guns that had not been recently fired. After several inconclusive investigations (including the famous one by Texas Ranger Captain Bill McDonald), President Theodore Hoosevelt accepted the findings in what author John D. Weaver conisders "a triumph of military and legal cant over logic and justice."

That might have been the end of the case had not Ohio Sen. Joseph B. Foraker conducted a personal study. He decided that the President had rendered, strictly speaking, a legal verdict, but one that was at odds with the actual facts of the incident. Essentially Foraker discovered that no evidence had been uncovered to prove anyone guilty of firing on the citizens of Brownsville. Proceeding on the premise that some of the Negro troops had attacked the whites and that the other Negroes refused to denounce the guilty ones, Roosevelt had discharged all the soldiers "without honor" (as opposed to a dishonorable discharge). All had been punished for the assumed—but unproved—guilt of a few.

This Weaver finds incredible. The author of "Warren: the Man, the Court, the Era," and a student of our judicial system, he carefully points out that, even according to military law, the soldiers were denied their rights. They were never given a hearing to determine their guilt or innocence. The only time they were heard, the court accepted testimony relating only to which of the men committed the crime, with their guilt already assumed. Although Roosevelt insisted that he had not punished the soldiers, Weaver declares that they were deprived of their right to serve in the army and of their pensions.

The only man with the courage to challenge the President was Senator Foraker. Weaver presents his campaign for a fair hearing—"They ask no favors because they are Negroes, but only for justice because they are men"—with the enthusiasm and fervor that could earn the Senator a place in "Profiles in Courage." Foraker is pictured as a heroic, tragic figure who risked his office on winning justice for the defenseless soldiers and lost. Roosevelt, Weaver believes was a man who had made a mistake and refused to admit it—a character trait that several of the President's biographers have had difficulty explaining.

Acording to Weaver, whose father was the official reporter for the 1909 inquiry, the matter had its roots in the race prejudice in Brownsville. Weaver documents the prejudices of both Anglos and Mexicans in Brownsville, rendering his version of the confrontation entirely believable. The citizens of Brownsville, in an effort to rid their community of several companies of Negro soldiers, staged the incident and laid the blame on the troops.

The Brownsville Affray has inspired several famous legends of Texas history, particularly the story of Captain Bill McDonald walking into the guns of a score of hardened, angry Negro soldiers. ("He would charge hell with a bucket of water.") But the incident was more than local in impact. It soon was well-known across the country, and may yet come to to be considered one of the more significant mistakes that Roosevelt made.

[From the Los Angeles Times, Dec. 21, 1970]

STUDY OF MILITARY INJUSTICE

(By Robert R. Kirsch)

The scene in which Capt. Alfred Dreyfus was stripped of his rank and disgraced in a monstrous act of injustice in France has been told and retold. An equally dramatic scene in which 167 black infantrymen of the U. S. Army, most of whom had served their country gallantly in the Indian Wars and in Cuba, were stripped of their arms, treated as guilty men and humiliated, has gone largely unreported and unrecorded.

The 1st Battalion of the 25th Infantry (colored) were the victims, in a case which has some astonishing parallels with the Dreyfus affair, complete with an American Zola, Republican Sen. Joseph Benson Foraker of Ohio, who put his political career and his reputation on the line in defending a group of innocent soldiers against two Presidents, a stacked Army court of inquiry, a biased town and the efforts of some disreputable investigators to manufacture a case.

DOCUMENTED RECOUNT

John D. Weaver has written a thoroughly documented account of the matter in THE BROWNSVILLE RAID (Norton: $7.95; illustrated). In this work, he corrects the distortions of several generations of historians, white and black.

It is too late to do justice to those men who, after serving their country with distinction and loyalty, were discharged without honor from the military service because they were members of three companies who were present when the incident occurred even though their most bitter accusers had to concede that the vast majority of them could not have participated in the alleged shoot-up of the town of Brownsville, Tex., on the night of Aug. 13, 1906.

After reading this account, it becomes obvious that this was a reversal of American tradition in justice (that a man is presumed innocent until proven guilty) and that the perpetrators of the shooting spree were not soldiers at all but a group of townspeople who had made known their intentions of driving the black soldiers assigned to Ft. Brown out of town.

POIGNANT CEREMONY

They succeeded all too well. The War Department and the President took the position that unless the soldiers delivered up "the guilty," they themselves were culpable. Only a handful of soldiers were allowed to re-enlist, and even these were chosen without any apparent effort at equity or justice.

The ceremony at Ft. Reno where they delivered up their weapons was a poignant one. "I feel sorry for them from the bottom of my heart," one of the battalion's white officers told a reporter. "I know they are innocent of any wrongdoing, and it looks pretty hard to them."

Yet, even at that moment, their discipline held. "They were orderly and well behaved," a New York Times reporter wrote. "And not one of them displayed an ugly feeling."

Irony piled on irony. It was President Theodore Roosevelt who, succumbing to the false charges and distorted evidence, ordered the punishment of these men, among them soldiers who had made possible his famed charge up San Juan Hill by capturing the village of El Caney.

FACE-SAVING INQUIRY

The redeeming part of the story lies in the role of a few people, led by Sen. Foraker, who cut through the lies and manufactured evidence to get to the truth of the events of that night. Those who knew these men best, such as men like Col. A. S. Daggett who had commanded them in Cuba, defended them against the cabal of generals who participated in the face-saving inquiry set up by the Army.

Both the physical evidence and the testimony of reliable witnesses, we find in this close and dispassionate study of the documents indicate that the fusillade of shots which killed two people was the work of a small group of townspeople determined to force issue.

Rumor and racism were at the heart of it. It is clear that every effort was made by the battalion's commissioned and noncommissioned officers to avoid trouble. Virtually all the men were accunted for and in the ranks soon after the shots were fired.

One important aspect of the work—one of many—is that it gives a full account of Sen. Foraker's tireless and courageous efforts in behalf of these men. His activities are a profile in courage, fully as worthy as any in our history.

Sen. Foraker paid the price. His political career was ended. He had been offered any distinguished post he desired by President Roosevelt if he would abandon his fight for justice in the Brownsville affair. He would not compromise.

INNOCENT CONVICTED

"No 167 men ever lived," he wrote, "who could have withstood successfully such efforts to unearth the truth about such a crime if they had been the parties who had committed it, or had possession of knowledge with respect thereto which they were attempting to withhold. Neither do I doubt if the government has spent the one-tenth part to discover the men who shot up Brownsville that it did spend to convict its innocent soldiers of a crime they never committed, the truth would have been easily and long ago established."

[Chicago Courier, Feb. 6, 1971]

MY POINT OF VIEW

(By Doris Saunders)

All of the incidents and the hearings which followed the incident at Brownsville are included in a new and perceptive book by John Weaver, called The Brownsville Raid: The story of the American black Dreyfus affair, published by W. W. Norton.

What is the significance of dragging up the Brownsville affair at this point some sixty-five years later? To set the record straight. To put it in the history books correctly, that a wild bunch of black soldiers did not go on a drunken spree and "shoot up" the town of Brownsville, but instead that black men, who had served their country well, were charged with crimes of which the evidence indicates they were not guilty. . . .

As Weaver has indicated, it is too late to help the men, who suffered unjustly, but it is not too late for their names to be vindicated and justice, even tardily, to be done. It is for black people to see that it gets done. We now have 12 black men in Congress, as well as Senator Brooke in the Senate.

A joint resolution coming from the House and Senate asking that the names of the black soldiers of the 25th Infantry Regiment be cleared could get the job done. If you want to wade through the volumes which establish, beyond a shadow of a doubt, the injustice of the Brownsville affair, read the Report of the Proceedings of the Court of Inquiry to the Shooting Affray at Brownsville, Texas, in 12 volumes published by the U.S. Government Printing Office, 1911, or read the important summary that has been written by a skilled researcher and sympathetic outsider, John Weaver, who said it all in The Brownsville Raid. It is relevant. It's about judgment without trial. It's about justice and black folks.

ADVERSITY PROVES BOON TO COTTON CROP

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. SISK. Mr. Speaker, recently, an article appeared in the Los Angeles Times by Mr. John F. Lawrence on the future of the cotton industry. Mr. Lawrence points out that 1971 and 1972 could be the years that bring the cotton industry back to life. As many of us in this Chamber are quite aware, 1967, because of high costs, was one of the worst years the industry has faced. I submit this article for my colleague's review so that they will have an opportunity to analyze what some people are saying about the recently passed farm bill and as it pertains to cotton:

ADVERSITY PROVES BOON TO COTTON CROP

(By John F. Lawrence)

Farmers will tell you 1967 was the year that killed cotton. Now some of them are saying 1971 and 1972 could be the years that bring it back to life.

That would be something of a paradox. In 1967, cotton prices soared and growers pocketed big profits. Today, cotton prices have recovered only a little from recent lows and many growers talk about some small producers facing bankruptcy.

Pile on top of that a major change in the federal government's cotton subsidy program, limiting the maximum any one farmer can collect to $55,000, and it's difficult to spot surface reasons for a rebound.

So why predict one?

Two reasons: those low prices and the new subsidy program. The former has made cotton competitive with synthetics and with cotton grown in other countries. The latter is encouraging growers to boost plantings and thus, hopefully, add to what some experts contend is a dangerously low cotton supply.

"We haven't been producing as much cotton as I think we should have," says Joseph Moss, director of the Cotton Division at the U.S. Department of Agriculture in Washington, D.C. He figures the carryover supply next July 31, the end of the current crop year, will be only 4.5 million bales, the lowest in 20 years.

Back in 1966, the carryover was 16 million bales.

There's nothing growers can do to affect that supply this crop year—the harvest is over. But as next year's crop is planted this spring, they could do a lot to affect it.

Moss figures a 5.5 million to 6 million-bale stock would be a good deal healthier—and is vital to cotton's competitive success. With stocks as low as they are now, textile mills are reluctant to boost their consumption of the fiber at the expense of synthetics for fear of running into a serious shortage, he explains.

If cotton supplies do turn around in the coming 18 months, there's reason to believe the textile mills will welcome it. Consumption of man-made fibers now exceeds that of cotton.

But last year thanks to the cotton knits, corduroys and denims that have caught the eye of the fashion world, cotton held its share of the market against the other fibers for the first time in a decade. Cotton consumption dropped a little from 1969, but man-made fiber consumption declined, as well.

Cotton consumption reached its highest point since the Korean War in 1966 at 9,497,000 bales before slumping steadily to last year's 8 million bales.

The slump started after prices rose sharply in 1967. Reflecting a small harvest in contrast with heavy demand, growers received as high as 43 cents a pound for top-grade fiber and the average price was some 20% more than the previous going rate.

As a result, the mills began switching to less expensive man-made fibers. Many all-cotton fabrics became cotton-synthetic blends, observes Tom Smith, corporate secretary of Calcot Ltd., Bakersfield, a huge marketing cooperative with 3,800 grower-members. California suffered most since it was this state's costlier top-strength fiber that was replaced in many of the blends, he adds.

Soon California growers, which have always collected a premium price for their cotton—as high as $40 extra a bale—were collecting barely $5 a bale premium.

"It was a real tragedy for the cotton business—we are still paying for (1967) in lost markets," says W. P. Handwerker, an executive vice president of Cook Industries Inc., Fresno, a major corporate marketer of cotton (the company's stock is traded on the American Stock Exchange). "Once you lose a market, it's tough to get it back."

Currently, California is making some progress in regaining its markets. The price of top-grade cotton is up slightly to 25.5 cents a pound from last year's low of 24.5 cents and the premium over other grades of the fiber is back up to $15 a bale. Yet the price is still low enough that "we are more competitive—and that's fine, if the grower can survive at this level," observes Handwerker.

One way he can survive is to boost production and hold down costs per bale. While the new subsidy program limits the total payments to any one grower to $55,000 (paid at the rate of 15 cents a pound), it also removes acreage limitations. The grower is free to grow all he wants for the first time in almost two decades.

It's too early to know how much more cotton will be planted this year than last, but one survey of farmers' intentions indicated at least a 5% increase nationally.

An improvement in cotton yields—output per acre—could push production further above the recent harvest. Some strange perverseness of nature has cut cotton yields to unusually low levels over much of the world in recent years. In California, this year's yield averaged 845 pounds per acre, compared with 1,100 two years ago. (Weather may not have been the sole cause. Faced with lower prices, growers may have skimped a bit on yield-increasing expenses. Bans on DDT and other chemicals have hurt, as well.)

In addition to a hoped-for increase in U.S. consumption, the industry is banking heavily on selling more fiber abroad. Handwerker of Cook Industries forecasts exports in the current crop year of 3.6 million to 4 million bales, up sharply from last year's million bales, and looks for an even bigger total in the 1971–72 crop year.

The biggest markets are in Japan, Hong Kong and other parts of the Far East.

With the U.S. price at a low level, some Mexican and South American growers have been discouraged from boosting output, leaving bigger export markets for this country, industry leaders say.

AFFECTED BY LIMITATION

These markets will be especially important to California growers. Some 250 growers in this state, unusual for the large size of its average farm, are affected by the $55,000 subsidy limitation. A number of these undoubtedly will try to make up for lower subsidy payments with increased production.

"The big growers are going to find out this year if they can make it without subsidies and a lot of the valley is in trouble if they can't," says one California farm expert. "A lot of them are planting more cotton, utilizing land they didn't before."

Calcot expects its grower-members to boost acreage a little.

Not all of the added acreage will mean added production, however. In some cases, growers plan to plant more but plow less money into fertilizers and other farming practices which maximize yield. They figure it will be cheaper per bale to get their production that way.

That's the case with Jack Stone, who farms 1,300 acres 12 miles southwest of Stratford, some 40 miles below Fresno. Stone, who is also the current president of the Western Cotton Growers Assn., figures he's faced with the prospect of making barely 2% profit on his investment this year—"enough to keep me going but it's scaring the hell out of me."

Like many big growers in the state, he plans to take steps to maximize the subsidy payments that will be received on the acreage he's been farming. Typical of growers his size (large but not among the handful of super-large), he leases some of the land he farms. He plans to form a partnership with those he leases the land from, thus putting them back in the farming business and making their parcels eligible for separate subsidies.

Some of the super-large growers are taking another tack. They're permitting smaller growers to rent some of their land and thus collect subsidy money on it.

Some California experts contend the subsidy program will be beneficial to those smaller growers who can rent more land and thus upgrade their operations to a more efficient size.

A good bit of discussion has been centered on whether the partnerships or rentals will erase the savings Congress might have hoped for in setting the $55,000 subsidy limitation. But some leaders insist saving money wasn't the intent of the change. They argue the law was intended to end million dollar subsidy payouts to a few huge growers and to create more farms and increased production. Hence, they see the arrangements being made by the big growers as a proper response.

In any case, many growers figure the days of subsidy may be numbered and that they'd better learn to live without that support. James Camp, a major grower near Bakersfield, figures that an end to subsidies will be a benefit to California growers because their farms usually are bigger and more efficient.

In the Southern states, some growers have said lower subsidies will help their region compete with California because of this state's high property taxes, wage rates and so on. But California growers have two big things going for them: much higher average yields (1,000 pounds per acre in an average year compared with 600 in some Southern states) and the premium grade of fiber.

Meantime, new technology may have an early impact on both cotton growing areas. Growers have been experimenting with a new planting technique, called narrow row culture, in which the number of plants per acre is increased to 100,000 or more from the usual 10,000 to 20,000. The result is less cotton per plant but it may mean as much yield per acre with less expense, explains an official of the National Cotton Council in Memphis.

REPORTS MIXED

Combined with the new culture is a new harvesting device. Unlike the old mechanical picker, which runs between the rows pulling off the cotton with spindles, the new device cuts off the whole plant and then harvests the cotton as the plant goes through the machine. It picks more rows at a time and completes the harvest in a single pass over the field instead of two.

In California, reports from the fields where the new culture and machinery were tested last year are mixed. "There's no dramatic breakthrough but there are certain situations where they will work," says Calcot's Smith. "There's considerably more testing to go."

Growers say new types of cotton will have to be bred before the new systems will perform up to expectations. But they do see technology contributing to their ability to survive low prices in the years ahead.

J. G. Boswell Co., Los Angeles, the biggest of all cotton growers with 106,000 acres, has been experimenting with narrow row culture for two years. Where fields are flat enough and soil of the right consistency, the method can trim harvesting costs 35% to 40% and overall costs perhaps as much as 13%, according to Boswell officials.

DEVELOPED IN TEXAS

So far the method is approaching commercial use only in parts of Texas, where it was first developed.

Cotton growers are trying to compete more actively with synthetics in more ways than prices. They are improving the uniformity of the bales and the quality of cotton in them to help offset the uniformity advantages of man-made fibers.

In addition, the industry is stepping up its efforts to battle the other fibers in promotional efforts. Since 1967, farmers have had $1 a bale skimmed automatically from their revenues and contributed to an industry research and promotion fund. Now, under the new subsidy program, the government has agreed to plunk down $10 million a year, about doubling the amount going into the effort.

The idea is to work with the textile mills in developing new products—and perhaps in switching the ratio of some of the blends from 35% cotton-65% synthetics to the reverse proportions.

While most of the gains are still in the future, cotton producers are showing some new muscle after years of taking a beating.

INCORPORATION OF THE GOLD STAR WIVES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation to grant a Federal charter to the Gold Star Wives of America. This is a national organization established by the widows of members of the Armed Forces who died while in the active service of their country, and I believe the services performed by the organization make it worthy of national incorporation.

The Gold Star Wives of America seeks to assist, both materially and spiritually, the widows and minor children of those Americans who paid the supreme sacrifice while serving in the Armed Forces. The group seeks to provide the benefits of a happy and healthful childhood to the children of deceased servicemen. It seeks to foster among its membership the proper mental attitude necessary to face the future. In addition, the organization provides direct aid to widows and children.

The Gold Star Wives are dedicated to the noble cause of safeguarding the principles of justice, freedom, and democracy for which American servicemen have died. They have also pledged themselves to upholding the Constitution and inculcating a sense of individual obligation to the community, the State, and the Nation.

The membership of the Gold Star Wives comes from all parts of the country. Its purposes and objectives are national in scope. The activities of the Gold Star Wives demonstrate the ability of individual citizens to work together for a common goal. The grief which brings together the women of the Gold Star Wives serves as the impetus for constructive action. Mr. Speaker, the Gold Star Wives serve the Nation, and I believe the organization should be accorded the Federal charter it seeks.

CANADA IS ZEROING IN ON U.S. OIL

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PELLY. Mr. Speaker, Canada is performing a neat trick in trying to divert the oil pipeline away from the route designated as the least expensive and yet the one that is the most essential to our national security. We are going to horse around on the construction of the pipeline just so long and find the oil moving through Canada.

It is my firm position that America should not overlook her own best interests. We must not jeopardize our own interests to Canada. And, what is more, we should approve the pipeline from Prudhoe Bay to Valdez, with proper environmental safeguards, as soon as possible.

The importance of this project to our country and to the west coast was clearly spelled out in the testimony presented the Department of Interior's hearing in Anchorage, Alaska, February 25, 1971, by Merle D. Adlum, president, Port of Seattle Commission. So that my colleagues may have the opportunity to fully understand the importance of this pipeline, Captain Adlum's statement is included at this point in the RECORD:

STATEMENT OF MERLE D. ADLUM BEFORE DEPARTMENT OF INTERIOR CONCERNING THE PROPOSED PRUDHOE TO VALDEZ, ALASKA PIPELINE, ANCHORAGE, ALASKA, FEBRUARY 25, 1971

My name is Merle D. Adlum. I am president of the Port of Seattle Commission. I appear here on behalf of the port of Seattle and also as chairman of the Seattle Mayor's Maritime Advisory Committee. For the record, I am a master mariner and a licensed Puget Sound pilot. I have many years of experience in captaining major vessels on inland and ocean waters including virtually every Northwest American and British Columbian port. I know of no two safer areas that could have been chosen for ease of access and deep waters for big ships than Valdez and Upper Puget Sound.

I am here today to lend what support we can to the efforts of Alaskans to gain independence. The history of this State is one of outside management and dependence. The national interest, the interests of Puget Sound and California, and the intercession of Canada all gain headlines, but I would hope that the Interior Department would give first consideration to the interest of Alaska.

In 1970 Alaska and Seattle exchanged goods valued at $1.1 billion. It is estimated that the total economic impact on Seattle of trade with Alaska in 1970 was $100 million in annual payrolls. 458,000 passengers departed or arrived at Seattle-Tacoma International Airport with Alaskan origins or destinations. The Alaska State ferry system originated or terminated 11,031 passengers at Seattle. The fishing cannery and packing industry are also closely linked in the two regions with an estimated value of $200 million per year.

Puget Sound refinement capacity is about equal to the local Washington State market, and it is expected that growth in oil refinement capacity, if any, will depend upon local northwest demand.

It can also be assumed that—with the coming of the pipeline—added refinery capacity will be developed in Alaska, which means most of the initial pipeline capacity could be consumed by refineries in the two regions.

However, it is more logical to expect that much of the crude will be shipped to refineries in California, which now imports up to one-fourth of its consumption from foreign sources. The Pacific coast could easily consume 50 to 60 per cent of the ultimate capacity of the pipeline by 1980, with the balance being available for sale on world markets. Refineries on Puget Sound have received more than ¾ billion barrels of foreign crude oil in the last ten years to cost of $1.5 billion. Approximately half of the oil products shipped from these refineries are by tanker, with no major oil spills, attesting to the skill of our pilots, careful supervision by oil companies and the relatively safe navigational waters of Puget Sound. Incidentally, I have been fishing and oystering near the Ferndale-Cherry Point refineries since they were built in the 1950's, and as a close associate of the Fishery Association, I know of no ecological damage done in any local waters by any of these refineries.

As a shipping man, I am amazed at statements which seem to depict tanker traffic as something new to the area: Oil tankers have been plying our waters for years. I was amazed to hear the remarks by Dr. Wenk concerning a computerized forecast of two to four tanker collisions in the next decade What did he feed his computer?

The narrowest channel width between rock hazards in the publicized "treacherous Rosario Straits," for example, is approximately one mile and most of the strait's channel is two to three miles wide. We had 5,000 ships using the strait of Juan De Fuca last year, all without collision. Our records show only 5 or 6 major collisions out of 200,000 ship movements since the pilotage act of 1935. I shall have more to say about what can be done to add more protection on Puget Sound and inland waters of Alaska from possible shipping accidents, but first I would like to outline the environmental needs for this new oil supply.

Ninety-thousand citizens in Alaska and Washington have no gainful employment and little or no prospect of employment unless, for one thing, we are able to assure basic energy requirements. There are competing and conflicting values in the effort to protect our environment, as there are in other fields of endeavor.

Consider, for instance, the problem confronting the city of Los Angeles, which operates its own municipal generation system for electric energy. On August 31, 1970, the utility requested bids for 2 million barrels of low-sulfur oil. There was no response from the 13 oil companies from whom bids were solicited. In September, December, and finally in January, 1971, the city again requested bids for low-sulfur oil but the only amounts offered by the oil companies were substantially less than that requested. Southern California Edison has had a similar problem. Its limited supply has been obtained from Indonesia. This affects the State of Washington which planned to depend upon the northwest-southwest intertie for peaking power.

How does this tie in with Alaska oil? In this way: the fuel on the North Slope is low-sulphur, paraffin-based oil, the lowest contributor to air pollution. Without this kind of oil, California faces either increased air pollution or, in the alternative, a gradually but steadily widening gap between the need for power and the available supply. Failure to have electric energy is not simply a question of lights going out or stoves refusing to cook: It is also a question of jobs—thousands of jobs. The situation has also become critical with the threatened closure of the Hanford nuclear reactor in eastern Washington State. This reactor was part of the Bonnevile power supply system and its shutdown will leave the Pacific Northwest approximately 300,000 kilowatts short of the ability to meet the demand for power.

The United States now imports each day 3 million barrels of foreign oil, or about 20 percent of the Nation's total consumption, at a cost of $9 million per day. If this Nation must depend upon foreign oil, we will continue the practice of having this oil carried in foreign-registered and foreign-manned vessels.

On the other hand, if we move oil between two United States ports—Valdez to Anacortes, for example—special protection becomes possible. Movement between two United States ports is subject to historic cabotage laws. Such movements *must* be made in United States built and manned vessels. United States built vessels can be required to have double bottoms, transverse propulsion, bridge-to-bridge radio. American crews can be required to meet American standards of training. As California would switch over to Alaskan crude, with the large tanker traffic visiting her shores, a large portion of the now foreign fleet would be switched to these safer ships under control of American standards.

We are not unmindful of the need for improvement. Although the State of Washington already has a most strict law controlling tankers, we are currently seeking an amendment to the Pilotage Act, before the Washington State Legislature, which includes, among other revisions, expansion of the Pilotage Commission, mandatory pilots for all hazardous cargoes—including oil—an on-going pilots' training program, and a feasibility study of 1-year duration to devise shore-based radar, fixed sealanes, shore-to-pilot communication and pilot-to-pilot communication.

These improvements must be made whether the tanker fleet is foreign or domestic. All amendments call for Federal cooperation, some of which is already underway. Page one of yesterday's Seattle Post-Intelligencer carries a map outlining a U.S. Coast Guard program for safeguarding the tanker route from the Straits of Juan de Fuca to the North Puget Sound refineries. The Coast Guard must be given more power and funds to accomplish these objectives. Modern safety standards for foreign-built and manned vessels will be more difficult, but these changes must come in all events.

If the environmental interests can best be protected by a United States owned, controlled and manned transport system, it is evident that our economic interests are even more dependent upon such a system. If the transport system—whether it be a tanker fleet or pipeline—is located in or owned by a foreign country, then the value added from the transportation will be lost and the deficits in balance of payments will be an extra burden to our already faltering economy.

The economic losses if the pipeline is not built are apparent and will be sizeable. Certainly the regional economic plight of both Alaska and Puget Sound should move our national leaders to demonstrate their constructive concern by providing employment opportunities and alternative energy sources. With our pressing need for jobs, every effort must be made to prevent the export of United States employment to foreign lands.

Energy supplies in the Pacific Northwest are in short supply. Natural gas must be imported from Canada—as must oil at the present. Additional hydro-electric sites are virtually non-existent. Nuclear power is a long-range alternative to electricity, but pretroleum is still needed for other energy, such as gasoline.

In recent weeks we have read of the concern of certain Canadian officials with possible tanker operations off their coast. The comments of the Canadian officials are thinly veiled efforts to retain and expand the pipeline sales through Canada and to give Canada the economic benefit and strategic control of our energy resources. I, for one, resent brazen meddling by Canadian officials in U.S. domestic affairs. Will we be granted the same right to comment on each Canadian program of resource development? It is interesting to note that approximately 150 tankers carried 12 million barrels of petroleum products through Vancouver harbor last year. With four refineries inside the Vancouver harbor and more planned at their Roberts Bank Superport, I wonder why their own citizens are not concerned. And speaking of the Roberts Bank Superport, some of the supersized coal bulk cargo carriers have bunker fuel storages equal to the size of medium oil tankers. I have personally captained tankers for Vancouver refineries to outlying British Columbia ports in far more hazardous areas with no accidents.

Should we not also subject the Canadian pipeline to the same rigid environmental standards as we will have in Prudhoe to Valdez? Would an underwater connection to the Canadian pipeline be required, or are we to violate the Arctic national wildlife preserve for a connection between Prudhoe and the Canadian line? What would be the dangers of a submarine pipeline in the Arctic icepack? Furthermore, the distance in the sensitive permafrost Tundra via a Canadian pipeline is much greater than that of the Southward Alyeska pipeline. Our information suggests that the permafrost to be traversed by Alyeska is one-third that of a Canadian line. Alaska's development should not be by-passed to enrich Canada, nor should Alaska be a stepchild of American development. It deserves equal status with the other 49 states. The already lengthy delay and much of the objection to the Alyeska pipeline fit into the old territorial days' mold of everyone knowing what is best for Alaska but Alaskans.

In summary, if we do not develop the Alaskan oil, we must certainly remain dependent on foreign oil and the dangers of foreign tanker fleet operations. If we do develop Alaskan oil, but transport it through Canada, our foreign dependence continues, and the new environmental dangers are created with a submarine pipeline link and construction over greater stretches of permafrost. The Canadian line might serve midwest areas, but would leave Puget Sound and California refineries dependent upon foreign suppliers of oil.

And perhaps an even greater loss to Alaska—one less frequently mentioned—would be that of an access to the vast, rich interior of Alaska. The pipeline and its access road offer the first—and maybe the last—opportunity to unlock that vast wealth of interior Alaska, without taxing the Alaska citizen or the Alaska environment.

The port of Seattle wishes to thank the Department of Interior for this opportunity to present its views on this vital subject. We share the concern of all Americans that the environment be protected. Our concern is not limited to United States soils and waters alone, but to the environment of international waters as well. We would hope that speculation of the horrors of ecological damage would be treated for what it is—speculation. Every human endeavor contains risks. Life without risk is not a realistic objective. What is realistic is a system of environmental protection and control which can bring to a minimum the chances of injury to life, property and the environment.

ISRAEL: PLAYING INTO THE HANDS OF THE ENEMY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. FRENZEL. Mr. Speaker, U.S. pressure on Israel to agree to pre-1967 boundaries is an unwise exercise in foreign policy. In my judgment, Secretary of State Rogers should not be overeager to complete arrangements for a political settlement in the Middle East.

No settlement which ignores geography will be a complete settlement. For those who, like myself, have stood on both the Heights of Golan and on the farmlands below, it is painfully obvious that the pre-1967 border cannot be tolerated there.

Anyone who has looked at the map and noted that the Straits of Tiran at Sharm el Sheikh are only a few hundred yards wide, knows instantly that geographical guarantees are needed to keep this vital seaway life line open. International guarantees have provided no security in the past.

Tiran and Golan are the most obvious examples of the difficulties involved in returning to old borders. Jerusalem is another example. Those borders invited a continuous, systematic program of violence and terrorism against the people of Israel, actually carried out by guerrillas, but encouraged, protected and financed by Israel's Arab neighbors.

Part of the difficulties in achieving a complete Middle East settlement is that negotiations are being conducted through a third party, Mr. Jarring of the United Nations. I have asked for face-to-face negotiations for over a year. Until U.S. policy recognizes this fact, progress will be painfully slow. Immediate attention should be given to demands for such negotiations, despite the difficulties in achieving them.

Another flaw in U.S. policy is our surprising reliance on the good faith of the U.S.S.R. in Middle East negotiations. The U.S.S.R. is helpful when it is in her interests, and its interests here run counter to ours, and to Israel's.

Finally, it seems to me to be doubtful wisdom to articulate, as a part of our foreign policy, our willingness to provide, and indeed, our promotion of, U.S. troops as peace keepers in the Middle East. We may be asked, and we may have to agree, to provide peace-keeping forces outside of the United States, but, surely, at this time, we should be seeking permanent international agreements reliable on their own merits—not reliant on our troops.

I believe that our country has been the No. 1 seeker of peace in the Middle East. Our efforts have been most successful when we have met Arab-Russian force with a firm stance. We do not further the cause of peace by agreeing to concessions for a third party nation Israel, which we do not represent. We do nothing for international amity by caving in to the threats of termination of the cease-fire. We should continue our diligent search for a permanent peace based on face-to-face negotiations, defensible boundaries, free commercial access, and normal international relationships.

SOCIAL SECURITY INCREASES ARE NOT ENOUGH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. GAYDOS. Mr. Speaker, the other day the House approved a conference bill increasing social security benefits by a paltry 10 percent. While I joined in voting for its passage, I did so with some reluctance, for I believe the bill falls far short of giving the senior citizens the relief they so desperately need today.

I was extremely disappointed to see the House conferees strip away some of the more liberal reforms which had been contained in the Senate bill. I regret they did not see fit to retain the $100 a month minimum provision. Despite the retroactive provision in the conference bill, the flat 10-percent increase is hardly enough to support those on fixed incomes, some with no other source of revenue. Certainly no one here really believes the raise from $64 to $70 a month is adequate with our high cost of living. This token offering will be quickly erased by taxation and inflation, vanishing so quickly I doubt if the recipient will realize he has received it.

I had hoped the House itself would report out a bill containing provisions I know the 26 million recipients of social security would have appreciated. I had hoped this year the Congress would deliver something meaningful to them, not merely make another empty gesture at helping them in their plight. I regret to say I was extremely disappointed at the ultimate result.

During the past few months I have been conducting "Congressional Workshops" throughout my 20th District. These meetings are attended by quite a few senior citizens, and I listened to them explain their needs and wants. Many of the individual cases are quite tragic. Our older citizens are in desperate financial straits and to many of them the social security program is their only hope of survival. They do not want welfare. They do not want charity. They do not want to come back here to Washington begging for help.

Based on what I learned from these people, I submitted a bill a few weeks ago which I believe would have given them the help they need. It would have established a cost of living escalation clause enabling the senior citizen to keep abreast of rising prices. It would have lowered the age requirements for full eligibility. This provision would have been of great benefit to the "gray widows," women who have lost their husbands and, because they are too young to qualify, are denied social security payments. Today, many women find themselves caught in this predicament and, although physically unable to work, they must, of necessity, perform menial jobs which offer hard work and low wages.

Unfortunately, my bill, as well as those of several colleagues, died in committee. The House never did report out a social security bill. Instead, because of the legislative footwork performed in the other body, we not only were forced into accepting or rejecting a watered down version of what was a good Senate bill, but many of us were put in the embarrassing position of having to reverse our vote on raising the national debt ceiling.

I was among those who opposed this increase when it was brought before the House a few weeks ago. I was against it then, although it eventually passed, and I am against it now. However, because the Senate exercised its right to attach nongermane amendments to any bill and tacked the social security increase to legislation boosting the national debt ceiling to $430 billion, I, along with many colleagues, was forced to change my vote, but not my opinion, on this bill.

We were not permitted to split our vote. We could not vote "yea" on social security increases and "nay" on the national debt proposal. Under the circumstances, therefore, I had to vote "yea" for I know well what the increased social security benefit, small as it may be, will mean for 26 million Americans. I want it recorded, however, I still believe the increase in the national debt is unwise and further evidence of a financial fiasco which costs the American taxpayer more than $20 billion a year.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

JOHN D. HEMENWAY—THE OTEPKA ORDEAL REVISITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RARICK. Mr. Speaker, the dismissal of John D. Hemenway from the State Department Foreign Service, where he formerly had been Chief of the Berlin Section, is not unprecedented at the Department of State. Many still recall the reverse McCarthyism witch hunt which was unleashed on Otto Otepka and which to this date has never been corrected.

Apparently in the State Department there is only room for those who are soft on communism, pinks, punks, and fellow travelers. Hemenway's disqualification will probably be because he said he did not like communism—which would make him suspect in the State Department.

The American people will follow with great interest the results of the closed hearings which commenced several weeks ago in room 1205 of the State Department Building—that is if our free press can consider the purging of another American by the State Department crew as being newsworthy, and report it.

Thus far the only news leak has been by that great and fearless American journalist, Mr. Willard Edwards, in his column, "Capitol Views," carried by the Chicago Tribune.

I insert Mr. Edwards' column of March 13, 1971, at this point in the Record:

[From the Chicago Tribune, Mar. 13, 1971]

STATE DEPARTMENT DRAMA UNFOLDS

(By Willard Edwards)

WASHINGTON, March 12.—Quietly and without benefit of press or public, a hearing with explosive potentialities was opened last week in Room 1205 of the State Department Building.

After 18 months of fighting for the right to be heard, John D. Hemenway, former chief of the Berlin section, was permitted to begin airing, before an official grievance committee, a factual outline of what he called "distortion, lying, misrepresentation, abuse of personal position, irresponsibility and ineptness" in the State Department.

It is no exaggeration to state that the committee's findings are awaited with trepidation in some circles of the United States Foreign Service.

Hemenway's allegations affect a number of high-ranking officials, notably Alfred Puhan, the present ambassador to Hungary, and Alexander Johnpoll, the consul general at Hamburg, Germany.

Prospective witnesses include former Secretary of State Dean Rusk and a host of ambassadors and diplomats.

The remarkable circumstances of Hemenway's dismissal from the Foreign Service have been previously detailed in this space.

After a highly commended career in which he became known as an authority on Russian and German affairs, he was removed Jan. 17, 1969, just three days before the Nixon administration took office.

He was victimized, he claims, and is prepared to prove that he was fired because he differed with his superiors, chiefly Puhan and Johnpoll, for taking a firm stand on policy issues related to dealing with Communist nations.

Hemenway did not remain long unemployed. His talents were so obvious that the Defense Department, at the suggestion of the White House, made room for him as a special assistant to the assistant secretary of defense for international security affairs.

This might have satisfied an ordinary man, but Hemenway was disturbed by the fact that there remained in his State Department file a variety of false and malicious accusations placed there to justify his dismissal.

He began demanding his rights, under Foreign Service regulations, to erase this blot on his record. For a year and a half, he battered down obstacle after obstacle as holdover State Department officials opposed a hearing which might expose a tale of shameful intrigue.

Their dilatory tactics continued during last week's hearing. But Hemenway opened his case and he made an impressive showing.

The record is clear—he was thrown out of the Foreign Service because he called the turn, time after time, on the twists and turns of Communist policy. The more often he was proved correct, the greater the resentment of some of his superiors.

He seeks only, he told the committee, an opportunity to refute, with documented evidence and sworn testimony, the "untrue, misleading and slanderous" statements placed in the record to justify his dismissal. He asked that his accusers be called for cross-examination.

Those accusers, he noted, have stayed on under the Nixon administration and have been promoted.

If Hemenway wins his plea, his personal reward will be a clean record and a formal apology. But he suggested that the committee explore the broader implications of his treatment, remarking that criminal statutes may have been broken.

The State Department still hopes to cut off the hearing. It challenged the qualifications of a distinguished committee member and secured a postponement after the initial session.

But even the powerful holdovers still running the department, it is generally agreed, may not be able to hush up this one.

ONLY THE LAW-ABIDING OBEY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the Record a fine editorial appearing on WJBK–TV 2, Detroit, Mich., by Mr. Robert C. White, editorial director, entitled "Only the Law-Abiding Obey":

ONLY THE LAW-ABIDING OBEY

Alarmed over Detroit's incredible homicide rate, some top officials propose an equally incredible remedy—namely, that handguns be outlawed for everyone but policemen.

Police Commissioner John Nichols estimates that there are 500,000 unregistered handguns in Detroit. And such illegal weapons, Nichols says, account for 75 percent of all shootings in the city. We see no reason whatever to believe that the owners of these guns, already committing a felony by failing to get permits, would obey another law requiring them to disarm.

In other words, if handguns were to be banned, it's clear where confiscation would begin and, to a large extent, end. Arms would be taken first and foremost from those owners known to authorities—citizens who obeyed existing law and submitted to fingerprinting and investigation to qualify for permits. Thousands of others carrying unregistered guns doubtless would continue to do so.

The lack of enforcement of handgun laws can't be blamed on the Detroit police. Last year, they sought warrants against some 27-hundred persons for carrying concealed weapons, only to have the courts free all but about 400 with little more than a slap on the wrist.

In TV 2's view, there's nothing to be gained—except for hold-up men and murderers—by disarming citizens who choose to lawfully possess weapons. The crackdown should be on those who have amply demonstrated their contempt for the law—*any* law—by failing to register those half-million handguns in Detroit.

AN EXAMPLE OF "OPEN HOUSE USA"

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WHITEHURST. Mr. Speaker, the American Revolution Bicentennial Commission—ARBC—the organization established by Congress to plan the celebration of our Nation's 200th anniversary in 1976, has developed three programs through which all citizens will have the opportunity to participate. They are: Heritage '76, Open House USA, and Horizons '76. These programs will provide guidelines for the Commission to encourage, develop, and coordinate programs and events originating at the local, State and National level. They will provide for an intensive review and reaffirmation of the basic principles on which the United States was founded, how these principles affect and influence our lives today, and whether they should be enhanced or changed in guiding our people in the future.

One of the programs, Open House USA, contains as one of its features the invitation of citizens from abroad to visit our country during the celebration in 1976. It will be the coordinating framework to inspire individual and private groups to a great outpouring of hospitality by encouraging American clubs and organizations to invite their counterparts from abroad. A national voluntary effort, citizen to citizen, working together for a common peaceful cause coming to an understanding and appreciation of the worth of an individual and the other person's point of view.

Any American who has traveled abroad knows there is a tremendous interest in America, her people, what they do, and what they think. Modern communication has heightened the interest, and convenient methods of transportation and a rising prosperity are enabling foreign tourists to visit this country.

A good example of how the Open House U.S.A. program could work, and the good will created when people of different cultures meet on a person-to-person basis, was demonstrated recently in Virginia. The information was contained in an article in the March 13, 1971, edition of the Virginian-Pilot, a leading newspaper in my district, and one of the outstanding papers in the State. It may generate ideas among Americans how they can participate in one program of Open House U.S.A. I want to share it with my colleagues and insert it at this point in the RECORD.

HONORARY CITIZENS—WILD VIRGINIA CORRALS 129 ITALIANS

RICHMOND.—Because they were charmed by a sheriff's Stetson hat and gunbelt, impressed by the honesty of an innkeeper and generally happy with their stay last year, 129 Italians will become honorary citizens of Virginia next week.

Virginia State Sen. and Mrs. James C. Turk of Radford will leave for Genoa, Italy, Sunday on a goodwill trip sponsored jointly by Alitalia Airlines and Italsider, a state-owned steel company.

Turk will carry with him the 129 citizenship certificates. The Italians visited Virginia last year on a package tour put together by Alitalia—the first such tour to Virginia.

Lynn Shelton of the Virginia travel office in New York City said the group, of which only four spoke English, wanted to see what they called "provincial grass-roots America."

They toured through the farmlands and mountains of Virginia and stopped one night at Charlottesville.

One of the group left $30 in American currency in his hotel room when he checked out, Miss Shelton said. The hotel maid found the money and turned it over to the manager. The manager bought $30 in American Express travelers checks and sent them to the departed guest in care of the airlines.

Miss Shelton said this gesture was "worth a million dollars in good will."

The "Wild West" fascinates Europeans and a little bit of the flavor enhanced the trip last year.

When the group visited Loudoun County, the sheriff met them replete with his high-crowned, wide-brimmed hat, his badge, and his pistol strapped to his waist.

The Italians crowded around the sheriff, had him pose for pictures with them, tried on his hat, and had themselves handcuffed, prison style.

This, in part, whetted the airlines' appetite, and it has scheduled two more such tours to Virginia this year.

Gov. Linwood Holton was invited to Italy for the goodwill trip but commitments are keeping him home. He named Sen. and Mrs. Turk to represent him.

WE NEED MEN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DUNCAN. Mr. Speaker, the following essay was sent to me by a constituent recently. It certainly provides a measuring stick for Members of Congress and for all men who seek to serve and to represent others. I insert it in the RECORD at this point so that my colleagues and other readers can benefit also by studying the qualifications focused upon in this article:

WE NEED MEN

Who cannot be bought.

Whose word is their bond.

Who put character above wealth.

Who possess opinions and a will.

Who are larger than their vocations.

Who do not hesitate to take chances.

Who will make no compromise with wrong.

Who will not lose their individuality in a crowd.

Who will be as honest in small things as in great things.

Who will not say they do it "because everybody else does it."

Whose ambitions are not confined to their own selfish desires.

Who give thirty-six inches to the yard and thirty-two quarts to the bushel.

Who will not have one brand of honesty for business purposes and another for private life.

Who are true to their friends through good report and evil report, in adversity as well as in prosperity.

Who do not believe that shrewdness, sharpness, cunning, and long-headedness are the best qualities for winning success.

Who are not ashamed or afraid to stand for the truth when it is unpopular, who can say "no" with emphasis, although all the rest of the world says "yes."

EIA "MEDAL OF HONOR" GOES TO MARK SHEPHERD, JR.

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MILLER of California. Mr. Speaker, I had the pleasure on the evening of March 10 to be a guest at the annual Government-industry and awards dinner of the Electronic Industries Association here in Washington. I heard a fine speech by Secretary of Transportation John A. Volpe describing how some of the discoveries of our space program are being put to use in ground transportation safety.

I was particularly impressed though by remarks made by Mark Shepherd, Jr., president and chief executive officer, Texas Instruments, Inc., Dallas. At the dinner, Mr. Shepherd was awarded the EIA Medal of Honor, the industry's highest personal award.

His acceptance remarks were quite challenging and thought-provoking. They contain a great deal of interest for all of us concerned with the future of technology and I submit them for inclusion in the CONGRESSIONAL RECORD:

ACCEPTANCE SPEECH FOR ELECTRONIC INDUSTRIES ASSOCIATION "MEDAL OF HONOR," BY MARK SHEPHERD, JR.

Thank you for the honor which you have paid me this evening. It's always gratifying to be singled out by one's associates, but when an association like EIA does the honoring, the gratification is even greater. As a member of EIA one can't help but feel he is playing a greater and greater role in a smaller and smaller world. Also, it's a source of pride to be a member of the professions represented in EIA, which, through their collective efforts, are creating a higher standard of living and a more personally rewarding society for all people.

Having had the privilege of serving previously as your president and chairman, I am now doubly honored by this award, which I accept with humility and deep appreciation.

I can't resist the opportunity to spend a few minutes—it will be a few—to take a look at this industry we represent. Year after year, here in the United States, we've grown rapidly—that is, until this past year when, for the first time since World War II, we experienced a decline. Now, this blip in growth can't help but be a sobering experience for many of us, but let's put it in the right perspective as we look ahead.

I am excited about our future. As you well know, our industry is very pervasive. That is to say, the technologies we employ continually become basic tools of other industries, and offer new product and market opportunities for our own industry's continued expansion. There is a great opportunity for us in this decade to exceed our expectations for the industry's, and our own individual, growth throughout the world.

How great can this expectation be? Let me build it up in several steps. Based on numerous projections, the free-world electronics market promises to grow from its current level of $44 billion to some $80 billion by 1980 by continuing to serve, and develop, the markets it is engaged in now.

In the same period of time, there is an opportunity to realize at least another $20 billion growth by extension of our technologies into new markets—in many cases as substitutes for other technologies—such as telecommunications, manufacturing automation and industrial and consumer surveillance and security systems.

Further, there is an opportunity for an additional $10 billion growth through continuing technological innovation in electronics—principally solid-state developments to provide innovative products to open new markets. Many of these markets can be the high-volume consumer-oriented markets which are now limited to providing entertainment for the consumer. The first of these products are beginning to appear—such as small, personalized calculators and electric watches; and definition is underway for a number of non-entertainment automotive functions such as skid control for applying braking power, and fuel injection computers. But the real thrust of bringing electronics into the home for non-entertainment functions largely lies ahead and offers an important stimulus to growth for our industry.

Now, will this happen? I believe that we have the potential for a worldwide industry of $110 billion in a decade. I further believe that U.S. electronics will realize an increasing share of this huge and growing industry, but only if we face up to a number of problems and deal with them as opportunities. I'll point up just two: (1) The requirement for more and better educated professionals, and (2) The necessity for operating in a one world, one market competitive environment.

Concerning the first problem: As recently as April of last year, an increased demand for electrical and electronic engineers was still being projected for the 1971/1975 period. You all are aware of the dramatic shift in this picture with the general hiring and college recruiting cutbacks of today. There is now an apparent oversupply in many fields. Just two weeks ago, the Labor Department curtailed the unrestricted immigration of engineers and most scientists, which has been a significant factor in the U.S. being able to meet its overall technical manpower commitments.

The fall-out psychological effect of this supply-demand unbalance is certain to be reflected in a reduction in the number of college entrances in engineering fields. There is still another factor working against us. There are many who blame technology for the problems of the world: pollution, overpopulation, the quality of life—incorrectly, I believe. But I won't take the time tonight to build a defensive case. This anti-technology orientation, if we let it flourish, can further discourage many potential engineers and scientists. It's very possible that we are in the beginning stages of an over-correction which will not show up clearly for some time.

I think the projections of future increased demand for engineers and scientists made a year or more back will turn out to be correct. I'm concerned that an over-correction caused by the above factors, reflected by a reduction in college entrances in the engineering fields, will bring about a severe shortage by the mid to late 1970's—impacting the electronics industry ability to support the potential growth I projected.

Moreover, this potential supply of engineers and scientists must be gauged against a further complication. Dr. Fred Terman reports that, principally because of changes in selective service, there has been an alarming drop in fresh Bachelor of Science graduates entering full-time graduate work.

This, coupled with reductions in funds for academic research, will perpetuate a lower order of Masters level study. Considering the growing body of knowledge in modern science and engineering and the complexity of concepts that are in common usage, Dr. Terman notes if this condition is not arrested, the U.S. "will have to learn how to compete with Japanese and German industry and with U.S.S.R. military technology in a situation in which an undesirably large proportion of our engineers and scientists are undertrained."

Moving to the second problem, the world market environment, who can doubt that competition in the industry operates in a shrinking global village? Recent experience shows that electronic markets are growing at a faster pace outside the U.S. than within our country. Our Association must promote a national trade policy which will permit us to do what we clearly excel in—as an industry and as a nation: developing high technology products and marketing such expertise throughout the world.

Whether or not we can handle these two problem areas—inadequate professionalization and international competition—will depend heavily upon our Association. We need an analog to the highly successful Future Farmers movement—namely a "Future Scientists and Engineers of America." We must inspire questioning youth and follow through on the challenges we hold up to them. Further, we must learn how to communicate a global philosophy more effectively to our many publics, especially to government officials and indeed to members of our own industry who still don't believe that other countries of the world are pulling ahead in the race for technical supremacy.

I'm confident we can and will solve these and other problems. To do so, we will have to heed the advice of the essayist John Ruskin when he said "the wise man escapes from the tyranny of the immediate." Let us not be tyrannized by our immediate problems, but, rather, let us rise to an elevation which will permit us to see the business horizons of the world, and let us plan deliberately for a promising future.

Again, I sincerely thank you for the honor of this award.

THE INCREASE IN SOCIAL SECURITY BENEFITS

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. BARRETT. Mr. Speaker, for a number of years I have introduced legislation and supported proposals to provide a 15 percent across-the-board increase in monthly social security benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $100. I have again this year introduced a bill, H.R. 4085, to accomplish those objectives.

I voted in favor of the conference report on H.R. 4690, which provides for a 10 percent across-the-board increase in social security benefits, retroactive to January 1, 1971. I would have preferred the Senate version of the increase in benefits; but, we were told that yesterday's vote was stop-gap action and indicative of congressional concern and awareness.

The Ways and Means Committee is presently considering amendments to the Social Security Act which I hope will be more helpful to meet the financial needs of our senior citizens. There is need for at least an additional 5-percent increase in basic benefits. The cost of basic necessities for so many who must rely on social security has increased at least 15 percent since the last increase in benefit payments. A minimum payment of $100 per month, is an absolute necessity—the validity of this figure has been established far too often to be a matter of controversy. We must raise the amount a social security beneficiary may earn and still receive his full benefits for that year. A realistic figure would be $2,400.

Mr. Speaker, 26 million Americans are awaiting congressional action on comprehensive amendments to the Social Security Act. We have been assured that they will be forthcoming. We hope that this will not be in the too distant future.

ELIMINATE BOUNTIES ON COYOTES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a fine editorial appearing on WJBK–TV 2, Detroit, Mich., by Mr. Robert C. White, editorial director, entitled "A Chance To End Cruelty—and Save Cash." The editorial follows:

A CHANCE TO END CRUELTY—AND SAVE CASH

Thanks to the unrelenting efforts of conservationists and animal lovers, the Michigan Senate now has an opportunity to wipe out the last vestige of our state's cruel, costly and ineffective bounty system.

Bounties on wolves, foxes and bobcats were wisely done away with during the Sixties. A bill to end the one remaining bounty—on coyotes—was overwhelmingly approved last month by the State House and now awaits action by the Senate Conservation Committee.

The legislation—House Bill 4803—has the endorsement of the Governor, the Department of Natural Resources, and virtually all of the state's conservation and anti-cruelty groups. It would put Michigan with 31 other states which have eliminated all bounties as unnecessary, inhumane, and ecologically unsound.

In a 20 year period ending with 1964, Michigan paid out more than $1½ million dollars in bounties on some 91,000 coyotes, many of them left to die in traps or clubbed to death as pups. Total bounties paid on coyotes in 1970 alone in Michigan are estimated as high as $70,000. The money, which comes from fishing and hunting license fees, obviously could be put to much better use.

If you agree with TV2 that Michigan's bounty on coyotes is cruel, outmoded and wasteful of public funds, we urge you to let your State Senator in Lansing know how you feel. Just tell him to vote for House Bill 4803.

Delivered by: Robert J. McBride, Director of News & Community Affairs on Tuesday, March 9, 1971 on WJBK-TV2.

WHITNEY M. YOUNG

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RODINO. Mr. Speaker, I am filled with a deep sense of loss over the tragic and untimely passing of Whitney M. Young, a man of justice and a great national resource. I extend my deepest and heartfelt condolences to his family and I pray that the knowledge of his immeasurable contributions to humanity will be a source of comfort to them.

I wish also, Mr. Speaker, to bring to the attention of my colleagues the following editorial from the Newark Star Ledger:

A TRAGIC LOSS

His was a moderate voice that rationally articulated the historical injustices that have been the burden of the black people. He spoke with calm assurance that the regressive social tides eventually would have to be reversed. and before his premature death at 49, there was heartening evidence that his words were prophetic.

Whitney Moore Young Jr. was an urbane national leader who etched out an impressive record of accomplishment in a decade of great social change with which he was closely identified. He was a major force in the National Urban League, a group he headed as exectuive director.

Under his able guidance, the Urban League was gradually transformed from a socially oriented middle-class base into an activist organization that assumed a prominent role in trying to bring a sense of self-sufficiency for black poor in this country. A principled, dedicated advocate, he sustained an abiding belief that the American system, with all its deficiencies, had the resiliency to accommodate massive social and economic changes.

"We can agree on objectives and disagree on techniques," Mr. Young once said. "The difference between myself and the others is that they have given up on the American system. As poor as the system is, until they can provide me with an alternative, I'm convinced we can follow no other without committing suicide."

Whitney Young was rarely a familiar figure at protest demonstrations, sit-ins and other confrontations in the street. But he made it a point to keep up with the ideas and thinking that motivated and stimulated young American blacks. He may have had philosophical differences with militants in the movement, but he completely concurred with them on fundamental objectives—social justice and economic betterment.

The death of Whitney Young tragically removes a compassionate and forceful figure who did much for the cause of justice and racial equality in America. But even his early passing does not obscure the high standards he set for himself and his people. He insisted on being measured on whether or not, in his lifetime, he helped to improve the economic, political, health and social future of the black people. The record would indicate that he measured up to these demanding goals in an eminent manner.

SOLVING THE URBAN TRANSPORTATION PROBLEM

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WARE. Mr. Speaker, in the highly respected magazine, Traffic Quarterly of October 1970, there is an article entitled "The Rapid Tramway: A Feasible Solution to the Urban Transportation Problem." It is a fine article.

The author is Mr. Stewart F. Taylor, who is a transportation expert and the project manager—transportation with the renowned consulting firm of Day & Zimmerman of Philadelphia. Mr. Taylor's article draws on the best European experiences as offering a solution to the transportation snarls and frustrations now existing in our great metropolitan areas.

I commend Mr. Taylor's article to my colleagues and herewith place it in the RECORD:

THE RAPID TRAMWAY: A FEASIBLE SOLUTION TO THE URBAN TRANSPORTATION PROBLEM

(By Stewart F. Taylor)

The problem of urban transportation in America has endured for so many years that it is assuming the characteristics of an unfortunate but inseparable component of our national life. If it stood apart, the problem might be tolerated as a necessary cost of the country's enviable achievements. Current events indicate, however, that the shortcomings of transportation hinder the remedy of other ills which threaten our urbanized society.

The search for solutions has also been long. Governments at all levels have expended billions of dollars in enlarging and improving our networks of public streets and highways. Hundreds of millions more have been committed to improving or, at the very least, resuscitating the mass transit industry, and its transition from private to public ownership has moved rapidly. Legal structures have been altered to improve the financial and operating climate for public transportation. In the areas of conceptualization and planning, activity has been equally vigorous. Scores of proposals for new transportation techniques and hardware—from the conventional to the visionary—have received serious consideration. Nearly every large city in the United States has been the subject of a plan emphasizing the role of one or more transportation modes.

Few will gainsay the tangible accomplishments to date. Some critics complain that fiscal emphasis on highway development has only intensified the problem, but other authorities have marshaled statistics demonstrating these programs as appropriate responses to the massive shift in demand from public to private transportation. The fact remains, however, that in spite of obvious improvements there is almost universal dissatisfaction with today's urban transportation. The critical issue is, therefore, what courses of future action can produce effective solutions.

CONVENTIONAL ANSWERS DISCREDITED

In recent years a vast array of concepts have been offered as instruments for achieving plan objectives. Many claim technical and economic superiority over a wide range of circumstances. It must be recognized, however, that preeminence in these areas is often irrelevant to the problems of today. Not long ago technology stood as the challenge as well as the touchstone for commercial development of new transportation schemes. On the other hand, evidence seems to indicate that sociological factors now predominate—with economic criteria playing an important but lesser role. The most formidable victim of the new environment is the urban highway program. For decades most transportation experts have held out the public road as the panacea for our increasingly dispersed and automobile-oriented urban society. Yet in spite of an abundance of impressive cost-benefit statistics vital freeway projects have been arrested for years or irrevocably annulled in such important cities as San Francisco, New Orleans, Philadelphia, New York, and Boston. This has been achieved by local interests in spite of full recognition that their direct funding burden would be insignificant. Construction programs will continue in the years ahead, but the recent, widely separated defeats are not isolated aberrations. The popularity of this approach has unquestionably waned.

Mass transit proponents have been heartened by the growing disillusionment with automobile-based programs, yet their efforts have been less rewarding. In the rail transit field only one totally new system has been completed since World War II, and in the minus column laborious proposals have been overturned by taxpayer referendums in Seattle, San Francisco,[1] Los Angeles, and Atlanta. The primary issue in each of these defeats was obviously economic: the individual citizen recognized his personal cost burden and was unwilling to carry it; but the diversity of circumstances suggests that sociological factors also influenced the outcome.

It is all too evident that the nation must simultaneously cope with more problems at home and abroad than its resources will allow. Taxes have been increased but at the same time priorities for the application of public revenues have, perforce, been established. It must be acknowledged that these rapid transit proposals—of such elaborateness and complexity as to entail billions in capital construction cost—could not match such claims as national defense, space, crime, and poverty. Requiring support from all, they were viewed as exorbitant luxuries for the relatively few who found them convenient.

New schemes for bus transit have been similarly frustrated. In spite of decades of advocacy and trivial capital requirements, reserved busways in city streets have never gained wide acceptance. Optimum economics are beside the point to motorists observing unencumbered and seemingly underutilized thoroughfares forbidden to them while they are confined to plodding in overburdened lanes. Practical reality also points to the difficulty of policing curbside street space, which is essential to local bus operations. More recently there has been a surge of interest in reserved expressway lanes. This concept has merit as a solution to the line-haul segment of bus service.[2] The question remains, however, as to the downtown distribution function. Even if allocated street lanes can be guaranteed a high degree of immunity from parallel traffic, Central Business District (CBD) intersection delays are less amenable to solution. Grade separation would obviate the problem, but to date no bus subway scheme has been carried beyond the stage of cost estimation. Paramount among several adverse factors is the high capital construction requirement for a mode of limited capacity: 5,000 to 8,000 passengers per peak hour per direction in contrast with 45,000 to 55,000 for rapid transit.

If conventional approaches are meeting with disfavor, what of the more advanced schemes for improving urban transportation? The record of success is equally spare. For more than a decade a parade of concepts have been winning professional recognition. Some have enjoyed substantial federal support. However, while the need is now, none has materialized into commercially acceptable operation. Nor does the near future hold promise for greater success. A forward look becomes conjecture, but the impediments to most of these schemes—their technical problems aside—appear to have continuing validity. Most new concepts can be divided into two categories: the guided transit capsule and the guided personal vehicle. The common denominator is the fixed pathway to permit automated control which, in turn, provides high speed, close spacing and maximum capacity with safety. Total segregation from free-flowing traffic is mandatory, so a choice must be made between subterranean and elevated planes. The provision of origin-and-destination convenience proximately equal to the automobile would require a large and complex network of lines. As a consequence, the tunneling necessary in a Central Business District for trunk lines, feeders, junctions, and drop-off points severely tests the imagination. On the other hand, it is difficult to envision community acceptance of overhead guideways lacing a metropolitan area when elevated highways and railways have become anathema.

Transit capsules offer greater frequency of service than train systems. Against this, however, must be measured the safety and psychological aspects of no on-board attendant, less capacity, and the greater problems arising from malfunctions. Their outstanding characteristic—automated control—is hardly revolutionary. This technology will soon be demonstrated in commercial service on the San Francisco Bay Area Rapid Transit System. The guided personal vehicle raises its own set of questions. If the conveyance is designed exclusively for "tracked" operation, what incentive is there to purchase (or rent) for such a limited scope of travel—particularly if it successfully accomplishes its objective of reducing conventional highway congestion? On the other hand, it is difficult to envisage a completely versatile dual-mode car offered commercially at a price competitive with a new or used automobile. It must be remembered that a current social goal is to provide conveyance for all segments of the urban population including those who cannot afford private transportation. Moreover, irrespective of cost, those handicapped millions who are unable to drive because of age or infirmity can never benefit from advancements in this technology.

THE RAPID TRAMWAY CONCEPT

Stress upon the drawbacks of revolutionary concepts is not intended to discredit their eventual utility. It would be presumptuous to predict the technological and sociological environment of metropolitan areas toward the end of this century. The point is that a present need exists for faster, safer, more reliable and harmonious urban transportation. It has already been noted, however, that conventional concepts face serious resistance. What, then, is the answer? One near-term technology that has attracted little interest in this country but has seen wide adoption on the continent of Europe is the rapid tramway,[3] a mass transit concept which can be simply described as an innovative fusion of conventional technologies.[4]

Salient features consist of lightweight, electrically powered vehicles with flanged wheels operating singly or in trains on dual

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Footnotes at end of article.

rail trackage. Separation from other traffic is material to optimum performance. This is accomplished by subways in central urban areas and by surface segregation on highway medians or along separate routes in less congested peripheral districts. Characteristics of the concept suggest a broad range of application: 1) lower cost and less environmental intrusion than conventional rapid transit; 2) a promisig instrument for integrating urban mass transportation; and 3) a capability for upgrading and conversion to the highest levels of automation and passenger-carrying capacity. Each will be briefly considered.

Lower Cost and Less Environmental Intrusion than Rapid Transit. A basic characteristic of the rapid tramway is overhead power collection. In addition to its relatively low capital cost and greater ease of maintenance compared with third-rail systems, it opens the door to other benefits. As was stated earlier, separation from other circulation systems is important, but total isolation—required of the dangerous powered-rail configuration—is unnecessary. Outside of the CBD, land values permit conventional rapid transit to be located in the open, but the third rail dictates a high degree of property protection as well as separation of unattended grade crossings. The latter is accomplished by a depressed or elevated right-of-way. Both approaches present problems. Cuts entail special drainage systems, and unless substantial retaining walls are employed land-use requirements are trebled for a typical two-track line. Aerial structures are more costly, while they—as well as earthfills—obtrude conspicuously into the communities through which they pass.

Above a certain intensity of land use, open-cut or elevated construction for rapid transit is either too costly or aesthetically unacceptable, and subway operation becomes mandatory. Tramways, on the other hand, can be inoffensive and function effectively on the surface in reserved rights-of-way or boulevards or parkways passing through urban sectors of similar density. Hence, while both forms must operate underground through core areas, the tramway may be brought to the surface sooner in a radial direction. This can reduce overall subway requirements, the construction costs of which are at least five times as great as open rights-of-way.

It must be recognized that median strip operation on other than limited-access highways introduces the cross movement of other traffic at grade, leading to slower operation and the possibility of schedule interruption. Steps can be taken to minimize these drawbacks: train-controlled traffic signals, the closing of minor cross streets, prohibiting left-hand turns, and employing as yet untried designs of low cost, modular construction overpasses. The fact is, however, that this type of operation can only be marginally satisfactory. On the other hand, the tramway mode is also employed in other configurations with superior characteristics. And while median strip running is less effective than pure rapid transit, it is a vast improvement to rush-hour circulation of general traffic on most urban arteries. More importantly, as this type of operation is unavailable to conventional rapid transit, paying the price of lower speed and reliability over limited sections of a comprehensive system can spell the difference between realizing a broadly attractive mode or no effective mass transit at all.

A more desirable method of surface operation can be achieved at less cost by exploiting little-used or abandoned railroad rights-of-way. Every city in the United States with a population in excess of a quarter million is the focal point of railroad lines radiating in several directions. With the vast corporate merger movement in progress and the shrinkage of passenger business to less than 500 scheduled intercity trains a day throughout the nation, the utilization of all portions of surplus rights-of-way becomes increasingly plausible.[5] High voltage power transmission lines also frequently require property tracts of sufficient width to be suitable for sharing with a fixed-rail transport system.

A necessary adjunct to any safe and efficient urban rail operation is a train control system. Again, the requirements for tramways are less burdensome than those of full-fledged rapid transit. Lower maximum speeds (ca. 50 mph vs. 75 mph) and higher braking power made possible by shorter and lighter-weight trains reduce the structure of essential safeguards. Sectional division of lines into protective "blocks" demarcated by train-actuated wayside signals is a minimal requirement, but automatic train control, overriding train stop or on-board signal indicators are superfluous under normal circumstances. Obviously the performance and capacity of any system have a direct relationship to the extent that these latter devices are employed, but route segregation is the principal factor permitting multiple-unit train operation and point-to-point speeds substantially higher than rush-hour general traffic. Less pronounced is the degree of improvement over the tramway provided by rapid transit with its more complex and costly safety equipment.

Aside from roadway and track the largest segment of capital required for rapid transit fixed facilities is ordinarily allocated to stations. In rapid tramway development this figure can be materially reduced. Vertical dimensions for platforms can be selected from a range of options. Those designed to be level with car floors obviate steps and thereby reduce station dwell time. This is important at high loading points, but in outlying areas of lighter traffic density they can be lowered, and requirements for stairways, structural members, and foundations are correspondingly reduced. Variations in height within the same system have been made feasible by a car-mounted device—utilized by several European transit systems—which enables the operator to adjust the number of exposed boarding steps from station to station. Typically close operating headways minimize passenger waiting, and the need for elaborate shelters is also eliminated.

Cost characteristics of rapid tramway vehicles correspond to those of the system's fixed facilities. They offer a lower, narrower configuration and carry less undercarriage gear than standard rapid transit rolling stock. This results in less weight per unit of linear dimension, and propulsion requirements are correspondingly reduced. Traffic-inducing performance levels can thereby be achieved at relatively lower first cost and with less power consumption. At the same time, standard production tramcars display acceleration and braking potentials corresponding to maximum levels of rider acceptability. Their movement is also as free of vertical and lateral vibration as the most advanced high-capacity vehicles.

A Promising Approach to Integrated Mass Transportation. An important characteristic of the rapid tramway is close station spacing within the CBD. Subway designs for five European systems call for an average of 1,500 to 2,000 feet between stops. This intense coverage exists only in sectors of highest population density. Station intervals lengthen as distance from the CBD increases until a typical suburban surface running pattern will call for spacing of 2,300 to 3,300 feet. In no instance is the central area of any city—irrespective of its size—to be served by a single line. However, the universal *modus operandi* is to construct and open for service one tunnel (or only a portion thereof) at such a time as moneys are periodically appropriated. This provides, at the earliest possible moment, an incentive to sustain the patronage of regular riders as well as a tangible demonstration of the potential worth of a well-planned public transportation system. Beyond the core area a previously described advantage obtains: The lower cost of right-of-way construction permits the development of more and/or longer routes for each dollar of available capital, and greater geographical coverage is effectuated than is possible with totally segregated rapid transit.

The concert of these two features offers an attractive level of convenience to most population strata of a metropolitan area. In the CBD, pedestrian travel from a tramway stop to any destination can be a practical reality. In peripheral areas walking becomes feasible for a greater proportion of the population, while accessory transportation by private or public means can be quicker and more convenient. But the principal virtue lies in combining the speed and reliability of rapid transit with the convenience of the bus to achieve a genuinely integrated public transportation system performing the three essential functions of collection, line haul, and distribution. The boon of this concept is the reduction in passenger-transferring, a task ranging from inconvenient to onerous. The only auxiliary requirement is a thin network of feeder bus routes. For example, upon completion of projected tramway tunneling in Cologne, Germany (population: 1,400,000), the CBD of approximately 1.7 square miles will be served by surface transit (buses) operating on only one street.

A Capability for Upgrading to the Highest Levels of Automation and Passenger Capacity. Events in Europe make clear that development of the rapid tramway does not require an irrevocable commitment to this technology. To the contrary, it can be—and is frequently—a preliminary step toward the implementation of conventional rapid transit. Permanent way structures, such as track, tunnels, and stations can be so constructed to serve ultimately as maximum capacity facilities merely by the introduction of faster and more capacious rolling stock. The inverted "T"-shaped design of the continuously welded running rails for the precedent-breaking San Francisco Bay Area Rapid Transit is virtually identical with those of tramway systems operating on the Continent. Other devices, such as centralized, automated train monitoring and control can be added in a building block pattern. Requisite segregation of the right-of-way can be achieved by a staged procedure. Surface routes can be depressed, elevated, or tunneled in segments where the needs are greatest, and the gradual conversion will further enhance the pre-existing service. Several systems currently in construction or operation are designated "Pre-Metro," signifying that the initial service is only preliminary to a metropolitan railway, the European term for full-scale rapid transit.

THE EUROPEAN EXPERIENCE

Table I is a list of European cities where rapid tramway systems are either planned, under construction, or in operation. While this demonstrates a widespread adoption of the technology, it is worthwhile to examine five differing situations in some detail. Populations of the cities to be discussed are indicated in the table.

TABLE I.—EUROPEAN RAPID TRAMWAY DEVELOPMENTS

City	Population served	Current status[1]	Underground lines[2]	New extensions of surface lines[2]	Future role of metropolitan railways (heavy rapid transit)
Amsterdam	854,000	In operation	Plans not finalized	Plans not finalized	Plans not finalized.
Antwerp	700,000	do	Under construction Planned	Long-range possibility	Conversion to Metro is only long-range goal.
Basle	345,000	do	do	Planned	Rapid tramway only.
Belgrade	850,000	do	do		Long-range plans uncertain.
Bern	210,000	do	In operation Planned	Planned	Rapid tramway only.
Bielefeld	170,000	Under construction	Under construction		Do.
Bochum	1,117,000	In operation	Planned Planned	Under construction	Planned integration with Ruhr Valley high-speed network.
Bonn	300,000	do	Under construction Planned	do	Rapid tramway only.
Bremen	596,000	do	do	Planned	Long-range conversion plans.
Brussels	1,090,000	do	In operation Under construction Planned	None	Conversion of urban lines but preservation of rapid tramway suburban feeders.
Charleroi	161,000	Planned	do	None	Rapid tramway only.
Cologne	1,400,000	In operation	In operation Under construction Planned	Planned	Do.
Dortmund	774,000	do	do	Planned	Planned integration with Ruhr Valley highspeed network.
Duisburg	496,000	do	do	do	Do.
Essen	729,000	do	In operation Under construction Planned		Do.
Frankfurt	1,100,000	do	In operation Under construction Planned	None	Hybrid Metro-Tramway plus rapid tramway.
Geneva	299,000	Planned	do		Rapid tramway only.
Ghent	246,000	do	do		Do.
Gothenburg	422,000	In operation	None	Under construction Planned	Do.
The Hague	685,000	do	do	do	Do.
Hanover	743,000	do	Under construction Planned	None	Do.
Kosice	102,000	do	None		Do.
Leipzig	850,000	do	Planned		Do.
Leningrad	3,300,000	Planned	None		Both systems will be employed.
Ludwigshafen	173,000	In operation	In operation Planned		Rapid tramway only.
Mannheim	330,000	do	None	Planned	Do.
Milan	1,583,000	do	Favored but no specific plans	do	Conversion to Metro.
Oslo	483,000	do	In operation		Long-range conversion plans.
Rome	2,500,000	do	Planned	Planned	Both systems will be employed.
Rotterdam	897,000	do	None	Under construction	Do.
Stuttgart	870,000	do	In operation Under construction Planned	do	Rapid tramway only.
Vienna	1,780,000	do	In operation Under construction Planned		Long-range conversion plans.

[1] This refers to segments of each transit system.

[2] All stages are indicated.

Sources: Modern Tramway, Ian Allan, Ltd., Shepperton, Middlesex, England, vols. 26 (1963) and 29-32 (1966-69). Reynaert, P., A Consideration of Underground Urban Transport Systems: Metropolitan Railway, Underground Tramway or Motorbus Tunnels?, a paper presented to the 37th International Congress of The International Union of Public Transport, Barcelona, 1967. Statistics of Urban Public Transport, The International Union of Public Transport, Brussels, Belgium, 2d edition, 1968. Tchebotarev, E. V., Study of New Systems of Public Transport: Air Cushion Vehicles, Conveyor-Belts, Monorails, Ropeways, etc., a paper presented to the 38th International Congress of The International Union of Public Transport, London, 1969. Van Der Gragt, F., Europe's Greatest Tramway Network, Leiden, Netherlands, E. J. Brill, 1968.

Gothenburg, Sweden. This industrial and maritime center is the second largest city in this prosperous Scandinavian nation. It is served by a public transportation network of 65 route-miles of tramway and 152 of bus. The rail system, 65 percent of which lies in reserved rights-of-way, carries 70 percent of the annual passenger volume. Only two of the 33 bus lines pass through the CBD; the function of the latter mode is principally oriented toward tramway feeder service. The predominance of rail transportation cannot be attributed to a paucity of motor vehicles or to a captive mass transit market. A total of 123,000 vehicles are registered in the city, and the ratio of 4.0 persons per passenger car compares with a 3.5 average for the ten largest cities of the United States.

The tramway network has been gradually expanded since World War II, and plans call for an additional eight percent increase in mileage over the next five years. The delivery this year of 60 new units will expand the rail car fleet by 16 percent. A notable landmark was the opening late last year of a 5.1-mile line constructed on the roadbed of an abandoned railroad. Trains have a start-to-stop schedule of exactly ten minutes for the entire route, including discharge and pickup at an intermediate station. This service will be performed by regeared conventional vehicles in trains of up to four cars with a total seating and standing capacity of 496 passengers. They will be operated by a single employee.

Rotterdam, Netherlands. Intensive destruction of the CBD during World War II enabled planners to execute a thorough restructuring of its traffic arteries. The principal boulevards are sufficiently wide to accommodate six lanes of automobile and commercial traffic, motor/bicycle lanes, wide sidewalks, two or three tramway tracks, commodious loading platforms as well as extensive landscaping between transit stops. This has resulted in the placement of 49 percent of the tramway system—totaling 52 line-miles—in reserved rights-of-way.

In early 1968, service was inaugurated on an impressive, high-capacity (35,000 passengers/hour/direction) double-track rapid transit line. Approximately one-half of the 3.6-mile route lies underground and the balance on a reinforced concrete aerial structure. The total cost, excluding rolling stock: $61.5 million. Since then two new rapid tramway lines have opened. One acts largely as a suburban feeder to the rapid transit. Eighty percent of the six-mile lateral line is new and situated on separated right-of-way. Rail underpasses avoid several active intersections. A half-mile branch is under construction, and the remaining 20 percent will be relocated away from general traffic. The other line is a radial extension of a route originating in the CBD, entirely separated from other traffic. This was accomplished most noticeably by a 3,000-foot viaduct spanning a canal and other intercity transportation facilities. The line totals five miles of single track and cost $4,760,000. Passenger traffic has increased 12 percent over that of the bus line which was replaced. These two capital projects are an indication that rapid tramway technology is not confined to the role of substituting for pre-existing street railway operations.

Brussels, Belgium. Over 950 streetcars and half as many buses provide frequent but slow transit service in this capital city. Since its origins as a center of commercial activity can be traced back nearly a thousand years, most downtown streets are narrow and ill-suited for a full range of transportation modes. As the initial step of a comprehensive program for improving public transportation which will extend over two decades, the first section of a contemplated 36-mile metropolitan railway system was opened in December, 1968. The "cornerstone" is a subway 2.2 miles in length which serves in a pre-metro phase as a funnel for several surface lines radiating at both ends. Fifty of the newest streetcars have been equipped with high-speed, overhead current collectors and automatic train stop devices to override driver failure. Another fifty-five 173-passenger vehicles are on order. A second tunnel approximately two miles long is scheduled to begin analogous service toward the end of this year.

It is interesting to note that full-scale rapid transit rolling stock was to have been ordered late last year, but available funds under a national program affecting the five largest Belgian cities were redirected to initiate the construction of a tram subway system in Antwerp. Tramcars will, therefore, serve the Brussels subway system for an indefinite period of time. When these vehicles are eventually phased out, they will be assigned to a planned network of 42 miles of rapid tramway—including a mile of subway—largely in peripheral areas.

Cologne, Germany. Encompassing 210 square miles, this metropolitan center has been enhanced by the development of a prime example of the rapid tramway concept. Subway construction was initiated in 1963, and the first section of 4,600 feet was opened in the spring of 1968. A second section of 5,300 feet, intersecting the first, began revenue service in October, 1969. The third, extending operations another 4,000 feet, will be brought "on stream" late this year, and it is anticipated that by 1974 approximately six miles of tramline will be located in tunnels or on aerial structures. Arithmetic projections are simplified by a straightforward capital program: By a ratio of 50%-30%-20%, respectively, the federal, land (state), and municipal governments will contribute $16,000,000 annually for the construction of approximately 1.3 miles of double-track subway. Ultimately, 15 percent of the total system will lie underground. The present 186-mile network of surface routes, two-thirds of which lie in reserved zones, is in the gradual process of extension and upgrading by relocation in underpasses or on viaducts.

Five tramlines operate in the present subway sections. At the temporary underground terminal for all routes, the operator of each vehicle manipulates a wayside control before starting on his run. This device not only operates all track switches and signals to guide and protect the vehicle along its assigned route, but it also actuates highly visible signs over all subway platforms to display the route number and destination of the approaching car.[6] When the temporary terminal is nullified by the opening of the next tunnel section, this function will be taken over by a central dispatcher who can presently monitor the exact location and direction of every train. As is the case with many European systems, all tramcars are equipped with on-board automatic fare collection devices, public address systems, and two-way radios.

Bonn, Germany. The status of public transportation in this seat of federal government is particularly relevant to a large stratum of urban areas in the United States. On August 1, 1969, by political annexation of surrounding communities the city expanded its population from 144,000 to approximately 300,000. It is now comparable to Omaha, Nebraska, which is forty-second in this country in the number of inhabitants. In addition to a handful of motor and trolley bus routes the area is served by a tramway system consisting of 31 miles of urban and suburban line and a fleet of 72 cars.

The significant fact is that in spite of its still modest size the city will open a three-mile subway this year which will remove most rail operations from the narrow streets of the CBD. A second tunnel branching from the first will complete the transition. The initial undertaking links the older city with the government quarter to the south. As the reunification of Germany has become more distant, an extensive office-building program and restructuring of the traffic system have been carried out in the new administrative district. The principal north-south artery has been upgraded in speed and capacity, and a reserved median strip provided for the tramline. Pedestrian access to several stations can only be gained by underground passageways which also serve as avenue crosswalks.

It is also important to note that capital projects have not been confined to improving existing rail operations. Nearly a mile of new line was opened in 1966; more than two miles are planned in connection with a new Rhine River bridge; and discussion has dealt with replacing a suburban bus route with rail service. Together, the various programs and undertakings initiated by Bonn demonstrate that rapid tramway technology has practical application for urban areas other than the largest metropolitan centers.

POTENTIAL APPLICATION IN AMERICA

Undoubtedly the European milieu in which the rapid tramway has developed differs on many counts from that of the United States. Among other conditions, urban population densities are higher and private car ownership lower. These factors do not, however, negate the soundness of the rapid tramway concept and, in fact, encourage a thorough, practical appraisal of its applicability. Higher motor vehicle populations make grade-separated transit systems all the more compelling, while the increasing dispersion of our metropolitan areas militates against high-capacity, high-cost rapid transit.

What kinds of urban traffic corridors are suitable for rapid tramway application in the United States? While it lies across our border, Toronto, Canada, offers a valid example for larger population centers. The Toronto Transportation Commission, an unquestioned leader in accomplishing improvements in all modes of public transportation—including conventional rapid transit—plans to construct an eight-mile rapid tramway as a northeastward extension of the recently opened Bloor-Danforth subway. The line will run through medium-density residential areas and terminate at a future housing development for 40,000 residents. Commission planners observe that the tramway bridges a service gap between low-capacity buses and subways which do not become economical until patronage reaches 20,000 per hour. It is expected that the line will attract peak loads of 10,000 to 15,000 passengers per hour. If successful the line will be extended in a 35-mile circumferential loop around the northern and western portions of the metropolitan area.

For smaller cities the Regional Transportation Plan of Dayton, Ohio, is pertinent. It proposes a nine-mile "rapid transit" line in a corridor linking the two fastest growing suburban quadrants (northwest and southeast) with the CBD. While a conventional, high-platform subway or elevated facility is described as undesirable for the foreseeable future because of its high capital cost, the study looks with favor on a lightweight, semigrade separated system to serve as the "backbone" of public transportation for this metropolitan area of approximately 750,000 population.

CONCLUSION

The need for more efficient and attractive urban transportation in America has never been greater, yet current trends suggest that the possibility of widespread improvement is remote. Sociological forces are impeding massive highway programs as well as the broad development of costly rail rapid transit systems. On the other hand, in spite of strenuous research effort the practical success of more technically advanced concepts remains elusive. Without doubt this nation is capable of establishing new transportation media which will markedly improve urban life, but the necessity to arrest a rapid and already profound deterioration is immediate.

Recent developments beyond our national boundaries suggest that the situation is not hopeless. Numerous European cities of varying size are meeting problems analogous to those in the United States with an evolutionary technology known as the rapid tramway. This concept displays the following characteristics which are essential to an antidote for our urban transportation malaise:

1. An independent physical plant of minimal unit cost and a capability for staged development which establish the plausibility of community acceptance.
2. Segregated rights-of-way in areas of potential traffic conflict and congestion to ensure speed, safety, and reliability.
3. Vehicles which are totally pollution-free today.
4. Versatility in operation and physical plant configuration making possible its exploitation as a fully integrated system for performing the roles of collection, line haul, and distribution.
5. Engineering and design which are not locked into a given technology.

Together these factors offer a promise of early improvement and a footing for more distant technological achievement.

FOOTNOTES

[1] This was a rejection by city voters on November 8, 1966 of a $96.5 million bond program initiating a $495 million comprehensive modernization (including new subways) of the San Francisco Municipal Railway and was unrelated to previous three-county approval of the Bay Area Rapid Transit District.

[2] While only a modicum of freeway mileage has been opened for practical tests of this approach, it has already been subject to compromise. The United States Department of Transportation recently contracted for a feasibility study of sharing freeway bus lanes with car-pool private vehicles, i.e., those carrying one or more passengers.

[3] The concept and its close variations have been identified by a number of terms. Among the more common are "Limited (or) Express Tramway," "Light Rapid Transit," "Subway-Surface System," "Semi Metro" and "Intermediate Capacity Rapid Transit."

[4] For a detailed description of an antecedent approach see Henry D. Quinby, "A New Concept in Transit," *Traffic Quarterly*, April 1962.

[5] In July 1959, the former Metropolitan Transit Authority of Boston inaugurated rapid tramway service on 9.4 miles of discontinued diesel railroad line which was converted to electrified, signal-protected operation for a turnkey cost of $6,994,000.

[6] Radio transmitters carried on the rapid tramcars of Frankfurt, Germany, are preset at the start of a run to the assigned route number and automatically operate, in succession, the same wayside equipment by remote control.

MOON LANDINGS—GO ON OR CEASE?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MILLER of California. Mr. Speaker, I include an editorial, entitled "Moon Landings—Go on or Cease?", which appeared in the Alameda Times-Star, under date of March 6.

I commend the reading of this article to my colleagues and want to congratulate Don Oakley on his splendid analysis of the space effort.

The article follows:

MOON LANDINGS—GO ON OR CEASE?

(By Don Oakley)

One measure of the decline of popular interest in space is said to be the fact that only about 45 million Americans watched the televised moon walks of Apollo 14 astronauts Alan Shepard and Ed Mitchell.

By contrast, upwards of 100 million, were glued to their sets during the landing of Apollo 11 in 1969.

Considering the early morning hours of the

Apollo 14 broadcasts, 45 million would seem to be a rather impressive audience.

Nevertheless, if man-in-the-street reaction to the third moon landing could be summed up in a few words, they would have to be "a polite yawn"—polite, out of respect for courage, skill and effort that made the feat possible, but still a yawn because even with the best will in the world, it was impossible to conjure up the same enthusiasm that surrounded the first landing.

This is sad, but it is a fact of human nature. But it is even sadder that those who have opposed the moon program from the beginning, or who have lately come to question its value, will now become more and more strident in their criticism of the remaining Apollo missions.

Apollo 14 cost something like $400 million. Never mind the fact that, compared with the $30 billion spent over the past decade to make the Apollo flights possible, this is almost cheap. Never mind that failure to capitalize on this vast investment by continuing the scientific exploration of space would be wasteful in the extreme over the long run.

Half a billion dollars is a lot of money. Think what it could do if spent on rehabilitating our slums or cleaning our rivers or in the fight against cancer, say the critics.

Yet imagine what would have happened if the United States had elected not to race Russia to the moon.

Suppose we had chosen instead to land robot explorers, as the Russians have done. Even this curtailed program would have cost many billions and the critics would still be complaining.

Suppose we had opted out of the moon race entirely and the Russians had been the first to land an instrument package, or a man, as they will land sooner or later.

The world would be scornful of America and the same critics would decry the Apollo program would be moaning that America had failed herself, had lost her sense of mission, that a free society had proven itself incapable of competing with a totalitarian one.

And they would be quite right.

The price of not going to the moon would have been immeasurably greater than its actual monetary cost—99 per cent of which was spent right here on earth.

We have to put that in the balance before we can talk about the "waste" of space exploration.

H.R. 6413, TO PROHIBIT THE IMPORTATION OF FISH FROM A COUNTRY THAT ILLEGALLY SEIZES OUR FISHING VESSELS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ANDERSON of California. Mr. Speaker, American fishing vessels are being harassed and unlawfully seized and detained while conducting fishing operations on the high seas. In fact, since 1954, over half of the entire U.S. tuna fleet has either been chased, seized, harassed, or shot at.

Most recently, we have seen the seizure of 25 fishing vessels by the Government of Ecuador. These vessels were released after the payment of fines and after the purchase of fishing licenses.

Mr. Speaker, international law authorizes a 12-mile limit of jurisdiction over territorial waters. The United States and the great majority of nations recognize the 12-mile limit of jurisdiction. However, three Latin American countries—Chile, Peru, and Ecuador—have unilaterally extended their jurisdiction over the high seas to 200 miles. As a result, Ecuador has used this authority to seize our vessels which have been fishing on the high seas—many miles outside the internationally-recognized 12-mile limit.

In order to protect the rights of U.S. fishermen to fish without the interference of foreign governments on the high seas, the Fisherman's Protective Act of 1954 was enacted. Under a 1968 amendment to this act, the Secretary of State may file a claim with the offending country for reimbursement of the fines levied against our fishermen. If the foreign government refuses to pay, then the Secretary of State shall withhold an amount equal to such unpaid claim from any foreign assistance programed for the offending country. To date, no Secretary of State has requested payment from an offending country. Thus, we continue to pump millions of dollars into these countries which seize our vessels. For fiscal year 1970, Ecuador received $23 million in foreign aid.

In addition to this authority, when a nation unlawfully seizes our vessels, the Secretary of State may withhold defense articles which the United States sells to our allies.

On January 18, I sent Secretary Rogers a telegram urging him to use his authority to protect our fishing vessels on the high seas. I was pleased that he took action to suspend all new military aid sales to Ecuador, but, obviously, this suspension has taken no effect on the Government of Ecuador since they seized two more of our vessels recently.

Mr. Speaker, we have a policy of loaning warships to our allies. At least two vessels on loan from the United States—the *Guayaquil* and the *25th of July*—were used by Ecuador in making recent seizures.

Currently, we do not have a policy for recalling smaller warships—even when they are misused in this fashion. For this reason, I joined with Chairman GARMATZ in introducing a bill to require the return of certain vessels if they abuse our ships in this fashion.

Mr. Speaker, we are importing fish and fish products from these countries which persist in harassing and seizing our vessels. In 1969, Chile exported $2.5 million worth of fish and fish products to the United States; Peru exported $61.8 million of fish and fish products to the United States in 1968; and Ecuador exported $12.8 million worth of fish and fish products to this country in 1969. Mr. Speaker, I have no doubt that some of the fish seized from our ships was later exported to this country.

Obviously, our current policy has not deterred Ecuador from illegally seizing U.S. fishing vessels. Thus, I am introducing today a bill designed to assist and provide another approach to the enforcement of the Fishermen's Protective Act. These provisions amend the act by providing additional, optional measures the United States can take against a foreign country seizing fishing vessels. Very simply, if the Secretary of State feels that the offending country is not going to pay our claims or is unwilling to realistically discuss the situation, then he can request that the Secretary of the Treasury issue prohibitions against the importation into the United States of any fish products from the offending country.

I believe such an amendment can make a real contribution in the interest of peaceful settlement of disputes because it will have the practical effect of inducing an offending country to reach accommodations via the negotiation table.

This is a grave matter, Mr. Speaker, and I sincerely hope my colleagues will lend their support toward enacting this measure into law.

RUSSIAN OUTRAGE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PRICE of Texas. Mr. Speaker, I was shocked and greatly dismayed to learn that on March 16, Soviet police invaded U.S. Embassy grounds in Moscow and seized the wife and two children of a Russian doctor who apparently had come to our Embassy merely to seek information about emigration. Fortunately, Embassy employees intervened to save the doctor from the clutches of the Soviets; but his wife and their two young daughters aged 5 and 9 were dragged away screaming by the Russian policemen.

Incidents like this are a grim reminder of what life under Communist rule is like; a grim reminder of the fact that the personal freedoms and liberties we enjoy and sometimes take so lightly are beyond the reach of millions of less fortunate human beings.

Mr. Speaker, I have sent a letter of protest to the Russian Ambassador to the United States. According to the explicit terms of the Consular Convention and Protocol of 1968 which we entered into with Russia, the Embassy grounds of each country are inviolate. Accordingly, the Russian police clearly had no authority to enter our Embassy grounds uninvited and violently drag away Dr. Nikitenkov's wife and children.

I urge all my colleagues who are concerned with preserving international law and fostering individual liberties to express their feelings to the Soviet Ambassador to the United States. Correspondence should be addressed to: His Excellency Anatoly F. Dobrynin, Ambassador of the Union of Soviet Socialist Republics, 1125 16th Street NW., Washington, D.C.

THE HARPERS FERRY CHARTER FOR INTERNATIONAL VOLUNTARY SERVICES, INC. IN THE 1970'S

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. REUSS. Mr. Speaker, International Voluntary Services, Inc. and its executive director, Richard J. Peters, have developed the following charter outlining the organization's plans for the 1970's:

IVS IN THE 1970's

The Board and staff of the International Voluntary Services meeting at Harpers Ferry on February 19–21, 1971 asked themselves three fundamental questions:

A. Does volunteer work abroad, which peaked in the mid-1960s and is now declining, have an important role in the 1970s

B. If so, does IVS with its concept of volunteerism, have a significant contribution to make in this new era?

C. If IVS does have a significant contribution to make, what changes are required in the IVS structure and program to make them responsive to the new circumstances and potential of the 1970s? What changes should be initiated in 1971 if the longer run goals are to be achieved on a timely basis?

The conclusions of the discussions follow:

THE IVS ROLE IN THE 1970'S

IVS in the 1950s pioneered the non-sectarian international use of volunteers when it was established with its charter:

To utilize the services of volunteers on an organized basis to combat hunger, poverty, disease, and illiteracy in the underdeveloped areas of the world and thereby further the peace, happiness, and prosperity of the peoples thereof.

The success of the concept and of its initial implementation was attested to by the establishment of the Peace Corps in 1961, and of comparable organizations by many other developed countries in the 1960s. IVS performed a more limited role of service in the 1960s in those countries, notably South Viet Nam and Laos, in which the Peace Corps would or could not operate. By the late 1960s, the programs in South Viet Nam and Laos had become caught up in the turmoil and controversy of the war. They contracted rapidly from their peak of some 250 volunteers to the present level of approximately 70.

Today, the people of the United States are at the end of one era in international affairs and at the beginning of another whose outlines are just now being perceived. The overwhelmingly dominant role of the U.S. in the world is passing. Other developed and developing countries rightfully play an increasing role. The U.S. has turned inward in response to urgent internal needs and discord over the Indo-China war. At the same time the U.S. with each year is becoming increasingly interdependent with the other nations in a shrinking world. There is a growing gap between rich and poor. This gap is widening *between* the rich and the poor nations; it is also widening *within* developing countries, faced with unprecedented problems and an expanding unemployment born of the population explosion and accelerating urban growth. The 1970s are likely to be years of turmoil as there are struggles over fundamental changes within developing societies and in the international structure itself and there will also be need for unprecedented growth to meet requirements of expanding populations and growing aspirations. It will be an era both of increasing need for cooperation between the peoples of the rich nations and the poor nations, and in many cases of increasing difficulty for the government to government activities which characterized the international development cooperation, and volunteerism of the 1960s.

The new need for IVS in the 1970s, and the changing climate for government to government relationships, is testified to by the steadily decreasing number of countries in which the Peace Corps now operates. This comes when the requirements are greater than ever for development, for middle level manpower, and for increased understanding of the rapid and major changes taking place within developing countries. At the very time when some countries are experiencing radical societal change, when the need is growing for communication and mutual understanding between Americans and peoples of these countries, government to government programs are being reduced or eliminated. In response to pressures from overseas and at home, the U.S.A. is separating its development programs from other foreign policy programs. For the same reasons it appears to be turning away from direct USG operated programs in the developing countries. It plans greatly to increase support of the programs of multinational institutions and of private organizations willing to provide assistance to developing countries. This increasing emphasis on support of independent, private organizations willing to conduct their own programs comes at a time when many Americans have a growing preference to work within private rather than government agencies.

For IVS to contribute effectively to human betterment and social justice in the 1970s, it must be characterized by program independence, financial flexibility, and responsiveness to felt needs of the people of developing countries. The volunteers in turn must be characterized by an ability to work closely with the people in the country of their assignment, a willingness to receive little financial remuneration for their work and a combination of technical ability and commitment to social and economic development. The organization must constantly strive to be independent of outside pressures which would compromise its fundamental posture of sensitivity to and guidance by goals of the people hosting its programs.

THE IVS MODEL FOR THE 1970'S

The model of IVS we foresee in the five years ahead has a combination of traditional and new dimensions. We seek to build on the successes of the past. We hope to inject new features growing out of experience, and applied to the new circumstances of the world in which we must operate.

Such new features include the following:

1. Broadened financial support.

2. Additional and diverse programs in Asia, Africa, Latin America and the United States.

3. Multinational representation at all levels: volunteer, staff and Board.

This projection suggests an increase in size during the next five years to 500–1000 volunteers. It may also suggest additional and new patterns of service. This will depend on the requests and needs of host country leaders, public and private, as well as the personnel resources available to IVS in the years ahead. Crucial to the implementation of IVS goals in the 70's is a restructuring of the basis of financial support for the organization. As IVS reconsiders its priorities and its world-wide program challenges, it must seek to diversify its funding We should move away from dependence on funding by individual project contracts. We should try for global financing with freedom to allocate funds according to IVS-determined priorities.

We commit ourselves therefore to working in the 70's toward financial independence of the organization through multi-funding sources. Specifically, we aim towards 51% of our total funding from sources other than the U.S. Government. We are well aware of the enormous problems implied in this commitment, but we will try. We will aim to increase host-country contributions along the lines of the program in Algeria and that proposed for Libya. We will explore ways to solicit greater volunteer financial contributions. We will continue to seek reduction of overhead charges, as measured on a per-volunteer basis, but not at the cost of efficient administration.

IVS will, in the foreseeable future, seek to become more multi-national in character and to avoid a strictly American view of our goals and of policy implementation. IVS has in the past been "international" primarily in the sense that it has sent American volunteers out to other countries. There have been non-American volunteers, and both IVS and the countries in which they have served have benefited greatly by their work. It is time, however, to enlarge upon this modest effort and to become more of a multinational organization in every sense. This will require increased efforts to recruit volunteers outside the U.S.; it will require the inclusion on the Board of Directors of several non-Americans who will be able to attend meetings regularly. Selection might be from those resident in North America or who would otherwise be able to attend meetings at modest expense to IVS.

Teams of staff, alumni and Board members should be established promptly to explore, within the next six months, new program possibilities in Latin America, Asia, Africa, and the U.S. to supplement present activities. From this effort, we hope for several proposals that can be initiated within the next year which will diversify and broaden our total program. They should be geared into the new needs being felt by peoples of the third world, both official representatives and private citizens. Programs in the U.S. initially should be on a limited basis and will utilize the special characteristics of IVS.

The Board and staff will take all steps necessary to facilitate greater participation by volunteer and alumni in formulation of IVS policy. We will seek to include former volunteers as Board members until, by the end of the 1970s, a majority of the members of the Board will be men and women with previous experience in IVS, Peace Corps, or comparable organizations. A weekend retreat meeting of the Board will be held each year at which there will be made a special effort to involve volunteers from the field.

FIRST STEPS

The Board recognizes the need to give greater attention to fund raising from both public and private sources. This may involve adding special staff in the near future. The Board membership should be strengthened with this in mind. ePrhaps cooperative efforts with similar organizations would be fruitful. We believe that a greater cultivation of our constituencies, especially alumni, would help.

We resolve to take immediate steps to supplement staff efforts in seeking broad support from business groups, church organizations and foundations. Further, we will negotiate with various agencies of the USG. AID, Peace Corps, and Cultural Affairs have contributed in the past. We need to make prompt approaches to the new semi-autonomous agencies being created to work in the developing countries, for example in Latin America. If special funds are needed our first request should be for an exploratory and development grant.

SOUTHEAST ASIA

The Board is deeply troubled by the problems and risks inherent in working in a country torn by civil and/or international war, particularly when the American government is involved. It is difficult, if not impossible to do development work and to remain free of political or even military involvement.

In this regard, the IVS programs in Viet Nam and Laos merit special attention. If the security of the individual volunteer is not threatened and volunteers are able to work in programs making effective contributions to the Vietnamese and Lao people, IVS will continue programs in these countries for the present. Unless required sooner by events, the Board will reevaluate the situation in Southeast Asia in the winter of 1971-72. If there has been no substantial improvement in the situation, the Board presently is of the opinion that programs should be completed as the then current volunteer contracts expire. During this period, the IVS Field Directors will lay what groundwork is possible toward continuation of the programs given a favorable change in the military situation.

IVS/VN will operate in accord with the February 21, 1970 Board decision: an AID contract for up to 24 volunteers; greater international participation; privately funded IVS activities in Viet Nam.

IVS/Laos will continue in the direction set for it in the November 1969 Board meeting: less program involvement with USAID; a closer cooperation with the RLG; a more austere standard of living.

IVS consciously remains in low profile in Indo China in the hope that an expanded program commensurate with the IVS model for the 1970s will be possible in the future and that in the meantime, we can provide effective service to the Vietnamese and Lao people.

PRESENT AID CONTRACTS

IVS will continue with the AID contracted programs in the Congo and Morocco as long as we can provide effective service to the people of these countries by this vehicle. The overhead money generated by these and the Southeast Asian contracts will be used to assist in the development of other programs and other funding sources.

CONCLUSION

Those of us who have participated in this Harpers Ferry Conference have felt keenly the responsibility and opportunity of considering the present and future role of IVS as an organization in a global context. Our thoughts have been continually directed with appreciation to the effective work of the volunteers in the villages and schools of Asia and Africa. We have sought unity on important issues affecting the organization and volunteers. We have been grateful for the participation of several volunteers and staff. Our confidence in the future of IVS derives from their commitment.

THE 50TH ANNIVERSARY OF THE MILFORD HOSPITAL—"HOSPITAL WITH A HEART"

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. GIAIMO. Mr. Speaker, I am pleased to announce that the Milford Hospital in Milford, Conn., will celebrate its 50th anniversary in early May by opening a new $3-million wing which will include a new emergency room, intensive care units, operating rooms and lab and X-ray facilities.

While I am delighted that this modern facility will soon be used to care for the people of Milford and other communities, I am particularly proud of the efforts of those who have made it all possible. The staff of the Milford Hospital has earned for it the title of "hospital with a heart"—the theme of this year's anniversary celebration.

Founded in 1921 in a 165-year-old, 5-room building, this hospital has grown into a 150-bed facility. More importantly, although it is smaller than other medical centers in Connecticut, the Milford Hospital has set an example that is being copied by other hospitals throughout the Nation.

For instance, the quality of service provided in its emergency room is rare, particularly in a community which does not have an intern program. Veteran physicians from the community rotate on a voluntary basis so that a doctor is in the hospital 24 hours a day to provide emergency treatment. Such dedication is commendable, and it is shared by the entire staff.

I want to congratulate the men and women who have contributed so much to the success of the Milford Hospital, Mr. Speaker, and to wish them many more years of humanitarian public service to the people of Connecticut.

SOCIAL SECURITY BENEFITS

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. du PONT. Mr. Speaker, although I cannot help but applaud the prompt action that both Houses of the Congress took in voting for increased social security benefits, I view with alarm the tactics that were employed by the other body in returning this bill.

I object to the maneuver which attached the social security measures to the debt ceiling bill. They are two distinct matters, both of which should have been voted on separately according to their respective merits.

I think that the attachment of nongermaine items is an objectionable and unfair practice; it only serves to tie the hands of the Members of this body. Because of such tactics, for example, Members could not offer opposition to the debt ceiling bill without opposing the much needed increases for social security recipients.

In the future, I hope that such legislative matters will be carried out in a more equitable and just fashion; one which will permit Members to vote according to their best judgment, not according to the dictates of parlimentary tactics.

LEGAL SERVICES CORPORATION ACT OF 1971

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining a bipartisan coalition of more than 70 of my colleagues in introducing the Legal Services Corporation Act of 1971—a bill to provide legal services through a private, nonprofit corporation. This bill would free the legal services program from any direct political pressures or interference from the Government.

Since the legal services lawyers become involved in litigation with various governmental agencies from time to time, it is essential that this program operate as free from political influence as is possible. The integrity of the attorney-client relationship and of the adversary system of American justice requires no less.

At this point I would like to insert a section-by-section analysis of the Legal Services Corporation Act of 1971 into the Record.

Section-by-Section Analysis

Legal Services Corporation Act of 1971

Section 1—*Short Title: Legal Services Corporation Act of 1971*—authorizing a National Legal Services Corporation by amending the Economic Opportunity Act of 1964.

Section 2—Establishes Title IX to the Economic Opportunity Act of 1964 entitled "National Legal Services Corporation".

SECTION 901—DECLARATION OF POLICY

(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness and reform;

(2) many economically deprived Americans are unable to afford the cost of legal services or of access to appropriate institutions;

(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that the performance of provision of legal services be free from political or fiscal interference;

(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

(6) a private nonprofit corporation should be created to encourage the availability of legal services and appropriate institutions to all citizens of the United States, free from extraneous interference and control.

SECTION 902—ESTABLISHMENT OF CORPORATION

Establishes a non-profit Corporation, under the laws of the District of Columbia, which will not be an agency or establishment of the United States Government.

SECTION 903—PROCESS OF INCORPORATION

There is established an incorporating trusteeship made up of the President and President-Elect of the American Bar Association, and the Presidents of the National Legal Aid and Defender Association, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association. The incorporating trusteeship shall, within sixty days after enactment, establish an eleven member Client Advisory Council from among persons recommended by the Boards of Directors of existing Legal Services programs and who are representative of the client community. Similarly, the trustees shall establish a Project Attorneys Advisory Council. Within ninety days of enactment the Clients and Project Attorneys Advisory Council will select three representatives to serve on the Corporation's Board of Directors.

SECTION 904—DIRECTOR AND OFFICERS

The Corporation shall have a Board of Directors made up of nineteen persons, one of whom shall be elected annually by the Board to serve as Chairman. Five members of the Board are appointed by the President with the advice and consent of the Senate. One member by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Six members serve by virtue of their office (Presidents of the ABA, NLADA, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association) and the President-Elect of the American Bar Association. Six members are chosen by the Clients and Project Attorney's Advisory Councils (three members each). The Executive Director of the Corporation is a voting member of the Board of Directors. The term of office for a Director is three years. The initial Board will be so constituted that members will have staggered terms of one, two, and three years. The Executive Director shall be an attorney and no individual can serve in this position for a period which exceeds six years.

SECTION 905—ADVISORY COUNCIL; EXECUTIVE COMMITTEE

Establishes Clients and Project Attorneys Advisory Councils selected in accordance with procedures promulgated by the Board of Directors. The Board of Directors shall also establish an Executive Committee of five members.

SECTION 906—ACTIVITIES AND POWERS OF THE CORPORATION

(a) (1) Provide financial assistance to qualified programs furnishing legal services to the client community.

(a) (2) Carry out programs, including research, training, technical assistance, and law school clinical assistance, to improve the provision of services to the client community.

(a) (3) Increase opportunity for legal education for individuals who are economically disadvantaged or members of minority groups.

(a) (4) Co-ordinate activities in various parts of the country through information collection and dissemination.

(a) (5) Assist and coordinate all Federal programs for the provision of legal services to the client community by reviewing and making recommendations upon (a) grants and contracts concerning legal services and (b) proposed legislative or executive action.

(a) (6) Assure that attorneys paid in whole or in part by funds from the Corporation owe the same duty to clients and enjoy the same protection from interference as if the attorney was directly employed by the client.

(a) (7) Establish eligibility standards for clients with first priority on those who are destitute or extremely poor.

(a) (8) Establish policies which assure the professional quality of the attorneys.

(b) The Corporation is further authorized to make grants, contracts, and enter into cooperative agreements. Promulgate regulations approving grants and contracts using criteria regarding (1) the most economical, effective, and comprehensive delivery of services (2) peaceful and orderly methods of seeking change and (3) maximum utilization of organizations presently delivering legal services. Insure that the Board of Directors of grantees are made of a majority of attorneys and at least one-third representatives of the client community.

SECTION 907—NON-PROFIT AND NON-POLITICAL NATURE OF THE CORPORATION

The Corporation may not contribute to or support any political party or candidate for elective public office.

SECTION 908—ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

Full access to records is insured. The Corporation is subject to the provisions of the Freedom of Information Act.

SECTION 909—FINANCING

(a) The Corporation may issue bonds, debentures or other certificates of indebtedness.

(b) Authorizes appropriations from Congress of $140 million. Funds authorized remain available until expended.

SECTION 910—RECORDS AND AUDITS OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

(a) Authorizes annual audit by the GAO and requires Comptroller General to make an annual audit report to Congress.

SECTION 911—REPORTS TO CONGRESS

An annual report shall be prepared for the President and the Congress.

SECTION 912—DEFINITIONS

"Client Community" means that group of individuals not able to obtain private legal counsel because of inadequate financial means.

"Legal Services" includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities and similar legal activities.

SECTION 913—FEDERAL CONTROL

Prohibits Federal control over the Corporation or its employees.

EXPANDING SUMMER INTERN PROGRAM

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HARRINGTON. Mr. Speaker, I have introduced a resolution today which would extend the summer intern program as originally provided for by House Resolution 416 of the 89th Congress.

In 1965 when the House passed H.R. 416, minimal funds were set aside enabling each Member to employ one summer intern. I took advantage of this opportunity last summer and found the summer internship program a welcome addition to my office. My only regret was that more adequate funds were unavailable to offer this opportunity to the many other young people interested in participating in the congressional process and learning how the Government operates.

I am sure that other colleagues have found congressional interns as helpful as I have. Interns have supplemented regular staff and in many cases provided much-needed manpower.

Most importantly, spending productive time in Washington affords a young person an opportunity to learn about his Government firsthand. It has been widely publicized that many young people are disenchanted with this Government and regard it with some distrust. In view of this I think it is a very good thing to allow some of our young people to work within the Government and to learn about the process through individual participation.

Our young people need adequate funding support if any viable internship opportunity is to be offered. I therefore propose extending the minimal funding for interns to cover an additional two summer interns. The total additional appropriation would be small and well worth the ensuing advantages to both the interns and to the congressional office.

COMPTROLLER GENERAL GIVES REPORT ON HIS FUNCTIONS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DULSKI. Mr. Speaker, the Committee on Post Office and Civil Service today had the pleasure of hearing a report by the Honorable Elmer B. Staats, Comptroller General of the United States, on the functions and activities of the General Accounting Office.

Mr. Staats and his top staff appeared at the committee's request to discuss in particular the relationship of the General Accounting Office to the U.S. Postal Service as a result of the Postal Reorganization Act enacted last year.

The committee had a very informative session, and for the convenience of all Members I am including the text of the Comptroller General's formal statement with my remarks:

STATEMENT BY ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES BEFORE THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. Chairman and Members of the Committee:

We are pleased to be here this morning, at your request, to discuss the functions and activities of the General Accounting Office as they relate to matters within the jurisdiction of this committee. We have enjoyed a good and we believe mutually beneficial relationship with the committee over the years and hope that this relationship will continue.

As you know, the General Accounting Office was created by the Budget and Accounting Act of 1921 as an independent office in the legislative branch of the Government.

The Congress gave the GAO extensive authority to render legal options, to adjudicate certain types of claims and contract disputes, and to make independent audits and reviews of the executive branch.

It intended clearly that the GAO be a nonpolitical, independent arm of the Congress to assure that funds were spent in accordance with law and that programs were carried out as intended by Congress.

CHARTER OF THE GAO

The GAO charter is broad and may be summarized under five principal headings:

1. Audit and Review—The primary purpose of General Accounting Office audits and re-

views is to make independent examinations of implementation of legislation by the executive branch, including inquiring into such questions as:

(a) whether the funds and other resources are utilized only for authorized programs and activities and are properly accounted for and reported.

(b) whether agency resources are managed efficiently and economically, and

(c) whether programs are achieving the objectives intended by the Congress in enacting the legislation.

In addition, the GAO audits negotiated contracts and audits, centrally, bills and claims for transportation services purchased from commercial sources.

2. Assistance to Congress—The GAO provides direct assistance to the Congress through special reports made at the request of congressional committees and individual members, through informal staff assistance to committees and by assigning staff to the committees.

We are often called upon to testify before congressional committees and to furnish reports on several hundred bills during each session at the request of committees. We are pleased that we have had the opportunity to be of service to this committee many times in the past.

EXECUTIVE ACCOUNTING PROCEDURES

3. Accounting Principles and Standards—The GAO is required to prescribe principles and standards for accounting in the executive agencies; to cooperate with those agencies in the development and improvement of their accounting and financial management systems; to determine the adequacy of their accounting systems; and to approve them when they meet our requirements.

4. Legal Opinions—Many legal questions arise as to the authority for expenditures of funds. These questions arise in the course of our audit work; some originate in the agencies or in the Congress; or they arise in connection with claims originating outside of the Government. The Comptroller General's decisions are final and conclusive on the executive branch subject only to contrary action by Congress or the Courts.

5. Claims Settlement—The law places final responsibility for settling most claims for and against the Government in the General Accounting Office.

In addition to our basic authorities and responsibilities under the 1921 act and certain other legislation of general applicability, the Post Office Department Financial Control Act of 1950 (39 U.S.C. 2206, et. seq.) placed specific responsibilities upon us with respect to the Post Office Department.

These responsibilities related to auditing of the Department's financial transactions and the development and approval of its accounting system, and were generally consistent with similar responsibilities we have with respect to other departments and agencies of the executive branch.

RELATION TO POSTAL SERVICE ALTERED

With the enactment of the Postal Reorganization Act which was approved on August 12, 1970 (P.L. 91–375), our relationship with the postal establishment has been significantly altered. In effect, this law negated our prior authorities and responsibilities, both under general legislative provisions and those specifically applicable to the Post Office Department. The general legislative provisions were rendered inapplicable to the new Postal Service by section 410 of the act which provides that, with some exceptions not pertinent here.

"* * * except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service."

Those legislative provisions which had previously given us specific responsibilities with respect to the Post Office Department were repealed.

Our relationship with the new Postal Service will be based upon two provisions in the Postal Reorganization Act. Section 2002 of that act provides in part that:

"* * * The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Postal Service subject to the approval of the Comptroller General * * *."

This provision places upon us a very specific and important responsibility. The value of assets recorded on the books of the Postal Service will be an important factor in determining the amount of depreciation costs which, in turn, will have an effect on postal rates and fees.

Section 2008 of the act provides, in part, that:

"The accounts and operations of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine."

This provision gives us rather broad authority and responsibility to review not only the financial transactions of the Service but also the entire effort put forth by the Service to fulfill its mission. It also gives us broad discretionary powers to select for review those areas in which we can make a significant contribution.

ASSISTANCE TO COMMITTEE CONTINUES

We will, of course, also continue to give such assistance to the Congress and its committees with respect to the new Postal Service as we may be called upon to provide.

Aside from our work at the Postal Service, which I will discuss in a minute, we do carry out under our general authorities work in a number of areas within the jurisdiction of this committee.

These include, among other things, the activities of the Civil Service Commission and the Bureau of the Census, matters relating to civilian personnel employed by the Federal Government and to their utilization, generally, and certain statistical gathering and reporting activities.

For example, we have in the past done a considerable amount of work in connection with the civilianization of military positions and the use by Government agencies of support service contractors, and are currently looking at the impact of employment ceilings on management of civilian personnel in the military establishment.

We would be happy to discuss our current work in these areas to the extent you may wish, or as you suggested in your letter dated March 8, discuss them at a later time with the appropriate subcommittee.

With regard to the Postal Service, I would like to briefly describe how we see our role in our audit capacity and the approach we propose to follow in carrying it out.

I would also like to mention some of our recent reports to the Congress on postal operations and activities, which, I believe, illustrate to a degree the types of reports we will be making to the Congress in the future.

NEW ROLE WITH POSTAL SERVICE

As you know, section 2008 of the Postal Reorganization Act, in addition to authorizing our Office to audit the accounts and operations of the Postal Service, contains other provisions relating to audit.

Subsection (b) requires that the Postal Service maintain an adequate internal audit of the financial transactions of the Postal Service; subsection (d), in effect, authorizes the Postal Service to obtain audits of its accounts by certified public accounting firms; and finally, subsection (e) requires that beginning with the fiscal year commencing after June 30, 1971, the Postal Service obtain an opinion from an independent certified public accounting firm on any financial statements of the Service used in determining and establishing postal rates.

The authorities and requirements for audit contained in these provisions properly place upon the Postal Service the responsibility for assuring the integrity of its financial transactions and of its statements of financial condition and operations.

We will, of course, keep abreast of the manner in which these authorities and responsibilities are implemented by the Postal Service.

We will work with its internal audit organization and with its outside auditors, to the extent appropriate, and in carrying out our own audit work will give consideration to the adequacy of the audits performed by them.

AUDIT TRANSPORTATION CHARGES

In addition, in the area of financial auditing, we will continue to audit, on a centralized basis, transportation charges to the Postal Service as we do for the Federal Government generally. This function will be performed on a reimbursable basis under agreement between our Office and the Postal Service.

These and other matters concerning our relationship to the Postal Service have been the subject of two exchanges of correspondence which I would be happy to submit for the record.

Beyond the strictly financial audit activities, as I have mentioned, section 2008 of the act gives us broad authority to examine into postal operations and activities generally.

The Service remains a public service institution charged with responsibility to provide reliable and efficient postal service to patrons in all communities. Its operations will continue to have large financial dimensions and to affect virtually all the citizens and enterprises in the nation.

Therefore, Congress retains a strong continuing interest in the Postal Service and has, of course, retained the power to alter, amend, or repeal any or all sections of the act under which the Service is established.

Accordingly, we intend to continue with our previous practice of examining selected postal operations and activities and reporting thereon to the Congress.

AIM OF POSTAL AUDIT

Our audit coverage of postal activities is planned with two major considerations in mind—the interest of the Congress and the benefit to the Postal Service.

As in the past, to maximize the benefits resulting from our work, we will concentrate our efforts in those areas of postal operations and activities which seem to have the greatest potential for improvement.

Various factors influence our judgment in selecting an area for review including indications of congressional interest, the financial significance of the area, and indications of weaknesses in its management,

The types of reviews we make can be categorized as (1) management efficiency reviews—studies of management's utilization of resources—and (2) program reviews—studies dealing with the extent program objectives are being achieved.

Our recent efforts have been concerned primarily with evaluating management systems for assuring the assessment and collection of appropriate revenues for postal services rendered and management's efficiency in utilizing resources.

RECENT REPORTS LISTED

For example, in a May 1970 report to the Congress, we stated that the Department did not recover the full costs of providing address correction service.

In September 1970 we issued a report to the Congress in which we noted the need for better controls over the assessment and collection of postage for second-class mail because certain publishers were charged a postal rate lower than that to which they were entitled.

In an October 1970 report to a member of Congress, which was subsequently released to the public, we stated, among other things, that the Department had exceeded its legal authority in its use of emergency contracts for air taxi service to transport mail; that a number of contracts were awarded without obtaining formal competitive bids; and that questionable contract rate increases were granted because the Department did not have adequate procedures for evaluating rate increases requested by the contractors.

In December 1970, we reported to the Congress that maintenance costs on certain post office equipment could be reduced, without adversely affecting the operation of the equipment, by reducing the frequency of certain routine preventive maintenance and by reducing the time prescribed for performing such maintenance.

CURRENT POSTAL STUDIES

Our current reviews concern such matters as whether the Postal Service is:

1. making the best use of its manpower and machines,
2. providing certain publications priority treatment at no additional charge to publishers,
3. recovering additional costs and postage due for processing mail with insufficient postage,
4. adequately planning, testing, and contracting for the installation of an automated system for collecting and processing management data (the postal source data system),
5. using sound methods to collect data to serve as the basis for allocating costs and revenues to the various classes of mail and types of services provided,
6. permitting only eligible nonprofit organizations to mail matter at reduced rates, and
7. following efficient traffic management practices in the transportation of mail.

Our plans for future work call for more emphasis on reviews dealing with the extent the Postal Service is providing patrons with reliable mail service at reasonable rates and fees.

We will also be looking at the effectiveness of some recently initiated programs such as the express mail program—a door-to-door service provided by postal employees serving as special messengers; reviewing the use of the mailgram and other systems to reduce the physical volume of mail; and reviewing the value of assets and amount of liabilities transferred to the Postal Service. We will also stay abreast of the Postal Service's capital expenditure program, including its borrowing activities and its investments in postal equipment and facilities.

We will hold periodic discussions with the Postal Service concerning the scope, frequency, and nature of our reviews. In the past we have found such discourse between the staffs to be mutually beneficial.

We will also be glad to discuss with this committee or its subcommittees at any time our audit plans and areas of mutual interest and concern.

This concludes my statement, Mr. Chairman. We will be happy to answer any questions you may have.

FARMERS NEED ADVANCE PAYMENTS—II

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PRICE of Texas. Mr. Speaker, last week I introduced legislation providing much needed advance payments for feed grain farmers.

This bill, H.R. 5707, would entitle feed grain farmers to receive advance payments under the farm program shortly after program signup time next month. As such, it would change present USDA regulations which prohibit feed grain farmers from receiving payments on corn and grain sorghum until after July 1, 1971.

When I introduced H.R. 5707 I stated that I was also in the process of drafting similar advance payments legislation for cotton and wheat producers. This afternoon, I am introducing the products of my efforts; two bills designed to enable cotton and wheat farmers to receive advance payments under the farm program of 7½ cents per pound on cotton and, half the estimated face value of certificates on wheat.

Mr. Speaker, I want to emphasize once again advance payments are vital to the success of many farming operations, especially the smaller ones. They are vital because in the next few months farmers must make critical decisions of what to plant, how much to plant, and how to best accomplish his production goals. These decisions involve determinations about such things as the number and kind of help needed, whether to purchase new operating equipment and machinery and maintain present items, what kinds and amounts of fertilizers, seeds, insecticides, and other operating supplies that will be needed in the months ahead, and so forth. These decisions can only be made of their relative financial costs. For no matter what kind of operation a farmer would like to have or needs to have to turn a profit, he can really only have the kind of operation he can afford. If he has any other, he soon finds himself bankrupt.

If farmers, taken as a group had substantial ready cash, or had access to flexible lines of credit, their key operating decisions would not be too difficult to make. Neither, however, is the case. Farm income is normally modest or marginal income. It is awfully difficult to get rich farming, despite the myths of the mint-julip-sipping farmer sitting under the shade tree watching his money grow. The facts paint the true picture; during the last decade, a quite prosperous one for the Nation as a whole, farmers shared precious little in that prosperity. Despite the fact that the gross national product rose an average of 9 percent a year, farm income rose less than one-half of 1 percent. The situation is not any brighter when it comes to the ability of the farmer to get rural credit. It seems that farmers are among the first to feel the pinch of a tight money situation, and among the last to benefit from expansionary monetary policies. The reasons for this condition lie in the very nature of the rural credit system and the condition will not be rectified without major reforms, some of which, by the way, I plan on proposing in the next few months.

What it all boils down to, Mr. Speaker, is that farmers do not have and cannot readily obtain the kind of financial support it takes for them to make the kinds of decisions most likely to permit them to profitably produce food and fiber for the Nation. And as I have stated repeatedly, the ability of American consumers to spend the lowest percent of their disposable income on food and clothing of any time in our country's history or in the history of the world for that matter, rests on the sweat and toil of the farmer.

To produce food and fiber at reasonable costs requires that farmers be able to make economically sound decisions. To do this they need proper financing. My three bills provide money that cotton, wheat, and feed grain producers participating in the farm program are already entitled to by law. My bills merely enable those farmers to get the funds when they need them most, before rather than after the growing season commences.

In conclusion, enacting these three measures would be in the best interest of the farmer and the consumer. I urge their prompt adoption.

LEADERSHIP NEEDED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ROSENTHAL. Mr. Speaker, the New York Times this week eloquently depicted the situation in which our President finds himself in Vietnam: Instead of "winding down" a war almost universally assailed as a mistake, the President is trying to change the way that war is being fought. He misconstrues the discontent in the land to mean that only American dead and wounded count when adding up the casualties. Vietnamization means, the President has shown, no diminution in his resolve to persevere in Vietnam; instead of American soldiers, we will continue and increase our support of the war by South Vietnamese.

I reintroduce today my resolution of the last Congress calling for the withdrawal now of all U.S. forces from Vietnam, with the pace of withdrawal limited only by the steps needed to insure the safety of our forces. Although I have supported other resolutions which set various dates for withdrawal, I am convinced that withdrawal now, under this single condition, is the proper and urgent goal.

I include below the Times editorial and the text of my resolution:

LEADERSHIP NEEDED

The most unassailable statement made by President Nixon in the interview with him published in this newspaper last week was that "there has never been so great a challenge to U.S. leadership." Whether the President had in mind a challenge to the United States to show leadership in the world community, or a challenge to the President of the United States to show leadership within this divided country, the challenge is there on both counts. Yet nothing that Mr. Nixon said indicated that he has the slightest idea how to meet it.

Instead, Mr. Nixon seemed more interested in making high-school debaters' points than in analyzing the issues. By posing fictitious opposites, the President tried to make it appear that "the great internationalists of the post-World War II period" have now become "neo-isolationists" and that he alone occupies the middle ground in the American political spectrum—his critics being either "superhawks" or "superdoves," or, to put it only a little more crudely, irresponsible extremists.

Mr. Nixon suggests that the "former internationalists" who oppose Vietnam or who now advocate a smaller defense budget have become *ipso facto* "neo-isolationist." He readily overlooks the fact that many Americans who have opposed military involvement in Vietnam almost from the beginning have done so precisely because they feared that the inevitable overcommitment in Southeast Asia would dangerously weaken American power, prestige and influence elsewhere in the world.

In fact, it is just because they believe that the United States with its vast strength has an absolutely essential moral and political role to play in the international community and must under no circumstances be isolated from it that so many American internationalists so bitterly deplore the entrapment of the United States in the morass of Southeast Asia. Far from being an expression of "neo-isolationism," American opposition to the escalation of Vietnam—whether in numbers under the Johnson Administration or in area under President Nixon—is largely based on a deep sense of the American commitment to and responsibility for world peace.

Mr. Nixon speaks of "the moral force behind our position." Does he not recognize that this is exactly what is being eroded by the senseless destruction and devastation carried now into four Southeast Asian countries? Does anyone still believe that the indiscriminate killing of combatants and noncombatants alike, through the use of massive air power, will make the world (or Vietnam) safe for democracy?

Whether talking about "superhawks" or "superdoves," or something called "the Establishment," Mr. Nixon disarmingly pictures himself as the moderate, or the defender of the faith, versus the extremists or the enemies of the people. "I am not talking about my critics," he says, "but about a basic, strange sickness that appears to have spread . . ." a "sickness" stemming from disillusion over Vietnam and concern with domestic problems. On this point the President is right. It is a sickness; but it is not strange and it certainly is not limited to the so-called "Establishment," or to the superextremists, as he would have the public believe.

It is a sickness felt throughout this land. It will not be cured by turning the war in Vietnam from a land war, in which many Americans and Vietnamese were killed, into an air war, in which relatively few Americans and many Indochinese will be killed. It will not be cured by escalating the bomb-power and broadening the locus of this war. One does not have to be either "superhawk" or "superdove" to know that.

It will not be cured until a President of the United States has the courage to recognize that we Americans have long ago fulfilled in good faith, in blood and in treasure whatever commitment we have had to the South Vietnamese. It will not be cured until our country recoups its moral position in the world by ending the mass slaughter through which we are insuring the antidemocratization of Southeast Asia. It will not be cured until the leadership of the United States, recognizing America's responsibilities to itself as to other countries, reshapes American policies to bring domestic needs, foreign responsibilities, physical capabilities and moral commitment into a sensible and viable relationship that will advance the welfare of the American people and of the community of the world.

WHAT IS AT STAKE

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MANN. Mr. Speaker, I believe that many of my colleagues, on both sides of the aisle, may well be struck by this editorial by Anthony Harrigan in the March 15, 1971, Bulletin of the Southern States Industrial Council. Mr. Harrigan rightly points out that overstressing the needs of those on the dole often tends to distort what the true values and interests of our largely middle-class populace are. It is all very well for sophomores to sniff at middle-class values. It is quite another thing for the leaders of our country to tolerate their destruction. I recommend, along with Anthony Harrigan and others, that this process be reversed with alacrity and that the value of self-help once again be stressed for all the good it has done this society and Nation.

The editorial follows:

WHAT IS AT STAKE

(By Anthony Harrigan)

What we are witnessing in the United States is an effort to place the political control of our country in the hands of the least capable and most dependent people—to give the drone element a whip hand over taxpaying, productive citizens, whether skilled industrial workers or management people.

The end result of such an effort—such a system of political domination—would be the ruination of our society. The well-being of our country depends on the intelligent, property-owning elements in our society—our great middle class—having the dominant influence in the shaping of public policy. If these elements don't have this degree of influence, one can be sure that business—our productive resources—will be exploited and eventually expropriated. In short, our society is in danger of being looted by the dependent elements and the political opportunists associated with them.

What does this mean for the average young businessman who is educated, who is married and has children, who is buying a home, who pays an increasing percentage of his income in taxes?

I would say to the young businessman that the significance of these events is that the basis of his life—the good life of his expectations—is being undermined. The radical trend means cancellation of the future he envisions for his family—unless this hurtful trend is arrested. If the drone elements dominate our cities, they will become uninhabitable for middle class people. The skyrocketing cost of welfare will be felt most keenly by businessmen and professionals with good incomes—and by the companies that give them employment. In plain terms, the businessman will find, after years of hard work, that he won't have anything like the real income that he anticipated when he commenced his career. That means a lessened ability to build up an estate for children or to educate them. The prospects of a comfortable life will be greatly diminished.

I don't mean that a comfortable life should be our sole or ultimate goal. All of us have a sense of idealism, and are willing to sacrifice for great ends. But advocates of massive new welfarism haven't any noble social vision in mind. They would end the poverty of some people in our society by redistributing wealth without respect to the enterprise or energy of the persons whose wealth is being redistributed.

In other words, the planners of the new welfarism have in mind nothing save confiscation. To take from the working and give to the non-working is no way to strengthen this or any other society.

A strong society can only be built on those persons who demonstrate a desire to be builders, savers and producers. In the end, impoverishment of the productive middle class will reduce everyone in the society to permanent poverty. And with the disabling of a middle class comes the aggrandizement of government into a totalitarian force that dictates all patterns of life and work.

To prevent this happening, we must increase our effort to understand, be articulate and active regarding our problems. We must oppose the subsidization of indolence. We must acquire and stress a positive view of the economic system that makes possible our personal, community and national wealth. We must defend our country's values.

The radicalized elements in our country are working very hard to shatter the patterns American businessmen adhere to in their personal and business lives.

Therefore, the businessman in his community in the mid and late 1970s must be *energized* and *dedicated* to our defending our embattled society, to maintaining a way of life that he knows to be decent, progressive and rewarding.

MIGRANT WORKER DISASTER RELIEF

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to commend President Nixon on his decision to extend $2.5 million in Federal disaster relief to Florida's migrant workers who have been unemployed due to crop failures. Some 15,000 workers are unemployed in Dade and Collier Counties due to a combination of freeze and drought which has ruined tomatoes and other crops. I commend the administration's initiative to provide unemployment compensation for these workers, both because of its unprecedented and humanitarian nature.

The fact that this situation does warrant disaster relief because these workers were left without any form of assistance to fall back on points to a glaring deficiency in existing unemployment compensation laws. It is unfortunate, I think, that it takes a disaster like this to really drive home the urgent need for remedial action. You will recall that on July 8, 1969, the administration sent to the Congress its message and legislation on the unemployment insurance system—legislation which would have extended coverage to an additional 4.8 million of the 17 million workers not covered by unemployment insurance. That legislation, in modified form, did pass the 91st Congress to become Public Law 91-373, and did extend coverage to an additional 4.7 million workers. But the bill reported from Ways and Means did not include the administration's proposal to extend coverage to some 400,000 workers on farms employing at least four persons in each of 20 weeks per year. And although the Senate approved extending coverage to workers on those farms employing a minimum of eight individuals, even that provision was knocked out in conference.

The upshot of all this is that migrant farmworkers are still not covered under our unemployment compensation insurance system and, as a consequence, we are faced with the possibility of more disaster situations, such as that which prevails in Florida at this time.

Mr. Speaker, I think it is a sad commentary on our times when we allow conditions to persist in our own country which eventually require disaster relief for our own citizens not unlike that extended to the starving masses in Biafra or Pakistan.

Mr. Speaker, I would urge the Ways and Means Committee to reconsider the administration's proposal to extend unemployment compensation coverage to migrant workers. By our action we can prevent the recurrence of such disaster situations in which large segments of our social are left without any means to purchase food, pay rent, gas and electricity bills, and provide medical attention for their children. While I can appreciate that committee's unusually heavy workload, the fact that we are faced with a disaster in this area and may be confronted with more, clearly points to the priority attention which this legislation deserves.

At this point in the RECORD I include the text of the White House migrant worker relief announcement and the New York Times article of March 16 on the same subject:

MARCH 15, 1971.

ANNOUNCEMENT FROM THE WHITE HOUSE

The President today declared a major disaster for the State of Florida. The disaster has been declared in order to provide additional food and financial assistance for workers unemployed as a result of severe crop freezes in January and in February.

The President's action makes available unemployment compensation under the President's disaster assistance program for farm laborers unable to work because of the severe freezes and not included under the state unemployment program. The Department of Agriculture is already providing food to those in need and will work with the responsible state and local officials and private relief organizations to institute additional assistance by the food stamp program.

The President's Office of Emergency Preparedness presently has under way a study, directed by Congress, to determine the applicability of existing disaster arrangements in freeze and frost emergencies. However, owing to the apparent severity of the Florida problem, General Lincoln, Director of OEP, recommended to President Nixon that a disaster be declared for the state.

Last year, the President recommended to the Congress that agricultural workers be afforded unemployment compensation benefits. This proposed legislation did not pass. Thus, unemployment compensation is available only through such programs as the disaster relief program.

An initial allocation of $2.5 million has been made to the Department of Labor from the President's Disaster Fund to initiate the unemployment compensation program. The disaster unemployment compensation program is administered by the Department of Labor through state unemployment offices.

[From the New York Times, Mar. 16, 1971]

PRESIDENT ORDERS MIGRANTS' RELIEF—$2.5 MILLION IN DISASTER AID EXTENDED TO JOBLESS AFTER CROP FAILURE IN FLORIDA

(By Robert H. Phelps)

KEY BISCAYNE, FLA., March 15.—President Nixon extended the concept of disaster relief today to include aid to migrant workers unemployed as a result of crop failures.

Mr. Nixon, winding up a long weekend in Florida and the Bahamas, acted on an appeal from Gov. Reubin Askew for help to thousands of migrant workers made jobless as a result of a freeze and drought that ruined south Florida's commercial tomatoes and other crops.

The President declared the crop failure a major disaster and allocated $2.5 million for paying unemployment compensation to the migrants. Until now Federal disaster relief had been applied only to calamities like floods, hurricanes and earthquakes.

It had not included Federal financing of unemployment compensation for workers ineligible under state laws. In addition to jobless benefits, the President's declaration of an emergency will permit additional food relief to the migrants under the Federal food stamp plan.

The United States Agriculture Department and private groups have been helping to feed the migrants.

The President acted even before the Office of Emergency Preparedness completed a study to determine whether the Federal disaster law applied to freeze and frost emergencies.

The White House explained that Gen. George Lincoln, director of the O.E.P., had recommended that the President act because of the "apparent severity" of the Florida problem.

COMPOUND PICKETED

Hundreds of migrants quietly picketed near the Nixon Key Biscayne compound Saturday asking for help. They asked that the President or a civilian aide meet with them and accept a petition they had prepared. The petition said in part:

"We are without work, without hope of work. We have no money for food, for rent, for gas and electricity. We cannot provide for the necessities of life—our children are weak and sick—we don't have enough money to escape these dehumanizing conditions.

"If this country can airlift emergency aid to Pakistan, if this country can provide relief for starving people over 15,000 miles away, surely it can take care of its own people who find themselves, through no fault of their own, in a disaster situation here in Florida."

A Secret Serviceman at a guard house talked with the leaders of the pickets, and the police kept the demonstrators from getting close enough even to see the President's home. Some of the wealthy residents along Bay Front Drive gave milk and cookies to the pickets, who always remained orderly.

Late Saturday the pickets moved from the area of plush Bay Front homes to Crandon Park, where they camped out for the evening. Yesterday morning they attended a Roman Catholic mass.

Kneeling in prayer they asked "God and President Nixon" for help because "we are desperate." Then they boarded 10 old buses and 15 ancient cars and chugged back to the labor camps.

The migrants estimate that more than 15,000 of them are unemployed in Dade and Collier Counties.

Governor Askew's request for Federal help was presented to Mr. Nixon last Thursday. Ronald L. Ziegler, the White House press secretary, said that the President had ordered aides to consider it with "utmost speed."

Meetings were held in Washington over the weekend. Federal officials met with Askew aides today to work out a way to help the migrants.

Mr. Ziegler called the President's action "unprecedented" but emphasized that future applications would have to be made on a "case-by-case" basis.

The White House announcement pointed out that the President had pending in Congress a recommendation that unemployment compensation be extended to agriculture workers.

The legislation, which was bottled up in a conference committee last year, would cover all farms employing eight or more workers for at least 20 weeks. About 400,000 workers would be affected.

Details of administering the emergency south Florida plan have not been worked out. Among the questions to be decided are who will be eligible and the compensation to be paid. Florida's average unemployment compensation payment of $36.52 a week is one of the lowest in the country.

TODAY'S "POT" SMUGGLERS FLYING BUSINESSMEN

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PETTIS. Mr. Speaker, the following in-depth analysis appeared in the San Bernardino, Calif., Sun-Telegram of March 14 concerning the overwhelming task that Sheriff Frank Bland faces in controlling the importation of drugs across the border by air. These smugglers are able to use the dry lake bottoms to their advantage as landing points for their illegal cargo. This is not a local problem for illegal drugs are brought into this country all along the Mexican-United States border. I am deeply concerned with this problem and I am disturbed by the lack of strong Federal assistance to our dedicated local law enforcement officials. I believe that this article will prove interesting and informative reading for my colleagues and Federal customs officials:

TODAY'S "POT" SMUGGLERS FLYING BUSINESSMEN

(By Bob Smith)

SAN BERNARDINO.—Not since its outlawing in 1937 by the federal government has the weed cannabis sativa, the Indian hemp popularly known as marijuana, enjoyed such popularity in the United States.

Whatever the sociological and psychological reasons that have brought such a fantastic increase in marijuana smoking (more than one million pounds of it were thought to have been consumed in Southern California last year), there has been a concurrent increase in the market prices.

In the shifting pattern of marijuana smuggling, San Bernardino County has become the funnel through which much of Southern California's supply of "grass" passes.

Today, during its short trip from the interior of Mexico, where most of the California-bound weed is grown, to the state's metropolitan areas where it is ultimately peddled in small quantities to the users, marijuana's value can multiply 45,000 per cent.

With such a fantastic profit margin, smugglers are beginning to switch from bringing marijuana into the United States by car or foot to more exotic methods, including small boats and light aircraft. For the aerial smuggler leary of landing in populated areas, the deserts of San Bernardino County offer a perfect alternative.

During the past two years, droves of marijuana smugglers have discovered this fact and are now beginning to realize another that Sheriff Frank Bland and other officers have known for years: It is almost impossible for officers to effectively patrol all 23,000 square miles of San Bernardino County and stop the smugglers from landing.

The Mojave Desert and the areas around Twentynine Palms are strewn with abandoned airstrips built during World War II; flat, hard dry lakebeds, and mile after mile of flat, hard desert roads.

But although many different agencies—federal, state and local—are concerned with halting the lucrative dope traffic into the United States, local narcotics officers have repeatedly complained about the lack of cooperation they receive from federal units working in San Bernardino County.

Augie DeLaRosa, long-time narcotics officer in the Sheriff's Department who recently resigned to pursue law studies, voiced the complaints of many of the narcotics officers working here.

"There have been cases when the federal agencies—such as Customs—have circumvented the Sheriff's Office. They let a guy enter the country with a small amount of marijuana, sell it in San Bernardino County with the hope that he will go back for a larger load later. But as a result, the local agency is faced with another load of drugs among its populace—a load that could have been stopped."

He also told of cases where sheriff's deputies had staked out a cache of drugs in the desert—or were waiting for an incoming flight, only to learn later that customs agents knew that the drop point location had been changed, caught the people involved, but never bothered to tell the local agencies also working on the case.

But for any law enforcement officer, whether he works for the federal government, the state or a local agency such as the Sheriff's Office, the first line of defense is the Mexican border.

Sheriff Bland summed up the situation for all agencies when he pointed out that the only effective way to stop the traffic is to seal the border.

But as was seen in the short-lived but extremely effective Operation Intercept, international and local economic pressures soon forced the abandonment of this concept, and the federal government reopened the border to virtually unrestricted vehicular traffic.

To halt the now uncontrolled air traffic across the border, law officers have long considered the idea of deploying a radar screen to detect low-flying aircraft along the border.

"There is no question that they have been smuggling marijuana into the country by aircraft for a long time, but we don't have the resources to stop it on a local basis only," Bland said.

Both Bland and Allan C. Owens, assistant chief of the U.S. Border Patrol's El Centro office, went on record recently that radar might solve the drug intercept problem. But so far, according to Owens and members of the U.S. Customs Service in Los Angeles, electronic experts have not been able to find a system capable of detecting a small aircraft flying on the "deck" across the border.

But pilots, such as Chief Inspector Komer Dyal of the San Bernardino Sheriff's Department, and former servicemen familiar with radar systems used in combat area, find such a reply difficult to accept.

Dyal referred to times when he has been tracked by radar run by the Federal Aviation Administration's facility at March Air Force Base right down to the ground at the Tri-City Airport. And, he said, when air traffic was light, the controllers would even follow him on their screens right up to the hangar door—"just for fun."

Other pilots and former servicemen tell of air search and surface search radars installed on U.S. warships for many years that routinely picked up small observation planes and helicopters flying just above treetop level 15–20 miles away, in Vietnam.

Planes, almost identical in size and speed to those used by the Army in Vietnam, are now being used by smugglers in the Southern California area, authorities say.

For the potential smuggler who has access to a small aircraft, the profits from the marijuana trade are staggering.

Normally, the farmer in the Mexican state of Sinaloa and its major city of Culiacan on the western slopes of the Sierra Madre Occidental Mountains sells his marijuana for $2 to $4 a kilogram (2.2 pounds) to a processor-wholesaler in Culiacan, who then uses cottonseed presses to press it into kilogram bricks. The bricks are then sold to smugglers for $20 to $25 a kilogram.

Depending on the size of the aircraft, a flying-smuggler who touches down at Culiacan may be able to pick up a return payload of 400 to 700 kilograms of "grass."

Safely back into the United States with his load, a pilot can sell his marijuana for $150 a kilogram. Ultimately, it is resold on the streets and school campuses for prices which sometimes equal $900 to $1,000 a kilogram.

Thus the planeload of marijuana that might have netted $1,500 for the Mexican farmer ultimately garners up to $630,000 from its users.

One aspect that frustrates law-enforcement officers is the easy access a potential smuggler has to a light aircraft, and the lack of penalties if officers track down the airplane but not the pilots.

Dyal points out that most aircraft rental agencies make only a cursory check of the prospective renter's background and qualifications as a pilot, possibly no more than a check ride around the field.

Under the present system, Dyal said, an airport operator does not have access to police files that might indicate if a person had been engaged in smuggling activities in the past or has a prison record.

Also, Dyal said, there is no way for even a police agency to quickly check if a pilot's license with all of the desired endorsements—which normally takes hundreds of hours of flying time to acquire—can be purchased for just a few dollars in Los Angeles.

And because the Federal Aviation Administration's files are located in Oklahoma City and available only in the daytime Monday through Friday, an operator can't check the qualifications of a prospective client there quickly enough to avoid losing a sale.

Because of the way the present laws are written, a plane owner who rents a $100,000 aircraft to a smuggler and then finds that it has been seized by Customs or another agency, has no need to worry.

As shown by two cases in Twentynine Palms recently, rented aircraft seized in dope cases are normally handed back to the legal owner in just a few days. The present state and federal laws don't allow officers to seize a plane used to transport marijuana.

One of the problems faced by the narcotics officer today is obtaining enough evidence to convict a smuggler if he is not caught in the act of bringing the "grass" into the country or distributing it.

According to DeLaRosa, who was involved in several county cases of this type, the biggest problem now is the non-user who decides to go into the business just for the profit.

In most cases previously, the peddler or importer was generally a user who decided to import enough for his own use as well as selling a little on the side to pay expenses.

But now, DeLaRosa said, businessmen, otherwise perfectly legitimate, are coming into the picture. And instead of working through informants, the Sheriff's Department has found itself faced with costly and time-consuming surveillance chores—tasks that it is woefully undermanned to carry out. The county's vice-narcotics detail has only seven detectives, a sergeant and a captain—in addition to two secretaries.

This is the same manpower, DeLaRosa said, that the detail had in 1963 when it made 149 arrests; in 1969, the nine men participated in 1,458 arrests.

To DeLaRosa and others who asked not to be named, the key to the future of the county's narcotics program is that the county officers will not have to depend on anyone. In the future "they will have to depend on their own resources," DeLaRosa said.

To these people, part of the answer is to have the Sheriff's Department acquire its fleet of airplanes. It now owns one, a six-passenger Cessna 205.

But, Sheriff Bland said, the department has a request being processed in Washington, D.C., for purchase of two high-speed helicopters.

They would be used not only for surveillance work but for transporting departmental personnel and search-and-rescue work.

Other agencies besides the sheriff's and local police departments are active in the smuggling war.

During the past nine months, border patrolmen from the El Centro office have seized 17,249 pounds of marijuana—as well as an unspecified amount of heroin and dangerous drugs.

The magnitude of the seizures increases when you consider that a border patrolman is not paid or trained to control marijuana traffic, but just prevent aliens from illegally entering and working in the United States.

How do they do it? "Chance, mostly," said Owens.

Dope smugglers play for high stakes and some shoot when cornered. The murder of two border patrolmen north of El Centro one night several years ago when they stopped a car loaded with drugs is still unsolved.

Last year, a lone border patrolman came upon a sedan that had high-centered on a dirt ridge bulldozed to mark the international boundary.

When the driver saw the patrolman approaching, he grabbed a rifle, crossed back into Mexico, and opened fire.

Unable to pursue the smuggler, Owens said the patrolmen watched the man picked up by an auto that then drove into Mexicali.

But although the American officers on the ground could not cross the border in pursuit, nothing prevented a small border patrol scout plane from shadowing the car into

Mexicali, and then through a four-way telephone relay, guiding Mexicali police through dense crowds in downtown Mexicali to where the four men were trying to hide.

Even though Owens' office has two airplanes assigned to it, he says they are only suitable for air surveillance of the boundary—looking for vehicles or men trying to sneak through. Their slow speeds prevent them from chasing the much faster planes smugglers use.

It is up to the U.S. Customs Service to detect and then intercept planes crossing the border with illegal cargoes, Owens said.

Paul Samaduroff, the assistant special agent in charge of the Los Angeles District at the Costoms House on Terminal Island, says his agents have had more success during the past two years but are still hampered by lack of manpower and equipment.

Senior Customs Agent Bill Rosenblatt, in charge of the air operations group, said his group has prosecuted more than 100 successful cases involving airplanes during the past three years. But he says his men are stretched far too thin to do an effective job.

"Because of the mobility of the aircraft, the ultimate destination of the marijuana is up to the principals involved. It is conceivable," Rosenblatt said, "that a load could be flown into Southern California, and then picked up by another plane or vehicle and sent to any location in the United States—all in just a few hours.

"So far as the amount involved in the traffic, no one can make an adequate guess, not even the Mexicans. We don't know if we're catching one per cent or 50 per cent of the total amount smuggled into the United States every year. But during the fiscal year 1969, Customs intercepted 70,000 pounds and during 1970, we got 100,000 pounds."

And federal authorities have been receiving increased cooperation from the Mexican government, Samaduroff said, "They have been finding marijuana fields, arresting people and seizing shipments while they are still in Mexico," he said.

A TRIBUTE TO WHITNEY M. YOUNG, JR.

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mrs. DWYER. Mr. Speaker, the death of Whitney Young has deprived us of a great American who was a paragon of modesty and fortitude and effectiveness.

His work in the field of civil rights—striving to insure equality for all men—gained world renown. His work as executive director of the National Urban League was based on the proposition that jobs and opportunities must be opened to all men, a noble idea in which he had complete faith.

Whitney Young was known to the public as one who worked within the system, in fact, some called him a moderate, and not always in a kindly context. It was a term he came to despise. He said:

> Nobody who's working for black people is a moderate. We're all militants in different ways.

Here was a man who, during the past decade, had the ear of three Presidents. A man who, as he often said, could talk to the leading businessmen and industrialists and obtain more jobs and opportunities for his people. He claimed, and I am inclined to agree with him, that this was not a question of moderation versus militancy, but rather one of "effectiveness versus ineffectiveness."

He knew where the sources of power in America lay, and he approached these sources without trepidation. He knew of the many ills that faced America, and he knew that they required action. Just before his untimely death, he said to the group of Americans and Africans he was addressing in Nigeria:

> We have to talk to people who are hungry tonight. The rats are biting the kids tonight.

These are the words of a man who was deeply concerned, and deeply committed, to a cause. These are the words of a man who fought tirelessly against inequality, and these are the words of a man who will be missed by all those in America who will continue to insist on equality and justice for every citizen.

As part of my remarks in the Record Mr. Speaker, I include an article on the death of Mr. Young which appeared in this week's issue of "The Voice," the newspaper of the black community of Plainfield, N.J.:

Whitney Young Dead at 49

Whitney M. Young, Jr., 49, executive director of the National Urban League, and renowned activist in the Civil Rights struggle here, died while swimming in the Atlantic Ocean off the coast of Lagos, Nigeria, Thursday afternoon, March 11, 1971.

Former Attorney General Ramsey Clark was emerging from the surf with Young upon completion of their swim, when he noticed that Young was no longer in sight.

"I turned around, but could not see him," explained Clark. "But as I looked back I saw his arm turn over. I saw his head go under."

Clark pulled Young from the water and mouth to mouth resuscitation was administered to no avail. By the time the physician arrived by boat from the downtown Lagos Federal Palace Hotel, Whitney Young was dead.

Mr. Young was in Nigeria to attend the Ford Foundation sponsored conference to increase understanding between Africans and Americans. The cause of his death, pending results of an autopsy, is presumed to be a heart attack.

Whitney Young had served as executive director of the National Urban League since 1961. Under his leadership the League has expanded from 63 cities to 98, its professional staff has grown from 300 to over 1,200 and its budget has increased tenfold.

Born in Lincoln Ridge, Kentucky in 1921, Mr. Young as educated at Kentucky State College, M.I.T. and the University of Minnesota. He served with the Urban League in St. Paul, Minn. and Omaha, Nebraska; was Dean of the Atlantic University School of Social Work for seven years and has been a Visiting Scholar at Harvard University. Mr. Young had served on seven presidential commissions and on the Boards of many major institutions including the Federal Reserve Bank of N.Y., the Rockefeller Foundation, the Urban Institute and the Urban Coalition.

Harold R. Sims, a Deputy Director of the League, has been named acting executive director until a successor to the late Mr. Young is named.

"Words cannot possibly convey the sense of loss, the devasting grief, that we have, who have worked with Whitney Young feel today," said Mr. Sims.

"We wish today, not to eulogize Mr. Young. History will do that. History will place him as one of the most effective of all our leaders—black or white. Instead we rededicate ourselves to the goals for which he fought. He left an organization that has the depth and the dedication to survive even this terrible blow," concluded Mr. Sims.

As condolences pour in from Presidents and heads of states from all parts of the world, the body of Whitney Young is being returned to America in a KC–135 jet transport ordered by President Nixon. The plane is commanded by Brig. Gen. Daniel James, Jr., the highest ranking black man in the Air Force, now Deputy Assistant Secretary of Defense for public affairs.

Mr. Young, whose residence was in New Rochelle, N.Y., was married to the former Margaret Buckner. He leaves two daughters.

MR. PETERSON'S ASSIGNMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WOLFF. Mr. Speaker, like many of my colleagues on the Foreign Affairs Committee, I have been very concerned in recent months by the Nixon administration's lack of a clear and coherent foreign economic policy. I was, therefore, heartened by the decision of the President earlier this year to set up a Council on International Economic Policy, and his appointment of Peter G. Peterson as Executive Director of the Council.

Mr. Peterson's past record speaks for itself—he served ably as chairman of the board of Bell & Howell, and has done much to show that business leaders can contribute usefully to the formulation of public policy. I hope he will be successful in his latest task, which will be to coordinate the Council on International Economic Policy as it establishes guidelines for other Government offices to follow in this area. In particular, I am hopeful that there will be a reassessment of the program to control U.S. direct investment abroad—and we should not, in my judgment, impose mandatory controls on investment and lending.

The March issue of Fortune magazine contained an editorial which points cogently to the policy questions which should be examined, and I include the editorial at this point in the Record for the information of my colleagues:

Mr. Peterson's Assignment

One move President Nixon made as he began the second half of his term has had less trumpeting than it deserved. This was to set up a Council on International Economic Policy, consisting of five Cabinet Officers and five members of the White House staff, with the President himself as chairman. The executive director of the council will be Peter G. Peterson, who will also have the title of Assistant to the President for International Economic Affairs. As chairman of the board of Bell & Howell, Peterson had the reputation of being, in Nixon's words, "one of the ablest chief executive officers of this generation." He has also worked hard at proving that business leaders can make a useful contribution to the shaping of public policy—for example, as chairman of the Commission on Foundations and Private Philanthropy, which has recommended some useful changes in the taxation and regulation of those institutions.

In his new job, Peterson is taking on a mission that still needs to be spelled out. The U.S. has no foreign economic policy, in the sense of a coherent and clearly defined set of principles and goals. There is nothing fuzzy about the basic objectives of domestic economic policy—to achieve full employment and price stability—though, of course, there is plenty of dispute about the means of getting to those goals. But when it comes to economic matters in the world at large, the U.S. posture seems vague and confused. Indeed, the current, very understandable preoccupation with domestic problems has discouraged public discussion of international economic issues.

Yet the U.S. cannot remain indifferent to these issues. With the world's economic interconnections and interdependence growing ever more important, our domestic prosperity, not to mention the profits and growth prospects of most large corporations, can be profoundly affected by what happens in almost every part of the globe. We have seen vivid evidence of this in recent weeks, when an impasse in the Tehran oil negotiations threatened all the leading industrial nations with an interruption in vital fuel supplies, and the collapse of Rolls-Royce in England reverberated throughout the U.S. aerospace industry.

A sense of such interdependence is hard to find in Washington. The articulation of a consistent national policy is thwarted by a conflict of many interests—some economic, some military, and some diplomatic—each intent on its own advantage, and by the diffusion of official responsibility for establishing the U.S. position on critical questions. More than sixty federal departments and agencies are involved with decision making in the international economic area, from the Interior Department's Bureau of Commercial Fisheries to the Treasury, whose top officials double as diplomats in international monetary affairs. The result is that the U.S. speaks with many voices, often inconsistent, and the world has trouble getting the message. When a special emissary of Japan's Prime Minister Eisaku Sato came over last fall to discuss a new agreement limiting textile exports to the U.S., he had to touch base with Congressmen, the Commerce Department, the State Department, and several offices in the White House to find out what the U.S. negotiating position was. His inability to get a clear answer may help to explain why no textile agreement has yet been reached.

AN AGENDA FOR DECISIONS

No one expects Pete Peterson to supersede all those federal agencies. But the President has explicitly assigned the Council on International Economic Policy the task of laying down guidelines for other government offices to follow. The council will be in a position to study critical policy questions with a thoroughness and detachment that has been lacking up to now. The agenda might start off with these items:

The demand by various industries for protection will be heard again, and more insistently, in this session of Congress. Peterson's staff should grasp the chance to shift the focus of attention from the plight of individual industries to a sort of systems analysis of what all the proposed import quotas would mean for the economic welfare of the U.S. as a whole—very much including the welfare of consumers. And much more light needs to be thrown on the international consequences of U.S. quotas. Will other nations retaliate and thereby constrict U.S. export markets? Might there be such a shrinkage of world trade that economic activity would slow everywhere? A thorough contemplation of all the possibilities might encourage us to seek other ways to help beleaguered U.S. industries, for example, by making much greater use of federal "adjustment assistance" to retrain workers and to help companies increase their efficiency or get into new products.

Perhaps the most difficult questions in international economic policy involve relations with Japan, which persists in coupling an aggressive trade offensive with reluctance to open its own flourishing economy to foreign goods and foreign investment. The U.S. still lacks a comprehensive economic diplomacy to deal with the Japanese.

The program of controlling U.S. direct investment and limiting lending abroad, in the name of correcting the balance-of-payments deficit, has failed in its aim while subjecting business to irritation and confusion (see "Capital Is Something That Doesn't Love a Wall," FORTUNE, February). It is high time to reconsider the policy.

With no improvement in our payments deficit, dollars have been piling up in record amounts in foreign central banks. The patience of European central bankers is growing thin. Some are already proposing that no more Special Drawing Rights ("paper gold") be created until the U.S. deficit is brought under control. Another "dollar crisis" is by no means out of the question, and Washington ought to be thinking urgently about how to avert it.

The Common Market is in the midst of momentous deliberations that are likely to lead to an expansion of its membership and a closer integration of Western Europe. The U.S. should be more gracious in welcoming this movement toward a stronger, more self-reliant Europe, while at the same time exerting influence to counter any European tendency to raise barriers against outside goods and capital.

There has been a gradual relaxation of restriction on commerce with Communist countries, and American subsidiaries abroad are now permitted to trade even with Red China. But U.S. businessmen are increasingly impatient with the limitations that remain, especially since there seems to be no convincing political reason for their continuance.

These are only a few of the many questions that have lain in the limbo of policy making. When Peterson comes to recommend responses to them, we hope he will be guided by a central high principle: that it is in the best interest of the U.S. that business be encouraged to continue its multinational development and that capital and technology be permitted to move ever more freely throughout the world. In some instances, adherence to this principle will mean overriding narrow domestic politics and local interests. Pete Peterson may be stepping into one of the toughest jobs in Washington.

PARADOX OF WAR

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RIEGLE. Mr. Speaker, in today's Wall Street Journal, there is an excellent news story by Peter R. Kann pointing out some of the tragic consequences of American policy in Indochina. As the debate continues about our expanded involvement in Laos, I would like to bring this article to the attention of my colleagues because, I believe, it is a startling account of the war's toll on that country and its people. A copy of the article follows:

Paradox of War: Optimism in Vietnam, Fear in Laos Point Up Ambiguities of Battle

(By Peter R. Kann)

Saigon.—"Our army is like a racehorse. It has been fed and groomed and trained. But it cannot stay in the stable forever. We have risked the race, and we will win," South Vietnamese president Nguyen Van Thieu told a couple of his cabinet ministers last week.

"Our army is like the water buffalo. If a farmer cannot feed his buffalo, how can it work his fields? Our soldiers have been fighting for 20 years. They are tired. They cannot even afford enough rice to feed their families. How can they defend their outposts?" a Laotian general told two visitors to his Vientaine villa not long ago.

The zoological similes say something about the contrast in mood and attitude that one finds these days in the different dominoes of Indochina.

In South Vietnam there is aggressiveness and optimism. In Laos there is confusion, doubt and fear. Both countries have lived with war for two decades. But in Vietnam risks are being taken and rewards are expected: The word "victory" is entering the official vocabulary. In Laos an optimist is a man who thinks things may not get much worse.

BUYING TIME

Saigon's optimism—or overoptimism—stems from several factors: continuing pacification gains, relative political tranquility, an increasingly stabilized economy. But mainly it's due to the South Vietnam army (ARVN), incursion on the Ho Chi Minh Trail. The six-week-old campaign into the trail area of eastern Laos is far from really cutting the broad trail complex. But despite the ARVN retreats of recent days, military officials in Vietnam believe they already have seriously disrupted the North Vietnamese army supply line and thus the enemy's future plans.

The ARVN campaign, it's claimed, will buy time for the government of South Vietnam to further strengthen its army and further pacify its countryside without fear of a major enemy offensive. This is particularly important with national elections looming in South Vietnam this fall.

ARVN troops and U.S. firepower are said to have already killed more than 6,000 Communist soldiers in the trail area. But ARVN, too, has taken heavy casualties. More than 700 of its best soldiers have been killed and three times that number have been wounded. And for all of Saigon's optimism, the ARVN push into Laos never could have taken place without massive American air support, from troop-ferrying helicopters to saturation bombing raids. ARVN's temporary occupation of the Tchepone area, a key hub of the trail complex about 25 miles into Laos, was more impressive as a demonstration of U.S. air mobility and power than in terms of ARVN combat capability. Indeed, ARVN troops withdrew. At various low points in the Laos campaign, ARVN commanders have grumbled about insufficient air support, but it's worth remembering that North Vietnam's forces are completely Vietnamized and have no air support at all.

"DOING RATHER WELL THESE DAYS"

Nevertheless, ARVN units that several years ago lacked the capability and confidence to venture into enemy strongholds not far from Saigon now are occupying positions astride the logistics lifeline of the North Vietnamese army. And even if ARVN forces withdraw back into South Vietnam well before the May monsoon rains begin, they will be able to claim some limited success.

Meanwhile, the mood of optimism in Saigon is reflected in President Thieu's recent threats to invade North Vietnam. The threats are widely viewed as having been made for domestic political effect (and so such invasion could take place without heavy American support).

But it is perhaps significant that only two years ago, during the enemy's TET offensive, President Thieu had to reassure his people that he could defend Saigon "The South Vietnamese are doing rather well these days. The North Vietnamese are a bit out of breath," says a European diplomat who is far from an avid Saigon supporter.

If there is a real danger in South Vietnam these days, perhaps it is overoptimism. To Americans, Vietnamization may simply mean an honorable way out of a regrettable war. But to the South Vietnamese leadership, Vietnamization increasingly seems to mean military victory. With or without good reason, the Laos invasion has tended to bolster this attitude. "We are six feet tall now," crowed a South Vietnamese cabinet minister last week.

NO OVEROPTIMISM IN LAOS

Overoptimism is no danger in Laos, now in its 25th year of a losing war. There's nothing dramatic about the Laos conflict. For example, only 50 or so Laotian soldiers die each week—not much of a casualty count compared with the fatalities in Vietnam or Cambodia. But then Laos is a country of only about 2.5 million people. On a per capita basis, recent Laotian losses would compare with more than 4,000 American battlefield deaths a week.

It's this undramatic but inexorable death count—and the plight of some 700,000 Laotians who have been turned into war refugees—that makes Laos in many respects the most tragic theater of the Indochina war, even if it often appears to be a theater of the absurd. Two other factors compound the tragedy. One is that the Laotians have so little control over the operation of their own war. The Pathet Lao (Laotian leftists) are almost totally controlled by the North Vietnamese. And the Laotian government is almost totally dependent on America.

The second factor is that neither the North Vietnamese nor the Americans are really interested in Laos at all, except as a buffer and a pawn in the conflicts for higher stakes in South Vietnam and Cambodia.

The South Vietnamese campaign into the Ho Chi Minh Trail area fits into this pattern. To many in Laos, the incursion is simply an irrelevancy. The trail area of eastern Laos hasn't been under Laotian control for at least four years. Even a North Vietnamese diplomat in Vientiane considers the trail area "internationalized." And to most Laotians, South Vietnam is just the latest in a long list of countries that have violated Laos' paper neutrality: first and foremost North Vietnam, but also the U.S., China, Thailand and even Cambodia. Laotian neutrality has been worn so thin that the official Laotian protest against the South Vietnamese incursion was a collaborative effort by the Laotian prime minister and the U.S. ambassador to Laos.

Some Laotians, however, are also worried over repercussions of the ARVN trail strike. It's a sad paradox of the Indochina war that what's good for one domino isn't always good for another. Thus, some Laotians fear the ARVN strike may push North Vietnamese units deeper into southern Laos (to a safer distance from the South Vietnamese border) or that Hanoi may be prompted to seek a dramatic victory of some sort at the expense of Laos, which is by far the softest target in Indochina. The American-South Vietnamese foray into Cambodia last spring caused North Vietnam to expand its supply and sanctuary system in southern Laos. And last week, in a move that may relate to the ARVN trail campaign, the North Vietnamese overran the last Laotian outpost on the strategic Bolovens plateau in southeast Laos.

"WE ARE TIRED, SO TIRED"

The mood of Laos is reflected at Seno, the last relatively secure Laotian military base on Route 9, the same route North Vietnamese and South Vietnamese troops are battling over 80 miles to the east. Only 100 miles down this road lies Khe Sanh, the sprawling American logistics base for the South Vietnamese campaign, and there the sky is thick with planes and choppers. At Seno, the only thing in the air is an occasional fly.

The senior officer on duty at the largely deserted Seno base, once a French supply depot for the battle of Dienbienphu, is a polite Laotian colonel who has considerable trouble locating his own position on his briefing map. "We are here?" he says, his pointer weaving across the map like a diving rod seeking water. "And here are 10 maybe 20, battalions of South Vietnamese," he adds, indicating a coordinate about 100 miles from the nearest ARVN unit. "The South Vietnamese are killing North Vetnamese, which is good," he explains, "but then more North Vietnamese will come and the war will spread and what will we do?"

A Southern Laotian general, ideologically in sympathy with the South Vietnamese, but concerned over the fate of his Mekong Valley riceland if the North Vietnamese should push, or be pushed, further west, puts it more succinctly: "The South Vietnamese operation in Laos is good for the South Vietnamese."

If the North Vietnamese, for military or political reasons, push west toward the populous Mekong River plain, there will be little to stop them but U.S. air power and the Thai army, and that would probably mean the final cannibalization of Laos. "We are like a cow in a barnyard waiting for the tiger," says a Laotian colonel at Pak Se in southern Laos. "We are tired, so tired."

THE CIA EVACUATES

The military situation in northern Laos may be even bleaker. North Vietnamese army units have spent months preparing for an assault on Long Chieng, base for General Vang Pao's CIA-backed army of mostly Meo mountain tribesmen. The threat to Long Chieng, by elements of two North Vietnamese divisions, is so serious this year that the CIA is said to have recently evacuated much of its sophisticated communications equipment. "If Vang Pao is knocked out of Long Chieng it means the end of his Meo army, and that means the end of northern Laos," says one Western military envoy.

For years the brunt of the Laos war has fallen on this Meo tribe, and the toll has been staggering. American agents are said to have paid death benefits to the families of more than 6,700 Meo soldiers since late 1967, tremendous losses for a force that has rarely numbered more than 10,000 at any given time.

Even more chilling are the civilian losses suffered by the Meo tribe in trekking from one ridgeline to another in the face of Communist advances and American bombings. Sources say that during each such move 10% to 15% of the Meos die from disease, malnutrition or shock. There have been some 150,000 refugees, mostly Meos, in northern Laos over the past three years, which would indicate at least 15,000 civilian deaths. And even for those tribesmen who survive, there's the tragedy of being reduced to the status of helpless refugees, dependent for their subsistance on sacks of American rice dropped from the air.

Last fall there were some flickering hopes in Laos that peace talks might be arranged between the Laotian government and the Pathet Lao insurgents (who technically remain part of Laos coalition government). Peace hopes were predicated on the prospect of a tacit recognition by all warring parties that there are really two wars in Laos. One is the trail war, involving North Vietnamese troops and American bombers, which would continue until the Vietnam war someday ceased. The second is a domestic Laotian conflict, with heavy North Vietnamese and American participation, that might be amenable to political solution if both Hanoi and Washington saw self-interest in reducing their military burdens in what amounts to a sideshow war. Then the various Laotian factions could get together to try and work out some Laotian-style settlement.

Peace hopes had faded before the South Vietnamese trail strike, however, with both sides accusing each other of using the peace ploy for propaganda purposes and for tactical military advantage. Still, it may be significant that neither the North Vietnamese nor the Americans rule out a resumption of preliminary Laotian peace contacts once ARVN troops have exited from the trail area.

Meanwhile, the war rolls on, leaving its shattered human residue in scores of refugee camps like the one about 20 miles from Pak Se in southern Laos. This camp harbors some 60 families from three primitive mountain tribes that had long lived under Pathet Lao control on the slopes of the Bolovens plateau. They fled only when North Vietnamese troops arrived, imposing harsher discipline and impressing their sons as supply bearers.

So the tribesmen fled with nothing but the rags on their backs. Everything they now own—a few blankets, mosquito nets and cooking pots—was given by American aid. They sit, languidly and uncomprehendingly in this camp, the men dressed in loincloths, the women with breasts hanging below their waists. They are given some rice to eat. "But we have no tobacco and no peppers like at home," says an aged tribesman. They are bothered by the climate, which is too hot for them, and the altitude, which is too low. They may eventually be given some land to farm, but it won't be their land.

Their land is defined by the place where the bones of their ancestors are buried, and those bones still lie on the slopes of the Bolovens. The old man explains that they must go back for the bones. How? "We will go back for the bones," he replies. Even the dead do not rest in peace in Laos.

POST OFFICE DELIVERS DROPOUTS, TOO

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ROBISON of New York. Mr. Speaker, the March 11 issue of the Christian Science Monitor carries a full page story on the street academy program being operated by the U.S. Post Office Department, and I commend this article to my colleagues attention. This innovative and highly successful program is well worth the cost, and I heartily congratulate the Post Office Department for the fine job they are doing. The article follows:

POST OFFICE DELIVERS DROPOUTS, TOO

(By Susan Hunsinger)

WASHINGTON.—To keep his job in a drugstore, William used to memorize the colors and positions of the bottles on the shelves. He didn't know how to read the labels.

Though he was 19 years old, he shied away from subways for fear of getting off at the wrong stop. And he always ordered hamburgers in restaurants so he wouldn't have to ask for help with the menu.

William was a high-school dropout. But in 1968 he enrolled in a privately financed "street academy" program—a storefront school for dropouts. Nine months later he was reading novels like Richard Wright's "Native Son."

Now the Nixon administration has embraced the street academy concept, an idea first developed by the New York City Urban League. And it has rerouted the idea, of all places, through the United States Postal Service.

In six urban ghettos, postal employees serve as paraprofessional teachers, "street workers," and administrators. Former dropouts aim toward high-school-equivalency diplomas and work part time for the Post Office.

There are indications the postal academies may spread to major cities across the U.S. The program could offer a boost—or a viable alternative—to the nation's beleaguered inner-city school system.

"But why the Post Office?" people ask.

IDEAL SITUATION SEEN

"No other institution is so well situated and organized to do this job," responds Postmaster General Winton Blount.

Postal workers do business in every U.S. city; they know their communities intimately, adds Willoughby G. Walling, the program's national director. "Who else walks down every street in the nation's ghettos six days a week? What other uniformed employee is often trusted with a key to the front door?"—to ensure the safe delivery of important mail, such as the weekly welfare check.

For reasons like these, the Post Office Department set up six pilot academies last May in Atlanta; Chicago; Detroit; Newark, N.J.; San Francisco; and Washington, D.C.

And for a program that works with high-school dropouts, the first-term results are impressive:

Street-academy students—who have spent most of their lives being behind—raised their academic level by one grade in only three months, according to the Educational Testing Service.

Fifty percent of the teachers who fostered this achievement had no college education. Prior to assuming their positions, all teachers underwent a month of intensive training.

Sixty-two percent of the students became part-time wage earners with the Post Office—doing work that needed to be done. Most were previously unemployed.

More than 70 percent of the students stuck with the program—students who had helped raise the national high-school-dropout rate to 25 percent.

TOUGH KIDS ATTEND

"And we have tough, tough kids," says Mr. Walling. One-third of the students have police records along with many health and family problems.

Diplomas and jobs are the stated goals of the Postal Academy Program, which will have graduated over 1,000 students in the six cities by October. As a less tangible objective, program directors hope to prepare students for a world in which an average person, in his lifetime, will have to retrain for a job five times.

The street-academy approach is based on the premise that a dropout's chief learning difficulty is a lack of motivation and that the best way to change this pattern is through a close teacher-student relationship.

"We try any method we can to hook kids on learning," says Clarence Allen, project director for the Washington, D.C., postal academies.

Street workers, sometimes called "street sniffers," recruit dropouts "at the pool room, the corner drugstore, or wherever kids hang out," says Washington street worker Elmer Pinckney.

"We pick up the kids in the morning, check them out on their jobs, get glasses for the kids who need them, phone them at night to make sure they come to class the next day," says another street worker, Charlie Banks.

Once in the classroom, the emphasis is on informality. The inside of "Academy B" in Washington looks like an inner-city version of the old one-room schoolhouse. Gone are the impersonal corridors, the rows of lockers, the system of bells.

ACADEMY UNSTRUCTURED

"The big difference between the postal academy and the public school," says Washington academy teacher Charles Howard, "is that we're so unstructured. In public school, you have 40 kids. The person in the back row is looking at the back of the next person's head. Here we work closely with each student and have at most 15 kids per class.

"If there's a discipline problem," says the young former postal worker, "I just take the student aside, and say, 'Let's rap, man. You're messing up my whole class.' "

Teaching methods have to take into account the sophistication of dropouts who've learned to survive on the streets—yet may not know how to add and subtract.

"We try to interweave the basic skills and disciplines with topics of intrinsic interest to the kids," says Mr. Howard.

Postal-academy teachers use black-history books to teach reading, street games to teach arithmetic, rap sessions on "the dope pusher" to bring home the abstract concept of exploitation.

For his course on consumer protection, Mr. Howard gathered material from Washington-area consumer advocates and college professors. But the course also includes a trip to the supermarket for some lessons in the "practical laws of buying."

BROKEN-HOME BACKGROUND

"A lot of these kids come from broken homes," says Mr. Howard, "and one result is that they don't know the first thing about how to handle money or run a household."

The key to street-academy success, however, may have less to do with creative teaching methods than the teacher's conviction that former dropouts *can* learn. "The self-fulfilling prophecy works in a positive as well as negative direction," write Charles E. Silberman in "Crisis in the Classroom."

The author of the 3½-year Carnegie Corporation study concludes that "a major reason for success [in street academies] is the fact that project directors and teachers expect their students to succeed, and they hold themselves—not only their students—accountable if the latter should fail."

To break the syndrome of student failure, a system of rewards and reinforcements becomes important. The Postal Academy Program holds graduations every four months for the students who have progressed from the first level in the academy system to the "Academy of Transition"—the last step before the high-school-equivalency exam.

"You can't believe how much it means to these kids to finally succeed at something," says Mr. Howard. For a recent graduation ceremony in Chicago, academy students held a formal banquet, wore corsages on top of their African garb, and posed for photos with framed "certificates of achievement."

INFORMALITY POSES PROBLEMS

Informality and innovation can pose some problems for a federal-government program, however. The new postal academies—which get 10 percent of their $3.6 million funds from the Post Office Department and the rest from the Labor Department and the Office of Economic Opportunity—have critics on both the Right and the Left.

When the postal-academy training program used U.S. Army trucks to transport dashiki-clad trainees across the New Mexico desert, there was an outcry from unprepared residents of Las Cruces. American Opinion magazine, an organ of the John Birch Society, branded the expedition "a paramilitary invasion," suggested that "Communists" were taking over the Post Office, and called the whole program a "Phony Express."

Program directors also have had to screen staff carefully. Ties with revolutionary groups like the Black Panthers and pictures of militants like Eldgidge Cleaver are off limits.

Black staff, however, seem to take any restrictions in stride. "Big brother may be watching us, but we're not worried," says Mr. Banks. "We just do what we think we're supposed to do to help kids."

Perhaps a more serious problem is a lag in post office jobs. Largely as a result of postal reorganization, says Mr. Walling, "the program has so far not been able to employ as many students as it had hoped."

OTHER PROGRAMS BEING CUT

The postal academies are being advanced at a time when comparable social programs are being cut back.

The New York Urban League academies and the independent Harlem Preparatory School—both precursors of the postal academies—face drastic cutbacks in funds from private corporations. Six of the 14 original New York street academies have been forced to close.

There are various explanations for this situation. While corporations attribute the cutbacks to the recession, Urban League officials complain the companies have reneged on their commitments. Some observers suggest that the Urban League's program has been hampered by internal frictions and poor administration.

Meanwhile, the postal-academy experiment seems to have won the support of the Nixon administration largely because the program has been carefully planned.

"We've tried to refine the idea and learn from past experience," says Mr. Walling, who was himself one of the pioneers of the New York academies.

CAREFUL PLANNING ILLUSTRATED

Careful planning shows up in:

Recruitment—The Postal Academy Program has been one of the few social experiments to "overrecruit" staff members—three candidates for each of the top city administrators. Post Office directors spent several months locating indigenous, black staff who had already proved their abilities to relate to hard-core youth in the various cities.

Training—All staff members have undergone two weeks of stress-endurance training. In addition, all teachers receive a month of intensive instruction plus continuing in-service training.

Quality control—Unlike most social programs, the postal academies have been in a position to fire those employees who fail to meet standards. Since most of the employees come from the post office, "we're free to send them back if they don't work out," says Mr. Walling. "We're not playing with their bread and butter."

In one year, the program has fired 17.4 percent of its staff.

Independent evaluation—From its outset, the program established an extensive evaluation system, including a comprehensive reporting system, independent assessment by the Educational Testing Service, and a cost-benefit study.

"That's our insurance," says Mr. Walling.

When asked about costs, for example, officials can show that the program is less expensive than the public schools "per unit of achievement." And its $2,154 cost-per-student-per-year also falls far short of the Neighborhood Youth Corps' $4,600-a-year program for out-of-school youth.

Slow expansion—Perhaps most important, the program's staff does not seem bent on rapid expansion. While the Post Office is considering the possible expansion of the academies to 24 more cities, Mr. Walling issues a word of caution: "What killed so many programs in the '60's was tremendous expansion. We'd rather wait a while until we're sure we've eliminated all the kinks."

SWISSAIR

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am delighted to report that Swissair, the national airline of Switzerland, will soon begin serving Boston as the airline's fourth gateway in North America. Swissair, which will celebrate its 40th anniversary on March 26, has a well-deserved reputation for efficient and gracious service.

On May 8, Swissair will begin flying nonstop three times a week between Boston's Logan International Airport and Zurich. I think this will represent an important contribution to New England's economy and to the ties which bind the peoples of the United States, Switzerland, and Europe in general.

During the last 8 months of 1971, Swissair estimates that it will carry 9,000 persons—in both directions—between Boston and Switzerland. As its service grows, our world will grow figuratively smaller.

I would like to congratulate Swissair on its 40th anniversary next week. It was founded in 1931 through the merger of two small Swiss airlines, called Balair and Ad Astra. It then had 13 aircraft—with 86 passenger seats and a 2,800-mile network—operated in the summer season only, when the weather permitted. Today Swissair flies a worldwide network of more than 150,000 air miles and offers 4,393 passenger seats. Boston becomes the 76th city into which Swissair flies directly, while Logan Airport will now be served by 17 airlines.

Representatives of Government and of business and industry, including New England's great travel industry, attended a special "Swissair Boston Inaugural Luncheon" on January 26. We were privileged to hear an address by Mr. Hugo K. Mayr, Swissair's general manager for North America, in which he described Swissair's expectations for its new service.

I believe that Mr. Mayr's remarks should be placed in the RECORD, and I am pleased to insert the text, as follows:

ADDRESS BY HUGO K. MAYR

Good afternoon, ladies and gentlemen. I am delighted to be here in Boston, particularly under such pleasant circumstances, namely the first official celebration of the inauguration of Swissair's service into this historic city. We shall begin flying nonstop three times a week between here and Zurich, beginning May 8th.

Boston will be the fourth Swissair gateway in North America. We already fly from New York, Chicago and Montreal, but we have had our eye on your city for quite some time. Swissair has always considered New England—and, assuredly, Boston—to be extremely important. We have, for many years, sent our best men here. Recently, when we created regional offices in the United States and Canada, we made Boston our headquarters for the Eastern Region and we named our Boston District Sales Manager, George Alessandria, Area Manager, responsible for the eastern states from Maine to Florida, with the exception of Metropolitan New York.

This week, our entire North American sales force, from 36 cities in the U.S., Canada and Mexico, has convened in Boston, for the first time, to get as well acquainted as possible with our new gateway and, in many cases, meet with industry friends with whom we have worked over the years. We have certainly been enjoying your traditional New England hospitality.

We know that Boston serves two roles. Officially, it is the capital of the Commonwealth of Massachusetts. Unofficially, it is the capital of all New England. Those of us here today who are European appreciate that Boston is, so to speak, the Athens of America, the birthplace of New World democracy; those of us who are Americans also appreciate that Boston is the custodian of the Nation's heritage. With New York and Washington, D.C., Boston is included on virtually every itinerary of Europeans travelling to the U.S. for the first time. Our ever-expanding Visit USA Department in New York works closely with tourism officials in this area to better acquaint our friends on the other side of the Atlantic with the historical and contemporary excitement that is Boston. Now that we shall be privileged to serve the city directly from Switzerland, Swissair will substantially increase our promotion of the New England area and bring as many foreign visitors as possible to and through your gateway city.

In many respects, Boston is one of the most attractive cities on the East Coast for transatlantic travellers. Logan International Airport, run so efficiently by our friends of the Massachusetts Port Authority, is effectively keeping pace with the explosive growth of air travel. Our tour of the premises yesterday gave clear evidence of Massport's 250 million dollar modernization and expansion program now underway.

A flight between Boston and any European or Middle Eastern city is at least 200 miles shorter than from any other U.S. transatlantic terminus. And it has the lowest air fares.

Boston's air space is not as crowded as that over New York or Chicago even though, with the advent of Swissair service, there will be 17 airlines operating out of Logan. Taxiing time between runways and airline stations is shorter. Passage through Customs and Immigration formalities is faster.

Connecting service is excellent. Distances between the international terminal and domestic airlines are minimal. Fourteen U.S. cities are served with direct daily flights from Boston, for connecting international passangers who prefer to use uncrowded Logan.

But then, our guests here today are eminently more qualified than I to speak about Boston, so allow me to tell you a little about Swissair's home country where we hope you'll be flying in the very near future.

Switzerland is a tiny country with an area approximately the combined size of Massachusetts, Connecticut and Rhode Island. Like New England, Switzerland was a birthplace of personal liberty, and we have been making democracy work for over 700 years. We are one of the oldest republics in the world.

Having none of the natural resources which abound in the United States, Switzerland has become a highly industrialized nation, greatly dependent upon foreign trade. Naturally, one of our greatest partners in the world commerce is the United States.

Like the U.S., Switzerland has one of the highest standards of living in the world. Unlike the United States, and happily for us, Switzerland has virtually no unemployment, poverty, or slums. Switzerland is politically and economically stable, one of the financial and trade capitals of the world. The Swiss are hardworking, precise, dependable people. And there aren't so many of us that the values of friendliness, hospitality and the importance of the individual are forgotten.

Because Switzerland is a land-locked country, Swissair has played a gratifyingly large role in the development of our country's foreign trade. We are a privately-owned company but we are the national airline of Switzerland and our futures are tied irrevocably to each other.

Just as Boston, Swissair's home city of Zurich is presently involved in an extensive expansion program for Kloten Intercontinental Airport. Last year, more than 6,000,000 international travellers used the airport's facilities and with the expanded operation of the Boeing 747's into Switzerland, the figures should climb much higher in 1971. Zurich lies at the crossroads of the continent and is the ideal starting point for any European holiday. Swissair's vast air network links Switzerland with every continent except Australia.

Like Switzerland, Swissair is reliable, precise, hospitable and, despite the present crisis in our industry, even economically stable. And, like Switzerland, we're not too big—but we're just big enough. Big enough to offer our passengers and commercial clients a modern, efficient, and dependable worldwide service comparable to even the largest of carriers. But small enough to continue our well known tradition of individual attention and warm hospitality. And that's the nicest happiest medium I can think of.

On behalf of Swissair, in North America and throughout the world, I would like to say that we look forward to serving you and working with you to build a better bridge between our cities and our citizens.

I thought you might like to know what our people think of the economy. We are (again conservatively, as behooves us) optimistic. We feel that the stock-market and other signs suggest that a moderate upturn of the economy in the United States can be expected this year . . . along with lessening inflation.

While we feel that this should create a more favorable travel climate, it probably will *not* occur before next summer.

1970, as all of us know, was not a great year for airlines. Swissair, however, held its own, even in the face of predicaments and the atrocities of skyjacking.

It is clear to us that only the finest and most imaginative of airline carriers will make good this year. And Swissair will be one of them. We will continue to provide the superb service aboard our aircraft. We will continue our fine on-time arrivals and departures. We will continue to search for ways which will make people want to fly our airline.

We will continue to work, and to make every effort to improve. We think that coming to Boston is a most definite improvement.

COMMUNIST CORRESPONDENT'S SON PROPAGANDIZES HIGH SCHOOL STUDENTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ASHBROOK. Mr. Speaker, the American Hungarian Federation brought to my attention a prime example of Communist propaganda spread among our high school youth by children of accredited Communist Hungarian correspondents.

The facts of the article by Peter Köves, son of the correspondent of the Hungarian News Agency, proves again that Communist state officials—for there are no free and independent journalists or correspondents in Communist Hungary—are using their journalistic cover to slander America not only in their Communist home newspapers, but also by using their position and the position of their families in our society to spread Communist ideology and use the technique of the big lie to allay ingrained American fears of Communist totalitarianism.

It is my belief that these activities by foreign citizens who are here in official or semiofficial capacity constitutes an interference with the affairs of the United States, an interference that should not and must not be tolerated by our State Department which has the prime responsibility for licensing and admitting foreign correspondents and officials.

We all know that the Communist Party and their numerous New Left allies are now concentrating on our high schools and try to poison the adolescent minds with the notions of socialism and communism and convert them into semirevolutionary, or revolutionary dissidents by the time they reach college age. It is in this context that the lies and distortions of young Köves must be read and understood. I hope that my colleagues will gain a better understanding of the insidious character of political well poisoning that is taking place right now in American schools even by official representatives of Communist nations and I, for one, hope that our Government will take steps that at least foreign agitators shall not be allowed to participate in this conspiracy against the democratic system in the United States.

I insert into the RECORD the article published in the December 18, 1970, issue of the high school newspaper, Red and Black, by young Peter Köves:

HUNGARIAN PRAISES HOMELAND

"Freedom? Don't think that the United States has a monopoly on it!" warns junior Peter Koves, a Hungarian citizen, who has been in the United States about six months.

Peter is by no means a defector. He is here with his family because his father is a journalist for the Hungarian Telegraph Bureau. Mr. Koves expects to remain here for another four or five years.

This is not the first time Peter has traveled abroad. Although he spent the last three years in Hungary, his father had been stationed in England for five years before that where Peter learned English.

DEBATES ON CZECHOSLOVAKIA

Since Hungary is a Socialist nation, one might expect severe limitations of freedom. Not so, points out Peter.

"I belong to a youth movement called the Hungarian Communist Youth League. We could always say whatever we wanted.

"For example, when the Soviet Union stepped into Czechoslovakia my friends and I had some very vigorous debates concerning the legitimacy of the move.

FREEDOM OF PRESS

"Freedom of the press is also not as much infringed upon as is believed here. It's more or less the same in this country—the editors play up articles favorable to their views and bury in the ads articles they disagree with.

"Besides, most Hungarian journalists are communist, so they regulate themselves. Self-regulation happens here too—your newspapers don't go around printing socialist propaganda.

ADVANTAGE OF SOCIALISM

"There is practicaly no unemployment in Hungary. Our crime rate is minute in comparison with yours."

Peter points out that in practice the amounts of freedom in the two countries aren't radically different. At the same time, he emphasizes that Hungary enjoys many advantages not found in the United States.

"All your rights are nice on paper. But in Hungary we have pensions, job security, all sorts of services your government refuses to provide to the same degree.

"The conception most Americans have of a Communist country is usually far from accurate," Peter claims.

QUESTION OF RELIGION

"As a case in point, I'll take the question of religion," explains Peter. "Contrary to popular belief, the Hungarian government hasn't tried to eradicate religious institutions.

"As a matter of fact, there are a lot of religious people, and," smiles Peter, "the church even receives state support.

"Emigration is another problem on which there is much confusion. Hungarian citizens are free to leave when they want to.

"Sure, you have all your constitutional guarantees. But thousands of Americans have been persecuted by the government because of their political beliefs.

"Of course, we've had our problems too. After World War II, Rakosi ruled Hungary the same way Stalin ruled Russia. On the other hand, you had McCarthy, who wasn't a Stalin but proves you aren't free from political repression.

"As far as Hungary is concerned, the story of oppressed Eastern Europeans yearning to escape is pure propaganda. Most Hungarians are satisfied with the direction Hungary is taking."

LOVE OF COUNTRY

"As for me—well, I haven't read nearly enough to get the best picture possible of what's going on in the world.

"What I've told you here are just my personal feelings. When my views crystallize, I'll speak more definitely.

"But I'm glad I was born in a Socialist country," Peter declares. "The United States has a long way to go to catch up with Hungary."

DDT: SOME INFORMATIVE LETTERS TO THE EDITOR

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. OBEY. Mr. Speaker, one American institution with which we are all familiar is the "letter to the editor" columns in newspapers and magaiznes. Often these letters are amusing, absurd, or incredible. Often they are informative. Such is the case with a number of letters to the editor which have appeared recently in Science magazine.

The subject in question is DDT and whether or not we should insist on the discontinuation of its use. These letters are from some of the most knowledgeable men in the area of pesticide research and I think my colleagues will find them informative. They appear below:

DDT BAN: A JUDGMENT OF EMOTION AND MYSTIQUE

Instant experts sometimes make me sick, even if they are ecologists or other types of biological scientists! The immediate cause of my nausea is the statement by Eric Johnson (Letters, 2 Oct.): "The continued use of chemicals such as DDT is the greatest act of ecological irresponsibility, *especially in light of the fact that safer substitutes are available*" (italics added). Who says? If the italicized statement is true, it surely is the world's best kept secret! Also, if some of our vocal scientists would remove their ecological blinders and really investigate the subject, they would find that the "safer" substitutes, which they so freely recommend, generally are ones that create the greatest ecological imbalance and havoc among biota, including man. All informed persons, ecologists or not, freely suscribe to the plea that, "where nonpersistent substitutes for DDT are available, they [should] be used," provided the substitutes are *practical* and, in fact, really safer to use than DDT. Even if one accepts the emotional oratory about the apparent decline of certain species of birds and fish (who derive their main nutritional needs from DDT-accumulating food chains) and about the presence of DDT residues in mothers' milk, the fact remains that there is not any evidence, emotional or not, of harm to man and his useful animals from the legitimate use of DDT and other persistent chlorinated insecticides despite widespread, high-volume use for over 20 years. Problems, yes, but harm, no. Again I ask: why not make a studied, informed effort to find ways and means for the utilization of well-proven tools, such as DDT, for pest control rather than urge abandonment of them on the basis of emotional appeals or "holy-cow" ecological reasoning or irresponsible, misleading statements? Why not assemble all of the facts and carefully digest them, before suggesting action in regard to the continued use of DDT?

LOUIS LYKKEN.

BUREAU OF CONSERVATION AND ENVIRONMENTAL SCIENCE, RUTGERS UNIVERSITY,
New Brunswick, N.J.

E. V. Johnson's letter reiterates several shibboleths concerning DDT in the environment. . . . One such contention lies in the apparent paradoxical property of DDT to enhance its toxicity inversely to dose exposure. Johnson therefore advocates the use of equivalent, "nonpersistent" substitutes, but proposes none. The World Health Organization has critically examined over 1000 such possible substitute pesticides to replace DDT in the worldwide antimalaria program, and has found none that can meet the essential requirements of availability, efficacy, safety, stability, and cost.

The use of DDT in the malaria-control program in Ceylon was abandoned in the mid-1960's after some 15 years of virtual freedom from this major killer, in an area where malaria and its vector, the anopheline mosquito, had been endemic for millennia. By 1968 there were over 1 million cases of human malaria in a population of 10 million people, and no part of the island of Ceylon was free of the disease or its vector. The Singhalese government sent out an emergency call for 10 million pounds of DDT in 1969 to recover control.

Lettuce, lima bean, sweet corn, and a number of other crops have had to be abandoned in eastern vegetable production areas because of the inefficacy of the DDT substitutes to control major insect pests (such as *Heliothus zea*). Return to the discriminate use of DDT in these areas was recommended this year.

In Sweden, where DDT was first banned, its use was restored for control of certain forest insects, which could not be effectively controlled with the recommended substitutes, and which, if left uncontrolled, would have seriously injured the economy of that country's largest industry.

In the eastern states the gypsy moth is extending its epizootic relentlessly even in the face of the widescale use of the so-called DDT substitutes. Over 100,000 acres of hardwoods were ravaged in northern New Jersey alone in 1970—up twofold from 1969 and up fourfold from 1968. Much of the repeatedly infested area is now permanently destroyed, including some 1 million oak trees. Apparently the substitutes are ineffectual against the gypsy moth, although their impact on other wild life is more substantial.

The domestic and wild bee colonies in areas sprayed with substitutes, for example, have been curtailed approximately 25 percent. This will be reflected in reduced pollination of both domestic and wild plants. In addition, the long-term pharmacology of the substitutes is considerably less known than is that of DDT.

It is interesting to speculate how far this absurd campaign will go to replace effective, safe, and proven pesticides with ineffective, hazardous, and relatively unknown compounds. Major insect-vectored human diseases are spreading; we are losing essential food and feed crops accompanied by an escalated cost of living; vast areas of wildlands, forests, public parklands, and private estates are being devastated, with concomitant injury to wildlife; and there is a proliferation of vast hordes of flies, fleas, mosquitoes, cockroaches, termites, and myriad other annoying household and home garden insects. Will the afflicted public finally be aroused to return the administration of pesticides to those trained and experienced scientists, operators, and administrative officers who are obviously best qualified to exercise such jurisdiction?

ROBERT WHITE-STEVENS.

DDT PROPONENTS CHALLENGED

The counterattack by pesticide manufacturers and their associates in defense of DDT charges environmentalists with being "emotional" and "hysterical" in their efforts to curtail the use of DDT (Letters, 27 Nov.). Lykken, formerly with Shell Chemical Company, speaks of "the emotional oratory about the apparent decline of certain species of birds. . . ." Nevertheless, the literature reveals abundant documentation by competent scientists on the inhibition of avian reproduction by DDT, the mechanisms involved, and their deleterious impact on populations of carnivorous birds.[1]. Unsupported charges that this work is "emotional oratory" are themselves indications of irrationality, yet they continue to appear in the popular media and as letters to editors of journals. If Lykken or his colleagues have any evidence from scientific studies showing that DDT has *not* caused the declines of these birds, they have certainly kept it a closely guarded secret. Until they publish such evidence in the scientific literature, most scientists will continue to believe the numerous referred research studies they have already seen, rather than unsupported rhetoric.

White-Stevens, formerly with American Cyanimid, threatens that without DDT and the like there will be disease, losses of food crops, and devastation of forests from "vast hordes of flies, fleas, mosquitoes, cockroaches, termites, and myriad other annoying household and home garden insects." Again, this and many similar sweeping statements by a few highly vocal DDT proponents are entirely unsupported. How did we survive before 1945? The insignificance of DDT in food production is demonstrated by its use on less than 1 percent of the food crop acreage in the United States,[2] and its nearly complete elimination from use in California, our richest and most prolific food producing state. Voluminous documentation indicates that crop yields are maintained and often increased, not decreased, by integrated control programs that use less insecticide and no DDT.[3] It is a matter of record that *no* insect pest problem has been eliminated by insecticides, and, in fact, that many have been *caused* by these chemicals—by the target pest resurgences, secondary pest outbreaks, and pest resistance that follow the dissemination of broad spectrum poisons.[3]

It is curious that DDT proponents have not availed themselves of the normal channels for publication of scientific information, while evidence against DDT continues to be published in the scientific literature almost weekly. Nevertheless, the number of pro-DDT letters suggests that there must be *something* to support them. Since the Environmental Defense Fund and other organizations have undertaken litigation against DDT in several federal courts, DDT proponents will have ample opportunity to have their evidence heard in an impartial forum where its validity can be tested by cross-examination. It is unfortunate that the DDT proponents who speak so frequently in the media have so far avoided any role in this litigation, thus maintaining secrecy around the evidence for their position.

CHARLES F. WURSTER,
JERRY L. MOSSER,
Marine Sciences Research Center State University of New York, Stony Brook.
EDWIN H. BATTLEY,
ALBERT D. CARLSON,
JOHN M. EMLEN,
ROBERT E. SMOLKER.
Division of Biological Sciences, State University of New York.

FOOTNOTES

[1] D. B. Peakall, *Science* 168, 592 (1970); *Sci. Amer.* 222, 72 (1970); S. N. Wiemeyer and R. N. Porter, *Nature* 227, 737(1970); R. G. Heath, J. W. Spann, J. F. Kreitzer, *ibid.* 224, 47 (1969); R. D. Porter and S. N. Wiemeyer. *Science* 165, 199 (1969); J. J. Hickey and D. W. Anderson, *ibid.* 162, 271 (1968).

[2] *U.S. Dep. Agr. Econ. Rep.* 158 (1969).

[3] R. F. Smith and R. van den Bosch, in *Pest Control,* W. W. Kilgore and R. L. Doutt, Eds. (Academic Press, New York, 1967); R. van den Bosch *et al.,* in *Biological Control,* C. B. Huffaker, Ed. (Plenum Press, New York, in press); R. van den Bosch, *Environment* 12, 21 (1970).

INSECTICIDE EVALUATION PROJECT,
USDA, FOREST SERVICE,
Berkeley, California.

Lykken states: "Even if one accepts the emotional oratory about the apparent decline of certain species of birds and fish . . . and about the presence of DDT residues in mothers' milk, the fact remains that there is not any evidence, emotional or not, of harm to *man and his useful animals* [italics added] from the legitimate use of DDT and other persistent chlorinated insecticides despite widespread, high-volume use for over 20 years."

Population declines of the brown pelican and the peregrine falcon are well documented. Hatching failure due to thin eggshells associated with DDT residues in the parent birds is also well documented. It is irresponsible to imply that these findings are simply emotional allegation. The italicized statement reveals an arrogance that I do not share. Can anyone decide which animals are useful and which are not?

It is true that DDT substitutes that are cheap and readily available are hard to find. This does not mean that nonpersistent, safe, more selective materials are not known. We have several pesticides that are much more toxic to insects and yet are nonpersistent and safe to use. None is as cheap as DDT and most are not readily available, but this is our fault for waiting so long to work on the problem.

DDT is no longer used by the U.S. Forest Service to combat defoliating insects and there is no need or effort to reinstate it that I am aware of. We have more effective and safer substitutes. One of these is Zectran. The safety of this compound to birds, mammals, and fish has been intensively studied. It is much more toxic than DDT to every insect species we have tested; the amount needed for control of the spruce budworm, for example, is only 0.15 pound (68 grams) per acre compared to 1 pound of DDT. Other materials that we are working with are even more toxic to destructive insects though not hazardous to nontarget animals, but they are not yet registered or available.

If Sweden has had to resort to DDT to control destructive forest insects, I suspect they are not actively working on substitute materials.

DONAD C. SCHMIEGE.

CUPERTINO, CALIF.

Predator insects in a normal biotic situation, or in one unaltered to any great extent by man, are animals *useful* to man and these are known to have been destroyed by DDT and other persistent chlorinated pesticide. . . .

Some animals regarded as useful to man have, in certain areas, lost their usefulness. One example is the coho salmon of Lake Michigan: in a short period during the spring of 1969 the FDA seized 35,000 pounds of these fish because they were found to contain levels of DDT dangerous to man (*Science,* 23 May 1969, p. 936). A similar situation occurred about a year ago with mackerel caught off California. What is most shocking is that because of the persistence and relative insolubility of DDT it will continue to build up in the oceans for the next decade or so even if its use were stopped today.

RICHARD K. HOSE.

THE RISING PROFITS OF PUBLIC SERVICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HAMILTON. Mr. Speaker, knowing the heavy reading burden my colleagues bear, I hesitate to say that any article "must" be read. If "The Rising Profits of Public Service," by Taylor Branch, managing editor of the Washington Monthly does not qualify as "must reading," it comes mighty close.

The article reads as follows:

THE RISING PROFITS OF PUBLIC SERVICE

(By Taylor Branch)

There have been 10 federal salary increases since the fall of 1962, and they have been the prime ingredients in doubling the U.S. payroll from about $25 billion to more than $50 billion in nine years. Since mid-1969 alone, the basic annual cost of the 4.3 million white-collar employees and servicemen has risen by about $6.2 billion. Over the same period of time, the annual welfare costs of the United States have increased only $1.7 billion—a comparatively trifling figure, but one which has the nation almost howling with pain and which President Nixon has called "a monstrous consuming outrage" for the taxpayer and the poor. Most of the welfare increase has resulted from the addition of three million souls to the rolls, while the basic white-collar/military salary group—which excludes federal blue-collar workers and mailmen—has actually declined. And there is a further distinction between the costs of welfare and federal salaries: this $6.2 billion in federal pay raises has generated an increase of about $15 billion in the unfunded liability of the military and civil service retirement systems, a debt to the retired public servants of the future about which the public itself and much of the Congress is largely ignorant.

Your interest may be drawn to these matters by more than your coarse material instincts as a taxpayer or a government employee. You may, for example, be interested in national priorities or inflation. Inflation may indeed flow from the basic salary process, which now produces almost automatic annual increases for one worker out of every 19 in the United States. Or you may be interested in fairness—in the fact that a grade 5 secretary's salary has risen only $2,800 since 1962, while a grade 13 (the captains or majors of the civil service) salary has increased about $8,100, and the grade 18 (the highest in the civil service) salary has doubled from $18,000 to $36,000.

On January 8, 1971, when he signed the Federal Pay Comparability Act of 1970, President Nixon assumed almost exclusive control over salary policy. Two of his employees, the Director of the Office of Management and Budget (OMB) and the Chairman of the Civil Service Commission, take the figures from a survey of salaries in private industry and make obscure but controversial adjustments to produce a new pay schedule which will keep federal pay comparable with private enterprise. Their recommendation becomes effective automatically each year without congressional involvement, except in the unlikely event that the President should disagree with them and propose an alternative. This centralization of control, along with the prospect of perpetual pay increases, is the culmination of continuing changes in the pay structure which began with the Salary Reform Act of 1962.

PAY GOES TO THE MOON

When the Kennedy Administration came to power in 1961, it was pledged to get the country moving again. Government was no longer to play the docile referee role of the Eisenhower years, but Washington would have to be a prime mover and problem solver. Business seemed to have lost the juices required for independent growth, and the problems of the nation were so intertwined that central direction seemed mandatory. To restructure government for a new, permanent role of activism, the image of the government worker needed a transformation—a pay hike for the idealists among the new frontiersmen was required to grant them the sense of self-respect that makes sacrifice worthwhile.

The dilemma of the Kennedy Administration rose from the President's 1962 Economic Report which set "guideposts for noninflationary wage and price behavior"—built upon the assumption that inflation would occur if a worker received a pay raise greater than his increase in productivity. Having said that, the Administration ran into the embarrassing fact that there is no way to measure productivity in government, leading to the economist's assumption that productivity increases in the public sector are always zero. Government workers produce decisions, rules, programs, and an occasional inspiration, but nothing whose market value can be systematically measured. And if their productivity increase is zero, then the President's own guideposts would condemn their wage increases as inflationary.

The task of the Administration was not so much to convince people that federal employees were poorly paid. The problem was to get rid of the idea that all government pay increases are inherently inflationary. Comparability was the key idea. The Administration proposed that the U.S. government *assume* that government productivity rises as rapidly as productivity in the private sector, and therefore that government pay increases equal to the growth in national productivity would not be inflationary. From there it was a relatively short jump to the position that government salaries should be equal to employee counterparts in private business: if the productivity is the same, then the pay should be the same.

Administration witnesses went before congressional committees to argue for the President's bill establishing comparability as the official government pay policy. John Macy Chairman of the Civil Service Commission, hammered home the idea that legislators would no longer have to eyeball each jobholder and summon the courage to declare how much they thought that jobholder was worth to the taxpayer. With comparability, there would be a standard, numbers, something for the harried politician to lean on.

There was another reason to "take politics out of government pay"—namely that the political bargaining over government salaries had always given an advantage to the lower ranks of public employees. The clerks and postal workers and the secretaries had more political clout than the administrators at pay time simply because there were many more votes among them and they were better organized. So they had succeeded in getting a lot of flat dollar increases through Congress—like $330 across-the-board in 1948 and $140 in 1949—rather than proportionally higher increases for the managerial ranks. It was almost like socialism, everybody getting the same. But the Administration's bill would redress such "wage compression" with comparability because the Bureau of Labor Statistics survey showed that managers in business were far better paid than policy operatives and bureaucratic professionals in the government. Elmer Staats, then Deputy Budget Director, estimated that the bulk of the cost in reaching comparability would result from upgrading the middle-level managers in grades 11 through 15 (whose 1962 salaries ranged from an average of $8,340 in grade 11 to $14,275 in grade 15, while current figures are $13,878 and $26,675 respectively).

Despite all the attractiveness of the comparability idea and the wisdom of stimulating a slack 1962 economy, the President's pay bill needed an additional boost to get past a Congress which was still clamoring for a balanced budget and remembering the good old days when you could joke about paying the bureaucrats in used erasers. The Administration added a new argument: that a salary increase would not cost money, it would actually save many dollars by attracting the kind of top-flight managers who could chop fat out of administration and get the job done cheaper. To this difficult calculation was added a message with zip and truth and a little sexiness to it: that the crusades, purposes, and problems of the nation would henceforth focus on the government. Thus it was proclaimed that the Administration needed to attract the cream of the crop to public service, as all eyes turned toward the Administration's efforts to catch up in the missile race, establish the Peace Corps, halt nuclear testing in the atmosphere, and beat the Russians to the moon. Testifying for his boss, then Secretary of Labor Arthur Goldberg, Daniel P. Moynihan instructed the House as to its duty:

"I would like respectfully to suggest that it is our conviction that if you are interested in reducing the labor cost of the Federal Government for the services it performs to the public, it is essential to pay adequate salaries to get the quality of personnel that will do that for you. If you want to reach the moon in this decade, as the President has said, we will have to get the men to do that."

The pay increase may not have saved much money, but the moon argument helped, as it was in the spirit of the times. The Salary Reform Act of 1962 passed in October and went into effect just before the Cuban missile crisis.

FUNDING THE CRISIS MANAGERS

Although the new law magnified the importance of the comparability surveys and made the increases that followed from them seem far more legitimate, pay raises still required boosts in the 1960s. Administration spokesmen emphasized that top-level increases were essential—with help from people like James Reston, who discussed the problem in *The New York Times* on March 15, 1964:

"Part of the difficulty is that Congress has refused to raise the pay of one group of public servants unless it can raise them all. It draws no distinction between a secretary who wrestles with letters and an Under Secretary who wrestles with De Gaulle. . . .

"So long as Congress refuses to distinguish between a postman and a scientist and between the shortage of brains and the surplus of bodies in Washington, the problem is insoluble, but there is a way to reconcile sanity with solvency."

And as Congress became better acquainted with the political wisdom of increasing the salaries of employee union members each election year, the upgrading of federal pay continued—until President Nixon achieved full comparability by ordering a 9.1 per cent increase effective July 1, 1969.

Then the 1970 postal strike generated a six per cent increase for all federal employees, and most Washington observers detected the end of an era. There had been nine pay increases since the 1962 comparability legislation, which erased much of the civil servant's economic deprivation. In his *Washington Post* column for government employees, Mike Causey wrote that "the financially sacrificing federal executive, long considered a dedicated but underpaid soul, isn't doing so badly these days." He predicted that pay increases would be much harder to come by in the 1970s because of rapidly diminishing public sentiment for the plight of civil servants, and because the powerful mailmen had departed from the employee consortium into their own salary system under the postal reorganization plan.

It thus came as something of a surprise when Senator Gale McGee, Chairman of the Senate Post Office and Civil Service Committee, brought a new pay bill to the floor of the Senate on December 30, 1970, in one of those evening sessions as the 91st Congress struggled to end itself.

Senator McGee's bill, which passed the Senate that night and was guided through the House by Congressman Morris Udall on New Year's Eve, boiled down to a transferral of power over pay matters to the President. Congress would have no authority at all unless the President managed to disagree with his "agent" (a team composed of the Director of the Office of Management and Budget (OMB) and the Chairman of the Civil Service Commission, both appointed by the President) and to recommend an alternative to comparability. Even then, Congress would have only two options: accept the President's alternative, or reject it. But in the latter case the OMB-Civil Service Commission pay schedule would automatically take effect. So Congress, when involved at all, could only choose between two plans, both of which emanated from the White House.

A week later, the President signed the McGee-Udall bill and ordered the first pay increase under his new authority, the six per cent comparability adjustment that began with the numbers collected by the Bureau of Labor Statistics. He will order a similar raise on January 1, 1972, and thereafter the changes will go into effect each October 1. The first October adjustment, in 1972, is expected to have some relevance to the election that year.

It is clear that the new law will result in substantial new pay increases for federal employees each year, although they will probably not be as large as the 20 per cent raise in salaries which President Nixon has ordered since July, 1969, in the eighth, ninth, and tenth increases based on the 1962 Salary Reform Act. What you think of comparability probably depends on whether you work for the government or think it possible you may work for the government some day. Or you may just think that comparability sounds like an equitable way to proceed, which it does. In any case, opinions on the subject may be affected by some information about what comparability means, which also provides insight into how much leeway the President and his agent have to play with the numbers and maximize their options.

THE PYRAMID OF DISTINCTION

The key to comparability is, of course, the Bureau of Labor Statistics survey, and the key to the survey is what goes into it. This is determined by a committee of officials at the Office of Management and Budget and the Civil Service Commission, which has reduced the scope of the survey to about 1.7 million white-collar employees—out of the nearly 23 million who work outside the federal government. This is accomplished by various restrictions, such as the exclusion of small businesses, but the real controversy centers upon the process of job-matching—in which the committee links various government jobs with their 1.7 million counterparts. The unions charge that the committee stuffs lower-than-average-paying positions into the survey selections at the bottom grade levels, where union membership is concentrated.

Although there is less controversy, the figures at the high levels are also suspect. Take grade 15 (salary range $24,251–$31,523), for example, where pay is determined by comparing three jobs—grade 15 attorneys, chemists, and engineers—with the 5,000 or so private industry counterparts in the survey. The BLS obtains a figure for each of the three jobs, calculates a numerical average, and out comes the salary level for all grade 15 employees in the government—only about one fourth of whom are attorneys, chemists, and engineers.

Some details shake faith in the grade 15 numbers—such as the fact that the survey excludes lawyers practicing on their own and includes only salaried attorneys, who populate large corporations. The chemists and engineers are problems because about 50 to 60 per cent of them work under contract to the government, according to an unpublished study for the Council of Economic Advisers. This causes acute worry when one realizes that contract salaries for the government are notoriously "flexible," meaning high.

Of course, these are only the adjustments of what goes *into* the BLS survey. When the numbers come out, there is room for further flexibility. They then go to the OMB–CSC committee for revision according to the second requirement of the comparability law—that "pay distinctions be maintained in keeping with work and performance distinctions." This process, called constructing a payline, is full of delicacies which are usually appreciated only by those who make or lose money by them.

The committee's calculations—involving the relative amounts of distinction contained in an enormous variety of jobs, education levels, performances, and the like—are designed to be understood only by the professional in personnel management.

This is the heart of comparability. A personnel manager is not terribly concerned about output, efficiency, or specific job function—he sees the world in terms of *levels,* as an orderly pattern of grids and niches leading up to the top in accordance with increasing distinction. Each level is defined primarily by the population in the levels immediately above and below. In actual personnel management, there is a second, though far less important, rule: jobs at the bottom levels are characterized by constant repetition, concrete tasks, and simplicity (therefore boredom), while those at the upper levels become increasingly sporadic in production, vague, and complex.

There are a couple of special properties to the personnel approach. First, there must be enough employees in any establishment to figure out everybody's relative level—so that all the people in the middle have others above and below them, to whom they are related by the chain of command. "When you have a job with only one person or so, say an engineer in a small company, it's more difficult," says Alan Paisner, one of about 100 BLS data collectors who start comparability rolling every year. "It's tough to classify his level because there's no pattern of who reports to him. But firms like that have less impact statistically than the big aerospace firms." So there must be a sizable organization, which is why most survey data is collected from industry's personnel and salary administrators.

Another special property is that the comparability system cannot handle people who perform more than one function. You must be specialized so that you can be classified so that you can be assigned a level. People who do a little of everything—sweep the floor, pay the bills, make decisions, write *and* type letters—mess things up because they operate on more than one level. They are discarded by the survey.

One special benefit of the level-making system is the increasing vagueness of the job descriptions at the higher levels. Since government grade levels are determined by a description of the job on paper, a skillful person can write a description of his duties in such distinctive, sweeping language that he will be promoted solely for that ingenuity, which of course ought to be worth something. Moreover, he can do this without lying and without any danger of being found out—because both his description and his actual job are so thoroughly nestled in the realm of vagueness that no one can possibly detect a discrepancy between the two.

CONGRESS AS LOAN SHARK

The handful of economists who know anything about federal salary systems generally feel that the current government salaries are higher than true comparability would warrant, at every grade. They criticize the process for not taking civil service job protection into account. "A window cleaner on the ground will not get the same pay as a window cleaner on a skyscraper even though they are doing the same thing," observed one economist, scientifically. "The way comparability is now administered, by ignoring the added security produced by tenure in the government you are paying them both the same."

The strongest economic objection to government salary calculations is that they ignore the benefits of the military and civil service retirement plans. Over half of private businesses have no retirement plans for their employees, who must get by on Social Security. Since Social Security is a far less generous plan, this factor alone gives the government an advantage. But there is a far greater difference. Government retirement benefits are based on the highest salaries of an employee's career (final salary in the military, an average of the highest three in the civil service), while contributions to the system—one half paid by the government—are designed to provide only for retirement on the current salary base. Every government pay increase, therefore, involves a retirement "gift" to the employees, who will live out their old age on a higher pension than they were contributing to before the increase.

Everyone is for comfortable pensions, of course, but the other side of the employee "gift" is a hidden public debt of enormous proportions. The civil service retirement fund now has about $65 billion less invested than it needs to be able to pay the obligations which the public owes to the retired employees of the future. Each year, that liability grows by the amount of the interest the $65 billion would have earned if the fund were balanced. The deficit was $43 billion in 1966. In addition to the loss of interest each year, the liability grows by $2.55 for each dollar of a pay increase. The most recent increase thus added about $2.55 billion to the deficit in the civil service fund. The military system is even worse off, with an unfunded liability about twice the $65 billion figure.

Without a new financing procedure, "the retirement fund would have been bankrupt by 1980," calculates Andrew Ruddock, chief of the Civil Service Commission's Retirement Division. So Congress finally passed a law authorizing the Secretary of the Treasury to transfer, "from the general revenues of the United States," whatever funds are necessary to pay the interest on the unfunded liability and thereby keep the deficit from growing. Treasury will make its first such payment this next summer—estimated at $236 million, or 10 per cent of the required interest—and will work up to a full stabilizing payment by 1980. All these funds are separate from the budget, requiring no appropriations.

Congress also made a rather shaky provision for the liability flowing from the annual comparability adjustment. Now the law says that each pay increase bill shall "deem to authorize" annual appropriations to pay for the increased retirement liability over the following 30 years. The 1971 payment, the first one under the new law, is estimated to be $157 million. It will stay constant for 30 years. Next year's increase will require its own payment, and so on—so that there could be as many as 30 payments made in a single year.

Even if you think that government retirement should be a lot better than the average private plan, you have trouble supporting the way it has been handled. Essentially, officeholders have found it profitable to vote for pay increases which obligate the country to pay off the "gift" portion of millions of pensions about 30 years from now. The employees and their unions know the value of the pension, and how it grows with salary levels. So the irresponsible and/or ignorant Congressman can dispense a gift to government workers, pick up the political benefits now, and pass the cost on to some future Congress. The huge liability which has been thus fashioned since World War II is not yet like the national debt. It is a debt to people in the future, who will expect their monthly checks.

All these things make no sense to economists. But they can be silenced by attributing a national security benefit to the system somewhere, and they have dismally meager influence on pay matters anyway. Besides, economists only analyze whether or not a system provides *true* comparability. They are not much help in deciding what to think of the idea in the first place.

REFLECTIONS OF PROFIT

Now that comparability has been achieved and promises to be maintained with yearly raises, perhaps time should be taken to ponder exactly what the cardinal principle of government pay means. It means that the United States accepts the salaries paid to workers by private businesses as a fair wage—and that the government will pay its employees no less, and no more. Comparability means that the nation, as well as the acquiescent employees, endorses the distribution of wealth between management and labor in private industry and pledges to reflect it.

From this angle, the 10-year stream of union testimony in favor of comparability as an equitable standard of compensation seems more than a little strange. Why would a son of labor join hands with high-ranking personnel types—who were themselves spouting Restonisms about the insufficient distinctiveness afforded executive pay—and troop up to Congress sounding as if business had found the key to fair labor policy within the government? John Griner, the American Federation of Government Employees president, finds the question easy: "We have come a long way, and that last bill was a step toward the eventual collective bargaining of federal wages." Spokesmen in Congressman Udall's office agree. It was tactical, a step. And you can bet that the employee unions will move to squeeze every drop of pay for the tedium of those jobs at the lower levels, where no other joy but money abides. That would mean bargaining, but of course the whole economy seems to be bargained. That, in turn, would mean votes and power, and it might lead to another "wage compression" like the one that had the senior bureaucrats lathered up about 10 years ago.

The union strategy makes sense, at least. But the professional has a problem. Comparability robs public service of that sacrificial overtone, since it decrees that the public servant shall make as much, on average, as he would in an organization devoted only to cold profits. The professional has always felt a slight glow of moral superiority over the more avaricious hustlers out in the jungle. Now the federal employee achieves comparability and becomes a profit-monger like everyone on the outside. No more, no less, just average. So comparability turns the slight moral edge sour.

Things are actually worse than this. Consider the young man who came to Washington in 1966 to make a difference in the vital issues of poverty, hunger, and sickness—feeling scorn toward the profit-seeking world for having tolerated these things. He worked hard and did well, managing to move up from a grade 7 to a grade 13 job, where bright young people have a lot more to say about programs. What if you were that young person and you realized that your programs were not going to really help any poor, hungry, or sick people that much? What if you also realized that your salary had more than doubled in four years, that you were now making $17,761 a year, plus full fringe benefits, and the world's most amazing retirement program? What if you knew that you would receive an annual comparability increase, even though you were merely continuing to become faithfully tired every day? What if you suddenly realized that your pay increase was not only taking funds which might otherwise be given to poor people but that it was helping to create an inflation that sizzled those same poor people most mercilessly of all—and that if the poor child in your program did make it, he would have to figure out some way to pay your pension?

These thoughts would be unsettling. You might even conclude, with Pogo, that "we have met the enemy and they are us." You might decide that the personnel people are right, as usual, that there are no real distinctions between government and industry or between different jobs. Only between levels. Whether you are grinding out profits or carrying the torch for the poor is of little consequence. What counts is your level, which determines your distinction and your pay.

If you saw these things early enough—when you could afford to consider them personally—you would think about them. You might try to change some of the little things or even take on some of the big ones. If all else failed, you might have to desert your level—which means leaving any organization large enough to have levels—and step out where people are not suitable for the Bureau of Labor Statistics survey.

CHICAGO ITALICS CLUB HONORS DR. MARY ELLEN (MANCINA) BATINICH AND HON. VICTOR A. ARRIGO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. ANNUNZIO. Mr. Speaker, on Saturday, March 13, 1971, at the Chateau Royale in Chicago, the Italics Club honored two distinguished Chicagoans—Dr. Mary Ellen (Mancina) Batinich and State Representative Victor A. Arrigo.

Over 500 people were in attendance at the Italics Club annual award dinner to extend recognition to the outstanding accomplishments of Dr. Batinich, who is presently serving as principal of the Schmid Elementary School in Chicago, and Representative Arrigo, who is the Illinois State representative for the 20th District.

I want to extend my warmest congratulations to Dr. Batinich and to Representative Arrigo for meriting respectively the Italics Club's 1971 Woman of the Year Award and the 1971 Man of the Year Award, and at this point in the Record include their brief biographies. The biographies follow:

Dr. Mary Ellen (Mancina) Batinich

Mary Ellen Batinich was born in Eveleth, Minnesota, the daughter of Mr. and Mrs. James Mancina, Sr., both of Italian ancestry. She is the principal of the Schmid School in Chicago and has been a master teacher, reading coordinator and college instructor.

She received her B.M.E. degree from Northwestern University's School of Music and her M.A. degree from its School of Education; this university also conferred the Doctor of Philosophy degree upon her.

Since becoming a teacher in 1950, she has been active in educational, professional, cultural and civic affairs. She has been the guest speaker at numerous meetings in the fields of reading; the gifted, slow learning and bilingual Child; and the mass media. She has participated as a panelist at five annual Northwestern University Reading Conferences and as a speaker at five International Reading Association Conventions. As an appointed Illinois delegate, she attended the White House Conference on Children in Washington, D.C., in December, 1970.

Mary Ellen Batinich is the President of the Illinois State Reading Council and was chairman of its 1970 state conference held in Chicago. She was President of the Chicago Area Reading Association in 1968–69 and has been a member of its Board of Directors since 1966. She was President of the Gregorian Educator Association from 1965–1967, was one of its early organizers, and has been a member of its Board of Directors from 1964-1970.

Her publications include the following: "Invest in the Future: A College Education, 1969"; "Minnesota: Souvenir Coloring Book, 1965"; "Language Experience Activities," (Reading Teacher, 1970); "A 1967 Study of Televiewing" (with Paul A. Witty—Reading and Realism, International Reading Convention Proceedings, 1967); and "How the School Provides for the Abused Child," (Educational Forum, 1965 and Chicago Principal Club Reporter, 1964). In 1967–1968, she created a series of edu-car-toons, "Living Image," for Fra Noi, an Italo-American newspaper circulated in Chicago and suburbs. She has also written and illustrated the lives of six winners of the Gregorian "Man of the Year" Award.

A highlight of her musical career has been her appearance in a two-piano number (at the College of St. Scholastica, Duluth, Minnesota) of Mozart's "Lodron Concerto" with Jozef Wagner, winner of the Bluethner Grand Piano Prize in Dresden, and the International Chopin Prize in Warsaw. She was presented in solo recital at the age of 15, has written many songs and lyrics, and continues to perform as a piano accompanist.

Mary Ellen (Mancina) Batinich is a member of the Board of Directors of the Women's Division of the Joint Civic Committee of Italian Americans and was the chairman of its organizing committee in 1966; she was the sponsor of its first scholarship program in 1968. She organized the first Italian Folk Costume Committee for the Columbus Day Parade in 1965 and continued as this committee's annual chairman through 1970. She is also the Director of Library-Museum of the Italian Center in Stone Park.

She has been an Instructor at Northwestern University, Chicago Teachers College and Chicago State College. She is listed in "Who's Who in American Women"; "Who's Who in the Midwest"; "Illinois Lives"; and "Biography of International Information" (London).

Awards and Honors Received by Mary Ellen (Mancina) Batinich:

Leadership Award (1965)—Joint Civic Committee of Italian Americans, for "service rendered in relation to Authentic Italian Costume Contest for the Columbus Day Parade."

Gregorian Membership Drive Award (1966 and 1967)—Gregorian Educator Association, for "outstanding services in enrolling new members."

Special Citation in Reading (1967)—Chicago Area Reading Association, for "dedicated service rendered to the Chicago Area Reading Association during the years 1965–1967."

Gregorian Service Award (1967)—Gregorian Educators Association, for "outstanding efforts in behalf of the society."

Eighth Note Award (1968)—Mu Phi Epsilon Professional Music Society, for "outstanding service as Newsletter editor and her role in music therapy as a pianist from 1963–1968."

Victor A. Arrigo

State Representative Victor A. Arrigo was born in Termini Imerese, Sicily, the son of American citizens who were on a prolonged return visit to their native city. He is a Chicago lawyer and a Veteran of World War II, with service in the United States Army as Prosecutor in the Allied Military Government Courts in Italy.

In February, 1944, he received honorary membership in the Bar Association in Messina, Sicily, in recognition for outstanding services in the administration of justice during the military occupation of that area. In August, 1944, he received a *Resolution of Commendation* from the Bar Association of the Province of Avellino for the equitable and objective manner in which he performed his duties as a Prosecutor.

Since discharge from military service in 1945, he has been active in civic, educational, cultural, professional and veterans' affairs. He is a charter member and chairman of the Mazzei Commemoration Committee of the Filippo Mazzei Post No. 1 (Illinois) of the Italian American War Veterans of the United States. For almost 20 years, Mr. Arrigo has been collecting material and doing extensive research on this neglected American patriot and fighter for American independence.

Victor A. Arrigo is a member of the Board of Directors of the Municipal Art League of Chicago; on the Board of Trustees of the Joint Civic Committee of Italian Americans; *President of the Columbus Statue Committee,* responsible for the collection of funds to assure the upkeep and maintenance of the famous *Moses Ezekiel Columbian Exposition Statute of Christopher Columbus* which was unveiled at the dedication ceremonies of the Columbus Plaza on the near West Side of Chicago on October 12, 1966.

As a Member of the Illinois General Assembly, in 1967, his sponsorship of legislation resulted in the *Creation of Columbus Day* as a *Legal School Holiday* throughout the State of Illinois.

Victor A. Arrigo's dedicated service as a *Delegate* to the *Sixth Illinois Constitutional Convention* culminating in the adoption of the *"Individual Dignity" section* of the Bill of Rights Article in the 1970 constitution of the State of Illinois.

His proposal, to the Legislative Committee of the Sixth Illinois Constitutional Convention, was adopted by the convention as Resolution #68, that the General Assembly of the State of Illinois be encouraged to make appropriate plans for the Celebration of the Discovery of America; and the members of the Illinois Congressional delegation in the United States Congress be encouraged to have the State of Illinois designated to Host the Official Celebration of the 500th Anniversary of the discovery of America.

Awards and Honors Received by Victor A. Arrigo:

Leadership Award Citations, 1961 and 1962—Joint Civic Committee of Italian Americans;

Loyalty and Leadership Award, 1962, Filippo Mazzei Post, No. 1, for outstanding service to organization and Italian American Community;

Leadership Cup Award, 1964, Society of Italian American Musicians, for contributions to civic and cultural activities;

Special Citation of Merit, 1964, Joint Civic Committee of Italian Americans, for Development of theme and television narration of Columbus Day Parade for the last 12 years;

Special Citation of Merit, 1965, Joint Civic Committee of Italian Americans for 15 lectures presented at Sojourn in Italy Programs, DePaul University—1963—1965;

Gregorian Award, 1965, for unusual contributions to education;

Key to City of Springfield Plaque, 1967, presented by the people of Springfield, Illinois, for outstanding civic leadership;

Humanitarian Award, 1969, Father Louis Pilgrimage to Mother Cabrini Shrine Society;

Member House of Representatives, 75th, 76th and 77th, Illinois General Assembly; Elected Delegate to the Sixth Illinois Constitutional Convention, 1969–1970; former columnist and writer of FRA-NOI "Our Legacy" column, 1960–1966; special lecturer Chicago Teachers College, Evanston Township High School and Concordia Teachers College and has appeared as commencement speaker at various graduation exercises in the Chicagoland area.

SAFE MEDICAL DEVICES

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. FOLEY. Mr. Speaker, in the last session of Congress I introduced a Medical Device Safety Act which would have required premarket testing and clearance of electronic medical devices. The need for such legislation was supported by documentation of injuries and deaths resulting from faulty construction and improper handling of the technical equipment. The bill was never acted upon by either body of the Congress.

Now Ralph Nader has written an article in Ladies Home Journal of April 1971 in which he states:

> Too many hospitals are hazardous electrical horror chambers.

He estimates that at least 1,200 people a year are electrocuted and many more are killed or injured in needless electrical accidents. He reports that one medical engineer in New York, after testing thousands of medical instruments, found that 40 percent were defective.

We have given much attention in recent years to the problem of drug safety. The need for electrical device safety is equally important and has too long been overlooked. As our technology becomes more sophisticated, the danger increases. We must act to insure that the medical devises used in our hospitals are safe.

At this time I would like to place into the RECORD an article entitled "Ralph Nader's Most Shocking Exposé." I will shortly reintroduce legislation to remedy this most serious problem. I am hopeful that this time Congress will act.

RALPH NADER'S MOST SHOCKING EXPOSÉ

(By Ralph Nader)

Not long ago, a patient connected to an external heart pacemaker—an electronic device to help the heart function normally—was found dead, part of his body touching the metal frame of his electrically operated hospital bed.

In another hospital, a resident physician was discovered slumped lifeless beside a stainless steel table. He had been electrocuted when he touched an ungrounded oscilloscope (an instrument that monitors the heart pacemaker) and the table at the same time.

In yet another hospital, a patient suddenly became rigid during a routine diagnostic procedure, warning personnel to cut the electric power of an instrument that was sending potentially lethal currents into his heart. Fortunately, the patient survived.

In a fourth hospital, an electrical switch broke and a patient was crushed to death by a descending X-ray machine.

And in a speech last November 16, Roger O. Egeberg, M.D., Assistant Secretary for Health and Scientific Affairs of the U.S. Department of Health, Education and Welfare, described another hospital tragedy: "Not long ago," Dr. Egeberg noted, "a woman in her midsixties entered a hospital in metropolitan Washington, D.C., for routine thyroid gland surgery. When the operation was completed and the patient was being sutured, the physician turned off the anesthesia machine. An explosion occurred, possibly caused by an electrical spark. Within four and a half hours the patient was dead as a result of the injuries she sustained in the blast."

Paradoxically, medical instruments that have brought hope of longer life to thousands of people have also increased a thousandfold the risks to hospital patients. "Lifesaving" electrical devices used in hospitals across the country electrocute an average of three patients a day, at the lowest estimate. Other patients die as a result of electrical burns, explosions or loss of instrument control. Since the advent of the heart pacemaker and cardiac catheterization—the insertion of a catheter, or tube, into the heart—the hospital environment has become so dangerous that today it is the site of more electrical accidents than any industry except mining.

Spectacular advances in medical technology have unquestionably opened new horizons for people suffering from heart and lung disorders and other diseases. Those who may benefit—for example, the 20,000 patients who receive implanted heart pacemakers each year—may understandably be willing to hazard risks in hope of staying alive. But the myths of the medical machine lead us to believe that most of these risks are unavoidable. The tragedy is that most are not.

Most electrical accidents in hospitals occur because safety measures that can reduce risks are grossly neglected or even unknown among hospital staffs; because complex and highly dangerous equipment is installed in hospitals that have primitive wiring systems, and the equipment is operated by untrained personnel; and because machines that reach inside a human being and touch his heart are less well tested than plumbing devices in our bathrooms.

These accidents often occur because manufacturers design dangerous devices without making them fail-safe against even the most common mistakes of operators. The real risk for a hospital patient may be considerably less than esotoric. It may be the risk that hospital staff will decide to use a frayed electrical cord one more time, or, for the heart patient with an external pacemaker, that he will be placed in an electrically operated bed—a highly dangerous but common occurrence. Or instead of employing a qualified biomedical engineer, a hospital administrator may ask the building electrician to install complex new equipment.

Most of these instances of negligence remain hidden by the fact that physicians and hospitals habitually report deaths by electrocution as "cardiac arrest."

Electrical gadgetry and the accompanying hazards of electric shock are everywhere in our environment—in our homes, schools and offices. When a young guitarist is electrocuted by his instrument, or when a priest is killed by an electrically operated weight reducer—two incidents recently reported in the press—we want to know what went wrong. Was the guitar defective? Was the wiring bad? Did the victim use the machine improperly? Unfortunately, these questions are not often asked in hospitals, where at the very least 1,200 Americans are electrocuted annually during routine diagnostic and therapeutic procedures.

We do not even have a clear idea of the number of hospital fatalities caused by electric shock. Medical engineers such as Professor Hans von der Mosel, co-chairman of the Subcommittee on Electrical Safety of the Association for the Advancement of Medical Instrumentation and safety consultant to New York City's Health Services Administration, believe that the number might be 10 times as high as the conservative estimate of 1,200. Yet most of these deaths could have been prevented by adequate safety measures.

For the patient whose heart is made accessible to electric current through electrodes and catheters, merely touching the frame of a hospital bed, especially an electrically operated bed, may prove fatal. This happened to a 52-year-old man who was connected to an external pacemaker by means of a catheter inserted into the heart itself. Someone had attached to the pacemaker an ungrounded extension cord that eliminated the instrument's grounding system. When a current leaked from the pacemaker, as it frequently does, it passed through the catheter electrode into the patient's heart, then through the part of his body in contact with the grounded electrically elevated bed.

The death could have been prevented in at least three ways: if hospital staff had not attached an ungrounded extension cord to the pacemaker (extension cords should never be used with such equipment): if the patient had not been placed in an electrically operated bed; if the pacemaker had carried a device that limited the current in the patient's circuit to a safe level.

This death was investigated because it was the third such fatality in less than two months at that hospital. It is possible, even likely, that the other deaths, which were not investigated, were also due to electrocution. But most such deaths are not reported. Almost invariably, when electrocutions happen during diagnostic procedures in which the patient is hooked up to electronic systems, the deaths are listed as cardiac arrests. Without engineering analysis, it is difficult to tell whether a patient died of his disease or of a shock caused by the equipment. To protect themselves against malpractice suits, physicians and hospitals avoid such investigations, and many hazards go undetected and uncorrected. There have been few lawsuits over these deaths, and thus the hazards have been little publicized. Insurance companies that make studies of electrical hazards have not alerted the public to the dangers or to the incidence of death. Statistics have hidden the fact that a shock-hazard epidemic of critical proportions exists in our hospitals.

The hazards of electrical devices are not limited to delicate equipment such as the heart pacemaker. Routine electrical equipment may also cause death. Take the case of the patient who was squeezed to death when the switch controlling the X-ray machine's vertical movement failed while the machine was being lowered over him. He died before the technician could open the circuit breaker located some distance away.

What caused the switch to fail? A broken contact blade that shorted a circuit. The break had probably existed for some time. If the hospital had conducted regular equipment checks, the fault would probably have been discovered and corrected. In addition, precious time was lost because the main switch, which cuts all power to the instrument, was not easily accessible. Finally, the circuit breakers were not clearly marked, and the technician opened three different electrical circuits before he found the right one.

Nor are electrical accidents limited to patients. A young Canadian physician nearly died of electric shock when he pressed the discharge button on a defibrillator. This machine, used for correcting uncoordinated heartbeat, is inherently dangerous because it is designed to deliver a high-energy shock. Examination revealed that the ground wire in the three-prong plug had been broken, presumably when someone attempted to force the plug into a two-hole socket. Thus current was released—first into the chassis of the machine, then into the physician.

INEXCUSABLE NEGLIGENCE

Some fatalities are caused by inexcusable negligence. Many devices are used with adapter plugs that don't ensure grounding. That is what happened with the hospital doctor who was found dead, the metallic switch of the oscilloscope in his right hand, his left hand touching a metal drawer of the stainless steel table on which the instrument was standing. A device in the power supply circuit of the oscilloscope had shorted, shooting 300 volts into the cabinet of the instrument. The oscilloscope should have been grounded through the grounding prong of the three-prong connector, instead a three-to-two-prong adapter (called a "cheater adapter") was in use. In this case, the adapter was completely unnecessary to connect the instrument, but the instrument was not designed to prevent the mistake. Because it was ungrounded, and because the doctor was touching a grounded steel table, the current passed through his right arm, through his trunk, heart and left arm into the grounded table.

Physicians and hospital personnel have been aware for some time of the hazards of electrically ignited explosions and external electric shock.

Some progress has been made in reducing the danger of explosions in operating rooms by employing standard safety precautions and, in a few hospitals, by eliminating flammable anesthetics. But there is little if any protection against a newer hazard—internal shock. Catheters, electrodes and prones have opened pathways to the heart through which very small accidental currents can kill a patient. A shock of 20 microamps across the heart can cause fibrillation, which after one minute results in irreversible brain damage and after three minutes, in death. At the surface of the body, a shock must be a thousand times greater to produce fibrillation.

SIX WAYS TO MAKE YOUR HOSPITAL SAFER ELECTRICALLY

1. Organize a citizens' group to investigate the administrator of your community hospital's electrical safety system. If possible, take an electrical engineer with you, or have one brief you on important questions to ask. Does the hospital have proper wiring? Does the hospital utilize the services of biomedical engineers? Are devices and device systems tested before they are hooked up to a patient? What are the provisions for testing new equipment?

2. Citizens and community groups can demand investigation of hospital fatalities. Find out who monitors accidents in your community hospital. When accidents are attributed to "cardiac arrest," was that the real cause of death? Are electrical systems always tested after deaths and injuries occur that could be attributed to electrical or equipment failure?

3. Is there an electrical device safety committee at your hospital? Organize a group of concerned citizens to meet with hospital review committees to ask what precautions are taken in the use of electrical devices.

4. Ask the company that insures your community hospital for statistics on electrical accidents at the hospital.

5. Urge your newspaper to make a thorough investigation of electrical devices in local hospitals and to publicize any particular problems.

6. If you are a professional engineer, take the lead in exposing and correcting electrical problems in local hospitals.

If properly grounded, most devices are safe when used by themselves. But most of the time, the patient is connected not to one but to several electrical devices. In addition, he may touch any number of other electric appliances—bed, radio, television, clock, lamp. He may also come in contact with routine equipment, such as portable X-ray machines, physiotherapy apparatus and respirators. In such an environment, the risk is extremely great that a stray electrical current will complete a circuit to ground through the patient. Most electrocutions happen in just this way. Prevention of death or injury from internal shock requires expert planning, sophisticated wiring systems, and careful, constant testing.

Few hospitals, even the newer ones, have adequate electric wiring systems.

Most need extensive modernization to provide a safe environment for new electrical devices that are in wide-spread use. Electrical overloading is common. Many hospital outlets are incorrectly wired or provide no ground contact. In most cases these outlets were installed by hospital electricians when equipment appeared with three wires. As long as the plugs went in, the electrician believed his job was done.

Only three hospitals in the country have biomedical engineers on their staffs to supervise the operation and maintenance of complex machines: Downstate Medical Center in New York City; Sinai Hospital in Baltimore; and Charles S. Wilson Hospital in Johnson City, N.Y. Most hospitals simply turn over the apparatus to a staff physician who may have worked with electronic equipment. Hospitals do not yet have electrical device safety committees comparable to drug safety committees, although the two hazards are equally great. Few physicians who deal with these devices know as much about the concepts behind them or about their use as they know about pharmacology. Yet for years physicians operated these devices without recognizing either their potential hazards or the actual fatalities they caused. Countless deaths attributed to cardiac arrest are now believed to have been caused by internal electric shock. Even now that there is greater understanding of the risks posed by the new hospital environment, precautionary measures are inadequate.

While inadequate hospital facilities and errors in using the machines are leading causes of accidents, mechanical defects also play a part in imperiling patients' lives. One medical engineer, Seymour Ben-Zvi, tested several thousand instruments at Downstate Medical Center in New York City. He reported that 40 percent were defective. Every one of the 10 defibrillators he tested contained defects. One was capable of discharging high voltage into a patient before the physician signaled for it. Such a defect could kill both patient and physician. Another instrument had what the manufacturer thought was an insulator; it was actually a good conductor of electricity—a potentially fatal flaw that should have been discovered through testing. (The testing program at Downstate began in 1956, and Ben-Zvi states that most manufacturers now agree to correct defects found.)

C. W. Walter, a clinical professor of surgery at Harvard Medical School, has reported that two prominent firms are now selling highly dangerous machines. Poor circuit design is a common criticism, and many devices have problems stemming from high leakage of current, problems often revealed only through the death of a patient. Some manufacturers offer to replace equipment; they cannot replace a dead person.

TOILETS AND PACEMAKERS

Mrs. Virginia Knauer, President Nixon's Assistant for Consumer Affairs, has pointed out that toilet valves must pass several preclearance tests before they are installed in our bathrooms, but a pacemaker that is inserted into our hearts need not be tested at all. Heart pacemakers, artificial kidneys, hip pins and respirators—none are subject to standard inspection or regulation—as are drugs, for example.

Manufacturing of medical devices is a $500-million-a-year industry engaged in by more than 1,000 firms. Without regulations or standards, there has been little impetus for these firms to standardize their products. Manufacturers' resistance to standardization has created an unnecessary hazard, since each hospital must sort out discrepancies in connectors and devise a system to prevent hazardous currents from being applied to helpless patients. Generally, the manufacturer considers his product a separate unit rather than part of a total treatment system, although a device is rarely used by itself.

In designing instruments, manufacturers almost totally ignore the ease with which mistakes can be made in the hospital environment, where personnel are often hurried, strained or tired, and untrained in the use of the equipment. Fatal errors are made that could be prevented by safer design.

Often the grounding devices furnished with electrical equipment are weak, easily broken and not designed for rough handling. They are not remotely foolproof, not fail-safe and not even reliable. Cords and plugs, the most vulnerable part of the electrical safety system, are usually "totally inadequate," according to Professor Walter. On occasion, a complex and expensive piece of equipment is equipped with a cheap, inefficient plug.

Fatally for patients and staff, manufacturers often assume that users have technical competence, which they almost universally lack. Instruction booklets, labels, foolproofing and protection devices are far inferior to what is needed.

One respected independent testing agency that has begun to test and evaluate medical equipment reports an "appalling" number of defective instruments. Research at the Emergency Care Research Institute of Philadelphia revealed, for example, defective respirators that were "totally unable to support respiration." The Food and Drug Administration has recalled a number of these devices.

Dr. Joel J. Nobel, ECRI's director of research, says that "the number of life-threatening defects is truly appalling. Most are basic design deficiencies."

ECRI is a nonprofit organization supported by government agencies, hospitals and private contributions. No staff member receives consulting fees from the health devices industry. ECRI findings indicate that, in the absence of objective testing and evaluation, unsafe equipment is being used in hospitals that are unequipped to pretest it.

Hospital associations in three regions—California, Texas and New England—are in the process of setting up medical product information exchange systems. Central testing programs to serve all hospitals in a region are much more feasible than tests conducted in individual hospitals, but such programs have yet to get underway.

At present, there are no government regulations requiring premarket clearance or standards to ensure the safety and performance of certain medical devices, such as catheters, pacemakers, diathermy machines and bone pins. During the past several years, efforts to bring new devices under regulations have failed. Presidents Kennedy, Johnson and Nixon have supported regulations and minimum standards for medical devices. In September 1970 a study group appointed by President Nixon and headed by Dr. Theodore Cooper, Director of the National Heart and Lung Institute of the National Institutes of Health, recommended legislation to regulate these devices.

A bill has been introduced by Congressman Thomas Foley (D., Wash.) to establish regulations and standards for devices not covered by present law. This bill was originally proposed in 1969, but no action has yet been taken. Legislation has been stymied in part by claims that standards for such instruments are difficult to set. But the failure of physicians to publicize the real extent of the hazards is the reason why the need for legislation has been unnoticed.

Pretesting of these devices by independent testing agencies and establishment of uniform government standards will help ensure that the instruments are safe, that they are fail-safe and that they assume much less knowledge and expertise on the part of the typical hospital employee who runs them.

But beyond government standards, what is needed is greater vigilance by hospitals and physicians. In the absence of trained personnel, adequate electrical systems and rigid inspection and testing, even the best designed machine may become a killer. Unfortunately, there is little indication, on a broad scale, that hospitals and physicians are prepared to make a major commitment to electrical safety. Instead, there is every indication that accidents are occurring more frequently. The public may well ask where the electric safety committees in hospitals are, or the services of biomedical engineers. Where are the research grants to study questions of safety? Where is the leadership of medical organizations that should be demanding safety from manufacturers and help in ensuring safety from governments? I do not believe the public should have to accept the response one physician made to the problem of hospital safety: that after all, most electrical accidents occur in the home.

It is true that there is too little understanding of electrical hazards. The use of two-prong plugs (without a third grounding wire) is a simple hazard that continues to exist in many homes and other buildings. The naïveté of physicians who use intricate devices is undoubtedly shared by many other people who do not understand when or why electrical devices can be hazardous. The housewife who simultaneously touches a toaster and a refrigerator handle and receives a shock usually lives to return the toaster, or change the wiring, or complain to the manufacturer. The heart patient who receives the same kind of shock is not so fortunate.

If we have the technology to stimulate the heart, to sustain life and to probe the innermost regions of the body, we also have the means to make devices that are safe from human error. The unprecedented hope offered by new medical technology does not need to be accompanied by unprecedented risk. Such avoidable tragedies in our hospitals will not be stopped until manufacturers recognize the limitations of the personnel who use their devices, and until users demand that safety be built into the devices. Dangers that have been veiled as unavoidable risks, or risks inherent in the condition of the patient, must be exposed. Until they are, new medical devices will continue their Jekyll-and-Hyde role—they are life-giving devices for some, but death machines for others.

PENSION PLAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. GAYDOS. Mr. Speaker, last year the General Subcommittee on Labor on which I serve held hearings for more than 6 months on the vital matter of protecting the pensions of more than 30 million American workingmen and women. The testimony collected during these proceedings strongly indicated the need for legislation in this area.

It does not matter if the individual works in a plant, a factory or an office. It makes no difference if he or she goes to work dressed in grease spattered work clothes or is dressed in the latest fashion. If they are enrolled in a pension plan, they need some type of protection to assure them they will get that pension when the day of retirement arrives.

Pension plan contributions is big business today. There are more than 50,000 private pension plans now in operation with assets in excess of $130 billion and growing at the rate of $7 billion a year. Many of these plans are good and live up to the bargain made with the employee. But the tragic fact is many do not live up to the intent of the pension plan program; that is, to give the worker a source of income in his retirement years—a source of income which he has paid for, either in direct contributions or in deferred wages under a negotiated contract.

It is estimated there are 17,000 pension plans on file with the Labor Department involving 21 million workers. Yet it is also estimated only 6 million of these workers will ever draw a penny from their pension fund benefits.

There are, of course, numerous reasons for this and I do not mean to imply that all of them are cloaked in shadowy chicanery, aimed at bilking a worker. There are legitimate reasons whereby a worker could become the victim of circumstances resulting from the hazards of the competitive business world.

For instance, a company can go bankrupt, go down the drain and take its pension program with it. Depending on the provisions of its particular pension plan, a company might have the authority to arbitrarily dissolve the pension fund. Also, it is not unusual today to have a company gobbled up by a mammoth conglomerate and when this happens, the defunct company is relieved of its former pension responsibilities. It also is possible a sound pension fund can be wiped out through honest, but incompetent, management on the part of the trustees and administrators.

Many workers also forfeit their pension rights by leaving their jobs before becoming fully qualified for eligibility under a particular plan. Female secretaries often work for a company for several years but then leave to get married and raise families. This could cost them their pension benefits, depending on the company's plan. Sometimes a worker must leave his job for reasons of health before he is qualified for his plan's pension benefits. He or she may have to move to another part of the country and again he may not have worked long enough for his former company and now must start from scratch with a new employer under a new plan.

I believe it is grossly unfair for a person who has contributed toward a pension to help support him in his old age to lose that pension through loopholes in his company's program or for reasons not of his own doing or choice.

It is for this reason, Mr. Speaker, I have reintroduced legislation in the 92d Congress to protect the pension rights of white- and blue-collar workers alike, to assure them of a source of income when they retire from the Nation's productive working force.

My employee benefit security bill would establish minimum standards of fiduciary conduct for trustees and administrators of pension plans and provide for enforcement of those standards through legal proceedings, both civil and criminal. My bill also would require expanded reporting of details of a plan's administrative and financial standing.

As proposed, the bill orders private pension plans to make irrevocable the accrued benefits of employees with significant periods of service with an employer; to set minimum standards of funding and to protect the vested rights of participants in the plan against losses due to essentially involuntary termination.

Pension fund administrators will be required to report annually the amount contributed by the employer, benefits paid, the number of employees covered, and a detailed statement of expenditures charged against the fund. The bill also makes the administrator furnish each year to members of the pension plan a statement indicating whether that individual has accrued vested rights to pension benefits and to what extent.

This legislation will prohibit trustees and administrators of pension programs from using the pension fund for personal gain. They will not be permitted to benefit, directly or indirectly, from any transaction involving the property of the pension fund. Willful violations of these provisions carry penalties ranging from $1,000 to $10,000 fines; prison terms ranging from 1 to 5 years; or a combination of the two.

Pension protection of this type is long past due. The Federal Government has set a precedent in acting to protect the financial savings of its taxpayers. Through the Federal Deposit Insurance Corporation, it protects the individual's bank savings account. The depositor knows when he puts money into that account it will be there when he needs it. But the worker has no such guarantee when he puts his dollars into a pension fund. If the Government can protect a bank account, can it do less in protecting the pension rights of the worker?

HON. A. A. BERLE, JR.

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. BLATNIK. Mr. Speaker, recently this Nation lost one of its ablest citizens of this century. I refer to my good friend and the friend of many of my colleagues in this Congress and previous Congresses. the honorable A. A. Berle, Jr., who was 76 years of age at the time of his death.

While I had read and heard of Mr. Berle as an author while I was a college student during the depression years of the 30's, I got to know him as a person during the post-World War II Truman years. I met him in the home of my good friends Herbert and Barbara Cummings. Herb Cummings was the young protege brought to Washington by Dr. Berle when he joined the State Department.

Mr. Berle had a basic and fundamental care for people as people and not just as a means to serve some economic goal. This intimate knowledge of Mr. Berle came about largely through my association with Herb Cummings. Mr. Cummings, now in the Office of Foreign Commercial Services, was kind enough to relate to me the following observations about Mr. Berle which I would like to share with my colleagues:

A. A. BERLE, JR.: THE COMBINATION OF BRAINS AND CONSCIENCE

(By Mr. Herbert Cummings)

My memories of Adolph Berle are both vivid and varied. They vary in time from Berle, the elder statesman who directed a task force on Latin America for President Kennedy, to Berle the child prodigy who had collected a B.A. and M.A. and an LL.B. from Harvard by the the time he was 21; who at 24 had resigned from the American Delegation to the Paris Peace Conference in 1919 on the grounds that he would not be a party to mandating certain islands in the Pacific to the Japanese Government because such action would pose a future security threat to the United States.

Our memories of his professional competence vary from his work as one of President Roosevelt's three original Brain Trusters in national and international finance and diplomacy to his well-merited reputation in the teaching and practice of corporation law and on to his searching and constructively critical analysis of our economic, social and political institutions in such books as *The Modern Corporation* and *Private Property;* the *Twentieth Century Capitalist Revolution;* and *Power*.

We shall also remember him for inspiring many younger men in government and out to use their talents and energy to shape our economic and social institutions to bring the promises of the founding fathers closer to fulfillment. His intellectual curiosity, his deep grounding in human institutional behavior from the ancient Greeks to modern Tammany, his ability to perform effectively *where the action was*—at the precinct, city, national or international level, set very high standards of public service in and out of government.

Those of us who were privileged to spend an occasional evening with him in wide-ranging and stimulating conversation were constantly as impressed with his compelling human decency as with his great mental prowess. It was this unique combination of conscience and brains that gave us in our period a man who would have been at ease in the company of Jefferson, Paine, Madison. Hamilton and Jay and who would serve as a great inspiration to future leaders of this Republic.

Mr. Speaker, in closing I would like to complement these personal reflections of mine and Mr. Cummings with a fine article by Albin Krebs which appeared in the New York Times recently and appears below:

ADOLF A. BERLE JR. DIES AT AGE OF 76—LAWYER, ECONOMIST, LIBERAL LEADER AIDED PRESIDENTS

(By Albin Krebs)

Adolf A. Berle Jr., the lawyer, economist, law professor, diplomat and Liberal party leader who first came to prominence as one of the original members of President Franklin D. Roosevelt's "Brains Trust," died Wednesday at his home, 142 East 19th Street.

Mr. Berle, who was 76 years old, had been ill for two years. The immediate cause of his death was a massive stroke.

As counsel to the Reconstruction Finance Corporation during the New Deal, Mr. Berle had much to do with shaping legislation to reform banking, the stock market and railroading. At one point he was an Assistant Secretary of State, a position in which he became a leading authority on Latin-American affairs.

The multifaceted Mr. Berle (pronounced burly) also served as chamberlain of New York City in the administration of Mayor Fiorello H. La Guardia, as a founder and chairman of the Liberal party and as a Latin-American affairs troubleshooter, for President John F. Kennedy.

All the while, he managed to juggle his several public careers with maintaining a law office and serving, from 1927 to 1964, as a professor of corporation law at Columbia University.

A short, intense, small-boned man with the energy of a dynamo, Mr. Berle had a brilliant mind and, according to some New Dealers whom he rubbed the wrong way, he knew it.

He came by his iconoclasm naturally. His mother, the former Augusta Wright, irked her well-to-do New England family by going out West while still in her teens to work as a missionary to the Sioux Indians.

Mr. Berle was born in Boston on Jan. 29, 1895. His father, the Rev. Dr. Adolf Augustus Berle, a Congregationalist minister, was one of the most controversial and forward-looking clergymen of his day, a benign autocrat who believed that there was "an appalling waste in elementary school education."

He himself looked after the early schooling of the young Adolf and the other Berle children, Rudolf, Miriam and Lina.

TAUGHT SEVERAL LANGUAGES

He taught them several languages and insisted that they memorize long passages from Virgil, Goethe, Homer and Dante even before they could read. Young Adolf was graduated from high school at age 12 and easily passed the entrance examinations for Harvard, although he was not allowed to begin his studies there until he was 14.

Harvard was a breeze. He received a bachelor's degree in 1913, when he was 18, and a master's degree the following year, and in 1916 he was graduated cum laude from the Harvard Law School.

After practicing law in Boston with Louis Brandeis's firm for a year, Mr. Berle joined the Army as a private. His noncombatant service was brief, and then, as a first lieutenant, he was a member of the American Commission to Negotiate Peace with Germany at Versailles.

"I didn't approve of the Treaty of Versailles that was finally signed, and resigned from the commission in disillusionment in 1919," Mr. Berle said in an interview for this article in 1970. "But I didn't lose my idealism and join the Lost Generation—the equivalent of today's young dropouts. I went to work."

With his brother, Rudolf, Mr. Berle set up law practice here in 1919. He remained active in the firm, Berle & Berle, at 70 Pine Street, until his death. For several years he was associated with the Henry Street Settlement, a pioneer organization formed to promote social justice. In 1927, the year he joined the Columbia law faculty, he married Beatrice Bend Bishop.

WORKED ON TREATISE

In collaboration with Gardiner E. Means, a Columbia colleague, Mr. Berle wrote "The Modern Corporation and Private Property," one of the most influential economic treatises of its time. Based on a massive study of American corporations in the nineteen-twenties, the book concluded that the modern corporation had become almost independent of its stockholders and that its managers could compete, in terms of power, with the modern state. The authors suggested a wide range of controls on corporations.

The work, published in 1932, brought Mr. Berle to the attention of Raymond Moley, who had been asked by the then Governor Roosevelt to gather a group of experts to advise him in his Presidential campaign on means of dealing with the issue of the nation's growing economic crisis. Mr. Moley recruited Rexford G. Tugwell, a professor of political science at Columbia, and Mr. Berle, who, together with former State Supreme Court Justice Samuel Rosenman and Basil O'Connor, Mr. Roosevelt's law partner, formed the original "Brains Trust."

"I felt caught up in a great moment in history," Mr. Berle recalled in the interview last year. "Roosevelt was an inspiring, vital man for whom I burned to do service."

From the first, Mr. Berle's often abrasive manner won him enemies in the Roosevelt inner circle. "He was capable, if necessary, of diplomacy," wrote Arthur Schlesinger, Jr., "but, with his edgy manner and his intolerance of fools, he sometimes exploded in sarcasm and disgust."

(In 1970, it was revealed, in long-secret papers declassified by the British Foreign Office, that Mr. Berle also rubbed some foreigners the wrong way. Sir Ronald Lindsey, British Ambassador to Washington in 1939, characterized Mr. Berle as "100 per cent intellectual." But, Sir Ronald added in qualification, Mr. Berle was "a specialist in too many subjects to be quite convincing in any of them," and, further, he "had an academic career at Harvard of such distinction that he has never quite recovered from it.")

Early on, he got into a dispute with Supreme Court Justice Felix Frankfurter, a Roosevelt confidant who believed, in general, that big business would have to be broken up into small units. Mr. Berle took the view that big business was here to stay and could be dealt with by strong government regulation, and he told Justice Frankfurter so in blistering terms. Roosevelt aides smoothed things over with the Justice by asking Mr. Berle to leave the train.

After the Roosevelt landslide, Mr. Berle turned down any major role in the Administration, but became counsel for the Reconstruction Finance Corporation, the agency charged by the President with helping the nation's banks, railroads and insurance companies recover from the Depression.

For his part, Mr. Berle sought to give the New Deal the reasonable and moderate tone he believed Mr. Roosevelt wanted for it. "It is just possible," he said, "that all the social inventiveness of the world was not exploded between the two poles of Adam Smith and Karl Marx."

Mr. Berle helped draft Section 77B of the Federal Bankruptcy Act, designed to liberalize receiverships, and, as an adviser to the President, he suggested methods, later adopted, by which the securities and Exchange Commission controls stock transactions. He also served as a Roosevelt speech writer.

He remained a frequent consultant to the President from 1934 to 1938, a period in which he served Mayor La Guardia as city chamberlain. Part of his responsibility was municipal planning, but Mr. Berle came to look upon the chamberlain's job as obsolete and recommended that it be abolished. It was, later, with the chamberlain's office being absorbed into the office of City Controller.

In 1938 Mr. Roosevelt appointed Mr. Berle Assistant Secretary of State for Latin-American Affairs. Mr. Berle prepared the President's position papers on dealings with Latin America during World War II and served as his delegate to several Pan American conferences. In 1945 he became Ambassador to Brazil, but left the State Department the following year after a quarrel with Secretary of State Edward R. Stettinius.

During the next 15 years Mr. Berle devoted himself full time to his law practice and to teaching at the Columbia Law School, which made him professor emeritus in 1964. From 1952 to 1955 he served as chairman of the Liberal party, which he had helped to found.

In 1960 President Kennedy asked Mr. Berle to be chairman of a six-member task force to advise him on Latin-American affairs. In that capacity, Mr. Berle advocated creation of the Alliance for Progress. He also was among those who recommended to Mr. Kennedy United States support of the disastrous Bay of Pigs invasion of Cuba by Cuban exiles opposed to Premier Fidel Castro in 1961.

Mr. Berle considered himself "an old revolutionary" from the New Deal era, he said last year, but he maintained he had "not a damn bit of use for the New Leftists of today, who haven't the brains or patience to develop a program to substitute for the one they despise so."

He complained bitterly that "the New Left has embarked on a calculated campaign to discredit F.D.R. and downgrade his accomplishments—and those of us who worked with him."

"The New Left claims that Roosevelt didn't go far enough," he said, "but what they are incapable of seeing is that Roosevelt went as far as possible. The people didn't want full revolution; they wanted jobs and they wanted the government that they had to get to work, which it did."

Mr. Berle was particularly proud of his association since 1932 with the Twentieth Century Fund, a foundation that does research in economic and social questions. He was the fund's board chairman from 1951 until his death.

Among Mr. Berle's books were "New Directions in the New World" (1940), "The 20th Century Capitalist Revolution" (1954), "The American Economic Republic" (1963) and "Power" (1969), in which he summed up his views formed over a lifetime.

PREDICTION ON ECONOMY

"The United States does not prosper if only the rich grow richer," he wrote. "It can thrive only as poverty is progressively abolished . . . To contemporary American corporations, underpaid and starved labor means a shortage of customers to buy motorcars, television sets . . . not to mention the necessities of life. . ."

For more than 40 years, Mr. Berle maintained his home on East 19th Street, as well as a farmhouse at Great Barrington, Mass., where he liked to garden and fish for trout in Berkshire mountain streams.

Mr. Berle is survived by his widow, a physician who has been a pioneer in community medicine and recently has been active in the methadone maintenance program for the treatment of heroin addicts at Bronx State Hospital.

He also leaves a son, Peter A. A. Berle, who was elected to the State Assembly in 1968 as a Democrat-Liberal; two daughters, Mrs. Clan Crawford of Ann Arbor, Mich., and Mrs. Dean W. Meyerson of Washington; his two sisters, Lina W. Berle and Mrs. Miriam Clay; his brother, Rudolf, and 10 grandchildren.

A private family service will be held tomorrow in Great Barrington, and there will be a memorial service at 3 P.M. Monday in St. Paul's Chapel at Columbia University.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. PURCELL. Mr. Speaker, as the National Week of Concern for Prisoners of War approaches, I would like to salute a man who had made tireless efforts to acquire the freedom of our men held in North Vietnam.

H. Ross Perot is a man whom it has been my pleasure to call a friend over the past years. This country has been good to him, and he has, in the words of the New York Times Magazine, "paid his dues." Unlike the stereotype of a Texas millionaire, he has maintained his modesty and sense of responsibility as a citizen of his country.

It is a tribute to the quality of this man that the New York Times, not noted for its kindness to Texans, has devoted an article to the story of H. Ross Perot which draws an accurate picture of this fine American.

I am pleased to share with you and our colleagues the text of this article:

H. Ross Perot Pays His Dues

(By Fred Powledge)

Dallas.—H. Ross Perot is a Texas millionaire (before the stock market got sick he was a Texas billionaire) who talks about patriotism and saving America and who, a year ago, tried to deliver 26 tons of Christmas packages to American prisoners of war in North Vietnam.

That's one way, maybe the prevailing way, of looking at it. There are lots of conclusions ready to be jumped to—for example, just another Texas millionaire, undoubtedly stridently right-wing, probably oppressively superpatriotic, more than likely the kind of man who gobbles up television stations and newspapers and publishes his own "newsletter" to force-feed his ideas to the rest of the nation. Unfortunately for the stereotypists, however, H. Ross Perot is none of that.

He is a surprisingly modest man who neither wears cowboy boots nor flies his own airplane; who dials his own telephone calls; who wears a G.I. haircut and jokes about it (it is an "extremist" fashion, he says, and for that reason he cannot worry about people with longer hair); who has never met H. L. Hunt, and whose only involvement with the petroleum business is putting oil into the crankcase of his 5-year-old car.

He has given millions to aid the underprivileged in Dallas, a town well known for the uninvolvement of its business leaders in the real plight of the common folk. He is a former computer salesman who has, in less than eight years, built a new company in a new industry—the computer service field—from a $1,000 personal investment into a $48-million-a-year pot of gold that has doubled in size and revenue annually. And, perhaps most amazingly, he has built that company on a philosophy that is almost unique—that ranks honesty and quality above profits, that insures room at the top for talented young people and strictly outlaws company politics.

Perot is also the man who somehow thinks that if enough American citizens can get themselves involved, they can bring home the 1,600 U.S. prisoners of war and men declared missing in action in Vietnam. And, not knowing that this last undertaking is impossible, he is having some success at it.

Ross Perot (the "H."—it stands for Henry—was never used until Perot—pronounced Puh-ROW—found that others wanted him to have something at the head of his name when he became important) is, in terms of the stereotypical successful Texas businessman, something of a paradox. When one considers his involvement in the prisoner-of-war effort, he appears to be more of a paradox. But even a brief examination of his background will show that he is neither fooling nor eccentric.

He was born 40 years ago in Texarkana, in East Texas. His father was a cotton broker whose sideline was trading in horses and cattle. Partly because the elder Perot's work was seasonal, he was able to spend a lot of time with young Ross, who remembers: "He worked hard from September through November, and he and I played the rest of the year. He was my best friend, and I was his."

Perot's father was also his best tutor in the arts of business: "I spent my entire boyhood involved in the very basic of what business is. My father dealt with the farmer who raised the cotton. He taught me as a small boy that buying cotton from a man once had very little value unless you developed a personal relationship with him, unless you treated him fairly, unless he trusted you. Otherwise, he won't come back to you next year."

Perot used his business sense in a series of small-boy enterprises—selling Christmas cards and magazine subscriptions door to door, delivering The Texarkana Gazette by horseback on a route that included a good number of low-income black subscribers. The paper had never bothered to establish the route until Perot suggested it, and the youngster soon learned what every newsboy knows: it is the well-to-do, the doctors and executives, on a newspaper route who are the terrible deadheads when it comes to paying a bill; the poor folk are far more conscientious.

"I found out that by giving these people good service," he recalls, "they paid promptly. I'd put the paper behind their door. That was kind of an interesting thing, for them to have a white boy on a horse, whether it was raining or not, bringing the paper to them and giving them the same service the white people got. I had customer loyalty. I'll never have again."

Perot wanted to be a sailor, and he got his first glimpse of the ocean when he entered the U.S. Naval Academy in 1949. It was in the Navy, as fire-control officer on an aircraft carrier, that he first got involved in what computer people call "information systems"—the devices, rather crude by todays' standards, that took information from the ship's radar and used it to aim the guns. And it was on the carrier that Perot met a visiting V.I.P., an executive from International Business Machines Corporation, who was impressed with the sailor and said what V.I.P.'s say on such occasions: "Look me up when you get out."

Perot did just that. He became a computer salesman for I.B.M. in Dallas, and was so good at it that in his fifth year there he managed to sell his annual quota three weeks after the new year started. The prize for this feat was the right to sit around in an office staring at the THINK signs—a devastating reward for a man whose preoccupation was turning his thoughts as quickly as possible into action. While sitting around the office, Perot happened across the famous quotation from Thoreau's "Walden": "The mass of men lead lives of quiet desperation." If there was one thing Perot was not willing to accept, it was such a life. He seemed headed for it, so he resigned from I.B.M.

"I got out of the Navy for the same reason," he recalled years later. "I loved the Navy, loved the sea, loved ships. But I always find that whatever I'm doing, I'm thoroughly involved in it. In the Navy, the promotion system and the seniority system and the waiting-in-line concept were just sort of incompatible with my desire to be measured and judged by what I could produce."

On his 32d birthday, June 27, 1962, Perot founded Electronic Data Systems, Inc. It was relatively easy. Texas law required an initial investment of $1,000 and the naming of three charter directors. Perot wrote a personal check for the thousand (the canceled check is now framed in his office) and went looking for directors. "The only people in 1962 who had enough confidence to serve on my board," he says, "were my wife, my mother and my sister."

After the formalities were out of the way, Perot took his wife to Hawaii on a vacation (he sensed that it might be their last for some time) and started thinking about the sort of company he wanted to build. He knew that computers were hot; he had been selling them for the giant of the industry. He also knew that many businesses had the feeling that they needed computers, if only because everybody else had them, but that many didn't know what to do with the hardware once they had it.

There was a need for an electronic-data-service company that would design, install and operate information systems for large businesses. An information system, for a computer man, means just about everything that flows through a corporate mind and body. A public utility, for example, would use computers not only to produce its monthly bills, but also to forecast a variety of matters—what the industry is going to need in the way of personnel, its own payroll, what demand will be five years in the future. E.D.S. would contract with a business to handle the entire computer end, sending its employes to work on the client's premises to run the computers and train the client's employes in the methods of electronic data processing.

It was in Hawaii that he wrote, in longhand and on yellow paper, his ideas of what the company should and should not be. There was a lot of Texarkana and the U.S. Navy in the result.

First, he said, E.D.S. should be "the most respected e.d.p. service firm in the United States." Second, it would also become the largest, "provided that size does not adversely affect the quality of the work being done." Third, he would try to build the company without borrowing money or selling stock to outside investors; too many new concerns had been permanently weakened that way. Fourth, he would see to it that E.D.S. belonged to the people who built it; if a man or woman contributed to the growth of the company, he or she would be rewarded with a portion of its profits and promotion to the higher executive levels. (There are several men there now who have become millionaires.)

Further down the list, there was a rule about maintaining a "climate of complete intolerance toward company politics." (Perot had seen business operations, he said, in which the serious game of office politics was played full-time and with a vengeance. Invariably, he found, it sapped the strength of the company and wasted its corporate creativity.)

There was also a rule about efforts to keep E.D.S. from becoming a dull-gray business. As Perot later put it: "When you consider the impact that his work has on him and his family, the company has a moral obligation to be an exciting place for an employe."

Having written his philosophy, Perot set about putting the company together. He started by buying computer time wholesale and selling it retail, like cotton in Texarkana; this provided the money he needed to hire employes. The rule about not borrowing money or seeking outside investors was an easy one to obey; nobody had enough faith in the enterprise, what with its somewhat radical philosophy, to shower dollar bills on it.

"That's the story of my net worth," Perot said not long ago. "The idea was considered so bad, or so naive, that nobody would invest in it and I was stuck with it. People felt that if you dealt with people like I wanted to deal with people, you'd go broke."

One of the things Perot was stuck with was about 80 per cent of the stock, and when shares were first offered to the public in 1968 he found that he was suddenly worth about $300-million.

Perot's naive ideas about the need for a computer service company were apparently right on the button. After landing his initial client, Collins Radio, the former computer salesman brought in more and more big contracts; E.D.S.'s earnings grew, Wall Street started noticing its activities and soon the financial columns were referring to Texas Billionaire H. Ross Perot (it had become part of his name, like Strongman Joseph Mobutu or Tiny Oil-Rich Kuwait). He reverted to Texas Multimillionaire H. Ross Perot one day last April when, during one of the market's seizures, his stock fell $445-million. But even now, although Perot says he neither knows nor really cares exactly how much he's worth, his holdings are estimated at $700-million to $800-million.

E.D.S., meantime, just kept on growing. It now has 2,500 employes and offices in major cities all over the country. Its growth, Perot maintains, is based firmly on the philosophy he set down in Hawaii, plus the fact that he has surrounded himself with bright young men—their median age is something like 32—who do not write a lot of memos, do not ask a lot of consultants for their advice and are, in his words, "action-oriented" like himself.

"For about five years people were convinced that we had some secret. They thought we had all this programed on a computer in some way. They said it again after I got involved in the prisoner-of-war issue. They said I had sat down in the computer room for several weeks and programed it all out—sort of war-gamed the whole thing.

"We don't do that, and I laugh at people who do. It's easier to sit down and figure out what your strategies are, and what are your alternatives, then you start trying things."

That figuring out of strategies and alternatives, then trying things, is at the heart of Perot's campaign to bring the prisoners home.

The best place to talk to him about prisoners these days is on an airplane. He flies about the same way some people chew gum, crisscrossing the country to address and consult with local groups—there are 40 or 50 of them now—mounting their own efforts to bring the prisoners home. A typical local effort consists of, first, the establishment of a coordinating group; then lots of publicity, identifying the local men who are prisoners or missing in action and asking citizens to write letters calling for their release; a fund-raising campaign to provide the cash to fly a local delegation to Paris, and possibly other European cities where the North Vietnamese maintain embassies, to call on diplomats and express personally their desire for the return of the prisoners.

The entire idea is based on Perot's conviction that the North Vietnamese do not want the active hatred of the American people; that until now they have failed to understand that the American people really want the prisoners back (in North Vietnam, to be captured in battle is to suffer a great disgrace), and that if the American people continue putting pressure on the North Vietnamese the prisoners will eventually be released.

He talked about this one day recently as he settled down on a two-day trip that would take him from Dallas to Denver to San Francisco and back home. In Denver, Perot would meet with wives of Colorado men missing or held prisoner and he would speak at a luncheon which was part of the organizing drive there; in San Francisco he would visit E. D. S.'s offices and address a seminar E. D. S. recruiters had arranged for prospective employes.

It was perhaps inevitable, he acknowledged, that a lot of Americans should think of him, if they thought of him as anything but Texas Millionaire H. Ross Perot, as the man who tried to take the Christmas packages to Hanoi. "I'm the funny guy with the funny-colored airplanes," he joked, "a latter-day P. T. Barnum with no elephants." That was, after all, pretty much what a typical newspaper reader or television watcher might conclude from the coverage of his travels a year ago, trips that took him and prisoners' wives around the world in two of Braniff's brightly colored planes, one red and one green.

What really happened, he said, was this: In the fall of 1969, the wives of four prisoners came to his office in Dallas. They were asking for a donation—money to allow them to fly to Paris to ask the North Vietnamese for information about their husbands.

Perot's charitable impulses were well known in Dallas. Though a foundation that bore his name, he had given $2.5-million to the Dunbar Elementary School, which has a 99 per cent black enrollment, so that experimental curriculum and enrichment programs might be introduced, tested and possibly modified. He had given $1-million to the Boy Scouts of Dallas on the condition that scouting be extended into the ghetto areas, and a thousand acres of land to the Girl Scouts for a camp, on the condition that the camp also be used for the benefit of poor children. Perot, who is constantly besieged with requests for money, was especially touched by the wives' appeal. He bought the tickets to Paris. (He does not remember what the bill was—"whatever the air fare to Paris is, times four.")

When the wives returned from Paris, one of them came by to thank Perot for his help. She brought her 4½-year-old son. "This little boy had never seen his dad," said Perot. "He was born after his dad was missing in action.

When I was 4½ years old I had been with my dad several hours a day, every day of my life. He was my best friend. We had a particularly close association. So I was particularly sensitive to what that little boy was giving up. And I decided right then."

Perot saw that, first, he had to publicize the issue. He is essentially a private man, one who radiates none of the publicity seeker's usual vibrations, but as a successful businessman he recognizes the importance of getting a message across. He took his problem to an advertising agency, which wanted to spend a very long time perfecting an effective campaign. Perot went back to Dallas and turned his bright, young systems men loose on the idea. In three weeks they had formed an organization, named United We Stand, and had started spending about $1-million (on 300 newspaper ads, 30 million postcards and a half-hour television show) to publicize the plight of the prisoners and to call for support of the nation's Vietnam policies.

Within a few weeks of the campaign's start, Perot had collected 26 tons of mail, food, clothing and medicine and had chartered two planes to fly the cargo to Hanoi. They did not get through, nor was Perot successful this Christmas when he attempted to charter Soviet airliners to get similar shipments in. The result was, by one way of reckoning, a failure.

That business of supporting the nation's Vietnam policies, Perot acknowledges, is one of his trickiest problems, and it is the one that particularly angers other Americans who are in agony over the war and the prisoners but who feel that the only way to bring the men home is to end the war. Partly because Perot avoids such labels as "right" and "left," "hawk" and "dove," and partly because he avoids entanglements with recognized rightwing organizations and spokesmen, many of those on the left seem not to have developed particularly hard feelings toward him. He is a phenomenon, they feel; a not necessarily dangerous one.

Perot guards his credibility to the point of not discussing his political inclinations, although he has been a visitor to the White House. He is, he insists, a pragmatist above all, one who wants "to see war ended at the earliest possible time." As a pragmatist, he feels that unilateral United States withdrawal from Vietnam is "not in the cards." Therefore, he reasons, the best way to end the war is for the American people to clearly indicate that they are united behind their Government.

Some on the left, to be sure, regard Perot and his reasoning as distinct dangers. Mrs. Cora Weiss, a New Yorker whose Committee of Liaison with Families of Servicemen Detained in North Vietnam was involved in last Christmas's flurry over the release of prisoners' names—Perot called it an "old list" that was "strictly propaganda" and "a form of Oriental torture at Christmastime"—feels Perot is a "publicity hound" whose actions are "Government-inspired," "Government-rewarded" and, so far, unsuccessful. Mrs. Weiss, who has been active in liberal and civil-libertarian causes for years, adds: "He's trying to resolve an issue separately from the war when that issue is created because of the war and can only be resolved by the termination of the war. If Perot put his millions behind the campaign to end the war, the men would be home in a minute. And until he does, I have to doubt his sincerity."

Such critics have little difficulty believing that Perot is somebody's puppet—Mrs. Weiss points out that big data-processing clients are defense contractors—but hours of casual and not so casual conversation with the man are likely to lead one to the conclusion that he is exactly what he seems to be: a smart country boy who learned a lot from a father he loved, who ventured into the business world with a heavy social conscience, who thought up the right idea at the right time and who remains somewhat humbled by the experience. Given the circumstances of Perot's rise and the record of his actions, it is difficult to believe that he is motivated by greed, a taste for publicity, involvement in conspiracy, ambition or any of the other usual vices; it is easy to surmise that his motivation, in business and in the prisoner effort, is nothing more than what most of us would call good intentions.

His 5-foot, 6-inch frame almost swallowed up by the first-class seat on the plane to Denver, Perot successfully foiled a stewardess's second attempt to serve him some breakfast champagne (he neither smokes nor drinks nor curses with any conviction) and said: "The purpose of the Christmas trip was not to take packages to prisoners, but to put the North Vietnamese in the position where they had to talk. We wanted to create a pressure-cooker situation where they had to see us. They didn't have to love us, but they had to see us."

After he got involved in the prisoner issue, Perot said he naturally started thinking in terms of developing strategies; he was disappointed to find out that not many Americans knew very much about the North Vietnamese. "And most of what they knew," he added, "they'd gotten from books and gotten from one another. So our secondary purpose was to educate and inform the American people about the plight of these men. And then, thirdly, we hoped to get the goods to the men. It wasn't so much the Christmas packages as it was the medicine and clothing. We failed on Item 3, but we succeeded on Items 1 and 2. We made the contacts, we developed our strategy and the American people for the first time became aroused and informed."

At the luncheon in Denver, which was in the early stages of organizing a delegation to go to Paris, Perot told the story of the 4½-year-old boy. He also said that Hanoi, no matter how angry it might be at our national leaders, did not want the enmity of the American people.

"They're counting on millions of us to send our sons back over at some future point in time to protect North Vietnam from China," he said, and the ballroom of the Denver Hilton fell into a stunned silence. "That sounds almost ludicrous, but there are men sitting in this room today who, in 1945, would have said it was ludicrous to think that we'd ever be defending Japan and Germany."

Perot said the North Vietnamese are not sure Russia would help them. "Only one nation in the world sends its sons to help others. They think we might. That's the big reason they don't want you to hate them over a handful of men. It's an unacceptable risk."

For those who still doubted, Perot offered "tangible proof" that the Christmas trip in 1969 had not been in vain:

Seventy-five per cent of all the mail that has come out of the prison camps in the last seven years has come since the trip.

Prison brutality has decreased.

The North Vietnamese have increased the number and size of packages families in the States may send to men in prison.

North Vietnamese propaganda films, including one depicting a delayed Christmas party for the prisoners, have been released. The films provided the first proof for some families that their sons and husbands were alive; they demonstrated to others that the prisoners' health had improved.

While the prisoners were hardly an issue at the Paris peace talks a year before, now they were one of the top issues.

And there was another bit of "tangible proof," Perot told his audience in Denver. "This little 4½-year-old boy who got me involved and who didn't know whether he had a dad knows that he has a father today. They just got absolutely sick of this little boy's mother and me and all the others who were involved, and so they started to let that man write home.

"He's in good health; he's in good spirits. This little boy's dad is coming home. If I hadn't accomplished anything else, that would make the whole experience worthwhile. If you could just get that piece of information about one man from Denver, it would make the whole experience worthwhile."

Perot spoke for half an hour with three wives and one sister of men classified as prisoners or missing in action. They hung on Perot's every word, and it was obvious that he wanted to bring them good news but that he had little to offer. "The best sign I see," he told them, "is that—all those people who jump on the bandwagon at the last minute?—they're coming around now."

As he was leaving, one of the women said, "I'd love that man if he didn't have a penny."

Perot went to a television station to be interviewed and to tape a spot announcement on behalf of the local prisoner effort, which is called Colorado Cares. He did the 60 seconds faultlessly, but afterward said he had felt a little silly up there in front of the cameras.

Samir H. Zakhem, a political-science professor at Loretto Heights College in Denver, the director of Colorado Cares and a Lebanese who only a few weeks before had gained his United States citizenship, told Perot that he had been heartened by the willingness of young people to help in the prisoner effort. "Members of S.D.S. helped me get the signatures on the petitions to Hanoi," he said.

On the airplane to San Francisco, a bouncy stewardess with a cascade of blonde hair stopped to say hello. Within 30 seconds Perot had determined that she was from a small town in Iowa and had been active in the 4–H Club there. She mentioned that she would have a 15-hour layover in Las Vegas, and Perot gave her a dollar, saying, "Make me some money."

The other stewardess, a sincere, matter-of-fact brunette, came by a little later. She told Perot: "I just wanted to say thank you for everything you're doing."

"Have you got a boyfriend over there?" Perot asked.

"I've got a boyfriend, and he flies in the Air Force. He's based here now, but . . ." The stewardess did not finish; she made a gesture of helplessness.

In San Francisco, Perot visited with managerial employes at the E. D. S. office, and almost everything he told the two dozen young men—all of them in subdued business suits, none with hair or sideburns that wouldn't pass muster in the Army—was based on the philosophy he had written in Hawaii in the summer of 1962. He emphasized that E. D. S. was wide open for young people with talent; he had, in fact, given up the post of president and kicked himself upstairs to chairman of the board to make more room for young men on the way up. He repeated, several times, the admonition that if a company like E. D. S. is to be successful, its people must think and act as individuals.

Later that evening, when he addressed 150 young men from the Bay Area whom the E. D. S. recruiters had selected as potentially good material, Perot explained some of the company's policies (for instance, it pays all employe maternity bills because Perot, who has four children himself, thinks becoming a parent is one of the finest things that can happen to a man), but he also leaned heavily on the idea of individuality.

After the meeting, a young man asked Perot why, with all the talk of individuality, E. D. S. employees tended to look alike. "We want to be part of the scenery," Perot replied. He explained that E. D. S. people work on the client's premises, and, running his fingers along the lapels of his off-the-rack suit, said: "You might call this camouflage in the corporate jungle."

That night in San Francisco, which is perhaps the American city that appeals most to the senses and which has an impressive selection of restaurants, Texas Millionaire H. Ross Perot dined out of a paper bag on a grilled-cheese sandwich and a chocolate shake. He was too busy to eat properly; he wanted to talk to the wives of San Francisco's prisoners of war.

And if his sense of taste fared poorly in San Francisco, Perot's sense of sight got equally short shrift on the flight back to Dallas. As the big plane floated over spectacular landscapes—the Painted Desert and the Grand Canyon, to name only two—Ross Perot ignored it all to talk about the prisoners. He was pleased that local independent committees had sprung up to carry on the effort. For one thing, it indicated that people weren't as apathetic as they sometimes seemed; for another, the North Vietnamese were becoming skeptical about anything that bore the Perot name, but they could not ignore the hometown delegations of teachers, doctors, laborers and city councilmen.

Is it a success?

"Only when we have the men," Perot answered.

He talked of another project, American Horizons, on which he and his bright young men are working now. It would consist of a series of television discussions of important issues keyed to computer-sized cards distributed with the weekly television guides in local newspapers. Perot explained that viewers would be asked to submit their opinions on the cards, and the results would be made available to anyone who wanted to know what Americans were thinking.

"It's an electronic town hall," said Perot. "We want to educate and inform; we don't want to propagandize. That's the tough part of all this, the balance; so that when it's all over, you may go one way and I may go another, but the exciting thing is that we're going *somewhere*."

All of this, of course, will cost money. But H. Ross Perot is used to spending money. He once told the United States Department of Health, Education, and Welfare that he would be willing to use his own funds to build pilot models of social programs that H. E. W. couldn't afford to build, with H. E. W. as an adviser—a scheme pretty nearly opposite to the way the department has operated.

"I told them, 'We'd like to turn the role around. We'd like *you* as an adviser, and we'd use *our* money and know-how to build the programs,'" said Perot. "They've never come to grips with that proposal."

That a bureaucracy as vast and inbred as the Department of Health, Education, and Welfare may never come to grips with such an attractive proposal will not be a surprise to more cynical citizens. Nor may it be surprising to hear Ross Perot say that he has no political ambitions. The man says he would grow impatient and frustrated in such an environment as the United States Senate or the House of Representatives, and it is easy to believe him.

Whatever his political plans, though, it *would* be surprising if we were to hear less from H. Ross Perot in the future. If ever there was an evangel of the wealthy, a millionaire who thought he should pay his dues, Perot is it. But he does have one big headache—how to spend his money wisely.

As the plane approached Dallas, he pondered a question on how much he had spent in the prisoner-of-war campaign. About $2-million, he said. And other expenditures—the Dunbar School? the Scouts?

"I'd guess somewhere around $5-million or $6-million."

He mused a while. "The *problem*, though," he said, "is finding places where I can intelligently spend it." He thought a second more, then added: "Be careful how you write that, or I'll be deluged with opportunities." There was another pause, and then: "That's all right, though; that's why we're here."

WHY CONCERN OVER RUSSIA IN THE MEDITERRANEAN BUT NOT IN THE CARIBBEAN?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RARICK. Mr. Speaker, while the threat to the security of the United States resulting from a Soviet military buildup on the island of Cuba was ignored in the Kissinger-Nixon state of the world report, more and more evidence is being revealed concerning the increasing seriousness of the threat.

Columnist Henry J. Taylor has produced information regarding a tripartite agreement among Russia, Venezuela, and Cuba whereby Russia will provide Castro with a fleet of tankers as well as providing Soviet industrial equipment to Venezuela.

According to Taylor's report, additional military aid being provided Cuba by the Soviets includes patrol boats with an action radius of 3,600 miles and outfitted with the Soviet's latest radar, communication, and gunnery equipment; Czechoslovakian antiaircraft guns, photographic reconnaissance planes, and Russian MIG jet search planes. The latter planes are capable of instant conversion into bombers capable of launching a larger and more devastating atomic missile than launched by a U.S. Polaris submarine.

While the U.S.S.R. builds an armed fortress just 80 miles off our mainland, Kissinger and Nixon and their accomplice supplement their talk of winning the "peace" and of the demise of war with aid to the U.S.S.R. and the Eastern Europe Communist bloc—sometimes referred to as the captive nations—in the form of sensitive computers, scientific and electronic equipment, construction and manufacturing equipment, chemicals, and many other items which would enhance their war-making capability. See 94th Quarterly Report on Export Control for fourth quarter of 1970 issued by Mr. Maurice H. Stans, U.S. Secretary of Commerce.

We arm the enemy which supplies 80 percent of the materials of war to kill our servicemen in Vietnam and which is now arming the Cubans and building a base in Cuba from which to attack the United States.

Additional information concerning the Russian naval base comes from the Cuban Patriotic Resistance and has been provided by Mr. Manolo Reyes, a well-informed Cuban patriot of Miami, Fla.

Information provided by Miss Juanita Castro, Fidel's exiled sister, in a letter to the Latin American News, Post Office Box 2318, New York, N.Y., tells of the nuclear submarine base in Cienfuegos and the construction of still another nuclear base on the southern coast of Las Villas Province.

Mr. Speaker, the present policy of the Kissinger-Nixon administration regarding the Soviet threat in Cuba unless radically changed will end in disaster for this country. I simply fail to comprehend the administration's stance regarding Cuba and Latin America especially in comparison with the administration's concern over Russian action on the Middle East. Are we to understand that the administration considers Russian activity in the Mediterranean a greater threat to the U.S. security than Soviet activity in the Caribbean?

What is the solution to this grave menace to our country? First, we must distinguish friend from foe; then we must help our friends instead of our enemies. We can help our Cuban friends by reflecting upon the sagacious remarks about us and taking action on the recommendation of Mr. Humberto Medrano, Cuban patriot, who in a letter written over 6 years ago stated as follows:

> Communism does not intend to wage a declared war. Its aim is to suffocate you. Its tactics are to surround you with hostility, creating and extending all over the world zones of unfriendliness and disaffection; introducing mistrust and divisionism among your allies; undermining your rearguard through the subversion and control of Latin America.
>
> Communism knows that when you lose Latin America, you have lost America. Because, once fenced in within your vital space and overtaken, your last geopolitical bulwarks, your atomic powers will have been invalidated. You will then have to face surrender without firing a single shot— a defeat to which many of your "fifth columnists" with democratic credentials, will have contributed to from the inside with a cry of surrender, as they now cry for appeasement.
>
> To this purpose your enemies are progressing. But you seem not to realize it or to have fairly judged how far they have advanced. The fact that you are constantly losing the support of your allies, as well as zones of influence everywhere, should grant you the measure of your losses, or of their gains.
>
> You declared an economic embargo on Communist Cuba; yet Britain, France, Spain, Canada, Japan, Morocco, Sweden, and Mexico, all of which are your would-be allies, trade with Castro communism. We all know it displeases you. But they don't care. Why?
>
> One reason, Uncle Sam: They consider you weak and in retreat. Your associates no longer have faith in you and seem eager to dissolve the partnership. They believe that their political shares will be under better protection if they follow their own policies or merge with the rising stocks of socialism.
>
> Whether we like it or not, Uncle Sam, crowds always follow the stronger and prefer a winner. For quite some time these countries may have thought that while right is on your side, aggressiveness and power are on the side of Russia.

Mr. Medrano concludes his letter with this recommendation:

> In pursuit of such friendly collaboration, the only thing that we exiled Cubans wholeheartedly request from you is that you help us today. That you give us that help as openly and as decisively as Russia helps her followers.
>
> If you really help us, Uncle Sam, if you give us the green light now, allowing us to fight for our country—which is the least you can do for us—we will regain Cuba, not only

for the sake of Cuban liberation, but for the sake of continental solidarity.

When this comes to pass, you will have not only recovered a friendly nation, but you will have protected your front-door and your rearguard and you will hold the guarantee that even if Russia harasses you in Africa, America will be faithful. You will never attain such faithfulness as long as Cuba remains a military and political base of the Soviet Union.

Mr. Speaker, the Soviet threat in Cuba has developed to such a critical stage that immediate positive leadership on our part is imperative in order to root out the Communist cancer which is spreading in Cuba. Because of conflicting information given by the Kissinger-Nixon administration on the one hand and by naval intelligence, Cuban underground, and some of the press on the other hand, I urge a congressional investigation to bring out the true facts as to the situation in Cuba today. I would also urge prompt action on my House Concurrent Resolution 65 and House Joint Resolution 160.

House Concurrent Resolution 65 would make it the sense of the Congress that the question of denial of right of self-determination and other human rights violations in Cuba be placed on the agenda of the United Nations Organization.

House Joint Resolution 160 would seek to prevent subversion of the United States, Central, and South America as proposed by Castro and would encourage—not hamper—Cubans in exile in restoring freedom and constitutional government in their homeland.

The time has come to stop building bridges with our enemies and to start repairing bridges to our allies.

I insert a letter, appearing in Life Lines of February 22, 1971, of Mr. Humberto Medrano, former ex-subdirector of the Havana newspaper Prensa Libre; a letter of Miss Juanita Castro, a report of Dr. Manolo Reyes from the Cuban Patriotic Resistance, several newsclippings, House Concurrent Resolution 65, and House Joint Resolution 160:

[From Life Lines, Feb. 22, 1971]

DEAR UNCLE SAM: SIX MORE YEARS HAVE GONE BY

(NOTE.—This "letter to Uncle Sam" was written by Dr. Humberto Medrano, ex-subdirector of the Havana newspaper Prena Libre, and was read at the 1964 "Grito de Baire" celebration at San Juan, P.R., to Accion Civico-Economica Cubana, an organization of men who fled Cuba as Castro took over.)

UNCLE SAM: This is a letter from a real friend and sincere admirer.

Of my friendship there is written proof. Of my admiration there is an adequate record. I am an exiled Cuban.

My exile does not come from the fact that I was materially affected; rather, because my personal principles were betrayed. As it is, I chose to sacrifice material belongings in behalf of my principles.

Among my principles was my loyalty to your nation; a loyalty inspired mostly in what this nation means and represents as an image of my political creed and as a banner of my faith.

Let it then stand that whatever I may say herein arises from these ties that bind me to you and not from discrepancies between us. For none separate us. By your side I stood in my country when powerful pro-Soviet agents began to slander and curse you. I came to your country when I could no longer materially protect those ideals that strongly compose the historical foundation of our respective countries. And I came not seeking for a place to keep on living, but rather, for a beachhead to keep on fighting for those ideals.

I maintain my faith in you. In your people I can see unending sources of energy. To me, you are far from being a land of youthful gangsters or of hysterical teenagers. Yours is the land of the brave and I behold you as the birthplace of those who through concentrated effort and well-rooted heroism have built up a nation where all liberties exist and all rights are respected; even those of the young gangsters and of the hysterical teenagers.

However, I must sincerely advise you that this is an hour of receding tide for you. Perhaps you are not aware how fast the tide is receding, probably because your good judgment appears shadowed precisely by your unlimited resources at hand. Perhaps your own powers distract you and your overwhelming achievements have given you excessive confidence to the extent that they have softened you.

But there is an indisputable fact that stands above your accomplishments: those accomplishments and the authority that preserves them are today being threatened by communism.

In view of this menace you cling to your nuclear power. Some of your key policymakers believe that, in the last instance, "we have such a tremendous destructive power that it will force the enemy to hesitate before launching any attack on our country."

Wrong, communism does not intend to wage a declared war. Its aim is to suffocate you. Its tactics are to surround you with hostility, creating and extending all over the world zones of unfriendliness and disaffection; introducing mistrust and divisionism among your allies; undermining your rearguard through the subversion and control of Latin America.

Communism knows that when you lose Latin America, you have lost America. Because, once fenced in within your vital space and overtaken, your last geopolitical bulwarks, your atomic powers will have been invalidated. You will then have to face surrender without firing a single shot—a defeat to which many of your "fifth columnists" with democratic credentials, will have contributed to from the inside with a cry for surrender, as they now cry for appeasement.

To this purpose your enemies are progressing. But you seem not to realize it or to have fairly judged how far they have advanced. The fact that you are constantly losing the support of your allies, as well as zones of influence everywhere, should grant you the measure of your losses, or of their gains.

You declared an economic embargo on Communist Cuba; yet Britain, France, Spain, Canada, Japan, Morocco, Sweden, and Mexico, all of which are your would-be allies, trade with Castro communism. We all know it displeases you. But they don't care. Why?

One reason, Uncle Sam: They consider you weak and in retreat. Your associates no longer have faith in you and seem eager to dissolve the partnership. They believe that their political shares will be under better protection if they follow their own policies or merge with the rising stocks of socialism.

Whether we like it or not, Uncle Sam, crowds always follow the stronger and prefer a winner. For quite some time these countries may have thought that while right is on your side, aggressiveness and power are on the side of Russia.

Are they wrong? Yes, but it doesn't matter. You are strong, but look weak. Russia may be weak, but appears strong. And unfortunately, people are led by appearances. If it were not so, Fidel Castro would not be there now.

There is no doubt, Uncle Sam, that your atomic power is greater than Russia's, but Russia's power of motivated propaganda is greater than yours.[1] You know how to manufacture and sell refrigerators better than anyone else, but Russia knows how to convince those that lack refrigerators that you are to blame that they do not have them.

Russia has studied you for 40 years. During that period they have learned that due to your enormous productive capacity, they could not lick you face to face by force. Therefore, the Pavlov Institute arrived at the conclusion that they must face you through the psychological low blows of a cold war, which, after all is a war of propaganda.

In this sense they have a big advantage over you. Why? Because you are guided by good faith while Russia is not. You stand on truth which receives less dissemination. Whereas, Russia leans on spectacular lies, which, unfortunately, find greater echo.

In this manner they have been able to convince many that, in spite of your driving initiative, to side with you is to side with a declining world, while lining up with communism (which is a system of failures incapable of supporting itself) is like falling in line for the world of tomorrow.

To these contradictions are added others well elaborated and further broadcasted: That your liberties are unfair while Communist slavery is just; that you, paying the highest wages, exploit workers, while they, who pay least, redeem workers. That your magnanimous aid, even to non-Democratic countries, should be despised, and that they who despise everything non-Communist, should be aided.

They have pierced so deeply in this respect that even you are by now a victim of their propaganda. The proof is that while they emphasize the weakness of capitalism you help them make good their failures with wheat and rice from your reserves. While you respect their "vital space," they take a foothold on yours.

Why do you allow this, Uncle Sam? Why do you accept the stigma of imperialism which you do not deserve? Why don't you use your mighty strength to clean enemies out of your vital spaces?

If you did it, you would not only remove the sword from your back, but you would also recover your prestige, revitalize yourself, and regain authority at home and abroad. Should you do it you would end the numerous conflicts that beset you everywhere. Furthermore, you would regain the respect of the old nations and share it with the new ones. Your friends would stop flirting with your enemies and no one would dare dishonor your flag.

To counteract the corrosive action of communism within your vital space in America you have devised the Alliance for Progress, a wonderful project on a short-term basis. . . . when you will be convinced that loyalty has nothing to do with money? Hasn't history taught us that men are capable of selling themselves for money but that only for ideals will men stay loyal, fight and even die?

And when will you finally be convinced that as long as Fidel Castro exists in (Latin)

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[1] Senor Medrano was more right than he knew in 1964. Since then: (A) According to the military experts of the American Security Council, Russia outguns the U.S. in nuclear megatonnage 6–1 (10,330 to 1,730) (B) Cuba is now a Russian nuclear arsenal (C) Cuba has trained American revolutionaries (D) Cuba has been joined by Chile as a second Marxist foothold in Latin America (E) several Latin American countries have regimes with friendly ideological and economic ties to Russia.

America, you will enjoy no loyalty, no respect, no truthfulness, no peace?

Yes Uncle Sam, as long as Fidel Castro tramps in Communist Cuba you will continue to go through a period of discredit. You may not think so because surrounded by your nuclear powers, you imagine that nothing can discredit you. But the rest of the world thinks differently. As long as Fidel Castro can slander you, confiscate your property without compensation; threaten you with rockets, cut your water supply from Guantanamo Naval Base, and shout insults at you at arms reach as Fidel has done, your capital stock as a world power deteriorates and your leadership becomes questionable.

Leadership is not attained by forbearance, but by the proper exercise of power. Real leadership implies recognition from those being led and such acknowledgement implies demonstration. You are a natural leader, Uncle Sam, and you have ample qualifications to be one and to act accordingly. But show it now; prove to the world and prove it to yourself as you have done so many times before. You will see how soon insults and disturbances will disappear and above all, how blackmailing from certain Latin American countries will end.

By no means think that the undersigned is asking you to send the "Marines" into Cuba for them to gift us with a free country. You would have to fight according to rules and the rules say that territories to be taken must be first bombarded. I do not want devastation nor occupation for my Cuba unless we Cubans are in the first fighting line. I do not want, dear Uncle Sam, any flag above my flag.

I want your friendship for Cuba and I want Cuba to be always a friendly territory to you. I want Cuba to be a fruitful land for your investments and a fraternal country for your ideals. But I also want a free and respected nation. I want you to respect our little island just as we respect your great United States. I want Cuba and the United States to have common interest and objectives and I do not want you ever to feel threatened or unsafe when you think of Cuba. As well, I want you to look to Cuba as a sister nation.

In pursuit of such friendly collaboration, the only thing that we exiled Cubans wholeheartedly request from you is that you help us today. That you give us that help as openly and as decisively as Russia helps her followers.

If you really help us, Uncle Sam, if you give us the green light now, allowing us to fight for our country—which is the least you can do for us—we will regain Cuba, not only for the sake of Cuban liberation, but for the sake of continental solidarity.

When this comes to pass, you will have not only recovered a friendly nation, but you will have protected your front-door and your rearguard and you will hold the guarantee that even if Russia harasses you in Africa, America will be faithful. You will never attain such faithfulness as long as Cuba remains a military and political base of the Soviet Union.

Fraternally yours,
HUMBERTO MEDRANO.

A REPORT FROM DR. MANOLO REYES

We have just received new information from the Cuban Patriotic Resistance referring to the Russian Naval Base in Cienfuegos Bay, in Cuba. The new information reveals, among other things, the perimeter of that base. On the water, the extension of the Russian Naval Base is of about 4¼ miles. On land, on closed littoral, from La Milpa to Punta Gorda, it is of almost 15 miles.

According to the report received from the Cuban Patriotic Resistance, The Russian Naval Base in Cienfuegos occupies the South, South East, East and North East parts of the Cienfuegos Bay. That is, from the tip of La Milpa towards the East of the Laguna de Guanaroca. From there, towards the Enenada de las Calabazas, including, of course, Cayo Colorado, Punta de la Trompada, the mouth of the Caonao River, the Estero de Bada, the tip of La Hierba up to Punta Gorda. Therefore, the sections of Laredo, Playa Alegre and Punta Gorda have been vacated. All of these places mentioned before, and that form the perimeter of the Rusisan Naval Base, are precisely in the hands of the Russians.

In Punta Gorda, where the Naval Base mentioned before, ends, the militaries have taken possession of all the houses, according to the Resistance. In the attached photograph, taken some years ago, you can appreciate the extension of about two blocks of Punta Gorda, where there are some ten houses. All of them have been occupied by Russian Naval officers, while the so called Bulgarian and Russian technicians are staying at the Hotel Jagua, also in Punta Gorda.

The Resistance also informs that the house marked with an arrow, and of which you can see the top part of the building, belonged for many years to the Cacicedo family, from whom it was stolen by the Castro-communist regime. The house is two stories high, with eight rooms, six bathrooms, a wide hall on both floors and is of Spanish style. At present, that house is constantly visited by Fidel Castro. And the offices of the Communist Party have been established there and it is where the Russian Naval Staff meets, sometimes by itself, sometimes with Castro. Not over six Russian Naval officials of high rank have taken part of these meetings. Raul Castro has also been at the meetings.

The high Russian Naval officers that go to Cuba, according to the Resistance, meet in Punta Gorda. But later they go, apparently, to rest at the facilities built in Cayo Alcatraz. Facilities that are far superior to the ones available to the noble Cuban people at present. The Resistance informs that the facilities at Cayo Alcatraz are also for the change of crews from the surface units and submarines of the Soviet Union. According to the report, Fidel and Raul Castro have gone to Cayo Alcatraz. No other Cuban is permitted at present in that key. The same is totally in the hands of the Russians. Finally, the Resistance says that Fidel Castro has ordered the fast construction of a bridge over the Caonao River where a strictly military road passes towards the Russian Naval Base. That military road leaves from a point of the Cienfuegos road to the Tomas Asea Cemetery, and goes directly South, passing over the Caonao River, near its mouth, crossing the San Mateo farm up to a place called El Laberinto de los Naturales, near Guanaroca. Up to there the largest information received from the Cuban Patriotic Resistance about Cienfuegos.

[From the Latin America News, February 1971]

THE SOVIET UNION WILL INCREASE ITS NUCLEAR BASES IN CUBA

The new Ambassador of the Soviet Union to Cuba, Nikita Pailovich Tolubeyev, is an expert in missile installations, a coordinator of guerrilla warfare, and, of course, an organizer of subversive intelligence net.

On the other hand. the Soviet Marshall Zacharov, Chief of the Soviet Air Forces, has planned a visit to Cuba in order to meet secretly with Latin and North American leaders, to whom he will give instructions concerning other guerrilla warfare plans for different nations in this continent.

Marshall Zacharov will inspect the nuclear submarine base built up in Cienfuegos Bay, and also the beginning of the construction of another nuclear base in the southern coast of Las Villas province, as well as other airports and a naval post with hidden missile platforms, will be built up in the Isle of Pines, south of Havana in the Caribbean Sea.

The Soviet Union will increase the number of nuclear bases in Cuba, in order to ridicule the defensive system of the United States, and also using Fidel in the extracontinental plan which has different ways of being carried out, to first impose itself upon and later take command of the Latin American countries.

This information I have just received from Cuba and which I pass to the world public opinion as a denounce of the new Soviet plan and that of the puppet regime of Fidel's proves that the danger faced by the nations in the Americas is critical each passing day, due to the policy of abandonment and indifference maintained regarding the problems of Communist Cuba.

Fidel is making his old ambitious dream come true, that is to say, making Cuba a powerful nuclear fortress in order to blackmail the rest of the nations in this Hemisphere, and to go ahead with his *continental plan,* which he has never given and will never give up: to create new fighting fronts to other nations.

On making this public denounce, which unfortunately time will surely confirm, as it has happened before, we hope that the Government of the different countries in the Americas will adopt a more strict and firmer attitude toward the evident danger represented by Communist Cuba.

The fact that the Soviet Union is sending, as its diplomatic representative to Cuba, an expert in nuclear installations and an organizer of urban and rural guerrillas, is evidence enough of the two-faced nature of the Soviet leaders, who speak of the reestablishment of "diplomatic" and "Friendly" relations with the American nations, and, on the other hand, keep on trying to seize them by means of deceitful agents like Fidel and other Communist leaders.

Besides, this information I have just received from Cuba also means that the Soviet Union is deceiving the United States again in regard to the problem of missile installations.

If the United States continues on with its hands tied up due to the treacherous Kennedy-Khrushchev "entente", and if the United States does not change its policy toward Communist Cuba—which is being progressively turned into a nuclear base for the Soviet Union in this Hemisphere—all the nations in the Americas will eventually fall, one by one, into the paws of the barbarian Soviet imperialism, including the United States itself, where the consequences of its lack of a stronger action toward the subversive activities and defiant attitude of international Communism are being felt already.

JUANITA CASTRO,
Exile, Miami, Florida.

(NOTE.—Miss Castro is a sister of Fidel Castro, Communist Cuba's Tyrant.)

RUSSIA AND HER CARIBBEAN ISLAND

(By Henry J. Taylor)

KEY WEST, FLA.—Here where Cuban underground heroes risk their lives going back and forth, the subject of a major Soviet naval facility at Cienfuegos, Cuba, simply will not down. And now a Soviet pitch involves Venezuela, where the U.S. stake is immense and Soviet intrusions grow daily.

Russia has been quietly providing Castro with a fleet of tankers. The Kremlin has delivered four. All are named for Red Cuban holidays. The flagship is the 22,000-ton Seventh of November. Castro is paying for this tanker fleet with sugar.

The Venezuelan who revealed the Kremlin plan is former Minister of Mines and Petroleum Manuel Egana. He did so at a conference in Caracas with two members of Castro's eight-man "Politburo," both military officers, and others that included two underground members who have penetrated Castro's hierarchy.

Egana stated that behind closed doors the Soviet has agreed to surrender its oil market in Cuba and hand this over to Venezuela. The Venezuelan government, in return, agreed to accept Soviet industrial equipment on terms advantageous to the U.S.S.R.

The Soviet provided Castro's petroleum needs from Baku on the Caspian Sea and the port of Novorossiisk on the Black Sea It has had on this long, vulnerable and expensive urn tankers like a 46,000-dwt vessel Russia bought in Japan.

In spite of the Soviet's massive seven-year shipbuilding program in its vast Kherson and Nikolaev shipyards, now approaching completion, the Kremlin sometimes has also had to meet Castro's needs by diverting two giant supertankers which supply Black Sea oil to Greece—the surprisingly named Leonardo da Vinci and the Gdynia.

Substituting nearby Venezuelan oil is obviously more economical but it also serves Russia's strategic purpose. It gives the Soviet short and protectable supply line—interior lines of communication, the military call this—to Russia's Caribbean lodgement inside our own U.S. defense perimeter, 90 miles off our shores.

Additionally, Soviet naval squadrons on their last "courtesy call" to Havana, delivered technicians to expand the Chullian shipyard on the Almendares river in Havana Province. The underground identified two top Soviet naval engineers, Eugen Klinko and Alexander Ismov. They are turning out Russian-designed patrol boats—six types ranging from the so-called Lambda-75 to the small, almost-silent Eta-25. A Lambda's 13.5-ton fuel capacity gives the fast boat an action radius of 3,600 miles.

The Soviet's latest radar, sonar, radio-telephone and gunnery equipment is being installed. The Russians are also training Cuban crews at Castro's Victoria de Playa Giron Naval School. Each Lambda requires 11 specialists abroad.

The armada's control will be at the heavily-armed, off-limits city of Remedios, now the headquarters of the Soviet High Command in Cuba. The Cuban underground works at penetrating Remedios information. Castro's executions are at 5 o'clock in the morning. Many imprisoned underground fighters say: "Don't ask me the day. I only know the hour." And Castro recently executed four of these heroes charged with Remedios intrusions. As usual, they were shot on Castro's old ruse, "la fuga"—charged with trying to escape.

Operational direction, however, is scheduled from Matazas, just 75 miles south of Key West, and from Caribarien, a port 190 miles east of Havana. Both are now receiving new Soviet electronically-controlled anti-aircraft installations, the guns chiefly Czechoslovakian.

These installations are combined with a special air cover which will fly from San Antonio de Los Banos and the Soviet air base at San Julian, 90 miles southeast of Havana, the island's largest air force station. This operation will be tied in with Castro's powerful Russian-built radio transmitter on the Cape Breton peninsula. It gives direct around-the-clock communication with Moscow, so powerful that it is nearly impossible to jam.

The Russians have sent in the equivalent to our successor of the U-2, the black, twin-engine, delta-wing SR–71, photographic reconnaissance marvel that flies at 80,000 feet and can film 60,000 square miles in one hour. But the Soviet aircraft deliveries concentrate on far-flying Russian MIG jet search planes.

These are lethal. They are capable of instant conversion into bombers merely by attaching the bomb rack. Our Office of Naval Intelligence knows each plane is capable of launching a larger and more devastating atomic missile than is launched by a U.S. Polaris submarine.

[From the Christian Science Monitor, Mar. 1, 1971]

RED CRAFT NEAR CUBA IRK UNITED STATES

(By James Nelson Goodsell)

PANAMA CITY.—The return of Soviet naval craft last week to Cuban waters, including the rumored presence of a nuclear submarine, suggests that Washington may not be correct in assuming it has an "understanding" with the Soviet Union over the whole issue.

For five months, the presence of Soviet vessels in Cuban ports or cruising in the area has raised questions about Soviet intentions in and around the Caribbean. Moreover, the rumored building of a submarine base at the south Cuban port of Cienfuegos continues to be a major topic of speculation and discussion in United States circles in Panama and elsewhere.

But it is understood that whatever construction was under way in October at Cienfuegos has in fact now been stopped for four months.

THREE LEADING QUESTIONS

Officials here in Panama—where the United States has large military commitment, as well as the strategically important Panama Canal—worry about these questions:

With Soviet trading activities now increasing throughout Latin America and with Soviet merchant vessels regularly calling at Latin-American ports, is it not just a matter of time before Soviet naval vessels also make similar visits to these ports as do U.S. naval vessels from time to time?

In particular, how far off is a visit of Soviet naval craft to Chile where a Marxist-oriented government took office in November?

Finally, with the more modern techniques for berthing and supplying naval vessels, is construction of a base at Cienfuegos absolutely necessary for the Soviet Union if its vessels are to ply Caribbean waters?

It is on this last point that many observers here are devoting considerable speculation. In fact, it is assumed here that Cienfuegos would be more useful to Soviet naval craft as a rest and recuperation center for the crews of submarines who remain underwater for extensive periods and need an opportunity to get away from their tight and limited quarters.

In fact, it is generally assumed that Cienfuegos could become much like similar establishments used by the United States fleet in Scotland and in Spain.

Still, the presence of Soviet naval vessels, their possible use of Cienfuegos and the reported arrival now of a Soviet nuclear underwater craft are seen here as a Soviet probe of United States reactions.

In Washington, the current visit of Soviet ships—the fifth in two years and one which follows more closely on the heels of the prevous visit than those of the past—is viewed as a direct challenge to the Nixon administration's general attitude on the question.

HIGH-LEVEL HANDLING

President Nixon and his top national security adviser, Prof. Henry A. Kissinger, took the issue of Soviet vessels in Cuban waters out of State Department hands in September and all comments on the issue has come subsequently from the White House.

Mr. Nixon has indicated on several occasions that there is indeed an "understanding" on Soviet activities in the Caribbean based on the 1962 Cuban missile-crisis understanding between President Kennedy and Soviet Premier Nikita S. Khrushchev. In return for a United States promise not to seek the overthrow of Cuban Premier Fidel Castro, the Soviets agreed not to reintroduce nuclear missiles into Cuba. The Nixon thesis is that this covers nuclear submarines in the Caribbean which must not be serviced "in or from" Cuban ports such as Cienfuegos.

If such an understanding in fact does exist—but there seems some doubt about the nuclear submarine aspect of it—then the presence of Soviet craft in Cuban waters could be construed as a violation of the terms of the understanding. And here in Panama, where U.S. fleet activities are often sizable, the Soviet presence is generally seen as a challenge "of major and immediate proportions" whether it is a violation or not.

[From the Washington Evening Star, Feb. 28, 1971]

CASTRO SHIFTS MISSILES TO WEST END OF CUBA

(By Jeremiah O'Leary)

The government of Fidel Castro, for reasons that are unclear to U.S. officials, recently finished removing all of its antiaircraft missile batteries from eastern Cuba.

American U2 jets, which have maintained a regular surveillance of Cuba since the 1962 missile crisis, began detecting the shift in SAM sites from Oriente and the eastern provinces a year ago. Indications are that Castro's anti-aircraft missile strength is now concentrated in the western half of the island where Havana is located.

Officials of U.S. departments that keep watch on Cuban military and political developments are unable to explain why Castro has elected to leave Santiago and the eastern areas undefended.

Some speculate that Castro does not anticipate any attack from the U.S. at all. Others say he may not have enough missiles to defend all of the island and is simply concentrating what he does have in the west.

It was U-2 photo reconnaissance that first detected the ICBM buildup which led to the 1962 confrontation and subsequent Soviet removal of missiles that could have reached almost every American city.

There is no longer any question that Russian submarine crews intend to use the Cuban harbor at Cienfuegos as a regular port and for recreational facilities. Cienfuegos is still regarded by the United States as a facility rather than a base, in the full military sense, for submarine use.

Up to now, the Russians have not sent a Polaris-class submarine to the harbor. The most recent visitor was a nuclear-powered attack submarine armed with torpedoes rather than ballistic missiles.

The United States tracked the sub there during the last three weeks and at last report it was still in the harbor, lying alongside a Soviet tender. Two barges and several barracks now appear to be permanent installations at Cienfuegos.

Castro also has tightened the defense ring around the U.S. base at Guantanamo Bay on the eastern tip of Cuba. However, it appears that the ring is more devoted to keeping Cubans seeking asylum at the U.S. base than to protect against American attack.

[From the Washington Evening Star, Mar. 13, 1971]

16 CUBANS CHAIN SELVES TO TABLE AT UNITED NATIONS

UNITED NATIONS, N.Y.—Sixteen anti-Castro Cubans entered the empty chamber of the U.N. Security Council yesterday and chained themselves to the conference table, demanding human rights for political prisoners in Cuba.

After a 2½ hour sit-in, uniformed U.N. guards cut the chains and dragged or carried the protesters out. The young demonstrators—14 men and two women—cried "Freedom for Cuba" and "You're just like the Nazis."

The Cubans told the guards they belonged to an organization called Abdala and were protesting the detention of "40,000 political prisoners" in Cuba under the Communist regime of Premier Fidel Castro.

They joined a guided tour of the United Nations. When the group arrived at the public gallery of the Security Council chamber they climbed over a barrier and ran to the big, horseshoe-shaped delegates' table.

H. CON. RES. 65

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination and other human rights violations in Cuba on the agenda of the United Nations Organization.

H.J. RES. 160

Joint resolution to prevent the subversion of the United States and the American continents as proposed by the Communist government of Cuba under Castro, and for other purposes

Whereas there have been many suggestions and several resolutions as to the procedure necessary to stop Cuba's Fidel Castro from subverting the American continents; and

Whereas Fidel Castro's Communist regime has, by its actions, merited the condemnation of the Organization of American States as an aggressor nation; and

Whereas the Castro government at the Tri-Continental Conference declared, openly for all to know, its intent to overthrow every legally constituted government on the American continent, including that of these United States; and whereas, it has already put into practice the revolutionary plans of the Tri-Continental Conference of Havana in Bolivia, Venezuela, and Guatemala; and

Whereas the citizens people of Cuba, terrorized by huge arms buildup and foreign mercenary troops, cannot regain control of their government without outside help from the nearly one million fellow countrymen in exile; and

Whereas it is to the best interest of these United States not to have an aggressive dictatorship, supported by foreign arms and troops, menacing our people with atomic missiles pointed at our cities; and

Whereas it is in the peaceful interest of the United States Government, as well as a moral obligation to all Americans, to prevent Latin America and the United States from becoming battlefields for guerrilla warfare, as planned by Castro at the Tri-Continental Conference of Havana; and

Whereas it would be a waste of the American taxpayers' dollars to donate funds for the Alliance for Progress in Latin America while Castro is at liberty to organize, finance, and direct guerrilla bands to attack and overthrow these same governments we are trying to help financially: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government withdraw political recognition of Cuba's Communist government and thus encourage all Latin American countries to do likewise; and

That all governments who wish to participate in the Alliance for Progress must first withdraw political recognition of any Communist government in Cuba; and

That the United States State Department policy be clearly defined as no longer recognizing the Communist regime of Castro at Havana and that no reprisals will be taken against any Cuban in restoring freedom and constitutional government in their homeland Cuba; and

That any nation doing business with Cuba's Communist aggressor government of Fidel Castro will be subjected to an embargo by the United States in equal amounts to that country's imports to the United States; and

That the United States Government will recognize no government in Cuba until a truly constitutional government is established by free elections participated in by all Cubans.

NOW IS NOT THE TIME TO BUILD AN SST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. BIAGGI. Mr. Speaker, I want to join with the other voices here today in opposition to continued funding of the supersonic transport plane. We have heard numerous arguments against it ranging from damage to the ecology to poor economics, but for me the two overriding factors are the pressing needs in other areas of transportation and the never-ending demand for money with no predictable ceiling in sight.

Frankly it will do no good to get from New York to London 2 hours sooner if it takes 2 hours longer to get from one's home to the airport. Our cities—and particularly those in the New York metropolitan area—are choked with traffic. Subway and rail systems are breaking down because of the overload of passengers. Airports are tremendously overcrowded. The fact is we are moving people from point A to point B slower today than we did 10 years ago and with more inconvenience and discomfort.

Knowing of these problems, I cannot in good conscience support a project that would only add to the already critical transportation problem.

This country may reach a point sometime in the future when construction of an SST will be more feasible. But at this juncture in our national life we simply cannot afford to consider such an expenditure.

Beyond the scope of the transportation problems, there are many other priorities that should be considered before building an SST. The housing shortage has reached the critical stage. Many of our cities and States are on the brink of bankruptcy. Our citizens are crying for relief from taxes.

In the midst of all this there are some in this body who still are seeking to spend needed dollars on a luxury airplane. That is like the alcoholic husband who spends a big chunk of his paycheck for a good drunk rather than on food for his family.

Americans on the individual level have had to tighten their belts more than once in the past several years. Most families have had to go without some luxuries and items of convenience or prestige because of the high cost of necessities.

How many families do you know that have sacrificed buying a new or better car so that they could send a son or daughter to college? Can we do less at the Federal level than what we ask of the individual citizen?

Our college aid program has languished for the last couple of years because of lack of sufficient funds. Let us spend the millions planned for the SST on better education programs.

In addition to the questionable need for an SST at this time in light of other demands on the tax dollar, there are the many unanswered problems of air and noise pollution by a fleet of these planes.

Although some efforts have been made toward solving the noise problem, other questions have been raised that any solution would add so much equipment to the already heavy jet that it would be uneconomical to fly.

Also the question of upsetting the delicate balance in the upper atmosphere which controls temperature and weather is as yet unanswered.

We have heard numerous arguments about the economic need for this plane in terms of passenger traffic. I would point out that the 747's are currently running way under capacity and the airlines have experienced a drop in passenger traffic recently. It would appear that the projections of the plane's backers are way off.

Mr. Speaker, I do not believe this body can justify spending scarce tax dollars on the SST at this time. Perhaps in the future when some of our urgent problems have been solved, when some of the pollution controversies of the jet have been settled and when the need has been clearly demonstrated, then this body may well take a second look at the SST and decide to go ahead with it. However, today—in 1971—the American taxpayer deserves a better deal than higher taxes for a high-priced luxury plane.

A PEACE SETTLEMENT IN THE MIDDLE EAST

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. SCHEUER. Mr. Speaker, the statements made by Secretary of State Rogers at his recent news conference indicate to me that the United States is pursuing a dangerous, futile, and even mischievous policy in the Middle East.

The Secretary's statements had the effect of placing further pressure upon Israel to withdraw to its pre-1967 borders. In his opinion, the Secretary noted, geography is not "solely responsible for security or even to a large extent responsible for security."

Mr. Speaker, this statement betrays a painfully inadequate and incomplete understanding of the situation.

Israel has had a long and unfortunate experience with borders that were difficult if not impossible for her to defend. She has had experience with so-called international peace-keeping forces. She has suffered before from a failure of the United States to fulfill a clear and written American commitment to defend Israel's right to navigation in the Gulf of Aqaba.

This past experience has clearly demonstrated that Israel cannot rely upon international efforts to guarantee her right to survival. She must have borders she can defend herself, for no other country or international organization has thus far exhibited the reliability and strength necessary to prevent Israel's complete obliteration.

Mr. Speaker, if geography is not important why did the South Vietnamese and the United States invade Cambodia and Laos?

If geography is not important, why did the United States insist that Russia remove missiles from Cuba—90 miles from our shores?

If geography is not important, why did we fight in Korea—a country in close proximity to our ally Japan?

If geography is not important why did the Soviet Union annex part of Poland and insist upon establishing a buffer zone around her borders after the Second World War by insuring friendly regimes in east Europe?

If international guarantees are so important, how could the countries of Western Europe—including two of the Big Four who are now so ready to defend Israel—fail to defend Czechoslovakia in the 1930's?

Did the promises made to Poland during the 1930's prevent an invasion by Nazi Germany and the Soviet Union?

What is to be made of the inability of the League of Nations to act to aid Ethiopia?

And what of the League's failure to stop Japanese aggression?

Mr. Speaker, Bismark once said that countries have neither friends nor enemies, only interests.

It is certainly possible that at times, American perceptions of U.S. interests in the Middle East will be different from and may in fact be opposed to Israel's perceptions of its interests. This is as it must be. How then can we expect Israel to stake its very survival upon an international guarantee given by the Big Four—which is dependent—realistically viewed—upon a complete coincidence at all times between their perceptions of their own interests and the interests of Israel.

Israel's own history and the history of the world clearly demonstrate that a country can only depend upon its own efforts when its very existence is at stake. Israel does not want to be defended by American troops or the troops of any other country. Any attempt to impose a settlement upon Israel which substitutes the chimera of a so-called international guarantee for boundaries that Israel can defend by itself, only makes possible involvement of American combat troops in the Middle East more likely.

Mr. Speaker, the Secretary of State said, if a settlement is not achieved in the Middle East now, "we are going to plant seeds that will lead to future war." That may or may not be true.

A future war seems even more inevitable if a settlement which does not involve secure borders is imposed upon Israel.

THE FISHERIES DEVELOPMENT ACT OF 1971

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HARRINGTON. Mr. Speaker, today I am introducing in the House a bill intended to restore the U.S. fishing industry to its former level of economic strength and competitiveness. I believe that it is imperative that this act be passed by the Congress as early in this session as possible.

The fishing industry in the United States is in critical condition. We have dropped from second place to sixth in total world fish catch since 1956, trailing Peru, Japan, Red China, Russia, and Norway in that order. Our annual fish production has varied little in the past 25 years, yet total world fish catch has increased threefold.

The cause for the depressed condition of this industry obviously cannot be placed on a decreased market. This industry ought to be booming; instead, it is dying. In New England in 1960, 93 percent of the fish caught off the Continental Shelf were landed by New England fishermen. By 1965, the percentage had dropped to 35 percent. In the city of Gloucester in my district, the number of fishing vessels had been cut almost in half in the last 18 years. The number of crewmen on those vessels dropped from 1,643 in 1950 to 642 in 1968. In addition, the total value of fish caught has decreased from $11,235,000 to $5,715,000 in the past 20 years. I do not need to describe what these losses have meant to this once booming New England port.

Our fishing industry desperately needs the revitalization which only assistance from the Federal Government can provide. The bill which I am introducing today would be a step toward restoring the fishing industry to its former level of economic strength and competitiveness.

What is needed in the fishing industry is greater cooperation between the fishermen themselves. Heretofore, because of provisions of the antitrust laws, our fishermen have been unable to form cooperatives and marketing associations.

By establishing cooperative associations, the fishermen will be better able to consolidate their resources and direct their diverse talents toward buying, selling, processing, and handling the fish and providing the cooperative's members with equipment and supplies.

Section 108 of this bill would authorize $3 million for the next 3 years for grants to cooperatives to finance purchases of fish and shellfish and the cost of storing them; provide operating capital needed to supplement that of the association; finance or refinance the acquisition of land, buildings, and equipment related to the construction or reconstruction of buildings or other improvements by the association related solely to storage processing and preparation for marketing or handling of the fish.

The cooperative approach to the problems of the industry will be of benefit to everyone. It will permit fishermen to make better use of their existing facilities, and with consolidation of resources costs will drop. The consumer will thus benefit from lower prices.

Sixty percent of America's fishing boats are over 16 years old. Many of our fishing vessels are too antiquated and ill-equipped to compete adequately with those of other countries. For instance, the Russians often use a very fine net which permits them to fish for several species at once. American boats usually fish for one species at a time. Russian trawlers are large enough to use two sets of nets enabling them to double their catch. Our fishing boats, for the most part, are not strong or well-equipped enough to perform such technological feats and can therefore do only half the work of the Russian boats. Many of our boats are not even equipped with conventional sonar gear which would enable them to go directly to the site of the fish and cut down on the cost of cruising the waters in search of a catch.

In addition, most fishermen at this time plow their profits back into repairs of existing equipment on their boats. To take care of the boat requires almost all money earned. An individual owning his own vessel finds it difficult, if not impossible, to buy the more modern equipment which would increase his profits. Yet, the fisherman cannot save his money for the new equipment because the old is in constant need of repair. A vicious circle is thus established. Banks will not lend him the money because his collateral is poor, and the Bureau of Fisheries loan program simply does not have adequate funds to underwrite enough loans.

Most fishermen are small businessmen who cannot afford the large initial capital outlay necessary to modernize their boats. They must receive Federal assistance if they are to be able to prevent the other nations of the world from decimating our industry.

Section 103 is an important step toward solving these problems. These actions would give grants to fishermen to improve their equipment. This section provides technical assistance grants on a demonstration basis to cooperatives or other associations or organizations to pay in part or wholly the costs of technological improvements in the fisheries.

Under section 104, the Secretary of the Interior may make grants for the necessary conversion of fishing vessels, including acquisition of equipment, to permit the vessels to expand into unexploited or underexploited species; $5 million would be authorized for this purpose for the next 3 years. At the present time, overexploitation of certain species threatens their survival and the survival of the fishermen who depend on them. By expanding the number of species being fished, we will achieve a better balanced market and provide greater economic stability to our industry.

One of the most essential sections of this bill concerns the establishment of marketing associations. I do not believe that it will be possible for us in the near future to catch up with the more technologically advanced nations who are presently leading us in the amount of fish caught. Too much money and planning are presently required to overcome their lead. I believe, however, that our industry could become economically viable by utilizing the abilities and talents of its members to carve out a market in the fresh fish area. I do not mean that we should ignore the tremendous potentials of frozen foods or give up our attempts to regain our world leadership in fishing. Pragmatically speaking, however, I do believe that we must concentrate on our strengths, thereby achieving the economic stability that will better enable us to tackle our weaknesses.

Section 203 permits the establishment of marketing associations, usually groups of individuals, to regulate marketing of products, conduct marketing research and conduct advertising campaigns. One of the fish industry's major problems has been the lack of public knowledge of the health benefits of fish. The marketing association concept will enable the industry to expand its markets by increasing public awareness of the nutritional and culinary benefits of fish. By permitting the industry to regulate the marketing of its products, the consumer will be much better protected against price fluctuations and against shortages of certain species.

Mr. Speaker, in closing, I wish to reiterate my support of this bill. There are many other deserving sections which I have not discussed. Nevertheless, let me make it clear that I support each and every suggested portion of this bill.

Many cities and towns along our seacoasts have had to bear the burden of the decline of this vital industry—a decline that can be arrested if we act quickly. The unemployment caused by this decline alone in the city of Gloucester has led to increased welfare costs and a loss of trade in all sectors of the business area.

The deterioration of the fishing industry is at the heart of Gloucester's problem. Gloucester is but one example of the problems besetting so many of our seaports. I urge immediate action to correct this situation.

LAOS: WHAT NIXON IS UP TO

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mrs. ABZUG. Mr. Speaker, I had occasion just prior to the publication of the following article by Daniel Ellsberg, in the March 11 New York Review of Books, to invite Mr. Ellsberg to a reception where he addressed a number of Congressmen. His views expressed in the article were and are now of great concern to the American people, and make it apparent that President Nixon's policy will not bring peace to Indochina. It is essential that Congress act immediately to end the conflict by withdrawing all troops, whether land, sea, or air, no later than December 31, 1971. For these reasons I insert at this point in the RECORD, Mr. Ellsberg's article:

LAOS: WHAT NIXON IS UP TO

(By Daniel Ellsberg)

As though driven by Che's curse, Richard Nixon seems compelled to create "two, three . . . many Vietnams" in Southeast Asia.

The pace of invasion is quickening. On the first evening of the invasion of Laos, Vice President Ky pointed to what could be the next. South Vietnamese ground forces, he said, might have to cross the 17th parallel into North Vietnam to hit supply bases above the DMZ. It was six years since South Vietnamese forces had first done that, in the air, with Ky himself leading the attack. In fact, Ky was speaking at a dinner marking the anniversary, largely unnoticed in the US, of those raids of February 7 and 8, 1965, which "retaliated" for the death of eight Americans in an NLF attack on Pleiku and led to a three-year bombing campaign against the North. Ky's warning, coinciding with the new offensive in Laos, linked the past, present, and future of a fundamentally unchanging US strategy in Indochina.

In the US itself, not even the Orwellian communiqués seem to have altered. On February 7, 1965, the White House chose the occasion of its announcement that US bombers were crossing the borders of North Vietnam to repeat its past assurances to the American public: "As the US Government has frequently stated, we seek no wider war." On February 9, 1971, as US bombers and helicopters were for the first time accompanying South Vietnamese forces—paid, equipped, and supported by the US—into Laos, Secretary Laird told the nation: "We have not widened the war." He added: "To the contrary, we have shortened it."

To the contrary—as all can see—we have widened it. Why? When and why will we do it again? There is, in truth, a coherent inner logic to the policy that contains answers to these questions. It is a logic that has pointed for at least the last year to the invasion of Laos—and beyond.

For twenty years—since the "fall of China" and the rise of * * * of Indochina policy for an American President has been: Do not lose the rest of Vietnam to communism before the next election. But there was also Rule 2, learned shortly thereafter, in Korea: Do not fight a land war in Asia with US ground troops either. Three Presidents, starting with Truman, managed to satisfy both constraints during their terms and passed the challenge on to their successors. The problem grew, and Lyndon Johnson's Presidency was crushed in its first full term by the impossibility of fulfilling both requirements. But Johnson's foundering on Rule 2 did not repeal Ruel 1 for his successor: even in 1969, even for a Republican, even for Richard Nixon.

Like Kennedy and Johnson before him, Richard Nixon believes he cannot hold the White House for a second term unless he holds Saigon through his first.

His two predecessors had seen the leaders of the previous Democratic administration driven from office after they had been charged with having "lost China." More specifically, they were accused of losing China without trying, without making use of full US airpower or advisers, without giving full support to an anticommunist Asian ally: omissions pointing to weakness or treason. Kennedy and Johnson both feared that the accusation of "losing Vietnam"—or simply "losing a war"—could rally again the hounds of McCarthyism against their party.

Nixon does not feel immune just because he once was one of the leaders of that pack. On the contrary, he knows better than anyone else just what *he* would try to do with such an issue if he were on the outside seeking power, even against a Republican President. He is determined not to have to suffer from it in 1972, either from Reagan summoning away his supporters in the convention or from Wallace calling to his voters in the election. (Whether the fears shared by Nixon and his predecessors of a threat from the right are based on political reality, or on a specter of their own making, is not the issue here. What matters is that four of the last five Presidents have felt compelled to take such a threat seriously and Nixon still does.)

No doubt there are other and perhaps even stronger motives that influence Mr. Nixon's decisions but they point in the same direction. There is good evidence that the President is, even more than his predecessors, a "true believer" in the cold war premises they all shared, including that of the importance of maintaining US power in Asia, showing strength to the Russians and Chinese, containing communism—monolithic or not—and avoiding the reverberating damage of a US failure or humiliation.

Which of these instincts is the stronger matters little in this case, for they reinforce each other in Vietnam policy: Saigon must not "fall" . . . above all, not too soon or too suddenly. Those who imagine otherwise, who suppose that Nixon's views on domestic politics conflict with his notions of US interests abroad, and that his instincts for political survival inexorably urge him toward total withdrawal "no matter what," are almost surely wrong.

During 1968 Henry Kissinger frequently said in private talks that the appropriate goal of US policy was a "decent interval"—two to three years—between the withdrawal of US troops and a Communist takeover in Vietnam. In that year, an aim so modest had almost a radical ring; no major public figure, in fact, dared openly to endorse it. But in 1969, when Kissinger moved to the White House, his notion took on a sharper meaning and new urgency. It became not a goal but a requirement; and the "interval," it became evident, could not end before November, 1972. In its new, tougher form, the doctrine had practical implications for policy well beyond 1972. In effect, it meant acting immediately and over the next several years to achieve both an indefinite fighting stalemate in Vietnam and support for such a stalemate in the U.S. And that aim had implications for the prospects of renewed escalation of the air war in Indochina.

To begin with, it was evident in Paris by the spring of 1969 that Hanoi and the NLF would not accept terms that would meet the Administration's needs for assuring non-Communist control in Saigon through at least 1972. Nor would the Russians intervene to achieve this, as Nixon had hoped. So the war had to go on.

Total Vietnamization? US military advisers held out no hope whatever that Saigon could be held with any assurance for three years, or even one year, if *no* US military personnel remained in South Vietnam. No foreseeable improvement in ARVN, or amount of US aid, including air support, would prop up Saigon reliably in the face of North Vietnamese forces if all our troops came home. *Both* US troops and airpower were needed in sizable amounts, for years, perhaps indefinitely.

In fact, through 1969 and, so far as is known, today, the highest military leaders have never judged officially that the job of holding Saigon could be done, with reasonable assurance and with adequate safety for remaining US troops, with fewer than 200,000 military personnel in the country to provide air support, logistics, communications, intelligence, self-defense, and strategic reserve. That figure, Nixon probably thinks, and with reason, is inflated; but there are limits to what the Joint Chiefs of Staff will certify as "militarily acceptable," and the semi-permanent minimum may well turn out to be not much lower than 100,000 for the end of

1972 and after. It is more likely to prove higher; and it will almost certainly not be less than half that figure, long after 1972.

With the military floor somewhere between 50 and 150,000 troops, the political ceiling is surely not very much higher. LBJ's strategy, putting half a million US troops in the South, met the goal he defined in his first week in office; he left the White House five years later accused of many things, but not of being the first President to lose a war. Yet his approach was, obviously, only a partial success; it saved Saigon but lost the White House. As would anyone determined to hold both, Nixon drew an immediate lesson: US troop levels and budget costs must go down, and casualties, draft calls, and news space must go down even more sharply. In fact, even 50,000 troops—still twice as many as LBJ had in Vietnam at the onset of the bombing—could be acceptable to the public or, better, ignored by it, only if US casualties were very low indeed and newsworthy North Vietnamese successes anywhere in Indochina almost nonexistent.

Thus Nixon's practical goal—a "Korean solution," as officials began to call it—became clear: to make Indochina safe for an indefinite presence of 50,000 U.S. troops or more in South Vietnam. The key to a solution, Nixon and Kissinger concluded, was to expand the role of airpower, and in particular, to restore and increase the threat of bombing the North.

How else, they reasoned, could Nixon ever compel successful negotiations? How could he induce the Russians to use their leverage for a settlement, unless the Russians were made to fear—in Laos, say, or in Haiphong—that they would become more directly involved?

How else could Nixon deter the North Vietnamese forces, once they recovered from the 1968 losses, from making embarrassing gains at will in Laos; or worse, from coming south to overpower ARVN; or worst of all, attacking the reduced U.S. units, either destroying them or forcing them home?

"Vietnamization," if confined to the borders of South Vietnam and with the threat of escalation excluded, had no persuasive long-run answers to these threats. That, in the minds of some in Washington, in view of the unpromising prospects in Paris, was an argument for total, prompt U.S. extrication from Vietnam. To Nixon and Kissinger, it meant instead that a credible bombing threat was essential to their program.

The policy they decided on was in many ways a familiar one, especially for Republicans. Its main ingredients were precisely those prescribed twenty years ago by the "Asia-first" right-wing Republicans in Congress for preventing the "fall of China" and, later, by MacArthur and others, for winning "victory" in Korea—the threat and, if necessary, use of U.S. strategic airpower and allied Asian troops under a U.S.-approved, authoritarian, and anti-communist regime, financed and equipped by the U.S. and using American advisers and logistical and air support. (Vice President Nixon had been willing to add some U.S. ground combat troops to that package to save North Vietnam in 1954, before the fall of Dienbienphu, but this was considered an aberration at the time.)

If one adds the threat of nuclear weapons—a threat used privately, Nixon believes, by Eisenhower to settle the Korean War, and later used publicly by Secretary Dulles to influence the First Indochina War—one has all the elements underlying Dulles's doctrine of "massive retaliation" and the "New Look" defense posture of the Eisenhower Administration. This was the policy that enabled Republicans to combine aggressive rhetoric with a limited defense budget throughout the years when Nixon was Vice President. As an academic strategist during the period, Henry Kissinger dissented from this formula mainly by stressing the role of "tactical" nuclear weapons (in the book, *Nuclear Weapons and Foreign Policy*, which made his reputation). But in Nixon's Administration, the threat of nuclear weapons in Indochina is not—as yet, at least—an essential part of the strategy of Kissinger and Nixon (except, as usual, to deter Chinese intervention)—though they have pointedly refused explicitly to foreclose their use. The new strategy differs from the old mainly in relying on the strategic threat of non-nuclear bombing.

But how could Nixon and Kissinger believe, after the experience of the Sixties, that threats of massive bombing could solve their problems in Indochina? What could new threats promise now, when the *practice* of sustained bombing under Johnson had in fact failed to deter or physically to prevent even the Tet offensive?

Nixon's answer was that the Democrats had moved too gradually and too predictably, and had never threatened or used *heavy enough* bombing. This is what the Joint Chiefs had been saying all along, though Nixon had no need to take instruction from them. He was using a language he shares with the generals when he explained after the Cambodian invasion that, whereas Johnson had moved "step by step."

This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to deescalate, we will move decisively and not step by step.

What he was then threatening, as he had done before the election, was "decisive" bombing of targets long proposed by some US military chiefs and their political spokesmen: Haiphong, "military targets" in Hanoi and unrestrictedly throughout the North, the dikes, the communications with China.[1]

This discussion owes a great deal to the thinking of these former colleagues, Halperin in particular—though they are in no way responsible for any of the interpretations presented here—as it does to a number of others with comparable governmental experience who cannot be named.

Second, Nixon believed the threat would be newly credible and effective because he would demonstrate to Hanoi that it could be carried out without destroying his own political base or ability to govern the US. Johnson had lost these, in Nixon's view, because he had combined inadequate air attacks with excessive numbers of ground troops, US casualties, and draft calls. Once those numbers were diminished, Nixon believed, the American public and its representatives in Congress would accept even a semi-permanent and geographically extended war, financed by America but with direct American combat action limited primarily to airpower.

That was a bold judgment to make in 1969. Yet the North Vietnamese had to be forced to accept this judgment if Nixon's threat of bombing were to deter them from challenging a protracted American presence, or bring them, ultimately, to accept his terms for a "just peace." Only convincing *demonstrations* of his willingness and ability to escalate could bring that about.

The notion of "warning demonstrations" has thus been central to the tactics of Nixon and Kissinger, and it explains the sequence of political threats and offensive actions they have taken over the last two years. As early as the spring of 1969, our first air attacks on Cambodia—not officially announced and little noticed in the US—were soon followed by a warning to Hanoi which was inserted in an otherwise moderate speech by Nixon on a Vietnam settlement.

At the same time the bombing expanded in Laos, and a series of bombing raids began on North Vietnam. As these raids continued, Administration officials gradually dismantled Johnson's 1968 "understanding" which had strictly limited the justification for such raids. Finally, in his televised interview with the press on January 5, 1971, the President virtually abandoned this "understanding."[2]

The ground invasion of Cambodia took place in spring, 1970; in the fall, troops landed in North Vietnam; now we are supporting an invasion of Laos. In each case the White House has conveyed unmistakable warnings to Hanoi that more such action was to come.

All of these actions could be, and were, defended as tactics necessary to delay enemy build-ups or "spoil" enemy offensives. Indeed, all of them may keep things quieter in South Vietnam, in the short run. They make offensive action difficult and costly for the North Vietnamese, thus delaying a new offensive until Hanoi once again faces the inescapable need to make the necessary sacrifices. They do, in short, buy time, with US airpower and thousands of Asian lives. The airpower, especially the lavish use of armed helicopters, substitutes for US troops. The fewer American troops in Vietnam, the more need for US airpower throughout Indochina, if US losses are to be cut and the North Vietnamese prevented from taking the initiative.

Of course this view can be challenged on tactical grounds as well. By expanding the war, the US commanders are multiplying their risks and committing themselves to protracted war in three countries, for only limited gains. In Laos, for example, US helicopter losses and South Vietnamese casualties may turn out to be sizable. A right-wing coup may follow our interventions—reversing the order of events in Cambodia—with complex repercussions, possibly including an increased Chinese combat presence, which would automatically cause US nuclear contingency plans to be presented for consideration to the Secretary of Defense, if not to the President. And the North Vietnamese have considerable ability, as in Cambodia, to respond to our moves in the border areas by enlarging their control elsewhere.

But, as the White House planners see it, none of this tactical argument really matters. The domestic risks, in their view, are not great ones, even in the worst circumstances. After an unpopular beginning, the operation in Cambodia showed to Nixon's satisfaction that the war can be reduced in visibility while expanding geographically, so long as US ground units are not involved.

In fact, tactical success is not what these initiatives are all about. Their real significance, in every case, is that they are concrete *warnings* to the Hanoi leadership, and to their Soviet and Chinese allies—violent warnings to back up verbal threats.

They warn, first, of what Nixon is willing to do and feels free to do without consulting Congress or feeling limited by Johnson's precedent. Each one of the measures listed above broke a restraint maintained or eventually imposed by Lyndon Johnson in his campaign to bring "pressures on Hanoi." There were, after all, some good reasons for observing those limitations, and many of those reasons are still plausible. Nixon's actions thus serve all the more forcefully as deliberate signals to his opponents that he will not be bound by earlier constraints.

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[1] See Les Gelb and Morton H. Halperin, "Only a Timetable Can Extricate Nixon," Washington *Post* Outlook section, May 24, 1970; and Halperin, "Vietnam: Options," *New York Times*, Op-Ed page, November 7, 1970. The press has oddly failed to take account of these two remarkable "inside" pieces on White House threats and intentions, warning of further escalation by Nixon; or to explore the views of these two analysts, each of whom served both Johnson and Nixon in highly sensitive positions dealing with Vietnam policy, Halperin having served until September, 1969, as assistant to Henry Kissinger in the White House.

[2] Nixon claimed that the North Vietnamese had violated another understanding that our "unarmed reconnaissance planes could fly over North Vietnam with impunity," although former high officials in the Johnson Administration have denied that there was any such understanding. Nixon went on to state that "if they say there is no understanding in that respect"—as Hanoi leaders do say—"then there are no restraints whatever on us."

His actions demonstrate, furthermore, how far Nixon thinks he can go by using the rationale of "protecting the lives of American troops" and the formula of "limited-duration interdiction operations, to permit continuation of the withdrawal of US forces." These terms—Hanoi is meant to notice—could be used just as well for the "limited" ground invasion of North Vietnam to destroy depots and bases above the DMZ that has been mentioned by General Ky. The same language could be used to justify the mining and aerial destruction of the port of Haiphong; or full-scale attacks on the land and water links to China and on military targets throughout the North including Hanoi. All of these could be described as "limited in time and space."

In fact, each one of these moves could be presented as a logical progression in a series of "interdictions" running from south to north, just as the present attacks in Laos "logically" followed the closing of the port of Sihanoukville by the Lon Nol government, and the invasion of Cambodia. Each step could be explained as "closing" a remaining door in the channel of war materiel to North Vietnamese and NLF forces in South Vietnam.

To be sure, none of these steps could reliably close off that necessary trickle of supplies from the North, even if they were all taken together. But Nixon has been told this; again, that is not what such threatened moves are about. They point, rather, toward the program that the U.S. Joint Chiefs of Staff have urged *over the last decade* in the absence of a permanent and "acceptable" settlement by Hanoi: the final destruction of "the will and capability of North Vietnam to wage war." Or to survive.

Not that Nixon hopes or expects this ultimate escalation will be necessary; his threats and commitments make it contingent on North Vietnamese behavior. Hanoi's leadership is left two options for avoiding this punishment. It can, tacitly but permanently, accept things pretty much as they are in the South, without initiating heavy combat, or with no more than can be handily contained by South Vietnamese ground forces with U.S. air support. The war would continue but military action would taper off and U.S. casualties would virtually cease. Or else, bowing to the conclusion that the American people will support a low-level or airpower war indefinitely, and that the American President will meet any attempt to convert it to a high-cost war by burning North Vietnam to the ground, the Hanoi leaders can seek to conclude a formal settlement on U.S. terms.

U.S. officers choose to call the first possibility a "Korean solution"—though it could mean permanent war and permanent U.S. air operations—because it combines a permanent U.S. presence with very low U.S. casualties. The second possibility, which defines Nixon's aim of "winning a just peace," would more truly be a "Korean solution," especially in view of Nixon's conviction that settlement in Korea was based on the threat of massive bombings. Faith in either possibility permits Nixon to deny charges that he has chosen a "no-win" strategy.

So Che's prescription, finally, is turned around to Nixon's ends. Not only did the short-run problem of lowering US casualties during a gradual and limited reduction of strength—the problem of "getting through "72"—invite a broadening of the battleground to include the border bases and supply routes in Laos and Cambodia. Far more important, the symbolism of such widening—the dramatic crossing of frontiers in defiance of domestic protest and contrary expectations—was uniquely suited to making credible Nixon's crucial threat: to extend the battleground to all of North Vietnam. From the moment that Sihanouk's ouster cleared the way, it was almost inevitable that the search for a second "Korea" would lead the President to institute a second and a third "Vietnam"—to warn the North he could create a fourth.

In Laos the Administration in showing that it has learned its "lessons from Cambodia." No American rifle units in action, crossing borders or shooting white college students. No promises, no bulletins, no news at all, in fact. No statement on the operation by the President. Instead, on the afternoon of the day the helicopters and antracs moved across the border, Nixon went before the TV cameras with a brief message on ecology, beginning (according to the White House press release):

In his Tragedy, *Murder in the Cathedral*, T. S. Elliott [*sic*] wrote, "Clean the air. Clean the sky. Wash the wind." [*sic*]

I have proposed to the Congress a sweeping and comprehensive program to do just that, and more—to end the plunder of America's natural heritage.

No TV or news photos of the invasion were permitted; cameramen were barred from recording what we and our allies were doing to the natural heritage of their neighbors. (The Vietnamese were struck, a *New York Times* account reported, by the lushness of the yet undefoliated jungle they were entering). Instead viewers were offered pictures of the moon and of the staging areas at Khe Sanh: an uncanny juxtaposition, the war-created moonscapes near the DMZ compensating for the lack of live coverage of the lunarization of Laos.

What will this new invasion mean to the people of Laos? War is not new to them, nor are foreign soldiers or American bombers; yet they are now feeling the impact of all these in a new and terrible way. As in Cambodia, the first operations are in relatively unpopulated areas; and as in Cambodia, the North Vietnamese forces will most likely fight back in more heavily populated lowlands and against towns, where our bombers and armed helicopters will seek them out. Then the refugees will come—many of them from areas where they have lived for years in the vicinity of Pathet Lao or North Vietnamese troops—to the fetid enclosures on the outskirts of towns that are not being bombed, leaving their dead behind them.

"We have learned one thing in Laos and Cambodia" the counsel for the Kennedy Subcommittee points out. "The mere presence of enemy forces does not lead to refugees. Heavy battles do; US bombing does."

As an essential part of Nixon's "winding down the war" for American troops in South Vietnam, American pilots were sent to inflict the war more heavily on Laos and Cambodia. In the fall of 1969, more than 600 sorties a day were being flown over Laos; some of the heaviest months of bombing in the war occured in that year, and again in 1970. The number of refugees in Laos had already risen sharply in 1968, after American bombers were shifted in late March from North Vietnamese targets to areas in both northern and southern Laos.

But in the first twelve months of the Nixon Administration, the number of refugees nearly doubled. The official estimate for the end of 1969—certainly a low one—was at least 240,000 (in a population of under three million). In the first eighteen months there were at least 30,000 civilian casualties, including more than 9,000 killed. The number of refugees continued to rise in 1970; by the fall it was almost three times the estimate for February, 1968.[3] Then in November of last year, U.S. bombing escalated sharply in Laos.

Whatever the impact of recent events on the flight of people within Laos, it is likely soon to be magnified by the effects of operations similar to those in Cambodia, where *well over a million* refugees have been "generated" during the last nine months (in a population of about 6.7 million). There is no available estimate for the number of civilian deaths in Cambodia since last spring's invasion.

How many will die in Laos?

What is Richard Nixon's best estimate of the number of Laotian people—"enemy" and "non-enemy"—that U.S. firepower will kill in the next twelve months?

He does not have an estimate. He has not asked Henry Kissinger for one, and Kissinger has not asked the Pentagon; and none of these officials has ever seen an answer, to this or any comparable question on the expected impact of war policy on human life. And none of them differs in this from his predecessors. (Systems analysts in the bureaucracy make estimates as best they can of factors judged pertinent to policy: "costs" or "benefits," "inputs" or "outputs." The deaths of "non-combatant people" have never been regarded by officials as being relevant to any of these categories.)

Officials would, however, have an answer of some sort if other parts of the government or the press or the public had ever demanded one. Were it not for the Kennedy Subcommittee there would be no over-all official calculations of *past* casualties in Vietnam—not even the underestimated figures that have been made available. But as a result of that questioning and the subcommittee's own surveys and analyses, we now know that at least 300,000 civilians have been killed in South Vietnam—mostly by US firepower—between 1965 and 1970, out of at least one million casualties. Of these, the subcommittee's calculations indicate that about 50,000 civilians were killed in Nixon's first year in office, about 35,000 in the first half of his second, and more than that in the second half. (So the war is not "winding down" for the people of South Vietnam any more than for their neighbors; as would be apparent to the American public if such figures were flashed on the evening TV news along with US and "enemy" casualties.)

But even the Kennedy Subcommittee has made no efforts to calculate deaths and injuries from American bombing in North Vietnam; or to elicit estimates of future victims throughout Indochina. Nor have the press and television. Nor has there been any public demand for this information.

It is against this background of two decades of American official and public ignorance about and indifference to our impact upon the people of Indochina that one must understand the ease with which the Nixon Administration has sold the slogan: "The war is trending down." To agree with that proposition—and it is scarcely questioned—is to *define* "' the war" narrowly as "what is trending down": US ground troops, US casualties, budget costs. It is simply to ignore those aspects of the war what are "trending *up*": US air operations and ground fighting outside South Vietnam, and the resulting deaths and casualties we are sponsoring in Laos and Cambodia. But it cannot really be said that this narrowed perception is simply a hallucinatory trick played by the Nixon Administration on the public. Americans have always seen the Indochina war this way.

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[3] See the Kennedy Subcommittee Staff Report, "Refugee and Civilian War Casualty Problems in Indochina." (Subcommittee to Investigate Problems Connected with Refugees and Escapees of the Committee on the Judiciary, United States Senate, September 28, 1970.) Also see Senator Kennedy's "sanitized" summary of two classified reports on war victims in Laos, released February 7, 1971.

US military officers are sometimes better at perceiving things clearly. "War is killing people," a RAND physicist was once instructed by General Curtis LeMay, one of history's "terrible simplifiers." "When you kill enough people, the other side quits."

But the new Administration is abandoning the previous crude strategy of ground combat "attrition," with its bloody-minded calculus of "body counts" and abstruse models of the birth rate of young "enemy males" to be killed in the future. Most of the victims that the new strategy kills as a result of its "warning demonstrations" have no place in bureaucratic calculations. The same is true of the vast numbers of North Vietnamese people who will be threatened if their leaders, continuing thirty years of armed struggle, decide to fight against a "Korean solution." The plans for air war designed by General LeMay may then be carried out by the Nixon Administration.

Joseph Alsop, whose column noting the "cool courage" of the President in Laos had been distributed widely by the White House, wrote several days after the Laos invasion: "As of now, Richard M. Nixon is beginning to appear as one of our better war presidents."

The passage our war President chose to recall to the American people that Monday afternoon of the invasion does not have to do with air pollution, or with any ordinary defilement. It speaks of murder. It is a chorus of horror chanted as murder is being done, in full view, at the wishes of a ruler, for reasons of state.

Clear the air! clean the sky! wash the wind! take stone from stone and wash them.
The land is foul, the water is foul, our beasts and ourselves defiled with blood.
A rain of blood has blinded my eyes. . . .

How how can I ever return, to the soft quiet seasons?
Night stay with us, stop sun, hold season, let the day not come, let the spring not come.
Can I look again at the day and its common things, and see them all smeared with blood, through a curtain of falling blood?
We did not wish anything to happen. . . .

In life there is not time to grieve long.
But this, this is out of life, this is out of time,
An instant eternity of evil and wrong. . . .

These lines are almost unbearable for an American to read, in the year 1971, after the other years. If we are ever to return to the soft quiet seasons and we have not earned an easy passage enough Americans must look past options, briefings, pros and cons, to see what is being done in their name, and to refuse to be accomplices. They must recognize, and force the Congress and President to act upon, the *moral* proposition that the U.S. must stop killing people in Indochina: that neither the lives we have lost, nor the lives we have taken, give the U.S. any right to determine by fire and airpower who shall govern or who shall die in Vietnam, Cambodia, or Laos.

MARIHUANA—"INNOCENT" DRUG

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HAGAN. Mr. Speaker, many of today's problems are often glamorized in the news media. However, while we are quick to criticize the news media we, at the same time, fail to recognize and appreciate the many fine public services they actually perform.

I refer to the editorial from the Laurens County News of Dublin in the First District of Georgia written by the Dublin Chief of Police Vernon DeLoach, entitled, "Parents Know the Drug Threat—The Child You Save May Be Your Own."

This editorial is not intended to be pleasurable reading—nor is it intended to make for provocative and spicy reading—however, it does what it is intended to do—it provides good knowledge on a subject we should certainly know as much as possible about—marihuana, the so-called "innocent" drug.

As chairman of the House Armed Services Special Drug Subcommittee in the last Congress, I have seen abundant evidence that marihuana is the stepping stone to hard drug addiction.

The interest of a community in being educated in all the aspects of the drug problem is greatly demonstrated and helped by the knowledgeable presentation presently appearing in Chief DeLoach's good columns. Both Chief DeLoach and the Laurens County News are to be commended for such public service efforts:

[From the Laurens County (Ga.) News, March 10, 1971]

Parents Know the Drug Threat—The Child You Save May Be Your Own

(By Vernon Deloach)

THIS WEEK'S SUBJECT: MARIJUANA—THE "INNOCENT" DRUG

Marijuana is probably the best known drug to most parents because for years we have been hearing about it. Marijuana has long been in use in what we now term minority groups, but now it has spread across the land like cancer. Its manufacture and distribution is, of course, prohibited by law except for approved research purposes.

Marijuana is the dried flowering or fruiting top of the plant Cannabis Sativa, L., commonly called Indian Hemp. Usually it looks like fine, green tobacco. It is smoked in pipes or cigarette form. Hashish, also a preparation from Cannabis, is taken orally in many forms, and infrequently it is made into candy, sniffed in powder form, mixed with honey for drinking or with butter to spread on bread. The primary effect is a feeling of great perceptiveness and pleasure and an exaggerated sense of ability, resulting from even small doses. Erratic behavior, loss of memory, distortion of time and spatial perceptions, and hilarity without apparent cause occur. There is a marked unpredictability of effect.

Of course, these reactions are usual in the user of alcohol, too, but with the drug user there is no alcoholic breath odor. Breath odor though is most always unpleasant.

Because of the visions and exhilaration which result from the use of Marijuana, abusers may lose all restraint and act in a manner dangerous to themselves and others. User is usually accident prone because of his time and space sense upheaval. Dependence leads to anti-social behavior and could be the forerunner to use of other, far more deadly drugs.

Street terms (names) for Marijuana are: joints, sticks, reefers, weed, grass, pot, muggles, mooters, Indian hay, locoweed, Mu, giggle-smoke, Griffo, Mohasky and Mary Jane.

By the millions, and rightfully so, parents are more and more concerned or even panicked about drug use. Most disturbing is that drugs, especially Marijuana, are becoming popular even among junior high and high school students. One 37-year-old father said in a recent interview, "My seven-year-old daughter can spell Marijuana. I never heard of it until I was in college."

On and near by high school and college grounds, raids and arrests for possession of Marijuana and other drugs are increasing across the country. Simple possession of Marijuana is a felony—rightly or wrongly—that can be punished by jail terms of 2 to 10 years or more. Drug use is, without doubt, becoming a way of life for some young people—and, for an untold but large, if not larger number of adults also. And so, think about these things, my friends—we are all in this together. As adults, it is up to US to head this thing off in our community. To do this we most all know more about drugs, their use and misuse. Will you be with me next week? I hope so. What we are studying is for a very worthwhile cause!

BILINGUAL EDUCATION—WHERE IS THE MONEY?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RYAN. Mr. Speaker, the bilingual education program has received $25 million for fiscal year 1971. This is $55 million below the amount which could be appropriated, were the Congress to meet the fully authorized amount—an action it can take by passage of my bill H.R. 1589.

For fiscal year 1972, the Administration has requested $25 million again, for the program. Since $100 million is authorized for the program for fiscal year 1972, this marks a gap of $75 million between the rhetoric of authorization levels and the reality of actual moneys appropriated.

Some measure of this failure to provide sufficient funds can be found in the words of the just published study by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," in which it is stated:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they have simply swept disadvantaged youth under the educational rug.

The bilingual education program is part of the answer to this devastating accurate indictment. Why then is there so little money for the program? How many times do we have to hear of the sorry state of education and of the tragic plight of our disadvantaged children before action will be taken?

At this point, I should like to include in the Congressional Record an article from the March 17, 1971, edition of the New York Times, entitled "Bilingual Schools Flourishing Here," by Alfonso A. Narvaez. Mr. Narvaez's story presents an excellent account of the bilingual education program operating in New York City, and is one more bit of evidence warranting action on my bill H.R. 1589, which appropriates an additional $55 million for fiscal year 1971 for the bilingual education program.

[From the New York Times, Mar. 17, 1971]

BILINGUAL SCHOOLS FLOURISHING HERE

(By Alfonso A. Narvaez)

When kindergarten children at P.S. 25 in the Bronx play musical chairs, their teacher, Maria Acevedo, holds a card on which is printed the word "Martes." Then, to the accompainment of piano music Mrs. Acevedo recites the days of the week in Spanish. When she reaches "Martes" (Tuesday), the children scramble for their chairs.

The children are predominantly English-speaking, and the game is part of their introduction to the Spanish language.

In classrooms throughout the building, at 811 East 149th Street, children who are fluent in English receive part of their instruction in Spanish. Other children who are fluent in Spanish are taught mostly in Spanish, but with increasing emphasis on English.

P.S. 25 and another Bronx school, Community School 211 at 560 East 179th Street, are bilingual schools where 1,500 children are being taught to speak, read and write in both Spanish and English.

REQUESTED BY PARENTS

The bilingual schools, as well as bilingual programs at about 40 other elementary schools throughout the city, are the result of community pressure. Parents of Spanish-speaking children found that their children were becoming increasingly retarded in English and had no way of learning in their native language.

The parents were helped by recognition from the Federal Government—through enactment of Title VII of the Elementary and Secondary Education Act, which provides funds for bilingual programs.

Many English-speaking parents wanted their children to learn Spanish, and the district superintendents in both areas—District 7 and District 12—wanted to experiment, to see if children would be able to learn better than in conventional school environment.

"Although we had many good teachers and programs in the schools of the district, Dr. Bernard Friedman, superintendent of District 7 said, "we found that virtually thousands of children were just sitting in classrooms with no real accumulation of sequential structured instruction, because they did not understand English. We had to get the bilingual concept."

CHANGE IN LAW NEEDED

Dr. Friedman said that a 1917 law that forbade teaching in any other language except English had to be changed, and that many persons at the central Board of Education, who took a dim view of the proposal, had to be convinced that the program could work.

He said that prior to the law, which was the outgrowth of anti-German sentiment here during World War I, children in some public schools were taught in their native tongue.

In June, 1968, the decision was made to try the experiment and P.S. 25 in the Bronx seemed like the best place. The 72-year-old building had recently been vacated by its students, who had moved to a new building nearby.

"Over the summer we had to do everything," noted Hernan La Fontaine, who was named to head the school. We had to recruit students, put together a staff, develop materials and implement the program.

"We went to all the schools in the district and asked parents if they wanted their children to come here, and asked teachers if they wanted to teach here. Once they understood what we were trying to do, the response was overwhelming."

APPLICANTS TURNED AWAY

Mr. La Fontaine said that the 50 teachers in the school were hand-picked from scores of volunteers and that when the limit of 850 students had been reached, others had to be turned away.

The majority of the students—85 per cent—and teachers—60 per cent—are of Puerto Rican background, with the remainder black. The teachers also come from other Latin American countries or have had Peace Corps experience there. The main criterion was that they speak Spanish well enough to be able to teach in the language.

Mr. La Fontaine said that while there were no standardized tests that could be given to the children to compare their reading levels with children in other schools, those children who were tested in Spanish were significantly above their grade levels in reading. Those tested in English came out pretty much the same as in other schools, he said.

At P.S. 211 there is an experiment going on in addition to the bilingual instruction. From the outside, the four-story, red-brick building looks much like a prison, with metal screens across all the windows and bars on the windows of the principal's office.

Inside the converted factory building, however, the brightly colored walls are adorned with scenes of Puerto Rico and with handlettered signs in Spanish and English. Green carpets cover the floor, and acoustical tile ceilings muffle the shouts of the children.

CONTROLLED CONFUSION

To the casual visitor, who is used to a conventional teaching environment, the scene on each of the three teaching floors is one of pandemonium. No walls separate the four classes in each of two sections of the floor, and the voices of teachers and children, sometimes in Spanish and other times in English, spread from one class to another. Clusters of children recite answers to teachers' questions, and some youngsters lie on the floor at the feet of their teacher.

The children, however, almost completely ignore the visitor. They remain intent on what the teacher is saying and appear to have tuned out any noises from the other classes in the room.

"This is a more relaxed atmosphere for the children," noted Ida Echevaria Gustafson, an assistant principal at the school. "Once you are in the situation, you notice that nobody pays attention to visitors. The children and the teachers just go on with their work."

Peter J. Negroni, another assistant principal, said that the reason there were no interior walls was that when the building was being renovated, there was not enough money to put them up. This permitted a chance to experiment with an open-wall situation.

He added that the setup made teaching more flexible, because with four homeroom teachers, an area leader and other teaching help, classes could be broken into small groups for more individualized instruction.

The area leader, with the help of paraprofessionals and a bilingual professional assistant—usually a teacher whose command of English does not qualify her for a New York City license—give extra help to the students in Spanish and allow the regular teachers extra time for preparation periods.

Mr. Negroni said that this also helped to group the children according to ability. He added that 12 of the classes were nongraded and that the aim, in addition to making the child fluent in two languages, was to have a completely nongraded school, with children advancing at their own pace.

The 34 teachers at P.S. 211, which opened Oct. 6, 1969, were selected from a list of 150 who had applied. About half of the 640 children in the school are black, with children of Puerto Rican origin making up the bulk of the remainder.

ARE BERRIGANS PROPHETS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HOGAN. Mr. Speaker, in the rash of publicity concerning the Berrigan brothers, many have hailed them as prophets, who are generating a new vitality into the Catholic religion.

Father Daniel Lyons, S.J., disagrees, and, in an article in the February 7, 1971, National Catholic Register, he rebutted this concept. I share Father Lyons' views regarding the recent actions of the Berrigan brothers and submit his statement for my colleagues' inspection:

ARE BERRIGANS PROPHETS?

(By Father Daniel Lyons, S.J.)

Did you know that "Stalin was right" after all? Did you know that the Soviet Union would have been fair and square, if only the United States had not been so unfair after World War II? Did you know that the Church could get along behind the Iron Curtain if it were not for such "deadbeats" as Cardinal Mindszenty? Did you know that the people in South Vietnam do not care if the Communists take over their country?

None of these things is true and they are just part of the nonsense peddled by Fathers Dan and Phil Berrigan in recent years. "Time" magazine, in its cover story (Jan. 25) hails them as "prophets" and warns us that "it is the business of prophets to prick the human conscience." But they are "unprophetable servants as far as I am concerned. They are like the many false prophets of old.

We live in an age when misfits are honored and heroes are ignored. Father Dan Berrigan will not debate in public, but I have debated with Father Phil many times. I have always found it hopeless trying to keep him on the subject. When we debated at the University of Cincinnati, for example, he kept attacking the Church for its alleged wealth, instead of sticking to the subject of war and Southeast Asia.

It was the same when I debated Father Phil at Purdue and Notre Dame: he got off the subject of Southeast Asia in a hurry, apparently because he knew so little about it. Yet "Time" magazine described him as "an able political polemicist and "a voracious gatherer of facts." "Time" also referred to his books as "well-argued," but they are not. They are as full of mish-mash as the poetry of Father Dan. The "New York Post" columnist Mary McGrory referred to the Barrigan brothers as "brilliant," a charge that will never be made against Mary.

After visiting the Soviet Union a few years ago, Father Dan announced that the Church could get along if it were not for such diehards as Cardinal Mindszenty. Father Dan criticized Cardinal Mindszenty, but he never criticized his captors. When he returned from his visit to Hanoi he had plenty of criticism for the people fighting to defend their freedom in the South, but none for the leaders in Hanoi. Lets not pretend he is brilliant. He is not even balanced.

Father Phil Berrigan, like his brother Dan, is all against the Establishment, except in Communist countries. It is not at all difficult to debate with him, though it is wearisome to refute his misstatements with scholarly sources, only to have him crank them out again, undaunted, on the next campus. He deals, not in discourse but in diatribe.

Is there any way in which the position of the two brothers differs from that of Hanoi? No there is not. Do Fathers Phil and Dan have any sympathy for the people in South Vietnam who want to stay free? No they do not. They are patsys for the Communist line.

They are a strange mixture of exhibitionism and anti-Americanism. But how can priests be so indifferent to the takeover of one-third of the world by militant atheism? Democracy is bad, they say, but Communism—well, its not so bad. It is only if you agree with them on that issue that you can understand their pacifism.

MILITARY MANPOWER PROCUREMENT IN THE MID-20TH CENTURY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, from 1776 to 1940, the National Government used the draft for a total of less than 5 years. The tradition of compulsory military service dates only from the Second World War.

As I noted in a previous speech, the draft has been used during this period to depress the level of compensation for the first-term serviceman. At the same time, the growth of the manpower pool in the postwar era has caused the draft to become increasingly selective. One critic of the draft has noted the dilemma facing policymakers who tried to create equity in an inherently inequitable institution:

> To lend any semblance of justice to their choices, they had to first shunt most of the male population off into acceptable deferment categories. There were not enough deferment categories to soak up the surplus. So Selective Service, with the aid of the Defense Department and other national leaders, set about creating them, and continues to do so when the supply becomes unmanageable.

In a study prepared for the Gates Commission, Jack Rafuse notes that—

> Overall, the number of exemptions proves only that the Selective Service function has become less important to military manpower procurement than ever. The manpower it selects is a minority of those reaching 19, which means that the draft is now less democratic. The tradition of the draft in America, has, then, reached its logical conclusion. The majority of men between the so-called draftable ages of 18 and 35 are now deferred or exempted, and never serve. From the brief moments of earliest colonial history when almost every man had to bear arms in certain crises, we have reached a point where a diminishing minority serves, part of which minority is drafted.

In recognition of the gross inequities, a lottery has been established, occupational deferments eliminated, and the termination of student deferments has been proposed. Still, the affluent and educated, with greater access to medical exemptions and legal counsel, can avoid the draft if they so choose—and others receive high lottery numbers which exempt them from service.

So long as we retain the draft, a minority of our young men will be forced to bear a disproportionate share of the defense burden through the regressive tax of compulsory service. I commend this item for your attention:

U.S. EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

(By John L. Rafuse)

PART FIVE: THE MID-TWENTIETH CENTURY

Between the wars

American attitudes and treaty commitments after World War I again saw the armed forces shrink in numbers, but at the same time the National Guard was drawn more closely into association with the Regulars. A 1933 amendment to the 1916 National Defense Act made the Guard more truly a reserve component: units which met all federal requirements on drill, discipline, and training were redesignated units of the National Guard of the United States. This is noteworthy, for it meant that the old militia had been officially brought under the fiscal control of the federal government for the first time in American history. The distinctions so carefully debated and drawn in the *Federalist* Papers and the Constitution were blurred completely and the most efficient Guard units were removed from state control. "Technically the Guard had entered federal service in 1917 through the drafting of its members as individuals, a system which might permit dispersing the individuals to every corner of the Army."[1] The Constitutionality of the 1933 amendment to the 1916 Act has never been ruled upon by the Supreme Court.

World War II

Even combined numbers of Regulars and National Guard units were not enough to meet the manpower demands in 1940, however. While the world was at war, the United States remained officially neutral. It was a Presidential election year when the first "peace-time" draft was proposed for the United States. The proposal was intertwined with party-politics to a greater extent than in either Civil War or World War I. In addition, it has been said that "Never since Jefferson's time had America, and never in recorded history had England, been in so pacifist a mood as in 1933–39. . . ."[2]

On June 20, 1940, the draft bill was introduced in Congress. On August 2nd FDR gave public support to the draft. On September 14th the bill was passed, and it was signed into law on September 16th. Once the U.S. entered the war, the draft was used extensively and provided more than 10 million men. The total personnel who served in battle areas numbered almost 12 million, and the battle deaths numbered 291,557, or 2.442 percent; this percentage is lower than either the Civil War or World War I and more men served overseas than ever before. One of the factors which helps to explain such a decline is the increasing percentage of troops in non-military occupations. This trend means that relatively fewer troops actually engage in combat, and so the changes of per capita battle casualties are lower. Table 8 illustrates the trend.

TABLE 8.—ARMY PERSONNEL OCCUPATIONS BY PERCENT AND WAR

Occupation of enlisted army personnel percentages	Civil War (Union only)	Spanish American War	World War I	World War II	Korea	Vietnam (Dec. 31, 1968)
Technical and scientific	0.2	0.5	3.7	10.4	12.7	6.2
Administrative and clerical	.7	3.1	8.0	12.6	18.1	20.1
Mechanics and repairmen	.1	1.0	8.5	16.6	15.3	23.6
Craftsmen	.5	.1	13.0	5.9	4.7	5.2
Service workers	2.4	6.5	12.5	9.6	12.4	12.3
Operators and laborers	2.9	2.2	20.2	6.1	6.5	
Military type occupations—not elsewhere classified	93.2	86.6	34.1	38.8	30.3	32.6

Note: The Vietnam figures are based upon army categories which have been changed somewhat since Korea, so the arrangement within categories is different.

The war began on September 1, 1939, when Germany attached Poland. England and France immediately declared war on Germany. Plans had long existed in the United States to increase the Regular Army to its full authorized strength (280,000) in such a contingency, and on September 8th FDR declared a national emergency, directed increases to both Regular Army and the National Guard, and placed reserve officers on extended active duty. Planning continued after these steps had been taken, but with the fall of France (May–June, 1940) planning and action had to follow a more unified direction.

The War Department and the President had been treading lightly around the issue of a military draft. Instead, civilians began to lay plans which led rapidly and directly to the passage of the 1940 Conscription Law.[3] Greenville Clark and others including Henry L. Stimson and Robert P. Patterson, soon to be Secretary and Under Secretary of War; and General John McAuley Palmer, adviser to General Pershing, are credited by historians with responsibility for the 1940 Draft Act.

The original proposals of the Clark group were not accepted *in toto*. Under these proposals, all males 18 to 65 would have been required to register for the draft, with those between 18 and 45 liable for induction for six (later eight) months. Deferments would have been strictly occupational and inductees paid $5.00 per month. Compromises were worked out, however, by the time Congress saw the bill. Length of service was to be one year, draftees were to receive pay equal to enlistees, and 18–45 was to be the age range for registration. The question of deferments was put off pending the formulation of selective service regulations. The bill also specifically forbade enlistment bounties or substitutes. The compromise assured the bill the support of Clark's group and the War Department, and on August 2nd, Roosevelt gave his public support. He reiterated his position on August 23rd. His opponent in the presidential campaign also favored the draft, so Congressional opposition faltered. On September 14th Congress passed the bill, and two days later Roosevelt signed it into law.

The Act was to remain in force for one year and it restricted the total number of draftees to 900,000 21- to 36-year-olds, to serve for one year, only within the Western Hemisphere or American territories and possessions. This condition was reminiscent of the colonial militia area of defense. At the end of the 12 months of service, the inductee would be transferred to the reserves for ten years. Those exempted from the "obligations and privileges of military training" were: vice president, military personnel, or diplomatic representatives of the U.S.; veterans of Regular Army, National Guard or Reserves; governors; U.S. or state legislators or judges; ministers or students of the ministry; and office-holders whose jobs were deemed by the President to be necessary to the public health, safety or interest. College students were to be deferred to the end of the academic year, and conscientious objector status was recognized.

The following August the draftee's liability was extended by six months,[4] and with Pearl Harbor the restrictions contained in the draft law were dropped. The term of service for inductees was extended to the duration of the war plus six months. During the war, more than 10,000,000 of the 16,000,000 men

Footnotes at end of article.

who served were draftees, out of a total of about 36,600,000 registered and classified. Basically, the draft extends from that day to this.

Throughout the war, as today, one of the most serious arguments against the draft was the equity. Manpower procurement planners had assumed that Negroes should be represented in the armed forces in the same proportion as in the population at large. The draft act forbade racial discrimination, yet the Army like the civil sector, was segregated. The Navy and Air Corps accepted only insignificant numbers of non-whites. Census figures placed the Negro population at 10 percent of the United States total, and that number became the Army quota.

But, lacking segregated facilities, the Army began to refuse drafted Negroes. Local draft boards sent Negroes "notices of selection" rather than draft notices. By February, 1943, fewer than 6 percent of the armed forces personnel were Negro—at a time when the manpower squeeze was worsening. During 1943 the rejection rate for Negro registrants reached 53 percent, compared to 33 percent for whites. The percentage of Negroes drafted (or selected) was 10.6 [5] during the war, according to one source. Blum,[6] on the other hand, sets the number actually serving much lower, and says:

"One fact is clear: the unwillingness or the inability of the Army to fill its quota of Negroes caused a greater pressure to draft skilled whites. At its peak, only 8.75 per cent of the Army, instead of the planned 10 per cent, was Negro. Since industry often discriminated in employing Negroes, Negro citizens had fewer skilled jobs that enabled them to be deferred. Moreover, Negroes found it difficult to enlist and much easier to be discharged than whites. If the Army had taken its full quota of Negroes, about 150,000 more unskilled Negroes could have been drafted, and 150,000 more skilled workers might have been deferred. In industry as well as in the Army, then, Negro manpower remained the 'under-used part' of our total tight labor supply."

Other groups were under-utilized by Selective Service. A Presidential order on December 5, 1942, effectively ended conscription of men over 38. Local draft board practices protected the farmers during the entire war. Blum states ". . . without questioning the patriotic motives of the farmer and the agricultural bloc, the farm became a much safer (from the draft) place than the factory for an American during the Second World War." [7] At a time when far more people were engaged in industry than agriculture, deferments favored the more politically powerful agricultural minority.

Another interesting result of the industrial manpower squeeze during World War II was the "furlough" in inductees of 1944. Furloughed soldiers remained subject to military rules and discipline and could wear uniforms at work, but were paid industrial salaries in addition to their military wage.

"Since the soldiers collected double pay and did not lose their reemployment rights, the War Department no longer had any difficulty in finding enough men to ship to plants. In fact, prior to the furlough program, the Army could not fill quotas for the heavy tire, and the foundry and forge programs. When furloughs started, more men volunteered than were required." [8]

The economic incentives were high, so the supply of volunteers was more than adequate. The furloughed soldier received about $2 per day as a soldier, and $1 per hour for working in the factory.

Postwar period

When the war ended, the draft did not. The basic criterion in draft classification during World War II had been the individual's contribution to the war effort. Selective Service structures deferments as if that criterion remains basically unchanged to this day (September 1969). Neither the Korean nor the Vietnamese war has made manpower demands comparable to those of World War II, but the same deferments persist.

Since the end of World War II, the draft was allowed to lapse once (March 31, 1947) and was revived a year later. Some have claimed that the one draft-free year proved that voluntarism would not work. But, military wages, already lagging behind industrial wages, remained unchanged. No patriotic cause provided the recruits with non-pecuniary incentive. The army was looking back to a job well-done—World War II—not looking ahead. There was no way that the army could have maintained manning levels in 1947 while maintaining pay levels and recruiting standards.

In spite of insufficient enlistments, Negro manpower utilization did not increase appreciably. One reason is that qualification standards for Negroes had been set markedly higher than for Caucasians. Brigadier General A. G. Trudeau, the Chief of the Manpower Control Group, discussed this fact:

"Have no fear that we would open the doors and let in an undue flood. We do propose, however, under this plan to lower the AGCT score for Negroes to that which is standard for white troops. What that would mean would be AGCT–80 in Ground, and AGCT–90 in Air." [9]

If voluntarism failed during that period, it was because compensation was not increased. Those whose economic alternatives were fewest were still excluded by standards which also did not change.

President Truman eventually became convinced of the need for reinstitution of the draft as well as universal military training. Congress passed the draft bill on June 12, 1948, and it was signed into law by the President on June 24th. True peacetime conscription became a fact, then, in 1948. The period of service was set at 21 months with a maximum reserve commitment of 5 years after discharge, and (up to 161,000) 18 year-olds were allowed to enlist for one year. Exemptions were provided for veterans, ministers, divinity students, conscientious objectors, and sole surviving sons of families who had lost one or more sons or daughters to service connected action or disease. Other deferments followed World War II lines and the duration of the law was set for two years.

Korean war

From February, 1949, until the outbreak of the Korean War there were no draft calls, and the debate on extension or alteration of the laws was still going on when the expiration date for the law arrived. The law was extended for fifteen days by President Truman on June 23, 1950, and immediately thereafter North Korea invaded South Korea. In connection with the Korean War, it has been stated that:

"The reinstatement of Selective Service came too late. The outbreak of the Korean War on June 25, 1950, found our military forces far below authorized strength. In the Army, few if any Divisions, were fully manned, equipment and combat ready. Many Regiments were reduced to two undermanned Battalions, and Battalions reduced to undermanned Companies.

"It became necessary to call to active duty thousands of reserve veterans of World War II because there was no time to train men in the number immediately needed to fight the rapidly increasing enemy forces in Korea. Our lack of preparedness resulted in our being driven back to the Pusan Perimeter before we could accumulate sufficient strength to launch an offensive." [40]

But, in fact, the draft existed for two years before the Korean War. It had not been used to build strength because of budget constraints, and because the Korean outbreak surprised everyone. Further, the authorized strength of the army had been cut by Congress to 630,000 men, and by June, 1950, the actual strength was only 591,487 men.[11]

As in other wars, manpower was only one of the problems. Budgets had been cut lower and lower, the army still was equipped with World War II (or older) weapons. Manpower was reduced for economy, not for lack of volunteers. As soon as the North Korean invasion began, Congress extended the 1948 law until July 9, 1951. At the same time, Congress authorized the "Doctor Draft" and the student deferment testing program. The following year, the Universal Military Training and Service Act was passed.

The law extended the draftee's term of service to 24 months for 18 to 35 year-olds, and made the functions of the Selective Service organization permanent. Since that time the law has changed little. It is again called Selective Service, and it has been extended for four years with only token debate whenever it was up for renewal.

The "universal military training" provisions of the 1951 Act were never applied, so the law was selective in all but name. The size of the manpower pool increased rapidly while the military requirements for manpower remained relatively stable. This meant that the country's manpower was only partly mobilized for Korea. Of the Army's total mobilized force of 2,834,000 men and twenty divisions, only eight divisions and one Marine Corps division were committed to Korea. The rest served as a reserve against the possibility that the Soviets might take advantage of American preoccupation with Korea to make trouble elsewhere.

Obviously such a mobilization of American manpower did not approach total mobilization or the dimensions of World War II. But herein lay much of the perplexity. The Army faced larger responsibilities than could be borne by Regulars alone. Citizen soldiers had to be called on and citizens' lives disrupted, in considerable numbers. Yet since there was no need for all the country's manpower, who was to be called? How could the burdens of the war be distributed fairly? How could they be distributed and not cause a political outcry that might undermine the Truman administration and the whole war effort with it?

These questions were never answered satisfactorily. The distribution of the burdens of the war was hardly fair, and consequent dissatisfaction not only contributed to the political undoing of the administration but at least complicated and confused the waging of the war.[12]

The Army found it did not need all the forces the President was empowered to activate, so a process of selection and juggling began. Discussing the mobilization and the 1951 draft law, one historian says:

"Hundreds of thousands of men became selectees, but still more of the same ages avoided service through various deferments, exemptions, and disabilities—essentially because the armed services would not have known what to do with all of them. Some National Guardsmen continued on federal service while others escaped, with the very geography of Guard unit distribution adding to the inequities. Since the Regulars and the Guard afforded sufficient organized units, Reserves were called to federal service largely from the inactive Reservists, officers and men who had not been undergoing unit training. These men were especially apt to wonder why they should be in Korea while thousands of active Reservists were still at home; but the Army wanted individual replacements for units already mobilized, while units still in America remained there as a strategic reserve against a bigger war that might come." [13]

Since the Korean War the draft has become a part of the *status quo*. In that war militiamen (Guardsmen) were used to fight a foreign war while Reservists stayed home.

The draft remains unchanged since 1951. One outspoken critic has stated:

"The integrity of Selective Service crumbled with the reinstatement of the draft in 1948. Congress may not have perceived the grave implications nor difficulties of reviving Selective Service. But the problems of peacetime mobilization became immediately apparent to General Hershey and his staff. They were charged with drafting 250,000 men in fiscal year 1949 out of a manpower pool of 7.9 million. As General Hershey noted, they had to be more "selective" than during the war when 16.5 million men were taken into the armed forces. To lend any semblance of justice to their choices, they had to first shunt most of the male population off into acceptable deferment categories. There were not enough deferment categories to soak up the surplus. So Selective Service, with the aid of the Defense Department and other national leaders, set about creating them, and continues to do so when the supply becomes unmanageable."

This leads to a high rejection rate, as does the military requirement that every inductee must be physically capable of becoming an infantry combat soldier.

In general, the provisions of the 1951 Act survive with only minor changes. The role of Selective Service has become more of "channeling" civilians than of providing the military. The manpower pool has grown to such size now that about 95 percent are excluded from the I-A or I-A-O pool. A large part, but not a majority, are excluded because they have already served. Selective Service calls only a minority of the 18-35 year-olds in the country, and defers all the rest.

As the population has expanded, fewer draftees were needed, and fewer were called from the pool. The average age of inductees rose to almost 23 years for the 1961-1963 period. On the other hand, the increase in the size of the army relative to the temporary unchanged manpower pool reversed this trend in 1965 and after. This change reflects the number of exemptions, however, and not a manpower crisis. Selective Service reports, ignoring the percentage of exemptions, state ". . . the continuing decrease in the System's supply of available manpower, accelerated by the Vietnam situation, brought the average age of regular inductees to below age 20 by December 1965." [14]

The "Channelling" function of the Selective Service system is antithetical to individual liberty, even if the individual is never drafted. It is also based upon raw political power rather than national interest, as is borne out by the fact that agricultural deferments continue at a time when farmers are paid not to produce food.

"But every thorough study indicated that if conditions remained unchanged, every available and acceptable man must continue to expect to enter military service either on his own initiative or by induction." [15]

Overall, the number of exemptions proves only that the Selective Service function has become less important to military manpower procurement than ever. The manpower it selects is a minority of those reaching 19, which means that the draft is now less democratic. The "tradition" of the draft in American history has, then, reached its logical conclusion. The majority of men between the so-called draftable ages of 18 and 35 are now deferred or exempted, and never serve. From the brief moments of earliest colonial history when almost every man had to bear arms in certain crises, we have reached a point where a diminishing minority serves, part of which minority is drafted.

FOOTNOTES

[1] Weigley, *op. cit.*, p. 401.

[2] Morrison, *Oxford History*, p. 988.

[3] Blum, Albert A., *Drafted or Deferred*, Chapter I tells the story of the meeting and the passage of the law.

[4] It is a popular misconception that the Act itself was extended in 1941, a mere six months before Pearl Harbor. This misconception is now a part of tradition also. Actually, it was not due to lapse, so the famous "Extension Debate" and the 202-201 vote in the House did not center about the continuation or lapse of conscription, but only about the term for which a man was to be drafted.

[5] Kreidberg, *History of Military Mobilization*, p. 644.

[6] *Op. cit.*, p. 49.

[7] *Op. cit.*, p. 89.

[8] *Ibid.*, p. 169 contains both quotations cited on this page.

[9] *Transcription*, Personnel Conference, June 24-26, 1947, War Department, page 11.

[10] *Report of the Select Committee on Manpower*, American Legion, Washington, 1969, p. 7.

[11] Weigley, *op. cit.*, p. 502.

[12] *Ibid.*, p. 508.

[13] *Ibid.*, pp. 509-510.

[14] *Outline of Historical Background of Selective Service and Chronology* (Revised, 1965 edition), p. 27.

[15] *Ibid.*

THE CASE AGAINST THE SST

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today Congress is being asked to approve the Nixon administration's request for the full $290 million for the fiscal year to continue the financing of the SST—to spend more of the taxpayers' money on what Paul Samuelson, winner of the Nobel Prize for economics, has referred to as a "colossal economic folly." Surely there are better, more responsible, ways for the elected representatives of the American people to spend taxpayers' money.

The decision we should be making today is not whether Congress should be appropriating more funds for this program, but how we can disengage the Federal Government's involvement from this program completely. This Nation simply has too many urgent needs and priorities to be spending its money on a supersonic aircraft at this time.

Yet, during the past months and weeks, Congress and the American public have been literally besieged with a flurry of propaganda and distorted facts concerning this issue. The Nixon administration has deliberately concealed some of the more pertinent facts which it has available, and there are now reports that the administration has attempted to gag a Government scientist who was scheduled to testify as to the possible increase in the number of persons who would suffer from skin cancer as a result of the development of the SST.

In spite of all this, it is quite apparent that most of the arguments with which Congress and the American people have been bombarded are unsound. We have been told that America needs the SST to compete with the British-French Concorde, yet not one airline has placed a firm order for the Concorde, and a hold has been recently placed on its production.

A prominent member of the French National Assembly, recently referred to the French version of the SST—the Concorde—as "France's industrial Vietnam." Describing the state of the European SST project, he continued:

> Every single cost analysis from the beginning has proved to be wrong. The cost of the SST has multiplied here, as it will everywhere, four times the initial evaluations. By all normal decision-making systems, it should have been cancelled long ago, but the debate and cost have for years been kept from the public.

We have been told that the SST would not produce excessive noise or shock waves, yet the aircraft industry itself has admitted that the SST would be able to meet current FAA noise standards only by creating a significantly adverse impact on the economic aspects of the program. Furthermore, it is estimated that when flying at supersonic speeds, the SST would create a continuous shock wave moving across the land surface, 50 miles wide.

Proponents of the SST have claimed that the aircraft would be the "fastest and cleanest transportation device ever designed by mankind." Yet not one competent scientific authority has been willing to come forward and assert that the SST would not have a deleterious impact on our environment. Even the Department of Transportation has recognized the need for further study of environmental issues and has announced a $27 million research study of environmental problems of the SST. I have been assured that this grant of funds for environmental research will not be effected by a vote for the Yates amendment today.

In fact, the environmental research grant to the Department of Transportation and the noise abatement grant to the FAA will not be effected and this important research can and should continue without appropriation of more tax money to build the SST at this time.

Perhaps most absurd of all the arguments in favor of this "economic folly" is the economic argument itself. The Nixon administration has argued that building the SST would create as many as 200,000 jobs and help our country's international balance of payments. Yet nearly every one of the Nation's leading economists, ranging from the most liberal to the most conservative, has agreed that the balance of trade argument is irrelevant.

Milton Friedman, the noted professor of economics at the University of Chicago, referring to the economic arguments of the Nixon administration, finds it "disgraceful that knowledgeable government officials should use arguments—such as the balance of payments arguments, the jobs arguments, and the claims of additional taxes from jobs—that are demonstrable fallacies and have been so demonstrated."

A former Chairman of the President's Council of Economic Advisers, Walter Heller, asks:

> If the SST is such a profitable undertaking, why does the U.S. Government, i.e., the taxpayer, have to put up 80-90% of the cost?

In noting that as of March 30, 1971, the U.S. Government will have put $864 million, or 86 percent of the $1.009 billion total thus far invested in this program, Mr. Heller points out that—

If private industry can't even take it from here—one can only conclude that the SST dismally fails the fundamental test of the marketplace.

In spite of all this, the economic argument continues to be used by SST proponents. In their attempts to enlist my support for this program, they have urged me to help keep the State of Michigan from losing potential subcontract money. However, what they have failed to point out is that the Federal money is not free; it comes, of course, right from the taxpayers' pockets.

And when this very important factor is taken into consideration, it becomes apparent that the SST program is not good for the State of Michigan, nor is it good for 43 other States. When we compare the figure which the taxpayers of Michigan would pay for the SST with the figure which Michigan would receive in potential subcontracts, Michigan would actually lose more than $37 million. At the peak labor subcontracting date it is estimated that Michigan, the Nation's seventh largest State in terms of population, would receive less than 4 percent of the jobs which would supposedly result from the continuation of this project. Of the total amount already spent on this project, Michigan's share amounted to only .0172 percent.

As for the argument that the SST program would create more jobs, there are certainly much better ways to create jobs with this money, and ways that will result in things that all Americans need and want, rather than subsidizing a supersonic aircraft which will be used by a relatively miniscule portion of the population. America needs housing, and manpower programs in the areas of public service employment and public works. This huge sum of money would be much more wisely spent in areas such as this. In addition, the 200,000 job figure which is used by the administration is in reference to a potential peak employment period for the production phase of this program, which is at this juncture mere speculation, and at least 8 years into the future. The number of employees actually employed by Boeing in the prototype program is only 4,800.

Mr. Speaker, this is not a partisan issue. This is an issue of commonsense as to what is right for the American people. Although he is not a member of my political party, the Governor of the State of Michigan is in agreement with me on the issue and supports my intention to vote for the Yates amendment today. I am sure that a majority of my colleagues in the Michigan delegation from both sides of the aisle will oppose a continuation of funding for the SST, as well. At this point I would like to insert into the RECORD a copy of a communication which I received from the Governor of Michigan only yesterday:

HON. WILLIAM D. FORD,
Cannon House Office Building,
Washington, D.C.:

I understand the debate and vote on the supersonic transport will be coming up shortly in Congress. Although many of the environmental questions now appear to have answers, most will take large additional sums of money and research. The SST program is clearly one of misplaced priorities for limited tax dollars. There is a much greater need for research and development on short take-off and landing aircraft and rapid transit systems which would provide an equal number of jobs in our economy. I am opposed to further spending for SST development at this time and therefore urge you to vote **yes** on the Yates amendment.

GOV. WILLIAM G. MILLIKEN,
State of Michigan.

Mr. Speaker, the arguments against the SST are virtually endless; the arguments for have been repudiated. For these reasons I would urge all my colleagues today to vote against any further funding of the supersonic transport.

JAY SYKES WRITES ON THE POWER OF PUBLIC OPINION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. REUSS. Mr. Speaker, in an article in the Milwaukee Journal of Sunday, March 14, 1971, Jay Sykes has provided clear support of his thesis that public opinion is a key element in shaping U.S. foreign policy. Mr. Sykes, a lecturer in the department of mass communications, University of Wisconsin-Milwaukee, is past chairman of the Wisconsin branch of the American Civil Liberties Union. A graduate of Rutgers and the University of Washington Law School, he is a former editorial writer on the Milwaukee Sentinel. His thoughtful piece follows.

"POWER TO THE PEOPLE": A REALITY

(By Jay G. Sykes)

(Towering over presidents and state governors, over Congress and state legislatures, over conventions and the vast machinery of party, public opinion stands, in the United States, as the great source of power, the master of servants who tremble before it.—James Bryce, "The American Commonwealth," 1891.)

There is, of course, a theory contrary to Bryce's—that critical decisions, particularly those involving foreign policy, are made by an oligarchial power elite, without regard to public opinion. Foreign policy is conceived and executed, according to this conspiratorial view, by the president of the United States, the military-industrial complex and occasionally, in the stereotype of villainy, by imperialist warmongers, economic royalists, munition makers.

In the contemporary vernacular, decisions of war and peace are made by a monolithic "power structure"—the Establishment—while The People, virtuous, peace-loving and selfless, are ignored or manipulated into supporting their government.

Bryce's view of the dominance of the will of the public, although his rhetoric is overblown, is not far from the reality of 1971, and is certainly closer to fact than the simplistic mythology of those who cling to the devil theory of government.

One can make a case for the proposition that no major foreign policy decision has been made by the United States government, at least in the 20th century, that was not approved by a substantial majority of the American people. Lester Markel, a New York Times editor, has written: "No American program, no plan for world order, can succeed unless it has the full support of public opinion, both at home and abroad." The evidence of history supports Markel.

The majority of the American people supported our entry into World War I, then demanded rejection of American participation in the League of Nations.

That public opinion can force a reluctant government into taking positive action was demonstrated by the Senate's ratification of the Kellogg-Briand Pact, which seemed at the time to hold out hope of permanent world peace. Many senators sneered at the treaty, and one likened it to "throwing peace paper wads at the dogs of war" (a judgment vindicated by events). But the public demand for approval was so great that the Senate ratified the treaty with only one dissenting vote.

The conscience of the Senate is responsive to the pressure of large numbers; legislators, like presidents, can be persuaded by public opinion to rise above their principles.

The official neutrality of the United States government in the 1930s in the face of totalitarian aggressions was a reflection of the nation's recurrent isolationism. Given the mood of the American public, weary of war and burdened by the Great Depression, the Roosevelt administration, whatever its inclinations, could not have committed this nation to intervention when the Italians invaded Ethiopia, when the Japanese attacked China, or when Spain was torn by civil war; we could not have deterred Nazi Germany, however shocked we might have been, when it reoccupied the Rhineland in 1936 or when it annexed Austria in 1938. President Roosevelt recognized the constraints of public opinion on governmental policy when in 1937 he was compelled to retreat from the warnings in his "Quarantine the Aggressors" speech.

Only when the Nazis overran France in 1940 and the possibility of the defeat of Great Britain appeared imminent, with the attendant peril to the United States, did public opinion shift in favor of aid to the Allies and Roosevelt was thus given the political leverage to offer the Lend-Lease program and the Congress the courage to approve it. The Committee to Defend America by Aiding the Allies, by mobilizing public opinion, is generally credited with giving Roosevelt the support he needed to execute the momentous destroyers-for-bases deal with Great Britain in 1940.

Yet the American people, while sympathizing with the victims of the Axis aggressors, remained adamant about staying out of war. Reflecting that public attitude, Congress, in the summer of 1941, extended the compulsory draft by a margin of only one vote. Several weeks before the Japanese attack on Pearl Harbor, public opinion polls showed that 80% of the American people were against going to war with that country. (On Dec. 10, 1941, according to an opinion poll, 98% approved the declaration of war by Congress two days earlier.)

The parallel between public opinion and decision making in foreign policy is too exact to be concidence. The American atomic bombing of Hiroshima and Nagasaki was approved after the fact by a substantial majority of the American people. Two months after the bombings, only 4% of those polled said that atomic weapons should not have been used on populated areas under any circumstances, 54% approved the bombing as carried out; and 23% thought we should have bombed many more enemy cities (which would seem to refute the theory that The People are inherently more peace-loving than the leaders.)

Major governmental foreign policy decisions after the war—as the precipitous demobilization of our armed forces, the Marshall Plan, American Intervention in Korea—were supported by a substantially united public opinion. The ratification of the United Nations Charter (by a vote of 89–2) by a Senate which still included many isolationists reflected the public turn toward internationalism.

There can be no doubt that those holding governmental power in this country fear and respect the force of public opinion. To rouse popular support for the League of Nations, and thus to pressure Congress to favorable action, President Wilson undertook a grueling nationwide speaking tour, ultimately futile.

Almost 45 years later, President Kennedy felt constrained by his interpretation of public opinion to maintain an American military presence in Vietnam in spite of his apparent conviction of the attendant dangers. Kennedy had in 1963 made up his mind (according to the version of presidential aide Kenneth O'Donnell writing in 1971) to withdraw all American troops from Southeast Asia, but said that he wouldn't dare to so until after his re-election in 1964. If he announced the withdrawal before the election, Kennedy told Sen. Mansfield (O'Donnell writes) there would would be a "wild conservative outcry" and his attendant defeat at the polls.

Those who doubt the influence of public opinion in the making of foreign policy disregard the evidence of history. Those who protest that the System does not respond to the public really mean that the government is not responsive to their demands.

So sensitive, in fact, are the highest reaches of the government that during World War II, at a time when there appeared no need to counter public opinion, the State Department established a Division of Public Liaison to analyze public opinion polls and to monitor newspaper editorials and other expressions of the public will.

The conclusion is inescapable that the people of the United States can compel their government to do their bidding. Public pressure can force a policy on an unwilling administration, but the reverse is not possible. A government policy needs public support, or at least acquiesence, for execution. By defiance of their government, American citizens have, in effect, overruled official decisions and have turned treaties into dead letters. During the Canadian rebellion of 1837 and the Texas revolution of 1835–37, public sympathy for the rebels was so great that federal officials found it impossible to enforce the nation's neutrality laws.

To affect the making of foreign policy, however, public opinion must be expressed with some intensity. If the people favor a specific policy by a provably large majority but with relatively feeble energy, the public view may be disregarded and the government may feel free to act, unimpeded by majority sentiment.

Thus in 1939, although a public opinion poll found 90% sympathizing with the Chinese (and only 2% with the Japanese in the war between the two nations) and favoring an embargo on arms to Japan, the administration felt no compulsion to respond, for the demand for an embargo was gentle and undemonstrative.

Public opinion, while it occasionally forces governmental action, more often sets the outer limits within which a president, or Congress, may act and beyond which they may not dare go. Conversely, when the public is indifferent, the government has full freedom of movement.

IF PUBLIC IS UNAWARE

Nor can the public influence foreign policy when it is unaware of an issue in the decision making stage or when it learns of those decisions only after they have been carried out. Thus, public opinion played no part in the decision to land Marines in Lebanon, to invade Cuba's Bay of Pigs, to dispatch troops to the Dominican Republic. The missile crisis of 1962 was joined and resolved before the public really knew of the crisis and certainly before it had a chance to mount support or opposition to the action of the Kennedy administration in meeting that crisis.

But such instances are merely exceptions to the rule that public opinion controls foreign policy in the United States. Many voices in and out of Congress are asserting that a democratic nation should reduce to an inescapable minimum the power of the executive branch of government to commit its people to military conflicts without Legislative approval and public debate. Public opinion in the United States ought to restrict the president's power to take military action, they believe, except in truly emergency situations.

The question should no longer be whether public opinion can control foreign policy, but how best to bring that opinion to bear on those who make decisions. In our pluralistic society public opinion has a vast multitude of voices and the pressure points are many.

There are the voices of elected public officials. Because they are "newsmakers," their pronouncements, however illogical or inconsequential, are likely to be conveyed through the press, radio and television, and the force of their opinions thus amplified.

Expressions of dissent from—or support of—the nation's foreign policy by officials and organizations receive the most respectful attention of those who formulate that policy, for it is presumed that they are speaking not only for themselves but for their constituencies.

The channels of dissent in the United States are many: public opinion polls; criticisms in and by the press; delegations sent to Washington; testimony before Congressional committees; formation of ad hoc committees; protest meetings and less peaceful demonstrations. Letters and telegrams also are effective instruments of public opinion. President Nixon said last May that he would not be influenced by any public outcry against his decision to dispatch American troops into Cambodia. But next day he proudly displayed a stack of telegrams supporting that decision.

And, finally, there is the most sensitive of all pressure points—election day. The passion of an incumbent to remain in office, or of a challenger to capture office, provides the people with a mighty weapon for translating their opinions into national policy. There seems little doubt now that the decision to disengage militarily from Vietnam was a result of the expression of popular opinion in the elections of 1968.

FOR MORE DEMOCRACY

Individual citizens, aldermen, county supervisors, state assemblymen, governors must act upon the realization that our nation's atomic policy is as vital to us as the rate of a local sales tax; that an effective disarmament treaty with Russia is at least as important as a decision on disposing of a city's garbage and trash; that the question of the admission of Red China to the United Nations is surely as critical to the citizens of Milwaukee or Eau Claire as is the debate on whether to legalize bingo in Wisconsin.

For more democracy in decision making, then, state and local governments ought to take positions on foreign policy issues, although the resolution of those issues is admittedly outside the legal jurisdiction of those governments, undissuaded by the argument that it is none of their business.

The people of the United States can—and usually do—get the kind of foreign policy they want. If occasionally they do not, they have no standing to complain. The opportunity and the democratic means are available.

TRIBUTE TO A MARINE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. DERWINSKI. Mr. Speaker, like all Members I am especially proud of, and interested in, the accomplishments of individual constituents. In addition, I have long felt that our men in the military service are very typical Americans who consistently demonstrate the goodwill and true spirit of our country.

This point that I have made can be clearly seen in a column by Bob Cromie in the Monday, March 8 Chicago Tribune which is based on the actions of a constituent of mine, Marine Corp. Richard W. DeRobertis of South Holland, in providing gifts to Vietnamese youngsters in an orphanage in Hue.

Incidentally, this record of such a wonderful personal service comes as no surprise to anyone who knows the DeRobertis family since they are a family in which civic activities have always been an obligation willingly undertaken.

The article follows:

FAVORITE MARINE

(By Bob Cromie)

My favorite Marine at the moment is Corp. Richard W. DeRobertis of South Holland, former captain of the track and cross-country teams at Thornridge High School, now stationed somewhere in the vicinity of Hue, South Viet Nam. A story about DeRobertis recently in the suburban newspaper, The Pointer, took at least some of the bitter taste of My Lai from my mouth.

DeRobertis, who will be 22 years old this week, somehow came across an orphanage in Hue housing 22 youngsters of all ages, and discovering that most of them had no possessions at all but a single pair of all-purpose pajamas, sent $100 of his own money to his parents, Mr. and Mrs. Richard DeRobertis Sr., with instructions to get some sort of outfit for each child in the orphanage and mail it in time for Christmas.

"We had to laugh when we got the list," his mother said. "It contained shoulder-length, waist measurements, full height, but no sizes. They're very small, you know, one 8-year-old boy took size three pants."

Corp. DeRobertis and a friend, a Corp. Jerome, whose last name Mrs. DeRobertis doesn't know, visited the orphanage Chrstmas Day and distributed the gifts. The South Holland Marine wrote to describe the children's happiness [the packages also included toothbrushes, toothpaste, tablets, pencils and candy] and said he and his friend both had tears in their eyes as they watched the packages being opened.

Mrs. DeRobertis made it plain that without help from neighbors and other friends the project would have been difficult to accomplish, since postage alone was $80. But people donated good clothing, a woman on Social Security gave $5, one of DeRobertis' sisters handed over a favorite doll, and on Halloween many of the youngsters living in the block turned in their trick-or-treat loot to be shipped to the orphans.

DeRobertis, who comes from a family of eight children, uses all of his off-base time to journey to Hue, often accompanied by Jerome and a lieutenant whose name also is not known here. His mother reports that DeRobertis admits to a special fondness for a tiny little orphan girl named Nam, and says she wouldn't be surprised if he shows up in South Holland, when his Viet Nam tour ends in April, with Nam in tow.

"I know he will continue to send money back there," she says, "and that he and his friends are hoping to raise enough to send one bright 15-year-old to school in the city so that the boy can become self-supporting."

At the moment Mrs. DeRobertis is readying a birthday gift for her son. But she and several neighbors also are preparing 22 packages of clothing, toys and candy which will be mailed in time for the orphans to have something for Easter.

Nobody suggested it, but if anyone wants to cut in on the Easter caper, the DeRobertis address in 15662 Rose Dr., South Holland.

And even a very good Marine can use a little help sometimes.

POW'S—A NATIONAL PRIORITY FOR ACTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RARICK. Mr. Speaker, in the history of our country, American men have fought many wars and, as a consequence of battle, many fighting men have been captured and held prisoners of war. But in every past war that was fought for freedom and not for peace, these captured fighting men were freed or released on orders of the Commander in Chief because the war was either won or the men were rescued by military force. The exceptions to this rule started with the United Nations peacekeeping mission in Korea which, because it was not ended, continues to this day.

The war in Vietnam has been accompanied by another first in the history of our Nation. Never before have we Americans had to sit back and watch in disgust and utter disbelief as the wives, children, mothers, sweethearts, and loved ones are urged if not forced to enter into international negotiations on behalf of their sons, fathers, brothers, and sweethearts who are held prisoners of war in Vietnam.

Never before in the history of our country have so much public opinion and interest been unleashed upon such a disgrace and travesty against the American people when they have paid for and still enjoy the prestige of being the world's strongest and most powerful people.

The President of the United States as Commander in Chief, has made numerous overtures of conciliation to pacify the affected Americans, but otherwise has done little or nothing to end the war in such a manner as to assure the release and recovery of our captured fighting men.

Many well-meaning people seeking worthwhile causes have accepted the prisoner-of-war relief leadership because of the vacuum existing due to inaction by our own elected leader. In fact, the present resident of the White House seems most satisfied to have someone else carrying the ball, thus taking the pressure off his inactive leadership and unproductive policy.

Foremost in such people-mobilization projects is the program to encourage American citizens to write to Communist dictators in Russia, North Vietnam, and even the Secretary of the United Nations, appealing in a courteous, nonpolitical manner for humane treatment of our captured fighting men in Vietnam. Frequently, from the American friends of Hanoi, as reported in the media, these activists even take strength in the thought that the Communist prisonkeepers might be making some slight concession as a result of the outpouring of deep sympathy and compassion by Americans over their fellow countrymen who suffer in a stinking Red prison.

But the great weight of the evidence is that the tons of letters and tremendous activity by concerned Americans can never accomplish anything because Americans do not understand the thinking of Communists and they refuse to understand Communist goals.

Any understanding of the Oriental personality would convince our fellow countrymen that, to the Oriental, weakness is to be treated only with contempt and scorn. Therefore, at most, the Communist dictators who have already been assured that our military does not seek an end to the war in conventional methods can but consider the millions of letters and direct appeals from our well-meaning citizens as a sign of national weakness—a loss of control by those in positions of authority in our country. As such, contrary to accounts in the news media, we but encourage the government of North Vietnam to forever delay any formal peace talks. We but reassured Hanoi that our Nation is now weak, divided, and leaderless. All that remains is to wait for the masses to demand that the weak leader remove all U.S. troops and support. Then the Communist goals are satisfied.

History is replete that a nation which does not win its wars loses its captured fighting men—all the proposed peace talks, well intentioned correspondence and POW publicity programs notwithstanding. We are reaching our people but not the enemy.

The men held prisoners in North Vietnam, estimated as high as 1,600, are Americans who have risked their lives while we have enjoyed peace and prospered. These are men who were willing to sacrifice for a progressive nation that now appears to be unwilling to risk anything in order to regain for them their freedom. If we as a people will not fight for them and make the POW issue one of the top priorities in our national goals we are undeserving of the freedm we so take for granted. If we ever do regain our POW's, it will only be after they have suffered the deadly rot of mind, body, and soul—that indescribable diseased condition of a living death known only by saddened and broken men who have experienced being abandoned by their country.

There is but one person in our entire government who holds the authority as well as the responsibility for regaining the freedom of our captured prisoners of war. He is the President of the United States, the Commander in Chief, under whose orders these military men went into battle, were engaged when captured, and under whose orders they remain even as prisoners.

If the American people want to regain our prisoners of war, they would have far greater effect and success if they would direct their appeals not to the unresponsive Communist dictators, but to Hon. Richard M. Nixon, President of the United States and Commander in Chief of all U.S. military forces.

I think that the President's inept position on the POW situation may best be described by a recent comment by the State Department press officer, Robert J. McCloskey when he said:

> Our position is that the release of prisoners or war is a humane question which should be settled on the basis of the Geneva Convention and not on the basis of ransom.

If so, then in the name of humanity, Mr. President, and for the sake of the American people, do something besides fraternize, compromise, and negotiate with the Communists. You and you alone can give the orders to free U.S. POW's in North Vietnam.

Mr. Speaker, I insert at this point in the RECORD, an article which appeared in the Reader's Digest for April of 1971 entitled, "Inside the Prisons of Hanoi" and a recent newsclipping:

[From the Reader's Digest, April 1971]

INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

(The following report on the shocking conditions within the prisoner-of-war camps of North Vietnam, and on the threat these conditions pose to the survival of hundreds of U.S. citizens, has been drawn from lengthy interviews with some of the men who have been released, and from informed sources in Washington, Saigon and Paris.)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors double-time him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls. Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,[1] its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking day-light will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

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[1] There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

Now it is winter, bringing the cold he detests and fears most. He has wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

GONGS AND JUDAS HOLES

Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gongs," a metal ring periodically assaulted by a metal rod. It echoes and reechoes. And as it fades, he strains to hear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judas Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a washday, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guard shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guard slams open the Judas Hole to check.

BODY AND SOUL

As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is a recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding, he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

SHATTERED RULES

How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatened with each passing day. Some of the POWs have already died.[2] Others face almost certain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases, their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "showcase" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. There is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

But conditions are still deplorable.

[From the Washington Post, Mar. 13, 1971]

STATE DEPARTMENT IS SKEPTICAL: CROSBY SEEKING TO RANSOM POW'S

Larry Crosby initially indicated yesterday that the Nixon administration had encouraged the idea. State Department officials immediately denied that.

"Our position is that the release of prisoners of war is a humane question which should be settled on the basis of the Geneva convention" and "not on the basis of ransom," said State Department Press Officer Robert J. McCloskey.

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[2] North Vietnam has told U.S. anti-war groups and Senators that 23 prisoners have died. But the lists cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

Larry Crosby said he was undeterred. "What can they do about it?" he asked. "They'd look pretty funny if we accomplished something, wouldn't they?"

SOCIAL SECURITY INCREASE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1971

Mr. FRENZEL. Mr. Speaker, I am pleased that the House has acted to increase social security benefits by 10 percent retroactive to January 1, 1971. This emergency action is an important first step in meeting our obligations to older Americans living on fixed incomes.

But our actions fall short of providing all of the reforms which need to be incorporated into our social security system. It is encouraging that the House Ways and Means Committee has agreed to continue consideration of my bill along with others which would provide a new monthly minimum benefit of $100, increase to $2,400 from $1,680 the permissible outside income allowed without a cut in benefits and permit for the first time automatic cost-of-living benefit increases.

There has been a great deal of justifiable concern expressed here that social security benefits keep pace with the rising cost of living. Yet the necessity for having to again take emergency action should demonstrate to us all that we are unable under the present system to accomplish this objective. Last year the House adopted benefit increases in May but the Senate stalled for another 7 months until it was too late for final action. Such delays are totally unacceptable. If our older Americans have a right to expect that their retirement income will keep pace with the cost of living, and I believe they do, then the increases should come automatically, free from the vagaries of the congressional process.

I will continue to press for early consideration of these essential reforms in our social security system.

SENATE—*Friday, March 19, 1971*

The Senate met at 10 a.m. and was called to order by Hon. Mike Gravel, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We thank Thee, O God, for Thy goodness and mercy which hath watched over us and brought us to this place. Give us hearts to love Thee, minds to know Thee, and voices to utter Thy truth. In moments great and small preside over the affairs of this Nation. Be Thou the unseen but ever-real guide to every decision in this place. Beyond this Chamber and throughout all the world grant, O Lord, that all men may come to serve Thee, to wage peace instead of war, to express love instead of hate, and to strive only for that justice and concord that belongs to Thy kingdom.

O Lord, Thou knowest us better than we know ourselves. Be Thou our strength and aid while we work. Be with us in our going out and our coming in from this time forth—even forevermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 19, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Mike Gravel, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 16, 1971, messages from the President of the United States were received, as follows:

On March 17, 1971:

A message withdrawing the nomination of Chester L. Mize, of Kansas, to be a member of the U.S. Tariff Commission.

On March 18, 1971:

A message relating to growing transportation systems and growing problems.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 16, 1971, the Secretary of the Senate, on March 17, 1971, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 4690. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes; and

H.J. Res. 465. Joint resolution making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes.

The above enrolled bill and joint resolution were signed by the President pro tempore on March 17, 1971.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. Hays, chairman, Mr. Rodino, Mr. Clark, Mr. Brooks, Mr. Burton, Mr. Arends, Mr. Devine, Mr. Corbett, and Mr. Mathias members of the U.S. group of the North Atlantic Assembly, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of Public Law 86–42, the Speaker had appointed Mr. Gallagher, chairman, Mr. Johnson of California, Mr. Randall, Mr. Morgan, Mr. Kyros, Mr. Stratton, Mr. Meeds, Mr. Harvey, Mr. Horton, Mr. Buchanan, Mr. McEwen, and Mr. Vander Jagt members of the U.S. delegation of the Canada-United States Interparliamentary Group, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of Public Law 86–420, the Speaker had appointed Mr. Nix, chairman, Mr. Wright, Mr. Johnson of California, Mr. Gonzalez, Mr. de la Garza, Mr. Moss, Mr. Kazen, Mr. Frelinghuysen, Mr. Thomson of Wisconsin, Mr. Steiger of Arizona, Mr. Wiggins, and Mr. Lujan members of the U.S. Delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message announced that the House had passed a joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 16, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, Calendar Nos. 43 and 44.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RELIEF TO OWNERS OF LOST OR STOLEN BEARER SECURITIES OF THE UNITED STATES

The bill, S. 1181, to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a)-(d) of section 8 of the Government Losses in Shipment Act, as amended (31 U.S.C. 738a), are amended to read as follows:

"(a) Under such regulations as he may deem necessary for the administration of this section, the Secretary of the Treasury is authorized to grant relief on account of the loss, theft, destruction, mutilation, or defacement of any security identified by number and description.

"(b) A bond of indemnity shall be required as a condition of relief, whether before, at, or after maturity, on account of any security payable to bearer or so assigned as to become, in effect, payable to bearer which is not clearly proven to have been destroyed. The bond of indemnity shall be in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require.

"(c) No relief shall be granted on account of interest coupons claimed to have been attached to a security unless the Secretary is satisfied that such coupons have not been paid and are in fact destroyed or will not become the basis of a valid claim against the United States.

"(d) The term 'security' means any direct obligation of the United States issued pursuant to law for valuable consideration, including bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security."

SENATE ELECTION, EXPULSION, AND CENSURE CASES

The resolution (S. Res. 74) authorizing the printing of a revised edition of the compilation "Senate Election, Expulsion, and Censure Cases" as a Senate document, was considered and agreed to, as follows:

S. Res. 74

Resolved, That a revised edition of Senate Document 71, Eighty-seventh Congress, entitled "Senate Election, Expulsion, and Censure Cases", compiled by Richard D. Hupman, Senate Librarian, under the direction of Francis R. Valeo, Secretary of the Senate, be printed as a Senate document.

Sec. 2. There shall be printed three thousand additional copies of such document for the use of the Committee on Rules and Administration.

ORDER FOR RECOGNITION OF SENATOR KENNEDY AT NEXT MEETING OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next meeting of the Senate, the distinguished Senator from Massachusetts (Mr. Kennedy) be recognized, following the disposition of the Journal and the time allotted to the majority and minority leaders, for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HAVRE ATHLETE MEETS GREAT CHALLENGE

Mr. MANSFIELD. Mr. President, acts of personal courage are not associated with any one age group and, occasionally, a very inspiring story comes to our attention. This year in Montana, the State championship football team was the Havre High School Blue Ponies. This is not such great news in itself, but its all-conference guard is Kenny Stromberg, born without a right hand and an abbreviated right arm. Kenny is a young man with a great deal of inner strength who has never taken time to feel sorry for himself. Equipped with an artificial hand and extension of his arm, he has done all things that young boys do and, in most cases, far better. He has been hunting since he was 12, is an outstanding swimmer, a member of the Havre basketball team and center fielder on the Babe Ruth baseball team.

Kenny Stromberg is an all-around, first-rate citizen. I wish to take this opportunity to extend my personal congratulations to Kenny, his family, and his teammates.

Kenny could well serve as an inspiration to many of our youngsters in this doubt-ridden world in which we live today.

Mr. President, I ask unanimous consent that a feature story appearing in the February 14 issue of the Great Falls Tribune be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Havre Athlete Meets Challenges

(By Joseph L. Keller)

Havre.—A guard on the Havre High School Blue Ponies' state championship football team made the all-conference team despite a physical handicap which would have stopped a less determined lad from even attempting to play football.

Kenny Stromberg was born without a right hand and an abbreviated right arm, but he has never been sorry for himself. He apparently never admitted he couldn't meet a challenge any two-fisted peer could meet.

Mrs. Ben Stromberg, his mother, said, "We don't consider him handicapped. He will find some way to do anything any other boy can do, and we have never favored him in any special way."

At the age of 12, after taking a hunter-safety course and learning to handle the rifle with his right arm and left hand, Kenny went elk hunting. He got his elk.

Since he has a natural tendency to be right-handed, whatever he learns to do with his left hand he does at the disadvantage common to all right-handed people.

By the time he finished his sophomore year, Kenny had lettered twice in track and once in swimming. (At the age of 10 he had won the Montana state junior Olympic diving championship.)

Fitted with a special "fin," shaped like a right hand and developed at the Michigan Crippled Children's Amputee Center in Grand Rapids, a first of its kind, Kenny swam backstroke and free-style as a member of the Havre Lions' Swim Team. He was fast enough to swim on the boy's relay teams, free-style and medley.

Havre swim coaches picked Kenny to assist in teaching younger members of the team in techniques and stroke patterns. Duane Havskjold, president of the swim team at that time, said one of Kenny's strongest points was his influence on other swimmers.

In Little League baseball Kenny rested the bat in the crook of the right arm and swung through with his left hand. By the time he joined a Babe Ruth League team, Arnold Keck, a physical education instructor at Northern Montana College, developed a hook attachment for the stub of the boy's right arm so Kenny could handle the bat more efficiently.

Roy Damschen, president of the Babe Ruth league in Havre at the time, observed, "To see this boy field a baseball, drop the glove and throw the ball was something I just can't explain, but it was done—and well. Believe me, he could swing that bat." Kenny played center field, and the throw to home plate often was a long one.

Probably the least surprised individual at Kenny's making the all-conference football team was Kenny. He determined at the beginning of the season to make all-conference offensive guard, and his diligent application in practice unquestionably influenced his teammates considerably.

Coach Tom Molen of the Blue Ponies said, "Kenny is extremely dedicated. When he decides to do something he will let nothing stop him short of his goal. Last spring he told me he was going to make all-conference first team as offensive guard. This was a high goal for a young man who hadn't even made the starting team yet at guard."

Havre football fans became aware of the improvement the Blue Ponies of 1970 made in successive games. Rated 10th in the preseason poll, they tied the first game, lost the second and went on to win all their conference games. By the end of the conference season, they had climbed to No. 1. They proved their rating by winning playoff games with Billings Central and Columbia Falls.

Most of the credit belongs to Molen and his excellent staff, but Molen described it as the best and the most dedicated group of young men it had ever been his honor to coach.

Kenny Stromberg also has proved himself equal to any challenge in daily life. During the summer he does the kind of work any other boy does. He has taken care of lawns, mowing and raking the grass. He has worked on farms, helping brand cattle and pitching hay bales.

His employers describe Kenny as not only a good worker but an exceptionally good one.

THE CRISIS JEWS FACE IN THE SOVIET UNION TODAY

Mr. SCOTT. Mr. President, in view of the crucial period the Jews in the Soviet Union are currently facing, we are anxious to highlight any positive action taken which will help to alleviate this critical situation. Therefore, I submit today a resolution by the World Conference of Jewish Communities on Soviet Jewry which indicates their deep concern and their heroic struggle for the safeguarding of their national identity at this time of crisis:

Whereas the World Conference of Jewish Communities on Soviet Jewry has met in Brussels and solemnly declared their solidarity with their Jewish brothers in the Soviet Union; and

Whereas the Conference has urgently called upon the civilized world to join them and the Jews of the USSR in urging the Soviet authorities to recognize the rights of Jews; and

Whereas the conference has called upon the civilized world to recognize the rights

> of Jews who desire to return to their historic homeland in Israel; to enable the Jews in the USSR to exercise fully their right to live in accord with the Jewish cultural and religious heritage; to put an end to the defamation of the Jewish people and of Zionism;
>
> Now, therefore be it resolved by the World Conference of Jewish Communities on Soviet Jewry that the energies of all the Jewish peoples will continue to be mobilized through the Parliaments and governments of their countries, through the United Nations and other international bodies and through every avenue of public opinion;
>
> Now therefore be it further resolved that the World Conference of Jewish Communities on Soviet Jewry will not rest until the Jews of the Soviet Union are free to choose their own destiny.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Missouri (Mr. EAGLETON) is now recognized for a period of 15 minutes.

COMMENTARY ON THE STATE OF THE ECONOMY

Mr. EAGLETON. Mr. President, on January 11, President Nixon announced new depreciation rules allowing businesses a faster writeoff of expenditures for new equipment. The changes will result in a reduction of Federal revenues of $2.7 billion in fiscal year 1972, rising to $4.1 billion in fiscal year 1976. This is roughly equivalent to a 7-percent tax cut for corporate business.

The administration argues that the changes will increase investment and promote economic growth. I can see little basis for this prediction. Capital spending experienced a boom throughout the 1960's, increasing considerably faster than output. As a result of that boom, and of the recent downturn, business is now operating at 76 percent of capacity. It is, therefore, hard to believe that firms have much of an incentive to increase investment in equipment.

The fact is that no one really believes that the new depreciation rules will make much difference to capital spending in 1971. According to Business Week, there is "scant evidence that liberalizing depreciation at this time will induce many companies to change investment plans." The Commerce Department's Survey of Current Business expects most of the new allowances to go into rebuilding corporate liquidity rather than into investment. Even Mr. McCracken has admitted that the impact will build slowly—by the end of 1971 an increase of up to $1 billion. Let us face it: as far as the near future is concerned, the new rules represent a windfall gain for business, and little else.

President Nixon, in announcing the new depreciation allowances, also argued that they would "help create jobs for the unemployed as well as young people joining the labor force." The President's economic advisers admit that the new rules will not affect investment appreciably in 1971, so we can be sure that any significant effect on jobs is well over a year away. Meanwhile, unemployment hovers around 5 million people and the rate for teenagers is over 17 percent.

The major problem with the economy today is the lack of consumer demand. Output is $50 billion below full employment output. That is why investment is depressed. Businessmen cannot buy machines for the sake of buying machines; they do so with the expectation that they will be able to use the machines to produce goods and sell the goods at a profit. This expectation is absent today—see recent OBE-SEC survey—and it will continue to be absent until something is done to stimulate consumer demand.

But not only is the recent tax break for business poor economic policy. It also reflects a badly distorted system of priorities. With 6-percent unemployment, with our worsening urban problems, with our unmet needs in the areas of health, welfare, and education, it should not be hard to find sensible ways of spending $2.7 billion. What is hard is understanding how the President can allocate $2.7 billion to corporate profits while vetoing funds for job training and public service jobs.

In announcing the new rules, President Nixon cited as a precedent the rules reform and the 7-percent-investment-tax credit introduced by President Kennedy. The latter were supposed to stimulate the economic recovery from the recession of 1961. In my judgment, the Democratic actions of 1962 cannot justify the present actions. First, I seriously question whether the 7-percent-investment credit had much to do with the subsequent economic recovery. Even Walter Heller, one of the architects of that policy, now maintains that what really brought us back from recession was the boost to consumer spending provided by the 1964 tax cut.

But even if the earlier measure was effective, it does not follow we should institute a similar one now, because the economic situations are so different. In 1962, investment spending had been in the doldrums for a decade; stimulation may have been in order. The opposite is true today.

The following table indicates that there was virtually no growth in expenditures on producers' durable equipment during the 1950's, whereas the 1960's are marked by an enormous expansion of these expenditures:

Investment in producers durable equipment

[1958 prices in billions of dollars]

1950	24.8
1955	27.7
1958	25.0
1961	28.1
1965	44.0
1968	52.7
1970	56.2

President Nixon himself has recognized the difference between 1962 and the present period with regard to investment. Recommending repeal of the 7-percent tax credit in his tax reform message of April 21, 1969, he said:

> In the early 60's, American productive capacity needed prompt modernization to enable it to compete with industry abroad. Accordingly, Government gave high priority to providing tax incentives for the modernization. Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency.

The final irony with regard to the recent tax break for business is that the administration itself made the case against it in calling for the repeal of the 7-percent investment credit. In the 1969 tax reform message President Nixon said:

> This subsidy to business investment no longer has priority over other pressing national needs.

Surely, that statement applies today. The Economic Report of February 1970 was even more forceful:

> Subsequent consideration of the longer-range issues led the Administration to conclude that the 7-percent tax credit enacted in 1962 to stimulate business investment should be repealed. The national priorities of the 1970's did not require or justify this special incentive.

Along with others, I have questioned whether the President has the discretionary authority to make such major changes in our tax rules on his own. But if he does, I still think that the recent changes were highly undesirable from the standpoint of economic policy as well as of priorities. Moreover, the fact that the administration is now contradicting a position that it took just over a year ago does not enhance its already strained credibility.

In the last few weeks, bills have been introduced in both the House and the Senate, calling for reinstatement of the investment tax credit. I would be opposed to reinstatement even if the President had not changed the depreciation rules. But in the wake of this earlier tax break for business, a second windfall would be particularly indefensible.

SLEIGHT-OF-HAND PARITY

Mr. EAGLETON. Mr. President, I would like to bring to the attention of my colleagues from farming States an excellent article by Mr. Fred V. Heinkel, president of the Midcontinent Farmers Association, about the recent change in the Department of Agriculture's formula for determining parity. As Mr. Heinkel points out, candidate Nixon described 74 percent of parity as "intolerable" during the election campaign back in 1968. When the parity percentage dropped to 68 percent last December—an all-time low—this administration came up with an answer. They simply changed the base in producing a farm price ratio of 91. This affirmative act of statesmanship is just what the Missouri farmers—who are in fact facing an economic situation akin to the 1930's—have been waiting for. Who is the administration trying to kid?

Mr. President, I ask unanimous consent that the article by Mr. Heinkel be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY'RE TRYING HARD TO BURY PARITY

From the standpoint of prices, in relation to the remainder of the economy, how well—or how poorly—are farmers doing?

For almost 40 years—since 1933, in fact—we've had a useful and meaningful measuring stick. It is called Parity. Under a formula established by law, the partity ratio reflects the relationship of prices received by farmers to prices paid by farmers. It is based on the relationship that existed during the 1910–1914 period—one of the few times in history during which farm prices were pretty much in line.

Under that formula, if the parity ratio is 90, a bushel of corn has 90 per cent as much purchasing power as it had during the 1910–1914 period. Likewise, other farm products.

Through the years, our farm price support programs have been keyed to parity—as a reasonable, understandable means of determining what might be considered fair prices to farmers. Attempts to discredit parity have been made repeatedly by those who chose to ignore the plight of farmers. Much of the farm legislation battle last year in Washington, D.C., centered around efforts of MFA and the Farm Coalition to keep price supports tied to parity, and preserve the parity ratio itself.

The attacks on parity are understandable. As a measure of how farmers are getting along, the parity ratio has been pretty embarrassing to some politicians.

As an example: While campaigning for the Presidency in September, 1968, Richard M. Nixon described 74 per cent of parity as "intolerable." At that time, he flatly stated: "Farmers deserve better, and I pledge that in my administration they will have better."

Farmers have been awaiting the fulfillment of that pledge.

In the meantime, look what's happening. Last December, the parity ratio dropped to 67—lowest since 1933, in the depth of the Great Depression.

Then came the "hocus-pocus"—the dexterous "sleight of hand."

In January, the USDA's monthly report on agricultural prices showed a farm price ratio (*not a parity ratio*) of 91. There it was on the front page of the report—where the parity ratio had been shown in previous months and years.

At first glance, one might infer that the farm price situation was vastly improved. Not so, of course.

Explanation? *The measuring stick had been changed!* The new price ratio was based on the relationship of prices received to prices paid in 1967—rather than the traditional 1910–1914 base period.

The change, USDA explained, was ordered by President Nixon's Office of Management and Budget. It was an administrative move—obviously motivated by political interest.

Buried deep inside the report was the parity ratio—because its publication still is required by law. There, if you bothered to read the small print, you learned that the parity ratio in January was 68—just one point above the ratio in December.

Such jockeying of figures should not go without reprimand. It should be labeled for what it is—a political "sleight of hand." It cannot go unchallenged—because it threatens the well-being of farmers and of agriculture.

Changing the length of the yardstick does not change the width of the gate. What's real is real. A spade is a spade. Low farm prices are low farm prices.

Whether USDA reports a parity ratio of 68 or a price ratio of 91 probably does not make much difference to farmers in their own operations. They know what's happening. They don't need a government report in order to know that they are going deeper in debt in order to stay in business; that some of their neighbors are being forced to quit farming; that others are taking part-time, nonfarm jobs in order to provide for their families.

But the new USDA price ratio—if substituted for parity ratio—can be a real handicap to farmers in their efforts to achieve parity income. Unsympathetic politicians and big business can use the new price ratio to imply that farmers really are not doing too badly. (A price ratio of 91 sounds a heck of a lot better than a parity ratio of 68!) And the general public—with its scanty knowledge of farming—could be totally misled if the price ratio were substituted for the parity ratio.

Through almost 40 years of usage, the parity ratio has become a meaningful measure. To discard it now, to bury it now, would only add to the confusion and misunderstanding which handicaps farmers in their efforts to improve their lot.

QUORUM CALL

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business until 10:45 a.m.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

Environmental Impact Statement for the Federal Environmental Pesticide Control Act, 1971

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the environmental impact statement for the Federal Environmental Pesticide Control Act of 1971 (with accompanying papers); to the Committee on Agriculture and Forestry

Necessity for Supplemental Estimate of Appropriation for Fees and Expenses of Witnesses to the Department of Justice

A letter from the Director of the Office of Management and Budget reporting, pursuant to law, the necessity for a supplemental estimate of appropriation for fees and expenses of witnesses to the Department of Justice; to the Committee on Appropriations

Estimate of Appropriation for 1971 for Unemployment Compensation for Federal Employees and Ex-Servicemen and Trade Adjustment Activities

A letter from the Director of the Office of Management and Budget reporting, pursuant to law, on the necessity for a supplemental estimate of appropriation for unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities; to the Committee on Appropriations.

Report on Disposal of Surplus Military Supplies, and Expenses Involving Production of Lumber

A letter from the Asssistant Secretary of Defense transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products during the second quarter of fiscal year 1971 (with accompanying report); to the Committee on Appropriations.

Proposed Legislation With Respect to Accountability and Responsibility for U.S. Property

A letter from the Secretary of the Army transmitting proposed legislation to amend titles 10, 32, and 37 of the United States Code with respect to accountability and responsibility for U.S. property, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Projects for the Air National Guard

A letter from the Assistant Secretary of Defense notifying, pursuant to law, the Congress of certain facilities projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

Proposed Projects for the Army Reserve

A letter from the Assistant Secretary of Defense notifying, pursuant to law, the Congress of certain facilities projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

Proposed Concurrent Resolution With Respect to Motor Vehicle Insurance and Accident Compensation System

A letter from the Secretary of Transportation submitting a proposed concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system (with accompanying papers); to the Committee on Commerce.

Environmental Impact Statement for the Toxic Substances Control Act of 1971

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, the environmental impact statement for the Toxic Substances Control Act of 1971 (with accompanying papers); to the Committee on Commerce.

Proposed Legislation Providing Assistance for U.S. Citizens Returned From Foreign Countries

A letter from the Secretary of Health, Education, and Welfare transmitting proposed legislation to amend the Social Security Act to make permanent the provision for providing assistance for U.S. citizens returned from foreign countries (with accompanying papers); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GRAVEL):

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION 18

"A joint resolution relative to prisoners of war

"Whereas, The government of North Vietnam is a signatory to the Geneva Conventions, which embody the morality of world citizenship with respect to the treatment of prisoners of war; and

"Whereas, The humane treatment, in accordance with the Geneva Conventions, of American men held prisoner by the North Vietnamese is the goal of the American people; and

"Whereas, The American people, cognizant that these prisoners are being held under conditions far less than humane, seek adequate food, housing, and medical treatment for these prisoners, as well as inspection by an organization such as the International Red Cross and the constant exchange of mail between the prisoners and their families; and

"Whereas, In addition to being a violation of the Geneva Conventions, the policy of the government of North Vietnam of not revealing the names of prisoners being held imposes a cruel situation on American families, in that they have no way of knowing whether members of the families who are missing in action have been taken prisoner of their whereabouts or condition when it is known they are prisoners; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California*, jointly, That the Legislature of the State of California memorializes the President of the United States and the Congress of the United States to take whatever diplomatic steps that may be appropriate to urge the government of North Vietnam to comply with the Geneva Conventions with respect to the treatment of American men who are prisoners in the Vietnam conflict; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A senate resolution of the Senate of the Legislature of the State of Hawaii; to the Committee on Banking, Housing and Urban Affairs:

"Senate Resolution 185

"Resolution requesting Federal legislative and administrative assurance of continuation of the FHA, section 235, interest subsidy program for housing for families in the 'gap' income level

"Whereas, the State of Hawaii, through collaborative efforts on the part of the finance and building industries and government agencies, is well embarked on a housing program under FHA, section 235, interest subsidy legislation whereby some fifteen thousands of families in the middle or "gap" income level will be able to obtain private housing that would otherwise be beyond their financial means; and

"Whereas, there have been reports that the Federal 235 program may be considered for withdrawal or may not be funded, on the grounds that there have been abuses of the program in certain Mainland jurisdictions, particularly in the matter of rehabilitated housing; and

"Whereas, the experience of the Federal 235 program in Hawaii continues to be one of singular success, consisting exclusively of new housing units and involving compliance with every express and implied criteria set by law or regulation, as evidenced by the fact that there has not been in the State any case of mortgage foreclosure or pending mortgage foreclosure and with only three instances of mortgage payment delinquency, each of which was satisfied in a timely fashion; and

Whereas, the FHA, section 235, interest subsidy program has met with enthusiastic response from eligible families throughout the State, many thousands of families being on a waiting list for projects that are still on the drawing boards, and will prove to be a significant segment in the overall State program to alleviate the critical housing shortage in Hawaii, especially for the "gap" income families; now, therefore,

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that Congress and the United States Department of Housing and Urban Development be respectfully requested to consider the successful operation and potential for continued success of the FHA, section 235, interest subsidy program in Hawaii and to give the State assurance that the program will continue to be in force and will continue to be financed in Hawaii; and

"Be it further resolved that the members of the Hawaii Delegation to Congress be requested to exert their best efforts on behalf of the continuance of the FHA, section 235, interest subsidy program in Hawaii; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Hawaii Delegation to Congress, and to the Secretary of Housing and Urban Development."

Two joint resolutions of the Legislature of the State of Maine; to the Committee on Agriculture and Forestry:

"Joint Resolution Proposing Abolition of Futures Trading of Potatoes on the New York Mercantile Exchange by the Congress of the United States

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Constitution of the United States provides that the Congress may regulate commerce among the several states; and

"Whereas, Irish potatoes grown in Maine are now traded in futures contracts on the New York Mercantile Exchange, 6 Harrison Street, New York City, N.Y.; and

"Whereas, the essential ingredients of a successful potato marketing program include orderly and continuous marketing, minimum short-term price fluctuation and incentives for quality produce; and

"Whereas, futures trading of Maine potatoes on the New York Mercantile Exchange represents the antithesis of a satisfactory marketing scheme by encouraging consolidation of sales within the months of March, April and May; maximizing short-term price fluctuation and failing to recognize other than minimal quality; and

"Whereas, Maine potato producers, through self-imposed commodity taxes, have for years attempted to improve the handling and quality of the product reaching consumers and such efforts have been diluted largely by the effects of futures trading of Maine potatoes; and

"Whereas, the price at which future contracts are bought and sold has a direct and immediate effect on cash prices received by producers for potatoes in Maine and all other areas producing potatoes for market; and

"Whereas, experience has proven that futures trading can be carried on without detrimental and depressing effect on price only in the case of those commodities which can be stored for extensive periods of time either within the areas of production or the areas of marketing and distribution; and

"Whereas, Irish potatoes are a perishable commodity that do not lend themselves to extended periods of storage, especially following preparation for market; and

"Whereas, Irish potatoes historically are one of the most volatile commodities in terms of price range and in degree of sensitivity to myriad market factors, including rumors, speculation, available supply both in storage and in the market places, as well as many others; and

"Whereas, many production areas of other states have vehemently registered their opposition to the continued trading of Irish potatoes futures, and producers in Maine, by mail ballot, have continuously voted overwhelmingly in favor of abolishing futures trading in Maine potatoes; and

"Whereas, the Congress of the United States has already established a precedent for the action to be proposed by this resolution in the instance of another perishable commodity, namely onions; now, therefore, be it

"Resolved: That we, your Memorialists, recommend that the Congress enact legislation abolishing futures trading in Maine potatoes upon the New York Mercantile Exchange or upon any Commodity Exchange; and be it further

"Resolved: That the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Agriculture, to the Secretary of Agriculture, and to the Members of Congress from the State of Maine.

"Joint Resolution Memorializing the Honorable Clifford M. Hardin, Secretary of Agriculture, To Institute Programs of Commodity Assistance and Removal of Surplus Potatoes

"We, your memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session now assembled, most respectfully present and petition the Secretary of Agriculture, the Honorable Clifford M. Hardin, as follows:

"Whereas, serious economic conditions afflict all portions of the State's economy; and

"Whereas, tight money and inflation have dealt crippling blows to the State's potato industry; and

"Wheras, the State's second largest industry, agriculture, also is suffering economically, in particular respect to potatoes; and

"Whereas, low prices have been such that many producers in the major potato-growing areas, including Aroostook County, are faced with bankruptcy; and

"Whereas, potato prices currently do not reflect even 40% of the cost of production to the grower; and

"Whereas, other potato-growing regions of the United States, such as Washington, Idaho and northern California have an over-supply of 10% t o 15% above normal market needs; and

"Whereas, these regions are all competing in the same markets, driving prices down even further; and

"Whereas, programs of the U.S. Department of Agriculture, through the Agricultural Conservation and Stabilization Service, could be of vital assistance to Maine potato producers, and the producers of Washington, Idaho, Oregon and northern California; now, therefore, be it

"Resolved: That we, your memorialists, recommend and urge the Honorable Clifford M. Hardin, Secretary of Agriculture, to take appropriate action to promptly institute a commodity assistance or surplus removal program or any combination of both, for which potato growers may be eligible for relief under the federal farm laws; and be it further

"Resolved: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the Senate and Speaker of the House of Representatives in Congress, to the members of said Senate and House of Representatives from this State, to the Honorable Kenneth M. Curtis, Governor of the State of Maine and to Maynard C. Dolloff, Commissioner of Agriculture for the State of Maine."

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing the President of the United States To Prevail Upon the Soviet Union To Allow Soviet Jews to Freely Practice Their Religion, Maintain Their Culture and To Leave the Soviet Union on Their Own Free Will

"*Whereas*, Reports from Russia of the refusal of the Soviet government to permit Jews to leave the country and of the political and racist repression of these people is of great concern to all free men; and

"*Whereas*, The General Assembly of the United Nations in 1948 adopted a resolution entitled "The Universal Declaration of Human Rights" and in 1965 adopted the recommendations of the International Convention on the elimination of Racial Discrimination which further defined these human rights, condemned racial discrimination, agreed to pursue by all appropriate means a policy of eliminating racial and political discrimination, and to promote a better understanding of this problem and guaranteeing everyone equal protection before the law; and

"*Whereas*, The Soviet Union subscribed to the Declaration of Rights of 1948 and voted to ratify the recommendations of the convention of 1965; and

"*Whereas*, Although the fate of an individual may still be at the mercy of his government, it is a matter of continuing and increasing international concern whenever such government is guilty of political and racist discrimination and of repression against any segment of its citizens; therefore be it

"*Resolved*, That the Massachusetts House of Representatives hereby request the President of the United States to bring the question of the political and racist discrimination and repression of the Soviet Jews by the Soviet Union before the United Nations and to use the good offices of the United States government in urging the Soviet Union to allow Soviet Jews to leave the Soviet Union on their own free will; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

A resolution of the Legislature of the Territory of Guam; to the Committee on Agriculture and Forestry:

"Resolution No. 145

"Resolution relative to respectfully requesting the Congress of the United States to enact legislation necessary to constitute the University of Guam as a land grant institution

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the University of Guam affords the opportunity for higher education not only to the residents of Guam but to many others from the surrounding islands who come to the territory to complete their studies, the Universtiy thereby being central to the whole educational process in the Western Pacific; and

"Whereas, as part of its role, the University has attempted to educate not only in the traditional academic subjects but to also participate in providing the technical training needed by the potential citizens of Guam and of Micronesia, thereby playing on the scale permitted by its limited funds the traditional role a land grant institution has played in the United States; and

"Whereas, in recognition of this, the Congress in recent years has considered legislation to grant to the University of Guam official land grant status, but, unfortunately, the legislation has never been enacted, and therefore the University does not have the funds and assistance it needs to provide the technical training and assistance needed by the future citizens of Guam and the United States Trust Territory of the Pacific Islands; and

"Whereas, it is the consensus of the Legislature that one of the reasons for the present almost total dependence of the territory on imported foodstuffs is the lack of knowledge by the local farmers of modern methods of commercial tropical farming and that until the University is in a position to give this technical training as it would be if it obtained land grant status, little will be done to upgrade the quality of technology in the territory; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request, memorialize and petition the Congress of the United States to grant to the University of Guam land grant status; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Frank E. Moss, Member, U.S. Senate, to the Honorable Spark M. Matsunaga, Member, U.S. House of Representatives, to the Honorable Patsy T. Mink, Member, U.S. House of Representatives, to the President of the Senate, to the Speaker, House of Representatives, to the Chairman, Senate Committee on Agriculture, to the Chairman, House Committee on Agriculture, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Secretary of Interior, to the Secretary of Agriculture, to the Secretary on Health, Education, and Welfare, to the President, University of Guam, to the Chairman, Board of Regents, University of Guam, to Guam's Washington Representative, and to the Governor of Guam."

A resolution of the King County Council of the State of Washington urging Congress to provide for the development of two United States prototype Supersonic Transports; to the Committee on Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.J. Res. 468. A joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes (Report No. 91–40).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 1284. A bill for the relief of the estate of Carelena K. Goodman; and

S. 1285. A bill for the relief of Giuseppe Vella. Referred to the Committee on the Judiciary.

By Mr. BOGGS:

S. 1286. A bill to establish an immediate program for the prevention of ocean pollution. Referred jointly to the Committee on Commerce and the Committee on Public Works.

By Mr. BOGGS (for himself and Mr. Roth):

S. 1287. A bill to authorize the construction of a bridge over the Chesapeake and Delaware Canal. Referred to the Committee on Public Works.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 1288. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. TALMADGE:

S. 1289. A bill to allow a credit against income tax, or a deduction from gross income as the taxpayer may elect, for certain political contributions made by individuals. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Nelson, Mr. Schweiker, Mr. Cranston, Mr. Hughes, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Bayh, Mr. Boggs, Mr. Case, Mr. Fong, Mr. Griffin, Mr. Hart, Mr. Mathias, and Mr. Scott):

S. 1290. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CASE (for himself and Mr. Spong):

S. 1291. A bill to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 1292. A bill to amend section 305(b) of title 37, United States Code, relating to foreign duty pay for enlisted members of the uniformed services while on duty at certain places. Referred to the Committee on Armed Services.

S. 1293. A bill for the relief of Wallace O. Craig. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1294. A bill to support the price of manufacturing milk at not less than 85 percent of the parity for the marketing year 1971–72. Referred to the Committee on Agriculture and Forestry.

By Mr. BENTSEN:

S. 1295. A bill to establish the Amistad National Recreation Area in the State of Texas. Referred to the Committee on Interior and Insular Affairs.

S. 1296. A bill to establish a Lufkin division in the eastern district of Texas, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1297. A bill to authorize the State of Alaska to operate a foreign registered ferry vessel between ports in Alaska and between ports in Alaska and ports in other States for a period not to exceed 3 years. Referred to the Committee on Commerce.

By Mr. GURNEY (for himself, Mr. Dole, Mr. Moss, and Mr. Thurmond):

S. 1298. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke. Referred to the Committee on Commerce.

By Mr. STEVENSON:

S. 1299. A bill for the relief of Dr. Biman K. Kastagir. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. Burdick, Mr. Hughes, Mr. Humphrey, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Nelson, Mr. Proxmire, and Mr. Symington):

S. 1300. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. MONDALE:

S. 1301. A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services. Referred to the Committee on Labor and Public Welfare.

By Mr. BELLMON:

S. 1302. A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 1303. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 1304. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE (for himself, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Jackson, Mr. Kennedy, Mr. Taft, Mr. Anderson, Mr. Bayh, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pearson, Mr. Stevenson, and Mr. Tunney):

S. 1305. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 1306. A bill for the relief of Amenidad Moncada Monteiro. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Church, Mr. Williams, Mr. Kennedy, Mr. Mondale, Mr. Fong, Mr. Eagleton, Mr. Hartke, Mr. Hughes, Mr. Moss, Mr. Nelson, and Mr. Bible):

S. 1307. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE (for himself and Mr. Mondale):

S. 1308. A bill to transfer the title of the Robert F. Kennedy Stadium to the United States, to authorize the Secretary of the Interior to operate and maintain such stadium, to increase certain District of Columbia taxes to pay for such stadium, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. HANSEN:

S. 1309. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; and

S. 1310. A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes. Referred to the Committee on Finance.

By Mr. JAVITS:

S.J. Res. 73. A joint resolution to authorize and request the President to designate by proclamation the third week of May of each year, beginning May 16 through 22, 1971, as "The Week of the Young Child." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 1284. A bill for the relief of the estate of Carelena K. Goodman. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, this is the first private relief bill that I have introduced. The circumstances which prompt my departure from previous practices in this regard are unusual and compelling. First, I think that this bill will point up the need for remedial legislation with respect to determining the eligibility for hospital and medical benefits of individuals who have enrolled in the medicare program. Second, it seems to me that an obvious injustice has resulted due to technical language and interpretations related to part A of title XVIII of the Social Security Act.

Mr. President, briefly, the circumstances are these: The deceased, Carelena K. Goodman, social security account No. [redacted], was a dependent of Mr. and Mrs. D. C. Alexander. Mr. Alexander was a civilian employee of the U.S. Air Force who was transferred to Wiesbaden, Germany, in October 1967. The deceased enrolled in the medicare program in 1966. During her stay in Germany, as a dependent of Mr. and Mrs. Alexander, she was hospitalized in a U.S. Air Force hospital in Germany, after which she was airlifted to the United States and placed in a nursing home in Arlington, Va. She died on November 27, 1968.

With these few facts in mind, I believe that one would ordinarily assume that the dependent was entitled to medicare hospital benefits while hospitalized in a U.S. Air Force hospital in Germany. However, the Social Security Administration refused to honor a claim under medicare because the services performed were in a "hospital outside the United States."

In essence, the law treats hospitals owned and operated by the United States throughout the world as "foreign hospitals" from the standpoint of eligibility for medicare benefits for services received in such hospitals.

Mr. President, it seems to me that the injustice in this case is primarily the result of an inadequate definition of the term "hospitals outside the United States."

In view of the large number of persons who might be adversely affected by the present statutory language and administrative interpretation of the language, corrective legislation would seem to be indicated. In addition, I believe sincerely that justice compels us to compensate the estate of Carlena K. Goodman to the extent of cost of medical services received in a U.S. Air Force hospital while a dependent of civilian employees of the U.S. Air Force.

By Mr. BOGGS:

S. 1286. A bill to establish an immediate program for the prevention of ocean pollution. Referred jointly to the Committee on Commerce and the Committee on Public Works.

OCEAN DUMPING

Mr. BOGGS. Mr. President, I am introducing today the Emergency Water Pollution Prevention Act of 1971, a bill to amend the Federal Water Pollution Control Act. The bill would, upon enactment, declare an immediate moratorium on any ocean disposal of polluting material.

During the 6-month period following enactment, the Environmental Protection Agency would be required by the bill to develop and promulgate regulations on the future control of ocean dumping by using a permit system. A permit would be required to load any vessel with materials that are to be discharged into the ocean, and the Environmental Protection Agency, which would administer the system, could grant the permit only if the discharge did not prove harmful to the environment.

Violation of the dumping prohibition or the subsequent permit system would be subject to the civil penalty of not more than $25,000.

Earlier this week, I introduced, on behalf of the administration, another ocean dumping bill. That legislation, S. 1238, would also establish a permit system, but it would allow continued ocean disposal in the interim period before the permit system became effective.

I have an open mind at this point over which approach holds greater merit. Certainly an immediate cessation of dumping would be a wise choice in the context of the need to enhance our environment. But it may not be practical at this stage. Continued dumping may be necessary until a workable permit system is developed and implemented.

Our Subcommittee on Air and Water Pollution of the Committee on Public Works will conduct a hearing on ocean dumping practices on March 26 at Rehoboth Beach, Del. To give the Senate and the public a full opportunity to evaluate a variety of alternative proposals on this subject in preparation for the hearings, I am today introducing this bill.

Mr. President, the need for a prompt moratorium on dumping was clarified recently by news reports concerning the possible disposal into the Atlantic of a large quantity of deadly arsenic. Fortunately, the company intending to dump the arsenic agreed, when faced with an injunction, to delay dumping until Congress establishes a national policy on ocean disposal of waste. But we continue to face the daily danger of another company using the sea as a sewer for poisons.

As a result, I believe that the Congress must consider an immediate prohibition on ocean dumping.

Mr. President, I should point out one other significant difference between this bill and the measure I sponsored earlier this week. This is the language of section 22(c)(2), which limits future dumping to areas beyond the Continental Shelf of North America. This provision is another that I believe can and should be explored in hearings, and it may require a congressional directive to insure the protection of the valuable marine resources of the Continental Shelf.

Mr. President, I ask unanimous consent that the text of the Emergency Water Pollution Prevention Act of 1971 be included at this point in the Record, together with several newspaper articles on this subject.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 1286

A bill to establish an immediate program for the prevention of ocean pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Water Pollution Prevention Act of 1971".

Sec. 2. The Federal Water Pollution Control Act is amended by redesignating sections 22 through 27 as sections 23 through 28, respectively, and by inserting after section 21 a new section as follows:

"CONTROL OF OCEAN POLLUTION

"Sec. 22. (a) In recognition of the fact that the ocean is being used at an ever increasing rate for the disposal of pollutants the purpose of this section is to provide (1) an immediate stop to the loading of vessels with any material for disposal in the oceans, and (2) for the regulation as soon as possible of any disposing of materials in the ocean from vessels in such a manner as will prevent any pollution harmful to the environment.

"(b) Effective immediately upon enactment of this section and notwithstanding any other provision of law or permit issued thereunder, no owner or master of a vessel may load, or permit the loading of, any material on such vessel while such vessel is in any port or other area under the jurisdiction of the United States if such material is to be discharged in ocean waters. After the effective date of regulations established pursuant to subsection (c) of this section such loading shall be lawful only if in accordance with a permit obtained pursuant to such regulations.

"(c) The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the 'Administrator') shall, after appropriate study prescribe, not later than six months after the effective date of this section, regulations for the control by the issuance of permits of all loading of vessels within the jurisdiction of the United States with any material which is to be disposed of in ocean waters. Such permits shall allow much disposal only (1) when it will not produce a harmful effect on the environment, and (2) in areas outside the territorial waters of the United States and beyond the continental shelf which are designated by the Administrator.

"(d) This Secretary of the Department in which the Coast Guard is Operating shall conduct surveillance and other appropriate enforcement activity to prevent violations of this section.

"(e)(1) Any owner or master of a vessel who violates subsection (b) of this section or who violates any provision of the regulations or a permit issued pursuant to this section shall be liable to a civil penalty of not more than $25,000 for each such violation. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a public hearing on such charge. Upon failure of an offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

"(2) A vessel, other than a vessel owned or chartered by the United States, or other property used in a violation shall be liable in rem for any civil penalty assessed under this section and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(f) As used in this section—

"(1) the term 'master' includes any person acting in the capacity of a master;

"(2) the term 'owner' includes any private individual or corporate owner and any public owner, whether a department, agency, or instrumentality of a State or a political subdivision thereof, of an interstate governmental entity, or of the Federal Government;

"(3) the term 'ocean waters' means any estuarine area, the territorial waters of the United States, and the high seas beyond such territorial waters; and

"(4) the term 'vessel' includes any vessel, scow, barge, or boat, whether or not documented under the laws of the United States, capable of being used to transport any material in ocean waters."

[From the Washington Evening Star, Mar. 11, 1971]

Ocean Pollution: Arsenic Dumping Continues

(By Roberta Hornig)

On Saturday, following a two-year-old practice, a ship carrying about 70 tons of an arsenic compound will sail from Philadelphia, travel through Delaware Bay, and dump its potentially lethal cargo in the Atlantic Ocean.

The Norton Lilly Company of Philadelphia, which booked the load on the Italian vessel "Nondo Fassio," says that as far as it knows this sort of cargo, ranging between 30 and 80 tons, has been dumped at sea about once a month for "over two years."

Both Norton Lilly and the chemical company involved, Whitmoyer Laboratories of Myerstown, Pa.—a subsidiary of Rohm & Hass Company, the ninth largest in the world—says the dumping occurs about 150 miles out in the ocean.

President Nixon's Council on Environmental Quality, which is against dumping any potentially toxic materials in the sea, is trying to figure out what to do about this Saturday's dumping. At present, spokesmen say, there are no legal restraints.

Dr. Gordon McDonald, the lone scientist on the three-man council, says the dumping flouts Nixon's principles, but that only congressional action can stop it.

McDonald says the worry in this particular case is that when the 246 canisters containing the arsenic compound hit the water, they will break open and the sea water will change the composition of the chemical, making it particularly toxic to sea life in the area.

Both the administration and Sen. Edmund F. Muskie, chairman of the Senate Air and Water Pollution subcommittee, have offered bills to require permits for any kind of ocean dumping within 12 miles of the U.S. coastline and forbid any kind of dumping within that limit by any foreign government.

McDonald also said the U.S. Coast Guard alerted him to the latest chemical dumping and tends to be suspicious about how far out in the ocean the dumping occurs.

A spokesman for Whitmoyer Laboratories said the company considered other disposal methods but that it is "more economical to put it in a ship and dump it in the bottom" of the ocean.

A spokesman for Norton Lilly said, "We understand about this new anti-pollution—let's save the seas, of course."

But, he added: "The only thing here is we're in the middle. If we're in the wrong (referring to the ocean dumping) I'd appreciate it if we'd get some official notification.

Government estimates are that 62 million tons of waste—ranging from DDT residues to old mattresses—are dumped off America's seacoasts annually.

[From the Wilmington (Del.) Evening Journal, Mar. 12, 1971]

Heller Doubts He Can Stop Arsenic Cargo

Austin N. Heller said today he would like to block passage of a ship scheduled to carry 70 tons of an arsenic compound through Delaware waters tomorrow.

But Heller, who is secretary of the Department of Natural Resources and Environmental Control, has doubts whether the state has that power.

"Nonetheless," Heller said, "I'm going to find out what can be done."

The vessel is scheduled to leave Philadelphia tomorrow and head out 150 miles to sea to dump its potentially lethal cargo.

"Even if the ship does go that far out," Heller said, "there is still danger to fishing. After all, this is a highly toxic material and if it is picked up as part of the source of food for fish, we could have trouble."

Heller conferred with Gov. Russell W. Peterson today about the vessel. The governor advised Heller to check with Coast Guard officials about permits for the transfer of this kind of cargo through Delaware waters.

The cargo is being sent out to sea by the Norton Lilly Co., of Philadelphia aboard an Italian vessel, Nondo Fassion. The company said it had shipped a similar cargo two years ago.

U.S. Rep. Charles W. Sandman Jr., R-N.J., announced last night that he will seek a restraining order in federal court in Philadelphia today to try to stop the dumping.

President Nixon's Council on Environmental Quality, which opposes the dumping of any potentially toxic materials in the sea, is trying to figure out what to do about tomorrow's dumping, but says there currently are no legal restraints.

Dr. Gordon McDonald, the lone scientist on the three-man council, says the dumping flies against principles expressed by Nixon, but said the U.S. government has no authority to stop it unless Congress passes an ocean dumping ban.

McDonald says the worry in this particular case is that when the 246 canisters containing the arsenic compound hit the water, they break open, and the sea water changes the composition of the chemical, making it particularly toxic to sea life in the area.

Both the Administration and Sen. Edmund Muskie, D-Maine, chairman of the Senate air and water pollution subcommittee, have offered bills to require permits for any kind of ocean dumping within 12 miles of the U.S. coastline and forbid dumping within that limit by any foreign government.

McDonald said the U.S. Coast Guard alerted him to the latest chemical dumping. The Coast Guard tends to be suspicious about how far out in the ocean the dumping occurs, he said.

A spokesman for Norton Lilly said that "we understand about this new antipollution—let's save the seas, of course."

But, he added: the only thing here is we're in the middle. If we're in the wrong (referring to the ocean dumping) I'd appreciate it if we'd get some official notification."

Latest government estimates are that 62 million tons of waste—ranging from DDT residues to old mattresses—are dumped off America's seacoasts annually.

[From the Wilmington (Del.) Morning News, Mar. 16, 1971]

Arsenic Dumping Awaits Hearing

Rohm & Haas Co. agreed yesterday in U.S. Dictrict Court in Philadelphia to not dump arsenic wastes in the Atlantic Ocean or any other place.

The company has a hearing Friday in Washington before the President's Council on Environmental Protection to try to prove that the dumping it has been doing for two years is harmless.

U.S. Rep. Charles W. Sandman, R-N.J., has sought a federal court restraining order to prevent a Rohm & Haas subsidiary, Whitmoyer Laboratories of Myerstown, Pa., from having Norton Lilly Co. of Philadelphia dump its wastes.

As a ship loaded with the arsenic waste steamed toward the dumping area off the Delaware coast on Friday, the company agreed not to discharge the material. But Judge Donald W. Van Artsdalen issued a temporary restraining order anyway.

Yesterday, by consent of all parties, the company agreed to stockpile its wastes on its property pending the results of the Washington hearing.

At a federal court hearing yesterday, Sandman was joined in court by an attorney associated with consumer advocate Ralph Nader and an environmental group called the National Resources Defense Council. Van Artsdalen lifted the restraining order against Rohm & Haas but told the firm it must notify Sandman in writing one week before it plans any future dumping.

[From the Wilmington (Del.) Evening Journal, Mar. 16, 1971]

Firm Says It Will Stockpile Arsenic Until Given OK

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Mr. BOGGS. Mr. President, I ask unanimous consent that the bill may be simultaneously and jointly referred to the Committee on Public Works and the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. BOGGS (for himself and Mr. ROTH):

S. 1287. A bill to authorize the construction of a bridge over the Chesapeake & Delaware Canal. Referred to the Committee on Public Works.

ST. GEORGES BRIDGE BILL

Mr. BOGGS. Mr. President, the legislation I am introducing today, with the cosponsorship of my colleague (Mr. ROTH), would authorize construction of a new, high-level bridge crossing the Chesapeake & Delaware Canal at St. Georges, Del. The distinguished Member of the House from Delaware (Mr. DU PONT) intends soon to introduce similar legislation in the other body.

The bill would eventually replace an existing four-lane structure that is rapidly becoming inadequate for the heavy north-south traffic flow through the State of Delaware. During summer months, the bridge is already overcrowded, and wintertime traffic is increasing steadily.

In most States this would be a problem for the State highway department, working through the Federal-Aid Highway System. The Chesapeake & Delaware Canal, however, has an unusual history in the federal system. The financial responsibility associated with this great waterway, connecting the two major bays of the Middle Atlantic region, is entirely the responsibility of the Federal Government. All bridges over this canal are owned by the Federal Government. It is the Federal Government's sole responsibility to provide crossings that meet the public need.

Construction of this great canal was authorized initially under a charter granted by the State of Delaware in the year 1801. Private interests obtained the right to construct and operate a canal connecting the Delaware and Chesapeake Bays. According to the language of the charter:

> It shall be the duty of said company, at the proper expense of same, to make and keep good and sufficient bridges across the said canal, so as to prevent any inconvenience, in the usage of said road or roads by reason of said canal crossing the same.

For more than a century the canal remained in non-Federal ownership. In 1917 the U.S. Congress agreed to a recommendation of the Army Corps of Engineers and authorized the purchase of the Chesapeake & Delaware Canal. Two years later, the 65th Congress appropriated $2,514,000 to purchase ownership of the canal, together with "all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto."

This transaction transferred to the United States the responsibility "to keep good and sufficient bridges across the said canal, so as to prevent any inconvenience."

It might be of interest to my colleagues to learn that the 65th Congress also authorized the spending of $8 million to deepen the canal to 12 feet and to make it a sea-level waterway.

The existing St. Georges Bridge, built to replace an earlier one, was opened to traffic nearly 30 years ago on January 10, 1942, carrying the traffic of Delaware's primary north-south thoroughfare, U.S. Route 13.

But a bridge to meet 1942 standards simply will not carry the traffic of 1971. Subsequent to the completion of the bridge, periodic repairs have been made to the structure and the roadbed. As recently as 1964, the bridge was closed for a period of months during the summer to enable the Army Corps of Engineers to repave the bridge.

This closure was a considerable burden on the residents of Delaware as well as the many out-of-State visitors who use Route 13 to travel from the Northeast to Norfolk, Va., or for visits to the popular beach areas of southern Delaware.

Now the Army Corps of Engineers once again has announced plans to close the bridge for repairs. Fortunately, the State was successful in convincing the corps to use the winter months for this work. But even in winter, an average of 15,000 cars a day cross the span. These 15,000 cars will have to go elsewhere.

Following Labor Day, according to the Corps of Engineers schedule, the bridge will be closed to traffic for a period of approximately 9 months. During that time, the cement roadbed will be completely removed and a new roadbed constructed.

The closing of the bridge will prove a major hardship for many residents of Delaware. It will be a particular hardship on persons living in the immediate area of the bridge. Many residents live on one side of the bridge, but work, go to school, or shop on the other side of the bridge. Instead of a trip of a mile in length, the will be required to make a detour of many miles, using other bridges across the canal at some distance away.

The effects will be widespread for many persons in the area. The bridge closing will cost them time; it will cost them money; and, most of all, it will cost them convenience.

And what will they have afterwards? A bridge that will be inadequate to meet the traffic flows projected by highway experts from Delaware.

I cannot honestly say that the Corps of Engineers should not close the bridge this autumn. I would hope and have worked for a solution that would keep the bridge open during any period of necessary repair work. But if the bridge is a potential safety hazard, as the Corps of Engineers reports, repair work must obviously be accomplished to protect the public.

But such work should not prevent us from planning ahead. It is my belief we must begin now to work on a long-range solution to this traffic problem. The Corps of Engineers must begin now to meet the traffic needs of the latter years of the 1970's. This legislation, which Senator ROTH and I offer today would create that solution.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD, together with several newspaper articles that describe the problem and the discussions that have swirled around the proposed closure.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1287

A bill to authorize the construction of a bridge on the Chesapeake and Delaware Canal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for the Inland Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal), authorized by the River and Harbor Act approved August 30, 1935 (49 Stat. 1030), as amended, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, United States Army, to replace the existing inadequate crossing at St. Georges, Delaware, with a six-lane, high-level fixed bridge, in order to accommodate existing and projected highway traffic in the area.

SEC. 2. There are hereby authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

[From the Delaware State News, Mar. 5, 1971]

BRIDGE ISSUE BURNS: SIX-LANE SPAN EYED FOR CANAL

(By Jack Gibbons)

WASHINGTON.—The Division of Highways plans a six-lane bridge across the Chesapeake and Delaware Canal, it was learned here yesterday.

But the new span may be ten years off and its construction will not help the 15,000 motorists a day who will have to find another crossing when the St. Georges Bridge is closed for nine months for redecking.

Material used in the rehabilitation of the deck only seven years ago, in 1964, was not

what it was cracked up to be and this is one of the reasons why a new deck will have to
These and many other facts, observations
be poured and topped in so short a time.
and opinions studded a meeting in the office of U.S. Sen. J. Caleb Boggs (R-Del.).

The meeting was requested by three Delaware legislators, Sen. J. Donald Isaacs (R-Townsend) and Reps. John F. Kirk Jr. (R-Delaware City) and Sherman W. Tribbitt (D-Odessa), who are already hearing from constituents who want anything but a bridge closing.

The three legislators spent an hour with Boggs and with representatives of the Corps of Engineers and the Division of Highways and they came away unhappy.

Their mood sprang from the unwillingness of the Corps of Engineers spokesmen to consider the construction of a new span alongside or close to the present, deteriorating, bridge.

The legislators had been told in Dover Tuesday that the corps was ready to continue patching the deck for 15 years.

This seemed enough time to design and build a new bridge, after which the present span could be fully repaired.

But Col. Leonard Edelstein of the corps said the two could not be linked at all. He didn't even want to talk about them at the same meeting.

Edelstein, an executive of the Atlantic Division of the Corps of Engineers, said there could be no discussion because the redecking must begin.

"This is now a matter of safety. We have no choice. We could be faced with a complete and sudden closing, leaving you with nothing," he said.

Edelstein said it is the plan of the Corps to open bids for the job in May and award the contract in June.

Work on the new deck will start right after Labor Day and will be completed before Memorial Day, 1972.

But U.S. Rep. Pierre S. du Point IV (R-Del.) said he was not satisfied with the corps testimony and he asked for a complete work-up of alternatives.

Joe S. Robinson, chief engineer of the Division of Highways, disclosed his unit is considering a six-lane crossing as part of a limited-access highway parallelling U.S. 13.

But Robinson also said this is very tentative and would not be considered as an alternative in anything like the near future.

He said traffic projections indicated it will be required in 12 years or so.

Du Pont said he feared the job would not be completed in nine months.

He recalled the 1963–1964 repairs "when it seemed we drove endlessly and forever around detours. I thought it would never stop."

Tribbitt, speaker of the House at the time, agreed. He said former Gov. Elbert N. Carvel had more complaints and protests about that job than anything else during his administration.

Isaacs said, "This is something that affects the whole state. When you close that bridge, you build a wall between Northern Delaware and Southern Delaware.

"As for the detours, you can have them. There just isn't any more room for traffic around Middletown. The closing will hurt the economy of an entire area."

Kirk said, "It seems to me it is the responsibility of the Corps of Engineers to provide a bridge across this man-made canal."

This prompted a discussion of responsibility and the legislators indicated they will ask the attorney general for an opinion.

Is a new bridge a state expense or a federal expense?

Edelstein hinted that whatever is decided, the General Accounting Office will have almost the last word.

He said the GAO was always involved where civilian bridge repairs or replacements were required.

The legislators and U.S. Senator William V. Roth Jr. (R-Del.), who joined the meeting, asked if there were no alternatives that would permit closing the span for shorter periods.

Edelstein said there were alternatives, but they would perhaps stretch completion over two years, instead of confining it to one.

Lloyd A. Duscha, chief of the Engineering Division, U.S. Army Engineer District, Corps of Engineers at Philadelphia, said that it is not physically possible to deck a single lane at a time.

To attempt to do so, he added, would decrease the life-expectancy of the new deck and would create a safety problem.

Du Pont said he feared the nine-month job would turn out to be 18 months.

Duscha replied, "We can predict a timetable much better if we do the job as one project and not as several."

Robinson said the Division of Highways is not prepared now to say that the state needs a six-lane bridge at or near St. Georges, "but we are approaching the" point. We have a study on upgrading US 13.

Isaacs asked if the study could not be expedited and du Pont said he would like to report on this alternative, too.

Robinson said, "Our only real controversy now is how to fix the present bridge."

He conceded that redecking is essential, agreeing with the corps spokesmen.

But Robinson also said, "anything you start now is going to be a mess if it continues into the summer. Summertime could be a chaos."

Robinson also said summer peak traffic is now more than the bridge was planned for.

Robinson also said the division had thought about speeding the job by permitting the contractor to work 24 hours a day.

But, he emphasized, "we thought also about the complaints of the people living there if those jackhammers were working all night.

Kirk, still hoping a compromise can be reached, asked Edelstein "Is the bridge totally unsafe?"

The colonel said, "No, but it is a safety hazard. It is possible that without a new deck, damage could be done to the structure itself."

Kirk said, "I see a direct relationship between a continued patching project and the feasibility of a new bridge."

Tribbit added, "We thought the patching could be continued for a few years while a feasibility study and design were completed for a new bridge."

Edelstein said he doubted that even under the most optimistic circumstances anything could be done in less than ten years.

Boggs asked who would make the decision to delay the redecking and Robinson said:

"We do not have any information in our shop on that. The corps has made the studies and is familiar with the needs and the facts. We are not in a position to say 'Go on up there and patch.' We think the corps is the one to say what must be done. It is up to the corps."

[From the Wilmington (Del.) Morning News, February 17, 1971]

THREE LEGISLATORS TO TRY TO BLOCK SPAN CLOSING

(By Walt Rykiel)

DOVER.—Three state legislators will call on Delaware's congressional delegation to try to block a federal project that would close St. George's bridge for about nine months.

The Army Corps of Engineers, which owns the bridge, tentatively plans to close the structure from September, 1971, through June 1972 to redeck it.

Sen. J. Donald Isaacs, R-Townsend, said yesterday that he and Reps. John F. Kirk Jr., R-Delaware City, and Sherman W. Tibbitt, D-Odessa Heights, will travel to Washington in an attempt to have the corps redeck the vehicular span, one lane at a time.

In addition, Isaacs plans to introduce a concurrent resolution to have A. Kirk Mearns Jr., secretary of highways and transportation and representatives of the corps appear before a joint committee of the general assembly.

Kirk, who plans to sponsor the resolution in the House, said the measure is designed to have those appearing "publicly to explain their position."

Tribbitt, House minority leader, already has asked Gov. Russell W. Peterson to oppose closing the bridge completely.

Isaacs said he hopes to gain support in Washington to force the corps to work on one lane, "close the bridge for 30 days to let the concrete set and then do the other lane."

Mearns, appearing before the General Assembly's joint finance Committee yesterday, said he had attempted to no avail to persuade the corps to work on one lane at a time.

Mearns was quoted last week as saying he favored closing the bridge entirely to speed the project. When questioned on this by Isaacs, he replied, "I'm not responsible for what the press prints."

After the Joint Finance Committee hearing, Mearns said that he feels he was misunderstood by a reporter last week.

Ernest A. Davidson, director of the Division of Highways under Mearns, said the state is powerless to stop the project. He said the corps informs his division of any action it plans "merely as a courtesy."

Davidson said he attempted to convince the corps to work on one lane at a time, but that "would present a very serious problem." Spacing his hands about eight inches apart, he said, "You don't realize it but that bridge vibrates this much."

He said the concrete decking presently on the structure "is deteriorating rapidly," but added the bridge presents no immediate danger to vehicles because of its strong steel base.

Davidson said a second span will be needed in the area soon, but there are no immediate plans for another bridge. He said a new bridge would take five years to build and cost about $15 million.

Kirk, Tribbitt, Isaacs and others opposed to closing the bridge argue that alternate routes, Summit and Reedy Point Bridges, for crossing the Chesapeake & Delaware Canal are inadequate.

Tribbitt said a complete closing would heighten the potential for traffic accidents, impose an inconvenience on those who cross the structure daily and hurt businesses which depend on U.S. 13 traffic.

"How are you going to get the General Assembly down here," Isaacs asked.

Mearns told Sen. Dean C. Steele, R-Windsor Hills, that he will resubmit his capital and operating budgets to the committee. He said he supports Peterson's recommendations, which would allocate $8.8 million from the general fund for operations and $10 million in bonds for capital improvements.

Charles S. Eller, chairman of the Council on Highways, told the committee that the capital budget should be increased by $3 million for non-corridor route improvements and $2 million for advance right-of-way acquisition. As it now stands, the capital budget appropriates nothing for improvements and $1 million for acquisition.

Mearns said $3 million of the $3.7 million earmarked for corridor projects will be transferred to the improvements line.

He said that all existing funds for noncorridor improvements, a total of $7 million, will be committed by the end of this fiscal year. He also said about $55 million remaining from bonds authorized but never sold will be encumbered by the end of calendar year 1972.

Mearns originally sought $2.86 million for his capital and $11.7 for his operating budgets from the governor. "I question whether there is a department in the state cut as much as this one," he said after the meetings.

John O. Hidinger, director of the division of transportation, told committee members that if the General Assembly appropriates $25,000 to his division, the federal government will return $427,000 to the state general fund.

The $25,000 would be used for a transportation study, mainly in New Castle County. Under a federal program which helped to fund the Greater Wilmington Transportation Authority, the state is eligible for further money if the plan is created.

[From the Delaware State News, Dover, Del., Mar. 12, 1971]

Legislators Unite To Denounce Closing of St. Georges Bridge

(By Jack Costello)

Dover.—The House joined the Senate yesterday in officially denouncing the proposed closing of the St. Georges Bridge for extensive repairs without any provision being made for an alternate route.

The House voted 39–0 on a strongly-worded concurrent resolution that will look into any legal obligation the Army Corps of Engineers might have "to not only maintain but to construct additional crossings at the Chesapeake and Delaware Canal."

The Army Corps has the responsibility for construction and maintenance of the bridge, and the corps announced several weeks ago its intention to close the bridge for several months for repairs.

The Corps suggested traffic be rerouted along Del. 9 and 896, but the whole plan to shut down the main bridge for north-south US 13 traffic has caused some legislators to howl.

Notably, among those fighting the bridge closing are Sen. Donald Isaacs (R-Townsend) and Rep. Sherman W. Tribbitt (D-Odessa) and John F. Kirk, Jr. (R-Delaware City).

Kirk pushed through yesterday's resolution, which besides suggesting the Corps may have a legal obligation to provide an alternate bridge, also requests the secretary of Highways and Transportation to prepare a list showing the increased costs to the state because of the closing (detour signs, detour construction, additional school busing costs, etc.).

It also asks that Delaware's three-man congressional delegation get the corps to replace the sidewalk on the bridge "if its removal is planned."

The Senate's resolution sponsored by Isaacs and passed earlier this month, speaks in more general terms, asking only that state highway officials contact the corps "to work out an amenable solution satisfactory to the welfare of all concerned."

Said Kirk yesterday, "When we discuss park areas in the vicinity of the bridge . . . when we discuss another bridge . . . we are told it's not economically feasible. . . . But when we hear the shipping interests want a deeper and wider canal . . . interests that will not benefit Delaware . . . then it is feasible, and it's being done."

He suggested it was about time Delaware brought about a change of attitude in the Army Corps.

Tribbett agreed, and told of the meeting in Washington last week with Delaware's congressional delegation. He said Rep. Pierre S. du Pont IV, the state's lone member of the U.S. House, had written to the corps about building another bridge.

Du Pont also reportedly told the corps that plans to close the bridge for nine months were "not acceptable to the people of Delaware."

The resolutions go to the governor and copies to all parties to the problem, including Atty. Gen. W. Laird Stabler, Jr., who has been asked to give an opinion on whether the corps can be forced to build another crossing, according to original canal agreements.

"The purpose of these resolutions is simply to attempt to force the corps to do something," said Kirk later.

Mr. BOGGS. In addition, Mr. President, I ask unanimous consent to include at this point in the Record a copy of the concurrent resolution adopted by the Delaware State Legislature earlier this month on the subject of the closing of this very important bridge.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution No. 9, March 1, 1971

(Relating to the closing of St. Georges Bridge to traffic for repairs)

Whereas, it has come to the attention of the members of the 126th General Assembly that the Corps of Engineers plan to close St. Georges Bridge to traffic from September, 1971 to June, 1972, for repairs; and

Whereas, tentative plans call for rerouting traffic from route 13 to alternate detour routes 9 and 896; and

Whereas, traffic counts and inadequate conditions of alternate detour routes 9 in particular and 896 are presently heavily traveled and therefore, to reroute the heavy interstate and intrastate traffic from route 13 would further compound the problem by increasing the potential for traffic accidents; and

Whereas, there would be an adverse economic effect on numerous business establishments located on route 13, who depend on the freeflow of traffic on route 13 for their livelihood; and

Whereas, the closing of St. Georges Bridge would create additional hardship for numerous families within the immediate environs because of problems of busing children to school and delivery of mail services; and

Whereas, engineering studies indicate that the conditions of route 9 are unsafe for heavy truck traffic; and

Whereas, if from an engineering standpoint, there is no other alternative but to reroute traffic from route 13 to routes 9 and 896, the former in particular, it is hoped that through a meeting with said parties mentioned in this resolution, that the U.S. Corps of Engineers will assume a substantial addition of the cost of repairing route 9 so as to enable it to handle heavy truck traffic; and

Now therefore, be it resolved by the Senate of the 126th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Secretary of Highways and Transportation, the chairmen of the Senate and House Committees on Highways and Transportation, the chairman of the Council on Highways in concert with Delaware's Congressional delegation are hereby requested to contact the U.S. Army Corps of Engineers in an effort to hopefully work out an amenable solution satisfactory to the welfare of all concerned to having St. Georges Bridge closed for repairs.

Be it further resolved, that a copy of this resolution be entered upon the Journals of the Senate and House and copies be forwarded to all parties herein mentioned.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 1288. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, the wage board bill I introduce today will establish an equitable system for fixing and adjusting pay rates of some 800,000 blue-collar and nonappropriated fund employees of the U.S. Government.

Faithful service by this large, vital segment of the nationwide roll of Federal employees has been rewarded by decades of inequitable treatment.

This bill replaces the present limited three-step pay range with a 10-step differential, the same as that of classified white-collar workers. Inequity is clear when it is seen that the white-collar worker now can progressively increase his income within grade by 30 percent as compared with the blue-collar worker's mere 8 percent. This gives scant incentive to become a wage board or nonappropriated fund employee, to make a career of it, and to strive for improved job performance—especially when one reaches the top and final step shortly after beginning work.

An important provision of the bill is that it will establish a Federal Prevailing Rate Advisory Council within the Civil Service Commission to be chaired impartially by a chairman appointed by the President so the interests of all parties are represented and protected. Five members of the committee will be appointed by the Chairman of the Civil Service Commission from labor unions representing the largest number of prevailing rate employees under exclusive recognition in Government service. Management officials, five in number, will be appointed from each of the four executive agencies—other than the Civil Service Commission—and military departments having the largest number of prevailing rate employees and an employee of the Civil Service Commission appointed by its chairman.

As matters stand today, all Federal employees except Wage Board and nonappropriated fund workers have their rates of compensation set by statute. These forgotten employees, who live and work in every State, instead are compensated under a collection of outdated practices and regulations. They are paid an average of 16 percent less than classified and postal fieldworkers. We simply cannot prevail on their patience any longer.

By Mr. TALMADGE:

S. 1289. A bill to allow a credit against income tax, or a deduction from gross income as the taxpayer may elect, for certain political contributions made by individuals. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, the increasing cost of seeking elective office, at every level of government, is a matter of grave national concern. It is of concern to those who now hold an office of public service and to those who would run for election to such office. More important, it is of concern to the electorate, the people of this country who are entitled to the best leadership and representation available in the councils of elective government.

Moreover, in our republican form of government, the right to seek and hold public office must not be contingent upon the independent wealth of the candidate that would enable him to overcome all opposition, by the sheer force of his money. Neither must elective office be contingent upon the ready availability of large-scale campaign financial support from special interest groups or any organization with a particular ax to grind in government operations or lawmaking.

The high cost of politics thwarts the democratic process. It bars some people from seeking public office and gives distinct advantages to others. This is, of course, a result of the modern, fast-moving times in which we live, the increasing cost of television, political advertising of every kind, and campaigning in general and, I am sure, many other factors.

Whatever the reasons, however, the pressure that drives would-be candidates to seek campaign financing in large, bloc sums from special interests, must be mitigated. At the same time, lack of campaign support is an obstacle to running for office that must be removed. I think all of us would agree that the situation worsens with every election.

Mr. President, I rise today to offer legislation that I believe will correct this problem.

I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to allow taxpayers either an income tax credit or a tax deduction for political contributions.

Under my bill, a taxpayer would be permitted, at his own option, to take one-half of the total contributions made to political campaigns as a credit on his Federal income tax up to a maximum credit of $10 a year. Or, the taxpayer could option to take as a deduction from gross income contributions made to political campaigns up to a maximum deduction of $100 a year.

I propose to allow this tax credit or deduction for political contributions made to candidates for any Federal, State, or local elective office, in a general or primary election.

My bill is designed to provide an equitable and effective method of encouraging greater citizen participation and interest in the political process. At the same time, it would provide candidates for public office with an adequate source of funds to meet campaign expenses without having to rely on large contributions of special interests.

By allowing an option of either a tax credit or deduction, my legislation would insure that all taxpayers would have an opportunity to benefit regardless of their tax brackets, or whether they use the standard deduction.

The tax incentive procedure, which I outline in my bill, would result in badly needed corrective action in the area of campaign financing. It would retain the traditional and basic relationship between the candidate and the contributor. Adequate administrative control could readily be established.

Over the years, there has been a variety of other legislation offered to seek to improve the financing of political campaigns through some form of government support. I have studied them all, and I believe my bill incorporates the only acceptable approach to this problem. I am convinced that tax incentive legislation represents the most practical vehicle for congressional action in this area.

My bill would eliminate financial qualifications for public office and reduce whatever possible influence might be exercised by special interest groups through sizable campaign contributions. Moreover, my approach would apply to all candidates, everywhere, at every level of government, local, State, and Federal—and in all elections, primary and general.

Thus, aid would be available to candidates who might otherwise be prevented from seeking public office because of financial barriers. A most outstanding feature of my bill is the fact that the tax incentive approach is designed to encourage relatively small political contributions from the greatest number of persons, thereby virtually negating the likelihood of a candidate being forced to seek campaign funds from special interests or pressure groups.

Also, as I have noted, the administration of my bill would be relatively simple, because it will be possible to follow established procedures already set up in accordance with rules designed for other types of tax credits and deductions. I might add that these procedures are under the direct control of Congress.

I know there is widespread concern about campaign financing, in the Congress, and among the American people. I offer my bill as a step in the right direction toward curbing the high cost of politics and the burdens and potential obligations it places upon candidates for public office.

I ask my colleagues to join me in this legislative effort.

Mr. President, I introduce the bill and ask that it be appropriately referred and put in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1289

A bill to allow a credit against income tax, or a deduction from gross income as the taxpayer may elect, for certain political contributions made by individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as section 41, and by inserting after section 39 the following new section:

"SEC. 40. POLITICAL CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of so much of the political contributions as does not exceed $20, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(2) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any national, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more candidates to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of one or more such candidates for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party.

"(2) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during the taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) of this paragraph in the last preceding election of a President and Vice President.

"(3) STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any possession of the United States.

"(d) ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deductions for political contributions). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) Cross References.—

"For disallowance of credits to estates and trusts, see section 642(a)(3)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof

"Sec. 40. Political contributions.
"Sec. 41. Overpayments of tax."

(c) Section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) Political contributions.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 40."

Sec. 2. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as section 219 and by inserting after section 217 the following new section:

"Sec. 218. Political Contributions.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction an amount equal to so much of the political contributions (as defined in section 40) as does not exceed $100, payment of which is made by the taxpayer within the taxable year.

"(b) Verification.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) Election To Take Credit in Lieu of Deduction.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for political contributions). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(d) Cross Reference.—

"For disallowance of deduction to estates and trusts, see section 642(i)."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof

"Sec. 218. Political contributions.
"Sec. 219. Cross references.".

(c) Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) Political contributions.—The deduction allowed by section 218."

(d) Section 276(a) of the Internal Revenue Code of 1954 (relating to certain indirect contributions to political parties) is amended by striking out "No deduction" and inserting in lieu thereof "Except as provided in section 218, no deduction".

(e) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

"(i) Political Contribution.—An estate or trust shall not be allowed the deduction for political contributions provided by section 218."

Sec. 3. The amendments made by this Act shall apply to taxable years ending after December 31, 1967, but only with respect to political contributions payment of which is made after such date.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Nelson, Mr. Schweiker, Mr. Cranston, Mr. Hughes, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Bayh, Mr. Boggs, Mr. Case, Mr. Fong, Mr. Griffin, Mr. Hart, Mr. Mathias, and Mr. Scott):

S. 1290. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

TWO-YEAR EXTENSION OF OEO PROGRAMS

Mr. JAVITS. Mr. President, I am pleased to introduce the administration's proposed 2-year extension of the programs under the Economic Opportunity Act. Without this extension, the authorization for these vital programs would expire on June 30 of this year.

I introduce this measure on behalf of myself; Senator Williams, chairman of the Committee on Labor and Public Welfare, Senator Nelson, chairman of the Employment, Manpower, and Poverty Subcommittee, and Senators Case, Cranston, Griffin, Mathias, Mondale, Pell, Randolph, Scott, Schweiker, Hart, Hughes, Kennedy, Fong, Boggs, and Bayh.

The bill would authorize such sums as may be necessary for fiscal years 1972 and 1973. It also would extend for 2 years the general authority to carry out programs under the act.

This is a highly commendable initiative on the part of the administration and one which I, together with Senators Case, Schweiker, Boggs, and Mathias urged when we introduced a 2-year extension early in this Congress.

Mr. President, I believe that it suggests a recognition on the part of the President himself that while the Congress considers the proposals for change in the poverty program that would accompany the President's suggested reorganization—the current program must remain secure.

We can now review those reorganization proposals in the kind of objective and unemotional climate that any reform of our vital antipoverty efforts deserves.

The administration will have the opportunity to show that both benefits to the poor and the involvement of the poor can be preserved and increased in another framework without being subject to the charge that it intends to abandon rather than to reshape the program.

And in that connection may I reaffirm my pledge to scrutinize all proposals for change—whether proposed as amendments to the Economic Opportunity Act, by reorganization plan or otherwise—in terms of whether they will both insure a continued priority of commitment to the problems of poverty and maintain the involvement of the poor themselves in meeting these problems.

The key to future efforts—as to the past—should be the involvement of the poor themselves. In his recent state of the Union address, the President quite properly sensed that a large amount of the current frustration of the American people arises from a feeling that the forces shaping their lives have grown more distant and more impersonal. In response, the President stated:

> We hear you and will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

What is true of the American people as a whole is especially true as to the poor—for there is no group more frustrated. For it is true today in our society that those who live in the ghettos, barrios, and rural poverty pockets of our Nation are more distant from the mayor's office than from the Federal Establishment.

The poverty program, in essence, placed a new center of power in poor neighborhoods amid sometimes even hostile institutions.

We must maintain that identity with indigenous programs and yet bridge the gap between the community of the poor and the community as a whole.

If we are serious about "putting the power where the people are"—then we must work up and out from where the poor people are—not back or "downward" from the Federal Government stopping at the States and cities.

Mr. President, I urge that the administration couple this commendable initiative to extend the war on poverty with additional commitments to insure that the continued tenure secured is a meaningful one.

First, I hope that the administration will match its commitment to extend the program for 2 years with a companion commitment to provide sufficient funds to make that renewed tenure most meaningful.

Mr. President, the Office of Economic Opportunity budget request for fiscal year 1972—exclusive of funding for manpower and Headstart and other programs conducted by the Departments of Labor and Health, Education, and Welfare respectively—is $778,000,000 or some $76,400,000 below the amount actually appropriated for the same activities in this fiscal year.

While I am sure that this amount is the result of negotiations within the administration in which the Office of Economic Opportunity fought hard as advocate for the poor and it represents an increase of $123.7 million over the last appropriation during the previous administration, the fact is that it is inadequate to the problems of the poor and reflects again the problems that a smaller agency has in competing with a number of larger and more established agencies.

As I indicated, the total amount available under the administration's requests will be below last year. Yet last year's funds were inadequate. For example, funds reached only 1.7 percent of the hard-core drug addicts among the poor; only 8.9 percent of those who could benefit from family planning services; only 7 percent of the poor who need legal services; and only 7.3 percent of the migrant and seasonal farmworkers.

It is true that we must not judge the administration antipoverty commitment solely in terms of the budget for the Office of Economic Opportunity. The administration indicates total aid to the poor in fiscal year 1972—which includes an increase of $16,500,000 for the Headstart program to be administered by the Department of Health, Education, and Welfare and an increase of $212,800,000 for manpower training programs conducted by the Department of Labor—will approximate $31.1 billion, representing an increase of 10 percent over last year.

While these general efforts are worthy of the highest praise, we must have in mind that the bulk of these funds benefitting the poor represent services for the poor and that only the Office of Economic Opportunity share—approximately 2 percent of the total—symbolizes the programs that can be said truly to be conducted both for the poor and by the poor.

In these terms I view as regrettable the fact that while funding requests are at least equal to last year's appropriation for legal services, comprehensive health services, family planning, drug rehabilitation, and special migrant and Indian programs, the amounts requested for community action operations—the symbol of participation and for the special impact program under which the poor themselves are given the "seed money" to mobilize their own community with assistance from the private sector—are respectively $22.4 and $10.3 million below the amounts appropriated in fiscal 1971. The VISTA program, where the emphasis is on the mobilization of as well as volunteer assistance to those at the local community level—would be cut by $3.2 million from this fiscal year. I am also concerned that the funds for research, development, evaluation activities—which the administration has stressed—would be $6.7 million below last year and I question also the advisability of seeking no additional funds at all for the rural economic opportunity loan program.

I regard as particularly disadvantageous the administration's decision not to request any funds at all for the emergency food and medical program and to use only uncommitted appropriations from last year, while phasing the program out over the next 2 years.

The administration justifies this elimination in terms of its expansion of the food stamp and family commodities programs—and assumes that community action agencies will still be able to provide outreach services as determined at the local level. But from the outset emergency food and medical services program was intended to supplement these other programs and we continue to need a specific appropriation for that purpose.

Indeed in his historic message to the Congress on May 6, 1969, pledging "to end hunger in America for all time," the President coupled an expansion of the food stamp program—much more expansive than that actually adopted by the Congress last year—with a request that the Director of OEO:

> Redirect OEO funds into the Emergency Food and Health Service program to increase its food, health, and sanitation services for our most depressed areas. Presently, health and sanitary conditions in many of our most depressed counties are so poor that improved food services alone would have little impact on the nutritional health of the population. The Emergency Food and Health Service has provided invaluable services in aiding these areas, and its good work should be substantially expanded.

In fact, as of April of last year, the food stamp and commodity distribution programs reached only about 9.5 million persons; with participation rates lower than 30 percent in 18 of the Nation's 50 States. Clearly, these are large gaps to be filled at the local level. I urge that the administration reconsider this decision.

I ask unanimous consent that a table entitled "Office of Economic Opportunity obligations by program," prepared by that office, be inserted at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

OFFICE OF ECONOMIC OPPORTUNITY, OBLIGATIONS BY PROGRAM, FISCAL YEARS 1969-72

[In thousands of dollars]

	1969 actual	1970 actual	1971 Appropriations	1972 request	Percent change 1971-72	Percent change 1969-72
Research, development and evaluation	38.9	65.0	79.5	74.2	−6.7	+90.7
Community action operations	362.4	371.2	368.4	346.0	−6.1	−4.5
Health and nutrition	92.8	157.3	189.1	159.5	−15.7	+71.9
Special impact	14.3	36.2	36.1	25.8	−28.5	+80.4
Special migrant and Indian programs	46.7	52.5	60.1	60.6	+.8	+29.8
Legal services	47.2	54.7	61.0	61.0	0	+29.2
VISTA	32.8	34.2	36.2	33.0	−8.8	+.6
General support	13.2	16.0	18.0	17.9	−.6	+35.6
Rural economic opportunity loan program	6.0	9.5	6.0	0	−100.0	−100.0
Total	654.3	796.6	854.4	778.0	−8.9	+18.9

Mr. JAVITS. Mr. President, first, it is clear, therefore, that concerned Members will—as we did last year—move to increase the amounts for programs authorized under the Economic Opportunity Act.

Second, Mr. President, I urge the administration—as it considers changes in the form of the poverty program—to insure that the legislative basis for our antipoverty efforts are made more secure. While so many agencies and programs serving particular constituencies enjoy the security of permanent status, the poverty programs are put up for "reelection" every 1 or 2 years, resulting often in undermining the antipoverty efforts. Since the Economic Opportunity Act was enacted in 1964, the poverty program has been extended five times. As a result, not only has undue pressure been put on the Office of Economic Opportunity to dampen program initiatives, but appropriations are too often not acted upon until well after the year has begun because the fate of authorizing legislation is unknown. Local efforts and the personal plans of thousands of dedicated poverty workers are held up. As importantly, instead of demonstrating new approaches over 3 or 4 years to get meaningful results, test projects are often limited to the short tenure of the most recent authority—sometimes resulting in a limited return on efforts. Let us hope, therefore, that this will be the last time that an "interim" extension will be necessary.

Third, in that connection, I think that although the office will be given only an additional 2-year tenure, we can begin now to do long-range thinking in regard to our antipoverty efforts. To that end I urge that the administration revive a practice required under the original Economic Opportunity Act, and initiated, but never fully implemented, by the previous administration: The formulation of a 5-year poverty action plan. Such a plan was prepared first in 1965 and was revised annually, but plans and revisions were never submitted to the Congress.

I urge that such a plan be prepared by the executive branch and submitted to the Congress so that we can establish our goals, determine the relationships between various antipoverty efforts, and give those efforts the same benefit of preplanning that has accompanied our efforts in defense and in space.

Fourth, Mr. President, as I have previously indicated, I shall propose in the coming months a number of substantive changes relating to the Economic Opportunity Act:

To provide a comprehensive program of universal community-based and coordinated child development programs with substantial funding, I introduced with Senators Harris, Case, Saxbe, and Humphrey on February 10, the Comprehensive Community Child Development Act of 1971. It is drafted on the underlying principle that the essential decisions with respect to child development programs should be made at the community level and that "community" should be defined for that purpose so as to include not only a local governmental area, but a neighborhood or other portion thereof. The bill would build upon Headstart and other preschool programs currently authorized under the Economic Opportunity Act and other authorities.

Also, I hope to join with Senator Nelson and other members of the Committee on Labor and Public Welfare in developing a new and expanded authorization under the Economic Opportunity Act for community-based economic development and related minority enterprise activities.

Finally, I shall propose a number of other changes in the Economic Opportunity Act which I hope will advance the concept of decisionmaking at the community level.

Mr. President, the administration's recommendation for a 2-year extension of the poverty program is assurance that the leadership of this country—while focusing on "new" problems such as our physical environment—does not intend to abandon efforts to deal with the continuing problem of poverty in America.

I hope this recommendation from the administration will be taken by Senators of both parties, and by those who work in the poverty programs in the field, as an indication that the administration—while it seeks to explore alternative means of waging antipoverty efforts—intends to sustain the existing program. With this assurance I trust that we can all join together in an effort to determine the ways in which the efforts to end poverty in America might be made even more effective.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1290

A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out programs under the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated such sums as may be necessary for the fiscal years ending June 30, 1972, and June 30, 1973.

Sec. 2. Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964 are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

By Mr. CASE (for himself and Mr. Spong):

S. 1291. A bill to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CASE. Mr. President, I introduce for appropriate reference a bill to complete the preservation of the Potomac River shoreline opposite George Washington's home at Mount Vernon.

The physical setting of Mount Vernon is magnificent. The view across the Potomac to the tranquil Maryland shore is substantially the same as it was during Washington's time.

Because of the importance of preserving this view from Mount Vernon as part of our historic and natural heritage, Congress passed laws in 1961 and 1966 establishing the shore opposite Mount Vernon as a Federal preserve. It is known as Piscataway Park.

With the generous help of private groups and individuals, including former Congresswoman Frances Bolton, much of the land and scenic easements that will comprise the park has been acquired.

Unfortunately, however, completion of the park is being frustrated by the withholding of a crucial parcel of land at the lower, or downstream, end.

The parcel consists of 367.5 acres, most of which is undeveloped, and ought to remain so. The balance of the parcel, about 35 acres, is taken up by the Marshall Hall Amusement Park.

The owners of this parcel have been successful in escaping Federal control because, under a provision in the park authorization law, the land is to be covered only by scenic easements.

This situation developed in 1961 when Congress was considering the legislation to authorize the park. At the time it was thought the scenic easements would be donated in return for exempting the Marshall Hall property from acquisition.

While Congress in good faith provided the exemption, no grant of scenic easements has been forthcoming. Nor, regrettably, do any seem in immediate prospect despite the continuing efforts of the Department of the Interior.

In view of the deadlock, the Department has moved to determine whether the costs of acquiring the easements through condemnation will exceed its budget of $4.1 million for completing the park. Last December, as part of this effort, the Department brought suit in Federal court to ascertain the potential costs; however, its suit does not go as far as actually taking the easements if the costs are within reason.

The suit is still to be tried.

Meantime, the matter has taken on urgency because of the success of the property owners in securing a zoning change which will allow them to develop commercially up to a third of the undeveloped portion of the parcel. Proposals for developing the area have ranged from another Disneyland to a golf course with parking lots along with a large housing development.

In mid-February, according to press reports, more than a dozen trees were cut down along the Marshall Hall waterfront in full view of Mount Vernon. Apparently, the owners of the parcel mean to take advantage of the commercial rezoning.

The time has come to call a halt to this frustration of the will of Congress with regard to Marshall Hall. Legislation must be passed authorizing the Department of the Interior to buy the property outright.

My bill provides the necessary authority to accomplish this. Also it removes the present funding ceiling which has been an impediment to bringing the property under Federal control.

Last June I urged then Secretary of the Interior Walter Hickel to support my proposal for legislation authorizing the acquisition of the Marshall Hall property. In reply, Mr. Hickel asked forbearance to allow time for completion of negotiations on the scenic easements.

The time for forbearance has ended. The time for action by Congress to acquire the Marshall Hall property has arrived. I urge the prompt passage of my bill.

I ask unanimous consent that the text of my bill be printed in the Record after my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1291

A bill to further amend the Act of October 4, 1961, amended by the Act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to achieve more efficiently the purposes of the Act of October 4, 1961 (75 Stat. 780), the first sentence of section 2(b) of said Act, as amended by the Act of July 19, 1966 (80 Stat. 319), is further amended to read as follows:

"When the Secretary of the Interior receives a commitment, subject to such conditions as shall be agreeable to him and the potential donor or donors, in accordance with which commitment the property referred to in subsection (a) will be donated to the United States for purposes of this Act, he is authorized to acquire by such means as he finds are in the public interest other land and interests in land lying generally within the area identified as 'Fee Acquisition Area' on the drawing entitled 'Piscataway Park,' numbered NCR 69. 714–18B and dated June, 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

Sec. 2. Section 4 of the Act of October 4, 1961, as amended by the Act of July 19, 1966, is further amended to read as follows:

"Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

By Mr. HUMPHREY:

S. 1294. A bill to support the price of manufacturing milk at not less than 85 percent of the parity for the marketing year 1971–72. Referred to the Committee on Agriculture and Forestry.

MILK PRICE SUPPORT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to amend the Agriculture Acts of 1949 and 1970, to bring the price support on milk in line with the parity ratio authorized by Congress, by April 1, 1971.

Our dairy farmers need and rightly merit this help without delay. With the difficulty of tailoring production to fluctuating demand, and in the face of increased dairy imports by evasion and sharply rising costs, our dairymen have had to watch the parity ratio for milk drop to 81 percent over the past year.

I am introducing my own bill to correct this critical situation, in order to emphasize my personal conviction that immediate action is essential and to facilitate necessary action by the Committee on Agriculture and Forestry, of which I am a member.

I firmly believe that a sharp contraction in the dairy industry would have a serious adverse impact upon consumers and ultimately upon the health of our people. Raising the milk support price will help assure an adequate and stable supply of milk. Our dairymen deserve a decent income, and a reasonable return on their extensive investment and labor.

By Mr. BENTSEN:

S. 1295. A bill to establish the Amistad National Recreation Area in the State of Texas. Referred to the Committee on Interior and Insular Affairs.

AMISTAD NATIONAL RECREATION AREA

Mr. BENTSEN. Mr. President, I introduce today a measure to establish the Amistad National Recreational Area in the State of Texas along its border with the Republic of Mexico.

The purpose of the proposed Amistad National Recreational Area is to provide for the fullest public outdoor recreational use and enjoyment of the area's land and water resources, and to conserve its scenic, scientific, historical, and other values contributing to this experience.

In March 1963 the President's Recreation Advisory Council declared in its milestone Policy Circular No. 1 that greater effort must be made by Federal, State, and local government and private interests to fulfill adequately the steeply mounting outdoor recreational demands of the people of this country. The Amistad Recreational Area will preserve for our Nation the plants and animals of the historical Chaparral country of southwest Texas, together with an appreciable intermingling of species of plants and animals from the great Chihuahuan desert of Mexico.

Our good friends and neighbors to the south of us want to cooperate in this unique international ecological effort. This can become another example to the world of what international cooperation between two great and friendly nations can accomplish by working together. The potential of coordinated development and international tourism that can add greatly to the economic potential also exsits and this first step can be important to future planning of joint efforts to make life more enjoyable to millions of Americans and Mexicans.

Thousands of Americans from all over the Nation have been visiting Amistad Recreation Area to enjoy this oasis in the desert surrounded by the natural and rare beauty of blackbrush, guajillo, cenizo, yucca, sotol, mesquite, creosotebush, leatherplant, and various cactuses.

Mr. President, I sincerely hope that the Senate Committee on the Interior will give quick approval to this measure, and likewise the entire Senate, so that the Amistad National Recreational Area may soon be a reality for the enjoyment and benefit of all Americans.

By Mr. BENTSEN:

S. 1296. A bill to establish a Lufkin division in the eastern district of Texas, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, I introduce today a measure which would provide for a new Federal district court in the city of Lufkin, Angelina County, Tex.

During my campaign for the Senate, I told the people of my State that I would actively support measures which would improve the administration of justice through our Federal court system. One of our most urgent priorities in this regard must be the establishment of more Federal district courts to relieve our existing courts of the heavy backlog of cases currently confronting them.

Mr. President, the eastern district of Texas, as presently composed, contains 41 counties with a total population of 1,440,000 citizens.

Within the eastern district of Texas, there presently exists a large geographic area with a heavy concentration of population that is far removed from the Federal courts that are assigned to serve those counties.

The 12-county geographic area surrounding Angelina County is in urgent need of the location of a division in order that the citizens of this area might better be served by the Federal judiciary. Some of the pressing reasons for this need are as follows:

First. The burdensome time, distance, and expense factors for litigants, witnesses, jurors, and attorneys to appear in either the Tyler or Beaumont divisions.

Second. The heavy caseload of the Tyler and Beaumont divisions, and the anticipated increase in such caseload because of the continuing increase in population in the area covered by the Tyler and Beaumont divisions.

Third. There has recently been created a third judgeship for the eastern district of Texas, and with this additional judge, and the removal of a fair percentage of the cases from the Tyler and Beaumont divisions to Lufkin, all litigants would be insured of a more speedy trial.

Fourth. With the increase in volume of Federal cases now being filed, both civil and criminal, the dockets of the Federal courts, now in existence, are expected to increase considerably.

Mr. President, a few years ago a new post office was completed in the city of Lufkin and the old post office building is presently being used by the Government for office space. The old building, which is in a good state of repair, was so designed and constructed that it could easily be remodeled to accommodate the new court with a minimum expense.

I have received letters supporting the new court from virtually all of the affected counties.

I hope that this legislation will be acted upon promptly so that the eastern district of Texas can be provided with a realistic Federal court system to meet the needs of its growing population.

At this point, I ask unanimous consent to insert the full text of S. 1296 in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

A bill to establish a Lufkin Division in the eastern district of Texas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 124(b)(2) of title 28, United States Code, is amended by striking out "Polk," and "Trinity,".

(b) Section 124(c) of such title is amended to read as follows:

"EASTERN DISTRICT

"(c) The eastern district comprises seven divisions.

"(1) The Tyler Division comprises the counties of Anderson, Gregg, Henderson, Panola, Rains, Rusk, Smith, Van Zandt, and Wood.

Court for the Tyler Division shall be held at Tyler.

"(2) The Beaumont Division comprises the counties of Hardin, Jefferson, Liberty, and Orange.

Court for the Beaumont Division shall be held at Beaumont.

"(3) The Sherman Division comprises the counties of Collin, Cook, Denton, and Grayson.

Court for the Sherman Division shall be held at Sherman.

"(4) The Paris Division comprises the counties of Delta, Fannin, Hopkins, Lamar, and Red River.

Court for the Paris Division shall be held at Paris.

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, and Upshur.

Court for the Marshall Division shall be held at Marshall.

"(6) The Texarkana Division comprises the counties of Bowie, Franklin, and Titus.

Court for the Texarkana Division shall be held at Texarkana.

"(7) The Lufkin Division comprises the counties of Angelina, Cherokee, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, Shelby, Trinity, and Tyler.

Court for the Lufkin Division shall be held at Lufkin."

SEC. 2. The amendments made by the first section of this Act shall become effective 180 days after the date of enactment of this Act.

By Mr. STEVENS:

S. 1297. A bill to authorize the State of Alaska to operate a foreign registered ferry vessel between ports in Alaska and between ports in Alaska and ports in other States for a period not to exceed 3 years. Referred to the Committee on Commerce.

TEMPORARY SUSPENSION OF THE JONES ACT

Mr. STEVENS. Mr. President, today I am introducing a bill to facilitate the movement of goods and people between ports in southeastern Alaska and between ports in Alaska and the Continental United States.

My bill provides that merchandise, passengers, including their personal effects and private vehicles, and vehicles engaged in the transportation of passengers and/or merchandise may be transported on the MV *Wickersham,* a State ferry of foreign registry, between ports in Alaska and between ports in Alaska and those in other States for a period not to exceed 3 years from the date when a contract is entered into by the State of Alaska for the replacement of the *Wickersham* with a vessel which meets the requirements of the Jones Act—41 statute 988—and any other applicable law.

The *Wickersham* is an essential part of Alaska's marine highway system. Because of the lack of terrestrial highways in the southeastern portion of my State, citizens of Alaska are heavily dependent on marine transportation. Such transportation is provided by the *Wickersham* and other vessels owned by the State of Alaska.

At present, the operation of the *Wick-*

ersham is greatly impeded by the Jones Act, which prohibits vessels of foreign registry from transporting goods and people between ports in different States. That act had a very worthy purpose; it provides an added incentive for the construction of American-made merchant marine vessels. Construction of such vessels is a great stimulus to our economy. Much needed jobs are provided to American workers, and American manufacturers are assured of markets for their goods. And, the existence of a strong merchant marine system is essential to our national security.

The bill which I am introducing today does propose a temporary exemption from the Jones Act. However, I do not believe that this temporary exemption will jeopardize the act. In no event could the exemption exceed a period of 3 years. Moreover, the background of the *Wickersham* and the transportation situation in southeastern Alaska present the unique set of circumstances which is not likely to be repeated. Given the safeguards contained in my bill, and the cost savings and improved transportation efficiency which would result if it is enacted, I urge the favorable consideration of this body.

By Mr. GURNEY (for himself, Mr. DOLE, Mr. MOSS, and Mr. THURMOND):

S. 1298. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke. Referred to the Committee on Commerce.

Mr. GURNEY. Mr. President, on behalf of myself and my distinguished colleagues, Senator DOLE, Senator THURMOND, and Senator Moss, I am introducing, for appropriate reference, a bill to protect the rights of the nonsmokers on public conveyances in interstate commerce.

More specifically, my proposal would require the Secretary of Transportation to establish regulations for protected areas aboard airliners, trains, and buses for nonsmoking passengers.

I do want to emphasize the fact that this bill places no burden on those who do smoke. Certainly, the decision of whether or not to smoke is up to the individual. However, this privilege should not be at the expense of health and comfort for the nonsmoker. For the person who prefers not to be exposed to burning cigarettes and exhaled smoke, there should be some area of protection.

Tradition has long associated politicians with smoke-filled rooms. In that case, most of us here should be well acquainted with this situation and the discomforts it can cause the sensitive nonsmoker. In addition, health officials list eye and nose irritation, headache, cough, wheeze, sore throat, nausea, and dizziness among the effects of secondary smoke inhalation.

Studies conducted at Texas A. & M. University and reported in the Journal of School Health revealed that only 30 minutes in a smoke-filled environment caused measurable effects on a group of children ages 6 through 13. Among these were increased heart rate and adverse blood pressure. In fact, the report concluded, except for the reduced scale, the effects were the same as on smokers themselves.

Further studies are being conducted on the carbon monoxide hazards of secondary smoking, which could prove a serious health hazard.

The relief I am seeking through this bill does not go as far as U.S. Surgeon General Jesse L. Steinfield, who recently called for an outright ban on smoking in confined public places. As I mentioned before, in the face of growing evidence of damage to the smoker's health, it is up to the individual to decide whether or not he will smoke. Certainly, no one wants to discomfort others or endanger their health.

I want to commend my able colleague from Florida, Congressman BILL YOUNG, who introduced this measure in the House. I understand he has received considerable response to the bill nationwide, and is today reintroducing the measure for the second time in order to accommodate additional cosponsors.

I think it is also interesting to note that the Federal Aviation Agency, in response to advance notice of proposed rulemaking regarding smoking on air carriers, received approximately 3,200 comments. Of those, 2,300 favored some measure of restriction, while 900 did not.

Concern over the effects of secondary smoking is growing considerably—among doctors, health groups, and individuals. I do not feel that we have conclusive evidence at this time to ban smoking in public places entirely. I do feel, however, that we should protect the rights of the nonsmokers who prefer to travel without a cloud of noxious fumes. Enactment of this bill will insure this relief to those who seek it.

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PROXMIRE, and Mr. SYMINGTON):

S. 1300. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, today I am introducing, with my distinguished colleague from North Dakota (Mr. BURDICK), legislation to require the Secretary of Agriculture to make advance payments to producers under the wheat and feed grain programs.

In 1970, the Secretary of Agriculture decided to abandon the advance payments program, although it had been working well for 7 years. These payments encouraged many farmers to sign up and divert acreage. They received an advance on diversion payments in the spring with the balance paid in August.

Elimination of advance payments is wrong for three reasons.

First, it does not offer a real savings to the Department of Agriculture. Rather, it results in an onpaper cost savings that simply shifts funding to the next fiscal year.

Second, the number of farms participating in the wheat and feed grain programs has declined over the past year, in part as a result of suspension of advance payments.

For example, in Minnesota 5,000 fewer farmers signed up for the feed grain program in 1970 than in 1969. Last year, loss in payments under this program cost Minnesota $20 million. Nationally, 50,000 fewer farms participated in the feed grain program this year over last year and 30,000 fewer participated in the wheat program.

The total number of farms participating in the feed grain program in Minnesota was 97,009 in 1969. By 1970, without advance payments, the number of participating farms had dropped to 92,235. In dollars, this represents $140 million in 1969, and $120 million in 1970, paid to Minnesota farmers.

Third, even when producers continue to enroll in these programs they are often forced to pay high interest rates in order to pay for seed, fertilizer, and other operating expenses. Last year, interest charges paid by farmers for short- and immediate-term farm loans totaled $2 billion. This figure represents an 18-percent increase over charges paid in 1969.

With or without advance payments, interest charges paid by farmers have been mounting at a tremendous rate over the past few years. But the absence of such payments has certainly contributed to the credit squeeze that continues to plague rural America.

Without advance payments, rural merchants and tradesmen as well as farmers are hurt economically, since they must either suspend transactions or carry over credit until program payments are made.

The farmer, of course, bears the major cost of abandoning advance payments—at a time when he can least afford to pay. Last year farm incomes fell. Nevertheless wages, taxes, and interest rates rose. The Department of Agriculture predicts that the cost of producing an acre of corn will increase from $43 in 1970 to $45.55 in 1971. The cost of producing an acre of wheat is expected to increase from $15.88 to $16.49 by the end of this year.

This administration has continued to ignore the troubled economic conditions spreading among our Nation's farmers. Unless reversed, I fear that this disregard will bring even more serious consequences for rural America and for our entire economy. Legislation which Senator BURDICK and I introduce today will make payments to farmers under wheat and feed grain programs mandatory with in 60 days following signup. Advance payments would have to be equal to no less than 50 percent of the total payments to be made.

Good sense calls for a restoration of advance payments to agricultural producers to help stem the downward trend in our farm economy. Moreover, we already give this type of advance, in the form of progress payments, to defense contractors before their work is completed. Surely, if we can afford such payments for defense construction, we can afford this desperately needed advance on payments to which farmers are already entitled.

But this is a matter of priorities. The administration has chosen a paper savings over the very real costs incurred by producers in the absence of advance payments. Last year, I wrote to the Secretary of Agriculture urging him to reconsider this decision. Yet, nothing has been done to solve the problem since that time.

I am hopeful that Congress will adopt our legislation and thereby help millions of farmers across America.

Mr. BURDICK. Mr. President, I join with my distinguished colleague from Minnesota (Mr. MONDALE) in introducing legislation that will make it mandatory for the Secretary of Agriculture to make advance payments to producers who participate in the wheat and feed grain programs.

We should not lose sight of the basic purpose of farm programs: To assure an ample supply of essential agricultural commodities at fair and reasonable prices while assuring producers of balanced production and orderly marketing so that the market will not be glutted and farm prices forced to such low levels that producers, unable to make a decent living, must abandon their farms. It is in the best interests of everyone that these programs operate effectively and fairly.

From 1961 through 1969, each producer participating in the feed grain program received shortly after the time of signup part of the total payment due for putting a stated percentage of his acres into conservation uses instead of grain crops, thus preventing a costly surplus grain buildup. This advance payment was made to encourage a large enough number of producers to sign up in this voluntary program to make the program serve its production adjustment purpose.

In December of 1969, the administration ruled that advance payments would not be made for the 1970 crops. Shortly after Secretary of Agriculture Hardin made this announcement, the Senator from Minnesota (Mr. MONDALE) and I introduced legislation to require the Secretary of Agriculture to make part payment to producers under both the feed grain and wheat programs in advance of determination of performance. The Senate Committee on Agriculture and Forestry held extensive hearings on the Agricultural Act of 1970 and the bill reported by the committee and passed by the Senate last year contained provision for preliminary payments to be made to both wheat and feed grain producers within 60 days after signup. These provisions, unfortunately, were lost in conference.

It must be remembered that farmers, more than any other group of businessmen in this country, need ready access to money or credit because their high, and steadily mounting, costs for seed, fertilizer, and related operating expenses recur annually. The advance payments in the feed grain and wheat programs can help ease their situation.

Without these payments, farmers must turn to other means of financing if they are not to transfer the burden of indebtedness to small town suppliers who, however willing they may be to help their customers, face exactly the same tight credit, high interest rate situation.

Bank credit is available to more financially secure producers, but it is both scarce and costly. The banks in our smaller communities are integral parts of the rural economy. When farmers prosper, they prosper; when farmers suffer from inflated costs of production and low prices in the marketplace, smalltown banks reflect their painful situation.

Young farmers who have not built a strong base upon which to fall back, and older farmers who have suffered adversity and yet hang on to their chosen calling through true grit and determination and the support and confidence of their families have in past years turned to the Farmers Home Administration for assistance through that agency's operating loan program. They are turning to the Farmers Home Administration this year, but with small success.

I would like to quote from a letter which I received from Dr. T. K. Cowden, Assistant Secretary of Agriculture, dated March 11, in response to a telegram I sent to the Secretary of Agriculture urging that the Department request a supplemental appropriation in order to provide adequate FHA operating loan funds for the balance of fiscal year 1971.

Dr. Cowden's letter reads, in part:

> The allocation of FHA initial operating loan funds for the 1971 fiscal year has been fully committed in most states. The Congress authorized $275 million for operating loans to be made from the Farmers Home Administration's direct loan account for the 1971 fiscal year. This is the same amount that was authorized for each of the three previous fiscal years.
>
> The demand for Farmers Home Administration operating loans has been very strong this year. The FHA is making every possible effort to meet the needs of as many of their applicants as possible with the funds available. . . . Due to the necessity to hold Federal outlays down, it has not been possible for the Farmers Home Administration to request additional funds for operating loans.

In view of this truly sad situation in regard to FHA operating loan funds, and the adamant refusal of the administration to ask Congress for additional money, the need for advance payments in the wheat and feed grain program becomes more urgent. If the Department of Agriculture will not, or cannot, make such payments without specific direction from Congress, then Congress should take action now to make such payments mandatory in order to make it possible for many struggling farm families to stay on their farms.

Such payments would represent no true additional outlay to the Federal Government. The expenditures will be committed in any case. It is simply a question of whether part shall be paid in this fiscal year or the entire cost be paid in the next fiscal year. It is a matter of choosing between a bookkeeping expediency and meeting a real need of our farmers.

It is my belief that almost all Members of Congress would vote in favor of the farmers if given the opportunity, and that is why I join in the sponsorship of this bill to make advance wheat and feed grain program payments mandatory.

By Mr. MONDALE:

S. 1301. A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services. Referred to the Committee on Labor and Public Welfare.

THE COMMUNITY MEDICINE ACT OF 1971

Mr. MONDALE. Mr. President, American medical care is the best in the world—for those who can find it and afford it. But soaring costs, the demise of the general practitioner, and the flight of doctors from small towns, rural areas, and the inner city are increasingly putting this care out of the reach of those who often need it most.

The unequal availability of medical care is reflected in our ranking among the world's most healthful nations. We rank eighth in life expectancy for females—behind the Scandinavian countries and England and France. We rank 13th in infant mortality—behind those same countries and Australia, New Zealand, and East Germany. We rank 27th in life expectancy for males—behind those countries and Japan, Poland, Czechoslovakia, Bulgaria, Greece, and the U.S.S.R. What is worse, while we are making progress, we are slipping back, relative to other nations. Twenty years ago, we ranked sixth, seventh, and 10th, respectively, in the same three measures.

There are at least 53 counties in the Nation that do not have a physician; fully 27 percent of all U.S. counties have less than a third as many doctors, in relation to their population, as does the Nation in general. Even in areas where medical care is readily available—as we have repeatedly been reminded in testimony regarding the health of our migrant workers—certain segments of the population are scarcely served at all.

Our rural areas can be characterized by generally low levels of available medical care. In the Nation's urban areas, however, service levels vary widely. Some areas have more physicians than can be used efficiently, while in others, the residents are tragically underserved. According to a recent survey of ghetto blacks and rural Appalachian whites, the prevailing health condition of poverty areas justifies referring to these groups as "the living sick." Pollster Louis Harris commented as follows:

> For two out of three people in the U.S., "feeling fine" means that there is nothing the matter with them. But for two out of three ghetto blacks and rural poverty whites in Appalachia, "feeling fine" means literally, "not as sick as usual."

In spite of unprecedented increases in personal expenditures for health, and notwithstanding an increase in the number of medical school graduates, there is no evidence that the Nation's poor are healthier, or find it easier to obtain medical care. The National Center for Health Statistics said 3 years ago that serious illness among the poor is appreciably higher than in any other group. The poor have four times as much mental and nervous trouble; six times as much arthritis and rheumatism; six times as many cases of high blood pressure; over three times as many orthopedic impairments; and almost eight times as many visual impairments. These findings would be no different today.

The typical response to this health care crisis has been to furnish assistance to those who cannot afford decent medical care—as in the medicaid program—and to assist medical schools in order to increase the Nation's supply of physicians. Over the past decade, for example, Federal appropriations for medical education have increased sixfold—from $95 million in the academic year 1958–59 to more than $600 million in 1967–68. Federal dollars now pay for 60 percent of all medical school expenditures, compared with 30 percent 10 years ago; and local, State, and private support has also risen. While greatly increased costs have eroded much of this increased support, the number of students and graduates have both increased somewhat.

However, it is becoming increasingly clear that additional physicians trained in the traditional fashion of our existing patterns of medical care cannot begin to achieve an equitable distribution of health care for all Americans. The maldistribution of physicians and the inefficient use of health personnel are symptoms of fundamental defects in the way health services are organized, paid for, and governed. Where these structural defects have been corrected—as for example, in the Kaiser-Permanente and similar health plans—it has been found that unnecessary demand can be reduced, and that productivity can be increased without adding physicians. Clearly, it is time for basic reforms both in the Nation's health industry, and in the education and training which supports it.

Fortunately, promising reforms in the delivery of health care are already underway. A prime example is the proposed legislation to encourage the formation of large health maintenance organizations, which would pull together the personnel and facilities required to provide comprehensive health care. They would do so through annual contracts, at rates determined and paid in advance, thereby sharing the risk of illness with their subscribers. This key feature of the proposal would be a powerful incentive to provide quality services at the lowest possible cost. Methods for increasing productivity and reducing costs are already known and tested—automated laboratory equipment, computerized information systems, organizing health personnl into efficient health teams, and so on.

The introduction of these reforms will mean that future patterns of medical practice will bear little resemblance to what we know now. In order to prepare physicians and other health workers to function well under these changed conditions of practice, it is clear that parallel reforms should now be undertaken in medical education.

Dissimilarities between medical education and medical practice have long been the object of criticism. Distortions in medical training arise because of the academic isolation of the medical school from the health needs of the community. Clinical training occurs almost exclusively in teaching hospitals, which—in spite of their scientific and technological excellence—are far from typical of practice conditions the physician will encounter in the community.

Medical center patients are typically indigent, have rare medical conditions, and are often acutely ill. The emphasis in medical care is on expensive, episodic treatment, directed by a handful of eminent specialists. Moreover, the clinical training of physicians, nurses, and allied health personnel is planned and carried out independently, with no effective coordination of the activities of those who will be expected to function increasingly as a team, if forecasts of future medical practice are correct.

One medical school dean summarized the situation in these words:

> Service is on the basis of clinical experience. Involvement in a real life situation involving illness, worry, and death is a strong stimulus to learning. At the expense of exposure to these life situations, medical schools have tended to get carried away with the unusual and rare. They have preferred to expose the student more to such rare maladies as Henoch's purpura, syringomyelia, and ochronosis than to put him out where he can see those diseases he will most frequently see as a practitioner.

One unfortunate and ironic result of this is that, immediately surrounding many major medical teaching centers, there are pockets of poverty in which may be found the highest morbidity and mortality rates in the entire Nation.

In some medical schools, departments of community medicine have made valiant efforts to amend the health problems of the community, but there has been little support for their efforts. However, a growing number of medical educators is becoming aware of the problem and looking for solutions. The medical school dean I quoted a minute ago is now the Assistant Secretary of Health Education, and Welfare for Health and Scientific Affairs—Dr. Roger O. Egeberg. In the same address from which the previous remarks were taken, Dr. Egeberg gave his views on the nature of the reforms that are needed in medical education if community health problems are to be alleviated, and if doctors are to be appropriately trained for medical practice. In the words of Dr. Egeberg:

> Historically, medical education and medical service have been teammates since before Hippocrates. Recently, however, things seem to have fallen out of balance; service has regrettably become subordinate.
>
> I would like to suggest that if we are to deal squarely with the increased and increasing responsibilities which confront the medical community, two issues are vital: First, we must restore the balance by assuring the exposure of the medical student to service during his own medical education within the framework of the medical schools. Second, and of equal importance, we must involve the medical schools more actively in service beyond its walls.

Mr. President, I am today introducing a bill which addresses the critical relationship between medical education and our inadequate health delivery system. This is the same legislation which I first introduced last October, as S. 4480. The basic objective of the bill, the Community Medicine Act of 1971, is to pull America's medical schools—their faculties and their students—out of their academic isolation and into the arena of true community health needs.

This bill will provide for special improvement grants to medical schools and teaching hospitals for the operation of medical care systems for underserved populations as an integral part of their clinical training programs. To be eligible for such grants, medical schools would be required to:

Revise their training programs to include clinical educational experience in communities which have clearly demonstrable, high health risks and low levels of service. This would be accomplished by reducing time spent in clinical training in traditional hospital settings, and by increasing time spent in comprehensive, family-centered clinical teaching centers that emphasize prevention, early detection, and home care.

Plan these revisions jointly with hospitals, community colleges, and other institutions training nurses and allied health workers so as to assure the inclusion of clinical training and experience for service on health teams during the undergraduate years.

Establish comprehensive total health care service organizations for a defined, underserved population, although it would be understood that the population covered would not consist exclusively of persons from this underserved group.

Project grant funds will be used primarily for support of educational personnel and for research on the delivery of health services to the underserved. Grants will be awarded directly to medical schools and teaching hospitals, generally for a 4-year basic period, but extendable where appropriate for a period up to 3 additional years.

Proposed authorization levels envision grants to approximately 50 medical schools and teaching hospitals under the fiscal 1972 authorization of $25 million. Authorizations for ensuing years provide for a gradual growth in participation up to 300 medical schools and teaching hospitals under the fiscal 1976 authorization of $150 million.

Mr. President, four centuries ago the Chamberlain forceps was invented, a medical invention which was eventually to revolutionize childbirth. But for nearly 200 years this simple instrument of mercy was kept a family secret, and made available only to those who could pay enough. Women whose husbands were too poor to afford the forceps either suffered prolonged agonies of labor, or, as was common, died about as unpleasantly as one can. This state of affairs was accepted—unfortunate, perhaps, but good business.

Today, we are faced with a similar situation. We have to decide whether American medicine is to remain a Chamberlain forceps—available only to those who can afford it—or is to be let out of our medical centers and made available to those who need it. If we mean—as we have been saying for a number of years—that decent health care is a birthright of all Americans, then we must be prepared to enact the fundamental changes to realize this vision. While this bill is only a step, I believe that it can become a vehicle for the basic reforms which must come in medical education.

Mr. President, our present health delivery system is so badly in need of reform, it should not be made a partisan issue. The American people deserve nothing less than our most diligent effort to improve their health care. Advancement will not come easily, and if we are successful there will be credit enough for everyone.

It is in this spirit that I was glad to see included in the President's February 18 health message a number of proposals which follow very closely the concepts of this bill which I first introduced last year.

Under my bill, money is authorized for medical schools and community teaching hospitals to operate comprehensive medical care services in order to assist communities and defined population groups which are characterized by a lack of adequate medical care services. In his message, the President asked for "a series of new area health education centers to be established in places which are medically underserved". He went on to explain:

> These centers would be satellites of existing medical and other health science schools.

The parallel is striking. Needless to say, I am very pleased to have the support of the administration on an issue which I consider to be an important part of any solution to the problems of our health care system.

This concept has received strong support from another important source, the Carnegie Commission for Higher Education. Shortly after I introduced my bill last year, the Carnegie Commission issued a comprehensive report which recommended action to "relate medical training more effectively to the delivery of health care." Toward that end the Commission proposed the same type of medical training and service program that was embodied in my bill. The President mentioned the Carnegie Commission report as the basis of his recommendations to the Congress.

Still another supporter of this approach is the chairman of the health subcommittee. Title II of S. 935, a bill introduced by the Senator from Massachusetts (Mr. KENNEDY) moves in the same direction as my bill. I am pleased to be a cosponsor of the bill.

I have been very impressed by the widespread positive response my community medicine bill has already received. Mr. Theodore Kummer, executive director of the Association for Hospital-Medical Education, wrote to the AHME membership asking for their views. Favorable comment has come from literally every part of the country—from the Northeast, the South, the Midwest, and the Far West.

I was interested to see in how many different places the concept I am recommending here has at least been started. An article in the Journal of the American Medical Association described the use of this approach at the University of Florida. Clearly a growing number of members of the medical profession are recognizing the potential of community health centers to provide for health needs heretofore unmet. However, as the letters indicate, unless we move to nurture these budding plants they may never come to full bloom. I sincerely hope Congress will give these public-spirited people the help they need.

Since we are all talking about doing the same thing, I hope we can move quickly to consider these various proposals and to shape the best possible legislation. I am proud to reintroduce my bill as the Community Medicine Act of 1971.

Mr. President, I ask unanimous consent that a number of the letters and the article to which I referred and the text of the bill be included in the RECORD.

There being no objection, the bill, letters, and article were ordered to be printed in the RECORD, as follows:

S. 1301

A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Medicine Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to assist communities and defined population groups which are characterized by a lack of adequate medical care services to secure more adequate medical care services by making grants, as provided in this Act, to public and private nonprofit medical schools and community teaching hospitals which operate comprehensive medical care systems under which medical care services are provided to such communities or such population groups.

(b) Any grant made under this Act to any medical school or community teaching hospital shall be made for the purpose of assisting such school or hospital in establishing and operating, in connection with the comprehensive medical care system operated by it—

(1) programs which provide educational experiences for medical students, interns, residents, and other health care personnel;

(2) programs which have been jointly planned by such school and one or more hospitals, community and junior colleges, or other institutions, which provide training in nursing or the allied health professions under which students of such hospitals, colleges, and other institutions who are undergoing such training will obtain practical experience and specialized training while serving on health teams established and operated as a part of such comprehensive medical care system; and

(3) programs under which such school, hospital, and other health care institutions or institutions providing training of nurses or allied health professions personnel will jointly undertake to provide through a health maintenance organization, health care services for a group which is characterized by a lack of adequate medical care services.

GRANTS TO MEDICAL SCHOOLS AND TEACHING HOSPITALS

SEC. 3. (a) From the sums appropriated pursuant to section 4, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to carry out the purposes of section 2.

(b) No grant shall be made under this Act unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulations prescribe.

(c) (1) Grants under this Act shall be in such amounts and subject to such limitation and conditions as the Secretary may determine to be proper to carry out the purposes of this Act.

(2) In determining the amount of any grant to a medical school or hospital under this Act, the Secretary shall take into consideration—

(A) the number of medical students, interns, residents, and other health care students or trainees who would participate in the program with respect to which the grant is to be made;

(B) the number of individuals for whom improved health care services would be provided under such program;

(C) the extent to which the field of community medicine (when compared to other fields of medicine) is emphasized in the curriculum of such school or hospital; and

(D) the need of such school or hospital for assistance under this Act to carry out the program with respect to which the grant is requested.

(d) (1) Any grant under this Act to any medical school or teaching hospital with respect to any program shall be used only for the purpose of assisting such school or hospital to defray expenses incurred by it in meeting salary and other personnel costs for individuals participating in, supervising, or administering such program, or individuals engaged in research in the delivery of health services to defined population groups.

(2) Grants under this Act may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(e) No grant under this Act shall be made to any medical school or teaching hospital with respect to any program for any year if, prior to such year, such school or hospital has received a grant under this Act with respect to such program for seven years.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. For the purpose of making grants to carry out the purposes of this Act, there is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, $110,000,000 for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

DEFINITION

SEC. 5. (a) For purposes of this Act, the term "nonprofit" when applied to any medical school or teaching hospital, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) For purposes of this Act, the term "teaching hospital" means any hospital which has a graduate medical education program, approved by a nationally recognized accrediting body, and which makes extensive use, as defined by regulations, of the regular hospital staff in its medical education program.

OVERLOOK HOSPITAL,
Summit, N.J., November 13, 1970.

Re Community Medicine Act, 1970–S4480.

Mr. THEODORE G. KUMMER,
Executive Director, Association for Hospital Medical Education, Arlington, Va.

DEAR TED: I wish to express my full support of the proposed legislation (S4480), which I feel will:

(1) be an effective means of delivering Health Care to the underserved target group;

(2) increase and more effectively utilize, existing resources both physical and human;

(3) provide a means for closer cooperation between the university and the community hospital;

(4) stimulate the development models for the delivery of comprehensive health care.

Sincerely yours,

WARREN B. NESTLER, M.D.,
Medical Coordinator.

WAKE COUNTY HOSPITAL SYSTEM, INC.,
Raleigh, N.C., November 17, 1970.

Mr. THEODORE G. KUMMER,
Executive Director, Association for Hospital Medical Education, Arlington, Va.

DEAR MR. KUMMER: I have taken the liberty of writing to Senator Mondale directly regarding his proposed legislation. It so happens that Senate Bill 4480 can be directly related to our attempts to affiliate with the University of North Carolina for the training of medical students on all services. At the present time we are negotiating an affiliation in Medicine, which is going to cost us an additional $100,000 a year, and it is not prudent to add this financial burden to the sick persons hospital bill. I am confident that it would be possible for us to develop affiliations on all services if Senator Mondale's bill became the law.

These affiliations serve the dual purpose of providing competent staff to fill the needs in the clinics in our hospitals, as well as providing a conducive environment for the University to use for student training. As you very well know, the University salaries for medical faculty appointments is more than the community hospital can afford; therefore, I urge the support of this bill before the Congress.

You may be assured that we will be willing to testify before the appropriate committee if that becomes necessary.

Yours truly,

WILLIAM F. ANDREWS, Sr.,
Administrator.

THE METHODIST HOSPITAL OF CENTRAL ILLINOIS,
Peoria, Ill., November 27, 1970.

T. G. KUMMER,
Executive Director, Association for Hospital Medical Education, Arlington, Va.

DEAR SIR: This is written in response to your memorandum of November 9, 1970. Subject: Community Medicine Act of 1970.

The Department of Family Medicine of The Methodist Hospital of Central Illinois, as a part of the developing program of the Peoria Medical School University of Illinois, and as a provider of community medicine is most interested in this bill.

One of the activities of this department has been the establishment of a Cooperative Family Health Center in cooperation with an existing Community Center of our black inner city area.

Although the existing Community Center and the people involved with it have most willingly provided facilities and some very limited manpower resources, and the Board of Trustees of our hospital has provided significant financial support; and, the physician members of our department and the others of the community have voluntarily offered of their time and services to staff the Center, it may well have failed for lack of funding. Certain essential parts of the Clinic's effort depends on financial support that is very difficult to achieve locally. This then represents a community effort on a voluntary basis in an area of very great need. Certainly this is a prototype that could be followed in many other cities of like and greater size. Under the provision of the bill, as we understand it, funding could be achieved that would allow this effort to reach its objective Not only would the goal of improved community health be realized but the Clinic as well as the other facilities of the family medicine program would and will be available to undergraduate and graduate students.

Although this is simply one instance in one area of a hospital's effort in community medicine and education that may well be duplicated in many other localities. We would, therefore, urge our support of this bill as well.

Although this information is very sketchy we hope that it will serve to illustrate the need for this type of funding from both an educational and health delivery standpoint, and hope that it will be received favorably. If we can offer any additional details or testimony in this regard we will be most happy to cooperate.

Sincerely yours,

FRED Z. WHITE, M.D.

GENERAL HOSPITAL,
Phoenix, Ariz., November 20, 1970.

Mr. THEODORE G. KUMMER,
Executive Director, Association for Hospital Medical Education, Arlington, Va.

DEAR MR. KUMMER: Thank you for sending your memorandum of November 9, 1970 re: Community Medicine Act of 1970—S. 4480.

Collectively, we at Maricopa County General Hospital are delighted to send the following comments to you:

1. We heartily endorse this proposed bill.
2. We would like to emphasize the need for availability i.e., not a part of university or medical school programs.
3. Cost of financing medical education (i.e., training of interns and residents, nurses, etc.) can no longer be totally subsidized by city, county, or state government or by hospitals or by patients alone. Federal support is mandatory:
4. Care should be taken not to eliminate teaching hospitals from grants just because they do not have family practice residency programs.
5. This should not be a program where government funds are allotted on a decreasing graduated scale, the difference to be made up by the teaching hospital budget.
6. Additional funds should be allotted for continuing medical education programs in teaching hospitals for practicing physicians, graduate nurses and paramedical personnel.

Thank you for the opportunity of sending you these thoughts. If I may be of further service to you, please permit me that privilege.

Sincerely,

THOS. L. HOLLIS,
Administrator.

TRI-COUNTY COUNCIL FOR CONTINUING EDUCATION,
Springfield, Ohio November 17, 1970.

Mr. THEODORE G. KUMMER,
Executive Director, Association for Hosptial Medical Education, Arlington, Va.

DEAR MR. KUMMER: Thank you for giving me an opportunity to comment on Senate Bill No. 4480 entitled "Community Medicine Act of 1970". I do, indeed, have some recommendations which I would like to call to your attention.

First, I would like to say that Senator Mondale's intent is very good. Since I work at the community level it is easy for me to say that the assumptions made about the acute need for better delivery of health care to rural and inner city populations is well founded.

Second, I want to bring to your attention the wording contained in the Statement of Purpose, Section 2, A. which says "To assist communities and defined population groups which are characterized by a lack of adequate medical services". When it becomes time to define specific population groups to be served by the provisions of this act it is my opinion that definite reference must be made to geographical location of these defined population groups in relation to the medical school or teaching hospital which would be designated to serve them. In other words, it is imperative for this proposed program to be available to communities far removed from university medical centers. In defining 'far removed' I am speaking of a distance of a radius of from sixty to ninety miles around the medical school or teaching hosptial concerned.

Yet another factor to definitely consider is the availability of our super highway system between the "purveyor" community and the "consumer community". In Ohio, the medical schools at Ohio State University and the University of Cincinnati have so many affiliated hospitals in their immediate environs that there is only token interest in affiliations with community hospitals located within an hour to one and one-half hours drive from the medical centers. Where such situations exist, change should be initiated. Taking a very permissive attitude toward these conditions will result in a retardation of progress reaching those people who need the most assistance, which is the goal of the Community Hospital Act.

Third, it is entirely possible that a small cadre of medical professionals will have to be placed in these communities that are removed from the medical schools.

Finally, I hope that you feel that my suggestions are of some value. If you decide that further amplification of my remarks would be of assistance to you and to Senator Mondale, please contact me. Again, thank you for approaching me. I am

Sincerely,

VAUGHN K. TAYLOR, *Ph. D.*

[From Journal of the American Medical Association, Oct. 19, 1970]

THE UNIVERSITY AND RURAL HEALTH: A YEAR IN MAYO, FLA.

(By Richard C. Reynolds, M.D.)

On Jan. 6, 1969, the Lafayette County Health Center began to provide ambulatory health services to the 3,000 residents of Lafayette County. This center was the result of mutual efforts by the faculty of the colleges of medicine and nursing of the University of Florida, members of the Lafayette County Health Department, and the citizens of the county. Seventeen patients were treated the first day.

This small rural health center is the first venture by the College of Medicine which attempts to provide comprehensive ambulatory health care to an unselected population group outside the hospital. Health services are not designated to a specific age, sex, disease, or economic group but are offered to all who live within the county. This rural health project does represent an increasing concern by the medical school in community medicine.

A RURAL LOCATION

Fifty-five million people in this country live in communities of 2,500 population or less. Despite a decline in the percent of rural residents the actual number of persons living in these sparsely populated areas has remained steady for two decades. However, only 12% of physicians, 3% of dentists, 18% of nurses, and 14% of pharmacists are located in these rural areas.[1] The problems of health care are further complicated by the distances between rural residents and hospital facilities, by the limited economic resources typical of many rural areas, and by primitive attitudes and beliefs that exist in respect to health and health services.[2]

Several metropolitan medical schools in the development of their community health care program have focused on the surrounding urban and ghetto problems. The College of

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Medicine at the University of Florida is located in a predominantly rural setting. To begin teaching and training programs in the health care practices and problems of a rural location seemed reasonable.

SELECTION OF LAFAYETTE COUNTY

What better way for members of the medical school to study health services and needs of rural areas than to start, develop, and maintain a practice in a rural community. North central Florida is sparsely populated, and its residents compared to other portions of the state are poor.

Lafayette County is a prototype of many rural counties throughout the United States. It is 60 miles from Gainesville, the site of the University of Florida. The Suwannee River marks the northern and eastern boundary of the county. Cattle and poultry raising, dairy and tobacco farming, and harvesting pine timber are the major industries. The 3,000 residents of Lafayette County have been without the services of a local physician for ten years. Approximately 10% to 15% of the population is black. All black residents live in a sharply segregated area adjacent to the county seat, Mayo.

A visit to a physician by a person living in Mayo did require a round trip of 45 to 60 miles to Live Oak or Perry, Fla. Anthropological studies done over the four previous years revealed that many residents simply did not receive any medical care.[2] The few physicians in nearby counties are inundated by patients from their own localities. In one adjacent county, Dixie, with a population of 5,500, one osteopath alone tries to provide medical services. The shortage of dentists and other health personnel is equally great.

OBJECTIVES

The College of Medicine defined four specific objectives to result from its establishment of a rural health center. First, it was to provide and strive to improve ambulatory health services to the 3,000 residents of Lafayette County. Second, medical and nursing students by living and working in a rural community, by actually participating in the delivery of health services, would develop a concern for health needs of people outside of the hospital. It was hoped that they would begin to recognize and understand health and medical care as it is perceived by the patient as a member of his family and community. Third, the Lafayette County Health Center would focus study on the problems of health care of a rural community. These investigations would include clinical studies of minor and chronic ills among ambulatory patients, evaluation of the effectiveness and economy of health services, and examination of patient attitudes toward health. Finally, health care would be recognized as a cooperative experience with participation and interaction by all health professionals, patients, and community members.

COMMUNITY INTERACTION

The success of any health care project will always depend on the cooperation of the people being served. Cooperation often coincides with responsibility and participation. Before the actual selection of Lafayette County as the site of a rural health center, there were several meetings between the health professionals from the university and members of the community. The residents expressed their desire to participate in the project and thought the people in the county would patronize it. A Community Advisory Committee comprised of town leaders from the educational, business, and government worlds was activated before the clinic opened. This committee has served as a valuable adjunct to the health center and has contributed measurably to its success. A dialogue between the committee, representing the recipients of medical care, and the health professionals, the purveyors of medical care, was established. Hours of clinic operation, fees for services, housing for students, complaints from dissatisfied patients are freely discussed. The patients through their Community Advisory Committee representatives actually participate in planning their health care.

RESULTS

By the end of the first year approximately two thirds of the county residents had visited the Lafayette County Health Center at least once. There were nearly 6,000 patient visits. Medical students or the resident in medicine, who lives in Mayo and works with the students, made 500 house calls. More than 550 home visits were made by the nursing staff in response to follow-up clinic visits or at the specific request of a community member.

A full spectrum of illness is seen at the clinic. Most frequent are acute respiratory ills of the young. There have been minor epidemics of mumps, influenza, and conjunctivitis. The common chronic illnesses of the adult, arthritis, arteriosclerosis, hypertension, and diabetes, are treated. Usually six to eight persons each month are referred to hospitals from the clinic. The nearby community hospitals are used except in those few occasions when the greater resources of the teaching hospital seem indicated for the patient.

During the last three months of 1969 the Department of Ophthalmology of the College of Medicine has staffed an Eye Clinic one day each week. Twelve to 13 complete eye examinations are accomplished in this clinic. Since there are no ophthalmological services closer than 65 miles, this has been an invaluable addition to the health services now available to the people.

PUBLIC HEALTH

Public health practices have been incorporated into this community program and are not identified separately. A recent scare precipitated by a patient with diphtheria in a nearby county has caused us to review the immunization procedures of children. Despite the fact that immunization has always been available, free of charge, to children through the county health department, we estimate that only 60% of immunization are up to date. One goal during 1970 for the Lafayette County Health Center is 100% appropriate immunization of all schoolchildren.

In October 1969 the Florida State Division of Health appointed the Director of Lafayette County Health Center the acting County Health Officer. This appointment reflects the cooperativeness between separate organizational units involved in health care. It also demonstrates to the students the necessity or coordinating the management of acute episodic illness wth preventive medicine and health maintenance.

Future plans include the provision of more services to the residents of Lafayette County. We are working in concert with the newly forming College of Dentistry to bring dental services to this community. With the help of the Florida State Division of Mental Health we are trying to assess the mental health needs of this rural county. When needs have been defined, we will then establish a mental health program to meet these needs. There is precious little background data concerning mental health needs in rural areas.

EDUCATION

The colleges of medicine and nursing are primarily educational institutions for training of health personnel. Obviously we have examined this project carefully to see if it meets the educational goal of developing in our students a concern for health care of people in a community. We emphasize this goal because the health care we provide within the hospital meets only a few of a person's total health needs. The only way for the student to become aware of the patient's total needs in health care of health maintenance is to participate in health care delivery in the patient's community. This has been the most rewarding experience of this rural health center. During the first year, 60 fourth-year medical students rotated for three- to six-week periods in Lafayette County. They lived in the county and became, albeit briefly, community members. Similarly, 30 nursing students during their course in public health nursing spent four to ten weeks in Lafayette County.

All students have been encouraged to go beyond the usual boundaries of patient care as it is provided in the clinic facility. The students write an article for the local weekly newspaper describing health topics pertinent to the community. Subjects have included colds, "shots," immunizations, intestinal worms, tetanus, mumps, and influenza. Actually we believe that these articles may have influenced the patient's understanding of his illiness and his use of the clinic.

During a mumps epidemic, many children were brought to the clinic simply for confirmation of the diagnosis, reassurance, and advice concerning symptomatic treatment. Following a description of mumps that appeared in the weekly newspaper, the visits to the clinic for mumps abruptly declined. Subsequent patients with mumps orchitis suggested that the infection was still present in the community. During a mild influenza outbreak in the Spring of 1969, an article appeared in the *Mayo Free Press* depicting this illness as essentially self-limiting but with possible complications developing after three or four days. Again it was the impression of the students and physicians in the clinic that the brief newspaper article altered the patient's decision as to when to seek medical care. Apparently parents were now tolerating the first few days of their illness and seeking care only if the illness persisted or worsened after symptomatic treatment. Presently we are trying to devise an educational program on upper-respiratory tract disease to see if specific health education can alter the decision regarding when a patient chooses to seek medical advice. A successful educational effort might keep patients from visiting the physician with benign self-limited disease but influence them to appear sooner with the complications of upper-respiratory tract disease for which the physician often has a specific and effective treatment.

Nursing students have developed a puppet show to illustrate dental hygiene which they present to the primary grades in the elementary schools. First-aid courses are organized for community members by the nurses, who have also attempted to form a club of diabetic patients for continuing education on the management of this chronic illness. Medical students have given several lectures to high school biology classes and are now considered a resource to the science teachers in the course. Health Center personnel have given numerous talks to local community groups such as Mayo Women's Clubs, churches, school classes, and Rotary Club. This community interaction by students is not traditional medical or nursing education. Its effect, however, is best summed up by the students themselves.

"As an experience in medical education, the clinic offers several unique opportunities. The patient population is unselected, with the physical and emotional, the benign and the morbid, and the sub-clinical and the end stage of disease thrown together. A knowledge of human behavoir and culture is essential in order to function efficiently in such a setting. Skill is required in the practice of meeting the needs of the patient as the patient sees them and in being able to withstand the anxiety, both yours and the patient's, of not being able to call the patient's difficulty by name or arrive at a diagnosis. In day-to-day practice of medicine

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this particular goal is achieved with clarity in only a small percentage of cases. It was fascinating to observe how the patient's concept of "good medical care" came to influence my approach to self-limited, generally benign processes." (Gary C. Hankins, MS4 (Class of 1969.)

". . . a unique educational experience which augmented and beautifully complemented the referral nature of Shands Teaching Hospital. In Mayo I was usually the first "physician" to see the patient. . . . Diagnosis at Mayo had to be made without the sophisticated "knee jerk" laboratory procedures we all use at Shands Teaching Hospital. Physical examination and improvisation suddenly became more important. We had to think twice before getting a simple chest x-ray. Cost of medical care to the patient came to the forefront. . . . I was left with certain concepts of health care and the role of the LMD. These concepts can be appreciated in such a short time only in a very small community as Mayo. I became acutely aware of the frustrations of a referring physician trying to utilize Shands Teaching Hospital. In a sense, for the first time I was on the outside looking in." (Walter H. Murshall, Jr., MS4 (Class of 1969).)

RESEARCH

In Lafayette County while delivering health care to residents we have tried to observe carefully the effect of our presence on the health of the community. These observations have provoked several studies. A sociologist is studying communication between the health professional and members of the black community. Following a clinic visit, the sociologist will interview the patient at home several days later to determine what the patient recalls from his visit and what instructions he is following. The sociologist then reviews the clinic records, sometimes discusses the medical situation with the physician, and tries to evaluate the success or failure of communication between the patient and his physician. The implications of this type of study are obvious. Faulty communication can vitiate any health gain that might result from the clinic visit.

A random 10% sample of the population has been identified in this county. Household members are interviewed weekly to determine the effect of illness on the daily functioning of any member of the household. One observation which we hope to make from this study is to discover if those who avail themselves of the medical services at Lafayette County Health Center actually have a decreased morbidity, measured by their ability to return to usual daily activity. This study will also try to define the extent of health impairment of this segment of rural population in a one-year period.

Even a cursory glance at rural health problems, the number of people to be served, the distances of people to health services, quickly reveals that the traditional providers of health care, the doctor and the public health nurse, have not been and will not be able to meet the demands for health services. To deliver health services to many rural areas paramedical people must be recruited and trained in providing primary care. The Lafayette County Health Center is an ideal location to study and define what the training of these ancillary personnel should be and to monitor their effectiveness in providing care.

A separate study has even attempted to refine the steps in medical decision making. One medical resident examined approximately 400 consecutive patients seen at the Lafayette County Health Center. He identified the complaints that brought the patients to the clinic, listed the examinations he performed to elucidate the complaint into a diagnosis, and recorded the treatment performed or recommended. Presently this information is being transferred to punch cards for tabulation and analysis. This type of data collection may provide some quantitative insight into medical decision making. It is from this study and others like it that we may begin to structure curriculum for the training of paramedical personnel to serve as primary-care physicians.

Developing health services for the residents of Lafayette County has yielded a community laboratory which has been helpful in more traditional clinical research. Surveys have revealed a pharyngeal carrier rate (17%) of meningocci in the throats of rural residents similar to that found in military recruits and denser populations. Routine immunization for measles, mumps, and rubella are given to some children by aersol insufflation to measure the acceptance and effectiveness of this method. One medical resident has described an illness which was part of the health folklore of the community. Workers cropping tobacco often become ill when performing this task after an early morning rain or heavy dew. The illness comprises nausea and vomiting, dizziness, and malaise and is self-limited in 12 to 24 hours. It appears to be related to a substance that is absorbed from the tobacco leaf through the skin of the worker. Historically it antedates the use of pesticides. It had already been dubbed "tobacco sickness" by the community.

COMMUNITY RELATIONSHIPS

Lafayette County is a poor community. Per capita income is less than $1,700. Lafayette County Health Center, however, is not an indigent-oriented clinic. Health services are available to all members of the community. At the insistence of the Community Advisory Committee a fee is charged for all services except for those to people who are known to be welfare recipients. Fees are adjusted when the cost of medical care appears to be unusually burdensome to any patient or family.

The Community Advisory Committee has remained a strong, vigorous unit. It was influential in persuading the county commissioners to underwrite some of the costs of serving those who are unable to pay. The county has recently purchased an x-ray unit to increase the services provided by the clinic. The close relationship between the Community Advisory Committee and the health professionals is extraordinarily important in making the health planning a mutual effort between the providers and receivers of medical care.

The clinic has had an interesting impact on the economic welfare of the community. Sales tax revenues for Lafayette County increased approximately 25% during 1969, compared to an average 10% increase in surrounding counties. Except for the clinic, there has been no other alteration in the economy of the county. Local merchants suggest that formerly visits to physicians in other counties were often converted into shopping tours. The increased sales tax receipts are a surprising finding, and we are trying to determine its relationship to the health center.

CONCLUSIONS

The initial objectives of the university in establishing the rural health center in Lafayette County has been met. Ambulatory medical services are available to the residents of this county. There are plans to extend the care to include dental services. Health education will bring to the community an awareness of the advantages of preventive medicine and health maintenance.

As an educational experience this health center appears to have had significant impast on many of the medical and nursing students. To enhance the student experience the College of Medicine has added a faculty member, a general practitioner, with a lengthy background in rural medicine. He will work closely with the students and house staff and will monitor the provision of health services. Whether this experience will influence a student's return to rural areas after graduation remains unknown.

The research implications of this rural health center have only been touched. There is now, in essence, a rural community in which imaginative and innovative health services may be critically reviewed. The Lafayette County Health Center is one year old. The university has only begun to learn how to study rural health problems. The existence of the health center, however, does represent the commitment of the university to explore further the health needs of rural populations.

FOOTNOTES

[1] Roemer MI: Health needs and services of the rural poor, in *Rural Poverty in the United States: A Report by the President's National Advisory Commission on Rural Poverty,* Washington, D.C., U.S. Government Printing Office, 1968, pp. 311–332.

[2] Murphree AH: A functional analysis of southern folk beliefs concerning birth. *Amer. J Obstet Gynec* 102:125–134, 1968.

By Mr. BELLMON:

S. 1302. A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, I am today, introducing a bill to prevent a repeat of a great injustice caused by delay in passing the new farm bill. My bill will not correct the mistakes of the past but it is intended to avoid a repetition of the unfair treatment which winter wheat growers have traditionally suffered when new farm legislation is under consideration.

Mr. President, for many months last fall, producers of winter wheat throughout the Midwest were kept in a state of uncertainty while the Congress delayed taking final action on the new farm bill. These farmers watched television, read newspapers, searched farm magazines, talked to county farm program administrators, wrote Senators and Congressmen, and did everything else in their power, trying to find out what the new rules would be.

In the Winter Wheat Belt, the crop year actually begins in June, and these farmers need information no later than July 1 as to the number of acres they will be permitted to plant and to how much land they will be forced to set aside. The farm bill was not finally passed and signed into law until late November. By that time, all the wheat in the Winter Wheat Belt had been planted.

Since there was no law on the books when planting time came, winter wheat farmers were forced to plant in the dark. Apparently, most decided to put out about the same acreage they had planted the previous year and hoped for the best. In many cases, they tilled and fertilized acres which they later decided to leave idle. Many decided to cut back on their plantings to be safe, while others, who were more optimistic, overplanted acres under terms of the new law and will now be forced to destroy their growing crops in order to be in compliance.

Since they did not have reliable information on which to base their tillage and fertilizer operations, winter wheat growers were placed at a great economic disadvantage. The results of this unfair and unnecessary situation have now become quite clear.

According to a recent report from the U.S. Department of Agriculture, printed in the magazine Nation's Agriculture, 1971 winter wheat crop plantings are 1 percent less than in 1970. They are 12 percent under plantings for 1969, and the smallest on record since 1957.

The winter wheat crop is now estimated at 1,040,000,000 bushels. This is 7 percent less than the 1970 crop, 9 percent below 1969, and the smallest since 1965. The drop in production is occurring in a year when a serious grain shortage may be developing in this country, due to a threatened corn blight.

Mr. President, I ask unanimous consent that a portion of the article entitled "Farm Marketing Roundup," from the March, 1971, issue of Nation's Agriculture, may be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Winter wheat crop plantings were 1% less than year ago, 12% under 1969 and smallest since 1957.

Crop is now estimated at 1,040 million bushels—7% less than 1970 crop, 9% below 1969 and smallest since 1965.

Larger plantings seen for corn, soybeans and spring wheat. Special USDA survey of farmers' 1971 planting intentions indicates that acreage planted to corn may be up 6% over last year. Intentions are also up for sorghums and barley. Soybeans show 7% increase and a record high for 11th consecutive year.

Durum wheat planting is expected to be up 20% and other spring wheat up 16%. Cotton acreage won't change much from last 2 years.

Mr. BELLMON. Mr. President, this important segment of American agriculture should not be forced to suffer such unfair and unnecessary abuse. In view of the contributions that have been made by winter wheat growers in producing abundant high quality, low-cost food, both for domestic consumption and export, they deserve fairer treatment. Our laws need to be changed to prevent the adverse circumstances brought about by the failure of Congress to take timely action. Other farmers know the rules before their crop year begins. Winter wheat growers deserve the same treatment.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1302

A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Agricultural Act of 1970 (Public Law 91–524) is amended by adding at the end thereof the following new section:

"Sec. 411. Notwithstanding any other provision of law, all of the provisions of this title shall be applicable with respect to the 1974 crop of winter wheat (wheat planted in 1973 for harvest in 1974) in the same manner and to the same extent that such provisions are applicable with respect to the 1971, 1972, and 1973 crops of wheat."

By Mr. STEVENSON:

S. 1303. A bill to amend the Federal Aviation Act of 958 to authorize free or reduced rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, I introduce, for appropriate reference, a bill to permit commercial airlines to grant free or reduced fare concessions to severely handicapped passengers who are accompanied by an attendant.

It should be emphasized that this legislation is entirely permissive. The individual carrier decides for itself how much of a concession, if any, to extend. The bill expressly authorizes fare concessions to blind passengers traveling with a sighted guide and leaves the definition of other severely handicapped persons eligible for fare concessions to the Civil Aeronautics Board.

Travel fare concessions to the blind and their sighted guides have been used successfully by the Nation's railroad and buslines for more than 30 years. The American Council of the Blind estimates that approximately 35,000 blind persons now hold identification cards for reduced fare travel on rail and buslines. The most common fare concession allows the sighted attendant to travel free when the blind person pays the full fare.

The railroads and buslines are to be congratulated for their use of these concessions, which should be continued and, I would hope, extended to other handicapped persons. Because of changes in our transportation system, however, fare concessions that are confined to rail and buslines are no longer completely responsive to the travel needs of the severely handicapped.

This bill is not confined to the blind because other severely handicapped persons such as paraplegics and polio victims need the fare concession as much. For such persons, traveling alone is extremely difficult, if not impossible. Like the blind, they frequently bring to the carrier another passenger who otherwies would not be present and thereby relieve airline personnel of additional duties. In such cases, fairness requires that the airlines be permitted to extend a fare concession.

This legislation encourages the blind and the handicapped to increase their participation in all aspects of national life. As such, it fits well with those considerable public and private efforts to improve the opportunities of all handicapped persons.

By Mr. MONDALE (for himself, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Jackson, Mr. Kennedy, Mr. Taft, Mr. Anderson, Mr. Bayh, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pearson, Mr. Stevenson, and Mr. Tunney):

S. 1305. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, on behalf of myself and Senators Brooke, Case, Cranston, Jackson, Kennedy, and Taft, as well as Senators Anderson, Bayh, Harris, Hart, Hughes, Humphrey, Inouye, Magnuson, McGee, McGovern, Moss, Muskie, Nelson, Pearson, Stevenson, and Tunney, I am today introducing legislation to provide for an independent and strengthened legal services program. An identical bill has been introduced in the House by a bipartisan group of Congressmen.

Our bill would establish a National Legal Services Corporation—which would be a private, nonprofit entity, chartered under the laws of the District of Columbia—to carry out the functions and activities of the legal services program now administered by the Office of Economic Opportunity. This Corporation will be authorized to make grants and contracts for comprehensive legal services and assistance to low-income persons. The Corporation also will assist disadvantaged persons in obtaining a legal education.

This plan has been endorsed in principle by the President's Advisory Council on Executive Organizations—the Ash Commission—by the Standing Committee on Legal Aid and Indigent Defendants of the American Bar Association, and by the American Bar Association's Section on Individual Rights and Responsibilities.

Like the legal services program itself, our legislation is a nonpartisan effort to provide all Americans—regardless of economic status—with access to courts and other institutions. Our goal is to insure that progressive change can be accomplished in courts and Government agencies, rather than on the streets.

The broad support for this bill—across widely ranging political and philosophical views—is testimony to the importance of that purpose.

Prior to the establishment of the Legal Services program in 1965, the poor did not have access to judicial institutions and other decisionmaking agencies.

In 1964, the civil legal aid offices in this country reached fewer than 1 percent of those requiring legal aid. The overall national expenditure for legal services to the poor amounted to only $4 million—less than two-tenths of 1 percent of the national total spent for the assistance of all attorneys.

It was not just the poor who suffered from this absence of legal representation. With the doors of the legal system closed to a broad segment of our population, many great reform measures remained an empty promise.

Laws were passed to protect the poor, but no means were provided for effective enforcement. Programs were created to benefit the poor, but arbitrary rules and bureaucratic obstacles perverted the purpose of these programs. And commercial interests exploited the poor in clear violation of the law, secure in the knowledge that the poor were powerless to protect themselves.

At a time when many were advocating violence and disruption, the legal services program was established with the hope and the promise that these lawyers would enable the poor to use the system for the redress of legitimate grievances.

From the beginning, this program has attracted the best of young lawyers, who came with the belief that there would be no political strings tied to their representation of the poor.

The results of their efforts have been dramatic.

To begin with, the number of lawyers serving the poor has sharply increased.

At the end of fiscal year 1970, there were 2,000 Legal Services lawyers in over 900 neighborhood law offices—located throughout the United States.

These lawyers handled approximately 1,200,000 legal problems in the last fiscal year, and many Legal Services attorneys deal with 500 problems each year.

The problems covered such diverse areas of the law as family relations, consumer abuses, landlord-tenant matters, welfare hearings, and juvenile proceedings.

Legal Services attorneys successfully dispose of over 70 percent of these matters each year.

Beyond the statistics is the impact that this legal assistance has had on the daily lives of the clients served.

Most of the Legal Services caseload does not involve major legal issues and new judicial precedents. To the recipient of these services, however, the availability of legal representation has meant the prevention of an unlawful eviction, the solution of a family dispute, and the enforcement of a neglected housing code.

But this program has done more than cope with the individual problems of individual clients. Recurring patterns of problems—affecting large numbers of the poor—have been discovered and effectively addressed.

Broad social reform has resulted from legal services cases which:

Eliminated welfare's "man-in-the-house" rule and residency requirement;

Granted tenants in public and private housing substantial new rights in dealing with their housing problems;

Obtained minimum justice for migrants and farmworkers by reducing illegal border crossings and requiring enforcement of minimum wage legislation;

Forced the Department of Agriculture to feed hungry people, as the law requires.

The success of the legal services program has affected the entire legal profession. Large corporate law firms now provide resources for the representation of the poor. And most law schools now include in their curriculum—in addition to the traditional emphasis on the tax and corporation—courses concerned with the problems of poverty.

But as legal services has succeeded, it has aroused the intense opposition of powerful private interests, as well as that of mayors, Governors, and other public officials at all levels of government. These attacks have posed a substantial threat to the attorney-client relationship.

In 1965, the organized bar was extremely concerned that the traditional sanctity of the lawyer-client relationship and the independence of the attorney to pursue his client's cause could be jeopardized in a program funded by and responsible to the political system. It was only after assurances were given to bar leaders that the program obtained the official support of the American Bar Association and other bar groups.

The worst fears of the bar were realized in 1967. An amendment was offered in the Senate which would have prevented legal services lawyers from bringing actions on behalf of their clients against Federal, State, and local governmental agencies. This amendment was a direct challenge to the ethical obligations of a lawyer to his client. Fortunately, it was defeated.

Again, in 1969, another crippling amendment was offered in the Senate, and passed by a narrow margin. This amendment would have allowed Governors to veto—without OEO override—any legal services program in their particular State. The bar, legal services attorneys, and clients, along with a bipartisan coalition of Members of Congress, were ultimately successful in defeating this provision.

In 1970, OEO proposed to regionalize the Legal Services program—a move which would have subjected the program's attorneys to much greater local political pressure. OEO finally rescinded this proposal and reaffirmed its commitment to a nationally run program.

Finally, in a blatant example of political interference, Governor Reagan vetoed one of the most outstanding Legal Services programs in the country—California Rural Legal Assistance. While OEO gave this program a 6-month extension, it refused to directly override the Governor's veto.

Although the major congressional and administrative battles involving Legal Services have been widely reported, Legal Services offices throughout the country have faced deadly political pressures with relatively little public attention.

Both public and private interests, whose policies and activities have been challenged for the first time by poor people with Legal Services representation, have attempted to curb this program. There have been numerous efforts to convince local Legal Services boards that certain types of cases should not be handled by their attorneys; there have been appeals to Governors to veto individual legal services programs; and OEO officials have been urged to stop a refunding or to oppose a new project.

As a result of these pressures, the provision of Legal Services has become an issue to be considered politically at every level of government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to the pressures of a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by Legal Services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a CRLA lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, Legal Services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the Code of Professional Responsibility states that "A lawyer should represent a client zealously within the bounds of the law." Ethical consideration 7–1 elaborates on this canon in the following manner:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal-services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted tc curtail this program are not overly concerned with the ethics of the legal profession.

It should be emphasized that these political attacks have cut across party and ideological lines. Democrats and Republicans, liberals and conservatives have opposed and defended various aspects of this program.

But despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, legal services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

Our legislation is designed to insulate this vital program from political interference—and in so doing, to insure its integrity and independence.

The National Legal Services Corporation will be established as a new title under the Economic Opportunity Act, and it will be funded by the Federal Government. But as a private, nonprofit corporation, it will not be an agency or establishment of the U.S. Government. Thus, OEO would have no administrative control over the program.

The corporation's basic mission will be the same as the Legal Services program now administered by OEO. It will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons; to carry out programs for research, training, technical assistance, and law school clinical assistance; and to assist disadvantaged persons in obtaining a legal education.

The corporation will be administered by a 19-member board of directors. Five members of the board will be chosen by the President with the advice and consent of the Senate. One member will be appointed by the Chief Justice of the Supreme Court upon the recommendation of the Judicial Conference of the United States. Six members serve by virtue of their office, including the president and president-elect of the American Bar Association, president of the American Trial Lawyers Association, president of the National Bar Association, president of the National Legal Aid and Defenders Association, and the president of the American Association of Law Schools. Three will be chosen by a clients advisory council and three will be chosen by a project attorneys' advisory council—each council to be established by the act. The executive director of the corporation, selected by the board, will also be a voting member of the board of directors.

Six months after the date of enactment of this legislation, the corporation will become fully operative. During the transition period, the board of directors will be selected and the corporation will take necessary organizational steps. OEO will continue to administer the Legal Services program throughout this transitional period.

The corporation will be funded by yearly appropriations from the Congress. The authorization for fiscal year 1972 is $140 million, and the authorization for fiscal year 1973 is $170 million.

The present Legal Services budget is $61.4 million; but this does not include another $15 million which Legal Services receives from other parts of OEO's budget, and thus their actual budget is approximately $75 million.

It is clear that the program's present funding level is inadequate to meet the overwhelming legal needs of the poor. Under the most optimistic estimates, the program is only meeting 20 percent of that need.

Many areas of the country do not have a Legal Services office, despite the demand in those areas for such services. These areas have submitted applications for funding, only to have them rejected because of a shortage of funds. And almost all existing grantees are woefully underfunded.

An example of this acute funding shortage is the Legal Services effort to recruit and support disadvantaged students desiring to obtain legal education—the Council on Legal Education Opportunities—CLEO. This vital project under present funding levels will be able to recruit only 200 students in fiscal year 1971—despite the fact that there are hundreds of other young Americans seeking this opportunity.

I do not believe, therefore, that the authorizations in our bill are unreasonable. The cost overruns on the C–5A airplane alone—over $1.5 billion—would operate the Legal Services program at the funding levels in our bill for 10 years.

In seeking a federally funded nonprofit corporation to administer Legal Services, our legislation is consistent with past congressional action. Under analagous circumstances, Congress passed the Public Broadcasting Act of 1967, which created the Corporation for Public Broadcasting—an independent, nonprofit corporation, receiving Federal funds, to assist in developing a noncommercial educational broadcasting system.

The reasons for creating such a structure were obvious: Congress wanted to promote this type of vital programing, but at the same time, it wanted to assure that there would be no political interference with the funding decisions and other activities of the Corporation.

In hearings on this legislation, Fred Friendly told the Senate Commerce Committee of the need for this type of independence:

> Of one thing we can be certain: Public Television will rock the boat. There will be—there should be—times when every man in politics—including you—will wish that it had never been created. But Public Television should not have to stand the test of political popularity at any given point in time. *Its most precious right will be the right to rock the boat.*

Congress recognized the need to preserve the independence of public broadcasting. We must make the same commitment to preserving the independence of Legal Services.

Our legislation, like the Public Broadcasting Act of 1967, would accomplish this purpose. It would insulate the client and his lawyer from harmful restrictions motivated by political considerations.

The Board of Directors, which will run the National Legal Services Corporation, is carefully balanced. The public, the legal profession, Legal Services lawyers and their clients will be equally involved in determining the policies and procedures of this Corporation.

While this structure will preserve the independence of Legal Services lawyers, our bill also insures accountability.

Annual reports to Congress are required, and the Corporation's fiscal procedures will be subject to both private and GAO audits. In addition, the bill makes it clear that the program's attorneys will be governed at all times by the highest standards of the legal profession—thus assuring accountability to the courts. And finally, each local grantee will be accountable to a local board of directors—composed of both attorneys and representatives of the client community.

This type of accountability is consistent with the primary purpose in establishing this Corporation—protection of the integrity of the attorney-client relationship. The attorneys operating under this program, so long as they act in accordance with the highest standards of the legal profession, will be free to raise any legal claims on behalf of their clients—regardless of whether these claims challenge the policies and practices of Government agencies or challenge the validity of existing legislation. And they will be free to do so without fear of retaliation or political intimidation.

Enabling these attorneys to operate independently on behalf of their clients is not a special privilege for attorneys serving the poor. It is required by the canons and ethics of the legal profession.

Disciplinary rule 5–107(b) states:

> A lawyer shall not permit a person who recommends, employs or pays him to render legal services for another to direct his professional judgment in rendering such legal services.

And ethical consideration EC 5–23 makes clear the same concerns:

> Since a lawyer must always be free to exercise his professional judgment without regard to the interest or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom.

These standards reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

> A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kinds of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corp. will do far more, however, than protect the professional integrity of Legal Services attorneys. It will help protect the integrity of our entire system of government.

Under our system of government, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who, for one reason or another, have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the Legal Services program.

I believe that our Government has

reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the Legal Services program—that a government can offer to the powerless the opportunity and the resources which are needed to challenge improper acts by both private and public bodies.

This National Legal Services Corp. will not be free of controversy. No method of resolving conflict is without controversy—except total suppression.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

Our legislation is designed to assure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

Mr. President, I ask unanimous consent that the text of our legislation, a section-by-section analysis, and a summary be printed in full at this point in the RECORD.

There being no objection, the bill, analysis, and summary were ordered to be printed in the RECORD, as follows:

S. 1305

A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Legal Services Corporation Act".

SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness and reform;

"(2) many low income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall qualify as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of six months following the date of enactment of the National Legal Services Corporation Act for the process of incorporation and initial organization of the corporation.

"(b) There is established an Incorporating Trusteeship composed of the following persons: the President of the American Bar Association, the President Elect of the American Bar Association, the President of the National Legal Aid and Defenders Association, the President of the American Association of Law Schools, the President of the American Trial Lawyers Association, and the President of the National Bar Association. The Incorporating Trusteeship shall meet within 30 days after the enactment of the National Legal Services Corporation Act to carry out the provisions of this section.

"(c) (1) Not later than sixty days after the enactment of the National Legal Services Corporation Act the Incorporating Trusteeship shall establish the initial Clients Advisory Council to be composed of eleven members who are selected, in accordance with procedures established by the Incorporating Trusteeship, from among individuals recommended by the governing boards of existing legal services programs who are representative of the class of clients served by any such program.

"(2) Not later than sixty days after the enactment of the National Legal Services Corporation Act the Incorporating Trusteeship shall establish the initial Project Attorneys Advisory Council to be composed of eleven members to be selected, in accordance with procedures established by the Incorporating Trusteeship, by attorneys who are actively engaged in providing legal services under any existing legal services program from among individuals who are attorneys actively engaged in providing such services.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the Incorporating Trusteeship. In order to carry out the provisions of this subsection the Director of the Office of Economic Opportunity shall make available to the Incorporating Trusteeship such administrative services as it may require.

"(d) Not later than ninety days after the enactment of the National Legal Services Corporation Act the Clients Advisory Council shall each meet and each appoint three representatives to serve on the initial Board of Directors of the National Legal Services Corporation.

"(e) During the ninety-day period of incorporation of the Corporation the Incorporating Trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of Articles of Incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the Board of Directors, except the selection of the Executive Director of the Corporation.

"(f) During the 90 day period immediately following the period specified in subsection (e) of this section the Board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the National Legal Services Corporation Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a Board of Directors consisting of 19 individuals, one of whom shall be elected annually by the Board to serve as Chairman. Members of the Board shall be appointed as follows:

"(1) Public Members. Five members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, and one member shall be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. After giving due consideration to individuals recommended by associations of attorneys whose membership is actively engaged in conducting legal services programs the President shall make the appointments under this paragraph to the initial Board of Directors. After giving due consideration to recommendations of individuals recommended by the Board the President shall make the appointments under this paragraph for any Board subsequent to the initial Board.

"(2) Legal organization members. Six individuals shall be members of the Board by virtue of holding the following offices:

"(A) The President of the American Bar Association.

"(B) The President-elect of the American Bar Association.

"(C) The President of the National Legal Aid Defender.

"(D) The President of the American Association of Law Schools.

"(E) The President of the American Trial Lawyers Association.

"(F) The President of the National Bar Association.

"(3) Attorney-client members. Six members of whom three shall be selected by the Clients Advisory Council and three shall be selected by the Project Attorneys Advisory Council. Any Board after the initial Board shall, in consultation with the respective Advisory Councils, provide for the rules with respect to the subsequent meetings of the Clients Advisory Council and the Attorneys Advisory Council and the process of selection of members of the Board in accordance with this paragraph.

"(4) The Executive Director of the Corporation.

"(b)(1) Members appointed under paragraph (1) of the preceding subsection shall be appointed for terms of three years except that—

"(A) the terms of the Directors first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire, as designated by the President at the time of appointment, three at the end of three years, two at the end of two years, and in the case of the Director appointed by the Chief Justice, two years; and

"(B) any Director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(2) The members selected under paragraph (2) of the preceding subsection shall serve for the term of office for which they are elected and by virtue of which they become members of the Board except in no case shall a term exceed three years. If any-one of the organizational members' term will exceed three years by virtue of holding a position more than three yars, the Board shall provide for the appointment of a successor by the appropriate organization.

"(3) The members selected pursuant to paragraph (3) of the preceding subsection shall serve for a term of three years except that—

"(A) the terms of the Directors first taking office shall be effective on the ninety-first day after the enactment of the National Legal Services Corporation Act and shall expire as designated by the selecting Advisory Council, one at the end of one year, one at the end of two years, and one at the end of three years after such date; and

"(B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an Executive Director, who shall be an attorney, and such other officers as may be named and appointed by the Board of Directors, at rates of compensation fixed by the Board, and serve at the pleasure of the Board. No individual shall serve as Executive Director of the Corporation for a period in excess of six years.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"ADVISORY COUNCIL: EXECUTIVE COMMITTEE

"Sec. 905. (a) The Board shall provide for the selection of a Clients Advisory Council subsequent to the first such Council to be composed of not more than eleven members, selected in accordance with procedures established by the Board, from among individuals who are representative of the class of clients served by the legal services programs conducted or assisted by the Corporation. The Clients Advisory Council shall be available to advise the President on general policy matters relating to the needs of the members of the client community and to select members of the Board in accordance with section 904.

"(b) The Board shall provide for a Project Attorneys Advisory Council subsequent to the first such project. Project Attorneys Advisory Council shall be composed of not more than eleven members to be selected in accordance with procedures established by the Board, from among individuals who are attorneys actively engaged in providing legal services conducted by the Corporation. The Project Attorneys Advisory Council shall be available to advise the President on general policy relating to the furnishing of legal services to members of the client community and to select members of the Board in accordance with section 904.

"(c) The Board may establish an Executive Committee of not less than five members nor more than seven members which shall consist of the Chairman of the Board, the Executive Director of the Corporation, one Director appointed pursuant to paragraph (1) of section 904(a), one Director appointed pursuant to paragraph (2) of section 904 (a), and one Director appointed pursuant to paragraph (3) of section 904(a).

"ACTIVITIES AND POWERS OF THE CORPORATION

"Sec. 906. (a) Effective six months after the enactment of the National Legal Services Corporation Act, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal service to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 3 of the National Legal Services Corporation Act;

"(3) carry out research, training, technical assistance, experimental and clinical assistance programs designed to improve the provisions of legal services to members of the client community;

"(4) increase opportunities for legal education among individuals who are members of a minority group or individuals who are economically disadvantaged;

"(5) collect and disseminate information designed to coordinate and evaluate the effectiveness of the activities and programs for legal service in various parts of the country;

"(6) assist and coordinate all programs for the provision of legal service and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government together with making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a) the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements or other transactions, in accordance with by-laws established by the Board of Directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective and comprehensive delivery of legal services to the client community;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policy making board on which the members of the legal profession constitute a majority and members of the client community constitute at least one-third of the member of such Board.

"(c) In any case in which services are performed for the Federal Government by the Corporation the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the Executive Director of the Corporation and the head of the agency of the Federal Government concerned.

"NON-PROFIT AND NON-POLITICAL NATURE OF THE CORPORATION

"Sec. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, employee or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"Sec. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection or monitoring of grantees and contractees shall be maintained for a period of at least three years, subsequent to such evaluation, inspection or monitoring visit. Upon request, substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection or monitoring visit.

"(c) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"Sec. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"Sec. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files and all other papers, things or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the adiut, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto, as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the Executive Director and to each member of the Board at the time submitted to the Congress.

"(c) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this section shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the thirtieth day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition and accomplishments of the Corporation together with dissenting views and recommendations, if any, of Members of the Board.

"DEFINITIONS

"SEC. 912. As used in this title the term—

"(1) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(2) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate means;

"(3) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(4) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(5) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one state of the United States;

"(6) 'state' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(7) 'non-profit', as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual;

"(8) 'Corporation' means the National Legal Services Corporation to be established pursuant to this title.

"FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title."

SEC. 3. (a) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the Executive Director of the National Legal Services Corporation, to arrange for the orderly continuance by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond 6 months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(b) Effective six months after the date of enactment of this Act, section 222(a) (3) of the Economic Opportunity Act of 1964 is repealed.

SEC. 4. (a) Of the amounts appropriated to the Office of Economic Opportunity for carrying out the Economic Opportunity Act of 1964, there shall be reserved and made available to the Legal Services Corporation established pursuant to title IX of such Act, not less than the sums of $140,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

SEC. 5. Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"RESPONSIBILITY FOR NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

SECTION-BY-SECTION ANALYSIS—NATIONAL LEGAL SERVICES CORPORATION ACT

Section 1.—*Short Title:* National Legal *Services Corporation Act* authorizing a National Legal Services Corporation by amending the Economic Opportunity Act of 1964.

Section 2.—Establishes Title IX to the Economic Opportunity Act of 1964 entitled "National Legal Services Corporation."

SECTION 901—DECLARATION

(1) It is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness and reform:

(2) many low income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that the performance and provision of legal services be free from political interference;

(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

(6) a private nonprofit corporation should be created to encourage the availability of legal services and appropriate institutions to all citizens of the United States, free from extraneous interference and control.

ANALYSIS

SECTION 902—ESTABLISHMENT OF CORPORATION

Establishes a non-profit Corporation, under the laws of the District of Columbia, which will not be an agency or establishment of the United States Government.

SECTION 903—PROCESS OF INCORPORATION

There is established an incorporating trusteeship made up of the President and President-Elect of the American Bar Association, and the Presidents of the National Legal Aid and Defender Association, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association. The incorporating trusteeship shall, within sixty days after enactment, establish an eleven member Clients Advisory Council from among persons recommended by the Boards of Directors of existing Legal Services programs and who are representative of the client community. Similarly, the trustees shall establish a Project Attorneys Advisory Council. Within ninety days of enactment the Clients and Project Attorneys Advisory Council will select three representatives to serve on the Corporation's Board of Directors.

SECTION 904—DIRECTORS AND OFFICERS

The Corporation shall have a Board of Directors made up of nineteen persons, one of whom shall be elected annually by the Board to serve as Chairman. Five members of the Board are appointed by the President with the advice and consent of the Senate. The President's initial appointments shall be made after giving due consideration to individuals recommended by associations of attorneys actively engaged in conducting Legal Services Programs, and subsequent appointments to the Board by the President shall be made after giving due consideration to individuals recommended by the Board. One member by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Six members serve by virtue of their office (Presidents of the ABA, NLADA, American Association of Law Schools, American Trial Lawyers Association, and National Bar Association) and the President-Elect of the American Bar Association. Six members are chosen by the Clients and Project Attorney's Advisory Councils (three members each). The Executive Director of the Corporation is a voting member of the Board of Directors. The term of office for a Director is three years. The initial Board will be so constituted that members will have staggered terms of one, two, and three years. The Executive Director, selected by the Board of Directors, shall be an attorney and no individual can serve in this position for a period which exceeds six years.

SECTION 905—ADVISORY COUNCIL; EXECUTIVE COMMITTEE

Establishing Clients and Project Attorneys Advisory Councils selected in accordance with procedures promulgated by the Board of Directors. The Board of Directors shall also establish an Executive Committee of five members.

SECTION 906—ACTIVITIES AND POWERS OF THE CORPORATION

(a) (1) Provide financial assistance to programs furnishing legal services to the client community.

(a) (2) Carry out programs, including research, training, technical assistance, and law school clinical assistance, to improve the provision of services to the client community.

(a) (3) Increase opportunity for legal education for individuals who are economically disadvantaged or members of minority groups.

(a) (4) Co-ordinate activities in various parts of the country through information collection and dissemination.

(a) (5) Assist and coordinate all Federal programs for the provision of legal services to the client community by reviewing and making recommendations upon (a) grants and contracts concerning legal services and (b) proposed legislative or executive action.

(a) (6) Assure that attorneys paid in whole or in part by funds from the Corporation owe the same duty to clients and enjoy the same protection from interference as if the attorney was directly employed by the client.

(a) (7) Establish policies which assure the professional quality of the attorneys and adherence to the Canons of Ethics.

(a) (8) Establish eligibility standards for clients with first priority on those who are destitute or extremely poor.

(b) The Corporation is further authorized to make grants, contracts, and enter into cooperative agreements. Promulgate regulations approving grants and contracts using criteria regarding (1) the most economical, effective, and comprehensive delivery of services (2) peaceful and orderly methods of seeking change and (3) maximum utilization of organizations presently delivering legal services. Insure that the Board of Directors of grantees are made of a majority of attorneys and at least one-third representatives of the client community.

SECTION 907—NON-PROFIT AND NON-POLITICAL NATURE OF THE CORPORATION

The Corporation may not contribute to or support any political party or candidate for elective public office.

SECTION 908—ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

Full access to records is insured. The Corporation is subject to the provisions of the Freedom of Information Act as long as consistent with the Canons of Ethics and the ABA Code of Professional Responsibility.

SECTION 909—FINANCING

Authorizes funds to be appropriated for payment to the Corporation as may be necessary for any fiscal year, including funds to assist the Corporation in meeting its organizational expenses. The proposed Act also reserves and makes available not less than $140 million for the first fiscal year of operation and not less than $170 million for fiscal year 1973. Funds made available to the Corporation under this Act shall remain available until expended.

SECTION 910—RECORDS AND AUDITS OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

Authorizes annual audit by the GAO and requires Comptroller General to make a report to Congress on any such audit.

SECTION 911—REPORTS TO CONGRESS

An annual report shall be prepared for the President and the Congress.

SECTION 912—DEFINITIONS

"Client Community" means that group of individuals not able to obtain private legal counsel because of inadequate financial means; in establishing eligibility standards for clients, the Corporation must give first priority to those who are destitute or extremely poor.

"Legal Services" includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities and similar legal activities.

SECTION 913—FEDERAL CONTROL

Prohibits Federal control over the Corporation or its employees.

Section 3—During the first year of operation the Director of OEO shall take such action as may be necessary to arrange for the orderly continuance by the Corporation of the Legal Services Program.

Section 4—See Financing section in this analysis.

SUMMARY—NATIONAL LEGAL SERVICES CORPORATION ACT

This bill establishes a private, non-profit corporation (chartered under the laws of the District of Columbia) to carry out the functions and activities of the present Legal Services Program now administered by OEO. It will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons. The Corporation also will assist disadvantaged persons in obtaining a legal education.

The National Legal Services Corporation will be established as a separate title under the Economic Opportunity Act, and it will be funded by the Federal government. It is patterned after the Corporation for Public Broadcasting.

The Corporation will be administered by a nineteen member Board of Directors. Five members of the Board will be chosen by the President with the advice and consent of the Senate. One member will be appointed by the Chief Justice of the Supreme Court upon the recommendation of the Judicial Conference of the U.S. Six members serve by virtue of their office, including the President and President-elect of the American Bar Association, President of the American Trial Lawyers Association, President of the National Bar Association, President of the National Legal Aid and Defenders Association, and the President of the American Association of Law Schools. Three Board members will be chosen by a Clients Advisory Council and three will be chosen by a Project Attorney's Advisory Council (each council to be established by the Act). The Executive Director of the Corporation, selected by the Board, will also be a voting member of the Board of Directors.

Six months after the date of enactment of this legislation, the Corporation will become fully operative. During the transition period, the Board of Directors will be selected and the Corporation will take necessary organizational steps. OEO will continue to administer the Legal Services Program throughout this transitional period.

The Corporation will be funded by yearly appropriations from the Congress. The first fiscal year authorization is $140 million, and $170 million is authorized for Fiscal Year 1973.

By Mr. RANDOLPH (for himself, Mr. Church, Mr. Williams, Mr. Kennedy, Mr. Mondale, Mr. Fong, Mr. Eagleton, Mr. Hartke, Mr. Hughes, Mr. Moss, Mr. Nelson, and Mr. Bible):

S. 1307. A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference, a bill to establish a mid-career services program in the Department of Labor for persons 45 years of age and older.

This bill is patterned after a proposal—the Middle-Aged and Older Workers Employment Act—which I sponsored during the past Congress. Last year the Senate overwhelmingly adopted that measure as an amendment to the comprehensive manpower legislation. As we know, the manpower bill was vetoed in December, despite the fact that unemployment had reached its highest level in 9 years.

Today the situation is equally pressing. Latest Department of Labor statistics reveal that there are 1,062,000 individuals 45 and older without jobs. This represents a 68-percent increase since January 1970.

Many of these unemployed workers have discovered that they have lost more than their jobs. Thousands have also lost their pension coverage, even though they may have worked a good portion of their lives to provide a little "nest egg" for retirement.

More and more now, people realize that the critical period in the work lives of adults occurs during their late forties or early fifties. Beginning about age 45, several trends become evident:

Unemployment begins to rise;

Long-term joblessness increases sharply;

Labor force participation declines; and

Occupational mobility is severely curtailed.

Yet, this is the time that economic pressures are likely to be greatest for these individuals and their families. Typically the middle-aged or older worker is making payments on his house, car, and household appliances. He often has assumed additional obligations, such as financing his children's college education.

Equally alarming is the trend toward earlier and earlier retirement—particularly for men in their late fifties or early sixties. In many cases, this is an involuntary decision after months of fruitless search for work. Generally, these early retirees are more likely to have lower lifetime earnings or sporadic work patterns than men who claim social security benefits at age 65.

For many of these individuals, early retirement also means an acceptance of the inevitable, a life of poverty. Recent Census Bureau statistics reveal that the incidence of poverty for persons in the 60 to 64 age category increased by 12,000 from 1968 to 1969—reversing a long-standing trend.

During our economic slowdown, more and more middle-aged and older workers have found themselves without jobs because of circumstances beyond their control. Plant shutdowns and large-scale reductions in the labor force have forced hundreds of thousands from the payrolls to the unemployment rolls.

Large numbers also find themselves in "deadend" jobs, with no opportunity for advancement. They may want to change employment, but are unable, because they lack the requisite education or experience. Yet, these individuals can become as productive as their younger counterparts with proper training and retraining.

Despite the urgent need, our Nation still lacks a clearly defined policy for maximum utilization of mature workers. Without specific statutory authorization, their outlook for improvement will not be encouraging.

The measure I introduce today can help to establish this necessary commitment. It can help thousands of unemployed persons get back on the road of financial recovery through gainful employment. It will also help to close many gaps in our Nation's training efforts by establishing a comprehensive national program responsive to the unique and growing employment problems encountered by persons 45 and older.

In providing the foundation for this undertaking, the bill would:

Establish a comprehensive midcareer development services program in the Department of Labor.

Provide training, counseling, and other supportive services to upgrade the work skills and capabilities of persons 45 and older.

Authorize "strike forces" to provide specialized recruitment and placement services in communities with large scale unemployment, because of a plant close-down or mass layoff.

Provide supportive services for occupational advancement for employed workers who may be in a deadend job.

Authorize the Comptroller General to undertake a study to help increase job opportunities in the executive branch for older persons through part-time employment and job redesign.

The Middle-Aged and Older Workers Employment, I am pleased to state, has the enthusiastic support of several organizations concerned with the well-being of aged and aging Americans, including the National Council of Senior Citizens, National Council on the Aging, National Farmers Union, and the National Retired Teachers Association—American Association of Retired Persons.

It is my belief that the benefits of such an undertaking will be substantial. For the older worker, a new or better paying job can provide a new sense of confidence and independence. For his family, a regular paycheck can also lead to a much better standard of living. Our Nation will also benefit when these new jobholders increase the country's productivity, as well as fill demands for better trained personnel.

I urge prompt and favorable consideration of the Middle-Aged and Older Workers Employment Act.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1307

A bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. This Act may be cited as the "Middle-aged and Older Workers Employment Act".

DECLARATION OF FINDINGS

SEC. 102. The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected without supplementary legislation to cope adequately with age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is higher among workers;

(5) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(7) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(8) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable: and

(10) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the Nation's economy.

STATEMENT OF PURPOSE

SEC. 103. It is the purpose of this Act to establish and assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

AUTHORIZATION

SEC. 104. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $140,000,000 for the fiscal year ending June 30, 1972, and $210,000,000 for the fiscal year ending June 30, 1973.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 105. The Secretary of Labor (hereafter referred to as the "Secretary") shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas.

ADMINISTRATION

SEC. 106. (a) In order to carry out the purposes of this Act the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

PROGRAM DEVELOPMENT AND COORDINATION

SEC. 107. (a) In addition to any other provisions for the administration of this Act, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this Act if that individual, or any member of any such institution, organization, or agency is associated with the program as a consultant, technical adviser, or in any other capacity.

RESEARCH AND INFORMATION PROGRAMS

SEC. 108. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this Act.

(b) In carrying out the purposes of this Act the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

TITLE II—MIDCAREER DEVELOPMENT SERVICE PROGRAM

PROGRAM ESTABLISHED

SEC. 201. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 202. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 203. The Secretary is authorized to develop and carry out a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 204. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in that locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 205. (a) The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors to serve in programs authorized under this section.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 206. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

TITLE III—SPECIAL REPORTS AND STUDIES MANPOWER STUDY

SEC. 301. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this Act, and other federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than January 31, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 302. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before July 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 303. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1972, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 304. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before January 31, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

By Mr. INOUYE (for himself and Mr. MONDALE):

S. 1308. A bill to transfer the title of the Robert F. Kennedy Stadium to the United States, to authorize the Secretary of the Interior to operate and maintain

such stadium, to increase certain District of Columbia taxes to pay for such stadium, and for other purposes. Referred to the Committee on the District of Columbia.

Mr. INOUYE. Mr. President, I wish to introduce for appropriate reference legislation to transfer the title of the Robert F. Kennedy Memorial Stadium to the United States and authorize the Secretary of the Interior to operate and maintain such stadium and increase certain District of Columbia taxes to pay for the stadium.

Mr. President, there is pressing need for such legislation. As chairman of the District of Columbia Subcommittee, I have become aware of a number of expenditures which must be born by the District of Columbia but which serve either a regional or a national constituency and, therefore, place an unfair burden on the District of Columbia government.

The Robert F. Kennedy Memorial Stadium has been such a major burden on the District of Columbia. Given the responsibility for the stadium by Public Law 85-300 as amended by 85-561 and 86-378 the cost to the District government through June 30, 1971, will be in amount of $5,630,000 out of total interest payments of some $9,147,600 which have been made on the stadium bonds to date.

In other words, the Armory Board income from the operation of the stadium has been able to raise only slightly over $3½ million these past 10 years. A large majority of the annual interest payment of $831,600 is, and has been, an expense of the government of the District of Columbia.

Mr. President, few if any stadiums are moneymaking propositions. This is particularly true of those located in the central city areas. It is apparent, however, that there is no hope for the current stadium to be financially self-supporting, and I believe that it is only proper that the Federal Government which built this stadium assume direct responsibility for the burden.

Mr. President, there is a further reason for the transfer of the stadium to the Department of the Interior at this time. I share with most Members of this body, a desire to keep major league sports available as an attraction in the Washington area—in our Nation's Capital.

It is my understanding that the present lease arrangement with the Washington Senators makes such continuation most doubtful. This lease was not negotiated by the present owner. Two days of hearings were held in the House on this matter last fall where similar, but not identical legislation, has been introduced. Given the deficit which District of Columbia Stadium presently encounters it is most difficult to justify more favorable terms on the part of the Armory Board when such terms create a further defect for the District of Columbia government. This measure will permit future arrangements to be negotiated directly with the party responsible for the stadium—the Federal Government through the Department of the Interior.

I believe, therefore, that the early transfer of the District of Columbia Stadium to the Department of the Interior will provide for a more orderly discharge of our rightful obligations, while at the same time assuring that our Nation's Capital will continue to be the home of a major league baseball team, as it surely ought to be.

By Mr. HANSEN:

S. 1309. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; and

S. 1310. A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, meeting the vast energy needs of the future is one of the most difficult problems facing this Nation. Yet those needs must be met; and they must be met with the least possible damage to our environment. As the President's Advisory Council on Executive Organization said last month:

> Energy is a vital ingredient in our national life. Without it, nearly everything stops—as we discovered in the Northeast blackout several years ago. Energy consumption is growing five times as fast as population, and countless industrial processes depend on increasing amounts of fuel and electric power. Our affluent society has come to depend upon energy-consuming conveniences to a degree unknown a few decades ago.
>
> Insuring an adequate energy supply to meet these future needs, while preserving the quality of our environment, is a fundamental priority for our Nation.

The growth of energy demands is truly staggering. The Senate Public Works Committee staff recently estimated that U.S. energy consumption will increase 41.5 percent from 1968 to 1980, and 171 percent to the year 2000. The staff of that committee also pointed out, as many others have done in recent years, that demands for natural gas and crude petroleum are outstripping current additions to reserves and said that—

> The time will soon arrive when the production of these fuels will be at a maximum.

The staff of the Federal Power Commission recently warned the Nation that natural gas is not being found in quantities sufficient to keep up with the demand for this clean fuel.

Energy consumption is rising not only in the United States, but also throughout the world. There was a time when some people thought we could afford to rely, for our future energy needs, on foreign sources of relatively cheap oil. Recent events should have convinced even the hard-core "free traders" that we must not let our great Nation lose its independence of action through excessive reliance on foreign energy sources. Even when domestic fuels are more expensive than foreign oil, we must pay the cost of maintaining our ability to provide most of our own energy. Moreover, foreign oil will not be cheaper than domestic energy fuels for very many years, because the worldwide demand for oil is increasing at a rapid rate.

The reason the worldwide demand is increasing is that energy is absolutely essential for a decent standard of living. In the United States we use about six times as much energy per capita as the rest of the world does, and as a result we have the highest standard of living in the world. But other countries are insisting on improving their standard of living—and as a necessary step to that end, they are increasing their energy consumption. The natural result is that energy throughout the entire world is moving from a buyer's market to a seller's market, because the surplus reserves are no longer surplus. All indications are that within a relatively short period of time energy will be in very tight supply throughout the world.

Even with the huge energy requirements facing us, and even with the increasing difficulty of finding new reserves of oil and gas, we as a nation do have the natural resources necessary to meet demands and still maintain primary reliance on domestic sources. And we can do it with minimal damage to the environment. But to accomplish this, we must be realistic enough to start right now on the difficult job ahead. Let me explain how we can accomplish these things.

While our known reserves of uranium are limited, if used in the type of reactor currently being built, the Atomic Energy Commission is vigorously pursuing research in the expectation of developing, over a period of many years, a "breeder" reactor which will greatly expand the amount of power which can be obtained from a given amount of uranium. Hopefully in the decades ahead the breeder reactor will become a reality and atomic power still be able to assume the burden of supplying the major share of our country's electricity requirements—requirements which are increasing at the fantastic rate of doubling every 10 years. Even with these hoped-for developments, however, the consumption of fossil fuels for the production of electricity will have to increase very substantially for at least the rest of this century, and we must do what we can to produce that electricity with the least possible pollution.

Atomic power will not be able, even over the very long run, to substitute for oil and gas used for transportation. But we are fortunate here, too, because this country is blessed with tremendous reserves of coal and oil shale, which can be converted to synthetic liquid and gaseous fuels and used in that form with very little pollution of the environment.

Some of my colleagues may wonder why, in the face of these facts, industry does not get on with the job and go forward. The answer, unfortunately, is that with current technology oil and gas made from coal and from oil shale will be expensive—substantially more expensive than the current cost of domestic or imported oil, and substantially more expensive than the current cost of domestic gas. This situation will change, of course, as increasing demand, coupled with decreasing supply, forces the cost of natural gas and oil ever upward. Without action on our part to stimulate conversion of coal and oil shale to gas and oil, such conversion eventually will take place anyway—but it will begin only after energy shortages have imperiled the country's prosperity and security, and even when it does begin it will take from 5 to 10 years to become reality. We cannot afford any such timelag between energy demand and supply. We must do whatever we can to stimulate the beginning of the conversion processes at the earliest possible moment. I believe it is far better to do what we can to provide the necessary incentive to get these processes started as soon as possible, than to wait until the incentive is furnished by the high prices which inevitably must follow protracted and serious energy shortages.

Mr. President, I am today introducing two bills which I believe will be very helpful in meeting the Nation's needs for clean energy in the future. Those bills, I believe, will help furnish the incentive for investment of the large sums of capital required to accomplish the task before us, and yet will result in very, very little revenue loss over the near-term future. For the long-term, I believe my bills would result in substantially increased revenue, because they would help furnish the clean energy we are going to need if our economy is to remain strong enough to pay for the high cost of government facing us now and for the future.

The first bill which I am introducing, Mr. President, would increase the percentage depletion allowance for domestic coal mines to 15 percent of the gross income from the property, still limited—as in the case of all other minerals—to 50 percent of the taxable income from the property.

Under existing law, coal's depletion rate is 10 percent, compared to 22 percent for the other energy sources—oil, gas, and uranium. Under present law, domestic gold, silver, copper, iron ore, and oil shale receive 15 percent, and my bill woud put coal in that category.

Coal represents by a large margin the greatest energy reserve available to our country. Known coal reserves represent approximately three-fourths of the Nation's total fossil fuels reserve, but supply only 21 percent of fossil fuel consumption. Like other energy sources, coal cannot be produced without large investments over a period of years, because coal mining has become quite capital intensive. There are many risks to investment in coal mining—including particularly the risk of loss of market—due to pollution abatement requirements—prior to recovery of capital. A coal mine, like other mineral mines, differs greatly from an ordinary manufacturing plant in respect to capital investment—invested capital cannot be salvaged, in the event of failure, as it can be in other industries. You can sell an unsuccessful factory, but you cannot sell an unsuccessful hole in the ground.

Investment in new mines faces other risks, rising out of the demand for a better world and a better environment. The industry is finding it expensive to meet new safety requirements, and to meet new requirements for land reclamation. Mr. President, I want to make it perfectly clear that I support the highest possible safety standards, and I support the highest practical requirements for land reclamation—and I will continue to support them. At the same time, we should understand that these desirable—these necessary—improvements will increase the cost of coal and thereby add risk to the investment of capital in new mines. That added risk needs to be overcome by added incentives. The final incentive must be, and will be, the prospect of a return after taxes commensurate with the risks involved. An increase in the rate of depletion for coal will help to accomplish this purpose. And it will do so at little cost to the Treasury, because of the operation of that provision of the law which limits depletion to 50 percent of the taxable income from the property.

Because of the 50-percent limitation, and the historically low rate of profit in the coal industry only a small number of existing coal mines would actually have their taxes reduced by an increase in the gross depletion rate of 15 percent. Hence there would be little revenue loss to the Treasury.

Some of my colleagues might well ask, "If it will not help them much, why bother to enact it." The answer lies in the effect of such a change on investment in the new coal mines which we are going to need so badly. A coal mine is designed to last, on the average, about 20 years, so each year the maintenance of existing demand would require new coal mines equal to about 5 percent of total capacity. When you add to that the greatly increased demands for coal in the years ahead, you can understand that a very large number of mines must be opened. Opening new underground coal mines takes from 2 to 3 years, and takes a great deal of capital. My bill will give some incentive to the investment of that capital by holding forth the possibility of a better after-tax return if the venture is successful.

The second bill which I am introducing would permit 5-year amortization, for tax purpose, of the cost of plants to convert oil shale or coal to low-pollutant synthetic fuels—oil, gas, or solid fuels.

Present tax law does not precisely define the depreciation of the cost of plants to convert oil shale and coal to low-pollutant synthetic fuels. Present law says only that the owner of a plant will be allowed to recover the cost, for tax purposes, over the estimated "useful life" of the plant.

While the tax guidelines do not contain a specific amortization period for such plants because no such plants are as yet in existence, it is likely that the "useful life" will be defined as considerably in excess of the 5 years provided in my bill.

Practically, my bill gives any company which will undertake the construction of a coal gasification facility the tax incentive of knowing that they will be able to rapidly amortize the cost of such a plant, and in this way hopefully we can induce the construction of this type of facility.

Mr. President this amortization bill would continue in effect for a period of 10 years. At the end of this period of time, it is my information that economic coal gasification plants as well as oil shale conversion plants will likely be constructed.

I do not know how reasonable it is to believe that such structures can be built in this period of time. Perhaps, construction may come at an earlier date. Be this as it may, this is a matter which hopefully can be considered during hearings on this bill.

We can take a look at the testimony presented at the hearings on the bill and adjust the period of time the bill would be in effect to reflect the timespan it will take to induce the industry to develop and construct coal gasification and oil shale plants.

Mr. President, there are processes now which can be used to produce synthetic fuels, in a form almost free of pollution, from coal. The same can be done with oil shale. Unfortunately, the cost of the product is, as I have already stated, high when compared with the current cost of competitive fuels. The product will become competitive when scarcity forces upward the cost of natural gas and oil or, hopefully, when scientific developments reduce the cost of conversion processes. But in the meantime, the plants to accomplish conversion will cost a great deal of money—I have heard estimates of more than $100 million as the total cost of a complete mining-conversion complex—and such large sums of money simply will not be invested if their recovery for tax purposes has to be spread over a period of 20 years or more.

The current administration is greatly concerned over the emission of sulfur oxides from plants burning coal and oil—so much so that a penalty tax on such emissions has been proposed. Mr. President, it is my feeling that a better approach would be to take steps to give the energy user an option between high-pollutant and low-pollutant fuels. I believe the bill I have introduced would help furnish the fuel user with an option, because it would provide incentive for the investment necessary to produce an alternative low-pollutant fuel.

By proper Government action we may permit the investments necessary to find substantial additional natural gas in this country, but at best we can forestall the shortage crisis for only a few decades. Liquefied natural gas from abroad cannot be a realistic alternative, because we must not become dependent on the Eastern Hemisphere for any large quantity of gas—we must not expose the Nation's energy throat to the sharp knives of nations which may be or may become unfriendly to us.

The rapid amortization technique which my bill would offer would not result in a revenue loss, because without this treatment it is highly unlikely that these conversion plants will be built. In the long run, by protecting our economy and our environment against a shortage of clean fuels, this treatment will improve the ability of our industries to pay the taxes we need to run our Government.

Mr. President, in the Revenue Act of 1969 we included the so-called minimum tax which had the effect of reducing by about 10 percent the benefits of the percentage depletion allowance for all minerals. In addition, we reduced the allowance for oil, gas, and uranium to 22 percent. With the benefit of hindsight, it is easy now to say that we made a mistake in reducing the incentives for investment in finding and producing new sources of energy. From a practical standpoint, it may be that a majority of my colleagues feel it is too soon to acknowledge and reverse that mistake—and I am not now asking them to do so. But I do believe the time has come for us to acknowledge that we should do what we can to furnish incentives necessary to meet the vital and fantastically increasing need for clean energy sources. My bills will assist in that objective, at little cost to the revenue, and I seek the cooperation of all my colleagues in pushing for their adoption.

Mr. President, I ask unanimous consent that my bills to raise the depletion allowance percentage for coal and also my bill to codify the rapid amortization of coal gasification facilities be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1309

A bill to amend the Internal Revenue Code to encourage an increase in production of coal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613(b)(2)(A) of the Internal Revenue Code is amended by inserting after the word "copper," the words "coal, lignite,".

SEC. 2. Section 613(b)(4) is amended by striking the words "coal, lignite,".

SEC. 3. The amendments made by sections 1 and 2 shall apply with respect to taxable years beginning after December 31, 1971.

S. 1310

A bill to amend the Internal Revenue Code to encourage the development and utilization of methods and devices to convert coal and oil shale to low pollutant synthetic fuels by allowing rapid amortization of expenditures incurred in constructing facilities for such purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Revenue Code (relating to itemized deductions for individuals and corporations) is amended by adding after section 187 thereof the following new section:

"SEC. 188. AMORTIZATION OF FACILITIES TO CONVERT COAL AND OIL SHALE TO SYNTHETIC FUELS.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any conversion facility (as defined in subsection (d)) placed in service after December 31, 1971, but before January 1, 1982, based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the conversion facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such conversion facility for such month provided by section 167. The 60-month period shall begin, as to any conversion facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60 month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such conversion facility.

"(d) DEFINITIONS.—For purposes of this section—The term 'conversion facility' means any property of a character subject to the allowance for depreciation provided in section 167 which is used in the process of converting coal or oil shale to low-pollutant synthetic fuels. For purposes of this section, the term 'conversion facility' includes any tangible property, including a building and its structural components, if the primary purpose of such building is to house machinery or equipment used in the conversion of coal or oil shale to low-pollutant synthetic fuels.

"(e) ALLOCATION OF BASIS.—In the case of property a portion of which qualifies as a conversion facility and for which an election has been made under subsection (a), the adjusted basis of such property shall, under regulations prescribed by the Secretary or his delegate, be properly allocated between the portion which is a conversion device or facility and the portion which is not such a device or facility.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 317

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE) and the Senator from Tennessee (Mr. BROCK) be added as cosponsors of S. 317, to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

S. 366

At the request of Mr. STEVENS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 366, providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code.

S. 509

At the request of Mr. MONDALE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 509, the International Opium Control Act.

S. 571

At the request of Mr. PACKWOOD, on behalf of Mr. PEARSON, the Senator from Idaho (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from North Dakota (Mr. YOUNG), and the Senators from Wyoming (Mr. MCGEE and Mr. HANSEN) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 592

At the request of Mr. INOUYE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 592, a bill to repeal the Emergency Detention Act of 1950.

S. 731

At the request of Mr. JAVITS, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 731, to make rules respecting military hostilities in the absence of a declaration of war.

S. 928

At the request of Mr. PACKWOOD, on behalf of Mr. PEARSON, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 928, a bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities.

S. 1017

At the request of Mr. MONDALE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1017, the Clean Lakes Act of 1971.

S. 1082

At the request of Mr. CASE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1082, a bill to control ocean dumping of wastes.

S. 1113

At the request of Mr. BAKER, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1113, a bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

S. 1167

At the request of Mr. MOSS, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 1167, a bill to amend title 39, United States Code, to prohibit the mailing of unsolicited samples of cigarettes.

S. 1182, S. 1183

At the request of Mr. JAVITS, the Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 1182, the Health Maintenance Assistance Act of 1971, and S. 1183, the Health Manpower Assistance Act of 1971.

S. 1233, S. 1234

At the request of Mr. Inouye, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 1233, a bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; and the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1245

At the request of Mr. Moss, the Senator from Wisconsin (Mr. Nelson), the Senator from California (Mr. Tunney), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 1245, a bill relating to the preservation of historical and archeological data.

SENATE JOINT RESOLUTION 4

At the request of Mr. Javits, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE RESOLUTION 76—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following original resolution (S. Res. 76); which was referred to the Committee on Rules and Administration:

S. Res. 76

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from such date through February 29, 1972, to expend not to exceed $217,500 to examine, investigate, and make a complete study of any and all matters pertaining to the development of rural areas of the United States, such committee having been unable to offer an annual authorization resolution within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1946 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study. Of such $217,500, not to exceed $114,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. Stevens, the Senator from Nevada (Mr. Bible) was added as a cosponsor of Senate Resolution 38, giving legislative authority to the Senate Select Committee on Small Business.

GENERAL REVISION OF THE PATENT LAWS—AMENDMENTS

AMENDMENTS NOS. 23 AND 24

Mr. SCOTT. Mr. President, during the last Congress, I introduced two amendments to the then-pending patent revision bill. I arise today to reintroduce these amendments, the so-called Scott amendments.

I noted during the last Congress that I was introducing these amendments so that they might appropriately be the subject of wide discussion and debate by all interested parties. I was not wed then, nor am I wed now, to the specific language set out in my amendments. I am, however, in full accord with the general thrust and purpose of these amendments. I, therefore, reintroduce these two amendments today with the hope that a chance for full congressional consideration and action will be enhanced by the early date of their introduction. As was my purpose during the last session of Congress, I am reintroducing these amendments to focus necessary attention and pave the way for action on a most important matter.

I ask unanimous consent that the introductory remarks I placed in the Congressional Record during the 91st Congress be reprinted at this point in the Congressional Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

General Revision of the Patent Laws—Amendments

AMENDMENTS NOS. 578 AND 579

Mr. Scott. Mr. President, the United States has made great strides in the fields of technology and science in recent years. Much of the credit for these advances must be given to the American patent system which has stimulated and encouraged innovation and invention. To insure that the patent system continues to play this vital role, it is necessary to periodically revise and update the patent laws. To this end, the distinguished Senator from Arkansas (Mr. McClellan), chairman of the Subcommittee on Patents, Trademarks, and Copyrights, introduced S. 2756, for the general revision of the patent laws.

It is my privilege to serve on this subcommittee and to work with the chairman and other members of the subcommittee to bring about needed revision in our patent laws.

I rise today to submit two amendments to S. 2756. Although I will submit substantial explanatory and supporting data at the conclusion of my remarks, I am taking this opportunity to briefly explain the purpose of my amendments. The amendment (No. 578) proposed to sections 261 and 271 deals with patent license provisions and is intended primarily to implement recommendation XXII of the report of the President's Commission on the Patent System. The American Bar Association, the American Patent Law Association, the Philadelphia Patent Law Association, and the Pittsburgh Patent Law Association approve in principle legislation intended to implement recommendation XXII. Moreover, the American Patent Law Association supports the specific language I am introducing today.

The amendment (No. 579) proposed to section 301 is intended to make it clear that the patent laws shall not be construed to preempt the right of the courts under State or Federal law to decide issues with respect to enforcement of contracts involving rights to intellectual property such as trade secrets, technical know-how, and unfair competition. The principles embodied in my amendment are suported by the American Bar Association, the American Patent Law Association, the Board of Governors of the Philadelphia Patent Law Association, and the Pittsburgh Patent Law Association. The specific language of my amendment is supported by the American Patent Law Association.

I believe these amendments address themselves to extremely important questions in the patent law field. There is merit to their underlying principles. It is for this reason that I propose them to S. 2756. However, I harbor no pride of authorship in the specific language and stand ready to examine alternative approaches to meet the needs to which my amendments are addressed. It is my hope, however, that these amendments will serve to further stimulate thought and discussion on the action needed in these important areas.

In order to further illuminate the need for these amendments, I ask unanimous consent that the following materials be printed at the conclusion of my remarks: Detailed explanations of the amendments to sections 261 and 271, a detailed explanation of the amendment to section 301; that section of the Report of the President's Commission on the Patent System dealing with recommendation XXII; a letter from the Honorable Merl Sceales, chairman of the Section of Patent, Trademark and Copyright Law of the American Bar Association, discussing recommendation XXII; a letter from the Honorable Philip G Cooper, president of the Philadelphia Patent Law Association, discussing recommendation XXII; a lengthy memorandum prepared by the American Patent Law Association on "the need for legislative clarification of the law relating to patent license provisions"—summary and full memorandum.

The Presiding Officer. The amendment will be received and printed and will be appropriately referred; and, without objection, the material will be printed in the Record, as requested.

The amendments (Nos. 578 and 579) were referred to the Committee on the Judiciary.

The material ordered to be printed in the Record, reads as follows:

Re Sections 261 and 271 (Recommendation XXII)

The amendments proposed to Sections 261 and 271 of S. 2756 are intended primarily to implement Recommendation XXII of the Report of the President's Commission on the Patent System. The net effect of those amendments, with regard to patents or applications for patent, would be to:

A. Re-arrange Section 261(b) to make clear, in the first paragraph, a patent (or a patent application) owner's right to assign or license his patent (or application) exclusively, and in the second paragraph to limit the license to: (1) specified fields of use covered by the patent (or application), (2) specfied geographical territories, (3) exclusive or nonexclusive practice of the invention, and/or (4) any desired number of licenses as he may please.

B. Add new subparagraph 261(e) so as to specify that an assignor cannot challenge the validity of the patent he has assigned unless he first returns the price paid and bases his attack on grounds not available at the time of the assignment.

C. Add a new subparagraph 261(f) to stipulate that no party to a license can contest validity of a licensed patent unless he (1) first surrenders all future benefits and (2) then or thereafter settles all past obligations due under the license.

D. Add new Section 271(f) and 271(g) to provide a statutory basis for the following licensing practices, as follows:

(f) (1) the granting or prohibiting of certain fields of use of the (patented) invention, and permitting or prohibiting one or more of the primary functions of the patent, namely the right to exclude others from making, using or selling the (patented) invention.

(2) the granting of a license which contains a provision excluding or restricting any conduct reasonable under the circumstances.

(g) (1) the granting of non-exclusive cross licenses and the granting of a license containing a provision requiring the grant back of a non-exclusive license under improvements on the licensed invention.

(2) the granting of a license which requires a royalty fee or price:

(i) of any amount, however paid, on any desired royalty base;

(ii) computed on any basis convenient to the parties;

(iii) covers a single patent or a single package consisting of a multiple number of patents; or

(iv) which differs from that agreed to with other parties.

Section 271(f)(1) would make it just as legal to license less than all of the right to exclude others from making, using and selling the subject matter patented (35 USC 154) as it is to license the entirety of the right. It would assure continued freedom of the patent owner to license for a term less than the remaining term of the patent, license to make and use without licensing sale, license to make use and sell in specified sizes or for specified purposes or fields, etc.

The Supreme Court sustained a limited field license in *General Talking Pictures* v. *Western Electric Co., Inc.,* 305 U.S. 124 (1938). Other decisions on the subject are collected in Oppenheim, Federal Antitrust Laws (1968), pp. 706–8. In *Atlas Imperial Diesel Engine Co.* v. *Lanova Corporation,* 79 Fed. Supp. 1002 (D. Del., 1948), the court sustained a license to a patent to engines which was limited to a specified maximum size.

Limited licenses have, at least until recently, been considered legal in the same respect as unlimited licenses. They are useful in many situations. For example, the Government takes at least a license to make, have made, and use for Government purposes in connection with inventions made during the course of Government financed research. Many antitrust decrees provide for compulsory licenses under all the patents of the defendant for certain limited purposes such as "to make use and vend lamps, lamp parts or lamp machinery". *U.S.* v. *General Electric Co.,* 115 F. Supp. 835, 848 (D. N.J., 1953).

Under the proposed statute there would be no inquiry as to the "reasonableness" of the particular portion of the total patent right to exclude that is offered for license or is licensed—any more than there is inquiry as to the "reasonableness" of the price a patent owner proposes to charge or charges for a license or whether a refusal to license at all is "reasonable."

The proposed language would not make legal those contracts or combinations that go beyond the grant of a limited license and restrain trade. Conduct such as occurred in *Hartford-Empire Co.* v. *U.S.,* 323 U.S. 386 (1945), where limited licenses were part of an overall combination to restrain trade, would continue to be illegal.

Section 271(f)(2) would continue the right of the patentee to include in licenses such reasonable terms as are necessary to secure the full benefit of the invention and patent grant. For example, 35 USC 287 provides for a limitation on recoverable damages for patent infringement unless certain notice is on the patented articles. Under the proposed language a license requirement to this end would be legal. Similarly, a common form of license royalty is a percentage of the sales price. To secure the full benefit of the invention and patent grant with such entitled to receive necessary data as to what is sold by the licensee so as to determine that the royalties are correctly paid. The proposed language would assure that such provisions are free from challenge under the antitrust or any other laws.

The proposed language would not legalize agreement provisions that are not reasonable to secure the patent owner the full benefit of the invention and patent grant. For example, it would still be improper for a license to require that the licensee abstain from making or selling products that compete with the patented product. See *National Lockwasher Co.* v. *George K. Garrett Co.,* 137 F(2d) 255 (3d Cir., 1943). Also limitations on the patentee, such as occurred in *United States* v. *Besser,* 96 Fed. Supp. 304 (E.D. Mich., 1951) (Aff'd. 343 U.S. 444 (1952)) and *United States* v. *Krasnov,* 143 Fed. Supp. 184 (E. D. Pa., 1956) (aff'd. 355 U.S. 5 (1957)), do not secure to the patent owner the full benefit of his invention and patent right in a reasonable manner and would continue to be invalid.

Section 271(g) deals with a number of common arrangements that up to now have been considered generally legal but have been recently questioned to at least some degree.

Paragraph (g)(1) enables the patentee to cross license and also to insist on a nonexclusive license back. If the patentee is to grant a license it is only equitable that the licensee be prepared to reciprocate. This consideration had led the courts to approve nonexclusive grantbacks even in antitrust decrees rendered after proven violations of the Sherman Act. See, e.g. *United States* v. *National Lead,* 332 U.S. 319, 359 (1947).

Paragraph (g)(2)(i) continues the present law that the amount of royalties is purely a matter of private bargaining. In *American Photocopy v. Rovico, Inc.,* 359 F(2d) 745 (7th Cir., 19), the court held, in overruling a preliminary injunction, that excessive royalties were a patent misuse and antitrust violation. After trial on the merits it was concluded that there was no misuse. 257 Fed Supp. 192 (N.D. Ill., 1966) and 384 F(2d) 812 (7th Cir., 1967.) While the effects of this decision are now largely dissipated, it is believed appropriate to have a statutory provision that will avoid future such holdings.

Paragraph (g)(2)(ii) continues the present law that consideration need not be measured by the extent of use of the patented invention. Minimum royalties, for example, are a proper and very useful way to handle license fees. Although such royalties were specifically held valid in *Automatic Radio Mfg. Co.* v. *Hazeltine Research,* 339 U.S. 827 (1950), questions have been raised and the matter is believed best clarified by statute.

Paragraph (g)(2)(iii) makes it clear that the principle of paragraph (g)(2)(ii) applies to the analogous case where an arrangement involves a plurality of patents or patent claims and the royalty charge is not segregated as to any particular patent or patent claim.

Paragraph (g)(2)(iv) deals with differing royalty fees or purchase price figures. In *LaPeyre v. FTC,* 366 F(2d) 117 (5th Cir., 1966), and a number of other cases involving the same facts, dissimilar royalty rates were found to offend Section 5 of the Federal Trade Commission Act or the Sherman Act. These cases rest on an exceptional fact situation not likely to be repeated. Paragraph (g)(2)(iv) would make certain that the *LaPeyre* and companion cases are limited to their particular facts. A patent owner is not and should not be in the position of a public utility. The Congress has consistently and properly refused to enact compulsory licensing statutes. An endless number of considerations affect the royalty rate or purchase price to be arrived at as a matter of private bargaining, including the particular field of use by the licensee, the licensee's sales volume, the extent the licensee grants a license back, and many others. Paragraph (g)(2)(iv) assures that this bargaining can continue.

RE SECTION 301

There is at present in S. 2756 a Section 301 which sets forth the traditional provisions that the Federal patent laws do not preempt contractual or other rights or obligations not in the nature of patent rights, imposed by State or Federal law on particular parties in connection with inventions or discoveries, whether or not subject to the Federal patent statutes. In view of recent judicial decisions which cast a shadow of doubt on the propriety of entering into contracts for the protection of trade secrets, technical know-how, and the like, and which suggest that such private contracts are preempted by the patent laws, it is recommended that this point be legislatively clarified by rewording Section 301 along the following lines:

This title shall not be construed to preempt, or otherwise affect in any manner, rights or obligations not expressly arising by operation of this title whether arising by operation of state or federal laws of contracts, of confidential or proprietary information, or trade secrets, or unfair competition or of other nature.

In the absence of such a provision in the statutes it may be presumed that any body of technical knowledge, which by its very nature normally would constitute patentable subject matter, would be subject to application of the federal patent laws. But this would be unfair and unreasonable if the subject matter consisted of information that is available in the prior art or which, no matter how valuable it may be commercially, lacks the element of unobviousness required for it to be eligible for patent protection (e.g. a literature study to determine from the prior art the best process route to a certain item of manufacture, and a plant design based thereon; a computer program based upon preexisting know-how; exact product simulation of form, color, size, etc.). In the absence of protection for such subject matter in the patent laws there is, nonetheless, a critical need for protection that should be available through the private law of contracts or the law of torts. Section 301 will fulfill that need and assure that the patent laws are not improperly applied so as to exclude such protection in situations where contract or tort law is indicated.

The need for Section 301 is important to the independent or relatively small researcher or developer of technical know-how and to large companies as well. At any level of operations the property rights which may be affected by that provision are of tremendous importance in the development and use of American technology. For example, a common occurrence are agreements entered into between domestic and foreign entities which involve, among other things, the transfer of technological information—important details of a process or product for which the recipient is willing to pay substantial sums of money. In 1968 the United States' technological balance of payments for agreements to exchange such technical information credited our country with 1½ billion dollars. In the absence of a law such as Section 301 provides, such technical agreements might be outlawed as being preempted by the patent statutes. But the patent laws would afford insufficient protection for the subjects of those agreements as they may consist almost exclusively of non-patentable technical know-how. Thus, the net effect would be to put an end to the exchange of information and payments therefor now represented by those agreements, for in the absence of adequate protection few persons or companies would want to chance disclosing their know-how and few would want to pay for acquiring know-how that anyone may duplicate with impunity.

REPORT OF THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

XXII

The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision or imposed a condition on a licensee, which has (a) a direct relation to the disclosure and claims of the patent, and (b) the performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the "rule of reason" shall constitute the guideline for determining patent misuse.

There is no doubt, in the opinion of the Commission, of importance to the U.S. economy of both the U.S. patent system and the antitrust laws. Each is essential and each serves its own purpose within the framework of our economic structure. However, conflicts between the two have arisen. But this does not mean that the two systems are mutually exclusive, that a strong patent system is a threat to the antitrust laws, or that the latter cannot be effectively enforced so long as a patent system grants limited monopolies.

On the contrary, the two systems are fully compatible, one checking and preventing undesirable monopolistic power and the other encouraging and promoting certain limited beneficial monopolies. In this way, each may easily achieve its objectives in a strong economy.

The Commission, therefore, does not favor any proposal which would weaken the enforcement of the antitrust laws or which would curtail in any way the power of the courts to deny relief to a patent owner misusing the patent he seeks to enforce. However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.

No useful purpose would be served by codifying the many decisions dealing with patent misuse into a set of rules or definitions permitting or denying enforceability of patents in given circumstances. The risk of unenforceability is too great and such a codification is wholly unnecessary. All that the Commission believes to be required is explicit statutory language defining, for the purpose of assignments and licenses, the nature of the patent grant heretofore recognized under the patent statute or by decisional law. This is, the right to exclude others from making, using and selling the patented invention.

The mere exercise, conveyance or license of these conferred rights should not in itself constitute misuse of a patent. A patent owner should not be denied relief against infringers because he either refused to grant a license or because he has exercised, transferred or licensed any of the conferred patent rights himself. This should not include immunity of even these conferred patent rights from the antitrust laws when the patent owner becomes involved in a conspiracy to restrain or monopolize commerce, or when the patent is itself used as an instrument for unreasonably restraining trade.

There are also a number of conditions and provisions long associated with the transfer or license of rights under patents which must be distinguished from the exclusive right to make, use and sell conferred by the patent grant. Among these are improvement grant-backs, cross licenses, package licenses, patent pools, no contest clauses, and many others which are simply matters of private contract, ancillary to the conveyance or license of a patent right. As such, these conditions and provisions must be judged, along with other purely commercial practices, under the antitrust laws and the patent misuse doctrine. The Commission does not recommend immunization of any of these other provisions or conditions from either the antitrust laws or the application of the misuse rule.

This recommendation also makes it clear that a patent may not be used to control commerce in subject matter beyond the scope of the patent. For example, it could not be considered "reasonably necessary" to secure full benefit to the owner of a machine patent that he attempt to control any of the commerce in an unpatented raw material to be used in the machine. Neither could it be held that such an attempt had a direct relation to the machine claims in his patent. By the same standards, the patent owner could not control commerce in one of the unpatented elements of his combination invention where his claims are to the whole combination.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., November 5, 1970.

Re: S. 2756 For the general revision of the patent laws.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Patents, Trademarks, and Copyrights, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: As Chairman of the Patent, Trademark & Copyright Section of the American Bar Association, I am enclosing a brief prepared by members of our Section which illustrates why it is of the utmost importance to include Recommendation XXII of the President's Commission on the Patent System as a Section of the above bill or in any revision thereof. The brief sets forth legislative language which paraphrases Recommendation XXII, and this language has been approved by our Section and the House of Delegates of the American Bar Association.

The executive branch of the government, as represented by the Department of Justice and the Judicial branch in decisions by the Courts involving both private litigation and litigation in which the Department of Justice has been involved, have created great uncertainty in the law with respect to patent licensing. We submit that the legislative branch should now take the lead, fortified as it is, by Recommendation XXII of the Presidential Commission to provide a statutory expression of a standard to aid business men, private inventors and the general public in the patent licensing area.

We have, of course, noted the position of the Department of Justice, as indicated in a letter to you from assistant Attorney General McLaren, which appeared in the Congressional Record. It should not be left to the Justice Department to establish the law of patent licensing case by case, as proposed by Mr. McLaren. This would be an abdication in this area of the rights and duties of the legislative branch.

The difficulty with the reasoning of the Justice Department is that it always has its sights set on the big company. It completely overlooks "the little man from Little Rock." There are many individuals and small companies who have patents, and often the best and only way for them to benefit from the patent system is to license their patents. Very few companies, for example, would take a non-exclusive license from an individual, since in practically all cases, the licensee company must spend several hundred thousand dollars to redesign and test the product to meet the commercial demands of the market. This a company is not willing to do if competitors are also licensed, particularly upon the same terms and in the same field of use.

A statutory provision defining the metes and bounds of patent licensing, such as is proposed in the attached brief, would protect these little men by providing guidelines under which they can operate. The big company can survive under the approach proposed by the Justice Department. The little man cannot, and he needs a statutory mandate under which he can be advised that he is proceeding legally.

We could have included numerous other examples of cases in the attached brief where the decisions of the Courts have left the law of patent licensing in a confused state. However, we appreciate that your time and that of your committee is limited and believe our short brief clearly illustrates the problem and points up the necessity for legislation in the patent licensing field.

I trust the enclosed will be of help to you.

MERL SCEALES,
Chairman.

A NEED EXISTS FOR ADDITIONAL STATUTORY PROVISIONS IN PROPOSED PATENT REFORM LEGISLATION

I. INTRODUCTION

There is much uncertainty in the law of patent licensing and legislative clarification is needed. The confusion in this area of the law was noted by the President's Commission on the Patent System which reported:

> . . . uncertainty exists as to the precise nature of the patent right. . . .
>
> This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.[1]

As a suggestion for reducing the confusion and bringing some certainty to the law of patent licensing, the President's Commission offered Recommendation XXII which stated:

> The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision or imposed a condition on a licensee, which has (a) a direct relation to the disclosure and claims of the

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Footnotes at end of article.

patent, and (b) the performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the "rule of reason" shall constitute the guideline for determining patent misuse.[2]

Recommendation XXII was translated into proposed legislation as Section 263 of the Dirksen bill S. 2597 (90th Congress). Section 263 of the Dirksen bill, which Section has been approved by the American Bar Association,[3] states:

> 263. Transferable nature of patent rights
>
> (a) Applications for patent, patents, or any interests therein may be licensed in any specified territory, in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and
>
> (b) A patent owner shall not be deemed guilty of patent misuse because he agreed to contractual provisions or imposed conditions on a licensee or an assignee which have:
>
> (1) A direct relation to the disclosure and claims of the patent, and
>
> (2) The performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant.
>
> (c) In determining the reasonableness of such provisions or conditions under this section, the courts shall, in each case, consider all factors involved in the exploitation of the patented invention and the economic effect of such provisions or conditions.

The most recent patent reform legislation, McClellan S. 2756 (91st Congress) does not, however, include a provision like Section 263.

Either Section 263 of Dirksen S. 2597 (90th Congress) or a similar section is needed in patent reform legislation to encourage the licensing of patents by rendering more certain the law governing such transactions.

II. REPRESENTATIVE PROBLEM AREAS

Some of the principal areas where the law relating to patent licensing is uncertain are: "field-of-use" licensing, royalty collection following patent expiration, package licensing, nonexclusive licenses containing differing royalty rates, grant-back covenants, and setting of royalty rates.

A. "Field-of-use" licenses

There is present confusion in the law as to whether or not a patent owner may limit the licensed use of his invention to a designated apparatus, process or field of business activity. More particularly, while it has been believed since the 1938 decision of the Supreme Court in *General Talking Pictures Corp.* v. *Western Electric Co.*[4] that a patent owner can limit his license under the invention to a particular field (such limitation commonly being referred to as a "field-of-use" limitation) it now appears that the Department of Justice plans to challenge the legality of "field-of-use" licenses in certain instances where they are issued to a plurality of licensees.[5] Patent owners are thus placed on the horns of a dilemma in as much as they cannot with any certainty grant "field-of-use" licenses. To grant such licenses would be to invite an action from the Justice Department.

B. Collections of patent royalties following patent expiration

A further area of concern to patent owners involves the legality of charging a royalty the payment of which is to be spread over a term of years which exceeds the life of the licensed patent.

In 1964 the Supreme Court in *Brulotte* v. *Thys Co.*[6] held that a license of a single patent which required payment of royalties for a period beyond the expiration date of the patent was an unlawful extension of the patent monopoly and therefore a misuse of the patent.

In 1969 the Supreme Court in discussing the *Brulotte* case has stated:

> Recognizing that the patentee could lawfully charge a royalty for practicing a patented invention prior to its expiration date and that the payment of this royalty could be postponed beyond that time, we noted that the post-expiration royalties were not for prior use but for current use, and were nothing less than an effort by the patentee to extend the monopoly beyond that granted by law.[7]

This is confusing and statutory clarification is needed.

C. Packaging licensing

The problem of post-expiration royalties discussed in Section II B is also of concern in the licensing of several patents to a single licensee (such licenses being commonly referred to as "package" licenses). Patent owners are presented, in view of the Supreme Court decisions, with the problem of determining whether a package license is unenforceable if the royalty provision does not provide for a decrease in the royalty rate should any of the licensed patents expire during the life of the license agreement. The practice of charging a royalty rate which does not diminish during the life of the agreement, even though some of the licensed patents may expire, was early approved in *Automatic Radio Co.* v. *Hazeltine Research Co.*[8] Apparently this practice is still permitted in the tenth circuit, as evidenced by *Well Surveys, Inc.* v. *Perfo-Log, Inc.*[9] while it is in trouble in the third circuit. More particularly, the third circuit in *American Security Co.* v. *Shatterproof Glass Corp.*[10] 268 F.2d 769 (3d Cir. 1959) found patent misuse in a license clause which continued the full royalty rate "to the expiration of the last to expire of any"[11] of the patents licensed under the agreement. The confusion is further amplified by a statement in majority opinion of the *Brulotte* case, supra, which distinguished the *Hazeltine* case, supra, by pointing out that not all of the patents involved in the *Hazeltine* case were to expire during the period of royalties. Further, as was pointed out in a footnote to the majority opinion in the *Brulotte* decision, the review petition filed in the *Hazeltine* case: did not . . . raise the question of the effect of the expiration of any of the patents on the royalty agreements.[12]

Statutory clarification is needed.

D. Nonexclusive licenses containing differing royalty rates

Recent decisions have held that the owner of a patent could not charge different royalty rates to licensees under the same patent.[13] Because of these decisions there is doubt as to the legality not only of a patent owner charging different royalty rates in situations where licensees are involved in the same "field-of-use" but also in those situations where the licensees are involved in different "fields-of-use."

Clarification on the law with regard to the setting of differing royalty rates for licensees of the same patent is needed.

E. Grant-back covenants

While it has been believed that a "grant-back" provision in a patent license (such a provision being one which requires that the licensee assign or license back to the licensor any patent or improvement in the products or the processes of the licensed patent) is a legal and valid provision under the doctrine announced in *Transparent-Wrap Machine Corp.* v. *Stokes & Smith Co.*,[14] at least as long as such grant-back provisions were not linked with any other anticompetitive activity, [15] it now appears that the Justice Department contemplates challenging license agreements containing particular types of grant-back clauses.[16] In order to have any certainty as to whether or not such provisions may be lawfully included in license agreements, statutory clarification of the legality of such provisions is needed.

F. Royalties

The law is also unclear as to the extent to which the patent owner and his licensee are free to set a mutually agreeable royalty rate. Particularly, while the Supreme Court in the *Brulotte* case [17] noted that a patent empowers the owner to exact royalties as high as he can negotiate with the leverage of that patent, the recent case of *American Photocopy Equipment Co.* v. *Rovico* [18] held that a patent owner should be denied a preliminary injunction against infringement of his patent because in the court's opinion the patent had been misused as the royalty rate was exorbitant and oppressive. How can an attorney advise his client as to whether or not a royalty rate is exorbitant and oppressive?

Statutory clarification is needed.

III. STATUTORY TREATMENT OF THE ABOVE PROBLEMS

Only Section 263 of the Dirksen bill S. 2597 (90th Congress) and the 91st Congress' version thereof, S. 1569, has treated any of the problems discussed above, with which the public is concerned on a day-to-day basis.

To enact patent reform legislation without a provision such as Section 263 of the Dirksen bill so that the law can develop on a "case by case" basis will simply prolong the uncertainty for an undeterminable period.

Prolongation of the uncertainty will most certainly be a disservice to the Patent System, and ". . . produce confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses" [19] as was observed by the President's Commission to Study the Patent System.

Therefore, it is requested that Section 263 of the Dirksen bill S. 2597 (90th Congress) be incorporated into McClellan bill S. 2756 (91st Congress) and any subsequent patent reform legislation.

FOOTNOTES

[1] Report of the President's Commission on the Patent System, U.S. Government Printing Office (1966), p. 37.

[2] Id at p. 36.

[3] Congressional Record, vol. 113, pt. 22, p. 30378.

[4] 305 U.S. 124, 59 S.Ct. 116 (1938).

[5] Address by Richard W. McLaren, PTC Research Institute of George Washington University (June 5, 1969), 161 U.S.P.Q. No. 11, p. II; and address by Roland W. Donnem, Michigan State Bar Convention, Trade Regulation Report (October 7, 1969) pp. A–4 and A–5.

[6] 379 U.S. 29, 85 S.Ct. 176 (1964).

[7] *Zenith Radio Corporation* v. *Hazeltine Research, Inc.*, ——— U.S. ———, 89 S.Ct. 1562 at 1583 (1969).

[8] 339 U.S. 827, 70 S.Ct. 894 (1950).

[9] 396 F. 2d 15 (10th Cir. 1968), *cert. denied* 393 U.S. 951. See *McCullough Tool Co.* v. *Well Surveys, Inc.*, 343 F. 2d 381 (10th Cir. 1965), *cert. denied* 383 U.S. 933.

[10] 268 F. 2d 769 (3d Cir. 1959).

[11] Id at 777.

[12] 379 U.S. 29 at 32.

[13] *Laitram Corp* v. *King Crab, Inc.*, 244 F. Supp. 9 (D.C. Alaska 1965), motion for new trial denied, 245 F. Supp. 119 (1965); *U.S.* v. *United Shoe Machinery Corp.*, 110 F. Supp. 295 (D.C. Mass. 1953); *Peelers Company* v. *Wendt*, 260 F. Supp. 193 (D.C. Wash. 1966); and *Barber Asphalt Corp.*, v. *La Fera Grecco Contracting Co.*, 116 F. 2d 211, (3d Cir. 1940).

[14] 329 U.S. 637, 67 S.Ct. 610 (1947).

[15] *U.S.* v. *General Electric*, 80 F. Supp. 989 (D.C. N.Y. 1948), *U.S.* v. *General Electric*, 82 F. Supp. 753 (D.C. 1949); *U.S.* v. *Alcoa*, 91 F. Sup. 333 (S.D. N.Y. 1950); and *Kobe, Inc.*

v. *Dempsey Pump Co.*, 193 F. 2d 416 (10th Cir. 1952).

[16] Address cited note 4 supra.

[17] 379 U.S. 827, 70 S.Ct. 894 (1950).

[18] 359 F. 2d 745 (7th Cir. 1966), *cert denied* 385 U.S. 846.

[19] The Report of note 1 supra at p. 36.

THE PHILADLEPHIA PATENT
LAW ASSOCIATION,
Philadelphia, Pa., January 28, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In the belief that you are in full accord with the statement in the recent Presidential Executive Order 11,215 establishing the President's Commission on the Patent System that:

". . . the patent system . . . has contributed materially to the development of this country by furthering increased productivity, economic growth, and an enhanced standard of living and has strengthened the competitiveness of our products in world markets; . . ."

The Board of Governors of the Philadelphia Patient Law Association is writing to you concerning a matter deeply affecting this patent system.

The constitutional mandate granting to authors and inventors, for limited times, "the exclusive right to their respective writings and discoveries" was made with the knowledge that this right would enhance the public good by encouraging inventors to invent. Without the protection afforded by the patent system an invention could be copied and the market stolen by an unscrupulous manufacturer with ready facilities. With the patent system an inventor is encouraged to improve existing products to the public benefit. The limited right is not monopolistic at all. In the words of the late Mr. Justice Roberts:

". . . a patent is not, accurately speaking, a monopoly. . . . An inventor deprives the public of nothing which it enjoyed before his discovery, but gives something of value to the community by adding to the sum of human knowledge . . ."

An inventor can use the patent right in several ways. He may use it to protect himself in the manufacture and sale of the invention or he can license another to do this for him in return for a suitable royalty. Thus the right to grant licenses frequently becomes the real thing of value which the inventor receives. To the extent that his right is unnecessarily limited, the incentive to compete is likewise reduced.

The basic right of a patentee to license his invention has been guaranteed from the earliest times. Nevertheless, the Courts have, over the years, successively limited the scope of his right to grant licenses, some of these decisions finding their basis in the Antitrust laws. But each decision, the good and the bad, has been purchased at the considerable expense of Court litigation. The law has been written by the Courts rather than by the legislature. As you stated in your speech introducing your Patent Bill S. 2756, the Department of Justice is urging a continuation of this technique in the belief that "any necessary development or clarification of the law in this area could be obtained as a part of the Department's antitrust enforcement program."

Further, according to an article which appeared in the Wall Street Journal for Wednesday, January 7, 1970, the Justice Department has formed a new staff unit in its Antitrust Division to concentrate on cases "involving restrictive practices in the licensing of patents and technology." The article continues to point out that "In recent months, the department has filed antitrust suits challenging agreements not to contest the validity of patents; agreements dividing sales or use of territories for patented products, and restrictions on the sale of certain drugs in generic, or bulk, form."

The continuing attempt to write patent law in the Courts can not only result in burdening industry with the cost of defending itself but also the resulting uncertainty will discourage others from participating in what has been for many years their inherent right. Today no one in industry knows what customary licensing procedure will next be subject to attack or what penalties will be invoked against him for doing what has been, for years, common practice. The United States Supreme Court itself has participated in this situation. In a dissenting opinion, the late Mr. Justice Frankfurter protested that the Court was repudiating a legal principle that "was woven into the fabric of our law and has been part of it for now more than seventy years." (Mercold v. Mid-Continent.) There is thus an urgent need for Congress to express in clear and unmistakable terms the fair bounds and limits within which industry may be free to operate.

This conflict between the patent system and the antitrust laws was recognized by the President's Commission on the Patent System. Their report recognized that "the two systems are fully compatible", but that ". . . uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule." Recommendation 22 of the Report then stated that the licensable nature of patent rights should be clarified in the patent Statute.

In view of the urgent need presented by this situation, a special Committee on Antitrust and Misuse was formed within the Philadelphia Patent Law Association, instructed to study the entire situation and to submit appropriate recommendations to the Board of Governors. Many meetings have been held by this Committee. It has studied the action taken and statements submitted by other Patent Law Associations. It subsequently submitted strong recommendations to the Board of Governors urging the Board to take appropriate action to approve its recommendations and to submit corresponding views to those most concerned with the hope that Congress will, in the revised patent Statute now under consideration, clarify the rights of licensors and licensees in a manner which will, for once and for all, establish their proper metes and bounds and minimize the harassment that will necessarily result from legislation by Court decisions. Accordingly, the Board of Governors, at a meeting held on January 15, 1970 unanimously adopted the following Resolution:

Resolved, that the Board of Governors of the Philadelphia Patent Law Association adopts the findings of its Committee on Antitrust and Misuse which approves in principle the recommendations submitted to the Senate Committee by the American Patent Law Association (APLA) in regard to Recommendation No. 22 of the President's Commission.

A copy of the proposed statutory language which has been submitted by the APLA is enclosed for your convenience. We and our Committee on Antitrust and Misuse enthusiastically endorse the recommendation of the APLA that a provision of this type be included in the revised Patent Act for the reasons outlined in this letter. Because of the importance of this matter, our Committee is continuing to study the specific wording of the APLA proposal. Should we have recommendations to make or any changes in the specific wording to propose we will submit these to you promptly.

Very truly yours,

PHILIP G. COOPER,
President.

Enclosure.

PROPOSED STATUTORY LANGUAGE

With respect to Recommendation No. 22 of the President's Commission, we previously have placed the Association on record with the Senate Committee as favoring the following proposal:

1. Change the heading of Section 261 of S. 2756 to read—Transferable and Licensable Nature of Patent Rights.

2. Amend the first and second sentences of Section 261(b) in S. 2756 to read as follows:

Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing, and in like manner exclusive rights under applications for patent and patents may be conveyed for the whole or any specified part of the United States.

An applicant, patentee, or his legal representative may also at his election, license or otherwise waive any of his rights under Section 154 or Section 281 of this title in whole or in any part thereof, by exclusive or nonexclusive arrangement with a party of his selection.

3. Add subparagraphs (f) and (g) to section 271 of S. 2756 as follows:

(f) No patent owner shall be guilty of misuse or illegal extension of the patent rights because he has entered into, or will only enter into,

1. An arrangement granting some rights under the patent but excluding specified conduct, if the conduct excluded would be actionable under Section 271 and Section 281 of this title: or,

2. An arrangement granting rights under the patent that excludes or restricts conduct in a manner that is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant.

(g) No patent owner shall be guilty of misuse or illegal extension of patent rights because he has entered into or will only enter into an arrangement of assignment, license or waiver of some or all of his rights under Section 154 or 281, for a consideration which includes:

(1) A non-exclusive exchange of patent rights;

(2) A royalty, fee or purchase price;

(i) In any amount, however paid or measured, provided that any amount paid after the expiration of a patent is based solely upon activities prior to such expiration:

(ii) Not measured by the subject matter of the patent or by extent of use by the other party of the rights assigned, licensed or waived;

(iii) Not computed in a manner that segregates the charge for any particular patent, or for any particular claim or claims of one or more patents:

(iv) Differing from that provided in some other arrangement.

MEMORANDUM ON THE NEED FOR LEGISLATIVE CLARIFICATION OF THE LAW RELATING TO PATENT LICENSE PROVISIONS

SUMMARY

Encouraging innovation is the principal objective of the patent system. Patents do this, first, by encouraging invention, or the investment in inventive efforts thus, patents provide a lead time for the patent owner against competitors who would copy the invention and enjoy a free ride on the research and development investment. Second, patents facilitate the marketing of inventions. Often the useful dimensions of an invention exceed the interests or capabilities of the patent owner to develop, produce or market it. The patent owner must then be able to use his patent to secure what he lacks in the means to market.

The patent is a form of monopoly, albeit a temporary and specially-created one and therefore is an automatic anathema to some antitrust theorists. Nevertheless, the patent "monopoly" brings a form of innovative competition that no antitrust law can provide. This is, in effect, competition in value, as distinguished from price (although the patented product must still compete in price with its available alternatives).

The patent owner is entitled to keep all others from practicing his invention. Or he can sell the patent or license others to use it. A licensing arrangement must hold prospects of profit for both parties and, accordingly, must be adapted to an existing business situation. However, the patent owner is entitled to attach only those terms to his license that are reasonably related to the scope of his patent grant. Otherwise, his patent can be held unenforceable as a patent misuse; or the patent owner can be held in violation of the antitrust laws subjecting him to severe penalties—including a prison sentence, heavy fines, and treble damages to those his acts have injured. *The need is therefore apparent for reasonable certainty in the laws relating to patent licensing if patents are to be used effectively in bringing new products and processes into maximum use and fostering innovative competition.*

In several important respects, the applicable law is so unsettled as to hamper legitimate licensing activities. This arises from diversities in holding of our courts. Equally disturbing for the future is the unrealistic attitude of the Department of Justice. due in part to a lack of appreciation of the practical problems of licensing and operating under licenses. Representatives of this Antitrust Division with increasing frequency are threatening actions against patent owners who engage in licensing practices well within the scope of their patent grant and for a proper purpose but which the Division considers opposed in theory to a concept of antitrust.

Patents, by statute, have the "attributes of personal property." The owner of personal property other than patents enjoy, among the attributes of ownership, the right to dispose of all or part of his property whenever, wherever and to whomever he chooses. And in disposing of it he is not called on to prove that what he is doing is legal or even reasonable. The patent owner, in disposing of his patent property, should enjoy the same presumption of legality and reasonableness concerning his transactions.

There is need for legislative clarification in several specific areas of patent licensing. These include:

1. *Field-of-use licensing*

A patent owner is entitled to all uses of his invention. Some uses, such as those beyond his ability or interest to develop and market, he may choose to license to others. Such a license is not restrictive but merely conveys less than the total right belonging to the patent owner. However, the Department of Justice insists that such a license is restrictive, and there is increasing danger that our courts, which heretofore have upheld such practices, will fall victim to this pressure. The President's Commission on the Patent System, appointed by President Johnson, concluded that the field-of-use license, like the license for a particular territory (which is specifically sanctioned by present statute), should receive statutory approval.

2. *The right to license (or not to license)*

Strange as it seems, the right of a patent owner to license parties of his choice has been challenged. A White House Task Force on Antitrust Policy has urged that if a patent owner licenses his patent at all he must license all comers who are financially responsible and of good reputation. At least one court decision has spoken similarly. While the use of patents beyond their proper scope is clearly wrong, and the interdiction of antitrust or the defense of patent misuse becomes appropriate, the insistence that the patent owner must license all qualified parties if he licenses anyone is clearly an unwarranted extension of antitrust philosophy. The lack of appreciation for the facts of business life is endangering the important prerogative of the patent owner to select his licensees.

3. *The freely negotiated royalty*

A federal court has held that a royalty, acceptable to some sixteen other licensees, was excessive and *per se* violation of the antitrust laws. While the Supreme Court has repeatedly held that a patent owner is entitled to whatever royalties the parties negotiate, there is now judicial support for questioning the royalty terms of any license. This intervention by a court to determine *ex post facto* that a royalty does not suit the court's idea of reasonableness and amounts to price fixing is more than unwarranted. Moreover, in most instances an arrangement that later proves an undue burden on the licensee will be adjusted for the good business reason that it impairs the sale of the product and the generation of royalties for the patent owner.

4. *Royalty differential between nonexclusive licensees*

A series of court decisions in related cases have held different charges to different licensees to be a *per se* antitrust violation. These decisions may or may not portend a judicial trend against the freedom of the patent owner to charge different royalties to different licensees. This judicial uncertainty is compounded by the report of the aforementioned White House Task Force on Antitrust Policy, on which the Department of Justice has commented with apparent favor. The Task Force would have each license under a patent to be on terms "neither more restrictive nor less favorable" than every other license—even though the licenses be for different products or purposes, and even though the benefits of the license may vary widely among several licenses.

5. *The royalty base*

The complexities in the practice of some product and process patents sometimes make it difficult or impossible to measure the use of the patent for determining royalties. On such occasions the parties agree on some conveniently determinable parameter as a measure of use. It would seem inappropriate for the courts to interfere with such arrangements, and in fact decisions have been generally reasonable. Nevertheless, there is uncertainty which a clear legislative provision would alleviate.

6. *Royalty for the package license*

Where a prospective licensee wants to do something that in its totality is covered by a group of patents, some of which may not be used all the time or which may be alternatives to others, the entire group of patents may be licensed. If the patent owner does not coerce his licensee into accepting and paying for unwanted patents, antitrust problems are usually avoided. But in establishing a royalty he may encounter problems. Usually, no breakdown of royalty is made for individual patents because the extent of their use cannot be predicted when the license is negotiated. But when the patents begin expiring the right of the patent owner to continue to receive the full royalty is sometimes questioned. The reduction in value of the remaining patents as each patent expires would in most instances be impossible to determine fairly. If the original agreement contemplating the continuance of royalties until the last significant patent has expired was reached in arms-length bargaining without coercion, it should remain in force as the parties intended.

7. *Royalty payment after expiration of patent*

A single Supreme Court decision has raised doubts in the minds of some as to the validity of a license calling for payment of royalties after expiration of the patent but for activities carried out while the patent was alive. Installment payment of royalty is usually a concession to the licensee and should not be a source of loss or litigation to the patent owner.

The President's Commission on the Patent System observed the patent owner's plight in the matter of permissible patent license provisions:

> However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.

This, indeed, is true.

The Department of Justice is becoming increasingly active in critical surveillance of patent licensing. While the Department favors a case-by-case development of the law (with the Department initiating or participating in litigation to its own end), such development would inevitably be expensive—both for the patent owner and the public. Moreover, the resulting law could well be misdirected, because it would have its origins in aggravated and unrepresentative fact situations.

The interests of patent owners and the public call for legislative clarification of some of the major problems now in such an uncertain state. Especially, these interests need safeguards against case law making *per se* antitrust violations of some of the practices so important to innovation through patents.

MEMORANDUM ON THE NEED FOR LEGISLATIVE CLARIFICATION OF THE LAW RELATING TO PATENT LICENSE PROVISIONS

INTRODUCTION

When the patent system is viewed in terms of its constitutional objective of encouraging useful innovation, patent and antitrust concepts may touch but they shouldn't tangle. However, there is mounting evidence of inconsistency and confusion in the courts and a disturbing trend in the Department of Justice concerning the terms that may be incorporated in patent licenses without invoking the sanctions of antitrust.

The importance of the development lies in the fact that the licensing of patents, and the freedom to adapt the license to the business situation facing the patent owner and his prospective licensee, are often indispensable to the full utilization of the patent for the benefit of both the public and the patent owner.

It is the purpose of this Memorandum on behalf of the American Patent Law Association to outline some of the problems of patent license provisions and to suggest areas in need of legislative clarification.

THE ROLE OF PATENTS IN INNOVATION

There are two distinct but important roles of patents in the innovative process one widely recognized and the other too often ignored. Both are embraced within the constitutional requirement that the patent system "promote the progress of useful arts."[1]

The first is the incentive to invent, or—more commonly—to support inventive efforts. Of course, a few gifted individuals invent as a reflexive response to a problem or challenge. They may have little regard for the economics or marketability of their inventions but simply invent for the satisfaction of exercising their creative talents. For

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Footnotes at end of article.

them the patent system may provide little personal incentive to invent (although patents may afford the only means for bringing their inventions into use for the benefit of the public, as will be developed below).

But the ofttimes risky investment in research, development, design, manufacturing and marketing activities in the context of the innovating unit, be it an individual or corporate group, could hardly be justified if the results could always be freely copied by those having no such investments to recover. The innovator of a marketable product needs a *lead time* during which he can deny competitors a free and profitable ride on his investment in the innovation. This is what the patent system gives him in return for disclosing details of the invention in a patent—provided his invention can qualify as sufficiently different from what has been done before to merit a patent.

From this limited lead time of seventeen years, sometimes called the patent "monopoly," the patent owner has an opportunity to recover his expenses, earn a profit and possibly invest in other innovative adventures—so long as the public is satisfied his product is worth buying at the price he charges. It is the *prospect of patent coverage* that justifies much investment in research and development leading to new products, new plants, new employment opportunities and genuine progress in the useful arts.

The second role of patents in innovation concerns the ability to market. At the patent's expiration, anyone can use the invention free of the patent. In the meantime, public disclosure of the invention in the patent often stimulates others to invent improvements or make quite different inventions, building on the ideas in the patent.

While public disclosure of the invention in the patent is therefore a contribution in itself, the full range of benefits contemplated by the patent system are not realized until the patented invention is embodied in a product or service available to the public. The right to exclude others from practicing an invention is hollow, indeed, both from the standpoint of the patent owner and the public, if the patent owner lacks the money, talent, organization or facilities to bring the invention to market. It is therefore essential that if the patent owner decides to market the invention *he be able to use his patent* to secure what he lacks in the means to market.

This is particularly important where the invention is capable of application outside his regular field of interest or competence. In such event he needs to use his patent in a business arrangement that will give incentive to those of his choosing who are expert in other fields and can handle the special problems of development, manufacturing and marketing.

These two elements, *the incentive to invent* (or support inventive efforts) and *the ability to market,* are the heart of a patent's contribution to "innovation." They are sequential but inseparable, and recognition of this duality will be seen as important in resolving patent antitrust conflicts in the area of patent licensing.

THE CONTRIBUTION OF PATENTS TO THE ANTITRUST OBJECTIVE

To the extent the patent owner has the exclusive right to prevent others from making, using and selling the invention claimed in the patent, he does, indeed, enjoy a monopoly—albeit a temporary one. But the temporory monopoly of the patent takes nothing from the public, for the patent *by law* covers only that created for the first time by the inventor.

Because a monopoly of any kind is anathema to the antitrust theorist, the monopoly of the patent has given rise to the erroneous idea that patent and antitrust concepts are endlessly opposed. The patent monopoly is regarded as an intrusion on the principle of free and unfettered competition.

In truth, however, the utilization of the temporary patent monopoly brings an entirely new dimension to the free competition sought by the antitrust laws. This new dimension arises from the necessity for competitors to find their own routes to successful products, a process that in its stepwise implementation brings new and better or cheaper products to the market. Indeed, there is no stronger incentive to invent, or to invest in efforts to invent, than a successful, patented product in the hands of a competitor. This can properly be called *innovative* competition—or competition in *value,* as distinguished from price—a form of competition not secured through application of any of the antitrust laws.

PATENTS, PROFITS AND PROPHETS

If the support of inventive efforts leads to grant of a patent, or if a patent is otherwise acquired, the problem of the patent owner is how to use the patent for profit. The patent may cover a manufactured article, a device or machine, a chemical compound or combination of compounds, a process for making something, or a method for doing something. If practicable, the patent owner usually chooses to make and sell the patented product himself or use the process in his own plant.

However, if in his business judgment he decides the best opportunity for profit lies in granting licenses to others, he must proceed with the utmost care. First, he must choose as his licensees only those who, by their good reputations or capabilities, will bring credit to his invention. In licensing his patent for practice by others he is parting with a portion of the exclusive privilege his patent gives him, and licensed activities that would demean the invention would inevitably lessen the value of his remaining rights under the patent.

Second, he must fashion the patent license to the business situation he faces. Obviously, the arrangement must hold prospects of profit for both parties. But in taking into account the business interests involved, the patent owner can properly include in the license only those provisions reasonably related to securing for him the legitimate benefits of the patent grant—which confers the right to exclude others from making, using or selling the patented invention. If the license goes farther, the validity of the arrangement can be called into question because the patent has been employed beyond its lawful scope. The patent owner has, in other words, "misused" his patent.[2]

Patent misuse is a defense against a charge of infringement and may relieve the infringer of liability. Although the patent may be valid, the patent owner loses his right to enforce it so long as the misuse continues and the consequences have not been corrected. If the misuse can be shown to have adversely affected competition, or to have been part of a plan to restrain or monopolize trade, the acts of misuse may rise to a violation of the antitrust laws. The phrase "antitrust laws" includes Sections 1 and 2 of the Sherman Act and Sections 3 and 7 of the Clayton Act, with the Federal Trade Commission Act sometimes included.[3]

While patent misuse is actionable only as a defense to a suit for infringement or a related suit for breach of a license, activities believed to constitute antitrust violations can be enjoined by a court on the basis of action by the Department of Justice, acting in the name of the United States Government, or on the basis of action by injured private parties. The penalties for antitrust violations can range from heavy fines to prison sentences (where a criminal violation is made out), and private parties who have been injured by the illegal acts can sue for treble damages.

Increasingly, the patent owner who licenses his patent needs the gift of prophecy. In tailoring his license to the business situation existing *at the time of licensing,* he and his prospective licensee must foresee not only how the courts and Department of Justice might interpret the license provisions, but also how changing business circumstances might affect such interpretations.

As will be demonstrated below, the state of the decisional law is unsettled in the extreme. But of equal importance is the threatening posture of the Department of Justice. The recently-announced establishment of a Patent Unit within the Antitrust Division of the Department of Justice underscores concern over some of the policies that seem to be emerging in the patent-antitrust area.[4]

Speaking in Washington on June 5, 1969, Assistant Attorney General McLaren, in charge of the Antitrust Division of the Department of Justice, outlined the guiding philosophy of antitrust enforcement in this area as follows:[5]

> In considering whether to attack a particular licensing provision or practice, we ask ourselves two fundamental questions. First, is the particular provision justifiable as *necessary* to the patentee's exploitation of his lawful monopoly? Second, are less restrictive alternatives *available* to the patentee? Where the answer to the first question is no, and to the second yes, *we will consider bringing a case challenging the restriction involved.* (Emphasis added.)

The Department of Justice is therefore not only concerned with whether a given practice in a given situation in fact constitutes an antitrust violation, but whether the particular licensing arrangement was "necessary," or whether there might have been other ways of putting the patent to use that would have imposed less "restriction" on the licensee.

More will be said below about use of the word "restriction" in the patent license context. It is important to understand, however, that the Department of Justice is using the term to describe that portion of the patent grant which the patent owner has chosen *not* to license.

If the patent owner can deny access of all others to his invention, it would seem appropriate that he be entitled to control the degree to which he relinquishes his exclusive rights, *so long as the license provisions are within or reasonably ancillary to the patent grant.* No gift of prophecy could possibly anticipate the outcome of a test of a licensing arrangement, made in a given business context at a specific point in time, against the subjective criteria of "necessity" and "availability of alternatives" applied at some future time. One is led to conclude that only the failure of the arrangement would prove its legality.

THE DISPOSITION OF PATENTS AS PERSONAL PROPERTY

It should not be taken as the position of the American Patent Law Association that all the patent license provisions discussed herein should always be permitted to stand in all circumstances. Even the most innocuous terms can be applied in a predatory manner to achieve, through conspiracy or individual action, results that are anticompetitive, clearly beyond the scope of the patent grant and inimical to progress in the useful arts. But to adopt the test proposed by the Department of Justice, or to permit the declaration of *per se* illegality of license provisions which, in their proper application, can bring innovative advances more rapidly into public use and actually create competition in the process, is to defeat the principal objectives of both the patent and antitrust laws.

Considerations of the public interest in-

Footnotes at end of article.

volved in patent licensing permeates this entire discussion. Another important factor to examine, however, is the nature of the rights of the patent owner. The present statute declares that "patents shall have the attributes of personal property."[10] As will be shown, much of the agitation from antitrust theorists today would lead to a clear derogation of this concept.

There is no dispute that a principal attribute of personal property is the owner's right to the benefits of ownership, use and disposition. Of course, the law will impose limitations on the right or apply sanctions against the owner where the public is injured by the exercise of the right. But acts of ownership, use and disposition which are themselves legal will not be interdicted merely because they *may* lead to illegal or undesirable consequences. *The owner of private property enjoys, in effect, a presumption that his acts in exercising his rights of ownership, use and disposition are legal.* He does not have to demonstrate their legality or test them by a rule of reason. The burden of establishing that his conduct was illegal or against the public interest is on the party asserting it. Indeed, our society could function in no other way.

Patents are a species of personal property. An important attribute of patent property should therefore be the patent owner's right to the benefits of ownership, use and disposition. Of special concern here is the right of disposition. Certainly, a normal incident of patent ownership should be the right of the patent owner (1) to retain the entire patent property for his own use, or (2) to dispose of all or part of it whenever, wherever and to whomever he chooses. It should not be presumed at the outset that, in exercising his patent right of disposition, the patent owner is going to misuse it. Or, simply because he *might* misuse it, he should not be automatically foreclosed from disposing of his patent on terms that are in themselves perfectly legal. Even one charged with a crime enjoys a legal presumption of innocence; the act of disposing of all or part of a patent right should carry no less favorable a presumption.

Nevertheless, the Department of Justice and some judicial decisions would deny the owner of patent property the same benefits and presumptions accorded owners of other forms of personal property. To implement its bias, the Department avails itself of a ready access to the courts (through bringing suits or filing amicus briefs) in cases it selects as most potentially destructive on their facts to the licensing practices it wishes to outlaw. In addition, the Department is utilizing other forms of attack, such as direct pressure, public announcements by Department representatives on the banquet circuit, threats of suits, and consent decrees, to force its views on patent owners who do not wish to serve as test cases for new antitrust theories.

What is the practical effect of this unfortunate situation on the patent owner trying to put his patent to work?

THE PATENT OWNER'S DILEMMA

A patent is not like a commodity that can be priced and placed on the shelf for sale, like a loaf of bread. In "merchandising" or licensing a patent, many factors must be considered, some arising from the interests of the patent owner and some from interests of the potential licensee. By a process of negotiation, each party represents its interests and strengths in arriving at an arrangement satisfactory to both which is within legal bounds today and, hopefully, will remain so for the life of the agreement.

Among the factors considered, many of which give rise to some form of expression in the license, are the following:

Cost of the development to the patent owner and licensee.

Anticipated volume of sales.

Patent owner's product line and market position.

Need for exclusivity.

Territory.

Availability of substitutes not under patent.

Number of patents involved.

Scope of invention v. scope of patent coverage.

Ease of circumventing patent.

Need for licenses under patents of others.

Relative value of invention in different fields of use.

Capability of licensee to serve all fields of use.

Need for lead time.

Need for further technical development.

Need for market development.

Need for investment in production facilities.

Financial responsibility of licensee.

Expected savings from use of invention.

Need for technical assistance from patent owner.

Need for use of trade secrets.

Availability to licensee of later improvements by patent owner.

Fair royalty.

Base for royalty determination.

Protection against later licenses at lower royalties.

Exchange of licenses in lieu of royalty.

Non-exclusive rights to patent owner on improvements by licensee.

Right to grant sublicenses.

Detectability of infringement.

Willingness of patent owner to enforce patent against unlicensed infringers.

Willingness of patent owner to defend licensee against infringement suits brought by others.

Conditions for terminating the license.

Before examining individually certain specific licensing problems, it will serve the better understanding of the impact of antitrust to consider how easily, in the exercise of sound business judgment, a patent owner can fall victim to a whole conglomerate of antitrust problems in licensing his patent. Here is the plight, fictitous but representative, of the A Company:

Company A is small manufacturer of electrical switches based in Los Angeles. Its sales are confined to switches for use in buildings in the Los Angeles area. The company owns a patent on a switch which was developed at a cost of $70,000 and three years' effort. It believes the switch can be adapted for other uses but considers expansion undesirable because of lack of capital, development personnel and manufacturing capacity, as well as the increased costs of marketing in remote areas. It does, however, want to retain the exclusive right to the switch in the building field in the Los Angeles area.

In order to reach other markets, Company A decides to license the patent at a royalty of 5%, giving each licensee the exclusive territory he demands in which to sell and service switches, and limiting each to the sale of switches for use in buildings.

The manufacturer in the Detroit area would like to develop the patented switch concept for use in automobiles. However, in order to recover the estimated $100,000 required for the development, he asks for an exclusive license in the automotive field. A royalty of 2% is established as reasonable in view of the development costs and the low profit margin from large volume sales to automobile manufacturers.

Back in Los Angeles, a competitor of Company A, who manufactures switches for use in aircraft as well as buildings, asks for a non-exclusive license for selling to the building trade and an exclusive license for the aircraft industry. The license for the building trade is refused, because the company wants to retain the exclusive right in its home territory. But the exclusive license for the aircraft field is granted at a 10% royalty rate. This figure contemplates the high profit margin but low sales volume of switches for the aircraft industry.

At this point the company consults its attorney to prepare the various agreements. The attorney is convinced that the business judgment is sound, all terms are reasonable, and the arrangements will move the invention to markets throughout the United States at the earliest possible time, with responsible financial backing and business skill in each of the markets served. But the attorney nevertheless advises that (1) it has jeopardized the enforceability of the patent in all markets, including its own market in Los Angeles, by refusing to license its Los Angeles competitor in the building field after licensing others elsewhere in the same field, (2) it has invited an antitrust suit, because the Justice Department has declared it is looking for a situation where a patent license divides fields of use among companies that would otherwise compete,[5] (3) it has opened itself to private antitrust and treble damage claims from its competitors as well as those of its licensees,[7] and (4) it has provided ingredients of a defense of patent misuse by charging different royalty rates under the same patent.[8,9]

This example illustrates a gamut of licensing problems facing today's patent owners. Company A is small and incapable of extending its market outside its home area. But the magnitude of the invention's contribution is no less because of the patent owners' size. Therefore, if Company A is denied the right to license individually the various fields of use of the invention, and on terms that will encourage the licensee to proceed with manufacturing and marketing of a quality product, a significant portion of the patent grant will not be used, and the public will not benefit from the invention in the unlicensed fields not served by Company A.

Moreover, the right to charge different royalty rates for different uses of the invention is important because of the different relative values and sales volumes of the products involved. And if, having licensed the manufacture and sale of building switches in areas not served by Company A, it must then license its backyard competitor, a more prudent course would be to refuse to license anyone in the building field—a decision certainly not in the interests of Company A or the users of switches outside Los Angeles.

THE NEED FOR LEGISLATIVE CLARIFICATION

It is appropriate now to examine certain of the specific license provisions that are under actual or threatened attack. There are:

Field-of-use licenses.

The right to license (or not to license).

The freely negotiated royalty.

Royalty differential between non-exclusive licensees.

The royalty base.

Royalty for the package license.

Royalty payment after expiration of patent.

In order to appreciate the justifications that demand at least the application of a test of reasonableness before these licensing provisions are categorically rejected as patent misuses or *per se* antitrust violations, brief fact situations will introduce each provision.

1. Field-of-use license

Company B is a large manufacturer of hardgoods of many types but has limited facilities for chemical research and development, except with specific reference to adjunctive supplies for its hardgoods. The company achieves a breakthrough in a chemical process which leads to the development of a new line of materials for use with its hardgoods. It also recognizes vast possibilities for the invention in other fields foreign to its corporate interests and capabilities.

The problem facing Company B is how to

Footnotes at end of article.

make the broadest use of the process without itself departing significantly from its primary business. It recognizes that several areas of application are sufficiently distinct in themselves (paper, pharmaceuticals, novelties, cosmetics) that no single company could exploit the technology to its fullest. It therefore chooses to grant exclusive licenses in a number of fields of use. Several licensees invest considerable money in adapting the basic technology to their particular fields and bring the public new products that differ significantly from the old ones.

In an atmosphere that would discourage or hold illegal the field-of-use license, this program of patent utilization simply would not be possible.

Among the ways a patent owner can divide his patent-given rights, two are most important: by geographical territory and field of use. Although in disfavor with the Department of Justice, the territorial division is specifically sanctioned by statute and enables the patent owner to license his patent in the whole or any part of the United States.[10] It is common to refer to this form of division of the patent right as a territorial "restriction." Since semantics are sometimes important, it should be noted that the territorial division is not a restriction at all but only the grant of rights under the patent for a portion of its territorial scope. The word "restriction" implies an agreement with respect to the rest of the territorial scope, and *no such agreement can properly (or even logically) be implied from the territorial license.*

The license for use or for sale or resale in a specified field of use rests on precisely the same principle as the territorial license. It involves the grant of less than the patent owner's total right to exclude others from any and all uses of his patented invention. As will be noted further below, semantics have become important here.

There is no assurance that an invention will be neatly proportioned in its applicable scope to the technical or marketing capabilities or interests of the patent owner, whether the owner be an individual, a small company or a large company. Company B illustrates a situation where exclusive field-of-use licenses can be the single, most effective way of exploiting an invention to the fullest for the benefit of the public as well as the patent owner. In fact, the situation is a classic example of the operation of the patent incentive to encourage investment in innovation, for here and parties making the investment (the licensees) are assured of basic patent protection before they start. They can therefore commit funds more generously and undertake a more comprehensive program of development than might otherwise be the case.

Those who oppose licenses to specific fields of use within the patent grant ignore the fact that such licenses, when translated into marketed products, often provide the public with alternatives that would not otherwise be available—at least until the patent has expired. If a patent owner distributes field-of-use licenses to various producers of different kinds of products, each licensee, in adapting the invention to his particular product line, introduces a new use of the original invention. On the other hand, if the patent owner limits utilization of the patent only to his line of merchandise, the public may not have the opportunity to enjoy the maximum potential of the patented invention. While the patent owner must retain the option to license or not to license, if he chooses to license he should not be absolutely foreclosed from licensing less than his full patent right.

The same principle works in the area of copyrights. A novel is usually published first in hard-cover book form. But prior to publication as a book, it may be serialized in a magazine. The magazine publisher receives an exclusive right only for that limited purpose. Thereafter, the book may be licensed separately for adaptation as a play for the living stage, or for motion pictures, television or other limited uses, including publication of a paperback edition. These licenses of less than the copyright owner's total right, like the field-of-use license, afford the public a variety of options and opportunities to enjoy the work in different formats.

It was pointed out earlier that the benefit to the patent owner from a licensing arrangement must be within or ancillary to the scope of the patent grant. Accordingly, license terms *solely* for the benefit of the licensee, such as giving him the right to restrict the patent owner in this practice of the invention [11] or to veto additional licensees,[12] may understandably encounter difficulties as outside the grant. But, obviously, a license is a two-party negotiated agreement and must offer prospective advantages for the licensee. Legitimate concerns of a licensee which the patent owner may properly consider in negotiating terms of the license include such as the following, all of which can best be served by a field-of-use license: [12]

A prospective licensee may want to commit himself under the license only for a particular product or technological area in which he has a problem, but prefer to avoid commitments in speculative areas where he is unable to make a satisfactory evaluation or has no interest.

The licensee may be able to obtain a lower royalty rate in a field where the patent owner is not using the patent, because in such fields the licensee would not be competing with the patent owner.

A licensee may prefer a sliding scale of royalty payments to ease the expense of his early period of marketing or to reduce the royalty burden as his volume increases. Where the licensee is practicing under more than one but not all the fields of the patent's use, the field-of-use license provides the necessary flexibility in the arrangement.

The licensee may be able to obtain a lower total royalty or lump-sum requirement for a paid-up license if the license is limited as to field.

If the license calls for periodic payment of a minimum royalty to keep the license in force, the licensee may prefer separate licenses for each field so he can cancel individual licenses where he is unable to meet the minimum without disturbing the licenses in his more successful fields.

The licensee may prefer separate field licenses so he may later assign the licenses with the business of each field, whereas a single license would be indivisible.

It would seem undeniably within the scope of the patent grant for a patent owner who could rightfully exclude *all* others from practicing his invention for *any* purpose whatsoever to part with a portion of that exclusivity corresponding to a given field of use. It should be readily apparent that *the field-of-use provision, like the permissible territorial limitation, is really not restrictive.* While grant of a license for a particular field could be coupled with a restriction, the typical field license standing alone is nothing more than permission to make, use or sell in a defined segment of technology. It neither expressly nor impliedly authorizes or denies any right of the licensee with respect to any *other* technological area within the patent's scope. The licensee can operate in other fields of the invention on precisely the same basis and subject to the same consequences for infringement as anyone else, without regard for whether or not he is a licensee under some other field covered by the patent.

Here, semantics have become important. The Department of Justice sees no difference betwen a license containing a positive prohibition against sales in a particular field and a patent license limited to a particular field; it would condemn both as illegal divisions of markets. It regards the fact that in most instances the licensee in fact does not stray into the unlicensed area as evidence of a tacit agreement to divide the market. Here the Department of Justice is reading the facts to prove what it wants to prove, in total disregard of business reality: the licensee usually stays within the licensed field because that is where his interests lie or because he simply doesn't wish to be sued for infringement. Indeed, the patent owner doesn't need his licensee's *agreement* not to infringe. The patent itself is sufficient.

Implicit in the position of the Department of Justice is the necessary presumption that the licensee, absent his license to the limited field, would promptly infringe outside that field. By renting a farmer's oxen, the Department is saying, one by implication agrees not to covet the farmer's wife! Maybe so. But by licensing a field of use, *the licensee makes no promises with respect to other fields within the patent's scope.*

There is a paradox in the Department's position. While it urges that field-of-use patent licenses are just as illegal as efforts at market division where no patents are involved, it would sanction such licenses where the patent owner was *reserving to himself* a portion of the total field covered by the patent.[5] It would seem that if the licensee is *impliedly* agreeing to stay out part of the patent's field in one case, he is doing so in the other. So if business justification exists in one case, the justifying facts should at least be considered in the other.

Moreover, an agreement to divide markets between competitors constitutes a *per se* violation of Section 1 of the Sherman Act.[15] If field-of-use licenses are equated to division of market agreements then they, too, must be *per se* antitrust violations. On what basis, then, can the Department of Justice find some field-of-use licenses justifiable and others not?

Before this broader attack on field-of-use licensing, the primary objection of the Department of Justice in this area seemed to be the field-of-use license in which the field was divided among licensees who would otherwise compete.[5] Such an objection implies the mechanical application of valid antitrust principles but without considering the rationale and justification for the practice in the patent context. A field-of-use licensing program can be well within the scope of the patent grant and should yield to antitrust only if coupled with anticompetitive acts that remove it beyond that scope and into the province of antitrust.

So, too, is a licensing program limiting resale of patented products purchased from the licensor to specified fields or to specified classes of customers. The argument has been made that such practices are analogous to controlling resale *prices* of patented products. On the theory that the first sale of a patented product removes it from the scope of the patent grant, the control of resale price is considered a misuse of the patent.[16]

The critical distinction, however, is that *the patent extends to all uses of the patented product*, and hence the analogy to price control is inapposite. Indeed, the patent owner's control over use of his patented product, to the extent he chooses to exercise it, is part of the essence of his right. And no valid reason appears why this right should not follow the product in its first sale by his licensee, assuming notice to the purchaser. The patent right has not yet been exhausted.

The Department of Justice is clearly committed to the destructive extension of antitrust principles in this aspect of patent licensing. On the other hand, President Johnson's White House Task Force on Antitrust

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Footnotes at end of article.

Policy, in a report released and commented on favorably by Assistant Attorney General McLaren,[8] recommended that patent owners be denied the right to grant exclusive licenses *except as to specific fields of use.*[9] The patent owner would be required to apply to the Federal Trade Commission for certification that such a license was necessary to the commercial utilization of the invention.

The courts have been more solicitious. In 1938 the Supreme Court expressly sanctioned the field-of-use concept in the *General Talking Pictures* case.[17] Since then, license to *use* in a specified field or to *sell* to customers for use only in specified fields has been widely upheld.[16] Adverse decisions have, of course, resulted where the field-of-use provision was coupled with means which in total import violated antitrust principles.[18] [19]

The example of Company B shows the type of problem facing the corporate patent owner. But the situation of the private inventor, research company or university can readily be envisioned as even more difficult, for they must often rely exclusively on licensing to bring their inventions into public use. They must literally sell out to a large company capable of exploiting all the major fields of use of the invention, or in shaping a licensing program run the considerable risk of exposing their patents to the vagaries of court decisions or the pressures of the Department of Justice.

The President's Commission on the Patent System, appointed by President Johnson, singled out such licenses as a particular object of concern. Recommendation XXII of the Commission states: [20]

The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interest therein may be licensed *in the whole or in any specified part, of the field of use* to which the subject matter of the claims of the patent are directly applicable . . . (Emphasis added.)

This Recommendation has not been included in patent bills submitted by the Administration or by Senator McClellan, apparently because of opposition from the Justice Department.[21]

The patent statute now permits the licensing of a patent or patent application in "the whole or any specified part of the United States." It is submitted that the statute should provide also for the licensing of the patent or patent application for the whole or any specified *use* to which the invention can be applied. It seems clear, as the President's Commission recognized, that the detriment to the public from categorically forbidding either the territorially-limited or field-of-use far outweighs any risks in sanctioning these established practices.

2. The right to license (or not to license)

Company C owns a patent and manufactures and sells products covered by its patent. The company is of modest size and through its relatively small sales organization is unable to reach all the geographical areas in which its product would find a market. From among its dozen competitors it selects four whose marketing ability and reach will supplement its own and give adequate coverage of the neglected areas. These companies are anxious to add the product to their lines because they see opportunities, through sales and advertising efforts, for profitable expansion. Similarly, Company C, by licensing these four companies, seek a return by way of royalties from sales it could not make itself. Although competitors not favored with a license have requested one, Company C has declined because further licensing would so dilute the market as to make it unprofitable for any of the licensees as well as for Company C. The Department of Justice hears from a rejected competitor and pressed Company C to license it. The company complies but wishes now it had refused to license anyone.

It would seem unnecessary at this stage of our nation's commercial development to raise the question of the patent owner's right to license or not to license. However, the Department of Justice has in fact exerted pressure on patent owners to grant additional licenses. Moreover, a recommendation of the White House Task Force on Antitrust Policy would require a patent owner granting one license under his patent to grant *all* financially qualified and reputable applicants a license under terms "neither more restrictive nor less favorable" than the first license.[9]

The Task Force engages in an inconsistent dichotomy. It acknowledges that a patent confers on the patentee "the right to exclude others from the field covered by the patent" and declares allegiance to the antitrust "goal" of preventing use of a patent beyond its scope. But then it concludes: [22]

That goal will be served by denying the patentee the right to confine use of the patent to a preferred group and requiring that *if the patent is licensed it shall be open to competition in its application.* (Emphasis added.)

If the patent statute gives the right to exclude, it is clearly within the scope of the grant to deny licenses altogether or, equally, to deny additional licenses after the first. But the Task Force would automatically cancel the remaining right of the patent owner not to license solely for the reason that he did license once before. *The Task Force at once acknowledges the proper limitation of antitrust sanctions to matters beyond the patent's grant and the determination to penetrate the grant in the name of antitrust.*

It is revealing that one dissenting member from the Task Force's Report was of the opinion that they had "given too little attention to the patent field" to embark on such recommendations.[23] These, indeed, appear to be accurate observations.[24]

Further evidence of the uncertainty facing the licensing patent owner is a recent court decision. The patent owner had already licensed his patent and put his invention into public use, but the court had this to say in *dictum* about his refusal to grant the defendant a license: [6]

An owner of a patent cannot assert his rights under the law and Constitution if such owner refuses to make use of a patent, or to license a patent so that it may be of use to the public, *or refuses to license an applicant when it has already granted a license to the applicant's competitor*. (Emphasis added.)

It is of interest to compare the language with that of a decision of the *same court* (different judge) rendered four months earlier: [25]

Plaintiff has no duty to grant a license to defendant under the patent in suit, merely because defendant has requested such a license. *A patent owner has the right to grant a license to some, as he chooses, without granting a license to others.* (Emphasis added.)

The selection of licensees is an important undertaking. As indicated earlier, activities reflecting discredit on the invention, such as a poorly conceived sales approach or inadequate servicing of the product after sale, can in fact harm the rights remaining with the patent owner. The Task Force would meet the problem by requiring compulsory licensing only of parties who are financially responsible and of good reputation. Obviously, this is not enough. It must remain the right of the patent owner to select his partners by criteria in addition to solvency and reputation.

When the patent owner negotiates a license, he is committing himself for the life of the license, which typically is for the life of the patent. With the shifting and unpredictable positions of the courts and the continuing threats from the Department of Justice, it is becoming increasingly difficult to plot a reasonable and yet "legal" course in licensing (or not licensing) patents. Legislative intervention to clarify the right to license or not to license is surely in order.

3. The freely negotiated royalty

Patent owner D licensed sixteen companies who were eager to practice the technology of the patent. Royalty and other terms were essentially the same for each licensee, following hard negotiations for the first license. One company declined to accept a license because it regarded the royalty as too high. Several years later it began producing and selling the patented product, and D promptly sued for infringement. The infringer's defense was that D should not be permitted to enforce his patent because the royalty it charged licensees was so exorbitant and oppressive as to violate the antitrust laws. The court agreed, and an extensive and successful licensing program was placed in jeopardy.

That a court would intervene in the business judgments of parties who freely negotiated a given royalty in a licensing arrangement would seem to stretch the imagination. But the above situation is taken from real life. The Court of Appeals for the Seventh Circuit did in fact hold in 1966 that a royalty found to be "exorbitant and oppressive" could be a *per se* violation of the antitrust laws on the theory that prices could effectively be fixed by requiring such a royalty.[26] On remand for determination of whether the royalty here was in fact "exorbitant and Oppressive," the District Court concluded it was not.[27] But the proposition stands as precedent, at least in the Seventh Circuit.

Prior to the foregoing decisions the Supreme Court had spoken unequivocally on the right of the patent owner to negotiate any royalty acceptable to a licensee. In 1926 the Court said: [28]

Conveying less than title to the patent or part of it, the patentee may grant a license to make, use and vend articles under the specifications of his patent for any royalty . . .

Again, in 1964 the Supreme Court reaffirmed this position: [29]

A patent empowers the owner to exact royalties as high as he can negotiate with the leverage of the patent monopoly.

A thoroughly reasoned decision in the Ninth Circuit in 1957 reached the same conclusion, stoutly defending the right of a patent owner to set his royalty (while holding against him for patent misuse on other grounds): [30]

To say that the mere amount of money due and payable for the grant of a license is subject to judicial review would render each and every agreement made subject to court approval.

Where royalty is excessive the problem is usually self-adjusting. It means simply that the parties did not comprehend the nature of the market or underestimated the competition. Once the agreement is signed, both parties want the product sold. If excessive royalty forces the selling price to uncompetitive levels, it would be a rare and shortsighted patent owner who would not be willing to reduce the royalty in exchange for larger sales volume and, ultimately, greater royalty income.

A royalty freely agreed to by the parties in what they initially conceive to be their mutual interests should be left to the parties for further negotiation if their mutual interests are no longer being served. The threat of judicial reformation of royalty provisions or, worse, of judicial determination that a royalty established by mutual agreement is *ex post facto* an antitrust violation should be laid to rest by statute.

Footnotes at end of article.

4. Royalty differential between nonexclusive licensees

Company E produces a patented chemical and sells in bulk to industrial users for reprocessing into other products and in finished form to individual customers for their use. Royalty is set in each market to account for the high volume purchases of the industrial user and low volume purchases of the individual customers, both in keeping with competition in each field.

As in the above situation and the earlier examples of Company A and Company B, business realities often demand different royalty rates among licensees under the same patent.

Despite many court decisions clearly holding the patent owner entitled to any royalty or financial arrangement he can negotiate (on the theory that he does not have to license anyone), where two or more licensees paying different royalties under the same patent enter the picture the patent owner's position is less certain. A judicial trend may or may not be indicated in the most recent decisions close to the point, but varying leasing rates for the same patented machines have been held to violate Section 2 of the Sherman Act, Section 5 of the Federal Trade Commission Act, and to be a patent misuse.[8] In those cases different rentals (royalties) were held to be anticompetitive in effect, even though allegedly based on the proportion of labor saved by use of the patented machines.

Moreover, a principal recommendation of President Johnson's White House Task Force on Antitrust Policy would require all subsequent licenses to be on terms "neither more restrictive nor less favorable" than the first license.[9] Mr. McLaren has alluded to this recommendation in public addresses but says he is "not at this time" taking a position of approval or disapproval.[5] A more recent statement by a Department of Justice representative, however, approves different royalty rates for different uses if the patent owner freely licenses all uses.[14]

Despite the compelling business justifications for such arrangements, patent owners are understandably concerned over the uncertainty of differential royalties. This, too, needs legislative clarification.

5. The royalty base

Oil well drilling Company F licenses a patent on a method for treating the formation to increase oil production. The method involves use of chemicals already employed in the drilling process for other purposes. It is not feasible for the company to install special equipment to monitor use of the old chemicals for the new purpose. The parties agree that royalty will be determined on the basis of average improvement in oil production each month over a predetermined level.

Ideally, royalty under a patent is based on the number of patented products produced or sold. But frequently the patent covers a process or a part of a machine or composition instead of the final product. In such event the royalty to which the patent owner is entitled may be based on some unpatented, measurable parameter.

In complex situations, however, such as that facing the Company F, a less responsive or even non-responsive basis is appropriate. For example, in the manufacture of television and radio sets involving many patents, royalty based on total sales has been upheld.[31] The rationale advanced by the Supreme Court is the convenience of the parties and the absence of coercion by the patent owner. Other decisions where royalty is paid regardless of whether all of a large number of patents are used rest on the premise that the licensee is paying for the privilege to use them.[32, 33]

While decisions raising the issue are usually reasonable on the facts, litigation on the point has in every case put the party defending the practice to great pains and expenses. A simple legislative affirmance of the right to base rayolty, fee or purchase price for a patented invention on any mutually agreeable parameter, absent coersion by the patent owner, would alleviate once troublesome aspect of patent litigation.

6. Royalty for the package license

Municipality G operates a sewage treatment plant. Different conditions of temperature, solids content and other properties of the sewage require different treatments to achieve separation of the solids. The municipality takes a license under a group of patents which together offer advantages in treating the municipality's sewage under most of the conditions encountered. Some conditions require practice of one combination of patents, other conditions require another combination. Since all the patents relate to a single ultimate purpose, namely, the treatment of sewage, and since it was not possible to separate the patents as to importance, the license agreement calls for payment of royalties until the last-to-expire of the licensed patents.

There are two central aspects to the licensing of a group or "package" of patents of special interest here. The first is the legality of the package license; the second is the validity of an agreement that states a single royalty for use of any one or more of the licensed patents, such royalty to continue so long as any of the licensed patents are alive.

The owner of a valuable patent is theoretically in a position to coerce a potential licensee into accepting a license under other patents of lesser or no value. It has been held that a party who *seeks* or *voluntarily* accepts a package license does not thereby impose antitrust or patent misuse liability on the patent owner.[31] [33] But where the *patent owner* insists that the license include more patents than the licensee wants, and the patents cover more than a single product, the courts have held the package to constitute an illegal tying arrangement.[34] Although ultimately this question will depend on whether tying arrangements are held to be *per se* violations of the antitrust laws or subject to a rule of reason.[36] Fairly clear and objective criteria have thus been spelled out for determining the legality of a package license.

But the second aspect of package licensing is more troublesome. Given the judicial approval for *voluntary* package licensing and the business realities leading to the practice, it would follow that a royalty established during negotiations contemplates the value of the *total package* and carries no implication of the value of the individual patents. In fact, particularly in a situation like that of Municipality G exemplified above, it is manifestly impossible to assign such values. Moreover, in many cases, the patents cover alternate ways of doing the same thing, or features that are mutually exclusive and cannot be used together in a single product.

The problem of royalties does not become acute until some of the patents in the package begin to expire. At that time, assuming the licensee is still practicing under one or more of the patents in the original package, should the royalty be reduced as each patent expires? If so, by how much? If not, is the licensor guilty of extending the monopoly of the expired patents?

The division of the inventions between the various licensed patents, where all relate to the same product or product line or process, is often for the administrative convenience of the Patent Office. And the initial royalty and license are based on the totality of the subject matter to which the licensee desired access. It would therefore seem reasonable in such instances to permit royalty payments to continue so long as any patent in the original package that is being used remains unexpired.

The courts are in conflict. In the Tenth Circuit the practice of permitting royalties to continue has been approved,[37] as it was earlier by the Supreme Court.[38] But in the Third and Sixth Circuits the same practice has been held a patent misuse.[34] [35]

The pragmatic effect of the diversity of opinions in the courts leaves the patent owner defenseless against the prospective licensee who negotiates a royalty for a group of patents when he really wants access to only one. After negotiating for the package, he then asks for a license under a single patent and insists on a *pro rata* reduction in royalty under pain of a charge of misuse or illegal tying.

If the parties are unable or disinclined to agree to a royalty breakdown at the inception of the license, absent a package based on coercion, and if at least one significant patent is still alive and being practiced, the full royalty should continue as agreed upon. Needless and expensive litigation could be avoided by statutory acknowledgment of this practical resolution of the problem.

7. Royalty payment after expiration of patent

Patent owner H licenses a small, capable company under an important patent. It was anticipated at the negotiations that fairly substantial sums would have to be invested by the licensee to develop the product for market. Accordingly, no initial payment was required by H, but royalties were set at a compensating level. The product was duly developed and marketed, with success. However, unforeseen events caused a financial crisis in the company, and it was unable to maintain its royalty commtments. He agreed to accept payment of *back* royalties over a period of years, which extended beyond expiration of the patent. All royalties were based solely on activities under the patent before it expired.

A 1964 Supreme Court decision in *Brulotte v. Thys Co.* held that a license requiring payment of royalties after expiration of the last-to-expire of a group of licensed patents was an attempt at projecting the patent monopoly and hence a misuse.[29] Uneasiness with the arrangement exemplified above stems from the allegation in Brulotte that payments were simply being spread over an extended period. The Court, however, found "intrinsic evidence" that post-expiration payments were for post-expiration activities. There can be little dispute that the court reached the proper conclusion on its interpretation of the facts.

A patent owner should be free to negotiate the best royalty terms he can get, so long as the royalties are tied to activities taking place *during the life of the patent*. If the licensee under the patent is unable to carry the royalty burden, payments based on use of the patent during its life should be permitted to extend over whatever period the parties agree is tolerable, even though the payments continue after the patent expires.

While the Supreme Court did not expressly rule out installment payment of royalty, the Brulotte case has been interpreted by some to mean that any payment of royalties beyond the patent's expiration would be a misuse. Whether through inadvertence or by design, the Court has left doubt in the minds of many as to the legality of post-expiration installment payments. This question could be settled by legislative approval of post-expiration payment of royalties accrued during the life of the licensed patents.

RESOLUTION OF THE PATENT-ANTITRUST "CONFLICT"

Reference was earlier made to the dual nature of the innovation the patent system is intended to provide. The elements of innovation were seen to be (1) the incentive to invent (or invest in invention), and (2) the

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ability to market. This duality rests on the premise that a patent has done less than its job if it is not put to work—either by the patent owner or his licensee.

Too often the apparent conflict between the patent and antitrust concepts is resolved by examining whether striking down the patent owner's licensing arrangements would impair the operation of the incentive to *invent*. Professor Donald F. Turner, former Assistant Attorney General, has made precisely this point when he contends that "antitrust does not retard technological progress."[39] As a result, the impact of antitrust on the patent system is only measured by its impact on *one* of the two essential ingredients of innovation.

Certainly there could be an extreme reached in antitrust enforcement where the incentive to *invent* would be clearly affected. But before that point, the innovation fostered by the patent system could be severely impaired through unduly limiting the right of the patent owner to secure the ability to market his invention by licensing his patent.

The need for legislative rapprochement between patents and antitrust was advanced in 1966 by President Johnson's Commission on the Patent System. In its report, an integrated analysis of the entire patent statute was presented and recommendations made for change.[20] Despite its primary mission to examine the state of the patent laws, the Commission saw the problems facing the patent owner in a menacing antitrust climate and presented the following as its Recommendation XXII:

The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statue that: (1) applications for patents, patents or any interests therein may be licensed *in the whole, or in any specified part of, the field of use* to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision of imposed a condition on a licensee, which has (a) *a direct relation* to the disclosure and claims of the patent, and (b) the performance of which is *reasonable under the circumstances* to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the *"rule of reason"* shall constitute the guidelines for determining patent misuse. (Emphasis added.)

It must be noted, however, that this well-reasoned approach by the President's Commission, while conceptually sound, is not without difficulty. It was earlier pointed out that patents, by statute, have the "attributes of personal property." As such, the terms of disposition of patent property, when the terms are in and of themselves legal, should at least carry a *presumption* of reasonableness. But a "rule of reason" would place the patent owner at the procedural disadvantage of first having to *prove* the reasonableness of his license provisions if they were ever challenged. The concept of reasonableness would more fairly be embodied in a *"rule of presumptive reasonableness,"* under which the burden of proving unreasonableness would fall where it belongs on the party asserting it.

Nevertheless, the Commission demonstrated an underlying appreciation of the patent owner's plight. This is further evident from another observation in the Commission's report. After noting that it did not favor weakening enforcement of the antitrust laws, it noted:

However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. *This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.* (Emphasis added.)

* * * * *

Whether patents will remain a healthy force for progress or become a vestigial appendage depends in large measure on what patent owners are entitled to do with them. This Memorandum does not contend for the legitimation by statute of practices heretofore generally condemned under antitrust. It does, however, urge resistance to the insistent efforts of the Department of Justice and a tendency in some courts to extend the interdiction of antitrust to practices clearly within the patent grant.

Patents, and matters involving patents, have no constant advocate as does antitrust. The Antitrust Division of the Department of Justice is heard in the courts, where it initiates litigation or submits briefs, and in business, to which it announces areas of patent licensing that will be the subject of future challenge.

In the absence of a counter-force on behalf of the patent system, the recourse of those determined to preserve the patent incentive in its total concept, so inextricably bound to the right to license, is to seek legislation upholding the practices that need support against the unbridled club and clout of antitrust.

FOOTNOTES

[1] Article I, Section 8.

The Congress shall have power . . . To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

[2] *Motion Pictures Patent Co* v. *Universal Film Mfg. Co.,* 243 U.S. 502 (1917). Also see elaboration of theory in *Morton Salt Co.* v. *Suppiger,* 314 U.S. 488 (1942).

[3] *Sherman Act, Section 1* (15 U.S.C. 1): Contracts, combinations or conspiracies in restraint of interstate or foreign trade or commerce are illegal, *Sherman Act, Section 2* (15 U.S.C. 2): Persons who monopolize, or attempt to monopolize, or conspire to monopolize any part of interstate or foreign trade or commerce are guilty of a misdemeanor, (subjecting them to criminal sanctions). *Clayton Act, Section 3* (15 U.S.C. 14): It is unlawful to sell or lease commodities, whether patented or unpatented, on condition that the purchaser or lessee will not deal in the products of the seller's or lessee's competitors where the effect may be to substantially lessen competition or tend to create a monopoly. *Clayton Act, Section 7* (15 U.S.C. 18): No corporation can acquire the stock or assets (generally interpreted as including patents and interests in patents) or another corporation where the effect may be to substantially lessen competition or tend to create a monopoly. *Federal Trade Commission Act* (15 U.S.C. 41 et seq.): Federal Trade Commission can issue cease and desist orders against unfair methods of competition and against violations of Sections 3 and 7 of Clayton Act but so far has taken little action in matters involving patents.

[4] *The Wall Street Journal* (Midwest Edition), January 7, 1970, page 16.

[5] Assistant Attorney General Richard W. McLaren, *Patent Licenses and Antitrust Considerations.* Address before The Patent, Trademark and Copyright Research Institute of The George Washington University (June 5, 1969), 161 U.S.P.Q. No. 11, p. II.

[6] *Allied Research Products, Inc.* v. *Heatbath Corp.,* 161 U.S.P.Q. 527, 530 (N.D. Ill. 1969).

[7] *Clayton Act, Section 4,* 15 U.S.C. 15.

[8] *Peelers Co.* v. *Wendt,* 260 F.Supp. 193 (W.D. Wash. 1966); *La Peyre* v. *Federal Trade Commission,* 366 F. 2d 117 (5th Cir. 1966); *Laitram Corp.* v. *King Crab, Inc.,* 245 F.Supp. 1019 (D. Ct. Alaska 1965).

[9] Antitrust and Trade Regulation Report, No. 411, Special Supplement, Part II, May 27, 1969: *White House Task Force Report on Antitrust Policy,* page 22.

[10] 35 U.S.C. 261.

[11] *McCullough v. Kammerer Corp.,* 166 F. 2d 759 (9th Cir. 1948).

[12] *United States v. Krasnov,* 143 F.Supp. 184 (E.D. Pa. 1956), affirmed 355 U.S. 5 (1957).

[13] T. L. Bowes: *Forum Contribution.* Idea 12:1129 (1968–9).

[14] Bruce B. Wilson, Special Assistant to the Assistant Attorney General, *Patents and Antitrust: The Legitimate Bounds of the Lawful Monopoly.* Address before The Patent Law Association of Pittsburgh, November 19, 1969.

[15] *White Motor Co.* v. *United States,* 372 U.S. 253 (1963).

[16] Raymond C. Nordhaus and Edward F. Jurow: *Patent-Antitrust Law,* at 265. Jural Publishing Co. (1961, Supp. 1968); *The Ansul Co. et al.* v. *Uniroyal, Inc.,* 163 U.S.P.Q. 517 (N.D. N.Y. 1969).

[17] *General Talking Pictures Corp* v. *Western Electric Co.,* 305 U.S. 124 (1938).

[18] H. Thomas Anstern: *Fish Traps, Indians, and Patents: The Antitrust Validity of Patent License Restrictions on Sales Price, Field of Use, Quantity, and Territory.* U. of Pittsburgh Law Rev. 28:181, 188 (1966).

[19] J. G. Jackson and E. L. Jackson: *Use Limitations in Patent Licenses.* Idea 12:657 (1968–9).

[20] *Report of the President's Commission on the Patent System,* U.S. Government Printing Office (1966).

[21] Senator McClellan's statement accompanying introduction of S. 2756. Congressional Record, August 1, 1969, page 21881.

[22] *Supra* Note 9 at 4.

[23] *Supra* Note 9 at 26.

[24] *Supra* Note 9 at 27.

[25] *Bela Seating Co., Inc. v. Poloron Products, Inc.,* 160 U.S.P.Q. 646 (N.D. Ill. 1968).

[26] *American Photocopy Equipment Co. v. Rovico, Inc.,* 148 U.S.P.Q. 631 (7th Cir. 1966).

[27] *American Photocopy Equipment Co.* v. *Rovico, Inc.,* 257 F. Supp. 192 (N.D. I11. 1966); affirmed, 384 F. 2d 813 (7th Cir. 1967).

[28] *United States* v. *General Electric Co.,* 272 U.S. 476, 489 (1926).

[29] *Brulotte* v. *Thys Co.,* 370 U.S. 29 (1964); 143 U.S.P.Q. 264, 266 (1964).

[30] *Stearns et al.* v. *Tinker and Rasor et al.,* 116 U.S.P.Q. 222, 235 (9th Cir. 1957).

[31] *Zenith Radio Corp.* v. *Hazeltine Research, Inc.,* 89 S. Ct. 1562 (1969); 161 U.S.P.Q. 577.

[32] *Supra* Note 16 at 183.

[33] *Automatic Radio Mfg. Co. v. Hazeltine Research, Inc.,* 339 U.S. 827 (1950).

[34] *American Security Co. v. Shatterproof Glass Corp.,* 268 F. 2d 769 (3rd Cir. 1959), *cert. denied,* 361 U.S. 902.

[35] *International Mfg. Co. v. Landon, Inc.,* 336 F. 723 (9th Cir. 1964).

[36] *Northern Pacific Railroad Co. v. United States,* 356 U.S. 1 (1958).

[37] *Well Surveys, Inc. v. Perfo-Log, Inc.,* 396 F. 2d 15 (10th Cir. 1968), *cert. denied,* 393 U.S. 951; *McCullough Tool Co. v. Well Surveys, Inc.,* 343 F. 2d 381 (10th Cir. 1965), *cert. denied,* 383 U.S. 933.

[38] *Rocform Corp.* v. *Acitelli-Standard Concrete Wall, Inc.,* 367 F. 2d 678 (6th Cir. 1966).

[39] Donald F. Turner: *Patents, Antitrust and Innovation.* Univ. of Pittsburgh Law Rev. 28:151 (1966). See also Gerald Kadish: *Patents and Antitrust: Guides and Caveats.* Idea 13:83 (1969).

The amendments were referred to the Committee on the Judiciary, and ordered to be printed.

ESTABLISHMENT OF FEDERAL COMMITTEE ON NUCLEAR DEVELOPMENTS—AMENDMENTS

AMENDMENT NO. 25

Mr. PACKWOOD. Mr. President, I am submitting an amendment intended to be proposed to Senate Joint Resolution 65, which I cosponsored with my distinguished colleague, Senator Cook, to establish the Federal Committee on Nuclear Development. Senator Cook joins me in this amendment to that worthwhile proposal.

Briefly, my amendment would change the number on that committee from 20 to 21—adding the Administrator of the Environmental Protection Agency to the committee membership.

There should be no question as to the desirability of such a committee, made up of eight members of the general public who are specially qualified, including a chairman having no ties to or connections with either the atomic energy industry, or any competitive industry; the four Members of the House of Representatives; the four Members from the Senate—all of whom shall not be members of the Joint Committee on Atomic Energy; the Secretary of the Interior; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; and with my amendment the addition of the Administrator of the Environmental Protection Agency.

Mr. President, I ask that the text of my amendment to Senate Joint Resolution 65, be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Chiles). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 25) was referred to the Joint Committee on Atomic Energy, as follows:

On page 1, line 10, strike out "twenty" and insert "twenty-one."

On page 2, line 14, strike out "and".

On page 2, after line 14, insert the following:

"(7) The Administrator of the Environmental Protection Agency; and"

On page 2, line 15, strike out "(7)" and insert "(8)".

On page 2, line 20, strike out "(7)" and insert "(8)".

On page 2, line 23, strike out "(6)" and insert "(7)".

NOTICE OF HEARINGS TO EXAMINE THE ROLE OF THE FEDERAL GOVERNMENT IN THE AREA OF JUVENILE DELINQUENCY

Mr. HART. Mr. President, on behalf of the Senator from Indiana (Mr. Bayh), I ask unanimous consent to have printed in the Record a notice of hearings.

There being no objection, the notice was ordered to be printed in the Record, as follows:

Mr. Bayh. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings to examine the role of the Federal Government in the area of juvenile delinquency. The hearings will be held March 31 and April 1, 1971 at 10 a.m. each morning in the Judiciary Committee hearing room which is room 2228, New Senate Office Building.

These hearings will attempt to clarify the scope of the Federal effort in this area and the actual uses to which Congressional appropriations are put by the various Federal agencies authorized to deal with the problem of juvenile delinquency.

The Subcommittee will also evaluate the effectiveness of these agencies in providing financial and technical assistance directed at the prevention and control of juvenile delinquency and the rehabilitation of juvenile delinquency.

I have invited the Attorney General, the Director of the Office of Management and Budget, and the Secretaries of HEW, HUD and Labor to testify on the roles of their respective Department's in combatting juvenile delinquency. In addition, representatives of major private organizations concerned with juvenile delinquency will be called as witnesses.

Any person who wishes to submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Juvenile Delinquency, room 241, Old Senate Office Building, telephone extension 52951.

NOTICE OF HEARINGS ON BILL RELATING TO DISPOSITION OF CERTAIN INDIAN JUDGMENTS

Mr. JACKSON. Mr. President, I announce, for the information of the Senate, that the Subcommittee on Indian Affairs has scheduled an open hearing for Wednesday, March 24, on S. 602, a bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes.

Any Members of the Senate or other interested persons who wish to testify or submit statements at this hearing should so advise the Interior Committee staff.

NOTICE OF HEARING ON WILD HORSE PROTECTION

Mr. JACKSON. Mr. President, I would like to announce that on April 20 a public hearing will be held before the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee on S. 1116 and other measures designed to protect the last of the wild horses and burros of the United States.

The plight of these animals has reached out and touched thousands of schoolchildren, scientists, conservationists, and humanitarians throughout the United States. These concerned individuals have written to me and I am sure to all of my colleagues, pleading on behalf of the welfare of the small remnants of the once mighty herds which roamed the western United States.

During this century, the wild horse and burro population has been reduced from over 2 million to less than 17,000. Countless animals have been slaughtered for pet food and fertilizer. Others have been used for target practice and cruelly harassed for sport and profit. This subjugation of a living part of America's heritage to outrage and cruelty must be stopped. The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with this hearing should notify the committee as early as possible.

NOTICE OF HEARING RELATING TO BILLS DEALING WITH TRUSTS FOR CERTAIN INDIAN TRIBES

Mr. McGOVERN. Mr. President, I announce for the information of the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for March 26, 1971, on S. 1217, a bill declaring that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and S. 1230, a bill declaring certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian community. This hearing will begin at 10 a.m. and be held in room 3110, New Senate Office Building.

Anyone wishing to testify or submit a statement at this hearing should so advise the staff of the Committee on Interior and Insular Affairs.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S HEALTH MESSAGE

Mr. DOMINICK. Mr. President, the Record of March 4 carries the remarks of our esteemed colleague from Minnesota (Mr. Humphrey) on the "Crisis in Health Care." Inadvertently, I am certain, he placed in the Record several statements that should be corrected or clarified.

The Senator from Minnesota, for example, assailed the President's program for shortcomings but then went on to say that—

> The essential key to any health care reform is a fundamental shift in emphasis from the present system of 'crisis' medicine to preventive medicine.

It is difficult to understand the allegation of shortcomings when the Senator from Minnesota reveals that he is in complete agreement with the President on this fundamental issue. The President pointed out in his health message, that—

> Because we pay so little attention to preventing disease and treating it early, too many people get sick and need intensive treatment.

Again, the President pointed out—

> If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness

> in its early stages, then we would be less troubled by acute disease. In short, we should build a "true health" system—not a "sickness" system alone. We should work to maintain health and not merely to restore it.

Prevention is at the root of many of the President's proposals. The health maintenance organization strategy, for example, which has won the approval of virtually everyone, including the distinguished Senator from Massachusetts (Mr. KENNEDY), is a central part of the President's preventive proposals. So, too, is his emphasis on preventive and outpatient care in his insurance programs. Other administration proposals include creating a private health education foundation to acquaint citizens with good health practices; implementation of the Occupational Safety and Health Act to prevent illness and accidents in the work environment; increased funding for family planning and for nutrition; plus a major new program to conquer cancer and to prevent and control sickle cell anemia. I have not seen a more comprehensive set of proposals than those offered by the President.

May I add that the facts on the cancer program appear to have been misrepresented to the distinguished Senator. He states that the President's budget reveals they plan to spend only about $30 million—and, I suppose, talk about the other $70 million of the proposed $100 million. The fact is that the President has promised to request all the funds that will be needed to do the job.

The distinguished Senator from Minnesota believes that a responsive health care system is possible only in a society which has its priorities straight—a society that puts the health and well-being of its citizens at the top of its agenda. That is absolutely correct, but the Senator, as do others, confuses health with medical care. The President has made an observation which has received insufficient attention. Allow me to recall this passage from the health message:

> The conditions which affect health are almost unlimited. A man's income, his daily diet, the place he lives, the quality of his air and water—all of these factors have a greater impact on his physical well-being than does the family doctor. When we talk about our health program, therefore, we should not forget our efforts to protect the nation's food and drug supply, to control narcotics, to restore and renew the environment, to build better housing and transportation systems, to end hunger in America, and—above all—to place a floor under the income of every family with children. In a sense this special message on health is one of many health messages which this Administration is sending to the Congress.

If the Senator is as committed as he says he is to the health of the people—and I am certain that he is—then he must realize that massive expenditures on medical care—treatment of people after they become sick—will remove funding for other objectives which will improve health—prevent people from becoming sick. He accuses the President of being parsimonious, because he has not proposed the most expensive medical care plan that anyone can imagine. Perhaps parsimony is a virtue in this respect, if in fact we are to have a balanced program to improve the Nation's health. Resources are not unlimited, even in this wealthy nation, and if we are to put health and well-being at the top of the agenda, then we should do well to support the President's programs to prevent crime, to reform welfare, to clean up the environment, and so forth. We simply cannot look at medical care and its financing in isolation, especially in isolation from the other programs to improve health and well-being all of which are at the top of the President's agenda.

Indeed, if I may say so, it is the fundamental disregard of trade-offs that I find so dismaying in the alternatives to the President's proposals. The Senator from Minnesota refers to the Health Security Act of 1971, S. 3, in which he states:

> The consumer would have to pay only 14 percent of the costs, the employer's share would be cut in half to 36 percent and the Federal Government, through general tax revenues, would pick up 50 percent.

Does the Federal Government have an independent source of revenue with which I am unfamiliar, so that we can separate what the consumer pays and what the employer pays from what the Federal Government pays? I seem to recall that tax revenues come from consumers and from employers. Obviously, the sponsors of S. 3 must be advocating increased taxes for all. Perhaps the distinguished Senator will correct me.

And because these funds come from general revenues, they must compete with other national priorities, many of which, as I have already pointed out, aid the health and well-being of our citizens. The President has chosen among a host of alternatives, and has laid out a comprehensive strategy not only for health, but for health within a framework encompassing all our national purposes from national security to the preservation of our natural resources. The President's proposals have evolved out of a great deal of planning, of weighing and balancing alternatives, and out of consideration of the well-being of the people of this country for the short-term and and the long-run. His critics should do no less.

Finally, I should like to say a few words about our colleague's reception—and he is not alone in this—of the President's proposed partnership with private insurance. The Senator states that—

> It rewards a private industry that is largely responsible for skyrocketing medical costs—the insurance companies.

I find these to be strange words indeed from the person who claims to have originated the medicare proposal in 1949. What did the able Senator from Minnesota do, when he had the opportunity, about the medicare law which provides that customary fees would be paid to physicians, and that hospitals would be reimbursed at costs? Strange that the former Vice President should be so indignant over skyrocketing medical costs when his administration contributed so much to that outcome. President Nixon has proposed regulating the insurance industry—the first such proposal in history. His administration has proposed limitations on the fees paid to physicians under medicare. The President has proposed putting limits on the high costs of nursing home care caused by the previous administration in its medicaid program. The President proposes that all insurance programs, private and public, contain a health maintenance organization option.

The President's health message is forthrightly subtitled, "Building a National Health Strategy." Considering the errors of the past, that is and should be the appropriate perspective.

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M., TUESDAY, MARCH 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WEICKER ON TUESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the able Senator from Massachusetts (Mr. KENNEDY) on Tuesday next, for which an order has already been entered, the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR COLLOQUY ON TUESDAY NEXT

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the Senator from Connecticut (Mr. WEICKER) on Tuesday next, there be a period of not to exceed 30 minutes for a colloquy under the control of the Senator from Kansas (Mr. DOLE), the Senator from Tennessee (Mr. BROCK), and the Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the 30 minutes set aside for the colloquy under the control of the aforesaid Senators on Tuesday next, the able Senator from Washington (Mr. JACKSON) and the able Senator from New York (Mr. JAVITS) be recognized for the purpose of conducting a colloquy for not to exceed 1 hour.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STRETCH JET FREEZE AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, this week I received a letter from Secretary of Transportation John Volpe, announcing that after a personal review of the matter he was ordering a freeze on the number of stretch jet operations at National Airport at the present level until their impact on Dulles and Friendship Airports could be determined.

This action was taken in response to a letter I wrote to the Secretary on February 25, noting the inadequacies of the Federal Aviation Administration's study of the problem and its conclusion that—

> The 727-200 (stretch jet) had no adverse impact on conditions at Washington National or on the growth and utilization of Dulles . . .

Secretary Volpe agreed that the FAA review was "essentially inconclusive," and that more data had to be evaluated before any decision could be made one way or the other. I commend the Secretary for his prompt and proper action in this matter and willingness to concede that criticism of a Department policy may be justified.

Mr. President, since the FAA completed its stretch jet study, the number of 727-200's operating each day at the airport has risen by 50 percent from 47 per day at the end of October to 70 per day in March.

This increased capacity at National, I submit, has had a detrimental effect on both Dulles and Friendship Airports. Attesting to that is a letter I received from Mr. John F. R. Scott, director of aviation at Friendship Airport, who writes that the introduction of stretch jets at National "has eroded our passenger traffic in three prime markets—Chicago, Miami, and St. Louis."

I would also point to the most recent traffic figures from Dulles Airport. The FAA reports that in the month of January air carrier operations at Dulles were down by 11.5 percent over a year ago as compared to an 8.2 percent decline at National Airport. The number of passengers at Dulles Airport in January declined by 7.8 percent over a year ago, more than double the 3.8-percent decline at National.

Mr. President, I ask unanimous consent that the correspondence relating to Dulles and National Airports be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FEBRUARY 25, 1971.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR JOHN: I have reviewed the FAA's "Analysis of Boeing 727-200 Operations at Washington National Airport," and must tell you that I am deeply disturbed by its stated conclusions and, perhaps more, the manner in which they were reached. The enclosed statement spells out some of the specific discrepancies I have found.

The deficiencies of this report alone are sufficient to raise questions about its authorship. The record shows that the data tables were prepared by the staff of the Bureau of National Capitol Airports, but I question whether the Bureau also was responsible for the analysis and conclusions which appear in the final report. If that was not the case, as I have reason to believe, it is important to know whose evaluation is expressed and in what way it differs from any evaluation which those directly charged with managing the airports may have made. In view of the sudden abolishment of the Bureau, these are questions which can only be answered by higher authority.

I recognize that policy decisions are the right and responsibility of the Administrator and not his staff, no matter how expert its knowledge. What is at issue here, however, is not policy but a factual evaluation and I believe that makes the above questions central to a full understanding of the situation.

In my own view, the data in this report justifies an immediate freeze on the introduction of any further stretch jet flights and a thorough reevaluation of the situation as it exists. I would urge you to make such a determination.

I look forward to your early response.

With best regards,

Sincerely,

WILLIAM B. SPONG, Jr.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 16, 1971.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR BILL: As a result of the concern you have expressed to me, most recently in your letter of February 25, regarding the operation of stretch jets at Washington National Airport, I have conducted a personal review of the matter.

As you know, the FAA is presently involved in an in-depth analysis of flight operations at both Washington National and Dulles before as well as since the introduction of stretch jets at National. The preliminary review, which was submitted to you last month, is essentially inconclusive as to the effect of stretch jet operations at National either on the problems of ground congestion there or on the level of operations at Dulles. Part of the reason for the inconclusiveness of the data submitted in that preliminary report is that during the period of stretch jet operation at National there was a decline in aviation activity generally.

In view of your continued concern with this matter, and in light of the fact that actual experience has not yet provided the answers to your questions, I am taking appropriate action to impose a freeze on the number of stretch jet operations at National at the present level until the facts warrant a change one way or the other.

Warm personal regards.

Sincerely,

JOHN A. VOLPE.

FRIENDSHIP INTERNATIONAL AIRPORT,
Baltimore, March 8, 1971.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR SPONG: The impact of 727-200 aircraft at National Airport has not been as severe to Friendship International Airport as the effect caused by the initial introduction of jets to National Airport in 1966. However it has eroded our passenger traffic in 3 prime markets—Chicago, Miami, and St. Louis.

Trans World Airlines' Flight 85 and its companion Flight 86 are examples of this erosion. These flights operated between Friendship and St. Louis (and beyond) for more than 8 years historically carrying load factors in excess of 90%. With the opening of National Airport to 727-200 the airlines gained "greater scheduling flexibility". Subsequently Trans World Airlines duplicated its service between St. Louis and Baltimore/Washington (Friendship Airport) with service at National Airport. A month later the airline announced it was cancelling Flights 85 and 86 "because of low load factors". By this maneuver Trans World Airlines effectively syphoned off Friendship's passengers to National Airport and built an economic justification that no airport official could challenge.

The main thrust of the Federal Aviation Agency report seems to be that Washington National Airport showed greater losses in passenger traffic and aircraft operations during the study period (April-October, 1970) than Dulles International Airport therefore the 727-200 had "no adverse impact on conditions at Washington National or on the growth and utilization of Dulles International Airport".

This hypothesis is faulty because without the "draining" of passengers from *both* Dulles and Friendship Airports National Airport's losses would have been far greater than the recorded 7.4% drop in passengers and the 5.3% decline in air carrier operations.

Contributing to this substantially greater loss would have been:

A. Increased competition from the Washington-New York Metroliner.[1]

B. Strikes[2] which halted National Air Lines operations for 115 days (February 1–May 27, 1970) and the 24-day Air Traffic Controllers strike (March 25–April 18, 1970).

C. Lack of significant growth in the Air Transportation Industry because of a downturn in the economy.

I trust this information will be helpful.

Very truly yours,

JOHN F. R. SCOTT, Jr.,
Director of Aviation.

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[1] The Metroliner's novelty, reduced rail time, and a substantially lower fare accounted for 238,800 passengers in 1969 along (Northeast Corridor Air Traffic and High Speed Ground Transportation Study, Department of Transportation, Federal Aviation Administration, Office of Economics, March, 1970). Marking its public acceptance, daily round trips were increased in 1970 from 3 to 6. Neither Dulles or Friendship Airports are as sensitive to diversion of air passengers to rail as Washington National Airport which is located just 4 miles from downtown Washington. Dulles is located 26 miles west of Washington and Friendship is 10 miles from Downtown Baltimore.

[2] National Air Lines does not operate flights through Dulles Airport. The Air Traffic Controllers strike had a more retarding effect on National Airport than on the other two area airports because of the "shuttle-type" service National Airport offers to the Northeast Corridor and the "Golden Triangle" (Washington-New York-Chicago-Washington). It should be noted that only 9 days of the 24 days strike would have affected the study period's results (Ban on 727-200 lifted April 9, 1970).

FEDERAL AVIATION ADMINISTRATION, NATIONAL CAPITAL AIRPORTS

	January 1971	January 1970	Percent change from 1970 (month)
WASHINGTON NATIONAL AIRPORT ACTIVITY[1]			
Operations:			
Air carrier:			
Scheduled airlines	17,438	18,989	−8.2
Other carriers	4	10	−60.0
Total	17,442	18,999	−8.2
General:			
General Aviation	6,798	8,792	−22.7
Government Civil	187	335	−44.2
Air/carrier, nonrevenue	49	75	−34.7
Total	7,034	9,202	−23.6
Military	293	327	−10.4
Total operations	24,769	28,528	−13.2
Passengers:			
Domestic airlines	721,005	753,712	−4.3
International airlines			
Total airlines	721,005	753,712	−4.3
All others[2]	31,427	25,897	+20.7
Total passengers	752,252	779,609	−3.5
Cargo (thousand pounds):[1]			
Air mail:			
Domestic	3,066	2,662	+15.2
International			
Total air mail	3,066	2,662	+15.2
First-class mail	2,604	3,655	−28.8
Freight:			
Domestic	5,928	6,244	−5.1
International			
Total freight	5,928	6,244	−5.1
Express	2,790	1,727	+61.6
Total cargo	14,388	14,289	+0.7
DULLES INTERNATIONAL AIRPORT ACTIVITY[1]			
Operations:			
Air carrier	4,862	5,491	−11.5
General aviation	5,178	7,346	−29.5
Military	3,863	2,945	+31.2
Total operations	13,903	15,782	−11.9
Passengers:			
Domestic airlines	123,377	137,183	−10.1
International airlines	19,074	21,586	−11.6
Total airlines	142,451	158,769	−10.3
All others[2]	15,877	12,948	+22.6
Total passengers	158,328	171,717	−7.8
Cargo (thousand pounds):[3]			
Air mail:			
Domestic	986	1,062	−7.2
International	711	159	+347.2
Total airmail	1,697	1,221	+39.0
1st-class mail	1,033	1,396	−26.0
Fraight:			
Domestic	1,537	1,720	−10.6
International	1,213	1,060	+14.4
Total freight	2,750	2,780	−1.1
Express	120	141	−14.9
Total cargo	5,600	5,538	+1.1
TOTAL WASHINGTON AIRPORTS ACTIVITY[1]			
Operations:			
Air carrier	22,304	24,490	−8.9
General aviation	12,212	16,548	−26.2
Military	4,156	3,272	+27.0
Total operations	38,672	44,310	−12.7
Passengers:			
Domestic airlines	844,382	890,895	−5.2
International airlines	19,074	21,586	−11.6
Total airlines	863,456	912,481	−5.4
All others[2]	47,124	38,845	+21.3
Total passengers	910,580	951,326	−4.3
Cargo (1,000 pounds):[3]			
Air mail:			
Domestic	4,052	3,724	+8.8
International	711	159	+347.2
Total air mail	4,763	3,883	+22.7
First-class mail	3,637	5,051	−28.0
Freight:			
Domestic	7,465	7,964	−6.3
International	1,213	1,060	+14.4
Total freight	8,678	9,024	−3.8
Express	2,910	1,868	+55.8
Total cargo	19,988	19,826	+0.8

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[1] Totals of inbound and outbound traffic.

[2] General aviation and military.

[4] Partially estimated.

THE ODDS, THE SST, AND THE BIKINI

Mr. DOMINICK. Mr. President, on behalf of the distinguished Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent to have printed in the RECORD a statement by him entitled "The Odds, the SST, and the Bikini."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOLDWATER—THE ODDS, THE SST, AND THE BIKINI

Mr. President, on Tuesday, March 16, my colleague the gentleman from Wisconsin, Mr. Proxmire urged us to be our own "Jimme-the-Greek" or odds handicapper in playing a numbers game on the question of SST financing.

As I recall it, he told us that conservative calculations show odds of more than 100/1 against the SST ever being a successful privately financed commercial plane.

It should be noted, Mr. President, that in suggesting this SST odds-making game Mr. Proxmire was very careful to request that it be applied to only one relatively obscure feature of the current debate over whether this nation is to maintain its leadership in the aviation industry.

For example, on March 17 when the Senator from Wisconsin called a news conference to talk about the possibility that SST fleets might increase the amount of skin cancer in the United States he carefully avoided any talk about "Jimme-the-Greek," about odds or about a numbers game. However, since the Senator from Wisconsin raised the question of odds in connection with SST financing, I think it only fair to inform him what the imminent Dr. William Kellogg of the National Center for Atmospheric Research had to say about the odds against Americans falling victim to SST-produced skin cancer.

Dr. Kellogg, in testmony before a House Appropriations Subcommittee, played the numbers game by the rules laid down by Dr. James E. McDonald of the University of Arizona in making his estimate that the SST could reduce the ozone content of the stratosphere and result in 10,000 cases of skin cancer.

Dr. Kellogg pointed out that neither he nor Dr. McDonald are medical experts and thus start off on an equal footing. He began by pointing out that 10,000 cases of skin cancer in a population of 200,000,000 works out to one in 20,000 persons. He said also that since Dr. McDonald's theory implies that all the probabilities in his numbers game are linear, it follows "if you change one part of a thing by one part in 20,000 that is the kind of thing we are changing." Dr. Kellogg went on to explain:

"I ask myself what I would have to do in order to protect myself from the 1/20,000 of the effect if I was out in the sun every day of my life. I live about 20,000 days and this means if I covered my head just one day in my lifetime I would have eliminated the effects of the SST.

"But you and I usually only get out on weekends, so this works out to be only once in 200 years.

"Then if girls are concerned about the time that they wear bikinis, they should wear a bathrobe once in every 2,000 years to overcome the effects of the SST."

Mr. President, I think we have had enough ridiculous numbers games, especially the kind that mislead the American people into believing that a vote in the Senate in favor of continuing the program for the production of American SST prototypes is virtually a vote for skin cancer. In a situation with 20,000 probabilities, almost anything is possible. But the skin cancer scare is so completely and demonstrably remote that it deserves no consideration in the SST debate. In fact, Mr. President, I can always tell when the opponents of the SST have taken another Senate head count and come up short of the numbers required to make this country surrender its aerospace predominance. It always seems to be the signal for launching another skin cancer scare in an effort to produce the kind of hysterical public response that would bury this ten-year-old program of technological development.

IN DEFENSE OF J. EDGAR HOOVER

Mr. ALLEN. Mr. President, recent attacks leveled at J. Edgar Hoover, Director of the Federal Bureau of Investigation, have stirred up a hornet's nest in Alabama among the legion of friends and loyal supporters of Mr. Hoover.

My good friend Sheriff Mel Bailey, of Jefferson County, Ala., speaks with the authority of 25 years' experience in the field of law enforcement in Alabama's most populous county and is one of those Alabama supporters of Mr. Hoover. Sheriff Bailey has written to me expressing the sentiments of countless admirers of J. Edgar Hoover, among whom I am proud to be counted. Mr. President, I ask unanimous consent that excerpts from Sheriff Bailey's letter be printed in the Record.

To illustrate further the validity of the points made in the letter and to disassociate the sentiments expressed from any regional consideration, I ask unanimous consent that an article in defense of Mr. Hoover, written by the distinguished columnist Ray Cromley, which was published in the Washington Daily News of Wednesday, March 17, 1971, also be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

March 15, 1971.

As a 25 year veteran of law enforcement, eight of which have been spent as Sheriff of the largest populated county in Alabama, it perturbs me a great deal to read in the newspapers of . . . attack(s) on Mr. J. Edgar Hoover.

Ever since I have been in law enforcement, and long before, this man has exemplified the American image of an outstanding, unselfish, loyal American citizen; not only this, but he has devoted his life to unbiased enforcement of the laws entrusted to his department. The citizen who does not know of his accomplishments is rare indeed.

For several years, Mr. Hoover has been the target of powerful criminals; those who would overthrow this nation by force and violence; and those who could not dictate or unduly influence him. Frankly, I dislike seeing members of our Congress join these forces.

At a time when our nation is on the threshold of complete takeover by militants; radicals; draft dodgers; flag burners; those who refuse to fight for our country; rioters; looters and those who seek to destroy good law enforcement; it would appear that members of our Congress could find someone to attack other than Mr. Hoover.

I have every regard for our form of government and for members of our Congress, but I must confess that . . . vilification of Mr. Hoover . . . alarms me a great deal.

Mr. Hoover was first appointed head of the FBI in 1924 and has since been reappointed by every President, Democratic or Republican. I can't believe that, suddenly, he is incapable of maintaining the high standards of performance of the FBI. . . .

Mr. Hoover needs no defense by me or anyone else, but I could not refrain from expressing my opinion on this matter.

Sincerely,

Melvin Bailey, *Sheriff*.

[From the Washington Daily News, Mar. 17, 1971]

The FBI Files

(By Ray Cromley)

The other day a prominent presidential candidate spoke in muted horror of the warnings his senatorial colleagues voiced about the dangers of his speaking critically of FBI Chief J. Edgar Hoover.

The thrust of their warnings, as described by this candidate, was that Mr. Hoover as chief of the Federal Bureau of Investigation has data on so many people that it is not safe for anyone, including high members of Congress, to say anything Mr. Hoover might consider critical.

Whatever else a man may say of Mr. Hoover, he has a consistent record thru the past decades of never having used secret information from the FBI files for political attacks on any member of the government.

I know, in fact, that from time to time in other years pressure from very high places indeed has been put on Mr. Hoover to allow the FBI's secret files to be used for other purposes than checking on crime or in tracking down criminals. I know that Mr. Hoover has consistently refused to open the files to these highly placed men.

I have contacted the office of the candidate who made this statement. I was answered in evasions and hints. When an attempt was made to explore these hints, they evaporated in further evasions.

Every one of us, senator or citizen, has the right to criticize Mr. Hoover or any other government official, and to differ with the way the FBI or any other government agency operates. But let us hold to the truth.

Consider the awful situation in this nation if the FBI files were ever used by the government in power to ruin the members of the political opposition.

I sometime stay awake at night worrying who Mr. Hoover's successor will be, and whether that man, whatever his virtues and his faults, will have the guts Mr. Hoover has shown—to resist all pressures aimed at opening his files for political use.

If we did have as head of the FBI a man who would let those files be used for political massacre, we could indeed very quickly have a police state.

PROPOSED NUCLEAR WASTE SITE NEAR LYONS, KANS.

Mr. BAKER. Mr. President, on March 16 the Joint Committee on Atomic Energy heard testimony on the proposed development of a repository for nuclear wastes at a site near Lyons, Kans. The issue has generated a great deal of public interest and comment, much of it, unfortunately, of a sensational nature.

One of the witnesses at Tuesday's hearing was the distinguished junior Senator from Kansas (Mr. Dole). Because the proposed repository would be located in the State that Senator Dole so ably represents in the Senate, he has taken an understandably strong interest in the merits of the case. His statement before the joint committee on Tuesday reflects a diligent and unemotional assessment of the known facts. I commend the Senator's statement to the Senate, and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Nuclear Repository

Mr. Dole. Mr. Chairman, I appreciate this opportunity to appear before your committee to comment on the proposed nuclear repository for the long-term storage of solidified radioactive waste, to be located at a site near Lyons, Kansas.

Although a final decision has not been made on the use of this site, considerable attention has focused on the proposal in Kansas. Many Kansans are questioning the desirability of allowing solidified high-level nuclear waste to be stored in Kansas for an extended period of time, possibly hundreds of years; others support the project and look to the economic benefits that will accrue to Lyons and Rice County.

PRIOR EVALUATION

This project is representative of the need for assessment of the implications of 20th century technology—in this instance the disposal of nuclear wastes that are by-products of nuclear power generation—before committing ourselves to the full scale development of such technology. Secondly, we must consider carefully the procedures by which a site is selected for application of the necessary technology.

Scientific information furnished me supports the concept of the underground storage of radioactive wastes in salt formations as intrinsically the safest of the alternatives under consideration by this country. My concern is whether Lyons, Kansas is an appropriate site. This will be the first national repository for radioactive wastes. Following these hearings, funds may well be authorized for development of the Lyons, Kansas site. Before a decision is made to fund such development, I would urge that regardless of how very, very small the risks attendant to the proposed repository, a detailed analysis of these risks be performed, adequate to satisfy not only the federal government, but the citizens of Kansas. Furthermore, should the facility be prepared prior to resolution of appropriate public health and envrionmental concerns, actual deposit of radioactive wastes should be deferred until these issues are resolved.

INDEPENDENT REVIEW

On June 17, 1970, the atomic commission announced its tentative selection of Lyons, Kansas as a storage site. Since then I have endeavored to keep myself informed of the full implications of this decision for public health and welfare of the citizens of Kansas and the economic development of Kansas.

Recently, when Mr. Russell Train, chairman of the Council on Environmental Quality appeared before the Senate Public Works Committee, I questioned him on whether the Council had authority to police this proposal. Chairman Train indicated that a full study of the proposed project would be conducted consistent with section 102 of the National Environmental Policy Act of 1969. This study would include comments on a draft environmental impact statement by all concerned Federal agencies as well as State and local governments.

Subsequently, during the confirmation hearings for William D. Ruckelshaus as Administrator of the Environmental Protection

Agency, I raised similar questions. After the hearings, I received a letter from Mr. Ruckelshaus advising me that the Environmental Protection Agency, through the radiation office, would insure that the repository will not pose any dangers to the citizens or the environment in Kansas.

Because the Atomic Energy Commission is both promoting this proposal and evaluating its potential implications, I felt a need for an independent review of the project, and undertook steps to obtain a non-governmental evaluation from scientific and technical experts. At my request, Senator Jennings Randolph, chairman of the Senate Public Works Committee, circulated the Atomic Energy Commission's draft environment impact statement on the proposed nuclear repository to the committee's scientific advisory panel for review and comment. I ask that Senator Randolph's letter to me transmitting the comments of the advisory panel members and a summary prepared by Mr. Richard D. Grundy of the public works staff be included in this hearing record at this point.

UNANSWERED QUESTIONS

My review of the comments of the scientific advisory panel indicate several basic questions have not been answered by the draft environmental impact statement. This statement is required by the National Environmental Policy Act, and as such should include a complete discussion of the effects of the proposed project on the quality of our environment in Kansas. Although adequate answers to these questions may be available in technical and scientific literature, they should be incorporated in the environmental impact statement.

RADIOACTIVE RELEASES

While there is controversy over the adequacy of current radiation standards, the history of minimizing radioactive releases from nuclear power plants shows a steady decrease in the amounts of radiation that are permitted to enter the environment. The Atomic Energy Commission has played a significant role in assuring that radioactive releases from power plants are minimized consistent with the best available technology. The proposed nuclear repository is a part of this system.

RADIOACTIVE EMISSIONS

As a Senator from Kansas, I would insist that radioactive emissions from any proposed repository not be allowed to exceed those required for nuclear power plants. Equivalent controls should be required throughout the nuclear energy industry. After controlling releases elsewhere, to allow higher levels of emission at or in transportation to the proposed repository would in effect be asking Kansans to not only store the wastes of our nation's energy system but also to accept a higher risk of possible adverse effects. I mention this possibility because the potential problem is not discussed in the draft environmental statement.

CONTINUOUS MONITORING

There is also an obvious need for long-term environmental monitoring for possible atmospheric releases of radiation and groundwater contamination. Yet, there is no indication in the statement of intended or anticipated environmental monitoring programs or their costs. Such programs would be expensive and must be provided for in the authorization of this project. At an absolute minimum, there must be continuous monitoring to protect the citizens of Kansas.

RETRIEVAL

In addition, I am particularly concerned with three apparent omissions in the draft environmental impact statement. Although an extensive review is provided of the waste handling facilities for the highly radioactive wastes, there is no indication of the steps that would be taken should retrieval be required at a later time, either due to intrusion of water into the salt formation or a spill of the solidified radioactive materials within the repository. These possibilities must be evaluated and an objective safety program provided for—before actual construction begins.

EFFECT ON GROUND WATERS

My second concern is the current and possible future uses of ground waters in the vicinity of the proposed repository. The communities of Lyons, Sterling, and Chase are now obtaining their water supplies from ground waters. Yet, there is no data presented in the environmental statement on the relationship of these ground waters to the ground waters in the vicinity of the proposed site. These may, in fact, be from the same geologic aquifers. Should this prove true, there would be a risk of not only contaminating these water supplies, but also the disruption of water supplies. Therefore, this question requires resolution prior to the initiation of construction.

There is also a need for further information on the potential effects of the future development of ground waters on the salt beds to be employed. The advisory panel's comments suggest that alteration of current ground water use patterns or withdrawal rates could affect the stability of the salt beds. The possibility therefore exists that land use might be restricted in order to provide the necessary protection for the nuclear waste repository. The consequent effect might be the restriction of the future economic development of Kansas.

Thirdly, I am concerned that the hazard during transit and transfer of the material both in Kansas and from wherever that material is generated, have not been sufficiently discussed.

QUESTIONS MUST BE RESOLVED

While I am not qualified to pass judgment on the scientific merit of the questions raised by the advisory panel, I do feel that a prudent public health and environmental policy should dictate resolution of the points raised, preferably before site development is initiated, but definitely before the site is used for its intended purpose—the disposal of solidified radioactive wastes.

This is the first site to be constructed for the disposal of solidified radioactive wastes in this Nation. The costs of disposal should not, however, be the determinative factor in considering alternatives. The first such facility should employ all the safeguards that are considered desirable and provisions should be made for retrieving the wastes should this become necessary in the future.

Ultimately, the costs of operating such a repository will be charged to the nuclear power industry and in turn the general public. Initially, however, public health concerns dictate that the Federal Government insure that safety, not economics, be the overriding concern, and that at every step of the process adequate margins of safety be provided.

PHARMACY AND THE 1970's

Mr. HUMPHREY. Mr. President, great changes will be made in the months and years ahead in the delivery and financing of health care in the United States. This change—this health care revolution—is both inevitable and desirable.

It will affect every citizen in the Nation and every facet of the way in which his or her health is cared for and paid for.

I began my adult life in the health profession, as a pharmacist in my father's drugstore in Huron, S. Dak. I still maintain my pharmacy registration and am proud of it.

My career in public service has been dedicated to a very large extent to improving the health of our people—as Mayor of Minneapolis, as U.S. Senator, and as Vice President of the United States. I have sponsored and worked for countless programs that today are helping millions of Americans live a happier and healthier life.

I have sought to improve pharmacy—within the profession and in Congress. We cannot have good medicine without professional pharmaceutical standards and personnel.

As we work to reform health care in this country, the pharmacy profession must turn on itself the intense light of introspection and prepare itself for the future.

One of those most aware of this necessity is Dr. Martin Barr, dean of the College of Pharmacy at Wayne State University in Detroit.

He has written a paper entitled "Patterns of Evolution in the 1970's: Health Care, the Consumer and Pharmacy," which he recently presented before the house of delegates of the Michigan State Pharmaceutical Association.

I believe that what he has to say is of interest and importance to Congress, to the pharmacy profession, and to the American people. Therefore, I ask unanimous consent to have printed in the RECORD that portion of Dean Barr's paper dealing with changes required for the pharmacy profession in meeting the health needs of our citizens.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PATTERNS OF EVOLUTION IN THE 1970'S: HEALTH CARE, THE CONSUMER, AND PHARMACY

(By Martin Barr, Ph.D.)

INTRODUCTION

The 1970's will present formidable challenges to all health practitioners, including pharmacists. Pharmacists must bridge the gulf between the possibilities of modern pharmaceutical services and the reality of its availability to the citizens. They must, without reservation, provide full patient-centered pharmaceutical services to all our people. They deserve no less. The writer believes that sound health programs, including pharmaceutical services, are based on the development of comprehensive, coordinated, high quality health services which are dignified, available, and accessible to entire populations. Pharmacy must learn how to take part in such programs and the writer believes it can and will.

DRUG RELATED PROBLEMS

Dr. Henry Simmons, Director of the Bureau of Drugs of the Food and Drug Adminstration, has emphasized that the increasing misuse of drugs in America poses a major problem. He reports that Americans are being dosed with approximately 2 billion prescriptions a year. He believes that $0.5 billion a year are spent for prescription drugs for which there is at present no valid proof of efficacy, although they can produce adverse reactions. Dr. Simmons states that the incidence of complications in drug therapy is roughly 10 per cent, and that 5 per cent of patients admitted to general hospitals are there because of serious drug reactions. He further says that after admission into the hospital, patients face a 10–20 per cent error rate in the drug which he receives. Dr. Simmons also refers to the fact that certain drugs are used inappropriately and that there is an extraordinary variation in the way that patients are treated with the same diseases.

He reports that the average hospitalized patient receives approximately 10 drugs per hospitalization and not infrequently up to 30 drugs.

Dr. L. Cluff, in discussing admissions to hospitals because of adverse drug reactions, estimates that the resultant hospital rates amount to about $900 million, to which must be added the cost of diagnosis and treatment. This sum does not account for loss of life, loss of income, or partial loss of work capacity. In addition, the costs incurred are further increased when one takes into account that about 10 per cent of hospitalized patients develop adverse reactions during hospitalization.

Yes, let there be no mistake. The misuse of drugs and adverse drug reactions are national public health problems.

EMERGING TRENDS IN PHARMACEUTICAL PRACTICE

Half a century ago, the primary goal of pharmaceutical education was the training of a pharmacist to prepare drugs and to compound and dispense prescription medications. This preparative and distributive function, which also involved a significant service concept, was performed by the pharmacist largely as an isolated health practitioner with only infrequent need for communication with the physician or other health practitioners. The pharmaceutical incompatibilities of concern were those of a physical or chemical nature. Therapeutic incompatibilities caused by physiological interactions of drugs were seldom recognized since little was known about them.

With the advent of the sulfonamides in the 1930's, there began a new era of drugs with highly specific actions, with great potency, and with great potential for harm as well as good. With this development came the need for the formulation of these new drugs into effective, stable dosage forms under conditions of mass production and quality control. Pharmaceutical education strengthened the science component in its curriculum during this period, particularly in the biological sciences and in pharmacology. This provided an expert source of information on the drugs that the pharmacist dispensed in his practice—their actions, interactions, uses, and contraindications. This product-oriented role of the pharmacist, as important as it is, had little patient orientation, and except for a few exceptions, the pharmacist has continued to function mainly as an isolated health professional.

Changes in the pattern of health care delivery, as well as the frequency of use and the sophistication of modern medical agents, have brought new demands on the profession of pharmacy and the need for marked revisions in the education of pharmacists. In addition to product-orientation, patient-orientation must be emphasized necessitating the provision of extensive clinical training as an important element of pharmaceutical education.

Over the past twenty years, the development of potent therapeutic agents and complex drug therapy have led to a significant increase in drug related problems, as has been mentioned previously. Thus, there is a great need today for pharmacists to share drug knowledge and assist physicians in assuring the effectiveness of these agents while at the same time assuring that the incidence of drug related problems is minimized.

Dr. Charles Edwards [FDA commissioner] has recently criticized the characterization of pharmacists' duties with reference to:

"The tired unfair jokes about pouring pills from big bottles into little ones. . . . I have to believe that this is a poor description of the professional pharmacist. Because something else is being poured into the pill bottle—education, training, experience, a sense of responsibility, and professional judgment . . ."

The author agrees with Dr. Edwards in his statement. Pharmacists for too long have taken abuse such as that referred to by Dr. Edwards. However, the author does wish to emphasize that although the product-oriented role of the pharmacist is indeed important, times are changing and modern demands of health care require him to accept additional significant patient-oriented roles. Unfortunately, too many pharmacists accuse those advocating this of not appreciating the pharmacists' contributions to health care. This is just not the case. We simply need to do more in the interest of total patient care. It is necessary if pharmacy is to remain a viable and recognized health profession.

Any marked improvement in health care delivery must involve a total team effort. There is not now a team giving health care but there must be. Once a team is defined, roles must be defined for the team members. But it must be remembered that in these team role developments, the needs of the patient must be paramount.

Dr. William Apple has said that new roles for pharmacists should involve both services for the patient and the community. The writer agrees. Dr. Apple has said also that the pharmacist is a most knowledgeable individual in drugs but the physician rarely calls upon him for consultation. He says that it is one thing for the pharmacist to function as the retriever, custodian, and communicator of drug information; it is another thing to serve as the interpreter and evaluator. Dr. Apple says that if the pharmacist could save even one hour per week for each physician in aiding him with drug matters, it is estimated that this would add the services equivalent to 2,000 physicians for 50 hours a week.

As has been mentioned earlier in this paper, medical practice is characterized with patients frequently seeking the services of two or more physician specialists during short spans of time, each physician prescribing one or more prescriptions for the patient and each physician with little, or no, knowledge of those medications prescribed concurrently by the other physicians attending the patient. Pharmacists in hospitals, at times, have been shocked at the array of prescriptions brought into the hospital by patients who are seeing several physicians at the same time. How many of us really realize the implications arising from multiple drug utilization? The statistics stated earlier indicate some of the ramifications.

These statistics are embarrassing because they force us to acknowledge that adverse drug reactions, many of them serious, are the result of the inadequacies and indifference on the part of the present patient-care team members. A large percentage of the reactions occurring are the result of drugs prescribed by physicians, dispensed by pharmacists, and administered by nurses. Oftentimes, adverse drug reactions occur because there is little or no effort made between the various health professions, and within each profession, to establish preventative measures against harmful drug reactions. Recent studies in the Detroit area, for example, point out the need for a concerted effort between physicians and pharmacists to detect potential adverse drug reactions.

In a February, 1970 study of 100 patients patronizing a combination community pharmacy-diagnostic laboratory, an incidence of 20.7 per cent possible drug-diagnostic test incompatibilities were detected as a result of patients taking medications known to be incompatible with the diagnostic test prescribed. In a April, 1970 study, the charts of 100 nursing home patients were reviewed and it was noted that each patient received an average of 9 different medications during a six-month study period. A maximum of 20.7 per cent possible drug-drug interactions were detected through the chart review.

All this points to the fact that it is necessary to develop methods whereby a citizen will seek to identify with one pharmacy within his community in order that he be assured continuity in the provision of pharmaceutical services, i.e., each person or family should have his personal or family pharmacist.

CHANGING ROLES OF THE PHARMACIST

Below are discussed some of those roles which pharmacy must accept in the interest of total patient care, regardless of where he practices.

The pharmacist takes part in drug therapy control by:

1. Maintaining patient medication profiles including both prescribed prescription and non-prescription drugs for the benefit of the patient and the physician or other member of the patient-care team.
2. Monitoring of drug therapy for possible adverse drug reactions arising from single dose administration or from drug-drug, drug-food, and drug-laboratory test interactions. Such reactions occur with increasing frequency with the patient's use of multiple prescription medications ordered by one or more physicians for the same individuals or by the interaction of self-medication drugs used concomitantly with prescription medication.
3. Providing professional patient guidance on the proper use of all prescribed and self-selected drugs, their possible side effects, contraindications, and storage conditions, etc.
4. Supplying information for reliable value judgments on the choice of drugs and the comparative therapeutic merits of drugs by medication prescribers as well as assisting other health-care practitioners in matters involving drugs.

The pharmacist must be involved with the operation of a drug information center which includes poison information and, I believe, this is a must in every hospital.

Important consideration is being given to the pharmacist's role in triage. In many inner city areas where the pharmacist is often the last of any health professional presently remaining, triage is being practiced by some pharmacists.

The pharmacist must assume roles which contribute toward the health of his community. Here he can take part in public health education within the community and can encourage the effective utilization of available care from the appropriate human service profession. He should serve as an educator for environmental health, alcoholism, poison control, venereal disease, and drug abuse.

Dr. Apple has discussed the fact that site where the pharmacist will practice will be most important in his new roles in overall patient care. He states that the mere size, noise level, and merchandising atmosphere of many pharmacies is not conducive to many individuals seeking health information. He points to the fact that in hospital pharmacy, the escape of the pharmacist from his basement cell has become one of the factors making him more effective in patient care.

Dr. Edward Pellegrino, Executive Vice President for Medical Affairs of the State University of New York at Albany, in discussing the future role of the patient-oriented pharmacist in primary, secondary, and tertiary medical care says:

"A person educated in the clinical and organizational aspects of drug usage will always be essential at all levels in any future system of care. Let us look at the primary level first. Primary care will probably gravitate more and more to institutional settings, located within easy time distance of the population served, and dedicated to primary and emergency medical care and preventive health maintenance. These primary care centers may well be staffed by a relatively small number of physicians, assisted by larger numbers of assistants, nurses, social workers, and pharmacists. The centers will be geared to respond to patient needs expeditiously, picking up the responsibility for the medical situation, and making prudential decisions about how and where care is to be provided. Each center for primary care will be the satellite of a secondary care center located at the community hospital. Each primary health care center will require pharmacy services of several types—storage, control, dispensing, administering drugs, advising physician and nurse, and education of the public. Many of the functions of today's community pharmacist will gradually move to these primary care centers or to the community hospital. The drugs used at the primary level of care will be those essential for emergency treatment of infections, trauma, and minor symptomatic remedies. Complicated diseases and the complex treatments will be carried out at the community and university hospitals. The pharmacist in the primary care center will require a knowledge of a smaller number of agents, but he will have to be more familiar with their actual clinical use. Blood and blood products and other biologicals in this circumstance will be placed under his aegis, since pathologists will be located only at the secondary and tertiary levels of care. Radioactive materials will probably not be a responsibility at this level. The pharmacist will work on a team made up of physicians, but also of nurses, social workers, and physicians' assistants. His team will be in radio, television, and telephone communication with a community hospital where larger and more complete stocks of drugs will be kept and inventoried. In this milieu, the pharmacist should be the professional best educated in drug fundamentals and usage. Since the physician's time will be devoted heavily to coordination of the health care team, rather than to technical tasks, the pharmacist will assume a more important place in the details of drug management. Like the physician, the pharmacist, in this context, will also find it efficient to divide his tasks and assign the more technical ones to pharmacists' assistants. These technicians will handle dispensing, labelling, and, perhaps, administering of simple medications under pharmacists' supervision. The organization and control of drug usage, the advising of physician and nurse, supervision of the assistants, and the education of the public would be the major function of the professional pharmacist. An additional important function for the pharmacist would be in treatment and diagnosis in poisonings: to provide identification of drugs and other toxic materials and to be in contact with regional poison control and information service. Clearly, in a center for primary medical care, the pharmacist would play a new and significant clinical role as the local and immediately available expert on all agents used in primary and emergency medical care and health maintenance.

"The secondary level of care will consist primarily of elective and emergency major surgery, the diagnosis and treatment of the more complex medical disorders, short term psychiatric care, community health, and preventive medicine. Community hospitals are slowly moving to enlarge the scope of their services to include the preventive and educational, as well as the curative, aspects. As they do so, they are being transformed into comprehensive community health centers and, in the system I am describing, they will be the first line of back-up for the primary health care centers. Increasingly, they will depend upon a core of full-time clinical chiefs working closely with community practitioners in the definitive management of all but the most complicated medical disorders. The pharmacist in the setting of secondary medical care will have vastly expanded responsibilities in therapeutics—responsibilities which will bring him to the bedside, into the clinic, and into the health care team. He will need, and use, pharmacy assistants, as in the primary care model, to label, distribute, and control medications under his supervision. But in addition, the whole field of clinical pharmacy will be opened to him. The pharmacist will be the drug and medication expert on the health care team, working on the hospital floors and in the clinics alongside the physician and the nurse. He will be responsible for supervision of pharmacy assistants; he will mix all intravenous medications and probably administer these and all other complex or dangerous medication. He will do drug interviews on admission, discharge and follow-up visits. He will advise the physician on the choice of medications, observe their effects and side effects, run the drug information and poison control center, serve as coordinator and resource person for the formulary and the drug utilization committee. He will also be an educator—for the continuing education of his colleagues in the other health professions and for the general public, whose need to learn more about the use and abuse of therapeutic and nontherapeutic drugs has reached emergency proportions. In this setting, we can also expect an expansion of scope of the more traditional responsibilities for procurement, distribution, control, and storage of drugs extending to radioactive agents and blood products.

"The tertiary level of care will back up the primary and the secondary levels and will be concentrated in the universities and urban medical centers. Here, the most complex surgical procedures and diagnostic problems, techniques, and equipment will be assembled. Only a small fraction of total medical care in the community will take place here. The effort always should be to move new techniques and knowledge out to the community hospital-secondary level of care as soon as feasible. In the university hospital, the pharmacist's clinical role will be expanded, as in the case of the community hospital. The difference will be in the complexity of medications and clinical situations he will encounter. He will need a more fundamental knowledge of pharmacology, a more profound perception of drug effects and usages in complicated, multidisease, multimedication clinical situations. The pharmacist's colleagues will be academic clinicians and investigators. Acquaintance with the emergent field of biopharmaceutics will be essential. The pharmacist will become deeply involved in research, especially in clinical pharmacology. Indeed, he may well become the clinical pharmacologist par excellence if his education can be deepened in clinical medicine and physiology."

CHANGES IN PHARMACEUTICAL EDUCATION

There have been marked changes in pharmaceutical education in recent years. Most colleges of pharmacy have restructured their curricula in an effort to prepare pharmacists who are both patient-in addition to product-oriented. But much more has to be done in respect to the latter.

In preparing their students for pharmaceutical practice in the 1970's and beyond, colleges of pharmacy have the responsibility to educate future pharmacists to serve as effective members of the health care team and who will collaborate even more than heretofore with physicians and other health professionals in delivering comprehensive health services to the public. To do otherwise would be unjust to the public, the profession of pharmacy, the pharmacy students, and the objectives of our Nation in health.

Traditionally, colleges of pharmacy have based the education of their students upon a thorough knowledge of drugs. Unlike medical and nursing students, pharmacy students have been educated primarily within the classroom with minimal experience in interdisciplinary clinical education. This must now change. Permit me to discuss one major aspect of reform required in the pharmaceutical curriculum—the use of the clinical facility for the clinical teaching of the future pharmacists.

Clinical teaching is the process whereby basic knowledge is converted into the ability to make decisions about a patient's care. It is a highly complex process but carried out in a learning environment in which there is a close intermingling of academic learning and the real-life problems of patient care.

Although basic concepts and principles can be acquired in a classroom or laboratory setting, their transformation into a useful form occurs in the real world of medical care when there is interaction between patients, physicians, nurses, pharmacists, social workers and other health professionals and the equipment and facilities essential for modern health care.

In a variety of environments devoted to patient care, the pharmacy student has the opportunity to integrate knowledge of drugs, their absorption, site of action, biotransformation, and elimination with an understanding of the diagnostic and therapeutic problems confronting the physician. He learns the ways in which health care activities are organized and how to effectively make his contribution to patient care within that system. He further has the opportunity to understand the difference between the basic descriptions of drug actions, interactions, abuse, and adverse reactions as described in textbooks, lectures, and in the laboratory and the complex adjustments that are necessary when one is applying the concepts and principles to the individual needs of the patient.

An interdisciplinary setting provided within a clinical facility in a variety of environments becomes essential during the educational process so that all health profession students come to recognize early in their professional careers the unique contributions of each profession and begin to understand and value the health team approach in providing comprehensive health services. Such understanding and relationships, developed within the environment of a clinical facility, will encourage a continuation of such relationships, to the benefit of the public, when students complete their education and begin practicing their profession, whether in the community or institutional pharmacy.

In such an environment, tomorrow's physician will learn to cooperate more-effectively with a score of highly skilled professionals who contribute in a positive manner in the prevention and treatment of disease. However, if the physician has had very little exposure during his education to the benefits of patient-centered health-team care, he will not only remain unaccustomed to working with other team members, but will continue to find himself, once in private practice, performing functions that could be provided by other health professionals.

Educating the physician of tomorrow in the same clinical environment used for educating patient-oriented pharmacists will allow the medical student to make early observations regarding the value of these health professionals and will result in his developing a pattern of practice which will allow for better utilization of his expertise.

Additionally, the interdisciplinary education provided by means of a clinical facility will bring medical and pharmacy students together and allow each to strengthen the education of the other. While pharmacy students contribute their knowledge in the realm of drug therapy, the association of medical students with pharmacy students will reinforce the fundamentals of patient care as it relates to drug applications and point out the type of information which is most needed by physicians.

Only in a clinical setting will students of the various health professions develop the habit of working together. Later, in the community, the physician will seek out other health professionals, including the pharmacist, for their special contributions to patient care.

In addition, to exercise professional judgment and responsibility in patient care, pharmacy students must recognize the influence of physical, social, emotional, and economic factors in disease before they can contribute effectively in total rehabilitation programs. Therefore, the emphasis on the educational programs in pharmacy for the future must take place within the environs of a clinical facility together with other health professions students.

Within the health care teams of a clinical facility, pharmacy students can interact with practitioners in providing drug information and have the opportunity to guide patients in the proper use of prescribed and nonprescribed drugs. Such interaction can be accomplished by allowing pharmacy students to gradually assume responsibility in drug-related areas of patient care. Starting out with determining the drug history of patients, the pharmacy student can progressively learn to correlate drug therapy with specific clinical conditions, allowing him to identify potential drug induced problems to the point where the student is actively involved in physician and patient consultations. Such experiences will equip the pharmacist to provide the physician with reasonable alternatives to assure optimum drug therapy with minimal side effects and thus constructively support the physician's goals in drug therapy.

It is the author's firm belief that pharmacy students must also undertake part of their academic training in community pharmacy facilities where they will have the opportunity to apply their academic and clinical knowledge at the practical community level. Indeed most of the last year of their training should consist of clinical experiences in an institutional and community setting, and, in addition, efforts must also be made to expose pharmacy students to the clinical environment early in their academic programs.

OTHER CHANGES

The writer has emphasized the changes which he believes must take place in the roles and education of the pharmacist in the 1970's and beyond. He now wishes to comment briefly on some of the additional trends he foresees. The changes forecasted are far-reaching in scope and will occur gradually.

1. Pharmacists will form group practices consisting of pharmacists with different specializations, and as such will expand the scope of their practice. In addition, pharmacists individually or a group of pharmacists will enter into group practice arrangements with physicians and other health professionals.

2. Pharmacists will practice in various locations, as does the physician and other health practitioners. Thus he may spend part of his day in the hospital, extended care facility, nursing home, and health clinic. Here he would assist the physician and other members of the health team in all drug-related matters, including the patient's drug regimen. He would consult with the patient concerning those drugs prescribed by health practitioners as well as self-medication remedies the patient may take. He would also present health education talks to patients and community groups.

3. The pharmacy group practice will have a home location, the pharmacy, with possible satellites, located either in an institutional setting or in the community. The pharmacy will serve as the place from which drugs and health appliances are dispensed, a repository for patient records, and in general, the place in the community where individuals may receive health information. Indeed it could serve as the health education center in the community.

4. Pharmacists will take part in the education of health workers and resident agents. These individuals will visit the patient in his home to check on whether he is properly taking his medication, etc.

5. Pharmacists will be reimbursed by a fee for total pharmaceutical services per patient per day or perhaps on a capitation basis directly or as part of a group.

6. Pharmacists will be reimbursed almost entirely by a third party.

7. Pharmacists will be assisted by technical aides in many non-professional duties under procedures devised and under the supervision of the pharmacist.

8. Pharmaceutical manufacturers will provide properly labelled, pre-packaged medication in usual dosage form and quantity for patient consumption. The delivery of this medication unit will be provided either by mechanical device or technically trained personnel under the supervision of a pharmacist.

9. Computers will become an esesntial tool for the pharmacist for maintaining patient records and recording all necessary patient data. These data will be transmitted from his various places of practice to his home pharmacy.

10. Many physicians will continue to resist the team approach to health care, as will many pharmacists, but as health delivery systems are changed and with the advent of new generations of physicians and pharmacists who have been educated together, this resistance will fade.

11. Internship training programs for pharmacy licensure will become a part of the academic program.

12. There will be a good likelihood that compulsory continuing education and/or annual relicensure will be mandatory, possibly as a result of requirements for participation in Federal government-financed health programs.

SUMMARY

The United States is in a health-care crisis. Money alone is not its solution, but what appears to be needed is a major revamping of the health-care delivery system. There will be progress toward such a restructuring in the 1970's. Pharmacy must meet the challenges of change by developing significant patient-oriented roles as a member of the total patient-care team in future health programs. This will necessitate a concentrated program of continuing education for present-day pharmacists and additional revamping of the pharmaceutical curriculum so as to allow pharmacy students to be trained in a clinical environment together with other health profession students. The future for pharmacy will depend on its willingness to accept new roles and responsibilities in behalf of the Nation's future health-care system and its citizens.

AMENDMENTS FOR THE ALASKA NATIVE LAND CLAIMS BILL (S. 35)

Mr. STEVENS. Mr. President, in the near future, the Senate Committee on Interior and Insular Affairs will once again meet to consider the bills which have been introduced to settle the land claims of Alaska's Native people. As you know, the Indians, Eskimos, and Aleuts of my State claim aboriginal title to vast portions of the land mass of Alaska. Two bills have already been introduced in the Senate to settle these claims, and the administration is expected to make its position known within the next few days.

One of the settlement measures which has already been introduced is S. 35. The bill, which is identical to the Alaska Native claims settlement measure that passed the Senate by a wide margin during the last Congress, was introduced by the Senator from Washington (Mr. JACKSON), with my colleague from Alaska (Mr. GRAVEL) and me as cosponsors. Today, I should like to propose several amendments to S. 35.

The amendments are as follows:

First. An amendment which would eliminate the 5-year land freeze provided in section 24(a) of S. 35. This section provides that all public lands in Alaska which have not been previously classified by the Secretary of the Interior will be withdrawn from all forms of appropriation for a period not to exceed 5 years. The enactment of this section might seriously impede the economic and social progress of my State. At the time Alaska achieved statehood, it was known that certain lands contained vast mineral resources. It was expected that the State income derived from the prudent development of these resources could be used to resolve the massive problems confronting the people of Alaska. The imposition of a 5-year freeze would further postpone this development and would adversely effect all our citizens.

Second. An amendment which would eliminate section 17, relating to the competitive leasing of minerals in the public lands of Alaska. This amendment is prompted by my belief that it would be a great error to permit only competitive bidding for mineral leases on the public domain lands of my State. Such a leasing system would jeopardize the existence of small mineral developers which do not have the capital to compete with large companies in the exploration and development of mineral resources. Moreover, it is my view that any change in the present mineral leasing laws should apply equally to all States and not just Alaska. For these reasons, I support a continuation of the present leasing laws and regulations, which are designed to promote the prosperity of both large and small mineral developers while insuring the full exploration of our public domain lands.

Third. An amendment which would eliminate section 18(g)(1)(A). This provision stipulates that if the State of Alaska initiates litigation or becomes a party to litigation contesting the revenue sharing section of S. 35, the right of the State to select lands under the Alaska Statehood Act will be suspended as to public lands determined to be valuable for mineral development. Our State as a litigant should not be prohibited from utilizing the courts of this Nation to vindicate what it believes to be a just claim.

Fourth. An amendment which would change the definition of "Native" in section 3(f) to permit the Tsimpsean Indians of Alaska to qualify for benefits under S. 35 in the same way that other Native groups now residing in the State are permitted to qualify. Thus, any Native whose descendants came to reside in Alaska prior to June 30, 1867, would be eligible to receive the land and monetary benefits provided in S. 35.

Mr. President, I firmly believe that the amendments which I have just described will lead to the promulgation of an improved Alaska Native land claims settlement bill.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

Mr. ALLEN. Mr. President, the week of March 28 through April 3, 1971, will be observed throughout the United States as National Future Homemakers of America Week.

Future Homemakers of America is the national organization of home economics students in junior and senior high schools. Membership is voluntary, and the organization is sponsored by the Division of Vocational and Technical Education of the U.S. Office of Education, with the American Home Economics Association as cosponsor. Programs in the individual States are sponsored by the State Departments of Home Economics Education.

As a national youth organization, FHA has several distinctive features. It provides opportunities for developing individual and group initiative in planning and carrying out activities related to the dual role of homemaker and wage-earner. On local, State, and national levels it operates through the framework of the secondary schools. Affiliation is open to all high schools, public and private, providing instruction in home economics education.

Their goal is to help individuals improve personal, family, and community living. National projects, adopted every 4 years, guide their activities toward this goal. Projects for 1969–73 are: First, Our Future as Homemakers; second, Stable Home—Stable Life; third, Make Time Work for You; fourth, Decisions That Count; fifth, To Dare Is To Care; sixth, Our World—A Growing Heritage; and seventh, Preparedness—The Key to Opportunity.

Mr. President, I am proud of the fact that in my home State of Alabama, there are more than 22,000 young girls participating in 312 chapters of FHA. They have been and are doing wonderful work in their schools and in their communities.

I am also proud of the fact that throughout my career as a public official, dating back to 1938, I have worked diligently for greater education opportunities for the young people of my State and of our Nation. I am convinced that strong family ties, which have always been the backbone of America, are related to the experiences and training obtained through membership and participation in such organizations as Future Homemakers of America. I am delighted to recognize the FHA and to offer my best wishes to its 600,0000 members throughout the Nation.

THE PLIGHT OF U.S. CITRUS EXPORTS

Mr. DOMINICK. Mr. President, on behalf of the distinguished Senator from Arizona (Mr. Goldwater), I ask unanimous consent that a statement by him entitled "The Plight of U.S. Citrus Exports" be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Plight of U.S. Citrus Exports

(By Senator Goldwater)

Mr. President, it was my pleasure yesterday to appear before the Senate Subcommittee on Agriculture Exports, of which the distinguished Senator from Florida (Mr. Chiles) is chairman. His Subcommittee conducted the first major hearing ever held by Congress on the massive threat posed to the entire American export community by the discriminatory preferential tariffs given by the European Economic Community to imports of fresh citrus fruits from America's competitor nations.

In order that all Senators might see for themselves the dangerous ramifications which are caused by this discriminatory action, I ask unanimous consent that my statement be printed in the Record.

Statement by Senator Barry Goldwater of Arizona Before the Subcommittee on Agriultural Exports, March 18, 1971

Mr. Chairman, for almost two years now, the citrus growers from my State of Arizona, together with our neighbors from California, have been engaged in a monumental struggle for survival of a giant share of their 70 million dollar export industry. Thirty-five percent of American citrus exports and thirty million dollars of the United States balance of payments account have been placed in total jeopardy because of discrimination against our commodities by the world's largest citrus importing area—the European Economic Community. This trade malady holds such ominous implications for American trade policy in general, I believe it warrants immediate attention from both Congress and the Executive Branch before the symptoms spread.

What has happened is this. The European Economic Community, which has become the world's largest trading unit, has granted a sizable tariff preferential to four major competitors of United States citrus growers, but has not extended the same treatment to United States shipments. In August of 1969, the EEC summarily reduced the tariff on citrus commodities imported from Israel and Spain. This was done wtihout the authority of any waiver from the United States or other affected nations. Then in October of 1970, the EEC rubbed this abrasive conduct in our faces by arbitrarily extending the preferential duties for another year.

In addition, Tunisia and Morocco have signed agreements with the EEC under which they, too, receive preferential treatment for citrus exports.

The result is that oranges and lemons from Tunisia and Morocco are subject to only 20 percent of the common tariff applied to citrus products. In the case of Spain and Israel, the agreements provide for the payment of only 60 percent of this tariff. In other words, Morocco and Tunisia are granted an 80 percent tariff preference and Spain and Israel are given a 40 percent preference.

Translated into monetary figures, this works out to a duty of only 16 cents per carton on shipments from Tunisia and Morocco and 48 cents per carton on shipments from Spain and Israel. Compare this, if you will, with the rate on United States citrus products, which is 80 cents per carton.

Mr. Chairman, this places American fresh citrus exports in an almost impossible situation. It means American citrus shipped to Europe must compete with oranges and lemons which enjoy a price advantage of as much as 64 cents a crate. It should come as no surprise that the impact upon exports of fresh citrus fruits from Arizona and California has been immediate and drastic, with the loss of over 2¼ million dollars in sales within the first year after the tariff reductions were made effective. The loss has now climbed into the neighborhood of 3 million dollars with the peak marketing season just beginning. In contrast, the sales of Morocco and Spain have gone up by nearly 50%.

This is a wholly unacceptable economic kick-in-the-teeth, and our Government should take strong measures to eliminate it without delay. It is an open violation of the basic agreement which governs trade relations between the United States and the EEC and calls for a strong defense of America's trading rights.

Mr. Chairman, as you know, United States commerce with the six Common Market nations is controlled by the agreement known as GATT—the General Agreement on Tariffs and Trade. The very cornerstone of GATT is Article I, the Most Favored Nation provision, which guarantees that when a preference is given to one country by a GATT nation, it will automatically be granted to all other GATT nations.

In other words, Article I is a civil rights statute protecting equal treatment for United States products. Unfortunately, the EEC acts as if it has never heard of the principle of nondiscrimination when it comes to American citrus exports.

Mr. Chairman, let me put this conflict in its correct perspective. What is at stake is not merely the export future of a single American industry, although that alone is reason enough to justify a display of backbone by the United States State Department.

After all we are talking about 30 millilon dollars of the American trade balance. This includes $21 million in direct sales of fresh citrus and $9 million of interdependent exports of processed citrus.

It is a trade which has been steadily developed over a period of nearly a half century. It is a market which is supplied by 12,500 citrus growers in Arizona and California. And it is an industry which supports almost 40,000 United States citizen employees. No foreign contract workers are used.

Therefore, standing on its own merits, the Arizona-California trade effort deserves the vigorous support of the United States Government. But beyond the interests of this one industry, there looms a clear challenge to the entire United States industrial and agricultural export comunity. The whole spectrum of America's trade position is at stake.

Here is why. If the EEC can openly discriminate against oranges and lemons, then it can discriminate against any other item whether it is industrial or agricultural. Automobiles, aircraft, electronic equipment, tobacco, apples, . . . you name it. They will all be fair game once the precendent is established that the United States will not enforce its trading rights.

While the dollar amount of citrus exports is not so large that of some of other American commodities shipped to the EEC—for example, soybean exports amounted to $640 million last year—this fact serves to emphasize the importance of the citrus problem. If the United States cannot obtain equal treatment for a commodity which the EEC does not itself produce in any significant quantity and in a case where the dollar amount of American exports is relatively small, how can we ever expect to win fair terms when the problem concerns a high dollar commodity or one produced extensively in the EEC?

By allowing the EEC to run roughshod over one American commodity, we will putting each and every one of our trade items on the block—to be hacked away at the whim of the EEC.

What is more, there may be even greater risks involved than the danger to United

States export markets. According to the Chamber of Commerce of the United States, ". . . the entire international system of multilateral, reciprocal and non-discriminating trading relationships, so painstakingly built up for the past thirty years, is in jeopardy." The National Chamber further contends: "It must be emphasized that not only the interests of the United States are at stake, but those of all trading countries."

These views are set forth in a recent report drafted by a National Chamber Task Force on United States–EEC Relations and bear out the vital need for strong initiatives by the United States in support of American products.

As one who backs a policy of free trade accompanied by the expansion of American exports, I feel it is incumbent upon our Government to assure American business that both sides of the trade avenues will be kept open. It is to the credit of the Arizona-California citrus producers that this crisis has not backed them into a position of demanding the erection of protective tariffs around America's borders. The citrus growers are export-minded, not protectionist-oriented.

But every law of equity requires that if an American industry is willing to accept the challenge of free competition within its own market, then it should be allowed to compete on equal terms with other producers in foreign markets. There must be a fair and equal application of international rules or the whole system will collapse in a self-perpetuating series of conflicts and reprisals.

The answer is obvious. The United States must convince the EEC it is committed to obtaining non-discriminatory treatment for American export commodities. To this end, I have suggested the Secretary of State should instruct all United States embassies in the six EEC member nations to increase their efforts on behalf of equality for American citrus products. Several other Members of Congress also have strongly defended the American industry's interests.

For its part, the Office of the President has held two days of public hearings on the citrus crisis through its Office of Special Representative for Trade Negotiations. This agency, which is directly responsible to the President, compiled a convincing record of evidence establishing a clear violation of the GATT rules by the EEC.

A report on this hearing has been circulated widely in the Executive Branch and, while the document is not a part of the public record, I have been informed at a high level that it has generated stepped-up efforts on behalf of equal treatment for our citrus products.

For example, two months after the hearings were concluded, in October of 1970, Deputy Under Secretary of State Samuels met with leading EEC officials and pressed for application of the most favored nation article to United States fresh oranges and lemons. In December Secretary of Agriculture Hardin again brought across the importance of this problem during his visit to the EEC member state capitals.

These meetings were followed up in January by Assistant Secretary of State Trezise and Assistant Secretary of Agriculture Palmby, who went to Brussels where they rammed home documented proof of the damage suffered by our citrus industry and insisted on prompt corrective action. I am told these negotiations were conducted at the request of the United States as formal consultations pursuant to our rights under Artices 22 and 23 of GATT.

Furthermore, I can report today our Embassies in the member states of the Common Market have been instructed to present a firm United States position at all useful levels. Their efforts have been supplemented by contacts at key EEC Embassies here in Washington.

Mr. Chairman, the State Department tells me it unequivocally maintains three negotiating points. United States citrus exports have been seriously damaged, there is an open and shut violation of GATT by the EEC, and most favored nation treatment is demanded for our citrus products.

Though this history indicates a record of constructive assistance from the Administration, I urge that the character of future negotiations be marked by even stronger United States initiatives.

First, as was recently suggested by the distinguished senior Senator from Connecticut in his frank report on United States trade relations with our European allies:

"We should not hesitate to point to the considerable burden we still assume which enables Europe to pursue its commercial interests and to prosper free from fear of external threats."

The current American contribution to European security, which stands at about $8 billion annually, should not be glossed over by our diplomats as if it did not exist. It is time our friends in Europe learned that gentle-hearted Uncle Sam is not a sucker. The United States has its problems, too, and we should expect better from our allies than a selfish indifference to our economic interests.

Second, we should step up our contacts with France in particular. According to Sicco Mansholt, who is vice president of the EEC, France "is very attached to retaining bi-lateral preferential agreements on citrus . . ." This revealing statement, which appeared in an exclusive interview with "The Journal of Commerce," printed on March 8, should give our negotiators the prime target for their efforts.

Third, the United States should exercise its treaty right under GATT by calling for a vote of all GATT contracting parties to formally decide whether there has been a violation of GATT by the EEC. There is no question in my mind but that the United States would prevail in any such fact-determining poll. In fact, Mr. Mansholt of the EEC was heard to concede at a March 5 press conference "they may have done something they should not have done with respect to citrus."

Fourth, we are not without an existing legislative remedy to defend our treaty rights. Under section 252 of the Trade Expansion Act of 1962, the President is explicitly directed to retaliate against products of foreign countries which establish unjustifiable import restrictions against American agricultural products. The threat of actually using this stick might just jar the Europeans into recognizing our complaint is serious.

As I indicated earlier, if the protectionist action of the EEC is permitted to stand against citrus, no one should be surprised if it spreads like brushfire to singe nearly all of our exports in turn. The European trading community is on the brink of a wholesale disregard of international rules of fairness as it is. One practice I have in mind is the variable levy system. As you know, this scheme slaps a levy on U.S. agricultural commodities which might enter the EEC market below an arbitrary and constantly shifting reference price. If the American product would be sold under that price, as wheat would be for example, a levy is applied which increases the duty paid until the overall cost equals the reference price. To make the scheme particularly noxious, the EEC turns around and uses the revenues raised in this manner for financing subsidies of its own exports.

Other barriers I might mention include the quantitative ceiling France has imposed restricting the entry of American apples, the high levy tax slapped on sugar-added products by the entire EEC, and the on-again, off-again ban against U.S. grapefruit applied by Italy.

If we allow this foul bag of self-serving policies to be mixed with an open violation of the most-favored-nation principle, as it is guaranteed in writing among friendly nations, then it is obvious the whole system of workable international trading rules will become suspect and thereby corrupted.

It is my deep hope the committee will seek to head off this serious threat by soundly criticizing the discriminatory EEC practice and demanding equality for U.S. fresh citrus exports. By unfolding an honest demonstration of unity and concern among the executive and legislative branches, among all regions of our Nation, and among producers of other commodities, you might well save the world's code of trading conduct from self-destruction.

REFORM OF CAMPAIGN SPENDING

Mr. MOSS. Mr. President, on March 5, the distinguished junior Senator from California (Mr. TUNNEY), testified before the Communications Subcommittee, presided over by the distinguished Senator from Rhode Island (Mr. PASTORE), on the critical need for reform of Federal laws governing campaign spending. I think his statement is excellent and makes a strong case for action by Congress. I ask unanimous consent that excerpts from the testimony be printed in the RECORD.

There being no objections, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY CALIFORNIA SENATOR JOHN V. TUNNEY TO THE SENATE COMMUNICATIONS SUBCOMMITTEE, MARCH 5, 1971

I appreciate the opportunity to submit this statement to this subcommittee on my views on the bills now pending before you on the problem of campaign spending.

I would like to begin by describing the state of campaign costs in my home State of California and then turn to the specific issue of broadcast and non-broadcast media spending which is the primary concern of the Subcommittee. I think the comparison between the costs of my campaign and the proposed limits in the bills pending before you will provide some insight on the fairness and efficiency of those proposals.

The costs of a campaign for public office in California have long been astronomic. I will say right now what I have said on many previous occasions: I do not see how a man without some means can run for statewide office in California. There may be hundreds of citizens of California with the highest qualifications for public office, but who may be barred from running because they cannot raise enough funds to sustain a campaign.

In the past three elections, the cost of a campaign for the United States Senate in California has been close to two million dollars or more for virtually every candidate.

My campaign committee informs me that my campaign for the Senate in the general election cost approximately $1.4 million dollars. Of that amount, approximately $600,000 went for the purchase of broadcast media time, including the usual advertising agency commissions, including $525,000 for television time. . . .

With these figures as benchmarks, I believe some specific judgments can be made on the merits of the bills presently before this committee.

First, I believe that regulation of charges by broadcast media for political material is both an appropriate and essential element of effective reform. Viewed from the interests of both the candidate and the public as well, the spiralling cost of communication with the electorate must be halted. The provision contained in both the Mansfield and the Gravel bills to limit charges by broadcast stations to the lowest unit charge of these stations for the same amount of time in the same time period is by no means confiscatory. It does no more than insure that cost of communicating with the electorate is no greater than the cost of selling them detergents.

I particularly urge that this subcommittee act favorably on this particular proposal because of my own experience in California. It is perfectly obvious that the most significant cost of campaigning for the Senate in California is the cost of radio and TV time. In fact, in proportion to the amounts spent in my campaign for non-broadcast advertising, TV and radio expenses were well over 15 times the cost of non-broadcast media. Any attempt, therefore, to make a serious dent in the huge cost of running for political office in this country, I believe, must begin with reduced rate provisions of the type before you in the Mansfield and Gravel bills. . . .

With regard to the additional proposal of the Scott bill for reduced rates for non-broadcast media, the picture is less clear. While such non-broadcast media costs were not significant in my campaign, they are highly significant in Congressional campaigns where TV and radio markets are too expensive for economic use by candidates or in states where TV and radio coverage is inadequate. Such required reduced rates raise legal questions not presented by the provisions dealing with broadcast media. I think there may well be constitutional difficulties in attempting to regulate charges in industries which do not depend for the existence upon licenses for the public airwaves. I am told however that the Justice Department is looking at this problem very carefully and feels that there are no insurmountable difficulties. I would suggest that an opinion of the Attorney General might be an appropriate way to resolve the legal questions.

On the merits of such reduced rates, I strongly support limitations on the charges for political advertising in newspapers and billboards. I am familiar with too many instances in which political candidates are required to pay more than the going rate for advertising space. Such rates are the antithesis of free speech and press and I urge this subcommittee to act to end the rate discrimination which many candidates have been forced to endure.

Turning to the sections of S. 1 and S. 382 for limitation of media spending, I strongly support such limits. Limitation of such expenditures I believe is one of the few ways of effectively getting at the root of the problem. While I fully support strict disclosure provisions, I am convinced that such disclosures can never be wholly successful. It is my personal belief that there should be an overall limitation for all expenditures of any kind in political campaigns. I realize, however, that enforcement of such a restriction might well be impossible. Short of this goal, however, I believe that the only way effectively to regulate campaign expense is to deal with the major areas where funds are spent. Limitations on media expenditures will go a long way to bring campaign expenditures under control. The figures I listed earlier for my campaign illustrate quite clearly that the spending limits proposed by both of these bills are not inappropriate even in a very large state for a candiadte challenging an incumbent. The lesson of my campaign is that the seven cent per vote limit does not, as previously claimed, penalize or discriminate against the non-incumbent.

Similarly, the ten cent limitation for all media expenses, both broadcast and otherwise, contained in the Gravel bill, is also not unduly burdensome even for a non-incumbent in California. Total media expenditures in my campaign were approximately $635,000. Application of the ten cent per registered voter test of the Gravel bill yields $858,767.

The fourteen cent per vote limit on non-broadcast media expenses in the Mansfield bill is if anything too generous viewed from my campaign where such expenses ran less than 1 cent per vote in the previous election. I recognize however that the amount of such expenses in other campaigns, particularly Congressional campaigns, may run substantially higher, and thus I would not generalize from my own campaign. Viewing all media expenses as a unit however, the provisions of S. 1 may well be more appropriate. Rather than prescribing separate limits for broadcast and non-broadcast media, an overall limitation such as the ten cent proposal contained in S. 1 could well be the most equitable solution. Candidates who can use TV and radio effectively are not likely to invest large amounts in non-broadcast media advertising. Similarly, candidates who determine that such broadcast time covers too broad an area are likely to devote the major part of their budget to other media. A single limit provision therefore would allow easier enforcement without penalizing either category of candidates.

DEATH OF FORMER GOV. THOMAS E. DEWEY

Mr. BUCKLEY. Mr. President, it is a very sad occasion that takes me shortly to New York City for the funeral of former Gov. Thomas E. Dewey. I share this sadness with millions of New Yorkers and Americans.

Governor Dewey exemplified the finest qualities to be found in a public servant. He was always fair, principled, and kind. His contributions to his Nation and State have been outstanding.

Although I was privileged to meet him only once, from boyhood on I followed his career first as a courageous racketbuster, then as one of New York State's great Governors, and later as a presidential candidate. The first vote I ever cast, while serving in the Pacific, was an absentee ballot for Governor Dewey.

His contributions were not limited to his own service, but included the number of competent people he influenced to serve both in appointive and elective positions in New York State and nationally.

Mr. President, we all feel a real sense of loss.

GAIN IN WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, 12 years ago Switzerland held a referendum on the question of granting the women of that country the right to vote. By a margin of almost two to one, the male electorate turned it down.

For Switzerland, a country long regarded as a model of democracy, this denial of women's rights was most out of character.

On February 7, 1971, the all-male electorate, by a margin of more than 2 to 1 reversed their decision of almost 12 years ago and granted to the approximately one and a half million eligible women the right to vote in federal elections and hold federal office. Part of this decision reflects an acute embarrassment on the part of the Swiss Government to belong to a small, select group of governments which still have not granted political rights to women—Saudi Arabia, Kuwait, and Yemen.

The international community is overwhelmingly committed to the protection of human rights. Switzerland reacted to that international interest. We, too, ought to recognize that international interest by ratifying the Convention on Political Rights of Women. Perhaps it will encourage those countries which still do not grant women equal political rights to do so.

I ask unanimous consent that articles published in the Washington Post of February 8, and the New York Times of February 8, and 14, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 8, 1971]

Swiss Voters Approve Suffrage for Women

Bern, Feb. 7.—Swiss men today decided to give women the vote in national elections for the first time in this country's history.

According to official results of a referendum announced here, a total of 621,403 men supported the vote for women and 323,596 were against it. A large majority of the nation's cantons also voted to give women the vote in local elections.

The voting was almost a complete reversal of a previous referendum held in 1959 when the answer was against giving women the vote by 654,924 votes to 323,306.

In today's poll 15½ of Switzerland's cantons voted in favor and 6½ opposed women's suffrage. A total of 57 per cent of the nation's male voters went to the polls.

All political parties, both houses of the legislature and many social organizations as well as newspapers, business firms and church leaders came out in favor of the women's vote.

Even the German-speaking canton of Zug, considered a key test area for the proposal, voted for giving women a say in national affairs by 17,046 votes to 13,464. The more conservative German-speaking cantons were considered bastions of male prerogative where women's role is traditionally linked to "Kinder, Kirche and Kueche" (children, church and kitchen).

This view is still popular in some of the German-speaking areas, partly because many of them are situated high in the Alps and, even today, are remote from the sophistication of modern Europe.

This view also stemmed partly from the traditional suspicion on the part of the predominantly Catholic mountain cantons for the more liberal ideas of the largely Protestant, French-speaking cantons to the west—an animosity which led to civil war in the early 19th century.

Switzerland was the last European nation among a tiny handful of countries, including Yemen and Saudi Arabia, to deny women the vote.

Swiss women, however, have been able to vote in regional affairs in 10 out of the country's 25 cantons and half-cantons, including all the French- and Italian-speaking areas.

One of the peculiarities of the situation was the activity of a Swiss women's organization called "Swiss Women Against Voting Rights Association" which fought against women's suffrage on the grounds that women were meant to be housewives and mothers, not politicians.

This view prevailed in the canton of Schwyz, from which Switzerland took its name, where the idea was rejected by 7,701 votes to 6,821.

The vote could affect the whole social position of women in Switzerland. Educationally, girls in some areas tend to be encouraged toward domestic occupations and only a small percentage of them go on to higher studies.

A woman still needs her husband's written permission to obtain a loan. Until recently she also needed it to open a bank account, and without his permission she cannot take a job.

The tide began to turn the women's way 12 years ago when French-speaking Vaud became the first canton to give them voting rights in cantonal affairs.

In practice this already counts for a great deal, since the cantons enjoy a large measure of autonomy and independence from the federal authorities in Bern.

[From the New York Times, Feb. 14, 1971]

Swiss Lib

There are 3.1 million women in Switzerland and just 2.9 million men. But up to last week Swiss women—along with those of Jordan, Kuwait, Saudi Arabia, Yemen and Liechtenstein—had not been allowed to vote in Federal elections (although they had the vote locally in many regions). Especially in some German-speaking areas, the role of women has been confined to "Kinder, Kirch und Kueche"—children, church and kitchen.

In the last test of the issue, a referendum 12 years ago, the men voted two to one to refuse women the ballot. But last weekend a new referendum was held and this time the men decided by a margin of 621,403 to 323,306 to approve an amendment to the Swiss constitution allowing women to vote in Federal elections and to hold Federal office.

[From the New York Times, Feb. 8, 1971]

Swiss Women Given the Federal Vote

(By Thomas J. Hamilton)

Geneva, Feb. 7.—Switzerland, the last citadel in the Western world of men's exclusive right to control a country's politics, today gave women the right to vote in federal elections and to hold federal office.

Reversing the decision they made 12 years ago, men voters approved the long-debated women's suffrage amendment to the Constitution, 621,403 to 323,596. The margin by cantons, or states, was even heavier, with 15½ cantons voting in favor and 6½—all German-speaking areas in central and eastern Switzerland—against.

Urban German-speaking cantons, led by Zurich, Switzerland's largest city, joined the French-speaking and Italian-speaking cantons of the west and south in piling up a more decisive victory than had been expected.

The amendment had the support of the Cabinet, all major parties and the press. However, Mrs. Gertrude Girard, president of the Swiss Association for Women's Suffrage, expressed fears last week that a crucial number of men would decide when they actually went to the polls that the emancipation of Swiss women had gone far enough.

In the last decade 500,000 women, about a third of those of voting age, have won the right to vote in either cantonal or municipal elections or both. Although the women's suffrage amendment to the United States Constitution which went into effect in 1920, gave women the vote in all elections, the leaders of the Swiss campaign decided not to run the risk of proposing that the vote be granted in all cantonal and municipal elections.

States' rights sentiment is strong in the Swiss cantons and women's rights leaders were afraid of arousing opposition in the rural German-speaking cantons, where a majority of the men hold that women's place is in the home.

Speaking for the federal Government tonight, Ludwig Von Moss, Minister of Justice, expressed satisfaction over the outcome and said he hoped women would soon be allowed to vote in all cantonal and municipal elections.

A MODEL OF DEMOCRACY

The champions of women's suffrage emphasized that it was unfair for women not to be allowed to vote in a country that is regarded as a model of democracy.

According to campaign leaders, one of their greatest assets was the growing discomfort in Switzerland because Saudi Arabia, Jordan, Wuwait and Yemen are the only other independent states that do not permit women to vote. The tiny principality of Liechtenstein also restricts voting to men, but it is virtually an autonomous part of Switzerland and is also about to accept women's suffrage.

Women outnumber men in Switzerland, and it is estimated that the amendment will permit 1.5 million women, as well as 1.2 million men, to vote for the federal Parliament, this fall.

AMERICAN BAR ASSOCIATION'S STATEMENT AGAINST GENOCIDE TREATY

Mr. ERVIN. Mr. President, the American Bar Association is to be commended for taking a strong stand against the Genocide Treaty. We live in such a fast-moving age that most people have very little time to deal substantively with an issue, and so they seldom look beyond the title to determine their position. The Genocide Treaty is a perfect example of this.

Of course, all of us are opposed to genocide or the systematic planned annihilation of any national, ethnical, racial, or religious group, and any perpetrators of this heinous crime should be severely punished. However, the American Bar Association in its study realizes that the existing laws of the United States are adequate to punish all of the physical acts of violence denounced by the Genocide Convention. While the Convention would do nothing constructive about the crime of genocide, if it worked no mischief, then I could not oppose its passage if only as a symbolic act. But I agree with the American Bar Association that the treaty is so badly drawn, so full of holes, and so fraught with dangers for our Government that it should not be approved.

On March 10, 1971, Mr. Alfred J. Schweppe, an appointed representative of the ABA, stated very eloquently before a Senate Foreign Relations Subcommittee the opposition of the ABA to the treaty. He said:

> I will not be a party to foisting on the American people a highly defective treaty which does not prevent genocide where it regularly goes on, but which, as the supreme law of the land, will cause us many problems and make us the target of many false charges.

I agree wholeheartedly with Mr. Schweppe's statement. If the United States ratifies the Genocide Convention, our Nation will be constantly harassed in international courts of law with the types of accusations of genocide which have recently been made against our Government by the North Vietnamese and by the Black Panthers.

Mr. Schweppe points out in his statement that ratification of the treaty will cause a single citizen of the United States to be subject to a charge of genocide, and the charge will be triable in the country where the crime was committed. This trial can occur without any of our traditional constitutional safeguards. Mr. Schweppe summed it up this way:

> Pity the poor American caught abroad and charged with intent to inflict bodily or mental harm on a member of a racial group!

Mr. President, I sincerely hope that each Member of the Senate will have an opportunity to read the comments that Mr. Schweppe made on behalf of the ABA before a Senate Foreign Relations Subcommittee on March 10 in opposition to the Genocide Convention. Because the ratification of the Genocide Convention would have such grave consequences to our system of government, I hope that each Senator will be able to study Mr. Schweppe's excellent presentation of the serious deficiencies in the Genocide Convention.

Mr. President, I ask unanimous consent that Mr. Schweppe's statement before the subcommittee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Genocide Convention

(Statement of Alfred J. Schweppe, Seattle Wash., March 10, 1971)

I make this statement as an appointee of the President of the American Bar Association, which is represented here by Mr. Eberhard Deutsch of New Orleans and me.

At St. Louis in 1949, the House of Delegates of the American Bar Association rejected the Genocide Convention on the ground that the treaty was so badly drawn, so full of holes and so fraught with dangers for the United States of America that it should not be approved in the form submitted, but made a recommendation to the United Nations to improve it.

In 1970, the House of Delegates again rejected the Genocide Convention in the form submitted.

A subcommittee of the Senate Foreign Relations Committee held hearings in January, 1950.

Since then nothing happened until February, 1970, when President Nixon, quite surprisingly, after its twenty years of dormancy during Democratic and Republican administrations, sent the Genocide Convention to the Senate for its advice and consent.

To cap the climax, the Convention was sent to the Senate on the advice of Secretary of State Rogers, who said that it was anomalous for the United States to fail to adopt the agreement after the leadership the United States displayed in drafting it.

In my judgment, as I shall briefly show, Mr. Nixon was badly advised by the Secretary of State, and the Secretary of State was badly advised by those who advised the Secretary of State, and those who advised the Secretary of State were themselves badly advised and oriented.

I am probably one of the few people in this room, perhaps the only one, who has painstakingly performed the drudgery of wading through the day-by-day and month-by-month proceedings in the United Nations committees that twenty odd years ago gave birth to the Genocide Convention.

Far from being an exercise in leadership by the United States, the cold record shows it to have been a pathetic case of abject follower-ship—so pathetic as almost to drive one to tears.

The United States delegation consistently caved on important matters of principle, and in order to get some kind of an agreement—any kind—abjectly acquiesced in a draft that is so faulty and confused that it does not prevent genocide where it regularly goes on (Czechoslovakia, Hungary, Poland, Africa, Asia) but, in a welter of confusion, creates new international crimes (the treaty becomes the supreme law of the land) that will make endless trouble for the United States.

The record shows that these United Nations committee meetings were a bit like the present negotiations in Paris. We were always making major concessions, the Communists none.

Let me particularize a bit.

As originally drafted, the Convention included "political" as well as "national, ethnical, racial and religious groups." The Soviets announced that they wouldn't play unless "political groups" were expunged from the draft. They insisted on preserving the right to assassinate and exterminate the political opposition as essential to the safety of the state. Interestingly, as the vote shows, they were joined not only by the satellite Communist countries but by a considerable group of Latin American countries. Result: the United States yielded, and "political groups" were eliminated from the draft.

So now, notwithstanding wholesale extermination of political dissidents in Hungary, Czechoslovakia and Poland, for example, nobody charges Communist Russia with genocide. On the other hand, the United States is vigorously charged with genocide in the United Nations: You are familiar with the book "We Charge Genocide".

Next, in the historical development of the Convention, United States representatives insisted that there be included in the definition of genocide the words "with the complicity of government," an obviously correct ingredient when related back to the Hitler massacres by Nazi Germany. But the Communists would have none of it, because their governments themselves are the active agents in dealing with dissidents. Result: this United States position was rejected and the United States acquiesced.

In addition to acquiescing in the exclusion of "Political groups" and exclusion of the phrase "with the complicity of government," the United States representatives agreed to the definition that there must be an intent to destroy the groups actually named "as such," thus rendering the Convention meaningless. Soviet Russia and its cohorts could readily approve it. This hopeless weakness in the Convention has also been pointed out in an article appearing in the Congressional Record for July 6, 1949, p. A4510.

We also acquiesced in the injection of "part of a group." Thus genocide under this draft can now be committed under the draft treaty by a single individual against another single individual—now a domestic crime, but lifted by this convention to the level of an international crime, triable in the country where committed.

Then our representatives acquiesced in injecting "mental harm" into the Convention, thus opening the way for a Pandora's box of claims.

All in all, ours was a pathetic performance. Out came a convention that the Soviets could readily approve, and which surely will cause us, if it becomes the supreme law of the land (superseding state laws and constitutions and existing laws of Congress) endless trouble. Nobody will charge the Communists with Genocide; they are immune. But we will be, already have been, charged as fair game.

In 1950, the Senate Foreign Relations Committee headed by Senator Connally of Texas, having before it the Genocide treaty from Mr. Truman for the advice and consent of the Senate, ordered hearings chaired by Senator McMahon of Connecticut. These hearings were extensive, running over a number of days. Mr. Carl Rix, former President of this Association, the late George Finch, then and for many years editor-in-chief of the *American Journal of International Law*, and the greatest and most learned international lawyer I have ever met, and I (who had by then succeeded Mr. Rix as Chairman of the Peace and Law Committee) appeared and testified. We analysed the Convention in detail and pointed out its many faults and weaknesses.

With these hearings and the expose of the Convention's hopeless inadequacy, the Genocide Convention went into hibernation—we thought permanently, unless redrafted by the United Nations to become meaningful. But now after twenty years it is sought to be resuscitated by the Nixon administration and also in here in the Senate, whose approval is necessary.

It is significant, I think, that Dean Rusk, who as Assistant Secretary of State presented the State Department's position to the McMahon sub-committee in 1950 (I heard him do it), has been Secretary of State for eight years under two recent presidents, but did not see fit to revive the Genocide Convention, even with a heavy Democratic majority in the Senate.

Equally significant is the fact that while Mr. Nixon was a member of the Eisenhower administration and consulted as Vice President at the Cabinet level, Mr. John Foster Dulles Secretary of State, announced that the Eisenhower administration would not bring up the Genocide Convention.

While, as a Republican, I greatly admire Mr. Nixon and his conduct of his office and strongly approve many of the programs sponsored by him, on this Genocide proposal I strongly dissent. In my view he has been sold a bad bill of goods. I will not be a party to foisting on the American people a highly defective treaty which does not prevent genocide where it regularly goes on, but which, as the supreme law of the land, will cause us many problems and make us the target of many false charges.

If it is now ratified, it will be a useless but troublesome piece of paper. The appropriate remedy is to have the United Nations write a good clearcut Genocide treaty with teeth in it for the Communists and everyone else.

Since Great Britain has been mentioned as approving the treaty, may I point out that Sir Hartley Shawcross, former British Attorney General, who has been a guest of our Association, said that the adoption of the Convention will delude the people into believing that a great step forward has been taken, whereas nothing has been accomplished.

I sincerely hope that the Senate rejects this attempt to approve the Genocide Convention in its highly defective form. I hope the Foreign Relations Committee and its subcommittee recommend that this rejection is necessary.

For the information of the Senate, I attach hereto as Appendix A the statement which I made before the McMahon subcommittee of the Foreign Relations Committee on January 24, 1950. It goes into much greater detail on the defects of the Convention. Nothing that has happened since has changed my views there expressed. Indeed, the immunity of communist conduct from genocide claims since that time has rendered any other views on my part impossible.

APPENDIX A

THE GENOCIDE CONVENTION

(Statement of Alfred J. Schweppe, Seattle, Wash., Jan. 24, 1950)

I appreciate the invitation to be here today. I appear as Chairman of the American Bar Association's Committee on Peace and Law Through United Nations, and am accompanied by two associates on the Committee; by Mr. Carl B. Rix, of Milwaukee, Vice Chairman and former Chairman of our Committee, a former President of the American Bar Association, and by Mr. George A. Finch, of Washington, D.C., who is Editor-in-Chief of the American Journal of International Law, Professor of International Law, a former member of the State Department, a member of both our Committee and also of the Section of International Law of the American Bar Association, which has been repeatedly mentioned in this hearing, and one of this country's eminent international lawyers, one who lives a quiet, scholarly life in the Nation's capitol, but whose counsel is widely sought by informed men throughout the country.

For your information, the American Bar Association's Special Committee on Peace and Law Through United Nations was formed some years ago to support the work of the United Nations and to make studies of its activities, with a view to assisting that body and the State Department in promoting peace and law throughout the world. The Committee was originally and until his death, about a year ago, headed by Judge William L. Ransom of New York City, one of this country's most distinguished lawyers. Throughout the period of formation of the Statute of the World Court, the charter of the United Nations, the work for Codification of International Law, the formative days of the United Nations, and in the organization of group conferences of lawyers throughout the country to study and forward the work of the United Nations, and to guide the actions of the House of Delegates of the American Bar Association in matters pertaining to the United Nations, Judge Ransom was a great leader. On his untimely death he was succeeded as Chairman by Mr. Carl B. Rix of Milwaukee, a veteran member of the Committee whose name appears as Chairman on the last printed report of the Committee, to which frequent reference has been made here. Mr. Rix retired as Chairman last fall, though consenting to remain as Vice Chairman; and now the responsibility of Chairman has fallen on me, a grass roots lawyer from Seattle, Washington, where the roots strike deep and where the grass, unlike that in our good neighbor state of California, is green the year around.

The Committee on Peace and Law consists of nine persons, three of whom are here present and will state their views. The other members now are United States Circuit Judge Orie L. Phillips, of Denver, Colorado, Thomas J. Dodd, of Hartford, Connecticut, Cody Fowler, of Tampa, Florida, Judge Nathan L. Miller, of New York City, Gerald Schroeder, of Detroit, Michigan, and James C. Sheppard, of Los Angeles, California. This Committee held regional conferences on the Statute of the World Court and the Codification of International Law, and on its recommendation this work of the United Nations was supported by the House of Delegates of the American Bar Association. It last year held regional conferences on the proposed Covenant on Human Rights and on the Genocide Convention in sixteen cities throughout the country for the purpose of ascertaining the views of the bar on these proposals. Contrary to a suggestion made in this record by one of yesterday's spokesmen, these regional conferences were serious study groups led by such informed men as Judge Manley O. Hudson, of Harvard, long a Judge of the World Court, U.S. Circuit Judge Orie L. Phillips, Carl B. Rix, George A. Finch, Frank E. Holman, former President of the American Bar Association, and others. These regional conferences are not for propaganda, but for study and analysis, with a view to appraising and assisting the work of the United Nations and the position of the United States in that work. The Committee is uncompensated and devotes many days each year to its work. This outline is presented partly to give you a picture of the work of the Committee, partly to make it clear that the Genocide Convention is but one phase of its work, and partly to indicate that the field of the Committee is such that you will probably be hearing from it from time to time in the future, as the Senate has in the past.

I am proud to be here as a member of what in this hearing appears to be the somewhat unpopular Committee on Peace and Law of the American Bar Association. We hold no feeling of resentment about these criticisms, which we know are born of zeal for a noble cause, and are the sort of things that lawyers living on life's firing line often hear and are thoroughly used to. I am proud, in part, because the position of our Committee has apparently been responsible for bringing to your Subcommittee much discussion from proponents of this convention, which, except for our Committee Report and the action of the House of Delegates of the American Bar Association, your Subcommittee might not have had. Honest criticism such as made by our Committee, and the argument which it has provoked, is bound to bring these problems into sharp relief and to assist you gentlemen in formulating your conclusions.

I am proud, further, because the only purpose of our studies has been to be of impartial and constructive assistance to the State Department and to the United States Senate in arriving at informed conclusions. We have no axe to grind and no weapons to wield except the validity of our arguments. We offer no propaganda and ask nothing except that the United States Senate base its decision upon full knowledge of all the pertinent considerations. By that decision we shall abide, and will probably be back another day to advise with you on other problems.

Like yourselves, we are proud of the United States of America, of its form of government, and of its position in the world; and anything we say is offered in a spirit of love for our country and the preservation of peace and law everywhere.

For my part, I yield to no one in my opposition to genocide or in my desire to have Jews, persons of color, and other minority groups receive fair treatment throughout the world. I have a law partner who is a Jew and he is my partner by my own choice, one of the finest men at our bar. I was for some years an official of the Urban League of Seattle, devoted to the advancement of colored people. I have at times represented the American Civil Liberties Union to preserve the essential freedoms of the Bill of Rights. I say these things, not to bore you with a recital of my social interests, but solely to show that anything I, or our Committee, has to offer is predicated not on bias, prejudice or timidity, but solely on views which are honestly entertained and which we are prepared to discuss in a climate of complete intellectual dignity and impartiality.

We start out, then, with the concept that we are all vigorously opposed to genocide. Any other suggestion about any citizen of the United States would strike me as an unworthy suggestion, born of momentary emotionalism. But our problem is whether the instrument before you is the one by which we shall accomplish the prevention of genocide, and whether we render a service to the American people and to the world by ratifying this convention as submitted.

With respect to my ensuing remarks, I want to say that I speak here solely as a member of the Peace and Law Committee of the American Bar Association. I do not speak for the American Bar Association as such, since it speaks officially only by formal action, as does the United States Senate. Its only official action has been an official resolution, of which your Subcommittee has copies, and in which it is resolved by the House of Delegates, the official voice of that Association, "that the convention on Genocide now before the United States Senate be not approved as submitted".

For the record, I here offer a copy of this resolution of the House of Delegates, and also a copy of the Report of the Special Committee on Peace and Law which constitutes a part of the background for this resolution.

I further offer for the record a citation to an address on Human Rights and International Law made at the last annual meeting of the American Society of International Law, by my distinguished colleague, the Honorable Carl B. Rix, of Milwaukee, Wisconsin, which has been reprinted in the Congressional Record for July 26, 1949, p. A5018.

In addition, I offer for the record an editorial entitled, "The Genocide Convention", prepared by my distinguished colleague on the Committee, Mr. George A. Finch, of Washington, D.C., reprinted from the October, 1949 issue of the American Journal of International Law, of which he is the editor-in-chief. He will speak to this editorial later on in the day.

Something has been sought to be made of an alleged conflict within the American Bar Association as between the Committee on Peace and Law, on the one hand, and the Section of International Law, on the other hand.

Actually this so-called conflict is for our purposes here largely formal. The Section whose resolution you have before you at the direction of the House of Delegates of the American Bar Association (the House of Delegates desired the United States Senate to have the fullest information possible) recommended ratification of the Genocide Convention, with seven reservations. The Peace and Law Committee recommended against ratification as submitted, believing that the reservations so emasculated the convention as to leave nothing substantial, and that it was more forthright to say that this convention as submitted should not be ratified. It was also believed by us that it would be better to have the convention sent back to the United Nations for appropriate changes. The House of Delegates of the American Bar Association voted down the recommendations of the Section with its seven reservations, and, by an overwhelming vote, resolved officially that the convention should not be ratified, as submitted. Incidentally, the Solicitor General, Mr. Perlman, made an impassioned plea before the American Bar Association in support of the Section report. I suggest that you examine the resolution of the Section which Mr. Perlman so fervently supported. It will amaze you.

So far, then, as the rather startling position taken yesterday is concerned—taken by Judge Patterson and others—that the United States Senate ratify without reservations, you have the united objection of the House of Delegates of the American Bar Association, of its Committee on Peace and Law, and of its Section of International Law, including Mr. Perlman. In fact, the State Department has in its letter of transmittal made one important reservation, which my colleague Mr. Finch will discuss later. This united opinion of the mentioned lawyer groups may perhaps not persuade you concerning the form and content of this convention, but I know you will carefully weigh it for what it is worth. After all, we are not talking here about general moral principles, as many of the good people who have appeared here seem to think. We are talking about a specific legal document, intended, if ratified, to be legally binding upon the United States of America.

I have had the misfortune, apparently not shared by some of my colleagues at the bar who testified yesterday, of having spent a number of days in reading the United Nations record on the Genocide Convention, first in the Ad Hoc Committee, which prepared the initial text, and later in the Sixth or Legal Committee, which prepared the final draft that was approved by the General Assembly. Upon an examination of this record, one is struck very early with the discovery that the United States representatives were pretty promptly outvoted on what they deemed a fundamental—a *sine qua non*—of a proper definition of the crime of genocide, namely, that genocide could not be an international crime except "with the complicity of government".

Mr. Maktos of our State Department was Chairman of the Ad Hoc Committee and, on April 15, 1948, put the official United States position into the record, as follows:

"The Chairman, speaking as the United States representative, proposed adding to the definition of genocide, which had been agreed upon at the previous meeting, the words, 'with the complicity of the Government'. The United States delegation felt in fact that genocide could not be an international crime unless a Government participated in its perpetration. In introducing this amendment, Mr. Maktos in no way wished to exempt from responsibility or excuse from punishment individuals not directly connected with a Government. But the common law of every country covered crimes not committed with the complicity of the Government. Here was a condition *sine qua non* of genocide which should be inserted in the definition."

This position, which was also later the British position, was voted down.

Further, Mr. Maktos proposed on behalf of the United States the inclusion of "political groups," which had been included in the General Assembly resolution of December 11, 1946. This position, it will be noted later, was at first approved in the Sixth Committee, over the opposition of Russia, and its satellites and a few others (I shall give you the vote subsequently) and then the Sixth Committee reversed itself and excluded "political groups."

As I shall again suggest a little later, the instrument with which our delegates came home, over their firm convictions on matters of principle, did not bear much resemblance to the convention they advocated. The losses which our representatives suffered are part of the reasons why our committee thinks the convention should not be ratified as submitted; but before doing so, I wish to touch briefly on our own constitutional situation, as background for some further observations by myself and my two colleagues.

By reason of Article VI of the Constitution of the United States, making ratified treaties the supreme law of the land, superior to all state laws, and coordinate with the Constitution itself and acts of Congress, one serious objection to the Genocide Convention is that it seeks to impose domestic law on the United States by the treaty method and takes away from the individual states of the United States the jurisdiction which under the Constitution they have always had. The United States appears to be the only country where this unusual and difficult constitutional problem exists, except possibly France. In other countries, ratification of a treaty does not make it domestic law automatically binding on all domestic courts, unless additional local legislation makes it so.

In this connection, and as logically bearing on the Genocide Convention, attention is called to a statement contained in Mrs. Eleanor Roosevelt's syndicated column "My Day" for December 5, 1949. Mrs. Roosevelt is a United States representative to the United Nations General Assembly and Chairman of the Human Rights Commission of that body. She pointed out in her column that day that the United States had refrained from voting on the Convention on Traffic in Persons (directed against prostitution) because the proposed convention did not contain the so-called "federal-state clause". She said:

"Of the last three items before our committee Three we voted first on the convention on the traffic in persons. The United States abstained because the federal-state clause was not included, *which probably made it impossible for Congress to ratify this convention* . . . " (Emphasis supplied).

The Genocide Convention, being one of the first products of the United Nations, does not contain the so-called "federal-state clause". This clause came into being later only after vigorous attention was called by members of the American Bar Association, to the unbalancing of our own constitutional system that would result from the ratification of treaties relating to human rights and genocide—treaties which on adoption would become automatically the "supreme law of the land" and would be imposed on our states and people as immediately operative domestic law, creating civil as well as criminal liability. Incidentally, none of the proponents yesterday discussed civil liability of individuals under this convention, which arises automatically upon ratification, because violation of a criminal law is also an actionable tort. (See Restatement of Law of Torts, Section 286, by American Law Institute; see Kardon v. Gypsum Co., 69 F. Supp. 512.) The State Department's proposed reservation recognizes the existence of civil liability. This "federal-state clause" is now contained as Article 24 of the current draft of the proposed International Covenant on Human Rights (Draft of June, 1949 prepared by United Nations Commission on Human Rights—see State Department Bulletin, July 11, 1949). Thus, in the draft of the International Covenant on Human Rights an effort has been made to recognize the constitutional problems which arise in the constitutional system of the United States, but no such effort was made in the drafting of the Genocide Convention. Obviously, Mrs. Roosevelt's statement above quoted, concerning the Convention on Traffic in Persons, as a matter of logic, applies equally to the Genocide Convention, which does not contain the "federal-state clause", and thus "probably made it impossible for Congress to ratify this convention".

Further, as to the form of the Convention as submitted, while the Genocide Convention idea was conceived to prevent the repetition of the atrocious crimes in the form of mass murder committed against humanity by Nazi Germany, the text presented actually goes far afield of that goal in that among other things, (a) government complicity was not included as an essential of the definition, thus leaving only a group of domestic common law crimes (see Mr. Maktos' statement, supra), and (b) "political" groups were not included, and (c) national, ethnical, racial and religious groups are merely included "as such", and (d) "mental harm" as well as "bodily harm' is included. It also includes a "part" of a group which, of course, may embrace a single person, as recognized in the State Department's formal letter of transmittal. In consequence of (b) and (c) the proposed convention does not prohibit the only important genocide now going on, viz., in those countries which dissident groups and persons are regularly proceeded against on political grounds as enemies of the state. In fact, the discussions, in the Sixth Committee of the United Nations General Assembly, which prepared the final text of the Genocide Convention, affirmatively show that under leadership of the United States and some other countries "political groups" were at first included (as they had been included in Resolution 96 (I) of the General Assembly of the United Nations originally sponsoring a genocide convention) over the dissent of Soviet Russia and satellite countries, aided by the votes of smaller nations, principally from Latin and South America (Soviet Russia, Poland, Ukraine, Byelorussia, Czechoslavakia, Uruguay, Venezuela, Argentine, Brazil, Dominican Republic, Iran, Belgium—see vote in Official Records of Third Session of General Assembly, Part I, legal Questions, Sixth Committee, Seventy-Fifth Meeting), but that Committee finally reversed its previous action of including "political groups" and excluded them from the draft finally adopted. Representatives of the United States at least yielded, although they maintained that as a matter of sound principle and to make the convention really effective, political groups should be included, (Ibid, 128th Meeting.)

The omission of "political groups" and the requirement that there must be an intent to destroy the groups actually named in the convention "as such", render the convention meaningless. Soviet Russia and its cohorts could readily approve it. This almost hopeless weakness of the convention has also been pointed out in an able article appearing in the Congressional Record for July 6, 1949, page A4510.

Why should the United States, under these circumstances, become a party to this convention with the difficult and serious problems which it raises for us, if the instrument is not effective to combat genocide where it presently occurs or is likely to occur?

It is to be deeply regretted that the United States did not hold to the position with which its representatives started to negotiate the Genocide Convention, namely, that the crime of genocide, properly defined, is inherently one committed by, or at the instigation of, or with the complicity or acquiescence of governments, and that otherwise it cannot effectively exist because it would otherwise be dealt with at home as a domestic crime only But this concept was completely departed from and the approach of the convention, as now submitted, is that of individual crime and not of persecutions instigated or aided by governments.

Much of the comment being currently made in support of the Genocide Convention is based on the inadvertent and honestly mistaken assumption that as drawn it prevents "systematic homicide or the deliberate destruction of whole human groups for national, racial or religious purposes, by conquerors and dictators". (New York Times editorial, January 22, 1950.) This is far from the case in the draft as submitted.

The basic difficulty with the attitude of some people appears to be that because "prevention of genocide" and "protection of human rights" seem to be fine ideas with which nobody disagrees, therefore the United States should approve treaties relating to these subjects without taking a searching look at the text and pointing out its faults and its inappropriateness to the American scheme of constitutional government. True, this document was prepared with participation of American representatives at the United Nations, including persons from the State Department, but our representatives were outvoted on what they deemed to be basic principles, including also their continued opposition to the insertion of "incitement to commit genocide" which our delegation pointed out was a plain infringement of freedom of speech and freedom of the press. The point sought to be made yesterday by some spokesmen, that the Peace and Law Committee of the American Bar Association was drawing a red herring on the free speech question, was, made in ignorance of the record, which shows that the United States representatives vigorously urged the elimination of "incitement" as a violation of free speech. In the Report of the Sixth Committee, page 3, with reference to the 85th meeting, the following appears:

"With respect to article IV of the draft Convention, which listed the different acts to be punished, prolonged debates took place, particularly on the question of the retention or suppression of sub-paragraph (c) providing that 'direct incitement in public or in private to commit genocide shall be punishable whether such incitement be successful or not'. At its 85th meeting, the Committee rejected, by 27 votes to 16, with 5 abstentions, an amendment submitted by the representatives of the United States of America (A/C. 6/214) to delete this subparagraph".

Incidentally, we thought our State Department was right in this position, and our Committee said so in its report.

The leader of the American delegation also said at the 74th meeting of the Sixth Committee (Ibid), "The United States Delegation intended, at a later stage, to show the need for the establishment of an appropriate international tribunal." Thus an international tribunal with jurisdiction to try American citizens for acts of genocide (according to the definition contained in the convention, which goes far beyond mass murder) is in contemplation and under actual consideration, without any assurance that they will be surrounded by the constitutional safeguards and legal rights accorded persons charged with domestic crimes. Is it any wonder that many serious American students object to an international court for genocide at this stage of world history, and urge that we do not take the first step of ratifying this convention, as submitted, unless we are prepared to take the second step of approving an international court for trial of American citizens. As shown by the discussions in the Sixth Committee, the reference to an international panel tribunal was deliberately made in Article VI of the Genocide Convention to put the world on notice that it was being planned.

On the other hand, the real purpose of an effective genocide convention must, and should, be to protect groups against the brutal excesses of their own government. If this convention is to be enforceable only in domestic courts, as was so vigorously argued in support of it yesterday by Judge Patterson and others, what good would that have done the Jews under Hitler? What good will it do behind the Iron Curtain? How will it prevent genocide where it now goes on? That provision, with the further omission of "political groups" and the inclusion of "as such", render this treaty a complete delusion.

As pointed out above, our representatives now are, in drafts of later proposed treaties, putting forward the so-called "federal-state clause" in an effort to keep our constitutional system in balance, but it was not included in the Genocide Convention.

And the ultimate objective of the proponents of the Genocide Convention is to submit American citizens to trial by an international court on account of having, for example, inflicted "mental harm" on a "national, ethnical, racial or religious group". (See Article VI and II of the Genocide Pact.) The fact is that the people who wrote the Genocide Convention were not content with dealing with the evil that everyone deplores, namely, the group massacres engaged in by Hitler and other historical assassins, but saw fit to write into the Genocide Convention "civil rights" ideas, such as inflicting "mental harm" on a group "in whole or in part".

What is meant by inflicting "mental harm" on part of a group, which may mean a single person? Also, what about a lynching or a race riot? *The State Department's letter of transmittal recognizes that genocide may be committed against a single individual.* If, for example, in a town in the United States of America, where a crime had been allegedly committed by some unidentified Chinese, I should decide to get rid of all, or most of, the Chinese in the town by force, and should, in the process, kill or maim one of them, I would be guilty of genocide, in that, with intent to destroy part of a racial group, I had killed or maimed one individual. The Chinese could well be a colored person, or member of any minority group.

Let us not delude ourselves that genocide as defined in this convention, which omits the essential element "with the complicity of government", could not happen here.

As forecasting what we may be accused of if the Genocide Convention is ratified by us, attention is called to the formal complaint that was filed with the United Nations by a group of Europeans against our trial of the eleven Communists in New York, as being a violation of the Declaration of Human Rights approved in Paris in 1948. This complaint was filed with the United Nations by a deputation from the International Association of Democratic Lawyers of which no Americans are members, but of which Mr. Réné Cassin, of France, is President, and Professor Cassin was and is a prominent member of the United Nations Commission on Human Rights, of which Mrs. Eleanor Roosevelt is Chairman.

While some attempt has been made to defend the "mental harm" phrase on the ground that it is said to have originated with a Chinese statement that the Japanese deliberately plied subject peoples with narcotics and thus damaged their brains or "minds", this state of facts would seem rationally included in causing "bodily harm", in consequence of which the words "causing serious bodily or mental harm to members of the group" must be deemed to have been used with their usual and ordinary meaning. Certainly, if "mental harm" in its ordinary and commonly accepted meaning was not deliberately intended, a much better word, or none at all, could have been chosen to cover that specific state of facts, because "bodily harm" was already covered. It cannot be assumed that the unambiguous words chosen, viz., "bodily or mental harm", will be construed by any court except in their usual sense, even if some other hidden and unusual meaning may have in fact been intended. The words "bodily harm" and "mental harm" or "mental suffering" or "mental anguish" have well-defined legal meanings. Let us bear in mind that this convention, as submitted, will be construed under Article IX by the World Court.

The undersigned has had the interesting experience of talking to numerous people who think that the idea of a Genocide Convention, for example, is fine, and wonder why anybody should object, until he asks them: "Have you ever read it?", to which they consistently answer, "No."

The American Bar Association in an official resolution last September at St. Louis, of which you have a copy, disapproved the Genocide Convention as submitted.

I think that the lawyers knew that their resolution in the Convention at St. Louis last September would not be popular with persons who like high-sounding phrases and ideas, but who never have examined the text; they were so told by Mr. Perlman and others; but, at the risk of taking what may be, to some, an unpopular action, the lawyers, acting through their national body in an official resolution, of which Congress and your Committee have copies, felt that they had a duty to tell the American public and the United States Senate that the Genocide Pact, as submitted, should not be ratified.

A part of the background for the official resolution of the American Bar Association is the Report of that Association's Special Committee on Peace and Law Through United Nations, dated September 1, 1949, which has been put into the record. That report recommended "that the Genocide Convention as submitted shall not be ratified by the United States", and fully covers the numerous objections to the convention, some not here mentioned, and the reasons for the recommendations. It is not the purpose of this statement merely to repeat that report, but to highlight certain points and to make some additional comments. With that report before it as part of the background, the American Bar Association officially resolved, on September 8, 1949, "that the Convention on Genocide now before the United States Senate be not approved as submitted".

And now a few comments on some of the statements made yesterday.

I felt sure that Dean Rusk of the State Department must have misspoken when he said that the intent must exist to destroy the *whole* group, even if only a part of the group was proceeded against. This statement, unless inadvertent, is of course contrary to the text which reads, "with intent to destroy, in whole or in part" a group, so that intent to destroy part of a group is genocide. As pointed out in the State Department's own letter of transmittal, this might be one person. It would also be contrary to the historical development of the convention, which came out of the Ad Hoc Committee in a draft requiring intent to destroy a whole group. The "in part" was inserted in the Sixth Committee on the recommendation of Norway.

He also stated that as genocide is defined, the Convention has no application to the United States, and that genocide has never occurred here. That gets us down to the definition—the omission of "with the complicity of government", the meaning of "in part", "mental harm", etc.—which, as submitted, will not be finally construed by us but by the World Court, under Article IX, which has jurisdiction over interpretation, application and fulfillment. I have pointed out that it would be entirely reasonable to include race riots under the present definition, and also lynching, if engaged in with intent to destroy part of a group.

Dean Rusk conceded that the Convention does not cover all groups, and the named ones only "as such". With "political groups" excluded, of course, Russia and others will have no problem in ratification.

He stated that while as a criminal law the treaty is not self-executing, we are committed to pass appropriate legislation, including penalties. He did not comment on the civil liability of individuals in damages undoubtedly created by the treaty even without provision of criminal penalties; in other words, as to civil liability, the treaty is self-executing. See the reservation of understanding proposed by the State Department.

As for Mr. Perlman, many of his legal observations on treaty law we concur in; they are elementary. However, I disagree with his answers to the hypothetical questions that were put concerning Protestants and Catholics or driving the Chinese or some of them out of Chinatown with guns. That, in my interpretation, is genocide. I have checked this view with other informed persons here who are not members of my Committee. They agree with me, and disagree with Mr. Perlman. Mr. Perlman ignores the "in part" in the definition. I also believe that forceful action against part of a colored group, with intent to destroy part of the group, would be genocide. And please remember, neither Mr. Perlman's nor my construction would be controlling, but that of the International Court of Justice.

As for Judge Patterson, the distinguished ex-Secretary of War, I say, with all deference, that he obviously had not read the record of the Ad Hoc Committee and the Sixth Committee of the United Nations. If he had, he would not have made some of the observations he did, as for example, his argument about the free speech point, in which he undertook somewhat to disparage what he thought was our position. As pointed out before, our Committee was merely supporting the official position of the State Department in the Sixth Committee, on which it was outvoted. Our State Department members felt that inclusion of "incitement to genocide" might prevent ratification by the United States. And we think the State Department was right and Judge Patterson was wrong, as judges sometimes are.

Judge Patterson also glosses over the "in part," apparently not having the record as to how the phrase got into the convention.

Judge Patterson also claimed that there was no individual obligation, until a federal law is passed, to provide criminal penalties. He overlooks completely the field of individual civil liability which arises on the face of the treaty without implementation. As drawn, our courts would be open to anyone who wants to sue another for damages for a genocidal act, as defined. And the final meaning and application of the Convention is for the International Court under Article IX. The State Department recognizes this civil liability. See its proposed reservation in the letter of transmittal. Also, Judge Patterson admits in the next breath that we are *obligated*, if we ratify, to pass such legislation, when even on his theory individual liability will arise.

In making the argument that no reservations are needed, Judge Patterson, as previously pointed out, has even the American Bar Association's Section of International Law against him, whose report Mr. Perlman so vigorously supported in St. Louis last fall. Judge Patterson advocates taking care of the many proposed reservations through implementing legislation by Congress. This, of course, overlooks that any matters relating to the interpretation, application or fulfillment of the Genocide Convention are subject to final decision by the Court of International Justice under Article IX of the Convention; and that any interpretations and understandings that Congress might include in implementing legislation, if not in accord with such final interpretation, would constitute a breach of the treaty—a non-fulfillment of its provisions. The only legally safe way of avoiding such a breach would be by reservations, as shown by the International Law Section's report. It has been the view of the Peace and Law Committee that the Convention is so dangerously drawn from the United States' standpoint, while at the same time not effective to prevent real genocide where it now goes on, that, as submitted, it should not be ratified. The American Bar Association, speaking officially through its House of Delegates, has "resolved that the Convention on Genocide now before the United States Senate be not approved as submitted."

Well, enough of these comments. I must let my associates take over. Our desire is not to obstruct but, on our own time as citizens and lawyers, to aid you in arriving at an informed judgment with respect to this Convention. I appreciate your courtesy and thank you very much.

REVENUE SHARING—ADDRESS BY MURRAY L. WEIDENBAUM

Mr. BAKER. Mr. President, no single individual in the Nixon administration has worked more tirelessly in the development of the President's general revenue-sharing proposal than Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy. It has been a great personal and professional privilege for me to have worked with Secretary Weidenbaum on this proposal, which is embodied in Senate bill 680.

On March 2, Secretary Weidenbaum delivered an address to the American Gas Association in Washington. The address makes a simple and compelling case for the urgent need for revenue sharing. So that Senators may have access to the speech, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SHARING FEDERAL REVENUES WITH STATE AND LOCAL GOVERNMENTS

(By Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy)

The financial crisis now confronting so many of our cities and other state and local governments is very real. One has only to read the recent statements of some of the mayors of our largest cities to realize the depth and dimension of the almost overwhelming economic, financial, social, and political problems that threaten the vitality if not the very existence of major portions of the Federal system.

Mayor Kenneth Gibson has provided such a straightforward but inherently dramatic account of Newark's financial condition:

"Upon taking office in July 1970, I found an estimated deficit for 1971 of over 70 million dollars, or over 40 percent of the budget. The budget crisis was brought on by a 10 percent decrease in city revenues and an increase of $50 million in expenditures . . . largely the result of mandated appropriations for essential municipal services. To fill this gap through increased property taxes, we would have had to raise the present rate, already one of the highest in the nation, by 50 percent . . . After months of study and consultation, we finally opted for a series of taxes on Newark's businesses and consumers . . . We are aware that these are highly discriminatory and regressive taxes . . . but we had no alternative."

Of course, there is a real and effective alternative, and this article will be presenting it. However, we must realize the inadequacy and often the perversity of the many prior attempts by the Federal Government to solve or even ameliorate the kinds of problems faced by Newark and other state and local governments.

This is not an after-the-fact rationalization of a specific recommendation. On the contrary, that was the conclusion of many years of prior study and experience on the part of those who have been most active in designing the revenue sharing approach.

In my own case, I arrived at such findings in the research that I did while still in the private sector:

"The question arises inevitably as to the extent the grant-in-aid system is converting the states into veritable agents of the Federal Government. Is there the possibility that the states may become the civilian counterparts to the arsenal-like, government-oriented corporations in the military sphere? The actual extent to which Federal control and influence are exercised varies substantially both by program and region, but the cumulative effect is quite substantial."[1]

That conclusion was hardly unique and is generally shared by those who have worked with or studied grant-in-aid programs. The real challenge, of course, is to come up with alternatives superior to the status quo. Most of the alternatives to revenue sharing that have been suggested recently are not new: in fact, they are precisely the ones that had been considered and, after careful examination, rejected.

It is clear that further direct Federal assumption of local program responsibility or greater expansion of the categorical grant-in-aid system would fundamentally be futile in dealing with the underlying problems facing our state and local governments. To pump substantially more Federal dollars into the proliferating maze of narrow programs represents merely a reecho of that tired and ineffective response.

Furthermore, this extremely expensive suggestion is now being made by those who have questioned where the Nation will get the money for revenue sharing; the inconsistency in their argument is striking, even though perhaps unintentional.

Similarly, Federal tax credits for state and local income tax payments may seem like an easy response to this difficult question, but they do not hold up under examination as an effective device for bolstering the financial resources of state and local government. Although no Federal funds would go directly to state or local governments, Federal revenues would be reduced immediately.

There seems to be great ignorance as to how a tax credit works. Nobody is suggesting a 100 percent credit for state and local income taxes against a person's Federal tax liability—for that would almost amount to a blank check on the Treasury. On the other hand, those who suggest a credit as low as 10 percent, apparently do not understand the Federal tax system. Many taxpayers would be better off by merely taking the existing deduction for state and local taxes.

In any event, hard pressed states and localities would only benefit to the extent that a credit toward the Federal income tax softens taxpayer resistance and thus enables state and local governments to institute or raise income taxes above the levels otherwise politically acceptable. Dollar for dollar, revenue sharing will be more effective in channeling financial resources to states, cities, and counties. Clearly, a Federal credit for state and local income taxes will do little to help local governments who derive the bulk of their revenues from the property tax. At best the benefits would be distributed in an uneven, hit-and-miss fashion.

The revenue sharing proposal was very painstakingly developed. Many man-months of time and effort went into its design. The details were carefully worked out with knowledgeable representatives of Federal, state and local governments, with private citizens, and with Democrats, Republicans, and Independents. In both concept and detail, it is a thoughtful and nonpartistan plan offered in good faith.

Hence, the overall favorable response has been heartening. Yet, I confess a sense of dismay at the nature of some of the specific reactions. I am concerned over the kind of intellectual environment in which there is a ready desire to believe the worst and a strong reluctance to accept facts demonstrating the contrary. The case in point is the role of the central cities in revenue sharing.

It has repeatedly been shown that the central city tends to get a larger share—not just a larger total share but a larger per capita share—than suburban communities. That is true in each of the 25 largest metropolitan areas in this Nation. Yet, we still see or hear the inaccurate charge that the Administration's revenue sharing proposal funnels the bulk of the money away from the central cities. There seems almost to be a Gresham's law operating here—bad information drives out good.

The factor determining the allocation of general revenue sharing among the cities and counties of a state is the respective jurisdiction's share of the revenues raised by all cities and counties in the state. As it turns out, time and again, the larger the city, the larger the per capita revenues it raises, and hence, the larger the per capita share of revenue sharing that it will receive.

Some have suggested that they would like to respond favorably to revenue sharing but are reluctant to breach the alleged principle of avoiding the separation of the taxing power from the spending power. Certainly, the $30 billion of Federal grants-in-aid this year represent a massive breach of that principle.

Of course, the significant distinction between revenue sharing and the current aid system is the delegation of decision making. Given the gravity of the situation, we do not hesitate to approach what is certainly the most powerful legislative body in the world and suggest that $5 billion out of a $229 billion Federal budget be allocated for state and local decision making. Perhaps that earlier principle is more pertinent—noblesse oblige.

There are three basic points to revenue sharing that need to be emphasized.

1. A modest portion of the annual growth in Federal revenues is earmarked for general aid to state and local governments. These funds will come from the automatic expansion in budget receipts as the economy grows. Contrary to many inaccurate reports, general revenue sharing will neither require a rise in tax rates nor a reduction in any existing government programs.

2. The revenue sharing money is distributed to each state, city and county in a fair and equitable manner. The allocation is made according to the precise formulas contained in the Federal statute rather than subject to the discretion of any Executive Branch official. As the money is in addition to existing programs, each state, city and county benefits directly; each receives revenue sharing in addition to any benefits, services or money it is now obtaining from the Federal Government.

3. The states, cities, and counties receiving the money will make the decisions as to which purposes the funds should be directed. The Federal Government will not second-guess the local determination of local priorities. Financial reporting to the Treasury will be required simply to assure that the money is spent for a lawful governmental purpose and in a non-discriminatory manner. The local voters, rather than any Federal official, will review the wisdom and effectiveness of the expenditures.

Revenue sharing is a constructive, highly desirable method for strengthening our hard-pressed state and local governments while decentralizing the public sector; it is the most appropriate mechanism available.

REGULATION OF NARCOTIC DRUG IMPORTS

Mr. MONDALE. Mr. President, last Thursday, the distinguished Senator from Idaho (Mr. CHURCH) introduced a bill to amend the Foreign Assistance Act to prohibit foreign aid to countries which do not act to prevent narcotic drugs from entering the United States. I am proud to join Senator CHURCH in cosponsoring this legislation. In addition to cosponsoring Senator CHURCH's bill, I have also introduced the International Opium Control Act to cut off economic and military aid to countries which fail to eliminate illegal opium production and processing.

The need for this type of legislation is clear. One barometer of the urgency of this issue is the increasing amount of editorial comment by newspapers in Minnesota and throughout the Nation, calling attention to both the seriousness of the drug crisis in America and the need for forceful action by the Congress.

Public concern about the spread of dangerous drugs is rapidly mounting. People rich and poor, black and white, are making clear their unwillingness to tolerate the senseless deaths and crime attributable to narcotics. I am hopeful that this awareness will lead to the tough approach to narcotics traffic we desperately need.

It is no wonder people are alarmed when we look at what we know heroin is doing to this country. We know that it is killing thousands of people annually, many of them teenagers. We know that heroin leads its users to commit crimes, enlarging the circle of victimization and costing our society as much as $8 billion every year. We know that use of this deadly narcotic is moving outward from our cities and inward from our coasts to infect all parts of the country. Finally, and most importantly, we know that there is more heroin in the United States now than ever before. Our failure to stop the plaguelike spread of addiction is inexcusable and Americans are no longer willing to accept excuses.

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[1] M. L. Weidenbaum, *The Modern Public Sector,* New York, Basic Books, Inc., 1969, p. 15.

On February 1, 1971, I introduced a bill to stop heroin addiction at its source, in the poppy fields and processing laboratories of our Nation's friends and allies. My bill, the International Opium Control Act, would cut off all U.S. economic and military aid to countries which continue to produce or process heroin. It would offer economic and technical assistance over a limited period of the cost of replacing opium with other time to help cooperating nations cushion crops.

The choice we must make is plain—continued equivocation or commitment to treat heroin traffic as a priority matter in foreign policy. If we equivocate, our allies may pledge cooperation, as in the past, while they allow greater and greater quantities of heroin to be exported to the United States. If we act firmly, we may benefit not only Americans, but the millions of addicts in other countries as well.

Minnesota does not yet have a serious heroin problem. But Minnesotans know that unless this wave of addiction is brought under control, they will soon share directly in the deadly consequences of the drug menace.

Mr. President, I commend to my colleagues in Congress a few examples of the warnings being sounded throughout my State—warnings to recognize the grave implications of spreading addiction and to take decisive action before it is too late.

Mr. President, I ask unanimous consent that several editorials be printed in the Record:

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Mondale's Tough Bill Against Drug Traffic Merits Quick Action

Without minimizing the drug problem, in the Rochester area in any way, it can be said, fortunately, that it is mainly a problem involving marijuana, amphetamines and occasionally hallucinogens.

Virtually unkown here are the kinds of tragedies and drug-caused crime which are rampant in many of this nation's large cities, especially New York City. The main cause of the big city drug problem is heroin, made from opium.

The magnitude of this heroin problem is difficult to imagine in a relatively small Midwest city, but it is, in fact, killing thousands of Americans every year, ruining a half million more lives, stripping as must as $8 billion—yes, 8 BILLION DOLLARS—from our economy each year, and is enmeshing our great cities in a holocaust of crime and degradation.

"It is dreadful enough that all this is happening to us. The unbelievable, disgusting irony is that we are letting it happen."

With those words, Sen. Walter Mondale, D-Minn., this week introduced tough legislation aimed at curbing the international drug traffic which is so adversely affecting this nation. What he proposes, in brief, is an amendment to foreign aid that would cut off all U.S. aid to countries that do not cooperate in an effort to stop growing or processing illegal opium—mainly Turkey (growing) and France (processing.)

The amendment would provide aid, however, to help countries cushion the economic impact of turning from opium to other crops. But where suspension of U.S. aid fails to induce compliance, the President would be empowered to institute action in the United Nations asking the imposition of international sanctions against an opium-growing or processing nation.

Sen. Mondale recognizes that his proposed legislation carries harsh measures, and that it could affect U.S. relations with Turkey, France, Mexico and other long-term friends. But he points out, correctly we think, that the terrible damage being done to this country each year by heroin demands that the international drug traffic be stopped. It hasn't been stopped by methods used to date, and if it isn't stopped the drug dangers to the U.S. will far outweigh any imaginable defense contribution by Turkey or France or any other ally to our national security.

Tough measures are needed, and needed now, to halt this drug crisis before it is too late. Sen. Mondale's proposals is just such a tough proposition, and should receive prompt and serious consideration by the Congress.

Blow at Heroin Traffic

If the Nixon Administration and members of Congress are serious about fighting the drug menace on every front, they should give support to legislation urged by Sen. Walter Mondale of Minnesota and Rep. Peter Rodino of New Jersey.

Their proposal is to cut off American foreign aid funds from Turkey and other countries which fail to control their production of opium for export. Mondale estimates that 80 percent of the heroin coming into the United States is made from opium grown in Turkey. And Turkey has received more than $5 billion of American aid funds since 1946, and still gets large allowances. It is a NATO ally. "We should not tolerate this horrible absurdity," Mondale said.

Recognizing that opium production is important in the Turkish economy, the Mondale-Rodino bill offers aid money to be used in diverting commercial opium poppy acreages to other crops. What they desire is that Turkey and other countries strictly limit their opium production to what is required for medical purposes.

This might not be easy to do, but at least the governments receiving American aid funds should be willing to cooperate effectively in policing the opium trade. Turkey has an opium control policy, but it has not been successful.

The U.S. State Department is partly responsible for failure of Congress to act against foreign opium sources in the past. It views such proposals as Mondale's as unjustifiable interference in domestic affairs of other nations.

Noninterference as a general principle of course is sound, but if 80 percent of the American heroin supply comes from Turkey, the situation calls for special action.

Some time ago the Nixon Administration declared that international drug control would be one goal of its foreign policy program. Last July Attorney General Mitchell said he would support any method of achieving international controls, particularly those involving Turkey. Some Turkish officials expressed resentment. The State Department backed them. Then the Administration attitude softened, and little has been said since.

The Mondale bill to help Turkey replace excess opium production with other crops, combined with the threat of reduced American aid if that is not done, seems fair both to Turkey and to the United States. Illicit drug traffic in America has become far too serious a matter to justify State Department quibbling, over polite niceties of diplomatic protocol where heroin supplies are concerned.

Drugs: Known and Unknown

Developments are coming apace in the national campaign to curb drug usage. One of the most significant actions came Monday with the announcement by Sen. Mondale that he is introducing major legislation to stamp out international heroin traffic. A second development came the same day when the National Institute of Mental Health announced that it had questioned 10,000 college students on 50 campuses and had found that nearly a third had tried marijuana. The report was nevertheless less startling than a study at Stanford by the Public Policy Analysis which found that 69 per cent of the undergraduates had used marijuana in the preceding school year. The study further revealed that the figure is expected to rise to 80 or 90 per cent for the class of 1971.

A third development was the recent conclusion of the U.S. Surgeon General that virtually all forms of smoking carry significant health risks and that previously "safe" forms of smoking, cigars and pipes, hold their own special perils.

Putting all these things together, we discover that smoking, once thought harmless, is now the subject of intensive "reform" efforts, but only after habits have become ingrained and only after the problem became visibly acute. Much the same can be said of heroin. Only recently have we come to appreciate the full impact on the nation. For example, Sen. Mondale estimated in his speech to the Senate that drug addiction, of which heroin addiction is probably the most deadly, is costing the nation an incredible toll of thousands of lives and perhaps as much as $8 billion each year. In New York City alone in the last decade there have been 4,254 deaths from narcotics. During the same period, the toll of lives in the Vietnam war from all of New York State was 3,565. Similarly startling figures can be compiled for death and disease caused by smoking.

Meantime, nobody is very excited about marijuana. Usage has become so widespread that there is considerable social, if not yet political, pressure to lift all barriers and make the drug legal for use in the same manner as alcohol. Aside from all the obvious arguments about introducing another drug to our society, the fact is rather universally ignored that our knowledge about marijuana remains in the dark ages. The mental health institute report said about the same thing as all previous reports have said: There is little that can be proven good or bad about the drug; more study is needed. Especially unclear is the impact of long-term use.

How very, very reminiscent that sounds of our early experience with tobacco. And even after the handwriting began to appear on the wall—seven years ago in the first Surgeon General's report—our society was less than dynamic about moving forward with a serious program. Must we, in the case of marijuana, go through the same trial and error motions? Or will Congress step forward with sufficient funds to effectively speed up the additional marijuana research efforts being carried on by the mental health institute? Hopefully, the latter will be the case because, as Sen. Mondale has outlined, the costs of drug control tend to increase in geometric proportions.

Merely the cost of treatment facilities for heroin addicts in the last three years has mounted to a half billion dollars. The cost to keep heroin from being available will entail not only additional expenditures for law enforcement, but also manipulations of our foreign aid to halt the production of the drug in foreign lands—principally France and Turkey.

Mondale is precisely correct in saying that hard terms need to be laid down for these "allies" of ours. He points out that Turkey has received $5½ billion in U.S. aid since 1946, but that it has responded by allowing opium production that ultimately makes up 80 per cent of the U.S. heroin supply. He proposes to hold foreign governments responsible for allowing heroin to be exported to the U.S. in the same vein that we would attack a nation which was allowing the export of a "fatal bacillus."

Mondale's program places him in a position of leadership; it deserves the support of the administration and the state department. We don't allow foreign armies to attack us, and neither should we allow foreign drugs.

ACTION ON DRUGS

(By O. B. Auguston)

The very atmosphere is full of the dread talk about drugs—heroin, marijuana and other dangerous intakes which it is said is growing and growing in our nation and society. Reports that 31% of students in college try marijuana. Also that among our junior colleges a similar condition exists. Alarming news of course. Distressing news. That a generation which in comparison with any previous ones has had life on a platter and at least silver spoons in their mouths—have to resort to drugs to get some kick out of life. How tragic, how impoverished in the midst of affluence. Just like the person to be friendly has to have a few shots of booze in his system. How poor again.

Perhaps you read Jack Anderson's column on Wednesday and how such a large number of the GI's in Vietnam are indulging in drugs. Another baneful aspect of war—another casualty—boys who left their homes clean of anything like that and may come home an addict. Wonder if the warlords think of that phase of war besides the dead, the maimed for life.

Fortunately here and there we find thinking youth taking action against the use of drugs like the ones in Florida recently when they formed "The March Against Drugs." A march far more needful than the war march of ours over in Southeast Asia.

But the heading of these comments speaks of action. Yes, the most important of all—more important than words and the lot of talk about plain educating, good and needful as it is. Seems the time has come for action and plenty of it.

A good example of such action is the one which Senator Mondale is pushing in Congress—hitting the source of the drugs. He would cut off all U.S. aid to foreign countries which do not cooperate in an effort to stop growing and processing illegal opium. One of the largest exporters of such drugs, like heroin to our country is Turkey and guess Mondale is in favor of cracking the whip in full force upon that nation. This is real action—stopping the traffic where it starts. This will mean more than just lecturing the kids or slapping the poor victim on the wrist. For those who engage in this traffic should be shown no quarter—no mercy—they are public enemies No. 1 if there ever was such a breed of hyenas. Incidentally we note that over in Iran they executed two persons as peddlers of the stuff. This is extreme of course but on the other hand of extremes we have the pussy footing in cracking down on the traffic.

Get the pushers, the growers, the importers and spare no effort to stamp them out, cost what it may.

COMMON MARKET DISCRIMINATION AGAINST AMERICAN CITRUS IMPORTS

Mr. GURNEY. Mr. President, I think it is important that the Senate realize that today, and for some time into the past, U.S. oranges and lemons have been unable to compete effectively in the countries of the European Common Market since September 1969 as a result of the discriminatory European Economic Community preferences accorded Morocco and Tunisia—80 percent—and Spain and Israel—40 percent—and written into their respective trade agreements. U.S. grapefruit has faced a discriminatory tariff reduction of 40 percent since October 1970.

These preferences constitute a clear violation of the most favored nation principle of General Agreement on Tariffs and Trade and, moreover, the trade agreements fall short of the GATT "plan and schedule" and "substantially all trade" requirements for the establishment of a customs union or free trade area. They also impair a GATT concession on summer oranges and grapefruit.

The direct loss to U.S. exporters of oranges in the EEC market in 1970 amounted to $2¼ million. The value of U.S. exports in the 12-month period, October 1969—September 1970, dropped $4.7 million or 32 percent.

Mr. President, the California-Arizona citrus producers initiated proceedings under Section 252(d) of the Trade Expansion Act in August 1970 during which they documented the illegality of the EEC's action and the damage sustained. The United States held formal GATT XXII consultations with the community on January 19 in order to redress impairment and loss of its most favored nation position: the U.S. requested an extension of the tariff preferences on a nondiscriminatory basis. The United States urged the Common Market Organization to take prompt action since the U.S. shipping season begins in February. The EEC reserved its GATT rights) saying that the agreements were legal under GATT in their opinion, but, indicated that they hoped to find an equitable solution by February 15. This they failed to do.

Mr. President, in fact of discrimination of this sort, I think it is essential that our Government act, and act quickly, to protect our domestic producers and packers. Too often in the past, GATT, which was intended to accomplish a mutual diminution of tariffs and other trade barriers, has been a one-way street: foreign importers and exporters have prospered while their American counterparts have gotten the short end of the stick. This, I think, is another example of how GATT has been allowed to operate to our disadvantage. I note that the distinguished junior Senator from Florida (Mr. CHILES) announced on March 2 that the Subcommittee on Agricultural Exports of the Committee on Agriculture and Forestry will be studying the question of the difficulties the domestic citrus industry is experiencing in attempting to penetrate foreign markets. My hope is that the distinguished members of that subcommittee will hear all pertinent facts and come up with legislative proposals and suggest diplomatic initiatives which will correct this discrimination and allow American exports of citrus to go into the world market and compete on a fair basis.

SALUTE TO YOUNG AMERICA

Mr. TUNNEY. Mr. President, tonight, at the Shoreham Hotel Regency Ballroom, seven of my constituents will present "the Salute to Young America" at the finale evening of the 1971 Secondary High School Program of a Presidential Classroom for Young Americans. My constituents are the world famous group "Chicago," and are a favorite among this generation of youth.

Individually the men of "Chicago" are Daniel Seraphine, drummer; James Pankow, trombonist; Terry Kath, guitarist; Lee Loughnane, trumpeter; Walt Parazaider, flute and reeds; Bob Lamm, pianist-organist; and Peter Cetera, bass.

The alumni of Presidential Classroom for Young Americans—currently on 312 American college campuses—were polled and asked who they felt was the musical group most popular among today's young people. The results came out, overwhelming Chicago, and subsequently they were invited to present "The Salute to Young America" at the finale evening of the 1971 Secondary High School Program.

The group became known first in 1967 as the Chicago Transit Authority. They were joined by Mr. James William Guercio, the record producer who was to bring them out West and eventually change their name to "Chicago."

As the men were inspired by other musicians, they began to inspire each other. Rehearsing every day, Chicago began making increasing frequent visits to small clubs, Chicago became a local phenomenon that has gained them an international prominence on all levels of music and performance. Chicago is now the biggest American act on the international market, "Chicago has made this commitment—the best vocabulary between cultures is music."

Most important, Chicago is an idea that continues to work. Serving as an umbrella for seven highly accomplished musicians with different musical tastes, Chicago as a unit, an entity, has brought these resources together within the contextural framework of growth through freedom, Chicago, in all its forms, works not only for the musicians, but for its audiences. Between the two stands a mutual mirror, reflecting the band and its listeners.

INVOLVEMENT IN ENVIRONMENTAL IMPROVEMENT

Mr. MATHIAS. Mr. President, as it has become apparent to all of us how grievously man has pillaged his environment in past years, we have realized more and more that only a coordinated effort by all citizens will be capable of arresting the presently relentless erosion of our natural resources. In an excellent article published in the Washington Star, Ellen Perlmutter reports how Henry Richardson, 15-year-old son of Secretary of Health, Education, and Welfare Richardson, and Kent Weaver, a McLean High School senior, have assumed that necessary involvement and commitment to environmental improvement. These two representatives of the younger generation have attacked the problems of waste and pollution directly. They have accepted that most citizens care about their environment and would like to do what they can to improve it, and then they wrote a book advising consumers of the ecological dangers involved in food preparation, pesticides, transportation, water use, and everyday household actions. While preparing a second edition of "Ecological Living" Henry and Keith have found time to become involved in various other environmental projects which are described in the Star article. I recommend that Senators read what Henry and Keith are doing, because, as Henry says, this is one issue that students and adults can be together on.

I ask unanimous consent that Ellen Perlmutter's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

They Make Ecology So Logical

(By Ellen Perlmutter)

For two lanky high school boys who have spent endless hours hiking, it was not too unusual when they fought last year to retain Fairfax County's Burling Tract, a hilly, 336-acre wilderness of trees bordering the Potomac River.

But Henry Richardson, 15-year-old son of Secretary of Health, Education and Welfare Elliot Richardson, and Kent Weaver, a McLean High School senior, refused to stop after the battle was won.

Instead, they joined the newly-formed Dranesville Environment Force, and, as members of the task force on consumer affairs, the two boys wrote a guide to consumers, "Ecological Living."

That was last year. The second edition, after much demand, was published this month.

HOW THEY MET

Henry and Kent met at the Burling Tract celebration, when area citizens came out to honor the preservation of the woodland, and discovered each other's interest in publishing a consumer information pamphlet.

In the interim, they were elected to the force's steering committee, which meets every three weeks.

With some help from "adults on the force," Kent and Henry compiled the material for the the small book.

In the pamphlet, which was "prepared in the belief that most citizens care about their environment and would like to do what they can to improve it," information on such items as food preparation, pesticides, transportation, water use and personal actions are provided.

"It's a hard thing to get off the ground," Henry said. "But I think we've got the housewives interested. There's been a large demand from them for the booklet."

Everyone has to be reached, said Kent.

SUMMER HIKING

Kent, who has spent summers hiking in Colorado with his family, said, "It's mostly a change of attitude. There's enough interest to go around."

Henry became involved in environmental affairs last year at St. Albans School, where he is a sophomore. "I took a course in Ecology," he said. "We studied the basics about pollution and model city plans."

Henry spent two summers hiking in Colorado, which added to his interest in the land.

The boys next want to start a petition requesting ordinances "banning nonreturnable bottles, pesticides and phosphates," Henry said.

"We are going to urge the establishment of an environmental advisory committee on the Fairfax board of supervisors," Kent added. "Most members of the board are just interested in building."

And the boys' activities have just begun. Kent, who plans to enter Haverford College in the fall, is now president of the Students for Environmental Actions club at his school.

The action group has sponsored clean-up campaigns at and around McLean High School, Kent said, and the "40 to 50 members helped staple our pamphlet."

Henry is now participating in a St. Albans hiking class, which concerns itself with the wilderness area—Otter Creek—in West Virginia, he said.

"Right now, we're finding out about the wilderness bill that's been filed. Then, we're going to try to talk to Senators and Congressmen. If nothing is done about the bill, the area would be in danger of development—lumbering and roads," Henry explained.

Henry said that a student "can do a lot" to get environmental action. "There is also a lot for the county and town governments to do," he said, "We'll certainly press for them."

The boys hope to keep their pamphlet up to date. The second edition already has some additions and changes:

The first edition advised the concerned ciitzen not to use non-leaded gas in pre-1971 cars, "because the lead-free gas designed for these cars greatly increases hydrocarbon pollution" (cause of visible auto smog).

SECOND EDITION

In the second edition, the boys warn that leaded gas has "other harmful effects . . . if you do decide to switch from leaded to nonleaded gasoline, have your carburetor adjusted and your car tuned up to cut hydrocarbon emissions," they warn.

Henry said they just discovered that bleach may be worse than dye, so they will have to delete the suggestion to consumers to buy "white rather than colored tissue."

"Both are bad," said Kent. "But it's a matter of which is worse."

Kent and Henry hope to get enough people interested in conducting "a second annual Earth Day."

"It was effective last year because no one knew anything about it," said Henry, "We're going to have to think of something a bit different this year."

He said the environment force was considering "closing off George Washington Memorial Parkway from here (McLean) to the beltway," for one day.

RALLY PLANNED

Kent said the Northern Virginia Student Environment Council hopes to have a rally against the construction of Interstate 66 during a week-long series of events.

Many plans are still being formed, the boys said, but the Washington Ecology Center is asking for suggestions.

Henry and Kent plan to keep plugging away for environmental reforms. "We were upset when Secretary Hickel (former Secretary of Interior) was fired," said Henry. "But we think that Secretary Morton will help us," when needed.

The high school students said they have gotten their families to cooperate. "We use fewer paper towels now," Kent said.

"This is one issue that students and adults can be together on," said Henry.

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

Mr. WILLIAMS. Mr. President, today many middle aged and older persons are in an impossible situation with regard to employment opportunities. Unfortunately, they are oftentimes described as "too old to hire, but too young to retire."

As a consequence, more and more find themselves dropping out of the labor force. During the past 10 years, the number of men in the 45 to 64 age category who have withdrawn from the work force has risen sharply from 1.4 to 2.1 million, for a 50-percent jump. Unless major policy changes are instituted, this trend will accelerate during the 1970's.

Once unemployed, the mature worker also runs the greatest risk of being without work for comparatively long periods of time. Today, about one out of every three unemployed persons 45 and older—in contrast to one in five for younger individuals similarly situated—has been looking for work for 15 weeks or longer.

Yet, our manpower and training resources are directed essentially at youth. In far too many instances, the employment needs of mature workers are overlooked or ignored. Very rarely do persons 45 and over constitute more than 10 percent of all enrollees in any one manpower program. But they comprise 22 percent of all unemployed persons in the United States. And they represent about 40 percent of the very long-term unemployed, 27 weeks or longer.

The Middle-Aged and Older Workers Employment Act, I believe, provides a sensible and coordinated approach to deal with their problems. With the funding authorized under the act, approximately 140,000 persons could be trained for new employment opportunities and better paying work. For example, in New Jersey this measure could provide nearly 6,000 badly needed jobs

In addition, this proposal can have a significant impact in providing the skilled personnel needed in our society today. This is particularly important because our Nation must train and retrain substantially more persons for jobs than we do now—especially with rapidly changing patterns in industrial techniques and products.

There has long been a need to establish a national policy for maximizing training, counseling, and employment opportunities for mature workers. And enactment of the Middle-Aged and Older Workers Employment Act can be a major stride forward in making this goal a reality.

RESOLUTION OF SUPPORT FOR CLOSED BASIN PROJECT

Mr. ALLOTT. Mr. President, on February 2, 1971, I introduced on behalf of myself and my colleague from Colorado (Mr. DOMINICK) S. 520, a bill to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley project, Colorado.

The Closed Basin project is an excellent project and will not only benefit Colorado but also New Mexico and Texas. It is a water salvage project, that is, it will take water now wasting and put it to a beneficial use.

In addition, the project will have a beneficial effect upon the environment and upon the ecology of the Rio Grande River. As the June 8, 1970, report of the Department of the Interior states:

> The net effect of the Closed Basin Division will be one of enhancement for wildlife and waterfowl.

Relative to the ecology of the Rio Grande River, that same report states:

> Streamflow records show that at times there is little or no flow in certain reaches of the Rio Grande. The proposed plan contemplates salvage of water at a nearly constant rate of 100 cubic feet per second throughout the entire year. Maintenance of this flow in the Rio Grande thus would improve the ecology of the river.

In the 91st Congress, a "National environmental policy" was established by law. As a part of that policy, the act states that—

> It is the continuing responsibility of the Federal Government to . . . (6) enhance the quality of renewable resources . . .

The improvement of the ecology of the Rio Grande River and the many other benefits of the project both to man and to wildlife would, it seems to me, be in furtherance of the objectives laid down in the National Environmental Policy Act. Further, the construction of the Closed Basin project would be in consonance with the responsibility of the Federal Government and each generation to act as "trustee of the environment for succeeding generations."

For these and other reasons I shall urge early action on my bill, S. 520, to authorize construction of this worthy project.

On February 18, 1971, at its 32d annual meeting, the Rio Grande Compact Commission adopted a resolution of support for S. 520. The Rio Grande interstate compact, and its members include representatives from the States of Colorado, New Mexico, and Texas.

Mr. President, I ask unanimous consent that the resolution of February 18, 1971, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION, RIO GRANDE COMPACT COMMISSION—COLORADO, TEXAS, NEW MEXICO

> Whereas, Senator Allott, for himself and Senator Dominick, has introduced S. 520 in the 92d Congress, 1st Session, to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley Project, and
>
> Whereas, the adoption of S. 520 and companion legislation to be introduced in the House and the construction and operation of the project would greatly alleviate problems on the Rio Grande, would facilitate the United States fulfilling its international treaty commitments, and would foster harmony among the states,
>
> Now, therefore, be it resolved, by the Rio Grande Compact Commission assembled in annual meeting at Santa Fe, New Mexico this 18th day of February, 1971 that the Congressional delegations of the States of Colorado, New Mexico, and Texas be urged to support S. 520 as written and identical companion legislation in the House of Representatives;
>
> Be it further resolved that the Secretary forward a copy of this Resolution to the members of Congress of the respective States, to the President of the United States, The Secretary of the Interior, The Commissioner of the Bureau of Reclamation, and to the Governors of the Compact States.

TRIBUTE TO WHITNEY YOUNG

Mr. TUNNEY. Mr. President, the untimely death of Whitney Young is a tragic loss for a nation striving to seek the path to racial justice. The goals for which he fought so courageously were the goals shared by all men committed to the betterment of the human race; the attainment of equality, dignity, and economic security for all people.

The history of the American civil rights crusade of the 1960's will surely contain the name of Whitney Young in a position of nonpareil importance. His ability and leadership guided the Urban League to national prominence. The league strove to seek avenues of employment for thousands of blacks, and in the process furthered the erosion of the walls of racial prejudice. Young stands out as a man dedicated, not to personal publicity, but to the personal fulfillment of his drive to help black Americans share in the blessings of our great Nation.

Whitney Young stood apart from those who attempted to gain their civil rights through terror and intimidation. He was a militant, but not in the sense that most understand today. Whitney Young's brand of militancy was to struggle to gain legal protection for all minorities, to take our poor off the relief rolls and place them on the tax rolls with secure employment, and to work toward the day when discrimination would not plague our land.

Whitney Young's commitment to the cause of personal freedom was unselfish and his accomplishments will not be dimmed by the passing of time. He attempted, not to preach, but rather to teach America of the benefits which we all would gain from universal brotherhood. He attempted to guide America to the realization that man can attain his highest goals only when free to follow his own dreams.

Whitney Young articulated the economic goals of poor Americans before the Congress on many occasions. His reasoned approach to the problem gained him the praise of all who listened to his pleas. It is my hope that this Congress will keep the memory of Whitney Young in mind when debating revenue sharing, welfare reform, or any other legislation affecting those who called him their spokesman.

In this time when voices are raised in anger to harsh and loud levels, it was a pleasure to know that Whitney Young would speak in calm and thoughtful prose, creating a spirit of thoughtful dialog with people throughout the world.

Life was too short for Whitney Young to witness the fulfillment of his dreams. Each of us must share the burden that he carried so well: to see the formula for the creation of a nation free from racial prejudice and economic hardship.

UNIVERSITY OF OKLAHOMA STUDENT WINS 26-MILE MARATHON

Mr. BELLMON. Mr. President, recently a University of Oklahoma graduate student won the college-university division 26-mile marathon, at Artesia, N. Mex. The winning of a 26-mile marathon is an athletic accomplishment in its own right. However, the winner of this race deserves added praise for this demonstration of stamina and courage. Mike Levine, the University of Oklahoma graduate student from Brooklyn, N.Y., was the first Sooner runner to ever win a divisional title in such a race. Even more to his credit is that he is the first victim of cerebral palsy to ever enter such a race, let alone win.

Mr. President, I am proud to call the attention of the Senate to this courageous act and to congratulate Mr. Levine on his accomplishment. I ask that a copy of an article which appeared in the Daily Oklahoman, March 4, 1971, concerning this young man be printed in full in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS COURAGE? IT'S MIKE LEVINE RUNNING 26 MILES

> NORMAN.—For Mike Levine it has been third down and 12 since his birth 25 years ago. Courage and a sense of humor have helped him overcome adversity, however.
>
> The University of Oklahoma graduate student from Brooklyn last weekend accomplished two school distance running records by winning the college-university division at the Artesia, N. M., 26-mile marathan.
>
> They read as follows:
>
> 1. First Sooner runner to ever win a division title in such a race.
>
> 2. First victim of cerebral palsy to ever enter such a race, let alone win.
>
> That's right, cerebral palsy.
>
> Levine, a good-looking New Yorker who wears cow-boy boots and drives a pickup truck, could barely sign the entry blank at Artesia. He finds it difficult to tie his own shoe laces. His affliction has practically nixed the whole right side of his body.
>
> But he runs, by golly. Every morning at dawn, Levine can be seen struggling 10 to 15 miles on the track at John Jacobs Field, decked out in sweats and shoes that total eight pounds from special foam rubber cushions that take away "ouch" when his feet land hard on the track.
>
> He is not a picture of grace. "I look like the wrath of God out there," he confesses.
>
> Running helps offset Mike's physical drawbacks. "I can't lace my shoes, so I run," he admits. "I can't cut the meat on my plate when I eat, so I get back at myself on the track."
>
> Hollywood could not devise a more courageous script. Levine is forced to do his jogging on the track because running on pave-

ment or on roads causes stress fractures in his legs. He's suffered three of these already. "One in my shin bone, another in the groin region and another in my lower right leg," he confirms. "Each time I had to lay off running for six weeks. That was more agonizing than any marathon."

Levine says he started jogging in the summer of 1965 at Marine Park in Brooklyn. "My mother told me I was getting fat and needed to lose some weight," he recalls. "So I started running a half mile every day. I gradually increased the distance to 10 to 15 miles."

Living in Oklahoma was Levine's boyhood dream. He followed the Sooner football teams of the late 1940s and 50s in the New York newspapers. Bud Wilkinson was President of the United States to Mike Levine.

"I used to go down the block in Brooklyn and tell everybody I was born in Oklahoma, which I was not, and that I was part Indian, which I was not," he laughs.

He was almost born here though. His father, Dr. Jack Levine, an orthopedic surgeon, was stationed in Fort Sill shortly before Mike's birth. "My mother decided to go back to New York to have me," he says. "She felt better going back to her familiar surroundings."

So it is not difficult to visualize Levine's joy when OU assistant track coach Gary Lower let him borrow a Sooner uniform to take to Artesia last week. "It sounds corny, I know," Mike shook his head, "but that meant so much to me I can't describe it. There I was, all decked out in jersey No. 356."

Levine winces when he describes the Artesia race. "We ran into an 18 mile per hour wind. I've never been through anything so agonizing. I felt like quitting the whole way. But I couldn't. I was wearing that OU uniform. I was so tired at the end they had to carry me back to my hotel. I couldn't stand on my feet for three hours afterward."

Levine says he might run in the Boston Marathon if invited but that's it. He believes 26 miles is too far.

"Besides, I'd rather quit undefeated like Rocky Marciano," he cracks.

"And don't worry. Success won't spoil me."

THE ECONOMY IN 1971: A TEST OF FAITH

Mr. MONDALE. Mr. President, it does not take anyone from Washington to tell the American people that we are in the midst of an economic crisis.

And it does not take a Democrat to observe that this crisis will continue to be probably our most explosive political issue in the months—and perhaps the years—ahead.

But the stakes go far beyond politics, and the responsibility lies far deeper and far broader than the errors of this current administration—though I am no apologist for the Republican game plan. At stake fundamentally is the faith of the American people in the manageability of our economic system.

This faith has been greatly shaken—not only by those who have suffered most directly from the current recession, but those who can observe the apparent impotence of the Government in securing those economic goals to which we profess: High employment, prosperity, stable growth, full opportunity, and an economic justice which is basic to our way of life.

In fact, the magnitude of our economic crisis goes far beyond the mere statistics on unemployment and inflation. Last month's unemployment was still at 6 percent—the highest in 9 years with over 5 million out of work. This was an increase of 57 percent—nearly 2 million jobless workers—from a year ago. But even these simple figures hide so much of the real meaning behind the recession we are within.

They hide the great numbers of "discouraged workers," dropping out of the work force—and thus out of the unemployment statistics—in despair over finding a job. In fact, a recent study estimated nearly 300,000 of these workers at the end of last year—an additional three-tenths of 1 percent unemployment were they to have been counted.

These figures disguise the concentrations of unemployment in our poor neighborhoods and among our youth. What does 6 percent mean, for example, when unemployment among black teenagers in urban poverty neighborhoods stood at over 42 percent in the last quarter of 1970?

These figures do not show the loss of workweek, loss of overtime, and loss of new jobs which have presented economic burdens upon those who remain lucky enough to hold their jobs.

These figures do not show the fear and insecurity arising among professionals, technicians, and scientists, who are finding their skills, for the first time, without markets—in the face of the extraordinary needs of this Nation for such high-powered manpower.

These figures do not show the magnitude of the economic loss to the Nation—over $40 billion lost in this last year—nearly three-fourths of a billion dollars lost to the State of Minnesota—from unemployed workers, idle factories, and below capacity production.

These figures do not show the impact on a State like Minnesota of a 62-percent increase over 1 year in unemployment—a leap in a number of jobless of over 100 percent in the Twin Cities.

Or, we can look at the figures on inflation. Here, too, the crisis goes far beyond the 6-percent average increase in the Consumer Price Index last year.

This cannot show the impact on the elderly and on the small savers who may see a lifetime of savings vanish in the smoke of inflation.

This cannot show the disruption to the businessman of his investment purchasing and expansion plans.

Six percent inflation does not show the burden paid by the farmer, whose costs continue to soar but whose farm prices, in the last year, actually dropped by some 7 percent. In fact, it is only through lower incomes to the farmer that the price increases have been held as low as they have in recent months. But while his gross income has increased by 13 percent in the last 5 years, his costs have run up by over 20 percent, and rural America continues to be mercilessly squeezed between costs and prices.

Nor can the Consumer Price Index show the impact of inflation upon our trade situation and our ability to compete in world markets.

I am not simply trying to paint clouds of economic doom. I am simply suggesting that the troubles which are upon us go far beyond those millions of workers who have lost jobs or the even greater number of businessmen, farmers, and workers who have seen their real income eroded through a cheapened dollar. We must understand the depth of the crisis if we are to come to grips with its solution. We can listen to reassurances of the administration when they tell us how much worse things were in the late fifties and early sixties—but we must understand above all how much worse things are today than they should ever have to be in a nation of our productive capabilities.

As I said in the beginning, what is really at stake is the faith of our people in the capacity of our system to deliver prosperity, stability, and economic justice.

Some who have lost faith would turn all over to the Government, leading to the bureaucracy, redtape, inefficiencies, and loss of freedoms which we know have accompanied such experiments in the past.

Others would throw up their hands at Government intervention and return us to some 'good old days of laissez faire capitalism' which, in fact, never existed and toward which we could never return even if they had. We have a mixed economy—a private and governmental partnership which is charged with the enormous responsibility of managing our colossal economy and balancing its competing and often conflicting moods.

What we must do is perfect this system—not with faint hopes that things will right themselves in time—not with despair over the basic market system—but with courageous and forthright policies to restore a working partnership between Government, labor, and business.

The first priority must be the restoration of economic growth and full employment.

The people of this country cannot keep faith with a system which lays the burden on stability on the backs of over 5 million jobless.

If it takes public service employment—in useful, in fact desperately needed—jobs in education, conservation, child care, and the like, then we must provide such jobs.

I am not talking of "dead end" jobs as the President charged in his veto of last year's Manpower Training Act. I am talking of jobs which our society needs to have done as much as our people want the chance to do them.

It will also take a more expansionary monetary policy—a policy which can provide liquidity for housing, for business expansion, and for new consumer spending.

But the first priority has to be a stimulation of the kind of growth that will absorb the 25 percent of our productive capacity—including plant, equipment, and over 5 million workers—that now idle. In this regard, stimulation to private business investment has a place. But I question whether the recent liberalization of depreciation—at a $3 to $4 billion cost to the Treasury—will actually generate new spending and new production when most industry has not begun to use its existing manufacturing capacity.

A more economical and more effective stimulus, I think, would be a new investment tax credit which could better help the small businessman and bring a higher return in new production and—most of all—new jobs.

At the same time, I am not forgetting how quickly inflation can pick up. Not, I am afraid, that it has ever laid down in the past 2 years, contrary to the comforting assurances of the Commerce Department.

The President has proposed for next year an expansionary budget. We need a fiscal stimulus, and I am delighted that the President has endorsed the concept of the full employment budget.

But I have grave doubts about the fiscal responsibility of the new 1972 budget.

It is not the budget on paper that worries me. We can live very well with a $12 billion deficit which is still a slight "full employment" surplus. But last year we saw a projected $1.3 billion surplus grow to a whopping $18.6 billion deficit—very largely the result of overestimated revenues and underestimated expenditures.

This year, the projected revenues are based on an estimated growth in GNP of 9 percent—a figure far above that projected by virtually every private estimate. And if every other estimate is right and the administration has overestimated—as there is every historical reason to believe is the case—then this "manageable" $12 billion deficit could easily equal or top last year's $18 billion deficit. And that, I am afraid, is a stimulation that would throw inflation nearly out of control and undercut the very growth we are trying to promote.

I would urge further cuts where I think there is fat in the Federal budget. And I would begin with that defense budget which came in over $4 billion above the first estimate of last year—$77.5 billion.

And the administration lays the blame for our recession on "the transition from a war time to a peacetime economy."

We may be winding up the war in Southeast Asia—although it looks as though we have simply added a new war in Laos to the old ones in Vietnam and Cambodia—but I hardly see in a $4 billion Pentagon boost anything on which to blame a 9-year high in unemployment.

Over $1¼ billion for an ABM which we will probably have to scrap anyway.

$370 million for a new manned bomber.

$409 million to continue MIRV'ing the Polaris submarines.

And many more—all in the development stages with tens of billions yet to come.

I hope the President is right when he says we can raise GNP by $88 billion by the end of 1971, and drop jobless to 4½ percent unemployment and 3 percent inflation by mid-1972. But I think our antiinflationary policies are going to have to move beyond good intentions.

Beyond more care with the Federal budget, I think we need:

First. Much more active administrative intervention in price and wage actions that are clearly unjustified and contrary to the national interest.

While I admit that wage increases can be as inflationary as price increases, I think the "jawbonning cards" are clearly stacked against labor. Any use of this device must maintain an even hand—prices and wages—recognizing that the average real wage of the blue collar worker has actually been dropped over the last 4 to 5 years;

Second. Expansion of productivity in such bottleneck sectors as housing, services, and medical care;

Third. Maintenance of expansionary trade policies, realizing the advantage of importing where foreign productivity is highest—and exporting where our own technology and productivity is highest. Competition must be fair—and we must do a far better job than we have in protecting and preserving the legitimate rights of American workers and industries. Yet we must resist a retreat into protectionism which can only fan the fires of inflation.

The faith of the American people is hard to shake and generally easy to restore. But shaken it is, and a restoration is not yet in sight.

Nineteen seventy-one is a testing year. I think that we can achieve those elusive goals of prosperity, high employment, stability, and maximum economic freedom. But to do so will take a new plan—an active, imaginative, and responsive plan. This is the great economic challenge of 1971.

WHITNEY YOUNG

Mr. BELLMON. Mr. President, in the untimely and tragic passing of Whitney Young, this Nation lost one of its strongest and most effective voices for progress toward justice and equality for all. Throughout the decade of the sixties, Whitney Young stood at the vanguard of progress in civil rights and distinguished himself as not necessarily the noisiest but certainly one of the most effective fighters in the uphill battle for the rights of black people. Though his counsel was sought by leaders in government and in industry, he was continually close to the masses whose lot he sought to improve.

The ability to master power without being mastered by power is a rare and precious attainment. Whitney Young, as much as any man in this generation, has succeeded in using the great powers of his office without being in any way contaminated by them.

Whitney Young will be missed by all who admired the goals for which he lived and worked.

EXPULSION OF SOVIET DIPLOMATS BY MEXICO

Mr. ALLOTT. Mr. President, this morning's Washington Post contains a story about the expulsion by the Government of Mexico of five Soviet diplomats. Students of the much discussed and always fictitious detente may want to spend the weekend concocting a theory that will explain how all this confirms the supposition that the Soviet Union has mellowed and is ready to join us in our unilaterally declared "era of negotiation."

So that all Senators may ponder this event in Mexico, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO EXPELS FIVE RUSSIANS

MEXICO CITY, March 18.—Mexico today ordered the expulsion of five diplomats from the Soviet embassy here including Charge d'Affaires Dmitri A. Diakonov.

The order was communicated to Diakonov by Mexican Foreign Minister Emilio Rabasa in a short meeting at the ministry. It came two days after Mexico announced the arrest of members of an anti-government guerrilla group who had attended a Soviet university.

Rabasa did not relate the Soviet diplomats' expulsion to the breaking of the guerrilla ring, though sources that Reuter identified as "reliable" said it was. Rabasa declined to answer any questions from newsmen on this point.

The other four diplomats named and ranks were given by news agencies as: Boris Kolomyakov, a first secretary; Boris Voskovoinikov, indicated in different news dispatches as a first and a second secretary; and Alexander Bolshakov, a second secretary.

On Wednesday, Mexico recalled its envoy to Moscow for consultations that were described as "a temporary diplomatic withdrawal." News stories at the time said that the Mexican ambassador to the Soviet Union would remain in Mexico "until further notice."

The Soviet ambassador to Mexico, Igor K. Kolosovsky, has been in the Soviet Union for more than two weeks, recuperating from an illness, according to news reports.

According to Mexican government officials, the members of the guerrilla group had been trained at a military base near Pyongyang, North Korea.

Mexican President Luis Echevarria—without referring to the Soviet Union—told a meeting of senators that Mexico was "being attacked now when it has stated that it wants a respectful and peaceful reciprocal coexistence . . ."

A government official said that it was assumed that the Soviet Union knew of the Mexicans' trip to Pyongyang from Moscow because the Mexicans used North Korean passports.

The guerrillas—one source said there were 20 rather than 19—were charged with murder, conspiracy, incitement to rebellion, theft, illegal use of weapons and forgery.

The arrested guerrillas said Tuesday, at a news conference, that they were members of the Revolutionary Action Movement. Other members of the group said that guerrillas active in western Mexico had planned to kidnap a diplomat or government official to gain the release of their arrested fellow members.

The Soviet embassy has a total of 25 diplomats listed as members of its staff. The Mexican embassy in Moscow is much smaller—three or four members, according to reports.

CONCERN OVER NUCLEAR POWER PLANT SAFETY

Mr. MONDALE. Mr. President, as nuclear powerplants proliferate in attempts to meet our rapidly expanding power needs, we are witnessing a rising tide of concern over their safety. Evidence of this concern is apparent in all parts of the Nation.

Minnesota has been in the forefront of a struggle to win recognition of the State's right to set more stringent standards of safety than those set on the national level. As the issue has been debated in the courts, citizen concern has grown and 14 States have registered their support for Minnesota's stand. Currently in the Minnesota Legislature the Coleman bill has been introduced, which would prohibit construction of nuclear powerplants until their safety can be demonstrated.

In Eugene, Oreg., last May citizens voted a 4-year moratorium on a nuclear reactor planned for their area. The Oregon Senate has under consideration two bills which would prohibit construction and operation of nuclear plants anywhere in the State for the next 4 and 5 years, respectively.

A nuclear moratorium bill has been introduced in New York City, and in California an active citizens' initiative is underway to put a 5-year nuclear moratorium on the 1972 California ballot.

Among biological scientists a petition is circulating which includes a moratorium on construction of nuclear powerplants. And in most States where legislative action is not yet proposed, citizens have demonstrated their active concern whenever a nuclear plant is planned or suggested.

As this evidence of concern by citizens and scientists accumulates, it is natural that concern over potential nuclear dangers should be felt in Congress, as well as in individual States.

Opinions on some aspects of nuclear energy vary widely and intensely. The Senator from Alaska (Mr. GRAVEL) has been studying problems of radioactivity ever since he came to the Senate. Recently he was invited to give his views about a nuclear moratorium in testimony before the Oregon State Legislature.

So that Congress, too, may have the opportunity to consider the views he expressed, along with others, I ask unanimous consent that Senator GRAVEL's testimony, entitled "Reason To Be Worried," be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY MIKE GRAVEL

I am here to tell you why I think it is urgent—not merely advisable—to have a moratorium in Oregon and in other States on building nuclear power plants.

I don't think you have to be an expert on radiation or engineering to reach that conclusion. Reading the Atomic Energy Commission's own work did it for me. Therefore, I am going to quote the AEC extensively.

1. ACCIDENT CONSEQUENCES

AEC info: The deaths and damages from a severe accident at any one nuclear power plant "would not be less and under some circumstances would be more than those assumed in the earlier study." That is the AEC's Director of Regulation, Harold Price, writing to me on July 7, 1970.

Comment: The earlier study to which he is referring is the AEC's famous 1957 Brookhaven Report, which unfortunately is not easily available to the public.[1]

If we use the AEC's own Brookhaven Report as a basis, what shall we consider to be the maximum consequences of a single severe accident?

1. Fifteen states the size of Maryland might be contaminated radioactively (150,000 square miles); water supplies contaminated; other power plants contaminated.

2. Half a million people might need evacuation, fast. These radiation refugees might have no place to go, and probably no one who would want them.

3. Perhaps another 3½ million people might have to have their outdoor activity restricted to keep them from receiving high radiation doses.

4. There might be general panic, and demands that all the nuclear plants in the country be shut down—which would extend the chaos even further.

5. In addition, there might be 3,000 or 4,000 people dying from acute radiation overexposure.

6. Plus another 50,000 people dying later from radiation-induced cancer, which is a horrible way to die.[2]

AEC info: The Brookhaven Report itself states that about 5% of the time, weather conditions exist which could make the consequences even worse; "therefore, this study does not set an upper limit for the potential damages."[3]

Comment: The reactor in the Brookhaven Report was assumed to sit 30 miles from a "major city"—exactly the distance from the planned Trojan reactor to Portland.

Of course, the Trojan reactor is 7 times bigger than the Brookhaven model (3400 thermal megawatts vs. 500), and its fuel would be allowed to accumulate radioactive fission waste at least twice as long before cleaning out. Therefore, an accident even five or ten times *less* severe than the Brookhaven Report might nevertheless have the same consequences.

2. BASIC SAFETY PROBLEMS

AEF info: The AEC listed five "negative" factors about reactor safety in the Brookhaven Report, which I shall quote verbatim:[4]

1. Many power reactor systems will operate under high pressure. High pressure systems are subject to failure.

2. The cumulative effect of radiation on physical and chemical properties of materials, after long periods of time, is largely unknown. Eventual serious failures may occur.

3. Various metals used in reactors such as uranium, aluminum, zirconium, sodium and beryllium, under certain conditions not at present clearly understood, may react explosively with water, also present in many reactors. During incidents of abnormal operation resulting perhaps in melting of some of the metals in contact with water and under the influence of radiation, chemical reactions of enough violence to rupture the containment vessels, with release of the fission products, could occur.

4. After initial operation, many of the vital components become inaccessible for inspections. In non-nuclear plants, serious accidents are often averted through detection of incipient failure.

5. Much remains to be learned about the characteristics and behavior of nuclear systems.

Comments: We have a right to a thorough, and thoroughly public investigation of these five negative factors in light of the progress presumably made since 1957.

In fact, I am troubled that nuclear promoters, if they think they have a good product, are not out leading demand for open debate.

3. DEPENDENCE ON UNTESTED SAFEGUARDS

AEC info: "The likelihood of major accidents such as posed in the Brookhaven study is extremely low—in fact, even lower than the remote possibility that had been estimated in the 1957 study," due to "substantial advances in reactor technology, the safety incorporated in each vital component and system, and the successive defenses built into safety features designed both to prevent accidents and to limit the consequences in the highly unlikely event that they should occur." That is another quote from the AEC Director of Regulation in his letter to me dated July 7, 1970—the same letter in which he admits that the *consequences* "would not be less and under some circumstances would be more".

Comment: The AEC is asking you to stake your lives and property and genetic treasure on engineered safeguards which are supposed to make the likelihood of accidents "extremely low." Therefore, it is important to ask:

Have those engineered safeguards ever been fully tested to find out if they will actually work?

The astonishing answer is NO. The most essential system of all which stands between the public and a radioactivity calamity—a system called the Emergency Core Cooling System—has never once been actually tested.

Apparently, the AEC thinks these emergency-system tests are important—because the Commission is spending many millions of dollars to prepare them—for 1975.[5] That is apparently the most optimistic date for the first Loss of Fluid Test—referred to as the LOFT program. This is what the AEC says about LOFT:

AEC info: "LOFT is the focal point which provides a fundamental sense of direction to water reactor safety investigations, as a live reactor in an accident mode, it makes the investigators face reality. . . ."

And, "Not only is LOFT the only integral test facility in the world planned to carry out a major loss-of-coolant accident experiment in which all of the accident initiation, response, and consequence phenomena are present in one test, it is the only one which incorporates the important variables and parameters of nuclear heat, behavior, and actual fuel materials under conditions typical of current power reactors." That is from testimony by Milton Shaw, the AEC's Director of Reactor Technology and Development, to the Joint Committee on Atomic Energy on March 11, 1970.[6]

Those statements are followed by about eight pages which describe one safety feature after another which needs testing, "verification," and "exploring." Their reference is not to reactor models of the future, but to the water-cooled reactors with which the country is already being studded.

Comment: Would you like to fly in an airplane whose emergency systems had never been fully tested?

What is worse, it appears that one reason for not having tested some of the engineered safeguards we're depending on, may be that some may not have even been *designed* yet.

4. DESIGN DEFECTS

I am certainly not qualified to say flat-out what's safe and what's not about a reactor; I'm just like most of you. I don't smell trouble until the *experts* express doubts.

Therefore, it looks like trouble to me when the AEC's own Advisory Committee on Reactor Safeguards (ACRS) is able to point out 10, 20 or 30 *design* defects in every reactor which they approve for construction, nevertheless. I wonder if those defects *can* be remedied during construction, and I wonder about the 31st defect lurking where *no one* noticed it.

AEC info: Let's just consider the ACRS approval letter of July 17, 1970 for your Trojan reactor.[7]

"The Committee recommends that the applicant accelerate the study of means to prevent common failure modes from negating scram action, and of design features to make tolerable the consequences of failure to scram during anticipated transients . . . The Committee wishes to be kept informed . . ."

"The Committee has commented in previous reports on the development of systems to control the buildup of hydrogen in the containment which might follow in the unlikely event of a loss-of-coolant accident. The applicant proposes to make use of a venting technique after a suitable time delay . . . However, the Committee recommends . . . a hydrogen control method which keeps the hydrogen concentration within safe lim-

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Footnotes at end of article.

its by means other than venting . . . The Committee wishes to be kept informed . . ."

And so the letter goes on describing one unsatisfactory finding after another, but it ends with the familiar ACRS blessing:

"The Committee believes that the above items can be resolved during construction and that, if due consideration is given to these items, the Trojan Nuclear Plant Unit 1 can be constructed with reasonable assurance that it can be operated without undue risk to the health and safety of the public."

5. SAFETY CLAIMS UNCONVINCING

Comment: The Committee believes. Do you believe? Let's find out *who* believes those assurances.

Does the engineering community believe?

I don't know the answer. The engineers have been strangely silent on such an important issue. During a moratorium, perhaps we can coax them to talk to us about it.

In the meantime, I will tell you about a poll I read of in the Atomic Industrial Forum's newsletter INFO, April 1970.[8]

When 525 members of the National Society of Professional Engineers were polled a year ago, almost 60% answered "YES" when asked whether there is a valid reason for the public to be worried about nuclear plants.

Does the private insurance industry believe?

Obviously not. Insurance companies, pooling their responsibility, have written insurance totaling only 1% coverage for the estimated $8 billion damage caused by a Brookhaven-type accident. And they have written a nuclear exclusion clause—for the peaceful atom—into most home-owner's insurance policies and into some automobile policies, too.

Does the utility industry believe?

I think we ought to repeal the Price-Anderson Act and find out.

Just a few years ago, the utilities insisted on renewal of that Act, which deeply limits their liability for accidents.

Now that they are advertising loudly how accidents will never happen, I hope they will "put their money where their mouths are" and loudly support repeal of the Price Anderson Act.

Does the AEC itself believe that accidents won't happen?

AEC info: In 1969, the AEC put out a series of booklets called "Emergency Handling," with separate issues for doctors, police, ambulance drivers, etc. They share a common first page which reads:

"The anticipated growth of the Nuclear Energy Industry is tremendous. Despite an outstanding SAFETY record, there will be more accidents as the nuclear industry continues its dynamic expansion."

A separate emergency-procedure book from the AEC in 1969 says by way of introduction, "The text attempts to place radiological hazards in their proper perspective along with the other daily hazards which we have learned to take in stride."[9]

Comment: The context of the second quote happened to be accidents with nuclear weapons, not nuclear power plant, but it typifies a real campaign to soothe public fear about radiation in general. Radiation, after all, is *the* reason to worry about nuclear power plants. Radiation can mean more cancer, more defective children, more disease. Why should anyone take radiation "in stride?"

The AEC booklets indicate that the AEC expects accidents "as the nuclear industry continues its dynamic expansion." Just little accidents? Apparently not, for the AEC requires utilities to provide evacuation plans for the public near nuclear reactors.[10] If the AEC has such limited faith in safety assurances, we had better find out why.

6. ADMISSIONS FROM EXPERTS

AEC info: "Though we can generally tell when we have a very *un*safe (nuclear) reactor, it's always hard to know how safe you are with one you believe to be safe." That statement was part of sworn testimony in August 1970 from a member of the AEC's Advisory Committee on Reactor Safeguards, N. J. Palladino, who is also Dean of Penn State College of Engineering.[11]

"We can see ways that it could happen," admits Dr. Walter Jordan, member of AEC's Safety and Licensing Board. "It" refers to a calamity of the size I described from the Brookhaven Report, and Dr. Jordan's article was written in 1970, not 1957. He ends his paper cheerfully, "The only way we will know what the odds really are is by continuing to accumulate experience in operating reactors. There *is* some risk, but it is surely worth it."[12]

7. ADVERTISING VS. EXPERTS

Comment: How do all these statements reconcile with the nuclear promotion by "The People at your Investor-Owned Electric Light and Power Companies?" Let me quote from a coast-to-coast magazine advertisement:

"Before the go-ahead is ever given to build a nuclear power plant, the Atomic Energy Commission requires that the potential owner adhere to safety standards that will withstand every conceivable emergency . . ."[13]

You and millions of people read that advertisement, but who reads the tiny-print testimony in Congressional hearings? The contrast would make high comedy:

AEC info: "Water reactor safety program efforts should not be decreased more rapidly than now planned despite the 'apparent licensability' of water reactors which might be inferred from the large commitment by the utility industry to build these reactors, and the granting of construction permits for a number of large commercial water reactors plants. Many safety issues remain to be resolved or to be better understood before a substantial number of these plants will be able to be licensed for operation."

That was more testimony, March 11, 1970 from the AEC's Director of Reactor Technology and Development, Milton Shaw.[14]

8. INDUSTRY "URGED" TO DO "URGENT" SAFETY RESEARCH

Now consider the pleading of the Chairman of the AEC's Advisory Committee on Reactor Safeguards, November 12, 1969:

"The Advisory Committee wishes to reemphasize some previous recommendations concerning the need for safety research in several important areas in which the effort has not been sufficient . . . Many safety research activities have not been initiated, have been slowed, or have been terminated. The Committee reiterates its belief in the urgent need for additional research and development in these areas. . . ."[15]

The plea was signed by Joseph M. Hendrie of Brookhaven National Laboratory, and ignored by the Joint Committee on Atomic Energy. The safety budget for water reactors was cut; instead, it was recommended that the private nuclear industry be "urged"—in spite of its deep financial trouble—to finance the safety research itself."[16]

Milton Shaw was outspoken in his concern:

". . . In view of the industry position that only a minimal amount of research and development (on light water reactors) is required, such an approach would meet the intensive opposition and significant delays arising from differences of opinion as to the extent and nature of research and development required."[17]

9. SAFETY RESEARCH REDUCED AT AEC

Comment: A moratorium will provide time to find out if *anyone* is doing the safety research considered "important" and "urgent" by the AEC's Advisory Committee on Reactor Safeguards. It will provide time for legislatures to ask independent experts openly to assess the implications of safety research which has definitely been "closed down," "deferred," "sharply reduced," "stretched out," and "terminated."[18]

Unfortunately, the safety problems are not confined to research and design. Nuclear accidents can originate in manufacturing parts and putting them together. We know from some close calls already.

10. SOME REACTOR FAILURES

For instance, the serious 1966 failure at the Fermi reactor was caused because a workman bolted a metal plate into the reactor core without design approval; it came loose later—an example of real "band-aid technology." We're getting ourselves into a position where *common* kinds of human error can wipe out a major city.

On September 30, 1970, there was double-trouble at the huge Hanford N-Reactor, which doesn't even have all the containment features required on commercial reactors.

First there was a blockage of coolant, for which I've heard no explanation. Then, the primary automatic shut-down system failed to operate. Calamity was averted when the back-up safety system succeeded in shutting down the reactor.

But what made the primary safety system fail? According to the AEC press release: "Malfunction of an electrical component."

In 1970, a failure was reported at the Oak Ridge Research Reactor, which turned out to have been in operation *without* its emergency power system for five hours. The monitoring system failed to alert the operators. What was involved was described in the AEC's *Nuclear Safety* journal as "an almost unbelievable" combination of 3 separate human errors, two installation errors, and three design errors.[19]

11. DISASTER POSSIBLE FROM COMMON ERRORS

AEC info: The AEC's Dr. Edward Teller, "father of the H-bomb," warned us wisely back in 1960:

"With the greater number of simians monkeying around with things that they do not completely understand, sooner or later a fool will prove greater than the proof even in a foolproof system."[20]

Admiral Hyman Rickover, "father of the nuclear submarine," issued another warning in Congressional testimony last year:

"There is the need for utmost care in design, manufacture, installation and operation of complex systems and equipment inherent in this technology. No carelessness can be tolerated anywhere in the entire chain or the results may prove disastrous. Unfortunately, there are many who are not aware of the necessity of this approach."[21]

Representative Chet Holifield, former Chairman of the Joint Committee on Atomic Energy and certainly an enthusiast for nuclear power plants, admitted in May 1970:

"The construction and operation of nuclear reactors are very, very complex, costly, and inherently highly dangerous matters."[22]

Comment: This, then, is a super-technology—a little like the Apollo program, except that each nuclear machine puts many thousands of lives at stake instead of just three. I find it sobering that, even with the super-care given to the Apollo program, two out of 14 missions had serious accidents. We *have* to do better with nuclear reactors.

The suspicion grows, however, that we are building our nuclear super-technology with just standard or even sub-standard engineering practices. Where do I come by such a suspicion? Again, from AEC testimony just a year ago.

12. HAPHAZARD ENGINEERING PRACTICES?

AEC info: "There continues to be increasing recognition throughout the nuclear

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power industry of the urgent needs for development and adoption of engineering standards and other disciplined quality assurance practices . . . In spite of progress, the actions and accomplishments fall far short of what is needed . . . In some places the progress has been unsatisfactory and in others not sufficiently uniform to insure the necessary results."

Again that was Milton Shaw's statement, March 11, 1970.[23]

Shaw recounted how the pipe manufacturers had just protested the pipe code because they "were apparently unprepared to meet the code requirements . . . despite the fact that the Code has been under preparation for over 10 years, the code committee meetings were open and progress well publicized, and a draft of the Code had been publicly available for a year."

There is much testimony about the shortage of qualified personnel, and a month later, Shaw testified as follows to the House Appropriations Committee:

"There are now 71 utilities and some 20 architect-engineering firms dispersed throughout this country working on nuclear plants. Most of these personnel are trying to build the first nuclear plant they have ever built. They have to get their plant education with this plant." [24]

Comment: When I put all this together, it seems to me that we are hearing something important:

This country, and your state, may soon be at the mercy of giant nuclear power plants built by amateurs and novices, under haphazard and scrambled engineering codes.

All this AEC testimony raises disturbing questions for which we must find time and a way to get honest answers.

Such an inquiry is absolutely required, when the people are being asked to accept what Supreme Court Justice Black and Douglas have called "the most awesome, the most deadly, the most dangerous process that man has ever conceived." [25]

13. NO ONE FULLY ACCEPTING SAFETY RESPONSIBILITY

What right does the U.S. government have turning such a process over to private hands?

Or did you imagine that the U.S. Atomic Energy Commission was accepting full responsibility for your safety?

Not so. The AEC has explicitly abdicated responsibility to industry; at least, I see no other way to interpret the following statements:

AEC info: AEC Commissioner James T. Ramey: "It must never be forgotten, however, that responsibility for safety of the plant rests with the owner or operator. The regulatory groups, no matter how thoroughly they carry out their function, cannot provide complete assurance that public health and safety will be adequately protected in a power reactor project . . . The basic responsibility for safety rests with the owner or operator." [26]

AEC Chairman Glenn Seaborg: "Problems in the design, fabrication, an building of nuclear plants can be minimized only by rigorous quality assurance programs, initiated and enforced by *top utility management*" (emphasis added.) [27]

Comment: The problems with this policy are intensified because the utilities are all behind schedule and rushing. Trouble seems to be showing up already.

The AEC has recently confirmed the existence of welding deficiencies at the Surry, Virginia nuclear power plants now under construction.[28] Flawless welding, of course, is crucial to nuclear power plant safety; the system is only as strong as its weakest link.

14. INFERIOR CONSTRUCTION?

The problems in Virginia were not discovered by the AEC's own inspectors; the welding superintendent, Carl Houston, had to raise a fuss about them repeatedly before the AEC Division of Compliance paid much attention. Meanwhile, Houston got himself fired—for lack of experience, which sounds like a curious charge against a licensed engineer with 24 years experience and membership in the American Society of Mechanical Engineers.

Houston is not against nuclear energy, but he is convinced "The probability is that more than one of the nuclear power stations now under construction are being built under extremely dangerous conditions. That is because, as evidenced by inferior construction at Surry, our quality control program has become completely undependable." Houston believes that the AEC's Division of Compliance is at the mercy of reports from the builders, and that the truthfulness of such reports needs scrutiny.

"The ease with which (a major) accident can happen because of the kind of construction now being allowed can be exemplified by examining just one welding imperfection at just one joint of piping of the coolant system. A deficiency of only 30% in the strength of this weld, subjected to water pressures that range from 1200 to 1800 pounds per square inch, would allow the first release of coolant water. The injection of this degree of pressure into the void created would completely separate the joint, causing sudden and enormous loss of coolant," he explains.

"It therefore becomes my most serious concern, professionally and personally, that the magnitude of the danger is such that every possible step must be taken to assure maximum protection for those who could be affected by a nuclear accident . . . for these reasons, I am compelled to use every reasonable means to try to bring about a reversal of the AEC's decision to delegate authority over quality control to the owners of nuclear power stations. This must be done at once," Houston urges. "Additionally, all construction work done prior to such reversal must be submitted to the most careful inspection, with existing deficiencies corrected to conform to all specified safety standards. This examination and correction should be done under the direction of the Division of Compliance, with confirmation by an independent inspection agency or agencies having proven qualifications and a record of superior performance." [29]

15. CONCLUSION

I do not know Mr. Houston. If his warning came out of the blue, we might dismiss it as some disgruntled crackpot out of work. But instead, his warning is part of a combination of warnings covering everything from design to manufacture to construction, and Mr. Houston seems to be putting his personal livelihood on the line.

Earlier I asked: *who* believes the safety assurances and advertisements?

Apparently, not 60% of the engineering community, not the insurance industry, not the utilities, not the AEC's top reactor expert, not the AEC advisors, and not Carl Houston—who has been physically closer to the source of danger than anyone else.

These are just some of the reasons that I urge you not to allow nuclear power plants in your state.

There are other reasons which include:

1. America's extreme liability from unprotected, above-ground nuclear power plants if this country were ever attacked.
2. The sabotage problem.
3. The earthquake problem.
4. The insurance inequities.
5. Warnings that the promised clean "zero-release" reactors may be even riskier in terms of accidents.
6. Numerous unresolved problems with the presently permissible effluent regulations.
7. Numerous unacceptable aspects of the presently permissible radiation dose.
8. Doubts about the cost, reliability, and fuel-supply for these water-reactors.
9. Doubts about the disposal of low and high-level radioactive waste from such reactors. You realize, of course, that the proposed Trojan reactor will produce every year about as much long-lived radioactivity as the explosion of 1,000 Hiroshima bombs—and in its lifetime, more long-lived radioactivity than all the combined atmospheric bomb-tests of the Americans, Russians, and British prior to the 1963 Test Ban Treaty. And "long-lived" means *long.* Radioactive hydrogen lingers 120 years; strontium-90 and cesium-137 for 300 years; plutonium-239 for 240,000 years.

I may deal briefly with these matters in supplementary statements for you sometime soon.

You in Oregon have not one, but *two,* safe alternatives. You are blessed with clean geothermal steam under your feet, and that's a way to make electricity which is already in operation in California.[30] Or you could build a new *clean* fossil-fuel plant. The equipment is available; for instance, this spring, Commonwealth Edison of Chicago is beginning construction of facilities at its Will County generating station which will remove 80% of the sulfur oxide from the stack, and 99% of the particulates.[31]

Your alternatives to nuclear power are not "pie-in-the-sky" dreams; they are present realities.

With clean, safe coal-plants and clean safe geothermal steam both available to you, it is incomprehensible to me how the risk of nuclear power plants can be justified in your State.

Atomic power is "purchased at the expense of nightmares for generations to come," said former Federal Power Commissioner Charles Ross in May 1970.[32]

It's beginning to look that way. Therefore, at the very least, we need to stop all construction of nuclear power plants until the safety problems are resolved and until we achieve the safety-first policies to which we are entitled. We have a right to demand time for open, honest debate on whether we like the idea of a radioactive future or not.

FOOTNOTES

[1] The Brookhaven Report's formal title is "Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants", WASH–740, March 1957, U.S. Atomic Energy Commission. 103 pages.

One could try requesting it as "a facsimile report" reproduced by the AEC Division of Technical Information, POB 62, Oak Ridge, Tenn. 37830.

In his letter, July 7, 1970, Mr. Price states that the "would not be less . . . would be more" conclusions were published in a letter from the AEC, June 18, 1965, to the Joint Committee on Atomic Energy, Hearings before the Subcommittee on Legislation, 89th Congress, June 22–24 1965.

Mr. Price adds, "At the present time, the Commission has no plans to update the report WASH–740." As Director of Regulation, Mr. Price is in charge of the Divisions of Compliance, of Reactor Licensing, of Radiation Protection, of Reactor Standards.

[2] These figures exclude all casualties caused by radiation exposure below 50 rads, which is a high dose (about 500 times more than our annual dose from natural radiation). Obviously, there *will* be additional cancers coming later from doses below 50 rads. A dose of 1½ rads to a pregnant woman seems to increase the chance by 50% that her child will get cancer before the age of ten.

See: Stewart and Kneale, "Radiation Dose Effects in Relation to Obstetric X-Rays and Childhood Cancers", *Lancet*, June 6, 1970.

[3] Brookhaven Report, page 2. See note #1.

[4] Brookhaven Report, page 5. See note #1.

[5] Authorization Hearings before the Joint Committee on Atomic Energy, Part 3, March 11, 1970. For sale by the Superintend-

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Footnotes at end of article.

ent of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402. Price $2.

This target-date for the LOFT test found on page 1621.

[6] Authorization Hearings, Part 3, pages 1365 and 1363 respectively. See note #5.

As Director of Reactor Technology and Development, Milton Shaw has no relationship with the Director of Regulation (Harold Price) under the AEC's chart of organization. Both Mr. Shaw and Admiral Rickover (see note #21) are responsible to the Assistant General Manager for Reactors (George Kavanagh) and to the General Manager (R. E. Hollingsworth).

[7] ACRS letter published in AEC News Releases, Week Ending July 29, 1970, Volume 1, Number 4. Available from the U.S. Atomic Energy Commission, Washington, D. C. 20545.

A list of the current ACRS members and their addresses is printed in the AEC News Releases, Week Ending January 13, 1971, Volume 2, Number 2.

[8] The Atomic Industrial Forum, Inc., 850 Third Avenue, New York City, New York 10022.

According to the *National Journal*, Oct. 3, 1970 (page 2150), the Atomic Industrial Forum's membership comprises about 600 firms and organizations and government agencies "engaged in development and utilization of nuclear energy for peaceful purposes." The Forum supports a staff of 39.

[9] "Radiological Emergency Procedures for the Non-Specialist," January 1969, from the AEC, and prepared for the Inter-Agency Committee on Radiological Assistance; page iii.

[10] "Plans for Coping with Emergencies," Atomic Energy Commission Code of Federal Regulations (CFR) Title 10, Part 50, amendment under consideration as announced in the *Federal Register*, May 21, 1970, pp 7818–20. Amendment went into effect January, 1971, according to AEC News Releases, Week Ending Dec. 30, 1970, Volume 1, Number 26. In May 1970, AEC put out in draft form a "Guide to the Preparation of Emergency Plans for Production and Utilization Facilities" which is probably available now in final form. The draft specified that applicants for a construction or licensing permit should submit Emergency Plans, including procedures for notifying local and state officials "for the early warning of the public and for public evacuation should such warning, evacuation, or other protective measures become necessary or desirable."

[11] Sworn testimony August 21, 1970 before the Select Committee on Nuclear Electricity Generation, Pennsylvania State Senate (Sen. Edwin G. Holl), Harrisburg, Penn.

N. J. Palladino is Dean of the College of Engineering, Penn State University, 101 Hammond Bldg., University Park, Penn., he is also a member of the AEC's Advisory Committee on Reactor Safeguards, and a leading enthusiast for nuclear electricity. This remark was not in his prepared statement, but rather, it occurred during the question-and-answer period.

[12] "Nuclear Energy: Benefits vs. Risks," Walter H. Jordan, *in Physics Today*, May 1970. Dr. Jordan is Senior Research Advisor, at the AEC's Oak Ridge National Laboratory, Oak Ridge, Tenn. 37830; he is a member of the AEC's Atomic Safety and Licensing Board (ASLB), and another enthusiast for nuclear electricity.

[13] Excerpt from the ad "Go play in the nuclear power park," one of a series sponsored by Power Companies, 1345 Sixth Ave., New York City 10019. The "Go Play" ad can be found in *Newsweek*, Sept. 21, 1970, and *Look* Oct. 6, 1970. Other ads in the series include "This Page Is Radioactive" and "The Western White House Is Located about 4,400 yards from this Nuclear Power Plant."

[14] Authorization Hearings, Part 3, page 1374. See note #5.

[15] Authorization Hearings, Part 3, pages 1619–22. See note #5.

[16] Authorization Report for Fiscal 1971, May 11, 1970, by the Joint Committee on Atomic Energy (JCAE); pages 27–28.

[17] Authorization Hearings, Part 3, page 1375; see also page 1341. See note #5.

[18] Authorization Hearings, Part 3, pages 1338–40. See note #5.

[19] "The ORR Emergency Cooling Failure," E. P. Epler, in *Nuclear Safety*, July–August 1970; in particular, page 326.

[20] Edward Teller, "How Shall Nuclear Technology Be Applied?," in *Modern Nuclear Technology*, edited by Mills, Biehl, and Mainhardt, McGraw-Hill, 1960, p. 306.

[21] Vice Admiral Rickover, USN, is director of the AEC's Division of Naval Reactors. This quote is from his testimony March 19–20, 1970, in the Hearings "Naval Propulsion Program-1970" before the Joint Committee on Atomic Energy; pages 96–101.

Rickover has also said, "Unless you can point your finger at the man who was responsible when something goes wrong, then you have never had anyone really responsible."

[22] "Federal-State Responsibilities in Nuclear Development," a speech by Chet Holifield on May 21, 1970 in Columbia, South Carolina.

[23] Authorization Hearings, Part 3, pages 1191–2. See note #5.

[24] Testimony before the House Appropriations Committee, April 21, 1970; "Public Works Appropriation Bill, 1971," Part 4, page 459.

[25] Power Reactor Development Co. v. International Union, 367 U.S. 396, in 1961. That was the Fermi reactor case.

[26] Authorization Hearings before the Joint Committee *in 1968*, Part 3, page 1186.

[27] Glenn Seaborg, speaking to the 37th Annual Convention of the Edison Electric Institute; quoted in the Authorization Hearings, Part 3, 1970, page 1192. See note #5.

[28] Johnson City, Tenn. *Press-Chronicle*, Dec. 20, 1970, page 3, article by Jim Turner, "Two 'ifs' preclude nuclear accident." Third article in a series about the Surry, Virginia reactor problems.

[29] "Present and Future Safety in the Construction of Nuclear Power Stations," Carl Willard Houston, POB 734, Johnson City, Tenn. 37601: Mr. Houston is member #M3671-5985 of the American Society of Mechanical Engineers.

[30] See *The Oregon Journal* UPI story December 11, 1970. "Geothermal Power Bill Hailed Here."

[31] See *Science News*, Feb. 20, 1971, page 130, "Utility to Install Sulfur-Dioxide Facility."

[32] Charles Ross in testimony May 7, 1972 before the Senate Judiciary Subcommittee on Anti-Trust.

ATTACHMENTS

1. ACRS letter July 17, 1970 about the Trojan reactor; see note #7.
2. ACRS membership list as of Jan. 8, 1971; see note #7.
3. ASLB membership last as of Nov., 1970; see note #12.
4. AEC organization chart as of January, 1971, showing responsible individuals and the number of employees in each division.
5. Material from Carl Houston; see notes #28 and #29.

(NOTE.—Some (but not all) of the papers mentioned in this source-list are available from: Robert Fleisher, Suite 1100, 111 East 58th Street, New York City 10022.)

TRIBUTE TO JOHN WESLEY DAVIS, A FOUNDER OF SILVER HILL BOYS CLUB

Mr. MATHIAS. Mr. President, I wish to pay tribute to a very distinguished person—a person who devoted his entire life to his community and especially to the children of his community. Rarely do community leaders receive the acknowledgment they deserve; and now, although posthumously, I wish to commend John Wesley Davis. His recognition here will be a small token of praise for him to his family.

John Wesley Davis, one of the two original founders of the Silver Hill Boys Club, which began with a membership of less than 100 boys and now serves over 700 boys and girls in the Hillcrest Heights-Silver Hill, Md., area, served as director of the club from 1960 until his death in February of this year. Devoutly dedicated to the highest ideals of Boys Club work, he was never too busy to give his time to the club and any of its projects, as well as always being available for counsel on Boys Club matters.

He was a man's man and a true friend to all who knew him. He was a big man, not only in stature—although he was over 6 feet tall and ruggedly handsome—but also in generosity and love for his fellow man. He was a dedicated man—to his church, his family, his job, and to the Silver Hill Boys Club. Mr. Davis welcomed the younger parents in the community with a typical Irish smile and quick wit and urged them to participate actively in carrying out the ever growing activities of the Silver Hill Boys Club and strive to make it better. He was a leader and the community loved, respected, and admired him greatly for his ideals and goals. His strong commitment to the youth of his community and the enthusiasm he radiated tremendously enhanced the lives of all who knew him.

John Wesley Davis was a native of the area, having been born in Washington, D.C., and a graduate of St. Paul's High School there. After serving in the U.S. Army for 3 years, he entered and graduated from Columbia Tech. He was a resident of Hillcrest Heights for the past 20 years and a member of the Holy Family Church, Holy Name Society, Knights of Columbus, and the Maryland Congress of PTA's. He received many honors as a result of his deep concern and interest in his community and its youth. Mr. Davis was past president of the Dad's Club of the Silver Hill Boys Club and served on the Board of Directors of the Prince Georges County Boys Clubs. In 1966, he received the U.S. Jaycees' Award for Physical Fitness Leadership in recognition for his long service to youth. In 1968, he received the Maryland Congress of Parents and Teachers Honorable Life Membership for Outstanding Service to Children and Youth. His outstanding contributions to his community are symbolic of his dignity and of his love for and faith in the youth of his town and our Nation. He truly exemplified the Boys Club motto—"Helping hand across the years."

In these times of talk of the generation gap and lack of communication between the "establishment" and its youth, it is indeed enlightening and refreshing to know and learn of someone who had the sincere desire and the talent required to keep open the lines of communication with the young people of his community. Such a person was John Wesley Davis. Throughout the country there are others like Mr. Davis, striving and giving of themselves so that our children can have the strength and knowledge to face the day-to-day crises in this changing world of ours wisely and honorably.

DEATH OF FORMER GOV. THOMAS E. DEWEY

Mr. ALLOTT. Mr. President, the death of Thomas Dewey has removed from U.S. public life a distinguished and able leader.

He rose through the many levels of government in his home State to become one of its most progressive Governors. He left a lasting and constructive imprint upon it.

As leader of his party he gave sober and eloquent direction during complex and changing times. And always he was able to rise above party without sacrificing principle.

In the more than two decades since he left active politics, he has continued to serve the Nation selflessly. The Nation was fortunate to be able to call upon him frequently. He always gave unstintingly of his time, his great intelligence, and his formidable energy.

Mr. President, so all of us can again savor the eloquence of Thomas Dewey, I wish to conclude with a memorable passage from his address to the 1948 Republican Convention in Philadelphia. It expresses the humane vision which is his lasting legacy to the Nation he loved so deeply and served so well:

> The unity we seek is more than material. It is more than a matter of things and measures. It is most of all spiritual. Our problem is not outside ourselves. Our problem is inside ourselves. We have found the means to blow the world, physically, apart. Spiritually, we hope yet to find the means to put together the world's broken pieces, to bind up its wounds, to make a good society, a community of men of good will that fits our dreams. We have devised noble plans for a new world. Without a new spirit, our noble plans will come to naught.
>
> The next presidential term will see the completion of the first half of the twentieth century. So far it has been a century of amazing progress and of terrible tragedy. We have seen the world transformed. We have seen mankind's age-long struggle against nature crowned by extraordinary success.
>
> Yet our triumphs have been darkened by bitter defeats in the equally ancient struggle of men to live together in peace, security and understanding . . . We must learn to do better.
>
> We propose to continue to carry forward the great technological gains of our age. We shall harness the unimaginable possibilities of atomic energy, to bring men and women a larger, fuller life. But there is something more important than all this. With all the energy, intelligence and determination which mortal heart and mind can summon to the task, we must solve the problem of establishing a just and lasting peace in the world, and of securing to our own and other like-minded people the blessings of freedom and opportunity.

U.S. POLICY TOWARD THE MIDDLE EAST

Mr. HATFIELD. Mr. President, significant progress has been made through U.N. mediated efforts at reaching a just settlement to the conflict in the Middle East. It is to our Nation's credit that the administration has presented a united front through diplomatic channels, the United Nations, the State Department, and to the Congress in exerting its influence to help bring about peace. The President and the Secretary of State have well articulated many aspects of the road to a meaningful, just peace in the Middle East. But there are many obstacles yet to be overcome. While there may be disagreement as to some of the details yet to be worked out by the parties to the conflict, Secretary Rogers in his March 17, 1971, press conference has clearly described the position of the United States.

Mr. President, I cannot stress too strongly the importance of the present negotiations and the enlightened role the administration is playing by stressing U.N. mediated negotiations. This is our only realistic hope for peace. The New York Times, of March 17, 1971, contained excerpts from the recent press conference of Secretary Rogers. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ROGERS NEWS CONFERENCE

WASHINGTON, March 16.—Following are excerpts from the news conference held here today by Secretary of State William P. Rogers:

Q. Mr. Secretary, will you assess for us where you think the United States and Israel and Egypt and the Soviet Union—the whole complex of powers involved in the Middle East peace search—stand at this point and particularly what contribution international guarantees involving the United States and the Soviet Union might make to a peace settlement?

A. Well, the United States is supporting the Jarring mission because we think that the best prospect for peace is to have the parties negotiate under procedures established by Ambassador Jarring.

At the moment, as you know, because you have read the answers that were given by Israel and Egypt to Ambassador Jarring, there is what seems to be an impasse. We are convinced that that impasse can be overcome. We are going to do what we can to see that it is overcome, and we strongly support the continuation of Ambassador Jarring's mission.

Now, we are going to work behind the scenes; we are going to have discussions with all concerned about what we can do to not only get around this particular impasse but to make substantial progress in the talks.

As far as international guarantees are concerned, we have said that we are willing as a nation, to play a responsible and appropriate role in a peace-keeping force. Now, we haven't attempted to dictate or lay down any particular ways that might be done. Obviously a peace-keeping force would have to be supportive of an agreement, and that agreement has to be reached among the parties. On the other hand, the type of peace-keeping force that might be formulated would play an important part in the attitude of the parties when they look toward the final agreement. So, to that extent the two are parallel, and we would hope that the negotiations between the parties would continue under Ambassador Jarring's auspices, and at the same time in the four-power talks we will talk about the possibilities of guarantees.

COULD INCLUDE OTHERS

Now, an international peace-keeping force would not necessarily be limited to the four powers. It could include forces from other countries, and that is another matter that we are considering at the present time. I am looking forward very much to the meeting that I will have with Foreign Minister Eban on Friday. We will have further opportunities at that time to talk about these negotiations.

Q. Mr. Secretary, I wonder if you could talk a little bit in more detail about these international guarantees that you have talked about and specifically reports that the United States is interested in participating in a peace-keeping force with the Soviet Union and other Big Four powers?

A. Well, as I have said, we are not fixed in our views about how a peace-keeping force would operate. That would have to depend to a large degree on what the parties wanted. But if an agreement is reached, and we hope one can be reached, then we think an international peace-keeping force, properly established—with provision that it would be of a continuing nature, that it could not be removed by any unilateral decision, and that would be located in areas that were critical—would provide, we believe, possibly the greatest possible security for the parties.

There is a thought that geography is the sole consideration when you are thinking about security. Now, we don't think that geography is solely responsible for security, or even to a large extent responsible for security. Certainly in modern-day world situations, geography is ordinarily not important. What is important is the political arrangement that is made: the agreement itself, whether the parties are belligerent and hostile, or whether they have made an agreement that is understood by the international community, and whether the powers of the world are willing to take part in guaranteeing that the agreement will be kept. And therefore we think that although geographical considerations are important, and certainly Israel is fully justified in considering them, we think an equally important consideration is the political consideration—what is the political climate.

THE 1957 SITUATION MENTIONED

Q. Mr. Secretary, what political arrangements is this Government prepared to make with Israel to assure it that it will not find itself in the same situation it did after 1957 when it also had letters from President Eisenhower to Ben-Gurion, and assurances from John Foster Dulles to Abba Eban?

A. Well, I think it is very incorrect to make an analogy between 1957 and the suggestions that we make today.

In 1957, as you recall, it was a continuation of the armistice. The parties still were in a state of belligerency. The U.N. force that was established was a very fragile force that could be removed unilaterally.

Now, we are not talking about anything of that kind. We are talking about a contractual agreement entered into by the parties with reciprocally binding commitments, signed, sealed and delivered; with full agreement of all concerned that belligerency will cease; that they will live in peace with each other; that they will not interfere with each other's internal affairs; with provisions made for security, and with an international force consisting of those nations that are willing to participate and who may participate because the parties are prepared to accept it; with an understanding that that will continue for a definite period of time, probably with options to renew, so that it can't be removed unilaterally; which would mean if the United States participated that the United States would not move its forces except by agreement.

So, as far as our Government is concerned, we think that that is the most adequate possible guarantee that you can conceive of in modern life. What else can you do? Well, we are not thinking of bilateral guarantees at the moment. Of course, we would continue to give support to Israel in terms of economic assistance and other assistance. In other words that of course would be a very important factor in Israel's attitude towards its security. And we would be prepared to continue to play a supportive role to Israel. But what we are saying is this: that the climate has never been better for a settlement in the Middle East, and if we don't make a settlement now, we are going to plant seeds that will lead to future war.

Now, everyone, it seems to me, is prepared for peace. The difficulties now involve, on the one hand, the question of acquisition of territory, which Egypt says is unacceptable, and which the Security Council resolution says is unacceptable, and security as far as Israel is concerned. And anything that does not provide security to Israel is unacceptable, and unacceptable to us, and unacceptable as far as the Security Council resolution is concerned.

Now, we think there is a middle ground. We think those two positions can be negotiated if the parties want to. In other words, the security aspects of it do not necessarily require acquisition of territory. On the other hand, we recognize that Israel has to be satisfied that its security is guaranteed. And the United States is perfectly prepared to play a leading role in that guarantee.

Q. Do you mean that you feel that Israel could be secure if it returned to the pre-1967 borders?

A. Well, let me make it clear, because when you discuss a subject of this kind and this complex, sometimes things can be taken out of context. Our position is very carefully set forth both in the President's State of the World Message and in more detail in my Dec. 9, 1969, statement.

We have never said that Israel had to withdraw from all territory. Our position has been that it should not acquire territory except in substantial amounts for security purposes.

GAZA STRIP EXCLUDED

Now, insofar as the present situation, which primarily deals with Egypt and Israel, we have said that our policy is that the 1967 boundary should be the boundary between Israel and Egypt. Now, that excludes the Gaza Strip. So we are not talking about the Gaza Strip. We also say that that 1967 boundary should be the boundary provided that adequate, satisfactory agreements are made for demilitarization of the Sinai—and we say that is a matter that should be negotiated between the parties—and that satisfactory arrangements are made concerning Sharm el Sheik. And we say that should be negotiated between the parties.

Q. Mr. Secretary, Senator Mansfield's objections the other day were specifically to the idea of introducing American troops in one of the world's flash points, on the line where they could get us into a deeper commitment. Would you comment on that?

A. Well, you know, that is a matter of judgment. There have been three wars there in the last 23 years, and we think this would prevent war, not cause war. We think that if a peaceful settlement is not worked out in the foreseeable future that there is a very dangerous situation that will develop and possibly lead to world war III. So we don't think it would be an added factor; we think it would be an added factor; we think it would be a factor leading to peace.

Q. Mr. Secretary, the Israeli answer to Mr. Jarring's proposal said, if I am not mistaken, that they were willing to withdraw from occupied territory, but not to the '67 line. And as far as I understand our position, we believe that it should be the '67 line, but that should be negotiated. With this in view, wherein lies the impasse exactly?

A. Well, I am not sure that the differences are as great as they seem. But keep in mind, because each time I see this reported in the press—I shouldn't say each time, but several times I've seen it reported in the press—it is not accurately stated. We support the '67 boundary between Egypt and Israel—I am not talking about the Jordan problem or anything else. I am talking about that boundary—provided that demilitarization can be worked out satisfactorily to the parties, and provided that a satisfactory arrangement is worked out between the parties on Sharm el Shiek, to provide security for Israel.

Q. I wonder if you could give us your assessment about the development of U.S.-Arab relations, especially your assessment on the possibility of a resumption of diplomatic relations.

A. Well, obviously our relations with the Arab nations are affected by the Middle East problem. And they are suspicious of the United States. They at least to some degree blame us for what they think is Israel's intransigence. They are not sure that we are doing all we can to help solve the problem. On the other hand, I think there has been some awareness that we are making an honest, genuine attempt to work out a peaceful settlement. I think our relations have improved slightly. On the question of diplomatic relations with Egypt, we would certainly be willing to have diplomatic relations with Egypt. We don't think at the moment it is practical. But we would hope that if some arrangements are worked out, that we could have diplomatic relations with Egypt. We have historically been very friendly to the Arab world.

WEST VIRGINIA CITIZENS SADDENED BY DEATH OF IVOR BOIARSKY

Mr. RANDOLPH. Mr. President, the world cries for leadership in so many areas, and the passing of a great leader in any one of them diminishes the total effectiveness of our society. In West Virginia, the citizens mourn the untimely death of Ivor Boiarsky, speaker of the house of delegates.

I am grateful that our distinguished colleague from Illinois, Senator PERCY, marked the passing of Mr. Boiarsky in a moving tribute inserted in the RECORD. Senator PERCY is, as we know, the father-in-law of West Virginia's secretary of state, John D. Rockefeller IV, who had a close relationship with Speaker Boiarsky. Many Members of the Congress knew and admired Ivor. Senator SPONG told me today of his friendship for the late legislator.

The numbing news of the passing of a close friend and political companion leaves me with a feeling of extreme sorrow as I express the sorrow felt. My able colleague, Senator BYRD of West Virginia feels as do I. We recall his fine son, Mark, who served as a page in this Senate Chamber last year. Mark, his brother Bob, and their talented mother Barbara have my deepest sympathy.

In the prime of life at age 51, Ivor Boiarsky was felled by a heart attack. His friends know that overwork and overworry about the problems of his beloved State contributed to that sudden end. Ivor gave of himself in the fullest measure of constructive public service. He was a diligent worker, an astude legislator and well reasoned in his leadership of the house of delegates. Even when his opponents were in disagreement with his viewpoint they generally respected the character of the man and the integrity of his decision.

Mr. President, in the closing days of the legislative session, Ivor's physician ordered him home to rest. On the day of his death, March 13, the Charleston Gazette published a commentary by Editor Harry G. Hoffmann, a highly respected West Virginia political columnist. The gist of his column—written and published hours before the death of a true comrade—was that those who sneer at public service and politics have an inspirational example of dedication and integrity. Then believed recuperating from total exhaustion, Ivor died hours after the column appeared—a grim but emphatic emphasis on the truth of Hoffmann's words.

I asked unanimous consent that the column referred to, together with a subsequent tribute written by Mr. Hoffmann, be printed in the RECORD. His closing lines, "Farewell good and faithful friend," reflects the feeling that West Virginians have for Ivor Boiarsky.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Charleston Gazette, March 13, 1971]

MAN IN CHARGE

(By Harry Hoffmann)

Those who are quick to criticize the legislature, for whatever reason, real or imagined, might give a thought today to House Speaker Ivor F. Boiarsky who was taken ill Thursday with what was first feared to be a heart attack, later diagnosed as sheer exhaustion.

Sheer exhaustion for a member of the legislature?

Well, you had better believe it.

Too often legislators are criticized collectively as a do-nothing gathering of whiskey-drinking dolts who live off the lobbyists and go through 60 days of fun and frolic at the expense of the taxpayers.

Nothing could be farther from the truth—and this comes from one who has been observing legislatures for 30 years. Every legislature, as with almost every other pursuit, has those who try to take advantage of what they have—but they are very much in the minority.

By and large, the legislature is made up of men and women who are dedicated, concerned and hard working—ordinary people who take their job seriously and who are devoted to public service.

This goes not only for the elected members, but also for those in the technical staff who, like many of the legislators, give up or mix up meals and work on into the wee hours of the morning to produce what they think is expected of them but is rarely appreciated by those who have been generally characterized as John Q. Public.

And no one, in this 30 years of observing the legislatures, has been more dedicated, more concerned, or more hard working than Ivor Boiarsky, who now lies ill because of his labors. He is one who goes beyond the call of duty.

Boiarsky is a funny man, which is not an assessment designed to be humorous, but rather an appraisal of his personality. He is not one to be loved on first meeting. Yet those who allow themselves to know him understand that he is sincere and sensitive, totally honest, frank to a fault.

These qualities are attributes, and at the same time they are the factors that cause people to dislike the man. But only people who don't really know him.

Last Tuesday night the House of Delegates debated amendments to the strip mine control bill. For more than five hours, Boiarsky stood at the speakers' rostrum listening to seeming endless oratory on the merits or demerits of dealing with those churning up the country side.

He did so calmly, sometimes with a touch of irritation glanced at a particularly long-winged speaker—but always with a sense of fairness.

When the long grind was over, he was done in.

Wednesday was another long session, and Boiarsky demonstrated the same combination of patience and irritation.

After the session, he was tired—bushed may be a better word—and worried.

This is a characteristic of Boiarsky. He worries about the legislature, the program, the budget. He worries about how the legislature is going to turn out in the final analysis and about what it is going to accomplish and what it is going to let go undone.

Just Wednesday night, Boiarsky was doing some of this worrying. "Don't worry," said Majority Leader Tommy Myles, "We're in good shape." We have our tax bill passed, the budget is on its way. We couldn't be doing better on our calendar. We have never been in such good shape."

"I know," said Ivor—But then he went on to worry more about what else needed to be done and what might be left undone.

Nobody ever worried more about what ought to be done and what needs to be done for the good of the state. He worries beyond the call, just as he works beyond the call. This is why his doctor advised him to stay bedfast for two or three days—a true case of fatigue.

Some of those who like to make sport of criticizing the legislature—any legislature—may not appreciate what is involved. They obviously have never been there.

And all of this calls for some advice. To Speaker Boiarsky: relax, enjoy the game, understand that something both good and bad is going to come out of every legislature. To his worrying mother: relax, and be pleased that your son is doing a good job in the position he sought.

To his concerned wife: give him a hot toddy and tell him not to worry.

There's another bit of advice for the public; appreciate a little bit, or at least try and understand, that the great majority in the legislature is trying to do a job under difficult circumstances. They may not do everything to everyone's liking, but at least they try.

Ivor Boiarsky is not exactly No. 2, but he always tries harder. He is the epitome of legislative concern. That may be why he is bedfast—but it's also why everyone should wish him a quick recovery and a return to being the man in charge.

[From the Charleston Gazette, Mar. 16, 1971]

FAREWELL

(By Harry Hoffmann)

Among all the words spoken in memory of House Speaker Ivor F. Boiarsky, Secretary of State John D. Rockefeller IV included these: "He has made a great and good difference, and that difference will continue to serve West Virginia."

The truth of these words is already evident. Certainly he had made a great and good difference in upgrading the character of the legislature and in instilling a certain forthrightness of purpose—and, even though death had removed him from the scene, the impact of his leadership was felt Saturday on the final day of the regular session.

This became clear, not only by the nature or legislation enacted before the midnight deadline—much of it among the hopes and goals Boiarsky had outlined at the start of the session—but also in the selection of his successor as speaker of the House of Delegates.

Lewis N. McManus of Beckley, who two years ago succeeded Boiarsky as chairman of finance, is like Boiarsky a man of integrity. Those who knew Boiarsky best felt that his choice of a successor, if he could voice it, would be either McManus or Judiciary Chairman Robert M. Steptoe of Martinsburg.

Steptoe withdrew consideration of his name, primarily because the speakership has become largely a fulltime job and this would not fit in well with the distance of his home from Charleston. McManus was elected, and a strong consideration was that this action best assured a continuation of the high legislative standards set by Boiarsky.

The word most often used to describe Boiarsky was "integrity," defined by the American Heritage Dictionary as "Rigid adherence to a code of behavior; probity. 2. The state of being unimpaired; soundness. 3. Completeness; unity—see synonyms at honesty.

"Synonyms: *honesty, veracity, honor, integrity, probity.* These nouns denote qualities closely associated with moral excellence. *Honesty* implies truthfulness, fairness in dealing and absence of fraud, deceit and dissembling. *Veracity* is truthfulness in expression. *Honor* implies close adherence to a strict moral or ethical code. *Integrity* is moral soundness, especially as it is revealed in dealings that test steadfastness to truth, purpose, responsibility or trust. *Probity* is proven integrity.

Certainly, among those who knew him, all of this applied to Ivor Franklin Boiarsky. But he was much more than a man of integrity. He had an unusual intellect and a broad knowledge of state government, and—unlike so many others in political life—he was frank and open in letting everyone know exactly where he stood on an issue, no matter how controversial.

Senate President Hans McCourt described him as "one who fought ignorance, prejudice and complacency"—and other words properly applied to him included conscientious, dedication, compassion, concern, candor, competence and "his unyielding sense of public responsibility."

He had all of these attributes and more—a man who often showed a gruff exterior, but who had a sensitivity for little people and a strong feeling for human rights. He had words of encouragement for those who otherwise would go unnoticed, and the courage and forthrightness to tell off the most powerful in no uncertain terms, even his friends, when he thought the criticism was warranted.

Extravagance often is used in eulogizing the dead—particularly those in high places—but only the truth is needed for Ivor Boiarsky. As Gov. Moore said when he was leaving the cemetery Sunday: "West Virginia is much poorer today." That says it all.

For all else that has been said, truthful as it has been, Ivor Boiarsky would have been most pleased with just five simple words: Farewell, good and faithful friend.

ELECTION DAY IN WEST BERLIN

Mr. ALLOTT. Mr. President, Sunday was election day in West Berlin, and it was a disappointing day for those who are enthusiastic about Chancellor Willy Brandt's ostpolitik.

Chancellor Brandt's backers understood that these municipal elections would afford some measure of the popularity of that policy. The wise and prudent Berliners have spoken, and they have denied the Chancellor a mandate for the ostpolitik.

In Berlin, where the harsh realities of Communist power are visible in miles of concrete and barbed wire, the free citizens of West Berlin have inflicted heavy losses on Brandt's Social Democrat Party.

This is especially remarkable in light of the fact that West Berlin has always been a stronghold for Social Democrats.

On Sunday this stronghold proved that it is an even more formidable stronghold of resistance to the ostpolitik. The voters of West Berlin, in heavy voting, did the following things:

They gave the opposition Christian Democrat Party, which had based its campaign on opposition to the ostpolitik, its largest vote in postwar history.

They slashed the Social Democrat vote by 6.5 percentage points, under the total of 4 years ago. This means the Social Democrats now poll a bare majority—50.4 percent—in what was a bastion of strength before the unpopular ostpolitik adventure.

They reduced the Social Democrat majority in the West Berlin chamber of deputies to a bare minimum.

Mr. President, it is especially significant and gratifying that the West Berliners gave no significant support at all to Communist candidates.

Many people—people who do not know the good sense of the West Berliners—had feared that the Communists might get at least the 5 percent of the vote which a party must receive to achieve representation in the city government.

The Communists did not even come close, falling short of half that total. This failure occurred in spite of the East German attempt to bribe West Berliners with talk of Easter passes through the wall.

Mr. President, it is a great pleasure to call to the attention of the Senate the fact that the citizens of West Berlin have refused to give a mandate for additional Ostpolitik mischief.

Mr. President, so that all Senators can consider these election results, I ask unanimous consent that the report of the election, published in Monday's Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BRANDT SEEN HURT IN BERLIN VOTING

(By Joe Alex Morris)

Berlin.—Chancellor Willy Brandt's Social Democrats suffered heavier than expected losses in West Berlin elections today and the opposition immediately branded the results a demonstration of public lack of confidence in the governments' Ostpolitik.

The Socialists saw their traditional majority in the West Berlin chamber of deputies slashed to an operating minimum as their vote went down by more than 6 per cent to a bare 50.4 per cent of the total. The opposition Christian Democrats, who based their campaign largely on sharp attacks against the course of negotiations over the future of West Berlin, scored their best results ever in the city, increasing their vote by more than 5 per cent to 38 per cent.

AUTOBAHN TROUBLES

The vote, coming after repeated East German harrassments of traffic on the vital autobahns linking West Berlin to the West, appeared to reflect widespread uneasiness over the course of Brandt's policy of rapprochement with the countires of Eastern Europe. The Christian Democrat gains were evenly spaced throughout the city but were especially strong in working class districts which traditionally vote Socialist.

Because Berlin is the pivot on which Brandt's Ostpolitik hangs, the outcome had a significance over and above that usually attached to state elections. On the other hand, it also reflected a trend in recent state elections, where the Christian Democrats and the junior partner in Brandt's coalition, the Free Democrats, have picked up votes at the Socialists' expense.

In Bonn, government spokesmen said the results would not affect foreign policy. But the leader of West Berlin's splinter Communist Party, Gerhard Danelius, said the Christian Democrat gains would make normalization of relations between West Berlin and East Germany more difficult.

WALL PASSES

Danelius did not elaborate, but presumably he was referring to current negotiations of passes for West Berliners to visit the East. He was roundly booed as he left the city hall.

Danelius' Socialist Unity Party fared badly in the vote, increasing its total by a mere 0.4 per cent to 2.3 per cent of the total. As before, it will have no representatives in the chamber, as a party must gain 5 per cent of the overall vote to secure representation.

The low Communist vote was a surprise, as some observers here had feared they might break the 5 per cent barrier this time. The East German offer to discuss passes had been figured to work in their favor.

A total of 88.5 per cent of West Berlin's 1.6 million eligible voters turned out today, slightly more than four years ago but below the record number who voted in 1963, shortly after the Berlin Wall went up.

SENATOR CRANSTON SPEAKS OUT FOR AN ALL-VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, as the issue of voluntarism versus conscription for our Armed Forces attracts more national attention the debate throughout the country and within the Congress intensifies. Many assertions on various sides of the issue have been made and, I trust, will continue to flourish. Recently, the Washington Post has published a number of articles representing a diversity of opinion regarding the desirability of an all-volunteer military. The Senator from California (Mr. CRANSTON) in the Washington Post of March 14, made a significant contribution to the debate by rebutting various allegations against an all-volunteer armed force and arguing persuasively in its favor.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO SENATE VOTES FOR AN ALL-VOLUNTEER ARMY: CONSCRIPT ARMY LURE TO BATTLE

(By ALAN CRANSTON)

The longest peacetime draft in the history of the Republic has been followed by the longest war in our history. I believe that Americans would not be in Vietnam today were it not for the draft.

From 7,800 men called up in December, 1964, President Johnson was able to expand his combat forces by merely raising draft calls to over 40,200 in December, 1965. Without having to ask permission of Congress, the President was able to increase the size of the Army from 973,238 men at the time of the Gulf of Tonkin Resolution to 1,397,899 by the election of 1966, when the first major rumblings of dissent were heard.

Despite the policy pronouncements of two Presidents and numbers of government officials during the 1960s committing this country to the defense of Vietnam, it was the uninterrupted stream of young Americans to Indochina that transformed mere rhetoric into reality. And it is the presence of 322,200 Americans in Vietnam that is preventing President Nixon from rapidly terminating the American commitment.

The Hatfield-Goldwater Volunteer Military Act of 1971 would require congressional decision-making before the country drafts again. This would remove the danger that we will fight again in an undeclared war.

Sen. Robert A. Taft once said, "The compulsory draft is far more typical of totalitarian nations than of democratic nations." The deepest difference between democracy and dictatorship lies in the degree of compulsion used by government in the lives of individual citizens.

A dictatorship compels people even to do things that they would be willing to do voluntarily. A German in the anti-Nazi underground once defined that regime for me as one under which everything not prohibited was compulsory. A democracy should never ask its citizens to sacrifice their freedom of choice if a valid alternative can be found.

A CONVINCING CASE

There is a valid alternative to the draft. Defense Department studies, the President's Commission on an All-Volunteer Armed Force and independent analyses have all demonstrated that a volunteer army is obtainable. They show convincingly that a volunteer army will neither undermine national security nor create a poor, black army.

As a consequence, critics of the volunteer army have focused on the "citizen-soldier" concept. They contend that the draft must be maintained to ensure civilian influence with the military and restrain the President's warmaking powers. They say that the draft serves democracy by evoking protest against it and thus inhibiting the President.

I believe that Vietnam tells us differently. Even granting the possibility that protest against the draft helped bring about the retirement of President Johnson, one can hardly ignore the fact that by the time LBJ bowed out, troop levels had exceeded 500,000 in Vietnam and casualties and costs were catastrophic. That we had an army of draftees did not stop the war, nor has it stopped it yet.

I find it impossible to accept philosophically the use of the draft as a legitimate way to place constraints on Presidents. Surely we can find a better way that does not disrupt the lives of a whole generation and confront the conscientious objector with the choice of going to jail or fleeing to Canada.

The draft actually increases the risk for those young Americans who do go to Southeast Asia. Because of the two-year limit on draftee service, draftees are hurried into combat and, if they survive after their short training period they are retired from combat at just about the time when they've learned how to take care of themselves under fire—only to be replaced by raw, inexperienced draftees.

"INFUSION" WOULD CONTINUE

Some senior military officers want to retain the draft to infuse the armed forces with representatives of the civilian sector. One argued that "the draft gives us the turnover necessary to breathe fresh air into an otherwise closed system." This suggests that under a voluntary system, the turnover of men would be significantly lower than it is under the present mixed volunteer-conscript force.

In fact, under a volunteer system, the turnover of men would be approximately 75 per cent of what it would be if conscription were maintained. The President's Commission on an All-Volunteer Armed Force noted that out of an estimated 325,000 additional men needed each year to maintain a volunteer force of 2.5 million, roughly 215,000, or 65 per cent, would leave after a single tour.

Higher pay and other amenities proposed by the Gates Commission would provide a steady flow of volunteers. Men enter the service for a variety of reasons not connected with the draft or fear of the draft: technical training, inservice and postservice education, travel, service to their country or the desire to "become a man." Those entering as true volunteers provide nearly 50 per cent of all current enlistees.

Critics also fear that we will lose potential officers with liberal arts backgrounds. They perceive the current disruption of ROTC programs as adding to the alienation of the military. The fact is that there are today more students and colleges desiring scholarship ROTC programs than there are spaces or units available.

In addition to the 347 existing programs, approximately 50 colleges and universities are now actively interested in establishing their own. What is even more interesting is that some of the 12 schools that have dropped ROTC on their own initiative in the last two years have begun making serious inquiry into re-establishing their units.

COUPS ARE TOPHEAVY

I think that senior military officers also tend to over-estimate the influence that the draftee can exert upon the armed services. In Latin America, out of some 72 military coups in the last 25 years, 60 were with conscripted armies. European experience has been similar.

Coups are mounted by high-ranking officers—by generals and colonels—not by enlisted men. And high-ranking officers are likely to be professional soldiers—draft or no draft. The presence of the draft has little bearing on whether or not a military coup is possible in this country, or any country today.

It is in the nature of the military that the power to command obedience is great while the tolerance of dissent, especially from the junior servicemen is limited. Most short-termers avoid confrontation with their officers and NCOs simply by following orders for their two years. Those who step out of line fill the ranks of the court-martialed, stockaded or undesirably discharged. The questioning of military procedures and policies by draftees cannot conceivably provide anywhere near an adequate check on military officers or their civilian chiefs.

Actually, a volunteer army will do more than a conscript army to make our military establishment more civilianized, better scrutinized and less independent of civilian control. The demand for a volunteer army has already begun to close the gap between the senior officer and the first-term enlisted man.

Faced with the prospect that they may have to attract and retain more men, the services have implemented several manpower policy reforms. At Ft. Carson, a private sits across the hall from the base commander's office with instant access to convey complaints from the enlisted men. The San Diego Naval Base has established a direct complaint line to the commanding officer. And at other bases across the country, superior officers are meeting the enlisted men in group discussion. This is in sharp contrast to practices in the recent past.

Military training often relies on dehumanization, humiliation and fear to instill discipline. But at Ft. Ord, the specter of the volunteer force has promoted a change to the "positive reinforcement" method of training and its concomitant uplifting of the trainee. This important experiment is revealing results beyond the expectations of the most optimistic civilians.

FITTING MAN TO JOB

Additional evidence that a voluntary force would increase civilian influence is found in a recent Defense Department study. Only 4 per cent of college graduates were placed in military jobs where their skills could be used with little or no additional training. Only 62 men, for instance, who qualified for Army accounting positions were placed in this military occupational specialty, although there were 463 openings and 912 inductees with accounting degrees.

Under a volunteer system, the more limited supply of men and the greater budgetary expenditures per man would promote greater matching of men and skills and less misuse of manpower. As an increasing number of men were assigned to jobs where their civilian experiences were put to use, more men would be in a position to inform those already in similar work of recent developments in the civilian sector.

More experienced volunteers would receive greater respect from the professional soldier, enhancing the likelihood of a better relationship between the two. Reduced transfers, appropriate assignment of military occupational specialties and longer initial tours under a volunteer system would all magnify this effect.

One of the most important ways the volunteer army would increase civilian control over the military relates again to the role of Congress. For the past 30 years, the draft has hidden from the public eye a large proportion of our military manpower costs. By using the draft to hold down first-term pay to less than half of unskilled blue-collar wages, the military imposes on junior enlisted men an implicit tax of $2 billion dollars.

By not having that $2 billion appear in the defense budget, the Defense Department is understanding the cost of defense to the nation while forcing 19-year-olds to bear a grossly disproportionate share of the defense burden. If the draft were ended and the implicit tax translated directly into tax dollars, Congress would be far more likely to pay attention to the number of men in the forces and the uses to which they were put.

Lateral recruitment has been put forth as another means of opening up the military to civilian influence. This recommendation is based on the Seabee program, in which men are brought into the military at a rank roughly commensurate with the skill they have to offer. With some 85 per cent of military skills directly related to civilian skills, a greater flow in and out of the military at higher ranks is a real possibility.

The American people must realize that the conscription of cheap, apparently unlimited manpower into the lowest ranks of the military, while maintaining relatively complete control from the top, is antithetical to a democratic society and further endangers the workings of a political system already under great stress. For the last 30 years, American families have become so accustomed to offering their sons to the armed forces that they have forgotten that conscription is not in the American tradition.

National conscription has existed for only 34 of the 200 years of American independence. Since World War II, the draft has become a bad habit of political convenience that needs to be broken before it further jeopardizes our freedom.

THE UNEMPLOYED SCIENTISTS AND TECHNICIANS: OUR GREAT NATIONAL WASTE

Mr. MONDALE. Mr. President, all of us have become aware during recent months of the great national tragedy of increased unemployment among our scientists and professional people.

In part this is the human tragedy which accompanies unemployment every where. There is no way to compensate for the economic suffering and the despair which is felt by anyone willing and able to work in a great society such as ours—yet who is unable to find employment.

There is also the tragedy of the great waste of the extraordinary skills and abilities of highly trained men and women who have a great desire to bring their skills and training to work upon many of our most pressing domestic needs, yet who find themselves the victim of cutbacks in aerospace and defense without compensating increases in the resources being devoted to our human and domestic problems.

I was deeply disappointed last year when the President vetoed the manpower bill which would have taken a major step in providing useful, public service employment for many of these scientists and technicians. I think the employment legislation just reported from the Committee on Labor and Public Welfare will again bring this desperate need to the attention of the country, and I am hopeful that the President will this time realize the great social, human, and economic value of providing useful work for our Nation's most precious resource—our skilled and productive manpower.

I invite the attention of Senators to a very moving, yet encouraging, letter from one of these young men. I think he vividly demonstrates the kind of skills and motivation which are there and only we, as a nation, can find a will to tap them.

I ask unanimous consent that the letter from Mr. Gary Eckhardt, of Edna, Minn., and two related articles be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Edina, Minn., *February 23, 1971.*

Senator Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator: I have a two-fold reason for writing this letter: 1) to write down comments which I have recently expressed verbally with your aide Bruce Johnston, and 2) to make aware to you the plans of a group of individuals here in the Twin Cities. Both of these topics essentially involve the unemployment problem as regards technical people, those currently unemployed due to aerospace spending and military spending cutbacks.

I feel a deep personal concern about the state of our technical community here in the United States. There is a personal and national tragedy involved. The personal tragedy is, of course, unemployment and lack of substantive income. But the national tragedy is of more consequence. The unemployed technical community could be utilized in helping solve problems which have now become top priority problems but because of lack of interest of the business community and lack of impetus by the federal government, many of the *now* surplus engineers are not able to contribute to the national interest.

It has been my experience as an unemployed engineer that it is exceedingly difficult to make the transition from aerospace and military engineering to related commercial and social areas where engineering talent can be utilized. The difficulty is not because of lack of technical know how, but rather there may be the need for a small amount of retraining to adapt to the new situation. For example, an engineer who has been building computer equipments would find it easy to build digital controllers which would regulate, for instance, waste disposal. But the engineer must know more about the social aspect before building this piece of equipment. In other words, he must have the urban planning concepts in mind. Most engineers are equipped to build hardware or software and are not equipped to handle sociological functions. With some small retraining or conversion, I believe that engineers could make this transition.

I believe that we need leadership from the government in setting these goals and instituting retraining either by private business or government means.

The technical community could be utilized in helping to solve problems in the areas of ecology, transportation, urban development, etc. In addition, technologists will be needed for continued military planning and aerospace missions. (Surely there will be crises arising from time to time which will always demand a need for military and aerospace considerations. I personally feel that our country can justify an aerospace program. The cost is a small percentage of our annual national budget and the technical spin off yield high. Yet I also recognize that projects like the SST and other military ventures may not be justifiable.)

Programs must be implemented as soon as possible or I am afraid that many engineers will divert to non-technical areas. As such, their use in solving technical problems in the future may be non existant. Some inincompetent engineers and technologists should leave the field. But some of the many good talented people should be utilized.

If we ignore the technical community now, there may be the cry of 'shortage' again in future years when technology will be needed.

When Presidents Eisenhower and Kennedy issued the challenge for improved defense and space programs, engineers answered the challenges. We now need the challenge of utilization of our resources in the areas aforementioned.

Much time and money has been invested in these individuals. As Galbraith says in the *Affluent Society,* more attention should be placed in our investment in human resources than in capital wealth. Upon the strength of our human resources (and technology) rides the course of our country.

On a recent trip to Europe, I had the opportunity to visit several manufacturing plants. The technology in areas which I have been concerned with is quite good in Europe and in fact challenges our capabilities. The West German government, for example, realizes the tremendous economical advantages of good technology. They invest heavily in it.

Some of our engineers and scientists are considering going abroad where opportunity is better in their respective fields. We should be able to offer challenge at home and keep technology developed here. We also see signs of corporations 'buying' technology from abroad.

There should be many areas where we can contribute. We need some direction.

Now to the second reason for this letter. A group of unemployed technologists have organized here in the Twin Cities to study, on their own time, ways in which technologists could be converted such that they could be utilized in the mass transit field. The Department of Transportation has expressed an interest in a proposal on how technologists could be converted for use in the transportation field (not just mass transit, but the whole gamut of transportation problems). We intend to generate a proposal to the Department.

Any ideas or suggestions from your office would be welcome. Suggestions could be transmitted to the group through me at this time.

I hope that my letter has stressed the following points:

1) Unemployed engineers have and can continue to contribute to the nation's welfare.

2) There is need for some conversion and retraining programs in order to make the contribution more successful.

3) The United States should stay the leader in technology.

I hope to correspond with your office again in the future. May I also say that I appreciate Mr. Johnston's call to me. We hope to hear from your office again. Thank you very much for your time in considering my thoughts.

Very truly yours,

GARY ECKHARDT.

AEROSPACE TRIES TO PICK UP THE PIECES

CRASH IN AIRCRAFT MARKETS FORCES MANUFACTURERS TO LOOK ELSEWHERE FOR WORK

Perhaps the best thing that can be said for the aerospace industry as it wraps up one of the most disastrous years in its history is that a two-year nosedive is turning into a bumpy glide. For most producers, the direction is still downward, and for some sectors the worst is yet to come.

The 1970 figures tell a grim enough story: Sales are estimated at $25.1-billion, down more than 15% from 1968's record $29.8-billion. Employment has tumbled almost 25% in the same two-year span to just over 1-million workers.

For most of 1971, the big picture does not look much better. Military airplane sales are expected to drop still further as the Vietnam war continues to wind down, military helicopter sales will be off sharply, and the prospects in commercial transport aircraft are extremely shaky. Some industry observers expect no major upturn in commercial aircraft in general until 1975 or so.

On top of all this, financing problems will continue to plague some aerospace manufacturers. This could slow development programs and cause further breakups of valuable scientific-technical teams—the backbone of successful long-range planning. And such far-out proposals as robot fighter planes and laser death rays have little chance of getting much money.

Despite the general gloom, all the signs are not bleak. Most aerospace companies seem to have completed their deepest cuts in employment. Some have come through the recent business crunch with their profits in amazingly good shape. The defense budget, after dropping $5.7-billion in the past two years, may rise slightly in fiscal 1972, starting next July 1. And a guarded confidence is emanating from the headquarters of a few companies, such as North American Rockwell Corp., the Bell Helicopter Div. of Textron, Inc., McDonnell Douglas Corp., and Grumman Corp., about prospects for 1971. Buoyed by new or continuing big contracts, some companies actually foresee a substantial improvement in 1972.

CONSOLATION

But for most of the industry, the near-term prospects are summed up by the president of a small subcontractor. Says Howard W. Hill of Zero Mfg. Co., Burbank, Calif.: "The aerospace outlook has brightened in that it is getting worse less fast. In the last 90 days, we have seen a leveling off of business where previously we had seen a decline. For next year, we see a flat or level outlook."

Another subcontractor supplies reasons for a guarded outlook. "Calendar 1971 and 1972 could produce a slow pickup in commercial aircraft production," says Martin Stone, chairman of Monogram Industries, Inc., "but the military and space segments look less bright. There is just too much public criticism of both military and space spending to promise much upturn."

Boeing Co. and United Aircraft Corp., both heavily dependent on the slumping commercial jet aircraft market, doubt that the business will pick up very much in the next year or so. And Lockheed Aircraft Corp., currently top Defense Dept. contractor, has a hangarful of troubles: the Cheyenne helicopter cancellation; the C–5 phase-down, and continuing contract squabbles with the Pentagon and some of its subcontractors.

In an effort to hang on, more aerospace manufacturers can be expected to sell off some of their less profitable enterprises, seek shelter with conglomerates, or try to acquire other companies to broaden their production bases. However, none of these moves will turn the industry around in short order.

For most of the major aerospace manufacturers, the best hope is that a number of big new weapons programs will be funded by Congress in fiscal 1972. And the industry in general is enthusiastic about a fundamental change in government procurement policy that should bolster future profits.

MUSICAL CHAIRS

Aerospace executives tend to think government contracting will regain some momentum by late 1971 or early 1972. But they increasingly acknowledge that their industry may never again match its great boom period of 1967–68, barring a drastic deterioration in the international political scene.

For the near term, the sales outlook is certainly not promising, with the Aerospace Industries Assn. projecting Pentagon military purchases of $13.5-billion in 1971, against $14.2-billion in 1970. But this $700-million decline is a case of things "getting worse less fast," since this year's drop was about $1.6-billion.

Phasing out next year will be the hard-luck F–111 fighter-bomber that General Dynamics Corp. has been producing for the Air Force at a total program cost of $7.5-billion. Gone, too, will be big money for LTV Aerospace Corp.'s A–7 and McDonnell's F–4 Phantom. Both the A–7 and the F–4 have been highly successful aircraft, but the U.S. has enough of them to satisfy military needs.

The contract for Lockheed's big C–5 military transport, is also likely to start phasing out in 1971, after construction of only 81 aircraft. And the Cheyenne helicopter may be a dead issue, too. While the Cheyenne was wallowing in technical troubles, the Army bought 10,000 Cobras from Bell Helicopter, and it is thinking of buying more of a twin-engine version of the reliable chopper. Since the government can get 12 Cobras for the cost of one Cheyenne, its choice may be foreordained.

Coming on strong in 1971, however, will be Grumman's swing-wing F–14—a new Navy fighter that is scheduled for its first flight test next week and that could eventually become an $8.3-billion program. Coupled with the Gulfstream II commercial jet, the F–14 spells a better year in 1971 for Grumman, which is even expected to show a small earnings gain for 1970.

The F–15, the new Air Force jet fighter, should help to ease the pain for McDonnell Douglas as its Phantom contract fades away and could be the start of a $7.4-billion program. North American Rockwell's order backlog, already up to $3.26-billion on Sept. 30 from $3.06-billion a year earlier, should similarly be bulwarked by a $1.3-billion contract for a new Air Force bomber, the B–1, worth a possible $10.1-billion ultimately. And Lockheed, Boeing, and Northrop should be bolstered next year by money starting to flow in for purchases of the new S–3A patrol aircraft ($2.9-billion for the full program), the AWACS or aircraft warning and command system aircraft ($2.1-billion), and the International Fighter ($1-billion), respectively.

SLIM PICKINGS

After these contracts, however, the military pickings for aerospace companies look slim, and the National Aeronautics & Space Administration is an even dimmer hope for new work for 1971.

Outside of its ongoing programs, NASA has only a handful of fresh projects lined up for next year. And most of the new money that it gets above this year's $3.26-billion budget will go to early work on the space shuttle and the Apollo Applications program. The rest will be doled out among a number of small, unmanned space projects. Apollo (for which North American is prime contractor) will phase out in 1972 after four more manned moon landings.

Late in 1972, NASA's Skylab is scheduled for its first flight. If the space agency is to succeed in getting whole teams of astronauts into orbit around the earth for eight weeks at a stretch, there will be increased money for several aerospace companies in this. But beyond that and a few unmanned planetary flights late in the decade, not much else is on NASA's horizon now.

The Pentagon, like NASA, has a raft of "want list" projects it would like to start in the 1970s, but most of these are far from the production stage and even further away from Congressional funding: Among them are:

A new subsonic Air Force plane—the AX, for attack experimental—that would provide close air support for ground troops.

A new decoy vehicle that strategic bombers would drop to help them penetrate Soviet-type air defenses.

Pilotless planes that would be flown electronically by pilots sitting in command centers.

An anti-ship cruise missile that could exceed the capability of the Soviet Styx.

Low-cost, lightweight lasers for uses ranging from target-illumination missile guidance to communications and "death ray" applications.

An advanced antiballistic missile system to back up the Safeguard by providing additional "hard-point" protection for Minuteman ICBMs.

Vertical takeoff and landing aircraft that could operate free of conventional airfields.

There are other projects on the "want list" that also would make first-rate life rafts for aerospace contractors, but Administration budget cutters, as well as a reluctant Congress, offer scant hope for most of them. Thus, few people in the aerospace industry are looking for any brand-new infusion of dollars from this source.

"MILESTONE" BOON

Where most producers do see a bright spot, however, is in the way that budgeted dollars are going to be allocated from now on under the Pentagon's new "milestones" method for awarding contracts. Under this system, which went into effect only this year, new weapons systems are developed in small steps. After each step, the company and the Pentagon stop to assess progress and decide whether to move on to the next step.

William B. Bergen, group vice-president for aerospace and systems at North American Rockwell, voices the industry's enthusiasm over the Pentagon's policy switch, under which it abandoned total package procurement. "It's the greatest thing that ever happened," he says, "not only for defense contractors but for the whole country." Total package procurement, which included a fixed-price contract, "was driving our whole defense posture into bankruptcy," he maintains. With the new, more flexible milestones contract it has on the B–1, NAR will be able to "make a better plane at a lower cost," says Bergen.

Stone of Monogram Industries agrees that the Pentagon's new procurement policy "spreads the risk better." He adds: "The bane of all aerospace companies has been the long bets they have had to take in bidding on total procurements with a high percentage of unknowns. Now they can limit themselves to a stage at a time." The result, contractors think, should be more accurate bids, less friction with government agencies when problems develop, and fewer time and money losses all around.

NEED FOR CUSHIONS

While the new procurement system represents a kind of insurance for companies who win big new Defense Dept. contracts, it is of no help to those who fail to win the "big plums." The biggest problem the aerospace industry faces as it tries to pull out of its business slump is still its dependence on the federal government. Of last year's $26.8-billion in total industry sales, 60% still came from the Pentagon and 12% from NASA. Commercial aircraft sales accounted for 18% and non-aerospace products for only 10%.

Industry leaders acknowledge the vulnerability of this kind of split. When Congress decides to slash government spending, aerospace companies are hit hard and fast. New civilian work cannot be found fast enough to cushion the blow because of the scale on which the industry operates.

As a result, even the largest aerospace producers have been trying to diversify their business—both within the industry and outside—to achieve better balance against cutbacks. The going has been rough for some companies that were not used to dealing with anybody but the government, and the industry's diversification record is unquestionably spotty. But enough companies have succeeded on this route to make it a regular run.

McDonnell Aircraft Co., for example, bought into the commercial airplane market by acquiring Douglas Aircraft Co. and thereby has gained a front runner's place in the next round of commercial jets. Ryan Aeronautical Co. joined Teledyne, Inc.; General Precision Co. found a mate in Singer Co.; and giant North American Aviation merged with Rockwell Mfg. Co. to create a company that is now achieving a kind of synergy among its diverse elements.

The quest continues. Northrup Corp., which acquired Hallicrafters Co. and Page Communications Co., now wants to expand into executive jet aircraft production and has been dickering with Gates Learjet Corp. Lockheed, which has moved into commercial electronics, ship repair, and heavy construction—with mixed results—is actively looking over other nonaerospace opportunities. And United Aircraft, which derives three-quarters of its sales from its big Pratt & Whitney engine division, is checking out further possibilities of selling jet engines and related equipment for such nonspace uses as power generation, natural gas transmission, and marine propulsion, and is also weighing a major move into the reinforced plastics business.

The plight of Boeing, largest U.S. builder of commercial jets, is proof, however, that diversification away from military and into civilian aircraft is not always an answer to an aerospace company's problems. Of Boeing's record 1968 volume, almost $2.3-billion, or 70%, was commercial. But now, new orders for the 747 are falling off, 707 and 727 sales are slumping badly, and the SST's fate is highly uncertain. The company still has a few military and space jobs, but these will not be enough to counteract the commercial plane decline. Thus, Boeing has started an urgent search for other types of diversification.

One possibility, according to George H. Stoner, Boeing senior vice-president for operations, is the service industry. "Your return on sales is small," concedes Stoner, who heads a Boeing panel of officers investigating new business opportunities. "But the capital requirements are modest, and the returns on investment is large." Other good bets: the metropolitan transportation business and some phase of communications.

SUBCONTRACTORS

Boeing's search for quick diversification possibilities will not be easy, however, because a number of other defense companies had the same idea first. Even aerospace subcontractors and suppliers have been searching for ways to spread their business bases. And the success of at least a few of these smaller companies has attracted the attention of bigger aerospace companies.

Menasco Mfg. of Burbank, Calif., is a case in point. Sales of Menasco, a leading manufacturer of landing gear, were 30% commercial and 70% military this year, but strong forward planning will shift this split to a healthier 44-56 ratio in 1971. In addition, Menasco has the highest order backlog—$160-million—in its history. The company also has developed a shock isolation system, under test by auto companies, that may be used in energy absorption bumper systems. If the idea catches on in Detroit, Menasco's remaining dependence on military contracts could disappear.

Another success story is being written by Tool Research & Engineering Corp. of Beverly Hills, Calif. Tool Research's volume this year will be up 50%, largely because of its sales of two types of lightweight honeycomb panels called Stresskin and Soundwich. Soundwich is a heat-resistant, sound-suppressing material now being used on McDonnell-Douglas' DC–10 and the maker also is investigating the possible use of its honeycomb panels in armor plating, surface and subsurface ships, and petrochemical plants. Its Weslock Div. already makes locks and other building materials for commercial sale.

Tool Research's aerospace customers run the gamut: McDonnell Douglas, Lockheed, Rohr Corp., General Electric Co., Rolls-Royce, Pratt & Whitney, Grumman, NAR, the Anglo-French Concorde consortium, and even a Japanese trader that is supplying Stresskin for three Japanese aircraft.

In contrast to Menasco and Tool Research, Rohr Corp., biggest of the aerospace subcontractors, may run into more earnings troubles next year, though, and not because of diversification. Chairman Burt F. Raynes discloses that the company is experiencing cost overrun difficulties as a subcontractor on Grumman's F–14 and on Boeing's wobbly SST. Furthermore, Rohr's work on such old bread-and-butter programs as the 707, 737, DC–8, and DC–9 is phasing out.

Rohr has been trying to diversify out of aerospace dependency since the early 1960s, however, and already does 20% of its business elsewhere. Among other things, it has a $67-million contract to build cars for the San Francisco Bay Area Rapid Transit District, is working on tracked air-cushion vehicles, is selling an automated warehouse system (complete with computer-operated conveyors and stacker cranes), and has a small foothold in modular housing. By 1975, president Frank E. McCreery predicts, non-aerospace products will make up 50% of Rohr's volume.

Jobless woes. For the short run, however, diversification may not result in too much help for the most troubled aerospace companies—or for the 175,000 employees laid off during the last three quarters of 1970. Barring an unexpected turn-around in Defense procurement, the question of whether the bottom has been reached in employment may hang, in large part, on how soon and how fast commercial aircraft sales revive. The numbers tell the story.

If a House-Senate committee refuses to put more federal money into SST development, for example, Boeing will have to add another 6,000 persons in 1971 to the 1,000 per month that it already expects to lay off because of dwindling 707, 727, and 737 sales.

United Aircraft is in a similar bind. It has had to lay off 5,000 workers in 1970, largely because of sales declines in JT3D and JT8D engines. The JT3D is used on the 707 and DC–8; the JT8D on the DC–9, 727, 737, and Caravelle. The company's order backlog fell to $1.95-billion last Sept. 30 from almost $2.8-billion a year earlier. Thus further layoffs look inevitable.

Additional cuts by the nation's largest manufacturing sector are already expected to drop aerospace employment to an even 1-million in 1971, the Aerospace Industries Assn. estimates. On the bright side, however, the rate of decline should slow considerably, starting in next year's first quarter.

North American's ebullient Bill Bergen is one executive who is convinced that neither the Administration nor Congress will let aerospace employment drop much more. "The story used to be that the Russians were undermuscled but talked real big," he says. "Recently, they haven't talked big because they have a much bigger stick to carry." Thus, Bergen is convinced that national security will soon dictate another jump in contracts for aerospace producers.

"If we continue the course we are on," he reasons, "we are going to become a second-rate nation, and I can't believe we are going to do that."

LESS FOR HARDWARE

Though the defense budget for fiscal 1972 may equal or even slightly surpass this year's $73-billion, it will offer little consolation to the aerospace industry. Advance indications are that money for military procurement contracts will again decrease.

The Nixon Administration is still working on the budget that it will submit to Congress next month, but this is how the Pentagon's buying plans look in the coming year:

Dollars for aircraft purchases—once the effects of inflation are discounted—will continue to drop, mainly because fewer planes and helicopters will have to be bought to replace losses in Vietnam.

For a few companies, such as McDonnell Douglas, North American, and Lockheed, the decline in orders for replacement weapons will be partly offset by higher spending for a few big aircraft modernization programs.

Missile purchases will hold steady as the U.S. continues to deploy the new Poseidon ICBM on its submarines and tries to improve its inventory of tactical missiles.

Research and development funding, most of which flows to aerospace contractors, will rise by perhaps 10%, chiefly because of Defense Secretary Melvin R. Laird's concern about growing Soviet R&D outlays.

Funds for military aid and foreign credit sales programs will be increased, if only marginally. This will be in line with the Administration's policy of strengthening the weaponry of allies as U.S. manpower overseas is whittled down.

In addition to increased outlays for Grumman's F–14, McDonnell Douglas' F–15, Lockheed's S–3A sub hunter, Boeing's AWACS, and Northrop's International Fighter, more money will be spent on several missile programs. The Minuteman III, as well as Poseidon, is due for an increase; more funds will be made available to produce Boeing's SRAM (short-range attack missile); and R&D outlays may be stepped up for the ULMS (a new underwater long-range missile system).

The Administration probably will propose only one more site for the controversial Western Electric Safeguard antimissile system in fiscal 1972, however. And it will phase out a full half dozen or so old weapons programs.

WHERE MILITARY AEROSPACE CUTBACKS HAVE HIT HARDEST

	Contract awards [Millions of dollars]		
	Fiscal 1968	Fiscal 1970	Percent decline
Airframes:			
Texas	$2,229	$1,355	−39.2
California	714	605	−15.3
New York	623	563	−9.6
Missouri	717	502	−30.0
Aircraft engines:			
Connecticut	1,240	636	−48.7
Ohio	519	257	−50.5
Massachusetts	206	104	−49.5
Other aircraftequipment:			
Texas	200	174	−13.0
California	215	130	−39.5
New Jersey	81	60	−25.9
Missile-space systems:			
New York	267	237	−11.2
Florida	257	225	−12.5
Washington	261	218	−16.5

Data: Defense Department.

NEW REALISM PERVADES RESEARCH AND DEVELOPMENT

(NOTE.—Because of hefty cutbacks in Government R&D funding, some firms have left the field, others are upping IR&D, all are trimming overheads.)

With military R&D a major casualty of government cutbacks in funding, electronics companies across the nation have found their fortunes suddenly going into reverse. Some have actually given up on the military R&D market and are moving into different and, they hope, greener areas. Others are attempting to capture military production programs by incerasing their internal R&D and are slashing overhead relentlessly. Most, in any case, have redirected their R&D toward immediate payoffs in highly marketable products. However, several firms say their Government-funded R&D has remained level—and a few report that military contracts have gone up.

Yet many companies say they aren't worried that the R&D cutbacks will make them lose technological ground and place them at a disadvantage when business picks up again. Says one engineer, "Everyone is in the same boat, so why should we worry about falling behind our competitors?"

A less sanguine view is held by the Pentagons Director of Defense Research and Engineering (DDR&E), John S. Foster, Jr. In his fiscal 1971 budget request for research, development, test and engineering, Foster pointed out that the $7.34 billion sought was $23.4 million below the prior year's appropriation and would buy 4% to 7% less effort in real dollars. "We will not be able to explore some promising technical opportunities relevant to defense, and we anticipate laying off technical personnel, closing certain laboratories, cutting out many contracts and stopping projects," he complained. Despite this lament, the House slashed nearly $391 million more from his request, appropriating some $6.95 billion.

Still, people in Foster's shop are now convinced that the worst is over, and they talk of a turnaround in reesarch funding in the fiscal year beginning July 1, 1971. Development programs, though, are another matter. As Pentagon R&D managers see it, the four categories of development—exploratory, advanced, engineering, and operational systems—will get more money overall in the new Nixon budget, but the emphasis will be on exploratory and advanced development of new strategic weapons and communications systems. And even with the expected increases, most electronics companies will continue to feel the effects of military R&D cutbacks throughout the year.

One of these is Lockheed Electronics Corp., Plainfield N.J., which was hard hit by the curtailment of development funds for the tri-service three-dimensional radar and the failure of a market to materialize for its multifunction helicopter radar with an antenna in the rotor blade—both projects that it had backed heavily. With no new major military programs to bid on in the next few years, the company has not only reoriented its Military Systems division, but changed its name to the Products and Systems division. Military R&D will still continue with both internal and contract funds, but more R&D will go to developing commercial products, such as data communications equipment and automated factory equipment, says a company spokesman.

Others, like the Autonetics division of North American Rockwell Corp., Anaheim, Calif., have used company funds to develop finished hardware for several programs, some of which could lead to production contracts. Thus, the company hasn't reduced in-house R&D in proportion to the reduction in military R&D, but instead has cut overhead.

Officials at the Data Systems division of Litton Industries Inc., Van Nuys, Calif., say that the contract they won to develop and produce a new command and control system for Nike and Hawk Air Defense Missile Batteries was awarded to them in large part because they spent their own R&D dollars to develop a video processing system and advanced display console for the larger command and control system. The military customer was able to visit Litton and test actual hardware during evaluation, instead of having to assess a paper proposal. That, and the fact that Litton's L–3050 computer used in the system was already in the Army inventory, were major factors in Litton's winning the initial $8.5 million contract last July.

Most companies are taking a very close look at how they spend R&D money even on projects of seemingly immediate usefulness. A case in point is the Soniscan magnetoacoustic memory made by Sylvania Electric Products Inc. in Waltham, Mass. [*Electronics,* July 6, p. 49]. Although Soniscan is almost assured of a market in the Navy's advanced airborne digital computer, Sylvania is now studying the three possibilities of developing it internally, selling rights to the device on a royalty basis, or spinning off a partially owned company to take over the product, to discover which is least costly.

This hard-nosed approach to R&D is shared by James M. Early, vice president and research director of Fairchild Semiconductor, Mountain View, Calif. He sees 1971 as the year that "many central research labs, including Fairchild's, get product-oriented." After a bad year, Fairchild has cut its internal R&D by 10% according to group vice president M. M. Atalla, and made project groups responsible for getting products from R&D into production.

Raytheon in Lexington, Mass., cut personnel at its Missile Systems division and Research division, and the Equipment Development laboratories consolidated its R&D. Now with a lower overhead and closer scrutiny of R&D, Raytheon maintains it's getting more for its research dollar.

Fairchild-Hiller Corp., in Germantown, Md., best known for its aircraft and space satellite programs, is spending most of its new internal R&D money on medical electronics. Bendix Corp. in Detroit, Mich., directs its nondefense R&D work at pollution control devises like laser smoke detectors, electronic fuel injection systems, and medical electronics—wherever the payoff is sure if the research succeeds.

Adding a postscript to the new practical look in R&D, Richard T. Dibonna, a vice president of Microwave Associates in Burlington, Mass., says, "I only want Government support if it means eventual profits; we organized ourselves to live without much Government R&D in 1970, and it's a very good thing we did, since we had about one quarter the amount of R&D funding we had in 1966."

Others, however, report military R&D hasn't dropped in their companies. While the test and evaluation part of the budget has dipped, exploratory development is up about 5%, advanced development up 18.5%, and engineering development up 36.7%. "We don't find our market changed," says a spokesman at Motorola's Government Electronics division in Scottsdale, Ariz. "The prime contractors will be hurt like hell, but what they're doing in the face of lack of funds for new systems is refurbishing old systems, which is good for our business." For example, he notes, B–52s are being given upgraded electronic warfare systems, and the Motorola division hopes to cash in on this with its system for "hiding" B–52s from the enemy.

Another company that hasn't suffered military cutbacks is Hamilton Standard in Windsor Locks, Conn., a subsidiary of United Aircraft. About four years ago, Hamilton decided to develop capabilities in on-board digital computation—and last year picked up several contracts for developing computer-based supervision control systems for the engines in the F–15, F–100, and F–104 aircraft.

ITT's Defense Communications division in Nutley, N.J. reports that it actually won more R&D contracts in 1970 than it did in 1969. Most recently it got a $6.3 million contract to develop and build two prototype Navy satellite terminals. Charles Haller, division president, attributes this success to the division's policy of sinking a lot of money into internal R&D to develop its technical capabilities.

Military funding also won't be reduced at the Mitre Corp. in Bedford, Mass., a nonprofit Federal contract research center with a funding ceiling controlled by the Department of Defense. And Government R&D at Varian Associates in Palo Alto, Calif., about a third of its total R&D, stayed the same for 1971. But the general decline in business will probably drop Varian's internal R&D budget down to $13.2 million in 1971, $1.1 million less than the 1970 sum spent by the company.

Similarly, a major northeastern electronics company, with 89% of its R&D Government-funded, reports no change in 1971 and an overall increase of 2.7% in its total R&D budget for a total of $247 million. But even so, the company has been forced to cut personnel and overhead.

(The contributors to this report included James Brinton and Gail Farrell in Boston, Lawrence Curran in Los Angeles, Stephen Wm. Fields and Marilyn Howey in San Francisco, Ray Connolly in Washington, Alfred Rosenblatt and Peter Schuyten in New York, and Jane Shaw, McGraw-Hill World News in Chicago. It was written in New York by William J. Bucci.)

A TIME TO LOOK INWARD

Mr. HANSEN. Mr. President, recently I had the privilege of listening to a very timely message that was presented to a breakfast group in the Senate.

Mr. President, I ask unanimous consent that the text of the speech given by the senior Senator from Ohio (Mr. SAXBE), be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A TIME TO LOOK INWARD

When you go to Jerusalem, you discover that Calvary was not a high mountain but a little knoll outside the Old City. Skirting the base of this elevation was a road which led to nearby villages.

On that little hill, one cruel Friday afternoon, a frenzied, motley crowd gathered. There were the Scribes and Pharisees, garrulous politicians and gesticulating merchants; the purely curious and the constitutional sadists. There were soldiers performing their professional duties, and several loyal disciples who lingered despite their blasted hopes. Except for the faithful disciples, they hooted and hissed, and they jeered and gibed at the victim on the cross.

But the travelers on the road did not even stop. With callous indifference—so the story goes—"They that passed by reviled on him saying—'Save Thyself'." Looking up at the man on the central cross, they hooted as they hiked, they jeered as they journeyed, they mocked as they walked.

Beholding the scene on the hillside, these travelers gave little attention to the two thieves who were getting their just desserts; but to the man on the central cross who had forgiven sinners, healed the sick and raised the dead and was now not able to save Himself. They sneered, "Save Thyself!"

Imagine what these cruel epithets must have done to a man stretched out in the torrid desert sun—with multiple hemorrhages, swollen arteries, throbbing veins and a burning and raging thirst. To a young man thus poised between life and death, do you not suppose there came the tempting appeal to exploit His supernatural powers?

To His subconscious mind—if indeed not His conscious mind—could there have been the thought—"I am yet a young man. I have done my duty in preaching and teaching and healing. Why not yield—extract the nails, destroy the mocking throng in a moment, come down from the cross, save myself?"

But this crowd knew not the true Jesus. There was a self in Jesus which did not have to be saved. But the self of integrity, honor and obedience to the whole will of God—that self had to be saved even though the physical self perished. When the crowd yelled, "Save Thyself," our Lord said inwardly, "I will save myself—the higher, holier self, the self committed to doing the full will of God."

And so it came to pass that this struggle was won on the cross because it had been won on earlier moral battlefields.

That is the clue to our Lord's life and so it must be the clue to all of our lives. It portrays a principle which has to be confronted by every man and woman and youth all along the way of life. No man can by his own acts achieve salvation. No man can save himself from his own sins. Salvation is the gracious gift of God. But in another sense—in his moral choices, in his daily decisions, in his judgments in a crisis—each one must choose which self is to be saved, the lower or the higher self.

That choice is no less great today two thousand years later than it was on a dark Friday; nor will it be two thousand years from now. The greatness of character, the quality of a human personality, is to be seen in the way this choice is made. Courage and character are developed by staying on the cross and going on in spite of fears. When hardship is encountered, when suffering is to be borne, when defeat overtakes one, when a cross looms on the distant horizon, there is always the tempting claim: "Save your skin. Take it easy. Don't get hurt. Save thyself." There is, however, another alternative: "To thine own self be true." And this is what I guess I would like to leave you with here today.

To find spiritual depth, man must look inward to discover three basic truths: Who he is, where he is and where he is going. If an individual cannot do this he becomes an actor playing a role for exterior effect, reacting almost solely to the response of his superiors and his peer. He uses and responds to traditional values not because he believes them, but because they are the proximate causation of exterior applause. Man must seek peace of mind and inner reserves of strength before he can commit himself to a higher cause or challenge.

And that higher cause or challenge, put quite simply, is in choosing which self is to be saved. That choice is perhaps more difficult today than any time throughout the ages it has confronted man. For we are in trouble as a species and the future worries us as never before. Wherever we look we see the brooding threats of an unwise and unjust war, of domestic violence, of poverty, pollution and over-population.

We pass this way at a time when any one of these threats could severely damage us as a society. Taken together, they are sapping our very lifeblood—not just of America, but of mankind.

The obvious question is can we survive? We can, of course, and we shall. But I submit we must take a long and searching look inward. We must rekindle our traditional values at a time when their validity is being challenged as never before. What are these traditional values to which I speak today? There really is nothing complicated about them. They're as old as society, but they ring as true today as ever and they roll off the tongue just as readily. Compassion and understanding; tolerance and justice; faith and truth. And, yes, peace.

The temptation to forsake these values is with us always and no vocation is exempt from them. There are devices and designs to ignore them, to forget them, to discard them, yet still achieve a kind of success in life. Even a preacher may have one or two eloquent, emotionally elevating sermons or a politician one great moving speech for the show window. But what does it avail him if he casts these sparkling jewels before the world and then has nothing in the storehouse of his mind and soul, to sustain him and lift others through the years?

A man may know how to put together an acceptable message. But if he knows not how to lead, he may become as "sounding brass and tinkling cymbal." The "famous speaker" is sometimes only famous because he has neglected everything else but rhetoric and elocution and become merely a platform exhibitionist. A glamour boy of politics may appeal to the party hangers-on, but what does he do with the tough decisions that inevitably come his way? The eminent officeholder can become so exalted as to be unavailable, so busy with weighty concerns that he has only an audience come to behold a performance and not citizens crying for leadership and direction. There are ways to "save oneself"—to get attention and popularity, to survive by demagoguery and obfuscation.

There are times when each of us is called on to make choices. The easy road or the tough. Will you recoil from a difficult choice in bitterness and try to escape? Or will you welcome the trial of your faith?

John Kennedy is his book, "Profiles in Courage," selected from the rolls of the United States Senate men who were giants of their times; men who literally destroyed themselves by making decisions their consciences dictated but their constituency violently opposed. Three of these were Daniel Webster, Sam Houston, and Thomas Hart Benton. The issue was Henry Clay's compromise of 1850. Houston and Benton were southern-oriented, Webster from abolitionist Massachusetts. Each denounced the firebrands from their states. Each declared the Union must be preserved. Within two years each was out of office and soundly denounced in their respective states. They had not "saved themselves" but they had been true to themselves. Each died shortly thereafter, broken men without honor or respect in their day.

Walter Lippmann renders harsh judgment both on the politician and the electorate in a recent book. He says, "With exception so rare they are regarded as miracles of nature, successful politicians are insecure and intimidated men. They advance politically only as they placate, appease, bribe, seduce, bamboozle, or otherwise manage to manipulate the demanding, threatening elements in their constituencies.

"The decisive consideration is not whether the proposition is good but whether it is popular—not whether it will work well and prove itself, but whether the active-talking constituents like it immediately."

I am not willing to accept this judgment. I am convinced that the complications of business, public and private, daily obscure innumerable acts of private and political courage, large and small.

Each of us in our daily lives makes decisions that shape our lives, mold our character. All choices are not earth-shaking, momentous milestones. Most come on little mouse feet. We can slide into a great collective cop-out that ill prepares us for the big dramatic crisis, the supreme test that will mark our lives, perhaps end them.

And the supreme test does come to some. Come as it did to those four chaplains on the sinking transport "Dorchester" in the cruel winter waters of the North Atlantic during the war: Would they use their life belts to save themselves and return to their wives and families and their waiting churches; or would they give their life jackets to the troops? One by one they stripped themselves of their jackets and draped them about four fear stricken soldiers. Then they clasped hands and were last seen praying together on the slippery deck, as the Dorchester plunged to her frigid grave. They did not save themselves. But in their deed they preached more sermons, more eloquently than in multiplied lifetimes of pulpit expression.

The heart of our gospel is that you can never save yourself. You can only give yourself, and in giving, find life.

Whenever a choice must be made as to which self is to be saved, let us make it by the wisdom and in the power of our faith.

Nobility of character and inner worth comes not by avoiding the small, onerous daily challenges that test and train us but by accepting them and thereby strengthening our higher self.

There is no greater tragedy than that of a man risen to prominence who has no faith to fall back on. No inner strength to meet the challenges that inevitably come.

For centuries the lenten season has been the occasion for Christians to renew their faith. Faith in their religious belief and faith in themselves. In a way I suppose it is a selfish thing we do. Selfish because in such renewal our lives are enriched and our characters made more capable of grasping the magnitude and responsibility of Christian service. Service in a higher sense.

CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, recently the Washington Post published a perspective series of articles by Gayle Tunnell on early childhood development, followed by a thoughtful editorial entitled "Nobody in Charge."

This series, besides reviewing a number of day-care and child-development programs in the District of Columbia, also identified many of the major questions and issues confronting child-development efforts generally.

The series pointed out what a small percentage of preschool children—both poor and nonpoor—are participating in child-development programs like Headstart.

It revealed the fragmented and uncoordinated nature of child-development efforts in this country.

It described the marked variation in quality among different day-care and child-development programs.

It identified the differences between pure custodial care and quality developmental services.

And, most disturbingly, it revealed the way in which "the focal point of government interest in young children seems to be shifting too—from the develop-the-child emphasis of the great society days to the free-the-mother-to-work emphasis of the Nixon administration's proposed welfare reform bill."

These articles underscore the need for parental participation and involvement in child-development programs and the need to structure and fund these programs in a way that provides young children with a full and fair opportunity to develop to their full potential.

The editorial concludes, quite correctly, that—

> Educators still have much to learn about the potential of children under age 5, but that is no excuse for the awful state of early childhood care in this city or anywhere else, for that matter.

As one who sponsored child-development legislation last session, and will introduce a revised and strengthened bill this session, I found the articles and the editorial to be extremely useful.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOBODY IS IN CHARGE

If you live in Washington and have a child under 5 years old, you may know all too well that by the time this city's kindergarten and first-grade children reach the third grade, only one in four will be reading and doing arithmetic as well as the average child nationally. That's a grim statistic which says a lot about the state of our public school system here.

But what do children in Washington learn *before* they enter kindergarten, during those very important years that we've all been told to worry about? Staff writer Gayle Tunnell set out to find out—and came up with an alarming situation report that appeared as a five-part series in this newspaper last week. After exhaustive interviews and research, Mrs. Tunnell reported that early childhood education here (and elsewhere) has been a hodgepodge of largely patternless public programs and scattershot, expensive private activities:

"Child care in the District is a jigsaw puzzle with many pieces missing and most of the rest not fitting right. Nobody is in charge—no individual or agency, no one in the school system or in the mayor's office. It is nobody's job to know what is being done, what isn't and what could be."

In effect, we discover that on a general national scale, there is plenty of lip service to early child care: congressmen always mention the need for educational services for the very young; the President commits the administration to this goal; and there's lots of research going on to find out how children learn, retain and convert experiences into whatever they finally know or do as adults.

Yet beyond this lip service and a rather routine commitment of public money each year, preschool programs seem to wind up in one of two categories—those for the low-income mother who is provided nothing more than day care for her children, and those for the well-to-do mother, who wants and can afford outside stimulation for her children, for whatever social and intellectual benefits it may provide.

Some of these programs turn out to be great fun for a child, and perhaps educational as well. Others tend to be nothing more than mind-dulling way stations, poorly equipped and operating on shoestring budgets. The federal government's involvement in this field, which began as a matter of improving the lot of little children, now seems to stress day care—to get welfare mothers off the rolls—more than quality education.

The point is that there is no direction in the courses charted for our young children, and also that there are few if any reliable records on what services are offered in this city or how many children are receiving them. No one seems to know how much each program costs, which centers have vacancies—or even what requirements the city should demand. Licensing requirements, developed in 1924 and changed in only minor respects since then, deal strictly with custodial consideration, not with education or recreation standards. Inspections are few and tend to be spotty.

Educators still have much to learn about the potential of children under the age of 5, but that is no excuse for the awful state of early childhood care in this city or anywhere else, for that matter. As a beginning, Mayor Walter E. Washington and the City Council could make a thorough survey of exactly what is and is not offered in this city, and could prepare some concrete suggestions, regulations and legislative proposals for public and congressional consideration. Somebody in officialdom simply must care enough to get started now.

[From the Washington Post, Feb. 28, 1971]

SOME LEARN, MOST DON'T: CHILD CARE IS CHAOTIC—I

(By Gayle Tunnell)

It is 9:30 a.m. at Bible Way Nursery School.

In one corner of the large, neat and very bare room 21 children, 3-to-6 years old, and two adults sit, watching "Captain Kangaroo" on a small-screen black-and-white television perched far above their heads on a room divider.

About half the children seem attentive, a handful are squinting or glassy-eyed and five have their heads down on the table either resting or sleeping.

According to Bible Way's mimeographed scheduled, which is given to parents, the children are watching "Sesame Street" on Channel 26. In fact, the television is not equipped to get Channel 26, although the Bible Way director says a set that can is expected soon.

There is no talk, either during commercials or after the program ends. The images flitting across the small screen are the only movement, their mechanically jolly banter the only sound.

This is early childhood education in Washington, D.C., in 1971. Not all of it, and certainly not the best of it. But some of it, and not the worst.

The idea that the period from birth to five years is a Very Important Time in a child's life, a time that holds the key to all he will ever know or do later on, is now widely accepted.

President Nixon believes it. In February, 1969, he committed his administration "To providing all American children an opportunity for healthful and stimulating development during the first five years of life." In April, 1969, he repeated that commitment.

Congressmen on both sides of the aisle believe it. There is an aura of political one-upmanship about the plateful of child care proposals now being passed around Capitol Hill.

Rotary Club speakers, public school officials, cocktail party goers—they all believe it, too.

And certainly the social scientists do. University presses in recent years have spewed forth conclusions ranging from Benjamin Bloom's at the University of Chicago, that children develop 50 per cent of their capacity to learn by age 4, to Jerome Kagan's, at Harvard, that class and skill differences can be spotted readily in babies as young as 8 months old.

But the rhetoric and research obscure the central fact:

Almost nothing is actually happening.

TWO MARKETS

As in the past, most programs for very young children are not operated at public expense but by private individuals and groups aiming at two quite separate class parent, buying the stimulation of nursery school, and the low-income parent, buying inexpensive custodial care that allows him or her to work.

The commitment of public money to early childhood education, never overwhelming, is at best no greater than and at worst considerably less than it was three and four years ago.

That is the pattern nationally, and the District of Columbia is no exception.

There are 75,000 children under age 5 in the city today. There are about 9,500 places in licensed day care centers and nursery schools and in the school system's prekindergarten program for 4-year-olds.

Some of the spaces are taken up by middle class youngsters. Many of the rest of the spaces are custodial, some of them mind-dulling, rather than educational.

Child care in the District is a jigsaw puzzle with many pieces missing and most of the rest not fitting right.

NOBODY IN CHARGE

Nobody is in charge—no individual or agency, no one in the school system or in the mayor's office. It is nobody's job to know what is being done, what isn't and what could be.

Programs and center vacancies are not matched with needs and children. There are no cooperative training programs or faculty exchanges. There is little college or university involvement.

One inspector from the department of public health is charged with visiting more than 200 group child care sites in the course of the year. Inspections must be cursory and infrequent, but maybe it doesn't make much difference: The standards the inspector is trying to enforce date from the 1920s.

Much more public money for early childhood education has been promised by the federal government, at least for day care services that would permit welfare parents to work.

HOPES AND PROBLEMS

The promise has kindled old hopes and raised new problems.

Big business, sensing a blue chip future in day care, is waiting on the sidelines. It wants to move in with franchising, mass buying, and cost-efficiency studies, much as it moved into the nursing home business after the passage of Medicare and Medicaid.

The prospect of more money also has intensified infighting between public and private agencies over who will be doing what, how and for whom. The jurisdictional dispute is matched by a theoretical dispute over how it should be done.

Some research says that waiting until a child is 3 or 4 to dose him with early education is waiting too long. Other research dismisses as inefficient programs that aim at developing the "whole child," rather than concentrating on academics. Both findings are largely ignored in practice.

While there are indications that children from federally funded Head Start programs lose their competitive edge soon after entering public school, there are arguments over whether this is an indictment of Head Start or of public school.

An occasional voice warns that early education is being oversold and asks if the care and rearing of small children really should be turned over to Big Government or Big Business, at the expense of the family.

In the meantime, most of the 14,000 6-year-olds and 10,000 5-year-olds entering District first grades and kindergartens each year face a bleak future: By third grade, only one in four will be reading and doing arithmetic as well as the average child nationally.

Most of the District's early education programs are private—profit or nonprofit, with the distinction often a hairline one.

For example, the 5,500 District children 5 years old or younger enrolled in licensed, full-day programs, 4,800 are in private centers. Of the 2,000 children in licensed part-day programs, all but 360 are in private nurseries and preschools.

With few exceptions, private centers aim at one or the other of two quite different markets.

One is the low-income family. Mother is forced to work either to supplement father's salary, or often to support the family herself. She needs a safe, inexpensive place to leave her child during working hours.

The other is the middle- to upper-middle class family, willing and able to buy "the best" for its children at a very early age. This group buys nursery school for its supposed intellectual and social benefits, much as it will later search out music lessons and summer camp.

CLASS IN MANSION

Shortly before 9 a.m., cars begin pulling up in front of National Child Research Center, a rambling, porched brick mansion at 3209 Highland in Cleveland Park. Bought with an acre of land for $21,500 in 1930, the school dominates a neighborhood where a smaller house some doors away sold recently for $180,000.

A staff member standing on the sidewalk opens the car door, greets the parent, and helps out a pint-sized boy in a John-John Kennedy haircut and a college sweatshirt. He walks up the path, says good morning to the school's director, Barbara Jeanne Seabury, on the porch, then disappears inside.

His parents are paying $750 ($680 if he attends the afternoon session) for 2½ hours a day, five days a week, nine months a year of creative play for him under optimum conditions.

CLASS HAS 150 STUDENTS

His class—one of four in the morning and four in the afternoon, adding up to 150 3-to-6-year-olds in all—includes 18 children, two degree holding teachers, and equipment ranging from gerbils and rabbits to paints and clay to books and educational toys.

Each classroom is equipped with a one-way-glass booth, wired for sound, so teachers can observe and evaluate their charges and each other and so parents can watch their offspring in action.

The school serves a snack each day, but shuns the traditional milk-or-juice-plus-cookies fare for a varied menu intended to develop young palates—chili, buttered rice with cinnamon, French toast, potato chips and dip.

The children are frighteningly competent and verbal, with the older ones adept at concentrating on something for an hour or more and at picking up where they left off after an interruption.

Most of the 4-year-olds who want to play house just start playing house. They rough out the game verbally in advance, settling everybody's role and much of the plot. ("No, you be the mother, I'm littler, so I should be the baby." "But you were the baby, now I should be the baby." And so forth.)

Despite a tuition that puts it well out of reach for the $10,000-a-year family, the nonprofit school expects to run $12,000 in the red this year, about 10 per cent of its operating budget. Tuition will go up in September, probably to $825 for both morning and afternoon sessions.

Parents also are expected "if at all possible" to contribute an additional 10 per cent of what they pay for their own child to the school's scholarship fund. Seven of the 150 pupils are on scholarship this year.

EARLY CALLS

Miss Seabury, who is now accepting applications for 1973, says some mothers call from the maternity ward to enroll their child and that the school probably could be filled at twice or three times the present tuition: "Some parents would even like it better if it were more expensive."

But, she says, she and the board of directors are shaken by the prospect of a school more and more limited primarily to children of the white wealthy, interspersed with a few black children on scholarship. The school is considering partial scholarships to bring back some middle income youngsters, and hopes government interest in early education may result in a voucher system that would pay part of the cost for low and middle income children.

Miss Seabury agrees that most of the children her school now serves would do fine without it, and explains that their parents are really buying "insurance." At the same time, the school enriches these children—as it would any child—and while these may need it least, their parents can afford it best.

MORNING DEVOTION

In the basement of Bible Way Church, 1130 New Jersey Ave. NW., the children and adults have sat through their daily hour of TV. Now it is 10 a.m., time for morning devotions—prayer, songs and flag salute.

The children perk up some with the singing—there are a few giggles and some jockeying for position in the rows—then a lapse into near-silence as the daily schedule's one hour of "activities and class" begins.

The 4-and-5-years olds sit around a circular table with an adult who hands out crayons and mimeographed drawings to color in one Sunday-school alcove.

The 3-year-olds sit at a table in another alcove. Their teacher goes around the circle asking each child his name. Three do not know.

NOBODY TALKS

The striking thing about Bible Way Nursery School is that nobody—adult or child—talks. In three hours of observation, the noise level never rose above a subdued and sporadic hum and, with 21 preschoolers present it it was more often nearly silent.

The room in which 32 children (11 were absent) spend up to 11 hours a day is sparsely equipped. There is a rack—beyond the reach of most of the children—holding perhaps two dozen books, most of them of the cheap drugstore variety; some women's magazines; and some encyclopedia brochures.

A play stove, sink and ironing board, with two tin pans, stand against one wall—but there are no empty grocery cans and boxes, let alone dishes, to use in playing with them. A battered rocking swan is the closest thing to a muscle-developing toy; a bead-counting rack is the closest thing to an educational toy.

There are also 15 or so simple band instruments (sticks, bells), two small trucks, two small tractors, two boats, two grimy stuffed animals, two plastic telephones, and a three-cage circus pull-toy. There is a piano, although no one plays it during singing.

The morning schedule calls for breakfast, morning devotion, the hour of TV and an hour of "class" after lunch comes mid-day devotions, and then three hours of naptime. From 3:15 p.m. to 4:30 p.m. is set aside for getting ready to go home ("Put each child's street clothes on to go home"), and from 4:30 to 6 p.m. for going home.

Bible Way charges $15 a week, $19 if the parent wants the child picked up in the morning and taken home at night. District welfare pays $3 a day for five children to attend this center, one of 63 in the District with which welfare contracts in paying all or part of the costs for 882 children.

Not counting transportation, that works out to $780 a year, $30 more than what National Child Research Center charges for its morning program. The difference, of course, is that Bible Way is providing all-day, all-year custodial care. Per hour, Bible Way costs less than a fifth as much as National Child Research.

Pearlie Brown, Bible Way's director, got her job in September after seven months of teaching in another District day care center "like this one except for devotions." She says that she and the three teachers under her have high school educations and that they earn about the minimum wage.

PROFIT POSSIBLE

Mrs. Brown says it is possible to make some profits, even at $15 to $19 a week per child for all-day care. Her ambition is to start up a day care center of her own soon.

Virginia Williams, who inspects all of the District's 200-plus licensed, group day care centers each year—describes Bible Way as "fairly typical, unfortunately" and "not one of the worst." Both Mrs. Williams and Evelyn Shidler, head of welfare's child care division, emphasize that it is much better today than it was one or two years ago. Then, they say, it had even less equipment.

When the two distinct courses in outside-the-home child care began, there were some practical justifications for the differences between them.

The well-to-do mother, who wanted and could afford stimulation for her child, did not work and did not need day care.

The low-income mother who had to work needed day care, could not afford the "extras" of stimulation, had no reason to believe anyone else would afford them for her, and was largely unaware of their importance anyway.

All this has changed now—but the two traditions remain.

[From the Washington Post, Mar. 1, 1971]

HEADSTART: GOVERNMENT DISCOVERS THE CHILD—II

(By Gayle Tunnell)

In the 1960s, big government discovered the small child as surely—although far less expensively—as it discovered the moon and Vietnam. The preschooler wormed his way into State of the Union messages, domestic policy statements, even into the federal budget.

But while the rhetoric accelerated the money set aside for early childhood programs remained stable or declined.

The focal point of government interest in young children seems to be shifting too—from the "develop the child" emphasis of the Great Society days to the "free the mother to work" emphasis of the Nixon administration's proposed welfare reform bill.

Although Head Start today involves only a quarter of the nation's 1.8 million 3- to 6-year-olds from low income families, down from 40 per cent in 1966, it remains by far the federal government's largest single investment "in the first five years of life."

The theory is simple: Providing the "head start" that the upper middle class traditionally has given its children is even more important for the children of poverty, it might solve social problems and prove cheaper in the long run.

In Washington, two "brands" of Head Start are in operation—a full-day, full-year program operated by National Capitol Area Child Day Care Association for 440 children, and Capitol Head Start's full-year, four-hour-a-day program for 360 other children.

Not surprisingly, since Head Start applied the best of the upper-middle class nursery school tradition to low-income children, there are striking parallels between the private National Child Research Center in Cleveland Park and the Head Start centers scattered over far less affluent Washington neighborhoods.

National Child Research has more style, more space, and perhaps a bit more equipment than the low-rent school and church rooms used by Head Start, but there is the same emphasis on creative play rather than formal group learning.

Barbara Jeanne Seabury at National Child Research probably would be comfortable with the philosophy expressed by Virginia Street, education coordinator for National Capitol Area Child Day Care Association:

"If you keep a child comfortable and happy and trusting his teacher, he'll teach himself."

Like those in National Child Research's Cleveland Park mansion. Head Start classrooms have a science corner, a reading corner, a "playing grown-up" corner with sink and stove and dishes and high heels and handbags, and many of the same creative playthings, educational toys, and muscle-developing physical equipment.

Of course, there are differences too. The all-day Head Start program costs the government something over $2.000 a year per child, while the National Child Research program costs the upper-middle class parent from $680 to $750 for 2½ hours a day, nine months a year.

Head Start tries to get two-thirds of each child's nutritional requirements into him during the course of the eight or nine hours a day it has him. It also provides medical care and social work services to its young charges.

Certainly there is a difference in the children, with those at National Child Research far more verbal and far less passive than their Head Start counterparts.

Other differences while small, are telling. Head Start classrooms are routinely equipped with small stretchers for "ambulance play," one of the children's favorite grown-up games. The arrival of the ambulance in the night . . . the crying . . . the talk of what to do . . . the carrying out of the patient—a view of adult-life not shared by the 3 and 4-year-olds in Cleveland Park.

But the clay and finger paints and macaroni collages and Tinkertoys—much of that, and much of the classroom atmosphere, is similar.

Day-long Head Start and National Child Research share another distinction. Both have a high degree of parent involvement. Never mind that it is carefully nurtured in Head Start and almost inevitable in Cleveland Park.

Mothers, and an occasional father, are in and out of National Child Research Center's one-way-glass observation booths all week long, and community members' and parents' areas of expertise are sometimes called on for staff training.

When asked how involved her Cleveland Park parents are with the school, Miss Seabury is first incredulous, then amused and then serious.

"They're up tighter than I'd like them to be," she admits. "I can't think when a parent last simply said to me, 'I enjoy my child.' It's usually, 'What do you think of the Suzuki method?' or 'Where can I find a good music appreciation teacher for my child?' "

Close cooperation between parent and school is regarded as very important by everyone in early childhood education. And while involvement is typical of the middle- and upper-middle income parent, it is usually hard to come by with low-income mothers who have little spare time and may be overwhelmed simply by the practical difficulties of getting through the day or week.

Each day-care center operated by the National Capitol area has a parent advisory committee that is active and, according to Mrs. Street, interviews and selects the center's director and teachers from a pool of applicants screened by headquarters.

Until Head Start came along in 1965, almost all early childhood education programs were provided by private groups and individuals, profits or nonprofit. Such programs, still dominant today, cater to the historically different but fast-blurring needs of two quite different sets of parents.

Day care was for the low-income parent, who had to work. It operated from early morning to evening. but—to make working worthwhile—it had to be cheap. It boiled down to day-long custodial care.

Nursery school was for the well-off parent who didn't work. It operated for a few hours a day, and it offered social and intellectual stimulation—or perhaps status and a free pass into private schools—to the parent who could afford "the best" for his child.

The great significance of Head Start probably does not lie in numbers of children served or numbers of dollars spent or even in "proofs" of what it has or has not accomplished, although all these are important.

What Head Start did was take the best of the upper-middle-class nursery school tradition and apply it to the low-income child—and this, on a significant scale, was nothing less than revolutionary.

In the past, the flow has always been the other way. On those rare occasions when a stimulating program was developed for the culturally deprived child, the program was quickly transferred instead to the child whose parents could afford it. The classic example is the Montessori method, pioneered in the Italian slums but practiced in the American suburbs.

Even today, hardly any program that aims at social and intellectual development of the child operates during hours that permit the parent to work. This is true of most nursery schools and of public schools for 4-year-olds, as well as most Head Start.

On the other hand, requirements for day-care licensing often concern themselves wholly or mostly with providing a safe, custodial environment, rather than with education.

But despite all the talk in high places about the importance of early education, Head Start enrolled 471,000 youngsters this year, the same that it enrolled last year and the same that it expects to enroll next year.

Enrollment in federally subsidized pre-school and kindergarten programs operated by public school systems has also stalled at 342,000 children for each of the past three years.

During 1966–1969, Head Start enrollment hovered around 700,000. Much of the decline reflects the conversion of some summer Head Start programs to year-round programs, with the result that fewer children are served for longer periods.

Declining or stable budgets in years of steeply rising costs have taken their toll. Spending for Head Start reached 1967 levels ($347 million) this year, when $360 million was allotted, up from the $339 million proposed in President Nixon's budget.

In the District, both Head Start programs and the public schools' preschool programs have felt the effects of federal budget cuts.

The only kind of federally supported early education program that is expanding locally is paid for by model cities money. Model cities now has 160 children in day care, with another 50 being added next month; 90 other children receive after-school care.

The federal government's involvement with the very young child, begun to provide early education for the disadvantaged child as a matter of social policy, today emphasizes day care so that welfare mothers can take job training and go to work.

The new focus began with amendments to the Social Security Act passed by Congress in 1967. Federal support for this kind of mother—and manpower—oriented day care has been rising with funds channeled through state welfare departments

In theory, such day care takes place in centers that meet federal regulations as to program, staff and so forth. In fact, an unknown number of these children are in centers that are largely or wholly custodial rather than educational. Others are in centers for a matter of only a few months, too brief a time to affect them much, regardless of center quality.

President Nixon's proposed welfare reform bill would replace some existing program of this type with day care for an estimated 450,000 children of welfare recipients in its first year. Again, the proposal is basically job-oriented, with day care a supportive measure.

[From the Washington Post, Mar. 2, 1971]

DAY CARE TECHNOLOGY: GROWING FIELD—III

(By Gayle Tunnell)

Serve preplanned, prepackaged lunches like those used by airlines in a daycare center, and there is no need for a fully equipped kitchen.

Or a cook. Or an automatic dishwasher. Or the part-time help to run it.

All that is really needed is a food preparation room with freezer space for a week's worth of lunches and oven space for a day's worth, and a food disposal room with bins big enough to absorb the day's disposable paper and plastic cups, plates, spoons, bowls and forks.

Each child may be fed a hot, nutritionally balanced lunch for 40 cents a day, compared with 65 cents to have it catered and even more if the school prepares it.

So reports Joyce Manes, president of Edufax, Inc., a fledgling, wholly owned subsidiary of Listfax, Inc., a 3-year-old information systems company, with offices at 1028 Connecticut Avenue NW.

Edufax itself is still very small: a matter of a year-old pilot day-care center in Silver Spring and a second center just getting under way in the District, plus negotiations for centers in perhaps a half-dozen other communities around the country.

But what Edufax represents—American business and all that that implies—is very big. Edufax is only one of dozens of firms either in or about to get into, what they see as a great growth field for the future: day care.

Mrs. Manes said her business is aimed at helping others start a high-quality, low-cost day-care center, without having to "reinvent the wheel." Once a center is operating Edufax will withdraw from day-to-day operation, but will provide continuing technical assistance—research, computerized record-keeping, mass buying of certain equipment and so forth.

Prospective clients include individuals, community of church groups, labor unions or businesses or—especially—agencies dispensing contracts for day care at government expense.

According to Mrs. Manes, for $30 to $35 a week per child (depending on costs in a given community and the hours the center is open), she can provide the child with a high-quality developmental program; the operator with a 12 to 15 per cent profit, and Edufax with a blue chip future.

When big business looks at the early education—day care field, it sees an overwhelming demand, largely unmet by existing supply.

The demand is represented by two American stereotypes—the working woman and the silent majority.

Half of the mothers of school-age children and one-third with children under school age now work at least part time, an eightfold increase since the beginning of World War II.

Working mothers fall into two main categories: those who work mostly because they want to (to use their education or skills or creativity) and those who work mostly because they have to (to supplement their husband's income, to support a fatherless family, stay off welfare).

Both groups are demanding the same thing for their children—safe, day-long care and an enriching program.

The comparatively well-off mother who chooses to work is tired of the hassle of hiring a housekeeper, at $70-a-week or more; of then feeling guilty at leaving her child in the housekeeper's company all day; and of finally sending the child to nursery school for a few hours a day to supplement the housekeeper, at $500 or $750 or $1,000 more a year.

SECOND BEST

The low-income mother who must work is tired of seeing her children get second best, or worse, simply because she can't afford any more.

Meanwhile the silent majority—the 60 percent or so of all Americans between the well-to-do, who can afford nursery school, and the quite poor, who can qualify for Head Start—hears about research on early childhood and asks, "What about my child?"

This question and the demands of working women are translated into the widely held belief, within both government and the business community, that affordable early education for everyone is an idea whose time has come.

Big business believes it can use cost-accounting, franchising, central support services, mass buying, modern technology and time-and-motion studies to provide high-quality day care and early education more cheaply than big government has been able to do.

It also believes that public pressure for child care will produce much more public money to pay for it—the entire cost for the poor, and part of it, under some sort of sliding scale or voucher system, for part of middle America.

Big business is ready and waiting in the wings.

In the basement of Emery School, Lincoln Road and S Street NE, Big Business is getting its first chance in the District to show that it can operate a high-quality day-care center more efficiently and less expensively than big government has been able to do.

Even in its current unjelled state—renovations still under way, supplies and equipment still coming in—the Emery center has a certain businesslike aura.

Like corporate planners where it will cut down on employees' lounging, Edufax is locating the toilets so that the tots will have to walk through the "academic" room—and hopefully be lured into the mainline learning activities there—to get to them.

And instead of handing each child a standard half-pint carton of milk and a straw for lunch, Emery gives the child a small paper cup and has him pour his own, refilling as often as he likes. Someone has figured out that it's a rare 3 or 4-year-old who can down eight ounces of milk at a sitting. As a result, the center gets along with an average of one half-pint per child for both lunch and snack, with almost no waste.

EMOTIONAL REACTION

The prospect of big business involvement in day care and early childhood education produces an emotional reaction in nearly everyone traditionally associated with the field.

Some organizations and individuals—the Child Welfare League of America is one—are working to document suspicions with respect to specific plans or activities by specific firms in the child care field.

Mary Ann Banta, director of the Edufax center at Emery school and a Montessori-trained teacher with six years' experience in mostly suburban preschools, said that she had some qualms about the implications of big business in child care.

Before taking her salaried job with Edufax, she satisfied herself that the blueprint allowed freedom for differences from center to center and that the corporation was not in the business of manufacturing its own supplies and equipment.

"I don't find any less concern about children than there is, for instance, in the school system," she said. "I've been to many a faculty meeting where children weren't even mentioned.

"There is a different approach in the business world. So many of the things we assumed were unsolvable aren't . . . I think whether we like it or not, business has discovered education."

DAY CARE PROBLEM: WHO'S IN CHARGE?—IV

(By Gayle Tunnell)

Addie Golden begins her day before 7 a.m., when she drives the Park Terrace Nursery School bus to pick up her charges. If she is lucky, her day ends a little after 6 p.m.

She does many things that are rare in day-care centers that are inexpensive enough for the working poor and welfare mothers who are her customers.

She takes her children on field trips every Wednesday, to the duck pond or the public library or to see a department store Santa. She has bought lots of equipment out of what could have been profits—including a World Book Encyclopedia.

Two years ago, when a free training program for day-care operators was offered on five consecutive Saturdays, Mrs. Golden went to all but one held on a week-end she had to be out of town.

She says that no one has helped her before or since, adding wistfully that when she worked in a center in North Carolina, local college students sometimes came to read stories and help her put shoes and boots on the children.

Mrs. Golden struggles along on her own. So does nearly everybody else in the District involved with preschool or day care.

Nobody in the District is putting it all together.

Nobody is in charge.

Not the public schools, nor the mayor's office nor City Council. Not city welfare, not the public health department, not even an agency funded by the federal government to do just this.

In July, 1969, the District school board committed itself to early education, voting to extend public schools downward to include the city's 4-year-olds.

The 4-year-olds in Mrs. Golden's center are among the 85 per cent or more that the school system hasn't got around to reaching and shows no signs of reaching soon.

Still, no one in the school system is helping Mrs. Golden develop, let alone pay for, the kind of educational program the schools' contend these children need.

Mrs. Golden receives $15 a week for each of the 12 children in her center whose mothers are on welfare—$3 less per week than the mothers of the other 16 children pay.

Ironically if Mrs. Golden made enough money to hire a director with a degree in early childhood education and teachers with some college education, welfare might pay her $22.50 a week per child. This is what it pays centers that meet federal standards for staff, program and equipment.

JUST A GLIMPSE

Mrs. Golden is likely to get one glimpse of the District health department's inspector in the course of the year—but only a glimpse.

The inspector, Virginia Williams, is charged with visiting the city's 200 centers to renew annual permits. She must also file written reports, investigate applications to open centers, and follow up any complaints.

Although she is an early childhood specialist and presumably could give some good advice, she barely has time for the mere mechanics.

Then there is Community Coordinated Child Care, known as 4Cs, which was created by the federal government two years ago to coordinate public and private day-care and pre-school efforts in the District.

As a coordinating effort, 4Cs remains at a primitive stage. There is not even a record at its office, for example, of how many day-care centers and preschools there are in the District, let alone how many children each enrolls, what kind of program each offers, how much each charges, what centers have vacancies, and other basic information.

NO TRAINING PROGRAMS

Although 4Cs was involved in the training program Mrs. Golden attended two years ago, the only effort of this kind anyone can remember, it offers no training program now. It does not serve as a clearinghouse for putting a center or school with a problem in touch with another that might have a solution.

Mrs. Golden, as she knows full well, is on her own. Other operators in the District are on their own too, many of them trying a lot less hard and doing a lot less well for their children than she is.

The 4Cs has been hampered by turnovers on its board and a limited staff. And by something else, too: Mutual distrust and antagonism among the agencies and operators. Much of it boils down to a long-standing fight between private operators, especially profit-making private operators, and publicly funded programs.

Private operators tend to view public program officials as arrogant newcomers who don't know what they are talking about, who are shielded by government handouts from the realities of the marketplace and who are determined to put them out of business by insisting on standards that maybe the government can afford but that their customers cannot.

For their part, public officials—when they mention private operators at all—often imply that most are ignorant or greedy or worse.

FRICTION HAMPERS

The friction has shackled efforts to coordinate child care in most communities over the past five years.

"Everybody wants to knock down the private centers," says Charles Davenport, president of the Nursery School Administrators Association, a kind of mutual protection society formed by 45 of the District's private operators.

"They say of private centers, 'They do it for profit. They're watering the milk . . .' There are substandard facilities in (government) funded programs too—and many more than you would think.

"I don't understand this. The private centers aren't a threat to the funded ones. The funded ones are a threat to us."

STICKING POINTS

Two years ago, 4Cs was asked by the city to develop new licensing standards for District child-care centers.

This assignment bogged down in public and private differences on what was essential to a good program, and it inflamed private operators' fears that they would be priced out of the market and forced to close.

Major sticking points were proposals that specific educational backgrounds be required of center directors and staff and that the adult-child ratio permitted in centers, now 1 to 10, be reduced.

In recent weeks, representatives of public and private operations on the 4Cs standards committee and governing board have apparently reached agreement, not yet official or public, on these questions. Once the 4Cs board adopts them, the proposed changes will be submitted to the City Council, probably in the next few months.

CHANGE OVERDUE

Few would argue that some sort of change in licensing procedures is overdue in the District.

Madeline Jolley, chief of the department of public health's community standards division, says the situation is "shameful." One of her two assistants, Virginia Williams, who visits each of the District's more than 200 licensed group centers at least once a year, adds:

"You almost hope that at least the people don't beat the kids. There is very little you can do."

Licensing requirements, developed in 1924 and changed in only minor respects since (the last change was in 1963), deal with strictly custodial considerations—enough space, adequate health precautions, hot lunches, individual sleeping cots. They do not require any educational or recreational program for the child, nor do they require any special qualifications (other than "good moral character") of the staff.

And while the total number of licensed day-care centers and preschools has mushroomed from 96 in 1953 to 209 in 1969, the staff expected to enforce what standards exist is exactly the same: One child care specialist, Mrs. Williams.

As it did decades ago, the community standards division today consists of one chief, two child-care specialists (Mrs. Williams' colleague shares responsibility for licensed foster families with welfare and with the Family and Child Services Agency) and two clerks.

CLEARS $100 IN GOOD WEEK

Back at Park Terrace Nursery School, 5111 Fitch St. SE, Mrs. Golden and her two assistants and her 28 children begin the routines of a new day.

In a good week, she says, she clears about $100. In a bad one, about $50.

"I think if I didn't love them I'd go out and get myself a job."

The children are buoyant, friendly and noisy. Naps are not the long, drawn-out affairs that Mrs. Williams of the health department says are characteristic of centers that either can't be bothered with the children or don't know what to do with them awake. Here they run from about 1:30 to a little before 3.

"It's a full-time job in nursery school just to help the children understand about life," Mrs. Golden says.

"What I'd really like to do is go out in the neighborhood and work with neglected kids, the ones you talk to and they say, 'No one likes us. No one cares.' They're 5 or 7 years old and already they're bitter."

Early Education Issue: Is Nursery Care Enough?

(By Gayle Tunnell)

A handful of 5-year-olds stand in front of a wall chart showing five houses, each with a long winding path leading into it. The houses arc marked "a," "e," "i," "o," and "u."

"Who can walk the path into the 'a' house?" asks the teacher.

The child reads the words written on the path—at, cat, rat, rabbit, hat, mat, man, band, bat, mad, bar, ran and sat—with confidence, stumbling only on "bar" but promptly getting bailed out by another 5-year-old.

The scene is Tots Nursery School Inc., 1317 Shepherd Street NW, one of the few District day care centers that emphasizes formal, academic learning at an early age. According to the school's director, Tots routinely turns out prospective first graders who are ready to read and write and do arithmetic like second graders.

The emphasis on structured, academic learning at Tots is on the cutting edge of a growing debate within the field of early education.

Is it enough just to take the traditional upper-middle-class nursery school program and apply it to the low-income child, then sit back and expect that child to "catch up"?

More and more researchers are saying no. They say the low-income 3-year-old is already far behind his middle-class counterpart and that he must work hard and long to catch up. No relaxed, free play program for him. He has no time to lose.

Other research on early childhood education supports hypotheses that are largely ignored in practice, in the District and elsewhere.

There is growing evidence, for example, that waiting until a child is 3 or 4 to dose him with early education is waiting much too long, that the time to get him is in the cradle or when he's just beginning to speak.

Still other findings suggest that aiming at the child at all is like trying to walk uphill with weights on, that the thing to do is teach the child's parents. Compared to the influence of a parent, these studies indicate, a school or center or tutor pales into insignificance.

DO WE WANT IT?

Behind all the "how do we do it?" debate is an even more basic question: Do we really want to do it at all?

In all the hullabaloo about day care and preschool, a few voices warn that early childhood education is being oversold, that it cannot and will not accomplish all that is hoped for it, and that it could prove dangerous as well as disillusioning.

One of these voices belongs to Earl S. Schaefer, chief of early education research in the Center for Study of Child and Family Mental Health, associated with the National Institute of Mental Health in Bethesda.

Believing that "the professionalization of child care may be as bad as the professionalization of sex," Schaefer shakes his head and wonders aloud:

"How is it that just when it appears that the schools are failing as institutions and many collapse, all we can think of to do is extend school—at the top (open admissions policies in colleges) and at the bottom (day care and preschool)?

"I'm concerned about a society in which people do not take the initiative and accept responsibility for themselves and their children. Rearing children is part of being human."

ORIENTATION KEPT

The District's large-scale efforts to prevent educational deprivation later on—the public school's kindergarten and pre-school programs and Head Start—retain the "whole child" orientation of the middle-class nursery school tradition.

No one contends that children do not develop, intellectually as well as socially and physically, by being put into what boils down to a free play situation, surrounded by a rich assortment of educational games and toys and subtly guided by teachers.

But there is research suggesting that children develop more, and more permanently (intellectually, at least) under more direct tutelage, and that teaching 4- and 5-year-olds to read and do arithmetic may give them a more efficient "head start" than will teaching them reading and arithmetic "readiness."

PRESSURE COOKER

A few preschools around the country have gotten impressive early results in a kind of "pressure cooker" academic environment with teachers asking tots as many as 20 questions a minute. The children are encouraged to regard classes as "work sessions" and "workmanlike behavior" (paying attention, sitting up straight, answering questions regularly) is systematically rewarded with praise and cookies.

National Head Start administrators are now embarked on a research project to try and settle what method of teaching disadvantaged children is most effective. Called "Planned Variation," the effort involves at least eight different teaching methods, most of them much more "academic" in emphasis than most Head Start plans operating now.

In the District, a center just getting under way at Emery School and operated by Edufax, Inc., intends to teach children aged 3 to 5 reading and arithmetic, rather than just "readiness" to learn these skills. A special sequence of materials built around a 44-character phonetic alphabet will be used.

Otherwise, it is necessary to look to Tots, a center serving the sons and daughters of the black middle class, particularly the children of District schoolteachers.

NO CHANCE TO PLAY

"I want my children to compete equally with all children, even if they're green," says Charles Davenport, the Tots director. "The time when nursery school was a place to pay is over."

Davenport explains that he, like most District black people, grew up under a segregated system. Now that more than token integration has arrived, black children must compete directly with white children "who have 100 years or more of nursery school behind them."

Davenport sees himself as helping to even up the odds. He agrees that the strong education emphasis at Tots is a prime selling point with the black professionals he serves.

The atmosphere is more school-like than that in any other center or school visited, including preschool and kindergarten operated by the public system. Teacher-directed activity is the rule, rather than the exception; children begin learning consonant sounds at 3, can all write their names by 4, and are assigned both reading and arithmetic books by 5.

A mother arrives to collect her daughter from Mrs. Davenport's group, which is calling out, then writing, then reading words containing the "a" sound.

GOING FOR EXAM

The daughter is leaving to take an exam to enter private school in the fall. Fewer than half of Tots' 6-year-olds go on to Davenport warns parents, they may have problems adjusting.

Mother and teacher have a hurried, whispered conference about what to say to give her confidence.

"We have to show how smart we are at Tots," mother explains to the other 5-year-olds as she brushes her daughter's hair. "Good luck," they chorus as their classmate leaves.

Research suggesting that children can accept a mainline academic program at a much earlier age than formerly thought is overshadowed by what may be an even more important finding, however.

That is that waiting until a child is 5 or 4 or even 3 to "inoculate" him with early education is waiting far too long, that he needs such education while still in diapers, perhaps soon after birth.

Four years ago, Schaefer, the psychologist with the National Institute of Mental Health, began using college graduates with some special training to tutor low-income toddlers in Cardozo for four hours a week, beginning at age 15 months.

The tutored group was compared with a control group from a slightly more affluent neighborhood in Northeast Washington who received no tutoring.

At age 3, when the tutoring stopped, the tutored group had an average IQ that was 17 points higher than the non-tutored group, and it looked like Schaefer was on to something big.

Then came the complications. By age 4, the gap between the tutored and untutored bad narrowed to 10 points. By age 5, to five points.

FINDING PREVALENT

This kind of research finding—spectacular early results that peter out after a few years is prevalent in early childhood education. The most notable example is Head Start, where gains in 4- and 5-year-olds seem to fade away until it becomes impossible to tell Head Start alumni from other first and second graders in terms of achievement.

Some skeptics interpret this to mean that early education isn't all that it's cracked up to be. They suggest that early education, at great cost and effort, simply teaches children things that they would pick up later on their own, anyway.

Others say the gains are real and important and perhaps unduplicatable later on, when the child is older. But, they say, it is naive to suppose that the gains can be sustained forever when the child is shunted into a society that doesn't follow up on his special training.

EXAMPLE CITED

For his part Schaefer has concluded that "a brief, child-centered tutoring program will have minimal effect in the long run."

He points to the work of P. Levenstein, an early childhood researcher, who visited the parents of his small subjects an average of 32 times over a seven-month period. He left 28 different books and toys with the parents, explaining how they were used and urging the parents to use them in playing with the children.

When he tested the experimental group against a control group, a 17-point IQ gap had opened up. In other words, Levenstein got the exact result Schaefer did, only much easier, by concentrating on the parent rather than on the child. Schaefer's result took 21 months, not seven; more than 300 hours of tutoring per child instead of 32 conferences with parents; and cost of more than $2,000 per year per child.

The moral, according to Schaefer, is that the family—not the school or day care center or tutor—holds the key to the child's development.

$7 TO $70 FOR FAMILY

"But what are we doing about the family? The day care budgets I've seen all spend about $2,000 a year per child and anywhere from $7 to $70 of this—and usually less than $20—is spent on involving the parents."

Schaefer and others believe that expanding knowledge about the first years of life should be used not to teach the child, but to teach the child's parents how to do a better job of rearing him for maximum development.

They reason that once one generation of parents is taught more sophisticated child-rearing techniques, the job would be done. The techniques would be absorbed into the culture, since parents tend to rear their children much as they themselves were.

ARTHUR GODFREY'S OPPOSITION TO THE SST

Mr. ALLOTT. Mr. President, we have recently heard from Mr. Arthur Godfrey, an entertainer, concerning why we should not build an SST. Recently I was among a number of Senators and Representatives who received a letter from Mr. Godfrey outlining his views.

His opposition to the SST seems to involve three points.

First. We should not build an SST because Arthur Godfrey does not feel people need to travel fast.

Second. We should not build an SST because it would benefit civilians more directly than it would benefit the military.

Third. We should not build an SST because it might be used by some "rich slobs"—the words are Mr. Godfrey's.

Without pausing to explore the planted axioms which prop up Mr. Godfrey's rickety reasoning, I want to share with the Senate a reply sent to Mr. Godfrey by the original recipient of Mr. Godfrey's letter—Mr. James H. Straubel, executive director of the Air Force Association.

So that all Senators may ponder this exchange, I ask unanimous consent that Mr. Godfrey's and Mr. Straubel's letters be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

New York, N.Y.,
March 4, 1971.

Mr. James H. Straubel,
Air Force Association,
Washington, D.C.

Dear Jim: It is with sincere regret that I feel obliged to write this letter. I am just in receipt of your memo of February 22 describing the position of the AFA with regard to the SST.

As Chairman of the Coalition Against the SST, I am scheduled to testify before the Senate Committee on Wednesday, March 10. Regrettably, I find this affiliation conflicts with the position taken by the AFA.

Let me say this: If the SST were being developed by the Air Force strictly for military purposes, I would be the first to support it. But it isn't. It is proposed only as a commercial, civilian vehicle which we need in this world about as much as we need another load of those rocks from the moon. I am unalterably opposed to it not only because it adds to the pollution of the ecosphere, however slightly, but principally because at a time when so many other things should take unchallenged priority, this industrial play toy becomes something akin to an obscenity. Who in the hell needs to get wherever it's going so damn fast? To transport military personnel and logistics would be one thing, but to accommodate some rich "jet set" slobs who want to get to their aperitifs in Paris in half the time is ridiculous.

Not only that, but the airlines are admittedly already over expanded and in serious trouble and I'm doing everything I can to help alleviate that situation. I cannot speak for them officially, of course, but I'll bet you a plate of beans that they hope they'll never live to see it!

Sorry, Jim, but you just lost me.

Regretfully,

Godfrey.

Air Force Association,
Washington, D.C., March 16, 1971.

Mr. Arthur Godfrey,
New York, N.Y.

Dear Arthur: Your letter of March 4 on the SST, in response to our memo of February 22 on this subject, has been received. I respect you for expressing your views. Copies of your letter, I note, were sent to 21 distinguished Members of the Congress. I feel obliged, therefore, to send copies of this letter to them.

First off, you would go for a military SST, as I know you would, but you oppose this projected investment in advanced aeronautical technology for civilian purposes. I'm surprised at that. We seem quite willing to invest in military vehicles which become civilian airliners—to a great degree, at taxpayers' expense. So what's the big deal about reversing the process? Every major advance in technology strengthens our military posture. Let's not lose any advance we can get. The other team isn't sitting on its slide rules.

At issue are two, that's all, two prototypes of an advanced flying machine. For God's sake, let's get them and wring them out, for everybody's gain. That's all we ask.

And if I thought the SST program would do nothing more, as you put it, than "accommodate some rich 'jet set' slobs," en route to Paris, I'd be the first to oppose the program. But who rides the jets today? A Time Magazine survey of 3,000,000 international air travelers tells us that one-third of them have "household incomes" (total family incomes) of less than $10,000 a year. And 58 percent of them have "household incomes" of less than $15,000 a year. Hardly "rich 'jet set' slobs." And, Arthur, experience tells us that same thing will happen in supersonic travel. The question is—under whose flag?

Sure, the airlines are in bad times, right now. But, I repeat, this is an R&D issue. Two prototypes. That's all. And I have seen letters from the presidents of 12 airlines (Pan Am, American, TWA, Eastern, etc.) that say the airlines fully support the pending legislation. Unless they're lying through their teeth, which I choose not to believe, they want to see two prototypes of an American SST.

You ended your letter on a sad note, sad to me, at least. "You just lost me," you said. Arthur, I hope not. We can't afford to lose you—and, of all things, not for two prototypes of a new flying machine. Not in the face of Jimmy Doolittle's comment, which I believe in, namely: "the SST, of course, is a civilian project, but that's not the important point. In this day and age, any vote against advanced technology is a vote against military preparedness . . ."

Arthur, we just can't lose you on those terms.

Best regards,

James H. Straubel.

ECONOMIC OPPORTUNITY ACT

Mr. MONDALE. Mr. President, I am happy to cosponsor the bill to extend the Economic Opportunity Act for 2 years, and to express my strong support for the Office of Economic Opportunity. I welcome the administration's endorsement of this action.

I think that OEO has made substantial progress in the difficult struggle against the grinding dehumanization of poverty.

We have made a good start, but the job is nowhere near done. If we do not continue to build on the base already established, we will not just stand still, we will lose the hard-fought advantages we have gained. Therefore we must commit ourselves to continuing the authorization for OEO and its programs. Having done that, we can act to strengthen the war on poverty.

I am also introducing today, with the bipartisan support of a number of Senators, an amendment to the Economic Opportunity Act to create a nonprofit National Legal Services Corp. By improving the operation of the Legal Services program, we believe that the goals of the Economic Opportunity Act can be more effectively achieved.

In the near future, I shall offer another amendment to the Economic Opportunity Act to expand and strengthen child development programs. This amendment will be a significantly improved version of a similar child development measure which I introduced in the last Congress. This will also make the Economic Opportunity Act a more effective weapon in the battle against poverty.

In short, I support the extension of the Economic Opportunity Act because it continues work that is vital to our Nation's economic, social, and moral wellbeing. We all know that OEO is not perfect. Experience has taught us a number of lessons, and I hope we will be prudent enough to act with dispatch to correct deficiencies and improve effectiveness wherever possible. Above all, though, we must stand firm in our resolve to continue and expand our efforts to bring full human dignity to all Americans.

DAIRY PRICE SUPPORT LEVEL

Mr. HUGHES. Mr. President, American dairy farmers have been going out of business at a record rate. This has been happening despite the fact that milk and dairy products are the best source of life and vitality giving nutrients so badly needed by hungry people in America and in the world.

Secretary of Agriculture Hardin announced last Friday that the dairy price support level would remain at $4.66. Last April, the Secretary set the dairy price supports at $4.66 per hundred weight of milk. At that time, the dollar value amounted to 85 percent of parity. During the year, increasing farm costs caused it to drop to 80 percent of parity. At the present rate of $4.66 per hundred weight and if present trends continue, by April 1, 1972, dairy supports would be as low as 75 percent of parity.

The Senator from Wisconsin (Mr. Nelson) has introduced, and I am cosponsoring, a bill, S. 1277, to provide that dairy price supports for the next dairy marketing year beginning April 1, 1971, be not less than 85 percent of parity. This would increase the support level from $4.66 per hundred weight to close to $5. It is important that this legislation be passed. It would merely retain the support level at the same percentage as was established a year ago—85 percent. Also, the present dairy pay prices to farmers are above the projected support level of 85 percent of parity. If the support prices are not increased from the present $4.66, it is expected that milk prices will drop sharply. This could mean the loss of from $3 to $5 million in farm income during the next year. At a time when our national economy is suffering from cutbacks and unemployment and farm incomes have been steadily decreasing, a further drop in farm income will seriously affect rural Iowans and the cities and towns whose economy is directly affected by farm incomes. This legislation is necessary to protect the dairy farmer and provide him an opportunity for a more equitable return on his investment.

THE JAPANESE TEXTILE AGREEMENT

Mr. MONDALE. Mr. President, I was deeply disappointed last week when the President categorically refused to accept what I believe to have been a generous and even courageous offer on the part of the Japanese textile industry to voluntarily limit their exports of textile products into the United States.

I believe that there are, in fact, serious problems in international trade, and that the American worker is understandably and often rightfully fearful of a continued loss of American jobs in certain sectors of our industry.

However, as long as these extraordinarily complex and profound problems remain subservient to the politically motivated clamor for legislated textile quotas, we will continue to remain at an impasse, unable to look forward in responsible fashion to the solution of the real problems.

The unilateral agreement from the Japanese industry was a brilliant truimph for Chairman Mills of the House Ways and Means Committee. Surely no one in the Congress, and quite possibly no one in Washington, is so thoroughly versed on the promises and problems of our international trade situation.

He knows full well the fears of the workingman. He understands the changing nature of international competition which has, indeed, rendered irrelevant some of our textbook allegiance to the pure concepts of "free trade" and "comparative advantage." And Mr. Mills is as aware as any man of our experiences in the 1960—the great benefits from the expansion of world trade brought on by the Kennedy round together with the increasing evidence that our leadership has often been a lonely one in seeking expanded trade through a reduction in trade barriers.

Yet Mr. Mills knows, too, the futility of bestowing a great governmental subsidy in the form of legislated import quotas on one industry alone—especially when that one industry, by virtually every meaningful measurement of injury due to imports, has not begun to make a credible case.

Last year, the employment decline in all manufacturing, from December to December, was 6.3 percent—a great national tragedy, but a direct result of the administration's recessionary game plan. In the durable goods category, in fact, employment declined by a phenomenal 8.8 percent.

The decline in textile employment was about 3.6 percent—4.5 percent in textile mill products and 2.3 percent in apparel and other textiles—hardly evidence of unemployment directly attributable to imports in light of the overall recessionary unemployment.

The average monthly unemployment in 1970 for all manufacturing declined 3.9 percent from the preceding year. And by this measure as well, textiles were less affected by the recession than industry as a whole, suffering a 3.4-percent decline in textile mill employment and a 1.9-percent decline in apparel employment.

Surely these declines are cause for great alarm and concern. But to look to the Japanese for a scapegoat—for what is basically a catastrophe in domestic economic policies—is misleading and counterproductive.

What the textile lobby has complained most about in their quest for special congressional treatment is import penetration. I do not deny that penetration in manmade fibers has increased quite rapidly from a very low base of only a few years ago. But to equate either a penetration rate or a percentage of imports over domestic consumption as injury is to open the door for a flood of protectionism such as this country has never seen.

This is the basis for Mr. Mills warning that:

> I cannot understand how under any circumstances a statutory proposal for the protection of a single industry can be developed which is exclusive of consideration of statutory programs for other affected industries.

Mr. President, how can I accept this case for statutory quotas on textiles when literally dozens of other industries are experiencing far greater penetration than textiles?

Do I urge quotas on automobiles, iron ore, bicycles, hides, tobacco, sewing machines, clocks, and all other products where imports constitute a greater percentage of consumption than for textiles? Or do I say to them how unfortunate it is that they were not in a position to have cut a political deal with this administration?

Mr. President, let us look at the facts of domestic penetration. As reported in the Ways and Means Committee print of June, 1970, the ratio of imports to consumption in manmade fibers was 4.6 percent in 1969.

Here is where the clamor lies—a penetration of less than 5 percent in the category which the textiles industry claims was being taken over by a flood of foreign imports.

Mr. President, let us compare this penetration with a number of other categories of goods where other nations are competitive with our own producers. This list is by no means complete, but I would ask Senators if they would care to erect statutory quotas on each of these goods—or to justify how we can eliminate foreign competition in textiles only.

Ratio of imports over domestic consumption, 1969

	Percent
Man-made fibers	4.6
Steel mill products	13.7
Paper industry machinery	7.7
Ceramic mosaic and wall tile	38.0
New passenger cars	19.0
Lead	54.0
Zinc	54.0
Stainless steel flatware	49.4
Crude petroleum	13.0
Fish	80.0
Mink skins	46.0
Clocks	21.0
Bicycles	29.0
Tobacco	36.0
Iron ore	32.5
Household glassware	40.4
Bauxite	87.0
Chrome ore	100.0
Mercury	40.0
Wood screws	58.0
Nails	44.6
Sewing machines	58.0
Calculating machines	60.0
Wigs	79.0
Microphones, loudspeakers	20.0
T.V. receivers; T.V.-radio-phono comb.	30.0
Tape recorders, dictation machines	64.0
Baseball gloves	92.0

The tragedy, which I feel deeply and personally, is that many of us with an enormous sense of concern for the plight of the working man have been put into the position of fighting against these totally unjustified legislated quotas while the real problems have gone unattended. And the working man, suffering under a full scale recession, has had his understandable fears and frustrations exploited for political gain while the failure of our domestic economy and the complex problems of international trade remain virtually untouched.

Recently I joined with the Senator from Oklahoma (Mr. HARRIS), the Senator from New York (Mr. JAVITS), and six other Senators in introducing S. 834, the International Trade Act of 1971. None of us presents this bill as the final answer to the problems I have outlined. But it does attempt to move us toward an expansion of trade together with improved mechanisms to preserve and protect the legitimate interests of American workers, farmers, and businessmen. Our measure does liberalize the escape clause, improve and increase adjustment assistance, and increase the President's authority to retaliate against unfair competition from abroad. But the thrust of this kind of legislation, which I believe to be both responsive and responsible, stands no chance even of consideration as long as the President holds progressive trade policies hostage to quotas on textiles.

Chairman MILLS saw this problem and took the single step which afforded a way out of this impasse—a step which promises fair relief to the textile industry and a generous way out of the President's self-imposed dilemma.

In light of the true situation within the textile industry; in light of the obvious impossibility of legislating quotas for textile only, in light of the international trade war which lies just across the brink of congressionally imposed quotas; and in light of the great need to move beyond the phony issue of textile quotas into the real problems of multinationalism and the export of technology and capital, the Japanese agreement is an opportunity which deserves the fullest measure of support.

Its rejection by the President marks the beginning of a new round, I am afraid, of congressional trade wars in which the real problems will continue to go unsolved while the President plays out this tiresome and dangerous round of the Southern strategy.

Mr. MILLS apparently looked at 2 years of futile—indeed, monstrously inept—negotiations on the part of this administration and recognized that our administration would never formally agree to anything short of total capitulation by the other side. No agreement in any sense of a fair compromise was possible while our side labored under the thumb of our textile lobby. The result of the administration's position was to render impossible any negotiated settlement while unfairly keeping alive the hopes of the textile industry for congressional disposal of its international competition.

To claim that Chairman MILLS "went around" our negotiators is totally untrue. There were no negotiations going on, and there have not been since January, when talks were disbanded due to our negotiators backing away from agreement under pressure from our textile lobby. I would refer Senators to my remarks on the floor of the Senate on the 19th of December. At that time I charged our negotiators from backing away from this near agreement. I place in the CONGRESSIONAL RECORD, volume 116, part 33, pages 44368 and 44369, materials which I believe corroborated this charge. What Mr. MILLS did, then, was to resurrect the aims of our totally unsuccessful textile negotiations and not in any way to circumvent the prerogatives of the administration to conduct governmental negotiations.

Mr. President, I invite attention to the statement made by Chairman MILLS upon hearing of the President's most recent action. I feel it is an example of the finest statemanship and wisdom on our most crucial trade matters, and I ask unanimous consent that it be printed in the RECORD.

I also ask unanimous consent that recent editorials published in the Washington Post and the New York Times, a column by Tom Wicker, of the New York Times, a column by Messrs. Evans and Novak, and a recent article from Newsweek all be printed at the close of my remarks.

While, again, I am deeply disappointed in the President's opposition, I am hopeful that this agreement can still, in fact, become the basis for a resolution of this particular issue so that we may all begin working once again together on responsible solutions to the real problem.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF HONORABLE WILBUR D. MILLS (D., ARK.), CONCERNING THE PRESIDENT'S REJECTION OF THE JAPANESE TEXTILE FEDERATION'S PROPOSAL TO LIMIT TEXTILE EXPORTS TO THE UNITED STATES

I understand that the President and his advisors, after considering the recent initiative of the Japanese Textile Federation toward a solution to the problem of textile imports, have decided to reject the Japanese proposal. Having responded on many occasions to requests from Administration officials during the past two years to assist in furthering a negotiated settlement of this problem, I am both surprised and disappointed at this decision. This rejection of the Japanese initiative not only involves honest differences of opinion as to the extent and the nature of restraints on textile exports to the United States, it involves the very core of our trade relations with the textile exporting countries and indeed with our ability to deal on a realistic basis with the problems all out industries face in competing in our own markets and abroad.

While I can perhaps understand the position taken by the leaders in the textile industry in opposing the proposal, and I assume that they have given it serious study, it is difficult to understand an out-of-hand rejection of the proposal after two years of unsuccessful attempts to negotiate a settlement. My support of the industry's efforts and my support of the Administration's efforts to obtain a solution to this problem are a matter of public record. I regret that at this time the decision has been made to reject this avenue toward a meaningful accommodation of the international textile trade problem.

The President apparently knows of another way to obtain the protection which the textile industry is seeking and, at the same time, prevent other protectionist developments from accompanying that relief, but I do not.

I am sure that the President has made this decision taking into careful consideration all aspects of the matter, including growing opposition to any legislative quotas. In view of his decision refusing to give the announcement of the Japanese Textile Federation even a trial run, this opposition will become even greater. It is my hope that this decision is retractable and the opportunity presented by the Japanese initiative will be kept open so that all of the countries involved may counsel with our government toward a better understanding and mutual cooperation so necessary to the future growth of both their economies and ours.

As I have pointed out before in several different ways, the stakes involved in an early settlement of the textile controversy are very great. Obviously our trade problems go far beyond just the question of textiles and I cannot understand how under any circumstances a statutory program for the protection of a single industry can be developed which is exclusive of consideration of statutory programs for other deeply affected industries. As I have already said, I await with considerable interest the presentation of such a program by the Administration.

FOLLY ON TEXTILES

President Nixon has angrily rejected the Japanese plan for restricting textile exports to this country—a plan submitted in response to an initiative by Chairman Wilbur D. Mills of the House Ways and Means Committee. Mr. Mills, a man not easily pleased, had welcomed the Japanese plan as one that might eliminate any strong Congressional push this year for compulsory import quota legislation. Such an outcome would have removed the danger of an international wave of protectionism and opened the way for a return to the more liberal trade principles that Mr. Nixon enunciated in his State of the World message.

Now, however, the President says that he will "strongly" support the compulsory textile quota provisions of the trade bill fathered by Mr. Mills before the Japanese put forward their plan for self-limitation.

But Mr. Nixon can have no real expectation that Congress will put through a bill limited to textiles when Mr. Mills himself warns that it is simply not possible to limit statutory quotas to a single industry. It is even more difficult to understand why the President would want to incur the opposition of Chairman Mills, who is important to the Administration not only on trade legislation but on taxes, welfare reform, revenue sharing and other issues critical to his entire legislative program.

It is the essence of rashness to jeopardize vital national and international interests for the sake of an ill-considered campaign promise to one industry, a promise that runs counter to the President's own stated commitment to free trade. The Japanese intend to go ahead anyway with their plan, which they say would avoid "undue distortions" that would hurt particular sectors of the American textile industry. Mr. Mills says he will oppose compulsory quotas until the Japanese plan is given a fair trial. The Administration could spare itself a lot of needless trouble if it adopted the same reasonable attitude.

A RESPONSIBLE JAPANESE INITIATIVE ON TRADE

A major boost has been given the cause of freer trade by the decision of the Japanese textile industry unilaterally to limit exports to the United States. This initiative, no less praiseworthy for being long overdue, ought to take much of the steam out of the Congressional protectionist movement that almost produced an abominable trade-restricting bill last year. That the Japanese initiative was solicited and then praised by House Ways and Means Committee Chairman Wilbur Mills, the key figure in such matters, bodes well. For it will be very difficult to pass any kind of import-quota bill over his objections. Mr. Mills not only opposes quotas on sound principle but he now has his own alternative, the Japanese initiative, to look after.

The administration's attitude is unhelpful It was bad enough that Mr. Nixon, to discharge a campaign debt to Southern textile interests, sponsored legislation in the last Congress to impose quotas on Japanese and other textile imports. He did this without making any serious effort to determine whether inflation and inefficiency were not more to blame than foreign competition for the domestic industry's grievances, and without considering how he would keep other competition-shy industries from grabbing for quotas too. It was bad enough as well that in two years Mr. Nixon could not negotiate a textile agreement with the Japanese government; perhaps the essential reason he failed was that he would not ask American textile companies and unions to moderate their demands.

Now the President has unnecessarily compounded these errors by refusing to accept with grace the way out offered him by the Japanese initiative. If political obligations to the South prevented him from endorsing that act publicly, at least he could have gone along quietly. To authorize his press secretary to grumble yesterday—as he did—can only encourage American textile interests to maintain their inflexible posture. Such grumbles will also encourage Hong Kong, Taiwan and South Korea, on whose agreement to limit exports Japan's offer is hinged, to hold out longer too.

In truth, the United States simply cannot afford to waste another two years, in its trade policy, arguing the narrow and divisive issue of import quotas. Even if legislated quotas are again defeated, the fight will have meant a costly distraction from the large and pressing requirement of adjusting American laws to changed world conditions. The essential need is for the Congress to consider legislation, like the bill offered by Senators Mondale and Javits, whose purpose is to expand international trade in a progressive and orderly way and, while doing so, to give a fair break to American firms and workers found to have been injured by foreign competition.

If Mr. Nixon insists on continuing to seek a negotiated textile accord with the Japanese, or if he insists on sending up another trade bill including textile quotas, then he can be virtually assured of further trouble—trouble in Congress, trouble with Japan, and trouble from American consumers and businesses interested in freer trade.

NIXON'S TEXTILE FETISH

So intensely does President Nixon feel the obligation of his 1968 campaign commitment to the textile industry that he very nearly issued a statement last week denouncing the voluntary Japanese textile import limitation in a way that would have inflicted irremediable damage on himself.

Even the more restrained statement he finally made put him in bad enough trouble. It risks another congressional struggle over trade legislation and an international trade war.

In a President whose flexibility and pragmatism are normally invaluable assets, this unyielding adherence to his old campaign pledge of textile quotas defies rational explanation. Still more puzzling, Mr. Nixon calls himself a free trader, and yet by any objective test the case for textile relief is notably weaker than for several other industries.

Moreover, an argument can be made that Mr. Nixon has fulfilled his 1968 bargain. He risked much by aggressively pushing a textile quota bill in 1970, but the textile lobby responded by logrolling the measure into a protectionist grabbag. A 1970 admonition to textile lobbyists on this score from White House aide Peter Flanigan did no good.

Similarly, the intransigent textile men last year rejected an offer from the Japanese government considerably better than the voluntary limitation negotiated last week by Rep. Wilbur Mills (D-Ark.) and the Japanese manufacturers. With the mandatory quota bill at that time still alive in Congress, Flanigan said no.

Thus, as the new Congress convened in January, negotiations were dead. Mills reintroduced a quota bill at White House request, with no intention of pushing it. Presidential agents pondered attaching it to some innocuous bill on the Senate floor. But if that happened, the logrolling would breed proliferating quotas for other commodities, confronting Mr. Nixon with a bill for beyond textiles.

Mr. Nixon would not be the only one back on the hook. As chairman of the House Ways and Means Committee, Mills' plate is overflowing with welfare reform and national health insurance. He does not need another trade nightmare, where control of his own committee would be tenuous. Accordingly, he was most receptive when Japanese textile representatives paid him a secret visit to seek help on a voluntary limitation.

Nor should this have surprised the White House. The Feb. 10 New York Journal of Commerce reported that Michael Daniels, Japanese textile lobbyist here, carried Mills' proposal to Tokyo. Besides, Mills informed the White House through chief George Shultz (though how completely is now disputed).

When the Japanese announced their voluntary limitation March 8, Mills tried his hardest for at least grudging White House acceptance (using free trade Republican congressmen as emissaries). He never had a chance. Although staffers offered such an option to the President early last week, he felt his commitment to the textile men was inflexible that not even Shultz, an ardent free trader, actively promoted it.

Pressed by Secretary of Commerce Maurice Stans and political aide Harry Dent, Mr. Nixon was actually primed to issue a statement eviscerating Mills for infringing on Presidential prerogatives and promising a crash effort to pass a textile bill. Apart from alienating Mills, that would have provoked an immediate trade fight.

Cooler heads—especially domestic policy chief John Ehrlichman and the President's new trade expert, ex-Bell and Howell camera president Peter G. Peterson—prevailed to get a softer stand. But they could not remove a recommendation for a textile quota bill. The adamant President refused even to permit a trial period for the Mills plan.

That puts Mr. Nixon squarely on the trade hook. At best, he will appear impotent before his Southern constituents while the Mills proposal goes into effect. At worst, he risks a ruinously protectionist bill in Congress with horrendous international implications.

MR. MILLS PLAYS IT ROUGH

(By Tom Wicker)

WASHINGTON, March 13—"Politics ain't beanbag," Mr. Dooley said, and that is exactly the way Representative Wilbur D. Mills sees it. In fact, at the moment, Arkansas' gift to the Ways and Means Committee is playing the game so hard and so astutely that he has Mr. Nixon floundering and foreign diplomats watching open-mouthed. The latter cannot quite grasp how, in the peculiar American system, one small state Congressman who by the accident of seniority heads an important committee can have (a) worked out an agreement with a foreign power, (b) thus concluded a negotiation that the Nixon Administration botched last year and (c) virtually killed the prospect of another import-quota bill like the one that passed the House last year.

Well the diplomats might wonder. As interpreted by knowledgeable persons, few episodes have more clearly demonstrated the extent to which the American system is a government of men, as well as of laws and procedures; or the extent to which hard, partisan politics plays a part in dealing with some of the most important issues of American life—for instance, welfare reform.

When Congress failed last year to pass the Administration's Family Assistance Plan (F.A.P.), which would institute a minimum-income approach to welfare, the White House publicly pledged to push through the F.A.P. this year by tying it to a 10 percent increase in Social Security benefits, which everyone favored.

But Mr. Nixon then disclosed his sweeping new revenue-sharing proposals. Mr. Mills has long been a passionate opponent of revenue sharing, and he set out to defeat the Nixon plan. The strategy Mr. Mills settled upon was to substitute some form of Federal assumption of welfare costs.

This would improve the position of the states by relieving them of burdensome costs, rather than by handing them more Federal money. Under this plan, it might also be possible to use some of the funds proposed for revenue sharing to increase welfare benefits—and thus a Democratic party position could be developed to counter the President's "new American revolution."

But this over-all campaign to substitute a welfare take-over for revenue sharing dictated that Mr. Mills block Mr. Nixon's plan to piggy-back the unpopular F.A.P. on the popular Social Security increases. The problem was that the chairman and other Democratic leaders feared that Congressional protectionists would try to attach textile and other import quotas to the attractive Social Security bill, if it stood alone.

Mr. Mills, who sponsored quota legislation and pushed it through the House last year, only to see it die in the Senate, apparently has turned against quotas. Friends say that, in the first place, he never did have his heart in restrictive trade legislation but was responding to pressures he thought irresistible. But the chairman, who told friends last June that there would not be "five votes" against the quota bill, is said to have been surprised and impressed at the free-trade opposition it aroused.

The experience of 1970 also taught Mr. Mills, as he said this week, that there was no way to provide the textile import quotas Mr. Nixon wants and still "prevent other protectionist developments from accompanying that relief"—for instance, the quotas on shoe imports that were tacked on last year.

These considerations apparently led the chairman to the extraordinary personal interventions that produced voluntary agreement by the Japanese textile industry, subsequently endorsed by the Japanese Government, to restrict exports to the United States. The chairman apparently did not deal directly with Japanese officials but with industry representatives; and sources close to him say that he "touched base" even for these private dealings with such White House officials as Henry Kissinger and John Ehrlichman.

At least partially as a fruit of the Japanese arrangement, the Social Security benefit increases passed the Senate this week incorporated in a rider on a debt-ceiling bill already passed in the House. The new benefits, perhaps in somewhat modified form, will be accepted by the House, but neither the F.A.P. nor import-quota legislation can now be added to the legislative package. No wonder, therefore, that Mr. Nixon reacted with anger and rejected the voluntary Japanese agreement. Not only did it commit the Japanese to less than the Administration had sought in relief of the American textile industry; not only had Mr. Mills, nevertheless, brought off an agreement that lessened Congressional pressure for quotas; but the chairman now says flatly that he need no longer support the quota legislation Mr. Nixon wants, which would have to originate in his committee. Without the threat of such legislation in the background, Mr. Nixon has almost no hope of negotiating a more restrictive arrangement with the Japanese.

Moreover, the way now appears open for Mr. Mills to incorporate the main features of the F.A.P. in his proposed Federal take-over of the welfare system and to substitute that package for the Nixon revenue-sharing proposals, thus cutting the heart out of the "new American revolution."

In that light, the President's refusal to accept the voluntary agreements and his renewed demand for quota legislation are not as quixotic as they seem. Rather they appear to be a new version, for the hard fight ahead in 1972, of the pledge to relieve the textile industry that was so valuable to Mr. Nixon in the South in 1968.

NIXON'S REBUFF TO JAPAN: HE TURNS DOWN ITS OFFER TO RESTRICT TEXTILE EXPORTS

For two hectic years, President Nixon has striven mightily to redeem his campaign pledge to the Southern textile industry to stem the tide of textile imports. The effort has focused on Japan, the biggest single exporter, accounting for about 25 per cent of the $2.3 billion in textiles entering the U.S. each year; it has ranged from delicate behind-the-scenes negotiations to full-dress visits to Tokyo by Commerce Secretary Maurice Stans and other dignitaries. When the President agreed in 1969 to a timetable for return of Okinawa to Japan, his price was a pledge by the Japanese Government to persuade its textile industry to accept voluntary export controls. And to add to the pressure, Mr. Nixon persuaded House Ways and Means Committee chairman Wilbur Mills to introduce a bill in Congress setting quotas on textile imports.

But problems dogged the President's efforts from the start. Stans's overbearing manner enraged the sensitive Japanese, and their textile makers refused to exercise even a modicum of self-restraint. In the U.S., the trade bill that Mills had introduced as a bargaining ploy became a Christmas tree of protectionist clauses affecting scores of industries. Before it died in the Senate last session, the measure roiled political waters overseas and raised the specter of a world trade war.

Plan: Thus, when the Japan Textile Federation announced last week it would put into effect a voluntary three-year plan to limit textile shipments to the U.S., the betting on Capitol Hill was that it would effectively take Mr. Nixon, Mills and everyone else off the hook. To be sure, the proposal, which would restrict the growth of textile exports to the U.S. to 5 per cent in the first year and 6 per cent in each of the next two, was denounced as "unworkable" by the American Textile Manufacturers Institute; the manufacturers argued that the absence of limits on specific product categories left the Japanese free to "wreck entire segments of the domestic industry." But since Japan explicitly promised to avoid "undue distortions" affecting particular industry sectors, most observers—including Mills, who had been negotiating informally with Japanese textile producers before the announcement—regarded the plan as a reasonable compromise.

Not so Mr. Nixon. In a sharply worded statement presented by White House press secretary Ronald Ziegler, the President rejected the Japanese plan as "short of the terms essential to the U.S." and vowed to support the textile quota provisions of the trade bill, which Mills had reintroduced in the House in January. The Japanese action, Mr. Nixon charged, "effectively precluded further meaningful government-to-government negotiations." He added, however, that he would welcome renewed talks.

Both the vehemence and the apparent firmness of the President's rejection startled political and financial experts alike. Considering the government's notable lack of progress in negotiating with the Japanese and the possible damage that protectionist trade legislation could cause, why hadn't Mr. Nixon—with a proper show of reluctance—chosen to accept the Japanese plan as the basis for compromise?

Part of the answer was obvious: clearly, the President was miffed at the role played by Mills in negotiating with the Japanese. Indeed, at the White House news conference to release the President's statement, Rep. John W. Byrnes of Wisconsin, the ranking Republican on the Ways and Means Committee, pointedly expressed alarm at Mills' negotiations and deplored any "end-run attempt to bypass constitutional authority."

SHORT CIRCUIT

But Mr. Nixon's heated reaction was governed by more than pique at a Democratic congressman. In fact, Newsweek's Rich Thomas learned, the Administration as long ago as last December had firmly rejected a Japanese proposal for voluntary restraints that was essentially the same deal as the Mills package, except that it showed an implicit willingness to negotiate on product categories and thus might have been even more stringent. Mr. Nixon apparently believed that the threat of an import quota bill would eventually force the Japanese to come up with an even better deal. He was in the process of waiting them out when they approached Mills for new talks. And as Mr. Nixon saw the outcome, Mills short-circuited the President's own strategy.

That strategy, however, was almost entirely political. Indeed, Mr. Nixon's decision to reject the latest Japanese proposal was taken in the face of contrary economic arguments from a whole chorus of White House advisers, ranging from Secretary of State William Rogers and Henry Kissinger of the National Security Council to Paul McCracken, chairman of the Council of Economic Advisers, and George Shultz, director of the Office of Management and the Budget. "It was a reasonable basis, economically, on which to work out a settlement," insisted a high Administration source after the battle. But Mr. Nixon owes his 1968 nomination to South Carolina's Sen. Strom Thurmond, and he regards that debt as a near-sacred obligation—besides which, he is mindful of the political weight swung by textile makers and unions. Mills' maneuver would have robbed the President of credit for redeeming his own campaign pledge—and yet, if he had accepted it, Mr. Nixon would still have been open to criticism that the deal wasn't sweet enough for the industry.

It was open to question, however, whether rejection of the offer left the President any better off. The Japanese, expressing surprise and disappointment, said they would observe the terms of their offer in any case. But it seemed doubtful that they could, since the plan depended all along on similar restraint by Hong Kong, Taiwan and Korea—which now had no incentive to go along.

STANDOFF

In the upshot, Mr. Nixon's rejection of the Japanese offer seemed to have created a standoff. What he wanted, for the record at least, was the Draconian textile import quota in the bill now in the House. But even if Mills could be persuaded to put the measure through his committee—a highly dubious prospect, in view of Mr. Nixon's treatment of his plan—this course raised all of last year's dangers of a flock of protectionist amendments and a world trade war. Mills, for the moment, was maintaining cool reticence, and it remained to be seen how cooperative he would be in handling the rest of the Administration's economic measures. The Japanese might be lured back to the bargaining table, but they remained free to export as much as they liked. Considering everything, said a bitter official at the State Department, "I'm glad we had no part of that one. The White House managed to antagonize the Japanese, Nixon's own advisers and Wilbur Mills at one stroke. That was a pretty good day's work."

ATTITUDES OF AMERICAN PEOPLE TOWARD CONGRESS

Mr. BAKER. Mr. President, I have recently had brought to my attention a poll conducted by the Harris survey on attitudes of the American people toward Congress. The poll reveals that two-thirds of the people of the Nation find the performance of Congress either "only fair" or "poor", the lowest such rating since the question was first put by the survey in 1963.

Much is said and written about a so-called "credibility gap" between the Executive and the public. But we should be as much concerned, if not more concerned, about the confidence gap that exists between the National Legislature and the American people.

This poll reveals that Congress got its highest marks for that provision of Clean Air Act Amendments of 1970 requiring the manufacture of a virtually pollution-free automobile by 1975. But the poll also reveals that the Congress gets its lowest marks for its failure to enact revenue sharing.

The 92d Congress has a unique opportunity to restore the confidence of the Nation in its governmental institutions, at the Federal, State, and local level, through the enactment of revenue sharing. For more than 50 years, revenues and power have flowed from the people to the Central Government. By enacting revenue sharing, this trend could at least be tempered, if not reversed. By actually surrendering a small part of its power, rather than continually increasing it, the Federal Government would demonstrate a rare willingness to respond to the legitimate needs of State and local governments.

An earlier poll by the Gallup organization revealed that fully 77 percent of the people support the concept of revenue sharing. If representative democracy means anything it means that the National Legislature should respond to the clear wishes of a clear majority.

I ask unanimous consent that the results of the Harris survey, as described in Congressional Quarterly, be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

PUBLIC OPINION POLL: MANY DISSATISFIED WITH CONGRESS

Dissatisfaction with the job done by Congress reached a record high for recent years among the American people in 1970, according to a Harris Survey released March 1.

Almost two-thirds of the individuals in a nationwide sample judged the record of the second session of the 91st Congress as "only fair" or "poor." Only about one-fourth viewed the job done as "excellent" or "pretty good"—the lowest rating since the question was first asked by the survey in 1963.

President Nixon's handling of Congress in 1970 was also assigned low marks. Fifty-nine percent of the individuals interviewed rated his performance "only fair" or "poor."

These were the results of interviews in a cross section of 1,627 households conducted by the Harris organization during the period Jan. 9 to 15.

"How would you rate the job Congress did in 1970—excellent, pretty good, only fair, or poor?" (Results are shown as "positive," a grouping of the first two choices, "negative," a grouping of the last two choices, and "not sure.")

Year survey taken	Positive	Negative	Not sure
1971	26	63	11
1970	34	54	12
1969	34	54	12
1968	46	46	8
1967	38	55	7
1966	49	42	9
1965	64	26	10

"How would you rate President Nixon on his handling of Congress in 1970—excellent, pretty good, only fair, or poor?"

Positive	28
Negative	59
Not Sure	13

Ratings on Issues. When those interviewed were asked to evaluate Congress on specific issues, ratings were most often positive for requiring development of pollution-free car engines and banning cigarette advertising on television. Congress received its most negative marks for not raising Social Security benefits and not passing President Nixon's welfare program.

"How would you rate the job Congress has done in the past year on the following—excellent, pretty good, only fair, or poor?"

[In percent]

	Positive	Negative	Not sure
Requiring pollution-free car engine	76	15	9
Banning cigarette advertising on TV	64	26	10
Extending Federal aid to education	59	26	15
Giving vote to 18-year-olds	55	36	9
Rejecting SST subsidy	38	28	34
Passing expanded ABM	37	34	29
Passing anti-crime bill	36	39	25
Turning down Haynsworth and Carswell	26	35	39
Overriding Nixon veto on hospital bill	26	35	39
Not passing Nixon welfare reform bill	25	48	27
Not increasing Social Security	13	71	16
Not passing revenue-sharing bill	10	46	44

Despite dissatisfaction with the record of a Republican President and Democratic-controlled Congress in 1970, 49 percent of the samples considered "having a Congress of a different party from the President as a check on him" is a "good idea." Thirty-six percent said this was a "bad idea" while 15 percent were unsure.

PROBLEMS ON YOUTH

Mr. HUGHES. Mr. President, in the month of February, the American Legion held its 11th annual National Commander's Conference in the Nation's Capital with more than 1,000 Legion leaders from across the Nation meeting to discuss the Legion's program and national policies with government and military officials.

Among the several reports received from various Legion officials was a most interesting paper by Randel Shake, director of the National Commission on Children and Youth. I believe this hard-hitting statement will be of interest to everyone.

Expressing its concern for the youth of America, the National Children and Youth Commission during the meeting approved grants totaling some $25,000 for research and correctional projects for the benefit of the Nation's youth. This action brought the Legion's total contribution in this field to approximately $400,000 since 1955.

I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY RANDEL SHAKE

Early in March, 1967, in Eastern Canada, an 11 year old boy died of old age.

Ricky Gallant was only 11 years old chronologically, but he suffered an odd disease called progeria. He showed characteristics of a 90 year old man. He was senile, had hardened arteries, he was bald and had slack and wrinkled skin. In effect, Ricky was an old man when he died—a long lifetime of biological change having been packed into his 11 short years.

Cases of progeria are rare. Yet in one sense all of our children are suffering from this ailment. They are not growing senile but they are growing old before their time because of a super-normal rate of social change.

We are now finding an ever-growing number of children with emotional and psychiatric problems; we are finding 10 and 11 year old girls in our VD clinics; we find 15 and 16 year olds committing our most vicious crimes; we are even finding 9 and 10 year olds "hooked" on heroin. These are all social problems that formerly were related to older age groups. They are social problems that have now invaded the younger age groups because of the tremendous increase in the rate of social change.

Should there be any of you who think I am exaggerating the social, moral, and financial importance of some of these problems let me give you a few examples of what I am talking about:

The very week last May that all America, and much of the Western world, mourned the shooting of four students at Kent State, 17 youngsters, without much celebrity, died in New York from overdose of heroin.

From January 1, 1970 till November 15 (the latest figures available) five times as many young people died from narcotic-related deaths in Philadelphia than the city lost in Vietnam.

And listen to the figures released by Commissioner of Customs, Myles Ambrose, concerning drug seizures by the United States Customs, District of Miami, Florida alone—"Cocaine seizures (in 1970) have increased 279% over 1969 . . . Hashish seizures have gone up by almost 3,000% . . . Marijuana seizures have increased by 90% . . . Dangerous Drugs, 5 grain units, up by 131% . . . and Heroin, the most dangerous of the hard drugs, by a phenomenal increase of 21,905%—I repeat, 21,905%."

And just to end up my drug figures—early in January 1971, U.S. Officials in Saigon disclosed that an improved diagnostic and reporting system showed drug deaths in 1970 among American GIs in Vietnam was 70% higher than previously thought.

Drug abuse is a most serious problem but it certainly isn't the only one. Without laboring the points let me just add a few in other areas.

Today, venereal disease is a full fledged epidemic in the United States. Of all the communicable diseases, VD is leading the list by a great margin.

More than 1 out of every 250 boys and girls in the Nation had gonorrhea last year. In 13 states the rate was 1 in 200 and in one area of the country the rate was better than 1 in 25.

In untreated syphilis, 1 in 200 becomes blind; 1 in 50 becomes insane; 1 in 25 becomes crippled; and 1 in 15 becomes a syphilitic heart victim.

From an economic standpoint we are spending over $50 million per year for institutionalization of the syphilitic insane alone. We lose each year about 36,000 man years because of institutionalization and other 40,000 man years from life expectancy. We lose income to age 65 of nearly $50 million each year based on life expectancy tables.

I'm sure I do not need to take the time of this audience to describe the increases in crime and juvenile delinquency. Our news media are full of the figures on a current basis. But you may not be aware that:

We have about 3 million people in this country right now who have been convicted of crime or delinquency. About 1 million of them are behind bars while the other 2 million are walking the streets.

At the same time institutions for criminals and delinquents are receiving about 95% of all funds made available for correctional purposes while about 5% has to be stretched over the supervision of those 2 million on probation or parole.

In the area of mental and emotional illness we have just as dreary a picture.

Among young people under the age of 18 we have an estimated number of 1,400,000 who need psychiatric help. Some 400,000 are receiving it.

As a rule of thumb measure we have about 1 out of every 10 of our school age population that can benefit from professional help.

Well, that certainly is enough figures and statistics but there are hundreds of other problems that could be mentioned. Just to illustrate, we now have the knowledge to perform genetic engineering and genetic surgery. We have the knowledge to perform embryo transplants or implants. We have the knowledge and the technology to save lives through dialysis—provided there are enough machines to go around. The crucial question is whether social institutions, national resources and national policies will keep pace with technological advances, for scientific advances raise grave and fundamental ethical and legal questions for society. They raise questions such as—

Who shall live and who shall die?

How long shall life be preserved and how shall it be altered?

Who shall make decisions—or to put it more bluntly—Who is to play God?

So what is my purpose in presenting this type of picture to the National Legislative Commission? I have but one purpose in mind—you gentlemen play the major role in establishing the legislative priorities of The American Legion. And The American Legion can play a major role in helping establish national priorities. As important and imperative as are our problems of National Security and Foreign Relations, we also have domestic issues that are important to the Nation.

As one individual with 36 months of continuous combat duty, no one has to argue with me the importance of rehabilitating our disabled veterans and caring for the widows and orphans of those who gave their lives. But, at the same time, neither does anyone have to argue with me the importance to the Nation of "saving" millions of today's young people who have fallen victim to disenchantment, unemployment, poverty, hopelessness, squalor and alienation brought about by our super-normal rate of social change—the victims of what we might term "social progeria." And just as this Nation has a moral responsibility to the veteran and his family so also do we have a moral responsibility to our young people for they too are of social and productive importance.

The National Legislative Commission is one of the really prestigious Commissions in

The American Legion. From the standpoint of Children and Youth we would specifically ask you to help shape the National priorities. Care for the veteran and his dependents is a must. Maintaining a strong Nation is imperative. But do we really maintain a strong Nation if we neglect the problems facing today's youth? Do we really make the Nation strong by just *looking* at the statistics on physical and mental rejections from military service?

Patriotism is an integral and inherent part of our organization, but is it *more* patriotic to fly our flag on Flag Day and march in the parade on Veterans Day than it is to clean up our environmental pollution? Gentlemen, these are only fragmentary samples of problems facing today's young people and for the months ahead we again ask specifically for the help of this Commission not only in determining answers but in putting them into active practice.

And one concluding comment—the more I study the problems of this Nation, the more admiration and appreciation I have for the Task Force for the Future who gave The American Legion guidelines for the future.

POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. **PACKWOOD**. Mr. President, when President Nixon delivered his historic message on the problems of population growth, he made the very wise observation that—

> For some time population growth has been seen as a problem for developing countries. Only recently has it come to be seen that pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such nations, but social supplies—the capacity to educate youh, to provide privacy and living space, to maintain the process of open, democratic government—may be grieviously strained.

The Nation is slowly coming to realize that the population problem is not "someone else's baby," that it is, in fact, a very real and all-encompassing threat to the generations which will follow us.

The President went on in his message to point out that—

> Perhaps the most dangerous element in the present situation is the fact that so few people are examining these [population] questions from the viewpoint of the whole society. Perceptive businessmen project the demand for their products many years into the future by studying population trends. Other private institutions develop sophisticated planning mechanisms which allow them to account for rapidly changing conditions. In the governmental sphere, however, there is virtually no machinery through which we can develop a detailed understanding of demographic changes and bring that understanding to bear on public policy. The federal government makes only a minimal effort in this area. The efforts of State and local governments are also inadequate. Most importantly, the planning which does take place at some levels is poorly understood at others and is often based on unexamined assumptions.

Because of this situation, I was gratified when President Nixon followed up his population message with a recommendation for the creation of a statutory Commission on Population Growth and the American Future. Congress endorsed his recommendation in Public Law 91–213, signed on March 16, 1970. I have been honored to serve as a member of the Commission for the last 9 months. During that time we have struggled over the many and varied aspects of population growth and its implications for the course of America's future.

In accordance with the Commission's mandate, an interim report has been prepared for presentation to the President and Congress, and I take this opportunity to commend it to Senators for their reading.

Mr. President, I ask unanimous consent that the interim report of the Commission on Population Growth and the American Future be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AN INTERIM REPORT TO THE PRESIDENT AND THE CONGRESS FROM THE COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

POPULATION IN PERSPECTIVE

The time has come to ask what level of population growth is good for the United States. There was a period when rapid growth made better sense as we sought to settle a continent and build a modern industrial Nation. And there was a period, in the 1930's, when a low birth rate was cause for concern. But these are new times and we have to question old assumptions and make new choices based on what population growth means for the Nation today. Despite the pervasive impact of population growth on every facet of American life, the United States has never developed a deliberate policy on the subject. There is a need today for the Nation to consider population growth explicitly and to formulate policy for the future.

Our population reached 100 million in 1915; it now numbers something over 200 million; the Nation had better get ready for 300 million; it may soon have to decide whether it wants 400 million. Should we look forward to celebrating the arrival of the third and fourth hundred million as we did the second hundred million? Whether or when we reach these totals will depend on what American couples do in the decades just ahead.

Such large differences in population size result from small differences in family size. For example, if families in the United States have only two children on the average and immigration continues at current levels, our population would still grow to 266 million by the end of the century; if they have three children, the population would reach 321 million by then. One hundred years from now the two-child family would result in a population of 340 million persons; the three-child average would produce nearly a billion.

The difference is important not simply because of the numbers but because it bears vitally upon a fundamental question about the Nation's future: Do we wish to continue to invest even more of our resources and those of much of the rest of the world in meeting demands for more services, more classrooms, more hospitals, and more housing as population continues to grow? Or should we concentrate our energies and resources on improving the quality of existing services and extending them to large numbers of our people for whom the "quality of life" still means just getting a square meal?

A difference of one

Small differences in family size will make big differences in the demands placed on our society. That difference of only one child per family over just the next thirty years will have important consequences for the educational system.

If families average three children, in the year 2000 elementary school enrollment will be 50 percent above what it would be if families average only two children. Similarly, secondary school enrollment will be 43 percent higher and college enrollment 34 percent higher. In dollar terms, the three-child family implies that total annual costs of education will be nearly $40 billion more (in 1969 dollars) in the year 2000 than for a population resulting from a two-child family. This would mean a 30 percent higher level of educational expenditures per working member of society. An average of three rather than two children will require more than one million extra teachers just to maintain present student-teacher ratios.

In the health field, the three-child family implies an annual cost of $14 billion more in the year 2000 than the two-child family just to maintain present standards. If health costs continue to rise as they have in the past, the difference would exceed $30 billion. If the three-child family is the norm in the year 2000, the economy will have to produce 20 percent more than would be necessary to provide the two-child family with the same standard of living. This could mean a higher level of resource use and environmental pollution.

The importance of these differences in costs is not that the Nation would be unable to meet the demands of a larger population, but simply that a lower rate of population growth provides more options for the use of our resources.

Addressing the issue

We have all heard about a population problem in the developing nations of Asia, Africa and Latin America, where death rates have dropped rapidly and populations have exploded. Only recently have we recognized that the United States may have population problems of its own.

There are differing views. Some say that it is a problem of crisis proportions—that the growth of population is responsible for pollution of our air and water, depletion of our natural resources, and a broad array of social ills. Others point to recent declines in the birth rate and assert that the problem is disappearing. Still others claim that our problems are caused by the way our population is concentrated in metropolitan areas, by the amounts an affluent people consume and discard, by new products and technologies, or by inequities in access to the better things of life.

Our view, at this stage of our inquiry, is that population growth of the magnitude we have had since World War II has aggravated many of the Nation's problems and made their solution more difficult. The point was stated by President Nixon in his Population Message of July 18, 1969, when he said:

"I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans."

And, the longer we delay addressing the issue, the more costly and arduous the task becomes because the population—and the number of potential future parents—will have grown that much more in the intervening years. The cumulative nature of population growth requires us to take the long view. The children born in this decade will be parents of most of the children born in the year 2000. What we do now will have real impact then. It is a challenge that Americans have rarely been called upon to face.

We are not saying that population growth continued at current rates portends an immediate crisis for the country. There is little question that the United States has the resources, if it chooses to use them, to meet the demands of a population growing at the current rate as well as to correct various social and economic inequities, as the President's National Goals Research Staff recently indicated. And it is equally true that our social and economic problems would not be solved by the stabilization of population alone. We are simply saying that population growth is important. It makes a difference.

The tension between population and the economy, population and the environment, population and government services, is with us at all times in different forms and degrees. Whether we wish to alter it or to live with it, we cannot afford to ignore it. It is time that population issues were given deliberate, impartial consideration.

This is necessary whether the birth rate is going up or down. Some Japanese leaders are publicly worrying about the low birth rate in their nation. Similar concerns have been voiced by responsible leaders of several eastern European countries. Indeed, if birth rates in the United States were to resume their recent decline, in future years we might be worrying about the same thing.

To confront the problems

In his Population Message to Congress, President Nixon urged the Nation to confront the problems posed by national population growth and to develop means of coping with them. At the President's request, Congress established the Commission on Population Growth and the American Future—the first such body ever appointed in the United States—to examine the probable course of population growth and internal migration in the United States between now and the year 2000; to assess the problems this will pose for our government, our economy, and our resources and environment; and to make recommendations on how the Nation can best resolve these problems. (See Appendix C)

A year hence, in our final report, we will present our findings and recommendations. Between now and then, the Commission will be gathering the facts on population and its probable future change, examining how and to what extent this change is likely to affect the quality of life in the United States, conducting public hearings, reviewing the policy alternatives open to us, and deciding which courses to recommend.

It is our purpose in this Interim Report to encourage a rational discourse on population matters among the American people. In the remainder of the report, we outline the population situation in the United States and the issues it poses, the questions we are raising about the probable impact of future population growth and distribution, and how we are going about finding answers to these questions. Finally, the report reviews some of the issues which would be involved if the Nation were to develop an explicit national population policy.

THE PROSPECTS FOR POPULATION CHANGE

Every day in the United States an average of almost 10,000 babies are born, about 5,000 persons die, and over 1,000 more persons enter the country than leave. This adds up to a net increase in total population of about 6,000 a day or over two million persons a year.

These population numbers reflect life and death and new opportunity for the individual. For society, the balance of births and deaths and migration is profoundly important; the effects are long range and the consequences of great significance.

Recent Census Bureau figures indicate that if families average three children over the next few decades and immigration continues at present levels, our population will reach 300 million in 1996, only a quarter-century from now. If we average two children, that day will be postponed another 25 years to the year 2021. We are currently reproducing at a rate roughly midway between two and three children, which would bring us to 300 million around the year 2008.

The Census Bureau figures are not intended to be forecasts. The birth rate changed so rapidly in the past few years that last year the Census Bureau had to revise downward the projections it had issued only three years before. So, it would be possible for the Nation to reach 300 million after these dates, or conceivably before. But it appears highly likely that we will reach that figure.

It may seem odd, when we have only recently passed the 200 million mark, to be saying that we are fairly well assured of reaching 300 million. Population growth tends to develop its own momentum which makes it difficult to stop, no matter how hard the brakes are applied. Even if immigration from abroad ceased and families had only two children on the average—just enough to replace themselves—our population would continue to grow until the year 2037, when it would be a third larger than it is now.

This momentum is the legacy of past population growth. Thirty years ago, in 1940, we had a population of 132 million people. After all the births, deaths and new immigrants over the following 30 years were balanced out by 1970 we had a population of 204 million and a net gain of 72 million. Because of the baby boom, the number of persons now moving into the childbearing ages is much larger than previous generations of parents. In 1975 there will be 5½ million more people in the prime childbearing ages of 20 to 29 than there were last year. By 1985, the figure will have jumped still another 5½ million. This will exert strong pressure toward increasing the number of births.

Right now about 80 percent of our annual population growth results from natural increase—the amount by which births exceed deaths. About 20 percent of our current growth is due to net immigration; the number has been averaging about 400,000 annually. Historically speaking, that is not many. In the years just before World War I, the figures ran to twice that, at a time when the United States had less than half the number of people it has now.

Even so, the long-term effects of immigration are large. This is partly because most immigrants enter the country in young adulthood, at an age when their childbearing is at its peak. If the average family (including immigrants) had two children, and immigration continued at 400,000 per year, the survivors and descendants of immigrants in the next 30 years would number 16 million in the year 2000, and would have accounted for one-fourth of the total population increase during that period. Over the next 100 years immigrants and their descendants would account for nearly half of the increase in population from 204 to 340 million.

A fourth hundred million?

If it seems odd to be thinking now about our third hundred million, it may seem absurd to raise the question of a fourth hundred million. However, whether we add that fourth hundred million may be determined by what Americans do about family size and population in the next couple of decades.

The children born in this decade will be parents in the year 2000, and they will contribute most of the births occurring in that year. So the number of births thirty years hence depends heavily on the number of children born in the 1970's and the reproductive patterns they follow when they come of age.

An average of three children per family in the future, as unlikely as that appears at the moment, would give us a population of 400 million in the year 2014, less than a half-century away. With an average of two children, we could forget about the fourth hundred million if immigration were not a factor.

When we speak of two or three-child families we are talking about averages which can be made up by many possible combinations of families of different sizes, ranging from childless couples to those with many children.

A vocal group of concerned citizens is calling for population growth to stop immediately. While there are a variety of paths to ultimate zero growth, none of the feasible paths would achieve it immediately. Our past rapid growth has given us so many young couples that they would have to limit their childbearing to an average of only about one child to produce the number of births consistent with immediate zero growth. Ten years from now, the population under 10 years old would be only 43 percent of what it now is, with disruptive effects on the school system and ultimately on the number of persons entering the labor force. Thereafter, a constant total population could be maintained only if this small generation in turn had two children and their grandchildren had nearly three children on the average. And then the process would again have to reverse, so that the overall effect for many years would be that of an accordion-like mechanism requiring continuous expansion and contraction.

We doubt that such consequences are intended by the advocates of immediate zero population growth.

Two-thirds of our people

The growth of population in the United States has been interwoven with the movement of our people across the face of the land.

In 1790, the four million people of the United States occupied a narrow coastal area along the Atlantic. Today, one-third of our people live west of the Mississippi, and our most populous State is on the Pacific coast.

When the United States was formed, 95 percent of our people were rural, living on farms and in towns and villages. Today, over two-thirds of our people live in metropolitan areas and many more live in cities and towns outside metropolitan areas.

In the 1960's more than three-fourths of our Nation's growth occurred in metropolitan areas, with the suburbs absorbing most of it. Suburbanites now outnumber those living in central cities. The farm population dropped from 15 to 10 million, and about one-half of the Nation's three thousand counties lost population. Another one-fourth of the counties had slow growth rates because more people moved out than moved in. Migration patterns continued from mid-country out to coastal areas.

In contemporary discussion of population growth and its effects, we hear the view that the population problems of our society are caused more by the concentration of population in large urban areas than by the size and growth of the total population; that, therefore, we should be worried less about the number of people in the United States than about the way they are distributed geographically; and that government efforts should be devoted to achieving greater geographical dispersion of growth.

The issue is not that simple. Many of our largest cities have actually lost population. It is their suburbs and metropolitan areas of intermediate size that have grown rapidly in the past decade. Furthermore, we already are a metropolitan people. Two of every three Americans now live in metropolitan areas and this trend is continuing. This means that the size of the total population and the size of the metropolitan population are becoming increasingly synonymous and that metropolitan population growth will increasingly reflect changes in national birth rates. Over the past decade alone, 70 percent of the growth of metropolitan population occurred as a result of natural increase. If there had been no net migration at all to metropolitan areas, these areas would have experienced most of their growth anyway.

The decline of many rural counties is often cited as cause for concern and indeed it does create many problems. But the numerical impact of this process should not be overestimated. If the 1,100 rural counties that declined in population since 1960 had actually kept pace with the national rate of growth, their population in 1970 would have been only two million greater than it was, and they would have absorbed only nine percent of the Nation's growth for the decade.

The point is that national population growth and geographical distribution cannot be treated as an either-or affair. The distribution of population is problematic in many ways. But the choice among ways to redirect growth does not eliminate the necessity of making a choice about when the Nation could best accommodate 300 million people or whether it should accommodate 400 million.

To know where we are going

Since knowing where we are and have been helps us to know where we are going, the Commission is using the results of the 1970 Census and earlier censuses to gain an understanding of the growth, transformation and redistribution of the population of the United States in this century.

The Commission's research on prospects for population growth includes projections of population and population characteristics and studies of the importance of unwanted childbearing, the demographic impact of immigration, abortion, voluntary sterilization and family planning programs, the future of contraceptive technology, and the level of popular education about population.

With regard to the distribution of population, the Commission is preparing projections of regional and metropolitan growth, examining the implications of economic changes for redistribution of population, studying the ways in which distribution patterns compound national problems, and investigating the factors which influence individual decisions to move.

Appendix B lists the Commission's research projects.

POPULATION AND THE QUALITY OF LIFE

Given a likely population of 300 million sooner or later, the questions before us are: Is it in the national interest to reach that level later rather than sooner? What demands are implied by the growth that is to be expected? And, what difference will it make whether we grow to 400 million after that?

Much discussion these days implies that population growth is bad, just as not very long ago one heard, from a different point of view, that it was good. No such simple judgments can be made. To consider population growth or concentration as the root cause of our Nation's social and environmental ills is clearly simplistic. Such an interpretation confuses how things are done with how many people are doing them. For example, rapidly rising levels of per capita consumption, and technological mismanagement, appear to contribute more to environmental pollution than does a gradual rise in total population.

More importantly, population growth matters not in its own right but because of its potential impact on many values that Americans hold about our environment and resources, our economy, our government and our social order. The question is: What does population growth have to do with such values and with the systems necessary for their achievement?

Resources and the environment

There is little reason to believe that population growth will cause food shortages in the United States, but serious questions have been raised about the effects of continued population growth on our own and the world's resources, and on the pollution of our land, air and water. Even though population growth is not the primary cause of environmental deterioration, it may well magnify problems arising from the way we use our resources and technology.

At our present level of consumption, a continually growing population makes demands upon many resources, some of which are in scarce supply. There is a question whether continued growth will cause us to exhaust some important resources, or whether the market system, with a dynamic economy, can develop substitutes for resources in short supply. For some resources, such as wilderness, there are no substitutes. Economists and ecologists have been enlisted by the Commission to determine the effects on the environment of population growth, of technological change and of changes in demand resulting from greater affluence.

To the extent that environmental problems are aggravated by population growth it is important to determine the environmental implications of the way in which our population is distributed—the effects of local population concentration as well as national growth.

Some contend that the country could easily accommodate more people if our population were spread more evenly. It is not how many people we have, they say, but how they are distributed across the Nation. This is only a partial answer. Clearly, some of our urban problems are due to high concentrations and poor planning. On the other hand, people consume resources wherever they live. Whether in New York City or a small town in the midwest, they still drive an automobile fabricated of steel produced in Pittsburgh using coal mined in West Virginia. In the process, the air of Pittsburgh is polluted by smoke and the scenery of West Virginia by strip mining. Wherever Americans live, they make huge demands on the Nation's and the world's resources and ecological systems.

People in small towns can despoil their rivers and air just as people in New York have done. A large city might actually be better able to afford ecologically sound solutions to many environmental problems. So simply redistributing the population might not solve many of the population-related problems we face.

Moreover a large population such as ours might not be able to live at its present standard of consumption without high concentrations of people and economic activity. We could not drastically alter distribution patterns without radically altering our way of life. Even so, it may be desirable to slow or stop the growth of very large metropolitan areas. And as we have said, it would be very difficult to do this without slowing the growth of the total population.

The economy

There are several points of view on how different rates of population growth might affect the economy of this country. In the past, some predicted that declining population growth would cause economic stagnation, unemployment, and a lower standard of living. Some contemporary observers maintain that a slower rate of population growth would increase the Nation's prosperity while reducing the costs associated with growth. Still others note that our economy is flexible and has shown many times that it can adjust to changes in demand. They suggest that with proper economic policies the rate of population growth is largely irrelevant to national economic prosperity.

Regardless of the effects of population change on the total economy, it is clear that some industries and businesses will gain and others will suffer as a result of changing growth rates and shifts in age composition. Various adjustments within the economy will be necessary, as is always the situation with changes in population growth, and we need to know what adjustments are likely to be required.

In addition to affecting the demands for different products, population growth also affects production in other ways. Most importantly, the number of births ultimately affects the size of the labor force and its age composition.

The effect of population growth on various private and public sectors of the economy is being investigated. Some industries with important components in the public sector such as education, health, housing and transportation, are strongly affected by population growth and redistribution. The public expenditures that will be required to accommodate expected growth in the next 30 years are being assessed. Changes in population growth rates can seriously affect certain private sectors of the economy whose markets are geared to particular age groups. Some industries, such as those in children's markets, would be affected very quickly by reduced rates of growth; others would be affected more slowly.

Continued population increase has implications for the delivery of certain social services beyond simply their pocketbook costs. In some fields, further growth may require considerable changes in methods of delivery just to maintain adequate service levels.

For example, even if money were no problem, various constraints affect health care. It is difficult to increase the rate at which doctors are produced. The training is long, difficult, and expensive. Good medical schools require costly equipment and highly skilled faculties commanding top salaries. Because of long training and internship requirements, decisions that will affect the future supply of physicians must be made years in advance. It may also be difficult to expand adequately the supply of nurses and trained technicians. Higher rates of population growth magnify burdens on personnel in short supply, which could lead to further depersonalization of medical care. If health care has deteriorated because of inadequate facilities and overworked personnel, higher rates of population growth can make these problems more difficult to solve. In addition to growth, the increasing concentration of people and medical facilities in metropolitan areas has resulted in some serious imbalances of population and medical services.

Government

What are the governmental and political implications of population growth, over and above the costs of public services? Our analysis is concentrated on the possible impact of population growth on the quality of government in the United States in the coming decades, and upon the individual's participation as a citizen.

At the local level, the influence of population growth upon the quality of government seems clear. The quality of metropolitan government is likely to depend on the rapidity of population growth and on the number of different governments attempting to meet public service needs. For example, where court dockets are heavily crowded, justice is not likely to flow in the same fashion as where they are not.

Much of our research effort on the implications of population growth for local government concerns metropolitan areas, where most of our people now live. We are considering the increasing complexity and layering of local government generally found in such areas, the differences between cities and suburbs with regard to public service needs and the resources to meet them, and the problems of governmental response to future expansion of metropolitan areas.

In studying the effects of population growth on Federal and State government there is less to rely on than at the local level. We hope to open several new areas of inquiry, such as the effects of growth on the role of legislators, on the output of State legislatures, and on the ability of the Nation to unite around a national issue.

There is also a range of questions about the effects of population growth and movement on how individuals participate as citizens. The political attitudes of those who migrate from areas of rural poverty to urban ghettos are not likely to remain the same, nor are their expectations of governmental services. The same is likely to be true of those who move to the suburbs. Place of residence and hence the relative growth of different areas—may make a profound difference in political attitudes and behavior.

For centuries the size of population and national security have been connected in the popular mind. What is the relationship between population and national security in the modern, technological society? How is this relationship affected by the geographical distribution of the population?

Society

The Commission is examining the future of the family in the United States as reproduction comes increasingly under voluntary control. In what ways will the family of the future differ from the family of today? What are the implications for the health and development of children if family size diminishes?

Changes in family size will have far-reaching significance for a variety of social processes, not the least of which is the role of women in our society. Reductions in family size imply that women will spend less time in childbearing and child rearing activities and thus have more time available for work on other interests. Basically, the effect of such a change would be to increase the options available to women; one such option would be to devote more time to fewer children, perhaps improving the quality of parenthood. We are examining the effects of changing birth rates on the size of the female labor force, opportunities for women to have careers, and greater equality and participation of women in the affairs of the society. And, we are looking at the other side of the coin, the extent to which current levels of childbearing—wanted as well as unwanted births—result from the relatively limited range of roles many women occupy.

Some of the implications of the cessation of population growth for society are being explored. A few other nations that have come close to stabilizing population might serve as models of the future, although cultural differences make such inferences precarious. Certainly one demographic consequence of the decline of the birth rate is the aging of the population. In a population where births equal deaths, at the low levels of mortality prevailing in the United States, the proportion of people over 60 would be the same as that under 15 and the average age of the population would be 37 rather than 28 as at present. The implications of such a difference for rates of social change and opportunities for advancement must be examined.

At local levels such situations can be seen in places that have lost population. The emptying out of rural areas has meant a loss of young adults and a decline in the kinds and quality of service available. The impact of rural-urban migration on those who stay behind and on the communities in which they live is being examined. We are also evaluating the advantages and disadvantages to those who migrate to urban centers and the extent to which rural migrants contribute to the problems of urban areas.

In sum, what are commonly referred to as population problems can be viewed more profitably as environmental, economic, political and social problems that are aggravated by population growth and density. The closest thing to a "population problem" in the pure sense is the speculation that increases in the sheer density of numbers have undesirable effects on social behavior. We regard population growth, however, as an intensifier or multiplier of many problems impairing the quality of life in the United States.

POLICY ISSUES

The Commission is devoting its second year to a detailed examination of the probable course of population growth and distribution and their environmental, economic, political and social implications. The aim is to determine what population prospects inevitably must be accommodated in the short run, and what kind of national population policy is desirable now for the long run. The concerns of overriding importance are whether population stabilization and redistribution of the population are desirable.

The Commission views population policy not as an end in itself but as a means to facilitate the achievement of other social goals desirable in their own right. Such goals would include improvements in the status of women, in the socioeconomic conditions of disadvantaged minorities, and in the health and opportunities of children born because they were wanted, as well as well as the easing of pressures on our resources and physical environment, health and educational facilities, and the problems of our cities.

The content of a population policy would not be immutable, but would need to be adjusted over time in the light of emerging developments, increased knowledge, and changing attitudes of both policymakers and the general public. Thus, the Commission sees national population policy as an evolving rather than a static instrumentality.

Freely to choose

A key consideration for population policy is the current level of unwanted childbearing. This information is necessary to determine how much movement toward the cessation of population growth might ultimately result simply from preventing unwanted births. The sum of individuals' real preferences may in fact coincide with the welfare of society as a whole. There is some evidence (from the 1965 National Fertility Study) that the elimination of unwanted births would result in fertility levels ultimately commensurate with near-zero growth. If this conclusion is valid for 1970 (the 1970 National Fertility Study now underway will provide the basis for such a judgment), the policy implications can hardly be over-estimated because the national objective could be attained by enabling individuals to achieve their own preferences.

Estimates made in 1965, based on married women's own reports about their childbearing experience, indicated that one-third of the married couples who did not intend to have any more children already had at least one unwanted child. In the period 1960–65 nearly 20 percent of all live births were reported as unwanted by their parents. Only one-fourth of all parents claimed to have been completely successful in preventing both unwanted and unplanned pregnancies.

The 20 percent of births reported as unwanted by their parents represent nearly five million children born between 1960 and 1965 who theoretically would never have been born if their parents' desires had prevailed. Fortunately many of these unwanted pregnancies and births become wanted children. But many do not.

Over and above the demographic significance of current levels of unwanted births, are the serious costs for both individuals and society. For many, it means poor prospects for employment and limited opportunities for themselves and their children. For others, the costs are measured in increased family stress and unhappiness, altered life plans, and less time and attention for each child. Unwanted pregnancy sets off a chain of events which acutely forecloses the life-chances of some young people; it leads to dropping out of school, precipitous marriage or an out-of-wedlock birth. Unwanted child-bearing is associated with serious health consequences such as increased incidence of prematurity, mental retardation, infant and maternal mortality, and physical and emotional neglect and abuse.

While the incidence—and the consequences—of unwanted births are especially acute among low-income couples, it would be erroneous to regard the problem as one associated only with poverty. Couples in all socio-economic groups have unwanted pregnancies and experience its costs.

Fortunately, unwanted childbearing is a problem we can do something about. Voluntary family planning has become a prevailing pattern in American life, practiced in some fashion at some time by almost all couples, regardless of income, class, religion, or color. Whether Americans are able freely to choose if and when to have children depends largely on the priority which we as a society are willing to devote to policies, and research and educational programs, to reduce unwanted pregnancy.

In 1970, the Congress, by overwhelming majorities of both House and Senate, adopted the Family Planning Services and Population Research Act of 1970 (P.L. 91–572), a measure signed into law by President Nixon this past December. The Act encourages the birth of wanted children and assists couples in preventing unwanted conception. The Commission endorses this significant advance toward the reduction of unwanted childbearing, and believes that this policy should be implemented promptly.

We shall return to this question in our final report, to estimate the level of governmental and private resources—financial, manpower and institutional—which would be necessary for a comprehensive national effort. We are also examining State laws still in force which impede the dissemination of family planning services to certain classes of individuals, and the impact of other policies and programs on the opportunity for couples to secure modern family planning services.

Not an easy task

If it turns out that the prevention of unwanted births should be the main target of a growth policy, the goal would be to maximize popular information and understanding about how to control fertility, and to accelerate the development of more effective techniques and facilities for limiting childbearing. This will involve the Commission in further consideration of family planning services and education, contraceptive technology, adoption and abortion. These all pose moral and ethical complexities which the Commission is considering.

On the other hand, if population stabilization is desirable and its achievement would require more than eliminating unwanted childbearing, then additional measures can be considered, such as changes in tax laws, the elimination of pro-natalist laws and programs, and educational programs. Some of the policy issues that would then be involved are much more difficult and potentially more controversial than those related to the prevention of unwanted childbearing. It would not be an easy task to develop acceptable measures that would lead to a slowing and eventual end of population growth. The best kind of national population policy would be one that serves the general welfare by promoting informed individual choice.

One obvious and fundamental change desirable in its own right, quite aside from its demographic impact, is to increase the opportunities for women to pursue activities other than exclusively domestic and child-bearing roles. As the experience of other countries indicates, when women are able to work, birth rates decline.

As we have seen, population growth is also affected significantly by immigration. Should the volume of immigration be reduced? The historical role played by immigration in the growth of this country and our tradition as an open society make this question especially disturbing.

The issues with regard to the distribution of the population arise from the transition of the United States from an agrarian to an industrial and service economy and from a rural to a metropolitan way of life. The Commission seeks to identify the major stress points in this transition—stresses generated in the process of regional redistribution, metropolitan growth, the rapid expansion of suburbs and the depopulation of large areas of the country.

If it appears desirable to redirect growth, it will be important to know how this might be done. The Commission is studying internal migration and the characteristics of migrants, to find out at what stages in their career and life-cycle people might be responsive to incentives to move or stay.

A principal question is the role that Federal and State governments play in population affairs. Although the Federal government does not have an explicit, comprehensive population distribution policy, many of its policies, programs and statutes seem to have an impact on population distribution incidental to their main objectives. This inadvertent impact may be seen, for example, not only in the Federal Interstate Highway System, but also in the Federal Housing Administration program and federal procurement policies. Others, such as the Economic Development Administration, the New Communities Act and the urban renewal program are designed in part to redirect growth.

We also have many laws directly or indirectly affecting the growth of population, such as those governing immigration, marriage, divorce, contraception and abortion, which require examination.

Basic to all population policy questions are the underlying legal, ethical and polical issues. Constitutionality does not guarantee ethical acceptability, and Americans support a broad variety of ethical views that must be taken into account in any formulation of policy.

This, then, is the way the Commission views its task. We do not take future population trends as inevitable. We believe that there are short-run population trends already in process that simply must be accommodated, but that the longer-run future hangs in the balance. And it is not simply population growth itself that is the issue, but rather the quality of life that can be influenced so fundamentally by population. We have the challenge, and indeed the responsibility, to prepare for the future of coming generations of Americans.

Appendix A

SOURCES OF DATA

The figures on future population in this report are based on the Census Bureau's *Current Population Reports,* Series P-25, No. 448, "Projections of the Population of the United States, by Age and Sex (Interim Revision): 1970 to 2020," and unpublished extensions of these projections.

The Census Series B projection is used here to show how the population would grow if families had an average of 3 children. The Census Series E projection is used to show population growth if the average were 2 children per family.

Both Census series assume that net immigration to the United States will continue at recent levels of about 400,000 per year. Both assume a slight increase of about 1½ years in the average expectation of life between now and the year 2000. They differ in what they assume about the rate of childbearing.

Series B assumes that in the future women which works out to an average of 3.1 chil- will be giving birth at an "ultimate" rate dren per woman over her lifetime. The transition from the 1968 rate of 2.5 to the "ultimate" future rate is not instantaneous in the projections, but most of the transition is assumed to occur by 1980.

The 3.1 figure is an average for all women, regardless of marital status. In the present-day United States almost all women (95%) marry at some time in their lives, and many of those who do not are exposed to the possibility of childbearing. So the Series B rate of childbearing represents a reasonable approximation to an average family size of 3 children.

Census Series E assumes an ultimate rate of childbearing that works out to an average of 2.1 children per woman over a lifetime. This is the rate at which the parental generation would exactly replace itself. The extra .1 allows for mortality between birth and the average age of mothers at childbearing, and for the fact that boy babies slightly outnumber girl babies.

Different generations born in the twentieth century have reproduced at widely varying average levels, some exceeding three children (as did the women born in 1930-1935) and some approaching two (as did women who were born in 1905–1910). The fact that major groups in our modern history have reproduced at each of these levels lends credibility to projections based on either of these averages.

The sources of data for charts in this report are as follows:

Figure 1: Data are unpublished Census Bureau projections of the number of 6-year-olds enrolled in school each fall. The enrollment rate, or proportion of the 6-year-olds enrolled in school, is assumed to increase from 98.5 percent in 1970 to 99.6 percent in 2000. This assumption is compatible with the trends evident in the enrollment rates since 1950.

The projected numbers of 6-year-olds to which the enrollment rates are applied are consistent with Series B and E as published in the U.S. Bureau of the Census, *Current Population Reports,* Series P–25, No. 448.

Figure 2: Estimates of the total population, 1870 to 1900, are from U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957.* Estimates of the total population, 1900 to 1959, are from the U.S. Bureau of the Census, *Current Population Reports,* Series P–25, No. 311.

Estimates and projections of the total population, 1960 to 2020, are from the U.S. Bureau of the Census, *Current Population Reports,* Series P–25, No. 448. Projections of the total population beyond 2020 are unpublished extensions of these projections.

Figure 3: Estimates of the population 20 to 29 years of age, 1950 to 1967, are from U.S. Bureau of the Census, *Current Population Reports,* Series P–25, No. 311, No. 321, and No. 385.

Estimates of births, deaths, and total population from 1950 to 1960 are from the U.S. Bureau of the Census, *Current Population Reports,* Series P–25, No. 442.

Current Population Reports, Series P–25, No. 448 is the source of estimates and projections of the population 20 to 29 years of age from 1969 to 2000, the total fertility rate (termed "average number of children per family" in this report) from 1950 to 2000, births and deaths from 1961 to 1991, and total population from 1960 to 2000. Data on births and deaths beyond 1991 are from unpublished Census Bureau projections.

Figure 4: Data on unwanted childbearing are from L. Bumpass and C. F. Westoff, "The 'Perfect Contraceptive' Population," *Science,* 169: 1177–1182, September 1970.

Appendix B

RESEARCH PROJECTS AND PAPERS OF THE COMMISSION

The Commission plans to publish the results of its research in 1972.

Projections of population growth, characteristics, and distribution

Projections to the year 2000 of the:
Population of the United States
Nonwhite population
Number of persons enrolled in school
Number of households
Income distribution of families
Population of each State
Components of metropolitan/nonmetropolitan population growth.

Bureau of the Census, Department of Commerce Projected labor force: 1970 to 2000.

Denis F. Johnston, Bureau of Labor Statistics in cooperation with Bureau of the Census, Department of Commerce, Future expansion of metropolitan areas, and their projected population: 1970 to 2000.

Jerome Pickard, Appalachian Regional Commission and Urban Land Institute.

Analysis of births, deaths, immigration and internal migration

Growth, transformation, and redistribution of United States population in the 20th century. Irene B. Taeuber, Princeton University and Conrad Taeuber, Bureau of the Census, Department of Commerce.

Demographic significance of unwanted fertility in the United States: 1970. Charles F. Westoff, and Norman B. Ryder, Princeton University.

Illegitimacy in the United States. Phillips Cutright, Massachusetts Institute of Technology.

Teen-age contraceptive practice and pregnancy in the United States. John Kantner and Melvin Zelnik, The Johns Hopkins University.

Demographic significance of the legalization of abortion. Attitudes in the United States toward abortion. Christopher Tietze, M.D., The Population Council.

Demographic significance of adoption. Staff.

Future course of fertility in the United States. Norman B. Ryder, Princeton University.

Foreign experience with replacement levels of fertility. Michael S. Teitelbaum, Princeton University.

Demographic paths to population stabilization. Ansley J. Coale, Princeton University.

Demographic significance of immigration. Richard Irwin, Bureau of the Census, Department of Commerce.

Migration studies, incorporating:
Dimensions of the population problem in the United States.
The migration process.
Disparities between individual and collective consequences of population movement.
Impact of immigration on the spatial distribution of population in the United States.
Peter Morrison, RAND Corporation.

Growth of the rural population. Calvin Beale, U.S. Department of Agriculture.

Issues in population redistribution. Everett S. Lee, University of Georgia.

Economic research

Impact of future population growth and internal migration on demands for health, education, transportation and welfare services. RAND Corporation.

Impact of future population growth and internal migration on demands for housing. Staff.

The effects of alternative patterns of future population growth for the national economy: four views. Allen C. Kelley, University of Wisconsin, Harvey Leibenstein, Harvard University, Edmund S. Phelps, University of Pennsylvania, Joseph J. Spengler, Duke University.

Critiques of the four views. Richard A. Easterlin, University of Pennsylvania, Steven Enke, G.E. TEMPO Corporation, Robert Dorfman, Harvard University, Warren C. Robinson, Pennsylvania State University.

Equity and welfare consideration in population policy. Paul Demeny, East-West Center, University of Hawaii.

Pro-natalist influences in federal government fiscal policies. Elliott R. Morss, Private Consultant.

Costs of children. Staff.

Projections of gross national product and related variables for different population projections. Office of Business Economics, Department of Commerce.

In addition to the projects listed above, the Commission hopes to develop research on the effects of population growth on specific industries, and the changing functions of cities and the implications for population redistribution.

Environmental research

Effects of changes in population growth and distribution on resource adequacy and on the quality of the environment. Among the specific areas to be covered are the effects of population growth and redistribution on:

The adequacy of major resource supplies
The adequacy of recreation facilities
Environmental pollution

The ecological consequences of resource use and pollution. Resources for the Future, Inc.

Population, resources and environment. Paul R. Ehrlich, Stanford University.

Population, consumption, technology, and the environment. Barry Commoner, Washington University at St. Louis.

Earth's carrying capacity for people and how this constrains our choices. Preston Cloud, University of California, Santa Barbara.

Political and governmental research

The impact of population changes upon the representational and policy-making roles of congressmen and senators. Robert L. Chartrand, Library of Congress.

Population futures in legislative apportionment. Richard Lehune, Rutgers University.

Population and the international system: some implications for United States policy and planning. Robert C. North, Stanford University.

Population changes and state government. John G. Grumm, Wesleyan University.

Metropolitan growth and governmental fragmentation. Allen D. Manvel.

The reciprocal impacts of population distribution and metropolitan government. Michael N. Danielson, Princeton University.

Adjustment of local government service levels to population change. Robert F. Drury.

In addition to the projects listed above, the Commission hopes to develop research on several additional topics. These include the impact of population changes upon the administration of justice, national security, and the future of the federal system.

Social research

Socio-economic differences in mortality. Evelyn Kitagawa, University of Chicago.

Pro-natalist pressures in the United States. Judith Blake Davis, University of California, Berkeley.

Occupational costs and benefits of immigration. Judith Fortney, Duke University.

The social aspects of a stationary population. Lincoln H. Day, United Nations.

Changing status of American women. Suzanne Keller, Princeton University.

The family and population policy, with special reference to the United States. Kingsley Davis, University of California, Berkeley.

Social-psychological implications of population density. Jonathan Freedman, Columbia University.

Economic and social impact of rural depopulation: A case study. W. LaMar Bollinger, College of Idaho.

In addition to the projects listed above, the Commission hopes to develop research on fertility and women in the labor force.

Research on education and information programs

Population education in the United States. Stephen Viederman, The Population Council.

Family planning education. Sol Gordon, Syracuse University.

Citizen attitudes toward population growth, distribution and policy. Staff.

Supply and demand for family planning services in the United States. Frederick S. Jaffe, Planned Parenthood-World Population.

Directions of contraceptive research. Sheldon J. Segal, The Population Council.

American population, family size, community preferences as idealized by American television. Richard Heffner Associates, Inc.

Policy research

Congressional-executive relations in the formation of explicit population policy. Phyllis T. Piotrow, The Johns Hopkins University.

Historical development of values in the American political-legal tradition bearing on population growth and distribution. Peter Brown and Institute of Society, Ethics, and the Life Sciences.

Present and future American ethical norms as limits upon possible population policies. Institute of Society, Ethics, and the Life Sciences.

Population policy-making and the constitution. Arthur S. Miller, National Law Center, The George Washington University.

Guarding against unintended consequences of possible population policies. Theodore J. Lowi, University of Chicago.

In addition to the projects listed above, the Commission hopes to develop research on existing laws on contraception, sterilization and abortion; population distribution effects resulting from federal policies; foreign experience in population redistribution policies; and citizen attitudes on population issues.

Appendix C

PUBLIC LAW 91-213, 91ST CONGRESS, S. 2701, MARCH 16, 1971

An act to establish a Commission on Population Growth and the American Future

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

Sec. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

STAFF OF THE COMMISSION

Sec. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided,* That no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

Sec. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

Sec. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

Sec. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Approved March 16, 1970.

REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

The PRESIDING OFFICER. At this time, the hour of 10:45 a.m. having arrived, under the previous order, morning business is concluded and the Chair lays before the Senate unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1117) to provide for regulation of public exposure to sonic booms, and for other purposes.

The Senate resumed the consideration of the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, S. 1117 is a bill which has been authored by me and has been reported unanimously by the Committee on Commerce. It provides for the regulation of public exposure of sonic booms and provides that any future production models of American SST's will comply with existing noise standards applicable to new subsonic jets.

This bill is almost identical to S. 4547, which was passed by the Senate on December 2, 1970.

On April 15, 1970, the Department of Transportation filed a notice of proposed rulemaking to ban civil supersonic flight overland. This proposed regulation was published in the Federal Register on April 16, 1970—35 F.R. 6189. In addition to the filing of this proposed amendment to the Federal Aviation regulations, the President of the United States, the Secretary of Transportation, and other representatives of the administration have stated that commercial supersonic flight over land will not be allowed. In spite of these assurances, some critics have contended that the regulation might be changed or revoked when commercial supersonic flight becomes a reality.

To dispel these unjustified fears and to assure the American people that there will be no overland flights in this country by supersonic aircraft at speeds causing a sonic boom which could reach the earth, the bill would adopt the language of the Department of Transportation's proposed regulation as legislation and make it the law of the land.

The prohibition, by law, of sonic booms caused by civil supersonic aircraft over land—note that this is civil; it does not apply to defense supersonic planes, which have already flown approximately 500,000 hours in the past 9 or 10 years—will not have any effect on the economic viability of the U.S. civil supersonic transport. The prototype program has proceeded upon the assumption that commercial supersonic flight overland would not be allowed and all marketing and economic projections have been based on this assumption.

Once the two protoypes of the civil supersonic aircraft have been developed and tested, a decision must be made by the manufacturers of the aircraft and the airlines as to whether commercial production of the aircraft is in the national interest. I am confident that the United States "fly before you buy" prototype program will lead to the development of a supersonic transport which will be a technical, economic, and environmental success. The U.S. supersonic aircraft program has had the benefit of years of careful research and analysis. We began the supersonic research some 11 years ago, and Congress has consistently appropriated money to keep it going. It was started under the administration of and with the urging of President John Kennedy. We have had the benefit of this careful research and analysis which will result in a product which is far superior on all scores to those now under production in England, France, and Russia.

While I have the greatest confidence in the program and in the capability of the manufacturers to produce a superior aircraft, I feel that the decision of the manufacturers and the airlines to enter into commercial production after the testing of the two prototypes is a decision in which the public has an interest. Because of the public's interest in this decision, the bill would require the Secretary of Transportation to submit to Congress and to the public a report covering all aspects of the prototype program upon the completion of the prototype development and testing program.

The report shall include a detailed analysis of potential environmental, economic, and international consequences that may result from production or nonproduction of a U.S. civil supersonic aircraft.

The report shall also make available data on all other civilian supersonic aircraft programs—including the Concorde and the TU-144—which are in development or in commercial operation at that time.

The report shall also set forth any recommendations for legislation or international agreements which the Secretary feels are necessary to insure a balanced national transportation policy which is efficient, productive, economically and environmentally sound. The Secretary's recommendations are not to be limited to the U.S. civil supersonic program but shall include recommendations, where appropriate, for any necessary regulation of all civil supersonic aircraft that may have any effect on the United States. I believe that such a report, with legislative recommendations will go far to assure the American people that supersonic aircraft operations will be conducted under conditions which will insure that such operations are compatible with this Nation's environmental standards, that they are economic, and that they will result in important benefits to the Nation's economy, to a balanced national transportation policy, and to the American people.

Mr. President, last year when S. 4547 was being debated on the floor of the Senate, I offered an amendment to it which was adopted which provide even further environmental safeguards to the public from noise problems which could result from commercial operations of U.S. supersonic transports.

I believe the most important feature of this legislation is the incorporation of this amendment. Basically, the amendment of last year, which is incorporated in this bill in nearly identical fashion, requires the Department of Transportation to modify its contracts with the contractors producing the SST prototypes to provide that those contracts will not be satisfactorily completed until the contractors can demonstrate that all production models of the U.S. SST developed from the prototype can comply with the noise level standards which must be met by the new generation of subsonic aircraft soon to go into service such as the McDonnell-Douglas DC-10 and the Lockheed L-1011.

This means that the contractors must prove that the production models of the U.S. SST will be able to meet the same noise standards, measured on takeoff, descent and at the sidelines, which are being imposed upon new subsonic aircraft. In more readily understandable terms, it will mean that the contractors must demonstrate that production models of the U.S. SST will be quieter than current jets now in service including the Boeing 747 which is at present the quietest of the large turbo jet transports.

Mr. President, in the past several months, significant noise reduction breakthroughs have been made in the SST developmental program. Under this bill there would have to be, whether they moved along faster with this or not. While in November the Department and the contractors expressed skepticism about developing SST production models which would meet the new noise standards, recent new technological achievements now make it apparent that the U.S. SST can and will be as quiet an airplane as any being developed today.

The PRESIDING OFFICER (Mr. ALLEN). The time of the Senator from Washington has expired.

Under the previous order, at this time, further consideration of the measure is under controlled time, with debate on the bill itself to be one-half hour, divided equally between the Senator from Washington and the minority leader, and with amendments to be limited to 30 minutes, with the time to be equally divided between the mover of the amendment and the Senator from Washington.

Who yields time?

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes of my time under the rule.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. Mr. President, while in November the Department and the contractors were opposed to the features of this legislation because at that time they did not believe the technology was available to satisfy these noise standards, today the Department and the industry will support this bill because they are confident that the production models of the American SST will be able to meet the requirements imposed by the legislation.

Mr. PROXMIRE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. PROXMIRE. I congratulate the Senator on his bill. It is an excellent bill. He deserves a great deal of credit for offering it. It provides a vital safeguard. I ask the Senator whether I might be listed as a cosponsor of his bill?

Mr. MAGNUSON. I am glad to have the Senator as a cosponsor of the bill.

Mr. President, I ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I should like to ask the Senator from Washington a few questions about the bill. As I understand it, the sideline noise problem is met in the bill on page 4, lines 9 to 19, providing for modification of contracts affecting the prototype.

Two questions arise in that respect: One, that it would have no effect on the Concorde which would come in at a perceived noise decibel of 116, 120, or whatever it may be. It could be twice as high as the American jet, yet it would be free to use our facilities and our airports. It would have an economic advantage that we would not have under this program, because there are costly economic sacrifices that American planes would have to make to reduce the noise level.

Mr. MAGNUSON. I would say that we can only legislate that our own planes be developed to meet present U.S. noise standards.

Mr. PROXMIRE. I understand that.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from Washington has expired.

Mr. MAGNUSON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 additional minutes.

Mr. MAGNUSON. The FAA may apply this standard to a foreign supersonic jet; if they did not meet the standard, we would not let them land.

Mr. PROXMIRE. That would require that?

Mr. MAGNUSON. Yes; I would assume that the law would be adapted to include that. The FAA will decide whether the Concorde could come in.

Mr. PROXMIRE. I can find nothing in the law now that would require that. There might be such a relationship between the State Department and a foreign government, that the administration might feel, from the standpoint of comity, they should be able to fly the Concorde in here even if it is too noisy. The Concorde builders have insisted that they cannot reduce the noise level on the Concorde to our required decibel level. They have admitted that.

Mr. MAGNUSON. The bill also provides that foreign SST's cannot fly at supersonic speed overland.

Mr. PROXMIRE. There is one other problem which is even more serious. Is is not true that the limitation on the sideline applies only to the prototype? What is to prevent manufacturing companies and airlines from going ahead and bringing planes into production that do not have this kind of suppressor on it, thereby holding their costs down by $1 or $2 million, and which also would be holding down their operation cost? All this measure does is to provide that money paid by the Federal Government for the prototypes will not be forthcoming unless the prototypes meet this sound requirement. There is nothing to require the production model—which is what will make the noise at the airports—to meet the noise requirement.

Mr. MAGNUSON. The production models will not fly unless they meet these standards.

Mr. PROXMIRE. There is nothing in this bill to prevent that, is there? Where is there the requirement in the law calling for the production model to comply?

Mr. MAGNUSON. The production models of the American plane will be required to meet these standards.

Mr. PROXMIRE. But that applies only to the prototypes.

Mr. MAGNUSON. No; to all production models developed from prototype aircraft. We use the words "production model."

Mr. PROXMIRE. I see that, but how can that have any effect? The Federal Government's obligation is completed when it discharges its financial requirements to pay the $1,342,000,000 for the development of the two prototypes. Correct?

Mr. MAGNUSON. I understood it to be $1,300,000,000——

Mr. PROXMIRE. Whatever it is, $1.3 billion, or $1,342,000,000, or whatever it is. At that point, the Federal Government has no leverage, no authority, no power, certainly nothing that can be given by this particular provision in the law, to require that planes subsequently produced will have to have noise suppressors and will have to comply with the 108 perceived noise decibel on the sideline.

Mr. MAGNUSON. Well, the FAA does already require this of new subsonic jets. They have already made that ruling.

Mr. PROXMIRE. The Senator is correct. FAA could make that ruling. But there is nothing in the world to prevent the FAA from providing that they could fly with a 115 or a 120 perceived noise decibel level.

Mr. MAGNUSON. I do not know, of course, what the FAA might do 5 years from now, or even 2 or 3 years from now; but I am sure that the FAA is committed to present noise standard levels and will apply them to production model SST's when they are built.

Mr. PROXMIRE. May I read what is bothering me. It provides that "all production models developed from the prototype aircraft can comply with the noise level standards at the noise measuring points now specified."

What this provides is that the prototype will indicate the production model can comply, but there is nothing here that would require the production model to comply. There is nothing to mandate them to do so. It is much cheaper for the manufacturer or for the airline to buy airplanes that do not comply. It would be a strong economic incentive for them to do that. If they do so, it will mean that we will have this loud noise on the sideline at the airports and this bill will not prevent that.

Mr. MAGNUSON. If we want to change the words on page 4 to "can comply"—we might use the words "will or might"—that might make it stronger.

Mr. PROXMIRE. That might make it stronger, but unless we legislate a specific limitation on the perceived noise decebel in the sideline at all American airports, if we do that, that would be helpful and I would support that. That would be a very helpful amendment.

Mr. MAGNUSON. We have this present regulation to do that with new subsonic aircraft. I have no reason to believe——

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator has expired.

Mr. MAGNUSON. As a matter of fact, I am hopeful the FAA will make the noise standard even more strict as we move along and develop new technology.

Mr. PROXMIRE. I am, too.

The PRESIDING OFFICER. This time of the Senator from Washington has expired.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Wisconsin such time as he may require.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed.

Mr. PROXMIRE. Mr. President, may I say that I still have great difficulty with this section of the bill because regardless of what we say, the production model "can," or "may do," or "must do," once the Federal Government has expended its funds. The only force that this section of the bill has is with respect to Federal funds and after that point, we lose authority over——

Mr. MAGNUSON. But the bill says that production models have to comply with the noise level standards at the noise measuring points now specified for new subsonic jet aircraft.

Mr. PROXMIRE. The Senator is correct. It can only apply to the prototypes that the Federal Government is paying for.

Let me see if I can work out an amendment. On the first point—that is the Concorde—it is not affected. It will be permitted to come in even though it makes more noise on the sideline than our jet.

Mr. MAGNUSON. They have to get permission from the FAA to land.

Mr. PROXMIRE. Where is the provision in here that the FAA can keep out those planes?

Mr. MAGNUSON. The FAA has that general authority under its authority to certificate the airworthiness of all aircraft entering the United States.

Mr. PROXMIRE. They can. However, where does this bill provide that and require FAA to hold down the noise level?

Mr. MAGNUSON. I assume the FAA will take care of that when they establish noise requirements for the SST. I would like to leave a little flexibility because I hope they might even change the regulations to make them more strict.

Mr. PROXMIRE. Mr. President, would the Senator be willing to accept a modification of the amendment on page 4, line 19, as follows:

> The Department of Transportation shall further take appropriate steps to require that any civil supersonic aircraft seeking landing rights in the United States comply with the noise standards set forth in sections C 36.3 and C 36.5 (a) and (b) of appendix C (evaluated as prescribed by appendix B) of paragraph 36 of the Federal Aviation Regulations.

Mr. MAGNUSON. They will not be allowed in if they cannot comply with the regulations that are in effect at the time the aircraft go into service.

Mr. PROXMIRE. It is my understanding that the regulations would apply to subsonic and not to the Concorde. And they have no possibility that they can reduce the sideline noise.

Mr. MAGNUSON. We are trying to reduce this noise level as low as we can with our technological capacity.

I think we are making progress. This is a pretty tough regulation. I have no reason to think that they are going to be any less strict for SST's. The Senator and I do not know who will be administering the FAA 5 years from now.

Mr. PROXMIRE. That is exactly why I think we should have a law that would mandate the noise standards.

Mr. MAGNUSON. I think we do.

Mr. PROXMIRE. It does not apply to the Concorde.

Mr. MAGNUSON. We cannot do that until they make application for U.S. certification. Then we can require any regulation we want.

Mr. PROXMIRE. We can control our own landing rights.

Mr. MAGNUSON. But they have to apply for U.S. certification.

Mr. PROXMIRE. But we do not have a provision in the proposed bill to that effect. All we do is provide that the subsonic prototype models shall meet the perceived noise decibel level.

Mr. MAGNUSON. That is also for the production models.

Mr. PROXMIRE. We do not say they must.

Mr. MAGNUSON. Does the Senator want to put in the word "will"?

Mr. PROXMIRE. We have to put in more than that. The whole situation is based on what the situation will be even 2 years from now. And as of this point, the FAA has no provision for enforcing it.

Mr. MAGNUSON. We are putting into the law that U.S. production models must be able to meet the minimum standards for new subsonic jets with the hope that by the time the Concorde applies for U.S. certification, there will be strict regulations which they must meet regarding noise from SST's. The United States can stop any plane from landing in the continental limits of the United States if we do not think it is safe. They will make the regulations stricter. I hope they will. The Senator and I cannot legislate about noise that might exist 5 years from now. We can hope that there is a tough minimum standard and that new technology will enable FAA to make it even tougher.

Mr. PROXMIRE. Mr. President, we agree. We do not, in the pending bill, legislate on standards of noise 5 years from now. That is what I want to do. If we do not legislate on the noise standards 5 years from now, we may very well have noise at the airports which greatly exceeds what the Senator has specified.

Mr. President, this law will not prevent the American planes, the British Concorde, or the subsonic planes from greatly exceeding the noise limits 5 years from now.

Mr. MAGNUSON. They could not exceed the limits established at that time.

Mr. PROXMIRE. This prevents the prototype from exceeding the noise limitation. It says that the production models can comply with the noise level standards. This is not a limitation.

Mr. MAGNUSON. There is an FAA regulation pertaining to new subsonic jets which, I presume, is not going to be repealed. I assume it will be extended to cover future SST's.

Mr. PROXMIRE. Mr. President, at the present time there is no limitation on the supersonic planes, as I understand it, from the FFA, that limits the noise at the sidelines to 108 perceived noise decibels.

Does the Senator argue that this would apply now to the Concorde?

Mr. MAGNUSON. Future regulations, I hope, will apply to all SST's including the Concorde.

The PRESIDING OFFICER. All of the time of the Senator from Washington has expired.

Mr. COTTON. Mr. President, except for a provision requiring the Department of Transportation to modify SST prototype contracts so as to provide for compliance with noise level standards, the bill, S. 1117, is identical to S. 4547 as it passed the Senate on December 2, 1970.

As on that earlier occasion, I commend the distinguished Senator from Washington (Mr. Magnuson), chairman of the Committee on Commerce, in presenting this bill. It is a bill which was reported favorably by our Committee on Commerce with the recommendation that it pass. To the best of my knowledge, there were no dissenting votes.

Similarly, S. 1117 is in response to a recommendation made by the entire Senate Appropriations Committee in its report accompanying the Department of Transportation's appropriation bill for fiscal year 1971, H.R. 17755. In that earlier report, our Appropriations Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom. The Committee on Appropriations went on to note the following:

> The law the committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds * * *.
>
> In the committee's view, a rule, which is subject to arbitrary change, is no substitute for a law passed by the Congress * * *.

The bill, S. 1117, therefore, is in response to this expressed concern and is designed as insurance and a safeguard for the people of the United States against the danger of being subjected to sonic booms.

Accordingly, Mr. President, I urge that the bill, S. 1117, be considered favorably and be passed by the Senate.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Kansas (Mr. Pearson).

There being no objection, Senator Pearson's statement was ordered to be printed in the Record, as follows:

Statement of Senator Pearson

Mr. President, I regret that I am not able to participate today in the Senate action to regulate public exposure to sonic booms. I support this legislation now, just as I supported it last December and both times it was being considered by the Commerce Committee.

S. 1117 is in response to a recommendation made by the entire Senate Appropriations Committee, of which I was a member at that time, in its report accompanying the Department of Transportation appropriation bill last session. In 1970, the Committee on Appropriations said the following:

"Last year [1969], in providing funds for continuation of the commercial supersonic transport program, the Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom.

"The law the Committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds. . . .

"Our Committee regrets that in place of pressing for such legislation, the Secretary has chosen instead to seek an agency rule to deal with the matter.

"In the Committee's view, a rule which is subject to arbitrary change, is no substitute for a law passed by the Congress.

"The Department's approach permits the unfortunate inference that the Department some day may wish to relax its rule on overland SST flights should such flights be deemed essential to the SST's commercial success."

This bill today would be insurance and a safeguard for the people of the United States. It is a protection written into the law against the danger of being subjected to sonic booms, and it cannot be relaxed except by another act of Congress.

S. 1117 is identical to S. 4547, which passed the Senate unanimously by a rollcall vote of 77 Yeas to 0 Nays on December 2, 1970.

but which was never taken up by the House of Representatives before the end of the 91st Congress. It amends section 307 of the Federal Aviation Act of 1958 by prohibiting operation of civil aircraft at a speed greater than sound over the United States, including Alaska and Hawaii, except by authorization of the Federal Aviation Administration. The bill also requires the DOT to modify its contracts with the contractors producing the SST prototypes to provide that those contracts will not be satisfactorily completed until the contractors can demonstrate that all production models of the SST developed from the prototype can comply with the noise level standards which must be met by the new generation of subsonic aircraft.

For certain purposes, the FAA, under this bill, may permit flights operating at a speed greater than sound (mach 1). Supersonic flights may be permitted for research and development if necessary for proving compliance with airworthiness regulations or for aircraft development. Also, supersonic flights may be permitted if necessary to determine the sonic boom characteristics of the airplane, to establish means of reducing or eliminating the effect of sonic boom, or to determine conditions and limitations under which sonic booms will not reach the earth's surface. These, in my estimation, are very logical and necessary situations when supersonic flights should be permitted. Even in these cases, however, the FAA Administrator could deny an application for such authorization if he felt that denial was necessary to protect and enhance the environment.

Mr. President, I am sure that the Senate will pass this legislation today. Also, I am confident that the House will give S. 1117 favorable consideration within the near future.

Mr. PACKWOOD. Mr. President, I yield the Senator from Wisconsin (Mr. NELSON) 5 minutes.

Mr. NELSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and we will develop the contents of the amendment in the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

At the end of the bill insert a new section as follows:

"SEC. 2. (a) There is hereby established a commission to be known as the 'Civil Supersonic Environmental Study Commission' (hereinafter referred to as the 'Commission').

"(b) (1) The Commission shall consist of nine members, appointed by the President from among individuals with expertise in the fields of aeronautics or the environment, or both, and without any previous active involvement in the civil supersonic program.

"(2) The President shall, at the time of appointment, designate one member of the Commission as Chairman and one member of the Commission as Vice Chairman.

"(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(4) A vacancy in the Commission shall not affect its powers, but shall be filled by appointment of the President.

"(c) (1) Members of the Commission shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

"(2) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d) (1) The Commission shall conduct a continuing study of the Federal civil supersonic program for the purpose of (A) determining the probable and actual effects on the environment of the aircraft developed in such program, and (B) making recommendations with respect to such program for the purpose of protecting the environment.

"(2) The Commission shall make a report to the President and the Congress, at least annually, on its activities pursuant to paragraph (1) and containing its recommendations. Any such report shall be made available to the public.

"(e) The Commission shall meet at the call of the Chairman or at the call of a majority of the members serving on the Commission.

"(f) In order to carry out the purposes of this section, the Commission is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $75 per day for each day (including travel time) during which they are engaged in the actual performance of their duties for the Commission. While traveling on official business in the performance of duties for the Commission such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"(g) The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(i) There are authorized to be appropriated to the Commission such sums, not in excess of $27,000,000 for any fiscal year, as may be necessary to carry out the provisions of this section."

Mr. NELSON. Mr. President, I would like to confer a bit on this matter with the distinguished Senator from Washington. I think one of the problems in the whole debate here has been the increasing lack of confidence in the minds of many people—including myself—as to the intent of the administration to really make a careful study of the environmental implications of the SST.

I know that the Senator from Washington has not been a part of this. However, the history is that of a series of acts on the part of the administration that has destroyed their credibility on the environmental question.

The administration started out with an ad hoc committee in 1969 mostly composed of Cabinet members. Dr. DuBridge, the President's science adviser, was on that committee. Then the ad hoc committee came out with an evaluation that was in many respects negative in terms of building the SST. Dr. DuBridge came to a negative conclusion on building the SST. His statements have been printed in the RECORD. This was not a satisfactory report for the administration to stand on because there was too much criticism of the SST in the ad hoc committee's statement. So they decided to appoint another committee.

At the President's request Dr. DuBridge appointed a scientific committee. He selected 16 distinguished scientists headed by Dr. Garwin. Then, the administration refused to let people see what is in the report. We asked for it on the floor of the Senate, but they refused to show what their scientific committee reported to them.

Dr. Garwin then appeared before committees of the House and Senate and said that he was not at liberty to tell them what they told the administration, but that it was his personal opinion, that the SST should not be built.

Then, a committee to study the environment was appointed. Apparently, Mr. Magruder intends to use some $20 million of appropriated funds to make the study. But who is on the study committee? It is almost exclusively an "in-house" group with a bias in favor of the SST.

As we go down the list we find there is not a distinguished biologist of any kind on the committee. The people appointed are from HEW, FAA, the Federal Aviation Council, the Library of Congress, the Oceanic and Atmospheric Administration, the Associate Director for Atmospheric Research, and the senior vice president for development of the Xerox Corp.

I do not have any confidence and I do not believe anybody else is going to have any confidence in a committee selected in this fashion with all but one of the members part of this administration.

The administration would have carried the day for their cause if they had simply and firmly assured us that they would appoint a distinguished and independent scientific commission of the most distinguished authorities in the country on all the problems involved here and assured us that they would fund them through all of their research, and that we would not proceed, after developing a prototype, to permit another plane to be built until this independent scientific committee completed its studies and made its report.

If they had said that, and if I believed they would do that, and if I believed they would stand by their commitment, I would vote to build two prototypes. But they have made it impossible to believe them.

All I have asked, as is the case with most of us concerned about the environment, is a guarantee that we will not go ahead until we have assurances on the environmental implications of the construction. All we have had is ducking and hiding by the administration, starting with the ad hoc committee and going to the scientific committee. They will not show us the Garwin report or give us any firm believable assurances. Now we have a new administration-loaded committee which is going to make the study. No one is going to accept this committee as unbiased. The administration has simply designed and orchestrated its own defeat by its tactics.

I have offered this amendment which would in fact strengthen the position of the proponents. I offer it because if the proponents should ultimately prevail we would at least have an independent scientific commission make the study.

The distinguished Senator from Washington has a copy of the amendment. The amendment provides that the Commission shall consist of "9 members, appointed by the President from among individuals with expertise in the fields of aeronautics and the environment, and without any previous active involvement in the civil supersonic program." The amendment gives them adequate funding and authorizes them to engage and hire appropriate people, and expenses for research and making a report. I think a distinguished scientific committee is a must before any serious consideration can be given to proceeding further with the matter.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. NELSON. Mr. President, I reserve the balance of my time. I wonder if the Senator from Washington would not agree that this kind of independent commission should be a necessary part of his bill if the country is going to have assurances of an unbiased study in the event at some stage Congress does, in fact, proceed with building the prototypes.

Mr. MAGNUSON. I have no objection to an independent commission. The word "independent" is pretty difficult to define in this controversy. The Senator from Wisconsin suggested anyone who had not any previous active involvement. I think nearly everyone in the country has been involved in this matter in some way. I do not know how we would get professors with a "neuter gender" who knew nothing about it, as far as the program is concerned. Also, it calls for $27 million.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. NELSON. I reserve my time.

Mr. MAGNUSON. I will use my time on the bill.

The President has $27 million to do it.

Mr. NELSON. But he has a loaded committee.

Mr. MAGNUSON. I am not talking about the President's committee. I am saying he has the money to appoint a commission. The Senator says it is loaded but I do not think it is. The President could stop them all and appoint this commission. He has $27 million.

Mr. NELSON. All I am saying is that this Commission should get the money and get it annually to make a study.

Mr. MAGNUSON. This would have to be referred to the Committee on Appropriations.

Mr. NELSON. This would be an authorization.

Mr. MAGNUSON. It would have to go to the Committee on Commerce so that they could take a look at it. I have no objection to commissions. I hope we can have all the commissions possible until we exhaust the idea. It depends on how one feels about it.

If someone is appointed who knows something about aeronautical engineering and says that the SST is "flyable," then immediately someone pops up and says that he is biased and does not know what he is talking about because he has been involved. Every top aeronautical engineer in the United States has been involved in this matter. Every aircraft company was in the competition and they have been working on this for years. I would like a commission with a couple of aeronautical engineers on it because we end up with nothing but professors all the time. They get their feet in concrete more than anyone else. There is no change in them.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield?

Mr. PACKWOOD. Mr. President, I would like to ask the Senator from Washington whether it is his intention to acquiesce in this amendment or not.

Mr. MAGNUSON. No, I cannot.

Mr. PACKWOOD. Very well. That is fine.

Mr. MAGNUSON. I will cosponsor a bill with the Senator from Wisconsin and allow the President to appoint an independent commission setting out the same ideas the Senator has. I would leave out the Senator's "previous active involvement." The Senator might end up with some people who do not know anything about it at all, who have no ideas about it, and who would not be qualified.

Mr. NELSON. The Senator will note the words "individuals with expertise in the fields of aeronautics or the environment, or both,"——

Mr. MAGNUSON. I would say "both" and stop.

Mr. NELSON. Very well. My point is that I want a good committee that is not under the control of the Government. This committee is totally unsatisfactory in the sense that, fine men though they may be, almost every one of them is in the executive branch. I have had enough of the executive branch. The ad hoc committee was not satisfactory to the President. He receives a report from the scientific committee that was not satisfactory at the White House and they hid it under the rug and they will not bring it out. So now they have $27 million in a controlled situation and they come back and say that everything is rosy.

Mr. MAGNUSON. We had testimony the other day. The Senator's colleague was there and they were all from outside the Government. There was a whole sheet of them.

Mr. NELSON. These are subcommittees.

Mr. MAGNUSON. I do not know how independent they are.

Mr. NELSON. These are subcommittees. There are some very good men on these subcommittees, but the main policy committee is under control of the executive branch, and the executive branch has demonstrated its lack of intention to give any honest consideration to the problem. All I am saying——

The PRESIDING OFFICER. The Chair asks the Senator from Washington if he is yielding to the Senator from Wisconsin.

Mr. MAGNUSON. Mr. President, how much time do I have on the bill?

The PRESIDING OFFICER. The Senator from Washington has no time left on the bill. On the amendment, the Senator from Washington has used 6 minutes of the 15 minutes on the amendment.

Mr. MAGNUSON. I merely want to say that I would be glad to join with the Senator from Wisconsin to get as independent a commission as possible, but I have had long experience with commissions. I am like the Senator from Wisconsin—my experience has been bad. When somebody wants a commission, he wants it making findings in his behalf; otherwise, it is not "independent." If the commission decides against him, the commission is not "independent."

No matter what is done on this matter, we can find some people on both sides. I have some letters. Just as many of these people disagree with what the Senator's colleagues said on radio or television. I have an unsolicited sheet from top people. They are fine. The Senator does not think they are fine. So they are not "independent." If they had favored him, they would be "independent" people.

Mr. NELSON. But the President appoints this commission.

Mr. MAGNUSON. Why do we not have this measure referred to the Commerce Committee, where it belongs, and I will join the Senator and we will get an independent commission appointed? We will get it as independent as we can.

Mr. NELSON. I think this is the right place for it, because this is a bill that has to pass, and anything else does not have to. I am going to ask for the yeas and nays on the amendment. I will take my "licking" on it, but I think the Senate has to——

Mr. MAGNUSON. I do not think the Senate should be put in the position of voting against what the Senator wants to do. It should be a separate bill and should be written in such a way that we can achieve the desired objective. I cannot agree now, without going to my committee, to authorize $27 million, by myself, on the floor of the Senate. I have tried to do that sometimes, but I never got away with it.

Mr. NELSON. I think if Mr. Magruder is going to have $27 million, we had better have $27 million to fight with. I know where he is going with it.

Mr. MAGNUSON. The Senator says "fight."

Mr. NELSON. There has to be a better balance. There would have to be distinguished scientists, who would subject it to criticism—a commission outside of Government. That is where it should have been in the first place.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PROXMIRE. I commend my colleague from Wisconsin, and will support his amendment. I think if the President looked hard enough, he could find all the scientists he needed who would take the same position as the Department of Transportation has taken. I think we would end up with a commission once again which would come to that conclusion, because, after all, the Department of Transportation is going to do the selecting. The President is not going to do it personally. Bill Magruder will once again select the members of the Commission and recommend them to the President, and the President will take the recommendation. Perhaps it is an improvement because more would be outside the Government.

Mr. MAGNUSON. The Senator was going to submit some names.

Mr. PROXMIRE. Yes; but the President is not mandated to take them. He can take whomever he wants.

The PRESIDING OFFICER. Does the Senator from Washington yield time?

Mr. MAGNUSON. Mr. President, I have 3 minutes; do I not?

The PRESIDING OFFICER. The Senator has more than that.

Mr. MAGNUSON. I have had a lot of experience with transportation matters. It is pretty hard to find someone who is independent. He would be pretty useless if he were. He would have no definite idea about anything. Sometimes we use the word "independent" because we do not want a conflict of interest, when someone might have a financial interest. It usually ends up with some professors. We had a commission on the merchant marine. There was not a single person on it who had swabbed a deck, and what they came up with was nothing.

There is a need for a commission on this scientific matter. I want to join with the Senator in that effort, but I hope he will not put it in this particular bill. I am familiar with the matter the Senator is interested in, because I happen to be hearing all the evidence, and so is his colleague from Wisconsin, but some of us are not. I do not know how many commissions there may be on the SST; there must be six or seven. I do not know who is sitting on them, but if they arrive at one finding, it is said they are not independent.

We could get this objective done. I think the need for some kind of independent commission is obvious, but I do not think it should be done in this bill.

Mr. NELSON. Is the Senator saying that in the event the Congress—I do not know what it is going to do; I am going to vote against it—authorizes the SST——

Mr. MAGNUSON. I thought perhaps I had changed the Senator's mind.

Mr. NELSON. If we had an independent commission that would give us an honest answer, I think I might be voting for finishing the prototype. I am worried about not getting an honest environmental answer because of the importance of the issues involved.

Mr. MAGNUSON. I think we have an honest answer.

Mr. NELSON. Is the Senator saying that if it is authorized he would be prepared to join me in trying to work out a bill that would assure an honest, in-depth evaluation of the environmental problem?

Mr. MAGNUSON. The Senator is limiting it to environmental, and not economic and other matters?

Mr. NELSON. Just the environmental.

Mr. MAGNUSON. Yes; I will join with the Senator.

Mr. NELSON. Then I shall not insist on a rollcall, recognizing that we just brought the amendment in and that many Senators are missing.

So, Mr. President, I shall not insist upon a rollcall on my amendment, and I reserve the remainder of my time.

Mr. MAGNUSON. I appreciate the courtesy of the Senator. I am very serious about this.

I want to tell the Senator from Wisconsin (Mr. Proxmire) that on yesterday I had a long talk with Representative Staggers, my counterpart in the House. He said that I could tell the Senate for him that he will bring this bill up at the earliest possible time, very hopefully within the next 60 days, so we can get it done this session. I want to report that

Mr. PACKWOOD. Mr. President, did I understand the Senator from Wisconsin to say he was withdrawing his amendment, or simply not asking for a rollcall?

Mr. NELSON. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

Mr. NELSON. In the event that I need some time for additional comments, I shall not withdraw the amendment at the moment, but my intent, based on the statement of the Senator from Washington, is not to insist on a rollcall on the amendment.

Mr. PACKWOOD. Is the Senator going to insist on a vote?

Mr. NELSON. No.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back his time?

Mr. NELSON. Mr. President, has all other time been yielded back?

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. NELSON. On the bill?

The PRESIDING OFFICER. No. The Senator from Oregon has 13 minutes on the bill.

Mr. NELSON. I yield back my time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. All in favor of the amendment——

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, the time will come out of the other side.

The PRESIDING OFFICER. The time on the amendment has been yielded back.

Mr. NELSON. Mr. President, the time on my amendment has been yielded back?

The PRESIDING OFFICER. Yes.

Mr. NELSON. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to amendment.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Chiles) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Labor and Public Welfare.

(For nominations received today, see the end of Senate proceedings.)

REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

The Senate continued with the consideration of the bill (S. 1117) to provide for regulation of public exposure to sonic booms, and for other purposes.

Mr. PROXMIRE. Mr. President, I have an amendment which I send to the desk. I shall not press this amendment, but I send it to the desk for the purpose of having an opportunity to engage in a brief colloquy with the Senator from Washington, and I ask unanimous consent that the amendment not be read.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

Mr. Proxmire's amendment is as follows:

On page 4, line 19, add the following new section (j):

"The Department of Transportation shall further take appropriate steps to require that any civil supersonic aircraft seeking landing rights in the United States comply with the noise standards set forth in sections C36.3 and C36.5 (a) and (b) of Appendix C (evaluated as prescribed by Appendix B) of pars. 36 of the Federal Aviation Regulations."

Mr. PROXMIRE. Mr. President, I point out to the Senator from Washington—and I should like to read, very carefully, just that one short subparagraph from paragraph (4) of the Magnuson bill—that I submit his measure does nothing to provide any real protection against excessive sideline noise. Let me read it slowly and carefully:

> The Department of Transportation shall modify all appropriate contracts for the development of prototype civil supersonic transport aircraft to provide that such contracts will not be satisfactorily completed until the contractor(s) demonstrate(s) that all production models developed from the prototype aircraft can comply with the noise level standards at the noise measuring points.

And so forth.

Mr. President, it is clear that what this will do is provide that the prototypes, which will be produced with about 80 percent or 90 percent Government money, must be so constructed that they will be able to meet the present noise limitation, which, as I understand it, is 108 perceived noise decibels on the sidelines. That is true. It will also mean that it is necessary that the prototype show that production models can be produced that will also meet that limitation of 108 perceived noise decibels. But I submit there is nothing in this bill that will require that subsequent production planes maintain that level, mandating and necessitating that they meet that 108 perceived noise decibels limit.

There is a clear economic incentive to go into production with planes that will not achieve that low noise level, because it is cheaper to produce planes if they have a higher noise level—cheaper to produce them and cheaper to operate them.

As I say, all this section does is to say that the prototype shall meet that perceived noise level; so I submit, first, that there is nothing in the bill that would require the American supersonic transport to meet the noise requirement that the FAA now has; and second, because this measure applies only to the American SST, that it will not affect the flight of the British-French Concorde in this country, and we all know that the British-French Concorde, as a matter of fact, greatly exceeds the noise limitation now applied to subsonic jets on the sidelines.

So under this bill, if it passes, that would mean two things: Number one, that the SST can still exceed the noise requirement, with all the very serious problems that would involve, including, of course, the fact that people who live near airports, according to some experts, will have to sound-proof their homes; and, number two, that the British-French Concorde, a more immediate threat, will be able to come in, land at our airports, and use our airports, and exceed the present noise limitation for subsonic jets.

So, while I am happy to cosponsor this bill, which does prohibit a civil supersonic flight over land of the United States—and I think that is a very good provision—I submit that the last part of the bill does not effectively meet the objection which many experts have had that the supersonic transport, when it is constructed, will still be able to exceed the present noise level substantially, and I think by a level of three or four times.

I ask the Senator from Washington to what extent this analysis I have just given is not the case. In other words, what I am saying is that the provision that he has in his bill provides no protection against sideline noise, or no effective protection. All it does is provide that the prototypes will have to be able to be constructed so that they will be able to meet the limitation on noise, but after that the lid is off.

Mr. MAGNUSON. I just assume, and I think I have a right to assume, that the FAA would regulate new noise standards consistent with present standards relating to subsonic aircraft.

I do not suspect that everyone making airplanes is going to try to make them noisier. All the companies are trying to work on the noise problem. The quieter the airplane, the more salable it is, and every generation of airplanes has been less noisy than the previous generation. For instance, the 747 is less noisy than the 707 or the DC–8.

Mr. PROXMIRE. If that is the Senator's intention, I suggest that he amend his own bill, because there is nothing in this language that requires the FAA——

Mr. MAGNUSON. I think there is.

Mr. PROXMIRE. Where? Will the Senator read the language?

Mr. MAGNUSON. I have read it to the Senator over and over:

> The Department of Transportation shall modify all appropriate contracts for the development of prototype civil supersonic transport aircraft to provide that such contracts will not be satisfactorily completed until the contractor(s) demonstrate(s) that all production models developed from the prototype aircraft will comply with the noise level standards.

Mr. PROXMIRE. Mr. President, the verb is critical. The Senator read "will comply" and the language of the bill says "can comply."

Mr. MAGNUSON. I will change it to "will" if the Senator from Wisconsin is agreeable, since he is a cosponsor with me now.

Mr. PROXMIRE. I ask the Senator, if he does change it to "will," how will that force the airplane manufacturers to comply?

Mr. MAGNUSON. I assume the airplane will not be certificated unless it can comply.

Mr. PROXMIRE. There is nothing in here that requires either the Concorde or the American supersonic plane to meet such requirements before it can land.

Mr. MAGNUSON. The present law requires that in order to land or fly, you have to comply with the airworthiness requirements provided by FAA regulations, which now include limitations on noise.

Mr. PROXMIRE. The Senator asserts that, but there is nothing in the bill that requires it.

Mr. MAGNUSON. That is in the Federal Aviation Act.

Mr. PROXMIRE. But, I say, if that is the Senator's intention, he could add a sentence saying that the FAA shall mandate that all supersonic transports, foreign and domestic, must comply with the limit of 108 perceived noise decibels on the sidelines. If he does that, I think he will have a very good measure. He does not have that in here now.

Mr. MAGNUSON. We cannot make it apply to planes already developed. These new regulations pertain to planes that will be developed after 1969.

Mr. PROXMIRE. Will the Senator agree to make it apply to supersonic planes?

Mr. MAGNUSON. It will apply to supersonic planes. I do not know how I can make it any clearer.

Mr. PROXMIRE. Let me read the provision. This is paragraph 36.1, to which, as I understand it, the Senator has reference.

Mr. MAGNUSON. That is right, from the Federal Register, whatever the number is.

Mr. PROXMIRE. That is correct. It states:

> This Part prescribes noise standards for the issue of type certificates, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category.

Then, in his language, the Senator applies that only to the prototypes, and he says only that the prototypes must show that production models can be produced that can also comply with this requirement, but he does not mandate it for production and there is no way that I know of that he can do it unless he says that the FAA must, in the future, limit sideline noise throughout this country to 108 perceived noise decibels, and he is not doing that here.

Mr. MAGNUSON. Well, the FAA will do that by regulation.

Mr. PROXMIRE. If the Senator thinks it should, why not put that language in?

Mr. MAGNUSON. Because it is not necessary to put that limit in here. We say production models; I do not know how we can make it clearer.

Mr. PROXMIRE. The Senator says "until the contractors demonstrate that all production models developed from the prototype aircraft can comply."

Mr. MAGNUSON. Until they can comply. Otherwise they will not satisfactorily complete their contracts.

Mr. PROXMIRE. It does not say they will not get a license to fly if they do not comply. All it says is that the prototypes shall be so constructed as to make clear that you can build production models that will comply.

Mr. MAGNUSON. They have got to comply, or they will be in default.

Mr. PROXMIRE. Mr. President, I withdraw my amendment. Before I withdraw my amendment, let me say that the purpose of it was simply to demonstrate that the last provision in this bill, which otherwise is a good bill, will not be effective in preventing supersonic planes from exceeding the present sideline noise limitations. I do not know how we can escape from that, on the basis of the colloquy with the Senator and on the basis of any careful reading of that language.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 3, line 22, insert after "aircraft" the following: "and after reviewing the report of the Supersonic Transport Review Board established under subsection (i),".

On page 4, between lines 7 and 8, insert the following:

" 'SUPERSONIC TRANSPORT REVIEW BOARD

" '(i) (1) There is hereby established the Supersonic Transport Review Board (hereinafter referred to as the Board), which shall consist of eleven members, as follows:

" '(A) the Secretary of State;

" '(B) the Secretary of Commerce;

" '(C) the Administrator of the Environmental Protection Agency;

" '(D) the Director of the Office of Science and Technology; and

" '(E) seven public members appointed by the President, who shall be individuals of recognized ability in relevant fields, of whom at least three shall be persons of outstanding competence in environmental fields, and none of whom may be employed by, under contract to, or serving as a paid advisor or consultant to any Federal department or agency or any contractor or subcontractor on any portion of the supersonic transport prototype program.

"'(2) The President shall, at the time of appointment, designate one public member of the Board as Chairman and one such member as Vice Chairman.

"'(3) A majority of the members of the Board shall constitute a quorum, but a lesser number may conduct hearings.

"'(4) A vacancy in the Board shall not affect its powers, but shall be filled in the manner of the initial appointment.

"'(5)(A) Public members of the Board shall each receive $125 per diem when engaged in the actual performance of duties vested in the Board.

"'(B) All members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence. as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"'(6) The Board shall meet at the call of the Chairman or at the call of a majority of the members serving on the Board.

"'(7) In order to carry out the purposes of this subsection, the Board is authorized—

"'(A) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"'(B) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day for each day (including travel time) during which they are engaged in the actual performance of their duties for the Board. While traveling on official business in the performance of duties for the Board such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"'(8) The Board shall monitor and review all aspects of the supersonic transport prototype development and testing program, and shall submit to the Secretary of Transportation its independent report and evaluation at the conclusion of that program, including its analysis and recommendations regarding all of the factors to be included in the report required under subsection (h), and any other matters which the Board deems relevant.

"'(9) The report of the Board shall be transmitted to the Congress and to the public concurrently with the report of the Secretary of Transportation required under subsection (h).

"'(10) All Federal agencies and contractors engaged in any phase or aspect of the supersonic transport prototype program shall make available to the Board upon request any and all information which the Board deems relevant to its review.'"

On page 4 at line 9, strike "(i)" and insert "(j)".

Mr. MATHIAS. Mr. President, this amendment provides in effect for an independent evaluation of the performance of the supersonic transport plane at the conclusion of the prototype program.

The genesis of this amendment goes back to the debate we had in the Senate last fall on the supersonic transport. At that time, I asked the question of the distinguished Senator from Washington (Mr. JACKSON) as to who would evaluate the plane. He gave a very full and complete answer, but that was objected to by the Senator from Wisconsin (Mr. PROXMIRE), who said he felt that there would be a great deal more public confidence if others in the national structure were also to have an opportunity and the authority to give a critical look at the performance of the plane.

I do not think there can be any very serious objection to this kind of searching study. I do not think that a review board ought to be loaded in either direction. I think it ought to be an impartial and a fair kind of tribunal—loaded neither for the aircraft industry and for the Federal Government, nor against the aircraft company and against the Government. I think it ought to be an objective, knowledgeable, expert board. Therefore, I have provided by this amendment that there should be such a board.

I might say that the composition of this group differs from that in the amendment previously proposed by the Senator from Wisconsin (Mr. NELSON), which was withdrawn. We provide that the board shall consist of 11 members—the Secretary of State, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the Office of Science and Technology, and seven public members appointed by the President, who shall be individuals of recognized ability in relevant fields.

We provide in the amendment that the jurisdiction of the Board shall be a little broader than that proposed by the Senator from Wisconsin in the withdrawn amendment. We provide that the board can review the environmental consequences of the operation of a supersonic plane; but, further than that, that it can monitor and review all aspects of the supersonic transport prototype development and testing program and shall submit to the Secretary of Transportation an independent report and evaluation at the conclusion of the program.

I think this is a necessary step. This kind of independent evaluation can be enormously helpful to Congress. It can be helpful to the general public. It can reassure those who have concerns—very legitimate and very reasonable concerns—in this area. If such is the case, it can expose whatever defects there may be in the prototype, if there are any. But the fact that there will be a credible report in which the public can have confidence is a very important element in this whole question. I think the question of public confidence is enormously important.

Of course, the independent review I propose does parallel in scope and timing the review and the report by the Secretary of Transportation, which is already in the bill. This simply provides for an independent report to accompany that of the Secretary of Transportation. I think that Congress would do very well to provide for this independent review, and I think the country would be grateful for it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PROXMIRE. This is a good amendment, and I will be happy to support it. I do have a question.

As I understand it, the Senator would appoint a new commission, including the Secretary of State, the Secretary of Commerce, the Director of the Office of Science and Technology, and the Administrator of the Environmental Protection Agency.

Mr. MATHIAS. That is correct.

Mr. PROXMIRE. Plus seven independent members.

Mr. MATHIAS. Seven public members.

Mr. PROXMIRE. I think the point made by my colleague, the Senator from Wisconsin, is a valid point—that is, once the administration, whether Democratic or Republican, regardless of its views on other things, comes down in favor of a particular program, the members of the Cabinet are going to support it, in all likelihood. Either they are going to support something as important as this is to the administration or consider resigning, or at least resigning from this commission.

I just wonder whether a commission with 11 members, four of whom are from the administration, is likely to give the kind of confidence an independent commission would. Seven members would be appointed by the President. I wonder whether this kind of commission would inspire much confidence, since it is a presidentially appointed commission and four of the members do come from the administration.

Mr. MATHIAS. I think the point the Senator makes is a valid one. If we could call down some angels who would have no mortal ties of any kind——

Mr. MAGNUSON. Angels have wings, and they would be prejudiced. [Laughter.]

Mr. MATHIAS. We could get a totally impartial tribunal.

I am seeking something more objective, more independent than the review provided in the bill by the Department of Transportation.

Mr. PROXMIRE. I support this amendment. I think the addition of the Director of the Office of Science and Technology is excellent. He should be on the Commission. Certainly the addition of the Environmental Agency is vital. It should be represented. So I think this is a real addition; it is good.

But, once again I say that I am a little skeptical that this is going to give the kind of confidence we would like to have. As the Senator points out, there is no very good way I can conceive in which we can get a truly independent Commission. I think the President is the right one to do this, but he has a position on this.

Mr. MATHIAS. I appreciate the Senator's comment. It was really from our colloquy last fall that we conceived of putting in the Office of Science and Technology as one of the parties.

I am still hopeful that the sense of responsibility of the high officers of state that we have suggested should be members of this board and the sense of public trust and public responsibility that would be generated by the designation of the seven public members would give us an impartial study. But it would at least fix upon known individuals the responsibility for publicly stating their views. I think this is very important. It is not a report which would rise up through the bureaucracy of the Department of Transportation. It puts men of honor and credibility—for I assume that whoever is President would appoint such men—on the line.

Mr. PROXMIRE. Back in 1969, President Nixon asked his administration for a candid opinion on the supersonic transport. He received overwhelming opposition to it from the Treasury Department, from the Labor Department, from the Council of Economic Advisers, Interior, HEW, Office of Science and Technology and others. They were all opposed to it. The President, however, for good reasons, decided that he was going to support the SST, anyway. Since that time, all the agencies believed opposed to it have swung around and now support it. It is clear to me that they do so because they are loyal to the President. They recognize, as long as he is the elected official and the head of Government, that he should be given support for what he decides to do. For the same reason, I would think, when he has his own Cabinet officer on this Commission and is allowed to appoint the other seven, there is some question as to whether even this Commission, good as it is—and I think it is an improvement—will achieve the kind of basis for public confidence that it can be objective. It will be pro SST, in this Senator's view.

Mr. MAGNUSON. May I make a suggestion. I have been listening very carefully to this colloquy. It points up the problem, I will say to my good friend from Maryland, whether we can do this. I have no objection to this kind of commission whatever, but as we all know, someone wants this fellow, and someone does not want him, someone else wants an independent, or someone else wants someone from the Government, and so on. I do not know where we would end it, unless we all get our "angels" on it. A lot of testimony comes from individuals. When the Senator from Maryland and I went to college, there were always two or three professors who wanted to go upstream—to be independent. The National Academy of Sciences is independent. They have had reports ready which are good. But we have to have something like that when we get out on the outside to the individuals. It is pretty hard. We have to have some people, for instance, who can evaluate an airplane, especially those who are going to fly it. They are going to be responsible. Then there is also the role of the FAA, to lay down the rules, which they will.

I am going to make a suggestion, and I am hopeful to do what the Senator from Wisconsin wants, if the Senator from Maryland would introduce his amendment as a bill. It will then be referred to the Commerce Committee, and I shall promptly see whether I cannot get the committee together and work out something that would, somehow, achieve this objective. But I could not accept it now, because of the fact that the committee passed the bill as it is now.

I will give the Senator from Maryland my personal word that I think something like this should be done. I would like to see some independence in this sort of Commission.

Mr. MATHIAS. What I hope is a happy compromise.

The PRESIDING OFFICER (Mr. CHILES). Who yields time on the amendment?

Mr. MATHIAS. Mr. President, I make the point of order that a quorum is not present, and ask that the time be taken out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, if I may address an inquiry to the distinguished Senator from Washington, he has suggested that the pending amendment be withdrawn and that it be introduced in the form of a bill so that it could be properly considered by the distinguished Committee on Commerce, of which the Senator from Washington is chairman.

I wonder whether he could give us any counsel and advice as to how promptly it might be given committee consideration.

Mr. MAGNUSON. If there is no opposition to it, or the amount of opposition that I think will not be there, we can get to it promptly. As the Senator from Kentucky (Mr. COOK) just told me, we meet consistently in the Committee on Commerce. We seem to be in session all the time.

The Easter recess will soon be on us.

Mr. MATHIAS. Well, this is a matter of great urgency.

Mr. MAGNUSON. The committee has to consider one or two major bills. Two of them are out of the way so that I would think, after we come back from the Easter recess, we could bring up the Senator's bill on any given committee day. We have an executive committee meeting each week. We will bring up the bill and discuss it.

Mr. MATHIAS. I appreciate the Senator's assurance. I know that I can rely on his assurance. I do not have to tell him that this program will be ultimately subject to independent review. I think that now is the time to provide for it. So, on that assurance of the Senator from Washington, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. CHILES). The amendment is withdrawn.

Mr. MAGNUSON. Mr. President, the Senator from Oklahoma (Mr. BELLMON) has an amendment to offer at this time.

Mr. BELLMON. Mr. President, I send my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 4, insert the following new subsection:

"( ) The Secretary of Transportation in cooperation with the Secretary of Defense shall prepare and promulgate rules and regulations to bring the operations of military supersonic aircraft which may be operating within the territorial jurisdiction of the United States as speedily and as closely as is practicable and consistent with the national defense, within the policy of this Act."

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on this amendment be limited to 5 minutes, to be equally divided between the mover of the amendment and the able Senator from Washington (Mr. MAGNUSON), the Senator in charge of the bill.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BELLMON. Mr. President, the purpose of the amendment is as follows: To cause the Secretary of Defense to be as careful in authorizing sonic booms in military aircraft as the Secretary of Transportation is in allowing sonic booms on civilian aircraft.

The area of Oklahoma where this is a real problem—and I am sure in similar areas—is at the Vance Air Force Base, where fighter pilots are trained. The Secretary of Defense has been lax in allowing pilots to go out day after day and create sonic booms that cause great discomfort to the residents of the area there. We have asked the Secretary about this repeatedly, to stop these sonic booms, but nothing has been done so far.

Mr. President, I hold in my hand a memorandum from McGuire in which he says they have no intention of stopping it. It is my feeling that if it is important not to allow sonic booms for civilian aircraft, except in the case of national defense, we should stop sonic booms on military aircraft as well.

Mr. MAGNUSON. Mr. President, I mentioned earlier—and I say this in all seriousness—that in all of this talk about sonic booms I have always made much of the fact that they have flown 500,000 hours of supersonic military flight without any dire effects. The military continues to do this. There might be one flying above us right now, doing surveillance, and so forth. I would think that the Armed Services Committee would want to take a look at this, because they are appropriating and authorizing the money for supersonic planes. They want to build the B-71, the big bomber, which is supersonic. But there has been no fuss raised on the Senate floor about the military flying these things. As I say, over 500,000 hours have been flown already in the past 8½ years. The distinguished Senator from Virginia (Mr. BYRD) is here. He is a member of the Armed Services Committee. I would be hopeful that they would take a look at this. They do anything they want to with their supersonic airplanes. We have not been able—without the Armed Services Committee having to make a decision on this—to do anything about that. All the fuss has been about commercial supersonic flight. The amazing thing is, last year, when the Senate turned down the money on the commercial supersonic—the day before, we had the big Defense bill on the floor of the Senate and it had millions of dollars contained in the bill for supersonic airplanes. No one said a word about the environment or anything else.

Mr. BELLMON. Mr. President, would the Senator from Washington agree that a rule that is good for the civilian aircraft industry ought to be equally good for all others?

Mr. MAGNUSON. The Senator might have some disagreement on this statement. I might agree, but there are some who will not. There are those who want their own regulations in the concept of defense. They fly them when they want and for such time as they want. I personally agree with the Senator.

We note here an amendment containing the words "within the policy of this Act." I am sure, I will say to my friend, the Senator from Wisconsin, that these planes do not meet the noise regulations.

Mr. BYRD of Virginia. Mr. President, would the Senator from Washington yield to me?

Mr. MAGNUSON. I yield such time to the Senator from Virginia as he might require.

Mr. BYRD of Virginia. Mr. President, might I ask the Senator from Oklahoma whether he has had an opportunity to discuss this matter with the chairman of the Armed Services Committee?

Mr. BELLMON. Mr. President, we have not, although we do have a memorandum from the Department of the Air Force in which they express an interest in being allowed to continue to operate the supersonic equipment. They say they are willing to hold it to an absolute minimum necessity. And that is all that we are asking.

The PRESIDING OFFICER. All the time on the Senator's amendment has expired. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. BYRD of Virginia. Mr. President, would the Senator from Washington yield me some time?

Mr. MAGNUSON. I yield to the Senator such time as he needs.

The PRESIDING OFFICER. There is no time remaining.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, the point that I wanted to raise with the Senator from Oklahoma is that, as I understand his amendment, it would give the FAA authority over military aircraft. If that is the case, it seems to me that before the amendment is agreed to, the Armed Services Committee should have an opportunity to give some consideration to the matter.

Mr. BELLMON. Mr. President, if the Senator from Virginia feels that the Armed Services Committee should take a look at this amendment, I should be happy to have them do so. So, if it is agreeable, I will withdraw the amendment and submit it to the Armed Services Committee.

Mr. BYRD of Virginia. Mr. President, I agree that it is a matter that should be looked into. However, I feel that the Armed Services Committee should have an opportunity to study it.

The PRESIDING OFFICER. The amendment is accordingly withdrawn.

Mr. CASE. Mr. President, I support the pending legislation (S. 1117) to protect our country from the noise and even potential physical damage from sonic booms that someday may be generated by commercial supersonic transports.

The matter has been one of longstanding concern to me as evidenced by the bills dealing with sonic boom that I have introduced in the past.

I am glad my colleagues from the State of Washington also have come to recognize the principle of sonic boom control established by my past proposals and, following my lead, introduced the legislation we are presently considering.

To my good colleagues from the State of Washington, I say: welcome aboard.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time on the bill.

The PRESIDING OFFICER. All time having expired, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya) is absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senators from Kansas (Mr. Dole and Mr. Pearson), the Senator from Hawaii (Mr. Fong), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas, 71, nays 0, as follows:

[No. 28 Leg.]

YEAS—71

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dominick
Eagleton
Ellender
Ervin
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Mondale
Moss
Nelson
Packwood
Pell
Prouty
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams
Young

NAYS—0

NOT VOTING—29

Bayh
Brooke
Cannon
Curtis
Dole
Eastland
Fannin
Fong
Fulbright
Goldwater
Harris
Hollings
Hruska
Humphrey
Jordan, N.C.
Kennedy
Long
McIntyre
Miller
Montoya
Mundt
Muskie
Pastore
Pearson
Percy
Ribicoff
Thurmond
Tower
Weicker

So the bill (S. 1117) was passed, as follows:

S. 1117

An act to provide for regulation of public exposure to sonic booms, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That is Federal Aviation Act of 1958, as amended, is further amended by adding to section 307 the following new subsections:

"Civil Aircraft Sonic Boom

"(g) (1) No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this subsection.

"(2) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

"(A) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

"(B) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

"(C) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number 1 will not cause a sonic boom to reach the surface.

"(3) For a flight outside of a designated flight test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively that the flight will not cause a sonic boom to reach the surface of the United States, excluding the territorial waters thereof, when operated under conditions and limitations demonstrated under paragraph (2) (C), and shows that those conditions conservatively represent all foreseeable operating conditions.

"(4) An application for an authorization to exceed mach 1 must be made on a form and in a manner prescribed by the Administrator. In addition, for an authorization covered by pargraph (2) of this subsection each application must contain:

"(A) Information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in paragraph (2) of this subsection;

"(B) A description of the flight test area proposed by the applicant; and

"(C) Conditions and limitations that insure that no sonic boom will reach the surface outside of the designated flight test area.

"(5) An application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment.

"(6) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and may be terminated by the Administrator whenever he finds that such action is necessary to protect and enhance the environment.

"Report by the Secretary

"(h) Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to the Congress and to the public a report covering all aspects of the prototype program. The report shall include a detailed analysis of the economic, international, transportation, and environmental consequences that could result from the commercial production or nonproduction of a United States civil supersonic aircraft, and shall include recommendations for any legislation or international agreements deemed necessary to insure a balanced national transportation policy which is efficient, productive, economic, and environmentally safe and sound.

"Modification of Contracts

"(i) The Department of Transportation shall modify all appropriate contracts for the development of prototype civil supersonic transport aircraft to provide that such contracts will not be satisfactorily completed until the contractor(s) demonstrate(s) that all production models developed from the prototype aircraft can comply with the noise level standards at the noise measuring points now specified for new subsonic jet aircraft in sections C 36.3 and C 36.5 (a) and (b) of appendix C (evaluated as prescribed by appendix B) of part 36 of the Federal Aviation Regulations, as in effect on the date of enactment of this subsection."

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Chiles). The Chair, on behalf of the Vice President, in accordance with Public Law 84–372, appoints the Senator from Maryland (Mr. Mathias), and the Senator from Oregon (Mr. Hatfield) to the Franklin Delano Roosevelt Memorial Commission.

REPORT OF NOMINATION—AUTHORIZATION TO FILE REPORT BY MIDNIGHT

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs I report, with individual views, the nomination of William J. Casey, of New York, to be a member of the Securities and Exchange Commission. I ask unanimous consent that the committee may have until midnight tonight to file the report, along with the individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 468, reported earlier today by the Committee on Appropriations. I do this so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows: House Joint Resolution 468, making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, the purpose of this request is to notify the Senate that when it comes back into session on Tuesday next, at 10 o'clock in the morning, it will be on this matter at approximately 12:30 p.m.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, after consultation with interested Members on both sides and on all sides, I wish to propound a unanimous-consent request.

I ask unanimous consent that beginning at the hour of 12:30 on Tuesday next, the time for the consideration of House Joint Resolution 468 be equally divided from then on between the majority and minority leaders, or whomever they may designate, and that if any amendments are offered, there be a limitation of 1 hour on each amendment, the time to be equally divided between the sponsor of the amendment and the chairman of the Appropriations Committee (Mr. Ellender) if he is in disagreement.

The PRESIDING OFFICER. Would the Senator specify about the committee amendments?

Mr. MANSFIELD. We will approach that on Tuesday next.

The PRESIDING OFFICER. How is the time to be handled on committee amendments?

Mr. MANSFIELD. The time to be under the control of the majority and minority leaders, or whomever they may designate, and the question of committee amendments to be discussed and disposed of next Tuesday; on other amendments, 1 hour on each amendment, equally divided and controlled on the basis already stated.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I shall not object; I agree with the request; but it should be clear, and it has not been stated, that this is a continuing resolution that includes funds for the SST. Is that correct?

Mr. MANSFIELD. That is correct. I am glad the minority whip made that statement. I assumed it was understood, but I am glad now that it is on the record.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the——

The PRESIDING OFFICER. Does the Senator want the agreement in the usual form?

Mr. MANSFIELD. In the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Now I ask unanimous consent that the final vote on House Joint Resolution 468 occur at the hour of 4:30 p.m. Wednesday next, March 24, waiving rule 12.

The PRESIDING OFFICER. Is there objection? Without objection, rule 12 will be waived. Without objection, the time for voting will be at 4:30 p.m. Wednesday.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That effective on Tuesday, March 23, 1971, beginning at 12:30 p.m., during the further consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, time for debate be equally divided and controlled by the majority and minority leaders, or their designees; *Provided,* That if any amendment is offered, except committee amendments, debate on any such amendment will be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the Chairman of the Committee on Appropriations (Mr. Ellender), if he is opposed to the amendment, or to the minority leader, if Mr. Ellender is in favor of the amendment. Time for debate on any committee amendment will be determined next Tuesday, March 23, 1971.

Ordered further, That the vote on final passage of the joint resolution occur at 4:30 p.m. on Wednesday, March 24, 1971, and that the vote on the committee amendment, involving the SST, as amended, if amended, occur at 4 p.m. on Wednesday, March 24, 1971.

Provided further, That no amendment that is not germane to the provisions of the said bill be received.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, has the majority leader yielded the floor?

Mr. MANSFIELD. Yes.

Mr. BYRD of West Virginia. Mr. President, seeing no Senator who wishes to speak on the pending business, I ask unanimous consent that there again be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, with the period not to extend beyond 15 minutes at this time, and that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that, at the conclusion of the period just now set aside for morning business, the able Senator from Virginia (Mr. BYRD) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MULTIPLE REFERENCE OF MESSAGE FROM THE PRESIDENT ON TRANSPORTATION (H. DOC. NO. 92-71)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message from the President of the United States on Transportation received yesterday be referred to the Committee on Commerce, the Committee on Public Works, the Committee on Banking, Housing and Urban Affairs, and the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

When the early settlers first encountered the American wilderness, a man's mobility was dependent upon his strong legs and the sharp axe with which he cleared his path. But even in those pioneering times, Americans quickly came to realize that good roads and docks and bridges were community concerns.

Over the years, government has become increasingly involved in improving the Nation's transportation systems, from the building of post roads and canals in the early periods of our history, to the construction of airports and superhighways in recent years. The question we face today, therefore, is not *whether* government should participate in transportation matters, but *how* government should participate—and *which levels* of government should undertake which responsibilities. These are the central questions I am addressing in this message as I outline a new Special Revenue Sharing Program for Transportation.

GROWING TRANSPORTATION SYSTEMS AND GROWING PROBLEMS

As the demand for mobility has mushroomed and as new means of transportation have been invented in recent years, the size of our transportation system has reached staggering proportions. It has been less than 70 years, for example, since the Wright brothers flew at Kitty Hawk. In that time, our aviation system has grown to the point that last year it served over 173 million commercial passengers and handled more than 4 billion ton miles of air freight. An open field with a wind sock was a sufficient airport for most communities only a few decades ago. Today many airports are cities in themselves and air traffic is controlled by highly sophisticated electronic systems.

At the turn of the century there were only 8,000 automobiles in America. By 1920 nearly 8 million cars traveled our highways and today we have more than 100 million registered vehicles which travel over one trillion miles annually. The people of our Nation are driving more than twice as many automobiles as they did just 20 years ago.

These two technological developments—the airplane and the automobile—give dramatic evidence of both the successes and the failures of American transportation. The automobile and the airplane are mechanized masterpieces. The highways and airports which they use are often glowing displays of America's engineering genius. But behind the mystique of jet travel and the convenience of the family car lie serious problems that have been growing more acute in recent years.

The airplane means fast travel over great distances, to be sure. But it also can mean harmful noise and air pollution, congested terminals, misplaced luggage and airports that are difficult to reach. Highways that speed motorists between cities can become long and narrow parking lots where cars are stalled for hours within urban areas. It often takes longer to move by "horseless carriage" across our major cities today as it did by horsedrawn carriage a century ago. Efforts to improve this situation by building new highways often have the effect of destroying neighborhoods and disrupting lives. It is estimated, moreover, that automobiles are responsible for almost half of our air pollution—a growing problem that is slowly choking our central cities.

And there is another serious problem, as well. For with our heavy investment in automobiles and air transportation has come a sharp decline in rail passenger service and in public mass transit systems.

The first electric streetcar lines and the first subway appeared at about the same time as the automobile and, like the automobile, they grew in popularity during the first quarter of this century. In 1905, local urban transit systems carried 5 billion passengers. By 1926, ridership had more than trebled, but that was the peak of mass transit's popularity—except for a brief period during World War II.

After 1945, public transit ridership, revenue and service declined steadily. In 1950, there were still some 1,400 urban transit companies operating 87,000 vehicles and carrying 17.25 billion passengers. By 1970, however, there were 327 fewer companies and 25,500 fewer vehicles carrying only 7.3 billion passengers.

Public transportation has been caught up in a vicious cycle of increasing costs, rising fares, shrinking profits, decreasing quality, and declining ridership. Ironically, this decline in mass transit has come at the same time that the need for fast, convenient, economical public transportation has become greater than ever before. This Nation has the technology to provide such transportation. If we can move three men a quarter million miles to the moon, then surely we can also find ways to move millions of men and women over short distances in our cities. This is another of the great transportation challenges of our time.

HOW HAVE THESE PROBLEMS BEEN MET?

All of these problems—pollution, congestion, inefficiency, and the lack of sufficient mass transit services—have been recognized for years. And for years the Federal Government has been working to alleviate them. In the past two years, this administration has recommended a number of new programs to improve American transportation. As a result, we now have an accelerated program to develop urban mass transit systems, new authorizations for the expansion and improvement of airports and airways, and a quasi-public corporation to operate a national rail passenger system.

It is clear, however, that more money and more regulations alone will not solve our transportation problems. Nor will they make the Federal Government more responsive to local needs and local aspirations. It is equally clear that the established relationships among Federal, State and local governments are unsuitable for achieving the goals we pursue.

What are those goals? They can be usefully described under the general heading of "balanced transportation."

ACHIEVING BALANCED TRANSPORTATION

A balanced transportation system is essentially one that provides adequate transportation not just for *some* of the people in a community but for *all* the people in a community. A balanced system also recognizes that an individual can have different transportation needs at different times. Such a system treats speed as only one of the factors in the transportation equation and does not ignore the importance of other qualities such as comfort, safety, and reliability.

Despite our technological capacity, we do not enjoy a fully balanced transportation system in modern America, particularly in our larger cities. We have relied too much in our cities on cars and on highways; we have given too little attention to other modes of travel. Approximately 94 percent of all travel in urbanized areas is by automobile, yet only about 25 percent of our people—especially the old, the very young, the poor and the handicapped—do not drive a car. They have been poorly served by our transportation strategy.

DISTORTIONS CAUSED BY MATCHING REQUIREMENTS

One of the most disturbing elements in the present transportation picture is the fact that such inequities have often been reinforced and even precipitated by the Federal Government. One reason is that Federal dollars have been relatively easy to obtain for highway building but more difficult to obtain for other transportation purposes. The Federal Government now pays 90 percent of the costs for a new interstate expressway, for example, but only 67 percent of the costs for a new mass transit system and only 50 percent of the costs of building an airport. It is little wonder that State and local planners are encouraged to cover the landscape with ribbons of concrete. Such distortions of local priorities are among the major problems that this administration is seeking to correct.

EXCESSIVE FEDERAL CONTROL

But local priorities are not only distorted by Federal requirements concerning matching funds. Local determinations of what is needed most must constantly yield to Federal judgments about what a local community should do with the money it receives from Washington.

The Federal Government has a great influence on the particular mixture of transportation spending in any locale, for it carefully allocates so much of its money for one kind of transportation and so much for another. Each program is funded separately—and even at the State and local level, different agencies frequently administer monies which are designated for different purposes. As a result, it is extremely difficult to achieve sound intermodal planning of comprehensive transportation systems. There is no single place where sufficient resources and authority are available for making wise choices between various transportation alternatives. Nor can anyone effectively coordinate investments in any one mode of transportation with efforts in other transportation fields. We err, in short, by treating the transportation challenge as a series of separate problems rather than as a single problem with many interrelated parts.

The hard fact is that the best mixture of transportation modes is not something that remote officials in Washington can determine in advance for all cities, of all sizes and descriptions, in all parts of the country. Nor do the Federal officials who grant money for specific projects understand local needs well enough to justify their strong influence over how local projects should be planned and run.

As I have contended in a number of messages to the Congress in the past two years, our society has become too complex and too diversified to profit from such highly centralized control. This is not to deny that improving our transportation systems is a national concern. It *is* a national concern and that is why it should continue to be funded in part from Federal tax resources. But the specific manner in which any city or metropolitan area goes about achieving this goal is *not* something that can be most effectively determined at the Federal level. In fact, transportation needs are among the social and economic factors that vary *most widely* from one place to another. That is why many of our Federal transportation programs can profit so much from conversion to the Special Revenue Sharing approach.

Community organizations, concerned individuals and local units of government should not have to shout all the way to Washington for attention. Community standards and community transportation goals are changing and some of those who only five years ago welcomed the prospect of a new highway or airport are now protesting in front of bulldozers. Transportation planning and appropriations mechanisms must be flexible enough to meet the challenge of changing community values. This flexibility can best be achieved by concentrating more decisionmaking power in the States and the localities.

The purpose of Special Revenue Sharing is to focus Federal resources on major public problems and at the same time maximize flexibility of choice at the State and local level. The Special Revenue Sharing approach provides an ideal means for addressing national problems that have local solutions.

A SPECIAL REVENUE-SHARING PROGRAM FOR TRANSPORTATION

The proposal I am submitting today would establish a new Special Revenue Sharing Program for Transportation. In simplest terms, this program means returning Federal tax dollars to States and to local communities for investment in transportation—without the usual Federal controls and restraints. It signals a philosophical return to the days when the man who best understood the local terrain was the man who blazed the trail.

FUNDING

I propose that the Special Revenue Sharing Program for Transportation become effective on January 1, 1972, and that it be funded initially at an annual level of $2.566 billion. All funds that would be included in this new program would come from twenty-three existing Federal grant-in-aid programs which are now grouped under five major headings: Urban Mass Transit Grants, Airport Grants, Highway Safety Grants, Federal Aid for Highways (but not the Interstate System), and Highway Beautification Grants. The size of these programs in my proposed budget for Fiscal Year 1972 is as follows:

	Millions of dollars
Urban mass transit	$525
Airport grants	220
Highway safety grants	130
Federal aid for highways (except for the interstate system)	1,625
Highway beautification grants	66
Total	2,566

The money for these programs presently comes from three different funding sources: general tax revenues, the highway trust fund and the airport and airway trust fund. The two trust funds were established so that money could be collected directly from those who use highways or airports—through special taxes on gasoline and on air tickets—and then used to improve the related transportation mode.

This principle would continue to be observed under Special Revenue Sharing. In the first year of operation, Special Revenue Sharing money would be drawn from the two trust funds and from general revenues in the same proportion as under the existing categorical grant system, though it could be spent as the localities see fit. After that, however, the portion of the Special Revenue Sharing Program for Transportation derived from the trust funds in any year would equal the portion of the program that was used for highways and for aviation-related purposes in the preceding year. Thus the money in the trust funds would still go to achieve the general purposes for which the funds were established. General funds would pay for all other transportation activities.

The National System of Interstate and Defense Highways would not be included in this Special Revenue Sharing Program. This 42,500-mile system is now 74 percent finished and is scheduled for completion in 1978. The Interstate highways that have been built under this program have helped to open America to new dimensions of intercity travel. The system has advanced the cause of highway safety while at the same time permitting unparalleled individual mobility. In my judgment, it would not be in the national interest to alter the basic funding mechanism for the construction of this system at this time.

Although all Special Revenue Sharing funds would be assigned to governmental units, the recipient government could, in turn, channel the funds to private enterprises which meet public transportation needs. This would include the many urban bus systems that are privately owned and operated.

No State or local matching funds would be required under this program. The Federal Government would not rigidly apportion funds among a variety of narrow transportation programs nor would it approve specific local projects. Thus the Special Revenue Sharing Program for Transportation would stimulate State and local governments to take the initiative in meeting transportation needs, to experiment with new and more creative projects, to listen to local opinion and to mobilize local energies which are often stifled under present arrangements.

I would emphasize in addition that each State would receive at least as much money from the new Special Revenue Sharing Program for Transportation as it has been receiving under the current categorical grant programs. Each State would thus be "held harmless" against any reduction in the overall level of support it receives from programs which become a part of this Special Revenue Sharing fund.

TWO FUND ELEMENTS

The Special Revenue Sharing Program for Transportation would consist of two elements, one for General Transportation activities and one for Mass Transit Capital Investment.

GENERAL TRANSPORTATION ELEMENT

The General Transportation element would total $2.041 billion for the first full year of revenue sharing. This money could be spent for the planning, construction, acquisition, improvement, operation and maintenance of a broad spectrum of transportation systems and services, including highway, aviation and mass transit.

The money in this General Transportation element would be distributed in the following manner: Ten percent would be allocated among the States and localities at the discretion of the Secretary of Transportation. This money would be used to encourage planning, to fund research development and demonstration projects, and to finance other activities related to the development and implementation of national transportation objectives.

The remaining 90 percent of this General Transportation element would be allocated to the States according to the following four-part formula: 25 percent of this remainder would be distributed according to the ratio of each State's *total population* to the total population of the United States; 35 percent would go to States according to the ratio of their *population in urban places* (over 2,500 in population) to the Nation's total population in urban places; 20 percent would be given out according to the ratio of the *geographic area* of each State to the total area of the United States; and the remaining 20 percent would be allocated according to the ratio of each State's *star and rural post route mileage* to the total of that mileage in the country.

This formula, which resembles formulas which are used under current categorical grants, would provide the best means for distributing Special Revenue Sharing funds in a similar pattern as under the present system. In addition to the guarantee that it would be held harmless against any reduction in support, each State would be guaranteed a minimum allocation of one-half of one percent of this General Transportation element.

As I have noted above, a percentage of the General Transportation element would be distributed among the States according to their share of the Nation's population that lives in urban areas. Each State would be required to pass along its share of *this* money directly to its communities of more than 2,500 persons to spend as their local governments think best. If we are to restore confidence in local government then we must give public officials at the local level a reasonable opportunity to make sound plans and courageous investment decisions. This means that they must be able to *rely* upon a certain amount of funding. Our "pass-through" formula is designed to provide this needed assurance.

MASS TRANSIT CAPITAL INVESTMENT ELEMENT

The second part of the new Special Revenue Sharing fund is the Mass Transit Capital Investment element—which would total $525 million for the first full year. This money would be distributed to each State according to its share of the Nation's population that lives in Standard Metropolitan Statistical Areas (SMSA). An SMSA is defined as an area which contains a central city or cities with an aggregate population of 50,000 or more and those surrounding counties which have a metropolitan character and are socially and economically integrated with the central city. There are 247 such areas in the United States.

Eighty percent of the funds in this Mass Transit Capital Investment element would be distributed according to each State's share of the Nation's population that lives in SMSAs of *over one million persons*. The remaining 20 percent would be allocated according to each State's share of the Nation's population that lives in SMSAs of *less than one million persons*. Every State would be guaranteed a minimum allocation of $250,000.

In the Mass Transit Capital Investment element as in the General Transportation fund element, I propose that a portion of the funds be passed through the States directly to urban areas. Of the 80 percent distributed to States on the basis of SMSAs of more than one million in population, I propose that half go directly to the local governments within these SMSAs to spend for mass transit purposes as they see fit. The other half of this money would also have to be spent within these same larger SMSAs, but it would be spent at the State's discretion. Currently, there are 33 SMSAs with more than a million persons in the United States and these are areas that would automatically receive "pass-through" funds for Mass Transit Capital Investment.

In 1969, I submitted to the Congress a proposal for establishing an Urban Mass Transportation Assistance program. The passage of that legislation helped to create a significant momentum for the rejuvenation of public transit systems. I feel very strongly that this momentum must not be lost and that is why I propose that a part of this new Special Revenue Sharing Program for Transportation be devoted to this purpose.

I believe that this Mass Transit Capital Investment element would assure continued support and enthusiasm for mass transit initiatives. It would also provide fast relief for many systems which now suffer from inadequate equipment, allowing them to undertake the essential work of modernization without further delay.

COMBINING OLD AND NEW STRENGTHS

Special Revenue Sharing would strengthen our transportation efforts in many significant ways without sacrificing the strengths of our present programs. Any transportation project that is working well today could be continued, and in all probability expanded, under the new arrangements. While narrow grant categories would be eliminated, none of the programs which they now support need be discontinued if the State or locality believes they are worthwhile.

In recent years, governments at all levels—and private groups and individuals as well—have become more sensitive to problems such as transportation safety and the environmental impact of transportation. Our whole society can be proud, for example, of the fact that there were no fatalities from commercial airline accidents in the United States last year. We can be grateful, too, that despite increasing traffic on our highways, automobile fatalities in 1970 decreased significantly for the first time since 1958.

We have also become more alert to the effects which transportation has on the beauty of the landscape and the quality of the environment. Our traditional economic concerns have been complemented by our growing esthetic concerns and the result has been a strong effort at all levels of society to improve the quality of American life.

There is no reason why growing sensitivity on matters such as safety and environmental quality should not continue to grow under this new Special Revenue Sharing program. State and local governments, after all, have often been particularly responsive to citizen pressure in these areas and they have frequently acted as bold pioneers in meeting these concerns. I am confident that as more responsibility is given to governments closer to the people, the true and abiding interests of the people will be even better reflected in public policy decisions.

I would emphasize again, as I have in presenting each of my revenue sharing programs, that there could be no discrimination in the use of any of these monies. All of the funds included in this Special Revenue Sharing Program for Transportation would be subject to the provisions of Title VI of the Civil Rights Act of 1964.

THE IMPORTANCE OF PLANNING

No transportation system—on the national, regional, or local level—can serve the public with maximum effectiveness unless there is a great deal of cooperative planning between various modes of conveyance and between various levels of government. A multitude of government jurisdictions, public authorities and private companies must learn to work closely together if our needs are to be met in a comprehensive manner. The legislation I present to the Congress will therefore require that transportation plans be developed in coordination with the development plans prepared under my proposed Special Revenue Sharing Programs for Urban and Rural Community Development.

RECOGNIZING DIVERSITY

Just as each unique individual has unique transportation problems, so do cities, States and other governmental jurisdictions. The single most important fact about our Special Revenue Sharing Program for Transportation is that it recognizes this diversity. It combines the resources of the Federal Government with the flexibility of State and local governments. It provides the best way to meet the problems which diversity implies by utilizing the energies which diversity produces.

RICHARD NIXON.

THE WHITE HOUSE, *March 18, 1971.*

ORDER FOR VOTE ON THE SST AMENDMENT AT 4 P.M. WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, the vote on the committee amendment dealing with the SST, as amended, if amended, occur at 4 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the colloquy, for which an order has already been entered, under the control of the Senator from Washington (Mr. JACKSON) and the Senator from New York (Mr. JAVITS)—which incidentally will deal with U.S.-Middle East policy—there be a period for the transaction of routine morning business for not to extend beyond 12:30 p.m., and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY THE UNFINISHED BUSINESS BEFORE THE SENATE AT 12:30 P.M. ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business, to wit, at 12:30 p.m. on Tuesday next, the pending business, the continuing resolution, which by virtue of the adjournment will have become the unfinished business, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business again be closed.

The PRESIDING OFFICER. Morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Virginia (Mr. BYRD) is recognized for a period not to exceed 30 minutes.

SECRETARY OF TRANSPORTATION VOLPE'S EFFORTS TO SOLVE WASHINGTON'S TRANSPORTATION PROBLEMS

Mr. BYRD of Virginia. Mr. President, I do not imagine that the proceedings of the Senate are the favorite reading of high officials of the executive branch.

More often than not, when the leaders of the administration are mentioned in this Chamber, the remarks are critical in nature.

Today, however, I wish to take a few moments to praise a member of the President's Cabinet, Secretary of Transportation John A. Volpe.

Mr. Volpe's job is not an easy one. In the field of transportation, we Americans are a contrary lot.

We insist on clogging the highways with our cars, but when new highways are planned, we scream that they will ruin the environment.

We complain about the lack of mass transportation, but when it is available, we do not use it.

We weep over the decline of rail passenger service, but we do not use what service we have.

We want airports put far from our residential sections, but at the same time we want instant access to the 8:30 flight to Chicago.

I do not envy the Secretary of Transportation, who must deal with these contrary traits in the national psychology.

I believe that John Volpe is doing a good job of trying to cope with our conflicting needs and wishes. I particularly wish to compliment Mr. Volpe for his concern over the problems of transportation in the Washington area.

I have the honor to represent one of the two States bordering the District of Columbia, and therefore, I especially appreciate the Secretary's interest in this region.

On February 16, Mr. Volpe spoke to a meeting of the Metropolitan Washington Council of Governments. In that address, he made clear his personal involvement in the complex problems of transportation in Washington, northern Virginia, and suburban Maryland.

I am aware, of course, that some of Mr. Volpe's ideas are opposed by some of my own constituents, by some residents of the District, and by some Marylanders.

However, one need not support every proposal advanced by the Secretary to appreciate the concern he has shown for the considerable transportation difficulties in this area.

Mr. Volpe made a number of good points in his speech to the council. Among the best, in my view, were these:

First. There exists a special relationship between the Federal Government and the Washington metropolitan region.

Second. The principal need in this area is balanced transportation.

Third. The days when highways alone provided the answer to transportation problems are gone.

Fourth. It is vital that encouragement be given to all forms of public transit.

Fifth. Immediate efforts are needed to relieve traffic problems. We cannot stand still while we wait for the Metro subway system to be completed.

Secretary Volpe advanced several concrete proposals in his speech, some of them for the first time.

He announced the award of a grant of $137,000 to the Council of Governments for a study to help find steps that may be taken immediately to improve transit in the Washington area.

He also disclosed plans for extension of the exclusive bus lane project on the Shirley Highway.

The Secretary made clear his support for plans to use existing railroad lines in the area for commuter service. This particular project is one which I personally have advocated for many months.

Mr. Volpe also announced that he planned an experiment with the tracked air cushioned vehicle—TACV—as a means of access to Dulles International Airport. This is a bold and innovative approach which may well prove fruitful in the years to come.

The Secretary told the Council that he has asked a report from his staff on the feasibility of using the access road to Dulles Airport for commuter buses. I have long favored the idea of making use of this road for commuting traffic until such time as the highway must be restricted, because of volume, to the exclusive use of airport traffic.

In another part of his speech, Mr. Volpe stated once again his commitment to the Metro subway system, which has strong support in Virginia as well as in the District of Columbia.

And, finally, Mr. Volpe assured his listeners that he favors increased use of Dulles Airport, which now is used at less than capacity, while Washington National Airport is overcrowded.

Not everyone will support all of the proposals advanced by the Secretary of Transportation. I have some reservations about some of these proposals myself.

But that is not the point I wish to make today. What I believe needs emphasis is that Secretary Volpe is actively working toward solutions for the transportation problems of the Washington region.

The Secretary is not afraid of innovation or of criticism, or he would never have made his speech.

I salute John Volpe, a distinguished and able former Governor of Massachusetts, for his deep concern, his thoughtful approach, and his courage in coming forth with an honest effort to meet the problems of the Washington area.

RESOLUTION OF THE STATE OF ARKANSAS HONORING SENATOR JOHN McCLELLAN

Mr. BYRD of Virginia. Mr. President, recently, one of our colleagues had conferred upon him a very unusual honor. I refer to the distinguished senior Senator from Arkansas (Mr. McCLELLAN).

On February 19, 1971, the Legislature of the State of Arkansas, by its House Concurrent Resolution 18, unanimously approved by both Houses, signed by the Governor, a resolution commending the Senator from Arkansas (Mr. McCLELLAN) for his 29 years of service in the United States Senate.

Now, Mr. President, when one considers the controversial issues upon which a Senator of the United States must pass judgment, and considers the fact that the senior Senator from Arkansas has been meeting these responsibilities for 29 years, to be unanimously commended by the legislature of his State, I submit, is an unusual and significant honor.

The resolution provided for a joint session of the Arkansas House of Representatives and Senate to be held on February 26, 1971, for the purpose of presenting a plaque to Senator JOHN L. McCLELLAN.

In a few moments, I will read the text of the resolution, but prior to doing so I want to read two paragraphs from the prayer which opened the joint session. The prayer was given by the Reverend R. D. Adams, chaplain of the Arkansas State Senate, Little Rock, Ark. I pick these two sentences from the prayer because in concise form they emphasize the qualities of the senior Senator from Arkansas:

> We see this eminent gentleman in various ways: as a fighter for decency and honor; as the foe of all things base, and mean, and evil; as the champion of the good, old-fashioned virtues; as a leader in the truest type of patriotism; and withal, to some of us a personal friend and a brother beloved.
>
> We do not look upon him as a perfect pattern, a demi-god; but we do see him as one who knows what is right, lives accordingly, and teaches it to others.

Mr. President, this unusual honor of a joint session of the legislature and the unanimous resolution adopted by it, commending the senior Senator from Arkansas for his long service in the United States Senate, is a distinction which has come to few, if any, Members of this body.

Mr. President, I would now like to read into the RECORD the resolution, House Concurrent Resolution 18:

HOUSE CONCURRENT RESOLUTION 18

Concurrent resolution commending Senator John L. McClellan for his dedicated public service to the people of Arkansas and America and for his patriotic devotion and unstinting loyalty to the American way of life; and further providing for a joint session of the House and Senate on February 26, 1971, for the purpose of presenting an appropriate plaque to Senator John L. McClellan in recognition of his contributions to the people of Arkansas and to the Nation

Whereas, Senator John L. McClellan has tirelessly represented our State and Country with distinction for more than three decades in the Congress of the United States; and

Whereas, Senator John L. McClellan has effectively devoted his energies to building Arkansas and creating economic opportunities and jobs by which the people of Arkansas may realize a higher standard of living; and

Whereas, Senator John L. McClellan has provided outstanding leadership in obtaining funds for public works programs which have materially advanced the development of Arkansas' human and natural resources; and

Whereas, Senator John L. McClellan is one of America's most aggressive and outstanding leaders in the fight against crime, and in the effort to preserve law and order, so that our homes and our communities are made safe places in which to live; and

Whereas, Senator John L. McClellan has achieved national prominence for his leadership in exposing malfeasance, mismanagement, and extravagence in government; for his relentless investigations of organized and syndicated crime, corruption and gangsterism; and

Whereas, Senator John L. McClellan throughout his many years of dedicated service in the United States Congress, has steadfastly evidenced his commitment to the principles and ideals of democracy and has vigorously promoted and protected our free enterprise system and our representative form of government; and

Whereas, despite open threats and unwarranted criticism by those who oppose and by those who abuse our system of government, Senator John L. McClellan has remained steadfast and unswerving in his patriotic devotion to our country and way of life; and it is fitting and proper therefore that the Arkansas General Assembly publicly commend Senator John L. McClellan for his devotion to duty and his effective representation of the people of Arkansas in the Congress of the United States: Now, therefore be it

Resolved by the House of Representatives of the 68th General Assembly of the State of Arkansas, the Senate concurring therein:

SECTION. 1. The General Assembly of the State of Arkansas hereby commends Senator John L. McClellan for his many years of devoted public service to the State of Arkansas and to this Nation as a member of the Congress of the United States and for his unwavering stand in defense of freedom and democracy, his patriotism and loyalty, and for his vigorous and constant efforts to combat crime and the forces of corruption, subversion, and revolution in America.

SEC. 2. The House of Representatives and the Senate shall cause an appropriate plaque to be prepared for presentation to Senator John L. McClellan in recognition of and appreciation for his contributions and dedication to the development of Arkansas' human and natural resources, and for his patriotism and loyalty to the principle of freedom and the American way of life.

SEC. 3. A joint session of the Arkansas House of Representatives and Senate shall be held at the House Chamber on February 26, 1971, for the purpose of presenting the plaque to Senator John L. McClellan.

SEC. 4. The Secretary of State shall provide Senator John L. McClellan with an appropriately prepared and certified copy of this Resolution.

Mr. President, I have never served with a finer man than the senior Senator from Arkansas. All of us who have had the privilege of serving with Senator McCLELLAN recognize the validity of the resolution that was unanimously adopted by the legislature of his State.

Senator McCLELLAN has rendered outstanding service not only to the people of Arkansas but also to the people of the United States. In this day when there seems to be some lack of confidence in many of the elected leaders—local, State, and National—there is in JOHN McCLELLAN one elected leader, one elected representative of the people, in whom not only his colleagues but also the people of the entire Nation have great confidence.

Mr. President, I have been pleased to read into the RECORD the House concurrent resolution of the Arkansas Legislature that was unanimously adopted.

I ask unanimous consent that the text of the prayer which opened that joint session be printed in the RECORD at this point.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

> Almighty and ever-blessed Lord God: we have gathered this morning for a single purpose: to do honor to a great and good man; to reflect on some of the things that he means to us, to Arkansas, and to the nation of which he and we are proud to be citizens.
>
> We see this eminent gentleman in various ways: as a fighter for decency and honor; as the foe of all things base, and mean, and evil; as the champion of the good, old-fashioned virtues; as a leader in the truest type of patriotism; and withal, to some of us a personal friend and a brother beloved.
>
> We do not look upon him as a perfect pattern, a demi-god; but we do see him as one who knows what is right, lives accordingly, and teaches it to others.
>
> We thank Thee, our Father, for his life and labor; we are grateful for his unselfish devotion in his high office in Washington. And we pray that as long as Thou dost give him life and strength, he may continue to be a credit to Arkansas, an honor to the Senate, and a worthy servant of his Lord. God bless John McClellan. Amen.

Mr. HANSEN. Mr. President, I am very privileged and proud indeed to be able to join with my distinguished and beloved colleague, the Senator from Virginia, in paying tribute to a truly great American. It has been my unique privilege to get to know the senior Senator from Arkansas very well.

Holding the high opinion that I do of the distinguished senior Senator from Virginia, I think it should be pleasing to all friends of the senior Senator from Arkansas to note and read and ponder—as I know we will—this very much deserved and eloquent tribute that has been paid to him by the distinguished senior Senator from Virginia.

I have watched the senior Senator from Arkansas very closely in the few short years I have been a Member of the Senate as he has pursued a course that reflected his constant attention to what was best for America.

Mr. President, the Senator from Arkansas (Mr. McCLELLAN) has a most outstanding record of accomplishment. The resolution, adopted unanimously by the Arkansas Legislature, eloquently attests to that fact.

I am pleased that the senior Senator from Virginia (Mr. BYRD) has called this presentation to the attention of our colleagues, and I am privileged to join in commending our colleague for this singular honor.

His record of service to his country and to his State sets a standard which is most deserving of our best efforts to emulate. I am pleased to have this opportunity to commend him for his years of faithful service and responsible leadership.

Mr. President, the senior Senator from Arkansas responded to the resolution in his characteristically impressive manner, and I am pleased to ask unanimous consent that a news article from the Arkansas Gazette of February 27, 1971, reporting the event be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Legislators Honor McClellan—Senator Pleases Audience

The General Assembly paid tribute Friday to United States Senator John L. McClellan, Arkansas' senior senator, and McClellan pleased his audience by advocating the return of more governmental functions to the states.

The House of Representatives and the Senate convened in joint session Friday morning in the House Chamber to present a plaque to McClellan. Both houses previously had passed a resolution (HCR 18) calling for the joint session to honor McClellan. The resolution was sponsored by Representatives Charles L. Honey of Prescott and Roscoe D. Brown of Jonesboro.

McClellan received a standing ovation as he was escorted into the House chamber by a committee of legislators. He was accompanied by his wife and other members of his family. Governor Bumpers also attended the ceremony, which began with Honey reading the resolution.

The resolution commended McClellan "for his many years of devoted public service to the state of Arkansas and to this nation as a member of the Congress of the United States and for his unwavering stand in defense of freedom and democracy, his patriotism and loyalty, and for his vigorous and constant efforts to combat crime and the forces of corruption, subversion and revolution in America." House Speaker Ray S. Smith Jr. of Hot Springs presented the plaque to McClellan.

McClellan said he was touched by the legislators' gesture and felt that their commendation "carries with it at least some connotation that the sentiments which you expressed in the resolution reflect the views of and are shared by your constituency."

McClellan quoted Voltaire: "He who makes two blades of grass grow in place of one renders a service to the state."

"Our Arkansas River navigation system of which Mr. McClellan was one of the prime sponsors, now completed and in operation, is a monumental example of making two blades of grass grow where only one grew before," he said to applause. The senator also mentioned two bills that he introduced recently that he said would aid in Arkansas' future growth and conservation of its natural resources. One would authorize states to enter interstate environmental compacts to control pollution. The other would "revitalize and develop our rural areas by establishing a national policy to encourage and promote a better balanced pattern of population growth and of economic and industrial expansion."

"Our federal government as we know, is already overcentralized, unwieldy and almost unmanageable," McClellan said. "Many metropolitan areas are also overcrowded, congested and polluted. Their relief rolls have swollen to burdensome proportions. These conditions threaten many of our larger cities with impending bankruptcy. At least a part of the solution to the distressing problems is the decentralization of industry as it further expands, and the return to states and localities wherever practicable of those governmental functions and programs which can be better administered by local authorities than they can by federal bureaus and departments in Washington." Applause broke out again.

Mr. HANSEN. Mr. President, I will read from the remarks that were made by the senior Senator from Arkansas upon the occasion of his being honored by his home State. The Senator from Arkansas said, after concluding some introductory remarks:

Excerpts From Remarks of Senator John L. McClellan Before the Arkansas State Legislature, Joint Session, February 26, 1971

In the course of my many years of public service, I have received numerous honors, plaques, and awards. I cherish all of them, because each one is quite meaningful as a tribute and as an expression of good will and confidence.

I regard this tribute and the honor which you, the elected representatives of the people from every county and district in our state, bestow upon me today as being most singular, indeed, and of pleasing and significant importance. I feel that your official commendation of my public service carries with it at least some connotation that the sentiments which you expressed in the Resolution reflect the views of and are shared by your constituency. Needless to say, I am touched and moved to the fullest depth of appreciation for this public manifestation of your continuing trust and esteem, and I accept this plaque with deep gratitude and humility.

Mrs. McClellan, who has contributed so very much to all that I have accomplished, joins with me in these expressions of thanks and appreciation.

In our free society and in our system of government, men are measured and judged by certain high standards of quality and worth. From birth, it would seem, we are continually being assayed, weighed, and tested.

Particularly is this true for those of us who are in public life. We are constantly being exposed—and rightly so—to this critical analytical process in its severest application. This unceasing examination and review of our official actions by the people is as it should be, for we serve as representatives of our constituency only at their suffrage and with their continuing approval.

As public servants, we each have our own standards, concepts, and ideals. We generally pursue and concentrate on our chosen specific goals and objectives. Voltaire once said:

"He who makes two blades of grass grow in place of one renders a service to the State."

This philosophy—possibly far more profound than its literal pronouncement—is one which might well inspire all of us in the performance of our public duties.

As your Senator, I have tried with diligence to help nurture those symbolic blades of grass here in our state—to strengthen the economy and to advance the aspirations and struggle of our people for greater progress and a better way of life.

I think we can say, without any qualification, that no state in the nation during the past quarter of a century has made greater gains in the conservation and development of its natural water resources than has Arkansas.

The inauguration and implementation of vast programs and our tremendous achievements in this area are to all of us a source of much pride and gratification.

Our Arkansas River Navigation System, now completed and in operation, is a monumental example of making "two blades of grass grow in place of one." Because of it and other water resource projects across the state, we are now able to see water where once the land was dry, to see a high state of cultivation where once the land was barren and unimproved, to see industries where none was before, and to see towns and communities that are now flourishing where once they were stagnant and depressed.

* * * * *

We are now witnessing in our state and throughout the South a social and economic transformation in the form of growing popuation, rising family and personal incomes, increasing employment, greater educational opportunities, and substantial industrial expansion. Indeed, we may well remember the decade of the sixties as the turning point in the social and economic history of the South.

Certainly the decade of the sixties was good for Arkansas. Our population is up 7.7 percent, our per capita income is up 90 percent, our manufacturing employment is up 70 percent, and the average hourly wage is up 53 percent.

Yes, Arkansas is growing and will continue to grow, but to insure that her future growth will be soundly conceived and thoughtfully devised, we should take every necessary step to protect and conserve our resources, to keep our waters clean and our air pure, and to use our lands and natural resources prudently for the enhancement and enrichment of all of our citizens.

With these goals in mind, I introduced in the Senate this week a bill to authorize states to enter into interstate environmental compacts. This bill, if enacted, will facilitate the joint efforts of Arkansas and her neighboring states, working cooperatively, to prevent and to control pollution.

I also introduced legislation last month to revitalize and develop our rural areas by establishing a national policy to encourage and promote a better balanced pattern of population growth and of economic and industrial expansion.

Our Federal Government, as we know, is already overcentralized, unwieldy, and almost unmanageable. Many metropolitan areas are also overcrowded, congested, and polluted. Their relief rolls have swollen to burdensome proportions. These conditions threaten many of our larger cities with impending bankruptcy. At least a part of the solution to these distressing problems is the decentralization of industry as it further expands, and the return to states and localities wherever practicable of those governmental functions and programs which can be better administered by local authorities than they can by federal bureaus and departments in Washington.

* * * * *

Some of these changes to which I have alluded may well be forthcoming—particularly the decentralization of industry and the development of rural America. These changes, I believe, are imperative if our country is to maintain its rate of progress and its economic power.

So, let us in Arkansas keep our fiscal house in order and be prepared. Let us look for the opportunities that are presented in challenges. Let us strive to create an atmosphere and an attitude where hope pre-empts despair, where visions inspire us on to higher goals, and where dreams can be transformed into realities.

In this spirit and with unity of purpose, we in Arkansas can go forward to capture tomorrow's promise of even greater achievements, progress, and prosperity.

Mr. President, in conclusion, I wish to state it is indeed a signal honor for me to be able to join with the distinguished Senator from Virginia in paying respects and testifying to my great appreciation for the tremendous contribution that Senator John McClellan has made made not only to the State of Arkansas but as well to his beloved America.

Mr. BYRD of Virginia. Mr. President, I share fully the sentiments expressed by the able and distinguished Senator from Wyoming.

I yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator's time be extended an additional 3 minutes over and beyond the remaining 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I express appreciation to the able senior Senator from Virginia for allowing me to join him in commending the very distinguished Senator from Arkansas (Mr. McClellan).

It was most fitting that the General Assembly of the State of Arkansas adopted the concurrent resolution commending Senator McClellan on his services to the State of Arkansas and to the Nation. It was also most fitting that the general assembly presented a plaque to the senior Senator from Arkansas in this regard.

Too often the services of men like Senator McClellan go unnoticed; but I am glad that in this instance the legislature of his State has taken action to recognize the outstanding ability of this great Senator, and to recognize his dedication to the American way of life, his absolute devotion to upholding the enforcement of the law and proper order, and also the contributions he has made to the various communities in his State in his long service which has extended over a period of 30 years in Congress.

Senator McClellan is one of the most highly respected chairmen in the Senate. I have particular reference at this point to his chairmanship of the Permanent Investigations Subcommittee of the Committee on Government Operations. Through his service as chairman of that subcommittee he has proved to be a relentless investigator, courageous and absolutely fearless, but at all times entirely objective and fair. He is a very just man, he is a compassionate man, but a man of strong convictions; and he has always, in his services in the Senate, put the interest of the Nation first and foremost and then the interest of his native State. I think this is the proper order of priority. He has never been partisan where the interests of the Nation have been at stake. Yet, he has always been cooperative and understanding with the leadership, and his word has always been his bond. What he says he will do, he will do. He is a man of unshakeable integrity—dependable, sincere, and honest—and he is his own man, independent, though considerate of the views of his colleagues.

I wish to express my personal gratitude to the senior Senator from Arkansas for the leadership he has shown in the fight against crime, in the fight against corruption and subversion and revolution. He has been an inspiration to me and others, I am sure, in the Senate.

I trust that the people of Arkansas will continue to give Senator McClellan the unstinting, dedicated, and loyal support they have in the past so that he may continue in his great work in the Senate on the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Government Operations. The Nation will be benefited as well as generations to come.

I thank the Senator from Virginia for rising at this time to call attention to the very deserved tribute which has been paid by the Legislature of the State of Arkansas to the Senator from Arkansas (Mr. McClellan).

It was noble of the Senator from Virginia and entirely characteristic of him to do this, and this, in itself, is a tribute to the Senator from Arkansas. I also thank the Senator from Wyoming (Mr. Hansen) for participating in this tribute today. He, too, is a Senator who is quick to recognize merit where it is due.

Again, Mr. President, I express my appreciation to the Senator from Virginia for yielding to me.

Mr. BYRD of Virginia. I thank the able Senator from West Virginia. I concur in his statement that the senior Senator from Arkansas is a great man and a great Senator.

I conclude by saluting the distinguished senior Senator from Arkansas (Mr. McClellan), and also by saluting the Legislature of the State of Arkansas for the unique resolution which it unanimously adopted commending the Senator from Arkansas.

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. PROXMIRE obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield to me briefly?

Mr. PROXMIRE. I am delighted to yield to the assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The pending business is House Joint Resolution 468, making certain further continuing appropriations for fiscal year 1971, and for other purposes.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer. I also thank the Senator from Wisconsin for yielding.

THE SST: COULD IT INCREASE THE INCIDENCE OF SKIN CANCER?

Mr. PROXMIRE. Mr. President, 2 weeks ago, Dr. James E. McDonald of the University of Arizona testified before the House Appropriations Committee on the SST. Dr. McDonald is an atmospheric physicist, a member of the National Academy of Sciences, and he was asked by an Academy panel to look into the potential effects on the upper atmosphere from the SST.

In his testimony, Dr. McDonald concluded that a fleet of SST's flying at 60,000 to 70,000 feet could lead to a significant increase in the incidence of skin cancer in the United States. His conclusion:

> It is my present estimate that operation of SSTs at the now-estimated fleet levels for 1980–85 could so increase transmission of solar ultraviolet radiation as to cause something of the order of 5,000 to 10,000 additional skin cancer cases per year in just the United States alone.

Dr. McDonald testified that there were several links in his hypothesis. First, it is known that the SST will emit vast quantities of water vapor into the stratosphere—about 382,000 pounds per New York to Paris flight. Second, water vapor interacts chemically with the ozone which is present in the stratosphere, and would deplete some fraction of it. Ozone is essential to shield out the sun's harmful ultraviolet radiation; to the extent that it is depleted, there would be a corresponding increase in ultraviolet radiation reaching the earth's surface. Lastly, that such an increase in ultraviolet radiation could increase significantly the incidence of skin cancer.

Dr. McDonald's testimony was dramatic; but it was only the word of one scientist. To get an idea whether his thesis should be taken seriously, I wanted to find out how other scientists would react.

The National Academy of Sciences has not taken a position, even though they asked Dr. McDonald to inquire into it. This is only his position;

I wanted to find out how other scientists would react. In particular, it was important to know whether meteorologists believed Dr. McDonald's theory about the upper atmosphere was reasonable; and whether dermatologists concurred in what Dr. McDonald had said about the connection between increased ultraviolet radiation and skin cancer.

Accordingly, I wrote to 40 of the leading meteorologists and skin cancer specialists in the country, enclosing the full text of Dr. McDonald's testimony, and asking for their reactions.

As of yesterday, I had received 25 replies. Very significantly, none of them said Dr. McDonald was wrong. Almost all said that McDonald's statements were reasonable.

I released the full text of the 25 letters yesterday. Later in the day, the White House issued a statement that this was "a shocking attempt to create fear," although Press Secretary Ziegler later indicated that "some questions" had been raised.

The same charge was repeated on the floor of the House yesterday. It was repeated by Senators in my presence today. I just ask any Senator, What are we supposed to do under these circumstances? A responsible man, appointed by the National Academy of Sciences, inquired into the possibility that fleets of SST's could increase the incidence of skin cancer. He testified before the appropriate House committee that it could cause thousands of cases of skin cancer. I asked outstanding authorities in the country what their opinion was.

Since they tended to confirm the opinion of Dr. McDonald, what are we supposed to do? Bury this evidence? Say it is too dangerous for people to know, that they might become frightened? It seems to me we have a duty to reveal these expert opinions. We have a duty to face up to it. One of the administration's witnesses in favor of the SST in hearings before the Senate Appropriations Committee said:

> This might only mean that one out of twenty thousand will get skin cancer.

Perhaps one can dismiss this finding on that basis, but I say we have not only a right but a duty to examine into it.

This is not a scare tactic. It is a matter of facing the facts. If any Senator can argue with what has been reasoned by Dr. McDonald or other scientists who documented what I am going to put into the Record, let them do it, but it is interesting that not one Member of the Senate or of the House has disputed the substance of what has been alleged here. All they say is that this is a scare tactic.

Some have argued about Dr. McDonald, but they have not analyzed or disputed what he said. So it seems to me we have a right to consider it, because it is appropriate.

My press conference Wednesday was simply for the purpose of releasing the 25 letters I had received. I was joined by three scientists who elaborated further on the potential health hazard.

The three who joined me were Dr. Thomas Fitzpatrick, chief of dermatology, Massachusetts General Hospital and head of the Department of Dermatology, Harvard Medical School; Dr. Jule G. Charney, Alfred Sloan professor of meteorology, MIT; and Dr. Conway Leovy, professor of atmospheric sciences, University of Washington, Seattle.

As I have said, these eminent experts confirmed the substance of what Dr. McDonald said. They submitted themselves to questions by members of the press for an hour.

These scientists not only emphasized that they took very seriously the potential link between full-scale SST operation and skin cancer, but they also emphasized repeatedly that the SST prototypes were not necessary to research on these problems and, in fact, would not even help solve these questions.

They also indicated very strongly that, in all probability, we could not get the answers to these questions in the time between now and when the SST is supposed to go into production. Therefore, if we agree to fund the SST on Wednesday, when we shall vote on it, and the House goes along with it, although it refused to do so yesterday, it will mean production would start before we would know what effect the SST could have on radiation-induced illness.

Mr. President, I ask unanimous consent that the full text of all the letters received to date, together with the complete text of the McDonald testimony, be printed in the Record at this point. As I have said, most significant of all, no one—in the White House or otherwise—has directly or indirectly contradicted the substance of Dr. McDonald's testimony.

There being no objection, the material was ordered to be printed in the Record, as follows:

Exhibit 1

Testimony of Dr. James E. McDonald

Statement Submitted for the Record by Dr. James E. McDonald, Institute of Atmospheric Physics, University of Arizona, Tucson, Ariz., at Hearings Before the House Subcommittee on Transportation Appropiations, March 2, 1971, Concerning the Supersonic Transport Program

(Note—This version contains the typographical corrections and minor changes of wording that were incorporated into the record copy inserted for publication in the printed hearings. The changes from the draft available on March 2, 1971, are all minor changes improving on the clarity of that draft—JEM)

BIOGRAPHICAL SUMMARY

Present position: Senior physicist, Institute of Atmospheric Physics, and professor, Department of Atmospheric Sciences, University of Arizona, Tucson, 85721.

Area of principal research interest: Atmospheric physics.

Educational background. B.A. (chemistry), University of Omaha, 1942. M.S. (meteorology), Massachusetts Institute of Technology, 1945, Ph. D. (physics), Iowa State University, 1951.

Miscellaneous:

Joined University of Arizona staff in 1954.

Research physicist, cloud physics project, University of Chicago, 1953–54.

Assistant professor of physics, Iowa State University, 1950–53.

Naval intelligence, World War II, 1942–45.

Married, six children. Born Duluth, Minn., 1920.

Professional affiliations:

American Meteorological Society.

American Geophysical Union.

Royal Meteorological Society.

American Association for the Advancement of Science.

Committee for Environmental Information.

Society for Social Responsibility in Science.

American Association of University Professors.

Sigma Xi.

Current professional activities:

Member, National Academy of Sciences' Panel on Weather and Climate Modification.

Member, advisory panel for U.S. Navy-ESSA Project STORMFURY.

Member, Evaluation and Goals Committee, University Committee on Atmospheric Research.

1. INTRODUCTION

Deliberations on the national decision as to whether to proceed now with an SST program have brought into public debate important questions concerning possible environmental effects of major SST fleet operations. I wish to summarize here some points which I think have been overlooked or underemphasized in recent discussions of the pros and cons of initiating a major air-transport technology in the stratosphere.

During the past several months, a substantial share of my time has been spent in assessing certain specific questions as to how SST fleet operations might affect the earth's atmosphere and thereby modify either climate, weather, or human activities contingent upon important atmospheric processes. Although my work was undertaken in connection with current studies of the National Academy of Sciences' Panel on Weather and Climate Modification, I wish to make clear that I do not speak here for our Panel, but rather as an individual scientist. However, I wish at the same time to express my indebtedness to many other scientific colleagues in various parts of the country who have offered advice and critique in various phases of these analyses. Although some of my viewpoints and findings are still tentative, all have been laid before a substantial total number of workers in a variety of different fields in an effort to detect and eliminate gross errors, so I acknowledge the help and criticism reflected in what I shall say here.

Before examining in some detail one specific SST atmospheric effect and its consequences (ozone reduction and its effect on skin cancer incidence), I want to emphasize three principal generalizations that strike me as having strong bearing not only on the present SST decision but also on the feasibility of moving on even farther toward a still higher-altitude mode of air transport now under engineering study, namely the HST (hypersonic transport) technology (1,2).

To make clear certain points that will come up repeatedly below, it needs to be noted first that the present generation of *subsonic* jets, such as the 707, DC–8, 747, etc., which cruise at altitudes near 35,000 feet, are still operating within the *troposphere*, the lowest major subdivision of the atmosphere, separated by the thin *tropopause* layer from the next higher and quite different region, the *stratosphere*. For present purposes, we may take the mean altitude of the tropopause as about 40–45,000 feet over middle latitudes. SSTs and HSTs would by contrast, operate well within the stratosphere. The proposed Boeing SST would cruise near 65,000 feet, while the HSTs, still only on drawing boards, would cruise at altitudes that might begin near 80,000 feet, working upwards as technology advanced to ultimate HST cruise levels perhaps near 150,000 feet (1,3).

Although there are military jets, such as our U–2 or our SR–71, which can cruise at stratospheric altitudes, and although a number of interceptors have short-duration altitude capabilities of well over 50,000 feet, the total number of flight-hours per year (or better, total tons of fuel burnt per year) logged by present and past military aircraft flying in the stratosphere are small (order of a few per cent as large), compared with the projected operational levels envisaged for U.S. and foreign commercial SSTs by the 1980–85 period. Hence we do *not* yet have experience with the environmental effects of *flying large numbers of very high powered aircraft in the stratosphere*, a point sometimes forgotten or even misrepresented in arguments over potential seriousness of SST atmospheric modification effects.

2. THREE IMPORTANT GENERALIZATIONS ON POTENTIAL ENVIRONMENTAL SIDE-EFFECTS OF HIGH-ALTITUDE AIR-TRANSPORT TECHNOLOGIES

I suggest that very careful attention should be paid to the following three points, as we weigh the pros and cons of the present SST decision:

(1) The stratosphere is *effectively about 100 times more sensitive* to technologic contamination than is the troposphere because its turnover-time averages about 100 times longer than that of the troposphere.

(2) The stratosphere is a region of *high chemical reactivity*, unlike the troposphere, in which our current air transport technology now operates.

(3) If we now start an SST transport technology and then later attempt to improve range-efficiencies by modifying engine or airframe designs to permit flying at still higher altitudes (or if we move on to an advanced HST technology), then we shall find that both of *the preceding difficulties grow even more serious* the higher we try to fly in the stratosphere.

The *first* of those three generalizations hinges on the important quantity known as the *mean turnover time* (also called the residence time, exchange time, or holdup time). In the troposphere, into which we emit essentially all of our present industrial and technologic pollution, the effective turnover time for the major pollutants averages only about a week, possibly rather less than that (4). Precipitation processes rapidly scavenge particulates and many gaseous pollutants from the troposphere, so that contaminants (even those from present-day jets flying in the upper troposphere) are fairly quickly washed out by rain. But the stratosphere enjoys no such efficient scavenging action; it has no cloud-and-rain washout mechanisms comparable to those that are effective in our troposphere. Instead, gases or particulates emitted into the stratosphere find themselves in an *extremely stable* region in which removal hinges upon slow transport and downward mixing to the tropopause, followed by "tropopause folding" or other leakout mechanisms that carry the pollutant down into the troposphere where rain scavenging can complete the removal process (5). For the lower stratosphere, where the proposed SSTs would fly, the average turnover time is now regarded as averaging about two years (5, 6, 7, 8), in contrast to the troposphere's 5–6 days. Hence, for any given pollution-rate, steady-state accumulations will run about 100 times greater in the stratosphere because contaminants take 100 times longer to be flushed out if inserted into the lower stratosphere. Actually that ratio of 100-fold should be set at an even higher figure, since the great stability of the stratosphere prevents the kind of deep mixing characteristic of the far more unstable troposphere, with the result that the mass-thickness of stratospheric air effectively available to dilute contaminants runs about 5 times smaller than for the troposphere. Without pursuing these matters into further detail, we may say that we shall probably be *underestimating* the seriousness of this point by here adapting the figure of 100-fold greater turnover time in the stratosphere, where the SSTs would be emitting various exhaust products.

The *second* point, concerning the far greater degree of chemical reactivity of the stratosphere, results from the presence there of the *ozone layer* (5), from the presence of small but chemically quite significant concentrations of reactive *free radicals* like hydroxyls and peroxyls, and from the presence of an *intense flux of solar ultraviolet radiation*, whose quanta have energy sufficiently high to drive many reactions that cannot occur in our lower atmosphere (because such energetic quanta are filtered out before they can get down into the troposphere, chiefly by the ozone layer itself).

The *third* generalization calls attention to the fact that if future aeronautical improvements in the SST should permit it to fly at higher altitudes (attractive for reasons of both fuel economics and sonic boom mitigation), this would only tend to exacerbate the foregoing two difficulties. Average turnover times increases as one goes to higher altitudes in the stratosphere (a trend well documented from nuclear bomb-test debris tracer studies) probably attaining values of the order of 10 years near 100,000 ft (4,5). This implies a tendency to build up still higher steady-state concentrations for any fixed rate of injection of aircraft contaminants, as we raise the injection level from the currently projected 65,000-ft cruise-level of the first SSTs now under consideration. This difficulty is further aggravated by the fact that the main peak of the ozone layer lies above the 65,000-ft level (ozone concentrations attain a broad maximum centered in about the 75,000–100,000-ft interval, the exact value depending somewhat on latitude and season). Relative concentrations of free radicals and also intensities of reaction-energizing solar ultraviolet quanta not only increase upward through the latter altitude zone, but go right on increasing to still greater heights, such as those now being talked about for HST operations. If there are (as I believe to be the case) some serious environmental consequences of starting an SST technology at 65,000-ft cruise-levels, those difficulties will get worse as efforts are made to push SST cruise-levels still higher. And, without going into the point in full detail, there will certainly be pressures to push for those higher altitudes, since considerations such as those underlying the Breguet range-efficiency formula show that one will be able to fly with steadily lower specific fuel consumption by going higher and faster. That will tend to put pressure on to push SST cruise altitudes upwards and later to follow them with even higher-flying HSTs. Then longer holdup times at these higher levels will tend towards higher and higher steady-state contaminant concentrations, and, at the same time, greater local abundances of reactive molecules and energetic quanta of solar ultraviolet radiation will tend to pose steadily more serious problems of environmental side effects. This point is not, I believe, widely appreciated in the aeronautical engineering world.

These three rather broad generalizations I submit, need to be weighed very carefully in any major national decision to undertake an SST technology. Those three points have been ignored in a number of recent defenses of the SST program, with the result that SST exhaust contaminations have sometimes been made out as of quite minor concern, whereas the full implications of the long holdup time and high reactivity of the part of the atmosphere in which SSTs would operate have only begun to be explored. Some of the past causal playing-down of potential hazards that I have encountered reflects little appreciation of these complexities.

Furthermore, there is a *fourth* generalization one might well append to the above three: Increases in the concentrations of stratospheric particulate concentrations that will result from SST exhaust emissions and their reaction-products (sulfates, nitrates, soots, hydrocarbon products) will be introduced into a part of the atmosphere where it is quite possible that they can exert more climatically adverse effects than similar particulates would have in the lower atmosphere. This is a subtle point (and one entailing some still poorly known optical properties of possible particulates resulting from SST stratospheric operations, as well as some complex interactions with other atmospheric processes), so I shall mention it only in passing—but, at the same time, it is necessary to warn that long-term operation of new types of high-altitude air transport technologies might make this still poorly understood form of environmental disturbance as serious as or even more serious than any others now suspected.

3. SOME FALLACIES AND MISUNDERSTANDINGS ABOUT POTENTIAL SST ATMOSPHERIC EFFECTS

(1) *SSTs will cause persistent ice-crystal veils which will alter the earth's climate.* Fears that the extremely large volume of water vapor emitted from SST fuel combustion will lead to contrail-formation and hence to development of long-persisting hazy stratospheric veils of slow-falling ice crystals do *not* appear to be well founded. I have reviewed again the arguments that led me and others who prepared the 1966 NAS report on weather and climate modification (9) to discount this problem and we have found no reason to alter our 1966 conclusions to the effect that this will not be a source of any significant climatic disturbance. SSTs will not only fly at altitudes too high to lead even to *formation* of contrails most of the time, but, still more to the point, they will be flying in a region where mean relative humidities due to naturally occurring water vapor average only about 5%, so that *persistence* of any contrails that do occasionally form is ruled out by such dryness. Only rarely, at high altitudes in the winter, or possibly occasionally at low altitudes, is it at all probable that contrails would form and persist. Serious climatic disturbance from these comparatively rare occasions does not appear likely.

(2) *Water vapor additions to the stratosphere will produce such tiny reductions of ozone that no biologically serious consequences will ensue.* This conclusion was reached in the SCEP Report (10), and it was also my own initial conclusion. However, a previously overlooked line of evidence now appears to lead to quite opposite conclusions. The possibility that ozone reduction resulting from chemical interactions with SST-exhaust water vapor will be large enough to yield serious increases in incidence of skin cancer over the estimated operating period of an SST technology is a good example of a subtle and initially unrecognized environmental hazard now calling for the most searching scrutiny. I shall take this example of a "hidden SST problem" below and use it to show how there may well be difficulties in high-altitude transport technologies that we have only barely begun to understand. Briefly, it is my present estimate that operation of SSTs at the now-estimated fleet levels predicted for 1980–85 could so increase transmission of solar ultraviolet radiation as to cause something of the order of 5–10,000 additional skin cancer cases per year in just the United States alone. I return to this point below.

(3) *Water vapor added to the stratosphere by SSTs is of only trivial significance, since thunderstorms put far more water into the stratosphere by entirely natural processes.* This argument has appeared in several places (12, 13). In one widely repeated form, it suggests that a single tropical thunderstorm can inject as much water vapor into the stratosphere as would the entire SST fleet in a single day. The argument then usually continues with the remark that, for the world as a whole, there may be something like 4000 thunderstorms per day, hence why worry about SST water vapor additions. The primary fallacy here is that any and all *natural* processes (including thunderstorms) accounting for the naturally occurring water vapor in the stratosphere are already fully allowed for as soon as one introduces into an analysis the present estimate of the *average* natural water vapor content of the stratosphere, now put at about 5 ppm by volume as a result of the work of many investigators, especially Mastenbrook. To the extent that tropical thunderstorms are a factor in natural vapor injections into the stratosphere, that effect is taken into account as soon as one uses the average figure of about 5 ppm by volume. I know of no analyses of potential SST environmental effects related to SST exhaust vapor contamination of the stratosphere that have not proceeded from just this basis; hence I can only regard the "thunderstorm argument" as inherently misleading because it, of course, makes the uninitiated think that SST vapor additions are somehow trivial when measured against wholly natural effects and has often been made in a context vaguely suggesting that critics of SST environmental hazards are ignoring such thunderstorm effects. That is unfair and misleading argumentation on the part of SST proponents.

Furthermore, the SST proponents who use the thunderstorm argument have, to my knowledge, never backed up their basic claims with good observational data as to (a) what fraction of the several thousand thunderstorms per day actually penetrate the tropopause and succeed in delivering any vapor to the dry stratosphere, and as to (b) just how much vapor is actually exchanged with the stratosphere, even in those cases where a thunderstorm does penetrate the lower stratosphere. I would suggest that only an extremely small percentage of all thunder heads (i.e., cumulonimbus clouds) build up into the stratosphere (in either middle or low latitudes) and that the thunderstorms of the world are actually a minor component of the overall meteorological machinery by which vapor moves up to the tropical stratosphere—most of it ascending slowly over an enormous area in the rising branch of the Hadley-cell circulation near the Equator. But, in any event, the all-important point that the non-meteorologist should realize in connection with this is that we are already taking into account any and all such effects when we start hazard-analyses (as in the skin cancer question below), with the *observed* average stratospheric water vapor content of about 5 ppm by volume. The "thunderstorm vapor injection" argument is about as misleading to public and to Congress as in the "ice crystal veil" argument, as I now see it.

(4) *SST pollution effects are unimportant, since they will constitute only about one per cent of the pollution from other technologies.* This argument (13) has several fallacies in it. First, it takes as "SST pollution" only the kind of particulate and gaseous pollutions that tend to cause pollution difficulties in the lower atmosphere (sulfur dioxide, hydrocarbons, soots), and it quite casually ignores the point that, in the stratosphere where these emissions have to be worried about, even such a seemingly harmless exhaust product as *water vapor* can lead to serious disturbances, yet is emitted in amounts about a thousand times greater. Secondly, it casually ignores the point stressed above, that the roughly 100-fold greater holdup time (turnover time) of the stratosphere, as contrasted with that of the troposphere where other present forms of atmospheric pollution are occurring, implies that if SSTs put out only about 1% as much pollution as all other polluting technologies, then the 100-fold greater holdup time characteristic of the part of our atmosphere in which SSTs will cruise will just about cancel out that advantage. That is, storing up for a hundred times as long the emissions of an SST technology emitting only 1% as much pollution would just bring the SST pollution-levels up to about par with those of all other techniques. I would not wish to press that argument too far; but it serves to show how incomplete some of the existing argumentation is. Such incomplete argumentation can be a source of confusion, as exemplified in one recent statement made within the Senate, where it came out that three automobiles going down the highway at 60 mph woulld emit more water vapor than the entire fleet of SSTs, a multiply-garbled version in which several misunderstandings and errors became confounded.

(5) *If SSTs are going to pollute our atmosphere, it's better to have it polluted by U.S. SSTs than by the same number of foreign-produced SSTs.*

Sometimes it is suggested that it is pointless to debate the present SST decision because if we don't build those SSTs, somebody else will. I believe a sounder viewpoint is this: Whether we build and fly many hundreds of stratospheric commercial transports or whether some other country does, exactly the same careful scientific assessment of potential global (or hemispheric) environmental hazards has to be conducted. Entirely independent or who builds a high-powered SST that will contaminate the sensitive and reactive stratosphere, the hazard-burdens will be much the same, since stratospheric winds will spread the effects over most of the (Northern) hemisphere. The real question at stake is thus the question of whether it is acceptable *to any and all nations* to have operating in the stratosphere a heavy air-transport technology which might impose any globally unacceptable environmental burdens affecting *any or all national interests.* The inherently international characteristic of the problem, when properly appreciated, requires that the United States or Russia view the Concorde program just as critically as the British or Russians must view the American program, etc. The basic question is whether the stratosphere is going to be just too sensitive to the kinds of transport technology now envisaged by aeronautical engineers who have made their impressive advances without fully examining environmental implications of the powerful and fast vehicles they have been designing with such skill.

(6) *The sensible and conclusive way to sort out all of these questions about SST environmental effects is to build several prototypes, fly them in the stratosphere, and make direct measurements to settle all of the uncertainties.* Although such a suggestion has a rather plausible ring to it, careful examination of where the really crucial environmental questions now lie shows rather conclusively that availability of a new flying SST prototype will do almost nothing to settle these scientific controversies. There are far more scientific uncertainties than I shall be able to pinpoint here; but, with only a few exceptions, the kind of research now needed to clarify these problems involve laboratory or computer work, or biological studies have no relation at all to the availability of prototype STTs. Our difficulty is that we lack basic scientific understanding of a number of key questions raised by proposals to initiate high-altitude transport technology. As with all too many past examples, we have failed to conduct a broad and vigorous program of basic research, so that we just don't have all the answers at hand when technological change suddenly calls for assessing hazards. Flying models of the SST may be useful in checking engineering-feasibility questions but they will, unfortunately, be essentially useless in providing answers to most questions on environmental side-effects that have emerged from recent inquiries.

4. AN EXAMPLE OF AN OVERLOOKED SST ENVIRONMENTAL HAZARD: INCREASED INCIDENCE OF SKIN CANCER FROM ENHANCEMENT OF SOLAR ULTRAVIOLET EXPOSURE ACCOMPANYING DIMINUTION OF STRATOSPHERIC OZONE

Past experience with new technologies offers a number of historical examples of the general principle that entirely unanticipated environmental difficulties, often of a rather subtle nature, may ultimately come to light after years of operation with that new technology (pesticide technologies, release of mercury from seemingly harmless industrial processes, radiation hazards, lead tetraethyl gasoline additives, etc.). Certainly it must be agreed that, in trying to avoid many more such experiences, we need to find ways of assessing new technologies far more carefully than we have done in the past. A recent National Academy of sciences report on technology assessment (14) has provided a penetrating analysis of these challenges, and has drawn particular attention to the need for detecting those potential side-effects of new technologies before the latter attain so advanced a state of development that too large an economic and social investment has been made to stop the new technology prior to its getting beyond a point-of-no-return. Surely all such considerations ought now to be brought to bear on the present national decision to initiate an entirely new form of high-altitude commercial transport technology that raises complex environmental questions of an unprecedented nature.

It was very much in that spirit that I have reexamined recently certain earlier conclusions that ozone-reductions due to water vapor added to the stratospheric ozone layer would be too small to have discernible biological importance. Although the full argument that has led me to the view that SSTs might cause adverse effects large enough to be of public-health concern is too lengthy to be completely detailed here, I wish to outline its main features, since I believe the argument is strong enough that it must now be carefully weighed into the present decisions on the SST program.

(1) *Carcinogenic effects of solar ultraviolet radiation.*—That skin cancer, especially of the basal cell and squamous cell types, is caused chiefly by prolonged exposure to solar ultraviolet radiations has now been attested in so many ways as to be essentially beyond dispute (15, 16, 17). Among the items of evidence supporting this conclusion, those of particular concern relative to SST effects include the following: (a) In all parts of the world there is a systematic tendency for higher skin cancer incidence in regions characterized by low average ozone amounts overhead, by high percentage of clear skies, and by short airpath for incident solar rays. Briefly, all of these factors tend to imply higher UV (ultraviolet) dosage rates at low than at high latitudes, and skin cancer incidence is found to increase correspondingly as one moves from high to lower latitudes (18, 19). (b) In any given area, skin cancer incidence is known to run much higher among persons who spend a great deal of time out-of-doors (farmers, ranchers, construction workers, sportsmen, seamen, etc.) (c) Long-standing clinical experience shows that skin cancer lesions appear predominantly on exposed portions of the body; about 85–90% of all lesions, in fact, occur on head and neck areas which are least covered by clothing. (d) For the same reason, average incidence for males exceeds that of females, in essentially all parts of the world. (e) Light-complexioned persons exhibit markedly higher skin cancer incidence than do dark-skinned persons; persons of Celtic derivation seem particularly vulnerable according to many studies (15, 20), while Negroes exhibit much lower incidence than do Caucasians. (f) Albinos or persons homozygous relative to the autosomal recessive genetic disease xeroderma pigmentosum provide particularly dramatic evidence (albeit of very distinctly different nature in those two categories) of vulnerability to solar induction of skin cancer (21, 22, 23). (g) Laboratory irradiation experiments demonstrate induction of skin cancer at wavelengths near 3000 Angstroms. (h) Increasing incidence of skin cancer in recent years appear explainable in terms of changing recreational habits leading to greater average solar exposure and in terms of changing clothing habits, especially among women.

(2) *Critical role of the ozone layer in filtering solar UV (ultraviolet).*—Despite the seemingly small total amount of ozone in the stratosphere (equivalent in mass to a layer of sea-level air only about 3 millimeters thick), the strong absorptivity of ozone for wavelengths near 3000 Angstroms and below serves to filter out much of the solar UV; so that, for most purposes, it is accurate enough to say that the ozone produces a cutoff near 2900 Angstroms (24). It has long been known that this filtration effect is of critical biological importance to all forms of life, especially animal life; but, in just the past few years, there has emerged a still more impressive and still more fascinating series of indications that stratospheric ozone has, in fact, been a crucial limiting factor throughout most of the evolutionary history of terrestrial life. The evidence is now mounting very rapidly that various life-forms (ranging from microorganisms to humans) now survive in the face of existing solar UV exposures only because of having evolved astonishing and fascinating protective mechanisms or UV damage-repair mechanisms (at the cell-biological level). I cannot here do justice to this impressive body of biological evidence; suffice it to say that DNA damage (chiefly thymine dimerization that amounts to somatic mutation) results

from UV irradiation, and the more so the shorter the active UV wavelengths, since DNA absorption peaks near 2600 Angstroms. Furthermore, mounting evidence implicates thymine dimerization in DNA as either a controlling or a contributing factor in UV induction of skin cancer, some of the most cogent evidence thereof having been turned up very recently in special studies dealing with xeroderma pigmentosum skin tissues (21, 22, 23).

(3) *Implications of the north-south gradient in skin cancer incidence.*—Various epidemiological studies (18, 19, 25) have revealed a north-to-south increase in average skin cancer incidence in the United States that amounts to about an eight-to-ten-fold higher incidence (measured in numbers of new cases detected per year per 100,000 total population, and ranging from around 25 per 100,000 per year averaged across the northern tier of states to around 200–250 per 100,000 for the southern tier of states). Strong corroboration of this kind of systematic latitudinal gradient of skin cancer comes from all parts of the world (e.g., 26, 27), and the gradient is marked enough that one can even detect it in data from within a single large state like Texas, or within rather small countries like England or Japan.

This north-south gradient of incidence results from the interaction of a number of factors, including average annual number of hours of outdoor exposure, cloudiness, solar elevation angles, and total overhead concentrations of stratospheric ozone. For fairly obvious reasons, annual dosages are dominated by *summertime* exposure; and when one examines data on cloudiness and effects of sun angle, he finds that these produce fairly small latitudinal effects in the U.S. A larger gradient effect is brought in by length of time per year in which temperatures are warm enough to permit appreciable amounts of out-of-doors work and recreation. Without reviewing all details, let me say that considering all of these factors has led me to assign no more than half the total dosage gradient to factors other than ozone differences. (I suspect this may be underestimating the relative importance of the ozone gradients.) Taking that value along with reported medical data on cancer incidence yields a rough, but I believe meaningful, calibration figure of a variation of about 6 percent of skin cancer incidence for every one percent of variation of columnar total ozone overhead. Unfortunately, laboratory studies using experimental animals have never been carried out in a way permitting direct cross-check on this "amplification factor" of around 6; but such data as are in the literature (17) are at least not incompatible with such a factor. There is urgent need (on grounds broader than mere SST concerns) to secure far more such data in the near future.

(4) *Reductions of stratospheric ozone by chemical interaction with SST water vapor.*—Beginning about five years ago, a series of investigations (28, 29, 30) has revealed that naturally occurring stratospheric water vapor interacts with ozone to reduce its average concentrations by a substantial amount. Still more recently the theory of these photochemical interactions has been employed (31, 32) to estimate the percentage reduction of average stratospheric ozone that one might expect to result from SST operations. These predictions depend, of course, on the assumed numbers of SSTs and on certain atmospheric parameters, such as turnover time, mixing effects, etc. Current estimates range from about 2 percent (31) to about 4 percent ozone reduction (32).

Assuming an ultimate global SST fleet totaling the equivalent of 800 American SSTs (500 American SSTs plus the fuel equivalent of 300 more operated by foreign countries), using a figure or 6 hours/day in cruise-mode at or near 65,000 ft., assuming a turnover time of 1.5 years and a vertical mixing depth of 150 millibars, and assuming uniform mixing over the entire Northern Hemisphere, my own present estimates yield an incremental water vapor concentration of about 0.6 ppmv (parts per million by volume). This SST increment would be superimposed upon the present natural background concentration of about 5 ppmv, a boost by about 12 percent, say.

Using the Leovy model (30), one then obtains a predicted decrease in columnar total ozone of about 4 percent from such a rise of water vapor, a figure similar to that obtained by Harrison of the Boeing Research (32). However, again in the interests of conservatism (and adding to what I believe to be several other conservative biases built into other parts of my overall estimates), I have taken only a 1 percent reduction for purposes of the rest of the argument.

(5) *Estimated increase of skin cancer incidence resulting from SST operations.*—Considering just the United States, where the present annual skin cancer incidence now runs about 120,000 new cases per year, the foregoing figure of a 1 percent ozone decrease, together with the previously discussed 6-fold amplification factor inferred from epidemiological data, would imply an SST effect on national skin cancer incidence amounting to perhaps 7000 new cases per year. If one used Harrison's 4 percent ozone reduction estimate, the corresponding rise of skin cancer incidence would be estimated at about 30,000 new cases per year. If other conservative factors that I have used elsewhere in the argument were dropped, this figure might be doubled again. Here I prefer a round-number estimate near 10,000 new cases per year.

(6) *The amplification factor.*—Because the literature on UV carcinogenesis was found to contain nothing like a well established mathematical model of skin cancer induction, and because the roughly 6-fold amplification factor which I obtained from considering epidemiology and related factors is rather crucial to these estimates, I have devoted a good deal of effort to finding a physical and biological basis for understanding whether such an amplification effect can be understood. Without here elaborating the point in detail, let me merely remark that there does appear to be an entirely plausible chain of reasoning, tied up with the marked non-linearity of absorption of the carcinogenic wavelengths, combined with the absorption properties of DNA. Briefly, I find that a 6-fold amplification is just about what one should expect if the peak of the UV carcinogenesis were narrow and fell near 2950 Angstroms. In reality, UV carcinogenesis almost certainly results from an appreciable range of wavelengths, but nothing in the biomedical literature is at all incompatible with an effective peak near the cited wavelength. This tends to give significant support to the overall argument, I believe.

(7) *Present conclusions on the SST skin cancer hazard.*—I can fully understand why some persons might, on hearing that there was fear being expressed that increases of skin cancer could result from operating SSTs in the stratosphere, think that such a suggestion sounded ridiculous. But though there may well be errors in my analyses of the various parts of this problem, the prediction is far from being unsupported. The evidence is now quite strong that modest variations of stratospheric water vapor concentrations could lead to just such modest ozone changes. And the evidence also is rather strong that modest reduction of stratospheric ozone would be reflected in increased average incidence-rates for skin cancer. Finally, the purely biological and evolutionary evidence that we, as well as all other life forms, have evolved in ways leaving us only marginally protected from highly adverse effects of ultraviolet radiation is essentially incontrovertible. One needs, perhaps, to reflect on other examples of inadvertent modifications of our natural environment as a result of new technologies, to be reminded that adverse effects have repeatedly unfolded as a consequence of casual chains that connect *seemingly* very distantly related events. In my own opinion, the present evidence points rather strongly to the conclusion that operating a major SST technology of the magnitude now under consideration here and abroad would, via the ozone-ultraviolet-carcinogenesis chain, lead to increased incidence of skin cancer of the order of 10,000 new cases per year within the United States alone. The world total would be somewhat greater, of course, but not greater by a large factor, since skin cancer is above all an affliction of Caucasians (rather than Negroes. Asiatics, or other pigmented ethnic stocks), so considerations of world geography and world climatology seem to imply that the brunt of the skin cancer burden, *regardless of who builds and flies them in the Northern Hemisphere,* would necessarily be borne by the Caucasian population of this country, with Europe bearing most of the remainder of the total burden.

My suggestion, based on analysis of just this one SST environmental hazard, is that this single side-effect poses by itself a difficulty of sufficient magnitude to postpone any immediate commitments which might tend toward subsequently irreversible pursuit of SST/HST high-altitude transport technologies. Until reliable answers can be obtained through appropriate research, I would have to suggest that these present estimates, albeit tentative, are much too disturbing to warrant further immediate moves toward SST/HST technologies. If careful research into all of the many factors underlying the above estimates should disclose that an estimate of some 10,000 new skin cancer cases per year is a gross overestimate, then this one of the several grounds for caution in the present SST decision will disappear. My present surmise, however, is that it will probably be found to be on the low side.

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University of Washington,
Seattle, Wash., March 8, 1971
Senator William Proxmire,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Senator Proxmire: In answer to your inquiry concerning the testimony of Dr. James McDonald on the possible relationship between SST operations and skin cancer incidence, I will consider each assumption in his argument separately.

1. *SST operations at the rate of 800 per day, 6 hours per flight would increase the stratospheric water vapor content by 12%.* The estimate is consistent with others. Because of uncertainties in inter-hemispheric and vertical exchange, the actual increase would probably be in the range 10–20%.[1]

2. *An increase in stratospheric water vapor would reduce the net production rate of ozone.* The evidence for this is circumstantial: (1) The observed ozone concentration at altitudes where photochemical production and loss are in balance is too high unless reactions wtih *some* minor constituents (e.g., water vapor, oxides of nitrogen) are taken into account,[2] (2) The rate of production of ozone over the whole globe is too large, and the seasonal changes in global ozone are too small compared with observations unless destruction of ozone by reactions with water vapor, or other minor constituents are taken into account,[3] (3) Recent upper atmosphere data suggests, although it does not prove, that oxides of nitrogen are not sufficiently abundant in the stratosphere to account for these discrepancies,[4] (4) There is qualitative laboratory evidence that the rate of chemical destruction of ozone, irradiated at wavelengths available in the stratosphere, is strongly enhanced by water vapor,[5] (5) It is possible to come up with a plausible reaction scheme, involving water vapor and its decomposition products, which is consistent with the laboratory observations, and which accounts for the atmospheric discrepancies noted above.[2] This scheme involves several hypothesized reactions which have not been directly measured in the laboratory; since short-lived free radicals are involved, they are very difficult to measure. If water vapor does indeed limit the net production rate of ozone, the following relation holds:

$$\left(\begin{matrix}\text{Fractional change in net}\\ \text{ozone production}\end{matrix}\right) = -F \cdot \left(\begin{matrix}\text{Fractional change in}\\ \text{water concentration}\end{matrix}\right)$$

With the hypothesized reaction scheme, the factor F is about 0.20, and this is about the maximum value to be expected.[6] Some workers have arrived at smaller values for F (London and Park[7] evidently obtained a value between 0.05 and 0.10), assuming that water vapor exerts only partial control over ozone production, but I see no reason to prefer one value over another within the range 0.05 to 0.20. McDonald used values near the lower end of this range in his testimony.

3. *A decrease in net production rate would lead to a corresponding decrease in total ozone amount.* This assumption was not explicitly stated by McDonald, and its effect has not been evaluated in his or other studies. Ozone is removed from the atmosphere by transport into the troposphere and destruction at the ground. If this loss mechanism dominates loss by photochemical reaction, added water will make no difference. This question should be investigated within the framework of the most sophisticated currently available models of ozone production and transport. To my knowledge, such tests have not yet been carried out, but I have used a very crude model to try to estimate the size of this effect. The results can be summarized by the following relation.

$$\left(\begin{matrix}\text{Fractional change in}\\ \text{total ozone}\end{matrix}\right) = -G \cdot F \left(\begin{matrix}\text{Fractional change in water}\\ \text{vapor concentration}\end{matrix}\right)$$

Using the best available data on ozone loss to the troposphere and interhemispheric exchange of ozone,[3] I conclude that the additional factor G has a value between 0.6 and 0.9. Thus the effect of ozone transport is to reduce the influence of water vapor but probably not by very much.[8] Basically, this is because photochemical loss of ozone is as large, or larger, than loss by transport to the troposphere.

4. *A decrease in ozone would significantly increase the ultraviolet dosage received by an individual.* If, as McDonald assumes, it is the radiation near 3000 Å. that is primarily responsible for skin cancer induction, one can readily calculate the change in ultraviolet intensity and hence of dosage.[9] At 3000 Å., the fractional change in dosage would be about four times the fractional change in ozone. Putting all of these factors together, one can estimate the dosage change due to SST operations:

$$\left(\begin{matrix}\text{Fractional dosage}\\ \text{change}\end{matrix}\right) = 4 \cdot G \cdot F \cdot \left(\begin{matrix}\text{Fractional water}\\ \text{vapor change}\end{matrix}\right)$$

One obtains a fractional dosage change at 3000 Augstroms ranging from 2% using all of the more conservative values from above, or 15% using all of the upper limits from above. One can translate this into a protection argument similar to that used by Dr. Kellogg in his testimony before your committee (I disagree with his numbers as they were reported in the press). An individual could protect against the extra dosage hazard due to SST operations by remaining indoors somewhere between one out of seven and one out of 50 of the days on which he would otherwise have been outdoors. This conclusion is very sensitive to wavelength. The effect is smaller if longer wavelengths are responsible.

5. *An increase in ultraviolet dosage would increase the incidence of skin cancer.* I cannot comment on the medical aspects of this question. Evidently there is a strong relationship between both incidence and mortality of skin cancer and latitude.[10] It remains to be determined to what extent this is due to dosage differences which are not caused by cultural differences. The question of which wavelengths are most important is a crucial one.

In summary, I find no disagreement with Dr. McDonald's arguments up to the assumption of a strong relationship between ultraviolent dosage, particularly near 3000 Angstroms, and skin cancer incidence, a point which I am not qualified to evaluate. He seems to have been quite conservative, but there are several improved assumptions in the argument. In view of this, his conclusion may be stated too emphatically, but I believe that the issue he has raised deserves very serious consideration. Construction and operation of prototype SST's will not help answer any of the scientific questions raised by his testimony.

I appreciate the way in which you and your colleagues are attempting to bring environmental factors into technological policy-making *before-the-fact,* and I hope that these comments will be useful in your deliberations.

Sincerely yours,
Conway B. Leovy,
Associate Professor, Atmospheric Sciences and Geophysics.

FOOTNOTES

[1] Harrison, H., *Science, 170,* 734 (1970) estimates 0.6 ppm addition above 15 km added to the northern hemisphere; L. Machta, (1970) "water vapor pollution of the upper atmosphere by aircraft" estimates 0.2 ppm globally for 500 SST's, extrapolating to 800 SST's, and allowing for the fact that the bulk of the H_2O would be in the northern hemisphere, one obtains somewhere between 0.3 and 0.6 ppm. My own estimates, based on 140,000 lbs. of water vapor per SST per hour (Boeing Company Document Number D 6A11867–1, "Air Quality as Affected by Air Transportation Including the Supersonic Transport"), a residence time of 500 days, and confinement to the northern hemisphere above 100 mb gives 0.6 ppm. Since the current concentration appears to be 3 ppm (L. Machta, *loc. cit.,* H. J. Mastenbrook, paper submitted to Journal Atmospheric Sciences), the increase would be between 10 and 20%.

[2] Hunt, B. G., *J. Atmos. Sci., 23,* 88 (1966), *J. Geophys. Res., 71,* 1385 (1966); Leovy, C. B., *J. Geophys. Res., 74,* 417 (1969).

[3] Aldaz, L., *J. Geophys. Res., 74,* 6943 (1969) estimates the ozone sink at the ground is between 5 and 8 x 10^{29} molecules per second compared with net photochemical production in the absence of water of not less than 20 x 10^{29} molecules/second (Brewer, A. W. and A. W. Wilson, *Quart. J. Roy. Meteorol. Soc., 94,* 249 (1968)). Ozone observations strongly suggest that ozone has a long lifetime in the troposphere until it is removed by contact with the ground (Hering, W., and Borden, T. "Ozonosonde Observations over North America," Air Force Cambridge Research Laboratories, Environmental Research Papers), so that Aldaz's estimate is probably close to the total loss by transport. Aldaz's estimate agrees closely with a quite independent estimate of the total transport loss by Brewer and Wilson based on observed time variations in total ozone.

[4] Meira, L., *J. Geophys. Res., 76,* 202 (1971). Rocket measurements of nitric oxide show that the concentration at 70 km is about .5 x 10^{-7}. Extrapolating this down to ozone heights and allowing for all of the fastest reactions in the NO–O_3 system, I have calculated the rate of destruction of ozone by these reactions. The rate is too small to account for the discrepancies.

[5] McGrath, W. and Norrish, R., *Proc. Roy. Soc. London, A., 254,* 839 (1960).

[6] Harrison, H., *loc. cit.*

[7] London, J. and Park, J., quoted from the SCEP report by McDonald.

[8] The model assumes net production N equals photochemical production (including all photochemical factors except water vapor reactions), plus water vapor reaction loss, L_1, loss by transport to the troposphere, L_2, and transport between hemispheres T. It assumes that both L_2 and T depend linearly on

x, the total amount of ozone; it assumes that L_1 is proportional to $x^m y^n$ where y is the water vapor mixing ratio, and m and n are constants. . . . For any plausible reaction scheme, n½. Brewer and Wilson's data have been used to estimate L_1, L_2, and T. The value G is obtained in the range 0.6 to 0.9.

[9] L. Machta, *loc. cit.*

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[10] Lee, J. and Merrill, J., *Medical Journal of Australia, 2,* 846 (1970).

MARCH 11, 1971.

DEAR SENATOR PROXMIRE: In reply to your letter of March 8, we have evaluated the testimony of Dr. James E. McDonald before the House Appropriations Committee on the pending question of further funding of the U.S. SST program. We have been assisted by several consultants who represent recognized excellence in their field for atmospheric sciences. They are: Dr. Wm. W. Kellogg, Associate Director, National Center for Atmospheric Research, Boulder, Colo:; Prof. Julius London, Dept. of Geo Astrophysics, Univ. of Colo., Boulder, Colo.; Prof. Zdeneck Sekera, Department of Meteorology, UCLA.; Dr. Lester Machta, National Oceanographic & Atmospheric Administration, Washington, D.C.

For epidemiology, they are: Dr. Sidney Cutler, Head, End Results Section, National Cancer Institute, Bethesda, Md.; Dr. Marvin Schneiderman, Associate Scientific Director for Dermatology, National Cancer Institute, Bethesda.

For photochemical and carcinogenic effects, they are: Dr. Harold Blum, Prof. of Biological Sciences, State Univ. of New York, Albany, N.Y.; Dr. Frederick Urbach, Prof. and Chairman, Dept. of Dermatology, Temple Univ., Philadelphia, Pa.; Dr. Richard Setlow, Oakridge National Laboratory, Oakridge, Tenn.; Prof. Melvin Calvin, Director, Laboratory of Chemical Biodynamics, Lawrence Radiation Laboratories, Berkeley, Calif.; Dr. Philippe Shubik, Director, The Eppley Institute, Univ. of Nebraska, Omaha, Neb.

The situation at the current state of knowledge is assessed as follows:

1. The ultraviolet (UV) radiation of the sun is almost completely shielded by the ozone layer in the stratosphere; only a fraction of 1% of the total solar UV radiation reaches the ground. All forms of life have adapted to use and/or survive this residual radiation. Currently, and despite daily and seasonal variations, the total annual UV radiation is virtually constant in any geographic location; most organisms seem to have developed defense mechanisms just barely capable of counteracting this constant annual dose. It is safe to predict that significant changes in the natural radiation level will have significant biological effects of chronic nature, such as, for instance, on skin cancer incidence.

2. The operation of a fleet of 800 commercial SST's will increase the water contents of the stratosphere; this will decrease the ozone concentration and, therefore, the shielding effect against solar UV radiation.

The precise values of the ensuing increase in UV radiation on the ground depends mainly on three factors, i.e., the specific wavelength considered, the angle of incidence of the sun's rays, and the thickness of the ozone layer in the geographic location. Data are being elaborated, and should be available in a matter of weeks, which shall give an integrated picture of the global effects of a given ozone reduction in the stratosphere. At the present time, only upper and lower estimates are possible. For instance, if the wavelength of 2950 A°, which is typical of those affecting biological processes, the following estimates are made:

[In percent]

	Low	High
Ozone radiation	4	10
UV radiation increase	20	90

3. It is demonstrated beyond doubt the UV radiation is by far the prevalent cause of skin cancer in man. Where it has a cumulative effect after years of exposure. However, virtually 90% of the cases are curable.

Geographic distribution of the disease suggests that the dose/incidence relationship may be exponential rather than linear. For instance, sets of available data indicate that for a ½ increase in UV radiation between Chicago & Dallas, the skin cancer rate in white males increases over six times. Of course, it may be necessary to take into account such factors as adaptive skin pigmentation, living habits, total annual exposure, etc. at the two locations. However, a striking similarity of pattern is well documented in numerous epidemiological and laboratory experiments. It is certainly a very conservative position to assume that the dose/response relationship will be no less than linear, and, therefore, a onefold increase of UV radiation, at least a onefold increase in skin cancer incidence may be expected. We take this position simply to avoid dramatization of estimated consequences.

Current statistics of skin cancer incidence in the U.S. give approx. 115,000 new cases per year. The upper and lower limits of new cases that may be expected as a consequence of full SST operations are as follows:

[In percent]

	Low	High
Ozone reduction	4	10
UV radiation	20	90
Estimated annual increase in new skin cancer cases in the United States	23,000	103,000

The probable increase could rest between the given figures, but I should emphasize that the upper limit may be a very conservative estimate if, as it is reasonable to believe, the dose/response relationship is more than linear.

About other adverse effects that may be expected, I cannot provide a conclusive answer; as situations should be considered case by case first, and then for their interactions. In view of the very delicate and precarious balance of defense against UV damage in most forms of life, it is prudent to conclude that a measurable increase in radiation over the current constant annual level will result in measurable effects in the biosphere. The impact of these changes should be assessed in relation to our knowledge of the powerful lethal and damaging effects of UV radiation: It is difficult to define the nature of these changes, but it may be safe to expect that once established, they will have long-term if not irreversible characteristics. The increase of skin cancer in man is probably one of the simpler and best known effects; it may be even controllable with appropriate public health measures. However, other more momentous modifications of the environment may not turn out so tame.

Sincerely yours,

DR. GIO GORI,
Associate Scientific Director for Program,
National Cancer Institute.

BETHESDA, MD.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Bethesda, Md., March 15, 1971.

Hon. WILLIAM T. PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: In reply to your letter of March 8, we have evaluated the testimony of Dr. James E. McDonald before the House Appropriations Committee on the pending question of further funding of the U.S. SST Program. We have been assisted by several consultants who represent recognized excellence in their fields.

For atmospheric sciences they are:

Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, Boulder, Colorado.

Professor Julius London, Department of Geoastrophysics, University of Colorado, Boulder, Colorado.

Professor Zdeneck Sekera, Department of Meteorology, University of California, Los Angeles, Los Angeles, California.

Dr. Lester Machta, National Oceanographic and Atmospheric Administration, Washington, D.C.

For epidemiology they are:

Dr. Sidney Cutler, Head, End Results Section, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

Dr. Marvin Schneiderman, Associate Scientific Director for Demography, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

For photochemical and carcinogenic effects they are:

Dr. Harold Blum, Professor of Biological Sciences, State University of New York, Albany, New York.

Dr. Frederick Urbach, Professor and Chairman, Department of Dermatology, Temple University, Health Sciences Center, Skin and Cancer Hospital, Philadelphia, Pennsylvania.

Dr. Richard B. Setlow, Biology Division, Oak Ridge National Laboratories, Oak Ridge, Tennessee.

Dr. Philippe Shubik, Director, The Eppley Institute for Research in Cancer, University of Nebraska, Omaha, Nebraska.

Professor Melvin Calvin, Director, Laboratory of Chemical Biodynamics, Lawrence Radiation Laboratory, Berkeley, California.

Dr. Thomas P. Nigra, Clinical Associate, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

The situation, at the current state of knowledge, is assessed as follows.

1. The ultraviolet (UV) radiation of the sun is almost completely shielded by the ozone layer in the stratosphere; only a fraction of 1% of the total solar UV radiation reaches the ground. All forms of life have adapted to use and/or survive this residual radiation. Currently, and despite daily and seasonal variations, the total annual UV radiation is virtually constant in any geographic location; most organisms seem to have developed a defense mechanism perhaps minimally capable of counteracting this constant annual dose. It is likely that significant changes in this natural radiation level will have significant biological effects of chronic nature, such as, for instance, on skin cancer incidence.

2. The operation of a fleet of 800 commercial SST's will increase the water contents of the stratosphere; this will decrease the ozone concentration and therefore the shielding effect against solar UV radiation.

The precise values of the ensuing increase of UV radiation on the ground depend mainly on three factors, i.e., the specific wavelength, the angle of incidence of the sun rays and the thickness of the ozone layer in the geographic location considered. Data are being elaborated, and should be available in a matter of weeks, which should give an integrated picture of the global effects of a given ozone reduction in the stratosphere. At the present time only upper and lower estimates are possible. For instance, at the wavelength of 2950A, which is typical of those affecting biological processes, the following estimates are made:

[In percent]

	Low	High
Ozone reduction	1	3
UV radiation increase	5	27

3. It is known that UV radiation is the prevalent cause of skin cancer in man, where it has a cumulative effect after years of exposure; over 90% of the cases are curable.

Geographic distribution of the disease suggests that the dose/incidence relationship may be exponential rather than linear. For instance, sets of available data indicate that for a one-half increase in UV radiation between Chicago and Dallas, the skin cancer rate in white males increases over six times. Of course, it may be necessary to take into account such factors as adaptive skin pigmentation, living habits, total annual exposure, etc. at the two locations. However, a striking similarity of pattern is well documented in numerous epidemiological studies and laboratory experiments. It is a conservative position to assume that the dose/response relationship will be no less than one to two, and that for a one-fold increae of UV radiation at least a two-fold increase in skin cancer incidence may be expected. This position is taken simply to avoid dramatization of estimated consequences.

Current statistics of skin cancer incidence in the United States show approximately 115,000 new cases per year. The upper and lower estimates of new cases that may be expected as a consequence of the operation of 800 commercial SST's are as follows:

[In percent]

	Low	High
Ozone reduction	1	3
UV radiation increase	5	27
Estimated annual increase in new skin cancer cases in the United States	11, 500	62, 000

The probable increase could rest between the given figures, but I should emphasize that the upper limit may be a conservative estimate if, as it is reasonable to believe, the dose/response relationship is more than one to two.

About other adverse biological effects that may be expected, I cannot provide a conclusive answer, as situations should be considered case-by-case first, and then for their interactions. In view of the possibly delicate and precarious balance of defense against UV damage in most forms of life, it is prudent to conclude that a measurable increase in radiation over the current constant annual level will result in measurable effects in the biosphere. The impact of these changes should be assessed in relation to our knowledge of the lethal and damaging effects of UV radiation: it is difficult to define the nature of these changes, but it is probable that once established, they will have long term, if not irreversible characteristics. The increase of skin cancer in man may be one of the simpler and well-known effects, and one that is partly controllable with appropriate public health measures.

Sincerely yours,

Gio B. Gori, Ph. D.,
Associate Scientific Director for Program, Etiology, National Cancer Institute.

Institute for Environmental
Studies,
The University of Wisconsin,
March 11, 1971.

Sen. William Proxmire,
U.S. Senate,
Committee on Appropriations,
Washington, D.C.

Dear Bill: I'm glad to comment on James E. McDonald's testimony regarding the SST and environmental hazards it might pose—especially after having spent an afternoon, recently, listening to Boeing's chief SST engineer (Swan) and their environmental apologist (Goldberg) trying to defend the SST. We have had a number of discussions among the academic staff here concerning the Boeing case as they presented it. The gist of the discussion has been that Boeing's case was weak on *both* economic and environmental grounds.

First, with regard to James E. McDonald, himself. I have known him for years, and spent a year at Arizona with him. He is the most meticulous, thorough scientist I know and is generally so regarded by his profession.

Second, I find his atmospheric arguments sound.

Third, Dr. Van R. Potter of the U.W., one of the worlds leading cancer experts, has read the testimony with regard to ultraviolet and skin cancer. He says it is an absolutely sound argument based on the best evidence available. He will write a note to this effect, which I will forward to you.

On the economics, though we do not have the data to do a thorough analysis, it would appear from the Boeing peoples own account that the economic viability of the SST depends on three assumptions that are not *obviously* correct: that the price of fuel will not go up more than two cents per gallon; that the cost of maintenance will not be more than estimated; and that we can use 305 round-trip flights daily to Europe, with 298 seats on each average for the whole year. That's 90,000 seats each way, each day or 33,174,850 seat trips per year; And that's not counting foreign carriers or normal jet flights.

I am personally most skeptical of the fuel cost. The figure they give shows rising total U.S. consumption of petroleum in 1990. According to the NAS–NRC book "Resources and Man," p. 183, we will have used up 82 percent of all domestic petroleum reserves. I can't really believe that with a rapidly diminishing supply that will sell at such a low price (or that we ought to use 66 tons/hour/plane).

Perhaps this information is too late, judging by the media, but here it is for your file in any case. Potter's letter is enclosed.

Just a note on the pressures away from Congress—when the Boeing people were here, they practically said flat out that the Department of Transportation had $28 million and if we (the scientists) would let them build the SST, our research would be funded from that kitty. (Nobody here bought that!). Then a few days later came a long pleading call from Seattle, followed by a visitor from the Air Force saying they were interested in supporting my research on paleoclimatology (quite distant obviously from SST effects), followed by a long call from Col. Stevens of the Air Force who said that he was asked to call by the Boeing people to explain his experience with no contrails at 65,000 feet. Incidentally, though he didn't have hard data, the information he discussed was what had always been denied me before on the grounds it was classified. You get it worse, I'm sure, but it would be nice to have something done once on logical rather than emotional grounds!

Best of luck!

Sincerely,

Reid A. Bryson,
Director.

Temple University,
Health Sciences Center,
Philadelphia, Pa., March 10, 1971.

Hon. William Proxmire,
U.S. Senate, Committee on Appropriations, Washington, D.C.

Dear Senator Proxmire: In reply to your letter of March 5 concerning the testimony of Dr. James McDonald relating to the possibility of a significant increase in the incidence of skin cancer in the United States, I should like to comment as follows: There is at this time no real doubt that the majority of basal cell carcinoma and squamous cell carcinoma of the skin is directly due to the long-range effect of repeated exposure to the ultraviolet radiation emitted by the sun.

Since, as Dr. McDonald and many others have pointed out, it is the ozone layer in the atmosphere above the earth which is primarily responsible for determining the amount of biologically effective ultraviolet radiation reaching man, it is obvious that any reduction in total ozone content will result in an increase of the intensity and amount of ultraviolet radiation reaching the ground and eventually an increase in the incidence of skin cancer in man.

The substance of a number of recent studies show that skin cancer does not arise from isolated episodes of sunburn, no matter how severe, but is related to the accumulative effect of repeated exposure to ultraviolet radiation received throughout a person's lifetime.

There are two important factors that must be made very clear:

1. There is a rather considerable latent period in the development of skin cancer so that any changes in ultraviolet radiation will not effect themselves for some years.
2. The quantitative amount of change in ozone at this point is rather speculative and our best estimates suggest that a decrease of 1% in the ozone layer, might result some years later in an increase in skin cancer of the order of 10 to 15,000 new cases per year in the United States.

This is in keeping with the estimates of Dr. McDonald. However, I would like to point out that it is now possible to duplicate in the laboratory any spectrum of sunlight and there are animals available whose skin reasonably models the cancer producing effect of sunlight in man.

There is more than sufficient time to study in detail what effects a change in stratospheric ozone will have on skin cancer. Furthermore, methods of protecting the skin of susceptible persons are at this time available.

Skin cancer can be totally prevented with existing knowledge and a considerable effort in reeducating the people to accept appropriate protection.

Experiments in our laboratories suggest that it is very likely that we will be able to identify those individuals most likely to develop skin cancer and thus identify and protect the most sensitive group of people.

In summary: While the potential problem resulting from a reduction in atmospheric ozone is very real, knowledge of these environmental changes allow enough time lead to carry out appropriate studies which can result in a fairly complete prevention of this problem before it would ever arise.

If you have any further questions please do not hesitate to call on me.

Sincerely,

Frederick Urbach, M.D.

State University of New York
at Albany,
Albany, N.Y., March 9, 1971.

Hon. William Proxmire,
U.S. Senate, Washington, D.C.

Dear Senator Proxmire: This is in reply to your letter of March 4, 1971 regarding the probability that the development of Super-Sonic Transportation might, by increasing ultraviolet radiation as a result of reduction of the ozone in the stratosphere, increase the incidence of skin cancer in man. Although my name was misspelled in addressing the letter, I am sure it was intended for me since I have been for many years concerned with research on induction of cancer by ultraviolet light particularly while with the National Cancer Institute.

In the middle of January this year I was contacted by telephone with regard to this question, by Dr. David Elliott of the Aeronautic and Space Committee, Office of the President. After our conversation I prepared a letter for Dr. Elliott, a copy of which is enclosed. At the time I wrote that letter I did not have a written statement from Dr. McDonald, although he had sought my opinion prior to that time by telephone from Tucson.

You now send me a copy of a statement by Dr. McDonald; but it is still not altogether clear to me on what basis his estimates were made. I can only state again that with the evidence available there is every reason to expect that an increase in ultraviolet radiation due to reduction of ozone in the stratosphere would result in an increase in the incidence of skin cancer. This would apply particularly to a susceptible portion of the white population.

Ultraviolet light is also the cause of acute sunburn, and plays a role in the aging of skin although the latter has been less thoroughly studied than might be wished. The extent of the effect of these things on human health is difficult to evaluate. Ultraviolet light also produces vitamin D which has curative effect in rickets; but which in excess may have detrimental effect, although this has not had sufficient quantitative study to permit estimates of the health hazard that would be entailed by an increase in solar ultraviolet.

The wide-spread popular belief in a general beneficial effect of exposure to sunlight is not substantiated by sound evidence and in our present knowledge may be regarded as lore; but it tends to obscure clearly demonstrated harmful effects.

As Dr. McDonald points out, ultraviolet light can produce genetic change in living cells which it reaches in sufficient amount, and may also destroy cells. But only the more superficial layers of the skin and of the eye are reached by this radiation. Genetic changes in Man such as may be produced by deeper penetrating X-rays and other ionizing radiation are thus not to be expected. Some of the other effects of ultraviolet light that Dr. McDonald cites would seem difficult with our present knowledge to relate to the immediate problem. The effects of ultraviolet light on higher plants has been so little studied that the result of an increase in the amount of that radiation upon our flora cannot be estimated.

There is obviously much we do not know, but it seems safe with what we do know to emphasize that any change in a component of the environment such as is considered here could have far-reaching effects that might not be recognized for a good many years, and in the meantime our predictions not be too meaningful.

I would therefore urge preliminary studies of this problem rather than an all-out project which could possibly have further adverse effect on an environment already gravely mistreated by Man, to the point where his very survival may be endangered.

I am sending under separate cover a recent paper where certain aspects of this question are taken up, and other references are given in my letter to Dr. Elliott. If I can be of any further help in this matter please do not hesitate to get in touch with me.

Sincerely yours,

Harold F. Blum,
Professor of Biology.

January 14, 1971.

Dr. David Elliott,
Aeronautic and Space Committee,
Office of the President,
Washington, D.C.

Dear Dr. Elliott: You telephoned me yesterday regarding the possibility that increase in skin cancer of Man would result from increase in ultraviolet radiation of sunlight due to reduction of atmospheric ozone by Super Sonic Transportation.

As I told you then, all the evidence of which I am aware converges to indicate that an increase in ultraviolet wavelengths of sunlight that are greatly reduced by atmospheric ozone, would lead to an increase in skin cancer. That the effect of these wavelengths is accumulative is clearly shown in experiments on mice, the results of which correlate well with observations on Man. It is clear that skin cancer does not arise from a single dose of "sunburn", no matter how severe, but may arise from accumulation of the effects of repeated doses of ultraviolet radiation of sunlight or from other sources, even small ones, received throughout a person's lifetime. Thus small increase in the ultraviolet in sunlight may be expected to have considerable effect on the incidence of skin cancer.

You mentioned estimates made by Doctor McDonald of Tucson. Although I have had telephone conversations with Dr. McDonald within the last few months, we did not discuss the estimates he has made in any detail. With regard to this I suggested you get in touch with Dr. Frederick Urbach, Chairman, Department of Dermatology, Temple University School of Medicine, Philadelphia, Pennsylvania, who is well informed on the status of current measurements regarding relationships between incidence of ultraviolet light and incidence of skin cancer.

As I promised, I am sending some reprints of papers published in recent years. Earlier ones, chiefly concerned with experimental work appeared in the Journal of the National Cancer Institute between 1940 and 1960. These were summarized in 1959 in a book, "Carcinogenesis by Ultraviolet Light", published by Princeton University Press. I should warn you that the model I present there for the mechanism of cancer induction I have since abandoned, having replaced it by another which I am now in the process of revising. But whatever the model, the thing that stands out is that the effects of doses of ultraviolet are *accumulative*.

In closing I should wish to exphasize that any changes in ultraviolet of sunlight due to change in atmospheric ozone, must be global in their effects, and should not be regarded narrowly within the confines of our own nation.

If I may be of any further help, please call on me.

Very sincerely yours,

Harold F. Blum,
Professor of Biology.

Massachusetts Institute of Technology,
Cambridge, Mass., March 12, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

My Dear Senator Proxmire: I have carefully read through Dr. James McDonald's testimony which you sent to me on March 3, 1971. On the specific point you raised—the increased incidence of cancer due to operation of a major SST technology—I can only comment on the atmospheric chemistry aspects of his arguments since I am not qualified to review the medical factors.

The values he uses for change in water vapor concentration and resulting decrease in total ozone due to 800 SST's are reasonable ones and would be so accepted by most experts. His values compare with other estimates as follows:

1. *Change in water vapor concentration.* For 800 SST's Dr. McDonald assumes a change in water vapor concentration in the northern hemisphere of 0.6 ppm. The M.I.T. SCEP Report (his reference No. 10) calculated a uniform world-wide average change of 0.2 ppm and possible maximum change in significant portions of the stratosphere of 2 ppm for 500 SST's. This figure is thus twice the worldwide average for 800 SST's. Boeing scientists predict 1.5 times the worldwide average, so there is close agreement.

2. *Change in ozone concentration.* The latest review in the SCEP report predicts about a 2 percent decrease in the total ozone column for 0.6 ppm change in water vapor. Dr. McDonald uses a 1 percent change in ozone column.

3. *Change in UV transmission.* Using data given by Dr. Lester Machta in his paper "Water Vapor Pollution of the Upper Atmosphere by Aircraft" presented at the recent SAE/DOT conference on Aircraft and the Environment, a 1 percent decrease in total ozone gives about a 5 percent increase in UV transmission at 3000 A at a latitude of 45°N. Dr. McDonald claims this is the important wavelength. A copy of this paper is enclosed. For comparison, at the equator where the normal total ozone is 30 percent lower than at 45°N, the UV transmission at 3000 A would be 100 percent higher.

4. *Comparison with natural ozone fluctuations.* Over the U.S. there are short-term fluctuations in total ozone—typically a ± 15 per cent change during a month. There are gradients in annual total ozone across the U.S.—e.g., about 30 higher total ozone in Maine than in New Mexico. The SCEP report concluded that the predicted decrease in mean total ozone was small in comparison with these natural fluctuations—which it is. The fact that there are these sizable fluctuations with time and position does not affect Dr. Mcdonald's argument, however, since he is estimating the long-term effects of a slight decrease in mean level throughout most of the northern hemisphere. This argument therefore depends on the effect of about 5 per cent increase in mean UV radiation at ground level on the incidence of skin cancer.

Some of these atmospheric problems were reviewed at the recent SAE/DOT conference I mentioned above, and at which I organized a session and workshop on dispersion of pollutants. I enclose a copy of my report of this workshop discussion. Pages 4 and 5 relate to the SST problem. The workshop included scientists from Boeing and the DOT.

Two points in the discussion stood out. The first was the lack of agreement on the likely steady-state changes in stratospheric concentration as a result of emissions from a large fleet of SST's. A summary paper at this conference by Professor J. A. Fay and myself reviews this uncertainty—a copy is enclosed, see pages 14, 15, 16.

The second point concerned the usefulness of the two SST prototypes in evaluating these large-scale atmospheric effects. Both Boeing and DOT scientists agreed with the meteorologists present at these discussions that the primary purpose of the prototypes is obviously to test vehicle performance and that emissions into the stratosphere during testing would be much too small to shed any light on possible large-scale changes which might occur if the projected SST fleet was in operation.

I hope these comments are of some assistance to you.

Respectfully yours,

John B. Heywood,
Associate Professor of
Mechanical Engineering.

[Taken over telephone, Mar. 15, 1971]

Oak Ridge National Laboratories.
Oak Ridge, Tenn.

Dear Senator Proxmire: I am responding to your request for comments and reactions to Dr. McDonald's conclusion that a fleet of 800 SSTs could lead to a significant increase in the incidence of skin cancer in the United States. I agree with Dr. McDonald's conclusion.

Although I am not competent to judge the impact of SSTs on the ozone level in the atmosphere, I am competent to judge the effects of ozone on ultraviolet radiation and the effects of UV on biological systems since the latter has been my field of endeavor for the last twenty years.

I have analyzed the published experimental data that related A) the biological effects of UV radiation to the UV in sunlight, B) the incidence of skin cancer as a function of latitude and C) the change in UV intensity at the surface of the earth arising from changes in ozone in the atmosphere, and I conclude that

A 1% decrease in the atmospheric ozone would lead to increased incidence of skin cancer of 6000 new cases per year among the white population of the United States (Dr. McDonald estimated 7000 per 1% decrease in ozone).

Appendix one gives the logical argument on which the calculation is made. Appendix 2 gives the numbers on which the calculation is based and Appendix 3 gives the calculation that leads to my conclusion. The calculation assumes that skin cancer is the result of the effects of UV on cellular DNA but *does not* use the known numberical relationship between skin cancer and latitude. Thus, my calculation only depends on known biological parameters and is independent and different from that of Dr. McDonald.

Sincerely,

Dr. R. B. Setlow,
Biological Division, Scientific Director for Biophysics and Cell Physiology.

State University of New York at Albany, Atmospheric Sciences Research Center,
Scotia, N.Y., March 10, 1971.

Hon. William Proxmire,
U.S. Senate,
Committee on Appropriations,
Washington, D.C.

Dear Senater Proxmire: Thank you very much for your most informative letter dated March 2nd. Needless to say, your concern about environmental problems, but specifically about the supersonic transport, is highly appreciated by those of us who have worked for years on the improvement of environmental quality. I am deeply impressed by your "search for truth." My comments on Dr. McDonald's testimony are as follows.

With our present knowledge about the stratosphere, its composition and reactions that occur at that altitude, we are unable at the present time to either prove or disprove any of the claims that are put forth against SST-induced changes in the stratosphere and the resulting effects at ground level. I think that Dr. McDonald's testimony is a very honest summarizing statement of most of the effects that scientists believe do occur when a fleet of SST's will be operated.

I have restricted my comments in recent months on the SST for a very simple reason. While further discussions and speculations against the SST might increase public awareness, it does not help the serious scientist to find a scientifically sound answer to the problem. All possible effects have been stated. We now *have* to go up into the stratosphere and measure those components that are unknown and upon which the output of our calculation depends. Some of those open questions are, as you are well aware—the stratospheric water vapor concentration and its seasonal as well as geographical variation around the globe, the ozone concentration, the aerosol concentration, the OH-radical concentration, the ultraviolet spectrum, etc. It is my belief that without true measurements we are unable, at the present time, to make any statement in which we could say, "It is beyond any shadow of a doubt that . . ."

I agree with my fellow scientists that the speculative arguments brought forth against the SST so far are more than sufficient to make a final decision on the SST dependent on the outcome of such a research program. Whether the speculative arguments are sufficient to ban the SST completely at the present time only because of its possible deteriorating environmental effect is, in my opinion, doubtful.

As far as skin cancer from enhanced ultraviolet radiation at ground level is concerned, I am unable to comment on this since I am not an epidemiologist. However, the arguments of Dr. McDonald sound convincing.

I might conclude by saying that our past neglect in exploring the stratosphere prior to any discussion of SST or HST operations, was highly disappointing to me. I believe that I was one of the first scientists to raise this point years ago without success. We must do it now, and we must make any SST operation dependent on the outcome of such a research program.

Sincerely,

Vincent J. Schaefer,
Director, A.S.R.C.

National Center for Atmospheric Research, Laboratory of Atmospheric Sciences,
Boulder, Colo., March 5, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: In reply to your letter of March 3, I have reviewed the testimony of Dr. J. E. McDonald with respect to the possible impact of SST's on the atmosphere and on the incidence of skin cancer.

Although our present knowledge of stratospheric chemistry and behavior is too limited to allow a reliable quantitative estimate of the decrease in ozone which will accompany a given increase in water vapor from SST exhausts, the decrease in ozone is very likely to be greater than Dr. McDonald's estimate. The residence time of water vapor and trace gases at 65,000 feet altitude may be significantly longer than 1.5 years, a value based on particle tracer studies. Such longer residence times will give rise to a larger increase in water vapor and thus presumably a larger decrease in stratospheric ozone. In addition, nitric oxide, another SST exhaust product, also reacts with ozone, decreasing its abundance.

I do not feel competent to comment on Dr. McDonald's estimate of the increased incidence of skin cancer related to a given decrease in stratospheric ozone, except to say that such an estimate is highly speculative and unlikely to be correct. However, I will agree generally that an appreciable decrease in stratospheric ozone undoubtedly would have some adverse effects on human health. Therefore it seems to me to be very important for us to gain a much better understanding of the possible impact of SST's on the stratospheric environment and the consequences of such changes on man before large numbers of SST's are operable.

Sincerely yours,

E. A. Martell.

University of Colorado,
Boulder, Colo., March 10, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: This is in response to your letter of 3 March asking me to comment on some of the testimony given before the House Appropriations Committee in connection with possible funding for the U.S. SST program.

In general, I agree with Dr. McDonald's testimony concerning the possible effect that increased SST exhaust products (principally water vapor) would have on reducing the ozone concentration in the stratosphere and as a result allow an increased amount of ultraviolet radiation to reach the ground. Theoretical studies being carried by a graduate student and myself indicate that additional water vapor and oxides of nitrogen that would be injected into the stratosphere along the generally proposed flight paths would probably reduce the ozone concentrations at these levels and along the proposed SST routes. If this is so, there is no question but what the UV radiation in the wavelength region 2950–3400 Angstroms would be increased. An important, and serious part of the problem, however, is that at the present time we are not at all sure of how large the ozone reduction and subsequent increased UV radiation at the ground would be. The ozone reduction could vary from 1 to about 5 or 6% and the UV radiation received at the ground at 3000Å could be increased by about 5–10%. (Incidentally, it should be pointed out that although the so-called 'normal' day to day and seasonal ozone variations are something of the order of 20–30% this is irrelevant since we should here be concerned with the long term trends and the average baseline values.)

In view of the uncertainties that I've indicated above, I would very strongly endorse Dr. McDonald's statement on the bottom of p. 14 and top of p. 15. We simply do not now have all of the answers. Given a little time, the scientific community can certainly provide better estimates.

The part of the testimony relating variations in ozone and UV radiation to incidence in skin cancer contains a number of correct statements and I believe naive inferences. Since I don't know the data base upon which McDonald draws some of these inferences (particularly, the second sentence on p. 21) I cannot comment on his conclusions. His comment (4) p. 21–23, is essentially correct but I suspect that comment (5) is an overstatement (but I'm not sure).

It is my opinion that McDonald may have presented a too strong picture of the dangers attending an SST-water vapor-ozone-UV-skin cancer link, but the potential hazard is there and there is a sufficient number of scientists alerted and concerned so that given just a little time (I estimate approximately one year) a rational evaluation of this problem can be provided.

I hope that these comments are of some use to you.

Sincerely,

Julius London, *Professor.*

University of Colorado,
Boulder, Colo., March 10, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: This is a very brief follow-up to my letter to you written this morning. Since writing the earlier letter, I have received from Dr. William Kellogg a copy of his testimony delivered before the House Appropriations Transportation Subcommittee on 3 March.

While I agree with most of what Dr. Kellogg said (and said very clearly) there is one portion of his testimony to which I would take exception. It is that portion dealing with inferences concerning the water vapor-ozone-UV-skin cancer linkage.

As pointed out in the SCEP report and as stated by Dr. Kellogg, in limited regions of the stratosphere (concentrated along the proposed SST routes) the estimated increase of water vapor is of the order 50–100%. Therefore, using this larger estimate, the decrease of total ozone (above the surface) would be 5–10% not 1–2% as stated by Dr. Kellogg (p. 5). This change is not imperceptible and certainly can be measured. As I mentioned in my earlier letter, the claim that these induced changes are relatively unimportant compared to the day to day and seasonal changes of ozone in the "normal" atmosphere is fallacious since we are here talking about long period ozone changes and their effects. Long period "natural" changes in mid latitudes are of the order of 1–2% per five year interval (up and down).

Incidentally, as indicated earlier, induced ozone changes of the order of 5–10% could result in changes in UV radiation received at the ground giving an increase of 5–10% at low latitudes—but as calculated by Dr. Kellogg's staff and ourselves—could result in an increase of 10–20% in 3000 Angstrom UV radiation in mid latitudes!

The statement made by Dr. Kellogg (p. 6) that there should be more UV received at Denver than at sea level is certainly correct. The data (as you probably are aware) indicate approximately twice the number of cases of skin cancer reported at Denver as compared to Philadelphia (approximately the same latitude).

In light of the comments made above and

in my previous letter, my own conclusions are different from those of Dr. Kellogg.

I believe that water vapor variations in the stratosphere (of the type we are here concerned with) *could* affect variations in UV at the ground. These variations *could* be observed and *may* not at all be trivial.

Because of the need for multiple use of subjunctives in the statement above, I strongly urge support for a program of study to pin down these effects.

Sincerely,

Julius London, *Professor.*

National Oceanic and Atmospheric Administration,
Silver Spring, Md., March 4, 1971.
Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you for allowing me the opportunity of commenting on the testimony of Prof. J. McDonald of the University of Arizona before the House Appropriations Committee on the pending question of further funding for the U.S. SST program on March 2, 1971. My position with respect to the weather and climate effects of a fleet of SST aircraft coincides with the conclusions of the MIT SCEP report prepared last July in Williamstown, Mass. I participated with the workshop that prepared the report. A few additional bits of information on the subject have been developed since the SCEP report, but these have not, in my view, significantly altered the conclusions.

The Williamstown study, insofar as the SST is concerned, limited its attention solely to weather and climate modifications and did not treat any of the potential biological consequences. We had no expert who could advise us on skin cancers. Both the Williamstown analysis and my evaluation indicates that there may be an increase in ultraviolet radiation at the ground of the same order as Prof. McDonald has suggested. But we emphasized many uncertainties in the calculations leading to the increase in ultraviolet radiation from an increase in stratospheric water vapor. We also felt that the purely climatic effects of an ozone decrease might not be significant. I regret that I am incapable of converting the changes in ultraviolet radiation to hypothetical increases in skin cancer since biology lies outside my realm of competence. You may wish to contact either Prof. J. London of the University of Colorado or Prof. Reginald Newell of MIT for possibly new information on the link between the effluents of the SST and the changes in predicted ultraviolet radiation at the ground. Dr. Berger of Temple University Medical School, I am advised, has also looked into the conversion of ultraviolet radiation changes to additional skin cancers, if any. You may also wish to obtain the advice of medical authorities on an Australian suggestion that melanomata are also, in part, produced by ultraviolet radiation.

I regret that I lack expertise in a crucial part of Prof. McDonald's argument to be able to properly assess whether there will be any biological consequences of added water vapor and oxides of nitrogen in the stratosphere.

Sincerely,

Lester Machta,
Director, Air Resources Laboratories.

Sloan-Kettering Institute
for Cancer Research,
New York, N.Y., March 11, 1971.
Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I am responding to your letter of March 4, 1971, with the enclosed testimony of Dr. James E. McDonald of the University of Arizona. I have taken the liberty of including the comments of my colleague, Dr. Farrington Daniels, Jr., who is Professor of Medicine (Dermatology) and Head of the Dermatology Division of Cornell University Medical College. Dr. Daniels is an established world authority on ultraviolet induced skin cancer.

Although I do not have the extensive experience that Dr. Daniels has in this field, I essentially agree with all of his comments directed to the effects of ultraviolet radiation in skin carcinogenesis. As Dr. McDonald indicated on pages 16 to 18, the causative role of solar ultraviolet radiation in skin carcinogenesis is a well established medical observation. The eight bits of data he gives as examples and in support of this position are similarly accurate and well accepted.

I am limited in being able to respond to the specific calculations of Dr. McDonald on the filtration effect of ozone on ultraviolet radiation. I do accept and appreciate that there is such a filtration effect. I acknowledge, as would everyone else, a decrease in filtration would result in an increased exposure of ultraviolet radiation. I am not able to evaluate the specific physical phenomenon of the reduction in the ozone layer as a result of water vapor interaction.

As Dr. Daniels points out with regard to ultraviolet radiation there are still other effects to be considered e.g. the possibility of a decrease in radiation as a result of SST pollutants and the subsequent effects on the biosphere whose present evolutionary state is dependent in part, on our present level of ultraviolet radiation. As Dr. Daniels emphasizes, there are other biological effects of ultraviolet radiation that should be taken into account.

I would agree that "until reliable answers can be obtained through appropriate research" it may be premature from the point of view of biological effects to commit ourselves to this advance in technology.

I hope the enclosed information will be of some help.

Sincerely yours,

Martin Sonenberg, M.D., Ph. D.,
Chief, Division of Endocrinology, Professor of Biochemistry, Associate Professor of Medicine, Cornell University.

The New York Hospital-Cornell
Medical Center,
New York, N.Y., March 10, 1971.
Dr. Martin Sonnenberg,
Sloan-Kettering Institute,
New York, N.Y.

Dear Dr. Sonnenberg: Here are my comments related to the letter from Senator Proxmire and Dr. James E. McDonald's report.

My comments are not in order of importance but are numbered for convenience in cross referencing. You may incorporate any of these comments into your own letter or attach mine to yours for forwarding to Senator Proxmire.

1. Dr. McDonald has done a fine job of summarizing the skin cancer data.

2. The portion of his argument on which I cannot pass judgment is that concerning his atmospheric calculations and in particular the "amplification factor". This is crucial in deciding whether there will be a biological problem or not. His concern for the long residence time is extremely important, because if harmful effects appear they might persist for years or decades after the SST planes were grounded. As he suggests, extensive monitoring arrangements must be made to detect harmful effects, and a few prototypes will not give the ecological answers which might come from heavy use.

3. Everyone concerned about the ozone layer should read *The Oxygen Cycle,* by Preston Cloud and Aharan Gibor in the Scientific American for Sept. 1970. That is the special issue devoted to the biosphere. I do not know Dr. Cloud, but I believe that he is probably one of the people who should testify on the ozone layer.

4. If changes in the ozone layer permit an increase in ultraviolet radiation around 290 nanometers (290 millimicrons, or 2900 angstroms) reaching the earth's surface an increase in skin cancer among the light skinned people is inevitable.

The ozone layer has apparently protected the surface of the earth from ultraviolet radiation shorter than 290 nanometers for about a billion years during which time all multicelled plants and animals have evolved. Tampering with this protective factor might be considered as potentially serious as tampering with the concentration of salt in the sea. Reducing the ultraviolet transmission with particulate or other absorbers would also be of great concern, and pollution of the slowly turning over stratosphere should be thought of in general terms as well as the urgency of the SST decisions.

6. Reduction of transmission of 290 to 310 nanometer radiation might reduce the synthesis of Vitamin D in animals and birds, and reduce the amount of killing of microorganisms in the air, on the ground and in water.

7. Insects see in the wavelengths of the ultraviolet. Some of the flowers they pollinate have patterns that can be detected in the ultraviolet that we do not see in the visible wavelengths. Most people hate insects without realizing that this automatically makes them a hater of the birds that feed on insects, and the flowers they pollinate. I do not know of experiments to see if increases in the 290 nm range of UV would dazzle the pollinating insects or not. Plant physiologists have told me that in many of their experiments they use window glass to cut out the 290 to 320 nm radiation because this radiation is harmful to the plants.

8. Most people believe that the sunburn ultraviolet (290–320–nm) is reflected off of water because of their experience with sunburn at the beach. However, ultraviolet penetrates readily into water; the reason you get sunburned at the beach is that sand is a good UV reflector, the sky is open and about half of the sunburn radiation reaches you by scatter, and also you are cooled. Most people would not take a four hour sunbath on a tennis court on a hot day because of the heat, but at the beach they are cooled.

Since the ultraviolet penetrates many feet into water, an increase could have a harmful effect on the plankton which initiate the food chains, and many aquatic animals including fish. and whales are easily sunburned if stranded. Goldfish in an aquarium can be easily damaged with a sunlamp and it is the habit of many fish "to hide" under lily pads, logs, and the shadow of the shore. I have no specific information on the hazard to aquatic life of increased levels of ultraviolet radiation but am sure that a hazard would exist.

9. Vitamin D is synthesized in animals and birds and presumably reptiles and amphibia by the action of 290 to 320 ultraviolet on the hair or fur, and in the case of man in the skin. The factors regulating the amount synthesized and absorbed are not known. Whether an increase in ultraviolet radiation in the environment would lead to an increase with harmful effects in vertebrates is not known. I recently telephoned Dr. Hector DeLuca at Wisconsin for his opinion on this subject and he told me there is no information on which to base an opinion.

10. Many natural and synthetic molecules in our environment photosensitize the skin. Some of these are petroleum and tar products that may produce cancer in combination with ultraviolet radiation.

11. Here are a few paragraphs from a draft of an article I have started writing that may be introductory:

"Among the worries expressed by ecologists about the long-term hazards of the SST has been interference with the ozone layer of the stratosphere. The nature and functions of the atmospheric ozone layer are therefore of concern to everyone. It is quite probable that in the long run the greatest benefit from space exploration will be the astronaut's view of earth shared with many hundreds of millions of people by television and photographs. The "water planet" has now been seen in its isolation, its smallness, and its fragility hinted at. Unmanned Russian space ships have sent back information from the surface of Venus that the surface and atmosphere are totally incompatible with life. American flybies of Mars indicate that there is probably no life there. Cosmologists assume that there are millions of planets in the universe on which life could evolve; however the barrenness of the two nearest and most earthlike planets give pause. The accurately pulsed radio waves from space have been traced to neutron stars rather than to remote intelligent broadcasters.

In simulated primeval atmospheres electric sparks, radioactivity such as might come from the naturally radioactive isotope of potassium, sound waves and ultraviolet radiation can all provide energy for formation of simple organic chemicals. It is believed that lightning, radioactivity, and ultraviolet radiation produced the simple chemicals (cyanide, formaldehyde, and so on) that when aggregated into macromolecules became the DNA, RNA, and proteins that carry the genetic code and produce structures and carry on the activities of living things on earth.

Of primary importance in understanding "space ship earth" is the realization that our present atmosphere is largely the product of living things—oxygen making up a little over 20% is produced by green plants, and the major constituent, nitrogen, is released by the metabolism of soil and other bacteria. Carbon dioxide comes in part from the respiration of plants and animals and from decomposition of organic matter.

In the early atmosphere ultraviolent radiation shorter than 290 nanometers reached the earth's surface and would kill any living cells that it hit. After the chlorophyll-containing single celled algae began using the energy of sunlight to produce carbohydrates by combining water and carbon dioxide and splitting off oxygen, an excess of oxygen began to accumulate. When the level of oxygen reached about 1% of its present value, about a billion years ago, ozone began to form in the upper atmosphere. This is brought about by the action of ultraviolet radiation from the sun shorter than 180 nanometers. The ozone in turn absorbs and is broken down to oxygen molecules by radiation between 180 nm and 290 nm. Thus radiation shorter than 290 nm is interdicted from the lower atmosphere and the earth's surface. When this protection emerged about a billion years ago, combined with the more efficient metabolism made possible by atmospheric oxygen, the multi-celled plants and animals arose rapidly from diverse single cell forms. In other words, the familiar plants and animals around us have all evolved under the protection of the ozone layer."

I hope the above comments and summary will help you. As I mentioned above, everyone concerned should read the special issue of the Scientific American on the Biosphere, and in the present context, particularly the article on the oxygen cycle by Cloud and Gibor.

Very truly yours,

FARRINGTON DANIELS, Jr.,
M.D., M.P.H.,
Professor of Medicine (Dermatology), Head, Dermatology Division.
(B.A., M.A., Univ. of Wisconsin, M.D. M.P.H., Harvard)

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION,
Silver Spring, Md., March 11, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Senate
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of March 5 transmitting the interesting testimony of Dr. James E. McDonald. That portion of the testimony dealing with meteorology agrees in essence with the conclusions reached by the Williamstown Study on the Critical Problems of the Environment (SCEP), the most comprehensive study I am aware of relating to the environmental impact of the SST. I do not feel competent to pass judgment on Dr. McDonald's hypothesis concerning skin cancer, a subject that is outside my area of training and professional experience.

Sincerely,

ROBERT J. LIST,
Chief, Air Resources, Radioactivity Laboratory, ARL.

HARVARD MEDICAL SCHOOL,
MASSACHUSETTS GENERAL HOSPITAL,
Boston, Mass., March 12, 1971.
Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am sorry that I have not been able to reply sooner to your letter of March 4, concerning Dr. McDonald's testimony regarding the U.S. SST program.

In response to your request for comments and reactions on Dr. McDonald's testimony, I can say that, although hardly an expert in the several areas on which Dr. McDonald touches in his testimony, at no point do I find fault with Dr. McDonald's statement.

In particular, I find no error in the closely reasoned argument concerning the question he raises of an increased instance of skin cancer, as outlined on pages 15–27 of his testimony. In relation to the last paragraph on p. 15, for example, one is reminded of the even more germane argument, with respect to cancer, of the unforeseen development of bone cancer by the radium watch dial painters in the early part of this century; who would have guessed that so apparently innocuous a procedure as pointing the paint brushes with the mouth and lips, to obtain a good tip, would subsequently result in bone cancer, originating from the radium carried to the body of these workers in this way. Another instance, with respect to cancer, was that of the skin cancer developed by the early workers with X-ray equipment, who did not suspect its dangers in this respect.

By virtue of my own work in trying to unravel the enigma of the curious geographic distribution of multiple sclerosis, and its possible geophysical correlates, I am quite familiar with the material summarized by Dr. McDonald under the heading (bottom of p. 16), "Carcinogenic effects of solar ultraviolet radiation." The points he makes are well known and accepted ones, and the references he includes are standard ones. (I had occasion to review several of these same references in some detail last year, skin cancer being an example of a disease whose prevalence *decreases* with increasing latitude, whereas for multiple sclerosis the trend is generally the opposite.)

I am also generally familiar with the material Dr. McDonald summarizes under the heading (middle of p. 18), "Critical role of the zone layer in filtering solar UV (ultraviolet)". The points are well known ones. I am also quite familiar with the epidemiological studies on skin cancer referred to by Dr. McDonald on the bottom of p. 19, as well as with the points made on the subsequent page, which are standard and generally accepted ones. Although not having myself carried out the detailed kind of calculation that Dr. McDonald refers to, in the second sentence on p. 21 (". . . about [a] 6 percent of skin cancer incidence for every one percent of variation of columnar total ozone overhead"), I have no reason to suppose the estimate is erroneous.

Based on the preceding arguments, Dr. McDonald goes on, on p. 23, to estimate that there would occur some 10,000 to 30,000 new cases of skin cancer in the United States alone, as a result of the development and application of SST technology. Again I find no fault in Dr. McDonald's logic and, although not having myself been through the same detailed examination of the case, I find no reason to suppose that his estimates are seriously incorrect. Dr. McDonald has obviously dug deeply into the literature in a range of subjects related to the overall question, and although not himself a biologist, his treatment of the biological aspects I find quite impressive. Overall, he has obviously devoted considerable time, care and effort to this problem.

I therefore would agree that the points he makes beginning on the bottom of p. 24 ("Present conclusions on the SST skin cancer hazard") are very well taken. I would, however, suggest that he is perhaps conservative in his remarks, on the top of p. 26 with respect to the potential risk that a possible increase of skin cancer incidence would pose for peoples other than in the United States. Although it is quite true, as Dr. McDonald suggests at the top of p. 26, that skin cancer is primarily an affliction of peoples with light skin, rather than of peoples of darker pigmentation, there are nonetheless very considerable areas primarily inhabited by light-skinned peoples in the northern hemisphere outside the United States and Western Europe (e.g., the vast expanses of the Asian portion of the USSR, as well as extensive areas in the southern hemisphere (to which Dr. McDonald does not refer). Although the available evidence, primarily derived from fallout measurements from atomic weapon testing, suggest that it would be some years before there might tend to be an increased risk in skin cancer in the southern hemisphere (since stratospheric equilibration processes between northern and southern hemispheres are very slow), nonetheless one would suppose in time there would be an effect in the southern hemisphere from SST activity in the northern hemisphere.

In summary, then, I personally find Dr. McDonald's argument a most closely reasoned one and believe that he has raised a most serious question with respect to the implications of SST technology.

For my own part, in connection with the SST programs, I am taking the liberty of enclosing a copy of a letter I wrote in October of 1967 in connection with the appropriations bill at that time, and in which I touched upon the SST program. Although parts of the letter would of course by now be out of date, I believe that some of the points that I made at that time are still relevant.

More recently, I have raised in my own mind the question of whether the need which the SST attempts to meet, namely that of more rapid transportation between points on the earth's surface, would not better be met by a greater leap into space age technology than is represented by the SST program *per se*. One might call such an approach the SAT (for Super Atomspheric Transport). However, if the problems to which Dr. McDonald draws attention are to be avoided in such an approach, the powered portions of such flights would have to be confined primarily to the troposphere, and I am not sure whether such an approach would be technically feasible. In essence, the paths would be suborbital ones, somewhat in the manner of the first suborbital space flight, by Alan Shepard.

I hope that you will find these comments helpful.

Sincerely yours,
JOHN S. BARLOW, M.D.,
Neurophysiologist, Neurology Service.

NAVAL RESEARCH LABORATORY,
Washington, D.C., March 10, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR MR. PROXMIRE: You have asked me to comment on the testimony given by Dr. McDonald before the House Appropriation Committee relating to the environmental effects of the U.S. SST program. In his testimony Dr. McDonald concluded that a fleet of SSTs could lead to a significant increase in the incidence of skin cancer.

The argument of increased incidence of skin cancer is based upon the following stepwise conclusion:

The SST will increase the water vapor concentration of the stratosphere.

The increased water vapor by chemical interaction with ozone will reduce the ozone concentration, increasing the ultraviolet radiation reaching the earth's surface.

An increase in ultraviolet radiation will cause an increase in the incidence of cancer.

I will comment only on the first two conclusions. I am not familiar with the carcinogenic effects of solar ultraviolet radiation.

There is general agreement in the scientific community that a fleet of SSTs flying between 60,000 and 70,000 feet will increase the water vapor concentration of the stratosphere. The amount of increase as stated by McDonald, assuming uniform mixing in the northern hemisphere and a 12-month residence time, is consistent with other estimates. McDonald's second conclusion, that an increase in water vapor will decrease the ozone concentration is based upon the photochemical hypothesis for ozone equilibrium proposed by Hampson in 1964. The Hampson hypothesis extends the classical theory involving only oxygen reactions to include hydrogen-oxygen reactions, allowing for interactions with water vapor. The extent to which the hydrogen compounds control the ozone density in the stratosphere is not determined at this time due to uncertainty of several of the photochemical reaction rates involved. Actual measurements of stratospheric water vapor and ozone to date have not established an interrelationship between stratospheric water vapor and ozone, nor do these measurements refute a relationship.

Estimates of the amount of ultraviolet radiation reaching the earth's surface which are based upon interaction of water vapor injected into the stratosphere by SSTs and stratospheric ozone must be considered provisional in as much as many of the photochemical reaction rates involved in the interaction are imperfectly known at this time.

Sincerely yours,
H. J. MASTENBROOK.
Atmospheric Physics Branch
Ocean Sciences Division.

PHOTOCHEMISTRY AND PHOTOBIOLOGY,
March 12, 1971.
Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of 5 March 1971 asking for my "comments and reactions on Dr. McDonald's conclusion, or on any other aspect of the atmospheric impact of the SST".

Based upon the few data he presents, Dr. McDonald's conclusions appear quite reasonable to me and to other scientists that I have talked to who have seen his preliminary report. When he makes a calculation he uses the lowest estimate of the probability in order to err on the conservative side. One specialist in skin cancer has remarked to me that he has been impressed by how quickly Dr. McDonald (a physicist) has become familiar with and grasped the importance of the literature on ultraviolet induced skin cancer. I have been pleased by his insights into the molecular biology of the problem. Although Dr. McDonald's conclusions appear reasonable, the scientific community has not had a chance to see all of his data and therefore cannot put an official "stamp of approval" on his conclusions at this time.

There has never before been an attempt to bring together weather and atmospheric monitoring data, medical and epidemiological data and molecular biological data on this problem. It would take several months for a person to go to the literature and bring himself independently to the same level of thinking as that of Dr. McDonald. I have pleaded with Dr. McDonald to quickly finish his official scientific report so that it can be reviewed by the scientific community. Assuming that his conclusions are correct, then his report would be a great help in awakening people (including scientists) to the unique role that light plays in our environment. The importance of this report transcends the SST problem.

I know that you are hoping for a simple answer but I am afraid that, at best, it is several months premature for a simple answer. About all that can be said at this time is that *if* Dr. McDonald's report is correct (and superficially it does seem to be correct) then we may expect severe changes in our environment (including increased skin cancer in man) as a consequence of the SST.

We now have a National Environmental Policy Act (1969). I do not know the precise wording of this Act, but why can't it be invoked to ensure that a thorough study is conducted (by the National Academy of Sciences?) into the possible deleterious effects that the SST may have on our environment? The Jamaica Bay report should serve as a model for future studies on the environmental consequences of national actions.

In addition, I would suggest that when programs are funded that a portion of the funds should be used for research to probe more deeply into the environmental consequences of the particular action. This plan might now be implemented with a rider on the SST bill, for example, with the funds to be administered through the National Academy of Sciences.

Since the SST problem falls within the purview of photobiology you may be interested to know the status of organized photobiology in the U.S. I enclose a draft of the information section of a grant application we plan to submit to the National Science Foundation in behalf of the Committee on Photobiology of the National Research Council. This Committee is composed of physicians, chemists, biologists and physicists who are concerned with the status and future of all phases of photobiology.

There are many more reasons than just photobiology to speak against the SST. The current lobbying in favor of the SST seems to be very effective and I am afraid that they may win. If this proves to be true then the next step would be to institute intensive research on the possible deleterious effects of the SST. If it proves to be deleterious then we may hope to achieve international agreement not to fly the SST.

I wish you success in your attempts to defeat the SST. If I can be of any further assistance to you please feel free to contact me or the Committee on Photobiology.

Sincerely yours,
KENDRIC C. SMITH.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
March 11, 1971.
Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I received your letter of March 6th today, March 11th, forwarded to me from Boulder. The meeting of CTAB is to be held March 18–19 to discuss Dr. McDonald's work and I believe he will be present to answer questions.

The questions Dr. McDonald raises are outside of my competence. Several colleagues are at work on the data presented to provide proper response for the CTAB Panel as quickly as possible.

Sincerely yours,
HARRIET L. HARDY, M.D.,
Assistant Medical Directors in
Charge of Environmental Medical Service.

GEOPHYSICAL FLUID DYNAMICS LABORATORY,
Princeton, N.J., March 9, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your letter of March 3 regarding Dr. James E. McDonald's testimony on implications of SST activity. Dr. Syukuro Manabe, a senior scientist at the Geophysical Fluid Dynamics Laboratory of the National Oceanic and Atmospheric Administration, also received such an inquiry. Since his expertise bears most directly on the questions that have been raised, my comments and that of another colleague of our Laboratory, Dr. Jerry Mehlman, have been incorporated into Manabe's reply which is attached.

Sincerely,
JOSEPH SMAGORINSKY,
Director.

GEOPHYSICAL FLUID DYNAMICS LABORATORY,
Princeton, N.J., March 9, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I have received your letter requesting my comments on the testimony of Dr. James E. McDonald. For lack of sufficient time to carefully evaluate the text of his testimony, I can only offer preliminary impressions.

Dr. McDonald has made an important contribution in drawing attention to the possibility of an increase in the incidence of skin cancer resulting from the full-scale operation of SST's. However, the quantitative basis for his chain of argument, from increased water vapor in the stratosphere to increased ultraviolet radiation at the earth's surface, is not secure enough to be convincing. In this connection, there are some specific comments to be made on the text of his testimony.

(1) As Dr. McDonald pointed out, the residence time of water vapor or any inert material in the stratosphere increases with increasing altitude. If then follows that water vapor injected at the altitude of SST flight does not spread uniformly throughout the depth of the stratosphere. The latitudinal spread of water vapor is controlled by the complicated general circulation of the stratosphere, depending very much upon the latitude and altitude of the injection source. Furthermore, it has been known that the photochemical activity in the stratosphere is highly altitude and latitude dependent. Therefore, it is necessary to know how water vapor will spread in the stratosphere in order to estimate with sufficient accuracy the decrease of ozone resulting from the injection of water vapor by SST's. Unfortunately, at

present we do not have a mathematical model capable of predicting the spread of any material with sufficient accuracy.

(2) Dr. McDonald attributed more than half of latitudinal variation of the dosage of ultraviolet radiation to the latitudinal variation of total ozone. Although there was not enough time to perform a detailed computation, a preliminary estimate is that the latitudinal variation of solar radiation and of solar zenith angle may have a much larger effect than the variation of ozone amount.

(3) Our impression is that the quantitative knowledge of ozone photochemical reaction rates involved is rather uncertain. It is therefore not clear whether the total amount of ozone would be decreased by 4 percent in response to a 12 percent change of water vapor.

One cannot but support Dr. McDonald's general observation that the level of theoretical understanding is inadequate to provide definitive assessment of hazards that may accompany technological innovation. In the present instance, one clearly needs to accelerate research in a number of areas:

(1) The construction of better mathematical atmospheric models with which to predict the spread of material in the stratosphere, inert or interactive, and which are also capable of simulating climatic consequences.

(2) The improvement of photochemical theory.

(3) The acquisition of more reliable measurements of the amount and distribution of water vapor and other contaminants in the stratosphere.

Sincerely,

SYUKURO MANABE.

MCARDLE LABORATORY FOR CANCER,
RESEARCH,
Madison, Wis., March 10, 1971.
Dr. REID BRYSON,
University of Wisconsin.

DEAR REID: I had the statement by McDonald on skin cancer. His references are to papers by good people and to satisfactory studies. Blum is an expert on UV cancer and Dorn is an expert on demography of cancer. (I believe Dorn is now dead and Blum may be, if not he is retired).

It is well known that there is an increase in skin cancer as you move from north to south to the equator—The data are widely accepted. All the other statements are also accepted ones—i.e. exposed areas of the body are the sites of skin cancer, blondes more susceptible to skin cancer, farmers and sailors more than inside workers.

So it is possible to equate a certain increase in UV with a certain increase in skin cancer, which is what he wanted to know.

I don't vouch for the meteorology.

VAN R. POTTER, Ph. D.,
Professor and Assistant Director.

CENTRE DE RECHERCHES SUR LES
ATOMES ET LES MOLÉCULES,
Quebec, Canada, March 10, 1971.
Senator WILLIAM PROXMIRE,
U.S. Senate, Committee on Banking, Housing, and Urban Affairs, Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of March 3d. With minor reservations, I believe Professor McDonald has presented a logical reasoned argument.

My reservations are prompted by the primitive state of our knowledge of atmospheric photochemistry, some minor disagreements with points of detail in Professor MacDonald's testimony and the belief that the testimony does not stress sufficiently either our ignorance of the effect of ozone on the biosphere or the possible interactions of atmospheric contaminants on the photochemistry and energy balance.

An example of the latter is the effect of current changes in the carbon dioxide content of the atmosphere on radiative exchange near the tropopause and the supply of water vapour to the stratosphere. My speculation is that an increase in CO_2 may change stratospheric water vapour and ozone through changes in the temperature of the tropopause and the contiguous region of the lower stratosphere. If an increase in carbon dioxide could lead inadvertently to an increase in total ozone one might anticipate that an SST fleet might ameliorate the effect of combustion of fossil fuels! More detailed comment is given in the attached note.

May I express the hope that your deliberations will expose view points such as those given in section (3) of Professor McDonald's report and lead to the improvements in observation, laboratory investigation and theoretical analysis that are necessary and can be implemented now.

Thank you for the opportunity to comment.

Yours sincerely,

JOHN HAMPSON.

NATIONAL ACADEMY OF SCIENCES,
NATIONAL RESEARCH COUNCIL,
Washington, D.C., March 17, 1971.
Hon. WILLIAM PROXMIRE,
Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: In response to your letter of March 8, 1971, which has been forwarded to me from Washington, I hasten to set down some observations on the testimony of Dr. James E. McDonald before your Committee on March 2nd. As Chairman of the National Academy of Sciences' Panel on Weather and Climate Modification, I have been more than casually interested in this matter.

In brief, three comments appear to be in order:

First, it is important to discriminate between the scientific validity of the questions that Dr. McDonald raises and the scientific validity of the conclusions he reaches after an examination of these questions. The question concerning the possible effect of SST exhaust on reducing the amount of ozone is a logical one to ask. Conclusions regarding the amount of ozone depletion are fraught with uncertainty and will require a combination of field experimentation, laboratory experiments, mathematical modeling and field testing to resolve. The same may be said about the effect of depletion of ozones on the ultra-violet radiation reaching the earth—although the uncertainties here are less than those which inhibit valid conclusions on the likely depletion of ozone. Finally, the evidence is most tenuous on the causal connections between the effects of an SST on the physical environment and the conclusions that these effects will cause an increase in the incidence of skin cancer. Here again, the question is valid, but McDonald correctly entered the *caveat* that his "findings are still tentative."

Second, in the light of what has been said above, McDonald's testimony has substantial usefulness in identifying questions that merit study but as a document that might be useful in resolving the public concern over the environmental effects of large scale SST operations, it is much less than persuasive. Nor was it ever the intent of our panel to develop an authoritative treatment that would be useful in establishing public policy. Our objective was simply to identify some meaningful questions and bring them to the attention of photochemists, photobiologists and others who could bring to bear the mature insight that years of study leave with a scientist.

Third, since Dr. McDonald's biographical summary and introduction make clear his association with our panel I would like to underscore the point he stressed that he is not speaking for our panel, "but rather as an individual scientist." The Academy has a thoughtfully conceived review process for reports of its Committees which is intended to serve the function provided by referees who review articles published in regular scientific periodicals. The testimony of Dr. McDonald's was not subjected to such a review. I am not taking issue with his right to present his reviews but I wish to make it clear that not even I had seen this testimony before it was presented.

In summary then it is my feeling that the questions raised in Dr. McDonald's testimony are meaningful questions but the conclusions he reaches—even though labeled as tentative—need further examination before becoming a major factor in a decision on public policy that has many other ramifications besides those which pertain to the environment.

I sincerely appreciate the opportunity to comment upon the environmental problems that require further attention and study, in order for definitive evaluations on the potential atmospheric consequences of large-scale SST operations to be realized.

Sincerely yours,

THOMAS F. MALONE.

CHILDREN'S CANCER RESEARCH
FOUNDATION, INC.,
Boston, Mass., March 15, 1971.
Senator WILLIAM PROXMIRE,
U.S. Senate, Committee on Banking, Housing, and Urban Affairs, Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of 3/4/71. I am sorry to have been so late in replying, but I have been away from Boston for most of the last two weeks.

I have recommended to your Staff that opinions on Dr. McDonald's testimony be requested from Dr. Urbach of Philadelphia and Dr. W. Epstein of San Francisco—both of whom are expert in the areas of skin cancer and UV irradiation.

I am enclosing a brief statement which I hope will be adequately responsive to your requests.

Sincerely yours,

SAMUEL S. EPSTEIN, M.D.,
Chief, Laboratories of Environmental Toxicology and Carcinogenesis.

COMMENTS BY DR. SAMUEL S. EPSTEIN ON THE TESTIMONY OF DR. J. E. MCDONALD MARCH 2, 1971, AT HEARINGS BEFORE THE HOUSE SUB-COMMITTEE ON TRANSPORTATION APPROPRIATIONS

1. I fully concur with the general thesis of Dr. McDonald that questions relating to public health and welfare and environmental safety must be posed and satisfactorily answered *prior* to the introduction of technological innovations and the generation of irreversible or poorly reversible economic commitments.

2. In the absence of direct experimental evidence, Dr. McDonald's estimate of a 2–4% reduction in stratosphere ozone due to water vapor addition from a fleet of 800 SST's appears reasonable.

3. Such a reduction in stratospheric ozone will increase human exposure to short wave ultraviolet light.

4. The relationship between skin cancer and exposure to short wave ultraviolet light is well recognized.

5. Dr. McDonald's estimates of an enhanced incidence of skin cancer in the U.S.A. and elsewhere from increased exposure to short wave ultraviolet seems reasonable, conservative and consistent, with available biological and epidemiological data.

6. For these and other reasons, I fully agree with the testimony of Dr. McDonald that the SST program poses potential public health hazards, including the likelihood of an increased incidence of human skin cancer both in the U.S.A. and elsewhere.

Massachusetts General Hospital,
Boston, March 11, 1971.

Hon. William Proxmire,
Committee on Appropriations,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you very much for your letter of March 6, concerning the question of further funding of the U.S. SST program.

I have discussed the question with Dr. Thomas Fitzpatrick, Chief of our Dermatology Service, who tells me that he and Dr. Pathak are preparing a report for you in reply to a similar letter which he has received. I believe that the best detailed answer I could offer would be contained in their report.

In addition to the report, let me state most emphatically that for a whole variety of reasons I am unalterably opposed to the development of the SST and have so stated publicly, privately and in writing.

Very best wishes to you and sincerest thanks for asking me for my views.

Sincerely yours,
John H. Knowles, M.D.,
General Director.

I was telephoned today by the scientific director of the Boeing SST program and asked to lend my name to a statement in support of the government funding for SST prototype construction which he said was being circulated by the President's science advisor himself. My credentials are, therefore, impeccable. Unfortunately, he called the wrong man. I am strongly opposed to the continuation of the SST program in any form whatever.

I have studied the findings of Dr. James E. McDonald and find them altogether reasonable in the light of existing knowledge, which all admit is inadequate. I have known Dr. McDonald for many years—particularly through his outstanding service to the Panel on Weather Modification of the National Academy of Sciences—and have been impressed by his competence, his independence and his absolute honesty. He has been involved in scientific controversy precisely because he is fearless in his pursuit of scientific truth.

The argument that the scientific studies needed to properly assess the effects of SST fuel combustion on the water vapor and ozone concentration in the stratosphere can be carried out while the prototypes are being built is falacious. There are so many difficult observations, calculations and numerical simulations of the coupling between moisture, ozone-photochemistry and stratospheric circulation that it will be at least ten years before acceptable scientific answers are forthcoming. Long before that time irresistible political and economic pressures will have lead to the mass production of the SST, let the pollution and the UV radiation fall where it may.

J. G. Charney,
Alfred P. Sloan, Professor of Meteorology at MIT.

University of Texas,
Houston, Tex., March 15, 1971.

Hon. William Proxmire,
U.S. Senate, Committee on Banking, Housing, and Urban Affairs, Washington, D.C.

Dear Senator Proxmire: Enclosed is a statement of my opinion on the SST skin cancer problem.

Dr. James McDonald of Tucson, Arizona, called me Saturday evening, November 7. He described his work as a member of a Committee of the National Academy of Science Panel on Weather and Climate Modification. He needed population based incidence data on basal and squamous cell type cancers of the skin. Our registry at the Anderson is the only one in the United States that collects all skin cancers. We have 23 consecutive years of every cancer from every source in one-third of Texas, a population in 1960 of over four million. The actual incidence of skin cancer is much higher than any previous estimates suggest.

We arranged for a meeting with Dr. McDonald and a photobiology group including dermatologists, biochemists, biologists and epidermiologists, Wednesday, November 11. It was a productive two and a half hour session. It was acknowledged that a decrease in ozone concentration would cause an increase in the amount of ultraviolet light getting through. The dermatologists could handle easily an increase of 10,000 new cases of skin cancer a year if they came early. The seriousness of this increase from the individual's viewpoint is another matter.

I hope the attached statement is useful to you.

Our Director, Dr. Robert Hickey, sends you his best wishes.

Sincerely,
Eleanor J. McDonald,
Professor of Epidemiology.

Solar Radiation and Skin Cancer: Statement of the Problem

There are more than twenty-five disease entities that are either caused by or aggravated with exposure of the skin to sunlight. These range from the degenerative and neoplastic changes to the discomforts associated with drug induced photosensitivity reactions. The enclosed table abstracted from the chapter entitled "Normal and Abnormal Reactions of Man to Light," by M. A. Pathak and J. H. Epstein (in *Dermatology in General Medicine,* T. B. Fitzpatrick et al., eds., McGraw-Hill Book Co., New York, April 1971, in press) includes diverse diseases with varied mechanisms responsible for abnormal reactions to light in man.

The importance of the biological effects of solar radiation can hardly be overlooked. Many thousands of working hours are lost yearly to industry because of discomforts and pain associated with sunburn. Several thousand cases of disabling drug photosensitivity reactions are recognized each year in the United States. These involve adverse cutaneous reactions such as exaggerated sunburn response, edema, papules, vesicles, acute eczematous or urticarial reactions. In most cases these abnormal responses are evoked by sunlight in the presence of an exogenous agent that was applied topically or administered orally. Aging of the skin, what is commonly referred to as "actinic elastosis", is undoubtedly induced by ultraviolet radiation, particularly in fair-skinned individuals who easily sunburn. It is estimated that approximately 150,000 basal cell carcinomas and 40,000 squamous cell carcinomas occur in the continental United States each year (in National Program for Dermatology, a report prepared by the Joint Committee on Planning for Dermatology, The American Academy of Dermatology, Inc., 1969). In direct surveys of the population in Australia, Gordon and Silverstone have collected reliable data on the occurrence of keratoses and skin tumors (Med. J. Australia, p. 312, March 2, 1968; and p. 733, Oct. 15, 1966). Their data show that of all the males in Queensland, Australia (latitude 10–30° S), 25% have, or have had one or more skin cancers at the age of 65.

We shall confine our comments to the degenerative and neoplastic conditions associated with solar radiation and include (a) basal cell carcinoma, (b) squamous cell carcinoma, (c) malignant melanoma, (d) senile keratoses and (e) chronic actinic damage.

SOLAR RADIATION AND HUMAN SKIN PROBLEMS

It is fortunate that man lives on a planet that is not reached by wavelengths shorter than 295 nm. Wavelengths of 295 nm and shorter, whose energy content of the photons is more than 95 k Cal/mole of quanta, can damage skin tissue severely (erythema and desquamation), they can induce denature proteins and enzymes, inhibit DNA, RNA and protein synthesis, evoke dimerization in nucleic acids and alter the enzymes essential for replication and regeneration of skin cells. The entire photobiologic spectrum (295–700 nm) contains about 75% of the sun radiant energy; for the most part, this radiant energy is biologically either useful or innocuous in that it promotes such orderly chemical reactions such as vitamin D synthesis, pigment darkening, and melanogenesis (formation of new melanin pigment). Human skin can utilize a large part of this solar energy without appreciable injury; within this broad spectrum, however, there is a band of radiation between 295 and 320 nm, that is capable of inducing cutaneous sunburn, carcinogenesis, and phototoxic and photoallergic reactions that may evoke abnormal manifestations as urticaria, edema, and vesicular, purpuric, papular and eczematous lesions of the human skin.

CARCINOMA AND OTHER CHANGES INDUCED BY PROLONGED EXPOSURE TO SOLAR RADIATION

Epidemiologic evidence clearly implicates solar radiation as a factor in the induction of human skin cancer (Blum, H.F., Carcinogensis by Ultraviolet Light, Princeton University Press, Princeton, N.J., 1959; Urbach, F., in *Advances in Biology of Skin,* Vol. VII, Carcinogenesis, Montagna, W. and Dobson, R.L., eds., Pergamon Press, Oxford, 1966; Gordon, D. and Silverstone, Med. J. Australia, p. 312, March 2, 1963, and p. 733, Oct. 15, 1966; Silverstone, H., Skin Cancer in Queensland, Australia, in "Report of the Airlie House Conference on Sunlight and Skin Cancer," National Institute of Health, Bethesda, Md., 1964). The demographic evidence that sunlight may be a cause of the cancer of the skin is based on long-standing clinical impressions which may be summarized as follows:

1. Cancer of the skin occurs more frequently on those parts of the body habitually exposed to sunlight. In fair-skinned, "white" caucasoids who easily sunburn, these cancers are limited almost exclusively to the exposed parts, especially the face, head, neck, arms and hands. Negroid skin, on the other hand, is remarkably resistant to the development of skin cancer of the exposed surfaces. A similar resistance to skin cancer of the exposed surface is seen among the pigmented Caucasoids, American Indians, and other races such as Orientals (Urbach, F., in *The Biology of Cutaneous Cancer,* Monograph No. 10, National Cancer Institute, 1963). Basal cell carcinomas are relatively uncommon in pigmented races living around the equator. Those cancers that are reported in these people (squamous cell carcinoma) are most commonly observed on lower extremities and trunk, and have different etiology and are not related to the solar exposure.

2. Cancer of the skin is more prevalent among outdoor workers (farmers, sailors, etc.). An estimate of the incidence rate of basal cell epitheliomas at the New York Skin Cancer Unit (Gellin et al., in *Advances in Biology of Skin,* Vol. VII, Carcinogenesis, W. Montagna and R. Dobson, eds., Pergamon Press, 1965) indicated that there was 25% greater incidence among men than among women. This preponderance is obviously related to more hours of outdoor exposure due to vocation or sport.

3. *Distribution of Skin Cancer by Sex in Clinic Population.* The male:female ratio in skin cancer group shows an obvious male

predominance. Studies reported by Gellin et al. in New York (in *Advances in Biology of Skin*, Vol. VII, Carcinogenesis, W. Montagna and R. Dobson, Pergamon Press, Oxford, 1965; also in Arch. Dermatology, *91:* 38, 1965) revealed that the male incidence rate of basal cell epitheliomas was 18.9 per 1000; for females it was 13.8 per 1000, indicating a male: female ratio of 1:37:1. Data of Silverstone (Report of the Airlie House Conference on Sunlight and Skin Cancer, National Institutes of Health, Bethesda, Md., 1964) obtained by direct examination of all inhabitants of three small towns in Queensland, Australia also indicates an obvious male predominance.

4. Distribution of basal cell epitheliomas. Approximately 80–90% of basal cell epitheliomas occur on the head and neck, approximately 4–8% on the trunk and 1–12% on the extremities. The lesions of the head and neck are concentrated on the nose and central portions of the cheeks. In addition basal cell epitheliomas are by far the most common cancers of the eyelids; they are also more common on the lower lid than on the upper lid, and on the medial than the lateral canthal areas. The dorsa of the hands also appear to be more frequently involved than any other site on the limbs.

5. Degenerative changes of the skin (wrinkling, telangiectasia, beratoses) are significantly more frequent in white-skinned people living in areas where the intensity of ultraviolet radiation in greater. A survey by Eleanor J. McDonald (J. Invest. Derm. *32:* 379, 1959, in *Tumors of the Skin*, Yearbook Medical Publication, Chicago, 1964.) shows that the patients from El Paso County, Texas, where there is 80% possible sunshine, the prevalence of carcinoma was eight times higher than in patients from Hartford, Connecticut, where there is 59% possible sunshine.

The term solar (actinic) degeneration implies a group of changes in the skin of the exposed areas and includes wrinkling, atrophy, hypermelanotic and hypomelanotic macules, telangiectasia, yellow papules and plaques and keratoses. The furrowed and leathery condition of the skin is seen particularly in persons who have fair skin, poor tanning ability, and who are constantly exposed to the sun such as sailors, dock workers, farmers, etc. The most conspicuous and characteristic structural change in the skin involves alteration of connective tissue (elastin as well as collagen). Sunburn producing spectrum (290–320 nm) is undoubtedly responsible for the elastotic changes; however, long wavelength ultraviolet and possibly visible radiation (320–420 nm) that can penetrate deeply in the dermis, are also involved in evoking elastotic changes.

6. *Ethnic Origin and the Prevalence of Skin Cancer*. Several studies carried out in the United States and elsewhere (particularly in Australia and Ireland) based on the distribution of local population have indicated that people of Celtic ancestry develop skin cancer earlier and more frequently than expected. Australia has the highest prevalence of skin cancer in the world. The population is largely descendant from British stock with about ¼ Celtic, i.e. of Irish, Scottish, and Welsh extraction in whom there appears to be a disproportionately high incidence of skin cancer. It has been shown that those persons most commonly afflicted with skin cancer in Australia are those that have fair skin with freckles who do not tan on exposure to the sun but who easily burn and are largely of Celtic extraction. Similar findings have been confirmed in the United States by Dr. Urbach (Philadelphia), E. J. McDonald (Texas) and by Dr. Lane-Brown in Massachusetts.

The following tables abstracted from Dr. F. Urbach's publication entitled "Geographic Pathology of Skin Cancer" (in *The Biologic Effects of Ultraviolet Radiation*, F. Urbach, ed., Pergamon Press, 1969) illustrate apparently the high frequency of skin cancer in patients of Celtic antecedents.

Prevalence of Skin Cancer by Ethnic Origin. Experience of the Skin and Cancer Hospital Tumor Clinic, 325 patients. Expected Percentage Bases on "foreign born" category of 1960 Decennial Census for Greater Philadelphia.

7. *Relationship between latitude and prevalence of cutaneous cancer*. The data assembled by Dr. Harold Dorn of the National Cancer Institute (Public Health Reports 59: 33–68, 65–77, 97–115, 1944) is interesting in this regard. The most northern group included cities of Chicago, Illinois; Detroit, Michigan; and Philadelphia and Pittsburgh, Pennsylvania. The southern-most group includes Atlanta, Georgia; Birmingham, Alabama; New Orleans, Louisiana; and Fort Worth and Dallas, Texas. The middle latitude group included Denver, Colorado and the San Francisco Bay area, California. Skin cancer in both men and women showed a definite relationship between latitude and the incidence; it was much higher in the South than in the North and appears to be related to the spectral character of sunlight and its variation with latitude. It should be realized that the variation of ultraviolet light (wavelengths shorter than 3200 A) with latitude is more than the variation of total sunlight. Dr. Frederick Urbach has published recently (in *The Biologic Effects of Ultraviolet Radiation*, F. Urbach, ed, Pergamon Press, Oxford, 1969) the prevalence ratios of squamous cell carcinoma (sqcc) to basal cell carcinomas by latitude. The following table abstracted from his publication illustrates the relatively greater increase in prevalence of sqcc with decreasing latitude and increasing exposure.

Country of origin	Percent expected	Percent found
Irish	3.45	25.5
Italian	8.3	11.9
German	3.9	9.5
Russian	5.0	7.7
English	4.6	6.9

Note: Prevalence of Skin Cancer by Ethnic Origin. Data of Silverstone (Report of Airlie House Conference of Sunlight and Skin Cancer, National Institute of Health, Bethesda, Md., 1964) analyzed and interpreted by Dr. F. Urbach (in "Biologic Effects of Ultraviolet Radiation," Pergamon Press, Oxford, 1969).

ANCESTRY AND INCIDENCE OF CANCERS

	Percentage with cancers					
	Julia Creek 18°S		Tully 19°S		Caboolture 27°S	
Ancestry	Males	Females	Males	Females	Males	Females
A	32.4	21.9	10.9	6.3	9.3	9.8
B	16.4	10.0	29.5	16.4	12.7	6.5
C	14.9	8.3	24.4	12.8	7.5	4.3
D, E, F, G	0.0	0.0	1.4	1.4	0.0	0.0

NOTES

A=Maternal and paternal ancestry both Scot and Irish.

B=One Scot or Irish, the other Australian, North European.

C=Both Australian, both North European or one of each.

D=One Mediterranean, South American, etc; the other Scot, Irish, Australian, or North European.

E=One Scot, Irish, Australian, North European; the other Asiatic, Aboriginal, or other pigmented type. Also, both Mediterranean or South American.

F=One Mediterranean or Asiatic; the other Asiatic or Aboriginal.

G=Both Aboriginal.

Origin of data	Latitude	Probable exposure	Ratio, SQCC/BCC
Stockholm	59°N	Great	0.21
Sheffield	53.25°N	Small	.07
Bristol	51°30′N	Moderate percent	.17
Plymouth	50°20′N	Moderate	.22
West Cornwell	50°10′N	Great	.30
New York State	44–42′N	Moderate	.21
Philadelphia	40°N	Small	.09
Houston	29°30′S	Great	.55
Perth	32°S	do	.50

The differences in the observed prevalence of skin must also relate primarily to the relative exposure conditions (total exposure or combination of total exposure and duration). In this regard the data of Gordon Silverstone obtained by direct examination of all inhabitants of three small towns in Queensland, Australia, are worth noting (Med. J. Austrl., p. 312, March 2, 1963 and p. 733, Oct. 15, 1966). These investigators collected data on the occurrence of keratoses and skin tumors in persons who have lived in one of three different areas for more than 20 years. Personal characteristics such as ancestry, occupation and spare time activities have been shown to be fairly uniform for the three regions: Cloncurry (Julia Creek, located inland at 18°S); Tully (located on sea coast, latitude 19°S); and, the Brisbane (Caboolture, located on seacoast, latitude 27° south). Examination of the records for the Cloncurry (Julia Creek, 18°S) and the Brisbane (Caboolture) areas, one is amazed to notice that at age 65 years, more than twice the percentage of the population at Cloncurry relative to Brisbane have a history of one or more skin tumors. At age 30–45 years, Cloncurry reports a skin tumor frequency which is more than three times that near Brisbane. Thus, at any age, people of Cloncurry which is near to equator will show at least three times as many tumors per person as Brisbane which is 27°S.

8. *Wavelength Dependence*. The wavelength limit for carcinogenesis by ultraviolet light has been established at about 3200 A. (Blum, H. F. *Ultraviolet Carcinogenesis*, Princeton University Press, Princeton, N.J., 1959). Wavelengths between 2400–3130 A radiation are generally considered to be carcinogenic. The relative effectiveness of 2537 A radiation in inducing tumors of the skin in mice is considered to be less than the wavelength range of 2650 to 3130 A. There has been no deliberate production of ultraviolet-induced carcinoma in human beings. Extensive experimental investigations have examined various aspects of ultraviolet-light induced carcinogenesis, including dermal-epidermal interaction, time-dose relationship, the influence of temperature and other physical modalities, the relative protective roles of melanin pigment and the stratum corneum, and more recently the relationship between sunlight and etiology of malignant melanoma. Correlation of these experimental findings with sun-induced human skin cancers can be only inferential; however, the evidence for a causal relationship of sunburn evoking natural ultraviolet radiation (2900–3200 A) to the prevalence of human squamous cell carcinoma and basal cell epitheliomas is overwhelming.

9. *Sunlight as a factor in the aetiology of malignant melanoma*. The available data on age, sex, complexion, latitude of residence and personal exposure to sunlight as factors in the aetiology of melanoma have been recently collected by Lee and Merrill (Med. J. Australia, Oct. 31, 1970, p. 846). "A solar circulating factor" was proposed by these investigators as the agent responsible for the high incidence of melanomas. The data on the incidence of malignant melanoma of

skin by site per million of population per year was gathered for Denmark (latitude 54–58°), Southwest England (50–52°N), Connecticut (41–62°N), New Zealand (35–46°S) and Queensland (12–29°S). Within the same geographic area, patients with malignant melanoma tend to have a lighter complexion and to spend more time out of doors than controls.

CONCLUSION

It is difficult to categorically deny the validity of the proposition put foward by Dr. McDonald.

Thomas B. Fitzpatrick, M.D.,
Professor, Harvard Medical School, Department of Dermtaology, Chief, Dermatology Service, Massachusett General Hospital

M. A. Pathak, Ph.D.,
Associate in Dermatology and Associate Biologist, Harvard Medical School and Massachusetts General Hospital.

Mr. PROXMIRE. Mr. President, I yield the floor.

THOMAS E. DEWEY: SON OF MICHIGAN

Mr. GRIFFIN. Mr. President, one of Michigan's most eminent sons, a graduate of the University of Michigan who migrated to the State of New York where he fashioned a brilliant career in law and government leadership, is dead. Funeral services are scheduled for Thomas E. Dewey at 4 o'clock this afternoon.

Thomas E. Dewey, crime fighter, Governor of the Nation's then most populous State during some of its most turbulent and challenging years, guiding-light of the Republican Party in lean years, and great patriot, has left many a mark on American history. All Americans are in his debt.

The people of Michigan share in the Nation's deep sense of loss at his passing.

Thomas Edmund Dewey was a third-generation Republican born in Owosso, Mich., 69 years ago this month. He was the son of Publisher-Postmaster George Martin and Annie Thomas Dewey. He was the grandson of a charter member of the Republican Party, whose name was George Dewey.

Incidentally, that charter member of the Republican Party was a third cousin of Adm. George Dewey, the hero of Manila Bay.

Thomas E. Dewey was comfortable in the company of historical figures. He was also comfortable in an environment of hard work. From his early years as a newsboy until his last years, he was a vigorous and careful campaigner, whether he was working against bigtime crime or a political opponent.

During his early teens, young Tom earned enough from a magazine sales agency which he organized in Owosso, and by working on a Michigan farm, to pay his own way through his first year at the University of Michigan. Subsequently, in 1923, he was awarded the bachelor of arts degree at Ann Arbor.

No one who knew Tom Dewey at Ann Arbor could forget his rich baritone voice. During college days, Wolverine Glee Clubs earned wide acclaim under his leadership for 2 years. He won a Michigan State singing contest one year, and finished third in national competition.

When he moved on to New York to study law at Columbia, Tom Dewey helped pay his own way through law school by his singing. For a time he was undecided whether to pursue music or the law as a full-time career.

As a colleague in the law and government, I have long been grateful that Tom Dewey made the choice he did.

While failing himself in two attempts at the Presidency, he was one of the most influential party leaders in bringing the Republican nomination to General Eisenhower in 1952, thereby helping to give this Nation the leadership of one of the outstanding figures of the 20th century.

Mr. President, since Michigan played such an important part in launching the career of this great American, I think the Nation would especially appreciate reading three articles in the March 17 Detroit News, by Washington Bureau Chief Jerry Ter Horst, Staff Writer John Gill, and the Lansing Bureau correspondent, Gary Schuster, on Mr. Dewey's boyhood days in Owosso. I ask unanimous consent that these articles be printed in the Record at the conclusion of these remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Dewey: A Political Saga Ends

(By J. F. Ter Horst)

Washington.—Good losers, like good wine, mellow with age and improve in value. Tom Dewey was that kind of politician.

Like one or two others of his breed. Mr. Dewey had an importance in American public life that extended far beyond his twin defeats for the presidency.

Mr. Dewey, who died yesterday in Miami Beach of an apparent heart attack, was 42 when he ran against Franklin D. Roosevelt in 1944. He was only 46 when he suffered that ignominious defeat in 1948 at the hands of Harry S. Truman.

They hooted and mocked Mr. Dewey that November. He was the butt of nightclub humor and the scapegoat of his party's embittered leaders.

But Mr. Dewey pulled himself out of the political rubble to which he had been consigned and helped engineer the GOP nomination and victory of Gen. Dwight Eisenhower in 1952.

Had Mr. Dewey won the White House in 1944 and 1948, the country might never have had Ike for president.

Nor, if President Nixon's memory is correct, would they have had him in their future.

Just last week, Mr. Nixon told a group of woman reporters that it was Mr. Dewey who first talked to him about becoming Gen. Eisenhower's running mate in 1952. Until that moment, according to Mr. Nixon, he had never given any serious thought to running for national office.

Mr. Dewey shunned the national spotlight after 1948.

After he left the New York governorship in 1953, he went underground.

It took a special kind of self-appraisal to do that after his long years in the public spotlight. He shrugged off innumerable chances for Washington posts as philosophically as he had shrugged off his presidential defeats.

Nor did he seem to care that people thought of him as a pompous son of Michigan who had let New York go to his head, the dapper little man who looked like the doll on the wedding cake.

Eisenhower tried vainly to lure Mr. Dewey into his administration, but he preferred to counsel the former general on the choice of other men for high-ranking assignments.

After Democrat John Kennedy's victory over Mr. Nixon in 1960. Mr. Dewey became one of the GOP elder statesmen who was summoned to keep the party on course during eight years of Republican drought.

He served on the GOP Coordinating Council during the Kennedy-Johnson administrations.

Perhaps smelling disaster in advance, Mr. Dewey kept his distance from Barry Goldwater's campaign in 1964 but was big enough to welcome the defeated Arizonian to a conservative seat on the council the following year.

That was typical of Mr. Dewey.

His friends and associates knew him as a kind man, even a gentle one, who bristled only when he spotted an act of public injustice.

Unlike many other political losers, Tom Dewey somehow retained a liking for newsmen, including those whose papers had been critical of him.

He was available by telephone to those who sought his counsel—although he usually asked that his remarks not be quoted.

"I'm not especially fond of reading about myself in the papers," he used to say.

But the Tom Deweys probably could not survive in many countries other than America.

"When you strike the king, you must kill him," goes the old proverb.

Striking and losing, in other words, is not very healthy in other lands.

Yet Mr. Dewey struck twice at incumbent presidents and lost the game but never his neck.

Perhaps that is a particular virtue of the American system.

After his defeat by FDR in 1940, Republican Wendell L. Wilkie became an unofficial Roosevelt envoy to many countries.

His 1942 book, "One World," was the beginning of international cooperations and heavily influenced the shift of Michigan's Senator Arthur F. Vandenberg from isolation to bipartisan support of Rooseveltian foreign policy.

Despite double defeats by Eisenhower, Democrat Adlai E. Stevenson played a continuing leadership role in his party and then as United Nations ambassador under Kennedy.

Goldwater, mellowed by defeat in 1964, is back in the Senate. So is Mr. Nixon's 1968 victim, Democrat Hubert H. Humphrey.

Octogenarian Alf M. Landon, the 1936 Republican loser and the oldest living nominee of either party, is available for advice to those who seek him out on his Kansas farm.

Interestingly, Landon's political philosophy today is considerably more progressive today than that of many Republicans one-third his age.

Mr. Dewey and Landon chatted last weekend in Washington during the annual Gridiron Club dinner.

Their conversation, interesting, concerned the odds for extending Republican occupancy of the White House beyond a second Nixon term.

[From the Detroit News, Mar. 17, 1971]

Dewey's Body Taken to New York for Funeral

(By John Gill)

The death of Thomas E. Dewey, twice candidate for president, three times governor of New York, crusading prosecutor and skilled politician, removes from the scene one of Michigan's most famous sons of this century.

Mr. Dewey, 68, who was born in Owosso, near Flint, died yesterday of a heart attack in his hotel apartment in Miami Beach.

Mr. Dewey's body was found by a Seaview

Hotel bellboy sent to his room by a friend who had become alarmed when Mr. Dewey failed to return an hour after going upstairs to change clothes for a social engagement.

Mr. Dewey was preparing to leave for Washington to attend St. Patrick's Day festivities at the White House.

Tanned and dapper as ever, Mr. Dewey, who would have been 69 next Wednesday, played 18 holes of golf yesterday morning.

He attended a theater opening last week and was seen Monday at the Miami Heart Institute, although a spokesman there said he was not a patient.

Mr. Dewey's body is being flown to New York, where funeral arrangements will be announced by the Frank E. Campbell Funeral Home.

A spokesman for the Dewey family said Mr. Dewey had talked with President Nixon yesterday.

Mr. Dewey, who as the Republican nominee, lost a campaign for the presidency in 1944 to President Roosevelt and in 1948 a close race to President Truman, had appeared in good health in recent years, except for arthritis.

At the annual Gridiron Club banquet in Washington, last weekend, Mr. Dewey told friends that, except for an infrequent bout with arthritis, "I've never felt better."

At the banquet, he sat near the head table, waved cheerily when introduced as one of the Republican Party's notable "old-timers" and afterward spent time chatting with political and newspaper friends.

At the White House last night, Mr. Dewey was to have been a guest at a party honoring visiting Irish Prime Minister Jack Lynch and celebrating both Mrs. Nixon's 59th birthday and the engagement of Tricia Nixon to Edward Finch Cox, of New York.

To the end, Mr. Dewey had kept the good looks that Mrs. Alice Roosevelt Longworth once said resembled "the man on top of the wedding cake." His small mustache was a trademark.

Born March 24, 1902, Mr. Dewey was the son of a weekly newspaper publisher who was a distant relative of Adm. George Dewey, the hero of the Battle of Manila Bay in the Spanish-American War.

His ancestry was chiefly French (Huguenot), English and Irish. On his paternal side, he was descended from English and French stock of pre-Revolutionary Days.

His earliest American ancester, Thomas Dewey, settled in Massachusetts in 1634.

His maternal grandmother was born in County Cork, Ireland.

In Owosso, Mr. Dewey's boyhood business experience was varied and intense. At 11, he started a newspaper route and, at 13, he took charge of a citywide magazine agency, employing several older boys to help him.

During World War I, he became a member of the high school boys' work reserve and labored one summer for $30 a month on a farm. He also did after-school chores around his father's Owosso newspaper office.

Though too light for football—as an adult he was 5 feet 8½ and weighed around 165—he nevertheless went out for the high school team.

A former teacher once said of him:

"He was so small he always was getting hurt but he always was in there trying."

Mr. Dewey grew up in Owosso in a house at 421 Oliver West and a smaller one adjoining it; he was born in the apartment over his grandfather Thomas' general store.

Childhood friends said he was more interested in work than play and was even expected of doing his daily two hours of piano practice willingly.

At school in Owosso, he was remembered for his perfect attendance record. He entered the Central School when he was four and spent 13 years of grade and high school there.

In all 13 years, he never was marked absent or tardy.

On one occasion, he was offered a long trip for breaking a record for getting subscriptions to a national magazine. He declined the invitation because he did not want to spoil his record by absenting himself from school.

He was a singer, choir soloist and bass horn player in high school.

He played a character part in one of the University of Michigan's famed Union Operas while a student there and toured the principal cities of the Midwest in 1921, his sophomore year at the U. of M., in "Top 'O the Morin'," an Irish musical comedy.

He led the college glee club for two years and won the state singing contest one year, then placed third in national competition.

He graduated from the U. of M. in 1923.

Mr. Dewey was encouraged to go to New York to study voice, which he did at the famous singing school of Passy Ressor Stephens while studying law at Columbia University.

For a time, he was undecided whether to follow a singing or a law career but Stephens decided for him. He told the young Dewey that he sang "to intelligently" and therefore probably would never be outstanding in the operatic world.

While he did not find a career in music, he did find a wife as a result of his study with Stephens. She was Frances Eleen Hutt, of Sapulpa, Okla. They had two sons, Thomas Edmund Jr. and John Martin, who survive.

Miss Huit and Mr. Dewey met in Chicago in 1933 where Stephens conducted a summer music course. Mr. Dewey, winner of a musical scholarship, was spending the summer as a law clerk in the Chicago office of a relative.

They were married June 16, 1938, in the chapel of New York's St. Thomas Episcopal Church and set up housekeeping in a walkup apartment.

Mrs. Dewey died last July 19 of cancer.

A spectacular record as a racket buster—first as a federal prosecutor and later as Manhattan's district attorney, brought Mr. Dewey into national prominence.

From district attorney, he went to the governorship of New York for three terms. He was the front-runner for the Republican nomination for president in 1940 but lost in the GOP convention to Wendell Willkie. He won the nomination in 1944 and 1948 but lost the elections.

Upon his second defeat for the presidency—a surprising upset by Harry S. Truman—he immediately disavowed further ambitions for that office.

In his first major speech after the 1948 election, he said:

"I have been graduated at a comparatively early age to the role of elder statesman, which someone aptly defined as a politician who is no longer a candidate for office."

In the 1948 election he was a heavy favorite to defeat Mr. Truman. Most public opinion polls pointed to a landslide victory for him. The general talk was that the Democratic Party was broken and disintegrating.

But Mr. Truman, who had succeeded to the presidency when President Roosevelt died in 1945, got more votes—both popular and electoral—than Mr. Dewey.

Mr. Dewey attributed the result to the loss of the Midwest farm vote and to Republican overconfidence. There were some who thought that Mr. Dewey's campaign itself reflected that over-confidence and that he should have hit harder in his speeches.

Mr. Dewey continued to be active in the Republican Party. He commented on issues of the day, his advice was sought by party leaders over the years, and, in 1950, he won his third term, as New York's governor.

Mr. Dewey was engaged in private practice with a New York law firm in 1939 when he became associated with George L. Medalie an attorney in a civil suit. Mr. Dewey impressed Medalie.

Early in 1931, Medalie was appointed U.S. attorney for the southern district of New York and he selected Mr. Dewey as his chief assistant to head a staff of 52 assistant prosecutors.

Mr. Dewey, who had never even tried a criminal case up to that time, was then 29.

For 2½ years, Mr. Dewey was active in helping prosecute racketeers through the new device of income tax evasion charges.

He successfully prosecuted Irving Wexler, alias Waxey Gordon, a powerful Brooklyn beer runner who got a 10-year sentence on an income tax charge.

In 1935, a New York County grand jury investigating rackets asked Gov. Herbert Lehman to appoint a special rackets prosecutor. Mr. Dewey got the job.

He was in his early 30's when he began to gain fame for smashing rackets in this new position. When he started out underworld leaders dubbed him "Boy Scout" because of his youth. They changed their tune when he began sending important figures to jail.

As a hard-biting special prosecutor, he obtained convictions of 72 of 73 defendants brought to trial, shattering a powerful web of racketeering.

He broke up organized prostitution during this time in New York City with the conviction of Charles (Lucky) Luciano, overlord of vice and narcotics, who was given a prison sentence of 30 to 50 years.

In 1937, Mr. Dewey was elected district attorney of New York County and continued his vigorous drive on rackets. His name and "racket buster" became synonymous and he was credited with breaking the strangehold of organized crime in America's biggest city.

He prosecuted James J. Hines, powerful Tammany Hall leader accused of protecting racketeers.

He also prosecuted Fritz Kuhn, leader of the German-American Bund, who was convicted of forgery and theft of funds from the bund's treasury.

Mr. Dewey obtained grand larceny indictments against Richard Whitney, stock broker and former president of the New York Stock Exchange. Whitney pleaded guilty to both indictments.

During his three terms as New York's governor, Mr. Dewey reduced its bonded debt and got legislation barring racial and religious discrimination in employment and admittance to colleges. He also got a ban on strikes by public employees and set up a $200 million state university system.

Mr. Dewey returned to private law practice in New York when he left the governor's mansion in 1953.

Afterwards, he spoke at state GOP meetings and in 1965 was hired by the state to argue legislative reapportionment cases before the U.S. Supreme Court. Otherwise, he remained an elder statesman.

He believed the United States should involve itself in world affairs. He said:

"We Americans are completely agreed upon one proposition—we do not intend to have a third world war. We know we cannot make good that resolve by any effort to withdraw or isolate ourselves from the rest of the world.

"We must not again sit on the sidelines as mere observers or commentators while future kaisers and fuehrers and war lords grow stronger and perfect their plans for aggression."

OWOSSO RECALLS DEWEY

(By Gary F. Schuster)

Owosso.—When Thomas Edmund Dewey graduated from Owosso High School in 1919, his 58 classmates knew he would be a statesman some day.

Alongside his senior picture in the red paperback yearbook, Spic—of which Dewey was editor—there is this class prophecy:

"First in the council hall to steer the state; and ever foremost in a tongue debate."

Dewey was born March 24, 1902, in his mother's family home on Owosso's main street, on the banks of the Shiawassee River. The building is now used as a furniture store.

His father, George M. Dewey, moved the family to a large, white frame home where Dewey spent his grade school and high school years. He was an only child.

"Tom was a very ambitious fellow," recalls George W. Campbell, a school chum.

"After we graduated from high school, he went to the university of Michigan and then to Columbia University in New York where he received his law degree in 1925."

There is only one relative of Dewey's still living in Owosso—his cousin, Mrs. Sherman Welch.

"Tom and I grew up together," she said. "We were like brother and sister. We had lots of fun. We continued to write and call through the years and drop in on each other occasionally.

"Tom was greatly interested in music when we were in high school. He was in the school band and song club besides being a top debater and student. And even sang the wedding march at my wedding.

"He came back many times and we would go out and drive around the town to see the changes. Owosso always meant a great deal to him. He was a fine man and friend."

His father was a weekly newspaper publisher who later became Owosso's postmaster.

Mrs. Margaret Cook, who dated Dewey in high school and at the University of Michigan, remembers him as a bright student who studied hard, but also knew how to have a good time.

"We went to dances and got together with friends when he was home weekends from college," she said. "The last time I had contact with him was a couple of years ago when he sent me a letter apologizing for not being able to attend our 50th class reunion here in Owosso."

AUTHORIZATION FOR SUBMISSION OF REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be permitted to submit reports during the adjournment of the Senate until 10 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL JURY REFORM

Mr. GRIFFIN. Mr. President, last Tuesday, March 16, 1971, the Judicial Conference of the United States voted to reduce the numbers of jurors required for the trials of civil suits in Federal district courts. Details for implementation of the decision are still to be worked out.

I applaud this action which was spearheaded by Chief Justice Warren E. Burger. While many have been talking about court reform, the Chief Justice has been moving in a commendable way to do something about it.

It is reported that by reducing Federal juries from 12 to six, the Government could save about $4 million each year. In addition, civil trials would be speeded up, thus easing the congestion in most Federal districts.

The New York Times reported on Wednesday that at present three States—Utah, Virginia, and Florida—regularly use juries of less than 12 members.

I would like to draw attention to Michigan Compiled Laws section 600.1352 which states:

> In civil cases trial shall be by a jury of 6.

Since 1968, Michigan courts have not only employed six-man juries in civil cases, but have also received verdicts upon agreement of five of the six jurors.

Mr. President, the proper goal of our judicial system is justice, not speed. Nonetheless, I am aware of no principle stating that justice is incompatible with efficiency. In fact, I would suggest that just the opposite is true. Clogged dockets and interminable trials discourage potential litigants from turning to the courts to settle disputes.

The Chief Justice and the Judicial Conference are to be commended for taking this positive step toward court reform.

I ask unanimous consent that an article entitled "U.S. Judges Move to Cut Jury Size for Civil Trials," written by Fred P. Graham, which appeared in the March 17, 1971, edition of the New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Judges Move To Cut Jury Size for Civil Trials

(By Fred P. Graham)

Washington, March 16.—The Judicial Conference of the United States has voted to reduce the size of juries in Federal civil trials below the traditional number of 12.

In a brief announcement released at the Supreme Court today, Chief Justice Warren E. Burger, chairman of the Judicial Conference, disclosed that the decision had been made "in principle" and that the details would be worked out later.

Mr. Burger is a strong advocate of making such changes through the Supreme Court's power to issue rules of procedure, but the Judicial Conference is apparently considering other possibilities, which would include asking Congress to make the change.

No size for future juries was announced, but six-man juries have been tried in a few Federal district courts in recent months, and it is considered likely that six-man juries will become standard in Federal civil trials.

WILL REDUCE EXPENSE

The 25-member Judicial Conference is the administrative and policy-making arm of the Federal judiciary. It is composed of the Chief Justice, the chief judge of each Circuit Court of Appeals, one district judge from each circuit, and the chief judges of the Court of Claims and the Court of Customs and Patent Appeals.

The action announced today, which is expected to reduce the annual expense of paying jurors by about $4-million and to make jury trials speedier and less cumbersome, is one of several judicial reform ideas that have been suggested lately by Mr. Burger.

Federal criminal juries are not covered by the action and will continue, at least for the present, to contain 12 members. However, there reportedly have been discussions within the Federal judiciary about reducing the size of criminal juries if the current change proves a success.

The change is also expected to touch off a trend toward smaller juries in state trials, although today's action does not affect them directly.

At present, three states regularly use juries of less than 12 members: Utah, eight members; Virginia, five or seven, and Florida, six. In 37 other states, juries of less than 12 members can be used, but they rarely are because of lawyers' and judges' habit of thinking of juries in terms of 12 members.

Neither the Constitution nor the statutes of the United States say how many members a jury should have, but under the common law inherited from England, the number 12 was prescribed. The historic reasons for this figure are misty, but some legal historians think the idea stemmed from the 12 Apostles of Christ. In 1970 the Supreme Court held, in Williams v. Florida, that 12-member juries were not required by the Constitution's guarantees of a trial by jury.

According to the announcement today, two committees of the Judicial Conference now will consider "the best means of effectuating the recommendations for reduction in the size of civil juries."

In any event, Congress may be asked to change the statute that now gives each party in a civil suit three peremptory challenges—that is, the right to dismiss three prospective jurors without giving a reason. Some lawyers feel that this will be too many if the number of jurors is to be reduced.

The Supreme Court now has on its docket a case raising the question of whether or not juries' decisions must be unanimous. If it is decided that verdicts may be made by less than unanimous votes, the Judicial Conference is expected to consider incorporating such a change into the Federal system.

MORE CIRCUITS POSSIBLE

In recent months the Federal district courts for Minnesota, New Mexico, Southern Illinois, Southern Florida and Indiana have reduced the size of civil juries to six members. This was accomplished by orders issued by the district judges.

Chief Justice Burger also announced that during the two-day Judicial Conference meeting that ended today, the judges approved a bill to be recommended to Congress for the creation of a 12-member commission to "reexamine the structure of the 11 judicial circuits of the United States."

ORDER FOR RECESS FROM TUESDAY NEXT UNTIL 10 A.M. ON WEDNESDAY, MARCH 24, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in recess until 10 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Of course, this order is subject to change on Tuesday.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Eagleton). The Chair, on behalf of the Vice President, pursuant to Public Law 80–816 appoints the Senator from South Carolina (Mr. Hollings), the Senator from Florida (Mr. Chiles), and the Senator from Delaware (Mr. Boggs) to the Board of Visitors, U.S. Naval Academy.

The Chair also announces the appointment, by the chairman of the Committee on Armed Services, of the Senator from Ohio (Mr. Saxbe) to be a member of the same Board.

The Chair, on behalf of the Vice President, pursuant to Public Law 86–42 appoints the following Senators to attend the Interparliamentary Union meeting to be held at Caracas, Venezuela, from April 8 to 18, 1971:

Messrs. WILLIAMS, HARTKE, METCALF, HOLLINGS, SCOTT, JORDAN of Idaho, and MILLER.

PROGRAM FOR TUESDAY AND WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, if the able minority whip has nothing further at this time, I shall proceed to state the program for Tuesday next.

Mr. President, the Senate will convene at 10 o'clock a.m. on Tuesday next, following an adjournment.

Immediately following the recognition of the two leaders under the standing order—and the transaction of any unobjected to business on the calendar—the distinguished Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes, following which the distinguished Senator from Connecticut (Mr. WEICKER) will be recognized for not to exceed 15 minutes, following which there will be not to exceed 30 minutes for a colloquy on the subject of American prisoners of war, the time to be under the control of the Senator from Kansas (Mr. DOLE), the Senator from Tennessee (Mr. BROCK), and the Senator from Indiana (Mr. BAYH), following which there will be a colloquy on the subject of U.S.-Middle East relations, the colloquy not to exceed 1 hour, and to be under the control of the Senator from New York (Mr. JAVITS) and the Senator from Washington (Mr. JACKSON).

Following the colloquy conducted by Senators JACKSON and JAVITS, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 12:30 p.m.

At the conclusion of morning business—at 12:30 p.m.—the unfinished business, which is the continuing resolution, will be automatically laid before the Senate.

Just for the purpose of repeating what has been agreed to with respect to action on the continuing resolution on Tuesday next, at 12:30 p.m., time will begin running and will be under the control of the distinguished majority leader and the minority leader, or their designees. Time on any amendment will be limited to 1 hour, to be equally divided between the distinguished chairman of the Appropriations Committee, Mr. ELLENDER, and the mover of the amendment; and should the chairman of the Appropriations Committee, Mr. ELLENDER, support such amendment, time in opposition to the amendment will be under the control of the minority leader or his designee. There may be rollcall votes on Tuesday.

In accordance with the agreement, there will be a vote on the amendment dealing with the SST, if amended as amended, at 4 p.m. on Wednesday next. This will be a rollcall vote. It has also been agreed that there will be a rollcall vote, and the yeas and nays have already been ordered, on final passage of the continuing resolution, at 4:30 p.m. on Wednesday next. So Senators are on notice that there will be at least two yea-and-nay rollcall votes on Wednesday next, with the possibility of rollcalls on Tuesday, and a possibility of additional rollcalls on Wednesday beyond those which have been referred to.

LEGISLATIVE PROGRAM CONTINUED

Mr. BYRD of West Virginia. Mr. President, continuing with the program, permit me to say that the calendar is clean. There is nothing on the calendar other than the pending business which is before the Senate. I think this speaks well for the Senate. It speaks well for Senators, in that they have progressed so expeditiously in taking action on all measures that have been placed on the calendar to date.

It is hoped—and I know I speak for the distinguished majority leader and, for that matter, for the leadership on the other side, since the minority whip is here and has indicated he concurs—that all committees will work during the adjournment over to Tuesday to complete action on bills and resolutions, so that they may be placed on the calendar and action may be taken thereon by the Senate at an early date.

ADJOURNMENT UNTIL 10 A.M. ON TUESDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. on Tuesday next.

The motion was agreed to; and (at 1 o'clock and 47 minutes p.m.) the Senate adjourned until Tuesday, March 23, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 19, 1971:

DEPARTMENT OF LABOR

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor, effective in accordance with the provisions of law; new position.

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor, vice Robert D. Moran.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The following-named persons to be members of the Occupational Safety and Health Review Commission for the terms indicated, effective in accordance with the provisions of law; new positions.

Alan F. Burch, of Maryland, for a term of 2 years.

James F. Van Namee, of Pennsylvania, for a term of 4 years.

Robert D. Moran, of Massachusetts, for a term of 6 years.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 17 (under authority of the order of March 16), 1971:

Chester L. Mize, of Kansas, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974, to which office he was appointed during the last recess of the Senate, which was sent to the Senate on January 28, 1971.

EXTENSIONS OF REMARKS

AFL-CIO REVIEWS CHALLENGE OF SOLID WASTE DISPOSAL—OFFERS VALID RECOMMENDATIONS FOR POSITIVE ACTION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 19, 1971

Mr. RANDOLPH. Mr. President, the collection and disposal or reuse of increasing quantities of solid wastes are among the most pressing environmental problems facing the United States today.

It was my responsibility to serve as the chairman of the joint Senate-House conference on the vitally important Resource Recovery Act of 1970. I know of the commitment of the Members of the Congress in accelerating our efforts to cope with the menace of solid waste materials. I believe the administration to be fully committed to this gigantic undertaking.

As our population and our affluence grow, so do the strains on our capacity to process the mountains of solid wastes that threaten the health and liveability of our communities.

Congress has approached this problem directly in recent years with legislation to facilitate the development of new disposal and recycling technology and to aid public agencies in providing the necessary facilities. We are making progress, but a substantial challenge remains.

Mr. President, the executive council of the American Federation of Labor and Congress of Industrial Organizations recently adopted an enlightened statement containing a concise appraisal of this challenge and valid recommendations for dealing with it.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON SOLID WASTE DISPOSAL

BAL HARBOUR, FLA.,
February 18, 1971.

This Nation is beginning at last to take some affirmative steps toward abatement of air and water pollution, but it lags far behind in dealing with solid wastes—the vast and uncontrolled debris of industrial expansion and population growth.

Solid wastes are not merely local dilemmas.

They constitute a most serious national environmental problem. They contribute substantially to air and water pollution, complicate land use, endanger public health, spread esthetic blight, and squander the diminishing stockpiles of natural resources.

The sheer dimensions of the problem are tremendous:

A total of about 4.3 billion tons of solid wastes are produced each year—mainly from mining operations, construction and agriculture.

350 million tons come annually from municipal and industrial sources, of which 70% are disposed by localities or private contractors, the remainder at industrial sites. More than 30 million tons of paper, 30 billion glass bottles of all types and 60 billion cans of all types are included in the proliferation of solid waste materials.

A particularly knotty sector of the solid waste front is the mushrooming packaging industry which accounts for about 50 million tons of wastes per year from residential, commercial and industrial sources. Only 10% of this tonnage, however, is re-used or recycled, to be returned to the industrial process adding to the costs of disposal systems, air and water pollution, and to the waste of natural resources.

America's annual bill for handling solid wastes is $4.5 billion, but 94% of all land waste disposal facilities and 75% of all incinerators are inadequate, and there is no regular collection of wastes from 12% of all households. To provide and operate adequate disposal facilities would increase present costs by 20% excluding allowances for population growth, increasing per capita generation of solid wastes and rising investment and operating costs.

The typical locality keeps little or no data on either the quality or makeup of its refuse, and what private industry does in this respect is little known.

Without long range planning, cities all over the nation, particularly the larger metropolitan complexes, will exhaust available disposal sites.

The Solid Waste Disposal Act of 1965 placed the federal government in the picture for the first time with a modest research and development program, including federal grants to the states, to develop new or improved disposal methods.

Enactment of the Resource Recovery Act of 1970 now enables the federal government to institute programs to deal with separation, re-cycling and re-use of solid wastes, and to provide demonstration, construction and application grants for states and localities.

Under this Act, the federal Bureau of Solid Waste Management, now shifted from the Department of HEW to the Environmental Protection Agency, is also authorized to issue guidelines, governing all federal solid waste activity, and to conduct a national study to find suitable sites for federal storage of toxic materials which could endanger the public health.

The Act sets up a seven-member commission, appointed by the President, to undertake a national materials policy study, to consider the effect of its recommendations on conservation of natural resources and protection of the environment. Appropriations aggregating $460 million for a three-year program, ending with fiscal year 1973, were authorized to operate the Act.

America stands now at the beginning of a national attack on solid waste. A long difficult road lies ahead, before America no longer need fear the danger of being engulfed by this debris.

The AFL–CIO believes that:

1. We endorse the program set forth in the Resources Recovery Act of 1970 as the promising beginning of a concerted effort to deal with solid wastes, and we will actively support its full funding.

2. We urge the President to appoint a representative of organized labor as a member of the National Commission on Materials Policy, since this Commission's conclusions and recommendations could exert pervasive influence on the course of raw material technology and future employment patterns.

3. Solution of the solid waste problem depends on development of a broad and systematic program, rather than a fragmented approach like the so-called "ban the can" or "ban the bottle" campaigns, which are self-defeating.

Key to achievement of the over-all goal is the rapid development of technologies that result in efficient, economical methods of collection, separation, re-cycling and re-use of solid wastes. Evidence that these methods can be achieved in the near future is particularly heartening. This will make it more feasible to achieve the national goals embodied in getting the solid waste disposal job done. At the same time, there should be full consideration and protection of the human values involved—including the jobs and livelihoods of workers in the private sector of the economy, and the effects of changing solid waste management technologies on workers employed in the disposal field.

Fragmented and expedient proposals that deal merely with the smaller and more visible aspects of the total problem will not only fail to achieve their stated aims, but they will accomplish more in depriving workers of jobs than in lessening the burdens of solid waste. Such self-defeating schemes do not deserve public support and will be vigorously opposed by all elements of organized labor.

Organized labor supports organizationally and financially the construction efforts of the National Center for Solid Waste Disposal Inc., for the re-cycling and reuse of solid wastes.

4. Strengthening amendments to the Resource Recovery Act of 1970 should be adopted in order to:

a. Require private industry and public agencies receiving federal operating grants for disposal facilities, to record and report to the federal government the kinds, quantities, and disposal methods used.

b. Require that all solid wastes containing toxic materials be specifically reported to the federal government which would be authorized to issue regulations governing their collection, handling, and shipment to federal disposal sites.

c. Provide that federal grants to states and municipalities for planning or operation of disposal facilities be conditioned on regional design and operation to lower costs, improve efficiency, and reduce site acquisition problems.

5. We urge all members of organized labor to effectively step up their efforts to help stop pollution and to place high on their list the increasingly dangerous threat from solid wastes.

Containers do not litter; people litter. We support practical programs for eliminating litter of all kinds. A good start is to engage in campaigns to clean up litter. While we engage in these kinds of campaigns, like the Union Label Department's drive to promote the use of litter bags in cars, we will not lose sight of the fact that the long-term, absolutely essential solutions to the grave problems of solid waste lie in technological development of re-cycling and reuse.

Solid wastes constitute a serious problem which will continue to become worse without the total commitment of all Americans to attack it unremittingly on all fronts. We of organized labor must and shall assume our full share of this responsibility.

NORTH CAROLINA DEAF STUDENTS SEE CIRCUS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MIZELL. Mr. Speaker, at this time I would like to call my colleagues' attention to an event that took place last month in Winston-Salem, N.C., a part of the Fifth Congressional District which I represent.

It is the kind of event that rarely makes headlines, although it was well covered by news media on this occasion, and it is also the kind of event that represents a welcome change from most of the news fare we see every day.

It is a heartwarming story that I believe will be of interest and of benefit to every Member of this body. Television station WSJS in Winston-Salem made arrangements last month with the Ringling Brothers-Barnum and Bailey Circus to provide, free of charge, tickets to see "The Greatest Show on Earth" for 620 students at the North Carolina School for the Deaf.

An article appearing in the Morganton, N.C., News Herald tells the whole story of this adventure, and at this time I insert the text of this article in the Record for the benefit of my colleagues.

At the same time, I include in the Record a sampling of the letters written by the students to Mr. Tom Findley, promotion director at WSJS–TV, who arranged the trip. The letters speak for themselves:

[From the Morganton (N.C.) News Herald, Feb. 11, 1971]

IT'S CIRCUS DAY FOR ENTIRE DEAF SCHOOL STUDENT BODY

(By Edna Mae Herman)

The faculty and staff of the North Carolina School for the Deaf are undertaking a monumental task this afternoon . . . moving the entire student body of the school to Greensboro to see a performance of the Ringling Brothers-Barnum and Bailey Circus at the Greensboro Coliseum.

This means chaperoning a trip involving 620 students between four-and-one-half and 20 years of age.

The NCSD students and their 80 chaperones will be special guests at the 4 p.m. matinee performance of the circus today.

They will travel to Greensboro on 17 chartered buses provided by the circus.

The big event is being made possible through a cooperative effort of the circus and WSJS–TV in Winston-Salem.

The trip was instigated by WSJS–TV which has a special interest in the deaf and has a daily morning program of current events and special interest features for the deaf, with Miss Nancy Ashley serving as interpreter.

WSJS officials made arrangements with the circus to provide free tickets and transportation for the NCSD students.

The television station is planning to film the children's visit to the circus for future showing.

There will be deaf interpreters to help explain to the children what is going on under the Big Top.

For many of the children it will be their first circus performance and they are eagerly looking forward to the experience.

The long caravan of buses left NCSD at 1:30 this afternoon with a happy group of students and chaperones.

Peter Ripley, dean of students at NCSD, who has been coordinating arrangements from the school, has been a very busy man. Taking 620 young people on a trip involving several hours and to such a large place as the Coliseum involves a multitude of details.

Going to the circus just wouldn't be complete without popcorn and hotdogs and other goodies to eat, so Ripley has made arrangements with the concession stands at the coliseum to be ready to provide 1,000 each of hotdogs, popcorn, soft drinks, and ice cream.

N.C.S.D.,
Morganton, N.C., February 11, 1971.

DEAR MR. FINDLEY: Thank you very much. I went to circus yesterday. It was fun and we were happy. It was wonderful and beautiful.

I also enjoyed the hot dog and soda.

We too, must work carefully,

Truly yours

FLOYD MCLAMB.

February 11, 1971.

DEAR MR. FINDLEY: Yesterday was the first time I had ever been to a circus. I had a wonderful time and I'll never forget it.

Thank you again for the wonderful trip that you made possible. It was a great day.

Your friend,

CATHY CECIL.

DEAR MR. FINDLEY: Thank you for inviting us to the circus yesterday.

We enjoyed the bus trip, the performance and the food.

It will be a day to remember for as long as we live.

We are truly grateful for thoughtful friends like you.

Very truly yours,

EMMA LEE CUMMINGS.

Feb. 11, 1971.

DEAR SIR: Thank you so much for inviting all of us to the circus yesterday. I surely enjoyed seeing the acts and beautiful colored costumes. I was really impressed. We appreciated it so much that you invited us to go. I will recall it with much pleasure as long as I live.

Yours truly,

TONDA GILMORE.

N.C.S.D.,
Morganton, N.C., February 11, 1971.

DEAR MR. FINDLEY: How are you! I am fine. I am in the 3rd grade.

My name is Arnold Roos.

I saw Mrs. Nancy Ashley stand up and sing.

I saw her on WSJS–TV.

Thank you for the circus. We enjoyed it very much.

Trina Long lost her ring in the bathroom. She forgot it.

Love,

ARNOLD.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ECONOMIC POLICIES OF THE ADMINISTRATION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 19, 1971

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of March 18 included an excellent and informative editorial on the economic policies of the Nixon administration.

The editorial emphasizes that the primary problem of the economy now, as Dr. Arthur Burns, Chairman of the Federal Reserve Board, has stressed, is business and consumer confidence. I concur in that view.

I join the Wall Street Journal and Dr. Burns in believing that the best way to increase that confidence emphatically is not to set off a fresh wave of inflation. As Dr. Burns himself has said, a lack of caution in monetary policy could release a new wave of inflationary forces.

I ask unanimous consent that the editorial, entitled "The Impatience With Gradualism," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE IMPATIENCE WITH GRADUALISM

When the Nixon administration came to office, a key element of its domestic economic policy was gradualism. While this was a considerable improvement on the policies of its predecessors, administration officials for some time have been getting increasingly impatient with it.

In the past the usual method for dealing with inflation, when it was dealt with at all, was to apply sudden and massive financial restraint. This steemed the inflation, all right, but usually at the cost of a sharp drop in economic activity and a large rise in unemployment.

On the other hand, when policymakers decided the economy needed stimulation, such action also was usually sizable and abrupt. Since the early results often were rather intoxicating, the stimulation was continued until the economy reached another inflationary crisis.

The Nixon administration inherited that sort of crisis, and it decided that it wanted to escape the old stop-go pattern of the past. It sought to check inflation gradually, and thus to minimize the resulting impact on economic activity and employment.

The translation of policy into action was not always smooth, but in a way that only helped to prove the wisdom of gradualism. As long as the instruments of economic policy are imperfectly understood, the policymakers had better handle them cautiously.

Nonetheless the inflationary pressures did begin to subside, and by historical standards the rise in unemployment was unusually small. But before much progress was evident to the public, along came last fall's elections and numerous defeats for Republicans.

One reason that economic success led to political failure was that the administration oversold the country, and apparently itself, on the probable results of gradualism. An audience that expects to see an elephant emerge from the magician's hat isn't going to cheer a rabbit.

Now the administration is pointing toward another election, in November 1972. And although in theory it is still committed to gradualism, in practice it appears to be moving away from it. By its own tradition its budget is "expansionary," and Congress and coming events quite probably will make it even more so. Administration officials are also doing all they can to press the Federal Reserve System into a much more expansionary monetary policy.

Fortunately, Reserve Board Chairman Arthur Burns so far is resisting such pressure. In testimony before the Senate Banking Committee the other day, Mr. Burns said that "caution in the monetary sphere is required lest a fresh wave of inflationary forces be released" with incalculable damage to the international economic system.

If confidence is to be strengthened at home and abroad, the chairman continued, "the proper course for monetary policy in the months ahead is to continue on the narrow road that we have been traveling—namely to provide adequate funds but guard against excessive rates of expansion in supplies of money and credit."

In view of Mr. Burns' position, it is a little strange to hear Treasury Secretary John Connally say that, while the chairman is "committed to trying to solve the problems of the economy, I don't know . . . that he's committed to reaching" the administration's goal of a $1,065 billion gross national product in 1971.

Of course the Federal Reserve is not committed to any precise GNP target. The primary problem of the economy now, as Mr. Burns has stressed repeatedly, is business and consumer confidence. And the best way to increase that confidence emphatically is not to set off a fresh wave of inflation.

It is instead to return the economy to reasonable stability, so that businessmen and consumers can both plan for the future with increased assurance. The government can best encourage that stability by moving carefully and cautiously in the realm of economic policy.

The administration, along with its critics in and out of Congress, seems to be giving up on gradualism. Fortunately for the country, the idea is still popular at the Federal Reserve.

LEGALIZING ABORTIONS IS SICKENING AND SADDENING

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HOGAN. Mr. Speaker, State legislatures throughout this country have been caught up in heated controversy over the introduction of legislation designed to legalize abortion. The issue has been muddled with emotionalism, inaccurate statistics, clashes between standards of morality, and varying religious philosophies. One aspect of the argument, however, strikes me as being remarkably lucid—that it cannot be right, nor should it be legal to end one human life for the personal convenience of another human being.

In the Chicago Tribune of February 7, 1971, Joan Beck, the Child-Care editor, devoted her column to an analysis of the serious consequences involved in the legalization of abortion. Since I found this article to be an objective and lucid approach to the issue, I request that it be printed in the CONGRESSIONAL RECORD at this point:

LEGALIZING ABORTIONS IS SICKENING AND SADDENING

All the seminars and conferences I've attended, all the arguments I've considered, all the books, pamphlets, medical journals, theological treaties and particularly the studies on fetology I've read lead me to the inescapable conclusion that it can't be right to end one human life for the convenience of another human being.

This is not a popular conclusion today. It is not considered "liberal" or in tune with women's liberation ideas or "civil rights'" or the new morality or situation ethics. It seems to me, however, to be inescapable.

The abortion controversy is so fogged by emotionally loaded words, by tragic case histories, by inaccurate statistics, by conflicting standards of sexual morality, by religious attitudes and by deeply ingrained personal feelings that it is difficult to think objectively about it. [Abortion proponents, for example, talk about abortion as "medical treatment of a problem pregnancy" by removing "a bit of tissue." Opponents use "killing" and "murder" and vivid descriptions of tiny mutilated bodies.]

But cutting thru the emotional fog, I cannot help but reach these conclusions:

1. An unborn baby has an identity of his own, separate from his mother's. Medically, he is distinctly an individual in his own right. *The genetic component of his cells is different from that of his mother.* His body reacts differently to certain drugs and viruses than does hers.

Medical books and journals concerned with pregnancy and childbirth frequently remind physicians that they are dealing with not one patient, but two. New medical specialists, the fetologists, are growing in number and developing a whole new science of treating the unborn. Intrauterine blood transfusions are now almost routine when needed. Drug treatment, surgery and even the correction of genetic diseases before birth are considered seriously as possibilities for the future.

It must take a medical schiozophrenic to consider one unborn baby in this light—and to abort another, for the convenience of an adult. There are increasing reports from states like New York where abortion is legal that many nurses and doctors are finding this an unbearable contradiction.

2. Legally, an unborn baby is also considered to be a distinct person. He can inherit property. He is entitled to seek redress for injury. His father can be compelled to contribute to his support. His mother cannot be executed for a capital crime lest he also die. The courts have even held that an unborn baby must be given intrauterine blood transfusions despite his mother's objection on religious grounds because the unborn baby's right to treatment supercedes his mother's religious rights.

So how can an unborn child be deprived of life without due process? And why don't civil rights advocates defend his right to live?

3. Improved life support systems for premature babies, induced labor and Caesarean section all tend to blur the time of birth itself as the beginning of life and the distinction between the unborn and the born. If birth is not the beginning of life, but just a part of a continuum of life, when does life itself start?

There is no magic moment of "quickening" when an unborn baby suddenly becomes alive. "Quickening" merely means that a prospective mother becomes aware of the unborn childs' activity.

An unborn infant moves, turns, kicks, somersaults, swallows, swims, makes a fist, may even suck his thumb long before "quickening." All of his organs and features are well formed, even to fingernails, eyelids and buds for his permanent teeth before his mother can feel him moving. He is also definitely human and distinctly individual, even to some family facial resemblance.

Paul Ramsey, professor of Christian ethics at Princeton University, has suggested that if the fertilization is not the beginning of life, the only other logically supportable milestones would be the time of implantation of the fertilized ovum in the lining of the uterus, or the time [at about the end of eight weeks] when the embryo has finished the formation of organs and medically becomes known as a fetus.

4. Illegal abortion is undoubtedly dangerous and degrading, but there is no good statistical evidence that it occurs in the United States anywhere near the million-a-year frequency claimed by abortion proponents.

More to the point, there is considerable evidence that legalizing abortion does not end illegal abortion. In Japan, for example, where abortion is legal and widely accepted, there were more than 250,000 illegal operations in 1969. Liberalizing abortion laws in Sweden did not reduce criminal abortions, and the experience has been similar in several countries in eastern Europe.

5. When abortion is legalized, it tends to become used increasingly as a method of birth control. Repeated abortions are common.

There is, of course, an urgent need to halt the spiraling increase in population both in the United States and in the world as a whole, but abortion is a needlessly hazardous, unpleasant and needlessly expensive method of birth control.

Instead, greater efforts shoud be directed toward developing long-term contraceptives, toward sterilization for couples who already have all of the children they wish and toward widespread efforts at making family planning information available to all.

6. Rape and incest as arguments for abortion are weak, indeed. When reported immediately, rape can almost always be treated medically to prevent pregnancy. Incest is rarely reported in time to make any conceivable deadline for abortion.

The situation which comes closest to justifying abortion in my own mind is that in which there is a certainty, or probability, that the unborn baby suffers from serious defects. Some of the chromosomal abnormalities which result in severe handicaps, like mongolism, can now be diagnosed with certainty between the 12th and 15th weeks of pregnancy. Rubella early in pregnancy carries great risk of multiple handicaps including blindness, deafness, and mental retardation. At least a dozen other serious genetic diseases can now be diagnosed long before birth. More will be in the near future.

Physicians and scientists working on the frontiers of fetology with whom I have talked usually feel that abortion is justified when the unborn infant is abnormal and I find it difficult to disagree. Princeton's Ramsey, however, makes the point that to be rational and oral, any such argument for feticide must also be an argument for infanticide.

What has suddenly made abortion so popular, points out John T. Noonan Jr., professor of law at the University of California, Berkeley, is the changing code of sexual morality.

Unrestricted access to contraceptives is not enough to make full sexual freedom possible without consequences, Noonan says. "Many persons lacked the knowledge, many persons resented the effort involved and many persons acted in a confident belief that while others became pregnant through intercourse, they would not. A sure means of 'backstopping' omissions or errors was necessary. . . . Abortion was necessary if sexual revolution was to succeed."

But, argues Noonan, "One person's freedom to obtain an abortion is a denial of another person's right to live." It is to avoid this conclusion that proponents of unrestricted sexual freedom insist that the unborn child is not human.

Says Noonan, "In a society peculiarly conscious of the difference made by age, it is easy to define one classed by age so that it is not regarded as even human, so that then there can be no objection to elimination of members of the class whenever a member of it interferes with the freedom of those who are human. In this case, then, there is no need to balance the gain in freedom of some humans by the loss to other humans."

"If widespread abortion is the price of the new sexual morality, then the price is too high. It's time to examine this concept of morality, just as we have the morality of warfare in Viet Nam, racism and other aspects of contemporary life."

[The quotations are from the book "The Morality of Abortion: Legal and Historical Perspectives," edited by Noonan. Among other issues, the book discusses the legal situation in which a statute is declared invalid by a court on the grounds of vagueness, as occurred in Illinois last week and earlier in California.

[Notes the book, "About the same time that California invalidated its law, the Supreme Court of Massachusetts and the Supreme Court of New Jersey found parallel phrases in their statutes on abortion to be clearly understandable by ordinary persons. It is difficult to believe that what is comprehensible to ordinary men in Massachusetts and New Jersey is not comprehensible to ordinary men in California."

[The book, published in 1970 by Harvard University Press, covers many more issues, legal points and documentations than are possible here. I recommend it to anyone who has a moral or legal or human concern for abortion.]

In a recent issue of Saturday Review, Norman Cousins deplored the increasing desensitization of this nation to violence, to the exploitation of sex and to our decline of respect for life.

"What is most damaging of all is that the process itself obscures what is happening, so that our highest responses are being blunted without our knowing it," Cousins wrote. "It is easy enough to be appalled by the reports of young Americans machinegunning infants and other noncombatants at point-blank range in Viet Nam, but where is our indignation over the authorized rocking of powerful explosives from the air on villages—or is it proper to kill babies so long as you don't see their faces?"

COMMISSIONER OF EDUCATION SIDNEY P. MARLAND, JR., STRESSES CAREER EDUCATION—URGENT NEED TO UPGRADE VOCATIONAL EDUCATION PROGRAMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 19, 1971

Mr. RANDOLPH. Mr. President, the American dream of a higher education for everyone may be far off in the future. It escapes the reality that making everyone a philosopher leaves necessary tasks undone. It is questionable whether endless streams of degree-holders contribute to our greatness. To point out this fact evokes cries of elitism and anti-intellectualism. Yet we continue to force educational irrelevancies on the uninterested or incapable, while denying them the necessary training to survive in our world. Almost every day we read articles on college graduates scratching for jobs, of high school graduates deficient even in the fundamental skills, while very often demands for those with skills in productive trades go begging.

Realization of the fact that America's educational system is not providing the bulk of our young people the necessary tools to do the job comes not only in the economic sector of our society, but from within the high councils of the educational establishment itself. The problem they face is that it is difficult to sell the idea that any work well done is worth doing, and that pride of craftsmanship is as essential to our system as the writing of sonnets.

U.S. Commissioner Sidney P. Marland, Jr., has made a significant step to overcome this difficulty, by focusing on the need to upgrade vocational education into "career" training. Recently, he pointed out that only three of every 10 students now in high school will go on to academic college-level work.

One-third of those will drop out before obtaining a baccalaureate degree. "That means," said Commissioner Marland: "that 8 out of 10 present high school students should be getting occupational training of some sort."

Mr. President, Commissioner Marland has cogently delineated the problems between academia and the real world, and given us new insight into what may hopefully become a major thrust toward more realistic educational patterns. I ask unanimous consent that his recent speech before the National Association of Secondary School Principals at Houston, Tex., be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CAREER EDUCATION NOW

(By Sidney P. Marland, Jr., Commissioner of Education, Department of Health, Education, and Welfare)

Since I intend to devote a major part of my remarks today to the subject of career education, it seems appropriate to begin by mentioning that I am finding my new job to be a richly rewarding learning experience.

Take the matter of the Commissioner's place in the Washington pecking order. I have always held the commissionership to be one of the great and auspicious positions in the Federal Government. So naturally, when I learned that a prominent Federal official is issued a brand new $30,000 bulletproof limousine each year, I immediately inquired into the nature of the transportation furnished to the Commissioner of Education.

It turned out to be rather basic—a small, misshapen, used Rebel. When I asked for an improvement, I was sent a slightly newer, small, misshapen, used Rambler.

I am not discouraged. I am merely chastened. It's really a very nice car. And, besides, I have been assured that the Commissioner hardly ever gets shot at.

Career education is an absorbing topic at the Office of Education lately. In essence we are attempting to answer a very large question: what is right and what is wrong with vocational education in America today and what can be done to build on our strengths and eliminate our weaknesses?

I will indicate to you in a few moments the major points of our reply, the steps we believe should be taken by the Federal Government and particularly by the Office of Education to strengthen your hand in refashioning the vocational or career curriculum. For we are in wholehearted agreement that it is in serious need of reform and it is my firm intention that vocational education will be one of a very few major emphases of the U.S. Office, priority areas in which we intend to place the maximum weight of our concentrated resources to effect a thorough and permanent improvement.

But let me broaden the discussion a bit at this point to talk about career education not simply from the Federal point of view but from the point of view of you and me and of everyone who has committed his life's work to the proposition that education's prime task is to seek and to free the individual's precious potential. My concern with this vital area of education was with me long before I came into possession of my bent Rambler. It is the result of more than 30 years in school life, ample time to observe the vocational education problem in such diverse settings as New York City, Pittsburgh, and Winnetka, Illinois. For even in Winnetka, archetypal suburb, blessed in material things far above most communities in this country, there are many people who are worried about the logic and relevance of what is being taught their youngsters, particularly when considered in the light of the amazingly sophisticated, complex, and rapidly changing career situations they will face upon graduation from high school or from college.

Winnetkans, like most Americans, ask: what are we educating our children for?

Educators, it seems to me, have too often answered: we simply are not sure.

Uncertainty is the hallmark of our era. And because many educators have been unsure as to how they could best discharge their dual responsibility to meet the student's needs on the one hand and to satisfy the country's infinite social and economic appetites on the other, they have often succumbed to the temptation to point a Godlike finger at vocational educators and damn them for their failure to meet the Nation's manpower requirements and doubly damn them for their failure to meet the youngster's career requirements, not to mention his personal fulfillment as a human being.

Most of you are secondary school administrators. You, like me, have been preoccupied most of the time with college entrance expectations. Vocational-technical education has been a second-level concern. The vocational education teachers and administrators have been either scorned or condemned and we have been silent.

There is illogic here as well as a massive injustice. How can we blame vocational educators for the hundreds of thousands of pitifully incapable boys and girls who leave our high schools each year when the truth is that the vast majority of these youngsters have never seen the inside of a vocational classroom? They are the unfortunate inmates, in most instances, of a curriculum that is neither fish nor fowl, neither truly vocational nor truly academic. We call it general education. I suggest we get rid of it.

Whatever interest we represent, Federal, State, or local, whether we teach or administer, we must perforce deny ourselves the sweet solace of knowing the other fellow is in the wrong. We share the guilt for the generalized failure of our public system of education to equip our people to get and hold decent jobs. And the remedy likewise depends upon all of us. As Dr. Grant Venn said in his book, *Man, Education, and Manpower:* "If we want an educational system designed to serve each individual and to develop his creative potential in a self-directing way, then we have work to do and attitudes to change."

The first attitude that we should change, I suggest, is our own. We must purge ourselves of academic snobbery. For education's most serious failing is its self-induced, voluntary fragmentation, the strong tendency of education's several parts to separate from one another, to divide the entire enterprise against itself. The most grievous example of these intramural class distinctions is, of course, the false dichotomy between things academic and things vocational. As a first step, I suggest we dispose of the term vocational education, and adopt the term career education. Every young person in school belongs in that category at some point, whether engaged in preparing to be a surgeon, a brick layer, a mother, or a secretary.

How absurd to suggest that general knowledge for its own sake is somehow superior to *useful* knowledge. "Pedants sneer at an education that is useful," Alfred North Whitehead observed. "But if education is not useful," he went on to ask, "What is it?" The answer, of course, is that it is nothing. All education is career education, or should be. And all our efforts as educators must be bent on preparing students either to become properly, usefully employed immediately upon graduation from high school or to go on to further formal education. Anything else is dangerous nonsense. I propose that a universal goal of American education, starting now, be this: that every young person completing our school program at grade 12 be ready to enter higher education or to enter useful and rewarding employment.

Contrary to all logic and all expediency, we continue to treat vocational training as education's poor cousin. We are thereby perpetuating the social quarantine it has been in since the days of the ancient Greeks, and, for all I know, before then. Since the original vocational fields were defined shortly before World War I as agriculture, industry, and homemaking, we have too often taught those skills grudgingly—dull courses in dull buildings for the benefit of what we all *knew* were young people somehow pre-judged not fit for college as though college were something better for everyone. What a pity and how foolish, particularly for a country as dependent upon her machines and her technology as America. The ancient Greeks could afford such snobbery at a time when a very short course would suffice to instruct a man how to imitate a beast of burden. We Americans might even have been able to afford it a half-century ago when a boy might observe the full range of his occupational expectations by walking beside his father at the time of plowing, by watching the farmers, blacksmiths, and tradesmen who did business in his home town.

But how different things are today and how grave our need to reshape our system of education to meet the career demands of the astonishingly complex technological society we live in. When we talk of today's career development, we are not talking about blacksmithing. We are talking about the capacity of our people to sustain and accelerate the pace of progress in this country in every respect during a lifetime of learning. And nothing less.

The question seems to be fairly simple, if we have the courage and creativity to face it: Shall we persevere in the traditional practices that are obviously *not* properly equipping fully half or more of our young people or shall we immediately undertake the reformation of our entire secondary education in order to position it properly for maximum contribution to our individual and national life?

I think our choice is apparent. Certainly continued indecision and preservation of the status quo can only result in additional millions of young men and women leaving our high schools, with or without benefit of diploma, unfitted for employment, unable or unwilling to go on to college, and carrying away little more than an enduring distaste for education in any form, unskilled and unschooled. Indeed, if we are to ponder thoughtfully the growing charge of "irrelevance" in our schools and colleges, let us look sharply at the abomination known as general education.

Of those students currently in high school, only three out of 10 will go on to academic college-level work. One-third of those will drop out before getting a baccalaureate degree. That means that eight out of 10 present high school students should be getting occupational training of some sort. But only about two of those eight students are, in fact, getting such training. Consequently, half our high school students, a total of approximately 1,500,000 a year, are being offered what amounts to irrelevant, general educational pap!

In pained puzzlement they toil at watered-down general algebra, they struggle to recollect the difference between adjectives and adverbs, and they juggle in their minds the atomic weight of potassium in non-college science. The liberal arts and sciences of our traditional college-preparatory curriculum are indeed desirable for those who want them and can use them. But there must be desire and receptivity, and for millions of our children, we must concede, such knowledge is neither useful nor joyful. They do not love it for its own sake and they cannot sell it in the career market place.

Small wonder so many drop out, not because they have failed, but because we have failed them. Who would not at the earliest convenient and legal moment leave an environment that is neither satisfying, entertaining, or productive? We properly deplore the large numbers of young men and women who leave high school before graduation. But, in simple truth, for most of them dropping out is the most sensible elective they can choose. At least they can substitute the excitement of the street corner for the more obscure charms of general mathematics.

I want to state my clear conviction that a properly effective career education requires a new educational unity. It requires a breaking down of the barriers that divide our educational system into parochial enclaves. Our answer is that we must blend our curricula and our students into a single strong, secondary system. Let the academic preparation be balanced with the vocational or career program. Let one student take strength from another. And, for the future hope of education, let us end the divisive, snobbish, destructive distinctions in learning that do no service to the cause of knowledge, and do no honor to the name of American enterprise.

It is terribly important to teach a youngster the skills he needs to live, whether we call them academic or vocational, whether he intends to make his living with a wrench, or a slide rule, or folio editions of Shakespeare. But it is critically important to equip that youngster to live his life as a fulfilled human being. As Secretary Richardson said, "I remind you that this department of government more than anything else is concerned with humaneness."

Ted Bell, now Deputy Commissioner for School Systems in OE, made the point particularly well in a recent speech to a student government group. He was speculating on the steps a young person needs to take not just to get a diploma or a degree today, but to make reasonably sure he will continue to learn in the years ahead, to be an educated man or woman in terms of the future, a personal future.

"Here," Dr. Bell said, "the lesson is for each person to develop a personal plan for lifelong learning: learning about the world we live in, the people that inhabit it, the environment—physical and social—that we find around us; learning about the sciences the arts, the literature we have inherited and are creating; but most of all, learning the way the world's peoples are interacting with one another. If one educates himself in these things, he will have a pretty good chance of survival and of a good life."

In other words, life and how to live it is the primary vocation of all of us. And the ultimate test of our educational process, on any level, is how close it comes to preparing our people to be alive and active with their hearts, and their minds, and, for many, their hands as well.

True and complete reform of the high school, viewed as a major element of overall preparation for life, cannot be achieved until general education is completely done away with in favor of contemporary career development in a comprehensive secondary education environment. This is our ultimate goal and we realize that so sweeping a change cannot be accomplished overnight, involving as it does approximately 30 million students and billions of dollars of public funds. Until we can recommend a totally new system we believe an interim strategy can be developed entailing four major actions:

First we are planning improvements in the vocational education program of the Office of Education. This program, as you know, involves the expenditure of nearly $500,000,000 annually and our intention is to make the administrative and programmatic changes that will enable the States to use this money to make thier vocational education efforts more relevant to the needs of the young people who will spend their lives in careers in business and industry. We intend to give the States new leadership and technical support to enable them to move present programs away from disproportionate enrollments in low-demand occupations to those where national shortages exist and where future national needs will be high.

Right now State training programs fill only half the jobs available each year. The other half are filled by job seekers with no occupational job training of any kind. We do better in some fields than others, of course, particularly production argiculture where we are able to come closer to meeting the total need because it is a relatively static job market with little growth projected. About 70 percent of the demand in farm jobs will be met with trained help this year compared with only about 38 percent in the health occupations and 35 percent in various technical fields. This is nice if you happen to own a farm, not so nice if you run a hospital or laboratory.

We obviously require greater emphasis on such new vocational fields as computer programmers and technicians, laser technicians, and jet mechanics. We particularly need qualified people in health occupations such as certified laboratory technologists, dental assistants, occupational therapists, and the like. And, of course, we badly need men and women to capably service the rapidly growing environmental industries. Though when we speak of new occupations it is always useful to remaind ourselves that even some of the newest, such as computer programming, for example, will very likely be obsolete in 20 years or so, affirming once again the need for a sound educational base underlying all specific skill training.

Second—here I speak of all cooperating agencies of education and government—we must provide far more flexible options for high school graduates to continue on to higher education or to enter the world of work rather than forever sustain the anachronism that a youngster must make his career choice at age 14. This demands that we broaden today's relatively narrow vocational program into something approaching the true career education we would eventually hope to realize. Vocational students need much more than limited specific skills training if they are to go on to post-secondary education, whether at the community college or four-year level. And young people presently drifting in the general education wasteland need realistic exposure to the world of work, as well as to the option of general post-secondary schooling.

Third, we can effect substantial improvement in vocational education within current levels of expenditures by bringing people from business, industry, and organized labor, who know where the career opportunities are going to be and what the real world of work is like, into far closer collaboration with the schools. Eventually, further subsidies or other encouragement to industry to increase cooperative education and work-study could greatly enhance these programs. Efforts should be made by people in educational institutions offering occupational courses to get nearby employers to help in the training. This will not only aid the students but employers as well by providing these cooperating firms a ready supply of skilled workers well prepared for the specific demands of their particular fields. I would add only this caveat: that these work experience arrangements be accepted and operated as genuine educational opportunities, of a laboratory nature, not simply as a source of cheap help for the business and pocket money for the student. Youngsters should be given the opportunity to explore eight, ten, a dozen occupations before choosing the one pursued in depth, consistent with the individual's ambitions, skills, and interests.

Fourth, we must build at all levels—Federal, State, and local—a new leadership and a new commitment to the concept of a career education system. For we require leaders willing to move our schools into more direct and closer relationships with society's problems, opportunities, and its ever-changing needs. I believe these leaders will come primarily from the ranks of organizations such as yours. Not only will the present vocational-technical education leaders be partners in change, but general educators, long dedicated to the old ways, must become new champions of the career program.

In closing, a word about two very promising OE efforts to help strengthen vocational-technical education in its most crucial aspect, personnel.

The teacher is by far the most important factor in the school environment. We all know this. And we also know that voc-ed teachers are in seriously short supply.

We are also keenly aware that vocational-technical education is starved for other critical personnel, especially those qualified to develop and administer productive programs.

The first effort, called Leadership Development Awards, is a doctoral-fellowship program under the Education Professions Development Act. It seeks to identify and train a cadre of leaders for the vocational-technical career education field. As an initial move we have made the first group of awards to 160 experienced vocational educators to enable them to undertake full-time study at the doctoral level.

These men and women are attending 11 universities which share an emphasis on career education. These institutions pay special attention to the needs of the disadvantaged and handicapped; they cooperate closely with industry, the States, and the local districts; and they have established close working relationships with the surrounding communities.

Training lasts from two to three years. It is not tied to the campus but is essentially an intensive internship program with opportunities for research and exploration into the complexities of our constantly changing occupational structure.

We believe these doctoral candidates will make a very constructive imprint on the world of career education. But they will not be cast adrift upon graduation to search out their own niche in that world. Their home States will develop plans for the most strategic use of their skills—in colleges and universities which prepare career educators, in State departments of vocational education, in community colleges, and at the local level for development of the entirely new approach school systems must take to career education.

Our second effort is a program, already producing impressive results, to help the States attract and train teachers and administrators in vocational-technical education. The Leadership Development Awards I have described will produce the shapers and developers of the new career education; this second effort will produce the teachers to carry out the realistic and contemporary plans and programs they develop.

We are funding a variety of State plans. The money is helping to train personnel to work with the disadvantaged and the handicapped, to develop innovative and effective methods of exchange between teachers and businessmen, and to design and carry out more effective vocational guidance, a particularly crucial area. The funds are also being used to increase the number of trades and industry teachers in the emerging occupations that I spoke of a few moments ago.

The overriding purpose of this program is to encourage the States to develop their own capacities and their own resources to produce vocational-technical teachers in the numbers we need and of a quality we need. This new blood will energize career education, particularly in our city schools, whose revitalization is certainly education's first order of business.

President Nixon put the matter well when he said, "When educators, school boards and government officials alike admit that they have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform."

We have, I believe, begun to climb that staircase. We have begun, at least in part, the difficult, continuing work of reform. These recent tumultuous years of challenge and strife and all-encompassing change have given us lessons to learn, especially lessons in humility. But they have also taught us to hope and to act. The actions in vocational education and teacher education that I have outlined to you today are but the first in a series of reform which I intend to initiate and carry out within the U.S. Office of Education. I solicit your reactions to what I have said for I particularly want to bridge the gulf between the Federal Government and the education leaders in the States, in the communities, indeed, in all the classrooms of America.

With a guarantee of your tolerance and support I will return to Washington and my new duties confident that the absolute need to develop a strong new program of career education is well understood by you who must understand it, that you and I agree on the kind of action that must be taken and the urgency of taking it. I respect and salute your capacity to reform the secondary schools of the land. In sum, the schools are engaged in swift change because you the educators have chosen to change them. The schools, I conclude, are in good hands.

SEXITIVITY TRAINING SESSION DISRUPTED BY ADVERSE GROUP FEEDBACK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RARICK. Mr. Speaker, I insert in the Record an account of a recent speech by the controversial Mary S. Calderone—SIECUS director and America's leading libertine—whose claim to fame is breaking the decency barrier and making illicit and abnormal sex normal.

The speech follows:

[From the Washington (D.C.) Evening Star, March 18, 1971]

PRO-SEX EDUCATION SPEAKER HECKLED

(By Toni House)

Dr. Mary S. Calderone, a prominent sex-education advocate, cut short her speech in Alexandria last night because of heckling.

Announcing she did not intend to be "part of a circus," Dr. Calderone, director of the Sex Information and Education Council of the United States (siecus), turned from the podium after three or four hecklers consistently contradicted her from the audience.

Dr. Calderone said earlier in her address at T. C. Williams High School that Siecus works as a consultant to communities wishing to set up sex education curricular.

"The decisions are left up to the communities, as well they should be," she said.

A man who identified himself as Edward Reed of McLean insisted Siecus had established a sex education program for New York City in 1964, as well as in Annapolis and other communities.

Dr. Calderone said Siecus had only been a consultant in New York.

"I'm a Quaker and a physican and neither Quakers nor physicians are known to lie," she said.

"Well, I'm a Roman Catholic, and theyr'e not liars, either," retorted Reed.

Dr. Calderone also rejected the line of questioning from a man who wanted to know whether Siecus has been successful in "getting its publications accepted by (the Department of) Health, Education and Welfare."

Siecus, said Dr. Calderone, has three publications—a monthly newsletter and two books aimed at professionals, one published by Scribner and Sons, the other by Johns Hopkins University.

The interruptions had begun earlier in the evening. As Dr. Calderone was discussing a study on "normal" sexual behavior, a man who identified himself as William O. Collins of McLean rushed to the microphone and asked, "Can't you keep this on a decent level? This is a disgrace."

Dr. Calderone replied she was "honoring" the audience "with a scientific paper," and applause drowned out Collins' rebuttal.

After her speech, Dr. Calerone said she addresses two or three community meetings a week and is frequently heckled by members of the Movement to Restore Decency (Motorede).

Although her antagonists last night said they are not affiliated with any specific organization, Motorede material was passed out at the door.

Dr. Calderone appeared under the joint sponsorship of the Alexandria Community Health Clinic, the bar and medical associations and a group of clergymen.

U.S. POLICY TOWARD RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 19, 1971

Mr. BYRD of Virginia. Mr. President, the Lynchburg, Va., News of March 17 published an excellent editorial critical of U.S. policy toward the African country of Rhodesia.

I long have favored an end to our policy of economic sanctions against Rhodesia. The editorial lists some of the sound reasons for changing our policy.

I ask unanimous consent that the editorial, entitled "Support for Rhodesia," be printed in the Extensions of Remarks.

The editor of the Lynchburg News is Mr. F. James Murdock.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SUPPORT FOR RHODESIA

Senator Harry Byrd, Jr. made a vigorous and sound plea for the United States to "end its foolish policy against Rhodesia and resume trade with that nation."

He attached this plea to something that should have prevented the foolish policy ever being adopted. Chrome is strategic metal. Rhodesia is the best source for it, and the most economical. Instead of buying it there this country gets it from the Russians at twice the price it can be obtained in Rhodesia.

While it is wholly meritorious to make chrome one of the reasons for resuming relations with Rhodesia, there are even better ones, principally in recognizing Rhodesia as an independent republic adequately motivated in breaking away from Britain, as this country did in the American Revolution.

Contrary to claims in Washington and in Britain that Rhodesia would be a flop in its stand as an independent republic, it has prospered. But far from what it could accomplish if we officially recognized it and resumed full trade.

Morally, legally, economically and in historical perspective, the United States can not justify its stand against Rhodesia. While spending billions in aid to less worthy countries we hurt both ourselves and Rhodesia through our present policy. It is long past due that we rectify this, and there is no valid reason for not doing so.

LAURELS TO THE TREASURY DEPARTMENT

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. COLLIER. Mr. Speaker, I was very gratified to learn last week that the U.S. Tariff Commission ruled that special "dumping" duties will be applied to both color and black-and-white television sets imported from Japan. This action will affect sets sold since September 1970.

In its simplest form, dumping means that imported goods are offered at wholesale prices lower than those charged in the home market or another country. The Anti-Dumping Act of 1921 enables the Treasury Department to levy a special tax that would erase the margin of difference.

Although a decision of this type may seem rather remote from the interests of most citizens, I believe that is significant and an important step that allows for free trade in the world market. The stakes involved are thousands of American jobs in electronics industries that are falling to unfair competition.

The investigation in this case has been going on for over 3 years and was initiated by a request from the Electronic Industries Association. The charge that domestic industries are being hurt by the dumping has been substantiated by the Treasury Department.

Business in dumping-prone industries has long felt that a clampdown has been overdue. Japanese imports last year, accounted for 28 percent of American television sales and were valued at $255 million. The percentage of Japanese imports in 1965 was only 10 percent of the U.S. market.

Dumping is a very subtle way for foreign interests to undermine an American industry and especially when it is as competitive as electronics. By underselling in this country, Japanese companies can slowly increase their share of the market and eventually cause competitors to fail. A final result might be an oligopoly of foreign interests that could raise prices at will without fear of any domestic company meeting the challenge.

When one analyzes the track record of foreign companies in the sales of small electronics gadgets, one truth becomes evident. American companies cannot compete. Foreign sources now supply 90 percent of the U.S. tape recorder market, 88 percent of the U.S. radio sales, and 54 percent of all phonograph sales in this country.

Electronic component sales by the U.S. electronics industry have increased from $1 billion to $25 billion since 1950. The U.S. Government provided fully two-thirds of the research and development funds used by the electronics and communications industries between 1957 and 1965 for a total spent of $23 billion. The Federal Government spent $3.7 billion for electronic components in 1969, making it one of the largest purchasers of electronic equipment.

Unfortunately, there are those who point to these billion-dollar figures and say that the dumping represents little threat to the economy. I disagree and urge that the procedure for submitting an antidumping case be expedited. It now takes 3 years to research and present a case. I would like to see these procedures speeded up so that the action can be taken within 1 year. The proper application of the antidumping statute will alleviate pressures for extreme protectionist measures and will, in fact, promote free trade on a fair reciprocal basis.

"NO TWO MEN ARE EQUAL" SAYS MILLARD BENNETT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, March 19, 1971

Mr. RANDOLPH. Mr. President, the oft-quoted and misquoted observation by George Orwell, to the effect that "all animals are equal, but some animals are more equal than others," is becoming increasingly valid today. The noble idea of equality of opportunity must coincide with equality of interest and ability to make the concept viable. Those who suggest this are frequently misinterpreted; the pure motive here is to try to prevent what has been called "a great leveling of souls." The happy day will come when man is judged solely on his abilities and activities.

Noted author, lecturer, and business executive Millard Bennett, of Santa Monica, Calif., recently took note of this in a brief essay published in the West Los Angeles Tribune. His words are relevant to every phase of our political, economic, social, and academic efforts. I ask unanimous consent that Mr. Bennett's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO TWO MEN ARE EQUAL

(By Millard Bennett)

Recently, while on a speaking trip, I heard a speaker state, "The Declaration of Independence says that all men are born equal." Period. This is a ridiculous assertion.

There is no such thing as equality in nature. No two snow-flakes are of equal weight or exact in design. No two blades of grass are identical and so on throughout nature ad infinitum.

The difference between human beings is even more pronounced. The physical difference is markedly evident in every contest of strength, skill and endurance. This is what makes a football, baseball, basketball game or prize fight attractive to the spectators. They believe their favorites are superior. Every classroom bears testimony to the mental difference and every religion evidences our difference in belief.

Heredity plus environment gives each human being his psychological outlook. Since each gene is different, so, too, is each individual. Therefore, since we all differ genetically, we also differ in our potential skills. Emerson, the great American philosopher, said, "In some way every human being is my superior." This is a profound truth. Every normal human being has great potential in some area of human endeavor.

Psychologically, we know that an individual's liking and his ability runs parallel. He can do well that which he likes to do. The wise individual will recognize this truth and resolve to learn to like a line of work. And just as one learns to create a taste for a particular food, so, too, can one learn to like a line of work. Then through study, thought and practice, he will improve himself in that area.

Many years ago as a young salesman I visited Salt Lake City, Utah, I attended a meeting in the famous Tabernacle. There I heard Heber J. Grant, then president of the Latter Day Saints (Mormon) Church, make a statement which I have never forgotten: "That which we persist in doing becomes easier to do, not that the nature of the thing becomes less difficult, but, through doing our power to do increases."

Moral: Less talk about equality except that unalienable equality before the law upon which this great nation was founded which embraces equality of opportunity. Instead, let us put greater emphasis upon intelligent and persistent effort for self-improvement. This is every individual's only answer to a fuller and richer life.

REDUCTION IN NUMBER OF PATIENTS OF VA HOSPITALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I commend to the Members of this House the article which appeared in the Thursday, March 18 issue of the Washington Star by Judith Randal entitled, "Nixon's Performance on Health Sad." It relates in some detail the situation now facing the veterans of this country who have been and are eligible for care in the 166 hospitals located throughout the 50 States. The 1972 budget will reduce the average daily census from the latest figure of 87,600 to 79,000. There is no rhyme or reason for this except built-in prejudice among certain officials of the Office of Management and Budget who, unfortunately, seem to have more influence with the President than do others who see the true situation and are aware of the care given in VA hospitals and the need for the continuance of such care. I am sure that the vast majority of the Members of this House will agree that there can be no reduction of this magnitude, in fact, an increase is warranted.

Under leave to extend my remarks, I include the text of Miss Randal's unusually perceptive article:

NIXON'S PERFORMANCE ON HEALTH SAD

For an administration that clearly hopes to make its record on health a strong suit in its 1972 campaign, President Nixon's surely is going about it in odd ways. Aside from rhetoric, scarcely anything in the health field done in the name of the White House lately could do anything but make millions hopping mad.

What is the silent majority to think, for instance, about a recent budget directive that would reduce the average number of patients treated daily in Veterans Administration hospitals from 83,000 to 79,000 beginning in July—particularly when the hospitals are now about 90 percent full?

To be sure, veterans with non-service-connected disabilities would be the first to get the shove. But with unemployment climbing and medicaid programs being curtailed, as in California, this will be little comfort to a jobless ex-G.I. who finds himself sick and without either private health insurance or access to public care.

A similar Middle America constituency is infuriated as the Department of Health, Education and Welfare seeks to divest itself of the eight general hospitals and 30 outpatient clinics operated by the Public Health Service for merchant seamen, Coast Guardsmen and certain retired military personnel. (Under legislation enacted in 1970, the hospitals and clinics can care for the poor as well.)

The hospitals and clinics, HEW officials assured congressional committees last week, will be turned over to local governments, medical schools or other community organizations, rather than be closed. But HEW's own survey shows that no one in the places where the facilities are located can afford to take on these "gifts"—many of them in need of renovations—and that other nearby hospitals are, for the most part, too crowded already to absorb the patient load.

Nor will the government save money if the transfers go through, since it will continue to have to pay for the care of most of the present beneficiaries at higher rates than before. By the administration's own admission, it probably will have to subsidize the facilities in other ways.

Meanwhile, the longer the issue hangs fire, the lower the staff morale, making it quite likely that if direct orders from Washington don't close the facilities, attrition will. Recently, for example, all the radiologists at the San Francisco hospital quit.

The PHS system and the VA are heavily depended on as training grounds by many medical schools that are seeking at government urging to expand their enrollments.

What is more, both sets of hospitals also educate physicians' assistants and technicians—the very personnel categories the Nixon administration looks to for relief of the health care crisis. This pair of paradoxes defies explanation. Incidentally, it also should be noted that there is $6.6 million less for the training of badly needed nurses in the 1972 White House budget than there was in 1971.

The administration's footing in other health areas is equally shaky. As it talks of a massive assault on cancer, for example, it proposes to phase out the Chronic Disease Control Program and cut the funding for the Regional Medical Program. The purpose of the latter is to get therapeutic advances out of the laboratory and teaching hospital and into the hands of ordinary physicians.

And while all the money that is needed for cancer research is said to be forthcoming grants for the training of young scientists will, if the President prevails, all but disappear. Predictably, this will have two deleterious effects: (1) It will create a "generation gap" in laboratories. (2) Since scientists go where the money is, it will leave few available for medical research not related to cancer.

In addition, there is the matter of programs enthusiastically endorsed on Capitol Hill which also have received the blessing of the White House.

When, for example, Congress authorized the expenditure of $300 million to combat alcoholism, the administration gave every indication of being eager to get on with the job. But, in fact, only about $7 million is allotted to the task in the Nixon budget, and even this is largely negated by the elimination of counterpart efforts by the Office of Economic Opportunity.

With an estimated 9 million chronic alcoholics in the nation, the suggested outlay works out to a per capita medical expenditure of approximately 75 cents—about enough to buy each alcoholic a few beers. Certainly, this kind of financing will do little to alleviate the suffering of the afflicted and their families or to reduce the massive tool of death and injury that results from alcohol-related highway accidents.

The cases cited here are only a few of many—all in all, a rather sad commentary on an administration said to be dedicated to pragmatism and known to pride itself on political good sense.

FOREIGN STEEL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. GAYDOS. Mr. Speaker, the American Iron and Steel Institute has just released data concerning the importation of foreign steel into this country for January 1971. The report is disheartening and portends of future disaster.

Stimulated perhaps by the threat of a work stoppage in the domestic industry this summer or by the pending expiration of the voluntary restraint agreement, the foreign steel manufacturers are off and running.

According to AISI, the January import total was a new monthly high. More than 1.3 million tons came into the Nation during that month. The total was more than 200,000 tons above that for January 1968, when imported steel was on the way to a record high of 18 million tons for the year.

Domestic exports of steel, however, continued their steady slump which began last spring. The January total was 254,000 tons, the lowest level in nearly 2 years.

A breakdown of the January import total revealed nearly 530,000 tons consisted of steel products extensively used in the manufacture of automobiles and major high-volume consumer appliances. This report lends credibility to persistent rumors that major U.S. automakers were considering the purchase of substantial quantities of steel abroad this year.

Import of stainless and alloy steels also continued to increase, despite the promise contained by member nations of the so-called voluntary restraint agreement not to change "too greatly" the mix of their product shipments. Nearly 53,000 tons of stainless and alloy steels came into the United States in January.

On numerous occasions during 1969 and 1970, I, along with several colleagues, tried to warn the Congress that our Nation's steel industry was in grave danger from foreign competitors. Time and time again we decried the hollow promises contained in the restraint agreement. We predicted there would be a shift to higher priced products since the agreement stipulated only tonnage limitations, not dollar limitations.

We were right. Imports of stainless steel in 1970 increased 32 percent and tool steel was up 81 percent over the agreed levels. Japan showed a 54-percent increase over her stainless shipments to the United States, despite her declaration she would not change too greatly the product mix. In tool steel she was 77 percent above the previous figure and the Common Market was up 86 percent.

My colleagues and I also warned that other nations, not party to any agreement on limitations, would not hesitate to feather their own nests at the expense of the American steel industry and steelworker. Again, we were right. Last year more than 50 percent of stainless imports to the United States and three-fourths of the tool steel imports came from nations who have not signed any restraint agreement.

Mr. Speaker, I am not overestimating the danger when I say the jobs of 52,000 steelworkers in the specialty steel segment of our industry are in grave danger from foreign imports. It is estimated that 20 to 25 percent of the domestic specialty market already has been lost to overseas manufacturers while, in specific areas, the foreign penetration is up to nearly 70 percent.

Roger S. Ahlbrandt, president of Allegheny Ludlum Industries Inc., has prophesied what will happen to the specialty steel industry if help is not soon forthcoming. He has said America will become "the dumping ground for all the world's economic surplus"; that our Nation will be converted to a "service economy . . . a vast national warehouse for the storage of overseas-produced goods." Mr. Ahlbrandt adds, "When this occurs, the American people will lack the resources to buy the goods they store for the rest of the world."

Steel management is not alone in its requests for protection for the industry. Labor leaders, too, are sounding the cry. Joseph P. Moloney, vice president of the United Steelworkers of America, has pointed out that not only is the industry and its employees threatened by imports, but that entire American communities will cease to exist if the invasion of imported products continues unchecked. Many, in fact most, especially steel companies are located in small cities across this Nation. Often these communities are one-industry communities; they stand or fall with specialty steel production.

Yet, look at what has happened to our domestic specialty steel market in just 4 short years, 1966–70, a period spanning the life of the so-called voluntary restraint agreement. Total stainless imports have increased from 13.4 percent to 21.2 percent; tool steel from 12.8 percent to 16.9 percent; stainless cold rolled sheets from 20.1 percent to 34.4 percent; stainless wire rod from 42 percent to 67.1 percent; stainless wire from 21.6 percent to 53 percent; and stainless bars from 3.4 to 14.6 percent.

As Mr. Moloney has stated, the loss of a stockholder's investment because of imports is grievous; the loss of a job to the worker is often tragic. But worst of all is the job loss that may occur because of a plant closing in a one-industry community, where alternate employment is practically impossible.

Last year the value of imported steel was nearly $2 billion, an increase of $225 million over 1969, despite a drop of nearly 5 percent in total import tonnage. The lucrative target for foreign producers was our domestic specialty steel market. Imports of specialty steel products constituted less than 4 percent of the total tonnage but accounted for more than 13 percent of the total value.

It is incredulous to believe, Mr. Speaker, that we in the Congress can hem and haw over the lofty philosophy of free trade versus fair trade while our steel industry, the backbone of our Nation's national security and the source of income to hundreds of thousands of people, reels down the road toward total collapse. Time is running out. We in the Congress must do something to protect our industry and its workers. Delay can well mean disaster.

SOCIAL SECURITY INCREASE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. HOGAN. Mr. Speaker, as a cosponsor of legislation to provide a 10-percent across-the-board increase in social security benefits, I am pleased that the House and Senate have acted promptly to approve such an increase, even though I disapprove of its being tacked onto totally unrelated and somewhat controversial legislation.

I am particularly pleased that this increase will be retroactive to January 1, 1971, but regret that the conference committee concluded to strike those provisions which set a $100 monthly minimum benefit and increased the earnings limitation to $2,400. I feel strongly that these are much-needed changes in the law and hope that their rejection at this time is based on the view that amendments of this nature should not be rushed through and not a result of disagreement with the principle. Hopefully the Ways and Means Committee will continue to give full consideration to both provisions.

In the Fifth District of Maryland, my district, senior citizens living on a fixed retirement income such as social security, are faced with living expenses with which they cannot begin to cope. Extremely high apartment rentals and property taxes, high medical costs, high transportation and food costs have reduced many beneficiaries to a state of poverty.

Even those who are willing and able to work to earn additional income to supplement their meager and inadequate pension, are prohibited from earning more than $1,680 per year without reduction dollar for dollar in their benefits. We are forcing these people to be resigned to their poverty state when we should be encouraging them to earn to their full potential.

In my bill, H.R. 4268, I have proposed both the $100 monthly minimum benefit and an increase in the earnings limitation to $2,400, which I truly feel is completely inadequate but has a more realistic chance of being approved. I urge all Members of the House to reevaluate the status of our social security retirees and lend their support toward obtaining congressional action and approval of one or both of these provisions.

HOW DOES THE PRESIDENT REALLY FEEL ABOUT CONSUMER PROTECTION?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MATSUNAGA. Mr. Speaker, if there is one area of public concern in which partisanship has no place, it is consumer protection.

All of us, Republicans and Democrats, are consumers, and we all share the same interests in quality and integrity in the marketplace.

Unfortunately, however, the administration has been lukewarm in its support for meaningful consumer legislation. As a sponsor of bills to create a separate Consumer Protection Agency and to permit consumer class action lawsuits, I must confess my disappointment in the administration's attitude.

The lack of enthusiasm for solid consumer legislation was pointed out recently in a thoughtful editorial in the Honolulu Advertiser, the text of which I include at this point:

> [From the Honolulu Advertiser, Mar. 1, 1971]
>
> NIXON & CONSUMERS
>
> President Nixon has presented Congress with a package of consumer proposals that he says is designed to provide "a buyer's bill of rights."
>
> An examination of the President's recommended legislation shows that it falls considerably short of being a bill of rights.
>
> The best example of the difference in thinking between Nixon and more militant consumer advocates is seen in the proposal concerning hazardous products.
>
> The President prefers that a product safety program be included in the Department of Health, Education and Welfare. Private organizations would develop the standards which would be enforced by HEW.
>
> In contrast to this low-key approach, the National Commission on Product Safety, which studied the problem for some time, recommended a powerful, independent agency be created whose sole job would be to set and enforce product safety standards.
>
> The independent agency position is backed by Senator Warren G. Magnuson, chairman of the Commerce Committee and a strong backer of the consumer movement.
>
> Magnuson notes that the HEW's record in the product safety field is uninspired. He recalls the agency had to be practically goaded into enforcing a law intended to safeguard children from dangerous toys.
>
> An independent consumer agency in the Federal government is a leading aim of the consumer movement, and the proposal has substantial bipartisan backing in Congress. But the President prefers that a consumer "advocate" be placed within the Federal Trade Commission, at best a half-hearted approach.
>
> The class action lawsuit concept, by which consumers could band together and sue if they thought they had been cheated, was an important—and losing—part of last year's consumer interest drive. The President was never very strong on the idea and has shown no sign of changing his mind.
>
> The consumer movement within Congress, led by such men as Magnuson and Representative Benjamin S. Rosenthal of New York, has more ambitious plans than those expressed by the President.
>
> In addition to independent consumer protection and product safety agencies and tough class action legislation, consumer-oriented lawmakers want minimum standards for warranties, a strengthening of the flammable fabrics act and authority for obtaining preliminary injunctions against unfair or deceptive business practices.
>
> Consumer bills fared badly in Congress last year, partly because the Nixon Administration provided very little help. From the look of the President's latest consumer message, it appears that any important consumer victories this year will have to be won without White House assistance.

REPEAL OF SECTION 302 OF VOTING RIGHTS ACT AMENDMENTS OF 1970 SHOULD PRECEDE 18-YEAR-OLD VOTE AMENDMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. RARICK. Mr. Speaker, we will shortly be debating a proposed constitutional amendment for the 18-year-old vote in accordance with article V of the Constitution which outlines the amending process. This is what should have been done 9 months ago when Congress in June of 1970 passed a statute which was a usurpation of the amending process.

George Washington, with great vision and eloquence, declared in his Farewell Address as President of the United States:

> If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution delegates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

From Washington's native State of Virginia, cradle of liberty and of our constitutional republican form of government, have come other great men, including Thomas Jefferson, James Madison, George Mason, and Woodrow Wilson, who have made similar declarations concerning the dangers of amending the Constitution by usurpation rather than by the manner prescribed in the Constitution itself.

Mr. Speaker, the proposed constitutional amendment for the 18-year-old vote which we are to consider, if in the wisdom of Congress it should be placed before the State legislatures for consideration for ratification, should have been placed before those legislatures 9 months ago when on June 17, 1970, the 91st Congress decided to usurp constitutional power it did not possess by enacting section 302 of the Voting Rights Act Amendments of 1970. Congress was without constitutional power to pass that statute. The President signed the bill that even he regarded unconstitutional, and the Supreme Court bowed to media-created public opinion and by one vote validated such patently illegal legislation.

Aside from the constitutional question, no effort seems to have been made in Congress to determine the chaos and confusion—in fact disaster—which was brought about by the enactment of that section and its half validation by the Supreme Court. This has resulted in a very serious situation in the States which opens up the road to grave errors in voting procedures and even provides the groundwork for fraud in our elections if the statute is permitted to remain on the statute books. It should be repealed at once as the root of the whole evil. The placing of a proposed constitutional amendment before the States will not remove the cancerous condition.

The Virginia General Assembly on February 26, enacted a house joint resolution memorializing all members of its delegation in Congress to initiate and support legislation to repeal section 302 of the Voting Rights Act Amendments of 1970. A similar resolution is now being processed in the State of Maryland. Other States should join in this movement to protect the citizens of our country against violation of the Constitution by Congress.

A committee formed of people of high attainment in the constitutional field, the "Committee for Constitutional Integrity," and dedicated to preservation of the Constitution from usurpation is placing in the mail today an individual leaflet to each State legislator in the Nation asking all State legislatures to join with the Virginia Legislature to memorialize their respective delegations in Congress to repeal, as usurpative, section 302 of the Voting Rights Act Amendments of 1970 and to take no action on any proposed constitutional amendment for 18-year-old vote sent to them for ratification by Congress unless and until the usurpatory statute is repealed.

This is altogether proper, since the States have no other way in which to protect the people against usurpation except by that means.

Section 302 of the Voting Rights Act Amendments of 1970 should not have been passed. Allowing the 18-year-old vote should have been done by amendment in the first place. Surgery is now required to remove the cancer caused by the constitutionally offensive legislation. To allow section 302 of the Voting Rights Act Amendments of 1970 to stand while States are to ratify the constitutional amendment which we will consider shortly amounts on the part of Congress to buckpassing by shifting the pressure to State legislatures to rubberstamp the illegal act of Congress. If State legislatures find the pressure too great, and it is their desire to do what their people want, they can always submit the ratification of the amendment to popular vote of the people of the State. Congress should repeal section 302 of the Voting Rights Act Amendments of 1970 so that the legislators of the States will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the confusion caused by the usurpatory legislation of Congress as validated in part by the Supreme Court.

I have introduced H.R. 385 to repeal not only title 3 of the Voting Rights Act of 1965 but to repeal the act in its entirety inasmuch as the other sections are discriminatory as applying only to that region of the country known as the South and thereby denying citizens of that section equal protection of the laws—which was the legal argument used by the judge in upholding section 302.

I insert a statement on the 18-year-old vote issue of the Committee for Constitutional Integrity and a copy of their letter to State legislators.

GROUP CONDEMNS PANICKY ACTION ON 18-YEAR VOTE

(Statement by Committee for Constitutional Integrity)

"Don't destroy the integrity of the amending process laid down in the U.S. Constitution in a panic scramble to achieve at once the 18-year vote!" This is the theme of a campaign launched by the newly formed Committee for Constitutional Integrity.

The Committee announces the dispatch of letters to each of more than 7,500 members of the legislatures of all 50 States, asking the legislators:

(1) to urge their respective legislatures to memorialize Congress requesting the repeal of the Congressional statute granting the vote at 18 (Section 302 of the Voting Rights Act Amendments of 1970) in order to prevent that statute from becoming a precedent justifying acts of usurpation in the future, and

(2) to urge their respective legislatures to defer any action on any proposed constitutional amendment dealing with the 18-year vote until that contitutionally offensive statute is repealed, so that the legislators will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the mess created by the Congressional usurpatory legislation.

Francis G. Wilson, professor emeritus of political science at the University of Illinois, who is Chairman of the Committee for Constitutional Integrity, explained at a press conference today the reasons for the Committee's campaign.

"We must bear in mind," said Prof. Wilson, "that Congress last year exceeded its constitutional powers and committed an act of usurpation in enacting Section 302 of the Voting Rights Act Amendments of 1970, granting the right to vote at 18 in both Federal and State elections. The Supreme Court, in a decision which has been likened to the Dred Scott decision in its lack of soundness, validated—by vote of 5 to 4—the grant of the vote at 18 in Federal elections, but held invalid as unconstitutional—also by a 5 to 4 vote—the statute as it applied to State elections.

"This partial validation and partial invalidation of the Congressional statute has created the present voting mess—dual-voting lists, legal snarls, enhanced opportunities for fraud, etc."

"We cannot properly cure the present mess," Professor Wilson emphasized, "by a panic campaign to get the States to ratify the Congressionally proposed constitutional amendment sight unseen. Such a procedure, in addition to leaving last year's ill-fated Congressional statute on the books as a precedent for further usurpations of power, robs the State legislatures of their right to exercise freedom of judgment in a calm atmosphere.

"The proper procedure is for Congress to repeal immediately Section 302 so that the State legislatures may consider the proposed constitutional amendment calmly and carefully.

"This is the American way, the constitutional way of doing things."

To illustrate the need for careful, deliberative action, the Committee, in its letter to the State legislators, made reference to a New York Times article, which indicated that there is great concern in university towns over the possibility that, with the voting age lowered to 18, students not permanently residing in the towns and having little knowledge of their problems, could nevertheless capture the town governments and raise taxes irresponsibly.

"We do not say," declared Professor Wilson, "that the amendment should be rejected on this ground or on any other ground. Our Committee takes no stand on the question whether the voting age should or should not be lowered to 18. But we do feel that the issue raised in the New York Times article, as well as other sub-surface issues, should be fully considered and debated in order that the final decision be an informed decision."

Support for the Committee's approach has already been manifested by the State of Virginia, where the General Assembly recently passed a joint resolution asking Congress to repeal the vote-at-18 statute. A resolution to the same effect is pending in the legislature of Maryland. The Committee invites the legislatures of other 48 states to pass similar resolutions.

A copy of the Committee's letter to all the State legislators follows.

COMMITTEE FOR
CONSTITUTIONAL INTEGRITY,
Bethesda, Md., March 1, 1971.

DEAR MR. STATE LEGISLATOR: The Committee for Constitutional Integrity is a nonpartisan group that has been formed to implement the deep concern felt by all responsible and informed Americans for the defense of the U.S. Constitution and for the protection of constitutional processes of government in the States as well as in the Nation.

The Committee wishes to address to you, and to each of the more than 7,000 members of the State legislatures in all 50 States, this *urgent* report concerning the grave crisis that has arisen in our country as a result of the 18-year vote action taken by Congress last year. This report will, we are confident, demonstrate to you the imperative need for strong affirmative action by the State legislatures, acting in their high sovereign capacity as the natural protectors of the people, to preserve intact the integrity of our Constitution and to safeguard our freedoms against the usurpation which now threatens them. We *entreat* you to read—indeed study carefully—this report in view of the gravity of the crisis.

We hold it to be the duty of all citizens, and particularly of legislators sworn to defend the Federal Constitution and the constitutions of their respective States.

(1) to insist upon the repeal of the Congressional statute (Section 302 of the Voting Rights Act Amendments of 1970) in order to prevent that statute from becoming a precedent, justifying acts of usurpation in the future, and

(2) to urge their respective State legislatures to defer any action on any proposed constitutional amendment dealing with the 18-year vote *until that constitutionally offensive statute is repealed,* so that the legislators will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the mess created by the Congressional usurpatory legislation.

To begin with, we emphasize that our group is taking no stand on whether 18-year-olds should or should not have the right to vote. Our interest is solely that the decision should be made in accordance with constitutional processes.

The Congress of the United States is rushing through a proposed amendment to the U.S. Constitution which it will shortly submit for ratification by the state legislatures, granting the vote at 18 both in State and Federal elections. The leaders of the drive for this amendment hold that an emergency has been created by the action of the Supreme Court in validating (by a 5 to 4 vote) the statute passed last year granting the vote at 18 in Federal elections, but invalidating that section of the law which granted the vote at 18 in State elections. They hold that dual voting lists and the difficulty of distinguishing in many situations what is a State and what is a Federal election (*e.g.,* voting for delegates to a State convention that will nominate party candidates for both State and Federal offices) will create endless confusion, legal snarls, and a heavy financial burden for the State election boards which administer all our elections, Federal as well as State. They have therefore started a panic campaign to get you and your fellow state legislators to ratify this proposed amendment in a sight unseen manner so that a mess in 1972 will be avoided.

We hold that the leaders behind the amendment drive not only do not come to you with clean hands but are asking you to participate in a rape of constitutional processes. The facts are that these same leaders last year chose to circumvent the U.S. Constitution and got the Congress, by a usurpation of authority, to enact the 18-year vote (in both Federal and State elections) by simple statute. The plain words of the Constitution leave to the individual States the power to set voting qualifications not only in their own elections but in Federal elections as well. The State-set qualifications can, of course, be overridden by duly ratified amendments to the U.S. Constitution, and this has been done several times in our history. But at no time, until the episode of last year, did any responsible constitutional authority venture to suggest that Congress override the constitutional provision for State-set age qualifications by simple statute.

In the debates on last year's statute, the leaders in Congress made it clear that they had no hope of bringing about an 18-year vote by the process of proposing a constitutional amendment and getting it ratified by three quarters of the States. They resorted to the technique of usurpation—granting to 18-year-olds what was not in the power of Congress to grant—in defiance of the advice given by George Washington in his Farewell Address never to be tempted to accomplish even a good purpose by violating the Constitution.[1] They hoped that the Supreme Court (which in recent years has exhibited a great tendency to validate Congressional actions with which individual justices were in political sympathy) would validate the 18-year voting provisions.

The hopes of the Congressional leaders were almost fulfilled—but not quite. By a vote of 5 to 4, the Supreme Court upheld the vote at 18 in Federal elections but by another vote of 5 to 4 (with Justice Black supplying the swing vote) the Court held the statute unconstitutional as applying to State elections. It is highly significant that Justice Stewart (with the concurrence of the Chief Justice and Justice Blackmun) noted that the opinions supporting the 18-year vote "contain many pages devoted to a demonstration of how beneficent are the goals of this legislation," and that "a casual reader might get the impression that we are being asked . . . whether or not we think allowing people 18 years old to vote is a good idea."

In short, Justice Stewart plainly hinted that the pro-vote-at-18 justices had acted to validate their political predilections rather than to disinterestedly consult the Constitution as to whether Congress had authority to enact the vote at 18.

When the proposed constitutional amendment is before your legislature, you, the legislators, will be in effect serving as a jury to determine whether the amendment should be adopted or rejected. Now just as a jury cannot function properly in an atmosphere of panic and political pressure from the outside, so we believe that you the legislators cannot exercise your judgment wisely and properly in the atmosphere of panic and pressure which has been created by the ill-conceived Congressional statute and its half validation and half invalidation by the Supreme Court.

The enactment of a constitutional amendment providing for an 18-year vote is no simple matter that can be decided at a moment's glance. It involves complex questions affecting the political life of the Nation. By way of illustration, we call your attention to an article in the New York Times of February 6, which cites the concern in many quarters that an 18-year vote may enable students in university towns to take over the town governments and in the manner of carpetbaggers raise local taxes irresponsibly and unconscionably. In many university towns students (over 21) are now allowed to vote regardless of their lack of permanent residence; in other places the right of students to vote is expected to be granted by the trend of court decisions. With the enormous inflation of the student vote that would be brought about by a lowered voting age, problems that are now minor or negligible could develop serious proportions.

We do not ask you to vote against the 18-year amendment on this ground or on any other ground. We simply say that this problem and other problems that are below the surface of the 18-year vote issue be properly studied and appraised in a calm atmosphere before making a decision pro or con on the question. The people of the State which choose you and others as legislators on their behalf expect you not to vote in haste (for them to repent in leisure) and to consider all aspects of the question.

It seems to us—as it will no doubt seem to you when you consider the matter—that in order to carry out your duty properly and conscientiously on the proposed 18-year amendment, the present atmosphere of panic and pressure will have to be removed. And it can be removed only by an action of Congress repealing the 18-year vote statute and thus restoring the normal atmosphere which existed before the passage of the ill-fated legislation.

In the interest of all citizens of this great Nation—and in your interest as conscientious legislators fulfilling your responsibilities to the people who elected you—we appeal to you to have your legislatures join forces with Virginia, whose General Assembly has passed a joint resolution memoralizing Congress to repeal the 18-year voting statute. The resolution should make it clear that your State will take no action on any amendment proposed by Congress until the constitutionality offensive statute is repealed.

We trust that you will give this communication the earnest attention which is demanded by the gravity of the questions we have discussed.

Respectfully,

Francis G. Wilson,
Chairman.
Franz O. Willenbucher,
Vice Chairman.
Benjamin Ginzberg,
Secretary.

(*Note concerning the signers of this communication.* Francis G. Wilson, Ph.D. (Stanford), is Emeritus Professor of Political Science, University of Illinois, and is the author of several books and numerous article on political science, including *The American Political Mind* (McGraw-Hill). Franz O. Willenbucher, Captain USN (Ret.) is an Attorney at Law, whose doctorate in jurisprudence from Georgetown University was awarded largely on the basis of studies in constitutional interpretation. Benjamin Ginzburg, Ph.D. (Harvard), is a former Research Director of the Subcommittee on Constitutional Rights of the Judiciary Committee on the U.S. Senate, and author of *Rededication to Freedom* (Simon & Schuster).

A CONDENSED COPY OF VIRGINIA HOUSE JOINT RESOLUTION NO. 66

Memorializing the Virginia members of the Congress to initiate and support the enactment of legislation to repeal Section 302, of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

Offered February 11, 1971.

Patrons—Messrs. Phillips (and 36 other patrons).

Referred to the Committee on Privileges and Elections.

Whereas, the Congress by the enactment of Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314), attempted through legislation, to usurp power not delegated to the Congress by the Constitution but reserved by the Constitution to the States in Article I, Section 2, Article II, Section 1, and by the Tenth and Seventeenth Amendments thereof; and

Whereas, on December twenty-one, nineteen hundred seventy, the Supreme Court in *Oregon* v. *Mitchell*, rendered what purported to be a 5–4 decision in which it held the Congress to be without power to fix voting age qualifications for persons to vote in State and local elections, but on irrational and unsupportable grounds held the Congress possessed of power to establish such qualifications for persons to vote in national elections; and

Whereas the said usurpatory statutory provision can remain effective only until repealed and the Supreme Court's decision valid only until overridden; and

Whereas, as George Washington in his farewell address, as President of the United States declared, "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed"; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the members of the Congress of the United States from Virginia are hereby memorialized to initiate, and support the enactment of legislation to repeal Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

(*Condensed to eliminate certain references to the enactment of a proposed constitutional amendment by Congress now no longer pertinent.*)

EX-TEXTILE EMPLOYEES TO GET GOVERNMENT ASSISTANCE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. MIZELL. Mr. Speaker, at this time I would like to call my colleagues' at tention to a newspaper account related to the recent ruling by the U.S. Tariff Commission that former employees of the Arista Mills Co. in Winston-Salem are eligible to apply for Government assistance provided to workers who lose their jobs because of the U.S. Government's trade agreements with foreign countries.

The story, written by Mr. Bill Connelly, the very able Washington bureau chief of the Winston-Salem Journal, points to a possibility I raised in this Chamber earlier this week. The story was published on March 19, 1971.

I call particular attention to the last paragraph of Mr. Connelly's story which reads:

> The Tariff Commission's ruling in the Arista case could pave the way for similar decisions regarding textile companies that contend they were put out of business—or seriously damaged—by import competition.

I urge my colleagues to seriously consider my proposal for textile quota legislation as they read this newspaper account.

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[1] "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

I insert text of Mr. Connelly's article into the Record:

Ex-Arista Employes To Get Aid—U.S. Concedes Imports Hurt

(By Bill Connelly)

Washington.—The U.S. Tariff Commission ruled yesterday that former employes of Arista Mills Co. in Winston-Salem are eligible for government assistance provided to workers who lose jobs because of U.S. foreign trade agreements.

The Labor Department now must decide what type of assistance will be provided and which former Arista workers are entitled to benefits. Arista closed about a year ago, eliminating some 350 jobs.

Rep. Wilmer Mizell of the 5th District was informed of the Tariff Commission decision, the first in which a textile firm's employes have been granted aid under the Trade Expansion Act of 1962.

Mizell said the decision indicates official government recognition that textile imports from Asian countries are "directly responsible for the loss of textile jobs in the United States."

U.S. RULING

In another ruling last November, the Tariff Commission held that the owners of Arista Mills were eligible for government aid under the 1962 law. In January, three former Arista workers filed a petition to gain the same right for employes.

The commission ruled yesterday, in effect, that concessions granted in U.S. trade agreements led to an influx of directly competitive textile imports that was largely responsible for putting Arista employes out of work.

Arista Mills produced cotton and man-made fabrics used for work shirts and sports shirts. The Tariff Commission said the company had a monthly average of 350 employes during 1969, its last full year of operation.

THREE FORMS

Under the Trade Expansion Act of 1962, government assistance for the employes can take three forms: (1) job retraining; (2) relocation; (3) a cash supplement to the worker's unemployment benefits.

It will be up to the Labor Department to determine which benefits are available to specific employes. A department spokesman told Mizell's office that an investigation would begin in two to three weeks.

According to the Labor Department, an employe must have worked at Arista for 26 weeks during the year before the plant closed and must have earned at least $15 a week to be eligible now for government aid. Other eligibility rules will be spelled out after the department's inquiry.

The Tariff Commission's ruling in the Arista case could pave the way for similar decisions regarding textile companies that contend they were put out of business—or seriously damaged—by import competition.

HOUSE OF REPRESENTATIVES—*Monday, March 22, 1971*

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Ye shall proclaim liberty throughout all the land unto all the inhabitants thereof.—Leviticus 25: 10.

"Lord shelter the prisoners of war in Southeast Asia. Open the hearts and minds of their captors that they may be restored to their homes and loved ones. Each has carried the burden of battle. Each has discharged an obligation to his country. Each has been subjected to hazard, pain, and imprisonment beyond the lot of the soldier.

"O Lord, these gallant men who bear so great a burden must not be forsaken. God of justice to whom we pray, Thy compassion we beseech: Lift their burden, give them strength and strike the shackles that deny them freedom." Amen. An American Legion prayer for our prisoners of war.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 19, 1971, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 16. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1117. An act to provide for regulation of public exposure to sonic booms, and for other purposes; and

S. 1181. An act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86-42, appointed Mr. Williams, Mr. Hartke, Mr. Metcalf, Mr. Hollings, Mr. Scott, Mr. Jordan of Idaho, and Mr. Miller to attend the Interparliamentary Union Meeting to be held at Caracas, Venezuela, April 8 to 18, 1971.

The message also announced that the Vice President, pursuant to Public Law 80-816, appointed Mr. Hollings, Mr. Chiles, Mr. Boggs, and Mr. Saxbe as members of the Board of Visitors to the U.S. Naval Academy.

The message also announced that the Vice President, pursuant to Public Law 84-372, appointed Mr. Mathias and Mr. Hatfield as members of the Franklin Delano Roosevelt Memorial Commission.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I wish to serve notice that the gentleman from Texas (Mr. Patman) will ask unanimous consent tomorrow to bring the joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

PUBLIC LAND LAW REVIEW COMMISSION RECOMMENDATIONS AND THEIR IMPLEMENATION

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, we have been waiting a long time—some may say too long—to bring public land policy into the 20th century. But it is not easy to unravel the complex web that constitutes the chaotic legal jungle of public land laws that grew up since the inception of the Union.

As you know, the Public Land Law Review Commission was established in 1964 and went to work in August of 1965; it completed its work and presented its report to the President and the Congress on June 23, 1970. Thereafter we had an educational period during which the report and its recommendation were debated throughout the country.

It was our purpose to initiate legislation at the beginning of this Congress and start the long road toward revision of the public land laws in a logical manner so that we would avoid pitfalls of the past. In pursuance of that purpose I wrote to the President on January 5, 1971, urging that we embark on a cooperative effort, and asking that he designate an individual to represent the administration in working with us toward our mutual goal of avoiding those past pitfalls and assuring that, as legislation is scheduled, we would have an administration position presented so that we could move forward expeditiously.

At the same time it was my conviction that the Commission recommendation to merge the Forest Service with the Department of the Interior should be the first order of business in the logical consideration of the restructuring of our land management policies, practices, and procedures.

The second piece of legislation that I believed must be considered, and it probably can be accomplished simultaneously with consideration of organizational changes, may be categorized as foundation legislation. It would constitute a statute or a series of statutes setting forth basic policy for the use of the public lands, setting forth the goals and objectives for such use—matters that are unfortunately absent today and that have caused public land management to drift—without any direction from the policy making body: Congress.

It is now over 2 months since I wrote to the President and, although I have courteous acknowledgments of my letter, I have had no definitive reply. While we have withheld introduction of legislation, in deference to the request to the President, I feel that a reasonable time has now elapsed and the time will soon come when we should proceed with the introduction of legislation, secure in the knowledge that we tried, in advance, to establish a cooperative spirit and cooperative means of action.

We were heartened when the President proposed, as part of his larger Government reorganization program, that the Forest Service be merged with the Department of the Interior into a Department of Natural Resources, as had been recommended previously by the Public Land Law Review Commission. Here, again, however, while we have similarly waited a reasonable time to receive from the President the specifics of his proposal, it may be beneficial to have before the Government Operations Committee legislation dealing solely with the Commission's recommendation which has been gaining support from many quarters.

My statement today, Mr. Speaker, is made mainly in response to the many inquiries that we are receiving as to what I, as former Chairman of the Public Land Law Review Commission, propose to do about implementing the Commission's recommendations or, more accurately, moving to obtain a meaningful revision of the public land laws. There is no question but that the time is fast approaching; we cannot and do not intend to say "let us hold off indefinitely." We have merely been trying to establish a cordial workable relationship between the legislative and executive branches which is the key, in the final analysis, to constructive legislative action. We no longer can or will say that legislation proposing changes in policy must await study of the Commission's report; but we will just as vigorously insist that we proceed in a logical sequential manner in order to provide an integrated comprehensive fabric of policy and law that will truly be in the public interest and be understood by those affected.

Let me, therefore, reassure my colleagues, as well as the American people, who own the great public lands that comprise one-third of the Nation's land, that we are ready; that shortly we will act by introducing legislation; that thereafter we expect the chairman of the Public Lands Subcommittee to schedule hearings; and, that we look forward to perfecting the legislation as a result of the hearings in which we hope that all concerned will participate. Further, for our part, the House Committee on Interior and Insular Affairs, which I have the privilege and honor to chair, has retained as its speical counsel on public lands the former Director of the Public Land Law Review Commission, Milton Pearl. Members who are desirous of cooperating with us in this important endeavor are urged to contact Mr. Pearl at the committee office so that we may all work together in securing legislation that is truly in the public interest.

At the annual meeting of the Mining, Metallurgical, and Petroleum Engineers I spelled out generally, but in a little more detail than my remarks on the floor today, where we have been and where we are going in regard to the revision of the public land laws. For this reason, Mr. Speaker, I suggest that my interested colleagues read the remarks that I made on that occasion and, under permission granted previously, I include those remarks as part of this statement:

Possible Impact of the Public Land Law Review Commission Report

(Remarks by Hon. Wayne N. Aspinall)

Last June a report was presented to the President and to the Congress by the Public Land Law Review Commission of which I had the privilege to be the Chairman. Those of you who are not from the West may not realize the amount of land owned by the Federal government. Many of you may not have been concerned with the fact that this Commission had carried out a 5-year review at a cost of approximately $7 million.

Reflecting the vastness of the acreage owned by the United States, the Commission's report is titled, "One Third of the Nation's Land", for that is how much land our Federal government owns. Approximately one-half of the Federal acreage is in Alaska. Although about 90% of the area that is not in Alaska is concentrated in the eleven most Western states, each of us has a vital interest in how all of the public lands are utilized.

The public lands are varied in all respects, including the terrain, the diversity of climatic conditions in which they are located, and, like other lands, the values that they possess both on the surface and beneath the surface.

A comprehensive review of the policies and laws applicable to these lands became necessary when we found ourselves with an extensive body of laws and regulations, some of which conflict with each other and many of which are obsolete. The review and report that have been made contain recommendations, recommendations that need separate action by either the administrators or the Congress. Our estimate is that approximately 80% will need legislation to become effective. To accomplish this successfully, we will need a coordinated cooperative effort between the Executive and Legislative branches. I have asked the President to designate someone to work with us toward that end.

The chaotic condition of public land policy, laws, and regulations today can and will be avoided for the future if we proceed to revise the public land laws in an orderly manner based on a logical sequence in which we move from fundamental foundation elements to specific aspects of management and, in some instances, disposition of a limited part of the public lands. We have the opportunity now to do something that this country never could do before, and I have faith that we will take advantage of it and pass laws necessary to provide the legal framework for the use of the public lands in the public interest.

This does not mean that I expect to have all of the recommendations of the Public Land Law Review Commission adopted by the Congress. In presenting the report to the President, I stated, "We do not ask unanimity, but we do believe that the Commission's report and recommendations are a good starting point in an effort that must be undertaken and a task that must be accomplished."

Discussing the report in its entirety in a short period is very difficult. I think that the Public Land Law Review Commission acted so as to satisfy the concept that any review of the public land laws must fulfill the requirement that all the laws and policies be examined together. Accordingly, the report has a oneness to it—all recommendations are related to each other and the report must be treated as a whole.

The difficulty arises in seeking to fulfill this need when dealing with approximately 400 recommendations. At the outset, the Commission proposes a Program For The Future containing 18 basic underlying principles suggested as being applicable to all public land use; in the chapters of the report that follow, there are 137 numbered major recommendations and 250 subsidiary recommendations all designed to carry out the fundamentals set forth in the program for the future.

In order to fulfill my assignment this morning and provide you with some views as to the possible impact of the recommendations made by the Commission, it will obviously be necessary to focus on broad subject areas. Inasmuch as other speakers on the program today will address themselves specifically to the recommendations dealing with minerals, it will not be necessary to go into detail concerning these, which are of primary interest to this group.

It is, in my opinion, safe to say that there will be many changes made concerning the management and disposition of the public lands. The first recommendation made by the Public Land Law Review Commission, in sketching the program for the future, is to the effect that the statutory policy or large-scale disposal of public lands should be revised and that disposals in the future should be selective, based on determination that the lands involved would achieve maximum benefit for the general public in non-Federal ownership. Some who may have sought to obtain public lands in the last 10 years may say that this would not constitute much of a change. The basic and important change will lie in the fact that both policy—which is the prerogative of the Congress to establish—and practice will be the same. A person should be able to pursue a course of action with a fair idea of the outcome, while at the same time being assured that the policy can not be changed by administrative action overnight.

This leads us to a second significant modification, part of which has already been instituted by the Department of the Interior by administrative action. We have a right to expect that the procedures that govern the use of public lands will, on their face, be fair and equitable to all and that this fairness will be carried out in practice. When government or any segment of government loses the confidence of the people, all involved suffer: we continue to use our energies to quibble instead of focusing on matters of substance. It is unfortunate, but we found in testimony and materials submitted to the Commission that a large percentage of those who work with the public land management agencies had lost confidence in those agencies.

In order to reassure the American people and to restore confidence in the agencies of government involved, there are numerous recommendations throughout the report of the Public Land Law Review Commission designed to achieve that objective. Prodded by the findings of the study prepared as part of the research program, the Department of the Interior has already instituted new procedures relating to cases on appeal within the Department. You can expect the Congress to enact legislation designed to streamline the administrative procedures involving proposed uses or conflicts over uses of public land.

All of us are aware of the recent emergence of environmental quality as an issue to be dealt with in each of our endeavors. Many of us have been concerned with the environment for many years; the need to protect the environment of the public lands was brought into the research program carried out under the direction of the staff long before the subject became so popular. We can, therefore, anticipate congressional approval of most, if not all, of the recommendations made by the Public Land Law Review Commission regarding the enhancement or at least the maintenance of the environment on and around the public lands.

Maintenance of a quality environment is one of the underlying principles and, in addition, the Commission's report presents numerous detailed recommendations applicable to every type of use and some applicable to specific uses only. In all, following the underlying principle, there are 51 recommendations dealing with the environment.

Although, as I indicated a moment ago, another speaker will discuss in detail proposals for change in the mining law, I would like to examine this subject from the viewpoint of a Member of Congress and the Chairman of the Committee that will consider such legislation in the House of Representatives. One of the toughest, if not in fact the most difficult, of questions to come before the Public Land Law Review Commission concerned itself with the mining law. Virtually everyone agrees that the mining law of 1872 which, generally speaking, covers the search for and the discovery, development, and production of hard rock minerals, needs some change.

The advocates of change range over the entire spectrum of what might be accomplished. There are those who would amend the law solely for the purpose of avoiding the application of judicial and administrative rulings interpreting or implementing the basic law. There are others who would make major or minor changes in the law; and then there are those who advocate outright repeal of the mining law and its replacement by a mineral leasing system.

The only thing that I can tell you with any certainty today concerning the mining law is that legislation on this subject will undoubtedly be one of the most vigorously debated and contested legislative actions. From the outset of the work in the Public Land Law Review Commission, it was our objective to achieve a consensus among 19 people representing various and divergent backgrounds, philosophies, and constituencies. It was part of this endeavor that lead us to recommend the enactment of a mining law that in the opinion of the majority of the Commission will, if enacted, correct the defects in the existing law and remove the opportunity for the unscrupulous to abuse the law by utilizing it for purposes unrelated to mining. It seems to me, personally, that critics of the existing law should be satisfied with a substitute that would accomplish these purposes, without insisting that the minerals involved be brought under a leasing system. One difficulty we have is that all too frequently some particular term or slogan replaces substance and, if that happens in this instance, we may find some people on both sides objecting to compromise legislation. I appeal to all concerned not to let this happen; and rather for them to examine the legislation on the merits as to the objectives sought.

An important factor in this context involves examination of our objectives. The Public Land Law Review Commission, based on data submitted to it, came to the conclusion that there would be a significant increase in our population, and also in our economy, between now and the year 2000, which period of time we established as our foreseeable future. We then recommended that the public lands must contribute a share of the increased demand that will result thereby. In addition, we have a general belief that there is a need for the development of additional domestic sources of supply of minerals. Our recommendations are based on these premises, and I have confidence that, after the issue has been debated, the Congress will support the general principle involved.

In assessing the defects in the existing public land laws, we found the greatest difficulties are traceable to the absence of effective guidelines to plan future public land use. The first ingredient of any system of planning the use of public lands must be the establishment of goals and objectives for the use of those lands. Then, in the planning process, everyone concerned should be brought in before the managing agency makes any tentative or preliminary decisions. Accordingly, it is my plan to introduce this type of legislation as the initial step in the construction of a firm body of public land law. Once we can reach agreement and embody in statute law our goals and objectives for the use of public lands, together with a procedure for planning, we will have a foundation on which we can build and set forth the procedures to be applicable to specific uses.

Another difficulty that we found was the fact that there are no statutory guidelines for the establishment of priorities among the several uses authorized under multiple use laws. We have made only a beginning toward the end of choosing among multiple uses; but the fact is that we have made a start and we trust that all of you will give it consideration. Realistically, therefore, I anticipate that we can and will, during this Congress, enact legislation to establish goals and objectives as well as planning procedures concerning public lands, but that a greater period will be required to permit formulation of legislation governing the priorities of various uses.

Before we start considering any legislation, it would be good to determine, if feasible, whether the recommendation to merge the Forest Service with the Department of the Interior can and will be carried out. This recommendation was made by the Public Law Review Commission and more recently was incorporated in a series of recommendations for government reorganization made by the President. We cannot and will not delay indefinitely. But we will wait a reasonable period because many problems will be solved and others will never arise if the merger recommendation is removed as an issue in connection with general public land legislation.

Last week the Committee on Interior and Insular Affairs of the House of Representatives completed its organization. Tomorrow, as Chairman of that Committee, I will meet with all the Subcommittee Chairman in order to draw up our plans for this session of Congress. The public lands of the United States represent a valuable asset, and I assure you that we will give a high priority to the consideration of legislation to revise the public land laws of the United States.

PRESIDENT NIXON IS TAKING AMERICAN FORCES OUT OF VIETNAM AND DOING SO IN A RESPONSIBLE ORDERLY WAY

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, President Nixon is taking the American forces out of Vietnam and is doing so in a responsible orderly way. This has been accomplished without prejudicing the ability of the non-Communist South Vietnamese to resist aggression from the North, and without destroying the credibility of American commitments throughout the world.

In the first months of his administration he announced the Vietnamization program, under which we are turning our combat responsibility over to the Vietnamese and withdrawing our troops in accordance with three criteria:

Progress toward peace in Paris;

The level of enemy activity on the ground in Indochina; and

The capability of the South Vietnamese to handle the enemy threat.

There has been no progress in Paris. The levels of enemy activity in Cambodia and Laos have necessitated extensive U.S.-supported military operations in these areas. Yet it has been possible, because of the progress made by the Vietnamese Armed Forces with our training and support, to reduce our troop levels in Vietnam by over 200,000 men by January 1. That troop level will have been reduced by over 265,000 men by May 1. This withdrawal will proceed at least the same rate after that. It is the President's goal to take all our men out, but we will not do so as long as the North Vietnamese hold Americans prisoner. Our men in captivity will not be forgotten.

INDOCHINA WITHDRAWAL

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, the rhetoric surrounding current events in Laos obscures the tremendous progress that has been made in dealing with the difficult situation in Indochina over the past 2 years. Let me recall that the U.S. troop level, which was nearly 550,000 in early 1969, will fall below 284,000 by May 1 of this year. Two years ago American casualties were over 270 per week. They dropped to a weekly average of 80 in 1970, and have been substantially less than that for the first months of 1971 despite the intensified military operations in Laos. The additional cost of Vietnam was approximately $22 billion 2 years ago. It is less than half of that today.

Yet the security in Vietnam is vastly superior today to what it was 2 years ago. The Vietnamese Armed Forces have shown that with our air support they can successfully undertake major operations against seasoned troops of the enemy on ground familiar to the latter. At the same time the Vietnamese militia has assumed much of the burden of pacification within the country. Vietnam is moving toward countrywide elections for the national assembly and the Presidency even as the war continues. Price rises, which were running 30 percent per year have been held to 4 percent in the last 8 months.

This progress has been made possible largely by the efforts of the South Vietnamese. We expect this progress to continue even as we withdraw our forces. But we must not jeopardize this progress by mindless or precipitate withdrawal. To do so would be to betray the vast majority of South Vietnamese, Lao, and Cambodians who are not Communist. It would also be to betray our faith with ourselves.

THE SKEPTICS AND THE HOUSE VOTE ON SST

(Mr. KUYKENDALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KUYKENDALL. Mr. Speaker, last Thursday, the U.S. House of Representatives responding to pressure from the doubters, the skeptics, and the fearmongers, regretfully acted against continued development of the SST.

The actual substance of the SST vote was not as important as what it means to America. Because with deep regret I must state that I feel it is the first step down the road toward achieving a second class America.

I would like to recall that every single committee on both sides of the Congress that has heard SST testimony for 8 years has voted overwhelmingly in favor of it. Yet, the deluge of opinions, half truths, fabrications, and deliberate lies has been so great that for the first time in my public life I have seen the Congress vote against the overwhelming opinion of 8 years accumulated testimony.

There are those who would run this country who demand that millions of homes be built and yet no trees be cut down. There are those who would demand that we have health throughout the world and yet would immediately create hundreds and thousands of deaths by malaria by banning the export of DDT. There are those who demand low food prices on highly nutritious food and yet scream to the heavens about farming methods that have allowed the American people to eat more and better food more cheaply then any in the world. There are those who want warmth and comfort and yet scream when the coal is mined that produces this warmth or when oil is produced for the same purpose.

I think the time has come when the American people must decide if the skeptics are going to run this country. I think it is time for the mass media to decide whether they are going to be the conveyors of doubt to such an extent that no optimist, no dreamer can possibly do anything new for his country because there is always more doubt than there is proof.

Just remember, if the skeptics had had their way and the media had been capable of communicating those doubts we would never have built and developed the railroad system across this country; we would have had no electrical system since Thomas Edison himself said the alternating current would never work and certainly the fearmongers would never have allowed Abraham Lincoln to bring the Civil War to a successful conclusion.

The question now is, Who's in charge here?

THE CASE AGAINST AN ALL-VOLUNTEER ARMY

(Mr. WAMPLER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, on February 21, 1971, there appeared on the editorial page of the Washington Post, a column by Joseph A. Califano, Jr., entitled "A Poor Man's Army: The Case Against an All-Volunteer Army." This is a very thought-provoking editorial which, in my opinion, deserves the careful scrutiny of every Member of Congress.

Mr. Califano, now a Washington attorney, was special assistant to the Secretary of Defense, Deputy Secretary of Defense, and special assistant to President Johnson.

The article follows:

A POOR MAN'S ARMY: THE CASE AGAINST AN ALL-VOLUNTEER ARMY

(By Joseph A. Califano Jr.)

The decision to wage war is usually the most serious that any national leader makes during his public career. True as this has been throughout history, in the age of nuclear weapons any such decision is fraught with catastrophic undertones. It is thus important that every reasonable inhibition be placed on those who have the power to make the decisions of war and peace. There should be no cheap and easy way to decide to go to war in the 1970's.

The greatest inhibition on the decision of a democratically elected leader to wage war is the need to have the people's support. It took Roosevelt years of persuasion and the Japanese sneak attack at Pearl Harbor to bring the nation to a point where they were willing to wage war in the South Pacific, North Africa and Europe. Truman's decision to fight in Korea was one he had to make with the knowledge that as the war progressed, it would likely be unpopular and costly to the political fortunes of a party that depended upon the support of the American people in order to retain control of the White House.

The concept of a volunteer army—paid at a rate just high enough to attract those at the lower economic levels of our society and ending a draft which exposes every economic and social level to possible military service—lifts from the President the most potent inhibition on a decision to wage war. It is likely to produce a poor man's army fighting for decisions made by affluent leaders. It is unlikely that many of the senators, congressmen, presidents, cabinet officials and national security advisers who, in the first instance make the decision to wage war, will have sons who will choose a military career because it pays more. The economic incentives put forth by proponents of the volunteer army proposal are unlikely to attract many, if any, middle and upper class Americans with higher paying, less dangerous career alternatives.

It is remarkable to me that so many doves on both sides of the aisle have joined in support of President Nixon's proposal for a volunteer army. Indeed, some wish to put it into effect even faster than the President suggests. The broad base of support against the Vietnam war has come from those college students and their middle and upper-middle class American parents who are personally affected by the cold fact that the draft is color blind as far as economic and social status are concerned. These Americans simply will not permit their sons to die waging a war in which they do not believe.

Moreover, any President or national leader must constantly reassess his position today on the Vietnam war and any future adventures in armed conflict to make certain he can continue to make his case to the American people. He must have some hope that they will be with him, as President Lyndon Johnson used to say, on the landing as well as on the take-off.

This is the critical defect in the proposal for the volunteer army: It could make it too cheap and easy for national leaders to make the initial decision to wage war. It is from that initial decision of one or a few men that it is so difficult for subsequent leaders and an entire nation to retreat, as we have seen through the administrations of four presidents who have struggled with the problem of Southeast Asia.

Much of the attitude of supporters of the voluntary army is similar to the thinking that has degraded the original concept of foreign aid. Our AID programs were begun as an act of magnificent humanity after World War II, when former enemies were accorded dignified treatment as human beings and given the assistance to rebuild their societies, preserve their national integrity and live in human decency. Piece by piece and chip by chip, foreign aid finally reached the point epitomized by Senate Minority Leader Hugh Scott's statement late last year in support of President Nixon's $255 million request for aid to Cambodia: "The choice here is between dollars and blood." Put another way, we can buy a war that others will fight for us; in Scott's case, the Cambodians. In short, let's make it *their* blood and *our* money.

It is largely this attitude which has permitted the Russians to be so adventurous since the end of World War II with few internal repercussions. The Chinese and North Koreans fought, with Russian financing, in the early 1950's. The North Vietnamese fight with Russian and Chinese aid in Southeast Asia. The Egyptians and Arabs fight with Russians arms in the Middle East. The Soviets in effect buy mercenary "volunteer" armies of citizens of other countries, just as our AID program has often been used to buy foreign mercenaries for us.

There are other problems with the volunteer army, not the least of which are the enormous financial costs and the dangers to a society of harboring 2 or 3 million men dependent solely for their livelihood on the most powerful military establishment in the history of mankind.

According to the report of the President's Commission on an All-Volunteer Force, chaired by former Defense Secretary Thomas Gates, to attract a volunteer force of 2 million men, the nation would have to pay $1.5 billion per year in addition to what it is now paying. To support a volunteer force of 2.5 million men, the nation would have to pay $2.1 billion per year in additional pay and allowances. To add an additional 500,000 men and support a volunteer force of 3 million men, the taxpayers would have to put up an additional $4.6 billion per year. That 20 per cent increase in manpower from 2.5 to 3 million men requires a staggering 100 per cent plus increase in the cost to the nation, from $2.1 billion to $4.6 billion each year.

In an age of urgent domestic needs, I would prefer to spend that $4.6 billion (or the lesser amounts) on any number of needs at home—improving the delivery of medical services, housing, job training, anti-pollution efforts, education.

There also should be some concern in any democratic society at putting 2 or 3 million men throughout the most productive years of their lives in professional military careers. Several military officials have expressed precisely that concern to me. At the policy-making level, civilian control of the military is no easier than civilian control of the civilian bureaucracy or mayoral control of a local police force. As powerful and well connected as the military establishment is in the business community and in the Congress, there is at least the continuing check of a turnover in both the officer and enlisted corps of scores of thousands of men who enter and leave the military each year and make their careers in a variety of civilian professions. To take an extreme but actual case, what would the chances have been of exposing the Mylai massacre if the only

Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?

This is not meant as a commentary *a la* Eisenhower on the militory-industrial complex. For the dangers of parochialism and stagnation from having the same people in the same jobs too long are apparent throughout our society: in the steel industry, the seniority system in the Congress, some labor unions and even on automobile assembly lines. Moreover, the learning process goes both ways. If any good can be said to come out of war, it is from the survivors (in and out of the military) whose experience tempers their willingness to wage war again and makes them reluctant to permit their sons to wage war. Finally, there is more truth than most people would like to admit in the affirmative aspects of discipline and training that a military organization provides not only for many enlisted men, for a significant number of relatively affluent college graduates from middle America.

The arguments propounded for an all-volunteer army are not convincing to me. True, as the Gates Commission points out, we have had volunteer armies for the greater part of our history except during major wars and since 1948. But those volunteer forces were substantially smaller than they are today. The power and logistic capability of Presidents to station them in any part of the world and intervene in any war is markedly greater today. And hydrogen bombs were not an integral part of the military establishment before World War II.

True, as Senator Goldwater contends, it is increasingly difficult to make deferment determinations in conscientious objectors cases since the Supreme Court decision last June. But judgments concerning a man's intent are made every day in the courts of our land and there is nothing so special about judging the sincerity of a man's intention in the context of the draft.

True, as so many liberal supporters of the volunteer army argue, this proposal would relieve the burden of military service from young men who prefer not to have their careers interrupted by even a few years service in the military. But I, for one, do not wish to lift from the President and the Congress the substantial irritant and inhibition of young men who do not want to be drafted to fight in a war unless they are convinced the cause is just. Most presidents are both lions and foxes and their decisions to make war, while founded in conscience for the good of the nation, are not taken without significant measures of shrewd calculations.

What are we to say of a society that can no longer inspire its young men to fight for its national security policies? Not simply (I hope) that it's fortunate that we have enough money to buy mercenary volunteers.

The very concept of a highly paid volunteer army reflects the continuing erosion of the will to sacrifice, particularly on the part of our affluent citizens. The prosperity of the 1960's certainly must increase our concern with the impact of affluence on the fiber of our society. Along with its vast benefits, the economic prosperity of the 60's brought self-centered cries of more and better and a greater reluctance on the part of the affluent to sacrifice for public purposes and the needs of our disadvantaged citizens. The wealthy have been able to leave the center city or to live there in such protected cacoons that they are immune to the dangers of crime and the human indignities of congestion and filth. The more affluent are able to hire the talent to avoid payment of fair shares of income taxes; indeed, many pay no taxes at all. To say to them that now we will lift from you any concern that your sons might have to fight a war is further to pander to the more selfish, baser instincts of their human nature.

What is of profound concern is that so many of our leaders eagerly support any move to ease the burdens of the affluent and make it easier politically to engage in military adventures abroad at a time when the nation desperately needs a real measure of sacrifice at home and the strictest kind of inhibitions on further military adventures in far-off lands.

THE CONFLICT IN INDOCHINA

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, the President has worked harder than anyone else to bring the conflict in Indochina to an end through a negotiated settlement. Ambassador Lodge, his former Vice Presidential running mate, assumed leadership of the American delegation at the Paris talks the day after the President's inauguration. As early as May 1969 the President put forward a comprehensive plan for peace, including withdrawal of all outside forces, internationally supervised cease-fires, free elections, and release of prisoners of war. He took a number of concrete measures, including a change in orders given to U.S. combat troops, reduction of B–52 strikes, and withdrawal of U.S. forces to deescalate the violence in Vietnam and help bring about a settlement.

The President pursued the quest for peace in subsequent months, seeking through a variety of public and private channels to engage Hanoi in serious negotiations, offering to talk without preconditions, and promising to be flexible in any negotiations that might eventuate. In October 1970 the President took a new step for peace by offering a standstill cease-fire throughout Indochina, a political settlement in Vietnam reflecting the existing balance of forces there, and immediate release of prisoners of war.

The other side's answer to these efforts has been to demand that we withdraw our forces unilaterally and throw out the constitutionally elected government of Vietnam as we go. There is no justification for such action in international law. There is no justification for such action in the relative Communist weakness on the ground. There is no justification for such action in terms of the credibility of the American commitment throughout the world.

RUSSIAN SUBMARINE BASE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Russians undoubtedly consider the Government and people of the United States to be extremely naive. They have constructed a submarine base at Cienfuegos in Cuba. They know, of course, that we have photographs of it. When the story broke in the press that the Soviets were building a base in that country, our Government lodged strong protest with the Russians. Later it was reported to the American people that the Russians had assured us they were not building a base for offensive purposes. Apparently, we have swallowed this and we are now unconcerned about the whole thing. Or so it would seem to the Russians.

The fact is Russian submarines have penetrated the southeastern perimeter of the United States with the help of the supply facility at Cienfuegos. Barracks and naval support installations—even recreational facilities—have been completed there. At the least, they are capable of basing submarine tenders and barges with which to resupply Soviet submarines at sea.

No longer is it necessary for Russian submarines to make the long trip back home to Russian or satellite bases to resupply. They can now remain on station in the Caribbean for indefinite periods, confident they have only to call Cienfuegos for their needs to be delivered at sea.

This Russian capability poses a threat to the security of the United States. With it, Soviet submarines can more readily carry on their surveillance of our naval activity operating from Key West and Mayport, the Atlantic Missile Test Range at Cape Kennedy, and the U.S. air traffic over the Caribbean and the Panama Canal. In time of war, the threat would be doubly serious because of greater effectiveness of Russian submarine operations in the Caribbean and gulf areas.

The story of the expanding and modern Soviet fleet is known to us all. More and more, Russian merchant vessels are plying the waters around Latin America. It is just a matter of time before Soviet naval vessels will be steaming into these same ports on courtesy calls. All of this is part of a very general buildup of Soviet naval power throughout the world.

We must face the facts, Mr. Speaker. There is a significant Russian naval presence in the Caribbean. White House assurances regarding "understandings" and "agreements" will not change that. Cienfuegos should be all the proof needed.

MEDICAL CARE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a very close personal friend of many years, a doctor, has been a successful practitioner for 36 years. His name is Dr. D. M. Adams. His father was a physician before him. Interestingly enough, his son and brother also are physicians. They have made great contributions during a period which now is extending into three generations. I have long respected Dr. Adam's judgment and valued his counsel. He has written me a most interesting letter regarding his own ideas and conclusions about medical care after 36 years of practice. I have asked his permission to have this reprinted in the Congressional Record for I think it is most interesting and that it offers very useful suggestions. It follows:

DANIEL M. ADAMS, M.D.
Panama City, Fla., February 25, 1971.
Congressman BOB SIKES,
House of Representatives, Washington, D.C.

DEAR BOB: I told you that I would try to give you some of my ideas and conclusions about medical care after 36 years of practice. As you may know, my father was a pioneer physician here who built the first hospital in 1924 which I operated, along with my practice from 1934 until we closed it in 1967. Both my brother, Powell, and I (born here) are physicians and my only son (born here) is a physician (ENT at Ochsner's). I have had post graduate study at Tulane (a years teaching fellowship in the Department of Internal Medicine in 1952–1953), since which time I have limited my practice to internal medicine. Prior to that I had spent a month at Harvard immediately after the war, in obstetrics, and a week at NYU in electrocardiography. I spent a week at Vanderbilt in 1968, two weeks at the U. of Fla. in 1969, and one month in Internal Medicine at Harvard in 1970.

Of course, I was in the Army about five years, 42 months with amphibious infantry in the Pacific; after 11 mos. at the Station Hospital in Camp Shelby. All in all, a long and varied background.

From 1924 to 1967 we operated the hospital with no subsidy or help, except a non-profit charter, surrendered when Bay Memorial was opened about 1950. To my knowledge no one was ever turned away from here (or Lisenby's), because of inability to pay, or because of race, color or creed. We took care of all the charity when that made up most of what we had. FERA paid the doctor $25.00 for pre and post natal care and delivery, but I let that go to the hospital and delivered those free in the hospital. I recall the 50 cent office fee days.

In the mid 30s I had correspondence with Julius Rosenwald about the need for hospitalization for all and ways to try to work out some prepayment. Until Insurance came in after the war, most hospitals in medium sized communities were built and operated by doctors who took care of everybody. The advent of Hill-Burton hospitals saw the decline of proprietary hospitals, which those on public staffs saw fit to deride, and the skyrocketing cost of hospital care. Doctors are generally not appointed to the Board of Trustees of the Hill-Burton financed hospitals, but are receiving much of the blame for the skyrocketing costs. Most of those graduated in the past 25 years know little or nothing about running hospitals, or costs.

We were taught the old "sliding fee schedule" when I was in medical school, which implied that the doctor, turning away no one, charged the wealthy larger fees for the same thing he did free for the poor, and for the great middle class fees were charged according to ability to pay, with few objections to being overcharged. Doctors and patients were much closer then, perhaps, in general.

By the time I began practice the sliding fee schedule was on its way out because of the Great Depression, and the fact that the middle class was temporarily practically wiped out, leaving only the rich and the poor. Thanks to our great government, its wise, and devoted servants, the middle class now makes up all but the smaller percentage of each extreme.

One must reminisce and philosophize always, We live by our philosophical principles as well as by the inflexible rules of life. There is constant change and will always be, though in some ways some principles and some things never change. So we must adapt ourselves to the changes as best we can, philosophically in some ways, and realistically in some ways. I need not remind you of the changes in population, communications, transportation, and industrialization you and I have seen in our life times, not to mention those affecting the whole world and mankind, threatening the existence of life.

We have shunned the word "Socialism" in our country while socializing our society as rapidly as we practically can, yet still trying to hold on to capitalism in all its forms, despite the changes it, too, has undergone. As long as we can have a republic and a representative democracy of the type we have, we should be able to meet the necessities for socioeconomic changes freely, boldly and without being hypocritical about it. If our government remains a representative republic, and we continue to try to be as democratic as possible, why should we be afraid of a strong centralized government, which is what we have been necessarily evoluting toward all the time, because of population increase and material changes? We can not reasonably go backwards. There must be controls, but these can be democratic and as variable as indications point. Quality of life, with equal distribution of the necessities, equal opportunity, reasonable freedoms, shared fellowship, and responsibility shared also, according to ability, with every able bodied person contributing something no matter how little to the common good, with the common goal not the calf of gold, Baal or Molech, but God's own laws to love thy neighbor as thyself, and to have No Other God but God; this is what is ideal for our country, and mankind.

Law and order should be rigidly enforced while we experiment and try to learn the cause and prevention of crime and violence. A society which can countenance killing of thousands of the unborn at a whim, must be realistic enough to enforce the death penalty to the criminals of violence who will not, and can not, live without threat to society.

Now, I believe our country should be as one family, and that the laws of the family—and not the jungle—should prevail. Every one given citizenship, or born in this country, should be entitled to the security of it, and be expected to contribute to its needs in the best way he can. Security surely means food, clothing, decent shelter, medical care, and a sense of being a part. Medical care should not be a commodity but one of the necessities of life to which every citizen is equally entitled, as he is equally expected to contribute to the good of the society.

First, there is enough of everything if it is properly used. It is said that perhaps 60% of the people who see doctors get to see them because of conditions or complaints which could be as well cared for by a well trained conscientious nurse, or paramedical person. Of the latter, tens of thousands have received basic and special training through Armed Services. The emergency rooms of hospitals are filled at almost all hours by patients whom the doctor is expected to see. Except in real emergencies, severe pain or injury, or serious illness, most patients can be seen and treated, or screened, by trained nursing or paramedical groups. The hospital board of trustees should be 50% of doctors and these people, 50% of the consumers or laymen (for lack of a better word). The distributions of doctors should be partly a responsibility of the medical organizations, with facilities and remuneration a governmental responsibility where indicated. The doctor could choose public or private service. (Practice)

Hospital care should be nationalized, funds for building, supply, and maintenance channeled as in the Armed Services. All people should pay into the government proportionate insurance costs, with employers, or the government making up the rest.

Doctors should be paid and treated like all other highly and expensively trained people. The means used to pay and furnish fringe benefits such as in places like Ochsner's Clinic could be used, or like in the Armed services. I think that to treat them as in the Socialist countries, or Communist countries, however, is going to result in the same standards of medical inefficiency and service they have there.

People should be encouraged to stay away from hospitals, except for needed care or tests that can be done nowhere else. They should be encouraged to use "Clinics" or doctors offices where all tests except a very few can be much cheaper gotten; and educated to know first aid and treatment for minor ills. Those who go to hospitals emergency rooms for minor conditions at night, on holidays, etc., should be fined by a board, or have to pay the full cost exclusive of insurance.

As to prevention, laws should enforce every preventive measure possible against disease and injury. This could save 50,000 lives, and a million serious injuries annually where the automobile alone is concerned, and countless others of illness or violence where alcohol is to blame. The prevention and treatment of drug and alcohol abuse requires the mutual cooperation between law and medicine. In my opinion drug pushers should be treated as capital offenders, and subject to life imprisonment or the death penalty.

I think that the matter of National medical care is big enough to separate a Department of Health from HEW, and saddle it with recommendations for prevention, and also with National health care. If such a department had a bureau of standards, a section for procurement such as the Armed Services, for the generally used common materials such as sheets, blankets, beds, aspirin, etc., the commonly used equipment and drugs, there should be a possibility of great savings. All hospital personnel could be protected by Civil service standards if desired, and doctors could be given the opportunity of joining the National Health Service, or stay in private practice.

Germany had National health care in about 1890, and produced more outstanding men in medicine and surgery than any other country until after World War II. They were coming back until Hitler came into power with his mad fantasies and murderous actions.

This is surely enough for the time being. My intent is to show I have the close background and experience for my ideas and conclusions. I have given hospital care more thought, and more time, than most living physicians. I think the cost of hospitalization, which has skyrocketed so, could actually be cut in ⅔ or ½. If doctors can be given a choice of National Service Practice, with security and all the fringe benefits as highly trained and skilled personnel retirement like officers of the government (or officials of proper echelon), I think the average cost of doctor's fees can decline along with the cost of living, inflation, etc. There is a lot to this, but if the principles are sound and basic, and the administration or treatment is honest, fair, and equitable, we can take a real step forward to a better life for all, rather than into a mess, eventually two steps backwards.

With best regards.

Sincerely yours,

DANIEL M. ADAMS, M.D.

STRENGTHENING THE NATION'S FORESTRY PROGRAMS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, last Monday, March 15, I introduced for myself and others three bills which are intended to strengthen legislation affecting the Nation's forestry programs. Forestry programs have not been updated to meet present-day demands. It is felt that the most pressing immediate objectives are spelled out in these new measures which are being reintroduced today in order to include the names of additional cosponsors. The total number of cosponsors to date is 57 and joining me in the introduction of some or all of these bills today are the following Members of the House:

Mr. Staggers, Mr. Blatnik, Mr. Abernethy, Mr. Ullman, Mr. Pryor, Mr. Baring, Mr. Williams, Mr. Hungate, Mr. McClure, Mr. Montgomery, Mr. McCormack, and Mr. Hammerschmidt.

SPRING RAINS ARE NO JOY TO THE STRIP MINING REGIONS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, today is the first full day of spring.

The spring rains bring joy to many people as they bring to life roots which have been sleeping during the winter months.

But the spring rains bring fear and apprehension to those people who live in areas where strip mining has occurred. Strip mining has literally scalped the topsoil from the surface, ripped open hillsides, cut ugly gullies, and polluted clear streams with acid mine drainage.

I hope that my colleagues will join in supporting legislation which will outlaw this assault on our environment, and this insult to the God-given soil, hills, forests and streams. Sixty Members from 22 States are cosponsoring this legislation. The strippers are racing against the clock to expand and extend their depradations, because they know that sooner or later a Federal law will be passed. I hope that more of my colleagues will join in support of the legislation which I have introduced to ban the strip mining of coal and provide assistance for the reclamation of lands previously stripped.

A few years ago, a madman slashed the beautiful painting of the Framing of the Constitution which hangs at the head of the main stairway to the gallery. West Virginia's Secretary of State John D. Rockefeller IV has very aptly termed strip mining "like a knife slashing through a painting."

Let us stop the devastation of our land and enact legislation to ban the strip mining of coal.

I include the following:

[From the Washington Evening Star, Mar. 20, 1971]

Strip Mining on Trail

Hardly ever does a westbound jet leave here on a clear day that some passenger doesn't ask, after a few minutes in the air. "What's happened down there?" What has happened is that broad stretches of the West Virginia and Kentucky hills have been devastated—stripped bare as if by a giant hand with a hundred fingers that has left an ugly artistry of furrows, revolting even from a height of six miles. This is the legacy of strip mining, which has forced people in some poor regions to choose between jobs and the preservation of a verdant environment.

At last they are deciding for the environment, and the strip-mining companies are nervous. An astonishing thing happened in West Virginia the other day; the state Senate voted to prohibit all stripping in 36 of the state's 55 counties for a year, and to restrict these operations in the 19 other counties. Public revulsion at the spreading desolation seems about to counterbalance the long-dominant power of the mining interests. In the forefront of the campaign to ban strip mining is John D. Rockefeller IV, West Virginia's Democratic secretary of state and a leading contender for governor in 1972. He says that surface mining is ruining the state, "like a knife slash through a painting," and he deserves considerable credit for the Senate's action. The legislation was watered down in the state House of Representatives, and the breakthrough Rockefeller seeks will not come this spring, but change is in the wind.

Meanwhile, here in Washington, Representative Ken Hechler of West Virginia is convinced that only federal action can bring a satisfactory solution. He has a potent argument: If West Virginia should freeze out the strip miners, they would merely move over into other states and continue their depredations. The only remedy, as he sees it, is a uniform standard applying nationwide. To achieve that, he has introduced a bill with the sharpest teeth imaginable, and has been joined in its sponsorship by 47 House members from 17 states.

This measure would phase out all strip mining in the country within six months after its enactment, and authorize 90 percent federal matching assistance to states for reclamation of land already despoiled.

The Nixon administration also recommends legislation on strip mining; it would allow the states two years to submit control proposals, and establish no definite time after that for federal intervention if state action is disappointing. Hechler claims this would be a "toothless law" that would accelerate the devastation. He says the strip miners, with the giant machines they now use, "will be hell-bent for gouging out the hills in those two years." It isn't hard to visualize such a race to get all the shallow coal before the final whistle is blown.

More than two million acres already have been laid waste, and it is time for Congress to call a halt and start repairing the damage. Hechler is showing the way.

[From the Washington Post, Mar. 18, 1971]

The Strip Mine Problem

"Our class has been reading and discussing the problem of strip mining," wrote a sixth grader from Colerain, Ohio to Rep. Ken Hechler last month. "I think is like a wildfire destroying the forests and land in the United States. Since we live in eastern Ohio, we know how it is spreading and leaving scars on the surface of the earth. We hope Congress does not feed this fire." The words are only those of a child, and only one of thousands of pleas received daily on Capitol Hill. Yet, in the last few years, public worry and outrage over strip mining have been twin clouds in a gathering storm. The West Virginia Secretary of State, John D. Rockefeller IV, recently stood behind a bill that would abolish surface mining "completely and forever." Three large conservation groups have filed suit against the Tennessee Valley Authority, the country's largest user of stripped coal. In West Virginia's largest strip mine county—Boone—a poll among residents, according to Business Week magazine showed 10 to 1 against the practice. Representative Hechler has introduced a bill, with 35 co-sponsors from 16 states, that would federally outlaw stripping.

All this concern is well placed, and it is to be hoped more citizens and institutions will add their voice. Yet, however sad and disgusting the devastation is (nearly two million acres to date), dealing with the total realities of strip mining—political, economic, cultural and legal—is a major complexity. This is not unique; no environmental problem exists in a vacuum, solvable with the simplicity of one approach. Regarding stripping, for example, the nation needs coal for its electricity but it also needs beautiful land for its soul. Mining areas can use jobs for its citizens, but it can also use jobs for workers in the tourist industry—provided something is left of the land to tour.

With the bulldozers and shovels continuing the gouging daily, it is clear that this Congress must produce legislation either to stop the practice or to require land-reclamation programs that really do reclaim the land. Aside from Representative Hechler's bill—a strong one—several others have been offered, including the administration's. Senator Nelson's, Senator Jackson's, Representative Saylor's, and one soon from Representative Dingell. The Senate Interior Committee is preparing for hearings.

Until now, the technology of destruction has had an almost open throttle in supplying coal by strip mining. Some small reclamation projects by the Appalachian Regional Commission and a few companies have been operating; but usually, the land is left for dead once the coal companies move on. Aside from the barren land, a Buerau of Mines official estimates that some 5,700 miles of Appalachian streams have been contaminated by mine acids. Instant solutions are of course impossible, but no reason exists for not having solutions two or three years from now. No reason, except if Congress chooses to "feed this fire" instead of putting it out.

[From the Washington Star, Mar. 21, 1971]

Ripping Off Mountaintops In Coal-Rich Appalachia

(By Peter Bernstein)

Whitesburg, Ky.—The mountain collapsed on Bert Caudill's place in Johnny Collins Hollow one night last December.

Tons of earth and rock excavated by a strip miner's coal shovel suddenly let go on a ridge above the house. An angry mass of uprooted trees, boulders and mud swept down the slope, barely missing the house.

"It came a-roarin' down the hill with a sound I ain't ever heard before," recalls Ruby Caudill. "I tell you I was plumb scared."

Caudill was in a hospital at the time suffering from a bout with black lung, which he had contracted from breathing coal dust in underground mines for 30 years.

HIS DREAM

Today, the stripping is still going on and more mudslides threaten the three-room Caudill home. But they are still living in it.

"I know it ain't safe," Caudill says as he surveys his wrecked property, a 30-acre plot where he had managed over the last seven years to fulfill his dream of owning a small farm with some cows, chickens and a few hogs. "It's so that I can't sleep at night worrying over my home. But what can we do? We can't just walk off and leave the place. Where would we go if we did?"

The plight of the Caudills is not unique. Countless poor families are being driven from their homes by strip miners whose mechanized claws are devouring the land in this coal-rich region of the Cumberland Mountains and turning it into dunes of lifeless soil.

The carnage has been going on since World War II in the hilltops and hollows of Appalachia. But it has intensified since 1970, when a nationwide fuel shortage shot the price of coal from $6 to as high as $14 a ton.

Hundred of small mine operators and

heavy equipment owners in quest of quick profits went after the deposits easiest to mine near the surface. They merely had to rip away the covering layer of soil and rock to get to the veins of coal.

In Ketucky alone, the number of strip mine operators nearly tripled in 1970, from 111 the year before to almost 300. One of them from neighboring Virginia obtained a permit from Kentucky mining authorities to strip the ridge overlooking the Caudill home.

Work began almost at once, despite Caudill's plea to revoke the operator's permit. Soon there were explosions. Large boulders came crashing down the ridge. Coal mine acid began contaminating the hollow's water supply. There was no stopping the damage, so Caudill sold his livestock and hoped for the best.

After the December mudslide, Caudill sued the stripper for $15,000. But so far he hasn't been able to collect or put an end to the digging on the ridge.

Once confined to the Daniel Boone country of Kentucky and West Virginia, stripping for coal now extends into 26 states, from Alabama to Washington in the far Northwest. Its ugly scars are visible in every region of the country.

It has become a multi-billion dollar business. Some 35 percent of the estimated 600 millions tons of coal mined last year in the United States were gotten this way.

Strip mining—and the damage it is doing to the land—has been hidden from the view of the American public to some extent by the big coal companies, coal-burning utilities and industries and by land profiteers, labor unions and officials at all levels of government.

FEW SEE IT

The blackout extends to virtually all surface mining for such other minerals as iron and copper, gold clay, phosphate and sand and gravel in every state. The mining is done mostly in remote areas on a piecemeal basis. Few people see it.

And this accounts, in turn, for the fact that even though surface mining has been big business for 50 years, there still are no federal regulations for stripping on privately owned land.

Moreover, fewer than half the states have laws requiring strip miners to repair the damage they do to the earth.

The U.S. Bureau of Mines still depends on an outdated 1965 survey for information about the extent of stripping, even though strip-mine operations have doubled in some states.

In states with reclamation laws, enforcement is often carried out by untrained inspectors who got their jobs through political patronage.

But from the tragic experiences of people like the Caudills, a nationwide movement to regulate all strip mining is starting to take shape.

In West Virginia, the state legislature has imposed a two-year prohibition on strip mining in 22 of the state's 55 counties where such mining has not begun.

And in eastern Kentucky and Tennessee, the hopes of mountain people have been buoyed by a court suit filed recently by four leading conservation groups against the Tennessee Valley Authority.

The TVA, which purchases more than a third of the stripped coal in eastern Kentucky and is the biggest coal user in the country, would be enjoined from buying coal under a $78 million contract signed last fall. The purpose of the suit, essentially, is to stop strip mining, since the TVA is a federal agency, and its purchase policies are certain to influence other coal users.

President Nixon has proposed legislation that would require all states to reclaim the ravaged land.

In a recent message to Congress, the President said mining operations had "scarred millions of acres of land" and that problems such as landslides, acid mine drainage, and destruction of aesthetic values would worsen unless mining is controlled.

His proposed Mined Area Protection Act would authorize the Bureau of Mines to set guidelines for state reclamation programs.

However, a growing number of lawmakers believe the stripping problem requires strict federal control, and that the matter no longer can be left to the states.

So far 39 congressmen have cosponsored a bill introduced by Rep. Ken. Hechler, D-W.Va., that would stop the stripping of coal altogether and place federal regulations on the surface mining of other minerals.

Pitted against them, however, are such powerful organizations as the United Mine Workers of America and the National Coal Association. A lobbying group representing most strip-mine operators. Both groups oppose any outright ban on strip mining.

Yet even they concede the time has come for Congress to move into strip-mining regulation. The question—and the difference of opinion—centers on just how far Congress should move.

Few Congressmen will ever visit the hills and hollows where the Caudills live, but among those who have are men whose views about strip mining are changing.

For example, Sen. Howard H. Baker, R-Tenn., has a personal financial stake in strip mining. Baker is business manager of the 44,000-acre Payne-Baker Estate in Scott County, Tenn., under which there is a substantial bed of coad already being stripped.

Baker temporarily suspended all stripping on the estate earlier this year. He says "the very best efforts at reclamation are just barely good enough," and that strip mining should be prohibited on most steep slopes.

There are some people who would disagree with Baker, but they are mostly multi-millionaires like Richard Kelly, a resident of Hazard, Ky., who is founder of the biggest stripping company in eastern Kentucky.

Says Kelly: "The good Lord put that coal there to be mined. He left it up to the genius of mankind to develop the technology to get it out. And strip mining is the best way yet."

The stripper who devasted Bert Caudill's property—and shattered his dreams—said almost the same thing. He told Caudill after the landslide occurred that he was not to blame.

The landslide, he said, was an act of God.

[From Environmental Action, Mar. 6, 1971]

In Congress: Conservation Versus King Coal

(By Peter Harnik)

Giant gouging machines are ruthlessly ravaging our precious hillsides, soil and forests, polluting our streams with acid mine drainage, and making vast areas start to look like the surface of the moon. Because the strip mining of coal has caused the most irreparable damage to our environment, this bill is designed to phase out the strip mining of coal within six months of the enactment of the bill . . ."

With these words, Representative Ken Hechler of West Virginia's fourth district introduced H.R. 4556, "a bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment." Hechler is not the first man to try to regulate the coal industry—his bill was preceded by at least half-a-dozen others this year alone—but he has taken the strongest stand and emerged as the radical in what looks to be one of the major upcoming legislative battles of the 92nd Congress.

The battle, moreover, is going to be an extremely interesting one. Involved in the outcome are miners, mine operators, power companies, steel companies, conservationists, land speculators and even the consumer who worries about his electric bills. Along with Hechler, some others have a stake in the battle, including President Nixon, Senators Gaylord Nelson, D-Wis., and Henry Jackson, D-Wash., and Representatives Lloyd Meeds, D-Wash., and John Saylor, R-Pa. And, as the battle shapes up, others are likely to jump on the various bandwagons.

Coal in the 1970s is a volatile subject, and its regulation by Congress is not something which the industry—or the worker—is going to take lightly. There are simply too many ramifications to such an action, and a great deal of money stands to be gained or lost.

Representative Hechler is not the only man to stand up and declare that humanity has suffered enough at the hands of the ruthless mining establishment. He is merely the latest of a long string of eloquent Appalachians who have tried—and, on the whole, failed—to counteract the "march of progress" which has left an 11-state region ever poorer, more exploited and more psychologically damaged over the decades.

Hechler—who has, in fact, adopted West Virginia as his own and is not a native Appalachian—may have a larger constituency than he realizes. More and more Americans are finding that coal is not restricted to the far-off mountainous areas of West Virginia and Kentucky, but is also in their home state—and often under their own properties. Significant coal or lignite deposits are known to be in every state of the union except New York, New Jersey, Maine, Massachusetts, Connecticut, Vermont, New Hampshire, Delaware, South Carolina, Florida, Minnesota, Wisconsin and Hawaii.

Unbelievably huge deposits of coal lie under Indiana, Illinois, Kansas, Missouri, Iowa, Oklahoma, Texas, Utah and Colorado, not to mention the "more traditional" Appalachian states. Vast areas of Illinois and Indiana have already been strip mined and acreage is being rapidly bought up. One indication of the reality of the widespread concern is the fact that H.R. 4556 was cosponsored by 33 representatives.

Public fury, long contained by the American "work and progress" ethic, is slowly being brought to bear on miners in general and strippers in particular. Homeowners are afraid of having to move out in a hurry if their neighbors sell their properties to the miners. The ones that hold out are left with huge coal refuse banks, mammoth earth movers and trucks, coal fires and air pollution, acid mine drainage and water pollution.

Besides the environmental insults, there are plenty of other outrages associated with mining. According to a housewife in Ohio, the former farm and unmarked Quaker graveyard of two of President Nixon's ancestors, William Milhous, Sr., and Jr., are threatened with being destroyed by miners. In West Virginia it is not uncommon to hear of houses, schools and churches being crushed by boulders placed haphazardly or carelessly on a cliff's edge by miners.

Destruction, callousness, financial considerations, gruesome stories and misery have commonly been bywords of mining. Why, then, after over a century of neglect is the subject of mining restrictions coming up in the halls of Congress, in the legislatures of several state capitals and—most important, in the minds of millions of people?

The answer, simply, is that mining regulation is an idea "whose time has come." More accurately, the current swelling of sentiment for regulation—or prohibition—is the result of a protracted struggle between conservationists and the nation's mining interests.

It has long been clear that "all power pollutes," and it has also been obvious that coal mining for the generation of electricity wreaks havoc upon the environment. Throughout the 1950s and 60s, however, conservationists did not complain too loudly about mining for three reasons: coal production was erratic and relatively low during the period; no one had any plans for what to do with the hundreds of thousands of coal miners in the event of coal legislation; and it appeared that nuclear power plants were on the verge of being successfully built, thus removing the reliance on coal.

In actual fact, though, none of these trends emerged. Major stumbling blocks slowed the development and deployment of atomic power plants. Electrical demand soared and coal production increased. And, because of automation and new methods, employment shrank, prices went up and pressure to expand the industry increased in the late 1960s.

In the closing months of 1969, Congress dealt coal men a well-deserved blow by forcing them, for the first time, to honestly provide for the safety and health of their workers. Dangerous and weak underground mines were to be strengthened or shut down. Proper ventilation apparatus was to be installed to decrease the disease-causing coal dust. Certain types of explosives were prohibited. Fines were high. Inspectors were zealous and convictions were numerous.

At the same time, the Northeast's power shortage occurred, raising the price of coal from the usual average of $5.00 per ton to unheard-of rates of $10.00 or $12.00 per ton. The combination of stringent underground safety precautions and high prices lured many unscrupulous, non-miner businessmen into strip mining.

Strip mining is not very difficult. Even in those states with the strictest regulations, one needs only a mining plan (for which an engineer is hired for two weeks), a permit, a deed to the land (or its mineral wealth), a small amount of money to post bond (assuring, theoretically, the reclamation and restoration of the land), a bulldozer and a truck. The average strip mine operator employs less than five men, has no fears of explosions, cave-ins or floods, has no overhead expenses (like electricity), and stands to make a good deal of money.

What remains after the strip miner has cleared out, however, is not so easy to predict. It can range from a delightful lake in a reforested park to (and more often) a dismal, stinking swamp of sulfurous water stagnating amid sheer walls of coal, residue and stone. Or, a mine refuse bank might ignite and burn slowly and tortously for years, polluting the air. Or, what used to be the top and sides of a majestic forested hill will lie at the bottom of a rock- and coal-strewn valley, surrounded by its bare-faced, eroding valley walls.

The scenarios vary widely, but the outcome is usually the same—the coal men make huge profits, the environment suffers and the residents of the area are either driven out or devastated.

As an alternative to stripping, underground mining has obvious appeal. The underground mine, theoretically, needs only entrance, has virtually no effect upon vegetation or topsoil, is refilled after the operation with refuse or crushed stone, and is then sealed.

Actually, of course, few or no environmental safeguards exist. In real life, underground mines cause almost as much damage as surface mines—in terms of the pollution of the water table, major underground fires, and subsidence of surface lands. Millions of acres have subsided nationwide, causing pipes, roads and sewers to break, houses to collapse, villages to be rearranged. In Pennsylvania, particularly, mine fires have smoldered for decades, heating the ground, polluting the air, and killing vegetation.

Until fairly recently, the coal industry was less than enthusiastic about the rapid growth of strip mining. Stripped coal is generally inferior to deep mined coal, and underground miners resented the resultant lowering of the price. Furthermore, the average surface miner could nearly double his underground counterpart's production rate of 18 tons of coal a day, and coal men were apprehensive that strippers would lower even further the public image of the industry.

At the same time, the union, the United Mine Workers of America (UMWA), was quite pleased with the expansion of strip mining. Above ground miners, after all, are not as subject to rock slides, explosions, black lung disease, cave-ins, flooding and coal haulage accidents as are underground miners.

Slowly, however, the two groups began to reverse their stands. As stripping grew—it now represents about 36 percent of the mining industry—it became unrealistic for the National Coal Association to reject strippers from the ranks. Now coal men accept all forms of coal production as legitimate, including auguring—or the removal of inaccessible coal by using mammoth drills—a method which accounts for less than four percent of the industry.

The UMWA, on the other hand, began to get somewhat disenchanted with strip mining. Although the accident rate at a surface mine is about half that of the underground mine, the stringent enforcement of the 1969 Coal Mine Health and Safety Act, it is hoped, will lower the death and disability rate at underground facilities. The main drawback of stripping, in the eyes of UMWA, is that it reduces employment possibilities, since fewer men are required at each surface mine.

At present, the industry is gearing up for a fight on the strip and underground mining issues, both in Washington and in several of the state capitals. Its position is clear—coal is necessary, the public demands electricity, surface mining accounts for over one-third of the production, strip mined areas are reclaimable. The UMWA is, as usual, somewhat ambiguous as to where it stands. The Union is concerned about the 20,000 members who work in strip mines (90,000 others do not), and it has attacked the Hechler bill as "so much grandstanding." It has also attacked the Nixon administration for the weakness of its approach. The United Mine Workers president, Tony Boyle, continues to call for strict regulations of strip mining, although he apparently envisions much of the clean-up and reclamation costs being borne by the federal government.

While awaiting Congressional action on mining, the National Coal Association, the UMWA and environmentalists are focusing on some of the current activities in Appalachia. In particular, they are watching Tennessee, West Virginia, and Kentucky.

All Appalachian states have laws concerning surface mining. Most of them, including the so-called "strict" ones, are relatively or totally ineffective at preventing or even minimizing environmental damage. Kentucky, reputed to have the best mining regulation laws in the country, has been the outstanding example of a state which has not been able to control the problem through legislation. Last year, in desperation, several counties in the state took steps to ban stripping under public nuisance statutes, but the actions were overruled by the Attorney General of the state.

Kentucky's legislature, which is largely dominated by coal money, meets for two months every two years. Last year, environmentalists were badly prepared, and found little support in their efforts to ban stripping in the mountainous eastern part of the state. Next year, according to Tom Ramsey of the Pike County Citizens Association, they plan to be better equipped and prepared. "I think we are seeing," Ramsey told *Environmental Action*, "a level of seriousness that hasn't existed before. The question we have to face now is whether the small organizations around here will forget their petty differences and work together for some meaningful advances."

In Tennessee, the Tennessee Citizens for Wilderness Planning (TCWP) is trying to get some changes in that state's surface mining laws during this year's legislative session. The TCWP has submitted legislation which would stiffen the rate structure for acreage and permits, and add a "reclamation fee" of 10 cents per ton of coal mined. The proposals require a minimum bond of $1000 per permit and abolish a provision that those with sufficient assets need not put down any bond to assure reclamation.

TCWP wants also to ban mining on certain lands where reclamation is unfeasible on pollution inevitable. The group would also eliminate a rather remarkable provision that presently permits mining of an area for 10 day before actually obtaining a permit. Other sections detail the procedure which would be required for proper reclamation.

The position that the Tennessee group has taken is not a particularly radical one. In contrast with its original hopes, the group has even backed off on some of its proposals. In Tennessee, however, the laws have served only the mine operators thus far, and it is politically unrealistic to assume that the situation can be changed in one fell swoop.

The one-fell-swoop approach, however, is being tried in a spectacular way in West Virginia—and by none other than Secretary of State John D. Rockefeller IV. Rockefeller, to the amazement of many, has announced that he is seeking nothing less than a total ban on strip mining in the state.

The prospects for such a ban—which has been likened to a prohibition of banking in New York—are slim, but the possibility is there. West Virginians are a bit further down the road than most Americans—as their land has been leveled around them, their consciousness has been raised. Although mining is very important to the state's economy, only a tiny fraction of the labor force is employed on surface facilities. A Rockefeller aide noted that the campaign has picked up support over the past four weeks. One occurrence on which Rockefeller is basing some of his enthusiasm is a proposed 1961 legislative amendment, which would have efffectively banned stripping in the state. It was defeated by only one vote.

Many environmentalists, however, are skeptical of a ban's chances. They fear the unemployment argument and the power of the coal lobby in Charleston. Tom Bethell of *Appalachia Information* pointed out to *Environmental Action* that the highly popular black lung bill was nearly defeated by the coal industry and passed only nine minutes before the West Virginia legislative session ended in 1969.

Instead of facing the Rockefeller-backed bill head on, the strip miners are using another piece of legislation as a screen. This bill would give the voters in each county the right to decide whether they want to ban strip mining in that county. Seemingly democratic, the bill actually is just what the strippers want, since it stipulates that 25 percent of a county's voters must call for the referendum for it to occur. All observers agree that, because of the terrain, the number of tiny hamlets and isolated houses, and the voter apathy, the figure is unattainable—especially since each signature would be challenged by the coal men and would have to be verified.

Of the six bills already introduced in Congress or announced publicly, three have been referred to the House Interior Committee, two to the Senate Interior Committee and one—the Administration's—has not been submitted yet. Two of the bills—Jackson's and Saylor's—are identical.

The legisltaive history of strip mining bills is quite extraordinary. The Saylor bill, the Surface Mining Reclamation Act of 1971 (H.R 60), which is actually the least stringent of those introduced, has been submitted to the House continuously for almost a decade. And, although Saylor is and has been the ranking Republican on the Interior Committee, the bill has never been brought up or discussed. In fact, Saylor introduced a bill into the 86th Congress (1959), which would have authorized a study of the effects of strip mining and a report. It was ignored.

The two Senators who have mining legislation pending have also submitted their bills a number of times. Again, because of the philosophical bent of the members of the Interior Committee—Western, pro-mining, pro-land utilization—the bills were buried.

This year, however, with environmental pressures at a maximum, the committee will have to act. And with an energy crisis looming, the committee will have to make some difficult, carefully thought out decisions. Moreover, the days of faltering, path-breaking bills are over. The Interior Committees will be faced with the likes of the Hechler bill and the more moderate—but still tough—Meeds bill.

At present, it looks as if the Administration bill will be accepted as a starting base, with environmentalists and coal interests tugging in opposite directions. Hechler has shown surprising early support with 33 cosponsors as well as widespread acclaim among conservationists. The Meeds bill (H.R. 3299), which has been given little publicity as yet, may come on as a strong, but fair compromise. Its major virtues over the Nixon bill are a far more stringent penalty scale (up to $10,000), a recognition that the states have done an extremely poor job of regulating coal thus far, and a section outlining a reclamation schedule for "orphan mines," or those to which no one lays claim once they have been mined. The Nixon bill also confidently assumes that the states will shape up in their enforcement at the Administration's urging. One of the bill's drawbacks is that it refers only to coal mines, whereas the Administration's covers all minerals.

This marks only the very beginning of the battle for environmental and humanitarian justice for Appalachia and other regions which have been devastated by the mining industry. The groundwork for the battle has been laid by those groups who have worked for the miner's health and safety, and by those who have worked to publicize the need for environmental sanity in the immediate future. These forces are now ready, it appears, to challenge the notion of "King Coal" and the claimed "right" of the miners to gouge and destroy where they please.

[From Louisville Courier-Journal & Times]

STRIP-MINE CONTROL IS UP TO CONGRESS

(By Ward Sinclair)

WASHINGTON—Federal control over strip-mining of coal, until now something of an unnoticed and unwanted child of the ecological movement, will be up for adoption soon in Congress.

After more than two years' delay and after substantial weakining changes, the Nixon administration's answer to the regulation of surface mining and reclamation of despoiled land will be introduced this week.

At about the same time, Rep. Ken Hechler, D-W. Va., intends to introduce a much more radical proposition—a total ban on the stripping of coal and stiff regulation of the surface mining of other minerals.

Already awaiting consideration is a bill introduced last month by Sen. Gaylord Nelson, D-Wis., the father-confessor of the ecology-movement, whose proposal fits somewhere between the Nixon approach and the Hechler approach.

Congressional sources believe other surface-mining regulation proposals will eventually be introduced this year, with hearings in the House and Senate a probability.

Nelson's bill was introduced last year but no hearings were held. In 1968 the Senate held hearings on proposed legislation, but it died in committee. No House hearings were held.

President Nixon, Rep. Hechler and Sen. Nelson all agree that the time has come for Congress to move into the subject of strip-mine regulation. The question—and the difference of opinion—centers on just how far into the subject Congress should move.

* * * environmental message on Feb. * * * urged congressional action. The administration, in its strip-mine proposal that will go in this week, says "This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be."

Sen. Nelson, who has proposed controls for four years, calls effective environmental control and supervision of strip-mining practices "an urgent national necessity."

Hechler's view is that reclamation of stripped land cannot be done effectively. "I've not seen it done effectively and that's why I'm taking such an extreme position," he said.

Hechler said he feels public concern runs high over the ravages of surface mining, which chews up about 150,000 acres every year and leaves them in varying states of disarray.

"Public demand is much greater than the demand in Congress," Hechler remarked. "The newer members, however, are interested in this kind of legislation—I'll know better next week just how interested they are."

"How far do I think I will get with this proposal?" he said in response to a question. "You plant the flag halfway up the hill this year and you keep trying until you get it to the top."

Whether his own proposal gets very far or not, Hechler feels the administration legislation falls way short of what the public should expect. "I don't think it will work," he said. "They are horsing around with state plans . . . the states have failed to enforce the laws that already are on the books."

MORTON NOTED 2 PROBLEMS

Although advertised as a stringent approach to the strip-mine problem, a review of the administration plan suggests that it will be less than satisfactory to the Nelsons, the Hechlers and rank-and-file conservationists.

Interior Secretary Rogers C. B. Morton, in a message sent to Congress last week, said surface and underground mining present two distinct problems: 1. Minimizing the environmental impact of preesnt and future mining and 2, healing the wounds inflicted by past mining practices.

The administration bill, while it covers both surface and underground operations, is directed only to the first point. It makes no effort to attempt to restore the disturbed lands left behind from the past, or to rectify continuing environmental problems they cause.

"The proposed bill recognized that the initial responsibility for developing and enforcing regulations should rest with the states," Morton said.

But he said that the effort must be standardized nationally "so that industry will be placed on an equal footing in every state."

However, the wording of the administration bill is sure to raise some red flags on Capitol Hill. But frequent use of terms such as "may" and "can" instead of "shall" and by a vagueness about timing and reclamation requirements, questions likely will be raised about the administration's sense of urgency about its proposals.

For example, the states are given two years after the enactment of the law to submit to the interior secretary their proposals for governing mining operations.. It provides no assurance that the states will take action. If a state fails to act, the law would then direct the secretary to "promptly issue environmental regulations for mining operations" in that state. But it puts no time limit on the secretary.

GUIDELINES NOT BINDING

State programs, according to the proposal, are to be based on guidelines issued by the secretary. But the guidelines "shall attempt to assure that state regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting the requirements."

Guidelines, critics are likely to point out, are not binding. Regulations issued by the Secretary would be binding. But the bill does not address itself to that issue.

Moreover, this approach resurrects the economic-feasibility philosophy that some in Congress felt was adequately banished by the air-pollution control act passed last year. Air-pollution critics argued that the economic test left the door to inaction wide open.

Under the Nixon proposal, states would have the authority to prohibit mining in areas where adequate reclamation is not possible. On the other hand, it does not spell out the meaning of the term "adequate."

Another issue not dealt with in the proposal is the effect of one state's regulation on another state. For example, the acid mine drainage that pollutes the Ohio River in West Virginia has an effect on Kentuckians who use the river downstream.

Still another gap in the Nixon proposal shows up in its proposed Title III—environmental controls on mining operations on federal lands. The proposal does not require controls on the use of federal land, but rather "permits" federal officials to establish controls.

Rep. Hechler said his legislation will totally ban the stripping of coal several months after enactment and will require surface miners of other minerals to submit reclamation plans for their operations.

In areas where reclamation is not possible, the Hechler bill would prohibit mining. Each state would be given a short period of time in which to put forth its own regulations for controlling surface mining, with the federal government moving in if a state did not do the job.

Under Hechler's plan, the law would be administered not by Interior, but by the new Environmental Protection Agency. Within six months after passage, EPA would be required to publish regulations—not guidelines—for environmental controls on surface mining and for "orphan" coal mine lands.

CALLED 'PHONY ARGUMENT'

Hechler said part of his purpose in proposing a complete ban on stripping of coal—which amounts to about a fifth of total U.S. production—is to lend support to a stripping ban now being debated in the West Virginia legislature.

"But I still feel that while West Virginia may lead the way on this, surface mining is a national problem," he said. "Other states should not have to suffer the problem even if West Virginia does take a tough stance on stripping."

The Huntington Democrat described the economic argument being used against the West Virginia ban proposal—that it will put thousands out of work—as a "phony argument."

"We have to open more deep mines underground," he said. "I'm prepared to bite the bullet on this one. With adequate enforcement of the Coal Mine Health and Safety Act (for underground miners), we wouldn't have to face the argument about strip-mining being safer or more economically feasible."

The Gaylord Nelson approach—going further than the administration bill, but not as far as Hechler's—would ban surface mining in areas where reclamation is not feasible.

It would provide for federal standards for reclamation, allowing the states to conduct their own programs but also calling for federal intervention if they fail to do so.

Nelson's bill—as is the case with Hechler's—is aimed at restoring previously mined land, providing grants to states and federal aid to individual land owners for reclamation work.

House Bill Would Forbid All Strip-Mining in United States

(By Ward Sinclair)

WASHINGTON.—Thirty House members, including some Republicans and Democrats from coal states, introduced a bill yesterday that would totally ban the strip-mining of coal, which accounts for more than a third of the nation's supply.

Most observers give the legislation next to no chance of becoming law, but it could very well stimulate a spirited debate in Congress over the environmental damage wrought by stripping and the need for some sort of federal reclamation standards.

Several other less stringent proposals, including a Nixon administration bill that was two years in preparation, already have been sent to Congress. Hearings are likely in the Senate and House.

The architect of the strip-mine ban, Rep. Ken Hechler, D-W. Va., said he thought the fact that he was able to sign up 20 co-sponsors in less than a day indicated a growing concern in the House over problems caused by surface mining.

Hechler acknowledged that his proposal—if adopted—could have a severe impact economically and socially across the nation, but he said the "ruthless rape of the environment" must be stopped.

Strip-mined coal last year reached a new high, accounting for about 35 per cent of all U.S. production. The percentage in Kentucky was even higher—50 million of the state's 120 million-ton production in 1970 came from strip and auger operations.

Hechler and one of his co-sponsors, Rep. John Seiberling, a Democrat from coal-producing Ohio, met with the press yesterday to discuss the proposed law in detail.

Hechler said the environmental impact of stripping—stream pollution, and disturbance, soil erosion, landslides and the destruction of scenic values—is becoming so great that the entire system must be sharply harnessed.

"Because the strip-mining of coal has caused the most irreparable damage to our environment, this bill is designed to phase out the stripmining of coal within six months of enactment," Hechler said.

SAYS DAMAGES ARE RISING

He charged that the administration bill "does not go far enough," and is so vague and casual that "we are inviting the same old artful dodging and delay which characterized attempt to control air pollution during the 1960s."

Hechler said strip-mine damages "are steadily rising"; noting that 10 years ago only 29 per cent of the nation's coal came from surface mines. The percentage has gone up six points during the decade and is expected to increase in the future as the demand for coal intensifies.

"The damages are getting worse each time the gouging machines get bigger and deadlier," Hechler said.

The West Virginian said he favors a total ban on coal stripping for several reasons. First, he said, his own state is now considering such a ban. If enacted there, strict laws would drive strippers to other states.

"I don't want to see any state suffer economically just because it has the courage to enact stiff and effective regulations to save the environment," he said.

Hechler's second point was that strip miners' promises of adequate reclamation "simply have not been fulfilled." Existing state reclamation requirements have not been adequate to get the job done either, he added.

Seiberling, a freshman congressman from Akron, said he had come to the same conclusion.

"Even if there is the will and intent to restore the land, it is impossible in most cases. Drainage patterns are changed, rock and soil are disturbed in a way that cannot be restored. To me, strip-mining is destroying America in the most literal sense," he added.

Seiberling said "The Romans created a desert and called it peace. We create a desert and call it progress."

Hechler rejected the argument that a ban on the stripping of coal would cause economic havoc, putting thousands out of work and cutting coal supplies. Such an argument he said, "comes with ill grace from the giant coal industry which presided without blinking an eye over the loss of some 300,000 jobs when the mines were mechanized and the railroads were dieselized."

PUBLIC CALLED "SLEEPING GIANT"

The solution to the coal-supply problem that a stripping ban might cause, he continued, will be the opening of more underground mines. Hechler admitted that this could cause other problems, but he said they would be minimized if the federal government forcefully administered the Coal Mine Health and Safety Act of 1969.

"The despoilers realize that they are merely buying time, until the sleeping giant of an outraged public opinion forces them to cease their decapitation of the hills," Hechler said.

"That is why it is so important to move swiftly, surely, forcefully and decisively to stop the strip mining of coal before it is too late," he added.

The Hechler bill would put administration of the law under the Environmental Protection Agency, rather than the Interior Department, as the administration proposes. In addition to the stripping ban, it would rigidly control any underground coal mining in national forest areas.

COSPONSORS OF BILL LISTED

The bill provides for citizen suits to assist enforcement and it would give 90 per cent federal aid to states to acquire and reclaim lands which EPA deems worth reclaiming for parks or recreation. States would have one year in which to set up regulations for reclaiming disturbed land at active and future underground coal mines.

The co-sponsors of the bill are:

Hechler and Seiberling; Jonathan Bingham, D-N.Y.; Phillip Burton, D-Calif.; John D. Dingell, D-Mich.; John G. Dow, D-N.Y.; Bob Eckhardt, D-Texas; William D. Ford, D-Mich.; Cornelius E. Gallagher, D-N.J.; Seymour Halpern, R-N.Y.; Michael J. Harrington, D-Mass.; William D. Hathaway, D-Maine; Augustine F. Hawkins, D-Calif.; Henry Helstoski, D-N.J.; Robert L. Leggett, D-Calif.; Patsy Mink, D-Hawaii; Clarence D. Long, D-Md.; Parren J. Mitchell, D-Md.; F. Bradford Morse, R-Mass.; John E. Moss, D-Calif.; Otis G. Pike, D-N.Y.; Ogden R. Reid, R-N.Y.; J. Edward Roush, D-Ind.; C. W Sandman Jr., R-N.J.; P. S. Sarbanes, D-Md; Guy Vander Jagt, R-Mich.; Charles A. Vanik, D-Ohio; Lawrence G. Williams, R-Pa.; Henry B. Gonzalez, D-Texas, and Abner J. Mikva, D-Ill.

Gathering Storm: Federal Strip Mining Curbs Stir Hot Response, Pro and Con

(By Ward Sinclair)

WASHINGTON.—The testimonials are beginning to come in, not just from coal states, but from everywhere.

A man in Anchorage, Alaska, wrote to say he's "100 percent in favor" of a ban on strip-mining of coal. From California came the thought that stripping should never have been permitted to begin with.

State reclamation laws don't work, wrote a woman who lives amid strip mines in Pennsylvania. "Not in my generation, nor my son's will the land be what it once was, she said.

A 35-mile-wide belt of "good, fertile soil" is being devastated by strip miners in southeastern Illinois, complained a farmer whose property is in the path of the shovels.

An eloquent letter from a man at Boonville, Ind., in the southwest corner of the state, told about moonscapes being created by the strippers, who leave "a foul odor over the land."

"Only national legislation will ever protect the American people from having his land systematically destroyed and it will relieve state and local officials from saying no to the conglomerates who are buying up coal companies," the Hoosier wrote.

And so it goes. Most of the mail that West Virginia Rep. Ken Hechler is receiving these days is in a similar vein—mostly in favor of his bill that would completely ban strip-mining of coal in the United States.

Realistically, Hechler isn't expecting his proposal to go racing through Congress—strip mining has not yet become that much of a bogey-man to most people. But his bill, co-sponsored by more than 30 House members, already has spurred debate.

Five strip-mine regulation bills have been introduced in Congress and a sixth, from Michigan Rep. John Dingell, a favorite of the conservationists, is expected to go into the hopper soon. Still more may come later on.

The Senate Interior Committee has placed surface mining legislation on its list of major things to do this year. Committee staffers expect hearings to be held within the next few months.

Although other bills went in first, the major opening shot was fired last week when the Nixon administration's surface-mining proposals were introduced by request in the Senate by Sen. Robert Byrd, D-W. Va., with Kentucky Sen. John Sherman Cooper as a co-sponsor.

The administration bill, two full years in the making and introduced despite considerable internal opposition at the Interior Department, appears to be the least stringent of the five bills so far proposed.

NO IMMEDIATE HEARINGS

"The prospects for getting some kind of legislation look better, now that the administration bill is in," commented Jerry T. Verkler, staff director for the Senate committee. "Prospects look better, but of course it's too early to know what will result in the way of legislation."

Even though hearings may be some months away, there already are signs that the opponents of strip-mining legislation read a good deal of significance into the slowly-building sentiment for federal legislation.

Just last week, for example, the National Coal Association (NCA) representing most of the country's largest coal producers, put out a cautious statement accepting, for the first time, federal regulation.

Although NCA president Carl T. Bagge did not outline what would be precisely acceptable to the association, he did indicate what NCA does not want.

Any federal regulations, he said, must recognize difference in topography, climate and land-use objectives among the various states. And state officials must be allowed flexibility to set up programs tailored for their own problems.

Critics such as Hechler, Sen. Gaylord Nelson and United Mine Workers (UMW) president W. A. (Tony) Boyle argue that state controls, such as they are, have not produced satisfactory results.

Conservationists in Kentucky and West Virginia, for example, charge that their states' strip-mine control laws—said to be among the toughest in the country—have failed, not because they are not tough, but because enforcement has not been forceful.

Bagge said that the federal role could be one of "leadership" in research, training of personnel and coordination of state programs.

The NCA president, a former head of the Federal Power Commission, raised another specter that enjoys a currency among those who caution a go-slow approach to the federal regulation.

He noted that more than one third of the nation's coal, which is being consumed in ever increasing amounts, comes from strip mines. Coal generates well over half of the country's electricity.

MUCH KENTUCKY STRIPPING

Strip-mining accounts for closer to 42 per cent of Kentucky's coal production. In 1970, some 120 million tons of coal were mined—50 million of it either stripped or augered.

"With sound reclamation laws our critical need for coal can be met and at the same time the lands disturbed can be reclaimed for productive use in harmony with our environment," Bagge said.

The NCA official called proposals to ban all stripping "simply unrealistic," not only because over 35 per cent of U.S. coal comes from strip mines, but because "it reflects a lack of knowledge with respect to land-use improvements possible through reclamation."

UMW president Boyle echoes Bagge's view on the crucial role of coal in the American economy and, like the NCA, the coal-workers union is proposing no specific legislation.

CALLS FOR UNIFORMITY

But the UMW opposes the Nixon administration bill because its fails to include federal reclamation standards and because it would, in Boyle's words, "create state competition at the expense of the environment."

Any bill, the UMW leader said, must incorporate federal standards to be applied uniformly in all states and it must include a fund to help restore abandoned lands, already denuded by strip-miners.

The Hechler bill—calling for a strip-mining ban—gave Boyle an opportunity to hammer at his long-time antagonist from West Virginia. He called Hechler's bill "so much political grandstanding," noting that most of the co-sponsors are "big-city congressmen without direct knowledge of the problems or its solutions."

"We are appalled at an approach which would cost the nation badly needed jobs and essential electric power," Boyle said. "There are some 129 billion tons of strippable coal in the U.S. and both economic electric power and mine workers jobs are dependent upon its extraction."

Best estimates are that approximately 25,000 men are employed in the surface mining of coal. Perhaps half are UMW members.

But the UMW has more than just a passing interest in strip mining. The union's welfare and retirement fund is supported by a 40-cent royalty on every ton mined by union men. One man in a strip mine procedure digs many more tons of coal per day than one man in an underground mine. The fund obviously benefits more from a unionized stripping operation.

Last week, however, at a meeting of about 300 dissident members of the UMW here, Hechler asked for a show of hands of men who support his total ban on stripping. About half of them—all union men—promptly raised their hands.

Hechler's answer to the job-threat charge is that it "comes from ill grace from the giant coal industry which presided without blinking an eye over the loss of some 300,000 jobs when the mines were mechanized and the railroads dieselized."

THROWS DOWN GAUNTLET

"Thousands of middle-aged and elderly miners and their wives and families, deserted by the UMW and their heartless and mismanaged welfare and retirement fund, were left to eke out an existence on the scar-torn land of Appalachia," he added.

Hechler's position is that more underground coal mines will have to be opened to provide sufficient coal for the country. "I'm ready to bite the bullet on this," he said, acknowledging that he has been one of the severest critics of safety conditions in underground mines.

"The despoilers realize that they were merely buying time, until the sleeping giant of an outraged public opinion forces them to cease their decapitation of the hills," he said.

Meanwhile, the stripping goes on. By 1980, the Department of Interior says, some 5 million acres of land will have been torn up—much of it beyond repair.

FIVE BILLS FOR SURFACE-MINE CONTROL

This is a resume of five bills introduced in Congress so far which would establish federal regulations on the strip mining of coal and other materials:

Nixon Bill—Applies to all surface-mined minerals, giving the states two years in which to submit plans or regulations for environmental controls. Federal controls take effect—although the bill sets no time limit—if a state fails to meet its two-year deadline. States could ban mining where "adequate" reclamation is impossible, but it does not define the term "adequate." The bill does not cover reclamation of previously mined lands. It permits, but does not require, controls of mining on federal and Indian lands. Sponsored by the administration.

Saylor Bill—Similar to the Nixon bill, allowing states two years in which to set up regulatory programs. If states fail to do so within that time, the interior secretary would issue federal regulations for the states. It also provides a fund to pay up to 50 per cent of state costs in a regulatory program. Sponsored by Rep. John Saylor, R-Pa.

Nelson Bill—Regulates present and future stripping through a federal-state program which would set standards, enact laws, provide financial aid, acquire mined lands and promote recreations, flood control and water pollution control. Allows the interior secretary to ban stripping in areas where terrain makes adequate reclamation impossible. Provides federal grants to states and individuals to restore abandoned lands. Sponsored by Sen. Gaylord Nelson, D-Wis.

Jackson Bill—The same bill that was introduced by the Johnson administration in 1968, this sets up a state-federal program covering all surface-mined lands, including federal and Indian lands. To forestall federal intervention a state must submit its plans within two years. Federal regulation is permitted if a state fails to adequately enforce its plan. Up to 50 per cent federal grants would be available to states. The bill does not call for a ban on stripping in areas where reclamation is unfeasible, nor does it apply to abandoned lands. Sponsored by Sen. Henry Jackson, D-Wash.

Hechler Bill—The most controversial of the batch, this calls for an outright ban on the stripping of coal six months after enactment. No other mineral is affected. It gives states one year to submit environmental control plans for underground mines. It provides up to 90 per cent federal aid for reclaiming abandoned lands and, unlike other bills, provides for class-action suits by citizens to force compliance. Bill applies to all federal and Indian lands and, also unlike other proposals, it puts administration in the hands of the environmental protection agency, rather than the Interior Department. Sponsored by Rep. Ken Hechler, D-W. Va.

KEE SUPPORTS CONSTITUTIONAL AMENDMENT ON THE 18-YEAR-OLD VOTE

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, it is with a deep sense of gratitude that I speak to my colleagues today—gratitude to those young citizens who have shown the role they have played in my lifetime equalled the role played by the 18-year-olds centuries ago. For this reason I urge my colleagues to approve tomorrow a constitutional amendment lowering the voting age to 18 in State and local elections.

The constitutional amendment is made necessary by the decision of the Supreme Court of the United States which ruled that the 18-year-olds could vote in Federal elections. To have a dual system of voting is not only confusing, but misleading. We owe the 11 million citizens who will be benefited by this resolution an equal opportunity to vote in State and local contests.

Mr. Speaker, the U.S. Senate has already passed this constitutional amendment unanimously. Therefore, we must act swiftly to insure that State legislatures will have sufficient time to ratify it before the 1972 elections.

I might also add that I have introduced similar resolutions in the last two Congresses giving these young people the constitutional right to vote.

I am going to support this constitutional amendment not because it will save the taxpayers money, not because the two-track system would be difficult to administer, but because I believe it is right. Not only for the 18-year-olds, but for our Nation as a whole. There are times in our history when it is encumbent to remember the teachings of our Founding Fathers—times to make our Democracy live. We will have this opportunity tomorrow. I urge the passage of this amendment.

PIPELINE DESERVES PUBLIC DEBATE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am joining with Congressmen JOHN SAYLOR, John Dingell, and others today in the introduction of a bill which would prohibit the issuance of any permit for the construction of the trans-Alaskan pipeline until that construction is authorized by the Congress.

I do so because in the last few months there has been evidence to suggest that various Government agencies have withheld information with regard to the environmental dangers posed by the construction of this pipeline through Alaska's interior.

Under ordinary circumstances it would be the orderly procedure for a decision on projects such as this to be handled by agencies of the administration. But enough question has been raised about the openness and frankness of the agencies involved in the trans-Alaskan pipeline decision that a different yardstick should be applied in this case.

There is apparently no choice but that this decision receive the full attention of, and the debate of, the people's elected Representatives in the Congress.

NEEDED: ECONOMIC GUIDANCE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, apparently the President is leaving it to Congress to take the lead in restoring national economic stability.

To date the administration's economic policies have been characterized by indecisiveness and lack of direction. While 5.5 million unemployed and persistent inflationary pressures are pushing the Nation's financial officers toward an expansionary monetary policy, the executive branch refuses to implement a policy to provide the necessary resistance to further inflationary increases in prices and wages which will follow the monetary increase. The President's suspension of the Davis-Bacon Act, although providing some indication that the administration is moving to an incomes policy, was an after-the-fact exercise in price-wage pressure and constituted discrimination against a single industry.

What is needed is a method of applying price and wage restraints on a nondiscriminatory basis to industries and unions whose price-wage actions have a major significant impact upon the national economy.

I have introduced legislation to create an Emergency Guidance Board to set and administer a system of voluntary price-wage guidelines for certain concentrated industries and large labor organizations. My proposal is being cosponsored by Messrs. McFall, Donohue, Boland, Burke, Sikes, Hechler, of West Virginia, Mikva, Harrington, Leggett, and Sisk. Under the terms of my bill, the Board would be composed of five members appointed by the President, subject to Senate confirmation, and would represent business, labor, and consumers. The Board would be empowered to monitor adherence to its published guidelines by requiring industries and labor organizations to file economic justifications with the Board indicating how a price increase or wage settlement complies with or departs from the price and wage guidelines. The Board could publish economic justifications filed with it, negotiate with corporations where the guidelines appeared likely to be breached, hold hearings, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from its published guidelines. The life of the Board would be limited to 18 months, except that its life could be extended by a concurrent resolution of Congress for an additional 18 months.

An editorial in the March 18 issue of the New York Times presents an excellent discussion of the administration's confused economic policies and points up the need for an ordered and rational incomes policy to be administered by a price-wage board similar to my own proposal. I am inserting the editorial in the Record for the benefit of my colleagues:

Disordered Economic Policy

The decline in industrial production last month and the slowdown of gains in income and construction make it increasingly improbable that the Nixon Administration will see its forecast of a $1,065-billion Gross National Product realized this year.

It is still unclear what the Administration was up to in producing a forecast regarded as so badly out of line by virtually the entire economics fraternity. Was it anticipating a magic resurgence of consumer and business spending? Or was it handing an assignment to the Federal Reserve to reduce unemployment more quickly through monetary devices?

All the evidence points to the latter explanation. Yet there is no reason to believe that the Fed is going to feed money to the system significantly faster than the 5 to 6 per cent rate of the past twelve months. The Council of Economic Advisers strongly suggests that this is not stimulative enough, although the Office of Management and Budget seems to think that a 6 per cent rate of growth in the money supply is just about right.

Meanwhile, Federal Reserve Chairman Burns continues to lecture the Administration about the need for a stronger incomes policy. The C.E.A., in the person of Herbert Stein, says, "Without any grand announcement, we have now taken on a large number of the ingredients of what is loosely called incomes policy." But many states defy or ignore the President's call for suspension of their support of construction industry wages.

Evidently, the picture of economic policy-making within the Administration is one of disarray. The Administration uses the Federal Reserve as a whipping boy, while doing little itself to realize the $1,065-billion target-cum-forecast that it insists is essential to a reasonably prompt return to full employment. Although the unemployment rate has come down a bit in the past two months, a decline in the labor force is the main reason. Long-term joblessness has continued to rise.

With more stimulus clearly needed, Congress has done the Administration—and the economy—a good turn by raising Social Security benefits 10 per cent, retroactive to the start of this year, while postponing until next year the increase in the amount of income subject to payroll tax. But additional fiscal stimulus is still required if the Administration is to come closer to its goals. Expenditures should be increased for social programs, especially those that would help create jobs for the unemployed.

While moving to a more stimulative fiscal policy, the Administration also needs an incomes policy to tamp down inflation. A wage-price board administering an over-all advisory program designed to gain widespread business, labor and public acceptance of noninflationary behavior would help repair a critical lack in policy.

A firmer incomes approach, coupled with flexible fiscal and monetary policies, will be essential to deal with what the Administration earlier called "the re-entry problem"—the problem that the economy will meet when it moves closer to full employment with increased danger of a heating up of inflation. The difficult maneuvers necessary to get the economy back to price stability and full employment can scarcely be carried out without stronger Presidential leadership and better integrated policy.

IN OPPOSITION TO ATOMIC WASTE DUMPING IN KANSAS

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, I include in the Record following my remarks a press release by Hon. Robert Docking, of Kansas, expressing his opposition to the installation of an atomic waste dump in the State of Kansas at this time.

I am gratified with the Governor's support of the position I have advocated for nearly a year, namely that the progress of the Atomic Energy Commission's research and development has not reached the stage at which Kansas people can be assured of the safety of a high-level nuclear waste dump.

The Governor's statement of March 16, delivered in his behalf to the Joint Committee on Atomic Energy by the State geologist unequivocally opposes even the experimental burial of a limited amount of dangerous waste until further studies are carried out.

The Governor's concern has been augmented by the fact that more than one-third of the house and one-fourth of the senate of the Kansas State Legislature have cosponsored legislation that calls upon the Governor, the Congress of the United States and the President to withhold further work on the waste facility until additional research is completed that satisfies the entire scientific community, including the Kansas scientists, that the dump will be safe for mankind.

I request also, Mr. Speaker, that an editorial that appeared in today's—March 19—Washington Post titled "Atomic Power and a Kansas Salt Mine" be printed in the Record at this point.

The Post editorial puts its finger on the entire underlying situation by pointing out that there exists a basic distrust of the Atomic Energy Commission. The Post very correctly notes that in question are the AEC's safety standards for the highly lethal atomic waste burial ground. It emphasizes that if the AEC overwhelms the Kansas scientists and other officials with its arguments, since it has the power, the money and the talent to persuade even many Members of Congress that it is always right and its opponents always wrong, it may be a phyrric victory for the AEC because of the distrust that will ensue on a national basis.

The Post's editorial emphasizes a point I made to the Joint Committee on Atomic Energy earlier this week; namely, that the AEC's views have become colored by its client relationship with the huge private utilities which it has persuaded to construct expensive nuclear powerplants. Now it is faced with the problem of disposing of growing amounts of dangerous nuclear wastes in behalf of these utilities.

The Post succinctly says that Congress ought to take a look at the dual role of the AEC in promoting and regulating the same industry. To that I say amen.

The press release and editorial follows:

PRESS RELEASE FROM THE OFFICE OF GOV. ROBERT DOCKING

Governor Robert Docking asked a Congressional committee on atomic energy Tuesday to defer funds for a proposed nuclear waste repository near Lyons, Kansas, until scientific tests determining the site's safety are completed.

William W. Hambleton, director of the Kansas Geological Survey, represented Docking at a Congressional Joint Committee on Atomic Energy meeting in Washington, D.C.

The Atomic Energy Commission has proposed storing low-level radioactive wastes in an abandoned salt mine near the city. High-level waste materials will be sealed in a mine which will be excavated in the same area, according to the AEC.

The Governor has been critical of the AEC for not initiating studies he said are necessary to determine the site's safety.

Docking said it appears the AEC "has been more interested in convincing the public of the safety of the Lyons site rather than using these funds to carry needed studies to conclusion.

"Adequate funds should be provided for research to answer many questions associated with the Lyons site," Docking said.

He said potential dangers to Kansans, now and in the future, must be investigated before any radioactive material is placed in Kansas. He also said the Kansas Geological Survey must be convinced the site is safe before a final decision to store wastes at Lyons is reached.

Docking questioned the land structure near Lyons and heat and radiological stresses of nuclear wastes the AEC plans to bury in the salt mines. He also raised questions concerning retrieving the buried wastes and problems in transporting the nuclear wastes across Kansas to the mine.

Governor Docking was critical of the AEC and said the commission has "exhibited remarkably little interest" in certain studies and has not demonstrated a capability for solving other problems the repository presents.

Docking said the AEC has been slow to send requested reports, failed to inform Kansas of other investigations and "treated our concerns as negligible and trivial in public statements."

"Funding of this project should be deferred until adequate study and evaluation of these questions and concerns have been completed," Docking said.

ATOMIC POWER AND A KANSAS SALT MINE

The fight that is brewing between the Atomic Energy Commission and officials of the State of Kansas is more than just a tempest in a teapot While it directly involves only the use by the AEC of a salt mine in Kansas for the burial of radioactive waste, the argument rises some basic questions about how the country's needs for energy are going to be met in the future. The questions are not easy to answer and it is just as well that a full-scale discussion of them in Congress seems to be beginning. The public has a large stake in the answers and the problems of atomic energy and of the nation's energy needs have been regarded too long as ones best left to the experts.

The Kansas situation, like almost all situations involving atomic energy and radioactivity, is a highly complex and technical one. The question being raised by many of the state's officials, and by almost all of its newspapers, is whether the safety standards set by the AEC for its proposed atomic burial ground are sufficiently high to protect the environment of the area and the people who live nearby. Underlying this, of course, is a basic distrust of the AEC. And that is not a distrust which is cropping up for the first time. The State of Minnesota is in court now trying to impose higher safety standards than the AEC requires on a nuclear powerplant at Monticello. Noises are being made in other states about similar action and several members of Congress have introduced bills to specifically authorize states to set more strict radiation standards than the AEC has set.

Much of the interest in this sort of action has developed out of the sudden concern for what man is doing to his environment. Radioactivity and the heat generated by nuclear power plants are as troubling, or more so, as the pollution produced by automobiles and airplanes. And some scientists have been contending for years that the AEC has stressed its role as a developer of atomic power at the expense of its role as the protector of the public against the bad side-effects of nuclear power plants. When you put these things together with the general fear most people have of radioactivity and their lack of knowledge about it, it is understandable that the AEC is not the governments most trusted agency.

The dangers in the current situation as we see them, are either that the AEC will win all the arguments too easily, thus leaving a deep residue of distrust and paving the way for a constant series of future skirmishes, or that it will lose the arguments too heavily and the country will pay the price in future power shortages. The latter situation could arise because nobody wants to curtail his usage of electricity while everybody wants the plants that produce it, be they nuclear or fossil fuel burning, to be built someplace other than near where they live. And no community seems to relish the idea of having the radioactive garbage of nuclear plants stored nearby.

It is this kind of framework that the battle over the Kansas salt mine should be fought. Congress ought to take a look at the dual role of the AEC in promoting and regulating the same industry; the question it ought to try to answer is not whether the AEC can competently do both but whether it can do both and maintain the confidence of the public in the safety standards it sets. We suspect that it cannot accomplish the latter and that, in the long run, its health and safety regulatory power will have to be placed somewhere else in government. In this context, the answers to the specific problems of that salt mine in Kansas can do more than just meet the needs of the AEC in this one particular case.

FEDERAL ACTIVITIES IN JUVENILE DELINQUENCY, YOUTH DEVELOPMENT, AND RELATED FIELDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I have the honor to present herewith a report of Federal activities in juvenile delinquency, youth development, and related fields, as required by section 408 of the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90–445).

The report covers the period from July 1, 1968, to June 1970, and evaluates activities of the Youth Development and Delinquency Prevention Administration (formerly the Office of Juvenile Delinquency and Youth Development) in the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, which is responsible for the program. It also includes a description of the activities of other Federal agencies and Departments in the field of juvenile delinquency.

Early in 1970 it became evident that certain changes in direction and emphasis in the program of the Youth Development and Delinquency Prevention Administration would be highly desirable. This report also incorporates these proposed changes.

I commend this report to your careful attention.

RICHARD NIXON.

THE WHITE HOUSE, *March 22, 1971.*

JUVENILE JUSTICE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I have noted with interest the report released by the White House from the Youth Development and Juvenile Delinquency Prevention Administration within the Department of Health, Education, and Welfare. President Nixon was reported to have said that existing programs to combat juvenile delinquency and youth crime are fragmentary and ineffective. A United Press International wire said that President Nixon called for a new approach toward this problem.

A very impressive list of Members of this body have also called for a new approach and have joined in cosponsoring legislation which would provide the leadership and focused responsibility which is necessary for meaningful progress in the prevention and control of juvenile crime. Over 100 Members have expressed their concern in this area by cosponsoring legislation to create an Institute for Continuing Studies of Juvenile Justice.

Sponsors of identical legislation in the 91st Congress joined early in sponsoring H.R. 45, 46, and 47 in the 92d Congress. We have recently been joined by many others of our colleagues and will shortly introduce additional bills including these cosponsors.

Last year during brief hearings before a Judiciary Subcommittee chaired by the gentleman from Wisconsin (Mr. KAS-

TENMEIER), a witness for the Department of Health, Education, and Welfare, testified that—

> What is needed is not yet another separate authority in the field, but a strengthening of present authorities through better coordination.

Mr. Speaker, it is an obvious fact that President Nixon is correct when he says that existing programs to combat juvenile delinquency are fragmentary and ineffective. We have the Department of Health, Education, and Welfare, and we have the Department of Justice and the Law Enforcement Assistance Administration. We have the Labor Department and we have other agencies interested in the subject area of youth and crime, jobs and the like. But we have no single source to look to for coordination and leadership in this field. What we need is not more of the same, but we need a single focal point within the Federal Government to which we can look for responsible and effective action and leadership.

The sponsors of H.R. 45 and related identical bills sincerely believe that their proposal is well designed and suited to this great purpose; namely, to provide one coordinating and unifying force which can truly provide leadership, inspiration, and progress in the prevention and treatment of juvenile delinquency.

The sponsors of this legislation seek to establish an agency which can expect the cooperation and assistance of all the several present departments and agencies working in the field of juvenile delinquency. We have proposed the creation of an independent Institute which would be directed by an Advisory Commission comprised of the Director of the Institute, the Attorney General, the Director of the U.S. Judicial Center, the Secretary of HEW, the Director of the National Institute of Mental Health, and 14 other persons having training and experience in the area of juvenile delinquency to be chosen from law enforcement officers, juvenile judges, probation personnel, correctional personnel, private citizens, and representatives of State agencies.

The Institute would serve the purposes of a clearinghouse or data bank for the valuable information presently existing but not in any one convenient or central location and also as a training center for a multidisciplinary curriculum designed to improve the knowledge and expertise of persons presently working in State and local areas to prevent and control juvenile crime.

We share the concern of the President and we would suggest that our proposal could prove to be the answer which we all seek.

Mr. Speaker, at this point I include a short summary of the provisions of our legislation in the RECORD along with the testimony which I gave last year on this subject:

SECTION-BY-SECTION SUMMARY OF BILL TO CREATE AN INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Amend Part IV of title 18 U.S.C. to add a new chapter 404.

Sec. 5041. Establishment; purpose
Sec. 5042. Functions
Sec. 5043. Director and staff
Sec. 5044. Powers
Sec. 5045. Advisory Commission
Sec. 5046. Location; facilities
Sec. 5047. Curriculum
Sec. 5048. Enrollment

SEC. 5041. Creates the Institute to provide a coordinating center for collecting useful data re the treatment and control of juvenile offenders; and to provide training for individuals in such treatment and control.

SEC. 5042. Authorizes the Institute to:

(a) serve as an information bank by systematic collection of data from all sources re juvenile delinquency.

(b) publish data in useful forms.

(c) disseminate published data to interested persons

(d) conduct seminars and workships

(e) provide short-term training of law enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

(f) send out training teams to work at State and local levels.

SEC. 5043. Director of the Institute shall be appointed by the President with advice and consent of the Senate.

SEC. 5044. Authorizes the Institute to obtain data, personnel, facilities and other cooperation from Governmental agencies and departments (Federal, State and local) as well as from private individuals and agencies.

SEC. 5045. Provides for Advisory Commission to set policy and supervise operations of the Institute. The Commission members would consist of:

(a) Director of the Institute

(b) Attorney General (or designee)

(c) Director of U.S. Judicial Center (or designee)

(d) Secretary of Health, Education and Welfare (or designee)

(e) Director of National Institute of Mental Health (or designee)

(f) 14 persons having training and experience in the area of juvenile delinquency, to be appointed by the President from the following categories:

(1) law enforcement officers (two persons);

(2) juvenile judges (two persons);

(3) probation personnel (two persons);

(4) correctional personnel (two persons);

(5) representatives of private organizations concerned with juvenile delinquency (four persons); and

(6) representatives of State agencies established under Juvenile Delinquency Prevention and Control Act or under title I of Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

Commission members would have four year staggered terms.

SEC. 5046. Directs that a suitable location be selected.

SEC. 5047. Requires Advisory Commission to design and supervise a curriculum utilizing a multi-disciplinary approach (to include law enforcement, judicial, probation, correctional, and welfare worker disciplines) appropriate to the needs of the Institute's enrollees.

SEC. 5048. Candidates for admission and enrollment in the Institute shall be nominated by the State agencies or agency established under the Juvenile Delinquency Prevention and Control Act of 1968 or the Omnibus Crime Control and Safe Streets Act of 1968 (title 1) with final decision concerning admission being made by the Institute Director.

RECAPITULATION

Rather than simply further study juvenile delinquency, this bill seeks to establish a clearing house or data bank for all the valuable information presently existing but not in any one convenient or central location—a function which could not be easily fulfilled except at the federal level. The other main purpose is to provide expert "graduate" or "continuing" education and training for those persons who are now working to combat juvenile delinquency at the State and local level.

STATEMENT OF THE HONORABLE TOM RAILSBACK, BEFORE THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE JUDICIARY CONCERNING H.R. 14950 AND RELATED BILLS TO ESTABLISH AN INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE, JULY 23, 1970

Mr. Chairman and distinguished Members of the Subcommittee:

I am very happy indeed to be able to appear before you and your Subcommittee today. I am confident that you would yield to no one in your deep concern for the problem of juvenile crime in our nation, and I want to express my appreciation to you for holding this public hearing on the subject of juvenile crime and a legislative proposal, of which I am a sponsor, which would authorize a Federal program of training and equipping persons at the State and local level to be more effective in their efforts to combat and control juvenile crime.

The nature and extent of juvenile crime is a subject area which has received considerable study in recent years. Our society has witnessed the great magnitude of the problem which is revealed in the estimate that in the inner-city, 70 percent of the young people find themselves in trouble with the law before their 19th birthday. This observation was contained in the *Task Force Report: Juvenile Delinquency and Youth Crime*, by the President's Commission on Law Enforcement and Administration of Justice. The Lengthy report was published by the U.S. Government Printing Office in 1967 (see page 362).

A study by the Justice Department has revealed that the astounding total of 72 percent of youths once arrested were rearrested within five years. See Crime in the United States—Uniform Crime Reports—1968, released August 13, 1969 (see page 35 et seq.). This bears repeating: almost three-fourths of the youths once arrested and supposedly within the reach of our juvenile system were rearrested.

During the period from 1960 to 1968, the number of arrests of juveniles for serious crimes increased by 78 percent. As tragic and disheartening as this may seem, it should strike at the hearts of all of us that this represents only the beginning of a career in crime. With a three-quarters repeater rate, we just are not supporting careers in crime.

Mr. Chairman, almost one-half of those arrested in 1968 for criminal offenses were under the age of 18. In other words, what we are talking about when we mention juvenile crime, is simply put, one-half of the crime problem.

It is the purpose of the legislation before your committee and of the sponsors of that legislation, to make a direct attack on juvenile crime. We have designed our bill to provide a new approach to attacking the root causes of recidivism so far as juvenile offenders are concerned. Our bill is intended to provide not just talk, but some very definite action.

We propose the creation of the Institute for Continuing Studies of Juvenile Justice. As it is envisioned, the Institute will provide a two-pronged attack on juvenile crime. The Institute would provide expert education and training for persons working to combat juvenile delinquency at the State and local level. The training operation would be patterned after the very respected and successful FBI Academy, and would offer training by experts for local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders. A second purpose of the Institute is to establish a data bank for operation of a clearinghouse for the valuable information on juvenile delinquency presently existing but not in any one convenient or central location. Information would be put into useful forms and disseminated to the State and local people who can put it to work in their everyday dealings with the juveniles.

The problem of juvenile delinquency is primarily a local one. However, to the extent that there are 50 States and countless local communities which are presently approaching the problem in different ways, we believe that some guidance and assistance should be available on a coordinated basis to these State and local governments. Admittedly, some States have done more than others in the area of juvenile delinquency prevention and control. With the permission of the Committee, I have a compilation of pertinent State statutory provisions which was prepared by the Library of Congress and which can be inserted in the hearing record for the benefit of the Committee.

To demonstrate the varying laws among the States with respect to juveniles, 24 States expressly deny the right to a jury trial in juvenile proceedings. In 14 other States, the statutes make no reference to jury trials in juvenile proceedings. In the dozen other States, a jury trial is guaranteed. This disparity in treatment of the jury trial exists in spite of the U.S. Supreme Court decisions in the cases of *Duncan* v. *Louisiana,* 391 U.S. 145 (1968) and *Bloom* v. *Illinois,* 391 U.S. 194 (1968) in which the Court gave very strong hints that jury trials would be required. Earlier this past term, the Supreme Court was asked to rule that jury trials are required. In the case of *DeBacker* v. *Brainard,* 396 U.S. 28, the Court said only that it would not so rule with respect to cases which arose prior to May 20, 1968, the date of the above decisions. Now the Supreme Court has just consented to hear argument during its term beginning next October on the question of whether a jury trial must be guaranteed juveniles. The case is *McKeiver et al* v. *Pennsylvania* and it is number 322 October Term 1970.

Not only do one-half of the States deny jury trials, even more States do not have full-time specialized juvenile judges or courts. Only five States were found to have a complete system of juvenile courts. Some 16 other States had partial systems involving specialized courts in some counties or cities. In 28 States, judges on regular circuit courts were assigned on occasions to handle juvenile cases. In only 31 States was there a guarantee of a right to counsel in express terms. In short, with one-half of serious crime perpetrated by juveniles, we have a long way to go in simply providing the law and court structure to effectively handle these offenders.

It is a fact that our juvenile courts and systems have been undergoing a revolution. Some of this is due to the impetus provided by the Supreme Court, but additional stimulus is provided by the enlightened attitude of jurists and by the National Council of Juvenile Court Judges. A District of Columbia jurist, Orman W. Ketcham, who has had an illustrious career with the Juvenile Court of the District of Columbia, wrote an outstanding article in the Summer 1969 issue (Volume 20, No. 2) of the Juvenile Court Judges Journal. The article is entitled "The Changing Philosophy of the Juvenile Justice System." With the permission of the Committee, the entire article can be included in the hearing record, but I wish to quote from the author's conclusions:

"It seems inevitable that juvenile courts, in order to become more effective, will pay more attention to administration, orderliness and legal procedure. The community wants a court for juveniles which can impose the public's will, if necessary. Most citizens now believe that gentleness and a helping hand are justified in dealing with juveniles, provided public safety is assured."

Judge Ketcham discusses the trend toward unification of the court systems, and making the juvenile court an autonomous division of the highest court of general jurisdiction. He states that:

"Such a unification will facilitate the concept that all individuals, adults, juveniles or children, are entitled to the equal protection of the laws and to due process of law. It should also overcome much of the defensive isolation, erratic administration and extraordinary exercises of discretion that have marked juvenile court history."

Not only the courts, but the entire State systems are undergoing change. I submit for the consideration of the Committee, a survey of the various States and the ages at which minors are to be considered as adults for purposes of prosecution under criminal laws. This survey was prepared by the legislative Reference Service of the Library of Congress and is dated September 10, 1969. As can be seen, the age runs generally from 21 down to 16 but in some cases exceptions can bring the age even lower. Considering that fact, another survey of State provisions for confinement of minors in adult detention facilities will be of interest to the Committee. This survey was also prepared by the Legislative Reference service and is dated November 13, 1968 and is entitled "Confinement of Minors in Adult Detention Facilities." While most States provide for separate confinement, there is a variation which should be noted.

There is a need to upgrade our systems in the field of corrections as well. The Joint Commission on Correctional Manpower and Training pointed out recently two problems present in attempting to deal with any aspect of the crime problem:

"(1) Correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge-podge of organizational structure which have little contact with one another; and (2) Lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective corrective methods."

The findings of the Commission indicate that what we need if we are to achieve more timely results is a model or leader to coordinate activities in the field. I believe that the proposed Institute is ideally designed to fulfill that need.

The National Council on Crime and Delinquency has recommended "increased professional training, and additional training programs to upgrade the skills of those already in the field." The President's Task Force on Juvenile Delinquency said simply:

"Personnel training is an obvious need. . . . The kind of leadership needed at the Federal level requires a better integration of the various disparate Federal programs than is found at present."

And the need for such an institution as we have proposed is recognized by juvenile authorities throughout the world. Even in the police states of the Communist-controlled countries of Czechoslovakia, Hungary and Yugoslavia, the oppressive government recognize the problem and all require that their judges and police receive special training in child handling.

My purpose in discussing the impact of change upon our juvenile systems is not to complain but to demonstrate the need to have a coordinating and unifying force applied as a beneficial redirection to the separate and presently uncoordinated efforts of the States and localities. We seek not to substitute Federal involvement, but to add it, on a voluntary basis to supplement current efforts at the local levels.

We have in the various uncoordinated efforts by several levels of government and private institutions, accumulated vast amounts of knowledge concerning juvenile offenders and the offenses they commit, but we can always use more and better quality information, and we simply have not put the available information to the best use. It must be supplied to all those concerned with the problem of juvenile delinquency. And furthermore, we must assist in the training of individuals to cope with juvenile offenders. After consultations with experts, both within and without the government service, we are convinced that a multidisciplinary approach is needed in training persons to effectively deal with juvenile offenders. In other words, what is needed is a combination training effort including the viewpoints, expertise, and disciplines of the law officer, the judge, the correctional, probational, parole and welfare personnel, as well as other involved persons.

In drafting this legislation, we took note of perhaps the most successful and respected training effort ever undertaken in the field of crime. The Federal Bureau of Investigation has operated a National Academy and has provided training not just to its own agents, but to persons at all levels of law enforcement. In fiscal 1969, training was afforded by the FBI to 233,741 municipal, county and State law enforcement officers who attended 7,804 schools. Of the over 5,000 graduates of the formal FBI training Academy, 27 or 28 percent are now the heads of their agencies. We think this is a fine example to follow, and by applying a similar approach to training State and local personnel in the field of juvenile delinquency, we hope for very real benefit at a reasonable, if not comparably inexpensive cost. Furthermore, we expect that a "snowball" effect can be achieved by having those who receive training at the Institute, return to their localities and set up local training efforts. To quote from the FBI pamphlet entitled "The Story of the FBI National Academy":

"Is it feasible to send all law enforcement officers to take a 12 week training course in Washington? Certainly not. Then how can the majority best be reached? The obvious answer is to qualify every graduate as an instructor or administrator. Teach him the latest methods . . . but prepare such a course that when the graduate returns to his local agency, he is not only versed in the methods of teaching but is also prepared to organize and set up . . . schools. Thus his National Academy training is made available to his co-workers."

If it pleases the Committee, I have the FBI pamphlet and a publication entitled "FBI Training Programs" which can be included in the hearing record.

At one time there was a predisposition to believe that delinquency was an individual disorder which could be prevented if its causes could be properly diagnosed. Efforts were thus devised to apply on an individual basis, phychology, psychiatry, and intense social casework. Now, and particularly as it applies to highly urbanized areas, the thinking has shifted from an individual approach to a sociological approach which stresses environmental factors and the importance of changing conditions in the local community and works on the social setting that gives rise to delinquency. Poverty, poor health, inadequate education, emotional and family problems are all conditions which contribute to anti-social behavior by young people. Thus, rather than simply individualized counseling by a psychiatrist, our approach has changed to one in which welfare workers, teachers, counselors, youth workers, probation officers, and others are all involved in trying to assist the youth of today to see the potentialities of responsible citizenship and to resist the stresses of their environment which tend to cause delinquency.

I have with me a copy of a report on Federal legislation regarding juvenile delinquency which was prepared by the Legislative Reference Service. I think it would be helpful to the Committee to have the report included in the hearing record. The report, entitled "Federal Legislation Relating to the Problem of Juvenile Delinquency", is dated November 14, 1969. It summarizes the six major laws which have been enacted by Congress and which deal with juvenile delinquency. A review of these laws might indicate the desirability of an Institute such as we propose, to encompass several different disciplines.

With the list of present Federal efforts in mind, I want to reassure the Committee that it is by no means the intention of our proposed legislation to take the place of these existing Federal efforts. We feel strongly, however, that some coordination will be beneficial to each of the present efforts. To repeat our intention, we hope to supplement and assist present efforts at all levels, Federal, State and local. We anticipate that the process of information collection, evaluation and dissemination will be of direct, tangible assistance to each of the present efforts, and we are confident that the program of providing short term training will help to strengthen and professionalize the ranks of those out in the local areas working to combat and control juvenile delinquency. And we feel that our proposal is a very practical approach which will provide results at relatively low cost.

We were heartened, Mr. Chairman, by the testimonial which this legislation received from Frank A. Orlando, Presiding Judge, Broward County Juvenile Court, Fort Lauderdale, Florida, as part of his overall testimony before another committee of Congress. Judge Orlando, who has served as an advisor to the Department of Health, Education and Welfare on juvenile matters, had the following remarks to make about the legislation:

> It is my opinion that this legislation would create the vehicle by which we could provide, at a national level, the necessary training of professionals who then could return to their States and fulfill their responsibilities of updating the training and performance of the professionals in the area of juvenile delinquency prevention, control, and treatment. We do not have one single agency at a national level which has as its sole responsibility juvenile delinquency prevention, control and treatment. The Office of Juvenile Delinquency and Youth Development is primarily a funding agency and does not have the authority or the ability at this time to fulfill the functions which are encompassed in Congressman Railsback's bill. There is a distinct possibility that if a national institute was created and made an independent Federal agency, the juvenile delinquency responsibilities now being fulfilled by HEW and the Department of Justice could both be transferred to this agency so we would have a comprehensive Federal agency dealing with the funding of State programs, one which engaged in the continuing efforts to determine the causes of juvenile delinquency and develop methods to treat juvenile delinquency, and which had the resources to offer training programs for the professionals in the field.

We have received favorable comments from State officials and from local police officials, as well as Juvenile Court Judges. With the permission of the Committee these letters can be included in the hearing record following my testimony. We have also received letters of support from many private citizens.

Mr. Chairman, I believe there would be broad support for the mission which we propose to be undertaken by the Institute. I would expect no significant opposition from the State or local levels—they are the ones we seek to help.

I frankly anticipate that at the Federal level there may be suggestions for structuring the Institute within an existing Department, such as the Department of Health, Education and Welfare. Possibly it will be suggested that it be housed within the Justice Department. The suggestion might also be offered that some existing governmental effort might be simply expanded to assume the responsibilities of the proposed Institute. I think that these points, if they are offered, go not to the purposes of the legislation, but to the form and administration of the Institute. But the sponsors of the legislation feel it has been drafted so as to guarantee the setting of policy and operation of the Institute on a broad-based, representative nature. We sought to place the Institute on neutral ground and to insist on appropriate cooperation by all Government Departments and Agencies. I would hope that the Committee will take a close look at whatever suggestions are offered so it can make its own expert judgment as to where the Institute would best be located within the Government structure.

In conclusion, Mr. Chairman, this legislation has been sponsored by nearly 100 Members of Congress. We are aware that the crime clock for 1968 reveals that there was one forcible rape every 17 minutes; one murder every 39 minutes; one robbery every 2 minutes; one aggravated assault every 2 minutes; one auto theft every 41 seconds, and one burglary every 17 seconds. In fact, there was an average of one violent crime every 54 seconds.

The many sponsors of this legislation know that nearly one-half of offenders arrested in 1967 and 1968 had been imprisoned on a prior charge, and that 39 percent of those arrested in either 1967 or 1968 for a crime index offense had been previously charged with one or more serious crimes. We cannot forget that almost three-fourths of the juveniles arrested will likely be arrested again within five years. We also remember that nearly one-half of those arrested for serious crimes are juveniles, and we are determined to take action to reduce these tragic realities.

Our legislation is not just another study effort. We plan a two-pronged attack by first, disseminating information and expertise in the field of juvenile delinquency treatment control, and second, by training people at the state and local levels in the newest and most effective methods of treatment and control of juvenile offenders. As the President's Commission stated in 1967:

> "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime."

That is our goal.

A CAUSE FOR CONCERN

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, tomorrow, March 23, the District of Columbia will hold an election for a nonvoting Delegate to Congress. The campaign is now in full swing and more than 260,000 registered voters will be eligible to cast ballots for the first Representative to the U.S. House of Representatives from this city in a century. James E. Harris, Socialist Workers Party candidate, was interviewed a few days ago on television as part of a series of profiles being done on the six candidates whose names will appear on the ballot. During the interview of Harris, I was amazed that no mention was made concerning the nature of the Socialist-Workers Party. On the contrary, the news commentator indicated that it was refreshing to hear the views expressed by Harris.

The local Washington press, which has given extensive coverage to the forthcoming District election, added to my concern when I found that although several references were made to James Harris and the Socialist Workers Party, no attempt was made to explain the aims and purposes of this party. As a result, I am sure that many residents of the District of Columbia may have gained the erroneous impression that James Harris is the candidate of the Socialist Party of America which seeks to bring about a peaceful transition to socialism.

In sharp contrast, the Socialist Workers Party regards the Communist Party as too mild and prefers to follow the guerrilla warfare ideology of the Red Chinese. In the way of background, the Socialist Workers Party, a Communist splinter group, was formed in 1938. It maintains relations with the Fourth International, an international Communist organization which subscribes to the principles of Marxism as interpreted by Leon Trotsky, one of the leaders of the Russian Revolution who was exiled when Stalin came into power. Trotsky was a militant advocate of trying to export the Russian Revolution to other countries. However, he lost out in a power struggle with Stalin after the death of Lenin. As a result, Trotsky went into exile in Mexico where he was assassinated by a man reputed to have been an agent of Stalin.

Mr. Speaker, I am sure you will readily agree that a vital safeguard to our freedoms is not only a free press but a vigilant and inquiring press. It certainly must be recognized that candidates like James Harris come into the political arena voluntarily and should be prepared for close press scrutiny. Granted that Mr. Harris may not adhere to all the tenets of his party but I would think that a responsible and informed press would have been delving into the tenets of his party.

The failure of the mass news media to inform its readers and listeners of the nature of the Socialist Workers Party points up a problem which I am sure has been of great concern to many of the residents of the Nation's Capital. In covering political campaigns the press, radio, and television are of such great impact that they must be used prudently and with factual balance if the public is to arrive at a rational and sound conclusion as to what the various candidates stand for. If a free society is not capable of providing complete and factual news coverage that meets basic needs then it can truly be said that our society and our free traditions are in serious jeopardy.

THE SOCIAL SECURITY BENEFIT INCREASE IS PROPERLY FINANCED

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURKE of Massachusetts. Mr. Speaker, last Wednesday, St. Patrick's

Day, the President signed the social security benefit increase and in an accompanying statement urged "Congress to act promptly on a social security revenue measure so that the current cost of these increased benefits will be financed." Newspapers all across the country picked up the President's statement and, as a result, millions of people were given cause for unnecessary worry that the legislation left the social security system underfinanced. The truth of the matter is that the benefit increase that we passed last week is adequately and properly financed and that the President was miffed because Congress had taken the initiative and enacted a benefit increase that is more generous than he advocated and is financed in the way Congress determined it should be, rather than the way the President had suggested. Congress acted to provide a 10-percent benefit increase—rather than the President's 6-percent increase—and increased the tax base prospectively from January 1, 1972—rather than retroactively to January 1, 1971.

Mr. Speaker, this Congressman, for one, would like to set the record straight.

The President said:

> The Congress has departed from the cardinal principle which should govern the social security system.

I propose that he was misinformed. Ever since the social security program was proposed by the Council on Economic Security appointed by President Franklin D. Roosevelt, a major concern has been how to provide adequate financing without at the same time building trust fund reserves that are excessively large. In the more than 35 years since this question was first raised, Congress has come up with a rule of thumb under which social security is adequately financed if:

First. In the shortrun income exceeds outgo by several billion dollars and the assets in the trust funds amount to something between 1 and 2 year's benefit payments; and

Second. Over the next 75 years income will be sufficient to pay for all of the benefits promised.

This is the rule that has been followed in all of the recent benefit increases that have been enacted.

If one wishes to judge the adequacy of the financing provided by the bill as passed last week, and which the President signed, all he has to do is to read the conference report—House Report 92–42—which contains the figures furnished by the President's own actuaries in the Social Security Administration. Those actuaries told the committee of conference that, under the new law, the social security cash benefit trust funds will increase by an estimated $3.4 billion in 1971, $7.2 billion in 1972, $13 billion in 1973, $14.9 billion in 1974, and by $16.6 billion in 1975. In other words, from the end of 1971 through the end of 1975, the assets of the funds will increase from $41.4 billion to $93.1 billion. In 1971, the outgo from the trust funds will be about $38.4 billion while the year-end assets will be about $41.4 billion. For 1975, the comparable figures will be about $45.7 billion outgo and assets of $93.1 billion.

For the life of me, I cannot see what more the President could wish for.

Mr. Speaker, with regard to the President's suggestion that the social security tax base should be increased retroactively, I would point out that since the program began, there have been eight benefit increases. Five of these benefit increases and in only one instance was a tax base retroactive, and that one was retroactive only by accident. That was in 1968, which was retroactive for 1 day. In December of 1967, Congress passed and sent to the President a social security bill that, among other things, increased the tax base from $6,600 to the present $7,800 a year, effective for January 1, 1968, and President Johnson did not get around to signing the bill until January 2.

Mr. Speaker, obviously the President has been misinformed as to the cardinal principles of financing social security benefit increases.

Commenting on the same matter, none other than Dr. Burns, Chairman of the Federal Reserve Board, advocated postponing the administration's proposed increase in the social security tax wage base for a year on the grounds that it would have a beneficial effect on the current low state of the economy. I am sure that the good Chairman was not proposing something which would seriously undermine the social security system of this Nation. I think Congress must be prepared in the absence of strong Executive guidance to employ any and all weapons in its fiscal arsenal to get this country out of the economic doldrums which have plagued it for so long now. Delaying an increase in the social security tax wage base will give the economy a good shot in the arm, and at the same time would be consistent with the maintenance of a sound social security system.

THE UNEMPLOYMENT SITUATION

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURKE of Massachusetts. Mr. Speaker, last week some more depressing news was released by the Labor Department about the unemployment situation in this country. Instead of being in the nature of progress reports, these briefings have tended recently to be crisis reports similar to those issued by hospitals at regular intervals when a prominent patient is seriously ill. New England lost a further 117,000 jobs this last month. I wish to draw the Members' attention in particular to the fact that the largest single increase in unemployment occurred in the leather goods industry covering shoes and related products. Two thousand 100 workers lost their jobs in this industry in New England in that month. It is figures like this which are behind the concerns of Members of Congress who day after day for the last 2 years have been urging action on a trade reform bill with protection for the shoe industry. How many more months of these depressing figures are we supposed to have before the real emergency which exists is apparent to each and every Member here?

While we are on the subject of Labor Department briefings, I noted with dismay in the weekend newspapers that henceforth there will be no such indepth briefings. Are we to take this as a sign that worse news is yet to come? Is the administration so embarrassed about the economic condition in this country that it cannot leave it to qualified, experienced civil servants to answer reporters' questions about the figures? Apparently, too much of a "policy" nature is involved, we are told. The new policy appears to be to keep everyone in the dark.

LAW ENFORCEMENT APPRECIATION DINNER

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, a unique communitywide tribute to its law enforcement agencies will take place Wednesday, March 24, in Syracuse, N.Y.

At that time, each policeman and member of the sheriff's department in Onondaga County and their wives will be guests of the community at a dinner to be held in the huge Onondaga County War Memorial Auditorium.

The dinner, spearheaded by the Syracuse Chamber of Commerce, will show in a concrete manner, the appreciation felt by local citizens for the vital work done every day by these men.

The importance and commonsense thoughtfulness of the effort deserves special recognition today when attacks upon all levels of law enforcement are, unfortunately, becoming fashionable.

Mr. Charles V. Fenn, the president of Carrier Corp., headquartered in Syracuse, is chairman of this commendable effort. In discussing the dinner recently, Mr. Fenn stated its purpose concisely:

> Citizens want to show their appreciation for all law enforcement, particularly the average policeman on the beat, a public servant who receives little or no thanks during the year.

Mr. Speaker, I feel that this tribute, to be called the Law Enforcement Appreciation Dinner, will help put law and order in its proper perspective—the underlying principle of any civilized progress.

CONCERN FOR THE ELDERLY

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, last year we saw a growing awareness of the problems facing the nearly 20 million Americans who are 65 or older. We listened to discussions of these problems in the White House Conference on Aging. We followed the reports on hearings conducted by the Senate Select Committee on Aging as it traveled across the Nation. And we were shocked by its report that one in four of our elderly citizens is living below the poverty level.

That was a time in which we sought the answers to the problems of poverty, loneliness, isolation and lack of transportation and adequate medical care which are the daily facts of existence for far too many of our elderly citizens. And there were promises then, and hope for a national commitment to ease the burdens of the elderly.

Today much of that hope has been replaced by shock and disillusionment.

The administration has failed to follow through with its rhetoric. Its budget shows how much concern it has for the elderly. It has requested only $25.8 million for the Administration on Aging. That is $7.8 million less than the appropriation for the present fiscal year—$7.8 million less concern for the elderly. The bubble of rhetoric and false promises has burst. We see the facts and we cannot accept them. We must increase this appropriation.

SST—IS IT REALLY NECESSARY?

The SPEAKER. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 30 minutes.

Mrs. GRASSO. Mr. Speaker, the vote on funding the SST is over. The House defeated this measure, and hopefully clear heads will prevail and some perspective may be gained on the SST issue.

I have not spoken out before this because I was, to say the least, very disturbed by the tenor of debate, and the gross distortions and exaggerations of fact in the debate. Fortunately, the SST was defeated because the program lacked merit, both economically and environmentally.

Even now, some of the proponents of this aircraft are claiming its defeat in Congress will cost many workers their livelihood. It appears this will be the excuse used on every occasion when a job is lost in this stagnant economy.

If the administration is so concerned about the unemployment situation in this country, it would release the $11 billion in appropriations withheld by the White House. If the administration is so concerned about unemployment, it would support increased public works—which serve an immediate useful purpose.

The sorry spectacle put on by some of the SST supporters—their fast and free use of unsupported claims—convinces me more than ever that Congress was correct in voting down this economic monstrosity.

The judgment on the SST is a matter of priority and principle and public good. When the domestic priorities of our country for health and homes, education, and transportation are diverted for the investment of over $886 million of the taxpayers money into a supersonic transport plane that will bring no return in dollars and jobs for many years to come, the decision must weigh the public good against the private interest of the promoters. Certainly if the SST begins to accomplish for the economy and the airspace industry what its supporters claim, then private commercial investors should be willing to provide the remaining dollars needed to build a prototype that will meet the standards of environmental safety and the market test of airline demand for production.

The real truth about jobs and SST has been obscured by exaggeration and oversimplification. By now the investment of over $800 million of the taxpayers money should have produced more than a plan for a prototype that will require millions of dollars more before it can fly a few people to Europe a few hours faster, and will provide possible employment 10 years from now.

We need jobs today and in Connecticut the manufacturers' talent and labor's skill of our air-space industry is ready to produce engines and components for the air bus, the Lockheed TriStar L1011 that today is threatened with the loss of investment of over $800 million and over 30,000 jobs because of the Rolls Royce failure.

Air travel needs low cost, low maintenance facilities; surface travel needs expansion of the Pratt & Whitney turbo train and other fast and economical facilities of transportation. The country needs, as well, benefits of the space technology so that companies like that of Hamilton Standard can produce sorely needed medical equipment and devices, sophisticated health treatment devices like the dialysis kidney machines that will benefit the health needs of the people.

These are programs that will generate jobs and profits. These are programs that will vitalize the economy because they produce jobs now when they are needed, not 10 or 20 years from now when new discoveries and research will have made the financial nightmare of the SST a tragic reminder of the misuse of public funds.

The following statement by Servan-Schreiber, former editor of L'Express and a deputy to the French National Assembly from Lorraine, was submitted to Senator PROXMIRE, chairman of the hearings on the SST. I bring it to the attention of my colleagues as an indication of some of the misgivings now being expressed about the development of the French-British Concorde:

FROM JEAN-JACQUES SERVAN-SCHREIBER—A EUROPEAN VIEW OF THE SUPERSONIC TRANSPORT

(NOTE.—Servan-Schreiber, former editor of L'Express and author of "The American Challenge," is a deputy to the French National Assembly from Lorraine. The following is excerpted from a statement he submitted to Senator Proxmire, chairman of the hearings on the SST.)

The debate in the Congress of the United States on supersonic transport may remain in the history of the industrial state as the first truly universal debate. The problem is the same in each modern democracy—man and technology. Decisions of government and parliaments in each of our nations has immediate consequences on all others. In view of the SST debate there is no such thing any more as "national independence." The multinational political decision at long last, confronts the multinational industrial complex . . . France and Great Britain now have nine years' experience with supersonic transport and that experience can, perhaps, shed some light on this vital debate.

Every single cost analysis from the beginning has proved to be wrong. The cost of the [French-British] SST has multiplied here, as it will everywhere, four times since the initial evaluations. By all normal decision-making systems, it should have been canceled long ago, but the debate and the cost have for years been kept from the public. The facts have not been available until the most recent months when they could no longer be hidden.

Now the public eye is on the project and what it sees is bankruptcy. The Rolls Royce disaster of last month already looks small compared to the finanical quagmire of the SST.

Not only those who had doubts about the project, but more and more former supporters of supersonic transport are now frightened by the project. Mr. Charles de Chambrun, a major political figure of the ruling party in France, making a special report for his parliamentary committee declared: "Even a superficial analysis now reveals to us a terrifying truth, on purely prestige projects (like the supersonic aircraft) we are throwing away billions with no hope whatsoever of any future commercial returns. So much so that we should urgently face these problems and if possible, before they become public scandals." Former Conservative Prime Minister Antoine Pinay, a cautious and respected man, who seldom speaks out in public, decided last week that he could no longer remain silent and came out flatly against it as an immensely costly gadget on taxpayers money designed for an incredibly few rich people, mostly North Americans. The impact of his unprecedented and violent attack is shaking the establishment and prefaces more defections from the pro-SST ranks among public figures.

If the number of persons in America that could profit by SST flights is evaluated, officially, at 0.5 per cent of the population, that figure in France is only 0.3 per cent—thus an unavoidable political assault, in a country like ours where housing, schools, hospitals, roads, telephones, urban problems are in such dramatic need of immediate attention. . . . In Paris, for instance, it has been revealed that over 70 per cent of housing dates back to 1920, and only less than 10 per cent has been rebuilt in the last 20 years. Also, Paris, considered the most advanced city in France, 52 per cent of housing is without central heating and 45 per cent has no internal sanitary facilities. Again in Paris, there is, today, only one child care center for 2,000 working women with children.

For the first time since General de Gaulle left the public scene these truths are rising to the surface. A fundamental reappraisal of the whole range of public appropriations is the inevitable result. In face of these social scandals the SST has now few defenders. Only those directly concerned by the contracting industries are still openly in favor of the project.

Even if there were no problem at all of public opinion of urgent social needs, there are now even more pressing problems confronting the SST builders and their clients. We shall note here the latest developments in the first two months of this year.

The minimum transport capacity of the European SST was considered to be, as of last year, for any competitive use, 134 passengers per plane. After the first flight tests this capacity is now being reduced to 110, or less. At that level, the plane can be bought by Air France and BOAC only if it flies at full capacity on every flight. An impossible assumption, as any airline executive knows.

The flight distance of the European SST has also been drastically decreased. It is still considered able to fly from Paris and London to New York, but it is now officially admitted that it will not be able to fly from Berlin to New York and not even from Rome, Hamburg or Frankfurt The use of the SST for European airlines is shrinking. Practically, the British and French clients are, at this point, left alone.

Maintenance costs for the SST climbed from the first estimated 30 per cent margin for present jet planes to 60 per cent at least, in the latest accounting. The initial and basic idea that the fare for an SST passenger would not be more than first-class seat today on normal jet aircraft is abandoned. The SST passenger will have to pay at least 30 per cent more than the first-class fare. At that price level, company executives, not paying for their own travel expenses, will be the only routine passengers taking advantage of the new plane.

Finally, the latest requirements from airlines to add qualitative changes in order to lower the noise level and to make luxury flight more comfortable have been flatly refused by the builders as impossible within the present budget, already 300 per cent over the initial estimations.

Some major leaders of the pro-SST crusade have now decided in my country to express in public their unwillingness to continue the project under present conditions. Among them the Chief Executive of the SST program in Toulouse has considered it to be his duty to release, last month, some new facts and figures in an unprecedented press conference.

Since its first test flight in 1969, the SST prototype has flown less than 10 per cent of the number of hours of test flight that were planned as a minimum for testing the project. Also, he revealed, in anger, that the budgeted investments planned for the middle of last year had still not been allocated by the government.

He made public that, on the basis of the latest developments, a new postponement of test flights is unavoidable. What was planned to be achieved in 1973 will not be accomplished before the second half of 1974. Finally, he concluded, that all of this will cost an eventual loss of 50 SST commercial options per year and that one more delay, after the deadline of 1974, would simply see the European SST cancel itself out of any possible market.

The conclusion in France today, after a few weeks of publicly airing the facts, is that the project is, at a minimum, a commercial and financial disaster. Technologically it has lost most of its significance for two reasons. First, because the engineers and scientists are not permitted to continue their research due to budget limitations. Second, the only remaining technological fallout (supersonic flight experience) has lost its meaning since this aircraft will not be the first of its generation of planes, but the last. To create a new generation of aircraft a varied geometry wing system and new metal alloys were, and are, needed, but they have been abandoned.

It is a common belief among responsible politicians in this country that the concrete social problems of daily life in the cities of France and the dramatic problems of balance of payments in Great Britain are now converging to move public opinion in Europe against projects that contradict the elementary needs of the mass of the people. Ninety seven per cent of the population of France is not, in the least, concerned by the luxury of supersonic flying, but in anguish with the deterioration of urban life, the bankruptcy of public service in every city.

The European SST looks to us, on their side of the Atlantic, like an industrial Vietnam.

NATIONAL WEEK OF CONCERN FOR OUR PRISONERS OF WAR/MISSING IN ACTION IN SOUTHEAST ASIA

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan), is recognized for 15 minutes.

Mr. MORGAN. Mr. Speaker, on March 3, this distinguished body unanimously passed House Joint Resolution 16, designating the week of March 21, 1971 as "National Week of Concern for Prisoners of War/Missing in Action." This resolution, introduced by Congressman John Anderson, was cosponsored by more than 170 Members, of which I was one. On March 5, it passed the Senate without a dissenting vote and was sent to the President.

A few days ago, I was privileged to include in the Record for the American Legion, a listing of proclamations by State Governors and mayors who have designated a "Prisoner of War Day" and have urged all citizens to demonstrate their concern for these brave young men and pray for their welfare and early release.

Commencing today, and for the remainder of the week, hundreds of organizations and groups throughout the Nation will participate in various programs in commemoration of our POW's and take some positive action to demonstrate to Hanoi our concern for their plight. In this connection, I wish to insert in the Record a chronological report of the American Legion's activities concerning our POW's since last September, including their future plans for continuation of their efforts until all of our war prisoners are returned home:

Chronological Report

1. THE AMERICAN LEGION SPECIAL COMMITTEE ON POW

Upon being elected National Commander at the 1970 National Convention in Portland, Oregon, September 3, Alfred P. Chamie declared that his major goal would be to effect better treatment and the speedy release from captivity of our servicemen who are prisoners-of-war or missing in action in Southeast Asia. To that end, Chamie established a Special Committee on POW's composed of leading Legionnaires and with representatives of the American Legion Auxiliary. The Committee was charged with investigating ways in which the Legion could effectively cooperate with other organizations in this vital issue and with developing programs to assist in (a) alerting the American people to the necessity of active participation in the campaign to get better treatment for our POW's; and (b) showing Hanoi that the American people are united and deeply concerned over this issue.

Under the chairmanship of Past National Commander William R. Burke, the Special Committee met in Indianapolis on October 18, 1970. The Committee decided to sponsor a POW prayer and proclamation campaign—a campaign to get governors, mayors, and other elected officials throughout the nation to issue proclamations declaring a day, week, or month to be a POW remembrance period. People throughout the country were urged to write letters or send petitions to Hanoi and to the North Vietnamese delegation at the Paris peace talks urging that North Vietnam observe the Geneva Convention of 1949 relative to the treatment of prisoners-of-war.

2. RESULTS OF THE CAMPAIGN

This campaign continues. At present the Legion has received a large number of proclamations from governors, and from county, town, and city officials. Our effort also stimulated other civic groups to obtain proclamations similar to our own. In addition, thousands of letters and signatures on petitions have been received at Washington headquarters. Thousands more were sent directly to Hanoi and to Paris. Through the assistance of Congressman Thomas E. Morgan (Pa.) we have had several of the state proclamations and local unit proclamations recorded in the *Congressional Record*. In this way we are seeking to inform and influence Hanoi. These proclamations, letters, and petitions should convince North Vietnam of the unity and concern of the American people—the man in the street and his locally elected officials—over the plight of our POW/MIA. We plan to continue this campaign until every American has had an opportunity to participate in it.

3. POW PRAYER

In November 1970, The American Legion National Public Relations Division sent letters to more than 150 "opinion leaders" in the United States and abroad asking these individuals to use their channels of communication for the widest possible dissemination of the "Special American Legion Prayer for the Prisoners of War" (a copy of the Prayer is attached). Recipients included religious leaders of all faiths; ranking news media representatives; veterans and other organization leaders; business and government executives and owners of professional sports teams. The results were most encouraging. Dr. Norman Vincent Peale read the Prayer on the "Today" show, reaching a nation-wide television audience. The news media used the Prayer extensively, often featuring it in editorial space, and religious groups of all denominations have featured the Prayer in local church bulletin publications and, frequently, from the pulpit or on some other occasion when prayer was appropriate.

4. PUBLIC SERVICE ANNOUNCEMENTS

The Legion National Public Relations Division released a spot announcement in November 1970 featuring a slide depicting an American POW in a North Vietnam prison, accompanied by a 20 second dialog. Response has been extremely gratifying, with many thousands of dollars of free public service time donated to show this slide by television stations throughout the country.

5. OTHER ACTIVITIES

The Legion has offered full cooperation to other organizations committed to the struggle for better treatment for our POW. We have participated in letter and petition campaigns with other groups. We are providing free office space and administrative services in our Washington office for the National League of Families of American Prisoners and Missing in Southeast Asia for as long as the League needs them. Through our liaison with the Department of Defense and Department of State, we are assisting in providing speakers, such as former POW Colonel Norris Overly and Major James Rowe, for Legion regional and local POW programs and rallies. We are also providing, upon request, POW public relations materials and other informational materials to assist Americans everywhere to take part in the general campaign to help our POW/MIA.

Finally, we cooperate in promoting Legion participation in the organization of, and attendance at, national, regional, and local rallies for our POW/MIA. To date, the Legion has taken a leading role in organizing two national rallies in Washington and in playing a major role in others throughout the country. We shall continue to offer our help in these rallies.

6. FUTURE PLANS

At its February 14 meeting, the Legion's Special Committee decided to continue the proclamation, letter, and petition campaign, and to initiate a new one. Ambassador Bruce, the U.S. chief representative at the Paris peace talks, has indicated that he can utilize whatever proofs he can obtain of the concern of local elected American officials over the POW/MIA issue. The Committee, therefore, decided to ask all elected officials, beginning with mayors, in the U.S. to sign a letter to Ambassador Bruce for use with the North Vietnamese. The letter will emphasize the single-minded support all Americans give Ambassador Bruce in his effort to achieve the basic rights for our POW/MIA—identification and correct treatment, inspection of prison facilities, full authorized exchange of correspondence with their families, and immediate repatriation of sick and wounded prisoners.

The campaign will eventually encompass more than 37,000 elected officials on the state and local levels. When the majority of signatuers have been obtained, the Legion will present them to Ambassador Bruce for such use at the peace talks as he may deem fit.

In addition, the Legion will cooperate with other veterans organizations and other interested groups to the maximum extent possible. The Legion's attitude is that the general objective of advancing the good of the POW/MIA is of supreme importance; that this objective requires the joint efforts of many groups in the United States; and that it can best be achieved by cooperation among them all. The Legion is, therefore, constantly seeking new ways to achieve the common goal and is always open to suggestions from others on what further programs can be undertaken to help reach its goal.

AN AMERICAN LEGION PRAYER FOR OUR PRISONERS OF WAR

Lord, shelter the prisoners of war in Southeast Asia. Open the hearts and minds of their captors that they may be restored to their homes and loved ones. Each has carried the burden of battle. Each has discharged an obligation of his country. Each has been subjected to hazard, pain, and imprisonment beyond the lot of the soldier.

O Lord, these gallant men who bear so great a burden must not be forsaken. God of Justice to whom we pray, Thy compassion we beseech: Lift their burden, give them strength and strike the shackles that deny them freedom.

THE AMERICAN LEGION,
March 11, 1971.

Hon. HALE BOGGS,
Majority Leader, House of Representatives, Washington, D.C.

Please extend the thanks of the American Legion to the Congressional Membership for their joint resolution calling on the President to designate the week of March 21st a "Week of Concern" for our prisoners of war/missing in action in Southeast Asia.

The POW issue has long been a matter of primary concern to Legionnaires everywhere, and the focus of one of our primary programs. We believe your action in this matter will hasten the day when these brave unfortunate men may be reunited with their families.

ALFRED P. CHAMIE,
National Commander, the American Legion.

REPORT ON JUSTICE IN BEXAR COUNTY, TEX.

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise on this occasion in order to render an accounting for the transaction that occurred more than a year ago, and which directly or indirectly involved the privileges of the House. I rise to give a report because of the final determination in this particular case that reached the Supreme Court and finally, exactly a week ago, the judge of first instance remanded the two accused to the penitentiary to which he had sentenced them, and which sentence had been appealed.

It has to do with the case of one Eddie Montez and one Albert Fuentes, the latter having been the special assistant to the Director of the Small Business Administration about 2 years ago.

If you will remember, Mr. Speaker, I became involved because the chairman of the Small Business Advisory Committee for Bexar County conveyed to me the information that he had a sworn statement by a young small businessman who had been approached by this special assistant at a private meeting one Sunday afternoon together with this other man by the name of Edward Montez and others at which time he was informed that a loan application that had been processed for his small business in the amount of $10,000 was not enough, that they had studied the potential of his business, and that if he just went along with them, that he could, through the intercession of the special assistant to the National Director, obtain 10 times that amount of loan, that is, that he had a potential of up to $100,000, but that in exchange for that, some papers would be drawn up so that they could be so written that later this special assistant would share to the amount of 49 percent of the corporation.

They had with them in the room an attorney and at least two other persons. The attorney was introduced as a friend of the special assistant who would know how to write the papers, because the special assistant stated that he did not intend to work for the Government forever, and he wanted something to fall back on later on.

When I read the sworn affidavit, I did two things immediately. First, I telegraphed the Director of the Small Business Administration; and, second, I wired the chairman of my committee, the Banking and Currency Committee, because as a member of this committee, the committee having jurisdiction of this governmental entity, I felt I had more than just a casual interest in the matter. I asked the Director of the Small Business Administration to look into the matter and, while he was checking out the veracity of the affidavit, to suspend the Administrator. I asked the chairman of the committee to look into the matter from the standpoint of the committee, because I also had other information that similar approaches and instances had occurred with respect to at least four other businessmen in the area.

The Director of the SBA became furious. He refused to answer my telegram. He denied that anything could be wrong, and he refused even to look into the matter until pressured by the chairman of the committee. Then he refused to turn over to the chairman of the committee the results of a preliminary investigation, but instead referred it to the Justice Department, and this is where the whole matter really came to a good and sound and healthy conclusion from the standpoint of good government.

The rest is history. When the men were indicted by the grand jury, the special assistant went to San Antonio, my hometown, and accused me in his words of being a liar, as if I had been the one that had made the charge and very conveniently overlooking the fact that the man who had made the affidavit was there and upholding his story. The men were indicted by the grand jury and tried by a jury of 12 good men and true, and convicted and sentenced. They appealed to the appellate court and were turned down in a formal opinion by the appellate court. They went to the Supreme Court of the United States and were rejected there. Last week the judge ordered that they report to the Federal authorities by Monday next.

In the meanwhile I want to point out that during the course of the trial, the defense attorney became insistent that I be the defendant instead of the defendants. He did everything he could to try to make it a political trial. At that time the Congress was in session. Pressures were placed upon me to forget the fact that I have a perfect attendance record in this House, and that I waive the privileges of the House. I think the outcome of the trial clearly shows the wisdom of not succumbing to the pressures that a Member of the House can sometimes be confronted with by a lawyer who is anxious to try to save a guilty defendant.

In the meanwhile, at least one of the defendants in a protracted and systematic way has constantly attempted to harass me through threats, through intimidations, and through very few, but definite, threats to my safety of life and limb. On at least two occasions during the past 12 months, two different officials, including one officer of a bank, have reported to me, this one defendant told them the defendants were out to get me one way or another.

I want this House to fully understand the history of this case, because at the time that the Administrator of the Small Business Administration refused summarily and arbitrarily to look into the matter himself and at a time when I myself did not even know if there was any criminal culpability, I had to appear on the floor of this House and report to this House on at least 12 distinct occasions. This is the penultimate occasion I intend to speak forth on this matter. As soon as I have compiled a summary of this case and how it has involved me and how difficult it becomes for a man in public service to stand up for what is straight and honest, I will then appear for the final report to this House.

REPAIRING DAMAGE DONE BY STRIP MINING

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I have this morning, just a few minutes ago, introduced a bill which would require strip miners of coal in the United States to replace the land that they gouge up for their operations. All States have some kind of legislation, but with the single exception of the State of Pennsylvania, I do not know of any State that really requires total reclamation.

The House might be interested to know that at the present time there is an area equal to the State of Connecticut in size which has already been turned upside down, with the acid-bearing rock and other materials which will not support vegetation left on top. With present equipment—and they are getting bigger equipment every year—they can strip an area equal in size to that of the States of Pennsylvania and West Virginia put together.

The way they are leaving this land in Ohio at the present time it is as unproductive as a desert, with 100- or 120-foot high walls all around the stripped area, and the area stripped left with the acid-bearing rock and other nonproductive elements on top.

My bill would require them to save the top soil when they take out the coal, to put the rock back on the bottom and the top soil back on top, to restore it to contour and reseed or reforest as the Commission may decide.

I believe it is high time we did this. One strip operator in my district said to do this would cost 35 cents additional a ton. Most coal is used to produce electricity, and if the cost is passed on to the consumer it would add about a nickel a month to the average householder's electric bill, which I believe indeed would be a small price to pay to insure that the water is not polluted and the land is restored and reseeded and reforested and left in a state which can be used by future generations.

I have asked the Committee on Interior and Insular Affairs to give prompt hearings to this and other similar bills. I hope this Congress, which seems to be interested in ecology, will tackle this most important phase of it.

May I say to the Members, those whose States are not yet affected, if there is coal under the ground—and there is in most places—they can get it out by stripping, because in our investigation we uncovered plans one company has to go 2,000 feet and remove all the overburden to get out the coal. So nothing is safe unless adequate laws are passed.

SOUTH VIETNAMESE LAOS OPERATION

(Mr. DAVIS of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Wisconsin. Mr. Speaker, as we all know, no American ground combat forces are in Laos. We are providing required air support, but Lamson 719 is an essentially South Vietnamese operation. And, I must add, both in the planning of the operation and in its execution.

It seems to me that some of the President's critics are trying to have it both ways, and I am reminded of the remark of a Harvard colleague to Mr. Kissinger last Spring at the time of the Cambodian operation. The scholar said:

> If the operation fails, it will be tragic. If it succeeds, it will be unforgivable.

The logic, if such it is, has a familiar ring. We cannot criticize the South Vietnamese, as some have done in the past, for letting America fight their war for them and then, in the next breath, note that the situation has changed—that the South Vietnamese are vigorously and courageously defending their homeland—and condemn or criticize them for that.

A man cannot be faulted for defending his home. And if those who would take his home are preparing their assault from a vacant lot next door—and such an analogy pertains to the enemy-occupied Laos area of operations—the man would be foolhardy to wait to resist the takeover until his attackers are inside.

I ask my colleagues to view that Laos operation in these terms, and to ask themselves what they would do. I, myself, believe that a legitimate owner deserves the support of his fellows.

CITIZENS PROTEST OF ACTIONS BY FOREIGN POWERS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, according to the local Washington press there were a number of citizens arrested over the weekend while sitting down and blocking a public street in Washington, D.C., in protest against the action of the Soviet Union against Russian Jews.

Mr. Speaker, I certainly abhor what the Russians have been doing to the Jews in Russia and the denial of basic human rights, but I submit that for American citizens to disrupt other Americans rights to use the public streets and engage in civil disobedience because of the action of a foreign power is no way to handle this matter.

In fact, Mr. Speaker, I believe those involved will very well find those who have been sympathetic and who have been trying to help the Jews in Russia, as best we can through our own governmental action, may well be turned off by such actions.

I for one, Mr. Speaker, intend to let the friends of mine who are of the Jewish faith know that while I stand ready to help in every way I can, I do not appreciate American citizens obstructing other Americans' rights through civil disobedience because some foreign power is denying basic human rights to a large group of people such as Russia is denying to Russian Jews. Yes, let us focus attention on what is happening in Russia. Yes, let us insist that our Government do all it can. Yes, demonstrations are in order to direct the eyes of the world on the Russians' denial of human rights, But, let us not violate Americans' rights and laws because of what the Russians are doing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HANNA (at the request of Mr. O'NEILL), for today and the remainder of the week, on account of official business.

Mr. DENT, for week of March 22, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANIELSON) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RANGEL, for 10 minutes, today.

Mrs. GRASSO, for 30 minutes, today.

Mr. MORGAN, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MATSUNAGA, for 15 minutes, on March 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances, and to include extraneous material.

Mr. CHAMBERLAIN and to include extraneous matter.

(The following Members (at the request of Mr. MYERS) and to include extraneous matter:)

Mr. HORTON.
Mr. WINN.
Mr. MCCLORY.
Mr. HALPERN.
Mr. LENT.
Mr. COUGHLIN in five instances.
Mr. RHODES in five instances.
Mr. MINSHALL in two instances.
Mr. STEIGER of Wisconsin in two instances.
Mr. DEVINE.
Mr. SPRINGER.
Mr. WYMAN in two instances.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. DINGELL in three instances.
Mr. SCHEUER in two instances.
Mr. FASCELL.
Mr. EILBERG.
Mr. ABOUREZK in five instances.
Mr. MURPHY of New York.
Mr. HAMILTON.
Mr. EVINS of Tennessee.
Mr. BEVILL.
Mr. DAVIS of Georgia in two instances.
Mr. GONZALEZ.
Mr. EDMONDSON.
Mr. CELLER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1117. An act to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1181. An act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; to the Committee on Government Operations.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 23, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

446. A communication from the President of the United States, proposing supplemental appropriations for fiscal year 1971 for disaster relief and the Small Business Administration, together with a letter from the Director of the Office of Management and Budget (H. Doc. 92-72); to the Committee on Appropriations and ordered to be printed.

447. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for year 1971, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

448. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Labor for "Unemployment Compensation for Federal Employees and Ex-Servicemen and Trade Adjustment Activities," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

449. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

450. A letter from the Assistant Secretary of Defense (Comptroller), transmitting certification that no use was made of funds appropriated in the Department of Defense Appropriation Act, 1971, or the Military Construction Appropriation Act, 1971, during July 1 to December 31, 1970, to make payments under contracts for any activity in a foreign country except where it was determined that the use of currencies of such country was not feasible; to the Committee on Appropriations.

451. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification of the lands in the Tualatin project, Oregon, has been made, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to the fiscal year 1954 Interior Department Appropriation Act; to the Committee on Appropriations.

452. A letter from the Secretary of the Interior, transmitting the annual report for calendar year 1970 of the Interim Compliance Panel established under section 5 of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

453. A letter from the Executive Director, Cabinet Committee on Opportunities for Spanish-Speaking People, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People; to the Committee on Government Operations.

454. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled the Consumer Product Test Methods Act; to the Committee on Interstate and Foreign Commerce.

455. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of 1 year; to the Committee on Interstate and Foreign Commerce.

456. A letter from the Secretary of Commerce, transmitting the Annual Report of the Economic Development Administration for fiscal year 1970, pursuant to Public Law 89-136; to the Committee on Public Works.

457. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 24, 1970, submitting a report, together with accompanying papers and illustrations, on Beaver Creek, Lincoln County, Oreg., authorized by the Flood Control Act approved June 30, 1948; to the Committee on Public Works.

458. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 22, 1969, submitting a report, together with accompanying papers and illustrations, on Malheur River and tributaries, Oreg., requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 30, 1955; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

459. A letter from the Comptroller General of the United States, transmittng a report on problems in the Department of Housing and Urban Development program for rehabilitating housing to provide homes for low-income families in Philadelphia, Pa.; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER (for himself, Mr. BLACKBURN, Mr. CEDERBERG, Mr. CLARK, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. CORBETT, Mr. CÓRDOVA, Mr. COUGHLIN, Mr. DANIEL of Virginia, Mr. DAVIS of Georgia, Mr. DENT, Mr. ESCH, Mr. ESHLEMAN, Mr. FISH, Mr. FLOOD, Mr. FLOWERS, Mr. GERALD R. FORD, Mr. FORSYTHE, Mr. FRELINGHUYSEN and Mr. FRENZEL):

H.R. 6471. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. BIESTER (for himself, Mr. POWELL, Mr. RAILSBACK, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. SCHWENGEL, Mr. SEBELIUS, Mr. SHOUP, Mr. SPENCE, Mr. TEAGUE of California, Mr. TERRY, Mr. THOMSON of Wisconsin, Mr. VANDER JAGT, Mr. WARE, Mr. WHITEHURST, Mr. WILLIAMS, Mr. WYATT, Mr. WYMAN, Mr. YATRON, and Mr. ZION):

H.R. 6472. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself, Mr. MATHIS of Georgia, Mr. MCDONALD of Michigan, Mr. KYROS, Mr. HILLIS, and Mr. CLEVELAND):

H.R. 6473. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. COUGHLIN (for himself, Mr. BIESTER, Mr. FULTON of Pennsylvania, Mr. FUQUA, Mr. GAYDOS, Mr. GOODLING, Mrs. GRASSO, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARVEY, Mr. HECHLER of West Virginia, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KEATING, Mr. KEMP, Mr. MCCLORY, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MADDEN, Mr. MAZZOLI, Mr. METCALFE, Mr. MICHEL, and Mr. MORSE):

H.R. 6474. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 6475. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 6476. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall not be less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6477. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $2,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 6478. A bill to amend to the Internal Revenue Code of 1954 to prohibit unauthorized disclosure of information respecting income tax returns by businesses preparing such returns for taxpayers; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. PELLY, Mrs. SULLIVAN, Mr. MAILLIARD and Mr. CLARK):

H.R. 6479. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON:

H.R. 6480. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

H.R. 6481. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian, socially-oriented research, development, and engineering activities; to the Committee on Science and Astronautics.

By Mr. HAYS:

H.R. 6482. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself and Mr. ARENDS) (by request):

H.R. 6483. A bill to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility; to the Committee on Armed Services.

By Mr. HECHLER of West Virginia (for himself, Mr. Badillo, Mr. Brademas, Mr. Conte, Mr. Davis of Georgia, Mr. Dellums, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Foley, Mr. Karth, Mr. Kastenmeier, Mr. Madden, Mr. Metcalfe, Mr. Moorhead, Mr. Nedzi, Mr. Obey, Mr. Pelly, Mr. Preyer of North Carolina, Mr. Rees, and Mr. Roe):

H.R. 6484. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia (for himself, Mr. Barrett, Mr. Donohue, Mr. O'Neill, Mr. Rosenthal, Mr. Schwengel, Mr. Van Deerlin, Mr. Vigorito, Mr. Wolff, and Mr. Yates):

H.R. 6485. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Maryland (for himself, Mr. Johnson of California, Mr. Latta, Mr. Tiernan, Mr. Leggett, Mr. Forsythe, Mr. Derwinski, Mr. Delaney, Mr. Burke of Massachusetts, Mr. Quie, Mr. Donohue, Mr. Halpern, Mr. Metcalfe, Mrs. Hicks of Massachusetts, Mr. Hechler of West Virginia, Mr. Morse. Mr. Evins of Tennessee, Mr. Hastings, Mr. Hathaway, Mr. Rosenthal, Mr. Bergland, Mr. Obey, Mr. Harrington, Mr. Stokes, and Mr. Shipley):

H.R. 6486. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. LONG of Maryland (for himself, Mr. Mitchell, Mr. Foley, Mr. McDade, Mr. Dow, Mr. Aspin, Mr. William D. Ford, Mr. Broomfield, Mr. Begich, Mr. Brademas, Mr. Gibbons, Mr. Mikva, Mr. Cleveland, Mr. Vigorito, Mr. Denholm, Mr. Yatron, Mr. Bell, Mr. Rees, Mr. Hicks of Washington, Mr. Frenzel, and Mr. Karth):

H.R. 6487. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. O'HARA:

H.R. 6488. A bill to amend the Bacon-Davis Act, as amended, and the Walsh-Healey Government Contracts Act, as amended, to prevent suspension of their provisions by the President; to the Committee on Education and Labor.

H.R. 6489. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. QUILLEN:

H.R. 6490. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; to the Committee on Armed Services.

H.R. 6491. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. ROBISON of New York:

H.R. 6492. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 6493. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 6494. A bill authorizing payment under medicare for services performed by a household aide; to the Committee on Ways and Means.

H.R. 6495. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Roncalio, Mr. Quie, Mr. Staggers, Mrs. Hansen of Washington, and Mr. Dingell):

H.R. 6496. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SIKES (for himself, Mr. Staggers, Mr. Blatnik, Mr. Abernethy, Mr. Ullman, Mr. Pryor of Arkansas, Mr. Baring, Mr. Williams, Mr. Hungate, Mr. McClure, Mr. Montgomery, Mr. McCormack, and Mr. Hammerschmidt):

H.R. 6497. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.F. 6498. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee of Agriculture.

By Mr. SIKES (for himself, Mr. Staggers, Mr. Blatnik, Mr. Abernethy, Mr. Ullman, Mr. Pryor of Arkansas, Mr. Baring, Mr. Williams, Mr. Hungate, Mr. McClure, Mr. Montgomery, and Mr. McCormack):

H.R. 6499. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

By Mr. PATTEN:

H.R. 6500. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 6501. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 6502. A bill to support the price of milk at 90 percent of the parity price for the period beginning April 1, 1971, and ending March 31, 1972; to the Committee on Agriculture.

By Mr. KEE:

H.J. Res. 484. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.J. Res. 485. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri (for himself, Mrs. Grasso, Mr. Metcalfe, Mr. Charles H. Wilson, Mrs. Hansen of Washington, Mr. Davis of Georgia, Mr. Gaydos, Mr. Collins of Illinois, Mr. Carney, Mr. Stephens, Mr. Brasco, Mr. Denholm, Mr. Yatron, Mr. Helstoski, Mr. Collier, Mrs. Abzug, and Mr. Preyer of North Carolina):

H. Con. Res. 217. Concurrent resolution; announcement of Federal grants and contracts; to the Committee on Government Operations.

By Mr. BURLISON of Missouri (for himself, Mr. Johnson of California, Mr. Baring, Mr. Alexander, Mr. Derwinski, Mr. Edwards of California, Mr. Hamilton, Mr. Murphy of New York, Mr. Drinan, Mrs. Hicks of Massachusetts, Mr. Thompson of Georgia, Mr. Mitchell, Mr. Podell, Mr. Gibbons, Mr. Eilberg, Mr. Abourezk, Mr. Clark, Mr. Roybal, Mr. Giaimo, and Mr. Byrne of Pennsylvania):

H. Con. Res. 218. Concurrent resolution; announcement of Federal grants and contracts; to the Committee on Government Operations.

By Mr. BURLISON of Missouri (for himself, Mr. Long of Maryland, Mr. Pepper, Mr. Forsythe, Mr. Aspin, Mr. Roy, Mrs. Chisholm, Mr. Rangel, Mrs. Mink, Mr. Mathis of Georgia, Mr. Dorn, Mr. Halpern, Mr. Satterfield, Mr. Burton, Mr. Mazzoli, Mr. Caffery, Mr. Burke of Massachusetts, Mr. Stuckey, Mr. Donohue, Mr. Hawkins, and Mr. Hanley):

H. Con. Res. 219. Concurrent resolution; announcement of Federal grants and contracts; to the Committee on Government Operations.

By Mr. MONAGAN:

H. Con. Res. 220. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Bingham, Mr. Brademas, Mr. Buchanan, Mr. Collins of Illinois, Mr. Corman, Mr. Coughlin, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Dingell, Mr. Edwards of California, Mr. Eilberg, Mr. Flood, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Giaimo, Mr. Gude, Mr. Halpern, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Hogan, and Mr. Hosmer):

H. Con. Res. 221. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. Leggett, Mr. Lent, Mr. McCormack, Mr. Mitchell, Mr. Morse, Mr. O'Neill, Mr. Pelly, Mr. Pepper, Mr. Podell, Mr. Powell, Mr. Price of Illinois, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. St Germain, Mr. Sarbanes, Mr. Seiberling, Mr. Stratton, Mr. Thompson of Georgia, Mr. Thone, Mr. Vanik, and Mr. White):

H. Con. Res. 222. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. WYDLER:

H. Con. Res. 223. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. WIGGINS):

H. Res. 337. Resolution to provide funds for the expenses of investigations and studies authorized by House Resolution 115; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

73. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to continuation of the FHA section 235 interest subsidy program; to the Committee on Banking and Currency.

74. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the treatment of Soviet Jews; to the Committee on Foreign Affairs.

75. Also, memorial of the Senate of the State of Montana, relative to dust abatement on the Canyon Ferry unit, Helena-Great Falls division, Pick-Sloan Missouri Basin program of the Missouri River Basin project, Montana; to the Committee on Interior and Insular Affairs.

76. Also, memorial of the Legislature of the Territory of the Virgin Islands of the United States, relative to qualifications of candidates for public office in the Virgin Islands; to the Committee on Interior and Insular Affairs.

77. Also, memorial of the Legislature of the State of Oklahoma, relative to the Arcadia Reservoir; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H.R. 6503. A bill for the relief of Capt. Claire E. Brou; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 6504. A bill for the relief of Margarida Aldora Correia dos Reis; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 6505. A bill for the relief of Joseph T. Poiesz; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 6506. A bill for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber and Violette Hanna Chaber; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 6507. A bill for the relief of Maria I. Gomes; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 6508. A bill for the relief of J. B. Riddle; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of the Democratic Town Committee, Scarsdale, N.Y., relative to U.S. war crimes and press censorship in Vietnam; to the Committee on Foreign Affairs.

47. Also, petition of Clarence Martion, Sr., Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PARKS AND HIGHWAYS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an excellent editorial appearing in the Washington, D.C., Post of Sunday, March 7, 1971, entitled "Parks and Highways," on the decision in the case of Citizens To Preserve Overton Park, Inc., et al., against Volpe, Secretary, Department of Transportation, et al., case No. 1066, argued December 7, 1970, and decided March 2, 1971.

Both the editorial and the very fine decision of the Supreme Court of the United States merit careful reading by all concerned with the preservation of their environment and the amenities of life in this Nation today:

PARKS AND HIGHWAYS

It should have been self-evident all along that a nation civilized enough to create public parks so as to give beauty to its cities and provide them with lungs, as it were, would also hold these parks inviolate. But it was only after a good many parks, recreation lands, wildlife and waterfowl refuges and historic sites were lost to or badly damaged by highways, that Congress, in 1966 and again in 1968, set out to curb such irreparable incursions by federally financed bulldozers.

Well, surely at that point, you would think it should have been self-evident that public parkland cannot be taken for public roads, unless, as the law commands, "(1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park." But in several places, notably Overton Park in Memphis, Brackenridge Park in San Antonio, and the parkland affected by the proposed Three Sisters Bridge in Washington, the dispute continues. It is still not self-evident, it turns out, just what constitutes a "feasible and prudent" alternative to the destruction of parkland. In the end, legal and administrative technicalities aside, the highway builders and the conservationists still differ on whether the public interest demands efficient roads or inviolate parks.

The recent Supreme Court decision in the Memphis dispute does not settle this issue because it cannot be settled categorically. As the law prescribes, disputes over the question of whether alternatives to taking a park are "feasible and prudent" can only be decided in each instance by the Secretary of Transportation. In the case of Memphis, the Supreme Court simply told the District Court to review the Secretary's decision and see whether he made it properly and in good faith.

This will hardly cheer either the proponents or the opponents of more freeways. Yet, we believe the decision important. For one thing, the highest court in the land has affirmed that government now must take seriously the complaints of concerned citizens (in this case the "Citizens to Preserve Overton Park") who only a few year ago were often dismissed as mere "beautniks" and troublemakers. Secondly, the court has stated quite clearly that it is entirely "prudent" to save a park even if that means spending more money.

"There will always be a smaller outlay required from the public purse when parkland is used," the decision says, "since the public already owns the land and there will be no need to pay for right-of-way. And since people do not live or work in parks, if a highway is built on parkland no one will have to leave his home or give up his business." Yet the court continued, protection of parkland must be given paramount importance. It interprets the intent of Congress to mean that "the few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative route reached extraordinary magnitude." In other words, environmental benefits are to have priority over cost benefits. That is news in some quarters.

[In the Supreme Court of the United States]

SYLLABUS: CITIZENS TO PRESERVE OVERTON PARK, INC., ET AL. *v.* VOLPE, SECRETARY, DEPARTMENT OF TRANSPORTATION, ET AL.

(Note: Where it is deemed desirable, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.)

CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT

[No. 1066. Argued December 7, 1970—Decided March 2, 1971]

Under § 4(f) of the Department of Transportation Act of 1966 and § 138 of the Federal Aid Highway Act of 1968, the Secretary of Transportation may not authorize use of federal funds to finance construction of highways through public parks if a "feasible and prudent" alternative route exists. If no such route is available, he may approve construction only if there has been "all possible planning to minimize harm" to the park. Petitioners contend that the Secretary has violated these statutes by authorizing a six-lane interstate highway through a Memphis public park. In April 1968 the Secretary announced that he agreed with the local officials that the highway go through the park; in September 1969 the State acquired the right-of-way inside the park; and in November 1969 the Secretary announced final approval, including the design, of the road. Neither announcement of the Secretary was accompanied by factual findings. Respondents introduced affidavits in the District Court, indicating that the Secretary had made the decision and that it was supportable. Petitioners filed counter affidavits and sought to take the deposition of a former federal highway administrator. The District Court and the Court of Appeals found that formal findings were not required and refused to order the deposition of the former administrator. Both courts held that the affidavits afforded no basis for determining that the Secretary exceeded his authority. *Held:*

1. The Secretary's action is subject to judi-

cial review pursuant to § 701 of the Administrative Procedure Act. Pp. 6–10.

(a) There is no indication here that Congress sought to limit or prohibit judicial review. P. 7.

(b) The exemption for action "committed to agency discretion" does not apply as the Secretary does have "law to apply," rather than wide-ranging discretion. Pp. 7–10.

2. Although under § 706 of the Act *de novo* review is not required here and the Secretary's approval of the route need not meet the substantial evidence test, the reviewing court must conduct a substantial inquiry and determine whether the Secretary acted within the scope of his authority, whether his decision was within the small range of available choices, and whether he could have reasonably believed that there were no feasible alternatives. The court must find that the actual choice was not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," and that the Secretary followed the necessary procedural requirements. Pp. 10–13.

3. Formal findings by the Secretary were not required in this case. Pp. 14–16.

(a) The relevant statutes do not require formal findings, and there is no ambiguity in the Secretary's action. P. 14.

(b) Although a regulation requiring formal findings was issued after the Secretary had approved the route, a remand to him is not necessary as there is an administrative record facilitating full and prompt review of the Secretary's action. Pp. 14–16.

4. The case is remanded to the District Court for plenary review of the Secretary's decision. Pp. 16–17.

(a) The lower courts' review was based on litigation affidavits, which are not the whole record and are an inadequate basis for review. P. 16.

(b) In view of the lack of formal findings, the court may require the administrative officials who participated in the decision to give testimony explaining their action or require the Secretary to make formal findings. P. 17.

432 F. 2d 1307, reversed and remanded.

Marshall, J., delivered the opinion of the Court, in which Burger, C. J., and Harlan, Stewart, White, and Blackmun, JJ., joined. Black, J., filed a separate opinion, in which Brennan, J., joined. Blackmun, J., filed a separate statement. Douglas J., took no part in the consideration or decision of this case.

[In the Supreme Court of the United States]

Citizens To Preserve Overton Park., Inc., et al., Petitioners *v.* John A. Volpe, Secretary, Department of Transportation, et al

[No. 1066.—October Term, 1970: On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, March 2, 1971]

Mr. Justice Marshall delivered the opinion of the Court.

The growing public concern about the quality of our natural environment has prompted Congress in recent years to enact legislation [1] designed to curb the accelerating destruction of our country's natural beauty. We are concerned in this case with § 4(f) of the Department of Transportation Act of 1966 [2] and § 138 of the Federal Aid to Highway Act of 1968.[3] These statutes prohibit the Secretary of Transportation from authorizing the use of federal funds to finance the construction of highways through public parks if a "feasible and prudent" [4] alternative route exists. If no such route is available, the statutes allow him to approve construction through parks only if there has been "all possible planning to minimize harm" [5] to the park.

Petitioners, private citizens as well as local and national conservation organizations, contend that the Secretary has violated these statutes by authorizing the expenditure of federal funds [6] for the construction of a six-lane interstate highway through a public park in Memphis, Tennessee. Their claim was respected by the District Court,[7] which granted the Secretary's motion for summary judgment, and the Court of Appeals for the Sixth Circuit affirmed.[8] After oral argument, this Court granted a stay that halted construction and, treating the application for the stay as a petition for certiorari, granted review.[9] —— U.S. ——. We now reverse the judgment below and remand for further proceedings in the District Court.

Overton Park is a 342-acre city park located near the center of Memphis. The park contains a zoo, a nine-hole municipal golf course, an outdoor theatre, nature trails, a bridle path, an art academy, picnic areas, and 170 acres of forest. The proposed highway, which is to be six-lane, high-speed, expressway,[10] will sever the zoo from the rest of the park. Although the roadway will be depressed below ground level except where it crosses a small creek, 26 acres of the park will be destroyed. The highway is to be a segment of Interstate Highway No. I–40, part of the National System of Interstate and Defense Highways.[11] I–40 will provide Memphis with a major east-west expressway that will allow easier access to downtown Memphis from the residential areas on the eastern edge of the city.[12]

Although the route through the park was approved by the Bureau of Public Roads in 1956 [13] and by the Federal Highway Administrator in 1966, the enactment of § 4(f) of the Department of Transportation Act prevented distribution of federal funds for the section of the highway designated to go through Overton Park until the Secretary of Transportation determined whether the requirements of § 4(f) had been met. Federal funding for the rest of the project was, however, available; and the state acquired right-of-way on both sides of the park.[14] In April 1968, the Secretary announced that he concurred in the judgment of local officials that I–40 should be built through the park. And in September 1969 the State acquired the right-of-way inside Overton Park from the city.[15] Final approval for the project—the route as well as the design—was not announced until November 1969, after Congress had reiterated in § 138 of the Federal-Aid Highway Act that highway construction through public parks was to be restricted. Neither announcement approving the route and design of I–40 was accompanied by a statement of the Secretary's factual findings. He did not indicate why he believed there were no feasible and prudent alternative routes or why design changes could not be made to reduce the harm to the park.

Petitioners contend that the Secretary's action is invalid without such formal findings [16] and that the Secretary did not make an independent determination but merely relied on the judgment of the Memphis City Council.[17] They also contend that it would be "feasible and prudent" to route I–40 around Overton Park either to the north or to the south. And they argue that if these alternative routes are not "feasible and prudent," the present plan does not include "all possible" methods for reducing harm to the park. Petitioners claim that I–40 could be built under the park by using either of two possible tunneling methods,[18] and they claim that, at a minimum, by using advanced drainage techniques [19] the expressway could be depressed below ground level along the entire route through the park including the section that crosses the small creek.

Respondents argue that it was unnecessary for the Secretary to make formal findings and, that he did, in fact, exercise his own independent judgment that was supported by the facts. In the District Court, respondents introduced affidavits, prepared specifically for this litigation, which indicated that the Secretary had made the decision and that the decision was supportable. These affidavits were contradicted by affidavits introduced by petitioners who also sought to take the deposition of a former federal highway administrator [20] who had participated in the decision to route I–40 through Overton Park.

The District Court and the Court of Appeals found that formal findings by the Secretary were not necessary and refused to order the deposition of the former Federal Highway Administrator because those courts believed that probing of the mental processes of an administrative decisionmaker was prohibited. And, believing that the Secretary's authority was wide and reviewing courts' authority narrow in the approval of highway routes, the lower courts held that the affidavits contained no basis for a determination that the Secretary had exceeded his authority.

We agree that formal findings were not required. But we do not believe that in this case judicial review based solely on litigation affidavits was adequate.

A threshold question—whether petitioners are entitled to any judicial review—is easily answered. Section 701 of the Administrative Procedure Act, 5 U.S.C. § 701 (Supp. V.), provides that the action of "each authority of the Government of the United States," which includes the Department of Transportation,[21] is subject to judicial review except where there is a statutory prohibition on review or where "agency action is committed to agency discretion by law." 5 U.S.C. § 701 (Supp. V). In this case, there is no indication that Congress sought to prohibit judicial review and there is most certainly no "showing of 'clear and convincing evidence' of a . . . legislative intent" to restrict access to judicial review. *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 141 (1967). *Brownell* v. *We Shung*, 352 U.S. 180, 185 (1956).[22]

Similarly, the Secretary's decision here does not fall within the exception for action "committed to agency discretion." This is a very narrow exception.[23] Berger, Administrative Arbitrariness and Judicial Review, 65 Col. L. Rev. 55 (1965). The legislative history of the Administrative Procedure Act indicates that it is applicable in those rare instances where "statutes are drawn in such broad terms that in a given case there is no law to apply." S. Rep. No. 758, Senate Committee on the Judiciary, 79th Cong., 1st Sess., 26 (1945).

Section 4(f) of the Department of Transportation Act and § 138 of the Federal-Aid Highway Act are clear and specific directives. Both the Department of Transportation Act and the Federal-Aid to Highway Act provide that the Secretary "shall not approve any program or project" that requires the use of any public parkland "unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park . . ." 23 U.S.C. § 138 (Supp. V); 49 U.S.C. § 1653(f) (Supp. V). This language is a plain and explicit bar to the use of federal funds for construction of highways through parks—only the most unusual situations are exempted.

Despite the clarity of the statutory language, respondents argue that the Secretary has wide discretion. They recognize that the requirement that there be no "feasible" alternative route admits of little administrative discretion. For this exemption to apply the Secretary must find that as a matter of sound engineering it would not be feasible to build the highway along any other route.[24]

Footnotes at end of article.

Respondents argue, however, that the requirement that there be no other "prudent" route requires the Secretary to engage in a wide-ranging balancing of competing interests. They contend that the Secretary should weigh the detriment resulting from the destruction of parkland against the cost of other routes, safety considerations, and other factors, and determine on the basis of the importance that he attaches to these other factors whether, on balance, alternative feasible routes would be "prudent."

But no such wide-ranging endeavor was intended. It is obvious that in most cases considerations of cost, directness of route, and community disruption will indicate that parkland should be used for highway construction whenever possible. Although it may be necessary to transfer funds from one jurisdiction to another,[25] there will always be a smaller outlay required from the public purse[26] when parkland is used since the public already owns the land and there will be no need to pay for right-of-way. And since people do not live or work in parks, if a highway is built on parkland no one will have to leave his home or give up his business. Such factors are common to substantially all highway construction. Thus if Congress intended these factors to be on an equal footing with preservation of parkland there would have been no need for the statutes.

Congress clearly did not intend that cost and disruption of the community were to be ignored[27] by the Secretary.[28] But the very existence of the statute[29] indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems.

Plainly, there is "law to apply" and thus the exemption for action "committed to agency discretion" is inapplicable. But the existence of judicial review is only the start: the standard for review must also be determined. For that we must look to § 706 of the Administrative Procedure Act, 5 U.S.C. § 706 (Supp. V), which provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings and conclusions found" not to meet six separate standards.[30] In all cases agency action must be set aside if the action was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" or if the action failed to meet statutory, procedural, or constitutional requirements. 5 U.S.C. § 706(2)(A)(B)(C)(D) (Supp. V). In certain narrow, specifically limited situations, the agency action is to be set aside if the action was not supported by "substantial evidence." And in other equally narrow circumstances the reviewing court is to engage in a *de novo* review of the action and set it aside if it was "unwarranted by the facts." 5 U.S.C. § 706(2)(E)(F) (Supp. V).

Petitioners argue that the Secretary's approval of the construction of I-40 through Overton Park is subject to one or the other of these latter two standards of limited applicability. First, they contend that the "substantial evidence" standards of § 706(2)(E) must be applied. In the alternative, they claim that § 706(2)(F) applies and that there must be a *de novo* review to determine if the Secretary's action was "unwarranted by the facts." Neither of these standards is, however, applicable.

Review under the substantial evidence test is authorized only when the agency action is taken pursuant to a rulemaking provision of the Administrative Procedure Act itself, 5 U.S.C. § 553 (Supp. V), or when the agency action is based on a public adjudicatory hearing. See 5 U.S.C. §§ 556, 557 (Supp. V). The Secretary's decision to allow the expenditure of federal funds to build I-40 through Overton Park was plainly not an exercise of a rulemaking function. See. K. Davis, Administrative Law Treatise § 5.01 (1958). And the only hearing that is required by either the Administrative Procedure Act or the statutes regulating the distribution of federal funds for highway construction is a public hearing conducted by local officials for the purpose of informing the community about the proposed project and eliciting community views on the design and route. 23 U.S.C. § 128 (Supp. V). The hearing is nonadjudicatory, quasi-legislative in nature. It is not designed to produce a record that is to be the basis of agency action—the basic requirement for substantial evidence review. See H. Rep. No. 1980, 79th Cong., 2d Sess., reprinted in Senate Judiciary Committee, Legislative History of The Administrative Procedure Act 279.

Petitioners' alternative argument also fails. *De novo* review of whether the Secretary's decision was "unwarranted by the facts" is authorized by § 706(2)(F) in only two circumstances. First, such *de novo* review is authorized when the action is adjudicatory in nature and the agency factfinding procedures are inadequate. And, there may be independent judicial factfinding when issues that were not before the agency are raised in a proceeding to enforce nonadjudicatory agency action. H. Rep. No. 1980, 79th Cong., 2d Sess., reprinted in Senate Judiciary Committee, Legislative History of the Administrative Procedure Act 279. Neither situation exists here.

Even though there is no *de novo* review in this case and the Secretary's approval of the route of I-40 does not have ultimately to meet the substantial evidence test, the generally applicable standards of § 706 require the reviewing court to engage in a substantial inquiry. Certainly, the Secretary's decision is entitled to a presumption of regularity. See *e. g., Pacific States Box & Basket Co.* v. *White*, 296 U.S. 176, 185 (1935); *United States* v. *Chemical Foundation*, 272 U.S. 1, 14–15 (1926). But that presumption is not to shield his action from a thorough, probing, in-depth review.

The court is first required to decide whether the Secretary acted within the scope of his authority. *Schilling* v. *Rogers*, 363 U.S. 666, 676–677 (1960). This determination naturally begins with a delineation of the scope of the Secretary's authority and discretion. L. Jaffe, Judicial Control of Administrative Action 359 (1965). As has been shown, Congress has specified only a small range of choices that the Secretary can make. Also involved in this initial inquiry is a determination of whether on the facts the Secretary's decision can reasonably be said to be within that range. The reviewing court must consider whether the Secretary properly construed his authority to approve the use of parkland as limited to situations where there are no feasible alternative routes or where feasible alternative routes involve uniquely difficult problems. And the reviewing court must be able to find that the Secretary could have reasonably believed that in this case there are no feasible alternatives or that alternatives do involve unique problems.

Scrutiny of the facts does not end, however, with the determination that the Secretary has acted within the scope of his statutory authority. Section 706(2)(A) requires a finding that the actual choice made was not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A) (Supp. V). To make this finding the court must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment. L. Jaffe, *supra*, at 182. See *McBee* v. *Bomar*, 296 F. 2d 235, 237 (CA6 1961); *In re Josephson*, 218 F. 2d 174, 182 (CA1 1954); *Western Addition Community Organization* v. *Weaver*, 294 F. Supp. 433 (ND Calif. 1968). See also *Wong Wing Hang* v. *Immigration & Naturalization Serv.*, 260 F. 2d 715, 719 (CA2 1966). Although this inquiry into the facts is to be searching and careful, the ultimate standard of review is a narrow one. The court is not empowered to substitute its judgment for that of the agency.

The final inquiry is whether the Secretary's action followed the necessary procedural requirements. Here the only procedural error alleged is the failure of the Secretary to make formal findings and state his reason for allowing the highway to be built through the park.

Undoubtedly, review of the Secretary's action is hampered by his failure to make such findings, but the absence of formal findings does not necessarily require that the case be remanded to the Secretary. Neither the Department of Transportation Act nor the Federal-Aid Highway Act requires such formal findings. Moreover, the Administrative Procedure Act requirements that there be formal findings in certain rulemaking and adjudicatory proceedings do not apply to the Secretary's action here. See 5 U.S.C. § 553(a)(2) (Supp. V); 5 U.S.C. § 554(a) (Supp. V). And, although formal findings may be required in some cases in the absence of statutory directives when the nature of the agency action is ambiguous, those situations are rare. See *City of Yonkers* v. *United States*, 320 U.S. 685 (1944); *American Trucking Assn.* v. *United States*, 344 U.S. 298, 320 (1953). Plainly, there is no ambiguity here; the Secretary has approved the construction of I-40 through Overton Park and has approved a specific design for the project.

Petitioners contend that although there may not be a statutory requirement that the Secretary make formal findings and even though this may not be a case for the reviewing court to impose a requirement that findings be made. Department of Transportation regulations require them. This argument is based on DOT Order 5610.1,[31] which requires the Secretary to make formal findings when he approves the use of parkland for highway construction but which was issued after the route for I-40 was approved.[32] Petitioners argue that even though the order was not in effect at the time approval was given to the Overton Park project and even though the order was not intended to have retrospective effect the order represents the law at the time of this Court's decision and under *Thorpe* v. *Housing Authority*, 393 U.S. 268, 281–282 (1969), should be applied to this case.

The *Thorpe* litigation resulted from an attempt to evict a tenant from a federally funded housing project under circumstances that suggested that the eviction was prompted by the tenant's objections to the management of the project. Despite repeated requests, the Housing Authority would not give an explanation for its action. The tenant claimed that the eviction interfered with her exercise of First Amendment rights and that the failure to state the reasons for the eviction and to afford her a hearing denied her due process. After denial of relief in the state courts, this Court granted certiorari "to consider whether [the tenant] was denied due process by the Housing Authority's refusal to state the reasons for her eviction and to afford her a hearing at which she could contest the sufficiency of those reasons." 393 U.S., at 272.

While the case was pending in this Court, the Department of Health, Education, and Welfare issued regulations requiring Housing Authority officials to inform tenants

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Footnotes at end of article.

of the reasons for an eviction and to give a tenant the opportunity to reply. The case was then remanded to the state courts to determine if the HEW regulations were applicable to that case. The state court held them not to be applicable and this Court reversed on the ground that the general rule is "that an appellate court must apply the law in effect at the time it renders its decision."

While we do not question that DOT Order 5610.1 constitutes the law in effect at the time of our decision, we do not believe that *Thorpe* compels us to remand for the Secretary to make formal findings.[33] Here, unlike the situation in *Thorpe*, there has been a change in circumstances—additional right-of-way has been cleared and the 26-acre right-of-way inside Overton Park has been purchased by the State. Moreover, there is an administrative record that allows the full, prompt review of the Secretary's action that is sought without additional delay which would result from having a remand to the Secretary.

That administrative record is not, however, before us. The lower courts based their review on the litigation affidavits that were presented. These affidavits were merely *"post hoc"* rationalizations, *Burlington Truck Lines* v. *United States,* 371 U.S. 156, 168–169 (1962), which have traditionally been found to be an inadequate basis for review. *Burlington Truck Lines* v. *United States, supra; SEC* v. *Chenery Corp.,* 318 U.S. 80, 87 (1943). And they clearly do not constitute the "whole record" compiled by the agency: the basis for review required by § 706 of the Administrative Procedure Act. See n. 30, *supra.*

Thus it is necessary to remand this case to the District Court for plenary review of the Secretary's decision. That review is to be based on the full administrative record that was before the Secretary at the time he made his decision.[34] But since the bare record may not disclose the factors that were considered or the Secretary's construction of the evidence it may be necessary for the District Court to require some explanation in order to determine if the Secretary acted within the scope of his authority and if the Secretary's action was justifiable under the applicable standard.

The court may require the administrative officials who participated in the decision to give testimony explaining their action. Of course, such inquiry into the mental processes of administrative decisionmakers is usually to be avoided. *United States* v. *Morgan,* 313 U. S. 409, 422 (1941). And where there are administrative findings that were made at the same time as the decision, as was the case in *Morgan,* there must be a strong showing of bad faith or improper behavior before such inquiry may be made. But here there are no such formal findings and it may be that the only way there can be effective judicial review is by examining the decisionmakers themselves. See *Shaughnessy v. Accardi,* 349 U. S. 280 (1955).

The District Court is not, however, required to make such an inquiry. It may be that the Secretary can prepare formal findings including the information required by DOT Order 5610.1 that will provide an adequate explanation for his action. Such an explanation will, to some extent, be a "post hoc rationalization" and thus must be viewed critically. If the District Court decides that additional explanation is necessary, that court should consider which method will prove the most expeditious so that full review may be had as soon as possible.

Reversed and remanded.

Mr. Justice Douglas took no part in the consideration or decision of this case.

FOOTNOTES

[1] See, *e g.,* The National Environmental Policy Act, 42 U.S.C. § 4321; Environmental Education Act, 20 U.S.C. § 1531; Air Quality Act of 1967, 42 U.S.C. § 1857 *et seq.;* Environmetal Quality Improvement Act of 1970, 42 U.S.C. §§ 4372–4374.

[2] "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After August 23, 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national, State, or local significance as so detremined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use." 49 U.S.C. § 1653 (f) (Supp. V).

[3] "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic site. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned lands from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use". 23 U. S. C. § 138 (Supp. V).

[4] 49 U.S.C. § 1653(f) (Supp. V); 23 U.S.C. § 138 (Supp. V).

[5] 49 U.S.C. §1653(f) (Supp. V); 23 U.S.C. § 138 (Supp. V).

[6] See 23 U.S.C. § 103.

[7] The case originated in the United States District Court for the District of Columbia. On application of the Secretary of Transportation it was transferred to the United States District Court for the Western District of Tennessee, which entered the summary judgment.

[8] —— F. 2d —— (CA6 1970).

[9] The Court ordered the case to be heard on an expedited schedule.

[10] The proposed right-of-way will be 250 to 450 feet wide and will follow the route of a presently existing, nonaccess bus route, which carries occasional bus traffic along a 40- to 50-foot right-of-way.

[11] See 23 U.S.C. § 103(d).

[12] I–40 will also provide an express bypass for east-west traffic through Memphis.

[13] At that time the Bureau of Public Roads was a part of the Department of Commerce. The Department of Transportation Act, 49 U.S.C. § 1651 *et seq.* (Supp. V), which became effective on April 1, 1967, transferred the Bureau to the new Department of Transportation.

[14] The Secretary approved these acquisitions in 1967 prior to the effective date of § 4(f).

[15] The State paid the City $2,000,000 for the 26-acre right-of-way and $206,000 to the Memphis Park Commission to replace park facilities that were to be destroyed by the highway. The city of Memphis has used $1,000,000 of these funds to pay for a new 160-acre park and it is anticipated that additional parkland will be acquired with the remaining money.

[16] Respondents argue that the only issue raised by petitioners' pleadings is the failure of the Secretary to make formal findings. But when petitioners' complaint is read in the revealing light of *Conley* v. *Gibson,* 355 U.S. 41 (1957), it is clear that petitioners have also challenged the merits of the Secretary's decision.

[17] Petitioners contend that former Federal Highway Administrator Bridwell's account of an April 3, 1968, meeting with the Memphis City Council given to the Senate Subcommittee on Roads of the Senate Committee on Public Works supports this charge. See Hearings on Urban Highway Planning, location, and Design before the Subcommittee on Roads of the Senate Committee on Public Works, 90th Cong., 1st and 2d Sess., pt. 2, at 478–480 (1968).

[18] Petitioners argue that either a bored tunnel or a cut-and-cover tunnel, which is a fully depressed route covered after construction, could be built. Respondents contend that the construction of a tunnel by either method would greatly increase the cost of the project, would create safety hazards, and because of increases in air pollution would not reduce harm to the park.

[19] Petitioners contend that adequate drainage could be provided by using mechanical pumps or some form of inverted siphon. They claim that such devices are often used in expressway construction.

[20] Petitioners wanted to question former Highway Administrator Bridwell. See n. 17, *supra.*

[21] In addition, the Department of Transportation Act makes the Administrative Procedure Act applicable to proceedings of the Department of Transportation. 49 U.S.C. § 1655 (h) (Supp. V).

[22] See also *Rusk* v. *Cort,* 369 U.S. 367, 379–380 (1962).

[23] The scope of this exception has been the subject of extensive commentary. See, *e.g.,* Berger, Administrative Arbitrariness: A Synthesis, 78 Yale L. J. 965 (1969); Saferstein, Nonreviewability: A Functional Analysis of "Committed to Agency Discretion," 82 Harv. L. Rev. 367 (1968); Davis, Administrative Arbitrariness is Not Always Reviewable, 51 Minn. L. Rev. 643 (1967); Berger, Administrative Arbitrariness: A Sequel, 51 Minn. L. Rev. 601 (1967).

[24] See 114 Cong. Rec. 19915 (Statement by Rep. Holifield).

[25] See n. 15, *supra.*

[26] See 114 Cong. Rec. 24037 (Statement by Sen Yarborough).

[27] See, *e.g.,* S. Rep. No. 1340, 90th Cong., 2d Sess., 18–19: H. Rep. No. 1584, 90th Cong., 2d Sess., 12.

[28] The legislative history indicates that the Secretary is not to limit his consideration to information supplied by state and local officials but is to go beyond this information and reach his own independent decision. 114 Cong. Rec. 24036–24037.

[29] The legislative history of both § 4(f) of the Department of Transportation Act, 49 U.S.C. § 1653(f) (Supp. V), and § 138 of the Federal-Aid Highway Act, 23 U.S.C. § 138 (Supp. V), is ambiguous. The legislative committee reports tend to support Respondents' view that the statutes are merely **general**

directives to the Secretary requiring him to consider the importance of parkland as well as cost, community disruption, and other factors. See, *e.g.*, S. Rep. No. 1340, 90th Cong., 2d Sess., 19; H. Rep. No. 1584, 90th Con., 2d Sess., 12. Statements by proponents of the statutes as well as the Senate committee report on § 4(f) indicate, however, that the Secretary was to have limited authority. See *e.g.*, 114 Cong. Rec. 24033–24037; S. Rep. No. 1627, 89th Cong., 2d Sess., 22. See also H. Conf. Rep. No. 2236, 89th Cong., 2d Sess., 25. Because of this ambiguity it is clear that we must look primarily to the statutes themselves to find the legislative intent.

[30] "To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error." 5 U. S. C. § 706 (Supp. V).

[31] The regulation was promulgated pursuant to Executive Order 11514, dated March 5, 1970, which instructed all federal agencies to initiate procedures needed to direct their policies and programs toward meeting national environmental goals.

[32] DOT Order 5610.1 was issued on October 7, 1970.

[33] Even if formal findings by the Secretary were mandatory, the proper course would be to remand the case to the District Court directing that court to order the Secretary to make formal findings. See R. Robertson & S. Kirkham. Jurisdiction of the Supreme Court of the United States § 446, at 929 (Wolfson & Kurland, ed., 1951). Of course, the District Court is not prohibited from remanding the case to the Secretary. See *infra*, at —.

[34] The Solicitor General now urges that in order to avoid additional delay the proper course is to remand the case to the District Court for review of the full administrative record.

[In the Supreme Court of the United States]

Citizens to Preserve Overton Park, Inc., et al., Petitioners, *v.* John A. Volpe, Secretary, Department of Transportation, et al.

[No. 1066.—October Term, 1970: On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, March 2, 1971]

Separate opinion of Mr. Justice Black, with whom Mr. Justice Brennan joins.

I agree with the Court that the judgment of the Court of Appeals is wrong and that its action should be reversed. I do not agree that the whole matter should be remanded to the District Court. I think the case should be sent back to the Secretary of Transportation. It is apparent from the Court's opinion today that the Secretary of Transportation completely failed to comply with the duty imposed upon him by Congress not to permit a federally-financed public highway to run through a public park "unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park. . . ." 23 U.S.C. § 138; 49 U.S.C. § 1653(f). That congressional command should not be taken lightly by the Secretary or by this Court. It represents a solemn determination of the highest law-making body of this Nation that the beauty and health-giving facilities of our parks are not to be taken away for public roads without hearings, fact-findings and policy determinations under the supervision of a Cabinet officer—the Secretary of Transportation. The Act of Congress in connection with other Federal Highway Aid legislation,[1] it seems to me, calls for hearings, hearings that a court can review, hearings that demonstrate more than mere arbitrary defiance by the Secretary. Whether the findings growing out of such hearings are labeled "formal" or "informal" appears to me to be no more than an exercise in semantics. Whatever the hearing requirements might be, the Department of Transportation failed to meet them in this case. I regret that I am compelled to conclude for myself that, except for some too-late formulations, apparently coming from the Solicitor General's Office, this record contains not one word to indicate that the Secretary raised even a finger to comply with the command of Congress. It is our duty, I believe, to remand this whole matter back to the Secretary of Transportation for him to give this matter the hearing it deserves in full good-faith obedience to the Act of Congress. That Act was obviously passed to protect our public parks from forays by road builders except in the most extraordinary and imperative circumstances.[2] This record does not demonstrate the existence of such circumstances. I dissent from the Court's failure to send the case back to the Secretary, whose duty has not yet been performed.

FOOTNOTES

[1] See 23 U.S.C. § 128 and regulations promulgated thereunder, 24 Fed. Reg. 727–730 (1969).

[2] See also *Named Individual Members of the San Antonio Conservation Society* v. *Texas Highway Department*, —— U.S. ——, (1970) (dissents from the denial of certiorari).

[In The Supreme Court of the United States]

Citizens to Preserve Overton Park, Inc., et al., Petitioners v. John A. Volpe, Secretary, Department of Transportation, et al.

[No. 1066.—October Term, 1970: On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, March 2, 1971]

Mr. Justice Blackmun.

I fully join the Court in its opinion and in its judgment. I merely wish to state the obvious: (1) The case comes to this Court as the end product of more than a decade of endeavor to solve the interstate highway problem at Memphis. (2) The administrative decisions under attack here are not those of a single Secretary; some were made by the present Secretary's predecessor and, before him, by the Department of Commerce's Bureau of Public Roads. (3) The 1966 Act and the 1968 Act have cut across former methods and, here, have imposed new standards and conditions upon a situation that already was largely developed.

This undoubtedly is why the record is sketchy and less than one would expect if the project were one which had been instituted after the passage of the 1966 Act.

UNEMPLOYMENT THREAT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. GAYDOS. Mr. Speaker, periodically I learn from the news media where someone, somewhere on high within the administration and equipped with a special gift for reading the trend of the Nation's economic problems, issues glowing reports that all is well on the job front. We are winning the fight on all fronts, including unemployment.

You can imagine, therefore, how disheartening it is for me to learn that the working men and women, those most concerned with jobs and wages, do not share the optimism exuding from the pundits on Pennsylvania Avenue.

I am inserting into the Record an article written by Charles Kerns for the UE News, a publication of the United Electrical Radio & Machine Workers of America. Mr. Kerns discusses in detail the unemployment threat with the men and women who live with it from day to day. I believe my colleagues will find its contents interesting and enlightening.

The article follows:

Unemployment Threat

(By Charles Kerns)

Coming into Pittsburgh from the airport in the winter the hills are drab, occasionally scarred by strip mining, but pretty much as you remembered them from four years ago. Then the airport bus emerges from the tunnel under Mt. Washington and makes its way across the new six-lane bridge over the Monongahela River.

Ahead is the Gateway Center, a complex of modern office buildings which has become as much of a landmark as the three rivers themselves, the blast furnace at Jones & Laughlin Steel, the old Fort Pitt, or blockhouse, which the complex now overwhelms.

It is only when you get into places like Braddock, Sharpsburg, Wilmerding, Swissvale, East Pittsburgh, out Butler Street to "goat hill" that Pittsburgh shows little or no sign of change. Pittsburgh is full of "goat hills," the hillsides sloping down to the plants in the valleys where the people who work in the mills live. They haven't changed in four years, fourteen years, or more than half a century.

Many workers have, of course, moved out to suburban areas, but all the houses in "mill town," with decades of dirt and dilapidation added to them are still occupied by the people who man the giant industries.

Today, in spite of more than a quarter century of prosperity, the people who live in these houses feel the same insecurity that their original occupants did. They have more comforts than the earlier tenants, but the relationship between "goat hill" and Gateway Center is the same as it was when the Frick Building dominated the Golden Triangle.

Downtown Pittsburgh in 1971 is a monument to corporate prosperity and power.

In February, 1971, Pittsburgh is haunted by growing unemployment, a monument to corporate policy.

On February 9, Pennsylvania became the 15th state to extend unemployment compensation to 39 weeks. Statewide the jobless rate is 5.5 percent.

How deep the recession has become is reflected by the fact that the recent pick up in employment in the steel industry didn't reduce the unemployment claims at all.

Thomas Farr, a machine operator at Westinghouse Airbrake with 35 years service and the UE Local 610 assistant chief steward there, explained the steel situation this way:

"The steel mills are only working to build up a stock, anticipating a strike."

Statistics are not too much different from one industrial center than another, and don't reflect the real nature of the current recession. This is reflected in the attitudes and words of the people who are facing layoffs.

Rose Shylock, another long-service worker at Air Brake and a division steward of Local 610, sees this recession as "about the worst we've had" since the end of World War II. "Everybody's worried, really. When layoffs came before, people really didn't care too much. They'd say, "I'll go east to Pittsburgh (Westinghouse) and get a job, or somewhere else. Nobody's talking like that now. They're frightened."

One is bound to run into Switch and Signal workers at the unemployment office in Braddock, for everyone is working part time—three weeks on one week off in order to divide up what work is left in the plant.

That's where we found Harry Regrut, a section steward at Switch and Signal with 32 years' service with the company, signing up since this was his week off.

"This place is in bad shape," he said. He showed, as did many other long service workers, particular concern for the plight of the young worker. "A young person today doesn't have a chance to get in any time there. Kids come in and work six months or a year and they're dead."

Other workers in their fifties strongly advocate improved pension plans with early retirement and medical insurance so that older workers can retire to make way for the young workers. They propose these adjustments both in contracts with the company and in Social Security amendments.

"During the 24 years I've worked at Switch, this seems to be the worst I have ever witnessed," said steward Walter Robinson from the store room who worked as a truck driver and brick layer before.

Steward Stu Getz from the Electric Plating Dept., whose daughter was completely laid off from Switch in December, agrees with Brother Robinson. In his 29 years with the company he has never seen it worse. "We've had short time before, but they always had work coming in that you could see in the future, but right now it doesn't look good with the railroads not buying."

Local 610 Chief Steward "Chuck" Brush gave figures that summed up the seriousness of the situation at Switch:

"We have close to 1200 people and right now we have in the neighborhood of 650 . . .

"If we have another layoff, we will be up to about 26½ years (of service). Right now everybody up to ten years is laid off.

"We've also been faced with 100 salaried people laid off. So you're talking in the neighborhood of close to 700 people."

Tom Quinn, business agent for the local which represents workers in both the Switch and Signal at Swissvale and the Airbrake division at Wilmerding, also cited these figures. He noted, too, a small but significant sign of the times—a sign posted on a washroom door in the office building which read, 'Please use washroom on the next floor.'

"When they're closing down the washroom there," Quinn said with a smile, "they're really cutting back." He wasn't smiling when he told of the union's continuing struggle to get the company to agree to the three weeks on and one week off work cycle, rather than greater layoffs.

The union is aware that other measures are needed to stop the layoffs and put people back to work.

The Legislative Committee of District 6, which covers all the plants in Western Pennsylvania, is meeting to work out a program of mass political action to present to the next District Council, for all plants in the area have been hit with layoffs. The Sylvania plant in Emporium, north of Pittsburgh, for example, is down from better than a thousand workers to about 700.

"We must organize all the people to bring pressure on the politicians," said Brush. "We hope to get the locals in District 1 (in the eastern part of the state) to cooperate in a caravan to Harrisburg (the state capital).

"I think we all should take a page for the black people in this country. This is what we need to get the right things for the working people of this country."

All the workers the UE News talked with came to the conclusion that major political action is necessary, for the bargaining table has its limitations.

Rose Shylock put it this way: "The union can do only so much because we don't run the place."

As layoffs grow, the workers recall the glib promises made on TV during last fall's election campaign. Said Sam Saula millwright and chief steward at Air Brake:

"Sen. Scott in his election commercials had this little boy, taking him through a steel mill, patting him on the head and telling him he'd never have to worry. When he came of age there'd always be jobs in the state of Pennsylvania. He'd make sure of that.

"We should stop the money that's being invested overseas and spend it here. Some of the money that the government is spending overseas on defense and things like that should be turned around and spent here. I'm sure the Senator could do something about that."

This idea was echoed by many other workers. Local 610 President John George, as did others, laid the responsibility squarelv on the Administration's doorstep:

"I think, actually, this period might even be worse than the other recession, because when Nixon went in he said he had to have unemployment to stop inflation, but they never stopped the unemployment and the inflation has never stopped . . . and it doesn't look like they're doing anything about it."

Brother George went on to say, "One of the main things is the money they're spending on going to the moon (mention of the moon shot brought derisive snorts from a number of workers) and even the war. Nixon's talking about stopping the war and bringing the boys home, yet they're increasing the flights over Cambodia.

Beyond the general economic slump, the situation at Air Brake and Switch is worsened by the crisis in mass transportation and every worker we talked with was of the opinion that the government should subsidize the railroads.

They argue persuasively that tax money goes to the highways and airports, so why not to mass transport. All defense industry, they say, is really subsidized with tax money and for a far less worthy purpose.

"Maybe my reasons are selfish," said Thomas Farr, "but at the same time, it's my tax money and if it's going to give the people we represent work, then I'm all in favor of it."

The workers feel deeply that subsidies to the railroads are necessary but they don't think they should be an unqualified gift to the privately owned railroads. Many see it as a part of the larger problem of the mass transit crisis in the country and all believe that better services and a more efficiently run system should be a prerequisite of subsidies.

Attitudes on the proposition of private railroads making profits on taxpayer's money varied. Nobody liked that idea.

Brother Regrut allowed that the railroads "have to live, but let's not go overboard with this deal where they get hundreds of thousands in profits and the working man gets nothing."

Some workers felt that if the taxpayers are supporting the railroads, perhaps the government should take them over. Bob Borgo, a division steward at Air Brake, thought it over and decided "maybe that would be the best thing to do. On the basis that private companies are making profits and the taxpayers are paying for it, the government should take it over. Yes! Let the government take it over and let the profits come back to the taxpayers."

Brother Borgo, as some others had, then took off on a proposition that is nagging at the guts of many men who have seen constant cycles of depressions and recessions.

"The time is past due that the government should step in and control big business a heck of a lot better than they've been doing.

"It seems to me all they've been doing is reaping their harvest on the human being and when he can't produce anymore for some reason or other, they just bounce him out to pasture and say we no longer need you and that's it."

Brother Borgo had some pointed thoughts on Nixon's policies. "As far as I'm concerned," he said, "all he's doing is making a lot of noise and it's making noise for the rich man and not for the poor man. Anymore, it's coming back to the point where working man is just getting the crumbs that are falling off the table of the rich man and we deserve a lot more than just crumbs . . ."

James Nesta, a steward with seven years service at Air Brake, is 23 years younger than Bob Borgo, but he sees many things the same way.

"The company uses you to make their money," he declared, "and when they don't need you, it's goodbye. We don't need you anymore. That's it. They don't care what happens to you. You're just another number that's all you are."

The layoffs have brought better understanding between the generations in the plant, he thinks.

"Before, at one time, an old man just couldn't see a young man coming in and taking his job . . . Now we see the company as the common enemy . . ."

The constant uncertainty, the insecurity that both old and young men live with brings forth many reactions.

John Cowans is also 27 years old and has five years in the machine shop at Air Brake. He expressed the young workers' position very directly.

"I look for a layoff every week. It's hard to plan a future because I'm young and haven't got much service on my job. I'm afraid to buy anything because I'm afraid I can't pay for it."

"The reason a lot of men want overtime," Brother Nesta said, "is because they want to get a little ahead, because eventually they know they're going to get laid off. If you can get a few extra bucks, get it while you can.

"That's the way the company operates. What are you going to do?"

It's just a few miles from the Gateway Center to the "goat hills" of the industrial valleys surrounding Pittsburgh and the suburbs where workers live but in many ways they are as far apart as the moon and the earth.

PRISONERS OF WAR

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. WINN. Mr. Speaker, when man enters into conflict with his fellow man a certain amount of tragedy has always resulted.

And indeed our own conflict in Southeast Asia has produced its share. But, no tragedy can be as great as that of the men described as "prisoners of war or missing in action." Imagine if you can the young mother trying to tell her child of the father it has never known. Still hoping and wondering, is he alive? Is he dead? And always getting the same answer, "We have no information at this time."

One such young woman is Mrs. Susan Mastin, of Overland Park, Kans., whose husband is held prisoner by the north. There are many Susan Mastins in this country and we must not break faith with them.

We must now take action. We can no longer leave our men in enemy hands under the present conditions. Pressure must be brought against the North Vietnamese to give satisfactory prisoner lists and to abide by the Geneva Convention. We must see that our men receive proper nutrition, medical care, and the other rights afforded prisoners of war.

All Americans must unite in the cause of our POW/MIA.

THE COMMUNITY OF NOVO DIVEEVO: A CHAPTER IN THE HISTORY OF RELIGIOUS FREEDOM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

Mr. Speaker, on December 20, 1620 a small group of men, women and children, totaling in all 102, landed on a large rock in Plymouth Harbor in what is now Provincetown, Mass., and brought to an end a long pilgrimage in search of religious freedom. Unable to reconcile themselves with the established church of England and unwilling to abandon the worship of God as their conscience dictated, they had forsaken the land of their fathers and departed for Holland. Although they were welcomed there and permitted to exercise their religion freely, they decided not to accept this place of refuge as their permanent home but to set off to the new world there to establish a new and permanent home for themselves and their children. Since that historic December day, Plymouth Rock and the United States itself have become symbols of religious freedom throughout the world.

Three centuries after this small group of people started from the western part of Europe on their pilgrimage in search of freedom, another small group of people started from the eastern part on a remarkably similar pilgrimage for freedom and like them found their ultimate home and haven on the eastern coast of what is now the United States.

As Plymouth was a small city in England, so Diveevo was a small village in Russia. There during the early part of the 19th century, a saintly leader of the Russian Orthodox Church, Father Seraphim, built a church and a convent, which for 100 years enjoyed serenity and tranquility. Then came the Revolution and the Bolshevik state's war against religion. The church and convent at Diveevo came under the leadership of a young, tall priest named Father Adrian who had given up a promising future as economist and engineer to devote his life to care for the spiritual needs of the Diveevo community.

For a while the church was permitted officially to remain open, but attendance involved grave risks. Members of the Communist Youth Organization would surround it and throw stones at those who entered. Services would be interrupted by such actions as cutting the electric wires leaving the congregation in darkness except for the dim flickering lights of votive candles. As time went on, persecution of the churches and of those who attended them grew in intensity. Increasingly large numbers of churches were closed, either by direct governmental order or by governmental action making their continued operation practically impossible, and many of these were demolished by dynamite. Father Adrian's church at Diveevo was one of those which were closed, but he continued at great personal risk to conduct religious services secretly in his apartment. Persons known to or suspected of attending found reprisals such as loss of employment to come quickly and surely. Father Adrian himself was imprisoned; other priests, less fortunate, lost their lives.

In 1941 came World War II and the German invasion. The flour from the fertile wheat fields of the Ukraine was expropriated by Hitler's armies and sent to Germany, leaving millions of Russians to face starvation. Teenagers too were torn from the families and exported to Germany to work in prison camps. Jews were rounded up and slaughtered. In this carnage Father Adrian stood out as a beacon of hope. He organized his followers to feed, protect, save lives and to do everything to help. He converted a hospital into a haven for hunted Jews, and on one occasion stood in the doorway and literally used his body and the cross he was carrying to bar entrance to a gun-waving SS trooper.

Life in occupied Russia became unbearable, and Father Adrian and his small congregation of 40 began their long pilgrimage westward. The first stopping place was Berlin, where a Russian Orthodox cathedral was still standing although in constant danger of destruction in allied bombing raids. There they stayed for a while combining religious services with help to the slave laborers from the East. The intensification of the bombing and the approaching armies of the Soviet threatening the destruction of Berlin made it necessary for Father Adrian and his flock again to move west, this time to a small village called Westerheim in the southwestern mountains of Germany. An inn was taken over and its hall, used for wedding parties, converted into a church.

In April of 1945 the war came to Westerheim. American and German tanks duelled in its streets with the Diveevo congregation in the middle. Again life became impossible and the pilgrimage had to be resumed. A sympathetic American army lieutenant, perhaps exceeding somewhat this legal authority, removed Father Adrian and his flock to a safer place, the village of Wendlingen-am-Neckar, not far from Stuttart.

Here the congregation took up quarters in an abandoned school building, waiting the end of the war and the opportunity to cross the Atlantic and settle in the United States, the long-sought land of liberty. But it was not until 1949 that Father Adrian was allowed to bring his congregation here. Arriving in the fall, without money, unable to speak English, with but few friends, he set out in a search for a final and permanent resting place for his people, a place where they could worship their God in peace, freedom, and security.

Providentially, Father Adrian, soon to be elevated to the episcopacy as Bishop Andrei, heard that a convent of the Roman Catholic Sisters of Mercy located in Spring Valley, Rockland County, a short distance north of New York City, was planning to move and that its land was available for sale. The price was modest, only $30,000, but far beyond the capacity of the small congregation. Providence intervened; the National Council of the Churches of Christ in the United States, the leading Protestant Church organization, offered to help finance the purchase. With great hopes and excited anticipation Father Adrian exerted almost superhuman efforts to raise the additional sums necessary to complete the transaction. Almost miraculously he finally succeeded, when disaster approached: a private business firm offered the Sisters $60,000 for the property, exactly twice what Father Adrian was so painfully able to raise.

But again Providence intervened, this time in the form of a decision by Francis Cardinal Spellman. Approached by the Sisters of Mercy for advice, Cardinal Spellman replied:

> It was a Christian Church and it should remain a Christian Church.

In a few days the sale was closed and the congregation ended its long pilgrimage and started a new life and a new freedom in the land of freedom, the United States of America.

The land acquired was not large—a mere 33 acres. But on it Father Adrian, now Bishop Andrei, settled his community. He gave it the name Novo Diveevo—New Diveevo—just as the region where the Plymouth Pilgrims settled three centuries earlier became known as New England. A church was built; so too were houses for the sisters and monks and houses for the aged and infirm—and a cemetery. It was the cemetery which became the focal point of interest for all the Russian Orthodox in the United States. Here were buried those who had engaged in the long and arduous struggle for freedom to worship God as conscience dictated. Former members of the Russian nobility and of the czarist family were laid to rest alongside poor peasants and small tradesmen sharing with each other little but a passionate commitment during their lifetime to worship God in accordance with their conscience.

It is therefore hardly surprising that annually hundreds of thousands of Russian Orthodox and their non-Orthodox friends make pilgrimages to this small, obscure cemetery in Rockland County, N.Y., to pay tribute to those who struggled so manfully for religious freedom and to the Nation which gave it to them. So long as freedom of worship remains embedded in our Constitution and our tradition, so long will the little cemetery of Novo Diveevo remain a memorial to those who made the first pilgrimage for religious freedom in 1620 and to all those who in the years that followed made and will forever make the same pilgrimage. I feel that all Members of the House should be aware of this brave struggle and the way in which its memory lives on.

ECONOMIC WORRIES GREATER THAN AT ANY TIME SINCE 1958

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. EDMONDSON. Mr. Speaker, the American people are concerned about the state of the economy. After the longest sustained period of economic growth in our history, we have suffered the first recession in almost a decade. Last year, the gross national product declined for the first time in 12 years. Consumer prices have risen 5.5 percent, the second largest increase in a 19-year period, and even worse, almost 6 percent of our work force, 5.4 million Americans, are now out of work.

On Friday, the Gallup poll reported that next to the war in Vietnam, the state of the economy was the topic of greatest concern to the American people. Following is the poll, as reported in the Baltimore Sun of March 19, 1971:

THE GALLUP POLL: ECONOMIC WORRIES GREATER THAN AT ANY TIME SINCE 1958

(By George Gallup)

PRINCTON, N.J., March 17.—Public concern over economic problems is greater today than at any time since the 1958 recession, when unemployemnt was named the nation's top problem.

The Vietnam war continues to be named the nation's most important problem (by 28 per cent of the people in the latest survey), but economic worries are now a close second, named by 24 per cent.

This is twice the percentage of persons who cited economic troubles in the previous survey dealing with the public's top concerns, conducted in September.

"JOB SECURITY"

Included under the heading of "economic worries" are the "high cost of living" (named by 17 per cent in the latest survey, compared to 9 per cent in September) and "job security" (named by 7 per cent now compared to 2 per cent in the earlier survey).

Named third most often as the top concern (by 12 per cent) are international problems other than those related to Indochina. Under this heading are responses such as, "the threat of world communism," "trouble in the Middle East."

Interviewing for the latest survey was conducted February 19–21. A total of 1571 adults were interviewed in person in more than 300 scientifically selected localities across the nation.

This question was asked (with no list given the respondent):

What do you think is the most important problem facing this country today?

Following are the top concerns recorded in the latest survey, compared with the September figures:

[In percent]

	Now	September
Vietnam, Indochina	28	26
Economic	24	11
Other international	12	15
Crime, lawlessness	7	5
Race relations	7	11
Pollution, ecology	7	6
Drug addiction	6	8
Division in America, polarization of views	6	8
Poverty, welfare	5	2
Education	2	2
Lack of religion, moral decay	2	2
Other responses	6	7
No opinion	2	4
Total	[1] 114	[1] 107

[1] Tables add to more than 100 percent because of multiple responses.

OTHER POLLS

The growing financial problems facing American families have been documented in other recent Gallup surveys.

The Gallup Poll's cost of living index in January showed that a family of four, on the average, needs a record $126 per week to make ends meet—$6 higher than the amount specified last year and $25 higher than the public's estimate of four years ago.

Further evidence of economic worry is seen in another current Gallup survey, in which all persons were asked to appraise the state of business in their own communities.

The percentage of people who say that local business conditions are "very good" or "good" is 44 per cent, while 49 per cent say they are "not too good" or "bad."

The comparable percentages in August were 54 per cent and 39 per cent.

Still further evidence of growing concern over economic conditions in this country is seen in survey results, reported Sunday, showing support for wage-price controls at the highest point in five years.

Forty-nine per cent in the survey expressed support while 38 per cent were opposed.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. HAMILTON. Mr. Speaker, I include the following: A commentary on the negotiations for a Middle East peace settlement.

REPORT TO NINTH DISTRICT CONSTITUENTS

(By Congressman Lee Hamilton, 9th District, Indiana)

The negotiations for a Middle East peace settlement are at a crucial stage. The confrontation between Israel and the United Arab Republic (UAR) is being viewed with a mixture of restrained optimism and growing concern.

The formal cease-fire of August, 1970, which brought an end to some three years of border clashes, commando incursions and retaliatory raids, has lapsed, renewing the threat of conflict. At the same time, however, both Israel and the UAR are beginning to define their positions and their conditions for a settlement.

President Nixon has said that the Middle East represents the most dangerous problem in U.S. foreign policy because of its potential for drawing Soviet and American policy into an uncontrollable collision.

The United States has sought to achieve serious, substantive talks between the Arab Nations and the Israelis as the key to a peaceful settlement in the Middle East. The participation of the Big Four—the U.S., Soviet Union, France and Great Britain—has always been, in our view, supplemental to direct negotiations between the principals.

Dr. Gunnar Jarring, the United Nations intermediary in the Middle East, has been attempting to get the UAR and Israel to define their conditions for a peaceful settlement. From the UAR he has sought a commitment to a peace settlement with Israel, with the UAR spelling out clearly the specifics of that agreement.

From Israel, he has not sought a total withdrawal from occupied Arab territory—as has sometimes been reported—but withdrawal to international boundaries with the understanding that satisfactory arrangements are made for demilitarized zones, especially in the Sinai Peninsula, the security of Sharm el Sheikh, the strategic fortress town overlooking the Tiran Strait, and freedom of passage through the Suez Canal.

Breaking new ground in the negotiations, the UAR has replied that it would enter into a peace agreement and would commit itself to ending all claims of belligerency; respect the sovereignty and territorial integrity of Israel; assure Israel that acts of hostility would not originate from the UAR; guarantee freedom of navigation in the Suez Canal and the Strait of Tiran; and accept a U.N. peace-keeping force in Sharm el Shiekh.

While Israel has said the UAR response to the Jarring proposal represents a step forward, it has insisted on controlling Sharm el Shiekh; the establishment of a mixed force, including Israeli troops, to guarantee demilitarization of the Sinai Peninsula; the control of the Golan Heights and Jerusalem. Israel also says it will negotiate over the control of the West Bank.

If a political solution is not reached soon, the voice of radicalism—e.g. the Palestinian fedayeen organization—will become more powerful in the Arab Nations, sharply increasing the possibility of renewed fighting and endangering the present moderate leadership in the UAR. If negotiations falter, the hand of the Soviet Union in the Middle East will be strengthened, and if the USSR chooses to exploit the situation, it may bring the Soviet Union and the U.S. to the point of confrontation.

The U.S. believes, however, that the Soviet Union will accept a political settlement as being in its best interests to protect its investment in the United Arab Republic.

NATIONAL FHA WEEK, MARCH 28–APRIL 3, 1971

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. BEVILL. Mr. Speaker, during the week of March 28 through April 3, 1971, Future Homemakers throughout America will be observing National FHA Week.

The theme for the week is "FHA Cares." National FHA Week projects and activities related to this theme will provide the opportunity to let others know and understand that the youth who belong to Future Homemakers of America do care. They care about self-improvement, family unity, and community service. They care about citizenship, good health habits, future jobs and careers, the effects of litter and pollution, the underprivileged, elderly, and handicapped, improving communication and morals, good human relations, consumer responsibilities and other concerns of today's youth.

In my congressional district, there are 69 FHA chapters and 4,686 members of the Future Homemakers of America. In Alabama, there are more than 22,000 FHA'ers and 600,000 in the Nation.

I am proud to offer my support to this fine organization. These outstanding young people are contributing a great deal toward enhancing and preserving the American way of life.

OPPOSITION TO SST FUNDING SUCCESSFUL

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DAVIS of Georgia. Mr. Speaker, on March 18, 1971, I joined 217 of my colleagues in the House of Representatives to oppose further funding for development of the SST. We were successful. We in the House have done our part to rescue the $290 million extra which would have been used for this potential boondoggle.

You might ask, "How can the Representative of a district which contains the Lockheed-Georgia Co. vote against further spending on the SST?" We all know that an artificially inspired advertising campaign has been mustered in favor of further Federal support for this research program. A group called American Labor and Industry for the SST has contrived a massive national campaign to drum up public sentiment for the SST. They have taken a number of radio and television spots. They have purchased space in our magazines and newspapers, and have tried to raise a hue and cry among our citizens about a loss of jobs and loss of international prestige. They have rallied around the slogan "SST, Which Will It Be, Ours or Theirs?"

So-called American Labor and Industry for the SST has attempted to panic the people of the seventh district, the State of Georgia, and the Nation into blind, Federal financial support for a project to build two SST prototypes which are of doubtful commercial benefit. They say that the American SST will provide jobs for 150,000 American workers. They say that it will establish a revenue tax base worth up to $7 billion. They say that it will produce export sales to foreign airlines of up to $10 billion, to help our balance of payments. They announced that the SST would keep world aviation leadership here in America. And overriding all of this they hinted at the ominous prospect of the American dollar having to compete with the Russian ruble for world trade and prestige.

This is simply not true. The American dollar will remain the world standard so long as it is strengthened by prudent action such as the House of Representatives took on March 18. Consequently, I would like to take this opportunity to reply to the claims of Labor and Industry for the SST.

First, that 150,000 jobs will be lost if the SST program is curtailed. Some of the most illustrious economists in America—among them Dr. Paul Samuelson, a Nobel Economist Laureate and the first American to achieve that distinction—pointed out that the amount of money we would spend on the SST would provide no more jobs than if that amount of money were spent on any other Federal project. Drs. Walter Heller, Milton Friedman, and Arthur Okun, men of widely different political persuasions, all concur.

Today, some 5,500 people are employed at Boeing-Seattle on the SST project. There are 2,500 employed at General Electric and subcontractors throughout the country list several thousand more. Nationally, only about 13,000 people are at work on the SST. Employment on the SST prototype by the end of this year is expected to have peaked at 20,000. By the mid-1970's it would have declined drastically to just a handful of jobs. The SST production stage, slated for the late 1970's or early 1980's would employ about 50,000 persons nationwide. We must bear in mind that this is 8 to 10 years away, and depends not only on a final go-ahead decision in 1974–75 but also on a marketplace demand for the construction of no less than 500 SST's. The 150,000 jobs held up so often by SST promoters as jobs that will be lost, are nothing but arbitrary figures arrived at by taking the speculative figure of 50,000 SST jobs at the end of this decade and arbitrarily tripling it.

We must keep the jobs issue in perspective: 13,000 people currently work on the SST program nationwide—a far cry from the 150,000 jobs cited as lost if we do not go ahead with the program.

Second, SST promoters say the plane will create a revenue tax base worth up to $7 billion and that the plane will produce export sales to foreign airlines of up to $10 billion. This figure is representative of wishful thinking. With the enormous cost of SST development, the Government stands to lose money no matter what happens. Each SST will cost about $40 million at 1971 prices. Based on this assumption and on the plane's load factor, the estimated number of planes sold would be 139. At that number, the Government would lose $1.183 billion on the project. If one assumes more planes sold, the Government comes out a little better. But the claim of $7 billion in additional revenue is based upon the erroneous assumption that the SST will create 150,000 jobs. Again, these jobs simply do not and will not exist, under any set of conditions.

The next point I wish to explore is the issue of foreign competition and the reputed loss of American leadership in the world aircraft industry if we do not continue development of the SST. In 1951, the U.S. Senate authorized a subsidy to develop the first commercial jets. The Senate was told that the British and French were already underway with their programs and that the United States would lose the world aircraft market if we failed to subsidize our own industry. The House wisely refused to support the subsidy.

Have we lost our position of aircraft leadership and excellence throughout the world? Not at all. The private sector moved in, took over the U.S. aircraft industry and went on to make it the greatest in the world—without direct Government subsidy. Now the United States dominates the world's commercial aviation. I am convinced that if the economic facts support the value of the SST, the private sector will again respond and the project will be financed by private banks at no cost to the American taxpayer.

To return to the current issue. What are the prospects for the economic success of the American SST? After all, it is on this question that the House of Representatives' present rejection of the SST program must stand. Frankly, recent dispatches from London tend to confirm doubts about the British-French plane, the Concorde. British Overseas Air Corp.—BOAC—recently reported to the British Government that the Concorde cannot be operated in an economic fashion. BOAC's calculations show that it will cost twice as much per seat-mile to operate the Concorde as it now costs to run the much larger Boeing 747. The American SST will have a larger capacity—but it is far more expensive than the Concorde. Additionally, Air France, in a recent study, showed the Concorde to be an even greater financial disaster than the BOAC study. We have also heard much about the options a number of airlines hold on the Concorde. I doubt, however, that it can be made competitive with the 747, and apparently the airlines agree. No airline has yet placed a firm order for a Concorde. And I might add, the deadline for exercising options has been extended.

Now, a great deal has been said about the Russian TU–144 prototype. First of all, the Russians have never been known for their sound economics. In the unreal world of their planned economy it does not matter if the Russian SST costs a mint and provides a small return because the Russian taxpayer has neither a voice in the decisionmaking nor a choice as to alternatives. And the Soviet economy suffers accordingly with many unsound economic schemes whose cost can only be measured fully in terms of opportunities for investment lost as well as the cost in rubles. Frankly, the Russians have never sold commercial aircraft to the West on a large scale and no Western airline has yet shown any interest in the TU–144. The problem of obtaining spare parts and service would be serious, indeed, if Russian planes were purchased by the West.

But above all, let us consider the reality of the current status of air travel and the proper priority for investments to improve the quality of air service for the people of this Nation. Earlier I stated that prominent economists—some of the finest in the United States—have said that the funds proposed for the SST would provide no more jobs than a similar amount invested in any other project. I would like to elaborate on that train of thought and say that if the SST were not economically successful—and we have every indication that it would not be—no jobs would be lost by cutting off Federal support for the program. Let us be honest. You cannot lose jobs which never existed. These jobs would never have materialized. They are a myth.

But I would like to go further here and say that the money we in the House of Representatives voted against spending on a doubtful project must not be hoarded in the Treasury. It must be spent—on projects which promise a sure return for the taxpayer's dollar in terms of good ground transportation, improved air traffic control, better passenger and freight facilities, and new runways for the Nation's air transport system. Who among us has not experienced the frustration, inconvenience—and yes—even real economic loss of traffic jams and delays en route to work, to shopping, to home, and to and from the Nation's airports, bus stations, and other traffic terminals?

It is sheer folly to invest more and more money in ever larger and faster aircraft—assuming SST promoters are correct in their estimates of the craft's value—if we are already in a situation where it often takes longer to go from the office or home to the local air terminal than it takes to go from the Seventh District of Georgia to Washington, D.C., Dallas, Houston, Chicago, or Miami. If the SST is so big and so fast that it would carry two or two and a half times the number of passengers as the giant 747 in the same amount of time, will our ground facilities be able to handle the additional traffic? Or will they become so crowded that it will take us as long to go from our seats on the plane to our front door, with normal delays for luggage collection and crosstown traffic, as it now takes to go from Atlanta to Los Angeles?

We must not allow this to happen. Our first priority is here on the ground. Toward this end, I have joined a number of my colleagues in sponsoring House Resolution 335 to make mass ground transportation a prime national priority. I also plan to introduce legislation to commit the same funds which would have built the two SST prototypes to investment, instead, in ground transportation research and production of ground transportation equipment. By meeting this massive transportation need, a lucrative national and international market could be fully recaptured for American industry by Lockheed-Georgia and similar companies with invaluable experience if they are given the proper assistance from Government in transition, and, above all, the proper market through public investment in the future.

If we are able to put a man on the moon within 10 years of making a firm commitment and a concerted national effort toward that end, then certainly we can solve the problems of transportation, housing, health services, and the environment while we create jobs during the decades to come. I see the future of American industry and technology as brighter than ever and without parallel, so long as we are willing to distinguish a good investment from a bad one, and make public and private commitments to effectively meet our needs.

I view my vote against funding the SST as being fully consistent with my concern for the health of the American economy. I know that my position is in full accord with the goals of my Conversion Research and Education Act of 1971 and with my legislation to provide for a conversion loan program for scientists and engineers so they will not suffer financially in their transition from defense work to socially oriented efforts. I believe that my vote is in the best interests of American aerospace and other high-technology industries. Do not mistake my position as being detrimental to the aerospace industry or as a flagging of my interesting in high speed transportation. To the contrary, interpret it as a commitment to turning the efforts of the Lockheeds, Boeings, and others increasingly to new endeavors so that they may once again flourish, expand, and prosper. With a greater commitment by Government and an increasing interest and awareness of our problems and the solutions available to us on the part of every individual, we can again hope to see this accomplished.

THE VALUE OF THE VIETNAMESE OPERATIONS IN LAOS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DEVINE. Mr. Speaker, I wish to point out the value of the Vietnamese operations in Laos, and our appropriate support of these operations. The Republic of Vietnam armed forces have been successful in a manner that is even more important than the number of weapons or the tons of supplies that have been captured. I refer to the psychological impact of the successes, making the South Vietnamese more confident—and the North Vietnamese less so.

The principal intent of the South Vietnamese was to disrupt the enemy flow of supplies and personnel from North Vietnam over the "Ho Chi Minh Trail," rightfully reacting to that intrusion of the sovereignty of Laos which is itself a longtime Communist violation of the Laotian Accords. And the very knowledge of the ARVN capability to attack them in their own lairs had an immense impact on the intruders from the North. The resultant loss of huge quantities of materiel and devastating numbers of men set the North Vietnamese off balance. Knowledge that those very Vietnamese whom they once preyed upon in the Southern homeland have risen from the ashes and can now operate successfully beyond their own borders, cannot help but be persuasive in pointing out to would-be intruders that negotiation and cease-fire could be more sensible than invasion and aggression.

Moreover, the successful ARVN air force operations against the enemy in itself gives the South Vietnamese air force a combat initiative which cannot be denied. And the initiative itself has had an almost magical effect on raising the spirits of the struggling new nation, in a way that even their recent successes in defending their own internal areas from the aggressors could not give. Current interpretations suggest that the results will, for example, allow more peaceful and considered balloting in this year's elections.

Finally, the South Vietnamese are getting at their tormentors on grounds and at times of their own choosing, rather than his. That they have viewed the results of our support of their own air force in aeriel interdiction assistance, and that they take comfort from our U.S. artillery support, does give them assurance that partners have not foresaken them. But, we must also remember that they are following their own plans—not allied direction.

The true heart of "Vietnamization" is the Vietnamese belief in their own capabilities to succeed in being masters of their own fate. The added confidence built up as a result of the Laos activities invigorates the will of the ARVN troopers and their families and neighbors at home to handle their own defense and development.

THE LATE THOMAS E. DEWEY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the late distinguished former Governor of New York, Thomas E. Dewey, is especially well remembered in the city of his birth and boyhood, Owosso, Mich. A good many of his Shiawassee County neighbors still reside there and easily recall many illuminating details of Governor Dewey's early training and character which served him so well in later life and reflect credit as well upon his native city. The Owosso Argus Press in an editorial Thursday, March 18, 1971, in its warm appreciation of the man, stresses particularly the importance of these outstanding human qualities and traits and I am pleased to make it a part of the RECORD as the Nation expresses its mourning at his sudden passing:

THOMAS DEWEY

From all walks of life there are mourners at the passing of Thomas Edmund Dewey.

He was born in Owosso and went on to worldwide fame as a prosecutor who was firm enough of spirit to aspire to choose between right and wrong and strong enough of mind and conviction to do something about it.

Thomas E. Dewey's mind was one of the nation's most priceless resources and we are all in his debt that he turned his brilliance toward lofty goals.

He was said to have lacked the "flair" which brings out votes at the polls, and thus he just missed the presidency. But to say this about Thomas Dewey is not an honest assessment of the situation. Perhaps it should better be said that he was a giant of a man among too many of us who prefer that illusive thing called "color" to the mature judgment of a Thomas Dewey.

There are accolades pouring out of typewriters in the offices of statesmen and politicians. This is a deserving tribute to the memory of a truly great man.

But we are also mightily impressed by the earthy comments of those Owossoites who knew Thomas Dewey at those times when he was a participant on the local scene. Their observations show us an insight into the character of the young man who was destined to rise to the top, presidency or no presidency.

As we know, Dewey was a gifted vocalist and debater, an enterprising young businessman and a brilliant student.

Then comes a classmate who observes that Dewey never missed a football practice. "He had a lot of stick-to-itiveness." That he did.

Another comments that Dewey was a student "from the word go." He relentlessly pursued knowledge and a key word in his makeup was "go."

And: "He was fun to be with and very bright but a little serious."

Another of Dewey's youthful associates recalls that "Tom was kind of high-toned but underneath he was an ordinary guy."

And that young Thomas Dewey turned out to be a very extraordinary guy indeed.

His kind is sorely missed. There aren't nearly enough of them to go around.

FREEDOM FOR SOVIET JEWS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. SCHEUER. Mr. Speaker, many times throughout our history, we as Americans have expressed our sympathy and support for oppressed citizens of other countries. While it is true that at home we have not always lived up to our deeply held ideals of freedom, opportunity, equality, cultural diversity, and justice under law, we have, nevertheless, done much to insure a greater enjoyment of these rights by people in other lands.

Today, I and 46 of my colleagues are introducing a resolution which is completely consistent with this history and our beliefs. The resolution calls upon the President to take appropriate action to reaffirm this Nation's commitment to basic human freedoms and to persuade the Soviet Union to grant its Jewish minority the freedom to worship as they choose, to enjoy and preserve their cultural heritage, and to emigrate freely from that country.

I have held a number of conversations with Jews who have recently left the Soviet Union. These individuals indicate that the Soviet Union is sensitive to world opinion and that lawful, peaceful expressions of concern can have a beneficial effect.

The substance of the conversations has been confirmed by reports that an increasing number of exit visas are being granted to Soviet Jews. For example, the New York Times reports that an average of about 15 Jews a day are emigrating from the country, as compared to about two a day in January and six in February. Many of us are gratified and greatly encouraged by these developments.

These signs of progress must not cause us to relax our efforts in behalf of Soviet Jews. For if we do, I am convinced the Soviet Union will revert to its old emigration practices and Jews within the Soviet Union will continue to be denied their freedom to worship and the right to preserve their cultural heritage.

I hope that the Congress will seriously consider this resolution and that efforts will not cease until the Soviet Jewry as well as people in other lands are granted the full rights enjoyed by citizens in all freedom-loving nations.

A LETTER FROM THE TRENCHES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. MURPHY. Mr. Speaker, I insert in the RECORD a letter, "from the trenches" as it were, from a young Marine lance corporal in Vietnam. The letter is not very long but it is eloquent in its own way—it speaks for itself and I ask Members to read it.

As for myself, I feel it represents another side of one of the tragedies of the Vietnam war.

We have sent our sons to fight a war that is opposed by a strident, vocal section of American society. This group is afforded such wide press and television coverage one would think the entire Nation is convinced that our own Armed Forces are the real enemy in Vietnam. They do not dwell on the atrocities, the aggression, and the savagery of the real enemy to the north.

Such an atmosphere was bound to result in the incredible events detailed in the letter of Lance Corporal De Pasquale. Our military has been cowed by the wailings of our neo-appeasers to the point where we have seriously hampered not only the capability of the American soldier to fight but to survive.

I hope those in this body who were hoodwinked by Pogo when he said, "We have seen the enemy and he is us," will separate reality from the tragi-comic. I hope they will read this fightingman's letter because if those who wish to see our military slowly disintegrated by an onslaught of destructive publicity keep on succeeding, there will be many more Corporal De Pasquales writing to many more Members of Congress.

The letter follows:

MARCH 1.

DEAR CONGRESSMAN MURPHY: My name is Lance Corporal Salvatore DePasquale. I am a squad leader with an 81 MM Mortar Platoon in Vietnam. Presently I am with the 2nd Battalion, 5th Marines at Landing Zone Baldy. During this coming week I will be leaving the 5th and going to the 1st Marines because the 5th is pulling out.

The reason I am writing to you is because of the way things are going since this Lt. Calley incident. The Marine Corps is afraid to fight because of it. Its gotten so bad that the hierarchy is afraid to allow us to fight back for fear of hurting an innocent civilian. For instance, last week we were catching sniper fire. We spotted the sniper and we radioed COC to get permission to shoot. Our request was denied. One of the men from the 106 platoon requested most. He was told that we couldn't get permission to shoot bebecause the hierarchy was afraid of another My Lai incident.

Sir, I am proud to be here in Vietnam so that I can fight for my country. But, if my country expects me to come here and be pinned by a sniper and not allow me to fight back, then I want no part of Vietnam. If my country is more concerned about the Vietnamese than they are about me then what am I fighting for? Am I just another fool that's been sent here to die?

My complaints don't only come from the incident that I've already mentioned. There's more. From October 20–November 5, I was on hill 845 in the Lue Son Mountain. Its better known as LZ Rainbow. It was during the monsoon season and while we were there we were hit with a typhoon. We had ten straight days of heavy, miserable rain. Myself and three other people from my section come down with emersion foot. The corpsman checked everybody's feet, on the hill, and was going to medevac the worse cases. I was one of them. Well, the corpsman came back about two hours later and told us that we couldn't get medevaced because the civilians in the valley were getting flooded and had to be evacuated before us. Who means more to my country? A Vietnamese civilian, who is nine times out of ten a Viet Cong or a United States Marine?

Back in December, while I was on watch, myself and the people in my hole spotted some gooks about 200 meters outside our wire, after curfew. They had rifles but they weren't going to attack us. They were just checking out our area to more or less see how alert we were. Well, the officer of the day wouldn't allow us to shoot at them because they weren't inside our wire. Am I supposed to wait until I see the slant in their eyes?

The Lt. Calley trial is the most ironic thing I have ever heard in my life. I can't believe that they could court martial a man for killing some gooks in Vietnam. It's really sad that a Lieutenant could be court martialed because he cared more about his men than he did about his enemy. I'd do anything to have a Lieutenant like Lt. Calley. I'd feel a lot safer.

The President said that he will take any steps necessary to protect the remaining troops in Vietnam. Is he talking about the local Viet-Cong or the American fighting men?

Sir, I don't know what you can do or what I can do. I'm turning to you as more or less a last resort. I have four months left over here. I'm short and I want to get shorter. I also came here with the intent to fight. If I'm not allowed to fight then please get me out of here.

If you would care to answer my letter you could contact me through my parents address. As I said before I'm being transferred this week and I won't have my new address until I get to my new unit. My parents would be glad to forward any reply you may have for me. The address is Mr. and Mrs. DePasquale, 236 92 St. Brooklyn 9, N.Y. 11209.

Thank you sir, for taking the time to read my letter.

Yours truly,

Lance Cpl. SALVATORE DEPASQUALE,
U.S. Marine Corps.

CUTBACKS IN SERVICES TO THE AGING

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. MOLLOHAN. Mr. Speaker, last year we saw a growing awareness of the problems facing the nearly 20 million Americans who are 65 or older. We listened to discussions of these problems in the White House Conference on Aging. We followed the reports on hearings conducted by the Senate Select Committee on Aging as it traveled across the Nation. And we were shocked by its report that 1 in 4 of our elderly citizens is living below the poverty level.

That was a time in which we sought the answers to the problems of poverty, loneliness, isolation, and lack of transportation and adequate medical care which are the daily facts of existence for far too many of our elderly citizens. And there were promises then, and hope for a national commitment to ease the burdens of the elderly.

Today, much of that hope has been replaced by shock and disillusionment.

The administration has failed to follow through with its rhetoric. Its budget shows how much concern it has for the elderly. It has requested only $25.8 million for the Administration on Aging. That is $7.8 million less than the appropriation for the present fiscal year—$7.8 million less concern for the elderly. The bubble of rhetoric and false promises has burst. We see the facts and we cannot accept them. We must increase this appropriation.

Under the appropriation requests for the Administration, community programs would suffer the sharpest cutback—from $9.2 to $5.3 million. This 40-percent cutback is especially shortsighted for this appropriation makes possible special outreach programs, senior centers, the training of persons working with the elderly and the development of housing programs for the rural elderly.

I feel a special urge to speak on behalf of the elderly, for my home State of West Virginia and many of the areas in my district have a high concentration of elderly residents. Across the Nation, 9 percent of the population is over 65. In West Virginia, a State that is losing many of its young people, over 11 percent of the population is over 65, and this is an increase of 2 percent over the 1960 census. Now, in my district, Doddridge County has 16.5 percent of its population over 65; Calhoun County, 14.2 percent; and Gilmer County, 13.2 percent.

These are rural counties where many elderly people are isolated by poor roads and lack of transportation. These are counties which have a shortage of physicians, in a State where officials are predicting a severe crisis in medical care.

But the problems of the elderly are also acute in the urban counties of Harrison and Ohio. In Ohio County, where the city of Wheeling is located, elderly citizens constitute 13.5 percent of the population.

Let me give this example of the kind of optimism and concern generated for the elderly over the recent months. This is from a letter from the Children and Family Service Association in Ohio County:

> Prior to receiving the grant, little attention was given in our community to the serious social, psychological and physiological problems that confront the elderly. Isolation, poor housing, transportation and low income are serious concerns that the elderly must grapple with daily. Through our agency's Out-Reaching Program we have also helped the community to be more consciously aware of the unmet needs of our senior citizens. Volunteers have been galvanized to effectively intervene in meeting some of these needs through friendly visiting, telephone visiting, shopping, contributions, etc. Certainly these senior citizens presently receiving services would find themselves in a position similar to that prior to the establishment of this program if funds were not forthcoming.

The executive director of that association, Manuel J. Viola, says his association is reaching 750 elderly persons and the demand is increasing, but, if the 40-percent reduction in appropriations for community programs is allowed to slip by, he says it would eliminate all services performed by his association.

If this reduction in community programs spending occurs, my State's share of Federal funds for such programs would drop from $129,181 to $76,745. The executive director of the West Virginia Commission on Aging, Louise B. Gerrard, has said about this contemplated reduction, "We are alarmed."

Recently I received a letter from another member of the West Virginia Commission on Aging, Thorold S. Funk, who is director of the State division of vocational rehabilitation. I could not agree more wholeheartedly with his words:

> If we are to improve the quality of our national life, we must give much more attention, not less, to the welfare of older people. One of the most depressing aspects of American society is that we treat older people callously. We deny them opportunity for full participation in many activities of normal life, including employment. We do not make adequate provision for their special needs. We are even allowing inflation to rob them of their savings. To cut back at this time on our modest efforts on behalf of the aging would be tragic.

I cannot impress upon my colleagues too strongly the concern over this reduction. The bulk of my mail comes from elderly citizens or others concerned with social security and other such programs. I cannot urge my colleagues too strongly that this is an issue which must be resolved, a shortsighted cutback in sorely needed spending which must be corrected.

I would also like to submit an article and editorial which appeared in the Wheeling News-Register on March 8. They further demonstrate the growing public concern over this issue.

The above-mentioned material follows:

CONFERENCE ON AGING OPENS TUESDAY

(By Al Molnar)

They are lonely . . .

Without cars, they have difficulty getting around . . .

They need eyeglasses and hearing aids but can't afford them . . .

They are afraid of losing something . . .

But at the top of the list of problems is the need for more money and someone to help them get around and enjoy their final days of life.

These are only a few of the hundreds of problems facing the elderly of Wheeling and the Northern Panhandle. Their problem and ways of solving them will be the topic of a five-county conference tomorrow from 10 a.m. to 4 p.m. at the Wheeling Electric Co. building in Wheeling.

A five-member staff, headed by Miss Patricia Trainor, in the modest and somewhat cluttered "Outreach to Aged" office at 166 Sixteenth St. has spent a year checking into the problems that face the aged of Ohio County. The project is sponsored by the Children and Family Services Association, a United Fund agency.

"Loneliness is a chronic problem but income is the greatest problem," explained Miss Trainor, supervisor of the program which is financed by the state and federal funds as well as the United Fund.

"If they had sufficient income, many of the problems they now face would be solved," she continued.

What the office needs more than anything, however, is volunteers.

"We need volunteers to take the elderly to the doctor's office or to town shopping. Many of them can't read the labels and therefore have difficulty shopping by themselves. Then, too, they want company," Miss Trainor noted.

Since the office in the converted two-room barber shop at Sixteenth and Wood streets opened a year ago, the staff has contacted a total of 750 elderly persons, most of them by going to their homes.

"Everyone of them has a problem of some kind," explained Miss Trainor.

These problems and needs will be outlined and discussed at the conference Tuesday in the Wheeling Electric Co. auditorium.

Representatives of public and private agencies, civic organizations, churches, older persons themselves and other individuals will meet to plan ways to meet the needs of the elderly in the region which embraces Brooke, Hancock, Ohio, Marshall and Wetzel counties.

The conference is one of nine being held throughout the state and the results of these will be considered at the White House Conference on Aging in Washington, D.C., on May 4.

From the contacts made in Ohio County, Miss Trainor said the greatest problem area is the elderly who receive $77 to $120 monthly from Social Security.

"This is not enough to get along on, especially for those who might have cataracts and need special glasses or those who must be on special diets—but they don't qualify for more," Miss Trainor went on. "If they receive over $76 they cannot qualify for welfare."

Even though there are low-rent housing projects in the city, housing remains a critical problem. "Some of the rents are ridiculous," Miss Trainor declared.

She cited the case of an elderly man, who just recently was discharged from the intensive care section of a hospital following a heart attack. "He has to climb a flight of stairs to get to his apartment for which he pays too much rent," Miss Trainor observed. "And he's about 280th on the list for elderly housing."

This is a case where the volunteers are needed. Since the elderly man cannot keep climbing up and down the stairway, someone was needed to get him his medicines, get his food stamps and his groceries and virtually all his outside needs.

"I can't emphasize enough the importance of volunteers. Right now we have a Wheeling College social studies student out doing volunteer work. He just took an elderly woman to the doctor's office and then took another one shopping," she noted.

But men are the biggest problem, she observed. "They don't know how to take care of themselves. But we have more elderly women than men, and they are lonely."

As evidence of the loneliness among the elder citizens, Miss Trainor noted that out of the 750 contacts she made at their homes or apartments, only two closed the door in her face.

"They just want someone to talk to. They are afraid by themselves. After all," she noted, "there are not too many things around here geared for the elderly."

TH. AGING DESERVE BETTER

Surely there is enough "fat" in the military budget that could be cut out to prevent a proposed sizeable reduction in the 1971–72 budget for the Administration on Aging.

President Nixon has proposed a $7 million cut in funds to continue various federally assisted programs for our elderly citizens. The slash would come at a time when the needs of our older Americans are increasing. Since 1968, the number of persons 60 and over falling below the poverty line has increased by nearly 200,000.

West Virignia Senator Jennings Randolph has taken the lead in opposing a reduction of funds for the Administration on Aging for he has heard first hand the problems of the elderly. He had a chance to get an intimate picture of their plight last year while conducting hearings in West Virginia on the transportation problems of the elderly for the Senate Select Committee on Aging.

"Too often the needs of the elderly have been overlooked or ignored," Senator Randolph said. "Too often old age brings loneliness and frustration, when it could be a time for continued self-development."

In Wheeling we have a special interest in these programs designed to benefit our older citizens since a large segment of our population falls in the senior citizen category. Many of these citizens have their backs to the wall today because of inflation. They live on fixed incomes and find that their few dollars barely cover their essential needs. They are deserving of all the compassion we can show them.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and so doing renew our faith and confidence in ourselves as individuals and as a nation. As in many other nations of the world, agriculture is this Nation's biggest industry. Yet, unlike other countries, America's giant technological steps now show that 1 hour of farm labor produces nearly seven times as much food as it did in 1919–21.

FASCELL NOTES SUCCESS OF MY LADY FAIR

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. FASCELL. Mr. Speaker, with the recent advent of large numbers of women entering and returning to the labor force, a project of the Miami-Dade Junior College Council for the Continuing Education of Women is gaining nationwide attention.

The project is My Lady Fair, an annual exposition of career opportunities for women, young and old. It is designed to motivate women's interest in business and industry and demonstrate what types of employment are available.

Representing the Federal Government at this year's fair, held over this last weekend at Dade County's Dinner Key Auditorium, were Mrs. Elizabeth Duncan Koontz, Director of the Women's Bureau of the Department of Labor, and Assistant Secretary of Labor William Ussery. Also in attendance was Mrs. June Wakeford, regional director of the Department of Labor's Women's Bureau.

Mr. Speaker, I commend the attention of our colleagues to an article which appeared in the Miami Herald concerning the national interest in the 1971 My Lady Fair.

The article follows:

MY LADY FAIR GROWS IN NATIONAL PRESTIGE

(By Jo Werne)

The U.S. Department of Labor is looking at Dade County's My Lady Fair as a possible "pilot program" for other communities in the country.

"The Department of Labor has recognized that the fair has evolved into something that is not only one of its kind in the nation, but provides a very exciting spectrum of opportunities to the widest possible audience," said Mrs. June Wakeford, regional director of the Women's Bureau of the Department of Labor in Atlanta.

Mrs. Wakeford said that her office has received so many inquiries about My Lady Fair that "we have reason to believe that many other areas of the nation will have similar fairs."

She said the fair's growing national importance is indicated by the appearance of Mrs. Elizabeth Duncan Koontz, at this year's fair. A Presidential appointee, Mrs. Koontz is director of the Women's Bureau of the U.S. Department of Labor.

Another "name" attending the fair will be Assistant Secretary of Labor Bill Ussery.

An international visitor from Bangkok, Thailand will add another dimension to the fair. Miss Thongterm Vaigarsi will be an observer and special guest at the fair during a visit to this country under the auspices of the Bureau of International Labor Affairs, Department of Labor.

As chief of The Women's and Minors' Center of the Department of Labor in Bangkok, Miss Vaigarsi is visiting the U.S. to study and make reports on special problems of female and minor workers.

Sponsored by the Council for the Continuing Education of Women of Miami-Dade Junior College's Downtown Campus. My Lady Fair will be held Friday and Saturday at Dinner Key Auditorium. The hours are 10 a.m. to 10 p.m. Friday and 2 p.m. to 10 p.m. Saturday.

Mrs. Wakeford, interviewed by telephone, said she also plans to attend the fair and added that "we are extremely proud that it is in our region."

"My Lady Fair appeals to both young people and to mature women returning to the labor force, and to older people who are going into new careers," she said. "I think the fair has a tremendous affect on modifying attitudes on the part of women and girls, as well as changing the attitudes of business and industry.

"The result is that we are making better use of the community's talent," she said.

This year's fair will expand to include a Career Demonstration Area covering 6,000 square feet and divided into eight occupational fields—communications; hotels and restaurants; general business; government and education; retail and food stores; medical and hospital; careers in finance; and cooperative vocational education.

The job of filling the space—and without funds—fell to Bobbie Caraher, a personnel specialist for First Federal Savings and Loan Association of Miami.

"The idea is to motivate students and women to show them what types of jobs are available," said Miss Caraher, adding that the employment area will include two information centers, staffed by counselors from Florida State Employment Service and Lindsey-Hopkins Adult Education, who will assist interested persons in their job and education selections.

Miss Caraher said she worked with 35 industries and all of Dade's educational institutions which provided 200 photographs and 320 slides showing women on the job.

Each employment booth will have a display of photographs pertaining to that particular field as well as a live demonstration of one facet of the employment area, she reported.

The latest in IBM and NCR equipment will be demonstrated and, in some instances, fairgoers will be able to take lessons on the machines.

Special emphasis will be placed on "nontraditional jobs—jobs that are not usually open to women, but are now opening," said Miss Caraher. These jobs include loan officer, an operating manager for a department store, and a traffic manager for the telephone company.

My Lady Fair will also show that there is growing communication between schools and industry, said Mrs. Helen Wooldridge, chairman of the employment committee for the fair.

"In the past, schools and industry have sometimes been at each other's throats . . . because each felt it wasn't understood. But I think we are now having an adventure in communication on behalf of schools and industry, with CCEW acting as the catalyst to bring the two together to determine the employment needs of the people and to program curriculum to suit these needs," said Mrs. Wooldridge.

She said My Lady Fair also points out all the opportunities available for people who could not, or chose not to, go to college.

"The fair also helps mature women who want to return to work but think that their skills are below par. In many cases those rusty skills are on a par with those of young people just coming out of school," she said.

"And women who have been managing home and family for many years have really been employed all along," Mrs Wooldridge added. "They just don't know it."

PRISONERS OF WAR AND MISSING IN ACTION WEEK

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. PEYSER. Mr. Speaker, as one of the original cosponsors of the legislation to proclaim this week Prisoner of War/Missing in Action Week, it is with a great deal of sincerity that I salute these brave men on the first day of this week.

These stalwart heroes deserve the highest recognition for the measure of devotion which they have given in service of their country.

It is an honor and a privilege for me to pay national homage to these brave men.

TOTAL ENVIRONMENT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. LENT. Mr. Speaker, recently I inserted in the CONGRESSIONAL RECORD a speech by Mr. David Rockefeller, chairman of the board of the Chase Manhattan Bank, calling upon industry to cooperate in the development of new cities in the less heavily populated sections of our Nation.

Today I should like to call the attention of my colleagues to another speech, by the Honorabl Francis T. Purcell, presiding supervisor of the Town of Hempstead, a large portion of which is included in my Congressional District on Long Island. Mr. Purcell, who presides over a community with a population larger than that of many States, called decentralization of population the key to the survival of over-populated areas like New York City and its suburbs. Like Mr. Rockefeller, he has advocated the development of new cities, recommending Federal and State tax incentives to encourage business and industry to locate there, and to city residents to enable them to move to new areas.

Supervisor Purcell spoke to a convention of the New York State Association of Towns. I commend his remarks to the attention of this body:

SPEECH BEFORE THE MEMBERS OF THE NEW YORK STATE ASSOCIATION OF TOWNS, FEBRUARY 8, 1971, HOTEL COMMODORE

Gentlemen: "Total environment"—what more appropriate keynote for a convention of this kind. I'm here to tell you the story of one municipality—Hempstead Town—which has compiled a solid record in the environmental field. Local government has a lot that it can do to improve the lives of its constituents. Don't downplay its role.

Hempstead Town has been taking meaningful steps to help insure that our life style would not be endangered by greedy developers and unconscionable industrialists for many years.

In the battle to protect the quality of life of our residents, we have pitted ourselves against the giants of the aviation industry, numerous state and federal agencies, land speculators and multi-million dollar corporations, with one goal in mind—saving the land, the air and the water for future generations to walk upon—to breathe—and to drink.

Too often government has been criticized for acting too late. Well, it isn't too late to take a stand to save the environment. I'd like to tell you how one town tried to meet the challenge.

Some 250,000 residents of our town—almost a third of the population—live in the shadow of Kennedy Airport—to be more exact, they live somewhere between the black exhaust gasses and the shrill, deafening whine of the jet engines of the more than 1,200 planes that use the airport each day. In certain areas homes have the pleasure of one plane per minute taking off or landing just above their rooftops.

In 1962 the town joined forces with ten incorporated villages in "jet alley" and formed TVASNAC, the Town Village Aircraft Safety and Noise Abatement Committee. It's a hard name to remember, but believe me when I tell you that a lot of federal and state agencies and air industry groups know the name well. We've made very sure of that.

In 1964, the town board passed the first anti-jet noise ordinance in the nation. The industry reacted quickly and obtained a court injunction prohibiting the town from enforcing the local law. After a long battle through the courts, the law was rejected as being beyond the jurisdiction of the town. The opinion of the judge was that the law was a good one and should be enforced but by a higher level of government. At last the courts had recognized jet noise as a nuisance.

What did we accomplish? A great deal. First, we brought the problem to the attention of the public, to the Federal Aviation Administration and the airline industry. Second, we established a pattern in our town of fighting anyone and everyone who threatened our way of life.

One immediate result of our battle was a move on the floor of Congress to recognize that jet noise must be regulated. Bills were passed to establish noise levels but the exact levels were left in the hands of the industry-oriented FAA.

In an attempt to bring a larger lobby to Washington, Hempstead Town joined forces with municipalities across the nation and formed a national organization to fight jet noise. Appropriately, we named the group NOISE (National Organization to Insure a Sound-controlled Environment.)

NOISE has just completed its first national symposium in Los Angeles, California, and we are even now in the process of examining some of the anti-noise programs that are underway in other parts of the nation for implementation here in New York State.

Legal action with Hempstead Town as the plaintiff has been instituted by State Attorney General Louis Lefkowitz against airlines and the New York Port Authority which operates Kennedy Airport. The goal of the suit is to have jet noise declared a public nuisance by the courts. Once this is established the court will be obliged to place the burden on the airport operator and the airlines to come up with a meaningful solution in a reasonable amount of time.

With the cooperation of our congressmen and senators we are hopeful that we will find a solution to this grave problem. Only through joining forces with other cities and municipalities can we hope to exert the necessary pressure on the entire Congress to pass meaningful legislation.

Scientists agree that people who live in New York City and breathe the air accumulate the same amount of materials in their lungs as do people who live in a rural environment and smoke one pack of cigarettes a day. We are well aware that our town is only a clean breath of air away from this pollution plagued city. With this in mind, my town board passed ordinances controlling air quality as far back as 1952. The local laws forbid the burning of leaves, trash or open pit burning of any kind. We even went so far as to require a building permit for any construction or major alteration and repair of any fuel consuming devices so we could regulate the air pollution threat of such operations.

Rapid growth of our town made it necessary to revise our air pollution ordinance. So in 1969 with the cooperation of Nassau County, we enacted one of the strongest measures in the country. The new law gave exact guidelines for measuring air purity.

To set an example, Hempstead Town was the first municipality in the country to comply with the local law by moving to install in our incinerators electrostatic precipitators which reduce particle discharge by as much as 96% to 99%. The cost of the entire project will be over 5 million dollars. But the expenditure is well worth it, when we weigh it against the removal of tons of particles which would otherwise pollute the air our residents breathe.

Five years ago, each person in Hempstead produced three and a half pounds of garbage per day. At the present, he produces almost five, and the projection is that by 1980 he will be discarding anywhere from 8 to 10 pounds per day. Thoreau predicted, "Men will lie on their backs, talking about the fall of mankind, and never make an effort to get up." If we are not careful, these men will be lying on a bed of garbage. We have two incinerators in our town and with the growth we have experienced, we will have to build more. This action won't be popular but the alternative is a pile of garbage as big and as high as the Empire State Building.

We had hundreds of acres of landfill area available 10 years ago; now we are almost down to nothing. Just a few short years ago, New York City was considering emptying garbage in the huge open mines of Pennsylvania and West Virginia. I think that now we all realize that land-fill is not the ultimate answer.

Everyday new ideas are being introduced by sanitation experts throughout the world. Our own specialists are examining these alternatives and planning for the future.

Building incinerators is not the entire answer, either. There must be an all-out consumer education program geared at informing residents of these products which produce the greatest problem in disposal. I predict that mandatory product recycling projects will be with us within the next few years.

Why mandatory? The Town of Hempstead has just completed an experimental program aimed at giving residents an opportunity to help in the recycling of newspapers and newsprint. Residents in an area of 2,800 homes were urged to bundle their newspapers and leave them at the curb once each week. What happened? Less than twenty-five percent of the people took part, despite urging from local civic groups, newspapers and the town. I fear that only a recycling program enforced by local ordinance can work. We may well have to purchase containerized garbage trucks which will take newspapers and garbage in separate compartments. Fines will probably have to be levied to force compliance.

This is an area where local governments must have the courage to take a stand and pass unpopular laws to insure the survival of their communities.

Long Island towns through sheer geography, have a deep dependence on the seas that surround them.

Clamming boats, whaling ships and many other fishing vessels have for generations made their berth on L.I. Nestled between the shoreline and the barrier beaches there lies in Hempstead Town over twelve hundred acres of wetlands. In 1963, the Town Board created the Department of Conservation and Waterways to administer and protect this vast ecological treasure.

Since that time the department, headed by a marine biologist, has achieved nationwide acclaim for its work in oceanographic research, conservation, education and boater protection. Many of the techniques developed here in Hempstead are now being used by conservationists throughout the nation.

The development of artificial fishing reefs, fishing piers, and a marine nature study area are but a few of the countless projects undertaken by the department.

Recently the department's director, acting as a pollution watchdog for the wetlands, brought pressure to bear on the County of Nassau to consider building a pipe line far out into the ocean for its sewage disposal plants. The alternative was to empty the wastes directly into the Great South Bay, which would have surely destroyed this rich recreational and biological paradise.

One year ago the department opened its marine nature study area on the wetlands of our township. The fifty-two acre salt marsh, built by hand with help from Mother Nature, is a living museum for those who enjoy watching wildlife in its natural surroundings. It is also an outdoor laboratory for students and biologists wishing to conduct field research in conservation, marine ecology and nature study.

The area is the only one of its kind on the eastern seaboard and performs a very special task. It invites the teacher, the student and the parent to visit the vast world which lies beyond the split-level homes and just over the marsh lands.

All who visit this area profit in a very special way. First, they have been exposed to the beauties of nature and to the delicate balance which exists among its species. Most important, they have been recruited into the ever-expanding army of conservationists whose goal is protection of our environment. I have tried to give you a brief outline of the activities of Hempstead Town in the area of environmental protection. We have struggled against a sea of problems which seem to be ever increasing.

I think we in Hempstead Town can be proud of the fight we've waged to protect our environment, but, let's face it, gentlemen, we've been treating the illness, not attempting to cure it.

And let's make one thing clear: the real threat to environment is posed by people—too many people.

If you want to know what I mean just take a brief walk outside this hotel. You'll see a city that is decaying and dying because it is clogged with more people than it can possibly serve. If we don't move soon—and move dramatically—we're going to lose even the most remote possibility of saving this and other cities. And by the way, of key importance to me is the fact that the survival of the suburbs is also at stake in this human crisis.

The answer, I believe, is population decentralization. Vast areas of our state and our nation are sparsely populated while people live on top of each other here in New York City.

We've got to reach out, to scratch new cities out of undeveloped reaches of land. We can start from the beginning and we can do it right this time.

It's just a concept but why couldn't we offer federal and state tax incentives to a major business to establish a plant—a job base, if you will—in a remote section of the state. The business would be pollution free, no peril to the environment.

Around the business or businesses a new city would be created with adequate transportation and recreation facilities and other municipal services pre-planned. Housing of all types would then be established and occupied on a racially-integrated basis, giving us, for the first time, a truly integrated community.

Some form of financial assistance would be provided—again perhaps through individual tax incentives—to city residents and others to move out to take advantage of jobs, clean air and clear skies.

Assuming a significant decentralization of population in the central city, rundown areas could be rehabilitated and New York and other ailing cities could be reborn.

Some of you may scoff at the impracticality of such a suggestion but I argue that the 70's is the decade of challenge, the time to dream big dreams.

If we don't move boldly—and I'm talking about government leadership—there may be no tomorrows.

THE UNEQUAL BURDEN OF THE WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 19, 1971

Mr. MIKVA. Mr. Speaker, there is a Catholic parish in my District named Our Lady of Guadalupe. In the past 5 years, 11 sons of that church have been killed in Vietnam. This brutal fact—and it is not a "statistic" but a fact—suggests several disturbing things. First, it demonstrates once again the unequal burden of our military adventure in Southeast Asia. It is not the sons of the affluent who are dying in great numbers in Vietnam; it is boys like Eddie Cervantes and other sons of Our Lady of Guadalupe and hundreds of like churches in disadvantaged neighborhoods around the Nation.

A second tragic effect of Eddie Cervantes' death is its impact on the community in which he lived. Eddie gave his community a rare gift—faith in a promising future. He believed he would succeed, and his neighbors believe that he could. The war has killed Eddie Cervantes, and with his death has gone a part of that faith. A war that destroys the confidence of a nation and kills the young men who can revive it must not be allowed to continue.

Mr. Speaker, it is all too easy for policy makers to forget that the policy they make will have to be carried out by people like Eddie Cervantes. I urge my colleagues to read and to feel the following article from the Chicago Sun Times of February 26 entitled "Ex-White Sox Bat Boy a Man to Remember":

EX-WHITE SOX BAT BOY A MAN TO REMEMBER

(By Tom Fitzpatrick)

It was sunny Thursday afternoon and the kids were out in the street playing ball at 88th and Burley on Chicago's South Side.

Raoul Otero, who owns the Sportsman's Bar on the corner, looked out the window at the kids. He is a little man and there was sadness in his face.

"I remember when Eddie Cervantes used to be out there like that," Raoul said. "He loved baseball so much. I remember how proud we all were in this neighborhood when he was named the bat boy of the Chicago White Sox."

Raoul turned away from the window and walked back behind the bar, his head down.

"Eddie lived right across the street," he said. "What a boy he was. He was the oldest brother in the family and he had seven brothers and nine sisters.

"Can you imagine? They all lived across the street on the upper floor in one large room. Of course, they had constructed partitions but, still, it was only one large room."

Eddie Cervantes is dead now. He was killed almost three years ago in Vietnam at the age of 21. But he is remembered in this Mexican-American neighborhood because he believed so strongly in the American dream.

Eddie believed that if he worked hard, was courteous to his elders, and kept out of trouble that he would eventually become a lawyer and make enough money to buy a nice house in the suburbs for his mother and father.

When you stand there on the corner of 88th and Burley you wonder how he could ever have faith in such a dream.

The streets are strewn with broken glass. The pollution from the steel mills is so thick you can almost reach out into the air and clutch it in your hand. Even Thursday, with the sun shining brightly, there was a haze over 88th and Burley.

When Eddie Cervantes left his house everyday he could look on the other side of the street and see the Baltimore & Ohio R.R. yard. A little further away, was the Stone Container Corp. plant.

Eddie did everything right. There was nothing, other than an enemy bullet, that could have stopped him from achieving his dream.

He got up every morning at 4:30 to deliver newspapers. He was the captain of the patrol at Thorp Grade School. He was chosen as White Sox bat boy by a panel consisting of men like Judge James B. Parsons, former Schools Supt. Benjamin C. Willis and Fairfax Cone, the advertising executive.

While he was bat boy, Eddie became the darling of White Sox manager Al Lopez and the club's star shortstop, Luis Aparicio.

At the same time, he never lost touch with the kids in the neighborhood.

"That Eddie," Raoul said now, "he was really something. Let me tell you. Every night when it is 10:30, Eddie is at the door to his house, looking for his younger brothers and sisters.

"He was the pride of the neighborhood."

Eddie's neighborhood was Our Lady of Guadalupe parish.

Our Lady of Guadalupe has a lot to be proud of when it comes to talking about contributions to the war in Vietnam.

In fact, a monument has been erected in the church parking lot across the street to the young men from the parish who have died in Indochina. There are 11 names chiseled on the stone.

The Rev. Severino Lopez, the pastor, sat in his office in the rectory at 3200 E. 91st and talked about what that meant to his people.

"There are 11 names there now," he said. "Perhaps there will be more. Let me see, Jesse the barber's son just came home. He lost a leg. Phil Rodriguez is back now, too. He lost a hand."

Father Lopez remembers Eddie Cervantes well.

"He had such a big family, you know. He was always working to get money for them. He used to come into our grammer school and mop the floors and wax them."

Father Lopez hesitated.

"Eddie had such great plans."

I asked Father Lopez if his parishioners weren't resentful that so many of their youngsters have lost their lives in the war.

"It's surprising the way the attitudes of our people has changed," Father Lopez said. "Mexicans are quiet in their resentment. They now see how the minority groups are being drained of their life blood.

"But we are not a people to take part in demonstrations. We do our demonstrating on the field of battle. We take pride in our men and their willingness to fight.

"Now, however, I think a lot of Mexican-Americans think they are being taken advantage of. They wonder why the children of the rich are able to go to college when their own sons must go off to fight."

It was a sunny afternoon and thoughts of baseball and the White Sox were on the minds of the young people.

But there were also thoughts of Eddie Cervantes and all the other young men whose names are on that marble monument with the American flag waving in the breeze above it.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DENHOLM. Mr. Speaker, I am hopeful that the activities of this "National Week of Concern for Prisoners of War/Missing in Action" will result in better treatment of American servicemen being held captive in Indochina and their early return to this country.

I want to commend all of the Members of Congress that supported the bill that designated this week to express our concern about these POW's. I commend President Nixon for signing that bill into law. I urge the President to do more.

The maltreatment of prisoners and their return to this country is a grave issue and one that is properly of great public concern, regardless of any differences in opinion concerning the conduct and conclusion of the war in Vietnam. Their concern is our concern. And our concern is for their children—their families and for each of them wrongfully imprisoned as brother Americans dedicated to the high service of our country.

We all share the same grave concern for the welfare and treatment of American servicemen being held as prisoners and all of us are equally concerned about their safe return yet there are differences of opinion on how that can be accomplished.

I am convinced that the safe return of imprisoned American servicemen can be accomplished only by the settlement of our military involvement in Indochina. Article 118 of the Geneva Convention provides that

> Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

Because prisoners can be "released and repatriated only after cessation of hostilities" our concern for them can be most meaningful only in terms of ending that war.

So long as those hostilities exist—so long as this Nation supports those hostilities—there is little hope for the release and repatriation of these prisoners.

The history of military hostilities clearly indicates that ending a war and returning prisoners is one and the same issue. Withdrawing all of our troops, while we still support continued hostilities, will not result in the return of the unfortunate Americans imprisoned by the Vietcong.

I am hopeful that the concern that we are demonstrating this week for the prisoners of war and the public indignation concerning their fate will be directed not just at Hanoi, but also at Washington, D.C.

I cannot with sincerity express my concern for the prisoners of war and those missing in action without expressing my like concern about the inadequate treatment of those who have been wounded in the Vietnam war.

More than 290,000 Americans have been wounded in Vietnam. Directors of the veterans' hospitals last year sought $186 million more than the administration requested for operation of veterans' hospitals in this country. Congress authorized and appropriated $105 million in excess of the request of the administration. President Nixon vetoed the additional sum approved by Congress for the war wounded.

In my State of South Dakota the services of two veterans' hospitals, at Sioux Falls and Hot Springs, will be seriously curtailed unless the administration can be convinced to reverse its cutback policy.

Similarly, our Nation is obligated to all of the veterans to provide meaningful programs for them to reenter civilian life.

If all of the prisoners of war were returned immediately, many—if not all of them—would require hospitalization for an indefinite time. The necessary care and treatment essential to that demand would be administered to them in hospitals understaffed and underfinanced. Can we say that cutbacks of available care and medical service is in their interest or do we dare admit that we shall provide for them then as we do now. Let us do what is right—for their interest is rightly our own.

If we are truly concerned about the prisoners of war and those missing in action we must also be truly concerned about their buddies who have been wounded and are here in the United States and about all servicemen who must make the change from military to civilian life. I hope and pray that funds provided for the benefits of veterans by this Congress will be administered by the executive branch of their Government for the essential hospital facilities of care and mercy to those brother Americans, including prisoners of war, that have pledged their lives in battles and wars—that we may live in peace.

RURAL REVENUE SHARING

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. ABOUREZK. Mr. Speaker, we do not have to look so far afield as Indochina to find a "credibility gap." It is really incredible for the President to propose the abolition of every major successful rural development program we have, and then turn around and call this wanton destruction a plan for rural development. This is nothing more than Federal abdication of responsibility for rural development. This ridiculous effort to eliminate the tried and proven existing programs to find money for no strings attached rural aid is a futile effort that should not waste the time of Congress. Instead of robbing one rural program to create another, the administration ought to show enough concern for our rural families to find significant additional money for them. Perhaps there are some Federal programs that ought to be eliminated in favor of giving money directly to the States, but the President's plan has managed to miss every bad program and hit every good one.

Let me be specific. The administration wants to abolish the Agricultural Extension Service which has served rural America for decades. He wants to abolish the agricultural conservation practices program which has helped farm families in every county in the Nation to conserve their land. He wants to eliminate the Economic Development Administration which has funneled millions of dollars into our rural areas every year.

Mr. Speaker, I cannot believe that the President would propose a scheme so patently absurd as this so-called special revenue sharing for rural America. Frankly, I think he has been sold a bill of goods by the computer kids in the Agriculture Department. Perhaps when you have been sitting in Washington too long, it looks like a good idea to throw out every program that has worked in rural America and just take the money for those successful programs and dump it in the States' laps. But when you have been out working the land in South Dakota, and counting on programs like ACP, EDA, the Extension Service, and others to keep you from being completely wiped out by today's 65 to 70 percent parity prices, the abolition of those programs looks like disaster. If the Secretary and his aides would spend some time out in South Dakota talking to the farmers, they might learn something their computers do not tell them.

The argument that the State legislatures could fund these programs with the shared revenue is a hollow claim. There is absolutely no requirement or even any encouragement, in the administration's plan for States to retain the proven programs placed in jeopardy by the President's proposal. The administration's idea for putting no-strings-attached money into rural States is excellent, but the money ought to be new money, not money stolen from our best existing rural programs.

To eliminate this credibility gap, the administration must find time to consult rural people before drastically changing rural programs. If only this time could be found, I feel certain that we could work together toward a program acceptable to all of rural America.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PROPOSED NATIONAL LEGAL SERVICES CORPORATION RECEIVES EDITORIAL SUPPORT IN WEST BEND

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, last week a bipartisan group of 107 Members in both Houses of Congress introduced legislation to provide for an independent and strengthened legal services program. The bill would establish a National Legal Services Corporation to carry out the functions of the program now administered under the Office of Economic Opportunity.

The need for a Legal Services Corporation is editorially cited in metropolitan newspapers this past weekend even though the bill is not yet back from the printers. But the first editorial support for the legislation has come, importantly I think, from a community of only 12,000 people, West Bend, Wis. This editorial holds special importance because it serves as an indication of interest in and support for legal services help in smaller cities and communities throughout the United States.

The West Bend News is publishing as a daily newspaper this year for the first time since its founding as a weekly in 1855. The National Legal Services Corporation was the recommendation of its lead editorial last Wednesday, March 17:

> For those who really believe in working through the system, the bill . . . to shift the federal legal services program into a semi-independent corporation was a good move.

I am pleased to insert for the benefit of my colleagues and the cosponsors of this legislation the editorial "A Work-Through-the-System Bill," by John Torinus, Jr., of the West Bend News:

A WORK THROUGH THE SYSTEM BILL

For those who really believe in working through the system and through the courts of the country, the bill recently co-sponsored by Rep. William Steiger to shift the federal legal services program into a semi-independent corporation was a good move.

The basic concept behind the legal services program is that the poor are entitled to the same availability of legal help as is available to the well-to-do elements of our society.

At present, the legal services program, which hires some 1,800 lawyers, the second largest collection of legal talent in the country next to the Justice Department, is housed in the Office of Economic Opportunity.

But its existence there is an uncomfortable one, because governors have the right of veto over most OEO projects and generally are unsympathetic to an agency that occasionally files suits against state and local officials.

Thus, legal services has incurred much political heat from grass roots politicians who find nothing debatable about the way they are administering the law.

The heat has increased with the repeated success of OEO lawyers, usually young men, in challenging treatment of the poor. One landmark case won by OEO was the striking down of residency rules used to discriminate against those on welfare.

Other examples are legal pressures brought to insure that southern officials properly use the food programs that should be available to black poor in the south.

This "working through the system" via federally funded lawyers is a program that needs to continue and needs to be insulated from the direct heat of local politicos.

By setting it up outside of OEO, with a responsible board of directors, including the head of the American Bar Association, this insulation may be provided.

Its independence can be guaranteed if the veto power of governors over the legal services program in their states is eliminated, as it should be.

AIR FORCE COMBAT COMMANDS MARK 25TH ANNIVERSARY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. TEAGUE of Texas. Mr. Speaker, 25 years ago, March 1946, a year before the Department of Air Force was born, three commands: Air Defense, Strategic Air, and Tactical Air were carved out of the old Army Air Force. Their achievements since that date are history; unfortuniately there are some who do not realize what a great part these commands will play in the future of our Nation. The March 1971 issue of Air Force magazine contains an article which graphically relates the background and history of this arm of our defense, and under leave to extend my remarks in the RECORD, I wish to include this article:

ADC, SAC, AND TAC: THE COMBAT COMMANDS MARK 25 YEARS

For the three "old original" combat commands of the United States Air Force, March 1971 marks their silver anniversary of service. It was in March 1946, the year *before* the Air Force itself became an independent service, that the Air (now Aerospace) Defense Command, the Strategic Air Command, and the Tactical Air Command were born. Carved out of the old Army Air Forces, all three started out pathetically small but strongly purposeful. Their histories are, to a large degree, the history of America's post-World War II deterrent stance.

ADC

Air Defense Command—which was later to change its name after Sputnik, to better describe its mission in a space-age world—came into being at Mitchell Field, N.Y. Its mission, then and now, was to defend this country and continent against air attack. ADC's first commander, Lt. Gen. George E. Stratemeyer, had little to work with in the way of hardware in those days of ill-advised enthusiasm for rapid demobilization. He started off with a force of fewer than 150 fighters and some 25,000 people to build a defense against an incubating Soviet bomber threat. These small forces grew to an enormous air defense organization that encircled the North American continent. 1957, the year of the Soviet Sputnik, saw an ADC with some 1,500 aircraft on twenty-four-hour alert, plus an array of search radars, Distant Early Warning Line sites in the far north, a fleet of picket ships, Texas Towers, a collection of Sage semiautomatic command and control centers, several squadrons of airborne early-warning-and-control aircraft, and a total of some 100,000 personnel. By mid-1960, ADC's aircraft inventory included F-102s, F-106s, and F-101s.

Today, headquartered at Ent AFB, Colo., with a mission that now includes continuous surveillance of all spaceborne vehicles, and coping with a much-enhanced Soviet bomber capability, ADC, to the dismay of air-defense experts within the command and outside it, is facing the aerospace threat to this continent with about half the people it had in 1957—some 54,000 now—and only about 250 interceptor aircraft in regular units, supplemented by some 300 Air National Guard interceptors. It is still relying on the F-102, F-101, and F-106. The command's budget, a victim of both inflation and down-grading of the air-defense problem by higher authority, is reduced. ADC today is trying to live on less with the clear advantage of its highly trained manpower and whatever benefits may be derived from such technological advances as the far-north Ballistic Missile Early Warning Systems (BMEWS) and the Over-the-Horizon radar that can detect missile launches seconds after liftoff—much earlier than line-of-sight BMEWS—as well as the new Airborne Warning and Control Systems (AWACS) survivable airborne-radar-surveillance platform which, when it becomes operational in the late 1970s, will be able to detect incoming hostile bombers at any altitude and deploy interceptors to meet them. ADC wants, but has not yet gotten, an improved interceptor to replace its aging F-106. The F-15 and F-14B are being considered for this role. While some may discount the threat, in the view of ADC's current commander, Lt. Gen. Thomas K. McGehee, aerospace defense these days "is becoming more complex as potential enemies exploit the air and space realms."

SAC

When the Strategic Air Command was created in March 1946 out of the Army Air Forces' old Continental Air Forces, it had only three jet aircraft—P-80 "Shooting Stars" that had seen service during the last days of World War II. Of its 600 aircraft, under command of SAC's first chief, Gen. George C. Kenney, some 250 were bombers: B-17s, B-25s, and B-29s. General Kenney's people inventory numbered 36,800. First headquarters was at Andrews AFB, Md. SAC was more a mission than a force.

The mission was to develop a deterrent nuclear strike force to keep the peace. SAC's early nuclear muscle was demonstrated the same year as its birth. In the summer of 1946, SAC participated in the atomic-bomb tests at Bikini. As the post-World War II years rolled by, SAC built up gradually at first, then rapidly, particularly under the command of its most famous chief, Gen. Curtis E. LeMay, into the most powerful offensive military force in the history of the world. Its inventory of aircraft changed, and in 1948 the newly introduced B-36 became its big gun. In-flight refueling extended aircraft range; overseas bases enhanced the command's worldwide capability. By 1949, the transition had begun to the first of the jet bombers, the B-47. A year later, the Korean War put SAC to work in combat, albeit with older B-50s. As the tense 1950s wore on, the command grew and evolved toward all-jet capability. The B-52 was phasing into service by 1955. By the next year, SAC, now a multi-billion-dollar operation, announced plans for the phasing in of the revolutionary new missiles. The transition to the mixed force came under the leadership of Gen. Thomas S. Power. SAC headquarters, from small beginnings at Andrews AFB, had long since moved to Offutt AFB, Neb. SAC's might, clear to the Soviets in 1962, helped powerfully to back up President Kennedy's virtual ultimatum to the Russians during the Cuban missile crisis. Not many years later, the command would play a major role in Vietnam, using its strategic B-52s with great success in tactical-bombing roles over jungles. Today, its B-52s FB-

111s, KC–135s, SR71s, U–2s, plus its missile force of Titan IIs, Minuteman Is, IIs, and IIIs, its unequaled command and control facilities, and its approximately 166,000 people, under command of Gen. Bruce K. Holloway, represent a force that stands sturdily as a bar to general war.

TAC

The Tactical Air Command actually had two births. Two years after its initial creation in 1946 under command of Maj. Gen. E. R. Quesada, it was absorbed temporarily by the Continental Air Command. But that did not last. By late 1950, TAC was reestablished as a major command and its men were deeply involved in the Korean War, which had created a new recognition of the need for the kind of airpower that would be necessary for *limited*, rather than all-out, war in the nuclear age. New doctrines were developing. While major emphasis still was laid on strategic nuclear airpower, it was beginning to be understood that the nation needed more. The usefulness of jets for close support of ground forces was recognized, as well as the need for airlift and a high degree of tactical mobility in a world where the likelihood of "brushfire wars" was increasing as the superpowers backed away from direct nuclear confrontation. The idea of "packaging" forces and equipment, an idea that evolved into the TAC Composite Air Strike Force (CASF), took hold. By 1954, TAC received into the inventory the first of the Century-series supersonic jets, the F–100. Air refueling, a vital art, was beginning to make a crucial difference in terms of mobility. 1958 saw TAC CASFs deployed to Lebanon. 1961 saw TAC play a major role in the Berlin crisis when thousands of Air Guardsmen and Reservists were recalled. TAC helped in the reconnaissance over Cuba that showed the installation of the Soviet missiles and stood ready for war if it came. In the early 1960s, TAC's airlift sorties evacuated refugees from the war-torn Congo.

The command was in Vietnam practically from the beginning of US involvement, providing advisers and, in the United States, developing new techniques of airborne counterinsurgency operations at the then-USAF Special Air Warfare Center at Eglin AFB, Fla. After the Gulf of Tonkin incident in 1965, TAC arrived in Southeast Asia in major force, with fighter-bomber, forward air control, tactical airlift, Special Air Warfare (now Special Operations), and reconnaissance aircraft and crews. The command, headquartered at Langley AFB, Va., which had once been viewed as a stepchild to strategic airpower, is now bigger and more important than many would have thought possible or necessary a few years ago. In the words of the current TAC commander, Vietnam-seasoned Gen. William C. Momyer, "Tactical airpower is a decisive element in today's diplomacy."

FUNDS FOR CENTRAL UTAH PROJECT

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. McKAY. Mr. Speaker, I would like to have inserted in the pages of the RECORD the following concurrent resolution of the 39th Legislature of the State of Utah urging approval of funds necessary for the construction of the Central Utah project.

Earlier in the session, I expressed my dissatisfaction over the amount of money projected in this year's budget for this vital water project. I feel we must take action now to speed up construction of the Central Utah project.

The resolution follows:

A Concurrent Resolution of the 39th Legislature of the State of Utah, the Governor Concurring Therein, Requesting the Congress, the President, the Office of Budget and Management, and the Department of Interior of the United States To Make Funds Available for the Construction of the Central Utah Project

Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

Whereas, the growth of the State of Utah has been directly related to the ability to develop and utilize its available water resources; and,

Whereas, water-resource development relieves social problems by permitting opportunities for full employment, rural development, improving the urban environment and economic growth; and,

Whereas, the continued growth of the State of Utah is directly dependent upon the development and utilization of its legal entitlement to Colorado River water, as set forth in the Colorado River Compact of 1922 and the Upper Colorado River Basin Compact of 1948, to meet increasing municipal, industrial, recreational, and agricultural requirements; and,

Whereas, the Central Utah Project, which is now under construction, is to help meet these increasing requirements; and,

Whereas, the Utah State Legislature, with the Governor concurring, in its 37th and 38th sessions urged the Congress of the United States, the President, and the Department of Interior to appropriate funds to accelerate the planning and construction of the Central Utah Project; and,

Whereas, the Bonneville Unit, a unit of the Central Utah Project, is a multiple purpose water-resource project designed to meet municipal and industrial water requirements in the most rapidly growing area in the State of Utah; and,

Whereas, the appropriated construction funds made available in the past for the Bonneville Unit have consistently been inadequate for a realistic and economical construction program; and,

Whereas, this past history of inadequate funding for construction has resulted in an increased cost of the project and an associated increase in the repayment obligation on the citizens of the State of Utah which utilize these waters; and,

Whereas, more than 90% of the total cost of the units of the Central Utah Project will be repaid to the Federal Treasury;

Now, therefore be it resolved, that the 39th Legislature of the State of Utah, the Governor concurring therein, does hereby request that funds appropriated by the Congress of the United States for construction of the Bonneville Unit of the Central Utah Project for fiscal year 1972 be increased to a minimum of $20 million, and future appropriations continued in amounts which will provide for a construction program than can be carried out and completed in the most economical manner for the citizens of the State of Utah; and,

Be it further resolved, that the 39th Utah Legislature, with the Governor's concurrence, further requests that the planning and construction of other Units of the Central Utah Project be accelerated and that the Congress of the United States appropriate $1 million for construction of the Jensen Unit and $500,000 to initiate construction on the Upalco Unit during Fiscal Year 1972.

Be it further resolved, that the Secretary of the State of Utah be and he hereby is directed to transmit copies of this resolution to the President of the United States, Secretary of the Interior, Director of the Office of Budget and Management, and to the Senators and Congressmen representing the State of Utah in Congress.

THE AMERICAN PRISONERS OF WAR

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. NEDZI. Mr. Speaker, the longer the conflict in Vietnam endures, the longer our involvement, the greater the damage to our institutions, our national self-confidence, our resources, and especially to the men who fight, die, or are captured there.

We have arrived at a new time. We must realize it.

The wounds are deep. The balance of the advantages and disadvantages of our continued participation has changed. It is time to bring our involvement to an end.

The heaviest burden of the war has been borne by the 1,400 U.S. military men and the 40 civilians captured or missing. They have suffered and their families have suffered. The period of imprisonment, or lack of information about those missing, stretches in some cases to 7 years, a most cruel and wearing condition.

It would be a good thing to have the prisoners-of-war issue separated from the issue of the overall settlement of the war. We must recognize, however, that the chances of this happening have never been favorable.

There is, as we all know, a sharp division of views among Americans concerning U.S. policy in Vietnam, nevertheless, there is a shared compassion on all sides for the American prisoners of war, the missing, and their families.

Although it is unlikely that the prisoners of war will be released without overall negotiation, there are intermediate steps which can be and have been reasonably advanced. Ambassador Philip Habib has requested: First, that the North Vietnamese and Vietcong treat our prisoners humanely; second, that they provide the names of prisoners; third, that they release the sick or injured; and fourth, that they permit impartial inspection of prisoner facilities.

The fate of our prisoners is an urgent, gnawing concern. We can sense the misery and the devastating psychological damage of those who are swallowed up by the silence of imprisonment, those who wait in uncertainty.

Every State in the Union is affected for all have sons in small numbers or large who are presently in North Vietnamese prisons. The preponderance of the evidence indicates that these men have been badly treated. Their plight is not forgotten.

Our concern for the prisoners of war and those missing in action is not limited to a week. It is an on-going concern. Our concern extends to all American servicemen in Vietnam who daily run the risk of themselves becoming statistics of war and our concern extends to the civilians of Indochina who have paid an enormous price in death and destruction for a generation.

Yes, we have arrived at a new time. We must realize it. The war must be brought to an end.

A JOB WELL DONE: TRIBUTE TO CUB SCOUT PACK 216, BELLEROSE, N.Y.

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. HALPERN. Mr. Speaker, I take this opportunity to share with my colleagues a recent achievement of the award-winning Cub Scout Pack 216 located in my district in Bellerose, N.Y.

These fine youngsters decided to devote their spare time and energies in doing good for others in this vast country of ours. They did some research as to where their talents might be most effectively applied and, after consultation with the Board of Indian Affairs in New York, they determined to assist the destitute Blackfeet Indians in Browning, Mont.

They dedicated themselves to collecting clothing, blankets, and other supplies that would mean so much to these native Americans on that Indian reservation. Individually and collectively the boys gathered over 700 pounds of assorted essentials. But then the big problem developed. How were they going to get the materials out to Browning, Mont.

They were informed by postal authorities that there were absolutely no provisions for reduced rates for such shipments. And the youngsters just did not have the funds or the means to ship their worthy wares.

Mrs. Audrey Tooth, president of the troop's Mother's Club, notified the district's city councilman, the distinguished and public-spirited Matthew J. Troy, Jr., of the situation and he, in his usual thoughtful and helpful way brought the matter to my attention.

Through the cooperation of the Joint Armed Forces in the Pentagon, we succeeded in having both the Army and the Air Force contribute their facilities for the successful culmination of this effort. The Army provided transportation to McGuire Air Force Base and from there the Air Force took over. The parcels were airlifted to Malstrom Air Force Base in Montana and then delivered to Browning.

I would like to commend the Army and the Air Force for their helpful response and extend my enthusiastic congratulations to this Cub Scout Pack for a job well-done.

The compassion and dedication of these boys confirms a deep feeling of confidence in our youth. They typify young America at its best.

I have met with these boys, and with many of their proud parents, and I know of the tremendous satisfaction they all derive from this commendable achievement. I trust it will inspire more good deeds.

I am proud, indeed, of these wonderful young constituents, the members of Cub Scout Pack 216, Bellerose, N.Y., each of whom contributed so valuably to this worthy cause, and each of whom deserve individual recognition. They are:

Den 1: Peter MacKenna, Harvey Schroeder, Stephen Orderman, Raymond Pickett, Russell Becker, Warren Becker, and Richard Goodale.

Den 2: Chris Richardson, Thomas Hacker, Ernest Nick, Jeffrey Clinton, Kenneth Redond, Douglas Stormont, and John Lukas.

Den 3: John DeRosa, Paul Schug, Robert Rey, James McQuade, Richard Wolf, Wayne Palis, Jack Wilcox, Eric Hartcorn, and Michael Havrylkoff.

Weblos: Charles Schug, William Fallon, Robert Mandell, Donald Lukas, Fred Hawseker, James Kelly, James Mason, John Voss, Andrew Laga, and Philip Hanson.

Den 7: Patrick Dennehy, Michael Burns, James Kaiser, Mitchell Drenckhahn, Walter Voss, and Bruce Schmitt.

Boys who have gone on to Boy Scouts: Scott Kimmins, Chris Poje, Craig Stormont, Ron Krauss, and Robert Hoffelder.

It would be remiss if appropriate tribute was not paid to the adult leaders of the pack who did so much to inspire and encourage the boys. In particular I wish to commend Cub Master Charles Garrison, and assistant Cub Master Nathaniel Tooth. And, of course, I cannot even begin to express due appreciation and admiration to Mrs. Audrey Tooth for her stintless efforts and to the other dedicated Den Mothers who helped so much to make this remarkable feat possible—Joan Dennehy, Rosemarie MacKenna, and Ruth Richardson.

LEGISLATION TO SETTLE QUESTION OF "POCKET VETO" POWERS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. CELLER. Mr. Speaker, on Wednesday, March 17, 1971, Congressman William M. McCulloch, ranking minority member of the Committee on the Judiciary, joined me in introducing H.R. 6225 to spell out the "pocket veto" powers of the President.

During the 5-day Christmas recess last year, the President withheld approval of two bills which were not returned to the Congress to permit reconsideration. The action was characterized as a "pocket veto" under article I, section 7, of the Constitution.

Although the constitutional provisions appear clear and complete, experience shows them to contain a number of ambiguities. Moreover, the judicial construction of the constitutional requirements appear inadequate. It is remarkable that despite the importance of the issues to the distribution of powers between the executive and legislative branches, to date there has been no legislative implementation of the intent of the framers. The bill which I introduce furnishes basic definitions and a modus operandi to dispel doubts and confusion the veto provisions have raised.

Under the bill, the term "adjournment" is defined to mean the sine die adjournment by both the Senate and the House of Representatives terminating a session of the Congress. If enacted into law, the bill would require the President to return disapproved legislation to the Congress until the last constitutional opportunity to reconsider such legislation has expired.

The power to veto grants to the Chief Executive a significant role in the legislative process. Its exercise affects the distribution of powers under the Constitution between Congress and the executive branch. Although constitutional provisions dealing with the veto power appear complete and clear, experience shows them to contain a number of latent ambiguities. Moreover, judicial construction of the constitutional requirements appears inadequate. In the 91st Congress the President withheld his approval of two bills—S. 3418, the Family Practice of Medicine Act, and H.R. 3571, a private bill authorizing the Foreign Claims Settlement Commission to consider a dispute—which were not returned to the Congress to permit reconsideration. The "pocket vetoes" occurred during the 5-day Christmas recess which was said to constitute an "adjournment" in the constitutional sense.

Article I, section 7, of the Constitution provides:

> If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

It is remarkable that despite the importance of these issues to the distribution of powers between the Congress and the executive branch, to date there has been no legislative implementation of the intent of the framers. The bill which I introduce furnishes basic definitions and a modus operandi to dispel doubts and confusion the veto provisions have raised. Primarily, the bill seeks to define the term "adjournment" to mean the sine die adjournment by both the Senate and the House of Representatives terminating a session of the Congress. If enacted into law, this bill would require the President to return disapproved legislation to Congress until its last constitutional opportunity to reconsider such legislation has expired. The bill also deals with a number of other matters. For example:

> It authorizes officers of the House and the Senate so designated to receive bills returned by the President prior to adjournment while the body is not actually in session.
>
> It makes clear that a President may approve or veto legislation submitted to his predecessor. This will state legislatively the practice originated by President Truman shortly after taking office upon the death of President Roosevelt. It also would apply where an outgoing President does not approve legislation presented to him less than ten days before the end of his term.
>
> It states legislatively that the President's authority to approve legislation is not affected by the adjournment of Congress. This adopts a 1932 Supreme Court opinion which overcame a custom that had existed for almost 150 years.

The purposes of this legislation are to furnish clarity and give guidance to the operation of the veto provisions. It is a bipartisan effort and I welcome the support of the ranking minority member of the committee, the gentleman from Ohio, Congressman WILLIAM M. MCCULLOCH, in this endeavor.

AN ALTERNATIVE TO THE TRANS-ALASKA PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DINGELL. Mr. Speaker, there was recently brought to my attention a paper presenting compelling arguments as to why a pipeline through Canada would be far preferable to the proposed trans-Alaska pipeline. The paper, entitled "An Alternative to the Trans-Alaska Pipeline: Comments on the Draft Environmental Impact Statement for the Trans-Alaska Pipeline," was prepared by Prof. John Bardach, School of Natural Resources, University of Michigan, and Dr. Robert H. Williams, assistant professor of physics and research associate for environmental quality, University of Michigan. So that my colleagues may have an opportunity to be aware of the views of these outstanding scholars, I include the text of their paper, together with the text of several supporting articles cited therein, at this point in the CONGRESSIONAL RECORD:

AN ALTERNATIVE TO THE TRANS-ALASKA PIPELINE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE TRANS-ALASKA PIPELINE

(By Prof. John Bardach and Dr. Robert H. Williams)

In the draft environmental impact statement of the Department of Interior alternatives to a pipeline from Prudhoe Bay to Valdez for transporting oil from the Alaskan North Slope to U.S. markets are not favored. In particular, the alternative pipeline route through Canada is dismissed as impractical since it would "require special international arrangements and would result in a supply which is not wholly within the control of the United States." Yet, even the Trans-Alaska pipeline must be regarded as a Canadian-American problem since oil reaching Valdez would be shipped via tankers along Canada's west coast to U.S. markets. Canadian external affairs minister Mitchell Sharp has recently indicated that Canada is concerned about the danger of oil spills in Canada's coastal waters; and Canadian minister of energy, mines, and resources, J. J. Greene, who feels the U.S. oil industry was too hasty in its decision to ship Alaskan oil by sea, has suggested that shipment of oil from the Alaskan North Slope via a Canadian pipeline would be less expensive and more practical than the Prudhoe Bay-Valdez-sea route currently under consideration (*Wall Street Journal*, Feb. 16, 1971).

We shall here point out briefly some edaphic, ecologic and economic factors which indicate that the Canadian alternative route should be given serious consideration before any decision is made regarding the transport of North Slope oil. The Canadian alternative route we shall consider extends from Prudhoe Bay south and east (through a corridor south of the Arctic National Wildlife Range and north of the Brooks Range) to Fort McPherson near the Mackenzie River, up the Mackenzie River Valley, or parallel to it, into Alberta, to Edmonton, and from there to midwest U.S. markets.

(1) TOPOGRAPHICAL CONSIDERATIONS

The first argument we offer favoring the Canadian route is its relative topographical uniformity; engineering solutions to ecological problems will therefore be more easily found. As pointed out by L. A. C. O. Hunt, chief of the Northern coordination division of the Canadian Department of Indian Affairs and Northern Development, "The Mackenzie Valley pipe has no mountains to cross. There's a natural grade all the way into Edmonton." (Science News, May 2, 1970). In fact, for a substantial part of its extent (from Fort McPherson to Fort Simpson in the Mackenzie River Valley), the pipeline could likely be built on a hard, stable substrate of gravel or granite. (In the river valley, care must be taken to substantially remove the pipeline from the river's edge, and mechanical safety features must be provided so as to minimize the risk of spillage to aquatic life.) If the route were to follow the river from Fort Simpson to Great Slave Lake, it would be somewhat more difficult to engineer, but from this point south into Alberta and down to Edmonton the route should be manageable.

Consideration might also be given to placing the route in a relatively straight line to the East of the Mackenzie so as to take advantage of terrain and substance which might pose fewer permafrost problems and of the essentially tree-less conditions there. (The Mackenzie River would then have to be crossed twice, but substantial river crossings were also to be provided on the Prudhoe Bay-Valdez route.)

(2) SEISMIC ACTIVITY

In the draft environmental impact statement it is pointed out that several major faults occur in the seismically active area traversed by the proposed trans-Alaska pipeline route and that, in particular, secondary faulting accompanying the Prince William Sound (near Valdez) earthquake of 1964 produced more than 18 feet of vertical surface displacement! It is highly unlikely that the proposed Alaskan pipeline could withstand shocks such as have occurred along this route in the past.

In contrast, the Canadian route traverses a seismically stable corridor for nearly all of its extent. Accompanying this statement is a map showing epicenters for all earthquakes with magnitudes greater than 4.5 on the Richter scale which have occurred in the Alaskan-Canadian area of interest over the last ten years, with the alternative pipeline routes superposed. It is clear that the Canadian route is overwhelmingly preferable from the point of view of seismic activity.

(3) ECOLOGICAL FACTORS

Because of the emergence of Canadian Shield formations and the prevalence of gravel and rubble along and near the Mackenzie, larger sections of the line may be buried than on the Prudhoe Bay-Valdez route. In addition, the tree-line dips from the Northwest to the Southeast, with Great Slave Lake almost at the edge of it. There is less large wildlife in the tree-less flat to rolling Canadian tundra than there is in predominantly tree-covered, mountainous Alaska. Impacts on vegetation and terrestrial wildlife would be reduced, though not eliminated, as the Northwest Territories also have their migrating caribou herds and their bird breeding grounds. However, the main seasonal caribou migration routes are from south to north, and south again; in other words, parallel to the proposed pipeline rather than crossing it. Also, caribou routes are known to shift occasionally, with more leeway existing for such route alterations in the flatter terrain of the Territories than in the mountainous regions of Alaska.

(4) ECONOMIC FACTORS

We have already pointed out that ecological threats attendant on potential oil spillage in the sea clearly pinpoint trans-Alaska oil transport and the subsequent shipping as an international problem involving both Canada and the United States. There are also economic reasons why the development of Arctic oil resources should be carried out as a joint Canadian-American effort—and these economic factors favor the Canadian pipeline.

As shown in the accompanying resource map, vast regions of the northern portions of both Alaska and Canada are underlain with rich oil reserves. In particular, the entire Mackenzie River Valley lies in this potential oil-bearing region. Currently, Canadian oil exploratory activity flourishes near the mouth of the Mackenzie river. In fact, Bechtel Corporation, operating for a consortium of Canadian oil and pipeline companies already plans to build its own pipeline from the Mackenzie Delta to Edmonton (*Science News*, May 2, 1970). A logistical consideration for building this pipeline to transport Delta oil to markets is that it would traverse the potentially oil-rich Mackenzie Valley thus picking up any intermediate oil discovered so as to enhance the economics of oil exploitation on the coastal plain (*World Petroleum*, January, 1969). It appears highly likely that the Canadian oil pipeline will be built regardless of whether or not the Alaska pipeline is approved.

More advanced is the planning concerned with the pipeline transport of natural gas from Prudhoe Bay through Canada and on to U.S. markets. Several consortia are competing for Canadian government approval of their proposals to build such a gas pipeline. The Canadian government has indicated that it will allow only one such gas pipeline to be built through its territory initially (*The Oil and Gas Journal*, August 31, 1970).

It is highly likely that a Canadian gas pipeline from Prudhoe Bay will be built in the near future and that a Canadian oil pipeline from the Mackenzie Delta will be built soon thereafter. These pending developments together with the here-proffered edaphic, seismic and ecological considerations favoring the Canadian pipeline route should encourage the U.S. to seriously examine the feasibility of cooperating with Canada in transporting North Slope oil via this alternative route. As we have pointed out, Canadian officials have already expressed interest in such an arrangement (*Wall Street Journal*, February 16, 1970).

Finally, if taking account of national emergency contingencies really favors early development of the North Slope oil resources, one would expect such considerations to be part of a national energy policy. In turn, one would expect that such plans would be conceived on a continental rather than a strictly territorial basis, especially as Canada with her rich northern oil and gas reserves lies interposed between Alaska and the 48 States of the Union; even this consideration favors the joint development by the USA and Canada of means to transport southward Northern Slope and Mackenzie Delta oil.

[From the Wall Street Journal, Feb. 16, 1971]

CANADA WANTS PIPELINE

OTTAWA—Mitchell Sharp, external affairs minister, reaffirmed that the Canadian government wants a gas and oil pipeline built to transport Alaskan North Slope oil through Canada to the contiguous U.S.

Mr. Sharp said Canada is concerned about the risk of tanker accidents that could cause pollution along the Canadian west coast.

Last week, J. J. Greene, minister of energy, mines and resources, said the U.S. oil industry was "too hasty" in its decision to ship Alaskan oil by sea.

Mr. Sharp discussed Mr. Greene's comments during the House of Commons question period in Mr. Greene's absence.

Last week, Mr. Greene said shipment via a Canada "land bridge" pipeline would be less expensive and more practical than piping the North Slope oil from Prudhoe Bay to Valdez, Alaska, and then shipping it by sea to receiving points in the U.S. Northwest.

Mr. Sharp yesterday said he hoped "public opinion" about the dangers of pollution in both the U.S. and Canada would force the U.S. oil industry to drop its sea-shipment plan.

Under guidelines adopted by the Canadian government last year, just one oil and one gas pipeline could be built down a "corridor" to be established after studies are completed on the probable ecological effects on the Canadian north.

[From the Oil and Gas Journal, Aug. 31, 1970]

NORTHERN DROPS NWT; GOES FOR SLOPE

Northern Natural Gas Co., Omaha, has dropped plans for a big-inch gas trunk to the Northwest Territories and hitched its star to the larger Alaska-U.S. multicompany project proposed by Alberta Gas Trunk Lines Ltd.

Consolidated Natural Gas Ltd., Calgary, Alta., a subsidiary of Northern Natural, originally planned to build a 1,700-mile line from the southern part of the Northwest Territories to connect with Northern facilities in Minnesota. But the plan was dropped when development in this area lagged and "would not support a large project at this time."

The 48-in line proposed by Alberta Gas Trunk from Prudhoe Bay would connect with that firm's existing facilities northwest of Edmonton. A line already proposed by Northern Natural—and awaiting regulatory decisions—would pick up the gas from Alberta Gas Trunk at Empress, Alta., near the Saskatchewan border and move it on to North Branch, Minn. This segment would tie into existing Northern lines and displace gas which would be diverted through another proposed pipeline from Des Moines, Iowa, to western Ohio—and eventually to the gas-starved Eastern Seaboard.

The grandiose scheme would cost approximately $2 billion, require at least 3,000 miles of pipeline, involve at least two consortiums, and need the approval of Canadian and U.S. regulatory authorities.

The Canadian Government has said it won't allow more than one natural-gas pipeline to be laid through its territory initially. The line project is thus in direct competition with two other proposed Far North projects.

One, the Northwest Project Study Group, is a combine of TransCanada Pipe Line Ltd., Atlantic Richfield, Humble Oil & Refining, Michigan Wisconsin Pipeline, and Natural Gas Pipe Line Co. They said they will spend $12 million to investigate the potential of a $2.5-billion pipeline to carry natural gas from Prudhoe Bay to markets in Canada and the U.S.

Bechtel Corp. and West Coast Transmission Co., meanwhile, are studying the possibility of a $1.2-billion line from Kingsgate, B.C., on the Canada-U.S. border, to Prudhoe Bay via Fort Liard, Northwest Territories.

Herbert M. Sampson, vice-president of Northern and president of Consolidated, said "before this announcement was made the producers (on the slope) made it clear that the study group had nothing to do with the dedication of their Alaska reserves." Humble, Atlantic Richfield, and Sohio are producers on the slope.

The first leg of the Alberta Gas Trunk-Consolidated et al line, Sampson says, would begin at Prudhoe Bay and stretch 300 miles to Canada's Yukon. This segment would involve a consortium of American companies which hasn't yet been formed.

The second and longest leg (1,700 miles) would strecth from the Alaska-Canada border, through the Yukon, Northwest Territories, and connect with Alberta Gas Trunk facilities northwest of Edmonton.

It would be built by a group of Canadian companies headed by Alberta Gas Trunk.

Albert Gas Trunk would lay some line and add horsepower heavily to move the gas 800-900 miles through its system to Empress.

Northern would lay the final segment of the trunk on to North Branch, Minn.

Sampson says the pipeline could move 1.5 billion cfd by 1975, 3 billion cfd by 1980, and 4.5 billion cfd at ultimate capacity. In addition to the estimated $2-billion cost for the North Slope to North Branch facilities, Sampson says it would cost another $200 million to lay the Des Moines to Ohio segment.

However, he says, the Des Moines-Ohio leg would cross eight of the biggest lines in the U.S. From Ohio, he indicates that it would be no problem getting a hookup to the East Coast.

He estimates that the gas could be delivered at the Ohio border for roughly 65–75¢/Mcf—with the price decreasing 1½¢/Mcf for each 100 miles back to Des Moines.

The new line would take advantage of increased drilling in Alaska, Sampson says, in addition to being available for some 3 trillion cu ft of gas already contracted to Consolidated in Alberta. He says the North Slope already has about 20 trillion cu ft of proved reserves.

Alberta Gas Trunk plans to file application with Canada's National Energy Board late this year for its portion. Sampson says discussions have been held with the Federal Power Conmission on the project, and the FPC is "extremely interested."

Hearings on the 900-mile Empress-North Branch pipeline have been completed before the NEB and FPC. Consolidated will build the Canadian portion and Northern will build the U.S. portion. Both firms are awaiting decisions and plan to have the line operational by 1971.

[From Science News, May 2, 1970]

CANADA'S BID FOR ARCTIC OIL

(By Warren Kornberg)

There is only one place in the Western Hemisphere where anybody has laid a section of 48-inch pipe on frozen tundra and run hot oil through it just to see what would happen.

It is not, as might be expected, in Alaska, where an international consortium of corporations appears eager to run such a pipe over hundreds of miles of permafrost on the way from the Prudhoe Bay oil fields to the ice-free port of Valdez (SN: 4/18, p. 389). It is rather 400 miles east, at Inuvik in the heart of the delta of the Mackenzie River on the Beaufort Sea in the northwestern corner of Canada's Northwest Territories.

Since early March there, engineers of the Bechtel Corp., operating for a consortium of Canadian oil and pipeline companies under a $2 million contract, have been running 7,000 barrels of heated oil in an endless loop through 850 feet of 48-inch insulated steel pipe. Half of the pipe burrows through an experimental perm or mound of earth and gravel; the other half completes the loop back to the storage tanks suspended above the snow-covered tundra between wooden piles driven deep into the permafrost. The loop is constantly monitored for temperatures in the oil and the ground below, as well as for vibration, flow rates and strains on the pipe itself.

Beneath the pipe is 18 inches to three feet of the permafrost's active layer, the region of silt and ice that thaws and freezes with air temperatures that average 14 degrees F. and can hit a summer high in the 50's. Below that, perhaps for 1,000 feet, is the permafrost: the permanently frozen deposits prevented by an insulating surface mat of a lichen called taiga from ever going above about 27 degrees.

Destroy the mat or reduce the insulating quality of the active layer, and the permafrost begins to melt to whatever depths the temperatures demand.

None of the Bechtel test pipe is buried in the permafrost. It was originally intended to run a second loop, perhaps with part buried. But the effect of buried pipe carrying oil at some 160 degrees F. is a foregone conclusion. It would melt the kind of ice and silt permafrost that underlies the Mackenzie Delta and the Alaskan sedimentary basin as well, not only creating a massive bulb-shaped sump but endangering the support of the pipeline itself.

The test loop of the Mackenzie Valley Pipeline Research Group has been operating only a fraction of the 6 to 12 months it is scheduled to run. But some results are already in, and a preliminary report has gone out to the backers.

As might have been expected—privately oilmen are calling the experiments an exercise in public relations, a demonstration of sincerity or a kind of engineered self-fulfilling prophesy—no serious effects on the environment within the limits of the tests have been detected; the test's designers intended to demonstrate the feasibility of the project.

Predictably, the pipe in the gravel perm gave up more of its heat to the frozen ground two to five feet below than did the suspended pipe. And some thaw temperatures as far down as the permafrost layer have been recorded.

But by and large, Bechtel is reported to have informed its sponsors, one way or another, there doesn't seem to be any reason why they can't go ahead and do what they want.

What they want is to build their own pipeline: a string of 48-inch steel pipe from the Mackenzie Delta 1,600 miles—twice the length of the proposed Trans-Alaska Pipeline System—down the relatively gentle Valley of the Mackenzie to Edmonton in Alberta, for transport south into the oil-and-gas-hungry United States markets in the East and Midwest. Almost all of the route is over Canadian permafrost.

Ostensibly the Canadians have an eye on the Prudhoe Bay oil. They don't believe the Trans-Alaska pipeline will ever be built. If the tundra, permafrost, Eskimos, caribou, conservationists and the U.S. Department of Interior don't stop it, they feel, the mountain ranges between Prudhoe Bay and Valdez surely will. Or the plan will come apart against the costs of building TAPS, transshipping to tankers at Valdez and building another massive pipe east across the western United States to move the oil to market.

"The Mackenzie Valley pipe," says L. A. C. O. Hunt, chief of the northern coordination division of the Canadian Department of Indian Affairs and Northern Development, "has no mountains to cross. There's a natural grade all the way into Edmonton. It's a way to bring competitive oil to the East Coast where it's needed to compete with foreign crude." He and his countrymen are proposing a short link of pipe from Prudhoe to the delta, and then south in the Canadian pipe.

Shipping oil from an American source to an American market via a foreign carrier is currently in violation of American law. "The Jones Act (which protects American carriers) will have to be changed," says Hunt.

This is apparently part of Canadian national policy in the continental energy policy negotiations currently going on between Canada and the United States.

It is echoed not only by Hunt in Ottawa, but by Commodore Owen C. S. Robertson in Montreal and Richard M. Hill, director of the Canadian Government's laboratories at Inuvik. Robertson is an Arctic specialist and consultant on Arctic navigation to both the Canadian and United States Governments; he skippered the first ship through the Northwest Passage, the icebreaker Labrador in 1954, helped plan the cruises of the Nautilus and the Manhattan, and was in charge of the cruise of the nuclear submarine Seadragon through the Passage under the Arctic ice. Hill is also mayor of Inuvik and, like most Canadian officials concerned with the north, is swept up by the present Arctic oil fever.

Canada wants not only American oil in the Mackenzie Valley pipeline, but relaxation of United States barriers to imports of Canadian oil, which President Nixon recently stiffened.

Canada has other aces in the hole.

She is claiming jurisdiction, if not sovereignty, over the Northwest Passage and other waterways among her Arctic islands (SN: 4/25, p. 420).

And she believes she has the only protected harbor on the Beaufort Sea, bordering both Alaska's North Slope and the Canadina Arctic: Herschel Island, near the Alaska boundary.

Not only do the Canadians feel that the troubles TAPS is facing (SN: 2/14, p. 177) will force the North Slope oil companies to come through Canada to ship by pipe. But they will have to come through Canada, by way of a Herschel Island oil terminal, to ship by sea as well, whether by surface or submarine tanker.

Commodore Robertson, for instance, from what he knows of wind-driven Arctic ice, virtually defies the Americans to ship oil off the Alaskan littoral. Any port or marine terminal there would be unsheltered from the full force of the wind blowing down across the Beaufort Sea from the Pole.

"It's not current that moves ice," he observes "it's wind." He anticipates that any efforts to build a protected offshore terminal could cost as much as projected $1.5 billion costs of TAPS itself, and then might not provide adequate shelter.

The only feasible alternative, as he sees it, is Herschel Island, which is further east and under the lee of the Arctic islands.

"For an oil terminal," says Robertson, "the Americans are going to have to come to us." And Ottawa is sufficiently convinced of the inevitable demand for a sheltered oil terminal that it has committed $500,000 to a study.

But Herschel Island, like the Mackenzie Delta, is across the Alaskan-Yukon international boundary. in Canada. Any pipeline link to it from Prudhoe would have to cross Canadian soil, on the way to the United States market, in violation of the Jones Act.

"The Jones Act," says Robertson, echoing Hunt, "would have to be changed." And Canada would have to become a full partner in continental energy policy, rather than a source of reserves to be turned on and off at the whim of domestic United States politics.

[From the World Petroleum, January 1969]

ALASKAN OIL DISCOVERY RESHAPES CANADIAN EXPLORATION PATTERNS

Oil exploration emphasis in Canada has taken a significant change of direction since the possibly gigantic Prudhoe Bay discovery on the Alaska North Slope.

The main lines of effort now appear to be established in four directions. These are: (1) an outburst of excitement about the Arctic mainland along the coastal plain east of Alaska, especially around the Mackenzie River Delta; (2) slightly less enthusiasm about the Arctic Islands; (3) an accelerated program of offshore drilling on the Pacific Coast and assurance that the drilling program on the Atlantic Coast will be carried out as planned; and (4) the probability that the Athabasca oil sands will retreat into the background.

In spite of the geographical separation of some of these areas, there is a common denominator which ties them together. This is the possibility they hold for early discoveries and the availability of profitable markets if oil is found.

Oil is the only attractive discovery prospect for the near or medium term. Natural gas would have little attraction because of the extreme distance to markets, except possibly off the Atlantic Coast.

Prudhoe Bay has been a catalyst for Canadian oil plans in two ways. One is the virtual certainty that Prudhoe is a very large reserve, even on the basis of the geological interpretation of the two wells seven miles apart. This is going to have a pronounced impact on the marketing of Canadian crude in the USA Pacific Northwest.

Atlantic Richfield Co., for example, has already announced plans to build a 100,000 b/d refinery near Bellingham on Puget Sound to run crude from Alaska. ARCO also is planning early construction of a crude oil pipeline across the Brooks Range in eastern Alaska to tidewater at Anchorage on Cook Inlet. This will give Prudhoe Bay oil convenient access to the entire Pacific Coast.

The second point is that the geological conditions on the North Slope are believed to be duplicated along the Canadian Arctic coast, probably in the nearby continental shelf and possibly farther out to the east and northeast in the Arctic Islands.

If a large discovery is made on the Canadian side, it can feasibly be moved to market through a pipeline system extending up the Mackenzie River and routes farther south to connect with the Interprovincial pipeline in Edmonton.

USA MARKET

The political element in the marketing of Canadian crude is an important feature of such a plan.

It is well known that guide-line directives are arranged by inter-governmental consultation as well as by consultation with the refiners situated within economic range of Canadian crude supply, setting periodic quotas for Canada. However, these figures are relatively flexible and in every year since the informal consultative system has been operating the actual exports of Canadian crude to the USA have exceeded the stipulation.

In setting the regional allocations, the Puget Sound market has always been considered a Canadian preserve. Until Cook Inlet oil production became a significant quantity last year, Pacific Northwest refineries were running almost exclusively Canadian crude obtained through the Trans Mountain pipeline.

This situation is changing because of the need for Cook Inlet producers to find a market. So far, the impact on Puget Sound refiners has been less than forecast last winter. Nominations for Alberta crude for January are around 145,000 b/d, not much off the long-term average.

However, there is a good prospect that the oil pipeline to Cook Inlet from North Slope may be completed as a crash program by the end of 1969 or through the winter of 1969–70. Engineering design work is moving at a fast pace. Evaluation drilling programs around Prudhoe Bay this winter will be extensive.

ARCO said recently that North Slope oil probably will not move south before 1972. But even this later date is not far off, and it is likely that Puget Sound refiners will relatively soon give up a substantial proportion of the supply they now draw from Canada.

Such a swing will give Canadian quota negotiators a logical argument for pressing to have the loss of market in Puget Sound made up by diversion to the District II USA Middle West market. This not only has a political foundation, but it would satisfy the Great Lakes area refiners which are anxious to draw more of their feedstock from Canadian sources and have been clamoring for larger allocations all through 1968.

It is possibly significant that Interprovincial Pipe Line Co. is building the extension of its USA main line loop from the Chicago area to Sarnia, south of Lake Michigan, in 1969, instead of waiting until 1970 as projected originally. This will enable it to carry oil into Chicago at lower cost, as part of a through stream to Sarnia, than would be possible through the Superior-to-Chicago extension alone.

Most analysts believe that Capline, which is now moving Gulf Coast crude to Illinois, is not a competitor of Inter-provincial for supply of oil to Middle West markets, but rather that both pipeline systems have tremendous growth potential.

It thus becomes realistic to think of Chicago as an outlet for Mackenzie Delta oil through an extension of the present Canadian pipeline network to the Arctic Coast, even though the distance from Inuvik at the mouth of the Mackenzie to the Interprovincial terminus at Edmonton is almost as great as the distance through the Inter-provincial pipeline from Edmonton to Chicago.

FAR NORTH SEARCH

This is the market background against which any program of exploration in the far north must be appraised for economic feasibility in the event of discovery. It was apparently one factor in stimulating several major and a number of minor oil companies to bid a total of $13 million in cash bonuses and work commitments for exploration permits checkerboarded over the northwestern Arctic mainland in a Federal Government Crown reserve sale on October 31.

Some acreage in the Delta area went $15 an acre cash bonus, in contrast to its availability for filing fees only, with no cash bonus, before the Prudhoe Bay discoveries.

There is one compelling reason why the Arctic mainland, rather than the Arctic Islands, is likely to be the best prospect for the near-term future: a high proportion of the acreage is held by major integrated companies with powerful international affiliations, which have the greatest measure of bargaining power in efforts to place any oil production on the market.

Practically every acre of land for some 300 miles along the coastal plain, from the Alaska border to a point 200 miles east of Inuvik, and extending for a considerable distance offshore, is occupied by permit holders, to the extent of some 16 million acres.

Imperial Oil Ltd., a subsidiary of Jersey, has a huge swath along the coast and well out under the ocean, starting within 50 miles of the Alaska border and terminating at Liverpool Bay near the eastern border of Yukon Territory. Its acreage also extends far up the Mackenzie River. These holdings constitute a very large proportion of the prime oil search lands.

Elf Oil Exploration Co. Ltd., a subsidiary of the French Government companies, has a large block, mostly onshore, at the northeastern edge of the play. The British American Oil Co. Ltd.—now Gulf Canada Ltd.—has a large block in the eastern portion of the Mackenzie Delta and another offshore from the Delta beyond Imperial's spread.

Shell Canada Ltd. has a big block covering the central and western Delta and extending up-river for some distance on the west side. It also has extensive holdings to the east of the Delta, in the southeastern portion of the coastal basin. Atlantic Richfield, one of the partners in Prudhoe Bay, has a block, largely offshore, tight against the Alaska border and running for nearly 50 miles along the Yukon Coast.

Few geologists are prepared to say categorically that the mainland and the nearby continental shelf offer much better prospects than the Arctic Islands. But the weight of evidence from major company activity supports the theory that the mainland region offers better immediate incentive for exploration and drilling than the Arctic Islands play put together by the participants in Pan Arctic Oils Ltd.

There are several mechanical factors which would give preference to the coastal region, even if geological prospects are given equal value. Transportation by pipeline is quite feasible, both physically and in terms of cost, from the coastal plain.

Tanker transportation is a chancy proposition, especially from the Islands where ice conditions are severe and access to many locations may not be possible in some years even during the nominal short season of open water.

Drilling through the winter is relatively easy on the coastal plain. In the Arctic Islands it has not yet been found feasible, due to high winds combined with extremely low temperature. Pipeline connection from the Islands might be physically feasible along the ocean floor, but the distances are very long and the cost per mile considerably higher than for an onshore pipeline.

In any case, the Pan Arctic drilling program cannot start until next summer. In contrast, there will be at least 10 and possibly up to 15 drilling rigs at work in the coastal plain this winter, compared to one rig last winter.

There is another logistical consideration, too, which is of considerable significance. This is the continuity of the great sedimentary basin up the Mackenzie Valley from the Arctic coast past the Norman Wells oil field to the northern Alberta oil region. A pipeline up the valley would be in a position to pick up any intermediate oil discovered. This in turn enhances the economics of exploitation of the coastal plain.

OVERALL SPENDING IS UP

The shift of exploration expenditures of the northwestern mainland has been noticeable. Last year, Canadian operations in that region accounted for $28 million. This year's outlay is expected to come close to $100 million and 1969 should be more than $150 million, with virtually the sky as the limit if a major discovery occurs this winter.

Geologists interpret the Canadian coastal plain as a continuous extension of the Alaska coastal plain and think that the Triassic and Mississippian formations should be found productive, as well as possibly the Lower Cretaceous sands in which shows of oil and gas occurred in the wildcat drilled two years ago to 12,000 ft on Richards Island in the Mackenzie Delta.

The same exploration team that drilled this well, Shell, B–A and Imperial, is now putting down another deep test wildcat as an extremely tight hole in the Delta.

Horseback estimates of potential oil capability on the Canadian coastal plain run from 50 to 150 billion barrels of ultimate reserves, an enticing target.

OTHER PROSPECTS

This volume of oil is small compared to the estimated 600 billion barrels of recoverable oil in the Athabasca oil sands, but oil in the Arctic would lack the many technical problems surrounding oil sands production.

Shell Canada has announced its withdrawal from the immediate oil sands exploitation contest by dropping its application for a commercial permit. The decision was especially significant because of Shell's preferred position on the list of applicants, being first in line after Syncrude. Shell cited as major reasons the Arctic prospects and its intentions to concentrate more heavily on West and East Coast offshore drilling.

Shell will continue its drilling program in Hecate Strait between the British Columbia main land and the Queen Charlotte Islands, in which it had completed 10 dry holes and spudded the eleventh at the beginning of November.

Shell is also moving full speed ahead with construction of a second offshore drilling platform, twin of its Pacific coast platform, in a Halifax shipyard. The company will carry out an extensive wildcatting program in the Gulf of St. Lawrence off the Nova Scotia shore, where it has a big spread of subsea exploration permits.

With Shell definitely out of the oil sands picture for the near term, and three of the four participants in the Syncrude group (Atlantic-Richfield, Cities Service, Imperial Oil and British American) deeply involved in the Arctic, the outlook for any further efforts to exploit the oil sands beyond the pending Syncrude project appears quite remote.

On the East Coast, a major oil discovery would find an immediate market in the Atlantic Provinces, where two major refineries and one smaller plant operate exclusively on imported crude. If large enough, it could invade the Montreal market now held by imported crude.

On the West Coast, with Shell the blanket permit holder, an oil discovery could make British Columbia self-sufficient—it now has a gap of about 40,000 b/d between internal production and consumption—and perhaps retain some of the Puget Sound market where Shell has a refinery at Anarcortes.

DISTRICT CHILDREN ARE GIVEN INSTRUCTION IN NATIONALISM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. GAYDOS. Mr. Speaker, in a time when it has become commonplace for a radical minority to defile the Nation's flag in immature, arrogant, and insolent display of dissent, I take the greatest pride and pleasure in calling to the attention of the Congress two women who seek to instill in youngsters a love of our country and our flag.

I am referring to Mrs. Marie Stewart, of Munhall, Pa., and Mrs. Dolores Sebastian, of Dravosburg, teachers in the Mifflin Elementary and Junior High School and residents of the 20th Congressional District of Pennsylvania. Mrs. Stewart teaches the ninth grade in the school; Mrs. Sebastian the sixth. But they do more than instruct their students in classwork, they encourage and develop in them respect for America, its flag and its national symbols. They have been cited for their efforts by the Freedom Foundation in Valley Forge.

Unfortunately, public recognition and appreciation of patriotic endeavors too often is missed because of the violent acts of the irresponsible, irreverent minority. Therefore, I was most gratified to see public attention focused on the work of Mrs. Stewart and Mrs. Sebastian through an article written by Douglas Smock, staff writer for the Pittsburgh Post-Gazette.

I am inserting Mr. Smock's story in the RECORD and I urge my colleagues to read it. I am sure when they have, they will join me in commending these two fine women and holding them up to the Nation as true examples of true Americans.

DISTRICT CHILDREN ARE GIVEN INSTRUCTION IN NATIONALISM

SPLASHING OF U.S. SYMBOLS IN CLASS EMPHASIZES PATRIOTISM

(By Douglas Smock)

News casts flash scenes of American youths burning the Stars and Stripes.

"And I wonder have I been doing everything that I could do?" asks Marie Stewart, head social studies teacher at Mifflin Elementary and Junior High School in Lincoln Place.

Lack of respect for national symbols and a general decline in patriotism have prompted Mrs. Stewart and a colleague at Mifflin school, Mrs. Dolores K. Sebastian, a sixth grade teacher, to revive patriotism instruction.

9TH GRADE ASSEMBLIES

Mrs. Stewart encourages students to participate in ninth grade graduation assemblies featuring patriotic themes.

"I present patriotism to the students because I feel that I have to. I feel that we need it," Mrs. Stewart, a city schools teacher for 20 years, said.

"Our assemblies used to have other themes, like the family, but in the last few years, it's always been patriotism," she said.

Mrs. Sebastian, whose class displays include large presentations of American symbols, said: "We kind of splash with it (patriotism). More places should be doing this."

In the heavily industrial Lincoln Place district, located in the southeastern corner of the city next to West Mifflin, rebellious movements haven't been strong, the teachers said.

"In my 16 years as a teacher, I've only had one student who wouldn't salute the flag," Mrs. Sebastian said.

But the students, like the 10-year-old who wouldn't salute the flag, aren't pressured to conform, she said.

"We just tried to create an atmosphere to make him appreciate America," Mrs. Stewart, who had the student in a later grade, said.

And the teachers said feelings toward patriotism among their students haven't changed much in recent years.

CRITICISM DEVELOPS SLOWLY

Critical attitudes toward their country don't really develop in students until the ninth grade, though, they said.

"Ninth graders are beginning to resent what is facing them," Mrs. Stewart said.

She said, however, that they are still enthusiastic to perform in class assemblies with heavy patriotic overtones.

Mrs. Stewart, of 4108 Superior St., Munhall, and Mrs. Sebastian, of 722 Pittsburgh-McKeesport Road, Dravosburg, have each won Teacher's Medals from the Freedoms Foundation in Valley Forge for promotion of patriotism in the schools.

"WE DO CARE"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. MINSHALL. Mr. Speaker, in May, 1968, a group of warm-hearted, concerned women in Fairview Park, Ohio, which I have the honor to represent, banded together to form the "We Do Care" program.

"We Do Care" is dedicated to seeing to it that Fairview Park servicemen do not feel forgotten. Mothers, wives, families, friends and public-spirited citizens meet weekly to pack boxes for these young men, mailing them home-baked goods, candy, gum, books, writing materials, grooming aids, gift items and so forth. Each man receives, through "We Do Care," a monthly newsletter, the local newspaper and a birthday card.

Offices of this splendid group are Mrs. Harriet Beekman, 22218 Spencer Lane, Fairview Park, chairman; Mrs. Marge Dickey, 20740 Eastwood, vice chairman; Mrs. Vera Petras, 20554 Stanford Avenue, secretary; Mrs. Alice Karg, Fairview Park City Hall, treasurer. I feel certain that any of these outstanding ladies would be pleased to take a moment to answer requests for information from other communities interested in organizing similar groups. I have had the privilege of addressing "We Do Care" and I can testify to the devotion they show to our servicemen during these times of great trial.

Their reward is in the enthusiastic and touching responses of the young men themselves, and I wish to share with those who read the CONGRESSIONAL RECORD the letters of thanks "We Do Care" has received for their recent Christmas packages.

I include the letters as follows:

DEAR "WE DO CARE" I would like to thank everyone for the delicious cookies and useful gifts so much. The West Life newspapers are especially appreciated. It sure is good to read hometown news for a change.

I think "We Do Care" is the best organization anyone could ever want to be a part of. Keep up the good work and say hello to Fairview Park.

Yours truly,

Pfc. JOHN GABEL.

DEAR "WE DO CARE" Your Christmas package was received in excellent condition, you've got to be one of the finest group of people in the State of Ohio.

The cookies and candy has already been shared and eaten up by the men in the company. Everything was delicious. I don't know how you packed all those goodies in that one small box. You must be a master mind!

I'm now driving a 5000 gal. tanker on convoy into the Central High Lands, my time is going by much faster than it was when I was pulling guard duty. Have you received all the forms? I have sent all of them after the package got to me.

God Bless and take care,

Pfc. DANA LANDRETH.

DEAR "WE DO CARE" I would like to take some of this space to try to express my sincere feeling of thanks to all of you back there in the world that took the time and effort to help make Christmas over here a little better. It really gives me a warm feeling in my heart to know that there are people back in the world that think about us over here other than our wives and families.

Thank you very much and a Merry Christmas and a Happy New Year to all of you back in the "WORLD".

Pfc. JAMES H. BUTCHART.

DEAR "WE DO CARE" Received my Christmas box and again I want to thank you for your sincere thoughtfulness.

I hope you all have a very Merry Christmas and a prosperous New Year.

TIM ADAMS.

P.S.—See you all when I get home!

DEAR "WE DO CARE": Thank you very much for your Christmas package. I really appreciated it. It was an outstanding package, in fact it was the best package I've ever received. I can't tell you how much I liked it. It was almost like sitting in my living room opening presents. I can always pretend.

Thanks again,

Sp 4 FRED BENSON.

DEAR "WE DO CARE": I would like to extend my warmest thanks for the Christmas package. It is good to know that you're not forgotten at home. Sometimes it is hard to put into words what goes through your mind when you get something from home. It makes that 10,070 miles from home seem short.

Again I would like to thank everyone connected with "We Do Care" for showing they do care.

Sgt. ERWIN R. HAETTICH.

DEAR "WE DO CARE": I received your package tonight and was quite surprised. I wish to express my sincere appreciation for your thoughtfulness in preparing such an elaborate package for us servicemen. I'm sure that each serviceman overseas would also like to thank you for your thoughtfulness in bringing the Christmas spirit to him.

Thank you once again and I'm sure that your consideration and care for us servicemen shall be rewarding to you.

Sincerely,

JOSEPH SCOTT.

DEAR "WE DO CARE": Received the package two days ago and was completely surprised by the contents. It was really great to receive all of the items it contained. Everything was very much appreciated. Right now I'm working both day and night in the Personnel Office, so as soon as work eases up, I'll write a couple of lines about Sekwaebisch hall.

Sp 4 LAWRENCE A. TRAFFIS.

DEAR "WE DO CARE": Thank you very much. It's nice to know that people in your own town care. Once again, thank you.

Sgt. RUSS MINERD.

DEAR "We Do Care" I want to express my sincere appreciation and say thank you to you and the We Do Care Committee for the packages that you are sending me here in Vietnam. I really appreciate the packages.

I have been in Vietnam for two months now, and I have received two packages from the We Do Care Committee. Both packages were outstanding.

The thing I enjoy most about receiving the packages is sharing them with my friends. I am always very proud to explain to them that the packages are sent to me from friends in my home town. I explain the purpose and the objectives of the We Do Care Committee and also why I am proud to be a citizen of Fairview Park. I only wish that there were more organizations like the We Do Care Committee supporting the men here in Vietnam.

Again I would like to thank you for your thoughtfulness and generosity.

Sincerely,

Sp4 CRIS GLEBA.

DEAR "We Do Care" Just a note to say "We Do Thank You". Just received your wonderful Christmas Package. Of Course, it was addressed to Sp4 Gregg DeCrane, but we all get a big kick out of the packages (sometimes old Gregg will even let us open a package!—just one apiece, though). Makes no difference where your're from in "the land of the big PX" be it Fairview Park or Bangor, Maine (like ole Yankee me) anything from anywhere in the states is really a slice of home for all of us. We all have it relatively nice in Thailand, so just think what these packages mean to the guys that are really "up front".

Again a sincere thanks to all of you at "We Do Care"—probably the only organization in the world that has the true Christmas Spirit 365 days a year—which reminds me—Merry Christmas!

Sp4 STEVE ROBBINS.

HI FAIRVIEWITES. Think Robbie really summed it up pretty well how we all feel when a package comes in from home, especially around the holidays. We are about 300 miles from any fighting here in Banghoh and the accommodations have to be the best in the Army. Even with all these privileges and luxuries the greatest thing to any of us is still hearing from home. The job you people are doing is really appreciated and I look forward to meeting with you when I get back to "the world". Happy holidays and take care.

Sp4 GREGG DECRANE.

DEAR HOMETOWN FOLKS: Needless to say I was flabbergasted when I received your fantastic Christmas package. Your thoughtfulness filled me with joy and with pride in my community. A great deal of research must have been done on the needs of a serivceman in Vietnam, because everything in that great big box is useful over here and hard to find. Even simple things like a colored autumn leaf and a pine cone possess a special significance over here.

Most of my friends find it hard to believe that the people of my hometown have devoted so much time and energy in remembering their servicemen. I'm sure that all of the other fellows feel the same pride as I do. Your kindness represents such an intangible asset that all of us an can draw strength from during our separation from our family and friends. May you all enjoy a joyous holiday season.

God Bless You All,

Lt. THOMAS R. PANEK.

DEAR "WE DO CARE" I would certainly like to thank you for sending the Christmas package to me in Korea. I was sure surprised to receive it, and I can use and enjoy everything you sent. It sure is a good feeling to hear from people back in the world, and it was very thoughtful of you. Many of my friends also shared and enjoyed in the benefits of your work. The cookies were real good, and enjoyed by everyone. I sincerely hope all of you and yours have a very Merry Christmas and Happy New Year.

GI on Location.

TOM PRICHARDSON.

DEAR "WE DO CARE" Your box arrived in good condition. Thank you very much.

CAPT. E. F. LARSON, Jr.

DEAR "WE DO CARE" Your box arrived in good condition. Thank you very much.

SP/4 TOM RICHARDSON.

HELLO there "We Do Care" Received your huge box of many goodies today and for the first time I am at a loss for words. It sure is nice to get mail from home, but I never expected to receive a whole box full of Christmas presents. I can't thank you enough, not only for your gift, but just to know that there are some people who do care. When I get home, I'd like to thank you personally, but until then, please accept this letter of thanks. Christmas day will be a Merry Chrismas after all.

Sincerely,

CAPT. EVERT F. LARSON, JR.

DEAR "WE DO CARE" I thank you people for the package which you sent me. I did like what you sent me and I felt great reading some more newspapers from home. I miss the States, but not as much as I did before. Well, that's it for now I'll write when I get to my next base.

Yours truly,

RICHARD TUROS.

Dear "We Do Care" I received your package and it was really beautiful. I want you to know the package was well appreciated. You must really be a wonderful group to be so considerate. I was really surprised to get such a gift. I thank you from the bottom of my heart. I hope you and your families have a Happy Christmas and a Happy New Year. May God Bless and take care of all of you.

Many Happy Returns,

Jon E. Scott.

Dear "We Do Care" I received your box in good condition. Thank you so much.

Sgt. Brad Hellriegal.

Dear Mrs. Beekman and "We Do Care" First of all, *Congratulations* on receiving that commendation from the President! I don't suppose you can get much more recognition than that—down here on earth anyway. Good show!

Thanks for the birthday card!

Sincerely,

Bob Williams.

Dear "We Do Care" Thank you very much for my Christmas package and the guys on my boat say thank you also. Fortunately, I will be able to spend Christmas with my wife in the States, as we do not leave for the Western Pacific until January.

Things have improved quite a lot since we have left the yard (Mare Island Naval Ship Yard) and have gotten a new XO who is more on the enlisted men's side. That's all for now. So thank you again and remember that we are behind you all the way.

Merry Christmas to All and A Happy New Year.

Sincerely,

STS 2(SS) A. F. Hayes, Jr.

Dear "We Do Care" Thank you doesn't seem like very much to say to the city that I am proud of. Out of all the people I have met, during my last 2 years in the service, none of them can say with proof that their city cares about them. I can and for that I'm proud to say I live in Fairview Park, Ohio.

I'm one of the lucky guys who will be home for Christmas this year. I'll only be home for a few days, but at least I'll be able to be home to enjoy Christmas day.

My squadron is due to go to the Mediterranean January 5, 1971 and return on July 3, 1971. We work 12 hours a day and usually sleep the other 12 except for drills and war games which usually take 4 hours. It's hard work but we have fun.

Thank you again for the package and the great city I am a part of.

Your truly,

AE3 Michael L. Schnitz.

Dear "We Do Care" I'm sorry, but I don't have enough words to say how much I appreciate your efforts. It's still good to think that you would take time out of your day to help us.

Thank you very much,

PFC Kenny Meuser.

Dear "We Do Care" I really appreciated this package. I thank you very much for remembering me and I thank you for sending it.

PFC Frank A. Balass.

Dear "We Do Care" I want to thank you again for your concern about me. Everything sort of gave me a funny feeling in my stomach knowing everyone back there cares. I hope you all have a very nice Christmas and a great new year.

David Sanker SP/4.

Dear "We Do Care" Your box arrived in good condition. Thank you very much.

SP/4 Ross V. Bontempo

Dear "We Do Care" Hi, the box arrived in good condition that I received and was greatly appreciated because it showed that where ever the service men from Fairview Park go there is always someone at home thinking about them. I appreciate the hours that went into making the box possible. The cookies were delicious and the two papers informing. Presently, I am out in the middle of the Mediterranian and you never know when a mail plane is going to come aboard. Sometimes, we have gone for 4 or 5 days without mail and when it finally does come it is really appreciated especially if there is a letter or things from the people in the home town.

Keep up the good work,

Thomas G. Stamatis, AQF2.

Dear "We Do Care" I find it hard to write the words I feel for this gift you have given me. I greatly appreciate the thought behind the gift. Servicemen in Vietnam are always concerned about whether people really do care about them back in the world. It proves to be a great morale booster when a man receives a special gift from his own Hometown. I am going to share this gift with my buddies, since we are all very close over here. We all thank you greatly for caring about us over here in Vietnam.

Thank you,

PFC Frank R. Bennett, Jr.

Dear "We Do Care" Your box arrived in good condition. I really enjoyed the gifts I received. Thanks again and please keep up the good work.

Sgt. L. E. Falquet.

Dear "We Do Care" Your box arrived in good condition. You'll never know how thankful I am to the We Do Care people, not just for sending packages or the newspapers, but mainly and mostly for the spirit y'all have, and believe it or not you do give it to us. So in short thank you very much.

Sincerely,

Ross A. Meder.

Dear "We Do Care" Your box arrived in good condition. It was really thoughtful of you but I enjoyed the *leaf* you enclosed the most. I haven't seen the leaves change in Cleveland for 2 years now. I laugh when I think about all of you raking them but believe me, I will *not* complain about raking them next fall when I'm "OUT".

L/CPL Jeff J. Hurst.

To all those who do care I thank all of you from the bottom of my heart. It was really nice of all of you to make such a beautiful package. I enjoyed unwrapping every little thing. It had put me in mind of home a lot.

My personal opinion of your group, "We Do Care"—it is very good and also well organized. You have made me very happy and may God Bless and take care of all of you.

All my love to all,

L/CPL Jon E. Scott.

Dear "We Do Care" I would like to thank you very much for the "We Do Care" Christmas package. There truly is no place like home in our hearts overseas and its people that make up groups such as yours that remind us all every day how much home means to us and how much we mean to home.

Love to all of you,

Sgt. Steve Cseplo, USMC.

Dear "We Do Care" I would like to know who is responsible for sending this package? Whoever it is I would like to say "Thank you very kindly"! Because it really means a lot to you when you get a package like this in the mail! Because it is really something to know that someone does care back in the world. Have a Merry Christmas and a Happy!

Thanks,

Jerry Setzer SP/5.

Dear "We Do Care" Again I would like to express my appreciation and gratitude for the Christmas box from your committee. Everything in the box will be put to good use. It's nice to have a group of people in my home town who really care. I guess that's why the committee got its name. Receiving a box like this especially around this time of the year makes one's stay over here a little more bearable.

Thank you once again.

Sgt. Doublas E. Harala.

Dear "We Do Care" Thank you very much for the box of goodies and Christmas presents. I hope all of the other servicemen from Fairview appreciate what everyone at home are doing for us as much as I do.

Thank you again,

Jerry O'Brien BT3.

Dear "We Do Care" I wish to express my sincere appreciation and gratitude for the Christmas package that you all took the time to send to me. When I received it hardly anyone could believe that it was from the people of my home town. They had never heard of anything like it. You are all something to be very proud of.

Thankfully and Sincerely,

SN C. Bill Winzig.

Dear "We Do Care" Thank you very much for the package, I really enjoyed it. It arrived exactly on the day of my birthday. Thank you for remembering.

Your friend,

Sgt. Jack J. Hare Jr.

Dear "We Do Care" I would like to express my thanks and appreciation to all those who contributed their time and efforts to the preparation of the Christmas package. I received yesterday from the "We Do Care" of Fairview Park, all items in the package were in excellent condition. The intimate wrappings of each item made it even more heartwarming as I realize the thoughts that went into each and every one. The items were very appropriate and useful; for example the pocket books will of course be read and then taken to the local hospital where I'm sure they will be re-read. The home made cookies were delicious and greatly appreciated.

Again, my sincere thanks and may everyone enjoy a healthy and happy 1971.

SMSgt. John Provan.

Dear "We Do Care" If you only knew just how much this little box has meant to me, by you sending it to me this far away from home.

To me as an American fighting man in Vietnam so far away from the ones that he loves so much, for you to do this means that at least some of the people back home are at least thinking about him. The way that life is today you really don't know if the man that stays in the Army is doing the job that he would be doing, because the U.S. Army man is given the big job of trying to keep our country free so that our children to come may live to be a FREE person in the years to come. To me my whole life is for one reason and that is to make sure that my family, friends, country are able to stay FREE, and I would even give my life for this Great Country that we live in today.

Dear friends I am a man of 29 years old and I have a wife and 4 children that I hope one day can say that my father was a man that believed that the country that we live in today is great. So you see this little box makes me feel that you have a heart of gold to do this little thing for me and someday may God show you in his own way how he feels about what you have done for this one man so far from his home and family. In closing may I say that in my heart the people from Fairview Park, Ohio will be in my heart and prayers forever.

SSG Allen D. Moore.

Dear "We Do Care" I would like to express my thanks for the Christmas box. It's very kind of you to take the effort and time to do so. Much appreciated.

Gary Webster.

Dear "We Do Care" I was very delighted to receive the very nice Christmas package from you. The presents really made my day. I wish to thank you for being so considerate. I'm glad you care! Thanks again and have a Merry Christmas too!

PFC Richard L. Schwark.

Dear "We Do Care" Thank you so much for all you have done for all our servicemen. My husband is home now from overseas—but while he was in Thailand your remembering him meant so much to him, and to me because someone else was thinking of him, too. And now, even tho we are together again and in the U.S., your remembrance still means so much. A serviceman's pay is so small, and it looks like we won't be able to go home for Christmas this year. When we got your box, it was like being told that someone understood and cared. Thank you so much from both of us for the box of goodies and love.

Sincerely,

Vickie Coleman, wife of
Sgt. Richard Coleman.

Dear "We Do Care" Thanks for remembering me with a package of goodies for Xmas. I really never expected one now that I've returned from Vietnam.

I want to express my appreciation to you, Mrs. Beekman, for speaking to Congressman Minshall regarding a stateside assignment rather than back over seas again. Here at Ft. Stewart, I work in the I.D. card section and handle "retired activities", which involves processing applications and cards for retired career men and their dependents (also disabled veterans) in the S.E.U.S. (mainly Florida).

I won't be able to come home for Christmas, but plan to come up over New Years, for a week or so.

Best wishes for Happy Holidays and the coming year.

SP5 Bob McKee.

Dear "We Do Care" It's a gas to know that there are people such as yourselves on earth. Right on, people! Give peace a chance—We've only just begun.

SP/4 Russell Bierman.

Dear "We Do Care": I would like to thank you for the box of "goodies" you sent me. Things like this are very much appreciated by servicemen especially overseas. But I am married and have my wife and kids with me. I would like to ask a very great favor of you. There are many men that live in the barracks who are not married and don't have a family to write to them. Could you please send my parcels to one of these fellows instead of me. He doesn't get much mail and is a young fellow a long ways from home and very much alone. Please mail next parcel to A1C M. W. Shappell F.R. [redacted] 95th CES APO New York 09677.

Thank you very much,

SSGT. Jim R. Mettler.

Dear "We Do Care": Your box arrived in good condition. Thank you very much.

Lawrence E. Brown IC–2.

Dear "We Do Care": Your box was received in very good condition. Your thoughtfulness was much appreciated. I could not believe people back home really cared that much. I am doing well but will be glad to see good old Fairview Park and North Olmsted, Ohio next December 19th.

Sincerely,

SP/4 Gerald A. Carper.

Dear "We Do Care": Just a few lines to say thank you for the package. It is really nice of you to remember me. Thank you very much. It is well appreciated.

The weather here for the last couple of days has been nothing but rain and miserable weather. It really makes you miserable and very unhappy. But it could be worse. The holiday season will soon be here. Hope you have a wonderful Thanksgiving and a joyous Christmas and New Year. Hope all goes well for you and your family.

My time "In the long three year nightmare" will soon be coming to an end. At the present time, I have only nine months and days before my discharge. 1971 will be the year a lot of guys get out of the service and all of us will be overjoyed. Well, that's just about all I have to say for now. Take care and God Bless You All.

Greg Rusyniak.

Dear "We Do Care" I would like to thank all of you for including my name on your mailing list. I can not say that it came as any surprise as my Mother has told me to look for it. It is good to know that there are people such as yourselves who do care about the men in the service who are away from home.

I work in the Central Finance and Accounting Office in Vietnam. We are located at Long Benh which is about 12 miles from Saigon. I am fortunate in that as far as Vietnam is concerned this is a very safe spot to be. In my work I am responsible for keeping the various checking accounts used by this office in good order. I also do the final balancing and correcting of the monthly payrolls and prepare the necessary documents for shipping them to the Finance Center in Indianapolis. It keeps me very busy for about ½ of each month, but the other ½ of the month I have very little to do. Even so I'm required to be in the office from 7:30 to 6:00 at least 6 and occasionally 7 days a week. Our recreation over here consists of sports, leagues both within our own company and with the other companies on post, and an outdoor movie every night, even when it rains.

Once again I would like to thank you for your thoughtfullness.

Bob Shockey SP/5.

Dear "We Do Care" I am indeed very happy and thankful for receiving the package that you have sent me. It is nice to know that some people care about servicemen many miles away from home. I received your package Dec. 7th in very good condition. I have also received letters and gifts from people all over the city. It is really a great feeling knowing that people "do care"! Again, I thank everyone.

Sincerely,

Sp–4 Bob Coleman.

Dear "We Do Care" Hope your holidays were happy ones. I'd like to thank the members of We Do Care for thinking of me and sending the box of goodies. There were many things in it that we girls can't get. I'm stationed as a secretary in the boonies with the 1st Cav Div. I've been in Vietnam almost six months. It's been a real experience for me. I'm sure every GI that received a package was well pleased. It is a very difficult tour for these young men. I'm glad I could be here to help them with their problems, etc. They are such great guys.

Once again, Thank you. I'm remembering you all in my prayers.

Sincerely,

Jeannie Kovac.

Dear "We Do Care" I received the Air Force Commendation Medal for Broadcasting and have been notified of promotion soon to the rank of Staff Sergeant. I thank you and all the people of We Do Care for their kind interest and efforts. Many servicemen, especially overseas, look forward to knowing that the people at home care what happens to them. Merry Christmas and best wishes for a happy and prosperous new year!

Sgt. Andrew E. Szucs.

Dear "We Do Care" I received your Christmas box in good condition. Although, I, myself didn't consume all the "goodies", the kids who did were completely satisfied and I wish to express their thanks as they can't (in English). Although it isn't time yet for their Xmas they were happy—in that innocent spirit which kids of all nations are, regardless of the time of year.

I think that they (the kids) have the right idea, Christ and Christmas is a 24 hour a day, 365 days a year deal and I hope they keep it. I know I will. Merry Christmas and thanks.

Peacefully,

Richard S. Struart, ETN.

Dear "We Do Care" Thanks, it was great getting my box. Again thanks for remembering the service man.

Thanks

James R. Caldwell, FA.

Dear "We Do Care" This little note of gratitude could never begin to show you how much this package meant to myself and my friends that it was shared with.

It really shows that people back home DO CARE about the soldiers overseas.

SP/4 Greg D. Garris.

Dear "We Do Care" Your box arrived in good condition. Whoever made those cookies is the best!

Lt. W. J. Rieke.

Dear "We Do Care" Thank you for making my holiday seem closer to home. I would like to wish all the wonderful people of "WE DO CARE" and their families a very Merry Christmas. God Bless.

SP4 Mike Campbell.

Dear "We Do Care" Thanks for the package you sent—it arrived in excellent condition. The paperback books will come in handy when it's too cold to ride a motorcycle (my source of transportation). The cookies are good and going fast—especially when your buddies get the word somehow that you've recently received a "care package". In any case I'd like to thank everyone involved with the "We Do Care" program for their thoughtfulness and time.

Sincerely,

Sgt. Bob Williams.

Dear "We Do Care" I wish you a Merry Christmas and a Happy New Year. At this joyous time of the year, when giving and receiving of gifts from family and close friends is a very happy event, nothing is more cherished than to be remembered by others. I would like to take this opportunity to thank everyone who contributed to this package of "goodies". I will be home on leave after Christmas, so I will try to stop in.

Sincerely,

Bob Tischler.

Dear "We Do Care" I have no idea what this form is or if you want it back—but you're getting it anyway.

First I'd like to thank you for the package. Some of it was a little stale but all of it was eaten by me and my friends down here. I really appreciate knowing that someone besides my immediate family knows that I am stuck in the Army. I guess most of you mothers have sons stuck in the same boat as I am. My mom tells me that it's just as bad on her as it is on me.

I have guys from L.A. to Guam and Boston to Tampa here on my floor and none of them have ever heard of any group like you have in any of their own towns. I am quite random in writing but what I mean is that I kind of got the feeling that these guys wished somebody else knew where they were. For most of these guys the States are as lonely as Vietnam. Of course, there are those who wouldn't care either way.

Well, that's about it. Thanks again.

Robert M. Lutsch.

Dear "We Do Care" My family and I thank you all so very much—we wish that you all had a very Merry Christmas. Thank you again.

Greg Graham.

To Everyone Connected with "We Do Care"

An inspirational message especially for you:

One Solitary Life

He was born in an obscure village, the child of a peasant woman.

He grew up in still another village, where he worked in a carpenter shop until he was thirty.

Then for three years he was an itinerant preacher.

He never wrote a book.

He never held an office.

He never had a family or owned a house.

He didn't go to college.

He never visited a big city.

He never traveled two hundred miles from the place where he was born.

He did none of the things one usually associates with greatness.

He had no credentials but himself.

He was only thirty-three when the tide of public opinion turned against him.

His friends ran away.

He was turned over to his enemies and went through the mockery of a trial.

He was nailed to a cross between two thieves.

While he was dying, his executioners gambled for his clothing, the only property he had on earth.

When he was dead, he was laid in a borrowed grave through the pity of a friend.

Nineteen centuries have come and gone, and today he is the central figure of the human race and the leader of mankind's progress.

All the armies that ever marched, all the navies that ever sailed, all the parliaments that ever sat, all the kings that ever reigned, put together, have not affected the life of man on this earth as much as that One Solitary Life.

To wish you all the joys of Christmas and happiness for the New Year.

Rms3d. William Cross.

Dear "We Do Care" Well, here it is, my third and last Christmas in the Army, and once again you have made my day brighter. I will be a civilian again Dec. 26. How about that, the day after Christmas. I guess I can't win them all.

I want to thank you for your efforts. You can't imagine how much all of us appreciate your concern. Thank you again and I hope to be "back on the block" and see all of you soon.

Yours truly,

Sgt. George D. Miller.

Dear "We Do Care" Yesterday my husband and I received your Christmas package. We can't tell you how happy we were to receive it. We think it is such a wonderful thing you are doing for all of the boys of Fairview. Jerry can use everything you sent to him. In fact, he used your shoe brush already last night. The cookies are delicious. Thank you so very much. Your kindness and generosity will always be remembered.

If Jerry gets the O.K. from the Army, he'll be out next month for good to start school back in Cleveland. So, we should be home in January.

God Bless You,

Linda & Jerry Schneerer.

Dear "We Do Care" I can't thank you people enough. Everyone in my barracks up here wishes they were from Fairview Park so they could get packages from people they don't know personally. I hope you don't think me greedy when I say "keep up the good work". Please tell Helen Phillips I'll see her in April. Thanks again.

Sincerely,

Sgt. James B. Donnelly.

Dear "We Do Care" Thanks an awful lot. I don't know how I can really ever say thank you properly. Things are going all right for us; Beth (Vandevelde) is expecting our second son any day. It's two days late now. Owen, Jr. is just a little over a year now, walking everywhere, and trying to talk. I wish I had a picture for you.

Tell Mr. King he writes a fantastic paper, and it is nice to get it. We hear about Fairview so very seldom.

Thanks again,

Sgt. Owen J. Ruic.

Dear "We Do Care"—The following is an excerpt from a letter my son sent from overseas. As you can see he was really pleased to be remembered by his community and your good work:

"Talk about good things happening! I also received another package today. This one was from the City of Fairview Park, It's called, 'We Do Care' and it's a group of individuals that send Christmas packages to men in the armed forces overseas. It contains little essential items as well as popcorn and candy. They're all wrapped in Christmas wrappings. This may sound funny, but I'm planning to stay in good old Fairview Park if it's at all feasible. There isn't a better community in the whole of the United States. I think a Mrs. Walter Beekman deserves a special note of thanks since she's the primary organizer of this wonderful organization. They have also been sending me a copy of 'West Life' the local newspaper. It may not seem like much but over here it means a lot."

Sincerely,

Margaret Brickman.

Dear "We Do Care"—I would like to thank you very much for all those gifts you sent me for Christmas. They were really appreciated. It was so very thoughtful of you to remember me. And especially I appreciated those delicious Christmas cookies.

I would also like to take this opportunity to thank you for all you have done in the We Do Care program. Please do continue the "We Do Care" program, especially for those who are overseas, and are unable to get home over the Holidays. I'm sure your remembering them makes their Christmas a little brighter.

I hope you and your families have a very Blessed Christmas and a Very Harry New Year.

Sincerely,

Ann Linda Heintz.

Dear "We Do Care"—Thank you for the generous Christmas package. We enjoyed the cookies which came in perfect condition. We are sharing the books and cookies with some of the guys Tony works with. Thank you again for all your time and generosity in remembering your servicemen.

Tony, Peggy & Eileen Coppola.

Dear "We Do Care"—Thanks for the great support. Sending my warmest season's greetings and best wishes for the coming year.

Tom Panek.

Dear "We Do Care"—With every good wish for your happiness this holiday season.

Lt. & Mrs. Don Gibel.

"Dear "We Do Care" Many thanks to you, your committee, and the people of Fairview for their continued support.

God Bless you all,

Sgt. James Abrill, USMC.

Dear "We Do Care" To all of you working for "We Do Care": May all the blessings of Christmastide be yours. Merry Christmas and thanks for caring.

Dick and Vickie Coleman.

Dear "We Do Care" We express our sincere gratitude and appreciation for your recent participation in our Veterans Administration Hospital program by providing jigsaw puzzles which were received Dec. 3, 1970 which will be given to the patients at Christmas time. You may be assured they will derive great pleasure from your gift.

Your generosity and interest contributed to the welfare and comfort of our hospitalized veterans.

Sincerely,

C. M. Jones,
For the Hospital Director.

Dear "We Do Care" "Thank you" for the gifts you have sent to Dennis. He is getting along fine.

The Masaitis Family.

Dear "We Do Care" Merry Christmas and Thank YOU.

Midshipman John Ball.

Dear "We Do Care" Thank you for everything. Wishing you the joy that is Christmas.

Karl.

Dear "We Do Care" The nicest part of Christmas is the welcome chance it brings to wish you very heartily the season's finest things!

Joe Scott.

GREEK INDEPENDENCE DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. EILBERG. Mr. Speaker, March 25, 1971, marks the 150th anniversary of Greek independence. Throughout history, the Greeks have been leaders in man's endless quest to secure for himself the blessings of liberty. It is to their courage and indomitable spirit that all those who value freedom pay tribute on this occasion.

Few people in history have had to undergo the hardships which the Greeks have endured for the sake of freedom. From the age of the city-state when they stood fast against the Persian invasion, through their 6-year-long battle against Ottoman domination, until the present when Greece stands as an independent nation on the Nation's very threshold of the eradication of popular government, their fight has been long and often bitter. But seldom in history has the noble cause of liberty had as determined an adherent.

The concept of democracy which was the foundation of the government of Athens more than 2,000 years ago has had a most profound effect on the development of Western political theory and practice. The Greeks' emphasis on the dignity and rights of the individual, and on the rule of law, are the most basic and important components of democratic governments today.

I have long valued the friendship and counsel of the large Greek community in Philadelphia and throughout Pennsylvania.

To these friends, and to their Hellenic brothers throughout the world, I extend my sincere best wishes on this important anniversary.

At this time, I insert in the RECORD a review of Greek history:

GREECE

I. HISTORY OF ANCIENT GREECE TO THE OTTOMAN EMPIRE

The foundation for the Greek culture which was to contribute so much to western civilization was created during the Bronze Age by the commingling of Minoan and Mycenaean civilizations with the Indo-European migrants entering Greece from Asia and the Balkans. The Trojan War (c. 1400 B.C.), as immortalized by the 9th century B.C. poet Homer, was a reflection not only of the vitality of the Greek culture of that early era but also of the internecine conflicts which weakened Greece and allowed the 12th century B.C. invasions from the Danubian region. Spurred by a religious revival and the development of militarily oriented communities among the Dorians of Crete and Laconia, Greece underwent a renaissance in the 9th century B.C. Athletic and poetry competitions, temple construction, and the writing of the epic legends by Homer and Hesiod ("Works and Days'") bore witness to the coming of age of 9th century Greece.

From the 8th century B.C. to 550 B.C., Greece extended its sphere of influence and dominance through colonization, trade expansion, economic diversification, and the emergence of sea power. Increased prosperity caused both a change from birth to wealth as the determinant of political status and the innovation of the Tyrants as a political institution replacing the tribal structure. The Tyrants were soon replaced by the Oligarchs, who in turn were replaced by a more broadly based system of government instituted by the famous Athenian law-giver Solon (594 B.C.). The Persian Empire of southwest Asia which had forced the overpopulated Ionians along the Asia Minor coast to colonize North Africa, the southern shore of the Mediterranean, and the many Aegean islands created another threat to Greece in the late 5th century B.C. when Cyrus the Great and his son Darius began campaigns into Europe.

After the Greeks defeated the Persians at Marathon (490 B.C.) and then at Thermopylae and Salamis (480 B.C.), the period of the Peloponnesian Wars between Sparta and Athens began. Athens had become a democracy under Pericles while Sparta, retaining its Dorian influence, continued as a communal military state under a monarchy. The contemporary historian Thucydides described the Peloponnesian Wars as a power struggle between the Athenian and Spartan alliance systems. This became a war of attrition, eventually so weakening both sides that the Macedonians, led by Philip and his son Alexander, were able to inflict a crippling defeat on Athens at Chaeronea in 338 B.C. The divided city-states of Greece could not withstand the unified nation-state of Macedonia, and Greece became a fief of the northerners.

Alexander became king of Macedonia and head of the client Greek League upon the Assassination of Philip in 336 B.C. Alexander's meteoric march across the known world created an empire that reached from the Indus to the Nile and spread Greek culture from the Sahara to the Steppes of Asia. The next century (320 to 205 B.C.) left Greece first as a vassal of Macedonia, then as a battleground for the squabbles between the various successors to the Alexandrian empire, and finally as the target of a new invader, this time one from the west—Rome.

By 146 B.C., Rome had disbanded the several Greek leagues and alliances and had replaced the Greek democracy with Roman oligarchy. The Spartans, who had suffered relatively little from the Peloponnesian Wars and who had remained aloof from the later alliances, finally succumbed to the might of Rome, but more from internal collapse than from external threat. Greece soon became a center of intrigue and a battleground for the civil wars between the aspirants to Roman power. Rome's decline allowed a new wave of northern barbarians to penetrate Greece beginning in 170 A.D. The capture of Athens in 267 A.D. by the Goths signalled the end of Roman authority in Greece, although it was not until the 3rd century A.D. that the empire was divided and the eastern capital established at Constantinople. By the end of the 4th century A.D., paganism had been replaced by Christianity in Greece.

Another dark age similar to the period between the Trojan War and the appearance of Pericles descended on Greece as the barbarians from the Balkans to the north found the undefended peninsula easy prey. The Visigoths in 395, Vandals in 466 and 475, Ostrogoths in 482, Huns in 540 and 558, Avars and Slavs in the 7th century, Bulgars in the 9th and 10th centuries, Vlachs in the 11th century, and Normans from Italy in several waves all marched into Greece to raid and conquer, and sometimes to settle. Crusaders entering Constantinople in 1204 introduced to Greece the conflict between the Latin and Byzantine churches. Greece continued to be a common meeting ground for rivalry among several European states until the 14th century—the Venetians, Catalons, Aragonese, Franks, Savoyards, Italians, and others all claiming influence over Greek affairs. But the next ruler of Greece was already threatening in the east: in 1453, the Ottoman Turks captured Constantinople and ended Byzantine authority. (All these groups left their physical marks on the country. One of the colorful if less well known attractions of Greece as a country to visit and explore is its variety of medieval Frankish, Venetian, and Turkish ruins—not to mention its many magnificent Byzantine churches and other buildings.)

Life in Greece under the Ottomans was not totally calamitous. The Turks allowed religious freedom under a Greek Patriach, thus ending the Roman-Byzantine disputes introduced and aggravated by the Europeans. Ottoman military power put an end to the invasions from the north and the west and established relative tranquility in the country. Turkish approval of free trade and Greek control of local affairs gave the Greeks a great deal of autonomy. Many Greeks rose to positions of considerable authority through the Turkish political system, though the prestige of such positions was diminished by the obsequiousness required in achieving them. The Turks levied a periodic tax on all their subject nations and collected male children to be trained for military and administrative service. Although the "child tax" was ended in the 17th century, the memory of its effects on Greek families was not forgotten. A second Ottoman institution especially disliked by the Greeks was the Sultan's ownership of all the land, which he parceled out to his chosen favorites, thus denying property rights to the Greeks.

II. THE RISE OF NATIONALISM IN GREECE

Ottoman involvement in European and Asian affairs had given some of the Greek people a chance to view nationalism, particularly in Europe. Another exposure was through the Turkish system of capitulations whereby the Turks allowed privileges to European nations to oversee or participate in certain aspects of life in the Ottoman Empire. Russia gained a capitulatory protectorate over the Greek Church and used the mandate to influence both the secular and the clerical life of the Greek people with appeals for Greek nationalism and church unity. A Russian-inspired revolt protesting the Turkish land policy swept Greece in 1770. Although the rebellion was unsuccessful, it did expose the Turkish weakness caused by years of external warfare and internal corruption. The example of the American and French revolutions and the rise of nationalism in Albania and Serbia, coupled with a new appreciation of Greek culture, history, language and the Greek church, inspired the Greek people to seek their own national identity.

Prince Alexandros Ypsilantis, leader of the Philiki Etaireia ("friendly band"), who had tried to organize a revolt among the Danubian provinces in 1820, led a rebellion in the Peloponnesos in early March 1821, but was defeated. On March 25, 1821, the generally accepted date of Greek independence,[1] a series of risings occurred in the Peloponnesos, Rumelia (a division of the Turkish empire including Macedonia and Thrace), and several of the islands. The Greeks could not take the Turkish fortresses but did kill many Muslims. Turkish reprisals led to the killing of many Greek civilians in return, and the hanging of the Patriarch Gregorios in Constantinople. For the next two years, the Turks were unable to stop the Greek guerrilla bands which were raiding the Turkish garrisons and harassing the Turkish fleet. A National Assembly met at Epidaurus on January 1, 1822, proclaimed independence, and introduced a constitution drafted by Alexandros Mavrokordatos and Theodoros Negris. The Greek military leaders Dimitrios Ypsilantis, brother of Prince Alexandros Ypsilantis, and Theodoros Kolokotronis continued to fight the Turks, but political factionalism kept the Greeks from a united effort.

Failing to break the rebellion, the Turks sought the assistance of the Pasha of Egypt, Muhammad Ali, an Ottoman subject, in 1824. Egyptian armies landed at the Peloponnesos and drove the Greek Army northward; it made stands at Missolonghi (where Lord Byron had died recently) and Athens. Though both fell in April 1826, they became symbols of resistance. The Turks continued to dominate the war until the battle of Navarino on October 20, 1827, where elements of the British, French and Russian navies defeated and destroyed the Turkish fleet. Russia declared war on Turkey in 1828 and extracted a favorable treaty of peace at Adrianople on September 14, 1829, one clause of which called for Turkish recognition of Greek sovereignty. The three powers agreed on May 11, 1832, to act as protectors of Greece, and two months later Turkey recognized Greece as an independent nation.

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[1] March 25 is celebrated in every city and village in Greece with parades and patriotic exercises.

III. MODERN, INDEPENDENT GREECE

France, Great Britain, and Russia chose Prince Otto of Bavaria to lead the new Greek state. Ruling as King Othon, the young monarch, with the assistance of his Bavarian advisors, turned Greece into a virtual Bavarian protectorate until internal revolts and near-anarchy forced the appointment of the first Greek minister, Konstantinos Zographos, in 1837. A bloodless coup removed the remainder of the Bavarians in 1843 and created a national assembly and a constitution. In 1844, King Othon was restored to the throne but with reduced authority.

In 1862, Othon was again deposed, this time permanently, to be replaced in 1863 by Prince William of Denmark after a year of anarchy forced another three-power intervention. Assuming the throne as King George I, the Danish Prince, together with the Greek statesmen Harilaos Trikoupis and Eleutherios Venizelos, led Greece through a period of economic stability, social progress, and political calm that lasted until the twentieth century.

The Young Turk revolt of 1909 and increased tensions in the Balkans involved Greece in the Balkan Wars of 1912–1913, in which Greece, Bulgaria, and Serbia defeated the Turks. As one of the Allied powers aligned against the Germans and the Turks in World War I, the Greeks were offered support for the establishment of an enclave on the Asia Minor Coast, a revival of the Ionian Greek presence of centuries past. But the new state of Turkey, under Mustapha Kemal Ataturk, defeated the Greek army and drove them from Asia Minor in 1922. The 1923 exchange of populations between Greece and Turkey brought 1,500,000 Asian Greeks to the peninsula.

The period between the World Wars, beginning with the assassination of King George I in 1913, was one of political unrest. George's son Constantine I reigned four years before abdicating in favor of his brother Alexander, who was more in favor of joining the Allied powers in the war. Alexander's death in 1920 returned Constantine I to the throne for two years before he was deposed in 1922 in favor of his son George II. On March 25, 1924, a republic was proclaimed, and George II was removed from the throne. General Theodoros Pangalos seized power in June 1925, becoming dictator the following January. General Georgios Kondylis engineered another coup in August 1926, restored the republic, held elections, and then retired in favor of the newly elected coalition government. Eleutherios Venizelos, the head of the Liberals, became Prime Minister in 1928 in opposition to the Populists, who were primarily monarchists. To stop the growing sympathy for the return of the monarch after the 1933 victory of the Populists, Venizelos attempted a coup in March 1935. Failure of the coup left the way clear for the restoration of the monarchy in November 1935 and the return of George II.

After the indecisive elections of 1936, the Prime Minister, General John Metaxas made himself a dictator with the consent of the King. While the Metaxas regime stopped the communist threat, and probably saved Greece from anarchy, it revised the republican-royalist feud, a dispute that was curtailed by the Italian invasion in 1940. On October 28, 1940, Greece rejected the fascist ultimatum for capitulation, a date remembered in the Okhi Day holiday which celebrates Greek determination to remain free.[2] Under the leadership of General Alexandros Papagos, the Greek army stopped the Italian advance and drove the Italians from Greek soil, only to be met by a new invasion by the Germans in April 1941. The German and Italian armies soon occupied all of Greece, forcing George II into exile and driving out the British force which had come to the aid of Greece in accordance with a 1939 pledge to protect Greek frontiers.

Resistance to the German occupation began as non-cooperation but soon became guerrilla warfare. Within Greece the National Republicans led by Napoleon Zervas and the communists fought each other as well as the Germans. Upon the German withdrawal in October 1944, a coalition government headed by Georgios Papandreou returned to Athens and began the fight against the communist government located in the north. An agreement between the communists and the republicans in February 1945 ended the civil war. Elections supervised by a French, British and American team reestablished the monarchy and returned George II from exile. Communist neighbors of Greece complained to the United Nations in December 1946 that Greece was invading their borders. To meet the increasing pressures against Greece President Harry S. Truman announced on March 12, 1947 (in what became known as the "Truman Doctrine"). that the United States would assist the Greek people as well as the Turks in their fight against the communist rebels. The combination of Greek tenacity and the Yugoslav-Soviet split which ended Yugoslav aid to the Greek communists resulted in a communist announcement on October 16, 1949, that the hostilities were ended.

The election of 1952 gave Alexandros Papagos a majority after elections in the two previous years failed to produce more than a plurality. Greece became more international in outlook during these years, joined NATO in 1951, fighting in the Korean conflict of 1950–53, and signing in 1959 an agreement with Turkey for the independence of Cyprus. Konstantinos Karamanlis and the National Radical Union (ERE) had won the elections of February 1956—the first election in which women were allowed to vote—and had repeated in the election of 1958. Greece's first-year plan for industrial and agricultural development was begun in 1959.

The Karamanlis government fell in 1963 after King Paul (who had succeeded his brother George II on his death in 1947) refused to cancel a trip to London, where it was feared Greece would suffer embarrassment from leftist demonstrators protesting the imprisonment of communists. The Center Union Party, led by Georgios Papandreou, won the elections of 1964 after refusing to join in a coalition with the Communist-front EDA (United Democratic Left) even though the 1963 elections had failed to produce a majority. In the summer of 1965, King Constantine II, son of King Paul (who died in 1964) accepted an offer of resignation from Papandreou after the Prime Minister suggested that the Defense Ministry be put under his control. At issue was a reported attempt by several left-wing officers, the so-called "Aspida" conspiracy, to purge the army of all conservatives; also involved were accusations of corruption within the Karamanlis regime. A coalition government of conservatives led Greece from September 1965 until December 1966, when the government fell over a new election bill. Meanwhile, the trial of the accused plotters had begun in November 1966 and Andreas Papandreou, son of the former Prime Minister and one-time American citizen, was implicated as the head of the leftist conspiracy. A caretaker government which was serving until elections were held in May 1967 fell after an attempt to change the immunity law for members of Parliament was introduced by the Center Union. Andreas Papandreou could not be arrested until the Parliament was adjourned for the elections; the Center Union was trying to extend his immunity through the elections so that he would not be put on trial for the Aspida allegations.

On the night of April 21, 1967, a group of conservative army officers seized control of the government because they believed that leftists were planning to use the upcoming elections to stage their own coup. On January 23, 1968, U.S. Ambassador Phillips Talbot paid an official visit to Greek Foreign Minister Panagiotis Pipinelis, thus reestablishing formal relations between the two nations after an unofficial "wait and see" U.S. policy since the April 1967 coup.

IV. THE GREEK CONTRIBUTION

Modern man is fortunate to have inherited many examples of Greek art, sculpture, architecture, and literature. The ancient Greeks were both innovators, originating many of the institutions which have become the bases of western civilization, and adaptors, converting and altering many cultural institutions which they borrowed from the Middle East and passed on to the West. Greece served as link between the predecessor cultures and those to follow such as the Roman and the Arab; these in turn transmitted Greek ideas on to our own direct ancestors.

The Post and Lintel form of architectural construction was borrowed from earlier Middle Eastern civilization and perfected and improved until the design became identifiable as Greek. The 9th century B.C. religious revival prompted the Greeks to use buildings for esthetic as well as functional purposes. The simple Doric style, predominant on the mainland, and the Ionic, popular in Asia Minor, were combined, embellished, and perfected into the Corinthian style which became the favorite of the Roman empire. Despite the centuries, the remaining examples of Greek architecture in Greece, Sicily, North Africa, Spain and elsewhere continue to inspire men. Three of the more famous architects of 5th century B.C.—called the "Golden Age," and considered to be the zenith of the ancient Greek culture—were Ictinus and Callicrates, architects of the Parthenon, and Mnesicles, designer of the famed Propylaea of the Acropolis.

Greek art progressed through several stages as other cultures became known, new techniques were developed, and the artists expanded their capacities for expression. Vase painting, murals, statuary decorations, and sculpture were their primary vehicles. Early geometric patterns were replaced by the less symmetrical Oriental style during the colonial period of Greece. During the Golden Age, large sculptures of generalized man were developed by such artists as Phidias—creator of the ivory and gold statue of Athena in the Parthenon—and Myron ("Discobolus", c. 450 B.C.). A more naturalized representation of man followed in the Classical period (e.g., the "Hermes" of Praxiteles, c. 340 B.C.), to be followed in turn by the Hellenistic period when symbolism and the poetic approach were dominant. Many of the examples of Greek art extant today are copies made by the Romans, who were as impressed with their neighbors, the Greeks, as are men of our age.

Greek writers, historians, dramatists and humorists are read and studied today as they have been for centuries. Historians consider Herodotus, Thucydides, and Xenophon (all 5th century B.C.), and Plutarch (1st century A.D.) to be valuable sources for knowledge of the past as well as masters of style. The 5th century B.C. dramatists' Aeschylus, Sophocles, Euripides, and Aristophanes have influenced playwrights and authors by both the content and the execution of their plays and satires. Greek poets developed many of the structural forms which characterize modern western verse. The works of Aristotle, Demosthenes, and Plato are still read for their prose style as well as for their substance.

Socrates, Plato and Aristotle have influenced philosophers through the ages, creating the framework within which much of the reasoning and logic of their heirs has proceeded. Similarly, other areas have been affected and guided by the early work done by the Greeks: Galen and Hippocrates in medicine; Euclid and Archimedes in mathematics; Andronicus in astronomy; Basil, Nestorius and Socrates (the lawyer) in Christian scholarship; Draco, Solon, Cleisthenes and Pericles in law; and Callimachus in poetry—to name but a few. From the Greeks, who invented democracy, we have learned how to defend it; Miltiades at the battle of Marathon, Leonidas at Thermopylaea, and the patriots of the 1820's proved that free men would fight and die to preserve their liberty. The campaigns of Alexander, Kolokotronis, and Papagos, and a treatise on guerrilla warfare by the 10th century A.D. Byzantine emperor Nicephorus Phocas, are read by military strategists. Politicians still emulate Demosthenes, the greatest of the Greek orators.

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[2] "Okhi!" ("No!") was the Greek reply to the Italian Fascist ultimatum.

The Greeks have not rested on the laurels of their ancient ancestors, but have continued to give to the world their talents and abilities. Domenicos Theotocopoulos was know as El Greco when he painted in Spain. In the world of music, Maria Callas, Dmitri Mitropoulos and Mikis Theodorakis are recognized for their excellence. Among a long list of literary personalities are Kostas Palamas the poet, authors Nikos Kazantzakis and Vassilis Vassilikos, Nobel Poet Laureate George Seferis and the playwright and poet Nikolaos George Nikolaidis (Paul Nord). In the 1960 Olympic Games, the modern revival of the ancient Greek athletic competition, King Constantine II of Greece won a gold medal in yachting.

Greeks in the United States have contributed to every phase of this nation's life, from the early explorer of Florida, Dorotheos, and the discoverer of the Juan de Fuca Straits, Apostolos Valerianos, to the Skouras brothers of Twentieth-Century Fox. Three early immigrants to America became famous through their endeavors: George Musalas Calvorcoressis was a Navy Captain and explorer, a tradition he passed on to his son, Admiral George P. Calvorcoressis, a Commandant of the U.S. Naval Academy; John Zachos was an educator, journalist, inventor, author, theologian and a proponent of Negro education just after the Civil War, in which he served; and the adopted son of Colonel J. P. Miller became Loukas Miltiades Miller, Congressman from Wisconsin.

The United States and Greece have long enjoyed amicable relations, partly because of American respect for the Greek devotion to freedom. Such eminent Americans as Henry Clay and Daniel Webster voiced their approval of Greek independence, as did two early Presidents, James Monroe and James Madison. During the post-World War II struggle against the communist rebels, President Harry S. Truman noted: "This valor of Greece . . . convinces me that the Greek people are equal to the task." President Dwight D. Eisenhower said in 1953, after Greece had defeated the communists, at the ceremonies conferring the Legion of Merit on King Paul: ". . . Greece asked no favor except the opportunity to stand for those rights in which it believed, and it gave to the world an example of battle . . . a battle that thrilled the hearts of all free men and free women everywhere."

THE 18-YEAR-OLD VOTE AMENDMENT—A CONSTITUTIONAL CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. RARICK. Mr. Speaker, referring to the prospect of the chaotic confusion which will likely take place on election day November 7, 1972, veteran congressional columnist Willard Edwards in his column "Capitol Views" of March 20, 1971, sagely observed:

> Congress created this mess last June. It was so anxious to get on the record in favor of lowering the voting age that it adopted a legislative shortcut to achieve that goal. It amended the Voting Rights Act of 1970, spurning warnings that a constitutional amendment was the proper procedure.

There has probably never been a time in the history of our country when respect for and confidence in Congress has been so low. Notwithstanding this, instead of following the constitutionally established amending process laid down in article V of the Constitution by placing before the States a proposed amendment to grant young people between the ages of 17 and 21 of the right to vote in all elections, Congress last year chose to follow the siren cry of the crowd into the grave error of constitutional usurpation in attempting to do by statute that which only a constitutional amendment can accomplish.

Now, recognizing the confusion resulting from its rash action, Congress wants to pass the buck to the States to extricate the Nation from predicted chaos on election day, November 7, 1972.

Admittedly, it takes character to recognize and admit one's mistakes. By repealing section 302 of the Voting Rights Act Amendments of 1970, we would be admitting our irresponsible action in trying to accomplish by a regular law what should be done only by the amending process, and we might even convince our fellow Americans that a majority of us at least still believe in rule by law as well as the deliberative lawmaking process and have not joined the ranks of those who would bring about instant government by yielding to the pressures of mob rule—the Constitution be hanged.

I insert the article of columnist Willard Edwards at this point in my remarks:

CONGRESS SHUFFLES 18 VOTE TO STATES

(By Willard Edwards)

WASHINGTON, March 19.—Congress is about to thrust upon the states responsibility for extricating the nation from a nightmarish prospect on election day, Nov. 7, 1972.

To the other imponderables of next year's Presidential campaign, already looming as one of the most exciting in history, will be added this question:

Will 38 of the 50 states [the necessary three-fourths] ratify, in time, an amendment to the Constitution granting the vote at 18 in both state and federal elections?

Lacking that action, an estimated 11,500,000 voters, 18 to 21, must be herded apart from other citizens in exercising their franchise for the first time.

They can vote for President, Vice President and members of Congress but in most states not for governor, state legislator, mayor or local officials. This absurdity will necessitate dual voting machines or separate paper ballots; special supervisory personnel and clerks; dual sets of books.

The prospect has been aptly described as chaotic, productive not only of confusion and disorder but of potential fraud. It will cost an estimated extra $20 million.

Congress created this mess last June. It was so anxious to get on the record in favor of lowering the voting age that it adopted a legislative shortcut to achieve that goal. It amended the Voting Rights Act of 1970, spurning warnings that a constitutional amendment was the proper procedure.

In December, the Supreme Court, in a 5 to 4 decision, upheld the lowered voting age for Presidential and congressional elections but ruled the change unconstitutional as it applied to state and local elections.

Now, happily washing its hands of responsibility for the consequences of its haste, Congress is scheduled to endorse next week the constitutional amendment it should have approved nine months ago and sent to the states. The delay has drastically shortened the time remaining to act before next year's elections.

Another threat to ratification has emerged in a movement to defer it until the 18-year voting rights measure has been repealed.

A newly formed Committee for Constitutional Integrity, headed by Francis G. Wilson, emeritus professor of political science, University of Illinois, is sending letters to each of more than 7,500 members of the legislatures of all 50 states, urging such a delay.

A number of noted constitutional scholars, including Franz O. Willenbucher and Benjamin Ginzburg, former research director of the Senate constitutional rights subcommittee, have joined Wilson in warning state legislatures of the dangers of precipitate action.

Virginia, they noted, has already acted by petitioning Congress to repeal the 18-year voting act, which it described as "an act of usurpation"—a granting of powers by Congress not within its authority and standing as a precedent for future usurpatory legislation if not removed from the statute books. Every state, they argue, should make clear to Congress that it will not ratify the constitutional amendment until the constitutionally offensive statute is repealed.

Three states [Alaska, Georgia and Kentucky] already allow 18-year-olds to vote. Ten states in the last two years have rejected a lowered voting age. Others [Indiana and Kansas among them] are reported bidding for the honor of being first to ratify the 26th Amendment to the Constitution.

If precedent prevails, the number of ratifying states will mount rapidly as the months pass. Then the pace will slow as the magic number of 38 is approached.

Ratification before November, 1972, is deemed a "realistic possibility" by some observers; doubtful by others. This one could prove a cliffhanger in a period already fraught with political uncertainties.

SOMETIMES THEY CRY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. HOGAN. Mr. Speaker, I feel it necessary to reiterate my strong opposition to the liberalization of existing abortion laws. I have offered several statements regarding my concern and wish at this time to bring to the attention of my colleagues a very cogent letter.

In the November 1970 issue of the American Bar Association Journal there appeared a letter to the editor from Mr. Francis G. Dunn, a lawyer from Sioux Falls, S. Dak. In his communication, Mr. Dunn discussed the legal rights of an unborn child.

I commend Mr. Dunn's letter to the attention of all Members:

SOMETIMES THEY CRY

At a recent reception I listened to a young medical student relating his experiences of the day before in a large city hospital. He had aided in ten abortions that day and in numerous others on previous days, and his only qualm was when pregnancies had been allowed to run for four or five months and "sometimes they cry".

The statement of the young medical student has haunted me since. I recall the great concern that the law has for the unborn child on property rights. The South Dakota Code, Section 26.12, states: "A child conceived but not born is to be deemed an existing person so far as may be necessary for its interest in the event of its subsequent birth."

Provision is always made for the unborn child in business transactions and inheritance matters, and for the support and maintenance of an unborn child in divorce cases; an action can be maintained for the injury or death of an unborn child through the negligence of another. In all cases enumerated, the courts appoint a guardian *ad litem* to protect the rights of this child "conceived but not born, and deemed to be an existing person", and if he has any existing property rights, he may be assured that they will be protected.

It would seem that the law should have equal concern for the most precious possession known to man—that of life itself. I make no case for either side in the great social-religious dialogue now going on about abortion. I do make a case for the legal right of the unborn child to be represented at the hearing which decides whether he is to be a human being or dumped into the refuse barrel on a given morning at the hospital.

For many years the law gave little thought to the rights of little children in a divorce case. It was thought that one or the other of the parents would automatically fight for the rights of the children. Nothing was further from the truth in many instances. The father and the mother, hell bent on marrying someone else, gave little thought to the children, who are the real victims of divorce. It remained for Judge Robert Hanson of Wisconsin to popularize the legal theory that children do have a right to be represented in a divorce hearing where their lives are being torn apart, their hopes for a college education are being shot from under them, and their standards of living are being drastically curtailed. Now it is fairly common for children to be represented in a divorce action by a guardian *ad litem* as to their rights separate and apart from that of either the father or the mother.

I submit that the law owes this same consideration for the child "conceived but not born and deemed to be an existing person". My whole legal conscience rebels at the theory that "this is a matter between the mother and her doctor". Conceding for the moment that the doctor may be of the highest integrity, and the mother a mature, well-informed, well-adjusted person (which too often is not the case), there is still one legal person under our law with everything at stake who is not represented at the hearing—the unborn child. If the decision is to be made on the basis of the physical condition of the mother, the probable deformities or mental deficiencies of the unborn child, the social and economic squalor into which the child is to be born, then let that unborn child be represented and let proof be produced to justify the fact that he is better off unborn. I cannot find where the unborn child is represented under any of the formulas suggested for legal abortion in the various states.

It is no wonder that "sometimes they cry"; as of this date theirs is the only voice representing them in this so-called civilized government based on law. It is time the legal scholars of the country joined in this cry for the simple justice which is denied to no man in this day and age—the right to be represented in any proceedings affecting his life or his property.

HORTON PAYS TRIBUTE TO REV. CYRIL F. CARTER, FRIEND OF YOUTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. HORTON. Mr. Speaker, The Rev. Cyril F. Carter, who was athletic director at Aquinas Institute in Rochester, N.Y., for 29 years, was once described by a football coach who worked with him "as one of those men who was so good, you could not explain it."

Last Thursday—March 18—Father Cy, as he was affectionately called by his friends and associates, died after a year of failing health. He will be remembered, however, by the many people—both young and old—whom he inspired on the sports field and in the classroom, where he taught mathematics, often using ingenious teaching aids.

While Father Carter was athletic director, Aquinas attained national prominence in secondary school football. In the six seasons from 1946 to 1951, Aquinas won 40 of its 48 games and drew crowds that established attendance records in the Rochester area.

Just as importantly he created a spirit of sportsmanship in all those he directed.

Although poor health forced Father Carter to retire from the athletic post last spring, he continued as student adviser until last December. Moved by an intense interest in youth, he sought to guide them in as many ways as he could.

I knew Father Carter for many years and he was a close personal friend of mine. I believe that he exemplifies the ideals of fairplay and sportsmanship which we want to instill in our young people today.

For this reason, I would like to share an article about Father Carter which appeared in the Rochester Times-Union on March 18:

FATHER CARTER, 57, DIES; HEADED AQUINAS SPORTS

The Rev. Cyril F. Carter, C.S.B., former athletic director and veteran teacher at Aquinas Institute, died at 9:55 a.m. today at St. Anne's Home. He was 57 years old.

He had been a member of the Aquinas faculty for 29 years. Father Carter retired from the athletic post at Aquinas last spring because of failing health. He continued working as student adviser until December when he entered the infirmary at St. Anne's.

Father Carter had been a diabetic for the past 30 years and had developed kidney complications last April.

"Father Carter will be remembered by thousands for his gentleness and sincerity and for his intense interest in youth," an Aquinas spokesman said. "He was blessed with an extraordinary memory and often delighted former students by recalling their names and incidents from their high school days."

Father Cy, as he was called by his friends and associates, achieved renown and leadership in his youth playing football, baseball and hockey in his native Owen Sound, Ontario, Canada, and later at the University of Toronto.

After he graduated from St. Michael's College, Toronto, he entered the novitiate of the Basilian Fathers Community. He made his theological studies at St. Basil's Seminary in Toronto and was ordained to the priesthood in 1940.

He served two years on the faculty of St. Michael's College in Toronto and was then appointed assistant athletic director and mathematics teacher at Aquinas.

Two years later he became director of athletics, a post he held until 1970. In 1958 he was awarded a master of education degree by the University of Rochester.

Under Father Carter's direction, Aquinas soared to national football prominence with teams coached by Harry Wright in 1946, 1947 and 1948, and by Mickey Connolly in 1949, 1950 and 1951.

In those six seasons the little Irish won 40 of 48 games and drew crowds that established new attendance records in Rochester.

On Thanksgiving Day in 1947 a game against Boys Town drew more than 23,500 fans to Red Wing Stadium, Aquinas' home field until its own stadium was built in 1949.

"I'm pretty sure that's the biggest crowd that ever attended any event in Rochester," Father Carter said after the game.

"I think we could have sold 40,000 tickets if we'd had the room. Everything was going for us then—postwar prosperity, young men back from military service, no TV to give us any competition and, of course, a good team."

In June 1967, on the occasion of his 25th anniversary as an Aquinas teacher, hundreds honored him at a testimonial dinner at Vince's 50 Acres in Rush.

Present at the dinner were the former Aquinas coaches: Army Coach Tom Cahill; Jack Landry, who played for Notre Dame; and Major Don Holleder, an Aquinas football player who went on to become an All-American quarterback from Army.

Holleder was killed four months later in Vietnam. Father Carter said the mass for him in Arlington Cemetery.

Father Carter is survived by two sisters, Mrs. James Lowe of Owen Sound, Ont., and Miss Velma Carter of St. Catharine's, Ont.

Father Carter "was one of those men who was so good, you couldn't explain it."

That's the way he's remembered by Joe Repko who coached football for him for nine years from 1956 to 1964. Repko, former Boston College star who now operates Ye Olde Coaches Inn in Albion, said, "Father Cy was the kind of man who'd rather hurt himself than you. He was a gentleman all the way, humble in the true tradition of a Basilian priest."

Repko remembers one time when "I was chewing out the team while watching some game movies. We had beaten this team the Sunday before by two touchdowns, but I saw some bad mistakes in the movies. I was using some pretty tough language, really sarcastic. Unbeknown to me, Father Cy was in the darkened room.

"The lights went on and I was shocked to see him. He had a big grin on his face. The only thing he said to me as he walked out was, 'What would you have said to 'em if they had lost?' "

PENALIZING THE LAW ABIDING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial appearing on March 9 in the Detroit, Mich., News.

The editorial entitled "Penalizing the Law Abiding" points out the folly of actions now proposed in the city of Detroit to seize privately owned handguns while 75 percent of the shootings done in Detroit are done with unregistered guns, a violation of at least two and probably three existing statutes.

One must wonder why firearms of law-abiding citizens must be taken up when they are duly and properly registered under law, while criminals will, of course, be privileged to continue their nefarious actions positive that the law abiding will not possess handguns.

Perhaps the authors of this outrageous proposed statute expect that criminals will line up to register or turn in their illegal guns.

The editorial follows:

PENALIZING THE ABIDING

When existing gun-registration laws are violated in a wholesale manner and with impunity, it is ridiculous to talk about banning handguns in Detroit.

Police, city and legal officials met last week and took the first steps toward outlawing handguns for everyone except police officers. Detroit Police Commissioner John F. Nichols theorized that "elimination of handguns would obviate 65 percent of the murders in Detroit."

But then the commissioner went on to note that 75 percent of the shootings are done with unregistered guns, of which there are now 500,000 in Detroit.

Although possession of unregistered guns is illegal, people do own those unregistered guns. If there are now 500,000 unregistered guns—all in violation of present laws—then there would be 500,000 guns in violation of the proposed new law prohibiting ownership of handguns.

In short, the effect of such a ban would be to penalize law-abiding citizens who have carefully registered their arms, leaving them at the mercy of the owners of illegal arms.

To obtain a handgun legally in Michigan today, you must get a purchase permit from local police, submit the permit to the seller, sign a federal affidavit testifying that you are not a criminal or a drug-user and register the gun with local police.

If Detroit leaders wish to stop the illegal use of firearms, let them concentrate on the enforcement of existing law.

Meanwhile, the right of law-abiding citizens to bear arms is not merely an abstract constitutional matter. That provision was put in the federal and state constitutions in the very practical interest of self-preservation—certainly a genuine issue when 500,000 persons in a community possess firearms not legally registered.

YOUTH CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. ROSENTHAL. Mr. Speaker, as the spring season begins, our thoughts turn toward making plans for the summer. For over 8 million youngsters, the summer season means summer camp where they will spend as much as 8 weeks away from home.

These camps will act in loco parentis providing leadership and safety for the children. Unfortunately, however, many of the 11,000 summer camps fall short in many areas which are of major concern to parents. In many instances, camps are run by unqualified staff, too few in number to provide adequate supervision. Even more alarming, many camps do not provide adequate sanitary kitchens, fire-protection equipment, efficient sanitation disposal systems, and other essential elements necessary in guaranteeing the well-being of the child.

Most parents often do not have the time to visit the camp before their child arrives. Traditionally, the responsibility for inspecting camp facilities has been left to the individual State. Unfortunately, many States have neglected their responsibility in this area.

Almost half of the States have little or no regulations regarding summer camp safety. Only 15 States have any safety legislation applicable to camps. Only a few have minimum qualifications for camp personnel. Even in those States which have safety legislation, the laws are often unenforced.

For these reasons, I have introduced today legislation designed to insure the safety of our youth at summer camps.

Key provisions of my bill include:

Setting Federal safety and health standards with enforcement by either Federal or State officials, depending on the State's decision;

Funding up to 90 percent by Federal Government of State-run youth camp programs; and

Providing for cooperation with voluntary camping associations and existing State agencies involved with camp standards.

In cases where the States desire not to assume responsibility, the Federal Government, in the person of the Secretary of Health, Education, and Welfare, will enforce such regulations.

We have delayed too long in protecting our children from those camps which provide inadequate supervision and unsatisfactory health and safety standards. This bill will serve to eliminate these problems and offer relief to the parents of our Nation's youth.

INCREASING ASSAULTS ON POLICE THROUGHOUT NATION SHOW NEED FOR NEW FEDERAL LAW

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. COUGHLIN. Mr. Speaker, on behalf of my colleagues, Hon. EDWARD G. BIESTER and myself, I speak for a new bill we have introduced today to make assaults upon State and local law enforcement officers a Federal crime.

This legislation, we believe, is necessary because of increasing attacks and the nationwide implications of assaults and conspiracies. It is a bill which we have considered carefully, weighing all aspects, before deciding on its introduction.

Specifically, this measure would make it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. The trend of rising statistics on these types of attacks illustrates the necessity for a Federal law that offers the broadest possible protection for law enforcement officers who are assaulted or slain as a result of their official positions.

The evidence that points to a rise in national conspiracies, interstate use of facilities, and transportation of weapons interstate used in attacks also shows that a new Federal law is required. Existing laws cover Federal employees in the capacities cited in this bill, but there are no similar provisions for State and local officials.

This measure provides that in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for, interstate commerce, with the intent of assaulting, injuring, or killing such officials, or where a deadly or dangerous weapon has been transported in, or is customarily distributed in, interstate commerce, is used to committe the crime, Federal jurisdiction would be involved.

The legislation makes it a violation of Federal law to transport or aid another to transport in interstate commerce any dangerous or deadly weapon for the purposes cited. Covered also are conspiracies to kill or injure police officers, firemen, and judicial officers.

This bill is supported by Francis C. Burch, president of the National Association of Attorneys General, the Fraternal Order of Police, the International Conference of Police Associations, and the International Association of Firefighters.

The virulent increase of vicious and often fatal attacks on policemen throughout the country is the cause of grave concern among governmental officials and fair-minded citizens. As we have moved to protect the right of criminal defendants, so we must move to protect the rights of those who risk life and limb to enforce the laws of society.

The news stories relate with an appalling frequency what is happening. Policemen attacked without provocation. Firemen assaulted while trying to quell blazes during civil disorders. A judge kidnaped and killed.

Misguided persons, impelled by what they feel are injustices, are perpetrating attacks on law enforcement officers to a degree and frequency that we never before could have imagined. Acting in concert with others in various States, individuals are crossing State lines, transporting weapons interstate and committing outrages that threaten the liberties and rights of all of us.

Enactment of this legislation would permit the FBI to assist State and local authorities in investigating these crimes and tracking down criminal suspects.

In 1969, the latest year with total figures, the Uniform Crime Reports show a record number of law enforcement officers—86—were killed by felonious criminal action. This is a 34-percent increase over 1968. The previous high was 76 in 1967. The tragic toll of 561 deaths was totaled for the years 1960–69.

Percentagewise, these attacks have risen rapidly. In 1969, there were 16.9 assaults for every 100 officers. This was an increase from 15.8 in 1968 and 13.5 in 1967.

Justice is a quantity to which every American is entitled. When a class of individuals such as law enforcement officers starts to become a special target of antisocial violence, then it is time to act on the Federal level.

Our proposed law does just this and does not attempt to supplant existing State and municipal statutes. We feel not only that this law is necessary, but that we would be derelict in our duty if we did not attempt to provide additional protection for law enforcement officials engaged in performance of their duties.

We hope that early hearings on this bill will be conducted by the Judiciary Committee on what we consider is important legislation. We also hope that in time there will be testimony on the extent of fines and imprisonment that should be imposed in various cases arising under this bill.

To our colleagues who cosponsored this bipartisan legislation, we offer our thanks and we insert their names in the CONGRESSIONAL RECORD:

LIST OF COSPONSORS

Ben B. Blackburn, Republican, of Georgia.
Elford Cederberg, Republican, of Michigan.
Frank Clark, Democrat, of Pennsylvania.
James C. Cleveland, Republican, of New Hampshire.
James M. Collins, Republican, of Texas.
Robert J. Corbett, Republican of Pennsylvania.
Jorge L. Córdova, of Puerto Rico.
W. C. Daniel, Democrat, of Virginia.
John W. Davis, Democrat, of Georgia.
John H. Dent, Democrat, of Pennsylvania.
Marvin L. Esch, Republican, of Michigan.
Edwin D. Eshleman, Republican, of Pennsylvania.
Hamilton Fish, Republican, of New York.
Daniel J. Flood, Democrat, of Pennsylvania.
Walter Flowers, Democrat, of Alabama.
Gerald R. Ford, Republican, of Michigan.
Edwin B. Forsythe, Republican, of New Jersey.
Peter Frelinghuysen, Republican, of New Jersey.
Bill Frenzel, Republican of Minnesota.
James G. Fulton, Republican, of Pennsylvania.
Don Fuqua, Democrat, of Florida.
Joseph M. Gaydos, Democrat, of Pennsylvania.
George A. Goodling, Republican, of Pennsylvania.
Ella T. Grasso, Democrat, of Connecticut.
Seymour Halpern, Republican, of New York.
Orval Hansen, Republican, of Idaho.
James Harvey, Republican, of Michigan.
Ken Hechler, Democrat, of West Virginia.
Craig Hosmer, Republican, of California.
Albert W. Johnson, Republican, of Pennsylvania.
William J. Keating, Republican, of Ohio.
Jack F. Kemp, Republican, of New York.
Robert McClory, Republican, of Illinois.
John Y. McCollister, Republican, of Nebraska.
Joseph M. McDade, Republican, of Pennsylvania.
Ray J. Madden, Democrat, of Indiana.
Romano L. Mazzoli, Democrat, of Kentucky.
Ralph H. Metcalfe, Democrat, of Illinois.
Robert H. Michel, Republican, of Illinois.
Bradford F. Morse, Republican, of Massachusetts.
Walter E. Powell, Republican, of Ohio.
Tom Railsback, Republican, of Illinois.
Donald W. Riegle, Republican, of Illinois.
Fred B. Rooney, Democrat, of Pennsylvania.
John P. Saylor, Republican, of Pennsylvania.
Herman T. Schneebeli, Republican, of Pennsylvania.
Fred Schwengel, Republican, of Iowa.
Keith G. Sebelius, Republican, of Kansas.
Richard G. Shoup, Republican, of Montana.
Floyd Spence, Republican, of South Carolina.
Charles M. Teague, Republican, of California.
John H. Terry, Republican, of New York.
Vernon W. Thomson, Republican, of Wisconsin.
Guy Vander Jagt, Republican, of Michigan.
John Ware, Republican, of Pennsylvania.
G. William Whitehurst, Republican, of Virginia.
Lawrence G. Williams, Republican, of Pennsylvania.
Wendell Wyatt, Republican, of Oregon.
Louis C. Wyman, Republican, of New Hampshire.
Gus Yatron, Democrat, of Pennsylvania.
Roger H. Zion, Republican, of Indiana.

SENATE—*Tuesday, March 23, 1971*

The Senate met at 10 a.m. and was called to order by Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of all mankind, impart Thy grace and higher wisdom to all in the service of this country that they may be faithful to their trust and by their labors advance Thy kingdom on earth.

O God, whom prison walls cannot exclude, be present with all who are held as prisoners of war. In hours of loneliness draw near to them. Let thoughts of Thee be their strength and stay. O Thou who comest as a still, small voice, speak to them comfortably. Uphold them in their weakness, whether of body, mind, or spirit. Give their loved ones reassurance concerning them, and temper the acts and actions of their keepers with mercifulness; through Jesus Christ, the Great Deliverer of all. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 23, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. McGOVERN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

FEDERAL ACTIVITIES IN JUVENILE DELINQUENCY, YOUTH DEVELOPMENT, AND RELATED FIELDS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. MCGOVERN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I have the honor to present herewith a report of Federal activities in juvenile delinquency, youth development, and related fields, as required by section 408 of the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90–445).

The report covers the period from July 1, 1968, to June 1970, and evaluates activities of the Youth Development and Delinquency Prevention Administration (formerly the Office of Juvenile Delinquency and Youth Development) in the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, which is responsible for the program. It also includes a description of the activities of other Federal agencies and departments in the field of juvenile delinquency.

Early in 1970 it became evident that certain changes in direction and emphasis in the program of the Youth Development and Delinquency Prevention Administration would be highly desirable. This report also incorporates these proposed changes.

I commend this report to your careful attention.

RICHARD NIXON.

THE WHITE HOUSE, March 22, 1971.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Raymond J. Broderick, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, which was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 19, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. SAXBE. Mr. President, I will have to object to all committees meeting during the session of the Senate today. Perhaps the distinguished Senator from Montana would amend his request to include all committees but the Committee on Commerce; if so, I would not object.

Mr. MANSFIELD. The Senator from Ohio is doing so by request, I assume.

Mr. SAXBE. Yes.

Mr. MANSFIELD. Mr. President, I amend my unanimous-consent request that all committees be authorized to meet during the session of the Senate today except for the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PASTORE subsequently said: Mr. President, it is the understanding of the senior Senator from Rhode Island that this morning the senior Senator from Ohio, on behalf of someone else whom I do not know, whose name has not been revealed, objected to the Committee on Commerce sitting at 2 o'clock.

The Committee on Commerce is considering a so-called ceiling on campaign expenditures. I know there is strong feeling on the part of some who would rather have no bill at all. But I think the RECORD should show that the meeting was set for 10 o'clock this morning and over the weekend I received a call from the distinguished Senator from Tennessee (Mr. BAKER) who explained that because there was no session on Monday many Senators would be traveling Tuesday and they could not be here by 10 a.m. In order to accommodate him I set the time for the meeting of the committee at 2 p.m. instead of 10 a.m.

I hope we are not getting into dilatory tactics with respect to this bill. All I want to say at this juncture, and I say it as kindly as I can say it, to use a phrase constantly used by Mr. Nixon, I hope we are not getting into the game of dirty pool.

ORDER FOR RECESS UNTIL 9:40 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:40 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was rescinded.)

ORDER FOR RECOGNITION OF SENATOR MUSKIE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, after disposition of the reading of the Journal and the recognition of the majority and minority leaders, the distinguished Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was rescinded.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for a period of not to exceed 15 minutes.

THE SST

Mr. KENNEDY. Mr. President, the final hour in the debate over the SST is approaching. The decision by the Senate tomorrow, hopefully, will signal the end to Government underwriting of the cost of the supersonic transport. The decision follows weeks of intensive lobbying by proponents of the SST.

We have been bombarded with a broadside of radio and newspaper advertisements, slick folders and polished pamphlets telling of the glories of traveling to Paris at 1,800 miles per hour. These last-minute high-pressure efforts were unsuccessful in the House of Representatives last week. I sincerely hope that they will have even less effect here.

Witnesses have traced the factual and philosophical arguments for and against the SST during the past several weeks of hearings by both the House and Senate Appropriations Committees. Unanimity of opinion was a rare visitor at those sessions. But I believe these hearings have documented compelling reasons why the American taxpayer should no longer bear the burden of financing the costs of a plane which will be barred from supersonic overland flight, a plane which will cost more than double the price of today's jets, a plane which will carry only the intercontinental commuter.

First, the SST should not be funded because it presents grave threats to the environment, threats which cannot be resolved until after extensive research has been completed. Nearly every conservation and environmental group in the Nation and scientific panels including the President's own advisers view the atmospheric pollution, the sonic boom and the noise pollution of the SST with deep and genuine concern.

The most serious threat to the environment relates to the upper atmosphere where the SST's will fly. In the 50,000 to 60,000 feet level of the stratosphere—the thin dry layer of air far above the cruising altitude of today's commercial jets—pollutants cannot be easily absorbed. Accumulating with each flight, they will remain between 1 and 3 years. Government witness Dr. William W. Kellogg, associate director of the National Center for Atmospheric Research, testified that each of the four SST engines will spew out on the hour: 5 pounds of soot, 6 to 30 pounds of sulfur dioxide, 16 pounds of unused hydrocarbon fuel and 1,400 pounds of nitric oxide. He also testified that a fleet of SST's operating 7 hours a day would add 10 percent to the stratospheric water vapor around the globe. In the high usage corridors in the north Atlantic, Dr. Kellogg said the additional water vapor could be 100 percent greater than it is today. The impact of those exhaust emissions on the climate of earth and on man himself is unclear, but it cannot be dismissed.

Dr. Kellogg was not alone in calling for more research. Perhaps the most frightening specter of commercial supersonic flight came in investigations conducted by James McDonald, senior physicist at the Institute of Atmospheric Physics at the University of Arizona. He concluded that the additional water vapor pumped into the stratosphere by a fleet of SST's could reduce the ozone which filters ultraviolet rays from the sun. Dr. McDonald testified the increase in this ultraviolet radiation could cause 5,000 to 10,000 more cases of skin cancer in the United States. A number of cancer specialists and meteorologists subsequently confirmed the logic of Dr. McDonald's theories and unanimously endorsed further research. Some even termed "conservative" Dr. McDonald's estimate of the probable increase in skin cancer.

William Ruckelshaus, Director of the Environmental Protection Agency, testified at House hearings:

> It is my understanding . . . that no definitive answer can be given as to the impact of water vapor on the ozone and the amount of that impact or of the resultant impact of increased radiation on the earth.

No one is ready to say with certainty what will be the effect on the environment and on man's health when a fleet of SST's are working the skies.

Nor are all of the answers available on the matter of noise pollution. Department of Transportation officials state the modifications in the engine design will permit the SST to meet the 108 FAA-approved decibel level by 1978. However, the National Academy of Sciences/National Academy of Engineering study recommends that the noise standard be dropped by 10 decibels by 1975. No one has ever argued that this is feasible for the SST's. The engine modifications to reduce the sideline noise from 124 to 108 decibels already have meant an increase of 50,000 pounds in the takeoff weight of the SST. Those modifications also have boosted the price by several million dollars. In addition, a Boeing executive has testified that the requirement to lower the noise level could shorten the range of the plane at the rate of 50 miles for each decibel of noise reduction.

Thus, the question remains whether an SST, ours or a foreign product, will be built at any time in the near future so that its noise level meets our requirements without impairing its economic viability. And State legislatures, including the legislature in my own State of Massachusetts, are acting to insure that foreign SST's meet the same standards as subsonic jets if they wish to land at our airports.

The sonic boom also is an unsettled issue of concern. Hopefully, the bill passed last week by the Senate will receive speedy consideration by the House and will be signed into law by the President. That has not yet occurred. Nor have the regulations promised by the FAA yet gone into effect. Neither has there been any conclusive research into the ecological effect of supersonic flight over the oceans.

The environmental issues of pollution of the upper atmosphere, of sonic boom and noise pollution are unsettled. Scientists and ecology groups have testified that the SST presents extremely serious threats to our environment; threats to which no one yet has an adequate response. We should find out the answers. Research into these matters should be undertaken.

But nothing, absolutely nothing, requires that two SST prototypes be built in order to find out the answers to these questions. As Mr. Ruckelshaus testified:

> I think it is generally agreed that we can find answers to the environmental questions without going ahead with the production of the two prototypes.

Mr. President, we have a fragile environment and it is the only one we have. I think that we can protect it best by not going ahead with the SST.

Second, the notion is totally false that additional Government financing of the SST is required to safeguard the economy. SST proponents state flatly that the SST will mean 150,000 jobs and a favorable future balance of payments. Even if those assertions were true, which they are not, the Government still must decide whether other Federal expenditures could provide even greater economic benefits, serve more people and do so without harmful environmental effects.

Economists including Nobel Prize winner Paul Samuelson, Dr. Milton Friedman, Dr. John Kenneth Galbraith, and Dr. Arthur Okun, as well as nearly every other non-Government economist, are unanimous in their condemnation of the alleged economic justification for the SST. Even the Council of Economic Advisers told President Nixon in 1969 that they viewed the SST as a "white elephant."

Some 14,000 persons are now employed in the SST prototype program. Another 6,000 are expected to be employed at its height during the next several years, a total of 20,000. If the SST ever arrives at high level production, the Department of Transportation estimates that 50,000 persons will be employed. The other 100,000 jobs the Department of Transportation holds out hope for are the barbers, milkmen, gas station attendants and salesmen who would be providing services to the SST employees. This is sheer propaganda. Those same men and women would be providing the same services to the same 50,000 persons who could be working in hospitals, schools or water pollution abatement projects. It depends only on where we decide to spend Federal dollars—on a plane for the elite or on services for the majority.

Funding the SST is one of the least productive expenditures in terms of the number of jobs that can be produced. For every dollar spent on the SST, many more jobs could be created if we were to spend that money on health, education, or housing.

Walter Heller, former Chairman of President Kennedy's Council of Economic Advisers, said:

> On strictly economic grounds, the SST is an enormously costly way to create jobs. Except by attaching some dubious and unproved multipliers to the limited direct employment on the SST, one can't begin to match the job-creating power of a public service jobs program, or a housing program, or even a carefully selected program of consumer stimulus that could be mounted with the same funds that are involved in the SST program.

Arthur Okun, of Brookings said the same:

> There is simply no evidence that expenditure of federal funds on SST will create more jobs or better jobs than expenditures for manpower programs or health or urban renewal. I submit that if one asks where an extra $290 million will do the most to create jobs, SST will not be the answer.

Even the prospective production line jobs in the aircraft industry will not be saved or lost by a vote on the SST. Employment in the aircraft industry has dropped as the economy has declined and an uneconomic project like the SST cannot be the panacea. A strong economy is the only guarantee for the future of the aircraft industry and for the men who build its planes.

The irrelevancy of the jobs argument to the decision on the SST is matched only by the irrelevancy of the assertion that SST development is vital to our future balance of payments. The calculations of the alleged imbalance depend on extremely tenuous assumptions. In fact, the U.S. Treasury Department in 1969 argued against Government financing of the SST because their calculations showed a net unfavorable balance of payments resulting from the SST.

C. P. Kindleberger, MIT economics professor and an expert in the field of international trade, stated:

> I believe there is very little validity to these estimates of the balance of payments losses from not building the SST.

He added:

> This is a faulty basis for deciding the question in the first place.

Dr. Kindleberger has pointed to the Achilles heel of the pro-SST argument. As with jobs, if the object is to improve the balance of payments, there are better ways to do it and the construction of SST's cannot be justified for those reasons.

Third, the SST should not be funded because it is an economically unsound program for the Government, for the airlines, and for the American taxpayer.

For the Government, it means throwing good money after bad. Already $864 million has been spent on the SST. Now we are being asked to spend $478 million more, which would mean a cost of $1,342 billion to the American taxpayer.

We have unresolved doubts about the feasibility of the SST. We have unresolved doubts about its usefulness. We have unresolved doubts about its danger to our environment. Why should the U.S. Government accept the risk that the SST will be the world's fastest flying Edsel?

Dr. Okun testified:

> If the SST is nearly as good—as feasible technically, as sound commercially, and as demonstratively safe environmentally—as its proponents insist, then the SST does not need public funds. If however, the SST is not attractive to private investors, that should be be decisive evidence that the SST should not be built or further developed at this time. I see no public interest in the construction of the SST that would warrant the expenditure of taxpayers' money if the project fails to meet the market test and to attract private investors' funds.

If private industry wants the SST, then let them pay for it.

For the airlines, the SST is a plane for the future which despite all of the public protestations of support, they surely do not want to buy today and probably will not be ready for in 1978. General E. R. Quesada, former Administrator of the Federal Aviation Agency and a director of American Airlines, told the Senate Appropriations Committee:

> I can't make myself believe that the air transportation industry at this time longs for this airplane. I think the air transportation industry would love to have a breathing spell and not be forced into another round of new equipment.

General Quesada's comments should not be surprising. The airlines industry showed a net loss of $178.3 million last year and their domestic revenue passenger mileage has continued to drop for the past 5 months. Only last week, the CAB approved fare hikes on the profitable European routes to try and ease the financial doldrums of the airlines. This does not appear to me to be an industry that can afford to purchase a $40 million airplane today, nor do I think it is an industry that can afford the $2 to $5 billion cost of financing the actual production of these planes.

In order to tempt the airlines to buy a $40 million plane or invest billions of dollars in its production, it would have to be a sure thing, and the SST is far from that. It has all of the symptoms and characteristics of being a civilian version of the C-5A, an economic "white elephant" of the grandest and most expensive proportions we have yet witnessed.

There are logical reasons why airlines probably would like to pay off their 747 debt and forget about the SST for some time.

The SST now costs over $40 million, double the price of the 747 and the price tag is expected to rise to over $50 million by the time it actually moves down the runway.

The SST will carry only 298 passengers compared to 350 for the 747 of today and an anticipated 500 for the 747 of the near future.

The SST has a 3,600- to 4,000-mile range without refueling while the 747 has an optimum 6,000-mile range.

The SST per passenger operating costs are estimated to be substantially more than the 747.

High SST operating costs relate directly to its voracious fuel appetite. The SST requires 115,000 pounds of jet fuel per hour. The Department of Transportation said that by 1990 some 500 million barrels of fuel would be needed to fuel a fleet of 500 SST's.

Since the SST consumes approximately twice the fuel per passenger-mile as a 747, whenever delays in landing or takeoff occur—as they unfortunately do with regularity—the costs are greater to the SST which consumes more fuel in circling and idling than its 747 counterpart.

The magnitude of the SST appetite for fuel is evident when one realizes that the estimated production of the proposed Alaska pipeline, 2 million barrels a day, would be consumed by the 1990 world fleet of SST's. And despite all of the assertions to the contrary, this gargantuan fuel appetite will place an additional pressure on the Nation's oil supply and add to the likelihood of future oil price hikes. There is no doubt that the world's potential oil resources are adequate to meet these needs, but our past experience in New England proves that high profit fuels such as jet fuel will be produced from the available crude oil and the low profit fuels that New England needs to heat its homes and industries will be in even shorter supply than they are today.

The tremendous fuel costs, the high operating costs, the inflationary sales price and the likelihood of higher costs as its designers struggle to meet noise suppression requirements all come together to label the SST—as did Dr. Paul Samuelson—"an economic and human disaster."

For the American taxpayer, the SST, is an immensely costly mistake. For the $864 million of taxpayers' dollars already spent to be repaid, some 216 planes would have to be sold. But that is not all. The American taxpayer has enough knowledge of the way things work to have a healthy disregard for the assurances by administration officials this year that the cost of production, the $2.5 billion cost of production, will not fall upon his shoulder. Under Secretary of Transportation Beggs was more honest last year when he told the Joint Economic Committee:

> While I was of the opinion that private financing would be available, if it were not at that time, and if we felt that we had a successful SST program on our hands—that is, a successful transport after the prototype testing—and it required some Government-guaranteed loans, then I would think we would so recommend.

This year, the administration officials have emphasized that the production phase always was intended to be through private financing but testimony before the Congress makes it evident that the American taxpayer is being viewed as a financier of last resort if private financial institutions decide the $2 to $5 billion SST production cost is too risky.

There is a final reason why the SST is an uneconomic investment for the American taxpayer. Approximately, 99 percent of the American taxpayers who are being asked to pay for it will not be able to use it. It will be a high fare, first class plane for an expense account, first class passenger. Today, some 6 million passenger miles are flown internationally by U.S. citizens—which represents 3 percent of the population. Of those, between 5 and 10 percent fly first class. So today, less than 1 percent of the U.S. population is flying first class on international flights. The Department of Transportation estimates that in 1985, when SST's are planned for operation, 25 million passenger miles will be flown internationally by U.S. citizens. Since the SST will have a surcharge higher than even the first-class fare for subsonic jets, we can assume that the percentage of passengers who go SST will be similar to the percentage who fly first class today. Thus, perhaps one or two percent of the U.S. population will fly on the SST. If that is not a flying toy for the jet set, then I do not know what is.

Finally, I can think of no single decision facing the Senate which will have a greater impact in reestablishing national priorities than a decision tomorrow to halt Federal funding of the SST. Many of us campaigned for re-election last fall on a platform of redirecting the energies of the Nation toward solving the problems of our cities, the problems of the poor, the problems of the elderly. Voting for the SST is a jarring disavowal of any intention to readjust the direction of our Government toward improving the quality of life in the Nation.

Some argue that $290 million is a small part of the total Federal budget. And that the $478 million needed for the prototype program also represents a tiny portion of our resources. I question that line of reasoning. If that money is to be spent, I want it aimed at other problems.

Urban mass transit is vitally needed to unsnarl the transportation networks of our major cities. Yet this year, the administration has frozen $200 million from a $600 million mass transit appropriation. There is a $2.2 billion backlog of applications in the Department of Transportation from cities and counties around the Nation. I would rather see the administration spend that $200 million and more on urban mass transit which is needed today and which will benefit millions of Americans, rather than continuing the SST which will benefit only the international business executive and the affluent tourist.

For fiscal 1971, the administration asked for $290 million for the SST yet the President vetoed the Hill-Burton hospital construction bill because it contained $350 million more than he had requested.

To develop the SST he asked for $290 million but to fund the National Cancer Institute, he requested almost $90 million less. To fund the SST, he asked for $290 million but to fight air pollution he requested only $115 million. To fund the SST he asked for $290 million but for the Older Americans Act, he requested $31 million.

These are the kinds of misallocations of resources and concerns that the SST represents.

As a Nation, we must apply the skilled resources and talents of our scientists and engineers to the most urgent tasks facing us. The funds that we cut out of the budget for the SST should be channelled to socially useful programs—programs which lead to enriching human life. And scientists and engineers can play a vital role in those new programs. I have introduced S. 32 to provide for retraining scientists and engineers to direct their talents to social needs. In the supplemental appropriations bill this year, I shall introduce an amendment to shift $25 million of the money we cut from the SST into the National Science Foundation for retraining scientists and engineers for research and development in social programs. In this way, we can get on with the business of redirecting our energies toward our most vital needs.

Mr. President, if we are concerned about avoiding an unnecessray threat to the environment of man, if we are concerned about economic viability of the airlines, if we are concerned about jobs and balance of payments, if we are concerned about where this Nation places its priorities, then we should vote against continuing the appropriations for the SST. I strongly urge my colleagues to end the Federal SST subsidy.

Mr. President, I want to call the attention of the Members of the Senate to a particularly cogent analysis of the economic implications of the SST for the U.S. aviation industry.

In an article published today in the Wall Street Journal, Allen R. Ferguson, former Coordinator for International Aviation in the State Department and a consulting economist, has outlined the detrimental impact of the SST on future international fares, on future international travel, and on the financial condition of the airlines.

He states that the SST reverses the traditional U.S. aviation position. Innovation since World War II, "Has typically combined greater speed, comfort and range with reduced costs per seat-mile," he said.

As a result, the U.S. aviation industry has dominated the world market.

But with the SST, costs per seat-mile will be substantially higher than the subsonic jets it is designed to replace.

To meet those costs, the airlines would be faced with a 25- to 30-percent fare surcharge. But Mr. Ferguson said it was unlikely higher fares needed by the SST's to operate economically would be imposed. Instead, as Government subsidies force political decisions to insure SST sales, pressure will be placed on the airlines to boost their subsonic jet fares on international flights to subsidize the SST.

The impact of higher fares across the

board would be to reduce international travel—in fact, Mr. Ferguson cited a study showing that for each 1-percent change in fares, a 2-percent change in travel resulted. He said:

> If this sensitivity in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic fleet.

The result would be less travel, less jobs, and less profits for the airline industry.

Mr. Ferguson's conclusion is to be recommended strongly to my distinguished colleagues. The SST should not be subsidized by the American taxpayer. When technological changes occur to reduce the SST costs or when other developments obviate the need for the SST, private industry will finance the economically profitable plane.

I ask unanimous consent to include the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SST IS NOT GOOD BUSINESS

(By Allen R. Ferguson)

The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not good business.

It is economically unsound because it poses a problem that is largely new in aviation. Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engined piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.

With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

COST INCREASES

The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.

This would pose a serious problem of both domestic and international fare policy for the government. A policy that would be both efficient and equitable would require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set 25% to 30% above the corresponding fares of the subsonics, SST passengers would have to pay for the speed advantage, and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares. The advantages of each type of service would be available to passengers in accordance with their willingness to pay. However, aviation experts simply do not believe that to most travelers supersonic speed will be worth what it costs. Consequently a fare policy that made broad economic sense would visit financial disaster on the whole SST venture.

If the SST is eventually produced under federal support it is likely to be impossible for the U.S. government to insist on rational pricing of its services. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, letting the U.S. SST become a financial failure would be, to say the least, politically difficult. Obviously, to retain the appearance that the American taxpayers were recouping their investment in the SST, the government would be under great pressure to force many of them to subsidize the SST through excessive fares.

If, as is to be expected, there were little or no fare differential, travelers would presumably prefer the time-saving and would fly on the SST. Payloads on subsonics would tend to be depressed. Their early retirement from the affected routes would be forced on the industry. A larger and larger proportion of at least the trans-ocean fleets would become supersonic, and hence, to avoid losses, the fares on those services would have to approach the seat-mile costs of the SST. Thus, such a fare policy would almost certainly force fares on virtually all types of aircraft substantially above the level at which they would otherwise rest.

Given the effect of the SST on fares, the implications of "success" of the SST program are not hard to draw. First and most obvious, there would be less air travel than otherwise.

If air travel is constricted there will be less employment in the airlines, fewer aircraft will be needed and, hence, eventually perhaps less employment even in the aircraft industry.

DECREASE IN AIR TRAVEL

How much of a decrease in air travel could be expected is impossible to predict with precision, but in 1964, when the most recent sweeping reductions in trans-Atlantic rates went into effect, an average reduction of about 15% was followed by a 40% increase in travel. A major study of the sensitivity of the volume of travel to fares in the North Atlantic indicated that for each one-percent change in fares there had tended to be a two-percent change in travel. If this sensitivity in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic, fleet.

These are the obvious direct consequences for the aviation industry of a technically successful SST program. They are at least among the reasons why many airline executives privately—and a few publicly—express reservations about the SST. There are other consequences. Since subsonics would be displaced at a faster rate than would otherwise be the case, the obsolescence of the recently acquired wide-bodied and other subsonics would be accelerated; consequently, depreciation and interest charges or equipment write-offs would be increased, reducing airline profits. The financial problems of the airlines would be aggravated. Their debt is now at historic highs; major carriers are incurring unprecedented losses, such as American Airlines' $10 million loss in the month of February. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems hardly prudent.

There is another serious adverse potential. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this relatively free and expansive arrangement has been increasing in recent years and has accelerated frequently in response to American innovations and to financial difficulties of foreign airlines. The introduction of the SST might induce major restrictions by foreign governments, removing one of the foundations on which American efficiency and pre-eminence in world aviation are based.

But what of the "threat" of foreign supersonics, the British-French Concorde and the Russian TU-144? Will the airlines of the world be forced to replace their American-built fleets with them—as is often alleged? Both these foreign supersonics are ahead of the U.S. SST. Both will probably prove technically operational. But neither is certain. More important, some things about both are certain. Neither will be able to fly even New York-Rome non-stop, to say nothing of Los Angeles-London or San Francisco-Tokyo. Neither will be allowed to fly across the U.S. or across Europe at supersonic speeds. Both will be extremely costly to operate: Last November the British Aircraft Corporation announced that the Concorde's expected seat-mile cost would be 36% higher than that of the 747.

There is simply no way that such equipment can penetrate a large segment of the world's aviation market. Whether it penetrates any significant fraction of the U.S.-international market at all depends largely on the policy of the American government. Unless the U.S. government permits fares in international travel (over which it can exert considerable influence) to force travelers on the American-built subsonics to subsidize the Concorde or the TU-144, they will have virtually no markets of significance—even if their remaining technical and operational problems are all solved.

This brings us to the question of American "aviation leadership." Aviation leadership consists of the leadership of our manufacturers and of our airlines.

It is clear that within the aviation community both at home and abroad the U.S. would certainly gain some "prestige" from producing a superior and ultimately dominant SST. Throughout the world there are many aviation authorities afflicted with that form of myopia which prevents their seeing beyond technological elegance to social and economic utility. But many aviation officials also do understand and would resent the economic and financial strains that would be imposed upon their own carriers by artificially premature obsolescence of their American-built subsonic jets, in the interest of U.S. prestige.

The consequences for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead: The world flies

American equipment. The British failed to capture any significant fraction of the market with the technically premature Comet or the luxurious but costly VC–10. The U.S. leadership is soundly based on economic reality, not technological novelty. To jeopardize it with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at least, a most questionable choice.

Similarly, the U.S. airlines enjoy a highly prestigious, traditionally profitable and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elaborately inefficient vehicle is, at best, risky.

What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problems of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.

SUBSIDIES AND UNCERTAINTIES

Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.

Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.

Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut (Mr. Weicker) is recognized for a period of not to exceed 15 minutes.

THE PRIORITY OF MASS TRANSIT

Mr. WEICKER. Mr. President, for a few minutes today I would like to bring to life the priority of mass transit.

I do this because the time is now in this Nation when peoples' energies are best spent on being "for" rather than "against." Frankly, I know I can make a better case against the SST by using my energies speaking for mass transit. There is the added benefit that after the smoke clears, what is left are not victors and vanquished but a positive result. If the argument I present today fails, let it be so because someone else won his point by being more positive, more constructive, more of a builder—and not because he was more of a wrecker.

In short, what I am saying is that whether in the best of times or worst of times governing will always mean choosing and I hope the choices of this Nation will be survivors of tests of logic and intellect and not products of successful ridicule, fear, or untruth.

First, I would like to set my feelings straight on many of the arguments used against the SST.

I do not think it would be ecologically or environmentally unsound.

I believe that science and technology must go forward, can be compatible with nature, and would be so in this instance.

Do I expect the products of free enterprise any more than the products of the U.S. Senate to be total perfection from the instant of their birth? No, I do not, and anybody who is trying to make us a nation of instant perfectionists puts a priority on timidity rather than achievement. The greatness of this country was built on trial and error—on the fact that men and women could make their dreams tangible without fear that if they risked and lost, their freedoms or even their lives would be forfeited.

Do I think the proponents of the SST are insensitive to the well-being of the people of the United States? No, I do not. They are fighting for their beliefs as evidenced by their project—now I am going to fight for mine as evidenced by mass transit.

The years 1971–72 with their shortage of domestically allocated funds and deluge of domestic demands make hard-nosed choosing inevitable. But to be very specific, let us narrow the choosing process down to transportation only. In other words, "no fair" comparing the SST to housing anymore than mass transit to education, and so forth. But "fair" to compare the situation, the money and the people served as between the SST and mass transit.

THE SITUATION

Cities without mass transit.

Suburbs without commuter service.

Cities with mass transit, but in inadequate or dangerous condition.

Suburbs with commuter service but in inadequate or dangerous condition.

Urban and suburban areas without bus service.

Nonexistent intercity passenger rail service.

Airports without mass transit facilities to the areas they serve.

Urban areas choked with automobiles.

Highways, freeways, and throughways that are inadequate before they are complete. The countryside laid cold by concrete and asphalt.

In short, the mobile American whether on the move for business or pleasure can only move if he leaves the continental United States. At home, he has slowly been grinding to a halt. The machinery of transportation is faster—transportation is not.

THE MONEY

For the record, I am submitting an abbreviated version of the 1971–72 budgets for the Department of Transportation. The figures for urban mass transit, rail transport, and the SST look rather innocuous until we move on to the next category.

Mr. President, I ask unanimous consent to have printed in the Record a table which represents an abbreviated version of the 1971–72 budgets of the Department of Transportation.

There being no objection, the table was ordered to be printed in the Record, as follows:

DEPARTMENT OF TRANSPORTATION BUDGETS FOR FISCAL YEARS 1971 AND 1972[1]

[Dollars in thousands]

Item	Fiscal 1971		Fiscal 1972	
	Budget authority	Percentage of budget authority (percent)	Budget authority	Percentage of budget authority (percent)
SST	$290,000	3.71	$235,000	2.78
Air transport (excluding SST)	1,475,000	18.24	1,995,002	23.62
Highway transport	5,732,500	70.91	5,997,665	70.99
Rail transport	29,300	.36	50,550	.60
Urban mass transport	[2] 400,000	4.95	[2] 600,000	7.10
Total	8,084,570	100.00	8,447,820	100.00

[1] Budget requests for the office of the Secretary, Coast Guard and the National Transportation Safety Board are excluded from the separate figures but are included in the overall totals.

[2] The figures for budget authority for the Urban Mass Transit Administration are pro rated from the congressional authorization of October 1970 of $3,100,000,000 over a 5-year period. Levels stated reflect Presidential estimates in lieu of appropriations.

Mr. WEICKER. Mr. President, the table to which I have referred indicates that in 1971, 3.71 percent of the Transportation budget was for the SST and 4.95 percent was for urban mass transport. In fiscal 1972, 2.78 percent was for the SST and 7.1 percent was for urban mass transit.

THE PEOPLE SERVED

Mr. President, international air travel serves over 6 million people in 1971. Railroad and urban mass transit serve over 6 billion. The figure for international air travel rises to 7½ million in 1972 while the other figure remains the same.

Mr. President, I ask unanimous consent to have printed in the Record a table showing the estimated number of American passengers traveling by various modes of transportation.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE II.—NUMBERS OF AMERICAN PASSENGERS TRAVELING BY VARIOUS MODES (ESTIMATE)

MODE	Fiscal 1971	Fiscal 1972
Air-International	6,450,000	[1] 7,418,000
Railroads:		
Inter City	80,000,000	78,000,000
Commuter	206,500,000	206,500,000
Urban mass transit	5,868,000,000	5,757,000,000

[1] Approximately 35 percent of all Americans flying internationally travel to the West Indies, Canada, Mexico or Central America, routes to which would appear to be inappropriate for SST flight based on projected sonic-boom and cost restrictions.

Mr. WEICKER. Mr. President, the table shows 6 million American passengers in international air travel in fiscal 1971 and nearly 6 billion American passengers in ground transportation in fiscal 1971.

When related to the previous table this demonstrates that Federal expenditures per passenger for various modes of transportation are as indicated on the following table entitled "Federal Expenditures per Passenger for Various Modes of Transportation," which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL EXPENDITURES PER PASSENGER FOR VARIOUS MODES OF TRANSPORTATION

Mode	Fiscal 1971	Fiscal 1972
SST	$44.96	$31.68
Railroads	0.10	0.18
Urban mass transit	0.07	0.10

Mr. WEICKER. Mr. President, if the full SST request were, in fact, appropriated, we would be spending 3.7 percent of the transportation budget on somewhat over 6 million passengers, while we would spend only 5.3 percent on over 6 billion passengers using all forms of surface mass transit.

Put in a different way, to bring mass transit funding up to the level of funding for the SST on a per passenger basis—and it seems to me that is the business of government—we would have to spend more than the entire Federal budget—$212,755,000,000.

Put the use of the domestic traveler alongside the figures of the Federal budget and the truth of wretched performance becomes shockingly clear.

Even though this administration, to its credit, has upped the funding of mass transit in 1971–72 budgets, those budgets like transportation itself, are inadequate because they minimize the most important factor—people, their increasing numbers, their changing life styles.

At the rate of the 1971–72 budgets mass transit will not be grinding to a halt—it will petrify.

Mr. President, in this year of hard choices, I think the time has come to insist that 6 billion travel happenings be accomplished—be accomplished safely—be accomplished excellently.

The real prestige of America rises and falls on how well it does by its people.

Move 6 billion people well and you know democracy works. Not just in the eyes of the world, but in the eyes of the 6 billion.

And that is a priority—1971–72 style.

Tomorrow, when I vote against the SST, it will be a vote for mass transit.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains under the time allocated to the able Senator from Connecticut (Mr. WEICKER)?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, will the Chair proceed to announce the next order, please?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that under the previous order the Senator from Kansas (Mr. DOLE) and others were to be recognized for colloquy for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE), I yield to the Senator from Arkansas (Mr. MCCLELLAN).

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

Mr. McCLELLAN. Mr. President, as a cosponsor of the legislation to authorize the President to designate this period as "National Week of Concern for Prisoners of War/Missing in Action," I lend my voice, my heart, and my office to our men held captive in Southeast Asia.

These men are truly being tested. Cut off from their units, their loved ones, and from each other, they alone know the full meaning and measure that their country sometimes must demand.

Though opinion may well differ on the reason for American presence in Vietnam, Americans are as one in our desire to see these men returned safely home and in our determination to do everything within our power to see that happy day.

Unfortunately, just as the enemy takes our lack of will to win, and our vacillation in Southeast Asia as a sign of weakness, so too, I fear, will they mistake our humanitarianism—our concern—and our entreaties on behalf of our men in captivity as a further mark of weakness. I urge the administration to try to dispel this erroneous impression.

The tragedies of war take many forms. We are touched by all of them. But none unites us—moves us—and steels our determination more than the inhumane, barbaric treatment being inflicted on our captured men by other North Vietnamese.

The administration assures us that everything possible is being done to secure humane treatment and the eventual release of our prisoners. Regrettably, these efforts have not proved fruitful, but I urge the Government and the President to continue to press unanimously and unrelentingly this issue until the release of our men is procured.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee (Mr. BROCK) is recognized.

Mr. BROCK. Mr. President, I want to again express my deep gratitude to this body and to my former colleagues in the House for their unanimous response to legislation designating this week as a National Week of Concern for American Prisoners of War/Missing in Action. This is a week when the American people speak as one voice in behalf of our men who are prisoners of war or missing in action in Southeast Asia.

Relating the story of just one brave young wife of an American fighting man who was captured perhaps best explains my deep concern for this cause and why I am so grateful to the Members of the House and the Senate for making this legislation possible.

Mrs. Wayne Fullam is the wife of Air Force Maj. Wayne Fullam, whose plane was shot down over North Vietnam in October 1967. His parachute was seen opening and hopefully he descended safely. Yet, no word as to what has happened to him since has ever been heard.

During those 3 years, Boony Fullam has been both mother and father to their three sons, trying to live a normal life, knowing only that her husband parachuted into enemy territory and nothing more. She has exhibited a courage and faith that both inspires and humbles, while working tirelessly to secure a scrap of information about her husband.

For several years, on advice from her Government, she and 1,600 other families of POW's and MIA's did not speak to the public of their plight. When this tactic was found to achieve no results, a change in approach was made.

World opinion, it seemed, was the only weapon that might influence the North Vietnamese to abide by the terms of the Geneva Convention regarding prisoners of war or those missing in action.

Accepting her new task, she made hundreds of speeches, solicited thousands of letters to Hanoi and traveled countless miles in her efforts to aid her husband and secure for him better treatment and early release.

She has been counting so much on this week of concern—praying for an opportunity to enlist the aid of this entire Nation in a united effort to focus attention on the needless misery and suffering of the families of these 1,600 fighting men, who know so very little about the welfare of their loved ones held captive in a foreign land.

And so it is for the Booncy Fullams, their children and the other wives, children, and parents of the POW's and MIA's that Congress has taken this action in the hope that during this "Week of Concern," a great message will be beamed to the world—expressing our concern for those who served this country, wear her uniform, and are held in the land of the enemy.

Let us unite in common cause for this effort, for this could well be the message that will arouse world opinion to the extent that it will become impossible for Hanoi to continue to violate every tenet of human decency in their treatment of our prisoners.

And so again, I want to express my deep gratitude for your help in making possible the "Week of Concern." Let us hope that, to quote from Jeremiah:

> Thus saith the Lord: Refrain thy voice from weeping and thine eyes from tears: for thy work shall be rewarded and they shall come again from the land of the enemy.

May that day come soon.

Mr. President, I ask uanimous consent that the remarks of the Senator from Kansas (Mr. DOLE) be included in the RECORD at this point following my own.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ONE THOUSAND SIX HUNDRED WHO WILL NOT BE FORGOTTEN

Mr. DOLE. Mr. President, this is a solemn week for America as we pause to remember approximately 1,600 of our fellow citizens who are held prisoner of war or are listed as missing in action in Southeast Asia.

This is a time of war; it is a time of anxiety and apprehension for the families and friends of all those brave men who go off to fight in a distant land. It is a time of deep national sorrow and profound personal grief as the flag-draped caskets are returned home and the last call of taps rings out for the fallen. It is a time of untold suffering and shock as the wounded and the disabled fill the Medivac centers, the hospitals and the rehabilitation centers. Death and agony and shattered lives are all around us in this time of war, yet there is another agony, another dimension of suffering.

Somewhere in North Vietnam, in the Viet Cong hideaways of South Vietnam, in Laos and in Cambodia, American men are being held. We do not know who all of them are; we do not know how many. But we do know that they are there. We also know they are being subjected to inhumane living conditions. They are being denied proper medical attention. They are not allowed to communicate with their families.

We know all of this, and we know the rights which are due these men in international law. We have told the enemy—in Paris, via diplomatic channels and through the world press—that we demand proper treatment for these men. And still they remain.

And in their homes across the Nation the doubt remains about their safety and their health. The uncertainty lingers about their very lives. But still in those 1,600 homes and in millions of others in every part of America, a determination burns on that these brave Americans shall not be forgotten. The wives and mothers and fathers, the children, aunts and uncles, just friends and even strangers to these men have aroused the compassion, the interest and the anger of the American people. They have raised a great, united voice in every city, in every State. This voice cries out not only to the enemy but to men of conscience and good will in every country. The message is simple; the plea is sincere: Give our men the humane treatment they deserve. Give them their due under the law of nations. Release their names. Allow them to communicate. Give them adequate food and proper medical care. Treat them as human beings, not as pawns in an international propaganda assault.

The enemy's response to our private pleas and public declarations has been adamant and inflexible. The question of prisoners and missing men is repeatedly treated with callous hostility and an insensitive disregard for the humanitarian principles which have been established to govern this aspect of war. The President has repeatedly emphasized this Nation's desire to secure release of all prisoners of war on both sides. He has also firmly set forth our commitment to the release of every American prisoner—whether in North Vietnam, South Vietnam, Laos or Cambodia—before United States forces are withdrawn from South Vietnam. As commander in chief of our Armed Forces, he feels very heavily the responsibility for the safety and well-being of all the men under his command. By issuing his proclamation to designate this week of concern for prisoners of war/missing in action the President has again demonstrated his personal commitment and that of the American people to these 1,600 brave and heroic men.

This week marks seven years since the first American was taken prisoner in Indochina. It is an unfortunate anniversary. But those of us in public life and our fellow citizens throughout the Nation face the coming year with firm resolve and renewed dedication that more and more Americans and increased numbers of those in other nations will join our cause and that we will not forget those 1,600 who have given so much for us and our way of life.

Mr. BROCK. Mr. President, I ask unanimous consent that the remarks of the Senator from Florida (Mr. GURNEY) be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. GURNEY. Mr. President. This past Friday the President signed into law a resolution declaring the week of March 21–27, 1971 national week of concern for prisoners of war/missing in action. It is particularly fitting to express our concern at this time, since March 26th marks the seventh year that an American serviceman has been held in captivity in Southeast Asia. The number of POWs/Mias in Southeast Asia has now risen to more than 1,600.

This is a tragic situation, Mr. President. The families of our Vietnam POW's know that even though hostilities in Korea were ended through an Armistice signed at Panmunjom, in 1953, North Koreans failed to account for 389 Americans who had been known to be prisoners of war. The families of those prisoners of an earlier communist foe in Asia still have heard nothing of their men.

Whatever our views on the war, we all deplore the suffering and the inhuman treatment visited on our men by North Vietnam, and we extend our sympathy and our support to the families of the POW's here at home who have suffered too much. For our part, let us continue to focus attention on the problem of men who are either prisoners of war or missing in action. May I suggest that newspapers and magazines throughout the country, in addition to those in my home state, make it a point to regularly print this appeal or appeals like it.

It has been 6 years and 363 days since the first U.S. serviceman was imprisoned in Southeast Asia.

Let us do our part to free our POW's now!

Mr. BROCK. Mr. President, I ask unanimous consent that the statement by the Senator from Indiana (Mr. BAYH) be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. BAYH. Mr. President, this week is a time of great significance for Congress and the nation. At this moment, though embroiled in controversy over a tragic American involvement in the Southeast Asian war, Americans of all political persuasions have put aside their differences and focused the strength of their concern in an effort to insure the safety of American servicemen held prisoner or missing in action in Vietnam.

Though many of us in Congress and within this nation have honestly expressed our disagreement with the objectives and tactics of this terrible war, let no nation mistake this divergence for the absence of a truly unified concern for innocent victims of that conflict. For the wives and families of the missing servicemen, we in Congress can do no less than express our single-minded purpose to effect the safe and swift return of their loved ones. No solution to this war can fail to take account of the lives of these men.

We appeal to the government of North Vietnam, as members of the community of nations, to afford our captured servicemen the rights due them under the Geneva Conventions. There can be no justification for treating these men with less than human decency.

I urge all Americans to join with their fellow citizens in expressing to all nations of the world our complete determination to see these men returned home. Let us not allow this suffering, inflicted upon American and Asian alike, to continue. It is my hope that the unity of spirit fostered in this resolution of concern extend beyond this week. Let us seek, together, to find a peaceful solution so that no more Americans may have to risk capture or death in Vietnam.

Mr. BROCK. Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, the observance of this National Week of Concern for Prisoners of War/Missing in Action provides an opportunity for the expression of national feeling at every level; and I am privileged to join my voice to those of my colleagues in this body who share the concern of all our people for the plight of over 1,600 Americans now listed as prisoners of war or as missing in action in Southeast Asia. To be meaningful and effective, the concern demonstrated here today must be channeled into constructive activities which will rouse public opinion in this Nation and throughout the world.

Within the civilized community of nations, certain rules and procedures have developed over the centuries to mitigate the brutality of war and to introduce some humane element into conflict. Many of these rules center around the rights of prisoners and captives. Today we see these basic principles flagrantly violated in Southeast Asia. We are determined to do all in our power to end mistreatment of our captive servicemen and, ultimately, to effect their release.

Here is a concern which transcends all partisan prejudice or ideological passion, a concern which cries out for the wholehearted support of every American. It is a concern which should be shared by all men of good will in every nation throughout the world. At stake are the lives of helpless prisoners as well as certain basic principles of humanity honored at all times and in all places.

Let this week of concern mark a renewal of dedicated effort by all the people of this land in behalf of our men captured or missing in Southeast Asia. Above all, let us unite in prayer for a just and enduring peace founded on unshakable principles of right. The humanitarian provisions of the Geneva Convention embody the humane sentiments of man, refined through long centuries of struggle. May this week of concern inspire in us all a deeper sense of unity, not only with our fellow Americans held captive in a foreign land, but with all who, under God, care for the cause of human decency.

Mr. PASTORE. Mr. President, "missing in action"—no more tragic or terrifying expression comes out of the field of combat in all the history of warfare.

Has a dear one perished—or is he a prisoner of war in the hands of the enemy?

Have not the nations of the world provided for these contingencies of warfare?

Of course they have—and we speak glibly of the Geneva Conventions—of the concern and care that captors must give their prisoners of war.

We have seen these conventions sabotaged by the forces of North Vietnam and the so-called National Liberation Forces of South Vietnam.

Whatever differing views of our Vietnam venture there may be, the feelings of all Americans are outraged by the callous savagery of Hanoi toward the prisoners—and the savagery of silence toward the distraught families of the missing.

Hanoi refuses clearly to identify the Americans it holds prisoner. It prohibits the International Red Cross or other worldwide humanitarian organizations to inspect the prisons.

The evidence we have been able to elicit—the documented stories of brutality—are not merely wrongs against fellow Americans—they are crimes against humanity.

Humiliation, isolation, and abject cruelty describes the lot of the Americans in the hands of Hanoi—more than 300 that we know about—and some 1,500 missing altogether.

Prisoners not only may not communicate with home—they cannot communicate with one another.

True—in the past few years some nine prisoners have been released. They confirm the tales of torture.

Hanoi defies the accepted humane conventions of sovereign nations. Conventional diplomacy gets us nowhere. We cannot even secure the names of the prisoners to identify them and give this meager solace to their families.

Some of these families have suffered 5 years of this savage silence—but the families do not fail their loved ones.

Hoping against hope—week after week—month after month—year after year—packages, letters, photographs are mailed.

We hope that sometimes they get through.

And there leaks through to us the tragic tale of torture, brainwashing, medical neglect that makes a mockery of our so-called Paris peace talks.

Now—in a special way—the American people—all the American people—are going to concentrate their concern for the prisoners of war.

By resolution of the Congress and by proclamation of the President, the heart of America—this week—will turn in concert to the plight of our missing heroes.

Throughout this week, especially, let the pressure of our prayers be felt.

Let our minds and our wills vault the miles to North Vietnam.

Let us try to imagine the difficult day of the prisoner—the skimpy meal at 10 in the morning—the equally skimpy meal at 4 in the afternoon—the consequent hunger of the body and the utter isolation of the soul.

Let us then each day of this week of special concern—at the hour of 10 in the morning and 4 in the afternoon—give our special time and thought—and prayer for our missing men.

And let us add to our prayer our solemn promise that their safe return shall have top priority in our plans.

Then let us persevere in our purpose until families are reunited as a pact of any negotiations for peace.

No American home can feel secure as long as a single American home must bear the agony of silence.

Mr. PEARSON. Mr. President, in my estimation, there has never been a situation more frustrating to all Americans than the situation which exists with regard to our prisoners of war held by the North Vietnamese and the Vietcong.

Many hundreds of American soldiers, airmen, marines, and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grows as each day passes. At least 54 of these men have relatives in the State of Kansas.

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet, such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments. Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has also refused to identify the prisoners it holds; release the sick and wounded; allow proper flow of letters and packages; or protect U.S. prisoners from public abuse.

As can be readily seen, the Communists have no respect for international law or basic standards or human decency.

There is one thing the North Vietnamese do have some respect for, however, and that is world public opinion. Their policies have always been calculated to evoke sympathy abroad. Parading downed U.S. pilots before shouting civilians in Hanoi, the great publicity surrounding the release of a few American prisoners—all of this was designed to create the greatest amount of pressure on the United States to unilaterally withdraw from Vietnam. Their strategy failed, but we have learned something about the realities of world public opinion.

In the spring of 1969, the Nixon administration's efforts on behalf of prisoners shifted from the behind-the-scenes diplomatic approach, and we began to publicly protest the illegal and inhumane treatment of our prisoners.

The Nixon administration has instituted numerous programs to focus national attention on the plight of the POW's, and is working diligently in diplomatic circles and at the "peace" negotiations in Paris.

Both the 91st Congress and the present Congress have been equally active and to their credit have considered the prisoner issue on a nonpartisan basis. The passage of legislation protecting POW's and their families; approval of resolutions protesting the treatment of our prisoners; congressional hearings designed to keep the public informed; an historic joint session last September to hear Col. Frank Borman, Special Representative of the President on Prisoners of War; and many thoughtful speeches by Members of both Houses—all represent some of our actions to encourage public pressure on North Vietnam.

Most important, Americans have expressed their distress loudly. Many State legislatures have unanimously passed resolutions condemning the actions of the North Vietnamese. On March 11, I placed in the CONGRESSIONAL RECORD such a resolution recently passed by the Kansas State Legislature which reflects the most solemn judgment of all the people of Kansas.

In early December 1970, the United Nations General Assembly recognized that the treatment accorded to prisoners of war was properly its concern and adopted a resolution which calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war in order to insure humane treatment of all persons entitled to the protection of the convention and to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization such as the International Committee of the Red Cross.

The families of men who may be prisoners have even organized as the National League of Families of American Prisoners and Missing in Southeast Asia, to insure that the plight of their men is not forgotten and that all possible efforts to resolve the prisoner-of-war problem are vigorously pursued.

This week has been designated by the Congress and the President as "National Week of Concern for Prisoners of War/Missing in Action." Observances are taking place throughout the whole country, in cities and hamlets alike.

As David Lawrence said in his syndicated column in the Evening Star of last night, "World opinion could be mobilized and have an impact on the Governments of the Soviet Union and Red China, which exert a big influence on the policies of the North Vietnamese Government."

Mr. President, I ask unanimous consent that the entire column from the March 22 Evening Star be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON POW PLEA HOLDS PROMISE

(By David Lawrence)

This could be an important week in the Vietnam war. World opinion could be mobilized and have an impact on the governments of the Soviet Union and Red China, which exert a big influence on the policies of the North Vietnamese government.

For President Nixon has just issued an appeal for the release of the nearly 1,600 American servicemen and civilians captured during the last seven years in Vietnam. He hopes those missing will be identified if in captivity. He says:

"The Geneva prisoner of war convention of 1949 sets forth the minimum standards for humanitarian treatment applying to all prisoners of war. Some 125 nations, including all of those involved on both sides in the Southeast Asia hostilities, have acceded to the Geneva Convention and have pledged to observe its humane standards. And on a moral plane above and apart from these formal rules, any civilized peoples are subject to the basic humanitarian standards long established in international law and custom."

The foregoing words are contained in a proclamation by the President requested by a joint resolution of Congress. It declares March 21 through March 27 to be a "national week of concern for Americans who are prisoners of war or missing in action." He urges the people of the United States to observe the week "in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end."

The President's plea is addressed really to peoples everywhere, for there seldom has been such an instance of what he terms a "barbaric attitude." Nixon points out, for example, that the North Vietnamese do not identify all the prisoners, do not allow them to correspond regularly with their families, and refuse to release the seriously sick and wounded.

Certainly it is proper for the President to tell this to the world and to emphasize the continuing disregard by North Vietnam of the Geneva Convention. Even neutral agencies like the International Red Cross have not been able to alter the adamant stand of the Hanoi government.

More than 70 members of the House of Representatives have just sent a letter to the president of North Vietnam asking that "a representative group from the United States Congress" be permitted to inspect centers of detention and meet with American prisoners of war. Republicans and Democrats joined in the move. The letter says:

"By allowing this you could allay the concern and questions of millions of people in the United States and throughout the world."

Various efforts have been made through foreign diplomats friendly with the North Vietnamese government to establish some kind of contact with the prisoners, but to no avail. An explanation heard is that the Hanoi authorities think this is one way to force the United States to accede to their demand for complete withdrawal at once.

What is so mystifying about the situation is that the Soviet Union, which has been providing billions of dollars to North Vietnam for military supplies, has not seen the wisdom of intervening in a matter of such international importance. The argument usually made in defense of the Soviet reluctance is that Moscow doesn't want to see Red China strengthen its hand in Indochina. The rivalry is well known and could, of course, have a part in the hesitation of Moscow to apply pressure.

But sooner or later the time for decisive steps will come. For it is obvious that completion of the "Vietnamization" program is not going to make things easier for North Vietnam. Even with the withdrawal of almost all American combat troops, enough supplies will be furnished and residual units of air forces will still remain to assist South Vietnam.

World opinion will continue to be dismayed by the indifference of both Peking and Moscow to the inhumanity of their ally—North Vietnam. Little do the Communist leaders realize that an action which would demonstrate humane concern would help toward making peace between the United States and North Vietnam.

President Nixon rightly has publicized the prisoner-of-war issue throughout the world. It certainly could afford an opportunity for a constructive step—the assurance of humane treatment of all the prisoners of war and the release of sick and wounded—which could be the basis of a new approach to the negotiation of peace in Vietnam.

Mr. JACKSON. Mr. President, pursuant to a resolution passed by Congress, the President has designated this week as a "National Week of Concern for Prisoners of War/Missing in Action."

It is fitting that we use this week as a time to again express our concern over the plight of these brave Americans and rededicate ourselves to efforts that will help improve their condition and soon win their release.

It is apropriate that we take this opportunity to remind the world that the abuse of these men is a calculated policy of the North Vietnamese Government, violating not only the Geneva Convention but also the values of all civilized nations.

Over the past 2 years, I have joined in a number of efforts to focus attention on the prisoner of war problem and stimulate action by our Government and the United Nations. I believe that these efforts in Congress have had a significant impact. They have helped mobilize public opinion and served notice that this issue has the highest priority in Congress. As part of a broader campaign, congressional action has contributed to arousing world opinion against North Vietnam's indifference to human life.

We must continue these attempts to spotlight the tragic situation of our prisoners of war. If they improve the lot of even a handful of these men, they will have served a worthwhile purpose.

At the same time, we are concerned not only with the treatment of these men but also with their return to freedom. And while we mobilize public opinion, hoping to improve their treatment by the North Vietnamese, we should also pursue a full program of diplomatic efforts and sustained inducements and pressures in support of a negotiated cease-fire and an end to the war. I am convinced, Mr. President, that negotiating the terms of a cease-fire—which would provide for the release of prisoners by both sides—is the best, if not the only, way to get our prisoners of war back home.

It has been over 6 months since I initiated the bipartisan letter, signed by Senator Scott and 28 other Senators of both parties, suggesting that the President propose at the Paris negotiations an internationally supervised cease-fire in Vietnam, prompt free elections open to all parties, with safeguards to assure freedom of speech, assembly and the press throughout South Vietnam, release of prisoners of war and political prisoners by both sides and massive relief and aid for both North and South Vietnam.

A month after this the President proposed a standstill cease-fire in Indochina, but the followthrough since then leaves much to be desired.

I believe we must pursue the concept of a negotiated cease-fire relentlessly and aggressively in the weeks ahead. The harder we pound away at this idea, the better chance there is that Hanoi will respond with serious counterproposals. The sooner we can negotiate a realistic agreement, the sooner our prisoners of war can come home.

Mr. CHILES. Mr. President, I am deeply disturbed by a recent development regarding our American prisoners of war in North Vietnam—a development which greatly intensifies the already heavy emotional burden being borne by the wives and families of these men.

Last week I learned that letters had just been returned to four wives in the Fort Walton Beach, Fla., area, letters they had written to their POW husbands. While POW wives seldom know if their letters are being received by their husbands, this was the first incidence of them being returned, and their reaction was, of course, deep dread of what this might indicate.

I immediately reported this development to the Air Force and State Department. They checked further and reported back that the same thing had happened in other areas of the country. It may well be that other wives and families in Florida had the same thing happen and I just have not learned of it yet.

Thus far there is no explanation for this mystifying situation. We can only assume that the apparent widespread nature of the situation indicates only that government leadership in Hanoi, for some self-serving and cruel reason, has chosen to initiate a new policy relative to handling of POW mail.

These wives and families, already overburdened emotionally, must have some explanation. I have asked the State Department and the military to do everything possible. In turn I have been told by the State Department that they need the envelopes in which the letters were returned to assist their investigation. I am therefore urging anyone who has had a letter returned to contact the casualty assistance office at the nearest military installation and provide information and envelopes which will then be forwarded to Washington for use in the investigation.

It is tragic that this new problem should develop on the eve of our "National Week of Concern for Americans Who Are Prisoners of War on Missing in Action," but it certainly serves to focus our attention of this special March 21 through 27 observance which seeks to inspire loved ones of these men with new courage and hope and to hasten the day when their ordeal may end.

Mr. HARRIS. Mr. President, there are today more than 1,400 American boys either being held as prisoners of war or missing in action as a result of the Vietnam war. The actions of the Government of North Vietnam regarding these men has been in direct conflict with the provisions of the Geneva Convention Accords on Prisoners of War, which the North Vietnam Government signed in 1957.

The Geneva accords call for the following humanitarian actions with relation to prisoners of war:

First. Identification of all prisoners of war within a week of capture.

Second. Inspection of POW camps by impartial parties periodically.

Third. Release of prisoners who are seriously ill or injured.

Fourth. Allowing a free flow of mail between prisoners and their families.

The above requirements have been blatantly ignored by the Government of North Vietnam. No complete lists of prisoners have been released. The International Red Cross and other impartial agencies have been refused access for inspection of prison camps. Sick and injured prisoners have not been released in accord with international requirements, nor has a free flow of mail been permitted.

During this National Week of Concern for Prisoners of War/Missing in Action, I call upon the Government of North Vietnam to live up to their own agreement under the Geneva accords.

The inhumane treatment of these American men cannot be tolerated. The uncertainty and grief experienced by those families who have been without news of their sons, husbands, and brothers must come to an end. The united voice of the President, the Congress, and millions of American citizens cannot go unheeded.

Mr. YOUNG. Mr. President, I am pleased that so many of my colleagues are joining in this nationwide effort to express our concern over the welfare of our prisoners of war and missing in action in Vietnam.

It is appropriate that Members of Congress, as we have innumerable times in the past, take any step within our authority to support all these efforts. I was pleased that President Nixon saw fit to make an official, Executive declaration toward this end.

The many organizations around the country who have been most active in mustering and coordinating expressions of concern over this agonizing problem deserve great credit. No one of us can fully appreciate the terrible uncertainty, grief, and frustration experienced by those parents, wives and relatives of the men who are held captive by the enemy or listed as missing. Theirs is the greatest burden.

Mr. President, just this week I received a letter from a clergyman from my State of North Dakota, in which he advised me that a letter he had written to Minister Xuan Thuy, head of the North Vietnamese delegation to the Paris talks, had been returned unopened. This clergyman had, in good faith and in a reasonable, humble tone, attempted to express his strong feelings on this problem to Minister Xuan. The cruel and inhumane handling of this letter indicates just how difficult our problem is.

I am one of those who strongly supports President Nixon in his vow that until all of our prisoners and missing in action are returned safely, there can be no total and complete withdrawal of our forces from that area. My conscience and the pleas of those anxious parents, wives, sons, and daughters in behalf of their loved ones tell me their safety is one thing, if the only thing, that must be accomplished by our involvement in that tragic war.

Mr. PELL. Mr. President, the very thought of men living imprisoned, without freedom, is a haunting one, particularly so when they are men who lost their freedom in the service of their country. To say, as we are saying today, that we are concerned about the American men missing in action or held prisoner in Southeast Asia is to state the obvious. Our hearts and our thoughts are with them and with the members of their families.

As of March 20, 1971, according to the Defense Department, 1,027 men were missing in action in Southeast Asia; 462 men are listed as prisoners. We have particular reason today to be concerned, for as this war is being wound down, the number of men possibly held prisoner is increasing.

The Defense Department informs me that they do not maintain statistics on the number of men missing due to hostile action in the Laos operation. I think it sufficient, however, to note that the number of men missing in action in South Vietnam and Laos has increased during the past 5 weeks from 991 on February 20 to 1,030 on March 20—an increase of 39 Americans missing in action. I pray that these men may soon be accounted for in the most favorable of circumstances.

I think also, as we express our concern over the fate of these 1,489 American men, we should be cognizant of the fact that the longer we are engaged in combat in Southeast Asia, the more men we can expect to be added to that list, and the more American families will face the anguish of uncertainty.

I speak as one who has opposed our military involvement in Southeast Asia. But I think it should be made clear to the Government of North Vietnam that there is no division among Americans on the prisoner-of-war question. I opposed the unrestrained, wholesale bombing of North Vietnam, and it was in the course of those bombing operations that many of our men became prisoners. But just as I opposed the bombing, so do I abhor the failure of North Vietnam to accord those prisoners the protection and fair treatment guaranteed by the Geneva Convention.

At the 25th General Assembly of the United Nations last fall, I presented for the United States an appeal to the world community on behalf of our men held prisoners in North Vietnam. I said at that time that the failure of the North Vietnamese to live up to the requirements of the Geneva Convention has unified within this country supporters and opponents of the war and has encouraged only those who would prolong and even enlarge the war. And I asked all nations to inform Hanoi that those of us who opposed the policies which produced the capture of the prisoners are as passionately concerned that their rights be respected as any others.

I urged then, at the United Nations, and I urge now the Government of North Vietnam, as a minimal step, to permit international inspection of its prisoner-of-war camps. North Vietnam contends that its prisoners are treated humanely; if so, then Hanoi has nothing to hide, and nothing to fear from international inspection. Indeed, such an action could only increase the standing of the North Vietnamese Government among the nations of the world.

Mr. FANNIN. Mr. President, cruel uncertainty is one of the horrible costs of war; and the war in Southeast Asia has brought our Nation an abundance of uncertainty and anxiety.

For almost 7 years the enemy has held American prisoners of war in Southeast Asia. Now more than 1,600 American servicemen are listed as prisoners of war or missing in action.

North Vietnam has identified less than one-third of these servicemen as prisoners. Families and friends of the other missing American servicemen have been waiting for years to receive word on the fate of their loved ones.

North Vietnam is flagrantly violating international treaties on the treatment of prisoners of war. It has neither identified all the prisoners it holds nor has it provided humane treatment for these prisoners. North Vietnam has failed to live up to even the barest standards expected of civilized nations.

It is incredible that the North Vietnamese have so little concern for people they will not even identify those they hold prisoner. They will not perform a simple act of human decency to quiet the anguish of wives, children, and parents who are the innocent victims of the war.

The mail flow into and out of North Vietnam has been agonizingly slow and restricted. The world has no way of monitoring how the prisoners are being treated. The only time the world is allowed a glimpse inside North Vietnam is when it serves the propaganda purposes of the enemy.

I am deeply concerned about these Americans who have suffered so much and for so long in the prisons of Southeast Asia. I am concerned about their loved ones who have been so courageous through all this ordeal.

It is time for those critics of the American role in the war, both inside our country and throughout the world, to take a good look at the inhumane policy the North Vietnamese have followed regarding prisoners of war.

If there is to be any hope of ending the costly struggle in Southeast Asia, the North Vietnamese must show some signs that they would live up to the terms of a negotiated settlement. They would take a giant step in this direction if they would start observing the Geneva Convention on prisoners of war.

North Vietnam must be convinced that Americans have a very deep commitment to those men now being held captive in Southeast Asia. The Sontay raid was a demonstration of our commitment.

Mr. President, this week has been designated by Congress as the week when all Americans should do what they can to demonstrate their concern for the prisoners of war and missing in action. Through our letters, speeches, and prayers we seek humanitarian treatment for these men and reassurance for their families.

Mr. McINTYRE. Mr. President, I join wholeheartedly in the spirit of this National Week of Concern for Prisoners of War and the Missing in Action.

It is fitting that the Congress passed

House Joint Resolution 16 and that the President signed it and declared this week of March 21 to 27, 1971 as the week in which we would express our deep concern for those who are missing or being held captive in Southeast Asia.

The people of this Nation are outraged at the persistent, callous attitude manifested toward the inhumane treatment of U.S. POW's in Southeast Asia. In blatant disregard of basic humanitarian obligations, the Democratic Republic of Vietnam has simply refused to adhere to established norms of international law.

The frustrations that we feel in dealing with this problem grow daily. I think that at few times in our history has the Nation been more united in trying to find the solution to a pressing problem.

I have joined, as nearly every Member of the Senate has, in resolutions and actions designed to try to bring the North Vietnamese, the Vietcong and the others who hold prisoners back into the family of man so that we can deal with them in the spirit of the 1949 Geneva Convention to which they are signatories.

These resolutions have called upon all nations of the world to join in condemning the action of those who hold our POW's.

These resolutions call upon the President to request the United Nations to bring about compliance with the Geneva Convention by the North Vietnamese.

I have personally set up a system for those in New Hampshire to write directly to Hanoi protesting POW treatment. I have set up this system not to compete with the many worthy efforts undertaken by veterans' organizations, organizations representing POW's and MIA's but to supplement what these groups are doing. Already several hundred communications have been sent to the President of the Democratic Republic of North Vietnam through my offices in Manchester and Portsmouth, New Hampshire and my office here in Washington.

Several members of the Senate have joined with me in asking President Nixon to consider the so-called proportional repatriation or operation release plan for POW release. This would call for negotiations with the North Vietnamese to agree to releasing a set proportion of our POW's in return for our removing a comparable proportion of our troops from Southeast Asia. I am pleased that this proposal has had bipartisan support in the Senate as it has had in the House.

In fact, Mr. President, I believe that one of the major positive factors in this long struggle for our POW's has been that regardless of party affiliation, regardless of differences over our policies in Southeast Asia, we have been of one mind on this vital issue. This one mindedness is again revealed here in the Senate today. We will stand firm in our resolve in the future.

Nothing less can we or will be do for those who are among the most terrible victims of the war in Southeast Asia.

I pledge, as I know each of us pledges, my continued, my wholehearted, my deep personal committment to our POW's and our MIA's.

Mr. PERCY. Mr. President, I wish to commend all the groups and individuals in this country who have made the effort to inform the North Vietnamese leaders of our strong national unity on the question of the treatment of prisoners of war. There is no issue on which the citizens of the United States are more united, more concerned, or more determined. We want prisoners of war treated humanely. We want sick and wounded prisoners released now. We want the early release of all prisoners.

Mr. ALLEN. Mr. President, it gives me great pleasure to join Members of the Senate in participating in this observance of National Week of Concern for Prisoners of War and Missing in Action.

Although there have been other special expressions of concern in Congress about these problems, now, with the designation by the President of this special week beginning March 21, 1971, as a special week of observance, the entire Nation will have an opportunity to speak out in a single voice. It is my hope that we can convey a message of hope and determination to prisoners and their families and assure them that they do not wait alone or hope alone.

I think that in a larger sense, each month, each week, each day of the year should be a time for concern for our prisoners of war. Nevertheless, by setting aside this particular week for expressing our national concern, we place special emphasis on the plight of these men and their families while never for a moment forgetting, at any time of the year, our abiding and ever present concern for the plight of prisoners of war, those missing in action, and their families and loved ones.

Mr. President, the wives and children and parents of these men have waited in vain and have literally begged for some word of their loved ones.

But the North Vietnamese and the Vietcong arrogantly turn aside every effort of our Government and of other governments seeking to discuss the prisoners of war problem or simply to get a listing of those Americans being held in the filthy Communist jails and bamboo cages. In doing so, the Communist enemy violates solemn covenants of civilized nations. More specifically, in 1954 the North Vietnamese government signed the 1949 Geneva Convention which provided for humane treatment of prisoners of war. This international treaty provides for neutral inspection of prisoners of war camps by the International Red Cross and for regular exchange of letters between prisoners and their families.

Not only has Hanoi refused to provide proper food and care for prisoners of war, but it also has refused to identify them and permit them the right to send letters to their families or to receive mail and packages in return. And the enemy continues to hold men who are seriously ill and wounded and in need of medical treatment.

Today more than 1,600 of our soldiers, sailors, marines, and airmen are missing in action or listed as prisoners of the enemy in Southeast Asia. About 150 of these men have been missing or captured for almost 5 years and more than 300 of them have been missing for almost 4 years. This is longer than any U.S. serviceman was held prisoner during World War II.

According to latest estimates, approximately 50 of these men are from Alabama. Families of these men along with the families of other U.S. servicemen listed as prisoners of war or missing in action have shown great spirit and hope despite their sorrow and worry about the safety of their loved ones.

I want to commend the President for having stated that as long as the prisoners of war issue is unresolved, as long as the North Vietnamese have as prisoners any American soldiers, we will continue to keep a residual force in South Vietnam. I hope the President will stick to this position.

Mr. President, I am convinced that the enemy must be made to realize that while this prisoners of war issue is unresolved there will never be a complete withdrawal of American troops from South Vietnam. Let the enemy know in words as hard as cannon balls that we mean business on this issue.

Mr. HRUSKA. Mr. President, this week has been designated as a National Week of Concern for Prisoners of War/Missing in Action. It is hoped that during this week, all Americans will dedicate their voices and efforts to show our deep concern for American GI's who are prisoners of war in North Vietnam or who are listed as missing in action.

Rarely in the history of this Nation have so many Americans tried so hard to achieve a goal. It is to be regretted that we have realized so little success.

The shortage of results is not caused by a lack of devotion to our efforts or to a lack of skill. Rather, it can be laid to the implacability of the Communist enemies whose callousness is not softened by the most heartfelt appeals for compassion.

However, some progress has been made. Some mail is going through, and we now have the identification of some prisoners who a short time ago were still in the terrible state of limbo—missing in action.

So the Nation's outcry for decent treatment has had some results. But, we can take scant consolation in them.

It is heartening to witness the range of sacrifices, projects, and promotions which Americans are undertaking daily in the name of fair treatment of our men who are prisoners. For example, one could not help but be tremendously proud of the schoolchildren who, as recently reported by the press, have eaten luncheons—meals of pig fat and pumpkin soup—the same diet which our prisoners are said to be existing upon.

There are many other equally moving examples of concern, all the more impressive for the sacrifices which their sponsors have volunteered to make.

Now we must intensify our efforts, public and private. We must try harder to arouse world opinion to such heights that it will penetrate the iron curtain of North Vietnam indifference, that it will induce humane consideration both for imprisoned men and for their loved ones at home.

We recently saw an example of how

an outraged free world can dent the armor of the Communist puppet governments. I remind my colleagues of several statements I made in this Chamber about the practice of the Czechoslovakian puppet government condoning—if not sponsoring outright—clumsy efforts to blackmail Czechs and Slovaks who have reached the free world. The outrage at this blackmail effort swept through the European emigrant communities of the free world. In short order, the Czech puppet government announced that it was calling upon the blackmailers to desist.

Only time will tell whether they actually have stopped completely, but the important lesson to be learned from the incident is that the Communist satellites are responsive to world opinion.

We must conclude that the Communist puppets in North Vietnam also are not completely immune from world opinion.

It is our job as a nation to bring that world opinion to bear so heavily upon the Communist rulers in North Vietnam that they will be forced to provide humane consideration of prisoners and their families.

In my opinion, Mr. President, this is a very important week for Americans. It has been designated as the time during which we are to convey our joint concern for the deplorable POW situation. I hope and trust everyone will partake in the many observances which will be sponsored this week and redouble his efforts to do whatever he can do personally to bring this unhappy chapter in our Nation's history to a rapid conclusion.

Mr. COTTON. Mr. President, the Department of Defense will not report publicly on the number of men from New Hampshire who are among the 1,500 servicemen who have been captured or who are missing in action in Vietnam, but I have been told, and can report, that there are seven persons in my State who are listed as primary or secondary next of kind of these men.

As long as there is one American fighting man who is suffering detention by the enemy and as long as there is one next of kin who must bear the pangs of uncertainty and loneliness, our duty is clear.

We must use every legitimate form of diplomatic bargaining and international pressure to guarantee the proper treatment of our men and to obtain their prompt release.

To the seven next of kin in New Hampshire and to the thousands of others who share their deep personal distress, I can say only that the senior Senator from New Hampshire is still pledged, as he always has been and as he was, too, when he cosponsored a resolution to authorize this National Week of Concern, to the principle that our entire Nation wears chains as long as some of our sons do.

I pray for the freedom which will reunite us all.

Mr. BUCKLEY. Mr. President, it is my privilege to join the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from Indiana (Mr. BAYH) in recognizing National Week of Concern for Prisoners of War/Missing in Action. President Nixon's purpose, in proclaiming the National Week of Concern pursuant to a joint resolution of Congress, is to reaffirm our national support for the men of our armed services who are missing or held captive in North and South Vietnam, Laos, and Cambodia. Today we underscore our determination that these prisoners of war will be accorded the elemental rights provided for under the Geneva accords, and that any final settlement of the war in Southeast Asia will include the return of these men. We must continue to focus the attention of decent men everywhere on the refusal of enemy forces in Southeast Asia to account for Americans missing in action who are, in fact, being held prisoner.

Mr. President, all of us are aware of the plight of our prisoners of war, but we in Congress can utilize this week to focus increased national attention on the fate of those men and inspire a more urgent sense of national awareness. There are about 100 families in New York State which have husbands or sons who are prisoners of war or missing in action. No congressional resolution alone can return these men to their families, but it can make it clear to the world that this Nation, however varied its views on the war in Southeast Asia, will back every effort to achieve the decent treatment and ultimate release of our prisoners of war.

Mr. David Lawrence, the editor of U.S. News & World Report and among America's most distinguished and respected journalists, has written an excellent summary of the POW's plight. The editorial, published in U.S. News for March 8, quotes President Nixon at length. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CRUELTY OF NORTH VIETNAM

(By David Lawrence)

Senators who want to tie the hands of the President and force the withdrawal of all American troops from Vietnam by a certain date never seem to put any conditions upon North Vietnam as a first requirement. Yet the handling of prisoners of war by North Vietnam is a story of cruelty rarely matched in history. President Nixon, in his comprehensive report to Congress on February 25 on U. S. foreign policy, said:

"We have the deepest concern for the plight of our prisoners of war in Indo-China. Some 1,600 Americans, including pilots and soldiers and some 40 civilians, are missing or held in North Vietnam, South Vietnam, Laos and Cambodia. Some have been held as long as six years, longer than for any other prisoners of war in our history.

"The enemy violates specific requirements of the Geneva Prisoner of War Convention, by which they are bound. They violate common standards of decency as well.

"They have not permitted impartial inspection of prison camps despite constant attempts to arrange such visits. They have refused to repatriate seriously sick and wounded prisoners. They have failed to identify all prisoners and to allow many of them to correspond with their families.

"We and the South Vietnamese have made intensive efforts this past year to secure better treatment and the release of allied prisoners—through global diplomacy, through proposals in Paris and through the courageous raid at Son Tay. Congressional expressions have been valuable in underlining American public concern. The world increasingly condemned the other side's practices, and the UN General Assembly passed a resolution this fall which underscored the international obligation to treat prisoners humanely.

"I repeat my October 7 proposal for the immediate and unconditional release of all prisoners of war held by both sides. All prisoners, journalists and other civilian captives should be released now to return to the place of their choice. Such action would not only meet humanitarian concerns; it might also lead to progress on other aspects of a peace settlement.

"As first steps, the Republic of Vietnam, with our support, has offered to repatriate all sick and wounded prisoners of war. It has unilaterally returned groups of such prisoners, despite North Vietnam's refusal to make orderly arrangements for their repatriation. And it has proposed the release of all North Vietnamese prisoners of war in return for all U. S. and allied prisoners in Indo-China and any South Vietnamese prisoners held outside South Vietnam. We profoundly regret the other side's refusal to respond to these initiatives.

"The treatment of prisoners of war anywhere is not a political or military issue, but a matter of simple humanity. As I said on October 7:

" 'War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.'

"This government will continue to take all possible measures to secure the end of imprisonment as well as the end of the war."

The President has declared that American forces will not be completely withdrawn from Vietnam until every American held prisoner by North Vietnam is released. But the Hanoi Government has refused to discuss the subject, even though such a move could help in the making of a peace settlement.

The cruelty shown in this instance is one that is rare in all history. The International Red Cross, which for many years has served as a neutral agency to see that prisoners are humanely treated, has not been permitted to visit the camps in which these persons are held. American organizations—some of them unsympathetic to the Vietnam war itself—have sent representatives to Hanoi and Paris, but have gained little information. The Hanoi Government has consistently declined to reveal the names of captives, and families do not know whether their missing relatives are alive or dead.

The North Vietnamese show no signs of relenting and apparently intend to continue their policy until the American forces are out of Indo-China. Meanwhile, the question remains: How many of the missing men are prisoners and what is their condition?

It is surprising that the Soviet Government, which has a great deal of influence with the North Vietnamese, could not have persuaded them to respect humanitarian principles and let the relatives of the prisoners at least know who is alive. Moscow has been giving aid to North Vietnam—a government which is guilty of a cruelty in the handling of American prisoners of war which has been condemned worldwide. This ought to have made an impression on the Kremlin. For these prisoners are mostly Americans, and the Soviet Union professes to be friendly to us.

It would not be difficult for the Soviets to prevail upon Hanoi at least to disclose the identity of the prisoners and to start to arrange for their release. This is something that could be undertaken immediately at the Paris peace conference.

Mr. BYRD of Virginia. Mr. President, on the plight of Americans held prisoner of war by the North Vietnamese.

We must not permit our men, who are held captive by Hanoi, to become the forgotten men of the war in Vietnam.

The demands of the United States with regard to the prisoners of war are simple and wholly reasonable. We ask only that North Vietnam abide by the Geneva Convention.

Specifically, we ask for the release of a list of prisoners, inspection of POW facilities by an impartial body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

I know of nothing more inhumane than the cruel treatment which Hanoi has given to those Americans it holds prisoner.

Every effort must be exerted to secure just treatment for our prisoners of war.

Mr. BURDICK. Mr. President, this week has been designated "National Week of Concern for Prisoners of War/Missing in Action."

The North Vietnamese Government's treatment of our American POW's is without compassion or human decency. Not only are the prisoners of war being denied human treatment, but the wives, children, parents, and friends of American POW's are going through continual untold sufferings from being denied the most basic information regarding their loved ones.

Let us all rededicate our support for our 1,600 U.S. military captured or missing in Southeast Asia. Our Americans in this foreign land should be one of our most constant and unswerving commitments, not just this week, but continually until the North Vietnamese abide by the provisions of the Geneva accords.

I am hopeful that this week of concern will mark the beginning of a renewed effort on behalf of these American men.

NATION UNITED ON BEHALF OF AMERICAN SERVICEMEN

Mr. SYMINGTON. Mr. President, the 1,072 American servicemen missing in action in Southeast Asia and the 462 held captive in North and South Vietnam, Laos, and Cambodia are of deepest concern to all American citizens.

Whatever differences exist in America on the long and bitter conflict in Southeast Asia, all of us are united in our support of both the missing men and their families. We are also united in efforts to obtain the North Vietnamese Government's compliance with the Geneva Convention regarding prisoners of war.

North Vietnam has ratified the convention, but has not complied with the basic human standards agreed upon: Prisoners should be identified; the sick and wounded should be released; prisons should be open to impartial inspections; and prisoners and their families should be permitted to exchange letters freely. The failure of North Vietnam to comply is a failure in minimum human decency. The grief and anxiety of the immediate families of Americans missing in action and held prisoners is the grief and anxiety of the Nation as a whole.

With the concurrence of the Congress and the American people, our President has declared this week of March 21–27 a "National Week of Concern for Prisoners of War/Missing in Action."

Our concern will not stop when this week ends. It will continue as one of our most serious problems until we have made all nations aware of the inhumane treatment accorded American prisoners of war. It will continue until our Nation succeeds in obtaining the release of our American servicemen.

AMERICAN PRISONERS OF WAR AND THE POWER OF PUBLIC OPINION

Mr. BENNETT. Mr. President, there is nothing more painful or distressing to Americans today than the plight of our prisoners of war in North Vietnam.

I am pleased that the Senate has taken this opportunity during these days of concern to organize and set aside time for a colloquy memorializing those who are held captive by our insidious and inhumane enemy. I was honored to be a cosponsor of the resolution establishing this week and am gratified to lend my full support to the widespread effort to bring the pressure of public opinion upon Hanoi so as to accord American prisoners their rights under the Geneva Convention.

Since the North Vietnamese have refused openly to resolve the prisoners of war issue under rules of international law, American public opinion has possibly become a last recourse. I fervently hope that our joint efforts will soon have an impact on the intransigence of that government.

Throughout history men have engaged in wars, and have attempted to mitigate the resultant pain of conflict. We achieved a landmark in the pursuit of civilization through both the Hague and Geneva Conventions—where civilized men, realizing the neverending imminence of conflict, prescribed basic laws in behalf of its victims. Nations of the world have attempted to follow those basic guidelines and until this point, when we face an enemy who denies the simple rights of life which belong to any human being—those of food, shelter, and freedom from pain and discomfort. These rights are callously ignored by the Communist Government of North Vietnam. Today, I call upon the inhumane leadership of that nation to meet its responsibilities under the Geneva Convention to:

First. Make known immediately the names of all American captives.

Second. Grant American prisoners the equivalent of humane treatment which their men have received at the hands of the allies.

Today, I also call upon our President, Congress, and all Americans to pursue relentlessly the quest for fair treatment of our prisoners. The American public must force a change in Hanoi's attitudes.

We are all aware that many Americans have now spent as long as 7 years of their lives in the most degrading of human circumstances. How much longer will we be satisfied to ignore the agony of those who have served while the rest of us have remained safely at home? The pressure of public opinion can be a powerful tool—and can act as a catalyst to arouse the indignation of all the world's people, but only if Americans—all Americans become aware and act in accordance.

Perhaps one would say that we have begun a crusade with the initiation of this week—a crusade to rescue those of our countrymen who remain victims in a desperate fight to insure a small nation the right of its existence. We cannot forget these men. I join my colleagues, the President, and all who are concerned today in a promise that no stone will remain unturned until we have guaranteed a minimum of the full rights of existence for the Americans who suffer as the prisoners of this war.

Mr. McGOVERN. Mr. President, I wholeheartedly concur with today's effort to indicate that the American people, regardless of their views on the Indochina war, are united in urging humane treatment for all prisoners of war.

The North Vietnamese have contended that they are not bound by the Geneva Convention of 1949 relative to the treatment of prisoners of war. They argue that although they adhered to the convention in June of 1957, they are not bound in the present case because of their reservation stating that—

> The Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with principles laid down by the Nuremberg Court of Justice, shall not benefit from the present Convention, as specified in Article 85.

In line with this principle, they maintain that U.S. pilots are war criminals who are not entitled to protection.

There is no final arbiter of that issue. I submit, however, that it need not be resolved in order to urge that the terms of the 1949 convention be respected by all parties to the conflict in Indochina. Those who have agreed to respect it must certainly recognize that it is more than a narrow statement of legal obligations. It is instead an expression that the existence of an armed dispute between nations is no justification for inhumane treatment of those who are removed from the conflict, who pose no threat, and who have no means of defending themselves. It merely codifies rules of conduct which should be honored by any decent society, regardless of whether it considers itself legally bound.

There is evidence that the North Vietnamese have responded to some extent to such arguments. They do maintain that prisoners receive adequate food and medical treatment, and that they are not physically and medically mistreated. Names have been released through the Committee of Liaison with Families of Servicemen Detained in North Vietnam, and that organization has also been allowed to carry mail back to the United States.

If such steps are evidence of humanitarian concern on the part of the North Vietnamese, then there is little justification for a continued failure to live up to the remaining Geneva standards, including the regular flow of mail, the inspection of detention facilities by neutral parties, and the prompt release of sick and wounded prisoners. There is nothing at all to be gained by putting the prisoners and their families through continued agony.

Mr. President, along with such admonitions to the North Vietnamese, I think concern for the prisoners also requires a plea to our own Government to pursue actions which can bring their release and repatriation.

In my view that goal, along with the safety of our forces remaining in Vietnam, deserves priority over any other objective we might pursue in Indochina. And it is clear that we cannot achieve those objectives without a negotiated settlement. Indeed, except in the case of seriously sick and wounded men, the Geneva Convention whose application we urge in Vietnam creates no obligation for the return of prisoners until after the cessation of hostilities. We can expect that they will continue to languish in prison camps just as long as the war itself continues, regardless of the level of American involvement. The early release of our prisoners is a major reason why I have pressed for passage of the McGovern-Hatfield amendment which would end U.S. involvement in Indochina before the end of this year.

Mr. President, the junior Senator from Massachusetts (Mr. BROOKE) has proposed a resolution calling for a full investigation of the prisoners-of-war issue. I ask unanimous consent that my name be added as a cosponsor of this measure.

SACRIFICES OF AMERICAN PRISONERS OF WAR

Mr. PROXMIRE. Mr. President, I want to take this opportunity to express my wholehearted support and concern for prisoners of war and men missing in action in Southeast Asia. The extraordinary sacrifices and suffering they have borne for this Nation, as well as the sacrifices of their loved ones in this country deserves the utmost attention, concern, and an effort to share this burden by all Americans.

We must all continue to work hard and diligently to bring the pressures of world opinion to bear on those Communist forces who continue to defile and degrade the human spirit. Through our efforts and our prayers, let us speed their return and let them know we are grateful and have not forgotten them.

These men deserve the highest honors we can bestow on them as well as our untiring efforts in their behalf. They have done their duty. We must do ours.

After 7 years of struggle since the first man was taken prisoner of war, we still do not know how many men are actually being held by the North Vietnamese or known to be dead; how many of them receive proper food and medical care, and what the actual conditions are under which prisoners are held and treated. The North Vietnamese do not accept Red Cross or other international inspection of prison facilities. They are unwilling to release those who are seriously ill.

Not only have the North Vietnamese not lived up to the basic principles of humanity of the Geneva Convention of August 12, 1949, relating to the treatment of prisoners of war, they have attempted to use these men as instruments to blackmail America.

The negative response of the North Vietnamese to the urgent cries, pleas, and the outrage of the world should not be tolerated. The tragedy and disgrace of what is happening to our men imprisoned by the Communists; the cruelty of treatment and the violation of every international convention and every humanitarian principle should be condemned by all civilized nations. These acts are acts against all humanity not just against the United States. Civilized nations should join together in concerted action to try to stop these practices.

We must continue our efforts to let the world know what is really going on and to let our men in their lonely isolation and their families know we care, and that their suffering and courage is not in vain. To this end, I pledge my support.

I would hope that all citizens, as well as all nations, will voluntarily and individually join others to work for the return of our POW's and MIA's. These men have given courageously of themselves; we should do no less.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business at this time, with statements therein limited to 3 minutes, and without prejudice to the order for the recognition of the Senator from New York (Mr. JAVITS) and the Senator from Washington (Mr. JACKSON) as previously entered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COLLEGE CAMPUS DISORDERS—REPORT OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN. Mr. President, I am filing with the Senate today, a report by the Permanent Subcommittee on Investigations of the Government Operations Committee on the subject of campus disorders. The subcommittee undertook this investigation as a part of the overall study of "Riots, Civil and Criminal Disorders." The subcommittee has reached some conclusions with respect to these disorders and has made recommendations which we hope will be helpful to college administrators.

It seems clear that the learning process, the most important legitimate occupation of young people in college, is severely impeded when the atmosphere is chaotic. A vital task is for the school administration to maintain an orderly climate.

This is not to say that legitimate grievances of students or faculty members should be overlooked or disregarded. The subcommittee has concluded that at any institution where mechanics do not exist for easy communication of grievances to persons competent to act on these grievances, the establishment of such a mechanism should be given a high priority. The complainant not only should have easy access to the complaint authority but should be informed of the decision reached by the proper authority and the reasons for the decision.

A tendency was noted in instances in which there were a number of arrests, that a significant portion of those persons were not students of the institution where the disturbance took place, and many of them were not students anywhere. This suggests the possibility of the involvement of agitators from outside the campus borders.

The subcommittee has noted that although there is a local flavor to each major disorder that has occurred, there also exist similarities in character from one campus to the next. This, too, suggests that the disorders are not spontaneous. It is frequently not productive to look for the same organization in all schools—although some do go from school to school—primarily because the names of organizations change with the local character of the disorder. The subcommittee concluded that the injunctive process is probably the most effective remedy used so far in containing disorders that have already started.

The subcommittee hopes that the educational institutions in this country will see the wisdom of maintaining a reasonable grievance machinery, while at the same time preserving proper decorum.

Mr. President, this concludes what I intended to say about this report, but in the light of some comments made in the individual views of the subcommittee members, I feel I should make additional observations.

At the outset of the subcommittee's investigation of the civil disturbances, it seemed apparent that an acceptable approach to this subject, as to any complex study, would be to investigate a number of riots in some detail and to report separately on them. It was felt that by considering the similarities and the differences in one disturbance, as compared to the next, then some conclusions might reasonably be drawn. This subcommittee has tried always to secure facts and draw conclusions from them and to avoid the temptation to make a decision and then try to find facts to fit it. Accordingly, staff teams were sent to a number of cities where disturbances occurred.

As a result of these preliminary inquiries, hearings were conducted. Reports concerning a number of these hearings were prepared on a staff level and submitted in due course of time to subcommittee members. These reports assembled in a compendium related to riots in Newark, N.J.; Detroit, Mich.; Houston, Tex.; Nashville, Tenn.; and Plainfield, N.J. This report was distributed to the subcommittee members on January 6, 1970. In the past when individual members of the subcommittee differed with the report submitted, these differences were enumerated but the report was filed with the Senate and the differing views included. In the instance of the report I mention, one member only suggested revisions and individual views. Two members approved the report as written, no response was received from the other members. Certainly a major portion of any blame for a timelag in this report lies with the subcommittee members.

After several hearings had already been held, subcommittee members suggested that the campus disorders of a year or two ago be considered as a part of the general study of disorders. A separate study was made and hearings were conducted. A separate report was prepared, the report I submit today. I do not believe that human nature has changed so much in 2 years as to make this report obsolete. Since the study was made of disorders, we heard testimony from those persons who could provide information about disorders. Since disorder is not a chronic condition on any campus, these same persons are capable of providing testimony about their periods of tranquillity also.

I wish to address myself to one other thought expressed in some of these individual views; namely, that studies conducted by other groups were not considered in this report. As a matter of practice, nothing is reported in the report which is not contained in the hearings themselves. The results of the deliberations of other groups were not unknown. However, if there was any testimony taken under oath in connection with the campus disorders or in connection with any other disorder, I am not familiar with it. Our testimony was elicited under oath from persons familiar with the subject under study and a report was prepared from their testimony and from conclusions drawn from the testimony. I know of no other sound method of approach.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER RESCINDING ORDER FOR RECESS UNTIL 9:40 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered for the recess of the Senate from the close of business today until 9:40 a.m. tomorrow be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER RESCINDING ORDER FOR RECOGNITION OF SENATOR MUSKIE TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that the previous order for recognition of the able Senator from Maine (Mr. MUSKIE) tomorrow morning be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McGOVERN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order, the able Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time which is about to end for morning business be without prejudice to the morning business period which has been ordered to begin at 12 o'clock meridian today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remaining minutes before 11 o'clock a.m. today be added to the hour for the colloquy under the order which has already been entered and under which the able Senator from Washington (Mr. JACKSON) and the able Senator from New York (Mr. JAVITS) will be recognized, and which is to end at 12 o'clock meridian.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

The Senator from Washington is recognized.

ISRAEL'S SECURITY AND OUR OWN

Mr. JACKSON. Mr. President, it is essential, if we are to act prudently and in the interests of peace in the Middle East, that we clearly identify the sources of instability and the requirements for a stable and lasting peace.

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The central problem in our Middle East diplomacy has been a preoccupation with the notion that the conflict between Israel and the Arab States lies at the core of the instability we seek to alleviate. One result is that we have been far too sanguine in our hopes that the Soviet Union would cooperate in resolving that tragic conflict.

The Soviets realize that a Middle East of peace and harmony, with stable and cooperative Arab-Israeli relations, would impede their access to the continuing penetration of the Arab world. A genuine peace in the Middle East would diminish the importance of Soviet military support to Egypt; Syria and Iraq would not require large numbers of Soviet tanks any more than Egypt would require the presence of the Russian Air Force if a secure negotiated settlement could be obtained. The truth is that the Soviets, far from urging the radical Arab States to seek a genuine and stable peace with Israel, are determined to keep tensions high.

In the context of the current diplomatic activity, the Soviets have acted to impair the chances for a lasting settlement by encouraging the belief that Israel will be forced against her will to accept the imposition of indefensible borders. The Soviets would doubtless welcome an insecure settlement that imposed on Israel the vulnerability that encouraged war in the past and could be counted upon to do so again.

American policy in the Middle East has been insensitive to these considerations. We have often acted on the assumption that because the Soviets do not want all-out war in the Middle East, they must desire all-out peace. It is time we came to appreciate that between the desire to avert war and the desire for stable peace there is an enormous range of Soviet policy objectives.

Nothing is so likely to facilitate Soviet policy in the Middle East as a settlement that leaves Israel in the exposed and vulnerable position that existed prior to the 6-day war. Such a settlement would guarantee that the tensions and insecurity on which Soviet policy is based would continue to be exploited with tragic consequences for Arabs and Israelis alike. We must not be a party to such a settlement.

II

It is my belief that the hope for lasting peace in the Middle East lies in American support for a map of Israel with secure and recognized borders whose defense can be assured by the Israelis themselves. Such a map would surely provide first for the continued control of Sharm el Sheik by Israel, and for provision of land access to it, under Israeli control, along the eastern edge of the Sinai.

The importance of Sharm el Sheik lies in the fact that possession of it controls the Gulf of Aqaba which, in turn, controls access to Elat, Israel's major port. The fuel vital to Israel's economy and to her national security must flow through Elat. The closure of the Gulf of Aqaba thus puts Israel's security at grave and immediate risk. For this reason the question of war or peace in the Middle East has in the past, and could in the future, turn on possession of a piece of remote and unpopulated desert at Sharm el Sheik.

In addition, a secure territorial settlement would provide for the total demilitarization of the Sinai so that no Egyptian armor, aircraft, or military personnel would be permitted to cross the Suez Canal. This would have the effect of preserving the natural barrier of the Suez Canal to the West while leaving the broad expanse of the Sinai to serve as a buffer zone between Israel and Egypt.

The total demilitarization of the Sinai would enable Israel to cope with crises without precipitate action and without resort to full scale mobilization. In contrast, if Egyptian military forces were permitted to occupy positions along the pre-June 1967 border, Israel would be forced to mobilize in response to relatively minor incidents, thereby inviting continuing instability.

Moreover, it is worth noting that the demilitarization of the Sinai would not affect the lives of the 30,000 or so nomadic Bedouins who are the sole inhabitants of that barren and inhospitable desert. Indeed, the Bedouins of the Sinai do not even enjoy Egyptian citizenship.

The notion that partial demilitarization on both sides of the border could offer adequate security is wholly unrealistic. Nothing short of the prohibition of all military personnel and equipment anywhere in the Sinai would serve the interests of a stable peace.

Finally, Mr. President, a secure and stabilizing settlement would call for the phased withdrawal of Russian military personnel from Egypt. This, perhaps more than any other arrangement, would bring a measure of stability to the Middle East. I believe that Israeli withdrawal to defensible borders should proceed in parallel with Soviet withdrawal from Egypt.

A substantial Soviet withdrawal from Egypt would immediately benefit Western security not only in the Middle East, but in the eastern Mediterranean and the Persian Gulf. The Soviet presence in Egypt is a direct threat to the U.S. Sixth Fleet and to our NATO allies. We would do well to keep in mind the long history of Russian imperial interest in the Middle East—an interest that dates back to Catherine the Great. It would be a profound mistake to promote an agreement that gave the appearance of settling differences between Israel and the Arabs while ignoring the chief source of instability in the Middle East: the large and uncontrolled Russian military presence.

I am convinced that the Soviet Union, and not the United States, would be the beneficiary of a settlement based on Israeli withdrawal to the vulnerable borders of June 1967. It would be seen not as the result of American diplomacy, but as the result of American retreat under Soviet pressure. The American position in the world would be seriously impaired, and confidence in American assurances generally would be badly shaken, if we were to abandon our long established pledge to the security of Israel. The effort to promote a settlement that adversely affects Israel's physical security would be seen as the abandonment of that pledge.

III

Against this background, Mr. President, I was surprised at the suggestion by our State Department that we ought to consider Soviet participation in a force designed to guarantee the integrity of an inherently insecure border. It is difficult to imagine a more shortsighted and dangerous arrangement for the Middle East than one that forces Israel back to vulnerable borders and then installs along these borders the military forces of the Soviet Union.

In my view, the administration is courting disaster by considering a plan that would have the effect of legitimizing the Russian military presence in Egypt. We should be trying to get the Russians out of the Middle East, not designing plans to dig them in. The presence of 15,000 Russian personnel in Egypt seriously complicates the task of finding a lasting solution to the conflict in the Middle East. When such a solution is found it is more likely to require the departure of Russian personnel than to welcome their presence.

Moreover, Mr. President, the presence of American troops alongside Russian troops would merely compound the problem by adding new elements of tension to an already precarious arrangement. It would create a condition in which minor border incidents could escalate into great power crises threatening both the stability of the Middle East and the peace of the world.

Presumably under some version of our State Department's proposal, an international force including Soviet and American troops could be stationed at Sharm el Sheik, the strategic location that controls access to the Gulf of Aqaba and the vital Israeli port of Elat. The likelihood that such a detachment would escape attack from terrorists is exceedingly remote. In truth, such a force would be an ideal target for every movement, large or small, that wished to promote tension in the area.

More important, it would be of doubtful reliability in precisely the situations where it would have to function in order to guarantee Israeli access to Elat. If, for example, Egypt were to order the force to vacate Sharm el Sheik, is there any doubt as to whether the Soviet Union could be relied upon to side with Israel and remain in defiance of the United Arab Republic? And in the event of a crisis similar to that of May 1967, do we really want to be in the position of holding contested territory with American troops against an Egyptian offensive?

The notion that the vulnerability inherent in total Israeli withdrawal from Sinai can be diminished by internationalizing local insecurity is shortsighted. World peace has too often been threatened by the precarious geography of West Berlin for us to disregard the lesson that insecure borders are an invitation to conflict and hostility. To promote a Berlin-type solution in the Middle East would be a clear abdication of our responsibility to the future and a guarantee of tension and instability in the present.

IV

The role of the great powers in guaranteeing a settlement of the Middle East conflict has been the subject of much discussion. In my view the proper role of the great powers lies in supplementing a secure agreement with appropriate guarantees, not in a futile effort to compensate for an otherwise insecure settlement.

I believe the Israeli Government has properly rejected the view that external guarantees can substitute for defensible borders. They cannot be expected to relinquish a geographical position on which their survival depends.

Mr. President, it has become increasingly clear that insistence on total Israeli withdrawal from Sinai has become a major obstacle to the process of negotiation. It is time to concede that the effort to get Israel to agree to relinquish the whole of Sinai as a precondition for negotiation has failed. The time has come to call upon the parties to enter into serious negotiations without preconditions on either side. Such negotiations are essential to the conclusion of a durable peace. Only Israel and her neighbors are in a position to establish security arrangements with which they feel they can build a lasting stability.

Mr. JAVITS. Mr. President, may I be recognized in my own right?

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New York may proceed.

Mr. JAVITS. Mr. President, I should like to comment, and invite comments from the Senator from Washington (Mr. JACKSON) on my view that the central point in his statement is that contained on the last page of his statement. I would like to express my concurrence and develop it on my own time; namely, his statement, "the time has come to call upon the parties to enter into serious negotiations without preconditions on either side."

I think that is the key to the matter. I believe there is nothing unfriendly involved, I would like to emphasize this. None of us wishes to derogate, or denigrate, the fine initiative of our Secretary of State—for a cease-fire and a standstill, and the offer of Egypt, at long last, to make a peace treaty, all of which gives us an opportunity to move toward peace in a very substantial way.

We have every right, as the Senator has so eloquently pointed out, to indicate why we do not agree with the preconditions which have been aired. Incidentally, the Prime Minister of Israel offered preconditions, just as Secretary Rogers did.

I think the essential point is to bring the parties to a negotiation without preconditions. For myself, I certainly welcome the Senator's view on this.

My feeling is that in pointing out why preconditions are invalid, I shall do essentially the same thing that the Senator has done in that regard. We are not being critical of anyone. We are only pointing out how this is important.

Mr. JACKSON. Mr. President, I associate myself with the remarks of my good friend, the Senator from New York. It makes little sense to me to talk about a free and open negotiation when preconditions are laid down prior to the negotiations. Everything should be on the table. I know that the Secretary of State is desirous of reaching a settlement—surely he wishes to achieve a lasting one.

Neither of us envies the task that he has undertaken. It is a difficult task. He conscientiously has taken a certain position regarding these negotiations. We, on our side, have taken a position that attempts to identify some of the fundamental problems that must be faced if we are going to reach a settlement. I would hope that we could all work together so that we can achieve a settlement that will provide for lasting peace in the Middle East.

I believe very deeply that the central issue that we must face up to is the Soviet drive for hegemony in the Middle East. As the Senator knows, this is an ancient Russian objective that goes back many centuries. Unless we face up to that central issue, we will not resolve the problem.

If the dispute were only between the Israelis and the Egyptians, I think this matter could be settled—and could have been settled before now.

We must face up to the fact that the Russians are deeply involved. Certainly any kind of a settlement that involves the withdrawal of forces should include a phased withdrawal of the Russian forces from Egypt. As long as the Russian forces are there, the threat to Israel is real. The Russian forces can be augmented at any time; and they have the power and ability to destroy the Israeli Air Force—which is essential to the defense of Israel—if they decide to do so.

If the Russians are removed from the area I think we will see a basis for a lasting peace. I feel quite strongly that the Egyptians would also like to see the Russians out of the Middle East. I think the Arabs generally would want them out.

I hope that we will encourage negotiations in which the Egyptians and the Israelis can really sit down, with the two powers working out a settlement that will lay the foundation for what we all want—a lasting peace in the Mideast.

Mr. JAVITS. Mr. President, may I say to my colleague on this matter of the Russian troops that there is no question in my mind that that situation exists in Egypt and that it includes aircraft. It has very materially changed the strategic situation in that part of the world, to the disadvantage of Israel's security and in a way which could prejudice the energy resources on which Europe depends from the Mideast; and to the disadvantage of American security, including potential jeopardy of our fleet in the Mediterranean.

I would like to ask the Senator if he is not saying that he, too, is writing a prescription that Russian troops have to get out of Egypt in a phased withdrawal before there can be a peace settlement; and suggest that we may not be able to accomplish that. The Senator is saying that this has a very real bearing on what kind of a peace settlement Israel is required to make and upon the desirability of a four-power guarantee which might emphasize the Secretary's desire—he did not propose that—and might allow us that possibility, to include United States and Russian troops. This is so directly and importantly affected by the fact that the Russians are in Egypt in a major way. If they get out it could simplify the problem of securing peace.

Mr. JACKSON. The Senator is correct. If the Israelis are to pull back, then I think that the Russians should pull back. This is central to a settlement of the whole problem.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have one question to ask. Assuming that fighting does break out and the Russian air force takes the part of Egypt and in considerable force, would the Senator then advise or favor committing U.S. Armed Forces to the support of Israel in order to create a more equal situation?

Mr. JAVITS. Mr. President, if I might be permitted to answer that question, I think the issue depends entirely on the security of the United States and the forces of the United States. The United States did have a commitment with respect to Israel in regard to the 1957 settlement. Three powers were involved. The United States, the United Kingdom, and France, who gave assurance that the borders would not be changed. That may have been even earlier. However, since that time it has been said authoritatively and generally that those assurances given have become obsolescent, because of the passage of time.

I do not believe that the Israelis would invoke any such assurances. I think there is grave doubt that it is viable in terms of diplomatic agreement. Thus, I think that we can leave out the question of obligation based on a commitment or assurance of old standing.

The question becomes a matter of the security and the interest of this country. In my judgment that simply cannot be decided until one sees the capability of Israel to defend itself, until one sees the jeopardy, if any, to the U.S. fleet in the Mediterranean and the thrust, extent and intent of any Soviet effort.

I do not believe we can lay down any such prescription in advance. I believe if we tried to do that, it would only make more difficult the settlement of the conflict in the Mideast and commit the United States to a job to which it should not be committed.

This is a suggestion that the fine amendment of the Senator from Washington has certainly implemented, to give Israel—a very heroic people who have shown every effort to defend themselves—an opportunity. If any effort is made to snuff out the life of Israel, the United States will have to determine its policy based on the situation in the light of the facts at that time—In my judgment it cannot be done in advance. It may very well also involve action by the United Nations, which would include Israel, in view of the fact that Israel is really a creature of the United Nations. Again, under the United Nations Charter and under our other treaty obligations, we have, according to our constitutional process, the right to decide what we will do about using Armed Forces of the United States.

In summary, I might say to my colleague from Vermont (Mr. AIKEN) that I do not believe it is desirable or necessary to make any commitment with respect to the reaction of the United States in advance.

Mr. AIKEN. If the Senator will yield further, I simply want to ask again if either of the Senator on the floor now believes that if it appeared that Israel would be defeated in a military conflict would the security of the United States be jeopardized? Would Western Europe be interested at all or would they look solely to the United States for balancing the military strength against that of the Arabs and their Russia allies?

Mr. JAVITS. I will answer that question in due course. I yield now to the Senator from Washington.

Mr. JACKSON. I wish to supplement the very fine comment of the Senator from New York in response to the question posed by the distinguished ranking minority member of the Committee on Foreign Relations.

The Senator from New York alluded to section 501 of the Defense Procurement Act of last year in which, by a vote of 87 to 7, the Senate made clear its opposition on the Soviet involvement in the Middle East.

Section 501 provided that the Congress viewed "with grave concern the deepening involvement of the Soviet Union in the Middle East, and the clear and present danger to world peace resulting from such involvement, which cannot be ignored by the United States." That was a preamble to the aid provision that the Senate approved.

I am sure it is the view of the Senate that involvement of the Soviet Union in the Middle East does affect the vital national security interests of the United States and NATO; it poses a direct threat to the the U.S. Sixth Fleet and to the soft underbelly of Western Europe.

I must say that what is really needed, so far as our own policy is concerned, is for the United States to be absolutely clear in its determination to protect our vital national interest in this area. We cannot be equivocal. If we are equivocal the Russians are going to be tempted to intimidate politically and to make military moves directly against Israel.

I am convinced that as long as we maintain a credible nuclear deterrent—and this is what we are ultimately talking about, a credible nuclear deterrent—the Russians are not about to get involved in a direct confrontation with the United States over this issue; but if we equivocate, and if we are unsure, uncertain, and convey to the Russians that this area of the world is not vital to NATO or our vital national security interests, they will take risks they would not otherwise take.

So I think it is vital in all of our negotiations and discussions with the Russians that we make this point abundantly clear; we will not permit the Soviet Union to obtain hegemony over an area that is so vital to NATO and our national security interests.

Mr. JAVITS. I thank the Senator for that fine statement. I only supplement what I heretofore have said in answer to the Senator from Vermont (Mr. AIKEN), when he posed his question, by stating that certainly our national interest and our security interest are directly involved in this entire situation in the eastern Mediterranean. That does not mean we have to commit in advance how we would react in any given set of circumstances in order to meet a danger to our national interests. I think it would be unwise to do so.

It has been proper to state it also would be a threat to Europe and NATO, that it involves Greece and Turkey, and nations like Iran to the east, and it involves Japan, which draws an enormous amount of energy resources, even more than Europe, from the Middle East.

It is one thing to say our national interests are heavily involved and another to make prior commitments of armed activity in advance of knowing what is going to happen.

The whole thrust of what I have to say and what I have heard from the Senator from Washington (Mr. JACKSON) is that we want to be sure of Israel's viability to maintain itself is upheld as an important element in the security interest and national interest of many countries, including the United States, and that it is not diluted, blunted, or destroyed by some prior conditions written for a peace settlement, before there is any real opportunity to have the parties work one out.

I wish to turn now to my prepared remarks.

THE MIDEAST DIPLOMATIC IMPASSE

As a result of Secretary Rogers' March 17 press conference, differences between Israel and the State Department regarding Mideast peace negotiations have become front page news around the world. The mere fact of differences need not surprise us nor even necessarily alarm us, for the policies of the two nations are formulated naturally from different national interests. The United States views the Mideast from a global perspective. In the eyes of the United States, the UAR's guns and missiles along the Suez and the presence of Soviet military personnel there are important in terms of a possible U.S.-Soviet confrontation and as a threat to Europe's energy reserves. At the same time, from Washington, the U.N. negotiating table is close and familiar. From Israel's perspective, the UAR weapons and Soviet personnel are a direct threat to its survival, while the U.N. Secretariat in New York is remote and unfriendly.

Preliminarily, let me say it is most unfortunate that both Secretary Rogers and Mrs. Meir have had to state their positions through the world press unilaterally; consultation first would have been much better. For, nothing fundamental between the United States and Israel has changed, so why change the climate?

Second, I think, too, the time seems to be ripe for a peace settlement which could be permanent, but this does not mean a time defined in days as Secretary Rogers' statement would imply. There is still room and some time to negotiate.

The key question today for Americans is whether the approach outlined by Secretary Rogers in his March 17 press conference is really a good policy for the United States. The policy is epitomized in the following statement by Secretary Rogers:

> There is a thought that geography is the sole consideration when you are thinking about security. Now, we don't think that geography is solely responsible for security, or even to a large extent responsible for security. Certainly in modern-day world situations, geography is ordinarily not important. What is important is the political arrangement that is made; the agreement itself, whether the parties are belligerent and hostile, or whether the powers of the world are willing to take part in guaranteeing that the agreement will be kept.

I have grave doubts that this policy has been as yet adequately thought through with enough weight in relation to Israel's urgent national interest, as well as our own. I have the impression that Secretary Rogers is talking about concluding a Kellogg-Briand type pact to outlaw war in the Mideast. His motivation is unexceptionable but the relevance and efficacy of this approach is questionable.

The essence of this approach is contained in Secretary Rogers' words:

> Certainly in modern-day world situations, geography is ordinarily not important. What is important is the political arrangement that is made; the agreement itself, whether the parties are belligerent and hostile, or whether they have made an agreement that is understood by the world community....

But this contradicts Israel's experience since early 1957 when at the request of then President Eisenhower supported by then, Vice President Nixon, Israel gave up the Sinai exactly as Israel is asked to do now. Israel accepted promises backed by the United States in lieu of geography and found itself frustrated, the promises broken, under siege from guerrillas and ultimately at war because of occupation by the United Arab Republic of precisely the very geography surrendered in 1957 at our behest.

It is the reality, not the illusion, of security which Israel is seeking—and who can blame Israel?

Secretary Rogers, recognizing this, sought to distinguish between the current approach and the tragically ill-starred diplomacy of 1957. In this regard, he said:

> In 1957—it was a continuation of the armistice. The parties still were in a state of belligerency.... Now ... we are talking about a contractual agreement entered into by the parties with reciprocally binding commitments, signed, sealed and delivered; with full agreement of all concerned that belligerency will cease; that they will live in peace with each other; ...

These are fine verbal concepts and distinctions—drawn from formal 19th century European diplomacy—but I am very skeptical that they are applicable to the situation in the Mideast where concepts and traditions of diplomacy, statehood, and warfare are so different from those of 19th century Europe. Certainly Israel considers them out of date, and if implemented, endangering its very survival.

The trump card in Secretary Rogers' approach to a Mideast peace pact is a Big Four peacekeeping force located in areas that were critical. He described the proposed peacekeeping force as the most adequate possible guarantee that you can conceive of in modern life. And he pledged that the United States is perfectly prepared to play a leading role in that guarantee.

Israel has made it very clear that it does not want to entrust its security—and its survival—to a Big-Four peacekeeping force. Israel's reluctance to invoke a Big Power guarantee may only be exceeded by the reluctance or inability of the Big Four to make good on such a guarantee.

The two central points which seem clear to me are: First, Israel does not want to invoke a guarantee which would call for U.S. or Soviet forces to be activated on its borders; and, second, it does not want to be the theater of confrontation between the forces of the two superpowers in an area alreadly likely to be explosive for a long time to come. It would leave little of Israel's independence if it did; and it could easily become a ward or a scapegoat.

Moreover, I detect in the Congress and in our Nation a great reluctance to see U.S. forces stationed in the Mideast flashpoints with the responsibility for keeping the peace. And the experience of 1957 to 1967 has shown how inadequate it is to rely on small-power units for Mideast peacekeeping responsibilities; when President Nasser blew the whistle in mid-1967, U Thant pulled them out.

Therefore, it seems to me that there are at least two major deficiencies in the policy approach outlined by Secretary Rogers.

First, there is serious question whether a treaty based on the juridical concept of 19th century diplomacy is sufficiently relevant to the Mideast situation to justify the contention that "* * * in modern-day world situations geography is ordinarily not important." Certainly the continual postwar struggle over Berlin would belie the relevance of that assertion to Europe itself.

The Mideast is an area of "soft states" in the sense Gunnar Myrdal has used those words. Governments in the Arab World have proven to be of doubtful permanence and continuity. Coup d'etat has followed coup d'etat, and the domestic writ of any government of the moment is likely to be contested by dissident, irregular forces which follow policies of their own. The next 20 years is not likely to see any appreciable abatement of the rapid flux and political and social upheaval which has characterized the Arab world—asleep for so long—over the past 20 years.

In such a situation, geography is of very great relevance in terms of peace prospects. Israel's 1967 borders were a constant and standing inducement to Arabs to try a military thrust—of the guerrilla or of an all-out nature. What is needed now—and what Israel so rightly emphasizes—are secure and recognized boundaries based, indeed, on geography which reinforces, rather than undermines, the terms and pledges of a peace treaty.

Second, I think it is wrong to assume

that the pieces of a fragile peace pact—reflecting an indifference to geographical principles—can be held in place by a Big Four peace-keeping force. There are too many pieces which are too apt to fly apart in Secretary Rogers' plan. And if the peace arrangements do break down, United States and Soviet forces will be engaged immediately in the resulting hostilities.

Supposing the United States and Soviet forces held differing views as to which side attacked the other first—a situation which might not be hard to judge in the Mideast, where irregular warfare, sabotage, and terrorism—which Arab States as such have countenanced—have become accepted practice.

In presenting these observations on Secretary Rogers' latest plan, I do not suggest that the task of peacemaking in the Mideast is an easy one. On the contrary, I suggest that it is even more difficult, laborious, and time consuming than the State Department seems to think at this time.

But I see a danger in rushing ahead too fast, without thinking through all the implications of what is being proposed. Above all, I wish to warn against the illusion of security—that a new sort of Kellogg-Briand Pact to outlaw war in the Mideast can achieve peace there in a lasting sense. Such an approach, in my judgment, could pose even graver dangers to world peace prospects.

This is not in any way to gainsay the extraordinarily gifted initiative of the Secretary of State in proposing the cease-fire and standstill last year, which so far remains in effect and which we have every reason to hope will continue in effect, even if only defacto. This is already an historic achievement. It should not be marred, as it leads to a peace settlement, by unnecessary differences between the United States and Israel.

I am not unmindful of the critical need for steady diplomatic effort and progress. The present moment appears to be perhaps the most auspicious since November 1967, for achieving a real peace breakthrough. Moreover, it is quite clear that the present hopeful situation of cease-fire and negotiations is one which has little chance to remain static. It must continue either to advance toward a peace agreement or deteriorate back toward renewal of fighting.

I hope and trust that the U.S. and Israel Foreign Offices will refrain from further mutual public recriminations. President Nixon has clearly laid down the policy in his State of the World message. The time has come to lay aside present differences and to move to other aspects of the Mideast peace problem which offer better hope of progress under present circumstances. The diversion of energies into mutual recriminations needs to be placed by a partnership of effort to hammer out the pieces of a viable peace settlement as soon as possible and within the groundrules President Nixon has established for United States-Israel relations.

Every avenue and alternative must be explored—the "faceless" Jarring negotiation needs to be succeeded by direct negotiations between the UAR and Israel or at least by a mediator-type Rhodes talks such as produced the 1949 armistice under Ralph Bunche. We have heard discussions of some interim agreement on say the reopening of Suez with Israel having equal rights of transit; or, of going ahead with the negotiations for peace with Jordan while the parties mull over the UAR-Israel proposals. The important thing is to keep the peace initiative going but not to try to wrap it up immediately; for such precipitate a wrapping up is full of danger and new troubles.

Secretary Rogers, in all good faith, might try to implement his own suggestions with the idea that, if necessary and if desired, the four powers could give a guarantee; that this guarantee could even be safeguarded by a most unusual presence or participation of both U.S. and Soviet troops in a peacekeeping force.

I think the Secretary made that strictly as a suggestion. He did not offer it as "the" answer. I do not think it is a proposal made on an all or nothing basis or anything like that. But I think we have a right to comment on the kind of thinking it represents because it is in the public domain. That is what I have tried to do.

I give the Secretary the utmost credit for good faith in presenting his idea, but I do not think it is a substitute, considering the conditions, for some arrangement on the ground which, whether it is in terms of demilitarization or some arrangement with respect to an area like Sharm el Sheikh, would give physical assurances which can be availed of by the parties themselves, in this case Israel. The guarantees of peace on mere good faith, shown by the offer to participate directly in a peacekeeping force, are no substitute for necessary arrangements on the ground.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Do I understand that the Senator is, in effect, saying that the agreement which I believe Israel accepted, on withdrawing to the 1967 line, is no longer acceptable to the Israelis or to the Senator from New York?

Mr. JAVITS. The Senator from New York has no right to and does not say anything about being acceptable to him. That is quite immaterial. The Senator from New York does not say it is unacceptable to Israel. He does not know. The only thing the Senator from New York says is that the U.N. resolution, to which the Senator refers, says no such thing. That resolution, No. 242, was completely evenly balanced as between the parts. One part of it leaned on the other. The part relating to withdrawal leaned on secured and recognized boundaries. The part bearing on secured and recognized boundaries leaned on withdrawal. Neither could stand alone.

I think the great difficulty we are having with these negotiations is inherent in the fact that on one side the Soviet Union and the Arab States would have us believe that withdrawal was an absolute commitment with no reference to secured and recognized boundaries. And they may do this because they cannot guarantee delivery of secured and recognized boundaries if there is withdrawal. They say in the UAR message to Ambassador Jarring that the most that they can offer is that they will use their "best efforts."

On the other hand, Israel says that if they cannot guarantee secured and recognized boundaries, she cannot withdraw until that question is settled, too. If settlemen has many parts that lean on each other, settlement is impossible to achieve results if each side demands prior fulfillment of those clauses most to its liking, while reserving its position on the clauses it does not like so much.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Secretary of State came to the Foreign Relations Committee before he held his press conference. He went into great detail as to the purposes of the administration with regard to its proposal, which was to reach a negotiated settlement rather than to rely upon, as the Senator says, "geography" and the force of arms. He felt in the long run that a negotiated settlement was in the interest of Israel.

I personally feel the Secretary's opinion is exactly correct. I think the only hope for survival of Israel over a long period of time is a negotiated settlement. I also feel that the principal reason there has been no progress on negotiations for the settlement of this question is the belief on the part of Israel that the Unied States and the Senate will back it, no matter what position it takes.

I believe that attitude is most unfortunate, because I do not see any possibility of negotiation so long as Israel believes we are completely at its disposal.

I was not privileged to be at the meeting when the Senator from New York had the Foreign Minister of Israel here in the Senate, with a great many Senators. Perhaps there was a different view which would be persuasive against the administration's position, but I see nothing that would so indicate.

I though the inference of the Prime Minister of Israel in her statement that "even if the Secretary was sincere" was a most unusual statement to be made by any Prime Minister with regard to a Secretary of State. I have no doubt that the Secretary of State is sincere, and the President is, too.

I think it is in the interest of Israel that we have a negotiated settlement, and I very much regret that the Senator from New York seems to take the position that Israel is now giving notice that they do not intend to withdraw from the territories they took in the last war.

That was the essence of the 1967 agreement, regardless of the technical details. Certainly everyone understood the agreement to mean that the acquisition of territory by conquest is not acceptable to the great majority of the nations of the United Nations, including Israel. It is my understanding that Israel agreed to that general principle at the time of the 1967 cease-fire, and I believe the Secretary believes it as well.

I think we have here an honest difference of opinion as to what is in the interest of Israel's long-term survival. Is it force of arms, backed by the United States, or is it a negotiated diplomatic settlement?

I honestly believe the second is the only hope, over the long term, because I do not think Israel should take the United States so much for granted. At the moment, they do have the influence in Congress to support them, as evidenced by several actions within the last 2 or 3 years. But if they create the impression of being too determined not to negotiate, I think they run a great risk of losing the support that they have heretofore had in this whole affair.

I do ask the Senator from New York to give the administration and the Secretary greater credit for an honest desire to bring about a settlement that is in the interest of Israel. The administration's policy is in the interest of the United States of course; but I believe it also to be in Israel's interest. I do not believe Israel can have security simply by the continued occupation of the Sinai. I do not think, with modern weapons, that territory constitutes the kind of security it did 200 or 300 years ago. I think this is the essence of the matter.

I think we ought to promote negotiated settlements in this area, just as I have thought all along that the only hope for peace in Indochina is a negotiated political settlement. I think that remains true. In these days of modern weapons, the idea that you can maintain security by occupying a certain piece of real estate is an illusion.

It is a matter of judgment: What is the best, over the long period, for the security of the State of Israel? I submit that the Secretary is not only in good faith, but he is also wise in his statement of his political judgment as to what is in the interest of Israel as well as those of the United States and, I might say, of peace in general.

Mr. JAVITS. I thank my chairman. If it were not for my enormous respect for him, I would have interrupted him on a number of occasions, for this reason: The central theme of my own speech today is negotiation. The central theme of my speech is that we should not write a ticket for negotiation either in favor of Israel or in favor of Egypt. And yet the thrust, the feeling, the climate created by the airing of the Secretary's ideas, unhappily, unfortunately, perhaps even unintentionally and unwittingly, did set such a climate, that it was a sine qua non that Israel had to get out, then we could go on to negotiate.

She cannot do that, any more than the Arab States can accept her possession and control of all these territories before they begin to negotiate. Of course, the parties should insist, but no effort should be made in advance of that negotiation to lay down ground rules which mean preacceptance one or the other's interpretation of the United Nations resolution of 1967. That is what I am saying.

But I am saying more than that. I am saying we must proceed with an eye single to the interest of U.S. security and to the peace of the world, and whether Israel does or does not make out under this situation is something Israel will have to watch.

In answer to Senator AIKEN's question, I made it clear that before we could think of using the Armed Forces of the United States, it was only jeopardy to the interest of the United States, the national interest and the national security of the United States, which was the question, and the only question, involved.

Finally, I also made it clear—and the Senator is at liberty to read what I have said—that I applaud the Secretary of State for his initiative in bringing about the standstill and the cease-fire, in bringing about a condition in which, at long last, Egypt has agreed that it will make a juridical document out of the peace settlement. I think that is all to the good. I am trying to avoid its being marred now by ideas aired abroad, either by the Secretary or by the Israeli Prime Minister, which endeavor to write a ticket in advance of the negotiations.

Incidentally, the Senator was very much invited to our meeting the other day. I was very much disappointed that he did not attend, and I think it would have been most fruitful and useful if he had been able to do so. I know he had other reasons for not being present.

Mr. FULBRIGHT. Mr. President, will the Senator yield at that point?

Mr. JAVITS. Let me just finish my thought.

Surely, it is a risk to say they have got to negotiate, whether it is a Rhodes-type of negotiation or direct negotiation, but I think it is the only way to get a viable agreement.

There will be a great deal of withdrawal. Obviously, Israel is not going to stay on all these territories; everybody knows it. She knows it and we know it. It is just an illusion. But the use of the words "insubstantial border adjustments," the question of absolute assurance of transit through the Suez, command of Sharm el Sheik, the demilitarization question—these are subjects for intense negotiation.

It would be much easier if we could write the ticket and the parties could sign it; then we would know the negotiation would succeed because we would have made all the decisions. But these are human beings, with deep interests and concerns of their own, and we simply have to run the risk that now the climate is such that a peace is possible. We have got to, in my judgment, reduce the rhetoric, reduce the heat, and reduce the profile of everything but the insistence on negotiations.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, if I understand correctly, it is not the position of the Secretary of State that before anything whatever is done, Israel must physically withdraw from every inch of territory. What he is proposing, as a preliminary to the intense, as the Senator says, negotiating of the details, such as whether Sharm el Sheik is returned, or how much demilitarization is possible, is that Israel accept in principle withdrawal from the occupied territories, except for insubstantial changes on the borders.

But this is what, in my understanding, Israel adamantly refuses to do, leaving the impression that so long as we support her, she will not withdraw from anything, even an insubstantial withdrawal.

That is very vague, but it is a refusal to accept the principle, in its broad sense, as a condition for negotiation of the details.

We cannot know whether this opportunity if missed now, will ever return. I thought the Secretary's presentation was unanswerable, that this is the critical time to proceed to negotiations.

As to these absolute guarantees which the Senator mentions, obviously there is nothing absolutely certain in this world about anything, or any country. But when the Egyptians say in good faith they will do everything they possibly can to carry out these principles, which we ourselves requested and which Mr. Jarring has submitted, it strikes me as most unusual that the Israelis will not even accept the principle of the 1967 U.N. resolution, which they at that time, I understand, did accept.

There has been a very clear hardening of their position, which, while none of us can prove it absolutely, leaves the impression that the Israel Government at the moment has no intention of withdrawing even in an insubstantial way from the conquered territory.

I do not know how you can proceed to a negotiation unless you first agree to the preliminary proposition that you accept these principles. What would then become of the idea of the 1967 cease-fire? If these principles are accepted then you could get to details such as control of Sharm el Sheik and the other particular spots that will have to be negotiated.

I confess that I am very puzzled with the Senator from New York, other than that, simply, his judgment is that there is no substitute for geography, no substitute for geographical occupation. If that is true, I do not think there will be any negotiation. I do not believe that the Arabs, backed by the Russians, as they are, can be forced to accept that kind of complete abdication, complete surrender.

I submit that if this opportunity is lost, we will share the blame for not having brought about a negotiation, and I think that the great majority of the nations will feel that we are to a great extent responsible for the failure of a good faith negotiating effort proposed by this administration. I regret very much that the Senator is not able to support the administration in this instance.

Mr. JAVITS. Mr. President, I have listened with the greatest care to the Senator from Arkansas and find his statement to be very one sided. The Senator said not a single word about the other central provision of the agreement, of the United Nations resolution, which deals with secure and recognized borders. This was written and phrased and developed exactly to be a counterpart and counterbalance to the withdrawal clause. The Egyptian game backed by Russia is to get Israel to withdraw "and then we will negotiate." The instability and anarchy in that area of the world, and the history of 1957–67, make this an unreasonable requirement.

I believe that the United States can properly take the position that, sure, they will get out; they will substantially get out of almost all of it. We understand that. But the question of secure and recognized borders, which cannot otherwise be secured, is also important. So, accept both. The Senator accepts the principle that the Israelis have to have secure and recognized borders, at least half—they accept the other principle that, in essence, there has to be withdrawal from what was occupied in the 1967 war. Both parties accept both principles, and then go ahead and negotiate. As the Senator puts it—I do not think he does it wittingly—he says to the Israelis, "Get out, and then you will negotiate." Why should they be the only one to accept the one principle instead of both, when the other side will not accept both?

I think that is most unfair, and on the part of the United States it would represent loading the negotiations in advance on a pro-Arab basis, and therefore a pro-Soviet basis. We have no right to do that to the Israelis when they feel their survival is at stake. There we are dealing with a nation of two and a half million people which is living literally by miracles, and they are facing a hundred million Arab people, and an enormous country. The Arab survival is not at stake. This is not a matter of equal weighting on both sides. We have to be human enough to realize that.

The Senator has made the point crystal clear. The effort is to interpret this United Nations resolution one way, and that is not fair. That is all I am saying. If there is going to be a negotiation, let us lay off the interpretation; leave the interpretation to the parties, to fight it out.

Finally, may I say this: The Senator says, "You will never get the Russians to agree." I say to the Senator, "Do you think you will ever get the Israelis to agree?" It is their throat that is at stake. The Russian nation will go on very nicely, no matter what happens in the Mideast, and we will do extremely well, but not the Israelis. Let us not talk about who is going to make whom do what.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. I hope I do not get too emotional about it.

Mr. JAVITS. If I may interrupt the Senator, I am not a bit emotional. I am speaking strongly. But I made it very clear that my first interest is the security and the interest of the United States of America, and very publicly.

Mr. FULBRIGHT. In the first place, it is a complete distortion to say that I, or the Secretary of State, say, "Get out before we do anything." That is not what the Secretary said. I was not undertaking to relate here in detail all that the Secretary of State presented both to the committee and in his public statement. The Senator is familiar with the details. There is not time for me to reiterate all of it. Neither he, nor I, nor anyone else says, "Get out before we do anything." That is not the position of the administration nor is it mine. It is simply the acceptance in principle of withdrawal as a basis for further negotiation toward the establishment of defensible borders.

Of course, that is assumed. This is what the Secretary said. The difference lies in what constitutes a defensible border. The Secretary took note of and described in detail the question of Sharm el Sheik—that is, the access to the Gulf of Aqaba and the transit of the Suez Canal, and the giving up the idea of a state of belligerency.

I did not think it was necessary to reiterate all the conditions the Secretary laid down. I submit that the program he did lay down is a reasonable program for the beginning of negotiations. One of those is the acceptance of withdrawal. Of course, the Egyptians have to accept also the other principle of these adjustments which are designed to give defensible borders, insofar as they can be given, other than simply the occupation of a great desert territory.

But the key points with regard to the access to their own ports and to the Straits of Tiran and through the Suez Canal were all covered by the Secretary. But the reason why we talk about withdrawal is that this is one key point on which there has been no give whatever. All the other points in a sense have been agreed to in principle, in advance, subject to further negotiation as to the details. I do not know of any other way to proceed to the negotiations. All of this is preliminary to negotiation.

If one rejects the central and specific undertaking of the 1967 cease-fire and says, "No, we won't even agree in principle," then obviously no negotiations can proceed. That is the only reason we emphasize that.

It is a distortion for the Senator to say that the Secretary is saying that before anything can be done, they have to get out physically. That is not my understanding of what the Secretary said, and it leaves a false impression of what he said or what I am trying to say. I am not trying to set down new principles or conditions. My position is to support the very well thought out, in my opinion, program for proceeding to negotiations as outlined by the Secretary of State, speaking for the President.

Mr. JAVITS. Mr. President, a reiteration of reasonableness does not make a statement reasonable. In short, what the Senator is saying—and I do not even accuse the Secretary of State of saying what the Senator is saying—is that the Israelis have to accept the principle that they will withdraw from all the occupied areas before they go into negotiation.

What I am saying is that Egypt has to accept the principle with respect to secure and recognized borders and that may be, to some extent, inconsistent with total withdrawal—just as Israel has to agree that its view of secure and recognized borders may prove to be inconsistent with the withdrawal clause. I do not think it is fair to say to one of the parties, "You take one principle as a condition precedent to negotiation," and then negotiate about the other from that point.

I end with this plea: I hope and trust that the United States and Israeli foreign offices will refrain from further mutual public recriminations. Whatever the case is, it is. The Senator has stated it, I have stated it, Secretary Rogers has stated it, and Mrs. Meir has stated it. Let us get on with the business of negotiation.

That is my plea. Obviously, he and I are not going to see eye to eye on this. But that is my plea, that we get on with the business that way.

Mr. AIKEN. Mr. President, I want to be as fair as possible in this matter. To the best of my recollection, Secretary Rogers has not at any time undertaken to dictate the terms of any settlement which might be reached by the parties in disagreement in the Middle East. He has strongly hoped that they would get together. There have been rather persistent rumors that he has insisted on a complete settlement over there. That is not true because he has told our committee, and he has told me, that he is perfectly willing to take the step-by-step approach to ultimate peace.

The United Nations may have adopted a one-sided version and given it to Ambassador Jarring. I am not sure about that. But if the United Nations is unfair, then it is time that we took issue with the United Nations. There would be no further purpose in our belonging to an unfair organization.

Thus, Mr. President, I merely wish to say this on behalf of Secretary Rogers, that I believe he is doing the very best he can to encourage the conflicting parties in the Middle East to get together and see if they cannot go just a little way toward restoring peace. I do not expect it is going to be done overnight or all in one meeting, either.

The PRESIDING OFFICER (Mr. STEVENSON). The time for the colloquy on the Middle East has now expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of the fact that there has already been a period for the transaction of routine morning business today, and the additional fact that there are several Senators who still wish to be heard on this subject, that the order for a period for the transaction of routine morning business previously entered, to begin at 12 o'clock meridian, be delayed for an additional 15 minutes, and that the colloquy on the Middle East may proceed during that period of time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, I think, in order to keep in focus at least my own reactions, it should be said that I heard the Israeli Foreign Minister and I did not hear any criticism from him of the Secretary of State, or any complaint that the United States was exerting any undue pressure. No one is more aware than I of the concern of the Israel Government and of their right to secure and recognized frontiers. I think it essential that it be pointed out a considerable part of the progress we have made so far in the Middle East, in regard to the cease-fire and the continuance of negotiations, has been due to the skill of the Secretary of State. I am certainly the last one who would want to see his effectiveness undercut in any way.

Mr. President, I believe that the best solution, of course, would be to have the Israelis and the Egyptians meet in face-to-face negotiations. I do not think that the United States should or indeed in any way intend to force any particular formula or compromise settlement on the parties.

I should like to throw in something I did not hear discussed in this colloquy because what the Egyptians have been demanding is a return of sovereignty and what the Israelis have been demanding is security and a presence particularly a presence in the settlement in the area.

I do suggest that if it can be accomplished and if the parties will consider it carefully, that a lease, a 99-year lease over that part of the Sharm el Sheik area be made which would assure to the Israelis a presence at this geographical point which is of such critical importance to them, and yet would still recognize the sovereignty of Egypt.

I thought this out as one possibility for compromise.

I have heard the Secretary of State say many times that the United States will not take a position that any given solution is an American solution, that they are willing to consider any solution which appeals to the parties. I know that such a solution must involve recognition of the concerns of both sides and of the necessity for the Israeli presence at those ulcer points where a new war might break out. At the same time, there must be at least considerable withdrawal from occupied territories.

Therefore, I hope that the participants will consider this matter of a long term lease in the Sharm el Sheik area, and will also consider any other possible solution that could be brought to bear on the problem.

Mr. JACKSON. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. RIBICOFF. Mr. President, first, may I say that among those in the Chamber at the present time, are the distinguished Senators from New York (Mr. JAVITS), Minnesota (Mr. HUMPHREY), and the distinguished Senator from Washington (Mr. JACKSON). They are all men who have a deep understanding of the current Middle East situation and America's role and interests there.

I want to pay special tribute to the Senator from Washington (Mr. JACKSON), because no one understands the relationship of the Middle East to the security of the United States more than the distinguished Senator from Washington (Mr. JACKSON). I commend him, as well as the Senator from New York (Mr. JAVITS), for this colloquy today, which I have followed with great interest.

I do not wish to repeat what my distinguished colleagues have already said. What puzzles me, however, are the glaring differences in the statements that Egyptian President Sadat issues for foreign consumption, and those pronouncements he makes to his own people. I have closely followed his statements since he assumed power, and, frankly, I have yet to find a single instance where Sadat has told his own people that at some point they would have to live in peace with Israel.

Mr. President, there is now even more direct and ominous evidence of Egypt's lack of genuine peaceful intentions. This has come out in the current diplomatic exchanges being conducted through Ambassador Jarring in New York. I have learned that the Egyptian representative at the U.N., Muhammed el-Zayyat, acting on behalf of his government, refused to accept the Israeli proposals of February 26 from Ambassador Jarring. To my knowledge, this is not generally known. The reason for Egypt's refusal to accept this important document was that it was headed as a communication "from the Government of Israel to the Government of the United Arab Republic."

At the insistence of Egypt, and in order not to delay his peace mission any further, Ambassador Jarring removed this "offensive" title referring to the Government of Israel. Then, and only then, did the Egyptian representative see fit to touch this now decontaminated document. If Egypt is really prepared to recognize Israel's right to exist as it proclaims, why will its representative not accept even an indirect communication described as coming from the Government of Israel?

Mr. President, what this revealing episode demonstrates about the desire of the Egyptian leadership for peace and their good faith is obvious. It should be equally obvious that current American policies in the Middle East should be based on reality rather than wishful thinking. This demonstration of Egypt's real attitude toward the Jarring talks is but one indication of the folly of endangering Israel's security by forcing her return to vulnerable borders, in exchange for vague Arab and Soviet assurances.

During his visit here last week, Israel Foreign Minister Abba Eban explained in an extremely lucid and frank manner the views of his government on the current stalemate. I am pleased that so many of my colleagues had the opportunity to discuss these vital issues with Minister Eban personally. But to me, what is of more long-term significance than the persuasive arguments Mr. Eban made with regard to Israel's need for defensible borders, was his strong and unequivocal statements that the people of Israel want to live in peace and harmony with their Arab neighbors.

Until there is some reciprocal expression of peaceful intent by the Arab States, the United States must not seek the imposition of the same kind of patchwork peace arrangement that failed so dismally in the past, and which could only produce a greater disaster in the future.

Mr. President, there is a great burden of responsibility on the shoulders of the present leadership in the United States with regard to peace in the Middle East. I believe that President Nixon has attempted to try to resolve these deep problems with the security interests of our country in mind.

I cannot fault the President on his desire to bring about a peaceful solution to the conflict there. I believe that the President more than the State Department is in a position to realize what is involved in the Mideast, and that both the security of Israel and vital American interests are at stake in concluding any peace arrangements.

As the Senator from Washington so clearly stated, should Israel be denied the right to negotiate for defensible borders, then the Soviet Union will be in a position to dominate the Middle East. U.S. interests in the Mediterranean, in NATO, in the Persian Gulf, and in the Indian Ocean would immediately be threatened.

The Senator from Washington and the Senator from New York have done a signal service to the United States in stating their views so eloquently during this colloquy.

Mr. JACKSON. Mr. President, I commend the distinguished Senator from Connecticut for his well reasoned statement on the floor of the Senate. He has addressed himself to the central issue—the Soviet drive for hegemony in this part of the world. This is the central issue that all Americans have to face up to if we are going to get a solution.

I commend the Senator from Connecticut and the Senator from New York for such an able articulation of the fundamental issues that go to the heart of a long term solution in that area of the world.

Mr. JAVITS. Mr. President, I thank very much my colleagues for their very kind references and for articulating so clearly and eloquently on the central points involved.

Mr. JACKSON. Mr. President, I yield 5 minutes to the Senator from Minnesota who has long been concerned with the grave problem we have had to face in that part of the world.

The PRESIDING OFFICER. Four minutes remain.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the colloquy be closed at the end of the next 4 minutes, as scheduled, but that the able Senator from Minnesota (Mr. HUMPHREY) be also recognized for the first 3 minutes under the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I join with the distinguished Senators from New York, Washington, and Connecticut, particularly in their dialog this morning and discussion of one of the most vital, if not the most sensitive, issues facing this country—the critical situation in the Mideast.

It is my view that the Mideast is a powder keg with a very short fuse and ready to explode if any one of the participants strikes the match of renewed hostility.

It is, therefore, imperative that every effort be made by this Government and hopefully by the Soviet Union to restrain any action on the part of the Arab States or Israel that might create a situation of war and hostilities again.

I deeply regret that there has not been a renewal of the cease-fire. Even though the situation exists in which there has been no combat. The renewal of the cease-fire, would be much more reassuring.

I would note in this instance that the State of Israel was prepared for that renewal under the terms of the United Nations resolution, but the United Arab Republic rejected it.

The Senator from Washington clearly defined the interests of this Nation in the Mideast. It is not just Israel and the Arab States. It is the United States and her relations with the Soviet Union. It is a matter of our own national security as well as whatever our interests may be in the neighboring countries of that area.

The Senator has made it very clear that the Soviet Union, while not wanting an all-out war, does not want an all-out peace. He has pointed out the importance to the Soviets of a policy of maintaining a degree of tension in the Mideast.

Let me say as one who has had the opportunity of studying this question both in and out of this body and as one who has had the opportunity of visiting on this matter with the Chairman of the Secretariat Council of the Soviet Union that the Soviet Union does want Israel to withdraw back to the armistice line, a situation which existed prior to the 6-Day War in 1967. That is their policy. That is what they are talking about now.

I am afraid that the Government of the United States is going to be a party to that policy which will make it very difficult, if not impossible, to arrive at what the other part of the United Nations resolution provides—secure and recognized boundaries.

It would be the height of folly on the part of this Nation if we did not insist upon negotiations, and I mean negotiations that would be in an atmosphere containing the possibility of some results.

If Israel withdraws prior to those negotiations, she will have lost any bargaining power she may have. To accept withdrawal as a matter of principle is not the problem. That has been accepted in the United Nations resolution. And all arguments to the contrary, what is now accepted in all chanceries of the world as the U.S. position is that Israel should withdraw and that after that we will do our level best to make sure that she have protection and guarantees. Those protections and guarantees to Israel are a matter of history.

I was in the United Nations as a delegate from this body in 1966. I heard Golda Meir, Foreign Minister at that time, speak to the United Nations. Under pressure of the United States for total withdrawal, Israel withdrew. We gave guarantees. There was a United Nations peace force. In 1967 Nasser told the peace force to get out. The United Nations Secretary General withdrew the peace force and war was inevitable.

What Israel is asking for today is in our national interest. If we let this situation of 1966–67 develop again, her boundaries will not be secure and recognized. It will precipitate a horrible possibility of confrontation in the Mideast once again between the United States and the Soviet Union.

Our foreign policy should be one of trying to readjust Israel's frontiers so that there should not be any need for American forces.

The argument has been made here by the Senators from New York, Washington, and Connecticut that it is in the national interest of this country. It is not related directly to only the well-being of Israel. Above all, every Member of the Senate knows that the Mediterranean is part of the underbelly of NATO, to which we have commitments. The Soviet Union has penetrated into that area, primarily the Middle East, far beyond its wildest dreams. What Catherine the Great failed to do, Kosygin and Brezhnev will have succeeded in doing.

If we permit Soviet forces to remain in Egypt, we will have a situation in which we have Soviet forces legitimatized under the United Nations resolution. It will only increase the tension and provide an excuse for the Soviet presence far beyond the United Nations force.

I thank the Senators for this debate on what needs to be done.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, has the Senator from Minnesota been given his 3 minutes?

The PRESIDING OFFICER. The Senator has used his 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I would be glad to yield 1 minute of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 additional minute.

Mr. HUMPHREY. Mr. President, I want to add this word about the President. Every decision relating to the Mideast has ultimately been made by the President. For some reason the State Department gets befuddled and confused on this issue. President Nixon has kept the options open. He has been eminently fair. He has done many good things. We owe him a great deal of respect and, indeed, of praise for what he has done this far.

I urge upon the President not to permit other officers of Government to bind his hands. The President can use the force of his office and the prestige of his office, not to dominate but to encourage negotiations, and that is what is needed.

The United States and the Soviet Union must recognize their international obligations by exercising restraint on those countries party to the present conflict in the Middle East.

We should keep our sights on diplomacy and negotiation, the only way to peaceful settlement.

I propose that the United States make a supreme effort so that the parties to the conflict will:

First, renew the cease-fire.

Second, continue active support of and participation in the work of the Jarring mission.

Third, present their respective proposals for a peaceful settlement to Ambassador Jarring.

Fourth, negotiate without preconditions but within the framework and spirit of the United Nations cease-fire resolution of December 1967.

Fifth, require the phased withdrawal of Soviet military manpower along with any Israel troop withdrawal.

The only way any settlement can possibly be reached is by an agreement between Israel and her neighbors. What the United States and the Soviet Union must do is convince these countries of the urgency and importance of reaching an agreement.

It is essential to world peace and security that the match not be lit—we must look to Israel, the United Arab Republic and its allies and to the Soviet Union to be sensible and recognize the responsibility they each have to arrive at a settlement.

The elements of a lasting peace must include:

First, an end of the state of belligerency by the Arab States.

Second, the acceptance and recognition of Israel by her Arab neighbors.

Third, secure and recognized borders.

Fourth, free and safeguarded access to the Suez Canal and international waters, including the Gulf of Aqaba and the Persian Gulf.

Fifth, international guarantees of borders in the peace settlement.

Sixth, the stationing of U.N. peacekeeping forces at critical and sensitive border areas.

It has been suggested that the United States and Soviet troops should constitute the peace force. On this we should be most cautious and skeptical.

In considering such a possibility we ought to appreciate that this could well mean the presence of Soviet troops in the United Arab Republic for the foreseeable future. It could also more directly involve the United States and the Soviet Union in the Middle East. It would provide the Soviet Union with an argument for legitimatizing Soviet military presence in the United Arab Republic.

NATIONAL NUTRITION SURVEY

Mr. HOLLINGS. Mr. President, today, I am introducing new information on the national nutrition survey. I hope it will be of interest to Members of the Congress, as well as the scientific community and the public at large.

I mention only as brief background that the nutrition survey was mandated by Congress in an act passed in December 1967 to determine the extent of malnutrition and health-related problems among the population of the United States.

The fact of the matter is that it followed on the heels of one of the programs now in issue entitled "Hunger in America" by the CBS network. The Vice President has said there were some inaccuracies about hunger in America. The fact is that we have had now 3 years of studies, of accuracies. We have been in 10 States at a cost of $5 million. The Vice President and his administration, when talking about the accuracy of a matter 4 years hence, are now sitting on, obscuring, and secreting the accurate findings of an expert team that has been in 10 States in America and given complete physical examinations to over 70,000 Americans.

That survey has been completed. All the data is now in. The scientists who conducted the survey were able to take numerous measurements. They knew that malnutrition is indicated by three basic symptoms. These include growth retardation, lower serum and urinary excretion levels of various nutrients, and less efficient performance at work or in school or other physical or mental tasks.

It should also be mentioned that of the 70,000 Americans surveyed, most were poor. In fact, the design of the survey was to focus on low-income people because they stand the most risk of suffering from hunger and malnutrition. In general, the State-by-State surveys examined a higher proportion of poor people in South Carolina, Louisiana, Texas, Kentucky, and West Virginia. The median income was higher in California, New York, Massachusetts, Michigan and Washington State.

Mr. President, I ask unanimous consent to have printed in the RECORD a national nutrition survey table which shows the percent distribution of interviewed families by poverty income ratio and an annual family dollar income.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—NATIONAL NUTRITION SURVEY: PERCENT DISTRIBUTION OF INTERVIEWED FAMILIES BY POVERTY INCOME RATION AND ANNUAL FAMILY DOLLAR INCOME, NNS, FIRST 5 SURVEYS, 1968–69 (PRELIMINARY)

Poverty income ratio	Annual family income (urban family of 4)	Percent distribution of families				
		Texas	Louisiana	New York	Kentucky	Michigan
$0 to $0.49	$0 to $1,668	19.0	16.1	4.3	23.7	13.8
$.50 to $0.99	$1,668 to $3,334	41.8	30.3	13.7	34.1	18.6
$1.00 to $1.49	$3,335 to $5,002	18.6	15.5	14.8	19.5	17.6
$1.50 to $1.99	$5,003 to $6,669	10.6	11.7	13.7	7.9	13.5
$2.00 and over	$6,670 and over	10.0	26.4	53.5	14.8	36.9
						2

Poverty Income ratio	Annual family income (urban family of 4)	Percent distribution of families					
		N.Y. City	California	South Carolina	West Virginia	Massachusetts	Washington
$0 to $.49	$0 to $1,668	2.3	3.9	37.8	16.0	3.7	6.7
$0.50 to $0.99	$1,668 to $3,334	28.2	20.8	75.7	43.0	21.1	26.8
$1.00 to $1.49	$3,335 to $5,002	28.5	22.4	13.9	20.1	21.7	16.7
$1.50 to $1.99	$5,003 to $6,669	14.8	15.5	5.1	12.7	13.3	14.3
$2.00 to $2.50	$6,670 to $8,334	10.3	10.1	2.6	8.7	12.0	11.3
$2.50 and over	$8,335 and over	18.2	31.2	2.7	15.5	31.9	30.9

Mr. HOLLINGS. Mr. President, the significance of the findings of the survey can be shown in the following table—table 2—which outlines the percentage of unacceptable levels of six key nutrients in the human body. I ask unanimous consent to have printed in the RECORD a table which outlines the percentages of unacceptable levels of six key nutrients in the human body.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—NATIONAL NUTRITION SURVEY

[Percent of unacceptable levels]

State	Hemoglobin	Vitamin A[1]	Riboflavin	Vitamin C	Thiamine	Serum albumin
Texas	20	17(0)	21	12	10	16
South Carolina	38	10(22)	30	3	9	7
Louisiana	42	3(0)	15	14	11	14
Kentucky	18	9(19)	10	8	6	3
West Virginia	13	8(18)	10	8	12	1
Michigan	19	4(16)	13	0	6	4
Massachusetts	9	10(17)	7	6	4	8
New York	10	1 (3)	4	2	4	4
New York City	16	3 (9)	9	1	11	1
Washington	10	23(36)	11	2	6	5
California	10	1 (3)	7	3	5	2

[1] Vitamin A levels (in parentheses) less than 25 mcg—borderline.

Mr. HOLLINGS. I wish to comment with respect to the table as follows:

HEMOGLOBIN

As we see from the table, 9 to 42 percent of those sampled around the Nation had unacceptable levels of hemoglobin, which is an index of anemia. Anemia is influenced largely by a deficiency of iron. We get iron from liver, green leafy vegetables, dried fruits, enriched cereals and cereal products, molasses, and raisins. Anemia results in weakness and fatigue, listlessness, and inability to perform optimally either mentally or physically.

For comparison purposes, nutrition surveys conducted from 1965 through 1967 showed hemoglobin deficiencies reached a high of 5 percent in Honduras.

Some shocking factors are revealed. For example, the rate of anemia was eight times greater in Louisiana than in Honduras. We all refer to the Latin American countries and hunger and we refer to our neighbors to the south, but we have this situation here in America.

VITAMIN A

Unacceptable levels of vitamin A ranged from a low of 1 percent in California and New York State to a high of 23 percent in Washington State. Here, although the chart does not show it, the greatest problems were found among children. Vitamin A deficiency causes night blindness and, in severe cases, permanent blindness. Vitamin A is essential for the formation of cells, particularly in the skin, as well as for normal vision. It helps the body resist infection. Deficiencies can result in Bitot spots on the eyes and dry, rough skin. We get Vitamin A from whole milk, whole milk products, dark green, leafy, and yellow vegetables, and liver. The problem was more acute with children than with any other group surveyed. For example, in South Carolina, 26 percent of those children from age 1 to 6 were deficient in Vitamin A. In Michigan, among 7- to 9-year-olds, 17 percent had serious problems. Eleven percent had levels of less than 10 micrograms of vitamin A per 100 milliter of blood, an extremely serious deficiency. In Massachusetts, 17 percent of those in the 7–15 age bracket needed treatment. For that same age group in West Virginia, 16 percent were unacceptable. In New York City, 8 percent of those 13 to 15 were unacceptable. In some cases, the levels of vitamin A unacceptability among children were two and three times that of the population as a whole. Again, these overall levels of vitamin A deficiency are similar to those found in surveys of underdeveloped nations. These previous studies have indicated that, where 5 percent or more of the sample population has unacceptable levels of vitamin A, this amounts to evidence that there is a deficiency within the entire population.

VITAMIN B COMPLEX (RIBOFLAVIN AND THIAMINE)

Unacceptable levels of riboflavin exist in 30 percent of the population of South Carolina, which was the high, to a low of 4 percent in New York State. Riboflavin is essential for utilization of protein and other metabolic processes. Too little of this nutrient can cause skin changes, tongue changes, and growth retardation. Riboflavin comes from dairy products, meats, and green, leafy vegetables. Unacceptable levels of thiamine ranged from a high of 12 percent in West Virginia to a low of 4 percent in New York and Massachusetts. Thiamine affects physical growth, the function of the nervous system, and normal metabolism. Without enough of it in the human body, growth retardation, edema, and changes in the nervous system can result. Advanced cases cause beriberi. Thiamine comes from liver, eggs, whole grain or enriched cereal; and lean meat.

VITAMIN C

From zero to 14 percent of the population surveyed, depending upon State, had less than acceptable levels of vitamin C. This again, is similar to cases of malnutrition in poorly nourished countries. Vitamin C, as most know, comes from citrus fruits, tomatoes, and several other vegetables such as cabbage or potatoes. This vitamin is essential to formation and growth of bones and teeth and the healing of wounds and resistance to infection. In advanced state, it causes scurvy.

SERUM ALBUMIN

Some of the samples taken by the nutrition survey teams showed values considerably below observations in underdeveloped countries where lack of protein is a known problem. The States of Texas and Louisiana showed the highest concentrations of unacceptable levels of serum albumin, with 16 and 14 percent, respectively, and again the findings were much higher among children from birth to 5 years, due primarily to lack of eating good protein. Protein is essential for growth and development of the body. Severe protein malnutrition, of which 11 cases were found in Texas requiring hospitalization, is known as kwashiorkor and marasmus. Such cases were not expected to have been found in the United States. As one expert stated, "These severe cases of malnutrition only rarely are found (in backward nations); they either are hospitalized or have died."

GROWTH RETARDATION

As many as one-third of the children from infancy to 6 years examined in the survey have shown that growth retardation. This is one of the most serious effects of malnutrition. Results of the survey have shown that growth retardation among the poor in the United States is little different from that of problem areas in Africa, Asia, and Latin America. Two methods were used to test for growth retardation: Wrist bone X-ray and height and weight measurements for age. Wrist bone examinations showed, for example:

Texas—A 30-percent retardation among Mexican-American children. This meant that children who were 5 years of age actually had skeletal maturation of only 3.9 years. Comparatively, there was a 16-percent delay for Negro girls.

Louisiana—After age 3, there was a delay of 10 percent, or 9 months, for Negro children, compared to more than 30 percent, or 1.5 years, for white children from bottom socioeconomic levels.

New York State—After age 3, a 15-percent or 8-month delay in growth.

Michigan—A 5-percent or 1.2-month retardation among Negro children from infancy to 2 years. Among white male children from the same age group, the retardation was 18 percent or 4.3 months. Over 2 years of age, the retardation was less but continued to persist.

Kentucky—A delay of 7 to 24 percent or 1.2 months to 13 months.

The study of height and weight measurements to age showed a definite correlation between growth retardation and poverty among children up to 6 years old. In three of the five States the percentage of retardation suffered by children beneath the poverty level was about double that of children living in families with incomes of slightly above poverty to $8,000 a year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing growth retardation based on height-weight to age.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—NATIONAL NUTRITION SURVEY, GROWTH RETARDATION BASED ON HEIGHT-WEIGHT TO AGE

[In percent]

State	Children in families with income under $3, 335	Children in families with income over $3, 335
Texas	24.0	14.0
Louisiana	5.5	2.5
New York	.5	7.75
AKentucky	3.5	10.0
Michigan	16.5	10.5
II 5 States combined	15.0	8.75

Mr. HOLLINGS. In almost every case, the summary of malnutrition in the United States compares with the results of surveys conducted in other nations by the U.S. Public Health Service.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing a comparison of malnutrition among foreign countries.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—COMPARISON OF MALNUTRITION BETWEEN FOREIGN COUNTRIES[1]

	Hemoglobin	Plasma vitamin A	Serum vitamin C	Serum protein	Serum albumin	Urinary thiamine	Urinary riboflavin
Cenrral America:							
Guatemala, 1965	3.0	10.5	5.0	3.0	3.0	25.0	33.0
Honduras, 1966	5.0	22.0	2.0	10.0	3.4	11.0	11.0
El Salvador, 1965	4.0	23.0	8.0	4.0	5.1	2.0	12.0
Nicaragua, 1966	2.0	8.0	1.0	3.0	4.8	14.0	4.0
Costa Rica, 1966	4.0	17.0	2.0	8.0	17.1	49.0	4.0
Panama, 1967	5.0	6.0	6.0	7.0	12.3	48.0	24.0
Far East:							
Malaya, 1962		9.4	9.4	3.1	15.3	24.5	43.5
Thailand, 1960		36.5	2.8	.9	29.0	43.5	87.9
South America:							
Northeast Brazil, 1963		41.8	8.6	7.5	3.4	22.3	53.2
Chile, 1960		32.8	14.6	5.5		1.3	4.5
Venezuela, 1963		4.9	8.6	.5	33.8	28.9	38.1

[1] Percent participants with "unacceptable" biochemistry levels.

Mr. HOLLINGS. Mr. President, to summarize, the national nutrition survey has shown definite evidence of malnutrition in the United States. Anemia is an across-the-board problem in every State surveyed, and, therefore, every State in the country can be projected to have a problem within the dimensions found by the survey.

Dietary studies indicate that a large segment of the American population is not even eating half of what it should. And when I say this I am talking about less than half of the desirable levels of vitamin A and iron. And less than a fourth of what they should be consuming in the way of thiamine and riboflavin.

The survey has proof of growth retardation, with the highest concentrations among Mexican-American children in Texas. The population most in danger are infants and preschoolers. Blacks and Appalachian whites are in high-risk categories.

Goiter, believed eliminated from this country, is back again. At a rate of 5 percent in Texas, West Virginia, and Kentucky, it is considered endemic. Cases of enlarged thyroid were found in these States, as well as certain counties in the other States.

The survey found additional evidence of high prevalence of low-birth weight—less than 5 pounds—infants, ranging to an incidence of 20 percent among poor groups. Statistics in some areas showed that infant mortality was as high as 40, 60, and even 80 per 1,000 live births compared to 17 per 1,000 on the national average.

Mr. President, I now ask unanimous consent that at the conclusion of my remarks be printed, in its entirety, a previously unpublicized and unpublished report by Dr. Arnold E. Schaefer, head of the national nutrition survey, delivered last year at a symposium on nutrition at Vanderbilt University, Nashville, Tenn.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

SUMMARY OF FIRST FIVE STATES

(By Arnold E. Schaefer)

A nutrition survey is a fairly complicated epidemiological study which also involves obtaining socio-economic, educational and health data which are important in determining potential causes and for developing practical recommendations.

I won't go into the detailed history that prompted the National Nutrition Survey. For many years we were most desirous of obtaining baseline data on the nutritional status of the United States population. We were unable to stimulate any sort of Federal support to do this until the politics dealing with "the war on hunger", or "Hunger, U.S.A." highlighted the needs. From the studies that had been reported by isolated researchers who were interested in anemia, or niacin or thiamine metabolism, one certainly had a forewarning that there were problems of malnutrition in the U.S.A.

The data from three surveys of Indian reservations that we were able to conduct under the auspices of the ICNND utilizing Defense and NIAMD funds (Navajo Indians in 1954, the Alaska Eskimos and Indians in 1957, and Blackfeet Indian reservation in 1961–62), indicated that the findings were similar to what we are seeing today.

In December 1967, Congress passed the Health Amendment Act of 1967 which included the following directive to the Secretary of Health, Education, and Welfare: "to conduct a survey to determine the location cause and prevalence of hunger and malnutrition in the U.S.A. and report the findings within six months." It also stated, "but there will be no new funding."

Our goal was to complete the field studies within a two-year period.

The selection was made of ten states; actually, our advisory committee had said sixteen. Then we went through the usual haggle, "Why can't you do just five, then two?" After prolonged argument as to how and what sample would be structured, I became discouraged and said, "You political epidemiologists find me the one family that is truly representative of the U.S. population and we can get the survey done real quickly and cheaply."

SAMPLE SELECTION

The National Nutrition Survey is not a random sample of the entire population of the United States. The ten states selected were: Texas, Louisiana, West Virginia, Kentucky, Michigan, South Carolina, New York (with New York City separate), Massachusetts, Washintgon and California. They were subjectively selected to achieve geographic spread and to include areas and population groups in which problems of malnutrition or hunger were suspected. Within each state, probability sampling was from a frame consisting of the lowest 25% of 1960 Census Enumeration Districts (E.D.) with respect to percentage of households with income recorded as below a poverty index scaled to size of household and whether urban or rural. Within this frame approximately 100 E.D.'s per state were randomly selected. Sampling within the E.D.'s was from a highly clustered set of approximately 60 occupied housing units, with 20 being drawn.

There are constraints, of course, to the interpretation of the findings. The findings pertain only to the sample population studied. It is relevant, however, to remember that, for decision making and action towards resolution and prevention of problems, generalizations that provide a range statement of magnitude of specific nutritional problems are important.

CHARACTERISTICS OF THE SAMPLE POPULATION

From 18% to 61% of the survey households (who agreed to report income) were living on incomes below the poverty income ratio, which is approximately $3,334.00 for an urban family of 4 with a male as head of the household. The range in income was tremendous: from less than $100.00 per year to over $130,000. The survey did include judges, teachers, lawyers and even a few *politicians*.

Only 18% of the households studied in our sample in New York State were below the poverty income level. As Dr. Browe, Head of the Nutrition Department, New York State Health Department, stated: "In our 'Welfare State' if the (welfare) program is effective, we should have a small percentage below the poverty level."

In general the families that formed the bulk of the sample in these 5 states surveyed were working poor, with incomes near the poverty level, lived in crowded housing conditions, had limited education, were frequently members of minority groups—Negro and Spanish-speaking—and the majority did not participate in food programs and in 3 of the states (exception: New York and Michigan) received limited medical and dental care.

SUMMARY OF FINDINGS

In general, the methodology included the kinds of information collection that have been widely used in nutrition surveys and in the 33 international surveys conducted by the ICNND. Guidelines for interpretation of the biochemical and dietary data are likewise similar to those used by the ICNND. A special subcommittee of the *American Academy of Pediatrics Committee on Nutrition* expanded the guidelines to accommodate the significant physiological differences in children due to sex and age through 16 years of age. (Reference: Ped. Res. 4: 103–106 (1970). R. M. O'Neal, O. C. Johnson and A. E. Schaefer.)

These guidelines are applicable to the specific biochemical methods referred to in *Pediatric Research*.

The biochemical data provide the most definitive estimate of nutritional status. Again it must be remembered that analyzing only one blood sample does not provide a definitive diagnosis. However, the biochemical data does provides a means for estimating the proportion of the population with suboptimal nutrition or at a "nutritional risk" state. This does not mean that they are ready to die of malnutrition. It places them in a "suspect category" and warrants attention so as to prevent further deterioration. The consumption of a diet that is marginal in protective nutrients as well as calories or protein may permit survival for indefinite periods. However, such populations usually have a lowered life expectancy, increased disease rates, lowered physical and mental efficiency, growth retardation in children and other manifestations of ill health.

The primary change in the ICNND interpretive guidelines is for Vitamin A, for the age group 6 months to 16 years. The unacceptable level was increased from 20 to 30 mcg per 100 ml serum. This was done in view of recent Vitamin A depletion studies which indicated cellular changes as well as reduced dark adaptation in some individuals with serum Vitamin A values near or above the 30 mcg level.

BIOCHEMICAL

Anemia: The data on both hemoglobin and hematocrit value indicate the presence of an appreciable number of undesirably low values within the populations studied (Tables A and B). Based on nearly 14,000 individual hemoglobin determinations, one out of every four had "unacceptable levels." The lowest prevalence in New York still implicates one out of 10 classified as at least mildly anemic. However, the Negro population studied in New York has a 20.5% prevalence. The percentage of unacceptable hemoglobin values is similar in all age groups. The identification of a high percent of adult males as mildly anemic is surprising and requires further examination. Are the employed criteria for anemia for males too high or for females too low? (Less than 14 gms for males, age 16 and over, and 12 gms for females).

The majority of blood samples found to be below acceptable values were further analyzed by the U.S. Army Medical Research and Nutrition Laboratory at Denver for serum iron, iron binding capacity, total serum folate and red blood cell folate. A preliminary evaluation of data from New York and Kentucky reveals that some 40% of the blood samples with unacceptable hematocrit values had low transferrin saturation. Likewise data on serum and erythrocyte folate levels strongly suggest that the lack of this nutrient may contribute to the problem of anemia in our population studied. Unacceptable red blood cell folates were found in 13 to 15% of subjects with unacceptable hematocrits. What a dilemma we find ourselves in! What is the folic acid content of our food supply? What other nutrients such as vitamin B_{12}, trace minerals, etc., may be limiting nutrients for optimum hemoglobin values?

Vitamin A

The first laboratory reports we received on serum vitamin A values, I must confess, came as a shock. Twenty percent of the values were less than 20 mcg and up to 40%, and higher in some children, less than 30 mcg. When we compared these findings of values less than 20 mcg with our survey data from Jordan, Pakistan, Brazil and Central America we were concerned.

The rate of unacceptable vitamin A levels ranges from 4% for New York to 41% for Texas, with the other states ranging between 15% and 25%. Our control vitamin A serum sample analysis indicates that the New York laboratory determined higher vitamin A levels (i.e., 70 vs. 60 mcg per 100 ml) than the other laboratories. This may be a partial explanation and indicates that the unacceptable vitamin A values for New York (upstate) were underestimated.

Low vitamin A levels are related to specific age groups with the problem being particularly severe in the age group from 0 to 16 (Table C).

Even though the overall prevalence is low in New York, nearly 20% of children less than 10 years of age had less than 30 mcg vitamin A per 100 ml serum. Negros and Spanish-speaking subjects of Texas had the highest rates.

Severe physical lesions of vitamin A deficiency were not observed (that is, xerophthalmia). However, follicular hyperkeratosis, suggestive of vitamin A deficiency, was noted in 1% of all children under six years of age examined with 3.6% being recorded for Michigan. Likewise, it was observed in 2.9% of all subjects over six years of age.

Bitot spots were observed in 22 subjects of which 20 (under six years of age) were from Texas. Again, Bitot spots, per se, are not always specifically diagnostic of vitamin A deficiency. In all sincerity we did not expect to see any.

With regard to the meaning of the high prevalence of unacceptable vitamin A serum levels, we are bombarded with the question—"So what? You didn't see a blind child due to vitamin A deficiency or a case of xerophthalmia."

Our goal is prevention of disease and insurance of optimal nutrition. If your child had a vitamin A serum level of 20 or 25 or 28 mcg per 100 ml, what would you do? We urgently need follow-up evaluation of these children to determine potential effects on "dark adaptation" and epithelial cell structure changes.

Vitamin C

Approximately 10% of all blood samples analyzed for vitamin C were below 0.20 mg per 100 ml or considered as "unacceptable." (Table C) There is considerable variation among states, with less than 1% found in Michigan, 3% in New York, and 14% in Louisiana. Currently, it appears that vitamin C nutriture is a regional problem related to food supplies and habits. In the Texas survey, we had the opportunity of studying migrants during two seasons. There obviously is a seasonal variation, as reported by Dr. McGanity. The Vitamin C problem, when it does occur, appears not to be related to any specific age group. In the population groups having the highest prevalence of unacceptable vitamin C levels, the dentists reported a 3 to 5% prevalence of bleeding, spongy "scorbutic type" gums.

Serum albumin

Serum albumin levels have been relatively acceptable in 3 of the 5 states, with only 3% to 4% of the values in the unacceptable range, and these values were noted primarily in the aged group. (Table D) In Texas and Louisiana where 14% to 16% of the total sample had low values, the highest occurrence was in the age group 50 and older. However, in these 2 states unacceptable serum albumin values were found in 2% to 16% of the one (1) to 16 year age group.

Clinical evidence of protein malnutrition was noted by the several cases of kwashiorkor discovered during the survey. Likewise, 7 cases of marasmus, calorie-protein malnutrition, were diagnosed, hospitalized and treated. Other physical lesions, such as dry hair, easily pluckable hair, and winged scapula, were observed in a number of children.

That in the U.S. such cases were discovered in a random sample (albeit a biased one as regards the lower quartile of income areas) is surprising. All of us would prefer to think that these cases would normally have been recognized by the family or the neighbors and brought into the medical care system. We too often ignore the fact that health delivery services are *non-existent* for many in our population. If they do exist, they are too few and too far between. It is easy to say that we need to get nutrition into our health delivery system, but if there is no delivery system, then what?

Thiamine and riboflavin

The percent of subjects excreting unacceptable levels of thiamine varied among states from 4% to 11% with the greatest problem in Texas and Louisiana. Riboflavin presented a pattern similar to that found with vitamin A. Although the rates of unacceptable urinary excretion are lower, 4% to 21% of the under 16 years of age had rates 2 to 3 times greater than in the adult population (Table E).

Growth retardation in children 0–6 years of age

Our anthropometric data have not been completely analyzed to date. Preliminary analysis indicates poor growth achievement. For example, in Texas 50 percent of the Spanish-American children and 30 percent of the Negro children fell more than one standard deviation below the mean for height. The median height for age curve falls on the 16th percentile level of the Iowa growth curve.

X-rays of the hand and wrist were analyzed by Dr. Stan Garn. Instances of delayed skeletal maturation were found in every ethnic group in each of the 5 states. It was most severe in the Spanish-American children who showed a delay of more than 30%.

Vitamin D—rickets

In children under six years of age from 0.4% to 5% had clinical signs associated with previous vitamin D deficiency, i.e. bowed legs, frontal bossing of the skull, and beading of the ribs. Need I remind you that vitamin D rickets were virtually eradicated 30 years ago with the advent of vitamin D enriched whole fluid milk.

We were successful in 1965 in getting vitamins A and D added to all dried skim milk shipped overseas through our A.I.D program. It was not until November 1968 that dried skim milk distributed by USDA in the Food Commodity Distribution program required enrichment with vitamins A and D. Is Rickets reappearing? What is the cause? Could it be the *fad* to shift from full fat milk to skim milk? Could it be the lack of education of the consumer regarding the necessity of insuring an optimum intake of vitamin D for children? Who teaches nutrition in our school system?

Personally I am convinced that skim milk for *poor children* is a mighty poor investment. As one of my bureaucratic friends asked, "Isn't it better than nothing?" In that sense, I must admit to a feeble "yes," but with little enthusiasm. For children showing evidence of caloric insufficiency, vitmain A and D problems, the food of choice is still whole milk enriched with vitamin D.

Goiter

Again this is a disease we supposedly eradicated 40 years ago. In fact it was 48 years ago that the Michigan Goiter study was initiated. Our findings that in 2 states the overall prevalence of enlarged thyroid was 5% indicate that we have failed to eradicate the disease. The salt industry once thought that I had inadvertently taken a crack at them by stating that apparently less iodized salt was consumed today than 20 years ago. For example, in Michigan in 1951, 62% of all table salt sold was iodized. This past year only 51% was iodized. Three years ago we made a quick check of 52 vendors of prepared-prepackaged meals and found only 2 using iodized salt. The enrichment of salt with iodine was based on an average consumption of 10 grams per day (added salt). What is the table salt consumption today? Current dietary surveys do not supply us with this information.

Nutrition in preventive medicine

I become a little discouraged when I hear people talk about the delivery of health and dental care, and what is really needed is to stress prevention, since there aren't enough horses to deliver the care.

Delivery of care may be possible if you have a child and maternal health clinic, or a medical school and a hospital available to all. In many of the areas where we noted the problems—in the rural poor areas, on the Indian reservations, in migrant workers' camps—the health delivery services are a figment of someone's imagination. If you have to go 50 to 100 miles to a hospital, and if you have a chance to have your child visit the hospital once in five years, is this delivering health services?

I am convinced that nutrition is a health problem. It is in this vein that we need to have it recognized, assisted, talked about and taught by the health profession. Likewise, we hope that some of the recommendations coming out of the White House Conference will be implemented.

The problems of malnutrition in the United States are due to a number of causes. One is inadequate income. You can take any viewpoint you wish about guaranteed income. As far as I am concerned, there are people who do not have sufficient food nor money to buy food, and we need to develop a system to deliver it. Current systems are ineffective.

Another thing the White House Conference came up with was a series of recommendations dealing with education—education of the teachers, the medical profession, and the consumer (the public). This again takes people trained in how to reach people. We don't necessarily need the Ph. D. biochemist and nutritionist working in the field, but we do need teachers to teach teachers to teach workers.

I don't know of a better system through which to reach our population than our current school system. Preventive medicine should start with the teenage girl who next year or the year after is going to be a mother, and we could, at least, start preventing the kinds of malnutrition we have observed.

What about the mother who buys imitation milk without knowing that it is exactly what it says—imitation? Or, the one who will buy skim milk (without vitamin D added) because it is a little cheaper? There is no reason for a price differential for vitamin D milk. I hope the Dairy Industry will correct this situation.

And probably the most effective way of preventing many of the problems of malnutrition is through the assistance of the scientific community in looking at the findings and determining how we can update our food enrichment standards.

There is no reason we should not be able to prevent much of the anemia we found. At the same time we need to have more research to determine if these anemias are complicated by problems of folic acid, vitamin B_{12} and other nutrients.

In the United States I challenge you to find a chicken or a pig that isn't fed iodized salt; nor can you find poultry or swine farms not feeding a well balanced nutritionally sound ration. If the animal nutritionists can do this job to prevent malnutrition, certainly it behooves us now to take advantage of the sociologists, nutritionists, economists and politicians to insure that every child in the United States receives an adequate, nutritious diet. For adults, sometimes I give up, but for children I won't give up.

Thank you.

TABLE A.—SUMMARY: UNACCEPTABLE BIOCHEMICAL VALUES, PRELIMINARY DATA, 5 STATES

[Percent unacceptable]

	Total	New York	Michigan	Kentucky	Texas	Louisiana
Hemoglobin	24	10	19	18	20	42
Hematocrit	22	18	26	22	24	28
Vitamin A	24		4	9	17	3
Vitamin C	10	3	0.4	8	12	14
Riboflavin	15	4	13	10	21	15
Thiamine	8	4	6	6	10	11
Serum albumin	10	4	4	3	16	14

TABLE B

NATIONAL NUTRITION SURVEY—5-STATE BIOCHEMISTRY SUMMARY

Characteristic	Hemoglobin		Hematocrit	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Total known	13,418	24	13,582	22
Male	5,793	27	5,844	28
Female	7,625	22	7,738	19
Poverty income ratio[1]:				
<0.50	1,553	26	1,566	25
0.50 to 0.99	3,057	24	3,064	24
1.00 to 1.49	1,446	16	1,462	22
1.50 to 1.99	1,056	15	1,076	22
2.00 and over	2,642	13	2,701	19
Ethnic groups[1]:				
Negro	5,691	34	6,060	27
White	5,597	15	5,706	19
Sex and age:[1]				
Male:				
<6 years	835	26	941	17
6 to 9 years	973	24	983	22
10 to 16 years	1,548	26	1,548	22
17 to 49 years	1,298	23	1,292	32
50 to 59 years	417	31	414	41
60 years and over	722	41	716	40
Female:				
<6 years	705	23	801	15
6 to 9 years	970	23	987	20
10 to 16 years	1,550	18	1,553	14
17 to 49 years	2,771	26	2,765	24
50 to 59 years	676	14	677	12
60 years and over	953	20	957	19

[1] Unknowns excluded.

TABLE C

NATIONAL NUTRITION SURVEY—5-STATE BIOCHEMISTRY SUMMARY

Characteristic	Vitamin A		Vitamin C	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Total known	9,328	24	8,978	10
Male	3,977	28	3,790	11
Female	5,351	21	5,188	10

Characteristic	Vitamin A		Vitamin C	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Poverty income ratio: [1]				
<0.50	1,145	34	1,035	16
0.50 to 0.99	2,209	32	2,020	9
1.00 to 1.49	920	26	879	6
1.50 to 1.99	617	19	545	9
2.00 and over	1,392	11	1,332	5
Ethnic groups: [1]				
Negro	4,424	23	4,249	12
White	3,294	15	3,260	9
Sex and age: [1]				
Male:				
<6 years	482	51	448	8
6 to 9 years	644	55	563	8
10 to 16 years	1,176	38	1,115	9
17 to 49 years	769	4	771	15
50 to 59 years	268	1	263	14
60 years and over	638	2	630	13
Female:				
<6 years	372	56	357	10
6 to 9 years	631	51	566	8
10 to 16 years	1,168	36	1,153	9
17 to 49 years	1,891	6	1,842	12
50 to 59 years	461	2	454	10
60 years and over	828	1	816	7

[1] Unknowns excluded.

TABLE D.—NATIONAL NUTRITION SURVEY—5-STATE BIOCHEMISTRY SUMMARY

Characteristic	Serum albumin		Serum protein	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Total known	7,069	10	7,358	8
Male	3,056	8	3,186	7
Female	4,013	12	4,172	8
Poverty income ratio: [1]				
<0.50	927	13	963	7
0.50 to 0.99	1,792	10	1,831	6
1.00 to 1.49	887	9	912	6
1.50 to 1.99	573	8	591	7
2.00 and over	1,202	4	1,247	6
Ethnic groups: [1]				
Negro	2,608	16	2,756	10
White	2,907	5	3,031	6

Characteristic	Serum albumin		Serum protein	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Sex and age: [1]				
Male:				
<6 years	305	2	365	3
6 to 9 years	451	10	464	5
10 to 16 years	937	7	967	4
17 to 49 years	619	6	629	8
50 to 59 years	217	11	220	12
60 years and over	527	12	540	13
Female:				
<6 years	234	3	290	3
6 to 9 years	409	7	431	3
10 to 16 years	959	10	986	4
17 to 49 years	1,422	15	1,446	12
50 to 59 years	332	14	342	11
60 years and over	657	14	677	12

[1] Unknowns excluded.

TABLE E

NATIONAL NUTRITION SURVEY—5-STATE BIOCHEMISTRY SUMMARY

Characteristic	Riboflavin		Thiamin	
	Total known	Percent unacceptable	Total known	Percent unacceptable
Total known	6,702	15	6,453	8
Male	2,947	15	2,820	9
Female	3,755	15	3,633	8
Poverty income ratio: [1]				
<0.50	808	21	819	11
0.50 to 0.99	1,696	16	1,687	12
1.00 to 1.49	904	15	888	9
1.50 to 1.99	506	13	510	7
2.00 and over	1,106	8	1,065	8
Ethnic groups: [1]				
Negro	2,358	21	2,268	13
White	2,656	7	2,514	5
Sex and age: [1]				
Male:				
<6 years	376	21	349	5
6 to 9 years	454	18	421	8
10 to 16 years	880	19	856	16
17 to 49 years	544	8	519	6
50 to 59 years	179	11	181	4
60 years and over	514	8	494	6
Female:				
<6 years	286	27	269	4
6 to 9 years	393	22	371	9
10 to 16 years	890	23	851	13
17 to 49 years	1,243	10	1,220	5
50 to 59 years	290	7	287	6
60 years and over	653	8	635	6

[1] Unknowns excluded.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE SENATE AT 12:35 P.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business not be laid before the Senate until 12:35 p.m. today, and that morning business be continued until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. McGOVERN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON USE MADE OF FUNDS APPROPRIATED UNDER THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1971 AND THE MILITARY CONSTRUCTION APPROPRIATION ACT, 1971

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that no use was made of funds appropriated in the Department of Defense Appropriation Act, 1971 (P.L. 91–668) and the Military Constuction Appropriation Act, 1971 (P.L. 91–544), during the period July 1 to December 31, 1970, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law was not feasible for the reason that the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

REPORT ON GRANTS TO STATE FOR PUBLIC ASSISTANCE

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON CONCLUSION OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONT., PLAINTIFF, V. THE UNITED STATES OF AMERICA, DEFENDANT

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., plaintiff, v. The United States of America, defendant (with an accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS TO CARRY OUT THE STANDARD REFERENCE DATA ACT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to carry out the Standard Reference Data Act (with accompanying papers); to the Committee on Commerce.

PROPOSED CONSUMER PRODUCT TEST METHODS ACT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled "Consumer Product Test Methods Act" (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS OF THE DEPARTMENT OF COMMERCE TO BE AVAILABLE UNTIL EXPENDED OR FOR PERIODS IN EXCESS OF 1 YEAR

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of 1 year (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

A letter from the Chairman of the Commission on the Organization of the Government of the District of Columbia transmitting, pursuant to law, a report of the Commission concerning its activities to date (with accompanying report); to the Committee on the District of Columbia.

Proposed Legislation Providing for the Sale of Forfeited Distilled Spirits, Wines, and Beer

A letter from the Secretary of the Treasury transmitting proposed legislation to amend section 5688 of the Internal Revenue Code to provide for the sale of forfeited distilled spirits, wines, and beer (with accompanying papers); to the Committee on Finance.

Report on the Indonesian Debt Rescheduling

A letter from the Chairman of the National Advisory Council on International Monetary and Financial Policies transmitting its Special Report on the Indonesian Debt Rescheduling (with accompanying report); to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in the Department of Housing and Urban Development program for rehabilitating housing to provide homes for low-income families in Philadelphia, Pa. (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation to Extend the Authorization of the Appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People

A letter from the Executive Director, Cabinet Committee on Opportunity for the Spanish Speaking, transmitting a draft of proposed legislation to extend the authorization of the appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People (with accompanying papers); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the first review of the phase-down of U.S. military activities in Vietnam by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on our defense industry profit study, made pursuant to the provisions of the Armed Forces Appropriation Authorization Act for fiscal year 1970, approved November 19, 1969 (Public Law 91–121), (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the acquisition of major weapon systems by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

Report on Certification as to Adequacy of Soil Survey and Land Classification—Tualaton Project, Oregon

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on certification as to adequacy of soil survey and land classification as required by the 1954 Appropriation Act—Tualatin Project, Oregon (with accompany papers); to the Committee on Interior and Insular Affairs.

Environmental Impact Statements for Certain Legislative Proposals

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, environmental impact statements for the four legislative proposals of the Environmental Protection Agency (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Amend the Joint Resolution Establishing the American Revolution Bicentennial Commission, as Amended

A letter from the American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (with accompanying papers); to the Committee on the Judiciary.

Report of the American Academy of Arts and Letters, 1970

A letter from Secretary of the American Academy of Arts and Letters transmitting, pursuant to law, the official report of the Academy for the year 1970 (with accompanying report); to the Committee on the Judiciary.

Reports Concerning Visa Petitions Approved by the Immigration and the Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which the Service has approved according the beneficiaries of such petitions third preference and sixth preference classification (with accompanying reports); to the Committee on the Judiciary.

Report of the Veterans of World War I

A letter from the National Quartermaster, Veterans of World War I of the U.S.A., Inc., transmitting, pursuant to law, a financial report as of September 30, 1970, a recruiting pamphlet, and proceedings of the National Convention held in Salt Lake City, Utah, October 9–14, 1970 (with accompanying material); to the Committee on the Judiciary.

Report of the Military Order of the Purple Heart

A letter from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, a financial report of the Military Order of the Purple Heart of the U.S.A. for fiscal year 1970 (with an accompanying report); to the Committee on the Judiciary.

Report of the Interim Compliance Panel

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Interim Compliance Panel for the calendar year ending December 31, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation for the Continuation of Programs Authorized Under the Economic Opportunity Act of 1964

A letter from the Director of the Office of Economic Opportunity, transmitting proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (with accompanying papers): to the Committee on Labor and Public Welfare.

Report of Economic Development Administration

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of financial, technical, and planning assistance at the State and local levels to enable communities to overcome severe problems of high unemployment and low family incomes, implemented by the Economic Development Administration (with an accompanying report); to the Committee on Public Works.

Proposed Legislation To Amend the Public Works and Economic Development Act of 1965, To Extend the Authorizations for Titles I Through V Through Fiscal Year 1972

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for titles I through V through fiscal year 1972 (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. McGovern):

A joint resolution of the Legislative Assembly of the State of Montana; to the Committee on Appropriations:

"Joint Resolution

"A joint resolution of the Senate and House of Representatives of the State of Montana urging Congress and all involved officials to implement the recommendations of the Governor's Task Force on Indian problems.

" 'Whereas, the Montana governor's task force on Indian problems has adopted the following resolution concerning the allocation of federal funds:

"Whereas, a majority of American Indians now live off reservations, and

" 'Whereas, due to budgetary limitations, the services of the Bureau of Indian Affairs and Indian Health Division of the Public Health Service of the Department of Health, Education and Welfare have been limited largely to residents of the Indian reservations, and

" 'Whereas, such limitations are gravely prejudicial to the development, security and welfare of Indians both on and off reservations,

" 'Now, therefore, be it resolved by the Montana Governor's Indian Task Force, meeting this 4th day of April, 1970, at Billings, Montana, urge the Congress to appropriate sufficient funds for the Bureau of Indian Affairs, and [for] the Indian Health Division of the Public Health Service to [provide for adequate patient] services to Indians residing off the reservations, as well as those living on the reservations, whether they be treaty or non-treaty Indians, to the end that the United States meet its responsibilities to the Indian people regardless of where they may live or work or what technical legal status they may hold", and further, that these funds be supplemental to the funds now being provided for Indian programs, and

" 'Whereas, in chapter 319, laws of 1969, the Montana legislative assembly declared it a policy of this state to assist all Indians whether they reside on reservations or not.

" 'Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

" 'That they fully concur in the resolutions of the Governor's Indian Task Force and urge Congress and all concerned or involved officials to initiate or support any legislative or other action necessary to accomplish the recommendations of the Governor's Task Force.

" 'Be it further resolved, that the Secretary of State send a copy of this resolution to the Montana congressional delegation, the special subcommittee on Indian education, national and area offices of the Bureau of Indian Affairs, the Secretary of the Interior, Congresswomen Julia Butler Hansen of Washington, the President and Vice-President of the United States and the National Council on Indian Opportunity.' "

A resolution of the Legislature of the State of South Dakota; to the Committee on Banking, Housing and Urban Affairs:

"House Concurrent Resolution No. 514

"A concurrent resolution, Memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial aniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon.

"Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the State of South Dakota, has been officially proclaimed as 'The Shrine of Democracy' and is recognized as a national monument; and

"Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and

"Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and

"Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and

"Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and

"Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and

"Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country of various series and denominations of our currency; and

"Whereas, the use of a representation of the Mount Rushmore National Memorial, 'The Shrine of Democracy,' on a two dollar bill or some other denomination of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans:

"Whereas, in 1976 the United States will be celebrating the bicentennial anniversary of its founding; and

"Whereas, the Mount Rushmore National Memorial should play a significant role in the nation's observance of its 200th anniversary:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy," thereon; and

"Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Treasury Department of the United States and the Governor of the state of South Dakota.

"Adopted by the House March 10, 1971.

"Concurred in by the Senate March 12, 1971."

A resolution of the Senate of the General Assembly of the Commonwealth of Kentucky; to the Committee on Commerce:

"SENATE RESOLUTION NO. 13

"A resolution petitioning the members of the United States Congress to support a bill introduced in the House of Representatives to amend the Uniform Time Act of 1966

"Whereas, the provisions of the Federal Uniform Time Act of 1966 apply to the Commonwealth of Kentucky; and

"Whereas, daylight saving time works an unusual hardhip in some regions of Kentucky as a result of the State's geographical location; and

"Whereas, Representative Tim Lee Carter, in compliance with a request from Lieutenant Governor Wendell H. Ford, introduced H.R. 15276 in the 91st Congress to lessen the hardship of daylight saving time in Kentucky by shortening Daylight Saving Time in the United States to the period between Memorial Day and Labor Day; and

"Whereas, H.R. 15276 failed of passage in the 91st Congress; and

"Whereas, Representative Tim Lee Carter, joined by Representative Romano L. Mazzoli, introduced a similar bill in the House of Representatives of the United States Congress on March 9, 1971, to amend the Uniform Time Act of 1966 to provide that daylight saving time begin on Memorial Day and end on Labor Day of each year; and

"Whereas, the passage of Representative Carter's and Representative Mazzoli's bill will remove much of the hardship created by daylight saving time in Kentucky;

"Now, therefore, *Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"1. That the Kentucky Senate endorses the provisions of Representative Tim Lee Carter's and Representative Romano L. Mazzoli's bill and urges the Congress of the United States to take favorable action on that bill.

"2. That attested copies of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the the House of Representatives of the United States and to each member of Kentucky's Congressional delegation."

A Resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A FEDERAL STUDY OF AIRPORT NOISE AND OPERATIONS

"*Whereas,* The noise engendered by the operation of airports has impaired the physical, psychological and social well being of inhabitants of airport communities; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for a federal study of the physical and social effects of such noise on the inhabitants of airport communities; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to members thereof from the Commonwealth.

"House of Representatives, adopted, March 4, 1971.

"Senate, adopted in concurrence, March 10, 1971."

A resolution of the Legislature of the State of South Dakota; to the Committee on Finance:

"A Concurrent Resolution, memorializing the Congress of the United States to take immediate action to adopt the President's Proposed Revenue Sharing Program now under its consideration, and citing the need for immediate financial assistance to the State and local governments for meeting the critical problems facing them

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"'Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and the very evident solution to this problem is a meaningful sharing of federal income tax resources; and

"'Whereas, on January 22, 1971 President Nixon in his State of the Union Message proposed "that the Congress make a $16 billion investment in renewing state and local governments," calling for $5 billion in new funds for General Revenue Sharing and approximately $10 billion of existing categorical grant-in-aid monies and $1 billion of new funds for Special Revenue Sharing; and

"'Whereas, the $11 billion proposed for state and local governments as Special Revenue Sharing would be for the six broad purposes of rural development, education, law enforcement, transportation, job training and urban development and within these six broad categories the states and localities would make decisions on how funds would be spent with few strings or restrictions attached; and

"'Whereas, the President's program for General Revenue Sharing calling for an estimated $5 billion for the first full fiscal year and a permanent annual appropriation equal to 1.3 per cent of the federal individual income tax base; and

"'Whereas, the General Revenue Sharing Program would provide for:

"'(1) distribution of funds to the fifty states on a per capita basis with adjustments for revenue effort; and

"'(2) inclusion of all cities, counties and townships on the basis of a clearly defined and equitable "passthrough" formula; and

"'(3) no federal program or project restrictions or "strings" connected with their use; and

Whereas, immediate enactment of the President's Revenue Sharing Program by the Congress would mean that South Dakota would receive $19 million as its share of the General Revenue Sharing funds during the first full fiscal year of the program which would be divided on a fair and equitable basis among the state and its political subdivisions:

"'Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Legislature does hereby memorialize the Congress of the United States to take immediate action to adopt the President's Proposed Revenue Sharing Program now under its consideration in order to assist in meeting the immediate needs of state and local governments in solving the critical problems facing them; and

"'Be it further resolved, that adoption of this Concurrent Resolution by the Legislature of the State of South Dakota in no way is intended to detract from or lessen the legislative intent expressed by the Legislature in its earlier enactment of House Joint Resolution No. 503 calling on Congress to call a constitutional convention for the sole and exclusive purpose of proposing constitutional revenue sharing; and

"'Be it further resolved, that certified copies of this Resolution be forwarded forthwith to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States.

"'Adopted by the House March 18, 1971.

"'Concurred in by the Senate March 18, 1971.'"

A Joint Resolution of the Legislative Assembly of the State of Montana; to the Committee on Interior and Insular Affairs:

"A Joint Resolution of the Senate and House of Representatives of the State of Montana Urging Congress and All Involved Officials To Implement the Recommendations of the Governor's Task Force on Indian Problems

"Whereas, the Montana governor's task force on Indian problems has adopted the following resolution concurring in certain recommendations made by the special subcommittee of the United States Senate:

"'Whereas, Report No. 91–501 of the Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare of the United States Senate made the following numbered recommendations with regard to the administration and funding of the Johnson-O'Malley Act, to wit:

"'48. That each state applying for a Johnson-O'Malley contract should be required to submit a definite plan for meeting the needs of its Indian students.

"'49. That better accountability and evaluation procedures should be instituted at state and local levels.

"'50. That Indians should be involved in the planning, executing and evaluating of Johnson-O'Malley programs. A state or district's Johnson-O'Malley plan should be subject to the approval of the Indian participants.

"'51. That technical assistants should be hired by the Bureau of Indian Affairs to work with local agencies, State departments of education and Indian participant groups in helping to identify special Indian needs and in developing programs which would meet those needs.

"'52. That Johnson-O'Malley funding should not be conditioned by the presence of tax-exempt land.

"'53. That the expanded contracting authority authorized by the Act's 1936 amendment should be utilized for the development of curriculum relevant to Indian culture and the training of teachers of Indian students.

"'54. That tribes and Indian communities should be added to the list of agencies with which the Bureau of Indian Affairs can negotiate Johnson-O'Malley contracts and that full use be made of this new contracting authority to permit tribes to develop their own education and programs, and

"'Whereas, the Governor's Indian Task Force of the State of Montana meeting in Billings on this 4th day of April 1970 concurs in said recommendations and wishes to express its full support of the same,

"'Now, therefore, be it resolved that recommendations numbered 48 through 54 inclusive, of said report are fully endorsed by the Governor's Indian Task Force, and the Task Force further urges all concerned units and responsible officers of the Federal and State Governments and the Congress of the United States and the Montana Legislature take appropriate action to implement said recommendations.'"

"Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

"That they fully concur in the resolution of the governor's task force on Indian problems and urge Congress and all concerned or involved officials to initiate or support any legislative or other action necessary to accomplish the recommendations of the governor's task force.

"Be it further resolved, that the secretary of state send a copy of this resolution to the Montana congressional delegation, the special subcommittee on Indian education, national and area offices of the bureau of Indian affairs, the secretary of the interior, congresswoman Julia Butler Hansen of Washington, the president and vice-president of the United States and the national council on Indian opportunity."

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Providing for a Minimum Wage of Two Dollars

"*Whereas,* Every man who labors is worthy of a decent living wage; and

"*Whereas,* The cost of living has increased continually from year to year; therefore be it

"*Resolved,* That the General Court of Massachuetts respectfully urges the Congress of the United States to enact legislation providing for a minimum wage of two dollars; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"House of Representatives, adopted, March 4, 1971.

"Senate, adopted in concurrence, March 10, 1971."

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs:

"Resolutions Memorializing the Congress of the United States To Establish a National Cemetery in the Commonwealth

"*Whereas,* It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

"*Whereas,* Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

"*Whereas,* The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislaion as may be necessary to establish a national cemetery in the Commonwealth; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted March 4, 1971.

"Senate, adopted in concurrence, March 10, 1971."

A resolution of the Board of Supervisors of Milwaukee County requesting welfare legislation granting authority to counties to make limited use of vendor and voucher payments in AFDC without loss of reimbursement of Federal share of such aid; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JAVITS, from the Committee on Labor and Public Welfare, without amendment:

S. 557. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes (Rept. No. 92–41).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 795. A bill to authorize the Secretary of Agriculture to establish corn feed grain bases (Rep. No. 92–43).

By Mr. LONG, from the Committee on Finance, without amendment:

S. 1330. An original bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes (Rept. No. 92–44), which was read the first and second times and ordered placed on the calendar.

RIOTS, CIVIL AND CRIMINAL DISORDERS—COLLEGE CAMPUS DISORDERS—SECOND INTERIM REPORT OF THE COMMITTEE ON GOVERNMENT OPERATIONS (S. REPT. 92–42)

Mr. McCLELLAN, pursuant to Senate Resolution 150, adopted August 11, 1967, submitted a report from the Committee on Government Operations entitled "Riots, Civil and Criminal Disorders, College Campus Disorders, Second Interim Report," with additional, minority, and individual views, which was ordered to be printed.

By Mr. HARTKE, from the Committee on Commerce, without amendment:

S. Res. 81. A resolution authorizing supplemental expenditures by the Committee on Commerce for inquiries and investigations. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORT OF A COMMITTEE

Mr. BYRD of West Virginia. Mr. President, as in executive session, on behalf of the distinguished Senator from New Jersey (Mr. Williams), from the Committee on Labor and Public Welfare, I submit the favorable report of the nomination of Frank Charles Carlucci III, of Pennsylvania, to be Director of the Office of Economic Opportunity.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PEARSON:

S. 1311. A bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Gurney):

S. 1312. A bill to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report. Referred to the Committee on Government Operations.

By Mr. HARRIS (for himself and Mr. Bellmon):

S. 1313. A bill to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat.

337). Referred to the Committee on Interior and Insular Affairs.

By Mr. HARRIS:

S. 1314. A bill for the relief of Jennifer Lynn Gallimore. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. Church, Mr. Hart, Mr. Inouye, Mr. Mathias, and Mr. Pastore):

S. 1315. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes. Referred to the Committee on Commerce.

By Mr. CURTIS (for himself and Mr. Hruska):

S. 1316. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 per centum the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section. Referred to the Committee on Agriculture and Forestry.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 1317. A bill to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry, and other health professions. Referred to the Committee on Armed Services.

By Mr. FANNIN:

S. 1318. A bill to deny tax exemption under section 501 of the Internal Revenue Code of 1954 to organizations which use any of their income or funds for political purposes. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 1319. A bill for the relief of Elzbieta Kuznecka. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself, Mr. Bennett, Mr. Curtis, Mr. Dole, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Gurney, and Mr. Thurmond):

S. 1320. A bill to ensure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the United States district court, and for other purposes. Referred to the Committee on the Judiciary (by unanimous consent).

By Mr. TOWER:

S. 1321. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

S. 1322. A bill to provide excess storm loss reinsurance for commercial fishing fleets. Referred to the Committee on Commerce.

S. 1323. A bill to provide for the appointment of additional U.S. district judges. Referred to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 1324. A bill for the relief of Shizuko Okinaka; and

S. 1325. A bill for the relief of John Persad Morris and Zorina Ali Morris. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 1326. A bill to amend chapter 607 of title 10 United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy. Referred to the Committee on Armed Services.

By Mr. CANNON:

S. 1327. A bill for the relief of Colin Alvin Ward. Referred to the Committee on the Judiciary; and

S. 1328. A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for members of the Armed Forces of the United States while on temporary duty. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1329. A bill to establish the Joint Federal-State Natural Resources and Land-use Planning Commission for Alaska. Referred to the Committee on Interior and Insular Affairs.

By Mr. LONG (on behalf of the Committee on Finance):

S. 1330. A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; placed on calendar.

By Mr. WILLIAMS:

S. 1331. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BURDICK:

S. 1332. A bill to amend section 205 of the Flood Control Act. Referred to the Committee on Public Works.

By Mr. CHILES:

S. 1333. A bill to require the Comptroller General to gather and compile information with respect to the reprograming of appropriated funds and to furnish such information to Members of the Congress; and

S. 1334. A bill to amend the Budget and Accounting Act, 1921, to require that the budget for each fiscal year contain information with respect to indirect expenditures made through the Federal tax system. Referred to the Committee on Government Operations.

By Mr. HARTKE (for himself and Mr. Allen, Mr. Randolph, Mr. Mansfield, Mr. McGee, Mr. Hruska, Mr. Hart, Mr. Eastland, Mr. Muskie, Mr. Magnuson, Mr. Hughes, Mr. Eagleton, Mr. Bible, Mr. Ribicoff, Mr. Curtis, Mr. Stevenson, Mr. Allott, Mr. Pastore, Mr. Burdick, Mr. Fulbright, Mr. Percy, Mr. Cook, Mr. Humphrey, Mr. Montoya, Mr. Thurmond, Mr. Metcalf, Mr. Hansen, Mr. Gurney, Mr. Mondale, Mr. Moss, Mr. McGovern, Mr. Harris, Mr. Brooke, Mr. Stevens, Mr. Williams, Mr. Case, Mr. Inouye, Mr. Cannon, Mr. Dominick, Mr. Church, Mr. Chiles, Mr. Gravel, Mr. Bayh, Mr. Beall, Mr. Hollings, Mr. Nelson, Mr. Young, Mr. Goldwater, Mr. Boggs, Mr. Bentsen, Mr. Tunney, Mr. Mathias, Mr. Schweiker, Mr. Tower, Mr. Fannin, Mr. Baker, Mr. McIntyre, Mr. Jackson, Mr. Prouty, Mr. Cranston, Mr. Bellmon, Mr. Byrd of West Virginia, Mr. Javits, Mrs. Smith, Mr. Kennedy, and Mr. Miller):

S. 1335. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. Referred to the Committee on Finance.

By Mr. MONDALE (for himself and Mr. Randolph):

S. 1336. A bill to limit the amount of the monthly premium for participation in the supplementary medical insurance program established by part B of title XVIII of the Social Security Act. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 1337. A bill to amend title XVIII of the Social Security Act to provide full payment (subject to any deductibles and coinsurance generally applicable) for whole blood furnished an individual under the program of health insurance for the aged. Referred to the Committee on Finance.

By Mr. EAGLETON (by request):

S. 1338. A bill to authorize the government of the District of Columbia to fix certain fees;

S. 1339. A bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes; and

S. 1340. A bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia. Referred to the Committee on the District fo Columbia.

By Mr. PERCY:

S. 1341. A bill to amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grant for certain mass transportation projects and to remove certain limitations on the amount of grant assistance which may be made available in any one State;

S. 1342. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants for comprehensive long-range planning for the development of balanced statewide or regional transportation systems; and

S. 1343. A bill to amend the Urban Mass Tranportation Act of 1964 to authorize grants to assure adequate commuter service, and to permit a State to elect to use funds from the highway trust fund to achieve a balanced transportation system. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1344. A bill to revise and improve national transportation programs. Ordered to be held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON:

S. 1311. A bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen. Referred to the Committee on the Judiciary.

THE NEWSMEN'S PRIVILEGE ACT OF 1971

Mr. PEARSON. Mr. President, I introduce today the Newsmen's Privilege Act of 1971, a bill which Congress should enact to resolve a conflict among the U.S. courts of appeals in a manner consistent with the fundamental and supremely important free press guarantee of the first amendment to the Constitution.

This legislation provides that newsmen shall not be required by any court, grand jury, agency, department, or commission of the United States, or by either House of Congress, to disclose any confidential information obtained by them in their capacity as newsmen. The bill further provides that newsmen shall not be required to disclose the source of any information received in a professional capacity.

Under this proposal, the newsmen's privilege to maintain the confidentiality of his news sources is subject to two reasonable qualifications: First, the privilege does not apply to the source of any allegedly defamatory information in a case where the defendant, in a civil action for defamation, asserts a defense based upon the source of such information. Second, the privilege shall not apply to the source of any information concerning the details of any grand jury or other proceeding which was required to be secret under the laws of the United States. Finally, the bill establishes procedures for divesting the privilege when there is substantial evidence that disclosure of information held confidential by the newsman is required to prevent a threat to human life, of espionage, or of foreign aggression.

FIRST INTRODUCED BY SENATOR CAPPER OF KANSAS

Mr. President, the Newsmen's Privilege Act is of special significance to me, because it was first introduced in Congress by one of my distinguished predecessors, the late Senator Arthur Capper. Senator Capper served Kansas and the Nation for 40 years in the seat which I now have the honor to occupy.

The original author of this proposal, quite fittingly, was a newspaperman. Mr. Capper was born in Garnett, Kans., in 1865. He attended the common and high schools, learned the printing trade, and subsequently became a newspaper reporter. Before entering public service, Mr. Capper became owner and publisher of the Topeka Daily Capital, Capper's Weekly, Capper's Farmer, the Household magazine, and other publications, as well as the owner of two radio stations.

Perhaps Senator Capper was prompted to introduce the Newsmen's Privilege Act by an incident which happened in Topeka—an incident widely reported in the national press. An editorial writer for the Topeka State Journal named E. B. Chapman had been reporting on a topic of perennial interest: conditions of vice in the city. Mr. Chapman was hauled into police court, and when he refused to divulge his confidential sources, claiming a first amendment privilege to remain silent, he was fined $25.

While this incident no doubt rankled the Senator, I rather suspect the Newsmen's Privilege Act was prompted by Mr. Capper's long experience in journalism, and his deep understanding of the requirements of a truly free press.

THE CASE OF JOHN PETER ZENGER

Newsmen have been struggling with courts over the question of "privilege" since the earliest days. When newsmen have been faced with threats of fine and imprisonment for refusing to divulge their confidential news sources, they have consistently followed the example of the uncanonized saint of American journalism—John Peter Zenger.

Zenger was born in Germany in 1697, came to New York in 1711, learned the printer's trade, and in 1733 began to publish the New York Weekly Journal.

This paper was the outlet for sentiment against Col. William Cosby, Governor of the Province, and Zenger engaged in a continual newspaper war with his rival, the administration's Gazette. As Zenger was not good at writing English, most of his material was supplied by others in the antiadministration party.

Zenger was charged—by information, as the grand jury did not indict—with making "false scandalous malicious and seditious publication." No direct effort appears to have been made to get him to tell the source of the articles—perhaps none could be made, as Zenger himself was a defendant and could not be forced to testify. Instead, by proclamation, Governor Cosby offered £50 "to such persons who shall discover the author or authors of the said scandalous, virulent and seditious reflections contained in the said journal's or printed newspapers, to be paid to the person or persons discovering the same, as soon as such author or authors shall be convicted."

Pending his trial Zenger stayed in jail for want of £400 bail, publishing his newspaper from his cell with the help of his wife. Two lawyers were disbarred when they appeared for him and objected to the due commissioning of his judges, but when his case was finally submitted to a jury, he was acquitted in "a small time."

Zenger's case shows that concealment, by a journalist, of the origin of articles critical of the Government, was an important question in the colonies 200 years ago.

The issue has become more important as time has passed. In 1949 the New York Law Revision Commission collected and published dozens of cases, reported and unreported, in which newsmen have been cited for contempt because they have insisted that the identity of their sources is privileged information.

Mr. President, I am convinced that newsmen have a constitutional right to keep confidential their sources of information. It is a curious state of affairs when newsmen, in exercising their right to be part of a "free press," must, from time to time, serve terms in prison for contempt of court. I believe the exercise of a constitutional right cannot be contemptuous of Federal courts, or any other arm of the Federal Government. The Newsmen's Privilege Act of 1971 will serve to perfect the promise our Founding Fathers made, that men cannot be free without a free and uninhibited press to serve them.

THE FIRST AMENDMENT GUARANTEE

The first amendment to the Constitution of the United States declares that "Congress shall make no law abridging the freedom of speech, or of the press." It is undisputed today that this mandate proscribes abridgment of free speech and press not only by the legislative branch, but also by the executive and the judiciary.

Mr. President, newsmen cannot meet their obligation as members of the press without full opportunity to gather newsworthy information from confidential sources. The gathering of pertinent information prior to publication constitutes an inseparable and indispensible phase of the overall news effort. It is axiomatic that there can be no dissemination of information without collection of information. Therefore, unreasonable governmental interference with the collection of newsworthy information is inimical to a free press.

There is ample authority to support this basic premise. The courts have recognized that all legitimate activities incidental to dissemination of the news must be protected if freedom of the press is to remain inviolate. These activities include, specifically, the gathering of the news.

In order to gather information effectively, the reporter must seek out sources to provide information for publication. The importance of these sources cannot be overemphasized. As the Supreme Court has suggested, the first amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, (and) that a free press is a condition of a free society."

For reasons which are entirely personal, citizens often wish to convey information to the public while maintaining anonymity. The informant's motivation for disclosure, be it avarice or a high sense of civic duty, is usually unimportant to the public which generally has an overriding interest in acquiring an informant's information, not his identity. The press has played an historic role as an intermediary for confidential news sources, and that role is central to the first amendment concept of a free press.

Newsmen, famous and obscure, skilled and inexperienced, maintain that confidential sources are important contributors of worthwhile information and that most confidential sources will refuse to contribute further if exposed. Walter Cronkite, news correspondent with CBS News, has made the following statement:

> The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. . . . I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him.

Mr. President, the statement of Mr. Cronkite reflects the collective judgment of the press. Recognizing that informants need assurance that their identities will not be compromised, the American Newspaper Guild adopted a code of ethics which, in canon 5, states:

> That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before judicial or investigating bodies. . . .

If reporters and commentators were alone in attesting to the importance of confidential news sources, the argument would be persuasive but perhaps not conclusive. In fact, at least 14 States have adopted legislation protecting, in varying degrees, the confidentiality of the newsman's sources. These States have determined that newsmen can best serve the public interest if not required to divulge their confidential sources in most judicial, administrative, and investigative proceedings.

POLICE INFORMER PRIVILEGE

The press is not the only occupational group to assert the value of confidential informants. Law enforcement officers habitually receive information from informers, whose identities they withhold to promote their continued usefulness and to protect the physical safety of the sources. The "police informer privilege" places society's interest in law enforcement above the "right" of a criminal defendant to know his accuser, except in cases where that knowledge is essential to the defense. This practice has been upheld by the Supreme Court, notwithstanding the sixth amendment right of the accused "to be confronted with the witnesses against him; (and) to have compulsory process for obtaining witnesses in his favor."

Mr. President, I submit that the newsman's interest in maintaining confidential sources is analogous to the interest of the lawman. The police protect their informers in the hope that future criminal activity will be reported. The newsman protects his sources in the hope that future information, of value to the public, will be reported to him. Any action by government which serves to defeat the newsman's efforts to gather the news, or impairs his access to the sources upon which he depends, constitutes an abridgment of freedom of the press.

THE COMMON LAW PRIVILEGES

Mr. President, it is an accident of history that the newsman's privilege was not recognized at common law. While the early courts were willing to sacrifice relevant, material testimony in order to protect the confidential relationship between husband and wife, and between lawyer and client, the confidential relationship between newsman and source was never protected. No doubt the abhorrent practice of "licensing" and the early view that newspapers should be controlled by government agencies contributed to the low esteem in which newsmen were held before the bar.

Times have changed vastly, and for the better. The New York Times against Sullivan line of cases has elevated the press to its deserved position under our Constitution, and thus made more secure our liberties.

Unfortunately, the Supreme Court has never held that newsmen have a constitutional right to remain silent as to their confidential sources of information, or confidential information received in a professional capacity.

Thus in about 36 States, and in most Federal district courts, newsmen today may be called upon to divulge information which they hold in confidence. Should a newsman in one of those States or before a Federal tribunal follow the canons of his profession, and refuse to testify as to his confidences, he may be held in contempt and fined or jailed until he talks.

As Mr. Justice Holmes once remarked, if I may paraphrase him, there seems to be no better reason for punishing newsmen in this fashion than that it was done that way in the reign of Henry II.

RECENT DECISIONS UPHOLD CONSTITUTIONAL RIGHT

Mr. President, the history of the newsmen's privilege is marked with irony and tragedy. Several States have enacted the privilege in the wake of public outcry against the incarceration of a well-known newsman. Few newsmen have been as fortunate as Earl Caldwell of the New York Times.

Caldwell had been assigned by the Times to cover radical groups in the San Francisco area. Cadlwell's published reports led U.S. Department of Justice officials to believe that Federal laws had been violated by members of the so-called Black Panther Party. Caldwell was subpenaed to appear before a grand jury, presumably to tell what he knew of the Panthers' activities. He petitioned Judge Alfonso J. Zirpoli's Federal district court for an order quashing the subpena, claiming a first amendment right to remain silent on any question relating to confidential sources or information gathered as a newsman.

For the first time in the history of the Federal judiciary, Judge Zirpoli held squarely that Caldwell was entitled to withhold his sources from the grand jury on first amendment grounds.

Judge Zirpoli's decision was upheld, and his first amendment presumption of privilege was affirmed by the ninth circuit in November 1970.

Thus, Mr. President, there is a conflict among the courts of appeals on the question of a constitutional basis for the newsmen's privilege. Presumably, although we cannot know, at least some of the other Federal district and appeals courts would still follow the inflexible pattern of the common law, and deny the privilege to a newsman called to testify as to his sources.

On several occasions the U.S. Supreme Court has denied certiorari in cases involving newsman-contemners who have unsuccessfully asserted the privilege.

The time has come for Congress to affirm the constitutional right to protect news sources from divulgence, and to delimit the privilege in an appropriate fashion to protect public safety and the national security.

Congress shares with the courts the duty to interpret the Constitution. The legislation which I propose today will be a landmark in the continuing drama of the relationship between government and the press. I respectfully urge the early consideration and timely enactment of the Newsmen's Privilege Act of 1971.

By Mr. JACKSON (for himself and Mr. GURNEY):

S. 1312. A bill to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report. Referred to the Committee on Government Operations.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Florida (Mr. GURNEY) and myself, I introduce a bill to extend the period within which the Commission on Government Procurement must make its final report to Congress.

In establishing the Commission, Congress provided that the Commission would make its final report within 2 years of the date of enactment of the act which created it. This 2-year period ends on November 26, 1971. The bill I am introducing today for the two Senate members of the Commission, Senator GURNEY and myself, would require the Commission to make its final report on or before December 31, 1972.

There are two major reasons which created the need for this extension. The first involved events over which the Commission had no control. Because of delays in organizing and appointing the Commission, it was unable to hold its first meeting until 5 months after Congress authorized its establishment. It was inevitable that the recruitment of staff and development of an overall study plan would take some time after that. It was last summer before the Commission was able to get involved in the substance of its work.

The second reason for the extension stems from the scope of the Commission's assignment. Under the able leadership of its chairman, E. Perkins McGuire, the Commission is attempting to concentrate on the most significant problems in the procurement process. Despite rigorous attempts to narrow the issues, the Commission is still confronted with a full agenda of complex and difficult problems. It has 13 task forces at work in key problem areas and it will take many months for the Commission itself to digest and evaluate the work of these groups. It would be unrealistic and unwise to ask the Commission to produce a major report, covering dozens of complex subjects, by next November.

The proposed extension will give the Commission a reasonable opportunity to make the best use of the studies it has started, and develop sound recommendations for the Congress and the executive branch.

Mr. President, Senator GURNEY has injured his eye and is unable to be here today. I ask unanimous consent that the statement he prepared regarding this bill be placed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. GURNEY. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Washington (Mr. JACKSON).

We are today introducing a bill identical to that which was introduced in the House by Mr. HOLIFIELD on February 23, 1971 as H.R. 4848. This bill will extend the life of the commission on government procurement and permit its final report and recommendations to be filed with Congress on or before December 31, 1972.

Mr. President, the act which created the commission on government procurement was signed into law by the President on November 26, 1969; however it was not until April 1970 that the final selection of members was made by the President. The entire commission was sworn in on April 3, 1970 at the White House. The first organizational meeting was held on April 22, 1970. The commission's chairman, Mr. E. Perkins McGuire, has, in my opinion, done an outstanding job since April 1970 in gathering an outstanding professional staff, in determining the scope and dimensions of our inquiry, in planning the organization and gathering task forces.

We have now begun the actual work of the commission and it is truly an enormous task. The chairman, Mr. McGuire, will appear before the House Government Operations Committee later this month in support of S. 4848 and at that time he will give a report on the commission's progress to date. We expect Mr. McGuire will appear here in the Senate in the same role in April.

As members of the Commission, Mr. President, we have recognized from the outset that the commission, owing to its late start, would not be able to hold to the original statutory schedule. This bill will extend the commission's life and give us what we consider sufficient time to discharge our important tasks. I urge prompt action on this measure.

By Mr. HARRIS (for himself, Mr. CHURCH, Mr. HART, Mr. INOUYE, Mr. MATHIAS, and Mr. PASTORE):

S. 1315. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes. Referred to the Committee on Commerce.

OCEAN MAMMALS MUST BE PROTECTED

Mr. HARRIS. Mr. President, the last warning given by that great humanitarian and naturalist, Joseph Wood Krutch, before his death is worthy of our attention:

> The 70's may be the beginning of the end, or the beginning of a new civilization. If it becomes the latter, it will not be because we have walked on the moon and learned how to tinker with the genes of unborn children, but because we have come to realize that wealth, power and even knowledge are not good in themselves but only the instruments of good or evil.

As we have become more aware of the delicate balances built into the ecological patterns of our earth's resources, we are more closely examining practices which can upset those balances. We now see that the various species of wildlife are a part of our environment, and that needless killing of animals is cruel, unjustifiable and even dangerous to our overall well-being on this planet. To limit the brutal and unnecessary killing of defenseless animals, and to maintain balance in our ecology, I am today introducing a bill to protect the mammals of the ocean—whales, seals, otters, porpoises, walruses, sea lions, and polar bears.

None of these species belongs to any one country, much less to any commercial interest. And yet, for the sake of money—primarily the American dollar—these intelligent, highly evolved animals are subjected to massive brutality and slaughter at the hands of man. It is time to recognize that the end result of these acts, coupled with pollution of the oceans, will be the extinction of these animals, each of which is needed to keep our oceans viable.

The far-reaching consequences of man's unthinking slaughter of animals is apparent right now off the coast of California. The giant kelp, mainstay of life for the fish of the area, is being consumed by a burgeoning sea urchin population. In the past, the urchins were controlled by the sea otter, an animal with a voracious appetite for urchins. But the fur hunters have effectively wiped out the sea otter. In so doing, they have performed a disservice to the earth and to the people who catch and consume the fish.

Empowered by the Endangered Species Act, the Secretary of the Interior has acted to ban the importation of products from a few species of animals. However, this is no time to deal with species one by one. We must offer a blanket of protection to all of the oceans' mammals. This is what my bill will achieve.

The bill which I am introducing has as its aim the protection of all ocean mammals from harassment or slaughter. The bill would prohibit any person or vessel subject to the jurisdiction of the United States from the taking of ocean mammals. The bill also bans the import into the United States of ocean mammals or any part thereof, including skins, both raw or in finished form. The ban on imports of ocean mammal products will serve to remove a great deal of the economic incentive for their slaughter.

It is singularly appropriate that such action be initiated by the United States, for it is our affluent society which is the major consumer of the luxury products made from the mammals of the ocean. It is the sale of the fur coat or the suede purse for the American dollar which provides the economic incentive for the killing of hundreds of thousands of seals in the Atlantic.

My bill further provides that negotiations should be undertaken with foreign governments to obtain international agreements to provide a worldwide ban on the slaughter of ocean mammals.

Special recognition is given in the bill to our obligations under the North Pacific Fur Seal Convention. This treaty contains an agreement on the part of the United States to kill 15 percent of an annual quota for Japan and 15 percent for Canada, in exchange for their agreement not to engage in pelagic sealing—the taking of seals in open waters. The 70-percent balance of this quota is presently assigned to the United States. Under my bill, no seals shall be killed to fill the U.S. quota, and all skins of the Alaskan fur seal are banned from import into the United States. Japan and Canada shall be given the option of taking the average dollar value, over the last 5 years, of the 15 percent of the kill to which each is entitled, or to take 9,000 skins shipped directly to each country. We will, during the remaining term of this convention, press for an international agreement to ban killing of North Pacific fur seals, whether at sea or on land.

We have reason to believe that an agreement to forgo the killing of the northern fur seal of the Pacific both on land and at sea will be looked at favorably by Russia. That nation also has an agreement to kill seals on its Commander Island rookeries for Japan and Canada. But Russia has announced that "there is a serious depletion of the once huge herds." Thus, the time may have come for meaningful negotiation for the protection of the species.

My bill would further provide for the designation of the Pribilof Islands as a National Seal Rookery Preserve and Bird Sanctuary, to be under the control of the Department of the Interior. Opportunity shall be given to the Native Aleuts to serve as guides and rangers. A commission shall be established to promote tourism and develop an economy on the islands.

While eliminating commercial slaughter by all Americans, the bill protects the culture and rights of the native peoples. It guarantees the right of the Indians, Eskimos, and Aleuts who dwell on the coasts of the North Pacific or Arctic Oceans to continue to kill animals—except polar bears—in their traditional manner for their own use. I would also urge that similar guarantees for the customs of native people in all lands would be incorporated into any international treaty made under the provisions of this bill.

The enactment of this bill would remove the threat of upsetting the balance of nature in our oceans; it would also halt the brutality inflicted upon these helpless animals for unnecessary purposes. I use the word "unnecessary," since there is no product from any one of these animals which is essential for human survival or welfare. Each has a substitute in one form or another. Men and women can keep warm in garments made of cloth or artificial fiber rather than fur. The ivory tusk of the walrus is replaced by plastic. To kill a polar bear to use its skin as a throw rug is held today as repugnant. The cessation of brutality to animals is one step toward a more nonviolent world. It is a step which should be taken now.

Mr. President, I ask unanimous consent that the bill, and a section-by-section analysis, be printed in the RECORD at this point in my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1315

A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Act may be cited as the Ocean Mammal Protection Act of 1971.

Title I—FINDINGS AND DECLARATIONS OF POLICY

FINDINGS

SEC. 101. The Congress finds that ocean mammals are being ruthlessly pursued, harassed and killed, both at sea and on land by hunters of many nations of the world. The Congress further finds that many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter.

DECLARATIONS OF POLICY

SEC. 102. (a) It is hereby declared to be the public policy of the United States to protect all ocean mammals from harassment or slaughter.

(b) It is hereby declared to be the further public policy of the United States that negotiations should be undertaken with foreign governments and through interested international organizations with a view to obtaining a worldwide ban on the further slaughter of ocean mammals.

Title II—GENERAL PROHIBITIONS

DEFINITIONS

SEC. 201. For the purposes of this title

(a) "ocean mammals" means all seal, whale, walrus, manatee or sea cow, sea otter, sea lion, polar bear, porpoise, and dolphin;

(b) "person" includes individual, partnership, corporation, association, and Federal and State agencies; and

(c) the terms "take" or "taking" or "taken" mean to harass, pursue, hunt, shoot, dynamite, capture, collect, kill, or attempt to harass, pursue, hunt, shoot, dynamite, capture, collect or kill.

PROHIBITIONS

SEC. 202. (a) It is unlawful, except as provided in Section 203 of this Title or in Title III, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of ocean mammals either on the high seas or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, ocean mammals or the parts of ocean mammals taken after the enactment of this Act, including but not limited to, raw, dressed, or dyed fur or skins.

(b) The possession of ocean mammals or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that ocean mammal or part thereof was taken, purchased, sold, or transported in violation of the provision of this Act or the regulations issued thereunder.

EXCEPTION FOR INDIANS, ALEUTS, AND ESKIMOS

Sec. 203. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific or Artic oceans are permitted to take ocean mammals (except polar bears) for their own use but not for sale: *Provided, however,* Such taking must be done in accordance with customary traditions and as an adjunct of the native culture.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person under the provisions of the Fur Seal Act of 1966 or Title III of this Act for the purpose of taking ocean mammals, or who are under contract or agreement to deliver the skins to any person.

EXCEPTIONS FOR MEDICAL AND SCIENTIFIC RESEARCH, AND FOR MUNICIPAL AND/OR OTHER NONPROFIT ZOOS

Sec. 204. (a) Nothing herein shall be considered to be a prohibition against municipal and/or other nonprofit zoos from obtaining written consent from the Secretary of Interior to humanely capture a representative number of the ocean mammals herein defined for replacement for deceased or otherwise ailing members of these species in these zoos.

(b) Further, nothing herein shall be construed to be a prohibition against the humane capture of a select number of these species of ocean mammals for certificable scientific and/or medical research.

(c) Regulations shall be promulgated by the Secretary of Interior for the purposes of Subsections (a) and (b) above as to who shall be granted permission and for what purposes. Further, methods of capture, supervision and transportation shall be subjects of said regulations by the Secretary.

FORFEITURE

Sec. 205. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this Title, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all ocean mammals or parts thereof, taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

Sec. 206. (a) Enforcement of the provisions of this title is the joint responsibility of the Secretaries of State, Treasury, Interior, Commerce and Transportation. In addition, the Secretary of Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act, which relates to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law-enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) The judges of the United States district courts and the United States Commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this title or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever found, all ocean mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with such regulations.

Sec. 207. The Secretaries of State, Treasury, Interior, Commerce and Transportation are authorized to issue regulations to carry out the provisions of this title.

Sec. 208. Any person violating the provisions of this title or the regulations issued thereunder shall on the first offense be fined not more than $5,000 or imprisoned not more than one year, or both; on conviction of second and subsequent offenses, the violator shall be fined not more than $10,000 or jailed for not less than one nor more than three years, or both.

Sec. 208. Title III ("Protection of Sea Otters on the High Seas") of Public Law 89–702 is hereby repealed.

TITLE III—NORTH PACIFIC FUR SEALS

TERMINATION OF NORTH PACIFIC FUR SEAL CONVENTION

Sec. 301. It is the sense of the Congress that the North Pacific Fur Seal Convention, signed on February 9, 1957, should not be continued after its current termination date in 1975, and that the said Convention should be permitted to expire in 1976.

Further, it is the sense of the Congress that the Secretary of State should immediately notify the other parties to the Convention that the United States does not intend to extend is life beyond 1976.

Further, it is the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the Convention and any other interested States for the purpose of obtaining an international agreement or agreements to ban all killing of North Pacific fur seals whether at sea or on land.

INTERIM ARRANGEMENTS

Sec. 302. (a) After enactment of this Act, no further North Pacific fur seals shall be killed to fill the U.S. "quota" (70%) under the terms of the North Pacific Fur Seal Convention; all skins or parts thereof of the Alaskan fur seal shall be banned from import into the United States or in interstate commerce between the States; any agreement under section 104 of the Fur Seal Act of 1966 for the processing of skins in any State other than Alaska shall be terminated.

(b) To honor our treaty provisions, between the enactment of this Act and the expiration of the North Pacific Fur Seal Convention, Japan and Canada shall be given the option of taking the average dollar value (over the last five years) of the 15% of the kill to which they are entitled or to take 9,000 skins each, to be shipped directly from the Pribilof Islands to those countries. If Japan or Canada elects to take the skins, the killing in the Pribilofs shall be done in the most humane manner and as close to the shore as possible. Further, to the extent practicable, such killings shall first be of old or crippled bachelor seals and second of old or crippled female seals; no seal under one year of age shall be killed.

ESTABLISHMENT OF PRIBILOF SEAL ROOKERY

Sec. 303. The Pribilof Islands shall be designated a national seal rookery preserve and bird sanctuary under the Department of the Interior; and the native Aleuts shall be given the opportunity to be the rangers and guides for this purpose, and they shall be given whatever training necessary for these jobs.

PRIBILOF ISLANDS COMMISSION

Sec. 404. The President, with the advice and consent of the Senate, shall appoint a commission to help in the transfer of the Pribilof Islands from a place of killing into a preserve, to help promote tourism, and to develop an economy on the island for the Aleuts to take the place of their participation in the slaughter of the seals.

The Commission shall be comprised of a number of Pribilof Aleut natives, and it shall include the Secretaries or their designates from the Departments of State, Treasury, Commerce, the Administrator of the Small Business Administration, the Governor of Alaska, and two independent scientists in the fields of ocean biology and ecology.

REPEALER

Sec. 405. Such provisions of the Fur Seal Act of 1966 which are inconsistent herewith are hereby repealed.

TITLE-BY-TITLE AND SECTION-BY-SECTION ANALYSIS OF OCEAN MAMMAL PROTECTION ACT OF 1971

TITLE I

Title I contains the findings and declarations of policy by Congress with respect to protection of ocean mammals, namely seals, walrus, sea cow, sea otter, sea lion, polar bear, porpoise, and dolphin.

Section 101 contains a finding by Congress that ocean mammals are being ruthlessly pursued and killed and are in imminent danger of becoming rare, if not extinct.

Section 102 declares that it is the public policy of the United States to prevent further harassment and killing of ocean mammals not only by unilateral actions of the United States, but also by the negotiation of treaties with other nations for the same purpose.

TITLE II

Title II contains the general prohibitions against further slaughtering of ocean mammals by United States citizens, vessels under United States jurisdiction, or upon any land or water under United States jurisdiction.

Section 201 contains definitions of "ocean mammals," "person," and "take or taking."

Section 202 makes it unlawful for any person or vessel subject to United States jurisdiction to engage in the taking of ocean mammals either at sea or on land. It also flatly prohibits the import or export of the skins or other parts of ocean mammals in interstate or foreign commerce, whether processed or unprocessed, and regardless of where the animal was killed.

Section 203 exempts from the provisions of the Act those few ocean mammals which may be killed by Indians, Aleuts, and Eskimos for their own use and as a part of their native culture. There is, however, an absolute prohibition against the killing of pollar bears by anyone, as these animals are in danger of becoming extinct.

Section 204 exempts from the provisions of the Act the humane capture of a reasonable number of these species for medical and scientific research and for municipal and/or nonprofit zoos.

Section 205 relates to forfeiture of vessels, skins, etc., in cases of violations of provisions of the Act.

Section 206 provides for enforcement of the Act by the Secretaries of States, Treasury, Interior, Commerce, and Transportation, and for proceedings in U.S. District Courts in cases of alleged violations of the Act.

Section 207 authorizes the several Secretaries (referred to in Section 206) to issue regulations for enforcement of the Act.

Section 208 contains penalties for violation of Title II. Persons convicted under the Act for a first offense shall be subject to a maximum fine of $5,000, a term of imprisonment not to exceed one year, or both; second offenses may be punished by a fine up to $10,000, a jail sentence of from one to three years, or both.

Section 209 contains a repealer of Title III of P.L. 89–702. "Protection of Sea Otters on the High Seas," as redundant.

TITLE III

Title III of the present Act deals specifically with the killing of the North Pacific Fur Seal which is currently subject to a treaty between the United States, U.S.S.R., Canada and Japan, which terminates in 1976 unless extended by mutual agreement.

Section 301 states that it is the sense of Congress that the treaty should be permitted to expire in 1976, and that the United States should immediately notify the other signatories of its intention not to extend the treaty.

Concurrently, the Secretary of State is urged to immediately open negotiations for an entirely new treaty which would substitute a total ban on killing *in lieu* of the present "harvest" of the Alaskan seals.

Section 302 provides interim arrangements pending expiration of the Treaty in 1976. Under the treaty, the United States retains 70% of the seals we kill on our Pribilof Islands, and Canada and Japan gets 15% each, with a promise by them not to engage in any pelagic sealing, i.e., killing seals at sea.

Under the interim arrangements of Section 302, the United States "quota" of 70% simply would not be slaughtered. Canada and Japan would have a choice between receiving their 15% (approximately 9,000 skins) or the cash equivalent thereof. If those countries would insist upon receiving the skins they would be shipped directly to them from the Pribilof Islands and not by way of a processing plant in mainland U.S.A. Further, the seals, if they must be killed until 1976 to honor our treaty commitments, shall be killed in the most humane manner possible.

Section 303 would change the Pribilof Islands from a place devoted almost entirely to the slaughter of seals to a National Seal Rookery Preserve and Bird Sanctuary under the Department of Interior.

Section 404 would establish a Pribilof Island Commission to assist in the achievement of the objectives set forth in the preceeding sections.

Section 504 contains a repealer of such provisions of the Fur Seal Act of 1966 which are inconsistent with the present Act.

Mr. MATHIAS. Mr. President, the Senator from Oklahoma (Mr. HARRIS) has today introduced the Ocean Mammal Protection Act of 1971, a bill to protect seals, walruses, sea lions, polar bears, and other like mammals from being pursued, harassed, killed, and exterminated. I take great pride in cosponsoring this legislation which I believe is exemplary in its goals and worthy of the support of every Member of this body.

It is a somber reflection of the estranged soul of man that it is necessary for this Government to enact a law prohibiting the cruel, unwarranted slaughter of any of God's creatures. Yet, we approach that duty today because we see that citizens of this Nation continue to condone, and even encourage, the mass destruction of ocean mammals. In its most blatant form, this conscious act of extermination continues because certain entrepreneurs know that there is money to be made in the selling of seal skins to persons who enjoy wearing expensive, ornamental accoutrements. To supply this mercantile market as many as 2,500 seals may be clubbed and skinned in a single day's outing on the northern Pacific Pribiloff Islands. At the same time the delicate ecological balance amongst the species has been seriously impaired. The harbor seal population has declined by four-fifths of its number, the blue whale by one-hundredth of its number, and the polar bear is almost extinct.

The Pribiloff Island natives employed in these annual summer-long hunts do not kill the ocean mammals for purposes of enjoyment or sport. They do so in the belief that it is the only available means of deriving food and shelter for their families and themselves. The Ocean Mammal Protection Act provides these natives with an alternative life style which will meet their economic needs.

The act establishes the islands as a National Seal Rookery Preserve and Bird Sanctuary, and it directs the Department of the Interior to train and hire the natives who remain on the islands as rangers and guides. The act also establishes an appointed Commission to "help in the transfer of the Pribilof Islands from a place of killing into a preserve, to help promote tourism, and to develop an economy on the islands for the Aleuts to take the place of their participation in the slaughter of seals."

The brutality that is currently perpetrated against the mammals of the ocean is a rank violation of the covenant of preservation which exists between man and his surrounding world, his total environment. We have lately rediscovered that covenant because it has become apparent that through our careless abrogation of this law of nature we have allowed our land, our water, and our air to be poisoned. It is quite possible that had we been more aware of this natural responsibility in the past, we would not be so endangered at present by pervasive pollution.

That covenant and natural responsibility, however, exists fundamentally upon a moral basis, and it extends to all things and all living creatures. We step beyond our natural bounds if we kill for any other reason than to protect ourselves and to provide for our sustenance. This act presents alternative livelihoods for those persons currently engaged in the great mammal hunts, and it presents the opportunity for this Nation to adopt a visibly humane purpose. Further, it presents a challenge to all of us to preserve an essential part of our environment, a segment of the animal kingdom that is steadily disappearing. I urge Senators to act promptly and favorably in support of this legislation.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 1317. A bill to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry, and other health professions. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, for appropriate reference, a bill to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry, and other health professions.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, D.C., February 12, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: A draft legislation "To amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry and other health professions" is enclosed.

This proposal is part of the Department of Defense Legislative program and the Office of Management and Budget has advised that the enactment of the proposal would be in accord with the program of the President. It is recommended that the proposal be enacted by the Congress. This proposal is also being sent to the Speaker of the House of Representatives.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize the establishment of an Armed Forces Health Professions Scholarship Program. The objective of such a program is to ensure an adequate number of commissioned officers on active duty who are qualified in the various health professions required in order to provide proper military medical services for our Armed Forces.

The critical shortage of career or long-term military personnel who are qualified in the health professions has long been a matter of concern within the Department of Defense. Of the physicians in the Medical Corps of the Army, Navy, and Air Force, for example, over 9,000 of the approximatley 15,000 such officers on active duty have less than two years of active service. These officers, for the most part, will be released from active duty under current law when they attain that amount of service. Only 800 physicians in the Medical Corps have between three and four years of active service, with lesser numbers (for each of the years covered) having any greater amounts of service.

Each of the Military Departments now has a program involving a partial subsidization of medical education in return for obligated service. These programs, however, are small and lack uniformity. The attached proposal would provide a specific statutory basis for a larger and uniform program covering all the health professions for which there is a need in the military medical services and which require training beyond the baccalaureate level.

Under the proposal, qualified persons accepted by (or already attending) an accredited graduate school and who are pursuing an education in one of the health professions, would be appointed as second lieutenants or ensigns, ordered to active duty with full pay and allowances and stationed at their respective civilian colleges or universities. In addition, their tuition, books and other educational fees would be paid for by the Government. In return for this financial assistance, participants would incur an active duty obligation, the amount of which would be determined under regulations prescribed by the Secretary of Defense. The proposal provides, however, that the Secretary may not prescribe a period of less than one year for each year of participation in the program.

The Department of Defense recognizes that the pay and allowances of a second lieutenant/ensign would provide participants with funds considerably greater than those now generally available to students in the health professions under various scholarship and loan programs. The Department also recognizes, however, that the other loan and scholarship programs now available in increasingly large numbers do not involve any obligation for military service and that, in fact, acceptance of the funds in question generally involves no obligation whatsoever.

The cost of an education in the health professions continues to increase. For many gifted and deserving young people, the substantial outlay required to complete such an education rules out any possibility of their entering the professions in question. The establishment of the program covered by this proposal will offer these young people an opportunity otherwise denied them. At the same time, greater stability would accrue to the military medical services if the program is successful.

The program contemplated by this proposal will be partially successful if it results in significant improvement in the number of commissioned officers in the health professions who serve on active duty beyond two years. It will be completely successful if it results in a retention rate, upon completion of obligated service, of at least 10% of those who participate. The Department of Defense believes that a long-term and voluntary exposure to the military medical services, beginning as a student, will have that beneficial result.

In his message to the Congress of April 23, 1970 the President indicated that one of his objectives is to achieve an all-volunteer force as soon as such an objective can be achieved prudently in view of the military manpower requirements necessary for the national security of the United States. This proposal is intended to assist in the attainment of that objective.

COST AND BUDGET DATA

It is estimated that the enactment of this proposal will result in the following additional annual cost (in millions):

	Fiscal year 1972	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975	Fiscal year 1976
Army	$7.5	$15.0	$18.8	$18.8	$18.8
Navy and Marine Corps	6.0	12.0	15.0	15.0	15.0
Air Force	6.5	13.0	16.2	16.2	16.2
Total	20.0	40.0	50.0	50.0	50.0

Note: Funds have been included for this purpose in the President's budget for fiscal year 1972.

By Mr. FANNIN:

S. 1318. A bill to deny tax exemption under section 501 of the Internal Revenue Code of 1954 to organizations which use any of their income or funds for political purposes. Referred to the Committee on Finance.

Mr. FANNIN. Mr. President, last Tuesday I entered a statement in the RECORD urging the Congress to do a thorough job of reform in drafting new legislation to control campaign contributions.

Today I want to talk further on the subject; I want to introduce some evidence and examples of what I am talking about; and I want to introduce a bill which would help solve the problem.

It is inconceivable that Congress would consider campaign reform legislation without including provisions to cure the current abuses arising from union political activity.

Union dues collected involuntarily are being used to support political campaigns from the local level to the Presidency. This is contrary to the wishes of many union members who find themselves forced to help financially in the election of candidates they oppose. It is also against Federal law.

As examples of what I am talking about, I ask unanimous consent to have printed in the RECORD at this point two articles, one of them from the March 17, 1971, Chicago Tribune, and the other from the March 18, 1971, Wall Street Journal.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SUE UAW ON DUES SPENDING

Top leaders of the United Auto Workers were charged with illegally spending union funds on political candidates and radical causes in a suit filed in Federal District Court yesterday.

Twelve members of UAW Local 558, including the local's recording secretary, Bernard McNamara, filed the suit. They seek an accounting of members' dues and a curb on future political action spending by international and local UAW officials.

Named in the suit were Leonard Woodcock, UAW president; Emil Mazey, international secretary treasurer; Robert Johnston, UAW Region 4 director and Illinois Community Action Program chairman; James Wright, Chicago C. A. P. chairman; and Gerald Peterson, Local 558 financial secretary.

DEMAND REPAYMENT

The Local 558 members who work in the General Motors Corp.'s Fisher Body plant in Willow Springs not only are demanding an accounting of political ideological expenditures in the last five years, but damages and repayment of all money illegally spent.

McNamara's suit said that each member must pay two hours' wages each month in dues and that 3 per cent of the money is earmarked for political action funds. Union membership is a condition of employment, the suit said.

The suit stated that Local 558 is required to pay more than $10,000 a year in political action contributions and that the UAW state fund exceeds $300,000 a year. The suit said the local pays more than $500.000 into the international treasury, which collects more than $200 million a year from members.

STEVENSON RECEIVED AID

"This money or portions of it are being spent for various organizations espousing ideological doctrines and causes totally unrelated to, and in many instances antithetical, to interests and welfare of the union and its members."

Sen. Stevenson [D., Ill.] was named as a recipient of union funds in his Senate campaign last year. Congressional and state political candidates also were among beneficiaries of union funds but were not named specifically in the suit.

The suit accused Johnston, Wright and Peterson with illegally financing state and local candidates with union funds.

GAVE TO 15 GROUPS

Woodcock and Mazey were accused of donating members' money to 15 organizations.

Specifically named were the Students for a Democratic Society, Students Nonviolent Coordinating Committee, the New Mobilization for Peace, National Students Association, Americans for Democratic Action, National Committee for a Sane Nuclear Policy.

Others named were the United States Committee for Democracy in Greece; United World Federalists, DuBois Memorial Committee, Turn Toward Peace, Citizens Committee for a Nuclear Test Ban, Peace With Freedom, Inc., United States Committee for the U.N., the American Association for the U.N. and Confederation of Spanish Societies.

UAW LOCAL MEMBERS ALLEGE UNION USES DUES FOR POLITICAL CAMPAIGNS—RANK-AND-FILERS' LAWSUIT ASSERTS LEADERS ILLEGALLY SUPPORTED STEVENSON, HOUSE CANDIDATES

CHICAGO.—A dozen rank and file members of a United Auto Workers local charged in a lawsuit that union leaders are illegally spending union dues money to support political campaigns.

The suit, filed in federal district court here by members of Local 558, charges that UAW officials spent union dues to support the campaigns of Adlai Stevenson III, a successful Democratic candidate for the Senate last year, and of various candidates for the House of Representatives. UAW President Leonard Woodcock and its secretary-treasurer, Emil Mazey, both were named as defendants in the civil action, along with Robert Johnston, a regional vice president of the UAW in Chicago, and James Wright and Gerald Peterson, two officials of the union's Community Action Program council in the Chicago area.

The suit involves expenditures of funds by the CAP council, according to Bernard McNamara, leader of the group that filed the suit. A fixed percentage of every union member's dues goes to the CAP council, and some CAP funds are being spent to support political causes, the suit alleges. The action asks that union officers be required to pay the union treasury any money used for such purposes.

In Detroit, a UAW spokesman declined comment on the suit, saying the details hadn't reached union officials yet. The spokesman said a fixed amount—five cents a month—rather than a fixed percentage of each member's dues are earmarked for CAP purposes. "Money out of that fund is used in state and local campaigns," he said, and some of the CAP funds are used for citizenship education programs. But he denied that CAP funds are used in campaigns for election to federal offices.

The plaintiff group's Mr. McNamara said the UAW constitution calls for a monthly CAP contribution of five cents a man. But he said the union sent locals an administrative letter directing them to pay 3% of dues to their state CAP council; that practice is being followed, he asserted.

The Landrum-Griffin Act forbids contributions by unions to federal campaigns which the suit alleges the UAW has been making in Illinois, Mr. McNamara asserted.

> He also said his local passed a resolution 1½ years ago stating the members didn't want any of their money to go to any campaigns, even state or local ones. The resolution also asserted that contributions of their money for such elections therefore would violate the union officials' responsibilities to members.

Mr. FANNIN. Mr. President, I do not intend to prejudge this particular case. It is before the courts, and I will watch with interest to see how it comes out.

What is so meaningful about this case is the fact that Members finally have the courage and the means to challenge the bosses of big unionism.

It is no secret that what these union members allege has been going on all over America. Compulsory union dues have been channeled into so-called political education committees or community action committees. And these committees have served to funnel a portion of the wages of millions of working men directly into political campaigns.

In Chicago, the dozen members of the United Auto Workers Local 558 are charging that part of their union dues went to support one campaign for the U.S. Senate and to finance various other candidates for the House of Representatives.

It is against the Federal Corrupt Practices Act for compulsory union dues to be used for the financing of campaigns for Federal office.

Furthermore, the leader of the group which filed the suit in Chicago points out that Local 558 had passed a resolution more than 1½ years ago stating that members did not want any of their money going into campaigns. Not only did they oppose the spending of their compulsory dues for elections to Federal office, they also objected to its use in State and local election campaigns.

Mr. FANNIN. Mr. President, union funds are being used across our Nation to finance election campaigns for selected candidates. Rank and file employees of the unions have virtually no voice in saying where, when or how this money will be used. The decisions are made by the big union bosses who hold dictatorial power.

The general public is not aware of the great sums being spent by the unions. Under current reporting laws, unions have to report at the Federal level only the funds they spend in campaigns involving elections for Federal office.

These reports may be deceptive in themselves.

In a report filed with the House of Representatives, the United Auto Workers, on October 10, 1970, reported a $50 contribution for the campaign of John J. Gilligan who was running for Governor of Ohio.

As I said, there is no requirement that the union report to Congress what it spends on political campaigns at the State or local level. The report filed with the Clerk of the House of Representatives might lead one to believe that the sum total of the UAW contribution to the successful Gilligan campaign was $50.

But a check with the secretary of state's office in Ohio reveals a quite different picture.

Records show the Democratic candidate received more than $66,000 from various units of the United Auto Workers.

I ask unanimous consent to include in the RECORD a list of these contributions as recorded with the Ohio secretary of state.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PRIMARY CAMPAIGN	
Citizens for Gilligan Committee: April 16, 1970, United Auto Workers CAP Council	$5,000
Hamilton County Citizens for Gilligan Committee: April 23, 1970, UAW–CAP Council	5,000
Cleveland Citizens for Gilligan Committee: April 15, 1970, UAW–CAP Council	5,000
GENERAL CAMPAIGN	
Gilligan Dinner Committee: June 18, 1970, UAW–CAP	1,500
Sponsors' Dinner for Gilligan Committee:	
June 13, 1970, Greater Springfield CAP	1,600
June 13, 1970, Franklin County CAP (Columbus)	2,000
June 13, 1970, Marion Area CAP Council	1,500
June 13, 1970, Region No. 2–UAW (Columbus)	600
Montgomery County Citizens for Gilligan: July 22, 1970, UAW International (Columbus)	5,000
Gilligan for Governor Committee:	
August 14, 1970, Lima-Troy Area CAP Council	1,532.88
August 18, 1970, Stark County CAP (Canton)	418.06
August 21, 1970, Ohio UAW–CAP (Columbus)	10,000
September 22, 1970, UAW–CAP Council (Castalia)	877.92
September 22, 1970, Greater Springfield UAW–CAP	1,309.92
November 13, 1970, Toledo Area CAP Council	4,180
September 5, 1970, Greater Cincinnati UAW–CAP (Norwood)	711.59
September 4, 1970, Butler-Warren-Highland Counties UAW–CAP (Hamilton)	487.74
September 4, 1970, Fostoria Area UAW–CAP Council (Findley)	557.41
September 3, 1970, Dayton Metropolitan UAW–CAP	808.25
September 3, 1970, Defiance Area UAW–CAP Council	641.04
September 3, 1970, Cuyahoga Medina Counties UAW–CAP (Cleveland)	6,549.66
September 3, 1970, Summit-Portage-Ashland-Trumbull-Mahoning UAW–CAP (Kent)	1,000
September 8, 1970, Greater Columbus-Franklin County UAW–CAP Council (Columbus)	1,296
September 8, 1970, Lorain County UAW–CAP (Vermillion)	$1,254,18
Lucas County Citizens for Gilligan: July 16, 1970, UAW–CAP Council (Columbus)	5,000
Friends of Gilligan Dinner: Stark County UAW–CAP (Canton)	300
Cleveland Friends of John Gilligan:	
June 15, 1970, UAW Region No. 2 (Cleveland)	1,000
June 16, 1970, UAW–CAP (Cleveland)	500
June 23, 1970, UAW No. 1250 (Cleveland)	200
June 30, 1970, UAW No. 122 (Twinsburg)	200
Gilligan for Governor Committee (DC): William Dodds (Director Legislative Activities, UAW)	50

Mr. FANNIN. Mr. President, this $66,000 is about one-quarter of what labor unions reported spending on the campaign to make Mr. Gilligan the Governor of Ohio. And the quarter of a million dollars reported by the unions as contributions add up to about one-fifth of the estimated cost of Governor Gilligan's campaign.

Such a heavy contribution would put any politician heavily in the debt of the union bosses.

I would like to point out another facet.

The United Automobile, Aerospace, and Agricultural Implement Workers of America reported to the Clerk of the House that in 1970 they spent about $380,000 on political activities through their committees.

When we see that the UAW spent more than $66,000 on the race for Governor in just one State, it becomes obvious that the $380,000 figure reported to the House is only the tip of the iceberg.

Union bosses are shelling out millions upon millions of dollars to political candidates. Some of this money is taken from compulsory union dues. Some of it comes from coercion—union members are forced to make voluntary contributions to avoid harassment or loss of their jobs. Democracy goes out the window when it comes to collecting this money and deciding how it will be used.

A popular charade played by the union bosses is the creation of "education" or "community action" programs. Union funds are used to "educate" voters to cast ballots for the candidates who have the blessing of the union bosses. "Community action" is aimed at winning the political points that the union leader wants.

One device is the so-called voter registration drive. This is used by the union's political experts as a door-to-door canvass to win votes for specified candidates and to sign up these voters. These drives are bipartisan in name only. Most often the drives are aimed at restricted areas where union strategists have determined the added registration will be of the most benefit to a given candidate who has union endorsement.

Mr. President, the Federal Corrupt Practices Act has been a dismal failure.

This act has failed to keep union bosses from using involuntary dues for political purposes. Furthermore the act applies only to Federal elections—not State and local.

We must take action to stop the illegal and unjust use of compulsory union dues for political purposes.

The bill I am introducing today would amend the Internal Revenue Code to deny tax-exempt status to organizations which use membership dues or assessments for political purposes.

This bill would prohibit organizations from claiming an income tax exemption:

> For any taxable year in which any part of its income or of those amounts received for its support—including, in the case of a membership organization, dues, assessments, fees, compulsory or other charges imposed on members—is used, directly or indirectly—
>
> (1) to support or oppose any candidate for public office,
>
> (2) to support or oppose any political party, or

(3) to carry on any voter registration.

This is a fair bill. It treats union and management organizations equally.

The bill also carries out the original intent of Congress in the Internal Revenue Code. The underlying assumption in granting unions tax exemption obviously was that they would not engage in activities beyond their tax exempt purposes. In other words, it was assumed they would not use involuntary dues for political purposes.

Mr. President, it is wrong that unions should use compulsory dues for political purposes. This wrong is compounded by the fact that these unions may maintain their tax-free status under these circumstances.

The bill I propose would discourage unions from committing the compulsory dues from their members to political candidates. It would put some sanity and equality into the law regarding the taxation of organizations.

It is not a cure-all for the problems I have discussed today. But it is a good start.

Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code to deny tax exempt status to labor organizations which use compulsory membership dues or assessments for political purposes.

By Mr. TOWER (for himself, Mr. Bennett, Mr. Curtis, Mr. Dole, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Gurney, and Mr. Thurmond):

S. 1320. A bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. district court, and for other purposes. Referred to the Committee on the Judiciary (by unanimous consent).

UNFAIR LABOR PRACTICE CASES

Mr. TOWER. Mr. President, Senators will recall that last year I introduced a bill to remove jurisdiction over unfair labor practice cases from the National Labor Relations Board and place this authority with Federal district courts. Prior to introduction of the bill, I addressed the Senate on the seriousness of the problem of biased interpretation of national labor policy by the NLRB. That was on March 25, 1970. The bill was introduced April 3, 1970, as S. 3671.

I am introducing the identical bill today along with the support of nine other sponsors.

Without impugning the record of the present Board, I believe the need for corrective action is every bit as pressing today as it has been for years. When the decisions of the Board are inadequate, no subsequent actions or decisions—regardless of how adequate in themselves—can ever fully rectify the Board's earlier mistakes. Until action is taken to achieve an institutional framework which will assure faithful, objective intrepretation of congressionally enunciated labor policy, there will always be the threat of biased interpretation.

Although the bill I introduce today would divest the Board of jurisdiction over unfair labor practice cases, it would retain the Board's authority over representation matters, including authority to investigate representation petitions, hold hearings, conduct elections, and certify representatives.

The bill would abolish the office of General Counsel and eliminate the positions of trial examiners and attorneys who represent the Board before the courts, since there would be no further need for these positions.

Under the terms of this bill, unfair labor practice cases would be initiated by a complaint filed in any district court "having jurisdiction of the parties". The bill specifies that district courts would have jurisdiction of a labor organization in the district where it maintains its principal office, or in any district in which its officers or agents are engaged in protecting the interests of employee members, or in any district in which the unfair labor practice is alleged to have occurred.

Any person aggrieved by an unfair labor practice could initiate a suit in the proper district court within 6 months after the date on which such unfair labor practice occurred. He could either file and prosecute the complaint in the court on his own, or he could file a charge with the U.S. attorney and request him to file and prosecute a complaint. The latter option would permit employees and other parties who could not afford the expense of prosecution to have it handled by the U.S. attorney without cost.

When a charge is filed, the U.S. attorney would be required to notify the person against whom it was made and, within a reasonable time, to file a complaint in court and to prosecute it in the name of and on behalf of the person filing the charge, unless he determines that the charge is "frivolous, or otherwise without basis in law or fact," in which case he must notify the parties of such determination. The charging party would still have the right to file the complaint and prosecute it himself.

Under this procedure every charging party would have the right to a day in court. This, I feel, would be a vastly preferable arrangement to present procedure under which the party has no remedy if the general counsel of the Board refuses to issue a complaint on his charges.

Trial would be by the court without a jury. Where there are issues of fact involved, the court would appoint a master to take evidence and make findings of fact and could also direct him to submit with his report a recommended order.

The courts would be authorized to grant temporary injunctive relief but only after holding a public hearing and making findings that an unfair labor practice has been committed and will be continued unless restrained, that substantial and irreparable injury to the complainant will follow, that greater injury would be inflicted if injunctive relief is denied than if it is granted, and that complainant has no adequate remedy at law.

If the court finds an unfair labor practice after full hearing on the merits, it is directed to enjoin such practice and to order the party who committed it to take such affirmative action as may be necessary to enforce compliance with the Act, "including reinstatement of employees with or without back pay." The court may require back pay from an employer, a labor organization, or both, in such proportion as the court may assess responsibility for discrimination suffered by an employee.

Mr. President, hearings were held last year on S. 3671 before the Subcommittee of Separation of Powers of the Senate Judiciary Committee. The statement I delivered to the subcommittee at that time is timely today. I ask unanimous consent that it be printed at the conclusion of my remarks. I also ask that an article, "Union Power and the New Inflation," by Gilbert Burck, which appeared in the February 1971 issue of Fortune magazine, be also printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TOWER. Mr. President, I believe that the bill I am introducing will do much to correct the imbalance in bargaining strength which is contributing to inflation.

I hope it will not be said that this bill is antilabor. In no way does it touch or change the substance of labor law. What is defined as an unfair labor practice in law today will be so when this bill becomes law. Its effect is procedural only and my efforts are motivated by a desire to assure that Congress maintains control over national labor policy. Congress created the National Labor Relations Board. If that experiment has not worked out—and I do not think it has—then it is incumbent upon us to reassert our constitutional prerogative and correct the situation.

Mr. President, Senators Bennett, Curtis, Dole, Ervin, Fannin, Goldwater, Gurney, Hruska, and Thurmond have indicated their interest in sponsoring this bill with me, and I ask that their names be added as cosponsors.

Since this matter concerns the constitutional separation of powers between the three branches of Government, I ask that it be sent to the Senate Judiciary Committee's Subcommittee on Separation of Powers.

STATEMENT OF SENATOR JOHN TOWER

Senator Ervin, distinguished members of this subcommittee, first, I want to thank the subcommittee for taking up the subject of S. 3671. As I will point out, this is not a particularly new approach to one aspect of labor law reform. But the need for some remedy to the problems of unfair labor practice adjudication becomes clearer day by day.

Secondly, speaking for constituents in Texas, many of whom have experienced problems in this area, I want to express our appreciation for the excellent job this subcommittee has done to focus attention on the continuing problem of obtaining faithful administrative interpretation of congressional policy, especially as regards the National Labor Relations Board. Your hearings in 1968 developed a wealth of information on the workings of the Board, and the subcommittee's report filed earlier this year pointed the way toward protecting the prerogatives of Congress to determine national labor policy.

Regardless of the particular fate of S. 3671, I trust the subcommittee has every intention of carrying forward its investigations and will look into all of the administrative agencies. Their unique post-Constitutional origins demand that Congress review their actions frequently and in depth.

Insofar as S. 3671 is a proposal to strip the National Labor Relations Board of its judicial authority, it is not a new idea. The proposal to transfer jurisdiction over unfair labor practice cases to Federal District Courts is one of the oldest and most persistent suggestions made to obtain a more objective hearing of cases. Bills to this effect were introduced in both the House and the Senate as early as 1939, four years after passage of the National Labor Relations Act. Hearings at that time before the Senate Committee on Education and Labor led to a report in which the Board was found to be unfair and biased in its conduct due to the "absence of judicial temperament and the presence of radical tendencies in Board personnel." In 1953 the House Committee on Education and Labor recommended that the Board be divested of its judicial functions and allowed to handle only representation issues.

In 1955, the second Hoover Commission, in recommending the establishment of an Administrative Court of the United States, suggested that it contain a Labor Section to hear cases involving unfair labor practices. This Subcommittee is also quite aware, I am sure, of legislation which has been proposed by Senator GRIFFIN to establish a separate labor court to have such jurisdiction. I will turn to the Labor Court proposal and review it later in my remarks.

In essence S. 3671 separates the administrative and judicial functions of the Board by transferring the trial of unfair labor practice cases to Federal district courts. It is essentially the same bill approved by the House Committee on Education and Labor in 1954. The Board is continued as an administrative agency handling representation cases, including the conduct of representation elections.

S. 3671 would abolish the offices of General Counsel of the Board and examiners. It would give complainants the alternative right to present their own cases before the courts or to have such cases presented for them by a United States Attorney. If the United States Attorney refused to prosecute the charge, the individual could still file his own complaint with the court. In the event there are issues of fact to be determined, the court is authorized to appoint a special master to hear the case and submit a recommended order.

In addition, the court is authorized after a public hearing, pending final disposition of the case, to issue a temporary restraining order. Such a temporary restraining order could be used, however, only after a finding of substantial and irreparable injury to the complainant and that the complainant has no adequate remedy at law.

The performance of the National Labor Relations Board throughout its 35 years is best characterized as tragic ineptitude. I can think of no statutory area which has been so transformed by those entrusted to administer it. I can think of no area of Congressional policy-making in which the intent of Congress has been so fully ignored by those delegated to interpret it. If ambiguities do exist in law, they are insignificant as compared to the gross failure of the Board faithfully to carry out its mandate when the language and direction are clear.

My office receives a steady stream of letters from employees, from employers, from representatives of small unions, and from members of larger unions describing their experiences with the Board. I can best describe them as filled with cyncism and resigned pessimism. Not all, it is true, have a legitimate complaint against the Board. But for those who do, it is instructive to see what passes for equal protection under the law nowadays in adjudication of unfair labor practice cases.

Reading over the testimony of the witnesses who appeared before this Subcommittee in 1968, criticism appeared to break into two main areas. There was the charge that the Board had failed to faithfully adhere to the will of Congress, and secondly, that its decisions were biased in favor of large unions. These charges are related, of course. In addition, there was cited the continuing problem of delays in handing down decisions.

It should be recognized at the outset that the powers delegated the National Labor Relations Board are fundamentally different than those accorded others of the so-called Administrative Agencies. The Wagner Act, the Taft-Hartley Act and the Landrum-Griffin Act spelled out in definite terms conduct which constitutes unfair labor practices. The duty of the Board is to determine through investigation whether unfair labor practices—acts enumerated and specified by Congress—did occur. Congress has never authorized the Board to determine the country's labor policy. It gave the Board no authority to decide what the relations among unions, employers, or employees ought to be.

To quote the 1954 report of the House Committee on Education and Labor:

"Other Federal Agencies are not so restricted. For instance, the Civil Aeronautics Administration determines what safety regulations shall be observed on airplanes and at airports; the Securities and Exchange Commission regulates the conduct of stock exchanges; the Federal Communications Commission has wide latitude in the issuance of radio and television licenses; the Federal Power Commission sets standards for construction of power lines; the Interstate Commerce Commission has discretion to determine the rates a public carrier may charge.

"Each of these agencies necessarily has a broad grant of policy-making power from Congress. The NLBR has none. It has no right to tell the parties to unfair practice cases what they ought to do in their dealings with each other. It is firmly limited by a statute to a judicial finding on whether specific acts violate the well-defined terms of the law."

The Report issued by this Subcommittee earlier this session of Congress cited a number of cases supporting the contention that the Board has thwarted Congressional will. I shall briefly recall some of these, along with others which I believe also illustrate the argument that a double standard favoring large unions is evident.

The Board's rule in the well-known Bonwit Teller (96 NLRB 608 (1961)) case supports both contentions. Section 8(c) of the amended National Labor Relations Act was included to guarantee free speech for both unions and employers in connection with campaign material used during union organizing drives or representation election campaigns with the single provision that the material must contain "no threat of reprisal or force or promise of benefit." Despite this, the Board ruled in this and other similar cases that an employer may not address his workers on company time and property, even though no threat or promise was made, or even implied, without granting the union equal time to address his workers on the company's own time and on its own property.

In a case (Maryland Drydock 88 NLRB 1305 (1950)) decided a year earlier, the Board had ruled that an employer violated the Taft-Hartley Act by forbidding the distribution on his own premises of a union newspaper which characterized the company's president as a "vulture", a "doublecrosser" and compared the company's officials to Adolf Hitler.

As former Congressman Fred Hartley, Jr., one of the coauthors of the Taft-Hartley Act, was moved to comment regarding these two cases: "It is interesting to note that in respect to the employer the Board flagrantly ignored the intent of Congress to guarantee him his freedom of speech, whereas in respect to the union it stretched the right to the extreme point of shielding unlimited indulgence in defamation and scurrility against an employer of his own property."

We should not delude ourselves into thinking that this sort of conduct and decision-making by the Board is a thing of the past. Two recent decisions, upheld last year by the Supreme Court, are even more portentous. They are the NLRB vs. Gissel Packing Co. and Sinclair Company vs. NLRB. These cases concern the question of free employee and the closely related issue of free speech. In effect the Gissel decision held that the NLRB may impose upon employees a union which they have deliberately rejected in a secret ballot election if that union has been able to amass the signatures of a majority on cards authorizing it to act as their bargaining agent. The Supreme Court's decision in this case rejected the contrary views of a majority of the U.S. courts of appeals. The lower courts had evidenced a mistrust of authorization cards for two reasons: that employees are subjected to deceptions and that they are exposed to pressures which they would be insulated from in the polling booth.

Section 9(c) of the NLRA (NLR Act) clearly states that secret ballot elections are to be the *only* criteria for resolving representation elections. Also, it was the common understanding in Congress at the time of passage of the Taft-Hartley Act that this section precluded the use of authorization cards as a means of resolving representation questions. Furthermore, the NLRB expressly noted in its 1948 annual report that henceforth secret ballot elections would have to be the "sole method of resolving a question concerning representation." I think the Board's failure to follow its obvious Congressional mandate is clear. It represents a drastic impairment of the principle of free employee choice.

In the Sinclair case, the employees voted to reject the union, but the Board issued a complaint charging election interference and refusal to bargain in good faith. It then issued a bargaining order. The Board's justification for its actions was a letter sent by management to the employees in which it was quite truthfully stated that the plant was in a precarious financial condition and that if a strike were called, as past labor history in the area indicated it would, there was the possibility of a plant shut-down. At the same time, assurances were given that every effort would be made to keep the plant open whether there was a strike or not. The Board ruled, as we have seen, that these statements were unfair and made a fair election an impossibility. There seemed to be no question about the truth or the falsehood of these statements. Thus the Sinclair case goes about as far as it is possible to go in limiting employer free speech and circumscribes the ability of the employee to hear more than one side of the issue.

Commenting on these cases recently, Professor Sylvester Petro, who I believe is scheduled to appear before this Subcommittee tomorrow, stated: If the "Sinclair doctrine takes hold, the Board will have power to silence any meaningful challenge from employers, thus leaving employees exposed to only one side of the story. In future organizing campaigns union organizers will be privileged to exaggerate, distort, and misrepresent the merits of collective bargaining, while employers will be required either to maintain silence or to confine themselves to the kind of 'argument' which one reads in chemistry and physics journals."

Because of the importance of the issue of free speech, I want to cite two other cases which illustrate the use of the double standard. In Sewel Manufacturing Company (138 NLRB 66 (1962)), the employer related to a group of presumably white employees the role that unions had played in attempts at racial integration. On the basis of this, the NLRB said the employer had destroyed "laboratory conditions" necessary for a fair election and invalidated the election results. In the Archer Laundry Company case (150 NLRB 1427 (1965)) the Board upheld a union which, in the course of seeking to organize negro employees, had depicted management as racist and sought to convince the employees of management's approval of the use of brutal police tactics, dogs and firehoses. The Board found that this was simply a permissable appeal to racial pride.

The validity of the use of authorization cards, referred to earlier, was criticized in the report filed by this subcommittee earlier this Congress. In it the majority states: "The persistent use of the card check to replace the election process is . . . a violation of the Board's obligation to enforce terms and intent of the statute." While the use of a single seemingly innocuous phrase on the part of an employer is enough to have the Board throw out the results of an election because "laboratory conditions" supposedly no longer obtain, the Board has ruled that authorization cards must be invalidated *individually* by proof that they were secured fraudulently if the Board is to fail to certify the union. As an example of the Board's seemingly inexhaustable patience with the most doubtful of union organizing tactics, consider the following instances. The Board *has held valid* an authorization card which was signed by an employee's wife without the employee's knowledge; a card bearing the name James Robert whereas the employee, James Robert Smith, testified that he did not sign his last name when he found that the solicitor was a union representative; cards signed by employees who later testified they would not have signed except for the union's misrepresentation that a majority had already signed; cards signed when fellow employees threatened that those not signing would lose their jobs; and cards dated up to four years before bargaining was requested. It has certified unions on the basis of cards such as these.

In the case River Togs, Inc. (160 NLRB No. 2 (1966)) the Board upheld the validity of cards over the objections of employees of Polish background who could not read English and who testified they thought signing the cards entitled them to Long Island Duck dinners which the union was giving in its organization campaign. Apparently the Board never felt that "laboratory conditions" need exist on both sides.

As Mr. Theophil Kammholz, a former General Counsel of the Board remarked in his testimony before the Subcommittee two years ago: "In practical effect . . . the employee's right to a secret ballot election rises and falls, not on their own conduct, but on their employers ability to conform to the Board's ever-shifting restrictions on employer activity."

As this Subcommittee is very much aware, Section 7 of the National Labor Relations Act was amended by the Taft-Hartley Act to assure that employees have, in addition to the right to bargain collectively, the right to refrain from joining labor organizations. In my remarks in the Senate on March 25th of this year, I attempted to document the charge that the Board has attempted in every way possible to ignore the language added by Taft-Hartley. It has sought in numerous cases to interpret on the basis of the Wagner Act, wherein employees were not guaranteed the freedom of choice to join labor unions or not.

I shall not go into this again here. As evidence of how the Board continues to read its Congressional mandate, I refer to a fact sheet issued by the Board on 1 January 1970 in which it views its duties thus: "A complex statute, the NLRA has a simple purpose: to preserve the public interest by promoting the full flow of commerce through encouragement of collective bargaining, protection of employee organization, and prohibition of unfair labor practice by employers and unions.

Other witnesses have appeared before this Subcommittee in the past and will be appearing this week who will further document the charges that the Board has failed to confine itself to interpreting the law and that it places the interest of large unions over the rights of management, employees, and small unions. Instances of misinterpretation in other areas, too numerous to mention, have already been provided. The issues of boycotts, union disciplinary action against members, the Board's one-sided interpretation of what constitutes bargaining in good faith, its protection of featherbedding, orders holding innocent parties responsible for unfair labor practices committed by others: all these and more were reviewed during the 1968 hearings.

Now it is sometimes argued that the Board could not have been greatly in dereliction of its duties since the Courts have more often than not sustained the views of the Board. I submit that this is due to the reluctance of the courts to overrule an administrative agency which has been set up and designated as a body of experts on the particular subject matter with which it deals, and the Courts have deferred to this alleged expertise. I might point out that during the Republican years of the 1950's—a time during which we might reasonably expect that the Board, not being altogether isolated from the winds of political change, would issue decisions at odds with its decisions at other times—the NLRB did fare just as well before the courts as did predecessor and successor boards.

Now if I may, I would like to anticipate some of the objections which might be raised to the Tower bill. In the past critics of this approach have contended that the Federal district courts lack expertise in labor matters and that placing unfair labor practice cases before the courts would over-burden them to an even greater degree.

In my remarks in the Senate of 25 March I stated in reply to this question:

"The case has never been proven to my satisfaction that labor relations are any more complex than any other of the thousands of relationships with which the judiciary is called upon to deal daily. We do not assign judges to cases on the basis of their expertise in aerospace, when that is involved, or medicine, or mental therapy, or disputed contracts by motion picture actresses, or any of a number of other relationships.

"In fact, judges do possess expertise in the only area which is important: They are practiced in art of legal administration. The judicial temperment requires, to quote Professor Petro again, 'a strong but open mind; a habit of reserving judgment until all the facts are in and disinterestedly evaluated; a willingness to listen—really listen—to argument; patience; respect for the opinions of other judges; a good logical mind which will readily distinguish the relevant from the irrelevant facts and the cogent from the illogical arguments; an inclination to start out every case believing that the facts, the law and the arguments—not the identity of the parties—should determine the decisions."

It is interesting that the courts presently discharge their other responsibilities under the Act—matters such as injunctive relief, national emergency proceedings, breaches of contracts, damage suits for boycotts, and the criminal penalties for certain improper money payments—without apparent problem. Whatever expertise is needed resides, I submit, more clearly in the courts now than it does in the NLRB.

With regard to the argument that the courts are over crowded, by answer I would quote a portion of the 1954 report of the House Committee on Education and Labor:

"We know there are some who say this change is not a wise one—because our federal courts face a growing backlog of judicial business. We review this superficial objection with some dismay. For we hope the day will never come when Congress will deny any litigant his proper access to our courts simply because existing court facilities seem to be overtaxed. We do, however, note the present plight of our Federal judiciary, and to the extent that unfair labor practice cases add to its burden, we recommend that Congress promptly take the necessary steps to increase the number of judges."

I hope it will not be said that S. 3671 represents an anti-union bias. I think I speak for the co-sponsors of S. 3671, as well as for myself, in saying that collective bargaining was the very natural and necessary outgrowth of a social movement toward a system based upon contract. As such, it is an institution symbiotically linked to capitalism. On the individual level, this is the ultimate recognition of a system of private ownership of the means of production.

No, Mr. Chairman, if anything, this legislation is designed to improve collective bargaining by making its institutions more responsive to the needs of its members, by creating an atmosphere of mutual respect between labor and management within their natural adversary roles, and—perhaps most importantly—reassert Congressional dominance over the administrative framework.

I want to point out that E. 3671 does not in any way change substantively our body of labor law. What is defined as an unfair labor practice today will still be an unfair labor practice at such time as this legislation may be signed into law. It simply reassigns jurisdiction.

Finally, I want to mention the Griffin bill which establishes a 15-member Labor Court. As I indicated to Senator Griffin in our colloquy on the floor on 25 March, I am not wedded to any particular approach to the problem. I do favor placing these cases in Federal district courts because I am fearful that a special court might eventually evolve problems similar to those the Board has developed. I would not expect this to occur under S. 3671. I hope the Subcommittee will keep this problem in mind. At the same time it is imperative that some action be taken to alleviate the present intolerable situation, and I am perfectly willing to work with others to develop the best approach.

[From the Fortune magazine, February 1971]

Union Power and the New Inflation

(By Gilbert Burck)

The gravest economic problem facing the Western world in the early 1970's is cost-push inflation powered by excessive wage increases. European economists have been arguing this for about a year, and lately some U.S. economists have come to the same conclusion. In its scope and intensity, this inflation can be regarded as a new phenomenon. By past standards, Chairman Arthur Burns of the Federal Reserve Board recently said, the U.S. Government moderately restrictive monetary and fiscal policies should have slowed the pace of wage increases, along with demand and business activity. But those policies seem to have had little effect on union settlements, and it looks as if only intolerable unemployment could tame them. Excessive wage increases, Burns concluded, are for practical purposes a new problem. Even Nobel Prize winner Paul Samuelson has come around to recognizing the current cost-push inflation as a "new disease."

What is happening, throughout the Western world, is that organized labor is overreaching. The London Telegraph last November caught the spirit of the movement in a cartoon depicting a labor leader haranguing a group of his colleagues: "Nor shall we relax our efforts, brothers, until the lowest paid worker is earning more than the national average wage." At times, indeed, organized labor seems to be chasing the delusion that a society can consume more than it produces, and that everybody can prosper by beggaring his neighbor. But of course a country's real wages, or the purchasing power of money wages, cannot possibly rise faster, on the average, than over-all productivity or output per man-hour. Wage increases in excess of productivity are inevitably followed by unemployment or price increases or both—it is the unorganized, the unemployed, and the aged who pay.

Most labor leaders know all this. Yet unions continue to make excessive demands. U.S. construction wages rose an average of about 19 percent last year, and despite a few wrist slaps by the Administration, construction workers are demanding 50 to 60 percent over the next three years. U.S. auto workers, not content with an annual increase four times the rate of over-all productivity increase, compounded the evil by winning an automatic wage adjustment geared directly to the cost of living. That is to say, they got immunity from the consequences of other workers' exorbitant wage increase. The steelworkers are confidently predicting that they will shake the country down for an even better deal.

The same sort of thing is going on in other industrial nations. Canada's program of voluntary price and wage restraint, accorded wide cooperation by employers, was wrecked by labor's barefaced refusal to go along. In Britain, labor's exactions have reached a crisis stage. Although the productivity of British industry has recently been rising at less than 2 percent a year, wages are rising at something like 13 percent, and prices are accordingly heading up fast. Japan, too, has its own peculiar version of the problem. Even West Germany, long a bastion of monetary stability and fiscal rectitude, has apparently succumbed to the disease—wages are rising about three times as fact as productivity.

Such wage increases redistribute income by force, breaking down time-tested wage differentials that eventually must be restored at the cost of more inflation. Labor's impositions are also accompanied by strikes and slow-downs that seriously reduce national output, or by monetary policies calculated to subdue excessive demand by deliberately reducing output. This is a sorry spectacle—a world wasting resources quarreling about the division of output instead of expanding it. The problem, to be sure, is getting expert attention; rarely have so many eminent and accomplished people advanced so many schemes for dealing with an economic ailment. The trouble is that so far none seems to embody an effective remedy. The malady is a complex mixture of old basic ailments and new complications, and is not likely to be cured by quick or painless treatment.

MONOPOLY ABETS MONOPOLY

The underlying trouble is a phenomenon so much taken for granted that it seldom gets the critical scrutiny it deserves—labor's unique monopoly power. "When you really examine that power today," says an eminent British economist, "it is quite fantastic." Unions were originally established, of course, to protect workers from exploitation and to advance their general welfare. It was partly because of the union's benign role that the Western world put the interests of people as producers ahead of their interests as consumers. Thus favored, however, labor union naturally sought to gain higher wages and benefits for their members than they could get in the open market. They became monopolies. They rig the markets for labor by restricting the supply, thereby raising the price. Allowed to organize like armies, they practice coercion and intimidation, and do not hesitate to disrupt a whole economy to gain their ends. And because a company with great market power can usually afford higher wages than it could if it had to compete vigorously, labor unions tend to abet business monopoly. They even in effect join their employers in exacting tribute from the public, as in the construction industry (see "The Building Trades Verus the People," FORTUNE, October, 1970).

Paradoxically, unions are all the more difficult to bargain with in the name of the public interest because labor power is so fragmented. When people think of monopoly, they tend to think of bigness, but it is not by swinging big aggregations of power that unions have won monopoly wages. One giant union with the power to settle for all would tend to exercise some social responsibility if only because it would lean against excessive wage differentials within its ranks. But many small or relatively small unions, each dominating its own market, have been able to gain more for their members than a single big union could. No country has such a union, with the power to settle for all; almost everywhere the local unions are completely autonomous, often belligerently so.

This autonomy leads to a contest in irresponsibility. Union leaders find themselves driven to get a better deal than their colleagues. Thus they not only put the interests of labor in general above the interests of consumers, but also put the interests of their own unions above those of labor in general. Self-restraint on their part would open them to the charge of being statesmen, and a modern professional labor leader resents nothing so much as being called a statesman. Only romantics, of course, expect him to act like one.

The pattern is reinforced by a new restlessness and disatisfaction in the rank and file. To begin with, workers almost everywhere want more and believe they are entitled to more. They don't know, even if their leaders do, that the rise in the average standard of living is necessarily slow, limited by the rate of increase in real output per capita. What they don't know, unfortunately, hurts everybody.

Their wage expectations are all the higher because work satisfactions in many unionized trades have declined over the years. Only rarely does one find a carpenter or other craftsman who takes pride in his work and goes out of his way to do a good job. In the mass-production industries, younger workers are increasingly alienated from their jobs; for many of them, getting away from the job counts as an additional strike benefit. And some of the pervasive social unrest that afflicts many Western nations finds its expression in the insistent demands of organized labor.

A TENDENCY TO RETREAT

Several trends in industrial nations have conspired to increase the power of unions and weaken the countervailing forces. Government full-employment policies have practically extinguished old fears of being out of a job for a long time. Unemployment insurance and other cushions provided by a well-intentioned society take the hardship out of strikes and enable strikers to stay out in relative comfort until the employer surrenders. As workers develop a taste for very large pay increases, unions become more and more demanding; some union leaders even welcome press attacks on their demands as proof of their manliness and competence. The further employers retreat, moreover, the more aggressively unions behave.

And the tendency of employers these days is to retreat. For one thing, everybody seems to assume at the start that labor is entitled to annual wage increases regardless of what is happening to the economy. Practically nobody any more argues that productivity increases should be passed on in the form of price reductions. Everywhere, or almost everywhere, business assumes that it must yield wage increases that are at least equal to the over-all productivity increase. Thus, by definition, nearly all successful strikes by large unions are inflationary—i.e., they gain *excessive* wage increases. But various pressures operate to force business to give in. There is fear that customers or government or the public will blame the company for the strike. Sitting out a strike in a capital-intensive industry, moreover, can be exceedingly expensive—capital charges go on, of course, whether the plants are working or not. Again, signing an excessively generous contract usually doesn't make a company vulnerable to competition, because its competitors have been or shortly will be burdened with much the same settlement. And to a great extent, employers have been able to pass the higher costs along in the form of higher prices. It is technically true that excessive wage increases would cause unemployment and stagnation unless accompanied by appropriate increases in the money supply, but business knows that government, wanting to avoid high unemployment, will probably ratify excessive wage increases with inflationary monetary policy.

UNIONS VERSUS LABOR

Of all the industrial nations, Britain has been suffering from the most severe case of economic malaise caused by excessive union power. Organized labor is fragmented into 534 trade unions. Their realms are dispersed and overlapping; many factories must deal not only with several unions, but with several factions in each union. Unions representing nine-tenths of all members are affiliated with the Trades Union Congress, but its authority is very limited.

The ability of the unions to keep pushing costs up has graveled Britons of many persuasions, most notably the dogmatic socialists. The socialists championed unionism under capitalism, but they have come to see that no socialist order can tolerate monopolistic trade unions, each trying to outdo the others, and each ready to disrupt the economy to attain its own goal. Perhaps the most eminent exponent of this point of view is Hungarian-born economist Thomas Balogh, Fellow of Balliol College, Oxford. Balogh, was one of the authors of the Oxford studies on which Sir William Beveridge based his 1945 model for the full-employment state. Balogh rose to high places in the Labor party, served as economic consultant to Prime Minister Wilson, and in 1968 was elevated to the peerage. As long ago as 1943 he described British trade-unionism as "one of those monopolistic associations which is syndicalist in its approach, i.e., incapable of securing harmony between the different branches of the economic system." When the Wilson government came to power in 1964, a lot of people, Lord Balogh included, hoped that somehow it would be able to nudge the Trades Union Congress into assuming more responsibility for labor relations and wage policy. But the T.U.C. never did, and union belligerence plagued the Wilson government throughout its tenure. When it tried to push a union-reform bill through Parliament, for example, the unions ganged up to defeat the measure.

Far from moderating, the British cost-push inflation really took off late in 1969. During the last few months of the year, wages were rising at a 9 percent rate. The government then proceeded to do its inflationary thing by rapidly expanding the money supply—at a rate of nearly 18 percent for a while. Last summer, in the classic inflationary sequence, both wages and prices accelerated sharply, and the London financial press labeled the situation the worst crisis since 1931.

In October, Lord Balogh, now chairman of the Fabian Society, discharged a cannonade in the form of a tract entitled *Labour and Inflation*. It dumped practically all the blame for inflation on union leaders. Distinguishing sharply between the interests of labor in general and the interests of particular unions, Balogh argued that the unions have failed labor. The record of twenty-five years, he said, shows that unbridled trade-union action cannot improve the wage earners' share of the national cake; it can only ruin Britain's ability to compete abroad, and lead to accelerating price increases and a cumulative debauching of the currency. Trade unions have got to realize they are no longer weak representatives of the poor. Their strength makes it necessary for them to accept duties and responsibilities to the community. Balogh's somewhat vague solution is a new "Social Contract," reinforced by an independent review body to deal with prices and incomes.

Union leaders denounced the Balogh tract savagely. Jack Jones, the leader of the Transport and General Workers' Union, declared he wasn't going to take criticism from anyone, least of all professors and journalists who knew nothing about wage claims, "as frankly they've never worked in their lives." But British labor unions are going to be encountering more than pamphlets. The Heath government is pushing through Parliament a new comprehensive Industrial Relations Act, which proposes to overhaul the antiquated British negotiating system, and although the unions are denouncing it as an antistrike act, it is expected to pass. The unions' scramble to outdo one another in wage rises has reinforced a widespread feeling in Britain that there is a need for some kind of intervention to subdue wage inflation.

THAT OLD STABILITÄTSBEWUSSTSEIN

For a long time it looked as if West Germany had the right formula for combining swift growth, full employment, and stable prices. Over the five years 1965–69, G.N.P. rose at a rate of 7.5 percent and consumer prices at about 2.5 percent; unemployment averaged less than 1 percent. Underlying this enviable record was the national fear of inflation, dating back to the great postwar inflation of 1920–23 and the lesser but still severe inflation of 1945–48. As Rudolf Henschel, secretary of the executive committee of the German Federation of Trade Unions (D.G.B.), puts it, the people of West Germany have a *Stabilitätsbewusstsein* (stability consciousness). The average West German, recent public-opinion polls suggest, actually understands that he is better off with a combination of steady prices and small wage raises than with large raises and rising prices.

In keeping with the stability consciousness, West Germany has enjoyed what might be called a statesmanlike labor movement. It has gone out of its way to gear wage demands to the country's ability to pay. This lack of belligerence stems in part from arrangements designed to give organized labor a secure and responsible place in the social structure. A few years after the end of World War II, the coal and steel industries agreed to put union members on corporate boards of directors. Later on, an elaborate profit-sharing scheme was established throughout the country. And organized labor is less fragmented in West Germany than in the U.S. and England. There are only sixteen unions, and each is represented in the federation. Although they are strictly autonomous, they seem to think pretty much alike. West Germany, moreover, has imported two million "guest workers," mainly from Yugoslavia, Turkey, and Italy; while most of them are union members, their presence has eased the labor market and helped soften demands for higher wages.

On top of all this, Economics Minister Karl Schiller about four years ago introduced what he called *Konzertierte Aktion* (Concerted Action). It was less vigorous than its name suggests: a group of representatives of government, banks, labor, and management simply met regularly for a kind of kaffeeklatsch. In Schiller's words, "It amounts to a discussion of our economic panorama, of our national account, of our alternatives and possibilities for the future." But if they did not really act in concert, the participants did apparently get to understand one another. For some time, at least, there appeared to exist a working informal consensus that helped to keep union demands within reasonable limits.

Then, in 1969, the edifice of orderly give-and-take seemed to fall apart. In the fall of that year the country was racked by a wave of wildcat strikes. Germany, too, is troubled by political unrest, and although union officials play down the idea, some responsible people blame the uproar on agitators, including a group known as the "Extra-Parliamentary Opposition," organized and subsidized by the "East" (i.e., the Communist bloc). Whatever the origin of their unrest, the wildcat strikers made much of employers' high profits. The unions had agreed to moderate their wage claims in the slowdown of 1967, and with profits high the workers wanted more.

The practice of linking wage demands to profit levels has been troublesome in other nations too. If they surpass productivity gains, wage increases geared to profits are just as inflationary as increases claimed on other grounds. More important, the notion that labor has a right to share in an industry's exceptional profitability is dubious to begin with. Although profits tend to fluctuate with productivity, they are only partly a function of productivity, and depend on many other factors as well. The appropriate, equitable correctives for too-high profits in a given industry are more employment, lower prices, and more investment in that industry. Temporary increases in relative wages are economically justified only when needed to attract more workers to the industry; the practice of funneling abnormally high profits into abnormally high wages tends to constrain efficiency and output.

West German workers, at all events, are getting highly inflationary wage increases. Last fall some four million metalworkers (steel, iron, vehicles, etc.), who had contented themselves with a modest 3 percent gain in 1969, won raises ranging between 11 and 14 percent, against a national productivity increase of 4 to 5 percent. Since then, union demands have swelled even larger. As prices have gone up less steeply than wages in recent union settlements, some German workers are for the moment enjoying considerably enhanced purchasing power; but as other workers get *their* big increases, prices will catch up. Demand and profits, moreover, are softening, and appear to be in for a sluggish year or two. Will unions that got big increases be content with much smaller ones next time around, or will the pressure from below oblige them to demand too much for the health of the economy and society?

Both the Federation of German Industry and the Economics Ministry optimistically hope that labor will display some of that old *Stabilitätsbewusstsein*. Their official projections suggest that average wage increases will taper off during the next few years to a point where consumer prices will be rising at somewhere between 1 and 2 percent. The Federation of Trade Unions professes a similar optimism, which may mean that the unions are actually planning to exercise restraint. "German unions," says economist Karl-Heinz Friedrichs of the metalworkers' union, "want *real* increases, not money increases."

But a lot of fingers are crossed, including those of Karl Klasen, head of the Bundesbank (Germany's central bank). Unlike the U.S. Federal Reserve, the Bundesbank would not dream of contracting the money supply to the point of bringing about a significant rise in unemployment (now about 0.5 percent). That, says Klasen, would be "politically impossible." So aside from tightening credit, Klasen can only hope, like the Economics Ministry, that stability consciousness will prevail. Nearly everything that has happened in the world of organized labor since World War II has tended to support the late Henry Simons' famous generalization, put forward in 1944, that monopoly power has no use except abuse. Within a year or two the world will know whether West German labor unions provide an exception.

A "RITUAL" OF NEUTRALISM

Economists aren't waiting. They are proposing a variety of remedies, all of which in one way or another restrain or counterbalance the monopoly power of labor. Although it is still fashionable among those plugging for restraints to equate business' market power with labor's monopoly power, the equation simply isn't valid. Most business organizations exercise nothing like the market power of organized labor. All U.S. companies are in one way or another subject to the antitrust laws. The prices of natural monopolies, such as utilities and transportation companies, are regulated by the government. Even companies in highly concentrated industries, such as steel, autos, and computers, are constrained by market discipline (the latest evidence is an analysis conducted by Professor J. Fred Weston of the University of California at Los Angeles). And prices of commodities, of course, respond to the forces of supply and demand. When the copper supply shifted from scarcity to abundance not long ago, the price suddenly began to fall. Representatives of the producer countries and their workers fared to Paris to discuss ways of halting the decline, but even while they huffed and puffed, the price of copper fell more steeply than ever. The price of union labor, however, never falls. It moves only upward. And nowadays it moves upward even when the economy is faltering.

Accordingly, it is a mistake to insist that any restraint imposed on wages must be matched by a corresponding restraint on prices. This mistake is an example of what economist George Terborgh some time ago called "ritual neutralism." Last month Edwin L. Dale Jr., economic correspondent of the New York *Times*, put the case against present-day ritual neutralism this way: "Public debate and discussion of the present inflation issue has been bedeviled by a fatal semantic error: the use of the term 'price and wage problem.' It is a *wage* problem, and it will not be solved until the 'plague on both your houses' mentality is overcome. Corporate profits, no matter how measured, are not the culprit now." Dale's proposed remedy for inflation has a certain grandeur about it, but it suffers from a neutralism of its own, lumping together all kinds of earners and all kinds of compensation. For the next two years, he suggests, the federal government should prohibit employers from increasing anybody's compensation more than 3 percent a year. Prices, meanwhile, would be subject to no restraints except market forces.

YES FROM BUSINESS, NO FROM LABOR

Very few of the dozens of ideas that have been put forward in recent months go anywhere near this far. Most, indeed, are rather vague. But practically all recognize that reasonable fiscal and monetary restraints alone are not likely to retard the current climb in union wages. The minimal program, just one degree beyond doing nothing, is "moral suasion," an elegant synonym for jawboning. Even Raymond Saulnier, Chairman of the Council of Economic Advisers under Eisenhower, argues that the White House should take the lead in spelling out the implications of labor-cost increases three or four times as great as productivity increases. The most notable convert to moral suasion, considering his past views and his present position in the U.S. Government, is Arthur Burns, who in early December proposed a high-level wage-and-price review board with broad authority to investigate, advise, and recommend price and wage changes. It would lay down guidelines, in short, but would have no power to enforce them.

Burns, as it happened, advanced his idea at an inauspicious time. Only a few days before his speech, Canada abandoned its experiment with voluntary guidelines. The experiment had begun in June of 1969, with the establishment of a prices and incomes commission under John H. Young, professor of economics at the University of British Columbia. Young, a dedicated and persuasive man, patrolled the country, preaching the gospel of voluntary restraint. Labor, arguing that prices and profits must be restrained first, refused to cooperate.

Young took up labor's challenge. Early in 1970, at a conference on price stability, he persuaded 250 of Canada's leading businessmen to agree to keep price increases "clearly below" cost increases for the rest of the year. Afterward he persuaded hundreds of other businessmen to join the movement. The price curve flattened out dramatically.

But when Young's commission indirectly tried again last spring to persuade labor to hold wage demands down—6 percent was the recommended guidepost—labor again refused. Wage settlements subsequently ran as high as 15 percent. The national government itself was forced to grant postal workers a raise of close to 10 percent. Late in the fall, when Young and his men again took to the road to ask businessmen to extend the pact six months more, they got a uniformly cool reception. The upshot was Young's announcement that wage-and-price guidelines would not be extended beyond the end of the year.

The Canadian experience supports the arguments of those who say that voluntary guideposts will not work. And Burns, among others, has recognized that guideposts might need additional support. He has suggested that Congress might have to subject labor disputes involving the public interest to compulsory arbitration, and that the President might have to suspend the Davis-Bacon Act, which augments union power in the construction industry by fixing wage rates on federally financed projects at the highest prevailing rates.

Professors Henry Wallich of Yale and Sidney Weintraub of the University of Waterloo in Canada have independently proposed using a profit tax to "defuse" union power. To induce employers to stand up to excessive wage increases, they would levy an extra tax on the profits of companies granting such increases. Wallich and Weintraub point out that their plans involve no coercion and employ only market forces. But such plans could also impose additional burdens in the wrong place, leaving the power of unions untouched.

TO END THE FREE-FOR-ALL

A good many ideas for restraining inflation, appropriately enough, are being hatched in Britain. Something ought to be done, many British economists are beginning to say, about the extreme decentralization of organized labor, which virtually compels union leaders to keep on demanding excessive increases. Henry Phelps Brown, a professor at the University of London, recently published in the London *Times* a proposal "to end the pay claims free-for-all." Those who make wage decisions, he argues, must be confronted with the consequences of those decisions. "At present," he wrote, "they are not. Any one inflationary settlement is not followed immediately by a rise in the prices of what the employees buy. On the contrary, their purchasing power rises initially in full proportion to the rise in their pay . . . This must be so as long as decisions about pay are taken singly. Only when the parties to these decisions are brought together on a broad front, to consider rises in a large number of rates of pay at the same time, can they see inflationary rises for the delusion that they are, at the time when the rises are decided."

So Brown proposes to establish a National Council for Pay, which would represent management, employees, and the public, and would lay down general wage guidelines. Each sector of employment would be represented by a similar tripartite council that would apply the guidelines to the particular circumstances. The decisions of the councils would be binding. Although strikes would continue to be legal, strikes that breached the prescribed procedures would be denied the normal protection of the laws.

All these proposals and the many others that have been advanced are welcome signs that the problem of union monopoly is getting wide and thoughtful attention. But though they may hobble union power somewhat, none of them offers a convincing remedy even for the short run, much less the long. Time may prove that there is no remedy except a direct legislative assault on the monopoly power itself—perhaps, as some have proposed, a revision of the antitrust laws that will put business and union labor on a roughly equal footing. The labor unions were in 1914 specifically exempted from the Clayton Act on the grounds that the labor of a human being is not a commodity or article of commerce. But many argue that this provision does not make any sense these days when it is the labor unions that are exploiters.

But much will have to happen before any intervention so apocalyptic comes to pass. In the meantime, any effective program to restrain cost-push inflation must include measures to chip away at union puissance. One step, for example, might be to end the practice of letting strikers draw unemployment insurance. Another might be to abolish union control over the admission, training, and certification of skilled workers. Still another might be a crackdown by federal and state authorities on the unions' use of violence in industrial disputes.

THE TRUE ECONOMIC STRUGGLE

While such measures to redress the balance of power between business and the unions are being talked about, hopes for reasonable price stability continue to be dependent to a large extent on the good sense and statesmanship of labor leaders. This is a somewhat disconcerting prospect, but it has a redeeming feature. Unless labor does show some sense and statesmanship, informed public opinion may well get so fed up with abuse of union monopoly power that it will in time support radical legislation to restrain that power. Labor still has great political strength, but, after all, more than three-quarters of the U.S. labor force does not belong to any union.

The unions are already getting a bad press, as more and more reporters and editorial writers blame inflation on union power rather than business power. These rumblings in the papers may be important signs of a developing shift in public opinion. Perhaps large numbers of people are coming to understand that the true economic struggle these days is not between workers and employers, but between labor monopoly power and the community.

There are other signs of the times, too. When the city's taxi drivers recently went on strike, New Yorkers discovered they could get along pretty well without taxis; and the drivers discovered they weren't quite as indispensable as they thought. And in the United Kingdom last December, some 125,000 electrical workers, demanding a wage increase of 25 to 30 percent, decreed a work slowdown that blacked out parts of the country. Public hostility rose to the point where bartenders and shopkeepers refused to serve the strikers. The union backed down, and the government succeeded in referring its demands to a court of inquiry. If the unions want to disprove the axiom that monopoly power has no use except abuse, perhaps they had better start soon.

By Mr. TOWER:

S. 1321. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I introduce a bill which would offer a solution to a small but important personnel problem which exists today in the military.

A service member now has only 1 year to select a home for purposes of transporting his dependents and household. In actuality, more time is often needed for a serviceman to choose his retirement locale. The first location may very well only be a tentative one, while the serviceman obtains a civilian job or finds a suitable area for quiet retirement. Since many of these career servicemen have been moving around the country and the world during their 20 or more years in the service, it may very well take some time for them to ascertain to their satisfaction where they will be best suited.

I think that it would not really cost the Defense Department significantly more to carry this relocation period for an additional 2 years, so that the retired serviceman will have adequate time to make his choice of a final home for his retirement years. Consequently, my bill would allow a total of 3 years for the relocation period of the retired serviceman under the Joint Travel Regulations of the Uniformed Services.

I hope that the Senate will examine this question carefully in this session of Congress and make a needed change in this provision.

I also believe that this is one of the many small improvements we need to consider in order to make military service more attractive. Thus, my bill is compatible with overall efforts to encourage volunteers in the hope of eventually achieving an all-volunteer force.

I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1321

A bill to amend title 37, United States Code, so as to extend from one to three years the period that a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 404(c) of title 37, United States Code, is amended by striking out "one year" and inserting in lieu thereof "three years".

(b) Section 406(g) of such title is amended by striking out "one year" and inserting in lieu thereof "three years".

By Mr. TOWER:

S. 1322. A bill to provide excess storm loss reinsurance for commercial fishing fleets. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I introduce today for appropriate reference a measure designed to give some relief to the owners and operators of the Nation's fishing fleet. I have become concerned recently that many fishermen and shrimpers are no longer able to operate their boats properly, due in large part to the ever-increasing insurance rates. In my own State of Texas, there have been two major hurricanes in the last 3 years. As a result of these storms, large segments of the fishing fleet were either completely destroyed or severely damaged. Fortunately, however, most of that damage was covered by insurance. The real problem seems to be that the disaster reserves that insurance companies in the area have kept for such storm emergencies are depleted, and the companies are having to raise premiums on this type of insurance in order to raise the necessary reserves. Some companies have even stopped writing this type of insurance altogether, since the risk of these disasters has been so apparent in the last 3 years.

As the price of insurance is rising, and nearly every other cost of doing business is going up at the same time, the small fisherman or shrimper finds it nearly impossible to insure his boat, even if he can find somebody to write it. In fact, there are currently only two markets for this type of insurance, and both of them seem to be in danger, I feel that it is imperative that we take immediate steps to come to the assistance of this most important industry in the United States in this limited, proper way.

Mr. President, my legislative proposal would amend the Fish and Wildlife Act of 1956, as amended, by creating a new section, section 4A, dealing with storm reinsurance. The Secretary of Commerce would be authorized to take the necessary action to provide reinsurance to carriers against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. In carrying out his authority under this act, the Secretary would establish the fishing fleet reinsurance fund. In this way, we would not only be helping to insure that there would be private insurance available and that the Government would not have to ultimately move into this field, as the Government of Canada has found it necessary to do already; but, more hopefully, we would also help to entice new companies into this field of insurance by making it profitable again. At present, a company might only write such a policy for one of its better customers in order to be of assistance to that particular customer. The fisherman or shrimper who has no other insurance, but who needs the protection for one or a few boats, has little chance of purchasing adequate protection at any price, much less at a cost which he can afford. I hope that after they have had a chance to examine the record many of my collegues will join me in sponsoring this legislation.

Mr. President, I do not view this as an attempt to put the Government irrevocably into the fish industry insurance business. Rather, I view this measure as an extension of the principle that has governed storm losses on land for years: where private companies are unable to protect against storm and storm-related losses at reasonable rates. The Government has moved in and underwritten this disaster insurance. It is now time that the Government provide the same protection to the man who makes his living offshore as it already does for the man who makes his living on shore. The fact that there are currently only two concerns that even consider writing this type of insurance for the average fisherman or shrimper in the Gulf of Mexico area shows that we are in a crisis situation. If we should wait until after there is another storm in the gulf, there might indeed be no insurance industry left to save and no fishing or shrimping fleet left to worry about.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1322

A bill to provide excess storm loss reinsurance for commercial fishing fleets

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a), is amended by inserting after section 4 thereof a new section as follows:

"STORM REINSURANCE

"SEC. 4A. (a) The Secretary of Commerce is authorized to take such action as may be necessary to provide reinsurance to carriers against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. The Secretary may enter into such contracts, agreements, or other arrangements, upon such terms and conditions as may be agreed upon, with such carriers in order to carry out the purposes of this section. The Secretary may issue such regulations regarding the classification, limitation, or rejection of excess loss risks reinsured by him under this subsection as he deems advisable.

"(b) (1) Reinsurance under subsection (a) shall be made available to any carrier who issues insurance against (A) probable storm losses at premium rates approved by the Secretary consistent with the objective of this section to provide insurance against such probable losses at reasonable costs, and (B) excess storm losses at no premium charge, but subject to reinsurance by the Secretary under this section.

"(2) Premium rates established by the Secretary for probable loss coverage shall be—

"(A) uniform with respect to similar classifications of property and risks;

"(B) sufficient to provide adequate proceeds to pay all claims for probable losses over a reasonable period of years; and

"(C) exclusive of any loading for administrative expenses of the United States under this section.

"(3) No premium may be charged any carrier for excess loss reinsurance unless the Secretary determines that such carrier's probable loss experience justifies the imposition of such a premium, but in no case shall an excess loss reinsurance premium exceed premium rates established under paragraph (2) of this subsection for any classification of property.

"(d) (1) The Secretary is authorized to establish a Fishing Fleet Reinsurance Fund (hereafter called the 'fund') which shall be available without fiscal year limitations to make such payments as may be required under reinsurance contracts, agreements, or other arrangements under this section.

"(2) The fund shall be credited with reinsurance premiums, interest which may be earned on investments of the fund, such amounts as may be appropriated for the fund or advanced to the fund from appropriations, and receipts from any other source.

"(e) For the purposes of this section—

"(1) 'citizen of the United States' includes a corporation, partnership, or association which is organized under the laws of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(2) 'carrier' includes private insurance companies, associations of persons engaged in the business of commercial fishing, associations of persons who own commercial fishing property, or any combination thereof;

"(3) 'commercial fishing property' means any real or personal property (including vessels and any machinery, equipment, or gear thereon) of which at least 50 percent of the interest therein is owned by a citizen of the United States and which is used in the business of commercial fishing; and

"(4) 'storms' includes hurricanes, typhoons, waterspouts, tidal waves, and any other such wind or water disturbance, whether or not directly caused by meteorological forces, as the Secretary may define by regulation to be included in the definition of storms.

"(f) No contract, agreement, or other arrangement for reinsurance shall be issued or entered into under this section covering risks against which insurance is available on reasonable terms from other public or private sources."

By Mr. TOWER:

S. 1323. A bill to provide for the appointment of additional U.S. district judges. Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I introduce today a measure which would create an additional judgeship for the Northern District of Texas, giving the area seven in all. The need for this judgeship has previously been recognized by the Judicial Conference of the United States and should be considered, I believe, on an emergency basis. The Northern District of Texas is comprised by 100 counties and encompasses more than 95,000 square miles. In this district, there is a population of 3,625,739, which is quite a substantial increase over the figure for 1960. The district has had only one new judgeship since 1961, whereas civil filings have risen 110 percent, criminal filings more than 70 percent, and bankruptcy cases more than 296 percent.

From these statistics, the case for an additional judgeship can easily be made, but additional reasons exist. The northern district was given increasing habeas corpus jurisdiction by a 1966 congressional act. These cases are, for the most part, complex and time consuming. Another burden results from the nature of the cases in the northern district, for example, 58 percent of all bankruptcy and more than 50 percent of all insurance transactions in Texas occur in the northern district.

The Bar Association of the Northern District of Texas, along with the presiding judges there and the Judicial Conference of the United States, are united behind the effort to provide an additional judgeship for this area. The President's call for improving judicial machinery and the speediness of trial and our own effort here for a 60-day time limit for instituting trial in criminal matters, a measure introduced by Senator Ervin and which I cosponsor, call attention to the need for this action. I hope that we will be able to give this important matter our speedy consideration.

By Mr. CANNON:

S. 1328. A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for members of the Armed Forces of the United States while on temporary duty. Referred to the Committee on the Judiciary.

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill to amend the Gun Control Act of 1968 to provide for certain exceptions for members of the Armed Forces of the United States while on temporary duty.

One of the fundamental constitutional rights we enjoy as American citizens is the right to carry and use firearms, as sportsmen and for the protection of our home. I think we would all agree that the proper function of gun control legislation should be to cope with crime and violence while not treading on the rights of those legitimately using guns. This was the intent of the Congress in passing the Gun Control Act of 1968. At the time of passage, I favored a cautious wait-and-see attitude to determine how well the act would carry out the above intent.

These gun laws should be continuously reviewed for the swift elimination of those provisions which prove only an annoyance to decent citizens and are not useful to fight crime.

With this in mind, I am today introducing an amendment to the Gun Control Act of 1968 which would allow members of the armed services who are serving at temporary duty locations to transport into or purchase sporting firearms in the State of their temporary duty.

I have introduced this measure because I feel it is unfair to prohibit servicemen on active duty for our country from enjoying hunting and sportshooting activities on their off-duty hours merely because they are not in their home State.

Mr. President, I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1328

A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for members of the Armed Forces of the United States while on temporary duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 925(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) Subject to regulations issued by the Secretary of the Treasury, the provisions of this chapter shall not apply with respect to the sale, transportation, shipment, receipt, or importation of any firearm or ammunition which is purchased by any member of the United States Armed Forces while serving on temporary duty at the location of such duty and which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, and (B) intended for the personal use of such member.

By Mr. GRAVEL:

S. 1329. A bill to establish the Joint Federal-State Natural Resources and Land-Use Planning Commission for Alaska. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, I send to the desk a legislative proposal to establish a "Natural Resources and Land-Use Planning Commission in Alaska."

Several forces come together to make the timing propitious for the creation of a new organizational entity in Alaska devoted to a joint Federal-State approach to wise planning and optimal use of the public land resources of Alaska. These include:

First, the legislative expiration of the Federal Field Committee for Development Planning in Alaska on June 30, 1971;

Second, the recommendation of the Public Land Law Review Commission—"One-third of the Nation's Land"—in June 1970 to establish a joint Federal-State natural resources and regional planning commission for Alaska in the interest of the wise management, disposition, and utilization of the land resources of that state;

Third, the need and opportunity for coordinated and comprehensive land-use planning as Alaska continues selecting the remaining 90 million acres provided under the Alaska Statehood Act and the Federal Government looks to its alternative uses and disposition of the balance of the public land resource—still to be two-thirds of the State when the selection process is completed;

Fourth, the anticipated settlement by the Congress of the Alaska Native claims issue with very substantial land-use implications;

Fifth, the imminence of oil pipeline and other transport network development, the dependence of Alaska's economy on the land resource and the increasing attention to environmental preservation matters;

Sixth, the likelihood of a "Federal Regional Council" established in Alaska by the Bureau of the Budget and designed to accomplish program coordination among line agencies; and

Seventh, the interest of the administration and the Congress in finding new mechanisms for solving intergovernmental problems.

After the Federal Reconstruction and Development Planning Committee for Alaska completed its activities in the year immediately following the March 1964 earthquake, the Federal Field Committee for Development Planning in Alaska was created by Executive Order No. 11182 to harness the longer term development forces occasioned by the postearthquake reconstruction period. A counterpart Executive order was signed by the Governor of Alaska to make the enterprise a joint Federal-State effort.

The Federal Field Committee first reported to a Cabinet Committee on Alaska and subsequently to the Federal Advisory Council on Regional Economic Development—also a Cabinet committee, and to which the Appalachian and so-called Title V Regional Action Planning Commissions also report. The field committee was underpinned by legislation in 1967 and, like most of the other regional development experiments, is due to expire June 30, 1971. It appears that there is no interest on the part of the administration to extend its life and the field committee was instructed last year to prepare to shut down. It has made some valuable contributions over its 5-year existence, and at least two contractor evaluations have been made of its design and operations.

The Public Land Law Review Commission performed an extensive Alaska land law study in the course of its existence, and recently included in its final report—June 1970—several Alaska recommendations. While it concluded that, generally, public land laws should apply equally in all States, the situation is entirely different with regard to planning for the future. This difference comes from the fact that State selection of public lands is to continue to 1984, and that it is essential that there be carefully coordinated planning between the Federal Government and the State during the period. The PLLRC also properly pointed up the special need in Alaska for coordination by Federal land management agencies with local and State governments, and the need for the State of Alaska to be given a greater role in planning the future uses of the public land base.

Finally, by way of placing in perspective the joint interest of the State and the Federal Governments in this important field, the PLLRC wrote:

> The emphasis given to the state's desires and needs underscores the Federal responsibility to plan for the retention and management or disposition of the lands that it will have after the selection process is completed, in a manner not to thwart the state's effort to chart its own destiny.

I understand that Chairman Aspinall has indicated in public that the first recommendations of the PLLRC to be treated by the new Congress will be those dealing with the organization of public land agencies and the establishment of land use planning objectives and procedures. A proposal such as contained here would seem to be consistent with the chairman's legislative schedule.

In informal conversations with the Bureau of the Budget there is indication that the administration would favor such a proposal as is here made for Alaska. The BOB has long taken a special interest in Alaska and recognizes the importance of a smooth functioning Federal-State policy planning effort. Also since the BOB has recently created Federal regional councils around the country for program coordination and intends to establish a similar entity in Alaska—perhaps related to a "parent" Seattle FRC—the opportunity is there for the creation of a planning entity for the major remaining public policy issue in Alaska, that is, what to do with the land resource in all its varied aspects.

The Public Works Committee itself is now reviewing portions of the Public Works and Economic Development Act including those relating to regional commissions. The present law allows for the creation of a title V regional commission in Alaska—and in Hawaii—but this has never been encouraged and it appears this would not be a good direction to pursue. Note, too, that the field committee in the legislative process has always looked to the Interior committees and not the Public Works committees, and the attached proposal would presumably have the Alaska Natural Resources and Land-Use Planning Commission take the same route. Since the Alaska Commission is of limited duration, unique in structure, and with a well defined specific task, it should report to the President, which is to say a designated senior White House staffer. To have the Commission enter Government through some existing line agency would be to largely lose the full participation of all other Federal agencies who would be members of the Commission.

The overall emphasis, then, should be to encourage the fullest involvement of the State government in Alaska, and this can only be accomplished by the direct participation and support of the Governor. While the Federal cochairman would be a Presidential appointee in order to provide a base of influence with the member agencies, the person's primary qualification should be professionalism and appropriate administrative and technical skills with minimum concern for political affiliation.

Lest there be any doubt about the extent of the Federal Government's involvement in Alaska as that involvement relates to the land resources, several scattered statistics may be instructive. For example, while the Federal Government owns one-third of the Nation's land, almost half of this total acreage is in Alaska. Sixty percent of the Interior's land holdings are in Alaska, 11 percent of Agriculture's, and 8 percent of DOD's holdings. Other statistics indicating the appropriateness of a Federal concern for land-use planning include the estimates that 94 percent—by acres—of national lakes and reservoirs for recreation are in Alaska; 83 percent—by miles—of fishing streams; 76 percent of the unsurveyed lands of the Nation; 73 percent of the wild game habitat; and a third of the Nation's big game animals. This is without any reference, of course, to the vast values involved in the minerals and timber estate.

The conclusion seems clear that both the State and Federal governments have a mutual interest in joining together in a land planning effort at a high policy level over the coming 5 years. In a recent hearing before the Interior and Insular Affairs Committee, Gov. William A. Egan of Alaska, testifying on native claims matters now before Congress, stated that his administration was prepared to introduce counterpart legislation in the State legislature to parallel the bill I now introduce for appropriate referral and, I hope, early action. Governor Egan has already introduced the counterpart legislation in Alaska.

By Mr. WILLIAMS:

S. 1331. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, the grave crisis which our Nation is experiencing in the availability and delivery of vital health services is of prime concern to us all. Contributing to the development of this situation are: Increased demands for health care; inequality of availability and access to care; overload pressures on established health care institutions forcing a decline in the quality of care; and as is so often headlined, the everincreasing cost of health care.

Solutions to these problems are neither simple nor easy. Manpower, facilities, economics, and geography must all be considered as we move toward providing a better system.

During the past several months we have heard a great deal about the need for more doctors and dentists. And to help provide the means for training these and other health professionals, Senator Kennedy and I have introduced legislation to amend and expand the Health Professions Education Assistance Act so that our current and future needs in this area can be met.

I am disturbed, however, that we are not hearing much said, either by the press or by the present administration, about the need for more nurses. Today, there are some 700,000 practicing registered nurses in the United States and it is estimated that this represents a present shortage of 150,000. By 1975 it is projected that we will need 300,000 more nurses than are currently available and unless we take some dramatic steps it will be impossible to meet that need.

In September of 1964, during the 88th Congress, title VIII, the nurse training section, of the Public Health Service Act was enacted and signed into law. It was amended in the 90th Congress which extended the program for 2 fiscal years.

As presently written, the nurse training title authorizes grants in aid to collegiate, associate degree, or diploma schools of nursing. It provides for traineeships for the advanced training of nurses and allocated money for loans to undergraduate nursing students. And, in addition, it provides construction funds for the building of facilities for nurse training.

Since the time the original legislation took effect there has been a substantial increase in the number of nurses who were prepared by the Nation's schools of nursing. In 1964, prior to the enactment of the nurse training act there were 129,269 students enrolled in schools of nursing. Six years after the Nurse Training Act, in 1970, there were 163,743 students enrolled in nursing schools—a 26.6 percent increase. Had it not been for this law, we might have had an even greater shortage of nurses than currently exists.

But, we have found that we still lack the adequate resources. Several nursing schools are in severe financial distress. Some State university nursing programs have had to restrict enrollment because they do not have enough money to continue at present levels. And so, if we are to come close to meeting the goal of 1 million nurses by 1975, nursing schools and their students must receive more ample Federal assistance than ever before.

On June 30, 1971 the current law will expire. Thus we now have the opportunity to take meaningful steps so that we can overcome the deficit which now exists in the nursing field.

I am today introducing the Nurse Manpower Training Act of 1971 to extend and to modify title VIII of the Public Health Service Act.

This bill, which has the support of the American Nurses Association, the National League for Nursing, the American Hospital Association, the American Association of Deans of Collegiate Schools of Nursing, and the Federation of Associations of Schools of the Health Professions, is designed to overcome the critical shortage of nurses by increasing and restructuring Federal support for the training of nurses. The heart of this bill is the recognition that our institutions for the education of nurses are a precious national resource and, as such, they deserve the protection provided by a substantial and predictable commitment of Federal financial assistance.

First, the bill will increase construction authorizations from $35 million in fiscal year 1971 to $40 million in fiscal year 1972, $45 million for fiscal year 1973 and $50 million for fiscal year 1974. In addition, the maximum Federal share would be increased from 66⅔ to 75 percent in the case of major expansions of training capacity and from 50 to 66⅔ percent in the case of other construction.

Second, it would establish a new program of institutional grants based on a capitation formula for the allocation of funds to nursing schools. Each school would receive $2,000 per year full-time nursing student providing the enrollment of first-year students was increased by 5 percent—or 10 students—over the average first-year enrollment of the two highest first-year enrollments over the past 5 years. Not only will this section provide a more realistic approach to meeting the financial needs of nursing schools but it will provide the necessary incentive for the schools to expand their enrollments and thus increase the supply of this vitally needed manpower resource.

This bill would substantially expand the loan program for nursing students. Maximum annual loans would be increased from $1,500 to $2,500 and the maximum limit on the cumulative amount that may be loaned to an individual nursing student would be increased from $6,000 to $10,000. An important feature of the loan provisions would provide that up to 100 percent of the loan principal and interest could be canceled at the rate of 20 percent per year if a nurse chooses to serve in a nonprofit agency or institution. This cancellation rate could be increased to 33⅓ percent per year when a nurse serves in a nonprofit hospital in areas where there is a substantial shortage of nurse manpower.

Other features of the bill include authorization for traineeships for the advanced training of nurses and the bill would provide scholarship grants at a rate of $3,000 multiplied by one-tenth of the full-time enrollment of nursing students.

Mr. President, we were all dismayed and disappointed when we learned that the President's fiscal year 1972 budget for nursing education had been cut by $6.6 million from the fiscal year 1971 level. This is indeed difficult for me to understand since the administration has proposed a $90 million increase for education of other health professions.

In addition to augmenting the number of nurses in the United States, we must make it possible for them to function at their optimum level. They must be prepared to help provide primary health care to families, to screen and refer those in need of special health services, and they must be trained to decide when a physician needs to see a patient. But we cannot increase the quality of nursing care unless we are willing to make a substantial investment in the training of these personnel.

At a time when it is acknowledged by the President, by the Congress, and by the people of this Nation that our health care system is in jeopardy, we must proceed without hesitation to expand and support our nurse training facilities and to allow for the placement of these nurses in the areas where they are most critically needed. I think that the bill I am introducing today provides an opportunity for us to accomplish this task. In my judgment, we can afford to do no less.

Mr. President, I ask unanimous consent that the text of this bill and a brief summary of its provisions be printed in the Record immediately following my remarks.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 1331

A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Nurse Manpower Training Act of 1971."

CONSTRUCTION GRANTS

Sec. 2. (a) Section 801(a) of the Public Health Service Act is amended by (1) striking out "and" after "1970", and (2) striking out the period at the end and inserting in lieu thereof a comma and "$40,000,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974."

(b) Section 802(a) of such Act is amended by striking out "1970" and inserting in lieu thereof "1973".

(c) Clause (A) of section 803(a) of such Act is amended by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum"; and clause (B) of such section is amended by striking out "66⅔ per centum" and inserting in lieu thereof "75 per centum" and by striking out "50 per centum" and inserting in lieu thereof "66⅔ per centum".

IMPROVEMENT GRANTS

Sec. 3. (a) Section 808(a) of the Public Health Service Act is amended to read as follows:

"Sec. 808. (a) For grants under section 805 there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972; $25,000,000 for the fiscal year ending June 30, 1973; and $30,000,000 for the fiscal year ending June 30, 1974."

(b) Effective with respect to appropriations under section 808(a) of such Act for fiscal years beginning after June 30, 1971, section 805(a) of such Act is amended by striking out "the sums available therefor from appropriations under section 808 for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "appropriations under section 808(a)".

INSTITUTIONAL GRANTS

Sec. 4. (a) Effective with respect to appropriations under section 808(b) of the Public Health Service Act for fiscal years beginning after July 30, 1971, subsection (a) of section 860 of such Act is amended to read as follows:

"Sec. 806. (a) The sums appropriated under section 808(b) shall be distributed to the schools with approved applications as follows: Each school shall receive $2,000 for each full-time student enrolled in such school in the school year beginning in such fiscal year."

(b) The first sentence of subsection (b) of such section 806 is amended—

(1) by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973"; and

(2) effective with respect to grants made under such section for fiscal years beginning after June 30, 1971, by striking out "July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollment, or by five students" and inserting in lieu thereof "July 1, 1966, through June 30, 1971, by at least 5 per centum of such average first-year enrollment, or by ten students".

(c) Effective with respect to grants under section 806(a) of such Act for fiscal years beginning after June 30, 1971, subsection (c)(1) of section 806 of such Act is amended to read as follows:

"(c)(1) For the purposes of this part and part D, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school or in a particular year-class in a school, as the case may be, on the basis of estimates, on the basis of the number of students who were enrolled in a school or in a particular year-class in a school, in earlier years, as the case may be, or on other such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year."

(d) Subsection (b) of section 808 of such Act is amended to read as follows:

"(b) For grants under section 806 there are authorized to be appropriated $275,000,000 for the fiscal year ending June 30, 1972; $325,000,000 for the fiscal year ending June 30, 1973; and $375,000,000 for the fiscal year ending June 30, 1974. Sums appropriated pursuant to this subsection for a fiscal year shall remain available for obligation through the close of the next fiscal year."

TRAINEESHIPS

Sec. 5. Section 821(a) of the Public Health Service Act is amended (1) by striking out "and" after "1970,", and (2) by inserting after "1971," the following: "$20,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, and $24,000,000 for the fiscal year ending June 30, 1974,".

LOANS

Sec. 6. (a)(1) Effective with respect to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu therof "$2,500".

(2) Section 823(a) of such Act is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) Effective with respect to any year of service ending after the date of the enactment of this Act for which cancellation of all or part of a loan made under part B of title VIII of the Public Health Service Act is authorized under section 823(b)(3) of such Act, such section is amended to read as follows:

"(3) an amount up to 10 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency, at the rate of 20 per centum of the amount of such loan (plus interest) unpaid on the first day of such service, for each complete year of such service, except that the rate shall be 33⅓ per centum for each complete year of service as such a nurse in a public or nonprofit private hospital in any area which is determined, in accordance with regulations of the Secretary, to be an area which has a substantial shortage of nurses at such hospitals;".

(c) Section 824 of such Act is amended (1) by striking out "and" immediately after "1970,", (2) by striking out "and such sums for the fiscal year ending June 30, 1972" and inserting in lieu thereof "$25,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975", and (3) by striking out "before July 1, 1971" and inserting in lieu thereof "before July 1, 1974".

(d) Section 826 of such Act is amended

by striking out "1974" each place it occurs and inserting in lieu thereof "1977".

(e) The first sentence of section 827(a)(1) of such Act is amended by striking out "next three fiscal years" and inserting in lieu thereof "next six fiscal years".

SCHOLARSHIP GRANTS

SEC. 7. Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971—

(1) subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974."; and

(2) subsection (c)(1) of such section is amended (A) by striking out "1970, and the next fiscal year" in clause (A) and inserting in lieu thereof "1972, and the next two fiscal years", (B) by striking out "1971" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1972, and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two".

Summary of Provisions of the Nurse Manpower Training Act of 1971

SEC. 1. The title of the Act is the "Nurse Manpower Training Act of 1971".

SEC. 2. The authorizations for appropriations for the construction of educational facilities for nurse training would be $40,000,000 for fiscal year 1972, $45,000,000 for fiscal year 1973 and $50,000,000 for fiscal year 1974. The maximum Federal share would be increased from 66⅔ percent to 75 percent in the case of major expansions in training capacity and from 50 percent to 66⅔ percent in the case of other construction.

SEC. 3. The authorizations for appropriations for project grants to improve nurse training programs would be $20,000,000 for fiscal year 1972, $25,000,000 for fiscal year 1973, and $30,000,000 for fiscal year 1974.

SEC. 4. A new program of formula grants on a per capita basis would be authorized by this section. Each school would receive $2,000 per year per full-time nursing student, providing the enrollment of first-year students was increased by 5 percent or 10 students, whichever is greater, over the average first-year enrollment of the two highest first-year enrollments over the past five years. The authorizations for appropriations would be $275,000,000 for fiscal year 1972, $325,000,000 for fiscal year 1973 and $375,000,000 for fiscal year 1974.

SEC. 5. The authorization for appropriations for traineeships for the advanced training of nurses would be $20,000,000 for fiscal year 1972, $22,000,000 for fiscal year 1973, and $24,000,000 for fiscal year 1974.

SEC. 6. The maximum annual loan per nursing student would be increased from $1,500 to $2,500. The maximum limit on the cumulative amount that may be loaned to an individual nursing student would be increased from $6,000 to $10,000. Up to 100 percent of the loan principal plus interest could be cancelled at the rate of 20 percent per year for service as a nurse in a non-profit agency or institution and at the rate of 33⅓ percent per year for service as a nurse in a nonprofit hospital in areas with a substantial shortage of nurses. The authorization for appropriations would be $25,000,000 for fiscal year 1974.

SEC. 7. Grants for scholarships would be authorized at the rate of $3,000 multiplied by one-tenth of the full-time enrollment of nursing students.

By Mr. HARTKE (for himself and Mr. Allen, Mr. Randolph, Mr. Mansfield, Mr. McGee, Mr. Hruska, Mr. Hart, Mr. Eastland, Mr. Muskie, Mr. Magnuson, Mr. Hughes, Mr. Eagleton, Mr. Bible, Mr. Ribicoff, Mr. Curtis, Mr. Stevenson, Mr. Allott, Mr. Pastore, Mr. Burdick, Mr. Fulbright, Mr. Percy, Mr. Cook, Mr. Humphrey, Mr. Montoya, Mr. Thurmond, Mr. Metcalf, Mr. Hansen, Mr. Gurney, Mr. Mondale, Mr. Moss, Mr. McGovern, Mr. Harris, Mr. Brooke, Mr. Stevens, Mr. Williams, Mr. Case, Mr. Inouye, Mr. Cannon, Mr. Dominick, Mr. Church, Mr. Chiles, Mr. Gravel, Mr. Bayh, Mr. Beall, Mr. Hollings, Mr. Nelson, Mr. Young, Mr. Goldwater, Mr. Boggs, Mr. Bentsen, Mr. Tunny, Mr. Mathias, Mr. Schweiker, Mr. Tower, Mr. Fannin, Mr. Baker, Mr. McIntyre, Mr. Jackson, Mr. Prouty, Mr. Cranston, Mr. Bellmon, Mr. Byrd of West Virginia, Mr. Javits, Mrs. Smith, Mr. Kennedy, and Mr. Miller):

S. 1335. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. Referred to the Commitee on Finance.

INTRODUCTION OF A BILL TO LIBERALIZE PROVISIONS OF DISABILITY INSURANCE LAW FOR BLIND PERSONS

Mr. HARTKE. Mr. President, since becoming a Member of the U.S. Senate, I have introduced many measures to aid blind people in their valiant struggle to achieve a normal life, and no actions I have taken since joining this distinguished body have given me greater satisfaction than those measures that are now Federal law and beneficially affecting the lives of our sightless fellow citizens.

Today I am again introducing a bill to liberalize the provisions of the Federal disability insurance law for blind persons

The bill I am introducing today is similar in all major respects to S. 2518, which, I am very proud to say, had the cosponsorship of 68 other Senators who joined with me upon introduction. And it is identical to H.R. 14673 which was introduced in the House of Representatives by Congressman James A. Burke of Massachusetts who was joined by 159 other House cosponsoring Members.

So, Mr. President, 229 Members of the 91st Congress believed as I did, as Congressman Burke did, that the Federal disability insurance law should be liberalized to benefit blind persons.

And the House and Senate both responded to this tremendous demonstration of support for the disability insurance for the blind bill:

The Ways and Means Committee of the House incorporated a proposal of the bill liberalizing eligibility requirements for blind persons in H.R. 17550.

The Finance Committee of the Senate adopted, in full, S. 2518 as an amendment to H.R. 17550, the Social Security Amendments of 1970.

Of course, it was most unfortunate that time did not permit a reconciliation of differences between Senate and House-passed social security measures.

Millions of elderly and disabled people—thousands of blind people—were the losers by this failure.

Again, I am reintroducing the disability insurance for the blind bill.

It is my hope that finally and at long last, the 92d Congress will enact this measure into Federal law and make its beneficial provisions available to thousands of blind persons who have waited so patiently for the help this measure will provide.

In summary this will would:

First, reduce the number of quarters from 20 of the last 40 to 6 anytime earned, during which a blind person must be employed in social security covered work to qualify for disability benefit payments.

Under existing law, a disabled applicant must work for 5 of the last 10 years in social security covered work to be eligible for disability payments.

Second, the "earnings" test in disability insurance would be entirely eliminated for blind persons applying for or receiving disability payments.

Under existing law, any appreciable earnings—$140 monthly—disqualifies disabled persons from receiving or continuing to receive disability insurance payments.

For a more detailed consideration of my bill, Mr. President, for a fuller exposition of the issues this bill raises and the arguments in support of its proposals, I ask unanimous consent to print in the Record at the conclusion of my remarks the text of the bill, followed by an explanatory fact sheet.

There being no objection, the bill and fact sheet were ordered to be printed in the Record, as follows:

S. 1335

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214(a) of the Social Security Act is amended by inserting "or" at the end of paragraph (3) and adding the following new paragraph (4)—

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b)(1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of "blindness" as defined in section 216(i)(1)(B)), such individual's average monthly wage shall be the quotient obtained by dividing (i) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and that fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph 2(C), by (ii) the number of months in such quarters, except that any such individual who is fully insured (without regard to section 214(a) (4)) shall have his average monthly wage computed under this subsection without regard to this paragraph, if such computation results in a larger primary insurance amount."

(d) Paragraph (3) of section 216(i) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2) (C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31 not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i) (1) (B)) and has not less than 6 quarters of coverage in the period which ends with such quarter;

except that the provisions of that part of subparagraph (A) of this paragraph which precedes clause (i) shall not apply in the case of an individual with respect to whom a period of disability would, but for such provisions, begin before 1951. For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b) (1) of such Act is amended by inserting "(other than such an individual whose disability is blindness, as defined in section 216(i) (1) (B))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a) (1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or whose disability is blindness (as defined in section 216(i) (1) (B)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i) (1) (B)). the month in which he attains age 65"; and

(3) by deleting the last sentence thereof.

(g) Paragraph (1) of section 223(c) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i) (1)-(B)) and has not less than six quarters of coverage in the period which ends with the quarter in which such month occurs.

"For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d) (1) (B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216 (i) (1) (B))."

(i) The second sentence of section 223(d) (4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i) (1) (B))" immediately after "individual".

SEC. 2. In the case of an insured individual who is under a disability (as defined in section 223(d) (1) (B)), who is entitled to monthly benefits under section 202(a) or 223 for a month after the month in which this Act is enacted, and who applies for a recomputation of his disability insurance benefit or for a disability insurance benefit (if he is entitled under section 202(a)) in or after the month in which this Act is enacted, the Secretary shall, notwithstanding the provisions of paragraph (5) of section 215(b) as amended by this Act, if such recomputation results in a higher primary insurance amount.

SEC. 3. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

IMPROVED DISABILITY INSURANCE FOR THE BLIND

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

HISTORY

Offered in the 88th Congress by Senator Hubert Humphrey as floor amendment to H. R. 11865 (Social Security bill); adopted by voice vote without a dissent, lost when Social Security conferences ended in deadlock.

Offered in 89th Congress by Senator Vance Hartke, as S. 1787; 41 co-sponsors; adopted as floor amendment to H. R. 6675 by 78 to 11 roll call vote.

Offered in 90th Congress by Senator Vance Hartke, as S. 1681, 57 co-sponsors, including nine of the 17-member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 1280; one provision approved in House-Senate Conference, making the generally accepted definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program.

Offered in the 91st Congress in the Senate by Senator Vance Hartke, as S. 2518, 68 co-sponsors including nine of the 17 member Committee on Finance; adopted by Committee on Finance as amendment to H. R. 17550; offered in the House by Congressman James A. Burke, as H. R. 3782 (identical to S. 2518), and, slightly modified, as H. R. 14673, 160 co-sponsors including eleven of the 25-member Ways and Means Committee; offered in the Ways and Means Committee by Congressman Burke; Committee adopted liberalizing eligibility proposal of H. R. 14673; no further action since House-Senate Conference on Social Security matters was not held.

PROVISIONS

Allows qualification for disability benefits under the above definition if the blind person has worked six quarters in Social Security-covered work, rather than twenty of the last forty quarters as presently required to be eligible, as in all other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $140 a month as provided in existing law.

WHAT CHANGES WOULD DO

The Disability Insurance for the Blind bill would transform the Disability Insurance Program providing only subsistence income to long-time employed but presently unemployable blind persons into a system providing short-term employed persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-oriented economy and society.

WHY CHANGES NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration, because they are blind—to these people the requirement of employment for a year and a half in Social Security-covered work, instead of the five of the last ten year requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are qualified by talent and training for work, when they are skilled and able to operate successfully with blindness, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability payments is greatest in a workingman's life.

The bill recognizes that a person who tries to function, sightless, in our sight-structured world, functions at a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

Sighted family members and friends may be helpful, when the inclination moves them to be helpful, but the blind vending stand operator, the blind lawyer or teacher, the blind piano tuner, even the blind housewife soon discovers that sight which is hired is more reliably available than sight which is given from kindness.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which his sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespective of his earnings, this bill would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

By Mr. MONDALE (for himself and Mr. RANDOLPH):

S. 1336. A bill to limit the amount of

the monthly premium for participation in the supplementary medical insurance program established by part B of title XVIII of the Social Security Act. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 1337. A bill to amend title XVIII of the Social Security Act to provide full payment—subject to any deductibles and coinsurance generally applicable—for whole blood furnished an individual under the program of health insurance for the aged. Referred to the Committee on Finance.

MEDICARE AMENDMENTS

Mr. MONDALE. Mr. President, inflation is wrecking the lives of many older Americans. Not only are their fixed incomes hurt the most by rising prices, but they pay a disproportionate share of some of the fastest rising costs in our economy.

Nowhere is this problem more severe than in the squeeze between meager and declining incomes of senior citizens, and the escalating costs of their medical care.

To assist older Americans with these medical costs, I am introducing amendments which will relieve a portion of the most inequitable costs which they now bear.

I propose to reduce the medicare premium costs for part B coverage for professional care; second, I propose removal of the obnoxious requirement that medicare patients pay a blood deductible charge for the first 3 pints of blood they may require. Finally, Mr. President, I wish to reemphasize the need to expand medicare coverage for out-of-hospital drug costs.

Persons over age 65 constitute only about 10 percent of our population. But 20 percent of the poor people in the United States are over 65.

While inflation takes an increasing toll, the number of persons between 65 and 70 who are employed has fallen by half in the last 15 years.

While the number of all poor persons in the United States fell 36 percent between 1959 and 1968, the number of poor persons over 65 was reduced by only 16 percent.

The incomes of older Americans fall farther and farther behind inflation. Only 17 percent of retired Americans have incomes outside their pensions, and in Minnesota the monthly social security payment to retired workers averages $100.

In recent years, medical costs have risen more than 33 percent faster than the Consumer Price Index.

It was gratifying to see the broad support in the Congress for the recent 10 percent social security benefit increase. But much remains to be done to improve the economic situation for older citizens. The legislation on medicare now pending in the House gives us another opportunity to help senior citizens.

In Minnesota this year, 400,000 older citizens will be asked to pay more than $31 per year more in medicare part B premiums, for professional care, than in 1966 when the program began.

The Nixon administration has increased these premium costs to participants in medicare's supplementary medical insurance program by 33 percent in the last 2 years. The Secretary of Health, Education, and Welfare has raised those costs, originally $3 per month, to $4 in April 1968, $5.30 a month as of July 1970, with another increase anticipated in July of 1971, to around $5.60.

For the great majority of the 20 million medicare beneficiaries, this last increase is intolerable. For, while the administration plans to further increase costs in part B premiums and has increased costs by 18 percent in deductible and per diem payments, they have not sought commensurate increases in social security payments. The increase of 6 percent the administration asked for this year was really no increase, but would have just kept up with inflation. Including the 1970 social security increases, the minimum benefit for a man and his wife is $1,152 a year. This is less than one-half the $2,671 per year estimated by the U.S. Bureau of Labor Statistics as necessary to permit existence at the poverty line for a retired couple.

My amendment would roll back the monthly premium to $4 through June 1971. Effective July 1, 1971, my bill will return the monthly premium for part B to $3 a month, as it was in 1966 when the program was initiated. This additional cost of about $230 million will be paid out of the general fund.

When this program was established, it was decided that half of the cost would be borne out of general revenues of the Federal Government. The other half was to be borne by the participants. Had the cost of living remained reasonably stable, this would have been tolerable. But, in the face of recent and continuing inflationary developments, we cannot ask these poor, aged beneficiaries to pay even one-half of the increased physicians' charges that have been experienced since medicare went into effect.

Seven million people age 65 and over are living in poverty or near poverty, many of them receiving no income except social security benefits. We have succeeded in amending our tax laws so that some of those living in poverty can be freed of Federal income taxes. It makes no sense to levy an increase of $15.60 a year on a person living in poverty just because it is calculated as some kind of "share" of the medical insurance program. This has the effect of saddling those already in poverty with the cruel costs of inflation. My amendment provides a better way.

Since medicare went into effect in 1966, there have also been very substantial increases in the deductible portions of hospital and extended care charges which participants must pay. For example, the hospital deductible was initially set at $40, the payment per day after the 60th day at $10, the individual's share of the lifetime reserve days was $20, and the payment per day for extended care facility charges after the 20th day was $5. The Department of Health, Education, and Welfare increased these charges on January 1, 1970, to $52, $13, $26, and $6.50, respectively.

In short, the administration lays the full burden of inflationary medical costs upon those who have the greatest need for medical care and the least capacity to meet these added burdens.

The increasing deductibles and per day payments will constitute a nearly crushing burden on many of those beneficiaries, who receive benefits at or near the minimum, if they must be hospitalized. For those who have attempted to protect themselves against this risk by private health insurance to supplement the hospital and medical coverage under medicare, the picture is no better.

For example, premiums for the medicare supplementary insurance offered by Blue Shield in Minneapolis have recently been increased from $7.95 a month last year to $14.90 a month today. Thus, these costs have increased by 87 percent in 2 years.

With reference to the second amendment I submit today, Mr. President, one of the most insensitive provisions of medicare is the requirement that participants pay a "blood deductible" charge for the first three pints of the lifegiving fluid which they may require. I offer an amendment to abolish this absurd and inhumane regulation. It is difficult enough for older citizens to maintain dignity in their lives, struggling against inflation and rising medical costs with limited incomes. To sick older citizens without money, and often far removed from possible family blood donors, this blood deductible is a cruel insult. The cost of my amendment is only $16 million per year, only one-eighth the amount we recently approved for 1 year for an impractical space shuttle station.

Finally, Mr. President, I want to reiterate my support for providing coverage of out-of-hospital drug costs under medicare. As Senator MONTOYA has pointed out so ably and so often, this reform is long overdue.

Approximately 3.8 million persons spend more than $100 a year on prescription drugs alone. Older persons pay 20 percent of all prescription drug costs in America.

They cannot afford these expenses. We are all aware that study after study, by the administration and by the Congress, has recommended that medicare assume these costs.

I offered an amendment to this effect in the last Congress, and I urge the passage of the Montoya amendment at the first opportunity this session.

The medicare amendments of 1971 offer the 92d Congress a major opportunity to show that human concerns come first in its order of priorities, and that the pressing needs of older Americans will be met.

By Mr. EAGLETON (by request):

S. 1338. A bill to authorize the Government of the District of Columbia to fix certain fees;

S. 1339. A bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes; and

S. 1340. A bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA LEGISLATION

Mr. EAGLETON. Mr. President, as chairman of the Fiscal Affairs Subcommittee of the Committee on the District of Columbia, I have the honor to introduce for appropriate reference two bills which have been submitted as part of the District of Columbia legislative package. I am also introducing a bill at the request of WMATA as the local governmental authority responsible for public transportation in the area. As soon as the city agencies and commissions have completed submission of their programs, I intend to announce hearings on the bills within my subcommittee's jurisdiction.

The bill "To authorize the Government of the District of Columbia To Fix Certain Fees," would allow the City Council to change, from time to time, a number of relatively minor fees specified by Congress in 21 separate statutes.

The District of Columbia Capital Program Finance Act of 1971 would shift—on a phased basis—District public works financing from direct Federal loans to local District of Columbia bonds. This would remove an immediate burden from the U.S. taxpayer for financing District of Columbia public works projects while simultaneously providing the District with a financial management mechanism of sufficient flexibility so that it can respond to the city's highest priority needs. The other major element of the bill would finance construction of permanent campuses for Federal City College and the Washington Technical Institute by capital grants rather than the loans now employed.

The third bill, which I am introducing on behalf of the Transit Commission would extend for 3 years the school fare subsidy authorized in Public Law 90–605. There is now a statutory requirement that the bus fare for schoolchildren going to and from school be no more than one-half the regular adult fare. If an extension is not authorized, the burden of providing reduced rates for schoolchildren will revert automatically to the bus riders.

By Mr. PERCY:

S. 1341. A bill to amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grant for certain mass transportation projects and to remove certain limitations on the amount of grant assistance which may be made available in any one State;

S. 1342. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants for comprehensive long-range planning for the development of balanced statewide or regional transportation systems; and

S. 1343. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants to assure adequate commuter service, and to permit a State to elect to use funds from the highway trust fund to achieve a balanced transportation system. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1344. A bill to revise and improve national transportation programs. Ordered by unanimous consent to be held at the desk.

THE NATIONAL TRANSPORTATION POLICY

Mr. PERCY. Mr. President, during the second session of the 91st Congress, we enacted several major pieces of legislation in the transportation field. These measures are likely to have an immense impact on the shape of our national transportation policy.

We passed and the President signed into law three major pieces of legislation: the Urban Mass Transportation Assistance Act, the Federal-Aid Highway Act, and the Airport/Airways Development Act.

The Urban Mass Transportation Assistance Act, passed by resounding margins in both bodies, commits Congress to a $12 billion investment in mass transportation over the next 10 years and provides $3.1 billion in contract authority over the next 5 years. The Urban Mass Transportation Administration will provide two-thirds of the costs of projects to construct or modernize mass transit systems.

The Federal-Aid Highway Act provides for completion of 42,500 miles of interstate highways by 1978. It extends the Highway Trust Fund through fiscal 1978 and authorizes expenditures from the Trust Fund of $4 billion through fiscal 1977. These funds will finance the Federal Government's 90 percent share of the cost of the Interstate system, the 50 percent share of the cost of the primary and secondary road system—this will become 70 percent in 2 years—and the Government's share of certain other programs related to Federal-aid highways.

As my colleagues may recall, the Highway Trust Fund was created 15 years ago when highway-related excise taxes were assigned to it by the Highway Revenue Act of 1956. These taxes include manufacturers' taxes on gasoline and lubricating oil for highway use, trucks and buses, truck and bus parts, tires, tubes, and tread rubber for highway use; retailers' taxes on diesel and special fuels for highway use; and taxes on the use of heavy highway motor vehicles. These taxes were extended by last year's legislation.

I wish to point out that Congress has actually authorized only $3.1 billion for mass transit development over a 5-year period, while it has authorized $4 billion a year, or $20 billion over 5 years, for highway construction.

The Airport/Airways Development Act creates an airport/airways trust fund to finance the development of the U.S. airport and airways system and assigns revenues from fuel, ticket, freight, and registration taxes to the fund. Congress has committed itself to expenditures of not less than $2.5 billion over the next 10 years for improvement of the airways system.

The legislation which I have described briefly includes many forward-looking provisions, but it also contains some discouraging aspects.

Let me address myself first to the negative points.

While this legislation provides additional funds for alternative means of transportation, it tends to perpetuate the great imbalance in the allocation of our resources to various modes of transportation. In the postwar years, the Federal Government has spent nearly $80 billion for domestic transportation. Almost three-quarters of these funds have gone for highways; 16 percent has gone for aviation; about 8 percent has been expended on waterways; the remainder—about 1 percent—has gone for urban mass transit or high-speed ground transportation.

Under the provisions of the legislation we passed last year, we shall continue to spend 10 times more annually on highways than on airports and airways and about seven times more annually on highways than the development of mass transit.

How can this imbalance in transportation spending be justified to the 80 percent of our population living in urban areas—a proportion that will grow to 90 percent by the year 2000? I submit that we cannot. And it is instructive to note in this context that the Bureau of Roads proposes that an estimated $95 billion be spent on freeway and arterial highway construction in our urban areas in the next 20 years.

I do not deny the very great benefits that residents of urban areas and other parts of the country have gained from highway development nor do I doubt that there will be a need for further development. But I believe it is also clear that we have an overwhelming need to develop other modes of transportation, especially in our cities.

Automobiles have supplied us with great mobility, but this mobility is being greatly reduced by the escalation of traffic congestion. And, of course, a great many other social costs are involved.

The able Member of the other body, Mr. Koch of New York, has summarized the basic issue very well:

> What our cities need are not more highways, but mass transit. Our cities simply don't have the resources for large intracity highway networks; they don't have the space; they can't afford the loss of housing demolished to make way for the highways; they don't have facilities to park the cars that highways disgorge into the city's core each day; and their citizens' health cannot support all the pollution spewed into the air through auto emissions.

Our mass transit requirements are literally staggering. The Institute of Rapid Transit computed the capital needs of just 19 major metropolitan transit systems in the coming decade to be nearly $18 billion. The American Transit Association has concluded that the total capital and operating needs of the transit industry over the next 10 years will average about $2.8 billion a year more than is available in current revenues, private capital and local subsidy funds. Urban Mass Transportation Administration funds obviously will do little more than put a dent in equipment needs; they do not, of course, touch operating needs.

Estimates prepared for the Urban Mass Transportation Administration place the total national capital requirements for mass transit for the decade at between $28 and $34 billion. UMTA now has applications pending which total $2.7 billion, including $544 million in requests from the city of Chicago.

What makes this situation even more depressing is the fact that the Department of Transportation is cutting back Federal commitments for mass transit capital programs in fiscal year 1971 by $200 million, from the $600 million authorized by Congress to $400 million. The UMTA is requesting only $269.7 million in new obligational authority for capital facility grants in fiscal 1972.

All this is taking place at a time when our urban transportation plant is continuing to age, service is deteriorating, ridership is declining, fares are increasing, and companies are failing. It is tragic to note that 258 transit companies have failed between 1954 and 1970.

But the imbalance in funding is not the sole reason for my concern over the legislation Congress passed last year.

Congress decided in 1970 to perpetuate the highway trust fund and to create a new one, the airport/airway trust fund.

The existence of these separate trust funds does not allow for a rational allocation of resources among various modes of transportation. They militate against the design and development of a balanced transportation system.

The highway trust fund, for example, provides a powerful incentive to the States to build more and more highways that qualify as part of the Interstate Highway System. No other transportation program provides for 90 percent of the cost to be borne by the Federal Government.

Gov. Francis Sargent of Massachusetts has said in this context:

> The states have been getting very heavy funding for highways and states have always tried to get as much of the available Federal funds as they could. There simply hasn't been a reasonable amount for other modes.

The choice facing the States is simply to build highways or to do nothing.

Funds allocated to a State from the trust fund are returned to the fund if they are not used for highways.

The result is that local choices are distorted: Highways are built and other modes of transportation are neglected. And, as a consequence, other forms of urban and interurban ground transportation have not been given a fair chance to prove what drawing power they might have had if they had been developed with even half the $50 billion or more spent on highways since 1956.

Moreover, the presence of these trust funds means that our transportation system cannot be seen as an interrelated whole. Yet, it is undeniable that the development of one form of transportation—say, a mass transit facility—redounds to the benefit of the user of another form—such as a highway user. A witness at hearings on transportation financing before the Joint Economic Committee's Subcommittee on Economy in Government indicated last year that 35 percent of the benefit of a new subway would accrue to highway users.

It is apparent that comprehensive planning and coordination of different modes of transportation—highway, rail, air, mass transit, and so on—is exceedingly rare and that it is not stimulated by the policies of the Federal Government. Federal categorical programs and trust fund financing have supported the separate and isolated development of each mode of transportation and have reduced the flexibility of local areas to meet the particular needs of that area.

Gov. Marvin Mandel of Maryland, vice chairman of the Transportation Committee of the Governors' Conference, feels that States should be allowed to set their own transportation priorities.

> There is a growing awareness—

He has said—

> that transportation must be viewed as a total system—planned and financed in co-coordinated fashion—and not as a series of unrelated modes whose end result is clogged and polluted cities, unaccessible airports, and bankrupt railroads.

He has urged greater latitude for States in spending transportation funds, saying:

> The transportation priorities of Wyoming and Colorado are not the transportation priorities of Maryland or Massachusetts or California.

The legislation adopted by Congress last year and actions taken by the administration this year provide us with some hopeful signs, however. There are indications that we are taking steps to reverse the longtime nonpolicy in the transportation field.

I am thinking first of the provisions in the Urban Mass Transportation Act calling on the Department of Transportation to study the feasibility of and the mechanisms for providing Federal assistance to help defray the operating costs of urban mass transit companies. I am pleased that Secretary Volpe expects to have preliminary data on this subject in June and the full report by October.

I also draw some encouragement from the provisions of the Federal Aid Highway Act of 1970 that set aside funds for the construction of exclusive or preferential bus lanes, highway traffic control devices, and passenger loading areas and facilities, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. These provisions, plus those calling upon the Secretary to study the relationship between highway programs and public transportation services which use highways, give some evidence of movement toward a coordinated Federal transportation policy.

This movement should be given tremendous impetus by an extremely important provision of the Airport/Airways Development Act. It requires the Secretary of Transportation to submit recommendations to Congress for a national transportation policy involving—

> The coordinated development and improvement of all modes of transportation together with the priority which shall be assigned to the development and improvement of each mode of transportation.

If the Secretary's report fulfills the promise of this act, then we will have come a long way in developing a truly coordinated plan for the development of our transportation system.

Some flexibility also may be introduced into transportation development by means of special revenue sharing. The administration has proposed the combining of all Federal-aid highway programs except the Interstate system, State and local highway safety programs and the highway beautification programs, into one special revenue-sharing program. Grants made to the States will be spent more in accordance with their own transportation plans and priorities than has been true in the past.

While all of these developments are very much to the good, a great deal remains to be done if we are to reduce the imbalance in our transportation expenditures, to promote the planning and development of a balanced transportation system and to assure financing for this development.

I am today introducing four bills which in combination represent a comprehensive and far-reaching program to meet our national transportation needs. On a general level, these measures are designed to accomplish five objectives:

To provide emergency assistance to mass transit agencies;

To provide immediate and long-range financial relief in substantial amounts to those modes of transportation which have been short-changed in favor of highways;

To provide for the rational planning and future development of a balanced transportation system on a regional, statewide, and national level;

To provide trust-fund financing of transportation development; and

To assure maximum flexibility and maximum funding for transportation development by incorporating the highway trust fund into the special revenue-sharing proposal for transportation, thereby creating a national transportation trust fund.

Now I would like to explain each of my proposals in more detail.

The first bill would amend the Urban Mass Transportation Act to allow a larger Federal share of net project costs and would repeal a provision of that bill limiting a State's share to not more than 12½ percent of available funds. My bill would raise the Federal share of net project costs to 90 percent if the Secretary of Transportation found that a particular project were vital to the implementation of a State or regional transportation plan. The Federal share of all other projects would be raised to 75 percent. The effects of this legislation would be to end the discrimination against the large, more urbanized States with the greatest need for mass transit development; to stimulate comprehensive planning by State and regional transportation agencies, and to help to equalize the funding of transit and highway projects. More funds would be available to the urban areas for transit, thus easing the strain on the limited resources of the cities.

My second bill would amend the Urban Mass Transportation Act of 1964 by creating a program of grants to State and regional bodies to support studies of transportation needs and the development of comprehensive transportation plans. The bill spells out application procedures as well as the minimum content of State plans. An expenditure of $25 million would be authorized for each of the next 3 fiscal years.

The third bill has two titles: The first is the Emergency Commuter Relief Act, which Senator WILLIAMS and I introduced several weeks ago. The second title would give Governors the authority to divert funds from the highway trust fund to support other modes of transportation. My purpose in tying the Williams-Percy bill to the diversion of funds from the highway trust fund is to indicate that these diverted funds may be used to provide emergency relief to transit lines suffering from operating deficits and capital indebtedness.

Title II would allow diversion of funds from the highway trust fund for any legitimate transportation purpose. One-half of the money diverted would be returned to the States in block-grant form; the remainder would be distributed by the Secretary of Transportation in accordance with the provisions of various transportation grant-in-aid programs.

The effect of this bill would be to give Governors flexibility in allocating funds for transportation purposes and to encourage the design of balanced transportation development programs suited to the individual needs of the States.

The last bill in my transportation package would create a national transportation trust fund. This bill would combine the revenues generated for the highway trust fund and the airport/airways trust fund with funds from the Treasury equivalent to those now authorized for programs for mass transit and Federal-aid highways. All specific transportation aid programs would be terminated on the date that the new trust fund was created.

My bill also would direct the Secretary of Transportation to prepare a comprehensive national transportation development plan, which would include formulas for the allocation of trust fund moneys to the States. In order to receive an allocation, States would have to submit individual transportation development plans indicating the ways their apportionment from the trust fund would be used. While new flexibility is introduced by this form of revenue sharing, accountability of the States would continue to be insured by the planning requirements.

I feel strongly that with a general trust fund it would be possible to allocate funds rationally among transportation modes, choosing in each individual situation the mode which will most efficiently and effectively serve our need for mobility.

Mr. President, I ask unanimous consent that the text of my bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1341

A bill to amend the Urban Mass Transportation Act of 1964 to increase the amount of the Federal grant for certain mass transportation projects and to remove certain limitations on the amount of grant assistance which may be made available in any one State

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for such a project shall not exceed (1) in the case of any such project found by the Secretary to make a substantial contribution to fulfilling a comprehensive Statewide or regional transportation development plan which has been approved by the Secretary and the Governor or Governors of the State or of States involved, 90 per centum of the net project cost, or (2) in the case of any such project not meeting the requirements of clause (1), 75 per centum of the net project cost."

SEC. 2. Section 15 of the Urban Mass Transportation Act of 1964 is repealed.

S. 1342

A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants for comprehensive long-range planning for the development of balanced Statewide or regional transportation systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof a new section as follows:

"COMPREHENSIVE TRANSPORTATION PLANNING GRANTS

"SEC. 17. (a) The Secretary is authorized to make grants to State and regional planning agencies for the development of comprehensive long-range plans for balanced transportation systems within the areas served by such agencies. Planning assisted under this section shall include, without being limited to, the formulation of proposals for developing and maintaining various and coordinated modes of transportation to meet present and foreseeable needs and the allocation of funds which are available or will become available over a period of not less than five years for the constituent elements of such a balanced transportation system. A grant under this subsection shall—

"(1) be made upon the basis of an application, approved by the Governor or Governors of the State or States involved, setting forth estimates of the cost of carrying out the planning to be assisted, and indicating the manner in which the public and local governmental bodies within the area to be served will participate in such planning; and

"(2) not exceed 75 per centum of the cost of carrying out the activities for which the grant is made.

All grants under this section shall be subject to terms and conditions prescribed by the Secretary.

"(b) In addition to the grants provided for in subsection (a), the Secretary is authorized to make grants to any municipality, county, or other political subdivision of a State for planning in connection with and essential to (as determined by the Secretary) the development of long-range comprehensive plans for a balanced Statewide or regional transportation system. A grant under this subsection shall be made only on the basis of an application meeting criteria established by the Secretary which is submitted by the municipality, county, or other political subdivision, or agency thereof, undertaking the planning activities, and has been approved by the Governor of the State in which the locality is situated. No grant under this subsection shall exceed 50 per centum of the cost of carrying out the activities for which the grant is made.

"(c) To finance grants under this section there is authorized to be appropriated not to exceed $25,000,000 for each of the first three fiscal years commencing after June 30, 1971. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year."

S. 1343

A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants to assure adequate commuter service, and to permit a State to elect to use funds from the highway trust fund to achieve a balanced transportation system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY ASSISTANCE TO ASSURE ADEQUATE MASS TRANSPORTATION SERVICE IN URBAN AREAS

SHORT TITLE

SEC. 101. This title may be cited as the "Commuter Emergency Relief Act".

FINDINGS

SEC. 102. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of the society depends upon the provision of efficient, economical, and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation systems to continue to provide vital service during the period required to overhaul and revitalize mass transportation operations and to place such operations on a sound financial basis.

EMERGENCY GRANTS TO PAY INDEBTEDNESS

SEC. 103. The Urban Mass Transportation Act of 1964 is amended—

(1) by redesignating sections 6 through 16 as sections 8 through 18, respectively; and

(2) by inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAKE ANNUAL DEBT PAYMENTS

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to assist in paying the yearly interest on and discharging annual obligations on securities, equipment trust certificates, or other similar instruments of indebtedness which have been incurred in the acquisition, construction, reconstruction, improvement, and leasing (exclusive of any charge for operation or maintenance) of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may not be made under this subsection unless the Secretary determines that it is essential to prevent (1) the termination of a significant part of the transportation service for a community, or (2) the occurrence of a serious adverse effect upon the welfare of a substantial number of lower income persons who are dependent upon the transportation service of such community. The amount of any grant made by the Secretary under this subsection shall not exceed twice the amount provided by the grant applicant (from other sources than current revenues of a mass transportation system) for use in paying such interest or obligations during the year in which the grant is made.

"(b) To finance grants under subsection (a) of this section, there is authorized to be appropriated $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

INTERIM ASSISTANCE TO ASSURE ADEQUATE MASS TRANSPORTATION SERVICE IN URBAN AREAS

SEC. 104. The Urban Mass Transportation Act of 1964 is amended by inserting after section 6 (added by section 103 of this Act) a new section as follows:

"INTERIM ASSISTANCE

"SEC. 7. (a) For the purpose of providing interim assistance to assure adequate mass transportation service in urban areas, the Secretary is authorized to make grants to any State or local public body or agency thereof to enable it to assist any mass transportation system which maintains mass transportation service in an urban area within its jurisdiction to defray annual net operating deficits incurred as the result of providing such service to such areas. No grant shall be provided under this section unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed for carrying out a program referred to in section 4(a), and (2) the applicant State, public body, or agency, and the operator (if a different entity) of such system, have jointly submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis.

"(b) The amount of any grant under this section to a State or local public body or agency thereof to defray the operating deficit of any mass transportation system shall not exceed twice the amount of financial assistance provided by such State, public body, or agency to such system to defray such deficit.

"(c) The Secretary shall issue such regulations as he deems necessary to administer this section in an equitable and efficient manner. Such regulations shall include appropriate definitions of (1) the items of cost and revenue to be used in determining annual net operating deficits, and (2) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"(d) To finance grants under this section, there is authorized to be appropriated not to exceed $75,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount so appropriated shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made pursuant to this section.

"(e) The Secretary shall conduct a study of the operation of the subsidy program authorized by this section comparing it with other operating subsidy programs including those currently carried out by the Federal Government, with a view to determining the efficacy of such program in assuring adequate mass transportation service in urban areas. The Secretary shall submit an interim report of his findings not later than June 30, 1972, and a final report of such findings and recommendations not later than June 30, 1974.

"(f) No grants shall be made under this section after June 30, 1976, except pursuant to a commitment entered into prior to such date."

ADDITIONAL AMENDMENTS

SEC. 105. (a) The following sections of the Urban Mass Transportation Act of 1964 (as redesignated by section 103 of this Act) are amended as follows:

(1) Section 3(b) is amended by striking out "section 7" and inserting in lieu thereof "section 9".

(2) Section 4(c) is amended by striking out "7(b), and 9" and "section 12(d)" and inserting in lieu thereof "9(b), and 11" and "section 14(d)", respectively.

(3) Section 14(c) is amended—

(A) by striking out "and" at the end of clause (4);

(B) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon; and

(C) by adding after clause (5) the following new clauses:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service; and

"(7) the term 'annual net operating deficit' means that part of the annual operating costs of a mass transportation system which could reasonably have been avoided by the elimination of all or part of the mass transportation service in an urban area, less the annual revenues derived by such system from the provision of such service."

(4) Section 14(d) is amended by adding the following at the end thereof: "No funds appropriated pursuant to section 4(b) may be used for grants made pursuant to section 6 or 7. Grant assistance provided under any section of this Act shall be coordinated to the greatest extent practicable with any other financial assistance provided under this Act. With the specific exception of the prohibition contained in section 3(c), the extension of financial assistance to a State or local public body or agency thereof under any section of this Act shall not have the effect of prohibiting the extension of financial assistance to such entity pursuant to any other section of this Act."

(5) The first sentence of section 15(c) is amended by striking out "section 3" and inserting in lieu thereof "section 3, 6, 7, or 8".

(6) The part of the first sentence of section 17 which precedes the first semicolon is amended to read as follows: "Grants made under section 3 (before July 1, 1970) and grants made under sections 6 or 7 of this Act (other than for relocation payments in accordance with section 9(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to sections 4(b), 6(b), and 7(c), respectively".

(7) Section 3(e) is amended by striking out "section 13(c)" and inserting in lieu thereof "section 15(c)".

(b)(1) Section 10 of the Urban Mass Transportation Assistance Act of 1970 is amended by striking out "and 6" and inserting in lieu thereof "and 8".

(2) Section 11 of such Act is amended by striking out "6(a), 9, and 11" and inserting in lieu thereof "8(a), 11, and 13".

TITLE II—FLEXIBLE USE OF HIGHWAY FUNDS TO ACHIEVE BALANCED TRANSPORTATION SYSTEM

SHORT TITLE

SEC. 201. This title may be cited as the "National Transportation Development Financing Act of 1971".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) The term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the six paragraphs of section 104(b) of title 23, United States Code.

(2) The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code.

(3) The term "Governor" means the chief executive officer of a State.

(4) The term "State" means a State, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) The term "Secretary" means the Secretary of Transportation.

ELECTION

SEC. 203. (a) There is authorized to be appropriated to the Secretary from the highway trust fund for use in each State for transportation purposes the amount elected to be used for such purposes by the Governor of such State under subsection (b).

(b) The Governor of a State may elect to have all or part of one or more of such State's Federal-aid highway system apportionments for a fiscal year made available to the Secretary for making grants in that year to such State, or to local public bodies or agencies in such State. Such grants may be made in accordance with the provisions of the Urban Mass Transportation Act of 1964, or in accordance with any other Act of Congress authorizing grants to the States, or political subdivisions thereof, for providing transportation facilities and services, including the development of plans for balanced Statewide, metropolitan, or regional transportation systems; except that not to exceed one-half of the amount available to the Secretary for making such grants in any State may, upon the request of the Governor of such State be paid to such State, or such agency or agencies thereof as the Governor may designate, for expenditure in accordance with the laws of such State for transportation purposes. Such election shall be made in such manner as the Secretary shall by regulation prescribe, within sixty days after he certifies to the Governor pursuant to section 104(e) of title 23, United States Code, the sums apportioned to that State for a fiscal year. In making such election, the Governor shall specify the amount to be deducted from one or more of the State's Federal-aid highway system apportionments in order to make available to the Secretary amounts elected to be used for transportation purposes.

(c) If the amount which a Governor of a State elects pursuant to subsection (b) to have used in a fiscal year for transportation purposes in such State exceeds the sum of amounts expended and obligated by the Secretary in such fiscal year in such State from amounts appropriated under the authority of subsection (a), then at the end of such fiscal year such excess shall no longer be available for such purposes and shall, on January 1 of the next succeeding fiscal year, be added to the State's Federal-aid highway system apportionments for the second fiscal year beginning after such election. The addition to each of a State's apportionments shall bear the same proportion to such excess as the amount deducted (under the last sentence of subsection (b)) from the corresponding apportionment for the fiscal year in which such excess occurred bore to the amount elected to be used for transportation purposes in such fiscal year.

INTERSTATE APPORTIONMENT ADJUSTMENTS

Sec. 204. (a) For purposes of this section—

(1) the term "interstate apportionment" means the Federal-aid highway system apportionment for a State's Interstate System as certified to the Governor and State highway department thereof in accordance with section 104(e) of title 23, United States Code;

(2) the term "interstate apportionment adjustment" means the amount by which a State's interstate apportionment is reduced or increased (after certification under section 104(e) of such title) in accordance with section 209(g) of the Highway Revenue Act of 1956; and

(3) the term "remainder available for interstate construction" means a State's interstate apportionment, less the amount which the Governor of the State specifies, pursuant to the last sentence of section 203(b) of this Act, is to be deducted from that State's interstate apportionment in order to make such amount available for transportation purposes.

(b) In the case of an interstate apportionment adjustment, the amount available to the Secretary for transportation purposes in a State for a fiscal year—

(1) shall not (in the case of a downward adjustment) be reduced by reason of such adjustment, unless the downward adjustment exceeds the remainder available for interstate construction; and

(2) shall (in the case of an upward adjustment) be increased, in accordance with regulations of the Secretary, only to the extent that amounts so available were previously reduced under paragraph (1).

AMENDMENT TO TITLE 23, UNITED STATES CODE

Sec. 205. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to have made available for transportation purposes under section 203 of the National Transportation Development Financing Act of 1971."

(c) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

Sec. 206. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 203 of the National Transportation Development Financing Act of 1971."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a State under section 203(b) of the National Transportation Development Financing Act of 1971 to use funds for transportation purposes shall not be taken into account in making any adjustment under this section, except as provided in section 204 of such Act."

AMENDMENT TO URBAN MASS TRANSPORTATION ACT OF 1964

Sec. 207. Section 15 of the Urban Mass Transportation Act of 1964 is amended by inserting after "section 7(b)" the following: ", and grants made with funds authorized to be appropriated by section 203(a) of the National Transportation Development Financing Act of 1971".

EFFECTIVE DATE

Sec. 208. This title shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 392

At the request of Mr. Goldwater, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 392, the Volunteer Military Act of 1971.

S. 424

At the request of Mr. McIntyre, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 424, a bill to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

S. 592

At the request of Mr. Inouye, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 592, a bill to repeal the Emergency Detention Act of 1950.

S. 632

At the request of Mr. Jackson, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 632, a bill to amend the Water Resources Planning Act to include provision for a national land use policy.

S. 834

At the request of Mr. Harris, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 834, the International Trade Act of 1971.

S. 835

At the request of Mr. Harris, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 835, a bill providing a settlement of the Alaska Native land claims.

S. 855

At the request of Mr. Cotton, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1055

At the request of Mr. Curtis, the Senator from Nebraska (Mr. Hruska) and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 1055, a bill to amend the National Labor Relations Act with respect to refusals to bargain.

S. 1099

At the request of Mr. McIntyre, the Senator from West Virginia (Mr. Randolph), the Senator from Minnesota (Mr. Mondale), the Senator from Idaho (Mr. Church), and the Senator from Montana (Mr. Metcalf) were added as cosponsors of S. 1099, a bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes.

S. 1116

At the request of Mr. Jackson, the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Gurney), and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1191

At the request of Mr. McGovern, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 1191, the Peacetime Transition Act of 1971.

S. 1212

At the request of Mr. Church, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1212, a bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code of 1954 in the case of certain contributions of ordinary income property.

S. 1234

At the request of Mr. Inouye, the Senator from Iowa (Mr. Hughes) was added as a cosponsor of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1238

At the request of Mr. Boggs, the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. Cotton), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 1238, a bill to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes.

S. 1282 AND S. 1283

At the request of Mr. Mondale, his name was added as a cosponsor of S. 1282, the Government Facilities Location Act of 1971; and to S. 1283, the Urban Education Improvement Act of 1971.

S. 1290

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the request of the Senator from Illinois (Mr. Stevenson), that his name be added as a cosponsor to S. 1290, a bill to extend the life of the Office of Economic Opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1305

At the request of Mr. Mondale, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 1305, a bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation.

S. 1307

At the request of Mr. Randolph, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. SAXBE, on behalf of Mr. COOK, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 9, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 12

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of Senate Joint Resolution 12, proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President.

SENATE JOINT RESOLUTION 28

At the request of Mr. SAXBE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of Senate Joint Resolution 28, to establish the Cedar Swamp National Monument.

SENATE RESOLUTION 77—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "CONGRESS AND THE NATION'S ENVIRONMENT"

Mr. JACKSON. Mr. President, for myself and the Senator from Colorado (Mr. ALLOTT), I submit, for appropriate reference, a resolution authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Congress and the Nation's Environment."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 77), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 77

Authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Congress and the Nation's Environment".

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs eight hundred additional copies of its committee print of the current session entitled "Congress and the Nation's Environment", a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

SENATE RESOLUTION 78—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "A REVIEW OF ENERGY ISSUES AND THE 91ST CONGRESS"

Mr. JACKSON. Mr. President, for myself and the Senator from Colorado (Mr. ALLOTT), I submit, for appropriate reference, a resolution authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "A Review of Energy Issues and the 91st Congress."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 78), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 78

Authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "A Review of Energy Issues and the 91st Congress".

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs five thousand additional copies of its committee print of the current session entitled "A Review of Energy Issues and the 91st Congress", a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

SENATE RESOLUTION 79—SUBMISSION OF A RESOLUTION RELATING TO THE NEED FOR COMPENSATION OF CERTAIN ETHNIC GERMANS WHO HAVE BECOME CITIZENS OF THE UNITED STATES

Mr. PERCY. Mr. President, I speak today on behalf of the interests of the ethnic Germans, now citizens of the United States, who lost their savings and property in Hungary, Romania, and Yugoslavia following World War II. Almost a quarter century ago they were forced to leave these countries simply because of their German ethnic background, despite the fact that their families had lived for generations in these countries and despite the fact that they were not and never had been German nationals.

As naturalized citizens of the United States, the dispossessed ethnic Germans seek from their adopted government help in obtaining compensation from the Federal Republic of Germany for the losses they suffered as a result of expulsion from their homelands. They petition the U.S. Government to act as intermediary for them in their efforts to negotiate settlements for these losses.

As a nation devoted to the protection of individual rights and to the pursuance of common justice, the United States should assist the ethnic Germans in this matter.

Mr. President, toward this end, for myself and Mr. BAKER, Mr. HUMPHREY, and Mr. HRUSKA, I submit, for appropriate reference, a resolution expressing the concern of the U.S. Senate for the plight of the ethnic Germans and calling upon the Secretary of State to investigate the possibility of obtaining for them some measure of compensation.

The resolution (S. Res. 79), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 79

Whereas, at the conclusion of World War II, persons of German ancestry were expelled from Yugoslavia, Hungary, and Romania;

Whereas many of the persons expelled were not and had not at any time been German nationals;

Whereas a substantial number of these persons have taken up residence in the United States and become American citizens; and

Whereas the expulsion of these persons from their homelands has caused these citizens severe hardships through the loss of savings and property: Now, therefore, be it

Resolved, that the Senate expresses its concern for the plight of these citizens and respectfully requests the Secretary of State, through diplomatic channels, to explore with other nations the possibility of obtaining for these persons some measure of compensation for the losses which they have sustained.

SENATE RESOLUTION 80—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "LEGISLATIVE HISTORY OF THE FEDERAL CONSTRUCTION SAFETY ACT"

Mr. WILLIAMS. Mr. President, I submit, for appropriate reference, a resolution authorizing the printing of additional copies of the committee print entitled "Legislative History of the Federal Construction Safety Act."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 80), which reads as follows, was referred to the Committee on Rules and Administration.

S. RES. 80

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare three thousand three hundred additional copies of its committee print of the "Legislative History, first session, entitled "Legislative History of the Federal Construction Safety Act."

SENATE RESOLUTION 81—RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON COMMERCE FOR INQUIRIES AND INVESTIGATIONS—ORIGINAL RESOLUTION REPORTED

Mr. HARTKE. Mr. President, I report, from the Committee on Commerce, an original resolution authorizing supplemental expenditures by the Committee on Commerce for inquiries and investigations, and ask that it be referred to the Committee on Rules and Administration.

The ACTING PRESIDENT pro tempore. The resolution will be received and referred as requested.

The resolution (S. Res. 81), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 81

Resolved, That the Committee on Commerce, or any subcommittee thereof, is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed $150,000, in addition to the first amount and for the purposes stated in Senate Resolution 25, Ninety-second Congress, agreed to March 1, 1971, such amount having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations. Of such $150,000, not to exceed $14,000 (which shall be in addition to the amount specified in section 2(1) of such resolution) may be expended for the procurement of individual consultants or organizations thereof.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 58

At the request of Mr. HARRIS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Resolution 58, expressing the sense of the Senate on impounded public works funds.

STUDY OF NATIONAL FUELS AND ENERGY POLICY—AMENDMENT

AMENDMENT NO. 26

Mr. ALLOTT submitted an amendment, intended to be proposed by him, to Senate Resolution 45, a resolution to authorize a study of national fuels and energy policy, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

NOTICE OF HEARINGS ON THERMAL POWERPLANT CONSTRUCTION IN THE DESERT AREAS OF THE PACIFIC SOUTHWEST

Mr. JACKSON. Mr. President, the Senate Committee on Interior and Insular Affairs in scheduling field hearings for May 24, 25, and 26 in New Mexico and Utah on the situation which has resulted from the development of a thermal powerplant complex in the Four Corners area. The Four Corners powerplant now has units in operation with total installed capacity of 2,135 megawatts. The Mojave plant in southern Nevada, which has 750 megawatts of capacity in operation, utilizes coal from the Navajo Indian Reservation in the Four Corners area. At the present time, the 2,310 megawatt Navajo steamplant near Page, Ariz., and another 750 megawatt unit at the Mojave plant are under construction. Proposals are under active consideration for another 10,000 megawatts of thermal powerplants in the southwestern desert surrounding the Four Corners area.

This massive installation of coal-fired thermal powerplants has had important impacts upon the region. Questions have been raised concerning the long-range effects of operations upon the air and water and the desert ecology. Extensive surface mining operations will be required to provide the necessary fuel. A significant portion of the scarce water resources of the Colorado Basin will be consumed by the plants. The introduction of a major industry will have a variety of social and economic impacts upon the Indian people and other citizens of the Four Corners area.

The Federal Government has very important interests and responsibilities in this development. There are obvious concerns that appropriate air and water pollution standards are being met and that the highest reclamation techniques be applied to the lands that are being surface mined. The Secretary of the Interior as trustee for the Navajo and Hopi Indians has participated in the contracts for development of nearly all of the coal which will supply the plants. Some of the plantsites are located on Indian reservations, and transmission lines traverse Indian and public lands as well.

In the Colorado River Basin, the Secretary has unique authority to act as water master in the appropriation of a scarce and essential resource. Nearly all of the water used by the existing and proposed powerplants will involve contracts with the Secretary, and most plants will divert water from works on Federal reclamation projects. Finally, the Secretary is an actual participant in the Navajo steamplant now under construction near Page, Ariz. One-fourth of the plant's capacity or 561 megawatts will be financed and used by the Bureau of Reclamation for pumping power for the Central Arizona project. This participation was authorized by the Congress in the Colorado River Basin Project Act of 1968—82 Stat. 885—as an alternative to the construction of hydroelectric dams in the Grand Canyon.

In view of all of the Federal interests and responsibilities involved in the Four Corners region, the Interior Committee considers it essential that hearings be held on the status of these various proposals, the actual effects of existing projects, and the measures which are being taken to control the impacts of proposed projects. I am extending an invitation to the Senators from the States of Arizona, Colorado, New Mexico, and Utah, who are not members of the committee to participate in the hearings. In addition, I am inviting the chairman of the Public Works Committee, the senior Senator from West Virginia, Mr. RANDOLPH, to designate representatives of his committee, which has handled the Federal air and water quality legislation, to participate in the hearings.

The hearings will be held in the following locations:

Albuquerque, N. Mex., May 24; Farmington, N. Mex., May 25; Salt Lake City, Utah, May 26.

NOTICE OF HEARING ON THE INTERSTATE ENVIRONMENT COMPACT

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, Tuesday, and Wednesday, April 19, 20, and 21, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on S. 907, a bill to consent to the Interstate Environment Compact.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The hearings will be held before the full committee.

NOTICE OF HEARING ON REORGANIZATION PLANS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization and Government Research will hold a hearing on S. 878, on Wednesday, March 24, 1971. The hearing will be held in room 1202 of the New Senate Office Building at 9:30 a.m.

NOTICE OF HEARING ON A NOMINATION

Mr. McCLELLAN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

John Finley Witherspoon, of Maryland, to be an examiner-in-chief, U.S. Patent Office, vice James E. Keely, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, March 30, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. STEVENSON). The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, announces the appointment of the following Senators to the Board of Visitors to the U.S. Air Force Academy: The Senator from Montana (Mr. MANSFIELD), the Senator from North Dakota (Mr. YOUNG), and the Senator from Oklahoma (Mr. HARRIS). The Chair also announces the appointment, by the chairman of the Committee on Armed Services, of the Senator from Colorado (Mr. DOMINICK) to be a member of the same Board.

ADMINISTRATION CRITICISM OF NEWS MEDIA

Mr. BYRD of West Virginia. Mr. President, the administration is apparently carrying criticism of the media to new heights. I am referring to the reports that claim the White House blamed ABC's the Dick Cavett Show with contributing to the defeat of the SST in the House of Representatives. These reports state further that the administration pressured the Dick Cavett Show into canceling a scheduled debate on the SST and presenting, instead, just the supporter of the project.

Mr. President, I cannot see where a debate between SST Project Manager William Magruder and the distinguished Senator from Wisconsin (Mr. PROXMIRE) would have been "unfair." I happen to believe that the United States should proceed with research on the SST; but I also believe that opponents of the project should have an opportunity to meet, in face-to-face debates, with advocates of the SST—especially on television, where debates do more to involve the general public than they do here on the Senate floor.

In my limited experience of watching television, I have found the Dick Cavett Show to be among the fairest and most informative programs on the air. Advocates of the SST, for instance, appeared opposite both the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the able Senator from Indiana (Mr. BAYH) on earlier shows.

Mr. President, I have today sent a telegram to Mr. Cavett, urging him to resist any pressure to present only one side of any issue.

I ask unanimous consent that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD as follows:

Mr. DICK CAVETT,
American Broadcasting Co.
New York, N.Y.:

As a supporter of the SST, I commend you for the fairness you have shown in presenting both sides of this very important issue. I hope you will not be pressured or intimidated into presenting only one side of this, or any other, issue.

Your responsibilities to the public are as great as are the responsibilities of elected public officials. There are no options available to us in meeting those responsibilities.

ROBERT C. BYRD,
U.S. Senator.

ADDITIONAL STATEMENTS

ABUSES OF THE METHADONE PROGRAM

Mr. BYRD of Virginia. Mr. President, for the past 3 weeks, I have been engaged in an attempt to obtain an answer from the Food and Drug Administration and the Department of Health, Education, and Welfare, concerning a grave situation imperiling the youth of a northern Virginia community.

For some period of time, the Food and Drug Administration has been issuing licenses to physicians in the District of Columbia, and elsewhere, to dispense a drug called methadone. This powerful and addictive substance is utilized in an attempt to cure heroin addiction, the theory being that the heroin addict's dependence is shifted to methadone addiction. The methadone addict is able to obtain this synthetic drug cheaply and legally, and thus is not forced to engage in crime to support his habit. The effect of methadone upon the body is said to be far less incapacitating than is that of heroin.

Unfortunately, this grim cure has led to some disastrous side effects.

Methadone produces its own "high," which, while not the euphoria of heroin, is nonetheless appealing to those who seek to experiment with drugs.

During the last 17 months, five northern Virginia young people have died from overdoses of methadone, after obtaining this drug from so-called treatment centers in the District of Columbia. Within the last 10 days, one more Fairfax County youth has been critically ill from an illegally obtained overdose of methadone.

The Commonwealth Attorney of Fairfax County, Mr. Robert F. Horan, has informed me that "Fairfax County does not have a heroin problem; it has a methadone problem." I know of few law enforcement officials in this country as dedicated and knowledgeable in the field of drug abuse as Mr. Horan. He has worked untiringly for the last 3 years in coping with northern Virginia's drug problem and has been totally frustrated by the current Food and Drug Administration inaction.

For the past several months, various law enforcement agencies in this area have been aware of the traffic in methadone, which is spreading from the District of Columbia to the suburbs. The crux of this problem is that the Food and Drug Administration has licensed certain physicians to dispense methadone as part of their treatment programs for heroin addicts. That the licensing procedures have failed to incorporate worthwhile standards of supervision seems obvious.

Several months ago, a reporter for a northern Virginia newspaper entered the office of a physician in the District of Columbia and stated to the doctor that he was addicted to heroin. When the doctor commented upon the absence of needle scars on the arms of the reporter, the reporter informed the doctor merely that it was his practice to inhale the heroin. Based upon this information and no other, the doctor proceeded to sell to the reporter an ample supply of the drug methadone. No investigation of any value was conducted.

Law enforcement agents, operating clandestinely, have added to this tale of insufficient, or nonexistent, investigation by certain physicians who would appear to be more interested in charging high prices for the methadone dispensed, than they are in curing addicts.

Upon being informed of this situation, I directed a member of my staff to obtain information for me concerning this problem.

The Bureau of Narcotics and Dangerous Drugs informed my office that they were aware of the problem of the abuse of methadone dispensing privileges, and that several months ago, they had forwarded to the Food and Drug Administration a set of proposed regulations which would provide for strict enforcement procedures surrounding the dispensing of methadone.

In contrast, comments given to my office by the Food and Drug Administration can on no account be said to be satisfactory.

The Food and Drug Administration stated that a physician may be licensed to dispense methadone as part of an experimental treatment plan; that the physician's records would be reviewed annually.

I repeat, the FDA at this time requires only an annual review of the doctor's records. This policy of the FDA was still in effect, even after five young people had died, and after well-documented news stories concerning the criminal abuses of the methadone program in the District of Columbia were published.

On February 26, I wrote Dr. Charles E. Edwards, Commissioner of the Food and Drug Administration, expressing my dismay and dissatisfaction with this program. I asked him at that time to take some immediate action to implement the enforcement regulations which had been forwarded to him by the Bureau of Narcotics and Dangerous Drugs.

I received no reply to my letter to Dr. Edwards, nor have I ever received a letter from Dr. Edwards himself. On March 4, I received what can only be described as an "interim" letter from the Director of the Office of Legislative Services of the Public Health Service of the Food and Drug Administration. That gentleman stated in his letter than "an investigation of this matter has been initiated."

In subsequent discussions with a member of my staff, the Office of Legislative Services of the Food and Drug Administration stated that they could not understand why there would be a legal problem in applying sanction to a physician who abused his license to dispense methadone. This position was adhered to even after the FDA spokesman was informed that law enforcement officials in the District of Columbia and the surrounding jurisdictions are agreed in their view that as long as a physician is licensed to dispense methadone, that he has a perfect defense, even if he abuses the provisions of his license.

I fail to see why this is not apparent to the officials of the Food and Drug Administration. They need only to consult with the Justice Department to have it explained to them.

On March 12, 1971, having received information from the Food and Drug Administration that the Secretary of Health, Education, and Welfare was considering this matter, I telegramed Secretary Richardson and stated that I had been informed that the Bureau of Narcotics and Dangerous Drugs has been ready for months to effect a law enforcement program, and I asked Secretary Richardson to make a decision to implement a law enforcement program immediately. To this date, I have received neither an answer nor an acknowledgment of the telegram.

Mr. President, I feel that this intolerable situation has proceeded long enough. Young people are being exposed to a lifetime of misery and possible death, while the bureaucracy of the Department of Health, Education, and Welfare slowly attempts to understand a problem which has been explained to them time after time by knowledgeable persons.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Mr. Horan's letter to me of February 22; a letter addressed to Virginia Attorney General Andrew P. Miller, dated March 2, from Mr. F. John Kelly, executive director of Virginia's Council on Narcotics and Drug Abuse Control; and a letter to me from the attorney general of Virginia dated March 15. Each of these gentlemen has sought my assistance.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX,
Fairfax, Va., February 22, 1971.

Senator HARRY F. BYRD, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: As you know on February 20, 1971, a sixteen year old Fairfax County youth succumbed in this County from an overdose of the drug methadone.

This youngster represents the fifth methadone fatality in this jurisdiction in the past sixteen months and he is the second sixteen year old to die of a methadone overdose in the last five months. The drug methadone (dolophine hydrochloride) is presently being used in a great number of narcotic addict rehabilitation programs in the metropolitan area of Washington.

The Fairfax County Police Department and myself have become increasingly concerned over the past twelve to eighteen months over the easy availability of this narcotic in the Northern Virginia community. Investigation reveals that a substantial percentage of this drug being found in drug abuse circles in this area has been prescribed for supposed addicts by private practitioners in the District of Columbia. The Commonwealth of Virginia has absolutely no control over the method of dispensing this drug in the District and it appears that two major problems are being presented here because of its easy availability. Problem number one concerns the diversion of this drug into channels whereby a compound that was originally prescribed for a particular person as a rehabilitative measure is then being sold or delivered to others illegally. Problem number two concerns the fact that an increasing number of Northern Virginia youngsters have begun using this medical narcotic as the abuse drug of choice. The recent subcommittee report of Congressman Pepper speaking for the House Select Committee on Crime made the following comment:

"There is no question that methadone is an addictive drug. Every precaution against diversion must be observed. While we believe the drug should be reclassified, we do not believe that individual private practitioners should be allowed to prescribe methadone for prolonged maintenance of individual heroin addicts." In a footnote to that particular passage, the Committee had this to say: "Methadone maintenance must be accompanied by proper psychiatric, social and vocational services. Single practitioners dispensing methadone are obviously not equipped to provide these additional and necessary support services." To that comment of the Committee, I can only add a fervent amen.

While on the one hand I support properly run and controlled methadone maintenance programs, I cannot stand idly by and continue to see a growing abuse of this drug. The Fairfax County Police and myself have banged our heads against a brick wall for a substantial period of time attempting to cope with a source of supply that is outside our jurisdictional limits. This being so, I now ask for the help of your good offices to attempt to compel Federal guidelines for the methadone rehabilitation programs existing among private practitioners in the District of Columbia. To my knowledge there are Federal agencies with a vital interest in this problem, one being the Bureau of Narcotics and Dangerous Drugs and the other being the Food and Drug Administration. Guidelines from these agencies must be revised to cope with the increasing availability of this physically addictive narcotic. I would appreciate very much any aid or assistance that you might give us in this regard.

I would be happy to discuss this matter with you or any member of your staff if you deem it proper.

With best regards, I am
Sincerely,

ROBERT F. HORAN, Jr.,
Commonwealth's Attorney.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, Va., March 2, 1971.

Hon. ANDREW P. MILLER,
Attorney General of Virginia,
Supreme Court Building,
Richmond, Va.

DEAR MR. MILLER: As Director of the Drug Abuse Council, one of my official functions is to keep an extremely watchful eye on the drug trends for abuse in our State. As you probably well know, the Commonwealth has experienced its fifth death from methadone in Fairfax County, in the last eighteen months.

After talking with the Fairfax Commonwealth Attorney, Mr. Robert Horan, I find that the situation is even more severe than it seems on the surface—if, in fact, anything could be more severe than the death of five teenagers. The oldest was nineteen, two were eighteen, and two sixteen years of age. From what I can gather, the methadone is being acquired from "legal" sources in the District of Columbia. The drug controls in the District are not at all like the controls on our methadone program in Virginia. General practitioners are prescribing the drug under very loose conditions in D.C. Some of these conditions are radically reprehensible.

Mr. Horan said that he, using the services of a reporter from the Norhern Virginia Sun, had the reporter checked medically and his urine screened. Two of Mr. Horan's detectives took the reporter to a D.C. doctor. The reporter told the doctor he was an addict. The physician looked at his arms and asked him why there was no evidence of "tracks." The reporter's only comment was, he inhaled heroin through his nostrils (known as "snorting"). Upon this questioning and definitely inadequate physical, the doctor then sold the reporter fifteen dollars worth of methadone, a dosage level high enough to be lethal to approximately four average people.

The deaths of these children are tragic and cannot be reversed but certainly the conditions which led to these deaths can be alleviated.

When several doctors in the Roanoke area felt it was necessary to dispense methadone to addicts, the Federal Government quickly stopped them because they did not have an IND Stamp (Investigative New Drug). Dr. George Bright flew to the Roanoke area where he helped set up a methadone clinic in one of the hospitals on a temporary federal permit.

We have a program, of which I am sure you are aware, in Richmond in the Medical College of Virginia, Department of Pharmacy Services, which is working under strict federal and State guidelines. The Federal Government was quick to close down an operation which was illegal in the State and rightly so. The State corrected these conditions with a good program but unacceptable conditions still exist in the District of Columbia which has tragic effects on Virginians. Is there some direction the Commonwealth can take to convince the District of Columbia that its methadone practices must be strengthened according to their own federal guidelines? Mr. Horan tells me that he has exhausted his attempts in trying to get the Bureau of Narcotics and Dangerous Drugs or the Food and Drug Administration to take an active role in the District.

If there is any way I may support or facilitate you in this, please do not hesitate to call.

Sincerely yours,

F. JOHN KELLY.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE ATTORNEY GENERAL,
Richmond, Va., March 15, 1971.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: I am enclosing a copy of a letter from Mr. F. John Kelly, the Executive Director of the Governor's Council on Narcotics and Drug Abuse Control of the Commonwealth of Virginia. His letter reflects growing concern in the Commonwealth over the lack of control of the drug, methadone, in the District of Columbia. We fully understand the extent of the heroin problem in the District. Virginia communities are unfortunately also experiencing an increase in heroin addiction. However, we feel that methadone can be used as a valuable tool in the treatment of the heroin addict only when proper controls are implemented and enforced.

As you know, methadone is itself an addicting drug and subject to great abuse. Treatment programs for addicts throughout the country that have utilized methadone are subject to strict federal controls. When these restrictions are observed, there has been significantly low incidence of the abuse of this drug. Tragedies such as our citizens in Northern Virginia have recently experienced in this regard result from loosely controlled programs. It is quite apparent that the strict federal controls are not adequately enforced in the District of Columbia, with the result that serious abuses occur both in the District and in the surrounding localities. The risk to our citizens and those of the District is unnecessary.

I would strongly urge you to investigate this particular situation and take the appropriate steps to assure that corrective action is immediately implemented. If this office can be of any assistance, please call on us.

With kindest regards, I remain,
Sincerely yours,

Hon. ANDREW P. MILLER,
Attorney General.

DANGEROUS RESIDUES IN IMPORTED MEAT PRODUCTS

Mr. HRUSKA. Mr. President, my name has been added as a cosponsor of S. 571 relating to dangerous residues in imported meat products, sponsored by my friend the senior Senator from Kansas (Mr. PEARSON).

The bill is designed to strengthen the inspection of foreign meat which is imported into the United States. It would do so by requiring foreign meat suppliers to maintain the same rigorous standards for chemical and metal residues set for meat produced in the United States.

It seems imperative to me that if we are to protect our consumers from economic poisons such as pesticides and herbicides in our food products, we must place foreign and domestic producers on the same requirement base as far as residue standards are concerned.

The legislation also will eliminate whatever competitive advantage a foreign supplier might gain because his country maintains less stringent health and environmental standards than we do.

In his introduction, the Senator from Kansas pointed out that the Foreign Review Board established by the Wholesome Meat Act of 1967 is not equipped to perform adequate tests on foreign meat. The present sampling program is not so effective as inspection procedures imposed on domestic producers.

While the Wholesome Meat Act gives the Consumer and Marketing Service authority to strengthen the program, it seems to me infinitely better that these changes be dictated by appropriate legislation.

I am pleased to join the Senator from Kansas, therefore, in sponsorship of this measure to close an important loophole in an act which has proved to be an invaluable tool in the process of insuring safe and reliable meat products for the Nation.

ROOTS OF INVOLVEMENT

Mr. SYMINGTON. Mr. President, two able members of the Nation's news media, Marvin Kalb, of CBS, and Elie Abel, formerly of NBC and currently dean of the Columbia University School of Journalism, have now combined their knowledge, their experience, and their talents to write a book entitled "Roots of Involvement."

This absorbing volume is not yet published but will be out shortly; and now that I have seen an advance copy, I can say without reservation that anyone interested in the present position of the United States in this fast-moving world of today—where we are now and how we got there—will find it a difficult book to put down.

With the publisher's permission, I quote two paragraphs from the introduction as contained in "Roots of Involvement." They summarize, and illustrate well, the penetrating thoughtfulness of its contents, not only in connection with our current status in Southeast Asia, but also with respect to the formulation of the foreign policy of the United States during the present century.

> The Vietnam involvement was undertaken in massive American ignorance of Southeast Asia, compounded by failures of military and political judgment, questionable intelligence, dubious and frequently overblown Presidential rhetoric, together with a steadfast refusal to recognize that the national interest of the United States cannot be stretched to encompass the whole of the great blue globe without risking disaster at home. (p. 10)
>
> We found no substantial evidence that the United States was driven by imperialist motives—as the neo-Marxists would have us believe—to search for markets and raw materials—i.e., profits—in Vietnam. Instead, we found a rich, generous, and powerful nation stumbling step by downward step, into the longest, most costly, and most disruptive war Americans have ever fought, in the misguided belief that when things go wrong anywhere in the world the commitment of sufficient American dollars and—if need be—of American soldiers, must surely put them right. (p. 11)

BUILDING A MEDICAL DELIVERY SYSTEM SUITABLE FOR THE 20TH CENTURY

Mr. SCOTT. Mr. President, the Philadelphia Inquirer says in an editorial that—

> President Nixon has put the emphasis where it belongs—on building a medical delivery system suitable for the 20th Century.

It is my opinion that the Federal Government and the President have for the first time placed their backing behind basic reforms in the national health care system, aimed at transforming this system into an organization whose business is keeping people well. The President spelled out the details in his recent health message to Congress. I am encouraged by thought-provoking articles like this one, and I believe it reflects the views of many Americans.

I ask unanimous consent to have printed in the RECORD the Philadelphia Inquirer editorial of February 21, 1971, entitled, "The President's Health Plan Is Aimed at the Right Target."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S HEALTH PLAN IS AIMED AT THE RIGHT TARGET

President Nixon's health proposal is the beginning of a revolution in American medicine.

For the first time, the power of the Federal Government and the prestige of the President have been placed behind basic reforms, aimed at turning the medical system from a cottage industry, composed of independent practitioners, into modern organizations, whose business is keeping people well.

While the insurance aspects of this comprehensive prosposal have won earliest attention—because of their obvious importance to the millions of Americans who have no medical coverage—the President's message makes it clear that the U.S. medical crisis will be solved not by insurance but by reform.

As a first step in that direction, President Nixon has proposed pre-paid group practice, which he calls Health Maintenance Organizations, as the basic unit in the medical system.

Most authorities view these organizations as the wave of the future because they integrate doctors and facilities into efficient systems offering cradle-to-grave health care for a fixed fee, paid under contract to the health plans.

Under the new systems, doctors no longer charge individual fees for their services, thereby shifting the emphasis from the treatment of sickness to preventive medicine. As the President pointed out in his message, the doctor's income "grows not with the number of days a person is sick, but with the number of days he is well."

About eight million Americans are already enrolled in such plans, and the Administration would stimulate the growth of HMOs throughout the country with planning grants and federally guaranteed loans.

His proposal will be welcomed in Philadelphia, where several hospitals have launched an embryonic HMO without much help so far.

Other basic reforms in the President's message are also aimed at improving the medical delivery system.

One provision requires insurance coverage of office care, thus discouraging excessive use of the hospitals, the most expensive unit in the health system.

Another shifts regulation of insurance companies from the state to the Federal level. Minimum standards set by the administration are actually quite inclusive, ranging from well body care, to outpatient care and catastrophic insurance coverage up to $50,000 of medical expenses.

To increase the supply of health personnel, the Administration would expand the training of health assistants by 50 percent and infuse new money into hard-pressed medical schools for the purpose of turning out more doctors.

Obviously such sweeping programs as these and other provisions require detailed consideration both inside and outside Congress. And we may be sure it will be forthcoming, thanks not only to the impact of the plan but to the political momentum the health issue is generating as 1972 approaches.

There will be ample time, then, to the specifics as the legislation is introduced and debated.

The important thing for now is the President's recognition that the answer to the problem is not simply to pour more money into the existing medical delivery system. Medicare and Medicaid have already demonstrated that this can fuel the inflation of health care costs by increasing the demand for services without corresponding increases in the supply.

The answer, rather, also calls for fundamental changes in the system itself. With those he has proposed, President Nixon has put the emphasis where it belongs—on building a medical delivery sytsem suitable for the 20th century.

A SOUND APPROACH TO THE PHYSICAL ENVIRONMENT

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD some remarks by Professor René Dubos, made at a recent seminar of the new Woodrow Wilson International Center for Scholars, of which I have the honor to be chairman of the board of trustees. The Center, as many Senators will know, is the Nation's official "living memorial" to the 28th President, located in the Smithsonian Institution building in Washington.

Professor Dubos is a most distinguished biologist on the staff of the Rockefeller University and an occasional participant in Center seminars. More than that, he has in recent years become one of the Nation's most thoughtful and articulate spokesmen for a sound approach to our physical environment. Well known for his many books, Dr. Dubos is a deeply committed humanist, reflective yet activist, realist but optimist, a rare blend of scientist and philosopher. I commend these remarks, which are typical of his insight and approach, to the attention of Senators and to all concerned citizens.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF RENE DUBOS, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, JANUARY 25, 1971

I decided to focus my remarks today on an approach to environmental problems which is perhaps not very fashionable and is likely to be criticized by ecologists. Rather than speak about cities I am going to address myself to the problems of the country—nature—as created by man. If you wish to have some awareness of the prejudice with which I approach this subject, let me remind you that I was born and raised not in Paris, but in the inner French country; a countryside which has been occupied and used by man for 4,000 years; a countryside in which the forests were destroyed by man 4,000 years ago, and in which agriculture—very intensive agriculture—has been conducted for 40 centuries.

My origins have helped me to acquire the conviction that man can occupy and use the land without destroying its intrinsic qualities. There is no doubt that much of the land of inner France is richer now than it was 4,000 years ago, when it was covered by the primeval forest. Moreover, there is no doubt that the inner French country has continued to be the site of a rich and continuously growing culture, which has been transforming itself while retaining some of its original characteristics.

What I say about inner France applies, of course, to many other parts of the temperate world. It applies to practically all of Europe. It applies to large parts of Asia. It applies in this country too, though the time frame is shorter. For example, certain parts of the Atlantic Coast, like the Pennsylvania Dutch country were created out of the forest more than 300 years ago and have been under constant cultivation ever since. Yet the countryside has remained esthetically pleasant and economically profitable.

I think this demonstrates that even though many of the older civilizations have died as a result of the wearing out of the land, this is not an inescapable consequence of human occupation. It is possible for man to transform the land completely, use it continuously and yet maintain it in a desirable condition. This is what I would like to speak about, and it is almost the opposite of conservation. Conservation means trying to maintain the earth in unaltered form; that is, unaltered by man. I believe there must be conservation of certain parts of the earth; but I will not speak about that.

I am going to speak about man transforming the world. The largest number of human beings and the most prosperous ones among them live in parts of the world which have been completely transformed by man. After all, the whole temperate world used to be covered by forests, and man has from the beginning of time been an enemy of the forest. Man's earliest struggles were against the forest, and civilization as we know it emerged with the beginnings of the agricultural revolution; that is, when man began to cultivate plants that could not live in the forest.

So if you will accept with me for the moment, the fact that man has created the natural environment in which he lives, let us consider the transformations that have taken place. It is perhaps easiest to look at these in Europe, not because the European situation is different than it is in a large part of this continent, but because Europe has a longer history and has gone through a wider range of changes.

Parts of the European forest have been transformed into highly managed state forests. Some of them have been under state control for some 1,000 years and are vastly different from what they were in primeval times. Some of the forests have been transformed into an immense variety of farm lands, adapted in each area to prevailing climatic and geological conditions.

In this country, even the prairie is very likely the creation of man. My friends who are experts in the natural ecology of the United States tell me that a large part of the prairie is the result of fires set by preagriculture Indians, beginning as far back as ten to fifteen thousand years ago. Wherever the forest is allowed to come back, the prairie disappears.

Then, there is another still more extraordinary kind of change that has been brought about by man: the kind of landscape found in the moor country of Scotland and eastern England. All of us have read about the moors and have a vivid mental image of them even if we have not seen them. But I suppose few of you know—I certainly did not until a couple of years ago—that the moors are entirely a creation of man. The moor country became established through a progressive process which began in the Bronze Age and culminated in early Medieval times. Recently some English ecologists did an excellent study of the ecological origin of the moor country and demonstrated that the trees that used to cover began to be destroyed by Bronze Age man. Then followed a period of grazing. When Medieval monks began to establish their farms and started raising sheep on a major scale, there came into being a new ecological situation which we now consider the natural one for that part of Britain. England is one of the most telling demonstrations of the shaping of land by man. All of the charming landscape that we consider characteristically English—the "enclosure" type of landscape—dates from the early 18th century.

So we can accept the fact that much of the temperate world has been shaped by man. Man never leaves nature undisturbed. If we want to see undisturbed nature we have to go to the very few parts of the world in which man has never lived. There are very few of these. It seems clear to me that what man has done, has in many cases resulted in the creation of healthy ecologies. More than that, man has been able to bring out of the land qualities that were inherent in it but were not manifest. What man did was to existentialize, so to speak, some of the potentialities inherent in the temperate world. In most cases, in my opinion, this has resulted in an improvement in the quality of the land as judged from the vantage point of man—and this is the vantage point which I am using without apology throughout this presentation. Man has improved the land in a manner that has created fairly stable ecological systems.

One may ask—one always asks—"Well, this is the situation that has applied for the last 2,000 years—in parts of Europe for 4,000 years; but can it last? Are not the kinds of transformations that are going on now destructive due to the impact of modern technology on the land?"

First of all, we are all aware, I am sure, that the impact of technology is not in and of itself destructive. What we object to is the impact of the *mis*management of technology. But I shall not elaborate on this here because I believe there is a more important consideration which should be recognized when we speak of the impact of technology on landscape and on nature in general. This has to do with the fact that the quantitative increase in technological impact that we have witnessed during the past 150 years is not likely to continue for very long. I do not believe it *can* continue for very long—not because of technological failures, but because the laws of physics will impose a ceiling on technological development.

In my opinion the crucial factor is not a shortage of natural resources; nor is it a shortage in the potential supply of energy. It is the limit in the amount of energy that can be fed into natural systems. As you all know, in this country the population is increasing at the rate of approximately 1 percent a year, whereas the consumption of electric energy is increasing at the rate of approximately 7 percent a year. This means that energy consumption is doubling every ten years. It is probable that we can double the amount of electric energy. Perhaps we can even have another doubling of it; but I doubt that we can go very much beyond that—not, as I stated, because of limitations of sources of energy, fossil or nuclear, but because no matter how sophisticated the technology, it is impossible to produce energy without producing heat. I am convinced that the production of heat is going to introduce ecological disorders that will very soon, within 20 or 30 years, put a ceiling on the amount of energy we can use.

When I state this conviction most persons feel that this means technological development is coming to an end; that we are entering a period of stagnation and perhaps, even probably, a period of decadence. Well, I feel just the opposite. I believe that once we have reached a ceiling in the amount of energy we can use and in the production of industrial goods, we can use our technological inventiveness to change from a preoccupation with the quantitative increase in technology to a concern with an increase in its quality. I believe this is going to demand much more inventiveness—technological and social—than we have exhibited during the 150 years when we have been concerned only with an increase in quantity. I believe in other words, that we are going to enter a phase of steady state—but of dynamic steady state because there will be enormous changes within it.

There are, of course, many pessimists around today who feel that it is all too late; that the destruction and degradation of the environment has gone so far that we are beyond the point of possible return. I am sure all of you have heard that it would take so many hundreds of years even to try to bring back the Great Lakes or the Hudson River to an acceptable state. Well, I believe that those who make these statements are not aware of the fantastic resiliency of nature. As I have looked around—and I have not done this for very long; it is only in the past few months that I have begun to concern myself with this—I have had no difficulty in finding example after example where a situation that appeared to be lost has been completely reversed and the environment has been brought back to a very desirable state.

The simplest and perhaps the most telling example, and the one that can most readily be studied and has in fact been studied is the story of Lake Washington in Seattle. Ten years ago Lake Washington was at least as polluted as any of the Great Lakes. Many people felt at that time that it was done for. But eight or nine years ago, after some political difficulties, a control was established over the pollution of Lake Washington; this kind of control did not depend upon purifying the lake, but simply preventing further pollution. By last year, Lake Washington had returned to a state essentially as good as it was when the white man settled in Seattle.

Some of you may be familiar with what is happening in Sweden. The Swedish Government has undertaken a systematic program of trying to save some of the lakes which were being spoiled by drainage or by the wood pulp or other industry, and the reports I have had from the Swedish Embassy indicate that here again, movement has taken place, and several of the lakes are being restored to their initial state.

Then, of course, all of us are familiar with the case of London, which for 200 years has been the most polluted city in the world, with regard to both air and water pollution. After the smog of 1952 in which some four to five thousand persons died, certain stringent measures were enacted to prevent and minimize air and water pollution, with the result that as of last year insolation in London was at least 50% higher than it was twenty years ago. We have all heard about the return of the songbirds to the parks of London. We all have read that for the first time two years ago one could again catch fish in the Thames.

I was in Kalamazoo the day before yesterday and the Kalamazoo River has been one of the worst polluted rivers in the Middle West. But a few years ago, upstream from Kalamazoo, some beginnings were made at controlling the pollution. Last year, some of the most beautiful pike were caught in the Kalamazoo River where before one could catch only carp.

The last example I shall discuss will be Jamaica Bay. To me, Jamaica Bay is the symbol of what can readily be done and an example of a whole social philosophy of nature management. As you all know, Jamaica Bay is just adjacent to the Kennedy International Airport and is part of the wonderful wet land ecology that has made the Long Island area such a paradise for certain forms of water life. But as you know the City of New York has used Jamaica Bay as its garbage dump for many years. Day after day, year after year, tremendous trucks of garbage have been dumped into the Bay, creating islands of garbage. I need not tell you the consequences of this on the destruction of wildlife in the wetland ecology, and I need not tell you what an unsightly condition it created near the airport. A few years ago, an employee of the park department, Mr. Herbert Johnson, who was there simply to act as a supervisor of the garbage dumps, decided on his own, essentially without financial help, almost single-handed, to start planting grasses, shrubs and trees of the kind which he knew were adapted to that part of the country. Those grasses, shrubs and trees began to grow, have grown beautifully so that now one is no longer aware of the garbage, but sees a natural kind of vegetation that has improved considerably the physical appearance of the Bay. But then there followed something else. As soon as this new vegetation began, and became established, birds began to settle on it and on those artificial garbage islands—an immense variety of birds including some very valuable ones that had been thought to be extinct, or at any rate to have disappeared from that part of the coast, such as the snowy egret, the glossy ibis and the snowy owl. As a result, Jamaica Bay is now one of the richest bird sanctuaries on the whole Atlantic Coast.

This seems to me to be an extraordinary example; one that should be publicized. I have said time and time again that I believe Herbert Johnson should be made one of our national heroes, for he has done a most important thing for our time. He has demonstrated that man can create something positive and desirable even out of an ecological disaster if he is inventive enough. On top of that, he has illustrated once more the important fact that such things can be done by private, individual enterprise. I strongly suspect that had there been a committee appointed by the City of New York, the same result would not have been achieved for many years.

Jamaica Bay faces us as a society with a problem that I consider very typical: the importance of value judgments in deciding what to do with nature. Jamaica Bay, as we know, is adjacent to Kennedy International Airport. It is no secret that Kennedy is overcrowded and needs additional runway facilities. There has existed for several years a plan to expand the Kennedy runways into Jamaica Bay. The National Academy of Sciences has been asked to organize a committee to study the effect of building the runways on the ecology of the Bay. That is fine as far as it goes. I am in favor of all the ecological studies one can make of Jamaica Bay or any other place. But an ecological study alone cannot resolve the issue. Suppose the National Academy's study shows that an extension of the runways *will* do damage or destroy the bird sanctuary, as is likely. At that point, the people of the City of New York, the State of New York, and, possibly, the Federal Government, are confronted with a choice, a set of value judgments: Do they want to improve traffic at Kennedy for a few years, or to build a new airport, or to preserve a bird sanctuary in the Bay? To these questions the National Academy can provide no ready answer. So it is with so many questions in this area. Objective scientific evidence is useful, but only up to a point. It cannot give us a ready-made set of values or make for us the critical decisions we must make, and which our values will dictate.

I believe that this general principle applies just as well to that aspect of natural history which I dismissed at the beginning of my remarks: the conversion of wilderness. It is certain that we cannot defend the conservation of wilderness only in terms of scientific value. There are other values involved, humanistic ones, which are certainly as important, and probably far more important, than those based on natural history. Only in the past ten years or so have we become quite clear about the kind of problem that confronts us. Not only must we use nature to create environments that have value for biological man, but we must be responsive to another set of values which are much more difficult to weigh but which certainly are as important in human life, and which incorporate an esthetic, even a subtle spiritual quality.

Let me end by *not* apologizing for taking a purely anthropomorphic view of the environmental problem. I do not need to apologize because, in fact, for four thousand years, in all the temperate world in which man has lived, there is not, figuratively speaking, one blade of grass which is not manmade.

MAYOR GRIBBS SUPPORTS PRESIDENT'S REVENUE-SHARING PLAN

Mr. GRIFFIN. Mr. President, the Honorable Roman S. Gribbs, mayor of Detroit, has declared that he will "actively and vigorously support" President Nixon's general revenue-sharing plan.

In a statement delivered before the Common Council of Detroit on February 23, 1971, Mayor Gribbs said:

> The proposed General Revenue Sharing is an indication of the establishment of new national priorities and an opportunity to prove the value of the concept. For these reasons I am supporting this proposal.

Because he is a member of the Legislative Action Committee of the U.S. Conference of Mayors, the endorsement of Mayor Gribbs carries added significance.

I ask unanimous consent that the text of Mayor Gribbs' statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Hon. Roman S. Gribbs, Mayor of Detroit

Gentlemen, yesterday I began the annual series of budget hearings which lead to the presentation of the proposed 1971–72 Budget to you. The most perplexing problem I have faced as Mayor was evident throughout the discussions yesterday. Simply stated that problem is dollars. How do we get enough of them, and from where, and when? It is a problem that we will face together in the next few months.

Our 5-year financial forecast indicates that Detroit is faced with a revenue shortage of $43 million in 1971–72. New revenue sources must be found to provide that money. 43 million dollar bills laid end to end would stretch some 4,167-miles. I am sure that I have traveled at least twice that far in order to appear before State and National leaders to explain Detroit's financial plight. You have made similar trips in order to focus attention on our problems and to help generate support for their solution.

The fiscal condition of Detroit is connected with the problems of other Michigan cities and to urban areas across the nation. If these problems are to be solved the solution must come from State Legislatures, and especially from Congress where a real power of taxation rests.

I have examined a number of proposals and programs for tax reform and revenue sharing which offer a prospect of successfully resolving our fiscal dilemma. We must immediately begin to support those proposals which have a legitimate chance for success and which logically address the fiscal problems of urban areas.

I am here today to inform you that I will actively and vigorously support the President's General Revenue Sharing Plan. I believe that a joint effort on the part of the Council and the Mayor's Office will be a valuable tool in securing passage of this proposed program. I would like to explain a number of logical and practical reasons for supporting this program and for initiating this joint effort.

Let me begin by repeating some statistics and information that I am sure you are familiar with but which are significant enough to warrant re-emphasizing. According to our most recent estimates, Detroit faces a revenue gap of $43 million in 1971–72. We have exhausted all local revenue sources and without State Legislative approval, it will be impossible to significantly increase local financing. The magnitude of our fiscal problems is such that we cannot expect the State to solve it alone. But, the State of Michigan along with the Federal Government can together provide the kind of revenue sharing program which will be sufficient for the task.

The President's plan contains two basic elements. First, the proposal for General Revenue Sharing which I vigorously support and secondly, the proposal for Special Revenue Sharing about which details are not yet available.

The main features of the General Revenue Sharing Plan provides a good foundation for an equitable and effective program for "revenue return" to State and Local governments in the future.

This plan provides that the appropriation for revenue sharing will be funded in an amount equal to 1.3% of the federal individual income tax base. This means that the allocation of funds will automatically grow as this base increases.

Using this formula the first full year appropriation would be $5 billion. It should be noted, however, that only $3.75 billion will be available in the 1971–72 fiscal year because the plan will not be operative before October 1, 1971.

Most importantly, perhaps, is the fact that this money is not earmarked for any particular program or project. This means that local governments can use these dollars for those needs which have the highest local priorities.

The only conditions which must be met in the use of these funds is that: current state-local sharing efforts must be maintained, and reports of expenditures must be made in order to prevent the discriminatory use of these funds.

Two criteria are used in apportioning the shares allocated to each state. Population is considered first. Then tax efforts are evaluated in order to allot additional funds to those states where the maximum effort is being made to support expenditures with local tax revenues. Michigan will benefit from this formula because our local tax effort is above the national average.

Under this formula, the State of Michigan would receive $229 million in the first full year of the program, or almost $172 million in the 1971–72 fiscal year. This assumes, of course, that the state and local governments can agree on a sharing formula to divide the full portion of the federal fund. Without this formula, Michigan would receive only 90% of our federal allotment. It would be totally inappropriate to fail to arrive at an equitable sharing formula on the state level when such a significant step has been taken by the Federal government.

Because we lack the necessary information, it is difficult to estimate how much revenue this program will generate for the City of Detroit. But I am assuming that it will be large enough to provide a significant initial step toward alleviating our financial crisis.

More importantly though, this General Revenue Sharing Program exemplifies a change in direction by the federal administration. It means that the problems of America's urban areas are, at last, being recognized. And it means that a start is finally being made to return to urban areas the financial resources they are entitled to, and must have, to solve their problems.

For these reasons, I am enthusiastically supporting this General Revenue Sharing Program, and will continue to seek the support of other large city mayors. I think it is a step in the right direction, a first step which is long overdue. Once this program has been allowed to function for a time, I am confident that the results will answer the present critics of this kind of approach to urban finances. Then we will be able to proceed toward a goal of adequately funding all phases of urban government.

The other portion of the President's program for revenue sharing is termed Special Revenue Sharing. The details of this plan are not fully formulated nor as readily available as the details of the General Revenue Sharing Plan. I wish to emphasize that a more descriptive title for this proposal would be "Grant Consolidation Program" rather than revenue sharing. I have some reservation about this proposed program which may be understood better in the context of the following information about the program.

The program provides for appropriations of $11 billion in 1971–72 for these "Consolidated Programs." Of this amount, $10 billion is obtained from already existing activities and $1 billion is new money.

The process of combining existing programs, their consolidation into a single bloc grant mechanism is almost totally unclear at this time. This lack of information requires us to be cautious in our appraisal of the program. There are too many questions about the level of funding, the distribution mechanism and the possible restrictions on expenditures which must be answered before a definite judgment can be made.

We do not know what existing categorical programs are to be combined and in many instances we do not know why this will be done.

Until we have this information, we will be unable to determine whether Detroit is receiving more, the same, or even less funds than we were under the former, categorical programs.

As an illustration of the size of this plan, three major federal programs, Model Cities, MC–HRD and Urban Renewal, which are presently operating in Detroit are included as part of the new consolidated structure.

There is no information about the distribution of these funds, either the formula or the procedure. This means that we will not know what units of government will share the funds and to what extent that sharing will be.

While General Revenue Sharing is scheduled to start October 1, 1971, the Special Revenue Sharing Plan will not begin until January 1, 1972. Such a delay only intensifies the already crucial problems of planning for the activities of the comig year. This is especially critical because of the lack of details concerning the program. This will force action without sufficient planning not only about the potential revenue from this program but also with regard to the cutbacks in existing programs.

There has always been a certain amount of congressional opposition to the very concept of revenue sharing. Questions have also been raised about the equity and effectiveness of the President's proposals for General Revenue Sharing. The growing doubt about the specific programs for Special Revenue Sharing could, in combination with the other opposition, effectively defeat all sharing proposals, the good and the bad.

In this connection, I should comment on a proposal offered by the United Auto Workers and others to the effect that the Federal government should assume the welfare burden of the states and some cities rather than engage in revenue sharing.

I heartily agree that the Federal Government should finance the welfare function. I have long held that view. But I do not see it as an alternative to revenue sharing. The two concepts are certainly *not* mutually exclusive. If we allow attention to be diverted to the welfare proposal or to any of several other equally fine ideas we will be losing the impetus and the momentum that now exists.

I firmly believe that this would be a tragic mistake. The concept of General Revenue Sharing is a good one. We must work to increase the proposed $5 billion appropriation to at least the $10 billion level which it is estimated is required. Ten billion dollars is the sum that is needed to effectively attack the problems of modern urban life. But because our problems are such that we need $10 billion nationally, it does not mean we oppose the present plan to fund at a level of $5 billion per year. Perhaps the $10 billion need can be met by coupling the General Revenue Sharing proposal with the assumption of the welfare function by the Federal government. The proposed General Revenue Sharing is an indication of the establishment of new national priorities and an opportunity to prove the value of the concept. For these reasons, I am supporting this proposal.

I propose that a coalition of Michigan Mayors be established to support the General Revenue Sharing Proposal. Support from both large and small cities across the State could have a decisive effect on, at least, the Michigan Congressional delegation.

I believe the Council could provide valuable assistance in gaining what I feel is critical legislation. By passage of a resolution in support of this proposal and by exerting your influence wherever possible, you could be a critical force in obtaining Federal Revenue Sharing.

DESIGNATION OF LINCOLN BACK COUNTRY AND SCAPEGOAT MOUNTAIN AREA AS WILDERNESS

Mr. METCALF. Mr. President, I am pleased to have received from the Montana State Legislature a joint resolution of the Senate and House urging that Congress approve Senator MANSFIELD'S and my bill to designate as wilderness the magnificent Lincoln Back Country and Scapegoat Mountain Area.

Mr. President, this proposal has the nearly unanimous support of the people of Montana, of their Representatives in Congress, and their State legislature.

The Senate approved our bill, S. 412, in the last Congress and Senator MANSFIELD and I hope for early action by the Senate as well as by the House in this Congress on the current bill, S. 484.

Other memorials which I have received urge consideration of improved rules to provide for reclamation of lands that have been explored for minerals, a hearing by the Interstate Commerce Commission in Finance Docket No. 26486—abandonment by the Chicago, Milwaukee, St. Paul & Pacific of a portion of its line between Roy Junction and Roy in Montana—and measures to improve the aquatic environment in Fort Peck Reservoir for the production of game fish.

These resolutions all reflect Montana's needs. I hope they will have the attention they deserve.

I ask unanimous consent that the joint resolution of the Montana Legislature be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION

A joint resolution of the Senate and House of Representatives of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana; to the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, urging that parts of the Lincoln Park Country and Scapegoat Mountain area be enjoined with the National Wilderness Preservation System.

Whereas, parts of the Lincoln back country and Scapegoat Mountain area lie within the national forest system and are in a natural wilderness condition at the present time; and

Whereas, the area is presently being heavily utilized as a natural recreation area for horseback riding, hiking, fishing, hunting, camping, photography, and observation of wildlife; and

Whereas, there is a growing population of Americans seeking high quality outdoor recreational opportunities; and

Whereas, the Lincoln back country and Scapegoat Mountain area contain some of the most spectacular scenic and recreational opportunities to be found in the United States; and

Whereas, these outstanding recreational areas, and the wildlife and scenic opportunities therein are of the highest value in attracting people to Montana for the enjoyment of these areas; and

Whereas, Montana is one of the few states where this type of outdoor recreation containing a complete wildlife community in its natural environment can still be enjoyed; and

Whereas, the grizzly bear, the majestic elk, the native cutthroat trout, the Rocky Mountain goat and various other species, some of them endangered, abound in this area; and

Whereas, these areas should be preserved and protected for the enlightment, education, and enjoyment of future generations.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the forty-second legislative assembly of the state of Montana urges the congress of the United States to take the appropriate action necessary to identify those parts of the Lincoln back country/Scapegoat areas best suited to optimum recreational purposes and include them in the National Wilderness System.

Be it further resolved, that the secretary of state is instructed to send copies of this resolution to each member of the Montana congressional delegation.

THE BALANCE OF PAYMENTS

Mr. BROCK. Mr. President, I recently read a highly provocative article concerning the balance-of-payments situation. The article, entitled "A Passive Balance-of-Payments Strategy for the United States," authored by Dr. Lawrence B. Krause of the Brookings Institution, makes a number of stimulating observations about this situation. While I may not share all of the positions taken in this piece, certainly many of the points appear to be quite valid and deserving of close consideration.

In arguing for a passive balance-of-payments policy, several benefits of such a policy are claimed: such a policy is seen as both more helpful than current policies to the performance of our domestic economy and also as improving the international adjustment mechanism. The study also persuasively argues against the effectiveness of controls such as those on foreign direct investment.

Such benefits could be particularly important now. As the study points out:

> Relief from balance of payments constraints on monetary and fiscal policies may be of particular importance for the economic situation in which the United States now finds itself—underemployed domestic resources combined with a possible balance of payments deficit, a classic conflict situation.

Our current balance-of-payments policies certainly deserve a good, long look. In an effort to aid such analysis, Mr. President, I ask unanimous consent that the article, published in the Brookings Papers on Economic Activity, be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

A Passive Balance-of-Payments Strategy for the United States

(By Lawrence B. Krause*)

While the international monetary system is constantly evolving, most changes are relatively minor so that certain periods of history can be characterized by a particular monetary standard. The best description of current monetary arrangements is the dollar standard. The dollar standard may well be the best arrangement for the international monetary system of today, but there is little reason to expect or to desire it to be maintained indefinitely into the future. The purpose of this paper is to examine the proper balance-of-payments policy for the United States during the period of the dollar standard.

At the outset it might be useful to clarify what is meant by a U.S. balance-of-payments policy. A balance-of-payments policy measure is a governmental action whose primary purpose is not related to a domestic economic need and that would not be undertaken except for a perception of a disequilibrium in the balance of payments. This negative approach to a definition is necessary because all economic policies in one way or another influence the balance of payments; motivation rather than consequence must, therefore, be the distinguishing characteristic. Thus the 1968 tax surcharge was not a balance-of-payments policy by this definition even though it had substantial impact on the U.S. external position and was even described as a balance-of-payments measure by the President.[1] On the other hand, the program of mandatory controls on foreign direct investment administered by the Office of Foreign Direct Investment (OFDI) is a balance-of-payments measure.

Not all policies are easy to classify. The timid monetary policy pursued by the Federal Reserve in the years following the 1960–61 recession may have contained elements of a balance-of-payments policy. However, one can fully explain monetary conditions in those years in terms of the inflation-unemployment preferences of the Federal Reserve System as revealed after the 1953–54 and 1957–58 recessions.[2]

It is also necessary to consider more explicitly the objective of U.S. balance-of-payments policy. Under existing international monetary arrangements, other countries can exhaust their international reserves and must, therefore, take policy actions to avoid that contingency. All balance-of-payments measures of other countries can be considered attempts to defend a fixed exchange value of their currencies—either the existing rate or a new rate. Canada, during both the past and current periods of a flexible exchange rate, is an obvious exception.

In contrast, the United States cannot run out of international reserves as long as the world stays on the dollar standard. The dollar is the world's principal reserve currency for other countries and the United States itself. Deficits on official settlements can be financed by increases in U.S. liabilities and, therefore, the finite size of U.S. reserve assets is not an operative constraint on the United States. To be sure, at some hypothetical rate of accumulation, other countries will exercise their legal right to convert their official dollar holdings into gold. Significant official conversions of dollars to gold would mark the end of the dollar standard. The apocalyptic nature of dollar-gold conversions is well understood by industrial countries and this knowledge prevents large-scale conversions. Flexible exchange rates are an alternative to the dollar standard or any standard based on fixed exchange rates, and their adoption (even on the crawling peg-automatic formula basis) would end the present arrangement. The United States is the central figure in the dollar standard system, and its balance-of-payments objective is to maintain the viability of the system.

The dollar standard is quite different from what was intended by the framers of the Bretton Woods agreement and in some respects differs from the system actually in operation during much of the postwar period. The Bretton Woods agreement viewed the United States as another country in the system—different in dimensions but not in kind. The United States was considered able to control its balance of payments and was to be held accountable for it. The reserve position of the United States was thought to constrain U.S. policy, either through a loss of reserve assets or through a deterioration in the ratio of reserve assets to liquid liabilities to foreigners, like the United Kingdom and France. In the event of a fundamental disequilibrium, the dollar was expected to be devalued or appreciated. In fact, the system never worked in this manner. The problem of recovery from World War II proved too great for the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD), and the United States stepped into the breach, accepting the responsibility for the recovery of the entire noncommunist world. Even after production exceeded prewar levels and the recovery period per se had ended, the United States continued to bear the responsibility for the viability of the system and continues to do so. Thus despite the fact that the U.S. balance of payments was in deficit for much of the 1950s, the prevailing view was that a dollar shortage was present because the system required the dollars resulting from the deficit. If the United States had been like other countries, the balance-of-payments results would have been interpreted as a weakness requiring correction.

Nevertheless, gold still had an important role in the system. If other countries on balance accumulated more dollars than they desired, they were expected to convert the excess into gold—the ultimate reserve asset of the system—and the U.S. loss of reserve assets would indicate to the United States the necessity of restraining the dollar outflow. There was always some ambiguity in the signal since actual gold conversions depended as much on which countries were reserve accumulators—central banks had noticeably different reserve preferences vis-a-vis gold—as on the aggregate of the outflow. Nevertheless, the United States did respond to gold losses, both to official and to private speculators (following the reopening of the London gold market in 1954). For many years the system was adequate, as most newly mined gold ended up in U.S. monetary reserves or in the IMF as a part of the periodic quota increases. As long as there was a substantial and steady increase in the aggregate of monetary gold, other countries could ask for and obtain gold conversions from the United States without weakening the system. Even if the United States was a net loser of gold, the system was still viable because U.S. losses could be recouped from increases in subsequent years. Thus the arrangement could be properly described as a gold-dollar standard.

The system was converted into an unhyphenated dollar standard when gold no longer could adequately perform its monetary role. If a commodity is to be useful as money, its nonmonetary value in the absence of monetary demand must be nil or at best much below its officially supported monetary value. This condition no longer exists for gold. Rising money incomes, new industrial uses for gold, and the constant rise in the money costs of mining have fundamentally altered the private demand-supply relation so that gold is no longer in excess of private supply and has become unstable as money.[3] This condition was anticipated by private gold speculators, who through their own accumulation of gold helped further to undermine the usefulness of gold as money. The change took place in the early 1960s, but was not recognized until later because of substantial Russian gold sales during 1963–65. The conversion to a pure dollar standard evolved as the United States became less and less willing to sell gold to central banks; it was codified by the Washington gold accord in March 1968, which set up the two-tier gold market.

If the United States is the central country in the dollar standard, what is its proper balance-of-payments policy stance for preserving the system? I believe the United States should pursue a passive policy. By this I mean policy makers should refuse to take any measure in response to the usual signals of trouble from the balance-of-payments accounts—persistent change in the net reserve position—but they should display a willingness to shore up the system when it is threatened.

To avoid misunderstanding, I wish to make clear my belief that the United States, because of its relative wealth, has a responsibility to provide real resources to other countries. The policy actions required to do this are straightforward: appropriations for foreign aid and a willingness to permit and possibly even to encourage the outflow of long-term private capital. But these are not balance-of-payments measures.

TYPES OF BALANCE-OF-PAYMENTS POLICIES

One can view countries as choosing between two courses of action in response to balance-of-payments difficulties, and within each of them, between two major variants of policy. They can either adapt themselves to disequilibria or attempt to correct them. If adaptation is chosen, then the country can either finance the disequilibrium (reduce or increase net international reserves) or suppress it, by acting directly or indirectly on international transactions. If it pursues suppression, the balance-of-payments benefits are not sustainable once the policy measure is relaxed.

If correction is desired, then countries can follow either expenditure-reducing or expenditure-switching policies. Expendtiure-reducing policies require reduction of aggregate demand below full capacity levels and the maintenance of this condition until competitive improvement occurs. Expenditure-switching policies require measures to change relative prices directly so that domestic resources are utilized rather than foreign resources.[4]

As with most classification schemes, the distinctions between these courses are not as sharp as they may seem at first. All balance-of-payments difficulties under fixed exchange rates require some financing, because time is required for corrective measures to become effective, even if they are begun immediately upon discovery of the problem. Thus only when financing is not associated with any corrective measure is the approach adaptive. There is also some ambiguity concerning measures to suppress disequilibria. Some, like temporary border charges, quotas, capital controls, and the like, are fairly straightforward. But another class of measures that act on aggregate demand to suppress a disequilibrium, like the British "stop-go" policies of the mid-1960s, is not easily distinguished from expenditure-reducing corrective policies. The difference lies in the effect that management of demand has on international competitiveness (and illustrates yet another instance of the way international economics is hampered by the inadequacy of economic theory—in this instance, inflation theory). In response to a balance-of-payments deficit, a country might reduce the level of domestic economic activity through monetary and fiscal policies,

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Footnotes at end of article.

causing greater unemployment than it usually considers desirable. The purpose of the action would be to reduce domestic absorption of tradable goods and services and to improve the international competitiveness of the economy by reducing the rate of domestic price inflation. If it turns out that no competitive improvement has been obtained after domestic economic activity recovers to a more normal level, then the policy has been adaptive rather than corrective.

Indeed, it is the uncertainty of obtaining corrective results from expenditure-reducing policies at tolerable costs that has elevated expenditure-switching policies to primary importance throughout the postwar period. Without question, exchange rate adjustments are the most efficient instrument for effecting a policy of switching expenditures from abroad to home. To be sure, exchange rate changes must be supported by appropriate monetary and fiscal policies. In a pure switching strategy, however, these measures are not undertaken to change the level of domestic economic activity, but to avoid a change resulting from the exchange rate move itself. It is because exchange rate changes are so important in maintaining and restoring balance-of-payments equilibrium that so much attention is now being given to improving the mechanism for carrying them out.

RATIONALE FOR A PASSIVE U.S. STRATEGY

A passive balance-of-payments strategy would involve only adaptive policies of the financing variety. One may well question whether this is a new strategy for the United States or why, if new, it is appropriate now. While financing has long played an essential role in the U.S. approach to the balance of payments, other policies—particularly those of a deficit-suppressing variety—have also been very important. While less emphasis has been placed on nonfinancing policies by the Nixon administration, new measures of this type are still being considered.

In previous periods of history when there was a well-functioning international economy with fixed exchange rates, one country clearly dominated the system. Outstanding examples are the periods before 1914 when the United Kingdom was dominant and after World War II when the United States was unchallenged. The dominant country was crucial to the functioning of the system because it operated the adjustment mechanism through direct measures. When other countries on balance were in deficit, it restored equilibrium in part by forcing the deficit countries to change their policies and in part by direct measures deliberately designed to weaken its own reserve position, such as income transfers abroad. When other countries on balance were in surplus, adjustment was brought about in part again by leverage on the policies of other countries and in part by a deterioration in the liquidity position of the dominant country. The United States is no longer strong enough to operate the system in this fashion and that is why a change in strategy is now required.

The weakening of the United States relative to other countries can be attributed to a number of factors. Probably in major part it is due to the natural catching-up process that goes on in the absence of calamities. This process may have been accelerated somewhat, however, by the operations of multinational companies and other developments. The relative weakening is also due to the much larger fraction of domestic resources devoted to unproductive military uses in the United States. Among industrial countries the relationship between proportion of income devoted to defense and rate of per capita economic growth is not very strong, but it is negative for obvious reasons. Finally the development of exclusive economic institutions like the European Economic Community (EEC) and the European Free Trade Association (EFTA) tends to promote the economic interests of member countries in part at the expense of nonmembers. These factors are in the main not reversible and it would probably be undesirable to reverse them even if it were possible to do so.

A passive balance-of-payments policy would improve the situation in two ways: First, it would tend to strengthen the United States directly and, second, it would improve the international adjustment mechanism and thus render other countries less dependent on the United States. An enumeration of U.S. balance-of-payments policies that could be eliminated with the adoption of a passive strategy hints at the possible cost savings to the United States. Some of these policies are of long standing and rather innocuous, like the export promotion activities of the Department of Commerce and the subsidized lending of the Export-Import Bank. More serious, perhaps, has been the requirement that U.S. development loans to less developed countries be spent only in the United States—so called "tying"—a practice that sustains economic inefficiency in the United States. The imposition of "additionality provisions," which require that aid funds be not merely substitutive for nonaided purchases in the United States, has intensified the impact of tying. Some U.S. military expenditures have been directed to domestic suppliers even in the face of a 50 percent differential in costs favoring foreign procurement. This practice, for instance, was estimated to have cost the government between $30 million and $40 million in fiscal year 1964 alone.[5] The generalized "Buy America" preferences at all levels of government are of a similar, if less extreme, nature.[6]

Since 1963, the United States has levied an interest equalization tax on portfolio investment which discriminates against investments in developed countries except new Canadian issues. Shortly thereafter the so-called voluntary program administered by the Federal Reserve was added to limit foreign lending by commercial banks. At that time the companion voluntary program on direct investment was initiated. In 1968, the voluntary program was converted into the mandatory OFDI program, with substantial controls over the operations of direct investors.

Even if all of the above policies and programs were to be abolished, the improvement in overall U.S. economic performance would be marginal. A further gain might come from improved management of fiscal and monetary policy if decision makers did not worry about the balance of payments. Even though no major shortcoming of demand management in the United States within recent years can be attributed to balance-of-payments considerations, some minor improvements might have been possible in the early 1960s.

Currently the administration has recommended a change in corporate tax laws to permit deferral of tax liabilities on export sales. It is also supporting on balance-of-payments grounds the expenditure of public funds for the development of a supersonic commercial aircraft. An even more far-reaching proposal, supposedly under consideration primarily because of its balance-of-payments effects, is the conversion of the corporate income tax and social security tax systems into a value-added tax along European lines. All of these proposals may have some merit on other grounds, but if they were enacted for balance-of-payments reasons, then some economic inefficiency could be engendered.

The second and more important rationale for a passive balance-of-payments strategy for the United States is the expected improvement in the international adjustment mechanism that would result. The most effective instrument for adjustment (as distinct from adaptation) has been exchange rate changes, but they have become more difficult to effect properly in recent years. The freeing of capital movements from government restrictions in the 1950's, plus the increase in private liquid asset holdings, has made currency speculation possible, and sometimes very rewarding, for private interests at the expense of governments, when they finally make changes in currency parities. Furthermore, exchange rate changes have come to be looked upon as reflections of failure of economic policy rather than as instruments for achieving greater economic efficiency. As has been widely recognized, an improvement in the mechanism is required.[7] Clearly the mechanism would work better if exchange rates were changed promptly in response to maladjustments; this would probably increase their frequency and reduce their average size.

A passive U.S. strategy will help improve the mechanism because the United States will no longer be suppressing its deficit or surplus and therefore will help expose maladjustments in the system so that they can be more easily corrected by others. Because of the basic nature of the dollar standard, the United States cannot change the exchange value of its currency and it need not do so to maintain the equilibrium of the system. The United States can change only the dollar price of gold and if a return to the gold-dollar standard or even to a pure gold standard were desired, then an increase in the price of gold would be needed. But the price of gold and the exchange value of the dollar are logically distinct and should not be confused. As is well known, in a system of N countries, only N—1 exchange rates need be kept in equilibrium for the system as a whole to be in equilibrium.[8] If all other countries adjust their dollar exchange rates, then the United States need not exercise any control.

In his paper, Stephen Marris raises the possibility that the United States might initiate a change in exchange rates if it appears that a number of important countries ought to appreciate their rates simultaneously against the dollar (simultaneous depreciations have not been as much of a problem in the past).[9] He points out that a single country might be reluctant to appreciate against the dollar for fear that it might be alone in correcting its undervaluation and thus that its balance-of-payments surplus might be converted into a deficit if it appreciates unilaterally. Marris argues that if the U.S. initiates the change, then all the surplus countries might permit their rates to appreciate because it would not take a positive action on their part to go along.

The Marris argument is not very convincing to me. Obviously the economic consequences will be much the same no matter who takes the initiative as long as the same exchange parity is established. But U.S. action destabilizes reserve holdings, since a U.S. devaluation involves an increase in the price of gold, or special drawing rights (SDRs), or both. Furthermore, as was noted before, exchange rate adjustments require supporting monetary and fiscal measures. The countries involved should be able to pick the timing of the rate change so they can coordinate other policy actions. Indeed, if countries choose to adapt to disequilibrium by financing themselves, that should also be their prerogative. This form of adaptation, if it represents a long-term, consistent policy, would impose no burden on the system as a whole or on the United States in particular, if it is following a passive strategy. If the exchange rate mechanism is going to be improved, governments will have to get over their psychological hangups about initiating a change, although the United States may play a useful role.

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OPERATING CHARACTERISTICS OF THE SYSTEM

A passive balance-of-payments strategy means that in the event of large official settlement deficits—and likewise of large surpluses—the United States would refrain from any policy action. The United States could undertake special financing measures, and even call them military offset arrangements if that were thought desirable from a political point of view, but they would have no economic significance. In reality the United States may not have an alternative to a passive strategy and the only operative question may be whether such a strategy is utilized to its fullest advantage. As is seen in Table 1, annual changes in the official settlements balance since 1964 have been dominated by changes in the capital account, primarily by flows that are responsive to shifts in monetary policy. The experience of the United States in recent years dictates that the monetary instrument be available for domestic economic needs and not be encumbered by balance-of-payments considerations. Apart from monetary policy, anything that might be done to influence the balance of payments would be inconsequential. Thus an announced passive strategy merely makes a virtue of a necessity.

TABLE 1.—ANNUAL CHANGES IN BALANCES OF INTERNATIONAL PAYMENTS, 1960-69

[In millions of dollars]

	Balances		Annual changes		
	Goods and services	Official settlements	Goods and services	Capital flows	Official settlements
Year:					
1960	5,898	−3,403			
1961	7,087	−1,347	1,189	867	2,056
1962	6,688	−2,702	−399	−956	−1,355
1963	7,546	−2,011	858	167	691
1964	9,920	−1,564	2,374	1,927	447
1965	8,749	−1,289	−1,171	1,446	275
1966	6,302	266	−2,447	4,002	1,555
1967	6,117	−3,418	−185	−3,499	−3,684
1968	3,296	1,641	−2,821	7,880	5,059
1969	2,709	2,708	−587	1,654	1,067

Source: U.S. Department of Commerce, Office of Business Economics, 1969 Business Statistics (1970), p. 14: Survey of Current Business, Vol. 50 (June 1970 and August 1970), pp. 35 and S-3, respectively.

However, the new virtue has concomitant obligations. When the United States sets its domestic economic objectives and fashions its policy instruments to meet them, it must keep the rest of the world in mind. If the United States is to be the fixed point in the system, its economic performance must be reasonably predictable. This means it must avoid extremes of inflation and recession. To reflect the interest of other countries in U.S. economic policy decisions, foreign governments should have a right—indeed, an obligation—to state what they believe are the best policies for achieving U.S. goals as determined primarily by the United States. Americans must welcome the advice of other countries both in public and in private and some institutional changes may be required to provide the proper forum for it. It should, however, always be kept in mind that the balance of payments is not a target of U.S. policy. Silence by other countries should be interpretable as assent to U.S. policies.

The obligations of other countries under this system would not be much different from what they are today. First, governments must recognize that their ability to use montary policy for domestic stabilization purposes would be greatly circumscribed. They would need to adapt their rate of monetary expansion so that their interest rates would be compatible with those prevailing elsewhere, as determined primarily by U.S. monetary conditions. It has to be recognized that in any system of fixed exchange rates with freedom of private trade and payments, a great deal of monetary sovereignty has already necessarily been surrendered.[10] If individual countries or groups of countries require greater leeway for independent use of monetary instruments, then some institutional changes in both the structure of financial markets and their regulation, and greater margins for fluctuations in spot exchange rates, are required. Secondly, governments should be willing promptly to adjust their exchange rate parities to balance-of-payments disequilibria, in both an upward and a downward direction. If surplus countries choose to adapt rather than adjust to undervaluations of their currencies, they must be prepared to hold their accumulated reserves indefinitely.

What other countries can expect is that the United States will not suppress its balance-of-payments disequilibria as it does now. They would also be ill advised to try to suppress their own disequilibria, for such attempts are either ineffective or terribly expensive.

IMPROVING THE ADJUSTMENT MECHANISM

While following a passive balance-of-payments strategy itself, the United States has an obligation, beyond accepting policy advice from other countries, to do what it can to improve the adjustment mechanism and thereby strengthen the system. The United States must indicate to other countries when it thinks that their exchange rates with the dollar are becoming under- or overvalued. Both bilateral channels, and multilateral channels like Working Party 3 of the Organization for Economic Co-operation and Development (OECD), might be utilized. As the defenders of the system, the United States should initiate discussions of exchange rates if others do not, to ensure prompt attention to possible deviations from equilibrium. Multilateral discussions can provide the catalyst for consideration of, and action on, simultaneous appreciations or depreciations. Fear of encouraging speculation, which has hindered frank exchange rate discussions in the past, can no longer be permitted to paralyze the system.

Secondly, the United States has an obligation to do what it can to obtain creation of sufficient SDRs by the IMF since, in my view, all permanent increases in reserves should be through SDRs. If the United States is following a monetary policy suited to its domestic needs, and other countries on balance are accumulating dollars in official holdings (not matched by U.S. accumulations of SDRs above its allocated amounts), then insufficient SDRs are being created and the United States should press for increases in the allocations. It should urge a reduction in SDR creation if dollar holdings on balance are being reduced. Sufficient liquidity creation is a necessary condition for the viability of the system and, given its role, the United States must take the lead in the IMF in this matter. In the absence of alternative criteria, revealed liquidity desires can be utilized as the guide for "sufficiency," as described above.

Third, the United States must be prepared in extreme situations to take unilateral measures to shore up the system. It is easier to look backward for illustrations than to anticipate what will be required in the future. The kind of measures I have in mind include the unusual loan made to Italy during its crisis in 1963-64, the closing of the London gold pool in March 1968, and the January 1968 balance-of-payments package, including the OFDI program itself. Each of these measures was taken when the system was under extreme strain that called for forceful and immediate action. In all cases subsequent measures were required, but relieving the crisis was of immense importance and best handled unilaterally by the United States. In response to a crisis in the future, the United States might have to act on international reserves by buying or selling large amounts of SDRs for dollars or gold, or conceivably complete the demonetization of gold, or conceivably complete the demonetization of gold by refusing either to buy or sell monetary gold. Also, temporary direct intervention in either current account or capital flows by the United States might be the most effective instrument for stabilizing the system. Depending on the circumstances, the United States must be prepared unilaterally to initiate a wide range of measures for temporary relief, while forcing efficiency-promoting criteria to operate in the longer run.

VIABILITY OF A PASSIVE STRATEGY

Once the desirability of a passive balance-of-payments strategy by the United States is assumed, its viability becomes the question. The viability of any system of fixed exchange rates depends on the cooperation of all of the large countries—called "playing by the rules of the game" in a previous era. Such cooperation comes from a recognition that every country gains from the stability of the system. The viability of the dollar standard similarly depends on a belief by all countries that they gain economically from cooperating. The United States would, therefore, undermine the system if its actions and policies convinced other countries that cooperation is no longer justified.

Clearly the most important, and probably the overriding, consideration in this regard is the economic performance of the United States. Other countries will expect the United States to follow economic policies encouraging reasonably stable growth with price behavior that minimizes the number of required parity changes in the system. The price performance that fits this requirement would be about modal for the system; that is, price increases that are neither the greatest nor the least among the major countries. Such price performance implies a diminishing U.S. trade surplus, but a stable or growing current account balance. Excessive price increases by the United States will force other countries to appreciate their currencies too frequently for the system to maintain its stability over time. Likewise too "favorable" price performance by the United States will force too many devaluations on other countries. Exchange parities must also reflect differences in national growth rates not compensated for by offsetting marginal propensities to import and export; however, U.S. economic behavior cannot be expected to prevent needed adjustments of this kind. No reasonable government can expect the United States to keep to an average path without deviation. Errors of forecasting will obviously be made and misjudgments as to the efficacy of policy instruments cannot be avoided. But serious and continuing deviations will cause difficulties, particularly if they are combined with an official unwillingness to recognize problems that exist or to consider foreign recommendations for U.S. policy actions. If, for instance, Europeans felt that the United

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States needed an incomes policy to moderate its price increases and the U.S. administration refused to invoke one on the ground that it would do little good, then the system would be weakened. As long as policies suggested by foreigners are aimed at goals acceptable to the United States, the administration should go out of its way to accept them unless they are plainly and strongly counterproductive.

I think the prospects are rather good for the United States to experience the kind of modal price performance required to maintain the viability of the system. The United States has neither the large structural imbalances of the French and British economies, which require substantial inflation for full capacity growth, nor the emotional and political requirement of price stability that prevails in Germany, which makes moderate inflation hard to maintain. The condition of labor markets in the United States compared with those in other advanced countries is likely to be favorable for relative price stability in the foreseeable future. The natural rate of increase in the labor force is much larger in the United States than in other countries except Canada. Furthermore, Americans tend to be more mobile in search of job opportunities than Europeans, with the possible exception of certain Southern Europeans who accept temporary work in Germany. While the United States has a much smaller reservoir of misallocated workers in agriculture and small-scale retailing to meet labor shortages, it has more excess men in the armed forces and more unemployed who can be attracted to job opportunities wih relatively little inflation. Even if there has been an outward shift in the U.S. Phillips curve in recent years, the phenomenon has been quite general among advanced countries, and there is no evidence that the relative position of the United States has changed. The United States has had on average about the right amount of price inflation during the 1960s—a bit too little in the early years, and a bit too much in the later years. Both extremes might be avoided during the 1970s, thus maintaining the position of the U.S. average relative to those of other countries.

The viability of the system might be upset unnecessarily by a conflict between reserve assets—namely, dollars and gold. This does not mean a general rejection of dollars by many important countries, for that would be the last step toward the termination of the dollar standard. Rather, I refer to a situation in which the dollar is generally recognized as the most desirable reserve asset, but gold is still widely held by monetary authorities. It is conceivable that the two-tier gold market might begin to crack if the private price stayed much above the official price and was rising. Under these circumstances governments of some small countries might find a method for arbitrating between the official and private markets without excessive embarrassment. It is conceivable, furthermore, that another de Gaulle might come to power in a major country and see tactical political advantage in converting dollars to gold. Neither of these eventualities is very likely, but either could occur, to the embarrassment of the system. Under these circumstances, gold would have to be completely demonetized with the United States switching its obligation within the IMF to SDRs. Even without a crisis, the system would be strengthened if there were explicit recognition of the eventual demonetization of gold, possibly in a unilateral U.S. declaration.

A third route by which the viability of the system could be undermined would be a political rejection of the United States by other major countries. If, for instance, the foreign policies of the United States were so abhorrent to other countries that they no longer wanted to be associated with them, then they might stop cooperating in the international monetary system, even though they would suffer adverse economic consequences. Large conversions of dollars into gold might not make economic sense for a country, but they might silence the domestic critics who question "paying for another American Vietnam." If America were rejected by its traditional allies, the demise of the dollar standard would be among the least important consequences, but it might well be among the first.

COUNTER-STRATEGIES AVAILABLE TO OTHERS

The adoption of a passive U.S. balance-of-payments strategy would require only unilateral actions: a refusal to suppress disequilibria and a reversal of suppressing policies currently in force. But suppose other countries wanted the United States to continue to suppress or "correct" its disequilibrium, how might they respond? Some options would seem to be available. It might be best to think in terms of the current situation, in which the United States is believed to have a "worrisome" deficit. Other countries, for instance, might threaten to install or to reimpose their own (and probably harsher) restrictions on American direct investors as the OFDI program is dismantled. The legalities of discriminating solely against American investors might cause some problems, but discrimination can be carried out if it is sufficiently desired. Some Europeans are honestly worried about the strength of the dollar, but probably an even larger number are worried about the growing influence of American business in their economies and would welcome an excuse to restrain it.

Unless other countries are willing to initiate a massive international economic conflict, attempts to restrict American direct investors are highly unlikely to be very successful either in slowing the inflow of "unwanted" dollars or in limiting the scope of American business penetration. Capital flows can take many forms and cannot be effectively prevented without complete exchange controls; even their effectiveness is doubtful. The money flow aspect, therefore, can be dismissed out of hand. Many governments can easily prevent new direct investment, particularly if it involves the purchase of an existing enterprise, but such restrictions will not achieve the desired results. With the notable exception of Japan, American firms are already well established within the economies in which they want to operate.

Furthermore, with the freeing of international trade in goods, a market can frequently be served almost as easily from a neighboring country (or from the United States itself) as from within, and thus the restriction of new investment would come to nought. To affect the present situation greatly, many countries in unison would have to roll back the existing American presence; their actions would have to include restrictions on output, sales, and investment of firms legally incorporated as domestic citizens, as well as many new trade barriers. Reasonable governments will not want to embark on this course, for it is sure to lead to the strongest retaliation from the United States and undermine foreign investment everywhere.

Alternatively, other countries might threaten to restrict their exports to the United States to prevent the earning of unwanted dollars. The exports would have to be very special indeed for the United States to feel much deprivation from their absence. Furthermore, the exporting interests in the restricting country will be hurt directly and will probably force a change in government policy long before it forces the United States to consider suppressing its deficit. If countries are accumulating unwanted reserves, they can make the optimum response and appreciate their currencies.

If they are greatly dissatisfied with the U.S. strategy, the most likely response of other countries would be selective sniping at U.S. gold stock—not enough conversions to threaten the system, but enough to get the message across. No doubt this would cause some uneasiness at certain levels within the U.S. government, but the anxiety should be easily overcome. To maintain confidence, the United States must be prepared to use its reserve assets from time to time. Simple welfare considerations would suggest that the United States would gain from using SDRs that pay low interest to retire some dollar liabilities that pay higher interest. Furthermore, the credibility of the eventual demonetization of gold can be established only if the United States is willing to reduce its gold stock when it can gain an advantage from doing so. There may be opportunities for the United States to retire dollar liabilities, which, if initiated by the United States itself, would enhance foreign belief in U.S. self-confidence and thereby forestall sniping against the dollar. But if sniping should start, the passive strategy requires that the United States not respond adversely to small gold conversions, as sensitivity to losses can only encourage them.

The most effective tactic available to other countries to counter a passive strategy by the United States would be an appeal to the "better nature" of American officials. This is the strategy of negotiating from weakness frequently employed by friendly countries against the United States. The appeal begins with an explicit recognition that other countries will be forced to accede to U.S. desires even if they do not believe it is in their own self-interest. This is followed by a "however" paragraph: Doesn't America want to pay her own way in the world? Is it really fair for American firms to buy out European business with dollars that European central banks are subsequently forced to hold against their better judgment? Shouldn't the United States also bear some of the burden of adjustment when it is in deficit even though it bears less burden than other countries?

Such an appeal, when skillfully employed, is an effective strategy against the United States. Americans have a strong sense of moral conviction and many officials have believed in the past that deficits are sinful. After many years of preaching about the need to correct the U.S. balance-of-payments deficit, a failure to do so appears to reflect a lack of American will. Furthermore, the appeal is flattering to many Americans for it exaggerates U.S. power to bring about changes in the world economy. The vision of the early postwar years is re-created: If the United States can overcome a massive surplus, why not a modest deficit?

The proper response by the United States to this attack is to recognize the realities of the situation and to evaluate correctly its responsibilities and its ability to meet them. An American deficit, if it did exist, can be perpetuated only if other countries maintain undervalued currencies relative to the dollar. Unlike the United States, other countries can change their exchange rates. If they want to end a U.S. deficit, they can do so; but if they want to maintain undervalued currencies, there is no effective U.S. policy to force an end to their surpluses. Americans can buy foreign assets at bargain prices only because of a lack of competition by foreigners for their own assets or because of undervalued currencies. Both conditions are correctable only by foreign governments. The United States unquestionably will bear a burden when a deficit is adjusted, for Americans will be able to absorb fewer real resources from abroad; only the mechanism for effectuating the adjustment is in dispute. The real burden that the United States must shoulder should not be confused with the problem of invoking the adjustment mechanism, which does fall to others. Finally, the United States must recognize its primary economic responsibility to maximize the economic welfare of its own citizens. It cannot do this for the entire world even if it wanted to try. If the United States can meet its domestic needs while avoiding extremes of economic performance, then it will also serve the rest of the world very well. If better economic policy will result from a passive balance-of-payments strategy by the United States, this strategy is to be greatly preferred.

EVOLUTIONARY DEVELOPMENTS POSSIBLE IN THE FUTURE

One can speculate on how the dollar standard might evolve in the future. It could be replaced by a flexible exchange rate arrangement as countries become more expert at, and comfortable with, parity changes, but this is quite unlikely. Alternatively, the dollar standard could evolve into a substantially different system of fixed exchange rates. The passive strategy, as I envisage it, implies a mechanism for evolution, as all reserve growth over time would be provided by SDRs; this development would soon lead to a dollar-SDR standard. There is no reason for the United States to impede this development since it is paying market rates of interest on its official dollar liabilities and is thus not earning any seigniorage on its own creation of international money. Forced replacement of dollars by SDRs in reserves might, however, involve undue windfalls to the United States.

As more and more SDRs enter the system, the IMF will have to take a more active role in advising individual countries on the management of their official reserves. This could be the mechanism whereby the IMF evolves into a real central bank, such as discussed by William McChesney Martin.[11] In time, the management of the IMF could become the controllers of SDR creation, reducing the role of the member countries to the establishers of guidelines for the IMF's managing director. The IMF could also easily expand its role in the determination of exchange rates within a system of fixed exchange rates. If its studies indicated that a currency was under- or overvalued, the managing director at his own initiative could open discussions with the country with the aim of effectuating a parity change. It is conceivable that the IMF could exert some leverage by making a parity change a necessary condition for use of its facilities. Even further down the road, the IMF could contemplate open market operations in financial markets of member countries for the purpose of reaching monetary targets cooperatively decided upon. At the end of this development, the world might have a pure SDR standard.

Another line of evolution might come in Europe with the development of monetary union within the European Economic Community. While the 1980 target date for the completion of monetary union seems totally unrealistic, particularly if the community expands to include the United Kingdom and other countries, real monetary union might be possible at some stage. If it should come about, the European currency would be as useful as the dollar for most international purposes and probably much better for the international trade of goods. By then the EEC will probably account for over 50 percent of world trade (inclusive of intra-community trade). While little can be anticipated at this juncture, nothing in these developments per se would adversely affect the welfare of the United States.

CONCLUSION: THE ECONOMICS AND THE POLITICS

The rationale for the adoption by the United States of a passive balance-of-payments strategy rests on two main economic arguments: It would lead directly and indirectly to somewhat better economic performance for the United States and it would help improve the international adjustment mechanism. Relief from balance-of-payments constraints on monetary and fiscal policies may be of particular importance for the economic situation in which the United States now finds itself—underemployed domestic resources combined with a possible balance-of-payments deficit, a classic conflict situation. Policy makers in the United States should design measures to meet its domestic needs—a very difficult task in itself—and let other countries control the international consequences. The international adjustment mechanism itself will be strengthened if the United States ceases its attempts to suppress its deficit, attempts that in any event are ineffective. The mechanism will be improved if the obligation to act is placed on those who have effective policy instruments at their disposal.

Some Americans are reluctant to endorse explicitly a passive balance-of-payments strategy or even to recognize the realities of the dollar standard. Their argument, based on political considerations, is that the United States would appear arrogant, irresponsible, and unconcerned about other countries if it took such a stand. It might anger our European friends, some of whom still cherish the myth that the international monetary system is or should be like the original Bretton Woods conception.

The concept of a passive balance-of-payments strategy did not grow out of the arrogance of the United States, but out of the recognition of its relative weakness. The mechanism essentially tries to match obligations with ability to act. It would appear suppressing a balance-of-payments deficit would be the irresponsible act, and exposing it the first important step toward correction. The United States does care about other countries; the totality of its policies amply demonstrates this truth. But it cannot let concern over foreign feelings prevent effective action that is generally desirable.

The difficulty involved in making the passive strategy understood and acceptable to other countries can, perhaps, be moderated by stressing the positive political gains to be expected from it. The United States need no longer subject less developed countries to aid-tying agreements. Aid tying, particularly with additionality requirements, involves the United States very deeply in the economic planning of aid recipients—to benefit itself, not the recipients. The demise of this destructive practice will improve international relations. Furthermore, U.S. security commitments abroad have been subjected to balance-of-payments constraints, particularly in Europe. While all defense expenditures should be subjected to the cost-benefit analysis of the budget process, they should not be judged in terms of their balance-of-payments impact. A passive strategy would bring this desired principle closer to reality and thus would improve political relations with European governments. No doubt other political gains would also follow, and, therefore, general acceptance of the policy may not be as difficult to achieve as it first appears.

FOOTNOTES

*I wish to acknowledge the valuable comments of Walter Salant on an earlier draft of this paper.

[1] "Balance of Payments," Statement by the President Outlining a Program Action, Jan. 1, 1968, *Weekly Compilation of Presidential Documents,* Vol. 4 (1968), pp. 20–26.

[2] Whether one uses the interest rate on Treasury bills, the growth of the monetary base, total reserves of member banks, or some adjusted concept of reserve growth as an indicator, monetary policy after 1960–61 was more expansionary than the policies pursued during the two previous periods of recovery, when the U.S. balance of payments was not an issue. Board of Governors of the Federal Reserve System, *Historical Chart Book, 1969,* and Federal Reserve Bank of St. Louis, "Triangles of U.S. Economic Data," Feb. 11, 1970.

[3] Milton Gilbert, *The Gold-Dollar System: Conditions of Equilibrium and the Price of Gold,* Essays in International Finance, No. 70 (Princeton University, Department of Economics, International Finance Section, 1968).

[4] See "Towards a General Theory of the Balance of Payments," Chap. 6 in Harry G. Johnson, *International Trade and Economic Growth* (Cambridge: Harvard University Press, 1958; London: George Allen and Unwin, 1958).

[5] Testimony of Charles J. Hitch, in *Balance of Payments—1965,* Hearings before a Subcommittee of the Senate Committee on Banking and Currency, 89 Cong. 1 sess. (1965), Pt. 1, p. 176.

[6] Some measures, like the reduction of tariff exemptions for tourist expenditures and the tax law revision against foreign tax havens, are fully defensible on the grounds of simple equity, but no doubt were taken only to alleviate balance-of-payments pressures.

[7] George N. Halm (ed.), *Approaches to Greater Flexibility of Exchange Rates* (Princeton University Press, 1970); International Monetary Fund, *The Role of Exchange Rates in the Adjustment of International Payments* (IMF, 1970); Stephen Marris, *The Burgenstock Communiqué: A Critical Examination of the Case for Limited Flexibility of Exchange Rates,* Essays in International Finance, No. 90 (Princeton University, Department of Economics, International Finance Section, 1970).

[8] Ronald I. McKinnon, *Private and Official International Money: The Case of the Dollar,* Essays in International Finance, No. 74 (Princeton University, Department of Economics, International Finance Section, 1969).

[9] Marris, *Burgenstock Communiqué.*

[10] Lawrence B. Krause, "The Role of Private International Finance in Transnational Processes," *International Organization,* forthcoming.

[11] See "Toward a World Central Bank?" paper presented by William McChesney Martin as the Per Jacobsson Foundation Lecture, Basle, Switzerland, Sept. 14, 1970.

ALASKA NATIVE CLAIMS

Mr. HARRIS. Mr. President, one of my distinguished constituents is Miss Angie Debo of Marshall, Okla. Miss Debo, who is a very young octogenarian, is a highly respected historian of American Indian affairs and the author of "A History of the Indians of the United States," published last year by the University of Oklahoma Press. Miss Debo has won wide acclaim for her fine book, and her voice is especially to be respected as we turn our attention to Alaskan Native land claims settlement legislation.

Miss Debo is a strong advocate of a just and generous settlement of Alaskan Native claims—a settlement which recognizes the fundamental property rights of the Natives in Alaskan land, and assures them not only generous compensation for lands surrendered but an adequate land base for their future as proud and self-reliant Americans.

In this connection, I invite the attention of Senators to a statement submitted last fall by Miss Debo in response to Senate passage of S. 1830, which has been introduced as S. 35 in this Congress, and which several Senators and I hope to improve very substantially.

Mr. President, I ask that Miss Debo's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONCERNING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1970

(Statement of Dr. Angie Debo)

In my study of Indian history I have found an invariable pattern. (1) Take away the Indians' land, sometimes even paying them for it, but destroying their economic base. (2) Place their diminished property under Government control rather than their own collective management—i.e. paternalism. (3) Set a date for dividing their property into individual shares—and subsequent loss and impoverishment. (4) "Termination." This is the last blow. The Indians of the Lower 48 know what this means.

I had hoped history would not repeat itself with the natives of Alaska, but the bill passed by the Senate is an exact recapitulation of these three and a half centuries of exploitation or blundering. (1) These natives support themselves mainly by subsistence bunting, using eighty million acres of land. (It takes a lot of tundra to feed a caribou.) They are asking title to forty million, an absolute minimum, about one-tenth of the state for about one-fifth of the population. The Senate bill cuts this amount to about ten million. This simply will not support them. Why do they not find jobs in industry? Perhaps they will some day, but the jobs are not available now. (2) The Senate bill is said to be "generous" in its payment for the land taken away from the natives. But who implements it? An appointed Commission with a majority of non-native members. "Father knows best." (3) After fifteen years this corporate property will be divided into individual shares subject to sale. Why would they sell? To keep from starving, stripped of their land base. We have seen this happen, tribe after tribe, in the Lower 48. (Incidentally, how long would *our* collective property—national, state, local—remain intact if any citizen could claim his share and dispose of it?) (4) "Termination," after five years. Then comes the relief and welfare burden. After we have impoverished a people, we do not let them starve.

Why repeat this tragic cycle? We have a new chance to do it right. But the only hope lies with the next Congress, which may come up with a better bill.

EUROPEAN SECURITY

Mr. TOWER. Mr. President, I recently spent 2 days at the Eighth International Wehrkunde Conference on European Security. This is an annual meeting of men interested in the immense problems posed by East-West confrontation in Europe. Since this is not an official NATO meeting, these men are free to express their own opinions about how to best insure our collective security.

I shall place in the RECORD two papers that I feel are particularly useful to students of European security. The first by Lord Balniel is titled "European Defence and European Security"; the second, by Dr. Manfred Worner, is entitled "Strategic Balance and the Alliance." They are both helpful in understanding the European point of view on our common problem, a point of view that is in many cases similar to our own.

Mr. President, I ask unanimous consent that the articles by Lord Balniel and Dr. Worner be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

8TH INTERNATIONAL WEHRKUNDE ENCOUNTER, EUROPEAN DEFENCE AND EUROPEAN SECURITY

(By Lord Balniel)

THE CHANGING WORLD

No one can consider the question of European security and European defence without taking account of three important ways in which the world has changed over the last few years.

In the first place, the days when the North Atlantic Alliance posessed overwhelming nuclear superiority have passed.

Immediatley after the second world war, and throughout the 1950's, NATO could rely upon the fact that the strategic nuclear might of the United States was so immensely superior to anything possessed by the Soviet Union that by itself it constituted a fully credible deterrent to any adventure by the Warsaw Pact. This is no longer the case and the advent of an era of nuclear parity presents the West with a series of problems different from those faced in the past.

Second, the peoples of the west feel a growing atmosphere of detente. The years immediately following the second world war are forgotten—or were never known—by a large part of the electorates of the western countries. Many peoples nowadays regard the threat from the Warsaw Pact as unreal—and this feeling is strengthened by the fact that east and west are seen to be negotiating or talking openly about many matters in a way which seems to indicate a relaxation of tension. The Strategic Arms Limitation talks, the idea of mutual and balanced forced reductions, the Ostpolitik, proposals for a European Security Conference—all these add to the general air of detente. And this feeling is reinforced by the ever increasing pressures upon governments in the West to increase their spending on social services and correspondingly to reduce defence expenditure.

Finally there is the prospective enlargement of the European Economic Community and, in particular, the accession of the United Kingdom. This will give added impetus to cooperation in many spheres, not least in defence, and is likely to encourage closer political and defence cooperation in the same way as it will clearly increase cooperation in the economic sphere. As the economic union of Western Europe becomes a reality, it is bound to point the way towards political and defence union in the longer term and to have immediate effects upon day to day defence cooperation in the shorter term.

All three of these factors are relatively new. Together they present a backcloth to the problems of European defence quite different from that which existed ten years ago. It is this new backcloth that we must use for considering European defence for the next decade at least.

STARTING POINT FOR LOOKING AT THE CHANGING WORLD

The days when individual European countries could defend themselves against all comers have long since passed—if they ever existed. No single country in Europe can hope to be able to defend herself alone in the modern world of the Super power. Quite apart from the degree of economic sacrifice that nations are prepared to undertake in peacetime, no country in Europe has the men or the money which would be needed to produce even the resemblance of self defense against a Super power. European nations can only hope to achieve security through a joint effort—as members of an Alliance such as NATO—where their combined efforts can enable them to live in a world of super power without either becoming satellites or lapsing into an insecure neutrality.

And although there is in some circles a tendency to disregard or even to denigrate the North Atlantic Treaty Organisation, this is the Alliance which exists today and to which the majority of the Western European nations belong. Moreover, it has existed for twenty one years and has in that time successfully provided security for Western Europe. 21 years ago not everyone would have wagered on that. What is more, NATO has just enjoyed what in many respects has been one of its most successful years for a long while.

Most of the year has been spent carrying out, against a very tight timetable, the Study of Alliance Defense Problems for the 1970s—known in NATO as AD70. This Study really stemmed from President Nixon's Statement on Foreign Policy to Congress in February of last year. In that Statement he urged that the time had come "to conduct a thorough study of our strategy for the defence of western Europe including a full and candid exchange with our Allies" and he went on to list some of the matters that needed study: the threat, a realistic analysis of NATO's conventional capability, the use of nuclear weapons, and so on. This was promptly taken up by NATO, and the first part of the AD70 study was completed in time for the NATO Ministerial meetings in December 1970. As followers of these events will know, there was a long communique giving the gist of this very comprehensive report.

Another question which President Nixon's Statement highlighted was that of the relative shares of the cost of NATO defence borne by the partners on the two sides of the Atlantic: "A more balanced association and a more genuine partnership are in America's interest. As this process advances, the balance of burdens and responsibilities must gradually be adjusted to reflect the economic and political realities of European progress".

These remarks placed new emphasis on an old problem and gave rise to the so called "Burden sharing" exercise which was carried out by the Eurogroup of NATO countries. In many ways this was the real baptism of fire for the Eurogroup. It ended successfully, in December 1970, with the announcement of the European Defense Improvement Programme (EDIP). This programme is to consist of a mixture of improvements to national forces declared to NATO and an increased contribution to NATO infrastructure funds to enable two important NATO defense projects—the NATO Integrated Communications System and the aircraft shelter programme—to be speeded up. Altogether it is reckoned that EDIP will cost about 1 billion over the next 5 years alone. Along with the announcement of AD70's conclusions and the European Defense Improvement programme came the announcement by the US Administration that "given a similar approach by the other Allies, the United States would maintain and improve its own forces in Europe and would not reduce them except in the context of reciprocal East-West action". This was a welcome and important pledge by the US. We must not lose sight of the fact that it is closely related to reciprocal action by Europe and therefore depends greatly on EDIP and further action of a similar kind: I shall return to this point below. But it has brought to an end—at least for the time being—continuing speculation that large scale US troop withdrawals were imminent. It was a courageous act by President Nixon in the face of Congressional pressure for reduction of the US contribution and it has bought valuable time for Europe.

Finally, along with these successes, we have seen the first fruits of the German Ostpolitik in the form of the Renunciation of Force Agreement and the German/Polish Treaty.

So it was a good year for NATO: AD70, the

European Defence Improvement Programme, the US guarantee on force levels in Europe, the first successes of the Ostpolitik. What then is there to worry about in European Defence? The most obvious cause for worry is the temptation to sit back and bask in complacent self satisfaction. Although NATO has kept Europe secure for 21 years and has just had one of its best years for a long time, it is not a time for complacency. In this era of nuclear parity, the Alliance faces what may prove to be its most critical test yet.

NUCLEAR PARITY AND ITS IMPLICATIONS

Nuclear parity between the US and the USSR now exists, in the sense that both the US and the USSR possess an assured second strike destructive capability. The west can no longer rely on the threat of massive nuclear retaliation against each and every aggressive act by the Warsaw Pact as we could—or so it was generally believed—during the 1950s.

The old strategy of the tripwire is now so discredited—because so incredible—that it has ceased to be an option worthy of consideration. No sane politician could ever undertake to agree to a full scale nuclear response to every incursion; and no one would believe him if he did. As a result there is at present no real alternative to NATO's current strategy of flexibility in response which envisages the Alliance taking from its comprehensive armoury the appropriate weapons and capability needed to meet an incursion of any kind.

Nuclear weapons form an essential part of our system of deterrence and defence and we must be ready to use them if necessary. But in present circumstances conventional forces have a much more important role than they had under the tripwire strategy. They must be able to defeat any minor probe or invasion, perhaps designed to test the determination of the Alliance, anywhere in the NATO area. They must also be able to cope for a reasonable period with an all-out conventional assault. We could not hope to defeat such an assault if it were maintained, and to restore the previous position, wholly by conventional means. But we must be strong enough to show an aggressor that we were determined and able to resist him no matter the scale of his attack, and to give him time to regain his sanity and recognise that he had miscalculated, before the moment arose at which we had to initiate the use of nuclear weapons.

Nor must we forget that the requirements of forward defence increase the level of conventional forces that we need. No matter at which points an aggressor attacked—and he would have the initiative in choosing them—we could not afford to give up large areas of ground. We cannot plan to trade the territory of NATO member countries for the time that we could need. Indeed, even if the conventional strength of the Warsaw Pact were greatly reduced, there would still be a minimum level of NATO forces, determined by geography, required for forward defence.

One can argue—and argue legitimately—that not all of the Warsaw Pact's enormous conventional capability is pointed toward the west: that much of it is necessarily needed to maintain the Brezhnev doctrine and that even more of it is pointed towards the east. But even when all the discounting is done—and he would, incidentally, be a brave military planner who was prepared to assume that the "Brezhnev doctrine" forces and the non-Soviet Warsaw Pact forces would not take part in any fighting against the West—the conventional superiority of the Warsaw Pact is substantial even if it is not subject to precise quantification. And it tends to grow rather than the reverse, for while Soviet and Warsaw Pact defence spending increases annually by about 6% in real terms, NATO spending falls—and the number of NATO forces has declined too. To some extent this is offset by improvements in the quality of NATO weapons systems—but of course the quality of Soviet systems is not static.

The road of precise comparisons is full of pit holes and I do not propose to try to follow it. Suffice it to say that NATO can ill afford to see any further diminution of its conventional capability other than in the context of mutual and balanced reductions.

It is not only on the mainland of Europe that Russian conventional power poses its threat. One of the more striking developments of recent years has been the impressive growth of Russian maritime power in the Mediterranean and in the Atlantic—both within and outside the NATO Treaty area—as well as further afield in the Indian Ocean and the Far East. At present, of course, the closure of the Suez canal inhibits Soviet naval deployment, but if and when the canal reopens, the situation in the Indian Ocean is likely to cause even more uneasiness. I do not believe that NATO can afford to take a complacent view of Soviet maritime expansion outside the NATO area any more than it can about the Russian fleet in the Mediterranean. We are all concerned with stability in the world and we are all in some degree dependent on vital trade routes leading to and from the NATO area.

It is certainly important that NATO should do all it can to strengthen its conventional capability, and AD70 has made a valuable start in drawing attention to the deficiencies which exist at present. But saying what is wrong—although an important ingredient—is not the whole recipe for putting the shortcomings right. And that is the important task which now faces the Alliance. The European Defence Improvement Programme is a start. As Mr. Laird said at Brussels in December it is an historic step in the history of the Alliance. But even historic steps can be small ones—even when they cost 1 billion—and a great deal remains to be done. And it will need, very largely, to be done by the Europeans, for there can, I think, be no doubt that Europe will need to take on an ever increasing share of the burden of NATO defence in the future.

We are all deeply appreciative of the President's pledge to maintain and improve the current U.S. force capability in Europe. But we cannot depend on—or indeed reasonably expect—U.S. support of this magnitude forever. The days of the late 1940's and early 1950's when we in Europe depended on the U.S. not only for our defense but for our economic survival as well are now far away, but we have been slow to assume the defense burden that our restored economic capability would allow. At last, Europe has realized the challenge and begun to do something about it. But EDIP is not the end of the road, only the beginning of the process whereby Europe must increasingly take on added responsibility for Western defense. The conclusions and recommendations of the AD70 study need to be followed up with vigor and a sense of urgency, and we European countries will need to show by deeds and not just words that we are in earnest about remedying the deficiencies in our own defense to which this study has drawn attention. And in doing so, we must be very clear in our minds regarding the form that our responsibilities will take in the atmosphere of detente engendered by West Europe's own efforts to reach an understanding with the countries of the Warsaw Pact.

DETENTE AND ITS IMPLICATIONS

At this point I am particularly anxious to make my meaning quite clear. The British Government shares fully in the general and genuine desire of the NATO countries, exemplified by the Federal Government's Ostpolitik, to reach an accommodation with the Warsaw Pact powers. Nor am I suggesting that we should not continue to look for any opportunity for genuinely balanced reductions that will preserve, at a lower level of forces, the balance of security between NATO and the Warsaw Pact. Any such suggestion would be absurd. NATO is a defensive alliance of peaceloving states. Its essential aim is to prevent war. At present it seeks to achieve this through a strategy of deterrence. But we should naturally prefer to seek security by more civilized means if we felt it safe to do so. So an agreement with the Warsaw Pact powers which allowed all of us to reduce the level of our forces would represent a large step towards achieving NATO's ultimate aim. The saving of money would be almost the least of the rewards. Obviously we would all like to spend less on defense and more on social programs which would enable us to eliminate poverty and allow our peoples to live fuller lives; and a significant reduction of the level at which the East-West military balance is now held would help us to do this. But far more important, a genuine and lasting relaxation of the tensions and stresses which have distorted our lives for the past quarter of a century would represent an achievement of which we could be proud and for which we might even ask the next generation to be grateful.

However, experience has taught us that in this area it is fatal to confuse ends with means. It would be an act of folly to attempt to prove our desire for peace by reducing unilaterally our capacity for self-defense. We are dealing with adversaries who see no inconsistency between amiable words and hostile actions. Four power talks on Berlin are conducted to the accompaniment of harassment on the autobahn. It is platitudinous (which is another way of saying that it is incontestably true) to say that we cannot expect to negotiate successfully with the Russians if we first weaken ourselves. It is equally true that negotiations without point, purpose or prospect of success will achieve nothing. And it should go without saying that the members of NATO must in advance be clear in their minds, and united, about the outcomes of negotiations that they could accept as being genuine moves toward peace and toward greater, not less, security.

These are the key considerations on which NATO must base its approach to the issue of Mutual and Balanced Force Reductions (MBFR). Certainly we would be glad to join with the Warsaw Pact countries in working out means of ensuring peace in Europe. But first we need some tangible sign that the Warsaw Pact would enter these consultations with the honest aim of securing a peaceful solution of our problems.

While the Eastern bloc talks peace it devotes a high proportion of its resources to widening its already formidable lead over the West in conventional armaments and, of course, to catching up with the United States in nuclear armaments—not to mention the establishment of a new, world-wide and truly formidable naval capability. We are entitled to ask what is the purpose of this growing array of military strength.

MBFR present a problem of enormous difficulty because the Soviets start with all the advantages on their side; so that almost any proposition which is compatible with the essential security requirements of the West almost inevitably presents the appearance of being weighted agianst the East. For precisely this reason we must be careful not to make the mistake of trying to take a leaf out of the Warsaw Pact book by making offers, or starting negotiations, for propaganda purposes. That is a game we cannot win, because in the free and independent societies of the West we have to take account of public opinion to a much greater extent than the Warsaw Pact countries do. If we launch some kind of disarmament campaign we must be ready to see it through to the end. Public opinion, here in W. Europe, would not countenance a cynical into life. For my part I am glad that, so far, NATO has shown a firm disposition to be guided by these facts of life, awkward and unwelcome as some of them may be; and the signs, as I read them, are that we shall continue to pursue our search for peace along the hard paths of reality, refusing to be tempted into easier roads that lead nowhere.

E.E.C. AND ITS IMPLICATIONS

So far I have painted a rather gloomy—though I would prefer to say realistic—picture and I must add a further sombre tint. There is a disposition in some quarters to argue that while it is true that we must aim to maintain an effective military balance with the Warsaw Pact countries, we can achieve this painlessly—that is, with no increase in our present defence efforts—if only we will pool our resources and rationalise our equipment procurement programmes. We will then reap the benefits of shared research and development costs, and of long production runs of standardised equipments.

I should not like to be misunderstood. I subscribe fully to the aim of moving towards progressive integration of the defence efforts of Western European nations and the establishment of a European Defence Community. This must be part of our long term thinking. Nor do I question the undoubted attractions of integrated effort. To do so would ignore everything that modern technology and modern financial and management techniques have to teach us. But I do beg leave to doubt whether, in the course of the next 3 or 4 years, this kind of approach is going to provide all the answers. It is easy to underestimate both the length of the lead that the Warsaw Pact countries have established in conventional armaments and the obstacles that have to be overcome before properly integrated defence production programmes can be established. Certainly improvement and rationalisation in procurement and logistics must be our aims and we must spare no effort to surmount the obstacles that stand in the way of their achievement. But while schemes for rationalising West European defence are coming to fruition, there will be no effective substitute for improving Western Europe's present defence effort and making better use of our defence resources within the NATO framework that exists at present.

I suggest—and I imagine that this is an aim to which we can all subscribe—that the first and most obvious step towards strengthening the defence of Western Europe is to work for closer co-operation between France and other members of the North Atlantic Alliance. France is indispensable to the defence of Western Europe, and with goodwill on both sides I am sure that some way will be found of achieving this. The improved atmosphere that we hope will result from enlargement of the European Economic Community should help.

I am not though one of those who believes that enlargement of the EEC will lead automatically to the establishment of a defence community. It would certainly simplify some of the problems which at present bedevil our attempts at defence co-operation. I hope that some useful progress in co-operation will be possible quite rapidly. However, I suspect personally that the path towards defence integration will lead by way of closer political co-operation. Establishing some identity of political aims and political policies must, I thnk, come first. It is no use starting at the bottom—i.e., with defence projects—and trying to work upwards. Fully effective defence collaboration must depend on the merging and harmonisation of wider political aims. When that has been achieved I think we can begin to talk realistically in terms of the twin pillars—Western Europe and the United States—which the late President Kennedy saw as the essential supports of Western defence.

CONCLUSION

In short, I am saying that I see no soft options for the Defence Ministers of Western Europe today. We shall get what we are prepared to work for and pay for. NATO must continue to provide the framework of security for our way of life. And although NATO has withstood all the stresses and strains of the past 21 years in a way which would have seemed the height of optimism back in 1950, it faces perhaps its severest test today. The Warsaw Pact countries have achieved nuclear parity while retaining a formidable lead in conventional armaments. In the West impatience with an apparently permanent state of confrontation and demands for reductions of huge expenditures in armaments continue as strong as ever.

However, in the last 12 months there has been heartening evidence that the Alliance is ready to take the measure of its tasks and apply itself to solving them. We have reached agreement in the identification of the major deficiencies in our military forces and dispositions; we have set in train a programme of studies designed to rectify them so far as this is feasible within our resources; we—the Europeans—have launched a defence improvement programme involving substantial extra expenditure over the next 5 years; and we have reached a cordial agreement with our American friends that reciprocity of effort must be the keynote for the future.

Our object now must be to steer a middle course between complacency and impetuosity. We must preserve what is good in our present European defence arrangements (where the good already far outweighs the bad) but be ready to adjust them to the evolutionary changes which are undoubtedly going to take place in Western Europe over the next 10 years. We must think hard and imaginatively about the changes which we want to make in NATO to reflect these wider developments; but at the same time we must grapple with the problems which confront us in the short term and which I have described in the earlier sections of this paper. Above all we must not deceive ourselves that imaginative ideas about the future of the Western Alliance are any substitute for the positive action that has to be taken to cope with its immediate problems. As with national defence policy, effective action at the international level depends on striking the right balance between grappling honestly and realistically with present problems and providing for what is foreseeable in the future.

Eighth International Wehrkunde Encounter, Strategic Balance and Alliance

(By Dr. Manfred Wörner, MdB)

STRATEGIC BALANCE AND THE ALLIANCE

In our days, peace depends on the balance power. The main future threat to that balance is going to emanate from Europe. New technological advances, the conventional superiority of the Warsaw Pact and the offensive policy of the Soviet Union threaten that balance and thus jeopardize peace. This situation calls for intensified political and military efforts on the part of the Atlantic Alliance if balance is to be maintained and peace remain to be ensured. In the present situation it would, in particular be irresponsible to reduce the American forces in Europe and to diminish the defense burden of the Western World. The military efforts must be accompanied by the acceleration of political, economic and military integration.

The Strategy of the United States

The foreign policy of the United States since the end of World War II can be subdivided into three distinct phases of strategic planning:

From 1947 to 1959 the foreign policy was one of the containment of Communism in pursuance of the Truman Doctrine and the attempt at "roll back" envisaged by John Foster Dulles on the basis of US nuclear monopoly. From 1960 to 1969 US foreign policy was characterized by the concept of bipolarity on the basis of the nuclear parity between the USA (including NATO) and the USSR (including the Warsaw Pact). Since 1969 we have been witnessing a reorientation of US foreign policy in the direction of multi-polarity (in pursuance of the Nixon Doctrine) which takes account of the restrictions imposed on the freedom of action of a super power. Among the most important factors, which occasioned that reassessment of American policy ultimately leading to the Nixon Doctrine of July, 1969, we must above all list the following:

The absolute priority accorded to the prevention of war by nuclear deterrence restricted America's freedom of action and resulted in a clash of interests with the European allies (the critical stage in German-American relations from 1961 to 1963 and the crisis in the Franco-American relations from 1961 to 1968). The rigid bipolarity of that conception brought in its train the accentuation of hegemonial structures within the two systems of alliance and—by way of reaction—a renewed emphasis on national independence in France and Roumania.

The Soviet Union showed a readiness to cooperate only if its agreements necessitated merely insignificant concessions to the USA, whereas the American compromises aroused the suspicions of her allies (as in the case of the non-proliferation agreement).

The Soviet Union has always endeavoured to change the strategic situation in her favor. Russia shortened the deployment distance by occupying Czechoslovakia and tries to outflank western Europe at sea.

The Nixon Doctrine can be reduced to a simple formula: America no longer wants to be one of two world powers but merely one among several. The changed attitude towards international politics underlying the Nixon Doctrine and the reassessment of the role the USA is to play in this world naturally have a long-term bearing on the relationship between the USA and Europe.

First of all, the USA has the comprehensive desire for a further diminution of the nuclear risk.

The more the Americans feel that their own territory is threatened by the strategic arms of the Soviet Union the less probable will it be that American nuclear arms will be employed in the defense of Europe. The nuclear threshold in Europe is on the rise. This situation practically also entails a reduction of the conventional efforts and capabilities of the NATO countries so that the resulting security gap might in the long run jeopardize the strategy of "flexible response".

Second, there is a growing tendency in the USA to withdraw additional troops from Europe. It is quite true that the present American Administration has unequivocally declared its firm resolve to undertake no further reduction of the US-forces stationed in Europe. There can be no doubt as to the sincerity of that pledge and its fulfillment. But in my mind there is equally no doubt that the tremendous domestic and foreign burdens of the USA are in the long run more likely to strengthen than to lessen the pressure of American demand for a reduction of US commitments in Europe. In view of the present state of Europe it is more than doubtful whether Europe is willing and able to close the long-term security gap through an intensification of her defense efforts.

The Strategy of the Soviet Union

While the world-wide objective of American policy is either disengagement or the preservation of the status quo (such as in Europe), the political and military policy of the Soviet Union is of a dynamic nature and aims at changing the status quo. This policy is screened by written and oral statements paying lip service to détente. It must, of course, be admitted that the Soviet Union has some justification to expect that the readiness of the western democracies to defend themselves and that the cohesion of the Alliance diminish at the same rate as the fear of aggression. In the last analysis, the so-called co-existence policy of the Soviet Union is nothing but a continuation of its offensive policy by other means. The opponent's readiness to resist is lulled while one's own position of power is systematically reinforced in a double-handed attempt to change the international balance of power in one's own favour.

The idea of a European Security Conference is a perfect case in point. It amounts to a large-scale attempt on the part of the Soviet Union to replace the European conception of the West by the Soviet one, and to supersede the Atlantic security system by an exclusively European system within which the Soviet Union might perpetuate its predomination and even rise to an unchallenged hegemonial position.

The Soviet Union's endeavour to assert her own European conception dates back to the declaration presented by the Polish Foreign Minister, Rapacki, to the United Nations General Assembly in December, 1964 and which contained the first plan for a European conference. The first clear statement of that policy was found in the declaration of the Warsaw Pact countries on European security of July 6, 1966. It defined the European conception of the Soviet Union and imposed the joint pursuit of that policy on all east European countries in the following terms:

"Recognition of the territorial and political status quo in Europe, i.e. recognition of all existing frontiers, of the existence of two German States and of the separate political entity of West-Berlin as defined by international law; dissolution of the military alliances in East and West, or at least dissolution of their military organisations; convocation of a conference of all States interested in the discussion and solution of European problems."

The political principles of this declaration substantially still form the basis of Soviet foreign policy today. As evidenced among others by its Berlin policy, the Soviet Union has carried forward its diplomatic offensive in Europe without the least readiness to compromise in practical issues. With the aid of the inexorable Breshnev Doctrine the Soviet Union makes her own power system air-tight within. The "Policy of Delimitation" which is at present loudly and with growing insistence proclaimed by the propaganda machinery of the GDR is designed to immunize the East German population against the undesirable effects of détente policy.

The principal object of Soviet European policy is to impair the cohesion between the USA and Europe, to isolate the USA and—in the long run—cause America to withdraw from Europe which would then be controlled by the Soviet Union.

Even though Moscow has dropped its initial objections against the participation of the USA and Canada in the envisaged Security Conference, it still tries to persuade the Europeans that the Security Conference might present an opportunity to free themselves from American tutelage. The Soviet invitation to intensify the contacts and cooperation among all European nations is the positive paraphrase for their intention to sow discord between the USA and Europe. "European security" in the Russian understanding of that term is synonymous with the "battle against all outside influence and intervention." It is really quite remarkable to observe how often the Soviet Union is described as a "European power" in Russian speeches and publications.

At the same time the Soviet Union attempts to prevent a more comprehensive political, economic and military integration of the West. Among others Russia contrasts the strict prerequisites for accession to the Common Market with the possibilities of European collaboration without discrimination. The neutral nations are advised to give preference to the "energetic advance of economic scientific and technological cooperation without discrimination on an all-European basis" rather than to join the "politico-economic bloc of the West." The European Security Conference is designed to destroy once and for all the "myth of a threat from the East" and thus to eliminate the psychological motivation for the existing or future union of Western Europe and the cohesion of the Alliance. Nevertheless the Soviet Union will not permit the European Security Conference to prejudice Russian preeminence in Eastern Europe. Quite on the contrary, Russia regards the "unity and close cohesion of the Socialist community" as a prerequisite for European security and détente. Soviet policy in reference to Germany, such as it finds expression in the Moscow Agreement and in the attitude towards Berlin, fits most snugly into the overall conception of the Russian diplomatic offensive in Europe. Whereas the Soviet Union had in the past been trying for a long time to denigrate and thus isolate the Federal Republic among the other nations of Western Europe as an enemy of détente and the main cause of tension, it now uses its policy of rapprochement as a means to form closer ties with the Federal Republic with a view to impair the cohesion of the West. In doing so the Soviet Union builds on those Germans who are still fascinated by the vision that some day the Federal Republic might once more serve as a bridge between East and West. The Soviet Union moreover plans to set the nations of Europe against one another in the course of bilateral talks and negotiations and to imitate a sort of race to Moscow in an attempt to shift the Western European nations' political center of gravity from the West to the East.

And finally Moscow's policy regards the German-Soviet agreement as a gateway to interference with the domestic policy of the Federal Republic. Today, already, those who oppose the above agreement for reasons of domestic policy are attacked as violators of the spirit of this Moscow Treaty.

The recognition of the Soviet possessions, the indirect confirmation of the Soviets' hegemonial position in Eastern Europe, and the absence of any equivalent concession on the part of the Soviet Union provided in the Moscow Agreement tend to strengthen the Russian position and to shift the balance of power.

The present situation in Berlin clearly shows the extent to which the hopes of the German Federal Government for a real readiness on the part of the Soviet Union to relieve existing tensions have been deceived. Quite evidently the Soviet Union is not even inclined to acknowledge and guarantee the present realities in Berlin insofar as they favour the West. Its declared intention remains the establishment of an "independent entity of West-Berlin" and the gradual abolition of the political presence of the Federal Government, a process which would dry up the life-blood of Berlin. If anybody anywhere had still needed proof that the political objective of the Soviet Union is by no means the status quo and its perpetuation but that the Soviet Union regards the recognition of the status quo merely as a welcome opportunity to advance its position—well, that proof is being furnished in Berlin, and no one ought to delude himself that Berlin occasions fundamental divergences or even clashes of opinion between Ulbricht and the masters of the Kremlin.

Moscow's consistent coupling of its policy towards Germany and its plans for a European Security Conference also emerged in the combination of the two issues during the Moscow negotiations. In Section 10 of the so-called "Bahr Paper" both Governments welcome the plan for a conference on questions relating to the consolidation of security and cooperation in Europe and declare their intention to do everything within their power to prepare and ensure the success of such a conference.

I am grateful that the NATO resolutions in Brussels of December, 1970 have meanwhile brought about a clarification of the positions and conditions which I deem both necessary and useful.

Over and above the conditions listed in the above resolutions it would seem to me that a conference on European security will be useful only, if first, there are indications for a satisfactory solution of SALT, second, if the readiness of the Soviet Union for a fair solution of MBFR seems reasonably guaranteed, third, the Soviet Union shows her readiness to discuss the political causes of existing tensions and possibilities for their elimination.

The Soviet Union undertakes purposeful efforts to build up the strength necessary to carry out its political intentions. The consistent expansion of Soviet military power bespeaks the offensive objectives of the Soviet Union more distinctly than anything else. Russian armaments do not aim at preserving the status quo but rather at advancing beyond it. The Soviet Union undertakes gigantic efforts to break the nuclear stalemate and to gain absolute nuclear superiority as the world's nuclear power No. 1. The intensified enlargement of Soviet naval power, which has been observed in recent years, stands in the service of a global naval strategy which is in full accord with the Soviet Union's worldwide political aims.

A military inventory at the beginning of the year 1971 shows that the strategic balance between East and West still exists on a precarious margin but is in extreme jeopardy.

In the nuclear area, the USSR quadrupled its megaton capability and quintupled its carrier capability between 1965 and 1970. During the same period the megaton capability of the USA decreased by a relative 40%. The capability score of IBM's is at present 1,300 to 1,054 in favour of the USSR but the multiple warheads make accurate comparison increasingly difficult. The Polaris capability of the USA will preserve nuclear parity for another three or five years at the very best. The U.S.A. will not only have to maintain nuclear redundancy like the USSR but must also enter the next race: To improve the carrier systems with a view to achieve greater target precision and better penetration of enemy defense systems above all through the use of multiple warheads. The Soviet Union enjoys unquestioned superiority in the field of intermediate range missiles. It has 700 of them (630 of which are aimed at Europe) which have great bearing on the military situation in Europe because NATO has nothing equivalent to show on the European theater.

A second race for strategic nuclear superiority will place a huge financial burden on NATO and above all the USA. The United States already curtailed the funds earmarked for conventional armament in 1971 in favor of strategic armament. But the official NATO Doctrine of "flexible response" is based on conventional armaments ever since the USSR closed the gap of strategic nuclear capability and forced NATO to give up its strategy of massive retaliation.

Let me add only a few remarks on the comparison of conventional capabilities here in Europe:

On the northern flank of NATO the Soviet Union has in the past few years built up a strong and still growing military capability on land, at sea and in the air which is based on the peninsula of Kola, i.e. on its own territory. At present the Soviet ground forces and naval forces outnumber the NATO forces stationed in that area while Russian air superiority is seven-fold. That is all the more remarkable by the fact that the Norwegian territory bordering on the Russian frontier is practically devoid of human habitation so that the Norwegian side of the border is practically unfortified.

Similar efforts are being undertaken by the Soviet Union, Poland and the USSR in and on the Baltic Sea. The NATO fleet faces there a naval superiority of more than 1,000 units, from the heavy cruiser down to the minelayer. If NATO sums up the situation correctly we should have to expect that a concentrated and combined action carried through by the army, navy and air force of the Warsaw Pact would result in opening the way out of the Baltic and into the Atlantic Ocean. Today, the Soviet Union is already the second largest naval power of the world and only about one percent of its vessels are older than 20 years.

In the Mediterranean, too, the Soviet Union has been able to strengthen its position quite considerably. Although the 6th U.S. Fleet still has the situation under control, the Soviet array of forty surface units and a dozen submarines presents a serious challenge.

Central Europe presents a similar picture of strong Eastern conventional superiority: the East has three times as many tanks and twice as many tactical aircraft and divisions as the West. NATO judges that the fire powers and mobility of the Warsaw Pact forces are twice as great as its own. Since 1965, the number of Soviet troops stationed in the countries of the East Bloc have increased by 170,000 men.

The Warsaw Pact has assembled the strongest conventional military power known to history.

The Warsaw Pact forces facing the Federal Republic are today stronger than at any other moment since the end of the war, and the exercise "Companions at Arms", which took place some weeks ago, was the biggest so far undertaken by the Warsaw Pact.

The full import of that situation becomes clear only when one considers that by virtue of their strong air and amphibian component, of their high degree of mobility, the existing infra-structure and the logistic facilities, their training and strategic conception the forces of the Warsaw Pact bear not a defensive but an offensive character, and when one moreover remembers that the high combat readiness and excellent training of those units reduces the time span in which the West can prepare its defense. The total strength of the Warsaw Pact exceeds many times over the military power necessary to ward off a theoretical NATO attack against the territory of the Warsaw Pact. 25 years after the end of World War II a full 80% of Soviet military power is still facing against the West.

The picture becomes even darker for NATO when one remembers that the countries of Western Europe earmark a steadily diminishing share of their gross national income for defense purposes. According to the assessments of the NATO communiqué of December, 1970 the decrease of the defense expenditure of the European NATO member states amountd to a real 4% from 1964 to 1969. In contrast to these figures the same communiqué evaluates the real annual increase of the direct and indirect defense expenditure of the Soviet Union at an average of 5% to 6% for the period between 1965 to 1969.

This means in other words that the NATO Alliance has in the course of the last years engaged in a continuous—and, what is more, one-sided—process of disarmament through the withdrawal of troops and the slackening of its defense efforts. Expansion and improvement of the Warsaw Pact forces on the one hand—diminution of the defense efforts in the West: when one regards those contradictory tendencies of armaments in East and West one will soon come to see that the juncture is imminent at which the only alternative remaining to the Alliance will either be relinquish its strategy of deterrence or else to intensify its defense efforts if it should prove impossible to achieve a reasonable agreement on armaments limitation between East and West.

Even now Europe has reached the lowest point of conventional capability which still furnishes a minimum of justification for our conception of "flexible response." Therefore, a further thinning-out of our troops cannot be tolerated if we are to preserve at least a semblance of credibility for strategy of deterrence.

But there is still another conclusion to be drawn from the comparison of the present capabilities of the East and the West. A massive conventional attack against Europe cannot either now or in the foreseeable future be warded off with conventional means alone. Deterrence in Europe is, therefore, not credible without a nuclear component. The nuclear element alone provides a chance for defense at whatever level necessary and confronts an aggressor with an incalculable risk. The presence of real nuclear weapons in Europe is, therefore, wholly indispensable.

The two above-mentioned factors justify the conclusion—that for the foreseeable future—a defense of Europe and a policy dedicated to the preservation of peace can be pursued successfully only on the condition that a sufficient presence—and that means full present complement—of US forces with nuclear weapons is maintained. There is an indissoluble connection between the conventional and the nuclear commitment of the USA in Europe. A further withdrawal of US-troops or the reduction of the nuclear component would inevitably have devastating consequences for the Alliance and would necessarily entail a new orientation of the foreign policies of the European States which are exposed to the tensions of the conflict between East and West. An active policy of maintaining peace by disarmament can be engaged in only as long as there is a reasonable balance of power. All member states of NATO must be aware that the chances for disarmament—which are small enough as it is—diminish along with the weakening position of the Alliance and the sinking "exchange value" of deterrence.

As regards MBFR, I must call attention to the following problems: A purely schematic reduction of troops expressed in percentages would be bound to endanger balance of disarmament. And so NATO will have to strive for an arrangement which reduces armaments bilaterally without shifting the relative proportions. For the above-listed reasons one will have to exclude the tactical nuclear arms of the West at least from the first few phases of MBFR. An inclusion of those weapons systems will be possible only if and when—

a) the relation of conventional capabilities ensures the successful defense against any sort of conventional aggression regardless of scale and thus guarantees the continued existence of deterrence,

b) the danger of nuclear blackmail of Europe through the USSR is excluded.

This statement sheds light on the close interconnection between SALT and MBFR. Without a satisfactory conclusion of SALT there can be no hope for the successful talks and negotiations on MBFR.

At this moment it is impossible to predict whether SALT will produce results which are equally acceptable for both sides. There is a vast divergence between the objectives of the two negotiating parties. While the USA strives to perpetuate the present strategic balance it would at present seem that the USSR rather treats SALT as a means to raise hopes, to heat up the conflict between contradictory views on domestic issues in America and thus to gain time for impairing or even eliminating the "capacity of second strike" of the USA.

In this context the medium-range missiles of the USSR present a particular problem. After all one has heard it would seem that the Soviet Union excludes those missiles from the talks, particularly since Washington has no adequate article of exchange to offer. Should the Americans consent to agreements, which would prevent them from neutralizing those medium-range missiles, they would expose themselves to the risk of nuclear blackmail in Europe. For this reason the interest of joint NATO defense demands that medium-range missiles be included in the disarmament talks.

At the beginning of the 1970's there was still bright hope that the era of confrontation might gradually make room for a new era of cooperation. But the disappointments of the past year have done much to dim those bright expectations. It would, of course, be premature to say that this political aim has proved unattainable although there are many who fear that the world is once more headed for a period of hard confrontation and mounting tensions. In one respect, however, there can be no doubt it will be long before the second dimension of NATO—the maintenance of peace by political means—will be able to supersede its first dimension of military defense and deterrence.

But, inversely, it must also be clear that the uneasy balance of military power makes a political approach to the problem of the preservation of peace imperative. And that all the more so as the future development of nuclear systems is likely to unsettle the system of deterrence to a dangerous degree. Advances in the field of nuclear military technology will rather be to the detriment of security policy. Therefore, it appears indispensable that the whole Alliance should engage in an active policy of détente. But this policy will only be successful if it is based on:

a) the principle of "do ut des",

b) on the strengthening of the European component of NATO

c) a common political conception of NATO for a European peace order which embodies the Western ideas of a future European way of life.

Elements of such a conception are present in Section 12 of the final communiqué of the meeting of NATO Ministerial Council in December, 1970.

In the face of the persistently totalitarian structure and political administration of an opponent who has clearly defined ideological aims and who in their pursuit activates—if need be, with sheer force—all his capacities and resources, it remains a vital question for the free world how many efforts, sacrifices and burdens it can impose on a society constituted in freedom and based on the free will of its citizens.

WASTED PEOPLE

Mr. CHURCH. Mr. President, Americans are agonizingly aware of the terrible loss of American blood and treasure in Indochina. Too often, however, we have failed to see the even greater toll that has been taken among the Indochinese people themselves.

Much of the information available on this important subject has been developed through the sustained efforts of the chairman of the Judiciary Subcommittee on Refugees, the distinguished senior Senator from Massachusetts (Mr. KENNEDY). Through the subcommittee's work, we now know something of the total human cost of the Indochina war—and we know something about the massive task of relief and rehabilitation that confronts the entire region.

More important, Mr. President, we know by the continued high level of refugees and civilian victims of the war in Vietnam, Laos, and Cambodia, that the war in Indochina is not winding down for the native people involved. The return home of thousands of American combat troops does not in itself reduce for the Vietnamese, or the Laotians, or the Cambodians, or the various hill peoples of the area, the continuing destruction caused by our bombs and ordnance. These human costs cannot be wished away, reclassified or ignored. Mr. President, the subcommittee's reports and a series of recent newspaper articles have again focused our attention on the indiscriminate slaughter that brands the continuing war.

I ask unanimous consent that the following selected newspaper articles on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 15, 1971]

THE "WASTED" PEOPLE

(By Herbert Mitgang)

WASHINGTON.—Because of the ground invasions into populous areas of Cambodia and Laos and the poundings from the air that have reached a tempo of a thousand sorties a day, a new vale of tears is flowing across Southeast Asia.

Senator Kennedy's Subcommittee on Refugees estimates that the conduct of the war in the last two years has resulted in an additional half-million civilian casualties and generated three million refugees. Supporting evidence for these figures can be found in audits by the General Accounting Office and certain secret field reports from several sources in Washington.

The precise numbers of these "wasted" people (to borrow a grisly word from the Mylai trial) can never be known. Their welfare and whereabouts are not of prime concern in the Vietnamization program; nor do the three nations living under American bombers keep track of families attempting to flee the main business of war. But even if these numbers are arbitrarily cut in half, the displaced persons still exceed by far the million Palestinians who have been stumbling-blocks to peace in another sensitive area of the world for two decades.

American casualty figures are imbedded in mind: 45,000 dead, 300,000 wounded. But foreign nonmilitary losses are overlooked and buried officially. The Senate Subcommittee on Refugees says that there have been one million civilian casualties and five million refugees in South Vietnam; tens of thousands of civilian casualties and nearly one million refugees in Laos; tens of thousands of civilian casualties and more than one and a half-million refugees in Cambodia.

In Washington, officials have attempted to show that the refugee problem in South Vietnam is nearly solved. But unfavorable documents from the battle areas not shared with the American public about bombed-out civilians indicate otherwise. Villages are uprooted so that "unrestricted military strike operations" can be carried out by American bombers. People themselves are in a sense military objectives: the phrase actually is "to deny population resources to the enemy."

Semantic games have been played to make hundreds of thousands of refugees disappear so that budgets could be cut for their health and rehabilitation. Some have stopped being refugees and emerged as "war victims." No longer are they "resettled"; instead they are "resettled in place." When this phrase was disputed by the subcommittee counsel as a misnomer describing the actual conditions under which refugees lived, "resettled in place" became "resettled in place, with deficiencies."

One phrase that is no longer heard around Washington is "voting with their feet." That referred to the scores of thousands of refugees who had fled from the North Vietnamese and Vietcong supposedly to reach the democratic havens of the Saigon Government. But after the war was extended into Cambodia and Loas, refugees "voted' to go anywhere, including some Communist-held areas, to escape United States B-52s, fragmentation bombs, gunships and napalm. Looking skyward, they have become human shuttlecocks.

Ironically, while the General Accounting Office confirms Senate Subcommittee staff reports findings that "official statistics on refugees and civilian war casualties have been misleading and grossly understated," their treatment has been placed in "the lowest category" of American A.I.D. health concerns. The new budget of the one Government agency directly concerned with public health and social welfare of the war's victims faces severe cuts.

In his office a few days ago, Senator Kennedy described the refugees, civilian casualties and destroyed homes as "a regional crisis of millions of people." He urged that such centers as those of the World Rehabilitation Fund in Saigon, Danang and elsewhere to rebuild limbs and lives be multiplied. South Vietnam's civilian population of fourteen million has only 400 of its own nonmilitary doctors. Senator Kennedy envisions an international war relief under United Nations auspices.

Long after the B-52 vapor trails have disappeared in the deceptive skies and defoliation of the countryside has ended, millions of civilian casualties and refugees will remain as testimony to the human destruction caused by the great engines of war. Right now, however, these wasted people are (to borrow another Mylai phrase) "no big deal."

(NOTE.—Herbert Mitgang is a member of the editorial board of The Times.)

[From the New York Times, March 15, 1971]

KENNEDY PUTS VIETNAM CIVILIAN DEAD AT 25,000 IN 1970

(By Neil Sheehan)

WASHINGTON, March 14.—Senator Edward M. Kennedy has estimated that at least 25,000 civilians were killed in the war in South Vietnam last year and that 100,000 were wounded.

The Senator's estimate, which was based on official figures, is not disputed by Government officials.

"By this yardstick alone, we can see that the war in Indochina is not 'winding down' for the peoples of the area," Senator Kennedy said.

He gave his estimate recently in response to a reporter's inquiry. He questioned how much the general level of violence had declined in South Vietnam and, in effect, how much real physical security the South Vietnamese have today.

In his State of the World Message two and a half weeks ago, President Nixon said that "roughly 80 per cent" of South Vietnam's population of 17 million people lived in secure, Government-controlled areas. He cited the figure to support a statement that there has been major progress in the pacification program in South Vietnam since he took office two years ago.

"Now, while there are still many dangerous pockets," the President said, "the vast bulk of the country is secure."

Mr. Kennedy and the staff of his Senate Subcommittee on Refugees do not dispute that the war has diminished over the last year. Official admissions of wounded civilians to hospitals declined by about 25 per cent from the 1969 total, and the Senator's staff believes the decline in the civilian death rate from 1969 has been even greater.

Staff members say the death rate was probably reduced by half in 1970 as a result of the diversion of American bombing raids from South Vietnam into Cambodia and Laos. Bombing has always accounted for a sizable proportion of the civilian war casualties in the South.

But Senator Kennedy and his staff assert that the level of violence continues high and they question precisely how solid the reported pacification gains have been.

Senator Kennedy arrived at his civilian casualty estimate by extrapolating from official figures on the number of civilian war wounded admitted to hospitals in South Vietnam last year—50,882. He used one of several formulas he and the staff subcommittee have worked out over the years to calculate the full extent of civil casualties.

ESTIMATE OF CASUALTIES

This formula consists of counting one civilian war wounded not admitted to a hospital for each one who is, and then calculating that a quarter to a third more civilians were killed outright or died before they could reach a hospital. By this reckoning, for about 50,000 hospital admissions, there would be about 50,000 wounded not tabulated and at least another 25,000 dead.

The rough over-all toll for 1970 is 125,000 to 150,000 civilian casualties from military action by both sides, including 25,000 to 35,000 dead, the Senator says.

Official hospital admissions for 1969 ran to 67,767 civilian war wounded.

The Agency for International Development, which compiles the statistics on hospital admissions, has declined to estimate total civilian war wounded and dead ever since the chief of its civilian medical program in Vietnam made an estimate in 1967 and aroused the displeasure of senior officials in the Johnson Administration. His estimate, based on a formula similar to the one used by Senator Kennedy, was 26,000 dead for 1967.

Over the years, A.I.D. officials and doctors in Vietnam have privately not disputed Senator Kennedy's estimates. One official with wide experience in Vietnam privately estimated civilian war dead last year at 30,000.

After a field study of the problem in Vietnam last summer for Senator Kennedy, the General Accounting Office said that hospital admissions misleadingly understated the extent of civilian casualties.

While down significantly from 1969, the number of admissions of civilian war wounded to hospitals in 1970 was still reported to be slightly higher than the 1967 level.

"Nothing more accurately documents the intensity of warfare or the level of military operations better than the little reported numbers of civilians killed or wounded by the war," Mr. Kennedy said in a statement.

It is impossible to ascertain what proportion of the civilian casualties is inflicted by each side in the war. The allies have been considered responsible for the majority because of their greater firepower. But the enemy proportion is believed to be rising as a result of mortar and rocket attacks on Government-held centers.

TOLL IN LAOS RISES

The subcommittee staff said that the intensification of air raids in Cambodia and Laos had increased civilian casualties in those countries. They estimated that civilian casualties in Laos, a country with a population of about three million, were now exceeding 30,000 a year, including more than 10,000 dead.

Other official statistics gathered from the Pentagon showed that the number of South Vietnamese soldiers killed in action last year, and the number of Government officials and supporters killed by the Communists in terrorist acts, also continued at a high rate in the South.

Pentagon officials said that 20,914 South Vietnamese servicemen died in combat last year, nearly equal to the 21,833 killed in 1969. Officials estimated that the extension of the ground war into Cambodia accounted for only about 1,000 of the 1970 combat deaths.

The number of Government officials, supporters and innocent bystanders killed in terrorist attacks last year amounted to 5,951, Pentagon officials said, nearly the same as the 6,202 reported killed in 1969. Kidnapings by the enemy in 1970 increased slightly from those in 1969, from 6,289 to 6,872.

Meanwhile, American war deaths, reflecting the reduction of United States forces, declined from 9,367 in 1969 to 4,183 in 1970—about a sixth the number of the civilians Senator Kennedy estimated were killed in South Vietnam last year.

"STILL HAS A WAR"

A Defense Department spokesman said he could not readily explain why reported gains in pacification did not appear to reflect far greater physical security for the South Vietnamese.

"We would not claim from here just from the pacification figures that everything is rosy out there," he said. "The ARVN (Army of the Republic of South Vietnam) still has a war on its hands."

He noted that while actions of battalion size or larger had declined in the South, smaller-scale clashes in the countryside were continuing "and the level of terrorist attacks is still up." But "there is greater Government control and greater security from the big war," he said.

[From the Boston Sunday Globe,
Mar. 14, 1971]

A Great Awakening

In an exclusive intervew granted C. L. Sulzberger of the New York Times, President Nixon expressed wonder as to the change he has detected in the American people's view of the war in Indochina.

"I am certain," he said, "that a Gallup Poll would show that the great majority of the people want to pull out of Vietnam." (The President is correct in this, but it is probably too much to hope he will be governed by it. A January poll showed that 73 percent want the troops home by the end of the year, a dramatic increase from last September's 55 percent. The percentage probably would be higher now, inasmuch as a Feb. 28 polls shows that the people, by two to one, fear the Laos invasion will lengthen the war. And it is not only the deaths of US GIs that is sickening Americans. It is also the mindless killing of others on the apparent theory that an Asian is something less than a human being.)

Mr. Nixon, ruminating on what he views as a phenomenon, asked at one point, "Why has this happened?" And again, "Somewhere a great change has taken place." And still again, as he thought aloud about the public attitude, "I am not talking about my critics, but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future."

But perhaps it is the President who does not see clearly. There is no "strange sickness" spreading amongst the people. The reverse is true. The American people are recovering, at long last, from the malaise which had blinded so many to the terrible wrongs being done in their name to the people of three small countries, the two Vietnams, Cambodia and Laos, none of whom could, would or did threaten the United States in any way at any time.

It has taken more than a decade for the majority of the American people to pick their way through the official fiction that this nation's vital interests were at stake in Vietnam and that we were legally there. But they finally have arrived at the awful judgment that the war is not only foolhardy from every point of view, but, infinitely worse, a grossly immoral act in the performance of which more than 53,000 of their own young have been sacrificed so far—with more awaiting their turn on the altar.

And for what?

There have been more than a million casualties, more than 300,000 dead peasants in South Vietnam alone, a nation of 16 million. A third of the people are refugees, with more being "generated" at the rate of 30,000 a month as American-dictated "free fire zones" devastate the land.

None can say how many died or are homeless in North Vietnam.

In Laos, no one bothers with casualty lists. There isn't time, and no one seems to care. They are just more "gooks." But one-third of the peasants are now refugees, and one tribe of 400,000, the Meo Tribe, a CIA tool, has been almost wiped out.

In Cambodia, one-fourth of the 6 million population are refugees, and here, too, no one has bothered to count the dead and wounded as our unrestricted bombing over the whole of Indochina continues apace with more than 1000 sorties on an average day, leaving the countryside pockmarked with craters, and leaving the "friendlies" despising us as much as does "the enemy."

Enemy? We had none there until we arrived brandishing the sword, putting the torch to peasant villages, asserting a feudal right to determine who shall govern, who shall live, who shall die.

"When you kill enough people," retired Air Force Gen. Curtis LeMay has said, "the other side quits."

But how many more do we have to kill, not including our own, but just "Oriental human beings," as the first reports on the My Lai massacre described the innocent victims?

There are no estimates, according to Daniel Ellsberg, who for six years was one of the high level decision makers in Washington and is now one of the war's most outspoken critics.

"The President does not have an estimate," Mr. Ellsberg has written in the March 11 New York Review of Books. "He has not asked Henry Kissinger and Kissinger has not asked the Pentagon, and none of these officers has ever seen an answer . . . and none of them differs in this from his predecessors. Systems analysts make estimates as best they can of factors pertinent to policy: 'costs,' 'benefits,' 'inputs,' 'outputs.' The deaths of 'non-combatant people' have never been regarded as being relevant to any of these categories."

It is this cavalier approach to the wholesale slaughter of human beings, Asians as well as American soldiers, that Americans have come to view as unspeakable butchery. Immoral, too, was the President's decision, upon taking office, to continue the war for seeming political reasons. The shocking disclosure was made by The Nation in its report of what were supposed to be off-the-record remarks by Mr. Kissinger at a recent "backgrounder."

"If Mr. Nixon had withdrawn immediately from Vietnam," Mr. Kissinger is quoted as saying, "the domestic response from the right wing might have been overwhelming."

The late President Kennedy was reported to have made a similar decision, planning, as reported by one of his intimates, Kenneth P. O'Donnell, to withdraw the troops after he had been re-elected, but believing it to be politically unwise to do so before that.

Such is the crisis atmosphere in which Mr. Ellsberg says Presidents are required to make decisions, especially new Presidents who are handed "position papers," as Mr. Kennedy was on the Bay of Pigs, even before they have a chance to sit down at the presidential desk in the oval office.

All of this, but especially the senseless killings, is part of the immorality of the war. It is unjust by all of the criteria put forth by the great theologians all the way back to Saints Augustine and Aquinas and the 16th century's Francisco de Vitoria. It is in violation of international law, as put forth by Brig. Gen. Telford Taylor, US chief counsel at Nuremberg.

And it is immoral, also, for the reasons so tellingly set down by retired Marine Col. James A. Donovan:

"The highly trained career officers of the Army and other services have found the Vietnam war a frustrating but fascinating professional challenge. The very size and scope of the American military force has generated unceasing pressures to satisfy such military demands as trying out new weapons and using the war as a military testing ground and laboratory. Helicopter assault theories, air mobile operations concepts, new helicopter types, new weapons and organizations and counterinsurgency tactics were all ready for trial by the Army in Vietnam. It is not a life-or-death war in defense of the United States, but rather a remote and limited conflict where training and equipment can be tested and combat experience renewed or attained by professionals."

It is not "a strange sickness" when the American people are revulsed by all this. It is a great awakening. We hope the new focus of the anti-war forces will be on the immorality of killing people. Asians or Americans, they are human beings.

WILLIAM C. FOSTER ON ARMS CONTROL

Mr. PERCY. Mr. President, on March 11, 1971, William C. Foster, the distinguished former director of the U.S. Arms Control and Disarmament Agency, made an important address in the Department of State auditorium to the Organization of Diplomatic and Counsellor Officers Retired.

In his address, Mr. Foster urged negotiation of a ban on all nuclear testing and a zero level of ABM. He also stated that it might be possible to ban the testing, production, and deployment of MIRV.

I commend his address to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by William C. Foster

A few days ago it was my privilege to meet with students and faculty at Fairleigh Dickinson University to explore the probabilities of arms control and the possibilities of ultimate disarmament. As you know, there is a fairly large school of those concerned with our young people who believe that a major reason for their unrest is the question of survival. They ask whether they have any future—any physical future to say nothing of moral and economic future—in a world armed to the nuclear teeth, and in which many of the elders in the various nations are eyeing the outside world with a gaze which at any moment could turn into a glare.

So I was under compulsion to sort out the labyrinth of arms control positions and disarmament negotiations and to try and come up with some hope. And I must confess that in this sorting out process I did not myself emerge too full of cheer.

Yet as I reviewed the picture several things stood out:

First, the leaders among the superpowers know vividly well the potentials of a nuclear holocaust.

Secondly, nobody knowing those potentials could possibly want, under any circumstances, to release nuclear war. Nobody could win.

Third, there already exists among the superpowers an almost infinite potential of overkill now. Further buildup can have no justification in even the worst human designs.

So, I went back to the drawing board, as the saying goes, and sought for a reasonable solution. A very simple one occurred to me, and I mentioned it—mentioned it almost in passing—at Fairleigh Dickinson; the results were surprising. The news media carried it around the world. The noted columnist, Roscoe Drummond seized upon it as one of the brighest ideas he had come across in recent times.

The New York Times considered it important enough to check with a high official of the U.S. Government, not otherwise identified, who in effect poo-pooed the idea, saying it was not official policy, which of course it isn't, and that I was speaking only from a personal viewpoint, which indeed is true. It is one man's idea, and so let it stand.

However, all this interest encouraged me to round out the idea a little more for you tonight, because I confess a familiar human failing, the more I reflect on my idea the better I like it.

I won't keep you in suspense. My suggestion, shorn of elaboration, is simply this: BAN ALL NUCLEAR TESTING.

We already have agreed with the Russians and many others to ban nuclear testing in the atmosphere, under the sea, on the surface of the ground; but not underground. Let us now ban it underground. *Ban all nuclear testing.*

Now, that is the bare bones. With your permission I shall try to flesh it out and to demonstrate for you why I think this simple answer may be THE answer that will assure Youth, to say nothing of ourselves, a future.

There are a number of arms controls ideas being considered at this time. I could mention the idea of updating Geneva Protocols, limitations on Chemical and Bacterial weapons, limitations on herbicides, limitations on sales of arms to developing countries, mutual balanced force reductions, etc. They are all timely important and constructive.

However, it is clear that the major threat to human survival lies in the advanced technological capacity for massive destruction inherent in nuclear weapons. Therefore, I conclude that a comprehensive test ban can have the broadest effect.

Let me begin by examining the American approach to arms control, and then compare this with Russian attitudes.

The American approach has of course evolved a good deal.

In the late 1940's we placed our hopes in wide-ranging conceptual planning for peace—as exemplified by the Baruch Plan. And despite the magnitude of the disappointments which we experienced in those early days of the United Nations, this "comprehensive" approach, as you might call it, continued even into the early 1960's. As late as 1962, you may recall the United States followed the Soviet Union in presenting at the Geneva disarmament conference, an outline plan for "general and complete disarmament."

We in the Arms Control and Disarmament Agency had a good deal of mud slung at us over that one. The John Birch Society thought that it was some sort of plan for unilateral disarmament—a sellout; while more moderate opinion inclined to regard the plan as utopian. The first view, of course, was absurd, since the agency has always stood against unilateral disarmament. And even the second was a bit over-drawn .

Our plan was not quite as Utopian as some people thought. Let me remind you, as I remind myself not without remembered pain, that U.S. proposals for arms control pacts face a difficult trip through U.S. security representatives before it can have Presidential approval for presentation to our Allies and ultimately to the Soviets and other interested nations for consideration.

It isn't easy for the United States to lay something on the table, and perhaps this contributed to the propaganda success the Russians enjoyed with the "general and complete disarmament" proposals. It took us some time to work through the process and come up with alternatives.

Our document was not just an exercise in cynicism. It is and was a serious and thoughtful piece of work, which has proven its worth over the years as a frame of reference for long-range planning.

In fact, most of the arms control measures which have either been negotiated or are now current will be found in Stage I of that 1962 plan. Finally, as the name we gave to it suggests, we did not conceive of this plan as a device for the instant sublimation of world realities. We called it: "Outline of Basic Provisions for a Treaty on General and Complete Disarmament in a Peaceful World." The words "in a Peaceful World" should be emphasized. We recognized that the world would have to be quite different, politically, before such a sweeping plan could be carried out.

However that may be, our 1962 Outline was the last example of wide-ranging conceptual planning for peace which had characterized the early years after World War II. One still hears fairly frequent references to "general and complete disarmament" in the multilateral arms control negotiations in Geneva and New York; but I think it has come to be widely recognized as most improbable that we could bring about world peace through the negotiation of such a single, all-embracing instrument. Long before 1962, in fact, we had begun to evolve a quite different school of thought in arms control, which was to become dominant in our approach to the subject during the 1960's and up to the present.

I would say the key word is describing this new school of thought in arms control, which emerged in the late 1950's, was "pragmatism." It resulted in a shift in emphasis from great wide-ranging schemes to the negotiation of more limited measures which seemed ripe for negotiation.

At the same time, major emphasis was placed unabashedly on national security, with both defense measures and arms control being viewed as complementary means for promoting national security objectives.

In this contest I would like to add that over the years the Arms Control and Disarmament Agency—ACDA—has had increasingly good and productive relationships with members of the military establishment. Although in the beginning, as was natural, military people tended to regard us as "rivals," I would say it has now come to be widely understood that defense and arms control are simply two means to the same end: National security. The fact that arms control studies are now offered in the curriculum of our service war colleges would seem to attest to this.

Anyway, it has been under the banner of "pragmatism" that we have achieved the actual results in arms control which have been scored up to now: the Antarctic Treaty, the Limited Test Ban Treaty, the "Hot-line" connecting Washington and Moscow, the Outer-space Treaty, the Non-Proliferation Treaty, the Seabed Arms Control Treaty, and finally the beginnings of the Strategic Arms Limitation Talks.

"Pragmatism" of course, is something that sits well with us as Americans. Owing to early conditions of life on this continent, it was an outlook already well entrenched when Benjamin Franklin became its exemplar—although I gather that, curiously, the *word* "pragmatism" was unknown until William James put it into circulation early in this century, calling it "a new name for some old ways of thinking."

Now, let us look for a moment at the development of Russian attitudes. I think our concept is quite foreign to the Russians—as indeed it is to many other peoples on this earth. I do not think the Russians really know what pragmatism means: just as I understand that in their language there is no way of expressing the term "arms control" as we mean it. Again like some others, I would say, the Russians tend to think, or at least to express themselves, in terms of general and sometimes lofty ideas—even when they don't believe them.

When we think we are being practical, therefore, they are apt to think we are just offering crumbs—or worse, stalling. This also means that even when American and Russian negotiators, after much close contact, have arrived at an understanding, the Russians still have a problem in communicating the idea to their own people. And this problem is compounded, of course, by the tightly group-conscious ethos of Soviet society, wherein new ideas are not accorded an automatic welcome, to say the least.

There is, however, a way to penetrate this cultural barrier through human emotions—and I use the term advisedly. I am not suggesting that we should add a musician, poet, and painter to the American arms control delegations. I *am* suggesting that when our thoughts and proposals are of such a nature as to *catch the human imagination*, and when it is apparent that we *sincerely mean them*, we have a good chance of getting through—to most people, but perhaps especially to the Russians.

But I can think of another reason for having the United States take bold initiatives in arms control; and that is that if we don't it is hard to see who else will. When you consider the relative political sophistication of the United States—where there is free discussion, a free press, and tolerated political opposition and compare it to the mental stagnation of Soviet orthodoxy, can there be any doubt as to which is the country that should take the lead?

So much for the development of American and Russian attitudes, and where they have brought us, let me turn now to a review of SALT and where we are, and why I feel a dramatic breakthrough is needed at this time.

Two main considerations appear to loom at SALT. Both concern the latest weapons in the arms race. These items of hardware and contention and grave concern are the ABM's—anti balistic missiles—and MIRV's—multiple independently-targetable re-entry vehicles. Another item which the press states has concerned the Russians has to do with our tactical aircraft in Europe. But more about that later.

In your newspapers, you have noted that together with certain about SALT, occasionally there has been some statement of fact by constituted authority. One such statement emanated from a White House briefing last summer, when it was revealed that the United States had expressed willingness to go either to low-level ABM or to zero-level—in other words, no ABM—if the Soviets in turn would accept this and also accept limitations on giant missiles, like their SS-9.

While the arguments for having a limited ABM system have been forcefully stated on a number of occasions, the case for having no ABM's on either side has received less public attention. However, there have been set forth by certain qualified scientists the advantages which might accrue from a zero-level ABM.

First of all, they say, the zero-level idea ought to be negotiable. The Soviets have come a long way from their original views on ABM's, when they apparently regarded theirs as a purely defensive weapon which need call for no reaction on our part. It is true that in accepting a zero-level they would have to scrap their existing ABM system around Moscow—and it is always politically difficult to junk something in which reputations, careers and economic interests have a lingering investment. At the same time they must realize that their existing ABM doesn't really enhance their security very much. Moreover, under a zero-ABM agreement we also would have to write off our ABM investment, which is not inconsiderable.

In this connection, both sides could save enormous expenditures in going to a zero-ABM, thereby releasing resources for badly-needed social programs.

A zero-level ABM would give both sides maximum confidence in the long-term maintenance of their deterrent retaliatory capability, and would thereby remove an important incentive for further development of offensive forces.

It would seem from my outside viewpoint that a complete ban on ABM deployment, production and testing would be a clear, unequivocal expression of intent, requiring no complex fineprint.

Now let us turn to the question of MIRV's. There are some who believe we have reached a point of no return—developments on both sides having carried us to the point where a MIRV ban would no longer be possible. However, there are a few experts who believe it is not too late to consider the possibility of a ban on testing, production and deployment of MIRV's.

The main point in this question is that the American MIRV program is more advanced than the Soviet program and we have actually begun MIRV deployments.

In view of this, it would seem possible for us to monitor a halt in the uncompleted Soviet program by means other than on-site inspections, through a ban on MIRV tests. The Soviets could monitor a halt in our MIRV deployment through a ban on production. Needless to say, they could learn of any American violation of a production ban by simply consulting the American press or the Congressional Record.

It is obvious that trying to negotiate a MIRV ban runs into obstacles. From the Soviet view point, we would be asking them to forgo a program in which they have not yet carried out nearly as much testing as we have. And on our side there is a whole series of emotional and academic interests of the kind I referred to earlier. Nevertheless, there is at least a chance, that we have not yet reached the point where a MIRV ban should be ruled out without a vigorous try.

As to Forward Based Aircraft, which as Senator Percy rightly points out is a matter of great moment to the Soviets: They say that our tactical nuclear aircraft are strategic since they can strike Soviet territory. These aircraft are also perhaps strategic in the opinion of our Allies in Western Europe since they are some off-set to the Russian IRBM's and MRBM's which are not strategic as far as the U.S. mainand is concerned.

The Senator has emphasized the importance of this subject in his broader proposals, and his suggestions deserve careful consideration.

No doubt you heard President Nixon the other night emphasize the need for having limits on both offensive and defensive military hardware.

I don't wish in any sense to minimize the exhaustive studies referred to in the President's "State of the World" message, and most certainly I do not wish to take away one iota from the arduous and even brilliant work by Ambassador Smith and his fine team in developing their positions, explaining them and working with the utmost dedication to ease the nuclear threat.

Undoubtedly the U.S. negotiating position has been assisted by President Nixon's plan of, in effect, supplying Ambassador Smith with a certain number of building blocks which can be arranged, or re-arranged, to suit the needs of the talks. But there is a problem in that while these blocks are fine as they emerge from the White House, the fact is that the scientists are constantly coming forth with situations that require new blocks. So far the developers of new weapons have kept a little ahead of the designers of new controls.

I have talked about all this in detail because I know this is what you have been reading about in your newspapers and hearing about over the TV and radio. But I suspect that you are agreeing with me that it is a "pretty complicated kettle of fish."

Moreover, we are talking about hardware, when the clear fact is that we must deal with motives and objectives; for once in our lives we must deal with ends and not just the ways and means. This brings us the proposal that I mentioned earlier—a complete ban on all nuclear testing.

I develop the proposal now, here tonight, because I feel that the time has come for a break through. It takes no semantic exercise of the Englis language, or the Russian, to propose a complete, comprehensive nuclear test ban. It is impossible to misstate and misunderstand.

This proposal is not new. We have long been committed to work toward a comprehensive test ban by the language of two treaties which we have ratified, the Limited Test Ban Treaty and the Non-Proliferation Treaty. Some have predicted that it may become possible if there are positive results from the SALT talks.

Well, my idea is that we should not wait for that. First of all, because I believe a comprehensive ban on nuclear tests could be a stimulus to the SALT talks. Let me try to explain why.

It was agreed between the United States and Soviet Governments that they would not discuss the substantive aspects of the SALT talks publicly. This is a sound idea from the standpoint of negotiations; for when negotiating parties go public they then have to dig in their heels and defend their public positions, thereby losing negotiating flexibility. From another viewpoint, however, this privacy is not an unmixed blessing, for it means that to a considerable extent these vital but highly complex talks become the private reserve of technicians, civilian and military, who are not answerable to the public. And given the mistrust which has grown up between the Soviet Union and the United States over the years, this means that adversary technicians thus have an opportunity to nibble away at whatever proposals are made and almost literally to study them to death, while a concerned public is left in the dark.

I am not saying that this is happening; but I am saying that it could happen, and I think that one way to prevent this would be to inject—publicly—a new note of moral uplift and purpose into the whole arms control picture. I believe that if the U.S. and Soviet governments, at the highest level, I repeat, at the *highest level*, could agree fairly quickly on a comprehensive test ban, it would provide a valuable uplift to the climate which underlies all of our arms control negotiations, including SALT.

Let me emphasize this, it is fully within our scientific competence to monitor adequately such a total test ban.

It is true that for many years I strongly insisted to my Soviet and other conferees that the U.N. and the ENDC that for the U.S. to accept a comprehensive test ban we needed an agreement allowing us, on a limited basis to inspect the suspicious underground event, so we can determine whether it was earthquake or clandestine nuclear test. This has always been resisted by the Soviet representatives, who said inspection was not necessary for two reasons; first, that if they signed a treaty forbidding such tests of course they would adhere; second, they believed our national means of observation would protect us.

As to the first reason, it is clear that on a matter of basic national security we could not take for granted that they would adhere strictly to the treaty. On the second, they were obviously ahead of our technological developments. However, the U.S. has had for the past 15 years or so a vigorous program of seismological research. This has steadily improved our capability to detect and identify underground phenonomena. While I concede that with a great deal of preparation and considerable risk it might be possible for the Soviet Union to conceal one or two or three very small nuclear explosions underground our risks of their attaining a significant military or scientific advantage from this would, in my opinion, be insignificant.

Our risk in failing to reach agreement to limit nuclear arms development in my opinion would be infinitely greater based on the progress that has been made in seismology.

That is why my present view is in favor of a comprehensive ban without inspection.

I believe that a ban on all nuclear testing, in addition to serving the immediate purpose I referred to, would also deal a blow at the very heart of the nuclear arms race. In the near term it might have relatively little effect on the on-going weapons programs of the United States and the Soviet Union; but in the long range, it would slow down and ultimately end innovations in nuclear warheads. For it would be like taking the test tube away from the chemist.

Furthermore, it lifts the responsibility for making moral decisions from the shoulders of the scientists. Just as Clemenceau once remarked war was too important to leave to the generals, so I think it is unfair and unwise to burden scientists with the decisions and the job of producing ever more murderous weapons.

By this one simple step, which would be readily comprehensible to all, we could ring down the curtain on many further wasted investments in mass destruction.

When Averell Harriman was talking about arms control to Khrushchev one time he said, "Mr. Chairman, the way for you to get more things for a better life for your people is to sign the Test Ban Treaty."

Khrushchev banged the table (not with his shoe) and exclaimed, "You are right."

In other words—as Mr. Khrushchev seems to have realized—there is much that can be accomplished through forthright ideas that immediately catch the imagination. As one consequence, we got the Limited Test Ban Treaty.

Maybe we need another summit.

We have been working towards realistic arms control for many years, but up to now we have many times been diverted by undue emphasis on technical detail. Perhaps it is time for us to demonstrate that we are not just expert technicians but that we are also human beings—that we have the moral courage and imagination to get off this moving train which is taking us nowhere but to oblivion.

REVENUE SHARING—REMARKS BY SENATOR MUSKIE

Mr. METCALF. Mr. President, on March 22 the Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Intergovernmental Relations, spoke to the leaders of our Nation's cities about revenue sharing. The Senator is no stranger to the subject. Last year the subcommittee held hearings on his revenue-sharing proposals. In this speech, Senator MUSKIE outlined proposed legislation to be submitted this year. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE TO THE CONGRESSIONAL-CITY CONFERENCE OF THE NATIONAL LEAGUE OF CITIES AND THE U.S. CONFERENCE OF MAYORS

Some years ago, a resolution was said to have been introduced at a town council meeting in my state. Its provisions were these:

1. That our town build a new jail.
2. That our town build the new jail from the materials of the old jail.
3. That our town continue to use the old jail until the new jail is built.

If any one group has heard that kind of resolution before, it is the mayors of America.

In the 1960's, Americans embraced the cause of reaching the moon. In the 1970's, we must embrace a cause of equal vision, perhaps of even greater challenge—the cause of reaching each other.

Nowhere is that cause more urgent than in and around our cities. For if we fail to provide the public services people need in urban America, if we allow worn and dilapidated neighborhoods to go unredeemed, if we stand passively by while cities breed crime and deprivation and despair, then we will become two societies—the suburban affluent and the urban poor, each fearful and suspicious of the other, each bitter and hostile toward the other.

Plato once wrote, "Until the philosophers are kings . . . cities will never have rest from their evils . . ."

That may or may not be inevitable. But you know as well as I that if that is to be avoided, cities today need more than philosophy. Cities need more than expressions of concern for the so-called "urban crisis." Cities need money, and they need money now.

Money may not be the answer to all the problems of our cities. But without money, none of the talk of a so-called "New American Revolution" will bring anything but further frustration and disappointment.

I know many of you support the concept of revenue sharing, and so do I.

But I do not support a revenue sharing plan which would gut essential categorical aid programs.

I do not support a revenue sharing plan which fails to allocate funds for the cities which need them the most.

I do not support a revenue sharing plan which provides inadequate safeguards against the use of funds to perpetuate discrimination.

Therefore, the Administration's revenue sharing proposals, as they are presently constituted, do not meet my objectives and do not have my support.

Under the Administration's general revenue sharing bill, Beverly Hills would be entitled to twice as much per capita as New York, and four times as much per capita as Cleveland.

Under the Administration's Law Enforcement revenue sharing bill, no provision is made for the pass-through of funds to the cities, where the greatest crime problem exists.

Under the Administration's general and special revenue sharing proposals, reliance is placed on Title VI of the Civil Rights Act for protection against discrimination. But that reliance is not enough, certainly not when we have an Administration whose enforcement of Title VI has left something to be desired.

Revenue sharing which overcomes these objections would be sound, it would have my support, and we can work together toward that end.

However, as a practical political matter, I have serious doubts that a meaningful program of revenue sharing has as good a prospect in this session of Congress as other measures which are also worthwhile.

I therefore urge you to consider federal assumption of welfare—which is another form of revenue sharing, and a good one, as a viable political objective in this session of Congress, which we can adapt to your needs if we work at it.

Federalization of welfare, even under the present inadequate system, would relieve the states and cities of 7½ billion dollars in welfare costs they will spend this year. That figure is expected to climb in the next fiscal year above 9½ billion dollars.

But even more important, federalization of welfare can give us the opportunity to reform and to humanize, our archaic welfare system, under which payment levels vary from state to state, and are inadequate for all. It can give us the opportunity to improve the lot of 9 million persons who presently receive some form of federal welfare assistance, and of millions of others who do not but should.

Federal assumption of welfare costs should include welfare reform. It should provide for a decent minimum annual income for every family receiving welfare assistance. In addition, it shouldd provide that Washington will ultimately pay for the cost-of-living supplements which states and localities now provide.

Granted, there is no assurance that States, which pay most welfare costs, would pass on their savings to hard-pressed cities and towns. But we must devise incentives for having them do exactly that.

There is no single answer to help the cities, and we should not pretend there is. But the federal government must do much more to save the most vital places on the face of our national map.

The only answer available to most cities acting by themselves does not work anymore. The cities can continue to increase property taxes and business taxes and income taxes, but as they do, they will be emptied of the white, the affluent and the young, and of the businesses which are so vital to their health.

That is a trend this nation cannot long endure. Nor can we expect our cities, large or small, to reverse that trend by themselves. They have been the step-children of the federal system for too many years, and they simply lack the resources to improve their inheritance.

Part of the answer may lie in a rational revenue sharing plan, or federalization of welfare.

Part of the answer clearly lies in getting our economy back on its feet. In a growing, vigorous economy the States and cities can generate more of the revenue they need to meet their rising costs.

Only last year, the combination of unemployment, inflation and a stagnant economy placed an additional burden of 10 billion dollars on State and local governments, $4 billion in lost revenues, $3 billion in increased costs for welfare and unemployment compensation, and $3 billion in extra expenses due to inflation.

The economic policies of the Nixon Administration have added two and a half million people to the ranks of the unemployed. They have added a full point to the rate of inflation. They have caused corporate incomes to fall in 1970, 9.6 billion dollars below what they were in 1969.

That is why the welfare rolls are longer. That is why wage settlements are harder. That is why city and State finances are weaker.

I believe we must take these initial steps:

First, we must invest the 600 million dollars which Congress appropriated last year for housing, for water and sewer improvements, for urban mass transit, but which the Administration continues to withhold. This is not a new commitment the cities seek, but an old promise which the Administration has not kept.

Second, we must keep other old promises for Federal support of community programs.

You don't keep old promises by wiping out of law enforcement assistance legislation the only provision that assures the cities a fair share of Federal funds.

You don't demonstrate commitment to the cities by gutting Model Cities, one of the new Federal programs which deals with the most blighted parts of our urban areas.

You don't demonstrate commitments to the cities by failing to appropriate the hundreds of millions of dollars for air and water pollution legislation.

You don't demonstrate commitment to the cities by reducing summer job funds for young people by 32 million dollars, or by doubling the proportion cities will have to pay under these programs.

And above all, you don't demonstrate the commitment that must be made to our cities by continuing and expanding a disastrous war in Indochina or by adding 4.2 billion in new obligational authority to the defense budget.

Third, we must accelerate some of the personal income tax cuts now scheduled for 1972 and 1973, to increase consumer buying power and to encourage the creation of at least half a million jobs.

Fourth, we must enact an on-going program of public service employment. Jobs in public safety and health care and pollution control are not leafraking jobs. They deserve not to be characterized as "dead end", certainly not by a President who insisted on jobs for welfare recipients.

So I intend to support a rational system of revenue sharing and federalization of welfare.

But I shall work as well for making good on our old promises and for continuing the categoried programs which direct assistance to people who have been left out in the past.

I intend to submit the following proposals to the Congress:

First, I will submit a revenue sharing bill similar to one which I proposed in the last Congress. That legislation allocates Federal assistance to states and cities on the basis of relative need. It provides an effective way to reduce the imbalance in revenue distribution, and it improves the chances for equal opportunity without regard to geographic location. In addition, the legislation I will offer could encourage tax reform at the state and local level, shifting the tax burden from regressive sales and property taxes to the progressive income tax.

Second, I will submit an intergovernmental cooperation bill, similar to the one I introduced last year. This bill would provide for consolidation and joint-funding of grant-in-aid programs, for establishing uniform reporting procedures, and for periodic Congressional review to determine if these programs are accomplishing their purposes.

The need for this kind of legislation is obvious. A governor or mayor should not have to deal independently with a dozen or more Federal agencies before he can get a comprehensive program of assistance approved for his state or city. Nor should he have to hire a specialist to steer him through complicated application and reporting procedures every time he seeks to obtain a new Federal grant.

Third, I will submit a bill to create a state and urban fellows program, for the purpose of attracting outstanding young people into state and local government in greater numbers. This legislation would expand the benefits of the Intergovernmental Personnel Act which we enacted last year.

Fourth, I will support federalization of welfare assistance. Cities need help, not just to make people more affluent or less discontent. Cities need help to give people who live and work there a sense of freedom in a healthy environment.

We think of the environment as air and water and natural resources, which it is and which we must conserve and improve. But a healthy environment for man is also something else. It is a tenement house free of rats. It is a neighborhood free of deprivation and decay. It is a city street free of fear.

I believe no matter how long it may take or how much money, we must not lose sight of the ultimate goal—where we have cities of lively promise, of beauty, of spaciousness, where men and women are truly free to determine how they will live.

The freedom to escape to the suburbs is not a real choice. People will live in the cities if they are placed which bring out the best in man and not the worst. People will live in cities if they are places of confidence and not of uncertainty.

This much is certain. The goal of urban revival in the 1970's must be our goal as a nation. The goal of providing a more hopeful life in our cities and a more tolerable environment for our people must be our goal as a nation.

There is no other choice. Let us be able to say by the end of this decade that we recognized the choice and acted upon it. Let us be able to say with a sense of achievement and continuing purpose what Thomas Wolfe once said:

"To every man his chance—to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this . . . is the promise of America."

THE SEARCH FOR A CANCER CURE

Mr. TAFT. Mr. President, approximately 870 people in the United States will die of cancer each day this year. It is probably the most feared disease in the country. President Nixon in his recent health message has called for an all-out offensive against this cruel killer. The President is asking for an effort similar to those of our moon landings.

A newspaper editorial in Cleveland states:

> The Federal government is the only entity with the financial resources to back the effort and it is good that the President has called for an all-out push.

I ask unanimous consent to have printed in the Record the Cleveland Plain Dealer editorial of February 23, 1971, entitled "Seaching for a Cancer Cure."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Searching for a Cancer Cure

All America welcomes anything that will help hasten the day when there is a cure for cancer. Thus, we are glad that President Nixon has committed the federal government to a massive program of cancer research.

Eight hundred and seventy people in the United States will die of cancer each day this year. It is undoubtedly the most feared disease in America.

It is not as though there has not been cancer research until now. There has been and there has been some progress. Advances in detection, diagnosis, surgery, drugs and radiation therapy have made it possible for 40% of those in whom a malignancy is found to survive at least five years.

But medical scientists still have much to learn about cancer. New research funds may help them.

We say "may." This is because there is no assurance that spending an extra $100 million, as Mr. Nixon proposes, on top of the $300 million that is already scheduled to be spent will produce a cure. People should not have false expectations.

As Fraser Kent, Plain Dealer medical writer, stated in an article, cancer is the least understood disease and each type of cancer has its own characteristics. Should researchers be successful in conquering one type of cancer, their methods may prove totally inapplicable to some other type.

Moreover, there is no guarantee that spending a lot of money on intensive research devoted to a single objective will mean that the objective will be reached. Many of the most significant research discoveries have been made by accident by researchers trying to solve an unrelated problem.

But this does not mean that the search for a cure (or cures) should not be continued and intensified. The federal government is the only entity with the financial resources to back the effort and it is good that the President has called for an all-out push.

A NEW ECONOMIC COMMANDMENT

Mr. HUMPHREY. Mr. President, the New York Times of March 7, 1971, contained a letter to the editor signed by Dr. Erwin Miller, associate professor of finance, Wharton School of Finance and Commerce of the University of Pennsylvania.

Dr. Miller invites our attention to the moral side of present economic policy which has burdened the Nation and all too many of our people with the crushing blow of unemployment.

I commend the reading of this letter to every Member of Congress. Professor Miller's letter to the editor suggests a new ethical commandment. It should read:

> Under present institutional arrangements, thou shalt not cause another to be unemployed to keep prices from rising.

Professor Miller's letter is a thoughtful and penetrating analysis of both the economic and psychological damage of unemployment. I ask unanimous consent that the text of the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 25, 1971.

The Editor,
The New York Times
New York, N.Y.:

A high Federal Reserve official was reported to have said recently that the best economic recovery would be a gradual one, which might even involve unemployment rising for a while before falling slowly. At about the same time a former high official of the Nixon Administration was reported to have warned against a too rapid recovery planned by the Administration.

Both of these speeches (as reported in the press) point up a commonly-held position of government officials, one shared by many business executive and academic economists as well as others in relatively unemployment-proof occupations, namely, that unemployment is a legitimate weapon with which to strike at inflation. A full rebuttal to such a position must be multi-faceted, ranging from impersonal, aggregative economic analysis to examination of personal, human consequences. At the aggregative economic level the issues are complex. For example, are the costs of losses of output from substantial unemployment really less to society than the costs of inflation at, say, 5% per year? Is it sensible to put people out of work, giving them money from the public till (unemployment compensation and relief) to do nothing when society's needs are great and they might have been paid for producing?

Setting aside discussion of impersonal aggregative economic analysis, let us turn to some human aspects of using unemployment as a vehicle to control inflation. First, it is almost never a serious threat to the authorities who propose it and to their supporters. They may or may not suffer some reduction in income as a result of it, but their standard of living is not significantly threatened. They essentially are on the firing line, while on the target line are those least able to bear it.

At the human level, to those significantly affected, the costs range from minor to bitter. There is the belt-tightening in acquiring luxury goods. More important, there is belt-tightening in necessities, e.g., clothing, medical attention, and food. Of more permanent character, children are deprived of a college education because one or both parents are made fully or partially unemployed. Indeed, even after re-employment, it may take a long time for a family to regain its full economic health and children reaching college age even then may also be deprived of further education. How many teen-age citizens have had their futures permanently impaired as a result of the unemployment of 1970–71?

It is immoral to use unemployment as a device to overcome price-behavior ills under present institutional arrangements. No one should have the right to require another and his family to eat less, to have poorer health, to have less clothing, to accept less education and a permanently lowered position in the socio-economic scale for the sake of inhibiting price rises. Everyone should have equal right to life, liberty, the pursuit of happiness, and a job to make the last of the preceding possible. A new ethical commandment is needed: *Under present institutional arrangements, thou shalt not cause another to be unemployed to keep prices from rising.* If one nevertheless is a party to the use of unemployment to combat inflation, he has the moral duty himself to lead the way, relinquishing his job or alternatively contributing his income to the support of the involuntarily unemployed. His supporters too should work vigorously to change the present institutional arrangements and require society to contribute massively to those on the target line. Indeed, if to the moral aspects one adds the psychological costs of unemployment and the possible damage to skills of those involved, one probably should conclude that the entire monetary cost of unemployment should be borne by those who remain employed, or have adequate incomes, with no monetary cost to those involuntarily unemployed.

Ervin Miller,
Associate Professor of Finance.

J. WILLARD MARRIOTT: A WASHINGTON LEGEND

Mr. BENNETT. Mr. President, Washington has long been famous for the legendary political leaders who have risen to power here. However, living today in the Nation's Capital is a businessman who invested a little money and a lot of faith in this same city more than 40 years ago and today is a Washington legend in his own right. I am speaking of J. Willard Marriott, Sr., founder and board chairman of the Marriott Corp.

The unique thing about Bill Marriott—a good personal friend whose roots, like mine, began in Utah—is not that he is a self-made man who has built a business empire, though certainly this is true. Rather, it is in his marvelous philosophy of life and his dedication to using his financial assets not as an end in themselves, but as a means to enrich the lives of others.

A recent article sheds some light on J. Willard Marriott and how he has put into practice this philosophy. I ask unanimous consent that the article, published in the March issue of Nation's Business, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

J. Willard Marriott, Sr., of Marriott Corp.: Money as a Means to an End

There's one thing that's immediately obvious about J. Willard Marriott, Sr. He's an innately kind man.

And fate has been kind to Mr. Marriott.

The company he founded and has guided has become one of the largest feeders of people in the United States—largely, he believes, because of good employee and customer relations.

"I am a people-oriented fellow," he's fond of saying.

After 20 years in the Marriott Corp., an employee may well retire with an income in excess of his regular salary. This is because Mr. Marriott has for long shared handsome profits with his employees, maintained a retirement plan of grand proportions, sold stock to employees at cheap prices and provided many another benefit.

Marriott Corp. has had few moments of serious trouble with those who work for it.

The company began in 1927 with a tiny root beer stand in Washintgon, D.C.

Today, it has 25,000 employees, and its annual sales exceed $300 million. Its enterprises include Marriott In-flite Services, Fairfield Inns, Hot Shoppes and Jr. Hot Shoppes, Big Boy Coffee Shops and Roy Rogers Family Restaurants, a string of Marriott Motor Hotels, the elegant Essex House in Manhattan, the Camelback Inn in Arizona and the Marriott Acapulco in Mexico.

Mr. Marriott, who is tall and slim, is 70 but looks 15 years younger.

That isn't because things have always gone smoothly for him.

There was the time, for example, when circumstances forced him to borrow money from his mother-in-law before he could go on his honeymoon.

He tells about this incident, and others beginning with his boyhood in Utah and running right up to the present, in this NATION'S BUSINESS interview conducted on the sun porch of his comfortable but unostentatious home in Washington.

Mr. Marriott, have you ever stopped to think that you would need a full year to eat your way around the Marriott circuit—that is, have one meal in each of your own and your franchised restaurants?

I suppose I have been too busy to actually realize how much we have grown. That's one thing about America: When you start out you never know where you are going to end up. This is a great country with unlimited opportunities.

When I finished college my friends said there were no more opportunities because all the land had been homesteaded and the frontiers were gone. But the potentials were like huge icebergs hidden beneath the surface. I might add, the situation is no different today. I didn't dream of any great empire when I started. What I was interested in was finding something to do where there seemed to be a challenge and a future.

At what point did you realize the Marriott Corp. was going to become tremendous?

I don't know that there was any one point. I could see that there were great possibilities in our business because we were catering to the automobile trade.

We put in drive-in service. Up until the late 1920s, about the only drive-in food business was in the South and Far West, where people drove up to corner drugstores in small towns to get sodas or sandwiches.

Then, a man named McGinley down in Texas invented the curb service tray to hang on the side of the car. He got patents and he's still making that tray.

A fellow named Allen, in Sacramento, Calif., and another man named Wright worked out a formula for five-cent root beer which they called A&W.

In Salt Lake City, during my last year in college at the University of Utah, a couple of root beer places opened. They were so successful that drivers lined up all the way around the block trying to buy a five-cent glass of ice cold root beer.

I decided to buy the franchise for Washington, Baltimore, Philadelphia and Richmond, and go east. I knew that Washington got awfully hot in the summertime, and I thought it would be a great climate for ice cold root beer.

Before I started east, I spent a year teaching at Weber State College in Ogden, Utah. I did a lot of things in that little college—I was treasurer, and I ran a theater—until about March of 1927. Then I came to Washington and opened my root beer stand. In June, I flew back home and got married.

Not many people were flying in those days.

No. But I flew out to Salt Lake City to marry my little girl who had just graduated from my same college.

At 6 a.m. on my wedding day I went to a woolen mill in northern Utah, which I had sold for, and tried to collect $3,000 owed me. During the previous summer 45 salesmen, under my supervision, sold woolen goods in California logging camps. I got a commission on their sales.

The company said, "Well, you have been away quite a while; we are not going to pay you." So instead of getting my $3,000, I got nothing. I was out of money.

I rushed back to the Mormon Temple in Salt Lake City—two hours late for my wedding. A very worried bride and her mother were there waiting.

Instead of having a reception, my wonderful widowed mother-in-law gave us $200 to get back to Washington. So we got in my Model T Ford—I had left it in Utah—and headed for the East.

It took us 11 days. It rained almost constantly, so most of the roads were mud. We got stuck several times. Every time we'd go 35 miles an hour, the engine would boil over. Every time we'd go over a hill, it would boil again. What a trip!

Did the mill ever pay you the $3,000?

Yes, the next year. After a lot of threatening to sue, they finally paid me. That was a lot of money, then, and it came in very handy to help open another root beer stand.

My father couldn't help because he had just suffered tremendous financial difficulties. At the end of World War I he owned about 14,000 head of sheep with a bank mortgage. The price on sheep dropped from $14 down to $4 a head.

Like practically every sheepman in Utah, he went broke.

But I had saved and borrowed $3,000. A friend of mine, Hugh Colton, who was attending law school in Washington, D.C., provided another $3,000. This supplied the capital to operate two A&W stores.

Then came the terrible 1929 crash. Shortly before the crash a friend at the bank across the street from our first place asked me not to withdraw our deposits. So, being loyal to him, I didn't. After closing, the bank finally paid off about 20 cents on the dollar.

By then my partner had become a lawyer and wanted no more part of a tough root beer business.

When our first winter came we couldn't sell root beer, so we added some hot items—chili con carne, tamales and barbecue. The Mexican Embassy was close by and its chef gave us recipes.

Our first little unit was a root beer stand one night, and the next morning it was a "Hot Shoppe." We stayed up all night, put some stools in, took the big orange barrel out of the window, and put a little barbecue machine in its place. We left the sawdust on the floor.

Soon we opened a drive-in, the first in Washington.

We passed out free root beer tickets at street intersections. This brought us more people than we could take care of.

We just kept enlarging—getting more locations, adding to our menu—until today we have almost every type of restaurant in America. We have over 350 company-owned units and over 700 franchised units.

Before telling us more about today's Marriott Corp., are there other incidents from your early business experience that stand out in your mind?

If you want me to reminisce, I'll go back to 1915.

This was my first business deal: to sell a trainload of my father's sheep in San Francisco. I was 14 and my father put me on a sheep train at Ogden, Utah, going to San Francisco.

We had been running sheep in the desert in the wintertime and in the mountains in the summer.

My father wanted to get early lambs to the world's fair. He put the sheep aboard and me in the caboose.

Every time the train would jolt to a sudden stop, my job was to jump off, take a long pole and run alongside the cars and jab lambs that had been knocked off their feet and were all piled up, suffocating.

After I got them up I would get on top of the train and run back to the caboose while the train was in motion. This was scary business.

The next year, my father sent me to Omaha with more sheep. When we got to Cheyenne the train inspector said, "We don't allow anybody on this train under 18. Get off." So I had to take a passenger train to Omaha.

When I got there, I waited two days but my sheep didn't arrive. After three days, we finally found them back in Wyoming in a feed lot. Somebody had neglected to send them on. There were about 3,000 head and when we finally got them to Omaha some greenhorn in the stockyard turned my sheep right in with somebody else's, mixed them all up with a whole band of sheep from Texas. Those Texas sheep weren't nearly as large as our Utah sheep.

My father had bought these sheep at the stockyard in Ogden. They had various brands on them, so I couldn't tell which were ours. It came out all right, though. We ran them through the chute and I cut out the biggest ones.

I kept going on sheep trips. My father used to tell me, "Never send a boy to mill." But he always sent me to mill when I was a boy.

Mr. Marriott, your company feeds millions nowadays. Just who are they?

We feed everybody who eats out—the family, the teen-agers, executives, tourists. . . .

Airline passenger feeding has become a large part of our business. I don't think I mentioned cafeterias in industrial plants and office buildings. We also cater to hospitals and colleges, and airline terminal and toll road restaurants.

Would you say that preparing over 350 meals for one jumbo jet is the biggest carry-out operation in the world?

I don't know any other single one that's bigger. But we planned special equipment to do this and we can completely serve one of these giants in 30 minutes.

What general rules do you observe in deciding whether to build a large new facility?

We don't take anything that isn't first a prime location. We believe a top location is absolutely vital. We study the environment of the area, the competition, the potential, the need for a restaurant or hotel, whatever it may be.

We won't take a location because the rent is low. Most of our locations are in expensive rent areas. We want to be where the people are—where we can do a volume business. An extensive questionnaire is filled out by our real estate department and studied thoroughly before we decide on a location.

Does it take much nerve to order the building of a huge hotel at times like these, when wages and other costs are skyrocketing?

It has to be an awfully good location with real potential and a reasonable rental base. We do have some extensive expansion plans which we are watching very closely. But we can't stop without serious results to our profits and personnel.

As an example, we have a 1,000-room hotel next to the Los Angeles International Airport we have been planning for three years. We have a big one under way in New Orleans. And we are going to go ahead with others in Denver, St. Louis and Miami. Building costs are increasing at the rate of 10 to 12 per cent a year, so if we wait, our costs may be more—even if money is cheaper.

Would you describe some particularly nerve-racking periods for the Marriott Corp.?

I suppose the most critical period was during World War II when gasoline was rationed and cars couldn't be operated except for business purposes. It was touch and go because we were depending almost entirely on automobile traffic to get our customers.

But we were far better off than some of our competitors who were out on the highways. All our locations were in cities close to business and residential areas.

What about your decision to go into the hotel business back in the Fifties?

We had a very unusual location on the Potomac, next to the Pentagon. It was on U.S. Route 1, which was carrying 110,000 cars a day, and Washington National Airport was close by. We had obtained this property for our future office headquarters. But we felt it was a natural for a good hotel, so we changed our plans.

We hadn't been in the hotel business, but it was related to the food and service business. I was skeptical of the downtown type hotel, having lived through a period when most of them failed. So we built for the automobile traveler—the motel concept—as well as for the businessman.

Your fixed-price, do-it-yourself ice cream bar is one of your latest innovations. Don't customers eat you out of house and home on a hot day?

I was watching some of them recently. I noticed the kids and older folks were having a great time fixing their own ice cream sundaes, piling up the nuts.

Don't you go broke passing out all those nuts?

Well, a lot of people don't like nuts. There is also a practical limit, since they can only get so much in a cup. But this is an added attraction we charge to advertising.

You've done quite a lot of innovating, haven't you?

Well, I guess the urge to earn a living made it necessary to be innovative. When you work for yoursefl you become an innovator or you don't eat.

I have traveled a lot to see what competitors are doing. I've never been satisfied with anything we've ever built. I've felt that dissatisfaction is the basis of progress. When we become satisfied in business we become obsolete.

So we have tried to keep current, and a little in front of our competition.

We make five- and 10-year plans and keep changing them as we look at future market prospects.

Mr. Marriott, as a Mormon, how do you feel about serving whiskey and beer, and selling cigarets, in your restaurants?

Well, I don't have to drink the stuff or smoke the cigarets. Our business demands that sort of service, and if we are going to be in this kind of business, we must sell the things our customers require.

I feel that if we operate in a first-class manner and maintain a reputable business we are rendering a good service to the public.

Is your family in the business?

Yes, but we're pretty large now—we're not really a family business. My oldest son, 38, is president of the company and my other son, 32, heads our architecture and construction division. But we're decentralized into some 16 divisions—and none of their vice presidents is a member of the family.

Do you feel the urge now and again to look over your son's shoulder as he runs the company?

I get involved in policy making, and in our expansion program. This means checking locations for a large hotel, or getting into major financing problems. I also check our operations for service and food quality. Fortunately, my son has a mind of his own and is not afraid to make decisions. He has freedom to operate the business.

You and President Nixon are old friends. How did this friendship begin?

I became acquainted with him when he came to Washington as a Congressman in the late 1940s. I suppose my friendship with Republicans began in 1929 when my wife's mother came to visit us. She had been a widow 10 years. We introduced her to Sen. Reed Smoot of Utah, chairman of the Finance Committee. It was almost love at first sight. She was a beautiful woman. His wife had died a couple of years before.

They got married and spent their honeymoon at the White House as the guests of Herbert Hoover.

So, through the Senator, I became well acquainted with Republicans and when Mr. Nixon came I became acquainted with him.

I had never been engaged in politics in any way until President Nixon named me chairman of his Inaugural Committee, I have always supported the Republican Party, but I also have a lot of wonderful friends who are Democrats.

How do you spend most of your time these days?

Visiting our hotels and other operations and doing civic and church work. Last year I was chairman of the Executive Committee of Honor America Day, on July 4. It took almost my full time for six weeks.

I like people and I get a great thrill out of going to our shops and hotels. I don't like the office. I like to work with people.

You're a happy man, then?

Well, I'd say so; as happy as one can be facing the problems of a hotel-restaurant business.

Which lines of your business do you feel closest to?

I don't know that I have any favorities. They all use a lot of people, so I am happy helping to keep our morale at a high pitch in any kind of operation.

We try hard to maintain a friendly and customer-oriented employee. We have a lot of employee parties at our company farm in Virginia. We've built a large pavillion there, and they have outings, barbecues, horseback riding and dancing.

There are trains and ponies for the kiddies as well as hay rides in the mountains.

I spend my time at these outings renewing old acquaintances and making new ones. It's really quite touching to see employees who have been with our company through the years—some as many as 40 years—all the time serving with great loyalty. They are as interested in the business as if they owned it. Of course, most of them do own part of it. They have stock in the company.

What is it like being rich?

If you're rich, you still get arthritis, headaches and stomache-aches—possibly more so than the poor guy. A Chinese philosopher once said a rich man can only eat so much, and that's about the way it is.

I believe money should only be a means to an end. If we do good with it, help those in need, provide an opportunity for others to have some of the good things in life, contribute to worthy causes, do things that make others happy, then money is a great blessing.

Otherwise, if we are selfish, it becomes a curse and provides no happiness for anyone.

I suppose we all fall short of our objectives, but I've tried to be constructive—to do some things that involve accomplishment.

We treat our people right, just like they're members of our family. There's nothing within our power we won't do for the people who work for us.

If someone gets sick, we look after them. We have a profit-sharing plan where we give a good percentage of our profits to employees and they also contribute some of their earnings. Most of our employees who have been in this plan for 20 years or more will retire with as great an income as they had while working.

And all our executives own a considerable amount of our stock. I've always believed that those responsible for management should have an ownership interest. A lot of our executives have retired as multimillionaires.

In an attempt to upgrade workers, we have adopted an incentive plan for all employees. We tell them, "O.K. You do a good job for three months and you'll have a chance to be promoted." We call this our career progression program.

This has a particularly good effect among minorities. No tests, no formalities—just give them a chance to jump up a couple of grades. For maybe two hours a day, we let them see if they can do the higher-paid job. They then feel the way is open.

We want our people to realize they have a future to work for.

FOSTER GRANDPARENTS

Mr. McINTYRE. Mr. President, I wish to express my personal disappointment over the President's recommended cut in funds for the Administration on Aging.

At a time when we are beginning to confront the variety of problems facing senior citizens, I think it would be unfortunate if we were to cut back, rather than expand, financial support for those programs which have already proved their usefulness.

The President's budget calls for an expenditure of $25,850,000 for the Administration on Aging. This is $79,000,000 under what Congress had authorized and $7,800 less than what was appropriated for this fiscal year.

One of the programs affected is Foster Grandparents. The President has called for funding of this program at a level of $7.5 million, less than a third the amount authorized by Congress and a full $3 million under what the program operated on last year.

I have a good deal of personal confidence in the Foster Grandparents program and I have been extremely impressed with the results achieved so far. Initiated under OEO in 1965, Foster Grandparents rests on two basic facts: America has hundreds of children in institutions without the opportunity of experiencing a close personal relationship; America also has thousands of persons 60 years or older whose lives have become essentially meaningless because they no longer have a close personal relationship. Foster Grandparents operates on the belief that the needs of both groups can be satisfied by close and sustained mutual encounters.

For the most part, the children involved in the program are under 15 years of age. They are assigned to a foster grandparent in settings such as pediatric wards of general hospitals, homes for dependent and deprived children, correctional institutions, and institutions for mentally retarded and emotionally disturbed children.

The foster grandparent is generally a person of 60 or older who is living on an income below that established by OEO as the poverty level. In essence, a foster grandparent acts as a parent substitute for a child deprived of the benefits of a normal relationship with parents or older persons. Foster grandparents talk, listen, read, and play with their children and offer them support and assistance in learning the therapy situations. They are paid on an average of $1.50 an hour for a period of 2 hours a day of individual contact with a child.

I am extremely proud of the foster grandparents program in New Hampshire. Operating from Larconia State School, the program has approximately 100 young children and 52 foster grandparents. Since the program's inception in 1965, foster grandparents have invested almost 165,000 man-hours of employment caring for young retarded children.

I think this represents a tremendous outpouring of energy and faith on the part of all involved. From all reports I have received, the results have proved to be well worth the effort. Both grandparents and children have testified to the benefits they are deriving. Almost all grandparents have expressed satisfaction over seeing their children progress; most grandparents have expressed pleasure at being involved in something meaningful. As one older citizen wrote:

> The foster grandparents project gives me the ability to earn my living rather than receive aid to the disabled; it gives me a feeling of usefulness; since I think I can do the children some good; it has opened up a whole new life for me and my grandchildren; and, I feel needed again.

Even more heartening to me have been reports from the staff at Laconia State School detailing the progress of children involved. Most of the children have become more aware of themselves as distinct individuals and have evidenced an ability to interact socially with one another. They have developed essential self-help skills and have increased their capacity for learning. And above all, the children, secure in the affection and understanding of a foster grandparent, have begun to respond more fully to life around them.

If Congress does not act to raise appropriations for the Administration on Aging, then the foster grandparents program at Laconia State School and hundreds of similar programs across the country will be severely impaired. Furthermore, those children and senior citizens who might have availed themselves of the benefits of foster grandparents will now be deprived of that opportunity. I urge Congress to take appropriate action to prevent this eventuality.

DECLINE IN U.S. MACHINE TOOL INDUSTRY

Mr. TAFT. Mr. President, these are difficult times for our economy. The policies of the Nixon administration have helped greatly to lessen the problems of inflation, stagnation, and tight money, but many challenges remain.

One area of continuing concern is our deteriorating international trade balance in manufactured goods. At the present time American producers are struggling desperately to retain their position in export and domestic markets in the face of growing foreign competition.

In this struggle to hold American jobs one of the most important weapons at our disposal is an adequate supply of efficient productive equipment. Yet today American builders of machine tools are being forced to cut back their operations, with a resulting loss of trained employees and curtailment of valuable research and development programs.

Orders in the machine tool industry have recently fallen to depression levels. For the first time in recent history, the United States has lost its world lead in shipments of machine tools. And the future holds little prospect of improvement. Loss of delivery capabilities due to curtailment of operations may well thwart the attempts to maintain even our share of the U.S. market when an upturn does come.

This critical situation in the American machine tool industry demands that we take appropriate action before it is too late. The establishment of the 20-percent shorter guidelines and the elimination of the reserve ratio test was a hopeful step in the right direction, but this is as much as can be done through administrative action. Several other possible courses of action merit our serious consideration.

A 7-percent investment credit to cover new orders for capital equipment placed this year would provide a short-term incentive to inspire investment decisions, aid the machine tool industry and generally promote economic recovery. It is important that such an incentive be made retroactive to a past date to prevent suspension of present ordering.

Legislation implementing the changes proposed by the President's Task Force on Business Taxation would also help greatly to restore the vitality of the Nation's capital goods industry.

In the event that these approaches prove inadequate, we must not hesitate to explore others. The seriousness of the problem demands our immediate and continuing attention.

U.S. RELATIONSHIPS WITH LATIN AMERICAN COUNTRIES

Mr. HUMPHREY. Mr. President, in these days when much of our attention is focused upon the critical situation in the Middle East and the war in Indochina, we are prone to forget the importance of our relationships with our neighbors to the south in Latin America. Nevertheless, those relationships are critical and basic to our national security and to the development of the Western Hemisphere.

Recently, Mr. William D. Rogers, former deputy U.S. coordinator for the Alliance for Progress and president of the Center for Inter-American Relations, delivered a very thoughtful, perceptive, and candid address entitled "Latin America and the United States: Change and Perplexity."

Mr. William Rogers has analyzed what is happening to U.S. policy in Latin America. He has reminded us of the dangers which are inherent in the so-called Nixon low-profile posture as it relates to our relationships with our South American neighbors. Mr. Rogers correctly notes that much of the Alliance for Progress has been jettisoned or forgotten by the Nixon administration, and he properly calls to our attention the dangers inherent in the current situation.

We are indebted to Mr. Rogers for his frank and revealing commentary. I would suggest that it deserves the careful attention and thoughtful consideration of every Member of Congress, particularly of those who are responsible for the formulation and execution of American freign policy.

I ask unanimous consent that the text of Mr. William D. Rogers' remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Latin America and the U.S. Change and Perplexity

(By William D. Rogers)

It was on March 13, 1961, in the East Room of the White House, that President John F. Kennedy met with the diplomatic representatives of the free nations of the Americas to announce his proposal for an Alliance for Progress:—a "vast cooperative effort unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools, *techo, trabajo y tierra, salud y escuela.*"

Now, almost ten years to the day, the Alliance for Progress is dead.

It was, while it lasted, a generous and compassionate partnership effort to meet the storm of change—social, economic and political—sweeping across Latin America. The rate of change has quickened in these last ten years in Latin America. Yet the Alliance is now dead.

First, a word about the ways in which Latin America is changing. And then to the Nixon Administration's perplexed response.

Extraordinary rises in population, rapid growth of cities, unemployment, grievous gaps in housing, schools and medical services—all lines on the social fever chart of a Hemisphere; each one more disturbing than in 1961. No nation in the Hemisphere can claim it is on the way to a social solution. In the first seven years of the Alliance, the number of school children increased fifty percent—but there are more adults who cannot read in Latin America today than ever in its history.

On the economic side of the ledger, matters are a bit brighter. Due in no small way to Alliance aid, industrial output is up. Though agriculture is a disappointment and the free trade movement is stalled, the Hemisphere's economies—led, of course, by Mexico and Brazil—are stronger than a decade ago.

In matters political, though, the Alliance aspiration for fundamental reform through democratic processes seems almost as far from our grasp as in 1961. Tax and land tenure systems have been modernized in some countries. But the majority of the people of South America live under military governments.

It is, of course, the dramatic which catches the eye and, in the case of Latin America, the dramatic is the guerrilla, the kidnapper and the terrorist. I believe, however, that these are transitory phenomena. Uruguay is more embarrassed than staggered by the Tupamaros. There are, of course, some trouble spots of local insurgency—Guatemala and Argentina, for example. But for the moment I have little doubt that the incumbent Latin American governments can handle these insurgencies. In ten years there has never been a successful revolution against the structure of authority, and I do not expect any now.

It is also clear to me that the sense of unity within Latin America—never very strong in any event—is wearing thin. The nations of Latin America are moving off in a variety of different ideological directions. Argentina's army government, Chile's newly-elected Marxist administration and Peru's military populist generals eye each other nervously—though not with quite the bitter hatred of Salvador and Honduras, which erupted last year into the first international war in Latin America in modern times.

New types of nationalism, some military, some radical revolutionary, some reformist, some deriving from older conventional demagogic political styles, are springing up. The differences within Latin America are becoming even more marked.

Cuba is no longer an example to which the rest of the Hemisphere may be tempted to repair. Its economy is in chaos. The Soviets in alliance with technocrats in Castro's regime are evidently intervening rather directly. Fidel's adventurism is now pretty well limited to speeches.

But elaborate generalizations about politics, economics and sociology are all very well. Remember, though, one thing before all else about Latin America: the great bulk of its 270 million people are still poor—poor in ways almost incomprehensible to this nation.

Yet they are a step or two ahead of Asia and Africa. If we, the rich, are ever to succeed in a cooperative effort for economic, political and social development in the LDC's we will succeed first in Latin America.

Yet the Nixon Administration has killed the Alliance for Progress.

This year, for the first time in ten years, there is no separate line item for the Alliance in the Administration's aid authorization request. Congress will have no opportunity to vote Alliance aid, up or down.

In his massive State of the World message to Congress last week, the President ignored the Alliance for Progress entirely.

The USIA, the State Department and AID never mention it, either here or in Latin America.

The Administration decided to do this, not because that program no longer represented the highest and best aspirations of the American Republics for economic, social and political development, but for plain domestic politics. It was an awkward reminder of John F. Kennedy.

What has the Administration invented to take its place? For the Alliance blueprint of cooperative development, it has substituted instead the Low Profile. Low Profile—this means the avoidance of commitment . . . cool it . . . duck. Low Profile may be fine for Martha Mitchell, but it hardly strikes one as a serious and inspiring policy for a great nation in its home hemisphere. Neglect, for once, is raised to a principle of diplomacy.

The point, of course, is not that the Administration should not change anything. Each new President may be expected to put his stamp on foreign policy. But look what was lost in the process. The Alliance—building, I would emphasize, on foundations laid down during the Eisenhower Administration such as the Inter-American Development Bank and the Social Progress Trust Fund—brought it all together in a comprehensive program in the 1961 Charter of Punta del Este, of reform and self-help within each Latin American country, free trade throughout Latin America and aid, private investment and trade assistance on the part of the United States and other rich nations, all directed to the development goals which the Latins had set for themselves. It was, in short, a real alliance.

In killing off this policy, it has done away with something more substantial than a Democratic Party slogan. It has snuffed out something which was the community's.

Latin America had begun to call the Alliance, "Our Alliance." The program did not belong to the United States. It belonged to all the nations which had signed the 1961 charter.

Moreover, the Administration turned its back on our part of the Alliance bargain:—the *commitment* to vigorous, long-term partnership to spur reform and development throughout Latin America. It has muted our support for political forms of democracy, our special relationship with democratic elements and with the struggle for elementary civil liberties. And it has lost an unprecedented opportunity for continuity in the development effort in the Hemisphere.

The best that can be said in justification for the Low Profile is that the Administration is genuinely perplexed and baffled by the winds of change sweeping across Latin America, and that it had hoped to buy time in order to concentrate on other questions and figure out what it could do in Latin America. In the meanwhile, though, there has been no innvovation, nothing new, no building on the efforts of the 60's.

I do not mean to discredit the participation of the US in the Inter-American Development Bank, some projects of our bilateral program and the continued support for the Peace Corps. But beyond these older programs, nothing has happened.

This, in spite of the fact that the Administration began with an almost frantic search for a coherent overall Latin American policy. Governor Rockefeller, you will recall, made a series of lightning visits as the President's personal representative in 1969. The venture went rather badly. The Governor was unable to visit some of the more important countries. And at the time, it seemed more show biz than substance, at least to many Latin Americans. But he did finally hand in to the President a full-scale serious report, proposing a real policy alternative to the Alliance. With a minor exception or two, the Rockefeller Report has been ignored by the Nixon Administration.

The Low Profile, which the Administration prefers, is a non-policy. Without a general program, we respond to each problem when it comes along. And the responses have varied across a fairly narrow spectrum, from the merely indifferent to the downright mean and tactless. Some of the more recent examples:—Dr. Kissinger's briefing newspaper editors that President Allende's victory in Chile would actually pose a security threat to Argentina; the impolite rebuff last week of Allende's invitation for a courtesy visit by our nuclear carrier, the Enterprise, to Chile; and so forth.

Latin America, I regret to say, is replying in kind. It is becoming increasingly disillusioned and cynical with Washington. Hemisphere relations are never easy. But now, persuaded that we are treating them like a lost continent, and that our interest in internal reform and democratic development has dropped to zero, Latin America is organizing itself to deal as a single bloc with the United States. We are excluded from important Hemisphere questions in the Special Committee for Latin American Coordination—the CECLA. The United States is increasingly isolated in its home Hemisphere. Our influence, our leadership has never been at lower ebb—and, might I add, the same is true of morale in State and AID.

When I first suggested that the Alliance was dead in my review in the Washington Post of the excellent Levinson/de Onis book on the Alliance, UPI reported (and I quote):

"Nixon administration officials immediately took issue with this statement. They said that while Rogers was coordinator of the Alliance, 'there was lots of rhetoric and little action while now there is less rhetoric and more action.'

"The officials said the U.S. State Department did not wish to get involved 'in an argument over whether the Alliance is dead, dying, stagnated or whatever.'

" 'But it seems to us that those people who are now saying the Alliance is dead have suddenly become myopic to what is happening in Latin America,' they added."

Whether the Administration spokesman was Dr. Kissinger or not, I do not know. I doubt if it was my namesake. But no matter.

In one sense, I have to agree. There is plenty of action on the Inter-American scene these days—a 22–0-vote against the United States last month in the OAS on an unprecedented charge that we had committed economic coercion; the expulsion of our DCM from Costa Rica on grounds that we had plotted the overthrow of newly-elected President Figueras; Ecuador's seizure last week of the twenty-fifth American tuna boat this year; the six-nation walkout from the OAS in protest against our hijacking treaty; complaints of trade discrimination; expropriations; kidnappings. Action indeed there is.

In a Hemisphere changing as rapidly as ours, no relationship can remain static. I would be the last to suggest that what was laid down ten years ago this month is the ultimate wisdom for all time. But I do say that some policy and a sense of purpose are essential.

It is Dr. Kissinger's grand overview that the superpower contest is the only thing that really matters in today's world. A nation that believes that can afford the luxury of a perplexed non-policy for Latin America. For it is true that no area is less important to our security.

But if Latin America is not significant to our security, it is vital to our hopes—our hopes, if you will, for a different world. And this in the long run may be more important.

Latin America is the most developed of the underdeveloped. In the 70's, the nations of this Hemisphere will move pellmell to more industrialization, greater population pressures, expanded communications and travel. They will chew up more of their natural endowment, generate greater demands on the world's non-renewable resources and contribute more and more poison to the air and water.

In the process, Latin America will demonstrate—to us and to Asia and Africa as well—whether in this century growth and change are possible, whether the world will tolerate a wide variety of political communities; whether we can solve the problems of human fecundity and environmental destruction, whether cooperation between the rich and the poor can yet open the way for a decent life for all peoples.

We have a vital stake in this, though it change the Cold War not a whit.

Low Profile will not do. It is impossible for the United States—with 13 billion dollars of investment and a music, literature and film which spread to every corner of Latin America—to pretend it can keep its head down. But more important, keeping our head down will not contribute much to development.

We are in the Hemisphere. For better or for worse.

Latin America is transforming itself, with agony, from traditional to modern societies. The Alliance was a design to participate in, to influence, to help shape the forces of change for the common betterment of our Hemisphere. I mourn its death.

PRIORITIES AND THE SST

Mr. PACKWOOD. Mr. President, the Senate is scheduled to vote tomorrow on additional money for the SST program.

I begin my comments by acknowledging that we have invested a substantial amount of money, some $864 million, in two prototypes. Only time will tell whether we have made a good investment. But the fact that we have spent nearly $1 billion in public funds does not, in my estimation, justify the spending of additional money at this time.

If the SST is all that it is cracked up to be, and that is possible, then our free enterprise system will see to it that it is built. As I see it, Uncle Sam has done his job. He has started the ball rolling, and now it is time for the Nation's financial community to evaluate what has been done and the road that lies ahead.

I realize that thousands of jobs may be hanging in the balance. Some of these are in my home State of Oregon. But there is a greater issue than two prototypes of a huge plane and the jobs that come with their construction. At issue is a matter of priorities.

When I look at the accomplishments of this country and when I look at its failures, I cannot help singling out our transportation system as one of the most dismal failures. In my home State of Oregon, I can leave Portland by air and be halfway across the country before I can be to many communities in my State only a couple of hundred miles away. The Bends and Medfords of Oregon are everywhere in the Nation. Yet we ignore these and instead choose to focus on being able to fly to a foreign land at faster than the speed of sound. Thus, we have a case of misplaced priorities where we concentrate on making a good service great so that less than 1 percent of the population can use it while ignoring another service which is crying for help.

How many State capitals do we have in this country that are away from the large areas of population? In the West there are numerous examples: Olympia, in the State of Washington; Carson City, in the State of Nevada; and Salem, in my home State of Oregon. Now, would it not be an excellent investment to have high-speed trains running at frequent intervals from, say, Seattle and Tacoma to Olympia in the State of Washington, from Reno to Carson City in Nevada, and from Portland to Salem in Oregon? In this way government could be brought closer to the people because it would be more accessible. Just as important, pollution would be reduced, the tension on frayed nerves would be lessened, and highways might be unclogged to some degree. I cite this as only one example of how we could better order our priorities.

Mr. President, the time has come for projects such as the SST to stand on their merit and for them to be built with private money if they are to be built. The investment of the taxpayer's dollar in such projects cannot be justified.

NEED FOR IMPROVEMENT IN ELECTION PROCESS

Mr. GRAVEL. Mr. President, I think it is fair to say that most Members of Congress believe some improvement should be made in the election process. Last year the Congress enacted legislation that would have reformed certain aspects of the way media is used in election campaigns. Regretfully the President vetoed that legislation. But in so doing he suggested that reform should be more comprehensive.

This year I have attempted to follow that advice. Together with many other Senators, I have introduced S. 1, which would represent a broad-based reform in the election process. I have also introduced S. 9, which would shift the burden of financing campaigns where it belongs, to the people who must live with the results—the general public.

When we talk about campaign reform, we are talking about a very fundamental change in the democratic process, a change not to be taken lightly. But I am pleased to see that many of the organizations which have a legitimate interest and deep concern in the manner in which we elect public officials, have welcomed this change.

Recently, the Committee on Political Education of the AFL–CIO devoted an entire page of its national newsletter to the question of campaign reform. COPE was positive in its position that reforms are needed and they must be wide-ranging.

I congratulate COPE for taking this position and for attempting to develop support for the cause of campaign reform. It is a move that reflects a positive and realistic approach, and I hope that all organizations that contribute funds to candidates and actively care about the kind of representation that people have in government take note of this approach.

Mr. President, I ask unanimous consent that the statement by COPE on campaign reform be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MAKE VOTING EASIER, CURB CAMPAIGN COSTS—COUNCIL

Two "basic deficiencies" in the political process must be corrected "if democratic ideals are to be brought to full fruition," the AFL–CIO Executive Council has stated.

1. "Artificial barriers to voting must be eliminated to permit the greatest possible participation in all elections."

2. "Provisions must be made for meeting election costs in ways that will give major party candidates equitable opportunities to reach the voters while at the same time minimizing dependence on wealthy individual contributors."

The basic democratic precepts which should underlie election reform, the Council said, are:

"First, the purpose of elections is to ascertain the will of the majority. The basis of the authority exercised by the Executive and Legislative Branches is that the President and the Members of Congress are the choice of the people, as expressed in free and open democratic contests. Obviously, then, all feasible steps should be taken to facilitate the right of every eligible voter to cast his ballot. The smaller the percentage of voters, the less responsive the government is to the wishes of the country.

"Second, an election campaign is a debate as to who can best serve the voters. The accepted norm in debates is that each side is accorded an equal opportunity to present its arguments to those who will decide the issue. This standard should likewise be the objective in election campaigns. Election regulation should insure that major party candidates have at least a roughly equal opportunity to present their message to the public. This condition must be fulfilled to assure that elections are being decided on the merits, and not simply on the basis of which candidate has the money to monopolize the media."

The costs of reaching the voters are high, and getting higher, the Council pointed out. A major factor is the increasing use and the increasing cost of television.

"It is ironic that the air waves, which are the property of all the people, should have been made the most costly media for reaching the people. . . . It is clearly in the public interest that the voters hear both sides of the campaign—not just the side of the party that can afford exorbitant TV costs," the Council said.

It said the essential goals of regulation of election campaigns must be (1) to maximize the number of eligible voters who go to the polls, (2) to insure that major party candidates have a fair opportunity to reach those voters with their message, and (3) finally, to prevent any group from utilizing its economic resources to secure political dominance.

"There are two things Congress could and we think should do to expand the franchise. Congress has already enacted certain voting standards, applicable to both federal and state elections, such as outlawing literacy tests and fixing length of residence as a prerequisite for voting. Congress should in addition require employers to provide time off with pay to vote, and should establish a uniform and simple system for absentee voting. Next, Congress should establish a federal agency to work with the states to stimulate and facilitate registration and voting. For the present, however, the primary responsibility for expanded exercise of the franchise will continue to rest with the states, and we urge our affiliates in each state and locality to pursue vigorously the goals of simplified and permanent voter registration and expanded exercise of the franchise."

Beyond that, the Council said, federal legislation on campaign financing is "urgently needed." The abuses of financing by wealthy individuals—who are often candidates themselves—must be curbed, Ceilings should be placed on expenditures by candidates from their own resources and those of their families; and ceilings should be placed on the total, aggregate contributions individuals and their families may make to candidates or political committees.

The Council declared, "A substitute must be found for the present dependence on contributions by wealthy individuals. The AFL-CIO has long favored some from of federal subsidy for elections. This subsidy should take a variety of forms. There should be direct treasury grants to political parties, with a formula allocating specific sums to Presidential, Senatorial and House nominees. Free TV and radio time should be provided for Presidential and Senatorial nominees. A special election frank permitting free mailing by nominees for the Senate and House should be established.

"Finally, there are some very evident gaps in the present reporting requirements which should be closed. State as well as interstate political committees should be required to report on spending in federal elections, if they exceed some fixed minimum. Wealthy individuals who, together with their families, contribute more than a fixed minimum should likewise be required to report."

WITHDRAWAL OF TROOPS FROM VIETNAM

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial by Mr. Gwen T. Coffin, editor of the Wallowa County Chieftan, Enterprise, Oreg., which is one of the best commonsense approaches I have seen on the need to completely withdraw our troops from Vietnam.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WAY TO WITHDRAW IS TO WITHDRAW

Seven years after becoming heavily involved in the Vietnam war we are told by President Nixon, Defense Secretary Laird and the generals at the Pentagon that we have, in effect, achieved our objectives of checking communist aggression and threats to American security in southeast Asia and we are withdrawing. But we are withdrawing slowly, we are informed, because a little more time is needed for a million South Vietnamese soldiers to develop the skill to cope with half a million North Vietnamese and Viet Cong troops. After seven years of assistance and instruction from U.S. army two South Vietnamese soldiers don't quite equal one North Vietnamese.

This reminds us of the old arithmetic books used for years after the Civil War which often used problems like this: "If one Union soldier can lick three Confederate soldiers, how many Confederate soldiers can 15 Union soldiers lick?"

But while the American people are trying to digest the assertion that twice as many South Vietnamese soldiers as North Vietnamese cannot turn back the enemy without massive assistance from the U.S., we are reassured that the South Vietnamese army is now a crack outfit and is ready to defend democracy at home and elsewhere in southeast Asia once we have pulled back to our own frontiers. They are brave and determined soldiers, patriotic and loyal to the Thieu-Ky popular and democratic regime. But a lot of people are not buying it.

The real test of credibility and gullibility, however, comes in the explanation that we are withdrawing American troops as fast as we can get them out of Vietnam without exposing our departing troops, and those waiting to leave, to danger of annihilation. This explanation supposes that we are in a sort of Battle of Britain Dunkirk situation in which the enemy is hovering around the perimeter of our troop concentrations with vast destructive power ready to rain death and destruction on our men once they have turned their backs on the jungle and headed toward the sea.

It is more realistic to suppose that the North Vietnamese and the Viet Cong would gladly sit on their hands and watch us go, glad to see the whole American army depart intact. It is not improbable that they would agree to do nothing if we gave them a timetable for total withdrawal. In fact, this is what they have repeatedly said they would do.

So the idea that we are fighting a sort of delaying and rear guard action to give our main forces time to get out seems to be sheer nonsense too. We could probably arrange terms to move them all out in a month without incurring a single casualty if this was what we chose to do.

Actually an extension of the war into Cambodia and deep into Laos, while we are allegedly winding down the war, makes sense only on the premise that we are not going to give the world, and particularly the American people, a picture of American military frustation or defeat by a precipitous withdrawal. An announced withdrawal on a gradual basis enables us to maintain that we have defeated the enemy, won the war, achieved our objectives, and are leaving the battlefield with "honor". It is costing a lot of lives, and money to promote this concept, but it is deemed to be worth it politically. To admit an error or a lost cause is too much for most people and particularly for the president, the generals and Congress.

Back in the post-Civil War era when Congress was debating how and when the country should return to the exchanging of gold for paper currency, or as they referred to it in those reconstruction days, "the resumption of specie payments", the debates waxed long and violent in Congress over the issue. Finally one brilliant senator rose on the floor and said: "The way to resume is to resume!" and then he sat down. This overwhelming simple logic carried the day.

Applied to the present it might be changed to state, "The way to withdraw is to withdraw."

If we need to feel better about the whole thing, we can announce that we have won the war, defeated communism, made the world safe again for democracy, and the war is over. Even if we are not entirely convinced, it is an "honorable" way out.

COURTS AND THE PROBLEM OF CRIME

Mr. RIBICOFF. Mr. President, there is little doubt that the Nation is facing a serious crisis in criminal activity. Every morning we open the paper to find more evidence that personal and property crimes are on the increase across the Nation. Unfortunately, many Americans, politicians and private citizens alike, have taken the easy way out and have attacked the Nation's judicial systems, especially the Supreme Court and the U.S. courts of appeals, as the cause of this increase.

The U.S. Court of Appeals for the District of Columbia has in recent years borne the brunt of much of this criticism. It is constantly under attack for being too liberal and for being overly conscious of the constitutional rights of the accused thereby allowing criminals to walk the streets.

Anyone who has taken the time to investigate the record of the local court of appeals knows, however, that in recent years it has reversed a smaller percentage of criminal convictions than the average for the Nation's other 11 appeals courts. In fact, there are many courts. such as the third circuit, which have consistently reversed a higher percentage of cases.

Barry Kalb, of the Washington Evening Star, has studied the records for the last few years and has come up with some surprising statistics.

In fiscal year 1965 the District of Columbia court's reversal rate in criminal cases was above the national average—20.1 percent to 16.9 percent to the average of 14.4 percent. This trend continued as, in the next 3 years, the rate of the local court was below the national average. By 1969 the national average was 13.7 percent, while in the District it was a low 8.8 percent. Last year only 11.1 percent of the cases in the District were reversed.

These figures are all meaningless, however, for it is not a crime for a court to reverse a lower court's decision. The men and women who make these decisions have taken an oath to uphold and honor the Constitution and are simply insuring that other authorities do the same.

We are never going to stop criminals by attacking our own judicial institutions, for such attacks only serve to lessen the respect our law enforcement and judicial authorities have in the community. It would be far more productive to attack the roots of the problem—the poverty, the poor schools, the racism, the governmental indifference which allow and encourage criminal activity to flourish.

I ask unanimous consent that a table detailing the reversal rates in criminal cases of the U.S. courts of appeals be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PERCENTAGE OF CRIMINAL CASES REVERSED OR DENIED IN THE UNITED STATES COURTS OF APPEALS, FISCAL YEARS 1965 TO 1970—Continued

	1965	1966	1967	1968	1969	1970
All circuits	16.9	14.4	13.5	16.0	13.7	16.6
District of Columbia	20.1	14.9	11.0	14.9	8.8	11.2
1st circuit		31.0		14.7	16.0	11.1
2d circuit	13.6	8.2	8.7	6.6	9.2	5.7
3d circuit	8.0	20.0	19.1	23.8	26.2	28.3
4th circuit	20.4	11.8	8.6	8.9	8.2	17.2
5th circuit	18.9	19.5	14.9	23.9	16.6	21.9
6th circuit	8.7	10.1	16.3	16.8	16.3	11.4
7th circuit	13.2	12.7	12.1	25.0	26.4	26.4
8th circuit	6.1	6.8	10.8	16.7	9.9	22.1
9th circuit	16.7	9.8	19.5	13.0	14.3	17.3
10th circuit	19.1	25.0	14.3	14.5	10.0	25.9

INTERVIEW OF SENATOR SCOTT BY MILES BENSON

Mr. HATFIELD. Mr. President, the distinguished Senator from Pennsylvania (Mr. Scott) was interviewed recently by Miles Benson, reporter for the Newhouse News Service. He spoke candidly and seriously about matters of national concern. So that others may know the recent thinking of our Republican minority leader, I ask unanimous consent to place this article in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Senator Fails To Endorse—or Oppose—Agnew for Renomination: Nixon Must Run a Different Race for Second Term, Scott Says

(By Miles Benson)

Washington.—Senate Republican Leader Hugh Scott believes President Nixon must run a far different campaign for a second term in the White House than his party did in last year's Congressional election.

In an exclusive interview, Scott failed to endorse Vice President Spiro T. Agnew for renomination—nor did he oppose him—but made it clear he considers the heated rhetoric of the 1970 campaign a thing of the past.

A leading GOP moderate, Scott placed on the record his own views on subjects which many Republicans discuss candidly only privately—concerns about the war in Indochina, Agnew, the economy, the Democratic opposition, the President's civil rights policies and the 1972 election outlook.

The Pennsylvania senator said:

"It will not be enough for President Nixon to stop the war. He also must rescue the economy or risk the fate of Great Britain's Sir Winston Churchill, who was turned out of office after World War II because of pocketbook concerns.

Agnew will have to change his "belligerent" personal style of campaigning if he remains on the GOP ticket, which Scott considers likely.

The President has done more for black Americans than he receives credit for—but has not done enough.

The "Southern strategy" is as dead as the "brawling" tactics of the last campaign.

The Nixon administration has been a pleasant surprise to many liberals and moderates, whether they admit it or not.

In an unusually rough attack, Scott discussed the war policy candor of former Presidents John F. Kennedy and Lyndon B. Johnson, and declared:

"We have had a decade of deceit. We have had elegant deceit and we have had awkward deceit—two varieties of deceit—and I will not elaborate further."

In contrast, Scott said, President Nixon "has kept every promise he made. The people are not quite used to this. It comes as a surprise."

Scott also claimed a superior record for the Nixon administration in "the betterment of black people" than any previous administration.

Here is an edited transcript of the Newhouse News Service interview with Sen. Scott:

(Q) What do you think of the administration's policy on the war in Southeast Asia and, in particular, on withdrawal of U.S. forces?

Scott. The commitment is, of course irreversible. I think the de-escalation is proceeding rather well. I would favor every means by which we could accelerate that de-escalation, consistent with safety.

"I could not support a U.S. ground operation—with U.S. infantry—in either Laos or Cambodia. I couldn't support it because I don't think it would be wise to do it, and beyond that, politically, the country would not support it.

"I think it is a miserable war, of course. . . ."

(Q) Do you believe the Nixon administration is taking a more successful approach in Vietnam than Johnson did?

Scott. I do. I do indeed. I think Nixon reversed the entire war-making process from a trend of escalation to disengagement.

"I get letters from people who want to see us out right away. Well, when you are down to the last 100,000 men and the enemy sends down a force to destroy them, we will want to do all we can to save the 100,000. Certainly that demand was present in England at the time of Dunkirk. There wasn't a living Englishman who wouldn't have wanted those troops out of there.

"I would hate to see us in that situation—where you think you are just about out, and then you're back in horse, foot and dragoon. It is better to disengage with the finality that has been used."

(Q) Do you think such acts as the bombing of the Capitol represent a renewed opposition to Nixon and to the war?

Scott. The bombing of the Capitol is supposed to be the action of terrorists and is probably bad news for the peaceful protesters. It may well shoot down the April 24 Peace Mobilization, the Peace Move.

As far as criticism of the President goes, I think the President has proven two things:

First, he proved that he kept every promise he made. The people are not quite used to this. It comes as a surprise. We have had a decade of deceit. We have had elegant deceit and we have had awkward deceit—two varieties of deceit, and I will not further elaborate.

After the people have been lied to in the two previous administrations, the truth is rather ungraciously accepted by the public. The attitude is, "Whoever would think Nixon would tell the truth while those other guys lied to us?"

The second reason is even simpler—the draft. He (Nixon) has reduced the liability in the draft from seven years to one, so aside from the 19-year-olds, the rest of the young people now know that the fear of being killed has been largely removed.

Much of the protest—every pious and articulate argument to the contrary notwithstanding—is based on the fear of being killed, which is a well-known human emotion. The fear of being killed is what brought these guys here, it is what makes parents write violent letters to me . . . it is what organized Harvard professors, it is what organized the demonstrations.

At the same time, the American people are sitting in judgment, and they are reserving judgment. If the Laos thing fails, then certainly we would all be in the bucket as far as any attempt to justify further involvement in Indochina is concerned.

(Q) Will the war be a positive or a negative issue for Nixon in 1972?

Scott. I think with regard to the benefits, the innate fairness of the American people will be brought into play, and they'll have to balance the books. They'll have to balance the books on a four-year basis.

(Q) What are his chances of solving the economic problems?

Scott. They're better than good. He's taking the hard knocks early. Some of his economists have been wrong several times. They have not allowed for the time lag, the economic time lag. They have proved to be the same kind of optimists that politicians are.

We think of economic crises as having a six-month lag. This turned out to have a nine-to-18-month lag.

Now there's a sense of haste about it, a feeling that whatever it is they are going to be doing, they'd better be doing it. That was not present a year ago. Before they had the attitude that "we know what we're doing and in six months the economy will turn around". Now it's "we hope to God we know what we're doing but it will take 12 to 18 months to turn it around."

Probably it will turn around visibly and appreciably and viably in the summer of '72 . . .

He (Nixon) has shown a willingness to make some hard decisions—the fact that he took on the construction industry. His willingness to take on what he has constantly referred to as our friends, I think, shows courage, because he feels the construction industry has been more amiably disposed towards Republicans than any other broad union group.

(Q) Are you satisfied with what the administration is doing in the area of civil rights problems? The broad aspect of social problems?

Scott. Well, I think every administration can do better. The Kennedy administration did nothing except to provide a great deal of style, and everybody liked this stylish negativism. Oh, it had all the advantages of a bra-less flat-chested woman. You thought you saw something and enjoyed what you thought you saw, but you really weren't looking at anything. That was the net result of the Kennedy Administration.

Well, the Johnson Administration on the other hand was a good deal like walking through a series of bordellos. You may not have been sure it was good for you, but you sure were enjoying it.

And so now we've hit maybe some backwaters, some pleasures and some disappointments. I was not satisfied with the administration's original approach to civil rights, the voting rights bill.

I am pleased as a moderate, and I'm pleased as the leader, that the President has dared to propose such bold and new things as welfare reform and draft reform, and the reorganization of Congress, reform of criminal law, manpower utilization, and Social Security cost-of-living provisions.

I think the Nixon proposals for the 92nd Congress are so thoroughly justified and so desirable that they have left the Democratic Party gasping for alternatives. I think it is significant that the Democratic Party has no alternative to the President's health proposal except to abolish the present system and start over again at twice the cost. This is fundamentally the Kennedy proposal.

They have no alternatives to revenue sharing but to take all the money in the President's proposal and continue the present programs, too, and thereby continue all the present evils and add to them the cost of the new program. They have no alternatives to family assistance other than to turn the whole cost over to the federal government which thereby gives outrageous benefits to three states at the expense of others. New York, California and Massachusetts—they'd get 51 per cent.

(Q) You mentioned the tactics of the last campaign. One of the central issues of that campaign was Vice President Agnew. What is your view of him?

Scott. I think the Vice President is confining himself largely to such things as revenue sharing dealing mainly with the governors and the mayors. This is an area where he possesses considerable background and expertise.

I wouldn't want to comment on that beyond, other than to say that his method of doing it may be different from mine. His kind of rhetorical approach differs. He has certainly proven to be a catalyst. He has stirred reactions, and rather useful talk, pro and con, I think.

He certainly revealed that the reportage of the war on television networks was grossly one-sided, and has brought about a better reportage, a better coverage of the war.

(Q) Do you think, in net balance in 1972, that Agnew will be a positive political advantage to the ticket?

Scott. I don't know. Time will tell that. The President will make that decision.

(Q) Have you made up your mind whether you want him to remain on the ticket or not?

Scott. No, but I consider it likely that I'll be chairman of the third largest delegation at the convention and I would expect to caucus with the other delegates and see what they thought. I think the administration is well aware that I will probably be chairman of the third biggest delegation, and therefore I would expect to be consulted in advance on the personnel who are chosen to run the convention, the permanent chairman, the platform committee.

(Q) Do you detect any high degree of opposition to Agnew's renomination within the party, and are you satisfied with his performance to date?

Scott. I don't think there is a very high degree of opposition to the vice president. There surely is some. There were some candidates who campaigned away from the veep last time.

There's nothing very hopeful, nothing very serious being sounded at this time that I am aware of. I myself have said I'm going to reserve what I am going to do, dependent on what the President wants done and what the Pennsylvania delegation wants.

(Q) It's been suggested that the Vice President's work in revenue sharing and health is intended to rehabilitate his image. Do you share this view and if he fails to rehabilitate his image, what implications do you see?

Scott. Only time will tell. The President will give the vice president a lot of assignments and if he does them well, it may strengthen him as a candidate.

(Q) Then you mean if we don't see a new candidate for Vice President in 1972, we will see a new Agnew?

Scott. Well, everybody could use a face lift every two years, when political tactics change. I don't think anybody's going to ask the vice president to undergo a metamorphosis, but if he stuck to the achievements of the administration and his part in it, that would be constructive campaigning and I would encourage him to do it.

(Q) If he exhibited signs before the convention of returning to the 1970 style, would you feel compelled to oppose his renomination?

Scott. That's what Mr. Roosevelt called an iffy question. I'm speaking very candidly without in any sense giving offense. I just think that we all learn from mistakes, as I do, and there are certain things in a campaign that are not productive. I think I could have predicted that if I'd been asked. I wasn't. Now that they have demonstrably been proven unproductive, I doubt that they'll be repeated.

(Q) Who do you think would be the strongest potential Democratic candidate to run against the President in 1972?

Scott. Well, in a four-mile race the runners are apt to change places. I don't know who's coming down the stretch. But certainly on the back part of the track, Muskie seems to be ahead and he seems to be the favorite. Someone else may come to the public eye or the public ear.

I think Hubert Humphrey's the most popular candidate among the professionals. I feel he's still the most admired. But he is not equipped with the same organization that's begun to form up around the others.

I think McGovern is a sure loser because he is tailoring his appeal to the far, far left and there's just not enough people over there on the gooney bird section of the bleachers.

EXTENSION OF THE ECONOMIC OPPORTUNITY ACT

Mr. CRANSTON. Mr. President, I am delighted to have joined in cosponsorship of S. 1290, introduced by the Senator from New York (Mr. Javits), on March 19 on behalf of the administration to extend the Economic Opportunity Act of 1964, as amended, for an additional 2 years after its expiration this June 30. In view of the contradictory rumors which have found their way out of the executive branch over the past months, this proposal on the part of the administration is a welcome step in the right direction.

I believe it is vital to preserve a separate poverty agency within the Federal Government to fight for the rights of the poor and the downtrodden and to serve as a focal point for representation of the interests of those without political or economic power within our system.

However, although I strongly favor extension of the Economic Opportunity Act for another 2 years, I want to make perfectly clear that my cosponsorship of this bill does not in any way imply my acceptance of the statement of the Director of the Office of Economic Opportunity in presenting it that that act should be extended without amendment. Indeed, on the same day S. 1290 was introduced I joined with Senator Mondale and other Senators in sponsoring S. 1305 the National Legal Services Corporation Act which would add a title IX to the Economic Opportunity Act. And I expect to be supporting extensive amendments to that act with respect to Headstart and child development, as well as economic development.

With that caveat, I join with the administration in support of a 2-year extension of OEO and the poverty program and look forward to working with the administration, Chairman Nelson of the Employment Manpower and Poverty Subcommittee and Senator Javits to develop the most effective legislative framework for continuation and expansion of the urgent fight to eliminate poverty from our land.

RATE DISCRIMINATION IN RAIL TRANSPORTATION

Mr. TAFT. Mr. President, on February 17, I introduced S. 1092, the Modern Railway Transportation Act. One of the key provisions of the bill outlaws any rate discrimination in rail transportation.

A blatant example of rate discrimination recently brought to my attention by the Great Lakes Task Force demonstrates the need for this legislation.

The shipment of synthetic rubber by rail from Louisville, Ky., to New York, Chicago, and Toledo for export exemplifies the absurdity of the present rate structure. The rate from Louisville to New York, 834 miles, in 1970 was 95 cents per hundred pounds. The rate from Louisville to Chicago, 291 miles, was 98 cents per hundred pounds. But, the freight rate from Louisville to Toledo, 298 miles, was set at $1.18 per hundred pounds.

Why it should cost more to ship rubber 298 miles than 834 miles is a secret locked within the bureaucratic tangles of the ICC.

As this example graphically illustrates, the ICC has succeeded in turning out the lights of reason. The time for reform is at hand.

ADMINISTRATION MUZZLES UNEMPLOYMENT EXPERTS

Mr. PROXMIRE. Mr. President, the administration ". . . is about to muzzle the nonpolitical technicians at the Bureau of Labor Statistics in their attempt to help the public understand what is happening to unemployment."

Last evening I released a letter to Secretary of Labor James Hodgson asking him to explain the basis for the elimination of the regularly scheduled news conference on unemployment and consumer price developments. In the letter I question whether the Department of Labor "may now be in the process of spoon feeding the American people" and say that a "reversal" of the policy "would be the only convincing answer you could give to this question."

In addition, I believe that instead of acting vigorously to reduce unemployment, the administration has figuratively decided to shoot the messenger who brought the bad news.

Now we shall find administration politicians describing economic trends in whatever way they find most convenient to the Executive. They will shout from the housetop when they get favorable information and they will retreat to the cellar when trends are not going their way.

What is happening to employment, unemployment, and prices represents the most timely information provided by the Government on the state of the economy. For almost 20 years the Labor Department has held regularly monthly public news briefings on these most important subjects.

In all of this time, the BLS has built and retained its reputation for absolute impartiality, highly professional competence, and a completely nonpartisan approach. The BLS has epitomized the rule that to make useful judgments we must have absolutely honest statistics.

For these many years the news conference approach, which involved the explanation by technical experts of price and employment development, has been recognized as a most effective way of communicating to the news media and hence to the general public what was the current state of the economy, free from the political slant which could easily be applied to such facts.

The Joint Economic Committee is responsible to the Congress to see that economic facts are not treated as pawns for partisan political manipulation of the public. Just because some political appointee's hair is ruffled is no reason to depart from a sensible approach to informing the public about what is happening on the economic front. I am convinced this is exactly what has happened in this case. It should not be allowed to prevail.

I ask unanimous consent that the text of the letter to the Secretary of Labor, and an editorial on this subject, entitled "The BLS—Another Outpost Overrun," published in the Washington Post for Monday, March 22, 1971, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Hon. James D. Hodgson,
Secretary of Labor,
Washington, D.C.

Dear Mr. Secretary: As Chairman of the Joint Economic Committee, responsible to Congress to keep it informed on a timely and impartial interpretation of economic developments, I am disturbed by reports that you have abolished the news conference procedure of having technically knowledgeable economists explain to the news media and the public what is happening on the employment and inflation fronts.

Would you supply answers to our Committee with respect to the following questions?

1. When was the news conference approach initiated by the Labor Department as a method of informing the public about consumer price and unemployment developments?

2. What were the antecedent factors leading up to this decision?

3. Why have you now decided to discontinue existing procedures?

I am most concerned that your Department may now be in the process of spoon-feeding the American people. Will you make it clear to the Congress, this Committee and the American people that news on such important developments as inflation and unemployment will be forthrightly and objectively placed in the public record? It is my firm conviction that a reversal of your apparently recent decision to ban technically-led news conferences on consumer price and employment developments would be the only convincing answer you could give to this question.

Sincerely yours,
(S) Bill Proxmire,
William Proxmire,
Chairman.

[From the Washington Post, Mar. 22, 1971]

The BLS—Another Outpost Overrun

For more years than we care to remember, the Bureau of Labor Statistics has been one of those government agencies you could count on for straight talk—a little on the dry side, perhaps, but straight. It could operate no other way, given the political and psychological dynamite in its economic indices on prices and wages and jobs. Elsewhere in the government—at the White House, for instance—you expected to get no end of self-serving interpretations of the economic trends, garishly rose-tinted for their political impact. At BLS, you got unvarnished facts with only the most cautious, balanced elaboration by trained technicians.

The Bureau could not perform its job in any other way; enormously important decisions, both public and private, by businesses and labor unions as well as the government, depend on the integrity of the monthly BLS measurements of economic trends; under escalator clauses, the wages of hundreds of thousands of workers are pegged automatically to movements in the BLS price index. Not that there haven't been efforts in the past to exploit this information for political effect; there is always heavy pressure from the politicians in power, for example, to speed up the release of a favorable BLS finding on prices or employment so as to make it public just before election day. But resistance to this sort of political hanky-panky has also always been strong; Arthur Goldberg, when he was Secretary of Labor, felt so keenly the need to resist such temptations that he fixed, and announced a full year in advance, the schedule of release dates for BLS reports in order to foreclose their premature publication for political purposes.

Just because of its integrity, over the years serious students of the subject have come to set a high store on the public press briefings at which the bureau's statistcs and indices have been released. Although it was pretty desiccated stuff, you had the feeling that you could count on the BLS commissioners and their expert assistants to give you a sort of bench-mark against which all the other appraisals could be measured.

So it is disappointing, not to say disquieting, to hear that the Nixon administration has decided to muzzle the BLS. The bureau will still grind out the raw data every month, but without the public briefings by the men who actually compile the figures and are accordingly in the best position to explain to a confused and anxious public what may or may not have accounted for this or that movement in prices or wages or employment levels and what it all portends. BLS experts, we understand, will still be available to reporters for questioning—but under wraps, presumably as anonymous "informed sources" whose unattributable opinions will lose a lot of their authority. The loudest voice, putting the most favorable spin on things, will be that of Mr. Ronald Ziegler at the White House.

It is being said in some quarters that this change was made because the BLS in its starchy addiction to the facts, has occasionally undercut some of the Nixon administration's best efforts to tell us what it thinks we would most like to hear about the state of the economy. This figures—from an administration that has established its own communications czar, in Mr. Herbert Klein, and demonstrated so marked a tendency to embargo the bad news and mechandize the good. But motives are always hard to establish in these matters and what is important, in any case, is the effect. The effect in this instance is to muffle a potential source of dissent—not on policy, which is sometimes understandable, but on the meaning of events which matter enormously to the public. In the continuing—some would say losing—struggle for the greatest possible freedom of information from the government, another outpost has been overrun.

STEWART MOTT REPLIES TO JOSEPH CALIFANO STATEMENT TO COMMERCE COMMITTEE

Mr. HATFIELD. Mr. President, in testimony before the Committee on Commerce Joseph A. Califano, general counsel to the Democratic National Committee, addressed the general subject of campaign reform.

A portion of his testimony dwelled on allegations concerning Stewart Mott and Senator Humphrey during the 1968 presidential campaign.

Mr. Mott has responded to Mr. Califano's statements and their subsequent interpretation in a letter to Senator John Pastore, the subcommittee chairman.

I ask unanimous consent that the text of Mr. Mott's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Senator John Pastore,
Chairman, Subcommittee on Communications of the Senate Commerce Committee, Washington, D.C.

Dear Senator Pastore: Exactly two weeks ago, your subcommittee received a statement—in which my name was cited—from Joseph A. Califano, Jr., General Counsel to the Democratic National Committee, in which he said he was speaking as attorney for the DNC and indicated that his views reflected those of Chairman Lawrence O'Brien and Treasurer Robert Strauss.

In his statement, he referred to the "danger of abuse," the "potential for corruption of official integrity," and went on to say that "substantially more insidious is the danger that large contributors, by reason of their enormous wealth alone, can influence foreign or domestic policy to suit their personal prejudices." Citing me, and me alone, he claimed that I "attempted to purchase (my) own foreign policy for 200 million Americans."

As a consequence of Mr. Califano's statement, various headlines appeared in the press such as "Effort To Bribe Humphrey Alleged" (Philadelphia Evening Bulletin, 3/3/71) and "HHH Was Offered $5 Million to be A Dove" (Detroit Free Press, front page, 3/5/71). Of course neither you nor Mr. Califano could control what the press would say in reporting Mr. Califano's statement, but when I read the text of what Mr. Califano actually said—"corruption . . . danger of abuse . . . insidious . . . personal prejudices . . . purchase his own foreign policy"—it is quite clear that Mr. Califano's inference was that indeed I did attempt to *bribe* Mr. Humphrey.

In view of such outright calumny, I am herewith requesting, as a point of personal privilege, your permission to offer my reply to Mr. Califano and have it printed and incorporated into the official record of your hearings. If it is too late and you are unable to do so, then at the very least I am requesting that you have it entered into the Congressional Record.

I would like to point out that Mr. Califano cited only four examples of individuals who allegedly sought improper benefits from campaign contributions. Three of them were Republicans, William J. Casey, Fred J. Russell, and Mrs. John D. Rockefeller, Jr. In each of those three cases, I concur with Mr. Califano that the alleged benefits sought were indeed of a personal character and could be construed to be highly improper. To give balance to his presentation, I assume, he decided to cite an example of an improper Democratic donation. The fact that he chose me both puzzles and amuses me—for the following reasons:

A) I am a registered Republican.

B) the meeting with Humphrey never took place

C) no money was ever donated by me or my associates

D) the candidate was never elected

E) no foreign or domestic policy was ever influenced.

No doubt Mr. Califano and his associates O'Brien and Strauss are all clever men. If indeed they had wanted to cite an example of an improper Democratic donation, I am sure that in their quite recent memory they could find literally hundreds of good examples which illustrate the point quite vividly. Examples of large donations from wealthy individuals or labor unions, donations which were actually given, to candidates who were actually elected, where an influence on foreign or domestic policy was clearly evident, and most especially, where substantial personal gain was involved.

It's very curious, isn't it, that Messers. Califano, O'Brien, and Strauss chose *not* to cite any such concrete examples. Examples such as defense contractors who benefit from supersonic transports, ABM systems, and Vietnam munitions supply. Examples such as oil executives who benefit from protective oil legislation. Examples such as major farmers who benefit from agricultural subsidies.

No, Mr. Califano chose not to cite any such Democratic contributor by name. No doubt he and his associates O'Brien and Strauss continue to rely upon them for funds to finance the debts of the bankrupt DNC. I'm not surprised. I'm sure the list of political bribes and pay-offs for personal economic gain would be longer than the entire transcript of your subcommittee's hearings. And I have a hunch that a good many criminal prosecutions might result if Mr. Califano chose to speak forthrightly about improper Democratic Party donations.

I'm not at all sure why the DNC chose to cite me, Stewart Mott, as their prime case of an improper Demorcatic Party donation—Even if the Alleged Facts Were True!

Let's review the facts. Yes, I did write a letter to Hubert Humphrey proposing a meeting. But it's quite clear that Mr. Califano never bothered to read that letter. Instead, he quoted from Fortune magazine which incorrectly reported the story. No doubt Mr. Califano could have checked his facts if he had wanted to; he could have obtained a copy of the original letter either from me or from Mr. Humphrey. But no, the Fortune article more aptly suited his purposes because it *incorrectly* stated that I "made it clear that the presidential candidate would have to modify his views on Vietnam before he could expect any financial support from this group."

"Modify" is the key word here. In my letter to Humphrey, dated 10/13/68, which I have just re-read, there is not the slightest implication or intimation that Mr. Humphrey would be expected to *modify* his Vietnam views in order to please my fancy and earn my campaign donation. The tone of my letter suggested no "buy-a-dove attitude." There are no grounds whatsoever for alleging that I attempted to purchase my own foreign policy for 200 million Americans.

As I am sure Mr. Califano can recall, there was considerable speculation in mid-October 1968 as to the exact nature of Mr. Humphrey's views on Vietnam. Some people were referring to his Salt Lake City speech as a major shift in his position. Others denied it. In retrospect, looking back over the past three years, I think it's fair to say that Mr. Humphrey's Vietnam views have been variable, shifting and speculative continuously—depending usually upon the degree of influence which the DNC and Mr. Lyndon Johnson brought to bear upon him.

In short, on 10/13/68, no one seemed to be sure just where Humphrey stood on Vietnam, not even the candidate himself. The proposed meeting had asked for an explanation—clarification—of his views on Vietnam (and other issues of national importance), *not* a modification of his views. There was no presumption whatsoever that Mr. Humphrey would suddenly and dramatically change his views as a result of that proposed meeting. To call it a "purchase of foreign policy" is ridiculous.

It may very well be, however, that both Mr. Califano and Mr. Humphrey perceived the proposed meeting as an attempted bribe. Certainly they must have become accustomed to thinking in such terms. In fact, during that campaign both candidates had fund-raisers working for them who were quick to suggest the possibility of government service for those who made substantial contributions. In June of 1968 I had a conversation with Maurice Stans, financier for the Nixon campaign; and in October I had a conversation with Robert Short, financier for Humphrey. Both conversations had one striking similarity. In both instances the fund-raiser was looking for a donation from me, and both men asked me whether I had ever given some thought to government service, working in Washington, or words to that effect. In both instances my response was negative and I was thoroughly disgusted by their oblique suggestions of a political appointment in thanks for a campaign donation.

So perhaps I shouldn't be surprised that Mr. Califano would perceive that proposed meeting in his own terms. But he is patently wrong both as to the facts *and* the intent of that never-consummated meeting and donation.

It is a sad day for American politics when an individual citizen such as myself, seeking no personal economic benefit or aggrandizement whatsoever, cannot speak out on major issues *and* give campaign money to the candidates of his choice *and* carry on a rational dialogue with a presidential aspirant—without risking the calumny which Joseph Califano (and the press) heaped upon me March 3rd at your subcommittee.

It is even more sad when the slander originates from the Democratic National Committee, a party which has brought forth some excellent candidates whom I have been greatly pleased to support. You and your subcommittee may ask *any* of the candidates whom I have supported during the past decade whether my donations have represented an "insidious danger" to the welfare of our nation. And you may ask whether I have ever once sought to influence foreign or domestic policy in favor of personal financial gain.

The DNC really ought to be encouraging an open debate, a free discussion of the issues, not only among candidates but also among contributors, and particularly between candidates and supporters. But if the DNC thinks it can muzzle into silence either candidates or contributors, it will continue to lose elections and it will never receive a dime from me.

Senator Pastore, I'm sorry for the delay in writing this letter. Actually, I didn't want to attempt to reply to Califano's remarks solely on the basis of the press reports about what he said. He himself made that mistake by quoting an erroneous Fortune article. I waited until I received a transcript of his remarks.

The sweet irony in this episode is that during this past week I've received two different invitations to attend a fund-raising event here in NYC; Messrs. O'Brien, Strauss, and Humphrey are inviting me to Arthur Kim's home to shell out a cool $5000 per table to help the DNC pay off Humphrey's colossal campaign debt of 1968. I think I'll pass up their kind invitation.

Sincerely yours,

STEWART R. MOTT.

FEDERAL BUILDINGS URGED FOR BLIGHTED URBAN AREAS

Mr. HARTKE. Mr. President, in a speech in the Chamber on March 9, I urged that historic buildings in the Nation's Capital be saved from the wrecker's ball.

The interest which that statement aroused indicates that there are many who are concerned that our haste to modernize has made as heedless of a great heritage. There is much of our past which has significance for the present and the future. It should be preserved and promoted, rather than destroyed.

For more than 2 years, one of the most famous of Washington's landmarks has stood vacant. The Willard Hotel, where the great and near-great have stayed, has played a prominent role in the political and social past of the Nation's Capital. Following one of his visits, Carl Sandburg said that—

> The Willard Hotel more justly could be called the center of Washington than either the Capitol or the White House or the State Department.

Not only does the Willard have sentimental significance; it also represents an excellent sample of architecture and is in perfect harmony with its surroundings. Neither claim can be made for most buildings constructed in recent years.

I have been among those who have suggested that the Willard could be retained as a museum. So much of our history has occurred within its walls that it would be ideal for such a purpose.

There is, however, another valuable use to which the building could be put—one which would do even more honor to its past glory.

On February 27, 1970, President Nixon issued an Executive order directing the General Services Administration to develop plans for the acquisition and leasing of space for Federal offices in areas where such offices would have a significant impact on improving social and economic conditions.

In a press conference which was held on the same day, Dr. Daniel P. Moynihan said:

> The present Executive order takes the concept beyond the imposition of some order within the priorities of different Departments in the Government and acknowledges what has been the fact—whether you wish to acknowledge it or not—namely, that where the Federal Government locates its offices, its plants, its factories, has very great consequences for people, not just for the Government; that this has extraordinary impact on the development of cities, different parts of cities, different regions of the country, different parts of those regions.
>
> This is one of the most important real options the Federal Government has in seeking to bring about a kind of purposeful, rational growth policy.

At the same press conference, Administrator Robert L. Kunzig of the General Services Administration stated:

> In other words, what we are talking about is double duty for Federal dollars. Not only will the dollars be used to build the building, but they will also be used to assist and aid in the economic development, or urban redevelopment.

The past few years, however, have seen an increasing decentralization of Federal office buildings to the suburbs. We pay a high price for this trend, not only because of the exorbitant rents which are charged, but also because there is an enormous need within the District for jobs.

No Federal City Bicentennial Corporation, such as the one which has been proposed to restore the Pennsylvania Avenue area between the Capitol and the White House, will have any significant impact on the revitalization of Washington unless we act to make this a good place in which to work and to live. The Federal Government has the power to spur employment and economic vitality by constructing office buildings in depressed areas of the District. Unfortunately, the President's Executive order of 1 year ago has not been implemented in Washington.

I would urge that the GSA undertake a survey of the Willard Hotel, not for the purpose of determining the easiest way to tear it down, but rather for the purpose of determining the suitability of the Willard as a Federal office building.

Whatever the outcome of the study, I believe that there is a place for the Willard in a revitalized Washington. I also believe that it is time that action was taken to restore burned out and blighted areas of the Capital, not by displacing small businessmen and not by a wholesale destruction of historic buildings, but by moving resolutely to implement the President's Executive order of February 27, 1970.

The Washington Post put its editorial finger on the real issue when it said on January 11, 1971:

> When, back in the 1950's, federal government offices began to move out into the suburbs, it was a matter of national policy. The government was to be dispersed to minimize disruption in the event of an atomic attack. No one gave much thought to the fact that low income and minority employees were left behind in the city because there was no housing for them out there. But the policy became obsolete, or at least implausible, with the advent of the hydrogen bomb.
>
> Now, for a variety of new reasons, government dispersal has become something else; it has become a way of evading national policy.

Mr. President, I ask unanimous consent that the text of President Nixon's Executive order of February 27, 1970; the transcript of the White House news conference of the same date; the Washington Post editorial of January 11, 1971, entitled "Jobs That Move Away"; and an article entitled "Federal Office Leasing Policies Questioned" published in the Evening Star of December 4, 1970 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PLANNING, ACQUISITION, AND MANAGEMENT OF FEDERAL SPACE

(White House Executive Order)

By virtue of the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, and as President of the United States, it is hereby ordered as follows:

Section 1. The Administrator of General Services (hereinafter termed "the Administrator") shall initiate and maintain plans and programs for the effective and efficient acquisition and utilization of federally owned and leased space located in the States of the United States or in the District of Columbia or in Puerto Rico (hereinafter termed "in the United States"), and for which the Administrator is responsible. The Administrator shall prepare and issue standards and criteria for the use of such space and shall periodically undertake surveys of space requirements and space utilization in the executive agencies and initiate actions and formulate programs to meet the essential space requirements of executive agencies. In carrying out these functions, the Administrator shall (a) coordinate proposed programs and plans for buildings and space with the Bureau of the Budget, (b) obtain from the Civil Service Commission, the Office of Emergency Preparedness, and the Department of Defense any information in the possession of those agencies which may bear upon such programs and plans, (c) coordinate proposed programs and plans for buildings and space in a manner designed to exert a positive economic and social influence on the development or redevelopment of the areas in which such facilities will be located, (d) seek the cooperation of the heads of the executive agencies concerned with any of the foregoing, and (e) annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

SEC. 2. (a) The Administrator, and the heads of executive agencies, shall be guided by the following policies for the acquisition, assignment, reassignment, and utilization of office buildings and space in the United States:

(1) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature of function of the facilities involved, with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions the Administrator shall consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available, and only at rental charges which are consistent with prevailing rates in the community for comparable facilities;

(5) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(6) The availability of adequate low and moderate income housing, adequate access from other areas of the urban center, and adequacy of parking will be considered; and

(7) Proposed developments shall be to the greatest extent practicably consistent with State, regional, and local plans and programs; and Governors, local elected officials, and regional comprehensive planning agencies shall be consulted in the planning of such developments.

(b) The Administrator shall plan, acquire, and manage space in the United States upon his determination that such actions will serve to improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government. Prior to making such determinations the Administrator shall consult with the heads of the executive agencies concerned and take into account their requirements, consistent with the criteria stated here and his other responsibilities. The Administrator shall advise the agency head in writing of his intended course of action and notify him that in the event of disagreement the affected agency head may within thirty days make a written request for review of the matter, through the Director of the Bureau of the Budget, to the President.

SEC. 3. The heads of executive agencies shall (a) cooperate with and assist the Administrator in carrying out his responsibilities respecting buildings and space, (b) take measures to give the Administrator early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

SEC. 4. The provisions of this order shall be subject to applicable provisions of law (including applicable provisions of any reorganization plan).

SEC. 5. Executive Order No. 11035 of July 9, 1962, is hereby superseded.

RICHARD NIXON.

THE WHITE HOUSE, *February 27, 1970.*

THE WHITE HOUSE PRESS CONFERENCE, FEBRUARY 27, 1970

(Robert L. Kunzig, Administrator, General Services Administration; Dr. Daniel Patrick Moynihan, Counsellor to the President; John R. Price, Executive Secretary to the Urban Affairs Council; and Jerry Warren, Deputy Press Secretary to the President)

Mr. WARREN. First, I would like to draw your attention to the Executive Order on Planning, Acquisition, and Management of Federal Space. I know you haven't had too much time to read it, but we have some gentlemen here who will be able to go through it with you: Robert Kunzig, Administrator of the General Services Administration; John R. Price, who is, as you know, Executive Secretary to the Urban Affairs Council, and the Rural Affairs Council, and a Special Assistant to the President; and our good Counsellor, Dr. Moynihan.

So I will turn it over to John Price.

Mr. PRICE. Thank you very much, Jerry.

The Executive Order supersedes one that was signed in 1962, 11035. And the reason for your having this one here today is that in early December, December 5, there was a meeting of the Urban Affairs Council at which the whole question was raised of how better use could be made of some of the resources of the Federal Government in the field of social and economic development and re-development.

It was pretty obvious that one of the things which loomed large in the Federal budget and in terms of employment and so forth was the construction and the location and leasing of Federal facilities. And at that time, the Administrator described a little bit to us about the kind of resources that would be available over the next five years. We find that something in excess of 100 projects, which have already been authorized in one way or another, will have potential for developing or re-developing urban areas. These projects will employ as many as 140,000 employees between now and 1975.

So it is fairly clear that we had substantial dollar impact and employment impact here. And the question was whether or not the existing authority under which the Administrator made his decisions was adequate to do the job. The decision was that it was not.

I call your attention, as he will in more detail, to Section 2(a) (2) on the bottom of page 1 of the Executive Order. This is really the key paragraph for you to pay attention to. Here we say that consideration is going to be given to the impact the selection of the site is going to have on improving social and economic conditions in the area and providing a potential use for the stimulation of new community development as well.

I would like to turn the meeting over, first to Dr. Moynihan, who might explain to some extent how this would fit into a national growth policy, and then to the Administrator, who could describe in more detail how the operation will take place.

Dr. MOYNIHAN. I have very little to say.

The order, as is rarely the occasion, speaks for itself. 11035 came at a period when, after a prolonged hiatus in Federal building projects in the depression, the War, rearmament, Cold War, and a buildup of a tremendous backlog of Federal activities, a fairly chaotic, almost political situation in which Cabinet Officers just sort of negotiated themselves with the President. This was an effort to give to the Administrator of GSA the basic responsibility for assigning priorities within the Government to which buildings would be built and for whom and, to some extent, where.

The present Executive Order takes that concept beyond the imposition of some order within the priorities of different Departments in the Government and acknowledges what has been the fact—whether you wish to acknowledge it or not—namely, that where the Federal Government locates its offices, its plants, its factories, has very great consequences for people, not just for the Government; that this has extraordinary impact on the development of cities, different parts of cities, different regions of the country, different parts of those regions.

This is one of the most important real options the Federal Government has in seeking to bring about a kind of purposeful, rational growth policy.

In the National Urban Policy, which we began to evolve last year, one of the first principles, not one of the ten main points, but one of the first principles we talked about was the need for the Federal Government to pay attention to its hidden policies, its hidden urban policies.

It says, "There is hardly a Department or agency of the National Government whose programs do not in some way have important consequences for the life of cities and those who live in them." Frequently one is tempted to say normally the political appointees and career executives concerned do not see themselves involved with, much less responsible for, the urban consequences of their programs and policies. They are to their minds simply building highways, guaranteeing mortgages, advancing agriculture or whatever.

No one has made clear to them that they are simultaneously redistributing employment opportunities, segregating neighborhoods, or desegregating them, et cetera.

All of these things are the second and third order consequences of normally unrelated programs.

Of all of these activities, the one that directly would seem to have this effect is the location of Federal facilities. The President accepted this idea right away as part of his general position. Mr. Kunzig has been energetic beyond the demand of any Federal Presidential appointee in acknowledging the fact in sorting out the details and has come forward with an Executive Order which requires of him in the future to take into consideration not just the immediate benefits to the Government, but the long-run and general consequences to the communities, to the regions involved in his choice of sites for the very great range of activities which he is responsible for.

We have been much impressed with his efforts. The President is very happy to sign this. He regards this as a concrete, specific and general undertaking which is to make the Federal Government realize what it is doing and do what it intends to do. Because whether you have a policy or not, the activities, the normal activities of the Government, have the consequence of policy.

Here is a very prime example, and we feel this important event is likely to have considerable consequences in, of course, the decade to come.

Mr. Kunzig.

Mr. Kunzig. Gentlemen, and ladies:

Two major points here specifically have been touched upon.

To clarify this, perhaps, the item here down under Section 2(a) (1), you see the words, "Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies," and so forth. It used to read "primary consideration." The result of that was that primary consideration meant that if an agency wanted a building here at the corner of Second and Market, whatever it was, that is where the building went. Primary means they made the decision where it would go.

This has changed now to material consideration. It means we are still giving great consideration, of course, to the efficiency of the Government operation. Nobody is trying to make a Government operation inefficient or not able to work. But it is no longer the primary consideration. It is the material consideration. That is a definite coming down from the word "primary."

Then the new portion is the Section 2(a) (2), where it says, "Consideration shall be given in the selection of sites for Federal facilities"—and this is new—"to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions the Administrator will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate."

Most of the rest of this is the same, but number 6, which is about a page further down, says another item which will be considered when you are deciding where to put buildings is "The availability of adequate low and moderate income housing, adequate access from other areas of the urban center, and adequacy of parking will be considered," and so forth.

They are the new elements. In other words, what we are talking about is double duty for Federal dollars. Not only will the dollars be used to build the building, but they will also be used to assist and aid in the economic development, or urban redevelopment, whatever it may be, new towns. All of these things will now be considered. That is really the basis of the whole thing.

You might be interested in what types of things are included here. These are buildings that come under GSA, such as general purpose office buildings. When you see a big Federal office building, storage buildings, United States Courts, Federal buildings with postal facilities, when they are together, customs houses and so forth, Federal buildings that the GSA builds, also special purpose buildings where we build for others, Food and Drug laboratories or Public Health hospitals where they ask us to build them, which they usually do, and we build the buildings, they are included also.

Excluded would be military facilities, which we have nothing to do with, and special buildings such as NASA and things of that nature.

That is the general picture.

Q. Mr. Kunzig, in Section 3, that last part of that sentence (d) about the District of Columbia, would that indicate one, no more, if possible, new Federal buildings in the District—I am speaking of the feasibility of decentralizing—or does it mean that therein lies the possibility that there will be further decentralization of Government that is now in Washington?

Mr. Kunzig. I think what we are talking about here is that these various items will be given consideration. Some of them, as you can see, are different items. Sometimes one will receive more. The vote will go more over here and more there depending upon the situation. I wouldn't say it means there would be no decentralization ever again, but it also doesn't mean that everything is going to be decentralized.

The best example I can give you: We put out this new rule many months back that buildings should be close to the homes of the workers of low-income groups when they are principally the people working in the buildings, unless there is adequate transportation. The best example of that, where the change was made, was you read a lot about the Government Printing Office. They were going to move way out. Now, they are reconsidering. The Government Printing Office is not moving way out. I am sure we are going to find a place in town near the homes of the workers who work in that type of work.

Q. Also, that Section 6 you referred to is a new element. Does adequate access include transportation? You don't make any mention of transportation. You speak of giving him parking space.

Mr. Kunzig. Yes, that would be transportation. Again, all of it considered the best way possible. There can never be perfection in everything.

Q. Mr. Kunzig, do I understand that Executive Order pretty must is like the earlier one, except for Section 2(a) (1) and (2) and Section 6?

Mr. Kunzig. Yes, the parts I read; most of it is the same as before, which was put out in 1962. This now supersedes the order of '62, and gives us for the first time the right not to have to give absolute primary consideration to the wishes of the agency and the right to consider for the first time social and economic things and items in the decision of where a building goes.

Q. Would it be fair to conclude that because of this Executive Order more Federal facilities now would be built, say, in center-city areas and low-income areas than has been the custom in the past?

Mr. Kunzig. I would say some might, but I don't think you could say that all the way, because, for example, new cities, new towns—suppose, for example, proposals came up that a Government agency might well go to, let's take one purely hypothetically, Columbia, Maryland. Suppose a new Federal building were to go into Columbia, Maryland, to add further to a new town with adequate transportation to come in, homes there for the workers. That would not be in the heart of a big city. It would be in a new town. I think it is all of these things. It is urban redevelopment, and new towns.

Q. Wouldn't this new program give the politicians a little more leeway to work on you, because, after all, you had only that one criterion to start with, and you could say to them, "We are sorry, but this has to be the primary rule." Now they can say, "Look at all of these other things," and give you a harder time in trying to get the thing in their district.

Mr. Kunzig. The politicians have never worked on me. It is all new to me. (Laughter.)

Dr. Moynihan. This Executive Order is not going to make the life of the Administrator of the General Services Administration happier or probably even longer, but it will make the job more important.

Q. What consideration have you given to the Civil Rights Commission's recommendation of a few days ago that you locate new facilities in such a way that the——

Mr. Kunzig. I know what you mean.

Q. Low and middle income employees can live there?

Mr. Kunzig. I am afraid, without any disrespect for the distinguished Civil Rights Commission, that they totally ignored the fact that the Nixon Administration, and the General Services Administration on behalf of Mr. Nixon, had put the order into effect many months ago. They actually made reference to it, although we had to point it out to them, in their report, but didn't in their press briefing which they had. They were saying "Why doesn't the GSA do what the GSA has been doing for many months since the Administration came into power?"

I can't speak for them, but I gather they wanted to go further, which is something, I guess, that should be considered. They are talking about over all the whole Government, you see. We are talking about the buildings I listed to you that we GSA people have some control over.

Dr. Moynihan. Could I just speak on behalf, as it were, of the Administrator here.

It is a matter of very explicit record that the GSA presented to the Urban Affairs Council on December 5—we spent almost an entire meeting of the Urban Affairs Council on this subject, outlining the issues that ought to be raised in locating facilities. There is one particular city in a State that I won't name, which has a very specific issue of this kind involved.

The Administrator laid out the pressures on him, the gains and losses of any of the about three or four possible decisions, proposed the criteria that are in this Executive Order, and subsequently, as is the practice, the President made his decision to go this way.

Here we have the Executive Order, and meaning no disrespect whatsoever to the Civil Rights Commission, we were not aware that they were working on this issue at all at the time. The GSA has been in this; it was in this matter first. It has been explicit.

Mr. Kunzig. It was May, '69, last May was when our order went out for all Government buildings that we control in the United States of America, not just Washington, but the entire country. Again, the Printing Office is the best example at the moment of that.

The Press. Thank you.

[From the Washington Post, Jan. 11, 1971]

Jobs That Move Away

When, back in the 1965's, federal government offices began to move out into the suburbs, it was a matter of national policy. The government was to be dispersed to minimize disruption in the event of an atomic attack. No one gave much thought to the fact that low income and minority employees were left behind in the city because there was no housing for them out there. But the policy became obsolete, or at least implausible, with the advent of the hydrogen bomb.

Now, for a variety of new reasons, government dispersal has become something else: it has become a way of evading national policy. One begins with the Nixon administration's announced policy of drastically curbing the construction of federal office buildings. Since this policy does not curb the need for more office space, the General Services Administration leases space from private builders. And since private builders prefer to build where the land is cheaper and the land is cheaper out in the suburbs, the government is still dispersing into such human filing cabinets as Parklawn, near Rockville, or Crystal City in Arlington. And since there is still not much low cost housing there, the low income and minority employees are still left behind in the city.

Now, President Nixon, more than ten months ago, you may remember, directed otherwise. And the Department of Housing and Urban Development, so directed, promised "affirmative action." And the General Services Administration said that "adequate" housing for workers at the GS7 level or lower and their families would "be considered." But fair housing groups think that these pronouncements are much too vague. They insist that suburban homes for all employees who want them must be assured before their jobs move away from them. The Washington Planning and Housing Association favors creation of a National Capital Affairs Office in the White House which would base federal relocation decisions not on the whims of speculative builders but on the needs of the capital region. We think this suggestion merits careful consideration.

[From the Washington (D.C.) Evening Star, Dec. 4, 1970]

Virginia Now Leads District: Federal Office Leasing Policies Questioned

(By Christopher Wright)

The federal government should increase the price it is willing to pay for rented office space and become "more competitive for central city rents" in Washington, the executive director of the National Capital Planning Commission has told the federal planning agency.

Pointing out that the General Services Administration, property manager for the government, has insisted on a $5-a-square-foot ceiling on general office rents here, executive director Charles Conrad told the commission yesterday the government has priced itself out of the rental market in the city.

The result, Conrad implied, has been a bonanza for surburban builders and a further blow for Washington's faltering downtown economy.

Conrad's comments came as the panel of planners questioned the commission staff on a report on government leasing which outlined a marked increase in suburban government complexes within the last two years.

A GSA representative and ex-officio member of the commission, John C. Dye, had just told the body that the spread of government offices to the suburbs had been "more or less the result of trying to solve a problem" rather than a district policy decision. The government's latest big move, when more than 9,000 Navy Department employes were shifted to Arlington's Crystal City after temporary buildings on the Mall were destroyed, was an accident of economics, said Dye.

"Had there been economical space to rent within the city it would have been rented," Dye told fellow commission members. "It was not our intention to move outside the city necessarily."

But city rents, said Dye, are "probably more than we can pay" in most cases because of inner ctiy construction costs. He also said the $5 rent ceiling, though not an absolute maximum, requires special GSA action before it can be waived.

GSA is currently in court with the Washington Planning and Housing Association over the removal of the Navy complex to Crystal City. WPHA contends the action was discriminatory and illegal. GSA says, however, that large blocks of rental property are nearly impossible to obtain inside the District.

The government has consumed roughly a million square feet of office space annually in recent years—the equivalent of one major building a year. In May, as evidence of this requirement, GSA called through newspaper advertisements for listings from developers for 500,000-square-foot office buildings which might be available for occupancy next September within the District.

The million-foot a-year requirement has given added impetus to rebuilding plans for Pennsylvania Avenue and downtown, both of which anticipate a large amount of federal employment through leased office space.

However, much of the needed space is being found in the suburbs because GSA has balked at paying the going rate inside the city—which may be as much as $7.50-a-foot on Pennsylvania Avenue and $10-a-foot in L'Enfant Center.

The staff report to the planning commission, which chairman G. Franklin Edwards said "raises very fundamental questions as to our system as a whole and as to the use of land and private property," detailed the federal spread to the suburbs since 1952.

Pointing out that government leasing only began in quantity after Congress balked at federal construction budgets in the early 1960s, the report shows the bulk of rented space is now in Virginia.

Until March of this year, the District led all jurisdictions with 6.6 million square feet of leased space. However, with the move of the Navy employes this summer, Virginia jumped to the top with 7.86 million. Most of the Virginia concentration is in Arlington County, where some 27,000 employes work principally in the Rosslyn area and the Jefferson Davis (Route 1) corridor.

Maryland trails the three jurisdictions with a mere 3.7 million square feet of office space, almost all of which is in Montgomery County.

The government now rents almost half as much space as it owns outright, the report added.

The Thursday staff presentation is the latest item in a series of studies the planning commission is doing on the impact of federal employment on the Washington area.

An earlier study, made in June by the local consulting firm of George Schermer Associates, called for direct control of federal office leasing by NCPC in addition to the agency's existing jurisdiction over federal construction in the area.

Sharply criticizing the government for scattering its rented office facilities throughout the area, the Schermer report urged the government and the NCPC to tie office complexes to housing and transportation facilities.

The government has been steadily dispersing its agency operations since 1950, when planners, under the shadow of the Korean War and the McCarthy investigations, began decentralizing the government in the interest of national security, the report says. In spite of definite decisions during the Kennedy years to reverse this trend, the cost of land and the destruction of the "tempos" like the old Navy building have forced the agencies into the suburbs.

Contemplating these facts, architect Paul Thiry, a commission member, commented that federal leasing policies seemed like "the dog is following the tail." Why, he asked, should the government run to suburban developers when it found it could not get space inside the city.

In an exchange with Dye and Edward Hromanik of the commission staff, the commission suggested that the government might consider taking long-term leases on buildings to obtain office space where it wanted, rather than where the developers wanted.

Pointing to New York's Rockefeller Center as a prime example of a major office development constructed on leased land (Columbia University owns the real estate), Conrad L. Wirth suggested this might be one way to "get the building you want, where you want it."

BARRON'S ON AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, the stage is being set for debate within both Houses of Congress on whether the draft should be extended or whether we should return to voluntarism to fill the ranks of our Armed Forces. I think it significant that virtually every sector of our society has indicated an interest in this issue. I commend to the Senate an editorial published in the March 8 edition of Barron's National Business and Financial Weekly and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Taps for the Draft?: A Free Society Should Opt for a Volunteer Army

"They have set up separate companies for men who have refused to go out into the field. It is no big thing here any more to refuse to go. If a man is ordered to go such and such place he no longer goes through the hassle of refusing; he just packs his shirt and goes visit some buddies at another base camp. Operations have become incredibly ragtag . . . Many guys don't even put on their uniforms any more. . . . The American garrisons on the larger bases are virtually unarmed. The lifers have taken our weapons from us and put them under lock and key.

. . . One black locked and loaded on the battalion CO recently because they were trying to send him into the field. About 10 others backed him up. . . . There have also been quite a few frag incidents in the battalion."

The foregoing is part of a letter from an American soldier stationed in Cu Chi, as quoted recently in The New York Times; more powerfully than the front-line dispatches, it underscores the breakdown of discipline in Vietnam. It also suggests that something must be done, and quickly, if the U.S. Armed Forces are to retain the capability of defending the nation. There is no dearth of proposals. When the Senate Armed Services Committee resumes debate this week on extending the draft, it will have before it several alternatives. One, introduced by Senator Edward Kennedy, would give the draft a new lease on life but limit inductions to 150,000 men per year. It stands virtually no chance of adoption. Neither does a proposal to repeal the Selective Service Act outright. Rated as having an outside chance, however, is the Hatfield-Goldwater Bill; it follows the recommendations of the Gates Commission, set up in 1969 to study the matter, which came out four-square for an all-volunteer armed service. Essentially, the bill calls for expenditure of about $3 billion to boost soldiers' pay to a level thought likely to attract the necessary volunteers. That would mean $300 a month for raw recruits, compared to the $134 offered now. It would keep the structure of Selective Service intact. Men still would register, and draft boards would stay on the job; if enough volunteers failed to respond, conscription could quickly fill the gap.

Until the war in Vietnam finally ends, some such standby authority is doubtless needed. Nevertheless, the Hatfield-Goldwater bill would be a long step in the right direction—toward an all-volunteer military establishment. Contrary to the objections voiced by Senator Kennedy and other critics, it would not place the burden of fighting U.S. wars on "the poor and the black," surely no more than is now the case, nor would it create a new military elite. It would be a great reaffirmation of individual rights. That argument was set forth in these columns in 1965, when Barron's first advocated an all-volunteer army. "The strongest objection to the draft," he said then, "is philosophic: for the sake of the majority, it imposes a heavy sacrifice upon what might almost be called an oppressed minority. In the process, it cannot fail to stamp on the minds of young adults a vivid impression of the power of the state, a totalitarian image which those who argue for a free society may spend a lifetime trying to erase."

Prior to November 1968, Richard Nixon took a similar stand: "Today, all across our country, we face a crisis of confidence," he declared. "Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men." Now, however, the President insists the time is not yet ripe. He has asked Congress to extend the draft another two years beyond June 30, when it is due to expire. During that time, the Pentagon will try to make military service more palatable to the nation's youth—eliminating useless work details, putting up curtains in the barracks—and soldiers' pay is to be raised again. A saturation campaign of TV commercials, costing $30 million, will sell young men on the idea that army life is fun. By such means, plus the constant threat that if they don't join up they will be drafted anyway, the President hopes to get enough volunteers to make zero draft calls feasible, at least by next election time.

Clearly, that's not good enough. A zero draft call is not the same thing as no draft. The element of compulsion remains; it's like the sergeant barking, "I want three volunteers—you, you and you." For evidence that an all-volunteer army can meet the requirements of national defense, the U.S. need look no farther than across its northern border. True, Canada's armed forces number a scant 90,000 men, but they are under no compulsion; volunteers from the start, they can quit the service at will. A recent television documentary by ABC found that the Canadian Army turns away three would-be soldiers for every one it accepts. The strategic ingredient, of course, is money: raw recruits earn $250 a month, and a corporal starting his second five-year hitch can make up to $698 a month. Similarly, the British army has been a volunteer force since 1957, with 400,000 men under arms. Whitehall says the system is working well.

Opponents of an all-volunteer military service in Congress make some specious claims. Senator Kennedy, as noted, objects that under such a system the defense burden would fall disproportionately upon the poor and the black, who would constitute the bulk of the recruits. Since most well-to-do youths now avoid the draft by staying in college, that wouldn't change anything. Under the pay scales contemplated for the volunteer army, the poor who enlisted at least would be on the road to affluence. Another argument is that a volunteer force would be made up of "mercenaries" ready to follow any would-be dictator on the General Staff. Yet, fully half the men in the armed forces now are "true" volunteers, including all the officers. So far, the "lifers" have resisted any temptation to overthrow the government.

Currently, all the services are on a volunteer basis except the army, which also has a high proportion of enlistees. Only 4% of army volunteers, however, sign up for infantry, artillery or tanker outfits; hence, the Pentagon says it still needs the draft to fill their ranks, even though bonuses of up to $3,000 will be paid for such service. Conceivably, what is needed is a change in tactics, particularly to eliminate what GIs call "chicken"—the whole fabric of regulations that demean the common soldier. Military service also could be made infinitely more attractive if educational opportunities were broadened. There is no dearth of applicants for the service academies, even though cadets are well aware that, on graduation, they will quickly be shipped off to front-line duty in Vietnam. Last year, for example, over 6,000 young men took the exams at West Point—to fill 1,375 openings. For less than the government has budgeted for aid to higher education and vocational training next year, it could give every GI the equivalent of a college education or teach him a trade.

Whatever the inducements offered enlistees, there should be no delay in tooling up for volunteers. The annual cost, says the Gates Commission, would run to less than $3 billion; for halfway measures which, critics claim, are really designed to perpetuate our freedoms, remove an inequity now im- $1.5 billion. Wouldn't it be better to go all out? As the commission report says, "A return to an all-vounteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity."

AETNA LIFE AND CASUALTY SUPPORTS NO-FAULT AUTO INSURANCE

Mr. RIBICOFF. Mr. President, the cost and availability of automobile insurance is one of the most serious and aggravating problems facing our citizens today.

One of the most widely discussed, and controversial, proposals to meet this problem is to replace the present court-oriented reparations system with a system of "no-fault" automobile insurance.

In January of this year, Aetna Life and Casualty, the world's largest multiple line insurance company, with many years of experience in automobile insurance under the present system, issued a report on this matter. The report explains in simple language the outline of the problem and the proposed solution.

The report also expresses Aetna's unequivocal support for this innovative plan—whether embodied, as it is, in proposed Federal legislation by Senator HART, or in State legislation, such as that recently enacted by Massachusetts.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Public Affairs Bulletin]

A REPORT ON NO-FAULT AUTOMOBILE INSURANCE

AETNA LIFE & CASUALTY,
January, 1971.

The pace of events leading toward a decision on "no-fault" automobile insurance has quickened in recent months. "No-fault" plans may be proposed to legislatures in several states in the near future. A partial "no-fault" plan went into effect in Massachusetts on January 1, 1971.

This report will furnish you with background information on "no-fault" coverage—why it is needed and how it works. It assumes a wide variance in familiarity with the problem among readers and will try, therefore, to supply some background, touch upon the more significant current developments, describe progress made to date in gaining public acceptance for the concept and voice Aetna's stance on various proposals which have come forward.

BACKGROUND

When auto insurance was introduced around the turn of the century, its purpose was to protect a few thousand drivers from financial liability arising from their own negligence. Fault had to be proved before the benefits could be paid. For many years the system worked well, but no longer.

Today, more than 5 million Americans are killed or injured each year in automobile accidents. In 1969 economic loss from traffic accidents exceeded $16.5 billion, a sum equivalent to an assessment of $80 for every man, woman and child in the country. Courts in many jurisdictions cannot hear auto damage cases for months or even years and the system no longer serves the needs of a mobile society or satisfies apparent public demand for a responsive accident reparations system. In large metropolitan areas where traffic congestion produces high accident frequencies, necessary auto liability insurance protection often costs more than the motorist can afford.

THE PRESENT SYSTEM

Under the existing system, benefits are paid to accident victims by the insurer or the driver determined to have been negligent. If negligence cannot be established, the victim goes uncompensated. Further, the cost of investigation, legal fees and other expenses eats into the premium dollar so that less than 30 cents of that dollar is available to cover the economic loss of the accident victim. Moreover, studies have shown that the present system generally produces overpayments to people with minor losses, while those with larger losses are undercompensated.

COMMENTS BY W. O. BAILEY, SENIOR VICE PRESIDENT

Pertinent to this discussion are the following excerpts from a recent address by Senior Vice President, William O. Bailey, before the Central Carolinas Chapter, C.P.C.U.:

"The single greatest problem of automobile insurance today is that it is required to operate under a legal system of reparations which is no longer desired by the public."

"Increasingly, we are coming to realize that our insurance system cannot do the job of establishing responsibility and penalties for negligent conduct in the use of automobiles in a highly mobile society."

"The serious injury study released last spring by the Department of Transportation has again exposed the harsh truth that persons who sustain the *most* serious injuries in automobile accidents recover much less than half of their total economic loss from all sources, including automobile insurance."

"Automobile insurance will last as long as the automobile does. The threat of the 70's is only that automobile *insurers* may vanish unless meaningful reform can be achieved before others assume responsibility for us."

PUBLIC OPINION SURVEY RESULTS

A number of public opinion surveys on the "no-fault" question have been undertaken in recent months by government researchers or by those opposing or favoring the concept.

The surveys, with one exception, indicated a definite preference for "no-fault" type coverage among respondents when it was adequately described to them. Also, this view was strengthened as they become more fully informed.

A study by the American Insurance Association determined that 72% of those queried favored the "no-fault" proposal.

Two newspaper surveys, in Minnesota and Connecticut, found that the majority of those polled approved of the new concept.

University of Illinois researchers found a 71% preference as did University of Michigan pollsters commissioned by the Department of Transportation.

Contrary results were reported by the State Farm Insurance Company, an opponent of the "no-fault" plans, following a survey among its policyholders. That study, which has been criticized by professional researchers for the way in which the subject was presented and the manner in which questions were phrased, reported that 94% of the respondents favored retention of the fault system.

THE AIA "NO-FAULT" PLAN

Aetna has endorsed the AIA "no-fault" plan in which:

1. All drivers would be required to buy "no-fault" insurance. Since this plan requires that all motorists in the state relinquish the right to sue for damages, as under the fault system, special legislation is required for adoption of the "no-fault" system.
2. Benefits would be paid immediately and directly to all auto accident victims regardless of who was to blame.
3. Medical and hospital expenses, rehabilitation costs, lost income and property losses would be reimbursed by the victim's own insurance company.
4. The plan does not compensate victims for so-called pain and suffering.
5. Savings up to 30% are considered possible.

TESTIMONY BY SECRETARY JOHN A. VOLPE—U.S. DEPARTMENT OF TRANSPORTATION

Secretary of Transportation, John A. Volpe, whose staff has been studying automobile insurance for two years, in a statement before the Senate Commerce Committee stated that the facts demonstrate that changes in the present system are needed. "The existing system," he said, "is not serving the accident victim, the insuring public and society as well as it should."

Main points

1. The accident victim with large economic losses and large intangible losses has a far poorer chance of receiving full compensation for economic loss, let alone intangible losses, than the less seriously injured victim.

2. "The tort liability insurance system . . . has a very high cost/benefit ratio compared to any other major reparations system."

3. The tort liability system apportions benefits unevenly, in some cases paying too late and in others too soon; it is still often quite slow and can operate to discourage early rehabilitative efforts. "The system pays most slowly in cases where the need for timely payment is greatest, i.e., cases of permanent impairment and disfigurement."

4. Auto accident disputes are placing severe strain on the nation's judiciary and the tort liability system has exerted great strains on the system of state regulation of insurance.

5. "The extensive study we have conducted dramatically demonstrates that the scale of the auto accident problem has simply become so immense that the techniques which may at one time have been adequate may be no longer sufficient, in every respect, to present-day realities."

6. Basic principles by which change in the system should be guided are:

a. "Overriding goal should be a compensation system that is efficient, offers greater flexibility and choice, is fair, gives maximum incentives to loss reduction, and . . . does a better job of reparating victims' losses than the one we have today."

b. The system should cover the bulk of economic losses at levels designed to prevent serious economic dislocation for the victim.

c. Much greater emphasis must be placed on rehabilitation.

d. We should continue to rely upon private enterprise to operate the auto accident compensation system.

e. Reform should be accomplished at the state level, perhaps with Federal guidelines.

Although the Secretary made no specific recommendations for changes in the automobile reparations system, it is anticipated that the Department's proposals will be advanced in early 1971 and that they will include:

a. Adoption of the "no-fault" concept.

b. Increasing emphasis on accident reduction and loss reduction efforts.

c. Reliance on the private sector to administer the new system under state controls made more uniform by means of Federal guidelines and incentives.

LEGISLATIVE PROPOSALS OF SENATOR PHILIP A. HART (D.-MICH.)

The Senate Antitrust and Monopoly Subcommittee chaired by Senator Hart recently concluded an extensive study into the problems of automobile insurance marketing, capacity and costs. The study has prompted Senator Hart to introduce several bills on these matters, one of which proposes a no-fault type reparations system as outlined below.

Uniform Automobile Insurance Act (S. 4339)

Highlights of the Senator's proposal:

a. Does away with the "fault" system for all but the permanently disabled or disfigured or those who suffer excessive financial loss.

b. Guarantees non-cancellable policies to all licensed drivers.

c. Reimburses totally for medical rehabilitation and incidental expenses as incurred. Replaces lost income up to $1,000 a month for 30 months. Has a death limit of $30,000.

d. Authorizes the sale of group auto insurance in the 36 states which now prohibit such sales.

The Hart bill is in accord with the American Insurance Association proposal which Aetna supports except where it retains the fault recovery concept in cases of catastrophic loss. Our long experience in handling liability claims suggests that claimwise litigants suffering minor injuries will be able to demonstrate subjective symptoms which would earn them undeserved benefits. Also, there is no known standard against which to evaluate the worth of such subjective damages. Therefore, we do not believe that such a system could be administered effectively, and it might cost the motorist substantially more.

Aetna's position is that the system should go as far as it can to compensate auto accident victims for both present and future economic loss without regard to fault. We support the thrust of Senator Hall's bill, therefore, but feel that it stops short of the ideal "no-fault" system.

MASSACHUSETTS "PERSONAL INJURY PROTECTION" (PIP) PLAN

In Massachusetts, a limited "no-fault" plan went into effect on January 1, 1971. Called "Personal Injury Protection" (PIP) this plan differs somewhat from the AIA-endorsed system:

1. The plan covers bodily injury claims only up to a $2,000 maximum in medical, hospital and actual wage-loss benefits.
2. The plan does not cover property damage liability.
3. The driver retains the right to claim against the other party for any loss exceeding $2,000. This means, of course, establishing that the other party was at fault. The party would still collect losses up to the $2,000 maximum. As a result, Massachusetts drivers are still required to carry bodily injury protection of at least $5,000–$10,000.
4. The rates for compulsory *bodily injury* liability coverage have been reduced by 15%. Under the old plan, rates would have been *increased* by at least 22% in 1971.
5. The PIP protects Massachusetts residents outside as well as inside the state.

Aetna supports this innovative plan. While the PIP doesn't include all of the features of the AIA's no-fault plan, it is an important step forward in correcting the inequities of the present fault system of accident reparations. Aetna will strive to help make Personal Injury Protection a meaningful and successful start in automobile insurance reform.

CONCLUSION

Through the efforts of AIA and other proponents of the "no-fault" reparations system, such plans will be proposed this year in a number of other states where receptivity is judged to be favorable. Aetna will support such efforts diligently in the belief that no-fault type automobile insurance will best serve all concerned: companies, producers and the insuring public.

NEED FOR FAIR FORMULA FOR REVENUE SHARING

Mr. TAFT. Mr. President, I believe that it is incumbent upon Senators who are cosponsors of the general revenue sharing bill, S. 680, to point out some of the serious defects in its formula for the intrastate distribution of funds.

The present formula is premised upon the concept of local tax effort. Within the context of the bill, tax effort is basically equated with tax productivity. As a consequence, the existing formula gives a preference to those communities which have a large tax base, in contrast to those poorer communities which do not.

This problem can be illustrated within my home county in Ohio. The city of St. Bernard, which is the site of the large

Procter & Gamble plant, will receive $25.41 per capita under general revenue sharing. By contrast, Mount Healthy, which does not have a large tax base, will receive $1.99 per capita.

Under the existing formula, Beverly Hills, Calif., will receive $24.40 per capita, and Lincoln Heights, Ohio, a community which is largely black and relatively poor, will receive only $2.38 per capita.

In contrast to the $2.38 per capita for Lincoln Heights, the nearby village of Evendale, which is the site of the General Electric plant, will receive $79.74 per capita.

I am sure that these problems did not occur to the administration and those of us who have cosponsored this legislation. Unquestionably, the proposed formula is not workable and will have to be substantially revised to afford a fair division of these dollars among our local communities.

The importance of having a fair distribution formula under general revenue sharing is highlighted by the fact that over 80 percent of the new money under the revenue sharing proposals is in general revenue sharing as opposed to the special revenue sharing measures.

Before we are all hung in our own noose, I suggest that we analyze alternate formulas which may better reflect the intent of those of us who are firmly committed to the principle of revenue sharing.

CUSTOM, LAW, AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, recently I spoke of the growing international concern that basic and fundamental human rights should be guaranteed by law. So powerful are these sentiments that one could say that there has evolved a customary law of international human rights.

Nations should recognize, I submit, a moral responsibility for their actions to the world community, to the United Nations. In the past decade, there has developed a general recognition that international peace requires an international commitment. This commitment, if it is to affect the actions of men and their governments, must be firmly rooted in the traditions and the morals of nations. Yet this commitment, if it is to be effectively implemented, must depend upon signed treaties and not alone on custom or intention.

The United States has a long history of preserving the fundamental human rights of its citizens, and in fact has often lent a hand overseas for the betterment of fellow nations. It is this proud tradition that we must sustain. By failing to ratify the Genocide Convention, and for that matter, almost all the other human rights conventions of the United Nations, we have failed to sustain our traditions of respect for international human rights.

The United States must lead the fight for the recognition of human rights everywhere. We have promoted human rights in our domestic and foreign affairs. I urge the Senate to protect human rights further by ratifying the Genocide Convention.

SUNRIVER: AN ECOLOGICALLY BASED COMMUNITY

Mr. HATFIELD. Mr. President, in order to solve our environmental problems on a long-range basis, we must begin to rethink our concepts of development. The time has passed in America when the recognition of the use of ecology in planning was considered a luxury. We must start with the realization that fostering our environment is a prime consideration when developing our resources and planning for the future.

In the mountains of central Oregon, a planned community has based its development on just this premise: that a desirable, and even profitable, new community starts with a base of firm environmental protection. Sunriver, Oreg., represents the forefront of the ecologically based community of the future and an example for us to learn by. In the January issue of American Home, Sunriver was featured as "The Healthiest New Town in America." In order that we may all profit from these thoughts on development and planning, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HEALTHIEST NEW TOWN IN AMERICA

(By Dolly Connelly)

Do you suppose it can happen? That a sophisticated Oregon real-estate development can survive on the premise that what's good for the red-shafted flickers and the Deschutes River otters is also good for Sunriver residents? And, more crassly, for business? It sounds like a utopian dream—that is, until you talk with Sunriver's ecologist-in-residence, Jim Anderson or sit in on a Sunriver discussion ranging from the reproductive rate of the Gambusia guppy (used for mosquito control) to the healthy incidence of twin fawns among the mule deer of surrounding Deschutes National Forest.

Guiding spirits of Sunriver, a community development of private homes and condominiums keyed to environmental living, are two Oregonians who have maintained an abiding determination that their state continue to dwell in beauty. Donald V. McCallum, former head of the Portland Title and Trust Co., is president of Sunriver Properties, Inc. Chairman of the Board is John Gray, president of a saw-chain manufacturing company with plants worldwide. Constantly on the go internationally, Gray still knows his home state with a backpacker's familiarity. He is known best to Oregonians as the creator of their gem resort on the coast, Salishan, a vibrant example of Gray's resolve "to use this land better, to set an example."

The two visionaries came together over McCallum's search for a secluded location for a fishing cabin. He turned up the 5-by-2½-mile Sunriver site, used during World War II as a training base for the Army Corp of Engineers. McCallum knew that he'd found a good deal more than a fishing hole. He took color slides and maps to Gray, who saw the lyrically lovely land as a new challenge, as a fresh possibility for "an exciting mode of life."

Sunriver—5,500 acres of sun-washed subalpine meadow necklaced with 8½ miles of the meandering Deschutes River—is a geologic accident, a lake basin formed some 2,000 years ago in the wake of an immense lava flow that spilled from Lava Butte, a 5,016-foot cinder cone a few miles south of Bend in central Oregon. Indians camped in the ancient lake basin, and eventually trappers, explorers, hunters and stockmen came to this high plateau-transition region (4,200 feet) with its ponderosa-pine forests and open meadows within full view of the snowy Cascade Range.

The Sunriver development, which now includes weekenders, vacationers and year-round residents, was opened on June 28, 1968, with a 20-year prognosis for completion. That the completion span now appears to have shortened to 12–15 years indicates no lessening of ecological vigilance, but rather an astonishing response from people who want to breathe clean, crisp air, walk gently in the woods and live in an environment controlled for the benefit of man, pine tree and red-tailed hawk.

Ecologist Jim Anderson, employed full time as Sunriver's naturalist, consultant in planning for protection of the environment and overseer of the community's wildlife sanctuary, explains it another way. Says Anderson, "We don't have to manage wildlife. We manage the people. We protect the habitat, and from there on nature does the rest."

A young man of tremendous zeal, Jim lopes happily from marshland to rimrock in work boots and dusty pants, forever enlarging the definition of his extraordinary job. Often he is accompanied by a friend known simpy as "Owl"—because that is what he is, a splendid specimen of the great-horned variety. Jim's Nature Study Center, a fascinating hodgepodge of outdoor photographs, field-trip paraphernalia, a tarantula, snakes, mice and Owl, soon will be moved to an "ecologium," an ambitious nature-interpretation center. Of it he says, "The ecologium will function for people and for the very nature we're here to enjoy. To my knowledge, this is the first time that a community development has ever taken this step.

"I'm employed to function in the planning of the area and to interpret its nature to the inhabitants. This is done through regular evening programs, saddle trips, canoe drifts, rock hounding, fossil hunting, nature walks, bird counts—the whole bit. The more nature and wildlife activity people see, the more aware they will become of this tremendous asset and the more they will respect it.

"As for industry in Sunriver, we'll be encouraging the so-called 'clean' industries to come here—'brain' industries, research companies, not the smoke belchers. When that happens we'll have a greater economic cross-section. Weekenders, summer people, retireds, skiers will be balanced by working people."

Anderson's twice-weekly evening nature lectures originally were scheduled in the Nature Study Center conference room in the hope that his bird-banding youngsters and college ecology majors might turn up two dozen strong. Programs have now been shifted to the Great Hall, the immense log-beamed, onetime Army officers' club where an overflow of mesmerized children sprawl on the floor and adults fill every chair.

The end result of all this passionate concern is a perfect environment for families, best expressed by Robert and Mary Glass, who, with their three young boys, spend their weekends and summers in Sunriver. Robert is a dentist in Eugene and a skier who knows the value of nearby 9,600-foot Mount Bachelor.

"Sunriver is going to give us five more years with our boys than is the norm today. Mary and I have seen too many of our friends' children start to go their own way as soon as they hit the teens, bored with the family beach or mountain cabin, cutting off their parents. At Sunriver there's a youthful freedom and so much to do that every age has its companions and activities.

"There's a good deal of luxury here, but life has some aspects of comfortable camping. We walk and jog and bicycle. Many families lock up their cars on arrival and take to foot on the 25 miles of cart paths. Most of the property here is being purchased by Oregonians. And that's the way we want it to remain—Oregonian."

(The rash of sun-seeking developments in the area has shaken up many an oldtimer. But residents of Bend, 15 miles to the north, admit, "If Sunriver *had* to happen, thank God it's Oregonian, and double thanks that it's the work of John Gray and Don McCallum.")

McCallum has discovered that Sunriver's spell has also taken hold of families with sons and daughters in their 20's, like his.

"Our family will remain a good deal closer for the rest of our lives because we live here. There's too much to do ever to grow bored. We listed the sports activities alone and came up with golf, tennis, boating, skiing, fishing, ice skating, swimming, hunting, exploring, horseback riding, hiking, mountain climbing, sky diving, flying, saddle trips—and I've probably left something out."

John Gray sounds a cautious note. "Sunriver is a composite of the thinking of many people. It's an experiment—there's no question about this. No one can predict the future with certainty."

The basic plan of Sunriver is flexible. It can be adapted without destruction of the environment. Sunriver Properties turns the clustered communities over to their residents when 90 percent of the land is developed or when the developer declares that it is virtually complete or, at the latest, by the year 1999. I believe Sunriver's eventual 5,000 families will want to retain a quality project utilizing the best of the environment."

Peter Walsh, who works in Portland, charter flies to the Sunriver Airport to join his wife, Lindy, and two daughters at their condominium. Peter, who admits that the handyman act is "not my bag," wants relief from all the worries of absentee homeownership.

"The condominium concept appeals to me—no headaches. It's amazing how easy it is to live here. We're at Sunriver primarily for the recreation. I've been a golfer all my life and like tennis before breakfast. I also like to fish and hunt and some of us ski and ride and explore. The only thing missing is the ocean, but we've got great sailing lakes. We take our boat up on the high lakes on Century Drive. Then there's the airport—only a 50-minute flight from Portland."

Lindy Walsh was hostessing a half-dozen of her older daughter's college friends when we visited her. She said, "It's simple to entertain here because there's so much for people to do. You don't really 'entertain' them—you just give them opportunity to do exactly as they please."

Peter, whose front-porch view of the distant mountains is endlessly spectacular, sums it up: "I can't think of anything they've left out at this stage of the game. They've made a tremendous investment here, some $13,000,000 plus land and operating costs, and yet the main interest doesn't appear to be making money, but in creating a way of life."

Private homes already completed range in value from $15,000 to $100,000. The lots vary from about ⅛ to ½ acre with a value spread from $5,700 to $22,000. Residential condominiums range from $29,950 to $43,000, land included. The Design Committee must approve house plans, which are required to blend naturally into the environment with no clash of exterior material. Natural landscaping is the rule, and special permission must be obtained for removal of any tree larger than three inches in diameter. Fences at property lines, urban lawns, paving, planting of any growth not indigenous to the area are restricted.

The monthly maintenance charge, levied on all residents, is $10 and includes fire and police protection. The fee entitles homeowners to unlimited use of the swimming pool, tennis courts, children's playground and pays for the upkeep. It also gives them a price break on family use of the 18-hole golf course, soon to be augmented by another.

Nonresidents can also join the Sunriver experience. Scattered throughout the development are 23 guest lodges, open year-round, where vacationers can bed down between trips to the wilds or the ski slopes. In the main Sunriver Lodge, teen-agers have their own place, The Establishment, a noon-to-midnight jukebox, soda-fountain and psychedelic-postered recreation center into which adults cannot step after 7 p.m. unless accompanied by their young.

Ask residents what they like about Sunriver and the answers are sure to vary. Canoeists reply, "It's the 8½ miles of the Deschutes winding through Sunriver, the trout—the big Germans browns, the rainbows and the brookies."

Judy King, a member of Sunriver's bird-watching clan, found it easy to answer "We've lived in cities. We've lived in California. But here I can see hundreds of wild birds—look at them bathing in my pool."

Judy and husband Kenneth King, a retired Denver businessman, worry over "the thin line seperating practical considerations and idealism." Says Judy, "Whether Sunriver can remain under control with today's pressures of population and technology is unknown. It's still a real-estate sales program. The company cannot develop the project solely to keep deer healthy and attract wild birds. Can it be environmentally attractive and yet make of money?

"Jim Anderson is opening the eyes of the young people to the beauty of the land. They'll be willing to protect it. But can Sunriver remain a sanctuary until these young people serve on the boards that assist in the planning?"

This unique development has been put in capable hands. Sunriver may serve as an inspiration to other community planners to go forth and do likewise. It isn't unrealistic to hope that the day may come when real-estate development begins not with the snarl of bulldozers, but with the laugh of a child, the song of a bird, the splash of a silvery trout in clean water—in short, with ecological research into the living relationship between man and other endangered species.

BUDGET REQUESTS FOR HIRSHHORN MUSEUM AND SCULPTURE GARDEN

Mr. ALLEN. Mr. President, yesterday it was my pleasure to present a statement to the Senate Appropriations Subcommittee conducting hearings on budget estimates for fiscal year 1972 for the Department of the Interior and related agencies. My specific concern related to budget requests for the Hirshhorn Museum and Sculpture Garden. I believe the subject matter is of interest to all Senators. For this reason, I ask unanimous consent that the statement and an appendix in the form of an article dated March 17, 1971, prepared by the distinguished national columnist Clark Mollenhoff be printed in the RECORD.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAMES B. ALLEN

Mr. Chairman, excavations for the substructure of the Joseph H. Hirshhorn Museum and Sculpture Garden are under way. Only minor work has been done thus far on the sculpture garden but it has been reported that "major digging is slated to start late this Spring." Mr. Chairman, I am strongly of the opinion that additional work on this project should be temporarily terminated. It is my intention to introduce in the near future a Senate Joint Resolution to effect that end. Let me briefly explain some of the reasons underlying my opinion and judgment in this matter.

Last Friday, March 19, 1971, the *Washington Post* printed an article appropriately entitled, "The Hirshhorn Hassle." The article deals generally with the subject of an alternate location for the construction of the sculpture garden feature of the Hirshhorn Museum. The article quotes Mr. S. Dillon Ripley, Secretary of the Smithsonian, in part as follows: "The (new) design is a slight change in our contract authority and does not affect our permission from Congress . . ." In another place Mr. Ripley concedes that the design, ". . . was a part of the contract with Hirshhorn . . ." and that "Any redesign is contingent on the ability of the Smithsonian to meet the cost." We learn further that, "A sketch of the new design had not been submitted to Hirshhorn but it had been discussed."

Mr. Chairman, let us examine a few of the implications derived from these remarks. The implications point to the very heart of a very important problem.

If Mr. Ripley is correct in his conclusions, then this Congress is confronted with a situation where a private citizen who is also a prospective donor of works of art to the Smithsonian Institution must be consulted for approval of any changes in the design of the building and grounds, located on and adjacent to the Washington Mall, but Congress need not be consulted. Congress, it is contended, can only accept such changes in design as might be agreed to by the prospective donor. Yet, according to Mr. Ripley, whether or not the alterations in design are actually effected depends on additional funding, presumably by Congress.

Mr. President, if we assume that Mr. Ripley is right in all of his conclusions, is it not natural that citiezns should inquire as to how Congress got itself into such a mess?

Let me briefly list some of the facets of this mess, but first let's put the problem in perspective. We are considering a disposition by Congress of part of the real property located on and adjacent to the Washington Mall, the preservation of which is surely an important public trust affecting posterity. It seems to me that we cannot but consider the propriety and legality of appropriating these lands in perpetuity for a single use and to honor in perpetuity the memory of a single donor of a collection of works of arts.

Then, too, problems are presented which invoke questions concerning the integrity of the legislative process. For example, Congress is concerned with what I consider a unique situation best described as legislation enacted pursuant to contract. In this case the contract is between the Smithsonian Institution and a private citizen and his private foundation. I dare say that few will champion the idea of "legislation pursuant to contract" and particularly contracts with private citizens involving the appropriation of public lands in perpetuity.

Then, too, we are confronted with serious allegations of undue pressures and irregularities in the enactment of the legislation which is the basis of the request for further funding by the Smithsonian Institution.

Before leaving the subject of integrity of the legislative process it may be relevant to consider questions raised concerning Congressional authority and responsibility for legislative oversight. For example, have inherent powers of oversight in Congress been circumsscribed by the terms of the Hirshhorn contract? Can this Congress accept as a precedent legislation enacted pursuant to contract when the terms of the contract require that one Congress bind another in perpetuity including an obligation to make open-ended appropriations to honor the memory of an individual in perpetuity?

But more than questions of legislative integrity are involved, legal and ethical questions are also involved. Congress is presented with questions concerning the sale, exchange, and gift of works of art by a private citizen dealing with his own private tax exempt foundation and questions concerning the ultimate cost to the public in the form of income tax deductions which may result from such transactions.

Then there have been charges of possible conflict of interest involving an architect who designed the project.

And questions have been raised concerning the eligibility of the contractor to bid on the Hirshhorn Museum and Sculpture Garden.

And questions have been raised concerning the legality of actions of the Smithsonian Institution to obligate funds in excess of Congressional authorizations.

We are confronted with demands by some that this Congress reject the terms and conditions of the contract under which the Smithsonian Institution accepted gifts conditioned on specific performance by Congress, and some demand that Congress repudiate such terms and conditions to the extent that they are incorporated in the statute of implementation (P.L. 89–788).

Mr. Chairman, I do not prejudge the charges nor express an opinion or judgment on the validity of the questions which have been raised.

In fairness to all concerned, I believe that each individual who has been in any way involved in the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, from its inception until today, should be afforded an opportunity to answer to Congress and to the public all valid questions which have been and which might be presented concerning the origin, development and implementation of plans for establishing the Joseph H. Hirshhorn Museum and Sculpture Garden. Such individuals are entitled to be heard and to an opportunity to justify any actions which might have given rise to some of the questions to which I have referred. Until such time, I am of the opinion that further construction on the project should be suspended.

Mr. Chairman, in these remarks I have only attempted to illustrate some of the legal, moral, and ethical questions which should be explored. In this connection, the highly respected national columnist, Clark Mollenhoff, elaborated on some of these questions in an article published on March 7, 1971. Mr. Chairman, I request that the Mollenhoff article be printed as an appendix to these remarks.

In conclusion, let me say that the distinguished Chairman of the Senate Committee on Government Operations (Mr. McClellan) has designated me Acting Chairman to hold hearings on S.J. Res. 45 which seeks to amend P.L. 89–788. As you know, P.L. 89–788 is the statute which establishes the Joseph H. Hirshhorn Museum and Sculpture Garden. Under the circumstances, I thought it proper to call to the attention of the Senate Committee on Appropriations our plan to conduct hearings on S.J. Res. 45 and to the possibility of developing evidence which may be relevant to the question of current budgetary requests by the Smithsonian Institution for additional funds to be expended for continuing construction of the Joseph H. Hirshhorn Museum and Sculpture Garden.

Rush Museum Despite Furor

(By Clark Mollenhoff)

Washington, D.C.—The Piracci Construction Co. is pushing work on the $15 million Joseph H. Hirshhorn Memorial Garden and Museum at a fever pitch.

At the same time, the Smithsonian Institution has engaged in delaying tactics to keep Congress from acting to amend the law under which it is erecting the museum.

Smithsonian officials and the construction company have the same goal: To complete as much work as possible before Congress can halt or modify the project.

Bulldozers and excavation equipment currently are at work digging and laying foundations for the museum.

LBJ PUSHED PROJECT

Former President Lyndon Johnson pushed the project to demonstrate that a Texan could be as interested in art and culture as the Kennedy family. President Nixon fears that any move to reject the Hirshhorn collection would be used to picture him as anti-culture.

Two House committees and a Senate committee have been asked to examine the approval of the museum, the background of Joseph H. Hirshhorn, and the legislation that passed in 1966 to permit Hirshhorn's name to appear on the museum.

Last week, Senator George Aiken (Rep., Vt.) declared, "I do not believe that any man should be permitted to buy a place of honor on the Mall."

Senator Aiken said he favors a move by Senator James Allen (Dem., Ala.) to halt work on the project pending an investigation by the Senate permanent investigating subcommittee headed by Chairman John McClellan (Dem., Ark.).

"I am sure this project could never pass through the Congress today," Allen said.

There are no vocal defenders of the Hirshhorn project in the Nixon administration, except for the officials who took part in the Johnson administration's decision that was approved by Congress in 1966.

SMITHSONIAN ROLE

S. Dillon Ripley, secretary of the Smithsonian, was an active participant in the project at that time, and is now involved in what some consider delaying tactics to keep Congress from acting to halt construction.

Hirshhorn was twice convicted on foreign exchange violations in Canada.

Ripley has confirmed that the art collection cost Hirshhorn between $4 million and $5 million, and estimated that Hirshhorn will probably get a tax write-off of between $40 million and $50 million for the collection.

This is the first time the federal government has financed the housing for an art collection. Past donors have paid for the buildings.

A report by the House administration subcommittee on libraries and memorials is critical of the manner in which President Johnson and Ripley moved the project through a public works subcommittee headed by Representative Ken Gray (Dem., Ill.).

Gray said his committee "was used" by the White House, and that he was negligent in not sending the project to the House Administration Committee for discussion of whether Hirshhorn was a proper person to be memorialized.

Gray said that Ripley had told him Hirshhorn's law violations were petty and should not interfere with acceptance of the Hirshhorn collection.

"I do not agree with him on that, and I think that the donor has to measure up to a pretty high standard if we are going to memorialize him with Washington and Lincoln." Gray said.

Gray said he believes Ripley has been moved too much by the possibility of obtaining the Hirshhorn collection, and that he is "too much afraid that this thing is going to get away."

Gray said he believes it would be better if the House Administration Committee called Hirshhorn.

Representative Fred Schwengel (Rep., La.) helped manage the investigation that resulted in the derogatory report.

In recent weeks, Hirshhorn and Ripley have cited articles by art critics that emphasize these points:

1. The museum does not honor Hirshhorn so much as it is a convenient way of obtaining a fine art collection for all the people.
2. If the United States government does not go ahead with its agreement it will be "welshing on a deal" and Hirshhorn just might pick up his art collection and go home.
3. Hirshhorn's collection should not be rejected simply because he has a questionable background, for many of the great art collections have come from men with seamier pasts.

Schwengel said, "No one quarrels with the value of the art, and we would all like to have it if the price was right."

Here are some other factors that are involved in the Hirshhorn project:

1. The architect on the project is Gordon Bunshaft, a member of the Fine Arts Commission that approved the design submitted by Bunshaft's architectural firm of Skidmore, Owings, and Merrill. That firm will receive an initial commission of more than $650,000 on a project base of about $12 million, but will also receive fees that will bring the total to about $900,000.

Bunshaft contends he avoided any "conflict of interest" by stepping out of the room when the project was discussed, and he noted he receives no money for his work as a member of the commission.

2. The Piracci Construction Co. of Baltimore, Md., is owned by Dominic A. Piracci, a twice convicted felon. He was convicted on a fraud count in Baltimore in 1954 in connection with a parking garage scandal, and in the last two years he has been convicted under a federal bribery statute.

The General Services Administration (GSA) permitted Piracci to resign control of the company so the firm would be "a responsible bidder" for the Hirshhorn contract.

"Piracci irrevocably removed himself from any control of the operations of that corporation for a period of time which will extend six months beyond the completion of the Hirshhorn Museum and Sculpture Garden," the GSA explained in 1969.

COMPLAIN BID ALTERED

Congress and competitors have complained that Piracci was permitted to correct its low bid of $11,874,000 on the contention that a "clerical error" had resulted in omitting $754,000 from a base figure. The addition of the $754,000 still kept Piracci just lower than the next high bidder on the project.

Gilmore D. Clarke of New York, a member of the Fine Arts Commission from 1932 to 1950, called the Hirshhorn Museum a "thoroughly disgraceful intrusion on Washington's distinguished central composition—the Mall."

"I firmly believe, an opinion that is widely supported, that no collection of works of art—no matter how important it may appear to be—justifies the permanent impairment of a much more important and generally acknowledged work of civic art, the greatest single element of monumental civic design in the United States of America, the Mall," Clarke said.

Bunshaft brushed off the criticism by stating, "I'm told that Clarke made his comments on the basis of aerial photographs and drawings. He's a man of eighty.

"I didn't get where I am by wrecking the environment."

THE BLOOD DONOR RECORD OF THE PORTSMOUTH, N.H., NAVAL SHIPYARD

Mr. COTTON. Mr. President, the fate of the Portsmouth Naval Shipyard has been hanging fire for much too long, and occasionally I have received reports that the lack of definite information about the future of the yard has had an adverse effect on the morale of the personnel there.

If so, it would be understandable.

I should like to point out, though, that the Portsmouth Naval Shipyard is a fighter, and even while it has been taking its knocks, it has been steadfastly refusing to do less than its absolute best in any endeavor, whether it be production or some community project.

Recently my attention was called to a matter which illustrates my point.

In the last calendar year, the blood donations of the employees and military personnel at the yard to the visiting Red Cross bloodmobiles surpassed those of any other industrial facility in New Hampshire and Vermont.

The yard's newspaper, the Portsmouth Periscope, published an article on this subject, and I ask that it be printed in the RECORD at the conclusion of my remarks.

Accompanying the article was a picture showing Charles T. Mazza, assistant administrator of the Vermont-New Hampshire Red Cross Regional Blood Center, presenting a letter of commendation to Capt. Donald H. Kern, who accepted the letter for all of the blood donors.

In the group, too, representing the Portsmouth blood donors, were Earl F. Frost and Robert P. Hopley, members of the 10-Gallon Blood Donor Club.

Also pictured was Maurice Bedard, the shipyard's leading donor with 86 pints credited to his blood donor record card.

I commend all of the shipyard personnel who helped contribute to the outstanding blood donor record and I submit that their accomplishment is another demonstration of their ability, determination, and spirit.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORTSMOUTH'S BLOOD DONATIONS IN 1970 AT ALL TIME HIGH; SHIPYARD LEADS ALL INDUSTRIES IN VERMONT-NEW HAMPSHIRE

Blood donations by employees and military personnel on the monthly visits of the Red Cross Bloodmobile during the calender year 1970 surpassed donations in all industrial facilities in New Hampshire and Vermont. A total of 2,115 pints of blood were donated at PNS during 1970, an average of 176 pints of blood each month. This is an all time high for blood donors at Portsmouth. Previous record high was in 1966, with 2,072 pints of blood donated.

Shipyarders consistent support of the Blood Program was recognized Tuesday morning, December 15, at a ceremony held in the Administration Bldg., when Charles T. Mazza, Assistant Administrator, Vermont-New Hampshire Red Cross Regional Blood Center, presented a letter of commendation to Captain Donald H. Kern, Shipyard Commander, who accepted the citation for all PNS blood donors. Mazza added his personal commendation, pointing out that accolades were also in order to volunteers who turn out to donate and are unable to do so because they cannot meet medical standards for giving blood.

Representing all blood donors at the ceremony were Earl F. Frost, Shop 72 and Robert P. Hopley, Planning. They are among the leading donors, each employee having donated 10 gallons of blood. Maurice Bedard, also a 10 gallon donor, was unable to attend. He is the Shipyard's top donor, with 86 pints of blood credited to his official Blood Donor Record card.

Among Shipyard officials in attendance were Donald K. Holster, Director of Industrial Relations and Administrator of the Shipyard's Blood Program; and Kenneth C. Clement, Employee Services, who is Coordinator.

The letter of commendation, signed by Edward R. Stearn, Administrator, Vt.-N.H. Red Cross Blood Program, with headquarters in Burlington, Vt., is quoted:

"Officials of the Vermont-New Hampshire Red Cross Blood Program throughout the region join me in extending heartiest congratulations on the outstanding blood drawing held at the Portsmouth Naval Shipyard December 2. As you may know, the 206 pints donated that day brought the total for the calendar year 1970 to 2,115 pints, an all time high for this installation. As a matter of fact, this is also a new 12-month record for any group, plant or other facility in our entire region.

"The total donated on December 2 could not have arrived at a better time, since our blood drawing for the preceding week had been curtailed by the Thanksgiving holiday and with no drawing being held on the day following. Thanks to the response of Shipyard employees, however, we were able to meet all demands, including exactly 100 pints sent to just one of our hospitals over a three day period from Saturday through Monday.

"A quick check of our records indicates that in the 208 blood drawings held at the Portsmouth Naval Shipyard from September 1953 through December 1970, there have been 27,774 pints of blood donated. In itself this total is outstanding, but we believe there are two factors that make this figure even more significant. The first is that donations are on the rise rather than declining. The second is that every request we have made for rare types of blood to meet special situations such as open heart surgery, aneurysms, etc., have, without exception, been exceeded by a substantial margin.

"All of us involved in the day to day operation of this program are aware of the time and effort required to achieve the results enumerated above. Please convey our sincere thanks to Donald K. Holster, Director, Industrial Relations Office and Kenneth C. Clement, Blood Program Coordinator, for the planning and direction they have given this program over the years.

"We trust that all others who have helped in any way in achieving this outstanding record of accomplishment are aware of how much their support is appreciated by our hospital patients and their families. Needless to say, we are aware that this increase in donations in recent years could not have been achieved without your personal interest and support."

S. 1305—NATIONAL LEGAL SERVICES CORPORATION

Mr. CRANSTON. Mr. President, it is a great honor to have joined with the Senator from Minnesota (Mr. MONDALE), and so distinguished and bipartisan a group of cosponsors, in introducing S. 1305 on March 19. This bill amends the Economic Opportunity Act of 1964 by adding a title IX to create a National Legal Services Corp.—a private, nonprofit program independent of any agency or establishment of the U.S. Government.

It is my firm belief that the legal services program, by providing the poor with some of the vital tools they need to help themselves, has been one of the most productive of all war on poverty programs. In my own State of California I have witnessed the tremendous impact of the legal services program. Successful attacks upon the established order have resulted in making food available to hungry people in every county in the State; senior citizens have been afforded essential health care to which they are entitled; various consumer fraud schemes have been successfully halted; discrimination in employment is being countered; and in one outstanding case before the California Supreme Court, 80,000 Spanish-speaking citizens were enfranchised by the elimination of an English literacy requirement for voting. I have joined in introducing this bill because I believe its adoption is necessary to preserve the independence, integrity, and initiative of this outstanding program for providing equal justice under law for the poor.

Although there have been many successes under the present legal services program, recent events have convinced me that the integrity and effectiveness of the program can no longer be maintained in the face of growing political pressures from all sides.

The OEO legal services program has survived three major blows during the past year and a half—but it is staggering under their cumulative effect. The first was the unsuccessful effort to give Governors absolute veto power over programs in their States. Such a move would have permitted the very governmental "establishment," which often has been responsible for the grievances of the poor, to determine the type of legal assistance to which the poor would be entitled.

The second blow was the attempt to undercut the program through regionalization, a move which would have taken legal services from the able leadership of its Washington-based attorneys and dispersed it under the jurisdiction of 10 regional administrators, the majority of whom were not even lawyers. The third blow was the ousting of the program's director and deputy director, Terry Lenzner and Frank Jones. These men, it is widely held, were most responsible for the recent growth and success of the program.

And most recently, we have witnessed an attempt to destroy what has been rated the most effective legal services operation in the Nation, the California rural legal assistance program. Knowledgeable observers fear that the compromise to refund the program for only 6 months while an "independent study" is made, is an attempt to kill the program slowly rather than all at once.

Because I believe that these and future pressures to blunt the effectiveness of the OEO legal services program must be resisted, I have worked closely with Senator MONDALE in developing the National

Legal Services Corporation Act of 1971. This act would authorize the creation of a private, nonprofit corporation, free from political interference, to increase the availability and quality of legal services to all citizens of the United States, especially low-income persons.

The very integrity of the adversary system of justice in the United States, and indeed, of the attorney-client relationship, requires that the performance and provision of legal services be free from these interferences. These recent blows to the legal services program indicate that such freedom cannot be guaranteed while the legal services program remains within the Office of Economic Opportunity, subject to the heavy hand of politics and political gamesmanship.

Therefore, I propose this alternative, modeled on the Public Broadcasting Corporation Act. The bill provides for the incorporation of the National Legal Services Corporation under the trusteeship of the president and president-elect of the American Bar Association, and the presidents of the National Legal Aid and Defender Association, the American Association of Law Schools, the American Trial Lawyers Association, and the National Bar Association. After incorporation the program would be carried out under a Board of Directors comprised of an Executive Director appointed by the Board, six public members—five appointed by the President with Senate confirmation and one by the Chief Justice—six representatives of clients and project attorneys, and the six initial incorporators and their successors as organization leaders. They would generally serve up to 3-year terms.

This bill would authorize the corporation to make grants and contracts to provide financial assistance to programs furnishing legal services to the poor and others who cannot afford counsel.

Although the bill stresses continuation of existing legal services programs which have provided economical, effective and comprehensive legal services to the client community, it does not specify the types of programs which would be funded. Thus, the National Legal Services Corporation could, if it chose, fund various types of programs to provide legal services to low-income persons including judicare.

Nor does the bill establish any restrictions on the types of cases which legal services attorneys could bring. Rather, the bill specifically requires that the corporation must insure that legal services attorneys carry out the same duties to their clients and enjoy the same protections from interference as privately paid attorneys.

At the same time, in order to insure accountability for the expenditure of public funds, the records of the corporation would be subject to disclosure under the Freedom of Information Act, as long as consistent with the canons of ethics and the ABA Code of Professional Responsibility, and annual independent audit of the corporation's financial records would be required. In addition, the General Accounting Office would be authorized to make annual audits of the corporation, copies of which would be required to be submitted to the Congress.

The corporation would be funded through appropriations made through the Office of Economic Opportunity, as authorized in the Economic Opportunity Act of 1964, as amended. A reservation of funds—$140 million in fiscal 1972 and $170 million in fiscal 1973—would be added to the Economic Opportunity Act to be available only for the purposes of transfer to the corporation. This level of funding should permit a program of about twice the size of the present legal services program, taking into account inflation and administrative costs of the corporation and of the legal services programs themselves that previously were borne by the Office of Economic Opportunity and its grantees.

Generally, the corporation could carry out the same activities and programs as are presently carried out under the Office of Economic Opportunity by the Legal Services Office; certain restrictions with respect to the types of services provided would be eliminated. More specifically, the corporation would be empowered to carry out research, training, technical assistance, and law school clinical assistance, to improve the provision of services to low-income clients. It would also attempt to increase opportunity for legal education for individuals who are economically disadvantaged or who are members of minority groups. And it would prohibit Federal control over the corporation or its employees.

In summary, the keystone of the Legal Services Corporation bill is succinctly set forth in the purpose section: insuring the integrity of the attorney-client relationship and keeping the provision of legal services free from political interference.

The worst example of political interference with legal services was the recent CRLA veto by the Governor of California, the sustaining of that veto by the Director of OEO, and the process by which that totally unjustified decision was reached.

This tragic case has made manifestly clear to all supporters of legal services for the poor that the legal services program, as presently constituted, cannot survive within the governmental/political process. The legal services program, as epitomized by CRLA, has grown too effective to suit the tastes of those with the political power of life and death over it. It has won too many important cases against the establishment. In short, it now threatens the power structure, which is inevitable when the rights of the poor are being denied.

Those being brought before the bar of justice and found in violation of the Constitution and laws of this land can no longer be permitted to sit in judgment on this program and impose the death sentence on it.

Thus, we join in proposing a nonprofit corporation to operate outside Government control in providing legal services. The bipartisan nature of the sponsorship of this bill and the varying philosophies of its sponsors from both parties dramatize the nonpolitical approach we are proposing to this problem.

There is, thus, very broad consensus that vindicating the rights of the poor under the Constitution and laws of the land must not be subjected to varying partisan pressures and interests. It must be left to the operation of the attorney-client relationship under the legal profession's canons of ethics.

This basic consensus has formed behind the most fundamental of concepts in our democratic system—that the test of the system is its capacity to remedy inequity and injustice within its legal and judicial processes.

We must remove the politics and political gamesmanship from legal services. Otherwise, we run a serious risk of permitting this last access to orderly change to be closed off.

Mr. President, I urge my colleagues to give this bill their careful consideration and strong support. The continued effectiveness of the legal services program rests with our prompt passage of this vital legislation. I pledge myself to do all I can to work with Senator MONDALE and the other sponsors of this legislation to move it through the Labor and Public Welfare Committee and to the Senate floor as quickly as possible as part of the bill to extend the Economic Opportunity Act of 1964, as amended, which expires this June 30.

FEDERAL BOAT SAFETY ACT OF 1971

Mr. HATFIELD. Mr. President, on Monday, March 22, the Merchant Marine Subcommittee of the Commerce Committee held a hearing on S. 696, a bill to provide for a coordinated national boating safety program.

There is a need for such legislation and the current bill is a revised form of earlier versions.

I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill and a letter from Mr. Robert Rittenhouse. Mr. Rittenhouse is director of the Oregon Marine Board and is a recognized leader in State groups across the country. Last year, Mr. Rittenhouse served as president of the National Association of State Boating Law Administrators.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 696, TO PROVIDE FOR A COORDINATED NATIONAL BOATING SAFETY PROGRAM

FEDERAL BOAT SAFETY ACT OF 1971

Sec. 2: Policy and Purpose

Sec. 3: Definitions for the following terms: "boat", "vessel", "undocumented vessel", "use", "passenger", "owner", "manufacturer", "associated equipment", "Secretary" (Department in which Coast Guard is operating), "State" (includes Puerto Rico, Virgin Islands, Guam and D.C.), and "eligible State" (defined as "one that has an accepted State boating safety program". This definition affects the allocation of Federal funds under sections 25 and 27.)

Sec. 4: Act applies to vessels in the United States and owned in the United States, except foreign vessels, nonrecreational public or military vessels, nonrecreational vessels owned by a State or subdivision thereof, and ship's lifeboats.

Sec. 5: Secretary shall issue performance standards for boats and associated equipment, prohibiting the use of equipment which does not meet safety standards. Regulation issued shall become effective between 180 days and 18 months from the date of issuance, depending upon necessary changes in the manufacturing process. Compliance with the date or regulation shall be determined by the Secretary. Regulations must be consistent with the sanitation equipment requirements of the Water Quality Improvement Act of 1970.

Sec. 6: In prescribing standards, the Secretary shall consider their need, their reasonableness, all available data, and shall consult the Boating Safety Advisory Council.

Sec. 7: Secretary may require or permit the display of insignias indicating compliance with the Act.

Sec. 8: Secretary may delegate responsibilities for inspection and testing under sections 5 and 6.

Sec. 9: Secretary may issue exemptions to the Act, conditional or otherwise.

Sec. 10: Provide uniformity in law by Federal preemption of State law, except when a State standard is accepted by the Secretary for uniquely hazardous conditions.

Sec. 11: Secretary and the Secretary of the Treasury may authorize imports conditioned by assurances of eventual compliance with safety standards.

Sec. 12: Boats and equipment cannot be manufactured or sold unless they meet safety standards, or are intended solely for export. No liability will be imposed for good faith reliance on certificates of compliance, or for defects beyond an individual's control. Prohibits the use of a false insignia of compliance, the use of a vessel in violation of the Act, the use of a vessel in a negligent manner and the use of certain vessels for carrying passengers for hire under the charge of an unlicensed person (unless the vessel is used for bona fide dealer demonstrations furnished without fee).

Sec. 13: Coast Guard may order vessels operating hazardously to take corrective action, including an order to return to their mooring. Present Coast Guard authority in such cases is limited to arrest.

Sec. 14: Provides record keeping requirements for an inspection of manufacturers subject to the Act.

Sec. 15: Requires manufacturers to furnish notification of boat defects.

Sec. 16: "Good Samaritan" provision removing liability for civil damages when rendering assistance.

Sec. 17: Requires the numbering of undocumented vessels with propulsion machinery.

Sec. 18: Secretary shall establish a standard numbering system. A state with an approved system shall be the issuing authority. States under the 1958 Act may continue under that Act for up to three years. Provides for reciprocity among the States and Federal government.

Sec. 19: Issuing authority (Secretary or the approved State) may exempt vessels or classes of vessels from the numbering provisions of the Act.

Sec. 20: Description and requirements for use of certificates of number.

Sec. 21: Requires number to be displayed on forward half of vessel.

Sec. 22: State may require vessel operator to hold a license.

Sec. 23: Issuing authority may prescribe regulations and fees to carry out sections 17–24 and section 37.

Sec. 24: Issuing authority may supply, for a fee, information on numbering systems for safety purposes to a manufacturer.

Sec. 25: Establishment and acceptance of State boating safety programs. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance. Also provides for availability of funds to national nonprofit public service organizations.

Sec. 26: Requires Secretary to accept State programs which: have a numbering system, include the substance of the NASBLA Model State Boat Act, provide for adequate enforcement and boating safety education programs, and designate a State administering authority.

Sec. 27: Allocation of Federal funds.

The new formula for the allocation of Federal funds is set out below:

FISCAL YEARS, 1, 2, 3

1. During first three fiscal years funds are available—the funds shall be allocated among applying States which have a boating safety program, or which indicate their intention to establish boating safety programs in accordance with Sec. 25.

2. ½ the funds to be allocated equally among the applying States, and the other ½ to each applying State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

FISCAL YEARS, 4, 5

The monies shall be allocated among applying States.

1. ⅓ allocated each year equally among applying States.

2. ⅓ allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States.

3. The remaining ⅓ shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous FY by a State bears to the total State fund.

Sec. 28: Provides a descending scale of limitations on the Federal share of the total cost for each of the years in which funds are made available. Also provides for the use of unobligated or unallocated funds.

Sec. 29: Secretary shall establish a basis for determining the expenditures of State funds obligated pursuant to the Act.

Sec. 30: Authorizes 7.5 million per year for five years.

Sec. 31: Provides for the computation and payment of funds allocated under Sec. 27.

Sec. 32: Provides for consultation and cooperation between the Secretary and State and local governments and public and private organizations.

Sec. 33: Establishes a National Boating Safety Advisory Council of twenty-one members.

Sec. 34: Criminal penalties.

Sec. 35: Civil penalties.

Sec. 36: Injunctive proceedings.

Sec. 37: Secretary shall prescribe a uniform casualty reporting system for vessels subject to the Act.

Sec. 38: Authorizes such amounts as may be necessary to administer the Act.

Sec. 39: Repeal and amendment of certain provisions of the Motorboat Act of 1940, the Federal Boating Act of 1958, P.L. 86–396, and P.L. 87–171.

State Marine Board,
Officer of the Director,
Salem, Oreg., March 16, 1971.

Hon. Mark O. Hatfield,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: First, let me say that when I read in the local papers that you are now a member of the Senate Committee on Commerce I was quite pleased, as this committee will soon be considering legislation in which we are interested and support.

It is my understanding that the Subcommittee on Merchant Marine will be holding a hearing on S. 696 on March 22. As you know, S. 696 is identical to H.R. 15041, which passed the House of Representatives shortly before last year's adjournment. Considerable work went into the preparation of H.R. 15041 by representatives of the various states through the National Association of State Boating Law Administrators, representatives of industry and the Coast Guard. I know of no serious opposition to this legislation in its present form, and we believe it is a very definite improvement over the Federal Boating Act of 1958 by which we are now guided.

There are several specific features of this bill which we feel are important and would benefit the Oregon boaters as well as those throughout the country. For example, Sections 5 and 6 would provide for passenger and maximum weight load capacity plates; require improved stability in design and construction as well as installation of floatage materials in such manner as to keep boats upright when filled with water.

Last year 27 fatalities occurred in Oregon, caused by capsizing of small, open boats. The 1970 national statistics are not yet available; however, during 1969 there were 587 fatalities throughout the country that were caused by capsizing, out of a total of 1,350 fatalities. This indicates that on a nationwide basis, capsizing contributes to nearly 50 percent of the total boating fatalities. I personally believe that this is one of the most important parts of the bill.

Another desirable feature of the bill is Section 27 which covers the allocation of Federal funds to encourage and assist the states in the development of boating safety programs. This financial assistance will very definitely stimulate and improve boating safety in Oregon and throughout the country.

We also strongly endorse Section 33 which provides for a Boating Safety Advisory Council, of which one-third of the members will be state officials responsible for boating safety programs. It is altogether proper that the states have a strong voice in a national boating safety program for the states will have a lion's share of the responsibility in administering the new law and programs at the state level.

We do hope that the Senate Committee on Commerce will act on this bill as speedily as possible. Oregon and many of the other states will have to enact some legislation at state level to be compatible with this new Federal Act. As you well know, many of the state legislatures are now in session. Hopefully, we will be able to act at the state level prior to adjournment.

Very truly yours,
Robert F. Rittenhouse,
Director.

THE SMITHSONIAN AND AMERICA'S FUTURE IN FLIGHT AND THE ENVIRONMENT

Mr. GOLDWATER. Mr. President, yesterday I had the privilege to appear before the Senate Appropriations Subcommittee of which the distinguished senior Senator from Nevada (Mr. Bible) is the Chairman. It was my purpose to point out the very special role which two of the Smithsonian Institution's leading museums will have in America's future in flight and the environment, respectively.

Today I am pleased to report that my request for proper financing of both the National Air and Space Museum and the National Museum of Natural History was warmly received. The chairman and the ranking Republican member, the distinguished Senator from Illinois (Mr.

Percy) each indicated their considered support for full funding of these two units.

In order that all Senators may be aware of the convincing reasons which justify their backing for the entire amount of appropriations sought by these deserving national museums, I ask unanimous consent that the statement which I presented on their behalf be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Barry Goldwater of Arizona Before the Senate Subcommittee on Appropriations for the Department of the Interior and Related Agencies, March 22, 1971

Mr. Chairman, it is my purpose today to ask that the Committee give its resounding approval to the full appropriations sought by the National Air and Space Museum. Also I shall verify the need for substantial increases in support at another important Smithsonian component, the National Museum of Natural History.

Mr. Chairman, last year when a House Subcommittee conducted the first far-reaching investigation of the Smithsonian in over a century, I presented documented evidence establishing a serious decline in support for these two museums. My testimony pointed out the strange happening that during a period when the total Federal budget for the Institution had doubled within six years, when the number of full-time employees had jumped by more than 700 positions, and when the Smithsonian had plunged into the creation of whole new units, such as the Cooper-Hewitt Museum in New York, the Archives of American Art, the Office of Academic Programs, and a Division of Performing Arts, the National Air and Space Museum and the Museum of Natural History were falling downhill in the degree of support they received from the Institution.

For example, at the end of the 1970 fiscal year, the museum of flight had only 31 employees, yet Congress had appropriated funds for 41. At the same time, the Museum of Natural History had 103 scientists supported by 87 technicians. Three years earlier the Museum had 111 scientists and 90 technicians.

The Air and Space Museum was without a director for 18 months even though the last director had given notice of his retirement 13 months in advance. Meanwhile, over at the Museum of Natural History, the Department of Vertebrate Zoology suffered such a drastic cut in funds that it could not even offer its scientists a research allotment as high as that provided to graduate students.

While I do not intend to rekindle these old coals today, I do feel it is essential the requested increases for these museums should be viewed against the backdrop of years of inadequate support.

It is true that since the summer of 1970 the outlook for these two units has improved. The Air and Space Museum has an outstanding director waiting in the wings with former astronaut Michael Collins about to take charge. And the museum has finally been given the go-ahead by the Smithsonian to fill its full allotment of 41 employees. The Museum of Natural History, in turn, has been allowed to request a budget increase large enough to restore most of its lost positions and revitalize its basic research abilities.

The one essential ingredient of this reconstruction program, however, is the willingness of Congress to appropriate the added monies which these museums have asked for.

Mr. Chairman, the top priority item in the National Air and Space Museum budget is the $1.9 million earmarked for planning and redesign of a new museum building. This request is combined with the firm deadline of July 4, 1976, which the Smithsonian has selected for the opening of the new structure.

The building project has been on dead center for five years now, though Congress provided authority for it in 1966. Land is set aside on the Mall and a complete set of blueprints are in hand, ready for use; but a combination of resistance by the budget bureau and a recommendation from the Senate Committee on Rules and Administration have held the building back.

The authorization statute itself does not contain any limitation. Nor did the House of Representatives offer any reservations. The only legislative restraint on the project is a sentence inserted in the Senate Committee report in the 1966 authorization law.

The language simply reads: "The Committee expressly recommends . . . that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam."

Mr. Chairman, there is good reason for belief this language is no longer binding. Certainly it has no effect at all on any action which the House of Representatives might take. Also, I feel it has been superseded by intervening events.

For one thing, it was written before the first manned lunar landing, which did so much to excite public interest in America's space exploits. Another thing we should consider is that Congress did not add any similar restriction in recent years when it approved $2.9 million for renovating the Smithsonian's newly acquired Renwick Gallery. Or when it gave the Smithsonian $2.6 million to refurbish the original S.I. building.

Nor did Congress impose any tie between Vietnam and the $7 million it appropriated for restoration work on the National Portrait Gallery of the Smithsonian or the $15 million it is laying out for construction of the Hirshhorn Museum.

Why the National Air and Space Museum should be singled out from all other Smithsonian projects and told its construction must be deferred is beyond me. In any event, the Senate Committee on Rules and Administration has recently announced it does not object to the Smithsonian's request for redesign funds, so we will not run into any jurisdictional conflict at this time.

Which brings me to the fundamental question of why a national museum of flight is needed in America. In short, it will tell the story of America's monumental achievements in flight. It will offer a mixture of regular and shifting exhibits of original aircraft and spacecraft from which the average citizen can see for himself that significant breakthroughs in flight and what lies beyond.

As Dr. Daniel Boorstin, director of the National Museum of History and Technology, so brilliantly pointed out in a recent address, America is once again in need of the inspirational lift which comes from experiencing the unknown and from embarking on this venture in community with our fellow people. With our nation expanded almost to the limits of its explorable land, the story of space pioneering told at the Air and Space Museum might be an excellent means for recharging our national energies.

The need for a central museum of air and space objects has never been in doubt among our friends in Europe. For starters, Britain has an outstanding aerospace display on an entire floor of its London Science Museum. In addition, a separate RAF Museum building is nearly completed. Also, the Deutche Museum in Munich contains a huge hall devoted to air and space displays nearly as extensive as our own. For their part, the French have on display in Paris six to ten times as many original aircraft and flight objects as we do. Italy is installing a major Air and Astro Museum at Turin in a magnificent pavilion erected during their 1961 Centennial. Even small Switzerland is developing an impressive Museum of Transportation at Lucerne, which can compete on close terms with what the United States now presents in the air and space field.

An American citizen returning from a tour of these museums, situated in nations one-fourth the size of our own, might easily feel a sense of embarrassment at how this country compares. He might look at the World War I hangar in which the United States flight collection has been displayed since 1919. Or he might go through the 90-year old Arts and Industries building in which other air and space exhibits have been housed on a "temporary" basis since 1914. One-third of the people who visit the Smithsonian do.

As interesting as these exhibits are, they are badly housed and incomplete. The Smithsonian itself admitted at the 1970 fiscal year hearings that the air and space exhibits "are outdated and shabby."

While the need for building a suitable and permanent home for the telling of America's accomplishments in flight seems nigh indisputable, there is a difficult question to resolve about the size and cost of the building. Since the structure was authorized in 1966 the estimated expense has gone up by leaps and bounds. From a projected cost of $40 million when the project was first authorized, I am told it has climbed to $70 million.

And yet the engineering and architectural plans are totally completed. It is a beautiful design, one which has been approved by the Fine Arts Commission and the National Capital Planning Commission. It is a plan which architects generally believe would be a valuable asset to the nation's capital. It received the highest praise from the architectural critics of the Washington Post and the New York Times—surely a singular occasion when their view coincided with mine.

Should we go ahead with the original plan? Or should we seek to reduce the scale of the project so it will find room in the national budget?

Mr. Chairman, for reasons of basic practical sense, I have decided to support the request for redesign as the surest and swiftest route toward completion of the project. The architect, Gyo Obata, contends it is feasible to develop a proper museum at a lower cost. In fact, he has estimated the rough dimensions which such a scaled-down building might have.

Its length will be nearly the same, 730 to 760 feet compared with the original 784. The height will stay near 97 feet, which is important because this would preserve the opportunity for installing some full-sized rockets or rocket sections inside the exhibit area. Most of the reduced scale would come out of the width. The new building might be 160 to 190 feet wide compared with 250 feet for the original plan.

While this would mean the floor area would be cut in half, I am told the actual exhibition area would be reduced by less than one-fifth, leaving 254,500 square feet for this prime purpose. This is more than three times greater than the maximum area which could be used for exhibits in the two buildings which presently house flight displays.

Assuming the ground might be broken by sometime in calendar year 1972, construction itself could be held at a cost below $40 million.

From what I have learned, the revised plan retains so much of the original form at a lowered cost, I believe it is just what is needed to get the museum off dead center.

My only reservation concerns whether it is necessary to obtain reapproval of the building from all the planning and art and traffic commissions which have a hand in Federal construction. But if these bureaucratic avenues should threaten to stifle the project in a web of red tape, I know Congress could shortcut this route by enacting overriding legislation or even by returning to the original, approved design.

Also, in endorsing the proposal for a redesign, I am expecting the opportunity for a new look at the size of the building will not be taken as an excuse by critics of technological museums to prevent the museum from displaying full-sized original hardware. To be sure, the new museum can draw heavily on modern techniques of display, such as a mock-up of an Apollo Command module which families can enter and operate, and thereby gain some small degree of comprehension of what flight is all about. But these techniques should supplement, and never replace, the showing of some original aircraft, space objects, and boosters. The art and tea crowd had better take heed right here and now that I intend to scrutinize the museum's redesign carefully in order to make certain no one destroys its fundamental nature.

Before leaving the redesign, I would like to convey some impression of exactly what it is Congress will be spending its money for. The primary object, of course, will be to develop a complete set of working plans which can be turned over to the construction builder. Over 500 drawings will be made, pinpointing every detail from the location of thousands of electrical outlets to the placement of sewer lines. Lighting, heating, air conditioning, utilities, site landscaping, and the results of stress and strain studies will all be specified in the redesign. In essence, the product will be a creative, enormous undertaking which is the indispensible foundation of the entire project.

Accepting the wisdom of proceeding with the design, the new museum cannot fulfill its purpose without a team of employees ready and able to man it. This includes the Preservation and Restoration Division at Silver Hill which must be given the hands and funds essential to conserve the historic aircraft and spaceware which makes up the heart of the museum's program.

Believe me, the museum could use some additional manpower. The total number of employees on board, counting administrators, secretaries, curators, and the crew at Silver Hill is still under 40. This is incredible when one considers the needs of a national museum. These few persons assemble and catalogue hundreds of aircraft and astronautical specimens, run a major reference library, answer over 6,000 public inquiries a year, and administer an exhibit program which is currently viewed by nearly 4.5 million visitors each year. These work requirements will double or triple once the larger museum is opened.

The museum has requested an increase of $105,000 for carrying out its operations in 1972, and I can confirm this amount is honestly required. Even if the full amount of staff and program funds are appropriated, the museum will receive only 1.7% of the overall Smithsonian Federal budget. It is my sincere hope the Committee will not cut one penny out of this already miniscuel allotment.

Mr. Chairman, at this time I would like to turn my attention to another unit of the Smithsonian which deserves your attention. This is the Museum of Natural History which has come upon some pretty rough times of late.

From the early years, when the first Secretary of the Smithsonian, Joseph Henry, made pioneering discoveries in science, the Institution has generally held pure scientific research in high regard. During the mid-1960's, however, the course of the Smithsonian's priorities began to shift. As Paul Oehser writes in his recent history of the Institution: "Today, in contrast, the humanities are demanding an increasing role in Smithsonian programs . . ."

It is during this period that the Museum of Natural History began to slip back. Doctor Richard Cowan, director of the museum documented this problem publicly at the House Subcommittee hearings last summer.

Dr. Cowan testified that the lack of adequate technical assistance for his scientists results in an almost "criminal mismanagement of human resources" because highly trained scientists are required to waste their time doing routine chores.

He also confirmed that the employment picture at the museum is worse than several years ago. Dr. Cowan charged:

"The available pairs of hands, both professional and supportive, are fewer now than four years ago."

His statement was backed by a specific example of the cannibalism which ate away one-third of the staff of the Department of Vertebrate Zoology at the same time its workload was soaring.

In addition, Dr. Cowan exposed the severe and sudden drain on his museum's budget caused by a shift in Smithsonian policies which makes the museum purchase items that formerly had been provided to it without cost out of the Institution's Supply Division.

As strange as it seems, the museum must now purchase storage bottles and cases and some 400 other items which are essential for its operation and were formerly supplied at no cost to the museum. Why the museum must even purchase many of its reference books because the main Smithsonian Library cannot supply them. Given this unusual situation, I must observe that the Institution's decision to request an increase of $80,000 for personnel and only $65,000 for books at its main Library is most curious.

Mr. Chairman, it is my best estimate that the change in supply and service practices instituted by the Smithsonian management has chopped non-salary operating funds at the Museum of Natural History by almost 30%. For example, the purchase of specimen storage cases, which is one of the items the museum must purchase for itself, may represent the largest single expenditure of each science department. This expense presently exceeds $5,000 in one department alone.

Accordingly, the requested increases in the budget of Natural History should be viewed not only from the perspective of the need for correcting several years of decline, but also with the realization the museum has been loaded down by new and unexpected expenses for which it has been given no additional funds.

Another item for which the museum is seeking additional funds is the hiring of more technical aids. The Smithsonian management was informed of the need for additional technicians as far back as 1966, but this is the first year the museum has been permitted to ask for them. The increase sought would leave the museum with a ratio of only 1.6 technicians to every 1 scientist, which is still below the very minimum standard set by scientific organizations throughout the Government and country.

Nevertheless, these increases will be a big factor in helping the scientists perform their true role of basic research, and this leads to another area in which the museum is seeking an increase. For a major portion of its research is in the field of environmental sciences. Though it may not be widely known, right here, right now in Washington, we have the world's greatest collection of base data for information on the chemical makeup, structure, and ecology of the world's plants and animals.

There are over 50 million specimens in the National Collections stored at the Museum of Natural History. Often this is our nation's only resource for documenting our knowledge of earth's environment and the probable consequences of environmental manipulations. The importance of these samples is revealed in the fact that two-thirds of all the collections borrowed from all museums for study come from the Museum of Natural History.

Their value lies in this. The data inherent in these specimens provide an irreplaceable base line for knowing the composition of plants and creatures on earth before pollution from pesticides, automobiles, and industrial sources reached threatening proportions.

By examining the makeup of organisms and plants before modern changes occurred in the natural environment, we can know such things as whether water pollution actually exists and what pure water really means. If the effects of man-made pollutants are to be understood, we must also understand those that nature supplies. How can we restore quality if we do not know in what manner something has been degraded?

In other words, these millions of items which are stored, cared for, and studied by the Natural History scientists hold the key to providing the fundamental information which is essential to develop environmental standards, restore quality where it has been damaged, and assess the probable effects of future activities by man.

Therefore, the identification and protection of the specimens in the National Collections and the increased distribution of information about them must be given the highest priority in connection with our nation's environmental programs. The nation's research and work in the environmental sciences cannot succeed unless they are tied to the collections, data, and information available from the Museum of Natural History.

This is why I support so earnestly the new environmental research projects for which increased funds are requested, as well as the extra technical support which will allow the scientists to successfully achieve that research. It is also why I point to the directly related electronic data processing program of the museum as a necessary adjunct of the museum's research projects. Research will not serve its purpose if its results are not available. By converting manually recorded data into computer cataloging, the computer program will provide immediate and mass distribution of information to all those who are engaged or interested in the museum's scientific investigations.

Mr. Chairman, this completes my comments on the Smithsonian's Federal budget. The only advice I might add is the suggestion the Committee may wish to request a full disclosure from the Smithsonian on its private financing. An examination of this data might show Congress whether the Institution could be doing more for itself in meeting the cost of the programs it asks Congress to support.

It is my understanding the pool of private investments, gifts, and grants now brings in about $18 million annually and it seems fair to inquire whether this sum is being spent wisely so as to keep Federal expenditures at an absolute minimum. For example, is the Smithsonian getting a sensible return on its holdings of over $32 million in stocks, bonds, and endowment funds? Is the income growth uniform among its various funds? Could more privately funded employees be engaged at units which seriously need them, such as the Air and Space and Natural History Museums? Might the Institution actively be seeking more restricted gifts for those museums which have the greatest need?

The Committee can probably add several questions of its own to this list, and these are simply offered as reminders of what useful information might be acquired from a detailed disclosure of the Institution's private financing. This type of report was given to the House investigating subcommittee last summer, and I think it would be helpful if you would institute the practice on a regular basis.

Mr. Chairman, this concludes my statement.

THE UNITED NATIONS IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the United States has been urging and succeeding in United Nations mediated negotiations in the Middle East. Anyone concerned with the problems faced in that part of the world and the dimensions of the dilemma facing the countries involved cannot but be aware of the long role the United Nations has played there. It has had its successes and its failures in the Middle East and hopefully the present negotiations will bear the fruit of a just peace.

In the January 1971 "Current History," Dr. Harry N. Howard, adjunct professor of Middle East studies, School of International Service, American University, presented an article on the role of the United Nations in the Middle East. The article is the best summary on the subject matter that I have encountered I highly commend it to the Senate.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED NATIONS IN THE MIDDLE EAST

(By Harry N. Howard, Adjunct Professor of Middle East Studies, School of International Service, American University)

"Since the submission of the [Palestine] problem to the United Nations by the British government on April 2, 1947, it has proved to be . . . the most unyielding problem yet to confront members of the United Nations."

Now that the United Nations has passed its twenty-fifth birthday, it is possible to assess its successes and failures, its limitations and shortcomings as an international organization designed to contribute to international peace and security. As the charter was elaborated at San Francisco, the United Nations was established to "save succeeding generations from the scourge of war," to "reaffirm faith in fundamental human rights," to establish conditions under which justice and respect for obligations could be maintained, and to "promote social progress and better standards of life in larger freedom."

These ideals could not be achieved in such a short period of the long human story anywhere in the world, particularly not in the Middle East, because of the complex problems involved. While the United Nations has been able to meet some basic issues, it has failed to meet others, notably in the instance of the unyielding problem of Palestine. For this reason, it has been distrusted by the Arabs, Palestinian and others, and often scorned, vilified and held in open contempt by the state of Israel. Yet it should be recalled that the soldiers and diplomats of the United Nations have played a vital role in the Arab-Israeli conflict and that a United Nations peace-keeping force, since 1964, has held the ring between contending Greek and Turkish ethnic elements on the island of Cyprus. Whatever its obvious structural and political weaknesses, the United Nations remains the only instrument of international order and justice at the disposal of the peoples of the world.

The United Nations has been confronted with more persistent problems in the Middle East than in any other part of a troubled world. Even at the San Francisco Conference on International Organization, which was devoted to the elaboration of the charter and to the establishment of the new international organization, not to the consideration or solution of substantive problems, issues bearing on the Middle East were brought to the attention of the various delegations. Middle East problems were discussed at times in committees, more often in the corridors. This was true of the question of the withdrawal of Anglo-French troops from Lebanon and Syria, and the question of Soviet pressures on Turkey. But it was especially true of the problem of Palestine, particularly in its relationship to the new trusteeship system which was to be established under the United Nations. At one point, United States Secretary of State Edward R. Stettinius observed that "the Palestine question was dangerous. A combination of Palestine and the Arab League was dynamite ready to explode." Still another issue was that of the relationship of the newly formed League of Arab States (March 22, 1945) to the new international organization. Ultimately, it was to take its place loosely within the United Nations framework, along with other regional arrangements, essentially under Articles 52–54 of the United Nations Charter.[1]

The basic issues troubling the Middle East have endured and the United Nations has played an important role in the area in the fields of social and economic development, relief and technical assistance, as well as in the field of international security. Some problems have defied solution—those of Cyprus and Palestine, for example. As early as February, 1946, the Lebanese and Syrian governments brought to the attention of the Security Council the problem of the continued presence of Anglo-French troops in their countries. A satisfactory solution was worked out by the parties directly concerned. but met a Soviet veto, largely on the ground that Great Britain was not sufficiently chastised. The problem was later solved by the parties themselves.

Similarly, in 1946, the Iranian government complained against Soviet intervention in Iran and the Soviet failure to withdraw its troops from northern Iran. Ultimately Soviet forces were withdrawn, and Iran assumed control in Azerbaijan in December 1946.[2] The problem of Libya, involving the disposition of former Italian colonies after World War II, first came before the General Assembly in September, 1948. After long deliberation, on November 21, 1949, the General Assembly recommended that Libya (Cyrenaica, Tripolitania and Fezzan) become an independent state as soon as possible and, in any event, not later than January 1, 1952. A U.N. Commissioner and a Council were appointed to assist in the processes leading toward independence and, in fact, Libyan independence was declared on December 24, 1951.[3]

The role of the United Nations in the Greek case, 1947–1952, was much more significant and enduring, and it involved the United Nations not only in attempts at conciliation and political adjustment, but in the establishment of investigatory and observational machinery. Observation groups stationed along the northern frontiers of Greece set a precedent for later United Nations activities.[4] The actions taken had much significance not only for Greece in that difficult period immediately after World War II, but for the eastern Mediterranean, Turkey and the Middle East as a whole.

The case came before the United Nations in the fall of 1946 on a complaint of the Greek government that Communist-dominated guerrillas were crossing and crisscrossing the northern frontiers of Albania, Yugoslavia and Bulgaria, where they found both sanctuary and training. On December 19, 1946, the Security Council established an 11-member Commission of Investigation Concerning Incidents Along the Northern Frontiers of Greece, representing all members of the Council. The commission duly reported in the spring of 1947, found that the charges were justified, and recommended maintenance of a commission in Greece and the Balkan area to continue observation. This proposal met with five resounding Soviet vetoes. As a result, on November 21, 1947, the General Assembly established a U.N. Special Committee on the Balkans, with investigatory and observational functions. That body remained in being until November, 1951, when it was replaced by a Balkan Subcommission of the Peace Observation Commission, the problem having been solved in the meanwhile.

It is true that the Greek army, retrained and equipped by the United States and the United Kingdom, eliminated the Greek guerrilla effort to overthrow the Greek government an establish a "people's democracy," after the Balkan models. But it is not less true that the United Nations commissions rendered a great service in gathering evidence pinpointing the essential facts, and highlighting the issues. Had Greece fallen, perhaps to become a Soviet satellite, as United States President Harry Truman advised the Congress on March 12, 1947, "the effect upon its neighbor, Turkey, would be immediate and serious. Confusion and disorder might well spread throughout the entire Middle East." This, at least, was the view in West Europe and the United States, and it was the possibility that these wider implications were involved that led to the elaboration of the Truman Doctrine concerning aid to Greece and Turkey.[5]

In Lebanon, when revolt broke out against the regime of President Camille Chamoun during May-September, 1958, there were charges of massive intervention in that country on the part of the United Arab Republic. On June 11, 1958, the U.N. Security Council resolved to send an observation group (UNOGIL), composed of some 600 soldiers under the direction of Galo Plaza, former President of Ecuador, Rajeshwar Dayal of India, and Major General Odd Bull of Norway, to investigate and report, and to "ensure that there" was "no illegal infiltration of personnel or supply of arms or other material across the Lebanese borders."

It may well be true that the presence of some 15,000 United States troops, who began landing on July 15 in response to the urgent appeal of the Lebanese government, calmed the situation and enabled the Lebanese to choose a successor in accordance with constitutional processes. But it would also appear, despite restrictions on the movement of UNOGIL personnel and the fact that it could find little evidence of massive intervention, that UNOGIL rendered a very useful service. Its principal contribution to the settlement of the crisis lay in its moral influence and in its contribution to the establishment of conditions which helped to separate the domestic crisis from the external complications. During difficulties in Jordan in the same general period, the establishment of a symbolic U.N. presence had a salutary psychological impact. While the U.N. presence remained in Jordan for some years, United States forces left Lebanon on October 25 and British forces were withdrawn from Jordan on November 2, 1958.[6]

The United Nations action in Yemen, following the overthrow of the Imam in September, 1962, involved somewhat similar, if more limited, operations. The problem of Yemen was serious, not only because of its proximity to Saudi Arabia and oil-rich areas, but because of its strategic location on the Red Sea. Soon after the outbreak of the revolt, both the U.A.R. and Saudi Arabia became involved in support, respectively, of

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Footnotes at end of article.

the republican and royalist elements, and the U.A.R. dispatched an estimated 30,000–50,000 troops to the area. While the U.N. Secretary General sent U.N. Under Secretary Ralph Bunche to Yemen as early as February, 1963, and asked UNTSO Chief of Staff General Carl von Horn to examine the problems of U.N. observation, it was not until July 4, 1963, that the United Nations Yemen Observation Mission (UNYOM), composed of some 200 officer-observers, began to function under General von Horn.

The essential UNYOM function was to supervise the implementation of an agreement on the part of the U.A.R. and Saudi Arabia, worked out by United States Ambassador Ellsworth Bunker, to withdraw assistance to the contending parties and not to attempt political settlement or peace-keeping. While the task of fact-finding was well implemented, the task of mediation and conciliation proved impossible. The mission was terminated on September 4, 1964. In evaluating the work of UNYOM, it should be recalled that the mission was small in numbers; the terrain was very rugged; the physical conditions were severe; and local supplies and facilities were meager. U.N. personnel and equipment, moreover, were often subject to gunfire and were frequently in danger. Nevertheless, it was clear to the Secretary General that the mission had "exercised an important restraining influence on hostile activities in the area"—which was a primary reason for sending it to Yemen.[7]

ROLE IN CYPRUS

The United Nations did not begin to play a role in Cyprus until 1964, although informally the question had come before various bodies in the United Nations as early as 1950. While an independent republic of Cyprus was established in 1960, the Greek and Turkish Cypriot communities, to say nothing of Greece and Turkey, were unable to resolve their problems relative to the island. During 1963–1964, further open conflict threatened, with all the implications which it might have for NATO, the eastern Mediterranean, and the Middle East. As a result, on March 4, 1964, the Security Council unanimously resolved to establish the United Nations Force in Cyprus (UNFICYP), under the command of UNEF General P. S. Gyani and composed of some 6,000 troops from the United Kingdom, Canada, Finland, Ireland and Sweden. Attempts at mediation and conciliation, both within and outside the United Nations, were unsuccessful. The Secretary General reported in September, 1970, that "no significant change" had occurred during the year, but, "by and large," "peace and quiet" had obtained on the islands. The elements for a political settlement existed, and despite financial difficulties, the UNFICYP had "steadfastly continued its efforts to maintain quiet on the island and to return the life of its citizens to normality," which, however, would "not be possible until the parties find a solution to the basic issues."[8]

THE PALESTINE PROBLEM

Like the Cyprus problem, the question of Palestine involved intractable issues of contending nationalisms over the same piece of land. Since the submission of the problem to the United Nations by the British government (which held the mandate of the League of Nations) it has proved to be the most complex and the most unyielding problem yet to confront members of the United Nations. In one form or another, the Palestine issue has been before the General Assembly and the Security Council of the United Nations more consistently, more regularly and more frequently than any other single question during the past 25 years, and no "solution" is even yet in sight. The origins of the problem as we know it today may be traced to the General Assembly's resolution of November 29, 1947, which had recommended the partition of Palestine into a Jewish and an Arab state, with Jerusalem and its Holy Places sacred to Jews, Christians and Muslims as an international *corpus separatum*, and cooperation between the two communities.

One result of the recommendation was the intensification of the conflict between Jews and Arabs in Palestine, beginning in the spring of 1948. Subsequently, President Truman, during March-April, 1948, sought to backtrack into a United Nations trusteeship over Palestine when he saw that the partition plan could not be implemented peacefully.[9] The conflict continued throughout 1948 and, basically, it has continued more or less violently (1956, 1967) to the present. Count Folke Bernadotte, as United Nation Mediator, sought unsuccessfully to conciliate the parties and paid with his life—at the hands of Jewish terrorists—in the process, although Ralph Bunche, as Acting United Nations Mediator, worked out a series of armistice agreements during February–July, 1949.

During the same period United Nations peace-keeping and peace-observation machinery was established—the United Nations Truce Supervision Organization—to keep watch over violations of the truce and armistice agreements. Drawn from the military forces of a number of states—the United States, France, Canada, Sweden, Norway, Ireland, and so forth—and numbering at various times some 700 personnel, the UNTSO performed indispensable services in arranging cease-fires and presenting unbiased reports to the United Nations Security Council as a basis for resolutions which attempted to deal with the continuing conflict. Despite the severe restrictions which were often placed on the movements of the UNTSO, that body was able to act as a deterrent, limiting the hostile activities of both parties to the conflict. The Mixed Armistice Commissions (Israeli-Lebanese, Israeli-Syrian, Israeli-Jordanian, and Israeli-Egyptians) served, in effect, as part and parcel of the UNTSO machinery. While there has been much propaganda against the UNTSO, its work needs to be put into perspective, and it may be observed that substantially since 1951 the Israeli government refused to cooperate with the Israeli-Syrian Mixed Armistice Commission, as it refused to cooperate with the Israeli-Egyptian MAC after 1956.[10]

Similarly, the work of the United Nations Emergency Force (UNEF), established in November, 1956, in the immediate wake of the Israeli-Anglo-French attack against Egypt, needs to be put into perspective. With some 5,000–6,000 soldiers, drawn largely from "neutral" states, this body performed most effectively in the Gaza Strip and on the Sinai Peninsula in maintaining the peace along the Israeli-Egyptian demarcation lines, and its success there probably contributed to easing the situation elsewhere. It was withdrawn on May 18, 1967, on Egyptian demand, immediately prior to the June, 1967, *Blitzkrieg*. But in fact Israel had never permitted it to function on Israeli-held territory, on the ground that such action would prejudice Israel's sovereignty.

The Conciliation Commission for Palestine, established in January, 1949, and composed of representatives of France, Turkey and the United States, set forth comprehensive proposals for peace during 1949–1951, which neither Israel nor the Arab states accepted. After 1951, it was able only to bring about the unfreezing of Arab blocked accounts in banks in Israel (some $10,000,000). Despite the efforts of Special Representative Joseph E. Johnson during 1961–1962, it could do nothing with regard to the problems of Arab refugee repatriation, or resettlement with compensation, under a free and realistic choice for the refugees, since the Israeli government rejected any substantial repatriation and the Arab governments were skeptical as to resettlement. On the other hand, the Arab governments did a great deal to assist the refugees, providing some $130 million in direct and indirect assistance over the years, while UNRWA continued to provide relief, health and education services to some 1,400,000 refugees.

The Conciliation Commission is now substantially out of the picture; after the June, 1967, conflict the problem was placed in other hands. On November 22, 1967, the United Nations Security Council laid down the general guidelines for a possible general settlement, which stressed the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace in which every state in the area could live in peace and security.[11] A just and lasting peace application of two basic principles: 1) the withdrawal of Israeli armed forces from territories occupied in the conflict; and 2) the termination of all claims or states of belligerency and respect for and acknowledgment of the territorial integrity and political independence of every state in the area and its right to live peacefully within secure and recognized boundaries.

The resolution also affirmed the necessity of 1) guaranteeing freedom of navigation through international waterways in the area; 2) achieving a just settlement of the refugee problem; and 3) guaranteeing the territorial inviolability and political independence of every state in the area, through measures including the establishment of demilitarized zones.

United Nations Ambassador Gunnar V. Jarring was chosen as the Secretary General's emissary to bring the parties together for peaceful adjustment, but he has thus far been unable to do so. Since the spring of 1969, discussions have taken place (for the most part within the United Nations framework) among France, the United Kingdom, the Soviet Union and the United States, and on June 25, 1970, the United States revealed a new initiative, suggesting a cease-fire based on the principles of the U.N. resolution of November 22, 1967. These were steps in the right direction and they were accepted by the United Arab Republic, Jordan and Israel. A 90-day cease-fire began on August 7. The United States proposals were flawed in their failure to make explicit provision for consideration of the Palestinian demand for participation in any discussions and for self-determination. Subsequently, there was renewed violence in Jordan during September-October, 1970, and serious charges and counter-charges of cease-fire violations were made both by Israel and by the Arab states.

If there is to be a settlement of the long-standing conflict, it seems clear that the Palestinian demand for self-determination based on free and realistic choice can no longer be ignored.[12] Similarly, whatever the skepticism and mistrust, the United Nations will have to play a continuing role in new security arrangements, either through an enlarged and strengthened UNTSO, or a force like that of UNEF. While some observers have proposed an additional special United States guarantee to Israel within this framework, it is possible that the Locarno formula, with guarantees against a possible aggressor, might prove less prejudicial in concept and more acceptable in practice.[13]

From the cases examined, it would appear that the United Nations has had limited success in dealing with problems in Lebanon, Syria and Iran in 1946; its investigatory and observational functions were well performed in Greece, and somewhat less well in Yemen. In the instance of Cyprus, the United Nations Force has certainly contributed to the maintenance of a degree of stability and order, even if the solution of basic problems of na-

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tional and communal conflict has not been achieved.

The United Nations has not succeeded in achieving peaceful adjustment of the Palestine problem, largely because of the very complicated issues centering around the enduring conflict of two nationalisms over the same territory and the inability of the greater powers to face this conflict frankly. Nevertheless, the UNTSO and UNEF have rendered very useful services in the security field, while UNRWA has served the Arab refugees in the fields of relief, health and education. The General Assembly considered the Palestine problem—the Arab-Israeli conflict—in the fall of 1970. It seemed clear to thoughtful and informed observers that, if there were to be any hope of peaceul adjustment in this area of conflict, with all its potential for uncontrolled escalation, the United Nations would have to reassert the interests of the international community, make appropriate recommendations and decisions, and take constructive action.[14]

FOOTNOTES

[1] See especially Department of State, Historical Office, *Foreign relations of the States. Diplomatic Papers*, 1945. Vol. I. *General: The United Nations* (Washington, D.C.: U.S. Government Printing Office), pp. 859–860, pp. 888–889, p. 925, pp. 950–954. For detailed studies of U.N. peacekeeping activities in the Middle East see Rosalyn Higgins, *United Nations Peacekeeping: Documents and Commentary: The Middle East*. Vol. I (New York: Oxford University Press, 1969); David Wainhouse et al., *International Peace Observation: A History and Forecast* (Baltimore, Maryland: Johns Hopkins Press, 1966).

[2] World Peace Foundation, *Documents on American Foreign Relations, 1945–1946*, VIII (Princeton, N.J.: Princeton University Press, 1948), pp. 851–859; George Lenczowski, *Russia and the West in Iran, 1918–1948* (Ithaca: Cornell University Press, 1950).

[3] Adrian Pelt, *Libyan Independence and the United Nations; A Case of Planned Decolonization* (New Haven: Yale University Press, 1970). Independence was declared by the former U.N. Commissioner, who played a leading role in the preparations of Libyan independence during 1950–1951, especially in elaborating a constitution.

[4] Harry N. Howard, "Greece and its Balkan Neighbors (1948–1949): The United Nations Attempts at Conciliation," *Balkan Studies*, VII (1966), pp. 1–26; "United States Policy Toward Greece in the United Nations, 1946–1950," *Ibid.*, VIII, pp. 263–296.

[5] See *Congressional Record* (1947), Vol. 99, p. 1999; *Aid to Greece and Turkey: A Collection of State Papers*. The Department of State *Bulletin Supplement*, Vol. XVI, No. 409A (May 4, 1947), pp. 827–909. The President was authorized to withdraw assistance not only when requested by the two governments, or if he thought the purposes had been substantially achieved, but if the Security Council or the General Assembly found that further assistance was unnecessary or undesirable.

[6] For a convenient selection of pertinent documents see Department of State, *American Foreign Policy: Current Document, 1958* (Washington, D.C.: U.S. Government Printing Office, 1962), pp. 944–1067. See also Wainhouse, *op. cit.*, pp. 373–390; Robert Murphy, *Diplomat Among Warriors* (New York: Pyramid Books, 1965), ch. 27.

[7] See Wainhouse, *op. cit.*, pp. 421–455; John S. Badeau, *The American Approach to the Arab World* (New York: Harper and Row, 1968), ch. VII; Major-General Carl von Horn, *Soldiering for Peace* (New York: McKay, 1967), chs. 24–25; Manfred W. Wenner, *Modern Yemen, 1918–1966* (Baltimore: Johns Hopkins Press, 1967), ch. VIII. For convenient documentation see Department of State, *American Foreign Policy: Current Documents 1963*, pp. 601–614; *1964* pp. 724–729.

[8] See U.N. Doc. A/8001, Add. 1, paras. 51–54; Wainhouse, *op. cit.*, pp. 441–460.

[9] The most comprehensive study is that of Fred J. Khouri, *The Arab-Israeli Dilemma* (Syracuse: Syracuse University Press, 1968). See also Nadav Safran, *From War to War: The Arab-Israeli Confrontation* (New York: Pegasus, 1969).

[10] Wainhouse, *op cit.*, pp. 272–273. See also the memoirs of two UNTSO Chiefs of Staff: Lieutenant-General E. L. M. Burns, *Between Arab and Israeli* (New York: Obolensky, 1962); Major-General Carl von Horn, *Soldiering for Peace* (New York: McKay, 1967).

[11] See Arthur Lall, *The U.N. and the Middle East Crisis, 1967* (New York: Columbia University Press, 1968).

[12] On this aspect see Don Peretz, Evan M. Wilson and Richard J. Ward, *A Palestine Entity?* (Washington, D.C.: Middle East Institute, 1970); Senator Mark Hatfield, "Search for Peace in the Middle East," *Congressional Record*, Vol. 116, No. 99, S9021–9039; Lord Caradon, "A Plan for Peace," *The Sunday Times* (London), July 5, 12, 19, 1970.

[13] See Senator J. William Fulbright, "Old Myths and New Realities—II. The Middle East," Address of August 24, 1970, *Congressional Record*, vol. 116, no. 147; John C. Campbell, "The Arab-Israeli Conflict: An American Policy," *Foreign Affairs*, October, 1970, pp. 51–69; Nahum Goldmann, "The Future of Israel," *Foreign Affairs*, April, 1970, pp. 443–459.

[14] See especially American Friends Service Committee et al. *Search for Peace in the Middle East* (Philadelphia: 1970).

URBAN TRANSPORTATION: A SOLUTION

Mr. SCHWEIKER. Mr. President, of all the problems confronting contemporary America, urban transportation is one of the most critical. Every morning and evening, millions of our fellow citizens experience the frustrations, crowding, and pollution of inadequate, smog-ridden transportation systems.

Mr. Stewart F. Taylor, a transportation expert, has offered a realistic solution in an article appearing in Traffic Quarterly, of October 1970. Entitled "The Rapid Tramway: A Feasible Solution to the Urban Transportation Problem," Mr. Taylor's article makes a strong case for a new look at the tramway to provide clean, efficient, and fast urban transportation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAPID TRANSIT TRAMWAY: A FEASIBLE SOLUTION TO THE URBAN TRANSPORTATION PROBLEM

(By Stewart F. Taylor)

(NOTE.—Mr. Taylor is Project Manager—Transportation with Day and Zimmermann Consulting Services, Philadelphia, Pennsylvania. He holds a B.A. degree from Yale University and a J.D. degree from the Harvard Law School. He also studied at Oxford University and the Harvard School of Business. He has participated in transportation studies for federal, regional, and municipal agencies as well as private firms, and previously held a number of staff and administrative positions with the former Pennsylvania Railroad. In addition to preparing papers on various aspects of urban transportation, he is editor of the Transportation Division Newsletter of the American Institute of Industrial Engineers. He is a member of the bar of the District of Columbia.)

The problem of urban transportation in America has endured for so many years that it is assuming the characteristics of an unfortunate but inseparable component of our national life. If it stood apart, the problem might be tolerated as a necessary cost of the country's enviable achievements. Current events indicate, however, that the shortcomings of transportation hinder the remedy of other ills which threaten our urbanized society.

The search for solutions has also been long. Governments at all levels have expended billions of dollars in enlarging and improving our networks of public streets and highways. Hundreds of millions more have been committed to improving or, at the very least, resuscitating the mass transit industry, and its transition from private to public ownership has moved rapidly. Legal structures have been altered to improve the financial and operating climate for public transportation. In the areas of conceptualization and planning, activity has been equally vigorous. Scores of proposals for new transportation techniques and hardware—from the conventional to the visionary—have received serious consideration. Nearly every large city in the United States has been the subject of a plan emphasizing the role of one or more transportation modes.

Few will gainsay the tangible accomplishments to date. Some critics complain that fiscal emphasis on highway development has only intensified the problem, but other authorities have marshaled statistics demonstrating these programs as appropriate responses to the massive shift in demand from public to private transportation. The fact remains, however, that in spite of obvious improvements there is almost universal dissatisfaction with today's urban transportation. The critical issue is, therefore, what courses of future action can produce effective solutions.

CONVENTIONAL ANSWERS DISCREDITED

In recent years a vast array of concepts have been offered as instruments for achieving plan objectives. Many claim technical and economic superiority over a wide range of circumstances. It must be recognized, however, that preeminence in these areas is often irrelevant to the problems of today. Not long ago technology stood as the challenge as well as the touchstone for commercial development of new transportation schemes. On the other hand, evidence seems to indicate that sociological factors now predominate—with economic criteria playing an important but lesser role. The most formidable victim of the new environment is the urban highway program. For decades most transportation experts have held out the public road as the panacea for our increasingly dispersed and automobile-oriented urban society. Yet in spite of an abundance of impressive cost-benefit statistics vital freeway projects have been arrested for years or irrevocably annulled in such important cities as San Francisco, New Orleans, Philadelphia, New York, and Boston. This has been achieved by local interests in spite of full recognition that their direct funding burden would be insignificant. Construction programs will continue in the years ahead, but the recent, widely separated defeats are not isolated aberrations. The popularity of this approach has unquestionably waned.

Mass transit proponents have been heartened by the growing disillusionment with automobile-based programs, yet their efforts have been less rewarding. In the rail transit field only one totally new system has been completed since World War II, and in the minus column laborious proposals have been overturned by taxpayer referendums in

Seattle, San Francisco,[1] Los Angeles, and Atlanta. The primary issue in each of these defeats was obviously economic: the individual citizen recognized his personal cost burden and was unwilling to carry it; but the diversity of circumstances suggests that sociological factors also influenced the outcome. It is all too evident that the nation must simultaneously cope with more problems at home and abroad than its resources will allow. Taxes have been increased, but at the same time priorities for the application of public revenues have, perforce, been established. It must be acknowledged that these rapid transit proposals—of such elaborateness and complexity as to entail billions in capital construction cost—could not match such claims as national defense, space, crime, and poverty. Requiring support from all, they were viewed as exorbitant luxuries for the relatively few who found them convenient.

New schemes for bus transit have been similarly frustrated. In spite of decades of advocacy and trivial capital requirements, reserved busways in city streets have never gained wide acceptance. Optimum economics are beside the point to motorists observing unencumbered and seemingly underutilized thoroughfares forbidden to them while they are confined to plodding in overburdened lanes. Practical reality also points to the difficulty of policing curbside street space, which is essential to local bus operations. More recently there has been a surge of interest in reserved expressway lanes. This concept has merit as a solution to the line-haul segment of bus service.[2] The question remains, however, as to the downtown distribution function. Even if allocated street lanes can be guaranteed a high degree of immunity from parallel traffic, Central Business District (CBD) intersection delays are less amenable to solution. Grade separation would obviate the problem, but to date no bus subway scheme has been carried beyond the stage of cost estimation. Paramount among several adverse factors is the high capital construction requirement for a mode of limited capacity: 5,000 to 8,000 passengers per peak hour per direction in contrast with 45,000 to 55,000 for rapid transit.

If conventional approaches are meeting with disfavor, what of the more advanced schemes for improving urban transportation? The record of success is equally spare. For more than a decade a parade of concepts have been winning professional recognition. Some have enjoyed substantial federal support. However, while the need is now, none has materialized into commercially acceptable operation. Nor does the near future hold promise for greater success. A forward look becomes conjecture, but the impediments to most of these schemes—their technical problems aside—appear to have continuing validity. Most new concepts can be divided into two categories: the guided transit capsule and the guided personal vehicle. The common denominator is the fixed pathway to permit automated control which, in turn, provides high speed, close spacing, and maximum capacity with safety. Total segregation from free-flowing traffic is mandatory, so a choice must be made between subterranean and elevated planes. The provision of origin-and-destination convenience proximately equal to the automobile would require a large and complex network of lines. As a consequence, the tunneling necessary in a Central Business District for trunk lines, feeders, junctions, and drop-off points severely tests the imagination. On the other hand, it is difficult to envision community acceptance of overhead guideways lacing a metropolitan area when elevated highways and railways have become anathema.

Transit capsules offer greater frequency of service than train systems. Against this, however, must be measured the safety and psychological aspects of no on-board attendant, lesser capacity, and the greater problems arising from malfunctions. Their outstanding characteristic—automated control—is hardly revolutionary. This technology will soon be demonstrated in commercial service on the San Francisco Bay Area Rapid Transit System. The guided personal vehicle raises its own set of questions. If the conveyance is designed exclusively for "tracked" operation, what incentive is there to purchase (or rent) for such a limited scope of travel—particularly if it successfully accomplishes its objective of reducing conventional highway congestion? On the other hand, it is difficult to envisage a completely versatile dual-mode car offered commercially at a price competitive with a new or used automobile. It must be remembered that a current social goal is to provide conveyance for all segments of the urban population including those who cannot afford private transportation. Moreover, irrespective of cost, those handicapped millions who are unable to drive because of age or infirmity can never benefit from advancements in this technology.

THE RAPID TRAMWAY CONCEPT

Stress upon the drawbacks of revolutionary concepts is not intended to discredit their eventual utility. It would be presumptuous to predict the technological and sociological environment of metropolitan areas toward the end of this century. The point is that a present need exists for faster, safer, more reliable and harmonious urban transportation. It has already been noted, however, that conventional concepts face serious resistance. What, then, is the answer? One near-term technology that has attracted little interest in this country but has seen wide adoption on the continent of Europe is the rapid tramway,[3] a mass transit concept which can be simply described as an innovative fusion of conventional technologies.[4] Salient features consist of lightweight, electrically powered vehicles with flanged wheels operating singly or in trains on dual rail trackage. Separation from other traffic is material to optimum performance. This is accomplished by subways in central urban areas and by surface segregation on highway medians or along separate routes in less congested peripheral districts. Characteristics of the concept suggest a broad range of application: 1) lower cost and less environmental intrusion than conventional rapid transit; 2) a promising instrument for integrating urban mass transportation; and 3) a capability for upgrading and conversion to the highest levels of automation and passenger-carrying capacity. Each will be briefly considered.

Lower Cost and Less Environmental Intrusion than Rapid Transit. A basic characteristic of the rapid tramway is overhead power collection. In addition to its relatively low capital cost and greater ease of maintenance compared with third-rail systems, it opens the door to other benefits. As was stated earlier, separation from other circulation systems is important, but total isolation—required of the dangerous powered-rail configuration—is unnecessary. Outside of the CBD, land values permit conventional rapid transit to be located in the open, but the third rail dictates a high degree of property protection as well as separation of unattended grade crossings. The latter is accomplished by a depressed or elevated right-of-way. Both approaches present problems. Cuts entail special drainage systems, and unless substantial retaining walls are employed land-use requirements are trebled for a typical two-tract line. Aerial structures are more costly, while they—as well as earthfills—obtrude conspicuously into the communities through which they pass.

Above a certain intensity of land use, open-cut or elevated construction for rapid transit is either too costly or aesthetically unacceptable, and subway operation becomes mandatory. Tramways, on the other hand, can be inoffensive and function effectively on the surface in reserved rights-of-way of boulevards or parkways passing through urban sectors of similar density. Hence, while both forms must operate underground through core areas, the tramway may be brought to the surface sooner in a radial direction. This can reduce overall subway requirements, the construction costs of which are at least five times as great as open rights-of-way.

It must be recognized that median strip operation on other than limited-access highways introduces the cross movement of other traffic at grade, leading to slower operation and the possibility of schedule interruption. Steps can be taken to minimize these drawbacks: train-controlled traffic signals, the closing of minor cross streets, prohibiting left-hand turns, and employing as yet untried designs of low cost, modular construction overpasses. The fact is, however, that this type of operation can only be marginally satisfactory. On the other hand, the tramway mode is also employed in other configurations with superior characteristics. And while median strip running is less effective than pure rapid transit, it is a vast improvement to rush-hour circulation of general traffic on most urban arteries. More importantly, as this type of operation is unavailable to conventional rapid transit, paying the price of lower speed and reliability over limited sections of a comprehensive system can spell the difference between realizing a broadly attractive mode or no effective mass transit at all.

A more desirable method of surface operation can be achieved at less cost by exploiting little-used or abandoned railroad rights-of-way. Every city in the United States with a population in excess of a quarter million is the focal point of railroad lines radiating in several directions. With the vast corporate merger movement in progress and the shrinkage of passenger business to less than 500 scheduled intercity trains a day throughout the nation, the utilization of all or portions of surplus rights-of-way becomes increasingly plausible.[5] High voltage power transmission lines also frequently require property tracts of sufficient width to be suitable for sharing with a fixed-rail transport system.

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[1] This was a rejection by city voters on November 8, 1966 of a $96.5 million bond program initiating a $495 million comprehensive modernization (including new subways) of the San Francisco Municipal Railway and was unrelated to previous three-county approval of the Bay Area Rapid Transit District.

[2] While only a modicum of freeway mileage has been opened for practical tests of this approach, it has already been subject to compromise. The United States Department of Transportation recently contracted for a feasibility study of sharing freeway bus lanes with car-pool vehicles, i.e., those carrying one or more passengers.

[3] The concept and its close variations have been identified by a number of terms. Among the more common are "Limited (or) Express Tramway," "Light Rapid Transit," "Subway-Surface System," "Semi Metro" and "Intermediate Capacity Rapid Transit."

[4] For a detailed description of an antecedent approach see Henry D. Quinby, "A New Concept in Transit," *Traffic Quarterly*, April 1962.

[5] In July 1959, the former Metropolitan Transit Authority of Boston inaugurated rapid tramway service on 9.4 miles of discontinued diesel railroad line which was converted to electrified, signal-protected operation for a turnkey cost of $6,994,000.

A necessary adjunct to any safe and efficient urban rail operation is a train control system. Again, the requirements for tramways are less burdensome than those of full-fledged rapid transit. Lower maximum speeds (ca. 50 mph vs. 75 mph) and higher braking power made possible by shorter and lighter-weight trains reduce the structure of essential safeguards. Sectional division of lines into protective "blocks" demarcated by train actuated wayside signals is a minimal requirement, but automatic train control, overriding train stop or on-board signal indicators are superfluous under normal circumstances. Obviously the performance and capacity of any system has a direct relationship to the extent that these latter devices are employed, but route segregation is the principal factor permitting multiple-unit train operation and point-to-point speeds substantialy higher than rush-hour general traffic. Less pronounced is the degree of improvement over the tramway provided by rapid transit with its more complex and costly safety equipment.

Aside from roadway and track the largest segment of capital required for rapid transit fixed facilities is ordinarily allocated to stations. In rapid tramway development this figure can be materially reduced. Vertical dimensions for platforms can be selected from a range of options. Those designed to be level with car floors obviate steps and thereby reduce station dwell time. This is important at high loading points, but in outlying areas of lighter traffic density they can be lowered, and requirements for stairways, structural members, and foundations are correspondingly reduced. Variations in height within the same system have been made feasible by a car-mounted device—utilized by several European transit systems—which enables the operator to adjust the number of exposed boarding steps from station to station. Typically close operating headways minimize passenger waiting, and the need for elaborate shelters is also eliminated.

Cost characteristics of rapid tramway vehicles correspond to those of the system's fixed facilities. They offer a lower, narrower configuration and carry less undercarriage gear than standard rapid transit rolling stock. This results in less weight per unit of linear dimension, and propulsion requirements are correspondingly reduced. Traffic-inducing performance levels can thereby be achieved at relatively lower first cost and with less power consumption. At the same time, standard production tramcars display acceleration and braking potentials corresponding to maximum levels of rider acceptability. Their movement is also as free of vertical and lateral vibration as the most advanced high-capacity vehicles.

A Promising Approach to Integrated Mass Transportation. An important characteristic of the rapid tramway is close station spacing within the CBD. Subway designs for five European systems call for an average of 1,500 to 2,000 feet between stops. This intense coverage exists only in sectors of highest population density. Station intervals lengthen as distance from the CBD increases until a typical suburban surface running pattern will call for spacing of 2,300 to 3,300 feet. In no instance is the central area of any city—irrespective of its size—to be served by a single line. However, the universal *modus operandi* is to construct and open for service one tunnel (or only a portion thereof) at such a time as moneys are periodically appropriated. This provides, at the earliest possible moment, an incentive to sustain the patronage of regular riders as well as a tangible demonstration of the potential worth of a well-planned public transportation system. Beyond the core area a previously described advantage obtains: The lower cost of right-of-way construction permits the development of more and/or longer routes for each dollar of available capital, and greater geographical coverage is effectuated than is possible with totally segregated rapid transit.

The concert of these two features offers an attractive level of convenience to most population strata of a metropolitan area. In the CBD, pedestrian travel from a tramway stop to any destination can be a practical reality. In peripheral areas walking becomes feasible for a greater proportion of the population, while accessory transportation by private or public means can be quicker and more convenient. But the principal virtue lies in combining the speed and reliability of rapid transit with the convenience of the bus to achieve a genuinely integrated public transportation system performing three essential functions of collection, line haul, and distribution. The boon of this concept is the reduction in passenger-transferring, a task ranging from inconvenient to onerous. The only auxiliary requirement is a thin network of feeder bus routes. For example, upon completion of projected tramway tunneling in Cologne, Germany (population: 1,400,000), the CBD of approximately 1.7 square miles will be served by surface transit (buses) operating on only one street.

A Capability for Upgrading to the Highest Levels of Automation and Passenger Capacity. Events in Europe make clear that development of the rapid tramway does not require an irrevocable commitment to this technology. To the contrary, it can be—and is frequently—a preliminary step toward the implementation of conventional rapid transit. Permanent way structures, such as track, tunnels, and stations can be so constructed to serve ultimately as maximum capacity facilities merely by the introduction of faster and more capacious rolling stock. The inverted "T"-shape design of the continuously welded running rails for the precedent-breaking San Francisco Bay Area Rapid Transit is virtually identical with those of tramway systems operating on the Continent. Other devices, such as centralized, automated train monitoring and control can be added in a building block pattern. Requisite segregation of the right-of-way can be achieved by a staged procedure. Surface routes can be depressed, elevated, or tunneled in segments where the needs are greatest, and the gradual conversion will further enhance the pre-existing service. Several systems currently in construction or operation are designated "Pre-Metro," signifying that the initial service is only preliminary to a metropolitan railway, the European term for full-scale rapid transit.

THE EUROPEAN EXPERIENCE

Table I is a list of European cities where rapid tramway systems are either planned, under construction, or in operation. While this demonstrates a widespread adoption of the technology, it is worthwhile to examine five differing situations in some detail. Populations of the cities to be discussed are indicated in the table.

Gothenburg, Sweden. This industrial and maritime center is the second largest city in this prosperous Scandinavian nation. It is served by a public transportation network of 65 route-miles of tramway and 152 of bus. The rail system, 65 percent of which lies in reserved rights-of-way, carries 70 percent of the annual passenger volume. Only two of the 33 bus lines pass through the CBD; the function of the latter mode is principally oriented toward tramway feeder service. The predominance of rail transportation cannot be attributed to a paucity of motor vehicles or to a captive mass transit market. A total of 123,000 vehicles are registered in the city, and the ratio of 4.0 persons per passenger car compares with a 3.5 average for the ten largest cities of the United States.

The tramway network has been gradually expanded since World War II, and plans call for an additional eight percent increase in mileage over the next five years. The delivery this year of 60 new units will expand the rail car fleet by 16 percent. A notable landmark was the opening late last year of a 5.1-mile line constructed on the roadbed of an abandoned railroad. Trains have a start-to-stop schedule of exactly ten minutes for the entire route, including discharge and pickup at an intermediate station. This service will be performed by regeared conventional vehicles in trains of up to four cars with a total seating and standing capacity of 496 passengers. They will be operated by a single employee.

Rotterdam, Netherlands. Intensive destruction of the CBD during World War II enabled planners to execute a thorough restructuring of its traffic arteries. The principal boulevards are sufficiently wide to accommodate six lanes of automobile and commercial traffic, motor/bicycle lanes, wide sidewalks, two or three tramway tracks, commodious loading platforms as well as extensive landscaping between transit stops. This has resulted in the placement of 49 percent of the tramway system—totaling 52 line-miles—in reserved rights-of-way.

In early 1968, service was inaugurated on an impressive, high-capacity (35,000 passengers/hour/direction) double-track rapid transit line. Approximately one-half of the 3.6-mile route lies underground and the balance on a reinforced concrete aerial structure. The total cost, excluding rolling stock: $61.5 million. Since then two new rapid tramway lines have opened. One acts largely as a suburban feeder to the rapid transit. Eighty percent of the six-mile lateral line is new and situated on separated right-of-way. Rail underpasses avoid several active intersections. A half-mile branch is under construction, and the remaining 20 percent will be relocated away from general traffic. The other line is a radial extension of a route originating in the CBD, entirely separated from other traffic. This was accomplished most noticeably by a 3,000-foot viaduct spanning a canal and other intercity transportation facilities. The line totals five miles of single track and cost $4,760,000. Passenger traffic has increased 12 percent over that of the bus line which was replaced. These two capital projects are an indication that rapid tramway technology is not confined to the role of substituting for pre-existing street railway operations.

Brussels, Belgium. Over 950 streetcars and half as many buses provide frequent but slow transit service in this capital city. Since its origins as a center of commercial activity can be traced back nearly a thousand years, most downtown streets are narrow and ill-suited for a full range of transportation modes. As the initial step of a comprehensive program for improving public transportation which will extend over two decades, the first section of a contemplated 36-mile metropolitan railway system was opened in December, 1968. The "cornerstone" is a subway 2.2 miles in length which serves in a pre-metro phase as a funnel for several surface lines radiating at both ends. Fifty of the newest streetcars have been equipped with high-speed, overhead current collectors and automatic train stop devices to override driver failure. Another fifty-five 173-passenger vehicles are on order. A second tunnel approximately two miles long is scheduled to begin analogous service toward the end of this year.

It is interesting to note that full-scale rapid transit rolling stock was to have been ordered late last year, but available funds under a national program affecting the five largest Belgian cities were redirected to initiate the construction of a tram subway system in Antwerp. Tramcars will, therefore, serve the Brussels subway system for an indefinite period of time. When these vehicles are eventually phased out, they will be assigned to a planned network of 42 miles of rapid tramway—including a mile of subway—largely in peripheral areas.

Cologne, Germany. Encompassing 210 square miles, this metropolitan center has been enhanced by the development of a prime example of the rapid tramway concept. Subway construction was initiated in 1963, and the first section of 4,600 feet was opened in the spring of 1968. A second section of 5,300 feet, intersecting the first, began revenue service in October, 1969. The third, extending operations another 4,000 feet, will be brought "on stream" late this year, and it is anticipated that by 1974 approximately six miles of tramline will be located in tunnels or on aerial structures. Arithmetic projections are simplified by a straightforward capital program: By a ratio of 50%-30%-20%, respectively, the federal, land (state), and municipal governments will contribute $16,000,000 annually for the construction of approximately 1.3 miles of double-track subway. Ultimately, 15 percent of the total system will lie underground. The present 186-mile network of surface routes, two-thirds of which lie in reserved zones, is in the gradual process of extension and upgrading by relocation in underpasses or on viaducts.

Five tramlines operate in the present subway sections. At the temporary underground terminal for all routes, the operators of each vehicle manipulates a wayside control before starting on his run. This device not only operates all track switches and signals to guide and protect the vehicle along its assigned route, but it also actuates highly visible signs over all subway platforms to display the route number and destination of the approaching car.[6] When the temporary terminal is nullified by the opening of the next tunnel section, this function will be taken over by a central dispatcher who can presently monitor the exact location and direction of every train. As is the case with many European systems, all tramcars are equipped with on-board automatic fare collection devices, public address systems, and two-way radios.

Bonn, Germany. The status of public transportation in this seat of federal government is particularly relevant to a large stratum of urban areas in the United States. On August 1, 1969, by political annexation of surrounding communities the city expanded its population from 144,000 to approximately 300,000. It is now comparable to Omaha, Nebraska, which is forty-second in this country in the number of inhabitants. In addition to a handful of motor and trolley bus routes the area is served by a tramway system consisting of 31 miles of urban and suburban line and a fleet of 72 cars.

The significant fact is that in spite of its still modest size the city will open a three-mile subway this year which will remove most rail operations from the narrow streets of the CBD. A second tunnel branching from the first will complete the transition. The initial undertaking links the older city with the government quarter to the south. As the reunification of Germany has become more distant, an extensive office-building program and restructuring of the traffic system have been carried out in the new administrative district. The principal north-south artery has been upgraded in speed and capacity, and a reserved median strip provided for the tramline. Pedestrian access to several stations can only be gained by underground passageways which also serve as avenue crosswalks.

It is also important to note that capital projects have not been confined to improving existing rail operations. Nearly a mile of new line was opened in 1966; more than two miles are planned in connection with a new Rhine River bridge; and discussion has dealt with replacing a suburban bus route with rail service. Together, the various programs and undertakings initiated by Bonn demonstrate that rapid tramway technology has practical application for urban areas other than the largest metropolitan centers.

POTENTIAL APPLICATION IN AMERICA

Undoubtedly the European milieu in which the rapid tramway has developed differs on many counts from that of the United States. Among other conditions, urban population densities are higher and private car ownership lower. These factors do not, however, negate the soundness of the rapid tramway concept and, in fact, encourage a thorough, practical appraisal of its applicability. Higher motor vehicle populations make grade-separated transit systems all the more compelling, while the increasing dispersion of our metropolitan areas militates against high-capacity, high-cost rapid transit.

What kinds of urban traffic corridors are suitable for rapid tramway application in the United States? While it lies across our border, Toronto, Canada, offers a valid example for larger population centers. The Toronto Transportation Commission, an unquestioned leader in accomplishing improvements in all modes of public transportation—including conventional rapid transit—plans to construct an eight-mile rapid tramway as a northeastward extension of the recently opened Bloor-Danforth subway. The line will run through medium-density residential areas and terminate at a future housing development for 40,000 residents. Commission planners observe that the tramway bridges a service gap between low-capacity buses and subways which do not become economical until patronage reaches 20,000 per hour. It is expected that the line will attract peak loads of 10,000 to 15,000 passengers per hour. If successful the line will be extended in a 35-mile circumferential loop around the northern and western portions of the metropolitan area.

For smaller cities the Regional Transportation Plan of Dayton, Ohio, is pertinent. It proposes a nine-mile "rapid transit" line in a corridor linking the two fastest growing suburban quadrants (northwest and southeast) with the CBD. While a conventional, high-platform subway or elevated facility is described as undesirable for the foreseeable future because of its high capital cost, the study looks with favor on a lightweight, semigrade separated system to serve as the "backbone" of public transportation for this metropolitan area of approximately 750,000 population.

CONCLUSION

The need for more efficient and attractive urban transportation in America has never been greater, yet current trends suggest that the possibility of widespread improvement is remote. Sociological forces are impeding massive highway programs as well as the broad development of costly rail rapid transit systems. On the other hand, in spite of strenuous research effort the practical success of more technically advanced concepts remains elusive. Without doubt this nation is capable of establishing new transportation media which will markedly improve urban life, but the necessity to arrest a rapid and already profound deterioration is immediate.

Recent developments beyond our national boundaries suggest that the situation is not hopeless. Numerous European cities of varying size are meeting problems analogous to those in the United States with an evolutionary technology known as the rapid tramway. This concept displays the following characteristics which are essential to an antidote for our urban transportation malaise:

1. An independent physical plant of minimal unit cost and a capability for staged development which establish the plausibility of community acceptance.
2. Segregated rights-of-way in areas of potential traffic conflict and congestion to ensure speed, safety, and reliability.
3. Vehicles which are totally pollution-free today.
4. Versatility in operation and physical plant configuration making possible its exploitation as a fully integrated system for performing the roles of collection, line haul and distribution.
5. Engineering and design which are not locked into a given technology.

Together these factors offer a promise of early improvement and a footing for more distant technological achievement.

TABLE I.—EUROPEAN RAPID TRAMWAY DEVELOPMENTS

City	Population served	Current status [1]	Underground lines [2]	New extensions of surface lines [2]	Future role of metropolitan railways (heavy rapid transit)
Amsterdam	854,000	In operation	Plans not finalized	Plans not finalized	Plans not finalized.
Antwerp	700,000	do.	Under construction	Long-range possibility	Conversion to Metro is only long-range goal.
Basle	345,000	do.	do.	Planned	Rapid tramway only.
Belgrade	850,000	do.	do.		Long-range plans uncertain.
Bern	210,000	do.	In operation	Planned	Rapid tramway only.
Bielefeld	170,000	Under construction	Under construction		Do.
Bochum	1,117,000	In operation	Planned	Under construction Planned	Planned integration with Ruhr Valley high-speed network.
Bonn	300,000	do.	Under construction Planned	do.	Rapid tramway only.
Bremen	596,000	do.	do.	Planned	Long-range conversion plans.
Brussels	1,090,000	do.	In operation Under construction Planned	None	Conversion of urban lines but preservation of rapid tramway suburban feeders.
Charleroi	161,000	Planned	do.	None	Rapid tramway only.
Cologne	1,400,000	In operation	In operation Under construction Planned	Planned	Do.

Footnotes at end of table.

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[6] Radio transmitters carried on the rapid tramcars of Frankfurt, Germany, are preset at the start of a run to the assigned route number and automatically operate, in succession, the same wayside equipment by remote control.

TABLE I.—EUROPEAN RAPID TRAMWAY DEVELOPMENTS—Continued

City	Population served	Current status [1]	Underground lines [2]	New extensions of surface lines [2]	Future role of metropolitan railways (heavy rapid transit)
Dortmund	774, 00	In operation—continued	Planned—Continued	Planned	Planned integration with Ruhr Valley high-speed network.
Duisburg	496, 000	do	do	do	Do.
Essen	729, 000	do	In operation Under construction Planned		Do.
Frankfurt	1, 100, 000	do	In operation Under construction Planned	None	Hybrid Metro-Tramway plus rapid tramway.
Geneva	299, 000	Planned	do		Rapid tramway only.
Ghent	246, 000	do	do		Do.
Gothenburg	422, 000	In operation	None	Under construction Planned	Do.
The Hague	685, 000	do	do	do	Do.
Hanover	743, 000	do	Under construction Planned	None	Do.
Kosice	102, 000	do	None		Do.
Leipzig	850, 000	do	Planned		Do.
Leningrad	3, 300, 000	Planned	None		Both systems will be employed.
Ludwigshafen	173, 000	In operation	In operation Planned		Rapid tramway only.
Mannheim	330	do	None	Planned	Do.
Milan	1, 583	do	Favored but no specific plans	do	Conversion to Metro.
Oslo	483	do	In operation		Long-range conversion plans.
Rome	2, 500	do	Planned	Planned	Both systems will be employed.
Rotterdam	897	do	None	Under construction	Do.
Stuttgart	870	do	In operation Under construction Planned	do	Rapid tramway only.
Vienna	1, 780	do	In operation Under construction Planned		Long-range conversion plans.

[1] This refers to segments of each transmit system.

[2] All stages are indicated.

SOURCES: Modern Tramway, Ian Allan, Ltd., Shepperton, Middlesex, England, vols. 26 (1963) and 29–32 (1966–69). Reynaert, P., A Consideration of Underground Urban Transport Systems: Metropolitan Railway, Underground Tramway or Motorbus Tunnels?, a paper presented to the 37th International Congress of the International Union of Public Transport, Barcelona, 1967. Statistics of Urban Public Transport, The International Union of Public Transport, Brussels, Belgium, 2d edition, 1968. Tchebotarev, E. V., Study of New Systems of Public Transport: Air Cushion Vehicles, Conveyor-Belts, Monorails, Ropeways, etc., a paper presented to the 38th International Congress of The International Union of Public Transport, London, 1969. Van Der Gragt, F., Europe's Greatest Tramway Network, Leiden, Netherlands, E. J. Brill, 1968.

RETIREMENT OF NORMAN E. ROWLEY FROM SOIL CONSERVATION SERVICE

Mr. BELLMON. Mr. President, an Oklahoman who has gained a wide reputation as one of our State's most experienced and better known conservationists retired this month after 36 years of service with the Soil Conservation Service. I wish to join in the tributes that have been expressed in behalf of Norman E. Rowley, whose contributions as an educator and a dedicated promoter of wise soil and land use practices have earned him widespread respect and admiration.

Both his immediate superior, State Conservationist William L. Vaught, and State ASCS Director Harold Hunter have spoken highly of the work Mr. Rowley has done.

Mr. President, an article published recently by the Stillwater News-Press tells the story of Mr. Rowley's career. I ask unanimous consent that the article be printed in the RECORD in recognition of the accomplishments of this outstanding public servant.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORMAN ROWLEY DUE RETIREMENT

Norman E. Rowley, one of Oklahoma's most experienced and well known conservationists, will retire from USDA's Soil Conservation Service on March 12, according to State Conservationist William L. Vaught.

Vaught stated in making the announcement that Rowley's leadership, imagination and his unusual abilities in dealing with people had won him the respect of conservationists and others throughout Oklahoma and the entire nation.

Rowley is state resource conservationist on the State SCS staff in Stillwater, a position he has held since 1954.

A Roger Mills County native, the conservationist received his B.S. degree in agricultural education from Oklahoma State University in 1930. Following graduation, he taught vocational agriculture at Rush Springs and Tuttle for five years.

Rowley launched his 36-year-long career with the Soil Conservation Service at Broken Arrow. He has served as a soil conservationist, regional training officer, technician in land utilization projects, administrator for 26 soil erosion Civilian Conservation Corps Camps, assistant state coordinator, and assistant state conservationist. In addition to Broken Arrow and Stillwater, Rowley has been stationed at Salina, Kansas; Fort Worth, Texas; and Hugo and Oklahoma City, Oklahoma.

In his present position as state resource conservationist, he has staff leadership for conservation planning, plant science and biological science technology, research needs, recreational developments, and liaison responsibility with the Agricultural Conservation Program section of the Agricultural Conservation and Stabilization Service.

The Soil Conservation Society of America named Rowley a fellow of the organization at its 25th annual meeting in the summer of 1970. An SCSA member for 24 years, he was president of the Stillwater chapter in 1963 and president of the Oklahoma Council of SCSA Chapters in 1967.

He is a member of Lions International, Oklahoma State University Alumni Association, and Alpha Gamma Rho social fraternity.

The Rowley's have two daughters—Mrs. M. B. (Joyce) Woolsey, Chicago, Illinois, and Mrs. Henry (Diane) Featherly, Oklahoma City.

GOVERNOR OGILVIE'S MESSAGE ON CONSERVATION

Mr. PERCY. Mr. President, I invite the attention of Senators to the special message on conservation delivered to the Illinois General Assembly of Gov. Richard Ogilvie. Governor Ogilvie has launched a broad program for development of parks and recreation areas in the State. His message very appropriately points out that Illinois has 5.6 percent of the country's total population, but only one-half of 1 percent of the Nation's outdoor recreation lands. Illinois has devoted only 1.58 percent of its total land area to recreation purposes.

Through the Governor's program, however, the current budget request will allocate $20 million to park land acquisition. Seven new State parks have been opened and six more are named for development. To insure that valuable river valleys are preserved, proposed State legislation calls for a Scenic and Recreational Preserves Act to designate certain areas for protection against development that would damage their present qualities. The Governor has also called for new legislation to ban strip mining where reclamation is not possible and to toughen reclamation standards.

These State efforts are vitally important. They will not be enough, however. In my opinion, we must establish National Park Service areas within Illinois. Once these sites are authorized I shall do everything I can as the ranking minority member of the Interior Appropriations Subcommittee to see that they are appropriately funded.

I ask unanimous consent that Governor Ogilvie's message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

SPECIAL MESSAGE ON CONSERVATION, RICHARD B. OGILVIE, GOVERNOR OF ILLINOIS, TO THE 77TH GENERAL ASSEMBLY, FRIDAY, FEBRUARY 26, 1971

Nick slipped off his pack and lay down in the shade. He lay on his back and looked up into the pine trees. His neck and back and the small of his back rested as he stretched. The earth felt good against his back. He looked up at the sky, through the branches, and then shut his eyes. He opened them and looked up again. There was a wind high up in the branches. He shut his eyes again and went to sleep.—Hemingway, *Big Two-Hearted River*.

Nick Adams knew the feel of an outdoor moment. For him it was easy. He put on his pack and he walked and he was there.

For us, it is increasingly difficult. Our open spaces are too few and too far away. Their value is too often forgotten—even as we automate and computerize, adding hours of leisure to each week.

Two years ago, I pledged to protect our open spaces and to provide land for our leisure. Much has been accomplished. We are no longer quitclaiming our open spaces by inaction and neglect But much remains to be done.

It is, therefore, with urgency and some pride that I present to the General Assembly this message on the Administration's conservation program.

Only the state can provide the parks and open spaces our people need as we become increasingly urbanized. The counties and the cities are limited by geography. The federal government is limited to sites of national or historic interest.

For too long in Illinois, however, the state's critical role was neglected. The state failed to keep pace with the increasing needs and it failed to maintain existing parks. Almost at random, roads were built, rivers were dammed and streams were channelized. The public interest in open space was not protected.

Even if a governor had the fiscal means and wanted to do something for the state's park system, the only information he had was occasional and limited. He had no professional assessment of the needs and the resources necessary to meet those needs. Parks were acquired by political accident, not by professional plan.

As a result, Illinois parks deteriorated both in quantity and in quality. While the population grew and became more urbanized, the parks grew smaller and more rural. For ten years, the parks acquired by Illinois were small parcels that would have made nice county parks. Lakes were built, and a few local sportsmen were able to fish closer to home. Only one major acquisition was completed, and that was a strip-mine in Southern Illinois that will be difficult to develop into a usable park.

Meanwhile, near the growing population centers, available open space was blotted out by concrete and lookalike homes. What few parks were available were neglected.

By 1969, Starved Rock State Park, one of the few state parks within 100 miles of the state's most populous area, and fallen into ruin. Roads, trails, and campsites were crumbling. The legendary rock—which commands the Illinois River and the meadow where Pere Marquette celebrated the first Mass in Illinois—had become almost inaccessible.

Our state, one of the nation's leaders in virtually every significant social and economic index, ranked dead last in the number of park acres per capita. Although we had about 5.6 per cent of the total population, we had only one-half of one per cent of the nation's outdoor recreation lands. While the nation as a whole devoted 12.2 per cent of its land to recreation, Illinois dedicated only 1.58 per cent.

Also contributing to the need for immediate action were the backward geography of the existing parks and the rapidly increasing cost of vacant land. What few parks we did have were unreachable. Six million Cook County residents had their choice of three parks—Illinois Beach, Chain O'Lakes, and McHenry Dam, with 3,435 acres—while 121,000 residents of six rural counties could choose from five parks with 3,763 acres.

The number of city and suburban residents was growing. Across the state, nearly 96 per cent of our population growth was being registered in our urban areas, and more than 80 per cent of our people lived in these areas. More of their time was devoted to leisure and recreation. When compared with national averages, Illinois' urban residents were younger, had greater disposable income, and worked in occupations which permitted more leisure.

While the leisure hours grew, the cost of a place to enjoy them was soaring. Any open space is a prize to be protected. But in our urban areas, the protection becomes more difficult. Increasing at an annual rate of seven per cent, the value of land now doubles every ten years. In most areas, the pace is even quicker. Farmland on the urban fringe can be expected to increase in value by 10 to 15 per cent each year, pushing up the cost of park acquisition 100 per cent in only seven years.

Faced with these facts, our job was clear. We undertook the most aggressive park land acquisition program in the nation. We multiplied our efforts to develop and maintain our parks. And we professionalized the management of Illinois' natural resources.

LAND ACQUISITION

In the first full fiscal year of my administration, we spent $14.2 million for park acquisition. In the current year we will spend $18.1 million for parks. In the next budget, we will present another request for more than $20 million to continue our acquisition program.

These investments in the environment constitute the most aggressive land acquisition program ever undertaken in Illinois, or in any other state. As of today, we have added 41,456 acres to the state's park system, an increase of more than 35 per cent, in two years. The $20 million in the 1972 budget will allow acquisition of another 17,000 acres.

Through this program we are bringing parks closer to the people. We are expanding recreational opportunities, and protecting important ecological phenomena.

Until we began, the areas with the highest population had the fewest parks. A four-sided area stretching from Chicago to Danville to Springfield to Rockford had more than 80 per cent of the population, but less than 22 per cent of the park acreage. Of the 41,000 acres we have acquired, more than half are within a two-hour drive of metropolitan Chicago.

To relieve the congestion that was destroying Starved Rock State Park, we purchased 2,200 nearby acres along the Illinois River. This additional acreage provides a total of 8,000 acres for camping, hiking and boating. The acquisition will further protect the scenic beauty of the Illinois River.

Lake DePue in Bureau County will provide excellent boating, hunting and fishing immediately adjacent to Interstate 80 and close to several population centers.

The acquisition of the Silver Springs State Park, a 1,314-acre tract in Kendall County, will also add to the open space in Northern Illinois. The existing facilities in this beautiful area along the lower Fox allowed us to open the park for daytime use and nature study without extensive development. This park has already become an environmental classroom for schoolchildren.

We are nearly doubling the state-owned shoreline of Lake Michigan, adding 2.7 more miles of precious lakefront at Illinois Beach State Park, the state's most heavily used park. We now have six miles of beach and dunes along the lakeshore there. Another 248 acres will be added to Illinois Beach when the National Guard vacates Camp Logan.

At Chain O'Lakes State Park, we are adding 2,000 acres to the existing park and conservation area, increasing the total available land up to 6,700 acres, including the state's largest camping facility. These new acres will add new fishing ponds and will protect against overcrowding this popular park.

We have also protected important ecological phenomena from the bulldozer. In 1969, the only virgin prairie left in the Midwest was in danger of becoming an industrial park. Now it is a state park. The acquisition of Goose Lake Prairie will give succeeding generations a look at the grassy swales that once prevailed in many areas. In the coming months, we will be acquiring additional land around the prairie to accommodate the many visitors expected at this remarkable site.

In the Castle Rock area, picturesque formations on the upper Rock River were similarly endangered. These also were acquired. Although immediate development is not necessary, inaction would have made subsequent development impossible.

Near McHenry, we are acquiring Lake Defiance, an unspoiled 90-acre glacial lake containing a rare leatherleaf bog and several natural marshes which provide excellent wildlife habitat and spawning ground for northern pike. We also acquired enough land around the Volo Bog to protect the state's only mature tamarack forest, as well as the unique Wilson and Brandenburg bogs.

With the help of the special concern of this Assembly and the federal government, most of the Edgewater site in Chicago was saved from the developers. This is the most significant state contribution in history to open space in the city itself.

Other acquisitions have made small existing parcels into viable parks or added to our inventory for future development. In McLean County we added 843 acres to a county conservation area to allow development as a modern, multi-purpose state park.

In Calhoun County, we acquired 1,231 acres of frontage on the Mississippi River. The recent acquisition of additional property at nearby Pere Marquette State Park makes immediate development of this new land unnecessary, but it is an excellent investment in the future, near the growing population of the Metro East area. After years of public demand, Horseshoe Lake in the heart of the Madison-St. Clair population center is finally being acquired and developed.

In Southern Illinois, we are making a special effort to realize the potential of the great reservoirs of Carlyle, Rend Lake and Shelbyville. Development of parks and recreation facilities along their shores will provide access which multiples the opportunity to explore and enjoy these great, unfolding lakes.

These examples demonstrate the kind of investments we are making to expand recreational opportunities for the people of Illinois. We have added more park land in the last two years than the state acquired in the previous 12 years. At a time when our people see their great natural environment deteriorating around them, there is no more far-sighted investment we can make.

DEVELOPMENT AND PLANNING

Already we have opened seven new state parks. Next month, we will request an appropriation that will allow us to open six more.

At the same time, we have been expanding and rebuilding the facilities at existing parks. Long neglect made immediate action essential to preserve and restore our existing properties.

In undertaking these projects we have employed planning that will produce maximum benefit to the people of Illinois. Development alternatives are now evaluated by a planning staff trained to obtain a maximum recreation return on the investment in land.

Traditionally, the plans developed by the state have too often been based on the needs of the people *managing* the parks rather than on the needs of those *using* the parks. We will not permit that to happen any more in Illinois. I have ordered the planning staff in the Department of Conservation to anticipate public recreation needs and to plan our development program to meet them.

The University of Illinois is now developing for the department a comprehensive, long-range plan for acquisition and development of state parks. Detailed data on park use, land prices and population density are being gathered and analyzed. From this base we will be able to make the decisions that will protect our open spaces for generations to come.

The most immediate needs are already being met. At Starved Rock, for example, the roads, trails, picnic areas and camping facilities will be rebuilt by the time the summer season opens.

In other parks, more than 2,800 new hard-surface camping pads have been installed to meet the increasing demands of campers. New roads have been built at 18 state parks and conservation areas. Sewage treatment plants have been completed at two major parks, and another five are under design. Modern toilet facilities are under construction in 18 parks.

More far-reaching developments are also proceeding. A new dam was recently completed at Morrison-Rockwood State Park to provide another fishing lake, and another dam is under construction at Sam Parr State Park.

Early development at the massive Carlyle Reservoir is already under way, including camping, boating and picnic facilities. Similar development will begin this spring at two other reservoir sites—Shelbyville and Rend Lake. We have also added more than 4,000 acres of wildlife habitat in the waterfall areas below various dams.

In the coming year, new facilities will be installed at seven new parks, including a new dam and lake in DeKalb County, an interpretive education building at Goose Lake Prairie, and new campgrounds and picnic facilities at Silver Springs. At ten existing parks, we will repair roads that were built in the 1930s and which are so impassable during spring thaws that the parks must be closed. Campground improvements will be installed at six parks. Development will continue at the three large federal reservoirs, including boating and campground facilities.

PROFESSIONAL STAFFING

Additional acres and vigorous plans are not enough. To complete the job of protecting our open spaces, we also need a dedicated, professional staff. In two years, we have established new positions and new standards which will guarantee protection for our natural resources.

Our superintendent of parks is a professional park administrator. He has hired 11 district managers, all with bachelor of science degrees in forestry, landscape architecture or an allied field. All have at least three years experience in park management. New standards have also been established for park rangers, the men in charge of each park's operations.

Our planning staff is equally qualified. Its dedication is to the future and its talent will allow us to obtain maximum benefit for our land acquisition dollar.

LEGISLATION

From this Assembly we will request enactment of the appropriations necessary to carry out this program. In addition, I propose the following legislation to complement the state's acquisition efforts.

1. Preservation of scenic and recreational areas

We cannot preserve all of our important open areas by a state acquisition program. The job is too big; there are not enough funds to do it all at once.

But we can act now to prevent exploitation of remaining scenic and recreational areas of Illinois. I propose that we start this year by enacting a Scenic and Recreational Preserves Act, in which this Assembly designates certain scenic and recreational river valleys and prohibits further development damaging their present qualities. Other states have done this successfully, and recent court decisions have upheld this exercise of the police power for the benefit of future generations.

The designation of extensive areas for preservation requires the sort of policy determination that should be made by this Legislature, as contemplated by the law I propose. The act will also vest the Department of Conservation with authority to administer the restrictions on development, under standards set by the Legislature.

On the advice of the Department of Conservation, I recommend that we begin with the still-scenic reaches of the Fox, Embarass, Apple, Rock, Kankakee, Mackinaw, Lusk and Spoon rivers. I also recommend that the historic Illinois and Michigan Canal be preserved as a unique resource for hiking, boating and bicycling.

2. Authority to take scenic easements

Preservation of scenic and historical qualities and prohibition of the development of open lands can be accomplished in many cases by taking easements which control less than full, fee-simple ownership of the land.

The extent of the state's authority to acquire such easements is presently unclear. This authority should be clarified and expanded, and the Department of Conservation should be given power to take easements by condemnation, just as it has power of condemnation to take fee ownership.

3. Stronger strip mine reclamation

The state's and the public's concern with strip mining is natural and compelling. We are increasingly aware of the extensive acreage in Illinois that is scarred with unnatural ridges and denuded slopes—a bleak and barren land. Trees cut. Shrubs and grass stripped. Topsoil scraped away. Flooding aggravated by the run-off. Mine acids which sour streams and ground waters.

It is true that most of this unsightly landscape was exploited and despoiled before Illinois enacted legislation to require reclamation. But in our determination to improve the environment and to insist on better care and use of the land, we must reexamine and improve our program of regulation to secure maximum practical enhancement of reclaimed areas for agriculture, forestry, wildlife habitat and recreation.

If we do not arrive at an improved program of strip mine regulation and reclamation—practical and enforceable—then we would face the alternative of banning surface mining altogether—an alternative being pressed seriously in other states.

I am therefore proposing strip mine reforms. They will ensure that stripped land is returned to productive use. New legislation would eliminate forever creation of incurable scars on our land by providing power to ban strip mining entirely in areas where satisfactory reclamation is impossible. It would also toughen land reclamation standards, requiring restoration of natural topography and retrieval of original value.

We can all share a measure of pride in what we have accomplished in the past two years. We turned from neglect to action—action that someday will help our children feel the thrill and know the renewal that Nick Adams found.

When we take the journey to nature, each of us, with Thoreau, may "step to the music which he hears, however measured or far away." But to preserve that opportunity for individual self-renewal through nature, we must joint together and act now.

I hope you will join with me to sustain the momentum we have started and to achieve the new initiatives which I propose.

THE GYPSY MOTH

Mr. BYRD of West Virginia. Mr. President, the hardwood forests of West Virginia and nearby States are in grave danger from the gypsy moth, an insect that strips hardwood trees of their leaves.

Mr. President, this harmful insect was imported into Massachusetts in the 1800's. The moth, being in a climate colder than its native home, was slow to reproduce. However, the insect did adapt to the northern climate and soon became a villain to hardwood forests. By the time the insect had become economically damaging, lead arsenate was in widespread use as a pesticide and was effective in controlling the moth. But this solution was to be short-lived. Labor costs increased and the moth began to show signs of immunity to the pesticide.

The next weapon that came into use was DDT, and the control goal became one of eradication. DDT proved so effective that the insect was eradicated from New Jersey in the mid-1950's and it was thought that the moth would be driven into the ocean.

Then came the public controversy over the use of DDT and its dangers to the environment. When the aerial spraying of DDT was discontinued, the gypsy moth again proliferated.

To date, no truly effective and safe insecticide has been found to combat this insidious threat to our forests.

As the moth moves southward, it more nearly approaches the climatic conditions of its native home. The increased activity that can be expected of the insect in a warmer climate could spell disaster for West Virginia's hardwood forests. Many of our trees are in poor vigor anyway, due to drought and other conditions; and a single defoliation, resulting from the moth, could result in the death of the hardwoods.

Mr. President, the research and control dealing with this problem are split between the Agricultural Research Service and the U.S. Forest Service. These agencies have jointly developed a 5-year research program that should provide the solution to the control problem. The proposed program could be implemented for $825,000 a year for 5 years. Planning would require $425,000 for the first year, including $275,000 for the Forest Service and $150,000 for the ARS. The second year, an additional $400,000 would be added to make up the total of $825,000. This would be needed for 3 additional years and would be split on the basis of $550,000 for the Forest Service and $275,000 for the ARS.

To the great disappointment of all of us who are greatly concerned about this threat to our hardwood forests, budget officials have chosen to delete any requests in the fiscal year 1972 budget for this vital research program.

We cannot sit back and invite a disaster to the hardwood forests of the Eastern United States. Excellent laboratory facilities are available and the researchers of the ARS and the Forest Service are ready to embark on the task at a moment's notice. The 5-year crash research proposal is the product of over 2 years of preliminary thinking by the people who would ultimately handle the project. All are confident of success.

I plan to do all that is in my power to see that proper funding for this essential research is provided. I shall be alert to the need for appropriations in this direction when the pertinent bills are before the Appropriations Committee.

The amount of money needed for this project is negligible when compared with the devastating economic losses that will be incurred if the gypsy moth is allowed to attack our precious hardwood forests.

The gypsy moth is already out of control. The hands of the ARS and Forest Service are tied until the funds are made available. A response must come that will enable us to control this dangerous pest.

ARMED FORCES DAY COMMUNICATIONS TESTS

Mr. GOLDWATER. Mr. President, because of my longstanding interest in amateur radio operations I should like to take this occasion to call the Senate's attention to the 1971 Armed Forces Day communications tests. Each year, Mr. President, on the third Saturday in May, the Department of Defense sponsors the observance of Armed Forces Day. As a part of this observance the Departments of the Army, Navy, and Air Force annually conduct communication tests designed to demonstrate to the world the close partnership and mutual respect enjoyed between U.S. amateur radio operators and the U.S. military. This year's program will be conducted on Saturday, May 15, 1971, and all licensed radio amateurs are encouraged to participate.

The radio amateur's contributions to communication training, international good will, military morale, and emergency services are recognized by every echelon of the military services. The Armed Forces Day communication tests are designed to be a tangible demonstration of the firm and longstanding Department of Defense policy to encourage and support amateur radio activity. On this 22d observance of Armed Forces Day, all radio amateurs are invited to participate and demonstrate to the world the close partnership and mutual respect that U.S. amateurs and U.S. military enjoy.

Once again this year, several military radio stations will participate in communication tests which include military-to-amateur crossband operations and receiving contests for both continuous wave—CW—and radioteletypewriter—RTTY—modes of operation.

Special QSL cards confirming crossband communications will be forwarded to those amateurs who establish two-way contact with participating military stations. Certificates will be awarded to those who aptly demonstrate their operating ability and technical skill by receiving a perfect copy of the Secretary of Defense originated "CW" and/or "RTTY" message transmitted during the receiving contest portion of the communication tests. Interception by short wave listeners—SWL—will not qualify for a QSL card in confirmation of crossband communications. However, anyone who has the equipment and abilities may copy the Secretary of Defense messages and receive a certificate.

MILITARY-TO-AMATEUR CROSSBAND TEST

Military radio stations WAR, NSS, NPG, and AIR will be on the air from 15/1400 GMT to 16/0245 GMT. During this test of crossband operations, the military stations will transmit on specified military frequencies while amateur stations will transmit in the indicated portions of the amateur bands. Contacts will consist of a brief exchange of locations and signal reports. No traffic handling will be permitted.

Station	Military frequency KHz unless otherwise noted	Emission	Appropriate amateur band (MHz)
WAR (Army Radio Washington, D.C.)	4001.5	CW	3.5 – 3.8
	6997.5	CW	7.0 – 7.2
	14,405	CW	14.0 – 14.2
NSS (Naval Communication Washington, D.C.)	3385	CW	3.5 – 3.65
	4012.5	RATT	3.65– 3.8
	4040	LSB	3.8 – 4.0
	6970	LSB	7.2 – 7.25
	[1] 7301	CW	7.1 – 7.2
	7380	RATT	7.0 – 7.2
	7385	CW	7.0 – 7.1
	13,827.5	RATT	14.0 – 14.1
	14,385	USB	14.2 – 14.35
	14,400	CW	14.0 – 14.2
	[2] 21,500	CW	21.0 – 21.25
	[3] 27,900	USB	28.5 – 29.7
	[3] 49,692	AM	50.1 – 54.0
	[3] 143,820	AM	144.0 –146.0
NPG (Naval Communication Station, San Francisco, Calif.)	4001.5	LSB	3.8– 4.0
	4005	CW	3.5– 3.65
	4016.5	CW	3.65–3.8
	6971.5	CW	7.0– 7.1
	7301.5	LSB	7.2– 7.3
	7365	CW	7.1– 7.2
	7347.5	RATT	7.0– 7.2
	13,922.5	RATT	14.0–14.1
	14,356	LSB	14.2 –14.275
	14,375	CW	14.1 –14.2
	14,389	LSB	14.275–14.35
	20,983	CW	21.0 –21.15
	21,475	CW	21.15 –21.25
	21,600	LSB	21.25 –21.45
	[4] 143.700MHz	AM	144 –148
	[5] 148.410MHz	FM	144 –148
AIR (Air Force Radio, Washington, D.C.)	4025	LSB	3.8 –4.0
	7305	LSB	7.2 –7.3
	7315	CW	7.0 –7.2
	13,995	CW	14.0 –14.2
	14,397	USB	14.2 –14.35
	20,994	CW	21.0 –21.1
	[6] 143.950 MHz	AM	144 –146

[1] To be operated from 15/1400 G.m.t. to 15/2200 G.m.t.

[2] To be operated from 15/2200 G.m.t. to 16/0245 G.m.t.

[3] Provided it is consistent with operational and training commitments, this frequency will be keyed from a U.S. Navy aircraft flying between Washington, D.C., and Maine, during the major portion of the time allotted for military to amateur crossband contacts. The call sign NSSAM will be utilized on the aircraft.

[4] Provided it is consistent with operational and training commitments, this frequency will be keyed from a U.S. Navy aircraft flying between San Diego, Calif., and Seattle Wash., during the major portion of the time allotted for military to amateur crossband contracts. The call sign NPGAM wil be utilized on the aircraft.

[5] To be operated from Mt. Diablo.

[6] Provided it is consistent with operational and training commitments, this frequency will be keyed from a U.S. Air Force aircraft flying between Virginia, and Maine, during the ma'or portion of the time allotted for military to amateur crossband contacts.

CW RECEIVING CONTEST

A "CW" receiving contest will be conducted for any person capable of copying International Morse Code at 25 words per minute. The "CW" broadcast will consist of a special Armed Forces Day message from the Secretary of Defense addressed to all radio amateurs and other participants. The schedule for this broadcast is as follows:

Time	Transmitting station	Frequencies (KHz)
May 15, 1971:		
16/0300 G.m.t.	WAR—Army	4001.5, 6997.5, 14,405.
15/2300 EDST	NSS—Navy	3385, 7385, 14,400 21,500.
15/2000 PDST	NPG—Navy	4005 6971.5, 14,375, 20,983.
	AIR—Air Force	7305, 13,995.

RTTY RECEIVING CONTEST

A radioteletypewriter "RTTY" receiving contest will be conducted for any individual amateur or station possessing the required equipment. This is a test of the operator's technical skill in aligning and adjusting his equipment, and serves to demonstrate the growing number of amateurs becoming skilled in this method of rapid communications. The "RTTY" broadcast will consist of a special Armed Forces Day message from the Secretary of Defense to all radioteletypewriter enthusiasts. The message will be transmitted at 60 words per minute in accordance with the following schedule:

Time	Transmitting station	Frequencies (KHz)
May 15, 1971:		
16/0335 G.m.t.	WAR—Army	4001.5, 6997.5, 14,405.
15/2335 EDST	NSS—Navy	4012.5, 7380, 13,827.5.
15/2035 PDST	NPG—Navy	7347.5, 13,922.5. 21,600, 148.410 MHZ, FM.
	AIR—Air Force	7305, 13,995.

SUBMISSION OF COMPETITION ENTRIES

Transcriptions should be submitted "as received." No attempt should be made to correct possible transmission errors.

Time, frequency, and call sign of the station copied as well as the name, call sign—if any—and address of the individual submitting the entry must be indicated on the page containing the text. Each year a large number of perfect copies are received with insufficient information, thereby precluding the issuance of a certificate.

Completed entries should be submitted to the Armed Forces Day Contest: ATTN: Chief, Air Force MARS, Headquarters, U.S. Air Force (PRCOM), Washington, D.C. 20330, and postmarked no later than May 31, 1971.

PENTAGON CONCEALS FACTS ON $3 BILLION ELECTRONIC BATTLEFIELD

Mr. PROXMIRE. Mr. President, the Pentagon is concealing essential facts regarding its expenditure of more than $3 billion on the electronic battlefield.

Recent Pentagon testimony before a Special Senate Armed Services Subcommittee, merely lifts a corner on the veil of secrecy which has surrounded this program from its inception.

The subcommittee, which is ably chaired by the Senator from Nevada (Mr. CANNON) concluded in a report released March 1, that $3.25 billion has been spent thus far on the program, which in its Southeast Asia application utilizes sensors, laser target designators, and a wide variety of data relay and processing devices to improve battlefield surveillance of enemy movements.

The Defense Department has concealed the facts concerning the overall costs, the intended future costs, and the present ineffectiveness of this program.

When I charged last summer that over $2 billion had already been spent on these then undefined electronic battlefield programs, I was accused of exaggeration. It now seems clear that my estimate was too conservative.

But even this new estimate of $3.25 billion may not include various Army research and Air Force munitions costs, or all the costs of supplying the South Vietnamese and other countries with electronic systems.

It admittedly does not include almost $700 million originally appropriated for electronic battlefield systems but later reprogramed by the Pentagon for totally unrelated work.

I am disappointed that the Pentagon failed to disclose more than barest outlines of its plans for developing new surveillance systems for application in other areas of the world.

One Pentagon witness speculated about the use of sensors for broader surveillance and the countering of large-scale enemy forces in Europe.

On which side of the border do we propose to deploy these sensors, at what cost in increased international tensions, and for what intelligence gains in this clearly nonjungle environment?

And do we really propose to turn the whole battlefield into a seismic or acoustic Christmas tree, at what costs both in sensors and data-processing gear, and at what risks if a central computer should suddenly break down or be eliminated by enemy attack?

I do not object to the pursuit of programs which increase battlefield intelligence of enemy tactics. But we must guard against mindless applications of new technology just because it exists, applications which have little or no chance of success.

I question the Pentagon's assertions that Southeast Asian applications of sensor technology have been uniformly successful. The McNamara Wall—a sensor and obstacle course barrier system along the DMZ—was abandoned as a failure soon after it was initiated.

And how about the alleged success of the Air Force sensor system, designed to impede, enemy supply shipments down the Ho Chi Minh trail through Laos?

The best indication of the effectiveness of this system would be proof that it has succeeded in reducing the movement and supplies from one end of the trail to the other. There is no concrete evidence of a reduced flow cited in Air Force testimony.

And why if this system has been so effective in disrupting enemy supply lines are we now engaged in the support of South Vietnamese ground operations designed to disrupt those same supply lines?

It is imperative to have close congressional scrutiny of future electronic battlefield expenditures.

While wartime conditions in Southeast Asia may perhaps have justified some of the secrecy and some of the trial and error experimentation which have characterized the initiation of this program, there is no reason whatsoever why we cannot now proceed far more visibly and far more cautiously in its continued development.

Mr. President, the special Armed Services Subcommittee established last summer to study the Defense Department's electronic battlefield program recently issued a report on the results of its investigation. That report, together with the hearing transcript on which it was based, at least lifts the corner on the veil of secrecy which has surrounded this program from its inception.

I am gratified that many of the basic facts surrounding this program have now been placed in the public record. Better information regarding the program was my primary objective when I raised it as an issue on the floor last year. Press reports had come to my attention indicating that up to $2 billion had already been invested in the program, despite the fact that few Members of Congress knew very much about it or were even aware of its existence. I did not want to prejudge the merits of the program. But I did feel it was high time, especially in light of claims that the program would ultimately revolutionize modern warfare, that the American people learned some basic facts about it.

What exactly was the program? How much had we actually spent upon it? How effective did it appear to be? What future applications were foreseen, where, by whom, and at what costs?

Thanks to the work of the distinguished Senator from Nevada (Mr. CANNON) and the other members of the special subcommittee, some of these questions can now be answered. They did a marvelous job of uncovering information and making it available to us.

Regretfully, however, I cannot myself share the great enthusiasm about the program reflected in the subcommittee's report. My own reading of that report and the hearing transcript leads me to the following conclusions:

That the electronic battlefield program is not so much a single program as a series of separate technologies and programs with a common objective, the instrumented or electronic battlefield of the future;

That not just $2 billion, but far in excess of $3 billion—more, in fact, than the subcommittee itself uncovered—has been spent to date in pursuit of this objective;

That while some of this money has been spent productively, even more has perhaps been wasted, especially the funds devoted to the Air Force anti-infiltration program, which itself should be the subject of further investigation;

That future program costs may be far more than the approximately $150 million per year estimated by the subcommittee; and

That both the Defense Department and the Congress face a major challenge in the years ahead in seeing to it that new electronic battlefield technologies and programs are managed and monitored effectively.

Let me now indicate in greater depth the facts on which these conclusions are based.

THE SCOPE OF THE ELECTRONIC BATTLEFIELD PROGRAM

One of the obvious and uncontested facts now on the record is the fact that there is no electronic battlefield program as such. Instead, an instrumented or electronic battlefield is the ultimate objective of a series of separate technologies and programs with a common conceptual goal. That goal, expressed simply, is to "find and fix the enemy."

First. DCPG systems. One set of programs is the sensor-aided combat-surveillance systems developed in the past 5 years by the Defense Communications Planning Group—DCPG—an Office of the Secretary of Defense level organization which to date has had primary responsibility for our sensor-related activities. While its own staff and direct expenditures have been small, it has had the authority to require the military services to follow its directives and to set aside large portions of their individual budgets in support of its sensor programs.

The DCPG has developed several sensor-aided systems. All of them consist basically of the following components: detection devices, in the form of seismic or acoustic sensors, which pick up the movement of enemy vehicles or troops; communications links, usually radio, from the sensors to readout devices; the readout devices themselves, which receive sensor transmissions and show when individual sensors are picking up potential targets; and various types of data handling equipment to assist in counting the targets and determining their direction and rate of movement.

The two most important systems developed by the DCPG are the ground tactical system of the Army and the air-supported anti-infiltration system of the Air Force, both now deployed in South Vietnam.

The former is used to protect our fire bases and other fixed-point installations from possible enemy attack. Sensors are ground emplaced along the often very limited access routes to these installations, and their activation serves as a warning of impending enemy actions.

The latter system is designed to monitor the movement of enemy trucks and supplies down the Ho Chi Minh trail in Laos. It is by far the more complicated of the two systems. Its sensors are air-delivered by specially equipped planes. Specially developed airplanes are used for data-relay purposes. Data interpretation is handled by a highly computerized ground facility operated by several hundreds of men, and special munitions have been developed for use against targets identified by the system.

Second. Individual service programs to date. DCPG-directed programs have been specifically designed to improve our sensor-aided combat system capabilities in Vietnam itself. Already, however, the services have been at work designing sensor programs of their own with worldwide applications. They have also been developing other kinds of technology designed to "find and fix the enemy." While the Navy has been relatively quiescent in this regard, the Army and the Air Force have been quite active.

ARMY

The Army, for example, has established a surveillance, target acquisition, and night observation—STANO—program, where it is working on such things as night vision systems, thermal imaging, and new kinds of radar, together with observation planes and helicopters incorporating these devices.

The Army is also concerned about its ability to integrate into useful information the increasing variety of data turned up by its new devices. As Army witnesses testified before the subcommittee, present Army information processing procedures are essentially manual in nature, with usable information reaching high level commanders only after it is hours old. To better enable it to accommodate the increasing information it expects to receive in the future, the Army is prepared to embark on the development of its integrated battlefield control system, its version of the electronic battlefield of the future.

Unfortunately, virtually all details regarding this new system have yet to appear on the public record. The subcommittee contended itself with public disclosure of the fact that this program "is presently in the concept formulation stage" and that several "ongoing programs for tactical automated data processing systems are to be integrated into the overall concept, such as TOS, TACFIRE, TSQ–73, and SAFOC." Even these ongoing programs, however, are referred to only by acronym. Not a word of explanation is publicly offered about them.

AIR FORCE

The Air Force, meanwhile, has itself been pursuing work on new kinds of detection devices, highly classified in nature, as well as work on the development of laser target designators, laser guided bombs, and other special types of munitions integral to its future surveillance programs.

It, too, is looking forward to worldwide application of its sensor systems. Deemed necessary for this are battery design improvements to allow operation in colder weather, the identification of a frequency band which will allow worldwide applications, new relay platforms less vulnerable to enemy action, protection in communications against the jamming techniques of more sophisticated enemy devices, and a variety of improved sensor-delivery and data-relay aircraft.

Such then in brief scope are the major technologies and programs designed to bring us to the age of the electronic battlefield. Many of them remain shrouded in secrecy, but at least their outlines are now on public record. Perhaps some inkling of their future potential and costs can be gathered from an analysis of present systems to date.

THE COST OF ELECTRIC BATTLEFIELD PROGRAMS TO DATE

When I charged last summer that over $2 billion had already been spent on these then undefined electronic battlefield programs, I was accused of exaggeration. It now seems clear that I was quite conservative, and that no one in Congress had the faintest idea of just how much we had invested in them. Let us examine the record on this score.

First. DCPG systems. These systems alone, as indicated in the tables below, taken from the subcommittee report, have consumed about $1.7 billion in tax dollars:

BUDGET DISTRIBUTION, BY SYSTEMS

[In million of dollars]

	Fiscal years					
	1967	1968	1969	1970	1971	5-year total
Conventional barrier system	15.6	16.9	2.3	0.3	4.3	39.4
Air-supported system	137.4	182.4	175.6	92.4	118.8	706.6
Ground tactical system		12.1	174.2	81.1	128.8	396.2
Munitions	177.0	212.6	59.6	39.2	50.0	[1] 538.4
Total	330.0	424.0	411.7	213.0	301.9	1,680.6
Budget distribution, by military service:						
Army	165.6	222.4	160.7	52.2	99.3	700.2
Navy	65.4	40.6	24.4	22.0	25.9	178.3
Air Force	91.7	138.6	210.1	124.3	161.0	25.77
DCPG Headquarters	7.3	22.4	16.5	14.5	15.7	76.4
Total	330.0	424.0	411.7	213.0	301.9	1,680.6
Budget distribution, by appropriations category:						
R.D.T. & E.	51.6	88.8	66.5	41.2	45.0	293.1
Procurement	250.2	300.2	301.6	117.3	203.7	1,173.0
O. & M.	10.5	35.0	43.6	54.5	53.2	196.8
MILCON	17.7					17.7
Total	330.0	424.0	411.7	213.0	301.9	1,680.6

[1] Associated with the air-supported system.

In a very real sense, they have cost us even more. Originally, over $2 billion was appropriated for these systems. According to the subcommittee's report, however:

> **As the program developed and more knowledge became available, it was possible for the DCPG to return $678 million of the $2.348 billion that was appropriated for the program.**

But where were these funds returned? Not to the taxpayers, one can rest assured. Instead these almost $700 million of DCPG-controlled funds in the services' budgets were given on a no-strings-attached basis to the services themselves, who programed them for work not requested in their original budgets.

Which leads one to a question asked repeatedly during the hearings by a subcommittee interrogator but unfortunately not followed up on in the hearing report:

> **Why could these funds not have been retained by the DCPG and used to reduce its budget request for the following fiscal year instead of being returned outright to the services?**

That, of course, would have been the best way to pass these alleged savings to the taxpayer.

Second. Individual service programs. But this $1.7 billion—or $2.4 billion—in DCPG funds is only a part of total expenditures to date on electronic battlefield programs.

The subcommittee also uncovered an additional $1.1 billion of Army STANO expenditures, $450 million of Air Force expenditures, and $2 million of Navy funding as well, as indicated in the following table from its report.

ARMY—STANO FUNDING

[In millions of dollars]

	1967	1968	1969	1970	1971	Total
R.D.T. & E:						
Total	72.0	102.4	78.2	49.9	44.0	346.5
DCPG	(20.7)	(30.0)	(21.8)	(9.2)	(10.0)	(91.7)
PEMA:						
Total	305.7	422.8	337.0	159.9	172.2	1,397.6
DCPG	(144.9)	(192.4)	(131.4)	(35.4)	(78.0)	(582.1)
OMA						
Total	0	6.9	7.5	11.2	17.5	43.1
DCPG	0	0	(7.5)	(7.6)	(9.3)	(24.4)
Total	377.7	532.1	422.7	221.0	233.7	1,787.2
DCPG	(165.6)	(222.4)	(160.7)	(52.2)	(97.3)	(698.2)
Other than DCPG						1,089.0

Note: The figures for DCPG in parenthesis are a part of the total funds in the figure listed directly above each parenthetical figure.

AIR FORCE—NON-IGLOO WHITE SENSOR AND SENSOR-RELATED ITEM COSTS

[In millions of dollars]

	Fiscal years					
	1967	1968	1969	1970	1971	Total
Tropic moon I, II, III (A-1E/B-57G)	1.4	30.1	47.4	0.2		79.1
Laser target designator	5.8	4.5	12.3	1.7		24.3
Laser, guided bomb	2.1	6.1	25.7	23.7	42.2	99.8
Gunships (AC-47/119/130)	7.9	119.3	38.1	72.3		237.6
Black spot (C-123)	7.8	.6	1.0			9.4
Total	25.0	160.6	124.5	97.9	42.2	450.2

NAVY—REMOTE SENSOR PROGRAM FUNDING ALLOCATIONS

	R.D.T. & E.	OPN
Fiscal year—		
1969	[1] $600,000	
1970	[2] 920,000	[3] $560,000

[1] Riverine and special warfare.
[2] Riverine and special warfare (TSOR 38-17).
[3] Procurement of MIDS.

Note: Use of funds (planned).

Taken together, these programs yield total costs to date of $3.25 or $3.95 billion on electronic battlefield programs, depending on how one treats the almost $700 million of excess DCPG funds.

The subcommittee is to be congratulated for digging deep, finding these additional costs, and making them known to the Congress and the public.

But even these figures may not be complete. Perhaps answers to at least some of the following questions would yield additional costs which should justifiably be included in a record of those costs.

First. How much have we spent on TOS, TACFIRE, TSQ-73, and SAFOC, on-going programs ultimately to be incorporated into the integrated battlefield control system? These programs may not themselves produce additional surveillance data, but if they are needed to make adequate use of data produced by other programs they must be regarded as an integral part of our "find the enemy" programs.

Second. At present approximately 50 percent of the sensors in the ground tactical system in Vietnam are controlled by the South Vietnamese, and Navy and Air Force items are also being turned over to them. The subcommittee report indicates that the $301 million fiscal 1971 budget for the DCPG included support for the sensor requirements of the Vietnamese Armed Forces. What have been the total costs to date of equipping the South Vietnamese Government with ground and air sensor capabilities and other related technologies—not only the sensors themselves, but delivery, communications, readout and data processing capabilities, associated munitions, and STANO-type items—and if all of these costs have not been included in the fiscal 1971 and prior DCPG system budgets, where have they been funded?

Third. To what governments or other entities in addition to the South Vietnamese have sensor capabilities and related items been made available? What costs have these programs entailed and where have they been funded?

Fourth. I also wonder whether all separately funded Air Force surveillance expenditures have been included in reaching the $450 million Air Force total. The variety of special Air Force items referred to in the course of testimony by Air Force witnesses is almost mind-boggling, but let me raise two particular points:

On page 164 of the hearing transcript there is a table covering several Air Force munitions, referred to in the text above the table as surveillance capability-related and exclusively Air Force funded That table, reproduced below, shows munitions costs of almost $100 million.

[Dollars in millions]

Munition	Development cost	Procurement cost	
		Fiscal year	Amount
CBU-24/49	$1.32	1969	$1.14
CBU-46	.7	1969	33.0
CBU-52	1.263	1969	7.0
CBU-38	1.3	1970	3.37
CBU-58	.25	1970	46.695

Have these costs been included in the table depicting $450 million in separate Air Force expenditures, and if so, in which of the five line items of that table?

(b) The transcript also refers from time-to-time to the specially-equipped squadron of F-4 aircraft used by the Air Force specifically for sensor deliveries and therefore an integral part of its surveillance operations. The cost of these aircraft is clearly not included in the table of $450 million in separate Air Force expenditures, and since the aircraft procurement funds of the Air Force DCPG budget are not broken down into specific aircraft buys, it is impossible to tell whether their cost is included there. What has been the cost of this squadron, and where was it funded?

Let me assure the distinguished Senator from Nevada (Mr. CANNON) that I ask these questions of him, as Chairman of the Subcommittee, not to disparage his own investigation but because I strongly doubt, even after his fine work, that we have yet identified all our electronic battlefield program costs to date.

THE EFFECTIVENESS OF OUR PROGRAMS TO DATE

According to the subcommittee, our presently deployed systems have been highly effective and have made a major contribution to saving the lives of our troops in Vietnam.

My own feeling, Mr. President, is that we could best save lives—American and Asian—by bringing this tragic war to a prompt and complete conclusion as soon as possible and hopefully by the end of this year. But within the context of our present policies, which require a continued presence of our troops in Indochina—just how effective have these systems been in reducing allied casualties?

On this point I cannot share the highly optimistic conclusions of the subcommittee. It is a matter of public record that the "McNamara Wall"—a sensor and obstacle course barrier system along the DMZ—was abandoned as a failure soon after it was initiated. And on any fair reading of the hearing transcript, the effectiveness ratings given the Army's ground tactical and the Air Force's anti-infiltration systems would have to vary greatly.

The ground tactical system, the subcommittee concluded, has proved extremely valuable. Subject to doubts expressed below, I must admit in all candor that I accept this conclusion. The hearing transcript details many instances in which this system has made a major contribution to saving allied lives. Used defensively, to warn allied troops located at a given point of impending enemy attacks upon them, it indeed seems to have been effective. When the lives saved are considered, together with the equipment at various installations which might have been destroyed had the attacks succeeded, our expenditures on this system appear well worth the cost.

My lingering doubts concern the sensors' discrimination capabilities. The hearing transcript does indicate that considerable difficulty was encountered in the early days of sensor use in discriminating between enemy troop activity and activities of a very different kind—the falling of heavy rains, movements of birds and other animals, to say nothing of the difficulty of distinguishing between enemy troops and a group of woodcutters coming back down the trail. I was myself informed, in mail received last summer from a former Army lieutenant familiar with the sensor system, that on several occasions after heavy sensor activation the night before, morning patrols sent out in search of enemy bodies found dead water buffalo instead. The Army contends, and for the sake of argument I am willing to accept, that experience in sensor use led to a drastic reduction in the frequency of such false alarms—or nontargetable activations, as the Army prefers to call them. I would feel better, however, had more probing questions been asked about the technical reasons for this alleged improvement and also about the precautions taken to avoid targeting civilians, especially around areas such as the outskirts of Saigon, where their presence presumably could not always be ruled out.

But my verdict on the Air Force's anti-infiltration system is altogether different. This, I deeply fear, may have been a gigantic waste of money.

The purpose of this system has been to cut the flow of North Vietnamese supplies to its forces in the South. It follows that the single most effective criterion of the effectivenes of the system would be the changes it has effected in the movement of supplies.

But not once was the obvious question asked: Just what changes have occurred from year to year since the Air Force system was instituted—from one dry season to another and from one wet season to another—in the number of trucks which have made it from one end of the supply system to another?

The hearing transcript consumes reams of paper addressing the technological wonders of the new Air Force sensors, the relay aircraft, and associated munitions. But the really crucial issue was never faced directly, and when one interrogator at least managed to skirt it, by asking about the flow of supplies during one very short and recent period, the only answer allowed to stand on the public record was the following:

> Out of (deleted) trucks that he started with, he got (deleted) into South Vietnam.

It is high time that we got on the public record a concrete picture of what our interdiction campaigns in Laos over the past several years have actually accomplished, in terms of the clearly most relevant criterion—the movement of supplies over comparable periods from one end of the pipeline to the other.

And why, if this system has been so effective in disrupting enemy supply lines, are we now engaged in the support of South Vietnamese ground operations designed to disrupt these same supply lines. What I fear we might then see is that our bombing policies have in fact accomplished nothing—that the enemy has been able by simple changes in tactics to offset every increase in our bombing and truck destruction capability in such a way as to keep undiminished the same flow of supplies.

The tactics of the enemy are clear from the hearing transcript. He has multiplied the number of usable roads perhaps tenfold, as the maps on pages 109 and 110 clearly indicate. He has also multiplied greatly the number of trucks at his disposal:

> In 1967–68, we estimated trucks in the system to number around (deleted). Our latest intelligence estimate is almost (deleted) times that many, for a total of (deleted) trucks.

And he has also erected more numerous, heavier antiaircraft defenses.

I had hoped, Mr. President, that the effectiveness of our interdiction policy would have been explored by the subcommittee in considerably greater depth. I intend to address this issue separately in the near future.

THE FUTURE IMPLICATIONS OF THE ELECTRONIC BATTLEFIELD PROGRAM

For now, however, my point is only this. From all that we have on the public record, we have no way of knowing whether the Air Force system has been effective or not, whether it may not really be an object lesson of the dangers which must be guarded against as we develop the "electronic battlefield."

I do not object to the pursuit of programs and technologies which increase our ability to find and fix the enemy. I recognize that our battlefield intelligence of enemy tactics has always lagged behind our ability to bring our fire power to bear once he is found. Even large-scale expenditures would be justified for usable improvements in our surveillance capabilities.

But we must guard against mindless applications of new technology just because it exists, applications which have little or no chance of success.

That is why more information is needed about future "electronic battlefield" programs.

The Army's STANO and Integrated Battlefield Control Systems—IBCS—are now being developed, but only the broadest outlines of their nature and applications are suggested on the public record.

There is speculation in the hearing transcript about the use of sensors for border surveillance in Western Europe. On which side of the border do we propose to deploy these sensors, at what cost in increased international tensions, and for what intelligence gains in this clearly nonjungle environment?

There is speculation also about the use of advanced sensors to counter large forces on the battlefield in a full-scale conventional war. Do we really propose to turn the whole battlefield into a seismic or acoustic Christmas tree, at what costs both in sensors and data-processing gear, and at what risks if a central computer should suddenly break down?

I am even skeptical about the use of sensors in nonjungle environments for purely defensive purposes, similar to those of the ground tactical system in Vietnam. Areas remote from population will be more difficult to find in Europe, say, than Vietnam. The Army admits this problem and suggests a possible solution—adding to a seismic intrusion device unable to distinguish between friend and foe a magnetic device capable of picking up weapons or ammunition. But such a device would probably be similar to the magnetic detectors now used in airport passenger checks, which themselves cannot distinguish between different types of metal objects. At airports these limitations do not matter, but on the battlefield what of "woodcutters, coming back down the trail?"

The Air Force, meanwhile, has a 5-year development plan looking to its worldwide surveillance system of the future. Plans have not been made final, but one Air Force spokesman talked of a full-fledged hardware system, deployed in the United States under the direction of the Tactical Air Command, and capable of emergency deployment anywhere in the world.

Before large-scale expenditures on these programs can be justified, we will need more information on their nature and rationale. Many of the technical details will have to be kept classified, as is the case with all our programs. But surely more public information is needed than we have now.

In its own discussion of the future costs of these programs, the subcommittee report is no doubt a vast underestimate. Its estimate of approximately $150 million per year is expressly not meant to include long-range program costs either of STANO, the Integrated Battlefield Control System, or the new Air Force system. If these programs ever generate large-scale production and operation requirements, the annual costs will significantly balloon.

But even over the near term, $150 million annually seems far too low an estimate. What it envisages is a drop in overall electronic battlefield program funding of approximately $330 million in fiscal 1972 from the fiscal 1971 funding of $480.5 million, a figure which itself fails to include the costs of TOS, TACFIRE, TSQ–73, and SAFOC programs identified to date by these acronyms only.

The only things included in the roughly $150 million estimate are Army IBCS/STANO costs of $125–$150 million, Air Force costs of $4 million, Marine Corps costs of less than $3 million, and Navy costs too negligible to mention. Consider these projections for a moment.

The Army IBCS/STANO costs conceivably might be accurate. In the past, however, the Army budget has not identified STANO programs as such, except in the R.D.T. & E. account. The subcommittee insisted on such an identification in the course of its recent hearings and in the process hundreds of millions in unsuspected costs turned up. I urge the Committee to make as vigilant and as insistent an examination of the fiscal 1972 budget as it has just made of past budgets.

The Air Force estimate of $4 million is clearly only an R.D.T. & E. estimate. On page 165 of the hearing transcript, the Air Force projected a total fiscal 1972 budget of [deleted] million, of which the $4 million was stated to be only a part.

Navy and Marine Corps expenditures have always been small, but fiscal 1971 costs of $21 million are considerably larger than the $3 million plus projection.

One perhaps significant difficulty which may exist in tracking fiscal 1972 funds is the apparently pending dissolution in June of this year of the DCPG. This organization, established in 1966 to coordinate "electronic battlefield" programs in the early years of their development, appears to be being phased out, with the individual services to run their own programs. Its activities, however, will continue and will have to be tracked in the fiscal 1972 budget.

It is for these reasons that I have doubts about the $150 million estimate.

In conclusion, Mr. President, I commend the Electronic Battlefield Subcommittee for the light it has shed on this undeniably complex area.

I hope that the Armed Services Committee will continue this work in the months ahead.

I hope that the committee will demand from the Pentagon and present to the Senate a clearer indication of what long-range "electronic battlefield" programs are pointing at, together with evidence that the services are proceeding cautiously and with sound planning procedures on these long-range programs.

I hope that it will satisfy itself and demonstrate to the Senate that the Defense Department, if the DCPG is to be dissolved, has established alternative coordination procedures both to avoid the present duplication in the development of service programs and to insure their use can be coordinated on any future battlefield.

I hope, also, that the committee will develop and present to the Senate a clearer picture of fiscal 1972 and also long-range funding on "electronic battlefield" programs. I see no reason why fiscal 1972 figures could not be broken out for each of the services into the R.D.T. & E., procurement, and O. & M. appropriations, with the specific program elements, hardware purchases, and the like, themselves very clearly indicated, except for legitimate classified items for which only costs were shown. Ball park estimates of long-term program costs for IBCS/STANO and the new Air Force system—showing perhaps a low range and a high range of what these costs could be—also should be possible.

The three actions I have just suggested are, in my opinion, consistent with and clearly required to implement the three sound recommendations of the subcommittee report.

While wartime conditions in Southeast Asia may perhaps have justified some of the secrecy and some of the trial and error experimentation which has characterized the initiation of this program, there is no reason whatsoever why we cannot now proceed far more visibly and far more cautiously in its continued development.

SOUTH DAKOTA HOUSE CONCURRENT RESOLUTIONS

Mr. McGOVERN. Mr. President, I ask unanimous consent that four house concurrent resolutions adopted by the 46th legislative session of the house of representatives of the South Dakota State Legislature be printed in the RECORD.

There being no objection, the concurrent resolutions were ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 504

A concurrent resolution expressing the support of the Legislature of the State of South Dakota for a study by the United States Department of Health, Education and Welfare relative to the feasibility of developing an automobile fuel by blending gasoline with grain alcohol in order to reduce air pollution, which study was approved as an expression of legislative intent in the House debate on the Clean Air Act Amendments of 1970

Whereas, the major source of air pollution is from automobile exhausts, and our nation is aware of the urgent need to clear up and protect our environment; and

Whereas, we have an urgent need to use our greatest weapon for peace—our willingness to share our abundance with developing nations of the world—to fight hunger and malnutrition, and also the need to continue our efforts to fight hunger and malnutrition in our own country; and

Whereas, there is an urgent need to find new markets for wheat and other grain, and a possible answer to all three of the aforementioned problems is the substitution of grain alcohol for lead in gasoline fuel for automobiles:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Legislature of the state of South Dakota hereby urges the United States Department of Health, Education and Welfare to undertake such a study and expresses the hope that should a pilot demonstration project be involved in the study, that such project be located in the state of South Dakota as a major wheat producing state; and

Be it further resolved, that the Chief Clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to each member of the South Dakota congressional delegation and to the Secretary of Health, Education and Welfare.

Adopted by the House: February 23, 1971
Concurred in by the Senate: March 8, 1971

HOUSE CONCURRENT RESOLUTION No. 503

A concurrent resolution memorializing the Congress of the United States to appropriate the necessary funds and to direct the Weather Bureau in the United States Department of Commerce to set up a weather forecasting station in Miles City, Montana

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, during the past several years, ranchers in South Dakota have suffered severe economic losses through the loss of livestock during winter storms; and

Whereas, much of this loss may be related to a lack of adequate weather forecasting facilities within the area; and

Whereas, much of this livestock loss may have been avoided had adequate weather forecasting facilities been available within the area; and

Whereas, improved weather forecasting facilities and services would be of great benefit to the citizens of this area as well as travelers through the area; and

Whereas, the most feasible location for an adequate weather forecasting station for this area, is in Miles City, Montona:

Now, therefore be it resolved, by the House of Representatives of the Forty-Sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be respectfully urged and requested to appropriate the necessary funds and to direct the Weather Bureau in the United States Department of Commerce to set up an adequate weather forecasting station in Miles City, Montana; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the South Dakota House of Representatives to the chairman of the committee on commerce of the Senate of the United States, the chairman of the committee on interstate and foreign commerce of the House of Representatives of the United States, each member of the Congressional Delegations of the states of South Dakota, North Dakota, Montana and Wyoming, and to the Honorable Maurice H. Stans, Secretary of the United States Department of Commerce.

Adopted by the House February 5, 1971.
Concurred in by the Senate March 4, 1971.

HOUSE CONCURRENT RESOLUTION No. 511

A concurrent resolution, urging the United States Congress and the administration to make more funds available for Farmers Home Administration loans

Be is resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, it is in the best interest of all the citizens of our state and Nation that more of our people remain in rural communities, both from the standpoint of stabilizing the social and economic life of the rural areas and of alleviating some of the problems caused by population pressure in urban centers; and

Whereas, if the family size farm is to remain in existence, it is necessary that adequate financing be available to enable young farmers to become established and, once established, to remain competitive; and

Whereas, the Farmers Home Administration is one of the principal sources of credit for the family farmer in South Dakota; and

Whereas, the demand for credit for both real estate and operating purposes far exceeds the funds the Farmers Home Administration has available for these purposes; and

Whereas, the size of the family farm has increased and the investment necessary in both real estate and equipment to remain competitive has greatly increased, thereby creating more demand for farm credit; and

Whereas, the funding for the Farm Ownership Loan Program of the Farmers Home Administration has been cut back by over twenty-two percent in the past two years, thereby reducing sharply the amount of credit available to the family farmer for farm ownership purposes; and

Whereas, the Operating Loan Program of the Farmers Home Administration has been funded at the same level for the past several years, which has not taken into account the increased costs and investment necessary in modern farming operations:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the United States Office of Management and Budget is urged to increase the insured loan authorization for Farm Ownership loans by one hundred million dollars for the remainder of the 1971 fiscal year and that an increase of at least that amount be included in the budget proposal for the 1972 fiscal year; and

Be it further resolved, that the Congress of the United States is urged to provide seventy-five million dollars in additional operating loan funds for the balance of the 1971 fiscal year and to provide one hundred million dollars in additional funds for the 1972 fiscal year; and

Be it further resolved, that copies of this resolution be forwarded by the Clerk of the House of Representatives to the Secretary of Agriculture, the Administrator of the Farmers Home Administration, the Director of the Office of Management and Budget, the Chairmen of the Agriculture Appropriations Subcommittees in the United States House of Representatives and the United States Senate, and to each member of the South Dakota Congressional Delegation.

Adopted by the House February 24, 1971

Concurred in by the Senate March 3, 1971

HOUSE CONCURRENT RESOLUTION No. 516

A concurrent resolution, To the Congress of the United States, South Dakota Congressional Delegation, Interior Committee of the United States Senate, Interior Committee and the Interior Subcommittee of the Appropriations Committee of the United States House of Representatives requesting the passage of legislation and appropriations supporting the construction of a large magnetohydrodynamics (MHD) pilot power plant to implement the techniques which have been developed through intensive research since 1957

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, magnetohydrodynamics (MHD) power generation would provide new opportunities for utilizing the vast, untouched coal resources of the state of South Dakota and the northwest region; and

Whereas, MHD power generating plants operate without the need for the large amounts of water required by conventional steam and turbine systems, MHD electric power generating plants would offer new opportunities for developing the economic resources of the state of South Dakota and other areas lacking water needed to sustain conventional generating systems; and

Whereas, the MHD method of producing electrical energy would raise the efficiency use of coal from forty percent (40%) by conventional methods to sixty percent (60%); and

Whereas, there are present or planned conventional power generating plants in the region to which a MHD pilot plant could be attached for experimental testing as well as switchyard facilities; and

Whereas, this more economical method of producing electrical energy is also being advanced by other nations such as Japan, West Germany and Russia where a pilot plant is now nearing completion; and

Whereas, the MHD electric generating system eliminates water and air pollution common to conventional steam turbine and nuclear systems and reduces air pollution to a minimum:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States appropriate funds for the development work leading to the construction, at the earliest possible time, of a MHD pilot plant.

Be it further resolved, that copies of this Concurrent Resolution be forwarded by the Chief Clerk of the House of Representatives of the state of South Dakota to the Chairman of the Interior Committee of the United States Senate, the Chairman of the Interior Committee and the Interior Subcommittee of the Appropriations Committee of the United States House of Representatives, and to each member of the South Dakota Congressional Delegation.

Adopted by the House: February 26, 1971

Concurred in by the Senate: March 10, 1971.

WHITNEY YOUNG: A BLACK MAN WHO CARED

Mr. McGOVERN. Mr. President, with other Americans, I mourn the loss of a gallant leader, Whitney Young. In a time of extremes, he advocated restraint; in a time of impatience, patience. Those qualities, seemingly too slow and ineffective, are in fact the key to the success of this dedicated black man. In his scheme of things, no personal sacrifice was too great and no injustice too small to gear up his amazing energy and intelligence for finding jobs, for training the unskilled, for locating housing, food, and all the needs that afflicted his people so acutely. For that, all of us are in his debt. And we share in a legacy of commitment and devotion to our fellow human beings that is indeed a treasure.

Mrs. McGovern and I express our sympathy to Mrs. Young and her family, and we express our appreciation for Whitney Young's enduring contributions to our society. As Carl Rowan stated so well in his column of March 17, Mr. Young's warning is a legacy, a lasting challenge to "the establishment." I ask unanimous consent that the article, from the Evening Star, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITNEY YOUNG'S CHALLENGE AWAITS ACTION

(By Carl T. Rowan)

This is a society that devours its leaders. "If you want something done, ask a busy man to do it" is a rule of life that throws man-killing burdens on those who illustrate by deed that they care about this nation and their fellowman.

The burdens and responsibilities are piled on mercilessly when it is a black man who cares, who is selfless, articulate, intelligent.

It is a speech here tonight, a breakfast meeting there tomorrow; it is a seminar here in the forenoon, a presidential commission meeting on some burning issue in the afternoon, assistance for some charity drive or attendance at some benefit in the evening.

With tragic frequency, the big-hearted men who take on these burdens find their hearts giving out too soon.

And that is how this troubled nation has drained life away from Whitney Young at the untimely age of 49.

Young drove himself beyond the point of survival because he had commitment; he felt a compulsion to do those things that, left undone, would leave both the nation and mankind poorer.

It is so typical that the Urban League leader's heart gave out while he was on a mission to improve relations between Africans and Americans. He sensed, as many Americans do, that in American governmental and private circles, Africa is back-burner, whether it comes to aid or attention.

Whitney Young was one of my oldest friends. I often saw him bone-weary, but I never heard him complain about how much he had to go and go, give and give. I only heard him express fear that, even after so much sacrificing and struggling by himself and others, the nation still would not rise up to its great social challenges.

He watched his old friend, Roy Wilkins, executive director of the NAACP, sacrifice days on the Kerner Commission, trying to show the nation the path away from civil strife. Then Americans turned in petulance and ignored the commission's recommendations.

Young himself devoted much of his time and energy to helping the Pentagon wipe out racial discrimination in the armed forces.

Young pointed the way and he got promises, but the bold steps were never taken, and racial antagonisms are today a festering cancer inside the armed forces.

There were many reasons why Young might have given up the faith and turned to the rhetoric of anger and despair that would have caused newspapers to cease referring to him as a "moderate" and left him with a bigger hero's mantle among alienated blacks.

But Young clung to the belief that there had to be a major ingredient of intellect, of articulation, of persuasion if the black man ever was to achieve first-class citizenship in America.

Some months ago, when Young was honored by the Four Freedoms Foundation, I said: "What caught my attention even 22 years ago was Young's ability to tell the American power structure the unpalatable truth and make that power structure listen. For two decades now Whitney Young has said this to those white Americans who have the capacity to change things:

All right, sit on your derrieres and ignore the black man's grievances and frustrations; count on the police force, the National

Guard, to put down the black revolution; on a white backlash to suppress and oppress black people when the chips are down. Do you know who will wind up losing in the long run? You of the white power structure! You, who have the most to lose because you possess the most of all that is deemed good in this affluent society?

Obviously, not enough Americans listened to Young. If they had, we would not face the mess that our urban areas are in today.

But Young's warning is a legacy, a lasting challenge to "the establishment."

And this wise and perceptive leader has also left a vital legacy to young blacks. He exemplified a new measure of manhood. He helped them to understand that it may not take nearly as big a *man* to stand in the street and curse whitey as it does to walk into the White House or the board rooms of great corporations and speak eloquently those truths that the leaders of government and industry would rather not hear.

Yes, we weep at this loss of a good friend and great leader. And we weep for a nation that needed him so desperately—but still seems unable to comprehend the wisdom of his counsel.

RESOLUTIONS OF GEORGIA LEGISLATURE RELATING TO VIETNAM WAR

Mr. GAMBRELL. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions relating to this country's involvement in the Vietnam war, which were recently adopted by the Georgia Senate and the House of Representatives.

I think it is of particular significance to note that the principal sponsors of the resolutions were State Senator Max Cleland and State Representative Walter Russell, Jr., and it will be of particular interest to Members of this body that Representative Russell is the nephew of the late Senator Richard B. Russell of Georgia.

Representative Russell is 41 years of age. He was graduated from West Point in 1951, served in the Korean war and became a lieutenant colonel in the U.S. Army. He suffered a paralyzing head wound in Vietnam and has been retired with 100-percent disability since 1966. Among his decorations for bravery, he has received the Silver Star, the Distinguished Flying Cross, and the Legion of Merit. Since his discharge from the Army, he has completed law school at Emory University, where he was president of the student body. He is also a Democrat, having been elected to his first public office in last year's general election.

Senator Cleland is 28 years of age. He was a captain in the U.S. Army, and became a triple amputee as a result of wounds, he suffered when he shielded members of his unit in Vietnam from an exploding enemy handgrenade. For his bravery he has been decorated with the Silver Star.

As a result of his wounds, he will be confined to a wheel-chair for the balance of his life. Since his discharge from the Army, he has received his masters degree in political science from Emory University. He is a Democrat and was elected to his first public office in last year's general election.

The resolutions offered by these men are substantially identical in terms and intent. They put the Georgia State Senate and the Georgia House of Representatives on record as favoring negotiations toward an early end of the hostilities in Southeast Asia including the possible establishment of a day certain for withdrawal of ground troops and the return of our prisoners of war. One suggests that if the President has tried to accomplish this and has decided that such action is inadvisable or impossible to accomplish, then he should, within the limits of national security, explain why this cannot be accomplished.

Both Colonel Russell and Captain Cleland are personal friends of mine. They are quiet, sincere, and humble men. They represent a heroic group of young Americans who have paid dearly for the mismanagement of this country's commitment to combat in Southeast Asia.

It seems to me that Americans of the generation of these two men, who have paid the price in Vietnam, deserve to be heard in their own voices. The credibility of those who have been in positions of power and responsibility during the period of our involvement in Vietnam is necessarily impaired. The responsible tone of these resolutions, carefully drawn, and deliberately presented for adoption in a regular way, appeals to me. We have much to learn from such men. I commend them and their approach to this difficult problem to the leaders of this Senate and to our fellow Americans.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

A resolution supporting negotiations to obtain a further withdrawal of American land forces from Vietnam in exchange for a battlefield cease-fire and return of our prisoners of war; and for other purposes

Whereas, the war in Vietnam has affected every county, city and community in Georgia; and

Whereas, almost 1,500 Georgians have lost their lives in the war; and

Whereas, thousands of Georgians have been wounded, and at least 67 Georgia families have fathers or sons listed as prisoners of war or missing in action; and

Whereas, the United States is beginning its second decade of involvement in the longest war in our history; and

Whereas, the Vietnam War is exceeded only by World War II as the most expensive in our history; and

Whereas, the Vietnam war is exceeded only by the two world wars and the Civil War in casualties; and

Whereas, the President of the United States has stated that we do not seek a military victory in this war and has committed us to a policy of military withdrawal; and

Whereas, American men are still being killed and maimed, and Americans are still being held as prisoners of war.

Now, therefore, be it resolved by the Senate that this body hereby supports negotiations to obtain a further withdrawal of American land forces from Vietnam and, if necessary, to set a date certain for such withdrawal, in exchange for a battlefield cease-fire and return of our prisoners of war.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, and to each member of the United States Senate and House of Representatives from the State of Georgia.

RESOLUTION

A resolution expressing the opinion of the Georgia House of Representatives on the manner and timing of the withdrawal of the armed forces of the United States from Vietnam; and for other purposes

Whereas, the war in Vietnam has affected every county, city, and citizen of Georgia, to some degree; and

Whereas, Georgia has had almost 1,500 of her citizens killed and many thousands wounded, and at least 67 families in Georgia have loved ones who are prisoners or missing as a result of the war in Vietnam; and

Whereas, the United States is beginning the second decade of the longest war in its history; and

Whereas, the war in Vietnam has been exceeded only by the two world wars and the Civil War in terms of human sacrifice; and

Whereas, it is the publicly announced policy of the United States not to seek a military victory in Vietnam, to cease the bombing, and to withdraw its armed forces, apparently without any reciprocal concession on the part of North Vietnam; and

Whereas, Georgians are still being killed, wounded and captured, and there appears to be no progress being made in the peace negotiations now taking place in Paris; and

Whereas, the Georgia House of Representatives feels that it has the right, if not the duty, to express an opinion on such a vital matter affecting the people of this State.

Now, therefore, be it resolved by the house of representatives that this body hereby recommends that the President of the United States attempt to obtain, through negotiations, a cease-fire and exchange of prisoners of war and, if necessary, set a date certain for the withdrawal of American ground troops from Vietnam in order to bring this about; and

Whereas, the Georgia House of Representatives recognizes that the President might have already attempted this, but, because of classified information available only to him, might have decided that such action is inadvisable or impossible to accomplish.

Now, therefore, be it further resolved that if such a situation does exist, this body hereby requests that the President explain, insofar as it does not affect national security, why this cannot be accomplished.

Be it further resolved that this Resolution is in no way to be taken to support the government of North Vietnam or to reflect on military actions by members of the armed forces of the United States who are now serving, or who have served, in Vietnam.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States and to each member of the United States Senate and House of Representatives from the State of Georgia.

STRONGER DAIRY PRICE SUPPORTS NEEDED

Mr. McGOVERN. Mr. President, on April 1, 1970, the Agriculture Department set dairy price supports for the ensuing year at $4.66 per hundredweight of milk. At the time of this announcement—April 1, 1970—this amounted to 85 percent of parity. During the ensuing year, however, increasing farm costs have caused the $4.66 price to drop to about 80 percent of parity.

The Agriculture Department has recently announced that the price support level would be changed. If present trends continue this would mean that April 1, 1972, dairy supports would drop to 75 percent of parity.

Together with the Senator from Wisconsin (Mr. NELSON) and a number of other Senators I have introduced proposed legislation to provide that dairy price supports for the next dairy marketing year—starting April 1, 1971—should be at least at 85 percent of parity. This would increase the support level from $4.66 to close to $5 per hundred pounds of milk.

This measure would merely retain the support level at the same percentage as was established a year ago. It would insure that dairy farmers are not made to bear the heaviest burden resulting from the current inflation.

At the moment, dairy prices to farmers are at approximately the projected support level of 85 percent of parity. Therefore this measure could now be taken without increasing consumer prices. But, unless the support prices are increased, milk prices are expected to drop sharply soon. This could mean a loss of $300 to $500 million in dairy farm income during the next year.

It is unfortunate that when the administration claims it wants to stimulate the economy, that it should further threaten the ability of dairy farmers to keep their heads above water.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

FURTHER CONTINUING APPROPRIATIONS, 1971

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the unfinished business. The time is equally divided and controlled by the two leaders or their designees.

The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution, as follows: House Joint Resolution 468, making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, on behalf of the majority leader, I ask unanimous consent that there be a quorum call, the time to be equally divided between both sides.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I yield myself such time as I may need. I shall probably speak for 10 minutes.

The chairman of the full committee is scheduled as the leadoff floor advocate of House Joint Resolution 468. He is detained at a policy committee meeting, and he has sent me a message asking that I proceed, and I anticipate that he will be here very shortly.

Mr. President, tomorrow afternoon we will vote on the committee amendment to House Joint Resolution 468 to provide funding for the civil supersonic transport prototype program. This subject has been a matter of national debate and great concern in the Senate since August of 1970.

Mr. President, in my view, it is about time that we—the highest legislative body of the most progressive nation in the world—separated emotionalism from realism, sensationalism from fact, and rhetoric from commonsense.

We are faced with an issue which has become so clouded by words, allegations, and clamor that the bare simple facts, and the options we face have, unfortunately, been lost in the shuffle.

We Americans have always been and still are, the most ingenius and inventive people this world has ever known. We have become masters at science and technology—it is a way of life for us and we are proud of it. We have always prided ourselves in being able to find a better way of doing just about anything. The high standards of living the American people enjoy today are a direct product of purposeful and intelligent decisions on technological development.

Innovations in the field of transportation have brought us lasting fame. Clipper ships, steamboats, and railroads are as much a part of American folklore as are pioneers, Indians, and the great western movement.

The automobile, jet liners, and space vehicles are now an integral part of our daily life. Yet every schoolboy knows of Fulton's Folly, the preposterous claims of disaster associated with the early railroads, and unfounded fears that accompanied the digging of the Panama Canal.

Each and every innovation in transportation has been plagued by its share of critics—its prophets of doom and gloom. Cooler heads have always prevailed, however, and the problems have been solved one by one through the ingenuity of talented Americans. Indeed, we have already seen, in the case of the American supersonic transport, many of the so-called problems disappear through better understanding, research, and advanced design. As the critics see their arguments drop by the wayside, they invent new ones—they demand absolute proofs of solutions even when little or no evidence exists that there is a problem. In my view, this is not an appropriate or reasonable standard when the issue is funding for research and development of two—and only two—prototype aircraft.

The efficiency and productivity which has always accompanied speed has made the era of supersonic air travel as inevitable as the railroad. People have historically always shown a preference for speed. Time has always been man's most precious commodity—time to be more productive—time to relax—time to spend with one's family. Time spent traveling is not productive; hence, speed in travel increases our ability to utilize our precious time in the best possible manner. Each of us here has firsthand knowledge of how necessary this is today.

We need an SST for the same reasons we have always needed faster, better, and safer transportation.

Our decision here today is not whether or not we build a better subsonic airplane—it is whether or not we build a better, safer, environmentally clean, more productive supersonic airliner—truly a new generation of air transportation.

The alternative, of course, is that domestic and international airlines will buy a foreign product. Why, at this stage in history, are we so willing to accept second best? Are we so enthralled with our technical capability that we do not believe someone else can do it? I believe we have had ample evidence in space, electronics, automobiles, and surface trains to know this is not realistic. The proof is in our pocketbook—in our balance-of-payments accounts, in employment for American workers, and in the strength of American companies.

Let us examine what we are being asked to do—we are being asked to give American scientists, technicians, and working men the opportunity and the tools to do a better job. We are not being asked to provide funds for a fleet of airplanes. All we are talking about is continued funding of two prototype aircraft on which to exercise American science, technology, and ingenuity. Nine years ago we started a slow, carefully designed program to develop two prototypes. We have with great deliberation, proceeded two-thirds of the way down the road to successful development. Twelve long years of research, design, redesign, and now development are involved in this effort. The program is directly employing the talents of some 14,000 Americans right now. By the end of the year, if the program is continued, more than 20,000 skilled workers spread all over the country will be devoting their expertise to keeping America a world leader.

We have backed this team solidly up to this point with $864 million. Yet now, with the attainment of our objectives on the horizon we are seriously questioning our capability and our success. It is neither logical nor is it fiscally responsible to throw away the monetary, the intellectual, and the human investment at this point.

Completion of the prototype program requires a total Government investment of $1,342 million; if we refuse further funding the Government will have invested $983 million including payback to the contractors and airlines. In other words it will cost us only $359 million more to finish the job we set out to do 9 years ago than to quit today.

If we stop now we are certain of losing at least $1.1 billion in Government and private investment—and we will have thrown away the opportunity of attaining the final payoff of success.

There is no substantiated reason to do this. We are legislators, as Members of the Senate, will have failed—not our engineers, scientists, and working men and women. All they need is the chance to prove they can do now what they have always done—keep the United States a leader—a leader in technology, a leader in environmental protection, and a leader in world aviation. To withdraw our faith and support now is neither in the national interest nor does it conform to American tradition.

As a member of the Appropriations Committee and as the acting chairman on the Department of Transportation bill in the last Congress, I must say in all candor that the facts do not support termination of this program. The facts, when studied and analyzed, do not provide a basis on which to vote against the program.

Mr. President, as of March 30, 1971, the Federal investment in the civil supersonic aircraft development program will be $864 million. This consists of the $708 million appropriated between fiscal years 1962 through 1970; and $156 million in temporary continuing appropriations through March 30, 1971, as provided under the $210 million rate contained in Public Law 91–645. The record clearly shows that an additional Federal investment of $478 million to provide a total of $1,342 million would complete the construction of two prototypes and 100 hours of flight testing with the first flight to be made in March 1973. In addition to the Federal cost of $1,342 million, there would be additional cost sharing of $381 million to be provided by the industry and airlines for a total of $1,723 million to complete the prototype phase.

In the event it was the decision of the Congress to terminate the program rather than provide additional funding after March 30, it was testified that a minimum additional appropriation of $97 million would be required, consisting of $85 million in contractors' shares and $12 million in miscellaneous liquidation or termination costs.

Over and above this $97 million appropriation, there is the probable refund of the $22 million airline delivery deposit escrows and the question as to refund of the $59 million in airline risk capital investment. In all, this could amount to $178 million. This amount, together with the $864 million provided through March 30, would total $1,042 million in Federal funds, approximately $300 million less than the amount estimated to complete the Federal share producing the prototypes. It should be noted that the committee recommendation, $289,965,000, would provide an additional $134 million over the $156 million already provided through March 30.

In other words, if this is allowed, and the committee's recommendation is approved, there will be $135 million provided for the next 3 months and to remain available until expended.

Information supplied to me by the Office of Supersonic Transport indicates that with the allowance of the 1971 budget amount they would try to regain time lost to keep the schedule of a first-quarter 1973 first flight and hold the program costs so that the Government share will not be greater than $1,342 million.

It should be noted that the resolution, as passed by the House and reported by your committee, includes language to preclude the obligation of any funds for the commercial production of a civil supersonic aircraft. The authorizations under which the prototypes are funded are not sufficient authority for any type of production financing so the present Federal commitment cannot be extended to include the financing of commercial aircraft production.

That is an important point because it is one that came up frequently during the course of the hearings.

During the course of the hearings, the committee asked as to the availability of product financing from the private sector, and in the record will be found correspondence that states:

> At a time in the future when the aerospace and transportation industries are both viable, and the abnormal hazards involved in the development of a state of the art craft are behind us, it seems proper that private enterprise can and will support SST production and sales.

It was also testified that the financial community will respond to the combination of a proven product, willing buyers, and a healthy industry.

I have confidence that American ingenuity can overcome any problems and create a plane which will have no damaging effect on the earth's environment. Completion of the final 2 years of this 12-year program will answer remaining questions. Without the experimental program we will have lost our opportunity to test the technical, environmental, and economic feasibility of this plane.

I hope that the Senate will support the committee recommendation and that the test program will be continued.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the committee amendment.

The legislative clerk read as follows:

> On page 2, after line 4, add the following new section:
>
> "SEC. 2. During the period from March 30, 1971, activities under the appropriation "Civil Supersonic Aircraft Development" may be conducted at a rate for operations not exceeding $289,965,000, but otherwise to the extent and in the manner provided for in the bill (H.R. 17755, Ninety-first Congress), as modified by the House of Representatives on December 15, 1970."; and at the beginning of line 12, strike out "SEC. 2." and insert in lieu thereof "SEC. 3.".

Mr. PROXMIRE. Mr. President, will the Senator from Nevada yield to permit a parliamentary inquiry?

Mr. BIBLE. I yield for that purpose.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PROXMIRE. Mr. President, I inquire whether this committee amendment which is pending now is the amendment on which there will be a vote, according to the unanimous consent agreement, at 4 o'clock tomorrow, and that no action will be taken under the agreement until that time. Is that correct?

The PRESIDING OFFICER (Mr. GRAVEL). That is the vote which will occur tomorrow at 4 o'clock, but the amendment could be amended prior to that time, in which case the vote at 4 o'clock would be on the committee amendment as amended.

Mr. PROXMIRE. I understand. But under the agreement there will be no action taken before that time; it will be unnecessary for any Senator to be concerned about guarding the floor or anything like that; no action will be taken, under the agreement, until 4 o'clock, when the amendment or the modified amendment will be acted on?

The PRESIDING OFFICER. Unless the agreement is changed, there will be no final action on the amendment until 4 o'clock tomorrow.

Mr. PROXMIRE. I thank the Chair.

Mr. BIBLE. Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, the issue before the Senate in connection with tomorrow's scheduled vote on the committee amendment to House Joint Resolution 468 is the completion of two prototype supersonic aircraft in which more than $1 billion of precious national resources have already been invested. I ask the Senate to give American science and technology a chance to complete this important and revolutionary transportation development. I ask the Senate to give our working men and women a chance to compete on the world labor market and to show their skills in building a better, a safer, a more efficient, and productive aircraft.

Mr. President, I ask the Senate to reconsider last December's vote on this issue in light of the new facts, the new evidence which was heard by both the

House and Senate committees over the past few weeks.

When the facts, all of the facts, are honestly and objectively considered, I believe that only one answer can be justified. That answer is to proceed with the development of the prototypes.

The building of two prototypes will provide us a sound basis upon which we can judge whether to proceed into the production phase. It will provide a rational basis on which to determine whether regulation of foreign supersonic aircraft is necessary or justifiable. The appropriation of funds for this important program will allow us to keep open America's option to compete in the world market for supersonic commercial transports. The issue is that simple. But, let us look at what keeping that option open means to us in terms of the national good for the country.

Millions of Americans take our country's economic progress and strength for granted. They should not. Today's strength and the high standard of living we enjoy was hard earned. Since the Industrial Revolution and the advent of mass production, the greatness of this country has come largely because we have excelled in advanced technology. We have built better products more efficiently than anyone else. This has been especially true in the aerospace field. We build the best and the safest aircraft in the world.

The SST will mean thousands of jobs for American workers. It will strengthen U.S. aerospace industries for the future. This is one of the few segments of the world's commerce in which American industries can compete with other nations and still maintain wage levels to give Americans the high standard of living we all enjoy. It is estimated that $100 billion worth of new aircraft will be constructed between now and 1990. The SST share of this market will be at least 25 percent. This kind of business cannot be ignored or written off by responsible representatives of the public on the basis of the factual record we have before us.

These jobs will last over a period of at least 15 years and will increase as the market increases in the future. These SST jobs will be distributed throughout the Nation. This is already starting as work on the engines and prototype aircraft accelerates. In all, the SST production program will involve some 150,000 people and this does not include the impact of the supersonic air transports in creating jobs for Americans in the airline industry's operation.

Mr. President, I would like to quote from a true expert on jobs. He is not an economist speaking from text book theory about the operations of the marketplace. He is a self-made man who rose through the ranks of labor to his present position representing over 16 million union members.

During the Senate Appropriations Committee hearings earlier this month, George Meany, President of the AFL-CIO, presented the most reasonable, commonsense statement on the importance of the SST to the Nation that I have had the honor to hear.

George Meany said:

> The AFL-CIO takes pride in its record of support for programs and policies that benefit all people.

He continues:

> The decision that this Committee and eventually the whole Congress must make is a decision that involves much more than the mere funding of two SST prototypes. It involves the future of the American aerospace industry . . . Too many Americans have become complacent about the development of U.S. production and the loss of American jobs. They have hardly noticed the extent to which producers in other nations . . . have eroded the job opportunities of American workers. At one time, for example, America was the world leader in the production of electronic goods. Today, electronic plants have either closed or are closing all over the country. Aerospace is still potentially one of the strongest of America's remaining industries. But if America lets it slip away . . . this country will lose more employment opportunities for its people and a source of overseas earning power. America will lose a critical national resource. And America will deprive itself of the highly skilled, intensively trained research, development, and production teams that are so vitally necessary to national security.

George Meany concluded by stating:

> We are not asking for a handout. We are asking Congress to fund a program which will not only keep people off unemployment and welfare rolls, but which will create billions of dollars worth of new revenues . . . We are trying to insure that America maintains its technological lead in its most sophisticated industry. We do not view the SST as a "plaything for the international jet set" but as the top of a product line that can help to stem and reverse the nation's dollar drain.

Mr. President, taking into account the return of the Government's investment in the development of the SST, through royalties on sales if it is decided to produce the plane in quantity, the favorable impact on balance of trade, and the tax returns from workers and manufacturers, the Department of Transportation foresees a net benefit of over $30 billion that flows back to the people—to all the taxpayers who are paying the costs of the development program, not just the passengers who will fly in the SST. That is the option that is being kept open by continuing the prototype program. Kill this option and we will have squandered a billion of our taxpayers' money without allowing the plane to prove itself.

Mr. President, I cannot, I will not associate myself with this kind of irresponsibility and waste of hard-to-come-by taxpayers' dollars. We cannot and should not stop this program when it is two-thirds completed.

Advancements in science and technology are fundamental and basic to the economic progress of the country. The mass of social programs needed by this country to overcome poverty, illness, and hunger can only be accomplished as a result of the Nation's continued economic progress and strength. On the scale of national priority, the SST program is not—as some have characterized it—an alternative to the support of social programs. It is only as a result of the Nation's business prosperity, favorable international trade positions, and increasing job opportunities that resources to support and pay for important and necessary national social programs can be provided. The SST program is an investment in the future well-being of these programs.

Mr. President, the hearing records of the House and Senate are detailed and thoroughly cover the program and the latest information available. A general conclusion was well put by Dr. Singer, Deputy Assistant Secretary, Department of the Interior, and chairman of the Environmental Advisory Committee, in his statement before the Senate Appropriations Committee earlier this month. As a recognized expert, he concluded:

> Let's then put matters into perspective. There is no question whatsoever that many human activities are affecting the environment, are changing the atmosphere, and are putting out pollutants that are spread throughout the world. There is no question that the SST is going to release some pollutants into the atmosphere, but it is doubtful whether they will be of any significance. In the balance, I believe that the question of whether we should or should not have an SST must be decided on the basis of economics, with environmental effects having a very small weight indeed. If the SST is going to be turned down, let's not turn it down for the wrong reasons.

Dr. Beranek, a foremost expert in noise and acoustics, testified that the SST can meet the noise levels of new subsonic jets. He concluded:

> There does not appear to be any technical reasons why a commercial supersonic transport cannot be built which will be acceptable with regard to noise.

Now, Mr. President, one would expect that those who have expressed opposition to the SST on the basis of its being an "environmental monster" and making a "terrible racket" would be pleased with the considerable research and technological improvements that have been made since last fall. I thought the opponents would be pleased with the breakthroughs in the noise area and with the objective analysis of upper atmospheric effects. Apparently, however, they are not. The arguments used have only shifted to different areas and I can only assume the opponents have their minds made up and cannot be swayed by recent developments.

I am confident that the Senate will see the wisdom of fully funding this important program and, given another chance, it will clear the other body as well. I have confidence in our American democratic procedures, and I feel that the Senate and the Congress will rise to the occasion on this important issue and make the right decision when the chips are down.

Mr. President, the chips are now down on the SST. I urgently implore my colleagues not to stop in midstream on this vitally important program. I urge my colleagues in the other body as well as in this Chamber to keep open the option of having an economically viable, environmentally acceptable SST. An American SST. History is being made on this decision. Let us not look back on March 24, 1971, as the date when we hamstrung America's aerospace leadership. Instead, let us look back upon it as the day that we accepted the challenge of our new era of social awareness, of environmental awareness, of directing technology to serve the betterment of mankind.

We must preserve our option for the future and vote for the continuation of funding this nationally vital program.

Mr. President, I ask unanimous consent to have printed in the Record the statement of George Meany, president of the AFL–CIO, before the Senate Appropriations Committee on March 10.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of George Meany, President, AFL–CIO

We in the AFL-CIO are here today to tell you why we believe that continued development of two prototypes of a made-in-the-USA supersonic transport is decidely in the interest of America.

It is ironic that the fight over the appropriation needed to complete these two prototypes has stirred up serious opposition among many individuals and groups with whom we are normally allied. Conservationists fear that the SST will create unforeseen risks to the environment. Many liberals believe that we should forego further development in favor of a general reshaping of national priorities.

Mr. Chairman, the AFL–CIO takes pride in its record of support for programs and policies that benefit all the people.

And so we have looked at the SST closely from that viewpoint. We have studied the evidence now available on the probable ecological effects of supersonic flights. On the basis of our inquiries, we are convinced that the opposition of the conservationists is based more on emotion than on fact. At least two government studies have concluded after extensive tests that there is no concrete evidence that a fleet of supersonic airline's will damage or threaten the earth's atmosphere.

If the environmentalists feel that the dangers are as great as they contend, then it seems to me they should be pursuing a campaign for international agreement to abolish the SST everywhere. Unilateral action by the United States, against an American SST, would not protect the world's environment. Only complete abolition would do the job and that would require international agreement.

And, of course, no possible environmental risk can come from the completion of the two prototypes.

We have also considered the "reordering of national priorities" arguments. We have long maintained that America needs to do much more in the future than it has done in the past or is doing now to meet the nation's deficiencies in housing, education, health, recreation, pollution control, mass transit and the like. But we are realistic enough to know that solutions of social problems depends in large part on solution of economic problems. We cannot hope to construct a better social environment without a strong economic foundation. I will touch on this in a little more detail in a moment. At this point just let me note that aerospace is vitally important to the country's economic base. When it operated at full capacity aerospace directly and indirectly employed the skills of a great percentage of the workers in manufacturing. Moreover, the sale of American-made aircraft has been one of the nation's primary sources of export income. Last year, for example, we sold $3.4 billion worth of aerospace products overseas—including $1.5 billion in commercial transport planes alone. Without these sales, the United States would have had a sizable deficit in its balance of trade.

This is why I say that aerospace is important to the total economy. Its needs extend to—and create jobs within—thousands of factories and hundreds of communities from one end of the country to the other. But just as aerospace is important to the economy, the SST is important to the aerospace industry. There can be no doubt that this is the plane of the future. The question is not whether there is going to be an SST. That question has already been answered by the French, the British and the Russians.

This plane will not only be built but it will be flown.

If anyone doubts that fact, they have only to look at this two-page ad in the December 28, 1970, issue of Aviation Week and Space Technology. The Russians are already advertising for sale "in any part of world" the Supersonic TV–144 airliner—their version of the SST.

Though air travel is now in a slump, because of the depressed condition of the economy generally, all forecasts project long range increases in over-the-ocean air flights. Air travel doubled in the 1960's. According to informed projections, it is expected to triple by the end of the 1970's. To accommodate increased travel, the world's air lines will continue to increase their capacity not only with more planes but bigger and faster planes.

What I'm saying, in short, is that the air lines of the world—including American carriers—will fly the best planes available. In the past they have purchased such planes from U.S.-based producers. But if they cannot get them with a made-in-the-U.S.A. label, they will get them elsewhere. This would mean a long term loss in U.S. balance of trade composed of sales of American aircraft overseas that would not be made as well as spending by domestic air lines to purchase foreign-made SST's.

In effect, then, the decision that this committee and eventually the whole Congress must make is a decision that involves much more than the mere funding of two SST prototypes. It involves the future of the American aerospace industry.

Unfortunately, the industry is already in a state of economic shock. If the state of the economy as a whole can be termed a recession, with unemployment at 6% of the work force and the number of serious and chronically depressed areas up from 40 to 45 in the last month alone, then the state of the aerospace industry can only be described as a depression.

Bad as conditions are in the nation as a whole, they are even worse in centers of aerospace production. As Floyd Smith, president of the Machinists and Aerospace Workers told the House Appropriations Committee last week, "The nation's aerospace centers have been disaster areas." It doesn't take much digging into the facts to verify this description. In Connecticut, where United Aircraft is the major manufacturing employer, unemployment is 7½%. In California, in communities surrounding Lockheed, McDonnell-Douglas and Aero Jet-General the jobless rate is almost 9%. In Seattle and its suburbs, the home base of Boeing, unemployment has risen to almost twice the national average.

In the past, when aerospace has experienced periodic declines, the companies have always tried to keep their pools of technological expertise intact. The axe generally has fallen heaviest on production workers. They have felt it heaviest again this time. But now, for the first time, hard-to-replace teams of engineers, scientists and technicians are also being chopped off.

During the last 18 months alone, 300,000 people have been let go in aerospace plants around the country. This includes 18.3% of the technicians, 12.9% of the scientists and engineers and 27½% of the production workers.

Declines of such magnitude cannot be easily and quickly absorbed by other industries. In fact, the shock waves of aerospace unemployment have hit employers in other industries. In Seattle alone, 71,500 people are out of work. And not all of them are aerospace workers. New and used car dealers report that their sales have fallen from 30% to 50%. As a result more than a dozen have already gone out of business. Hundreds of other small businessmen are suffering. Apartment vacancies are running as high as 40% in some suburbs.

The general economic anemia that afflicts the community as a whole has created a crisis in public assistance. Some 66,000 people are on welfare and 72,000 are drawing food stamps. For every child who was receiving a free school lunch two years ago, 50 are getting it today. And yet, while such needs are growing the revenues—and thus the ability of local and state governments to respond—are declining.

Seattle may have been hit harder than other communities by the current depression in aerospace but human suffering—due to widespread aerospace unemployment—is not confined to Seattle. It can be found in centers of aerospace production everywhere.

I realize that members of the U.S. Senate are not unaware of—or unmoved by—the human toll that the depression in aerospace has caused. But some of the arguments from opponents of further development of the SST, that the skills of unemployed aerospace workers be converted to programs that will meet the nation's deficiencies in education, health, pollution control, mass transit and the like, just don't stand up.

We in the AFL–CIO insist on the need for greater efforts in all of these—and many other—areas. But, as I indicated earlier, we cannot base a healthy social environment on a sick economy. We need basic industries that provide jobs and create dollar earnings in markets both at home and abroad. Aerospace is one of the nation's basic industries. It creates billions of dollars worth of taxable revenues and it is from such revenues that the nation finances public efforts in education, health, pollution control, mass transit and all these other needed programs.

To help this industry—and to insure its future—we are asking this Congress to make an appropriation that amounts to less than one-tenth of one percent of the total federal budget and less than 3 percent of the budget request for other forms of transportation. From this relatively small investment it has been estimated that the nation will receive back at least $6 billion to $7 billion in taxes over the next 20 years. The Congress can provide a lot of education, health, pollution control and mass transit with that kind of money. And this does not include all the other economic activity that will be generated by the purchasing power of the workers who will be directly and indirectly employed on the SST.

Having said all this let me very candidly admit that continued development of two SST prototypes—which is the immediate issue here—will not restore the aerospace industry to health. In fact, the immediate impact will be small. The appropriation we are seeking will provide only 14,000 direct and 28,000 indirect jobs. That's only a drop in the total pool of aerospace unemployment. But what's really involved here is not just these two prototypes. It is the future of the aerospace industry.

We're already behind in the race to provide the air lines of the world with the SST's, they will start flying sometime in the 1970's. The Russians are well along—so far along, in fact, that we know their TU–144 has been flown supersonically. The French and British-built Concordes have already gone through 400 hours of flight testing incluiding 90 hours at supersonic speeds and 15 hours at twice the speed of sound.

So their planes are almost ready. And we know we cannot catch up in time for the first generation SST's—the SST's of the late 1970's. But we can still enter the competition for the second generation—the SST's of the 1980's and 1990's. And I am confident that if we can build them, we can sell them. U.S. aerospace technology was good enough to capture world markets in the past. Since we know that the American SST is bigger, better and faster than either the Concorde or the TU–144, we should be able to recapture them in the future.

Once we get by the prototype development and testing state, we can get into production. And that's when this investment—the investment that this appropriation represents—will pay off.

According to informed estimates, the SST will eventually provide 50,000 direct jobs in the aerospace industry as well as 150,000 indirect jobs in electronics, basic metals, machine tooling and scores of other subcontracting industries throughout the country. The benefits—in payrolls, business activity and public revenues—will filter throughout local communities in at least 40 states.

Mr. Chairman, our concern about the SST and the future of the American aerospace industry is part of our larger concern for the future of the nation's economy. Too many Americans have become complacent about the development of U.S. production and the loss of American jobs. They have hardly noticed the extent to which producers in other nations—with the help of planned economies, subsidized industries and U.S. multi-national companies—have eroded the job opportunities of American workers. At one time, for example, America was the largest shipbuilding nation in the world. Today the U.S. shipbuilding industry is in a state of decay. No less than 10 other countries build more ships than American yards do.

At one time—not too long ago—America was the world leader in the production of electronic goods. Today, electronic plants have either closed or are closing all over the country. Aerospace is still potentially one of the strongest of America's remaining industries. But if America lets it slip away—as it has other important industries—this country will lose more employment opportunities for its people and a source of overseas earning power. America will lose a critical national resource. All America will deprive itself of the highly skilled, intensively trained research, development and production teams that are so vitally necessary to national security.

So, Mr. Chairman, the issues in this fight for this relatively small appropriation go far beyond the question of merely keeping the SST alive.

We're not merely fighting for 42,000 jobs now and 150,000 in the future. We're fighting to conserve one of America's most important industries.

We're not asking for a handout. We're asking Congress to fund a program which will not only keep people off unemployment and welfare rolls but which will create billions of dollars worth of new revenues.

We're not trying to make work for workers, engineers, technicians and scientists in aerospace. We're trying to insure that America maintains its technological lead in its most sophisticated industry.

We do not view the SST as a "plaything for the international jet set" but as the top of a product line that can help to stem and reverse the nation's dollar drain.

For these reasons, the AFL–CIO believes that continued development of the SST is in the national interest. And for these reasons I urge this Subcommittee—and the Senate—to approve this appropriation.

Mr. JACKSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I ask the distinguished Senator from Ohio if he will yield me time.

Mr. SAXBE. I yield 25 minutes to the Senator.

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, first, I ask unanimous consent—and I invite the attention of the distinguished majority whip, the Senator from West Virginia (Mr. BYRD) to this—to permit Richard Wegman, who is my staff assistant and who has devoted a great deal of time to this matter, to be on the floor tomorrow, if that is permissible.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Does the Senator have reference to the period during the rollcall votes?

Mr. PROXMIRE. I should like that permission. If the Senator objects, I understand.

Mr. BYRD of West Virginia. The Senator is entitled to have one clerk on the floor tomorrow without unanimous consent, but he would require unanimous consent to retain that clerk on the floor during the rollcall; if that is what he wishes, I will have no objection, because he is the leading opponent to the SST.

Mr. PROXMIRE. That is what I would like. I thank the Senator.

Mr. President, since the Senate voted by a 52-to-41 margin to reject the funds for the supersonic transport last year, there have been new developments, new evidence, and new testimony before the Senate and House Appropriations Committees. I submit that the new evidence is overwhelmingly against going ahead with the supersonic transport at this time. This is true of the environmental information, and it is also true of the economic developments since that time.

I should first like to address the question that has been raised by many Senators as to why we cannot just go ahead with a prototype program. They argue that a supersonic transport will not have any serious environmental effects if it is confined to two prototypes and that the prototypes could answer some questions about the atmosphere that we need to know. This was put to rest emphatically in my view by Mr. Ruckelshaus, the Administrator of the Environmental Policy, Administration, in testimony before the House Appropriations Committee. In that testimony, he said the prototype was not necessary and would not provide significant answers so far as determining the adverse effect of supersonic transports or a fleet of supersonic transports on the atmosphere was concerned.

The reason for this is that we are concerned about the long-range, cumulative impact in the upper atmosphere and we cannot possibly determine the effect of the impact of 500 American planes and 300 foreign planes flying four flights daily with two prototypes. The plans are to fly the two prototypes only 100 hours before they go into making a decision on production. That 100 hours would be grossly inadequate to provide the technical answers. The answers can come from research, but they should come from the research we are providing by the $27 million, which all of us, I think, approve of in that program. If that program shows that the adverse effects on the environment by a fleet of SST's are not significant, then this whole environmental argument will disappear.

In this respect, several Senators have raised the question, "How can we argue that we could have 50 or 800 SST's which would not have an adverse effect on the atmosphere?" It has been stated that our military planes have flown 438,000 hours in the past 20 years. As has been said, no one has charged that this has polluted the atmosphere, or that there has been an increase in skin cancer.

The answer to that is that those planes have been flying over a 20-year period; but, in only 20 weeks, a fleet of supersonic transports that we are talking about now, would fly more hours than those military planes did in 20 years.

That is the first point.

The second point is that the new commercial SST would fly in regular air corridors at an altitude of 65,000 feet. And it is at that high level that the atmospheric pollution takes place. While some military planes have been flying at that level, they have flown at all different levels. So the comparison is not one that would make one feel that the fact we have had military supersonic planes for 20 years flying a fewer number of hours proves that, if we have supersonic planes flying many times more, that this could not have an adverse effect.

In that connection, I should like to refer to what I believe is a devastating argument on these points, which was published in this morning's New York Times, in an editorial entitled, "SST: The Prototype Fallacy."

It reads:

> Under pressure of repeated defeats in the Senate last December and in the House last week, the Nixon Administration and other advocates of the supersonic transport have retreated to what they hope is a defensible position. As the Senate prepares to cast what could be the final vote on this question tomorrow, SST advocates are contending that nothing more is at stake than the building of two SST prototypes. Surely, they argue, there cannot be any harm in going ahead with a couple of test models to obtain research data on disputed issues.

> This prototype argument sounds open-minded and reasonable in the best pragmatic American tradition, but in this context—as its proponents well know—it is fundamentally misleading and irrelevant.
>
> If the supersonic transport were in regular use, it is possible—not certain but possible—that it might eventually produce a sharp increase in the incidence of skin cancer. If this came about, it would be because the engine vapor introduced into the thin air of the stratosphere reduced the protective ozone, thereby permitting more ultraviolet rays to reach the earth. This result could not occur immediately but only after several hundred SST's had been flying every day for some years. For the purpose of finding out the cumulative effect of a huge fleet of planes, a few test flights by only two planes would be clearly irrelevant. Careful atmospheric research could find out the desired answers, but academic scientific experts believe that ten years would be needed.
>
> The Boeing Company, chief contractor for the SST, envisages selling 500 or more planes. If that many planes were in regular use, they would possibly derange the life patterns of migratory birds and have incalculable effects on marine life. Birds, like humans, can withstand the isolated shock of one sonic boom, but that is entirely different from adjusting—if adjustment is possible—to a sonic boom every half-hour or every hour. Two prototypes could not provide quick answers to these imponderables.
>
> The severe sideline noise produced by an SST on takeoff is another major argument against the SST, as no less an air enthusiast and expert than Gen. Charles A. Lindbergh has pointed out. It is unnecessary to build two prototypes to convince the public that the sideline noise can be reduced to 108 decibels. It can be brought down to that level if Boeing is willing to sacrifice some of the plane's cruising range or otherwise reduce its cost efficiency. But 108 decibels is not a satisfactory long-term value. As a Presidential commission observed in a report on noise pollution released over the weekend, existing noise levels are dangerous to health and becoming intolerable.

Mr. President, on Friday last, the distinguished Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) introduced a bill, which I was proud to cosponsor, which would prohibit flights of commercial aircraft over the United States at supersonic speeds. As I say, that was a good provision in that bill but, at the end of the bill there is a requirement that prototype must be able to be produced in such a way that the perceived noise decibels would be at most 108 in order to comply with what the subsonic jets now have.

As I pointed out at that time, the weakness of that provision is that it applies to prototypes. It does not apply and cannot apply to the production planes. Sound suppression is very expensive. At least $1 million or $2 million more will be necessary to provide the plane with sound suppressors. The operating costs would increase. The range would decrease. Passenger payload would decrease. So, for all these very serious economic reasons, it is clear to me that it is unlikely production planes will be made with sound suppressors unless they were required by law of Congress. That bill we passed does not provide that. It applies to the prototype, but not to the foreign planes and not to the planes that would be produced in production.

The editorial goes on to say:

> Two prototypes are unnecessary to decide the economic argument against the SST. It is beyond dispute that it would require another $477 million to build them. That is in addition to $864 million in Government funds already spent. Unless private financing can be found, another $5 billion would be necessary to pay production costs. Reputable economists have repeatedly testified that it is highly improbable that enough planes could be sold at a price that would reimburse the taxpayer for these enormous sums.
>
> Since an Anglo-French combine has already built prototypes of the Concorde, there is no reason to doubt that Boeing could produce a plane that would fly and be technically feasible. But feasible prototypes do not resolve market-place doubts about profitability. The president of Continental Airlines has already told a Senate committee that the Concorde is a fine plane but he would not buy it because he could not make money with it on the California-to-Hawaii run. Its seat-mile cost ratios are simply not good enough.
>
> The prototype argument is a fallacy. Prototypes could not test out the environmental issues and are not needed to test the economic issues. More tests are not the answer. The time has come for the Senate to say—"Enough is enough. Let us lay this white elephant to rest."

Mr. President, there has been a dispute between the proponents and the opponents of this plane with respect to the termination costs. The fact is that we have spent $864 million. If we go ahead with it, we will have to spend $1.342 billion according to the testimony by the Department of Transportation. Part of that difference would be diminished if we go ahead, it is true, because termination costs are involved.

Those direct termination costs are $97 million. So, there would be an additional $71 million that might be required, although part of that $81 million would be a return to the airlines which was not a taxpayer's outlay but would be a matter of what some people might construe as a moral obligation to pay back to the airlines what they had paid in good faith when they reserved positions for the SST.

One of the most telling points made by Professor Samuelson, a Nobel economist, and others, is that the great loss the Government suffers is because they do not understand when they have made a mistake and should cut their losses. They go on and on and on. We have seen in the Senate in recent years how when bad and wasteful programs have been started, we have felt that we had put so much into the pot that we hated to get out of the game.

This is a clear example of the fatal big Government weakness. The fact is that if we stay in we are not going to lose an additional $350 million, the difference between cutting it off and going ahead, but we stand to lose what competent people have testified would be between $4 billion and $5 billion because the Government will be required to go ahead with a substantial part of the production costs.

I come to one of the most difficult and delicate parts of the argument on this issue. It is a point that has to be raised. When it is raised, those who favor the SST say that it is a scare tactic, that it is unfair and emotional. I am trying to make this as factual as I can.

We have discussed the potential effects of the SST on skin cancer. We have to point out that when we say skin cancer, we are not talking about the kind of cancer that is as deadly as internal cancer. The majority of people who have skin cancer are not killed by it. It is true that between 5 and 8 percent of the people who suffer from it die as a result. It is disfiguring and painful. However, it is not like stomach cancer or cancer of the lung. It can be prevented rather easily. There are known techniques that can protect any person who would take precautions with respect to skin cancer, primarily shielding himself from the sun.

There is not any question that whether the SST continues to fly or not, many people will continue to get skin cancer because they do not take precautions.

But recognizing all of that, Mr. President, do we not have a responsibility to inquire into whether or not a responsible scientist who has charged that a large fleet of SST's could increase skin cancer is valid. What does environmental concern mean if we do not weigh this charge before we decide on the SST? If the charge is valid it should weigh against the SST. If the charge is invalid it should not.

To determine the validity of the charge, I sent it to 40 of the outstanding meteorologists and skin cancer specialists in America. And I would like to discuss what they found.

Dr. James McDonald was asked by a panel of the American Academy of Scientists to look into the matter. Incidentally, the Academy has not taken a position on this; they do not say that his position is right or wrong, but they asked him to look into it.

Dr. McDonald testified before the House Appropriations Committee on this matter. To secure an evaluation of that testimony I sent it to competent scientists to ask their opinions. I want to summarize them.

But first let me say, Dr. James E. McDonald is a competent man. He is senior physicist, Institute of Atmospheric Physics and professor, Department of Atmospheric Sciences, University of Arizona, Tucson, Ariz. He has a B.A., an M.S., and a Ph. D. He is a member of the National Academy of Sciences on weather and climate modification. He is a respected member of the scientific community. He testified in part as follows:

> Briefly, it is my present estimates that operation of SSTs at the now-estimated fleet levels predicted for 1980–85 could so increase transmission of solar ultraviolet radiation as to cause something of the order of 5–10,000 additional skin cancer cases per year in just the United States alone. I return to this point below. . . .
>
> In my own opinion, the present evidence points rather strongly to the conclusion that operating a major SST technology of the magnitude now under consideration here and abroad would, via the ozone-ultraviolet-carcinogenesis chain, lead to increased incidence of skin cancer of the order of 10,000 new cases per year within the United States alone. The world total would be somewhat greater, of course, but not greater by a large factor, since skin cancer is above all an afflic-

> tion of Caucasians (rather than Negroes), Asiatics, or other pigmented ethnic stocks, so considerations of world geography and world climatology seem to imply that the brunt of the skin cancer burden, *regardless of who builds and flies them in the Northern Hemisphere,* would necessarily be borne by the Caucasian population of this country, with Europe bearing most of the remainder of the total. . . .

Then Dr. McDonald continues:

> If careful research into all of the many factors underlying the above estimates should disclose that an estimate of some 10,000 new skin cancer cases per year is a gross overestimate, then this one of the several grounds for caution in the present SST decision will disappear. My present surmise, however, is that it will probably be found to be on the low side.

This is an estimate that I sent out to competent people, recognized experts in the field. Some of the statements and reactions I got back indicated that they felt Dr. McDonald had gone too far. Some felt he might have overstated the case in some respects. But none of the people said he was wrong. Most of them, the overwhelming majority, said he was right. A large number said he was understating the case.

One man that I wrote was an associate professor of atmospheric sciences and geophysics of the University of Washington at Seattle, Wash. He is a man who comes from a part of the country that is enthusiastically in favor of the SST.

This man's name is Conway B. Leovy. He was one of the distinguished men who appeared at a press conference with me on this subject a week ago.

This is what Professor Leovy, a professor from Seattle, Wash., said:

> In summary, I find no disagreement with Dr. McDonald's arguments up to the assumption of a strong relationship between ultraviolet dosage, particularly near 3000 Angstroms, and skin cancer incidence, a point which I am not qualified to evaluate. He seems to have been quite conservative, but there are several improved assumptions in the argument. In view of this, his conclusion may be stated too emphatically, but I believe that the issue he has raised deserves very serious consideration. Construction and operation of prototype SSTs will not help answer any of the scientific questions raised by his testimony.

Dr. Leovy has been consulted by both sides in this matter. He is an eminent meteorologist. He makes the same point that the others have made, that we do not need to have the prototype to discover whether this will have adverse consequences.

Another man I wrote was Gio B. Gori, a Ph. D. and associate scientific director for program, Etiology, of the National Cancer Institute.

I asked Dr. Gori to appear at a press conference last week. He first said he would. He said that only a direct refusal by his superior would prevent him from coming. He was told not to come. However, he wrote two letters. One letter indicated that Dr. McDonald's statement and testimony was too conservative and that the incidence of skin cancer would be much greater. His second letter was to the effect that while McDonald's testimony was conservative, it was not as conservative as he first stated. The second letter was less favorable to my side, but I will read parts of that letter:

> In reply to your letter of March 8, we have evaluated the testimony of Dr. James E. McDonald before the House Appropriations Committee on the pending question of further funding of the U.S. SST Program. We have been assisted by several consultants who represent recognized excellence in their fields.
>
> For atmospheric sciences they are:
>
> Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, Boulder, Colorado.

Dr. Kellogg, incidentally, was asked by Mr. Magruder to serve on his panel to determine whether or not the SST would be likely to have adverse environmental effects, and Dr. Kellogg is one of the men Dr. Gori consulted.

I continue to read from Dr. Gori's letter:

> Professor Julius London, Department of Geoastrophysics, University of Colorado, Boulder, Colorado.
>
> Professor Zdeneck Sekera, Department of Meteorology, University of California, Los Angeles, Los Angeles, California.
>
> Dr. Lester Machta, National Oceanographic and Atmospheric Administration, Washington, D.C.
>
> For epidemiology they are:
>
> Dr. Sidney Cutler, Head, End Results Section, National Cancern Institute, National Institutes of Health, Bethesda, Maryland.
>
> Dr. Marvin Schneiderman, Associate Scientific Director for Demography, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.
>
> For photochemical and carcinogenic effects they are:
>
> Dr. Harold Blum, Professor of Biological Sciences, State University of New York, Albany, New York.
>
> Dr. Frederick Urbach, Professor and Chairman, Department of Dermatology, Temple University, Health Sciences Center, Skin and Cancer Hospital, Philadelphia, Pennsylvania.
>
> Dr. Richard B. Setlow, Biology Division, Oak Ridge National Laboratories, Oak Ridge, Tennessee.
>
> Dr. Philippe Shubig, Director, The Eppley Institute for Research in Cancer, University of Nebraska, Omaha, Nebraska.
>
> Professor Melvin Calvin, Director, Laboratory of Chemical Biodynamics, Lawrence Radiation Laboratory, Berkeley, California.
>
> Dr. Thomas P. Nigra, Clinical Associate, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

As a result of this inquiry by the National Cancer Institute experts and the men they brought in, this is what Dr. Gori found:

> The upper and lower estimates of new cases that may be expected as a consequence of the operation of 800 commercial SSTs are as follows:

[In percent]

	Low	High
Ozone reduction	1	3
UV radiation increase	5	27
Estimated annual increase in new skin cancer cases in the United States	11,500	62,000

> The probable increase could rest between the given figures, but I should emphasize that the upper limit may be a conservative estimate if, as it is reasonable to believe, the dose/response relation is more than one to two.

Then, another man who was consulted was Dr. Reid A. Bryson, director of the Institute for Environmental Studies, University of Wisconsin, Madison, Wis. He made a very concise response:

> First, with regard to James E. McDonald, himself, I have known him for years, and spent a year at Arizona with him. He is the most meticulous, thorough scientist I know and is generally so regarded by his profession.
>
> Second, I find his atmospheric arguments sound.
>
> Third, Dr. Van R. Potter of the United States, one of the world's leading cancer experts, has read the testimony with regard to ultraviolet and skin cancer. He says it is an absolutely sound argument based on the best evidence available. He will write a note to this effect, which I will forward to you.

Then, Dr. Frederick Urbach, Temple University, Health Sciences Center, Philadelphia, Pa., wrote:

> Since, as Dr. McDonald and many others have pointed out, it is the ozone layer in the atmosphere above the earth which is primarily responsible for determining the amount of biologically effective ultraviolet radiation reaching man, it is obvious that any reduction in total ozone content will result in an increase of the intensity and amount of ultraviolet radiation reaching the ground and eventually an increase in the incidence of skin cancer in man. . . .
>
> The quantitative amount of change in ozone at this point is rather speculative and our best estimates suggest that a decrease of 1 percent in the ozone layer might result some years later in an increase in skin cancer of the order of 10,000 to 15,000 new cases per year in the United States. . . .
>
> In summary: While the potential problem resulting from a reduction in atmospheric ozone is very real, knowledge of these environmental changes allow enough time lead to carry out appropriate studies which can result in a fairly complete prevention of this problem before it would ever arise.

That is the opinion of Dr. Urbach. He may be right and we hope and pray he will be. His argument is that if we use our good sense, preventive medicine, and take the precautions we should, we can prevent skin cancer. I would not be one who would be willing to say the odds are 1 to 10 that we will. We could have done it, I hope we do it, and if we do not do it it seems clear that the opinion of this man, together with others, is that the SST might increase incidents of skin cancer on the order of 10,000 to 15,000 new cases a year.

Mr. MAGNUSON. Mr. President, I wish to place in the Record some documents relating to the subject which the Senator from Wisconsin has raised. These are documents by very distinguished scientists. I could name them and state the degrees they have. They have reputations and educational backgrounds that would qualify them to discuss and dispute some of the conclusions raised by the Senator from Wisconsin.

At this point I want to place in the Record evidence of how difficult it is to get the scientists, who admit they know very little about this subject, to come to any conclusions.

I wish to ask the Senator from Wisconsin this question. Of course, all of us know that ultraviolet rays can cause skin cancer. That has been common knowledge for a long time. People who stay in the sun too long are more susceptible to it than others, but there is no evidence that I know about that would suggest that this airplane will actually enhance those possibilities.

The different seasons of the year, the differences in the north-south latitude the differences in the weather, and even sunspots will change the amount of ultraviolet that reaches the earth in a given day and sometimes in a yearly cycle. There is more susceptibility to ultraviolet according to skin color and according to local weather conditions. In some areas it is not much of a problem, but there is nothing to suggest and particularly there has not been any valid, conclusive evidence to suggest that the SST will actually cause additional cases of skin cancer.

I know these people are concerned about it and no one is more concerned about cancer than I am.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. I shall yield in a moment. I will speak out again later on my own time.

I think it was shocking, and I said so, that these people did not come before the Appropriations Committee. We gave everyone ample notice. The Senator from Wisconsin had a chance to bring Dr. James McDonald before the committee, if he wanted, as his witness. I would have even agreed to a longer hearing for that purpose.

But the implication is being made that people who are for the SST might be implicated also as being for cancer. I established the Cancer Institute; I was the author of it enabling legislation back in 1938. I do not know how many millions of dollars I have appropriated, as a member of Committee on Appropriations, for the Cancer Institute. I have some other personal reasons for being against cancer, too.

I do not want there to be any implication that we who are for American air superiority and for the SST are "soft on cancer." I would be the first one to oppose the SST, if I thought some of these things were actually true. I think the Senator should have brought Dr. McDonald in and he could have brought in other scientists, too; so that the committee members could have cross examined these scientists.

The Senator referred to Dr. McDonald as his expert. I do not question his sincerity. I was a little bit skeptical of Dr. McDonald when he suggested that flying saucers caused a blackout in New York and that flying saucers were manned by humanoids. I would like to put in the Record a statement which indicates Dr. McDonald's views on flying saucers and UFO's.

That does not mean he is insincere. Everybody is working on cancer. I suppose that to the Senator from Wisconsin, the Senator from Illinois, the Senator from California, and all of those of us on the floor, one of the happiest days of our lives will be the day we pick up a newspaper some morning with a headline, "Cure Found for Cancer." That would be the greatest headline for all mankind that we could ever read.

The Senator from Wisconsin could stand here for 20 days or 30 days, and I could get one fellow to say one thing, and another fellow would say the opposite, and we would not know any more when we got through than we know now. I suppose that is one of the reasons I want to find out the answers by building the SST.

I do not disagree with the dedication and sincerity of the persons the Senator names. We have some others who say just the opposite.

I hope the Senator will disavow any implications that those of us who are for the SST do not care whether it causes additional skin cancer cases; which I do not honestly believe it will.

Mr. PROXMIRE. Mr. President, of course I have not said that, but there is the hard fact that leading scientists, with the most competent qualifications, have the opinion that a large fleet of SST's very likely will increase the incidence of skin cancer.

Mr. MAGNUSON. Why did not the Senator bring these people before the committee?

Mr. PROXMIRE. I would have, but we did not have Dr. McDonald's testimony. He testified before the House committee. After that, we sent his testimony to the other experts. We did not get their replies back until after the Senate committee met.

Mr. MAGNUSON. I will put in the Record what Dr. McDonald said when he was talking about flying saucers. He talked about humanoid occupants of flying saucers and went on to say it caused the blackout on the eastern seaboard. I will put it in the Record. Maybe he is right. I do not think many scientists agree with him on that subject.

Mr. PROXMIRE. The scientific community overwhelmingly rejected his conclusion or his opinion about nonterrestrial life being on flying saucers.

The PRESIDING OFFICER. The time of the Senator from Wisconsin is running. Is there objection to the unanimous-consent request of the Senators from Wisconsin?

Mr. MAGNUSON. Mr. President, I will yield some of my time.

The PRESIDING OFFICER. There was a unanimous-consent request by the Senator from Wisconsin. Is there objection?

Mr. PROXMIRE. Does the Senator from Washington consent to my unanimous-consent request?

Mr. MAGNUSON. I will as soon as I am through.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. I shall be through in a minute.

I am a great devotee of the New York Times. I read the Sunday Times thoroughly, and I get many ideas from it; but I want to point out that 1 week before the Wright brothers took off in an airplane at Kitty Hawk the New York Times editorially advised Samuel Langley, one of the Wright brothers' chief competitors, to turn his talents to "more useful employment." At that time people believed that. They did not think people could fly. They believed that man was not created to fly. He was not born with wings; therefore, he should not fly.

It just goes to show that so many things are pure speculation.

I cannot challenge scientists. I am not a scientist. But I know they pooh-poohed many things, because there were some unknowns involved.

The Panama Canal would never have been built if the editorials had been heeded and if Theodore Roosevelt had not gone ahead to have it done.

Mr. Edison was told to stay out of New York because electricity might do harmful damage to pregnant women and might even electrify them.

Two circuses were in my childhood, great competitors. There was great rivalry between Barnum & Bailey and Ringling Bros. Mr. Barnum advertised that he was going to bring his circus to New York and he was going to have, lo and behold, electric lights. His competitors said, "Do not go. You will all get electrified and there will be horrible physical results from electric lights. Go to the circus that only has lamps."

All of this is a part of our history. We could name many other such instances.

So what we are talking about in these matters are unknowns. I could get just as many people, if I wanted to, to state the opposite of what is being alleged about the impact of the SST, but it would not prove anything. We could put all the experts in this room and they would just get into an argument about these matters. This is true of the debate on almost any new technology.

Some people may suggest that progress is a relative term; it depends on how one looks at it. I have been involved in problems of environment for years. I think the Commerce Committee, of which I am chairman, has passed more bills relating to the environment than has any other committee of the Congress. Now a new joint committee is going to consider such matters.

I do not discount what the Senator from Wisconsin has said. If I thought it was true, I would join him tomorrow. I might get a chapter in "Profiles in Courage" if I did, but I would join him if I thought it was true.

Mr. President, I ask unanimous consent to place in the Record Dr. McDonald's statement on flying saucers.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Dr. McDonald

On July 29, 1968, when Mr. McDonald appeared as a panelist on a UFO symposium sponsored by Congressman J. Edward Roush, of the House Science and Astronautics Committee he distributed a prepared statement on UFO creatures. I want to quote verbatim the whole paragraph.

"An extremely unusual category of cases, those involving reports of humanoid occupants of landed UFO's. . . . I have tended to skirt such cases on tactical grounds; the reports are bizarre. . . . For the record, I should have to state that my interviewing results dispose me toward acceptance of the existence of humanoid occupants in some UFOs. . . . My efforts over the past two years being aimed at arousing a new degree of scientific interest among my colleagues in the physical sciences, have led me to play down even the little that I do know about occupant sightings. One or two early attempts to touch upon

> that point within the time limits of a one-hour colloquium taught me that one loses more than he gains in speaking briefly about UFO occupants. . . . But occupants there seem to be, and contact (with them) of a limited sort may well have occurred. . . ."

Mr. MAGNUSON. I ask unanimous consent to have printed in the RECORD a letter written by Martin Van Buren, Governor of New York, to President Andrew Jackson on January 1, 1829, in which he said, among other things:

> "Railroad" carriages are pulled at the enormous speed of 15 miles per hour by engines, which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring livestock and frightening women and children. The Almighty never intended that people should travel at such breakneck speeds.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEAR MR. PRESIDENT: The canal system of this country is being threatened by the spread of a new form of transportation known as "Railroads". The Federal Government must preserve the canals for the following reasons:
>
> 1. If canal boats are supplanted by "Railroads" serious unemployment will result. Captains, cooks, drivers, hostlers, repairmen and lock tenders will be left without means of livelihood, not to mention the numerous farmers now employed in growing hay for horses.
>
> 2. Boatbuilders would suffer and tow line, whip and harness makers would be left destitute.
>
> 3. Canal boats are absolutely essential to the defense of the U.S. In event of the expected trouble with England, the Erie Canal would be the only means by which we could ever move the supplies so vital to waging modern war.
>
> For the above mentioned reasons, the Government should create an Interstate Commerce Commission to protect the American people from the evils of "Railroads" and to preserve the canals for posterity.
>
> As you may know, Mr. President, "Railroad" carriages are pulled at the enormous speed of 15 miles per hour by engines, which in addition to endangering life and limb of passengers, roar and snort their way through the country side, setting fire to the crops, scaring livestock and frightening women and children. The Almighty never intended that people should travel at such break-neck speeds.
>
> MARTIN VAN BUREN.

Mr. MAGNUSON. I am sure Van Buren believed that, but if it had not been for the railroad, people would not have been able to get west of the Mississippi. I would never have made it. I would have had to wait for the ice to come to walk across.

A lot of these matters are speculative, and we have to learn about them. The success of America is due to the fact that we have said, "Let us go ahead and find out." When we did not find out, we moved on. That is the case here.

I thank the Senator from Wisconsin and the Senator from California. When the Senator from California is through, I want to put into the RECORD the number of jobs involved in California and the fact that nearly $6 billion of procurement potential exists to the State of California if the SST is produced. That certainly will create a lot of jobs for California's aircraft subcontractors.

Mr. PROXMIRE. Mr. President, before I yield to the Senator from California, let me say that the opinion of Dr. McDonald with respect to extraterrestrial life on flying saucers is well known in the scientific community. The overwhelming majority of the scientific community disagree with him. But they say this is typical of Dr. McDonald. He does not care if it affects his reputation; he speaks honestly. It is characteristic that he would have that kind of opinion even if he thought it might affect the attitude of his colleagues.

However, when we get down to the testimony of a man selected by the panel of the National Academy of Sciences to look into the possible effects of the SST's on skin cancer, and then take what he says and give it to the leading meteorologists and leading skin cancer specialists in the country and ask their opinion of Dr. McDonald's findings, and they go so overwhelmingly on the side that he has taken, what are we supposed to do? Say, "At one time he had an opinion about flying saucers with which I do not agree, and therefore he is a nut and I will not accept it"?

It seems to me it is perfectly obvious that we should take the opinion of experts in a scientific area where we are not qualified. I am not qualified, and the Senator from Washington is not qualified, as a meteorologist or a skin cancer specialist. We guess, unless we take the opinion of those who are.

Mr. MAGNUSON. I shall put the names of other experts in the RECORD.

Mr. PROXMIRE. I have gone to the National Cancer Institute, in which the Senator from Washington says he has great faith, and have asked the Associate Scientific Director, who says he has consulted the leading meteorologist, the leading skin cancer specialist, and other leading experts in the area, and they say Dr. McDonald is too conservative. They say it is not 5,000 or 10,000 cases, it is 11,000 to 66,000 cases. That is their opinion.

I have gone to a number of scientists who do not agree with Dr. McDonald, but none of them are sure. I do not know. Nobody knows. But they say the evidence is sufficiently persuasive and circumstantial to persuade us that we should not go ahead until we have much further research; that we do not need the prototypes for that kind of research; and that, furthermore, we probably are not going to get the answers for a number of years—long after we would have gone into production on the SST's if we continue this program.

That is why this is relevant, and why it makes sense. The Senator can say, "Oh, in the past, if we had listened to Martin Van Buren, we never would have built the railroads." But I say that when people come up with technology that may be polluting the environment, we should go to the scientists and get their opinion.

To say that because one of the scientists had a view which was unpopular and probably wrong about unidentified flying objects, therefore everything else he says for the rest of his life is wrong and should be derided or ridiculed, does not make much sense.

Mr. MAGNUSON. I never said he was right or wrong. I said we do not know.

Mr. PROXMIRE. Well, the Senator brought up to the fact that this man at one time talked about unidentified flying objects and that they probably had extraterrestrial life on them, which I think is probably an absurd conclusion and probably wrong, and most of the people in the scientific community come to the same conclusion; but I say that should not disqualify him in these other areas, when what he has found is submitted to the scientific community and they come up with the preponderant opinion that Dr. McDonald's estimates are probably correct, and conservative.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD following the colloquy a report made by Dr. Fitzpatrick and Dr. Pathak on the subject we have been discussing.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SOLAR RADIATION AND SKIN CANCER: A BRIEF REVIEW

SOLAR RADIATION AND SKIN CANCER: STATEMENT OF THE PROBLEM

There are more than twenty-five disease entities that are either caused by or aggravated with exposure of the skin to sunlight. These range from the degenerative and neoplastic changes to the discomforts associated with drug induced photosensitivity reactions. The enclosed table (17–4) abstracted from the chapter entitled "Normal and Abnormal Reactions of Man to Light," by M. A. Pathak and J. H. Epstein (in *Dermatology in General Medicine*, T. B. Fitzpatrick et al, eds., McGraw-Hill Book Co., New York, April 1971, in press) includes diverse diseases with varied mechanisms responsible for abnormal reactions to light in man.

The importance of the biological effects of solar radiation can hardly be overlooked. Many thousands of working hours are lost yearly to industry because of discomforts and pain associated with sunburn. Several thousand cases of disabling drug photosensitivity reactions are recognized each year in the United States. These involve adverse cutaneous reactions such as exaggerated sunburn response, edema, papules, vesicles, acute eczematous or urticarial reactions. In most cases these abnormal responses are evoked by sunlight in the presence of an exogenous agent that was applied topically or administered orally. Aging of the skin, what is commonly referred to as "actinic elastosis", is undoubtedly induced by ultraviolet radiation, particularly in fair-skinned individuals who easily sunburn. It is estimated that approximately 150,000 basal cell carcinomas and 40,000 squamous cell carcinomas occur in the continental United States each year (in National Program for Dermatology, a report prepared by the Joint Committee on Planning for Dermatology, The American Academy of Dermatology, Inc., 1969). In direct surveys of the population in Australia, Gordon and Silverstone have collected reliable data on the occurrence of keratoses and skin tumors (Med. J. Australia, p. 312, March 2, 1968; and p. 733, October 15, 1966). Their data show that of all the males in Queensland, Australia (latitude 10–30° S), 25% have, or have had one or more skin cancers at the age of 65.

We shall confine our comments to the degenerative and neoplastic conditions associated with solar radiation and include (a) basal cell carcinoma, (b) squamous cell carcinoma, (c) malignant melanoma, (d) senile keratoses, and (e) chronic actinic damage.

SOLAR RADIATION AND HUMAN SKIN PROBLEMS

It is fortunate that man lives on a planet that is not reached by wavelengths shorter than 295 nm. Wavelengths of 295 nm and shorter, whose energy content of the photons is more than 95 k Cal/mole of quanta, can damage skin tissue severely (erythema and desquamation), they can induce mutation, denature proteins and enzymes, inhibit DNA, RNA and protein synthesis, evoke dimerization in nucleic acids and alter the enzymes essential for replication and regeneration of skin cells. The entire photobiologic spectrum (295–700 nm) contains about 75% of the sun's radiant energy; for the most part, this radiant energy is biologically either useful or innocuous in that it promotes such orderly chemical reactions such as vitamin D synthesis, pigment darkening, and melanogenesis (formation of new melanin pigment). Human skin can utilize a large part of this solar energy without appreciable injury; within this broad spectrum, however, there is a band of radiation between 295 and 320 nm, that is capable of inducing cutaneous sunburn, carcinogenesis, and phototoxic and photoallergic reactions that may evoke abnormal manifestations as urticaria, edema, and vesicular, purpuric, papular and eczematous lesions of the human skin.

CARCINOMA AND OTHER CHANGES INDUCED BY PROLONGED EXPOSURE TO SOLAR RADIATION

Epidemiologic evidence clearly implicates solar radiation as a factor in the induction of human skin cancer (Blum, H.F., *Carcinogenesis by Ultraviolet Light*, Princeton University Press, Princeton, N.J., 1959; Urbach, F., in *Advances in Biology of Skin*, Vol. VII, Carcinogenesis, W. Montagna and R. L. Dobson, eds., Pergamon Press, Oxford, 1966; Gordon, D. and Silverstone, Med. J. Australia, p. 312, March 2, 1963, and p. 733, Oct. 15, 1966; Silverstone, H., Skin Cancer in Queensland, Australia, in "Report of the Airlie House Conference on Sunlight and Skin Cancer," National Institute of Health, Bethesda, Md., 1964). The demographic evidence that sunlight may be a cause of the cancer of the skin is based on long-standing clinical impressions which may be summarized as follows:

1. Cancer of the skin occurs more frequently on those parts of the body habitually exposed to sunlight. In fair-skinned, "white" Caucasoids who easily sunburn, these cancers are limited almost exclusively to the exposed parts, especially the face, head, neck, arms and hands. Negroid skin, on the other hand, is remarkably resistant to the development of skin cancer of the exposed surfaces. A similar resistance to skin cancer of the exposed surface is seen among the pigmented Caucasoids, American Indians, and other races such as Orientals (Urbach, F., in *The Biology of Cutaneous Cancer*, Monograph No. 10; National Cancer Institute, 1963). Basal cell carcinomas are relatively uncommon in pigmented races living around the equator. Those cancers that are reported in these people (squamous cell carcinoma) are most commonly observed on lower extremities and trunk, and have different etiology and are not related to the solar exposure.

2. Cancer of the skin is more prevalent among outdoor workers (farmers, sailors, etc.). An estimate of the incidence rate of basal cell epitheliomas at the New York Skin Cancer Unit (Gellin et al, in *Advances in Biology of Skin*, Vol. VII, Carcinogenesis, W. Montagna and R. Dobson, eds., Pergamon Press, 1965) indicated that there was 25% greater incidence among men than among women. This preponderance is obviously related to more hours of outdoor exposure due to vocation or sport.

3. *Distribution of Skin Cancer by Sex in Clinic Population.* The male: female ratio in skin cancer group shows an obvious male predominance. Studies reported by Gellin et al, in New York (in *Advances in Biology of Skin*, Vol. VII, Carcinogenesis, W. Montagna and R. Dobson, Pergamon Press, Oxford, 1965; also in Arch. Dermatology *91:* 38, 1965) revealed that the male incidence rate of basal cell epitheliomas was 18.9 per 1000; for females it was 13.8 per 1000, indicating a male : female ratio of 1:37:1. Data of Silverstone (Report of the Airlie House Conference on Sunlight and Skin Cancer, National Institutes of Health, Bethesda, Md., 1964) obtained by direct examination of all inhabitants of three small towns in Queensland, Australia also indicated an obvious male predominance.

4. *Distribution of basal cell epitheliomas.* Approximately 80–90% of basal cell epitheliomas occur on the head and neck, approximately 4–8% on the trunk and 1–12% on the extremities. The lesion of the head and neck are concentrated on the nose and central portions of the cheeks. In addition basal cell epitheliomas are by far the most common cancers of the eyelids; they are also more common on the lower lid than on the upper lid, and on the medial than the lateral canthal areas. The dorsa of the hands also appear to be more frequently involved than any other site on the limbs.

5. Degenerative changes of the skin (wrinkling, telangiectasia, keratoses) are significantly more frequent in white-skinned people living in areas where the intensity of ultraviolet radiation is greater. A survey by Eleanor J. MacDonald (J. Invest. Derm. *32:* 379, 1959, in *Tumors of the Skin*, Yearbook Medical Publication, Chicago, 1964) shows that the patients from El Paso County, Texas, where there is 80% possible sunshine, the prevalence of carcinoma was eight times higher than in patients from Hartford, Connecticut, where there is 59% possible sunshine.

The term solar (actinic) degeneration implies a group of changes in the skin of the exposed areas and includes wrinkling, atrophy, hypermelanotic macules, telangiectasia, yellow papules and plaques and keratoses. The furrowed and leathery condition of the skin is seen particularly in persons who have fair skin, poor tanning ability, and who are constantly exposed to the sun such as sailors, dock workers, farmers, etc. The most conspicuous and characteristic structural change in the skin involves alteration of connective tissue (elastin as well as collagen). Biochemical studies also have demonstrated the profound irreversible changes in chronically sun-exposed skin. Sun-damaged skin has markedly increased ground substance, increased elastin, and deceased collagen. Sunburn producing spectrum (290–320 nm) is undoubtedly responsible for the elastotic changes; however, long wavelength ultraviolet and possibly visible radiation (320–420 nm) that can penetrate deeply in the dermis, are also involved in evoking elastotic changes.

6. *Ethnic Origin and the Prevalence of Skin Cancer.* Several studies carried out in the United States and elsewhere (particularly in Australia and Ireland) based on the distribution of local population have indicated that people of Celtic ancestry develop skin cancer earlier and more frequently than expected. Australia has the highest prevalence of skin cancer in the world. The population is largely descendant from British stock with about ¼ Celtic, i.e. of Irish, Scottish and Welsh extraction in whom there appears to be a disproportionately high incidence of skin cancer. It has been shown that those persons most commonly afflicted with skin cancer in Australia are those that have fair skin with freckles who do not tan on exposure to the sun but who easily burn and are largely of Celtic extraction. Similar findings have been confirmed in the United States by Dr. Urbach (Philadelphia), E. J. MacDonald (Texas) and by Dr. Lane-Brown, in Massachusetts.

The following tables abstracted from Dr. F. Urbach's publication entitled "Geographic Pathology of Skin Cancer" (in *The Biologic Effects of Ultraviolet Radiation*, F. Urbach, ed., Pergamon Press, 1969) illustrate apparently the high frequency of skin cancer in patients of Celtic antecedents.

TABLE I.—PREVALENCE OF SKIN CANCER BY ETHNIC ORIGIN[1]

Country of origin	Percent expected	Percent found
Irish	3.45	25.5
Italian	8.3	11.9
German	3.9	9.5
Russian	5.0	7.7
English	4.6	6.9

[1] Experience of the Skin and Cancer Hospital Tumor Clinic, 325 patients. Expected percentage bases on "foreign born" category of 1960 decennial census for Greater Philadelphia.

TABLE II.—PREVALENCE OF SKIN CANCER BY ETHNIC ORIGIN (DATA OF SILVERSTONE)—ANCESTRY AND INCIDENCE OF CANCERS

Ancestry	Percentage with cancers					
	Julia Creek 18°S		Tully 19°S		Caboolture 27°S	
	Males	Females	Males	Females	Males	Females
Maternal and paternal ancestry both Scot and Irish	32.4	21.9	10.9	6.3	9.3	9.8
1 Scot or Irish, the other Australian, North European	16.4	10.0	29.5	16.4	12.7	6.5
Both Australian, both North European, or 1 of each	14.9	8.3	24.4	12.8	7.5	4.3
1 Mediterranean, South American, etc.; the other Scot, Irish, Australian, or North European—1 Scot, Irish, Australian, North European; the other Asiatic, Aboriginal or other pigmented type. Also, both Mediterranean or South American—1 Mediterranean or Asiatic; the other Asiatic or Aboriginal—both Aboriginal	0	0	1.4	1.4	0	0

Note: Report of Airlie House Conference on Sunlight and Skin Cancer, National Institutes of Health, Bethesda, Md., 1964, analyzed and interpreted by Dr. F. Urbach (in Biologic Effects of Ultraviolet Radiation, Pergamon, Press, Oxford, 1969).

7. *Relationship between Latitude and Prevalence of Cutaneous Cancer.* The data assembled by Dr. Harold Dorn of the National Cancer Institute (Public Health Reports 59: 33–68, 65–77, 97–115, 1944) is interesting in this regard. The most northern group included cities of Chicago, Illinois; Detroit, Michigan; and Philadelphia and Pittsburgh, Pennsylvania. The southern-most group includes Atlanta, Georgia; Birmingham, Alabama; New Orleans, Louisiana; and Fort Worth and Dallas, Texas. The middle latitude group included Denver, Colorado and the San Francisco Bay area, California. Skin cancer in both men and women showed a definite relationship between latitude and the incidence; it was much higher in the South than in the North and appears to be related to the spectral character of sunlight and its variation with latitude. Similar findings have been compiled by Dr. Eleanor Mac-

Donald of Texas. It should be realized that the variation of ultraviolet light (wavelengths shorter than 3200 A) with latitude is more than the variation of total sunlight. Dr. Frederick Urbach has published recently (in *The Biologic Effects of Ultraviolet Radiation*, F. Urbach, ed, Pergamon Press, Oxford, 1969) the prevalence ratios of squamous cell carcinoma (SQCC) to basal cell carcinomas by latitude. The following table abstracted from his publication illustrates the relatively greater increase in prevalence of SQCC with decreasing latitude and increasing exposure.

Origin of data	Latitude	Probable exposure	Ratio SQCC/BCC
Stockholm	59°N	Great	0.21
Sheffield	53°25′N	Small	.07
Bristol	51°30′N	Moderate	.17
Plymouth	50°20′N	do	.22
W. Cornwell	50°10′N	Great	.30
New York State	44–42′N	Moderate	.21
Philadelphia	40°N	Small	.09
Houston	29°30′S	Great	.55
Perth	32°S	do	.5

The differences in the observed prevalence of skin must also relate primarily to the relative exposure conditions (total exposure or combination of total exposure and duration). In this regard the data of Gordon and Silverstone obtained by direct examination of all inhabitants of three small towns in Queensland, Australia, are worth noting (Med. J. Austrl., p. 312, March 2, 1963, and p. 733, Oct. 15, 1966). These investigators collected data on the occurrence of keratoses and skin tumors in persons who have lived in one of three different areas for more than 20 years. Personal characteristics such as ancestry, occupation and spare time activities have been shown to be fairly uniform for the three regions: Cloncurry (Julia Creek, located inland at 18° S); Tully (located on seacoast, latitude 19° S); and the Brisbane (Caboolture, located on seacoast, latitude 27° S). Examination of the records for the Cloncurry (Julia Creek, 18° S) and the Brisbane (Caboolture) areas, one is amazed to notice that at age 65 years more than twice the percentage of the population at Cloncurry relative to Brisbane have a history of one or more skin tumors. At age 30–45 years, Cloncurry reports a skin tumor frequency which is more than three times that near Brisbane. Thus, at any age, people of Cloncurry which is near to the equator will show at least three times as many tumors per person as Brisbane which is 27° S.

8. *Wavelength Dependence*. The wavelength limit for carcinogenesis by ultraviolet light has been established at about 3200 A. (Blum, H. F. *Ultraviolet Carcinogenesis*, Princeton University Press, Princeton, N.J. 1959). Wavelengths between 2400–3130 A radiation are generally considered to be carcinogenic. The relative effectivenes of 2537 A radiation in inducing tumors of the skin in mice is considered to be less than the wavelength range of 2650 to 3130 A. There has been no deliberate production of ultraviolet-induced carcinoma in human beings. Extensive experimental investigations have examined various aspects of ultraviolet-light induced carcinogenesis, including dermal-epidermal interaction, time-dose relationship, the influence of temperature and other physical modalities, the relative protective roles of melanin pigment and the stratum corneum, and more recently the relationship between sunlight and etiology of malignant melanoma. Correlation of these experimental findings with sun-induced human skin cancers can be only inferential; however, the evidence for a casual relationship of sunburn evoking natural ultraviolet radiation (2900–3200 A) to the prevalence of human squamous cell carcinoma and basal cell epitheliomas is overwhelming.

Special dependence of DNA by ultraviolet light in bacterial system occurs maximally in the range of 260mm (2600 A) and the action spectra for bacteria (lethality and mutation) fit rather closely to the absorption spectra for bacterial DNA, suggesting that photons absorbed by DNA (250–260 nm) are responsible for the cellular damage. The action spectra studies with mammalian cells indicate that the maximum sensitivity is in the range of 270 nm and do not give any clear indication of the sensitive target for the ultraviolet light effects; both DNA and protein are implicated. Recent investigations in our laboratory on the formation of thymine dimers by ultraviolet light in vivo on mammalian skin suggest that wavelengths between 2850–3200 A, which are less absorbed by ozone, do indeed evoke thymine dimers in DNA. Thus even if ozone concentration is reduced by one percent, or increased by one percent, there is no way we can reduce the effects of 290–320 nm radiation unless we artificially protect the skin by topical sunscreens. The wavelength dependency of carcinogenesis has also been investigated. It is not at 2800 A. Although the precise action spectra studies with monochromatic radiation are lacking, the experimental evidence does not favor 2800 A radiation for carcinogenesis; wavelengths between 2900–3200 A that evoke sunburn response are indeed carcinogenic. The question therefore resolves on: (a) whether depletion of ozone results in increased penetration of 2900–3100 A radiation, and thus leads to increased carcinogenesis; and (b) is the carcinogenesis related primarily to the alteration in DNA produced by ultraviolet radiation or inability to carry out the repair of the damage evoked in the DNA (due to either the lack of or reduced levels of excision-repair enzyme).

9. *Sunlight as a factor in the aetiology of malignant melanoma.* The available data on age, sex, complexion, latitude of residence and personal exposure to sunlight as factors in the aetiology of melanoma have been recently collected by Lee and Merrill (Med. J. Australia, Oct. 31, 1970, p. 846). A solar circulating factor was proposed by these investigators as the agent responsible for the high incidence of melanomas. The data on the incidence of malignant melanoma of skin by site per million of population per year was gathered for Denmark (latitude 54–58°N), Southwest England (50–52°N), Connecticut (41–62°N), New Zealand (35–46°S) and Queensland (12–39°S). Within the same geographic area, patients with malignant melanoma tend to have a lighter complexion and to spend more time out of doors than controls.

THE DEPLETION OF ULTRAVIOLET RADIATION BY ATMOSPHERIC OZONE

The lowest wavelength of solar radiation recorded at sea level, even at the time of high solar elevation, is about 290 nm. Although in space at altitudes above 40 km one can find ultraviolet up to 200 nm at sea-level, however, there is practically no radiation below 295 nm. This sharp cut off between the sea level and extraterrestrial distribution in the ultraviolet spectrum is largely, if not exclusively, due to the absorption of the radiation by ozone. Thus ozone is a very strong absorber for wavelengths to which the oxygen of the atmosphere is quite transparent and is, therefore, one of the most essential ingredients of our outer atmosphere for the absence of radiation shorter than 295 nm at the surface of our earth. The significant spectral regions for ozone absorption in the ultraviolet spectrum are the adjoining Huggins bands (320–360 nm) and Hartley bands (220–320 nm). The maximum absorption band is at 255 nm (Howard, J. N. et al, *Handbook of Geophysics*, Macmillan and Co., New York, 1960). A layer of approximately 0.1 mm thick of pure ozone, at standard temperature and pressure, would reduce 255 nm radiation to one-half its intensity as it penetrates the ozone layer.

The amount and kind of solar radiation that reaches a given part of the earth at any given time are determined by great variety of factors, such as latitude, time of day, season, geographic altitude (elevation above sea level) local atmospheric conditions (cloudiness, haze, smoke, dust, fog, humidity, aerosol particles, etc.) and the thickness (quantity) of the ozone layer in the stratosphere. The intensity of sunlight is primarily a function of the height of the sun above the horizon but is also related to the differences in the distance between the sun and the earth and to changes in the atmosphere.

Ozone Variation. Ozone is a normal constituent of the earth's atmosphere and is formed photochemically as a result of absorption of ultraviolet energy by molecular oxygen and its subsequent dissociation. Ozone can be destroyed in the free air by photochemical dissociation mechanism or by collision with atomic oxygen. But this process of dissociation is usually operating above 25 km; below 25 km the ultraviolet radiation necessary for photodissociation of O_3 (the Hartley bands) and oxygen atoms are almost lacking. Thus ozone molecules have relatively long life at altitudes below 25 km. It is also important to bear in mind that the total amount of ozone in the earth's atmosphere has large seasonal and geographic variation. Ozone concentration is reported to be maximum during spring and minimum during the fall season. Furthermore, the total amount of ozone and the seasonal range increases with increasing latitude. Data of the geographic distributions and of the seasonal and latitudinal variations concerning ozone concentration have recently been discussed by London (London, J., Beitr. Phys. Atmosphäre *36:* 254, 1963; Space Research 7, 1967).

Worldwide distribution of ozone at different levels and its variation with season have been studied by Dütsch; Hering and Borden and London (Dütsch, H. U., National Center for Atmospheric Research 1–34, 1964; Hering, W. S. and Borden, T. R., Jr., Environmental Research Papers No. 162, Air Force, Cambridge Research Laboratories 19 pp. 1965; London, J., in Proceedings of the Seventh International Space-Science Symposium, COSPAR, Vienna, Space Research 7, 1967). The vertical distribution of molecular ozone density for the equator and 45° latitude, for both summer and winter, has been estimated by London. His data indicate that the region of significant ozone concentration is between 10–40 km, with a maximum in the lower stratosphere (20–25 km) where the ratio is about 10 ppm (ozone density about 6×10^{12} molecules/cm^3). The vertical distribution of ozone at 10 km, 20 km, 30 km and 40 km was respectively of the order of 5×10^{11}, 5×10^{12}, 5.5×10^{12} and 8×10^{11} molecules/cm^3. His data also indicates that ozone is produced in the equatorial stratosphere and transported to higher latitudes. Thus ozone concentration in terms of space, time, season and latitude appears to be variable and is governed by complex processes which among others include photochemical formation and dissociation, atmospheric circulation, meteorological transport processes, etc.

THE DEPTH OF PENETRATION OF SOLAR RADIATION INTO THE ATMOSPHERE DUE TO VARIATION IN OZONE

Penetration through the atmosphere of direct solar radiation of wavelengths 300–320 nm is related to the variation in total ozone. The penetration depth of solar ultraviolet radiation has been computed by London (in *The Biologic Effects of Ultraviolet Radiation*, Pergamon Press, Oxford, 1969, F. Urbach, ed). In computing the spectral variation of the depth of penetration and transmission values of solar radiation for different wavelengths,

> London's observations indicate that the ozone concentration does play a major role. If ozone concentration decreases, the quality as well as the quantity of ultraviolet radiation reaching the earth's surface would certainly be altered. More erythemogenic radiation (290–320) that is implicated in carcinogenesis would be reaching the earth's surface.
>
> Ozone is not the only factor which is responsible for the absence of radiation shorter than 295 nm at sea level. Rayleigh-scattering by the gaseous molecules of the atmosphere is significantly responsible for attenuation of ultraviolet in the atmosphere. The radiation is scattered in all directions and the scattering is inversely proportional to the fourth power of the wavelength. Therefore, shortwave end of the spectrum is scattered more than the longer wavelengths. Rayleigh scattering is effective throughout the entire 8 km of the atmosphere.
>
> In addition, the atmosphere contains numerous fine particles (aerosols) whose size may range 10^{2}–10^{-3} microns. Attenuation of solar radiation by aerosol is generally most effective in the few kilometer close to the earth's surface.
>
> For wavelengths shorter than 3000 A attenuation coefficients of ultraviolet radiation by Rayleigh's law and by aerosols are comparable. The relative roles of these ultraviolet attenuating factors can be stated as follows:
>
> 1. Up to about 5 km above sea level aerosols play a significant role in attenuating ultraviolet radiation. The attenuating effect of aerosols becomes small at heights over 5 km.
>
> 2. The ozone content is maximum at 20 to 30 km. Above 40 km the ozone content decreases significantly and therefore attenuation of ultraviolet light above 40 km also becomes very small. Absorption of ultraviolet is therefore very significant up to 30 km.
>
> 3. Scattering of ultraviolet radiation by Rayleigh's law is significant at altitudes between 20 and 40 km. Above 40 km most of the attenuation of ultraviolet light is due to Rayleigh scattering.
>
> These factors are pointed out primarily with a view to indicate that attenuation of short wavelength ultraviolet radiation will continue to play its role in filtering the harmful radiation. Gases and particles emitted into the stratosphere by S.S.T.'s would additionally contribute to such an attenuation.
>
> One has to also bear in mind that the total amount of ozone has a large seasonal and geographic variation. Ozone concentration is believed to be maximum during the spring and less during the fall. Furthermore the total amount of ozone and the seasonal range increases with increasing latitude. Data of the geographic distributions and of the seasonal and latitudinal variations concerning ozone concentration have recently been discussed by London (London, J. Beitr. Phys. Atmosphere *36*: 254, 1963; in Proceedings of the Seventh International Space Science Symposium COSPAR, Vienna, Space Research 7, 1967). Thus it appears that ozone concentration, irrespective of S.S.T. effects, is variable in terms of space, time, season, latitude, and is governed by natural complex processes which among others include photochemical processes, atmospheric circulation, meteorological transport process, etc. The effect of the pollutants on solar ultraviolet energy and its day to variation will in a limited manner contribute to the filtering effect of erythemogenic radiation. It is hard for us, therefore, to entirely agree with the views presented by Dr. James McDonald of the University of Arizona for the following additional reasons:
>
> 1. The process of cancer induction by ultraviolet light appears to be cumulative and hence the total amount of exposure becomes a very important factor rather than a single or a few severe exposures. The increase in the habit of sunbathing in our affluent society alone (creating more actual sunshine hours) would tend to shift the incidence of cancer of the skin irrespective of whether the spectral quality of solar radiation changes as a result of S.S.T. fleet operations.
>
> 2. The cancers of skin, particularly basal cell epitheliomas and squamous cell carcinomas are curable conditions. Skin cancer accounts for, at the most, two percent of all cancer deaths.

Mr. PROXMIRE. Mr. President, I have discussed the reactions of outstanding skin specialists and meteorologists and others to the statement from the scientists from the National Academy of Sciences to the effect that the SST's could have an effect on the increase of skin cancer.

This is a very fundamental issue that goes beyond the SST. On the basis of the debate here and in the House when the matter came up before the House, the question is whether we are going to listen to the scientists when they speak on scientific subjects or deride them. The question is whether we should reject scientific opposition to a particular kind of technological effort on the ground that technology is always right, that we do not care what scientists say, that we believe in technology and we should go ahead without asking people who are qualified to give an opinion on the subject.

In my opinion, that is very shortsighted. There are Senators who say they are outraged that we are bringing up this subject of skin cancer. It is beyond me how anyone could be outraged because we are bringing up an issue gone into by the National Academy of Sciences and by a preponderant portion of the experts on the subject who say that they generally agree with Dr. McDonald but that they think he is too conservative on this issue.

Senators say they are outraged. What do they want us to do? Do they want us to bury the evidence, the expert opinion and forget it because it affects human life and they say it is too emotional and too vital an issue to be discussed on the Senate floor?

That attitude makes no sense to me. However, it is an attitude that certain Senators seem to sincerely believe.

I do not know what we can do with this kind of a situation except meet it head on and talk directly about it. That is why I want to go ahead and put into the RECORD opinions of other distinguished experts in this field.

Dr. Harold F. Blum, professor of biology at the State University of New York, Albany, N.Y., said:

> You now send me a copy of a statement by Dr. McDonald; but it is still not altogether clear to me on what basis his estimates were made. I can only state again that with the evidence available there is every reason to expect that an increase in ultraviolet radiation due to reduction of ozone in the stratosphere would result in an increase in the incidence of skin cancer. This would apply particularly to a susceptible portion of the white population.

Prof. John B. Heywood, associate professor of mechanical engineering at the Massachusetts Institute of Technology, Cambridge, Mass., said:

> As to the usefulness of the two SST prototypes in evaluating these large-scale atmospheric effects, both Boeing and DOT scientists agreed with the meteorologists present at these discussions that the primary purpose of the prototypes is obviously to test vehicle performance and that emissions into the stratosphere during testing would be much too small to shed any light on possible large-scale changes which might occur if the projected SST fleet was in operation.

This is a critical point, because those who favor the SST say we need the prototype to determine whether the SST will be detrimental. The argument of the Boeing Co., and the Department of Transportation scientists is that they agree that the prototype will be useful in determining vehicle performance, but not in determining what effect a fleet of SST's will have on the atmosphere.

Dr. R. B. Setlow of the biological division, scientific director for biophysics and cell physiology of the Oak Ridge National Laboratories, Oak Ridge, Tenn., said:

> DEAR SENATOR PROXMIRE: I am responding to your request for comments and reactions to Dr. McDonald's conclusion that a fleet of 800 SSTs could lead to a significant increase in the incidence of skin cancer in the United States. I agree with Dr. McDonald's conclusion.
>
> Although I am not competent to judge the impact of SSTs on the ozone level in the atmosphere, I am competent to judge the effects of ozone on ultraviolet radiation and the effects of UV on biological systems since the latter has been my field of endeavor for the last twenty years.

Vincent J. Schaefer, director of the Atmospheric Sciences Research Center, State University of New York, Albany, N.Y., said:

> I think that Dr. McDonald's testimony is a very honest summarizing statement of most of the effects that scientistc believe do occur when a fleet of SSTs will be operated.
>
> Some of those open questions are, as you are well aware—the stratospheric water vapor concentration and its seasonal as well as geographical variation around the globe, the ozone concentration, the aerosol concentration, the OH-radical concentration, the ultraviolet spectrum, etc. It is my belief that without true measurements we are unable, at the present time, to make any statement in which we could say, "it is beyond any shadow of a doubt that . . ."
>
> I agree with my fellow scientists that the speculative arguments brought forth against the SST so far are more than sufficient to make a final decision on the SST dependent on the outcome of such a research program. Whether the speculative arguments are sufficient to ban the SST completely at the present time only because of its possible deteriorating environmental effect is, in my opinion, doubtful.
>
> As far as skin cancer from enhanced ultraviolet radiation at ground level is concerned, I am unable to comment on this since I am not an epidemiologist. However, the arguments of Dr. McDonald sound convincing.
>
> I might conclude by saying that our past neglect in exploring the stratosphere prior to any discussion of SST of HST operations, was highly disappointing to me. I believe that I was one of the scientists to raise this point years ago without success. We must do it now, and we must make any SST operation dependent on the outcome of such a research program.

The next letter was from Mr. E. A. Martell, National Center for Atmospheric Research, Laboratory of Atmospheric Sciences, Boulder, Colo. He stated:

Although our present knowledge of stratospheric chemistry and behavior is too limited to allow a reliable quantitative estimate of the decrease in ozone which will accompany a given increase in water vapor from SST exhausts, the decrease in ozone is very likely to be greater than Dr. McDonald's estimate. The residence time of water vapor and trace gases at 65,000 feet altitude may be significantly longer than 1.5 years, a value based on particle tracer studies. Such longer residence times will give rise to a larger increase in water vapor and thus presumably a larger decrease in stratospheric ozone. In addition, nitric oxide, another SST exhaust product, also reacts with ozone, decreasing its abundance. . . .

Therefore it seems to me to be very important for us to gain a much better understanding of the possible impact of SSTs on the stratospheric environment and the consequences of such changes on man before large numbers of SSTs are operable.

Then, two or three letters were exceptions. They were critical of Dr. McDonald. One such letter was from Dr. Julius London, professor, University of Colorado, Boulder, Colo. He stated:

It is my opinion that McDonald may have presented a too strong picture of the dangers attending an SST-water vapor-ozone-UV-skin cancer link, but the potential hazard is there and there is a sufficient number of scientists alerted and concerned so that given just a little time (I estimate approximately one year) a rational evaluation of this problem can be provided. . . .

I believe that water vapor variations in the stratosphere (of the type we are here concerned with) could affect variations in UV at the ground. These variations could be observed and may not at all be trivial.

Because of the need for multiple use of subjunctives in the statement above, I strongly urge support for a program of study to pin down these effects.

So although Dr. London does not agree with Dr. McDonald and thinks he overstated the matter, he thinks there should be research first.

Lester Machta, Director, Air Resources Laboratories, National Oceanic and Atmospheric Administration, Silver Spring, Md., stated:

Both the Williamstown analysis and my evaluation indicates that there may be an increase in ultraviolet radiation at the ground of the same order as Professor McDonald has suggested. But we emphasized many uncertainties in the calculations leading to the increase in ultraviolet radiation from an increase in stratospheric water vapor.

Martin Sonenberg, who is an M.D. and a Ph. D., chief, division of endocrinology, professor of biochemistry, associate professor of medicine, Cornell University, Sloan-Kettering Institute for Cancer Research, New York, N.Y., stated:

Although I do not have the extensive experience that Dr. Daniels has in this field, I essentially agree with all of his comments directed to the effects of ultraviolet radiation in skin carcinogenesis. As Dr. McDonald indicated on pages 16 to 18, the causative role of solar ultraviolet radiation in skin carcinogenesis is a well-established medical observation. The eight bits of data he gives as examples and in support of this position are similarly accurate and well accepted.

Farrington Daniels, Jr., M.D., and MPH, professor of medicine—dermatology—head, dermatology division, the New York Hospital-Cornell Medical Center, New York, N.Y., stated:

Dr. McDonald has done a fine job of summarizing the skin cancer data.

The portion of his argument on which I cannot pass judgment is that concerning his atmospheric calculations and in particular the "amplification factor." This is crucial in deciding whether there will be a biological problem or not. His concern for the long residence time is extremely important, because if harmful effects appear they might persist for years or decades after the SST planes were grounded. As he suggests, extensive monitoring arrangement must be made to detect harmful effects, and a few prototypes will not give the ecological answers which might come from heavy use.

If changes in the ozone layer permit an increase in ultraviolet radiation around 290 nanometers (290 millimicrons, or 2900 angstroms) reaching the earth's surface an increase in skin cancer among the light-skinned people is inevitable.

John S. Barlow, M.D., neurophysiologist, Neurology Service, Harvard Medical School, Massachusetts General Hospital, Boston, Mass., stated:

In response to your request for comments and reactions on Dr. McDonald's testimony, I can say that, although hardly an expert in the several areas on which Dr. McDonald touches in his testimony, at no point do I find fault with Dr. McDonald's statement.

In particular, I find no error in the closely reasoned argument concerning the question he raises of an increased instance of skin cancer, as outlined on pages 15–27 of his testimony. . . .

Based on the preceding arguments, Dr. McDonald goes on, on page 23, to estimate that there would occur some 10,000 to 30,000 new cases of skin cancer in the United States alone, as a result of the development and application of SST technology. Again I find no fault in Dr. McDonald's logic and, although not having myself been through the same detailed examination of the case, I find no reason to suppose that his estimates are seriously incorrect. Dr. McDonald has obviously dug deeply into the literature in a range of subjects related to the overall question, and although not himself a biologist, his treatment of the biological aspects I find quite impressive. Overall, he has obviously devoted considerable time, care, and effort to this problem.

Dr. Kendric C. Smith, Department of Radiology, Stanford University of Medicine, Stanford, Calif., and executive editor, photochemistry and photobiology—an international journal—published by Pergamon Press, Oxford, London, New York, Paris, stated:

Based upon the few data he presents, Dr. McDonald's conclusions appear quite reasonable to me and to other scientists that I have talked to who have seen his preliminary report. When he makes a calculation he uses the lowest estimate of the probability in order to err on the conservative side. One specialist in skin cancer has remarked to me that he has been impressed by how quickly Dr. McDonald (a physicist) has become familiar with and grasped the importance of the literature on ultraviolet induced skin cancer. I have been pleased by his insights into the molecular biology of the problem. Although Dr. McDonald's conclusions appear reasonable, the scientific community has not had a chance to see all of his data and therefore cannot put an official "stamp of approval" on his conclusions at this time.

Then, there is one other letter from a man by the name of Syukuro Manabe, Geophysical Fluid Dynamics Laboratory, Princeton, N.J., which was also critical of Dr. McDonald. He stated:

Dr. McDonald has made an important contribution in drawing attention to the possibility of an increase in the incidence of skin cancer resulting from the full-scale operation of SST's. However, the quantitative basis for his chain of argument, from increased water vapor in the stratosphere to increased ultraviolet radiation at the earth's surface, is not secure enough to be convincing. In this connection, there are some specific comments to be made on the text of his testimony. . . .

One cannot but support Dr. McDonald's general observation that the level of theoretical understanding is inadequate to provide definite assessment of hazards that may accompany technological innovation. In the present instance, one clearly needs to accelerate research in a number of areas.

Here is a man reluctant to agree with Dr. McDonald but he agrees wholeheartedly that we need more research before we go ahead. We do not get that from prototypes but from other research efforts.

Then, there is a letter from Van R. Potter, Ph. D., professor and assistant director, McArdle Laboratory for Cancer Research, Madison, Wis., who stated:

I had the statement on McDonald on skin cancer. His preferences are to papers by good people and to satisfactory studies. Blum is an expert on UV cancer and Dorn is an expert on demography of cancer.

John Hampson, Centre de Recherches sur les Atomes et les Molecules, Quebec, Canada, wrote:

With minor reservations, I believe Professor McDonald has presented a logical reasoned argument.

Thomas F. Malone, National Academy of Sciences, National Research Council, Washington, D.C., stated:

In summary then it is my feeling that the questions raised in Dr. McDonald's testimony are meaningful questions but the conclusions he reaches—even though labeled as tentative—need further examination before becoming a major factor in a decision on public policy that has many other ramifications besides those which pertain to the environment.

Samuel S. Epstein, M.D., chief, Laboratories of Environmental Toxicology Carcinogenesis, Children's Cancer Research Foundation, Boston, Mass., stated:

I fully concur with the general thesis of Dr. McDonald that questions relating to public health and welfare and environmental safety must be posed and satisfactorily answered *prior* to the introduction of technogolical innovations and the generation of irreversible or poorly reversible economic commitments.

In the absence of direct experimental evidence, Dr. McDonald's estimate of a 2–4 percent reduction in stratosphere ozone due to water vapor addition from a fleet of 800 SSTs appears reasonable.

Such a reduction in stratospheric ozone will increase human exposure to short wave ultraviolet light.

The relationship between skin cancer and exposure to short wave ultraviolet light is well recognized.

Dr. McDonald's estimates of an enhanced incidence of skin cancer in the U.S.A. and elsewhere from increased exposure to short wave ultraviolet seems reasonable, conservative and consistent with available biological and epidemiological data.

For these and other reasons, I fully agree with the testimony of Dr. McDonald that the SST program poses potential public health hazards, including the likelihood of an increased incidence of human skin cancer both in the U.S.A and elsewhere.

Then, there is a letter from Dr. John H. Knowles, general director, Massachusetts General Hospital, Boston, Mass. He was the man nominated as the head of the health section of the Department of Health, Education, and Welfare as Assistant Secretary of Health, Education, and Welfare, and then his nomination was withdrawn. He stated:

In addition to the report, let me state most emphatically that for a whole variety of reasons I am unalterably opposed to the development of the SST and have so stated publicly, privately and in writing.

Very best wishes to you and sincerest thanks for asking me for my views.

J. G. Charney, Alfred P. Sloan Professor of Meteorology, Massachusetts Institute of Technology, Cambridge, Mass., stated:

I was telephoned today by the scientific director of the Boeing SST program and asked to lend my name to a statement in support of the government funding for SST prototype construction which he said was being circulated by the President's science advisor himself. My credentials are, therefore, impeccable. Unfortunately, he called the wrong man. I am strongly opposed to the continuation of the SST program in any form whatever.

I have studied the findings of Dr. James E. McDonald and find them altogether reasonable in the light of existing knowledge, which all admit is inadequate. I have known Dr. McDonald for many years—particularly through his outstanding service to the Panel on Weather Modification of the National Academy of Sciences—and have been impressed by his competence, his independence and his absolute honesty. He has been involved in scientific controversy precisely because he is fearless in his pursuit of scientific truth.

The argument that the scientific studies needed to properly assess the effects of SST fuel combustion on the water vapor and ozone concentration in the stratosphere can be carried out while the prototypes are being built is fallacious. There are so many difficult observations, calculations and numerical simulations of the coupling between moisture, ozone-photochemistry and stratospheric circulation that it will be at least ten years before acceptable scientific answers are forthcoming. Long before that time irresistible political and economic pressures will have led to the mass production of the SST, let the pollution and the UV radiation fall where it may.

Mr. President, I have received additional letters since the other day when I put the ones I had in the Record, and I ask unanimous consent to place in the Record a further letter from Dr. Richard B. Setlow, Scientific Director for Biophysics and Cell Physiology, Biology Division of the Oak Ridge National Laboratory; a letter from Arnold Goldberg, chief scientist, Supersonic Transport Division, Boeing Co.; and a letter from Helmut K. Weickmann, Director, Atmospheric Physics and Chemistry Laboratory, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Environmental Research Laboratories, at Boulder, Colo.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Oak Ridge National Laboratory,
Oak Ridge, Tenn., March 15, 1971.

Senator William Proxmire,
U.S. Senate,
Committee on Banking, Housing and Urban Affairs,
Washington, D.C.

Dear Senator Proxmire: I am responding to your request for comments and reactions to Doctor McDonald's conclusion that a fleet of 800 SST's could lead to a significant increase in the incidence of skin cancer in the United States. I agree with Dr. McDonald's conclusion.

Although I am not competent to judge the impact of SST's on the ozone level in the atmosphere, I am competent to judge the effects of ozone on ultraviolet radiation (UV) and the effects of UV on biological systems, since the latter has been my field of endeavor for the past 20 years.

I have analyzed the published experimental data that relate

(a) the biological effects of ultraviolet radiation to the UV in sunlight,

(b) the incidence of skin cancer as a function of latitude, and

(c) the change in UV intensity at the surface of the earth arising from changes in ozone in the atmosphere, and I conclude that a 1% decrease in the atmospheric ozone would lead to an increased incidence of skin cancer of 6000 new cases per year among the white population of the United States. (Dr. McDonald estimated 7000 per 1% decrease in ozone.)

Appendix 1 gives the logical argument on which the calculation is made;

Appendix 2 gives the numbers on which the calculation is based; and

Appendix 3 gives the calculation that leads to my conclusion. The calculation assumes that skin cancer is the result of the effects of UV on cellular DNA but does *not* use the known numerical relationship between skin cancer and latitude. Thus my calculation only depends on known biological parameters and is independent and different from that of Dr. McDonald.

Sincerely yours,

Richard B. Setlow,
Scientific Director for Biophysics and Cell Physiology, Biology Division.

APPENDIX 1

The logic that relates skin cancer to ozone levels:

1. Skin cancer in the white population is associated with exposure to sunlight, and the experimental work summarized by Blum (Ref. 1) indicates that it is the short wavelength UV in sunlight that is the effective agent. Individuals with the genetic disease, Xeroderma pigmentosum, are supersensitive to light-induced cancer. Such individuals are defective in their ability to repair UV damage to their DNA. From this observation and from our extensive knowledge of UV damage in microbial systems, we infer that light-induced skin cancer arises from damage to the DNA of skin cells.

2. Light-induced skin cancer depends on many variables—most of which are poorly understood. The variables are the intensity of the light, the fraction of the shorter wavelengths in the light, the length of individual exposures, and the interval between individual exposures. (All the exposures usually encompass a number of years.) The ethnic origin of individuals is also important, because such origin determines, presumably, the degree of penetration of sunlight into the skin. For example, in several towns in Northern Australia at 18° South latitude, 20% of individuals of North European origin have or have had skin cancer, whereas only 1% of individuals of Mediterranean or mixed North European-Mediterranean origin are affected.

3. For United States whites the incidence of skin cancer increases 4-fold as the latitude decreases 10° (Ref. 2).

4. As latitude decreases there is a decrease in the thickness of the ozone layer above ground level. A decrease in ozone means less light absorption and hence an increase in the intensity of UV arriving at the earth's surface (Ref. 3).

5. Therefore any decrease in the amount of ozone as a result of a change in latitude or as a result of depletion of the ozone in the upper atmosphere will result in an increased incidence of skin cancer.

APPENDIX 2

Experimental data used to calculate the effect of decreased ozone concentration on skin cancer incidence:

1. The effect of UV on the biological activities of DNA decreases rapidly with increasing wavelength. Unfortunately, there are no useful data for skin cancer, and I must rely on data relating the killing of bacteria and viruses, mutation in bacteria and the formation of damaged regions in purified DNA. These data are summarized in Figure 1. They agree among themselves remarkably well.

2. The amount of UV striking the earth's surface is critically dependent on the amount of ozone, because ozone is the principal absorbing component at wavelengths below 300 nm. The sun's spectrum at the earth's surface is calculated (Ref. 3) for two different thicknesses of atmospheric ozone, and is compared to measured values (Figure 2). (The two thicknesses differ by 0.5 mm of ozone—a value that would be 20% of the 2.5 mm that holds for Washington, D.C., in winter.)

3. The outer layer of the skin is not uniformly transparent to ultraviolet radiation. The shorter the wavelength, the less light transmitted. Typical values are also shown in Figure 2. (Data in Ref. 1.)

4. The biological effect of sunlight on skin will depend upon the product of the three types of curves shown in Figures 1 and 2. The product is shown in Figure 3. The most effective UV wavelengths in sunlight are around 295 to 300 nm. (Although DNA is most sensitive at short wavelengths, there is a negligible amount of short wavelength UV in sunlight, and though there is lots of long wavelength in sunlight, biological systems are very insensitive at such wavelengths.) A 20% decrease in ozone changes the relative effect by a factor of 2. Note that it makes little difference whether we consider a real atmosphere or one only with ozone in it.

APPENDIX 3

The increase in the average incidence rate of skin cancer for a 1% decrease in the amount of ozone:

1. The relative biological effect of sunlight depends critically on the amount of ozone. As indicated in Figure 3, a 20% decrease in ozone increases the net biological effect by 2-fold (a 100% increase). Thus a 1% decrease results in a 5% increase in biological effect. *If skin cancer arises from the wavelengths that affect cellular DNA, then a 1% decrease in ozone concentration results in a 5% increase in the incidence of skin cancer.*

2. If the average incidence rate for skin cancer in the white population is 60 per 100,000 per year, the estimated increase of 5% for a 1% decrease in ozone would amount to 30 cases per 1,000,000 per year. The product of this number times the population of the country—200 million—gives 6,000 new cases per year.

3. It is of scientific and medical interest to relate the above calculation to the observation that a 10° decrease in latitude results

in an average decrease of $\sim$10% in ozone (for the months of April-August in the Washington area, Ref. 3) and a 4-fold increase in the incidence of skin cancer (Ref. 2).

A 10% decrease in ozone results in a 1.5-fold change (50% increase) in biological effectiveness. The remainder of the 4-fold change, 2.7=4.0/1.5, is presumed to arise from the longer times spent in the sun at lower latitudes.

REFERENCES

1. H. F. Blum, "Carcinogenesis by Ultraviolet Light", Princeton University Press (1959).

2. H. Auerbach, "Geographic variations in Incidence of Skin Cancer in the United States", Public Health Reports 76, 345 (1961).

3. R. E. Barker, Jr., The Availability of Solar Radiation below 290 nm and Its Importance in Photomodification of Polymers", Photochemistry and Photobiology 7, 275 (1968).

The Boeing Co.,
Seattle, Wash., March 16, 1971.
Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Dr. H. Harrison of our Boeing Scientific Research Laboratories has called your letter of 5 March to my attention. Many of my colleagues in the scientific community with whom we have been working on stratospheric SST interactions have told me that they too were contacted.

It would be helpful to the Boeing Scientific Research Laboratories program to have the benefit of the technical information contained in the replies. I am sure we can count on your office for this help.

Thank you,

Arnold Goldberg,
Chief Scientist,
Supersonic Transport Division.

National Oceanic and Atmospheric Administration,
Boulder, Colo., March 16, 1971.
Hon. William Proxmire,
U.S. Senate,
Committee on Appropriations,
Washington, D.C.

Dear Senator Proxmire: Dr. Kuhn has asked me to reply to your letter to him regarding Dr. McDonald's statement on the skin cancer danger in connection with SST operations.

Dr. Kuhn is a member of the NOAA laboratory which is under my direction. Both of us, as well as Dr. McDonald, are atmospheric scientists and therefore appreciate the extreme complexity of the interrelationship in the system of the atmosphere, radiation, and biology. We both know Dr. McDonald personally and respect him as an atmospheric physicist.

In his statement, Dr. McDonald postulates a net decrease of one percent in total atmospheric ozone content as a result of projected SST operations. Analyses of the long-term trend of atmospheric ozone which are being carried out in my laboratory show an increase of six percent, as the average during the past decade. Clearly, this natural trend, if it continued, would completely overpower the effect of the SST's. Of course, we do not expect the natural trend to continue indefinitely; the important point I wish to make is that the effect postulated by Dr. McDonald is considerably smaller than the variations which nature produces within periods as short as one or two years.

Finally, I believe Dr. McDonald's argument does not take into proper account the full complexity of the biological effects of UV radiation and he falls a victim to "incomplete argumentation". We have to realize that there exist considerable beneficial effects of UV radiation as well; a thorough analysis of the matter would have to weigh all these effects. In biophysics at least three important effects of UV radiation are distinguished, (1) the formation of erythema following prolonged skin exposure to UV, (2) the formation of vitamin D, and (3) bactericidal effects. Skin cancer will be related to the first mentioned effect. The formation of vitamin D by UV radiation was discovered in 1919 and has been the main reason for the extended therapeutic application of UV radiation. Vitamin D forms from ergosterin through absorption of UV; the range of absorption of ergosterin begins at wavelengths of 3100 Å and has a maxima at 2800 and 2700 Å. Ergosterin is related to cholesterin, both are present in the surface layers of the epidermis; vitamin D consequently forms through activation of ergosterin if the skin is subjected to UV radiation. Vitamin D is anti-rickets and, since it is built up in the human body through the UV absorption, UV in this case has a definite beneficial effect.

The same is true for the bactericidal effects of UV radiation for all wavelengths below 3000 Å. The effect has a maximum between 2800 and 2500 Å. A great number of investigations exist of UV irradiation effects on bacteria and viruses, as well as on eggs of insects such as the fruit fly (drosophila melanogaster); 3 hours-old eggs of drosophila were killed through UV radiation in the range 3022–2894 Å. (Langendorff and Sommermeyer, Strahlentherapie 67, 110, 1940). Forty percent of a population of the bacterial Staphylococcus aureus were killed by irradiation with 2970 Å at an intensity of 1.2 x 10^{-3} cal/cm^2, (Gates, Journ. Gen. Physiol. 14, 31, 1931), an intensity which would accumulate at the earth surface in a few minutes.

I will not attempt to relate the significance of these UV effects to Dr. McDonald's SST argument, for example by estimating how many cases of flu epidemics could be prevented due to the increased UV radiation and consequent increased kill of bacteria; I only wish to cite them as examples for the need to consider radiation effect through the operation of SST on a much broader basis than Dr. McDonald does, since there is a whole gamut of beneficial and adverse effects.

I trust the above information is helpful in appraising the SST skin cancer problem.

Sincerely,

Helmut K. Weickmann,
Director, Atmospheric Physics and Chemistry Laboratory.

Mr. PROXMIRE. I might read briefly because I have not before given any information by Dr. Weickmann. He said:

> We both know Dr. McDonald personally and respect him as an atmospheric physicist.
>
> In his statement, Dr. McDonald postulates a net decrease of one percent in total atmospheric ozone content as a result of projected SST operations. Analyses of the long-term trend of atmospheric ozone which are being carried out in my laboratory show an increase of six percent, as the average, during the past decade. Clearly, this natural trend, if it continued, would completely overpower the effect of the SST's. Of course, we do not expect the natural trend to continue indefinitely; the important point I wish to make is that the effect postulated by Dr. McDonald is considerably smaller than the variations which nature produces within periods as short as one or two years.

So here is one of the few people who disagree with Dr. McDonald.

Mr. President, I have a letter here from Professor Michael McElroy, professor, Atmospheric Sciences, Harvard University, Cambridge, Mass. This is in addition to what he said before. He writes:

> I read Dr. McDonald's testimony and thought that his arguments, in general, are sound. There is little doubt ultraviolet solar radiation plays a major role in some forms of skin cancer. The precise mechanism is uncertain, however. If the important wave lengths are longward of 3100 Å, then a change in atmospheric ozone will not markedly affect the incidence rate for skin cancer. If, however, shorter wave lengths are crucially involved, and I believe that the weight of the evidence suggests they are, then a decrease in atmospheric ozone may have serious consequences. It is entirely possible that a 1% change in ozone could result in a 6% change in the incidence of skin cancer. As McDonald points out, this percentage translates into 10,000 new cases per year within the United States.
>
> It is difficult to arrive at any quantitative estimate for the effect of the SST on ozone. The estimates which have been made are unreliable in my opinion, although the trend is undoubtedly correct, i.e., that the SST will decrease the column density of ozone. The key chemical reactions in the water oxygen chemical scheme are uncertain and the London-Park calculations used by McDonald made reasonable guesses which could, however, lead to significant error. On the other hand, I am concerned that all of the work to date may be substantially in error due to a neglect of chemistry involving nitrogen oxides released by the SST. If my preliminary estimates are valid, I would expect that the resulting chemistry should also lead to a decrease in ozone, and the effect might be larger than that considered by McDonald.

I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Senator Proxmire: Thank you for the opportunity to comment on possible consequences of a projected fleet of 800 SSTs flying at altitudes of 60 to 70,000 feet.

I read Dr. McDonald's testimony and thought that his arguments, in general, are sound. There is little doubt ultraviolet solar radiation plays a major role in some forms of skin cancer. The precise mechanism is uncertain, however. If the important wave lengths are longward of 3100 Å., then a change in atmospheric ozone will not markedly affect the incidence rate for skin cancer. If, however, shorter wave lengths are crucially involved, and I believe that the weight of the evidence suggests they are, then a decrease in atmospheric ozone may have serious consequences. It is entirely possible that a 1% change in ozone could result in a 6% change in the incidence of skin cancer. As McDonald points out, this percentage translates into 10,000 new cases per year within the United States.

It is difficult to arrive at any quantitative estimate for the effect of the SST on ozone. The estimates which have been made are unreliable in my opinion, although the trend is undoubtedly correct, i.e., that the SST will decrease the column density of ozone. The key chemical reactions in the water oxygen chemical scheme are uncertain and the London-Park calculations used by McDonald made reasonable guesses which could, however, lead to significant error. On the other hand, I am concerned that all of the work to date may be substantially in error due to a neglect of chemistry involving nitrogen oxides released by the SST. If my preliminary estimates are valid, I would expect that the resulting chemistry should also lead to a decrease in ozone, and the effect might be larger than that considered by McDonald.

I estimate that the SST could provide a source of nitrogen oxides in excess of the

> natural level by as much as a factor of ten. In addition to the effects on ozone, I am concerned that there may also be consequences at higher altitudes. Nitric oxide is a minor atmospheric constituent. It plays a dominant role in the chemistry of the lower ionosphere, however, and I am concerned that a major perturbation in the oxide level of the stratosphere may also perturb the ionospheric balance. I am reluctant to speculate on possible effects on radio communication. I consider it important that this matter should also be carefully explored before this nation commits itself to a vigorous SST technology.
>
> I am aware of the various concerns expressed regarding effects on climate. Climatology is not a well developed science. The whole earth is currently getting colder and there is evidence for long period, forty year, cycles in climate. These matters are not understood nor do we yet understand why ice ages occurred in our earlier climatological history. We cannot explicitly exclude the possibility of serious climatological effects, although I think that this matter is less serious than others mentioned in the letter.
>
> I think that many illadvised statements have been made on both sides of the SST controversy, and I hope my letter has not further confused matters. I do feel that, at least, a prima facie case has been made for a possibly serious effect on atmospheric ozone. It is reasonable to assume that there may be consequent biomedical effects, and we should anticipate and study these matters thoroughly before we embark on a new technology. The answers to some of the immediate questions can be obtained with modest research expenditures. This research should be urgently initiated whether or not the current SST program is approved.
>
> Sincerely,
>
> MICHAEL MCELROY,
> *Professor, Atmospheric Sciences, Harvard University, Cambridge, Mass.*

Mr. PROXMIRE. Now let me deal more briefly with some of the other arguments in this area. I have said that the principal argument in favor of the SST now is the competitive argument: If we do not build it the other countries will. If we do not build it, the other countries will win control of the production and sale of commercial aircraft, an area in which the United States has been predominant.

This is based on the assumption, No. 1, that the Concorde is a threat. In the last few weeks that threat has been completely exploded. The British Overseas Airways Corp. analysis showed that the Concorde would cost twice as much per passenger-mile to operate as subsonic jets. The whole history of aviation has been that more economical planes on a per-mile-per-passenger basis have displaced the less economical planes. It is almost inconceivable from the economic standpoint to expect that a less economical plane, which the British-French Concorde is, will effectively displace a plane that is much more economical.

The argument of Air France, which was even more devastating against the Concorde than British Overseas Airways Corp., also points to the devastating cost disadvantage of the Concorde.

Mr. Servan-Schreiber, a man who knows a great deal about technology, and wrote one of the great economic-technology books, "The Challenge of America," made a devastating statement in a recent cable to me which has been reprinted in the New York Times and the Washington Post, in which he called the supersonic air transport an "industrial Vietnam." He said costs are now four times original estimates. He argues that this plane can make a profit only if it is at full capacity on every flight, which is an impossible assumption.

The latest information appeared 2 days ago on the front page of the London Observer, on Sunday, March 21, which gave this intelligence and I read the first three paragraphs:

> Britain will refuse French demands for a go-ahead on quantity production of the supersonic Concorde when the Minister of Aviation Supply, Mr. D. Corfield, meets his French opposite number, M. Jean Chamant, in London a week tomorrow.
>
> The Ministerial meeting was to have been for a 'final review' of the Anglo-French project. But it is now clear that, so far from committing itself, the British Government is determined to keep its freedom of action.
>
> Members of the Government, including, it is believed, both Mr. Corfield and the Secretary of State for Trade and Industry, Mr. John Davies, have been profoundly disturbed by the figures submitted by BOAC showing that Concorde can be flown only at a loss.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Observer, London, England, Mar. 21, 1971]

TOUGHER LINE WITH FRANCE ON CONCORDE

(By Andrew Wilson)

> Britain will refuse French demands for a go-ahead on quantity production of the supersonic Concorde when the Minister of Aviation Supply, Mr. D. Corfield, meets his French opposite number, M. Jean Chamant, in London a week tomorrow.
>
> The Ministerial meeting was to have been for a 'final review' of the Anglo-French project. But it is now clear that, so far from committing itself, the British Government is determined to keep its freedom of action.
>
> Members of the Government, including, it is believed, both Mr. Corfield and the Secretary of State for Trade and Industry, Mr. John Davies, have been profoundly disturbed by the figures submitted by BOAC showing that Concorde can be flown only at a loss.
>
> Following the criteria laid down by the Labour Government, the Cabinet is refusing to authorise production without clear evidence that airlines are willing to buy the plane. The minimum number of orders thought necessary to give Concorde a £12 million price tag ($30 million) is about 100.
>
> At present there are no orders—only 'options' on 74 aircraft, taken out four to six years ago and in no way binding on the airlines concerned.
>
> Up to last week supporters of the Concorde in the Ministry of Aviation Supply apparently hoped to convince Mr. Corfield that BOAC's figures were unduly pessimistic.
>
> While admitting that they still need time to check BOAC's sums, they advanced the argument that it was not necessary to have real live airline orders before opening the production run.
>
> It was enough, they said, to know that competing airlines would have to order the plane if BOAC and Air France ordered, which they could be made to do with a Government subsidy if necessary.
>
> But Mr. Corfield and the Treasury have not accepted this argument. On the contrary, for the first time since Labour's abortive attempt to cancel the Concorde in 1964, Whitehall officials are now studying the legal implications of a British withdrawal from the programme.
>
> In 1964, the Law Officers advised that Britain could be sued for damages in the International Court with which the Anglo-French agreement had been deposited two years before. It is thought unlikely that this would be so if Britain withdrew from the *production* programme—because the agreement provides only for the *development* of the Concorde and the building of prototypes.
>
> An immediate problem is the effect cancellation would have on the unemployment situation, especially if the RB–211 cannot be revived. Another is the relationship of Concorde to Britain's application to join the Common Market.
>
> To cancel now would gravely endanger relations with France on the matter; but to commit Britain to continuing without any *quid pro quo* would be to throw away a valuable bargaining counter.
>
> This has determined the Government to postpone a decision on Concorde until the summer, when Britain is expected to resume the Common Market talks frustrated by French reservations earlier this month.
>
> The most Mr. Corfield can agree to—and even this is now in considerable doubt—is the authorisation of preliminary work on four production aircraft in addition to the six on which preliminary work was started last year.
>
> There is no question of giving the green light to the Concorde. It also seems that in the event of any further delay on the Common Market the Cabinet intends to review the spending of £1 million a week on an aircraft that may never go into service.

Mr. PROXMIRE. The argument has been made that the Soviets are bound to put the supersonic transport into production and outsell us.

I do not think that the argument is taken very seriously by the proponents of the SST. I do not see how they could in view of the history of the Russians in selling commercial planes. They have sold very, very few commercial planes to the free world. They have made good planes, but we have not bought them. A good, solid reason why they have not been bought is that if the Russians sold the plane—and I think everybody recognizes it and realizes that this could be done for political reasons—spare parts and maintenance would be necessary, and we could not rely upon the Russians to provide them.

An article recently appeared in the Washington Post written by Anthony Astrachan, Washington Post Foreign Service writer, which announced that the Soviets appear nearer to production of the supersonic transport. In this article the following is pointed out:

> No date has been publicly set for the Soviet plane to start service. In 1968, Soviet officials predicted a start in March 1970—

That is this year—

> In 1969, they put the date at early 1973. A year ago they put it at 1975. Nothing has been heard since on an official basis.
>
> Moscow observers are almost unanimous that the TU–144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transport.
>
> They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many TU–144s to Western airlines. Warnings from American aviation officials that the Soviets will sell many planes appear from here to

be part of the lobbying effort for congressional approval of the Boeing SST rather than prudent conclusions drawn from available facts.

It is true that Aviaexport, the Soviet organization for selling aircraft abroad, has been advertising the TU–144 in such publications as Aviation Week and Jane's Directory of World Aircraft.

In fact, one Senator held up this advertisement and showed it to us last December—

Moscow observers find three probable motivations for this: an intent or wishful thought of actual sales; a desire to build Soviet prestige when Western manufacturers cannot yet advertise supersonic transports, and a desire to fuel the American lobbying effort for the SST.

The last possibility reflects the fact that the Soviet aircraft industry has no guarantee of the precise dimensions of its slice of the resource pie. If the U.S. Congress appropriates more money for the SST, Soviet aircraft makers can turn to the Kremlin and say, in effect, "You have to give us the rubles to finish the TU–144 because the Americans are going ahead."

Then the article goes on to say:

One rumor now being heard says that the TU–144 will go into service on the Moscow-Khabarovsk run in October. Efforts to trace the rumor to its source have wound up in Washington and Paris more than in Soviet officialdom.

The article also says:

Moscow observers are convinced that the TU–144 in fact will have costs comparable to the Concordes—

Which I have pointed out is uneconomic and will cost twice as much per passenger as the subsonic jet—

An American study put the operating costs of the Concorde per passenger mile at 40 percent more than existing 4-engine jets—

That was before the most recent study, which indicates it is higher than that. This article says it would require at least a 25-percent surcharge on regular passenger fares.

The article says further:

However good the plane is, Soviet marketing disabilities remain a factor. The first is a penchant for secrecy that might prevent Western civil aviation authorities from learning what they want to know about how an aircraft is made as well as how it performs. The Soviets have seldom if ever permitted foreigners to make a thorough inspection of an aircraft factory.

Despite the signs of Soviet interest in Western sales, the Aviaexport advertising is rich in colors and poor in specifications. So little is known about the TU–144 that Western sources report nose-to-tail lengths varying from 188 ft. 6 in, to 196 ft. 10 in., and wing spans from 72 ft. to 88 ft. 3 in. The differences may reflect modifications in design that have also been rumored, but Soviet sources have not said which are the latest figures.

The second marketing problem is the traditional Soviet inability to provide service and spare parts on a basis acceptable to the West. Only the defense industry produces adequate service systems or spare parts here. Foreign buyers do get preference, as in the case of Volga cars sold abroad, because the Soviets usually try to live up to contracts. Users in Nigeria and Finland still have not found Soviet performance equal to the West's.

COST ESTIMATES

Third is the fact that Soviet accounting methods lead to what Westerners regard as inaccurate cost estimates, even if there is no conscious intention to cheat.

Fourth is the simple fact that Soviet international aircraft have never been as comfortable for passengers as their Western equivalents, though Tupolev rated passenger comfort a prime consideration in the design of the TU–144.

All these factors led to dissatisfaction with the performance of Soviet Hyushin aircraft sold to Ghana over 10 years ago. Romania bought British BAC–111s when it presumably could have had Soviet planes.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1971]

SOVIETS APPEAR NEARER TO PRODUCTION

(By Anthony Astrachan)

MOSCOW, March 20.—Soviet pilots "will start mastering" the Tupolev–144 supersonic transport this year, according to the Soviet minister of civil aviation.

The TU–144 thus appears closer to production and use than either of its troubled Western competitors, the Anglo-French Concorde or the American SST.

But no date has been publicly set for the Soviet plane to start service. In 1968, Soviet officials predicted a start in March 1970. In 1969, they put the date at early 1973. A year ago they put it at 1975. Nothing has been heard since on an official basis.

Moscow observers are almost unanimous that the TU–144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transports.

They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many TU–144s to Western airlines. Warnings from American aviation officials that the Soviets will sell many planes appear from here to be part of the lobbying effort for congressional approval of the Boeing SST rather than prudent conclusions drawn from available facts.

It is true that Aviaexport, the Soviet organization for selling aircraft abroad, has been advertising the TU–144 in such publications as Aviation Week and Jane's Directory of World Aircraft.

THREE MOTIVATIONS

Moscow observers find three probable motivations for this: an intent or wishful thought of actual sales; a desire to build Soviet prestige when Western manufacturers cannot yet advertise supersonic transports, and a desire to fuel the American lobbying effort for the SST.

The last possibility reflects the fact that the Soviet aircraft industry has no guarantee of the precise dimensions of its slice of the resource pie. If the U.S. Congress appropriates more money for the SST, Soviet aircraft makers can turn to the Kremlin and say, in effect, "You have to give us the rubles to finish the TU–144 because the Americans are going ahead."

Efforts of the kind made on behalf of the SST by men like Najeeb Halaby of Pan American World Airways and astronaut Neil Armstrong are known to be used by their Soviet equivalents in the Kremlin's internal lobbying.

So far as the ecological problem goes, the Soviets have made public no facts about the TU–144s sonic boom except for statements by a test pilot and test-flight passengers that they could not hear it.

POLLUTION PROBLEMS

The U.S.S.R. is much less pollution-conscious than the West. Both its pollution and its relatively feeble efforts to solve pollution problems are concentrated more on water than on air. In Soviet society, citizens are not allowed to organize pressure groups against Kremlin-approved projects like the TU–144 of the kind that encouraged the U.S. Senate to stop funds for the SST last year, and the House to cut off funds this past week.

The sonic-boom problem is smaller here than in the West because the Soviet Union is sparsely populated, compared to the United States and Western Europe. Aeroflot could conceivably route planes around urban areas and minimize the effect of booms more thoroughly than is possible in the West.

That depends on the routes chosen. Alexei A. Tupolev, designer of the TU–144, said two years ago that it would operate on routes over 1,200 miles long. Most Moscow observers think it would be uneconomical on routes under 2,000 miles.

That would still allow a TU–144 to fly eastward from Moscow, Kiev or Leningrad to Alma Ata, Novosibirsk, Irkutsk or Khabarovsk, approximately 4,000 miles from Moscow in the Soviet Far East.

One rumor now being heard says that the TU–144 will go into service on the Moscow-Khabarovsk run in October. Efforts to trace the rumor to its source have wound up in Washington and Paris more than in Soviet officialdom.

FOREIGN SERVICE

The same is true of rumors of imminent supersonic services to Karachi, New Delhi and Calcutta. Soviet officials spoke two or three years ago of TU–144 flights to Tokyo and New York. Those flights would demand at least one stop en route because Tokyo and New York are beyond the craft's 4,040-mile range from Moscow.

All these flights would involve flying, presumably at subsonic speeds, over thickly populated areas like the U.S.S.R. west of Moscow, Western Europe and northern India. Yet Tupolev said the TU–144 was designed to travel at supersonic speed "almost during the entire flight time."

On the economic side, the Soviets have said only, "Economists have estimated that the cost of a flight on the TU–144 will not exceed that on subsonic planes."

Moscow observers are convinced that the TU-144 in fact will have costs comparable to the Concorde's. An American study put the operating costs of the Concorde per passenger mile at 40 per cent more than existing four-engine jets, which in turn would require at least a 25 per cent surcharge on regular passenger fares.

If that is true of the TU-144, the Soviet statement becomes simply a promise that the government will absorb these extra costs. It already absorbs much of the cost of housing and public transport, including existing rail and plane fares, as necessary social services.

PASSENGER SEATING

Cost estimates start with the fact that the TU-144 will carry up to 120 passengers in rows of three seats on one side and two on the other, compared to 128 to 144 in pairs of seats on the Concorde. The Boeing SST, which will carry 300 passengers if it is ever built, is not strictly comparable.

Tupolev said the TU-144 seating arrangement in a plane roughly the same size as the Concorde was made possible by the fact that the main undercarriage of the TU-144 retracts into the wings in the direction of flight, while that of the Concorde retracts into the fuselage at right angles to flight, i.e. in line with the wingspan. Tupolev suggested this meant less drag on his aircraft.

The maximum rated speed of the TU-144 is 1,550 mph at 65,000 feet; the maximum it has been reported as reaching was 1,458 mph at 51,000 feet in a test last Nov. 12. The Concorde is rated at 1,450 mph at 54,000 feet.

The TU-144 will have a range of 4,040 miles compared to 3,600 for the Concorde.

The Soviet engine thrust is similar to the Concorde—35,000 to 40,000 pounds, according to Halaby, who saw the TU-144 two years ago. The TU-144's four engines are clustered together in the center of the plane under the fuselage, while the Concorde's are located in pairs under the wings. Tupolev said the Soviet design means that if one engine fails, it will be easier to prevent inadvertent turns of the aircraft.

COMPARATIVE WEIGHTS

The Concorde takeoff weight will be 385,000 pounds, compared to 330,000 for the TU-144.

Both planes have bent noses like a bird's beak—the Tupolev slightly more so. Alexei Tupolev said this was to maximize the cockpit field of vision while eliminating the traditional "canopy" to reduce drag.

The performance of the TU-144 is unknown except in the most general terms. Halaby and Armstrong praised it without seeing it in flight. Its chief test pilot, Edward Yelyan, said the plane was a great success and "much easier to control than subsonic aircraft."

Yelyan added that all flight characteristics had "proved better than the designed ones." He said the plane generated less noise than a conventional jet inside the passenger cabin.

The plane "trembled slightly" as it exceeded the speed of sound, but Yelyan said this was not likely to be noticed in the passenger compartment. Western passengers on all Soviet aircraft—prop, turbojet and jet—have noticed more vibration than on their Western equivalents. This is no reflection on their safety but it reduces passenger comfort and might conceivably reflect factors that would shorten aircraft life.

ON-BOARD COMPUTER

Up to 90 per cent of TU-144 flight operations are performed by an on-board computer "that calculates the course and the best trajectory and prepares the necessary information for landing." The plane will therefore carry no navigator and have only three people in the cockpit—pilot, copilot, and flight engineer to check the equipment.

This may be a tribute to Soviet technology. But Soviet scientists have said that their computers are 5 to 15 years behind the West's, for reasons including poor component reliability, and specialists will be watching to see how the TU-144 computer checks out in performance.

However good the plane is, Soviet marketing disabilities remain a factor. The first is a penchant for secrecy that might prevent Western civil aviation authorities from learning what they want to know about how an aircraft is made as well as how it performs. The Soviets have seldom if ever permitted foreigners to make a thorough inspection of an aircraft factory.

Despite the signs of Soviet interest in Western sales, the Aviaexport advertising is rich in colors and poor in specifications. So little is known about the TU-144 that Western sources report nose-to-tail lengths varying from 188 ft. 6 in. to 196 ft. 10 in., and wing spans from 72 ft. to 88 ft. 3 in. The differences may reflect modifications in design that have also been rumored, but Soviet sources have not said which are the latest figures

The second marketing problem is the traditional Soviet inability to provide service and spare parts on a basis acceptable to the West. Only the defense industry produces adequate service systems or spare parts here. Foreign buyers do get preference, as in the case of Volga cars sold abroad, because the Soviets usually do try to live up to contracts. Users in Nigeria and Finland still have not found Soviet performance equal to the West's.

COST ESTIMATES

Third is the fact that Soviet accounting methods lead to what Westerners regard as inaccurate cost estimates, even if there is no conscious intention to cheat.

Fourth is the simple fact that Soviet international aircraft have never been as comfortable for passengers as their Western equivalents, though Tupolev rated passenger comfort a prime consideration in the design of the TU-144.

All these factors led to dissatisfaction with the performance of Soviet Ilyushin aircraft sold to Ghana over 10 years ago. Romania bought British BAC-111s when it presumably could have had Soviet planes. Western airlines will be watching with interest the performance of YAK-40 medium-range jets recently sold to Italy, to see how these problems have been overcome.

Some observers believe that if the TU-144 is successful, competition in world markets will come less from attempts to sell the craft to Western airlines than from selling faster service to that handful of passengers that would rather cross the Atlantic in two hours instead of seven, or Siberia in three hours instead of 10.

The standard of service on Aeroflot makes Westerners think the latter choice would well be worth a surcharge. Such reactions warn against overrating Soviet competition for passenger-miles. But the Soviet airline, which now serves 60 countries, is extending its international routes. Its standards may go up as it moves into more competitive routes—although the cancellation for Scandinavian Airlines training for 40 Aeroflot hostesses is not a good omen.

Mr. PROXMIRE. Then, Mr. President, there is the argument that if we do not fund this prototype, we lose—the figures vary from 150,000 to 500,000—jobs. The fact is that if we do not fund this prototype, we do not lose 500,000, not 150,000, not 50,000, not 20,000 jobs, but 6,000 at Boeing, 3,500 at GE, and at the subcontractors a small additional number; the total is 13,000 nationwide.

Spending $290 million elsewhere could create as many or more jobs. This was the opinion of the former chairman of the Council of Economic Advisers, Arthur Okun, the distinguished economist, Dr. Paul Samuelson of MIT, and Dr. Milton Friedman—who disagrees with Samuelson on everything except the SST, as far as I can tell—and I challenge Mr. Magruder to show us that spending $290 million here would provide a single additional job, more than would be provided by spending the same amount elsewhere. Henry Wallach, another outstanding scientist, has been cited as supporting the SST, but Wallach supports it on balance-of-payments grounds rather than job grounds.

Furthermore, there is a fascinating article by a competent economist in the Wall Street Journal today which points out that if we go ahead with supersonic flight, there are good reasons to feel that it will reduce the number of jobs in the industry over the long run, not increase them.

All of us, of course, have sympathy for the people who would be discharged. Though it is easy for me to say that only 13,000 jobs would be lost, that is still a lot of jobs and a lot of men who would be out of work. We have to consider their well-being. That is why I think the proposals by the Senator from Indiana (Mr. BAYH) and the Senator from Missouri (Mr. EAGLETON) are logical and long overdue, and we ought to get to work on them promptly, to allow people in the aerospace industry to do the kind of constructive work they can do elsewhere in or economy. It should not take a great deal of intelligence or imagination to recognize that there are areas where these trained people could be much more useful than in providing a plane which would fly a little faster to Europe.

Mr. President, the argument has been made that the SST is the cleanest mode of transportation, that it emits less pollutants than other aircraft. This just is not true. The Department of Transportation itself, which is pushing the SST, supplied information with a table that showed that as to every signficant pollutant, on a passenger-mile basis between New York and Paris, the number of pounds of the pollutant for the SST would be substantially higher than for the 707 or the 747. By substantially I mean something like 2½ times higher, in the case of one pollutant, and 3 or 4 times as high in others.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am practically through, but I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Can the Senator tell me what is the date on that report from the Department of Transportation?

Mr. PROXMIRE. That was received from the Department of Transportation last year.

Mr. GOLDWATER. For the Senator's information, General Electric has completely redesigned the engines for the SST. They are not going to use an afterburner. It will now put out 70,000 pounds of thrust, compared with the old 65,000. It will not need 100 percent of power for takeoff, and it will actually put out less pollutant than any jet we have today.

Mr. PROXMIRE. I appreciate that information. I hope the Senator will give us the figures in terms of carbon dioxide, carbon monoxide, water vapor, and nitrogen oxide. If he will do that, it will be very helpful for comparison. The number of pounds on a New York to Paris flight.

Mr. GOLDWATER. I shall be happy to do that when they finish the engine and are able to test it. The engine I am talking about has never been built and tested. Like a lot of the scientists who come here and testify, they do not know what they are talking about, and I would not say I know what I am talking about, until I see the thing run. But the engineers claim it will be the best engine yet developed, much cleaner, and of course much more powerful. I shall be happy to furnish the information when the tests are run.

Mr. PROXMIRE. I thank the distinguished Senator.

Mr. President, we ought to ask what we are getting for this $1 billion we have been investing. It has been argued that the Government will get its money back with a 4½-percent return by 1990, and that, because it is a long period, this could amount to $1 billion additional—that is, in the amount we will get at 4½ percent, considering the amount we put in and the length of time we have to wait.

But we will only get it back if a series of very unlikely events occur. One is if we solve the noise problem. We are far from home in determining that this can be done economically, without sacrificing range—the estimate by Boeing itself is that we would sacrifice about 800 miles in range—without sacrificing passenger load—no one can tell me that you can put on 800,000 additional pounds in sound suppressors without sacrificing some of your payload—and without very substantial additional fuel consumption, which of course would make the planes more expensive to operate.

This plane will be successful only if the economy rebounds and we have the kind of orderly and unremitting prosperity that we had in the 1960's. We may have that in the future. I think we probably will. But that is a condition which, of course, we have to have if the SST is to be a success.

Airline traffic will have to quadruple, to increase fourfold over the next 20 years. This will have to happen. If it only doubles, the SST will be a failure.

The airlines will have to get an exemption from the antitrust laws. Mr. Halaby, the chairman of the board of Pan American Airways, testified that that is essential. They will have to operate with competition from only one or two foreign carriers, if they are to be successful. Of course, whether Congress is willing to repeal the application of the antitrust laws to airlines is a big question. Maybe they will. I think there is only about one chance in four of that.

We will get the return only if upper atmospheric problems are solved, if the SST does not require prohibitive surcharges, and a number of other matters which have to develop if the SST is to be a success. I think the odds are very, very small indeed, that all these contingencies, every single one has to be achieved if the SST is to get off the taxpayers' back.

Mr. President, I have one further article to call to the Senate's attention—a fascinating article entitled "Why the SST Is Not Good Business," written by Allen R. Ferguson, which appeared only today in the Wall Street Journal.

Mr. Ferguson says:

> The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.
>
> The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not a good business.
>
> It is economically unsound because it poses a problem that is largely new in aviation. Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engined piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.
>
> With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.
>
> COST INCREASES
>
> The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.
>
> This would pose a serious problem of both domestic and international fare policy for the government.

What Mr. Ferguson points out very tellingly—and I think it has not been brought to the attention of the Senate before—is that the only way the SST can be economical is to do one of two things—either to provide surcharges, meaning that you would have to pay 25 percent, 30 percent, 40 percent, or 50 percent more to travel on the SST, or require the subsonic jets to charge more so that the SST would be comparable without the surcharges.

Mr. President, what Mr. Ferguson points out is that we have had this great increase in air travel in the past because the cost of air travel has been reduced. It has been either stable or has gone down in spite of inflation almost everywhere else.

It is pointed out by Mr. Ferguson that because the SST is more expensive to operate, it will be necessary, one way or the other, to charge more; and as you charge more, the amount of air travel will diminish; and as it diminishes, your whole pro SST job argument goes out the window, because it means that we will produce less planes of any type. There will be less pilots, less stewardesses, less people servicing them. The industry will be less active, less expansive, and there will be fewer people in it.

So that not only from the standpoint of the SST being a bad investment but also from the standpoint of providing more jobs in the industry, the SST is one way of going in reverse, because it means more expensive air travel one way or the other. Either you charge more for travel on the SST, as I say, or you charge more on all planes flying overseas; and if you do that, it means you will have fewer people flying.

Let me conclude, Mr. President, by simply reading the last part of Mr. Ferguson's article:

> What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problems of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.
>
> SUBSIDIES AND UNCERTAINTIES
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> Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidizes the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.
>
> Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.
>
> Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.
>
> In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have the article by Mr. Ferguson printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 23, 1971]

Why the SST Is Not Good Business

(By Allen R. Ferguson)

The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not a good business.

It is economically unsound because it poses a problem that is largely new in aviation.

Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engine piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.

With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

COST INCREASES

The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.

This would pose a serious problem of both domestic and international fare policy for the government. A policy that would be both efficient and equitable would require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set 25% to 30% above the corresponding fares of the subsonics, SST passengers would have to pay for the speed advantage, and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares. The advantages of each type of service would be avaliable to passengers in accordance with their willingness to pay. However, aviation experts simply do not believe that to most travelers supersonic speed will be worth what it costs. Consequently a fare policy that made broad economic sense would visit financial disaster on the whole SST venture.

If the SST is eventually produced under federal support it is likely to be impossible for the U.S. government to insist on rational pricing of its services. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, letting the U.S. SST become a financial failure would be, to say the least, politically difficult. Obviously, to retain the appearance that the American taxpayers were recouping their investment in the SST, the government would be under great pressure to force many of them to subsidize the SST through excessive fares.

If, as is to be expected, there were little or no fare differential, travelers would presumably prefer the time-saving and would fly on the SST. Payloads on subsonics would tend to be depressed. Their early retirement from the affected routes would be forced on the industry. A larger and larger proportion of at least the trans-ocean fleets would become supersonic, and hence, to avoid losses, the fares on those services would have to approach the seat-mile costs of the SST. Thus, such a fare policy would almost certainly force fares on virtually all types of aircraft substantially above the level at which they would otherwise rest.

Given the effect of the SST on fares, the implications of "success" of the SST program are not hard to draw. First and most obvious, there would be less air travel than otherwise.

If air travel is constricted there will be less employment in the airlines, fewer aircraft will be needed and, hence, eventually perhaps less employment even in the aircraft industry.

DECREASE IN AIR TRAVEL

How much of a decrease in air travel could be expected is impossible to predict with precision, but in 1964, when the most recent sweeping reductions in trans-Atlantic rates went into effect, an average reduction of about 15% was followed by a 40% increase in travel. A major study of the sensitivity of the volume of travel to fares in the North Atlantic indicated that for each one-percent change in fares there had tended to be a two-percent change in travel. If this sensitivity in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic fleet.

These are the obvious direct consequences for the aviation industry of a technically successful SST program. They are at least among the reasons why many airline executives privately—and a few publicly—express reservations about the SST. There are other consequences. Since subsonics would be displaced at a faster rate than would otherwise be the case, the obsolescence of the recently acquired wide-bodied and other subsonics would be accelerated; consequently, depreciation and interest charges or equipment write-offs would be increased, reducing airline profits. The financial problems of the airlines would be aggravated. Their debt is now at historic highs; major carriers are incurring unprecedented losses, such as American Airlines' $10 million loss in the month of February. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems hardly prudent.

There is another serious adverse potential. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this relatively free and expensive arrangement has been increasing in recent years and has accelerated frequently in response to American innovations and to financial difficulties of foreign airlines. The introduction of the SST might induce major restrictions by foreign governments, removing one of the foundations on which American efficiency and pre-eminence in world aviation are based.

But what of the "threat" of foreign supersonics, the British-French Concorde and the Russian TU-144? Will the airlines of the world be forced to replace their American-built fleets with them—as is often alleged? Both these foreign supersonics are ahead of the U.S. SST. Both will probably prove technically operational. But neither is certain. More important, some things about both are certain. Neither will be able to fly even New York-Rome non-stop, to say nothing of Los Angeles-London or San Francisco-Tokyo. Neither will be allowed to fly across the U.S. or across Europe at supersonic speeds. Both will be extremely costly to operate: Last November the British Aircraft Corporation announced that the Concorde's expected seat-mile cost would be 36% higher than that of the 747.

There is simply no way that such equipment can penetrate a large segment of the world's aviation market. Whether it penetrates any significant fraction of the U.S.-international market at all depends largely on the policy of the American government. Unless the U.S. government permits fares in international travel (over which it can exert considerable influence) to force travelers on the American-built subsonics to subsidize the Concorde or the TU-144, they will have virtually no markets of significance—even if their remaining technical and operational problems are all solved.

This brings us to the question of American "aviation leadership." Aviation leadership consists of the leadership of our manufacturers and of our airlines.

It is clear that within the aviation community both at home and abroad the U.S. would certainly gain some "prestige" from producing a superior and ultimately dominant SST. Throughout the world there are many aviation authorities afflicted with that form of myopia which prevents their seeing beyond technological elegance to social and economic utility. But many aviation officials also do understand and would resent the economic and financial strains that would be imposed upon their own carriers by artificially premature obsolescence of their American-built subsonic jets, in the interest of U.S. prestige.

The consequences for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead. The world flies American equipment. The British failed to capture any significant fraction of the market with the technically premature Comet or the luxurious but costly VC–10. The U.S. leadership is soundly based on economic reality, not technological novelty. To jeopardize it with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at least, a most questionable choice.

Similarly, the U.S. airlines enjoy a highly prestigious, traditionally profitable and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elaborately inefficient vehicle is, at best, risky.

What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problems of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.

SUBSIDIES AND UNCERTAINTIES

Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.

Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.

Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

Mr. Ferguson, a consulting economist in Bethesda, Md., has specialized in transportation and government policy and was formerly coordinator for international aviation in the State Department.

Mr. TUNNEY. Mr. President, before I begin my remarks, I should like to say, that I am very sorry that, in one of my first speeches in the U.S. Senate, I should have to disagree with the Senator from Washington, a man whom I hold in the highest possible regard, and who I consider has done many good things for this country. He has done much to promote many good programs, including programs for cancer research such as he has just mentioned.

However, I feel that this is one of those issues upon which one must make a decision based on conscience, and my conscience tells me that now is the time to speak out on my opinion of the SST.

Mr. President, the SST currently is being propelled on a $300,000 propaganda campaign that it will create jobs and keep the United States ahead of other nations in the thin outer reaches of the atmosphere. Extravagant expectations have been raised about the aircraft, but most are easily deflated by the facts.

Before I had a chance fully to examine all the evidence about the SST, I thought it might offer some shortcut to recovery for our economy generally and for the ailing aerospace industry in particular. But I was wrong, and I continue to oppose the SST.

Having heard all the pros and cons, all the various arguments, and having been deluged by thousands and thousands of letters on both sides, I am convinced the SST would be wrong for our Nation, for our economy, for the aerospace industry and, specifically, for California.

For one thing, the SST seriously distorts our national priorities and makes the gleam and bigness of the giant aircraft appear a worthwhile goal in itself. I do not believe it is, any more than I believe our Nation's taxpayers should subsidize Detroit each year merely to turn out flashier and bigger cars.

For another, it raises false and dangerous hopes of easy leadership in world affairs, as if with enough SST's we will be supreme over the Soviets. What misleading nonsense. Our strength internationally is based not on some showy competition among aircraft, but rather on the spirit and solidarity of our Nation itself. It is not determined by a race through the stratosphere, but by whether we live up to the founding principles of our country for life, liberty, and the pursuit of happiness.

Our claim to world leadership is going to be validated right here at ground zero in our country—on our city streets, along the waterways and throughout the countryside. Squadrons of SST's are not going to preserve our prestige if we fritter it away through continued disorder on our streets and further pollution of our air and water.

My objections to the SST actually come down to three main points:

First. It distorts our national priorities and will take countless millions from pressing domestic needs.

Second. It offers little more than some dubious benefits to aerospace without really mobilizing that industry for broader national goals.

Third. It raises serious and, as yet, unmeasured hazards to our environment and to humankind.

Our Nation must always maintain an adequate defense and, obviously, must muster its imagination for continuing exploration beyond the present horizons of science and knowledge. But the SST will add nothing to our defense or our knowledge of stratospheric flying. New jet bombers and a variety of experimental aircraft already are cruising at 60,000 feet and higher, and are scientifically and systematically gathering data useful to our venturesome space and aerodynamic programs.

On the other hand, the SST, will withdraw effort and divert money that otherwise would be spent making our cities more liveable and our daily life more tolerable and productive. The nations most eminent economists emphatically agree that the billions spent on the SST would create more lasting and stable employment if spent on truly vital domestic programs.

Clearly, the SST distracts the aerospace industry with the prospect of vast subsidies from its far more urgent task of converting its incredible technology to the great challenges right here at home. There is enormous potential within the industry to contribute to the development of rapid transit, improve health care, and develop effective controls for water and air pollutants.

Only through such long-range diversification will the industry be able to hire back the tens of thousands of scientists and technicians who have been thrown out of work in the current recession, and, in fact, to resume its growth and assure its profits. In fact, according to the host of economists who have studied the SST—among them Richard R. Nelson of Yale, Walter Heller, and Arthur M. Okun, former Chairman of the Council of Economic Advisers, and Nobel Prize winner Paul Samuelson—the SST would create relatively few jobs. One expert prediction is that it will add only about 3,000 workers over the next several years to the 4,800 now employed on the project at Boeing and the 9,000 or so directly involved in related companies or through subcontractors.

At best, the economists figure, the SST in full production almost a decade hence would involve a total work force of 50,000—all of whom, the economists insist, would be more swiftly hired and more steadily employed if the money that would go to the SST went, instead, into the development of rapid transit and other urgent domestic technology.

A more immediate economic danger comes from the grim certainty that SST would undercut construction of McDonnell-Douglas' DC–10 and Lockheed's L–1011 airbuses. Presently, McDonnell-Douglas has some 40,000 employees working on its airbus at Long Beach, Calif., and Lockheed has some 16,000 working on its.

Lockheed, stunned by the collapse of Rolls-Royce in Great Britain, has warned it will go bankrupt if its airbus does not get off the ground, jeopardizing a total employment of 83,000—45,000 of them in my home State of California.

These statistics confirm why I believe the SST is so terribly wrong for California.

At present, the two airbus manufacturers believe, on the basis of options and orders already received, they can sell some 1,200 of the aircraft over the next two decades for a minimum total of $18 billion into our economy. The SST holds no such realistic promise. Even its proponents insist they will have to sell 300 of them for approximately $16.5 billion for the Government to break even on its investment, and there is nothing now on the order books to conclude that they will. Rather, the SST presents an inescapable either/or choice between it and the airbuses. From the financial reports of the major airlines, it is quite obvious that they, with their swelling debts, cannot afford anything like a total of $34.5 billion for the simultaneous purchase of SST's and airbuses. Most airlines currently are laying off personnel in a desperate attempt to cut costs and restore profits—totally, the 12 major lines lost an estimated $97 million in 1970—and it simply is not possible in today's distorted inflationary economy for airlines to have their airbuses and their SST's, too.

Already, some 420 airbuses are on option or order, more than one-third of the projected total over the next 20 years—a sure sign of the fiscal feasibility of the program and the sustained impact it will have on the economy of California and the Nation as a whole. Any subversion of this program by the SST would be catastrophic and could devastate the already weakened aerospace industry in California and in other parts of the country that are doing subcontract work.

Economically and environmentally, all the SST would do is take the California aerospace industry on a bad trip.

From every aspect of sound American business, the SST is risky and uncertain. It merely dumps billions into a single, monopolistic project and provides no incentives or competitive assistance for the aircraft industry as a whole. For four decades the United States has been the principal airplane builder for the world, but that preeminence is increasingly being challenged by the rising industrial strength of France, Britain, Japan, and Russia.

The goal of our Nation should not merely be the production of a particular aircraft by a single manufacturer but rather the strengthening of the commercial air transport industry in total. If there is a single point to be made in the agitated debate over the SST, it is this:

The Government, possibly through interest-free development loans, should foster competition for the development of more economic subsonic aircraft and safer and more effective air and ground equipment. Congress, sometime soon, should evaluate industrywide programs that offer promise of sustaining our commercial dominance. I do not believe that the SST does.

The Nation's major economists agree the SST will be economically disastrous in that it never remotely will pay its way. Congress, I believe, instead of placing all its eggs in the dubious basket of the SST, should consider the possibility of interest-free development loans that will be repaid on successful programs. In this way, the whole industry would be given new vigor and greater vision, and far more jobs will be created throughout all the aircraft companies than by the one-shot gamble on SST.

All in all, the SST is a make-shift and frail crutch for an industry whose revitalization depends on increased production by each of its manufacturers and whose lasting rehabilitation lies in far-reaching conversion of its space and missile capabilities. To spur this permanent renaissance in the industry, I support the National Conversion Assistance Act, which would make $500 million available over a 3-year period. Additionally, in an effort to set new directions for skilled aerospace know-how, I favor the creation of a National Environmental Laboratory with an initial appropriation of $1 billion.

Additionally, of course, I stand with long-range programs for assisting persons in the aerospace industry, who, because of the current recession or Government cutbacks or whatever, find themselves out of work. These programs include an extension of unemployment compensation, the establishment of a placement service for skilled personnel, and funds for study in related fields of engineering and technology where jobs exist.

On a rigorous and prudent dollar-and-cents basis, the SST is an economic albatross for the Nation. Not only will it cost at least $1.343 billion to construct two prototypes, of which $864 million already has been spent, but also, it will take additional billions to keep them in the air. Boeing itself has yet to offer a financing plan for its dream child and will not, it now estimates, until June of next year, 4 years after it originally promised one. But from all that is known about the SST, it seems clear it will be so expensive to fly that normal fares will not sustain it. The French already estimate that they will have to charge from 30 to 150 percent more than present trans-Atlantic fares for seats aboard their Concorde, which, by the way, has exceeded original cost estimates by an incredible 400 percent.

Presently, the Federal Government—that is, the taxpayers of this Nation—is carrying between 80 and 90 percent of the total costs for the SST—a clear indication it cannot stand on its own financially. It appears pure pipedream when some SST advocates predict some 300 will be sold overseas—in addition to 500 domestically—to help correct our Nation's balance of payments. This Nation, since 1958, has sold only 850—it is a very large number—of what has proved the most effective jet airliner in history, the Boeing 707, and there is no reason to believe that there is going to be any run on the market for a larger plane that cannot be flown at a profit.

From the economic evidence accumulating in Britain and France on the Concorde, it appears that what they hoped would be an international financial advantage is collapsing into a serious disadvantage as their economies are stretched to subsidize the costly craft.

In their pursuit of a pot of gold at the end of the vapor trail, they have found nothing but inflating costs and spiraling demands for more and more government subsidy.

Our economy, already debilitated by incredible inflation and rising unemployment, should not be further drained by the anemia of the profitless and the voraciously consumptive SST.

Furthermore, grave questions have been raised about the horrific effect of the SST on our environment and on the health and peace of mind of Americans.

Medical scientists have claimed that flights of SST's will tatter the delicate atmospheric screen that shields us from cancer-producing ultraviolet rays from outer space. The claim may be hyperbolic, and it may be false, but it certainly merits meticulous study, in my opinion, before we loft SST's to a possible hazard to the health of millions.

Additionally, there is the probability that fuel and other emissions from SST will stain the stratosphere a permanent dirty grey inasmuch as in those lofty altitudes, the air is thin and unmoving. It is predicted that the emissions would remain undisturbed for months and would chemically interact with atmospheric substances.

Then, of course, there is the factor that will most shatteringly affect each of us—the sheer noise of the plane's jets and the reverberations of its sonic booms, if it should, in fact, ever be able to fly over land areas. In this connection, I compliment the Senator from Washington for introducing a measure which passed the Senate a few days ago, which if enacted will prevent supersonic flights over our country.

When all the facts are considered, I can only conclude that the United States does not need an SST any more than it needs a pyramid to prove its bigness or to sustain its economy.

What she needs is a realistic appraisal of her self-interest and the sure faith that she is going to maintain her leadership in the world not because her airplanes are enormous, but rather because she can house, feed, educate, challenge, and sustain her citizens unlike any other society on earth.

I have confidence she can do so.

Mr. President, I thank the distinguished Senator from Wisconsin (Mr. PROXMIRE) for yielding me this time.

Mr. MAGNUSON. Mr. President, will the Senator from California yield for a few observations?

Mr. TUNNEY. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. The Senator is familiar with the fact, is he not, that the airlines have deposited $22 million for delivery positions to buy the SST, and have contributed $59 million toward development of the SST?

Mr. TUNNEY. Yes; I am aware of that.

Mr. MAGNUSON. The Senator is also familiar, is he not, with the fact that all the airplane manufacturers are busy developing a new generation of subsonic planes? The new generation, small planes, do not compete with one another. They are in a completely different competitive category. The SST will be the queen of the long-haul, overwater routes.

I also want to apprise the Senator of another fact, that the Senator from Washington did not start the SST. It started some 11 years ago. President John F. Kennedy was the one that wanted us to get into it, saying that we were behind and that we must build this type of airplane.

Of course, it is a big airplane project. It is so big that one country in Europe could not build it alone. Now they have a third country, West Germany, as a possible second-generation partner for the Concorde. Seventy-five percent of the research and development is being financed by the Government and 25 percent by private contribution. That is exactly what the percentage is—about the same as President Kennedy predicted. As a matter of fact, it is a little more private than he anticipated.

Now I am a great believer in this idea of having proper priorities. I have handled appropriations for housing, for rapid transit, and for the cancer institute. I still handle all of HEW, which is the second largest appropriation measure next to defense. I seem unable to understand why people think that if we stopped the SST tomorrow that the money would move over to some other program. It does not work that way. All projects stand on their own. As a matter of fact, if we stopped the SST tomorrow, we would not have any money to place elsewhere because the severance costs will be equal to the amount that is being asked for by the Department of Transportation.

We may make some think a gesture is being made regarding priorities. In the bill we will be considering tomorrow, there is almost $1 billion for airports and airways and other things the Senator from California and I are talking about. We doubled the amount for rapid transit. The SST is only 3 percent of the DOT bill and only one-sixth of 1 percent of the national budget. That will not shake our fiscal foundations, I do not believe.

There are many worthwhile things the distinguished Senator from California and I believe in. We are going to have these important domestic projects. We should have the SST, too.

If the amount of money to be appropriated for the SST was going to be moved over to some other program, I might believe them. But, as a member of the Appropriations Committee I know that this is simply not the case.

We doubled the amount for rapid transit in the bill last year. I think that all these things should be done. But, someone has got to go to work to make the wages to pay for the social reforms. I agree with the Senator about the subsonic airplanes but they will be along in due time and will serve a different market than will the SST.

There is one strange thing about airplanes, competitive-wise—even the 707 is now losing some of its economic competitive advantages due to the 747 and the stretch-jets. A comparison can be made with the development of automobiles.

In all of this discussion, we are talking about the situation 4 or 5 years from now. That is what we are talking about now. I am sorry there are so many misunderstandings about this situation. Psychologically, I know it has become a symbol. It has been warped out of shape regarding its relative cost. If this were the beginning of the SST, I would say, let us be very thorough; but we have been working now for 9 years and no one said much about the SST until last year. There is not much left to be done and I believe we should finish. There is also the payback we have to consider and I cannot believe we are willing to throw away nearly a billion dollars.

The Senator from California was quoting Dr. Samuelson. He is an eminent economist. But there are many other economists who disagree with him. Put a bunch of economists in a room together and if we can get a unanimous opinion out of them, I will eat that desk. They are all sincere and honest men. Dr. Samuelson said in his testimony that funding the SST would be like subsidizing the merchant marine, because it has no value to us for defense and therefore it should be done privately.

Well, I never heard an economist in my life make a statement like that, when we all know the merchant marine is the fourth arm of defense for this country, otherwise they would not be getting any subsidy. We subsidize the railroads. We also subsidize the airlines.

One further point I want to make and I hope that the Senator from California does not think that this is true—I know I do not—and I hope he does not. I know the present position of the airlines. We recently had a month of hearings before the Senate Commerce Committee, but if I were to believe that 5 years from now they would be in the same financial shape, I would agree with the Senator, but I believe that will not be the case. The economy should be greatly improved by 1977. If the airlines are in the same shape 5 years from now then they will not buy an SST's nor will they buy the DC–10, was that the plane you mentioned, Senator?

Mr. TUNNEY. The DC–10.

Mr. MAGNUSON. Yes. There just will not be any airplane market. I have to think of the growth factor in this industry. When we think that only about 4 percent of the population of the world has ever flown in an airplane, and only about 29 percent of Americans fly in airplanes regularly, we know that there will be 60 percent more citizens flying in 5 to 10 years, and we have to prepare for that situation.

I am not an airplane economist. All I know is that 16 airlines, led by Pan American, say they want to buy the SST. Many have taken an actual position costing $200,000 a piece.

I suppose if the Senator from California was told that Lockheed had got the SST contract, I would be just as strongly for it. With Boeing, the amazing thing is—and we have the exact figures—77 percent is subcontracted out, much to companies in California—Rohr and other companies—these companies are expecting to make parts and assemble them for the SST.

Of course, I know that the Senator from California feels deeply about the unemployment problem in the aerospace industry. It is very bad in California. It is also bad in my State of Washington, where there are 89,000 people walking the streets looking for work. That does not justify the SST, but it just makes me think that if the SST is voted down tomorrow, it will mean that on next Monday 11,000 to 12,000 people will be added to the 89,000 unemployed in my State. That is pretty much a concern of mine, as I am sure it is to the Senator from California.

Unemployment insurance for those people over a 50-week period will amount to almost half the appropriation we are talking about here—unemployment insurance that we are going to have to pay out to them.

We can shift them elsewhere some day, but not overnight. We do not take an engineer who may come from California, who has worked for Lockheed or Douglas, when they have a shutdown—we do not shift that person overnight to a job on Philadelphia helping them with their mass-transit problems. I wish that we could. Maybe we will some day. But it becomes a serious problem with some of us—especially with me. I do not justify the SST on that basis. I want to tell the Senator that when there are 100,000 people getting unemployment insurance over a 52-week period—or 50 weeks now—48 or 50—that is almost half this appropriation that we will have to pay out of the Federal Treasury.

So all of those things had better be considered in analyzing the economy, notwithstanding Dr. Samuelson, for whom I have great respect. He even admits he is not always right. I have a fight with economists about once a week. Half of the time I am right and half of the time they are right. But one has to respect him. He is a great man.

Has the Senator read what our economists have had to say?

Mr. TUNNEY. Yes, I have.

Mr. MAGNUSON. They do not agree. They are all speculating. The people are going to have to pay for it. The people who are responsible are the ones who count and not someone who is speculating or theorizing.

I can understand what the Senator says. I know there will be all kinds of subsonic flights. I think that airplane travel will be doubled. It has a tendency to grow at the rate of about 25 percent a year, with the exception of this past year.

The foreign airlines did not have as many problems as we had. I think there is a place for all of these things, just as there is a place for all kinds of different automobiles. They serve different purposes.

None of the economists know anymore about it, any more than they did about the first jets. We heard the same story then. The people will have to pay the bill in the long run if we do not have more productive aircrafts.

Mr. TUNNEY. Mr. President, I thank the Senator for his remarks. I think the Senator knows that I have the highest respect for him personally. I respect the way in which he fights for his region. I certainly do not want to have my statement interpreted by the Senator as regional warfare because it certainly is not.

Mr. MAGNUSON. That competition has been healthy for California and Washington. I think we have all benefited by our little warfare back and forth.

Mr. TUNNEY. My remarks today are not based on regional warfare. They are based on an evaluation of the issue as best I can evaluate it.

Mr. MAGNUSON. I understand that. I appreciate the sincerity of the Senator. He and I have known each other for a long time. I am sure that we have mutual respect for one another.

Mr. President, as the Senator from Wisconsin would say, I ask unanimous consent to have printed in the Record the position of some 22 eminently well-qualified economists. They take the opposite position of Dr. Samuelson. I also ask unanimous consent to have printed in the Record the position of an economist from one of the finest schools in the United States.

There being no objection, the material was ordered to be printed in the Record, as follows:

Position Paper of 22 Economists

Economists across the nation have endorsed the U.S. Supersonic Transport (SST) program in response to charges that the SST will not be economically feasible.

A brief sampling early this week revealed that more than 30 economists from universities, colleges and private organizations strongly support the program.

All agreed that "recent technical information presented to Congress has demonstrated the high probability that the SST will operate well within environmental standards; development of the U.S. SST through the prototype stage will permit a complete analysis of the commercial economic viability of the SST," and the potential favorable impact on the United States economy is highly significant.

"The U.S. SST should increase employment by adding a substantial number of new direct jobs," and "contribute desperately needed dollars to assist this country's balance of payments problem," they said.

Following is the statement all endorsed along with a partial listing of those supporting the SST program. As this listing was printed, more calls in support of America's supersonic transport were being received.

We, the undersigned, favor continuation of the development of two U.S. SST prototypes through completion of the planned flight test program for the following reasons:

1. Recent technical information presented to Congress has demonstrated the high probability that the SST will operate well within environmental standards.

2. Development of the U.S. SST through the prototype stage will permit a complete analysis of the commercial economic viability of the SST and will generate invaluable data for use in the production program.

3. The potential favorable impact on the

U.S. economy is highly significant. The U.S. SST should increase U.S. employment by adding a substantial number of new direct jobs; contribute desperately needed dollars to assist in the U.S. balance of payments problem; and support the U.S. aerospace industry, our nation's largest industry, in worldwide civil aviation competition.

SIGNATORIES

Martin T. Ferris, Ph. D., Arizona State University.

J. C. D. Blaine, Ph. D., University of North Carolina.

Edward Smykay, Ph. D., Michigan State University.

Hugh S. Norton, Ph. D., University of South Carolina.

Stanley Brewer, Ph. D., University of Washington.

Roy J. Sampson, Ph. D., University of Oregon.

Hale Bartlett, Ph. D., University of Illinois.

Joseph L. Frye, Ph. D., University of Tennessee.

Warren Rose, Ph. D., University of Houston.

George W. James, Ph. D., Chief Economist, Air Transport Assn.

Frank L. Hendrix, Ph. D., University of Tennessee.

James E. Suelflow, Ph. D., Indiana University.

Buford Brandis, Ph. D., Industrial Economist.

Grant Davis, Ph. D., Auburn University.

Peter Lynagh, Ph. D., University of Maryland.

William P. Carlin, Industrial Economist.

J. Richard Jones, D.B.A., University of Georgia.

George Horton, Ph. D., Auburn University.

Prof. J. A. Smith, Southern Illinois University.

Lamont K. Richardson, Ph. D., Consulting Economist.

Allan Skaggs, AIA Chief Economist.

Paul Cherington, Prof. Transportation-Economics, Harvard University.

HENRY C. WALLICH AND THE SST

Henry C. Wallich, Ph. D., nationally recognized Professor of Economics at Yale University and a former member of the President's Council of Economic Advisors, today repudiated an alleged statement of his opposition to the SST as distributed by the Coalition Against the SST last week.

Dr. Wallich asserted that "we cannot afford to give up the project at this point. I want to clarify my position on the SST. I favor construction of two prototypes and therefore urge Congress to vote for their budgetary appropriation."

The Coalition is spearheading a lobbying effort to defeat the SST and claimed Dr. Wallich's support for their position.

Asserting that his position was not correctly represented by the Coalition, Dr. Wallich maintained that "if foreign countries build, and we do not, we shall lose not only the opportunity of putting our supersonic plane into the sky instead of theirs. It is hard to believe that foreign leadership in so major a project should leave unaffected our leadership in aircraft manufacture generally."

Pointing out that his position had not been properly represented he released his full statement given to the Coalition on March 8th as follows:

"I continue to believe that the key to the right decision on the SST is the outlook for the Concorde. If we are sure that the Concorde will not fly commercially, there is much to be said for terminating the SST program. If the Concorde is viable, we stand to lose a great deal economically.

"I have heard nothing to make me believe that the Concorde has been stopped. Rumors, press reports, and even statements by airlines about our prospective purchases need to be heavily discounted. That countries of the technological capabilities of the U.K. and France should permanently write off the construction of a supersonic plane seems very unlikely to me.

"If foreign countries build, and we do not, we shall lose not only the opportunity of putting our supersonic plane into the sky instead of theirs. It is hard to believe that foreign leadership in so major a project should leave unaffected our leadership in aircraft manufacture generally.

"We are now told that we need not worry about the balance of payments, official statements about the economics of the Concorde are all wrong, the unemployment in Seattle could be dealt with by other means. One can find some basis for all these claims. Nevertheless, we cannot write off our international financial relations, we cannot ignore our position in a prime area of modern technology, we cannot ignore domestic realities. We can and probably should delay commercial production as long as feasible. We should focus as much as possible on technological improvements before we build. But we cannot afford to give up the project at this point."

He added "I want to clarify my position on the SST to avoid further misinterpretation. I favor construction of two prototype and therefore urge the Congress to vote for their budgetary appropriation."

RAILPAX PLAN AND MONTANA

Mr. MANSFIELD. Mr. President, when the National Railroad Passenger Corporation announced the details of the unified passenger system, I was amazed and shocked with the total lack of understanding and consideration given to the less populated, rural States in the Nation.

When Congress enacted legislation establishing this new Corporation, it was done to bring about a new vigorous approach to railroad passenger service as a replacement for the deteriorating and stagnant passenger service provided by the majority of the railroads in the country. Railroad passenger service has been reduced to such a state that something had to be done to preserve this mode of transportation. If this recent announcement is any indication, the Corporation is merely perpetuating what we had hoped to replace.

Fifteen years ago, passenger service was available on three transcontinental railroads through Montana. In recent years, this has been reduced to service on the old Northern Pacific and Great Northern Lines. Under the Railpax plan, the only passenger service would be on the Great Northern Line, across the northern edge of Montana. Two-thirds of the State will be without rail passenger service, Montana's six largest cities will not have access to rail service and it will be over 300 miles from any point in Montana to a rail depot.

In the past several years there has been a great deal of conversation about the migration of Americans from rural areas to metropolitan centers. If we are to make a sincere effort to reverse this trend, the Railpax plan is not going to help. The route selected through Montana gives every indication of what I feared might happen. It gives primary consideration to the railroad corporation, not the needs of the traveling public. This route through Montana is the shortest and the least costly to maintain. This supports my fear that the Burlington Northern views Montana as a necessary roadbed between the Twin Cities and Seattle. I fear that there will now be reductions in freight service on the Northern Pacific Lines, now that they will not be required to maintain these roads for passenger trains.

As my colleagues here in the Senate know, I have been objecting to the reduced services offered by the railroads for a number of years. I still believe they have purposely reduced their services and discouraged public use of their lines, in an effort to bring about abandonment of their responsibilties in passenger service.

The Railpax plan appears to support this philosophy and I do not see how it can provide a suitable alternative.

It is quite ironic that Congress is considering the appropriation of billions of dollars for the supersonic transport to fly people to Europe and other parts of the world in less than 4 hours, when it will be virtually impossible to get out of Montana by public surface transportation in order to take advantage of supersonic travel. The Corporation officials may feel that the remainder of Montana has adequate alternatives of public transportation. However, I wish to remind these officials that air service does not include many of the smaller cities and at some points, the airlines are attempting to reduce their schedule. Bus lines offer about 50 percent less public transportation than they did a few years ago. Under the Railpax plan, Montana does have one line which will be available to very few people, but I am certain that constituents in the States of Idaho, Wyoming, and South Dakota, find this plan even less comforting.

Originally I had felt that the National Railroad Passenger Corporation could be the answer to the deteriorating surface transportation needs of our Nation, I realize, that we can economically maintain railroad passenger service now available without a tightened up system aided by improved service for the traveling public.

In the State of Montana, we could have survived reasonably well, with alternate-day service on the Northern Pacific and Great Northern Lines, between the Twin Cities and points in Montana, even if on a reduced basis. Also, in looking at the map of the new improved passenger routes, there is not one north-south connection between Chicago and the west coast. The Corporation thoroughly ignored such existing routes from Butte to Salt Lake City.

For sometime I have been considering a plan to require the railroads to abide by their public responsibilities and today I have introduced legislation which would require railroads who benefited by land grants, to return all these lands to the Federal Government, where they have abandoned rail services. On the surface, this may appear to be a drastic measure, but these railroads were given the original land grants as an incentive to provide railroad services to the people of the United States. If they abandon this intention, I see no reason why they should benefit from the land grants. It is my distinct impression, that in many instances, the railroads are more interested in investments and benefits associated with these lands, than they are with the business of running a railroad.

Mr. President, I ask unanimous consent, to have printed with this part of my remarks, the proposed amendment to the Railroad Passenger Service Act of 1970.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 406. PUBLIC CONSIDERATION IN RETURN FOR DISCONTINUANCE OF SERVICE.

"(a) Notwithstanding any provision of this or any other Act no railroad holding title of any kind to lands, other than rights of way, which were received as a grant (not including any purchase) from the Federal Government shall discontinue, after May 1, 1971, any passenger or freight service regularly provided prior to such date unless such railroad reconveys to the United States all right, title, and interest (including mineral rights) held by such railroad in an amount of such land equal to one hundred acres for each mile of service discontinued.

"(b) For the purpose of this section the term 'rights of way' means land within 300 feet on either side of a railroad track regularly used on May 1, 1971, for the provision of freight or passenger transportation service to the public."

Mr. MANSFIELD. Mr. President, before concluding my remarks today, I wish to express my opposition and views on another matter. The Interstate Commerce Commission has authorized eastern and western railroads to increase their current freight rates by about 11.8 percent, without any comments or controls over deteriorating service. Here again, we see an example of the reason why I have advocated the abolishment of this regulatory agency, or at least a comprehensive overhauling of the agency.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

FURTHER CONTINUING APPROPRIATIONS, 1971

The Senate continued with the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

Mr. GOLDWATER. Mr. President, I yield 5 minutes the distinguished Senator from Iowa (Mr. MILLER).

The PRESIDING OFFICER (Mr. WEICKER). The Senator from Iowa is recognized for 5 minutes.

AGAINST THE SST

Mr. MILLER. Mr. President, after most careful review of both sides of the controversy over the SST, I voted against the appropriation to continue development of the two prototype models of the SST when this question was last presented to the Senate. I have continued to closely follow the evidence and arguments advanced since that time, and my position remains unchanged.

It appears that the sideline noise problem may be favorably resolved. Also, I recognize the sincerity of the proponents when they state that all they wish to do is proceed with development of two prototype models so that adequate testing and research can be carried out to determine whether there would, in fact, be harmful effects on the environment as a result of large numbers of SST aircraft; that if such testing and research indicates seriously harmful effects on the environment, that will be the end of the SST.

My concern, however, goes deeper. Even if the sideline noise problem is met, and even if the testing and research on two prototype models answers the environmental questions satisfactorily, I cannot support this appropriation. Over the past few years, we as a Nation have come to realize that our money and resources are far more limited than most of us appreciated in previous years. The necessity for establishing priorities in the commitment of money and resources has become the fact of life of the seventies. To me, the vast amount of not only Government money but the hundreds of millions of dollars of money and resources from the private sector, not to mention the large amount of professional and skilled manpower, committed to a project that will save two or three hours of flying time over the Atlantic to London and Paris is not a prudent ordering of priorities.

Possibly at a different time in our history, the problem of priorities would not be as serious as it now is. But today we face serious needs for national defense to maintain an adequate deterrent capability vis-a-vis the Soviets—not just for today, but for years into the future. After all, if we lose the security of our country, we lose everything. We face growing demands to meet the needs of education, health, welfare reform, rural development, rebuilding our cities and building new ones, public transportation, clean air and good water. Surely these needs take priority over saving 2 or 3 hours' flying time to London and Paris for a small fraction of our population.

As I have said before, there is serious doubt that there will be the consumer demand needed to make the SST a profitable venture. Projections indicate that, as finally developed, the plane would cost $50 million per copy. That is an exorbitant amount of investment for the sake of saving 2 or 3 hours' flying time over the Atlantic. Perhaps the Soviet Union will develop an SST and, with the built-in subsidy of the Soviet economic system, be able to sell a quantity of these planes. However, the Soviet Union has never been known to give away anything—for very long.

There are those who say that we must not surrender first place to any other country in supersonic commercial aviation. This, of course, assumes that there will be a profitable supersonic commercial aviation market. No one knows, because the estimates cover the time-frame 1978–90, and crystal ball gazing that far into the future is terribly difficult. Nevertheless, in arranging our own national priorities, it seems to me that we cannot expect to be first in everything. Surrendering first place in supersonic commercial aviation certainly does not have to mean surrendering first place in other and vastly more important areas of commercial aviation.

Either way one votes on this question, hardship will follow. A vote for the SST implies the hardship of commitment of vast sums of money and resources to a low-priority benefit for our society. A vote against the SST implies hardship to affected workers and their families—at least temporarily until conversion to other activities takes place. There are sincere and dedicated people on both sides of the question. However, for the reasons I have given, I shall again vote against continuation of the SST.

Mr. GOLDWATER. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

THE SST AND THE ENVIRONMENT

Mr. GOLDWATER. Mr. President, during the course of the lengthy and heated debate on whether or not we should construct the supersonic transport, the Members of this body must have been extremely confused many times by hearing the use of terms so technological that they were unable to understand them. In fact, the jargon of the aviator is dissimilar to the jargon of any other profession, and having spent 41 years of my life in aviation, I thought it would not be improper for me to offer an explanation during the course of this short debate on the SST of some of the terms that we will encounter.

At the same time, I hope to correct some of the false impressions which have been left on this subject. I must say, there are many. I do not think I would have time to correct such false impressions if I had a year to correct them and take out of the RECORD all the misleading statements which have been made.

We have heard a great deal made of the effect of the SST on the environment. In fact, I think I can boil it down to two points that people are concerned about. One is economic. I do not care to touch on that today other than to say that every mode of transportation we have ever gone into in this country has appeared to be uneconomical at the outset.

We can recall that when the inland canals were first suggested to transport grain, it was considered uneconomical and that the Federal Government would have to build them. When it was suggested that the railroads might go off west, it took the gift of great sections of land for the railroads to get them to go. It was said that to complete a transcontinental railroad across this country would be uneconomical. I also remember these very same precise arguments that I hear on the floor today in an economic way having been directed toward companies who had the temerity to buy a few airplanes and say that they could ever stay in the airline business in this country.

Mr. President, I have justified air transportation as far back as the 1930's. The skeptics who filled the room said we could not make it pay. It has worked. Now we hear that the SST will be uneconomical. Let us say that it will be. I am not going to argue that it will not be. I think the fact that we are confronted with a challenge to keep America first in the aviation business far overrides the fact that the economics of the situation might be detrimental.

I might say relative to the rumor that Russia might sell the TU-144 that, as I understand it, Russia will rent the TU-144. That is a different horse than selling it. They intend to rent it with the crews to the different companies and Russia will fly the aircraft to whatever countries the different companies want.

To get back to my discussion of the effect the SST might have on the environment, we heard it repeated again today that it would have an effect. I do not speak as a scientist. I am a well-known dropout. However, I have learned a lot of things that some scientists have not had the chance to learn.

Much of this opposition has come from scientists, extremely well trained but also extremely lacking in close contact with the very problem they propose to discuss.

I know Dr. McDonald. He is one of the most eminent men in his field in the world. However, he is discussing a hypothetical situation to an extent that is impossible. I cannot believe that he would do such a thing.

I can remember when we put in the silos around Tucson. He blew up. He said that this was one of the worst things that could happen to Tucson, that they would blow up and kill everybody in Tucson. He has forgotten about that. It was some time ago.

I do not speak as a scientist, but I speak as one who has flown 83,000 feet at a speed of mach 3. I have flown faster than sound so many times that I have long since lost track of the number.

We have heard some people talk about the supersonic transport causing increased water vapor in the stratosphere that would result in all sorts of environmental problems.

I do not understand what all the fuss is about. We have been flying supersonically for over 24 years and have accumulated more than 600,000 supersonic engine hours. That is only the time that has been kept track of by the Strategic Air Command. The Army and the Navy do not keep track of it. We have been flying them in the United States for years. We have more than 6,000. There have been no identifiable weather changes as a result of these airplanes flying for the past 24 years.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly on that point?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. Mr. President, the Senator makes a very interesting point. I think a lot of people are puzzled over why we make a fuss when we have had the military flights for more than 20 years and for more than 500,000 hours of military flight.

The argument made by those of us who oppose the SST is that in only 20 weeks there would be as much supersonic flight with a fleet of 500 SST's as there have been in the more than 20 years we have had the military planes.

The pollutants put out 10, 15, and 20 years ago have dissipated. However, they do stay in the upper atmosphere as long as a year and perhaps longer. The military flights have had much less effect on the atmosphere, understandably a great deal less, in the last 20 years of the military flights, than the commercial SST's would have in a few months.

Mr. GOLDWATER. Mr. President, I do not think the Senator was in the Chamber when I started. I stated that the 600,000 supersonic hours are only those recorded by the Strategic Air Command. The Tactical Air Command, I dare say, has flown two or three times that number of hours. The engines that were flown in these flights were dirty engines. The fact is that at the very start it was a dirty engine. However, it has now been fairly well cleaned up. However, nobody has complained of it yet. I have not heard of anyone in Arizona, where most of these occur, complain about an increase of skin cancer. All of the desert rats who live in the desert have skin cancer. We get these freckles all over our heads.

I live near Flagstaff. I would be subjected to far less ozone change than if we covered the earth's atmosphere with enough water to affect an ozone change. In all of the Western States skin cancer is something we live with. Yet, I have not heard any scientists or doctors say that because of the supersonic flights that have occurred we have had an increase in skin cancer or a measurable change in the weather.

Dr. S. Fred Singer, Chairman of the SST Environmental Advisory Committee, and a highly recognized geophysicist and expert, in testimony before the House Appropriations Subcommittee related that thunderstorms put water vapor in the stratosphere and they take it out in the process that has been going on since the beginning. By the same process, any small amount of water vapor put in by the SST's is infinitesimal and will be taken out by the normal process. The thunderstorms do not know the difference in water vapor.

A Library of Congress report points out that the stratosphere possesses natural mechanisms which tend to hold its conditions fairly constant. The higher strata of the atmosphere are not immune from the effects of low-altitude weather. The stratosphere is dry not because it lacks exposure to huge quantities of water but because natural mechanisms tend to unload excesses so as to stabilize its water content at a low level.

The National Academy of Science reports that a single large cumulonimbus—thunderstorm—can inject as much water vapor into the stratosphere as would a fleet of SST's making 1,600 flights on a given day.

I have to ask again why there is all the fuss about supersonic flights resulting in water vapor. I recall when I started to fly, the meteorologists told us we would never find cumulonimbus above 40,000 feet in the Western Hemisphere. I get a laugh out of it every time I am 50,000 feet up and I look up and there is the rascal getting ready to raise all kinds of cain with the atmosphere.

The scientist who tells us that we are going to encounter more skin cancer because of the flights of the SST, is operating, in my opinion, outside the realm of scientific reasoning. If we were planning to put enough SSTs together to completely cover, say, the area between the equator and the North Pole and fly them all at one time, and if the atmospheric conditions were such that they did emit a trail, then possibly we could find out if the scientist's hypothesis relative to skin cancer might be right.

I constantly hear the figure that there will be a fleet of 500. No one has ever said anything about 500. I hope that we can have 500 some day. But let us look at the practicalities of operating a fleet of 500 over any portion of the earth's surface.

We have recommendations that have come out of the supersonic flights made as a result of the experimentation with the B-70's. It has been recommended that there be an air separation of 10,000 feet.

In the course of my argument I am going to show that flight above 60,000 feet probably will not be experienced by people because of the problems. However, try to imagine a number of aircraft across the ocean that have to have a separation of 10,000 feet. Then remember that the subsonic have to have 2,000 feet separation.

I doubt 500 aircraft could be put in the air at one time all around the earth, but if there were 500 SST's wingtip to wingtip, the line would be 7 to 8 miles long. It would be like scratching a billiard ball with a needle to try to get an idea of the effect of this over the North Atlantic when we speak of 7 or 8 miles of aircraft emitting this vapor or extraneous gases.

I am demonstrating how stupid it is to talk about a fleet of 500 airplanes. I do not think at any one time, counting commercial and private flights, we would find over 150 aircraft flying over the North Atlantic. I have been trying to obtain those figures.

But to imagine that one flight of an SST flying from Paris to New York, or another flying from the opposite direction, could cause this kind of disturbance is utterly ridiculous to me.

It appalls me that men of scientific background, men like Dr. McDonald, would inject into the minds of people that the SST is going to cause skin cancer. I am surprised. He is not that kind of man. He is not given to wild statements, but he is out in the wild blue yonder on this if he thinks one, two, or 10 flights going across the North Atlantic could put enough water vapor in the air to create the condition he describes.

To begin with, we imagine that these airplanes will fly at altitudes in excess of 50,000 feet and while this is the hypothesis at the present time, I wish to raise some doubt as to how much above 50,000 feet we will fly. This gets into my argument against the cluttering up of the atmosphere by vapor trails caused by water or any extraneous gases leaving the engine of the SST. Airplanes flying in excess of 75,000 feet, or in excess of 60,000 feet have encountered extreme turbulence. Let me explain the word "turbulence."

Many air travelers refer to turbulence as airpockets and I wish to remind them that there is no such an occurrence. Turbulence is nothing more or less than undulations of the air caused by high winds or by vertical winds which, in turn, are caused by heat or the lack of heat. At extreme altitudes where the temperature generally remains the same, we encounter sheers which is nothing more or less than an abrupt change of temperature causing a very severe and immediate shock or turbulence. Turbulence caused by wind is the most common experience at extremely high altitudes as we witness when we enter or leave a jetstream. Generally jetstream turbulence is found between 33,000 feet and 45,000 feet. These lower level jetstreams move from the West to the East but the pilots of the XB-70 discovered that there are stronger jetstreams coming out of the East and flowing to the West at the higher altitudes. They have also discovered that there is turbulence at these high altitudes and when the turbulence occurs it is usually more violent than that experienced at altitudes below 50,000 feet.

In fact, Captain White, who was in command of the B-70, told me turbulence would be so violent he would drop from mach 3 to mach 2. If one can imagine 150 passengers all of a sudden experiencing that and having them all pushed up in the cabin, I do not think we would find those airplanes being used until we knew more about high altitudes and developing clear radar with which we could see turbulence ahead. I wish we were making greater progress in that field but we are not.

The summary of the preliminary evaluation of the SB-70 airplane encountered with high altitude turbulence written by Eldon E. Kordes and Betty J. Love of the Flight Research Center of NASA comes up with this summary:

> Measurements of airplane response to clear air turbulence were obtained during supersonic flights of the SB-70 airplane to an altitude of seventy-four thousand feet over the Western United States. In general, the results were 75,750 miles of operation above forty thousand feet altitudes show that turbulence was encountered an average of 7.2 per cent of the miles flown between forty thousand feet and sixty-five thousand feet and an average of 3.3 per cent of the miles above sixty-five thousand feet with less than one per cent of their turbulent areas exceeding one hundred miles in length.

The reason I have gone into such detail in explaining turbulence at this point is to carry on my argument against the eminent physicists who have appeared before the various subcommittees stating that extreme damage could be done to the environment by the flight of the SST at these high altitudes.

The new engine for the SST is a completely different engine than we talked about last year and has almost eliminated all extraneous gases. There will be some water vapor emitted but not of any consequence.

To begin with, if these engines do emit any quantity of vapor, be it water or gases, and turbulence is encountered caused either by high winds or by temperature changes, these physical characteristics of the atmosphere will cleanse the atmosphere of any of these particles. The argument that these particles will remain suspended indefinitely in the atmosphere just does not hold up when we realize that turbulence does exist at those altitudes. And whether this turbulence is constant, whether it is only encountered, say, 7 to 10 percent of the time, matters very little because if it only occurred 1 percent of the time, that 1 percent could cleanse the atmosphere of anything the engines might possibly leave. To further the argument, let me offer the example we are now witnessing of jet aircraft whose engines used to emit dense, dark clouds of smoke on takeoff and approaches and are now being cleansed of this effect by the development of a kit which when built into the engine eliminates all smoke or vapor on takeoff or landing or at cruise.

To get back to the new engine, all jet aircraft engines today require about 100 percent of power for takeoff and climb. Some do not require all of that and some require more than 100 percent. But this new engine developed by General Electric is so efficient it has eliminated the need for the afterburner which caused most of the noise and the engine can be run at 93 or 94 percent for takeoff, which eliminated sideline noise. In fact, the decibel limit on takeoff will be less than any jet aircraft flying today on commercial flights; and the community envelope pattern will be less than any jet aircraft flying in the United States or around the world today.

When one sees a vapor trail at high altitudes it is generally caused by the heat created in the engines being emitted into extremely cold surroundings causing a trail.

All of us who served in World War II, in Korea, and in Vietnam, or even the civilians of this country, are well aware of the jet trails. We see them every day. We remember the heavy concentration of jet trails over Europe in World War II bombing raids. The clouds that those planes formed rapidly disappeared, just as they do at extremely high altitudes.

I can personally attest to the fact we do not always find jet trails today. I flew the SR-71, a mach 2 aircraft, and I have seen other jets, and I have never seen them leave a contrail yet. The SR-71 has one of its test flights over my home in Arizona. I can feel the sonic booms when they go over but I have not been able to see the aircraft or any trail it has been leaving, which carries out my belief that we will see fewer above 55,000 to 60,000 feet than we find below.

Of course, there are some small particles of water but these have never caused any disturbance or any problem at all in altitudes extending above 55,000 feet.

Although the time for debate will be short, I hope to be able to discuss some of the other so-called problems. I had mentioned sideline noise. We have sonic boom and other aspects of engine and aircraft noise which have been raised during this debate. I welcome the questions of any of my colleagues as to my experience in this general field. I do not pose as a scientist. But when someone tells me something is going to happen at 80,000 feet and he has not been up there but just found out about it from a test tube or from a book, I have to rely on the man who has been up there.

I have done that, and there have been many, many other pilots who have done that and would give my colleagues the same report.

In closing, I would like to repeat that we are not talking about 500 or 300 SST's. We are talking about the construction of two prototypes. I think these two prototypes can answer all the questions that have been raised on the floor and elsewhere. I think the prototypes, flying in conjunction with a continued research program carried on by the Air Force, can quickly answer these questions. But I, for one, have not been convinced, regardless of the achievement of the scientists who have made the statements, that we are going to harm the environment, that we are going to cause irreparable damage to the upper atmosphere. I do not believe this is going to happen. I hope to be around when some of the people who say it will happen will have to stand up and say they are sorry they made that mistake.

I personally think the United States would make a fatal error if it failed to complete these two so that we could continue our leadership of the world in the fields of technology whether it be applied to getting to the moon, flying at supersonic speeds or making progress here on earth on the many problems which we face. If America does not accept this challenge, I am afraid that America will begin to settle alongside of Europe as a country who has lived its time and is now going to be happy growing into a decadent state.

I do not discount for a minute the ability of the Soviets to take over the sale of SST's on the world market. I think their idea of renting the planes with their crews would make their operation far more feasible and practical than having the countries purchase them outright.

There are many things I want to touch upon in the relatively few hours left. I will stay up a little late tonight to see if I can get my thoughts together on this and some of the other matters that the American people have been misinformed on.

Frankly, I think one of the worst disservices to the American people has been headlines that talk about skin cancer, when nobody can prove it, when after 600,000 hours of flight no scientist or doctor has pointed out one single case of skin cancer caused by supersonic transports.

I was shocked that the Washington Post carried this story in October or November, I said, "How long is it going to be before it becomes an accepted fact?" I have to say, from the letters I am getting, not only do they say it would cause skin cancer, but every other kind of cancer known to mankind, and diseases some of which I have not even heard of. I call the whole matter an unfortunate thing by men who should know better, by scientists who know one does not make positive statements unless he has done experimentation.

That is all I have to discuss on the project today. I certainly expect to vote for it as I have in the past, because I would hate to see this country make the mistake of going back.

Mr. ALLOTT. Mr. President, I want to congratulate the distinguished Senator from Arizona on his very excellent statement with respect to the issue now before the Senate. I know that there is no man in the U.S. Senate with the knowledge of this whole subject that he has, and if I had to depend on the knowledge of any one person, I would rather depend on the knowledge of Barry Goldwater in this area than that of any other Member of the Senate.

SENATOR BELLMON IN STEP WITH PEOPLE

Mr. ALLOTT. Mr. President, before I begin my remarks on the SST, I have just seen an article in the Frederick Daily Leader of March 18, 1971, relating to the junior Senator from Oklahoma (Mr. Bellmon), entitled "Senator Bellmon in Step With People."

The article points out that Senator Bellmon is not one who grabs for headlines and is always grabbing the floor for oratory, but when he speaks he usually has something to say, in that he is in step with the thoughts and feelings of the people of Oklahoma.

I ask unanimous consent that the article may be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Bellmon in Step With People

(By Bill Kennedy)

Washington.—At a recent reception for newly-installed Speaker Carl Albert, an Oklahoma farmer from the western part of the state was talking to a small group in a corner of the room about another member of the Oklahoma congressional delegation.

"Henry Bellmon is just a farmer like me," the speaker said. "He knows the problems of Oklahoma, and during his short time in Washington, I think he's doing a bang-up job in looking after those problems."

This kind of talk is heard often wherever Oklahomans congregate. As junior senator from that state, Henry Bellmon seems to be in step with the people who elected him.

After serving four years as Oklahoma's first Republican governor, Bellmon went against the advice of most of the state's political pros, and took on veteran Sen. Mike Monroney and defeated him.

"Henry's the kind of man who bites off more than he can chew, then goes ahead and chews it," one friend remarked.

During his first two years in the Senate, Bellmon has set a fast pace for himself, sponsored numerous pieces of legislation of special significance to Oklahoma, and has earned the respect of administration and Senate leaders.

During the 91st Congress, Bellmon compiled an 85 percent voting record, unmatched by the vast majority of senators.

NEWS ANALYSIS

Senator Bellmon is not one who grabs for headlines in oratory from the chamber floor. But when he speaks he is listened to. Said Senate Majority Leader Mike Mansfield:

"The senator from Oklahoma speaks rarely but when he does, he usually has something and interesting to say."

How to classify the Bellmon voting record?

While he has not voted the "straight GOP line," Bellmon has backed up Republican principles more often than not. On issues where President Nixon took a stand, Bellmon was in agreement 85 percent of the time.

On votes regarding fiscal responsibility and the economy, Bellmon received an 83.3 percent favorable rating in an analysis done by the National Association of Businessmen.

The American Security Council gave the senator a 100 percent rating on key national security votes during the 91st Congress. And the Americans for Constitutional Action rated Bellmon's voting record 75 percent as upholding constitutional principles, while the left-wing group, Americans for Democratic Action, gave him only a 17 percent rating.

Bellmon has had his name on 80 pieces of legislation since coming to the Senate, 10 as primary sponsor, and 70 as co-sponsor. These bills include authorization for Indians of the Five Civilized Tribes to elect their own officers, bills to benefit taxpayers, postal reform, Indian affairs, agriculture.

Even though he is present during most votes, Bellmon does get to the state often. During his first two years here, he visited Oklahoma 48 times—averaging two trips a month. He spent about 225 days in Oklahoma during the period.

Some of the Oklahoma programs Bellmon has sponsored over the past two years include his arranging of a meeting at Goodwell to discuss the salt water problem in the Panhandle; met with families of prisoners of war; sponsored a college youth seminar at Tulsa University; sponsored farmers forums, industrial meetings and other activities.

It is said that Sen. Bellmon maintains the closest working relationship with the White House of any from the Oklahoma delegation.

Already in the 92nd Congress, Bellmon has introduced 18 bills, and cosponsored several others. His own measures include legislation dealing with FHA loans, prison reform, employment, revenue-sharing, income taxes, and other matters.

Bellmon is getting his share of time sitting in the seat of the presiding officer in the Senate—Vice President Agnew.

He takes the chair about once a week. During 1970, he presided 70 hours and 20 minutes, ranking sixth among senators to occupy the chair, and ahead of all other Republicans.

FURTHER CONTINUING APPROPRIATIONS, 1971

The Senate resumed the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, I ask unanimous consent that James Sanderson, a member of my staff, may have the privilege of the floor at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, it is now clear that the SST has attained the status of a symbol.

Much—not all, but much—of the passion behind the anti-SST movement derives from the use of the SST as a symbol of disappointed hopes and vague fears. There is no doubt that a large number of people are currently depressed by what they take to be the abject failure of science—science in general—to deliver on the hopes they had for it. There is no doubt that many Americans feel a vague but nonetheless real fear that science and technology have become autonomous and menacing forces in the last half of the 20th century.

These disappointed hopes and vague fears have found expression in some forms of the environmental concern that has been growing during the last few years. Most environmentalists are dedicated and serious students of complex practical problems. But some persons are using the environmentalist movement as a vehicle for wide-ranging critique of America's scientifically based and technologically advanced civilization.

Mr. President, it is one of the curiosities of our time that so many people who describe themselves as progressives devote so much time to hankering after the past and denying the future. I am endlessly intrigued by persons whose idea of the pastoral is Central Park but who, from residencies in the upper West Side of Manhattan, celebrate the joys of a preindustrial age.

We are all familiar with polemics against technology which issue from Morningside Heights. What could be more paradoxical than the way American universities have attracted swarms of persons who actively broadcast their fears of the consequences of knowledge?

These are commonplace features of the times. But we should not become immune to the contradictions that abound therein.

In a March 10 column in the Christian Science Monitor, Mr. William H. Stringer addressed himself to this problem. He said the following:

> Some observers of the '70's see the United States as forsaking its loyalty to science and scientific research. The scientific community is denounced for having let a lot of nonreturnable genii out of the research bottles.
>
> The time has come, it is argued, to spend money on other urgencies: poverty rather than aerospace, pollution rather than inertial guidance. And anyway, it is said, we should return to simpler living, avoiding the dehumanizing dictates of an ever more conformist, science-spawned technology.
>
> The trouble with this viewpoint is that it's against the American nature, indeed against the nature of civilized mankind, to forswear exploration on the frontiers of knowledge. One can argue also that it is against the interests of national security—security in its broadest, beyond-military sense, for a great nation to subside into second- or third-rate excellence.

Mr. President, I believe that only an economically strong and growing America will be able to pay the enormous cost we must and should pay in order to improve our environment. I believe that only through major emphasis on technology—which is, after all, applied science—will America find the means for making this strong economy compatible with a decent environment.

This is why I think the use of the SST as a symbol is a disservice to the real environmentalist cause. If we destroy the SST we will destroy our own SST. We will not damage the British-French SST or the Russian SST. We will decisively damage our current dominance in the world commercial aircraft market, a dominance that contributes greatly to our overall economic strength.

This is why we all should be disturbed by the fact that the anti-SST cause has tapped, harnessed, and fueled a dangerous undercurrent of general hostility to science. This hostility, which is growing, is a form of anti-intellectualism, a fear of knowledge and experiment at a time when the world is desperately in need of major breakthroughs in countless areas of vital research.

Let me be very clear about the fact that I am not suggesting that all opponents of the SST partake of this general hostility toward science. But I do think that those who are not hostile toward science, but who have made common cause with those who are hostile, are culpable for waking a demon which will not be easily laid to rest tomorrow, next week, or in the months or years to come.

You cannot turn scientific effort on and off like a water tap. You cannot wave a wand, or a Senate vote, and shift large numbers of trained people from one project to another. The world of advanced science is not that frictionless. When you eliminate support for a program which has brought together the concentrated talents of a large number of people, you lose a lot of scientific energy. That is right—you lose energy. It takes time and planning and a lot of investment in resources just to get these talented people reallocated and reorganized and redirected. It takes time and energy. and a lot of investment, to ever reassemble the talent which has been assembled for a project of this kind. And nothing could be more frivolous than the suggestion that one can effect a simple transfer of trained talent—such as that currently employed on the SST program—into some other unrelated field.

Those opposing the SST should not be allowed the comfort of soothing nonsense about simply redirecting assembled SST talent. If the SST prtotype program is destroyed, much of the talent assembled on its behalf will be lost.

Mr. President, recently I had occasion to speak on the subject of the vital need for a continuing high level of support for science and technology in the United States. This was in an address at the National Center for Atmospheric Research in Colorado. Later in my remarks I shall refer to the associate director of NCAR, Dr. Kellogg, who testified before our committee. This address came to the attention of Prof. R. H. Dicke of the department of physics at Princeton University. I ask unanimous consent to have printed in the Record my address at NCAR and a subsequent exchange of letters with Professor Dicke.

There being no objection, the address and the letters were ordered to be printed in the Record, as follows:

Speech Delivered by Hon. Gordon L. Allott

It is a real pleasure to be back again at NCAR on this happy occasion. Your facilities and your reputation continue to grow, and this is as it should be.

If I may be permitted a bad pun, I think it is fair to say that NCAR and similar institutions are headed for a period of unusually fair weather. NCAR is about to enjoy its moment in the sun—and I hope it will be more than just a moment.

We are currently in the midst of a great upsurge of interest in the full spectrum of environment problems. I applaud this interest. But I must confess that I am not altogether optimistic about the long-run tone and direction of what is now being called the "environment movement."

I often wonder what men and women such as you must think about some of the instant experts and crusaders who get instant fame and publicity through their flamboyant treatment of environment questions.

Environmental matters should not be treated as political footballs for some movement or other. As people like you know—as people like you *prove*—environmental problems are the very stuff of an established disciplined science.

You are equipped by training and experience to know that in matters of real science, sincerity and good intentions are not enough. There is no substitute for training and orderly procedure.

Today there is extraordinary questioning—especially among the young—about the relationship between man and nature. This is altogether proper. The unexamined life is not worth living, for men or nations, and it is especially necessary for this changing nation to continually examine the price of progress. But today there is a fundamental doubt as to whether we have properly understood the meaning of "progress" in the past. and whether there is a satisfactory modern understanding of "progress." Further, and unhappily, this questioning sometimes involves a reaction against science itself. Some people harbor the suspicion that science is no longer responsive to human needs, and that science constitutes systematic disrespect for nature.

Now I for one think that much of this questioning is misdirected. But neither you nor I nor any other friend of advanced scientific research can afford to dismiss this questioning. The restiveness and doubt that prompt the questioning are real enough. And the anti-scientific spirit can be dangerous even if—perhaps *especially*—it is misguided.

As an active participant in public life I am in a position to see that science is being used as a whipping boy for the failures of others. Scientists and science itself is being blamed for a general social failure to use knowledge intelligently. In this regard I would remind all Americans of Einstein's famous remark. He said that the world is more apt to be destroyed by bad politics than physics. That is still true.

Here at NCAR, you are well placed to demonstrate something that has an importance beyond the substance of NCAR's particular research. You can demonstrate that science continues to be the ally of man against the threats of an untamed world. You can demonstrate the relevance of science to the most pressing problem of the day.

I can think of no more crucial demonstration. A fear of science is a fear of truth and knowledge. It is literally uncivilized.

You know where I stand. I stand committed to the continuing generous public support of basic research, and of technology assessment. I stand for the maximum of intelligence with the minimum of flamboyance in approaching the great scientific questions of this century. This question is "How can we reconcile man's achievements with his environment?" In short, I am proud to stand behind you as you make your pioneering contributions to the ultimate science—the science of making science and its applications a blessing for coming generations.

We also know that science is no longer the plaything of lonely prophets thinking in basement laboratories. Science has grown too complex—and too expensive for that. We now know that science needs and deserves public funds. It is perfectly clear that the public has a large and growing stake in science, and should pay generously for the rewards of science. And you and I know that NCAR and related institutions have an increasingly prominent role to play in the emerging science of the 1970's and 1980's.

As you know, some critics of science charge that science is only useful in producing weapons. Of course, the scientific community has enabled us to produce weapons. And it is thanks to these weapons that the United States and its allies are free today. American scientists have produced the arsenal of freedom, and free men everywhere owe them a debt of gratitude.

But in the process of producing these grim but necessary instruments, the scientific community has become the target of abuse from some shrill minorities. No one likes being abused, and it is in the interest of us all for the scientific community to be given an opportunity to re-furbish its image. I am convinced that this decade will see such a refurbishment, and that it wil come about by means of scientific contributions in the environment area.

For this I am profoundly grateful. And I know the Nation will have occasion to demonstrate its gratitude to the scientific community by means of generous support. That is why I am confident that the forecast for NCAR and related institutions is "clearing and fair weather" for the future. It could not happen to a more deserving group of dedicated men and women.

Princeton University,
Department of Physics:
Joseph Henry Laboratories,
Princeton, N.J., February 24, 1971.
Hon. Gordon Allott,
U.S. Senate,
Washington, D.C.

Dear Senator Allott: I was very favorably impressed by the account that I saw of your Denver talk. It is good to see that some members of the Congress understand the relation of science to our society.

As a physicist and a member of the National Science Board I am becoming increasingly distressed by the signs of imminent serious damage to our scientific organization, hence harm to the country. While the President's Budget contains a substantial increase for the N.S.F., most of this is allocated to "problems of society" and there is relatively little extra for real basic science most of which is conducted in universities. After taking into account the serious cutbacks in NASA and the AEC and the necessity for picking up some of the best parts of the research being dropped by these agencies, and an allowance for inflation there may be little if any extra support for new basic (i.e. fundamental) science in the N.S.F. budget. In any case the bright young people are being discouraged out of science at the very time the support of education in science is being severely cut. I believe that we are headed for a severe cut-back in the production of new scientists 5 years from now.

You may be interested in my address to the American Physical Society earlier this month, copy enclosed.

Sincerely,

R. H. Dicke.

Prof. Robert H. Dicke,
Joseph Henry Laboratories, Physics Department, Princeton University, Princeton, N.J.

Dear Professor Dicke: Thank you very much for your letter of February 24, concerning my recent remarks on the need for a continuing high level national commitment to basic research.

I agree that we cannot allow fog of rhetoric about the "problems of society" to distract us from the need to fund a full range of scientific enterprises.

In this regard, I must offer a word of criticism for the science community. When people talk loosely about "re-ordering our priorities" they often are talking about lowering the priority of basic research. The hard facts of the Federal budget are that you can only take so much from defense spending.

Further, it is inevitable that, after years of uninformed chatter about the evils of technology and the de-humanizing role of science, the basic social commitment to science will weaken.

I do not think the scientific community has been sufficiently alert to its own self-interest, or to the interest of the Nation. Members of the scientific community have allied themselves with some groups and some positions that undermine the stature of science "in general." I am thinking particularly of some environmental groups, and especially of the recent attack on the SST.

The SST is a project about which honorable men of good will can and do vigorously disagree. But I have been astonished and appalled by the collaboration of scientists with anti-SST groups which treat the SST as a symbol of all the evils that allegedly attend advanced science.

In short, regardless of the opinions of various scientists on particular issues, they should quit collaborating with their enemies. As you say in your APS address, "it is the duty of every physicist in the country to do what he can to educate the non-scientist in the nature of science and its importance for the country."

Again, thank you for writing. I hope you will share with me your concern, and your suggestions, as we pursue our mutual interest in a strong national science effort.

Best regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

Mr. ALLOTT. In addition, Mr. President, so that all Senators can consider the origins and probable consequences of any decline of American science, I ask unanimous consent to have printed in the RECORD an article on "The Senseless War on Science" from the March 1971, Fortune, and an article headlined, "Russia Quietly Pushes Its Space Technology, Threatens U.S. Lead" from the March 10 edition of the Wall Street Journal.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE SENSELESS WAR ON SCIENCE

(By Lawrence Lessing)

That classic of science fiction, *A Connecticut Yankee in King Arthur's Court*, might well serve as a parable of the present-day predicament of science and technology. Everyone will recall how the hero, superintendent of a small-arms plant in East Hartford whisked back into the sixth century, saves his own life and establishes his power over the sorcerer Merlin by using as a threat the handy occurrence of a solar eclipse. He then secretly teaches the serfs some rudiments of science and mechanics, and reinvents for them such amenities as the telephone, machine tools, movable type, safety matches, soap, and sanitation—of which they are in great need. And he places his aptest pupils in a factory, where he proposes, in his late-nineteenth-century innocence, "to turn groping and grubbing automata into *men*."

One day, after having restored the waters of a holy fountain that had run dry, by a simple application of hydraulics, he returns to find the monks and pilgrims piously agog over an itinerant magician from the East, who, "mowing, and mumbling, and gesticulating, and drawing mystical figures in the air," purports to be able to tell what any man is doing anywhere on the globe at any moment. When the rationalist from East Hartford suggests that this is a fraud the assembly turns upon him in fear and distress. He manages to surmount the situation, but he is shaken. "Think of that!" he muses. "Observe how much a reputation was worth in such a country."

A GREAT ODYSSEY DISPARAGED

American scientists and technologists today are suffering a similar reversal and recession. At the precise moment when a new and more sensitive high level of science is needed, a great disenchantment has settled over the field, after a period of unparalleled accomplishments. Over the last quarter century, despite dips and lags, science and the U.S. economy together have had the longest period of sustained growth, discovery, innovation, and new industry in recent history. While none of this has brought on the millennium—indeed, science's very success has acerbated some age-old problems and created new ones—still it has measurably widened the options and potentials of human life on earth. Perhaps the pinnacle of this period was reached when man stepped on the moon, a feat that will rank in history among the few clear, large, and positive achievements of the last decade, a great human feat that once would have swelled the lyrics of a Homer. Yet nothing is currently more disparaged or discounted, often by the most determined humanists, than the odyssey of man in space.

The assaults on science and technology have developed a variety of themes and come from many directions. Technology is pictured as a powerful juggernaut, with an internal momentum of its own, relentlesly pressing on with irresponsible developments, out of control. On the other hand this juggernaut is also seen to be so weak that it is suffering all sorts of breakdowns—in power, transportation, and telephone services in our cities, for example. In one breath, science is said to be progressively more abstract and irrelevant to society; in the next, it is urged that this "irrelevant" activity is a threat that must be curbed. Almost as reflex, funds have been damagingly cut in such basic areas as the life and medical sciences, which could reduce costs and care, while a large amount of advanced but abstract technology, which could begin to solve the problems of overcrowding, energy, pollution, transportation, and waste that cloud men's sky and vision, is going neglected.

There is a new hostility to science and technology—though not closely coupled, the two cannot be separated—in many quarters that can only be loosely categorized. Many ordinary Americans, increasingly worried by science's growing complexity, cost, and accelerating change, think we might do with less science, and provide an opportunity for budget cutting. The prevalent attitude toward science, as Robert G. Loewy of the University of Rochester puts it, is, "What have you done for me lately?" This hostility has been made intellectually respectable by some thinkers of the New Left, who have embraced a glorified irrationality that is the antithesis of all science.

The attack comes even from within science itself. The last meetings of the American Association for the Advancement of Science were loudly and riotously disrupted by the now inevitable small band of young graduate-student activists, demanding, in that cabalistic catchword of the times, relevance.

CAST AS DR. STRANGELOVE

More serious and disturbing than these "revolutionaries" is a rumbling intellectual attack on science, seizing this troubled juncture to revive the old, false antagonisms between the arts and sciences. The latest, most prepossessing broadside in this ancient battle is *The Pentagon of Power* by the noted architectural and urban critic Lewis Mumford. In this treatise the whole humanistic history of science is warped to the thesis that the evils of the modern world go back to Copernicus, Galileo, and Newton, whose earth-displacing view of the solar system was the beginning of that dehumanized, mechanistic world view that today has put at the center of the power system "the latest I.B.M. computer, zealously programmed by Dr. Strangelove and his associates." Other voices, ranging from the mystic to the nihilistic, have elaborated a whole new demonology of science and technology.

The most visible embodiment of these philosophies is in the new youth culture, or counterculture, which turns away from hard science to the softer, still forming social sciences, the arts and handicrafts, the primitive and a return-to-nature á la Rousseau—and ravels out in astrology, drugs, and those Eastern mysticisms that for centuries have held whole continents impoverished. While this movement has brought a fresh, rebellious spirit into the nation, and represents a reaction to real social ills, a warm reassertion of some essential human values, it is a very mixed phenomenon. Avowedly antiscience, its culture rests squarely on those electrical sciences that power its amplifiers, electric guitars, and stereo rigs, and on the pharmacopoeia of chemical agents that give it instant visions. Its communes are never far from the supermarket, that base of modern food technology, and it does not eschew motorcycles or motorcars. It accepts, in other words, the science and technology that please it, but would destroy those that do not.

But science is indivisible, a seamless web of accumulated knowledge, and to destroy a part would rip the whole fabric. The beneficial and pleasing effects of science cannot really be separated from the potential harms. No drug to save lives can be secured, for instance, that is entirely without risks or side effects, for all drugs are by nature toxic agents and therefore subject to misuse. Every discovery or invention of man has this dual aspect. And it does no good to try to retreat to the nineteenth century or the sixth. Konrad Lorenz, the famed naturalist and animal behaviorist, has been going about warning hostile student audiences that if they tear down man's store of knowledge and start afresh, they will backslide not a few centuries but two hundred thousand years. "Watch out!" he says. "If you make a clean sweep of things, you won't go back to the Stone Age, because you're there already, but to well before the Stone Age."

This apocalyptic mood has been stirred, of course, by some very palpable social miscarriages of science and technology. The leading one is the continuing Indochina war. From the early selective saturation bombing of a peasant people to the later defoliation of a large part of their land, using vast quantities of advanced machines and chemical agents, it represents to more and more people the biggest misuse of technology in recent history. A close second, which may yet be first, is the environmental crisis. Through carelessness, the mismanagement, misuse, or neglect of industrial-urban technology in an increasingly crowded world, the deteriorating air, earth, and water suddenly raise a threat to man's continuing life on earth. Together these crises have whipped up a wholly new conservationist attack on science. At its emotional extreme, it reduces itself to the proposition that America needs less growth, less knowledge, less skill, less progress.

Scientists and engineers are increasingly cast as the villains of this emotional drama. They are blamed by implication and transference, as epitomized in the cry of the French writers, Georges Bernanos, in the last great war: "You go on supplying the killing machines!" But it should be obvious that science by its nature and structure can offer society only options. Scientists do not sit in the seats of power or decision in matters of war, government, or industrial management. Traditionally, their role, if any, is advisory, and as often as not their advice is ignored. "Scientists can no more be blamed for the misuses to which their discoveries or devices are put," says Harvard's noted chemist George B. Kistiakowsky, former science adviser to President Eisenhower, "than artists and writers can be blamed for the misuses to which their arts are put on Madison Avenue."

The height of the new folly is the rising call upon scientists and technicians to foresee all the consequences of their actions and to make a moral commitment to suppress work on any discovery that might someday be dangerous, which is to demand that they be not only scientists but certified clairvoyants and saints. Too often, all this only tends to deflect blame from where it belongs. "I would put it this way," says the noted British immunologist Sir Peter Medawar, Nobel Prize winner in medicine, "that in the management of our affairs we have too often been bad workmen, and like all bad workmen we blame our tools."

INTO THE ECONOMIC BIND

As if this sociophilosophical tanglefoot were not enough, U.S. science also finds itself, as a direct consequence of prolonged war, inflation, and a now contracted economy, contending with a severe cutback in research and development. Since 1967, total federal expenditures in this field have declined in real dollars by more than 20 percent. This has lopped off whole programs, sharply curtailed others, and disrupted the feed lines to new developments. Many scientists believe this endangers the whole structure of science. "If we continue to cut down at 10 percent a year," says Dr. Philip Abelson, editor of *Science* and new head of the Carnegie Institution, "the U.S. is going to be a second-class nation in scientific enterprise."

In the Northeast and on the West Coast, where most of this enterprise is concentrated, newspapers are full of stories of engineers vainly seeking jobs and young physicists driving taxis. The exact extent of unemployment is unknown. But for a relatively small but vital profession—there are some 500,000 U.S. scientists in research and teaching, and about twice that many engineers—a 10 percent yearly decline in funds hits hard.

Scientists attempting to shore up the "crumbling" scientific enterprise, as Philip Handler, president of the National Academy of Sciences, characterizes it, have been attacked for their efforts. One leader of the attack is Daniel S. Greenberg, recently resigned news editor of *Science*, who has made a career out of finding that scientists play politics, seek grants, build small empires, occasionally stumble, or otherwise act human. He and others maintain that there is no serious crisis in U.S. science, only a wringing out of "fat," a transitory shift in priorities. Scientists, they say, simply want more money.

It is true that this year's federal science and development budget still stands at a substantial $15 billion. But this figure hides imbalances and a steady real decline, masked by inflation. If the decline continues, it will have a delayed, disastrous effect on the economy. Says the University of Rochester's Robert Loewy, dean of the College of Engineering and Applied Science and former chief scientist of the U.S. Air Force: "Despite our nation's purported lead in science, the U.S. is only coasting on an advantage we have had since World War II."

A RATHER DISORDERLY GROWTH

Out of World War II, in what has been called the greatest mobilization of scientists and technologists in history, came a great victory over a clearly evil tyranny, and a cornucopia of great technical developments to build and keep the peace. None of these developments could be economically "afforded" in the long, lagging, depressed Thirties, but in war the men and wherewithal were quickly found to develop them, largely out of the banked-up store of European science. From these wartime projects in due time came the antibiotics, atomic power, cryogenics, computers, jet planes, rocket vehicles, radar, transistors, masers, lasers, and other products that became the new industrial face of the mid-century. More important, out of the war came the impetus to get the U.S. fully engaged in doing basic science of its own. From having won only a sparse dozen Nobel Prizes in the forty years up to 1940, U.S. scientists went on in the next thirty years to win forty-five, and take first place among the nations.

The feat was not accomplished without some typical disorder and conflict. At the end of the war there was no civilian agency to take over the support of basic science, and Congress lagged in adopting the proposal of Vannevar Bush, the Yankee M.I.T. engineer who had brilliantly headed the scientific war effort, that a National Science Foundation be set up to do the job. The Defense Department leaped in to support basic research, mainly in physics, across the board. At the same time, other departments moved in on their own fields of interest. And a spontaneous uprising of atomic scientists fought to get atomic development out of military control and into a civilian Atomic Energy Commission. When a National Science Foundation bill finally reached President Truman's desk in 1947, he vetoed it, contending that it lacked proper governmental control. Another three years passed before a compromise N.S.F. came into being with a minimum of politics in its make-up and minimal funds. It continued to be much easier to get large funds out of Congress for basic research marked for defense, much of it having little or no military relevance, than for purely civilian research.

This set the pattern through the Fifties, when, under cold-war pressures, the federal research and development budget began its exponential climb. Over three-fourths of the growing budget however, went to the Defense Department and Atomic Energy Commission—whose charter required it to supply "free" nuclear weapons to the military. The 1957 launching of the Soviet Sputnik I into space set off another burst of growth, creating the new civilian National Aeronautics and Space Administration, formalizing the office of science adviser to the President, and generating a large effort to expand science education.

As the federal research and development budget passed $12 billion in 1963, toward a peak of over $17 billion, Congress nervously began to seek cuts. Trying to maintain defense spending, it fastened first on NASA. And NASA, in order to keep the Kennedy Administration's commitment of a manned lunar landing by 1970, was forced to cut back its scientific and forward-development programs.

With the ascendancy of Lyndon Johnson and the escalation of the Vietnam war, the U.S. federal science structure, never very well organized, took a turn for the worse. Wary of the northeastern "establishment" that had dominated Washington's scientific affairs since World War II, Johnson set in motion two populist currents, congenial to Congress, that had ultimately dubious effects. The first was designed to spread research funds more evenly over the country, particularly, to build up more midwestern university centers. The second involved a switch in emphasis to the "practical," away from the more tenuous regions of basic research, a policy that hit the National Institutes of Health with devastating effect. With money growing tighter, funds were spread thinner and thinner with fewer results.

APPOINTMENTS AT THE WHITE HOUSE

There had been some hope in scientific circles that when Richard M. Nixon took office things might change in the handling of science. He came into the White House with an earnest campaign pledge to reverse the downtrend in basic science, and with an impeccable choice as his science adviser—Dr. Lee A. DuBridge, retiring president of California Institute of Tehnology and the distinguished World War II director of M.I.T.'s great radar-developing Radiation Laboratory. And, in fact, Nixon's fiscal 1971–72 budgets show a rise in basic research funds; however, the rise is not nearly enough to cancel out the effects of inflation and prior cuts. Unfortunately, Nixon's relations with the scientific community were somewhat poisoned by the sequence of events surrounding some appointments. First, there was the matter of naming Cornell University's Dr. Franklin A. Long, to head the N.S.F.; when it was discovered that he had written an article opposing the antiballistic missile, he was precipitously dropped. Then the appointment of Caltech's Dr. George S. Hammond to be N.S.F. deputy director was scotched when it was found he had made a speech critical of the Cambodian invasion. Later there was the unceremonious dumping of Dr. John Knowles, scheduled to be Assistant Secretary of Health and Scientific Affairs, when he drew the potent political opposition of the American Medical Association.

Suddenly, late last summer, Lee DuBridge resigned to enter retirement. In DuBridge's place, President Nixon named a younger, relatively unknown industrial scientist, Dr. Edward E. David Jr., who had been director of communication-systems research at Bell Laboratories. A brilliant worker in acoustics and electronics, but an unknown quality in forming high Federal science policy, David faces two hard tasks; reassessing national science priorities and establishing better communications between the scientific community and the White House.

David's job is not made easier by a prickly Congress, which has arbitrarily cut research funds in some instances, and late in 1969 enacted legislation that has wreaked some havoc. The damage was done by the so-called Mansfield Amendment, which ordered the Defense Department to cut off all research not related to specific military operations. Even most scientists opposed to the Vietnam war protested stripping the Pentagon of all basic research. Since the times of Archimedes and Leonardo da Vinci, scientists have aided military invention to protect their societies, and in a still dangerous world the military needs a reasonable amount of basic research, reasonably applied, to keep its technology from growing sterile.

One relatively minor result of the Mansfield Amendment was to cut some $8 million in basic research out of the Defense Department's fiscal 1970 budget. But its more damaging effect was indirect: it induced other departments to cut back in like fashion, for another net loss in basic research. Moreover, the defense cuts plus continuing large cuts in the NASA program combined to cripple the U.S. aerospace industry and begin the dismantling of the great space structure, which ranges from the promotion of basic science education to the development of the most advanced technology. All of which happened without any forethought as to the human employment problems associated with the cuts. Most of the thousands of unemployed aerospace engineers, says the National Academy of Engineering, are unlikely ever to find employment in their profession again.

WHERE THE LAGS ARE

While men and talent are thus going to waste, the things that need doing, which we are not doing or doing only insufficiently, keep piling up. All through the late Sixties the National Academy of Sciences was issuing a series of ponderous, largely ignored surveys, evaluating where we stand in the basic sciences—and finding that deficiencies were beginning to develop. Washington's repeatedly expressed view now is that we can't expect to be first in everything, which is true enough. But unless we try, we will soon be coming in second or third almost everywhere, and many in the sciences believe we are at or near that danger point.

Space does not permit a comprehensive list of the lacks and lags, but here are a few significant ones. They may suggest something about what is ultimately at stake in the war between U.S. science and those now mindlessly assailing it.

In high-energy physics, Europe in the late Sixties took the lead in developing so-called colliding-beam electron accelerators, the latest in Big Machines for investigating the sub-atomic properties of matter. From one of these machines in Italy late last year came the report of a discovery—now being excitedly tested by others in France, the Soviet Union, and Switzerland—of what may be a new phenomenon in the creation of matter from energy, which seems to go beyond present physical theory, and which may herald the tapping of the most powerful inner force in nature. The U.S. now has only one such machine near operation at Cambridge, Massachusetts, and its operating budget has been cut. Belatedly in development are two more powerful machines at Stanford University and in Weston, Illinois, expected to be started up within a year or so.

In radio astronomy, the U.S., after a strong surge to a leadership position in the late Fifties, is rapidly losing its place. For five years the radio astronomers have been unable to get funds to complete three big, advanced radio telescopes, all together estimated to cost some $115 million. Meanwhile, some older installations have lost Air Force support under the Mansfield Amendment, and are being hard pressed to function fully. Abroad, however, large advanced radio arrays have been going up in England, Germany, Holland, Russia, and even India, to pursue investigations into two of the major discoveries of radio astronomy: the mysterious, high-energy quasars, starlike galaxies that may be the most distant bodies in the universe, and the more recently found pulsars, giving off huge bursts of radio waves at precise intervals.

In plasma physics, the latest big breakthrough in the containment of thermonuclear power was made in 1968 in the Soviet Union's so-called Tokamak devices. Later there were confirming experiments in the U.S. and Britain, setting off the current optimism that the harnessing of this almost limitless, pollutionless source of energy may be nearer than was once expected. But the U.S. thermonuclear research effort is being funded at a level, cut back again this year, that could put off this development as much as twenty-five to fifty years. The Soviet authorities are spending about twice as much money and employing about three times as many people in controlled fusion research as the U.S.

In conventional energy research, the Soviet Union this year is also starting up the first large-scale, prototype magnetohydrodynamic or MHD electric plant, burning fossil fuels, but generating electricity directly and more efficiently than the old steam-turbine cycle, from a supersonic stream of high-temperature ionized gases (see "New Ways to More Power with Less Pollution," FORTUNE, November, 1970). No such project is yet in sight in the U.S. Since much of our electric power will continue to come for a long time from conventional fuels, particularly the still large reserves of coal, we are neglecting basic research in this area at the expense of a cleaner environment. While a small program goes on in this direction in the U.S. Bureau of Mines, half a dozen promising, advanced methods of high-pressure coal distillation and gasification are being widely developed in Europe. In combination with gas turbines or MHD, such systems could produce the clean, more economic hybrid chemical-and-power plant complex of the future.

In space science, our present position was tersely put by Dr. George M. Low, NASA's acting administrator since Thomas O. Paine quit six months ago to return to General Electric: "The U.S. leads today, but we are rapidly losing the capability that made us first." With two of the later, more scientifically oriented Apollo moon flights canceled, though the equipment is long bought and paid for, work on NASA's forward-looking space station, nuclear-powered rocket, and unmanned planetary exploration vehicles has been so cut back that after 1975 almost nothing will be scheduled.

In transportation, while U.S. road vehicles continue to increase in numbers twice as fast as the human population, the creation of new mass transportation systems to relieve our choking roads lags far behind—though not for lack of abundant new technology. Japan's sleek high-speed Tokaido train system is expanding; Europe's fast new train networks are multiplying, with the future already appearing in advanced prototype gas-turbine and air-cushion vehicles; and even Mexico City has built a new subway system that is both a great feat of engineering, smooth, noiseless, and computer-controlled, and a work of art. But in the U.S. only a token part remains of the ambitious 1965 Northeast Corridor Project to revitalize the rails (see "The 400-Mph Passenger Train," FORTUNE, April 1965).

In the life sciences, reports the latest survey of the National Academy, research funds are still lagging some 20 percent, or at least $250 million per year, behind research capacity. This is happening in an area which is in a tremendous stage of growth, similar to that in atomic physics in the Thirties, and which, with reasonable support, could bring forth a host of epochal developments. The range of the revolution in molecular biology is especially wide. It includes such items as insect hormones, whose isolation and synthesis in many analogue compounds promise much safer biological insecticides—which are now being developed rapidly enough to replace toxic products. The biological revolution, through its now complete decoding of the genetic code of life, also promises a way to the genetic repair of congenital defects, and to a basic attack on those little understood degenerative ills, such as cancer and heart diseases, that whittle away men's lives.

TOWARD TECHNOLOGICAL ASSESSMENT

Over much of the last decade, a plethora of studies and reports on how the tangled structure of U.S. science might be better balanced and organized has flowed out of Washington's scientific hierarchy, executive agencies and offices, and congressional committees. Proposals have ranged from one to put all science in a single huge federal department to more modest reorganizations built around the National Science Foundation. But most scientists are wary of any more centralization than we already have, and United Nations in-depth studies of national science organizations have in general found the U.S.'s pluralism and sometimes wasteful and untidy freedom its major source of strength.

The organization problem, it should be noted, is quite different in basic science from the problems in technology. Basic science, while intellectually quite orderly, is often disorderly in its operations; it is extremely difficult for researchers in basic science to set priorities or scales of relevance. In technological research, however, there is an urgent need, recognized in a dozen studies, for some means of technological assessment before development. The assessment would make possible democratic control over the excesses and misuses of rapidly advancing technologies.

Proposals for setting up technological assessment operations range from some that involve a separate agency, attached to Congress, to some others creating a kind of high court, without legal trappings, that would hear different contentions and render a balanced report of the available options. But many scientists fear that this would only add another layer of bureaucracy to the problem. Carroll Wilson, professor of management at M.I.T. and once right-hand aide to Vannevar Bush, favors a more ad hoc arrangement that would pull together multidisciplined conferences on a given problem. He organized a prototype last summer in a large international meeting that in one month developed a hardheaded report on major global pollutants.

Rational assessment programs might, then, take a variety of forms. In the last analysis, the organizational form is probably less important than the spirit in which any such undertaking is launched. On the record of recent years, it is hard to be optimistic about the spirit. We can only hope the strange and irrational assaults on U.S. science end soon.

CLOSING THE GAP: RUSSIA QUIETLY PUSHES ITS SPACE TECHNOLOGY, THREATENS U.S. LEAD

(By Jonathan Spivak)

WASHINGTON.—Almost unnoticed in the excitement over American lunar exploits, the Soviet Union is making significant strides in space—and threatening to outdo the U.S. in years ahead.

Though the Russians' achievements are less dramatic than putting men on the moon, they're chalking up solid progress in the number and duration of space flights and in the development of sophisticated hardware.

"Unless we reverse the current trends in the U.S. space program, we must be prepared to give up our lead," acting space administrator George Low warns. "I wouldn't be surprised to see a whole string of (Russian) space firsts," adds a Defense Department official.

WHAT ARE RUSSIANS UP TO?

Russian intentions are difficult to divine, but U.S. space specialists speculate:

—Instruments may be landed on Mars to acquire information on the planet's chemical composition and on surface conditions that might help determine the possibilities of life there. The Russians, it's felt, might achieve this landing well in advance of U.S. efforts, which are planned for 1975. Soviet scientists predict that roving, remotely controlled surface exploration vehicles will be dispatched to Venus and Mars sometime in the future.

—Manned earth-orbital flights in the Soyuz spaceship may extend as long as 30 days, about twice the Apollo craft's current capabilities. The Russian voyages would be aimed at developing the technology for operating a permanent space station, which might be formed in orbit by joining together a number of spaceships.

—The Russians may achieve a manned landing on the moon within a few years, perhaps by rendezvousing lunar spacecraft components in orbit about the earth, rather than the moon as the U.S. has done. Meanwhile, Soviet exploration of the moon will be conducted by automated craft that can rove the surface and return small amounts of moon material to earth.

MILITARY VENTURES

Though Moscow's military space ventures are even more obscured from U.S. view, experts expect the Russians will continue development of an orbital bombardment system, designed to avoid U.S. radar defenses, and a spaceborne satellite-inspection system. What worries U.S. military men more is the uncertainty over what else their Soviet counterparts are up to.

The expressed concern of Washington officials, both civilian and military, about the Russian space program isn't exactly selfless. During most of the last decade the U.S.-Soviet "race" to the moon sustained a high level of public interest—and heavy congressional appropriations for the National Aeronautics and Space Administration. Now NASA's dollars are dwindling, and officials hope to reverse the decline.

The Russian progress, in any case, is real enough. In 1970, the Soviets launched no less than 88 spacecraft, manned and unmanned, against 36 for this country. (Until the mid-1960s, the U.S. enjoyed a two-to-one advantage in space launchings.) The Soyuz spaceship has made the longest manned flight, 18 days in earth orbit. Lunokhod 1, an automated roving explorer now on the moon, and Luna 16, an unmanned craft that has brought back material from the moon, are more sophisticated than any probes the U.S. has developed.

"Both countries have strong programs, roughly the same, but different in detail. At this point their program is going stronger in flight hardware," sums up Charles Sheldon Jr., the Library of Congress' space specialist who closely monitors Soviet efforts.

A $7.5 BILLION PROGRAM

"The USSR has kept pace with the U.S. in the continued development and improvement of general capabilities that made possible the U.S. moon landing," Foy D. Kohler, former ambassador to Moscow, and Dodd I. Harvey of the University of Miami recently wrote in Science magazine.

While exact figures are hard to come by, the Soviet civilian space budget is believed to be $5 billion a year, compared with current NASA outlays of $3 billion. If military space activities are added, Soviet space spending probably equals the peak U.S. outlays of $7.5 billion in 1966. Total U.S. space spending now is about $4.5 billion a year, and it will probably drop further.

Soviet progress has made possible the first meaningful cooperation in space between the two nations. Besides an exchange of lunar soil samples, an agreement was recently reached to develop compatible rendezvous and docking systems for spacecraft. Both nations use a snout-like probe on one craft to fit into a receptacle on the other, but the dimensions are different.

"The docking talks seem to have indicated a new approach . . . a reasonably fundamental change in our relationship to date," says one U.S. official. The Soviets have already provided detailed engineering and design information on some of their space hardware, disclosures that they rigorously resisted in the past. In the early 1960s, when the U.S. sought space agreements with Moscow, only a modest exchange of weather pictures and other data ensued. Some experts theorize the Russians may be more cooperative now because they are increasingly confident of their space capabilities.

AMBITIOUS JOINT EFFORTS

The docking arrangements could lead toward ambitious joint efforts, like plans for space rescue operations or exploration of the moon and planets. NASA men conceive of a U.S.-Soviet space station in orbit about the moon for months at a time; it could launch missions to rescue astronauts of any nation stranded on the moon. But such initiatives are far in the future and will depend mainly on international political considerations.

Unlike NASA's well-publicized civilian operations, the Soviet space program is conducted under military supervision, and many details remain secret. "The information coming to the free world is minimal," says one U.S. analyst. The Russians don't give advance notice of specific launches or reveal their future plans except in broad outline. They tell especially little about their rockets, all of which apparently have some military application. From the Western world, only French emissaries have been allowed to visit Soviet launch sites.

Even though the U.S. has won the race, Russia is believed still interested in putting a man on the moon. Their timetable may have been slowed by the U.S. success, however. "I think it won't be too long before they go to the moon," asserts Charles Mathews, a NASA official.

But the Russians' 14,500-pound Soyuz craft lacks complex electronic navigation and guidance systems, and it isn't adequate for manned flight to the moon. More significantly, the Soviets lack a mammoth booster rocket, like the U.S. Saturn V that launched the Apollo spaceships.

The Soviets say their manned space program now is focused on orbital flight designed to develop space stations and space launching platforms. They mention a variety of objectives, including weather observations, mapping of the earth, mineral surveys, repair of other spacecraft and study of the stars and interstellar space.

"For the present time there are no rigid timetables for man's flight to the moon; our main purpose is the construction of the orbital stations," Vitali I. Sevastyanov, a member of the Soyuz 9 crew, recently told a press conference in Houston.

Indeed, the Russians now may be farther along in space-station work than the U.S., which plans to launch a three-man station called Skylab in 1973. More than two years ago, two manned Soyuz craft were linked in earth orbit, forming, in effect, a primitive space station.

Like Apollo, the Soyuz spaceship consists of three units; the crewmen live and work in two, while the third provides propulsion and supplies. Defense Department experts suspect the Soyuz spacecraft might be used to detect intercontinental-missile launches and to perform other military duties.

Many of the Russians' unmanned Cosmos flights (there have been 399 to date) are sent aloft for military purposes. The Soviets continue periodically to test a Fractional Orbital Bombardment System designed to avoid U.S. radar defenses, which are positioned to guard against missiles coming from the north. This lethal satellite would approach from the south, discharging its warhead before a full orbit was completed and thus apparently circumventing the international ban on weapons in space. Its limitations are lack of accuracy and a smaller payload capacity than missiles that take a shorter over-the-pole route.

The Russians also appear interested in developing earth satellites to detect and destroy enemy spacecraft. Six Cosmos flights have been directly devoted to testing a space inspection system. The U.S. Air Force experimented with a similar project several years ago but canceled it for lack of money.

On the civilian side, Soviet scientists predict more sophisticated instruments, including optical telescopes, will ultimately be placed on the moon's surface, an ideal observing post free of the distortions caused by the earth's atmosphere. "Lunokhod I is the first step toward such a lunar observatory," writes a Russian academician in Soviet Life, an English-language propaganda magazine.

Though starting only in 1965, several years later than the U.S., Russian spacemen have successfully developed communications and weather satellites. The Soviets' equipment may be less reliable, but U.S. experts are impressed. "They are behind very little, if at all," insists Leonard Jaffe who heads NASA's work in these areas. Recently the Russians requested permission from the International Telecommunications Union to operate satellites over the Indian Ocean, a sign of their increasing interest in that part of the world.

Mr. ALLOTT. Mr. President, once upon a time alchemists tried to turn lead into gold. Of course they failed. Everyone knows that mankind has a sorry record of doing the reverse.

Were the United States now to abandon its investment in the SST, this act of extraordinary shortsightedness will stand out as an unhappy standard of reverse social alchemy. If at this late date the United States decides to abandon a project that is near fruition, and thereby opts out of the lucrative international commercial aircraft market which we have so thoroughly dominated in the postwar era, then the United States will turn a golden investment in a golden industry into lead.

This is not widely understood because it is not widely understood just what it is that is subject to a Senate vote. People are talking on the floor of the Senate about 500 SST's. Mr. President, we are talking about two SST's. We are talking about two prototypes—that and nothing else.

We are voting about money. That much is generally recognized by the public which has been inundated with information and misinformation on some real and many unreal features of the SST program. But there is considerable confusion in the general public concerning exactly what amount of money is involved in the vote we are approaching. It is important that we get the facts clear now.

For a variety of reasons having to do with the tangled legislative history of the Department of Transportation appropriation for fiscal year 1971—reasons familiar to those who have followed the protracted debate on the SST—we are just now voting on the balance of the fiscal year 1971 funds originally proposed for the SST. This means we are voting on the funds necessary to complete funding of the SST prototype program through the remaining 3 months of fiscal year 1971. That is all we are voting on. The amount of money involved in $134 million.

That is the basic figure to bear in mind, but that figure does not tell the full story of the possible costs of the possible actions we can take with regard to the SST.

If we vote to fund the SST through the remainder of fiscal year 1971, we will be spending the $134 million. But if we do not vote this, the Government must immediately begin to pay the various obligatory costs of closing down this program.

Consider these costs:

The Government will have to pay $85 million to Boeing and General Electric.

The Government will have to pay $10 million for terminating contract liabilities.

This brings the total of $95 million and that is not the full total.

The Government will also have to pay $2 million in administrative costs and

$22 million to the airlines as repayment for received down payments on SST's.

This comes to a grand total of $119 million just to stop this program that has come so far toward fruition. In fact, Mr. President, the $119 million total as the cost of terminating the program now is a rock-bottom minimum. It may well be unrealistically conservative. It is possible that the Government will feel and will be morally obligated to make more substantial restitution to the many parties who will be abandoned on the verge of a successful prototype development.

In making this statement, I am speaking particularly about the status of $59 million advanced by the airlines toward this whole program, which is now in a legal never-never land. Whether or not we shall have a legal obligation with respect to that I do not know.

But I do know this, because I was a part of it: The airlines put up that money in the anticipation and with the implied promise that the Federal Government, which already had gone along with this program for several years up to that time, was going to proceed with the development of an SST.

So I do not know whether we have a legal obligation with respect to that $59 million or not; but I do know that I feel we have a deep, moral obligation. If I were a stockholder in an airline, I would feel that the president or the board of directors of that airline had a definite obligation to pursue complete legal recourse against the Federal Government.

But let us work for a moment with the figure of $119 million. If we subtract the $119 million in terminating costs from the $134 million total being voted on now, we are left with the total of $15 million. That is the difference between the two amounts which our possible actions on the SST can require us to pay.

It is important to emphasize the fact that if we vote the SST funds, we will incur an expense only $15 million more than the minimum estimate of the cost of closing down the SST program.

How foolish can we be? This $15 million is enough to pay the interest on the national debt for 6½ hours. In other words, by the time the 11 o'clock television news carries a report of the vote on this question tomorrow, the real money at issue here will have been consumed as interest on the national debt in the hours since the vote.

Mr. President, I do not mean to minimize the importance of $134 million—which would pay the interest on the national debt for slightly less than 60 hours—or of $15 million or of any sum of the taxpayer's dollars. But if we are to make a sensible decision, and if the public is to understand the real stakes of this debate, it is absolutely essential that we pay attention to the economic facts. And it is especially important that we not lose sight of the most significant economic fact about the SST program. This is the fact that the program does not call for the Government to spend money in the normal sense.

The Government's role in the SST program is an investing partner with private capital sources. That is, the return provisions of the program insure that the Government will get back every penny it has invested—plus a substantial gain through royalties on sale, trade losses avoided, and favorable trade balances achieved.

This is why, Mr. President, the $15 million difference between the total we are voting on and the minimum cost of terminating the program is not the only important figure to bear in mind.

If we destroy the SST program now, we will be turning our backs on a prototype program that has been brought near to completion by previous expenditures of over a billion dollars, including $864 million of Federal support. If we figure in the $119 million in minimum termination costs, we see that destroying the program now will mean forfeiting the fruits of $983 million in Government investment.

Mr. President, if we destroy the SST program now, we will surely lose more than a billion dollars in Federal and private investment. But even these figures do not tell the whole story. If we are to understand the real stakes of the SST debate, we must also consider what the Government stands to lose by losing the option to go beyond the prototype stage in SST development.

If we opt out of SST competition, we stand to lose $31 billion.

The components of this $31 billion loss are not mysterious. We stand to suffer a $12 billion loss in balance of payments from American purchases of foreign SST's. We stand to lose $10 billion in sales of American SST's to foreign airlines. We stand to lose $6.7 billion in State and Federal tax revenues that would be generated by a competitive American SST aircraft industry. We stand to lose $1.3 billion in return on the initial Federal investment in the program. And we stand to lose another billion dollars in Government royalities from SST sales.

Against all these economic facts the SST opponents try several arguments.

They argue that U.S. airlines are too weak financially at the moment to purchase SST's. There are two points which refute the relevance of this contention.

First, although U.S. airlines are feeling economic pressures at the moment, this does not mean they will be experiencing similar pressures when the SST comes on the market, if it does. We must consider the airlines' situation through the next two decades. Does anyone doubt that we are going to have airlines flying planes through the next two decades—healthy, economically viable airlines? That is when the airlines will be joining their foreign competitors in shifting to SST's.

Second, if SST opponents think U.S. airlines have problems now, they should try to imagine the problems the airlines will have if they go into the late 1970's and early 1980's equipped only with aircraft which entered service two decades earlier, while foreign competition is equipped with a spectacular new generation of aircraft—aircraft which will not have generated one job or one penny of tax revenue for our State or Federal Governments.

Of course, SST opponents dodge consideration of these problems by asserting that SST's will not be economically viable, and therefore no one will sell enough of them to damage our competitive position in the world aircraft market. But they have trouble mustering much conviction for this hypothesis.

Throughout this long and properly thorough debate, the arguments advanced by SST opponents have been plagued by a crushing contradiction. The opponents' case boils down to this: the SST will be so uneconomical that no one will buy it, and so many will be flying that they will destroy the environment. If no one is going to buy it, how in the world is it going to destroy the environment?

Mr. President, the SST opponents cannot have it both ways. They must avoid the almost comic confusion manifested in one of the most recent New York Times editorials against the SST. In this editorial March 17, the Times divided its fury between denunciations of the SST as a bad investment, and denunciations of the SST as a menace to the environment because transatlantic SST traffic will be heavy—one flight every half hour, according to the Times.

Clearly, the anti-SST case is suffering a case of bad logic. In their lust after any grab bag of anti-SST arguments, the SST opponents have come up with an illogical tossed salad. They should back off a bit and decide which of their ferociously advocated doctrines they would like to cling to in these last hours of debate.

I respectfully suggest that they have stumbled upon the truth in their estimate that the SST will be widely used in the years ahead. Therefore, I respectfully advise them to hang their case on the superstition that the SST will cause the melting of polar ice caps, or the arrival of a new ice age, or whatever environment accusation still attracts attention. This is not much for them to rely on, but it is the best weapon they have remaining in their depleted arsenal. They are fresh out of barricades and will have to make do with cobwebs.

Mr. President, when Frederick the Great decided to seize Vienna, he was told by his advisers that public opinion would never permit such a move. Frederick the Great is said to have replied:

> My soldiers will take Vienna and my professors at Heidelberg will explain the reasons why.

Recent events in the ongoing debate about the SST have called this story to mind. Some people seem to feel that they can block the SST and count on some pliable professors to rationalize the move.

For example, consider the matter of environmental worries about the SST.

Mr. President, some of those who are most vigorous in their opposition to the SST claim that the SST will do substantial and irreparable harm to the environment. So certain are they that this is true that they do not even want to build two prototypes of the SST with which we might test some of their worries and theories.

This raises the question of what it is on which they base their confidence. One answer is professors. And one thing is clear: Not all professors are equally convincing.

We have recently been treated to a very interesting glimpse of one of these professors. Several weeks ago a congressional committee heard testimony from a professor who insisted, with all the certainty one has come to expect from SST opponents, that a fleet of SST's would affect the atmosphere in such a way as to increase the risk of skin cancer.

This professor was serenely promulgating this tale of terror when a Congressman interrupted to ask a most embarrasing question. He asked if the professor was the man who was of the opinion that the massive New York power failure of 1965 was caused by unidentified flying objects.

The professor admitted that he was the same man.

I think this admission raises some interesting questions about the nature of one aspect of the campaign against the SST, particularly since much of the case of the anti-SST's upon the floor this afternoon has been made based on the testimony regarding skin cancer by this same man, the same man who was of the opinion that the massive New York power failure of 1965 may have been caused by unidentified flying objects. This suggests that we need to be a little more critical in evaluating the professional competence—or at least the relevance of the professional competence—of some of those academic experts who are brought before Congress to testify.

When we come to the next vote on this vital and deserving program, I hope that all Senators will pause to examine the source of all testimony that has made an impression on their thinking.

Mr. President, it is especially unfortunate that the credibility of expert witnesses should have been rendered suspect at a moment when public attention was focused on the highly charged issue of whether or not the SST might contribute to a rise in the incidence of skin cancer. But it is fortunate that we now have a balanced assessment of the testimony of the man—a Professor McDonald from the University of Arizona—who originally raised the specter of skin cancer.

Dr. Harriet Hardy, assistant medical director, Environmental Medical Service, Massachusetts Institute of Technology, recently commissioned M. A. Pathak, Ph. D., principal associate in dermatology, Harvard Medical School and Massachusetts General Hospital, and Thomas B. Fitzpatrick, M.D., professor of dermatology, Harvard Medical School and Chief of Dermatology Service, Massachusetts General Hospital, to prepare a paper dealing with solar radiation and skin cancer. The report is quite complex. I direct the Senate's attention to the report's summary of findings that relate to the SST. The summary includes this passage:

> Thus, it appears that ozone concentration, irrespective of SST effects, is variable in terms of space, time, season, latitude, and is governed by natural complex processes which among others include photochemical processes, atmospheric circulation, meteorological transport process, etc. The effect of the pollutants on solar ultraviolet energy and its day to day variation will in a limited manner contribute to the filtering effect of erythemogenic radiation. It is hard for us, therefore, to entirely agree with the views presented by Dr. James McDonald of the University of Arizona for the following additional reasons:
>
> 1. The process of cancer induction by ultraviolet light appears to be cumulative and hence the total amount of exposure becomes a very important factor rather than a single or a few severe exposures. The increase in the habit of sunbathing in our affluent society alone (creating more actual sunshine hours) would tend to shift the incidence of cancer of the skin irrespective of whether the spectral quality of solar radiation changes as a result of SST fleet operations.
>
> 2. The cancers of skin, particularly basal cell epitheliomas and sqamous cell carcinomas are curable conditions. Skin cancer accounts for, at the most, two percent of all cancer deaths.

Mr. President, I should like now to refer to the Senate hearings which I had the opportunity, as a member of the committee, to attend. I refer to page 427 and the testimony of Dr. Kellogg. I recommend his remarks to all Senators. They begin on page 422.

Mr. President, Dr. Kellogg is the associate director of the National Center for Atmospheric Research at Boulder, Colo., ar institute which is almost completely financed by the National Science Foundation—although it also receives contributions from universities. Over 500 scientists work at NCAR on atmospheric research so I believe just stating this man's position entitles him to great credibility as much as anyone else in the country.

He says in part:

> I think the atmospheric science community has done its homework a little better at this point than the medical people, who are just starting to work on this.

In his commentary highlighting his testimony, commentary made for the convenience of the committee so that it could conclude its work that night, he said, in part:

> But I think it would also, lest this idea terrify us too much, we should put this sort of thing into perspective. For example, when Senator Allott and I go home to Colorado, we go to a somewhat higher elevation, and we go through at least 2 percent of the ozone, which is what we are talking about in the case of the SST. So, in effect, we are producing an SST effect every time we go home. The person living 50 to 100 miles farther south also has this same difference in exposure to ultraviolet radiation.

Mr. President, on March 17 the New York Times carried an editorial expressing its well-known opposition to the SST. On March 18, I sent a rebuttal to the Times. On March 19, I received word that the rebuttal was "too long" for the letters to the editor column. I was also told that it was "inappropriate" for the Times "op ed" page which is given over to longer contributions on various subjects.

On the day that I learned of the "inappropriateness" of my remarks, the "op ed" page in the Times carried a column which evidently represents the Times' judgment of what is "appropriate" comment on the SST. This was a column by a British philosopher who laced his disquisition on airline economics with confident assertions concerning how many broken window panes—10,000—cases of permanent deafness—1,000—and cases of permanent insanity—100—would result from one SST flight.

Can one imagine such a statement? Yet they could not find an "appropriate" place to publish a point-by-point argument against the rather hysterical editorial they had published.

The philosopher's exercise in hysteria is what the Times considers appropriate comment on the SST.

I do not think this philosopher's commentary merits serious scrutiny. But it is still worthwhile to take issue with some of the more significant errors in the Times editorial of March 17. Therefore, I ask unanimous consent to have printed in the Record a copy of that editorial, and a copy of my telegram to the Times which was not printed.

There being no objection, the material was ordered to be printed in the Record, as follows:

Congress Votes on SST

As a vote in both the House of Representatives and the Senate Appropriations Committee on the supersonic transport plane nears, the Administration and its business in a major propaganda drive to squash the public doubts.

Yet no new facts have been brought forward. The monstrous difficulties and dangers of the SST remain. The first difficulty is that the plane produces a sonic boom of such terrifying, excruciating loudness that it cannot be flown over land, at least not in any free country where the victims can also vote. Secondly, the plane on takeoffs is much louder than normal jets.

The pro-SST lobby has cleverly attempted to suggest in recent weeks that the noise problem has been "solved" by releasing expert opinions that certain modifications in the plane could reduce the noise level from 124 decibles to 108 decibels. There are two things wrong with this solution: the design changes increase the weight of the plane, reduce its cost efficiency and thereby further jeopardize the profit prospects which have never been better than marginal. The other thing wrong is that 108 decibels is still much too loud. Noise pollution is a worsening problem in every sizable community. Even at 108 decibles, the SST would barely reach the interim standard set by the F.A.A. in December 1969. The National Academy of Sciences has recently recommended that the limit for Kennedy Airport should be reduced to the more reasonable level of 98 decibles by 1975.

In addition to sonic booms and intolerable ground noise, the SST would pose risks to the oceans and the atmosphere. In routine operation on the New York-to-Paris run, planes flying at supersonic speed would carpet more than half the North Atlantic with sonic booms of an intensity of 2 and 4 pounds per square foot as often as every half-hour during peak summer travel. What would be the effect over ten or twenty years of repeated sonic booms, day and night, on migratory birds, on fish and other marine life, on the ocean itself? No one knows the answer. But the nation's foremost oceanographers and marine scientists have joined in a petition warning Congress against the easy assumption that supersonic flight across the oceans poses no risk.

An SST discharges vapor into the thin air of the stratosphere. The climatic and health effects are unknown at this time. Atmospheric research over a period of ten to twenty years would be required to find some of the answers. If the effect of the SST were to permit even a slight increase in the amount of ultra-violet rays reaching the earth, the number of cases of skin cancer would increase dramatically. It is Orwellian that men are prepared to take these risks, to manipulate mankind's only livable planet and its precious envelope of air for something so trivial as cutting the travel time to Paris by three hours.

The pro-SST lobby has put heavy emphasis on the economic argument. But to invest certainly $2 billion and more likely upward of $5 billion of Government funds in this project would be wildly irresponsible when there are so many urgent human needs that could be met with the same amount of money. Almost every well-known economist is on record against the SST on economic grounds. If the objective is to create jobs for the unemployed or to improve the balance of payments, there are quicker, cheaper, more direct alternatives.

The final argument is prestige. But where is the prestige if the plane proves to be one which no airline can operate at a profit? The Anglo-French Concorde has so far exceeded cost estimates that its future is still uncertain even though prototypes have been successfully flown. No airline in Western countries has ever bought a plane from the Soviet Union because spare parts and replacements from the U.S.S.R. are subject to political control. There is no reason to believe that the airlines will change policy with regard to a Russian-built SST.

In summary, there is no public demand for an SST, no social or human need to be met. If it is approved, it will be a triumph for a small group of companies with tremendous political pull. Any member of Congress who votes for the SST will be voting against the weight of scientific opinion and of economic opinion.

A vote in favor is a vote to waste public funds and to endanger mankind's environment. The materialistic, prestige-obsessed Communist bureaucrats in the Kremlin can proceed with this dangerous, expensive toy because they can ignore their own public opinion. The representatives of a free people can be expected to act in a more responsive and responsible manner.

MARCH 18, 1971.

EDITOR,
The New York Times,
New York, N.Y.:

The New York Times has campaigned long and hard against the SST development program, acceding to all of the opponent's fears and claims and conceding none of the proponents' arguments—arguments which have led three administrations and 24 congressional committees to support SST development as being in the public interest.

In your emotional and almost desperate editorial "Congress Votes on SST" (March 17) the Times deplores what they call a "propaganda drive" on the part of the Administration to "squash the public's doubts" on the SST. Yet the Times engages in propaganda of the worst sort: Reporting assumption as fact, half-truth as whole-truth, and addressing only one side of all complex issues.

Taking a position on any issue is a newspaper's prerogative, and an editorial page function. But when a newspaper presumes that all arguments which conflict with its passions are "propaganda," then that newspaper is abusing its editorial responsibilities.

The editorial "Congress Votes on SST" is, I submit, bald propaganda. I offer the following reasons for this assessment:

Item 1: The Times described the sonic boom as being of such "excruciating loudness" that the SST cannot be flown over land. I ask the Times writer: "Have you heard a sonic boom from the SST?" You do not acknowledge in your editorial that the government has pledged not to allow SST flights over land. Further, you do not tell the reader that the government is backing that pledge with an FAA regulation and the Congress is free to write this into law. I am supporting the SST and I would support such a law.

Item 2: You assert that the plane on takeoff will be "much louder than normal jets." This is false. It has been made abundantly clear in testimony before the Congress that the noise will be brought within acceptable limits before the SST is flown commercially or we will not allow it to fly. There are no strings attached to that pledge.

Item 3: Last year, in fact last month, the Times and other opponents of SST development clamored for compliance with the FAA rule setting 108 decibels as the noise allowance for new subsonic jet aircraft. Now that the 108 level is in sight for the SST, critics have suddenly reversed themselves and decided that such compliance is not good enough. The Times advocates that the "level for Kennedy Airport should be reduced to the more reasonable level of 98 decibels by 1975." This is a frivolous suggestion. If the "reasonable level" of 98 is enforced, there will be no commercial jet traffic in or out of New York City. Needless to say, without access to air transportation, more business will leave New York City, and the decline of your city, about which the Times so frequently worries, will accelerate.

Item 4: The Times ridicules the economy of the SST, claiming "no public demand" yet in decrying the sonic booms over the ocean, the Times writer suggests that the booms would occur "as often as every half hour during peak summer travel." A flight to or from Europe every half hour does not strike me as indicating a lack of public demand. As for the sonic boom, there is not one shred of evidence that sonic booms are harmful to marine life. Military aircraft have been flying over the oceans at supersonic speeds for 25 years, with no claims or even any evidence of detrimental effects.

Item 5: Of all the environmental fears concocted to retard development of the SST, the spectre of increased skin cancer is the most specious. Highly qualified scientists testified before the congress on the odds against the SST having anything to do with susceptibility to skin cancer. The odds are of such a magnitude that a man going out in the sun every day of his life could offset the theoretically increased danger of incurring skin cancer by wearing a hat *one day in his life.* If he goes out in the sun only on weekends he would have to wear his hat only once in 200 years. And that is assuming that SST flights would erode the ozone shield, which is a highly speculative and dubious assumption. But the Times accepts the charge at face value.

Item 6: The Times, like other irresponsible antagonists of the SST program, continually uses the figure of "upwards of $5 billion" as the implied cost to the government. There is absolutely no justification for any figure greater than $1.34 billion, a sum that is fully recoverable through the successful production program which the Times assumes in discussing heavy transatlantic traffic. The Times never acknowledges the recovery provision, although it is a unique element of the SST contract. The Times also deplores the investment in the SST "at a time when there are so many urgent needs that could be met with the same amount of money," but never suggests where the funds to carry out all of the government's "urgent needs" are going to come from in the future if the economy is not kept vibrant.

Item 7: The Times calls prestige "the final argument." Here the Times is boldly skewering a strawman of its own creation. Prestige never has been an argument or a motivation for the SST program. Aviation leadership *is* a reason for prototype development of the SST. We need to keep our option open on the supersonic transport market which will certainly develop in this decade. The Times would have us concede that market to the British, The French and the Russians. What would the Times suggest we foster as a replacement for loss of billions of dollars in the balance of trade that this would cause?

Item 8: The Times concludes that "any member of Congress who votes for the SST will be voting against the weight of scientific and economic opinion." The truth is that learned opinion is divided on the SST—as on most complex programs. There are many unproved assumptions in this debate. The environmental facts will emerge in the course of the aggressive research program now going forward. The economic argument cannot be settled without information that will come from prototype performance. The prototype program is not a commitment to commercial service, or to SST production. It is an opportunity—in fact, the only means available—for the congress and the public to replace unproved assumptions with hard data.

The real puzzle is why the Times is so anxious to kill the SST before the prototype program begins to yield hard data on the subjects about which it now speculates so freely. Is it possible that the Times is afraid that there is an inherent conflict between its current passions and the facts that will emerge from additional research on the SST?

GORDON ALLOTT,
U.S. Senator.

Mr. ALLOTT. Mr. President, during the debate on the SST, many people have asked why the Government must lend a hand in financing this project. They have wondered why the private capital market cannot cope with the task of providing the backing.

These are legitimate questions and they have been dealt with at a number of times and places during the many hours of hearings we have had on this subject. Today I would like to call to the attention of the Senate several concise statements on the need for Government aid in this area of general national interest.

Mr. President, I would like to call also to the attention of the Senate the fact that during the course of the years of the development of financing of the SST project there were 16 separate panels and committees which considered various and sundry ways of financing the project. And out of all of the suggested ways, the panel suggested and the committee adopted the precise method that has been used to finance them.

Mr. President, the first statement comes in a letter to the distinguished chairman of the Appropriations Committee, Senator ELLENDER. The letter is from two men of great distinction and experience in tthe field of finance, Mr. Eugene R. Black and Mr. James P. Mitchell.

Mr. Black and Mr. Mitchell are careful to focus attention on the real subject of today's debate—the development of two prototypes. They correctly assert that the purpose of the prototype program is "to prove out the general body of theory which now would indicate the probable feasibility, technologically, economically, and ecologically."

Mr. Black and Mr. Mitchell acknowledge the obvious point that private sector financing for this massive undertaking is not a certainty. But they say the following:

The grey area of uncertainty as to 100% private sector financing stems largely from the very immensity of the investment required and the related capacity of the private sector to handle this. It should be noted that the private sector is occasionally assisted in sound commercial projects that are too large for private funds to handle. The Export-Import Bank, for example, by its export loan guarantee program has generated billions of dollars of export sales quite beyond the capacity of the private sector to handle, thus contributing tremendously to the economy and, incidentally, doing quite handsomely in the process, as its Balance Sheet and Income Statement will attest! Should it be possible, therefore, that a governmental supplemental assist is necessary to meet the peak SST production financing requirements, it would not be illogical in our opinion to make possible, by such means, a program of such presumed general attraction to the U.S. . . .

It should be noted in passing that the SST funding is undertaken on a basis that it will not cost the Government a penny over the life of the investment. The point is that the Government participation in the program is an investment. It is a way for the Government to make money for a change while it is spending money.

Mr. President, so that all Senators can study the thinking of Mr. Black and Mr. Mitchell, I ask unanimous consent for their letter to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 17, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Appropriations Committee,
Washington, D.C.

DEAR SENATOR ELLENDER: The issue before the house is the appropriation of additional funds to continue and complete—on a cost shared basis—the developmental and test prototype phase of the SST. The purpose is to prove out the general body of theory which now would indicate the probable feasibility, technologically, economically and ecologically. In addition, the developmental phase is intended to preserve to the United States the option of continuing in the international competition and of not being phased out of the field we have dominated for so many years to our considerable economic benefit, merely by being unprepared in the basic necessary preliminary work, and therefore finding ourselves so far behind time-wise that the race would be lost.

While it has no real bearing on the logic of completing the development work authorized by the current and the previous three Presidential Administrations, the question has been raised as to whether an SST production program can be financed in its entirety by the private sector—the related inference apparently being that it would be unwise per se if this were not the case.

The thought of the tremendous inventory investment alone, in an assembly line of planes to be priced at roughly $50 million apiece, taxes the imagination and clearly presents extremely large financing requirements. Time-wise these would occur 7-8 years from now, assuming that a production program was immediately to follow successful completion of the prototype test phase. To provide a proper basis for judgment as to these future possibilities, it would be interesting to review the past. At the time the $125,000 DC–3 or even, more recently, the original $4–5 million 707s were in production, the thought of a $20 million 747, and the financing of its assembly-line production, would also have staggered the imagination, and almost certainly have invited skepticism that the private sector could have handled this. Yet, the 747 production was undertaken and financed privately as has been the case to date also for the $15–16 million DC–10 and L1011 projects. And the aviation industry currently is certainly not in the most robust health!

The presumed very existence of an SST production program following a successful test prototype phase also presumes:

1. Indicated economic feasibility of the design,
2. Airline customer demand and contractual responsibility in a sufficient quantity of orders, and
3. Demonstrated proof of the acceptability of the plane from an ecological point of view.

Given all of these factors, there would obviously be strong motivation for private sector financing such as has been demonstrated in all previous commercial transport programs.

It might, therefore, seem at least theoretically possible that the private sector could some 7 or 8 years from now. Against the uncertainties of the future, however, and the extremely large inventory investment, required of the manufacturers, it obviously cannot be said positively that this can be done. It is clear though that the very doubts which must obtain today would at least be considerably clarified by the successful demonstration of the test prototype program. The grey area of uncertainty as to 100% private sector financing stems largely from the very immensity of the investment required and the related capacity of the private sector to handle this. It should be noted that the private sector is occasionally assisted in sound commercial projects that are too large for private funds to handle. The Export-Import Bank, for example, by its export loan guarantee program has generated billions of dollars of export sales quite beyond the capacity of the private sector to handle, thus contributing tremendously to the economy and, incidentally, doing quite handsomely in the process, as its Balance Sheet and Income Statement will attest. Should it be possible, therefore, that a governmental supplemental assist is necessary to meet the peak SST production financing requirements, it would not be illogical in our opinion to make possible, by such means, a program of such presumed general attraction to the U.S., and this could be done for example, in the form of V-type flexible-percentage, guaranteed loan financing such as was widely used during WW II. In this method the assistance provided could be varied according to the need and would only *supplement, not supplant,* the private sector contribution.

Sincerely,

EUGENE R. BLACK,
JAMES P. MITCHELL.

Mr. ALLOTT. Mr. President, a second statement of interest comes from Mr. G. Robert Truex., Jr., executive vice president of the Bank of America. It is contained in a letter to Mr. William Magruder, Director of SST Development for the Department of Transportation.

Mr. Truex acknowledges that our current position of dominance in the world commercial aircraft market resulted primarily from privately financed efforts. He points out that the various aircraft that won for us this dominance were not exclusively the result of private capital:

> While it is true that those aircraft have been chiefly privately financed, the developmental capability existed because the manufacturers were at the same time developing military aircraft requiring the same advancements in the state of the art.

Mr. President, so that all Senators can study Mr. Truex's thoughtful letter, I ask unanimous consent for it to be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BANK OF AMERICA,
March 3, 1971.

Mr. W. M. MAGRUDER,
Director, SST Development, Office of the Secretary of Transportation, Washington, D.C.

DEAR MR. MAGRUDER: With respect to your letter of February 19, here is my personal reaction to the question of whether or not the United States' SST Development Program should be financed entirely within the private sector.

The accomplishments of our private enterprise system in the development of our commercial transports are well attested to by the aircraft flown throughout the world which are dominantly of American manufacture. While it is true that those aircraft have been chiefly privately financed, the developmental capability existed because the manufacturers were at the same time developing military aircraft requiring the same advancements in the state of the art. Thus, the public, both as tax payers and as air passengers, enjoyed the benefits of this mutual sharing of development facilities and overhead costs, and the maintenance of a continuing capability in the field.

In spite of the sharing of costs and capabilities mentioned above, the crises which confronted General Dynamics in the 880/990 program, the pressures on Douglas Aircraft in the DC–8–9 programs of a couple of years ago, and those now being experienced by Lockheed, provide testimony of the enormity of the hazards of the airframe manufacturers in the new air transport programs. Certainly today's problems in the airline and aerospace industry are of such a magnitude that neither the issuance of public securities nor the placing of debt with the financial institutions can be accomplished to finance an SST program. Today we are confronted with a partially completed program which, in some measure at least, is competing with SSTs sponsored on the one hand by the British and French governments, and on the other by the Russian government. It has been announced that in October of this year, Russia plans to introduce its SST on Aeroflot commercial flights. Three or four years later the Anglo-French Concorde is expected to go into operation.

In recent history the United States has managed to retain its balance of trade position largely because of its ability to sell its technology, although we have, in fact, lost a large part of our international position in the automobile and electronics, industries. It is difficult to believe that faster air transport, at standards which will satisfy the ecologists, will not be forthcoming in future years. To take advantage of efforts already expended in the development of a United States SST the program should be continued at a pace compatible with other requirements and priorities of our airlines. In today's environment this can be accomplished only with Government support.

At a time in the future when the aerospace and air transport industries are both viable, and the abnormal hazards involved in the development of a state of the art craft are behind us, it seems proper that private enterprise can and will support SST production and sales.

With kind regards.

Sincerely,

G. R. TRUEX.

Mr. ALLOTT. Mr. President, Mr. Truex's letter is relevant to one matter that has been especially puzzling to me during the debate on the SST. A number of persons have testified or otherwise announced that they would be in favor of developing the SST if it was primarily intended for military benefit. There are two points which should be made with considerable emphasis.

First, the Secretary of Defense, Mr. Laird, has stated that he favors development of the SST, because he believes that the technological sophistication which development will distill will have a very direct and positive impact upon U.S. defense capabilities.

Second, even if this development program did not promise to contribute to our defense capabilities, that would hardly constitute grounds for dismantling the program.

I deplore the argument that a military relevance, however, tangential, confers upon a program a priority unattainable by a program which does not have such relevance.

In fact, I am especially puzzled by the fact that the attack on the SST comes in the middle of, and often in conjunction with, an explosion of interest in "reordering our priorities." I should have thought that this development in a civilian-related industry would be especially gratifying to those who feel that military projects have been allotted an excessive share of public support in recent years.

Mr. President, on March 12, 1971, the senior Senator from Wisconsin read into the Congressional Record what he characterized as a "Point-By-Point" rebuttal on the SST debate. Senator Jackson subsequently requested the Department of Transportation to prepare a factual statement on each of the 10 points the Senator from Wisconsin discussed.

Mr. President, I ask unanimous consent that this point-by-point factual rebutal and clarification be reprinted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, one of the economists who has been quoted repeatedly from the floor of the Senate for the past few months with respect to the SST is Dr. Henry C. Wallich, a nationally recognized professor of economics at Yale University, and a former member of the President's Council of Economic Advisers. He has repudiated an alleged statement of his opposition to the SST, a statement distributed by the coalition against the SST last week.

Dr. Wallich asserted that—

> We cannot afford to give up the project at this point. I want to clarify my position on the SST. I favor construction of two prototypes and therefore urge Congress to vote for their budgetary appropriation.

The coalition is spearheading a lobbying effort to defeat the SST and claimed Dr. Wallich's support for their position.

Asserting that his position was misrepresented by the coalition, Dr. Wallich maintained that—

> If foreign countries build, and we do not, we shall lose not only the opportunity of putting our supersonic plane into the sky instead of theirs. It is hard to believe that foreign leadership in so major a project should leave unaffected our leadership in aircraft manufacture generally.

Pointing out that his position had been distorted, he released his full statement given to the Coalition on March 8 as follows:

> I continue to believe that the key to the right decision on the SST is the outlook for the Concorde. If we are sure that the Concorde will not fly commercially, there is much to be said for terminating the SST program. If the Concorde is viable, we stand to lose a great deal economically.
>
> I have heard nothing to make me believe that the Concorde has been stopped. Rumors, press reports, and even statements by airlines about our prospective purchases need to be heavily discounted. That countries of the technological capabilities of the U.K. and France should permanently write off the construction of a supersonic plane seems very unlikely to me.
>
> If foreign countries build, and we do not, we shall lose not only the opportunity of putting our supersonic plane into the sky instead of theirs. It is hard to believe that foreign leadership in so major a project should leave unaffected our leadership in aircraft manufacture generally.
>
> We are now told that we need not worry about the balance of payments, official statements about the economics of the Concorde are all wrong, the unemployment in Seattle could be dealt with by other means. One can find some basis for all these claims. Nevertheless, we cannot write off our international financial relations, we cannot ignore our position in a prime area of modern technology, we cannot ignore domestic realities. We can and probably should delay commercial production as long as feasible. We should focus as much as possible on technological improvements before we build. But we cannot afford to give up the project at this point.

He added:

> I want to clarify my position on the SST to avoid further misinterpretation. I favor construction of two prototype and therefore urge the Congress to vote for their budgetary appropriation.

Mr. President, this particular statement is of great interest, because his statements have been used for a long time by those who were against the SST.

Mr. President, we are nearing the end of another stage in a long, historic, and unfinished debate.

The debate about the supersonic transport is over a decade old. Nothing we do here will end the debate. Nothing we do here will prevent the production and extensive use of SST's be they Russian or European. Our power here does not extend beyond the power to do one of two things. We can fund continued work on the SST prototype program through the next 3 months. Or we can destroy the SST program—a program which has enjoyed the consistent support of three administrations, 24 congressional committees, and a solid majority of all the Members of the Senate and the House over the past decade.

The Senate today can either vote the $134 million for continued prototype development, or it can refuse further funds, thereby requiring the Government to begin spending at least $119 million in termination costs. If the Senate votes to deny funds to the SST program, then the Congress will have killed the American SST. If the Congress kills the SST program it will destroy three kinds of things. First, it will kill the prototypes which are nearing completion. Second, it will destroy the option of building SST's in the future. Third, it will destroy America's hold on 83 percent of the world commercial aircraft market.

I can think of no more foolish gesture than the destruction of this program. That would relegate hundreds of thousands of plans and drawings to some warehouse, leaving them for someone to dust off in the eternity to come.

In all this destruction the Congress also will have created three things. First, it will have created unemployment. It will have created havoc in a sophisticated organization of scientific and technological talent. Third, it will have created numerous costs, ranging from termination costs in the immediate future to balance-of-payments problems extending into the indefinite future.

Mr. President, let us not be deluded by a false sense of our own power. Let us have a clear understanding of our real options. The U.S. Government is powerless to stop the development of SST's in other nations. This powerlessness is underscored by the fact that two different foreign SST models are already flying. The most the U.S. Government can do is attack the SST with two lines of coercive action.

On the one hand, it can try to make the economic rewards of foreign SST's hazardous. On the other hand, it can endeavor to keep American citizens from flying on SST's. Obviously, the latter would accomplish the former. But it is equally obvious that any measure effective in keeping American citizens off foreign SST's will require intolerable coercions and intrusions into the sphere of free choice, an intrusion which the American people will not tolerate. This is significant, because everything we know about airline economics indicates that only such coercions and intrusions will be able to keep passengers from choosing SST service over slower service.

In addition, any attempt to undermine the economic viability of foreign SST's will invite—indeed, it will guarantee—reciprocal action. I have even heard it suggested that we simply ban foreign SST's from landing at American airports. Of course all this would do is provoke restrictions on American landing rights in the nations concerned.

Those who want to kill the American SST should not comfort themselves with the hope that their action will make the world safe from SST's. In fact should they kill the American SST, they would only have succeeded in making foreign aircraft producers safe—for the first time in history—from American competition.

Mr. President, these are unpleasant details. But it is time we came to grips with them. I know that the opponents of the SST have worked hard to get Senators to look at what SST opponents call the "big picture." I know that the vigorous coalition of lobbies opposing the SST think—correctly— that the success of their crusade depends on their ability to get Senators to vote on a variety of things which actually are not at issue in the vote that we are about to take.

Mr. President, a passion for considering the "big picture" often indicates a reluctance to come to grips with the relevant details of a situation.

Mr. President, I urge all Senators to resist the efforts of SST opponents to artificially widen, and thereby distort the focus of this debate.

Let us clear the air, our minds, and the record. Let us focus on the very limited issue before us.

The issue is not whether we should launch a fleet of SST's with unknown and perhaps menacing features. The issue is a very limited program for building and testing two prototypes.

The issue is not whether we want to demonstrate a general willingness to rethink existing programs. The issue is whether we want to side with the three Presidents, 24 congressional committees, and the majority of all Congressmen over the last decade who have strongly favored development of SST prototypes.

The issue is not whether the Government should give away vast sums for an unknown quantity. The issue is whether or not the Government should make a limited investment in a prototype program which can lead to dramatic remuneration for the Government.

Mr. President, it is especially important that we recognize that, in spite of the tremendous effort to portray this vote as a general referendum on environmental concern, this vote is nothing of the sort. This is not a vote on whether or not to darken the skies with a fleet of lethal aircraft that would poison the air, addle wildlife, deafen humanity, smash windows, destroy the upper atmosphere, increase skin cancer, and cause a new ice age—or, alternatively, depending on which SST opponent suits your fancy, that would melt the polar ice caps, thereby flooding all the world's coastal cities.

To repeat, the vote we are approaching is not a referendum on Armageddon. It is not a vote on whether or not to formulate determined environmental policies. And just as this impending vote should not be portrayed as a referendum on whether or not to destroy the environment, neither should it be exploited as an opportunity for striking poses pleasing to the glazed eyes of the most fantastical and irresponsible environmentalists.

We must all face the fact that the anti-SST cause has attracted to its banner a significant number of moral exhibitionists for whom this crusade is nothing more than an exercise in the mortification of other people's flesh.

By all means let us do everything practical to improve the quality of life in America. But let us avoid posturing. Let us not substitute moral exhibitionism for thoughtful action. Let us not be distracted by quixotic charges at symbolic issues.

Crippling a basic and unoffending industry is a clumsy way to demonstrate good intentions about the environment. Undermining our scientific community is an imprudent first step for a war on complex environment problems which will be solved by science or not at all.

And weakening the economy and increasing unemployment is an odd way to express one's concern for the quality of life in America.

Mr. President, no charade with ineffectual resolutions and expressions of "concern" can obscure the costs—economic, scientific, and human—that will result from destruction of the SST program and that will extend at least through the next two decades. And the simple truth is that there is no solid reason for embarking on this destructive course now. There are unsettled arguments about the SST. We should finish the arguments, not the SST. And we can intelligently settle the arguments only if we avoid destroying the SST.

Learned opinion on the probable environmental effects of the SST is divided.

Learned opinion on the probable SST performance is divided.

Learned opinion on the projected economic impact of the SST is divided.

What we have here is a raging controversy about matters of keen scientific interest and high economic importance. In short, we have a situation which challenges SST skeptics to help us resolve the controversy with additional research and development of the sort involved in the prototype program.

Mr. President, where there is such division of learned opinion, there surely is a need for further evidence. We supporters of the SST welcome controversy about the program. And we welcome the opportunity to press on with the research and development program that is the only possible source of solid answers to the vexing questions which are in dispute.

We who support the SST prototype program are puzzled by the passionate desire of the SST opponents to kill the program before it can begin to help us arrive at those solid answers. The questions which every Senator must now ask himself include these:

Why are the most passionate opponents of the SST so desperately anxious to kill the prototype program, and disperse the scientific talent assembled for it, at this point?

Why are the most passionate opponents of the SST so anxious to dismantle the program now, just before the prototype program equips us with real SST's—as distinguished from the hypothetical SST's about which the SST opponents have been so freely speculating?

Mr. President, it is hard to avoid the suspicion that some SST opponents are afraid the existence of prototypes will cramp their critical style. At this point the opposition to the SST thrives on surmise, speculation and hypotheses. Further research and development of the sort involved in the prototype program will be very inhibiting and inconvenient for some people. It will enable us to replace surmise with fact, speculation with hard data, and hypotheses with conclusions.

Mr. President, I am frank to confess that I do not know with absolute certainty how all of my judgments about the SST will fare in the cold light of expanded experience with prototypes. But I am also frank to say that I would be irresponsible if I attempted to shield my judgments from the bracing challenge of prototype evidence.

Mr. President, I want to press ahead with prototype development so that we all can put our judgments to the test. I want to avoid unnecessary and costly damage to the Nation's precious scientific capabilities. I want to protect the Nation's options in the swiftly changing world aircraft market. I want to protect the Nation's economic and technological strength which we so urgently need as we tackle the costly and complex problems of improving our environment.

Mr. President, for these reasons I support continuation of research and development in the SST prototype program.

I want us to press forward so that if the time comes when foreign SSTs are landing on our shores, and some people say, "No, no, you cannot land them because they are environmentally dangerous to us," I can say answer these fears with evidence gained from our two prototypes. I want to be able to say that we have run exhaustive and expensive tests and we know what we are doing."

There will be no answer to such fears if we do not produce and test these prototypes.

In conclusion, I want to make two or three additional points. I recall very well when President Kennedy spoke at the Air Force Academy in 1962, when he first announced his resolve to produce an SST in this country.

Even before that time, in 1961, the Senator from Washington (Mr. MAGNUSON), chairman of the Independent Offices Appropriations Subcommittee, and I had been instrumental in providing money in that bill to start research for this program.

Mr. President, I have no interest in this program. I have no stock in it. As far as I have been able to ascertain, there is not one dollar's worth of business from this whole program which will inure to the benefit of my State.

Mr. President, this is a time when the leaders of this country must extend their mental horizons.

We cannot afford to lie back. We must be willing to take some chances. The risk here is not environmental. We are not going to pollute the world with two prototypes. We have got to be willing to take some chances so that we can keep our position of pre-eminence and leadership, and keep that position throughout the rest of this century.

I believe that in the 1980's and the 1990's people will be traveling in SST's. I probably will fly in them, and I am not a member of the jet set. But today we are hearing the same thing that was said about the jet liners when they came out in the late 1950's. Then it was said that just a few rich people who could afford to pay a little extra fare would be riding on them. But these planes became so efficient, such wonderful and quick means of transportation, that they quickly drove prop-driven planes out of the sky.

So I want to say here that the Senator from Colorado is trying to look into the future scientifically and technologically. I want the people to know that in this critical time the Senator from Colorado fought to preserve for this country its position of leadership in science and technology and in a great industry. In addition, people will know that the Senator from Colorado did not allow a few specious arguments to turn him against the future.

EXHIBIT 1

JOBS AND THE SST

PROXMIRE'S STATEMENT

That 150,000 jobs will be lost if the SST program fails to go ahead is simply not true in any sense.

FACT

Mr. President, Senator Proxmire is merely repeating over and over the same theme he has been broadcasting over the past year relative to the employment situation. He refuses to accept two very pertinent facts. First the areospace industry is in serious trouble right now—this segment of the American work force is vital to our economy, our defense, and our ability to hold our own in technological achievement in a highly competitive world market. It is the second largest industry in this country and as such, has a direct influence on a large segment of our population throughout the nation; because of this the investment the Government makes here can and will provide a stimulus that goes far beyond the prime industry.

Secondly, we are talking about producing a useful exportable product which will generate revenue with which to support hundreds of other programs that are vitally necessary, but consume revenue. We cannot accommodate for long these latter types if we do not provide for programs that increase the flow of dollars back to the government. This is a long term productive effort spanning over 17 years (1973 to 1990).

The Senator demands complete assurance that the investment will pay off—no one can give him that assurance with 100% confidence; however, it must be noted that the SST is not a dream. It is here now in a form which is ready to go into commercial service by the end of this year (The TU-144).

The only question is can we produce a better, quieter, safer, environmentally clean, and more productive product. History says we can; hence the probability of investment return is higher than any other similar program has ever been at this stage of development. This is fact not fiction and has been testified to by those best qualified to know.

Now relative to the gainful employment of thousands of Americans which the Senator chooses to believe is optimistic and which he tries to support with very weak theories. The economists he cites are certainly eminent in their fields.

They are not, however, and I repeat, they are not experts in aircraft production, aircraft demand, or aircraft sales. None of those cited have ever taken the time or trouble to go to either the Department of Transportation or the Contractors and get first hand the information necessary to provide a legitimate base for their statements. The Senator chooses to criticize Mr. Magruder because he has relied on economic studies, and I might add numerous studies, performed—not by individuals but by groups of people who are intimately familiar with the design, production, and operation of commercial aircraft—namely, the sellers and the buyers. The companies and the airlines have invested approximately $246 million to date as an indication of faith in the program. The Congress certainly must be more attentive to such thoroughly integrated economic analyses by highly qualified groups than it is to individual opinions based on elementary text book theory that assumes there is no unemployment. It must be pointed out that the predictions of individual economists, regardless of eminence, have not been noted for accuracy or agreement with actual performance.

The Senator says that there are less than 5% of the economists who support the SST—5% of what. Does the Senator mean to infer that he has polled every economist in the country? If this is true, I wish to congratulate Mr. Magruder—he is not being paid, nor is his very able staff, to run around the country conducting popularity polls. He is being paid to do exactly what he has done i.e., to put together the most meaningful economic analysis possible utilizing the best conglomerate of talent available. The Senator's criticism is unwarranted, misleading, and appears designed only to try to establish credibility for very weak individual opinions. I will wager Mr. Magruder could probably find as many individuals to support his arguments if he were permitted to waste the taxpayers money in this manner.

Now let's get back to the employment situation. The appropriations committees of both houses have heard testimony from Mr. George P. Meany, head of the AFL/CIO and Mr. Floyd Smith International President of the International Association of Machinists and Aerospace Workers, that the 150,000 job prediction is in fact very low. Their predictions approach 500,000. The Senator has inserted in the record a letter from the Oil Chemical and Atomic Workers International Union which he would have us believe is more meaningful. Mr. President, this Union represents less than 180,000 workers as opposed to the over 14 million represented by Mr. Meany and Mr. Smith—Senator Proxmire cannot really believe that we, the highest legislative body in the nation, are going to be so naive as to accept as representative, a letter from a relatively small disassociated union as opposed to actual testimony by the presidents of the largest unions in the country representing over 14 million American workers. As further evidence of the weakness of the Senator's argument it should be noted that almost half of the Senator's rebuttal in the employment area is devoted to this letter.

No one has ever indicated that there are no other ways that the government can stimulate a like number of jobs for a like amount of dollars. The SST program is not the answer to all the country's problems, but it does represent a significant part of the unemployment problem, now and in the future, by the nation's second largest industry. It does offer an investment opportunity which holds a high probability of returning the whole investment—plus interest as well as a profit to the taxpayer, and at the same time, produce an internationally consumable product. It is unfortunate that the Senator chooses to make this program a whipping post, yet advances no like opportunity to this body. We can build subways, dams, roads, conduct environmental research, and support welfare programs only with many programs like the SST. It's time we started to look for a few more productive revenue producing programs and stop trying to kill those we have. The alternative might well turn out to be having a large part of our population living off the efforts of a few. This won't work now any better than it has in the past.

I suggest that the Senator join the rest of us in making the SST program as successful as our technology can achieve in all areas and stop trying to make it solve the problems of our entire social and economic future.

PROXMIRE'S STATEMENT

DOT's claim of double productivity ignores the fact that the SST will cost at least twice what the 747 cost—$40 million versus $20 million.

FACT

The productivity of the SST is not affected by the cost or sales price, which is computed as part of the total operating expense and primarily affects depreciation and insurance expense. For trans-Atlantic flights, the total operating cost of the SST is approximately the same as the 747, and in the 1980's should be better than the 747. Furthermore, it should be noted that the first Boeing 707 sold for about $5,000,000, or about 2.2 times the DC-7C cost of $2,250,000, yet the 707 was many times more profitable than the DC-7C.

PROXMIRE'S STATEMENT

When jets were first introduced in the 1950's, the 707 flew twice as fast and carried twice the passenger load as the DC-7, the last of the propeller-driven planes. Accordingly, the new jets of the 1950's were four times as productive as their predecessors. Thus, even if the DOT statement about productivity were correct, (SST twice the 747) which it is not, the SST would represent only half as much of an advance as the step from the prop plane to the jets.

FACT

The FAA report entitled, "Direct Operating Costs of Transport Aircraft in 1960 Airline Service", gives the following data for the 707 and the DC-7C:

	707	DC-7C	Ratio 707 to DC-7C
Passenger seats	123.9	65.6	1.89:1
Block speed, miles per hour	473.0	285.1	1.69:1

Productivity of the 707 is 3.2 that of the DC-7C, based on 1.89 times 1.69. However, on the same calculation, the SST would be 19.2 times the DC-7C, and 6.2 times the 707, based on 281 seats and 1,285 miles per hour. It is more reasonable to compare the SST's productivity with the first of the subsonic jets, than with the 747, which is last of the subsonic jet generation, because of airport runway limitations for aircraft with greater weight and takeoff requirements. Moreover, there will be many improvements to SST designs, of which the 2707-300 is the first, which should make the SST even more superior to the 747.

PROXMIRE'S STATEMENT

DOT recently confirmed that fuel usage by the SST fleet would approach nearly 5 percent of the world's oil reserve.

FACT

Evidently the Senator has misread or misunderstood the study prepared by DOT on fuel usage. The entire civilian aircraft fleet, of which the SST will be only a small portion, will consume only 5 percent of the world's oil reserves.

PROXMIRE'S STATEMENT

Recent newspaper accounts report that BOAC, the British Overseas Airline, has found that the seat-mile operating costs of the Concorde will be twice the seat-mile operating cost of the 747. It (BOAC) has not denied that seat-mile operating costs would be double the costs for the subsonic jets.

FACT

There is speculation by informed observers that the BOAC story in the London Observer had no basis in fact and was written by an anti-Concorde journalist for the sole purpose of causing embarrassment to the manufacturers of the Concorde and the U.S. SST. BOAC strongly denied telling the Government it could see no way of operating the plane at a profit and therefore did not want it.

As for the statement that Concorde total operating costs per seat mile would be double 747 costs, DOT computations indicate that whereas Concorde direct operating costs would be about 65 percent higher than the 747, total operating costs per seat mile would be about 20 percent higher. At a 55 percent load factor and 15 percent fare surcharge, the Concorde should be able to make a reasonable return on investment. At a 75 percent load factor, however, and with a 15 percent surcharge, the Concorde should be able to earn a higher annual operating profit than the 747 at a 55 percent load factor.

PROXMIRE'S STATEMENT

Yesterday we had testimony by Dr. Samuelson and Dr. Rathjens, two eminent economists. They are convinced that the productivity of the SST would be less and that the plane would be an economic disaster.

FACT

First, Dr. Rathjens is not an economist, but obtained his doctorate in chemistry and teaches political science. Both he and Dr. Samuelson made dire predictions about the economics of the SST, but neither produced any data showing the computations on which their conclusions were based. Furthermore, Dr. Samuelson stated on cross-examination that he had formed his opinions on the SST about five or six years ago. Since that time, the design has changed as well as the characteristics and performance of competitive aircraft. Dr. Samuelson testified also that going ahead on construction of two prototypes is wasteful because the SST will be uneconomic and only 50 instead of 500 can be sold. It is difficult to know how he can be so sure of his conclusions when proving the performance, economics and marketing are the primary reasons for building and testing the prototypes. It would appear, on balance, that a stronger case for constructing the two prototypes was made by Dr. Paul McCracken, Chairman of the Council of Economic Advisers, who stated his opinion to Secretary Volpe on 26 February 1971, as follows:

"It appears, on the basis of information presently available, that the SST has a reasonable probability of being commercially viable and able to repay its research and development costs to the Federal treasury. We recognize, however, that there is considerable uncertainty about many of the crucial factors related to the SST's commercial viability, in particular about its construction and operating costs and the way that these will be affected by any modifications necessitated by concern over noise levels and other environmental effects. These uncertainties can best be resolved by actual testing of prototype aircraft. Once such a testing is completed, the economic viability of the SST can be more definitively assessed, and the burden of the decision on whether to proceed to full scale development of the SST can then properly be shifted to the private sector."

PROXMIRE'S STATEMENT

Third, that there will be a market of 10 percent of the American population for the SST by 1985.

This 10 percent argument is based on the premise that 6 million passengers that flew internationally last year will grow to 25 million passengers by 1985. This reasoning has two inherent fallacies. First, percent of passengers and percent of population are far from being the same thing. Six million passengers flying overseas last year is not the same as 6 million people flying over seas.

FACT

Senator Proxmire's theory is correct, his figures are wrong. In 1970 there were over 18 million overseas trips taken between U.S. and foreign ports. Of these more than 6 million were business trips. This equates to more than 6½ million individual Americans who availed themselves of this service.

By 1985 the forecast is that there will be 59 million annual overseas trips between U.S. and foreign ports including 15 million business trips. This means that over 25 million individual American people will be making these trips.

PROXMIRE'S STATEMENT

The SST will be a premium fare airplane; estimates range as high as 30 percent above current first class fares for the SST. Because of these high fares, the 21 day economy package traveler is hardly going to opt for the SST—he will choose the cheapest way of getting there. The relevant market for the SST is the regular overseas passenger—the businessman or the wealthy tourist—to whom the time saving might make a difference.

FACT

The U.S. SST does not *require* a premium fare. The load factor required to break even (pay total costs) on a flight from New York to Paris is 35.3% with present day fares (no surcharge). This is based on an interior configuration which seats 28 first class passengers and 253 economy class passengers. Today's one way fares are $797 for first class and $467 for economy class. This means that only 98½ passengers out of the total capacity of 281 seats will pay the total costs. Last year on the North Atlantic the average load factor was 54.7%.

The only reason for a surcharge to be imposed would be to "protect" the subsonic jets. More than ten years ago the IATA airlines imposed a surcharge on the new jet transports to "protect" the piston engined transports. But the passengers—"Jet Setters" and ordinary tourists alike still opted for the jet transports because they cut the flying time in half, were more comfortable and less tiring. The same thing will happen again and for the same reasons with the introduction of the SST.

PROXMIRE'S STATEMENT

We still have nearly $500 million to go. That is the minimum, and it assumes there is no inflation, no overrun, no hitches in the plan, and most important, no trouble getting private financing for the production of the SST.

What if private financing failed to materialize? Under Secretary of Transportation Beggs has indicated that if that happened the Government is prepared to make available an additional $1 billion in loan guarantees to keep the program going.

FACT

There is no evidence to support program critics speculation that additional funds over the $478 million to go will be necessary. We are maintaining the late 1972 milestones in our contracts, and we are continuing to hold the contractors to their latest estimates which are less than our current projection.

With regard to financing the SST production phase Mr. Beggs in testimony before the Joint Economic Committee when questioned on whether he would or would not give assurance that the Government will not go ahead with financing part of the SST production stated:

"Mr. Chairman, I am on record, as I think Mr. Yates stated, in the Appropriations Committee with the statement that while I was of the opinion that private financing would be available, if it were not at that time, and if we felt that we had a successful SST program on our hands—that is, a successful transport after the prototype testing—and it required some Government-guaranteed loans, then I would think that we would so recommend."

When further asked whether "sky" was the limit of "$5 to $7 billion at any rate? He replied:

"We have not yet proceeded with the financial study as to what will be required—that is, what the net cash requirement will be to bring the airplane from the prototype to the production stage—but the indication from the studies we have made thus far is that about a billion dollars will be necessary to bring it from that point on. But these would be in the form of loans which would be liquidated as the aircraft proceeded from that phase to operations."

"However, we did consult with Mr. Eugene Black, a very experienced and distinguished member of the banking community. We have consulted with him several times on this program, and he has assured us that if we have a successful prototype program on our hands that he feels confident that the private financing would be available.

"Now, we have spoken with a number of people in the financial community. Last year Mr. Shaffer, the Administrator of the FAA, went to New York to discuss specifically this question with the Society of Air Line Analysts, who, as you know, is made up of a very experienced group of investment bankers in the New York community. And they felt very confident again that if we have a successful prototype program on our hands that the necessary funding will be available to pursue this program through the production phase."

In summary, two essentials for private financing under normal circumstances already exist:

A Willing Buyer—The airlines have put forward $81 million and have, in writing, expressed their enthusiasm for this program.

A Proven Product—By definition the prototype program will prove a commercially viable product or the project will be terminated.

Normally this would be all that would be required to attract private capital. In the present atmosphere of a depressed economy, temporarily lowered airline earnings and a manufacturing industry suffering from high debts and depressed workload from reduced military and civil programs with consequent lowered earnings, it is not practical to project 4 years ahead with the necessary accuracy. The financing plan therefore must necessarily consider the health of the industry as a whole. Discussion with labor leaders, the airline presidents, manufacturing leaders, and the regulatory authorities have been underway since April. When the time comes, the airlines and the manufacturers must have good prospects of reasonable profits in order to attract private financing even with the other two essentials accomplished.

PROXMIRE'S STATEMENT

Incidentally, the original contract between Boeing and the Government called for Boeing to submit a financing plan for production by June 30, 1968. That date was later postponed to December 31, 1969. To date, no financing plan has been submitted. It is now promised in June 1972—a 4-year slippage.

FACT

In responding to questions about the financing plan Mr. Magruder has stated that there is a financial plan due June 30, 1972. There has been some question as to why this plan has not been made available. We are building a prototype. Nothing would be more difficult or more unwise than to produce a financial plan four or five years before you get your prototype.

What is going to attract private financing is three things: A proven article to sell—that is what the prototype does. A willing buyer—that is airlines with their $82 million. The third thing that is missing—is a healthy profit-making industry. The way we are going to get a healthy profit-making industry is for the labor, the CAB, the industry, and the Government to work together with alacrity and dedication to make sure that we don't have the same thing happen to air transport that has happened to railroads in the United States.

That does not mean a subsidy. There is no subsidy on the SST. It is a payback program with a cost-share.

PROXMIRE'S STATEMENT

Other estimates forecast still higher Federal costs. Gen. Elwood Quesada, the former FAA head who now serves as a director for American Airlines, predicted that the Government's cost on the SST program could eventually go to $3 to $5 billion.

Dr. Richard Garwin, member of the Science Advisory Board under three administrations, agreed with this estimate.

FACT

There is no evidence to support program critics' speculation regarding cost overruns or cost "soaring" to $3 to $5 billion or similar "guesses" on SST program costs to the Government. In fact, this was brought out in testimony by program critics before the Senate Appropriations Committee. When challenged by members of the Subcommittee on Transportation the testimony shows there were no facts to support the high estimates and they were admittedly speculative.

Although there is no one who knows what the final precise cost will be for the program, this certainly is not intended to imply that an increase of this magnitude over present estimates, such as General Quesada suggests, is reasonable. The precise source of General Quesada's or Dr. Garwin's estimates are unknown and in the absence of such information it does not appear reasonable that much credence should be afforded such speculations.

PROXMIRE'S STATEMENT

Mr. President, when this program got underway in 1963, President Kennedy told Congress that "in no event will the Government's share of the SST program go above $750 million".

We are already $100 million above that ceiling and in all likelihood the end is nowhere in sight.

FACT

In 1963, when the President initiated the SST Program and indicated that the Government cost would not exceed $750 million, he further said: "The cost of such a program is large—it could be as great as one billion dollars for a development program of about six years."

When President Johnson took Office, he established the Presidents Advisory Committee on the SST. This Committee, during its deliberations changed the nature and timing of the SST Program. This had a direct bearing on the cost of the program, but more importantly on the economic viability of the American SST. In 1963 the plans had called for 6 to 12 months of competition prior to prototype development and then flying the prototype within six years in order to compete with the first generation Concorde. The aircraft was small having a payload of about 150 passengers and a gross weight of approximately 350,000 pounds. The Johnson Administration decided that the American SST should provide significantly better operating economics than the Concorde and decided not to attempt to be in-service at the time of the British and French entry. Accordingly, they extended the competitive period to 30 months to enable the American manufacturers to design a larger, more economical SST. As a result of this competition, which cost approximately $300 million, the size of the payload and gross weight doubled. This enables the American SST to have attractive airline economics—the Concorde operating costs will be about 27% higher.

The current estimate is that the SST prototype program will cost $1,342 million when concluded in 1974. By de-escalating this figure to 1962 dollars it is $1,040 million dollars.

Another major cost factor is that the cost sharing plan outlined by President Kennedy was based on 75–25 percentage split with industry. In the final agreement the government agreed to finance 90% of the prototype program. Adjusting the $1,040 million to a 75% of the total cost, instead of the current 90% and it becomes $780 million in 1962 dollars.

This figure does not include the added cost of the 30 months of competition instead of the original 6 to 12 months. The total cost of this phase of the program was almost $300 million.

Taking only ½% of this cost from the above figure and you have an adjusted $630 million in 1962 dollars.

When you look at the cost management in its complete perspective you can see that the current program costs relate very favorably with the original planned cost of $750 in 1962.

PROXMIRE'S STATEMENT

Fifth, it is said that the SST's impact on the upper atmosphere is trivial, and of little or no concern.

FACT

Senator Proxmire says that statements like: "One SST carrying 300 passengers at 1,780 miles per hour will emit no more pollutants per mile than three autos traveling at 60 miles per hour;" or, "a total of 1,000 SST flights a day would put about as much water into the stratosphere as a single large thunderstorm" are specious and misleading.

The comparisons are not specious and misleading. They tend to establish a proper perspective concerning the effects of SST's on our environment. Opponents of the program neglect to make such meaningful comparisons. They choose to use large number and to take advantage of the public's lack of understanding of technical information to generate unfounded fears to accomplish their purposes.

For example, Senator Proxmire says without ozone it would be impossible for life to exist on this planet. This statement certainly is misleading. Of course, life on our planet is dependent upon many factors such as water, sunlight, oxygen and ozone. But no scientist has said that SST's are going to remove all of the ozone. The fact is that chemical theory shows that the direct effect of water vapor injected in the stratosphere would be to reduce the ozone content by a small amount.

Opponents of the program, however, have cleverly used this information to make it appear that water vapor from SST's might produce a hazardous effect. Environmental scientists who have seriously considered the effect of water vapor on ozone find that the SST effects on ozone will be imperceptible due to the variation of ozone from natural causes. In the real world it has not yet been established that an increase in water vapor will cause a decrease in ozone. Let's look at some real world data. The Naval Research Laboratory's J. Mastenbrook has been making accurate water vapor measurements in the stratosphere since the early 1960's (a difficult measurement due to the very dry atmosphere there), and there has been an upward trend from 2 ppm to 3 ppm over Anacostia, or an increase of 50 percent. No global decrease in total ozone has been reported for this same period.

Senator Proxmire goes on to say that Dr. James McDonald is a member of the National Academy of Sciences and was named by the Academy to look into the question of ozone depletion and ultraviolet radiation. Here again, the Senator from Wisconsin has his facts twisted. Dr. McDonald is not a member of the National Academy. He served on a subgroup on weather and climatic modification for the Academies Committee on Atmospheric Sciences. The report of that Committee has not been issued yet, and according to Dr. McDonald it will not be for two or three months. Incidentally, if McDonald is right about the effects of additional ultraviolet on skin cancer then cleaning up air pollution will increase the skin cancer rate. That is something to think about.

Senator Proxmire tries, of course, to discredit the SST Environmental Advisory Committee. Its Chairman was appointed not because he favors the SST. Dr. Fred Singer is no partisan of the SST project; in fact, he had previously opposed the flight of an SST over land because of sonic boom. He was appointed because he happens to be an expert atmospheric scientist and the Chairman of the Committee on Environmental Quality of the American Geophysical Union which is the major professional organization dealing with environmental problems. He has also published a book on global effects of environmental pollution, has served as the Dean of a School of Environmental Sciences, and has a distinguished record in and out of government as an advocate for a cleaner environment.

The members of his Committee as distinguished scientists in their own right. Dr. Kellogg, for example, was Chairman of the MIT-sponsored Study of Critical Environmental Problems which carefully estimated the environmental inputs of the SST into the stratosphere. He is also the Associate Director of the National Center for Atmospheric Research. The members of the Committee were chosen without regard for their personal views about the SST, and without regard whether they belonged to the Sierra Club. They were chosen for their expertise.

Senator Proxmire evidently didn't listen to Dr. Singer's testimony and quoted him, therefore, out of context. The thrust of his testimony was that by the time a decision on an SST fleet is to be made—and that can only be after the prototype has been tested—the environmental concerns should have been resolved. The whole thrust of the DOT research program which the Advisory Committee is shaping is to narrow the environmental uncertainties so that we predict with full confidence whether harmful environmental effects exist. Yet Senator Proxmire would have us turn down the development of SST prototypes before we have even got the answers to these environmental concerns. And concerns is all they are.

There is no hard evidence whatsoever of any harmful effects on the climate. Yet these concerns have been exaggerated all out of proportion by those who oppose the SST for their own reasons, other than environmental reasons. I can do no better here than cite the remarks of Admiral Rickover: ". . . . He said half truths are like half bricks, they can be thrown further. He also warned that such statements should be confirmed or disproved before taking action to stop progress."

Senator Proxmire would have us put his own experts on the Advisory Committee. Not a single one of the names he mentioned is an expert in atmospheric science, but they have a record of opposition to the SST. Now I ask you is this the way to obtain an impartial Advisory Committee? It is interesting that Senator Proxmire doesn't ask why Dr. James McDonald is not on the Advisory Committee. He is a known opponent of the SST and an atmospheric expert at the same time. Because of his expertness, his opinions have been taken very seriously by the Advisory Committee, and Dr. Singer so expressed himself in his testimony to the House. In fact, he flew out to Tucson to consult with McDonald. I want to introduce here into the record a brief report from Dr. Singer to Mr. Magruder.

In regard to an alleged increase in skin cancer rate produced by SST operations, Dr. Singer says,

"Professor James McDonald of the University of Arizona has hypothesized that operation of a fleet of 500 SST's will lead to the production of 10,000 additional cases of skin cancer per year in the United States. A preliminary evaluation suggests that this allegation is greatly exaggerated since it depends on a number of concurrent assumptions.

Nevertheless, it should be considered seriously. I therefore advise that, pending scientific review by the National Academy of Sciences' Panel on Weather Modification, our own Advisory Committee, the CTAB Panel, and perhaps by others, we immediately move to set up an experimental program to verify some crucial assumptions in Professor McDonald's chain of reasoning.

"Stated concisely, McDonald finds that the U.S. skin cancer rate varies by a factor of 8, from about 200 per 100,000 in the South to 25 per 100,000 in the North—over a latitude range of about 15°. The average ozone content is less by about 10 percent in the South than in the North. McDonald then ascribes about half of the skin cancer variation to the variation of ozone, and further argues that if the ozone is reduced by the SST, it will lead to additional cases of skin cancer. He presents arguments to make this correlation plausible, but no hard, direct evidence whatsoever.

"Following McDonald's presentation to the House Subcommittee, I traveled to Tucson on March 7 in order to examine firsthand any evidence and talk with McDonald directly. I did not find much beyond what he presented.

First of all, let us assume with McDonald that water vapor from SST operations would indeed reduce the ozone content in the stratosphere by 1 percent. Such a decrease has not been verified, but is suggested by theoretical calculations. (Experimentally, however, we find naturally occuring ozone variations which can range to about 50 percent or even more, during different parts of the year and from place to place, that are not related to water vapor changes.) Let us also accept that skin cancer is produced in susceptible individuals by exposure to solar radiation, with ultraviolet radiation probably most important.

"I am lead to believe that McDonald has greatly overestimated the importance of ozone. (1) He himself observes that the difference in cancer rates must have something to do with outdoor exposure to sunshine, and that the exposure rate is much higher in the South where people are outdoors more often and—most important—where the clothing cover is very light. (2) He has not adequately considered the effect of sun angle; i.e., that the larger average sun angle in the North means that the solar radiation will be filtered through a greater effective thickness of ozone and therefore that less ultraviolet will reach the surface. This greatly increases the South/North difference in ultraviolet radiation. (3) Another factor inadequately considered is cloudiness. McDonald pointed out to me that mean summertime daily hours of sunshine are only slightly higher in the North than in the South, but that must surely be due to the fact that days are longer in the North than in the South in the summer. This means also that the sun angle in the North during a cloudless hour will be typically much lower, and therefore ineffective in getting ultraviolet radiation to sea level. (4) Next, the effects of various kinds of air pollution must be carefully considered since ozone is not the only absorbant for solar ultraviolet radiation. (5) Finally, many older persons who are Caucasians and particularly susceptible to skin cancer have moved to the sunny South, from Florida to Southern California. How much of the difference in skin cancer rate is due to this migration?

"In spite of all these considerations, my advice still is that we immediately commence an ultraviolet monitoring program at a number of surface locations to observe the amount of radiation reaching the surface as a function of the amount of ozone in the atmosphere. In this way we can learn in a few months to what extent ozone changes really control the average ultraviolet radiation exposure.

"I might add that the words 'skin cancer' has an emotional connotation. While it is not a pleasant disease, skin cancer is rarely fatal. We experience 120,000 new cases every year, according to McDonald, which averages to about 1 in 1,000 for the population of European ancestry which is susceptible. That number could be reduced very simply by staying out of the sun more often."

I don't think you will find any evidence of bias here either for or against the SST. The Advisory Committee is simply trying to establish the facts, and where the facts cannot be established to see that the necessary research is done to obtain them. All reputable scientisst who have an input to make are heard and, in fact, they have been contacted directly.

The Advisory Committee has acted very responsibly in reviewing all available studies and they have concluded: (1) That the injections from the SST fleet would be well within the natural variations of stratospheric composition. (2) They have noted that all present estimates are quite conservative and therefore on the safe side. When the precise measurement program is completed, we will have numbers which will be in all likelihood much smaller but surer. (3) They have noted that there are offsetting effects where one kind of pollution overcomes the effects of another kind of pollution. For example, we heard from Russell Train about the water vapor which will cool the stratosphere, but we also heard from the SCEP Study about the particles which will heat the stratosphere. The net result might well be close to zero. (4) The Committee has concluded that there are other human influences on the stratosphere which will become more and more important with or without an SST. One of the interesting effects is the production of water vapor from methane gases which comes from the Earth's surface, and partly also from Wisconsin cows. When it reaches the stratosphere, the methane turns into water vapor which looks just like the water vapor from an SST, and it would have exactly the same effect on ozone. (5) Finally, we have to look at the alternatives. If air traffic increases, as it will, and we do not fly SST's, then we must carry the traffic in subsonic jets, and they could produce serious effects on the climate.

Why do Senator Proxmire and others who oppose the SST so conveniently forget that the SST produces few if any contrails in cruise flight but that 707's and 747's do and that if enough of them fly, they could enshroud the Earth in a haze which cuts down the amount of solar radiation reaching the surface. On this matter of the climatic effects of subsonic planes we want to quote directly from Senator Proxmire's atmospheric authority, Dr. James McDonald, in the statement which Proxmire introduced into the record where McDonald says as follows:

"Fears that the extremely large volumes of water vapor emitted from SST fuel combustion will lead to contrail formation and hence to development of long-persisting hazy stratospheric veils of slow falling ice crystals do *not* appear to be well founded." (Italics by McDonald.)

He goes on to say that SST's will fly at altitudes too high to lead even to *formation* of contrails and that serious climatic disturbance from these does not appear likely. What McDonald does not spell out, however, is spelled out by Professor Reid A. Bryson, Department of Meteorology, University of Wisconsin, in an article entitled "Climatic Effects of Atmospheric Pollution" sponsored by a National Science Foundation grant and published in the volume *Global Effects of Environmental Pollution*, Springer-Verlag, New York, 1970. Bryson says as follows:

"Since 1940 the effect of the rapid rise of atmospheric turbidity appears to have exceeded the effect of rising carbon dioxide, resulting in a rapid downward trend of temperature."

Part of the contribution to worldwide turbidity comes from the effects of contrails which are produced by subsonic planes flying below the stratosphere. Professor Bryson then calculates that with 3000 jet aircraft in the air averaging 500 miles per hour we will experience a 5 to 10 percent increase in cirrus cover in the North American-Atlantic-European area. He warns: "This is not negligible!" I must conclude that there are many people who oppose the SST and that they will use any device, including environmental concerns, in order to fight it. But I believe that from all we can tell now the environmental issue is a red herring.

Senator Proxmire also says the development of the prototypes should be postponed until environmental questions are resolved. The environmental questions that concern us pertain only to large-scale operation of commercial SST's—not prototypes. Research to enable us to determine the environmental impact of a fleet of SST's will be accomplished before decisions are made for commercial production of a U.S. SST. The prototype program, rather than a threat, is a means by which environmental questions can be answered and uncertainties resolved.

If the research program to be conducted by our Government clearly identifies a significant adverse climatic effect, then we in the United States would want to influence other countries already developing the SST to prohibit fleet operation of their aircraft. Of course, this would have a major economical impact on these countries and they are also well ahead of us in their supersonic transport development efforts. We would need irrefutable proof to make our arguments convincing. The fact that we have two prototypes in operation, coupled with the data obtained from our research program involving laboratory tests and use of smaller supersonic or high altitude aircraft we would be in an excellent influential position. Without the two prototypes, our arguments would be considerably weaker as the other three countries involved in supersonic transport development would have hundreds of hours of actual SST operation while we would only have the limited data obtained from our concurrent research program. There is no doubt but that the SST prototype aircraft will be extremely useful in confirming the climatic effects answers derived from the research program. The degree of data extrapolation would, of course, be significantly reduced resulting in a major increase in the confidence we would have in our answer.

Delaying the U.S. SST program to wait for the results of environmental research programs would not remove the potential environmental impacts, since other countries are now developing SST's for commercial production and because of the existence of military supersonic aviation. It is expected that sales of these foreign-produced aircraft will occur to United States and foreign airlines whether or not there are U.S. SST's available.

Thus a delay in producing U.S. SST prototype could produce significant economic losses for the United States without any decrease in potential environmental impairments arising from large-scale SST flights. The risk to the Government would be significantly increased since later market introduction would find the U.S. SST seven years behind the Concorde and in competition with advanced versions of the Concorde. Delaying the present program would result in dispersing the present SST engineers and manufacturing teams requiring their reassembly later at a significant cost. The manufacturers would probably also be unwilling to cost share in such a venture and a significant fundamental cost increase would result over and above the increase in cost from the delay. If we follow Senator Proxmire's advice, we would be flushing $1.1 billion in taxpayers' money down the drain without proof that it was a bad investment.

PROXMIRE'S STATEMENT

Sixth, that the SST produces less emissions than any other type of transportation.

FACT

It has never been the claim of the Department of Transportation that the exhaust emissions from the SST would be less than from other jet-propelled aircraft. What is true is that the gas turbine engines used in all jet-propelled aircraft, subsonic as well as the SST, produce less pollution per pound of fuel burned than do the engines for any other type of transportation.

PROXMIRE'S STATEMENT

Seventh, that the problem of sideline noise is now under control.

FACT

The effort made by the Department of Transportation and the two major contractors, Boeing and General Electric, in reducing the production SST noise level to meet FAR 36 is a clear case of the Government and its contractors being responsive to the expressed wishes of the public. This response has been made even though it requires noise levels below those agreed to in the development contracts.

The effect of meeting the noise levels of FAR 36 does not have to be the simple one of reducing range to keep the same payload or of reducing the payload (number of passengers) to keep the range. Both the range and the payload can be met with a small increase in the takeoff gross weight of the airplane, with no more than minor effects, if any, on airplane economics.

The trade-off of 50 n.mi. per PNdB quoted is an obsolete approximation and doesn't apply for large changes in noise suppression when the afterburner is removed from the engine and the newly developed noise suppression system is employed. With present-day knowledge the previous range/payload capability will be retained by a nominal increase in takeoff gross weight to less than 800,000 lbs. With further development it is anticipated a net increase in weight may not be required at the time of aircraft delivery.

PROXMIRE'S STATEMENT

Eighth, that there is going to be an SST anyway, so we have no choice but to proceed with our program.

This is not the first time we have heard this argument. Back in 1951, Senator Monroney introduced legislation to subsidize development of the first commercial jets. The Senate was told that the British and French were already underway with their programs, and would beat us out of the market if we failed to subsidize the American aircraft industry.

The Senate passed the Monroney bill, but the House wisely rejected it. It never passed.

Did we lose our leadership throughout the world? Not a bit. The private sector moved in and took over the U.S. aircraft industry, went on to become the greatest in the world—without direct Government subsidy. We now dominate commercial aviation. We supply 85 percent of all commercial jets throughout the world, because we did not have the Federal Government involved in it.

The SST represents the first time the Government is directly subsidizing development of a commercial aircraft. In my opinion, we would be far wiser to follow the precedent we set in 1951 and reject the subsidy.

FACT

Boeing built their "Dash 80" prototype in the period 1951–1954 on approximately $18 million of company funds partially offset by tax write-off. The USAF announced the purchase of the KC–135A tanker in August 1954 and the first production aircraft flew in August 1956. 200 KC–135A's were delivered by *December 1958* and eventually 820 of this military version of the B–707 were built. The first commercial B–707 received its FAA certificate on *September 23, 1958*.

Examples of improved air transportation resulting from U.S. Government support are:

Aircraft type, year, and *improvement*

1. Ford Tri-Motor, 1926; all-metal construction, multi-engine reliability.

2. Boeing 247, DC–2, DC–3 (Gooney Bird), 1933–36; longer range; higher speed and payload; 14ST aluminum.

3. DC–4 (C–54 Derivative), 1945; higher speed and payload; overwater operations; longer range; four-engine reliability; 24ST aluminum.

4. Constellation, DC–6 (C–69, C118A's), 1946–47; higher speed and payload; pressurization; longer range; higher cruise altitude.

5. Super Constellation, DC–7, DC–7C, 1953–56; higher speed, payload, and range; transcontinental flight time under 8 hours; 75ST aluminum.

6. Electra (Orion Patrol Bombers), 1955–59; turbine power; less vibration and noise; higher speed.

7. B–707, DC–8, (B–47, B–52, C–135, R6D, B66), 1958–59; jet power; speed; better passenger comfort; 7078S aluminum.

8. B–747 (C5A), 1970; wide-body capacity; high-bypass-ratio engines.

Each of these technological advances was preceded by a period of research and development, largely funded by the U.S. Government and in many cases accompanied by major U.S. Government procurement programs. For example, a consistent ingredient to each improvement was the development of new powerplants which were developed under U.S. Government auspices for military programs. Cabin pressurization, one of the major advances, was initially developed in the mid-1930's through Government-funded programs. Military R&D efforts for lighter, high strength, long fatigue life material have been directly applied to commercial aircraft programs.

This is only an abbreviated record of U.S. Government involvement in commercial aviation. The list goes on and on—component design, hydraulic and electrical systems, airborne and ground communications, navigation and air traffic control systems are a few of the other aspects that have been supported by U.S. Government funding.

PROXMIRE'S STATEMENT

Ninth, that the Government will recoup its money with $1 billion profit on the SST.

The return of $1 billion—which assumes the sale of 500 planes—represents a return of only 4.3 percent on the Government's money. With the Government paying 6 percent to use its money, the return of $1 billion would represent an actual loss as far as the Government is concerned.

Uncle Sam is going to lose money no matter what happens. If it does not work out and if we do not sell 500 planes, we will lose all of our investment.

FACT

The accusation has been unfairly made that even if the plane is a big success, the Government gets its money back with only 4.3 percent interest—less than the Federal Government pays for money it borrows. Keeping in mind that the Government does not compete with financial agencies on the rate of loans, the following points are made:

1. The 4.3% represents only the royalty return to the Government, considering the time value of money. In strict dollar terms, this is a $2.3 billion return for a $1.3 billion investment or nearly 50%.

2. Direct tax benefits of more than $6 billion are not included. Considering this aspect, the return is 16.7% on sales of 500 aircraft.

3. The related benefits of 150,000 jobs, over $22 billion swing in positive balance of trade, of technological fallout, of reduced adverse environmental effects as opposed to all SSTs built by foreign nations, of the international marketing advantage of demonstrated aviation leadership, are not included.

PROXMIRE'S STATEMENT

Walgreen uses other assumptions and arrives at 225 planes sold and 443 planes sold, respectively. If 225 are sold, the Government will lose $552 million, while manufacturers will come out ahead $1,689 billion.

Finally, if 443 planes are sold, the Government comes out $1.05 billion ahead; that is where the FAA gets its estimate. But while the Government is struggling to make its $1 billion, the manufacturers are raking in a cool $6,495 billion. Some sharing. This is a heads I win, tails you lose proposition, with the taxpayer getting the short end of the stick.

FACT

The above profit figures are obviously absurd, since they indicate either $10.8 million or $14.4 million profit per airplane, depending on what figures are used. However, no aircraft manufacturer in the past has been able to breakdown on less than 200 or 250 airplanes.

Boeing's profit for a 500-SST Program is estimated at a maximum of $4 million per airplane *before taxes*, after allowing for interest and commercal expenses. This is reduced to $2 million after taxes, or about a 5% margin, which is less than most manufacturing industries would be willing or able to make and stay in business. The profit level is only applicable to 500 units because the nonreoccurring cost is allocated over those units. For fewer units the profit per unit would be even less.

The Senator's statement seems to imply that it would be wrong for Boeing to realize a profit, after investing its own funds, facilities and key personnel for over 15 years without getting back one penny in return. If profits were not available, the various levels of government would have no tax funds to support the many health and education programs in existence today and into the future. Placing the aircraft industry in a second-rate position will only reduce the source of tax revenues in the future.

PROXMIRE'S STATEMENT

Tenth, that the SST prototypes should be built so that we can get the answers to the environmental questions.

FACT

The prototype aircraft will be useful in assessing the noise characteristics of the production aircraft from a total system viewpoint. Operational characteristics of the aircraft, of course, influence the noise pattern. The need for extrapolation of data obtained from an engine on a ground test stand to that predicted for four-engines mounted on an aircraft with the associated inlet, cowling, and nozzle hardware would be eliminated.

More accurate confirmation of the sonic boom characteristics of the aircraft can be achieved.

If the research program to be conducted by our Government clearly identifies a significant adverse climatic effect, then we in the United States would want to influence other countries already developing the SST to prohibit fleet operation of their aircraft. Of course, this would have a major economical impact on these countries and they are also well ahead of us in their supersonic transport development efforts. We would need irrefutable proof to make our arguments convincing. The fact that we have two prototypes in operation, coupled with the data obtained from our research program involving laboratory tests and use of smaller supersonic or high altitude aircraft we would be in an excellent influential position. Without the two prototypes, our arguments would be considerably weaker as the other three countries involved in supersonic transport development would have hundreds of hours of actual SST operation while we would only have the limited data obtained from our concurrent research program.

There is no doubt but that the SST prototype aircraft will be extremely useful in confirming the climatic effects answers derived from the research program. The degree of data extrapolation would, of course, be significantly reduced resulting in a major increase in the confidence we would have in our answers.

Mr. BIBLE. I simply want to take this opportunity to compliment the senior Senator from Colorado for one of the most powerful, and far-reaching speeches on the subject that I have heard since I have been in the Senate. I know he has worked in this field since 1961, and perhaps earlier than that, but at least since that time, as a member of the Independent Offices Appropriations Subcommittee, where this item came for review and justification.

I think his well-reasoned speech is the best argument for the continuation of the two prototypes and for the continuance of the prototype program that I have ever heard. I want to congratulate him on it and I hope he calls it to the attention of as many of our wavering colleagues as he can find. If they will read it and read it carefully, I cannot help but feel they will be persuaded by the logic and power of his argument.

Mr. ALLOTT. I thank the distinguished Senator for his kind remarks.

Mr. SAXBE. Mr. President, I have supported and will continue to support funding for two prototypes of the supersonic transport. The two prototype aircraft in themselves will have no significant adverse impact on the environment. Only the testing of prototype planes can prove, one way or another, the arguments about the effects of the SST. Should the development of prototype models, combined with ongoing environmental research, show serious ecological threats from commercial SST flights, I would be the first to call a halt. However, I feel that the SST will prove itself. Although the opponents of the SST are well-intended, they are often misinformed.

One of the hottest controversies concerns the effect of the SST on the stratosphere. Cruising at 60,000 feet, it would deposit water, carbon dioxide, and other gasses into the stratosphere. Opponents fear that the SST would destroy some of the ozone in the upper atmosphere reducing its capacity to shield us from the ultraviolet rays of the sun causing the earth's surface temperatures to rise, or taking the opposite view, it could form a cloud blocking the sun's rays, thus threatening to dangerously lower surface temperatures. Proponents of the SST deny both contentions. Military supersonic aircraft such as the UF–12 and the RS–71 have logged over one-third of a million hours in supersonic flight in the stratosphere. Careful investigation has demonstrated no ill effects from these flights, which have crossed the United States thousands of times. There has been no increased moisture in the stratosphere, no burning of ozone, and no increased radiation or other damage to the upper atmosphere. The quantities of particulate matter exhausted by the SST are not significant when compared to the stratospheric dust resulting from natural causes. Volcanic action puts hundreds of times more dust into the stratosphere than is potentially possible from an entire world fleet of SST's. Three volcanic eruptions alone have injected more particulate matter into the atmosphere than all of man's activities. Contribution of water to the stratosphere would be insignificant. A total of 1,600 transoceanic SST flights a day would put about as much water into the stratosphere as a single large thunderstorm, and there are 3,000 to 6,000 such storms around the world every day.

Opponents of the SST claim that noise created in the vicinity of airports and the sonic boom will be intolerable. The SST is not built to fly supersonically at low altitudes. It is designed to perform around airports just like subsonic jets, and normally will not achieve supersonic speed until 100 miles after takeoff. Because its boom, although not destructive to property, might annoy people on the ground, the SST will fly over land at the speed of about 700 m.p.h. This is too slow to create a boom effect. Over oceans, the boom will be mild. Flying supersonically over the oceans at 60,000 feet, the SST will create a boom with an overpressure of 2.5 pounds per square foot. This is equivalent to the pressure of a half-inch ripple on the surface and would not be noticed by most passengers on a ship and would not be harmful to aquatic life. The SST will be quieter than today's aircraft during takeoff and landing. The major effort now underway is directed at reducing sideline noise. William Magruder, SST project director, has announced that $30 million already has been spent to make the SST engines quieter than the 747's and that new noise suppressors will accomplish this.

Opponents have also charged that passengers will suffer from exposure to ultraviolet radiation in the stratosphere. Cosmic radiation is not an SST environmental program. For more than 2 years specially instrumented aircraft have been flying at supersonic cruise altitudes to collect radiation data. The findings indicate radiation levels for crews and passengers on the SST will be the same or less than that now experienced on subsonic aircraft.

Environmental fallacies have not been the only misconceptions about the SST. It has been charged that there is no real need for commercial air travel at supersonic speed. The SST will have a high earning power. Productivity in air travel is measured by multiplying the number of available seats per airplane by the speed. On this basis, the U.S. SST will be three times as productive as the British-French Concorde, twice as productive as the large jumbo jet and four times as productive as the basic jet in the subsonic fleet. The SST is designed to handle the tremendous growth in air travel which is forecast for the 1980's and the 1990's and to keep the cost of air travel within the means of the average American. There were 4,500 transports in the world's airline fleets in 1958. Today, with five times as much traffic as in 1958, 3,500 subsonic jet transports with their increased productivity over piston-powered transports are accomplishing the job. Had the industry not pressed ahead with the jet age, in spite of all the outcry of the critics of progress of the early fifties, we would today be choking the airways and airports with piston aircraft and would be causing significant environmental degradation. It is estimated that air travel will increase 200 percent by 1980 and 400 percent by 1990. It is projected that almost 75 percent of all intercontinental flights will be SST's by 1985. This would require about 720 additional 747's or about 1,200 Concordes to do the job of 423 SST's. The SST productivity will be necessary to relieve air traffic congestion.

Opponents have argued that we should be spending money to fight poverty and to advance other social and human resource programs. I agree that these programs should have top priority. However, I feel that the cost of the SST is justified. Royalties are due the Government on every SST sold. With the sale of 300 aircraft, all of the Government's investment will be returned. When 500 aircraft are sold, the Government will receive over $1 billion more than its investment. On the other hand, to cancel the program at this time would mean the loss of all of the $708 million appropriated to date plus approximately $60 million in termination costs. It is interesting to note that both the British-French Concorde and the Russian TU–144 are entirely funded by their Governments.

On the plus side, the SST will become a prime national asset, far beyond its primary mission of advancing air transportation. The effect of the SST on our economy will be dramatic. The recent unemployment has caused me great concern. The SST represents employment potential for more than 150,000 persons. Many of these jobs would go to Ohioans. Historically, a favorable balance of trade is nationally desirable. The U.S. trade advantage in other product areas has been diminishing. The aircraft account has been strong, and the SST exports will strengthen the account further in the years ahead.

The fact of commercial supersonic flight is upon us. The British-French

Concorde and the Russian TU-144 will be in service years before an American SST could be available. The question is whether the United States is going to participate. To sum it up the SST can contribute: jobs; a potential return to the Government of $1 billion; tax revenues; major support to our foreign trade balance; the safest, most comfortable, fastest, and cleanest transportation ever built; and continued technological and scientific advances for the benefit of mankind.

Mr. SCOTT. Mr. President, I was fascinated to read the lead editorial in this morning's Washington Post, dealing with the setting of priorities for the supersonic transport plane. The editorial left the clear impression that somehow the priority position—whether the SST is No. 1 or No. 8 or 9—or some other number in our scale of national priorities—was set by President Richard M. Nixon.

Whatever the priority placed on the SST—and I do not feel a numerical order can be placed on it—that priority was created long before the present administration came to office. Indeed, Mr. President, that priority, that decision, was first set by President John F. Kennedy back in 1961 when he decided to proceed with the SST.

For fiscal 1962, President Kennedy asked and got $11 million to begin the design work on the SST. By the time of his death President Kennedy had already committed nearly $100 million—a little less than a tenth of the total cost—to the project. By the time President Nixon took office there was no longer a choice as to priorities. Nearly three-quarters of the proposed budget for the SST had already been spent. No prudent man would toss aside with cavalier indifference, as one would a wornout slipper, nearly a billion dollars of tax moneys already committed to a project. Mr. Johnson determined to continue the project. Mr. Nixon determined to continue the project; that is, the construction of two prototype aircraft. And I would remind my colleagues that this is all this debate is about—two prototype aircraft, not a fleet of them.

The big gamble had already been made by the time the present administration took office. Most of the money has already been spent. If I may use a simile, the dice had already been cast and the national bets made.

I do not choose to dissent from anyone as to what level of priority has been set for the SST. I simply wish to point out to Senators who have read this editorial that whatever the level of priority, it was set 9 years ago, and not on January 21, 1969.

JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on today, March 23, 1971, he signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 23, 1971, he presented to the Administrator of the General Services Administration the following enrolled joint resolution:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

FURTHER CONTINUING APPROPRIATIONS, 1971

The Senate continued with the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, soon after the Congress convened in January, I felt that, since the continuing resolution would be up for debate before March 30, it would be well for the Appropriations Committee to hold further hearings on the subject of the civil supersonic aircraft development.

So, on March 10 and 11, the Appropriations Committee held hearings. It was my intention to develop new insights, new knowledge, and new information on the subject.

My good friend from Nevada (Mr. BIBLE) had previously held several weeks of hearings last year. I studied much of the record compiled at that time. The meetings that we had earlier in March were very fruitful. We had eminent scientists before us, and fine representatives from the airline industry. All of them were in agreement that we should go forward with the production of these two prototype planes.

Mr. President, I have listened with interest to the statements made concerning the origin of the SST program. I am proud to say that I was on the Independent Offices Subcommittee when we had the first discussions about the advisability of constructing a supersonic aircraft. Authority for such development stems from a provision included in the Federal Aviation Act of 1958, section 312(b). The point is that the program has been with us for almost 10 years, in fact. I was on the committee when we appropriated the original funds to start this work.

That first appropriation, $11 million, was actually made available in 1962, and $20 million in 1963. Those moneys were for research, which was carried out by the Federal Aviation Agency, the National Aeronautics and Space Administration, and the Department of Defense.

Much of the research work that resulted in the development of this plane was undertaken previously by the Defense Department. Personally, I think it would be a shame—almost a calamity—for us to permit other nations to take the lead in the production of these planes. Today, as was stated by my good friend from Colorado, more than 80 percent of the commercial aircraft in the world was produced in the United States. That export business has brought to our national economy in excess of $10 billion in the last 5 years. Certainly if another nation begins to produce a better plane than what we have available on the marketplace, they will get the business. I think it is incumbent upon us to provide these funds, and complete the construction of these two prototypes.

Much has been said that the Government might be required or expected to provide the funds to build the production plane after the prototypes are built and the 100 hours of flight testing are completed. Mr. President, neither the authorizing legislation or the bill we are now considering provides authority for the Federal Government to continue spending money on the production model of this plane. On the contrary, there is no authority in the law to spend any more money beyond development of the two prototypes. In the pending measure there is also a clause which reads as follows:

> SEC. 3. None of the funds provided by this joint resolution shall be available for the execution of a program for commercial production of a civil supersonic aircraft.

In addition to that, Mr. President, we have the statement from the President of the United States in his fiscal 1972 budget message to the Congress. What did he say? I read from it, on page 123:

> The manufacture and assembly of two prototype supersonic transports will near completion in 1972. These two aircraft will be completed and flight tested during 1973. Federal funds will not be required after the flight testing since the experience gained from this program should enable the aviation industry to proceed to the production of an economically efficient aircraft that will not create adverse environmental effects.

That is from the President of the United States himself. I wish to emphasize that should a request, or should any effort, be made to provide funds beyond the development of the two prototypes, the proponents will have to come back to Congress, and as far as I am concerned, I would join the opponents of further funding.

Mr. President, this development financing is nothing new. In the defense program, we have had many companies which have had the advantage of research and development in other fields. This is a more or less one shot affair, in order to provide opportunities for private enterprise to proceed and produce, on a commercial basis, supersonic airplanes.

Mr. President, unless we do that, there is no doubt in my mind that if a supersonic airplane is produced by other countries—and I am sure it will be—we will lose the markets we have had in the past.

I repeat that those markets have helped us in our balance of payments to the tune of more than $10 billion in the last 5 years. Certainly we should try to keep that going.

Mr. President, I ask unanimous consent that a table prepared by the Department of Commerce and headed "Balance of Trade—How the U.S.A. Is Doing" be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BALANCE OF TRADE—HOW THE U.S.A. IS DOING

[Dollars in billions]

	1965	1966	1967	1968	1969	1970
Other industrial machinery and parts	2.1	2.2	2.2	2.4	2.6	3.9
Civilian aircraft engines and parts	1.0	1.0	1.5	2.1	2.0	2.5
Chemicals, excluding medicinals	1.4	1.6	1.7	2.0	2.1	2.6
Construction and non-farm machinery	1.6	1.7	1.7	1.7	1.9	1.4
Hides, minerals, woods, etc	1.3	1.4	1.5	1.6	1.7	1.3
Electrical, electronic machinery parts	.8	.8	.9	.9	1.0	1.0
Business and office machines, computers	.5	.5	.7	.7	.9	1.2
Tobacco manufactured	.3	.3	.3	.4	.5	.4
Scientific, professional equipment	.3	.4	.4	.4	.5	.5
Consumer goods, except autos	−1.5	−1.9	−2.1	−3.0	−3.9	−4.8
Fuels and lubricants	−1.3	−1.3	−1.1	−1.4	−1.7	−1.5
Automotive vehicles, parts and engines	1.0	.5	.2	−.8	−1.4	−2.3
Building materials, except metals	−0.6	−0.8	−0.8	−1.1	−1.2	−0.9
Tires, rubber, resins, gums, etc	−.7	−.7	−.7	−.9	−1.0	−.3
Iron and steel products	−.6	−.6	−.7	−1.4	−.8	−.5
Other metals	−.7	−1.0	−1.1	−1.2	−.8	−.7
Paper and paper base stocks	−.7	−.8	−.7	−.6	−.7	−.4
Foods, feeds, and beverages	1.0	1.0	.4	−.5	−.5	−.3
Textile supplies and materials	−.1	−.3	.1	−.2	−.3	−.8
Steelmaking materials	−.4	−.4	−.4	−.4	−.2	−.2
Other	.2	.3	−.1	−.1		
Total	4.9	3.9	3.9	.6	.7	2.1

Source: Department of Commerce.

Mr. ELLENDER. Mr. President, as I understand it, these cost estimates are based upon firm contracts. The entire amount that will have been spent by the Government, through 1973, in order to construct these two planes, to operate them, and to fly them for 100 hours, is $1.342 billion. Boeing will have spent $228 million. General Electric will have spent $94 million, and the airlines $59 million, for a total of $1.723 billion.

This is partially set out in a table which appears on page 6 of Report No. 97–40 of the Senate Committee on Appropriations. I ask unanimous consent that the table be included at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GOVERNMENT AND INDUSTRY COST SHARING

[In millions of dollars]

	Government	Industry	Airlines	Total
Through Mar. 30, 1971	864	217	[1] 59	1,140
Additional to complete	478	95		583
Total through prototype phase	1,342	322	[1] 59	1,723

[1] Excludes $22,000,000 in delivery deposits—in escrow at Treasury.

Mr. ELLENDER. Mr. President, I think it is incumbent on the Senate to provide the entire amount that is being requested, for 1971, which is about $134 million in addition to the $156 million provided under prior temporary continuing appropriations.

If the money is to be forthcoming later from some source, or even from Congress, all the contracts would be subject to renegotiation, which could add a quarter of a billion dollars to the cost of these planes. These estimates are firm. They were made years ago and confirmed in the recent hearings.

I believe that the building of these two prototypes has gone far enough to assure us that they can be completed and flown for the amount mentioned. Prior to 2 or 3 years ago, there was very little vocal opposition to the program in the Congress or the country. Recently we have developed a strong public concern over the environment, and that is as it should be. I believe that our concern must be informed if it is to be effective, however, and it seems to me that a good deal of the information we have received on this subject cannot be substantiated in fact. No scientist of repute has been able to state with certainty what will happen. But at the hearings that were concluded on March 10, we heard a very eminent scientist, Dr. Leo Beranek, who is a renowned scientist in noise abatement work. I read from his testimony:

> In summary, based on the findings of the SST Community Noise Advisory Committee, there does not appear to be any technical reasons why a commercial supersonic transport cannot be built which will be acceptable with regard to noise. The airlines are presently evaluating two SST design configurations which can meet the noise standards of FAR–36. Out of these airline evaluations and others which undoubtedly will occur, we feel certain that a viable SST can result.

In addition, we have the testimony of Mr. Volpe, who is now Secretary of Transportation, wherein he states, in effect, that under no condition will these planes be permitted to fly if in any manner they endanger our environment. This is his language:

> If testing of the two prototypes or the concurrent environmental research show that the SST will do irreparable harm to our environment, I will do everything possible to insure that a U.S. SST does not fly in commercial service, and this is a commitment I make on behalf of this Administration.

In addition to this noise abatement expert, we had Dr. Fred Singer, who testified that we have enough technology now to treat any adverse effect that may possibly arise from SST operations. We also had Dr. William Kellogg. They are three eminent scientists.

Up to now, we have spent $864 million. We should not let that go to waste. Under the contracts we now have with private enterprise, if as many as 500 of these planes are manufactured, the Government will not only get back all its investment but also will make a profit of more than a billion dollars. That is important, but the first, most essential thing is for us to take step 1 and complete the development of these two planes so that we can test them and find out whether the dire results that have been predicted by the opponents will come to pass.

I am very hopeful, Mr. President, that the Senate will vote for this resolution as presented to it.

Mr. PERCY. Mr. President, I ask Senator PROXMIRE for 30 minutes.

Mr. PROXMIRE. I am happy to yield 30 minutes to the Senator from Illinois.

Mr. PERCY. Before the distinguished chairman of the Appropriations Committee leaves the Chamber, I should like to say that I have great respect for the tone of this debate, for the way it has proceeded, for the way it has gone along rational rather than emotional lines. But I should like to repeat the offer I made once before on the floor of the Senate: I will wager with any Senator, regardless of his age, that if he ever sees, in his lifetime or in our lifetimes, this billion dollars ever come back to the U.S. Government, I will give him 2-to-1 odds, I will give him 3-to-1 odds, I will give him 10-to-1 odds on a limited amount of wager, for the spirit, not the money involved in it.

Mr. ELLENDER. The Senator is very generous.

Mr. PROXMIRE. I calculated that the odds are, conservatively, 256 to 1 against the Federal Government getting its money back.

Mr. PERCY. Then, the 10-to-1 odds is again putting me in the category of being a fiscal conservative.

Mr. PROXMIRE. That is right.

Mr. PERCY. Mr. President, as the Senate approaches what may well be the last, crucial vote on the controversial SST program, it is interesting to consider the impact this long and heated debate has had on the Nation's press and public. Despite the volume and intensity of efforts to secure Federal funding, there seems to be an increasing commitment to end this wasteful project and turn our attention, our energies, and our financial resources to areas of surer and broader benefits to the public.

Even a cursory glance at recent editorials, columns, polls, and news articles reveals why the proponents of the SST have had to gear up their campaign; no one seems to want the SST, except perhaps the aerospace companies, their workers, and a handful of travelers.

In a column that appeared last week in the Washington Evening Star and other newspapers throughout the country, James Reston called the pro-SST campaign "one of the most vicious and misleading debates of the year." Mr. Reston observed that the pro-SST coalition is "paying little attention to the evidence of the economists and scientists who oppose the project, but is using every argument, no matter how feeble or false, to overwhelm rather than to persuade the opposition."

Only today, three of the most respected daily newspapers in the United States devoted considerable space on their respective editorial pages, pointing out the folly of continuing with the SST.

Writing in the Wall Street Journal, economist Allen R. Ferguson, formerly coordinator for international aviation in the State Department, states clearly and forcefully why the SST is not good business.

> The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it.

The New York Times analyzed the argument that the prototypes are needed for research without themselves posing any hazard to the environment and found it wanting.

> This prototype argument sounds open-minded and reasonable in the best pragmatic American tradition, but in this context—as its proponents well know—it is fundamentally misleading and irrelevant.

The Times concludes:

> The prototype argument is a fallacy. Prototypes could not test out the environmental issues and are not needed to test the economic issues. More tests are not the answer. The time has come for the Senate to say—"Enough is enough. Let us lay this white elephant to rest."

In today's lead editorial, the Washington Post hits upon what is perhaps the crucial point in the argument over the SST: where it stands in our system of national priorities, "the values that a government attaches to things."

The Post concludes:

> What is troublesome to us, and what is also so demoralizing about it to those who are resisting it (the SST) (is) this sense that the government must finance this gamble *as a matter of top priority* at a time when there is so much else to be done.

Last week, in urging that we ground the SST, Life magazine said:

> What finally swings the balance strongly against the SST, however, is the attitude of the airlines that would have to fly it. Elwood R. Quesada, the former head of the FAA who is now a director of American Airlines, says, "The airlines privately wish the SST would go away."

Department of Transportation spokesmen, in urging continued development of our SST, have stressed the competition posed by the British-French Concorde and the Russian TU–144. Japan Air Lines is often painted by them as one of the most eager to operate the SST and the most likely to purchase the Russian plane. Mr. President, I shall read the first two paragraphs of an important dispatch by Samuel Jameson, chief of the Tokyo Bureau of the Chicago Tribune. Mr. Jameson's article, datelined Sunday, appeared in yesterday's Tribune:

> As far as Shizuma Matsuo, president of Japan Air Lines is concerned, aircraft manufacturers can forget about developing the Concorde and other supersonic transports.
>
> Airline companies are being spun around in circles by the manufacturers who keep coming up with new planes.

Matsuo said in an interview here.

> It's all right with me if they don't make any supersonics.

In last Sunday's Washington Post the distinguished French author and statesman Jean-Jacques Servan-Schreiber concluded his analysis of the Concorde this way:

> The European SST looks to us, on this side of the Atlantic, like an industrial Vietnam.

Yesterday, in commenting editorially on Du Pont's announced decision to take its losses and discontinue Corfam, the Wall Street Journal drew a parallel between the demise of that expensive leather-substitute and the likelihood of failure for the SST. Like the SST following on the heels of the 707, DC–8, 747 subsonics, in the shoe market Corfam was more dazzling, in many ways better, and more expensive than its predecessor, leather. But competition and a price-conscious public drove Corfam, which was to "do for shoes what nylon did for stockings" off the market.

Lately the SST proponents have talked about having laid the environmental issues to rest, the implication being that all the answers are in hand or just around the corner. This is far from the truth. The Appropriations Committee heard one of the most distinguished atmospheric scientists in the world, Dr. Reginald E. Newall of MIT, suggest that it would take 10 years to get the answers to the questions about stratospheric contamination and weather interference.

The New York Times last week, March 17, editorialized on the claim that the sideline noise problem has been solved, pointing out that:

> The design changes increase the weight of the plane, reduce its cost efficiency, and thereby further jeopardize the profit prospects which have never been better than marginal.

The Times also observed that the promised goal of 108 decibels, heralded as a great technological and environmental breakthrough, is much too loud and follows on the heels of a recent National Academy of Sciences recommendation that the noise limits for Kennedy Airport should be reduced to 98 decibels by 1975, 3 years before the American SST would make its first commercial flight.

And, as the Chicago Daily News editorialized just last week, March 15:

> There's no separating the environmental and economic aspects, for it's the sonic boom—only one of the environmental drawbacks—that rules out the prospect that the SST can be a moneymaker. If it can't fly faster than sound except over water and frozen wastes, then it loses its chief reason for being, which is superspeed.

Writing in Chicago Today, March 3, columnist Jack Mabley has calculated that the $1.3 billion minimum cost to the taxpayers for the SST comes to $50 per family in Illinois. What will those Illinois families get in return? Very little, as less than 3 percent of the public now flies internationally. As Mr. Mabley observes:

> What the whole stupid project still boils down to is a means of getting a handful of well-to-do travelers across the ocean or across the country a couple of hours faster than they can make it now.

Mr. President, I submit that what our youth thinks about the SST is one of the most important issues before this Congress. The SST is heralded by its proponents as the plane of the future, the aviation workhorse of the 1980's and 1990's, the decades when our young people will be coping with the world they have inherited from us. Last month the Chicago Tribune published the results of a University Index survey which polled 1,097 students at 43 colleges and universities around the country. The students were asked to describe their attitude about continued development of the SST and to explain their reasons. The results are illuminating.

Over 70 percent of the students polled opposed SST development. "Very unfavorable" was the largest category with 41.3 percent, and "somewhat unfavorable" next at 28.8 percent. Only 16.6 percent called themselves even "somewhat favorable," and a minuscule 4.7 percent "very favorable."

According to the poll:

> Among the reasons given by those students who were against production of the transport, the plane's potential noise and air pollution outnumbered all other arguments by a margin of nearly two to one.

The Department of Transportation may feel confident the environmental issues have been laid to rest, but that confidence is not shared by those who will have to live with the SST, our young people.

Mr. President, I ask unanimous consent that the complete texts of these recent editorials and columns be printed in the Record. In them I find, and I believe a majority of Senators will find, ample reason to vote against continued subsidization of an airplane with which the American people have grown increasingly disenchanted.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Star, Mar. 17, 1971]

PRO-SST PROPAGANDA RUNS WILD

(By James Reston)

The most serious problem in Washington today—because it affects most other problems—is the decline in honest argument.

There has always, of course, been an element of propaganda in most political discussion, but now the techniques of advertising seem to be overwhelming the normal procedures of congressional debate, and the language in the capital is more inflated than the currency.

In its efforts to win congressional approval for the continued development of the U.S. supersonic transport airplane, the Nixon administration, with powerful support from the aerospace industry and the unions, is now paying little attention to the evidence of the economists and scientists who oppose the project, but is using every argument, no matter how feeble or false, to overwhelm rather than to persuade the opposition.

On the scientific front, a $350,000 advertising campaign has been launched by an organization called "American Labor and Industry for the SST," with the ads appealing to fear of Soviet domination of the international airways, and claiming that the SST, moving at 1,780 miles an hour "will emit no more pollutants per mile than three compact automobiles traveling at 60 miles an hour."

At sea, the ads say, the boom effect on the surface of the waters will be "comparable to the impact of a fisherman's spinning lure hitting the water."

On the economic front, William M. Magruder, director of supersonic transport development in the Nixon administration's Department of Transportation, argued before the House Transportation subcommittee that building the SST was going to be a good investment for the U.S. government, create as many as 200,000 jobs in the depressed aerospace industry, and help the nation's international balance of payments.

From right to left, some of the nation's most distinguished economists have denounced his testimony as a misleading fraud. The president of the American Economics Association, Wassily Leontief, a Harvard Professor, estimates that the project would create less than 3,000 jobs in the next few years, and that it would take 10 to 15 years before it would create 200,000 jobs.

"I find it disgraceful," said Milton Friedman, professor of economics at the University of Chicago, "that knowledgeable government officials should use arguments . . . that are demonstrable fallacies and have been so demonstrated.

"The economic selections of Mr. Magruder's testimony are special pleading of the most blatant kind. They display a willingness to drag in any argument, however disreputable, so long as it appears to support a pre-ordained conclusion. This is propaganda, not the honest and reasonable presentation of relevant evidence and argument that the public is entitled to from the servants it hires."

Walter W. Heller of the University of Minnesota, former chairman of the Council of Economic Advisers, is more specific in his opposition. "If the SST is such a profitable undertaking," he asks, "why does the U.S. government, i.e. the taxpayer, have to put up 80–90 percent of the development costs?

"As of March 30, the U.S. government has put up $864 million of the $1.009 billion thus far invested in this program.

"If private industry can't even take it from here . . . one can only conclude that the SST dismally fails the fundamental test of the marketplace. . . . The SST approach to job creation seems to say that no matter how questionable the priority of this project, let's push ahead with it because it preserves jobs in areas where aerospace unemployment is high.

"That's a little like saying that, as Vietnam winds down, we should start another war to restore employment in the defense industries and the Pentagon. . . ."

Richard R. Nelson of Yale calls Magruder's arguments on productivity "an intellectual scandal." Arthur M. Okun, of Brookings, another former chairman of the Council of Economic Advisers, characterizes the administration's job-creating argument as "nonsense and palpable nonsense."

Paul Samuelson, professor of economics at MIT, says: "We are faced here with a colossal economic folly.

"In this day, there is no excuse for pyramid-building to make work, and add to the nation's spurious glory . . . Any realistic cost-benefit analysis will reach the conclusion that at every stage in the history of this project, nonpolitical commissions have arrived—namely, that government subsidy of the SST or similar supersonic aircraft is at this stage of technology and economic development both an economic and a human disaster."

It is true, of course, that opponents of the SST have created their own lobby and their own selected evidence to place before the Congress, but the point is that the contradictory testimony, under present circumstances, is not being carefully analyzed and debated, and the SST argument is only the latest example of the general corruption.

The more the evidence has piled up against the SST, the more the administration, and its industrial and labor backers, have turned on the propaganda. It is the old question of special interests and regional interests, which stand to gain by a project, lobbying for votes with promises and political threats, and the pro-SST campaign is obviously making progress.

In the end the vote will be very close, but either way, the democratic process is likely to be the loser. For this has been one of the most vicious and misleading debates of the year and most of the time, the national interest has been lost in the turmoil.

[From the Wall Street Journal, Mar. 23, 1971]

Why the SST Is Not Good Business

(By Allen R. Ferguson)

The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not a good business.

It is economically unsound because it poses a problem that is largely new in aviation. Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engined piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.

With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

COST INCREASES

The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.

This would pose a serious problem of both domestic and international fare policy for the government. A policy that would be both efficient and equitable would require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set 25% to 30% above the corresponding fares of the subsonics, SST passengers would have to pay for the speed advantage, and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares. The pressed aerospace industry, and help the na- available to passengers in accordance with their willingness to pay. However, aviation experts simply do not believe that to most travelers supersonic speed will be worth what it costs. Consequently a fare policy that made broad economic sense would visit financial disaster on the whole SST venture.

If the SST is eventually reduced under federal support it is likely to be impossible for the U.S. government to insist on rational pricing of its services. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, letting the U.S. SST become a financial failure would be, to say the least, politically difficult. Obviously, to retain the appearance that the American taxpayers were recouping their investment in the SST, the government would be under great pressure to force many of them to subsidize the SST through excessive fares.

If, as is to be expected, there were little or no fare differential, travelers would presumably prefer the time-saving and would fly on the SST. Payloads on subsonics would tend to be depressed. Their early retirement from the affected routes would be forced on the industry. A larger and larger proportion of at least the trans-ocean fleets would become supersonic, and hence, to avoid losses, the fares on those services would have to approach the seat-mile costs of the SST. Thus, such a fare policy would almost certainly force fares on virtually all types of aircraft substantially above the level at which they would otherwise rest.

Given the effect of the SST on fares, the implications of "success" of the SST program are not hard to draw. First and most obvious, there would be less air travel than otherwise.

If air travel is constricted there will be less employment in the airlines, fewer aircraft will be needed and, hence, eventually perhaps less employment even in the aircraft industry.

DECREASE IN AIR TRAVEL

How much of a decrease in air travel could be expected is impossible to predict with precision, but in 1964, when the most recent sweeping reductions in trans-Atlantic rates went into effect, an average reduction of about 15% was followed by a 40% increase in travel. A major study of the sensitivity of the volume of travel to fares in the North Atlantic indicated that for each one-percent change in fares there had tended to be a two-percent change in travel. If this sensitivity in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic fleet.

These are the obvious direct consequences for the aviation industry of a technically successful SST program. They are at least among the reasons why many airline executives privately—and a few publicly—express reservations about the SST. There are other consequences. Since subsonics would be displaced at a faster rate than would otherwise be the case, the obsolescence of the recently acquired wide-bodied and other subsonics would be accelerated; consequently, depreciation and interest charges or equipment write-offs would be increased, reducing airline profits. The financial problems of the airlines would be aggravated. Their debt is now at historic highs; major carriers are incurring unprecedented losses, such as American Airlines' $10 million loss in the month of February. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems hardly prudent.

There is another serious adverse potential. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this relatively free and expansive arrangement has been increasing in recent years and has accelerated frequently in response to American innovations and to financial difficulties of foreign airlines. The introduction of the SST might induce major restrictions by foreign governments, removing one of the foundations on which American efficiency and pre-eminence in world aviation are based.

But what of the "threat" of foreign supersonics, the British-French Concorde and the Russian TU–144? Will the airlines of the world be forced to replace their American-built fleets with them—as is often alleged? Both these foreign supersonics are ahead of the U.S. SST. Both will probably prove technically operational But neither is certain. More important, some things about both are certain. Neither will be able to fly even New York-Rome non-stop, to say nothing of Los Angeles-London or San Francisco-Tokyo. Neither will be allowed to fly across the U.S. or across Europe at supersonic speeds. Both will be extremely costly to operate: Last November the British Aircraft Corporation announced that the Concorde's expected seat-mile cost would be 36% higher than that of the 747.

There is simply no way that such equipment can penetrate a large segment of the world's aviation market. Whether it penetrates any significant fraction of the U.S.-international market at all depends largely on the policy of the American government. Unless the U.S. government permits fares in international travel (over which it can exert considerable influence) to force travelers on the American-built subsonics to subsidize the Concore or the TU–144, they will have virtually no markets of significance—even if their remaining technical and operational problems are all solved.

This brings us to the question of American "aviation leadership." Aviation leadership consists of the leadership of our manufacturers and of our airlines.

It is clear that within the aviation community both at home and abroad the U.S. would certainly gain some "prestige" from producing a superior and ultimately dominant SST. Throughout the world there are many aviation authorities afflicted with that form of myopia which prevents their seeing beyond technoligical elegance to social and economic utility. But many aviation officials also do understand and would resent the economic and financial strains that would be imposed upon their own carriers by artificially premature obsolescence of their American-built subsonic jets, in the interest of U.S. prestige.

The consequences for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead: The world flies American equipment. The British failed to capture any significant fraction of the market with the technically premature Comet or the luxurious but costly VC-10. The U.S. leadership is soundly based on economic reality, not technological novelty. To jeopardize it with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at least, a most questionable choice.

Similarly, the U.S. airlines enjoy a highly prestigious, traditionally profitable and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elaborately inefficient vehicle is, at best, risky.

What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problms of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.

SUBSIDIES AND UNCERTAINTIES

Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.

Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.

Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

[From the New York Times, Mar. 23, 1971]

SST: THE PROTOTYPE FALLACY

Under pressure of repeated defeats in the Senate last December and in the House last week, the Nixon Administration and other advocates of the supersonic transport have retreated to what they hope is a defensible position. As the Senate prepares to cast what could be the final vote on this question tomorrow, SST advocates are contending that nothing more is at stake than the building of two SST prototypes. Surely, they argue, there cannot be any harm in going ahead with a couple of test models to obtain research data on disputed issues.

This prototype argument sounds open-minded and reasonable in the best pragmatic American tradition, but in this context—as its proponents well know—it is fundamentally misleading and irrelevant.

If the supersonic transport were in regular use, it is possible—not certain but possible—that it might eventually produce a sharp increase in the incidence of skin cancer. If this came about, it would be because the engine vapor introduced into the thin air of the stratosphere reduced the protective ozone, thereby permitting more ultraviolet rays to reach the earth. This result could not occur immediately but only after several hundred SST's had been flying every day for some years. For the purpose of finding out the cumulative effect of a huge fleet of planes, a few test flights by only two planes would be clearly irrelevant. Careful atmospheric research could find out the desired answers, but academic scientific experts believe that ten years would be needed.

The Boeing Company, chief contractor for the SST, envisages selling 500 or more planes. If that many planes were in regular use, they would possibly derange the life patterns of migratory birds and have incalculable effects on marine life. Birds, like humans, can withstand the isolated shock of one sonic boom, but that is entirely different from adjusting—if adjustment is possible—to a sonic boom every half-hour of every hour. Two prototypes could not provide quick answers to these imponderables.

The severe sideline noise produced by an SST on takeoff is another major argument against the SST, as no less an air enthusiast and expert than Gen. Charles A. Lindbergh has pointed out. It is unnecessary to build two prototypes to convince the public that the sideline noise can be reduced to 108 decibels. It can be brought down to that level if Boeing is willing to sacrifice some of the plane's cruising range or otherwise reduce its cost efficiency. But 108 decibels is not a satisfactory long-term value. As a Presidential commission observed in a report on noise pollution released over the weekend, existing noise levels are dangerous to health and becoming intolerable.

Two prototypes are unnecessary to decide the economic argument against the SST. It is beyond dispute that it would require another $477 million to build them. That is in addition to $864 million in Government funds already spent. Unless private financing can be found, another $5 billion would be necessary to pay production costs. Reputable economists have repeatedly testified that it is highly improbable that enough planes could be sold at a price that would reimburse the taxpayer for these enormous sums.

Since an Anglo-French combine has already built prototype of the Concorde, there is no reason to doubt that Boeing could produce a plane that would fly and be technically feasible. But feasible prototypes do not resolve market-place doubts about profitability. The president of Continental Airlines has already told a Senate committee that the Concorde is a fine plane but he would not buy it because he could not make money with it on the California-to-Hawaii run. Its seat-mile cost ratios are simply not good enough.

The prototype argument is a fallacy. Prototypes could not test out the environmental issues and are not needed to test the economic issues. More tests are not the answer. The time has come for the Senate to say—"Enough is enough. Let us lay this white elephant to rest."

[From the Washington Post, Mar. 23, 1971]

THE LIFT OF A DRIVING SST

There are limits to the amount of political capital that Presidents, however popular, have available to spend for the things they want from Congress and so it is always instructive to see how they ration it, and on which issues they are prepared to plunge most heavily. With the Nixon administration, for example, the really big expenditures—the massive, no holds barred lobbying efforts—have been on behalf of the anti-ballistic missile, and the President's unfettered freedom to wage war any way he likes anywhere in Indochina, and Judge G. Harrold Carswell. Which brings us now to the SST, for the real question in this conflict over government support for the development of a supersonic transport comes down, in the end, to a matter of priorities. It isn't just the money—what's left to be spent by the government and the taxpayer on this project is not very much. And it isn't just the unanswered questions having to do with the economics of the project or the environmental risks, although these are obviously imponderables that have to be taken into account. But more than all of this, it is the symbolism involved, the message you send forth, the kind of leadership you are offering, the sense of values you are demonstrating to this country and to the world at large.

Here, in fact, was a glittering opportunity for the President to give us that lift of a driving dream that he has talked so much about; here he could have placed himself in the vanguard of those whose first concern is to preserve this planet as a place fit to inhabit and to improve the lot of humanity. Instead he has unleashed his legislative liaison men to do battle for a project which can enhance the lives of a minute fraction of our populace. Some 3 percent of Americans travel by air internationally, by some arbitrary estimate, that figure is supposed to grow to 10 per cent by 1985. But even if you accept that projection, what we are really talking about is not tourists but a far smaller slice of international air travelers—businessmen who already have it made and are merely in a hurry to make more; it is said that their time and talent are precious and that supersonic speeds will allow them to arrive in Paris or Rome or Tokyo clear-headed and ready to do business without the awful inconveniences of "jet lag."

So that is where we come out value-wise, as it were. Our national security is to be measured in terms of the ease with which a few men can do international business—that and this matter of our continued supremacy as a world producer of aircraft. We are supposed to be scared into doing this thing by the threat that the British, with the Concorde which they are jointly building with the French, or the Russians with their TU–144, will sweep the boards. Well, our reading of European enthusiasm for this venture is considerably closer to that of Mr. Jean-Jacques Servan-Schrieber as set forth in an article on this page the other day; the way he tells it, the French are also beginning to question the sense of priorities implicit in an SST. Our own hunch is that American leadership could send the SST the way of the dirigible—that the British and the French aren't all that eager to produce their SST and that the Russians are not likely to take over the world market with theirs. And frankly, we doubt that this country's international stature would be diminished much even if the TU–144 scored some modest success, because this sort of prestige item doesn't pull people very much, not in the ghettos of America, and still less in the *favellas* of Latin America, or the slums of Africa. Nor is supersonic travel what is on the minds of the leaders of government in the Third World where the plight of people and the development of new nations is the principal concern.

But what of progress, and of the advance of science and technology? Our answer is that this is a faulty argument; if you believe the backers of the SST, we already know how to make it ecologically safe and economically sound. As for "progress," the atomic bomb was progress, but that does not incline us against the need for arms control and for a reduction of our arms burden in favor of more urgent needs. The superpowered automobile was "progress," but we have pretty much agreed, for our own safety, on upper limits on the speed and horsepower of passenger cars. So to be against the SST is not to be against technological advance but to raise the question about its pace and direction and to observe that there is ample scope for progress elsewhere—in housing and rapid transit and health care and all the rest.

The simple fact of the matter is that the campaign for the SST is being waged by special interests concerned with jobs and profits and sales, which is fair enough and basic to our system. So basic, in fact, that we would not object if the private enterprise system were to pursue this project with private financing, under adequate and strict federal safeguards.

But we would not welcome it, either, because we do not see the need. That is what is troublesome to us about the campaign in Congress on behalf of the SST, and what is also so demoralizing about it to those who are resisting it—this sense that the government must finance this gamble as *a matter of top priority* at a time when there is so much else to be done. It may be that the opponents are overstating their fears—though no more recklessly, we would judge, than the proponents are recklessly overstating their hopes. But what is distinctive about the arguments of the opponents (and we would like to emphasize this point today, because the last time we argued it in this space "distinctive" came out as "destructive") is that their concern is not narrowly tied to one industry's fate or to our national self-esteem; it is tied to the quality of life and the welfare of peoples and the values that a government attaches to things.

The Nixon administration promises us a dream. And it gives us the lift of a driving SST.

[From Life magazine]

LET'S GROUND THE SST

After a respite of only two months, the Nixon administration is back trying to pin wings on the SST. The Senate in December voted 52 to 41 to halt further funds for building two test models of the 1,800-mph supersonic airplane, but a compromise kept the project going until the end of this month. Now the SST forces are again asking Congress for money, and the anti-SST forces are vowing to kill it for good.

The time to decide the issue clearly is now. The project is at a good "stopping place," with actual construction of the airplanes just getting under way at Boeing Co., the SST's prime contractor. Already the federal government has spent $864 million on the project—putting up 90% of the money for the prototype phase, to be repaid by the contractors later if SST's are produced in quantity. By current estimates, it will require only $476 million more to build and test-fly the two prototypes. Halting the project doesn't create big savings right now, for the government might have to pay $100 million to $300 million in termination costs and refunds to the contractors.

Despite this arithmetic, the government should stop putting taxpayers' money into the SST. Its advocates argue that the U.S. must stay competitive with the Russians, whose supersonic Tu-144 is slated to begin scheduled flights later this year, and with the British and French, whose jointly developed Concorde has recently been test-flown. Otherwise, they darkly predict, foreign-built supersonic planes will someday reign supreme on the world's airways. Both the Concorde and the Tu-144, however, show signs of being economic white elephants. The seat-mile operating costs on the Concorde, for example, may run anywhere from 50% to 100% higher than on the Boeing 747, and passengers may have to pay stiff surcharge. Neither plane looks like a real threat to this country's dominant world position in jet aircraft manufacture, or to our ability to keep up with "the state of the art" in airplane design.

Some of the environmental arguments against the SST can be overcome, yet only by crimping the SST's style. Sonic booms are a major problem, but the government has already agreed that the plane will fly at supersonic speeds only over the oceans, and Congress could quell remaining fears on this score by banning forever any overland commercial flights capable of creating the thunderclaps. Somewhat scarier is the possibility that the enormous amounts of water vapor emitted by hundreds of SSTs flying through the stratosphere might deplete the ozone that shields us from excessive ultraviolet rays.

What finally swings the balance strongly against the SST, however, is the attitude of the airlines that would have to fly it. Elwood R. Quesada, the former head of the FAA who is now a director of American Airlines, says, "The airlines privately wish the SST would go away." Someday, says Quesada, an SST will make sense, but right now the airlines have enough troubles filling their new 747s with passengers, and they need a fairly long breathing spell in which to pay off these giant craft. By Boeing's own figures, the initial operating costs per seat-mile for the SST would be 15% to 20% higher than on a 747, and though Boeing thinks the SST would be truly competitive with the slower 747s by the mid-1980s, this is a far cry from the immediate cost-cutting bonanza enjoyed by the airlines when they switched over from piston airplanes to subsonic jets in the late 1950s.

In short, there is no prospect of a solid economic payoff that would justify the further gambling of government funds. If there were such a prospect, the airlines would be clamoring loudly for the SST—which they are not. Funds for its development, moreover, could be raised privately, and if not there would at least be a stronger case for government support than exists now. Besides, costs in such untried areas keep getting out of hand. The British and French governments have already spent $2.4 billion on the Concorde, far more than originally foreseen, and the U.S. could very easily find itself guaranteeing up to $3 billion of private loans before our first passenger-carrying SST ever took off.

The benefits of this huge governmental gamble would be enjoyed by amazingly few. Only 3% of Americans fly overseas each year on routes on which supersonic flights would be allowed. Those who fly frequently on such routes—business travelers, for example, who might *need* to get from New York to London in three hours instead of seven—constitute less than one percent of the population.

[From the Chicago Tribune, Mar. 22, 1971]

JAPAN AIR LINES DOESN'T WANT AN SST

(By Samuel Jameson)

TOKYO, March 21.—As far as Shizuma Matsuo, president of Japan Air Lines, is concerned, aircraft manufacturers can forget about developing the Concorde and other supersonic transports.

"Airline companies are being spun around in circles by the manufacturers who keep coming up with new planes," Matsuo said in an interview here. "It's all right with me if they don't make any supersonics."

Matsuo said J. A. L. had placed orders for three British-French Concordes "only to make sure we remain competitive." Whether it will purchase them is another matter, he said.

ALL WILL FOLLOW SUIT

"If one company buys one of the new planes, all of the airlines are forced to follow suit in order to compete. That piles up debts, intensifies competition and often leads to operating deficits," he said.

He pointed out that Pan-American, which competes with J. A. L. in the Pacific area, has ordered 15 Concordes, and said:

"If Pan-Am doesn't buy the Concordes, we won't either."

J. A. L. has placed an order for five American supersonic jets with the same thinking in mind, he said.

FEARS THEY'RE UNECONOMICAL

In addition to the noise problem, Concordes probably could not be operated economically, Matsuo said. If they were put into operation, special fares would be necessary, he added.

Matsuo, 68, will step down after 10 years as J. A. L. president to become chairman of the airline in June. He said the airline, which is 50 per cent owned by the Japanese government, would undoubtedly continue to press for landing rights in Chicago even after he leaves the presidency.

A diplomatic source revealed that the Japanese government is seeking to win Chicago landing rights as part of a deal in which the United States will return American-controlled Okinawa to Japan, probably in 1972. The Japanese proposal would allow Northwest, Trans-World Airlines and Micronesia Airlines [a subsidiary of Continental Airlines] to continue their present rights to fly into Naha, capital of Okinawa.

WOULD LOSE STATUS

After reversion, the Naha stop would lose its present international status.

Matsuo admitted that J. A. L.'s bid for Chicago landing rights, which has been brought up four times in governmental negotiations, has made little progress.

"There is nothing else left for Japan to concede to American carriers," said Matsuo, who has opposed an American bid to increase the number of unscheduled flights by supplementary carriers into Japan.

He said he didn't think it "fair to the commercial airlines which have spent years building up their scheduled services" to give extra business to supplementary carriers.

[From the Washington Post, March 21, 1971]

A European View of the Supersonic Transport

(By Jean-Jacques Servan-Schreiber)

(Note.—Servan-Schreiber, former editor of L'Express and author of "The American Challenge," is a deputy to the French National Assembly from Lorraine. The following is excerpted from a statement he submitted to Senator Proxmire, chairman of the hearings on the SST.)

The debate in the Congress of the United States on supersonic transport may remain in the history of the industrial state as the first truly universal debate. The problem is the same in each modern democracy—man and technology. Decisions of government and parliaments in each of our nations has immediate consequences on all others. In view of the SST debate there is no such thing any more as "natural independence." The multinational political decision at long last, confronts the multinational industrial complex. . . . France and Great Britain now have nine years' experience with supersonic transport and that experience can, perhaps, shed some light on this vital debate.

Every single cost analysis from the beginning has proved to be wrong. The cost of the [French-British] SST has multiplied here, as it will everywhere, four times since the initial evaluations. By all normal decision-making systems, it should have been canceled long ago, but the debate and the cost have for years been kept from the public. The facts have not been available until the most recent months when they could no longer be hidden.

Now the public eye is on the project and what it sees is bankruptcy. The Rolls Royce disaster of last month already looks small compared to the financial quagmire of the SST.

Not only those who had doubts about the project, but more and more former supporters of supersonic transport are now frightened by the project. Mr. Charles de Chambrun, a major political figure of the ruling party in France, making a special report for his parliamentary committee declared: "Even a superficial analysis now reveals to us the terrifying truth, on purely prestige projects (like the supersonic aircraft) we are throwing away billions with no hope whatsoever of any future commercial returns. So much so that we should urgently face these problems and if possible, before they become public scandals." Former Conservative Prime Minister Antoine Pinay, a cautious and respected man, who seldom speaks out in public, decided last week that he could no longer remain silent and came out flatly against it as an immensely costly gadget on taxpayers money designed for an incredibly few rich people, mostly North Americans. The impact of his unprecedented and violent attack is shaking the establishment and prefaces more defections from the pro-SST ranks among public figures.

If the number of persons in America that could profit by SST flights is evaluated, officially, at 0.5 per cent of the population, that figure in France is only 0.3 per cent—thus an unavoidable political assault, in a country like ours where housing, schools, hospitals, roads, telephone, urban problems are in such dramatic need of immediate attention. . . . In Paris, for instance, it has been revealed that over 70 per cent of housing dates back to 1920, and only less than 10 per cent has been rebuilt in the last 20 years. Also, Paris, considered the most advanced city in France, 52 per cent of housing is without central heating and 45 per cent has no internal sanitary facilities. Again in Paris, there is, today, one child care center for 2,000 working women with children.

For the first time since General de Gaulle left the public scene these truths are rising to the surface. A fundamental reappraisal of the whole range of public appropriations is the inevitable result. In face of these social scandals the SST has now few defenders. Only those directly concerned by the contracting industries are still openly in favor of the project.

Even if there were no problem at all of public opinion of urgent social needs, there are now even more pressing problems confronting the SST builders and their clients. We shall note here the latest developments in the first two months of this year.

The minimum transport capacity of the European SST was considered to be, as of last year, for any competitive use, 134 passengers per plane. After the first flight tests this capacity is now being reduced to 110, or less. At that level, the plane can be bought by Air France and BOAC only if it flies at full capacity on every flight. An impossible assumption, as any airline executive knows.

The flight distance of the European SST has also been drastically decreased. It is still considered able to fly from Paris and London to New York, but it is now officially admitted that it will not be able to fly from Berlin to New York and not even from Rome, Hamburg or Frankfurt. The use of the SST for European airlines is shrinking. Practically, the British and French clients are, at this point, left alone.

Maintenance costs for the SST climbed from the first estimated 30 per cent margin for present jet planes to 60 per cent at least, in the latest accounting. The initial and basic idea that the fare for an SST passenger would not be more than the first-class seat today on normal jet aircraft is abandoned. The SST passenger will have to pay at least 30 per cent more than the first-class fare. At that price level, company executives, not paying for their own travel expenses, will be the only routine passengers taking advantage of the new plane.

Finally, the latest requirements from airlines to add qualitative changes in order to lower the noise level and to make luxury flight more comfortable have been flatly refused by the builders as impossible within the present budget, already 300 per cent over the initial estimations.

Some major leaders of the pro-SST crusade have now decided in my country to express in public their unwillingness to continue the project under present conditions. Among them the Chief Executive of the SST program in Toulouse has considered it to be his duty to release, last month, some new facts and figures in an unprecedented press conference.

Since its first test flight in 1969, the SST prototype has flown less than 10 per cent of the number of hours of test flight that were planned as a minimum for testing the project. Also, he revealed, in anger, that the budgeted investments planned for the middle of last year had still not been allocated by the government.

He made public that, on the basis of the latest developments, a new postponement of test flights is unavoidable. What was planned to be achieved in 1973 will not be accomplished before the second half of 1974. Finally, he concluded, that all of this will cost an eventual loss of 50 SST commercial options per year and that one more delay, after the deadline of 1974, would simply see the European SST cancel itself out of any possible market.

The conclusion in France today, after a few weeks of publicly airing the facts, is that the project is, at a minimum, a commercial and financial disaster. Technologically it has lost most of its significance for two reasons. First, because the engineers and scientists are not permitted to continue their research due to budget limitations. Second, the only remaining technological fallout (supersonic flight experience) has lost its meaning since this aircraft will not be the first of its generation of planes, but the last. To create a new generation of aircraft a varied geometry wing system and new metal alloys were, and are, needed, but they have been abandoned.

It is a common belief among responsible politicians in this country that the concrete social problems of daily life in the cities of France and the dramatic problems of balance of payments in Great Britain are now converging to move public opinion in Europe against projects that contradict the elementary needs of the mass of the people. Ninety seven per cent of the population of France is not, in the least, concerned by the luxury of supersonic flying, but in anguish with the deterioration of urban life, the bankruptcy of public service in every city.

The European SST looks to us, on this side of the Atlantic, like an industrial Vietnam.

[From the Wall Street Journal, Mar. 22, 1971]

Of Shoes and Supersonic Planes

The demise of Corfam, the Du Pont Co. leather substitute, came as Congress prepared to decide the future of federal subsidies for the supersonic transport. It isn't stretching things much to suggest a relationship between the two developments.

Corfam was originally introduced in 1964, and its prospects seemed auspicious. Du Pont, after all, was the same company that brought out nylon, the fiber that was to make silk stockings obsolete. Corfam, the Du Pont marketing men promised, would "do for shoes what nylon did for stockings."

Hardly anyone questioned that Corfam was a superior product. It was durable, water repellent, easy to take care of. Although its price was fairly high, it was quite competitive with better-grade leathers. Yet it bombed.

Oh, a great many people bought corfam shoes. Du Pont estimates that there are now between 75 million and 100 million pairs in use. But competitors appeared, claiming to offer Corfam's virtues for less money. Shoe buyers became more price-conscious, and thus less willing to pay for the higher-priced Corfam shoes. So Du Pont finally decided to take its losses and quit the field.

Now, nobody questions that supersonic flight eventually will have a wide appeal. Any reasonable man, moreover, must assume that American technology can turn out a supersonic transport that will fly.

That leaves the question of cost and timing. With the timetable largely determined by federally subsidized development, would an American SST reach the market at the right time? Would it sell enough tickets, at high enough prices, to make the plane economic? The House vote to end federal subsidy must reflect doubts on that score.

The current troubles of the airlines scarcely indicate that the industry is ready to absorb a whole new class of planes. The SST doesn't really seem designed to draw the mass market that most analysts think the airline industry needs.

For our part, we'd like to see research continue, but we'd rather have private industry decide when and whether actually to build an SST. That might delay matters, but it also might make it less likely that the supersonic transport would crash like Corfam.

[From the New York Times, March 17, 1971]

CONGRESS VOTES ON SST

As a vote in both the House of Representatives and the Senate Appropriations Committee on the supersonic transport plane nears, the Administration and its business and labor union allies in the aircraft industry have joined in a major propaganda drive to squash the public's doubts.

Yet no new facts have been brought forward. The monstrous difficulties and dangers of the SST remain. The first difficulty is that the plane produces a sonic boom of such terrifying, excruciating loudness that it cannot be flown over land, at least not in any free country where the victims can also vote. Secondly, the plane on takeoffs is much louder than normal jets.

The pro-SST lobby has cleverly attempted to suggest in recent weeks that the noise problem has been "solved" by releasing expert opinions that certain modifications in the plane could reduce the noise level from 124 decibels to 108 decibels. There are two things wrong with this solution: the design changes increase the weight of the plane, reduce its cost efficiency and thereby further jeopardize the profit prospects which have never been better than marginal. The other thing wrong is that 108 decibels is still much too loud. Noise pollution is a worsening problem in every sizable community. Even at 108 decibels, the SST would barely reach the interim standard set by the F.A.A. in December 1969. The National Academy of Sciences has recently recommended that the limit for Kennedy Airport should be reduced to the more reasonable level of 98 decibels by 1975.

In addition to sonic booms and intolerable ground noise, the SST would pose risks to the oceans and the atmosphere. In routine operation on the New York-to-Paris run, planes flying at supersonic speed would carpet more than half the North Atlantic with sonic booms of an intensity of 2 to 4 pounds per square foot as often as every half-hour during peak summer travel. What would be the effect over ten or twenty years of repeated sonic booms, day and night, on migratory birds, on fish and other marine life, on the ocean itself? No one knows the answer. But the nation's foremost oceanographers and marine scientists have joined in a petition warning Congress against the easy assumption that supersonic flight across the oceans poses no risk.

An SST discharges vapor into the thin air of the stratosphere. The climatic and health effects are unknown at this time. Atmospheric research over a period of ten to twenty years would be required to find some of the answers. If the effect of the SST were to permit even a slight increase in the amount of ultraviolet rays reaching the earth, the number of cases of skin cancer would increase dramatically. It is Orwellian that men are prepared to take these risks, to manipulate mankind's only livable planet and its precious envelope of air for something so trivial as cutting the travel time to Paris by three hours.

The pro-SST lobby has put heavy emphasis on the economic argument. But to invest certainly $2 billion and more likely upward of $5 billion of Government funds in this project would be wildly irresponsible when there are so many urgent human needs that could be met with the same amount of money. Almost every well-known economist is on record against the SST on economic grounds. If the objective is to create jobs for the unemployed or to improve the balance of payments, there are quicker, cheaper, more direct alternatives.

The final argument is prestige. But where is the prestige if the plane proves to be one which no airline can operate at a profit? The Anglo-French Concorde has so far exceeded cost estimates that its future is still uncertain even though prototypes have been successfully flown. No airline in Western countries has ever bought a plane from the Soviet Union because spare parts and replacements from the U.S.S.R. are subject to political control. There is no reason to believe that the airlines will change policy with regard to a Russian-built SST.

In summary, there is no public demand for an SST, no social or human need to be met. If it is approved, it will be a triumph for a small group of companies with tremendous political pull. Any member of Congress who votes for the SST will be voting against the weight of scientific opinion and of economic opinion.

A vote in favor is a vote to waste public funds and to endanger mankind's environment. The materialistic, prestige-obsessed Communist bureaucrats in the Kremlin can proceed with this dangerous, expensive toy because they can ignore their own public opinion. The representatives of a free people can be expected to act in a more responsive and responsible manner.

[From the Chicago Daily News, Mar. 15, 1971]

FASTEST WHITE ELEPHANT

To build or not to build the SST: The question requires an answer from Congress by the end of the month, for the funding of the supersonic transport runs out then. Last year, Congress—grudgingly, agreed to a three-month extension into 1971, and then only because the issue had become so hot it interfered with adjournment.

It's still hot, and the vote is likely to be close. But as more evidence piles up in Senate hearings, it reinforces our opinion that no more public money should be spent on the SST.

It isn't good enough to say that we might as well go ahead and build two prototypes of the plane in order to find out how much they would pollute the air with gas and noise, and whether they could operate economically. Even if the pollution factors are minimized—and the administration has gone to great lengths to minimize them—the odds against economic success for this venture are mounting.

Actually, there's no separating the environmetal and economic aspects, for it's the sonic boom—only one of the environmental drawbacks—that rules out the prospect that the SST can be a money maker. If it can't fly faster than sound except over water and frozen wastes, then it loses its chief reason for being, which is superspeed. The time saved in transoceanic flights would be too little to justify the enormous extra cost.

The aircraft industry has of course led the fight to build the SST, but the hard-pressed airlines themselves concede they can't see the day when they could afford to buy and operate them. Their problem now is an oversupply of space for passengers in their new generation of jumbo subsonic jets. Air travel will doubtless resume its growth in the future, but it could be a long, long time before there is any demand for a plane that carries fewer passengers at a much higher cost. And by that time, perhaps the air transport industry can finance its own development instead of depending on the public to do it.

By that time, too, an impending fuel shortage may clinch the argument against the SST as the least efficient form of mass transportation known to man. Recent studies have shown that in terms of people or cargo hauled per mile per gallon of fuel, the SST is in a wasteful league all its own. It would carry only 13.6 passengers per mile per gallon, compared with 22 for the jumbo Boeing 747 (and compared with 200 for a double-deck passenger train).

So enormous is the SST's appetite for fuel that if the government's dream is realized and 500 of them are in the air by 1990, the fleet would consume 40 billion gallons a year. A little more than a decade ago, all forms of transportation in the United States put together used not much more than that in a year.

The more that is learned about the SST, the less attractive it becomes from any angle. The thing to do, it seems to us, is to put it on the shelf and study it, at least for a while, rather than sink more money into what could be the fastest white elephant in the world.

[From Chicago Today, Mar. 3, 1971]

HOW MUCH WILL YOU PAY FOR SST?

(By Jack Mabley)

The planemakers and subcontractors and politicians trying to ram the supersonic transport subsidy thru Congress are trying to wear down the opposition. With problems like the war and inflation and crime and bad schools, the SST isn't the sexiest problem to come down the pike this year.

Maybe interest would sharpen if we knew how much each of us must pay for the plane. The minimal cost to taxpayers is $1.3 billion. Illinois' share of that is $115.7 million. That comes to about $10 for every man, woman and child in the state, or $50 for an average family.

We won't get a bill from the government marked "$50 for Development of SST." But we'll pay, every one of us. There is no other source.

What the whole stupid project still boils down to is a means of getting a handful of well-to-do travelers across the ocean or across the country a couple of hours faster than they can make it now.

The arguments about stimulating the economy, providing needed jobs, aiding the balance of payments and competing with the French and British have been demolished by the most objective and well-informed people in these fields.

Milton Friedman, University of Chicago economist, and John Kenneth Galbraith, Harvard economist, don't agree on many issues. But here's what they say about the SST:

Friedman: "I oppose government financing of the SST as I oppose almost all other government subsidies. If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built."

Galbraith: "All jugments on the balance of payment effects of building the SST are purely speculative. By choosing the figures and selecting the assumptions, one can reach whatever results he wants—there can be a big adverse effect from an adverse tourist balance or a favorable effect from the planes sold.

"The truth is that these calculations are strictly fraudulent and should detain no one. What is certain is that the SST will cost a great deal of money that is needed for other things, and that it isn't needed."

Paul Samuelson, M. I. T. economist whose thinking won him the Nobel Prize, states, "The strongest political argument they can make for the SST is that it will make jobs. Any way that the U.S. government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs, and it would be a return to the outmoded depression philosophy of makework—in which men are hired to do useless things like digging holes and filling them up again, to increase jobs and purchasing power."

Nixon's people will argue that the government already has spent $860 million on the SST, and the money will be wasted if Congress doesn't appropriate another $210 for the next stage of development.

Mr. Nixon provided a precedent for that several weeks ago, when he halted work on the cross-Florida canal after more than $50 million had been spent, because a reexamination of the facts shows the negatives outweigh the positives in building the canal.

If we were an economically healthy nation, and had little poverty, and had schools that ranked with the best in the world, and had a death rate lower than most civilized nations, and the cities were in good shape, and our debt were going down, and the federal budget were not deep in the red—we could afford the SST, with the understanding it would be abandoned if it were found that the sonic boom could not be controlled or that the plane would pollute the atmosphere.

But there is so much that needs to be done, that giving priority to something as frivolous as a plane on which private industry won't risk money is governmental madness.

The SST is politically sensitive, and the vote in Congress may be close. This would be a fine time for people who care enough about that $50 per family to give their congressman a nudge thru the U.S. postal service.

[From the Chicago Tribune, Feb. 6, 1971]

Opinion on the Campus: SST Plan Has Little Support Among U.S. College Students

(By Daniel C. Beggs and Henry A. Copeland)

While arguments for and against this nation's development of a supersonic transport are waged vigorously by proponents and critics of the project, a recent poll shows that the proposal will find little support among the nation's college students. Other priorities for government expenditures, pollution and sonic booms weighed heavily on collegians' minds in opposing the project.

Interviewers at 43 representative colleges and universities polled 1,097 students by telephone for the most recent University Index survey completed the week ending Jan. 23.

The students were asked the following question:

"There have been several arguments for and against development of this country's supersonic transport [SST]. Arguments in favor of the SST cite the development of similar planes by other countries and the increased speed provided in transcontinental and intercontinental flights. Arguments against center on the high cost of development and the increased pollution of the atmosphere. Which of the following would best describe your attitude toward continued development of the SST?"

[In percent]

Very favorable	4.7
Somewhat favorable	16.6
Indifferent/undecided	5.2
Somewhat unfavorable	28.8
Very unfavorable	41.3
No opinion	3.4

The collegians then were asked to explain their reasons for either supporting or opposing the continued development of the SST in this country. Among the reasons given by those students who were against production of the transport, the plane's potential noise and air pollution outnumbered all other arguments by a margin of nearly two to one. Second most frequently cited was the substantial expense entailed in developing the plane. Coupled with this was the feeling among students that the huge funds for the SST could be spent better in other areas deemed more crucial to the country, such as in combating poverty and pollution.

Most frequently mentioned by students who favored the development of the SST was the increased technological progress which the plane would bring. Second most frequently cited was the perceived need for this country to maintain its world leadership in aircraft manufacturing and its potential impact on the United States balance of payments. Many students also cited the added prestige and competitiveness the plane would bring to the U.S. in world markets. The five most-frequently used arguments named by students, both pro and con, are listed below:

ARGUMENTS FOR THE SST

1. Technological progress which might accompany the development of the SST.
2. The maintenance of U.S. competitiveness with other countries in aircraft development.
3. Increased speed in long-range flights.
4. Economic benefits to the country [more jobs, etc.].
5. The solution of certain air and noise pollution problems through SST-related research.

ARGUMENT AGAINST THE SST

1. Possible increases in air and noise pollution by SST's.
2. Large expenditures required in developing the transport.
3. Funds for the SST could be better spent in other areas [poverty, pollution, etc.].
4. The apparent need for an SST is already being filled by existing aircraft [Boeing 747, etc.].
5. The increased speed of the SST is not really all that necessary.

Students holding Republican Party preferences were more inclined to support SST development than were their Democratic or "independent" counterparts, tho a slight majority of the Republicans [51%] were opposed to the transport. However, those students holding either Democratic or independent philosophies voted against SST development by a margin of five to one.

THE SST: A MATTER OF PRIORITIES

Mr. PERCY. Mr. President, on March 10 and 11, the Appropriations Committee of the Senate held hearings on the SST. John Gardner, chairman of Common Cause, had been invited to testify but was unable to schedule an appearance. At my request, he has made available the testimony he had prepared for these hearings.

Mr. Gardner's reputation precedes him. His stature does not require documentation when he addresses this body on the SST. In the same incisive manner in which he addressed the need to reorder national priorities in his recent book, "The Recovery of Confidence," he advises the Senate that—

> There is no more illuminative example of this nation's need to reorder its budgetary priorities than . . . the . . . request for another $290 million for the supersonic transport.

I shall not attempt to summarize his testimony. John Gardner remains his own best spokesman. However, I shall note for the Record that the views he expresses and the position he takes on the SST are those of himself and of Common Cause, the 100,000-plus member organization committed to changing national priorities through changes in congressional procedures, election laws, and legislation. In my judgment, when John Gardner speaks as an individual, that is reason enough for us to listen; when he speaks as the leader of this large and effective citizens' lobby, we have even greater cause to listen.

I commend Mr. Gardner's testimony to the attention and consideration of my colleagues, and ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Remarks of John W. Gardner

I am submitting this statement on behalf of Common Cause, a rapidly growing citizens' organization of more than 100,000 members. Its purpose is to work for changed national priorities, the most basic of which is reform and renewal of our institutions of government. Common Cause has been active in pressing for changes in Congressional procedures, reform of election laws, improvement of the welfare system and an end to the war in Indochina.

There is no more illuminative example of this nation's need to reorder its budgetary priorities than that this Committee should be hearing testimony on the Administration's request for another $290 million for the supersonic transport. To oppose the request one need not seek (as some opponents have sought) to prove that the supersonic transport project lacks any shred of validity. It is a matter of priorities. We stand at a moment in our national life when grave domestic problems are going unsolved for lack of funds. Every new spending proposal must be weighed against competing national needs.

It is against that background that we must assess the proposal that we spend a minimum of 1.3 billion tax dollars (and virtually everyone agrees that the cost will go much higher) on a project which is not only of questionable technical and economic merit, but involves possibly grave environmental dangers.

Most proponents of the SST reflect an attitude which I think we are beginning to outgrow. I cannot condemn them very harshly for the attitude, because most of us once shared it—but let me try to describe it to you.

For a long time in this country, we were in love with technology for the sake of technology, and also—it must be admitted—in love with bigness and speed and newness. And most of all, perhaps, we were in love with the idea that America must be first in everything.

But today we are re-examining those attitudes. Typically, some of our citizens are ready to go to the other extreme—to hate anything smacking of technological advance and to look back nostalgically to a simpler, more primitive time.

If we are really ready to behave like adults in this matter—and that question remains open—we will welcome technological advances that serve human needs. We will actively encourage technological progress but we will *never* fail to ask whether the progress is being achieved at the cost of other values, never fail to ask what a specific technological "gain" may mean for the quality of life, never fail to consider what kind of society we really want.

So we cannot listen with uncritical acceptance when proponents of the SST insist that it is the essential next step in technological progress, and that therefore we *must* take it. "It *can* be built; therefore it *must* be built."

Nonsense.

The question is, given the SST's putative advantages and possibly grave disadvantages, where does it stand in our scale of national priorities. We must ask whether, at a time when the nation is suffering grievous domestic problems, we wish to spend our tax resources building an enormously costly machine to cut a few hours off trans-Atlantic flights. Even the interests of those who make such trips would be better served, dollar for dollar, with improvements in airport access.

Proponents of the SST have made much of the argument that we cannot afford to fall behind other nations in this field. It is true that SST prototypes developed by the British and French governments and the USSR are flying. These are aircraft of aluminum rather than titanium, which is to be used in the American version; and they are smaller and slower than the U.S. craft is planned to be. Backers of the American SST argue that although we can no longer be first chronologically, we can put the best SST into the air. They argue further, that this is necessary to the American industry's future, that it will produce great profits and contribute positively to our international trade accounts.

To deal with the last point first, even assuming substantial foreign sales (and that's a big assumption), there is no economic case for subsidy of exports to aid international payments. Milton Friedman calls the balance of payments case for the SST a "red herring". Most of the fifteen economists who made statements of opposition to the SST voiced the same view.

With regard to the broader question of prestige, no one is asking that America default her leadership in aviation. We have already proved that we can develop supersonic craft. We will still lead the world in sales of the much more economical subsonic jet aircraft.

The Anglo-French SST (The Concorde) is in serious financial and technical difficulty. Its operating costs are estimated at double those of subsonic jets. No Russian aircraft has ever been marketed in any significant numbers in the non-communist world, and the TU–144, also a marginal airplane technically and economically, will almost surely be no exception.

America's international prestige does not hinge on so marginal a commercial achievement as the SST.

SST proponents argue that more than 500 aircraft will be sold at some $40–$50 million each.

Everyone recognizes that optimistic assumptions were used in arriving at this level of projected sales. The plain truth, recognized by everyone in the industry, is that no one knows how many could be sold. And the costs are going up, which could mean even fewer sales. If the costs of environmental protection devices (including development costs of quieter engines) are added to the selling price of the planes, as they should be, cost per plane will be substantially greater, and sales lower. (The government has argued that it would be possible to have an SST as quiet as a subsonic jet, but has not yet said who is going to pay for this very expensive development.) Another factor is that the aviation industry stands in substantial overcapacity and that the airlines themselves have misgivings about the plane—its cost, range, payload, premium fare and noise, plus the possibility it may be banned from airports around the world.

Proponents point out that the production level implied in the estimate of 500 aircraft would create 150,000 jobs. (Later estimates escalate this figure to 500,000—which is the sheerest fantasy.) We have already pointed out the shakiness of the 500 aircraft estimate. As of today, between 12,000 and 17,000 are employed on the development of a prototype. These are the jobs that are directly at stake.

The loss of any job hurts. But there are many other ways that the talents of these workers can be used, notably in mass transit and the anti-pollution field. Government and private industry should cooperate in working out this conversion.

The cities and states, financially strapped, cannot provide all the services the public needs. But on grounds of economizing, President Nixon vetoed a Public Service Employment bill that would have financed 250,000 sorely needed jobs in public agencies. Each of those jobs could have been created at only a fraction of the public cost of the SST jobs which are now the subject of so much debate.

One piece of pro-SST literature that has come to our attention makes the following claim. The SST will be: "The safest, most comfortable and fastest transportation ever devised. The cleanest transportation ever built, from the pollution standpoint. The quietest commercial aircraft ever built." This kind of public relations puffery must test the patience of reasonable men. The U.S. SST—as it is now planned—would be the fastest commercial craft. But its safety performance cannot yet be established. It would offer cramped quarters by comparison with the jumbo jets—though indeed the discomfort would be shorter-lived. The statement that it would be "the cleanest" is bewildering. Perhaps they are referring to the fact that because of faster turn-around time on trips, fewer aircraft would be in the air at any one time. But what is important is pollution per passenger mile. SSTs, according to Professor Rice of Carnegie-Mellon University, would produce less than half as many passenger miles per gallon of fuel than the automobile, and only about one-fifteenth the fuel efficiency of double-decker suburban trains. SST fuel efficiency is said to be only half that of the Boeing 747, so that a fleet of 500 SST's would require the equivalent of another major oilfield and another Trans-Alaskan pipeline.

There remains much to be proven about possible atmospheric dangers. We cannot evaluate the dangers, other than to say that they have been asserted by reputable scientists and not adequately rebutted by the government. A scientific advisory panel to the President's Science Advisor submitted a report on the subject, but the President never released it to the public. One wonders why. This circumstance does not build our confidence that the government's first priority is environmental protection.

But there is one environmental consequence of the SST that is virtually certain, and that is noise pollution. Even the proponent Department of Transportation agrees and has offered operating stipulations to ease this threat. The problem is that development of quieter engines may cost from $60 to $120 million, and that efforts to recoup these costs from users will cut into sales dramatically, just as will the restriction on flight over populated areas at speeds that would produce a sonic boom. The counsel offered by Charles A. Lindberg is worth repeating: "I do not now see any practical way to avoid the disturbance that would be caused by regular sonic booms. As a citizen, I feel we are already subjected to more than enough technological noises, and my vote will be against adding to the present noise level in any unnecessary way. I do not accept as practical or lasting the idea that supersonic transports would be flown at supersonic speeds only over water."

The government says that SST's will not be produced and flown if they are environmentally damaging, but in the same breath it argues that the program is a good public investment because some 500 of the aircraft will be sold. If this is anything more than double talk, it says that 500 planes will be sold despite the unpredictably higher costs of the quieter version. That cannot be regarded as a serious estimate. It is a propagandistic guess.

President Nixon says it would cost $277 million to terminate the SST contract. The amount is debatable—the Administration has not provided detailed documentation of its figure. Opponents say $80 million is a likelier figure. But even if the Nation paid out $277 million, it would save $300 million now and more in the future by terminating the project. Moreover, the costs of certifying the safety and feasibility of the plane are estimated at $600 million. If private capital for production is not forthcoming—and it now appears quite doubtful—then several billion dollars more will be requested of the government.

If development were carried to the production stage, we would have spent even more money and it would be just that much harder to extricate ourselves. The temptation would be even stronger to ignore threats to the environment, ignore the uncertain market for the plane, and plunge ahead in order to get back some of the taxpayers' investment. The project should be ended now and immediate steps should be taken to aid the conversion of affected workers to other uses of their talents.

I wish to thank the Committee for inviting me to present the views of Common Cause on this important issue. We hope they will help the Committee and the Congress in reaching a wise decision.

Mr. EAGLETON. Mr. President, this body debated at great length the President's 1971 fiscal year request for money to support the supersonic transport prototype program. The waning days of the 91st Congress were largely consumed in those discussions. The debate ranged from questions of national priorities to environmental concerns about the SST. Both sides of those issues were addressed extensively and eloquently. It seemed then that everything that could be said about the supersonic transport had been said.

But the exhaustive debates on the supersonic transport that have taken place in this body to date have been incomplete in at least one vital respect. At no time has debate considered precisely what the American public is being asked to forgo in return for the prototype supersonic transport.

If we approve the President's request, we must make a clear-cut choice between proceeding with the supersonic transport and pursuing other goals.

What are some of the alternatives—the things we are deciding not to do if we build the SST? What else could we do with the money and manpower we are asked to invest in a supersonic transport?

This body must answer these questions if it is to claim fiscal responsibility. Leaders on both sides of the aisle will agree with President Nixon who said, as a candidate, in 1968:

> Perhaps the current Administration's greatest failure has been its disinclination or inability to take on the hardest job in government—the setting of priorities. As a result, the aggregate size of the Federal Budget has risen to unacceptable levels . . . In this disciplined context, the entire budget needs exhaustive review from which major expenditure savings and revised emphases will surely follow. Some programs like post-Apollo space, highways, public works, the SST—must accept less than maximum funding; . . . every major program, defense included, must be scoured for economies . . ." (*Business Week*, September 27, 1968)

Today, I want to set forth just one alternate opportunity for the use of the SST funds.

It is a here and now proposition—not pie in the sky.

It would use existing facilities and existing manpower which are now underutilized to remedy existing problems—not create the possibility of new problems.

It would spread the benefits of the expenditure we are about to make through many States, rather than concentrating it in a few.

Rather than feathering the nest of a supersonic jet set, it would meet the real problems that beset Americans in their everyday lives—the needs of people who are old, or sick, or oppressed by a fouled environment, or just plain tired of paying out tax dollars and getting no real benefits.

I think the American people could use some down-to-earth solutions for a change.

What I propose is creatively to use our existing national laboratories, as well as university-related, federally funded laboratories and aerospace companies—and all the trained people who go with them—in a high priority program to apply our advanced research and technology to human needs.

I propose that we use the unspent portion of the 1971 SST appropriation—about $134 million—as well as the President's 1972 request of $290 million, for purposes such as research and development work on urban mass transit systems, health care delivery systems, ways of controlling land, air, and water pollution, research on crime control, energy sources and needs and other similar areas.

For the years following fiscal 1972, I suggest that we commit no less public money to this effort than would have been spent on the SST. Thereafter, expenditures should be sustained at a level commensurate with the demonstrated benefits of the program.

This proposal would be pie in the sky but for the fact that the vehicle for a quick start on these and other problems already exists. It is ready and waiting. It is the National Science Foundation's new unit called Research Applied to National Needs—RANN—which is specifically designed to stimulate the application of science and technology to down-to-earth problems.

Commenting on the reason why RANN was established, the Director of the National Science Foundation said:

> The National Science Foundation has as its central objective to support basic research and science education. In addition, however, it has become increasingly obvious that the Foundation has an important and perhaps crucial role to play, through the contribution of new scientific knowledge, in the struggle to alleviate a number of pressing national needs and problems. While we have had an on-going program of research on a variety of such problems, it is now apparent that a broader and more concentrated effort must be made towards their solution.

Mr. President, the RANN project is a plan for action—now. In selecting projects to be conducted through RANN, NSF focuses on those problems for which government, academic, and industry capabilities already exist—today—to mount successful research programs. RANN will focus its efforts on concentrations of governmental, academic, and industrial capabilities that already exist and where there is skilled, but at present idle or under-utilized, manpower ready to go to work.

I want to contrast what I have proposed with the SST prototype program.

The proponents of Federal funding of prototype development for the SST rest a part of their case on the need to rebuild a healthy economy. No one would deny that the aerospace industry has been among the most hard-hit in the current economic slump. Unemployment is high. Thousands of people have been laid off for long periods of time. Declines of this magnitude cannot easily be absorbed by any industry.

Unlike past declines that the aerospace industry has weathered, this one has resulted in the breakup and dispersion of expert teams of skilled people with proven ability. Teams of scientists, engineers, and technicians have been among the hardest-hit groups.

And the slow-down is not confined to private industry.

Highly trained individuals in governmental laboratories and in universities, as well as private industry, find themselves in "holding patterns." Too many of them are doing make-work projects of little consequence to them and of little consequence to society at large. They wait for a time when money will be available to do work that is rewarding to them and rewarding to all of us. Many leave the fields of scientific and engineering research entirely. With their jobs, many have lost their self-esteem and pride. And some may have lost the essential ingredient in the creativity that has characterized their work in the past—their capacity to think in daring terms and to pursue those thoughts to fruition.

Development and production of an SST is not the most effective way to create jobs. Both Nobel laureate Paul Samuelson and Prof. Milton Friedman agree on this point.

Samuelson says:

> In terms of the creation of American jobs, the sums squandered will be relatively ineffective. The same totals of expenditure can be applied in alternative directions so to better effect not only in terms of overall employment but also in terms of alleviation of surpluses of workers in particular occupational and regional categories.

Friedman concurs:

> On strictly economic grounds, the SST is an enormously costly way to create jobs. Except by attaching some dubious and unproved multipliers to the limited direct employment on the SST, one can't begin to match the job-creating power of a public service jobs program, or a housing program, or even a carefully selected program of consumer stimulus that could be mounted with the same funds that are involved in the SST program.

My proposal faces up to today's hard economic facts. It would put to work the highly trained and skilled available manpower in the aerospace industry and other high-technology areas. Moreover, it would insure that proved teams of highly trained individuals would be available to serve the aerospace industry when that industry needs their capabilities—as it undoubtedly will.

What could we actually accomplish?

Let me give you several examples describing the track record of the Atomic Energy Commission's national laboratories, Government-funded university-related laboratories, and the aerospace industry.

Argonne National Laboratory, a member of the AEC's fine laboratory system, has conducted research that includes work on a battery for vehicular propulsion and on a fluidized bed treatment of coal, looking toward solutions to the looming national energy crisis. It also has worked on artificial kidney research, research on a braille reader, and research on an implantable secondary battery for biomedical uses.

The AEC's Brookhaven National Laboratory has conducted research ranging from work on chemical dissection and therapy of brain disorders to research on ozone treatment of acid mine drainage that has destroyed tens of thousands of miles of streams and rivers in the United States. About 250 people will lose their jobs at Brookhaven on June 30.

AEC's Oak Ridge National Laboratory's efforts range from work on automated analysis of polluted water to solid waste disposal and smoking and health. Yet at Oak Ridge, 350 fewer people will be working after June 30.

AEC's Oak Ridge Associated Universities complex has conducted research on whole-body irradiation used to treat cancer.

AEC's Pacific Northwest Laboratory has done research on uranium mining hazards, as has the AEC's University of Rochester atomic energy project.

These are but a dozen or so of 68 environmental and health related projects being carried out in AEC laboratories.

A similar story can be told for Government-funded, university-related laboratories.

Since 1965 the Applied Physics Laboratory of the Johns Hopkins University has, for instance, done work in the development of advanced transportation and automotive systems, and is working on design, fabrication, and installation of an automated radar system in San Francisco Harbor. This will help prevent recurrence of the recent disastrous ship collision in San Francisco Bay and the resulting pollution. It has submitted proposals in cancer patient care, air traffic control, and in the detection and prevention of arteriosclerosis. None of these proposed programs would cost more than $500,000 per year.

Numerous other programs have been submitted to the Johns Hopkins Applied Physics Laboratory but not funded. Examples are an implantable artificial heart, a project for the diagnosis and monitoring of cardiac disease, a permanently implantable heart pacemaker, a program for the study of air pollution, and finally an investigation into the use of educational technology in the rehabilitation of handicapped children.

I have cited but a few random examples, both in AEC National Laboratories and in the Applied Physics Laboratory.

APL is but one of many similar installations. The Lincoln Laboratories in Lexington, Mass., the Lawrence Radiation Laboratory in Livermore, Calif., the Los Alamos Scientific Laboratory in Los Alamos, N. Mex., and the Jet Propulsion

Laboratory in Pasadena, Calif., all have similar capabilities.

I am not alone in my belief that Government-funded laboratories have a unique capability to contribute to the solution of some of our most pressing domestic problems. As long ago as 1969, Secretary of Defense Laird, the Director of Defense Research and Engineering, Dr. Foster, and Secretary of the Navy, John Chafee, all encouraged the greater use for the benefit of society at large of the capabilities in the national laboratories whose principal mission was defense-oriented. I ask unanimous consent that these three letters be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. Mr. President, I hasten to point out that the suggestions that I offer today do not conflict with, nor are they offered as substitutes for, the several retraining and manpower conversion proposals that have been introduced. What I propose will complement the retraining and manpower conversion proposals in several respects.

If my suggestions are acted on, scientists and engineers can be put to work almost immediately developing a base of new ideas and concepts that will generate a need for people to carry them out—creating the all-important demand for people retrained in manpower conversion programs.

Let me re-emphasize, however, that there are many individuals and teams in governmental, academic, and industrial organizations with existing capabilities to mount successful research programs. Many of them require little or no retraining. Given the financial resources, they could begin work tomorrow. These teams and individuals must not be ignored as we try to redirect our skilled manpower into new areas. They represent a quick-start, early payoff capability. There is no doubt that these individuals and teams will be called upon in the near future to begin work on precisely the kinds of questions and problems that RANN proposes to attack. The question before this body is simply how soon and how much—and time is short.

The proponents of taxpayer financing of the supersonic transport rest another part of their case on the value of technological "spin-off" and "fall-out." They assert that the SST prototype program, like the space program and a number of military weapons programs, will produce spin-off's that will provide benefits for all Americans. Teflon frying pans seem to be a favorite example.

The real value of technological spin-off from past space and military programs has been seriously questioned by some students of those programs. I also understand that this administration has been advised by one of its own advisory groups that the SST would provide little in the way of spin-off's beyond those already anticipated from other military and space programs.

The real question, however, is whether we can afford to wait patiently for spin-off that may just happen along, or whether we should make a positive effort to capitalize on the abundant product of past research to benefit the citizens who paid for it.

Technological spin-offs are crumbs. They fall to those waiting below the table. The overriding purpose of the meal clearly is not to make crumbs for those who wait, but to satisfy the requirements of those who feast around the table.

The time has come when the American people must be seated at the table. It is too much to ask the American public to continue to pay for the meal, but only receive the crumbs from it.

Only 5 percent of the population of the United States alive today would ever ride the SST. The few crumbs of technological spinoff that may fall to the rest of us in return for the use of our funds in the SST prototype program are just not enough to justify our investment. I daresay, moreover, that it will be a long time before the American public will get any financial dividend from a project our most astute bankers will not touch.

If the Senate decided to reorder our national priorities and to proceed on the general premise that the approximately $430 million now programed for SST prototype development could be used to provide greater benefits to more people, then these would be the results as I see them:

First. Answers to some of the urgent problems that affect all Americans.

Second. Creation of jobs for workers now in defense-related laboratories and aerospace industries, and prepared development of manpower retraining and conversion programs.

Third. Maintenance of scientific and engineering teams for future aerospace needs when private capital becomes available.

There are, in my judgment, more advantages for more people under my proposal. It is a positive alternative to the SST prototype development.

I am not opposed to the American SST. If the American SST becomes an economically, technically, and environmentally sound project, Boeing, General Electric, and the great American financial institutions will build and sell American SST's. I look forward to the time when that will happen. In the meantime, my choice is to defer further Government sponsorship of SST prototype development and instead to use that money on problems which affect all Americans.

I will vote against further funding for the supersonic transport and will instead press for the implementation of a program of the sort I have outlined.

Mr. President, I ask unanimous consent to have printed in the Record at this point a letter to me from W. H. Mautz, Assistant Director of APL, along with a complete list of the ongoing projects there, and a list of environmental and health-related research projects being conducted in AEC laboratories. Mr. Mautz's letter is particularly interesting for its discussion of the application of advanced technology to social needs. I also ask unanimous consent to have printed in the Record a list of civil-sector-related contracts performed by defense-related organizations and two articles which appeared in the March 12, 1971, issue of Science: The first, "Interdisciplinary Problem-Oriented Research in the University," by F. A. Long, and the second, "Unemployment: What Nixon Is/Isn't Doing To Help Jobless Scientists," by Philip M. Boffey.

There being no objection, the material was ordered to be printed in the Record, as follows:

APPENDIX A

THE JOHNS HOPKINS UNIVERSITY,
Silver Spring, Md., March 18, 1971.

HON. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: Mr. Lauren Walters of your staff informs us that you are interested in the difficulties associated with the entry of institutions which have been doing defense and aerospace work into programs aimed at understanding and alleviating critical civil and social problems. Mr. Walters felt that we might be of help in the particular case of university affiliated laboratories. In order to provide this assistance we have discussed below some of the central problems which arise when a university affiliated nonprofit organization attempts to initiate work on civil and social problems. We are including the names of a few possible contacts at similar laboratories which may be helpful to you. In addition, to give you a feeling for our program in this area I have attached lists of programs in progress, programs for which we submitted proposals but which were not funded, and programs for which we have submitted proposals but which have not been acted upon at this time.

There are a number of factors which make the movement into these areas rather complicated and slower than most of us would desire. Of course, the shortage of funds available to research in many of the socially related areas is very important; however, it is by no means the only major factor. The successful evolution of research and development programs in a mission-oriented area requires the delineation of fairly clear objectives into a well planned and systematic approach. For many of the social problems the fractionation of responsibility among a multitude of government agencies often makes the pulling together of a cohesive program most difficult. Most of the agencies concerned have not had the experience that the Department of Defense and NASA have had in organizing complex efforts on a large scale and have been more concerned, in their more limited efforts, with the support of research on an individual investigator basis rather than on the concept of integrated interdisciplinary teams carrying a systematic development through to a pilot operation stage. The result is that the methods of focusing modern technological approaches on our social and environmental problems are ones that will take time and major effort to evolve.

Another item which I feel should concern you is the problem of "matching funds". As you are probably aware, many of the agencies such as the National Science Foundation or the National Institutes of Health, for example, operate under the requirement imposed by Congress for cost-sharing by the recipients of grants. In the case of the nonprofit institutions in the country, and particularly so-called Federal Contract Research Centers like our Laboratory, which are devoted entirely to carrying out work for the United States Government, this poses a very serious difficulty because there are, in general, no nonfederally derived funds available to cost-share. There is a question as to whether the Congress has given the executive agencies the authority to alleviate this problem in attempting to put oragnizations such as APL/JHU to work on problems considered to be of great urgency. It is self-defeating to urge, on the one hand, such organizations to devote more effort to civilian areas and, at the same time, to impose rules that make it most difficult to do that very thing. In our medical programs, which you will find are a major part of our joint activity with the other divisions of the University, our cost-sharing has been achieved by the contribution of the time and support of our collaborators in the School of Medicine. Since the School of Medicine is in fact "running in the red", this mechanism is in some danger and certainly is not easily expandable beyond its present level. In some of the other areas in which we are interested, but in which there is no particular professional competence already in endowed divisions of the University, the mechanism will not be available at all. We are facing this problem head-on in terms of various programs we are trying to initiate in areas such as education of retarded and culturally deprived children.

Another factor which is acute for the University affiliated nonprofit institution is the lack of resources for supporting the sequential steps necessary to enter the newly emphasized critical problem areas. In order to institute programs in these areas, flexible support must be available to allow a sequence of prerequisite steps:

(1) Orientation in the new area. Understanding basic problems and relation to symptoms, etc.

(2) Selection of a problem for which the Laboratory has high prospects of making a significant contribution.

(3) The organization of collaborative interdisciplinary teams if the nature of the problem requires disciplines from other University divisions or other institutions.

(4) The generation of a specific viable program.

(5) Writing of a research proposal, and

(6) Waiting the 6–9 months between submission and support of a successful proposal.

You will note that even in an area where the Laboratory has the background experience and the necessary disciplines, steps 4–6 must still be supported to make a contribution in these national problem areas. For university affiliated nonprofits, such as the Applied Physics Laboratory, the support "in-house" for these activities is very limited.

We hope that this broad statement of "some of the problems faced by University associated research centers" may be helpful to you. Many of these observations are probably applicable to other free-standing nonprofit organizations as well as industrial organizations.

With respect to the Defense sponsored R&D centers, we believe you will be interested in the positive position taken by the Secretary of Defense in his letter of March 4, 1969 to other Cabinet Officers suggesting that the capabilities of the Defense sponsored Federal Contract Centers might assist those Departments in alleviating some of our serious domestic problems. Memoranda from the Director of Defense Research and Engineering to the Military Departments and the heads of Defense FCRC's in this regard are also included.

As Mr. Walters is aware the Applied Physics Laboratory, as a Division of The Johns Hopkins University, has since late 1965 been developing programs to bring the fruits of advanced defense technology to bear on problems of civilian concern, first with NASA and shortly thereafter with collaborative work with the Johns Hopkins Medical Institutions, and programs for the Department of Transportation, ESSA, NIH, Veterans Administration, Coast Guard, and HEW. In our fiscal year of 1966 approximately 7.8% of the staff was working on civilian programs. Currently about 17.5% of the staff are engaged on such programs.

I hope these materials will be helpful to you. Please call us if we can be of further assistance.

Sincerely yours,

W. H. Mautz,
Assistant Director.

Active Programs

The Johns Hopkins University, Applied Physics Laboratory.

Nuclear Medicine—$300,000 (5 years)—Radionuclide imaging system evaluation and optimization in collaboration with the JHU School of Hygiene and Public Health. Supported by National Institute of General Medical Sciences.

Myocardial Infarction Research Unit—$750,000 (5 years)—Development and implementation of patient data management, sensors and data processing for on-line patient monitoring. Supported by National Heart and Lung Institute.

Neurosensory Interdisciplinary Research Program—$1,125,000 (5 years)—Development search on neuromuscular applications and human communication. Supported by the National Institute of Neurological Diseases and Stroke.

Retinal Cinematography—$86,000 (3 years)—Development of a Fundus Camera for Retinal Cinematography in collaboration with JHU School of Medicine. Supported by the National Eye Institute.

Prosthetic Arm-Hand—$300,000 (3 years)—Interdisciplinary development and evaluation of an externally powered upper limb prosthesis in collaboration with the JHU School of Medicine. Supported by the Veterans Administration.

Three-Dimensional Radiography—$300,000 (2 years)—Development of prototype clinical equipment for three-dimensional radiographic imaging in collaboration with the JHU School of Medicine. Supported by National Institute of General Medical Sciences.

Advanced Transportation Systems—$635,000 per year:

Screening of proposed transportation systems which show promise for the solution of mass transportation problems. Supported by the Department of Transportation; and

Assistance in defining control system, components and performance criteria for the installation of an automatic system at the University of West Virginia (subcontract to system manager Jet Propulsion Laboratory) or $200,000.

Advanced Automotive Propulsion Systems—$159,000 per year—Study and development program for the application of flywheels to advanced automotive propulsion systems. Supported by the Department of Health, Education, and Welfare.

Fire Research—$470,000 (2 years)—Research and synthesis of existing knowledge on fires; the development of engineering technology and education in fire management. Supported by the National Science Foundation.

Marine Traffic System—$960,000 (2½ years)—Design, fabricate and install an automated radar system for traffic advisory service in San Francisco Harbor. This system will help prevent ship collisions and will thereby also help prevent pollution spills. Supported by U.S. Coast Guard of the Department of Transportation.

Data Buoy Location System—$27,000 (1 year)—Design a satellite receiving system for use aboard free-floating data aquisition buoys to provide position information. Support pending but expected from the National Oceanic and Atmospheric Administration, National Data Buoy Program.

River and Harbor Position Location—$49,000 (1 year)—Development of the definition of the capabilities required in a river and harbor position location system. Supported by U.S. Coast Guard of the Department of Transportation.

Loran Assist Techniques—$48,000—Development of equipment to be used in conjunction with LORAN to provide navigational information. Supported by U.S. Coast Guard of the Department of Transportation.

PROPOSALS SUBMITTED BUT NOT YET ACTED UPON

Interdisciplinary Ophthalmological Research—$1,250,000 (5 years)—Program of research and development in the understanding of basic ophthalmological phenonemna in the application of this understanding to clinical use. Support requested from the National Eye Institute.

Cancer Patient Care—$300,000 (4 years)—Application of technical and scientific expertise to diagnostic and therapeutic management of patients with cancer in collaboration with the JHU School of Medicine and to be submitted to the National Center for Health Services Research and Development.

Air Traffic Control—$500,000 per year—Development and implementation of radar signal processing and data processing for Air Traffic Control. Submitted to the Federal Aviation Administration, Department of Transportation.

Cooperative Biomedical Projects—$100,000 per year—Development of new instruments and clinical devices for programs in progress under existing grants in the Johns Hopkins Medical Institutions. Various funding agencies.

Clinical Engineering Task—$80,000 per year—Supply technological support to Johns Hopkins Hospital to use modern systems and instruments to handle patients and patient data reduce health care costs. Supported by the Johns Hopkins Hospital.

Detection and Prevention of Arteriosclerosis—$700,000 (5 years)—Develop new instrumentation to facilitate clinical studies from the pediatric to the geriatric to define protocols for the prevention of arteriosclerosis.

PROPOSALS TO BE SUBMITTED

Chesapeake Bay—(Applied Physics Laboratory participation in multiuniversity consortium)—On the environmental impact of growth in the Chesapeake Bay Region—an interdisciplinary study of the Bay ecology. This is proposed to be a collaborative effort with all Johns Hopkins University Divisions and several other institutions. The Applied Physics Laboratory's effort in the first year is budgeted at $160,000. The budget for subsequent years has not been established. To be submitted to the National Science Foundation (1971).

PROGRAMS SUBMITTED BUT NOT FUNDED

Short-Lived Radiopharmaceuticals—$2,314,000 (5 years)—Development of new short-lived radiopharmaceuticals for biomedical research using cyclotron-produced nuclides in collaboration with JHU School of Hygiene and Public Health. Funded by the National Institute of General Medical Sciences (1966) contingent upon a facilities request being funded.

JHU/APL Radiopharmaceutical Research Center—$490,000—Construction of a building to house the short-lived radiopharmaceutical research facility. Submitted to the Division of Research Resources, National Institutes of Health (1966). Not funded.

Instrumentation for Monitoring Cardiac Devices—$69,000—Development of transducer and telemetry instrumentation for pressure monitoring of artificial hearts and cardiac assist devices in collaboration with the JHU School of Medicine. Submitted (1967) to the National Heart Institute. Not funded.

Blood Flow Instrumentation—$94,000—Development of Blood Flow Instrumentation for clinical application in collaboration with the JHU School of Medicine. Submitted to the National Heart Institute (1968). Not funded.

Implantable Artificial Heart—$3,800,000 (5 years)—Development of ambulatory externally powered implanted artificial blood pump (heart) in collaboration with JHU School of Medicine. First proposed to National Heart Institute. Judged as engineering rather than research. Support sought from Hartford Foundation without success.

Presently, we are seeking support from health supply industry. Profit possibilities not attractive to industry.

Intrathoracic Pump—$157,000 (1 year)—Development of an intrathoracic pumping device for temporary total left heart bypass in collaboration with JHU School of Medicine. Subitted in 1969 to the National Heart Institute. Not funded.

Diagnosis and Monitoring of Cardiac Disease—$1,624,000 (5 years)—Interdisciplinary development of clinical procedures and devices for diagnosis and monitoring of cardiac disease in collaboration with JHU School of Medicine. Submitted to the Center for Health Care Research and Development (HEW 1969). Not funded.

Permanently Implanted Pacemaker—$149,500 (2 years)—Development of a permanently implanted externally adjustable demand pacemaker. Submitted (1969) to the National Center for Health Services Research and Development (HEW). Not funded.

Two proposals above were submitted to the then relatively new Center for Health Services Research and Development. One on an adjustable demand heart pacemaker and the other on monitoring and diagnosis of heart disease. The submission of the pacemaker proposal was enthusiastically encouraged by personnel of the Center. There was no explanation as to why they were not funded.

Visual Prosthesis—$315,000 (2 years)—Development of a Visual Prosthesis in collaboration with JHU School of Medicine. Submitted (1970) to National Institute of Neurological Diseases and Stroke. The Institute requested that a revised proposal with reduced scope be submitted.

Biomedical Image Processing—$1,230,000 (5 years)—Proposal for study of computer processing of Biomedical Data and Images in collaboration with the JHU School of Medicine. Submitted to Division of Research (NIH). Not funded. Related proposal later submitted to National Institute of General Medical Sciences. Not funded. The reviewing group recommended that one part of the proposal, the Three-Dimensional Radiography Project, be supported under contract. Eighteen months later (after the submission of a third proposal) the National Institute of General Medical Sciences funded the Three-Dimensional Radiography Project as a contract.

Air Pollution—$1,200,000 (5 years)—An experimental study of air pollution using remote electromagnetic probing and direct measurements of contaminant diffusion. Program is in collaboration with Brookhaven National Laboratory. Submitted to the National Science Foundation (1970). Not funded.

Educational Technology—$75,000 (first year)—An investigation of the use of educational technology in special education in collaboration with staff members of Johns Hopkins, University of Maryland, George Washington University and several institutions devoted to the rehabilitation of handicapped children. Proposal for planning grant submitted to National Science Foundation (1970). Not funded.

Weather Radar Signal Processing—$110,000—Application of pulse doppler radar processor to the study of rainstorm turbulence. Submitted to the Federal Aviation Administration (1969). Not funded; lack of funds.

APPENDIX B

ENVIRONMENTAL AND HEALTH RELATED RESEARCH FOR OTHERS AT AEC LABORATORIES

Sponsor	Title	Estimated fiscal year 1971 costs
Argonne National Laboratory:		
Department of Defense (DOD).	Battery for Vehicular Propulsion	$150,000
Do	2 Phase MHD System	70,000
Environmental Protection Agency (EPA).	A Study of the Fate of Carbon Monoxide in the Atmosphere.	29,000
Do	Air Pollution Episode Control Planning Agreement No. 690003.	118,000
Do	Air Pollution Land-Use Planning	74,000
Do	Chicago Air Model	11,000
Do	Development of the Integrated Puff Atmospheric Dispersion Model Computer System.	60,000
Do	Fluidized Bed Treatment of Coal	383,000
Department of Health, Education and Welfare (HEW).	Artificial Kidney	125,000
Do	Braille Reader	146,000
Do	Implantable Secondary Battery	192,000
Coordinating Research Council, Inc. (CRC).	A Study of the Fate of Carbon Monoxide in the Atmosphere.	63,000
Brookhaven National Laboratory:		
Department of Defense	Studies on Meningococcus polysaccharides	25,000
Environmental Protection Agency.	Ozone Treatment of Acid Mine Drainage	20,000
Do	Stable Tracers for SO_2	119,000
Department of Health, Education, and Welfare.	Chemical Dissection and Therapy of Brain Disorders.	108,000
Do	Radiation Studies re Cancer and Radiobiology Training Grant.	60,000
Department of the Interior (DOI).	Concrete Polymer	285,000
National Aeronautics and Space Administration (NASA).	Low g Effects on Tradescantia	83,000
National Science Foundation (NSF).	Superconducting Electrical Power Transmission Studies.	40,000
Department of Transportation (DOT).	Development and Use of the BNL Dose Equivalent Meter for Measurement of Radiation Levels at Elevations of 20,000–70,000 Feet.	30,000
American Heart Association (AHA).	Environmental Genetic Interactions in Hypertension.	12,000
The Population Clinic, Rockefeller University.	Effects of Progestogens on Serum	26,000
Lawrence Radiation Laboratory—Berkeley:		
National Aeronautics and Space Administration.	Heme Catabolism	27,000
Los Alamos Scientific Laboratory:		
Department of Health, Education, and Welfare.	Application of High-Speed Flow-System Methods of Cell Analysis and Sorting to Cancer-Related Cell Populations.	$150,000
Do	Microfluorometry of Cell Cultures	78,000
Do	Study of Potential of Reversibly-Arrested Cell Populations for the Screening of Certain Anti-Neoplastic Agents.	17,000
Oak Ridge National Laboratory:		
Environmental Protection Agency.	Application of Cross-Flow Filtration to Pollution Control Problems.	102,000
Do	Automated Analysis of Polluted Water	74,000
Do	Cooperative Gas Aerosol Study	13,000
Do	Hydrodynamic Control of Flux of Cellulose Acetate Membranes Used in Hyperfiltration of Municipal Sewage Effluents.	82,000
Do	Hyperfiltration of Sewage Effluent	80,000
Do	SO_2 Absorbers	31,000
Do	The Development of Electrochemical Air Monitors for Chlorine and Chlorides.	25,000
Department of Health, Education, and Welfare.	Biological Separations	563,000
Do	Clinical Analyzer	271,000
Do	Co-Carcinogenesis	1,717,000
Do	Desalting Protein Solutions	32,000
Do	Electron Microscopy	121,000
Do	Environmental Mutagen Information Center	20,000
Pacific Northwest Laboratory:		
Department of Defense	Critical Atmospheric Turbulence	114,000
Environmental Protection Agency.	National Precipitation Washout of Sulfur Dioxide	94,000
Department of Health, Education and Welfare.	Dissipation of Heat	35,000
Do	Uranium Mining Hazards	421,000
Puerto Rico Nuclear Center:		
Department of Agriculture (DOA).	Irradiation Control of Sugarcane Borer	6,000
Savannah River Operations Office:		
Environmental Protection Agency.	Construction of 6 Stream Channels	40,000
University of Rochester Atomic Energy Project:		
Department of Health, Education and Welfare.	Uranium Mining Hazards	119,000
Total for the 68 projects listed		11,424,000

RECENT CIVIL SECTOR SYSTEM-RELATED CONTRACTS PERFORMED BY DEFENSE-RELATED ORGANIZATIONS

Contractor	Description	Customer	Completion date and/or duration	Contract amount
Aerojet-General (Von Karman Center)	California waste management	California Department of Health	6 months, August 1965.	$100,000
Do	Solid waste study, compilation of information	U.S. Department of Health, Education, and Welfare	7 months	60,000
Do	Solid waste management study for Fresno area	California Department of Public Health	24 months	175,000
Aerojet-General (AERTON and Von Karman Center).	Industrial waste water pollution treatment (demonstration plant).	Federal Water Pollution Control Administration	15 months, May 1968.	323,500
Aerojet-General	Salinity balance model for Santa Ana River Basin	Southern California Regional Pollution Control Board	[1]	[1]
Do	Special equipment for recording dam bank pressures	California Department of Water Resources	[1]	[1]
Do	Data for Elko, Nev. weather modification experiment	Desert Research Institute, University of Nevada	12 months	30,000
Aerojet-General (AETRON)	South Bay aqueduct control model	California Department of Water Resources	Late 1967	772,000
Do	Automated ship control systems	Jacksonville Shipyards	do	700,000
Do	do	Defoe Shipbuilding Co	April 1968	350,000
Aerojet-General	Sack-parcel sorter	U.S. post office	[1]	5,400,000

Footnotes at end of table.

RECENT CIVIL SECTOR SYSTEM-RELATED CONTRACTS PERFORMED BY DEFENSE-RELATED ORGANIZATIONS—Continued

Contractor	Description	Customer	Completion date and/or duration	Contract amount
Aerojet-General	Management and information system for community action programs.	Sacramento Area Economic Council	(1)	$24,000
Do	Total education information system	California Department of Education	(1)	89,900
Aerojet-General (Space General)	Prevention and control of crime and delinquency	California Youth and Adult Corrections Agency	July 1965	100,000
Do	Welfare report	California Department of Social Welfare	March 1967	225,000
AVCO Corp	Coal vaporizing research study through pilot plant	Interior Department, Office of Coal Research	(1)	1,821,000
Burroughs Corp	Letter-sorter	U.S. post office	(1)	6,123,532
Fairchild Hiller (Republic Aviation Division).	Feasibility study of a prototype safety car program	New York State Department of Motor Vehicles	1966	75,000
Do	Phase II development prototype safety car program	do	1967	285,000
Garrett Corp. (Airsearch Division)	Feasibility of linear induction motors in high-speed ground transportation.	U.S. Department of Commerce	12 months	72,943
Gulton Industries	Blue Mesa Dam, Colo., supervisory control. Digital telemetry and closed circuit TV system.	U.S. Bureau of Reclamation	Summer 1966	106,000
Hughes Aircraft Co	Literature survey on the command control of high-speed ground transportation systems.	U.S. Department of Commerce (OHSGT)	1965	2,500
Institute for Defense Analyses	Sonic boom	U.S. Department of Commerce	Nov. 30, 1964	65,000
Do	Air traffic control (North Atlantic area)	Federal Aviation Agency	June 30, 1965	137,000
Do	Air travel demand 1970–90 (SST)	do	Dec. 31, 1966	219,500
Do	PPB for universities	American Council on Education (Ford Foundation grant)	June 30, 1965	[2] 28,000
Do	Office of Economic Opportunity administrative management program information system.	Office of Economic Opportunity	Feb. 28, 1966	194,000
Do	Law enforcement and criminal justice	President's Commission on Law Enforcement and Administration of Justice.	Apr. 30, 1967	[3] 498,000
Litton Industries	Appalachian regional development	U.S. Department of Commerce, Area Redevelopment	(1)	130,000
Do	Economic land use	Greek Government	4 months, 1966	125,000
Lockheed Missiles & Space Co	Design of a statewide information system for California	California Department of Finance	6 months, July 30, 1965.	100,000
Do	Analysis of a statewide information system	Massachusetts	June 30, 1966	(1)
Do	Information system	Alaska	(1)	(1)
Do	Regional education technology laboratory	U.S. Office of Education	September 1967	88,000
Do	Analysis of professional and vocational training standards.	California Department of Professional and Vocational Schools.	(1)	(1)
Do	Medical service information system	Mayo clinic	12 months, 1968	(1)
Do	Disaster casualty management system	Texas Hospital Association	(1)	80,000
Do	Blood bank information system	Los Angeles	(1)	(1)
Do	do	Sacramento	(1)	(1)
Do	do	Contra Costa County	(1)	(1)
Do	Conceptual design of a 50 m.g.p.d. desalination plant	Office of Saline Water	(1)	(1)
Lockheed International	Transportation system in the Sudan	Agency for International Development	32 months	(1)
Melpar	Instrumentation equipment and research for test cars	U.S. Department of Commerce	28 months	1,107,907
MevA Corp	Regional economic impact of Bridge and Marble Canyon Dam.	U.S. Bureau of Reclamation	1965	(1)
Do	Domestic water use planning	California Department of Water Resources	6 months, Oct. 1, 1965.	27,000
Do	System concept for Pilot River Basin	U.S. Bureau of Reclamation	1966	(1)
Do	Pilot program for Pilot River Basin	U.S. Geological Survey	1966	5,000
Do	Design of flood control center	California Department of Water Resources	1966	5,000
Do	Study of automobile rear-end collisions	U.S. Bureau of Public Roads	24 months, 1966–68	343,000
MITRE Corp	Technical support of major system programs	U.S. Department of Commerce	(1)	165,000
Do	Systems engineering support for the National Airspace System.	Federal Aviation Agency	1 year, December 1967.	2,043,000
Do	Technical support for Office of High Speed Ground Transportation.	U.S. Department of Transportation	January 1967–February 1968.	170,000
North American Aviation	Design of a study to develop an integrated transportation system for California.	California Division of Highways	6 months, September 15, 1965.	100,000
North American Aviation (Subcontractor to Burns & Roe).	Develop personnel training system	California Department of Water Resources	Mid-1968	1,900,000
Do	Develop educational reference resource center	Department of Health, Education, and Welfare	1 year	177,000
Do	Develop management system for Bonneville Power Administration.	Bonneville Authority, Department of Interior	1st phase, 6 months	70,000
Do	Research on ice formation in H_2O	Office of Saline Water	1 year	200,000
Do	Use of biomass systems in water renovation	Department of Health, Education, and Welfare	do	91,000
Northrop Co. Page Communications	Satellite earth stations installation, and some operating activities; and telecommunications systems design.	Comsat Corp., and others	(1)	(4)
Philco-Ford	Computer model of poverty	Colorado State Department of Education	(1)	(1)
Do	Automated education system	Philadelphia School System	(1)	1,300,000
Do	ZIP code readers	U.S. post office	(1)	3,500,000
Do	South Bay Aqueduct control system—2d phase	California Department of Water Resources	(1)	349,700
Do	Aqueduct control center—engineering contract	do	(1)	385,000
Sperry Rand Corp	Traffic control system	New York City	(1)	5,400,000
System Development Corp	Education data systems requirements study	U.S. Office of Education	12 months, 1965	153,045
Do	Technical monitoring and evaluation of 4 aerospace systems contracts.	California	6 months, 1965	30,000
Do	Criminal justice identification and intelligence system	New York State	48 months	1,027,000
Do	Police information system design study	City of Los Angeles	6 months, 1966	50,000
Do	Study of traffic flow patterns and characteritics	U.S. Bureau of Public Roads	36 months	509,263
Do	Evaluation of automated comprehensive planning and programing systems.	U.S. Department of Housing and Urban Development	8 months	48,000
Do	National information system in science and technology, background study.	Federal Council for Science and Technology	15 months	106,00
Do	Manpower information system	Office of Economic Opportunity	12 months, 1967	299,605
TRW Systems	Edmonton health sciences center planning	Dominion of Canada	9 to 12 months	650,000
Do	Regional medical information system	State of Vermont	October 1967	40,000
Do	High-speed ground transporation systems engineering studies.	U.S. Department of Commerce, Office of High Speed Ground Transportation.	December 1968	2,900,000
Do	Santa Clara land use information study	California Department of Finance	15 months, May 1967.	220,000
Do	San Bernardino water resource study	San Bernardino Metropolitan Water District	August 1966	20,000
United Aircraft Corp	Lease of 2 TMT-30 turbine-driven MU trains	U.S. Department of Commerce	42 months	2,159,626
United Aircraft Corp. (United Aircraft Research Laboratories).	Feasibility of tunneling by flame jet	do	(1)	164,921

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[1] Not available.

[2] No contract amount expended.

[3] Additional funding of $38,000 requested.

[4] $7 to $12,000,000 a year.

RECENT CIVIL SECTOR SYSTEM-RELATED CONTRACTS PERFORMED BY NONDEFENSE ORGANIZATIONS

Contractor	Description	Customer	Completion date and/or duration	Contract amount
Building System Development Corp	College facility design	State of California	(1)	(1)
Celestial Research Corp	Analysis and feasibility of cryopumping techniques for tubular vehicles propulsion.	U.S. Department of Commerce	18 months	$26,000
Environmental Science Services	Electronic communications for HSGT feasibility study	do	(1)	13,000
General Electric	Study of power collection at high speeds by nonsteering ground vehicles.	do	(1)	135,735
General Motors Research Laboratory	Study of the potential for HOVAIR for HSGT	do	9 months	71,500
Hydronautics, Inc	Study of rock tunneling by high-speed water jets utilizing cavitation damage principle.	do	7 months	37,000
Ionics, Inc	Preliminary technical and economic evaluation of the electrodialysis process on a synthetic irrigation drainage return flow water.	Office of Saline Water	(1)	(1)
I.I.T. Research Institute	Dynamic simulation of rail transport for autos and passengers.	U.S. Department of Commerce	6 months	31,075
Kimball Systems, Inc	Data-tag supplies and lease of EDP equipment for passengers.	do	39 months	1,107,907
Massachusetts Institute of Technology	Continuation of engineering feasibility study of HSGT	do	10 months	486,000
Do	Continuation of study on system analysis of short-haul air transportation.	do	13 months	68,306
McKinsey & Co	Management information system	Office of Economic Opportunity	1966–67	135,000
Midwest Research Institute	System design for development of monitoring program to detect and evaluate pesticide residue levels in humans.	Public Health Service	Dec. 5, 1966	59,500
Do	Systems study of centralized processing for selected library function in State of Nebraska.	State of Nebraska	June 30, 1967	7,075
Do	Study of packaging, materials, and waste disposal	Public Health Service	Jan. 18, 1968	53,884
Do	Traffic simulation for the design of uniform service roads in mountainous terrain.	U.S. Bureau of Public Roads	July 31, 1968	99,391
New York City	Develop, design, and test the design of a PPB system	U.S. Department of Housing and Urban Development	(1)	50,000
Oceanics, Inc	Continue research on aerodynamics, etc., of tubular vehicles.	U.S. Department of Commerce	(1)	85,000
Do	Perform aerodynamics study on tubular vehicles	do	13 months	29,090
Polytechnic Institute of Brooklyn	Computer simulation model of urban police system	U.S. Department of Justice	2 years; completion Aug. 31, 1968.	43,000
Rensselaer Polytechnic Institute	Extension of study of air-supported vehicles in a non-evacuated tube.	U.S. Department of Commerce	30 months	323,000
Do	Feasibility study of air-supported vehicles in a nonevacuated tube.	do	12 months	225,000
School Construction Systems Development.	School construction system development project	Educational Facilities Laboratory (Ford Foundation)	1961–67	750,000
Tulane University	Contract between the division of medical computing Sciences of the Tulane School of Medicine and the Division of Hospitals and Medical Facilities of the U.S. Public Health Services, for analysis of physical characteristics of input-output devices for computers in hospitals.	Public Health Service	(1)	234,000
University of California (Los Angeles)	Simulation analysis of Pennsylvania RR. operations between Washington, D.C., and New York City.	U.S. Department of Commerce	4½ months	30,000
Westinghouse	Design and demonstration of a transit expressway system	U.S. Department of Housing and Urban Development	(1)	5,000,000

[1] Not available.

Source: John Gilmore, John Ryan, et al., Denver Research Institute, Defense Systems Resources in the Civil Sector, Prepared for U.S. Arms Control and Disarmament Agency (Washington, D.C., 1967), pp. 148-53.

APPENDIX D

[From Science, Mar. 12, 1971]

INTERDISCIPLINARY PROBLEM-ORIENTED RESEARCH IN THE UNIVERSITY

The societal problems that face us today are thorny ones. Even though most of them have large scientific and technological components, their solutions more often than not demand the *simultaneous and interactive* efforts of a wide spectrum of talented professionals: scientists, engineers, social scientists, political scientists, lawyers, and doctors, to name only the most obvious. These are the efforts that we have in mind when we speak of interdisciplinary research.

Neither the concept nor the practice of interdisciplinary research is new. Government laboratories, industrial laboratories, and nonprofit research groups like the Rand Corporation have been engaging in interdisciplinary research for years—often, however, oriented toward defense problems. What is new is the realization that a similar but vastly expanded approach must be directed toward society's problems. This realization has resulted in urgent calls for new research institutions: National Environmental Laboratories, Institutes for Health and Medicine, reoriented National Laboratories, and so on. In such rosters of needed organizations, the universities are often missing. Apparently there is a common conviction that universities are not the place to obtain effective interdisciplinary research on societal problems. In my judgment this belief is both wrong and dangerous.

The reasons that are given for counting the universities out are well known. The universities, it is said, are discipline-oriented (physics, agronomy, sociology), an orientation inimical to interdisciplinary research. Furthermore, universities are oriented toward basic research, while the current need is for applied research. Finally, the pace of university research is too slow to be effective. There is a germ of truth in each of these points, but they do not encompass the whole truth and, in sum, are grossly misleading. Try, for example, to persuade a College of Agriculture or Engineering that it is not interested in applied research!

Why should one turn to the universities for interdisciplinary research? First, the universities are repositories of much of the necessary brain-power and knowledge. The ecologists, political scientists, and sociologists who are essential to these interdisciplinary studies are, in large measure, to be found in the universities.

Second, the universities have a deep concern. Faculty, and especially students, are sensitive to social problems, are eager to work on them, and are often prepared to change their previous ways of life to do so. The pressures of discipline orientation and the tradition of individual scholarship are strong among faculty members, but not strong enough to counter the pressures of social concern. Universities are changing rapidly and will change much more.

But the most important reason why the universities must become involved in interdisciplinary research—and the central reason why society must *insist* on their participation—is their obligation to youth. Coming generations must be taught about society's problems and about the best ways to solve them. College students must learn a genuinely interdisciplinary approach; this can only happen when their professors have personal knowledge of and commitment to interdisciplinary research and when there are programs wherein students can learn by doing—in short, when an interdisciplinary approach permeates the universities.

Pressure the universities if you will; castigate their occasionally overly narrow behavior; insist on changed structures and reward mechanisms. But for earth's sake, don't count them out. Without their active involvement, the future will be a good deal dimmer than it might otherwise appear.—F. A. LONG, *Cornell University*

[From Science, Mar. 12, 1971]

NEWS AND COMMENT—UNEMPLOYMENT: WHAT NIXON IS/ISN'T DOING TO HELP JOBLESS SCIENTISTS

The plight of some 60,000 unemployed scientists and engineers received high-level attention in Washington last week, but there was no indication that the Nixon Administration intends to launch a major program to put the jobless professionals back to work.

Top federal officials held a day-long working conference on 3 March with leaders from professional societies, industry, and the universities to discuss plans for alleviating the unemployment crisis caused by cutbacks in the aerospace and defense industries. The only new announcement made at the meeting was that the Departments of Housing and Urban Development and of Labor will conduct a $1.2-million pilot program to put some 400 to 600 unemployed scientists and technicians to work on urban problems. If the program is successful, it will be expanded to serve upward of 2000 persons.

President Nixon himself was scheduled at one point to drop in on the conference, but this manifestation of high-level concern fell through at the last minute. Nevertheless, there were enough top administrators on hand to satisfy most participants. The conference was chaired by Edward E. David, Jr., the President's science adviser, and it was opened by Secretary of Labor James Hodgson. Late in the afternoon David and another key participant—Malcolm J. Lovell, Jr., assistant secretary of labor for manpower—were whisked over to the White House to summarize the thrust of the conference at the daily 4 p.m. briefing for White House correspondents. Judging by the lack of coverage accorded the matter in some of the nation's top papers, the press corps was not greatly excited by the story. But David sought to underline the Administration's desire to help alleviate the misery of unemployed Ph.D.'s by announcing: "The meeting was called at the initiative of the President, who is very much concerned about unemployment generally, but also about unemployment among scientists and engineers."

The conference was billed as an "informational" effort to make the scientific and engineering communities more aware of federal employment programs that are already under way or are in the planning stages. One of the key points that became apparent as the conference wore on was that the Administration does not propose to provide emergency "handouts" (beyond the normal unemployment compensation program) earmarked specially for unemployed scientists and engineers. Nor, according to some participants at the closed sessions, does the Administration plan to put much "pump priming" money into the economy in an effort to encourage private or public employers that don't now use many scientists or engineers to expand their research and development efforts. Instead, the government's effort will center on disseminating job information, counseling unemployed professionals on how to find a job, and funding various demonstration training programs aimed at converting the unemployed professionals to new careers. As Lovell expressed it in a speech prepared for the conference: "Providing engineers and scientists with solid information about job opportunities, job requirements, job locations, and job trends—where the action is—is the most important thing that we can do for them in the long run. Because, in the final analysis, these are educated and intelligent men who can take care of themselves once they have the facts to work with."

Figures were presented to the conference indicating that unemployment in the technical communities has grown rapidly worse, but that the numbers involved are still very small compared with the nationwide unemployment problem. Lovell said the unemployment rate for engineers increased from less than 1 percent in November 1969 to more than 2.5 percent in November 1970—a period when overall unemployment jumped from 3.5 to 5.8 percent. He estimated that some 50,000 to 65,000 engineers, scientists, and technicians who formerly worked in defense and aerospace jobs are now out of work—a relatively small slice of the approximately 5 million people from all occupations who are currently jobless. The chief problems, Lovell said, seem to be located in about 12 areas where defense and aerospace engineers have been displaced—namely, Seattle; Los Angeles and Orange Counties in California; Long Island, N.Y.; Wichita; Cape Kennedy; Huntsville; St. Louis; Boston; Atlanta; Philadelphia; and Dallas.

The chief causes of unemployment among scientists and engineers are fairly well known. As Labor Secretary Hodgson put it: "Defense and space spending has declined as the nation reorders its priorities . . . Colleges and universities, caught in an economic squeeze, have slowed down on hiring faculty members—or have sometimes reduced their staffs. And all this has happened at a time of economic slowdown that has affected employment in all sectors of the economy." The particularly devastating effect of the defense cutbacks associated with the alleged winding down of the Vietnam war was described by Barry J. Shillito, assistant secretary of defense for installations and logistics. Shillito said that between June 1968 and December 1970 the number of jobs directly attributable to defense dollars decreased by 1.9 million and the number of civilian "support jobs" dropped by 1.6 million, for a total decrease of 3.5 million. Since the increase in unemployment for the nation as a whole was only 2.1 million, he said, this gives "a significant indication of the impact that defense expenditures have on the labor market."

ADMINISTRATION REMEDIES

What's being done to alleviate the problem? According to Science Adviser David, in remarks made at the press conference and in a recent speech, the Administration is trying to provide placement and retraining services; it is "trying to cut back on the rate of increase of the pool of scientists and engineers;" it is trying to increase the rate at which activity is shifted from defense and aerospace to civilian problems; and "most important of all, we are putting a good deal of additional funds into the R & D efforts of the country in FY '72 so that the base of R & D activities will expand. We think that is the most fundamentally best way to cure this problem."

Much of the conference was devoted to description of specific federal programs aimed at finding jobs for, and sometimes retraining, unemployed scientists and engineers. The Labor Department reported that there are already a number of job openings available if the right candidates can be matched up with them. As of 31 January, Lovell said, state employment agencies reported 5023 unfilled openings in scientific and engineering occupations—hardly enough to satisfy the total demand for jobs, but still a significant chunk. In an effort to help displaced professionals find work, the Department of Labor has set up a National Registry for Scientists and Engineers (in cooperation with the National Society of Professional Engineers and the State of California Human Resources Development Agency) to provide a central clearinghouse for applications and job openings. The Labor Department, in cooperation with the American Institute of Aeronautics and Astronautics, is also supporting workshops in 34 cities which provide counseling in job search methods and information on job opportunities. And the Department, in cooperation with state employment services, has established "job banks" in 60 areas of the country which provide daily computerized listings of job opportunities. Information on these, and other government programs aimed at assisting jobless scientists and engineers, can be obtained by writing to the nearest local office of the state employment service or to various professional societies. Still, even federal officials acknowledge that their efforts are "not nearly enough." As Lovell expressed it at the press conference: "I think one of the problems we face, frankly, is that nobody really does have any foolproof, sound ideas." However, he added hopefully that, "We have probably reached a point where the layoffs of engineers and scientists are about ended in terms of the defense and space effort. So we don't see the problem getting any worse."

The relatively small number of scientists and engineers who are out of work has raised questions as to why the federal government should do anything more to help them out than it is already doing for other groups. Reporters attending the press conference indicated they thought some aspects of the Administration's program to help scientists amounted almost to special class legislation. One reporter, for example, suggested that the new $1.2 million program to help scientists is "philosophically at odds" with President Nixon's drive to reduce categorical aid programs. (The very next day, in fact, Nixon suggested that $2 billion be spent for manpower activities under his proposed new revenue-sharing plan in order to rescue manpower programs from "a thicket of narrow categories.") The answer the reporter got was that revenue-sharing is not yet here, so the Administration will continue to act in the meantime under a centralized system. Another reporter noted that there seemed to be a "job bank" for scientists and engineers and he wondered if there were any for "the ordinary working Joe." He was told there were not.

The reason for aiming special help at the scientists and engineers, according to federal officials, is that they are employable, in contrast to many of the unemployed; they have skills which should be put to use on crucial problems; they are unaccustomed to being out of work and hence don't know how to find a job; and their services will be badly needed in the coming decade. The Labor Department estimates that some 1.5 million engineers will be needed by 1980—a jump of 50 percent from today's level. Thus the existing talent must be put to work and additional talent must be attracted into the profession. As Lovell told the press conference: "We anticipate over the next decade a need of probably 70,000 to 80,000 scientists and engineers every year to meet the basic needs of the economy as it grows. We are producing currently at the rate of about 35,000 a year from college. So we are facing a shortage situation that would just be tragic if young kids start making career decisions on the basis of the current situation which is not a permanent situation."

That analysis, which was seconded by Labor Secretary Hodgson and Science Adviser David, raises the interesting question of why the Administration, if it really believes there will be a shortage of talent later in this decade, has nevertheless sharply cut back on the number of traineeships and fellowships for science and engineering students. The answer to that, according to David, is that the Administration has not cut back its support of students—it has simply changed the mechanism of support, from traineeships and fellowships to research grants. "We estimate that we will be supporting as many students, graduate students, next year through research assistantships, fellowships, and traineeships, and so forth as we were this year," David claimed, "even though we have shifted funds from traineeships and fellowships into research." David said it is "very appropriate that people go into the fields in which research is being done in universities—this is a way of steering them into the places, into the fields where there is important work to be done." The fields in which David expects a particular need for trained manpower to develop over the next decade include computers, health, educational planning and technology, and energy.

Some representatives of professional societies who attended the day-long conference said later that they were unhappy with the Administration's apparent unwillingness to spend much money to spur conversion of aerospace talents to domestic needs. Some of these professionals are no doubt pinning their hopes on legislation introduced in the Senate by Sen. Edward M. Kennedy (D-Mass.) and in the House by Rep. Robert N. Giaimo (D-Conn.) and Rep. John W. Davis (D-Ga.). The legislation would appropriate some $450 to $500 million over a 3-year period to finance retraining programs, provide grants to small businesses, fund research and planning of conversion programs, and establish nonprofit community corporations which would hire unemployed professionals and put them to work on domestic problems. Although similar legislation was bypassed in the closing rush of the last Congress, sponsors claim it has a much better chance of succeeding this year.

Philip M. Boffey.

EXHIBIT 1

The Secretary of Defense,
Washington, D.C., March 4, 1969.

Dear Mr. Secretary: During recent months the Department of Defense has studied carefully ways in which we can assist in alleviating some of our serious domestic problems without adversely affecting our military effectiveness. I believe that our resources can be postured in a manner so that the Department of Defense makes a positive contribution to this essential national effort.

One of the areas which appears to us to have significant potential benefits is the transfer of Defense-developed technical experience to the civilian sector. I am writing to you about one particular set of unique capabilities which may be of assistance to your department in its efforts to overcome our domestic problems.

The Department of Defense has depended for some years on a group of organizations collectively referred to as Federal Contract Research Centers (FCRC's). Organizations such as RAND, Mitre Corporation and the Lincoln Laboratory at MIT are within this category. In the past these organizations generally have not participated in non-Defense activities largely because the Department of Defense felt that such "diversification" might dilute the effort assigned to critical national security work. A careful examination of this position determined that in many cases the FCRC's have skills which might be used quite fruitfully by other departments of the Federal Government, as well as state and city governments. I hope that this letter will open a constructive review of the opportunities in which your department can effectively employ the skills of the FCRC's. I have attached a list of all FCRC's and brief summaries of their interests and sizes to assist you in making this evaluation.

In order for you to establish productive relationships with the FCRC's, I believe that it is essential that you clearly understand the Department of Defense's overall position on administrative arrangements. We do not intend to fund the FCRC's for programs designed primarily to solve domestic problems. We do not expect that the total annual non-DOD activity at any one FCRC would exceed more than approximately one-fifth of their total annual effort. Although we do not see a need for DOD to act as a "middle-man" as you explore possible programs, we will be glad to assist you in assessing various technical and administrative alternatives. I suggest you assign someone in your immediate office to serve as a central point of contact in conversations as needed with Dr. John S. Foster, Director, Defense Research and Engineering, and members of his staff, with representatives of the Military Departments which provide most of the funding to the FCRC's, and with those FCRC's which you contact.

The Department of Defense has received great benefits from the skills developed and maintained by the FCRC's. I sincerely hope that, through this action and our continued cooperation, your department can also benefit from their expertise.

Sincerely yours,

Melvin W. Laird.

Director of Defense Research
and Engineering,
Washington, D.C., March 5, 1969.

Memorandum for Secretaries of Military Departments, Directors of Defense Agencies.

Subject: Policy on Non-Defense Work by FCRC's.

As you may recall, we have reconsidered recently the question of whether the Defense-supported Federal Contract Research Centers (FCRC's) should be permitted to participate more heavily in the complex technological and systems management problems faced in domestic programs.

Secretary Laird has decided that the most direct, appropriate way to achieve his goal is by simply informing the FCRC's that we will encourage them to consider undertaking non-Defense sponsored work whenever their capabilities are suitable to a non-DoD client, subject to the following guidelines: (a) in general, no more than about 20% of an FCRC's annual work should be supported by non-DoD agencies; (b) such non-DoD-sponsored work will not affect the ceilings established annually for DoD-sponsored work; and (c) each FCRC must keep its principal DoD sponsor informed about non-DoD activity.

I would like to have your comments on this general matter, and on any additional guidelines you believe are desirable, by April 1. In some cases, for example, there may be contractual implications in an FCRC's decision to take on non-DoD programs, and I hope you will examine such issues in the immediate future.

I have attached copies of Secretary Laird's letter to the Federal departments and my memorandum to the FCRC's on this matter.

John S. Foster, Jr.

Director of Defense Research
and Engineering,
Washington, D.C., March 5, 1969.

Memorandum for The Presidents of Defense Department-Sponsored Federal Contract Research Centers.

Subject: Policy on Non-Defense Activity.

During recent months, the Department has considered ways in which we can help to solve some of the country's pressing domestic problems without detracting from our primary defense mission. I am writing to you, on behalf of Secretary Laird, because we have evaluated a number of suggestions for improving the transfer of Defense-developed technical experience to the civilian sector.

In the past, there has been a tendency to discourage organizations such as yours from participating heavily in non-Defense activities—largely because we felt such "diversification" might dilute the effort assigned to critical national security work. But following the recent, careful examination, it became clear that the DoD-supported Federal Contract Research Centers have capabilities which might be used fruitfully by other departments of the Federal Government, as well as by state and city governments. Thus this letter is intended to serve as official approval and stimulus for you to review your opportunities to help with domestic needs such as transportation, urban redevelopment, housing, pollution control, medical services and other fields.

I wish to be quite clear about our overall position on administrative arrangements. We do not intend to fund programs designed primarily to solve domestic problems. On the other hand, we do not intend to reduce our FCRC funding, and the ceilings set for this funding will be determined solely in terms of our past criteria regarding our needs and FCRC capabilities. In general, we would not expect the total annual non-DoD activity at each FCRC in the future to exceed 20% of its annual effort, without the general concurrence of the principal DoD sponsor of the FCRC.

We do not see a need for DoD to act as a permanent "middle-man" as you explore possible programs with prospective sponsors. You should regard this letter as official encouragement for you to "diversify" in whatever selected ways, if at all, you believe to be appropriate. We do expect you to keep your principal DoD sponsor informed about your plans and activities.

I have attached copies of Secretary Laird's related correspondence with other Federal agencies and my memorandum to the Secretaries of the Military Departments on this matter. If you wish, my staff and I will be happy to discuss this policy with you.

John S. Foster, Jr.

Department of the Navy,
Washington, D.C., April 9, 1969.

Memorandum for the Director of Defense Research and Engineering.

Subject: Policy on Non-Defense Work by FCRC's.

Your memorandum on this subject, dated 5 March 1969, asked for comment on the policy of encouraging the Defense-sponsored Federal Contract Research Centers to undertake work for other sponsors, in areas related to our serious domestic problems. Three general and preliminary guidelines for such activity were enunciated.

My general reaction to the concept is favorable. Where possible, we should assist in the solution of urgent domestic problems, and I believe that the talents that have grown in the Navy FCRC's can contribute. Some diversification of the activities of the organizations will not be detrimental to their performance on Navy work, and in certain cases the broadened experience may assist in the solution of our own problems, both technically and in the increased flexibility it will give the particpating organzations. In stating this position, I am assuming that the new non-Defense work will be entirely in addition to the normal work load and that the available facilities will be adequate to accommodate the increased staff.

There are certain questions that should be resolved before plans to expand the function of the Navy FCRC's proceed much further. The first is the attitude of the Congress toward the growth in FCRC's that will be necessary. The second pertains particularly to the Navy group, all of which are operated for us by universities as a public service: what is the attitude of the universities toward increasing their Federal involvement in this fashion, under operating rules that will have to be somewhat changed from the existing pattern?

There are also several problems relating to the details of implementation. I believe they are soluble, but of sufficient moment to warrant inclusion here.

a. We shall need an opinion on the legality of using facilities provided by the Navy in support of any contracts with non-Federal agencies, such as municipalities. If such use is legal, there must be a satisfactory mechanism for reimbursing the Government for that use.

b. The Navy has had a firm policy against our FCRC's bidding competitively for work to be done under any sponsorship, either Defense or non-Defense. We have seen no other way to deal with a Government-supported, tax-exempt institution. We shall have to resolve conflicts between that policy and the desires of both potential sponsoring agencies and the parent universities.

c. Our common practice has been to handle all work assigned to each FCRC through a single contract, thus retaining a measure of control over the size of the organization and the type of activity in which it engages. Our expectation is that we would wish to continue that practice, although deviations are perfectly feasible in particular cases.

Despite the few difficulties and the necessary conditions I have listed, I believe the new policy can result in a valuable contribution to the national welfare.

John H. Chafee,
Secretary of the Navy.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the majority leader I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, upon the completion of the remarks of the distinguished Senator from South Dakota (Mr. McGOVERN), there be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the period for the transaction of routine morning business on tomorrow, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time will be charged to which side?

Mr. BYRD of West Virginia. The time will be charged to the time under the control of the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 10 A.M. THURSDAY, MARCH 25, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A 1-HOUR PERIOD FOR COLLOQUY ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next immediately following the recognition of the two leaders under the standing order, there be a period of not to exceed 1 hour, the time to be under the control of the able Senator from Minnesota (Mr. HUMPHREY), the distinguished Senator from Michigan (Mr. HART), and other Senators for the purpose of making statements and conducting a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A 1-HOUR PERIOD FOR COLLOQUY ON THURSDAY MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the hour colloquy on Thursday, the order for which has just been entered, and which will be under the control of the Senator from Minnesota (Mr. HUMPHREY) and others, there be 1 hour for a colloquy, the time to be under the control of the following Senators: Senators PERCY, JAVITS, BROCK, SCOTT, GRIFFIN, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the 1 hour which will be under the control of Senator PERCY and other Senators on Thursday next for the purpose of conducting a colloquy, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for a period not to exceed 15 minutes and that, at the conclusion of the remarks of the Senator from Mississippi (Mr. STENNIS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION AND IMPROVEMENT OF NATIONAL TRANSPORTATION PROGRAMS—BILL HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that S. 1344, a bill to revise and improve national transportation programs, introduced today by the distinguished Senator from Illinois (Mr. PERCY) be held at the desk until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONTROLLED TIME TO START EVENLY ON TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the controlled time on tomorrow on the bill start evenly so that both sides on the bill will have the same amount of time to be equally divided.

Mr. President, I have cleared this request with the proponents and the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows.

The Senate will convene at 10 a.m. following a recess. Immediately following approval of the Journal, if there is no objection, and the recognition of the two leaders, the able Senator from South Dakota (Mr. McGOVERN) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business not to exceed 15 minutes, the statements therein limited to 3 minutes, at the conclusion of which the unfinished business will be laid before the Senate and controlled time will begin.

The time on the resolution will be under the control of the distinguished majority leader and the distinguished minority leader or their designees, and the time on any amendment, with the exception of committee amendments, will be equally divided and controlled by the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), and the mover of such amendment.

Mr. President, under the previous order a vote will occur—and it will be a yea-and-nay vote—at 4 p.m. on tomorrow on the amendment, as amended if amended with respect to the SST.

A yea-and-nay vote has been ordered on final passage of the resolution, and it will occur at 4:30 p.m. tomorrow.

The Senators are on notice, therefore, that there will be at least two yea-and-nay votes tomorrow.

Mr. President, I am authorized by the distinguished majority leader to state that it is the intention of the leadership on tomorrow evening to lay before the Senate the nomination which is presently on the Executive Calendar—the nomination of William J. Casey, of New York, to the Securities and Exchange Commission—and that nomination will be considered on Thursday next.

When the Senate completes its business on tomorrow it will stand in adjournment under the order, until 10 a.m. on Thursday. This order, of course, is subject to change on tomorrow.

RECESS UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, March 24, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate March 23, 1971:

U.S. DISTRICT COURTS

Raymond J. Broderick, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice a new position created by Public Law 91-272, approved June 2, 1970.

HOUSE OF REPRESENTATIVES—*Tuesday, March 23, 1971*

The House met at 12 o'clock noon.

Rev. Chester E. Swor, director, Christian Life Crusade, Jackson, Miss., offered the following prayer:

If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him.—James 1: 5.

Let us pray.

Heavenly Father, we thank Thee for the gift of minds with which to reason. May we enlink our finite minds today to Thy infinite wisdom, that we may think unerringly.

We thank Thee for souls, out of which conscience speaks to guide us. Permeate us with Thy righteousness, that we may decide honestly.

We thank Thee for the endowment of willpower to act as wisdom and righteousness have taught.

May we today lift up our eyes to the hills from which cometh divine help, and to act so that the destiny of our beloved Nation may stand on the solid rock of wisdom, and not on the shifting sands of expediency. Bless our President, our Congress, our Nation.

We pray humbly, urgently. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

INTRODUCTION OF LEGISLATION TO ELIMINATE SENSELESS SLAUGHTER OF BABY SEALS AND OTHER OCEAN MAMMALS

(Mr. PRYOR of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRYOR of Arkansas. Mr. Speaker, I am pleased to join with Senator Fred Harris and several of our House colleagues in introducing a bill today to eliminate the senseless slaughter of baby seals and other ocean mammals.

What we are concerned with today is not merely a conservation act to stop the brutality perpetrated on our ocean's mammals. Rather in a larger sense, what we are doing is to initiate within the councils of our own Government, and hopefully throughout the world, a halt to the spiral of brutality which is too much within us all throughout the world today. A former U.S. Senator once so aptly said:

> We are dealing with more than the mere brutalization of animals; we are dealing with the brutalization of peoples who allow the perpetration of these acts.

Not long ago, I received a letter from a 6-year-old constituent soliciting my help in the movement we are beginning on Capitol Hill today. In words so simple they cut right to the substance, he begged:

> Please be kind to the seals and don't let them kill anymore.

Today we begin the effort to translate the wisdom of that 6-year-old boy into legislative action.

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, I have requested this time in order to explain the unanimous-consent request which I shall make at the conclusion of my remarks.

Mr. Speaker, as we know, H.R. 4246 passed the House by a vote of 381 yeas to 19 nays on March 10, 1971. This bill extended regulation Q authority to March 31, 1973, and the discretionary authority for the President to impose wage-price controls until March 31, 1973. Authority under the regulation Q provisions of law expired effective midnight March 21, 1971, and authority under the discretionary wage-price controls expire, if H.R. 4246 is not enacted on March 31, 1971.

H.R. 4246 passed the House on March 10 and was referred to the other body.

In order to prevent any hiatus before final enactment into law of H.R. 4246, the Senate, on March 2, passed and sent to the House Senate Joint Resolution 55 which, if enacted, would provide a temporary extension of regulation Q and discretionary wage-price controls until June 1, 1971. This Senate joint resolution was authored by the chairman and ranking majority member of the Senate Committee on Banking and Currency, Mr. Sparkman and Mr. Proxmire, and the ranking and second ranking minority members of the committee, Mr. Tower and Mr. Bennett.

Mr. Speaker, this temporary extending resolution should be enacted if for no other reason in this instance, the financial community would like to see regulation Q authority extended so that any possibility of chaos ensuing from a temporary cease of authority would be avoided.

This resolution provides for no new laws which have not been previously considered by the Congress. It merely will bridge the gap between the cutoff period of March 21, for regulation Q control and March 31 for discretionary wage-price authority.

The basic legislation of H.R. 4246 was fully endorsed by the administration and I see no reason why this temporary resolution should not be adopted.

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall object—I am not at all impressed by the gentleman's latest horror and chaos story.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

WEEK OF CONCERN FOR POW'S

(Mr. PIRNIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, the heart of our Nation beats with sympathy for our nearly 1,600 American servicemen held captive or missing in Southeast Asia. This week of national concern serves as a reminder of their sacrifices and commits us to their continuing support.

During these past years and increasingly in recent months our concern has mounted over the plight of these men. We are very proud of their conduct and their faithful adherence to the high standards set forth in the U.S. Code of Conduct. The great fortitude our men have displayed, while enduring the unspeakable mental and physical hardships of captivity, is in keeping with the highest traditions of our armed services and our country. They deserve our prayers and support.

The attention of all Americans centers on these men as we join together in prayer that they will soon be returned to their families and loved ones. We seek to give visible evidence of this country's determination to gain their freedom. Our dedication should be manifested by continuous pressures for their release through every possible channel. The first step is to press the North Vietnamese to provide all POW's the humane treatment required under the rules of the Geneva Convention. We must serve notice on Hanoi that we are united in our determination to secure their release. Our country is committed to this objective.

WESTERN UNION SERVICE: BAD AND GETTING WORSE

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, last June 25, I made a statement in the Record under the title, "Western Union Service to Congress Lags." The point was that information which I needed on legislation that was pending on the floor of the House did not reach me in time, despite the fact that a telegram had been sent in plenty of time.

Western Union sent a representative to investigate, and in a few days I received an apology. This was coupled with the statement that things would surely get better.

Last week, as well as many times since last June, there was yet another example that Western Union service has not only failed to provide the swift delivery of messages which they advertise, they have gotten worse. The vote on the SST came late in the afternoon of March 18. The next morning I received a telegram seeking my support for the SST from a constituent. This telegram had been slipped through the mail chute in my office sometime during the night of the 18th.

However, Mr. Speaker, this telegram was sent from Seattle at 10:30 that morning and was stamped as received here in Washington, D.C., at 3:50 p.m. To me this is not only a poor service to us here in the Congress, it is deplorable that the person paying the money to send the message with the thought that it will swiftly reach the person for whom it is intended should be so deceived.

Frankly, Mr. Speaker, I think senders of telegrams should receive their money back when their messages are delayed for such a long period of time.

TRANSIT REVOLUTION

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, the January issue of Railway Age magazine terms 1971 the year of the transit revolution. The reasons for this heralding of a new era are listed as: a new Federal monetary commitment to mass transit, construction of the world's most modern urban rail system in San Francisco, a Federal executive administration within the Department of Transportation dedicated solely to mass transit, and the new Metro system underway in Washington.

If the President's special revenue-sharing fund for transportation is adopted, 1971 could become year one of the transportation revolution and I support revenue sharing in theory.

Many think of transportation revenue sharing as aid for urban mass transit systems. I hope it is more than that. State and local governments should be strengthened. Local communities should decide how to spend the Federal tax dollar. Transportation systems should be developed according to need. And the principal responsibilities for decisionmaking should return to our State capitals.

The transportation needs and public attitudes differ in each one throughout the country. In our cities people are protesting highway construction. In the suburbs citizens are urging more road construction. These diverse attitudes and needs cannot be accurately gaged and satisfied by isolated Washington planners.

I support the President's revenue-sharing legislation and I urge this Congress to act favorably upon it.

CONFIRMATION OF NEW SECURITIES AND EXCHANGE CHAIRMAN

(Mr. GROVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROVER. Mr. Speaker, as a matter of comity Members of the House of Representatives observe with restraint the other body's exercise of its parliamentary and substantive responsibilities.

With that in mind I will not comment on the hearings conducted in connection with action on the confirmation of a new chairman of the Securities and Exchange Commission.

I do wish, however, for my colleagues to know the outstanding qualities and talents of the gentleman under consideration, Mr. William Casey, of New York.

Mr. Casey is personally known to me, and to all who know him, to be a person of the highest integrity—one whose life story is in the exciting tradition of a Horatio Alger, eminently successfully in business, deeply dedicated to his fellow man in his philanthropy and community work and one with a record of devoted service to his country.

In his return to Government service Mr. Casey brings this brilliant record, broad experience, and keen mind from the private sector to the public sector at great sacrifice and financial loss to himself. Those who know the great man, Bill Casey, trust his confirmation will be expeditious and unanimous.

PRISONER-OF-WAR HEARINGS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, this morning a subcommittee of the Committee on Foreign Affairs had some hearings on the prisoners-of-war issue. The first witness was Colonel Oberly who was a prisoner in North Vietnam. I wish every Member of the House could have heard his testimony.

I asked the colonel these questions:

"Is it not true that in 1968 the North Vietnamese said that if the bombing were stopped, they would talk about the prisoner-of-war issue?"

He said, "It was."

I said, "Have they?"

Of course, his answer was, "No."

I said, "Well, now they are saying if we withdraw our troops and set a date that they will talk of the prisoner-of-war issue. Do you believe they will?"

Again, of course, his answer was, "No."

I do not believe everything that this administration or any administration says, but I believe a lot more what Mr. Nixon says than I do what Hanoi says.

TO PROVIDE FUNDS FOR THE EXPENSES OF THE INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RESOLUTION 20

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–45) on the resolution (H. Res. 149) to provide funds for the expenses of the investigation and study authorized by House Resolution 20, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 149

Resolved, That effective January 3, 1971, the expenses of the investigation and study authorized by H. Res. 20 of the Ninety-second Congress incurred by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $150,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistance, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on House Administration.

Sec. 2. The official stenographers to committees may be used at all meetings held in the District of Columbia unless otherwise officially engaged.

Sec. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 1, line 6, immediately following "experts," insert "consultants,"

On page 1, line 10, add the following new sentence: Not to exceed $13,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–46) on the resolution (H. Res. 175) to provide funds for the Committee on the Judiciary, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 175

Resolved, That, effective January 3, 1971, the expenses of conducting the studies and investigations authorized by H. Res. 161 of the Ninety-second Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $350,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or by subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD. All of these reports were filed on March 17 and have been available for review since that date.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 1, line 7, immediately before the last comma insert "and consultants".

On page 1, line 13, immediately after the period, insert the following:

"Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose."

The SPEAKER. Is there objection to the committee amendments?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished gentleman from New Jersey if all of the committee amendments for all of these resolutions for the committee work of the House are in conformance with the new Legislative Reorganization Act for the House of 1970?

Mr. THOMPSON of New Jersey. I say to the gentleman from Missouri that the answer is in the affirmative, "Yes."

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE EXPENSES OF INVESTIGATIONS AND STUDIES BY THE COMMITTEE ON ARMED SERVICES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–47) on the resolution (H. Res. 202), to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to House Resolution 201, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 202

Resolved, That effective from January 3, 1971, the expenses of the investigation and study to be conducted pursuant to H. Res. 201, by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $300,000, including expenditures for the employment of special counsel, consultants, investigators, attorneys, experts, and clerical, stenographic, and other assistants appointed by the chairman of the Committee on Armed Services, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the Committee on Armed Services, and approved by the Committee on House Administration. Of such amount, not to exceed $25,000 shall be available for the employment of consultants and consulting organizations; but nothing in this sentence shall be deemed to prohibit the expenditure of all or part of such $25,000 to cover any other expenses for which payment may be made under this resolution.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, immediately below line 6 add the following new sections:

"SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

"SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON RULES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–48) on the resolution (H. Res. 210) providing funds for the Committee on Rules, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That effective January 3, 1971, in carrying out its duties during the Ninety-second Congress, the Committee on Rules is authorized to incur such expenses (not in excess of $5,000) as it deems advisable. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, immediately below line 7, add the following new section:

"SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES AUTHORIZED BY HOUSE RESOLUTION 218

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–49) on the resolution (H. Res. 218) to provide funds for the expenses of the investigations and studies authorized by House Resolution 218.

The Clerk read the resolution, as follows:

Resolved, That effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 21, by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed $266,500 including expenditures for the employment of investigators, attorneys, individual consultants, or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (8 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

Committee amendment: On page 1, line 5, strike out "$266,500" and insert "$291,500.".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATONS AND STUDIES BY COMMITTEE ON WAYS AND MEANS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–50) on the resolution (H. Res. 225) providing funds for the expenses of the investigations and studies by the Committee on Ways and Means.

The Clerk read the resolution, as follows:

H. RES. 225

Resolved, That effective from January 3, 1971, the expenses of the investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $75,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $75,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF STUDIES, INVESTIGATIONS, AND INQUIRIES AUTHORIZED BY HOUSE RESOLUTION 114

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–51) on the resolution (H. Res. 226) providing funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 114.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That effective from January 3, 1971, the expenses of conducting the investigations and studies to be conducted pursuant to H. Res. 114, Ninety-second Congress, by the Committee on Banking and Currency, acting as a whole or by subcommittee, not to exceed $975,000 for the first session of the Ninety-second Congress, including expenditures for employment, travel, and subsistence of investigators, attorneys, individual consultants or organiaztions thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $20,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Banking and Currency shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. DICKINSON. Mr. Speaker, reserving the right to object—and I will not object—I would like to say at this point that the committee has done a very good job. Comparing the operations of this committee of the House with the operations of the committee of the other body, it is very favorable.

Mr. Speaker, the Subcommittee on Accounts, on which I serve as a member of the House Administration Committee, conducts searching studies into activities of the committees which come before us in support of their investigative funding resolutions.

Our purpose is to evaluate the requests in terms of the duties of these committees under their legislative, oversight, and related responsibilities, to be assured they have the resources to perform adequately and effectively. Special effort is made in each instance to obtain assurances from the minority membership of the various committees that they have the staff to participate fully and adequately in their committee activities.

Saving money is of course always an overriding concern, but we also approach the task from the point of view that committees should have the means to do their jobs properly and efficiently. Providing adequate funding brings returns to the House in the form of having the committees equipped to do a better job for the taxpayers of the Nation, in providing good government responsive to the peoples' needs and wishes.

Beyond this, Members of the House will find it of interest to evaluate these resolutions in terms of how they compare with funding provided for committees in the other body. There are 14 resolutions before the House today to provide funding for standing House committees. The funding provided in these measures total just over $6 million and there are a few resolutions for standing committees yet to come which are expected to total about a million and a half more.

By comparison, the other body has approved resolutions totaling over $10 million for the Senate standing committees that have requested funding. Broken down as to committees the Senate provided as follows: Armed Services, $420,000; Banking, Housing, and Urban Affairs, $330,000; Commerce, $1,233,800; District of Columbia, $155,850; Foreign Relations, $325,000; Government Operations, $1,582,200; Interior and Insular Affairs, $200,000; Judiciary, $3,861,300; Labor and Public Welfare, $1,540,000; Post Office and Civil Service, $225,000; Public Works, $600,000; Rules and Administration, $113,000; and Appropriations, $50,000.

The committees of the House carry a major legislative load in the Congress in conducting hearings, evaluating and reporting legislation, performing studies, and countless related activities. They serve a membership of 435 Members of Congress who, in turn, serve that many congressional districts across the Nation. They need the resources to do their work. As you can see, in spite of the fact that we are a coequal body to the Senate and carry a workload of great or greater proportions, the funding contained in these resolutions compares very favorably with that provided Senate committees.

The House Administration Committee tries consistently to keep the amounts of funding provided committees down to reasonable and sound limits and I believe we have succeeded. The membership of the House can support these resolutions with the knowledge that needed funding is being provided and that at the same time the resolutions have been scrutinized with prudence and care.

Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, what is the total cost of this resolution?

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution totals $975,000.

Mr. GROSS. Mr. Speaker, how does this compare with the costs of the committee for last year?

Mr. THOMPSON of New Jersey. It is an increase from $681,000.

Mr. GROSS. Can the gentleman tell the House the justification for approximately a one-third increase, from $600,000 to $900,000 in round figures?

Mr. THOMPSON of New Jersey. The gentleman from New Jersey will try. I will say that reflected in this increase is the statutory pay increase of 6 percent and the cost of increased subcommittee staffing and additional funds which the committee requested and justified, we felt, for considerably more oversight hearings as required by the amendments to the Legislative Reorganization Act.

Mr. GROSS. If the 6-percent pay increase is any substantial part of the increase, there must be a veritable army employed by this committee.

Mr. THOMPSON of New Jersey. They have a considerable number of employees. There are 46 employees, a large number of which are in the Housing Subcommittee.

Mr. GROSS. Are there any other committees of the Congress that get $975,000?

Is that the figure—almost a million dollars?

Mr. THOMPSON of New Jersey. Yes, there are. The Committee on Government Operations, the Committee on Interstate and Foreign Commerce, I believe, and the Committee on Education and Labor.

I might say to the gentleman from Iowa, that I, being new as chairman of this Subcommittee on Accounts, have gone into this in great detail and compared it, jurisdiction by jurisdiction, with the committees in the other body, and I find they have vastly more in terms of dollars and in terms of employees for the same jurisdictional areas.

Mr. GROSS. Does the gentleman recall whether this committee got a supplemental appropriation last year?

Mr. THOMPSON of New Jersey. The answer is that they did not. I will say to the gentleman from Iowa; and, in fact, they turned back a small amount of money.

Mr. GROSS. That being the case, why do they need an increase from $600,000 to $995,000, or approximately that?

Mr. THOMPSON of New Jersey. I might say that the Committee on Banking and Currency turned back a total of $92,000 last year. House Resolution 783, 91st Congress, provided $331,000 for the full Banking and Currency Committee; House Resolution 784, 91st Congress, provided $350,000 for the Housing Subcommittee for a combined total of $681,000 for the Banking and Currency Committee in 1970. Thus the increase is from $681,000 to $975,000.

Mr. GROSS. The committee evidently had a sufficient amount of money last year, if it turned money back.

Mr. THOMPSON of New Jersey. They did. I might say that they did not have the requirement which we now have in all the committees for intensive oversight. They did not have, in our judgment, adequate staffing for the subcommittees. Funds for additional staff for the subcommittees and for the minority have been provided for all committees making such requests.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. I should like to point out to the gentleman that I attended the subcommittee hearing briefly this morning. They were hearing the Committee on Government Operations, which was asking for a million dollars. There was a good deal of questioning, and rightfully so, and a rather thorough discussion of what they planned to do with the money.

The committee has oversight at the Pentagon, among other things, about expenditures there. I calculated that while we were quibbling up there about giving them a million dollars the Pentagon got rid of $50 million in that hour.

They admitted they really cannot oversee these agencies.

Let me give another example. The chairman of the Judiciary Committee was before us the other day, and he started his presentation by saying:

> My counterpart committee in the other body has asked and received $3.6 million. I am only asking for $350,000. That is a big argument as to why I should get it.

I said:

> Mr. Chairman, I have just one observation: Either they are wasting a lot of money or you are not doing as much as you ought to, and I think probably a little of each is correct.

When we have a committee trying to give oversight to these Government agencies, last year they ran us $17 billion in debt, $17 billion more than we took in, and we are talking about giving the Government Operations Committee a measly million dollars to oversee a $200 billion budget. I think we are being pennywise and pound foolish.

Mr. GROSS. I am in favor of intensive oversight. I would hope, however, that someday oversight would begin to show some results. Up to this point I do not believe it has shown real results.

I am not going to contest this resolution for this money for the Committee on Banking and Currency, but I should like to see some results for the money we are expending.

Mr. HAYS. So would I.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the gentleman will yield further on that point, I could not agree more thoroughly.

I might say that the gentleman from Alabama (Mr. DICKINSON) and I and the other members of the subcommittee have impressed upon the committee chairmen their responsibility and the absolute requirement that they do the oversight required by the law. If they do not do it I can assure the gentlemen when they come back for funds that will be taken into careful consideration.

Mr. GROSS. I thank the gentleman.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. DICKINSON. In line with what my colleague from New Jersey (Mr. THOMPSON) said, I should like to reiterate and reaffirm that we have tried to impress upon each of the committee chairmen and subcommittee chairmen who have come before us we are not trying to clamp down on them so far as expenditure of funds per se is concerned, but we are trying to impress upon them that what we want is a good return on the money we invest and a good and prudent expenditure, when we give them whatever they need.

I would like to say it would help me considerably, sitting on that subcommittee, and I know it would the chairman of the committee if anyone who has any objections or knows of any areas of waste would come to our hearings, point out such areas, and not just raise an inquiry. I mean no criticism of the gentleman from Iowa who is holding the floor, but it would be very beneficial to us if an individual committee member who knew of areas where improvements could be made, would communicate this to us or if he would come to our committee hearings and participate. In that way I believe we could do a better job.

Mr. GROSS. No one is more violently opposed to $17 billion deficits than I am, but we do not seem to be able to do very much about it. The gentleman from Ohio, my friend (Mr. HAYS) speaks of the Defense Department getting rid of $1 million in the snap of a finger. I can tell him that the Agency for International Development, that good old foreign handout agency, can get rid of it as fast as the Pentagon does. Yes, I hope somewhere along the line we can put a stop to these $17 billion deficits.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I could not agree more. I want only to restate our determination that the oversight be done and that it be done expeditiously and that it be done well, because if it is not done, then these committees will not be funded at this level.

Mr. HAYS. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HAYS. I just wanted to tell the gentleman I agree with him that the foreign aid people can spend money as fast as anybody. The only difference is we do not give them as much, and that is the only thing that slows them down.

Mr. HALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I want to clear

up one fact if I may have the attention of the chairman of the Committee on House Administration that is handling House Resolution 226 on the floor. This Committee on Banking and Currency does have a separate means for additional funding, and historically and traditionally it does come back for an additional appropriation. The CONGRESSIONAL RECORD will show that this point was discussed at length the last time that the additional funding was brought up and, as I recall, an agreement was reached that in the future such additional requests would be amalgamated under the aegis of the Committee on House Administration. My question, therefore, Mr. Speaker, is, Does this involve their total funding for the year, barring an emergency, or is this committee coming back through the same or diverse but routine channels; and, conversely, do we now avoid coming back not necessarily under a supplemental appropriation but under some other authorization for additional funds?

Mr. THOMPSON of New Jersey. This does contemplate full funding for the committee for the year. If it develops that it is insufficient—and in the past it has not—they would have to come back through the same process to the Committee on House Administration, to the Subcommittee on Accounts, and then back to the floor for additional money.

Mr. HALL. I thank the gentleman. It is very reassuring. I hope we would be alerted for some ruse or device for unnecessary foreign travel or other expenditures by this particular committee.

Mr. THOMPSON of New Jersey. I assure the gentleman that we are looking at those matters with great care.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, but I shall not object.

As a former member of this committee I have an observation that I hope will be taken in the spirit in which it is intended. The legislative branch of the Government has from time to time been criticized for not exercising the oversight which some feel they should exercise in various programs. Throughout the years I served on the Subcommittee on Accounts and the Committee on House Administration it was my observation—and I made this statement to the committee chairman over and over again—that rather than asking for too much money, it was my opinion that they were asking for too little money for specific reasons. Specifically, they were not asking for enough money with which to exercise the oversight which they should in order to assure that the programs that we here in the Congress enact are being carried out and are being carried forward according to congressional intent.

Mr. Speaker, I said then and I say now that every single legislative committee in the House of Representatives—and I cannot speak for the other body—but by comparison there is certainly an element of truth in what the gentleman from Ohio (Mr. HAYS) said about them spending too much on occasion and the House spending too little. But I believe sincerely that if this legislative branch of Government is going to be coequal and if it is going to rescue itself from the domination of the executive branch of the Government and the other body on occasion, as someone has just said, that this U.S. House of Representatives should grant to each of its legislative committees sufficient money with which to hire sufficient staff to draft legislation that we as legislators feel is in the best interest of this country so that we can avoid the dictation of the executive branch of Government.

Mr. Speaker, we do not draft nearly as much of the legislation here on the Hill as we should. More often than not we just introduce legislation that the executive branch of the Government feels is needed. I believe every committee in this House ought to have the capability within its own staff to draft the legislation it needs for carrying out the programs that we feel this country ought to have. I want to encourage them to quit asking for less and start asking for more so that we can free ourselves from the domination of the executive branch of Government.

In this particular resolution most of this additional money they are asking for—and they are asking for none for additional staff as I understand it, but they simply want a piddling $60,000 more to do field investigations within the United States to see if congressional intent is being adhered to. If we do not ask for a beefing up of the staffs, then we will be in the same position as we have been in the past, but we should not have to take our legislative recommendations from the executive branch downtown.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MITCHELL. Mr. Speaker, reserving the right to object, I am a member of the Committee on Banking and Currency. Let me indicate, first of all, that I have a great deal of respect for the chairman and for the members of the committee. But I must observe that insofar as the staffing of that committee and other committees of the House is concerned, we observe a noticeable absence of blacks and other minorities on the staffs of these various committees of the House.

It is my understanding that this matter has been brought before this honorable body before, and it is my further understanding that this honorable body has simply ignored the matter of either the exclusion of blacks or minorities from these various committees of the House. Even worse, the House has gone along with a token expression of representation of blacks and other minorities on the various committees.

I would simply indicate, Mr. Speaker, that it seems to me that this honorable body makes a mockery out of all its commitments, it makes a mockery out of all its pledges, and it makes a mockery out of all its efforts when it pushes the various agencies of the Government to hire on an equal opportunity basis and it does not hire on the same basis. Further, it makes a mockery out of its efforts to push the private sector to do this, while this very honorable body excludes blacks or minorities from the committee staffs or treats them in a token fashion.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. FREY. Mr. Speaker, further reserving the right to object, and I shall not object, I would like to speak for another minority. As Republicans we would like to have our equal share of the committee funds and committee staffing also.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Speaker, just very briefly, we would be glad to do so if we could find some black Republicans. We would be glad to treat all in a fair manner.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 8, immediately after the period insert the following:

"Not to exceed $390,000 of the total amount provided by this resolution shall be made available for the expenses of the Housing Subcommittee of the Committee on Banking and Currency in accordance with this resolution which shall be paid on vouchers authorized by such subcommittee, signed by the chairman of such subcommittee or the chairman of the committee, and approved by the Committee on House Administration."

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the committee amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-52) on the resolution (H. Res. 236) to provide funds for the expenses of the Committee on

Standards of Official Conduct, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 236

Resolved, That (a) effective January 3, 1971, the Committee on Standards of Official Conduct is authorized, in carrying out its functions and duties under the rules of the House, to incur such expenses, not to exceed $25,000, as the committee considers appropriate, including expenditures—

(1) for the employment of committee staff personnel;

(2) for the procurement of services of individual consultants or oganizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions.

Such expenses shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $13,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RESOLUTION 22

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-53) on the resolution (H. Res. 253) to provide funds for the expenses of the investigation and study authorized by H. Res. 22, and asked for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 253

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 22, by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed $250,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $25,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE EXPENSES INCURRED PURSUANT TO HOUSE RESOLUTION 213

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 92-54) on the resolution (H. Res. 272) providing for the expenses incurred pursuant to H. Res. 213, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 272

Resolved, That, effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 213, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $1,100,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount $85,000 shall be available for each of seven standing subcommittees of the Committee on Education and Labor. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 4, strike out "$1,100,000" and insert in lieu thereof "$1,250,000".

The committee amendment was agreed to.

Mr. PERKINS. Mr. Speaker, I should like to take this opportunity to clarify the legislative history with respect to the amount to be allocated to the minority.

While not expressly stating such in the introduced version of House Resolution 272, it was contemplated that the minority would be allocated $220,000 for all minority expenses—including investigative staff salaries, travel, and other expenses. In amending the resolution to provide the Committee on Education and Labor with an additional $150,000, it is my understanding that the House Administration Committee's intention was that the minority be provided an additional $60,000.

In conformity then with the intention of the House Administration Committee, and the rules of the Committee on Education and Labor which require that I allocate a portion of our committee budget to cover all minority expenses, a total of $280,000 will be allocated to the minority.

EXPLANATION OF RESERVATION OF FUNDS FOR MINORITY

Under the resolution submitted, originally, the minority was to receive $220,000 or 20 percent of the total amount requested by the committee of $1,100,000.

Under the agreement reached by the House Administration Committee, the overall budget of the committee was increased to $1,250,000.

The increase of $150,000 provided by the House Administration Committee is to be allocated as follows: $90,000 to majority full committee and $60,000 to the minority.

As a result of this action, the minority is now to receive a total of $280,000 for the first session; that is, $220,000 provided in the original resolution plus the $60,000 added by the House Administration Committee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RESOLUTION 279

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-55) on the resolution (H. Res. 279) to provide funds for the expenses of the investigation and study authorized by House Resolution 217, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 279

Resolved, That effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to House Resolution 217, by the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, not to exceed $533,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $35,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Post Office and Civil Service shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATIONS AND STUDIES AUTHORIZED BY HOUSE RESOLUTION 18

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. 92–56) on the resolution (H. Res. 285) to provide funds for the expenses of the investigations and studies authorized by H. Res. 18, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 285

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res 18, by the Committee on Interior and Insular Affairs, acting as a whole or by subcommittee, not to exceed $478,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $15,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Interior and Insular Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RESOLUTION 170

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–57) on the resolution (H. Res. 290) to provide funds for the expenses of the investigation and study authorized by House Resolution 170, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 290

Resolved, That effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 170, by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, not to exceed $989,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultant or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Interstate and Foreign Commerce shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATIONS AND STUDIES BY THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–58) on the resolution (H. Res. 301) to provide funds for the expenses of the investigations and studies by the Committee on House Administration, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 301

Resolved, That effective January 3, 1971, the expenses of the investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $400,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $65,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days within which to revise and extend their remarks on the several resolutions just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT OF HEARINGS TO BE HELD ON O'HARA-McNAMARA SERVICE CONTRACT ACT OF 1965

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I would like to announce to my colleagues that the Special Subcommittee on Labor will begin oversight hearings on the O'Hara-McNamara Service Contract Act of 1965 on March 30.

The Service Contract Act was designed to provide a measure of wage protection for employees at the bottom of the economic ladder such as maids, janitors, restaurant workers, guards, and other service employees who were employed under Government contracts. It was also intended to stabilize labor-management relations in the highly competitive service industry.

We are deeply disturbed at recent reports that the administration is attempting to convert this wage-protection bill for service employees into a wage freeze and in some cases, wage reduction mechanism. I hope it is not true that this economically vulnerable group of people have become the latest unwilling conscripts in the President's economic game plan.

We are also disturbed that the contractor turnover rate for Federal service contracts is reportedly in excess of 90 percent, resulting in extra costs to the Government and the erosion of the stability of labor-management relations in this industry. Even more disturbing are recent press reports that a notorious and repeated violator of the act is about to be relieved from the act's provisions that violators be placed on an ineligible bidders' list.

We intend to explore all of these matters fully and welcome testimony or statements from our colleagues.

PAN AMERICAN DAY

Mr. **FASCELL**. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 338.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 338

Resolved, That the House of Representatives hereby designates Tuesday, April 20, 1971, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. **O'NEILL**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

INCREASED CITIZEN'S CONCERN OVER DIRECTION OF NATIONAL PRIORITIES

(Mr. **ROSTENKOWSKI** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ROSTENKOWSKI**. Mr. Speaker, last Thursday, business in Chicago prevented me from returning to Washington in time to participate in either of the two votes on the Yates' amendment striking SST funds from the Department of Transportation Appropriation. If present, I would have voted for this amendment. I am on record as paired for the amendment.

At this time, I would like to congratulate my good friend and Chicago neighbor, SID YATES, for his persistence in leading this fight against a strong and well-financed opposition. As one who has only recently changed his mind on the necessity of Government sponsorship of the SST, I would agree with my colleague, the gentleman from Illinois (Mr. YATES), when he says that this victory is the result of an increased citizen's concern over the direction of our national priorities. I hope that this vote signals the beginning of an increased citizen awareness and participation in government.

LOWERING THE VOTING AGE TO 18

Mr. **CELLER**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The **SPEAKER**. The question is on the motion offered by the gentleman from New York.

CALL OF THE HOUSE

Mr. **SCHMITZ**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **CELLER**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Ashley
Blanton
Brown, Mich.
Chisholm
Clark
Clay
Collier
Collins, Ill.
Corbett
Corman
Delaney
Dellums
Dent
Diggs
Dingell
Dowdy
Drinan
Dwyer
Edwards, Calif.
Edwards, La.
Foley
Ford, William. D.
Fraser
Gallagher
Goldwater
Green, Pa.
Hanna
Hawkins
Hébert
Hogan
Howard
Jarman
Jones, Tenn.
Keating
Landgrebe
Leggett
McCulloch
Martin
Metcalfe
Mink
O'Hara
Pelly
Price, Ill.
Rangel
Rees
Roberts
Rooney, N.Y.
Rosenthal
Scheuer
Scott
Steele
Stephens
Teague, Calif.
Tiernan

The **SPEAKER**. On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LOWERING THE VOTING AGE TO 18

The **SPEAKER**. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) with Mr. BOLLING in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 1 hour, and the gentleman from Virginia (Mr. POFF) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. CELLER).

Mr. **CELLER**. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is a rather happy occasion for me to sponsor and cosponsor the so-called 26th amendment to the Constitution. It has been my privilege heretofore to cosponsor the 23d—extending the right to vote in presidential elections to residents of the District of Columbia—24th—abolishing the poll tax in Federal elections—and the 25th—dealing with Presidential inability and succession—amendments, three constitutional amendments, and if this 26th amendment is ratified I will lay claim to sponsoring and cosponsoring four constitutional amendments. I say with all due modesty this is rather an achievement, and an achievement that I am extremely proud of.

Mr. Chairman, a government of, by, and for the people should be deeply interested in the right to vote. This right is the most basic of all.

The ballot box is the mechanism by which the will of the people shapes government. Democracy draws its strength and assures its survival through the exercise of the vote.

Throughout our history a continuing question has occupied the attention of Americans: Who, among our citizens, shall be eligible to participate as voters? On at least four occasions our Constitution has been amended to enlarge or protect political participation. The 15th amendment—removing the test of color from the ballot box; the 19th amendment—woman's suffrage; the 23d amendment—District of Columbia vote for President and Vice President; and the 24th amendment—abolition of the poll tax. In recent years the Congress has vigorously acted to assure the free exercise of the right to vote. The proposed 26th amendment to the Constitution embodied in House Joint Resolution 223 represents another step in the American tradition of enlarging the franchise.

Members will recall that provisions of the Voting Rights Act Amendments of 1970 lowered the minimum voting age to 18 in Federal, State, and local primary and general elections. The measure was overwhelmingly approved in both Houses of Congress. Some of us expressed reservations about the constitutional authority of the Congress to modify voting age qualifications by statute. Nevertheless, we confidently expected a prompt resolution of the question by the Supreme Court. Six months after its enactment, the Supreme Court rendered its decision on the constitutionality of various provisions of the act. It upheld all provisions of the act save those reducing the minimum voting age in all elections. By a 5 to 4 decision the Court upheld the lower voting age for national elections but invalidated the statute insofar as it attempted to lower the minimum voting age in State and local elections. As a result of the Court's decision two sets of electoral machinery must be established in 47 States which to date have not lowered the voting age to 18 for State and local elections. This dual voting age system is estimated by the Bureau of the Census to affect well over

10 million potential voters, or approximately 8.5 percent of the resident population 18 or over.

Although nine States today permit persons under 21 to vote in all elections, only three, Alaska, Georgia, and Kentucky, permit 18-year-olds to vote—Massachusetts, Minnesota, and Montana require at least 19 years of age; Hawaii, Maine, and Nebraska require at least 20 years of age. A dual-age voting system will be expensive and administratively burdensome to operate. A recent nationwide survey among election officials indicates that separate electoral facilities and procedures will have to be developed; separate Federal ballots would have to be prepared for each congressional district. Separate registration, separate voting and separate counting of the newly enfranchised present serious threats of uncertainty and delay in the tabulation of the election results in 1972. Additional voting machines may have to be purchased in order to accommodate the 18-to-20-year-old voter who at present is only permitted to vote in national elections. Alternatively, mechanisms to lock levers in voting machines under State and local offices may have to be installed, or separate paper ballots listing only Federal candidates may have to be used. Resort to one or more of these procedures would involve additional personnel, additional training, and additional expenses.

To suggest that these problems were "caused" by the enactment of the Federal statute or by the decision of the Supreme Court does not offer a constructive remedy to the problems States and localities now confront.

Whatever new separate procedures and facilities ultimately are established, election officials estimate that the added costs to State and local governments will be substantial. Estimates of these expenses suggest a nationwide cost of approximately $20 million.

Although recent referendums in several States indicate popular disapproval of the 18-year-old vote, these decisions were made before the Supreme Court upheld the 18-year-old vote in Federal elections. Now confronted with dual-age voting and the substantial administrative difficulties and expenses that such a system involves, it is inconceivable that the citizens across the Nation would now opt for a dual voting system.

Indeed, many State legislatures today are attempting to bring their voting age qualifications into line with the Federal standards in time for the 1972 elections. In New York State, for example, a proposal to lower the voting age is scheduled to be voted on in a popular referendum later this year. I am advised that similar referendums appear also to be scheduled later this year in the States of Kansas, Maine, and New Mexico. In other States, however, such efforts may fail to produce the desired voting age uniformity in time.

A revision of the State voting age qualification apparently requires an amendment to the State constitution in every State. Processing such a constitutional amendment differs from jurisdiction to jurisdiction. In at least 16 States the adoption of an amendment requires approval by two separate sessions of the State legislature to be followed by a referendum. Because not all State legislatures meet annually and a number of States require approval by two sessions of the legislature and because every State except Delaware requires a referendum to be held on a proposed amendment, it appears that more than 20 States will be unable to lower the voting age prior to November 1972.

Only an amendment to the U.S. Constitution of the type embodied in House Joint Resolution 223 can guarantee the uniformity of State and Federal voting age requirements by the next national election.

Although individual State efforts to achieve national voting age uniformity by 1972 by State constitutional amendment seem futile, there is a realistic possibility that by the next national election the proposed new article of amendment now before the House may be ratified. More than 45 State legislatures are meeting this year. Approximately half that number are scheduled to meet in 1972, and it is likely that special sessions in the fall of 1971 and the spring of 1972 will be held to deal with the issue of reapportionment. A reasonable period, therefore, exists within which the State legislatures may ratify the proposed new article.

ACTION BY THE OTHER BODY

The Senate Judiciary Committee conformed a Senate resolution to House Joint Resolution 223 as reported by the House Committee on the Judiciary. The Senate resolution, which is identical to House Joint Resolution 223, was approved unanimously by the other body—94 to 0—on Wednesday, March 10. Final action on the Senate resolution in this Chamber will permit prompt transmittal of the proposed 26th amendment to the States for ratification.

ANALYSIS OF THE RESOLUTION

The resolution contains the customary provision that the proposed new article to the Constitution shall be valid as part of the Constitution only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

Section 1 of the proposed new article would prohibit the United States or any State from denying or abridging the right of citizens of the United States to vote on account of age if such citizens are 18 years of age or older. This provision is modeled after similar provisions in the 15th amendment, which outlawed racial discrimination at the polls, and the 19th amendment, which enfranchised women. The reference to "State" encompasses other governmental bodies within the State such as municipalities, sanitary districts, and school boards. The section contemplates that the term "vote" includes all action necessary to make a vote effective in any primary, special or general election including, but not limited to, registration or other action required by law prerequisite to voting, casting a ballot, or having such ballot counted properly and included in the totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

Section 2 confers on Congress the power to enforce the article by appropriate legislation. Any exercise of power under this section must not only be "appropriate" to the effectuation of the article, but also must be consistent with the Constitution. This section does not preclude States from enacting legislation implementing the amendment so long as it is not inconsistent with congressional legislation. The power conferred upon Congress by this section parallels the reserve power granted to the Congress by numerous amendments to the Constitution.

Mr. Chairman, the proposed 26th amendment is part of a constitutional tradition of enlarging participation in our political processes. Its approval will eliminate substantial administrative burdens and costs which would otherwise be incurred by the States in the operation of a dual voting system. It will avoid the dangers of uncertainty, delay and confusion inherent in such a system. For these reasons, I urge adoption of the resolution, now. I am confident that the States will ratify before the presidential elections of 1972.

I am informed that a number of the States, as it were, are waiting in the wings to make their bow by way of ratification of this so-called 26th amendment.

Finally, I wish to point out that there is a great ground swell for the 18-year-old voting amendment. This movement for voting by youths cannot be squashed. Any effort to stop the wave for the 18-year-old vote would be as useless as a telescope to a blind man. As I said before, even the august body called the Senate approved the proposed amendment unanimously. Our Judiciary Committee approved the resolution 32 to 2.

Nor is it anomalous that I, the eldest in this body in service, should pump for voting for our youth. Youth will be served. That is an old, ancient saying, which is quite true today.

You know, youth wanes by increasing years, but the increase usually brings wisdom. Of course, I cannot be young again by any manner of means any more save in spirit. But maybe be offering this amendment I can at least wear, shall I say, the rose of youth.

The youth of America is our oldest tradition. That tradition has been in existence for over three centuries. Let us offer it our respect by a favorable vote.

I do not believe that youth will fail us if we offer our youth the privilege and responsibility of the ballot. It has been said that in the lexicon of youth there is no such word as "fail." They will not "fail" us. Some of our youth have disappointed us, but the preponderant majority are as sound of mind as they are strong in body. In the long run our voting youth will not betray their elders.

Indeed, eventually we all must resign ourselves to their care as we grow older. Thus, let us prepare them early by giving them the ballot.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, I yield myself 5 minutes.

Last year when this issue came into focus I announced my support of a constitutional amendment. I reaffirm my position. It is too bad the Congress did not proceed initially on that course, because the result of the course that was chosen has been near disastrous. The Congress erred in failing to take the constitutional amendment route, and then in the drafting of the statute itself, the Congress erred in at least two particulars. The first error was in the language of the clause addressed to the 18-year-old franchise. That language limits its thrust and effect to primaries and elections. In doing so, it excludes from its impact other anterior steps in the voting process, including nomination, either by petition or by convention.

Finally the Congress erred in confining the impact of its statute to the denial of the right to vote, when, in fact, if the House intended to be thorough, it should have also proscribed the abridgement of that right.

Now, in the shadow of the Court's decision, we are confronted with what is called, in shorthand terminology, dual age voting. As the chairman has indicated, we do face next year, unless this problem is promptly and effectively corrected, confusion, chaos, and possibly other difficulties at the polls.

We have three options as we choose a solution. We have only three. One would be to repeal the faulty statute we passed last year and thereby restandardize within each State the voting age in both State and Federal elections. The second would be to allow the individual States individually to decide whether they could live with the duality problem or should adjust their own laws to standardize the voting age at 18. And, finally, we can standardize the voting age at 18 by approving this constitutional amendment. The first of those alternatives, let us face it, is absolutely unrealistic. The second is altogether unlikely. The third is the only reasonable, feasible, functional choice.

As responsible legislators we must make that decision today. We must propose this constitutional amendment promptly and allow the individual States, as the Constitution explicitly provides, to make their own decisions whether the Nation should attempt to live with this problem of dual voting or solve it by this change in our Federal Constitution.

Let me suggest that that change in no way offends our federalism. On the contrary, it accords with it, because the States are given the opportunity in the amending process to make their own judgments. I repeat, it is the only mechanism by which the States can effectively resolve the dual age voting problem.

It is possible for them to do so seasonably. It will not be long before the primaries are upon us and the State legislatures must act, if they are to do so effectively, sometime before early spring of 1972.

The time frame seems to be very abbreviated, but let me suggest that of the 15 constitutional amendments after the Bill of Rights, 10 were ratified in a time frame of less than 14 months. So if we move promptly, it is reasonable to expect that we can conclude this job in a timely fashion.

Forty-three of the State legislatures are in session this year, and about half that number will be in session early next year. In addition to that, largely because of the problems connected with the decennial census and redistricting and reapportionment of the State legislatures, there are likely to be a number of special sessions of the legislatures in many of our States this fall, and early next year, so it is realistic to expect that we can, if we act now favorably, accomplish this goal in time to permit proper functioning of the voting process next year.

Last year, I believed that the Congress was taking an unwise and unconstitutional approach in attempting to lower age qualifications for voting in 48 States by Federal statute. It was argued on the floor in this body and in the other body that the legislation was supported by the 14th amendment.

When the Supreme Court was confronted with this vexing question, a majority agreed that Congress could not lower age qualifications for voting by statute under the 14th amendment. However, although a majority of five Justices found the Congress in error regarding its legal theory, four Justices agreed with the Congress. Mr. Justice Black, one of the five Justices who said that the 14th amendment did not uphold the statute, found that the statute was valid—but only for Federal elections—under section 4, article I of the Constitution. And thus, ironically, a view espoused by only one Justice was combined with the views of four dissenting Justices to produce the result that the statute was in part constitutional and in part unconstitutional. In a sense eight Justices dissented from the holding in the case.

The result is the problem of dual-age voting. The 18-year-old citizen may vote for candidates for the House, the Senate, and the presidency, but he may not—unless he resides in Alaska, Kentucky, or Georgia—vote for candidates for any other office.

Congress now has the opportunity to correct this problem. I believe that the age qualifications for voting in any and all elections should be lowered to 18 because that portion of our citizenry between 18 and 21 years of age has a vital stake in the decisions which guide this Nation, has demonstrated an increasing awareness of the problems before us, and is more knowledgeable than any such previous group in our history. Moreover, the right to vote an anterior to all other rights. It is so important that it should be placed beyond the power of any legislature either to deny or to abridge it. The vice of the statutory approach is that the Supreme Court or the Congress is free to change its mind and each is capable of doing so quickly, and what was easily given might easily be taken away.

Today, we have the opportunity to correct the mistake of last year. On March 10, each Member of the other body—all 100—went on record in support of a constitutional amendment to lower the voting age. And the administration has indicated its unqualified support for such a constitutional amendment.

What does the proposed constitutional amendment accomplish? It does not grant the right to vote to all citizens 18 years of age or older. Rather, it guarantees that citizens who are 18 years of age or older shall not be discriminated against on account of age. Just as the 15th amendment prohibits racial discrimination in voting and just as the 19th amendment prohibits sex discrimination in voting, the proposed amendment would prohibit age discrimination in voting, but only against those citizens who are 18 years of age or older. In this regard, the proposed amendment would protect not only an 18-year-old, but also the 88-year-old. A citizen of the United States may still be denied the right to vote for valid reasons, but such reasons may not be race, sex, or age—if he is 18 years of age or older. For example, a State law that prohibits convicted felons from voting would not be affected by the proposed amendment. Just as black felons and female felons are not guaranteed the right to vote by the 15th and 19th amendments, felons who are 18 years of age or older would not be guaranteed the right to vote by the proposed amendment.

The proposed amendment in fulfilling its purpose would produce a considerable overlap with State laws which may appear purely redundant, but which makes clear the true nature of the proposal. Today, the citizen who is 21 years of age may vote in any State. Yet, the proposed amendment would bestow an additional constitutional right upon such citizen—the right not to be discriminated against on account of his age. However, in doing so, I believe that it is fair to say that there is no intent to change that citizen's status in any way. If State law today requires that such citizen register in order to vote, the proposed amendment would not grant a constitutional right to ignore the State-imposed precondition. If State law today requires that such citizen have registered for the last election in order to have the right to initiate legislation by signing a petition, the proposed amendment would not grant a constitutional right to ignore the State-imposed precondition. There is no intention to change the status of that 21-year-old citizen by means of the proposed amendment. If such citizen's right to vote is being denied or abridged, it is obviously not on account of his age. If he claims that his right to vote is being denied or abridged by the State-imposed preconditions, that claim must be resolved by other principles and provisions of law.

What the proposed amendment will do is to place the 18-year-old citizen in the shoes of the 21-year-old citizen in the above instances. The status of the 18-year-old citizen is changed. He is to be treated under the State voting laws as the 21-year-old citizen was prior to the ratification of the proposed amendment.

Hence, the overlap of the proposed amendment serves to make clear its central purpose—to bestow on those 18 years of age and older the voting rights enjoyed under State law by those who today meet the State age qualifications for voting. No more is intended; and no less.

Thus, the proposed amendment, rather than establishing an absolute right to vote, prohibits only a certain kind of discrimination.

Moreover, the proposed amendment does not establish that age qualifications for voting must be set at 18. It does ban age qualifications above the age of 18. It does not ban age qualifications below the age of 18. Thus, a State legislature could lower the voting age for elections held within the State to an age below 18. And so long as the Supreme Court's decision in Oregon against Mitchell stands, the Congress could lower the voting age for so-called Federal elections to an age below 18.

The proposed amendment would protect citizens who are 18 years of age or older against age discrimination. I have not found any attempt in the reports of the Judiciary Committee in either this body or the other body to define what is meant by a "citizen." The reason for the silence in these reports is that the proposed amendment rests on prior law, including section 1 of the 14th amendment, for the meaning of citizenship. Let me say that there is absolutely no intention to tamper with such law. That is true in spite of what is to me the inartful form of the operative clause of the proposed amendment, which reads:

> The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Although the use of commas in that clause might lead one to infer that one must be 18 years of age or older to be a citizen, the members of the committee reporting this legislation had no intention to establish any such standard I believe that our purpose would have been better reflected by reporting House Joint Resolution 401, which I cosponsored. Its operative clause reads as follows:

> The right to vote of citizens of the United States who are eighteen years of age or older shall not be denied or abridged by the United States or by any State on account of age.

I find that language truer to our purpose. I hope that it will remain clear to all that House Joint Resolution 401 and House Joint Resolution 223 are identical in scope and meaning.

If House Joint Resolution 223 becomes ratified in law, it will do more than simply constitutionalize title III of the Voting Rights Act Amendments of 1970; it will do more than simply correct last year's mistake. To illustrate the distinction between the statute and the proposed constitutional amendment, let me underscore the following points.

First, the statute was limited to the right to vote "in any primary or in any election." The proposed amendment is not so limited; it protects the "right to vote" not only in such elections but otherwise. The "right to vote" is a constitutional phrase of art whose scope embraces the entire process by which the people make their political choices. This includes not only the right to vote for a Congressman or a mayor in a general, special, or a primary election, but also the right to nominate by petition or convention or the right to participate in procedures such as initiative or recall where they have been adopted. In the words of the committee's report:

> The proposal embodied in House Joint Resolution 223 confers a plenary right on citizens 18 years of age or older to participate in the political process, free of discrimination on account of age.

This plenary right, of course, refers to citizen's right to make political choices and not to the right to be a choice; that is, a candidate for office.

Second, whereas the statute protected only against the denial of the right to vote, the proposed amendment would protect against either the denial or the abridgement of the right to vote. I do not believe that the limited protection of the statute was the result of a conscious rational judgment. The proposed amendment would also correct this error. Since so much of our constitutional law and our statutory law heretofore distinguished denials and abridgements of the right to vote, the oversight in the statute might have proved to be a source of mischief.

Since at every turn we find that the proposed amendment is an improvement over present law, one might reach the conclusion that support for this measure would be unanimous. However, there are some who oppose this measure on the grounds of the States rights doctrine. The argument cannot be predicated on a legal basis because the Constitution itself allocates rights between the Federal and State Governments and whatever becomes part of the Constitution also shares in allocating rights. The argument must rather rest on policy grounds. It is argued that it would be better to allow each State to decide this issue for itself. But, in the other body, where States are represented as such, that argument was unanimously rejected. Why? Because Oregon against Mitchell has created an emergency in the administration of elections so that the States are no longer free to contemplate these noble questions at their leisure. If something is not done before the 1972 elections, chaos and confusion will grip the polling booths across the country. And the overwhelming majority of the States find it impossible to help themselves in this emergency. We have more than a suspicion that they want help. If we are wrong, it will take only the silence, inaction, or rejection on the part of 13 legislative bodies in separate States to tell us. And remember that there are 99 legislative bodies that will be presented with the question of what is best for the States. It will only take 13 to block ratification. I believe that the States should decide what is best for them. But without the submission of the proposed constitutional amendment, the States are not able to choose effectively. I do not find it persuasive to argue the right of the State to choose where, in fact, the law in most States makes a choice impossible.

For these reasons I urge the adoption of House Joint Resolution 223.

Mr. CELLER. Mr. Chairman, I suggest that the gentleman from Virginia yield some time, because one or two of the gentlemen to whom I propose to yield time are not present.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I labor under no illusion that this proposition is in the least part in jeopardy before this House. I anticipate that it will be adopted by the requisite two-thirds vote of this House this afternoon and before the afternoon is very much older.

I may say that personally I have no fear of the 18-year-old franchise. I believe that in the two States which have had reasonably long experience with it, it has been demonstrated that the younger voters—the 18-, 19-, and 20-year-old voters—are absorbed into the general pattern and there is no disruption that should cause anybody any trouble.

But, Mr. Chairman, I have decided in my best conscience that I must vote against this proposal this afternoon, because the people of Michigan so decisively in the last election voted it down.

In 1970, only 39 percent of the people of the State of Michigan voted in favor of amending our State constitution to extend the voting franchise to those 18 years of age and older. Only 39 percent were in favor. In my own district, only 37 percent of the people voted for it. In fact, the issue carried in only nine precincts out of the 261 precincts in my district.

It occurs to me that if ever there was a mandate at the ballot box on an issue certainly here is that mandate.

I know the argument is made there has been an additional ingredient added into the situation, in that last December the Supreme Court in effect wrote a law different from that which the Congress voted and extended the right to vote to 18-year-olds only in national elections. Congress never passed any such law. The congressional act was intended to cover all elections. But the Supreme Court says what we did was to act only in national elections.

I know that additional ingredient has been added into this situation since the 1970 elections, but at the time the people of Michigan voted on this issue Congress had already spoken. The President had already signed into law the Voting Rights Act of 1970, which included title III, which purported to extend the right to vote in all elections across the board, State and local, as well as Federal.

Nevertheless, the people of my State resoundingly said "No" and the people of my district resoundingly said "No." So under the circumstances, I feel myself mandated to represent them here.

So often I have people say to me "What good does it do to vote?" I say to you that if the decision of the people made at the ballot box is to be completely ignored, indeed that question becomes awfully hard to answer.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I appreciate the gentleman's statement that the people of Michigan have by a resounding vote turned down the vote for 18-year-olds. Would the gentleman venture a guess as to what the outcome might have been if indeed the 18-, 19-, and 20-year-olds had been permitted to vote on that proposition?

Mr. HUTCHINSON. I dare say that the result would not have been different in Michigan nor would it have been different in my district, for the reason that it was so overwhelmingly defeated.

Mr. PUCINSKI. But the question is was it defeated by those who are not directly involved in terms of permission to do so. If we had permitted 18-, 19-, or 20-year-olds to vote on this particular question as to whether or not they should be permitted hereafter to vote in elections, do you think the outcome would have been different?

Mr. HUTCHINSON. No; I think the outcome would have been the same.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Poage).

Mr. POAGE. Mr. Chairman, I do not have any mandate. It has been some years since the people of Texas voted on this question. They rejected it at that time. I do not know what they will do in the future. I am not trying to say what my State or any State should do within its own jurisdiction, nor am I trying to pass upon whether 18-, 19-, or 20-year-olds or 16-year-olds or 12-year-olds should vote. I am, however, of the opinion that we would do well to maintain our system of a federal union with the States having some voice in their own internal affairs, and certainly retaining the right to fix the qualifications of voters for local office.

I know that there has been a strong argument made that now the States must maintain two separate accounts to determine who may vote only for Federal officials and who may vote for State and local officials, such as for justices of the peace. True, as a result of legislation and of court decisions the State election officials have to keep two separate sets of ballots and it is expensive. I heard the argument made that in one of the States in the Northeast it cost them $700,000 to meet this double standard and the argument is made that to avoid that expense we should pass this constitutional amendment.

Why do we have to pass a constitutional amendment if, let us say, in Texas they want citizens to vote at 18? Congress does not have to submit to any kind of amendment. If Maine or Oklahoma wants to allow 18-year-olds to vote they can allow it without any action by this body. That can be determined by the home State as it should be. The legislators of any State can right now submit amendments to the State Constitution and if the people of the State involved want it, they can pass it. I have no quarrel with that. If Ohio wants to give the ballot to 16-year-olds that is their right but I do not want Ohio or any other State to tell Texas what we must do, nor do I want Texas to try to control the local affairs of any other State. I do not know why we should be dictated to by some other States, even though three-fourths of the other States want some other age limit.

I do not know why it should be our business here to deny the people of any State the right to determine who are the voters in their States for State offices. The Supreme Court held that is the privilege of the States at the present time. Now we propose to come along and say if a three-fourths majority of the States decide that they want to make some other State give the ballot in local elections to someone 18 years of age, that this majority is justified in imposing their will on the States which may have a different view. I do not believe anything of the kind. I think if Virginia wants to give the ballot to 12-year-olds, it is perfectly all right with me, but I do not want it in Texas, and I do not think the people of Texas want it.

Nor do I think that it is any of the business of this Congress to tell the people of Texas what qualifications they shall set for local elections. That is all that you do if you adopt this constitutional amendment and if it is adopted by a vote of three-fourths of the States.

That is all that you will have accomplished. You will not have given any freedom of choice to anybody, because every State in the Union today has that freedom within its own boundaries. Every State right now has the right to let 18-year-olds vote or has the right to cut this down and only give people 48 years old the right to vote if they want to. I think that is the way it ought to be. Each State should have the right to decide who is going to vote in their local elections.

Now, why do you want to do this? Is there any good reason for doing this, other than a mean desire to interfere with your neighbor's business? I think we have had enough of this matter of interfering with the business of everyone else. If we will go home and attend to our own business, I believe this country would get along a whole lot better. If there is a Member on this floor who can give any reason for denying each State the right to decide this matter of age of electors in local elections I would respectfully invite him to do so.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, in urging overwhelming approval today of the proposed constitutional amendment extending voting rights to our young citizens 18, 19, and 20 years of age—I want to recall that I have sponsored and supported this measure in earlier Congresses.

It had been my hope that the shortcut route of extending voting rights to these younger citizens by way of legislation—in contrast to an amendment to the Federal Constitution—might satisfy the constitutional requirements.

It now appears that the constitutional requirement was satisfied by our action at the last session insofar as Federal elections are concerned. However, the U.S. Supreme Court, in the case of Oregon against Mitchell, ruled on December 1, 1970, that an amendment to the Constitution would be essential to lower the voting age for State and local elections.

Our present dilemma results from the action which we took in the last Congress as construed by the Supreme Court. In other words, we will now have a dual system of voting—one applicable to State and local elections—and the other applicable to elections of Federal offices.

According to a report filed in the other body just a few weeks ago, it was shown that in my State of Illinois the Secretary of State, John W. Lewis, estimates that there could be a 40- to 50-percent increase in election costs because of the need to keep two sets of registration books and two sets of ballots. The chairman of the Chicago Board of Election Commissioners estimated the additional cost for the city of Chicago as ranging from $150,000 to $200,000 at each general election.

By acting speedily here today and submitting that constitutional change to the States for ratification, the confusion, the threatened additional expense, and the distinct possibility of voting irregularities—and fraud—can be avoided.

Mr. Chairman, I had occasion to communicate with the county clerk of Lake County, Mrs. Grace Mary Stern, who advised that the permanent registration records were being equipped with tabs to identify the voters who are less than 21 years of age. As the voters attain their 21st birthday, the tabs are removed in order that full voting rights can be accorded these young voters. She indicated also that the electronic voting system would require some modification in order to limit the right of younger voters to cast votes for Federal offices. She is endeavoring to reduce added expense as fully as possible but indicates that some additional expense would be incurred, in addition to a certain amount of confusion.

Mr. Chairman, the county clerk of McHenry County, Mr. Vernon Kays, indicates that unless we are able to provide uniformity of voting rights as between citizens between 18 and 21 years of age—and those above that age, McHenry County will be subjected to substantial additional expense—and much confusion.

Mr. Chairman, the Illinois General Assembly is in session at this time, and, according to my advice, will act promptly to ratify this constitutional change. Earlier, I indicated my feeling that speedier action by the States might occur through State conventions convened for this purpose. However, my information is that the State legislatures, for the most part, are waiting for us to act and will undertake ratification without delay. In fact, I would expect this constitutional amendment to be ratified in record time through affirmative action of the State legislatures.

Mr. Chairman, I am for the 18-year-old vote all the way, but, more importantly, at this juncture, I am for the elimination of the discrepancy which now exists in the voting rights of those who are above and below the 21-year-age mark. The action we take today can be the most important step in eliminating this discrepancy. I urge a favorable vote of the House.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I am very, very happy that this legislation concerning a constitutional amendment for the 18-year-old vote is before the House of Representatives today.

In the 90th Congress I was the sponsor of House Joint Resolution 18 which would have provided for an 18-year-old vote in America.

In the 91st Congress I was the sponsor of House Joint Resolution 18 which, again, would have provided for an 18-year-old vote.

Mr. Chairman, we have seen the past history on this legislation. We are aware that we did pass legislation for an 18-year-old vote which the Supreme Court determined could only apply in Federal elections.

We are today going to pass I am sure a constitutional amendment which will provide for the 18-year-old vote throughout the Nation. I believe that this is fair, that this is just, that this is something that our country should do in order to recognize that our 18-year-olds, our 19-year-olds, and 20-year-olds are adults in America.

But, Mr. Chairman, I believe that the most important thing that we should concern ourselves with today is to see that, in reality, our 20-, 19-, and 18-year-olds do actually vote in America in all elections.

As we all know, this legislation must be accepted by 38 State legislatures throughout the country. We also know that many, perhaps, two dozen States in past years have voted down on referendums the 18- or 19-year-old vote proposal. I feel that unless we improve this legislation, unless we make it acceptable to people throughout the country, we will never get the 38 States to agree. Therefore, we will not have a truly 18-, 19-, and 20-year-old vote in this Nation.

Mr. Chairman, I shall offer at the proper time an amendment to this legislation which involves a bill I introduced several weeks ago to provide for a moving down from 21 to 18 the age of majority in this Nation under all law.

This is the way Great Britain recently handled the 18-year-old vote. They said, yes, we will give all of the privileges of adults to people who are 20, 19, and 18, but we will also give them all the responsibilities of adults at ages 20, 19, and 18, and that means responsibility for signing contracts and many other things.

There is an indication that perhaps this amendment may be out of order; that a point of order may be made against this amendment because it is not germane. I feel that it is absolutely germane. In this legislation we are talking about privileges and responsibilities being given to people who are 20, 19, and 18. My amendment reducing the age of majority from 21 to 18 will do exactly the same thing—it will deal with privileges and responsibilities of people 20, 19, and 18 years of age.

I hope that this will be considered, because I feel many people in the House and perhaps many members of the Committee on the Judiciary who may not be in favor of an 18-year-old vote are well aware that we can pass this today. We can say we did it here in the House of Representatives, we got a two-thirds vote on it, and so we are in favor of reducing the voting age, knowing that many State legislatures will not bite the bullet, will not, in view of the recent referendum which they have had on this issue, agree, and in reality we will not have an across-the-board 18-, 19-, and 20-year-old vote in this country. But I feel if we add this amendment to the provision, if we say yes to the young people, we not only want to give you the vote, we not only think you can handle the vote, but we also think you are adult enough to be able to handle responsibilities of majority in this Nation, then I feel that we will be able to see in a very short time 38 States agree with what the Senate did a short while ago, and what we are about to do here today, we may then really say to the young people, we believe that you are truly adult.

So, Mr. Chairman, I hope there will not be a point of order made against the amendment. I hope the amendment will be adopted, because I feel this is the only way we can assure that we will see an 18-year-old vote in America.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I rise in support of the proposed constitutional amendment, and I want to commend a group of young people that I think have demonstrated what young people can do by working within the system, and by a tremendous effort on their part, to persuade enough Members of both the House and the Senate to support this legislation. They are the members of the Youth Franchise Coalition, which is a group of young people who have really tirelessly lobbied on behalf of this proposition which they believe in very strongly.

I am hopeful and I am expectant that all of their work is today going to bear results, and I congratulate them.

I want to say this—that I think the amendment that was talked about by the earlier speaker, although I know it is very well intentioned, and well motivated, might have the effect, instead of helping, of clouding what otherwise is a very clear issue, because as the gentleman from Virginia stated so well, we are legislating today not only for our own legislative purposes, but really in response to a Supreme Court decision which had the effect of frustrating what had been our purpose when we passed the statute lowering the voting age sometime ago. I think that the issue right now is very clear that will be presented to the various State legislatures for proposed ratification.

I think to include as part of the constitutional amendment a provision that would affect contract rights and property rights might well have the unintended effect of hurting our cause.

So when the gentleman offers his amendment, I, for one, will be in opposition to it.

Mr. Chairman, last May during our consideration of the Voting Rights Act of 1970, I suggested to my colleagues that we let the Supreme Court of the United States determine whether we had the power and authority to lower the voting age to 18 by simple statute rather than by constitutional amendment.

On December 21, 1970, the Supreme Court answered that question "yes and no." In the cases of Oregon against Mitchell; Texas against Mitchell; United States against Arizona; and United States against Idaho, the Court, in its opinions decided that Congress could indeed lower the age by statute with respect only to Federal elections, but that a constitutional amendment was necessary to lower it in State and local elections—in the absence of a State statute.

At the present time only three States—Alaska, Georgia, and Kentucky have set their minimum voting age at 18. Montana and Massachusetts adopted a 19-year-old standard, and Maine and Nebraska have set the age at 20. The other States are either in the process of lowering their voting age minimums or are still at age 21.

Since only three States now have 18-year-old voting, the other 47 States must face the problem of providing separate registration and voting for persons in elections for President and for Senators and Representatives in addition to registration and voting for State and local officials. Also, there will be some people who are only qualified to vote for Federal candidates.

At this point in my remarks I include pertinent portions of an excellent review and analysis of the situation as made by Johnny H. Killian, legislative attorney, American Law Division, Library of Congress:

PROSPECTS, IMPLICATIONS, AND RAMIFICATIONS

Any decision of the Court, but especially decisions of a constitutional nature, has myriad radiations, leading off into practical consequences, doctrinal implications, precedential bases for subsequent decisions, and dicta which is never developed further. Where the Court is as fragmented as it was in this decision, it is quite difficult to separate one radiation from another. But some things can be said, some with certainty, others less assuredly.

State Election Practices—As a matter of immediate, practical effects, the decision will require the States to institute some changes in their electoral practices. Since only three States presently set the voting age at 18, 47 States must provide for separate registration and separate voting for some persons in elections for President and For Senators and Representatives who are not qualified to vote for state and local officials. Additionally, because of the residency provisions of the Act, there will be some persons who are only qualified to vote for presidential electors.[1] Since most of the States conduct elections for federal and for state and local officials simultaneously, there will be problems related to furnishing ballots to persons not qualified to vote on every office and especially problems related to equipping voting machines.

Too, there will no doubt arise problems of interpretation relating to Titles II and III. For example, the residency provisions of Title II clearly relate only to the vote for presidential electors, but Title II applies "in any primary or in any election". The Court's decision qualifies the "any" to mean any congressional or presidential primary election or election. Clearly, voters between the ages 18 to 21 will be able to vote for presidential electors in the November election. The wording should mean they will be able to vote in presidential preference primaries. In States in which slates of delegates compete in an election to be sent to the presidential nominating conventions, should not voters of this age group be allowed to vote? But what is to be the case in States where delegates to the state conventions are elected and the state conventions select the delegates to the national conventions? Is the result to be the same if the state conventions only select delegates to the national conventions and transact no other business or, on the other hand, if the taste conventions also nominate candidates for state offices or endorse state candidates for later party primary elections and adopt party platforms? What is to be the case in States where, instead of elections, state conventions are the result of a progression of conventions or caucuses at the precinct, county, and district level? Is this age group to participate? Regardless of the number or types of functions performed by the conventions? If the conventions also select state and local party officials to serve for the next two or four years regardless of presidential politics? The practical problems may be numerous.[2]

No help in solving these problems is to be expected from the legislative history because Congress intended that 18-, 19-, and 20-year-olds should participate in the entire electoral process, federal, state, and local. It did not have to face questions related to when the federal and state processes were interrelated, inasmuch as it was the Court's decision which permits the voters of that age group to participate in one process and not in the other.

In recognition of the many and serious problems created by the act of Congress and the decision and opinion of the Supreme Court, I joined with several colleagues in urging that a constitutional amendment be offered to the States for ratification which would permit them to avoid most of the problems created by the Congress and the Supreme Court with respect to the 18-year-old vote matter.

Several joint resolutions were introduced to accomplish this result, including House Joint Resolution 223, sponsored by the chairman of the Judiciary Committee, the Honorable EMANUEL CELLER. It was this resolution that the Judiciary Committee has reported—House Report 92–37—under date of March 9, 1971, and it is this resolution which was passed by the Senate March 10 by a vote of 94 to 0.

As with other recent offerings, it permits the ratification within 7 years by three-fourths of the several States, of an amendment to the Constitution of the United States providing that—

> The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

As stated in the committee report—page 6—substantial added costs to State and local governments are involved in maintaining separate procedures for those between 18 to 21 and those over 21. Reports and estimates submitted to the committee were as follows: Connecticut, $1.3 million; New York City, $5 million; St. Louis, $2.5 million; New Jersey, $1.5 million; Dade County, Fla., $400,000; Washington State, $200,000; and Chicago, $200,000.

No doubt similar reports would be obtainable from jurisdictions across the country. The secretary of state of Illinois, John W. Lewis, has estimated that it would cause an increase of from 40 to 50 percent in election costs for our State.

In House Joint Resolution 223, sponsored by Representative CELLER, we have a proposal that would lower the voting age to 18 in all elections. It is the product of hours of testimony before the Judiciary Committee and careful consideration of the evidence by members of that committee. It deserves early consideration in this session and, in my opinion, strong support.

The alternative—failure by Congress to make voting standards uniform in all elections—is grim to contemplate. Sizable new expenditures, confusion, and electoral delays are all highly probable if States and localities are forced to create a dual-age system of voting. The costs of adapting existing procedures to two different standards for voting, one for State and local elections, the other for Federal elections in the 47 States which do not permit 18-year-olds to vote is expected to run between $10 and $20 million.

The States have shown themselves as favoring an 18-year-old vote. Governors have strongly encouraged such action. At least 34 States either have or will shortly have proposals in their legislatures to lower the voting age to 18. But only 25 of the 47 States which do not allow 18-year-olds to vote could lower their voting age before the 1972 elections without resorting to some extraordinary procedure, such as a special statewide election. Twenty-two States face procedural delays in their amendment process that would prevent final action to lower the voting age by 1972.

A Federal amendment to the Constitution is the only realistic hope in most States for 18-year-old voting before the 1972 elections. It took the States an average of 15 months to ratify each of the last three amendments to the Constitution. An amendment to lower the voting age would stand an excellent chance of ratification within a similar period.

Adoption of House Joint Resolution 223 is a reasonable—and highly practical—means of eliminating the wasteful and unjustifiable costs of a dual-age voting system.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman yielding.

My principal concern with this particular measure is one that has to do with permitting 18-year-olds to vote, for instance, in local and municipal elections in college towns. For example what would happen in a community like Urbana, Ill., with an influx of 20,000 or 25,000 students from outside the State coming into that community and being given the opportunity to vote at 18 years of age? For goodness sakes, we could have these transients actually controlling the elections, voting city councils and mayors in or out of office in a town in which they have a dominant voice. Personally, I feel that this is bad. We have seen evidence of this in Madison, Wis., where in one local election the students of the University of Wisconsin were able to band together and elect several officials who could care less how the city was run and who have no responsibility whatsoever about taxes which have to be raised to fund certain municipal functions in the city.

What should my position be if I am opposed to that kind of thing coming about and am opposed to encouraging this result in any one of the college towns around the country?

Mr. RAILSBACK. Let me just tell you my feelings about that. I hope some of the other Members will feel free to participate.

My belief is that the general laws relating to residence should apply. This involves certain criteria which includes

FOOTNOTES

[1] This comment, of course, assumes that state residency laws, currently under extended attack, *infra*, pp. 42–47, are not shortened either as a result of court decisions or merely as a result of purely voluntary state action. The foregoing comments assume also that age minimums above 18 are not struck down or changed by state or federal constitutional amendment.

[2] The complexities of the processes by which we nominate our presidential candidates is set out in detail in Paul David, et al., *The Politics of National Party Conventions* (Washington: 1960), and Nelson Polsby & Aaron Wildavsky, *Presidential Elections: Strategies of American Electoral Politics* (New York: 2d ed. 1968). Suffice it to say that in very few States are national convention delegates selected in primary elections associated with presidential candidates; in the other States, the selection is a blend of elections, caucuses, and conventions, in which both national and state political issues are inextricably scrambled. If the States are required to permit the 18 to 21 age group to participate partially in this system, the problems of separating the strands will dwarf the dual registration and voting problems of the general election. Further complications are possible because the nominating process is regulated only partly by state laws; parts of the process are subject only to party rules, giving rise to possible "state action" limitations under the Fourteenth Amendment. But inasmuch as the nominating process is an integral part of the election process, the parties might be held affected by state action, under the "white primary" rationale. So far as the Act under consideration is concerned, Congress may in any event as an exercise of its necessary and proper powers have authority to reach private action in order to regulate adequately the state-directed processes.

among other things the intention of the person; that is, where the person intends to reside, and where he does his banking, pays his taxes and whether he is in effect a transient, which would mean his residence would be his permanent home or where he intends to return and all of these things. There are a number of criteria.

I would say before a person or before a student should be permitted to register to vote in a community where he is attending college, that he would have to express to the satisfaction of the registrar there that this was indeed going to be his permanent residence. This should be under oath. I think the laws have been frustrated in some instances. In other words, I think there are students right now trying to register and vote in certain communities who should definitely not be permitted to vote in that area. What you have to do is to look at all of the criteria—where they do their banking and where they pay their taxes, and if they would still be living with their parents where their parents live and all of these different criteria.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield further, you know in the taking of the census this past year our two boys who were away at school were considered to be residents for census purposes of New Haven, Conn., rather than Peoria, Ill. I thought that was wrong. I thought that their residence ought to be the residence of their taxpaying parents. All our local and State programs that are dependent on these population factors are hurt by the fact that they are considered to be residents of some place other than their hometown.

Mr. RAILSBACK. As I mentioned, I think that the laws of residence are very, very clear. They have been established by a whole series of precedents. My own belief is that these precedents have been frustrated in certain instances where students have been permitted apparently in large numbers to register in their college community. In my opinion, this is wrong because the chances are that they are going to return to their own communities.

Mr. MICHEL. Of course, that is a very easy thing to do because youngsters normally stay in school for 4 years. It would be very easy to register in the first year in college, and then there are 3 or 4 years when it would be no problem at all for them to meet the requirements as to residency.

The same thing is true in coming home during the summer months—a student could register there as well and so for all practical purposes be eligible to vote twice.

I, too, feel that this is wrong, but the fact that we both feel this way is not going to provide much comfort to the residents of some of our small college towns around the country when they are confronted with this kind of situation.

Mr. Chairman, I thank the gentleman very much for yielding.

Mr. CELLER. Mr. Chairman, I yield such time as he might require to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I appreciate this opportunity to speak briefly on the joint resolution proposing a constitutional amendment to lower the voting age to 18. There are several compelling arguments in favor of the constitutional amendment to lower the voting age to 18 in all elections.

The first and most obvious argument for the right of 18- to 21-year-olds to vote is that if they are old enough to serve in the Armed Forces of their country, they are old enough to vote. It seems basic to me, Mr. Chairman, that if a man can be sent to a far-off land to fight and die for his country, under a democratic system of government he should have a voice in selecting the officials who make these vital decisions.

Second, I believe that 18- to 21-year-old citizens are, on the whole, as informed and as concerned as their elders about the problems facing our country. Moreover, America's youth are better educated than at any time in our history and perhaps better educated than the youth of any nation in the history of mankind. According to a recent report by the Bureau of the Census, only one out of every 100 Americans over the age of 14 cannot read and write.

Third, if we permit our young people to participate in the political process, the overwhelming majority of them will respond by working constructively within the system rather than going outside the system and resorting to acts of violence to achieve their goals. In this way, the political alienation of our youth will be significantly reduced.

Fourth, our young people will bring fresh ideas and high ideals into the political system about how we can create a more decent America and a more decent world.

Finally, there is an important practical reason why Congress should pass the joint resolution proposing a constitutional amendment extending the right to vote to 18-year-olds. The recent Supreme Court ruling on the Federal law extending the right to vote to 18-year-olds upheld the application of this law in national elections, but declared it unconstitutional in State and local elections. As a result of the Supreme Court decision, any State which fails to lower the voting age to 18 in State and local elections before 1972 will have to institute dual voting and registration procedures. It has been estimated that these dual procedures will cost an additional $750,000 in my own State of Ohio; $1.3 million in Connecticut; $5 million in New York City; $2.5 million in St. Louis; $1.5 million in New Jersey; $400,000 in Dade County, Fla.; $200,000 in Washington State; and, $200,000 in Chicago.

Mr. Chairman, immediate, favorable action by Congress on the constitutional amendment extending the right to vote in all elections to citizens 18 years of age or older, and ratification by the legislatures of three-fourths of the States as soon as possible, is the only reasonable alternative to a costly and chaotic situation. I, therefore, recommend the adoption of this constitutional amendment.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I am glad to join with my colleagues in support of this proposed constitutional amendment. I voted for the legislation authorizing those 18 through 20 years old a vote in local and State as well as Federal elections last year. Now, with the action of the Supreme Court, it is necessary for us to give the non-Federal voting right to these citizens by constitutional amendment.

Mr. Chairman, we, I am sure, are hardly aware of what seems to me to be the unfairness of men 18, 19, and 20 years of age being sent to war, many of them to die, many of them to be grievously wounded, by Presidents and Congresses for which they have never had an opportunity to vote. That is still because neither the President nor Members of the Congress have been voted upon under the legislation on this subject adopted last year.

Mr. Chairman, it seems to me that this is properly a matter of Federal action and responsibility. The voting privilege for those 18 to 20 should be uniform throughout the Nation. I believe this is one of the best generations of young people we have ever had. Some of them have been misguided, but many of them have had the very sincere feeling of frustration that the establishment was against them; that they had no voice in the decisions of their country; and the only way they could make themselves heard was by dissent that erupted in forms of violence.

When this amendment which we propose today becomes effective by the ratification of the States, every person 18, 19, and 20 years of age, as well as everyone over 21, shall have the same voice in the election of the Congress and in the election of the President, and in determining the policies of our country. I think that is a sharing with these young citizens of privilege and responsibility that they deserve and should enjoy.

One other thing, Mr. Chairman. What we propose to do in the Federal enfranchisement of those 18, 19, and 20 years of age is exactly what we did in enfranchising the black slaves with the 15th amendment and exactly what we did in enfranchising women in the country with the 19th amendment. Therefore, it seems to me that this proposed amendment is perfectly in consonance with those precedents.

Mr. Chairman, I am proud to say that I think we are today moving toward giving the privilege and the responsibility for the carrying on of this great Republic into the glories of the future to one of the most deserving of all of our groups of citizens, those who have borne the burdens of its wars, and in whose hearts are the hopes and promises of our long years ahead.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to my colleague from Florida.

Mr. HALEY. I might say to my colleague that giving the States the right to enfranchise young people is what should have been done by us prior to putting through in a hurry, hurry, hurry a little over a year ago something that now will put more or less pressure on the States. Now we are following the processes of the Constitution.

Mr. PEPPER. At least we are now achieving our objective by proceeding through constitutional amendment.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, this amendment is quite simple. It contains few, if any, ambiguities. But I think for purposes of legislative history, we should discuss at least a few matters. One thing we should discuss is age as a standard of voting. It is proposed in the amendment, if ratified by the States, to establish a national age standard for voting at 18 years of age or over.

Since the right to vote cannot be denied, according to the amendment, to any citizen otherwise qualified who has attained that age, it is implicit that no upper age limit of voting may be established by the Congress or by any State. Doubtless a rational case might be made to deny the franchise to the very elderly or to the senile, for example, using many of the same arguments which are used to support this amendment. Such an upper age limit, however, would not be permissible, as I read this amendment.

We all know that the current proposal has gained wide acceptance on the strength of the popular non sequitur, "Old enough to fight, old enough to vote." It is perhaps a paradox, Mr. Chairman, that the other side of the coin, "Too old to fight, too old to vote," will not be possible under the proposed amendment.

A fair reading of the amendment would appear to permit States or the Congress to establish a lower voting age than 18 years, if they so desire. The injunction that voting may not be "denied or abridged" would reasonably not be a bar to extending or granting the franchise to younger citizens. Although no debate on this occurred in the committee, I understand there is no constitutional bar to 17-year-old voting if that be the desire of the States or of the Congress.

The amendment is addressed to the single political act of voting. It does not deal expressly with age qualifications to be an officeholder, for example. As I read the amendment, States may if they wish follow the Federal pattern and impose more restrictive age standards—but otherwise nondiscriminatory qualifications—for holding any elective office.

The act of voting, to which the amendment is addressed, encompasses, as I read it, the full range of rights to participate in the election process. It is anticipated that 18-year-olds could not be denied the right to participate fully in the nominating process, whether by signing nominating petitions, voting at party conventions, or participating in the selection of delegates thereto.

The right to vote without discrimination on account of age after reaching age 18, as I read this amendment, is intended to reach all elections. Distinctions between voters in State and National elections, State and local elections, primary and general elections, school board contests, bond issue elections, whatever—no such distinctions may be made in any such elections on the basis of age. A qualified voter in any election is intended to be a qualified voter in all elections.

It is perhaps unnecessary to point out, Mr. Chairman, that the language "by any State" in the amendment is intended to reach all of the political subdivisions within a State as well.

The amendment in my view is not without technical imperfections. I would have preferred that it follow the pattern of the 18th amendment and commenced with the words "After 1 year from the ratification of this article."

If the 38th State ratifies this amendment within weeks of a scheduled bond issue election in another State, or a scheduled municipal election, for example, who can say that such election will be certified as valid if 18-year-olds did not have the time to register and participate in that election? I regret hearings were not held by my Judiciary Committee so as to give proper consideration to such real and ominous problems. But, Mr. Chairman, I have no doubt that any amendment would not prevail today and, indeed, this amendment is going to be passed overwhelmingly.

As the Chairman and the Members know, I oppose the amendment. I do so because I believe it is unwise and completely unnecessary. My opposition, however, is not based upon age. I have urged my own State legislature to lower the voting age in California. My opposition is contained more fully in the dissenting views which are printed in the committee report, and when we go back into the House I will ask unanimous consent to include those dissenting views at this point in the RECORD.

Mr. Chairman, I include the following material:

DISSENTING VIEWS

We respectfully dissent from the judgment of our Judiciary Committee colleagues that the United States Constitution should be amended to permit citizens 18 years old or over to vote in all elections, State or Federal.

At the outset it should be understood that we do not oppose a reduction in the voting age if that be the will of the people within those jurisdictions affected. Each of us has urged a lowering of the voting age in our respective States. We do oppose, however, the imposition of an unwanted voting standard in State and local elections by others unaffected by that standard. In short, as the law is presently interpreted, States have the right to fix non-discriminatory voter qualifications for their own elections and we believe it should remain that way.

On March 2, 1971, the Judiciary Committee voted to report this amendment favorably to the House. It did so after a discussion (which could not fairly be characterized as a debate) of less than one hour. The amending resolution had not been favored by prior hearings before any House committee in this Congress, or any preceding Congress since 1943.

When one reflects upon the enormous responsibility a committee shoulders in recommending a change in our fundamental law, it must be acknowledged that the Judiciary Committee acted precipitately in this case. Its efforts are wholly out of character with its previous careful deliberations of proposed constitutional amendments.

The primary causes of this unfortunate reversal of form are the Voting Rights Act of 1970 and the Supreme Court's interpretation thereof in *Oregon* v. *Mitchell.*

In the 91st Congress, it will be recalled, the House accepted a Senate amendment to the Voting Rights Act which authorized 18-year-old voting in all elections. Many in this House resisted that amendment on constitutional and policy grounds. The Supreme Court might have resolved our questions, but it did not. *Mitchell* v. *Oregon* satisfied no one, especially those charged with the responsibility of conducting future elections. It is fair to point out that the turmoil which now forces the Congress to consider action is wholly of its own making. True, the Supreme Court compounded our problems, but it did so in response to an act of Congress which 132 of us regarded as improvident and unconstitutional in the first place.

We are asked to support the proposed amendment on the ground that it will eliminate the prospect of confusion and expense in maintaining dual voter lists for future elections. The amendment's supporters believe that it provides the best escape from the problems which the Congress and the Court joined to create. It could with equal logic be argued that this should be accomplished by a simple repeal of the Senate amendment which thrust duality upon us. We reject each of these proposals.

There is a better way.

There are few attributes of State sovereignty more fundamental than the right to determine the qualifications of those who may participate in the voting process. It is a right granted in the body of the Constitution and recognized as recently as the *Mitchell* case itself. Justice Black, who tipped the scales in that decision in favor of the Federal right to determine age qualifications in national elections, spoke powerfully of the State's right to establish similar qualifications for their own elections. He said:

"No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for State, county, and municipal offices and the nature of their own machinery for filling local public offices." *Mitchell* v. *Oregon* (No. 43, Dec. 21, 1970, p. 9.)

Other recent decisions of the Court have indicated a renewed interest in the vitality of the Federal system. In *Younger* v. *Harris,* for example, decided only a few days ago, Justice Black spoke for a more united Court when he called for:

> . . . a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways. This, perhaps for lack of a better and clearer way to describe it, is refered to by many as "Our Federalism," and one familiar with the profound debates that ushered our Federal Constitution into existence is bound to respect those who remain loyal to the ideals and dreams of "Our Federalism." The concept does not mean blind deference to "States' Rights" any more than it means centralization of control over every important issue in our National Government and its courts. The Framers rejected both these courses. What the concept does represent is a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in

ways that will not unduly interfere with the legitimate activities of the States. It should never be forgotten that this slogan, "Our Federalism," born in the early struggling days of our Union of States, occupies a highly "important place in our Nation's history and its future."

The President, too, is fashioning programs which are designed to return power to the States and to reverse the trend toward centralizing authority in the national government.

All of these efforts, by the Administration and the Judiciary, represent a wholesome trend.

The pending amendment, however, is a step backward which should not be taken.

The contemplated amendment may have superficial appeal to some because, if ratified, it would avoid the inevitable confusion and expense of dual age voting. But States need not suffer the confusion and expense if they wish to avoid it. They may change their laws to conform to the Federal standards. Some States, however, may wish to endure these admitted problems as the price of adhering to a policy concerning voting age contrary to that expressed in the amendment. No State should be denied that right.

As we take these preliminary steps toward imposing an 18-year-old voting standard on the Nation, it is well to remember that the enthusiasm of a few is apparently not shared by the many.

Only three States now permit 18-year-olds to vote; 47 do not.

Several States (Maine, Massachusetts, Minnesota, Montana, and Nebraska) have recently adjusted their voting standards downward, but have refused to accept the 18-year-old standard sought to be imposed by this amendment. Only the voters in Alaska adopted the 18-year-old standards in a recent referendum.

Even more States (Colorado, Florida, Hawaii, Idaho, Illinois, Maryland, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Washington and Wyoming) have flatly refused to make any change at all, when given the recent opportunity to lower their age standards for voting. The policy of these States is to be thwarted by the proposed amendment.

In summary, we are convinced that this republic will be better served in the long run if the sovereignty of our States is not further eroded by denying to them the power to fix non-discriminatory qualifications for voting in their own elections.

We urge a "No" vote on the amendment.

CHARLES E. WIGGINS.
WILEY MAYNE.

Mr. Chairman, fundamentally this amendment is offered and will pass for no better reason than that the young people affected by it insist on its passage, and, we lack the collective will to say "no" to them.

In this we sadly mirror the permissiveness of society as a whole.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of this resolution. I have been a cosponsor of this resolution ever since coming to the Congress.

I should like to compliment the gentleman from New York (Mr. CELLER), the chairman of the committee, and the members of his committee for the dispatch with which they have handled this matter, giving us an opportunity to vote on this important issue so early in this session of the Congress.

Mr. Chairman, today we are considering a House joint resolution which I have cosponsored that proposes a constitutional amendment to lower the voting age to 18 in State, local, and Federal elections. The Senate has recently approved an identical resolution by a unanimous vote of 94 to 0, and I would hope that my colleagues will do the same today in the House of Representatives.

I would like to remind my colleagues that last year Congress enacted legislation which enfranchised the voters between the ages of 18 and 20 with full voting rights in all elections. However, on December 21, 1970, the U.S. Supreme Court ruled on the constitutionality of this law. While it upheld the granting of voting rights for 18-year-olds by statute in congressional and presidential elections, the Court struck down the provision for voting in State and local elections.

We are now left in a very precarious position. Presently, there are only three States which permit 18-year-olds to vote in State and local elections—Kentucky, Georgia, and Alaska. This means that it will be necessary for 47 of our 50 States to maintain separate voter registration lists and separate balloting procedures.

Needless to say, the result is extra and unnecessary administrative expenditures to our States and municipalities at the very time when these units of government are literally crying out for more funds. In many instances these extra expenditures are extremely costly. For instance, it is estimated that the lack of uniformity in voting ages will cost New York City alone approximately $5 million. While the full impact on the State of Michigan has not yet been determined, it is estimated that approximately one-quarter of a million dollars will be required merely to provide adaptors for the State's 8,000 voting machines.

To avoid this additional cost and potential confusion, either Congress must pass a constitutional amendment or the States must act individually to lower the voting age. However, because of State requirements for amending State constitutions, 22 States cannot act to lower their voting age prior to November 1972. An amendment to the U.S. Constitution would make it possible to avoid this and lower the voting age in time for the 1972 elections.

Aside from the confusion and obvious inequities which presently exist and aside from the additional costs involved, there are additional reasons why Congress should pass this resolution today. In my own State alone there are approximately 500,000 young men nad women between the ages of 18 and 20 who will be voting for the first time in 1972. It simply does not make good sense to allow our new young voters to participate in national elections which predictably involve the most distant, complex, and far-reaching issues of the day, and then deny them the right to participate in local elections involving issues with which they are much more familiar, and, in most cases, which are much less complex.

For these reasons, once again, I would urge all my colleagues to vote affirmatively today. The time is long past due for all Americans between the ages of 18 and 20 to have the opportunity to vote for the people who represent them on the local levels of government as well as the national.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I should like to echo the sentiments which have been conveyed earlier today concerning the distinguished gentleman from New York (Mr. CELLER) for his cosponsorship of this amendment. The gentleman has made a most distinguished record, really a very historic record, since he has been in this House, and I should like again to congratulate him.

Mr. Chairman, I come from the State of Kentucky, which has had the privilege and honor to recognize the talent, usefulness, and devotion of young people by granting them the right of franchise at age 18 for the past 16 years.

We have had a great deal of discussion today. This will be continued today. There will be newsletters written and there will be radio broadcasts and television announcements of all the great concerns many of my colleagues feel, in good faith, concerning the constitutional questions that this type of proposal arouses.

At the same time, Mr. Chairman, as one who has worked in the political context of Kentucky and has been active in politics in Kentucky for the past 4 years, we have found, and I have personally found, that the young people of America in the course of their activities in politics have really infused new blood, infused new thoughts, infused a much needed new enthusiasm into the political process. They have brought to the political process in Kentucky, and in all other States that have permitted 18-year-olds to vote the idealism that sometimes we, as their elders, have allowed to dissipate. They have brought to the political process the willingness to do the hard and mundane and drudge work that comprises the bulk of politics. They have worked uncomplainingly in situations which many of our contemporaries simply refuse to work in.

So, Mr. Chairman, Chairman CELLER, and Members of this august body in which I have now the privilege to serve, I should like to urge that you do pass this proposal today. I should like to urge that in your communications to constituents you indicate the usefulness of this proposed amendment, the wisdom of it, and the fact that it has produced good in our State and will produce good for the United States of America.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have concluded to vote for this amendment. I do so with some reluctance, not because I am perturbed by the thought of the 18-year-old vote; in fact, I voted for that as a member of the general assembly of my own State over 20 years ago.

But I am concerned about the method

whereby we have arrived at the situation in which we find ourselves today, and still more by the implications of where we may go from here if we follow the constitutional guidance of some of the opinions handed down by the Supreme Court in the case which passed on the validity of the statute which we adopted last year.

The Congress has contributed to the situation in which we find ourselves by trying to impose an 18-year-old vote by statute without reference to any amendment to the Constitution of the United States. I voted against that effort last session because, according to my understanding of the Constitution, it was plainly unconstitutional. The Court, really by the decision of one member whose views were not shared by any other member of the Court, has, in a rather strange decision, which is not one of those most distinguished on the part of the Court, I think it is fair to say, come up with an anomalous situation whereby it has been held that we could constitutionally do this by statute as to Federal offices but not as to State offices. Hence we find ourselves in the peculiar situation in which we are here this afternoon.

Mr. Chairman, I have no particular concern, I say, about the age for voting. I think a man could arrive at a conclusion anywhere at ages between 18 and 21 with fair reasonableness. You have to draw a line somewhere, and I am content to see it drawn anywhere in a reasonable area, but I am concerned with interpretations of the Constitution which torture it out of shape.

Mr. Justice Black, in his opinion which led to this hybrid situation in which he upheld our statute as to Federal elections and not as to State elections, has taken one part of the Constitution which talks about times, places, and manners of holding elections and which gives some Federal power as to such subjects and has equated it with another section which talks about the qualifications of voters and which leaves that completely to the States, just as if these obviously deterrent things were one and the same thing. However, the real threat to our federal system lies in the decision by Justices Brennan and Douglas that under the 14th amendment, as they claim it is a denial of equal protection of the laws to deny the vote to people 18 years of age. I submit, if that its true, then it is just as much a denial of the equal protection clause to deny a vote to people 17 years of age. Even Justice Black does not buy that solution for our problem.

What I suggest to you is this: We have a situation in a few States which voted for 18 years of age and we have a few which voted for 19 and 20 years of age as the legal age at which to vote, and although it may make a local difference here and there for a short period of time, the Republic is going to survive wherever we draw that age line. The Republic will not be destroyed or saved by the 18-year-old vote, but the Republic is very likely to be destroyed, or at any rate its constitutional basis is very likely to be permanently changed and altered, if we follow the constitutional theory which is laid down by Justices Douglas and Brennan in their opinion in Oregon against Mitchell. I suggest to my professional colleagues here in the House, and also to all others who are concerned, that they read those opinions and that they think very carefully on the question of where we may be going in this so-called Federal Republic. At this point Mr. Chairman, I am including a copy of my individual views found in the report on the resolution, House Joint Resolution 223:

Individual Views of Hon. David W. Dennis of Indiana

1. I have never believed that granting the vote to those between 18 and 21 years of age would, over the long run, either save or ruin the Republic. The question, on its own merits as a matter of policy, has achieved a sort of symbolism which, I believe, exceeds its intrinsic importance. Some individuals should certainly vote at 18, others make incompetent voters at any age, and a line must be drawn somewhere. The general area of 18–21 seems to be a reasonable area in which to make demarcation; and, for my part, I believe that men of good will and good judgment could honestly differ on the exact year to pick, and that no decision made would necessarily be more or less meritorious than another.

2. Federal action in this field, however, is another matter, for, regardless of the degree of importance which one may attach to the question of the 18-year vote, as such, any attempt to resolve the issue on the Federal level necessarily involves Constitutional questions and problems of Federalism, the importance and sweep of which may far outstrip that of the immediate problem of setting the most desirable voting age.

I have never had any serious doubt that, under our Constitutional system, voting qualifications in general, and age qualifications in particular, were basically matters for determination by the several States of the Union, and were not to be determined by the Federal government.

On this basis I voted against the Voting Rights Act Amendments of 1970, Public Law 91–285, 84 Stat. 314, because I believed that several provisions of this statute were unconstitutional—and notably that its provisions which purported to set 18 years of age as the legal voting age in all elections were quite plainly unconstitutional.

Briefly, I based this belief on the provisions of Article I, Section 2 of the Constitution of the United States, reading as follows:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature;" on that provision of the 17th Amendment to the Constitution of the United States which provides that: "The electors [for election of United States Senators] in each State shall have the qualifications requisite for electors in the most numerous branch of the State legislatures;" on the language in Section 2 of the 14th Amendment, which, by providing a penalty for State denial of the vote to any male inhabitant "being twenty-one years of age", assumes that the State has the power and right to deny the vote to a male inhabitant who is less than 21 years old; and, finally, on the uniform practice over the years which not only left the determination of over qualifications to the laws of the several States, but which, uniformly, adopted the route of amendment of the Federal Constitution, whenever it was desired to change voting qualifications through Federal action—as in the cases of Federal abolition of State restrictions on voting by reason of race (15th Amendment), sex (19th Amendment), and, with respect to Federal elections, the failure to pay poll taxes (24th Amendment).

I will add that the decision of the Supreme Court of the United States in Oregon v. Mitchell on December 21, 1970, is not one which greatly impresses me or which operates to alter my basic thinking about the proper nature of our Federal system.

I accept the decision, of course, as the law of the case and as the law governing the particular problem and situation with which we are now faced; but, like Abraham Lincoln with respect to the *Dred Scott* decision, and like Mr. Justice Harlan in his very able dissent in *Oregon* v. *Mitchell* I take a generally dim view of the underlying approach upon which this decision seems to operate and of the possible further extension of the Constitutional point of view upon which it would appear to be based.

Nor is one's respect for the result heightened by the fact that, in essence and in practical effect, this result represents the views of just one member of the nine-member Court. The opinion of Mr. Justice Black clearly discloses an acute perception of the dangers to Federalism inherent in the views of his four Colleagues who, with him, make up the five-man majority in respect to the validity of the 18-year-old vote provisions of Public Law 91–285 as to Federal elections. Yet he has sustained these provisions as to Federal elections by what, with all respect, must surely be regarded as a tortured view of Article I, Section 4 of the Constitution, whereby he equates regulations as to "the Times, Places, and Manner of holding Elections" with regulations respecting "the Qualifications requisite for Electors", which are provided for in Article I, Section 2.

Finally, I do not agree that there is anything in our Constitutional history to indicate that denial of the vote to those 18 years of age—any more than the continuing denial of the vote to those 17 years of age—is a denial of equal protection of the laws, or that Section 5 of the 14th Amendment grants to the Congress any power to adopt legislation against such an alleged denial of equal protection.

I cannot but agree with Mr. Justice Harlan when he says, in his dissenting opinion: "Except for those who are willing to close their eyes to constitutional history in making constitutional interpretations or who read such history with a preconceived determination to attain a particular constitutional goal. I think that the history of the Fourteenth Amendment makes it clear beyond any reasonable doubt that no part of the legislation now under review can be upheld as a legitimate exercise of congressional power under that Amendment."

The question remains, what do we do now?

The Court has spoken, and the Congress is now taking the proper route—if it wishes to act in this field—of proceeding by way of Constitutional Amendment, as Congress ought to have done in the first instance.

It is true, also, that the hybrid election system caused by the Court's decision, will pose problems of complication and expenses to the several States in the conduct and holding of elections, which a uniform voting age, applicable to all elections, will serve to obviate.

On the other hand it is equally true that the States can, in due course, correct this situation by action on their own part, if they wish to do so—and if they do not so wish, it is at least a fair question whether the Congress should attempt to force the issue by proposing an amendment in a field which has always been one particularly reserved for the jurisdiction of the several States.

We sometimes lose sight of the fact that each of the States, at any time, could have acted to lower the legal voting age, had it so desired; but only a few States had done so previous to the enactment of Public Law 91-285. The decision of the Court, and its practical effect, may or may not impel additional State action. There is nothing unthinkable about leaving this decision solely to the several States. Nor has there, as yet, been any manifestation of a great demand, within the several States (as distinct from the ranks of the Congress) for a lowering of the voting age.

Submission of a Constitutional Amendment, however, is an appropriate and legal procedure, which still leaves the ultimate question of ratification of the amendment to action by the several States, in accordance with Article V of the Constitution.

We are, therefore, now presented with a Constitutional approach to this problem; and certainly a man could support the proposed 18-year-old vote amendment who could not, for Constitutional reasons (18-year vote and/or otherwise) support or vote for Public Law 91-285.

One final word: the question of passage and ratification—or the reverse—of this particular amendment, is, to my mind, much less important than are the broad Constitutional questions raised and discussed in the several opinions in *Oregon* v. *Mitchell.* It is not too much to say that the future course of our Republic, and the whole question of its continued Federal character, may be profoundly influenced by whether, and to what extent, the views of Mr. Justice Harlan as expressed in *Oregon* v. *Mitchell* may, in the future, prevail over the judicial philosophy of Mr. Justice Douglas and Mr. Justice Brennan.

DAVID W. DENNIS.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, as a longtime supporter of the proposal to enfranchise all Americans between the ages of 18 and 20, I rise in support of House Joint Resolution 223, which would, by constitutional amendment, lower the minimum voting age to 18 years in State and local elections, as well as in Federal elections.

The legislation we are now considering is a direct consequence of a 5-to-4 decision rendered on December 21, 1970, by the U.S. Supreme Court in the case of Oregon against Mitchell. The High Court in that case upheld the provisions of the Voting Rights Act Amendments of 1970—Public Law 91-285—lowering the minimum voting age to 18 for Federal elections, but invalidated such provisions with respect to State and local elections.

The Supreme Court decision has left most States in the unfortunate situation in which 18- to 20-year-olds may vote for their President, but not their Governor; for their U.S. Senator and Congressman, but not their State or local legislators, or even their hometown mayor.

The present situation is neither realistic nor sensible. The 47 States which do not allow 18-year-olds to vote are facing an intolerable burden. Either these States must quickly enact their own constitutional amendments to allow these young voters to participate in State and local elections, or some form of dual voting methods will have to be designed and installed. If, as is probable, each of the 47 States adopts a different method of dual voting, future elections in our highly mobile society could be strangled by a jungle of procedural redtape. This truly was not the intent of Congress when it passed the Voting Rights Act Amendments of 1970.

Moreover, it is clear that these young voters have earned the right to full participation in our political system. They are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their demonstrated intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplify the highest qualities of mature citizenship.

Today's young voters have a great deal to contribute to our society. Although some of the student unrest of recent years has led to deplorable violence, much of this unrest reflects the concern of today's youth about the important issues of our time. We must direct these energies into our political system and give our young people genuine opportunities to influence our society in peaceful and constructive ways.

The report of the President's Commission on the Causes and Prevention of Violence eloquently described the relationship between campus unrest and the inability of our younger citizens to take a constructive part in the political process. The Commission stated, in pertinent part:

> The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the Nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive, and democratic channel for making their views felt and for giving them a responsible stake in the future of the Nation.

Mr. Chairman, I believe that the time has come to extend the vote to 18-year-olds in all elections—because they are mature enough in every way to exercise the franchise, because they have earned the right to vote by bearing the responsibilities of citizenship, and because our society has so much to gain by bringing the force of their enthusiastic idealism into the constructive mechanisms of elective government.

These considerations were given overwhelming support by the other body on March 10, 1971, when, by a unanimous vote of 94 to 0, it passed similar legislation. This distinguished body should do no less for the young people of our country. I urge a unanimous vote for House Joint Resolution 223.

Mr. POFF. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, we are asked today to change the fundamental law of the land by a constitutional amendment.

The resolution proposed is one which very clearly erodes traditional concepts of federalism upon which our Government has been based.

Surely, if any power is to be reserved to the States, it should be the power to determine the age at which a citizen becomes eligible to vote in State and local elections. This has been firmly established in our law since the founding of the Republic and had remained unchallenged until the Senate last year amended the Voting Rights Act of 1970 to authorize 18-year-olds in all, not just Federal, elections to vote. A majority of the House unwisely accepted this amendment over the objection of Members who then warned that it was clearly unconstitutional. And the Supreme Court promptly so held insofar as State and local elections are concerned.

Mr. Chairman, in the case of Mitchell against Oregon the Supreme Court upheld the act's setting of voting qualifications in Federal elections, but struck down the statutory attempt to force 18-year-old voting in State elections. Though thus rebuffed by the High Court, it was perhaps too much to hope that those who led the Congress down the primrose path of unconstitutionality last year might become somewhat less assertive of leadership in the continuing effort to blanket younger age groups into the franchise.

But the rest of us should at least be sobered by the thought that on the record thus far the proponents of this resolution have proved to be something less than omniscient in matters of constitutional law.

They have renewed their attack upon the federal system, and I protest that they do so with unseemly and unnecessary haste.

The resolution we consider today was reported out by the Judiciary Committee on March 2 with less than an hour's discussion and barely a week after organization of the committee on February 23.

There were no hearings before the Committee on the Judiciary or any other committee of this Congress, or any preceding Congress since 1943. Is this the kind of careful deliberation and investigation which any proposed constitutional amendment should merit at the hands of a responsible legislative body. I think not. Why the big hurry? Why are we in effect falling all over ourselves in the rush to thrust the vote upon the very young? Can it be in some way related to our knowledge that 18-year-olds assuredly will be voting for Members of Congress in the next congressional elections? Can it be that we are ready to surrender the federal system without a whimper rather than run the risk of offending this large 3-year class of new voters, the 18-, 19-, and 20-year-olds? I hope not.

Lobbying groups are already hinting that they have the soon-to-be enfranchised in their pocket, and will turn them against Congressmen who now refuse to go along. But those who think these young voters will applaud and reward a fawning and precipitous congressional approach to this important resolution may be in for a rude disappointment. It has been my impression that today's 18-year-olds know a good deal more about the American system of government than many of us give them credit for. If they are as well informed as I think they are, they will not appreciate a currying of their favor by passing this bill at the expense of the federal system. They know that under that system certain powers are reserved to the States, and that foremost among these has been the exclusive right to prescribe reasonable regulations for the conduct of State and local elections, including the determination of qualifications for voters in those elections.

In the "Federalist No. 59," Alexander Hamilton strongly upheld and made abundantly clear the intent of the framers of the Constitution to proscribe any Federal Government meddling in State and local elections, in the following language:

> Suppose an article had been introduced into the Constitution, empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment; and to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction, that each, as far as possible, ought to depend on itself for its own preservation.

Make no mistake about it, my colleagues, what is mounted today is indeed "an unwarrantable transposition of power; and just such an "engine for the destruction of the State governments" as Hamilton contended no man should hesitate to condemn. It is a direct assault upon the federal system.

It is one thing for the National Government to prescribe voting qualifications in national elections, but quite another for it to say who shall vote in State and local elections, for such officers as members of city councils, school boards, and county boards of supervisors. If high school students are to be permitted to vote on school bond issues, then certainly this decision should be made closer to home than at the Federal level.

I personally favor the Iowa Legislature giving the vote to 18-year-olds, and I have urged them to so vote, and I would so vote if a member of that body myself. But this is a matter for State, not Federal action.

Five States—Maine, Massachusetts, Minnesota, Montana, and Nebraska—have recently adjusted their voting standards downward, but have refused to go so far as to enfranchise 18-year-olds. Through referendums 14 more States—Colorado, Florida, Hawaii, Idaho, Illinois, Maryland, Michigan, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Washington, and Wyoming—have refused to make any change at all when asked to lower their age standards for voting. Thus we have a situation in which the people of 19 States have already rejected 18-year-old voting by referendum. But if this resolution which we are considering today is passed and the amendment is subsequently ratified by the legislatures of barely 38 States—without approval by the people of each State in referendum—then the other 12 States would have no choice but to comply.

If federalism means anything my colleagues, it means that no State in the Union should be forced to permit voting by 18-year-olds in its local and State elections when a majority of its own citizens have shown their opposition to such action by referendum. True federalism would require the defeat of the pending amendment, so that each State can continue to decide for itself, in conjunction with the people in each of the 49 States that require submission of amendments to the State constitution to referendum, what the minimum age for voting in its State and local elections shall be.

I respectfully urge my colleagues to join me in voting to maintain and preserve, not weaken, our federal system, by voting "no."

Mr. Chairman, I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. Abzug) one-half minute.

Mrs. ABZUG. Thank you, Mr. Chairman.

Mr. Chairman, I am going to move to revise and extend my remarks in a minute in the Record.

In the meantime, I want to say I think it is terribly important for 18-year-olds to be able to vote on the question of making war and peace as well to have the power to determine who will be the sheriff maintaining the peace. I think that is the significance of the 18-year-old amendment that we are seeking here today.

The political system needs the 18-year-olds just as we need more young people here in the House of Representatives. I believe the right of the 18- to 21-year-olds to vote will strengthen our power structure. I think many of the programs and the direction of our country, would be changed—Not only the emphasis upon the illegal war in the Indochina and our economy of war, but our failure to protect the country's resources, and provide for its inhabitants all would be considerably changed by the introduction of the 18-year-olds to all parts of our political processes: at the congressional level as well as at the State and local levels. The House of Representatives more than any other branch of Government is intended to be the direct voice of the people. And in a nation which is getting younger all the time, there are no young people in Congress. The youngest Member of the House is 30, although under the Constitution you can run for the House at age 25, and the age range goes up to 82. The average age of Members of the House is 51.9 years, and in the Senate it is over 56. We need the 18- to 21-year-old votes to begin to make a change in this body, in its shape and in its responsiveness.

I believe that the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. Celler), who has presented this amendment for our consideration today, deserves great appreciation on our part for bringing this issue before us.

The time for the total enfranchisement of the 18-year-old citizen is now. Since 1942, when the first resolution to amend the Federal Constitution to lower the voting age to 18 for all elections was introduced, national sentiment for such an extension of the voting population has steadily grown. The result is that the current controversy centers not on whether the 18-year-old should have the unequivocal right to vote in all elections, but rather, how that right should be granted.

The 11 million 18- to 21-year-olds of today are generally better educated and more prepared, more capable and more aware than their counterparts of years ago. They should not be deprived of their tremendously significant participation in the selection of elective officials at all levels of government.

The Federal constitutional amendment would sooner extend on a national scale the 18-year-old vote than would alternative measures. It would sooner eliminate the high costs of maintaining the dual suffrage system necessitated by 18-year-olds presently being able to vote in Federal but not State or local elections. Finally, the constitutional amendment would sooner eliminate the possibility of confusion and delay resulting from this dual voting system.

But, unless this amendment is made effective as soon as possible, the unjust, costly, and unnecessary situation now existing will prevail for some time to come. This is so because of the State constitutional mandates restricting the respective States as to how soon they can act on their own.

I am proud to be part of the effort to extend the 18-year-old vote through a Federal constitutional amendment. It is the most practical and far-reaching method of achieving a goal sought by many, and, as yet, achieved by only a few.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, the time for an idea comes for strange and wonderous reasons and for many different reasons.

Some will be voting for this amendment because of the fiscal crisis that faces the States because of the dual age requirements that will be involved in the 1972 elections.

Some will be voting for it because they have been for the 18-year-olds voting for a long, long time.

Some will be for it because they recognize the difficulties that our younger generation faces and the consequent necessity to make them a part of the action at an earlier age.

For all these reasons, it is obvious that the time for this idea has come.

When we are talking of amending the basic document under which we live, it is only fit and proper that there be different reasons for getting together the kind of consensus that is needed to pass an amendment to our Constitution.

It is not necessary for everybody in the Chamber or, indeed, for everybody in all the States to feel that the action which was taken by the Congress in the last session was wise. I happen to be one who voted for that statute and believed that it was wise. It is not necessary for everyone in this Chamber to agree that the Supreme Court decision on this subject was wise. I happen to be one who thinks that decision was not wise.

It is not necessary in short that all of us agree on all the reasons why 18-year-olds ought to be allowed to vote in all elections.

What is important is that this consensus has been reached.

I think it is a tribute to our beloved chairman, the gentleman from New York, that this came through the Committee on the Judiciary almost without dissent.

I think it is a tribute to our Speaker that this is being put before this Chamber at a time when most of the States will have an opportunity to ratify it or to decide not to ratify it in time for the 1972 election.

Perhaps it is premature for us to congratulate ourselves for finally achieving that which justice and equity require, but the fact remains that by approving the proposed constitutional amendment and guaranteeing the right to vote to all citizens in all elections to people who are over 18 years of age, the Congress will have carried out its responsibility; from here on in, it is up to the States to make the final decision, which would determine whether or not those 18 years of age and older will be voting in all elections.

To those who complain that it was improper for the Federal Government to reach for this decision on its own, I would point out that only if three-fourths of the States agree will this decision be binding upon the entire country.

I would suggest to those who would argue that it is not right to impose this decision on those States that may not agree, or to impose this decision on those people who might not agree, that the means by which we choose an electorate are the most difficult problems for any democracy.

I know of no other way than by making it a part of the basic law of the country, to once and for all resolve this dispute which has been before the country for so long.

Mr. Chairman, I think it will lend credibility to the notion that 200 million people can rule themselves in a democratic and equitable manner when the House today gives its approval to what we hope will be the 26th amendment to the Constitution of the United States.

Mr. POFF. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, the vote on the House floor on the question whether 18-year-olds can vote in the next national election is truly a historic and brave decision on the part of my colleagues in the House.

This is one of the major steps that could mean 11 million young Americans will be able to have a voice in the presidential, congressional, and State and local elections a year from next November.

I consider it an honor to be a member of the Judiciary Committee which voted this bill favorably to the floor of the House.

Aside from the election administrative nightmare which must be remedied as quickly as possible, I would like to make some observations on the importance of this issue.

The latest figures show there are 11.5 million persons between the age of 18 and 24; 4.1 million are in the labor force; 800,000 are in the Armed Forces; 4.9 million are in high school and college; 1 million are housewives; 80 percent of the total are high school graduates; 46 percent are college students. These younger voters should be given the right to full participation in our political system because they will contribute a great deal of knowledge to our society.

It is a simple fact that our young citizens of today are mentally and emotionally capable of full participtaion in our democratic form of government.

Under the criminal laws of more than 49 States, 18-year-olds are treated as adults. They are also subject to military induction. I might add insurance companies and the Federal Civil Service also treat them as adults.

I welcome this new potential group of voters. They must have a voice as to who is to be elected as their city councilmen, city judge, State representatives, county commissioner, Congressman, Senator, and Governor and most importantly the President and Vice President.

Mr. POFF. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Chairman, you have all heard many reasons for voting "no" on this proposed constitutional amendment, and I am convinced that they are worth abiding by, and I am not going to gild the lily at this point. What I am going to do is to address myself to the so far unmentionable option, and that is repeal of title III of the Voting Rights Act of 1965. Of course, passage of the constitutional amendment would definitely prejudice my legislation which has been introduced as H.R. 2633, and, therefore, I am going to speak of the unmentionable option.

When I appeared before the Rules Committee to speak on behalf of repeal of the statute lowering the voting age to 18, I appeared on behalf of St. Jude, who is the patron saint of lost causes. But after giving more thought to the subject, and in view of the fact that I have been a Marine jet pilot, I am aware that this may be the only time and opportunity I shall have for kamikaze. Nevertheless, those who have spoken against this amendment on the ground that they are for the right of 18-year-old youths to vote but have some constitutional questions about it will at least feel they will now be considered in a more moderate position after I have given my pitch for the unmentionable option, which is repeal of the former legislation.

Mao Tse Tung and I have one thing in common: Both of us think favorably of Sun Soon Loo, the ancient Chinese writer, who is quoted as saying that supreme success in warfare is not winning all your battles, but in having an enemy surrender before going into battle. Lest it be said that I surrendered here before going into battle, I should like to ask why, as some speakers have said, it is inconceivable to repeal this section; namely, the act lowering the voting age to 18? Why is it absolutely unrealistic? This is what the people want. In poll after poll and in election after election they have expressed their wishes. They do not want the voting age lowered to 18. The Supreme Court in its decision last December did not find that 18-year-olds had a constitutional right to vote. What they found—and I disagree with their decision—but what they found is that this body or this Legislature has a constitutional right to set the voting age by statute for Federal elections. The Supreme Court did not say we had to set it at 18 years of age.

In the light of the election since the passage of that statute, five States, when given a chance to express their opinion, turned it down. Is it not quite obvious that the people do not want it?

Also, we in this body have never had an opportunity to vote on the question of lowering the voting age to 18 as a simple, clear-cut issue. It was an amendment added by the other body to a Civil Rights Act. Even now we are not voting on the question as a clear-cut issue. We have the problem of acceptance of dual questions.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Illinois.

Mr. MIKVA. Are you concerned that the legislatures of the 38 States that are needed to ratify this amendment will be speaking the wishes of their own people in ratifying the amendment?

Mr. SCHMITZ. I am not concerned with that question at this time. There is an organization, for example, the Committee for Constitutional Integrity, which has started a campaign to fight this battle in the State legislatures. Let me point out how simple it would be if we should allow the States to do this on their own, each State deciding for itself through its legislators. I am sure most of the States, as in the case of California, bring about changes in their State constitutions by submitting the question to the people for a vote. But they do not have to submit an amendment to the U.S. Constitution to the people for a vote. There is the difference.

Mr. MIKVA. I realize that. But that was also true when women were granted the right to vote. Would you like to repeal that amendment, also?

Mr. SCHMITZ. Do not put me on the spot on that one. I might give you an answer you did not expect.

Getting down to this resolution, we have heard many arguments that if they are old enough to fight, they are old enough to vote, but I have not seen anyone take the viewpoint or ask for the vote only for those in the combat zone.

People have said there is nothing magic about the age 21, but there is also nothing magic about the age of 18.

One of the arguments many have given for lowering the voting age is that young people are in school longer nowadays. But as a former college instructor, I would like to say that maturity, which ought to be one of the reasons for giving the right to vote, is not attained by those who have never left the ivory tower. Maturity comes from getting out in the world and cutting one's own path.

I see no reason for lowering the voting age. There is a legend that Harry Truman used to say, when he was asked if he was in favor of lowering the voting age to 18, "Heck no"—or as close to "heck" as Harry Truman got—"It ought to be raised to 24." Now, I am a moderate on this position, and I am neither in favor of lowering the voting age to 18 nor raising it to 24. I think we ought to keep it at 21.

I believe we ought to vote down this resolution. We can do it. I hope next year or the year after, when the States do turn down this constitutional amendment—if it is passed, and I hope it is not—that we will come back and give some consideration at that time to the question of whether the people want to lower the voting age to 18. It is not inconceivable or impossible—in fact, it is the will of the people that we not do so. If we fail as legislators to consider the will of the people, we are acting in an absolutely unreasonable and unrealistic manner. I maintain then we are in pretty bad shape.

Mr. POFF. Mr. Chairman, I yield such time as he may consume to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the U.S. Supreme Court has upheld the constitutionality of allowing 18-year-olds to vote in national elections. Now it is only logical and right that we make 18-year-olds eligible to vote in State and local elections as well.

Last year when the Congress was considering legislating the 18-year-old vote by statute I favored that legislation although I also favored a constitutional amendment to accomplish that purpose. What I feared would happen if we took the statutory route came to pass. The Supreme Court decision permitting 18-year-old voting only in national elections has produced a chaotic situation.

We now must remedy that situation. We must move to bring order out of chaos by quickly—and overwhelmingly—approving a constitutional amendment lowering the voting age to 18 in all elections. In 1966 and again in 1970, I favored the State constitutional amendment in Michigan for the 18-year-old vote.

I am a cosponsor of the House resolution which would amend the constitution to lower the voting age to 18 in State and local as well as national elections.

The constitutional amendment before us affords today's youth a great opportunity to exercise its influence, to make its voice heard at all levels of Government. Our young people deserve that opportunity.

Today's young people are better educated and better informed than the generations that have gone before them through the same age span. I believe the vast majority of them are looking for a chance to work through the system to improve the quality of life in America.

Passage of this resolution will give our young people an opportunity and an obligation to take part in the political process. It is not enough to allow them to vote in national elections. They must be fully enfranchised.

Passage of this resolution is one of the most important legislative acts we will take this year. It is an act of faith in the local political process.

Mr. POFF. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I appreciate the gentleman yielding.

I rise at this time to express my strong support for the proposed constitutional amendment to extend voting rights to young Americans between the ages of 18 and 21.

Last year, I was concerned that legislation by the Congress, giving the vote to 18-year-olds in all elections, might go beyond our constitutional limits.

The Supreme Court decided that this was indeed the case when it ruled last December that such legislation could be enforced in Federal elections, but that State governments still reserved the right to grant or deny voting rights to the under-21 age group in State and local elections.

Since that time, local election commissions have been in constant turmoil. Forty-eight of the fifty States under present conditions would be forced to compile two separate registration rolls and perhaps even two separate kinds of voting apparatus.

For this reason, I am glad to see we have finally decided to apply a constitutional remedy to a constitutional problem.

The young people of the Fifth District of North Carolina, which I am honored to represent, have proven themselves to be greatly concerned with the issues facing the Nation today, and just as concerned with finding reasonable and effective solutions to our problems. They believe, as I do and as the majority of young people throughout America do, that violent demonstrations are not only illegal—they are pointless and detrimental to constructive efforts that must be made to improve our national life.

I find it tragic that this fine generation of young people is too many times overshadowed by the misled and irresponsible minority that claims the headlines in our newspapers and the lead stories on our television news shows.

We are constantly exposed to drug addiction among the young, to juvenile delinquency and to the thousands of young people who march behind a Vietcong flag. But rarely do we hear about the young people who have excelled in sports or in scholastics or of those who are actively trying to do something about the Nation's social ills through the thousands of service organizations in our schools and churches.

I believe it is time to recognize that these young people are fully capable, by reason of education and improved mass communications, of casting well-informed and valuable expressions of opinions through the ballot box.

I am looking forward to election day, 1972, Mr. Chairman, when the vast majority of young people will prove that they are responsible and thoughtful individuals, and not radical in the least.

I welcome the opportunity to vote for this constitutional amendment, and I hope State governments will join as quickly as possible in this movement to enfranchise 18-year-olds in Federal, State, and local elections by 1972.

Mr. POFF. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, I have considerable reservations about permitting 18-year-olds to vote and as the record will show, did vote against the provision in the Voting Rights Act last year to permit those between 18 to 21 to vote in Federal, State, and local elections. One basis for the vote at that time is a belief that voting age is a matter to be detemined by the State rather than the Federal Government. In my opinion, the Constitution so provides. However, the Supreme Court has now decided that Congress by general legislation can regulate the voting age in Federal elections but not in State and local elections. The result of the recent decision of our highest Federal court is that there are two classes of voters and, apparently, those States which have not reduced the voting age to 18 must keep separate voting lists. Moreover, the counting of ballots would be complicated if the present condition of the law continues to exist. Therefore, I intend to support the present resolution which, when ratified by 38 States of the Union, will make uniform the voting age for citizens within our States as well as throughout the country. The action of the Supreme Court, in my opinion, has deprived us, as well as the individual States, of the opportunity to decide the question of whether 18-year-olds should vote on its merits. We have to approve the resolution to obtain orderly electoral procedure.

Mr. Chairman, I believe that the passage of this resolution and its ratification by the State legislatures will provide a new dimension in the electoral process. The youth vote is an unknown factor to be dealt with. I believe it imposes an additional challenge on older adults and added responsibility upon them for the guidance and the direction of our youth. I understand that when this measure becomes effective the young people 18 to 21 will constitute approximately 8½ percent of the entire electorate. I would hope that they will be prepared to cast an intelligent and an informed vote—that they will study the issues—learn about the candidates and thereby will be able to vote responsibly. Older people have a responsibility to guide and direct our young people to assume this added responsibility, being mindful of the admonition to train up a child in the way he should go.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I thank the chairman for yielding.

I rise to ask two questions. I think it is seldom that any constituency gives such a clear-cut mandate on any legislative issue as my State did on the 19-year-old vote when they voted better than 2 to 1 in defeating that proposal last year when it was on the Oregon ballot.

The question I would like to direct to the gentleman from New York or to whomever wants to answer it is, first, we have a 30-day residency requirement for Federal elections. I presume any State would be able to establish any residency requirement it wishes for the State and local elections.

Mr. MIKVA. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. MIKVA. I thank the gentlewoman for yielding.

I believe that she is correct. Recent amendments to the Voting Rights Act of 1965 establish a 30-day ceiling on residency requirements for voting for President or Vice President.

Mrs. GREEN of Oregon. Mr. Chairman, we are certainly in a hopeless mess, because the States will have dual election sheets and machinery and everything else for the Federal elections and for the local elections. It would be inconceivable to me that most States would have just a 30-day residency requirement for State and local elections. So, in fact, are we not still going to have dual or double election machinery for the Federal and the local elections whether or not we pass this amendment? My question goes not to the pros or cons of granting 18-year-olds the vote, but rather to the argument made that this amendment will eliminate dual election procedures at the polling booths.

Mr. MIKVA. If the gentlewoman will yield, there are several reasons why dual-voting-age requirements present more complex problems than dual residency requirements:

First, fewer local voters will be affected by the special presidential election residency requirements; approximately 2 million as compared to 10 million affected by this 18-to-21-year-old dichotomy.

Second, special residence requirements apply only every 4 years in presidential elections, whereas dual age qualifications apply every 2 years.

Third, 31 States already have special residency laws on elections for President and Vice President. Therefore, fewer States will have to revise their procedures to implement the new Federal requirements.

Finally, only one special ballot need be printed for statewide purposes to comply with special residence requirements for voting for President, but under a dual-age voting system, each congressional district would need a separate ballot.

What we are talking about here is actually running an election for two separate sets of voters, in effect two separate sets of elections, in every congressional district in the country, not just in States which have not adopted a 30-day residence requirement for voting for President and Vice President.

Mrs. GREEN of Oregon. I accept the distinction between 2-year and the 4-year presidential elections. The gentleman is right there. But in terms of the 4-year elections it seems to me it would require more than a dual registration list. As people come in to vote, would there not have to be dual procedures? Would they not have to maintain separate markoffs and everything else? Would they not need procedures for Federal elections requiring only 30-day residency separate from procedures for State and local elections requiring 3 or 6 months' residency?

Mr. MIKVA. I would say that 31 States have previously adopted a special residency requirement for voting in presidential elections and have been functioning under it with very little difficulty. My own State of Illinois had that in the 1968 election and had no difficulty with it whatsoever. However, county officials in Illinois estimate if we do not correct the present age dichotomy there would be some $6 million in additional cost.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. CELLER. Mr. Chairman, I yield the gentlewoman 2 additional minutes.

Mrs. GREEN of Oregon. My second question pertains to college towns. I wonder if the committee discussed this. We have many towns in the United States that have populations of a few thousand and have student bodies of 15,000 or 20,000 population or even more. If the vote is extended to the 18-year-olds then it is conceivable that the student body composed largely of 18- to 21-year-olds, could outvote the permanent residents who own the property and are left with the responsibility to pay the taxes and assume all other responsibilities required by the vote. I am not saying they are going to be irresponsible, but there is this possibility, is there not; and has that been discussed?

Mr. MIKVA. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. MIKVA. There was discussion on this question earlier in the debate; that is, what the States and local governments will decide to do about college students. There is nothing in this proposed new article of amendment which requires States to pass any residency requirement whatever.

Mrs. GREEN of Oregon. But if it is lowered to 18 these are very special problems for small college towns.

Mr. MIKVA. We do not affect residency requirements. That issue is left to the States and local governments, as it is now.

Mrs. GREEN of Oregon. I understand that. Regardless of the residency, whether it is 30 days or 6 months, if the vote age is now lowered to 18, we would find that the college voting population of X college in many places, many towns, would have far more votes than the people who live in the town and own the property and carry the burden.

Mr. MIKVA. If they satisfy the residency requirement of that town obviously they would be entitled to vote. I would point out to the gentlewoman that at present if they satisfy the residency requirement those over the age of 21 are allowed to vote and in many college towns that group also is a majority.

Mrs. GREEN of Oregon. To change the voting age from 21 to 18 would change the composition of the voting group immeasurably.

Mr. MIKVA. It is up to the residency requirement established by local governments and State governments. They make that decision.

Mrs. GREEN of Oregon. The Baker amendment would help by requiring 18-year-olds at the same time that they receive the vote to assume all the responsibilities required of other adult citizens. I hope the Baker amendment will be approved. It just makes sense to me that the vote is a right that must be associated with responsibilities. I believe that the Baker amendment would be a significant help to Oregonians, and to the Oregon Legislature in particular, in deciding whether to ratify in the face of last year's rejection of the 19-year-old vote by such a large majority.

Mr. POFF. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in strong support of this proposed constitutional amendment.

I have supported the concept of extending the franchise to 18-year-olds for a number of years. I supported the Voting Rights Act of 1970, which included a provision to legalize this concept. I voted with the majority of the House Committee on the Judiciary to favorably report this amendment to the floor.

The history of America has been one of a steady broadening and deepening of the franchise. Over the years, more and more of our people have been given the rights and responsibilities of self-government through the ballot. I feel the good which over the years will flow from passage of this amendment will enrich our land quite as much as our society has been enriched by the energy, ability, and public awareness of women which flowed from passage of the 19th amendment after which House Joint Resolution 223 was modeled.

In my view, passage of the amendment is also essential to clear up a number of problems which have arisen from last year's passage of the Voting Rights Act. The intent of that act was to give the vote to 18-year-olds in all States in all elections. The problem arose when the Supreme Court of the United States ruled that the voting age provisions of this act could constitutionally apply only to Federal elections while States would continue to set voting age requirements for State and local elections. Thus for the first time, a dual election system has been created in this country.

The complications arising from the creation of such a dual system are many. The cost to States and localities to create dual voting procedures is staggering. Yet, even should every State move at maximum speed to adjust their State constitutions to fit the new Federal voting age standard established by the 1970 Voting Rights Act and the Supreme Court decision, some 22 States could not legally make such a change prior to the 1972 Federal elections, the first time 18-, 19-, and 20-year-olds will vote and the earliest the problems caused by the creation of this dual standard will affect the 50 States.

Mr. Chairman, I believe that passage of House Joint Resolution 223 is the correct method to do two things: First, clear up the problems arising from the present dual voting system; and, second, properly and legally enfranchise all 18-, 19-, and 20-year-olds in our country. If this amendment is passed by a two-thirds majority of both Houses of Congress, and is then passed by three-quarters of the State legislatures, every American in any State when he or she reaches 18 will have a voice in his government, not only on the Federal level as provided by the Voting Rights Act of 1970, but on the important State and local levels also.

Mr. POFF. Mr. Chairman, I have no further requests for time and I yield back the remainder of my time.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman, the time has come for this Congress and the States to grant to 18-year-olds the right to vote in all Federal, State, and local elections. Enactment of the proposed constitutional amendment now before the House will complete the job begun by the 91st Congress when it established, through the Voting Rights Act of 1970, the 18-year-old vote in Federal elections.

To grant 18-year-olds the right to vote in State and local elections is a matter of simple justice. In our country today young people have adult responsibilities in almost all aspects of life. Many of them are married and raising families, working for a living, paying taxes, and serving in the Armed Forces. In fact, over 3 million people of age 18 to 21 are full time employees and taxpayers. Because they are so active and involved in the affairs of our society, the decisions of Government have a great impact upon their lives. They ought logically to have a role in the making of these decisions.

There is not, I believe, any question about the maturity or competence of these young people. Surely they could not shoulder all of the responsibilities I have mentioned if they did not possess sound judgment. Those of age 18 to 21 are also better educated now than they have ever been before. Nearly 80 percent of them have high school diplomas, and more than half are receiving some form of higher education. And so it is clear that young people deserve the vote, and are able to exercise this right with judgment and intelligence.

Another major reason for adopting this amendment is a very practical one. If the States are forced to establish dual registration and voting systems, the costs both in financial terms and in terms of added confusion and paperwork will be tremendous. Under present law, separate procedures for those 18 to 21 would be needed, as they are eligible to vote only for President, U.S. Senator, and Congressman. It has been estimated that the extra cost to the States will be $20 million per year, and Governor Gilligan has stated that Ohio will have to spend $750,000 to comply with the new law. But more important than the extra cost is the fact that such complications in the voting process will inevitably discourage from voting many who otherwise would have cast a ballot. We in Congress ought to now rectify this situation before any harmful effects are felt.

For the above reasons, I urge my colleagues to join with me in voting for the amendment to lower the voting age to 18.

Mr. CULVER. Mr. President, I appreciate the opportunity to offer my support to the joint resolution which will submit to the States a constitutional amendment extending the right to vote in all elections to citizens 18 years of age or older.

A constitutional amendment ought to be neither frivolous nor marginal in its scope and consequences. An amendment ought, moreover, to be neither impulsive nor fadish. In this instance we are considering an amendment which is broad in its reach, integral to the very conceptions of citizenship and the public interest, and deeply pondered and thoroughly debated over a number of years. And it comes at a moment of history when the extension of the vote to age 18 is fully commensurate with the responsibilities and obligations undertaken by those aged 18 to 21. By every measure an 18-year-old is entitled to the right to vote. I support it unreservedly.

Apart from the powerful arguments inherently favoring this constitutional updating, there are strong practical reasons for action now. The 18-year-old vote in Federal elections is an established fact, reinforced by the recent decision of the Supreme Court. To have now dual systems of voting whereby there are different voting lists for national and local elections makes no sense. Such a system is expensive, cumbersome, and disruptive. In the next Federal election alone, the additional cost in Iowa would run as much as $150,000 in addition to much higher registration costs. Nor could action by the State alone remedy the two-track system earlier than the 1976 election.

In these circumstances, we owe over 130,000 Iowa citizens newly eligible to vote in Federal elections an equal opportunity to vote in State and local contests.

All of us know that 21 is not a magical formula. Its origins as a cutoff point are obsolescent. No one today seriously believes that we should continue to adhere to an 11th century standard that a young man cannot become a participating member of society until he is strong enough to wear a suit of armor, a strength generally not attained until the age of 21. Today, the large majority of 18-year-olds are high school graduates, more than half are in or soon to enter college, and all are potentially eligible for military service. Of the 11 million 18- to 21-year-olds, almost 1½ million are serving in the Armed Forces, more than 3 million hold full-time jobs, more than 8 million pay taxes. Practically all are considered adult in the eyes of the law; the vast majority are contributing to and participating actively in our society. And no one who visits our schools and colleges can doubt the depth and breadth of interest which an unprecedently large number of students have in public affairs and the issue which elections help to decide. I have no question in my mind that the vote beginning at 18 will add vitality to the political process and stimulate those of us in public office to higher and wider standards of accountability and performance.

We know from some of our States and from some countries abroad that a lowered voting age fully accords with the realities of our contemporary society. We know too that the energies and idealism of young people find new channels of constructive expression and participation and that the common interest is enlarged. We know finally the reservoir of ability and public vision which is ready for release. We have this opportunity today. Let us act upon it.

Mr. BROOKS, Mr. Chairman, I support the amendment giving 18-year-olds the right to vote in State and local elections. I support it, because I believe it is right. It is a goal that I have worked for over a great number of years. We need the energy, vision, dedication, and commitment of young people if we are to continue to build a viable democratic society in America. There is ample justification for allowing the nearly 11.5 million young Americans to vote in State and local elections, particularly since Congress gave them the right to vote for Federal officials under terms of the Voting Rights Act of 1970.

The great majority of our young people are mature and responsible citizens. They are the most highly educated of any generation in our Nation's history. Nearly 1 million young men and women from 18 through 20 are serving with honor in the Armed Forces of our Nation. More than 3 million work at full-time jobs, and countless others serve as part-time employees. They are considered adults by State penal codes.

While we do not have voting with us today our distinguished Speaker John McCormack, I am sure that he would be a strong advocate of this legislation. He was one of the most outspoken leaders for voting reform during his years here in Congress. I remember well his articulate support of a similar measure last year. I know that he still maintains this conviction. The gentleman from Massachusetts may have retired but he is young at heart and in spirit and is concerned for those young in years.

I am honored to be able to aline myself with this great American on this issue of such importance to so many of our young people.

Mr. SCHEUER. Mr. Chairman, our Nation teaches in its schools and professes to believe that Americans are a people who know freedom, opportunity, equality, and justice under the law. To deny to 11.5 million Americans between the ages of 18 and 21 the full right to vote is to be inconsistent with these cherished beliefs.

I stand in support of the amendment to lower the voting age.

The distinction our society makes between its citizens before and after their 21st birthday is at best an arbitrary one, based on irrational medieval practices. It has no true place in a modern society. The retention of 21 as the standard voting age without contemporary justification of any sort, serves only to underscore the lack of faith in our institutions so prevalent among the young.

To those of you who ask "Why 18?" we say that 18 is the year that many Americans truly come of age. It is the year in which 4.1 million Americans enter the full-time labor force, being taxed regularly without representation. At 18, 800,000 Americans become eligible for conscription into the armed services, without a voice representing them in every avenue of government. The 18-year-olds are subject to the full criminal law of 49 States, without an opportunity to shape that law.

Recognized as adults by the military, the Federal Civil Service, and insurance companies, among others, 11.5 million Americans between 18 and 21 can no longer be told that they are ineligible for what the Constitution mandates for those with whom they share equal social, economic, and legal status.

We are concerned here with a unique generation. Today 18-year-olds are far better prepared for the tasks and responsibilities of citizenship than any past generation of any nation. They are better equipped physically and intellectually. They are politically aware to a remarkable degree. It is the young of this Nation who are challenging the practices and the empty rhetoric of Government; our young people who have manned the Peace Corps and VISTA programs; who have galvanized the civil rights movement; who have brought the disaster of Vietnam to the forefront of national debate; who, last April 22, dramatically warned us that there is precious little time remaining to save our environment.

Their ideas and actions, their maturity and compassion have represented the best in us. Their desire to influence the system is deeply held and utterly sincere. We must not, through an inability to relate to the urgent needs and demands of the times, force them to seek alternative means to this legitimate influence on institutions and events. They must not be denied the most equitable, rational way for their voice and commitments to be heard, at the polls. While their interests, ideals, and energies are at their very peak, they must be allowed to express their views, at the polls, in local, State, and national political contests and debate.

We recognize that there exists, as evidenced by the actions of the 91st Congress, a broad-based consensus of support for the extension of voting rights to 18-year-olds. In the last session, by amendment to the 1970 Voting Rights Act, the franchise was granted to all citizens of 18 years of age in all elections. On December 10, 1970, the Supreme Court, in Oregon against Mitchell, sustained the act, insofar as it applied to national elections, but ruled that Congress could not legislate the voting standards for State and local elections.

The Court's ruling left this Nation with a choice between two distinct courses of action: Separate measures by the individual States to lower the voting age, or an amendment to the U.S. Constitution.

To leave this issue to the hands of the individual States is to invite chaos, confusion, delay, and added expense, which few States, confronted by fiscal crisis, can afford. A significant segment of the 18- to 21-year-old citizens might not be granted the franchise for some time to come. More than 20 States could not amend their constitutions prior to November 1972. Separate absentee ballots, registration list, and voting rolls would be required. Additional staff personnel, new voting machines, separate voting booths or polling places for 18-year-olds would also have to be provided. This wasteful and confusing duplication would be expensive as well. It is estimated that the procedures would cost Connecticut $1.3 million, New Jersey $1.5 million, St. Louis $2.5 million, New York City $5 million. Similar costs would be incurred across the Nation. For at least these States and probably more, 1972 election procedures would be chaotic as well as expensive.

Moreover, if some States lowered the voting age to 18 while others did not, the basic democratic right to vote in all elections would be determined by where the 18-, 19-, and 20-year-olds lived. A young person in one State would be able to vote in all elections, while his counterpart of equal age in a neighboring State could participate only in national elections, fully qualified to elect a President and a Vice President, but not a mayor or a city councilman. The cost, the chaos, and the confusion of this course of action, coupled with its inequities make it clearly unacceptable. For this to take place in America would be a clear mockery of our democratic principles.

A constitutional amendment is the only viable solution. It would apply the 18-year-old voting standard to every State. Passage now, while there is still time for three-fourths of the State legislatures to insure ratification before the 1972 elections is the simplest procedure for establishing uniform voting rights throughout this Nation, and for signaling to all of America that indeed we in the Congress are beginning to listen. I urge my colleagues to support passage of this amendment.

Mr. COTTER. Mr. Chairman, I rise in support of House Joint Resolution 223, the constitutional amendment to allow 18-year-olds to vote in State and local elections.

I know that some Members have and will focus on the additional costs of not allowing 18-year-olds to vote in State and local elections. The costs of separate voting booths or paper ballots for 18-year-olds permitted to vote in Federal, but not State and local elections is admittedly high; but the issue for me goes beyond these costly mechanical problems. I believe that our Nation will be strengthened by the extension of the 18-year-old vote.

It is this belief that convinced me that my first legislative act in Congress would be to introduce a bill to extend the vote for 18-year-olds in State and local elections. At this point in my statement, I include my speech made when I introduced my bill:

A Joint Resolution Allowing 18-Year-Old Citizens To Vote in Local and State Elections

Mr. Cotter. Mr. Speaker, today with a number of my colleagues, I am introducing a joint resolution that will enfranchise our 18-year-old citizens for local and State elections.

I am aware that reasonable men have honest differences over the advisability of allowing our younger citizens to vote. The Congress in the last session passed a bill which was upheld by the Supreme Court that enfrancised our young citizens for Federal and State elections.

The Supreme Court taking a narrow view of the Constitution limitations struck down the provision of that part of the act that enfrancised the young voters for State and local elections. I do not question the authority of the High Court to strike down this section of the Voting Rights Act, but I do feel that the Congress has the obligation to place this crucial subject before the American people again. This time, the means will be a constitutional amendment.

The State and local governmental units are the most readily accessible to our citizens. It seems to be contradictory to allow these young citizens to vote for national elections and deny them the ballot for State and local elections. A responsible Government must have the participation of all the citizens.

By 1972, it is estimated that 11.5 million citizens will be between 18 and 21. This is 8 percent of the voting population. The influx of young voters has been treated by some people as a plague that must be stopped. I disagree.

The concept of participatory democracy—which has served us so well for almost 200 years—will be strengthened by the addition of young voters. My contact with young people has convinced me that on balance their idealism and concern will be beneficial to the myriad of problems that now confront our local governmental institutions.

Mr. BIAGGI. Mr. Chairman, this body has officially gone on record in support of the right of 18-, 19-, and 20-year-olds to vote in Federal elections. That right now must be extended to all elections through the constitutional amendment procedure.

There is little doubt that this group of young people today are quite capable of handling the obligations of citizenship. They have fought honorably and well in a difficult war in Southeast Asia. The vast majority have worked for responsible change in our society within the framework provided by law.

Now we must extend their ability to contribute to building a better America by permitting them to participate in State and local elections.

The passage of the 18-year-old voting law last year and its subsequent approval by the Supreme Court for Federal elections caused tremendous havoc for State election officials. Most States are faced with setting up dual election rolls—one for Federal elections and one for State elections. Also separate polling booths will probably be needed in many locations.

Several States are now seeking approval of 18-year-old voting rights under State law. However, in numerous cases the procedure is too cumbersome to assure action in time for the 1972 elections. The constitutional amendment route would still permit adequate protection of the rights of the States while at the same time speeding up the changeover process.

I have personally met with numerous young people in my district and have found them to be fully ready to handle the responsibilities of participatory democracy. In fact by extending this right to the local level, I would venture to say that the youth of America will see this avenue as a far more successful means to change our society for the better.

The resulting challenge by our young people and their ideas might even increase the participation in the political process by our more apathetic adults. In the final analysis, I am convinced that this amendment will result in an improvement in the quality of government and politics in America.

Mr. LEGGETT. Mr. Chairman, in the United States the right to determine who shall represent the people and thus who shall make the policy decisions which effect the people is the keystone of our democracy. Since we do not have a direct democracy, the closest each citizen may come to shaping policy decisions is to vote for those candidates who most closely share his philosophy of government, his approach to solving problems, or his stated position on selected issues.

The issue before us today will not change our principles, only our application of those principles. What we seek is to establish a uniform, constructive, and just standard to determine who shall and shall not vote in relation to the age of the individual.

House Joint Resolution 223 would establish the age level at which all qualified citizens may vote at 18 years of age. By statute this has been established as the age requirement in all Federal elections. However, in the 50 States there is no uniform standard for age. Ratification of this constitutional amendment by the States would bring about a uniformity in this respect.

This constitutional amendment would also bring about another significant change in that it would bring into balance the age at which our citizens may responsibily participate in determining those laws. In recent years this argument has been put forward by those who have reasoned "If a young man is old enough to die for his country, he is old enough to vote." I do not reject this argument, but I feel that it does not lend itself to uniform application. It is similar to treating a symptom of disease and ignoring both the disease and its cause.

At 18 years of age each citizen is held to be responsible for his actions before the law and is treated as an adult. It is unimportant whether this is a draft law which affects only the male population, or the income tax which pays for the system of priorities established by the people's elected representatives, or the criminal law which regulates the relation of the individual to society. What is important is that not just one, but every facet of the individual's life is regulated by his elected representatives and he is accountable for his observance of these standards at age 18.

To bring the age of responsibility into alinement with the age of accountability would go a long way in making our present system more just and more productive. We must give those individuals who are affected by a governmental decision a chance to participate in the making of that decision. We must do this not simply because it is just, although it is, but because it provides those who must make the decision with the most comprehensive view of the ramifications of their decision.

An example where this has proven to be a workable approach to decisionmaking may be seen on the college campuses of the Nation. It is ironical that this is also the place where the opponents of the 18-year-old vote choose to point. However, both sides look at different results of the same overall picture. In those universities where students have little or no say in the policy development of the university there has been a significantly greater incidence of violence than in those universities where the students have an effective means to communicate their viewpoints to those who make policy.

There is a great similarity between a college where the student does not make the decision but knows his viewpoint has been fully considered and a State or Federal Government where an elected representative makes the decision on the basis of the views expressed by his constituents at the ballot box. The ratification of this constitutional amendment has the potential to greatly lessen the tension of the younger members of our society which has resulted from the practice of holding them accountable without allowing them responsible participation. At present there is no effective way for those individuals between the age of 18 and 21 to directly relate to the Government officers who make the decisions which affect them. In the past this has led to indifference, alienation, and rebellion. It has led to demonstrations as a means of communication, because it was the only means available.

The desire to be heard, the desire to participate in a meaningful way, and the desire to share responsibilities are not something new that has come from those seeking the vote at age 18. It is a phenomenon that has occurred repeatedly throughout our history each time a minority of citizens has been excluded from participation in their government. It has appeared in the past in terms of religion, race, and sex. It appears now as a matter of justice and good sound government in the form of age. I urge all my colleagues to join me in setting aside this unjust barrier to participation in our Government as we turned aside other barriers in the past.

Mr. HARRINGTON. Mr. Chairman, the House this week has the opportunity to vote on a constitutional amendment of major importance—the enfranchisement of 18-year-olds for all elections.

On January 14, 1971, I joined with three other House colleagues in asking for cosponsors to this amendment. More than 90 House Members put their names on the amendment during the first few weeks of the year. The Congress has acted quickly, and, if the amendment passes the House, the States will be able to ratify it in time for the 1972 elections. As we all know, the Senate voted unanimously last week to pass this measure. I am confident that the House will demonstrate its overwhelming approval this week.

There should be no argument against the 18-year-old vote. The 18-year-olds are mature enough to vote. Our choice of age 21 is the result of an 11th century edict that 21 was the age at which most males were capable of carrying armor. We are sending men far younger to fight an unconscionable war in Southeast Asia. Their armor is more modern, but the principle is the same.

There are more than 11 million 18- to 21-year-olds in this country today. About half of these are married and more than 1 million are raising families. An additional 1,400,000 are in the Armed Forces and thousands have died so far in Indochina.

Today, more than 3 million people ages 18 to 21 are full-time employees and taxpayers. As former Attorney General Ramsey Clark has stated:

> We subject 10–12 million young citizens between 17 and 21 years of age to taxation without representation. This is four times the population of the Colonies the night the tea was dumped in Boston harbor. . . . It exceeds the population of all but several of the States of the Union.

If we believe that we have the right to ask those between 18 and 21 to pay taxes, support the Government, and die in an undeclared war, then we owe them the right to a direct, constructive, and democratic channel for making their views felt and for giving them a stake in the future of the country.

The fight for the 18-year-old vote is not a recent phenomenon. In my State of Massachusetts a constitutional amendment was introduced in the general court in 1943 to lower the age to 18. It died in committee. Similar proposals were reported favorably, but did not come to the floor vote in 1951, failed in committee in 1952, and were again favorably reported, but did not come to the floor in 1953.

In his annual message of January 6, 1954, Gov. Christian Herter endorsed the move to extend the vote to 18-year-olds. In the same year, the proposal reached the floor of the State senate, but was defeated. In 1955, a similar measure was taken as far as the joint session of the general court only to fail. Similar attempts were made in years following, but with no success until 1970.

In 1970, the general court acted favorably for the required second time on a proposed amendment for 19-year-olds and the citizens of the State ratified the amendment at the polls. Thus, Massachusetts has a 19-year-old vote in all elections, and an 18-year-old vote in national elections. The general court also last year gave first approval to the 18-year-old vote. They must approve it again, and again set it before the voters. Such a procedure is expensive, unnecessary and complicated. Even if it succeeds, 18-year-olds will not be allowed to vote until January 1, 1973. We can solve part of the problem today by passing the constitutional amendment.

The Supreme Court decision declaring that 18-year-olds have the right to vote in national, but not State elections has created a chaotic and expensive problem. For instance, it has been estimated that it will cost New York City an additional $5 million to print, distribute, and count the separate ballots which will be needed in the 1972 election if the constitutional amendment before us today is not passed and ratified by the necessary number of States.

Even with its 19-year-old voting age, Massachusetts still has almost 100,000 voters who are 18 and would thus be precluded from voting on the State level. It has been estimated that new ballots for younger voters should not cost more than $40,000. But Massachusetts is one of the luckier States. Nevertheless, unless we pass the amendment before us today, Massachusetts 18-year-olds will have no chance of voting on the State level in 1972.

Mr. Chairman, I believe the time has come now to extend the franchise to 18-year-olds in all elections. They are mature enough. They have earned the right to vote by the fact that they are responsible citizens. Our society has much to gain by bringing the force of the idealism and concern and energy of the 18-year-olds into the constructive mechanism of elective government. I look forward to voting for this amendment.

Mrs. GRASSO. Mr. Chairman, I wholeheartedly support the proposal before us today for a constitutional amendment to lower the voting age nationwide to 18 for all elections.

It is vital that the House favorably pass on this measure in hopes that States will have sufficient time to ratify the proposed amendment in time for the 1972 elections. As we all know, the last Congress extended the franchise to citizens 18 years of age and older in both Federal and State elections with passage of the Voting Rights Act Amendments of 1970. However, the Supreme Court held this legislation to be unconstitutional as it applied to State elections, necessitating a constitutional change to fulfill Congress' original intent.

In the meantime, the Court decision has presented most of the State with a dilemma. The constitutional amendment proposal is essential for my State of Connecticut, even though the State's electorate turned down by a small margin a State referendum on the issue this past November, as we must now consider the utter confusion and substantial cost of maintaining dual balloting procedures resulting from the Court decision. The Connecticut General Assembly substantiated its concern for passage of this amendment proposal on March 3 by becoming the first legislature in the Nation to approve a resolution memorializing the Congress to amend the Constitution to lower the voting age to 18.

I have watched with great pride the development of the 18-year-old vote issue through the continuing efforts of many young people in my State as well as throughout the country. The cogent arguments which to me have long established the validity and justice of enfranchising 18- to 20-year-olds still apply. However, at this time the crucial need for successful passage of this amendment proposal must go beyond the ideal to the reality of unnecessary additional State government spending and impending confusion at the polls if the Constitution is not amended on the 18-year-old vote issue before the 1972 elections.

The young people of America are looking with hope to the House of Representatives today to register a vote of confidence in the ability of our Nation's youth to meaningfully participate in the decision-making process in our democracy which affects all our lives. I am sure they will not be disappointed.

Mr. REID of New York. Mr. Chairman, I strongly support the joint resolution proposing a constitutional amendment to lower the voting age to 18 in State, local, and Federal elections.

I have long favored granting the vote to 18-year-olds across the country, and in light of the recent Supreme Court decision, the action we are taking today, in amending the Constitution, is clearly necessary and germane.

There is a lot to be said for extending the vote to 18-year-olds. Their qualifications, in my view, are as strong as 21-year-olds; they are knowledgeable, they are deeply concerned, they are just as interested in, and more willing to directly participate in, the political processes, than many of their elders.

Above all, 18-year-olds are just as closely affected by the policies of their Government as are their parents and their grandparents. "Old Enough to Fight: Old Enough to Vote" still holds—perhaps poignantly, when viewed in relation to many of the 50,000 Americans who have died in Southeast Asia but who have never cast a ballot for the country they gave their life for.

Mr. Chairman, I urge the House to pass this amendment, and to grant 18-, 19-, and 20-year-olds the rights that have been too long denied them.

The 18-year-old vote can start to make our system of Government truly responsive and it will help dissolve the distrust many hold.

Mr. ANNUNZIO. Mr. Chairman, in the wake of the Supreme Court decision affirming the right of 18-year-olds to vote in Federal, but not State or local elections, it is imperative that Congress act quickly to pass a constitutional amendment granting them suffrage in all elections. President Johnson proposed such an amendment in 1968. I was proud to give it my strong support then, and I am happy to be the sponsor of House Joint Resolution 195, identical to the bill now before the House.

There are basically two crucially important reasons behind the urgent need for granting the vote to our 18-year-old citizens. One is philosophical or moral; the other practical.

First, our democratic society is committed to the notion that government must be as representative of, and responsive to, its citizens as possible. Thus we have seen the extension of the franchise during our history to the unpropertied, to women, and to minority groups.

It is a simple fact that our young citizens today are mentally and emotionally capable of full participation in our democratic form of government. Today, more than half of the 18-to-21-year-olds are receiving some type of higher education. Nearly 80 percent of these young people are high school graduates. They are more knowledgeable and aware of the issues and processes of government than any previous generation.

Furthermore, today's 18-to-21-year-olds already bear all or most of an adult citizen's responsibilities. About half are married, and more than a million of them have children. Another 1,400,000 are serving their country—serving all of us—in the Armed Forces.

More than 3,000,000 are full-time employees and taxpayers, subjected to taxation without representation. In 26 States persons of 18 years can make wills. In every State except California, they are treated as adults in criminal courts.

Surely, a citizen's rights in our society ought to be commensurate with his responsibilities. By their willingness to shoulder adult responsibilities, our young citizens between the ages of 18 and 21 have clearly earned the right to vote in all elections. Furthermore, they have a great deal to contribute to our society. We must channel their idealism and concern for the important issues of our time into our political system and give young people real opportunities to influence our society in a peaceful and constructive manner.

Practically speaking, it is absurd to maintain that young people are mature enough to vote in Federal elections, but not in State or local elections. All of the arguments advanced in favor of lowering the voting age apply with equal force to State and local elections. Indeed, many of the areas in which young people have expressed the greatest interest—for example, the quality of education and the state of the environment—are primarily matters of local concern.

Second, the administrative problems of creating and maintaining a dual system of voting raise the danger of profound confusion, delay, and added expense in the electoral process. In the 47 States which have not yet extended the franchise to 18-year-olds, separate systems of registration and voting must be established for nearly 10 percent of the previous voting-age population—more than 10 million young people. Many State legislatures have already begun action to lower their voting age to 18 years, but only eight expect to complete action in time for the 1972 elections. Thus, a Federal constitutional amendment offers the only realistic hope for 18-year-olds voting in the State and local elections of 1972.

I am convinced that the time has come to lower the voting age to 18 in every election across the land—because it is right to do so. And, if the many problems of dual-age voting force us to confront the question more promptly, so much the better. I urge my colleagues to complete action on this bill at the earliest possible date, so that the amendment may soon be sent to the States for early ratification.

Mr. PUCINSKI. Mr. Chairman, I strongly support House Joint Resolution 223 to lower the voting age to 18 for all elections. As the sponsor of a similar resolution, House Joint Resolution 146, I have long held the opinion that our antiquated and arbitrary 21-year-old limit should be changed.

Today, thanks to what the Supreme Court left of the Voting Rights Act of 1970, all 18-year-olds can vote in elections for Federal office. Now, in order to extend this privilege to all elections—local and State—and in order to avoid the costly and inevitably confusing dual system of voting in 1972, we must adopt this resolution calling for a constitutional amendment.

The young people of our country certainly possess the maturity to vote. They also possess the mental and emotional capabilities to exercise their voting privilege. Presently, over half of the 18- to 21-year-olds are receiving some form of higher education. Over 75 percent of them are high school graduates. This contrasts with 1920 figures when only 20 percent were high school graduates.

Eighteen-year-olds bear most of the adult responsibilities today. Of the 11 million young citizens we are discussing today, over half are married. A million and a half are serving in the Armed Forces. In the majority of States, 18-year-olds can make wills. In 49 States, they are treated as adults by criminal courts. The inconsistency of the logic that a young person is an adult when he may commit a crime but he is not to be considered an adult in the electoral process is patently obvious.

Most importantly, Mr. Chairman, these young people can make a great contribution to our political system and society. The headlines are grabbed by some violent, troublemaking youths—who comprise such a very small percentage of the young population. The overwhelming majority of these people are engaged in peaceful, thoughtful attempts to better our society. They are striving for the ideals of peace, understanding and a perfect environment. We need these people and their ideals and we need them in our system. We must let them know that their voices can and are being heard. We cannot afford to shut them out.

Aside from the merits of letting 18-year-olds vote, we have the problem of establishing a dual system of voting. Pragmatically, how can we expect the States of the Union to run a dual system in 1972. Eighteen-year-olds will be able to line up for President but not for Governor. It is estimated that the costs involved may run up to $20 million. As it is now, election officials have a difficult time handling the voters during the peak hours in the morning and late afternoon. Without the adoption of this resolution, I see long lines of people waiting at the polling places all day long—confused, tired, and upset.

I trust that the 50 State legislatures will act promptly to correct this inconsistency in voting rights and by 1972, 18-year-olds will be able to vote in all elections.

Mr. CRANE. Mr. Chairman, I rise today in support of the constitutional amendment which will extend the right to vote to citizens 18 years of age and older.

As you may recall, I opposed legislation in the 91st Congress which would have allowed the 18-year-old vote. I argued at that time that the Congress lacked power to accomplish this change by statute and that it was taking a shortsighted detour by trying to lower the voting age by legislation. I opposed the legislation because it would have forced the various States to maintain dual registrations and imposed additional complications and expenses of the States in the conduct and holding of elections.

A constitutional amendment is the proper legal procedure, however, under which the several States still maintain the right to ratify the change while eliminating substantial administrative burdens and costs which would otherwise be incurred by the States and avoiding the dangers of uncertainty, delay, and confusion inherent in such a system.

Would that the Congress had approved this constitutional approach last year.

Mr. OBEY. Mr. Chairman, last year the Congress saw fit to give the vote to those citizens between the ages of 18 and 21. The Supreme Court interpreted this right of the franchise to apply in Federal but not State and local elections because, the Court said, Congress could not establish a voting age for the States except by constitutional amendment.

That decision has posed what could become a confusing and expensive problem for many States and localities. A solution to that problem is the proposed amendment we are considering in the House today which would amend the Constitution to give the franchise to those 18 years or older in all elections. In the interest of ending the confusion and warding off the probability of separate elections for Federal, State, and local officials, it is important that this amendment be acted upon soon by the Congress, and ratified by the State legislatures.

Officials have estimated that the cost of conducting separate elections would be in the neighborhood of $10–$20 million. This burden would have to be assumed by the States, with no guarantee that it could not be greater.

These enormous costs result largely from the large amount of paperwork involved. Some State officials also say that along with the added paperwork, they might have to add new voting machines, or else use other voting methods such as paper ballots.

If we do not act to correct this confusion, 47 of our States would require special procedures for the voters between the ages of 18 and 21, who make up 10 percent of these States' previous voting age population.

Among these procedures are the mixed use of paper ballots and voting machines for different age groups, or special "lock out" systems which would allow for the polling place to adjust the voting machine to the qualifications of the voter. Unfortunately these systems have a drawback which is inherent when standard voting systems are tampered with—the possibility of voting error and election fraud.

Even if we overlook these potential problems we cannot ignore the fact that in registering and taking ballots from an electorate which has two different sets of qualifications, voters could face delays of a major sort, delays which in the end could reduce the number of our citizens who exercise their right to vote.

That is the exact opposite of what democracy is all about.

Mr. ANDERSON of California. Mr. Chairman, lowering the voting age to 18 has, in recent years, gained broad, national support from all segments of the political and ideological spectrum. Responding and participating in the emerging consensus, the 91st Congress enacted title III of the Voting Rights Act of 1970, lowering the voting age to 18 in all Federal, State, and local elections, primary and general. However, on December 21, 1970, under the constitutional interpretation that Congress lacks power to lower the voting age by Federal statute in State and local elections, the Supreme Court, in Oregon against Mitchell, ruled that the Voting Rights Act is constitutional only insofar as it applies to Federal election. Since December, the decision has been considered a grave obstacle to the reality of 18-year-old vote.

However, the Oregon against Mitchell court decision must not be misinterpreted. The decision was a block to the extension of congressional power into the States—it was not meant to be a block against the general principle of lowering the voting age to 18. Consequently, today the question of allowing 18-year-olds to vote is no longer a question of whether, but of when and how.

Very few will contend that people who may already vote for the President should not have the power to vote for county sheriff or State assemblyman. All of the arguments in favor of lowering the voting age are equally as applicable to State and local elections as to Federal elections.

If young people are mature enough to vote on Federal issues, they are no less mature in State and local issues. If young people have earned the right to vote by bearing the Federal responsibilities of citizenship, they have borne no less of State and local responsibilities. If we need the energy and idealism of the young channeled into elective politics, we need it no less at the State and local level. Many feel that the young people's concerns of environment, civil rights, and education are in fact more relevant to the local and State levels.

Thus, the problem is no longer one of philosophical preferences, but only of the mechanism needed to insure a uniform voting age by 1972. Since the Supreme Court determined the Voting Rights Act to be applicable only to Federal elections, a prodigious burden has been placed on State and local officials due to the dual-age system of registration and voting. The system will be "confusing, expensive, and subject to other serious problems." First of all, special, separate facilities and procedures will have to be developed for younger voters who are eligible only to vote in Federal elections. This will not be a small task—47 States will have to deal specially with at least 10 million potential voters. This separation of voters into two classes will have to be done in at least two different stages—at registration and each time the voters come to the polls. Thus, this dual system of voting will cause much confusion for poll workers, cause deficiencies in the use of voting machines and cause an increase in the time it takes to vote.

Adding to this burden of confusion and work, put upon the States, will be the burden of increased expense. Oregon Attorney General Lee Johnson assessed the expense to be basically of two types:

> Initial expenses for new physical equipment required to handle two classes of voters, and the ongoing expenses of sustaining and maintaining two sets of registration books, election supervisors, and the like.

The costs will naturally vary from State to State, but election officials now suggest that the nationwide cost involved is no less than $10 to $20 million. In California alone, it is estimated that the cost to keep separate files for under-21 voters and over-21 voters will be an additional $5 million.

Obviously, this chaotic and expensive situation in the States must be alleviated. The dual-age system must be terminated before the 1972 election. Presently, such termination is being left up to the States. In almost all the States, it would take a State constitutional amendment to lower the voting age. However, very few of the 47 States consider it possible to complete such action in time for the 1972 elections. Only eight States reported that it would be possible to lower their voting age by amending the State constitution before the 1972 elections. Only eight States reported that it would be possible to lower their voting age by amending the State constitution before the 1972 election without resorting to some extraordinary procedure such as a specially called election.

As I see it, an amendment to the Federal Constitution remains the only realistic possibility of lowering the voting age to 18 for all elections before 1972. Currently, it appears that at least 35 State legislatures are required by law to meet in 1972; and another five legislatures could easily meet without the calling of a special session. The time is late—very late—but there is still enough time to accomplish the necessary amendment procedures prior to State and Federal elections in 1972. In the past, constitutional amendments have often been ratified in a year or less. For example, the 12th amendment was ratified in 8 months and the 23d amendment was ratified in 9 months.

As a matter of constitutional law, the Supreme Court's decision may have been correct; however, the result is morally indefensible. There is no basis whatsoever in policy or in logic for denying young citizens the right to vote in State and local elections. As Theodore Sorensen so aptly stated:

> The very essence of democracy requires that its electoral base be as broad as the standards of fairness and logic permit.

In all fairness and logic, the U.S. Constitution must be amended in order to assure the equality of 18-year vote in local, State, and Federal elections.

Mr. ALEXANDER. Mr. Chairman, today we are considering a question vital to the growth and expanded participation in our national life by a knowledgeable, thoughtful, concerned group of citizens—those 18 to 21 years old.

As part of my experience as a Member of Congress, I have had the pleasure of meeting, talking with, and answering the questions of hundreds of young people in this age group. These conversations have reinforced my belief that the majority of today's 18-year-olds are equally, or more, constructively aware, concerned, and serious about the state of their community, Nation, and world as the 21-year-olds of even two decades ago were.

The voting age was established at 21 many years ago—for reasons that no longer exist. It is my feeling that when the reason for the rule no longer exists, then the rule should be changed. That is why I rise today in support of the proposal that the Constitution of this great Nation be amended to give the right, privilege, and responsibility of the ballot in all elections to those persons who have reached their 18th birthday.

Young people are drafted into our military services today at 18 and expected to be willing to make the final sacrifice for the freedom of our country.

Eighteen-year-olds are allowed to marry and take on the extensive responsibilities of a family. They may take independent legal actions at the age of 18. And they are held responsible in court at the age of 18.

It is to me untenable that these same 18-year-olds should be held not sufficiently mature to make their wishes known at the ballot box on the officials and the policies which will represent them at all levels of government.

On January 22, I introduced a resolution calling for the amendment of the Constitution giving the right of the ballot in elections at all levels of government to citizens who have reached their 18th birthday.

Since that time I have talked with many young persons who are at this age, or who will be 18 within the next 3 years. Their interest in the course being charted through history by this Nation and their constructive attitude in this area has strengthened my resolve to support this change in our Nation's Constitution.

I urge and implore those of my colleagues who have not joined me in recognizing the maturity and value of the contributions these young people can make, to do so at this time. Vote to give them the privilege of the ballot.

Mr. STEIGER of Wisconsin. Mr. Chairman, the Senate has passed a constitutional amendment to grant 18-year-olds the right to vote in any election. The need for this amendment is clear.

When the U.S. Supreme Court decided in December that 18-year-olds are eligible to vote in national elections, the Court declined to accept a lower voting age for State and local elections. This decision, while proper, has created a good amount of confusion for election officials and young people alike. The Court action has clearly demonstrated the need for Congress to approve a constitutional amendment which can be submitted to the States for ratification.

Last June when this body approved the statutory lowering of the voting age, I urged that we act not by statute of Congress but by amendment to the Constitution. This is the right way to achieve our goal. Constitutional integrity requires an amendment to the U.S. Constitution.

The merits of the proposal are also evident. Throughout our Nation's history we have enlarged the number of citizens eligible to vote.

I believe that the voting age should be lowered to 18 because young people can intelligently participate as voters. In the United States 18-year-olds are considered adults. They are accountable for their actions. Most may sue and be sued. Many of those in the age group 18 to 21 are working, raising families, paying taxes, and leading productive lives. Most are keenly aware and interested in the world around them and are anxious to participate in the formulation of governmental policy through the traditional vehicle of the ballot box.

Mr. Chairman I support the constitutional amendment, and I hope it is promptly approved by the House of Representatives and the 38 States needed for ratification.

Mr. BADILLO. Mr. Chairman, I rise in support of this resolution, which I was proud to cosponsor on the first day of the 92d Congress. Speedy enactment of this legislation represents not only a reiteration of the principle embodied in last year's voting rights legislation but also a recognition that a dual voting age system would be an unwarranted and costly administrative burden for our States to assume.

The resolution before us today is one of the last steps in what has been an unduly prolonged effort to give full voting rights to Americans 18 years and older. It was my privilege, as a delegate to New York State's constitutional convention in 1967 to support an 18-year-old vote provision to the proposed constitution which unfortunately was defeated at the polls.

As cochairman of a newly launched registration drive aimed at promoting full electoral participation of our younger voters in New York, I am convinced that by enacting this legislation we can make great strides toward healing the wounds and closing the divisions which has appeared within our society in recent years.

Only by correcting the injustice in our present electoral system can we give millions of our younger citizens the realistic hope that governmental institutions can respond to the needs and desires of the people.

The overwhelming majorities in both House and Senate last year for the 18-year-old vote provision is sufficient evidence that at long last the Congress acknowledges the ability of these young people to exercise the franchise privilege. Our action here today will not only reaffirm that recognition but enable it to become an integral part of our political system by the next general election.

Mr. Chairman, this resolution deserves the strong support I am confident our colleagues will give it.

Mr. **BROYHILL** of North Carolina. Mr. Chairman, I strongly favor the passage of House Joint Resolution 223, proposing a constitutional amendment to extend voting rights to Americans 18 years of age and older. I have been a cosponsor of this proposal in this and in the previous Congress.

The House has already expressed its support for the 18-year-old vote with the passage of the Voting Rights Act of 1970. At the time this legislation was agreed to here last year, I felt strongly that there was inadequate time for full debate. I also believed that there was a serious constitutional question involved and that this was a matter requiring a constitutional amendment.

The Supreme Court decision in which this law was tested has resulted in the approval of the 18-year-old vote for Federal elections and the retention of existing State requirements for State and local elections. This is an inequitable situation, indeed, and places a burden on the States who have not adopted the 18-year-old vote which will be both costly and confusing.

First, the present situation presents an inequity for young voters. If 18-year-olds have been adjudged mature and responsible enough to vote in Federal elections, should not these same qualifications entitle them to vote in State and local elections? As a result, we have an absurd situation where the 18-year-old citizen now may cast his vote for presidential candidates, but is denied a vote in a local sheriff's race. He may participate in selecting who represents him in the U.S. Senate, but he may not participate in choosing a Governor of his State.

Among the elements of confusion which the States now face in conducting elections is the cost of maintaining a dual system of voting. At the present time, only three States permit 18-year-olds to vote. For the other 47 States, dual-age voting would be required as a result of the existing Federal law and the Supreme Court's decision regarding it. This would entail the establishment of broad new procedures, additional election officials and costly voting machines. Additional costs of establishing separate procedures and facilities for Federal and State and local voting have been estimated as high as $5 million in New York City, $2.5 million for St. Louis, and $1.5 million for the State of New Jersey. No State or municipality can afford such a tremendous increase in expenses.

It is this reason which imposes an urgency in enacting this change before the 1972 general election. The only realistic way in which this can be accomplished is by amending the Constitution. Most State legislatures are meeting this year and could act on this proposal without delay.

As you know, the Senate last week passed this resolution without a dissenting vote. I urge all my colleagues to support this resolution just as conclusively so that its consideration by the State legislatures can begin at the earliest possible time.

Mr. **KEMP**. Mr. Chairman, the Constitutional amendment which would give 18-year-olds the right to vote in State and local elections as well as in national elections for Federal officeholders is an important one.

The 91st Congress, by extraordinary majorities in each Chamber, approved a Federal statute designed to lower the minimum voting age to 18 in Federal, State, and local elections. This action expressed a congressional judgment that the educational level reached by 18-year-olds, their civic and military obligations, and their readiness and capacity to participate in the political process rendered unreasonable a minimum voting age classification above 18.

Congressional action with regard to Federal elections has been upheld by the U.S. Supreme Court, but this has not been the case with provisions concerning State and local elections.

At this time nine States permit persons under 21 years of age to vote, but only three—Alaska, Georgia, and Kentucky—permit 18-year-olds to vote. As a result, 47 States now confront a dual voting age system wherein 18-year-olds may vote in Federal elections but not in State elections.

Recently, a nationwide survey among election officials indicated that a dual system would be expensive and administratively burdensome to operate. In addition, it carries with it the potential for confusion in the tabulation of election results and the possibility that separate election facilities and procedures will have to be developed.

Whatever new separate procedures and facilities are ultimately established, election officials expect that substantial added costs to State and local governments will be involved. Estimates of these additional expenses are as follows: Connecticut, $1.3 million; New York City, $5 million; St. Louis, $2.5 million; New Jersey, $1.5 million; Dade County, Fla., $400,000; Washington State, $200,000; Chicago, $200,000.

At this time many State legislatures are currently attempting to bring their voting age qualifications into line with the Federal standards in time for the 1972 elections. In my own State of New York, for example, a proposal to lower the voting age has already been passed by the State legislature and is scheduled to be voted on in a popular referendum later this year. Similar referendums on the question appear also to be scheduled later this year in the States of Kansas, Maine, and New Mexico. In other States, however, such efforts may fail to produce the desired voting age uniformity in time.

Revision of the State voting age qualifications seems to require an amendment to the State constitution in every State. Processing such an amendment differs from jurisdiction to jurisdiction, but at least 16 States make provision for the submission of a proposed amendment to two separate sessions of the legislature, to be followed by a referendum. Because not all State legislatures meet annually, and for related reasons of procedure, it appears that more than 20 States will be unable to lower the State voting age prior to November 1972.

Although individual State efforts to achieve national voting age uniformity by 1972 by State constitutional amendment seem futile, ratification of the proposed new article embodied in House Joint Resolution 223 seems to be a realistic possibility by the next national election.

Since more than 45 State legislatures are meeting this year—and approximately half that number are scheduled to meet in 1972 and special sessions in the fall of 1971 and in the spring of 1972—and will probably deal with the issue of reapportionment, a reasonable period exists within which the State legislatures may act to ratify the proposed new article of amendment.

This proposed amendment seeks to accomplish a very important national purpose; namely, the extension of the franchise in all elections to millions of American citizens fully qualified to participate in the political processes of the Nation and the States.

It is my belief that young Americans between the ages of 18 and 21 have proven their own ability to participate in our political processes. To some it may appear a fairly new trend, but in my own district, in the city of Buffalo, the idea of involving young people in politics began more than 16 years ago when school superintendent Joseph Manch was an assistant superintendent for pupil personnel services.

It was Dr. Manch's belief then and now that young people should be provided with a forum where they could exchange ideas, develop student-initiated codes, and encourage active participation in school affairs.

This belief gave birth to the inter-high school student council in 1954 which gained nationwide attention almost overnight with its "Dress Right" code. The code, initiated and approved by students, was initiated throughout the country.

Student involvement has grown steadily over these 16 years in Buffalo. In 1967, Dr. Manch first proposed student involvement in curriculum planning. It began work in the summer of 1968 and by last July more than 50 students were working with the faculty-student curriculum committees at Fillmore Middle School. Thirty-three separate committees worked on different areas of the curriculum, one of them on a reference guide dealing with the problems of drug abuse, alcohol, and tobacco.

Today there are six distinct programs that involve Buffalo public school students in the operation of their schools. In addition to the student council and faculty-student curriculum committees, students participate in interracial clubs, the school-community advisory committee, student-teacher career guidance committees, and student-teacher textbook and supply review committees.

Writing about this program, Paul Price said the following in a recent article in the Buffalo Evening News:

> Whatever the program, it reflects a basic philosophy held by Dr. Manch: Give students a chance to make decisions that affect them and they will act responsibly.

Dr. Manch himself stated that—

> We have witnessed a responsible—though increasingly vocal—demand for a more active role in school affairs. The easy and dangerous solution to these demands is to promise everything and deliver nothing, a pattern sometimes followed with disastrous results. Once you recognize that students will be inventive, responsible members of the school community, you begin to deal with problems effectively, drawing youngsters into the mainstream of education.

I believe in the young people of this Nation. They have shown themselves to be brave soldiers in Vietnam and idealistic crusaders for a better society here at home. As with those in all other age groups, there are responsible young people and irresponsible ones. It is unfair to criticize the majority of the young people for the sins of a few, and as long as our society makes demands upon those within the 18- to 21-year-age group, it has some obligation to give them a role in choosing their government. Anything else sounds dangerously like taxation without representation or, in the case of military service, of involuntary servitude.

Only when all of us, young and old together, join hands in working for a better, more equitable society can our goals be achieved. This amendment will see to it that all Americans have an equal stake in our society and will eliminate the possibility of dual voting lists, in which a citizen is deemed competent to elect his Congressman and Senator, but not his city councilman.

I am confident that young people will meet their responsibilities just as others in our society have done. For these reasons, I believe it essential that this amendment be passed.

Mr. RUNNELS. Mr. Chairman, I offer today a few thoughts on the proposed constitutional amendment which would allow 18-year-olds the right to vote in all elections. This is a matter on which I have had strong feelings for a long time.

I sincerely believe that the majority of young people between 18 and 21 years of age is mature enough and responsible enough to vote as wisely as their elders. In fact, in many instances they are probably more qualified.

We, as a society, demand much of our young people today, with the vast majority of those over 18 being highly productive citizens. Besides their contributions through the various trades and professions, these young people are also called upon to serve in many other ways.

A case in point is their contribution to the defense of our country through their service in the Armed Forces. According to Defense Department statistics of June 1968, persons under 21 years of age accounted for 983,000 members of our total defense force of 3,510,000.

Just for the record it should also be pointed out that of those who have given their lives in service to their country, again a sizable percentage were under 21.

Another point to consider as we act upon the amendment before us is that the Voting Rights Act of 1970 did in fact permit those 18 or older to vote in national elections. This right has been confined to the national elections because the Supreme Court last December ruled that the States would have to make their own lowered age requirements for State and local elections.

Because of this Supreme Court ruling, it has been recently discovered that it could cost between $10 and $20 million if the various States were forced to conduct the 1972 elections under a system of dual-age voting; that is, 18-year-olds voting for Federal but not State offices.

The complications and confusion that could come about from such a dual system of voting would in all probability contribute to much havoc and many irregularities in next year's elections. We have had enough voting irregularities in my own State of New Mexico, in years past, and I shudder to think what could happen if the voting process were further complicated.

There are many arguments for extending the right to vote to 18-year-olds, but the most compelling one, as I see it, is that the majority of this age group works, pays taxes, raises families, and is subject to military service. They are most deserving of a voice in the affairs of government, whether it be National, State, or local.

I was cosponsor of House Joint Resolution 256, which also provided for an amendment to the Constitution extending the right to vote to 18-year-olds. Therefore, I must cast my vote in support of the measure—House Joint Resolution 223—which is before us today.

The earlier this matter is passed by the Congress, and submitted to the States for ratification, the earlier the right to vote for 18-year-olds will become a reality. It is a deserved right and privilege which is long overdue.

Mr. DERWINSKI. Mr. Chairman, as a result of the recent Supreme Court ruling we in the legislative branch are, in effect, forced to adopt this constitutional amendment. In turn, three-fourths of the State legislatures will be forced to ratify it. I have consistently favored 18-year-old voting, but regret that we are achieving a good end through clearly improper means.

Believing very strongly in legitimate States' rights, I feel the decision to lower the voting age should have been reserved to each of the 50 State legislatures. Over a period of time, I am convinced there would have been a constant trend of lowering the voting age.

In my opinion, the voting pattern of the 18- through 21-year-old group will be comparable to that of the public as a whole. Contrary to the fears or visions of many political officials, I do not believe it will produce dramatic changes in election results.

However, Mr. Chairman, I reemphasize my view that the Supreme Court decision forces us to take this action and that the State legislatures will, under duress, process it and 18-year-olds will have the right to vote in the 1972 elections.

I believe they will make a positive contribution to political decisions and, hopefully, along with the responsibility of voting, their contributions will also reflect appreciation and knowledge of our governmental system.

Mr. FRENZEL. Mr. Chairman the 91st Congress showed its clear intent to lower the voting age to 18 when it passed H.R. 4249 last June. Section III established the voting age at 18 in Federal, State, and local elections, except as required by the Constitution.

The Supreme Court ruled the constitutional requirements prohibited lowering the voting age for State and local elections.

We are, therefore, faced with the prospect of every State, except Georgia, Hawaii, and Kentucky, having to establish separate ballots, records, and voting procedures for the 18- to 20-year-old voters. Few States are in a position to pass constitutional amendments of their own prior to the general election of 1972.

My own State of Minnesota is one in which the costs of a bilevel election would be prohibitive, and, without a special election, also costly, no referendum is possible until 1972.

The need is obvious. The responsibility lies with the Congress. By passing House Joint Resolution 223 we can do properly what was intended last June. We can help deliver the equity of the 18-year-old franchise, and we can give the States a way to choose economy, a way to avoid the costs of a two-level voting system.

We are taking nothing away from the States. On the contrary, we are giving them the opportunity to ratify, if they will, the lowered voting age.

As the proud author of a successful State constitutional amendment lowering the voting age in Minnesota, I urge an affirmative vote on this constitutional amendment to lower the voting age to 18.

Mr. FASCELL. Mr. Chairman, the proposed constitutional amendment which we are considering today is intended to make uniform the voting age requirements. These were altered by the provisions of the Voting Rights Act which lowered the voting age to 18.

I sponsored and supported that legislation, and I believe it was the intention of those who voted for the provision that the lowering of the voting age would apply to all elections.

As we are well aware, the Supreme Court has interpreted the law to apply only to Federal elections. While this decision is undoubtedly sound legally, its practical effect is to create a dual system of elections and a different constituency for Federal as opposed to State and local elections.

The course of action which most of our colleagues would have preferred is the one we are considering today—amending the Constitution of the United States. I sponsored legislation for that purpose in the last two Congresses.

In our desire to respond more directly to the need to enfranchise our young citizens, we chose the more expedient route of amending the extension of the Voting Rights Act.

Now that we have the benefit of the decision by the Supreme Court, the necessary action should be apparent. Besides being logically questionable, the maintenance of a dual system of elections would be costly and burdensome to administer.

Mr. Chairman, the Congress of the United States has made its position clear in the matter of enfranchising 18-year-olds in all elections. The merits of the issue are equally persuasive today.

Our early action on this proposed amendment would mean that our original intent would be legally realized as soon as possible. It is my hope that we can avoid the experience of a national election under the dual system which presently exists.

Mr. ANDERSON of Illinois. Mr. Chairman, with the passage of House Joint Resolution 223 in this body today, the Congress has completed its half of the constitutional amendment process to enfranchise 18-year-olds in all elections. It is now up to three-fourths of the State legislatures to ratify this resolution before it can become an amendment to our Constitution.

I am hopeful that the States will act favorably on this though I am aware that this proposition has not fared well at the State level in recent times. In my own State of Illinois last December voters rejected an 18-year-old vote amendment to the new State constitution by a 6-to-5 margin. Washington and Oregon have had similar experiences. These setbacks to the youth vote run contrary to the Gallup findings in December of 1969 that 63 percent of the American people favor granting the vote to 18- to 20-year-olds while only 34 percent oppose it.

Many observers have suggested that these referendum defeats are in reaction to campus riots and war protest demonstrations. Judging from some of the mail I have received on this issue, I would have to agree that there is an element of truth in that observation. In fact, the mistaken notion that the vast majority of our young people are radicals, revolutionaries or hippies may be the major obstacle to overcome in the ensuing campaign to sell the 18-year-old vote at the State level. And I would suggest to my colleagues that while our constitutional responsibilities in this amendment process have been fulfilled by our action today, our leadership responsibilities have just begun if we are truly committed to the youth franchise. I think we can offer a great assist to our counterparts in the State legislatures by continuing to run with the ball rather than dropping it like a hot potato.

I think it is incumbent upon us to educate the people on this issue and to dispel some of the myths which have contributed to the youth backlash. I like to begin by reminding my own constituents that of the 11 million young people, 18 to 20, over half are already part of the civilian labor force, another 800,000 are in the military, 1.1 million are housewives, and about one-fourth are enrolled in various schools. I am amazed at how many people think that most young adults between ages of 18 and 20 are college students, and of the radical variety at that.

The second myth which we must explode is that college students are committed to extremist causes. A recent Gallup poll compared student and adult attitudes toward various extremist groups and concluded that with both students and adults extremist groups on the right and left have very little appeal. In the case of the John Birch Society and the Ku Klux Klan, less than 5 percent of both the students and adults polled gave "highly favorable" ratings; and in the case of the SDS, Black Panthers, and Weathermen, less than 10 percent of both groups gave favorable ratings. I think it is fair to conclude that the overwhelming majority of Americans both students and their elders, reject extremism on both the left and the right. I call the attention of my colleagues to the published report of the Gallup survey which will appear at the conclusion of my remarks in the RECORD.

One must ask how it is such a small band of extremists can give their entire peer group a bad image in the public mind. One possible and plausible answer has been suggested by Dr. William J. McGill, president of Columbia University, who maintains that outbreaks on campuses were "artificially contrived" and were "phenomena of mass communication." Student unrest, according to Dr. McGill, is "a shimmering image conjured up by very able and astute student leaders who seek to capitalize on techniques of mass communication to generate the appearance of a mass movement."

Mr. Chairman, there was a time when the common expression was, "I only know what I read in the newspapers." Now it is more common to hear, "I only know what I see on the television," and I think Dr. McGill does make a valid point of distinguishing between mass movements and techniques of mass communication designed to generate the "appearance" of a mass movement. When campus demonstrations are the only campus happenings carried by the television networks, it is not long before people begin to think that college life is nothing more than a series of demonstrations and college students are all full-time demonstrators. I am not saying this in criticism of the networks; they have to make the decision as to what is newsworthy, and the sensational will always attract the cameras and the ratings. What I am saying is that it is not difficult to understand why so many of the general public have become anti-youth and antistudent, and, therefore, why there has been a reluctance to grant young people the vote.

The point I am trying to make is that we will have to explode some of the popular myths about young people if we are to succeed in amending the Constitution to lower the voting age. And I would urge my colleagues to assist their counterparts at the State level in dispelling these myths and selling the youth vote.

At this point in the RECORD I include several items relating to my remarks including the Gallup survey on extremists, a Gallup analysis of the 18 to 20 age group, a New York Times report on Dr. McGill's speech, and a Times article on the youth vote and the States. The material follows:

[From the New York Times, Feb. 7, 1971]

COLLEGE STUDENTS SHUN EXTREMISTS: GALLUP SURVEY FINDS MOST AVOID THE RIGHT AND LEFT

Extremist groups in America, on the far right and the far left, have almost as little appeal among the nation's college students as they do among the adult population as a whole, according to the Gallup Poll. Students, however, lean slightly more to the left in their ratings of these groups than do the rest of the nation.

Less than 5 per cent of both students and adults give two rightist organizations—the John Birch Society and the Ku Klux Klan—a "highly favorable" rating. At the same time, less than 10 per cent of both students and adults give a "highly favorable" rating to two leftist organizations—Students for a Democratic Society and the Black Panthers.

Some slight divergence in views is found in the case of the Black Panthers. Fewer students proportionately give this organization a "highly unfavorable" rating than is true among the rest of the general public. However, strongly negative views outweigh strongly favorable views among both groups surveyed.

Another leftist organization—the Weatherman—is given an overwhelmingly negative rating by students. No comparisons are available with views of the adult population as a whole.

Analysis of the ratings by background characteristics shows that the radical left groups tested are most likely to be favorably regarded by college seniors and graduate students, who are attending private institutions in the East and who come from upper-income homes.

To obtain the findings reported today a total of 1,063 students, representing 61 colleges and universities, were interviewed in a survey completed in late December. The views of the adult population as a whole were recorded in a national survey conducted last summer, in which a total of 1,513 adults 21 and older were reached in person.

The following tables compare the ratings given by students with those of the adult population as a whole:

JOHN BIRCH SOCIETY

Highly favorable	*Percent*
Students	2
General public	4
Highly unfavorable	
Students	48
General public	38

K.K.K.

	Percent
Highly favorable	
Students	2
General public	3
Highly unfavorable	
Students	80
General public	76

S.D.S.

	Percent
Highly favorable	
Students	6
General public	7
Highly unfavorable	
Students	37
General public	42

BLACK PANTHERS

	Percent
Highly favorable	
Students	8
General public	2
Highly unfavorable	
Students	42
General public	75

WEATHERMEN

	Percent
Highly favorable	
Students	8
Highly unfavorable	
Students	47

One of the interesting findings in the survey is that among college radicals of the left and right, there is an apparent appeal in extremism for its own sake, among other factors.

For example, a significant proportion of students who describe their political philosophy as "far left" give a highly favorable rating to the John Birch Society and the K.K.K.

Similarly, a sizeable percentage of students who classify themselves as "far right" give a highly favorable rating to the S.D.S., the Weathermen and the Black Panthers.

IF 18, 19, 20 YEAR OLDS COULD VOTE . . . A PUBLIC OPINION ANALYSIS

(By George Gallup, Jr., Paul K. Perry)

If the 10.5 million Americans who are 18, 19, and 20-years old obtain the right to vote in all 50 states they could easily change the result of close elections such as the 1968 Presidential election, when Richard Nixon and Hubert Humphrey were separated by only 514,155 votes, (1 per cent of the total vote) and the 1960 election when John Kennedy and Richard Nixon were separated by the bare margin of 118,550 votes (0.2 of 1 per cent of the total vote).

Much attention lately has been focused on the 18, 19, and 20-year olds in our population, many of whom are in the process of making crucial decisions in their lives regarding their occupation, marriage, the draft, religion, and politics. This raises the question as to what are the available facts about them.

About one in three civilians 18, 19, and 20 years old are currently enrolled in colleges and universities. Two persons in three (7 million or 66 per cent) have completed four years of high school; about 2.9 million (28 per cent) have completed one to three years of high school while 600,000 have had less education.

Data in a January, 1970 Bureau of Labor Statistics report indicated that about 5.9 million 18, 19, and 20-years olds were in the civilian labor force. Of this number about 5.2 million were employed and 600,000 unemployed. Another 800,000 were in the armed forces. Two million five hundred thousand were going to school, 1.1 million were young women keeping house; some 300,000 were otherwise classified. Males and females in this age group are approximately equal in number: 5.3 million men and 5.2 million women. Whites outnumber nonwhites, but the ratio is somewhat smaller than for adults in the population 21 years of age and older. Whites number 9.1 million in this group, while blacks and other non-whites number 1.4 million.

Survey evidence suggests that lowering the voting age to 18 across the nation would have a negligible effect in any but a very close election. While this age group comprises 8 per cent of the total population 18 and older, they would unquestionably make up a smaller percentage of the vote in a national election.

Gallup survey data indicates that about half of the 21 to 24 year olds vote in a Presidential election as compared with the 70 per cent among those 25 and older. Assuming the proportion of 18, 19, and 20-year olds likely to vote is the same as among 21–24-year olds, then about 6 per cent of the popular vote in a Presidential election would be by 18, 19, and 20-year olds and 94 per cent would be those 21 and older.

A recent release of the Bureau of the Census reported voting participation based upon 18, 19, and 20-year olds in Georgia and Kentucky, 19 and 20-year olds in Alaska and 20-year olds in Hawaii, where they are already enfranchised. In this age group 33 per cent of those interviewed reported voting in the 1968 Presidential election. This compares with a 43 per cent voting rate among all those of voting age in these states in 1968.

The relatively poor voting record of young adults can be explained to some extent by their relatively high mobility and restrictive residence requirements for voting. In some 35 of the 50 states one year of residence is required before a person can register to vote. Yet survey data have indicated that more than one-third (37 per cent) of young adults have changed their place of residence during the last year.

While little survey evidence exists to show how 18, 19, and 20-year olds as a group would vote, some clue can be obtained by noting patterns of voting preferences by age groups among those 21 and older.

In the last five Presidential elections young voters voted in larger proportion for the Democratic candidate than did older voters. For example, in 1968 among those under 30 who voted, 47 per cent chose Mr. Humphrey as against 38 per cent who chose Mr. Nixon. Among persons 50 and older the pattern was reversed, with 41 per cent choosing Mr. Humphrey and 47 per cent choosing Mr. Nixon.

This Democratic pattern has also been observed in the vote for candidates in the House of Representatives in non-Presidential years.

Starting with the election of 1952 and considering both Presidential and Congressional elections, nine elections in all, the 21 to 29 age group has voted on the average about 7 percentage points more Democratic than has the 50 and older age group. If one were to make the assumption that this pattern would extend into the 18, 19, and 20-year old group then their inclusion in the electorate would tend to help the Democratic candidates in national elections.

Surveys show that voting participation increases with education so it is reasonable to assume that college students among the 18, 19, and 20-year olds will have a disproportionate effect on the vote in this age group. In view of this it is important to examine briefly some of the goals, interests, and habits of the important college group who comprise roughly a third of the civilians in the 18–20 age groups.

What is likely to be the impact of college students on society in the years ahead? The answer may be involved in the uncertainty of Vietnam. Gallup surveys have shown that most students are eager for change. They are unable to make plans for the future. It is the war to a great degree that has made youth realize that they should be doing something about society and government, that they should have a say about what happens to them.

A growing tendency exists on campus to avoid identification with either major party. The proportion of college students who describe themselves as independent in politics has grown steadily since 1966 when 39 per cent put themselves into the category to 52 per cent today, the high point to date. Among the remaining 48 per cent who indicate a party preference, the weight of opinion slightly favors the Democrats.

[From the New York Times, Feb. 7, 1971]

MCGILL SEES A NEW TIME OF FERMENT

(By Peter Kihss)

Columbia University's president declared last night that "Western society stands on the threshold of a new era filled with ferment, simplistic philosophy and rejections." But he held that many of the outbreaks on campuses had been "artificially contrived" and were "phenomena of mass communication."

Much of the student unrest over the last five years, Dr. William J. McGill, the Columbia leader, and a psychologist, asserted is "a shimmering image conjured up by very able and astute student leaders who seek to capitalize on techniques of mass communication to generate the appearance of a mass movement."

"That is why," he contended, "the effects of periodic excitement on campus build up and dissipate rapidly. Beneath it all there is unrest with a society grown too complex for understanding, but there is no commitment to violence."

The Columbia president offered his analysis in an address prepared for the 67th annual banquet of the New York chapter of the American Institute of Banking, held by the nonprofit educational institution for bank employes at the Americana Hotel.

The social forces now operating, he said, may cause future historians to describe these times "in terms similar to those we now use for the Renaissance and the Industrial Revolution."

The growth of "a technological superstate" since World War II, Dr. McGill said, has required longer and more complex training for ever-narrower careers. The stretching out of the educational process, he said, has been equivalent to extending the period of adolescence.

Students "have tried to find some meaning for their own lives," with no assurance that the future world will be worth living in, he said. Many, he added, "have formed themselves into an isolated youth culture that is clearly hostile to science and technology."

Many "construct simplistic ideologies" to remove themselves from a life-style of complexity, he said. He reported, "among other things, we are witnessing a remarkable growth of religious mysticism on university campuses."

Nevertheless, Dr. McGill said, he believes that the breaking out of campus strikes throughout the country, as occurred last May, could be ascribed to "clever manipulation of mass opinion by young people conditioned to think in terms of mass movements." He offered this view as a counter to a concept of the start of revolution with sustained violence.

"If we are dealing with manipulation of opinion through mass communication," Dr. McGill contended, "then violence used by society to put down campus disorders is not only unnecessary, it gives special advantages to campus revolutionaries who seek to foster violence."

Since last May's campus bids for marches on Washington to protest President Nixon's move into Cambodia and to denounce shooting of students at Kent State University, he said, "political action has diminished and a cynical, almost somber mood" has developed.

Dr. McGill noted an "inconsistency implied in the ready use of techniques of public relations by students seeking to attack the hypocrisy of a social order based on public relations."

[From the New York Times, Feb. 6, 1971]

18-YEAR-OLD NATIONAL VOTE STALLED

(By David A. Andelman)

The 18-year-old vote, resolved for national elections by Federal legislation and a Supreme Court decision, is still a controversial and unresolved issue at the state level across the country.

The factors involved range across the entire field of American political fears and aspirations—the black vote in the South, violence on college campuses and the tax squeeze in the cities and suburbs.

The Supreme Court last Dec. 22 cleared the way for 11.5 million young Americans to vote for President and members of Congress when it upheld legislation providing for voting by persons 18 years old an up in Federal elections.

At the same time the Court said that Congress had acted unconstitutionally when it lowered the voting age to 18 for state and local elections. This left it up to each state to decide whether to permit voting at 18 in the state as well as Federal elections or to accept a system with different age groups voting in two separate election procedures.

Only Alaska, Georgia and Kentucky now allow 18-year-olds to vote and in only five other states does approval by the legislature appear certain to enfranchise these voters this year. In the remainder, the question is bottled up by complex procedures for state constitutional amendments and statewide referendums.

DELAYS BEYOND 1972

In at least 20 other states, the necessity of approval by two successive state legislative sessions and a subsequent statewide referendum make it virtually impossible for young voters to cast their ballots in 1972 for any local offices.

The question of the youth vote goes beyond mere partisan boundaries, although in no state do politicians believe that the Republican party will benefit from the votes cast by 18, 19, and 20-year-old voters. But in only a few states do these politicians believe that the vote will substantially benefit the Democrats.

"I don't know whether there will be any substantive change," commented State Representative Andrew Varley of Iowa, a Republican. "They are not going to vote as a bloc. They'll split loyalties like everyone else."

In the deep south, the concerns are racial. Jimmy Swan, who has never stopped running for Mississippi Governor since he finished a surprising third in the 1967 contest, opposes the lower voting age because it would add black voters.

"For the young whites, I don't think it would make much difference," he said. "I think they'd vote about like their mammies and pappies. They're not too concerned about the vote. But—and I'm talking to you as an ol' Mississippi redneck now—you know our problem is with the young militant blacks. That's where we'd have the troubles."

QUIET DEATH FORESEEN

It is Mr. Swan and scores of legislators in Mississippi who believe as he does that make the 18-year-old vote appear doomed to a quiet death in the state's House Constitution Committee.

In most states, legislators appear most anxious to leave the decision on voting at 18 up to the voters at large in referendum.

Where these voters have rejected lower voting age proposals in the past, the overriding reason seemed to be a reaction against violence on the campus.

In Wisconsin, the State Assembly floor leader, Representative Norman C. Anderson, a Democrat, said of the 18-year-old vote: "My guess is that it will win statewide approval if there are no student riots just before the voting."

Last November, Washington state voters rejected a referendum lowering the voting age from 21 to 19. The vote followed months of severe radical student outbreaks in Seattle and other cities.

Most politicians blamed these outbreaks for the outcome of the youth vote referendum last year and forecast continued difficulty in passage in the coming years, despite strong support by Gov. Daniel J. Evans, a Republican.

Politicians also fear large blocs of student voters in states where the election statutes provide for students to vote not in their own towns but where they attend college.

Madison, Wis., seat of the University of Wisconsin, with 35,000 students out of a total population of 172,000, is particularly concerned about students taking over the City Council.

Paul J. Sherwin, New Jersey's Secretary of State and a top political adviser to Gov. William T. Cahill, said, "They could be a real factor, especially if the courts uphold the rights of kids attending college to vote in the states where they are attending school. They could have a fantastic impact on the vote in Princeton (Princeton University) or New Brunswick (Rutgers University).

Taxes are another problem, particularly in the more urbanized states with heavy property taxes supporting local school boards and other municipal services. Assemblyman John Stull of California, chairman of the Assembly Republican Caucus, said he expected a number of fellow Republican legislators to join him in opposing the 18-year-old vote because of property taxes.

"A lot of people would be making decisions on property owners that shouldn't be," he asserted.

In some states, the state political apparatus is already gearing up for the expected influx of the 18-year-old voter, if it may be as much as two to three years away.

Keith Whitely, chairman of the Oklahoma Young Democrats, said that new voters could "walk away" with local precinct elections if enough young people attended. Attendance at party precinct meetings is usually small. "It is not outside the realm of possibility that an 18-year-old could become chairman of the state party," he added.

In fact, four days after the Federal legislation went into effect last month, the Nassau County, L.I., Democratic party named its first 19-year-old, a Hofstra University student, Patrick W. Doherty, to the County Democratic Commitee.

Regardless of what happens when the young voters first go to the polls in 1972 or later, the dual Federal-state standards expected to persist in many states for some years will cost the older voter a large sum of money.

"We're not worrying about it yet here in New York," said a spokesman for the New York City Board of Elections. "We're hoping 18-year-olds will be able to vote in the state by 1972. But if we do need two sets of voter lists, it will be expensive."

Most voting machines are not capable of handling two different sets of voters, and duplicate paper ballots for the two age brackets, as well as duplicate registration books will cost anywhere from $50,000 in smaller states to hundreds of thousands of dollars in larger ones.

In an effort to get around this, Kansas is considering a special election to enfranchise the young voters. And that special election will cost $500,000.

Mr. ADAMS. Mr. Chairman, a variety of excellent reasons have been advanced for lowering the voting age to 18 in all elections by means of a constitutional amendment. The most telling of these are, in my opinion: the unreasonable state of affairs stemming from the Supreme Court's decision in Oregon against Mitchell, in which 18- to 20-year-olds can vote for Senator but not sheriff, magistrate, or mayor; the burdens of citizenship, including taxation, criminal liability, and the draft, imposed on our young people without the redeeming privilege of the ballot; and the unappropriated and inappropriate expense of maintaining a dual system of voter registration and participation.

Since I believe that the points which have been made for the 18-year-old vote have been made well, I will not belabor the usual ones here. Instead, I would like to consider the view that 21 is a fit and proper, meet and just age for franchise. It has been held that no tampering should be done with the voting age, no matter what the election, because 21 is the age at which most young adults graduate from college, assume financial responsibility, and "fly from the nest" of their parents. Although Congress indicated by passage of the Voting Rights Act of 1970 that it collectively thought this view less than compelling, opposition to the proposed constitutional amendment may well be based in this attitude.

The idea that most young people graduate from college at the age of 21 is exceedingly optimistic. In fact, although America has the highest percentage of college graduates of any country in the world, "most young Americans—more than 55 percent—still do not go to college. Many of them enter the labor force or the Armed Forces upon graduation from high school, only to endure a legal and electoral limbo lasting upward of 3 years. Of those who do go to college, some leave before graduation and others continue their education far beyond their 21st year. Lowering the voting age to 18 would be much more consistent with present education patterns, for compulsory education has made high school graduates of 80 percent of our young, most of them being graduated at or near age 18.

As to financial responsibility, almost half of the young people between 18 and 21 are in the labor force, not including the 1 million women whose occupation is housewife. For many, the burden of self-support is carried well in advance of their 21st birthday, while for others financial dependency is a lifelong condition.

Testimonials abound to the influence that young Americans have had in bringing this Nation to believe that it has a conscience. Urged on by the abundant idealism of their offspring, it has often been parents who have left the nest for a first flight in citizen participation.

There can be little question that 18-year-olds today are better informed and more openly committed to a compassionate and just future for our country than at any previous time. They have become hooked on the American dream. I think we should welcome these people, our children, into the electorate, and I urge passage of Congressman CELLER's House Joint Resolution 223.

Mr. CONYERS. Mr. Chairman, I would like to inform my colleagues that the State of Michigan eagerly awaits our approval of this joint resolution. We desire to be the first State in the Union to ratify this very important constitutional amendment and our State legislature is ready at this very moment to suspend all business in order to do so. The resolution of ratification introduced by Representative Jackie Vaughn III, has already gone through the appropriate committee and now lays on the speaker's desk for our word of approval. I wish to commend Michigan's secretary of State, Mr. Richard Austin, who, as our chief election official, issued a call to the State legislature urging that it be the first to ratify. I would hope that the several States will follow the lead of Michigan so that this constitutional amendment lowering the voting age to 18 years may go into effect before November of 1972.

Mr. KASTENMEIER. Mr. Chairman, with the passage of the Voting Rights Act of 1970, Congress announced loud and clear its conviction that young Americans between the ages of 18 and 21 possess the capabilities for making informed and intelligent decisions concerning the qualifications of candidates for the highest positions in the land. That these young Americans should be entrusted with the vote in elections of national and international consequence but be denied the opportunity to participate in State and local elections exceeds the bounds of commonsense. And yet, that is the situation which exists today.

Both reason and fairmindedness argue for the enfranchisement of 18-year-olds in local and State elections. The 18-year-old bears the responsibility of citizens, and in all but one of the States, 18-year-olds are considered to be legally capable of distinguishing right from wrong and are held responsible for their criminal acts. Then there are taxes. The circumstance of their youth does not exempt 18- to 21-year-olds from State taxation.

Granted that the pursuit of democratic ideals strongly speaks toward lowering the voting age to 18, the question that arises is what is the most expeditious way for this to be done. While in many States there are plans underway to implement the 18-year-old vote, in only 25 of the 47 States which do not grant suffrage to 18-year-olds could the voting age be lowered in time for the next general election. For those States which cannot meet the deadline the outlook is clouded by potential cost and confusion arising from the necessity of maintaining and administering a dual system for voting in Federal and State elections. The Wisconsin constitution, for example, requires any proposed amendment to be voted on by the electorate at the next general election which is scheduled for November 1972. Therefore, Wisconsin will be forced to deal separately with the 208,000 voters under 21 in the 1972 general election in the absence of congressional passage and ratification by the States of an amendment to the Federal Constitution. Estimates of the additional cost for just the 1972 elections run from $10 to $20 million, these costs coming at a time when many States are being forced to decide between the curtailment of some essential services or bankruptcy.

Mr. Chairman, I believe that at this point the only practical way to effect the 18-year-old vote is by means of a constitutional amendment which I have proposed. I urge my fellow Congressmen to support our distinguished chairman of our House Judiciary Committee, the gentleman from New York (Mr. CELLER), in voting for his proposed constitutional amendment, House Joint Resolution 223. Although the time is growing short, the chances are still good that the States could ratify an amendment lowering the voting age to 18, were the amendment acted upon now. Let us restore the faith of our young people in our political system by granting them full representation in it.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today as a cosponsor of two House joint resolutions, Nos. 91 and 195, to amend the Constitution in order to extend the right to vote to citizens 18 years of age or older. Today, I wish to indicate my enthusiastic support of House Joint Resolution 223, which would accomplish the same thing and is the resolution under consideration by the House today. If action is accomplished today, then the proposed 26th amendment to the Constitution of the United States should be before the various State legislatures for ratification well before the Easter recess. The concept of extending the vote to the 18-year-olds is not something which needs extensive debate and discussion today. A few years back, this might have been the case, but suddenly the strong opposition seems to have disappeared and today hardly a voice of opposition can be heard. Today's favorable action by this House will complete the work begun last session. In fact, today's vote is more in the nature of unfinished business than anything else. As a result of last year's action, we are confronted with an intolerable situation on the State level where millions of potential voters will be permitted to vote for Federal officials, but not local officials. The chaos, confusion, and cost which looms over the next election as a result is something which requires immediate attention and solution. Those of us who have labored over the years on behalf of this concept are entitled to feel justifiably proud today as we witness the culmination of all our efforts.

Looking beyond today's vote, it only remains to say that hopefully all those that will be completely enfranchised as a result of today's actions will take advantage of this opportunity and register and then vote. It is only then that this great body of our citizenry will really cease to be second-class citizens.

Congress will have done its part today. What happens tomorrow is in the hands of the citizens themselves.

Mr. BROYHILL of Virginia. Mr. Chairman, today, I am rising in support of Senate Joint Resolution 7, a constitutional amendment which would lower the voting age in all States and in all elections to 18. This amendment has become necessary for two main reasons, both resulting from the decision of the Supreme Court of the United States which held that the section of the Voting Rights Amendments of 1970 lowering the voting age in all elections to 18 was constitutional only insofar as it applied to Federal elections, but not State and local elections.

The first reason for my support of this amendment is that it is the only positive and efficacious manner by which we may enact into law the express judgment and will of Congress—that citizens 18 years of age and older should be allowed to vote in all elections, Federal, State, and local. The second reason is that a Federal constitutional amendment is the only method for extending the lower voting age to State and local elections which has a chance of being enacted across the United States by the 1972 elections, in time to avert the administrative confusion and fiscal nightmare of double registration and dual ballots. Estimates rendered by the States of the possible costs of such procedures have run into the millions of dollars across the country.

I would like to discuss each of these reasons in greater detail.

First, the will of Congress has been expressed that all citizens of age 18 should be allowed to vote in all elections, not just Federal elections. Reasons for allowing 18-year-olds to vote are many. For example, the freshness, enthusiasm, and idealism of youth would greatly enhance the overall quality of the electorate of our great Nation. How sorrowful it would be if we allowed these fine qualities, best exemplified by the Peace Corps and VISTA, to atrophy from disuse, or explode from the frustration of having no constructive outlet.

Next, young people receive far better education than our grandparents. Seventy-nine percent of our population graduates from high school at this time, as compared with 17 percent 50 years ago; 47 percent of these high school graduates go on to college, as opposed to only 8 percent 50 years ago. Radio, television, and newspaper coverage of every significant event in the world has improved so greatly in recent years that everyone, and especially the young, is much better informed than a generation ago, and the excuse that youth are not sufficiently informed to cast a responsible vote is no longer applicable.

Finally, young men between the ages of 18 and 21 are largely responsible for fighting this Nation's wars; they must pay income taxes; they lose the protection of child labor laws; and they may be tried as adults for felonies. These are sufficient indicia of maturity to warrant granting them the right to vote. Therefore, if these reasons provide ample justification for allowing 18-year-olds to vote for Federal officers—President, Vice President, Representative, and Senator—how little sense it makes to deny them the right to vote for State and local officers.

But, the Supreme Court has said that Congress does not have the power to enact a lower voting age for State and local elections, except by constitutional amendment. This was my position when the House of Representatives was considering the Voting Rights Amendments of 1970, and the Supreme Court has now sustained it. Now we must get about the business of passing the amendment, and introducing it to the Senate for ratification.

My second main reason in support of this amendment is that Congress must act quickly to avoid the tremendous cost and confusion which will develop in the 47 States where the voting age is above 18 for State and local elections. These States will have to provide two separate types of registration, and two separate types of ballots, to accommodate both those who may vote in all elections and those who may vote only in Federal elections. This will affect more than 10 million voters across the Nation; it will necessitate the ordering of thousands of extra voting machines and altering existing voting machines, or providing special paper ballots; it will cause problems in counting, tallying, and canvassing the votes; it will cause delays in voting and in tabulating the results; it will introduce the possibility of fraud; and it will cost an estimated $10 to $20 million throughout the country. It has been speculated that the expected delays and confusion could discourage some potential voters from bothering to go to the polls. This is diametrically counterproductive to the orderly workings of a democracy.

The best way to avoid this dilemma is to provide a uniform voting age for all elections, and the constitutional amendment is not the only method which might be employed. Congress could allow the individual States to change their own voting age. But I would like to demonstrate that the constitutional amendment is the vastly superior procedure.

Individual action by each State is far too slow and unpredictable to guarantee that the problems caused by two voting ages will be solved by the 1972 elections. First, nearly every State has its voting age set in its Constitution. To change a State constitution is a ponderous process. Every State but Delaware requires a referendum after passage of the proposed amendment in the legislature. It is significant to note here, that out of the 30 referendums held since 1943 to lower the voting age in the States, only eight have passed. Sixteen States require passage of a proposed constitutional amendment in two separate sessions of the legislature. Many of these have only biennial sessions, and could not pass the proposal twice and conduct a referendum before 1972, or by a reasonable time before the 1972 elections so as to provide for registration of newly eligible voters.

On the other hand, a Federal constitutional amendment can proceed swiftly, and provide uniformity once ratified. For example, four out of the seven most recent amendments to the Constitution of the United States have been ratified by three-fourths of the States within 1 year after introduction. An amendment lowering the voting age in all elections to 18 has an excellent chance of ratification before the 1972 elections, in time to avert a financial and administrative crisis in the States.

However, Congress must act swiftly to pass the proposal and introduce it to the States for ratification. There is little time to lose. Most State legislatures are in session right now and could vote on the question of ratification. By the end of March, however, at least 10 States, by law, must have completed their legislative sessions. Another three might have wound up their 1971 session by that time. It only takes a rejection by 13 States to doom a constitutional amendment. Further, another 11 States are likely to have completed their sessions by the end of August. Therefore, at least 24 States have early deadlines for closing out their legislative sessions, and about half of these might not reconvene, barring a special session, until 1973. Congress precipitated an unfortunate and unexpected situation in the States by attempting to lower the voting age by statute. Now Congress should recognize an obligation to act with speed to help the States avoid this situation.

I have thus explained why I support early congressional action on this amendment, because of what it will do to alleviate the potential confusion and cost to the States. Now I would like to express my disappointment over what the amendment will not do; namely, extend all forms of social and legal responsibility to 18-year-olds besides just the privilege of voting. I would propose not only lowering the voting age to 18, but also lowering to 18 the age of contractual capacity, the age at which a person may make a valid will, the age at which a male may get married without parental consent, and the age at which there is any remaining disability, restriction, or contractual protection, so that the right to vote is accompanied with each and every vestige of social and legal responsibility which characterizes full adulthood.

If we deem it proper that an 18-year-old contribute to the management of public affairs, we should also make sure that he has the same responsibility in handling his own private affairs. Further, I would be willing to bet that the youth of America agrees with me on this point. Young people have worked feverishly in the States to win the right to vote, so that they may demonstate their concern and responsibility in the affairs of their country, their State, and their locality. I am sure that they would equally desire to have full responsibility in all their dealings, and we should bend every effort to grant them that desire.

Mr. **RODINO**. Mr. Chairman, I am pleased to rise in support of the pending legislation, House Joint Resolution 223, to lower to 18 the voting age for citizens in State, local, and Federal elections.

As an original sponsor of similar legislation, and ranking member of the House Judiciary Committee which approved it, I believe it is essential that we act immediately to finish the half-completed task we accomplished with the enactment in the last Congress of this measure in the form of an amendment to the Voting Rights Act.

Late last year the Supreme Court ruled on the constitutionality of our action in the last Congress. It upheld the granting of the 18-year-old vote by statute in presidential and congressional elections, but denied those provisions lowering the age to 18 for voting in State and local elections.

The majority of Congress considered it wise and right to give the full right to vote to our young people at the age of 18, so I do not think it necessary to again detail all the meritorious reasons for doing so. They are as valid today as before, and even more so. We should approve this bill for rational and equitable reasons, and also because of the chaotic situation and the administrative and financial burdens that lack of such a constitutional amendment would create if the States have to maintain separate voter registration lists and establish separate election procedures.

I most strongly urge the House to act, as the Senate already has, to give the full right of franchise to our 18-year-old citizens.

Mr. **FRASER**. Mr. Chairman, meaningful citizen participation in the political affairs of a society is a hallmark of a society that is democratic, dynamic—culturally, socially, politically, economically—and relatively stable, and that simultaneously promotes the growth of fundamental rights and social progress.

By passing the Voting Rights Act Amendments of 1970, Congress reflected the consensus in our country that the participation of 18-, 19-, and 20-year-olds in our electoral process should include the right to vote. As we know, the Supreme Court subsequently ruled invalid the provisions of that law lowering the minimum voting age to 18 in State and local elections. Passage of House Joint Resolution 223 and ratification of it by three-fourths of the States will mean that all citizens who are 18 years of age or older will be able to vote in Federal, State, and local elections.

The administrative nightmare that has been forced upon State and local governments by the 1970 law and the Supreme Court's ruling is a strong argument for this constitutional amendment. Nationwide, "dual-age voting" will cost local governments an additional $10 to $20 million. Many States cannot revise their constitutions—even if they desire to—in time to eliminate "dual-age voting" in the 1972 elections. But, as wasteful as this age-qualification morass would be of our scarce national resources, it is not my primary reason for supporting this amendment.

Our action today will be primarily of symbolic importance. It will offer to our concerned youth the hope that they may make a difference in local and State policies.

There is grave danger in this action as well. We have already held out a similar hope concerning national policies by providing for 18-year-old voting in Federal elections. The young people have witnessed and participated in peaceful assemblies and other aspects of our democratic process. But they have seen this protest, these activities and polls showing overwhelming public sentiment for withdrawal from Indochina produce only minor changes in our Southeast Asian policies.

The president of Stanford University, Richard W. Lyman, has written:

> Eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

As a result, there are "ineradicable wounds" to our society.

The granting of universal 18-year-old franchise and the imminent exercise of that franchise by our youth in local, State, and Federal elections must result in changes in our policies at home and in Southeast Asia. If not, an already grievous social problem—alienated youth—will be severely aggravated.

Our action today must be seen not simply as approval of the 18-year-old vote in local and State elections. It also must be an expression of congressional support for new initiatives to make of our Nation what it has the resources and desire to become.

Mr. GALLAGHER. Mr. Chairman, one of my first acts as a Member of Congress 12 years ago was to introduce legislation providing for the right to vote at 18. I have testified repeatedly on various proposals and I have introduced similar bills in each subsequent session of Congress. I have always believed that the right to vote at the age of 21 represented an outmoded and wholly arbitrary limit which failed to encompass current reality.

We now see brave young Americans on the battlefield of Vietnam, and so I think that the argument about being old enough to vote if you are old enough to fight makes special sense at this time. In addition we all agree that this generation of young people is better educated and more aware of world problems than any previous one. I believe that by bringing the activism of youth into the mainstream of American politics we may well cut down on those who take such dreadful actions against politics and the so-called Establishment.

And so, Mr. Chairman, I fulfill an ambition I have had since I first entered this Chamber by voting for the constitutional amendment to allow all Americans to vote in all elections at the age of 18. It may well represent a coming of age of America herself.

Mr. DUNCAN. Mr. Chairman, last year it was a matter of great pride for me to sponsor and vote for the bill which gave our young people the privilege of voting in national elections at the age of 18 years. I have not regretted my action, but I have been proud to see the response we received.

Each month in my district young people are going to the courthouses to show their credentials and to get their names on the rolls of qualified voters.

However, we must go a little further if these young people are allowed to vote on all issues that affect them and for candidates in every election. Thus, I urge passage of the bill that is before us today to amend the Constitution of the United States in order to insure the 18-year-olds the right to vote in State and local elections as well as in national elections.

From my personal observation from day to day and from my experience as a mayor and as a Congressman working with thousands of boys and girls, I know that they are better informed than my generation was at the end of our teenage years. We have in this country today the finest generation of young people ever.

Not only are they interested in the affairs of this Nation and our world, but they are willing to work for improvements. If we will listen, we can get some great ideas from these men and women.

Already we are changing our way of life under the influence of their numbers and buying power. Manufacturers have listened to these young people and continued profitably.

Without doubt the oncoming generations are changing the scope of our population so that an ever-rising percentage of our citizens are under 25 years. These men and women are very knowledgeable and their ideas are vital. One of the best ways for us to gather their opinions and to give them an active voice is to offer them the chance to vote in all elections.

I would like to point out that I am aware of the fact that a few make a lot of noise, but they do not speak for the majority. The downgraders of America try to say there is a serious moral gap between the young and their parents, but it is not so. There is, and always will be, the normal age gap, but this is no serious problem. In general, parents and the young people value and respect the opinions of each other.

I have great confidence in the 18-year-olds of this Nation. We trust them to carry out great responsibilities, even fighting our wars and protecting freedom around the world.

This measure to extend the privilege of voting to about 10 million citizens between 18 and 25 years of age has my wholehearted support, and once again I will count it an honor to cast a vote of confidence in America's youth by voting for this constitutional amendment.

Mr. BOB WILSON. Mr. Chairman, as the sponsor during the last session of Congress of a constitutional amendment to lower the voting age to 18, I am pleased to support the resolution before the House today.

Campus unrest and student violence have upset and disturbed all of us and because of the irresponsible actions of the radical and militant few, we tend to lose sight of the high caliber of the majority of our young people. Better educated than most of us at their age, they are vitally concerned about the future of our Nation and desire to have a say in determining its course. I feel they deserve this privilege and trust and will use it responsibly.

The Supreme Court decision clarifying the legislation Congress approved last year to lower the voting age has served only to make the situation much more complex. It is important that we approve this constitutional amendment today and send the matter to the State legislatures for final determination. I urge the House to vote favorably on this matter.

Mr. DONOHUE. Mr. Chairman, as a sponsor and advocator of similar legislation, as well as being a member of the House Judiciary Committee that thoroughly reviewed and favorably reported this bill, I most earnestly urge and hope that the House will overwhelmingly approve this pending resolution, House Joint Resolution 392, designed to prohibit the United States or any State from denying or abridging the right of citizens of the United States to vote because of age if such citizens are 18 years of age or older.

Legislative action in this manner and through this resolution is required in order to remove intolerable finance costs and administrative burdens that would otherwise be imposed upon the several States in trying to operate a dual voting system which would result because of the invalidation, by the Supreme Court, of those provisions of the Federal statute we adopted, in the last Congress, that lowered the minimum voting age in State and local elections to 18; at the same time, the court upheld the provisions lowering the minimum voting age to 18 in Federal elections. Certainly and obviously if our American youth is learned enough and sensible enough, from the age of 18 up, to vote in national elections they should be entitled to vote, at the same age, in State and local elections.

I personally and earnestly believe that the great preponderance of authoritative testimony and evidence, as well as my own observations, demonstrate that the average American youth of 18 years to 21, in this country today, is better educated and more mature and possesses a higher sense of personal responsibility, sound judgment and concerned involvement than ever before.

Through our ever-expanding educational institutions, libraries, public forums, news media and other information avenues, knowledge, with the opportunity to gain it, is increasing at an unparalleled rate.

Because of these factors American youth, today, is extraordinarily knowledgeable about national issues, exceptionally articulate in their convictions and predominantly committed to the betterment of our society.

From the age of 18 up they have been and are being called upon, in these times, to help to shoulder the tremendous burdens that plague our society; in the greatest majority, they have responded with sound judgment; they also are required to pay income and property tax and to bear arms. Certainly, then, under these changing circumstances our youth should be extended every consideration in their right to participate in the decisions of Government that establish local, State, and National policy.

One of the most basic premises of our democracy is the assumption that all those who help to bear the burdens of our society have the inherent right to take part in the decisionmaking process of Government at all levels. In order to insure that our modern and exceptionally learned and dedicated youth are granted their rightful share in the decisionmaking of American government at all levels I again urge this House to resoundingly approve this resolution.

Mr. BOLAND. Mr. Chairman, I want to express my support for this proposed constitutional amendment. The need for it is plain—indeed, so strikingly obvious that it hardly warrants mention here. The Supreme Court, as you know, has upheld the constitutionality of the Voting Rights Act provision granting the vote to 18-year-olds. But the Court, in a judicial decision that was not wholly unexpected, ruled that the 18-year-old vote is valid only for Federal elections. So America's young people now face this almost ludicrous irony: they can vote in elections for the highest Federal offices, but not in elections for State and local offices ranging from Governor to dogcatcher.

Surely, Mr. Chairman, this situation is eminently worthy of redress. And the constitutional amendment now before us—legislation that plainly and explicitly spells out any 18-year-old's right to vote in any election—provides just such redress.

If passed promptly today, House Joint Resolution 223 stands a remarkably good chance of being enacted into law in time for the 1972 elections.

It seems clear—almost beyond dispute, in fact—that today's 18-year-olds are far better educated and far more sophisticated than those of even a generation ago. It can be argued convincingly, I think, that contemporary American young people are more keenly aware of the problems confronting American society and more ardently committed to solving those problems than many of their elders. At the age of 18, young men and women have completed their secondary education. They are entering college, joining the Armed Forces, taking jobs. They are more intellectually mature and more politically responsible than any generation in this country's history. It was nearly two centuries ago—in a small, rural, agrarian society—that most States set the voting age at 21. It made sense then. It no longer makes sense today.

The overwhelming majority of American youth want to work within what is called "the system," seeking their political goals through the traditional institutions of our democracy. They are frustrated, however, merely because they are denied the right to vote. American young people are a powerful force for good in our society. Granted, a minority so small that it can be accurately termed "trival" has embraced radicalism and revolution. But—I cannot emphasize this point strongly enough—most young people border on exemplary citizens. They are bright. They are responsible. They are conscientious.

They deserve the right to vote.

Mr. EDWARDS of California. Mr. Chairman, the recent Supreme Court ruling permitting 18-year-olds to vote in national elections was an important and necessary step. But it did not go far enough. It left the decision on State and local elections to the individual States. This structure creates the necessity for dual voting and registration procedures and will inevitably be costly and chaotic for most of the States.

There is no need to reiterate the reasons for the 18-year-old vote. The Supreme Court has recognized the maturity and intelligence of today's 18- to 20-year-olds by its decision. What we must look at now is the financial predicament that the States will find themselves in at a time when State governments are doing all they can to prevent bankruptcy. In Ohio, it is estimated that it could cost up to $750,000 to register 18- to 20-year-olds. Washington State anticipates a cost of $357,000 to implement separate ballots for 18- to 20-year-old voters. New York City alone estimates an additional expense of $5 million. In Connecticut, $1,-new voting machines and in California, new voting machines and in California not including the cost of new equipment, $5 million must be spent.

Immediate action on a constitutional amendment is the only reasonable answer to this situation. An amendment must be ratified by three-fourths of the State legislatures. If we can submit the amendment to the States early this year, it could be ratified before the general elections of 1972. It is our responsibility to forestall the chaos that will ensue in 1972. I urge unanimous support for the constitutional amendment.

Mr. GOLDWATER. Mr. Chairman, I would like to say a few words concerning the passage of House Joint Resolution 223, a constitutional amendment to lower the voting age to 18 in State and local elections.

When the 91st Congress voted last year to extend the Voting Rights Act, and to enfranchise 18-year-olds, I was opposed for a number of reasons. I felt that this enfranchisement was being rushed through the House without adequate debate, especially considering the seriousness of the issues involved. I also felt that, on the whole, the 18 to 21 age group was not responsible and socially aware enough to be given the vote. Studies have shown that even when enfranchised, the turnout of this age group tends to run about half of the normal voter turnout. Moreover, most of the States which had considered lowering the voting age had found that a majority of the people opposed this action in statewide referendums.

Now the Supreme Court has found that the enfranchisement is legal only for Federal elections, leaving a rather chaotic situation as regards State and local elections. In another mad rush we are attempting to remedy this situation—again without a really adequate exploration of the issues involved and debate on the floor of the House.

I am most concerned about this infringement on the expressed will of the American people, and the States' rights, at this point. The high rejection rate of the 18-year-old vote at the State level is a clear mandate for the Congress, a mandate which we are now ignoring for the second time. How much further is this erosion of the will of the people going to continue?

I would like to reiterate my opposition to this measure. I have the greatest respect and admiration for the youth of America. I have found them consistently aware, knowledgeable, and concerned. But this particular combination is not necessarily conducive to the evolution of a politically and socially aware and responsible electorate—namely, the fact that the voting turnout among 21- to 30-year-olds is still markedly lower than the national average.

It takes more than education and idealistic principles to make a responsible American and a good voter. It takes a pragmatic knowledge of the workings of our society, a knowledge that only comes through experience, maturity, and involvement. Paying taxes, raising children, seeing how the Federal Government acts upon our daily lives—I consider these more important requisites for good citizenship than an academic education. The anger with the Government which stems from experience with its redtape is a much more valid and productive anger than one based on negativistic idealism.

Therefore, it is my sincere hope that the legislatures of the several States will be more responsive to the wishes and needs of the American people than this Congress has been, and will fail to ratify House Joint Resolution 233.

Mr. WOLFF. Mr. Chairman, I rise in strong support of House Joint Resolution 223, proposing a constitutional amendment extending the right to vote in all elections to citizens 18 years of age or older.

In my judgment, the time has come when we must extend the franchise to the 11 million young people between the ages of 18 and 21. Nearly 80 percent of these young people are high school graduates. They keep up with the news and are keen observers of American life; they are at least as informed and certainly as concerned as their parents about the social and political problems from which our election issues evolve.

In addition to being well prepared to exercise their voting responsibilities, our 18-year-old citizens have earned the right to vote because they bear most of an adult citizen's responsibilities. They are drafted to serve in our Armed Forces; many of them have died in battle. Nearly half of our citizens between the ages of 18 and 21 are married; more than 1 million of them are responsible for raising families. More than 3 million are full-time employees and taxpayers. In most States, 18-year-olds are treated as adults in criminal courts of law.

Like many other public officials, I also feel that our 18-to-21-year-old citizens will contribute a great deal to our society and to the elective process if they are given the right to vote. They have already demonstrated their interest in and concern over our social and political problems. Exercise of the franchise would channel their interests and energies into our political system and give young people a constructive means for influencing public decisions.

Finally, adoption of this constitutional amendment would be practical from a financial point of view. Last year, the Supreme Court upheld the granting of the 18-year-old vote by statute in presidential and congressional elections, but struck the provision for voting in State and local elections. Since only three States presently have an 18-year-old voting age, it will be necessary for the other 47 States to maintain separate voter registration lists and separate balloting procedures for Federal, as opposed to State and local, elections. This will result in extra administrative burdens and expenses which would amount to $5 million for New York City, for example.

The numerical age of an individual is not any indication of his intellectual age, and therefore the arbitrary determination of 21 as the age of reason is certainly not a valid one. In my judgment, 18 would be a valid age, in view of the fact that people reach intellectual maturity at an earlier age now than ever before.

Clearly, then, we should lower the voting age to 18 for all elections, both because it is right and because it is practical. The most expeditious means of accomplishing this goal is through the constitutional amendment we have under consideration; this is the only method which will make it possible to lower the voting age in time for the 1972 elections.

I urge the adoption of the resolution.

Mr. PRICE of Texas. Mr. Chairman, I support the proposed constitutional amendment to lower the voting age to 18 in State and local elections.

When the question of lowering the voting age to 18 came before the 91st Congress in June of last year, I stated my view that the question of whether the age should be reduced for national, State and local elections should be decided by constitutional amendment rather than by mere bill. My view was grounded on the strong conviction that Congress has no authority by case law or by the U.S. Constitution to set voting laws. In fact the Constitution itself states that the States rather than the Federal Government have the primary authority to establish voting age limitations.

Despite my objections to and my vote against lowering the voting age by bill, the Voting Rights Act Amendments of 1970 became law. Subsequently, the question of the law's constitutionality was raised in several State law suits including one in my home State of Texas, Texas against Mitchell.

The issue reached the U.S. Supreme Court in the case of Oregon against Mitchell, and the court ruled that all of the provisions in the new law were constitutional except for title III, which lowered the minimum voting age in all elections. The Court, in a 5-to-4 decision, upheld provisions of the new Federal law lowering the minimum voting age for Federal elections, but invalidated the provisions which lowered the minimum age in State and local elections. What actually happened was this: Four judges, Chief Justice Burger, Justices Blackmun, Harlan, and Stewart thought title III was completely unconstitutional. Four other judges, Justices Brennan, Douglas, Marshall, and White thought title III was completely constitutional. The ninth judge, Justice Hugo Black sided on the State and local election question with the four who thought the law was unconstitutional. On the Federal elections question, Black agreed with the four Justices who thought the law was valid.

This split decision by the Court created a situation wherein the 47 States which have not already lowered the voting age to 18, have to bear the costly and administratively burdensome process of setting up two sets of electoral machinery, one for Federal elections and one for State and local elections. In States such as Texas that are financially floundering for want of money, this would extend State resources beyond the breaking point.

Mr. Chairman, this unacceptable situation could be best remedied by Congress passing a constitutional amendment and giving the States an opportunity to make their own decision as to whether they want to lower the voting age to 18.

In conclusion, I do not believe like some that lowering the voting age to 18 will save the Republic. Neither do I share the views of those who contend that lowering the voting age will wreck the Republic. There are individuals who, by virtue of interest, concern, and knowledge, will make very competent voters at the age of 18; there are others who will make incompetent voters no matter how old they are. Thus, although drawing the line at 18 is necessarily an arbitrary dividing line, it is one I think that has a very real basis in everyday life. I believe 18 reflects a real beginning of adult responsibilities in terms of education, gainful employment, Federal income taxes, military obligations, and civic responsibilities.

I urge my colleagues to adopt the proposed constitutional amendment.

Mr. MINISH. Mr. Chairman, the House of Representatives voted last June to lower the voting age in all elections by statute to the age of 18. The same vote provision was passed in the Senate as a rider to the Voting Rights Act. However, when the Supreme Court this past December ruled on the constitutionality of this enactment, the court upheld the vote granted to 18-year-olds in presidential and congressional elections, but struck down provisions for State and local elections.

The confusing effect of this decision is to bar citizens aged 18 to 21 from voting in State and local elections in almost all the States, while permitting them to vote in national elections. While the States are presently attempting to bring their voting age qualifications in line with the Federal standards in time for the 1972 elections, more than 20 States will be unable to lower the State voting age prior to November 1972. Not all State legislatures meet annually, and a number of States require that a proposed State constitutional amendment must be approved by two sessions of the legislature. Moreover, almost all the States require that a referendum be held on a proposed amendment.

Ratification of the new article of the Constitution embodied in House Joint Resolution 223 would make uniform voting qualifications for the next national election a possibility. It might also save the States the extra administrative burden and expense of maintaining separate voter registration lists and separate balloting procedures, which it is estimated would cost an additional $1.5 million in New Jersey alone.

I therefore believe it most important that Congress move promptly and favorably on House Joint Resolution 223 to give the States the opportunity to act before the next national election.

Mr. DORN. Mr. Chairman, I have long supported lowering the voting age to 18. I have also advocated that this change be effected by the States. The constitutional amendment that we propose today would extend the voting franchise to 18-year-olds, but would not be effective until ratified by three-quarters of the State legislatures. Thus, this measure respects the authority of the States, and I support its passage wholeheartedly. It is a States rights measure.

Mr. Chairman, it would be most confusing and expensive to maintain a dual system of voting ages, one for State elections and one for Federal offices. The action we propose today will avoid such confusion by providing for voting at age 18 in all elections.

But the most important reason I support this proposed constitutional amendment, Mr. Chairman, is because it is the right thing to do. When our 18-year-olds wear the military uniform of the United States they are our representatives abroad. When they risk their lives on the field of battle they are our defenders. Surely they should be able to participate fully in the political process. Surely they should be able to vote for their local and State officials as well as for the men who write the draft laws. They should be able to pass judgment on all public officials.

This proposed amendment is also a good citizenship bill, Mr. Chairman. Many of our young people go away to college or to military service before they reach age 21, and since they are then not old enough to vote, tend to lose contact with their local and State political process. Allowing them to vote in all elections at age 18 would facilitate an early contact with the process of self-government and might help avoid later periods of political apathy.

Mr. HOGAN. Mr. Chairman, I join my colleagues in support of the pending resolution, House Joint Resolution 223, to amend the Constitution of the United States to lower the voting age to 18 years.

During the 91st Congress, I cosponsored such an amendment to the Constitution inasmuch as I support lowering the voting age and felt an amendment to be the proper approach to achieve this change.

At that time I was pleased to participate with 21 other House Republicans in a tour of college campuses. In our report to President Nixon, we stated that:

> Active involvement in the political process can constructively focus (youthful) idealism on the most effective means of change in a free society.

This is, to me, a most important and valid justification for extension of the voting franchise to 18-year-olds, and we so recommended to President Nixon. We clamor these days that this country must channel the energies of our youth to operate within the system rather than outside it. Giving these young people an active role in our elective system will demonstrate most effectively to disbelievers and dissenters that progressive change is possible within our governmental system.

By extending the franchise to 18-year-olds, we will go a long way toward maintaining the early political interests of our youth throughout their years of young adulthood when their creativity and originality are at their peak.

It is the responsibility of the adults in our society to get our young people personally involved in helping to solve our problems. It is also the responsibility of elected officials who can influence the course of this Nation's progress. We must convince them that one of the greatest gifts passed on to us by the founders of this Nation was the mechanism for changing and improving our society in a peaceful, orderly way. That mechanism is politics. Politics is the only way to strike out against the deficiencies in our society without destroying the system itself. It affords us the opportunity to correct the inadequacies within the existing structure without undermining its foundations.

So to those young people who cry for the destruction of the system, we must say:

> Destroy this system and you will destroy not only the hope of America, but of all mankind. Use this mechanism within our system to make changes, to make this a better country and to make this a better world.

We must convince our young people to accept this challenge and opportunity and thereby have a tremendous influence on the kind of world they're going to live in.

More than ever before in our history, young people are getting involved, really involved in the exercise of good citizenship through political action. This is the best possible sign of the vitalty of our system.

Furthermore, as a result of congressional approval and enactment into law last year of an extension of the vote to 18-year-olds in Federal, State and local elections by statute, and the resulting Supreme Court decision rendering it invalid so far as State and local elections are concerned, we have a responsibility to the people of this country to approve a constitutional amendment in this matter for State ratification.

The present State of the law, requiring a dual voting system, burdens most States with added expense and complications. The lowering of the voting age to 18 enfranchises more than 200,000 additional voters in my home State of Maryland. The maintenance of a separate registry and the printing of separate absentee ballots for those persons between the ages of 18 and 21 years presents a financial problem for the State. Since Maryland votes by machine, additional funds would also have to be provided to make the necessary mechanical adjustments to adapt the voting machines to different types of electors.

I supported the Judiciary Committee's efforts to promptly report this resolution to the House for full consideration. It is my view that Congress should act now to approve this constitutional amendment for State ratification in order that the conflict, confusion and added expenses that now exist may be put to an end as soon as possible and 18-year-olds may be given a complete extension of voting privileges encompassing all elected offices.

Mr. WIDNALL. Mr. Chairman, I have always supported the proposal that citizens 18 years and older have the right to vote. In 1950, during my first year in Congress, I proposed an amendment to the Constitution for an 18-year-old vote. In 1969, I served as one of two cochairmen for the Citizens' Committee for Vote 18 in New Jersey. This January 22, I introduced House Joint Resolution 189, which proposes a constitutional amendment for the right to vote for citizens 18 years of age or older, the same proposal we are voting on today.

Mr. Chairman, I have gone on record for the past 22 years in support of 18-year-old suffrage.

And finally the time has come to pass when it appears today that Congress will say that the Constitution should be amended to give people 18 years of age and older that right.

In 1950, I felt that the 18 year old was ready to vote. In 1971, I feel that she or he is more ready than ever. Eighteen- to 20-year-olds can drive cars, own property, marry in any State, pay taxes, be tried in adult courts and serve in the Armed Forces. It is time we acknowledged that these citizens have a vital social and economic interest in the policies of their local, State and Federal governments.

While these citizens have a real interest, we must also recognize that they are fully qualified to make the judgments upon which they will base their vote. Eighty-one percent of the 18- to 20-year-olds have graduated from high school, and nearly 50 percent have gone on to college.

Young people have greater access than ever to information on public affairs. Thorough reporting of state and national affairs pervades the Nation through television and radio, syndicated columnists, news services, national publications, and appearances in highly publicized forums by knowledgeable speakers. The awareness of young men and women about the issues is reflected by their growing participation within the political process.

In all fairness, we must admit that this political process has not always been responsive to their participation. Lacking a voice at the polls, some of these young citizens have raised their voices in other places and in other ways. The many reports on unrest among young people indicate that a main cause of these disturbances is the frustration that our young people experience in trying to influence the governmental institutions that guide their lives. The vote will provide them with the fullest means of legitimate political expression.

Both our new voters and our Government will benefit from the extension of the right to vote. Our young people will have an opportunity to voice their opinions on the public policies that affect their lives, public policies that in many cases have too long been determined without the contributions of those most concerned. On the other hand, Government will be enriched by the freshness, vitality, and insight of youth.

For these reasons, I will vote today for House Joint Resolution 223. My only regret is that this vote occurs today and not two decades ago.

Mr. RANDALL. Mr. Chairman, I support House Joint Resolution 223, which proposes an amendment to the Constitution extending the right to vote to citizens 18 years of age or older. Last June, in my opinion, we followed an unwise course because we had exactly 1 hour of debate to consider the voting rights extension, and also attached to that was the voting age amendment, which in my opinion precluded the rights of the States to fix their own voting age limits. I explained my position at that time in my remarks as they appeared in the CONGRESSIONAL RECORD, volume 116, part 15, page 20194, I tried to demonstrate the lack of wisdom of our action at that time.

Now, of course, it is a matter of history that the Supreme Court on December 21, 1970 held that the 18-year-old voting age as prescribed in Public Law 91–285 was valid in the case of election to a national office, but could not be applied to the election of State and local office seekers, or to local referenda.

Last summer, shortly after the June decision on 18-year-old voting had been completed in the House, a group of very fine young people who were members of the 4–H organization in our congressional district came to Washington on their annual trip. We all assembled on the Capitol steps for a picture as is so frequently the case with visiting constituents, and I so clearly recall how disappointed some of the young people were in my opposition to the effort of the Congress to fix the voting age without any State action. When these fine young people told me that they were disappointed, I said:

> Let me tell you that I am very much afraid that you are going to be the ones who will be disappointed.

I went further and hazarded the prediction that before all was said and done on the right of 18-year-olds to vote, they would not only be disappointed but perhaps even embittered.

Just a week or two after our vote on Public Law 91–285, I predicted that even if it should happen that the Court would say that the Congress can prescribe voting rights as to Federal elections, it is most doubtful if any court, even the U.S. Supreme Court, would go so far as to say that the Congress has the constitutional power to order the States to permit all of those electors 18 years of age or older to vote in State, county, city, and school elections.

Well, it is always a big gamble to ever predict what the U.S. Supreme Court will do, but if I had laid a wager last summer when I discussed this matter with our young constituents, I would have won the wager and my prediction would have come true. In essence the Supreme Court did exactly what I predicted. The Court ruled the act of Congress was valid as to the vote for President, Vice President, U.S. Senator, and U.S. Representative. Period. The decision of the Court means almost exactly what I explained to my young friends would happen. They can walk into the polling place and cast their vote for two or three offices, and must turn right around and walk out, being denied the right to vote on those offices closest to home.

There have not been many elections since the decision of the Supreme Court, but I remain convinced that my prediction was accurate in that these young people will be disappointed and embittered, because they have not really been given a right, but only a small part of a right. They will ask again and again, "Why am I denied the right to vote for the members of our legislature, our judges, even our city councilmen and members of our local school boards, if I have the right to vote for President, Vice President, Senator, and Congressman?"

As things stand now only three States have enfranchised 18-year-olds: Alaska, Georgia, and Kentucky. With the Supreme Court decision of December 21, 1970, in the case of Oregon against Mitchell, all of our States and the local subdivisions thereof have staring them in the face the requirement for double sets of ballots, or in the case of voting machines, double voting machines. In all duplicate voting records and voting registration must be maintained. Confusion is one thing. Cost is another. It will not take much imagination to immediately envision the confusion which will arise, of one group coming into the polling place to vote one kind of ballot while another group will have a different kind of ballot. Then, too, the cost could add up to a very staggering expense for the already hard-pressed subdivisions of government, who are imploring us in this new Congress to find some way to approve revenue sharing in order that they can have some more Federal money with no strings attached.

I have no way to estimate what the cost would be in the State of Missouri. In New York State it has been estimated it would range from $8 to $10 million. In our own State of Missouri it is my own estimate that it could run as much as $3 to $5 million. The report which accompanies House Joint Resolution 223 points out that the cost in the city of St. Louis alone would be $2.5 million.

But our action today, meaning the Committee on the Judiciary bringing to the floor a means by which the Constitution of the United States may be amended, is somewhat of a departure from the custom of this Congress in recent years. Our action today indicates that we want to submit this issue of 18-year-old voting to the States. By House Joint Resolution 223 we say, in effect, we want to uphold States rights. Certainly the trend in former years has been in the other direction.

So I suppose it could be said that House Joint Resolution 223 is in fact a States rights measure. While it does not let the voters of each State pass upon 18-year-old voting, it does enable the members of the legislature of each State to respond in an orderly fashion to the judgment of the citizens whom they represent, as to whether or not the young people in their midst are mature and qualified enough to help select the men and women who run their government.

Mr. Chairman, I am not certain whether this constitutional amendment, even if it is ratified by a sufficient number of States to become valid, will cure all the problems which respect to 18-year-old voting. There may be some State laws which restrict voting on the basis of age, where candidates are nominated by petition, or where there are certain referendum procedures that involve issues rather than candidates. It is quite possible there may be other laws governing non-Federal elections in the various States, which will have to be changed to prevent conflict with the proposed intent of this amendment. That is why, Mr. Chairman, I said long ago that the best way to accord the 18-year-olds the right to vote is to have a carefully worded proposition placed on the ballot in each State, which would be tailored to the needs in each State, and let everyone in that State have a voice in determining this important issue.

I have never opposed the concept of the right of 18-year-olds to vote, although the results of an opinion poll circulated a year or two ago in our congressional district revealed that our constituents were overwhelmingly opposed to the concept of 18-year-old voting. I suppose that was because of student unrest on our campuses, and a growing impatience with the militant attitude of youth who were more interested in demonstrations than in getting an education. But even at that time I said I thought the issue of 18-year-old voting should be settled by the electorate of each State, that they should have a right to determine by a clear choice on the ballot whether these young people should vote or not.

I am sure we all hope and expect this resolution to be approved by the necessary two-thirds vote of this body, but there is a need for prompt action. Many of our State legislatures are now in session. There remains some question as to whether there can be a vote by enough of our legislatures in a sufficient number of States, in time to make this amendment operative in the 1972 elections.

Of course there will be some who will say that to avoid confusion and the expense of a dual age voting system is only a superficial appeal, and that there need be no confusion and expense if each State proceeds to change its own law. The procedure that we are about to employ will, however, foreclose upon some States who may wish to endure these admitted problems of confusion and cost as a price of adhering to their own State's policy concerning voting age. That could very well be a policy contrary to the intent of this amendment, and of course if this amendment is approved by a sufficient number of States then it will apply to those who disapprove it as well as those who approve it. I suppose there may be those who will vote "no" on this effort to amend the Constitution, largely upon the basis that the sovereignty of our States should not be further eroded by denying to every one of them the right to set qualifications for voting in their own elections.

But, Mr. Chairman, there comes a time that every one of us cannot be indulged in his own preferences and for his own convenience. Someone has said that just a slight mistake on the part of the polling officials by permitting an 18-year-old to vote, just one or two or three in a bond election, could invalidate the entire election. If the bond council ever found out there had been just one error, they would never approve the bonds, and then think of the expense to have to hold the election again.

A while ago I said there would be confusion. Once again let us think of the expense. There will be separate Federal ballots for each congressional district. There will have to be separate registration, separate voting, and separate counting of these newly enfranchised youth. When voting is complete, there will be an uncertainty and delay in tabulation of the election results in 1972. In order to implement a dual voting age system where machines are used, there will have to be separate machines, one with a complete ballot, another listing only Federal candidates. It will be hard to calculate a way to lock the levers under State and local offices when a young voter uses a machine that contains a full list of candidates. In those areas using paper ballots, there will have to be two sets, one listing only Federal candidates, and the other listing all candidates.

For the foregoing reasons I hope and trust that we may have a two-thirds vote today to submit this amendment at a very early date, which will certainly be a step toward dispelling the confusion that would exist without this change. It would be my judgment that most Members will approve this resolution, and those who do not, of course must accept the tremendous extra cost of a dual election system in the belief that this is a price worth paying for preserving the rights of the States to set the age of suffrage in their own areas.

Mr. VANIK. Mr. Chairman, I support today's effort to lower the voting age in elections in the United States to age 18. The joint resolution before us today, which must be passed by a two-thirds vote and ratified by three-fourths of the States, lowers the voting age to 18 in State, local and Federal elections. The week before last the Senate passed an identical resolution by a vote of 94 to 0. It is my hope that today's vote in the House will be a similar demonstration of our faith and confidence in the ability of our Nation's youth to participate in their government.

Last year the Congress provided for a lower voting age in all elections through an amendment to the Voting Rights Act of 1965, as amended. In December of last year the Supreme Court passed on the constitutionality of that act in its decision, Oregon against Mitchell. The Court ruled that the act was constitutional insofar as it lowered the voting age for Federal elections. The Court ruled however, that Congress could not by simple statute lower the voting age for State and local elections. The decision of the Court is a remarkable one for the number of Justices who dissented or wrote concurring opinions. The Court was badly split on each of the questions it was asked to decide. It is proper, therefore, that we provide clearer constitutional guidance and support in this area through a constitutional amendment rather than a simple statute. There is logic to the argument that if it took a constitutional amendment to allow all citizens to vote regardless of color, to allow women to vote, and to abolish the poll tax, then we should provide for a lower voting age through a constitutional amendment.

The Court's decision in Oregon against Mitchell means that in the 47 States which have a higher-than-18 voting age requirement, the group of citizens between 18 and 21 will only be able to vote in Federal elections. This means that those States will need to maintain separate voter registration lists and balloting procedures. This will result in a fantastic amount of extra administrative burden and expense. It is estimated that the lack of uniformity would cost New York City an additional $5 million alone.

In my State of Ohio, the Hamilton County Board of Elections—which includes Cincinnati—has predicted that it will have to spend approximately $50,000 extra to take care of the separate sets of registration cards and other records. In Cuyahoga county, which includes Cleveland and its many suburbs, the board of elections has estimated that the dual registration of 90,000 new voters would cost between $40,000 and $50,000. As the secretary of state of Ohio has predicted, there will be confusion to the voter and confusion at the polling place for the precinct elections officials.

If this additional cost and confusion is to be avoided, the States must act individually to lower the voting age or Congress must pass a constitutional amendment. But because of State requirements for amending State constitutions, it is apparent that 22 States—many of whom are interested in acting in this area—cannot act to lower their voting age before the November 1972 elections. A National constitutional amendment would avoid this dilemma and enable the entire Nation to move to a lower voting age in time for the presidential elections.

But I would not, Mr. Chairman, be arguing for a measure of this importance on the grounds of convenience alone. I am for this amendment because I believe it is right.

Today there are some 3 million American taxpayers and full-time employees, about 983,000 members of the armed services, and more than 5 million Americans pursuing higher education that are denied their right to vote. Altogether, some 10.5 million young Americans, for the most part sharing the same civic and personal responsibilities as voting citizens are disenfranchised merely by reason of age. In many States young people under 21 are permitted to carry and in most 18- to 21-year-olds are liable in criminal and civil actions. The States themselves have thus recognized this age group as responsible. The famous social scientist, Margaret Mead has said that this age group is: "Better educated than any other group and more mature than young people in the past.

On the whole 81 percent of all Americans graduated from high school before the age of 18 and more than half of all 18- to 21-year-olds have gone on to higher education. It is clear that this age group does have the capacity for intelligent and rational civic choice.

Furthermore, the enfranchisement of these young Americans would greatly benefit local government—especially in light of the widespread interest of today's youth for public service, education reform, and improvement of the environment.

It is time to extend the vote to 18-year-olds in all elections; it is time to establish the principle in the supreme law of the land. The maturity and willingness of today's youth to bear the responsibilities of citizenship is certainly and without question deserving of the right of franchise.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the proposed constitutional amendment to give 18-year-olds the right to vote in State and local elections as well as Federal elections.

Our young are better educated and better informed than any previous generation. They have taken a deep interest in the policies of our Government. They have fought our war. We can no longer deny them the privilege of participating in the democratic process; we can no longer deny ourselves the promise of new ideas and fresh approaches.

The Supreme Court recognized these facts in sanctioning the 18-year-old vote for Federal elections. They held, however, that a constitutional amendment would be required to extend the franchise to State and local elections. Consequently, under the present ruling 18-year-olds will be able to vote for President and for Congress, but not for their Governors, mayors, or State legislators.

This leaves us with an almost unworkable set of voting laws—at least, as they relate to 18-year olds. Most States will be forced to set up dual balloting and registration procedures at substantial costs to themselves. We cannot begin to estimate the confusion a system like this will cause among the voters.

Even more important is the fact that, if 18-year-olds are felt by the Congress and the Court to be responsible enough to vote for Federal offices, then certainly they are responsible enough to vote at the State and local levels. A dual system would be as unjust as it was unworkable.

Finally, Mr. Chairman, we must be aware that ratification of the amendment by the States is going to take some time. If 18-year-olds are to vote in the 1972 elections this amendment must be approved immediately by the Congress. It has my full support.

Mr. PODELL. Mr. Chairman, I rise in support of the proposed constitutional amendment which would lower the voting age to 18 in State, local, and Federal elections. It is gratifying to see the Senate approve an identical resolution by a vote of 94–0.

As most of my colleagues know, I have long been a vociferous and enthusiastic supporter of lowering the voting age and on February 4, 1969, when I introduced my resolution proposing such a change I said then it was a matter of gravest urgency.

Now a little more than 2 years later we are showing those who do not have the franchise in all elections, that the House of Representatives believes they are worthy and capable of voting for their elected officials.

As a matter of fact, just yesterday I had the opportunity to greet the first young person under 21 to register in my congressional district. There were more than 800 registrants who patiently awaited the opportunity to sign up during that first day. I want to now share with my colleagues the sentiments of one youthful voter in my district who expresses disillusionment to the way our country has proceeded with its foreign policy and how he has determined to make his voice heard. This college student said:

> After reading your views (of the necessity for 18–21 year olds to be permitted to vote) I then went down to the Board of Elections and registered to vote. You have renewed my faith in trying to help correct our mistakes we have made in the past so that this country can once again take its place as the greatest country in the world.

There is no question but the majority wants to work within the system to affect the necessary changes for us to remain the greatest country in the world. Mr. Speaker, this is an old battle for me and legislatively at least it ends in victory with our approval of the constitutional amendment which I cosponsored.

As far back as 1966 the New York State Assembly, of which I was a member, approved my bill which would reduce the voting age to 18 in the State. Unfortunately, the Republican-dominated senate judiciary committee refused to report out the bill.

But the goal permitting 18-year-olds the right to vote in all elections will not be an easy one to obtain. A constitutional amendment following approval by the Congress must now be ratified by three-fourths of the State legislatures. And if past experience in New York State is an indication, then it will be extremely difficult to achieve final ratification. Yet, I feel certain following last year's approval by the Congress of the bill permitting to 18- to 21-year-olds the right to vote in Federal elections that now three-fourths of the legislatures will eventually grant this age group the franchise.

I believe, Mr. Speaker, that our positive action today is a manifestation of our desire to welcome into the democratic process today's young people.

Mr. LENT. Mr. Chairman, when the Supreme Court upheld the constitutionality of the 1970 Voting Rights Act provision extending the franchise to 18-year-olds, it ruled that the law was binding only upon elections for Federal office. We were thus confronted by an ironic situation: that the Government of the United States considered persons between the ages of 18 and 20 sufficiently mature to participate in the election of a man to the highest office in Government; but most States, unless they acted promptly to revise their voting laws, would not consider them discerning enough to discriminate between candidates for State, county, or local offices.

I believe we have an obligation to the States and to these newly enfranchised citizens to amend the Constitution of the United States to extend the right to vote in every election to citizens 18 years of age and older. By adopting House Joint Resolution 223, we have confirmed this Nation's voting policies and cleared up any questions or confusion that would have arisen as a result of the Supreme Court's decision.

When the original States set 21 as the voting age almost 200 years ago, we were a small, agrarian Nation, with low levels of education and poor means of communication. Today, our Nation's young people are better educated, better informed, and better able to grapple with the sophisticated concepts of government than those of even a generation ago. They are entering the armed services, undertaking family obligations, and accepting responsibility for their own support. They have already entered the mainstream of political life by giving of their time and talent working for those issues and candidates they support. By denying them the full franchise, we are denying them expression of commitments they have voluntarily undertaken. Thus we serve only to frustrate their energies, enthusiasm, and sense of purpose. The time is therefore ripe to permit their inclusion in the total electoral process.

For that reason I voted "yea" on House Joint Resolution 223. I hope that the States will act swiftly, as several already have, to ratify this proposed amendment so that we will have, by the time of the 1972 elections, extended the full rights and obligations of the franchise to Americans who have reached the age of 18.

Mr. CELLER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Howard: Page 2, strike out lines 3 and 4, and insert in lieu thereof the following:

"SEC. 2. Neither the United States nor any State shall make or enforce any law which shall have the effect of treating as other than a person who has attained the age of legal majority and citizen of the United States who is eighteen years of age or older.

"SEC. 3. The Congress shall have power to enforce this article by appropriate legislation.

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment. However, Mr. Chairman, I will withhold my point of order and reserve it until the gentleman from New Jersey has explained his proposed amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. HOWARD. Mr. Chairman, I appreciate the gentleman from New York (Mr. Celler) reserving his point of order in order to provide me with time to explain this amendment.

Mr. Chairman, this amendment, I feel, is the only opportunity we will have in this country this year to provide the 18-, 19-, and 20-year-olds in America with the opportunity to vote in all elections. I believe it is necessary for this amendment to pass, which merely states that not only will we give the 18-, 19-, and 20-year-olds in the Nation the privileges of adults and the responsibilities as far as voting is concerned but that we will give to them the privileges and responsibilities of everything under the law which is deemed necessary for people who have attained the age of majority.

It has been mentioned here before that 14 States recently voted down referenda concerning the lowering of the voting age to 18 and 5 others turned down referenda which would have lowered the voting age to 19. This is a total of 19 States, which leaves only 31 State legislatures that will be faced with this proposition, where they have not had an opportunity for the people to vote against the referendum either for an 18- or a 19-year-old vote.

However, I believe much of the objection of the people in the referendums throughout the country to this is that they object to our saying to the young people of America that we consider you adults only on election day but we do not consider you to be adult enough to take the responsibilities of majority. This amendment would take care of that situation.

Mr. Chairman, I will vote for this constitutional amendment. I have introduced legislation and have been in favor of an 18-year-old vote since I arrived in Congress in the 89th Congress. I was the State cochairman for a campaign for an 18-year-old vote in my own State of New Jersey 2 years ago, but I am concerned that we do not drop the ball after it leaves the House of Representatives and merely say that we took care of it here in Congress. The real issue and the intent that we should have is to have an 18-year-old vote.

Our young people are serving in the Armed Forces and certainly they are doing adult work there. They have shown and demonstrated over the past years that they are concerned with others and with America. As we talk with young people, they are concerned with what we are going to do about educating people in the future; they are concerned about peace and concerned about helping and working with the poor; they are concerned about narcotics control. Truly, I do not know how we did it, but this generation of American adults, of American young adults, which we have raised is the best generation that has ever been raised in any country at any time. Truly we have given them a lot of things such as clothing and automobiles.

Sometimes we get upset with them and we say how can they be so ungrateful, because we have given them everything. We heard the voices coming back to us, "Yes, but it was the wrong kind of everything. We need the intangibles; we need improvement for the future, improvement for the young and the poor." I believe that they should have a voice in making these decisions. It can only be done through the acceptance of this amendment.

And, so, if we truly want an 18-year-old vote in this country, I urge the consideration of this amendment. Let the House work its will. Let us accept this amendment. The only way we can do that is through the kindness and generosity and foresight of the chairman of the Committee on the Judiciary whom I humbly appeal to to please withdraw his point of order against this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Celler) on his point of order.

Mr. CELLER. Mr. Chairman, regardless of the merits or demerits of the proposal, the proposal is not germane to the resolution at hand, for the following reasons:

The amendment offered by the gentleman from New Jersey (Mr. Howard) does more than extend the right to vote to citizens 18 years of age or older. By its terms it prohibits the United States or any State from making or enforcing:

> Any law which shall have the effect of treating as other than a person who has attained the age of legal majority any citizen of the United States who is 18 years of age or older.

Apparently this would entail a far-ranging revision of all State and Federal laws in which age distinctions play a role. For example, the proposed amendment would prohibit age distinctions in laws dealing with criminal responsibility such as youthful offender statutes; it would alter State restrictions on liquor consumption. It would affect adoption and guardianship laws and laws relating to the management of estates and the right to contract and the age to marry. It would probably affect a variety of State and Federal licensing statutes and support laws. I suspect that the proposed amendment would affect regulations and statutes in a number of fields which the proponent of the amendment himself may be unaware.

The House Joint Resolution, as reported by the Committee on the Judiciary, embodies a new article of amendment to standardize the minimum voting age for Federal as well as State and local elections. It deals only with access to the franchise. It does not touch on the wide variety of subjects affected by the proposed amendment offered by the gentleman from New Jersey (Mr. HOWARD).

Mr. Chairman, I insist on the point of order on the grounds that the proposed amendment is nongermane to the new article of amendment to the Constitution now under consideration.

The CHAIRMAN. Does the gentleman from New Jersey (Mr. HOWARD) desire to be heard on the point of order?

Mr. HOWARD. Mr. Chairman, I do.

Mr. Chairman, I have already spoken on the factual aspects of this amendment as to why I feel it should be adopted. So, I shall speak now as to the germaneness of the amendment.

I feel quite presumptuous in doing this, as a former elementary schoolteacher, to debate this issue with one of the most renowned attorneys in the United States of America on what may be a point of law here. But I would point out the fact that the matter which we are debating on the floor this afternoon has to do with American citizens who are age 20, 19 or 18, and what privileges and responsibilities we feel that they should obtain.

Mr. Chairman, my amendment deals only yith American citizens who are 20, 19, and 18 years of age and what privileges and responsibilities they should be given.

It is exactly the same idea. I cannot think of anything more germane. The gentleman from New York stated that this would have implications concerning court actions in this country. Well, for 6 years while I traveled around my own State and other States urging 18-year-old voting in America, I said that one of the things that was wrong was that people could not vote below the age of 21. But yet the criminal courts themselves consider them to be adults at 18. In other words, if a person is arrested at age 18 and if he is indicted and tried and if he is found guilty he can be sentenced as an adult. This amendment would not change that at all.

The gentleman from New York mentioned liquor consumption. Whether we have a voting age at 21 or 18, I do not know of many people 18 years of age or older who desire to have a beer in this country will be changed as long as they have the funds to pay for it.

The chairman also mentioned guardianship and support. This is another area that has already been determined, that 18-year-olds are adults.

When a person receives help as a young child, whether it be under welfare programs or alimony, or anything else, any other kind of support, that support stops at age 18 unless someone is mentally or physically handicapped.

The Government itself has said they get no more help after 18. Why would that be? It must be because the Government has decided that at 18 they are ready to fend for themselves, they are adults.

So my amendment would merely extend this subject, just exactly the same as what we have before the House today. And I submit it is germane, and I hope it will be so decided.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The gentleman from New York (Mr. CELLER) makes the point of order against the amendment offered by the gentleman from New Jersey (Mr. HOWARD) that it is not germane. Clearly the amendment is not germane. One individual proposition may not be amended by another individual proposition, even though the two may belong to the same class. Therefore the Chair sustains the point of order.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to address a question or two to the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Does the gentleman contemplate at an early date bringing forth legislation from his committee to provide all the obligations and responsibilities of citizenship for the 18-, 19-, and 20-year-old voters this resolution seeks to enfranchise?

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I think that is a matter that appropriately must be left to the States rather than the Federal Government.

Mr. GROSS. Left to the States?

Mr. CELLER. Yes, sir.

Mr. GROSS. In other words, the gentleman is content to make second-class citizens out of the young people the gentleman would enfranchise by this resolution?

Mr. CELLER. I do not think that is a proper conclusion.

Mr. GROSS. May I ask the gentleman another question?

Would 18-year-old Indians be able to vote?

Mr. CELLER. I think the only ones who can vote are citizens. If they are citizens, and they are 18 years of age they would be able to vote.

Mr. GROSS. Well, would an 18-year-old Indian living on a reservation be able to vote under the terms of the resolution?

Mr. CELLER. The proposed new article of amendment simply forbids denial of suffrage on the ground of age to citizens who have attained the age of 18.

Mr. GROSS. Well, are they citizens, the 18-year-old Indians who are living on a reservation?

Mr. CELLER. I hope that some of my Indians in my district are citizens, but I am afraid they are not the Indians that the gentleman has referred to.

Mr. GROSS. I am afraid they are not, either.

Is there any denial under the Voting Rights Act of the franchise for Indians of any age who are living on reservations?

Mr. CELLER. There is nothing specific in the resolution itself, no, sir.

Mr. GROSS. But there is no denial of Indians who live on a reservation who are 18 years old, or of any age, no denial of their right to vote under the Voting Rights Act; is that what the gentleman is saying?

Mr. CELLER. If he is a citizen, and he is 18 years old, and he is otherwise qualified, of course.

Mr. GROSS. I thank the gentleman, and say to the House that I am opposed to this resolution for I believe that extension of voting rights for 18-, 19-, and 20-year-old youths should be left exclusively to each of the 50 States.

I agree fully with the conclusions reached by Representatives MAYNE, of Iowa, and WIGGINS, of California, members of the Judiciary Committee which produced this legislation:

> We are convinced this Republic will be better served in the long run if the sovereignty of our States is not further eroded by denying them the power to fix non-discriminatory qualifications for voting in their own elections.

I share the doubts and misgivings of Representative EDITH GREEN, of Oregon, the residency claims of 18-year-old college students and their participation in all forms of local elections as well as those for Federal and State offices.

Moreover, Mr. Chairman, I firmly believe that when 18-, 19-, and 20-year-olds are made adults in the matter of voting they should also be made to assume all the responsibilities and obligations of full citizenship under the laws of this land.

Mr. RARICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had authorized an 18-year-old vote proposal, House Joint Resolution 476, similar to the amendment proposed by the gentleman from New Jersey in that it would confer full citizenship on the new voter.

I was sorely disappointed that the chairman felt it necessary to raise the issue of germaneness and that now the Members of this body are denied the opportunity to vote on a measure which would grant not only the vote but also the responsibilities of citizenship.

Last June, the media-generated "public opinion" of the hour so clouded reason that many Members ignored the constitutional questions presented, and passed the buck to the President. The President of the United States, while openly stating that the 18-year-old vote bill was of doubtful constitutionality, nevertheless signed the bill and again passed the buck to the Supreme Court of the United States. The Supreme Court in turn by one vote, a 5-to-4 decision, expediently compromised the bill by holding that the act of Congress amended the Constitution as to Federal voter qualifications but was invalid as to the States.

Ever since, confusion has resulted with the States now facing the dilemma of dual voter qualifications; that is, those qualified to vote in State elections and those qualified to vote in Federal elections. And, as if to solve the problem that this body originally helped create, we are now being asked to go back and correct the situation by passing a "guideline-like constitutional amendment for the States to ratify—which could take up to 7 years or never be ratified."

I suggest that the pressing issue at hand is not whether or not 18-year-olds are given the vote, but rather whether or not we as representatives of our people will run the Government within due bounds as provided in the Constitution and as entrusted to us, or if we will again submit to emotion and hysteria, to justify our actions merely to appease pressure groups.

And to those pious souls who can but come forward with pleasant rhetorical rationalizations to justify voting "yes" without admitting that it is because they fear the 18-, 19-, and 20-year-olds—already Federal voters who will be participating in the next congressional election—I would remind them that statistics are oftentimes misleading. They may well be making a mistake if they feel that all of the teenagers' vote can be captured merely because of a "yes" vote on this amendment.

After all, it is the Government and Constitution of 18-year-olds also, and I believe teenagers understand that what Congress has given one day, Congress can take away another day. Only a constitutional amendment is intended to protect the individual from panic reaction by future legislators.

After all, this vote gives them nothing. The determination of giving 18-year-olds the right to vote in State and local elections still rests with the States—which could have given what we purport to give at any time and even without this amendment. At most we are, but playing politics with both national parties vying to out do each other in trying to make the young people think they are receiving something.

In fact, to face up to our responsibility as sworn, we should first repeal the section 320 of the Voting Rights Act Amendments of 1970, and then properly bring up for consideration the question of amending the constitution as provided in article V of that document.

To be considered in our deliberation there should be more than a simple proposal to grant the vote to the 18-year-old. Why should his new citizenship be limited exclusively to the vote? If age is to be the sole qualifying factor and he is considered intelligent enough, mature enough, and informed enough to vote, it would certainly seem that the 18-year-old should be fully emancipated from all Federal and State, civil and criminal disabilities and be awarded full equal citizenship just as any other adult under existing laws. If the 18-year-old is going to be able to help choose lawmakers, why should he be protected as a privileged class not subject to the equal protection of laws he will be helping to make through the power of his vote?

While passage of House Joint Resolution 223, limited only to granting the right to vote, offers a solution to but one of the pressing desires of youth to get involved in the action, I suggest it will but create additional problems and inequities. If the teenager is old enough to vote, he should be old enough to own property, to sue or be sued in his own name, to give consent to marry or to have an abortion, to own an automobile, or carry a firearm, to run for Congress and be able to buy a drink of hard liquor. By limiting this amendment to merely suffrage, are we not opening a pandora's box for "causes" and "crusades?"

Since we are limiting the vote to youth 18 and above, can it not be that we will later be accused of discriminating against those 16 or even 14 years of age? If age 18 was selected merely because it was easy to adopt an argument for, because they can be forced into military service, "old enough to fight—old enough to vote," then could we not ask, "Why not reduce the voting age to 16 or 14 years of age?" After all, I know many school children even 6 years of age who do not like being forced to attend school and who would like to be able to vote so they could vote against their school board members just as it is suggested that the 18-year-olds will be mobilized to vote against the draft in the expectation that by so doing they will end the war.

If, as responsible representatives of our people, we are going to give the 18-year-old the right-to-vote portion of citizenship, then why should they not be given full citizenship—the responsibilities of American citizens as well as a privileged right to use the vote to protest against the Government but escape accountability? We should not leave them half teenager and half citizen. What more equitable proposal for full citizenship could be considered by us than by amending House Joint Resolution 223 to provide an additional section that "neither the United States nor any State shall make or enforce any law which shall have the effect of treating as other than an adult—a person who has attained the age of legal majority—any citizen of the United States who is 18 years of age or older"?

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, pursuant to House Resolution 299, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHMITZ

Mr. SCHMITZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. SCHMITZ. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCHMITZ moves to recommit the Joint Resolution (H.J. Res. 223) to the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on passage of the joint resolution.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 401, nays 19, not voting 12, as follows:

[Roll No. 27]

YEAS—401

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher

Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Burleson, Tex.
Clawson, Del
Fisher
Gettys
Goldwater
Green, Oreg.
Gross
Hall
Hébert
Hutchinson
Mayne
Michel
Poage
Rarick
Rousselot
Schmitz
Steiger, Ariz.
Wiggins
Wyatt

NOT VOTING—12

Clay
Corbett
Dent
Dowdy
Edwards, La.
Green, Pa.
Hanna
Landgrebe
McCulloch
Mink
Roberts
Rooney, N.Y.

So (two-thirds having voted in favor thereof), pursuant to the provisions of the Constitution, the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Landgrebe.

Mr. Dent with Mr. Corbett.

Mr. Roberts with Mr. McCulloch.

Mr. Green of Pennsylvania with Mr. Clay.

Mr. Edwards of Louisiana with Mrs. Mink.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, pursuant to the rule, I call up Senate Joint Resolution 7, a measure identical to that which the House has just approved, for immediate consideration.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The Speaker pro tempore (Mr. BOGGS). The question is on the third reading of the joint resolution.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Do I correctly understand that the joint resolution is identical to the House joint resolution just passed by the House?

The SPEAKER pro tempore. The chairman of the committee so stated when he called up the Senate joint resolution.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof), pursuant to the provisions of the Constitution, the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 223) was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 223, a proposed amendment to the Constitution of the United States, extending the right to vote to citizens of 18 years of age or older, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DENNIS. Mr. Speaker, due to the fact that assurances were given by the leadership that there would be no vote on Tuesday, March 16, I had committed myself to business which kept me in the State of Indiana, and was therefore absent from rollcall No. 20, the conference report on the debt limit and social security. Had I been present, as I would have been had those assurances not been given, I should have voted "yea" on the conference report. I would like the RECORD to show that fact.

The SPEAKER. The gentleman's statement will appear in the RECORD.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow, the clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMERICAN POLICY: FROM "EVENHANDED" TO "HEAVYHANDED"

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the term "evenhanded" was once used to describe U.S. policy in the Middle East. Our present actions in regard to the developments in that area have confirmed my long-held conviction that the title was a serious misnomer. "Heavyhanded" might have been a more appropriate description.

In return for vague assurances of security, the United States is pressing Israel to withdraw its troops from all the territories acquired in 1967. I strongly believe that this unilateral American initiative will have unfortunate consequences for the achievement of any settlement in the Middle East and for the security and survival of Israel.

In the last months, the policy of the United States has changed from a pledge to support Israel's need for secure borders to yesterday's insistence on withdrawal. Israel is now feeling the weight of that heavy hand.

What has taken place in the interim to account for this change of American position? Has Egypt suddenly promised to abide by any peaceful settlement? Has Russian presence in the area been removed? Has Egypt declared that Israeli ships would be allowed access to the Suez Canal in the event of its reopening? Has she made the most basic concession for peace—the renewal of the cease-fire agreement? To all these questions, I must answer, no.

What concessions have the Arabs made to give Israel reason to sign away all this territory as she mistakenly did in 1957? None. Indeed, what incentive would there be for any Arab concessions after Israel gives up these claims? I must give the same answer.

In return, Israel is being promised the security that comes from the presence of an international peacekeeping force. But unless Secretary Rogers has a different interpretation than I do of the factors responsible for the 1967 war, I cannot see how such a guarantee can be taken seriously by Israel. Ten years after Israel gave up the territory she had won in 1956 her citizens were again forced to fight when the United Nations Emergency Force left so precipitously. A settlement must be worked out by the parties to the conflict.

U.S. action in this is worthy of examination. In 1957, in a memorandum to Abba Eban, the then Secretary of State John Foster Dulles wrote that—

> The United States believes the Gulf of Aquaba and the Straits of Tiran to constitute international waters, and no nation has the right to prevent free and innocent passage of these.

But at the same time it appears that no nation will act in the event that there is a violation of this principle. After the United Nations Force left that area in 1967, the United States did nothing to assure Israeli access to these waterways. Israel seems justified then in her skepticism that such access will be assured in the 1970's.

In addition, the Rogers declaration of a nation's security as something unrelated to her geographical boundaries is an interesting one, but quite inconsistent in the light of past events. I recall, and I am sure all of you do, America's reaction when Russian missiles began to be installed in Cuba in 1962. President Kennedy's initiative in that matter was entirely justified, and I wholeheartedly supported that initiative.

Yet, I recall that one of the most salient arguments given at that time was that Cuba was only 90 miles away from the U.S. territorial boundaries. It then appears that we are using arguments as they suit our particular purpose at a given time, and I for one think this weakens our credibility in the eyes of the world, not to mention the well-being of our allies.

The strategic importance of this area is well known. And it should by this time be recognized that a strong Israel is the one guarantee of peace in the region. It should also be obvious from past history that for peace to be meaningful, it will have to be achieved by give-and-take among the parties—not by the heavy-handed imposition of conditions for settlement from the outside.

Israel has repeatedly stated that she will be willing to give up most of the territory she acquired. Is it not right that she be allowed to bargain as to how much and in return for what assurances? I sincerely hope that the ill-conceived declaration by the State Department does not irreparably injure Israel's chances for a just settlement.

RETURN OF THE HOUSE OF REPRESENTATIVES TO THE PEOPLE OF THE UNITED STATES

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, as a long-time supporter of the SST I naturally was disappointed at the outcome of last Thursday's vote. In my opinion, terminating the SST prototype program will, in the long run, adversely affect our Nation's economy.

Nevertheless, my frustration was more than assuaged by the fact that political scientists someday may term Thursday's proceedings one of the most memorable in congressional history. Indeed, thanks to last year's rule changes, March 18, 1971, will be remembered as the day when the House of Representatives was returned to the people of the United States.

Under previous House rules, when amendments were decided on nonrecorded head counts, some Members' decisions often were based upon anticipated colleague reaction to their vote. Consequently, rather than offend their party leaders and committee chairmen—or ranking minority members—upon whose favor they often must rely, these Members found it convenient either to avoid a teller vote or, worse, vote against their convictions. This accounts for the fact that, heretofore, most controversial amendments frequently were decided by the votes of fewer than 100 Members.

Thanks to the new House rule, voting motivation has changed. Now that he must go on record, each Representative will cast his teller vote on the basis of constituent, rather than colleague considerations. This fact accomplishes two important objectives.

First, it materially dissipates the grip of the seniority system. Last Thursday, for example, a majority of this body refused to follow the example of the House Majority Leader, the Minority Leader, Minority Whip, and 18 of 21 committee chairmen.

Second, this new voting rationale inevitably makes the House of Representatives more truly responsive to the constituency which it was elected to serve.

Communication is the essential ingredient of representative government. This communication must be a two-way street. First, the citizen must convey his views to his elected official. Second, each legislator should be obliged to reveal, and explain, to his constituents his votes on current issues. While under previous congressional rules the former was possible, House Members were able to mask their views behind the cloak of nonrecorded teller votes. This screen having been removed, a majority of Representatives last Thursday communicated their agreement with what apparently was their constituents' sentiments.

As one whose vote contravened—and rightly so, I believe—the opinion of a majority of those contacting me regarding the SST, my communication role now begins in earnest.

RAILPAX BYPASSES CLEVELAND

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MINSHALL. Mr. Speaker, I along with many others in the northern tier of Ohio was greatly shocked and disappointed that the Railpax bypassed the city of Cleveland in the Railpax's route system announced yesterday.

Mr. Speaker, it is inconceivable that one of the Nation's largest cities be omitted from the system, to say nothing of the entire northern tier of the State of Ohio with a population in excess of 5 million people.

Mr. Speaker, I would hope that the Railpax Corporation would conduct an immediate rehearing on this matter and give Cleveland the rail transportation that it and the surrounding communities need.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 23, 1971.

Hon. DAVID W. KENDALL,
Chairman, The Incorporators of the National Railroad, Passenger Corporation, Washington, D.C.

DEAR MR. KENDALL: This is to register my extreme shock and disappointment at the bypassing of the City of Cleveland in the rail passenger route system announced yesterday.

It is inconceivable that one of the nation's largest cities be omitted from the system, to say nothing of the entire northern tier of the State of Ohio with a population in excess of five million people. I strongly urge that you immediately reconsider this decision and wouold appreciate the opportunity of discussing this matter with you at the earliest possible time.

With best regards,
Sincerely yours,
WILLIAM E. MINSHALL,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1971.

Mr. DAVID KENDALL,
Chairman, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in support of the proposal submitted to you by U.S. Representative Walter E. Powell, Chairman of the Miami Valley Congressional Council, proposing certain routes for Railpax. We feel that the national interest and the success of Railpax dictate that Cincinnati be made the principal route for passenger travel from the Midwest to Florida.

In support of that recommendation, we submit that connecting lines from Cleveland, Detroit and Dayton are needed to service this gateway. We are further recommending that Cincinnati and Dayton be linked with the New York-Kansas City train, and that Washington-St. Louis should be operated through Cincinnati.

In addition to members of the Council, this letter is being signed by other interested Ohio Congressmen who have areas that would be favorably affected by the proposed connecting routes.

We respectfully urge your inclusion of these proposed routes in your March 15 decision, both to insure adequate service to Ohio and to assist in the financial success of the National Rail Passenger Corporation.

Respectfully,
William M. McCulloch, Jackson E. Betts, William Minshall, Donald Clancy, Charles A. Mosher, Walter E. Powell, William B. Saxbe, Robert Taft, Jr., Delbert Latta, Charles W. Whalen, Jr., Clarence Brown, William J. Keating.

RAILPAX ROUTES

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, as I came on the House floor I heard the gentleman from Ohio speaking about the Railpax. I, too, would like to say that I have been bombarded by hundreds and even thousands of protests about this Railpax and their choosing of routes.

It seems to me that they have not followed the intentions of the committee and of the Congress nor have they followed the law of the land in some of the things that they have done. I cannot conceive leaving out a city of the size of Cleveland and bypassing it completely—a city that is one of the hubs of the West, as they have done in many other regions.

I can say that in my own situation back home, they have cut out all rail passenger traffic through that area where it is needed just as badly if not more than any other State in the Union. The system, as announced, puts Washington on a side track as far as Pittsburgh, Chicago, St. Louis and the industrial midwest is concerned. Two routes are suggested, both detours. One goes south to Charlottesville, thence west to Cincinnati and Indianapolis, and finally north to Chicago. The other detours north to Baltimore, thence to Harrisburg, then west to Pittsburgh, and finally zigzags on to Chicago. Either route sounds about as practical as a horse and buggy layout.

The logical and preferred routes would run directly west, through Cumberland to St. Louis or Cumberland to Chicago, via the B. & O. They are the shortest and quickest routes.

Railpax offers the following as reasons for failing to select these preferred routes, and I quote:

> The route via Cumberland was not chosen principally because: (1) Specially suspended cars are required because of severe curvature track, and because tracks in some areas are so close together that soft-sprung cars run the danger of side-swiping trains on other tracks; (2) Population along the Baltimore route is five times as high; (3) A difficult connection at Pittsburgh requires at least 30 minutes; (4) Train could not be consolidated with the premier 'Broadway Limited' at Harrisburg unless operated over the recommended route.

Rejecting reasons three and four as unworthy of consideration by anybody except one who wishes to rationalize a mistake, I should like to make some comments on the other assigned reasons.

One of the reasons given for not selecting the B. & O. route was because of the tracks. However, some of the money made available to Railpax is to be used for track and equipment changes if necessary.

The segment between Washington and Cincinnati through Clarksburg was not chosen because of low current ridership and low population. I think that other factors should have been considered.

One of the criteria for route selection was the adequacy of other travel modes. Transportation is now, and has always been one of the major problems in West Virginia. The lack of good highways through the mountains and areas available for airports certainly should have been considered as a plus for using rail routes through West Virginia.

Another plus should have been the fact that there are 10 colleges located between Washington and Parkersburg which could have been served by a B. & O. route through West Virginia.

Thousands of citizens have business in Washington every day. Many of them would use the rails if service was adequate, convenient, and of superior quality. At present, railway service is incredibly poor. Under present conditions, passengers will choose the air. That will be no help to the railroads.

I have had literally thousands of complaints from people along the B. & O. and from other Congressmen.

Congress usually gets the blame, but I feel the fault lies with the railroad management who are primarily interested in dropping as many passenger trains as possible.

The Railpax system is being supported by the Federal Government. It was authorized by congressional action, and was designed to serve Government needs as well as the general public. The system was further designed as a prop for rail financial embarrassment. I do not believe the way it is set up now that it will do any one of these three.

If I had thought it was going to turn out like this, I would never have worked so hard to get this legislation through the House. I think the way it is set up now it will practically destroy essential and vital passenger service in many areas of the country. Congress should not put one more cent into Penn Central or any other railroad if this is what happens when you try to help them.

I am sure the situation is worse than we realize when you consider the complaints I have had from people and at least 50 to 100 Congressmen by letters, calls and so on who have said they do not think the distribution was fair.

I do not believe it was fair and I do not believe the decision was as the committee intended it to be or the Congress intended it to be.

Because of the many complaints, I will reopen the hearings on the entire Railpax system and will endeavor to see why so many Members of Congress are dissatisfied with this plan.

Mr. Speaker, I have mentioned the fact that there was a lot of dissatisfaction with Railpax. Since then I have received I would say 25 calls from Members of Congress about it. Several of them have said that they cannot understand the reasoning of those on the committee who made the decision.

For instance, two cities in Texas were missed, one of them the largest city in the State, Dallas, was completely bypassed and Austin was bypassed and would have no railroad service there. In addition, they have no connections at all with Mexico.

Certainly, it seems to me that there was not good reasoning back of this and insofar as I know there is no direct connection with Canada.

So, I just think that it is time that, perhaps, the Congress take a look at this situation to see what did happen and who did make the decisions and how and why they made the decisions.

As I said this morning, I think the Committee on Banking and Currency will take a look at this problem to see what it is all about.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from West Virginia for the action that he and his Committee on Interstate and Foreign Commerce are going to take. I certainly agree with the gentleman that we should have a rail route directly connecting the United States and Mexico as well as one between the United States and Canada.

We in south Texas, and particularly myself who is honored to represent the city of Laredo, which is the main international gateway between the United States and Mexico, certainly urge the committee to look into the Railpax system and make sure that there is a north-south route coming through Austin and San Antonio and connecting with the National Railways of Mexico at Laredo on the border.

ARCADIA RESERVOIR SHOULD BE STARTED NOW

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, the Okmulgee County Soil and Water Conservation District has joined the growing list of responsible Oklahoma groups to urge that the United States take immediate steps to begin construction of the Arcadia Reservoir.

By resolution, this group has put the "top priority" tag on this project, and I concur with the District's judgment. This resolution, which I would like to have appear in the RECORD following my remarks, sets forth clear and compelling reasons why it is not only necessary to begin construction of this reservoir, but reasons that we are losing money every month we delay the start—and thus the completion—of this project.

The Arcadia Reservoir, which has an exceptionally good cost-benefit ratio of 1 to 1.4, was authorized by Congress last year, but the administration has not budgeted funds for either planning or construction. I hope the Congress, in its review of the budget, will correct this situation and appropriate the funds to begin this project without further delay.

RESOLUTION TO GIVE ARCADIA RESERVOIR TOP PRIORITY—BY INDIVIDUALS, FIRMS AND GROUPS

Whereas, The President has proposed a full employment budget for fiscal 1972, and

Whereas, Construction of Arcadia Reservoir was not included, and

Whereas, The Public Works Committee of the House of which Congressman Ed Edmondson of Oklahoma is a member declared on December 3, 1970, that floods in the Deep Fork Valley cause damages of about $791,000 annually, and

Whereas, Construction of Arcadia Reservoir would provide benefits estimated to be $230,000 annually from flood damages prevented and the restoration of thousands of acres to better land use, and

Whereas, A spirit of hopelessness now exists which could be turned into a gigantic urge of self-help when the headwaters of the raging Deep Fork are curbed which is now beyond the control of landowners and is the most depressive factor in the economic and spiritual well-being of the entire valley, and

Whereas, Other benefits would include $222,000 annually for a municipal water supply for the city of Edmond, also $411,000 annual benefits for recreation, and $208,000 for area re-development which is vital for full employment, and finally $1,158,000 for water quality control, and

Whereas, The annual benefits from the above five sources have been declared to be $2,229,000, and

Whereas, The annual charges against these benefits have been estimated to be only $1,558,000 which provides a benefit to cost ratio of 1.4, as calculated by said Committee, and

Whereas, Public Law 566 retardation dams could never be expected to provide adequate protection because of rapid run-off plus industrial development in the Oklahoma City area, and

Whereas, This budget will be debated in many hearings and in associations and conferences related to water development during the year 1971,

Now therefore, be it resolved by the Okmulgee County Soil and Water Conservation District that it endorse(s) the program of the Deep Fork Watershed Association to ask the Oklahoma delegation in Congress to give top priority for funding the start of Arcadia Reservoir in the fiscal 1972 budget, and

Be it further resolved, That a copy of this resolution be sent to the Executive-secretary of the Deep Fork Watershed Association to be used in the best interest of the Association.

MORATORIUM ON AMERICAN TROOP MOVEMENTS TO VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I am today renewing my call upon the President to impose a moratorium on the shipment of any further American replacement troops to Vietnam effective May 1.

Recently I introduced a sense of Congress resolution calling for such a moratorium, and it is my hope that this resolution will be considered by the Armed Services Committee.

My resolution in no way affects our present policy of rotating American troops back to the United States at the conclusion of 1 year of service in Vietnam.

What my resolution does is merely urge the President to announce to the world that as American troops are rotated back home they will not be replaced so that in 1 year all American troops would be out of Vietnam.

I have reason to believe that just as the cessation of American bombing raids on North Vietnam 2 years ago broke the deadlock and opened the way for peace talks in Paris, so would an announcement by the President of a moratorium on any further troop movements to Vietnam at this time lead to a release of American POW's and negotiation of a cease-fire for the orderly withdrawal of our troops.

I believe that such a moratorium is worth the risk for American disengagement from the Vietnam conflict.

If I were not absolutely certain that the South Vietnamese forces are now more than capable of carrying on the defense of their homeland, I would not be making this suggestion.

But the confident statements of the South Vietnamese command as to the success of its mission into Laos; the predictions of President Thieu that they are now strong enough to seriously consider invading North Vietnam, and all of the other statements being made by South Vietnamese authorities, make it crystal clear that the rest of this conflict is limited to the South and North Vietnamese forces.

The United States has fulfilled its mission—it has given South Vietnam the time this nation needed to develop its own defense capabilities, and I submit, Mr. Speaker, that any further American casualties in Vietnam are not only needless, but senseless.

I fervently hope the President will announce such a moratorium as a significant gesture toward disengaging America's combat role in Southeast Asia.

LEGISLATIVE OVERSIGHT RESPONSIBILITY

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I had a particularly gratifying experience this morning as the House went into session when, for the first time, as chairman of the Subcommittee on Accounts of the Committee on House Administration, I had the honor to bring forward a number of resolutions to provide money for the committees.

Mr. Speaker, I did not take time, I regret, to express to the Members of my subcommittee and to the chairman of the Committee on House Administration (Mr. HAYS) my appreciation for their cooperation and support.

The gentleman from Alabama (Mr. DICKINSON) is the ranking minority member of the subcommittee. The gentleman from New Hampshire (Mr. CLEVELAND) and the gentleman from Illinois (Mr. CRANE) are members of the minority. On the majority side there are the gentleman from Pennsylvania (Mr. DENT), the gentleman from California (Mr. HAWKINS), the gentleman from New York (Mr. PODELL), and the gentleman from Illinois (Mr. ANNUNZIO), all of whom, in addition to the gentleman from Ohio (Mr. DEVINE), the ranking minority member of the committee, and the committee chairman (Mr. HAYS) were in attendance and cooperated splendidly.

Mr. Speaker, for the first time in my recollection all the ranking minority members of all the committees, all the subcommittee chairmen and prospective subcommittee chairmen, were contacted by members of the committee to determine their needs in terms of staffing. Their needs were realistic and necessary, and in every instance are justified.

I had a colloquy this morning with my distinguished friend from Iowa (Mr. GROSS), and my distinguished friend from Missouri (Mr. HALL)—Dr. HALL being Mr. GROSS' personal physician. I am delighted to be able to report that I have determined the good state of health of the gentleman from Iowa as certified by the gentleman from Missouri.

In our colloquy we discussed the oversight responsibilities of the legislative committees.

In each and every instance, Mr. Speaker, the majority and minority of the committees have been advised of the absolute necessity for the exercise of their oversight responsibilities. They have pledged that they will exercise that responsibility and report back. They have been notified that in the future, in the event their oversight responsibilities are not fulfilled, they cannot expect the staffing at the present level.

I am confident that these committees will exercise their oversight responsibilities, and I might expect that as they get into these very substantive matters involving the total Federal commitment and expenditures they might well come back for additional staff help which, if justified, and only if justified in each instance, will be forthcoming.

This is in a sense, I believe, the dawn of a new era brought about by the revision passed last summer of the Legislative Reorganization Act under which the committees are instructed to concentrate more on oversight and perhaps, we may hope, less on legislation itself.

Again I reiterate my gratitude to the members of the subcommittee and the members of the Committee on House Administration for their cooperation.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to my friend from Missouri.

Mr. HUNGATE. I should like to congratulate the gentleman on the job he has done and say that until this hour I had never believed brother Friedel would ever be replaced with as able a man in explaining legislation.

Mr. THOMPSON of New Jersey. I thank the gentleman very much. I regret very much I am not as articulate as our former colleague and friend from Baltimore, or as persuasive, but I learned at his feet.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Missouri.

Mr. RANDALL. Reference was made a moment ago to one of our colleagues from Missouri, and from Iowa. It has just come to my attention that our colleague (Dr. HALL) wants to have a really good physician. I do not know whether it is the gentleman from Iowa or not, but it was just discovered that at an earlier operation his tonsillectomy had not been completed.

So on the advice of the gentleman from Iowa, he has just now had his tonsils removed for a second time, and we are glad he is back with us today. I am happy to have him here.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to be allowed to proceed for an additional minute.

The SPEAKER. The Chair is unable to grant the request, as much as the Chair would like to do so and is willing to do so now.

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank my friend from Iowa for yielding.

I must say I was very heartened this morning when I called Dr. HALL's office and inquired of the health of the gentleman from Iowa to learn that his most recent physical had described him as a man of infinitely fewer years than his chronological years both in health and in spirit. It was just a very heartening thing to me.

I wonder if the gentleman from Missouri would like to add any details such as the blood pressure, and so forth.

Mr. GROSS. I would be glad to yield to the gentleman from Missouri, but I will say to the gentleman that since I am under the tender care of the gentleman from Missouri (Dr. HALL) I have regained my youth.

Mr. THOMPSON of New Jersey. It is very good news to us.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman from Missouri.

Mr. HUNGATE. I am hoping and I understand it is the case, but I am very pleased that the distinguished gentleman from southwest Missouri did not encounter the trouble in his tonsillectomy that it was said developed in the case of an administrator of a Government agency many years ago who had been under the impression that he had already had his tonsils removed when he was at an earlier age. However, it seemed they missed them and had to take them out. When they took him to go to the operating room they had a regular service sheet that they put on people who have their tonsils out. I guess most people who have their tonsils out run about 8 to 10 years of age, and this sheet that they placed over him did not reach his nether extremities. When they came to wheel him into the operating room he asked them if they were sure they knew where his tonsils were.

RUSSIAN MILITARY THREAT

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I am sure every Member of this House is deeply concerned about the numerous reports that we get about the continuing expansion of the Soviet military forces and the continuing aggressive reach of their military power in many, many parts of the world. Perhaps the most serious of those to ourselves is their penetration into the Atlantic and especially the Caribbean and their reported establishment of a submarine base in Cuba. We all know the effect of that would be to make the Russian submarines very much more effective along the Atlantic seaboard and in the Caribbean and gulf area because they will not have to go all the way back to Russia in order to be resupplied.

Mr. Speaker, all the information we get is that in the realm of space the Russians are going steadily upward and forward. In the building of their defense forces in some areas they have already exceeded our capacity. For example, they are building submarines of a nuclear character two or three times as fast as we are; even two or three times beyond our capacity, according to information that we derive from certain quarters. It seems to me that the time is here and it is long past due when with respect to the Russian penetration into the area of Cuba and the Mediterranean—and a little while ago they had a submarine in the Gulf of Mexico—that the administration must tell the Congress and the country what the facts are. Then, if they are penetrating into our area with nuclear weapons or the potential for the employment of nuclear weapons, we must face the Russians and demand that they get out as we did in 1962. And the time is now, because there are many who think that a year from now the Russian power will be so much greater than it now is, even excelling ours, that they will not yield as they did in 1962 to a confrontation.

So, Mr. Speaker, I hope our administration, from the great knowledge that it has, the information that it can acquire, will ascertain the facts about Russian penetration into the Caribbean and Cuba and tell the American people the truth and take that action in the face of this threat which is consistent with our national security.

RAILPAX DECISION BYPASSES CLEVELAND, OHIO

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, for nearly 1 year, many of us in Cleveland have tried to prevent the cutoff of passenger rail service to and from the city of Cleveland. Yesterday, my city of Cleveland was completely bypassed under the proposed plan submitted by the Railpax Corp. It is indefensible that a city the size of Cleveland should be totally overlooked; it is the Nation's largest city so neglected. It is indefensible that no passenger rail service is provided in any manner along the shore of Lake Erie between Buffalo and Cleveland. The nearest passenger terminal for national rail service will be in Canton, Ohio, 60 miles south of our city.

As long ago as June 9, I objected to the Interstate Commerce Commission's attempts to cease all passenger rail traffic to and from our city. Our hope at that time was that the national policy for a defensible passenger policy for the railroads of America would by necessity and wisdom include our city of Cleveland. My telegram was as follows:

> Oppose termination of rail service from Cleveland. Urge your decision be deferred until Congress can develop a national policy on rail transportation service. Action is pending. Your commission and railroads have obligation to continue service until Congress acts. Start-up costs after service is discontinued would be overwhelming and self-defeating. America needs a balanced transportation system. Help preserve it until Congress can act.

Therefore, the decision rendered by Railpax yesterday is in shocking disregard, not only of Cleveland's central location to a population of over 5 million people, but of already existing passenger facilities and the crying need for adequate, convenient, and efficient surface transportation. I have advocated strongly a unified passenger railroad program. However, this decision indicates a need to restudy the efficacy of the program which has resulted.

I wish to insert the recommendations made on December 23, 1970, submitted to the Secretary of Transportation on three major lines through Ohio which clearly demonstrated the need to go through the city of Cleveland. This report was prepared and submitted by the Public Utilities Commission of the State of Ohio. The Railpax proposal must be amended to include Cleveland on its basic routes so that the millions of people of northern Ohio can be served. Otherwise, the efficacy of this program is seriously in doubt. I am communicating my strong objections to this proposal to the Secretary of Transportation and to the Interstate and Foreign Commerce Committees in the Congress. The Ohio Utilities Commission report excerpts are as follows:

> A New York to Chicago route via Pittsburgh, Youngstown, Cleveland, Toledo, South Bend and Gary would tie together the industrial heartland of the nation. Along this route lie the production facilities and supporting industries of America's automobile business. The provision of connecting service between Detroit and Toledo would not only

complete this network but also provide access from Detroit to the East to support passenger travel through Pittsburgh to New **York and Washington, D.C., Pittsburgh** Cleveland, Detroit and Chicago all boast major league football and baseball teams. Eight SMSA's exceeding 500,000 people would be linked in a corridor only 400 miles long.

PERSONAL ANNOUNCEMENT

(Mr. CRANE asked and was given permission to address the House for 1 minute.)

Mr. CRANE. Mr. Speaker, I regret that I was unable to be in attendance for the vote last Thursday, March 18, 1971, regarding continued funding for the supersonic transport plane. Had I been present on the floor at the time the vote was taken, however, I would have voted "Yea." That is, I would have voted to delete funding for the supersonic transport.

I oppose continued Federal appropriation because, aside from the allegations of contributing to air and noise pollution, I believe this represents a spending of the taxpayers' funds where private capital should be allowed to operate.

IN SUPPORT OF OUR PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Indiana (Mr. Myers) is recognized for 60 minutes.

Mr. MYERS. Mr. Speaker, I am particularly proud to take part in this program today in which we will have the opportunity to demonstrate our support for the more than 1,600 Americans imprisoned or believed missing in Southeast Asia. They deserve our vocal and prayerful support to demonstrate to them and to their captors that they have not been forgotten.

It was on September 22, 1970, that I first introduced a resolution which would have designated November 11, 1970, as a National Day of Support for U.S. Prisoners of War. November 11 is a day of special significance to the millions of Americans who have served their country in the armed services and it seemed appropriate to me that we should dedicate last year's observance of Veterans' Day in honor of those Americans imprisoned or missing in Southeast Asia.

While that resolution was not acted on, our efforts in its behalf did culminate in the introduction on the first day of the 92d Congress a resolution calling for a National Week of Concern for American Prisoners of War/Missing in Action. Representatives John Anderson of Illinois and Roger Zion of Indiana joined with me as prime sponsors of this resolution which eventually was cosponsored by more than 150 of our collegues in the House. A similar resolution sponsored by Senator William Brock was sponsored by 67 Senators in that other body.

The House of Representatives unanimously approved House Joint Resolution 16 on March 3 and the other body followed with its unanimous approval March 5. President Nixon signed the resolution during special White House ceremonies last Friday.

Those of us who support this resolution have no illusions about its passage leading to the immediate repatriation of our prisoners or significant information regarding those men now listed as missing in action. But we do believe that this Expression of National Support for the POW's/MIA's will serve to focus world attention on the issue with the hope Hanoi will get the message and enter into serious negotiation of the Prisoner of War issue.

According to the latest reports, Indiana has 26 POW's/MIA's who are being treated in violation of international law. Their captors have refused to provide proper nourishment for them; refused to provide information on their camps or access to the camps by neutral observers; they have refused to identify all prisoners: they have denied them the simple right to communicate regularly with their families, and have detained the seriously ill or wounded, all of which are in violation of the Geneva Convention.

This National Week of concern will serve to call attention to Hanoi's flagrant violation of the Geneva Convention and their continued refusal to negotiate the POW issue. All this despite President Nixon's October 7 offer of an immediate an unconditional release of all prisoners being held in Indochina. As the President put it:

> War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

The week of March 21 has historical significance. It was on March 26, 1964, that an American adviser, Capt. Floyd J. Thompson, was captured in South Vietnam and thus became the first American POW. Today, nearly 7 years later, Captain Thompson still is listed among this group of prisoners of war and missing.

Many groups deserve special recognition for their continuing efforts to bring the pressure of world opinion to bear on Hanoi by keeping the POW problem front stage. Certainly the Indiana chapter, National League of Families of American Prisoners and Missing in Southeast Asia, headed by Mrs. Samuel Beecher, Jr., of Terre Haute, has set the pace in this effort.

If there are those who question the strength of character of this Nation, they have only to look at these wives and families for an example of hope and integrity and love that would befit all of us. We must not let these families wait alone, without hope.

I personally delivered to President Nixon last fall petitions with the signatures of more than 8,000 Seventh District of Indiana residents urging renewed efforts on behalf of the POW's. Most of those signatures were collected at the Putnam County Fair.

I am certain that the expression of concern from Hoosiers combined with similar outcries from Americans across this land led to our increased activity to win the release of American prisoners, both at the negotiating table in Paris and through rescue efforts conducted into enemy territory.

It was just last week that President Nixon addressed himself to the POW issue in a statement delivered at the Gridiron Club dinner in Washington. The President said:

> There are many kinds of heroism in wartime; the raw courage of the soldier in the field; the skill under pressure of the air crew in combat; the dedication of the corpsmen going after the wounded under fire. Another kind of heroism is that imposed in meeting the ordeal of prolonged captivity.

Our program here today can play a significant role in bringing the pressure of world opinion to bear on the North Vietnamese if we hope to win the release of American prisoners of war. We must not dismiss the force of world opinion in accomplishing this goal.

Hanoi may be falsely interpreting dissident opinion over the course of the war as an indication of American opinion about the POW's. Hanoi should not be permitted to doubt that civilized nations throughout the world, led by an America truly united on the treatment of our prisoners and missing in action, will hold the enemy fully accountable for these courageous Americans.

The most persistent and widespread efforts of our Government to secure release of American prisoners and the humane treatment of these prisoners and those missing in action, have been barbarically ignored or rejected by Hanoi.

An end to the war and end to imprisonment are the goals behind which we all are united, as the President, as Members of Congress, and as Americans. Let us pray that the observance of a National Week of Concern for Prisoners of War and Missing in Action will direct the spotlight of world attention on the plight of our POW's and serve notice in this country that our POW's are not forgotten Americans and that we shall not rest until they have all been returned to their homeland and their families.

Mr. Speaker, I now yield to the gentleman from Mississippi who has been an outstanding leader in the House of Representatives in the efforts to secure the release of and more information about prisoners of war, Mr. Montgomery.

Mr. MONTGOMERY. Mr. Speaker, I commend the three gentlemen for sponsoring this special order this afternoon on our prisoners of war and those listed as missing in action. I also commend them for coauthoring House Joint Resolution 16 which established the National Week of Concern for Prisoners of War/Missing in Action.

Seven years ago this coming Friday, the first American became a prisoner of war in the Vietnam conflict. Since that time some 1,600 U.S. servicemen have been listed as prisoners of war or missing in action. The fate of these men is uncertain at this time since the North Vietnamese, Vietcong, and Pathet Lao have refused to abide by the Geneva Convention and have shown no sincere inclination to negotiate the prisoner issue in either official or unofficial talks.

This morning two of my colleagues and myself sponsored an off-the-record briefing on the POW/MIA situation. Bringing us up-to-date information on the situation were representatives from the Department of State, Department of Defense, and National League of Families. The briefing this morning reinforced my belief that 1971 is the critical year for our prisoners of war and those missing in action.

As Members of Congress and as American citizens, I believe it is our duty and responsibility to explore every possible avenue of seeking a solution to the POW/MIA problem. We must never allow our prisoners of war to become just a topic of conversation similar to the weather where everybody talks about it, but nobody does anything about it.

I often ask myself "Am I really doing everything I possibly can for our POW's/MIA's?" I believe the Congress needs to ask itself the same question. I am afraid our answer would be far less than a resounding yes. We need to take the lead in coordinating efforts of the legislative branch, executive branch, and private organizations such as the National League of Families.

Mr. Speaker, the key word is coordination. At present there are several different groups, both private and Government, as well as individuals exerting concerned efforts on behalf of our POW's/MIA's. But no one group or individual appears to know what the others are doing. We need to coordinate our efforts in order to achieve more effective results and maximize the time spent on the prisoner of war problem.

Mr. Speaker, I would also like to take this opportunity to remind the Members of the letter we will be sending to the President of North Vietnam in the near future. The essence of the letter is a proposal that North Vietnam allow a representative group from the Congress to inspect all the POW camps in North Vietnam. This proposal is being made since the North Vietnamese have refused to allow an inspection by the International Red Cross. I would urge those Members who have not called my office or Congressman Frey's office indicating their desire to sign the letter to the North Vietnamese to do so as soon as possible. There have been indications that the North Vietnamese are considering the possibility of an inspection visit by a group from the Congress and I feel we should pursue the matter to the best of our abilities. Joining with us in securing signatures are Congressmen Jim Howard and John Dellenback.

Through a coordinated and expanded effort, I believe we will be able to find a solution to securing the release of our prisoners. We can do no less than exert every possible effort toward this goal.

Mr. MYERS. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. Mr. Speaker, it is with the deepest concern that I join my colleagues in the Congress this week in making speeches, statements, and pleas that I profoundly wish did not have to be made, on a situation which I profoundly wish did not exist.

This deplorable situation concerns, of course, the more than 1,500 American servicemen who are prisoners of war or missing in action in Southeast Asia. The plight of these courageous fighting men weighs heavily in the hearts and minds of concerned people throughout the world.

Those of us who are privileged to enjoy the freedom for which these brave men have risked so much to preserve are particularly saddened by their continued captivity and particularly angered over the refusal of the North Vietnamese and Vietcong to abide by the Geneva Convention.

The American people have continuously indicated their deep concern through letters to public officials both here and in North Vietnam. Countless organizations and groups throughout the Nation have expressed similar concern through the passage of resolutions and the circulation of petitions. There have also been commendable efforts on behalf of our prisoners of war by the National League of Families of American Prisoners and Missing in Southeast Asia and other like groups. I am heartened and gratified by all of these efforts, Mr. Speaker, and profoundly hope that they shall not prove to be in vain.

The enactment of legislation designating this week, the week of March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action" is certainly also gratifying. This week's observance is a very timely one since March 26, 1971, will mark the 7th year since the first American was taken into captivity in Southeast Asia. Together with a number of my colleagues in the House I have cosponsored this and numerous other bills on behalf of these American servicemen in an attempt to underline and bring into focus our very grave concern for their safety. Through such actions we hope to further stimulate an aroused world public opinion sufficient to bring about pressure to change this terrible situation.

During this week the committee on which I am privileged to serve, the House Foreign Affairs Committee, is also conducting hearings on the prisoner of war situation in Southeast Asia. The testimony given at these and previous hearings before the committee has served to dramatize the terrible treatment which our prisoners have received at the hands of the North Vietnamese. As I have previously indicated on numerous occasions, such treatment is directly counter to the Geneva Convention's prisoner-of-war provisions.

In further disregard for the provisions of the Geneva Convention the North Vietnamese have consistently refused to give complete and accurate releases of the names of our prisoners of war, to permit the regular flow of mail to or from those prisoners, or to permit inspection of the facilities in which those prisoners are held.

These actions have resulted in the tragic situation whereby the families of these men often do not know whether they are dead or alive. Mr. Speaker, our hearts go out to these men and to their loved ones here in the United States

It is time, Mr. Speaker, for the Congress to convey this concern and match our words with more for regulation. These courageous Americans deserve nothing less than the most and the best we can do toward their humane treatment and early release. We will not have done enough in their behalf until they are safely home.

During this week of national concern for their unfortunate plight, I join with millions of Americans and freedom-loving people throughout the world in reiterating an urgent plea to North Vietnam and the National Liberation Front to comply with the tenets of the Geneva Convention. Our concern, our efforts, and our pleas, furthermore, shall not cease until these men are released from captivity.

Mr. MYERS. I thank the gentleman. The gentleman from Alabama (Mr. Buchanan), has been one of the Members of this House who have spoken numerous times on the atrocities that are alleged to have occurred in Southeast Asia in the prison camps.

I now yield to the gentleman from Hawaii, who knows firsthand the problems of our young men who are being held captive.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for yielding.

I commend the gentleman from Indiana (Mr. Myers), for his leadership in paying tribute to our American prisoners of war and those missing in action in the Indochina war and to their families. It is with a deep sense of sympathy and gratitude that I join in honoring them.

Mr. Speaker, as I have said on many occasions, the war in Southeast Asia has become the most divisive force in American society. There is, however, one aspect of the conflict on which all Americans are united. We deplore and condemn the mistreatment of American servicemen who are being held prisoners of war by the North Vietnamese.

The Government of North Vietnam has consistently flouted the covenants of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, despite the fact that it had agreed in 1957 to abide by such covenants.

As a sponsor of House Concurrent Resolution 122, I join my colleagues in the House today in calling on the Government of North Vietnam to comply with four simple mandates of that 1949 convention:

First, impartial inspection of POW camps must be permitted;

Second, seriously ill or injured prisoners must be released;

Third, free mail exchange between prisoners and their families must be allowed; and

Fourth, all prisoners of war must be identified.

The adamant refusal on the part of Hanoi to identify formally all the American prisoners it holds inflicts grievous mental and spiritual anguish upon their families at home in this country. Certainly, there can be no military advantage in merely maintaining the secrecy of the names of prisoners being held. Why, then, is Hanoi stubbornly refusing to release even the names of American POW's?

Unfortunately, our American prisoners of war have become the pawns in a chess game of war and politics: Hanoi is saying it will not release our men until we withdraw all troops from South Vietnam; we are saying we will not withdraw all our troops until Hanoi releases all Americans held as prisoners. Which is it going to be? It is a chicken-or-the-egg situation.

There is one point, Mr. Speaker, about which there has been a great deal of misunderstanding, and some clarification might be in order. No provision of the 1949 Geneva Convention requires a nation to return captured enemy soldiers before the fighting ceases. Article 118 of the Convention provides as follows:

> Prisoners of war shall be released and repatriated without delay *after the cessation of active hostilities*. (Emphasis added.)

In other words, Mr. Speaker, North Vietnam is under no obligation under the Geneva covenants to return our POW's until the war is over. Judging from Hanoi's past attitude, so long as hostilities continue with American participation, therefore, there is little hope for the release and repatriation of our prisoners.

If 50,000 American troops are to remain in Vietnam at the end of 1972, as the President has indicated, we can expect the North Vietnamese to continue to hold American POW's. Right now, it appears that negotiations for the return of our captured men are at a complete standstill. Why cannot we initiate a move which may alter the situation? What can we lose?

Let us propose to the Hanoi government that we will withdraw all American troops from South Vietnam by a date certain, if it will release all American POW's by that same date. Let us propose the date of December 31, 1971, or any reasonable date—but a date certain.

By setting such a deadline, we would also serve notice on the South Vietnamese leaders that they must accelerate and seriously undertake their role in the Vietnamization program.

Mr. Speaker, if this Week of Concern for POW's, MIA's, and their families is to mean anything, we must endorse in the strongest possible terms two separate actions:

First. We must call on the North Vietnamese to comply with the provisions of the 1949 Geneva covenants and the most basic tenets of civilized human behavior: Identify our prisoners; release the sick and injured; permit impartial inspection; allow free mail exchange.

Second. We must call on our own President to set a date certain for complete withdrawal of all our troops and proceed from that position to negotiate for the release of all Americans held as prisoners of war.

Mr. Speaker, next Friday will mark the seventh anniversary of the capture of the first American who is still being held prisoner. Seven years of needless human suffering both by the prisoner and his family.

Mr. Speaker, the time to end the suffering has come.

Mr. MYERS. I thank the gentleman. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, it is only appropriate that I join with my many other colleagues who have cosponsored House Joint Resolution 16 authorizing the President to proclaim a "National Week of Concern for Prisoners of War/Missing in Action." We are, of course, all grateful to President Richard Nixon for so proclaiming the week of March 21 through March 27 as such a special occasion.

In my opinion, the way to remember these men is to send special units of the Marine Corps, the Air Force, or whatever units are needed, to go in and secure their freedom. This is the kind of attention and recognition they deserve. I believe the first search and rescue effort of Defense Secretary Melvin Laird to obtain the freedom of these men was appropriate and these missions should be continued immediately. While it is true that the prisoners-of-war camps in which our men are now being held by the Communists in Southeast Asia are of a different type and nature than those maintained by the Nazis, or our other enemies in previous wars in that the camps are moved from location to location and are buried in a land of jungle areas making them difficult to find, I have confidence in the overall capability of our military units to seek out and free these men. This would be the real answer to the pleas of the wives and families of these fine men who have served our country. In my opinion, it would be better to run the risks involved in forcefully freeing these men than to allow them to rot in the unbelievably inhumane conditions in North Vietnamese prisons as they are now doing.

Let me compliment the leaders who have joined in this effort to demonstrate to the world that these men are not forgotten Americans, the distinguished gentleman from Illinois, JOHN ANDERSON, and the gentlemen from Indiana, JOHN MYERS and ROGER ZION, by obtaining this special order today so that we may all express the feelings of 99 percent of our constituents, who want to see an end to this long vigil, the wives, children, mothers, and fathers of these men have maintained.

Mr. MYERS. Mr. Speaker, I thank the gentleman from California for his contribution.

Mr. Speaker, I yield at this time to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. I thank the gentleman for yielding. I commend the gentleman from Indiana, my distinguished colleague, Mr. MYERS, for the statement he has made. I was leaving the floor when I heard the gentleman start his speech, so I came back to listen.

I agree with what the gentleman has said. I would also say to the gentleman and to the Members of this House that I entered in the RECORD today a resolution which was passed by the Legislature of West Virginia, bearing on just exactly what the gentleman has said. It will be in the RECORD tomorrow.

I think the barbaric conditions under which our prisoners of war have been held during these times of modern civilization will long be remembered by all the civilized nations of the world.

Mr. MYERS. I thank the gentleman from West Virginia for his contribution.

I recognize the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman for yielding. First, let me compliment the gentleman from Indiana for reserving time for this special order.

When his letter went out on March 12, I wrote a note across the top of that letter calling attention to my administrative assistant that this was not just another "dear colleague" letter, but the request to discuss the plight of POW's was something very important. It was not a routine matter, but something very special.

We are here today, because House Joint Resolution 16 authorized the President to proclaim March 21–27 as National Week of Concern for Our Prisoners of War and Those Missing in Action.

Sometimes we hear it said that it is easy to be concerned about something and easy to raise questions, but it is awfully difficult to propose solutions. I do not know that we are going to be able to propose any solution to the plight of our brave men who are being held prisoners or who are listed as missing in action. It seems to me that pending such time as we are able to do something about the situation of our prisoners, we should never fail by events of this kind and by efforts of those who journey to try to see the North Vietnamese negotiators in Paris, and by letters written to Hanoi or by whatever means or method—to let the impression prevail we have forgotten or lost interest in these men. For their sake and for the sake of their relatives, we must not ever let the world believe they have been forgotten, and although we may despair, we cannot ever stop trying to help these brave men—now held prisoners.

We must all recognize that the enemy holds these men as hostages. It may very well be that we have a long road ahead of us before we can see any light at the end of the tunnel. But I repeat again it seems to me the value of this special order today is to once again express our concern for the plight of these 1,500 or 1,600 men. We must continually remind the world of their deplorable situation.

We must let these men know they have not been forgotten and that they will never be forgotten.

In the view of our prisoners captors, life is cheap, including the lives of their own countrymen. The reliable reports on treatment accorded imprisoned American fightingmen provide stark proof of this. But in the more enlightened, more compassionate view of this country, for whom 1,600 of our men are in enemy prisons, or missing in action or perhaps dead, their plights represent profound suffering in behalf of their country's honor.

These are not just 1,600 men. There may now repose in some dirty, dingy prison in North Vietnam the man who can bind up the wounds of this country and provide the leadership that will, indeed, bring us together again; bridging the gaps of understanding between men and classes of men. But, also, among those prisoners of war and included in the missing in action rolls, there are hundreds of just ordinary men of the kind that provide the steady backbone of American productiveness and patriotic support.

Included on the roster of men whom we honor today is the name of one man who has now been held for 7 years—more than twice as long as any American was held prisoner of war in World War II. Many of these men have been unaccounted for in more than 6 years. Back home they have children they have never seen. In some cases their children have grown into adulthood since last they were seen. Their loved ones have passed away. Even now, there are wives, or parents, or others of these men's families who lie ill and for whom just one hopeful word from those so long silent would be of greater therapeutic value than all the attention modern medical science can give them.

Physical torture and improper diet are the mainstays of those now incarcerated in North Vietnam. Those comparatively few of our men who have been released from captivity have brought back stories of the pork fat and pumpkin soup that constitutes their bill of fare. These same men have told stories of unending dedication to and love for their country by the imprisoned.

There has never been a reliable list of our men the enemy now holds in prison, or of those who are sick or injured. No impartial inspection of the prisons has ever been permitted. It is obvious that the North Vietnamese have not the slightest intention of complying with the articles of the Geneva Convention having to do with treatment of prisoners of war.

In propaganda packed interviews film clips have provided fleeting glimpses of some of our men. We know that these films were made under "staged" conditions contrived to show far better conditions than those actually existing in the prisons.

What we do here today may seem empty and helpless. But at the highest level of our Government—by Presidential proclamation and by the speeches in the Halls of Congress—it is being shown that we are not unmindful of the sacrifices made by our men who are now prisoners of war, or who are missing in action. The least that can be accomplished is an arousement of worldwide denouncement of those who hold our men in prisons. Perhaps in this way the court of world opinion can force upon their captors a more humane treatment of the prisoners.

It may be too much to hope that Hanoi's representatives in Paris will be influenced to positions more favorable to humane treatment in prisons or stockades, or that they will be moved to a greater sincerity around the conference table. But somehow and sometime, those men who have been captured while fighting for the American cause may come to know of our deep national concern for their plight. Meanwhile, the observance of this Week of Concern POW/MIA's can hopefully provide the extra encouragement for those who still fight for us, and move the entire war effort towards a successful and earlier conclusion.

Mr. MYERS. I thank the gentleman from Missouri.

Mr. Speaker, I yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding.

I, too, compliment the Members who have joined in this special order for this very worthwhile undertaking.

Mr. Speaker, I am pleased that the President has proclaimed, pursuant to House Joint Resolution 16, this week from March 21 to March 27 as "National Week of Concern for Prisoners of War and Those Missing in Action."

The fate of the over 1,600 of our brothers, fathers, and sons who are prisoners of war or missing in action in Vietnam cries out for the concern of every person in this Nation and for the concern of humanity everywhere. Their captors in North Vietnam have truculently and constantly refused to abide by the rules of the Geneva Convention to which they subscribed and have continued to treat these American prisoners and the knowledge of our people missing in action as pawns in a cold and calculated political game designed to win victories and concessions which they cannot win on the battlefield.

It is hardly surprising that the calculating North Vietnamese invaders of their neighboring countries of South Vietnam, of Cambodia, of Laos, should also show contempt for their agreed word and for mankind in their illegal and inhumane treatment of American prisoners of war and in concealing from the families of those who are prisoners or are missing in action whatever knowledge they may have. The fact of this inhumanity, however, cries out for the concern of all peoples everywhere. The weight of this concern, and the prayers of the concerned, will be felt by the brutal masters of Hanoi.

Mr. MYERS. I thank the gentleman from New York (Mr. SMITH).

Mr. Speaker, I yield to the gentleman from New York (Mr. TERRY) who has a very personal interest in this most serious situation.

Mr. TERRY. Mr. Speaker, we have recently passed a resolution declaring this week the National Week of Concern for Prisoners of War/Missing in Action. It was done to focus attention on the tragic and shameful status of 1,600 of this country's finest men; men who despite the tumult of discord in their own country, willingly supported their government's foreign policy.

This week has been chosen because it marks the seventh anniversary of the first man captured in the conflict in Southeast Asia. It also marks the seventh anniversary of one of the most ignominious policies ever adopted by a country; the policy of the North Vietnamese to use our men as poker chips on the table of negotiations to end the conflict.

Through the magnificent efforts of such groups as the National League of Families of the American Prisoners and Missing in Southeast Asia, our Nation's awareness of the plight of 1,600 men has been awakened.

Mr. Speaker, there are elements in this country who would wish the prisoner issue would go away. It is an embarrassment to their pious pronouncements about the integrity of the North Vietnamese Government to see publicity given to the callous treatment of our men held in the cages and pens of the Hanoi prisons.

No one can deny today that the war in Vietnam has extracted a terrible toll in American lives, dollars, and spirit. But to turn our backs on the men held in these enemy prisons would be the most devastating blow ever struck at the heart of America.

Mr. Speaker, there are those who tried to justify the North Vietnamese treatment of the prisoners on the basis of other issues in the war. What many fail to realize is that the North Vietnamese have totally disregarded the Geneva agreements by which 128 nations agreed to abide, with regard to treatment of prisoners.

Some of the erstwhile "peaceniks" have justified the North Vietnamese position because neither side has officially declared war. One need only look at articles of the 1949 Geneva Convention to see that this is no justification for the treatment being given to our men. The agreement applies to any armed conflict that "may arise between two or more of the contracting parties even if the state of war is not recognized by one of them."

The North Vietnamese chief supplier in the war is the Soviet Union. Even they supported the Geneva Conventions recently during the 1969 meeting of the International Red Cross held at Istanbul, Turkey. The North Vietnamese did not attend the meeting, but other Communist nations did and there were no dissenting votes on the resolution.

If the North Vietnamese disregard for an international agreement is not enough to justify the anger and outrage of the American people, then one need only think of the moral and humane aspects of the situation.

How long can we expect to wait for the North Vietnamese to even agree to a neutral examination of the prison camps. If they have nothing to hide, then what is the reason for prohibiting an inspection. This inspection does not have to be accomplished by American military or civilian personnel. It can be done by disinterested parties whose only concern is the humane treatment of their fellow human beings. This and a final exchange of prisoners can be handled in this manner, as performed by India during the Korean conflict—also an undeclared war.

Are we asking too much that the common standards of humanity be applied in this situation? Are we asking too much that the suffering ignorance of the fate of their loved ones by many families be brought to an end?

Mr. Speaker, a slogan of the National League of Families has been, "Don't Let

Them Be Forgotten." In our efforts to bring this tragic war to a close, we must not permit these men who have given so much to be cast aside as an unimportant and easily discarded vestige of an unpopular conflict. Mr. Speaker, we cannot forget them.

Mr. MYERS. I thank the gentleman from New York (Mr. TERRY), whose son-in-law today is one of the more than 1,600 prisoners of war with which we are concerned here.

I now yield, Mr. Speaker, to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. I thank my colleague for yielding.

Mr. Speaker, I am joining with my colleagues today in speaking on a very vital issue, hoping to focus world attention on the plight of the more than 1,600 American prisoners of war and servicemen missing in action. I feel that, through continued public expressions of this type, we shall keep this most shocking situation before the eyes of the world.

Having spoken and met with the wife of an Air Force major who has been missing since 1966, and having had the opportunity to meet with their children, I know from personal experience that they are bolstered by their faith and the faith of their neighbors and friends.

On November 14, 1969, I testified before the Subcommittee on National Security Policy and Scientific Development of the House Committee on Foreign Affairs.

What I said then is just as relevant today. I said that while we in the Congress cannot direct nor control the actions of the North Vietnamese, I strongly feel that we can continue to bring attention to the uncivilized conduct of the North Vietnamese to the end that we may aid in molding public opinion, both at home and abroad, to the point that it might, hopefully, influence for change the conduct of the North Vietnamese.

The conduct of Hanoi is inhumane and in complete and total disregard for human decency. Not only is their conduct illegal and outrageous, but the conduct is morally corrupt, indecent, and without any regard for the most basic rules of human behavior. I do not know how the North Vietnamese could ever be forgiven in the eyes of the civilized world for their failure to live up to the Geneva Convention and their obvious lack of respect for their own commitment to that convention.

Wives of these servicemen are forced by the North Vietnamese to live in atmospheres of uncertainty and worry. They know not if their husbands are injured or well, prisoner or free, tortured or not, and, yes, even dead or alive. The fact that these women have been able to maintain normal lives and homes for their children—as normal as possible without the benefit of a husband and father—is a tribute to their determination and brave spirit.

They and their innocent children are being severely punished by our enemies in North Vietnam.

My heart, like the hearts of all free men, grieves for these families.

Mr. ALBERT. Mr. Speaker, I sincerely hope that the eyes of the world are upon the Congress today as we unanimously rise to express our concern for Americans held prisoner of war or missing in action in Vietnam.

Nobody in this entire Nation, no matter what their views on the war itself, can feel anything but revulsion over the violation of all humane standards by the North Vietnamese. It is simple barbarism to hold these men incommunicado for years on end, with no communication with their loved ones at home must suffer the double pangs of not knowing whether a husband, a son, a father, is alive or dead.

The U.S. House of Representatives, the Senate, and the President have joined in declaring this a National Week of Concern for Prisoners of War and Missing in Action. The world must witness our unanimity and press with us for humane treatment for these men in accord with international agreements on prisoners of war.

All civilized peoples agree that war is tragic enough without imposing suffering on civilians. And yet that is precisely what the North Vietnamese are doing in withholding the names of American prisoners. Mothers and children who have nothing to do with this war have suffered the tortures of uncertainty long enough. In the name of basic decency, we urge Hanoi to end this unconscionable game in which the lives of missing men and the sanity of their families are the pawns.

Some day the war in Indochina will be over, and we will work as we have throughout our history for a reconcilation of nations. But the scars deepening every day in the hearts of bereaved parents, wives, and sons and daughters will never be erased. We earnestly beseech Hanoi to listen to the dictates of conscience and humanity.

Mr. WAGGONNER. Mr. Speaker, the war in Vietnam has divided this Nation as sharply as any issue or any event in our history and this is a lamentable fact.

I remain convinced that the original premise upon which we entered the war was in the best tradition of this Nation, to protect and defend those unable to protect and defend themselves from cruel oppressors. By the same token, I wholly agree that the war has been mismanaged in an incredible fashion. Thousands of Americans have died, scores of thousands have been wounded and we have squandered uncountable billions in an endless conflict we have had neither the determination nor the courage to win. And this has been and is today a disgrace.

But all that aside, for it is a separate topic, there is one subject upon which all decent men and women can agree and that is the deplorable, inhumane and unconscienable treatment of our prisoners of war and those missing in action.

I pray daily for their release or at the very least, some assurance that their imprisonment is not the horror we have reason to believe it is.

I have joined every effort, both officially as a Congressman and personally as an individual citizen, to help persuade the enemy to guarantee this humanity, to permit correspondence between the prisoners and their loved ones and to abide by the minimal requirements of the Geneva Convention.

The Convention is a humane document, of some age and considerable moral value. There have been exceptions to it, God knows, and I deplore every one. But it is a fundamental concept that decent men abide by. The difficulty is that we are not dealing with decent men in Hanoi. We have pleaded with them as a Government, we have pleaded with them through special committees, we have pleaded as individuals. All our entreaties have fallen on deaf ears.

I weep for these men. I weep for each daughter, each son, each wife, parent and friend. If there is any cause I can join which I have not joined, any act within my power to perform it, I ask only to be told and I will do it.

If this Congress can, in its wisdom, arrive at any course of action to alleviate this sorrowful condition, it will have my entire support. There is no length to which I will not go.

Mr. ZION. Mr. Speaker, it was with a great deal of pride that I stood beside the desk of President Richard Nixon this past Friday as he signed House Joint Resolution 16 designating March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action". The act of signing was only the culmination of a great deal of dedicated effort by many concerned people, both in and out of the Congress.

Were I to attempt to recognize all of those who have played a part in gaining recognition for this week of concern, I would consume far too much of the valuable time of this body. Most of the parties involved do not seek any form of recognition. They are content with knowing that their roles may have contributed to the future life and happiness of men now languishing in stinking prison cells in a faraway land, or to the future peace and joy of their families who wait in the shadows.

The national week of concern is a product of many hearts and many consciences actively dedicated to the proposition that American sons must not be forgotten. Countless efforts have been made to compel Hanoi, the National Liberation Front, and the Pathet Lao to comply with Geneva Convention provisions and generally recognized international standards of conduct with reference to the treatment of prisoners. Basic to all of these requests has been the simple plea that families of these men learn with a certainty whether or not their sons, husbands, and fathers are even alive. All inquiries have been received either with callous indifference or with out-of-date, inaccurate compilations. And, as for the other elements of the Geneva standards for prisoner care, we have no reason to believe any substantial compliance has taken place and we have very reason to believe our men, where they still live, exist in the most substandard of conditions.

America is beginning to respond to this issue. The ennui that afflicts so many of our people on so many issues has been brushed aside by the growing realization that young American men may never find their way to freedom again.

No small part of this growing national concern over our POW/MIA's is due to the hard work and dedication by my colleagues in the Congress. It has been deeply gratifying to witness the swift and bipartisan response to humanitarian appeals on behalf of America's sons. Last summer I requested House colleagues to sign my letter to the Premier of North Vietnam seeking Geneva Convention compliance. The response was as near a unanimous effort as I have personally ever witnessed to a "dear colleague" letter. I was able to go to Paris armed with a letter signed by well over 400 Members of this House. The leadership of North Vietnam cannot fail to have noted this resolution of purpose by so many representatives of the American people.

Since that Paris trip, a host of other endeavors have begun and have been prosecuted to successful conclusions. The stage has been broadened considerably from the early beginnings and we now seek to involve the world community in this plea for humanitarian treatment of our men.

But, as I have often remarked, we tend to be a fickle people who burn our candles a little while in the night and retire to our apathy. This candle of concern must not be extinguished; this cause must not be forgotten.

The Congress of the United States has seized this issue and has run with it. My colleagues, with few exceptions, need apologize to no one for any lack of concern or effort. This week of concern that we mark today was the product of nearly half of this body who joined in cosponsoring the resolution authorizing the President to so designate this week. Anything that might humanly be undertaken by this legislative assembly has been done.

Now Congress must, in turn, look to the people of the United States to continue this expression of concern. The passing of this flame must be carried in the hearts of the people in every rural hamlet and urban metropolis throughout the broad reaches of our land. On the floor of Congress we have echoed the question that must cry out from the heart and soul of every American son imprisoned in Southeast Asia; Is anybody there? Does anybody care? I have heard the response of Congress to this cry. Now, in this national week of concern, I await the answering response from the people who must not afford to care less or to do dare less for our sons. Congress, by its resolution, has now passed the torch to the people we represent. Future humanity will judge the quality and quantity of this response.

Mr. WHITTEN. Mr. Speaker, since the early days of the present war in Indochina ,when our men were there to counsel, to advise and then to supervise, more and more the full weight of the war has been placed on the shoulders of our American fighting men. Today I join with my colleagues in these renewed efforts to direct the attention of all the world to the sad plight of the hundreds of American servicemen who are now prisoners of war or among the missing in Vietnam.

During the last Congress the appropriations bill for the Department of Defense carried language which I wrote, calling for the "support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia" and "to aid in the release of Americans held as prisoners of war." Earlier this year I cosponsored legislation protesting the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front, calling on them to comply with the requirements of the Geneva Convention—and further urging efforts by our Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and the release of American prisoners of war.

If the North Vietnamese and their allies, whoever they are, care anything about world opinion, they should act immediately to end this impasse. There are so many good reasons why Hanoi should yield our prisoners, but none more compelling than the simple humane act of restoring these lonely men to the warmth of their loved ones.

Certainly, the unanimous support given the resolution authorizing the President to proclaim the period March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action" is significant of the anxiety of our entire Nation as to the plight of these brave men, and should inspire a concerted movement throughout the universe to help in our efforts.

Again, I wish to express my earnest hope that the war will soon end and our young men can be reunited with their families, reaping the benefits of their labors and contributing their fine worth to our Nation here at home.

Mr. ADDABBO. Mr. Speaker, today marks the official congressional observance of the first and I pray the last National Week of Concern for Prisoners of War and Those Missing in Action. This observance comes as the result of legislative action by the House and the U.S. Senate in approving House Joint Resolution 16 and the signature of the President to this law.

The purpose of this special ceremony is to place the spotlight of world attention on the tragic and uncivilized treatment of the more than 1,500 prisoners of war/missing in action and the cruel hardships which their families must suffer as the result of that treatment. The POW/MIA issue transcends politics. It does not matter whether we believe in this Nation's Vietnam policy, the wisdom of our initial involvement in Southeast Asia whether we agree on the exact day of our final involvement. The POW/MIA issue is a human rights issue, deeply rooted in international law and the basic rights of man.

As a humanitarian issue we look to world opinion to work its will on those who can do something about this problem. This week marks the anniversary of the seventh year in which a U.S. serviceman has been held captive in Southeast Asia. Many of the more than 1,500 servicemen in the POW/MIA category have been missing for 3, 4 or more years. It is certainly beyond justification to realize that many of their familes remain without a clue as to their health or very existence at this late date.

The POW/MIA issue can be dealt with separate and apart from the continuation of the Vietnam war. The application of the 1949 Geneva Convention on Prisoners of War can be discussed and debated between the parties to the Indochina war without further delay.

Millions of Americans have already written to the leaders of other nations expressing their deep concern about this issue. That effort must continue in the hope that the broad base of support for the POW/MIA's will bring about a change in policy. The Members of this House of Representatives are joining that campaign today by this special appeal for humane treatment and for the recognition of basic elements of international law.

Mr. Speaker, in closing I want to ask all who are listening or reading this RECORD of the Congress today to think about the plight of the wives and children of the POW/MIA's. These are the unfortunate people who must suffer because of the uncivilized actions of a few. Let us hope that the desires of literally billions throughout the world will bring about a reconsideration of that policy.

Mr. ANDREWS of Alabama. Mr. Speaker, I speak out today as part of a National Week of Concern for Prisoners of War and Missing in Action. I hope that participation in this week of special attention to this grave question will not give anyone at home or abroad the idea that the Congress of the United States is not concerned every day of every week with the plight of our brave men imprisoned in North Vietnam.

We are concerned at all times and shall continue to be concerned until the Government of North Vietnam adheres to its responsibilities as a signer of the provisions of the Geneva Convention in 1957.

It is incredible to think that the first American pilot was shot down and captured by North Vietnam in 1964. According to the best evidence available, this airman is still a prisoner—over 6½ years later.

It is estimated that more than 1,500 American servicemen are considered missing in Southeast Asia. About 460 are listed by the Department of Defense as captured, but we cannot be absolutely sure since contrary to the Geneva accords, the North Vietnamese and Vietcong have not given us a list of those captured.

The International Committee of the Red Cross declared as early as 1965 that the Geneva Conventions are fully in force in the Vietnam conflict and that all parties are bound to adhere to their terms.

Nobody outside the Communist world would accept North Vietnam's contention that captured American pilots are criminals, rather than prisoners of war.

Certainly the International Committee of the Red Cross does not accept the contention. Article 2 of the Geneva Convention says very clearly that it is applicable to "all cases of declared war or any other armed conflict which may arise between two or more of the parties to the Convention, even if the state of war is not recognized by one of them."

Mr. Speaker, available reports tell us that American prisoners of war are being treated brutally. How many have been executed? How many have been starved to death? How many are critically ill?

We cannot answer these questions, because the Government of North Vietnam, so adored by some of the lunatic leftists in this country, will not release information on its prisoners. We do not know who they have or how many they have.

Those who suffer most from this despicable action are the mothers, fathers, wives, and children of these brave Americans. Those of us who have not experienced the agony of not knowing whether a loved one is alive or dead—an agony which has lasted for 6 years in some cases—can only imagine the slow torture the families of imprisoned and missing servicemen are suffering.

Surely, all of us in Congress, regardless of our views on the Vietnam war per se, are vitally concerned about Americans being held captive in North Vietnam, and under the most deplorable circumstances.

Resolutions calling on North Vietnam to cease its inhumane treatment of Americans held captive have received virtual unanimous approval when offered in both Houses of Congress.

I am concerned, and I know that all of my colleagues in this body are concerned. We reaffirm our commitment to apply every possible pressure on the enemy to abide by the tenets of the Geneva Convention. Thus far, they have violated practically every provision.

It is my judgment that if we had moved swiftly for a military victory in this bloody war, we would not be faced with the prisoner of war situation. We would have long ago liberated our men.

In fact, there probably would have been very few to liberate to begin with. We would have smashed this little second-rate country in short order, and all of our men would be home right now.

However, this administration has followed the folly of the last one and we are bogged down in a self-defeating war of gradualism to which our own President has publicly vowed not to seek a military solution.

Given this situation, it is therefore imperative that the President exert every possible effort to see that our men held prisoners in the camps of North Vietnam and the Vietcong are identified, humanely treated, and released.

We in Congress must continue to exert maximum pressure to turn the international community of nations against the barbaric POW policies of the Republic of North Vietnam, so that hopefully the basic humanity embodied in the Geneva Accords will once again mean something to Hanoi.

Mr. FASCELL. Mr. Speaker, the fact that we have chosen this special day and this special week to express our concern for American prisoners of war and those missing in action in no way reflects a temporal limitation on our sense of outrage over their treatment.

This National Week of Concern is a—hopefully effective method—which provides a forum for the elected representatives of our Nation to focus world attention on the plight of more than 1,500 men. These are men who wanted only to live in peace at home with their families, but who have become instead the unfortunate and unwilling pawns of a foreign nation.

I think it is encouraging that despite differences of viewpoint on other aspects of the conflict in Southeast Asia, we in the United States are united in genuine concern for the prisoners of war, some of whom have been held captive for many years.

The particular relevance of this week is by now well known. We are marking the seventh anniversary of the capture of Capt. Floyd J. Thompson, who is still listed as one of the more than 1,500 men who are prisoners of war or missing in action.

The North Vietnamese Government has been callous to all humane requests concerning these men. They have refused to negotiate the issue. They have refused to identify or release the sick and wounded. They have cruelly restricted mail privileges and refused inspection of POW facilities by impartial humanitarian organizations.

These actions have been in blatant violation of the terms of the Geneva Convention on the treatment of prisoners of war, which the North Vietnamese Government signed in 1957.

There have been many innocent victims in this tragic war. Perhaps the most tortuous cruelty has been inflicted on the families of prisoners of war and those missing in action. Since the North Vietnamese Government will not provide a complete listing of the men whom they are holding, many of these families have nothing more than simple faith to sustain them that their loved ones are alive.

Mr. Speaker, as are all Americans, I am very distressed about the situation with respect to American prisoners of war and those missing in action. However, the activities and discussions during this special week will multiply the increasing pressure of world opinion on North Vietnam to abide by the Geneva Convention.

Mr. CLARK. Mr. Speaker, I am privileged to participate in this program to center attention on the plight of more than 1,500 brave American men being held prisoner in Southeast Asia or missing in action against the Communist forces of North Vietnam.

This is our way of letting the entire world know that we have not forgotten these men and do not intend to sacrifice them in any agreement with the enemy to end the war.

It was Congress, indirectly at least, that has upheld the policy which sent these men into combat. It is, therefore, the duty of Congress to do all that it can possibly do to gain their release and to help their loved ones in this time of travail.

In this humane undertaking, there can be no doves and no hawks, no Democrats and no Republicans. It transcends political beliefs and personal feelings. These imprisoned heroes were not serving as Republicans or as Democrats, as hawks or as doves. They were serving the cause of America, and the least we can do is to leave no stone unturned in our efforts to obtain their freedom.

Mr. HATHAWAY. Mr. Speaker, I am sure that Congress unanimous approval of the resolution authorizing the President to designate this week as "National Week of Concern for Prisoners of War/Missing in Action," and the President's subsequent response, were most gratifying to the many thousands of Americans desiring to speak out in one voice for humane treatment by the North Vietnamese of prisoners of war.

The dates March 21 through 27 are significant, for they mark the anniversary of the time, 6 years ago, when the first U.S. serviceman was made captive in North Vietnam. Today, some 1,600 young Americans fill the detention camps in that land, while their brave families await their return, hoping in the meantime, and too often in vain, for some indication of their welfare.

Mr. Speaker, our effort this week is an indication these families do not wait alone. It is an indication that all America is but one large family awaiting the return of its servicemen sons. We must hope and pray that this united expression of concern will reverberate in Hanoi and that it will have positive results.

Mr. McCULLOCH. Mr. Speaker, all of us here in Congress are deeply concerned about the plight of American prisoners of war and those missing in action. This concern was clearly demonstrated by the unanimous approval by Congress of a resolution authorizing the President to proclaim this week as "National Week of Concern for Prisoners of War/Missing in Action."

Mr. Speaker, let this action demonstrate that we have not and will not abandon our brave men. Let us announce to the world that America will not forget her sons who are held prisoners by the enemy.

Mr. Speaker, the 21st International Conference of the Red Cross at Istanbul in 1969, adopted resolutions which urged that prisoners of war be given the protection of the Geneva Convention's tenets on the treatment of war prisoners. The Government of North Vietnam was one of common concern for the fate of the POW/MIA's, urging Congress to support the 77 governments which unanimously adopted these resolutions and finally was a signatory of that convention. However, instead of abiding to these tenets, the Government of North Vietnam has criminally disregarded not only the rules of the Geneva Convention, but the rules of common human decency.

The Government of North Vietnam has refused to cooperate, time and again with the Red Cross. They have refused to permit inspection of their prison camps. They have refused to release the sick and wounded. They have refused to permit a proper exchange of letters and packages. They have refused to accurately report the names of the prisoners.

As we go about our daily activities, we must not forget these men who are being held captive in Southeast Asia. Let our conscience not be dulled by the passage of time. Let the word be carried to our prisoners of war and to those brave men who are missing in action that their country has not forsaken them. Let it be known that America will not rest until these men are released.

Mr. SIKES. Mr. Speaker, the words we speak here today may be of little comfort to the loved ones of our prisoners of war. Neither will our words provide solace to the prisoners themselves for they, no doubt, are being told by their captors that America has forgotten them.

But our words today can and should be directed at the North Vietnamese themselves and to the court of world opinion in the hope that some thought—some phrase—some idea, will filter through to the Communist mind and bring forth the realization that America has never and will never forget those men being held in confinement from their families and their Nation.

I fear, Mr. Speaker, that our adversaries in North Vietnam have misjudged us as a people. They seem to harbor the idea that Americans are as unconcerned as they to human suffering or that we will bow to their tactic of using prisoners as political and diplomatic pawns.

Congress and all America must continue to speak with one voice on the prisoner of war issue. Let not our enemies take comfort in their misguided judgment which tells them that honest differences among honest men over the conduct of the war is also a signal of differences concerning the fate of American prisoners of war.

Let not the Vietnam government in the North think they are witnessing a split in our ranks over prisoners when they witness sincere debate over policy.

There is no difference in this Nation over our determination to secure the release of Americans held prisoner by the North Vietnamese. We are one people on that issue, and I pray this message is sounded loud and clear in this chamber today.

Mr. RONCALIO. Mr. Speaker, on March 26, 1964, an American Army adviser, Capt. Floyd J. Thompson, was captured in South Vietnam and had the misfortune of becoming the first American POW. Nearly 7 years later, Captain Thompson is still listed, along with nearly 1,600 other Americans.

I have received letters from my home State of Wyoming from persons of all political persuasions who have voiced the national effort toward a "National Week of Concern for Prisoners of War/Missing in Action." I would like to quote from a resolution passed by the Kiwanis Club of Sheridan, Wyo., on February 4, 1971:

> Our Government has been denied any reliable information regarding servicemen held as POWs by the Vietcong and the North Vietnamese, or any reliable information regarding many of our servicemen listed as missing in action in Vietnam; although repeated demands have been made upon the Vietcong and the North Vietnamese to provide proper treatment for the POWs and to release reliable information as to the POWs and MIAs. Efforts of the families of the POWs and MIAs. Efforts of the families of the POWs treatment for these men, have been to no avail but have been, in fact, turned into propaganda tools for the benefit of the Vietcong and the North Vietnamese.
>
> We call upon the President of the United States, and our Congress, to take a definite stand in this matter to obtain the return of all POWs and complete information on all of our servicemen listed as missing in action.

I would like to include in my remarks the following letter to Premier Pham Van Dong of North Vietnam which was signed by a large majority of the members of the Winter Memorial Presbyterian Church of Casper, Wyo.:

> His Excellency PHAM VAN DONG, Premier,
> *Democratic Republican of Vietnam,*
> *Hanoi, North Vietnam*
>
> PREMIER PHAM VAN DONG: As concerned Christians and United States citizens we are appealling to your humanity, and that of your nation in regard to our prisoners of war and our men missing in action.
>
> In the name of humanity we call for Hanoi to release the names of all prisoners you hold, and to urge the National Liberation Front to do the same. In the name of humanity we call for the assurance of proper detention facilities, food and medical care of Prisoners of war. In the name of humanity we call for unhampered correspondence with prisoners of war's families. In the name of humanity we call for repatriation of sick or wounded who might not survive captivity. In the name of humanity we call for the International Red Cross or International Control Commission to be permitted to inspect the prison camps in North Vietnam as has been done in the South. In the name of humanity we call for an honoring by Hanoi of her legal obligations under the Geneva Convention which she signed in 1957.

It is my sincere hope that we can continue work on this problem throughout the year, and not forget it as quickly as this "week of concern" will pass. We must double our efforts in this legislative body so that a National Week of Concern for Prisoners of War/Missing in Action will not become an annual event.

Mr. ANDREWS of North Dakota. Mr. Speaker, last Friday when the President signed House Joint Resolution 21 declaring this week as "National Week of Concern for Prisoners of War/Missing in Action," I was in my home State, North Dakota, to address the League of Women Voters and the International Club at North Dakota State University in Fargo. They, and all North Dakotans, are deeply concerned about our men who are being held in Vietnam.

This is another facet of this overdrawn war which has confused Americans for years. I am glad that this Congress is considering possibilities as to what is the fairest and most efficient system to maintain an army in America. And I am confident that the President's schedule for withdrawals will take us out of this war. But the problem of getting back our prisoners of war and of finding out information on our men missing in action still plagues us.

None of us can realize the anguish and questioning families and friends of these men have experienced, wondering where they may be and how they are being treated.

I have before me a letter from Mrs. Leland Torkelson, Crosby, N. Dak. Her son has been a prisoner of war since April 1967. She has asked that Congress act upon House Resolution 517 and 562, which would exempt the earnings of a prisoner of war or a soldier missing in action from Federal income tax for as long as he has this status. I, too, urge that the Ways and Means Committee bring these two bills to our Chamber. Exempting them from paying Federal income tax is the least we can do for these men who have served above what they were called to do.

My hope is that this week will focus attention on the fact that there are over 1,600 Americans listed as POW's and MIA's. My hope is that our people's voiced concern will serve to awaken the numbered conscience of the North Vietnamese to observe the 1949 Geneva Convention on the treatment of prisoners, which they signed in 1957. And my hope is that this week will unite all of us as Americans, bringing our varied lives together into one heart, one mind, demanding that justice be given to our men in Vietnam—that this 1 week will demonstrate to the peoples of the world that this Nation is still united and is still concerned about the life of each one of its members.

Mr. GOODLING. Mr. Speaker—

> He serves me most who serves his country best.

These words from the "Iliad of Homer, Book X," express precisely the feeling of the average American citizen toward those who have fought on battlefields all over the world in the interest of the United States of America.

Veterans of military service fall into various categories.

There are those who have escaped the hazards of the battlefield and who are among the living, both with and without the scars of war. These are characterized by the servicemen who fought in World Wars I and II, as well as the various emergency actions immediately following the last World War and those who have been engaged in the present conflict in Vietnam.

There are those who have given their last full measure of devotion to their country and who are, in deep reverence, referred to as our "honored dead." These are remembered as those servicemen entombed in the hulls of sunken vessels as a result of a sneak attack on Pearl Harbor, and those who rest in peace in the fields of Europe and the rice paddies of Southeast Asia.

Then there are those who have been captured on the battlefield and who are listed either as prisoners of war or missing in action. These are represented by the nearly 1,600 young men of the Armed Forces of the United States who fought in the war in Vietnam.

They are American lads who have been placed in bamboo cages and put on public exhibition in enemy lands, who have been locked up in filthy cells and supplied only meager fare for subsistence, and who have been denied by their captors the rules of humane treatment that have been spelled out for prisoners of war by the Geneva Convention. In short, these are the men who have paid an extremely dear price for their country and who every day are bearing hardships occasioned because they fought to make men free. These, truly then, are our "honored living."

It is for us who are removed from the thunder of the battlefield to give assurance to our "honored living" that they will not be forgotten as they languish in dark cells in remote corners of the world.

In this, we must charge ourselves to remember that this group of "honored living" takes many forms.

They are of many different religions and philosophies. Some of them go to church as Catholics, some as Jews and some as Protestants. Some of them might not go to any church but, nonetheless, carry the precepts of the golden rule deep within their hearts.

They come from every walk of life, some of them being the sons of farmers and others having parents who work in the various ranks of the white and the blue collar.

Politically, these individuals might be Republicans or Democrats, and, philosophically, they could be of either conservative or liberal leaning. They also might be in dead center, politically and philosophically.

Before going into the service these imprisoned servicemen did many different things, extending all the way from working at a hot dog stand to taking a premedical course in preparation for becoming a doctor.

As diverse as their backgrounds might be, there is one thing they have strongly in common; that is, a sheer dedication to fight for the principles that mean so very much to free men.

Let us, then, in the course of our everyday living pause frequently to express our deep respect for those "honored living." Let us also resolve to press relentlessly forward to have their North Vietnamese captors give these American servicemen the dignified treatment to which they are, without reservation, eminently entitled.

Mrs. DWYER. Mr. Speaker, today I am privileged to join with my colleagues in an attempt to focus attention upon the fate of over 1,600 American prisoners-of-war and missing in action.

The week of March 21 to 27 has been proclaimed "National Week of Concern for Prisoners of War and Missing in Action" because 7 years ago at this time—on March 26, 1964—Capt. Floyd J. Thompson was captured in South Vietnam, and became the first American POW of the war. Today, he remains a tragic statistic on Defense Department records, along with far too many other Americans.

It is quite obvious that until man can discover and implement a more rational method for settling differences than bloodshed, we will not escape the consequences which befall individuals such as Captain Thompson. This issue—perhaps the most discouraging—raises a multitude of legal, humanitarian, moral, political, and social questions which must be answered by the Communists. Hopefully, our actions on the House floor today will compel them to respond.

Since the intial capture of an American serviceman in Indochina, the United States has made every effort to identify all prisoners, establish communications between prisoners and their families, encourage repatriation of the wounded and seriously ill, and have impartial observers inspect the POW camps. However, Hanoi has been operating under the misinterpretation that not responding to our requests will work to its advantage, and thus our efforts have been thwarted at almost every turn. I am certain it is little consolation to the families of those missing that the majority of people surveyed approved of the raid on Sontay. Their relatives are still not home.

In the Geneva Convention of 1949, the nations of the world attempted to make warfare as humane as possible for those who could no longer pose a threat in an existing conflict. This convention, legally binding the signatory parties, applies to "all cases of declared war or any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them." Since the United States ratified it in 1955, and the Republic of Vietnam acceded in 1953 and North Vietnam in 1957, North Vietnam's position that the Convention is not applicable because war has not been declared is illegal and unjustifiable.

Yet, as we know too well, Hanoi has consistently refused all attempts by our Government to discuss the issue. Representatives of their government have responded to the desperate pleas of wives and mothers of Americans by stating these women should return home and demonstrate against the war. Only in this way, say the Communists, will the conflict be ended and will their husbands and sons be returned.

Although we have little information about the fate of the majority of these servicemen, we do know some very tragic facts concerning them. Only about 175 families have even received communications from their relatives, and the average frequency of such communications is less than two a year. American servicemen were marched down the streets of Hanoi in 1966 and threatened with execution as war criminals. Frank Borman reported, "we have documented cases of 19 of your fellow prisoners being murdered or allowed to die in South Vietnam and just recently the North Vietnamese have spoken of five deaths in their prisons."

Major Rowe explained that an American prisoner of war is isolated and a serious attempt is made to convince him that he is completely alone and helpless, totally beyond the protection of the United States, and at the complete mercy of his Communist captors. Such brutal treatment, the failure to identify prisoners, and the lack of POW camps are an affront to those who believe in common standards of decency and civilization—and certainly are in violation of the Geneva Convention on the Treatment of Prisoners of War.

President Nixon has denounced the Communist treatment of POW's as "one of the most unconscionable in the history of warfare," and both he and Secretary of Defense Laird have stated that "until the prisoners are released there will not be total and complete withdrawal of the American presence in Vietnam."

The leaders of the Nation and the world are giving the POW/MIA problem the highest priority. At the Paris Peace Talks Ambassador Bruce speaks of it almost daily. The Congress has held joint sessions exclusively on the problem. Numerous Congressmen have proposed new laws to provide additional benefits to families of POW's and MIA's.

The Red Cross and the United Nations have intervened, asking that the tenets of the Geneva Convention be upheld. Various groups and individuals such as H. Ross Perot, whose efforts thus far have been termed "propaganda" by the enemy, have offered ransom money for the prisoners.

In the near future, I will send a letter, with at least 85 of my House colleagues, to the President of the Democratic Republic of Vietnam, requesting an opportunity to inspect POW prisons in North Vietnam. If we cannot secure our servicemen's release, we in the Congress can attempt to ascertain whether they are being treated in accordance with the Geneva Convention on the Treatment of Prisoners of War.

One thing that desperately needs to be done is for U.S. officials, Congressmen, and the American people to stress equally the need for information about the many Americans who are also being held captive in South Vietnam. Too often we have stressed the plight of those held by Hanoi to the exclusion of the NLF. In fact, we know much less about the latter category of prisoners. I hope we will be able to help these brave individuals also. Their numbers certainly match those of the men held in North Vietnam, and, unfortunately, only one of them has even been permitted to write a letter. Therefore, their fate is quite obscure and distressing.

My purpose today is to call attention to the plight of all U.S. servicemen being held prisoners of war or listed as missing in action. The following table shows the actual numbers in various categories and suggests how so many American lives have been touched by this tragedy—but numbers alone can never reflect the grief endured by them or their loved ones.

The table follows:

AMERICAN PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA (AS OF FEB. 28, 1971)

	Missing	Captured	Total
By country:			
North Vietnam	402	378	780
South Vietnam	482	79	560
Laos	261	3	253
	1,145	460	1,605
By service:			
Army	385	59	444
Navy	107	143	250
Marine Corps	93	23	116
Air Force	560	235	795
	1,145	460	1,605
Statistical recapitulation by year lost:			
1964	4	3	7
1965	54	74	128
1966	206	93	299
1967	247	162	409
1968	284	113	397
1969	200	11	211
1970	92	4	96
1971	58	0	58
Total	1,145	460	1,605

	By mail	By propaganda	Total
Captured acknowledged by enemy:			
North Vietnam	334	15	349
South Vietnam	1	19	20
Laos	0	1	1
	335	35	370

Mr. RAILSBACK. Mr. Speaker, I would like to join my colleagues in Congress to commemorate this National Week of Concern for Prisoners of War/Missing in Action. We have chose the week of March 21 through 27 because it marks the seventh anniversary of our first prisoner of war. Capt. Floyd Thompson, an American adviser, was captured March 26, 1964.

Today there are over 1,500 men who are either prisoners or are missing in action. Many of these men are listed as missing because North Vietnam refuses to comply with the Geneva Convention which requires all countries to make a list of names of men that have been captured. North Vietnam also refuses to release the sick and wounded and will not permit the International Red Cross to inspect the prison camps.

We have heard of these deplorable conditions in which our prisoners are kept and the American people are growing impatient with North Vietnam's stalling tactics. We have witnessed public rallies, resolutions in the Congress, and pleas to the United Nation by concerned American citizens.

I hope this week of National Concern will demonstrate to the world that these are not forgotten Americans and that world opinion in return will convince North Vietnam to release the prisoners.

Mr. BROYHILL of Virginia. Mr. Speaker, as many of our colleagues know, I was a prisoner of war during the Second World War. My experience has convinced me that our men held captive today can survive the long, miserable and lonely hours and days in the hands of the enemy if only they are convinced the American people care.

It is hard for a man in a prison cell to feel any tangible evidence of concern on the part of others. But, just as American bombers flying overhead once gave me and my cellmates the proof we needed that our Nation had not forgotten us; that our fellow Americans were still fighting to rescue us, I believe word of Son Tay and the rescue attempt there must have reached our captive men, and word will also reach them that we are setting aside this week as "National Week of Concern for Prisoners of War/Missing in Action."

It may be difficult for the barbarians in Hanoi, who so cruelly use our captive servicemen as pawns in the game they are playing at the so-called peace table, to understand our free society. They may often misread our intentions when they hear that some of our leaders criticize the conduct of this miserable war or disagree with the President's timetable for withdrawal of American troops from Vietnam. But we must not let them misread the united determination of the American people that this Nation will never desert the American men they persecute so brutally.

The North Vietnamese are violating international law, and those of us in the Congress as well as in the executive branch, must demonstrate to them that we are united in our demand that they cease and desist. We must continually remind the other nations of the world of their atrocities, and insist that every nation which pays decent human behavior more than lip service stand with us in our demand that they cease and desist. We must insist on unrelenting pressure from every world capitol until the Hanoi barbarians give us the name, rank and serial number of every man they hold prisoner, as well as information concerning his health and well-being. We must also insist that they begin immediately returning our men as we are committed to returning theirs.

Mr. Speaker, this Nation is concerned. The Members of this House are concerned. I urge with all the conviction I can muster that every Member rise and say so today; that every Member of the other Body likewise rise and say so; and that the President of the United States in the name of all the American people convey to the Hanoi Government this unanimous message of concern.

Mr. KYROS. Mr. Speaker, in a spirit of deep concern, I join with my colleagues today in making a straightforward appeal of the utmost seriousness and urgency. It is an appeal that transcends politics and policy, an appeal that goes far beyond any possible questions of the merit of present military activities in Southeast Asia. For the appeal we make today is an appeal for international justice. Even more, it is an appeal for common decency, for the most basic standards of human morality. In sum, it is an appeal on behalf of the dignity of human life itself.

The President and the Congress of the United States have proclaimed the week of March 21 through 27 as a "National Week of Concern" for American prisoners-of-war and men missing-in-action. We sincerely hope that by doing so, we will help to focus the attention not only of the nation but of the entire world on the plight of our men and women now held prisoners in Southeast Asia, in addition to the unspeakable anguish of hundreds of their families here at home.

At last count, Mr. Speaker, more than 1,600 Americans were listed either as captives of the North Vietnamese or men missing-in-action. Some of these men have been prisoners now for more than 5 years, and Friday will mark the seventh anniversary of the capture of the first American still being held. In all of that time, only 10 men have been released. The remainder continue to exist under the most horrifying conditions imaginable—treated with disregard and contempt, subjected to inhumane conditions both mentally and physically, deprived of adequate medical care and diet. This, Mr. Speaker, from every indication and report that we have. And, perhaps the most terrifying aspect of the entire situation is that, for the most part, we simply do not know what the situation really is.

For despite intense diplomatic efforts during these last 5 years, the Governments of North Vietnam and the Vietcong have refused even minimal cooperation—cooperation asked not only by the United States, but by the United Nations as well, in addition to the International Red Cross and similar organizations. The North Vietnamese have refused not only to release American prisoners, but even to identify the prisoners they hold. Consistently, they have refused to have their prisoner-of-war camps inspected by neutral observers, such as the International Red Cross. They have refused to release prisoners who are seriously sick or wounded. And they have refused to permit even the free flow of mail to and from prisoners, allowing perhaps only 100 men even to write home.

All of these actions, Mr. Speaker, are in direct violation of the accords reached at the 1949 Geneva Convention on the treatment of prisoners-of-war, which the North Vietnamese signed in 1957. We appeal today for what is recognized the world over as just and decent, what Hanoi itself, in signing the Geneva accords, has said that it recognizes as just and decent.

We appeal to the North Vietnamese, at the very least, to release the names of the prisoners whom they hold. Across this country, hundreds of families are gratuitously subjected to overwhelming anguish and frustration, not knowing whether their husbands, fathers, and sons are dead or alive. Of equal importance, we appeal to all governments to honor the accords of the Geneva Convention—to acknowledge and respect the simple dignity of human life.

Only when this is accomplished, Mr. Speaker, will we lower our voices of outrage and protest. Until that day, our disgust at mankind's inhumanity to itself must be proclaimed again and again.

Mr. DANIEL of Virginia. Mr. Speaker, this week is very special in the hearts and minds of Americans everywhere. By Presidential proclamation, the country is observing "National Week of Concern for Prisoners of War/Missing in Action" from March 21 to 27. To some, this period will have a highly personal significance, dramatized by the absence of a loved one who is in this tragic category. But to all Americans and to free peoples everywhere, it will bear an importance which stems from a fundamental dedication to humanitarian principles.

Nearly 7 years ago—on March 26, 1964, the first American serviceman was captured in South Vietnam by the enemy. Even today, he is included with over 1,500 other Americans who are classified as prisoners of war or missing in action.

Although a signatory to the Geneva Convention regarding humane treatment for prisoners, North Vietnam has disregarded those provisions repeatedly and blatantly. They have failed to release a complete list of Americans which they hold captive; they have refused to release the seriously ill and injured soldiers; they have not been willing to allow the free exchange of mail; and they have not permitted impartial inspection of their prison facilities. All these actions have been flagrant violations of the international agreement which supposedly was to insure the merciful treatment of imprisoned soldiers.

As I reflected on the historical distinction of the dates selected for this observance, the time of year came to mind. On March 21 each year, citizens hail the coming of spring. Whatever the weather on that date, it is known that the season of warmth and beauty is nigh. Traditionally, spring is a time of rebirth. Plants burst from the ground; trees and flowers blossom; many farm animals give birth to their young. But, the most refreshing aspect of springtime is the all-pervasive feeling of hope and anticipation which fills the air.

Thus, as we acknowledge this first week of spring, it is appropriate to reassert our outrage to the North Vietnamese and the Vietcong over their failure to accord captive American servicemen the type of care demanded by all those who cherish human life. Let us—as Americans—renew our pledge to maintain a national protest until these men are granted humane respect. In so doing, let us remind the world that Americans stand united and firm behind our imprisoned servicemen, who have been stripped by the enemy of human dignity. But most importantly, let us reassure our men in Southeast Asia that the status of American POW's and MIA's is ever in our minds and actions. Let us reaffirm a national commitment to seek the release of these men, so that American words cannot be used as propagandizing tools of torture against our imprisoned men. Public uproar must not cease until the enemy allows these Americans to come home to their loved ones and to the country which they have served so well.

Concern over the plight of American servicemen who languish in steamy jungles thousands of miles from home transcends petty partisanship. A soldier writhing in an enemy prison camp is the ward of neither Democrat nor Republican, for his well-being is the responsibility of all Americans—of all free peoples the world over. Especially during this week, let us demonstrate to the world our solidarity behind the ideals of human decency.

At this point, I want to emphasize that this Nation must not overlook the families and loved ones of the POW's and MIA's. They, too, are the victims of a ruthless enemy. By failing to release the names of those whom they hold and who have died in captivity, the North Vietnamese are extending the war to our very shores, toying with the minds and emotions of these countless citizens.

Thus, as a sponsor of the resolution which gave birth to this observance, it is my hope that Americans everywhere will pause in their daily routines—whether it be in formal ceremonies and activities or merely in a concerned thought—and pay tribute to the brave men and their families who have borne a disproportionate share of the burden of this war.

Mr. STEIGER of Wisconsin. Mr. Speaker, during this National Week of Concern for Prisoners of War and Missing in Action, the attention of the Nation is on the prisoners and their families.

Appreciating the degree of heartache experienced by the families of those POW/MIA's is difficult enough. Imagining the inhumane and miserable conditions which these brave men have endured—some for many years—is beyond our ability as we go about our daily lives.

In honoring those in North Vietnamese prisons, we honor, too, the brave women who are their wives and mothers. They have been used as pawns by the North Vietnamese, as have their husbands. Love for their husbands and sons has been played against their love of country. We all owe them the same loyalty and devotion they have shown us. We must do everything in our power to gain for the Americans being held prisoner humane treatment and direct contact with their families. We can do no less.

Perhaps we can do more, however. The vast majority of Americans are united in opposing the wretched treatment accorded to American prisoners. Hundreds of thousands have sent petitions and letters to the North Vietnamese Government urging humane treatment. I have joined nearly 100 of my colleagues this month in writing to Ton Doc Thang, President of the Democratic Republic of Vietnam to plead the prisoners' case for humane treatment.

Literally hundreds of resolutions on behalf of American prisoners of war have been sponsored, and the entire 91st Congress, without a dissenting vote, passed a resolution calling for better treatment for prisoners. President Nixon has pressed for negotiation of the prisoner-of-war issue since he took office, and he has worked through foreign governments and our own official envoys to assure their humane treatment. Congress has voted to continue the pay, promotions, and benefits of those men missing and imprisoned, and to compensate them for inadequate care by the enemy.

Yet the North Vietnamese Government, while a signatory to the 1949 Geneva Convention, has refused to accord the status of prisoner of war to our soldiers who have been captured. I propose that the Government of North Vietnam adhere to its treaty obligations in recognizing these American soldiers as prisoners of war.

Perhaps a new convention could be drawn up to limit the time prisoners can be held before being repatriated, and to define the treatment which must be maintained during the prisoner's captivity. Certainly, in modern warfare, where protracted struggles such as this may be common, such guarantees should be internationally established.

America is asking Hanoi this week, and always, that their prisoners—our citizens—be granted the human right to medical treatment for their injuries and the simple right to communicate with those they love.

The prisoners and their families deserve our compassion. They deserve our constant work to assure them humane treatment and early release.

Mr. BARING. Mr. Speaker, as fellow Americans who are proud of our fighting men who are enduring the tiring and dangerous Vietnam war, I feel we must bring to bear all the pressure of the Congress, the American public and all world opinion possible to force the North Vietnamese to free American prisoners and comply with the Geneva Convention accords which that Government signed in 1957.

This National Week of Concern for our Prisoners of War and missing in action must set the stage for a concerted effort on the part of all peoples of this Nation to join in voicing the demand upon the North Vietnamese to act to halt the captivity, inhumane treatment, and lack of communication with American prisoners.

I request, on behalf of the families of the prisoners of war and the men listed as missing in action and for all humanity, that the North Vietnamese and the Vietcong identify all prisoners of war they hold in captivity, permit impartial inspection of their POW camps, release seriously injured or sick prisoners and permit the free exchange of mail between prisoners and their families.

Many of these American men are being mistreated and I urge that our efforts today, this week, and in the following months not go unheeded by the North Vietnamese, Vietcong, or any nation's people so that our American fighting men who are prisoners will have hope of being freed.

Most of us today in the House of Representatives have met often and talked with the families of our captured patriots and the men listed as missing in action.

I hope today that the spirit of freedom for all people under which America was formed by our forefathers will be the spirit with which our words today will reach the North Vietnamese.

I hope the North Vietnamese in Hanoi will experience a large dose of that spirit.

Mr. HANLEY. Mr. Speaker, this is a solemn occasion, for we gather here in the Chamber of the House of Representatives today both to pay a tribute of esteem to the American troops who are being held captive in North Vietnam, and to rededicate ourselves to their release.

This morning in a briefing on the situation, an interesting proposal arose, one which I personally intend to follow up. I propose that the Congress form a joint committee to sit as long as the POW situation lasts for the express purpose of attempting to find a resolution to the problem. I propose that both public and Government witnesses be invited to offer their ideas before the committee.

Mr. Speaker, the POW and MIA's cast a long silent shadow over the entire United States. We cannot rest while they suffer; we cannot turn our backs on them or on their families and loved ones.

I urge my colleague to join with me in this resolution. I urge them also to join with me in the prayerful hope that the day of liberation is not far removed.

Mr. YATRON. Mr. Speaker, I rise to register my deep concern for the nearly 1,600 American servicemen who are currently being held captive in North Vietnam.

I believe that a week of concern will help keep national and world attention focused squarely upon this tragic problem. Hopefully, it will continue to bring the full weight of international opinion to bear upon the North Vietnamese, who have mistreated American prisoners in flagrant violation of the Geneva Convention.

Every government has a moral and legal obligation to conduct its affairs in a responsible manner. As a signatory to the Geneva Convention, the Government of North Vietnam should accord our men fair and humane treatment. Hanoi should identify all prisoners being held, release those who are ill or injured, permit international inspection of its prisoner-of-war facilities, and allow the free exchange of mail between prisoners and their families.

Mr. Speaker, along with my House colleagues and my fellow Americans I look forward to the day when these servicemen will be reunited with their loved ones, and I pray that elusive dream will soon become a reality.

Mr. ZWACH. Mr. Speaker, one of the most tragic episodes of our time concerns the plight of American prisoners of war held by the Communists in Southeast Asia.

It has been more than 6 years since the American Government first asked for, at least, a list of those held captive. We still do not know even the number of American prisoners of war. The families and loved ones of these men have not been able to find out if they are still alive.

In May 1969, President Nixon made a concerted effort to publicize the plight of these American prisoners in hopes that the force of world opinion would encourage more humanitarian treatment of them and lead to their early release. The releases made since then have almost always been timed and planned to obtain the maximum of political advantage.

We need to continue our efforts to mobilize world opinion in support of humane treatment of prisoners held by North Vietnam and the Vietcong.

It is my sincere hope that our continued efforts will convince the North Vietnamese of our sincerity in this regard and of the need to separate the political question of peace in Vietnam from the humanitarian treatment of prisoners.

Mr. KEATING. Mr. Speaker, unfortunately the plight of the American military men being held prisoners of war in Southeast Asia still will have to be resolved by worldwide public support. As a Nation we must seize the initiative and make clear to the world that we will not stand by any longer and tolerate the inhumane treatment perpetrated on our brave men. Negotiations with the Communists to learn the names of the prisoners and those still listed as missing in action over the past 5 years has been fruitless.

The last Department of Defense figures show 104 primary and secondary next of kin of missing and captured servicemen in the State of Ohio.

It is a chilling thought to visualize the conditions in an enemy prisoner of war camp—the mental anguish, solitary confinement, inadequate diet, public spectacle and humiliation as the prisoners are paraded through North Vietnam villages—and most of all, the heart-rending feeling of loneliness and being unable to communicate with their loved ones. Many of these men, Air Force and Navy pilots, have not made contact with their wives or children for some 5–6 years because the North Vietnamese have refused mail to go out of the prison camps.

So far the most effective bargaining power has been the brave effort on behalf of the wives who have negotiated tirelessly with Hanoi representatives in Paris and with Soviet leaders in Moscow.

This effort, however, has been wrapped in suspicion as the Communists have told these fine young ladies that they must go home and participate in the mass demonstrations to end the war.

North Vietnam is one of the 123 signers of the Geneva Convention which deals with humane treatment of prisoners.

The Hanoi government so far has refused to acknowledge this. They have refused to allow a neutral nation to go in and inspect detention camps. They have refused to hand over a list of prisoners and they have refused all efforts to deliver mail between the prisoners and their families.

Most of the wives and next of kin are members of the "National League of Families of American Prisoners in South east Asia." This group should be commended for their tireless energy to correct a grave wrongdoing.

It is a little known fact that Vice President AGNEW has donated more than $12,000 to the league from royalties he received from two firms that are producing Spiro watches and sweatshirts bearing his caricature.

I am privileged to join in cosponsoring a resolution authorizing the President to proclaim a "National Week of Concern of Prisoners of War/Missing in Action." It is my sincere hope that such an observation will serve as a focal point for many individuals and organizations to arouse the conscience of the world in support of Americans being held captive in Southeast Asia.

These men deserve our vocal and prayerful support to demonstrate to them that they have not been forgotten.

A strong national response will encourage reciprocal acts of justice and humane treatment on the part of the Communists.

Mr. BRASCO. Mr. Speaker, wars are an ever-present curse of mankind in every age. In past eras, pure barbarism was the order of the day. To a certain extent this is still true, for the institution of armed conflict itself is a barbaric throwback to man's primitive beginnings.

Yet over the ages of human development, there has evolved an effort to ameliorate the conditions under which it is fought and how its victims are treated. This includes civilians innocently caught in its turmoil and combatants inextricably intertwined in its upheavals.

If there is one significant advance that has been made in human history, it is this evolution, institutionalized in a series of signed conventions. All nations, whether they are signatories to such documents or not, are influenced in the strongest possible manner to at least attempt to abide by their provisions.

This brings us down to the modern era and the conflict in Vietnam. At present there are upward of some 1,600 Americans who are being detained as prisoners in Indochina. Most of them are in the hands of the Government of North Vietnam. In most cases, all we know of them is that they are missing in a combat zone. Little more is known by Government and most important of all, the families of the missing men.

There are, as I mentioned earlier, international rules to be abided by all parties to any conflict. This includes North Vietnam, South Vietnam and the United States. The most elementary one of all is to at least notify the opposing side of the fact that you have a certain number of their personnel in custody. Their names, ranks and identifying military numbers should be included and the fact that they are alive or not. This is elementary international courtesy to an opponent. Ideology does not enter into it. Negotiations toward settlement of the conflict do not figure in this portion of the equation, either. It is simply an international courtesy exchanged by opponents.

To this date the overwhelming majority of the families of those who are unaccounted for in the Southeast Asian conflict have no knowledge whatsoever of the true fate of their loved ones. Their agony has continued now for several years, compounded by succeeding developments.

It is unforgiveable, to say the least, to set such a precedent for lack of information on prisoners. And I say this completely apart from the debate on the war, with which I have taken issue on more than one occasion.

Elementary assurances of basic treatment are also in order, such as no torture, no deprivation of basic decencies and amenities of life and the right to communicate periodically with their loved ones.

It is unnecessary for the government of North Vietnam to invest a cent in such treatment. The Government and people of the United States of America will eagerly step forward with all that is needed to carry out these functions. It would not even cost North Vietnam the price of a postage stamp or a grain of rice. I am also certain that few if any voices would be raised across the breadth of America to such a process.

All we need is the acquiescence of the North Vietnamese.

Mr. Speaker, the prisoners of war on both sides have one basic right that has been infringed upon. That is not to be used as pawns in the game of international politics. They have committed themselves on behalf of their governments and the respective policies engaged in by them. In the process they suffered the misfortunes of war resulting in capture by the enemy. For them combat should and must be over. They have a right to be left alone, treated decently and freed. To allow them to become elements in the equation of war once again is unconscionable.

These men should be allowed to know that no matter what other considerations there may be surrounding this conflict, that they are not forgotten. They dwell ever in our hearts, and we shall not rest until each and every one of them is free, returned to the circle of home and family and embarked upon a new endeavor.

Mr. O'HARA. Mr. Speaker, we must not allow controversy over this Nation's involvement in Vietnam to obscure the personal sacrifices that that conflict continually demands of our servicemen there. Tragically, tens of thousands of our young men have had to sacrifice their lives. Others are having to make sacrifices short of—but only just short of—death itself. Among these are the more than 1,500 who are prisoners of war or are missing in action and presumed to be prisoners of war.

The agony of their confinement is not limited to the prisoners themselves. Mr. Speaker, there is a large Air Force installation in my district. Many of the families in my constituency are service people. Among them are wives of men who are known to be prisoners of war in North Vietnam. I have talked with some of these brave women; I have corresponded with others. I know of the deep concern for their loved ones that presses upon them without letup, day in and day out. I appreciate the feelings of anguish that have become a part of their lives because they learn so little about the health and well-being of their men.

Their anguish would be alleviated somewhat if they know that the provisions of the Geneva Convention were indeed governing the treatment of Americans by their North Vietnamese and Vietcong captors. As we all know, those provisions—which all of the nations participating in hostilities in Southeast Asia on both sides have agreed to abide by—are not now being observed by our enemies.

Recognizing this, the following resolution was adopted February 16, 1971, by the Senate and by the House of Representatives of the State of Michigan.

I respectfully commend it to my colleagues in this House.

A CONCURRENT RESOLUTION ON PRISONERS OF WAR

Whereas, The Unknown Soldier is not solely represented among the dead, where for generations those unknown sacrifices to their countries' service have been publicly and ceremoniously honored and great monuments are erected to their memory. During this decade and now, there has been a return to barbarism in the treatment of many hundreds of unknown soldiers among the living; and

Whereas, Known prisoners of war and many "Missing In Action" who are unknown prisoners of war are daily, hourly, suffering and dying of cruel and barbarously inhumane treatment by their North Vietnam captors in contemptuous violation of the articles of the Geneva Convention—which Hanoi signed in 1957 as solemn pledge of agreement to provide humane treatment to all captives taken in wartime; and

Whereas, Proof has been obtained of these extreme cruelties practiced daily; and for the thousands of relatives and friends of such living sacrifices, these facts bring a never-ending anguish. Not only are barbarities of extreme abuse and corrosive public ridicule inflicted, but Hanoi thus far refuses to release any listing of prisoners of war, deliberately spreading anguish among families of American service personnel and thereby compounding Communist barbarities; and

Whereas, Although the contention as to whether America should continue her presence in Southeast Asia is currently dividing this Nation, that contention should neither divert nor delay the compelling need for immediate action concerning American prisoners of war. By any civilized standard, by any claim to humane decencies, this Nation, through her public, demands humane treatment and release of American prisoners of war; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That hereby the Congress of the United States is memorialized, requesting that immediate and effective measures be taken to obtain identification of POW and MIA personnel; to compel treatment for such prisoners according to Hanoi's signatory with the Geneva Convention articles with humane treatment; to impose impartial inspection by authorized agencies of prison facilities; to effect immediate repatriation of the sick and wounded prisoners; and, without exception, to establish and sustain the right of communication between prisoners and their families; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of each of the sister State Legislatures; and to the President of the Senate, the Speaker of the House of Representatives and to each Member of the Michigan delegation to the Congress of the United States.

Adopted by the Senate, February 16, 1971.

Adopted by the House of Representatives, February 16, 1971.

Mr. McCLORY. Mr. Speaker, first of all I want to express my strong approval of the Presidential proclamation by which this has been designated National Week of Concern for Prisoners of War/Missing in Action. As a sponsor of the joint resolution which sets aside this week to express concern for our men who are missing in action and who are prisoners of war, I want to reaffirm my personal disbelief that there should exist today such unconcern for the human values which are involved in the lives of our POW's and MIA's and their families.

Mr. Speaker, what possible end can be achieved through mistreatment of men who have fallen into enemy hands—and what valid reason can justify the North Vietnamese authorities in refusing to identify and divulge the names of those who are held as prisoners?

Mr. Speaker, in the case of my own constituents, I have three particular examples which have caused untold sorrow and distress. In the first place, it is only human and just that information should be supplied regarding the welfare of our men, or at least information as to whether they are being held as prisoners of war—or not. Maj. Crosley Fitton, Jr., the brother of Mrs. George W. Stone, Jr., of Libertyville, Ill., has been missing in action since February 9, 1968, when he was shot down over North Vietnam. His parachute was seen to open and there is convincing evidence that he landed safely in enemy territory. However, no report or information regarding his welfare has been forthcoming from the North Vietnamese authorities. Special Forces Sgt. John Young, the husband of Mrs. Erica Young, has been missing in action since January 1968. His wife and his brother and sister-in-law, Mr. and Mrs. Edward Young, all of Lake Villa, Ill., have sought information about Sgt. John Young—but to no avail. Navy Comdr. Robert Doremus, brother of Mrs. James Courter of Deerfield, Ill., appears definitely to be a POW. However, the communications regarding his whereabouts and his welfare are so sparce and uncertain as to cause continuing concern to his sister as well as to other members of his family.

Mr. Speaker, there seems to me to be no just end to be served by withholding information regarding these unfortunate victims of war. In addition to the reports of mistreatment of our men held in captivity by the North Vietnamese, justice and humanity dictate that they should be free to communicate with their loved ones and that they should be provided with food and lodging consistent with human needs and with standards established by the International Red Cross and by custom and practice.

Mr. Speaker, there is no assurance that any amount of pleading or importuning will change the attitude of the North Vietnamese authorities. However, our efforts must persist and be supplemented by our prayers that human compassion, decency and respect will indeed prevail and that the North Vietnamese authorities will respond with information and with improved treatment of those whom they hold captive within their borders.

Mr. Speaker, I commend my colleague, Congressman ROGER ZION of Indiana and Congressman SONNY MONTGOMERY of Mississippi, and all who have assumed leadership in this cause. While I deplore what has transpired in the lives and homes of these families of prisoners of war and men missing in action, I express the profound hope and indeed the expectation that the messages which we transmit today may receive favorable attention by the North Vietnamese authorities.

Mr. Speaker, it appears to me that we should establish a joint committee to pursue the interests of our prisoners of war and men missing in action. Such a joint committee will give official status to the action which is sought by most Members of the House of Representatives and Senate in behalf of the men and their families who are missing in action or who are held as prisoners of war.

Mr. Speaker, I support creation of such a joint committee with the hope and expectation that it can lead to the release of the Americans now in enemy hands and that it can provide a comforting and reassuring response to the families of these brave and unfortunate victims of the war in Southeast Asia.

Mr. FUQUA. Mr. Speaker, Friday will be the seventh year of the capture of the first American still being held captive in the conflict in Indochina.

His plight and that of all the other men held captive is a source of suffering for their families and cause for great sadness on the part of the American people.

It is inhuman and uncivilized for the North Vietnamese to continue to flaunt the provisions of the Geneva Convention regarding identification, inspections, correspondence, and the release of the seriously sick and wounded.

Each violation of the Geneva agreement is inexcusable.

We owe it to these men and their families to support this "Week of Concern" which has been designated by the President.

Simple human dignity should require information for the families of these men. Inspection of POW camps by a neutral nation seems to me to be a very simple act of human beings.

Nearly 1,600 Americans are held prisoner or listed as missing in action.

Having the opportunity to talk with the wives and families of some of these men is a heartrending experience. Theirs is a life of never knowing if their loved one is alive or dead—if their children have a father or are orphans.

I join most fervently in those statements of concern being made today. The suggestion of the President that this Nation enter into heartfelt prayer for these men should be commended to every man throughout the world.

Mr. CONABLE. Mr. Speaker, millions of Americans have expressed their strong desires to obtain the release of our prisoners held in North Vietnam under conditions which violate the provisions of international agreement. Our fellow citizens have written letters and signed petitions to the leaders of North Vietnam and to leaders of other nations, seeking humane treatment and release for our prisoners and information on those missing in action. In my congressional district, representatives of the Remember Our POW's/MIA's group in Rochester, N.Y., have collected more than 70,000 letters and names which they plan to present next month to both the North and South Vietnamese delegations to the peace negotiations in Paris. More than 1,500 Americans are prisoners or missing in action, and some of our prisoners have been held more than 6 years.

It is appropriate that Congress also participate in these efforts because the force of world opinion can effect changes in North Vietnamese policies. I hope the proclamation of the week of March 21–27 as National Week of Concern for Prisoners of War/Missing in Action will produce strong support of this cause throughout our country.

North Vietnam agreed to the Geneva Convention Relative to the Treatment of Prisoners of War in 1949. The convention provides for exchange of information on prisoners, passage of mail and packages, humane treatment and similar arrangements, but the North Vietnamese have failed to honor these provisions to any responsible degree. Certainly we cannot permit this conduct to go unchallenged, and must continue to draw the world's attention to it.

The fate of American prisoners remains a key consideration in our plans to reduce our military commitment in Vietnam. The President has proposed a complete exchange of prisoners by both sides in Vietnam. Such an exchange would result in the release of 10 times as many men to the North Vietnamese as to our side, but the North Vietnamese have refused to agree to this humane act. The President has declared, however, that we will not completely withdraw our forces from Vietnam without release of all our prisoners. One of the most positive steps to be taken toward peace can be initiated by the North Vietnamese if they will take the simple humane action of exchanging prisoners and information about those missing in action.

Mr. ESCH. Mr. Speaker, it is difficult to express my great disappointment that it is still necessary for this House of Representatives to discuss the prisoner-of-war issue. Despite hundreds of speeches on the floor of the House and the Senate, thousands of diplomatic negotiations and contacts and millions of letters to the answerable North Vietnamese and Vietcong officials, the situation is still almost the same as it was 7 years ago when the first American was captured—no absolutely definite list of prisoners held by the North and by their allies has yet been made available; free exchange of mail has not yet been allowed; international inspection of prisoner facilities has not yet been authorized; prisoner exchange of those who are sick or wounded has not yet been effected.

In short, Mr. Speaker, the North Vietnamese and their allies are still not living up to the terms of the Geneva accords on prisoners of war.

I join in this special order today for several reasons. First, I want to express once again my personal interest, concern, and deep commitment to the cause of returning American POW's to their loved ones and families. Second, I believe this overwhelming expression of official concern serves as an additional commitment on the part of the entire Nation to these men and their families who have sacrificed so much. Third, I believe that the public attention given to this issue and the massive public outcry which has been accorded the lack of humanity shown by the Vietcong and North Vietnamese has, in fact, had some beneficial effect. The North Vietnamese have released a list. We have reason to believe that it is not complete or entirely accurate—but it is at least a small recognition on their part to their international obligations. Some mail is getting through—not as much as is guaranteed in the Geneva accords, but at least a few letters and packages.

There have been some minor signs that the North Vietnamese are willing to talk—they are faint at best, but they are better than absolute silence on the issue.

While there are faint signs of hope in dealing with the North Vietnamese, however, there have been absolutely no signs at all from the Vietcong or from the Communist forces in Laos and Cambodia. If North Vietnam is to be accorded any respect in the community of nations, it must require its allies to also begin to discuss this situation seriously. As an absolute minimum, all the forces involved should live up to their international commitments to release names of those held, to allow international inspection of prison facilities and exchange of mail between those who are in prison and their loved ones at home.

Mr. Speaker, I believe that all nations of good will join with the United States in urging the other side to live up to its international obligations. I have, therefore, proposed that the United Nations Commission on Human Rights assert leadership in securing genuine negotiations on this issue between the United States, the North Vietnamese and their allies, and South Vietnam. An impartial and unbiased international forum, the United Nations can well serve to bring hostile nations together to discuss this issue of humanity to man.

Mr. BIAGGI. Mr. Speaker, one of the saddest aspects of our involvement in the Southeast Asian war is the prolonged imprisonment under inhuman conditions of as many as 1,600 American soldiers.

Those few who are released return to this country and relate tales of horror. Some are made to walk in the streets on display as a captured war prize. Others must live in subhuman cells and bear cruel torture.

The Hanoi regime has consistently refused to adhere to the rules of the Geneva Convention. They have refused to permit a Red Cross team to inspect the prison conditions. In many cases they have refused or hampered efforts by the families to write to their loved ones.

But the pressure of public opinion is getting to them. Where once they were totally unwilling to even discuss the prisoner of war issue, they have now shown a crack in the cold facade. Last December the North Vietnamese Government released a list of 339 prisoners they said they were holding captive.

Now the efforts must be intensified. No peace settlement is possible unless the prisoner of war issue is resolved. The first step is for Hanoi to release the names of all prisoners held whether in North Vietnam, Laos, Cambodia, or South Vietnam. They should likewise require their puppet government in South Vietnam to do the same.

Next they should indicate their desire to adhere to the Geneva Convention rules on treatment of prisoners and permit an inspection team to visit the cells.

Beyond that, definite conditions under

which the American prisoners will be returned to this country must be settled upon.

The involvement of this Nation in the Southeast Asian war is drawing to a close. But I for one will not close the book on this chapter in American history until every last American soldier is brought back. The Congress gave the President the authority to expand the war in Vietnam. Now this Congress must see that the consequences of that authority are not swept under the mat.

To forget these men would be to forget our humanity. We cannot leave them to languish in a foreign prison. Our concern for their safe return should be as deep as it would be if it were us being held there.

I have written to the leaders of North Vietnam and the Communist chiefs in South Vietnam, Laos, and Cambodia asking that they release Americans being held prisoner. I have also promised them that they can look forward to long and continued fighting unless this issue is settled. As a representative of a half a million Americans I hope they will take heed. I would urge my colleagues to write to these men also. When they realize further procrastination is hopeless, we may then be able to work toward a settlement of both the prisoner of war issue and the end to conflict. Only then will real peace be possible.

Mr. FRENZEL. Mr. Speaker, the people of Minnesota's Third District join in the activities of the "National Week of Concern for POW's and MIA's" by registering their protest against the treatment of U.S. prisoners in North Vietnam. We resent this violation of the Geneva Convention, and we reaffirm our demands that humane treatment be given to our men, and to all prisoners. Further, we reaffirm our demands that the names of all prisoners be released and that they be allowed free communication with their families.

We hope this week of concern will communicate to the North Vietnamese how strongly we stand on this issue. Efforts to establish an effective exchange between the two sides must be increased. We must have reciprocal agreements for the fair treatment and exchange of all POW's.

Our concern for U.S. POW's-MIA's is not a justification, nor is it necessarily related, for escalation, or deescalation of our efforts in Southeast Asia. Our concern for POW's and MIA's transcends other policies of any countries in that area. We dedicate ourselves to finding a way for the exchange and safe return of all prisoners.

Mr. TIERNAN. Mr. Speaker, today we speak not as Republicans or Democrats, but as men pleading for the lives of our fellow men. During this week of concern for the nearly 1,600 Americans being held prisoner or listed as missing in action in Indochina, our Nation is united in our prayers and our pleas for the safety of these men.

In one united voice we ask the Government of North Vietnam to identify all those held in captivity, and to release those men who are seriously sick and wounded. We ask that they abide by the provisions of the Geneva Convention, by allowing the prisoners to correspond regularly with their families and by treating these men humanely.

But, more important than this, we must now rededicate ourselves to bringing these men home. The North Vietnamese have consistently stated they will not negotiate the release of prisoners until the United States has set a date for withdrawal from South Vietnam. Unfortunately, there is little hope that they will change this stand.

So let us not hide behind this week of concern in order to divert attention from our failure to end this war. Our continued involvement in Southeast Asia is prolonging the prisoners' period of captivity. Let us show our true concern for these men by ending the war and bringing them home.

Mr. FREY. Mr. Speaker, 7 years ago this week the first American prisoner of war was taken captive in Vietnam. Today this man is one of 1,500 Americans listed as prisoners of war or missing in action.

One man from my district has been missing since 1967. There have been no letters or word from him since that time. Another family in my district had heard nothing from their father, a prisoner of war since 1967, until just recently when the first letter arrived.

Congress has passed several resolutions concerning the prisoners of war, but we must continue to press this issue. We in Congress must take the lead in showing North Vietnam that we have not forgotten these men, that we care, that we are very deeply concerned. No matter what our individual thoughts on the war are, we must be united in a nonpartisan effort to assure the POW's humanitarian treatment and prompt release.

Earlier this year, I had the opportunity to visit with Ambassador Bruce in Paris. As a result of this meeting, I have joined with three of my colleagues—GILLESPIE V. MONTGOMERY, JAMES J. HOWARD, and JOHN DELLENBACK—in a resolution addressed to the President of North Vietnam. Many of you have joined us in this resolution. We are proposing to the President of North Vietnam that a group of us, or at least one or two, be allowed to visit the detention camps in North Vietnam.

Our purpose is twofold. First, it is only by personal inspection that we can see how our men are treated and hopefully identify those in the camps. Second, our trip—and our request—will focus world opinion on this problem. Americans are becoming more and more concerned about our POW's. I am hopeful that the pressures of world opinion will be brought to bear on Hanoi for compliance with the 1949 Geneva Convention. Although North Vietnam ratified that convention in 1957, it has refused to release the names of those being held captive, it has refused to release the sick and wounded, it has refused to permit impartial inspections of prisoner facilities, and it has refused to permit the free exchange of mail between prisoners and their families. World opinion is a powerful force, even to a Communist nation. It can and has swayed actions of governments.

Congress must take the lead. We must take the lead in pressing the case for humanitarian treatment for the POW's. We must take the lead in focusing not only American opinion, but world opinion on this problem. The North Vietnamese must never believe that we in the United States do not care or have forgotten our POW's and MIA's.

Mr. SCHMITZ. Mr. Speaker, much has been said about the plight of the American servicemen being held by the North Vietnamese Communists. The treatment of our men has been despicable. The suffering undergone by the families of these men is heartrending. The actions of some in our own Nation who are attempting to prove that U.S. servicemen are, in fact, actually war criminals as the Communists claim, is sickening. The attempts of groups such as the Committee of Liaison to use the families of the prisoners as weapons in the Communist war to subjugate Southeast Asia is beyond contempt, but hopefully not beyond the notice of the agencies responsible for punishing this type of activity.

The question is, how can the Congress, and individual Congressmen, best contribute to the efforts designed to bring about the release of our men. To my mind the best way to do this is for numerous Representatives to go on record as being willing to back the President's use of all the force which he feels is necessary to secure freedom for our imprisoned servicemen and peace in Southeast Asia, up to and including removing from power the current North Vietnamese Government which is the cause of the whole situation.

Toward this end I have already introduced a resolution, House Joint Resolution 71, which calls for a formal declaration of war unless all U.S. servicemen are released within 30 days of passage of the resolution and the enemy begins the large-scale withdrawal of his armies from the territory of his neighbors within the same time period. This approach tells the enemy in no uncertain terms that time is no longer on his side; that his continued intransigence and uncivilized behavior will cost him more than just the loss of his expeditionary force, but the loss of his power over the North Vietnamese people.

Congressional initiatives calling for an abrupt withdrawal of U.S. military forces from Southeast Asia, forces which are our primary bargaining tool, may well have encouraged the North Vietnamese to continue fighting. It is high time that a number of Congressman adopt a position which will have a deterrent rather than an encouraging effect on the enemy. We must put the North Vietnamese Communists on notice that as they continue to expand and intensify the conflict, continue to use our servicemen as pawns in their effort to subdue the non-Communist peoples of Southeast Asia, that the Congress of the United States authorizes the Commander in Chief to use all the force necessary to rapidly and radically alter the existing status quo and, normalize the situation in Indochina, and secure the release of our men.

The North Vietnamese Communists must be convinced that we are willing to significantly up the price which they must pay for continued aggression and mistreatment of our men unless they become a great deal more amenable than they have been previously. Amenable to the point of freeing the Americans they hold and getting their armies back behind their own borders.

If several of my colleagues will either cosponsor House Joint Resolution 71 or introduce their own resolutions authorizing the President in advance to use sufficient force to bring our men being held by the enemy home and insure a truly lasting peace in Southeast Asia, this will be a big step in the right direction.

Mr. PURCELL. Mr. Speaker, the 92d Congress will not consider another issue as important as the one we are discussing.

As we hopefully watch the continued Vietnamization of the war in Southeast Asia, sensing optimism of a new kind with more and more Americans returning to their families, there are also Americans without hope.

Languishing in pens and cages 14,000 miles from this Chamber are hundreds of U.S. citizens. They are sons. They are fathers, some of whom have not seen babies almost ready for junior high school. They are neighbors back home in Richardson, Tex.—back home in New York City, Denver, Seattle, and dozens of communities.

What have we done about it in this room? We have passed resolutions. We have made speeches just like the one I am making right now. We have heard an ex-astronaut say the same things to a joint session. I do not say that to discredit one word of what he said to us. Members have gone to Southeast Asia. Others have gone to Paris. Where, Mr. Speaker, is the official policy of the Government of the United States?

Where is the action this Government owes its mothers, its wives, its fatherless children who hang on every word that is said about the Vietnam war?

These folks, powerless themselves in a world of diplomacy and international bargaining, are desperate beyond words. They cannot get their men back—that is what they have been asking us to do.

As far as I am concerned, we have little more to show that a batch of CONGRESSIONAL RECORD inserts paraphrasing in hundreds of ways the fact that we want our men treated like they should be.

I do not want to think nothing is being done through the Departments of Defense or State. But day by day the thought grows more real.

Brave men locked up in North Vietnam literally breathe on faith that they will one day return home. Their families have pleaded in the same faith for something to be done to bring them home.

It has not been done. I am not talking to Hanoi. I am talking to this House, to the Senate, the President—to the entire structure of the Government.

Mr. Speaker, we had better get caught trying—soon.

Mr. HAMMERSCHMIDT. Mr. Speaker, as one of the cosponsors of the resolution designating this week as a National Week of Concern for Prisoners of War/Missing in Action, it is my hope that by focusing the attention of all nations on their plight we may hasten the day when their ordeal is ended.

We hope that it will inspire their families and strengthen their courage.

Seven years ago this week, Capt. Floyd F. Thompson was captured in Vietnam, becoming the first American prisoner of war in this conflict. There are now over 1,500 other Americans held as prisoners of war or missing in action.

Hanoi's flagrant violation of the Geneva Convention is tragic. All civilized nations are expected to follow the rules of human decency in the treatment of prisoners taken during wartime. Otherwise, all will return to the barbaric customs of the Dark Ages.

Mr. CRANE. Mr. Speaker, because the intolerable tortures being inflicted by the North Vietnamese on American prisoners of war continue to be a source of great anxiety to all of us, I believe it is most appropriate that Congress has designated this week a "Week of Concern" for our POW's and MIA's.

This April's issue of Reader's Digest contains a shocking article drawn from interviews with men who have been released, as well as reports of informed sources here, in Paris, and in Saigon. The article vividly describes the mistreatment to which American POW's are subjected.

The article reports that before prisoners are moved to Hanoi, they are either tethered or caged like animals and paraded through villages so villagers can file by and insult or spit upon them.

Once incarcerated in the infamous "Hanoi Hilton," prisoners are isolated in tiny cells, fed the same tasteless bread and watery soup twice a day every day and subjected to 2 hours of "reeducation" from Hanoi Hannah each day over the prison loudspeaker.

The meals which prisoners receive contain no meat, nothing sweet, and nothing green. POW's not only have severe vitamin deficiencies, but also suffer from skin diseases, intestinal worms, and even tuberculosis. North Vietnam has refused to observe the Geneva Conventions which require that sick or wounded prisoners be repatriated and has refused to provide adequate medical care to seriously ill or injured prisoners.

It is not surprising that the North Vietnamese will not permit inspections by the Red Cross. It is galling that when antiwar groups or friendly foreign reporters ask questions about prison conditions, the regime brings out one or two of the most healthy prisoners, freshly shaven, and wearing new clothes to parrot rehearsed information.

I respectfully contend, Mr. Speaker, that regardless of the original reasons for this country's involvement in the Vietnam conflict, and regardless of domestic disagreement about what steps should be taken to reduce our involvement, we cannot forget these acts of torture. We must continue to let the North Vietnamese know through leters and telegrams that we are enraged by their acts. We must seek the release of these men in every way possible. But we cannot accept any settlement in this conflict that compromises the immediate welfare or final safe return of our American POW's.

Of equally great concern to me and my colleagues is the fate of those gallant men who are simply listed as "missing in action." The suffering and hardship which they are undergoing is certainly shared by all of us who are unaware of their fate.

Mr. HARVEY. Mr. Speaker, it is most fitting that we observe this week of concern for American prisoners of war and those missing in action in Southeast Asia. This is a significant time, for it marks a special period when we, as a nation, pause to focus attention on the plight of our servicemen held captive by the Communists.

I am proud to have been one of the cosponsors of the joint resolution which has made this observance possible, for I believe it is imperative that we clearly demonstrate that we are united in our concern for the release of these men.

Furthermore, this time also serves as a reaffirmation of our concern to the families of the POW's and MIA's and it shows them that we share, at least to some extent, the heartache and disappointment that they so bravely live with each passing day.

There can be little if any doubt that all Americans strongly support the release of those held captive, and that we believe in the dignity, the value, and the worth of every living human being.

The plight of our prisoners and those missing in action is not a political issue. It is strictly a humane issue—and all the laws of human decency are involved.

The barbaric and inhumane treatment accorded captured servicemen by the Communists has been verified and underscored by the nine former POW's who have been repatriated by Hanoi.

It was Secretary of Defense Melvin Laird, who at the time of a press conference in 1969 at which two freed Americans gave a terrifying account of brutality and torture at the hands of the North Vietnamese, said:

> There is clear evidence that North Vietnam has violated the most fundamental standards of human decency.

As of February 28 of this year, there were 406 known prisoners of war, and 1,145 others who were listed as missing in action.

Mr. Speaker, just what kind of persons are these Americans who are being so cruelly treated?

Collectively, the American POW is a man of many faces. He could be the fellow next door, or the guy across the country.

He is of many faiths. He worships as a Protestant, Catholic, Jew, or perhaps in some other manner. He could be black, or he could be white, brown, red, or yellow.

His education could range from very little to college graduate. His political philosophy may be anything from liberal to conservative to somewhere in between.

He could be the last child of a large family, or the only child of a small family. He could be the teenager who left the neighborhood hamburger drive-in—or the father who, as a career military man, left his wife and children to go to a distant land.

Whatever one may say about him, simply put, he is an American—an American who loves his country, loves his family, who has the same desires, aspirations, and dreams that we do, and who most of all, and probably above all else right now, hopes to some day soon return to his loved ones and his home.

Mr. Speaker, the people of our Eighth District have long been concerned over the fate of our captured men. And they have shared too, at least to some degree, the emotions, the anxiety, and the heartache of the relatives of these men.

In August 1970, petitions bearing the signatures of 3,834 citizens of the Eighth District were presented to me at the Huron County Courthouse at Bad Axe, Mich. These people were tangibly expressing their concern over the treatment of our men. They petitioned that a joint session of Congress be called to insist on humanitarian treatment. And, to my knowledge, this was the first time that this proposal was made.

After returning to Washington shortly thereafter, I hand delivered a set of these petitions to Senate Majority Leader MANSFIELD and to then Speaker McCormack. I discussed with them the possibility of such a joint session. And, I introduced a House concurrent resolution calling for this joint session of Congress. It was just a few days thereafter, when it was announced that the joint session would be held.

I am pleased to have had some small part in helping to bring about that joint session then, just as I am honored to have had a hand in this special week of emphasis and concern now.

I would hope that our fellow Americans all across the land will take this opportunity to focus appropriate attention on our POW's and MIA's through various community activities. And certainly, above all else, to remember these men and their families in their prayers.

The only precedent in civilized times for the actions of the North Vietnamese occurred in the 1950's during the Korean war. More than 7,000 allied servicemen were captured by the North Koreans and the Red Chinese. Of this total, only 4,428 manged to survive the Communist atrocities.

It is a known fact, that to date at least 17 Americans have been murdered or have died in North Vietnamese prison camps.

Yet, despite the awful conditions and the horrible treatment our men are receiving there, these Americans cling to the only thing at their disposal—hope. And it is our duty, our responsibility, to see that they have reason for this hope.

While it is appropriate to devote 1 week of special emphasis in support of their release and return to their loved ones, this action must not lead to a relaxation of our efforts in their behalf during the other 51 weeks of the year.

We cannot, and we will not let these men be forgotten.

I would conclude by inserting at this point a special prayer for these young men, which appeared in the March 18 edition of the Tuscola County Advertiser, Caro, Mich.:

A PRAYER FOR OUR CAPTIVE SONS

Throughout America Sunday, many churches offered special prayers for our young men who are held as prisoners of war in Southeast Asia. The following is a special litany which we believe should be the prayer of Americans everywhere:

Let us now pray, all of us together,
For our people who are prisoners of war,
For our people who are missing in action,
Lost in a strange, strange land.
Lord, our Lord, in Your mercy
Hear our prayer!

Lord, sustain them with Yourself,
Your own love in a day's bread and a day's care.
Give them to find in Your own hand
Meaning in this maze of suffering:
Hear their prayer!

Warm even the hearts of their captors;
Remind them of their bond of humanness.
And from all hatred of Communist Indo-China
Holding secret the names of our sons and brothers and fathers:
Free us in Your forgiveness, Our Lord!

Give our leaders Your own wisdom
To speed the freeing of our loved ones
From strange coldness of an Asian war that seems so terribly far away:
Deliver them, Our Lord!

Almighty Father, their silent Partner in a thousand cells,
Jesus Christ, Eternal Savior of Your People,
Holy Spirit, Redeemer, Feeler of all Human anguish:
For Your own sake, Release Them!

To those who wait here helplessly
Grant faith not to question the quietness,
Or lose their sight of You in separation—
But know that You are here
Even to the end of the World
Comfort us who wait, Our Lord!

May millions of Your people come today,
Begging Your benediction of peace, of freedom
May our Litany fill the hidden corners of the globe
With the fresh new joy of hope and love
And faith! And faith in spite of all!
Fill us with faith, Our Lord!

Mr. MANN. Mr. Speaker, I know that I speak not only for those of us here in this hall, but also for all the decent American people in the country at large, when I say that we are duty-bound to keep the faith with our prisoners of war and men missing in action during the long twilight years of a war which all of us hoped to avoid and now wish to see quickly and honorably ended. I have myself had the honor of cosponsoring, both in this Congress and the last, resolutions protesting the inhumane treatment by North Vietnam of our many, many POW's and MIA's. The most recent of these, House Joint Resolution 22, called for such a National Week of Concern, on their behalf, as this.

I know I speak for most of my constituents when I identify a national showing of support for our POW's and MIA's as a great part of the moral burden we bear as a free people. Our POW's and MIA's, as well as their long-suffering families, have paid, are paying, and unfortunately will perhaps long continue to pay an extremely high price for our freedom. In fact, they suffer that we should not suffer; and to ignore them, to show a lack of sensitivity toward their pain and what we owe them for bearing it in the name of our freedom, would be to evince in the rest of us a sort of gross ingratitude which does not deserve freedom.

We therefore honor and show our support for our POW's and MIA's this week, as a national demonstration of the duty we bear because others than ourselves find it their lot to pay a continuous terrible price for the greater glory of their country and the freedom of man in general. I urge each and every American to do so with all the fervency his heart and soul can muster. To quote the words used by Winston Churchill in another connection:

> Never in the field of human conflicts was so much owed by so many to so few.

In addition to our continued support for the various programs calculated to promote world concern and opinion in favor of humane treatment and release, let each of us call upon the mercy of Divine Providence through daily prayer for their deliverance. We can and should do no less.

Mr. DENNIS. Mr. Speaker, the problem of our prisoners of war is certainly the most heartrending, and, in many respects, it is also the most difficult of all our problems in the very difficult situations presented by the war in Southeast Asia.

Even when civilized treatment is afforded and when treaty obligations are strictly followed, the lot of the prisoner of war is hard. When the conditions of imprisonment are inhumane, when communication is denied, and when the detaining power refuses information as to the names, identity, and status of the prisoners it holds, hardship is aggravated and warfare is needlessly made even more cruel than its basic nature demands.

There is little we can do here today but make our record clear again that these American prisoners of war are not and will not be forgotten, and, in addition, hold the spotlight of publicity on the barbaric and revolting character and conduct of our enemy.

For the future, as it seems to me, we can best serve the cause of these gallant and imprisoned Americans if we stand firmly behind the President of the United States in his determination to end the war in such a manner as to hold forth some hope of peace for the future; and specifically, in this connection, that we support him in his declared position that some American troops will remain in Vietnam at least until such time as the return of our prisoners is definitely assured.

The prisoners of war are Americans who have done their full duty; we at home owe them the obligation to do our duty also.

Mr. STAGGERS. Mr. Speaker, no effort to gain information in regard to our known prisoners of war and servicemen missing in action in Southeast Asia can be considered as useless or wasted. Expressions of concern from individuals and from organizations can be expected to have a cumulative effect to which the conscience of Hanoi must eventually respond. We do well, in my opinion, to give these expressions as wide publicity as possible.

I am accordingly submitting a copy of a resolution recently passed by the Legislature of West Virginia. It was introduced by Senator Louise Leonard of Harpers Ferry and Senator William R. Sharpe, Jr., of Weston. These energetic and capable members have produced a document which is as explicit and forceful in its appeal as anything I have seen. It has been commended to me by the White House, the Department of State, the Department of Defense, and the Members of Congress from West Virginia.

This resolution is similar to a measure introduced in the 91st Congress, and to House Concurrent Resolution 117 presently before the Congress. There is no reason to believe the latter will not gain universal approval.

West Virginia has a proud record of support for the Government of this united Nation. Her sons have fallen on many a battlefield, some of them in unmarked and unknown graves. Only in this war has the fate of the missing men been deliberately withheld by the enemy. A sense of common humanity demands that information be conveyed to the anguished families and friends.

It is with the hope that the resolution introduced by Mrs. Leonard and Mr. Sharpe may bring the day of acceptance of the common rules of war by Hanoi a little nearer that I include their resolution in the RECORD.

SENATE CONCURRENT RESOLUTION NO. 24

Resolution expressing concern and sympathy to the families of West Virginians, and to the families of all Americans, held as prisoners of war in Southeast Asia

Whereas, All captured American personnel held in Southeast Asia suffer privation and hardship; and

Whereas, Prisoners held in North Vietnam are existing under particularly harsh circumstances; and

Whereas, Many of these prisoners are confined in a primitive jungle environment in Vietnam, Laos or Cambodia; and

Whereas, These prisoners are primarily members of the United States Army, Navy, Air Force and Marine Corps; and

Whereas, These prisoners include American civilians; and

Whereas, The enemy's refusal to acknowledge publicly the presence of all prisoners in these areas, and the enemy's refusal to permit certain prisoners to correspond with their families, have increased the burden of anxiety and concern on the families of prisoners of war; and

Whereas, The Government of West Virginia and the government of the United States are concerned with continuing efforts to bring national and world public opinion to bear in securing humane treatment for, and the release of, our beloved sons of West Virginia, and all captured American personnel; and

Whereas, The National League of Families of American Prisoners Missing in Southeast Asia, recognizes that the Prisoner of War issue is not a political issue, but is a humanitarian issue; and

Whereas, The West Virginia State Coordinator of the National League of Families of American Prisoners Missing in Southeast Asia has received permission from a few families to furnish names of certain West Virginians who are prisoners of war; and

Whereas, Lieutenant Commander William Hardman, U.S. Navy, son of Mrs. Sadie M. Thompkins, St. Albans, West Virginia; Major Glenn H. Wilson, U.S. Air Force, son of Mr. and Mrs. Stanley Wilson, St. Albans, West Virginia; and Major Hubert Kelley Flesher, U.S. Air Force, nephew of Mrs. Charles Carson, Jane Lew, West Virginia are prisoners in Hanoi; and

Whereas, Sergeant Albert H, Altizer, son of Mr. and Mrs. Kenneth W. Altizer, Squire, West Virginia, and Chief Warrant Officer Joseph A. Rose, U.S. Army, son of Mr. and Mrs. Joseph Rose, Morgantown, West Virginia, are believed to be prisoners of war in Southeast Asia; and

Whereas, There are more than fifteen hundred Americans known to be missing or prisoners; therefore, be it

Resolved by the Legislature of West Virginia:

That the members of the Senate express their deep concern and sympathy for the families of all West Virginians held by hostile forces in Southeast Asia; and, be it

Resolved further, That the members of the Senate express their deep concern and sympathy for the families of all Americans held by hostile forces in Southeast Asia; and, be it

Resolved further, That the members of the Senate are mindful of the sacrifice of West Virginians and many Americans who have given their lives in the Vietnam War, and that the Senate of West Virginia expresses sympathy to the families of those who will not return, and, be it

Resolved further, That the Senate of West Virginia urges humane treatment for, communication with, and the release of, all prisoners of war; and, be it

Resolved further, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the families of the West Virginians named herein who are prisoners of war or who are known to be missing and to The Honorable Richard M. Nixon, President of the United States, Washington, D.C.; The Honorable Ton Duc Thang, President, Democratic Republic of North Vietnam, Hanoi, North Vietnam; The Honorable David K. E. Bruce, U.S. Delegation to the Paris Meeting, U.S. Embassy, 2 Avenue Gabriel, Paris, France; Minister Xuan Thuy, 8 Avenue General Le Clerc, 94 Choisy-Le-Roi, Paris, France; Mme. Nguyen Thi Binh, 39 Avenue Georges Mandell, Paris 16, France; and Mrs. Bobby G. Vinson, National Coordinator, National League of Families of American Prisoners Missing in Southeast Asia, 1 Constitution Avenue, N.E., Washington, D.C.

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to join in this special order to focus concern and attention on the plight of American prisoners being held in Southeast Asia. It was my privilege on the opening day of this Congress to introduce legislation designating this as a week of concern for these men, and I was gratified at the overwhelming support and swift action it received in both Houses of Congress.

When President Nixon signed House Joint Resolution 16 into law last Friday, he noted that of all the proclamations he has signed, "There is none that has a deeper meaning" than this one. And he called on all Americans to join in heartfelt prayer and appropriate activities this week, in his words:

To voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end.

Mr. Speaker, yesterday morning I joined with the gentleman from Texas (Mr. TEAGUE), in hosting a reception for the National League of Families of those listed as prisoners or missing in action. As I stood in that room and watched these ladies greet the many Members of this body who attended, I was deeply moved by the quiet courage and hope reflected in their faces despite the lengthy ordeal so many have endured. I was reminded that it was 7 years ago this week that the first American prisoner was taken in South Vietnam, and that for many of these families it has been over 6 years that their men have been listed as missing in action. Many of these wives do not know whether their husbands are alive or dead because the North Vietnamese have even refused to release a complete list of those men being held prisoner.

Mr. Speaker, by their actions the North Vietnamese have inflicted a most cruel and inhumane punishment on both the prisoners and their families. They have violated every provision of the 1949 Geneva Convention on the treatment of prisoners, even though they signed that convention in 1957. In addition to refusing to release the names of all those being held captive, they have refused to release the sick and wounded, have refused to permit international inspection of prisoner-of-war facilities, and have refused to permit the free flow of correspondence between prisoners and their families. I think it is appropriate in this context to point out that on December 9, 1970, the United Nations General Assembly adopted a resolution which, "calls upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the treatment of prisoners of war." I think the U.N. resolution clearly recognizes that this is a problem of international humanitarian character and that it is, therefore, a responsibility of the international community to press for its solution. It is our hope that this Week of Concern will not only stimulate interest and activity in this country, but will impress upon all freedom-loving people of the world our collective responsibility in securing the humanitarian treatment of all those being held prisoner as a result of armed conflict. This is truly an issue which transcends politics, ideologies, and nationalisms.

Finally, Mr. Speaker, I want to address myself to two points which have been raised in connection with this Week of Concern. There are some who say we have already talked this issue to death and that our words are worthless. I would strongly disagree with that opinion on two counts. First, we have done more than talk. Generous offers have been made by the President for the unconditional release of all prisoners on both sides—offers which have been rejected by the North Vietnamese. And we have also made attempts to rescue these prisoners. But beyond that, I think we must keep talking lest our silence be misconstrued as a lack of concern or that we have forgotten about these men. Let me say that we have not forgotten and we shall not forget and we shall not let the rest of the world forget so long as there is even one American being held prisoner by the Communists. President Nixon noted in his statement to the annual Gridiron Club dinner that, in his words:

> Some of the progress that has been made in obtaining information about those captured in Southeast Asia results from the awakening of public opinion.

I firmly believe that further progress will come through the sustained pressures of public opinion both at home and abroad and that we would be derelict in our responsibility to these prisoners if, by our silence, we allowed this problem to drop from public view.

This brings me to my final point. There are some who say that it is wrong to have a week of concern for it will then be tempting to forget about this problem the other 51 weeks of the year. I would agree that we cannot let this happen, and it was certainly not our intention to make this week an end in itself—a time to get all our concern off our chests and then be done with it. That is certainly not what we had in mind. Rather we visualized this week as a time for rededication to a sustained concern for the prisoners and to all efforts to secure their repatriation. This is what President Nixon had in mind in signing the proclamation for this week when he said that we owe these prisoners "our strongest support and our firmest pledge that we will neither forget them nor abandon them."

Mr. Speaker, let us therefore look upon this special week as a time to rededicate ourselves to making every day a day of concern for these prisoners until all have been repatriated to their loved ones.

At this point in the Record, I include the full text of the President's proclamation designating this a "National Week of Concern for Prisoners of War/Missing in Action":

National Week of Concern for Americans Who Are Prisoners of War or Missing in Action

(A proclamation by the President of the United States of America)

The first American still being held by the enemy was captured in South Vietnam on March 26, 1964. Now, with the seventh anniversary of that event approaching, the number of Americans missing in action or known captured in the Vietnamese conflict has grown to about 1,600. Most of these men are officers and enlisted men of the Army, the Navy, the Air Force, and the Marine Corps; some are civilians. Even in captivity, they continue to serve our Nation in the highest sense of honor and duty to country. We owe them, in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandon them.

This Government has made and will continue to make strenuous efforts in behalf of these Americans who are prisoners of war or missing in action. In the face of the enemy's callous indifference to the plight of these men and their families, we have sought to focus the attention of the world on the barbaric attitude of North Vietnam and its agents throughout Indochina. We have conducted vigorous diplomatic efforts to resolve the prisoner of war problem on a purely humane basis for the prisoners we hold as well as for our brave men held prisoner.

The Geneva Prisoner of War Convention of 1949 sets forth the minimum standards for humanitarian treatment applying to all prisoners of war. Some 125 nations including all of those involved on both sides in the Southeast Asia hostilities have acceded to the Geneva Convention and have pledged to observe its humane standards. And on a moral plane above and apart from these formal rules, all civilized peoples are subject to the basic humanitarian standards long established in international law and custom.

In view of the continuing disregard of this Convention and basic humane standards by North Vietnam and its agents—their refusal to identify all of the Americans being held, to permit impartial inspection of their camps, to release the seriously sick and wounded prisoners, to provide humane treatment, and to permit prisoners to correspond regularly with their families—and in view of their adamant refusal to consider negotiation regarding the release of prisoners, the Congress of the United States has, by House Joint Resolution 16, requested the President to designate the period beginning March 21, 1971, and ending March 27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the period March 21, 1971, through March 27, 1971, as National Week of Concern for Americans Who Are Prisoners of War or Missing in Action. I call upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end.

In witness whereof, I have hereunto set my hand this nineteenth day of March, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon.

Mr. SCHERLE. Mr. Speaker, for the past 15 months, a statement has appeared in the Congressional Record every day the House has been in session. This statement tirelessly reiterates the question which no amount of bloody fighting or tedious negotiating has yet been able to answer: How long will our captive servicemen continue to wear their fetters, starve, suffer and die in Communist concentration camps? The end of the ordeal for the 1,600 American prisoners of war languishing in Vietnamese prisons, and for their families waiting out the long months and years at home, is not yet in sight. Until all of the men are released, I will continue to insert this passage in the Congressional Record daily. Forty-eight thousand copies are distributed to schools, libraries, businesses, and unions throughout the country and to our Embassies overseas. The message it carries will echo and re-echo in the American mind, lest we forget, until the unanswered question is finally laid to rest.

Mr. LENT. Mr. Speaker, this is the week that we have set aside for official demonstrations of our national concern for the American boys held prisoner of war by the North Vietnamese or reported as missing in action in Southeast Asia.

This week has been designated, as we are all aware, because it was on March 26, 1964, that Capt. Floyd J. Thompson, an American Army adviser, became the first American captured in this long and difficult war. Today, 7 years later, we recognize the plight of some 1,500 Americans in this National Week of Concern.

One of our intentions in setting aside this week is to focus world attention on the indefensible conduct of the North Vietnamese in refusing to abide by the Geneva accords regarding prisoners of war. No official list of those in captivity has ever been provided; families of the missing have been left to wonder without comfort whether their sons, husbands, or fathers are dead or captured. The seriously injured and ill have not been returned home. Nor has the International Red Cross been permitted to inspect POW facilities. Indeed, the North Vietnamese have violated every principle of human decency for which the Geneva Convention stands.

It is to be hoped that this official Week of Concern by the Government and people of the United States will help to mobilize world opinion against the recalcitrance of the North Vietnamese. It is to be hoped that their sensitivity to the sentiments of other governments—and those to whom they seek to appeal in the United States—will persuade them to abide by the rules that govern the treatment of prisoners of war by civilized nations, and to come to the conference table in Paris with the intention of beginning substitute, serious negotiations for the release of all prisoners.

We cannot know if this effort will succeed. We can only hope, and pray. But we would be derelict indeed in our duty as Americans if we did not make the effort. And that is the purpose of this National Week of Concern for Prisoners of War/Missing in Action: To honor the men and the families who have sacrificed so much; to express our national outrage at the refusal of the North Vietnamese to abide by the Geneva accords; and to mobilize world opinion to force the enemy to adopt a more reasonable and responsible policy with regard to prisoners of war.

As one who was an early sponsor of the joint resolution that asked the President to proclaim this National Week of Concern, I am hopeful that the attention of the Congress and the American people to this important issue will not falter when the week is ended. If our efforts are to succeed, they will have to be sustained; and I believe that the Congress should assume a role of leadership in keeping this matter in the forefront of public attention.

Mr. SEBELIUS. Mr. Speaker, it is an honor and a privilege to join my fellow colleagues in observing this National Week of Concern for our 1,600 men who are prisoners of war or are missing in action in Southeast Asia.

I think it is most significant that the resolution declaring this week as a National Week of Concern passed the House and the Senate March 12 by unanimous vote. There is no dissent regarding this humanitarian effort, and I am sure all Americans will unite to stimulate massive support to urge the release of our men.

As we observe this National Week of Concern, I think we should concentrate on a particular goal. If Hanoi can be encouraged to take the initial step of releasing the sick and wounded as proof of her humanitarian claims, perhaps the Pathet Lao and the Vietcong might follow suit. That is the hope expressed by the National League of Families of American Prisoners and Missing in Southeast Asia, and I am sure it is the hope of every American.

Mr. Speaker, as we in Congress take part in this Week of Concern and as the families and loved ones of these men provide the example and leadership for our States, local communities, civic clubs, veterans' organizations, groups of concerned citizens to take part in this humanitarian effort, let us all hope and pray there will be no need for another National Week of Concern. It is our fervent hope that by this time next year our men will have been returned to their families and loved ones.

In conclusion, I would like to state I have been privileged to take part in the activities now being conducted in my home State of Kansas through the Forgotten Americans Committee of Kansas. In conjunction with these activities, I have mailed a special appeal to every citizen in the First Congressional District to write the appropriate authorities in Hanoi and throughout the world expressing their concern for the safe return of our men.

Mr. MATHIAS of California. Mr. Speaker, it is my sincere wish that this National Week of Concern will in some way bring about the better treatment of American prisoners of war and possibly lead to their release. This special week could generate a wave of public opinion against the North Vietnamese that could convince them to treat our men humanely and to seriously negotiate the prisoner of war issue.

A unified show of support by the American people for our men would be too powerful a force to ignore.

As Americans, we are all deeply concerned about the men who have fallen into the hands of the North Vietnamese and for their families. They have paid a dear price for their country. We must not let them wait alone—without hope. We must offer them hope and encouragement and do everything possible to obtain their release.

During this week and until the time when they can be reunited with their families, I shall pray along with millions of other Americans for their safety and freedom.

Mr. BROWN of Ohio. Mr. Speaker, it is with the deeply shared feelings of all of my colleagues here today that I speak about the plight of the more than 1,550 American prisoners of war and those missing in action in Southeast Asia, and the hundreds of families of those men who hope and pray daily that their husbands, fathers, sons, and brothers and fathers are given decent and humane treatment by their Communist captors.

Today we are asking all Americans to undertake a nonstop personal effort that will multiply the world public pressure on the Communists in Hanoi to a point where there will be no alternative but for them to accord the basic standards of accepted human decency to the treatment of American POW's, and in turn, to those men's families in America.

Building that kind of pressure will require an effort by all Americans. We are asking each to write their own letters—to the leaders of North Vietnam and the North Vietnam and Vietcong representatives in Paris, condemning the treatment of American POW's in Southeast Asia and demanding compliance with the rules of the Geneva Convention of 1949 which Hanoi signed but now refuses to honor.

But Americans must not stop there. They should write and talk to their friends and acquaintances, urging them to do the same. The news media should be encouraged to publicize the plight of POW's and MIA's and to take editorial stands in favor of public pressure campaigns in behalf of our POW's and MIA's.

But the message from the American public can also be multiplied by millions of others around the world who equally abhor the barbaric treatment by the Communists of American POW's in their Southeast Asian prison camps. Americans should write to friends and acquaintances in these foreign countries, as well, asking their help. And the same message can go out to foreign governments whose representatives at world forums and diplomatic encounters can also bring pressure to bear on the Communists.

In short, whatever Americans can do to add another bit of pressure on Hanoi should be done. It should not stop until the goal has been reached—and the men are free.

Why is this effort needed?

International law imposes strict and explicit rules for the treatment of prisoners of war. In a series of agreements stretching back for more than a century—as well as in customary international law based on simple human morality—civilized countries have agreed to a code of conduct that forbids cruel and barbaric treatment of war captives.

The most current formulation of this code is contained in the Geneva Convention relative to the treatment of prisoners of war. Under the sponsorship of the International Committee of the Red Cross, and with the participation of 61 nations from around the world, the articles of the convention were adopted and put into formal practice in 1949.

Currently 128 nations have agreed to abide by the Geneva Convention including all the nations participating in the hostilities in South Vietnam and the surrounding countries in Southeast Asia.

It has been alleged—and I might add that these allegations have come from a few antiwar groups right here in America who seem to spend most of their time defending Hanoi—that the Geneva Convention does not apply to the present conflict because there has never been a declaration of war by any of the parties involved. But the words of the Convention, itself, refute that allegation. Article 2 of the Convention reads, and I quote:

> The present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

So all of the conditions imposed as "legal" obligations on the North Vietnamese, Vietcong and Pathet Lao by the Geneva Convention apply, even if those parties to the war lack the "moral" capacity to accord decent, humane treatment to the prisoners they hold, and in turn to the families of those men who live month after month in the cruel abyss between hope and the fear over the plight of their husbands, sons, fathers, and brothers.

These hundreds of families must live in this state because of what is probably the most flagrant violation of the Geneva Convention by the other side—article 122, which states that the names of all POW's must be promptly identified and the information reported to the other side. But the North Vietnamese and their allied aggression forces have made not even the slightest pretense of formal compliance with this requirement.

The information has been gained only by a variety of loose and ineffective methods—the few letters received from prisoners, the information known by those few who have escaped or have been released, or by personal sightings of the men captured or in captivity. Last December, 3 days before Christmas, and with the fanfare and the propensity for maximum propaganda effect, the North Vietnamese transmitted the first prisoner list of any type to America—from its representatives in Paris to a representative of Senator TED KENNEDY.

What did the list contain? Absolutely nothing new. It was a list of 339 American prisoners in North Vietnam who were already known to us, and 20 dead who were also known.

What did the maneuver of the Communists do? It seemed blantantly calculated to divert attention from Hanoi's failure to comply with the code of international law or the rules of basic human decency.

But it did not do that, either. All that it did do was raise the false hopes in the families of the more than 1,100 missing in action who have prayed and hoped daily for months and years that some indication might be given from the enemy whether or not those men are alive in captivity or dead. So they will go on living between those two poles of hope and fear.

We are here today to show those families that we care about the plight of their loved ones and about the lives they, themselves, are being forced to live. We will do everything in our power to change those conditions.

Nonreporting of prisoners is just one of the list of flagrant and unfeeling violations by the Communists regarding the prisoners of war, however.

The Geneva Convention—article 126—requires regular inspection of all prisoner of war facilities by a qualified impartial body such as the International Committee of the Red Cross. There have been no inspections of any of the Communist camps in North Vietnam, South

Vietnam or Laos. This contrasts with the regular inspection of POW camps in South Vietnam, where about 37,000 North Vietnamese and Vietcong are held.

These camps are inspected on a regular basis by the ICRC, including interviews with prisoners chosen by ICRC officials. The only "inspections" of North Vietnamese prison camps have been via staged and censored propaganda films released on a couple of occasions, including last Christmas, and by a couple of "peace" group representatives who have publically announced their sympathy for the Communist goals in the war while completely rejecting the purposes of our own involvement.

Article 109 of the Geneva Convention requires the immediate release of seriously sick and wounded prisoners as soon as they are able to travel, and the release of POW's long held in captivity.

Again, the enemy has almost completely ignored this obligation.

Only nine American POW's have been released from enemy camps in the North—the last three in August 1969—and none from the camps in South Vietnam or Laos. This contrasts with the release of 221 North Vietnamese POW's and several hundred Vietcong, despite numerous petty obstacles put up by the other side which refuses to even admit that their soldiers are fighting in South Vietnam.

Article 120 requires the captor nation to advise of deaths in captivity, with full official information on circumstances, cause, burial, and grave identification. There has been only a rare assertion of deaths of American POW's, and this only through unofficial channels. There cannot be any reason for the Communists to refuse to give this information which would ease at least part of the needless suffering of families of men who have died in captivity.

Withholding of such information—along with all other information—is a crude attempt at international blackmail in which the families are the pawns.

Articles 70, 71, and 72 of the Geneva Convention concern the flow of mail and packages between POW's and their families. The first—70—requires that a prisoner be allowed to write to his family within 1 week after capture: But some have not been allowed to write for 5 years.

Article 71 requires a minimum of two letters and four cards per month be allowed between a prisoner and his family. But the average has been 2 to 3 letters per year, and none at all for some. Of the 80 men known to be held in South Vietnam and Laos, only one has ever been allowed to write a letter—and that was only once. Although their families write to them regularly, we do not know if any of these men have ever received a letter.

The picture has been better in North Vietnam, but still far below the standards required by international law or through what should be normal human conpassion. From the time the first American prisoner was captured in Southeast Asia in March 1964, through January of 1969, only 620 letters were received by the families of 103 POW's.

As of November, last year, the total known letters received by families of POW's held in North Vietnam had gone up to 2,700 from 332 men: Still far, far below what it should have been. What is more, the letters have all been very short, and obviously written under sharp scrutiny and subject to heavy censorship. And just last week it was reported that families of American POW's in North Vietnam have received no mail from the men since early January after the increase last year.

Article 72 states that free receipt by prisoners of packages from home must be observed. Although North Vietnam states that POW's can receive a package every other month, evidence strongly indicates that delivery is irregular, and the packages that do arrive have often been rifled and portions of the permissible contents removed.

Other provisions of the Geneva Convention require "humane" treatment of all POW's, adequate food and medical care, regular religious services, and prohibit solitary confinement. From the nine prisoners who have been released, from the handful who have escaped, and from the evidence in letters, we know that every one of these provisions have been systematically disregarded and violated by the enemy.

American POW's have been paraded in the streets of Hanoi and other North Vietnam towns and villages; tortured and forced to make statements; held in solitary confinement—in some cases for years—underfed and inadequately provided with medical care. The only evidence of religious services has been in propaganda films, such as the one released last Christmas, which had all the markings of being a staged affair for that purpose only. In fact, the films themselves were a violation of the convention, which forbids the exploitation of prisoners for propaganda purposes and exposes them to public curiosity.

The Geneva Convention states further, in article 23, that all POW camps must be marked so as to be visible from the air and the locations of the camps otherwise provided.

No such adherence by the Communists has ever been observed, while at the same time there has been regular evidence of camps being placed near military installations in both North and South Vietnam subject to bombing by U.S. aircraft.

At the heart of the Communists' refusal to abide by the Geneva Convention are two apparent reasons:

First, they see the prisoner issue not in any human and humane terms, but only as a source of negotiating power to pressure the United States and our allies into capitulation at the Paris bargaining table. This became fully obvious following the October 7, 1970, proposal by President Nixon to exchange all North Vietnamese POW's held in South Vietnam, numbering some 8,200 men, for the 800 or so known American and South Vietnamese POW's held in Southeast Asia by the Communists.

This offer—which still stands—was totally rejected by the other side which has said the repatriation of American prisoners of war could start only after the United States agreed to: First, withdraw all American troops and those of other foreign allies from South Vietnam by June 30 of this year; second, terminate its Vietnamization policy to allow the South Vietnamese to protect their own nation from Communist subversion; and third, remove the top three officials of the present Saigon government.

Second, it has become obvious that a reversal of the North Vietnamese refusal to abide by the Geneva Convention rules would expose the barbarism that our men have been subject to in the Communist prisons.

A release of sick and wounded, as the rules call for, would reveal the virtually nonexistent care and treatment these men have received, and open a flood of testimony of the inhuman treatment they and their fellow POW's have had to undergo. That is why the raid was carried out at Son Tay last November. Even though unsuccessful, it showed the world our determination to correct the conditions.

Listen to the description of the treatment by Navy Lt. Robert Frishman, one of the three prisoners released in August 1969:

> He (one of the prison camp officers) had an uncanny instinct for finding the torture to fit the man. One prisoner who suffered from claustrophobia was rolled up in a bamboo mat and left to scream in spastic fear.
>
> Some were beaten with rubber hoses. At least once, guards broke a man's bones with the butts of their rifles.
>
> Yet old Stoneface never hit me. He had devised more subtle methods of abuse. My nemisis was the stool treatment.
>
> Repeatedly, in the 19 months I spent as his vassal, he demanded that I write statements about my "criminal acts," about the "humane" treatment North Vietnam affords prisoners, and the excellent medical care. If I failed to produce, I was confined in a room bare of everything except a low stool and swarms of hungry mosquitos, and was forced to crouch on the stool, unmoving, for as long as three days.
>
> In the intolerable heat, sweating, bones aching, all thoughts of country, home, even wife and parents, faded.
>
> As fatigue set in and numbness crept up my swelling legs, I sometimes fell from the stool, only to be roughly thrust back by a guard. I sat and sat and sat. Each second became more unbearable.
>
> Now, months later, I am finally able to talk about the horrors of the prisons of Hanoi. Hundreds of Americans still languish in them.
>
> We have no assurances that our men are not being tortured, brutalized and degraded, even as you read this. I hope the world will see these hellholes and their keepers for what they are. I hope there will be a universal cry of outrage demanding that these inhuman institutions be wiped from the earth.

There is only one way to guarantee that the situation and conditions endured by Lieutenant Frishman and hundreds of others held captive by the Communists are corrected—at least made bearable for those men and their families—world public pressure. We here today can be part of that great growing force to bring it about. We call upon all Americans to join with us.

Mr. BAKER. Mr. Speaker, I am privileged to participate in this special observance designated by Congress as

National Week of Concern for Prisoners of War and Those Missing in Action.

For many months, the concerns of both servicemen who are in these categories and their families and friends have been close to my heart.

A number of families in the Third District of Tennessee have been touched by the ravages of the Southeast Asian conflict. I must mention again, as I have before, the courage, faith, and enthusiastic efforts of Mrs. Wayne Fullam, wife of Maj. Wayne Fullam, USAF, missing in action since 1967. Mrs. Booncy Fullam has, indeed, been an inspiration to all with whom she has come in contact.

Today, however, I have an unusual opportunity to express my praise for one who has experienced the horrors of confinement by the North Vietnamese and has lived to return home and tell his story to us and the Nation.

Coy Tinsley of Cleveland, Tenn., was a Pfc. in the U.S. Army on March 9, 1969, when he was captured by Vietcong and North Vietnamese forces. He was a member of a patrol team working near Tra Binh, a tiny Vietnamese village west of Chu Lai.

As Coy Tinsley, now Spec. 5, relates, he passed out from loss of blood from shoulder and shrapnel wounds. He remembers regaining consciousness several times while being dragged across rice paddies. When he regained consciousness hours or days later, he was tied to a tree in a dense jungle. Here he remained for several days, losing blood from a gaping shoulder wound, alone, and without food. He then was cut down from the jungle tree and forced to walk several miles to a crude field hospital deeper in the jungle.

He states:

> I had a bone sticking out of my back from the bullet that'd busted the bones open inside my shoulder. They cut me up with a pair of rusty scissors and picked out some shrapnel. I don't know if they did anything else, because I passed out. They didn't have any anaesthesia or bandages.

Again, when he regained consciousness, he was tied to a tree, and this time with the injured shoulder, so it was more difficult to move.

It was first thought he was an officer; then an interrogator identified him as a private first class.

During his confinement, he lost 50 pounds, experienced the presence of a pistol at his throat and being told, "To be or not to be, the right to decide is in my hands," and existing on a diet of rice and an occasional fish.

He could not send, nor did he receive any mail.

He spent most of his time reading propaganda pamphlets in a straw hut surrounded by three guards.

When it was determined that he would be returned home, his food ration improved, and his indoctrination was intensified.

All the while his young wife Dorothy was working, waiting, writing undelivered letters, and so forth, which has become the lot of many other wives of those missing in action.

This same story repeats itself many times for many families, but few are so fortunate as Coy Tinsley and his family to experience the joys of November 5, 1970, which Tinsley described as, "Wonderful—like being born again."

Coy was lucky. He came home. But today there are some 1,600 American servicemen who are still imprisoned in filthy bamboo cages or missing in action in Vietnam.

This story vividly illustrates the plight of our POW's and their families. I hope that all American citizens will express their concern by writing to Hanoi and by showing the rest of the world that we want to get all our boys back home.

Be we hawks or dove or inbetween, it is our obligation to use the maximum of our abilities and influence to relieve this great injustice.

Mr. SHRIVER. Mr. Speaker, I am proud to join my colleagues here on the floor of the House of Representatives today to publicly express our sincere concern for American prisoners of war and missing in action in Southeast Asia and for their families here at home. In view of the obvious attention to American public opinion paid by the North Vietnamese and Vietcong, it is important that we, as elected Representatives, lead the way during this special week of national concern.

As one of the original cosponsors of House Joint Resolution 16 which designated this as a "National Week of Concern for Prisoners of War/Missing in Action," it was my privilege to attend the Presidential signing ceremonies last Friday in the Cabinet Room of the White House. I have attended similar ceremonies there in the past, but on none of those occasions was there such an atmosphere of unanimity of purpose. This is not a partisan week, nor are we hampered in our concern by such problems as generation gaps or philosophical disputes.

Approximately 1,600 American sons, husbands, fathers, brothers, neighbors, and friends are now classified as either prisoners of war or missing in action as a result of the war in Vietnam. As tragic as this situation always is in time of war, the intransigence and inhumanity shown by North Vietnam regarding these men and their families is unprecedented in modern civilized history. However frustrating it might seem to us as private citizens and as Representatives in seeing the concern of the free world almost totally disregarded by the other side, we must continue all possible efforts to free these POW's and MIA's. That is what this week is all about.

Although North Vietnam agreed in 1957 to abide by the provisions of the Geneva Convention regarding the treatment of prisoners of war, that government, along with its allies operating in South Vietnam, Laos, and Cambodia, has not honored its agreement. The names of the prisoners have not been released as required by the Convention. No independent, humanitarian observers have been allowed into the prison camps for inspection purposes. Mail and parcel deliveries are almost nonexistent. Seriously wounded and ill prisoners have not been released. And it is evident even in the propaganda films that have been released that the food and medicine made available to the prisoners has not been adequate.

In short, the treatment of these prisoners and of their families back home has been inhumane and senselessly punitive. These soldiers, like those in all wars, did not make the policies which led to their presence in Southeast Asia. Their families at this point understand and care little about the complex geopolitical struggle going on there. All of these people have suffered enough.

Mr. Speaker, very seldom are we confronted with an issue which unifies our country such as the present concern for these POW's and MIA's. I am proud to include at the conclusion of this statement the resolution recently enacted by the Kansas Legislature which established this week as the Kansas Week of Concern for Prisoners of War/Missing in Action. At the present time, 56 Kansans are known to fall into these categories. In addition to the call for State and local observance of this week, this resolution condemns the acts of North Vietnam and its allies and calls on the U.S. Government and the other 119 nations which signed the Geneva Convention to initiate the necessary pressures to halt these inhumane and illegal actions.

Many of us have witnessed admirable private efforts by our constituents in behalf of our POW's and MIA's. Earlier this month, I was briefed by two members of the Forgotten Americans Committee of Kansas—FACK—prior to their departure for Paris to discuss this problem with North Vietnamese and Vietcong representatives at the peace talks. The trip was financed largely through private contributions from other concerned Kansans. These two representatives of FACK, Mrs. Ann Howes and Miss Maureen Smith, carried with them 50,000 petitions signed by Kansans urging humane treatment for U.S. POW's.

While all of their objectives were not satisfied in their meetings with some of the North Vietnamese, Mrs. Howes and Miss Smith felt that some progress and understanding had been accomplished. Typical of the spirit of these two ladies was Miss Smith's comment on their return that they would try again to visit a POW camp:

> Our passports are good for five years and I have a three-month vacation coming up next summer.

I congratulate them and their organization and will continue to assist such efforts until all of these men have returned home.

The resolution follows:

RESOLUTION ENACTED BY THE KANSAS LEGISLATURE, MARCH 2, 1971

A Resolution condemning the illegal and inhumane acts of the government of North Vietnam, National Liberation Front and Lao Patriotic Front with respect to American prisoners of war/missing in action; calling on other governments and the United Nations to bring pressure upon the aforementioned governments to comply with the Geneva Convention; requesting the governor of Kansas to declare a "Kansas week of concern for prisoners of war/missing in action"

Whereas, In 1957 the government of North Vietnam signed the appropriate documents of the Geneva Convention of August 12, 1949, relating to treatment of prisoners of war, and did thereby solemnly promise to adhere and abide by the covenants of that Convention, thereby joining in a common pledge with one hundred nineteen other national governments to insure the welfare and humane treatment of prisoners of war; and

Whereas, Article 2 of the Geneva Convention specifically provides that the Convention shall apply to all cases of armed conflict which shall arise between contracting parties whether or not a state of war has been recognized or declared; and

Whereas, The government of North Vietnam and her allies, the shadow-governments of the National Liberation Front and the Lao Patriotic Front, have willfully and continuously violated the covenants of the Geneva Convention and have maliciously ignored the provisions of said Convention requiring humane treatment of prisoners of war. Maintaining falsely, in contravention of Article 2 of said Convention, that American captives are not prisoners of war but war criminals North Vietnam and her puppet allies have refused to:

Permit neutral inspections of prisoners of war camps;

Provide identification of all prisoners held;

Release those prisoners who are seriously wounded or ill;

Allow a proper and constant flow of mail to and from prisoners;

Provide an adequate and nutritious diet; and

Provide adequate medical and pharmaceutical care; and

Whereas, In addition to the foregoing, the government of North Vietnam and her puppet allies have:

Subjected prisoners of war to public abuse;

Subjected prisoners of war to cruel mistreatment and torture; and

Exported prisoners of war for propaganda purposes; all of which acts are in direct violation of the Geneva Convention and the humanitarian principles of civilized society; and

Whereas, Citizens of the state of Kansas serving on active duty in the armed forces of the United States, in Southeast Asia, have been declared to be missing in action and are known or believed to be held prisoners by North Vietnam, the Viet Cong and the Pathet Lao: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the people of the state of Kansas condemn these inhumane and illegal acts of the government of North Vietnam and of the National Liberation Front and Lao Patriotic Front and call upon them to cease their deliberate and contumacious violation of the provisions of the Geneva Convention.

Be it further resolved: That the people of the state of Kansas call upon the government of the United States, the governments of all nations who are signatory to the Geneva Convention, and the Secretary General of the United Nations to bring such pressures as are necessary upon the government of North Vietnam, the National Liberation Front and the Lao Patriotic Front to insure immediate, full and complete compliance with the provisions of the Geneva Convention.

Be it further resolved: That the governor of the state of Kansas be authorized and requested to proclaim the period beginning March 21, 1971, as "Kansas week of concern for prisoners of war/missing in action," to honor those brave citizens of Kansas who have sacrificed their freedom in defense of freedom for all and that all municipalities, civic groups, fraternal organizations and like entities in the state of Kansas be informed of this resolution and requested to support its intent by every feasible means available.

Be it further resolved: That the secretary of the senate transmit duly attested copies of this resolution to the secretary of the Senate of the United States, to the clerk of the House of Representatives of the United States, to each member of the Congress from this state, to the Government of North Vietnam and to the Secretary General of the United Nations.

Mr. HILLIS. Mr. Speaker, during this "National Week of Concern for Prisoners of War and Men Missing in Action," I want to lend my voice in encouraging all Americans, regardless of their views on the war, to work toward the goal obtaining humane treatment of our prisoners of war by North Vietnam.

In our Nation there are many different views regarding the war in Southeast Asia. Some are calling for an all-out victory in Vietnam. Others are wanting immediate troop withdrawal and still others would set up a fixed timetable for the removal of American forces.

But regardless of an individual's views on war, we all can—and must—unite world opinion in the plea to Hanoi to live up to the provisions of the Geneva Convention. Our men deserve humane treatment now. Our men deserve to be released now.

Reports filtering into the State Department tell horrible tales of the treatment Americans are receiving at the hands of the North Vietnamese.

When an American is first captured, he is thrown into a truck bed and then forced to lie on his back with his feet bound.

He is later herded from village to village where the North Vietnamese cage him like an animal so that villagers can file past to strike him.

Eventually, the captors transfer him to a small hut containing 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope.

For 29 days they keep him in this position, freeing him only long enough to eat a daily bowl of rice.

Following this, the American prisoner is then transferred to one of the prisons in Hanoi. Here he goes through a daily routine of agony which includes propaganda against his own country, hard labor, torture, little food, no medical care to speak of, and no mail.

Throughout this great ordeal, there is one thing that is going through the prisoner's mind: "Does anybody care?".

Mr. Speaker, through programs such as the "National Week of Concern for Prisoners of War and Men Missing in Action," we in the Congress are trying to gain worldwide support for the American prisoners of war.

What can we do?

First of all, we can pray daily for these prisoners. We can pray that President Ton Duc Thang of Hanoi will change his practice of inhuman treatment and will begin to treat the prisoners by the standards set out by the Geneva Convention.

Second, we must do everything possible to change the situation where wives and children, parents and loved ones are suffering great agony because they do not know if their husbands and fathers are dead or alive.

Recently, I wrote a letter to President Ton Duc Thang. And last week I asked the citizens of Indiana's Fifth District to join me in a similar effort.

Mr. Speaker, I am asking each citizen who hears or reads this speech to do the same. I am enclosing a copy of the letter I have written, and it would be very easy for each citizen to sign his or her name, clip the letter and mail it.

Do not forget what our young men are thinking.

Is anybody there?

Does anybody care?

The letter follows:

PRESIDENT TON DUC THANG,
Democratic Republic of Vietnam, Hanoi,
c/o American Red Cross,
Washington, D.C. 20013

DEAR MR. PRESIDENT: You have claimed that American citizens held in your detention camps are being treated humanely. But you offer no proof of this and reports coming from your camp tell that American prisoners are being subjected to the worst forms of torture.

We ask that you immediately:

1. Identify the prisoners you hold
2. Permit impartial inspection of your POW camps
3. Release prisoners who are seriously ill or injured
4. Permit the free flow of mail between prisoners and their families.

These four points are elementary rules which civilized countries are expected to follow, and I join millions of others in the world urging you to take these steps.

Mr. SPENCE. Mr. Speaker, this week has been designated as "National Week of Concern for Prisoners of War/Missing in Action." I am honored to have been a cosponsor of the resolution which authorized the President to so designate this week, and which passed the House of Representatives unanimously.

The concern which brings us to authorize this special week is both nonpolitical and nonideological. It transcends all party lines and joins conservatives and liberals, hawks, and doves. There are very few issues which can bring our diverse membership together into a common bond, Mr. Speaker; but this is certainly one.

The reason for this rare unanimity is simple. Those men over there in filthy jails are our men. They are American men. They have fought bravely for us and we do not intend to let them down. We do not intend to let the world forget for a moment what the Communists are doing to Americans in Vietnam and Laos.

It is most upsetting to hear the details of what these men are going through over there—even harder to talk about it. But that does not make it go away. It is there, and it is going on right this minute. Lengthy, in-depth interviews with some of the men who have been released and also with reliable and informed sources in Saigon and Paris leave no room for doubt. Unfortunately, it is clear that propaganda films showing POW's playing volleyball are just that—propaganda and nothing else. The public never sees the filthy cells where rats coexist with the prisoners or the men with all manner of illnesses or deformities resulting from malnutrition, exposure, and cruel physical treatment.

How much longer can our men hold out? How much longer should they have to hold out? The Geneva Conventions require release of the sick and wounded. It further requires release or transfer to neutral nations men whose long imprisonment imperils their health.

The first men captured have now been confined under the most degrading circumstances for nearly 7 years. Hundreds of others have agonized through 4, 5, or 6 lonely years.

What does it take to get Hanoi to live up to their legal obligations under the Geneva Conventions?

Occasions such as this special week, and this special day on which we speak out on behalf of our men, are a big help, I am proud to have this opportunity to join in the chorus. I consider it top priority in my office to continue doing everything possible to help these brave Americans and their long-suffering families. We must not let them down.

Thank you, Mr. Speaker.

Mr. TALCOTT. Mr. Speaker, I thank the gentleman for yielding. I feel privileged to participate in this appeal for humane treatment for prisoners of war.

Special orders, resolutions and letters are not new to the odyssey of prisoners of war and their loved ones.

They may seem redundant and futile, but they are necessary and probably beneficial so I commend and thank the organizers of this special order, my distinguished colleagues, the gentleman from Illinois, Mr. JOHN ANDERSON, and the gentlemen from Indiana, Mr. JOHN MYERS and Mr. ROGER ZION.

I speak as a private citizen and a former prisoner of war. I would like briefly to make several points which have not been emphasized enough.

First, I have served with some extraordinary Americans—including recipients of the Congressional Medal of Honor—but never have I known a more patriotic, brave, or devoted group than the wives and families of our prisoners of war and those missing in action.

Never has a nation owed so much to so few. I hope that each of you will, at this moment, commit yourselves to their cause.

Next, we can be very proud of our country's policies and practices regarding treatment of prisoners. We have always been highly humanitarian and have always complied scrupulously with the Geneva Convention. No nation has performed more benevolently. This ought to impress the news media and world opinion; but it needs reiteration. Throughout the tragic history of warfare, the military have usually conducted themselves more honorably and humanely than the politicos or the populace.

I was a captive of the much maligned Nazis whose mentality ordered thousands of human beings to be gassed in ovens—and permitted lamp shades to be made of human skins. Hitler and Himmler ordered the extermination of all prisoners of war, including Americans; but their grisly orders were contravened, at great personal peril, by the military. A similar dichotomy may prevail in North Vietnam today. If so, we ought to exploit it by appeals to the basic honor of the military.

As evil as the Nazis may have seemed, the Communists are immeasurably more demoniacal. We were confined in groups, so we could at least lean on each other. We could, within restrictions, correspond with our families. I knew within 3 months that my son was born. But some of the women here tonight whose husbands were shot down 6 years ago do not yet know whether they are wives or widows.

None of you can imagine their longing or anxiety. Some time ago an enemy photograph purporting to show an American prisoner was circulated among the wives—and 22 of them identified one man as their husband. Think of the poignancy of that episode.

Now, I have a serious message for Hanoi. If they are listening, I hope they will heed my suggestion. It is not made in rancor. Twenty-seven years ago, we and the Germans were fierce diplomatic and military enemies. We bombed their cities and war plants; they shot us down and confined us. Today's rhetoric of "gooks" and "war criminals" is reminiscent to me; in my day the enemy were "goons" and we were "luft gangsters." But today, we and our German captors are friends. We are mutually welcome in each other's homes. This friendship is based upon individual mutual respect and appreciation because we treated each other's prisoners with dignity and humaneness. This treatment strongly influenced the free world to assist Germany in her economic and diplomatic rehabilitation.

Times and conditions change kaleidoscopically, but personal attitudes change more slowly. Twenty-seven years from now, the North Vietnamese may need and want acceptance in the community of civilized and peaceful nations. The North Vietnamese Government would be well-advised to emulate the United States, and other governments, who comply with the terms of the Geneva Convention and who treat their prisoners decently in spite of their diplomatic and military differences with enemy nations.

One more point—last year every rider on this planet shared the drama of the rescue from space of the crippled Apollo 13. I salute Captain Lovell and his fellow astronauts, Fred Haise, and John Swigert for their outstanding performance. The outpouring of prayer for the safety of the crew, and the general empathy with their families, was a splendid demonstration of the concern for which fellow human beings can hold for one another.

The fantastic rescue was possible partially because of the cool expertise of the flight and ground crews, but also because of the enormous sums of money we have spent, and the extraordinary care we have taken, to insure the safety of our astronauts. We have, quite properly, "built in" redundancy upon redundancy to safeguard the men who fly in space. But the men who fly over Vietnam and Laos are also skilled, courageous, dedicated pilots—not much different from the astronauts, except that they fly under orders and out of camera range. The wives and families of both the combat pilot and the space pilot share similar risks and anxieties. If we had "built in" comparable safeguards for our combat crews; if we had cared as much for their safe return; if our news media had removed their wraps and had devoted as much attention to the plight of our combat crews, and their loved ones, as to our space mission, I am certain that our prisoners would, by now, be receiving treatment in compliance with the Geneva Convention.

We must prod the news media to measure up to their responsibilities to report the POW and MIA phenomena and to help mobilize international public opinion to demand compliance with the Geneva Convention and to promote basic humaneness among all men.

I am convinced that our Government, our military, and our Red Cross are doing everything possible to help our prisoners and to alleviate the torment of their families. But we can and must do more to mobilize world public opinion. Last November, a team of daring, competent, and selfless volunteers raided Son Tay in an effort to rescue some of our prisoners of war.

I am confident that word of this rescue mission rapidly spread throughout North Vietnam. It gave our prisoners a new hope. Assurance that one's family and one's government cares provides the hope and psychological lift that is necessary to endure the burden and agony of imprisonment during war.

The morale of all servicemen, their families, their neighbors, and their countrymen is affected by their Government's concern for the men who are lost while performing their duty on a military mission. I commend, and salute the men who participated in this attempted rescue.

Last year at the 25th annual reunion of American Airforce Prisoners of War in Cincinnati we conducted a seminar on the present POW and MIA situation. It was a moving, emotional session. We cried together for these wives and their families. No one left their seat for 2½ hours. We unanimously adopted another resolution urging humane treatment for prisoners of war. But it was different, in style and trust, because former prisoners joined to plead for today's prisoners—on a basis of decency and comradeship in the military tradition. We are being joined by former prisoners of many other nationalities. We will soon be joined by German, Italian, and Japanese Nationals, who were prisoners of the allies at another moment in time. Our appeal is for basic humanity and universal comradeship—without regard to color, nationality, charge, or station in life.

Let me read excerpts from the resolution:

We, as former Prisoners of War:

Knowing first-hand the agonies of prisoners of war and their loved ones;

Realizing that individual servicemen have no authority in determining the military or diplomatic decisions of their national governments;

Believing that humane treatment should be accorded every individual regardless of his race, nationality, station in life, or charge against him;

Shocked by the knowledge that the government of North Vietnam refuses to disclose to our government or to the next-of-kin information concerning the capture, condition or location of prisoners;

Appreciating the anxiety and loneliness of wives, parents and children who are not informed concerning the locations and conditions of their missing servicemen; and

Having uncontroverted evidence that prisoners now in the custody of the North Vietnamese government, Viet Cong and Pathet Lao are being mistreated and their families subjected to unimaginable torment in clear contradiction of the Geneva Convention and the fundamental rights of men;

Now, therefore, in the interests of basic humanity and universal comradeship, we:

Urgently urge that all civilized persons of all nations insist on the elemental judicial privilege of Habeus Corpus—which entitled any next-of-kin to have the person of a prisoner identified or produced or his place of burial known—for themselves and for all others;

Strongly advocate that all nations and governments comply fully with the Geneva Convention pertaining to prisoners of war; and

Earnestly implore every human being in every land to make their feelings known directly to the authorities of North Vietnam.

Executed in open convention during the 25th National Reunion of the Amerikanish Kriegsgefangenen (former American Prisoners of War) at Cincinnati, Ohio, U.S.A., April 25, 1970.

Many concerned Americans have written Hanoi urging the release or humane treatment of our POW's. Unfortunately, without success.

I believe we should direct this concern and the organizational momentum of letterwriters and petition signers to urge all Americans to call or write their friends, associates, and relatives in other countries to importune their officials to appeal to Hanoi for the humane treatment of all POW's.

By attracting world attention to the plight of our prisoners of war, we could help to bring further pressure to bear on Hanoi to comply with the Geneva Convention and to move toward the repatriation of all prisoners.

If anyone wants to do something special, may I suggest that he or she ascertain the name of one wife or mother of a POW or MIA and write her a personal letter tonight. Tell her of your appreciation for her plight, your gratitude for her airman's service, and encourage her a little as she endures her agonizing torment.

I am hopeful adoption of this resolution of the U.S. House of Representatives will serve notice in our country and around the world that our POW's are not forgotten Americans and that we shall not discontinue our efforts until they have all been returned to their homeland and reunited with their loved ones.

Mr. YOUNG of Florida. Mr. Speaker, America's heart goes out to the brave men who are either captured or missing in action in the Southeast Asia conflict. We are touched by the plight of these more than 1,500 men and their loved ones at home.

While Americans may disagree about the tactics and speed in which we wind down this unfortunate war, we are united in our concern for the welfare of these prisoners and missing men.

We must demonstrate to the world that these men are not forgotten.

For this reason, I am proud to be a cosponsor of House Joint Resolution 16, designating the week of March 21–27 as a "National Week of Concern for Prisoners of War/Missing in Action."

I know that the entire Nation will join with us in expressing concern for the fate of these men, and urge their humane treatment and prompt release.

March 26 marks the seventh year since an American was taken prisoner. Many more have been taken into captivity since; we have no way of knowing precisely how many since North Vietnam refuses us information about our men. This is particularly heartbreaking for the families who have waited for years to learn if their husband or father is alive or dead.

Although the North Vietnamese signed the 1949 Geneva Convention in 1957, they have refused to honor its provisions for humane treatment of prisoners of war.

Our men are confined in camps with no international inspection; they are refused free exchange of mail; their food is meager; and adequate medical care is withheld.

Man's sense of decency and fair play is repelled by the barbaric treatment of American prisoners in North Vietnam. This treatment proves how wrong those are who view the Communists leaders as simple patriots engaged in a civil war.

Americans will not forget our captive men. The world cannot forgive their treatment.

Mr. HENDERSON. Mr. Speaker, the only hesitancy I have in helping to highlight this week as a national week of concern for our prisoners of war and men missing in action is that it could be misconstrued to mean that we are not steadily, regularly, and constantly concerned for these brave Americans and not just concerned during 1 week.

There can no longer be any doubt in the minds of the leaders of Hanoi that the American public is concerned—deeply concerned—about the Americans who have fallen into the hands of North Vietnam and have never been even properly accounted for since.

Petitions, letters, and other expressions signed or joined in by millions of individual American citizens ranging from schoolchildren to elderly, retired persons have been obtained and delivery attempted to sources which would bring them to the attention of Hanoi.

We can no longer tolerate Hanoi's ignoring of our petitions on behalf of these men.

We are told that Asiatics do not place the same value upon the lives of individual humans that we do and that Hanoi just cannot believe that our country is really excited about a few hundred prisoners of war.

Let me say that in my judgment, the average American would support this war more strongly and be far more insistent upon military victory than he now is if he were told that we seek to liberate American prisoners than he does when he is told that we are fighting for abstract principles.

Not that we do not believe in abstract principles or are unwilling to fight for them, but above almost everything else, we believe in the dignity, the value and the worth of an individual human being. This is true partly and largely because of our belief in God and God's concern, revealed through Christ, for every individual. But it is also true because we long ago, as a nation, rejected the idea of slavery, of royalty, and a "class society," and embraced the concept that all men are created equally free.

I have joined my colleagues in the House in a letter to Ton Duc Thang, President of the Hanoi government urging him, in the name of humanity and truth, to grant a request that a representative group from the U.S. Congress be permitted to inspect the POW camps in North Vietnam.

I hope that he takes our request seriously. I can assure him that we are serious in making it.

Mr. GUDE. Mr. Speaker, I am pleased to have this opportunity to speak out on an issue that we must seek to keep in the headlines as long as it remains an issue—the tragic situation of American/POW/MIA's in Southeast Asia. In designating this week, March 21–27, as "National Week of Concern for Prisoners of War/Missing in Action," we are focusing world attention on the plight of more than 1,500 men who have been either prisoners or missing over a 7-year period; this is the longest period that any American soldier has been imprisoned.

I have signed this resolution, along with many of my colleagues; however, I am not satisfied by this display of concern alone—concern is certainly essential, but it does little to help our POW's. We have over 40 families in Maryland whose child or husband is either missing or being held prisoner, and they are fed up with words of condemnation from Congress and the administration—they want action and I cannot blame them as I, too, share this same desire. We have the legislation before us, both in the House and in the Senate—we need only to get it moving.

Mr. GREEN of Pennsylvania. Mr. Speaker, I am pleased to join my colleagues today to protest the treatment and continued incarceration of our American prisoners of war.

What is most discouraging to me is the lack of known prisoner information or indication of status provided families of men missing in action. Mr. Speaker, regardless of our views on the war, what we are talking about here is basic human decency and basic human emotions. Hanoi has nothing to win by further concealing the names of prisoners; yet it contemptuously continues to do so to the distress of families and loved ones of American servicemen.

I add my support to the activities of the National League of Families of American Prisoners and Missing in Southeast Asia as they inform the American public about the condition of the prisoners and men missing in action. I am pleased to add my name to the National Week of Concern and I urge all Americans to be mindful of this week and to express their desire for fair and humane treatment of all war prisoners.

Mr. QUIE. Mr. Speaker, on March 26,

1964, Air Force Capt. Floyd Thompson was captured by the North Vietnamese in South Vietnam. For nearly 7 years he has been held in a North Vietnamese prison.

Captain Thompson and others have been subjected to imprisonment longer than any other prisoners-of-war in modern history. It staggers the imagination that North Vietnam, which has 35,000 men in South Vietnam's prisons is not willing to make a complete transfer of all prisoners of war for the 3,000 American and South Vietnamese prisoners whom they have. It would only require a modest amount of humanitarianism to see the value of such an arrangement.

Even more poignant is the case of the men who are missing in action. The limbo of doubt and apprehension which afflict the families of these men as a result of the refusal of the North to provide us a complete list of Americans held is even less understandable and more cruel.

Meanwhile, this country must do everything in our power to comfort and encourage the 1,600 families whose sons, husbands, and fathers are prisoners-of-war or missing in action.

I am glad the Congress and the President have declared this a National Week of Concern for these men and their families who have suffered so much through this tragic affair. I sincerely trust that an increased public concern in this country will result in more fruitful negotiations on these matters in Paris.

Mr. COUGHLIN. Mr. Speaker, during this National Week of Concern for Prisoners of War and Missing in Action, I join in focusing public attention on the tragedy of our servicemen who have been unduly detained by the enemy, separated from their loved ones by the cruel circumstances of war.

The feelings of many of us vary considerably on our involvement in Southeast Asia, but we are all united in urging Hanoi to assure humane treatment of our prisoners-of-war, release complete information about them, and arrange for their immediate release.

I hope that world consensus will convince Hanoi to reconsider its position of intransigence. Some Americans have been held captive for more than 6 years, longer than any other prisoners in our history, and certainly longer than can be justified by any possible political or military consideration. At present, 1,500 Americans are prisoners of war or missing in action. Their families face courageously the strain and uncertainty which has become their daily burden, but relief of their anxiety is long overdue.

War in itself is tragic. The day when mankind learns to settle problems by other means cannot come soon enough. But the Geneva Convention has provided guidelines for limiting some of the evils and atrocities of war, and in the name of human decency, all nations should honor these rules.

I join in calling upon Hanoi to heed the international voice of conscience being raised this week, and to accept the President's proposal for an immediate and unconditional release of all prisoners in Indochina held by opposing forces.

Mr. HUTCHINSON. Mr. Speaker, what can we effectively do to obtain a complete listing of those brave American young men who are held as prisoners of war in Indochina? What can we effectively do to obtain for them the meager privileges which the Geneva Convention accords them? What can we do to effectuate their parole? The North Vietnamese have accounted for some of them, but less than half the number of prisoners and missing in action presumably in their custody. Not all our prisoners and missing are in North Vietnam. Some are in South Vietnam, in the hands of the Vietcong. Others are in Laos, prisoners of the Communist Pathet Lao. Neither the Vietcong nor the Pathet Lao have been heard from at all.

Members of this House and of the other body would do everything within the power of this Government to obtain a return of these young men. We support the efforts of their families to win a wide public concern for their plight, and we support the efforts of our Government to secure their release.

Mr. McCLURE. Mr. Speaker, all of us have met at least a few of these heroic ladies, the wives of American men held prisoner of war or missing in action. Perhaps not so many of you know personally an individual actually held captive by the North Vietnamese today. I do. His name is Donald Waltman, an officer in the Air Force, and a fraternity brother of mine at the University of Idaho. He has been a captive of the enemy for over 5 years now.

But Don's family is among the lucky ones. They know he is alive and that he is reasonably well. Still, the loss and the grief remain with them. For Don, he has missed the chance to see his children grow up, cheer as his son wins a varsity letter on the Kellogg High football team, or help that son as he enters the Air Force Academy.

Such things cannot be dismissed by saying, "Well, at least the man's alive." We honor the dead and we try to bring the rest of our fighting men home. But it is so easy to forget those who languish in the filth of a North Vietnamese jail.

We are all familiar with the cries of those who would pay any price for peace. They say that world opinion is against us. Yet, we might also ask where world opinion was when the North Vietnamese refused to reveal the names of all prisoners held and where was world opinion when the families of the captured men asked for assurances of humane treatment? And where was world opinion when this administration asked to negotiate for the release of POW's? I am afraid that world opinion may be something of a myth. But if it does exist, and if it can be mustered in behalf of a decent cause, then surely this week of concern for POW's and MIA's and this special order should provide the beginning. Hopefully it is in fact a real beginning for those who have waited so long for their families to be joined as one again.

Mr. McKEVITT. Mr. Speaker, it was 7 years ago this month, on March 26, 1964, that the first American. Capt. Floyd J. Thompson, was taken prisoner by the North Vietnamese. Since then, more than 1,600 Americans have been listed as prisoner of war/missing in action.

I am confident that this "National Week of Concern for Prisoners of War/Missing in Action" will serve to intensify American and world attention on the plight of these Americans and Hanoi's flagrant violations of the 1949 Geneva Convention.

The President has said:

> War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

The President's words are true. Let us hope that this week of national concern will serve notice on the world and particularly to Hanoi that this Nation has not forgotten and will not forget her sons who languish in the filthy confinement pens of Southeast Asia. I would also hope that Hanoi will recognize the fact that this Nation will not rest until its men are returned to their homeland and their families.

Mr. MILLER of Ohio. Mr. Speaker, I am joining with my colleagues in the House today for this period devoted to the prisoner of war/missing in action situation in an effort to objectively evaluate the issue.

As one deeply concerned for our missing and detained men, I have directed correspondence to our negotiators in Paris imploring these gentlemen to make the POW/MIA situation of the highest priority. We have also addressed our feelings to the leaders of North Vietnam. We have cosponsored resolutions documenting the sense of concern of Congress in this matter and we have supported legislation providing expanded GI bill benefits to the families of missing or captured servicemen.

Our approach to the issue has basically been internal in nature. We have tried to emphasize the fact that Federal efforts to alleviate the situation must be underscored by public concern and community action at America's grassroots level.

We recently joined with the Ohio Chapter of the National League of Families of Prisoners and Missing in Southeast Asia to sponsor a 1-day, 300-mile, four-stop speaking tour of the 10th Congressional District. The key speaker was Col. Norris Overly, a former prisoner of the North Vietnamese. We were accompanied by Mrs. Robert Smith, the wife of a missing Marine aviator. It is estimated that either directly or through the media more than 2 million Ohio Valley citizens heard our story on that eventful day. Also, I am pleased to have cosponsored the resolutions setting aside this week as a period of national concern for the POW's/MIA's and I am indeed heartened by my colleagues' response to this particular special order focusing attention on the problem.

I mentioned that our efforts to date have largely been internal in nature. During the past 2 years there has been an overwhelming upsurge of public sentiment in behalf of the prisoners and their families. Tons of mail has been delivered to the North Vietnamese and Vietcong delegations in Paris. Petitions have been signed, rallies held, and statehouse sessions have been devoted exclusively to our captured and missing men and the means by which the American people can help them home again.

You can be sure that Hanoi has heard us. An increase in the flow of mail, periodic propaganda films and the November list containing POW names—whether complete or not—all validate my contention that Hanoi is, indeed, hearing us loud and clear.

In spite of our letters, however, differences between North Vietnamese and American interpretations of this delicate issue continue to exist and, as a result, the men are not home yet.

To us, the question is humanitarian. To the Communists, the issue is political.

The American public is justifiably concerned about the physical and mental well-being of our servicemen locked in Hanoi's prisons while North Vietnam's leaders view these men as trump cards to be played to full political and military advantage in arriving at a final settlement in Indochina.

Our Nation maintains that U.S. servicemen in detention camps are unquestionably prisoners in the legal sense and therefore should be treated in accordance with the provisions of the Geneva Convention.

On the other hand, though, North Vietnam—a Geneva signatory—asserts that the convention does not apply because these men are not prisoners but "war criminals" subject to the laws of North Vietnam. This refusal is based on North Vietnam's reservation to article 85 of the convention which states that even individuals prosecuted and convicted under the laws of a detaining power "shall retain the benefits of the convention."

What exists then, is a diplomatic standoff. While both parties wrestle with semantics, the issue wears on and, unfortunately, the patience of those who wait for the most important homecoming of their lives wears thin.

Because I have taken an active part in the many civic POW/MIA projects I mentioned earlier, I will never degrade the efforts of the many people who dedicate one day after another to seeking a solution to the situation keeping them separated from the ones they love. I will continue to share their burden until historians are at last able to write a bright ending to this chapter of an otherwise tragic epic.

But while domestic pressure continues to be mobilized and directed toward North Vietnam, it must be realized that this pressure can push in two directions. While public pressure has evoked some token responses from North Vietnam about POW conditions, it can also increase the political value of the prisoners and may, as a result, lead Hanoi to want—or demand—more than our Government is now willing to accept as conditions for an honorable settlement in Southeast Asia.

There is also growing evidence that Hanoi is attempting to reverse the administration's policy of massive public pressure by telling the POW/MIA activists that if such national concern were turned on Washington and a date for complete withdrawal of American troops were set by the administration, constructive talks about a prisoner release would follow immediately.

Hanoi's most common answer to families who plead for a prisoner release without this withdrawal pledge from the United States is that the matter is not being stalled by the North Vietnamese, but instead by the failure of the Nixon administration to establish a timetable which adds some credibility to the President's claim that we are leaving Southeast Asia once and for all.

This is but a review of the present state of affairs.

Personally, I believe the President is winding down the war and I feel that Hanoi has failed to capitalize on opportunities which could have bolstered their world image. For example: Mr. Nixon announced in January that the U.S. combat role in Vietnam would be concluded by May 1. North Vietnam could have reciprocated with an announcement to the effect that a POW camp would be opened to inspection by an impartial team on, or shortly after May 1. They did not.

Essentially, the leaders of North Vietnam must be convinced of our intent to turn over the task of defending South Vietnam to a government selected by the Vietnamese people. Second, Hanoi must realize that a release—or at least some partial compliance with the Geneva provisions—would be politically wise and could be accomplished without a loss of stature within the Communist bloc.

Predictably, Hanoi will not respond positivey to table-pounding demands or threats or proposals which deplete Hanoi's political and propaganda arsenal without something of equal value to replenish it.

At the present time, we are grappling with this issue without the direction of one, unified council comprised of knowledgeable individuals who represent all aspects of the problem. As I have pointed out, the issue involves much more than emotion. The situation warrants consideration from differing angles.

To this end I am today submitting a resolution expressing the sense of the Congress that the President should create a Prisoner of War/Missing in Action Commission which would conduct an extensive in-depth analysis of the issue and ultimately offer workable recommendations.

Of course, the primary aim would be to expedite the release of these men interned by Hanoi and other Communist forces throughout Indochina. Equitable alternatives must also be presented to expedite the release of prisoners held by allied forces.

I realize this is a difficult objective. But then, worthwhile endeavors are generally difficult.

My bill proposes that this commission be comprised of knowledgeable individuals from a wide variety of backgrounds whose eventual findings would represent the most realistic approaches to the prisoner/missing problem.

If the commission is to study the issue in-depth and if it is, in fact, to analyze the contrasting points of views, I would suggest that the following interests be proportionately represented on the commission.

First, POW/MIA families;

Second, representatives of world church councils;

Third, representatives of the academic community — specifically individuals world-reknowned in international studies, political structures, and ideologies;

Fourth, representatives of the American political spectrum;

Fifth, representatives of the International Red Cross; and

Sixth, representatives of commercial, business, and civic organizations with international networks.

In addition, the Commission should include provisions for a direct channel with the U.S. delegation at the United Nations.

At the beginning of my remarks I mentioned that our efforts to date have largely been internal. We have not, I feel, sounded out international ears with the vigor that the problem warrants. It is becoming apparent that American outrage alone over inhumane POW treatment will not soften Hanoi's hard line. But an outraged public in a third nation—especially a nation which North Vietnam recognizes diplomatically—would prompt Hanoi to take a second look.

Because the missing and captured servicemen are our fathers, our brothers, our classmates, and our countrymen, we are quite naturally expected to bombard Hanoi, Paris, and Stockholm with letters and petitions inquiring about their welfare and asking for their release. North Vietnam, however, does not expect this reaction from third nations and, to date, there has been little movement in other countries to match the public concern exhibited here.

The proposed Commission—properly composed and working on the premise that third nation pressure is a vital untapped resource with great possibilities—could eventually produce alternatives favorable to both Hanoi and Washington.

Col. Frank Borman, in his round-the-world POW–MIA tour last year, found some nations eager to help us. Some of these nations are rarely mentioned in conjunction with finding a solution to the prisoner problem and yet, if made aware of our sincere desire for assistance, they may just provide the diplomatic nudge needed to prod Hanoi from its callous stance.

For this reason, I underscore the fact that the proposed POW–MIA Commission be both internally and externally oriented.

This proposed Commission would help bring to bear the united concern of the legislative and executive branches on this vital issue. The administration is determined to resolve this situation, I know, and creating a Commission of this sort might well provide the answers which have eluded us for so long. Let us hope so.

Mr. SEIBERLING. Mr. Speaker, I rise today in support of House Concurrent Resolution 212, an amendment introduced by my colleagues, Mr. LEGGETT of California and Mr. RIEGEL of Michigan, calling for "proportional repatriation." I have cosponsored this resolution and believe that it allows us to focus in on the real issue concerning American prisoners of war in North Vietnam—and that is, the only sure way to gain their freedom is to withdraw all our troops from Indochina.

The Paris talks have long been stalemated; letter campaigns have been waged to North Vietnamese officials; demonstrations have been held to dramatize our concern for the POW's; private groups have been established to negotiate with the North Vietnamese for the release of prisoners. None of these efforts have proved fruitful.

This week, the National Week of Concern for POW–MIA's, should be a week for all of us to renew our commitment to end this tragic war. The Congress must move ahead promptly to bring all our men—both from the battlefield and the prison camps—home from Southeast Asia. I urge my colleagues to join in the support of this resolution.

Mr. FULTON of Tennessee. Mr. Speaker, it is a distinct privilege to join with my colleagues on this occasion to speak for and in behalf of our nearly 1,600 young men of the Armed Forces of the United States who are prisoners of war or listed as missing in action.

In considering what might be most appropriate in the way of remarks as we launch this National Week of Concern for these men I thought of them not as a group of Americans, imprisoned collectively behind the bamboo curtain. Rather, I thought of them as individuals, Americans one by one, separated from his family and his loved ones.

In so doing I was reminded of an article by Maj. Jimmy K. Kilbourne which appeared in Airman, the official magazine of the U.S. Air Force entitled "He Is America." It seems to me that Major Kilbourne's article is most appropriate on this occasion and I insert it in the RECORD at this point:

HE IS AMERICA

(By Maj. Jimmy K. Kilbourne)

(EDITOR'S NOTE.—Nearly 1,600 young men of the Armed Forces of the United States are Prisoners of War (POW) or Missing in Action (MIA) as a result of the war in Vietnam. Locked in bamboo cages or filthy cells by an enemy who refuses to follow the rules of the Geneva Convention, these are men who have paid a dear price for their country and now ask that country not to forget them. They will not be forgotten!)

Who is the Prisoner of War or the young man who is Missing in Action?

Simply, he is the Nation—an American fighting man dedicated to the principles which made us free.

Collectively, he is a man of many faces . . . the guy next door . . . the fellow across the country. He is near and he is far.

He is of many Faiths and philosophies. He worships as a Catholic, Jew, Protestant, or maybe a Buddhist—or maybe he does not worship at all, in the formal sense of the word.

His home is the car-choked streets of New York from Park Avenue to Harlem, the wooded hills of Appalachia, the brown-white sands of Miami Beach or the sun-splashed shore of Malibu—every state and territory is his own.

The American POW or MIA is every creed and color. He is a black man, white man, red, brown or yellow. His education ranges from the elementary school dropout of the ghetto to the high school graduate from suburbia. He could have worn the black gown and mortarboard of a graduate from USC, Harvard, "Ole Miss," Notre Dame, Purdue, Air Force Academy, West Point or Annapolis.

Back home his political philosophy may have been conservative or liberal. He may have voted Democratic, Republican or Independent—if indeed he was old enough to vote at all.

He is the son of a man who migrated from town to town picking grapes, or walked the halls of the Senate, or held a scalpel, or taught school. His father may have worn a badge, the eagle insignia of a colonel, gold stripes of an admiral, the chevrons of a sergeant, the blue suit of a banker—or the uniform of a serviceman now fighting in Southeast Asia.

He is the last of a dozen children. He has a family of his own or a girl who waits alone.

He is the teenager who life the drive-in hamburger stand for the rice paddy, or a career soldier with 25 years of service. His average age is 29 years.

Before volunteering or being drafted, he clerked in banks and grocery stores, sat at office desks, pressed parts in a giant factory or picked cotton and tobacco.

Serving with distinction during World War II, he knew later of Checkpoint Charlie. He waded ashore at Inchon, flew the Berlin Airlift, blockaded Cuba and advised in Thailand, Laos and the Republic of Vietnam. He has been in and out of prison camps in Germany, Japan or North Korea.

In Southeast Asia, he served aboard Navy patrol boats or carried a rifle as a Marine or Army infantryman. He flew helicopters, transport aircraft and fighters for the Air Force, Army, Marine Corps and Navy. As one of the nearly 1,600 POWs or MIAs he was shot down, ambushed, mined, cutoff or kidnapped. He has lived in captivity for as long as six years.

But he continues to serve.

Despite deprivation and often inhumane treatment, he continues to serve—in solitary confinement, shackled, abused.

And, he keeps faith.

Refusing to participate in activities which might be harmful to his comrades, to himself or to the United States, he keeps his faith. Occasionally, but rarely, he returns to friendly lands and home.

He has won every combat decoration his country can bestow. He has been recommended for the Medal of Honor for extraordinary heroism. He has won the Air Force Cross, the Army Distinguished Service Cross, the Navy Cross, the Silver Star and the Legion of Merit.

His uniform is decorated with the Distinguished Flying Cross, the Bronze Star and the Purple Heart.

The POW/MIA represents distinguished service in the cause of freedom. His unparallel contributions, achievements, sacrifices and decorations span an entire generation and encompass the broad spectrum of our free enterprise system.

He is America!

Mr. Speaker, we as a nation and as individuals have made every effort to let the Communists know we have not forgotten these men. We have in the past and again today urge and plead that these men are extended humane treatment and consideration to which they and entitled by the terms of the Geneva Convention and to which they and their families have a right to expect. We ask the Communist captors of these, our sons, that they be given the consideration which they would want and expect for their sons and urge their earliest possible release and repatriation.

Mr. MATHIS of Georgia. Mr. Speaker, we are now in the second decade of involvement in Vietnam. With each day's passing, the plight of the American prisoner of war becomes more critical.

The need to call worldwide attention to the inhumane treatment these prisoners are receiving at the hands of our Communist enemy is greater today than ever before. Therefore, I am pleased to have been a cosponsor of the House joint resolution which authorized the President to proclaim the week of March 21–27 as "National Week of Concern for Prisoners of War and Missing in Action."

We must not for one moment allow ourselves to forget these prisoners of war and missing in action as well as their loved ones who can only wait and hope. Nor can we let the world forget the inhumane actions of the North Vietnamese.

Let us hope that the continued concern of so many Americans will help bring pressures of world opinion to bear on Hanoi for compliance with the Geneva Convention on the humane treatment of prisoners.

We call upon the North Vietnamese and their allies in South Vietnam, Laos, and Cambodia to follow the elementary rules which civilized countries are expected to follow in their dealings with prisoners or war. In signing the Geneva Convention Accords, North Vietnam agreed to: First, identify the prisoners they hold; second, permit impartial inspection to their POW camps; third, release prisoners who are seriously ill or injured, and fourth, permit the free flow of mail between prisoners and their families.

Yet North Vietnam and her allies continue to violate these basic rules of humane conduct.

I have had the privilege, on several occasions, to meet with the families of servicemen who are either missing or imprisoned. I am inspired by their courage and their unshakable determination to carry on in the face of tremendous adversity. These brave families deserve not only a great deal of credit but our untiring efforts to relieve them of the great burden which they shoulder.

Let us pledge our best efforts toward securing proper treatment and the earliest possible release for our imprisoned servicemen.

I call on all Americans to join in prayerful hope that these men will soon be returned to their loved ones.

Mr. ADAMS. Mr. Speaker, as a cosponsor of the resolution authorizing a "National Week of Concern" for our American prisoners of war, I am joining with my colleagues in this expression of support for the nearly 1,600 American prisoners of war.

I have discussed this matter with my colleagues and we want to make certain the American public is continually informed as to how long this war has continued and the suffering by our servicemen which has occurred. On March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia. On March 29, 1971, 7 years and 3 days will have elapsed since his capture. We must move to end this tragedy.

I would hope that the President would make it a primary objective to negotiate immediately in Paris for return of American prisoners of war and would authorize the negotiators to explore an immediate cease-fire and establish a definite series of troop withdrawals on the basis that our prisoners of war would be returned on an immediate schedule.

It is vital that the U.S. policy in Southeast Asia provide for the return of our prisoners of war at the earliest possible date.

Mr. PATTEN. Mr. Speaker, I am proud and honored to take part in the observance of "National Week of Concern for Prisoners of War/Missing in Action," an observance proclaimed last Friday by President Nixon.

Over 1,400 American servicemen are prisoners of war, or are missing in action in Southeast Asia, fighting to preserve freedom. Although the U.S. Government has frequently appealed to North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention, the appeals have been deliberately ignored. On the other hand, the United States has continuously observed the requirements of the Geneva Convention in the treatment of the prisoners of war.

North Vietnam and the National Liberation Front have refused to identify all prisoners they hold; to allow impartial inspection of camps; to permit free exchange of mail between prisoners and their families; to release seriously sick or injured prisoners; and to negotiate seriously for the release of all prisoners.

All of these violations are not only violations of the 1949 Geneva Convention on Prisoners of War, which North Vietnam ratified in 1957, but are also violations of fundamental human decency. Yet, hope remains—hope that should inspire us to continue our efforts.

At the reception held in the Cannon House Office Building yesterday morning, one of the wives whose husband—a flyer—has been held prisoner of war in North Vietnam for the past 4 years, disclosed that she has not received one letter from her husband, even though there are strong indications he is still alive. She was at the reception with her young son, and although she was very brave, I know she was very concerned about the plight of her husband, who is not even allowed to send his wife a letter. Such inhumanity is almost inconceivable.

Mr. Speaker, along with many other Members, I have helped sponsor a resolution that protests the uncivilized treatment of American prisoners of war and urges their prompt release by the North Vietnamese.

The Subcommittee on National Security Policy, of the House Foreign Affairs Committee, is holding hearings on this proposal on Thursday and I hope it is passed swiftly, so that the entire world knows again that the House of Representatives cares very much about American prisoners of war—that it often thinks of them, and that it is deeply grateful for their sacrifices and their courage.

I have certainly not abandoned hope and I know that our American prisoners of war still have faith in America, and in humanity. Despite all of their problems and perhaps even their despair, I have a feeling they will return safely to those they love and to a Nation that is proud of their great contributions to freedom.

Mr. QUILLEN. Mr. Speaker, the North Vietnam Government has flagrantly violated the terms of the Geneva Convention in regard to the treatment of American prisoners of war.

The violation of this document is a dastardly act by the Communists and one which no red-blooded American condones or should be allowed to tolerate.

We must do everything possible to focus national and world attention on the plight of these poor servicemen in the hope it will help our cause.

The 1,500 Americans listed as prisoners of war or missing in action in Vietnam and other wars deserve the support of the American people. They must be reassured that they have not been forgotten in these troubled times.

The North Vietnam Government totally disregards the Geneva Convention. At the minimum, the North Vietnamese should provide our prisoners with adequate medical care and sanitary living quarters. By some means, the North Vietnamese Government should be made to adhere to terms of the Convention which plainly provide the rights of prisoners of war.

Mrs. Grace Avery, whose husband has been missing in Vietnam for almost 3 years, lives in my congressional district. This brave young woman, like so many others, still does not know whether her husband is dead or alive. But she has hope that he will come home. The wives and families of these men are the ones being made to suffer by this cowardly behavior by the Communists.

The least that could be done would be to release the names of the prisoners of war. To me, this would be the very common denominator of decency.

I am honored to be a cosponsor of the joint resolution designating this week as "National Week of Concern for Prisoners of War/Missing in Action," and to have the opportunity to speak out on such an important and vital issue. It is my sincere hope that this serious situation can be remedied in the early weeks ahead.

Mr. McKAY. Mr. Speaker, one of the hallmarks of a civilized society is the humane treatment of prisoners of war. I join my colleagues this day in denouncing the Government of North Vietnam, both for their failure to afford the prisoners of war humane treatment and for their failure to give adequate notice to the families of those who are missing in action. This latter failure is in itself inhumane treatment because of the anguish that it brings upon these families. I congratulate all of those in the State of Utah and across the Nation who have written letters to the Government of North Vietnam pleading both for more humane treatment and for adequate notification to the families of the prisoners.

We, of course, have no guarantee that these actions will have any effect on the Government of North Vietnam. However, we must not give up hope. We must not give up faith. We must continue to try to assert pressure in whatever way we can. We must not forget these Americans.

We need both personal and community involvement to develop this campaign to the point where it carries the full impact of American public opinion. I encourage schools, churches, civic clubs, community organizations, and even arms of government to continue to make their feelings known to the Government of North Vietnam and to the North Vietnamese delegation in Paris, even though they refuse to accept our pleadings.

This was the case last week when a resolution passed by the Utah Legislature calling for humane treatment of American prisoners was returned from Paris with the word "refused" penciled on the face of the envelope. I still have a deep belief that these efforts will have a beneficial effect and that, if nothing else, they will indicate to the prisoners of North Vietnam that we have not forgotten them nor do we intend to do so. We must convince the North Vietnamese that no arrangement ending this war will be acceptable to the American people unless it provides for adequate repatriation of these loyal Americans.

Mr. THOMSON of Wisconsin. Mr. Speaker, this body reflects the variety of views held by our fellow Americans on the conflict in Southeast Asia. It also reflects the unanimity of concern for American prisoners of war/missing in action who are held by the North Vietnamese and allied forces. I am pleased, therefore, that the House of Representatives should take the time to show the world that we are united in our demands for release of captives' names, humane treatment of prisoners, and their early repatriation.

March 23 is a symbolic date. Seven years ago today the first American was captured in South Vietnam. Since that time an unknown number have shared his fate.

We do not know how many men are held captive, or who they are. Hanoi simply refuses to release a list, despite the efforts of private citizens, families, and governments. This is an act of senseless savagery. No possible benefit can accrue to the North Vietnamese, yet they brutally keep American families in a constant state of anxiety—waiting and hoping.

The Nazi's, despicable as they were, not only released the names of American prisoners of war, but also allowed the International Red Cross to inspect their prison camps. Numerous times the International Red Cross has sought permission to enter North Vietnam to merely investigate the condition of American captives. All such attempts have been summarily refused. What have the North Vietnamese to hide? Why should they be afraid to let the Red Cross visit prisoners? What possible harm could come to the North Vietnamese for showing they are as humane as they claim to be? One cannot help but conclude that either prison camps are horrendous, or North Vietnam enjoys watching the anguish of uncertainty in the minds of prisoners of war/missing in action families and Americans as a whole.

Mr. Speaker, the conduct of North Vietnam with regard to American prisoners of war/missing in action has been brutal, sadistic, inhumane, savage, and disgusting. I urge our Government's continued efforts to explore every channel available to obtain a list of American captives, to procure humane treatment, and to gain their early repatriation.

Mr. STEIGER of Arizona. Mr. Speaker, Americans throughout the country are united in their concern for the fate of over 1,500 Americans who are listed as being held prisoner by the North Vietnamese and the National Liberation Front or whose fates are unknown. Our concern for their well-being increases with time as does our determination to somehow insure their speedy return to their families and friends.

From its inception, American involvement in Southeast Asia has been highly controversial—to the despair of our Asian allies and to the delight of their enemies. We have disagreed about everything—from escalation to withdrawal. There is, however, neither disagreement nor dissent from our expression of concern for those Americans who are lost or held captive because of the American commitment in Southeast Asia. These men are not forgotten.

All of us are in complete accord in our insistence that the North Vietnamese abide by the Geneva Conventions with respect to captive Americans. The Governments of North Vietnam, South Vietnam, and the United States have ratified these Conventions as binding international law. The ratifying governments are required to:

First, allow inspection of prison facilities by an impartial humanitarian body such as the International Red Cross.

Second, properly and immediately identify all prisoners.

Third, release the sick and wounded.

Fourth, provide an adequate diet and medical care to prevent weight loss.

Fifth, refrain from subjecting prisoners to mental and physical duress and torture.

Sixth, allow a free exchange of mail between prisoners and their families—two letters and four post cards per month is the minimum.

Worldwide public opinion demands that the Conventions be adhered to.

Mr. McCOLLISTER. Mr. Speaker, almost 1,600 American men at this moment sit imprisoned in Southeast Asia or have been reported missing in action. These men are paying a dear price for their country, and I ask that their country not forget them.

I am hoping that this week—the National Week of Concern for Prisoners of War/Missing in Action—will help promote a keen awareness of the men's situation and perhaps bring their plight into even clearer forcus for the American public.

The prisoner-of-war situation is one of the most deplorable in our Nation's history. The refusal of the North Vietnamese Government to follow the Geneva agreement provisions for even basic human rights is an outrage. And our total lack of information about our missing men is one of the most frustrating aspects of the war.

Unquestionably, there is a wide variety in opinions on how the United States should end its part in the war. But certainly we can unite in vocalizing our horror on what is being permitted to happen—the inhumane treatment of the prisoners, the refusal to allow communications with the men and the total rejection of all pleas for information concerning the names and whereabouts of the POW's.

The legislation which has been passed by Congress so far has failed to impress Hanoi, as have countless pleas from families of the POW's and MIA's, government and military officials and others. The millions of letters sent by Americans in the men's behalf have not yet moved the North Vietnamese to more humane treatment.

But in spite of Hanoi's refusal to acknowledge American sentiment, our only hope is to continue to bring pressure to bear. We must do everything we can to indicate to Hanoi that these men who have given so much to their country have not been forgotten.

Mr. KEMP. Mr. Speaker, it is fitting that we are currently observing a "National Week of Concern for Prisoners of War and Missing in Action" as proclaimed by President Nixon.

As America continues to wind down its involvement in the Indochina conflict which has demanded sacrifices from so many of our young men, it is time for Americans to detach themselves from their feelings about our Vietnam policy and to join together in solemn thought and dedicated effort to bring our men home.

Except for those whose loved ones are either prisoners or missing, life for most of us goes on, day in and day out, without a full realization of the deprivation, maltreatment and other inhuman conditions under which our servicemen are held in captivity.

For us who have escaped the personal sorrow and anguish, this is unfair.

It is unfair because the some 1,600 men who are prisoners or missing and those they leave behind must bear an unproportionate share of this Nation's responsibility to find a durable peace in Southeast Asia.

Yet, all of us who remain unscathed will share the blessing of the peace when it comes, as it must.

I commend our President for his continued focus on the prisoner of war issue at the Paris peace talks, in private negotiations and with the leaders of nations throughout the world.

The President has proclaimed that he will keep a residual force in Vietnam as long as Communist forces hold American prisoners. I take this as a positive statement.

I believe that if we can secure the enemy's assurance of humane treatment of prisoners, the exchange of our sick and wounded and even repatriation and release of our men, that there could be a breakthrough in the stalled peace talks.

I am privileged to be a cosponsor of the resolution which called for the observance of this week.

But I am convinced that all of us must do more during the weeks and months which follow.

While we continuously bring our men home in a manner to protect the declining numbers of men who remain to further Vietnamization of the conflict, we cannot let down on our efforts in behalf of our prisoners and the identification of the missing. Instead, we must seek additional and new ways to help our men who cannot help themselves. Unless help is forthcoming for our brave men, they will continue to suffer and die. North Vietnam already has informed antiwar groups that 23 Americans have died in captivity. These lists cannot be regarded as completely accurate.

The fact is, we do not know how many of our men are dead and how many are alive.

There is no need for me to repeat the inhumane conditions under which our men are held in captivity in violation of the Geneva Convention, a pact which the North Vietnamese signed but fail to honor.

The unfortunate plight of our men and the uncertainty about our missing has been traced and retraced in this body and in the Senate, in details which we can never erase.

This is necessary but not enough.

We must not only strongly protest the actions of the enemy, time and again, but our government must use its power and prestige with governments throughout the world to act in behalf of our men in captivity.

Every citizen has an obligation to manifest his concern—with his fellows, through his churches, his service clubs, wherever and whenever the opportunities occur.

And we are not just talking about prisoners held by the North Vietnamese or the Vietcong. We must be concerned for and exert efforts in behalf of, our men held by the Pathet Lao and the Communists in Cambodia.

In my congressional district in Erie County, N.Y., and in all the districts throughout our Nation, we all know wives, parents, and others who for as long as 5 years have waited for return or word of loved ones. We must all share their impatience and efforts to end the waiting.

At this point, Mr. Speaker, I include two articles on prisoners of war and those missing in action:

HE IS AMERICA

(By Maj. Jimmy K. Kilbourne)

(EDITORS NOTE.—Nearly 1,600 young men of the Armed Forces of the United States are Prisoners of War (POW) or Missing in Action (MIA) as a result of the war in Vietnam. Locked in bamboo cages or filthy cells by an enemy who refuses to follow the rules of the Geneva Convention, these are men who have paid a dear price for their country and now ask that country not to forget them.)

They will not be forgotten!

Who is the Prisoner of War or the young man who is Missing in Action?

Simply, he is the Nation—an American fighting man dedicated to the principles which made us free.

Collectively, he is a man of many faces . . . the guy next door . . . the fellow across the country. He is near and he is far.

He is of many Faiths and philosophies. He worships as a Catholic, Jew, Protestant, or maybe a Buddhist—or maybe he does not worship at all, in the formal sense of the word.

His home is the car-choked streets of New York from Park Avenue to Harlem, the wooded hills of Appalachia, the brown-white sands of Miami Beach or the sun-splashed shore of Malibu—every state and territory is his own.

The American POW or MIA is every creed and color. He is a black man, white man, red, brown or yellow. His education ranges from the elementary school dropout of the ghetto to the high school graduate from suburbia. He could have worn the black gown and mortarboard of a graduate from USC, Harvard, "Ole Miss," Notre Dame, Purdue, Air Force Academy, West Point or Annapolis.

Back home his political philosophy may have been conservative or liberal. He may have voted Democratic, Republican or Independent—if indeed he was old enough to vote at all.

He is the son of a man who migrated from town to town picking grapes, or walked the halls of the Senate, or held a scalpel, or taught school. His father may have worn a badge, the eagle insignia of a colonel, gold stripes of an admiral, the chevrons of a sergeant, the blue suit of a banker—or the uniform of a serviceman now fighting in Southeast Asia.

He is the last of a dozen children. He has a family of his own or a girl who waits alone.

He is the teenager who left the drivein hamburger stand for the rice paddy, or a career soldier with 25 years of service. His average age is 29 years.

Before volunteering or being drafted, he clerked in banks and grocery stores, sat at office desks, pressed parts in a giant factory or picked cotton and tobacco.

Serving with distinction during World War II, he knew later of Checkpoint Charlie. He waded ashore at Inchon, flew the Berlin Airlift, blockaded Cuba and advised in Thailand, Laos and the Republic of Vietnam. He has been in and out of prison camps in Germany, Japan or North Korea.

In Southeast Asia, he served aboard Navy patrol boats or carried a rifle as a Marine or Army infantryman. He flew helicopters, transport aircraft and fighters for the Air Force, Army, Marine Corps and Navy. As one of the nearly 1,600 POWs or MIAs he was shot down, ambushed, mined, cutoff or kidnaped. He has lived in captivity for as long as six years.

But, he continues to serve.

Despite deprivation and often inhumane treatment, he continues to serve—in solitary confinement, shackled, abused.

And, he keeps faith.

Refusing to participate in activities which might be harmful to his comrades, to himself or to the United States, he keeps his faith. Occasionally, but rarely, he returns to friendly lands and home.

He has won every combat decoration his country can bestow. He has been recommended for the Medal of Honor for extraordinary heroism. He has won the Air Force Cross, the Army Distinguished Service Cross, the Navy Cross, the Silver Star and the Legion of Merit.

His uniform is decorated with the Distinguished Flying Cross, the Bronze Star and the Purple Heart.

The POW/MIA represents distinguished service in the cause of freedom. His unparalleled contributions, achievements, sacrifices and decorations span an entire generation and encompass the broad spectrum of our free enterprise system.

He is America!

[From the American Bar Association Journal, January 1971]

RELEASE AND REPATRIATION OF VIETNAM PRISONERS

(By Charles W. Havens, III)

Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War[1] sets forth the standards for classifying captives as prisoners of war. This article provides in part that prisoners of war are persons who are members of the armed forces of a party to the conflict. All captured American servicemen, including the pilots and aircrewmen detained by North Vietnam, were uniformed members of the armed forces of a party to the conflict and are prisoners of war clearly within the provisions of this article.

The United States and the government of Vietnam have accorded prisoner of war status on North Vietnamese and Viet Cong forces even beyond that required by the convention. The right of these captives on both sides to be accorded prisoner of war status should be above question.

There are now more than 1,500 American servicemen who are legally considered "missing" in Southeast Asia and who may be in the hands of North Vietnam or its Pathet Lao and Viet Cong allies. Approximately 460 of these Americans are listed by the Department of Defense as "captured", but since the other side has not provided a list acknowledging all the men who are captured, the total number of men who may be prisoners of war is at this date still not known. Previously, the other side has stated that the total number of prisoners is a military secret which would not be revealed. From time to time we have learned from various sources that men previously known only to be missing were captured. This fact, when coupled with the large number who are known only to be missing, has led many to conclude that the actual number of men captured is significantly higher than the number now listed as "captured". Unfortunately, too, some of the men now believed on the basis of the best available evidence to have been captured probably did not survive. It is hoped the number of families which will receive this crushing news will be small.

Also, there are members of the Free World Military Assistance Forces and the Armed Forces of the Republic of Vietnam who are in a missing status and may be in the hands of the enemy. Here, however, the basic information is not as readily available.

On the other side of the fence, there are now more than 33,000 Viet Cong and North Vietnamese soldiers held in six prisoner of war camps operated by the Army of the Republic of Vietnam. Each of these has been classified as a prisoner of war. Approximately 7,000 of these prisoners of war are North Vietnamese, and the remaining number are either Viet Cong from South Vietnam or regrouped South Vietnamese who elected in 1954 to go north, later returned to the South and took up arms with the Viet Cong.

The first American pilot known to have been captured by North Vietnam is Lt. Everett Alvarez. He was shot down and captured on August 5, 1964. The best available evidence today suggests that he is still a prisoner. Last August, Lt. Alvarez had been a prisoner of war in North Vietnam for six years, an unprecedented duration for any American serviceman. The fact that Lt. Alvarez's fate is shared to almost as great an extent by hundreds of other men, many of whom are known to be sick or injured, without any prospect of release in sight, dramatizes the need to effect the repatriation of all captured servicemen in Southeast Asia.

The fate of the more than 33,000 servicemen of the other side who are prisoners of war in South Vietnam is important to them, their families and a resolution of the conflict in Vietnam. Although these latter prisoners are receiving food and treatment generally in accordance with the requirements of the Geneva Convention, years of captivity with attendant separation from family and banishment from society are not productive humanitarian goals. Rather, their imprisonment serves only to delay an ultimate settlement and their assimilation into society.

All parties to the conflict have an easily identifiable interest in the prompt release and repatriation of the prisoners of war. All persons interested in seeing the realization of the humanitarian aims of the Geneva Convention should have an equally strong interest in the realization of this same goal. How do we get there from here?

RECENT CONFLICTS GIVE HISTORICAL LESSONS

At best, the lessons of the more recent international conflicts can serve only as guide posts or danger signs to us in seeking to resolve questions of release and repatriation in the Vietnam conflict. Vietnam is not the 1967 Arab-Israeli War, nor is Vietnam the Korean War of 1950–1953. Vietnam today is not even the French-Indochina war which supposedly was resolved by the 1954 Geneva agreement. Still, each of these historical conflicts has something of value for our examination.

The Arab-Israeli War shows us a relatively good lesson of prompt wholesale repatriation of prisoners of war soon after the formal cessation of continuous hostilities. The fact that Israel promptly repatriated far greater numbers of Arab prisoners than the Arab's side is a good expression of the proper humanitarian intent which should motivate any repatriation. Repatriation is not a "trade", or "barter", or "exchange" in the langauge of the tradesmen. It is a plain and simple requirement that all parties to a conflict permit all their prisoners of war to return home.

The 1954 Agreement at the conclusion of the French-Indochina War shows us that even a sound agreement requires good faith performance before the results are satisfactory. Article 21 provided:

"(a) All prisoners of war and civilian internees of Vietnam, French, and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theater.

"(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

"(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence, or the zone of their choice."

Since this agreement called for the surrendering of prisoners in the first instance to "the other party", presumably it made no provision for instances wherein a prisoner did not want to return to the control of his own forces. In practice, significant numbers of prisoners of war were released by both sides within the prescribed thirty-day period or shortly after. Nevertheless, there were charges and countercharges that thousands of prisoners of war had not been released. The International Control Commission was ineffective in obtaining additional releases from North Vietnam. Thus, the agreement for release was sound, but its execution left something to be desired because of the significant number of prisoners who did not return and for whom there was no satisfactory accounting.

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[1] Unless otherwise noted, all references to the Geneva Convention are to the Third Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

The 1962 Protocol to the Declaration on the Neutrality of Laos dealt with the release of captured personnel in a clear, uncomplicated manner. It simply provided in Article 7 that:

"All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice."

Again, execution was less than completely satisfactory.

In Korea, the release and repatriation of prisoners of war was the single most controversial aspect of the negotiations and certainly the agenda item which required the longest time to resolve. Some might say that it was never resolved in view of the large number of Americans who were not satisfactorily accounted for and who were much later classified as "died while captured" or "died while missing". In July, 1951, the Korean armistice negotiations began, and although the fighting continued, there was no major ground offensive. By the end of May, 1952, substantial agreement had been reached on all but one major point of negotiation—repatriation of prisoners of war. In this regard, the difficulty lay in resolving the question of "voluntary" repatriation. In short, would there be forced repatriation of unwilling prisoners? After many months of stalemate, the issue was finally resolved. There was no forced repatriation of prisoners. But in the meantime, all prisoners on both sides suffered the pains of captivity for many more months, and, indeed, many died during this period of internment.

North Vietnam adhered to the Geneva Convention on June 28, 1957. The United States ratified it on August 2, 1955, and it came into force six months later. The government of Vietnam acceded in 1953. The International Committee of the Red Cross (I.C.R.C.) in 1965 declared that the Geneva Conventions are fully in force in the Vietnam conflict and that all parties are bound to adhere to their terms. North Vietnam has stated that it does not consider the convention applicable to Americans because the pilots and aircrews held by it are criminals, or "air pirates", subject to the laws of North Vietnam and not prisoners of war. The relevant article of the convention dealing with classification of captives is Article 4. As previously mentioned, American servicemen held by North Vietnam clearly qualify as prisoners of war under this article and are entitled to treatment in accordance with the precepts of the convention. North Vietnam's contention that the convention is not applicable because there has been no declaration of war is not recognized by the I.C.R.C. or, to my knowledge, by any other non-Communist bloc nation. As a legal argument, it is simply not taken seriously. Article 2 of the convention states that it is applicable "to all cases of declared war or of any other armed conflict which may arise between two or more of the parties to the Convention, even if the state of war is not recognized by one of them". As the I.C.R.C. has declared, the Vietnam war is clearly an armed conflict of an international character in which the full convention is applicable. The existence of this international conflict has been recognized by the United States and the XXIst Conference of the International Red Cross. Although it claims that the convention does not apply to its captives, North Vietnam has maintained consistently, even in the force of overwhelming evidence to the contrary, that it treats the captured servicemen humanely.

DUE PROCESS GUARANTEES NOT OBSERVED

Any contention by North Vietnam that its reservation to Article 85 of the convention permits it to deny prisoner of war status to captured American servicemen is also without merit. Article 85 provides that "prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention". Initially, the clause presupposes prisoner of war status, which North Vietnam has denied. Secondly, there have been no convictions that, in any event, require certain due process guarantees which North Vietnam would never observe.[2] And thirdly, there are no known grounds for any such convictions. The bombing policy for North Vietnam observed to an unprecedented degree the laws of war. The targets were military supporting facilities, and the operating instructions were strictly drawn to minimize collateral damage and injury to the civilian populace. In fact, in pursuing such a restricted air war, the pilots were incurring greater risks to their own safety. In short, there has been no verification of North Vietnam's charges that the Americans are war criminals.

The Viet Cong does not claim that the soldiers captured by its forces are other than prisoners of war, but it maintains that it is not a party to the convention. The I.C.R.C. considers the Viet Cong bound by the adherence of both North and South Vietnam.

The United States, the Republic of Vietnam, the Republic of Korea, Australia, Thailand, Philippines and New Zealand have acknowledged the applicability of the convention and assured the I.C.R.C. of their intention to honor it.[3]

In South Vietnam, prisoners of war, whether Viet Cong or North Vietnamese, are turned over to the Army of the Republic of Vietnam for internment in six prisoners of war camps. This procedure is sanctioned by Article 12 of the convention because South Vietnam is a party to the convention and is willing and able to apply the convention. South Vietnam also permits the I.C.R.C. to inspect regularly the camps where these prisoners are held.

UNITED STATES BEARS SPECIAL CONCERN

As mentioned previously, both North Vietnam and the Viet Cong hold prisoners. Therefare, the critical parties concerned with the actual release or repatriation of prisoners are South Vietnam, North Vietnam, and the Viet Cong.[4] Of course, in terms of humanitarian interest as well as governmental and public preoccupation, the United States bears a special concern.

If we look to the convention as the principal authority, Article 118 states simply that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." It provides that this should be done with or in the absence of any agreement. Article 118 also deals with the costs of repatriation.

Article 119 and Articles 46–48, which it references, deal primarily with the obligations of a party to see that repatriation is effected in a manner that is in the best interests of the prisoners of war, *e.g.*, the captor must provide sufficient food and water to maintain their health, provide proper care of sick and wounded and return designated personal items. The last three paragraphs of Article 119, however, provide for the retention of prisoners of war against whom criminal proceedings for indictable offenses are pending or whose punishment for these offenses has not been completed.

The preceding articles dealt with repatriation at the close of hostilities. Articles 109 through 117 cover direct repatriation and accommodation in neutral countries even when the hostilities may very well be continuing at an active pace between the belligerents. These articles could apply to the Vietnam conflict now, and to what many believe will be the prevailing situation for the foreseeable future.

Article 109 requires a party to return to their own country all willing "seriously wounded and seriously sick prisoners of war after having cared for them until they are fit to travel". The succeeding article provides further definition of these categories of sick and wounded who are entitled to direct repatriation: "(1) Incurably wounded and sick, whose mental or physical fitness seems to have been gravely diminished. (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished. (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished."

Article 110 also provides that the following may be accommodated in a neutral country: "(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery. (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat."

If the parties do not agree on a method for determining which prisoners qualify for direct repatriation or accommodation in a neutral country, Article 110 provides that the principles enunciated in the Convention's Model Agreement and Regulations Concerning Mixed Medical Commissions shall be applied.

The provisions of the convention relating to direct repatriation at the close of hostilities and those covering repatriation or internment in a neutral country of certain sick or wounded prisoners of war are straightforward and clear. If the war is over, prisoners of war should be given the opportunity to return to their home country. During the war, the seriously sick or wounded who are willing should be repatriated directly or interned in a neutral country for the duration of the hostilities.

The convention does not establish equally detailed principles and procedures for the general release or repatriation of healthy prisoners of war while the hostilities continue. Article 109 does state that the parties to a conflict may conclude by agreements for direct repatriation or internment in a neutral country "of able bodied prisoners of war who have undergone a long period of captivity". This provision does not seem necessary because the parties could repatriate all prisoners at any time with or without an agreement to that effect. The result in any event clearly would be in keeping with the humanitarian purposes which the convention was designed to effect. Apparently, however, it was beyond the realm of the realistic to include within the coverage of the convention requirements whereunder the combatants were expected to release able-bodied soldiers during the course of hostilities. Yet we have Article 117, which declares flatly that "no repatriated person may be employed on active military service". The scholars have suggested that this applies only to prisoners of war repatriated because they are sick, wounded or long-time prisoners of war who might return to battle their former captors. The United States, however, as a matter of policy does not return former prisoners of war who have been released to combat against their previous captors.

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[2] See Articles 85 and 105.

[3] See Joint Manila Communique, October 24, 1966.

[4] Prisoners held in Laos by the Pathet Lao forces may be subject to control by the more than 40,000 North Vietnamese forces there. To the extent that they are not, the Pathet Lao forces might be held bound by the Geneva Convention by Laos' adherence to the Convention in 1956. In any event, those North Vietnamese forces held as prisoners by the Royal Lao Army are now acknowledged as falling within the convention's protection.

OBLIGATION TO RELEASE PRISONERS AFTER 18 MONTHS

Assuming that the present state of hostilities in Vietnam continues indefinitely, what obligation does the convention place on the parties to release or repatriate prisoners of war? Literally read, the convention might lead to the conclusion that the only obligations would be for those who qualify as sick or wounded. Yet the convention's anticipation that the duration of some hostilities might warrant the repatriation or internment in a neutral country of "long-time" prisoners of war, permits me to conclude that the very basic humanitarian principles which underlie the entire convention require that prisoners of war not be kept interned indefinitely.

When there is no end to hostilities in sight, all prisoners of war who have remained in captivity longer than eighteen months should be repatriated by the captor so long as the other party agrees to honor the requirement of Article 117. There are now thousands of North Vietnamese and Viet Cong and hundreds of American prisoners of war who have been interned for more than two years, and there is no end of their captivity in sight.

To achieve fully its purpose, the Geneva Convention should provide a solution for this situation. It is reasonable to conclude that eighteen months of captivity with no likelihood of release in sight is sufficient to require accommodation in a neutral country under Article 110 and the model agreement. Indeed, the evidence that we have concerning the Americans held in North Vietnam and those held by the Viet Cong in South Vietnam would support a finding that many of them are seriously sick or wounded and entitled to direct repatriation under Article 110. The fact that the other side does not permit impartial inspection of its prisoner of war camps, when added to the information we have, *e.g.*, significant weight losses, intestinal and skin diseases, use of crutches years after capture and confinement in isolation, provides a sufficient basis for a presumption that the American prisoners of war should be repatriated or at least interned in a neutral country immediately. To conclude otherwise, would constitute a gross step backward in the evolution of basic principles of humanitarian law.

Mrs. MINK. Mr. Speaker, I rise in support of our American prisoners of war and servicemen missing in action in the Indochina war.

The week of March 21–27 has been proclaimed as a National Week of Concern for Prisoners of War/Missing in Action, and I feel it is the duty and obligation of every American to do all he can in support of proper treatment and earliest possible return of the personnel involved.

These brave men are not forgotten Americans. By our actions Congress is serving notice that our Nation and world opinion will not tolerate continued abuse of those held prisoners.

I have sponsored and supported congressional resolutions to obtain treatment of these men in accordance with internationally agreed standards as to living conditions, medical treatment, identification to and communication with families, and other matters. Yet these humanitarian appeals have gone unanswered.

I feel it is our Nation's duty to exert the maximum effort in every possible approach toward assisting the POW/MIA's. By the current week of concern, we are demonstrating to their captors and to the world that we have the highest commitment to obtain just treatment and swift release.

It has been 7 long years since the first American was held in captivity. The number of prisoners and missing has now reached nearly 1,600. It is absolutely essential that our Nation not let them down in their ordeal. We must continue our attempts to aid and assist these men and their families.

I am proud to join with my colleagues in backing this overriding objective.

Mrs. GRASSO. Mr. Speaker, the President of the United States has proclaimed this week of March 21 through 27 as the National Week of Concern for Prisoners of War.

It is fitting that a special week be set aside to recognize the plight of our men who languish in enemy prisons and again rededicate ourselves to use all possible means by which to secure their safe release. But, we must make clear to ourselves, our friends in foreign countries, and even our antagonists abroad, that the American consciousness does not limit itself to a brief 7 days of official dedication to the freedom of captive American fighting men. The release of the captives of Hanoi, and the other soldiers who we suspect are imprisoned throughout Southeast Asia, must be constantly on our mind and conscience.

No matter how we feel about this war, we must emphasize this concern constantly. I deplore this war. All Americans deplore the war and grieve at its continuing devastation. It has divided the country, wasted precious resources, and destroyed South Vietnam. Yet, our feelings about the current policy cannot diminish our concern for the prisoners.

In many ways, our engagement in Vietnam, Laos, and Cambodia is not a military operation alone. It is a political war—a political war of words as well as deeds. The North Vietnamese and Vietcong seek support in the court of world opinion, and are attuned to the reactions of people the world over. We must make it abundantly clear that the doves and the hawks are united on the question of prisoner release. The strength of American conviction has already borne fruit in the release of some film showing a small number of prisoners. This may very well be a staged presentation, not indicative of the true condition of our men and the true conditions of their confinement. However, it is a breach in the wall of silence that Hanoi has kept erected for so many years. The limited knowledge we have is testimony to the unity of the people of this country and the insistence that humanitarian concerns override questions of military policy.

We must widen this breach and convince Hanoi that all our interests would be served by speedy release of prisoners of war or at the very least, firm evidence that they are being well treated. To this end I and a number of my colleagues in this Chamber have written to Ton Duc Thang, President of the Democratic Republic of Vietnam in Hanoi. We have asked that a group of Congressmen be allowed to inspect the detention centers in North Vietnam and meet with the American prisoners of war. Such inspection would not immediately insure the release of the prisoners, but would help to allay the concern and questions of millions of people in the United States and throughout the world—serious questions about the fate of all our men, not merely those few we have been able to see through the release of carefully controlled motion pictures released through the auspices of North Vietnam.

We must also salute the valiant wives and families of the POW's. These people have suffered inordinately, often not knowing if their loved ones are dead or alive. They have worked incessantly to alert the world to the plight of the prisoners and attempt to secure the release of the men, or at least contact them. Much of the progress that has been made has been the result of the tireless efforts of the wives and families, their trips to Paris to see the Vietcong and North Vietnamese delegates, and their attempts to fly Christmas presents to North Vietnam.

In conclusion, Mr. Speaker, I must emphasize that in all probability the final release of all the prisoners will not be realized until all American forces are withdrawn from Vietnam. It is as clear and simple as that. Our continuing appeals to the conscience of the captors may result in better treatment and more information, but freedom will not be gained until all the boys are brought home.

Mr. MINSHALL. Mr. Speaker, I am proud to be one of the cosponsors of the resolution proclaiming this as "National Week of Concern for Prisoners of War/Missing in Action."

I hope that today's program in the House, and the many activities planned this week by the National League of Families of American Prisoners and Missing in Southeast Asia, will not only focus the eyes of the world on the plight of our more than 1,500 imprisoned or missing men, but will move its conscience as well.

Let us prayerfully continue these efforts beyond this week of official observance. For the benefit of those who read the CONGRESSIONAL RECORD and would like to join in this nationwide effort, I am reprinting the names and addresses of the State coordinators of the National

League so that they may be contacted directly by any citizens wishing to join in this great cause:

State Coordinators

Mrs. R. H. Fauser, 7-710 "J" Street, Apt G, APO Seattle 98742 (Anchorage, Alaska).

Mr. Cleve Harris, 1421 27th Street (205) 788-3449, Ens. Station, Birmingham, Alabama.

Mrs. James L. Lamar, One La Fever Lane (501) 225-5671, Little Rock, Arkansas 72207.

Mrs. George E. Day, 4317 W. Ocotillo Rd. (602) 934-7572, Glendale, Arizona 85301.

Mrs. William Butler, 64 Cottonwood Dr. (415) 457-2125, San Rafael, California 94901.

Mrs. Ben Pollard, 2212 N. Chelton Rd., Colorado Springs, Colorado 80909.

Mrs. Crosley J. Fitton, Sr., 33 Summit St (203) 523-1675, Newington, Connecticut 06111.

Mrs. Philip A. Hoge, 1016 Faun Rd (302) 764-8919, Wilmington, Delaware 19803.

Col. (R) David J. Andersen, 16 Longwood Dr. (904) 651-0829, Shalimar, Florida 32579.

Mrs. Thomas V. Parrott, 1230 Valencia Dr. (404) 226-1456, Dalton, Georgia 30720.

Mrs. Donald G. Waltman, 102 East Market (208 786-8081, Kellogg, Idaho 83837.

Mrs. Dorothy Bodden, 5707 Walnut Ave. (312) 968-9392, Downers Grove, Illinois 60515.

Mrs. Sam Beecher, 122 Bluebird Dr., Terre Haute, Indiana 47803.

Mrs. Robert J. Naughton 605 Tenth St. (712) 324-4016, Sheldon, Iowa 51201.

Col. Arthur K. Harrold, 408 Madison St. (913) 682-0179, Leavenworth, Kansas 66048.

Mrs. Don I. Williamson, 3817 Burning Bush Rd. (502) 425-5481, Louisville, Kentucky 40222.

Mrs. Stan Olmstead (Betty), 2049 Horton (318) 865-6194, Shreveport, Louisiana 71105.

Mrs. A. R. Carpenter, 40 Jackson St. (207) 324-5705, Sanford, Maine 04073.

Mrs. Carroll E. Flora, Jr., 209 E. 6th St. (301) 662-6407, Frederick, Maryland 21701.

Mrs. Paul Getchell, 48 Ryder St. (617) 759-4792, Buzzards Bay, Massachusetts 02532.

Mrs. Virgil O'Connor, 31319 Rosenbusch Dr. (313) 293-1063, Warren, Michigan 38093.

Mrs. David Everson, 2408 119th Ave., N.W. (612) 421-8615, Coon Rapids, Minnesota 55433.

Mrs. Doris Brickell, 1529 Meadowbrook Rd. (601) 982-3221, Jackson, Mississippi 39211.

Mrs. R. D. Martin (Elaine), 8 Grim Ct. North (816) 665-9096, Kirksville, Missouri 63501.

Mrs. Arvin Knutson, 604 O'Malley St (406) 248-6371, Billings, Montana 59102.

Mrs. Clifton E. Cushman, 725 N. 57th St (402) 551-9480, Omaha, Nebraska 68132.

Mrs. Gene Smith, 5424 Bentley (702) 737-2449, Las Vegas, Nevada 89109.

Mrs. Ronald E. Storz, 251 Thaxter Rd (603) 436-9324, Portsmouth, New Hampshire 03801.

Mrs. Muriel Egan, Fairview Drive (201) 232-6635, Mountainside, New Jersey 07092.

Mrs. Samuel C. Maxwell, 414 Mariposa St (505) 887-1966, Carlsbad, New Mexico 88220.

Mrs. George Brooks, 16 Cresthaven Dr (914) 561-9447, Newburgh, New York 12550.

Mrs. James E. Hiteshew, 308 Redwood Trail (919) 734-6817, Goldsboro, North Carolina 27530.

Mrs. Leland Torkelson, Box 155 (701) 965-6890, Crosby, North Dakota 58730.

Mrs. Phyllis Farrow, 95 May Court (216) 247-7144, Chagrin Falls, Ohio 44022.

Mrs. Clifford W. Fieszel, 10 S. East Place (918) 437-4826, Tulsa, Oklahoma 74128.

Mrs. James E. Sehorn, 1705 Willamina Ave (503) 357-9198, Forest Grove, Oregon 97116.

Mrs. Mark J. Ruhling (Pat), 3520 Mare Dr (412) 882-3945, Pittsburgh, Pennsylvania 15234.

Mrs. Ronald Messier, 29 Wood St (401) 828-6873, Coventry, Rhode Island 02816.

Mrs. Fred H. McMurray, Jr., 350 Cobell St. (803) 766-3300, Charleston, South Carolina 29407.

Mrs. Leo K. Thorsness, 2316 S. Blauvelt (605) 332-8070, Sioux Falls, South Dakota 57105.

Mrs. Wayne Fullam, 3424 Betty Lane (615) 624-2056, Chattanooga, Tennessee 37412.

Mrs. Samuel R. Johnson, 3204 Greenbriar Lane (214) 231-7807, Plano, Texas 75074 (Northern Texas).

Mrs. M. O. Sadler, 7723 Pagewood (713) 781-0486, Houston, Texas 77042 (Southern Texas).

Mrs. Franklin A. Caras, RFD 2, 207 (801) 798-2654, Spanish Forks, Utah 84660.

Mrs. Donald G. Cook, 12 Home Avenue (802) 862-4665, Burlington, Vermont 05401.

Mrs. Eugene McDaniel, 1716 S. Woodhouse Rd. (703) 428-3380, Virginia Beach, Virginia 23454.

Mrs. Peter J. Frederick, 6602 80th St. S.W. (206) 584-8471, Tacoma, Washington 98499.

Mrs. Joseph A. Rose, 1476 Saratoga Ave. (304) 599-0237, Morgantown, West Virginia 26505.

Mrs. William Metzger, 1791 Smith (715) 423-1216, Wisconsin Rapids, Wisconsin 54494.

Mrs. Theodore W. Gostas, 1445 S. Main (307) 672-2850, Sheridan, Wyoming 82801.

INTERNATIONAL

Mrs. Russell David, 323 Ave De Tervueren, 1150 Brussels, Belgium.

Mrs. Robert R. Craner, 26 Longton Dr., Freshfield, Lancashire, England.

Mrs. Mary Winn, National Committee Chairman, 4911 Sunnyside Rd., Minneapolis, Minnesota 55424.

Mr. CHAPPELL. Mr. Speaker, this week has been declared by Congress as the National Week of Concern for Prisoners of War and those Missing in Action. It is an honor to have cosponsored legislation for this week to focus attention on this situation.

Within my own Fourth District of Florida, I correspond with some 16 families who have loved ones listed as missing in action or who have been designated prisoners of war. One fine gentleman who writes me regularly, has heard nothing of his son for the past 2 years. Two ladies from our area learned that their husbands had been shot down within 2 months of each other. That was in 1967. Now, 4 years later, they are deeply concerned that their children are growing up without knowing their fathers. Neither family has heard a word about their missing loved one during these long months that are dragging on into years and years.

These are just some of the cases. All the others are equally distressing.

During this week, let us ask all Americans to join with us in writing letters, objecting to the treatment of our men, and asking Hanoi to abide by the Geneva Convention with regard to our prisoners. So that all our concerned countrymen can readily send their letters, I am listing persons they can write:

Ton Duc Thang, President, Democratic Republic of Vietnam, Hanoi, North Vietnam.

Pham Van Dong, Premier, Democratic Republic of Vietnam, Hanoi, North Vietnam.

Gen. Vo Nguyen Giap, Minister of National Defense, Democratic Republic of Vietnam, Hanoi, North Vietnam.

Minister Xuan Thuy, Delegation of the Democratic Republic of Vietnam, 8, Avenue General Leclerc, 94, Choisy-le-Roi, Paris, France.

SOUTH VIETNAM

Nguyen Huu Tho, Chairman, National Liberation Front, c/o 19 Hai Ba Trung, Hanoi, North Vietnam.

Huynh Tan Phat, Chairman, Provisional Revolutionary Government of the Republic of South Vietnam, c/o 19 Hai Ba Trung, Hanoi, North Vietnam.

Mme, Nguyen Thi Binh, Minister of Foreign Affairs, Provisional Revolutionary Government of South Vietnam, 39, Avenue Georges Mandel, Paris 16, France.

LAOS

Prince Souphanouvong, Deputy Prime Minister, Chairman of Lao Patriotic Front, Sam Neua, Laos (Via Moscow).

M. Sot Pethrasi, Representative of the Lao Patriotic Front, Vientiane, Laos.

Olaf Palme, Prime Minister, Stockholm, Sweden.

Aleksey Nikolayevich Kosygin, Chairman, USSR Council of Ministers, Moscow, USSR.

Nikolay Viktororovich Podgornyy, Chairman, President of USSR Supreme Soviet, Moscow, USSR.

Semen Andreyevich Skachkov, Chairman, Committee for Foreign Economic Relations, Moscow, USSR.

Dr. Vv Dinh Tung, President, Red Cross of Vietnam, 68 Ba Triev, Hanoi, North Vietnam.

A part of America is missing today—the man next door—husband, sweetheart, son—is missing in action or being held prisoner somewhere in Vietnam or close thereto. Nearly 1,600 young men of America are being deprived of years from their lives by captors who refuse to treat them like human beings. This part of America which is missing deeply disturbs me. These men have fought and paid a dear price for their beloved America and we dare not forget them. Indeed, we will not forget them.

Let me urge every American to show his concern during this week by writing letters to Hanoi. And especially by his prayers for the safe return of our prisoners. Let every American take the families and friends of these brave men into their hearts and, Mr. Speaker, in the name of justice and freedom, let us all renew our efforts to see that these men come home soon and safely.

Mr. GALLAGHER. Mr. Speaker, I am pleased to rise today to join my colleagues in observance of the National Week of Concern for Prisoners of War/Missing in Action. The war in Vietnam has produced considerably more than the usual amount of horrors connected with all armed conflicts and certainly the worst is the one we concern ourselves with today. Death in war may be understandable, but doubt is unbearable. The agonies suffered by the loved ones of these brave men is a legacy of this continuing conflict which all men of good will must do all in their power to alleviate.

We have already had some indication that the constant outpouring of concern has had some effect within the circles of power in Hanoi. Certain lists have been made available and while there is dispute over their accuracy, it is a fact that at least some of the people in doubt about the fate of their sons, husbands, or friends have received valid news. For this reason, among others, it is very fitting that Members of Congress keep the issue steadily before the American people, as well as those who flout all international decency abroad.

This morning, Mr. Speaker, my able and distinguished colleague on the Committee on Foreign Affairs, the Honorable CLEMENT ZABLOCKI, held a hearing on this problem with his Subcommittee on National Security Policy. I commend my friend, CLEM ZABLOCKI, for this timely and important move. I also believe that those hundreds and thousands of private citizens, among them many of my own constituents, are to be praised highly for their efforts in behalf of our prisoners of war and those who are missing in action.

Mr. Speaker, words may seem a sorry substitute for direct action in this matter, yet foreign leaders have shown they are slightly responsive to constant public pressure here in the United States. And so I hope and pray that the words uttered on the floor of the House today may convince the other side of our unshakable determination that the Americans who are now serving so far beyond the call of duty as prisoners will not be forgotten. And it is important to emphasize that no matter what one may think of the justifications advanced for the war in Vietnam and no matter what disagreements may exist on the rate of withdrawal of American troops, both hawks and doves fly together on bringing back all prisoners of war. It would be well for the other side not to confuse the arguments about policy in Southeast Asia with any basic disagreement on this issue.

Mr. ROBINSON of Virginia. Mr. Speaker, our remarks here today should carry weight with world opinion—not because we, as individuals, make them, but because they represent a further reflection of the deep feeling of an entire people.

The world should note—and Hanoi particularly—that the people of the United States, through their representatives in the Congress, have authorized the proclamation of this week as a "National Week of Concern for Prisoners of War and Missing in Action."

The President, by proclamation, has lent his leadership to this solemn commitment.

We are engaged in a reemphasis of our determination that the fates of these courageous men will not be written off as no more than a regrettable consequence of war. We speak, and speak again, in this House on this subject to prick the conscience of a world that calls itself civilized.

Let it be understood that our concern for known prisoners of war, and for the thousands listed only as missing in action with fates unknown, transcends a broad spectrum of views on the Vietnamese war. Whatever our domestic differences may be as to national policy in that part of the world, we are united in behalf of humane treatment of those taken by an enemy in time of battle.

As we reduce our military commitment in Indochina, we maintain our level of involvement in the cause of the war prisoners. Their freedom is a key prerequisite to our final disengagement from the conflict.

What we seek is not unreasonable. It is consistent with widely accepted minimum standards of human decency which have been given expression in the Geneva Convention.

An accounting of prisoners held; adequate food and medical treatment, to be confirmed by impartial international inspection; free interchange of mail between prisoners and their families; release of severly wounded or ill prisoners; serious negotiations toward exchange of all prisoners held by either side—these are the simple considerations we seek.

There are, certainly, thousands of families who live under the Hanoi regime who hope, as so many of our people do, to see again the faces of loved ones who have gone off to war and have been reported taken prisoner or missing in action.

Concern, grief, hope—these are human emotions which are common to all peoples—and so is compassion.

Prisoners of war have lost their military effectiveness, but they have not lost their human worth, and this is a national resource, whether the nation be the United States of America or the Democratic Republic of Vietnam centered at Hanoi.

We ask again, therefore—not in a military or diplomatic cause, but in the name of essential human dignity—a return to reason, to decency and to compassion.

The coin of our good faith is on the table for the world to see.

It can be no less than a matter of honor and face that Hanoi match it.

Mr. BEGICH. Mr. Speaker, all too often, as the debate on the war in Indochina continues, the men who have made important sacrifices in Vietnam, Laos, and Cambodia have not been paid the tribute they so obviously deserve. Whether we are "hawks" or "doves" this Nation must do all that is in its power to see that our prisoners of war are returned to us quickly and safely. The desire for the safe return of these men are the fervent hopes of their family, friends, and this country. Those men who have become prisoners deserve the same dedication from our citizens as they themselves have given to the country.

This is the National Week of Concern for Prisoners of War and Missing in Action. I hope our dedication and energies carry over until every prisoner of war, from America, North and South Vietnam, Cambodia, and Laos has been safely returned to their homes and families.

No higher priority can be given to any other task until we see an end to the war and that our men are safely home. The 1,600 American prisoners of war and missing in action represent one of the most inhumane sides of this war. We have made every effort to see that the North Vietnamese prisoners are treated humanely and that we abide by the Geneva treaties. We ask the same in return.

I strongly support any effort whether it be legislative, executive, or judicial that will help to release the prisoners of war held by North Vietnam.

Mr. GIAIMO. Mr. Speaker, I am honored to be able to participate today in the observance of a "National Week of Concern for Prisoners of War and Missing in Action." It is important that we pause at this time to consider the plight of our prisoners of war and to pray for their safety and the safety of those who are missing in action. Despite the emotional debate over our future course in Southeast Asia, these brave men must not be forgotten. Whatever our views on the overall conflict, we must continue to do all we can to insure that these men are found and are brought home safely.

When we speak of prisoners of war and those missing in action, we must never forget that we are speaking of tragedy. Our colleague, the gentleman from Iowa (Mr. SCHERLE), seeks to remind us of that fact when he says:

> A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?" . . . How long?

I make this point, Mr. Speaker, because I fear that some groups and individuals have forgotten the human tragedy involved here and that some have sought to make this their own, private ideological issue. This is a national tragedy, Mr. Speaker, and it is a national issue. Let no one say that a person's desire for an end to the tragic conflict in Southeast Asia indicates that he is not concerned about the plight of our prisoners of war and those missing in action. Let no one base an individual's concern upon his support of or opposition to Vietnamization, or the Cambodian invasion, or the Laotian operation or on any other aspect of the overall conflict. Those who do so impugn the dignity, the morality, and the compassion of all Americans.

Furthermore, Mr. Speaker, desirable expressions of concern for these brave men have all too often been smothered in pagentry to the point that the solemnity of the occasion has been forgotten. I am reminded of the comments of columnist Jimmy Breslin, who appeared on the "Tonight Show" following the bowl games on New Year's Day. He said, as I remember it:

> I am disgusted by these exhibitions. Have any of you been in jail for one day? Can you imagine what it must be like to be in prison for five years? This is a tragedy, and yet people are using it as a subject for halftime shows at football games.

I think it is important for all of us to understand and appreciate what Mr. Breslin was saying.

Finally, of course, we must recognize that, regardless of our good intentions, our efforts in behalf of prisoners of war and those missing in action have been, in most cases, exercises in futility. As our colleague, the gentleman from California (Mr. LEGGETT) said last week:

> I have talked a great deal with many POW–MIA wives. They have told me they have had more than enough of being patted on the head and praised for their bravery. They have had enough of writing letters to Hanoi. None of this has brought their husbands one step nearer to release.

Let us face the fact that our attempts to free these men and to bring them safely home have met with little success. More importantly, let us realize that it may take a resolution of the overall conflict to bring about the conditions under which these men can be returned home. To do less is to ignore the reality of the situation.

I, for one, am convinced that the time has come for the United States to disengage from the tragic struggle in Southeast Asia. It is my firm belief that withdrawal may result in the freeing of our prisoners of war and the return of many of those missing in action. I shall continue to support this step as the most realistic in terms of bringing these men home.

In the meantime, however, I urge my colleagues and the American people to remember the significance of this week. This is a time for national concern, for national reflection, for national prayer. Let us pray for the deliverance of these brave men, and let us pray that others will never have to repeat their tragic ordeal.

Mr. CHAMBERLAIN. Mr. Speaker, President Nixon has signed into law a resolution declaring this week—March 21–27—as National Week of Concern for Our Prisoners of War and Our Men Missing in Action.

Although there may be differences of opinion as to the conduct of the war in Indochina, there should be complete unity in the purpose of obtaining an early and honorable release of our men held in captivity. Each day adds an additional burden for these men who have suffered so long.

Recalling the words of Gen. Douglas MacArthur: "Duty, honor, country."

I cannot help but feel that these men have performed the ultimate duty for their country and that in our small way we should accord them the honor that they deserve.

I wish to join in the Nation's deep sympathy and concern for the wives, the children, the parents, and the loved ones of those prisoners. The agony of the long separation has not prevented them from showing determined courage.

As a cosponsor of the resolution, I believe we should not only have concern but that we should forcefully register our protest over the inhumane treatment our men are receiving at the hands of the North Vietnamese, in violation of the Geneva Convention. These brave men are not forgotten. The Hanoi regime must be made to realize that it has nothing to gain by its continued barbaric policy toward our prisoners of war.

Mr. ZABLOCKI. Mr. Speaker I am happy to have this opportunity to join with our colleagues in the House of Representatives in this special observance of the National Week of Concern for Prisoners of War/Missing in Action.

The plight of American servicemen who are held captive in Southeast Asia is a problem of pressing national concern and must be constantly on the minds of our people as we contemplate the future of American involvement in Southeast Asia.

As you know, Mr. Speaker, for the past 2 years it has been the task of the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, to conduct hearings on the prisoner-of-war issue and to consider the resolutions relating to that problem which have been sponsored by many Members of Congress.

In November 1969, the subcommittee held the first series of hearings in Congress dealing directly with the situation of American prisoners of war in Southeast Asia.

As the result of those hearings, the subcommittee reported out a resolution which was approved by the House of Representatives by a vote of 405 to 0 and subsequently passed by the Senate, again by a unanimous vote.

The text of that resolution follows:

[H. Con. Res. 454, 91st Cong., second sess.]

CONCURRENT RESOLUTION

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirement of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

Executive branch officials have assured me on numerous occasions of the value of that resolution in official United States representations on the POW issue.

The resolution demonstrated that whatever Members of Congress may feel about involvement in Southeast Asia, they are united in their concern for the prisoners, many of whom will begin their seventh year in captivity soon.

In 1970, the subcommittee once again held hearings on the prisoner-of-war problem. Those hearings had several objectives:

First, to demonstrate the continuing, deep concern of the Congress over the fate of the prisoners of war;

Second, to bring the Members up to date on developments and events relating to the POW problem which had occurred in the months since the 1969 sessions;

Third, to consider several resolutions relating to the prisoners of war which had been introduced in the interim; and

Fourth, to create a hearing record—a document to which interested persons might refer in order to be informed about the scope of the problem.

As a direct result of the hearings, the subcommittee took two additional actions:

First, it arranged for the printing of the Geneva Convention Relative to the Treatment of Prisoners of War, including the reservations to the convention filed by nations participating in hostilities in Vietnam, Cambodia, and Laos. That document previously had not been available for distribution to interested Americans; and

Second, the subcommittee took ownership of a display on POW's which was on view in the crypt of the Capitol last summer and fall.

Because of its understanding of the seriousness of the problem of our prisoners and missing in Southeast Asia, the subcommittee is conducting a third series of hearings which began today.

This morning the subcommittee heard from one of the nine American prisoners released by the North Vietnamese, Col. Norris Overly. Colonel Overly, now attending the War College here in Washington, described his capture in October 1967, after his aircraft had been shot down just north of the demilitarized zone in North Vietnam, his treatment at the hands of his captors, and his ultimate release.

We also heard testimony from representatives of the National League of Families of American Prisoners and Missing in Southeast Asia. Statements were given by Mrs. Carol North of Wellfleet, Mass., president of the league and the wife of a prisoner; Mrs. Joan Vinson of Alexandria, Va., national coordinator of the league, whose husband is listed as missing in action; Mrs. Evelyn Grubb of Colonial Heights, Va.; and Mr. Charles Havens III, legal counsel to the league.

Tomorrow the hearings will resume in the House Foreign Affairs Committee room 2172, with our witnesses being Col. Frank Borman, the President's special representative for prisoner-of-war affairs, and representatives of the American National Red Cross.

Two days have been set aside for Members of Congress to testify—Thursday, March 25, and Tuesday, March 30. I invite all Members of this body who wish to participate to do so—either by attending the forthcoming sessions or by providing testimony, either in person or by submitting a statement for the record.

There will also be sessions on Wednesday, March 31. Appearing at that time will be representatives of the Committee of Liaison with Families of Servicemen Detained in North Vietnam. They will include Mrs. Cora Weiss, Mr. Stewart Meacham, and Prof. Richard Falk. Also appearing will be Dr. Michael Jacobson of the Washington Committee To Put the POW Issue Into Perspective. We have invited testimony from these groups because the subcommittee is interested in hearing every point of view on the POW issue. On Thursday, April 1, the subcommittee will hear representatives from the Department of State and Department of Defense.

Following the end of hearings the subcommittee will immediately work to bring out a resolution on prisoners of war/missing in action which will allow this 92d Congress an opportunity to again express its view on the problem.

Mr. Speaker, ultimately it will be deeds, not words, which will lead to the release of our prisoners of war. But words of discussion must precede the decisions on how the United States must proceed in this situation. Through the current hearings, as well as through observances such as this special order, we hope to provide some of the words that will lead to a decision which will ultimately reunite the prisoners of war with their loved ones here at home.

Mr. MURPHY of New York. Mr. Speaker, there are 1,600 men rotting alive in ratholes in North Vietnam. These are American fighting men. Many have now been reduced to the physical and psychological level of the inhabitants of Dachau and Buchenwald. Some have been there for as long as 7 years—twice the entire period of World War II. All attempts to retrieve these men have been rejected by a ruthless and cruel regime in Hanoi. But we in Congress must not forget, nor must we lessen our efforts to free these brave men who have endured so much for their country.

On this day in Congress we must reaffirm and rededicate our efforts on their behalf.

We must arouse in the American people a renewed awareness of the plight of these men.

We must tell Hanoi and the world in a single national voice—loud and clear—that the Members of this body remember the perfidy of the leaders of that bandit nation.

It was 25 years ago that one of the more perceptive of our enemies wrote of a similar act of brutality, in effect: I am afraid that all we have accomplished is to awaken a sleeping giant and install in him a terrible resolve.

Let Hanoi know of the resolve of the U.S. Congress at this atrocious handling of a group of men who now represent a cause for millions upon millions of American people.

Let Hanoi know that the sleeping giant is reaching the end of its patience.

Let Hanoi know that, just as the massacre at Malmedy steeled the resolve of the American soldier to avenge his murdered comrades, the mental and physical torture of our 1,600 POW's, rather than crushing the will of the American people, will make us more determined than ever to stop the aggression of North Vietnam, restore a just peace to Southeast Asia and free our heroic prisoners of war.

We have begun to weaken the seemingly impenetrable barrier of ignorance Hanoi has put up to defend herself from the siege of pleas from this country and other countries in behalf of our brave men. Hanoi is not unresponsive to the pressure of world opinion and to the flow of millions upon millions of letters, and to the efforts of so many people in this country to free our men. In my district alone we sent over 200,000 letters to North Vietnam in behalf of our men.

Based on the small successes and responses from Hanoi over the last year, I know now that Hanoi is not deaf. Hanoi will respond.

We must redouble our efforts.

We must continue to show the concern the American people have for our countrymen.

Hanoi shall yield.

Mr. DANIELS of New Jersey. Mr. Speaker, I wish to join my colleagues in the House today in expressing concern for the American servicemen being held by North Vietnam.

I know that our proclamation of March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action" comes from our own deep concern for the plight of these brave men as well as from tremendous resolve on the part of every American.

Mr. Speaker, as an expression of that resolve the citizens of Hudson County held their own prisoner of war rally on March 7, sponsored by the Hudson County Committee of the American Legion at Martin Luther King High School in Jersey City, N.J. I was privileged to address that rally and, as part of this congressional observance, am including my remarks in the Record. I am also including the remarks of the Honorable Thomas J. Whelan, mayor of Jersey City; the Reverend James Schneider; and Joseph F. Ward, past State commander of the American Legion Department of New Jersey.

The remarks follow:

REMARKS OF THE HONORABLE DOMINICK V. DANIELS OF NEW JERSEY

Ladies and gentlemen, I am deeply honored today to have been asked to join in this expression of unity. In these troubled times it is gratifying to see that Americans will come together—together to support prisoners of a war which has caused so much dissention, mistrust, and violence at home as well as on the battlefield.

There is no other issue upon which so many Americans are as unified. There is no national issue which stirs as much grief as that for the condition of the prisoners, as much resolution and defiance against the North Vietnamese, or as much horror at the brutal disregard for basic humanitarianism upon the part of their captors.

In the Congress, in spite of division on other issues of the war both the House of Representatives and the Senate were *unanimous* in their resolution that the North Vietnamese be forced to live up to the basic principles of the Geneva Convention.

In spite of the unity of the American people and their leaders on this issue, North Vietnam, which has continuously parlayed the dissent in this country into a propaganda advantage, has refused to acknowledge the humanitarian entreaties of both hawks and doves. Both Senators Edward Kennedy and William Fulbright, opponents of our presence in Vietnam as well as Senators Robert Griffin and Robert Dole, avowed hawks, have been rebuffed by Hanoi.

Entreaties on behalf of the prisoners have been made by His Holiness, Pope Paul, by Swedish Prime Minister Olaf Palme, by Indian Prime Minister Indira Ghandi, as well as Iron Curtain leaders. All have been coldly and heartlessly rebuffed.

We have not only made humanitarian appeals. We have attempted to negotiate directly on the issue in Paris. We have appealed to international leaders and heads of state to intercede. Wealthy private individuals have even offered a ransom of a hundred million dollars. All who have sought to obtain justice have sought in vain.

In spite of the otherwise consistent American position that Hanoi must negotiate with South Vietnam on all issues, we have directly appealed to the North Vietnamese government and to its delegation in Paris in order to obtain the release of American POWs.

The then American ambassador to the Paris Talks, David Bruce, has offered to exchange ten prisoners for every American returned by Hanoi. The Hanoi delegation response was cold and cruel silence.

We have done everything humanly possible, short of outright destruction of North Vietnamese cities, to obtain release of these men or, failing that, assurances of their decent treatment.

It is apparent to the entire world that Hanoi violates not only the spirit but the letter of all international treaties and codes on the treatment of prisoners. Hanoi's actions are in violation of all civilized law and justice. By holding our servicemen hostage, North Vietnam violates every rule of international law, every tenet of human decency.

There is no longer any question before the world, but that North Vietnam has branded itself an international outlaw.

It is apparent that, in spite of Hanoi's propaganda, attempts to martial American public opinion to its side, its actions against American prisoners of war have hardened even many of the so-called doves against the North Vietnamese.

Public opinion is weapon to Hanoi. It is one they both fear and use. We must therefore stiffen our unity and our solid support for our servicemen. We must be resolute in our condemnation of the Hanoi government for their barbaric disregard for human worth and law.

Holding our servicemen hostage will do Hanoi *no good*. We are not going to desert our men. We are not going to leave them unprotected in a hostile and alien land, prisoners of a people who have already shown so little regard for human life. I tell you here and now, I would not support—nor will there be—a cessation of hostilities against North Vietnam until the Communists are prepared to provide for the release of all American servicemen.

REMARKS OF HON. THOMAS J. WHELAN

Mr. Chairman, Comrades and Fellow Americans: Let me say at the very outset that it is a privilege and an honor to join you here today in this demonstration of solidarity.

There can be no more noble thought or action by Americans than to join in this grand movement . . . to effectuate the speedy release of our prisoners of war by the Hanoi government . . . and to guarantee their humane treatment while we await that happy day.

Please do sign your name to the petitions . . . and urge your family members, your friends and neighbors to do likewise.

We want those deprived Americans back on American soil, back with their parents, wives and children. . . . And we can help to bring that about.

My message is brief. But I wish to offer this prayer for our country . . . which I recently read, and which I think speaks for all of us here today. It goes:

Dear Father of all mankind. Thank You for our great country and its splendid heritage. Bless America and grant that she may remain forever free, strong and true to her ideals. Bless the President, congress and all the public servants of our nation. Guide and lead them that they may faithfully serve Thee and the people who elected them.

Grant them true judgment, clear vision and great daring that they may right wrong and minister to the suffering and forlorn.

Consecrate our time, our energy, our talents that we may dwell in peace, honor and love, and that in all things our nation may be pleasing to Thee.

We especially ask Thy blessing for those families who grieve and sorrow for their loved ones who have fallen into the hands of our nation's foes.

Reach out and gather to Thy heart these suffering families, comfort them with the knowledge of Thy loving presence and care. Be with them now in their hour of sorrow and need. . . . Amen.

I commend the American Legion's Hudson County Committee for sponsoring this truly patriotic program. And I offer my congratulations, humbly, to Commander Elder and to Comrade Pisano for their efforts.

I do earnestly hope this work will not have been done in vain. Let this message go out loud and clear to the butchers of Hanoi: America will not stand idly by and let our boys be brutalized and murdered by the Communist butchers.

We must—you and I and all Americans—we must stand united today behind our boys . . . . just as all America stood behind each of us in earlier wars.

With our united will and our firm resolve, we can get our men home safely.

Thank you.

Remarks of Rev. James Schneider

Mr. Chairman, Distinguished Guests, My Comrades-in-Arms, and Fellow Americans: This rally today is long over-due. It is about time that we laid aside all our personal and partisan differences and came together, as we have today, to tell the world that we are not only sick and tired, but that we are justly outraged over the criminal and inhumane treatment afforded by the Communist enemy of our prisoners of war. All the duly proclaimed rules and regulations for the treatment of war prisoners, rules and regulations commonly agreed to under the Geneva Convention and subscribed to by all civilized peoples throughout the world, have been scuttled by the Reds in the unimaginably cruel treatment which are are meteing out to our fellow Americans.

In World War I and in World War II, we were proud of our fighting men. We were deeply concerned over our prisoners of war, taken by the Nazi Germans and the Japanese. Everyone, then, seemed to see the threat of Fascism engulfing the world. And, to a man and a woman, we were united in the struggle to end the spread of Hitler and his Axis allies.

Our Jewish Americans were aroused over the cruelties which the insane Hitler was inflicting on their co-religionists. What about threat of Communism? Is not anti-Semitism rife in Soviet Russia today? Is not the Soviet Union behind the attacks on the State of Israel? Isn't Soviet Russia arming and supplying the Arab states? Is not Soviet Russia which stands up on the floor of the United Nations, at every opportunity, and apologizes for the unjust and unprovoked incursions and invasions of the Jewish homeland?

The threat of world Communist domination is just as real and just as dangerous as the threat of Hitler and Fascism ever dared to be. If you have any doubt about it, read the Communist Bible: Communist Manifesto and Das Capital by Karl Marx, read the writings of Lenin, read the speeches of the more recent Communist statesman, and recall the ringing words of the jolly little Red who cried: "We will bury you."

And, do not be misled by those who would have you believe that present day communism is different from the old brand. The leopard never changes its spots. Its program is still world conquest. It tactic is still divide and conquer. The Kremlin still believes that it can take over free nations, by creating disorders within them and bush-fires all over the world. They are still Anti-Church, Anti-Family, Anti-Freedom, and Anti-God.

There is room in this free land for legitimate protest and for the right to petition government for a redress of grievances. Our laws provide for the rights of those who hold that to fight in any war is against their religious scruples. But, there is no room in this land for those who seek the protection of our Constitution and our laws, while trampling on the American flag, burning draft cards, and marching down our public thoroughfares carrying the Viet Cong Flag—the banner of the enemy—while our American boys are fighting and dying in the rice paddies of Viet Nam. I declare such conduct to be outright treason.

And, I boldly state today that the division in our country, the careless utterances of some of our highly placed American public officials that the Viet Nam war is "immoral" and that we should withdraw, at once and unilaterally, in short, that we should hoist the white flag and abjectly surrender, is giving aid and comfort to the enemy in time of war. And, I charge that it is this kind of public utterance that is encouraging the Red High Command in North Viet Nam, advised and backed by the Red Chinese, to hold our young Americans incommunicado. It is a war of nerves. It is psychological. They want to wear down our American mothers and fathers, and force them in desperation to cry out to Washington: "We can not stand it any longer. Let them have their way, at any cost. For God's sake, bring our boys back home."

But, I remind you of a gallant young American standing on the steps of our capitol in Washington. I hear him saying: "Americans will endure any sacrifice to contain the enemies of freedom." These words in John F. Kennedy's Inaugural Address were toasted from The Washington Post to The New Yorker and back, as the essence of American chivalry. I reiterate them today, at the expense of embarrassment to some of his former friends. They want the United States to go out of the business of defending other countries, who want to defend themselves against aggression. Aggression by totalitarian powers. Apparently, they do not care if the whole world is put behind the Iron and Bamboo curtains. Thirty odd years ago, they would be called America Firsters Isolationists. And these terms were used by the Liberals as expressions of derision.

But, Jesus the Christ, who I accept as my Lord and Master, taught that "We *are* our brothers keeper." And, Thomas Paine, one of our first great American crusaders for freedom, wrote: "He who would make his own liberty secure, must guard even his enemy from oppression, for failing in this, he establishes a precedent that may reach even unto himself."

So, say this is not just another patriotic meeting—though God knows, we need a big dose of patriotism these days, for what is patriotism but love of country. And, if we do not love our country, who will?

But, this is more than just another patriotic gathering. It is a genuine protest rally—A conclave of outraged Americans. Gathered here in this beautiful new school house, named in honor of the Rev. Dr. Martin Luther King, Jr., who fought and died for equal rights for his people, we, Black and White, young and old, Democrats and Republicans, but Americans all, cry out in One Voice the Biblical chant of old: "Let Our People Go."

Let the determined voice of Jersey City and Hudson County, on this holy day, be joined with the prayers and the outcries of similar rallies being held today from one end of this State to the other. We say to our Government in Washington, stand firm and make positive demands of the Red foe to give us a complete list of Americans held prisoners of war. Give us the right to have them correspond with their loved ones back home and give their mothers, their wives, their sweethearts the right to freely correspond with them held in your war prisons. Stop your blackmail, of denying humane treatment of our boys who are in your clutches, because it won't work. Americans are not easily intimidated. We come from a long race, which historically has declared to all the world: "Millions for defense. Not one cent for tribute."

Your ill treatment of our boys will unite us, not divide us. Your making us mad. And, when Americans get really mad, and become united, watch out. Then, we will fight until hell freezes over.

As a Christian clergyman, as a veteran and a past County Commander of the American Legion, and as a plain American, I feel privileged for the opportunity you have afforded me today to join in this appeal on behalf of our fine American boys, suffering and rotting in Red prison camps, thousands of miles removed from their loved ones and home.

Oh, God grant us the strength to endure these outrages. And, in the words of the Great Abraham Lincoln:

"Fondly do we hope, fervently do we pray, that this scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk. And, until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousands years ago. So still it must be said: That the judgments of the Lord are true and righteous altogether."

Remarks of Joseph F. Ward

Can you imagine how it must feel for a woman for over five to six years, not knowing if she is a wife or a widow?

How it must feel for a five year old child who has never seen his father and doesn't know if his father is alive or dead??

Or how a mother or father must feel not knowing if their son is alive or dead???

Well, over 1,600 families feel like this today. Over 1,600 American Servicemen are prisoners of war in Communist prison camps. The condition of their confinement is so inhumane that these men are frequently referred to today as "the forgotten Americans."

Some of these American prisoners-of-war have been held in captivity as long as six years. The enemy in Hanoi treats these Americans as little more than political pawns. The enemy affords these Americans little, if any, of the civilized treatment and dignity they are deserving of as a prisoner of war under the Geneva Convention.

The provisions for the treatment of prisoners of war in the Geneva Convention of 1949 has been signed by more than 120 nations, including the United States, South Vietnam and North Vietnam. The humanitarian standards spelled out in that document call for:

1. Immediate release of sick, injured and wounded prisoners.
2. Impartial inspection of prisoner facilities.
3. Complete identification of all men held.
4. Allow the rights of prisoners to correspond freely with their families.

The North Vietnamese, the Viet Cong and the Pathet Lao have consistently violated each one of these simple international standards of conduct.

Prisoners have not been allowed to write to their relatives. Although prisoners may write two letters per month, a letter has never been received by a prisoner of war family in the United States.

There never has been an impartial examination of prisoner facilities and Hanoi has never released a list of captives.

The neglect, brutality and even murder perpetrated on the prisoners of war by the North Vietnamese is the most inhumane treatment of prisoners of any known war.

Approximately two and one half weeks ago, at the Legion's National Mid-Winter Conference held in Washington, D.C., I had the opportunity to hear a former prisoner of war, Colonel Norris Overly describe the treatment he received as a prisoner of war of the North Vietnamese. It was shocking to hear the treatment he received. Captured in September 1967, it took him more than six weeks to travel from the point of captivity to his final prison camp in Hanoi. Traveling by truck at night and staying in local villages by day, he was at the mercy of the villagers each day. Tied in the center of a village, all villagers had opportunity to pass by and review and do anything they wanted. Some hit the officer, some would spit on him, children would hit him in the face with rocks and even went to the point of urinating on him.

Why the Colonel was released six months after capture is unknown but most believe that since he was in better physical condition being held captive for six months than other prisoners held for three, four, five and six years, his health condition would make a better impression on world opinion as to the general health of prisoners being held in North Vietnam.

At the present time, North Vietnam will not bargain with our government to release or fairly treat the prisoners.

But they are sensitive to popular criticism and might release them if they heard and believed a mass of protest directed to the North by the American people.

The posture of Communist is that they are at war with our government, not the American people and are engaged in a battle of the minds of Americans.

They have nothing but contempt for captives—their own and ours; and they do not believe that we—Americans—care for those of our own who have been captured.

What is needed is every possible evidence that Americans in general hold the North Vietnamese is repugnance for their inhumane treatment to prisoners.

That is why we are here today in this school in Hudson County and Legionnaires and interested citizens from our other 20 countries are holding rallys similar to this at this very moment to show that "WE DO CARE".

We of the American Legion believe that these prisoners who have endured so much in the uniform of their country, deserve a better fate than has been theirs to date.

The National Commander of the American Legion, described the plight of these Americans as "a shock to the conscience of all civilized". We have placed top priority on the task of focusing public attention on the plight of these Americans.

The American Legion's total effort in this area will be the emphasis on the issue that when it comes to the Prisoner of War issue, that we are a united nation . . . and we will demonstrate this fact to the Communist world.

We are asking you, the American public, every one, whether you are a dove, or a hawk, for or against the war. Democrat or Republican—that when it comes to the inhumane treatment of the Prisoner of War that we will all join together and build up public support and interest for our Prisoners of War by signing petitions, writing letters and supporting public demonstrations.

The Communists are now starting to carry an embarrassing burden of worldwide ill will for the treatment of Prisoners of War. The foreign press is now starting to criticize North Vietnam for the inhumane treatment to Prisoners of War.

The Communists can ride the tide of criticism if it is only a 7 day wonder but if the criticism keeps up, it will become an albatross around their necks.

They are trying to sell themselves to the "people" of the world but what they are doing to our Prisoners of War is repulsive and inhumane. Never let them or the world forget it.

The name of the game will have to be persistance. Keep writing letters, keep up the protest, never let this die but continue to make it grow.

We ask you to help swell the public interest in every way that we in the American Legion and other organizations will suggest from time to time.

We call upon you to help in this humane cause and your efforts will be so important. Every effort no matter how small will be important.

In closing I would like to quote a young man, a former graduate who attended American Legion Boys State and who addressed this county committee convention in August:

"I am only one but I am one. I can't do everything—but I can *do something*."

Mrs. REID of Illinois. Mr. Speaker, as one of the sponsors of House Joint Resolution 20 authorizing the President to proclaim a Week of Concern for Prisoners of War, I am glad to have the opportunity to participate in this program to focus world attention on the plight of those brave Americans who are believed to be prisoners of war in North Vietnam or are still listed as mission in action in the Vietnam conflict.

We must not forget the heartbreak and anguish of the families and loved ones of these men who must suffer through the uncertainty of a situation unparalleled in our Nation's history. My heart goes out to them as they wait—and hope—and pray.

Because of my deep and continuing concern, I have also joined in sponsoring a resolution calling for the humane treatment and release of American prisoners of war held by the Vietcong and North Vietnam. A similar resolution was passed by the Congress last year, but I feel we must not relax our efforts now. The Defense and State Departments have said that Hanoi is sensitive to American public opinion—and it is felt that the adoption of a similar resolution this year will be helpful in our continuing efforts to focus world opinion on Hanoi for its refusal to abide by the Geneva Convention on the Treatment of Prisoners of War to which it acceded in 1957.

Certainly, every possible action must be taken through all available means to arouse world opinion to insure that the tenets of fair and humane treatment be accorded those who are held as prisoners of war and that the Government of North Vietnam and its allies identify these prisoners—release those seriously injured or chronically ill—permit impartial inspection of all prisoner-of-war facilities—and allow the free exchange of mail with their families. These are not unreasonable requests. They are required by the Geneva Convention. The convention calls for nothing more than humanitarian conduct—and that is what we must continue to insist upon.

I am hopeful that actions such as we are taking today will demonstrate to the Government of North Vietnam the strong feelings of the American people about the prisoner-of-war issue. There no longer should be any doubts about the unanimity of our feelings on this matter.

Mr. ICHORD. Mr. Speaker, I want to add my voice to those of my colleagues who have expressed concern, alarm and indignation over the deplorably inhumane treatment being given our gallant servicemen who are held captive in Southeast Asia. Of all the major problems and difficulties now confronting us in Southeast Asia none is more agonizing and frustrating.

Only the enemy knows how many Americans have been taken prisoner in Southeast Asia. At the present time, there are 1,500 Americans listed as prisoners of war or missing in action in Southeast Asia. Some of these men have been held prisoner by the enemy for more than 6 years and some 300 of them have been imprisoned longer than any U.S. serviceman was held prisoner during all of World War II.

As chairman of the House Committee on Internal Security, I have become personally acquainted with the problems of the prisoners of war. Navy Lt. Robert Frishman and Navy enlisted man Douglas Hegdahl in testimony before the committee vividly portrayed the cruel and inhumane treatment given American prisoners of war in North Vietnam—prisoners confined in cages; prisoners being hung from the ceiling, beatings, and grossly inadequate medical care. There is also evidence that some prisoners have been subjected to diabolic psychological torture in order to extort false confessions from them. The enemy has shown us what happens to a man held in isolation for long periods of time. Such isolation in some cases reduces a man to a state of half-animal, half-human, battered with lies until the truth is wholly unreal. This was the fate of naval officer Richard Stratton, for one, who when put on display by his Communist captors, behaved like a robot, bowing deeply on command, otherwise standing motionless, eyes blank. These atrocities are primarily aimed at disrupting the morale of our Armed Forces. All of our brave men fighting in Southeast Asia are keenly aware that they face torture and inhumane treatment if taken prisoner.

North Vietnam, a signatory to the 1949 Geneva Convention, obviously has no respect for the provisions of the convention and has nothing but contempt for those who question its actions. In a feeble attempt at explanation, the North Vietnamese have insisted that captured American servicemen are not war prisoners but "war criminals" and as such are not subject to the provisions of the Geneva Convention. This claim is patently absurd. Article 4A of the convention defines prisoners of war as "members of the armed forces of a party to the conflict." Article 2 specifically states that the convention applies "in all cases of a declared war or of any other armed conflict which may arise between two or more of the high contracting parties even if the state of war is not recognized by one of them."

In contrast, the U.S. Government and the Government of South Vietnam have carefully compiled with all provisions of the Geneva Convention. North Vietnamese forces captured in South Vietnam by the allies are detained in prisoner-of-war camps which are inspected regularly by the International Committee of the Red Cross. In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. Such treatment has been provided not only because it is required by the Geneva Convention but also because it is the civilized thing to do. Regrettably, the North Vietnamese have not followed our example.

Important propaganda victories have been won by the militant antiwar forces in the United States whose leaders have taken custody of some American prisoners released by the North Vietnamese. In addition, the North Vietnamese from time to time have released incomplete lists of captive Americans to militant antiwar groups in a further propaganda effort. These devices are utilized by the enemy to lower the morale of the American people by showing that the antiwar forces in the United States have been more successful in negotiating than our State Department.

Another propaganda technique utilized by the enemy has been "staged" film activities in prisoner-of-war camps in a barbaric attempt to deceive the world that our prisoners were being well treated and were permitted to correspond freely with their families. In addition, some of the grief-stricken wives of our prisoners of war have been subjected to a barrage of Communist propaganda and to a series of false promises. It has been particularly tragic that the enemy, in addition to the inhumane treatment of our prisoners of war, has chosen to exploit their loved ones.

We can look through the breadth and scope of world history and we shall not find an example to compare with the despicable behavior of the North Vietnamese. Their persistent refusal to furnish a complete list of all U.S. prisoners of war, to release those who are sick and wounded, to permit inspection of prison facilities, and to permit the regular flow of mail to prisoners continues to cause untold grief for thousands of American families. The failure of the Hanoi government to disclose the names of prisoners of war in addition to evidencing a callous disregard for other provisions of the Geneva Convention provides a basis for suspicion that the North Vietnamese do not wish to be held accountable for the prisoners they capture.

The deplorably inhumane treatment of our captive servicemen must be brought to an end. I do not agree with those who contend that any people barbaric enough to commit such atrocities against our prisoners of war cannot be forced to engage in acts of humanitarianism. I am certain that the North Vietnamese are sensitive to world opinion. The growing involvement by large segments of American people concerned about this despicable circumstance, which causes unnecessary anguish to our gallant men and their loved ones, is having its effect on the North Vietnamese. World opinion—even among European Communist nations, is beginning to pressure the North Vietnamese Government to abide by the Geneva Convention and the law of human decency in providing humane treatment of our prisoners of war. This is an encouraging sign, but we must continue to aggressively pursue the objectives of humane treatment and repatriation of our valiant men at the earliest possible time. We must never permit our prisoners of war and their families to become the forgotten people of the war.

Mr. STRATTON. Mr. Speaker, I rise to join my colleagues in this observance of a National Week of Concern for our Prisoners of War and those who are Missing in Action, as designated by House Joint Resolution 16.

The Department of Defense now estimates that there are some 1,605 Americans either held prisoner by the Communists or missing in action. The families of those men know little, or in most cases nothing, about their husbands, sons, or fathers, and some of these men have been missing as long as 7 years.

Every conceivable effort has been brought to bear on the Communists to release these men, or at least to release the information about them that is required by the Geneva Convention. For 5 years there has been intense American diplomatic effort, yet North Vietnam and the National Liberation Front still refuse to give even minimal cooperation, though in the past year they have released more information than they have ever done before, but still not what is required by the Geneva accord.

National and world opinion agree that the treatment of our men by the Communists is outrageous and an affront to human decency. The United Nations General Assembly adopted a resolution on December 9 which calls on "all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention Relative to Prisoners of War."

Here in the House we have repeatedly reflected our sense of outrage and concern by activities such as this week's special observance. In December, I was an original sponsor, with the gentleman from Illinois (Mr. FINDLEY), of a resolution praising the attempt to rescue American POW's at Son Tay in North Vietnam, and calling upon our negotiators in Paris to make some progress on this prisoner-of-war issue before any permanent agreement is entered into.

That resolution, which also charged North Vietnam with inhumane treatment of American POW's, passed the House 347 to 15. I am proud to say, and was forwarded to the North Vietnamese in Paris.

In December of 1969 both Houses of Congress also passed legislation, which I too cosponsored, urging the North Vietnamese Government and the National Liberation Front to comply with the requirements of the Geneva Convention and pressing the administration to take all appropriate steps to obtain the prompt release of prisoners. And last August I joined in signing a letter with some 400 other Members demanding that America POW's receive humane treatment and that Hanoi abide by the Geneva Convention Relating to Treatment of POW's. That letter was hand delivered to the North Vietnamese delegation in Paris by the gentleman from Indiana (Mr. ZION).

In addition to these official efforts, hundreds of thousands of letters and petitions have been presented to the North Vietnamese and families of the POW's and MIA's have organized massive efforts which include acting as personal diplomats by going to Paris to plead with the Communists negotiators.

This public opinion, as I have observed, has had some effect. Hanoi has now released 368 names and, whereas a year ago letters from only 100 POW's had been received, now about 330 have been allowed to send some mail.

But these Communist concessions are still minor and are obviously designed more as propaganda moves than real concessions as they continue to use our American prisoners primarily as political hostages. The list of names that has been released does not contain all the names or all the information. The Department of Defense knows the names of at least 40 more men held prisoner whose names are not on the list. Apparently it takes about 100,000 letters to protest from the free world to squeeze one additional letter out of the prison camps. So that is awfully slow going. The sick and the wounded have not been released, and neutral observers have not been allowed to inspect the prisons, both actions required by the Geneva Convention.

The pressure certainly must continue, even though the results have been skimpy and slow in coming. But there are, I believe, two other points to remember. First, we must constantly be on the alert for reasonable opportunities to rescue these men; and, second, we must make it clear, as the President has done, that until these prisoners have been released, America will keep some residual force in South Vietnam.

Mr. NELSEN. Mr. Speaker, we are grateful to all those in the Congress and around the country who have helped to spearhead this "National Week of Concern for Prisoners of War/Missing in Action." It provides an opportunity for all our countrymen to focus world attention upon the desperate condition of those kept behind enemy lines in Southeast Asia. It gives us a chance to renew our commitment to secure the early release and humane treatment of these brave men as well as to offer what comfort we can to their suffering families.

Many times here in the Congress we have reminded the Government of North Vietnam of its obligations as a signatory of the Geneva Convention. That convention obligates the Hanoi leadership to observe a number of humanitarian practices in their treatment of prisoners of war. They are supposed to release promptly the names of all prisoners. They are obliged to allow free access to prisoners by such neutral international intermediaries as the International Red Cross Committee. They are to provide adequate food and medical care to all prisoners. They are to repatriate the seriously sick or wounded captives. They are to protect prisoners from physical abuse or public humiliation. They are to permit prisoners to send and receive mail.

To date, these obligations have been ignored or sadly abused by the North Vietnamese Government. Despite this callous disregard for international principles of human dignity and decency, President Nixon has repeatedly attempted in a variety of ways to bring about the release of incarcerated Americans. Among these initiatives, on October 7, 1970, he proposed the immediate and unconditional release of all prisoners of war held by both sides, including journalists and other civilian victims of the conflict. He asked that these prisoners be released without exception and without prior condition. Such an act "would serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation," he pointed out.

Sadly, the North Vietnamese have ignored every plea from whatever quarter, however. So it is to the court of world opinion that we now address ourselves. We believe that united world support to remedy the plight of our men can work a miracle. We devoutly hope that it will.

Mr. DANIELSON. Mr. Speaker, I certainly want to concur in the sympathies expressed here today, and to congratulate our colleagues who have worked so hard to put this special order together calling attention to National Week of Concern for Prisoners of War/Missing in Action.

Certainly it should be obvious to the world—both Communist and non-Communist nations—that North Vietnam is violating the articles of the Geneva Convention which she agreed to abide by in 1957.

I know that the President is bending every effort to obtain compliance with the Geneva Convention by the North Vietnamese. I would like to point out, however, that the inherent dangers in allowing these violations of international law to go unchallenged is that it makes a mockery of these agreements.

Every nation on this earth—including those that provide support to North Vietnam—should be made to realize that it is in their own interest to see that each nation follows these agreements relating to the treatment of prisoners of war, for every violation weakens the entire fabric of the convention.

The International Committee of the Red Cross declared in 1965 that the Geneva Conventions are fully in force in the Vietnam conflict and that all parties are bound to adhere to its terms. For North Vietnam to contend that the American prisoners which it holds are "war criminals," or "air pirates," is a flimsy subterfuge.

I pray that we find the way to bring about the cooperation of North Vietnam in respect to these prisoners, and extend my deepest sympathy to the families of those brave men.

Mr. Speaker, the California Legislature passed a joint resolution expressing its concern in regard to the prisoners held by North Vietnam on February 24, 1971. I would like to include that resolution at this point in the RECORD:

Joint resolution relative to prisoners of war

Whereas, The government of North Vietnam is a signatory to the Geneva Conventions, which embody the morality of world citizenship with respect to the treatment of prisoners of war; and

Whereas, The humane treatment, in accordance with the Geneva Conventions, of American men held prisoner by the North Vietnamese is the goal of the American people; and

Whereas, The American people, cognizant that these prisoners are being held under conditions far less than humane, seek adequate food, housing, and medical treatment for these prisoners, as well as inspection by an organization such as the International Red Cross and the constant exchange of mail between the prisoners and their families; and

Whereas, In addition to being a violation of the Geneva Conventions, the policy of the government of North Vietnam of not revealing the names of prisoners being held imposes a cruel situation on American families, in that they have no way of knowing whether members of the families who are missing in action have been taken prisoner or their whereabouts or condition when it is known they are prisoners; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President of the United States and the Congress of the United States to take whatever diplomatic steps that may be appropriate to urge the government of North Vietnam to comply with the Geneva Conventions with respect to the treatment of American men who are prisoners in the Vietnam conflict; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Mr. SCHWENGEL. Mr. Speaker, it is a privilege to join today to express support for the American men being held as prisoners of war in Southeast Asia.

While there are conflicting points of view on the policy to be following in an effort to end the war in Vietnam, there is unanimous agreement that the United States cannot and will not neglect or forget its young men who are prisoners of war.

President Nixon has made it clear that the commitment of this Government to the prisoners of war is unshakable. The President has my unqualified support in this area.

All Americans should pause this week to reflect on the sacrifices the American prisoners of war have made. They should not be forgotten.

They deserve our prayers and support.

Mr. GOLDWATER. Mr. Speaker, this week we see America united to express its concern over our prisoners of war and men missing in action. This united expression of support for our men and concern over their welfare should serve to indicate to the world and to Hanoi that America does care about her own, and will not desert them.

I am proud to say that many of my constituents in the 27th District of California have been in the forefront of this concern for several years, and have been unflagging in their efforts to express to Hanoi the American determination that these men shall be treated properly and not used as pawns in the negotiations.

During this National Week of Concern, these efforts have been increased even more. And I know that they will continue. We have awakened the American spirit, the American will to persevere, and the deeply ingrained sense of justice for all men. Hanoi does not realize the strength of our determination on behalf of these men.

Hanoi does not realize that each injustice to our POW's, each maltreatment, each denial of their fundamental human rights is a blow to 200 million Americans, and a blow that does not pass unnoticed. We will not leave Vietnam without these men, and we will not tolerate their continued mistreatment. May this week stand as witness to our determination to that cause.

Mr. McDADE. Mr. Speaker, this week has been designated National Week of Concern for the Prisoners of War and for the Missing in Action. It is most appropriate for President Nixon to so designate it, and for Congress to observe it, because the plight of the prisoners of war and those missing in action is something which concerns me, and I am sure I speak for every other Member of Congress, every day of the year.

There are few people on earth more helpless than those who become prisoners of war. Even the very term is descriptive of a situation which seems to be unreal—men prisoners of that ugly thing we call war. They are entrapped in circumstances, not of their own personal making, but fashioned by the painful conflict among nations. They are victims of political decisions which seem to be impersonal; but their imprisonment is not impersonal. It is a terribly personal thing, depriving them of liberty and all that goes with liberty, depriving parents of a child, a wife of her hubsand, children of their father.

Nor has there been any way to tell these men how long their imprisonment might endure. They do not even have the privilege of parole or mandatory release enjoyed by criminals convicted of felonious crimes.

For all these reasons, and for other humanitarian, ethical, and moral considerations, the Geneva Convention governing the treatment of prisoners of war was written.

Mr. Speaker, the observance of the convention concerning prisoners of war is a mark of civilization which every nation should seek to achieve. It is a recognition that the victims of war may just as easily be the fighting men as well as the civilian populace. It is a further recognition of the fact that in every tragic national confrontation there still remains the obligation to dispense mercy where it is possible and where the dispensation of that mercy will in no way hinder the war effort of a nation which is party to the conflict.

We are asking the leaders of North Vietnam to assume all the obligations of the Geneva Convention concerning the treatment of prisoners of war.

We ask that they supply a complete list of all prisoners held in captivity and that the names of new prisoners be supplied the International Red Cross promptly. There is no dignity in imposing unnecessary and cruel suffering on innocent wives, mothers, or children, who will certainly suffer enough in the simple knowledge that their husband, son, or father is a prisoner. To add to that suffering the agony of uncertainty is beneath the dignity of any nation.

We ask the North Vietnamese to provide the prisoners with decent food, decent clothing, decent shelter. It is a cruel thing for a man to be a prisoner. It is an ignoble thing to attempt to add debasement to the suffering he endures.

We ask, also, for a program of mutual exchange of prisoners, particularly of those who have been wounded or who have become ill, and who are in need of very special treatment or medication. We ask for the beginning of negotiations aimed at the eventual exchange of all prisoners. Surely these requests represent the minimum levels of humanitarianism and decency in international relations.

I urge the leaders of North Vietnam to consider these matters favorably. I do so because of the immense concern I have over the plight of the prisoners of war, and because of my own care over those who are listed missing in action. But in doing so, I would counsel the leaders of North Vietnam that they could acceed to these requests out of a motive of self-interest.

No nation, if it is to endure in the international civilized community of man, can afford to have about it the aura of barbarism. To give the prisoners of war treatment less than that prescribed in the Geneva Convention would be barbaric, just as the holding back of the names of those missing in action, but who are in truth prisoners, would be. I would ask the leaders of North Vietnam to remember that, and to remember that history will judge them on many accounts, not the least of which will be the decency they exercised or did not exercise in the treatment of the prisoners of war.

It is indeed a splendid thing that the Members of Congress should remember the prisoners of war and those missing in action through this action today. More than that, however, I would join my voice in a plea to the leaders of all other nations to express their concern over the treatment of these prisoners of war to the North Vietnamese leaders. Other nations, not party to the present tragic conflict in Southeast Asia, may have more persuasive voices in the councils of the leaders of North Vietnam. I would urge them, from the bottom of my heart, to join the people of America in asking those leaders to give the prisoners in North Vietnam the treatment outlined in the Geneva Convention. This is not merely a national concern. It should be of the highest international concern, because the treatment of any prisoners of any war is a matter that must be studied with deep interest by the entire community of nations.

Mr. GARMATZ. Mr. Speaker, I want to take this opportunity to call to the attention of my colleagues that Sunday, March 21, was the start of the National Week of Concern for Prisoners of War/Missing in Action.

Last week, Mrs. Donald E. Shay of Linthicum, Md., a constituent of mine and a member of the National League of Families of American Prisoners and Missing in Southeast Asia, visited me in my office along with Mrs. Menges of Columbia, Md., to brief me on "The Week of Concern for POW's and MIA's."

It is my understanding that there are around 40 families in the State of Maryland with relatives in either the POW or MIA category.

Let us hope and pray that the significance of this week will call to the attention of North Vietnam the provisions contained in the 1949 Geneva Convention for fair and equitable treatment of our POW's and MIA's, to release the names of POW's, to permit the regular flow of mail to or from those prisoners, and to permit inspection of the facilities in which those prisoners are held, and a further hope for the end of this war so that all of our American servicemen can be reunited with their families.

Mr. EDWARDS of California. Mr. Speaker, our wholehearted support for a "National Week of Concern for Prisoners of War/Missing in Action" springs from our natural sympathy for the grief and suffering of these men and their families and loved ones. Their tragedy is indeed our tragedy, the Nation's tragedy. We will not soon forget the price extracted from them for this terrible war. Their sacrifice magnifies many times and brings close to home the cost of this war in broken lives, desolation, betrayed ideals and loss of faith in the righteousness of our Nation's conduct toward the so-called emerging nations. We have been given a bitter lesson by our mistakes and the lesson has been paid for with their suffering. That is our debt to them. The debt can never be paid in full. We cannot compensate dead men or repay men for prime years lost in the lonely solitude of an enemy prison. But we can at least acknowledge our debt and we can best do this by assuring that other lives are not so wasted in this war, and by assuring that the prisoners be returned to their families and homes as quickly as possible. The first we can accomplish by speedy and complete withdrawal of all our military forces from Vietnam, by a date certain as has been proposed by some of my colleagues and myself. The second we can accomplish by making the return of the prisoners our principal concern—as it is indeed our only legitimate concern—in negotiating the conditions of our withdrawal. Our military involvement in Southeast Asia was a grave mistake, perhaps irremedial. The time is long past due to admit our error and to get out, forgetting hollow slogans about our national honor which some of our leaders falsely claim to be at stake there. The destiny of Asia will be decided by Asians. Our honor would be best preserved by getting out, bringing those unfortunate prisoners with us.

Mr. DERWINSKI. Mr. Speaker, as one of the Members of the House who has expressed constant interest and concern over the plight of American prisoners of war in Southeast Asia, I appreciate this opportunity to participate in this special order during the "National Week of Concern for Prisoners of War/Missing in Action."

This Week of Concern will help to bring the POW problem front-stage in the arena of world opinion. It is certainly our hope that during this week the pressures of world opinion will be brought to bear on Hanoi for compliance with the 1949 Geneva Convention on the humane treatment of prisoners. We know that, although North Vietnam ratified that convention in 1957, it has refused to abide by its provisions in the treatment of American prisoners. It has refused to release the names of those being held captive, it has refused to release the sick and wounded, it has refused to permit impartial inspections of prisoner facilities, and it has refused to permit the free exchange of mail between prisoners and their families. We would hope that the other members of the international community, over 120 of whom have signed that convention, will press Hanoi for full compliance with the convention.

Mr. Speaker, may I also advise the House that as President of the U.S. delegation to the U.S. Interparliamentary Union, our U.S. delegation will do all we can to carry this message of concern for POW/MIA to the 70-member nations of that organization. A spring conference of the Interparliamentary Union is scheduled in Caracas, Venezuela, from April 13 through April 18, and we will distribute material to emphasize the points being made in this special order urging that they use the influence of good will they might possess to bring pressure on the North Vietnamese to meet the humanitarian standards of the Geneva Convention.

Mr. Speaker, I especially commend our colleagues, the Honorable Roger H. Zion of Indiana, the Honorable John T. Myers also of Indiana, and the Honorable John B. Anderson of Illinois who have organized this special order and who have given the subject priority attention. Tremendous interest has been generated through the various activities developed in conjunction with the National League of Families and, hopefully, their efforts will be productive.

Mr. MINISH. Mr. Speaker, I rise to join my colleagues in observance of the National Week of Concern for Prisoners of War/Missing in Action. As a cosponsor of the resolution setting this week aside for Americans held captive or missing in Southeast Asia, I wish to lend my voice to the millions of persons throughout the world who are appealing to Hanoi for humanitarian treatment and release of American prisoners of war.

In recent years, our Government has repeatedly appealed to North Vietnam to comply with the 1949 Geneva Convention on the treatment of prisoners. The 91st Congress passed a resolution condemning the uncivilized brutality inflicted by Hanoi on American prisoners and on their loved ones at home. I have joined many other members of Congress in sponsoring a similar resolution in the 92d Congress.

Thus far, all our efforts seemingly have been in vain. Both the Vietcong and the Government of North Vietnam have refused to identify all prisoners they hold; to allow inspection of prison camps by impartial groups; to permit the unhindered exchange of mail between prisoners and their families; to release seriously injured or sick prisoners; or to negotiate in good faith for the release of all prisoners.

Mr. Speaker, observances like this one in the House today and others throughout the Nation this week serve a twofold purpose. They offer a small measure of reassurance to the families of prisoners and those missing that their fathers, brothers, and sons have not, and will not, be forgotten by the American Government. Second, they put the Government of North Vietnam on notice that the United States will not relent in its efforts to secure proper treatment and eventual release of all American prisoners of war.

Mr. HOGAN. Mr. Speaker, the fate of our American prisoners of war now being held in North Vietnam is a matter of deep concern to all Americans.

No matter what our political inclination, we cannot help but share a common bond in our anxiety over the fate of these men.

Violations by the North Vietnamese of the Geneva Convention are shockingly commonplace. I recently cosponsored a resolution protesting these violations and endorsing all national and international organizations in their efforts to affect a release of American prisoners.

As the war continues, the situation in the camps is deteriorating. More and more deaths are being reported and the overall treatment shows no sign of improvement.

One of the cruelest violations of the Geneva Convention provisions is the fact that the Communists will furnish no information on those of our men carried as "missing in action" who they, in fact, know are deceased. The wives of these men do not know whether or not they are widows.

The wives and families of these men—many of whom have endured being separated from their loved ones for as many as 6 years—have suffered tremendously. Children have literally grown up without knowing their fathers. Wives have been forced to rear their families without the benefit of a husband's help. All of this continues without the people at home even knowing if their loved one is still alive. Can you imagine the agony they endure?

Simple humanitarianism is certainly not such a great thing to request. Being able to communicate with his family, receiving adequate medical care, being given sufficient food and clothing, and freedom from cruel and brutal punishment are basic rights of a human being, regardless of whether or not he is a prisoner of war.

The recent effort of our troops to rescue prisoners is commendable. Unfortunately it failed. The bravery displayed in the rescue attempt was of the highest order and it is indeed heartbreaking that no prisoners were found.

The American people must present a united front of support for the POW's since our greatest weapon against Hanoi, at this point, is a show of solidarity. Public opinion in the past has been one of the few levers able to move North Vietnam.

Our cries of outrage in opposition to atrocities committed against American prisoners of war should and must continue. Hopefully, sometime soon they will be heeded.

Mr. WOLFF. Mr. Speaker, I rise today to join my distinguished colleagues in paying tribute to our prisoners of war and our many soldiers who are missing in action.

Next Friday, March 26, will mark the 7th anniversary of the capture of the first American still being held by North Vietnam. Today, nearly 1,600 Americans are either being held prisoner or are listed as missing in action in Indochina. Their plight, and the plight of their families, are the source of great sadness for the Nation.

At the beginning of this Congress, I joined over 170 of my colleagues in introducing a resolution to designate the week of March 21 through 27—this week—as a "National Week of Concern for Prisoners of War/Missing in Action." I indicated at that time that, while it is appropriate to set aside 1 week to register our protest over the treatment our men are receiving at the hands of the North Vietnamese, we must continue our concern for them the other 51 weeks of the year.

Rather, we must take advantage of every opportunity to focus world attention on the plight of the POW's—the refusal of the North Vietnamese to release a complete list of the Americans being held captive, their refusal to release the seriously sick and injured, their refusal to permit the impartial inspection of all POW facilities, and their failure to permit the free exchange of mail.

I hope that all Americans will take advantage of this week of concern to demonstrate their support for our Prisoners of War and Missing in Action, and that all our servicemen—including our prisoners—will soon be home from Indochina.

Mr. PRICE of Texas. Mr. Speaker, as a prime sponsor of the resolution designating this week, the week of March 21 through 27, as National Week of Concern for Prisoners of War/Missing in Action, I urge my colleagues to promote and participate in ceremonies and activities that will help to focus public opinion on this vital issue.

If the concern of the American people about the plight of our 1,600 valiant countrymen who are known prisoners of war or missing in action is focused and mobilized it may well provide the catalyst necessary to break the resolve of their Asian captors.

In my personal dealings with the North Vietnamese on this very issue, I have learned that one thing the Communists are very susceptible to is American public opinion. Given this susceptibility, it remains for us the elected representatives of the American people working together with administration officials, interested organizations and concerned citizens to rivet the attention of the American people on this issue.

Just this morning, together with about 100 of my colleagues, I attended a POW briefing held by representatives from the Department of Defense, the Department of State, and various branches of the Armed Forces. Among the important things stressed by the briefiers was the great potential for agreement with the Communists on the POW issue to be created if the American people could cast their differences about the conduct of the war aside and join together on this one issue.

Mr. Speaker, I believe the plight of our countrymen who are helpless prisoners of an alien enemy demands that the people of this Nation cry out with one voice for justice. Freedom for our fellow Americans and reunion with their loved ones will take nothing less.

Please help make this very special week a success, I beseech all of you.

Mr. FLOWERS. Mr. Speaker, somewhere in North Vietnam there are hundreds of American prisoners of war. No one knows exactly where all these men are being held. In fact, no one knows exactly who all the men are. All that is known is that the Government of North Vietnam continues to violate the more basic precepts of civilized behavior by refusing elementary contact with these men.

They have refused to release the names of the men who are being held. They have refused to permit inspection of their quarters by neutral representatives. They have continuously refused to talk seriously about a prisoner exchange.

As a result of these policies, hundreds of American families must live with the fear of the unknown, unsure of their loved one's existence, of his safety, or his health.

Whatever the motives of our enemy, one fact is clear—the American presence in Southeast Asia will continue until our men are returned. This Congress and this Nation shall not forget them. Furthermore, my mail indicates unmistakably a profound conviction that Hanoi is making a grave mistake if it relies on American public opinion to remain docile.

But it is not enough merely to praise their bravery under the most trying circumstances. Nor is it sufficient merely to admire their patriotism. These men need to be returned to their homes and loved ones, and if American public opinion will hasten that return, then it should be focused as rapidly and as massively as possible on the problem.

I endorse the concept of writing to the leaders of North Vietnam and requesting a return of our men. I hope every American will take the time to do this. And I stand ready to be of assistance to those who wish information explaining the methods available for writing these men.

Mr. Speaker, someday our men will be home and will be greeted in this Chamber and throughout this Nation with heroes' welcomes. We honor them and their families today with our statements and our prayers. And we look to a merciful God to protect them and bring them safely home to their loved ones.

Mr. DULSKI. Mr. Speaker, I commend the gentleman from Indiana (Mr. MYERS) for arranging this discussion of the plight of the hundreds of American servicemen who are either prisoners of war or missing in action as a result of military operations in Southeast Asia.

The occasion, of course, coincides with the observations of the National Week of Concern for Prisoners of War/Missing in Action designated as a result of House Joint Resolution 16.

There has been considerable effort by many individuals and groups over the long period of time to organize a significant message to Hanoi of the deep concern of our citizens.

Hundreds of individual letters and appeals have been sent both to Hanoi and to the North Vietnamese delegation at the Paris peace talks calling upon North Vietnam to observe the Geneva Convention of 1949 regarding the treatment of prisoners of war.

Whether there is one individual involved or hundreds—as is the case here—the current disregard of the Geneva Convention cannot be tolerated.

Mr. Speaker, I know well of the grief, concern, and frustration which has been inflicted upon so many families by the imprisonment of their loved ones.

Hopefully, the outpouring of sentiment by the American public soon will register with the North Vietnamese and will result in corrective steps that eventually will result in the release of these brave men so they may be reunited with their families.

Mr. BELL. Mr. Speaker, I join my colleagues today in an expression of deep concern for the welfare of American soldiers languishing in prison in a distant land while a cruel and costly war grinds on year after year.

It is essential for us to recognize the need for bringing this war to an end so that all of our men can return home and the destruction can be brought to a halt.

But in the meantime, we must work to guarantee the basic right to decent and humane treatment of prisoners of war in Vietnam.

The Geneva Convention offers a sound and proper basis for standards of treatment of prisoners of war, and we must insist that the Government of North Vietnam complies with those provisions.

Names of all the prisoners should be released so that families of these men can know of the condition of their loved ones. Transmission of mail should be guaranteed. Gifts should be permitted. Ample food and medical treatment should be guaranteed.

North Vietnam should be required to submit to unscheduled and scheduled inspections of prison facilities and prisoners by the International Committee of the Red Cross. The Geneva rules require these inspections, and they are a basic, humane guarantee.

The United Nations General Assembly has passed a resolution supporting the contention of the United States that the Geneva system provides the basic measuring rod for the adequacy of treatment standards accorded prisoners of war. All nations should insist upon compliance by North Vietnam with the Geneva requirements.

The International Committee of the Red Cross complained to the Government of South Vietnam last year about keeping prisoners of war at Con Son and other civil prisons. Keeping prisons open to inspection should be required of North Vietnam as it was in South Vietnam.

Such groups as the American Friends Service Committee and the Fellowship of Reconciliation have published accounts of torture being carried out in numerous prisons throughout South Vietnam. These groups should be permitted to make inspections of prisons in the North as well.

We must continue to insist upon humane treatment of prisoners of war, the best of care for the over 300,000 Americans wounded in this war, and meaningful steps to reintegrate our Indochina veterans into American society.

We must seize every opportunity for bringing this long war to a reasonable and honorable end. And we must insist upon the return of all prisoners of war. The welfare of these brave men must not be sacrificed to any cynical disregard in international politics.

Mr. WHALEN. Mr. Speaker, on March 3, a House joint resolution, proclaiming this week as National Week of Concern for Prisoners of War/Missing in Action, was passed unanimously by the House. Thus, it is fitting that we pause today to express our great interest in those of our countrymen who have had to pay the most grievous consequences for doing their duty in the most unpopular war in this country's history.

As a nation, we have, and are paying, numerous prices for our involvement in Southeast Asia. Inflation, student unrest, discontent in our cities—all are linked to our war effort. However, those of our servicemen who are prisoners of war pay the penalty in a most difficult, personal way—the loss of their freedom and separation from their families. I am sure they are enduring their imprisonment with the same courage and devotion to duty they manifested in receiving their combat orders.

Unfortunately, there is no way we can legislate their release. We cannot enact bills that are binding on the North Vietnamese. We can, however, tell the North Vietnamese, and the world, that we do care for the welfare of these men, that we have not forgotten them. This we reiterate today.

Recently, there have been signs that Hanoi has heard the message. The restrictions on mail and parcels have been lifted somewhat as North Vietnam began to worry about its international image. North Vietnamese officials, in a few cases, even have responded to queries about the status of certain missing men.

Yet, despite our efforts and those of the administration, and millions of our fellow citizens, the North Vietnamese have refused to discuss the issue. While we have indicated a willingness to exchange prisoners on a basis more than favorable to the North Vietnamese, that Government, for whatever reasons, seems to think it maintains more advantages than disadvantages in refusing to reach a meaningful agreement on this point. Hopefully, by continuing to focus attention on our men, we can increase the pressure of world opinion and weaken their resolve.

In closing, Mr. Speaker, I would like to single out for tribute the wives and relatives of these men, particularly those who reside in my district and with whom I have personally worked. They courageously endeavor to lead normal lives despite the great burdens they bear. They are a source of inspiration to all of us.

Mr. BRINKLEY. Mr. Speaker, it is my honor and privilege to participate today in the special order during this Week of Concern for Our Prisoners of War and Those Missing in Action. It is my sincere hope that this week of national concern, which gives all citizens an opportunity to express their feelings, will help focus world attention in the plight of the more than 1,500 heroic young Americans who are in the hands of the North Vietnamese or the Vietcong. Hopefully, it will serve as a warning to those leaders in Hanoi that the American people are fed up with Communist indifference in not opening meaningful discussions regarding the return and exchange of these brave citizens.

I have on several occasions met with the wives and other relatives of these men and expressed to them my 100 percent dedication to the immediate repatriation of their loved ones; and I can better understand the daily anguish suffered by those who wait. This anguish, in itself, should motivate all of us to do anything which may be necessary to see to it that the release of these Americans, who were sent to Southeast Asia on behalf of our country, is secured at once.

We must translate words into deeds. Why not today?

My patience is gone. I pledge my full support to our Commander in Chief in any decision which he may make, hopefully this week, in bringing about the desired results.

Mr. WIDNALL. Mr. Speaker, as the number of Americans held prisoner of war in Indochina has increased over the past few years, I have been meeting more bereaved families of these prisoners of war, and the volume of mail from concerned people in my district has considerably increased. The number of prisoners of war or missing-in-action Americans is at latest estimate 1,608.

But that is just an estimate, Mr. Speaker, because the methods the North

Vietnamese have employed in dealing with our men have included, among other measures, an unwillingness to provide a complete list of Americans being held captive.

Furthermore, they will not release a list of Americans who are seriously sick or injured. They have not provided adequate food and medical care. They will not permit the free exchange of mail. And of course they will not permit impartial inspections of all prisoner-of-war facilities.

Thirteen years ago, the North Vietnamese signed a treaty that prohibited the foregoing practices. So did we and the South Vietnamese. The North Vietnamese treatment of our men violates the articles of that 1949 Geneva Convention on the humane treatment of prisoners.

These 1,608, and probably more of our men, dared their lives in combat and now we must dare to save them in negotiation.

We must not use these men as pawns in negotiating with the North Vietnamese. Any reasonable proposal from the North Vietnamese to release our men in exchange for concessions must be pursued with tenacity. We must not be allayed in our efforts to bring home our sons by voluntary repatriation deals where the release of our men is held up while North Vietnamese prisoners are indoctrinated and encouraged to remain in South Vietnam. The 1949 Geneva Convention states:

> Prisoners of war shall be released and repatriated *without delay* after the cessation of active hostilities.

Screening prisoners from both sides could delay the return of our men for months, as happened during the Korean conflict when prisoner-of-war negotiations dragged along for 18 months.

As a cosponsor of the "National Week of Concern for Prisoners of War/Missing in Action," I have indicated that the foremost concern is to bring our captured citizens back as soon as possible.

If we truly want to bring back our prisoners of war now, we must offer a concrete proposal to return our men immediately.

Mr. MIZELL. Mr. Speaker, I am honored to rise at this time to salute the brave American men now being held by the North Vietnamese as prisoners of war, and those missing in action from the war in Vietnam.

It was my privilege to have been a cosponsor of the joint resolution calling for this National Week of Concern for POW/MIA's, and I am happy to see these efforts come to fruition with President Nixon's declaration that this concern be demonstrated, nationwide, in the week of March 21–27.

It has been said that the Vietnam war has been a war without heroes, but one need look no further for heroes than the roster bearing the names of 1,500 American men who have been taken from the conflict, not by the hand of death and not by the policy of withdrawal, but by a vicious enemy who places scant value on human life and no value at all on the conventions of war.

These are the men who are paying the cost of freedom every day, in the universal currency of courage and suffering. These are the men who, far from being forgotten, are America's most remembered citizens.

The families of these men have also won a place of great respect and deep admiration in the hearts of Americans across the country. The rest of us cannot know their private anxiety, but we can sympathize with them. We cannot match their remarkable courage, but we can continue to encourage them just the same.

For these reasons, I think it is quite appropriate to honor both the men and their families in this National Week of Concern for Prisoners of War and Men Missing in Action. It is all the more appropriate when we remember that the first American was captured by the North Vietnamese 6 years ago this week, and he is still being held.

But this week should serve as more than simply a time to honor those men whose courage is so great. We must do more.

We must focus the eyes of the world on the plight of American men being held captive by the North Vietnamese and Vietcong. We must remind the world that the Geneva Convention governing the treatment of prisoners of war—conventions that every civilized nation recognizes and honors—have been trampled on and disregarded by our enemy.

However one views the war, he cannot wink at the barbaric conditions in which American prisoners are forced to exist. He cannot close his eyes to the brutality that is the order of the day—every day—within the walls of Communist POW camps.

One can only look with dismay and with anger at a callous enemy who violates not only international law but the most basic canons of civilization.

I hope and I trust that, during this week of concern, the weight of world public opinion will fall heavily against the tyranny and brutality that are the common enemies of all mankind, and the stock in trade of the North Vietnamese and Vietcong.

Some years ago, Mr. Grady Gallant, now with the Raleigh, N.C., News & Observer, wrote a book dealing with his experiences in the Marine Corps during World War II.

The book recounted the acts of valor by marines engaged in the battle for Iwo Jima, and was appropriately entitled, "On Valor's Side."

Those acts of bravery helped turn the course of that war toward victory for the United States and her allies, and they will never be forgotten by a grateful Nation.

But the men we honor today have demonstrated their own special kind of courage and valor, and we think of a passage from Homer's The Iliad, which Mr. Gallant used as a preface for his excellent book:

On valor's side the odds of combat lie,
The brave live glorious, or lamented die;
The wretch who trembles in the field of fame,
Meets death, and worse than death, eternal shame!"

The brave men now held captive by the North Vietnamese will live forever in glory in the heart of America, though they must presently endure the deprivation and cruelty of an unprincipled foe.

But there is no doubt in my mind that our enemy will live in "eternal shame" for having so mistreated our countrymen. With all reasonable people everywhere, I urge the North Vietnamese and Vietcong to take steps to insure that none of their prisoners is denied the essentials of life and the protection of the Geneva Convention.

And I am honored to join with my distinguished colleagues in this Chamber, and with a nation of millions, who this week as in one great voice are proclaiming their concern for the welfare and safety of American prisoners of war, and who constantly pray for their return.

Mr. ABOUREZK. Mr. Speaker, during this Week of National Concern for our American Prisoners of War, I want to restate my deep concern for our prisoners and my equally deep concern that their terrible plight not be made a pawn in a cynical political chess game designed solely to prolong the tragic war in Asia.

All Americans, whether they support or oppose our involvement in Vietnam, are united in the desire that our men be released as soon as possible. Unfortunately, I believe that there is a great and dangerous potential for political exploitation of this highly emotional issue. What our prisoners need is a united effort to secure their release, not a callous attempt to play on their plight as a pretext for staying in Vietnam indefinitely.

I believe very deeply that the answer to the prayers of the families of our men held in North Vietnam cannot be found in new "publicity stunt" raids into the North or in threats that we will never withdraw so long as a single prisoner is held in North Vietnam. I think that the answer should instead be found in a more honest, stronger effort to negotiate prisoner release at Paris.

Last January, I joined with 22 of my colleagues in offering a new plan for release of American prisoners of war held in North Vietnam. The essence of that plan was that our Government should suggest to the North Vietnamese at Paris that each time we withdraw a certain percentage of our troops in Indochina, an identical percentage of prisoners of war would be released. This imaginative proposal would tie together Vietnamization and prisoner release, the two major objectives which President Nixon says he is pursuing in Vietnam. It is interesting to note that had this plan been offered and accepted 2 years ago, when the President began troop withdrawals, about one-half of our POW's would now be at home with their families.

Mr. Speaker, the hard fact is that the only way to insure release of our prisoners, and to guarantee that no further prisoners will be taken, is to terminate our involvement in Vietnam as rapidly and honorably as possible. I believe that if we set a final date for our withdrawal, we will then find it easy to negotiate and obtain release of all of our prisoners. I believe that if we terminate our unthinking support of the Thieu-Ky regime and offer the kind of realistic proposals at Paris that I have proposed, we will find that the prisoner-of-war problem will be solved without further delay. This, surely, is what this week of national concern is all about.

Mrs. ABZUG. Mr. Speaker, I welcome the opportunity to join my many colleagues this week, in expressing the concern of the entire Nation for the plight of American prisoners of war in Southeast Asia.

The war has dragged on now for many, many years, and the Government has foisted upon the public many empty programs and promises to end the destruction. We hear that our troops are being withdrawn, that Vietnamization is solving all our problems, and that the war is no longer an important issue. So, while our mercenaries are invading neutral neighbors one after another, while our air forces are escalating their destruction of helpless villages all over the map, while the regime we support continues to deny democracy to its own people, some of us are being lulled into forgetting the multitude of human tragedies which are still occurring in Southeast Asia every day.

The prisoner-of-war tragedy is one among this multitude.

It is a long and bitter story of young men confined year after endless year, far from home and far from beloved families.

We have many concerns as to the treatment of American prisoners of war by their captors. The administration exploits every means and every person at its disposal to convince us of the alleged barbarism and inhumanity of our adversaries. An elaborate propaganda campaign has cited the worst examples of poor treatment of American prisoners. On the other hand, we have a number of indications that treatment has been adequate in many ways. Some 3,400 letters have been exchanged between prisoners and their families since 1969. Many photos and even television films have convinced families at home that prisoners are healthy in mind and body.

The investigation of the tiger cages in South Vietnam indicate maltreatment of North Vietnamese. Our own GI's, who are seldom trained in the provisions of the Geneva Convention on Prisoners of War, have publicly described the common practices of torture and execution of prisoners taken by our side.

The arguments over treatment of POW's could go on indefinitely. What we must do is to look beyond this quibbling to the vital issue: How can we free all POW's? How can we bring them home?

As long as President Nixon continues his war there will be new POW's as indeed there have been in the recent invasion in Laos and more Americans dead and missing in action. As long as he continues his policy of indefinite involvement and "Vietnamization," more and more of our men will continue to be captured and confined. And as long as no definite end to the war is set, no end to the confinement of POW's will be set by the other side.

I believe we can free our POW's only by setting a date certain by which to withdraw all of our troops from Indochina. I have, therefore, introduced a resolution in this House calling upon the administration to set July 4 as the date; other resolutions call for the total withdrawal of all U.S. forces from Southeast Asia by the end of this year. And I might add that according to the latest Gallup poll, 73 percent of the American people agree with those resolutions.

Representatives of North Vietnam have indicated that their Government will start immediate negotiations on the release of all of our men held there, as soon as our own Government will set a date for the ending of hostilities. Historically, the release of prisoners will take place as part of the political settlement of the end of a war.

So I urge the Nation's concern for our long-suffering prisoners of war. I feel that the only hope for freeing them lies in a commitment by our Government to set a date by which all U.S. forces are withdrawn from Southeast Asia.

Mr. RYAN. Mr. Speaker, the House and Senate have approved House Joint Resolution 16, authorizing the President to proclaim the period of March 21–27 as National Week of Concern for Prisoners of War/Missing in Action. The President has also done so, issuing a Presidential proclamation on March 19.

It is essential that our concern be expressed for the men who are being held as prisoners of war and who are missing in action as a result of the tragic war in Southeast Asia. These men have paid a very, very high price for responding to the call of their country. They, and their fellow comrades who have been killed and wounded in Vietnam and in Cambodia and in Laos, have known the fury of war. They have seen the bloodshed, and the grief, and the misery.

Certainly, we must pay tribute to these men. And we must not forget them. We owe them a heavy debt, whatever our views on the war. The sooner this war is over, the sooner will come the day when the courageous prisoners of war will be released. The sooner this war is over, the sooner will come the day when no more American men will die, or be wounded, or be held as prisoners of war, or be reported missing in action. Thus, the occasion of this special debate today expressing our concern for the prisoners of war and the missing in action should make known not only our concern for them, but also our resolve that the U.S. involvement in the Vietnam war must be terminated promptly.

Mr. MORSE. Mr. Speaker, as one of the cosponsors of the resolution proclaiming the week of March 21 as National Week of Concern for American Prisoners of War and Those Missing in Action, I am delighted to join with so many of my colleagues today and take part in the efforts of this Chamber, and the various concerned groups and many individuals throughout the Nation, to focus public attention on the plight of these men and to sway Hanoi from its refusal to abide by the principles of the Geneva Convention on Prisoners of War. The treatment of the over 1,600 American citizens and servicemen who are being held by North Vietnam, and the suffering which their families have undergone, weigh on the conscience of every one of us, indeed, of the world. This is reflected not only in the efforts of our own Government, but also the work being done by humanitarian groups and international organizations, and the increasingly large number of private citizens who have joined in expressing their concern and registering their protest to the Government of North Vietnam. It is reflected in the resolution passed last December by the Social Committee of the U.N. General Assembly, calling for compliance with the Geneva Convention and reaffirming the fundamental principle that prisoners are entitled to basic protection, care, and communication with their families. This action was an important and most gratifying expression of world opinion on this issue.

These efforts must continue, however, and must grow, both at home and abroad, to rectify the grave violation of human rights with respect to prisoners of war.

Because of the overuse of the institution of specially proclaimed "days" and "weeks," it may be tempting to shrug off the observance of this National Week of Concern for Prisoners of War/Missing in Action. The intransigence with which so many efforts have been met in the past may make the situation seem hopeless.

Yet, we cannot let ourselves become inured to the situation. No one should dismiss the significance of this week of March 21, which can be the occasion to lift our thoughts up and out of the bitterness and divisiveness which the conflict in Southeast Asia has created. For the sake of the some 1,600 POW's being held in North Vietnam, and for the sake of their families, many of whom have suffered the anxiety of not knowing the whereabouts or welfare of their loved ones for 6 years, this week should be one of deep and conscientious national concern and observance, a week of prayer, a time in which all men unite to express their hopes for the safety of these men and to confirm continued dedication to work on their behalf.

In an editorial comment on March 20, the Christian Science Monitor offered a deep and moving plea for the meaning which this National Week of Concern holds, and I repeat an excerpt from it here in the hope that it will be realized:

> If any shred of meaning is left in the symbolism of a week set aside by Congress for special national observance, let it be made manifest this week, in the prayers of all Americans, of whatever political or ideological persuasion.

Mr. DICKINSON. Mr. Speaker, I am pleased to join my colleagues in the House again in efforts to focus world attention on the plight of the 1,644 American servicemen and civilians listed as POW's and MIA's in Southeast Asia. This coming Friday, March 26, 1971, will mark the seventh year since the first U.S. serviceman was imprisoned. It sounds incredible, but it is all too true. Over these past 7 years, the toll has been severe. A total of 1,182 men are listed as missing: 402 in North Vietnam; 505 in South Vietnam; 270 in Laos; five in China. There are 462 men listed as prisoners: 378 in North Vietnam; 79 in South Vietnam; three in Laos; two in China.

This week, March 21–27, has been designated by the Congress and approved by the President as National Week of Concern for Americans who are Prisoners of War or Missing in Action. I fully support this action and the remarks and statements by all those who have today joined in this special order.

I believe that this week must be observed, as the President has asked, "in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end."

Mr. Speaker, within a few days, I will propose to the President, the United Nations, all foreign governments involved, and the Congress of the United States a change in our policy which I hope and pray will hasten that day when this ordeal will end. We have progressed from earlier days when the POW was the forgotten American, but we cannot be satisfied until freedom has been attained for these men.

Mr. GRIFFIN. Mr. Speaker, I think it is most appropriate that we participate in a special order this afternoon observing the National Week of Concern for Prisoners of War/Missing in Action.

Many of us, including myself, have personal friends who are missing in action and who are known to be prisoners of war. Our hearts go out to these families who have suffered indescribable mental anguish. I must state, however, that the families have shown extreme courage while not knowing the fate of their loved ones. In this connection, I wish to pay special tribute to the families of POW's/MIA's who, despite their anxiety, have not uttered one word of disrespect to our Government; nor have they marched and demonstrated against the policies of our Nation.

I feel sure that many are disappointed that the executive branch did not seek a resolution to the POW/MIA issue in the early days of our involvement in Southeast Asia. I share that disappointment. Moreover, I am disappointed that our Government did not publicly condemn North Vietnam's violation of the Geneva Convention soon after the first American prisoner was taken.

People around the world are today concerned about American prisoners only because the Congress of the United States has taken the initiative in bringing this matter before the body of world opinion. We must continue to do this and we must continue to seek an early solution to this moral question.

Also, Mr. Speaker, I wish to pay tribute to H. Ross Perot, of Dallas, Tex., for his untiring efforts to obtain information on and release of prisoners. It was my privilege recently to hear Mr. Perot address a rally in Jackson, Miss. He is a sincere man and truly a great American. Reluctantly, and advisedly, I think he may have done more than the executive branch to focus attention on the plight of our POW/MIA's.

I would hope that the State Department, the Department of Defense, and the White House will not relent in their efforts to see that the Geneva Convention is enforced as it pertains to prisoners of war. As a matter of fact, I would hope the entire executive branch would use every contact at its disposal to persuade other nations to demand of Hanoi the names of all prisoners and demand humane treatment of them and the inspection of prisons by the International Red Cross.

Furthermore, we should make clear in all our negotiations that the United States will not withdraw from Southeast Asia until the prisoners are released and the missing in action have been accounted for.

Mr. HORTON. Mr. Speaker, I am pleased to participate with my distinguished colleagues in this special order on behalf of our men held as POW's and the many others who are missing in action in Indochina. There are at least eight families in my district who have loved ones in POW/MIA status and their hardship, plus the concern of the citizens of Rochester, has led to an impressive campaign on behalf of our POW's/MIA's.

Mr. Speaker, as a preface to my account of their activity, I would like to include an article I wrote in January, relating my thoughts on the POW/MIO issue:

SUPPORT URGED FOR LOCAL POW/MIA CAMPAIGN

(By Congressman FRANK HORTON)

On the opening day of this 92nd Congress, I co-sponsored a resolution establishing a "National Week of Concern for Prisoners of War/Missing in Action." I found it highly appropriate that this bill was among the first legislation introduced this session. Congress obviously recognizes the value of combined, individual efforts for the POWs/MIAs, and is attempting to provide a time for these efforts to be focused even more effectively.

Indeed, one of the few matters on which we in Congress can seem to agree is the need to achieve the release of, and until that release, civilized treatment for our men held prisoner by the enemy.

No one needs first-hand experience with despair to realize that it takes a special kind of courage to endure it. The kind without trumpets or cheering crowds. Our men in enemy prisons have shown that special courage, as have their loved ones here at home.

Getting these men home to their families is, in my opinion, the most important goal for our Vietnam policy. The terms of our withdrawal must include their safe and prompt release. Other priorities include, at least, achieving humane treatment for the prisoners and acquiring more information about them.

But official efforts have thus far had little success. Quiet diplomacy has consumed a lot of time, but solved few problems, despite creative efforts by the Nixon administration. Dramatic military operations supported by professional talent, excellent equipment, and our best intelligence, have yet to release a single POW from an enemy prison camp. The President's commissioning of Astronaut/Col. Frank Borman to travel worldwide to find a way to free U.S. prisoners also led nowhere.

Therefore, we must increase our private, unofficial efforts. Such efforts are largely responsible for bringing the pressure of world opinion on Hanoi, and—in some happy instances—for achieving the release of several POWs. Private efforts deserve most of the credit for what information we have on our men in enemy prisons. In short, the compelling plea of individual, unofficial letters may slowly achieve what official diplomacy cannot.

On January 21, concerned Rochesterians opened headquarters for the "Remember Rochester POWs/MIAs" Committee at the War Memorial. Cochairman Carol Bushart reports overwhelming support for its letter-writing campaign on behalf of our men held prisoner, especially those eight with loved ones here in Rochester.

I urge all concerned Rochesterians to contact the Committee and add their support and letters to the growing mailbags at the War Memorial. The letters will be forwarded to the North Vietnamese delegation at the Paris Peace Talks. Individuals can add their names to petitions or sign prepared letters or write their own, personal letters in support of our men held prisoner by the enemy.

Hanoi is not honoring its obligations under the Geneva Convention. I think all of us should all take this opportunity to express our concern, by supporting the campaign to "Remember Rochester POWs/MIAs."

Between the sacrifice of time by private citizens to show their concern and stepped up official and diplomatic moves, we can assure that these men are not forgotten and increase the hope that they will return to enjoy freedom once again.

Since this campaign was undertaken, Mr. Speaker, the response has been very heartening: 50,000 signatures have been collected on petitions to the North Vietnamese delegation in Paris; another 10,000 individual letters have been written. Next month, a delegation from the committee will fly to Paris to present these expressions of concern to the North Vietnamese. The members of the delegation will be: Mrs. Carol Bushart, Mr. Warren Doremus, Mrs. Peter DeWispelaere, Mrs. Joseph Christiano, and Mr. Mike Demma.

As I said in my article, Mr. Speaker, official efforts have thus far had little success. Diplomacy has accomplished little; dramatic military operations have yet to release a single POW. Astronaut Col. Frank Borman's travel and efforts have had no perceptible success.

It is obvious that private, unofficial efforts, such as those undertaken by the Remember Rochester POW's/MIA's Committee, must be encouraged and increased.

Letters from concerned neighbors, friends, and countrymen have apparently made more of an impact than cautious, diplomatic statements by our officials. It is my fervent hope that a compelling humanitarian plea, from one people to another, will insure that our men in prison are not forgotten and will increase the likelihood of their return to freedom.

Mr. J. WILLIAM STANTON. Mr. Speaker, I want to add my voice to the many others here in Congress and throughout the United States in protest against the treatment of our soldiers taken prisoner by the North Vietnamese. I have great hopes that this week, designated as the week to express our concern to North Vietnam for American POW's, will achieve what has not been achieved in the past—that is, it will finally prick the conscience of North Vietnam about her neglect of the provisions of the Geneva Convention on fair treatment of prisoners of war, it will convey forcefully America's sentiments and the sentiments of other signers of the Geneva Convention about the importance of following rules and regulations promulgated internationally, and it will reemphasize America's position that fair treatment of our men is an essential prerequisite to any meaningful dialog of peace in the future.

This country does not intend to forsake her POW's. I was eager to cosponsor the resolution setting up this special week to let Hanoi know we have not changed our stand on the POW issue—and I am eager for the day when our men will be returned to us, be reunited with their families, and be able to put their horrid experiences in the past and start anew.

Mr. BROOMFIELD. Mr. Speaker, as we enter the eighth year in which American servicemen have been held prisoner by North Vietnam, the Vietcong, and the Pathet Lao, we find no substantial improvement in their condition. The enemy continues to violate international law, refusing to identify prisoners, denying them mail privileges and medical attention, and rejecting impartial prison inspections by the Red Cross. Nor is the enemy any more willing to discuss these matters today than it was 8 years ago. Their intransigence continues as persistent, I trust, as American support for our own prisoners of war.

That support, in fact, is the only weapon we have against their strategy; a strategy based on the assumption that Americans will soon become bored with the whole issue and allow their sons to be left for dead in prison camps all across Southeast Asia.

Let all the world know today that we will never surrender to that strategy, that we will not allow our servicemen to be manipulated like inanimate pawns in an insane chess game, that the American Republic shall never abandon her sons. These men have given too much of their lives to be sacrificed to our own impatience.

Mr. FINDLEY. Mr. Speaker, on February 22, I personally delivered to the North Vietnamese Embassy in Paris a warning that Hanoi's treatment of war prisoners is backfiring. In it I argued that Hanoi's policy serves to maintain American public sentiment in support of the war and I told them more humane policies would hasten U.S. withdrawal.

I have withheld the content of my message until now to give Hanoi time to respond.

Regretfully, the Communist representatives at the Paris peace talks have not seen fit to respond, and indeed, I cannot be sure my message was even read.

My efforts to secure personal interviews with them during my stay in Paris were fruitless. Prior to leaving Washington, I sent a telegram to North Vietnamese delegate Xuan Thuy which stated:

> Would like to visit you in Paris February 22 or morning February 23 to discuss certain aspects of war in Southeast Asia. Hope you can meet with me.

I received no response prior to my departure, however, upon my return to Washington I found the following telegram at my office:

> Sorry cannot dispose time meet with you concerning POW issue. Please ask Mr. Nixon.
>
> DRV DELEGATION.

The North Vietnamese must have deduced that I wanted to talk about American prisoners held captive since I did not mention it in my wire.

Nevertheless, once in Paris I made several efforts to see the North Vietnamese delegation. An interview appointment was suggested by them only after the Hanoi Embassy had first determined that I would have returned to the United States prior to the suggested date. I learned that this was a tactic often used by them to avoid meeting with Americans.

The best I could do was to go alone to the North Vietnamese Embassy in Paris, rap on the door and hand my letter through a small heavily barred opening in the main door.

In my view, this was most unfortunate for all parties to the conflict, because the argument I wished to advance was one which, to my knowledge, had not previously been presented to them.

Hanoi seems to be laboring under the misapprehension that their crude, unjust policies toward POW's work to their advantage, building resentment in the United States against further involvement in the war. Actually, it is working just the opposite. It is the one issue on which almost all Americans unite; we cannot complete our withdrawal from Vietnam until the safe return of all prisoners is assured.

Text of letter follows:

Minister XUAN THUY,
Chief of Delegation of the Democratic Republic of Vietnam,
Paris, France.

DEAR MINISTER THUY: Regardless of their varied opinions on the war in Southeast Asia, virtually all Americans are agreed upon one thing—United States military personnel held captive in Southeast Asia are not proper subjects in the political bargaining for a settlement of the war. Evidence of this fact is abundant. While no one would argue that over 80 per cent of Americans agree on anything, including the conduct of the Vietnam war, a survey after the raid of Sontay of next-of-kin of prisoners-of-war showed that fully 81 per cent approved of the attempt, while only 10 per cent disapproved.

Nothing has so served to maintain American public sentiment in support of the war as the lack of progress on the prisoner-of-war issue. There is a growing, gnawing doubt and pessimism on the part of most Americans, a doubt which serves only to harden public attitudes toward those who are daily accused of violating international law and of mistreating prisoners-of-war. This growing doubt is the single most important factor which tends to build support in my country for a hard-line policy in Vietnam.

Difficult as it is for Americans to contemplate anything but total victory in any military effort of which they are a part, it is utterly impossible for them to consider abandoning their military men to the vicissitudes and uncertainties of a drawn-out settlement—military or political. Never before, not during either of the World Wars nor during the Korean conflict, have prisoners been exchanged on any basis other than for their opposite numbers held captive. To inject a political element into what for Americans is an emotional, moral and compassionate subject is to infuse the Southeast Asian war with a surrealism which works against any settlement—not in favor of one.

With all respect, I would like to suggest the Democratic Republic of Vietnam and the representatives of the National Liberation Front consider adoption of a policy of flexibility on the prisoner-of-war issue and attempt to determine what the reaction of world opinion might be to such a policy.

One very limited step which I would like to suggest for your consideration is the following: North Vietnam has submitted a list of those missing Americans who are no longer alive. It would be an act of great human compassion if your government would provide to the families of these dead men information of a strictly personal nature. It would mean a great deal to them if you could provide them with any personal belongings of their loved ones, information about their remains, and possibly the location of their burial. Surely such information can have no military or political significance to your government. Yet to these loved ones, many of whom still cling to the agonizing hope that their soldier is yet alive, this step would be an act of mercy which would permit them to begin rebuilding their lives.

A second small step which you might consider would involve providing more specific information on the status of certain men whose fate is presently uncertain. For example, some photographs of prisoners have been released by your government from which identification is impossible. While the number is not large, the immense agony caused to families of missing men is best illustrated by a recent occurrence. Recently your government released a film clip containing the pictures of over 60 prisoners-of-war. It has not been possible positively to identify at least 20 of the Americans pictured, yet 800 separate American families have "identified" one of the 20 photographs as being of their loved one. Your assistance in helping to identify these men would be an act of humanity which all the world would applaud.

In other cases, we know, and your government has confirmed, a pilot has gone down over North Vietnamese territory, and his fate has been established. Left unclear has been the status of the co-pilot of the same aircraft. The uncertainty caused the family of the co-pilot is only heightened by the fact that the pilot has been found and is classified as either captured or dead.

In cases such as the above, I would gladly cooperate in providing photographs of identified prisoners, or the names of missing co-pilots, in order to facilitate identification.

I would hope that this second small step might be considered by your government, and I am sure that the rewards at the bar of world opinion would be substantial.

From your own point of view, such an initiative would also enable you to judge the relative desirability of adopting a position of flexibility on the prisoner-of-war issue. I would hope that such a policy would be possible, and that further initiatives could follow leading to an eventual exchange of all prisoners held by both sides.

Thank you for giving this matter your serious consideration.

Sincerely yours,

PAUL FINDLEY,
Member of Congress.

Mr. GONZALEZ. Mr. Speaker, despite the tragic social and political polarization our Nation has undergone since the beginning of American involvement in the Indochina war, we are fortunately still together in the pursuit of one objective—the safety and release of over 1,600 American soldiers presently listed as prisoners of war and missing in action.

We have alternately pleaded and demanded that the National Liberation Front—NLF—in Hanoi provide our Government or the families of POW's with assurance that our soldiers are being treated humanely and in compliance with the principles set forth in the Geneva accords.

But our pleas and demands have gone largely unheeded. The shreds of information we have received from Hanoi have done virtually nothing to alleviate our concern and have made more painful the nagging uncertainty that has been the source of much of our anguish.

It is for this reason that I join with my colleagues and my countrymen on the seventh anniversary of the capture of the first American POW in Vietnam in this attempt to focus American and world opinion on one of the cruelest aspects of this war.

Letterwriting campaigns, peace delegations to Hanoi, and formal appeals by our Government have made some progress in obtaining information about the POW's and missing in action. But we have made only slight inroads. It is our responsibility to build and maintain a level of public opinion that Hanoi and the rest of the world cannot ignore. We can only hope that some vestige of humanitarian instincts of the North Vietnamese will prevail over the use of these men as a political bargaining position.

The purpose of this Nation Week of Concern is not limited to the exertion of pressure on North Vietnam. We are also reassuring the prisoners of war and their grieving families that we have not and will not forget their suffering. We called on these men and their families to make a sacrifice for their country and we will not rest until we have secured their safe return home. We are only indirectly responsible for their imprisonment, but we must make ourselves directly and completely responsible for their release.

Until these men are with us again, we and their 1,600 broken families are all prisoners of this war.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to be able to join so many of my colleagues in observance of the National Week of Concern for Prisoners of War and Missing in Action.

To focus attention in this way on one of the truly agonizing aspects of the war in Vietnam, is both fitting and timely, in my judgment. With some 1,600 U.S. fightingmen unaccounted for in Vietnam, and with Hanoi claiming they hold only 339 as prisoners, there should be no doubt about the validity of this expression of concern for our men held captive by the Government of North Vietnam.

From the early days of our Nation's participation in the war in Vietnam, I believe there has been a constantly shifting view in Hanoi relative to the Americans they hold captive. In the beginning, the Government of North Vietnam threatened to prosecute our men as war criminals and to publicly execute them. Over the years, that hard line position has softened considerably and I am of the view that mounting concern in this country and around the world over the treatment and welfare of our men, has been largely responsible for the change.

In this regard, I believe the group which should be singled out for commendation as contributing most to Hanoi's change of heart, are those wives of the POW/MIA's who have joined together to draw attention to the plight of these men.

In January of this year, at the urging of the National League of Families and other interested groups, I mailed to every household in my congressional district in California, a pamphlet on the POW/MIA problem. In it, I urged my constituents to clip and mail to Hanoi a special appeal for humane treatment and the release of our men held captive by them. According to the postmasters in my district, the response was excellent and I was gratified by the number who wrote me saying that they had responded.

Many of my colleagues inform me that they also joined in this letter-writing effort with similar results and, when combined with the growing movement now underway throughout the country, I cannot help but feel that the word is beginning to be heard in Hanoi.

Following the abortive raid against the Son Tay Prison Camp last fall, many people felt there would be an adverse reaction from Hanoi that could only compound the already deplorable conditions being faced daily by our men. From every indication, however, that situation did not develop. Instead, over the holidays, we witnessed a further relaxing of Hanoi's rigid position with regard to the prisoners. Mail privileges were liberalized and many Americans witnessed a special TV program dealing with the treatment of prisoners at Christmas time.

All of this, Mr. Speaker, would certainly suggest that the many campaigns being waged throughout the United States to draw attention to the plight of our men, are finally beginning to pay off. It is for this reason that I believe all Members of Congress, in fact, all Americans should join in observing this National Week of Concern. But, just being concerned is not enough.

While there is very little that any of us can do to really bring about humane treatment or the ultimate release of American POW's, we can write letters, sign petitions, and make our voices heard. If the Government of North Vietnam is genuinely concerned about public opinion in this country, as they indicate they are, then we can all join in to let Hanoi know how we feel about this issue.

At a time when there is so little that everyone can agree on, here is a problem which knows no partisan or philosophical boundaries. It is not an attempt to divert anyone's attention away from the larger question of the war itself, nor is it a substitute for official Government or diplomatic action to resolve the POW/MIA problem.

Instead, it is an opportunity for all Americans to join together in a humanitarian appeal for decency and, perhaps, in some way, convey to these brave men, some of whom have been in captivity since 1964, that we do care and that they have not and never will be forgotten.

Obviously, for some American POW's/MIA's—time has already run out and for many more, it is growing shorter with each passing day. But surely, it is not too late to express our personal concern in a meaningful way by joining in observance of this week which the Congress and the President have designated as the "National Week of Concern for Prisoners of War/Missing in Action."

Mr. MYERS. Mr. Speaker, all of us in Government recognize the frustration, the anxiety of this terrible condition in Southeast Asia where more than 1,600 young men are still held in jeopardy.

We, by no measure, can understand the mental anxieties that are faced by the families daily of not knowing the plight of their loved ones.

Mr. Speaker, the intent of this resolution is to assist this Government of ours in bringing world attention to this terrible situation, recognizing that all legal means have been used and are continuing to be used to bring an early release, as well as abiding by the terms of the Geneva Convention in the handling of these prisoners.

We recognize the fact that in the past the only success, really, that has been achieved in getting more information about our prisoners has not been by legal means, but only when world opinion has been brought to bear against the Communists.

It is our hope as the authors of this resolution that every community in this country, that every group, every service club, every church and every organization have frequent meetings concerning themselves with this terrible situation as are possible during this week. We hope that every church shall next Sunday, as well as they did last Sunday, hold prayer services for the early release and information about our prisoners. Through these efforts it is our hope and prayer that we can bring about some solution to this terrible problem. This is the reason that the Members of this body have caused to be brought about this action by the special recognition of President Nixon last Friday as he signed this resolution made the comment that of the many bills that he has signed since becoming President of the United States, none has had the significance and the importance that this resolution carried. It was his hope and prayer that we would have an early release of our prisoners.

Mr. Speaker, we must continue to keep this paramount not only in the minds of the Members of this Chamber, using every power we have at our disposal, but in the minds of the more than 200 million people that claim the United States as their homeland. They must not be forgotten and I am sure they are not going to be forgotten. I think our prayers will be answered. But let us remember to remember our prisoners in our prayers and our every action.

Mr. Speaker, I thank all who took part today in this special order. May our prayers be answered soon.

GENERAL LEAVE

Mr. MYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

WISDOM OF "NO-KNOCK" PROVED

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, during the past week two incidents involving the Metropolitan Police occurred which illustrate, most cogently and most dramatically, the wisdom of this body in approving the "no-knock" provision of the District of Columbia crime bill.

The two incidents to which I refer are the narcotics raid in which a young police officer was needlessly shot and killed because the "no-knock" authority was not used, and the raid later in the week which successfully closed down an illegal gambling operation because the "no-knock" authority was used.

In the first case, a promising young police officer—21 years old, with a wife and 18-month-old child—lost his life in the performance of his duties. A fellow officer suffered a gunshot wound in the head.

These shootings occurred during an attempt by a six-man search party of the Metropolitan Police to search a Southeast Washington apartment for narcotics violations. The six police officers in the search party knocked on the door of the apartment they had been ordered to search, announced that they were policemen, and said that they had a search warrant. When there was no response, they began to batter the door down and the shootings occurred.

This tragedy was compounded because Officer Glen Fisher's death was needless. Had Glen P. Fisher been armed with a "no-knock" warrant rather than the simple search warrant, which he did have, this senseless death may have been averted.

Several days later, the newly authorized "no-knock" warrant was used for the first time in a gambling raid and it proved to be a useful and successful weapon for the police officers in that search party.

In that case, about 90 law enforcement officers raided 15 separate locations in Washington and one in Arlington in connection with a gambling operation which was estimated to be taking in about $30,000 a day. Fourteen persons were arrested and assorted gambling paraphernalia was seized.

As he announced the arrest of 14 persons in connection with this illegal gambling operation, U.S. attorney Thomas A. Flannery said that without the special "no-knock" and wiretap provisions authorized by the D.C. Court Reorganization and Criminal Procedures Act of 1970, "this case could not have been made."

During the many months last year that the House and Senate District of Columbia Committee members spent formulating this legislation, much of the time was devoted to assuring that the "no-knock" provision would not be abused. Every safeguard was taken to insure that citizens' rights would not be infringed.

The new law merely codifies existing case law and sets forth the general requirement that an officer must announce his identity and purpose before entering the premises to arrest or serve a warrant. The law then sets forth the exceptions—already recognized under Supreme Court decisions—when a police officer may enter without announcing in advance.

These circumstances are: First, when his life or the life of a third party is in danger; second, when evidence is likely to be destroyed if he announces in advance—this is particularly relevant to narcotics and gambling raids, such as those I mentioned previously; and third, if it would be a useless gesture. It would be a useless gesture for a police officer, when pursuing a felon, to pause at a door slammed in his face and knock and indicate his identity which would already be known to the individual fleeing, or to knock on the window of an abandoned car before entering it.

It should be recognized that in these instances, as in all other instances of serving search or arrest warrants, the officer must have probable cause.

It is clear that Officer Fisher had probable cause to believe that the Southeast Washington apartment which he was to search was being used in violation of the narcotics laws and a "no-knock" entry could certainly have been authorized. The police officers who staged the later successful gambling raid, also had probable cause to believe that the premises were being used for illegal purposes and did obtain a special "no-knock" entry.

Any rational person who looks at the record in these two incidents must admit that the much-maligned "no-knock" authority did, indeed, spell the difference between life and death, between success and failure in these two cases.

IT IS 99.99 PERCENT INTACT BUT 100 PERCENT DEAD: CONGRESS MUST PROTECT THE ALASKAN ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, today I am introducing another bill designed to protect the Alaskan environment from those who count their blessings in oily dollar signs. Twenty-nine Members of both parties join me today; on February 25, 16 Members cosponsored an identical bill, H.R. 5059. Our bill, relating to the construction of an oil pipeline in the State of Alaska, would give Congress ultimate responsibilty for any decision on such building.

The bill is necessary and proper inasmuch as the executive branch has seen fit to ignore the warnings of its own panel of experts and urged construction of the pipeline. I refer of course to the January 1971 "draft environmental report" from the Department of the Interior. Since the release of that report, the introduction of bills in both Houses of Congress, and since the departmental hearings on the subject, there has been a tiny glimmer of hope that the executive branch may slow down its pell-mell rush to lay pipe across the Alaskan wilderness. Were I naive, or had I less experience with the Federal Government than my 20-plus years in Congress indicate, I would say, "cnalk up a victory" for the forces of conservation.

But I cannot do that. I have learned the ways of bureaucracy and therefore know that unless restrictions on the use of Alaska's wilderness are spelled out in public law, bureaucrats will interpret existing regulations to favor the most persistent lobby. We already have an example of one lobby's effectiveness: Convinced or assured that no problems would be put in the way of exploiting the natural resources of the State of Alaska oil companies poured into Alaska $200 million worth of imported, Japanese, steel pipe to construct the oil line almost before the ink was dry on the leases. The pipe remains stacked. The shame of this extravagence with stockholder money is not that the oil companies jumped the gun on developing Alaskan oil; rather, it was their assumption that whatever they did would not be open to question.

Had it not been for sustained objections by conservationists throughout Alaska and the Nation, the pipeline would now be close to spilling its way across the State. And I mean that literally for we have yet to hear of any foolproof system to prevent catastrophic oil spills in an 800-mile long hot oil line.

Can a simple pipe that takes up less than 1 percent of the land of Alaska create an environmental disaster? That is the question often posed by the oil companies in an effort to justify construction of the pipeline. My good friend Theodore M. Edison of New Jersey looks at the broad picture and demolishes some of the cherished arguments used by the oil industry. In fact, I lifted the idea for the title to my remarks from Edison's statement. He says in part:

> Some pipeline proponents have tried to imply that the effect of the pipeline on the wilderness would be insignificant because the whole 50-foot by about 800-mile ribbon right-of-way would occupy less than two thousandths of one percent of Alaska's land (only 8.2 square miles out of 586,412). Using that kind of logic, it could be argued that a man could not be much affected by a bullet hole that would leave 99.99% of his body intact! The trouble is that wilderness is like an organism in which rivers are its veins, and since the pipeline would cross hundreds of streams, in addition to some major rivers, an oil spill could do serious damage all the way from the point of the spill to the sea.

Knowing the interest of all Members in the question of the pipeline itself, and more important, with the question of the environmental impact of the proposed line, I hope you will closely examine Mr. Edison's full statement recently submitted to the Bureau of Land Management. The statement follows:

WEST ORANGE, N.J., *March 5, 1971.*

Re Alaska pipeline hearings.
DIRECTOR (Attention 320),
Bureau of Land Management,
U.S. Department of the Interior,
Washington, D.C.

DEAR SIR: I understand that interested persons are invited to submit statements for inclusion in the record of the hearings on the proposed trans-Alaska pipeline, and I request that the following remarks be included in the hearings record:

Terms like "high standards of living", "progress", and healthy economic growth" have become so closely associated with the exploitation of wilderness that it is hard to convince developers that in many cases overexploitation is leading to "progress" in the wrong direction. The ends of non-replaceable supplies of several important items are coming into view, yet we continue to invent faster and more automatic ways to clean out the last remaining stock! Even replaceable items are being used up faster than they are being replaced.

We are constantly being asked to accept hazards and deterioration in the quality of our environment on the grounds of necessity—but since different forms of "necessity" often conflict with each other, we should be very cautious in responding to such requests. Unduly hasty or improvident developments can lead to a great waste of desirable things that may soon become unavailable at any price.

Inflation worries all of us, and the Government, the war, and miscellaneous gremlins get blamed for the high cost of living. A more basic and irreversible cause of inflation may be found in the exhaustion of our best sources of raw materials. When we first started drilling oil wells, it was only necessary to scratch the surface to bring in a gusher; but that cheap supply is gone, and we must now use extremely expensive technology to obtain oil from great depths, from the ocean floor, or from remote points. Our richest ores have been mined, and we are turning to lower and lower grade sources. *We may be approaching the point at which each technical advance that permits one man to do the work of a hundred is more than offset by a one-hundred-and-ten-fold increase in the amount of work that must be done.* If, in spite of technical advances, standards of living start to drop, all kinds of protest strikes would probably become frequent; and the consequent reduction in productivity could so aggravate the situation that a truly frightful chain-reaction crash could result. I am convinced that overpopulation lies at the root of our most serious problems, and that, from the point of view of optimum life quality, our numbers already far exceed the long-range carrying capacity of this country.

The demand for all kinds of goods and services is increasing rapidly, and when shortages occur, conservationists are blamed for blocking progress. Suppose the conservationists' objections are ignored and that all of the proposed expansions are allowed to take place: what then? We would, perhaps, gain partial security from blackouts and other troubles for say ten or twenty years, but it is becoming very evident that expansion cannot continue indefinitely. If sacrifice of some of our best remaining natural areas could yield permanent solutions of our problems, it would be one thing, but I fear that the sacrifice would play only a minor stopgap role in any 100-year development program. And for the world, 100 years is a *very* short time. If hazards, prohibitive costs, and other adverse factors are soon going to force a halt to expansion anyway, why not take steps to slow down expansion *now*, and save some priceless areas as a heritage for our own and future generations?

Why should we act like a chilly man who is willing to burn down his house to gain a few hours of warmth? Would not such a man fare better in the long run if he chose to endure some chill in order to be able to have continuing shelter from wind and rain? Oil, minerals, and other non-renewable resources will not be lost through waiting, and perhaps, as we learn more about the ways of nature, we can make gradual use of them without risking irreparable damage to "renewable" resources such as fish, forests, and wildlife in general.

Some pipeline proponents have tried to imply that the effect of the pipeline on the wilderness would be insignificant because the whole 50-foot by about 800-mile ribbon right-of-way would occupy less than two thousandths of one percent of Alaska's land (only 8.2 square miles out of 586,412). Using that kind of logic, it could be argued that a man could not be much affected by a bullet hole that would leave 99.99% of his body intact! The trouble is that wilderness is like an organism in which rivers are its veins, and since the pipeline would cross hundreds of streams, in addition to some major rivers, an oil spill could do serious damage all the way from the point of spill to the sea.

A booklet of "Questions and Answers", published by Alyeska Pipeline Service Company, answers the question, "How much oil is in Alaska?", with the statement, "It is estimated that at least 10 billion barrels of oil can be produced from the North Slope reserves. That's as much oil as the reserves in Louisiana, Oklahoma, Kansas and half of Texas combined." The booklet also states that "At full capacity, 12 stations will operate to move two million barrels through a day." On dividing two million into 10 billion, it is seen that the estimated reserve should supply oil for at least 5,000 days (about 14 years) at capacity operation. In view of the risks involved, this seems like an incredibly short life for the benefit, so I assume the promoters of the project *hope* to find more oil on the North Slope later. But even if the life of the oil field should turn out to be three or four times 14 years, it would still be very short.

If the pipeline is built, many people may become dependent on it for their livelihood. What will happen to them when the brief boom ends? If Eskimos and others are forced to adapt to the intrusion of "civilization" into wilderness, may they not find it difficult, or impossible, to return to former ways of life when the project shuts down? There seems to be a good possibility that we would duplicate our sorry treatment of the American Indian.

Finally, in view of world tensions, I ask what thought has been given to military defense? The pipeline would be so vulnerable to attack and sabotage that if it should become as important to our national economy as pipeline proponents suggest, there would surely be demands for its protection—and in wild country, adequate protection would not be cheap. Should not the manpower and expense required for this purpose be included in any calculation of the ratio of benefits to costs? And should not the costs be considered now, instead of being neglected until they can be forced on the general public later through inclusion in our tremendous military budget?

Respectfully submitted,

THEODORE M. EDISON.

THE FOOD STAMP ACT OF 1964

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, in 1964, the Congress acted to insure that one of the basic essentials of life—food—should be available to our more needy citizens. The intent of Congress in passing the Food Stamp Act of 1964 was to make sure that those whose incomes were so low that it was impossible for them to purchase both shelter and food would have relief from this dilemma.

Specifically, the act stated that it is "the policy of Congress to promote the general welfare" and "raise levels of nutrition among low income households." Clearly this act was aimed at helping families whose incomes are near or below the poverty level.

In general, this body left the setting of standards with regard to eligibility to receive food stamps under the jurisdiction of the States. However, the legislation did require the States to use income as a criterion in establishing eligibility. Unfortunately, by using income per month as a determinant of eligibility, persons who would otherwise be ineligible are allowed to receive food stamps.

Many Members have received letters from constituents informing them of their outrage over otherwise employable persons who were voluntarily refusing to work by reason of a labor dispute. When two parties, either business or labor, engage in a form of economic warfare against each other, the resources of the Government should not be used to subsidize either party in the dispute.

Another abuse of the food stamp program has been the granting of food stamps to college students. Mr. Speaker, I am more than aware of the plight of struggling students. However, this body must remember that students are receiving financial assistance from the Federal and State Governments, private foundations and scholarships, and from the universities themselves. Since none of this assistance—especially that which comes from parents—can be classified as income, many students are eligible to receive food stamps.

The legislation which I am introducing today would clarify the law in order to assure that these practices do not continue. I would note that this House has adopted language similar to my bill but unfortunately it was rejected by the other body. I would like to urge the Agriculture Committee to favorably consider the language of my bill when the continuing authorization for the food stamp program comes before the Congress.

TRIBUTE TO PHOENIX VOLUNTEER FIRE COMPANY ON 100TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. WHALLEY) is recognized for 15 minutes.

Mr. WHALLEY. Mr. Speaker, volunteer firefighting organizations are among that corps of unsung heroes that daily risk their lives for others, but rarely are recognized for their outstanding service and contributions to humanity.

One such organization, the Phoenix Volunteer Fire Company of Hollidaysburg, Pa., is celebrating its 100th anniversary this year. I would like to pay a special and public tribute to this company for the outstanding service it has rendered to the Hollidaysburg community during the past century.

Few people realize the extent of the firefighters' responsibility in the protection of life and property. Accidents caused by fires and explosions are responsible for the death of 12,000 Americans every year; and during this same period, an additional 2 million are badly burned. And to accompany these frightening figures, the loss in property approaches $2 billion each year.

Thus, firefighting is a dangerous and serious business. Can you imagine the consequences if firefighting were left to chance—to people not dedicated to such a purpose? The danger of a firefighter's occupation is equaled only by the vital necessity for the service they perform.

If one is not personally acquainted with a volunteer fireman, he might ask, "Why do it? Why risk your life for nothing when others get paid?"

Volunteers represent some 90 percent of all American fire departments currently in existence. Motivation varies with the individual, but you will find that a volunteer fireman is one who sees a job to be done, and pitches in to do it. He is a good citizen, one who will give of his time to make his town a better place in which to live. He is the kind of person who makes a community tick. His roots go deep into the community, just as the values for which he stands go deep into the roots of our Nation. And members of the Phoenix Fire Company are exemplary of this tradition, of this institution, of Americanism.

Whatever their motivation, the effectiveness of volunteer fire companies is uniform in its quality. This is evidenced by fire insurance rates, which are no higher in areas served by volunteer companies than in areas served by professional units.

The Phoenix Volunteer Fire Company has served in the highest traditions of America and community pride since its incorporation on May 4, 1871. During that period, the community benefited, not only in the security of knowing that a well-drilled, competent organization always stood ready to protect them in times of crisis; but also, because these men were members of the community, served in various other capacities, and helped the town to grow, and prosper, and unify.

I recently had occasion to read a statement by Reverend Henzlik former chaplain of the volunteer fire department of Oak Forest, Ill. In his opinion:

> When men give of themselves, even to their life-blood, to protect others, they are in the deepest sense acting out, rather than talking about, the Christian command to be their brother's keeper.

Dedicated, conscientious men, such as those of the Phoenix Volunteer Fire Company, deserve the recognition, applause, and respect of all America. I extend to these men my most sincere and hearty congratulations on the observance of this milestone, and offer my wish and my prayers for their continued health and safety in this noble and glorious task—serving their fellow man.

THE 18-YEAR-OLD VOTE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. McDONALD) is recognized for 15 minutes.

Mr. McDONALD of Michigan. Mr. Speaker, it has been several months since the House initially began its debate on the issue of whether the 18- to 20-year-old age group should have the right to vote.

Congress debated, considered, and passed a law giving them the right to vote in Federal elections. We are now considering a constitutional amendment which, if ratified, will give them that basic right in State and local elections.

Our display of concern for the 18-, 19-, 20-year-old American has been considerable. But the right to vote is only the beginning.

Mr. Speaker, it is time that American citizens between the ages of 18 and 20 be given all the responsibilities of an adult. This age group is compelled to accept the obligation of military service and to pay Federal, State, and local taxes on the salary they earn. Many are married and have children, yet in several States are not permitted to own property or to execute a contract.

There is great incongruity between the responsibilities we have put on this age group, and the rights we have accorded them.

My conclusions and my position on this issue are not directed toward the right to vote, Mr. Speaker.

My remarks today are directed toward all State laws pertaining to the rights and responsibilities of this age group. In order to ascertain exactly what responsibilities they have at the present time, I sent a questionnaire to the 50 State attorneys general regarding the age for assumption of responsibilities by minors. I have received responses from 33 States thus far. I think the evidence will show that full enfranchisement for the 18-, 19-, and 20-year-old citizen is long overdue.

The categories in the questionnaire were: Obtaining health and accident insurance, admission to public places, age of emancipation, alcoholic beverages, attorney-client relationships, banking, blood donations, change of name, change of residence, contracts, credit cards, curfew, jurisdictional age in courts, libel, licenses—automobile, and so forth, medical treatment—birth control pills, ownership of property, responsibility of debts, stock ownership and voting, tattooing, weapons ownership and use, wills, and voting.

The first thought that comes to mind when you bring up the topic of enfranchisement for this age group is the right to vote. The second is the right to drink. Both have little relevance in the day-to-day routine of living. What does have relevance is owning property, having responsibility for contracts and debts, serving on jury duty, getting married, or executing a will.

Of the 33 States responding to my questionnaire, only 24 responded on the laws pertaining to ownership of property. Eight of these States require that all persons must be 21 to own property; one required 21 unless he or she is a veteran or married; three required the male to be 21, the female to be 18—and I wonder what the women's liberation movement would say about that—seven States set 18 as the minimum age to own property; and five have no limit, stipulating that the purchaser if under 21 have the consent of parent or guardian.

On marriage, 29 States responded. Six require both parties to be 21; one requires both to be 19; one requires 19 for the male, 18 for the female; two require the male to be 20, the female 18; four require both to be 18; and four require the male to be 18, the female 16. Several States provide that a pregnant girl can marry at the discretion of the court.

A third important category is the responsibility of debts. Of the 26 States which answered this question, 15 require the person to be 21; three require 21 for the male, 18 for the female; one requires the person to be 20; one 19; and six 18.

It is quite obvious to me that these antiquated laws encourage widespread disobedience, most of the time with our knowledge. Many of our young men and women are married and have families, yet do not have the right to enter into a contract for a home, or many of the amenities which make living comfortable such as major appliances or even an automobile.

I would like to cite a few examples of the more inconsistent laws to illustrate the hodgepodge approach many States have taken with regard to the age of the majority.

In Texas, a male can marry at age 19, but cannot change his residence, own a rifle or pistol, negotiate a contract, or own property until he is 21. In Montana, a man cannot own a rifle or a pistol until he is 21, but he can use either or both weapons when he is 14.

Responsibility for medical treatment is another area where the nonadult suffers greatly. The majority of States require parental consent up to age 21 for medical treatment. One of our newer States, Hawaii, was forward thinking enough to void the parental consent clause in cases of pregnancy and venereal disease.

In Mississippi, a man of 18 is permitted to own property, but cannot leave that property to anyone in the event of his death before 21, simply because the law prevents him from making a will.

I name these States not out of malice, but as examples of a national problem. There are similar discrepancies in all the States, including my home State of Michigan.

I submit, Mr. Speaker, that we have held these antiquated laws too long. This Congress has responded to this issue by giving this age group the right to vote in Federal elections, and through the proposed constitutional amendment. But the job has only begun. What Congress has offered this group is a small token of recognition. Our young citizens will vote but once a year at most. And if the right to purchase alcoholic beverages, they will find that drinking is a very minor part of living. What is needed now is a long, hard look at what is really happening in the lives of our 18- to 20-year-old citizens, and doing something about the variety of State laws hampering their growth and progress.

The State of Michigan has recently completed a study of this problem through its special commission on the age of the majority. That commission has recommended that the age of full adult responsibility be dropped to 18. This is not only innovative, but courageous, especially in view of the fact that Michigan voters have twice defeated proposals which would have given the vote to 18-year-olds.

But these are exciting, changing times, and courage is necessary if we are to continue to keep pace in this very serious game of living. Michigan has taken one step, and I have praise and applause for its effort. But I caution them not to stop now, nor to slow their pace.

Establishing laws pertaining to the enfranchisement of individuals by age group is a State responsibility. I wouldn't want it otherwise. But problems in government, like problems everywhere else, have a way of growing out of proportion when left untended. The States are not tending to this problem.

Thus, Mr. Speaker, I take this recommendation from the State of Michigan and pass it on to my colleagues. The age of adult responsibility should be 18. It appears to me that the legal rights of some 11 million Americans are being ignored. The incredible incongruity of many of our State's laws defy understanding. I urge my colleagues, as leaders in their communities, to take this message home: Our young people between the ages of 18 and 20 are healthy, intelligent, and concerned Americans. They are eager to take part in this great country. Let us give them that opportunity.

The present laws are a national travesty against our young adults. In the event that a vacuum is created due to inaction on the part of State legislatures, Mr. Speaker, I feel the Congress must take action in the form of a constitutional amendment to put an end to this injustice. Let us hope that the States do not abrogate their responsibility.

Mr. Speaker, I would like to offer at this time for printing in the CONGRESSIONAL RECORD various data from my questionnaire on the age of assumption of responsibility by minors.

Following is data from some of the most significant questionnaire categories:

QUESTIONNAIRE

AGE OF EMANCIPATION

26 states responded to this question

16 require both male and female to be 21.
4 require male to be 21 and female to be 18.
4 require both to be 18.
1 requires both to be 20.
1 requires male to be 18 and female 16.

ALCOHOLIC BEVERAGE—WHISKEY

30 states responded

29 reuire both sexes to be 21.
1 requires both sexes to be 18.

BLOOD DONATIONS

15 had appropriate state laws

1 required age of 21 for both sexes.
1 required 21 for male and 18 for female.
13 required 18.

CHANGE OF RESIDENCE

12 responded

6 require both to be 21.
3 require male to be 21 and female 18.
3 require both to be 18.

COMPETENCY AS A WITNESS

21 responded

9 had a minimum of 10.

12—interesting provision that stated understanding as a decisive factor in determining if person had competency.

CONTRACTS

26 states responded

14 requires 21—Arizona, 21 or veteran and his wife.
4 require M–21 and F–18.
2 require both to be 20.
6 require 18.

CREDIT CARDS

16 responded

9 requires both to be 21.
2 requires M–21 and F–18.
1 requires 20.
4 require 18.

MARRIAGE

29 responded

6 both 21.
11 require M–21 and F–18.
1 requires both 19.
1 requires M–19 and F–18.
2 require M–20 and F–18.
4 require both 18.
4 require M–18 and F–16.

OWNERSHIP OF PROPERTY

24 responded

8 require 21.
1 requires 21, except war veteran or married.
3 require M–21 and F–18.
7 require 18.
5 have no limit.

Michigan and Florida require consent of Parent or guardian.

RESPONSIBILITY FOR DEBTS

26 responded

15 both required to be 21.
3 require M–21 and F–18.
1 requires both to be 20.
1 requires both to be 19.
6 require both to be 18.

STOCK OWNERSHIP AND VOTING RIGHTS

17 responded

9 requires both sexes to be 21.
3 require M–21 and F–18.
3 require both to be 18.

2 have no limit, but require consent of parent or guardian.

WILLS

27 responded

11 at 21.
1 requires 20.
1 requires 19.
12 require 18.
2 are under 18.

VOTING

29 responded

24 at 21.
1 at 20.
2 at 19.
2 at 18.

Most States will require an age of 21 for the assumption of responsibilities for one's own self:

ALABAMA

Age of Emancipation, 21.
Contracts, 21.
Marriage, 21–male, 18–female.
Property ownership, 21; a minor may own, but contract to buy or sell is voidable.
Responsibility for debts, 21.
Wills, 21.

There are some states whose age responsibility laws present striking conflicts.

IDAHO

Age of emancipation, 18.
Contracts, 18.
Credit Cards, 18.
Marriage, 18–female, 21–male.
Ownership of Property, 21.
Responsibility of debts, 18.
Wills, 18.

RHODE ISLAND

Age of emancipation, 21.
Contracts, Credit cards, 21.
Marriage, 18.
Ownership of Property, 21.
Responsibility of debts, 21.
Wills, 21.

There are a few States that have set the age requirements at 18:

ARKANSAS AND KENTUCKY

Age of Emancipation, 18.
Contracts, 18.
Credit Cards, 18.
Marriage, 18; (Females at 16 in Ky.).
Responsibility for debts, 18.
Wills, 18.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The total amount of horsepower in aircraft has increased more than 22 times between 1940 and 1969—from 7 million horsepower to 14 million horsepower. Mining horsepower has increased as well during the same period—from 7 million horsepower to 44 million horsepower.

THE FINANCIAL CRISIS IN THE AIRLINES INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. BOGGS) is recognized for 10 minutes.

Mr. BOGGS. Mr. Speaker, I would like to comment as others have recently upon the financial crisis in the airlines industry. The alarming extent of the problem has been revealed by the multiphase ratemaking investigation currently being conducted by the Civil Aeronautics Board.

The facts are that 1969 and 1970 were far and away the worst financial years in history for the industry. Even against the backdrop of a general economic decline, the setbacks suffered by the airlines were truly astonishing. Profits in 1969 fell by 74.4 percent, a rate considerably higher than that in any other industry; 1970 results were even worse.

These figures show a net loss of $178.7 million for 1970 as compared with an airlines industry net income of $62.8 million in 1969. In addition, the domestic trunks and Pan American in domestic operations experienced their lowest load factors in over 30 years and for the first 2 months of this year three of our major trunk carriers registered losses totaling $70.8 million. The nine regional and three all-cargo carriers are also facing a bleak future.

	In millions
American	$17.5
TWA	29.4
United	23.9
Total	70.8

The causes for this crisis are not hard to identify. They naturally include rising labor costs which have virtually wiped out the productivity increases that were expected with the acquisition of new equipment. The unique pressures of competition in the airlines industry have also played a part. The most important factor, however, has been the long-standing reluctance of the CAB to grant the fare increases necessary to cover costs and thus insure stability of financial performance. This last consideration is critical.

We all recognize that the Board in regulating fares must act to protect the public against unreasonable charges. However, the Board also has a statutory obligation to foster sound economic conditions with the airlines industry. If higher fares are required to achieve this goal and thus to insure adequate and efficient air service, then this is what Congress intended when it established the existing framework of airlines regulation. Without earnings, which in my judgment can only be restored through a substantial fare increase, the airlines simply cannot maintain an acceptable level of service to the public. Indeed, it seems certain if the current downswing continues that the public will soon be faced with the same deterioration in equipment and service that has become characteristic of the passenger railroads.

The crux of the problem now before the CAB is that earnings must be raised to a point where the airlines can maintain their existing sources of credit and attract new capital. Contrary to frequently-voiced suggestions, this will not be brought about simply by riding out the current economic decline or requiring further "belt-tightening" in the industry. The airlines cannot save their way into the future. Their need for massive injections of new capital exists now, and it can only be satisfied if investors are assured a reasonable rate of return.

The solution in my opinion lies in the proposals for immediate fare increases in the range of 10 to 12 percent. I earnestly hope a favorable reaction will be forthcoming on these proposals in the near future.

RAILPAX DECISION TO BYPASS CLEVELAND

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 10 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, the decision by Railpax to bypass Cleveland on its intercity route system is neither logical nor just. To ignore the transportation needs of the 2½ million people in the eighth largest county in America is not justifiable in any way. In fact, the incorporators have excluded not only Cleveland from their plan, but the entire commercial-industrial complex which surrounds Lake Erie. All of northern Ohio, northwestern Pennsylvania, and southwestern New York has been left out.

I note that in the list of possible rail passenger routes published by Secretary Volpe in January, Cleveland was included in both the Pittsburgh to Chicago and the Buffalo to Chicago lines. Such routes would provide vital links between Cleveland and New York City, Chicago, Philadelphia, Pittsburgh, and other metropolitan centers of the East.

This latest decision is a great blow to the economic position of one of the largest industrial centers in the United States.

The incorporators of the National Passenger Railroad Corporation have given nominal and provincial reasons for bypassing Cleveland on this new passenger system.

I, therefore, call upon them to reopen this question by conducting a public hearing in Cleveland at which all segments of the community would be permitted to testify. In this way only can the great economic importance to Cleveland of rail passenger transportation be adequately defined.

GONZALEZ INTRODUCES BILLS AFFECTING FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am reintroducing today four bills which I have supported for sometime now affecting our firefighters and law-enforcemet officers. I think almost everyone will agree that these public servants which protect us on a 24-hour basis need more than just words of praise. This is the reason why I am submitting to this Congress legislation which would not only say "thank you" but would express a reciprocal concern for their well-being, and treatment.

It seems illogical to me, for example, that Federal firefighting personnel are excluded from receiving retirement benefits afforded to persons engaged in hazardous occupations. Statistics show that firefighters lose more worktime due to injuries and suffer a higher fatality rate than any other single occupation.

It is for this reason that I include a package of legislation today: a bill to make Federal firefighters eligible to receive hazardous occupation retirement benefits under title 5 of the United States Code. The bill would further allow Federal firefighting personnel to retire at age 50 with a minimum of 20 years service.

As you know, the 91st Congress overwhelmingly approved this measure, only to have it pocket-vetoed by the President without so much as an explanation of his objections. Since it was a pocket veto, we had no opportunity to reassert the will of the Congress; however, I feel confident that the 92d Congress will fulfill its promise to the Federal firefighters—even if it means having to overcome another block by the President. It is my hope, of course, that the administration will reassess its position.

By looking at the record, we are cognizant of the fact that the Federal firefighters are engaged in hazardous occupations. There seemingly is no question about this. As such, I strongly believe that they be properly and equitably treated with those persons now covered by the law. To continue to exclude them from receiving retirement benefits afforded others engaged in hazardous occupations, it is to practice marked discrimination which must be summarily abandoned.

The 91st Congress concluded that enactment of the bill was essential. I urge my colleagues that we continue to work in this Congress for the execution of our commitment made in the last session.

My second bill is intended to improve working conditions for Federal firefighters by limiting their work week to 120 hours for any biweekly pay period. For hours of duty in excess of 40 hours, the firefighters would be entitled to overtime, night, Sunday, and holiday pay rates. Improving the workweek of these men is a necessity. Not only are they not afforded the same benefits given other groups for performing hazardous duties, but they are required to work a 72-hour workweek for 52 weeks a year, included holidays and Sundays without overtime.

Hearings were held toward the end of the last session on this subject and I trust consideration will be resumed soon. Also considered in the hearings on compensation was my third bill which would hopefully lessen the hazards of both firefighting and law enforcement jobs by making it a Federal crime to kill or assault a fireman or a law enforcement officer engaged in the performance of his duties. There are now several bills pending before the House Judiciary Committee.

And finally, I am reintroducing a preventive measure which would authorize to appropriate up to $5 million to carry out the Fire Research and Safety Act of 1969. It is evident from the many thousands of deaths and injuries attributed to fire each year in the United States that the research and safety programs we approved in 1968 must be given funds soon to proceed with work in this important field.

This legislation would benefit not only our firemen, but our law enforcement officers who must expose themselves to even more dangerous situations; and, of course, the community in general would be the main benefactor.

The Senate passed this bill in the last Congress, but unfortunately, the House was not given an opportunity to consider it. I believe we must seriously consider authorizing appropriations for this act so that we can fund it, if we are to prevent the number of atrocities from rising still further.

I trust early consideration will be given these four bills. I urge my colleagues to keep them in mind during their deliberations so that they can lend their support at the first opportunity.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, in order to adequately commemorate our soldiers who are prisoners of war and missing in action, I would like to include in the RECORD a few remarks on this subject.

I would like to express my wholehearted endorsement of the "National Week of Concern for Prisoners of War/Missing in Action," the period of March 21–27.

Nearly 1,600 young men of the U.S. Armed Forces are prisoners of war or missing in action as result of the war in Indochina. This is an appalling number. As we continue our withdrawal from this tragic conflict, we must increase our efforts toward the release of those men.

I continue to believe that the very best way to insure the return of our captured soldiers to their homes is to end the war. In the meantime, I shall do my share in creating widespread sympathy for our imprisoned soldiers and those missing in action. The week of March 21 should rally all Americans, regardless of political or economic difference, to the support of these men who are so courageously serving their country. In addition, I feel that the blatant violations of the Geneva Accords must be brought to the attention of the world community.

The "National Week of Concern" should serve both these ends: to stimulate the concern of all U.S. citizens and to arouse the moral indignation of other nations throughout the world.

LOOKING AT HICKENLOOPER

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, Mr. Leo Mindlin, who writes a column for the Miami Herald, is a thoughtful, perceptive person who concerns himself with the major issues of our day. His views merit careful consideration.

In a recent article, entitled "Looking at Hickenlooper," Mr. Mindlin discussed some of the more troublesome aspects of our country's relations with Latin America.

In the thought that his comments on this important subject will prove of interest to my colleagues, I am placing the text of the column in the RECORD at this point:

LOOKING AT HICKENLOOPER

(By Leo Mindlin)

In his ponderous State of the World message, President Nixon talks about the "compassion" we must feel for Latin America.

That is an absurd word to use at a time when we are being bloodied by Latin nations that have begun to feel the fire of nationalistic enthusiasms and that are expropriating U.S. corporate interests to prove their independence as they see it from "imperialist exploitation."

Like it or not, we are on trial during a transitional struggle away from the image of Latin America as "colonial" and underdeveloped to one proposed by the Andean Pact nations—Latin America in rigid control of its wealth of resources against foreign domination.

We may regard ourselves as investors rather than invaders, but reckoned in terms of the expectation of revolutions seizing the southern hemisphere today, scrapping the Hickenlooper amendment would be a more practical first step we might take than patronizing "compassion" to reduce the impasse between us.

Hickenlooper's provisions are already contained in other less flamboyant statutes empowering the President to deal with the uncompensated expropriation of property owned by U.S. citizens.

Generally, the Latin sees Hickenlooper as an instrument of State Department diplomacy to apply pressure in behalf of the private American investor at the expense of his own national sovereignity.

And so, the Hickenlooper threat is degrading to the Latin's self-dignity, a principle issue in Peru's confiscation of a Standard Oil of New Jersey subsidiary in 1968.

Why suffer this condemnation, particularly in the case of the Peruvian confiscation, when the Nixon administration failed to invoke the Hickenlooper amendment at all?

If Hickenlooper is a major consideration, our foreign aid programs to the Latin nations are no less important in dealing with the impasse.

We may be spending some $3 billion annually around the world, but the share we allot Latin America is less than half a billion, a cut hardly calculated to demonstrate favorable U.S. interest by comparison.

In his original Alliance for Progress recommendations, President Kennedy proposed $10 billion in U.S. aid to Latin America through the early 1970's, approximately twice our present allocation. Somewhere along the way, the dream faltered.

Not only did the quantity of aid collapse, but its quality as well. By May, 1969, Latin America found it necessary at the Consensus of Vina del Mar to put President Nixon on notice "that private foreign investment would not be considered as aid or calculated as part of financial cooperation for development purposes" under the Alliance for Progress.

What the Latins feared most had virtually occurred—U.S. intervention in behalf of American corporate investment, an American foreign policy calculated toward "imperialist ends."

But intervention is a double-edged sword. From the days that the United States sent gunboats and marines to support its dollar diplomacy, intervention has had both a shoddy and shiny history in Latin America.

Even without the marines, in 1933 Ambassador Sumner Welles intervened in the internal political affairs of Cuba to contribute to the ouster of the government of Gerardo Machado.

In March, 1938, against the backdrop of his Good Neighbor Policy, President Roosevelt suspended our silver purchase agreement with Mexico in response to the Mexico expropriation of the U.S. oil industry.

Examples abound of our intervention in Latin America. The Charter of Punta del Este, committing the participating republics to action programs on the most intimate internal matters, including land and tax reform, housing, education and health, underscored "the distribution of public funds under the Alliance for progress," itself a supreme example of U.S. intervention in Latin America.

Revoking the Hickenlooper amendment, readjusting our foreign aid programs to the Latin nations and making some self-sacrificing moves in the direction of expanding the markets for their products in the U.S. would be in this spirit of intervention.

It would also tell the Latins that we are not an imperialist but a democratic society if at the same time we did something about our posture in Southeast Asia, which is an abomination and an impediment we must overcome if we are ever to hope for a second chance in Latin America.

These steps taken together would make the Nixon plea for "compassion" reasonable. Now it is just a word without even the merit of rhetorical splendor.

SEPARATING LAW FROM POLITICS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, last week over 100 Members of the House and Senate, in a bipartisan effort, introduced legislation to insulate legal services from political pressure.

In recent years, increasing political interference with the OEO program has placed the attorney-client relationship in jeopardy, as far as the poor are concerned. The bill introduced last week is intended to protect that relationship and provide the poor with the same unfettered access to our system of law and government as is available to more affluent persons.

The Washington Post editors, in a March 20 editorial, argue well for "separating law from politics." I ask that the editorial be placed in the RECORD at this point.

SEPARATING LAW FROM POLITICS

One of the major problems of the lawyers in the Legal Service Program is the knowledge—the haunting kind—that the eyes of politicians are always on them. Governors, mayors, the men on Capitol Hill, plus the inevitable private interests—all of these are in positions of power, sometimes used for the good of the people, sometimes not. The temptation to squash or destroy an LSP operation which threatened or challenged the security of this power has often been too great for some politicians. A notorious example is the recent attack of Gov. Ronald Reagan against a major and successful California program (an attack to which the Nixon administration yielded); many other examples exist also. For this reason, a bill introduced Thursday calling for an independent, federally funded National Legal Services Corporation is both needed and welcomed.

Nearly 100 senators and representatives of both parties—including ones called "liberal" and others called "conservative"—support one of the basic tenets of the bill, namely that no political interference be allowed. The proposed corporation—modeled after the Corporation for Public Broadcasting—would be adequately funded. A 19-member board—including five appointed by the President and confirmed by the Senate, six from the organized bar, six to represent poverty lawyers—would issue grants to programs without concern or fear of the political implications. This is a departure from the current procedures of the program, but the new freedom does not mean that suddenly poverty lawyers would go wild with power. The reverse is true: politicians would no longer be tempted or allowed to go wild with *their* power.

There is sense and fairness to this proposal, one which can easily serve as a model for the administration to aim at. As for the poor, why should they have their legal rights interfered with, merely because those rights sometimes interfere with a statehouse or city hall game plan? One would think governors or mayors—servants of the people—would be glad to have lawyers bringing the protection of the law to the very people who have so often been unprotected. Most governors and mayors are glad, of course. The reason for the new proposal is to make sure that the political prejudices of a few—one way or the other—bear no influence on the availability of the law to the poor.

REVENUE SHARING ENDANGERS EXTENSION SERVICE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon's revenue-sharing plan has been tossed out with lots of fanfare and Madison Avenue phrasemaking.

At first look, the revenue-sharing proposals appear to have a political plum for everyone in the economy. But on closer examination, revenue-sharing appears to be more of a delusion and a snare than a solution to the pressing problems of our local and State governments. The proposals are really nothing more than a reshuffling of existing funds which in the end will create only more hopes and fewer solutions.

More importantly, Mr. Speaker, the revenue-sharing proposals appear to endanger a great number of important Federal programs which are so badly needed by our local communities and State governments. The revenue-sharing plans will be highly destructive if they become a smokescreen behind which major programs are destroyed.

On March 10, 1971, the President sent the Congress a proposal for revenue sharing in rural community development. While the President's intentions may well be good, I am fearful that his advisers did not take into consideration what the plan would mean to such important rural programs as the Cooperative Extension Service.

The Extension Service has been a great and workable partnership between the Federal and State Governments. It would be tragic if this program and the working relationships between the Federal and State Governments were interrupted in an attempt to sell a so-called revenue-sharing program. Under the proposal submitted by the President, the States could apparently continue the Extension Service as is, or do away with it completely. Or they could alter the program drastically away from its present objective. Such a situation would endanger—or in many cases, destroy—the program.

Great concern about the implications of such an approach to the Extension Service programs has been expressed by John E. Hutchinson, director for the Agricultural Extension Service at Texas A. & M. University. Mr. Hutchinson is one of the Nation's foremost experts on the problems of rural America and is recognized as one of the great leaders in the Extension Service. His words carry tremendous weight in these areas.

If approved by the Congress, the funds would be made available to the governor of each state in support of rural development programs without restriction, for use in any way that he might choose. The states would not be required to match the funds nor to maintain current programs. This would mean, of course, that the Smith-Lever Act would be superseded.

Mr. Hutchinson goes on to say.

We find it difficult to understand why the Federal Government would wish to abrogate its role in what has been recognized worldwide as the prime example of an effective partnership arrangement among the federal, state, and local governments in support of a cooperative educational venture. The Smith-Lever Act has provided a framework and a set of guidelines that have undergirded success.

Mr. Speaker, it is ironic that the Nixon administration would propose something that would endanger the future of this great program which already encompasses the concept of local control with Federal assistance. The adminstration has touted its revenue-sharing plans as increasing local control. But now it is proposing something that would endanger a great partnership among the Federal, State and local governments through the Extension Service.

Mr. Speaker, Mr. Hutchinson has furnished me a copy of a detailed memorandum setting out the problems created for the Extension Service by the Nixon revenue-sharing proposal. I hope the Members will study this document carefully before any serious steps are taken on revenue sharing. I place a copy of this memorandum in the RECORD:

SOME CONCERNS AND IMPLICATIONS FOR THE COOPERATIVE EXTENSION SERVICE RELATIVE TO THE PRESIDENT'S PROPOSAL FOR REVENUE SHARING

The President's proposal for revenue sharing includes 149 million dollars of the Cooperative Extension Service budget at the federal level under the broad area of rural community development as a part of the special revenue sharing grants. (This is essentially the total amount of the federal appropriation for Cooperative Extension.) Special revenue sharing grants would require no matching funds from state and local governments. The plan appears to propose that federal funds for Extension Service programs be distributed to the states without specific enabling legislation as to how the funds are to be used.

This proposal, if implemented as outlined on pages 37 and 38 of the Budget of the United States Government, Fiscal Year 1972, raises serious concerns and implications as to the future and effectiveness of the Cooperative Extension Service program in each county and state as well as in the Nation. The following are some areas of major concern and possible implications that deserve careful thought and consideration.

The present arrangement of Extension funding through the state land-grant colleges and universities has enabled the Cooperative Extension Service to develop a professionally trained staff that has been relatively free of political pressures and intimidations. In fact, the Cooperative Extension Service has long been considered an ideal model for providing federal financial support with definite provisions for state and local control. Local people are currently, and have been since its inception, involved in the development and implementation of Extension programs which permit each county to have a program designed to meet the unique needs of its people.

The proposed elimination of the requirements of matching federal funds with funds from state and local sources, which account for approximately two-thirds of the funds supporting Extension programs, could conceivably be a major factor in the destruction of this historically successful educational program by permitting these funds to be redirected to other purposes.

The proposal would require new enabling legislation at the federal, state, and local levels. Without compatibility in legislation between these levels of government, the existing potential of developing educational programs based upon national emergencies, interests, or concerns will be negated. Examples of effective mobilization on a national basis through the Extension Service are the drought and depression programs of the thirties, the organization of rural electric cooperatives, the national emergency food and labor programs of World War II and the present Expanded Nutrition Program.

Without proper enabling legislation to insure some measure of stability in state and local support, the effectiveness of long-range program planning and program development required in the solution of many complex problems would be greatly diminished. Beyond this, there is no assurance that county Extension offices, which have traditionally provided a two-way flow of information from the United States Department of Agriculture and other departments of the Federal Government and from the land-grant universities to the people and the transmission of problems and concerns of the people to these agencies or institutions, could be maintained. Continuing education programs conducted through 4-H clubs, home demonstration clubs, and many kinds of short courses, workshops, and seminars could not be continued without the direction and support of the local county Extension staff. Any substantial reduction in the agricultural programs conducted by the Extension Service could endanger the capacity of the United States to produce food and to maintain the quality and safety of food products for an increasing population.

Without the direction of the present Smith-Lever Act, the federal funds for Extension could be distributed in any manner determined by the state. It is conceivable that the fund could be distributed to numerous state institutions or agencies in such small parcels that the possibility of mounting coordinated attacks on state and national problems would be impossible or ineffective. By distributing the resources in this manner, no one institution could effectively develop a staff of professional resource specialists from enough disciplines to attack complex social and economic problems. The diffusion of the resources to numerous institutions would prevent the effective coordination of staff resources. The results of such an approach would be inefficient program administration, duplication, overlap and omission in program implementation, and loss of program continuity. This kind of allocation of federal resources among numerous institutions has been credited for the failures or limited successes of the former Technical Services Act and the present Title I of the Higher Education Act programs.

Should the federal funds for the Extension Service be distributed to several institutions or agencies within a state, the existing relationship between research, resident teaching, and Extension as now experienced in most land-grant institutions would be greatly diminished. This would reduce the sensitivity of research and resident instruction to the problems experienced by rural people as presently communicated through the Extension Service.

The present decentralized nature of the Extension Service with its small corps of federal and state staff members in relation to the number of professionals in the counties working with local people is sensitive to the problems and needs of the people at the local and state level. The proposed revenue sharing proposal under consideration could destroy this capability.

As educational needs expand and change, the involvement of local people in Extension program development is sound in theory and workable in practice. However, the combined expertise of a trained interdisciplinary staff, coordinated by one institution at the state level, supported by a resource staff at the federal level collectively can study research facts and trends with the capability of detecting problem situations long before they are apparent at a local level. The proposed revenue sharing proposal under consideration, would destroy this capability.

The Extension Service has a trained and dedicated professional staff with the ability to employ proven methods and techniques to help people solve problems. The Extension Service has the confidence of the people in the educational methods and techniques employed in conducting informal educational programs. The loss of some of the most competent professionals and the loss of the confidence of the people are perceptible outcomes of the proposed special revenue sharing proposal.

Should the anticipated exclusion of the use of Extension funds in cities of 100,000 population or more be made a part of the rural community development special revenue sharing fund, the present demonstrated success of Extension's ability to develop youth programs, Expanded Nutrition Programs, and family living programs in urban areas, particularly as they apply to low-income families, would be negated. For example, according to the 1970 census, people from nine Texas cities with 100,000 or more population would be excluded from the Extension Service educational programs. These cities include over one-third of the population of the State. Other states would be even more critically affected. A further curtailment is indicated by the suggestion that the redirected funds be used only in areas having 100 or less per square mile. This is particularly disastrous when no other agency or organization has been able to demonstrate a high level of effectiveness and efficiency in helping these people solve these problems. In addition, the effectiveness Extension has demonstrated in helping rural and urban people understand each others problem would be curtailed.

The Extension Service has developed methods, concepts and principles of Extension education that are useful in countries throughout the world. They have been adopted in enough countries with varying cultures and technical progress to prove the validity of these principles. It would seem that the changes proposed by the proposed revenue sharing program could destroy the most successful informal adult education model in the world without first objectively testing the possible outcome of alternative models.

PRISONERS OF WAR

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, it is fundamental that Americans should never lose their remembrance of those men who are languishing in North Vietnam prisons. The years of suffering that such men undergo in the lonely and sad conditions where they are required to live, are a pain far greater than most people are ever required to sustain in the wide course of their lives. Moreover the loved ones here at home who wait and hope for the return of their soldiers suffer pain that is hardly less.

For those of us who have thought a great deal about the conflict in Southeast Asia, and for some of us who have questioned the need for American involvement over the years, there are many thoughts to be shared concerning the American prisoners of war.

It is my feeling that these American prisoners might be helped best if we were to look at the scene more broadly, and take into consideration the prisoners that have been taken by our side. These must also be living in sad conditions and must be lonely for their own loved ones much the same as the Americans who are prisoners.

The possibilities of prisoner exchange and ultimate release would seem to be more hopeful if the proposals for relief of American prisoners included some kind of equivalent provision for all prisoners on both sides.

Of course there are many of us who would find ways to end the Southeast Asian conflict very promptly. That, of course, would almost certainly free all prisoners and solve the problem soon.

However, no matter how one looks at the merits of the conflict and the tactics of prisoner release, no American can rest easy as long as his countrymen who gave their utmost are suffering torments in a distant part of the world.

LEGISLATION TO EASE LOCAL PROPERTY TAX BURDEN FOR LOCAL EDUCATIONAL COSTS

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, today I am introducing legislation to fill a vital financial need for elementary and secondary schools. My proposal is a Federal inducement to the States so that they will assume the cost of financing public elementary and secondary education as a State function, and gradually relieve localities of this burden. My plan is that the Federal Government reimburse each State for 50 percent of the increased cost above the local share which it assumes from one year to the next.

The bill's formula is intended to reduce the local property tax, by some or all of the 55 percent of the total cost, nationwide, for public elementary and secondary schools which that tax is now bearing.

Taxes for support of elementary and secondary schools are historically levied on real estate. More and more, this regressive type of taxation is coming under widespread criticism that is not limited to any State boundary.

The present school tax based on real estate contains the unfairness inherent in the assessment process. Real estate tax assessments are subject to deliberate bias and favoritism, and unrealistically low values from the distant past are often frozen in. The tax assessor's judgment is always in question. Moreover, his judgment is inexact because there is no dollar-and-cents foundation for property assessment. When income is the base for tax, the income is declared and known down to the penny.

Coupled with problem in the method of assessment, is the gross disparity in the tax base available from one community to another. It deprives some children and perhaps even surfeits others. The Advisory Commission on Intergovernmental Relations in their April 1969 report titled, "State Aid to Local Government," points out that the ratio of high to low ability to pay is as much as 66 to 1 in one of our States. In a number of other States the ratio is startling.

The inelasticity of the present system of taxing real estate for school support is a major shortcoming. The property tax base, unlike a tax on income, expands very slowly and does not follow the business or income cycle. Another drawback in the present universal school tax system is the undue burden it has proven to be for elderly people. Many of these come to the end of their days with their sole equity being their homes. Still, they are heavily taxed to hold this precious saving at the period in their lives when they are not sending children to school.

Mr. Speaker, I find a widespread disenchantment everywhere in this country, with the heavy and inequitable burden represented by school taxes on real estate. Practically, this is a problem for each State to solve. Yet the attitude of our tax-paying public in many States is such, and the inequities of the school tax so universal, that I urge a Federal inducement to move this incubus which is so prevalent and to propose a release of localities from their ill-adjusted and inequitable school tax burden.

The inducement formula in my bill is computed from the increased percentage of education assistance for public elementary and secondary education assumed by the State in any year. The Federal Government will reimburse the State for 50 percent of the increase from year to year. Under this plan any State whose educational effort relative to the local effort is increased will gain. The formula would apply whether the State went from providing 8.9 percent of the educational aid as in the case of New Hampshire to any higher percentage.

The significant fact is that to qualify for this aid the local share could not be increased relative to the State share. At the end of my remarks I have enclosed a table for all States which gives the most recent figures of effort expended by all three levels of Government—Federal, State, and local—to demonstrate that the inducement formula will apply in all cases even where there are great variances in the State and local share.

The States would, under my plan, progressively assume more or all of the local school costs in return for a 50 percent, one time, Federal bonus in consideration of their action. Most certainly the consequence would be a rise in the State's income tax levy. This, of course, is a progressive, not regressive, tax and one that falls with some weight and justice on all income earners, including large industrial corporations. Heretofore, these enterprises have been relatively free of school taxes or, at best, subjected to them in a haphazard and incidental manner that relates to the chance locations of industrial enterprises.

Further, such enterprises have been irregularly and inconsistently favored by low assessments inducing them to locate or stay in accommodating communities. This, in itself, is a still further example of shortcoming within the present school tax system. For properties other than the industrial favorites now have to suffer the added burden of the favors so granted.

My bill offers the States the option of electing to move very quickly to assume the total education costs, thereby qualifying for a large Federal payment or gradually, in which case, the Federal assistance would be spread over a longer period of time.

I do not feel that the Federal Government should underwrite the bulk of State education financing. My proposal is directed at the local property tax which is a very inadequate and antiquated vehicle to use for the funding of our educational systems. Local people in many States like New York are seriously strapped by this tax. The percentage distribution of local funds has been more or less constant since the mid-forties. For 1945–46 the percentage distribution was: Federal, 1.4 percent; State, 34.7 percent; and local 63.8 percent. These figures for 1970–71 are estimated to be: Federal, 7.5 percent; State 37 percent; and local 55.5 percent.

The bill, as I have remarked earlier, would encourage States to pick up a greater tax share and discourage reliance on the local property tax. This view is supported by the Advisory Commission on Intergovernmental Relations which has prepared a model bill for State legislatures. The amount of funds that would be required from the Federal Treasury for my proposal would be based on the increase of State contribution compared with that of the local share. To keep the limit within bounds the bill places a ceiling of no more than $100 per pupil in any 1 year. Therefore, if the total number of pupils in elementary and secondary education, 51,581,000, were each entitled to $100 the total Federal cost of the bill would be $5 billion. This would, in practice, no doubt be spread over a number of years. It would be a one time outlay.

State assumption of the primary responsibility for public elementary and secondary school financing is a practical way of achieving a substantial parity of resources behind each pupil within a State. It would eliminate the disparities now prevalent between school districts which are caused by the great variations in both wealth and the willingness to tax.

Continued reliance on the property tax for local school support seriously contributes to fiscal tensions in the intergovernmental financing systems. Since the mid-forties, local schools have increased their share of receipts from local property taxes from less than one-third to slightly more than one-half of all local property tax revenue. This means that other local services which should be borne by local revenue sources have become secondary claimants in the competition for this tax source.

I feel that this legislation would provide the required incentive to the States to pick up the education burden. The formula in the legislation allows a State to ease toward this goal or move much more rapidly. The key factor being that State tax dollars would be substituted for local tax dollars.

This legislation creates a twofold advantage. It will reduce the pressure on the local property tax while providing public education with a tax base of greater growth potential. A statewide assumption of this burden would tend to equalize the educational advantages provided within the State, yet preserve the local interest demonstrated by local citizens concerned with school board and administrative problems. No student should be denied an adequate educational opportunity merely because he or she resides in a particular area within a State, nor should property-owning citizens be unduly penalized because there is a limited tax base to draw on for educational services.

The local property tax under this proposal would then be freed for those local services such as police, fire, water and sewer, roadways and other municipal services.

In this way, I feel our citizens will better understand who is responsible at each level for providing the services.

As all taxpayers are aware, Government funds are not limitless, they have to come from somewhere. Today our citizens are truly up to their necks in taxes of all kinds. The Federal Government does not have unlimited funds, nor do I believe it should assume more than a fraction of education costs. My bill offers the inducement, the incentive, to shift one cost to the State. It does not create any marked dependence on Washington or Federal moneys but allows for reordering services to the governmental levels that should be responsible.

The principal objection I have heard to the plan contained in my school tax bill is the presumption that local school boards, if no longer responsible for raising school taxes, would lose local control of their educational systems, and that there would be a State takeover. To this criticism, I reply that in my own State of New York the State now provides 45 percent of the school support. With that much leverage the State could exert immense influence on local school decisions, even today; but it does not. Why? It does not for one reason, because the State legislature made up of local representatives would not allow it and, second, that is not the nature of our educational system. Nobody wants it that way.

Moreover, a great part of local school costs are now mandated by State law. At least that is so in New York State. The latitude of local school boards in the fiscal area is not really very great, even as matters are today.

A wholesome State oversight is to be desired and I believe it does exist in the many States which now carry a high percentage of school costs. But I have not heard that such control is anywhere preemptive of all school related decisions.

The States which assume 50 percent of the cost of public education at the elementary and secondary level and comply in other respects, also have the option, under my bill, of electing to take the total of educational programs for which they are now eligible in the form of a block grant and administering the total money to which they are entitled under the separate programs as they feel it can best be utilized.

The text of my bill follows:

A bill to encourage States to increase the proportion of the expenditures in the States for public education which are derived from State rather than local revenue sources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting after title V the following new title VI:

"TITLE VI—STATE ASSISTANCE

"PART A—DIRECT ASSISTANCE

"ELIGIBILITY FOR DIRECT ASSISTANCE

"SEC. 601. A State shall be eligible for direct assistance under this part for a fiscal year if the State educational agency applies therefor and the Commissioner (on the basis of information provided by such agency) determines that under applicable statutory or constitutional provisions, or in practice, at least 50 per centum of the financial support for elementary and secondary education in such State is provided from State revenues. In making his determinations required by this section, the Commissioner shall disregard payments from Federal sources.

"AMOUNT OF DIRECT ASSISTANCE

"SEC. 602. (a) The amount of direct financial assistance to be paid to a State which is eligible therefor under section 601 shall be equal to the amount the Commissioner determines a State and its political subdivisions (including local educational agencies) would receive under the provisions of law listed in subsection (c) for that year but for the decision of the State educational agency to obtain direct financial assistance under this part.

"(b) No payments shall be made under any of the provisions of law listed in subsection (c) to a State or its political subdivisions (including local educational agencies) for any year for which such State receives direct assistance under this part.

"(c) The provisions of law referred to in subsections (a) and (b) are the following:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Titles II, III V, and VII of the Elementary and Secondary Education Act of 1965.

"(3) Titles III, V, and VI of the National Defense Education Act of 1958.

"(4) The Vocational Education Act of 1963.

"(5) The Vocational Education Act of 1946.

"(6) The Adult Education Act.

"(7) The Education of the Handicapped Act.

"USES OF DIRECT ASSISTANCE

"SEC. 603. (a) Funds granted a State under this part shall be used for support of elementary and secondary education in that State without regard to the purposes for which funds could be used under the provisions of law listed in section 602(c).

"(b) As a condition to the receipt of funds under this part, the Commissioner may require the adoption of such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including any such funds paid by the State to any other public agency under this part)."

"PART B—GRANTS FOR INCREASING STATE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION

"ELIGIBILITY FOR GRANTS

"SEC. 611. A State shall be eligible for a grant under this part for any fiscal year if the State education agency applies therefor and the Commissioner (on the basis of information provided by such agency) determines (1) that the State has increased the percentage of its expenditures for elementary and secondary education which are derived from State rather than local revenue sources during the preceding fiscal year over such percentage for the second preceding fiscal year, and (2) the average per pupil expenditure in the State (as defined in section 103(e) of title I of this Act) for such year is not less than such expenditure for the preceding fiscal year.

"AMOUNT OF GRANT

"SEC. 612. (a) Subject to the provisions of subsection (b) and section 614, grants under this part shall be determined as follows: Where the State school expenditures of a State in the preceding fiscal year exceed such expenditures for the second preceding fiscal year, the grant to the State under this part shall be equal to 50 per centum of such excess, except that such excess shall be (1) reduced by the amount by which local school expenditures of the State in the preceding fiscal year exceed such expenditures for the second preceding fiscal year, or (2) increased by the amount by which such expenditures for the preceding fiscal year are less than such expenditures for the second preceding fiscal year, as the case may be. If both the State and the local school expenditures of a State in the preceding fiscal year are less than such expenditures in the second preceding fiscal year, and the reduction in the local school expenditures exceeds the reduction in State school expenditures, then the grant to the State under this part shall be equal to 50 per centum of the difference between the reduction in local school expenditures and the reduction in State school expenditures.

"(b) The grant to a State for a fiscal year shall not exceed $100 times the enrollment in elementary and secondary schools in the State in the preceding fiscal year.

"(c) For purposes of this section, 'State school expenditures' means expenditures for public elementary and secondary education in the State from funds derived from State revenue sources, and 'local school expenditures' means expenditures for public elementary and secondary education in the State from funds derived from local revenue sources.

"USES OF GRANTS

"SEC. 613. Funds granted a State under this part shall be used only for support of elementary and secondary education in that State. As a condition to the receipt of funds under this part the Commissioner may require the adoption of such fiscal control for the accounting procedures as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State (including any such funds paid by the State to any other public agency under this part).

"ADJUSTMENTS ON ACCOUNT OF APPROPRIATIONS

"SEC. 614. In the event the funds appropriated to carry out this part for a fiscal year are insufficient to make in full the grants to which the States are entitled, the grant to each of the States eligible for a grant shall be reduced pro rata."

TABLE 91.—ESTIMATED REVENUE RECEIPTS FOR ELEMENTARY AND SECONDARY SCHOOLS, BY GOVERNMENTAL SOURCE, BY STATE, 1969–70

	Revenue receipts by source (in thousands)				Percent of revenue receipts by source [1]				
					Total			Excluding Federal	
State and region	Federal [2]	State	Local and other [3]	Total	Federal [2]	State	Local	State	Local
50 States and District of Columbia	$2,556,167	$15,617,379	$20,078,292	$38,251,838	6.7	40.8	52.5	43.7	56.0
New England	112,171	570,199	1,458,707	2,141,077	5.2	26.6	68.1	28.1	71.9
Maine [4]	9,400	78,500	87,100	175,000	5.4	44.9	49.8	47.4	52.6
New Hampshire [5]	4,670	9,400	96,068	110,138	4.2	8.5	87.2	8.9	91.1
Vermont	2,432	21,040	50,193	73,665	3.3	28.6	68.1	29.5	70.5
Massachusetts	60,000	200,000	738,400	998,400	6.0	20.0	74.0	21.3	78.7
Rhode Island	11,969	51,259	85,446	148,674	8.1	34.5	57.5	37.5	62.5
Connecticut	23,700	210,000	401,500	635,200	3.7	33.1	63.2	34.4	65.6
Mideast	478,034	3,928,170	5,057,350	9,463,554	5.1	41.5	53.4	43.7	56.3
New York	160,000	2,071,000	3,329,000	4,560,000	3.5	45.4	51.1	47.1	52.9
New Jersey	64,000	429,000	1,010,000	1,503,000	4.3	28.5	67.2	29.8	70.2
Pennsylvania	127,631	1,039,369	1,047,268	2,214,268	5.8	46.9	47.3	49.8	50.2
Delaware	9,405	87,900	27,200	124,505	7.6	70.6	21.8	76.4	23.6
Maryland [6]	54,698	300,901	500,182	855,781	6.4	35.2	58.4	37.6	62.4
District of Columbia [7] [8]	62,300		143,700	206,000	30.2		69.8		100.0
Great Lakes	$336,936	$2,744,581	$4,620,394	$7,701,911	4.4	35.6	60.0	37.3	62.71
Michigan	67,000	770,000	870,708	1,707,708	3.9	45.1	51.0	46.9	53.1
Ohio	83,000	560,000	1,130,100	1,773,100	4.7	31.6	63.7	33.1	66.9
Indiana	41,800	360,000	628,300	1,030,100	4.1	34.9	61.0	36.4	63.6
Illinois	116,852	797,649	1,401,217	2,315,718	5.0	34.4	60.5	36.3	63.7
Wisconsin	28,284	256,932	590,069	875,285	3.2	29.4	67.4	30.3	69.7
Plains	180,113	997,767	1,840,508	3,018,388	6.0	33.1	61.0	35.2	64.8
Minnesota	45,000	365,000	431,000	841,000	5.4	43.4	51.2	45.9	54.1
Iowa [9]	22,100	167,000	365,158	554,258	4.0	30.1	65.9	31.4	68.6
Missouri	46,351	255,972	439,000	741,323	6.3	34.5	59.2	36.8	63.2
North Dakota	7,400	28,500	69,000	104,900	7.1	27.2	65.8	29.2	70.8
South Dakota	12,000	14,500	80,000	106,500	11.3	13.6	75.1	15.3	84.7
Nebraska	13,550	42,378	156,000	211,928	6.4	20.0	73.6	21.4	78.6
Kansas	33,712	124,417	300,350	458,479	7.4	27.1	65.5	29.3	70.7
Southeast	763,700	3,593,323	2,173,370	6,530,393	11.7	55.0	33.3	62.3	37.7
Virginia	75,000	300,000	445,000	820,000	9.1	36.6	54.3	40.3	59.7
West Virginia	34,500	134,500	110,000	279,000	12.4	48.2	39.4	55.0	45.0
Kentucky	61,700	235,000	150,000	446,700	13.8	52.6	33.6	61.0	39.0
Tennessee	54,000	257,000	210,400	521,400	10.4	49.3	40.4	55.0	45.0
North Carolina	87,146	571,559	147,000	805,705	10.8	70.9	18.2	79.5	20.5
South Carolina	52,774	245,000	100,000	397,774	13.3	61.6	25.1	71.0	29.0
Georgia	68,157	377,546	197,086	642,789	10.6	58.7	30.7	65.7	34.3
Florida	98,435	608,727	370,185	1,077,347	9.1	56.5	34.4	62.2	37.7
Alabama [10]	59,144	257,717	92,000	408,861	14.5	63.0	22.5	73.7	26.3
Mississippi	69,000	162,000	83,000	314,000	22.0	51.6	26.4	66.1	33.9
Louisiana	61,680	331,890	176,000	569,570	10.8	58.3	30.9	65.3	34.7
Arkansas	42,164	112,384	92,699	247,247	17.1	45.5	37.5	54.8	45.2
Southwest	270,334	1,176,235	1,034,441	2,481,010	10.9	47.4	41.7	53.2	46.8
Oklahoma	35,000	142,934	172,000	349,934	10.0	40.8	49.2	45.4	54.6
Texas [11]	176,449	740,000	663,000	1,579,449	11.2	46.9	42.0	52.7	47.3
New Mexico	28,659	128,174	47,511	204,344	14.0	62.7	23.3	73.0	27.0
Arizona	30,226	165,127	151,930	347,283	8.7	47.5	43.7	52.1	47.9

Footnotes at end of table.

TABLE 91.—ESTIMATED REVENUE RECEIPTS FOR ELEMENTARY AND SECONDARY SCHOOLS, BY GOVERNMENTAL SOURCE, BY STATE, 1969–70—Continued

State and region	Revenue receipts by source (in thousands)				Percent of revenue receipts by source [1]				
					Total			Excluding Federal	
	Federal [2]	State	Local and other [3]	Total	Federal [2]	State	Local	State	Local
Rocky Mountains	72,750	332,115	567,258	972,123	7.5	34.2	58.4	36.9	63.1
Montana	8,500	45,000	92,000	145,500	5.8	30.9	63.2	32.8	67.2
Idaho	9,100	51,000	58,000	118,100	7.7	43.2	49.1	46.8	53.2
Wyoming [12]	16,200	18,500	38,000	72,700	22.3	25.4	52.3	32.7	67.3
Colorado	26,900	106,000	285,800	418,700	6.4	25.3	68.3	27.1	72.9
Utah	12,050	111,615	93,458	217,123	5.5	51.4	43.0	54.4	45.6
Far West	303,970	2,087,500	3,292,600	5,684,070	5.3	36.7	57.9	38.8	61.2
Washington	40,270	400,000	240,000	680,270	5.9	58.8	35.3	62.5	37.5
Oregon	27,500	97,000	346,000	470,500	5.8	20.6	73.5	21.9	78.1
Nevada	6,200	40,500	56,600	103,300	6.0	39.2	54.8	41.7	56.3
California	230,000	1,550,000	2,650,000	4,430,000	5.2	35.0	59.8	36.9	63.1
Alaska	22,659	38,489	26,964	88,112	25.7	43.7	30.6	58.8	41.2
Hawaii	15,500	149,000	6,700	171,200	9.1	87.0	3.9	95.7	4.3

[1] Percents may not add up to 100.0 because of rounding.

[2] Includes Federal grant programs to State and local school systems, including funds under the Elementary and Secondary Education Act, Economic Opportunity Act, aid to federally impacted areas, National Defense Education Act, Manpower Development and Training, vocational education, etc. Funds received from the school lunch and milk program are included, but reporting on the money value of commodities received is incomplete. ESEA revenues have generally been estimated on a cash expenditure basis.

[3] Includes revenue receipts from local and intermediate sources, gifts and tuition, and fees from patrons.

[4] Includes special State appropriation of $21,500,000 to change fiscal year of school districts.

[5] Excludes State's share of teacher retirement and social security.

[6] Excludes revenues for public junior colleges as this responsibility was transferred from State department to education.

[7] Estimated by NEA Research Division.

[8] Federal revenue receipts include Federal appropriations for capital outlay, civil defense, Capital Page School, and other federally funded programs listed in footnote 2 above.

[9] Includes State appropriation for area vocational schools and junior colleges not the responsibility of local school districts.

[10] State revenue receipts include social security and teacher retirement for all educational agencies and institutions.

[11] Excludes revenues for kindergartens.

[12] Federal revenue includes $9,000,000 oil royalties which are appropriated by the State Legislature for schools and could thereby be considered State funds.

Source: National Education Association, "Estimates of School Statistics, 1969–70," Research Report 1969 R-15. (Copyright 1969 by the National Education Association; all rights reserved.)

PUBLIC LAW 91–579, THE ANIMAL PROTECTION ACT OF 1970

(Mr. WHITEHURST asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WHITEHURST. Mr. Speaker, on December 24, 1970, the President signed into law the Animal Protection Act of 1970, Public Law 91–579. This was a wonderful Christmas present for the many people who worked so hard to see that House Resolution 13957 and House Resolution 18637 became public law.

The goal of this law is to expand the spirit of humane treatment of animals as contained in the "Poage bill," Public Law 89–544. Exactly what we can expect from Public Law 91–579 is not yet known, since the Department of Agriculture has not as yet formulated regulations for its implementation. It is expected, however, that a first draft of the regulations will be ready in the very near future.

The purpose of Public Law 91–579 is fourfold: first, to expand the definition of "animals" so that a greater number can be brought under the umbrella of the law;

Second, to establish by law, standards of veterinary care, Housing, and general treatment for animals;

Third, to regulate a greater number of people who handle animals; and

Fourth, to strengthen enforcement powers by broadening the concept of "commerce," by increasing penalties against persons convicted of interfering with Government inspectors, and by broadening the "discovery" procedures for obtaining adequate information to sustain proper administration.

These are major achievements. However, missing from the bill are provisions I feel are still most desperately needed.

Thanks in large measure to the exposure of various incidents by the news media, we have all been made aware of the inhumane treatment animals have received. You may recall the incident of a man being so angered by the death of his prize winning dog after shipment by an airline that in his frustration he attacked the aircraft with an ax. The man's actions cannot be condoned, but the cause of his frustration can be understood. Another incident was exposed recently in the March 19, 1971, issue of Life magazine, which showed the horrible shipboard conditions undergone by a group of African animals en route to the United States. Similar situations occur in pet shops, as witnessed by the testimony offered during hearings on the Animal Protection Act of 1970. These situations must be corrected.

Mr. Speaker, I am today introducing legislation to do just that. The bill I introduce today will extend the coverage of the law to include pet shops, common carriers, and all terminals, and will expand the definition of animals to include all species of birds as applied to terminal facilities, pet shops, and zoos.

Mr. Speaker, I am also introducing a concurrent resolution seeking international standards for humane treatment. One of the primary reasons for this resolution is to cover situations such as the one described in Life, where the vessel is a non-U.S.-flag vessel, as well as to guarantee to all animals minimum standards of treatment.

Mr. Speaker, I certainly hope these proposals will receive rapid and favorable consideration.

U.S.A. AND THE SOVIET MYTH

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, it has been amazing to me and numerous Members of Congress how little weight far too many Americans have assigned in their thinking to the role of Moscow in the protracted Vietnam war. Some 80 percent of the basic hardware for imperialist aggression has been provided by Moscow, and it promises more if we persist in guaranteeing the right of national self-determination for the South Vietnamese. Put another way, the chief and main backer of puppet Hanoi seeks the addition of another free area to the long list of captive nations that it has been responsible for in the past 50 years.

Significantly, the background for this episode and more is provided in the new book titled "U.S.A. and The Soviet Myth." Published by the Devin Adair Co. in Old Greenwich, Conn., the book is authored by Dr. Lev E. Dobriansky of Georgetown University. The author minces few words in pointing to the Soviet Russian rulers in the U.S.S.R. as our chief enemy and advances the primary thesis that even with the end of the Vietnam war, whether one way or another, there will be no peace for us unless we come to grips with the realities of the U.S.S.R. The arguments and documentation of this work deserve the studied and careful reading of every sober-thinking American.

The introduction to this new book was provided by our illustrious Member, the Honorable WILLIAM G. BRAY, of Indiana. Representative BRAY is a distinguished author in his own right, having written the widely read book "Russian Frontiers: From Muscovy to Khrushchev." Because of the basic importance and lasting value of this new book by Dr. Dobriansky, I deem it necessary to excerpt certain passages from Representative BRAY's introduction and Dr. Dobriansky's preface, as well as the table of contents, in order that the reader may objectively become interested in the realities that will continue to face us post-Vietnam whatever way.

U.S.A. AND THE SOVIET MYTH

(By Lev E. Dobriansky)

Introduction by William G. Bray, M.C., author of "Russian Frontiers: From Muscovy to Khruschev"

The Devin-Adair Co., Old Greenwich, Conn.

HEJNAL FOR THE WEST

(By William G. Bray)

For close to forty years, U.S.-Soviet relations, from the U.S. standpoint, have had many characteristics that lead me to think we have, to a degree, suffered from what I call the "Sweet Alice-Ben Bolt" syndrome. Remember the words to the song:

Oh, don't you remember Sweet Alice, Ben Bolt,
Sweet Alice, whose hair was so brown?
Who wept with delight when you gave her a smile,
And who trembled with fear at your frown?

The song itself is a pleasant little melody but even to the layman it is obvious Sweet Alice was psychotic in the extreme, manic-depressive to the point where Freud himself would have given up and run for the aspirin bottle. I don't know what the eventual outcome of the "courtship" was. The song says Sweet Alice died, and it may have been that Ben Bolt, tired of being plagued, finally dispatched her with an axe on some lonely forest trail.

At any rate, the U.S. has, to a truly shameful degree, played Sweet Alice to the Soviet Union's Ben Bolt for a long time. Played the role, I might add, far beyond what is implied in the old song; anything on the more pleasant side of a snarled threat has, generally been met in the U.S. by reactions ranging from rapturous to mildly hopeful. . . .

The weakness is still with us in what to me is a truly alarming degree. Some years ago, when Allen Drury's novel *Advise and Consent* was first published, he had one of his characters, a U.S. Senator, declaim on the floor of the Senate that "I would rather crawl on my knees to the Soviet Union than die under an A-bomb!"

I thought at the time that Mr. Drury was overdoing it some. Surely, anyone in the United States Congress voicing such sentiments publicly was a sure candidate for either immediate recall or subsequent defeat by the voters he served. . . .

Reflect back into history: being brutally cold about it all, Nazi Germany and Japan both had "aspirations" with a much higher degree of "legitimacy" (if these words may be used to draw a contrast) for their paths of aggression than has ever been enjoyed by the Russian Bear, be it under Czar or Commissar. . . .

But at least, on the surface, the aspirations of Japan and Germany in the '30s and '40s were much more "legitimate" than those of Russia have ever been. Especially so when we consider that from the Polish border to Vladivostok, from Severnaya Zemlya to Samarkand, the little Duchy of Muscovy has grown to take in one-sixth of the land surface of the entire globe. Living space? For whom? . . . .

"National interest," as history shows it to have been viewed by Russian eyes, can be seen as a variation on the ancient maxim *Divide et Imperia*—Divide and Conquer. For the Russian, it is Conquer and Combine; into an empire. Divide, first, if necessary, but conquest is the first goal, and combination into empire the second.

The practice began within the Russian border and is still being carried on although there are definite signs, no doubt quite disturbing to the Kremlin, that the subjugated nationalities in the Soviet Empire are getting increasingly restless. . . .

Refreshingly, there is not a trace in this book of the silly "if-only-the-Russians-would-and-someday-they-might-so-therefore-we-should" mentality that permeates many analytical works on the Soviet Union. Dr. Dobriansky's conclusions are drawn from the much more logical and correct premises that what has been done in the past, and what is being done in the present, when shown to be consistent, are valid indicators of what we may expect in the future. There is no wishing in this book; Lev Dobriansky knows full well that where the Soviet Union is concerned, wishing does not bring a future into existence, nor make it more palatable.

So, this dose of strong medicine, carefully compounded, should help a great deal to rid Sweet Alice of her dual symptoms of manic-depression. For, as Lev Dobriansky makes clear, the American Republic need neither weep with delight nor tremble with fear. We need only retain our own strength, and exploit the weaknesses of our enemies . . .

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AUTHOR'S PREFACE

Karl Marx, in a letter in 1864, perceptively observed, "The only ones in this tragicomedy who imperturbably pursue their old objectives and who play masterfully are the Russians." This observation can be applied precisely to our present global situation. Marxism, communism, socialism and other antiquated philosophical tunes heard today are simply distracting noises and notes of discordance that only serve to confuse many in the Free World as to the real and sole menace to peace and freedom in our time. As maintained in this work, this chief menace to our security and, inextricably, that of the Free World is totalitarian Soviet Russian imperiocolonialism. On the scale of global power politics, Red China still and for some time will continue to be largely a geographical expression. . . .

Quite clearly, this game for global stakes couldn't possibly be played without the captive resources at Moscow's disposal within the USSR. Also, as the Russian rape of Czecho-Slovakia well demonstrated, and as the Brezhnev Doctrine vividly formalizes, any hope for genuine independence on the part of the peripheral members of the Soviet Russian Empire, such as Poland, Czech-Slovakia, Rumania, and others is clearly negated by the psycho-political sanctuary that Moscow has been permitted to enjoy within the Soviet Union itself. As shown by specific examples and illustrations in this work, one of the chief reasons for this condition is our persistent misconceptions of the USSR and lack of understanding of the forces of nationalism operating within this basic imperial structure. . . .

The propelling dynamics of Soviet Russian imperio-colonialism, if thoroughly understood, simply disallows illusions of "detente," "spheres of influences," and genuine "peaceful coexistence." From this viewpoint it may be said that this volume, treating of only a few essential aspects of the Russian problem, will have greater pertinence for the unfolding future than for the immediate present, when Moscow's global Troika strategy still is scarcely understood and appreciated in the Free World. . . .

Each of these dimensions of the Russian global Troika strategy enters into the topics treated in this work. Despite arms development, further economic and technological development and other advances, the main Russian forte is in the field of psycho-political struggle, which encompasses these and all else in Moscow's pursuit of world dominion. If there was any merit at all to the empire's celebration in 1970 of the centenary of Vladimir Ilyich Lenin, a genocidist and prime advocate of conspiracy and terrorism, it was surely because of his superlative transmission and refinements of traditional Russian cold war techniques.

Clearly symbolizing our incapacity to understand this story, the spectacle of the U.S. astronaut, Frank Borman, placing a wreath on the tomb of Lenin, who caused the deaths of tens of millions, is indicative of our grave deficiencies in the ways and means of total psycho-political warfare or, in short, of all phases of the incessant Cold War. The thrust of this work is to contain the struggle in this essential area, with increasing concentration on the strategically-placed non-Russian nations in the USSR—peaceably, knowledgeably and adroitly—in order to secure global peace and maximize the opportunities for world freedom. A determined aggressor, with progressive insecurity within, will not be given to advanced aggressiveness.

LEV E. DOBRIANSKY.

GEORGETOWN UNIVERSITY, WASHINGTON, D.C., *January, 1971.*

STOCK OWNERSHIP IN COMSAT

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TIERNAN. Mr. Speaker, the legislation I am introducing today would amend the Communications Satellite Act of 1962 by forbidding ownership of Comsat's stock by communication common carriers, thus eliminating from the Comsat board directors elected by the carriers. It would also eliminate the directors now appointed by the President.

When Comsat was created in 1962, it was given a special charter, with Presidential appointed directors, in an effort to assure its success in establishing and operating a global communications system by satellites. Comsat has acknowledged in statements to its shareholders that it has now indeed succeeded in establishing this system. Therefore, it seems to me that the time for special aid to Comsat has passed, and such is no longer needed. Comsat should be reconstituted as a public corporation, without carrier ownership.

All but one of the major carrier shareholders have now divested themselves of Comsat stock. In one case, a very large carrier shareholder stated at the time of such divestment that it was so doing because of a basic policy difference with Comsat. It was referring, I believe, to Comsat's unceasing efforts to compete with its customers—the communications carriers. Such competition was never intended by the Congress when it enacted the 1962 law—review of the legislative history of this act will confirm this.

Thus, it now appears appropriate to terminate ownership of Comsat stock by the carriers and thus carrier elected directors of Comsat. With this, it would also now seem appropriate to terminate the Presidential appointees. Then Comsat can assume its proper role—that of a publicly held corporation, responsible to its shareholders and its customers. In order that existing and future shareholders of Comsat will not be adversely affected by the requirement that present carrier shareholders must divest their Comsat shares, the proposed bill would give the carriers until January 1, 1974, to sell their Comsat stock.

ALLAN NEVINS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RYAN. Mr. Speaker, America suffered the loss of one of her leading historians and biographers when Pulitzer Prize winner Allan Nevins died on March 5. During his long and distinguished career, Professor Nevins wrote more than 50 books, edited at least 75 more, and wrote hundreds of essays and reviews. Twice his works earned him Pulitzer Prizes: In 1933 for a biography of Grover Cleveland and in 1937 for a study of Hamilton Fish.

For 30 years Allan Nevins served as a professor of history at Columbia University. In 1931 he was appointed DeWitt Clinton professor of history. One of his most notable achievements at Columbia was the establishment of the oral histories program, which preserves on tape the observations and recollections of prominent public figures. This program makes it possible for the background of contemporary events to be recorded and preserved for historians to use at a future specified time.

In 1947 his work, "Ordeal of the Union," won the $10,000 Scribner's Centenary Prize and the prestigious Bancroft Prize for history.

In 1961 he was appointed as Chairman of the Civil War Centennial Commission. He also served as president of the American Academy of Arts.

The spirit and dedication which Allan Nevins brought to his work is best summed up in the opening paragraph of the New York Times obituary by Albin Krebs which was published on March 6:

> Allan Nevins was a prolific writer who brought to his work an engaging style, a profound sense of fairness, a deep humanism and a total respect for the truth.

At this point in the CONGRESSIONAL RECORD I would like to include the article by Albin Krebs which appeared in the March 6 issue of the New York Times, describing the life and accomplishments of Allan Nevins:

[From the New York Times, Mar. 6, 1971]

ALLAN NEVINS, HISTORIAN, DIES; WINNER OF TWO PULITZER PRIZES

(By Albin Krebs)

MENLO PARK, CALIF., March 5.—Allan Nevins, the historian and biographer who won two Pulitzer Prizes and pioneered in the establishment of the oral history movement, died today in a nursing home after a long illness. He was 80 years old.

One of the most distinguished historians of his line, Allan Nevins was a prolific writer who brought to his work an engaging style, a profound sense of fairness, a deep humanism and a total respect for the truth.

For 30 years a history professor at Columbia University, Mr. Nevins was an indefatigable researcher who could deal with ease with all aspects of American history, from colonial times to the present.

His career was studded with honors, including a Pulitzer Prize in 1933 for a biography of Grover Cleveland and another in 1937 for a study of Hamilton Fish.

One of his major achievements was the establishment, at Columbia in 1948, of the oral history program, designed to aid future historians by preserving on tape and in typescript the opinions and recollections of hundreds of major contemporary figures.

Mr. Nevins's devotion to the interests of American historiography led to his appointment, in 1961, as chairman of the Civil War Centennial Commission.

Mr. Nevins, known as a phenomenally tireless worker, was fond of saying that he didn't really think he had worked hard since he left his father's stock and grain farm to go to college.

He was born on the farm near Camp Point, Ill., on May 20, 1890, the son of Joseph Allan and Emma Stahl Nevins. His father, who was of Scottish descent, sold insurance, but also worked on the farm and saw to it that his five children worked there 12 to 14 hours a day.

The elder Mr. Nevins did not approve of "frivolous" reading, and his 500-book library was devoted to economics, science and history. It was by reading voraciously at home that young Allan acquired an early interest in history.

At 18, the youth entered the University of Illinois, where he edited the campus daily newspaper and graduated Phi Beta Kappa in 1912. He remained in Urbana for another year, teaching English while working for his master's degree in history. His first book, "The Life of Robert Rogers," a biography of the colonial frontiersman, was written shortly before he completed his studies at Illinois and was published in 1914.

BECAME EDITORIAL WRITER

Since he regarded journalism as living history, Mr. Nevins in 1913 joined The New York Evening Post as an editorial writer. Ten years later he moved to The Sun as literary editor, and from 1925 to 1931 he wrote editorials for The World.

Meanwhile, he continued to build a reputation as a historian. He published "The American States During and After the Revolution" in 1924, and "The Emergence of Modern America" in 1927. His 1928 biography, "Frémont, the West's Greatest Adventurer," served as the basis of the definitive "Frémont: Pathmarker of the West," which appeared 11 years later.

The Frémont work was highly praised by historians and reviewers. "It raises biography to the level of literature," a New York Times reviewer wrote. "Mr. Nevins possesses a valuable combination of gifts. He is careful, accurate, a tireless researcher. He has a style for which his years of newspaper work must be given some of the credit. He has in this book a warmth and at times, a poetic quality which were missing in some of his more formal writing."

In 1928 Mr. Nevins became an assistant professor of history at Columbia. His career in journalism ended in 1931, when he was appointed DeWitt Clinton Professor of History at the university, where he remained until his retirement in 1958.

"Grover Cleveland: A Study in Courage," won Mr. Nevins a Pulitzer Prize in 1933, and his biography "Hamilton Fish: The Inner Story of the Grant Administration," won his second Pulitzer in 1937.

STUDY OF ROCKEFELLER

In 1940, he set out on two projects that were to reflect the central themes of his historical approach. The first was the publication of "John D. Rockefeller: The Heroic Age of American Enterprise" (later revised and published in 1953 as "A Study of John D. Rockefeller, Industrialist and Philanthropist"). The second was his announcement that he would undertake the writing of a history of the United States from 1850 through the Civil War, a project he expected to occupy him the rest of his life.

The history, with the overall title "Ordeal of the Union," was to consist of eight volumes. The first two, published in 1947, won for Mr. Nevins the $10,000 Scribner's Centenary Prize and the prestigious Bancroft Prize for history.

Other volumes appeared over the years, and the last two in the series are scheduled by Scribner's for publication this year.

The first two volumes, supplemented by two subtitled "The Emergence of Lincoln" in 1950, constituted a sweeping chronicle of the lean years in American history after the Mexican War, when, as Mr. Nevins noted, mediocre men in the White House allowed unbridled sectionalism to carry the country to that point in 1861 when "for Americans, as for many others throughout history, war was easier than wisdom and courage."

NEW APPROACH URGED

In his other books, Mr. Nevins turned squarely to a historical theory to which he had only alluded in his study of John D. Rockefeller. The theory was that it was now time for American historians to re-examine the precepts of history advanced by Prof. Charles A. Beard in his influential "Economic Interpretation of the Constitution," published in 1913. Professor Beard had said that political thought in America had been dictated by the economic self-interest of the Founding Fathers, rather than by reference to abstract political considerations.

Professor Nevins said that American historians should stop apologizing for America's devotion to economic self-interest and start giving due credit and even tribute to industrial giants such as Rockefeller, McCormick, Carnegie and Ford—men who had prepared the country "none too soon and none too fast" for the trials America faced in World Wars I and II.

The Nevins thesis was calmly accepted, except by some of the younger, muckraking historians of the period. There was little of the sort of bitter name-calling that had marked publication of the Beard book. Not unexpectedly, the most violent attack on Mr. Nevins came from the Soviet newspaper Izvestia, which accused him of "groveling before Wall Street magnates."

It was an accusation silly on its face. Mr. Nevins, a liberally-oriented historian, was anything but a servant of financial interests. He possessed, however, an integrity respected by corporation executives as well as his fellow historians. Thus he was able to gain unprecedented access to the records of the Ford Motor Company for a three-volume history, "Ford," written in collaboration with Frank E. Hill and published between 1954 and 1963. The work rose sharply above the realm of corporate puffery, and showed Ford warts and all.

INDEPENDENCE STRESSED

A friend recalled in 1970 that while Mr. Nevins was working on the Ford trilogy, which the company had commissioned from Columbia, "Allan was so intent on demonstrating that he couldn't be 'bought' by Ford that year after year, when it came time to get a new car, he'd purchase a Chevrolet."

Mr. Nevins, called by Alfred A. Knopf, the publisher, "the most industrious and hard-working man of my acquaintance," wrote more than 50 books, only a few of them in collaboration, and hundreds of articles. He also edited at least 75 books and wrote hundreds of essays and book reviews, notably for the Saturday Review.

In 1965, Mr. Nevins's friends were astounded to learn that he had donated $500,000 to Columbia for a chair in economic history. During all his years there, he had never earned more than $11,500 annually. He was able to make the gift because he lived frugally, and put away in investments the income from his books and articles. The gift was anonymous, but Mr. Nevins later reluctantly agreed to Columbia's wishes that the chair be named for him, and the secret was out.

Mr. Nevins's singular devotion to Columbia, which an old friend recently characterized as "a love affair, the grand passion of his professional life," prompted him to arrange, with the aid of his fellow historian Henry Steele Commager, a $2-million bequest to the university.

The money, left by Frederic Bancroft, a historian and former librarian of the Department of State, went to Columbia instead of any one of several other universities Mr. Bancroft had considered because Professors Nevins and Commager "worked on the old man," as Mr. Nevins said, over a period of years.

"He finally did die, and we found that the two millions had been left to Columbia for the advancement of historical studies," Mr. Nevins said. "I had some ideas about how to use two millions, and one was in instituting our oral history office there."

YEARS IN THE SHAPING

The idea for what is now known as the Oral History Research Office spent many years brewing in Mr. Nevins's mind. In his newspaper days he had met many prominent people whose stories he knew would die with them unless they were recorded. He also knew that such important historical research tools as letters and confidential memos, readily available to the historian in the past, were being replaced in the modern world by telephone conversations "as ephemeral and irrevocable as breath itself."

The oral history collection, considered one of the most widely emulated of Columbia's innovations, was begun in 1948 with Mr. Nevins as the interviewer of important persons, and his graduate students taking notes. Later the project was expanded with the use of tape recorders, from which direct recorders, from which direct transcripts could be made. As of Jan. 1, 1971, the collection consisted of more than 326,000 pages of transcript of conversations with more than 2,500 witnesses to history.

Louis M. Starr, who is now director of the Oral History Research Office, and who studied under Mr. Nevins, recalled recently that "in the classroom, Allan, though obviously the most knowledgeable of men, was not a fiery, spellbinding lecturer." But, said Dr. Starr:

"When the dread day came for one's 'orals,' or again for defending one's dissertation, Allan Nevins became a lion at the side of the defendant. Colleagues grumbled that he defended his students' work as if he had written it himself—which, I fancy, was sometimes not far from the case. He had never bothered to acquire a Ph.D. himself, but if you were one of his Ph.D. candidates, you were a friend for life, and anyone against you was a pedant who deserved to be put down."

Bruce Catton, senior editor American Heritage magazine, yesterday called Mr. Nevins "one of the very greatest historians we have ever had."

"Allan had the idea that history should be interesting as well as solidly researched," Mr. Catton said. "He wanted to make history a living, breathing record, and he succeeded in bringing history alive in this country, presenting it to readers as an intriguing story and not just something to improve their minds. He was one of the guiding forces behind founding of American Heritage." (At his death, Mr. Nevins was chairman of the magazine's advisory board.)

"His contribution to historiography was immense," Dr. Commager said. "Allan was the most productive, and in many ways the most creative, of modern historians, and he was an inspiration to other historians, especially the younger ones. He probably turned out more qualified doctoral candidates than anyone else, and his work will live on in his former students in every state."

VIGOR AND HUMOR

Mr. Nevins was a slight man 5 feet 8 inches tall, but he was vigorous well into his 70's, and he liked to take his colleagues on brisk walks that left them panting and him brimming with energy. His nose was prominent, a fact that led him to quip, after a toast had been proposed to him as "our own profile in courage," that he had "more profile than courage." His sense of humor also prompted him to suggest that his series "Ordeal of the Union" would be the perfect wedding gift.

Although he had to retire from Columbia in 1958, when he reached the mandatory retirement age of 68, Mr. Nevins did not slacken his writing and teaching pace. He became senior research associate of the Huntington Library in San Marino, Calif., from which he retired 18 months ago. In 1964, for an unprecedented second time, he left the chair of Harmsworth Professor of American History at Oxford University.

While serving as chairman of the Civil War Centennial Commission from 1961 to 1966, Mr. Nevins edited the 16-volume "Civil War Impact" series. He was president of the American Academy of Arts and Letters from 1966 to 1968.

Mr. Nevins had been married since 1916 to the former Mary Fleming Richardson, who survives. He is also survived by two daughters, Mrs. John Loftis of Portola Valley, Calif., and Mrs. William Mayer of New York; two sisters, Mrs. Lewis Omer of Carthage, Ill., and Mrs. Edgar Wentworth of Asheville, N.C.; a brother, Gen. Arthur S. Nevins, U.S.A., retired, of Gettysburg, Pa.; and six grandchildren.

A memorial service will be held next Friday in Pasadena, Calif., at the Throop Memorial Church.

HSMHA PHARMACISTS, HAMS, SAVE COLOMBIAN BOY'S LIFE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I commend to the attention of my colleagues the story of a remarkable response to an emergency on the part of personnel serving in the U.S. Public Health Service Clinic in Miami, entitled "HSMHA Pharmacists, Hams, Save Colombian Boy's Life."

I insert the article in the Record which first appeared in the January-February 1971 issue of USMHA World, published by the U.S. Department of Health, Education, and Welfare. It was called to my attention by my constituent, Maj. Duncan T. P. Troutman, U.S. Air Force Reserve, retired, with whom I join in commending these dedicated members of the U.S. Public Health Service for their efforts which saved the life of the Colombian youth:

HSMHA Pharmacists, Hams, Save Columbian Boy's Life

Quick action triggered by ham radio operators and alert HSMHA pharmacists, and the cooperation of commercial airlines, saved the life of an eight-year old, Colombian boy who had been bitten by a fer-de-lance, a deadly poisonous South American pit viper.

The Colombian youth, Saul Cuberos, was treated for the snake bite by physicians at San Juan de Dios Hospital in Cucuta, a city of 175,000 in the mountains of northeastern Colombia near the Venezuelan border. But gas gangrene, a frequent complication of snake bite, set in and doctors at San Juan de Dios Hospital had nothing with which to treat it.

A member of a service organization who knew of an emergency network of amateur radio operators asked a ham operator, Dr. Carlos Bustamante Alvarez, for assistance. He in turn contacted another ham operator, James H. Stiles, a U.S. citizen, in Cucuta. Stiles, using borrowed equipment, intiated a series of contacts, calling for desperately needed polyvalent gas gangrene antitoxin. His plea bounced across Colombia to New Orleans, was relayed to the PHS hospital there, then to the Miami PHS Outpatient Clinic and Braniff International and Avianca Airlines, and the needed antitoxin was rushed to Cucuta less than 16 hours after the first emergency call went out.

The action took place between 11:00 a.m. September 22, and 2:15 a.m., September 23.

"It was merely a case of being in the right place at the right time," HSMHA pharmacist Francis X. O'Sullivan says of the incident. "Eugene H. Treadaway, a local ham operator, received the distress call from a ham operator in Colombia and he called the New Orleans police. The police then referred Mr. Treadaway to the Poison Control Center here in the hospital," he explains.

The adventure was far from ended at that point, however. Mr. Treadway's request for snake serum raised some questions in the pharmacist's mind. The fer-de-lance is a South American snake and appropriate antivenom would be more likely found there—

not in the United States. Mr. O'Sullivan asked Mr. Treadaway to hold the phone to the sending and receiving units of his radio and—using his high school Spanish—he was able to determine that it was gas gangrene antitoxin, not anti-venom, that was needed.

Mr. O'Sullivan immediately called the airlines to determine where the next flight for Colombia originated. Learning that Miami was the place, he called John Harlowe, chief pharmacist at the Miami PHS Outpatient Clinic, asking him to obtain the antitoxin in Miami.

While Harlow was calling Miami hospitals to locate the antitoxin, another pharmacist at the Miami clinic, Paul Wilkinson, made arrangements to fly the antitoxin to Bogotá on Braniff International Flight #977. He relayed the information to O'Sullivan, whc notified Treadaway, and the word went back via ham radio, to Colombia.

Meanwhile Mr. Harlowe had located two ampuls of antitoxin at the Cedars of Lebanon Hospital. The antitoxin was packaged at the clinic and delivered to Braniff Captain R. B. Regis who was on Flight #977. Captain Regis was met in Bogotá by Captain Pedro Muriell who flew the drug aboard his Avianca Airline for the final leg to Cucuta. There, ham operator Stiles met the flight and raced the antitoxin to the hospital where it was administered to the patient, then near death.

The treatment was successful and the Cucuta newspaper *La Opinion* noted the series of quick actions and responses which made it possible:

"Within 24 hours it (the drug) was solicited, sent, and applied—thanks to the remarkable efforts of the colleagues and friends of Mr. James Stiles," the paper reported.

BIG POWER FORMULA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have been very concerned, as I know many of my colleagues have, with the press reports that have indicated that our Government has been pressuring the Government of Israel to accept a big power formula for the settlement of the critical situation in the Middle East. I have been especially concerned that we seemed to be demanding on behalf of Egypt that the Israel Government renounce, prior to negotiations, all territory acquired as a result of the 1967 conflict.

More recently the reports have indicated that this is not the intention of our Government, and I am very pleased by these reports. It seems to me that insisting on territorial declarations prior to negotiations is putting the cart before the horse. The boundaries which would guarantee the security of the State of Israel cannot be determined until face-to-face negotiations make clear the intentions of the Arab governments with respect to a genuine peace in the Middle East.

I feel this is a majority view in the Congress and in the country, and I, therefore, am inviting my colleagues to join me in reintroducing my resolution of the last Congress which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

The State of Israel has experienced bitterly the failure of past international guarantees of its security. The territory in dispute was acquired following the sudden withdrawal of a United Nations peacekeeping at the request of the United Arab Republic. It is not surprising that the Government of Israel is not willing to agree to give up strategic boundary points in exchange for international assurances. Under similar circumstances I certainly would not want my Government to agree to surrender strategic territory on the promise that other countries would honor fully in the future promises which they have been reluctant to honor in the past.

RESTORATION OF CITIZENSHIP TO GEN. ROBERT E. LEE

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, if Gen. Robert E. Lee were alive today, he would be my constituent. As a constituent he might well petition me to assist him in his natural desire to have his citizenship restored to him.

One of the more puzzling aspects of General Lee's later life, when he served as president of one of Virginia's finest colleges, is the question of why his citizenship was never restored. I believe it has been generally assumed that General Lee did not take the amnesty oath required by President Johnson's amnesty proclamation, yet those who have studied the life of General Lee have always felt it would have been completely out of character for him to have refused or failed to take the oath.

Mr. Elmer O. Parker, one of the Old Military Records Division of the National Archives, has now resolved a part of that puzzle. He has discovered that General Lee did, indeed, take the amnesty oath, as it has been found among State Department records in the National Archives. Although attempts in Congress to restore General Lee's citizenship have failed in the past because of the assumption that he never swore "to support, protect, and defend the Constitution of the United States," I believe Mr. Parker's discovery reveals how severely wronged this great American has been.

Mr. Speaker, armed with this conclusive evidence, and with the conviction that a loyal American is entitled to fair treatment by his Government, I am today asking my Virginia colleagues to join me in petitioning the President of the United States to right this wrong.

Next January 19, the 165th anniversary of General Lee's birth, would seem a most appropriate time for the President to act.

So that all our colleagues may know of Mr. Parker's discovery, I insert his article, "Why Was Lee Not Pardoned?" at this point in the Record.

I also include proclamation No. 37, dated May 29, 1865, which provided "that special application may be made to the President for pardon by any person belonging to the excepted classes—to which General Lee as a West Point graduate, a former officer of the U.S. Army, and the highest ranking officer in the Confederate Army belonged—and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States":

PROCLAMATION NO. 37

Whereas the President of the United States, on the 8th day of December, A. D. eighteen hundred and sixty-three, and on the 26th day of March, A. D. eighteen hundred and sixty-four, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly or by implication participated in the said rebellion; and whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder, by reason of their participation, directly or by implication, in said rebellion, and continued hostility to the government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon:

To the end, therefore, that the authority of the government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oaths, (or affirmation,) and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, ———, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by, and faithfully support all laws, and proclamation's which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God."

The following classes of persons are excepted from the benefits of this Proclamation:

1st. All who are or shall have been pretended civil or diplomatic officers, or otherwise domestic or foreign agents, of the pretended confederate government;

2d. All who left judicial stations under the United States to aid the rebellion;

3d. All who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army or lieutenant in the navy;

4th. All who left seats in the Congress of the United States to aid the rebellion;

5th. All who resigned or tendered resignations of their commissions in the army or navy of the United States to evade duty in resisting the rebellion;

6th. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service, as officers, soldiers, seamen, or in other capacities;

7th. All persons who have been, or are, absentees from the United States for the purpose of aiding the rebellion;

8th. All military and naval officers in the rebel service, who were educated by the government in the Military Academy at West Point or the United States Naval Academy;

9th. All persons who held the pretended offices of governors of states in insurrection against the United States;

10th. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military lines into the pretended confederate states for the purpose of aiding the rebellion;

11th. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States;

12th. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement, or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States as prisoners of war, or persons detained for offences of any kind, either before or after conviction;

13th. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars;

14th. All persons who have taken the oath of amnesty as prescribed in the President's Proclamation of December 8th, A.D. 1863, or an oath of allegiance to the government of the United States since the date of said Proclamation, and who have not thenceforward kept and maintained the same inviolate.

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

The Secretary of State will establish rules and regulations[1] for administering and recording the said amnesty oath, so as to insure its benefit to the people, and guard the government against fraud.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: A copy of the President's Amnesty Proclamation of this date is herewith appended. By a clause in the instrument, the Secretary of State is directed to establish rules and regulations for administering and recording the amnesty oath, so as to insure its benefits to the people and guard the government against fraud. Pursuant to this injunction, you are informed that the oath prescribed in the proclamation may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a loyal state or territory, who, by the laws thereof, may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certified copies thereof to the persons respectively by whom they were made. And such officers are hereby required to transmit the originals of such oaths, at as early a day as may be convenient, to this department, where they will be deposited, and remain in the archives of the government. A register thereof will be kept in the department, and on application, in proper cases, certificates will be issued of such records in the customary form of official certificates.

I am sir,
Your obedient servant,
WILLIAM H. SEWARD.

Done at the city of Washington, the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON,
By the President:
WILLIAM H. SEWARD,
Secretary of State.

WHY WAS LEE NOT PARDONED?

(By Elmer Oris Parker)

Archivists have recently discovered Robert E. Lee's oath of amnesty among State Department records in the National Archives. To those historians of the Civil War and Reconstruction who believe that Lee did not satisfy the requirements for amnesty this may come as a surprise.

Facing an indictment for treason, Lee read in Richmond newspapers President Andrew Johnson's proclamation of May 29, 1865, "to induce all persons to return to their loyalty." Lee immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application." It was not in order for it was not accompanied by an oath of allegiance to the United States. Such an oath was required by an order of the President. Lee's action was premature.

General Grant attempted to justify the absence of the oath. He explained to the President that Gen. E. O. C. Ord, commanding the Department of Virginia at Richmond, informed him that the order requiring it had not reached the city when Lee's application was forwarded. Grant, therefore, earnestly recommended that amnesty and pardon be granted the old warrior.

Meanwhile, Lee had been elected president of Washington College and had proceeded on "Traveller" by easy paces to Lexington where he was inaugurated on October 2. This was an important day in his life. Not only did he take up the life of a useful citizen, he also subscribed to the amnesty oath, thereby complying fully with the provisions of Johnson's proclamation. Thus, Lee had every reason to expect he would be pardoned and restored to full citizenship.

But this never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed. Although attempts have been made in recent years to have Congress restore Lee's citizenship posthumously, all have come to naught. As far as was known Lee, after laying down his arms at Appomattox, had not sworn "to support, protect and defend the Constitution of the United States." But the discovery of his oath of amnesty proves that he had indeed done so. Furthermore, he had also sworn to "faithfully support all laws and proclamations made during the rebellion with reference to the emancipation of slaves." Lee's oath was duly executed, signed, and notarized, and for a century it has remained buried in a file in the nation's archives.

Some historians feel that full citizenship was barred to General Lee by section 3 of the 14th amendment to the Constitution which states that:

> No person shall be a Senator, or Representative in Congress or elector of President or of Vice President, or hold any office, civil or military under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

While this section might have effectively barred General Lee from full citizenship during his lifetime, I believe that a simple Presidential pardon would be all that is necessary today, inasmuch as a posthumous pardon would make the question of whether or not he should have been entitled to hold office a moot one. Nevertheless, I am today offering a joint resolution, introduced earlier in the other body by my distinguished colleague, the Honorable HARRY F. BYRD, JR., which would, if enacted posthmously, restore this right to him as well.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL, for 1 hour, on Thursday, May 20.

Mrs. ABZUG, for 60 minutes, tomorrow, and to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. HILLIS), to revise and extend their remarks, and to include extraneous matter:)

Mr. PRICE of Texas, today, for 15 minutes.

Mr. HOGAN, today, for 5 minutes.

Mr. SAYLOR, today, for 30 minutes.

Mr. BLACKBURN, today, for 5 minutes.

Mr. WHALLEY, today, for 15 minutes.

Mr. McDONALD of Michigan, today, for 15 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. CHAMBERLAIN, today, for 5 minutes.

(The following Members (at the request of Mr. MURPHY of Illinois) and to revise and extend their remarks and include extraneous matter:)

Mr. BOGGS, for 10 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. RANGEL, for 15 minutes, today.

Mr. JAMES V. STANTON, for 10 minutes, today.

Mr. CULVER, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WIGGINS, and to include extraneous matter with his remarks during the debate today on House Joint Resolution 223.

Mr. DENNIS, to extend his remarks in the debate today on House Joint Resolution 223, and to include his individual views in the committee report.

Mr. MILLER of Californnia, in five instances.

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[1] Rules and Regulations established by the Secretary of State.

(The following Members (at the request of Mr. HILLIS) and to include extraneous matter:)

Mr. MCCLORY.
Mr. BROOMFIELD in three instances.
Mr. PRICE of Texas in two instances.
Mr. CARTER.
Mr. HORTON.
Mr. LENT.
Mr. SCOTT.
Mr. RAILSBACK in two instances.
Mr. SHOUP.
Mr. ROUSSELOT.
Mr. PELLY in two instances.
Mr. NELSEN.
Mr. MORSE.
Mr. MCCULLOCH in two instances.
Mr. BELL.
Mr. GROVER.
Mr. FREY.
Mr. VEYSEY.
Mr. GUDE.
Mr. BRAY in two instances.
Mr. DEVINE.
Mr. CONTE.
Mr. MYERS.
Mr. FORSYTHE.
Mr. CONABLE in two instances.
Mr. BROYHILL of Virginia in three instances.
Mr. KEMP in two instances.
Mr. STEIGER of Wisconsin.
Mr. SKUBITZ in four instances.
Mr. DUNCAN in two instances.
Mr. HILLIS in two instances.
Mr. STEIGER of Arizona.
Mr. MCCOLLISTER.
Mr. DERWINSKI in two instances.
Mr. THOMSON of Wisconsin.
Mr. ZWACH.
Mr. MATHIAS of California.
Mr. REID of New York.
Mr. WYMAN in two instances.
Mr. RIEGLE in two instances.
Mr. TEAGUE of California.
Mr. VANDER JAGT.
Mr. ASHBROOK in two instances.
Mr. HALL.
Mr. KEATING in two instances.
Mr. MILLER of Ohio in six instances.
Mr. ESHLEMAN.
Mr. BOB WILSON.
Mr. SCHMITZ.
Mr. HASTINGS.
Mr. MCKEVITT in three instances.
Mr. WHALEN.

(The following Members (at the request of Mr. MURPHY of Illinois) and to include extraneous matter:)

Mr. DINGELL.
Mr. GAYDOS in five instances.
Mr. BEGICH in two instances.
Mr. MURPHY of New York in two instances.
Mr. JAMES V. STANTON.
Mr. FOLEY.
Mr. EILBERG.
Mr. RANGEL.
Mr. REES.
Mr. DRINAN.
Mr. BADILLO in two instances.
Mr. CLARK in two instances.
Mr. TEAGUE of Texas in eight instances.
Mr. HATHAWAY in two instances.
Mr. JACOBS in two instances.
Mr. SCHEUER.
Mr. ANDREWS of Alabama in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. ADDABBO in two instances.
Mr. NATCHER in two instances.
Mr. MOLLOHAN in five instances.
Mr. ASPIN.
Mr. ANDERSON of California in two instances.
Mr. GETTYS in two instances.
Mr. GIBBONS in two instances.
Mr. HÉBERT in three instances.
Mr. CULVER.
Mr. CARNEY.
Mr. GONZALEZ in two instances.
Mr. RODINO in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. HAMILTON.
Mr. FRASER in three instances.
Mr. O'NEILL in two instances.
Mr. RARICK in two instances.
Mr. EDWARDS of California.
Mr. MINISH.
Mr. PEPPER.
Mr. O'HARA in two instances.
Mr. BENNETT in three instances.
Mr. FUQUA.
Mr. HAGAN in two instances.
Mr. SEIBERLING.
Mr. ROGERS in five instances.
Mr. HUNGATE.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

ADJOURNMENT

Mr. MURPHY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 24, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

460. A communication from the President of the United States, proposing supplemental appropriations for fiscal years 1970 and 1971 for all three branches of the Federal Government, together with a letter from the Director of the Office of Management and Budget (H. Doc. No. 92–73); to the Committee on Appropriations and ordered to be printed.

461. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 156, *The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana , Plaintiff,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules, House Resolution 304. Resolution to authorize the Committee on Government Operations to conduct studies and investigations with respect to matters within its jurisdiction, and for other purposes; with an amendment (Rept. No. 92–59). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 317. Resolution creating a select committee to be known as the Select Committee on the House Restaurant, and for other purposes (Rept. No. 92–60). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 339. A resolution providing for the consideration of H.R. 7. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes (Rept. No. 92–61). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 6509. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. BELL (for himself, Mr. GOLDWATER, and Mr. TEAGUE of California):

H.R. 6510. A bill to establish in the State of California the Toyon National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. CARNEY:

H.R. 6511. A bill to amend the Fair Labor Standards Act of 1938 to increase the hourly minimum wage rate to $2.25 and to extend the coverage of such act; to the Committee on Education and Labor.

H.R. 6512. A bill to amend title II of the Social Security Act to provide a 5-percent increase in benefits thereunder with a $100 minimum primary benefit and subsequent cost-of-living increases, and to liberalize the earnings test; and to amend title XVIII of such act to provide medicare coverage for prescription drugs and chiropractic services and to extend medicare benefits to disability beneficiaries without regard to age; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 6513. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 6514. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 6515. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 6516. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 6517. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 6518. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

H.R. 6519. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 6520. A bill to amend title XVIII of the Social Security Act to include payment under part A thereof for the costs of services needed for the treatment of any dental condition or affliction; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 6521. A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

By Mr. ERLENBORN:

H.R. 6522. A bill to extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government; to the Committee on Government Operations.

By Mr. EVANS of Colorado:

H.R. 6523. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY:

H.R. 6524. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 6525. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself and Mr. REUSS):

H.R. 6526. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 6527. A bill to authorize the Secretary of the Interior to establish and operate a National Museum and Repository of Negro History and Culture at or near Wilberforce, Ohio; to the Committee on Education and Labor.

H.R. 6528. A bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 6529. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

H.R. 6530. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 6531. A bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; to the Committee on Armed Services.

By Mr. HOLIFIELD (for himself and Mrs. DWYER):

H.R. 6532. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. HULL:

H.R. 6533. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture.

H.R. 6534. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–1972; to the Committee on Agriculture.

H.R. 6535. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 6536. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war, national disaster, emergency, or economic depression, and to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. KING:

H.R. 6537. A bill to prohibit the use of inerstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 6538. A bill to prohibit the use of channels of interstate or foreign commerce, including the mails, for the distribution of certain material which is harmful to minors; to the Committee on the Judiciary.

H.R. 6539. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 6540. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 6541. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 6542. A bill to provide for the withdrawal of second-class and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, to prescribe criminal penalties for such systematic use, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6543. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KLUCZYNSKI:

H.R. 6544. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 6545. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat; to the Committee on Agriculture.

H.R. 6546. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS:

H.R. 6547. A bill to amend section 582(c) (3) of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

H.R. 6548. A bill to amend the Internal Revenue Code of 1954 relating to transfers taking effect at death; to the Committee on Ways and Means.

H.R. 6549. A bill to amend the Renegotiation Act of 1951 to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; to the Committee on Ways and Means.

H.R. 6550. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 6551. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD:

H.R. 6552. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. NATCHER:

H.R. 6553. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. O'HARA:

H.R. 6554. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL:

H.R. 6555. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 6556. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

H.R. 6557. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas (for himself, Mr. Fraser, and Mr. Koch):

H.R. 6558. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 6559. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. SAYLOR (for himself, Mr. Ashley, Mr. Aspin, Mr. Burke of Massachusetts, Mr. Clark, Mr. Corman, Mr. Dellums, Mr. Esch, Mr. Fish, Mr. Forsythe, Mr. Giaimo, Mr. Grasso, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Hunt, and Mr. Kyros):

H.R. 6560. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Leggett, Mr. Mitchell, Mr. Morse, Mrs. Mink, Mr. Obey, Mr. Rees, Mr. Ryan, Mr. Scheuer, Mr. Seiberling, Mr. Vigorito, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 6561. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Camp, Mr. Conyers, and Mr. Roe):

H.R. 6562. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself and Mr. Terry):

H.R. 6563. A bill to make Flag Day a legal holiday; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 6564. A bill to amend the Immigration and Nationality Act to provide for the deportation of aliens who publicly advocate the commission of acts of violence against persons, property, or any public authority in the United States; to the Committee on the Judiciary.

H.R. 6565. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. SPENCE:

H.R. 6566. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 6567. A bill to amend the Telecasting of Sports Contests Act of September 30, 1961 (75 Stat. 732), as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself, Mr. Baring, Mr. Carney, Mrs. Chisholm, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Satterfield, Mr. Saylor, Mr. Scott, Mr. Teague of California, Mr. Winn, and Mr. Zwach):

H.R. 6568. A bill to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 6569. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 6570. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 6571. A bill to amend the act of June 4, 1920, to exempt certain students from payment of passport fees; to the Committee on Foreign Affairs.

By Mr. BLACKBURN:

H.R. 6572. A bill to amend the Food Stamp Act of 1964 to prohibit distribution of food stamps to a person engaged in a labor dispute, strike, voluntary work stoppage or because of enrollment as a student at an institution of higher education; to the Committee on Agriculture.

By Mr. BROYHILL of North Carolina:

H.R. 6573. A bill to amend title II of the Social Security Act to remove the present $255 limitation on the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 6574. A bill to amend title II of the Social Security Act to reduce the waiting period for disability insurance benefits from 6 to 3 months, and to eliminate the special definition of the term "disability" which is presently applicable to widows and widowers so that such term will have the same meaning in their case as it has in the case of disabled workers; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Edmondson, and Mr. Steed):

H.R. 6575. A bill to amend the act entitled "an act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337); to the Committee on Interior and Insular Affairs.

By Mr. CHAMBERLAIN:

H.R. 6576. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

H.R. 6577. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6578. A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6579. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6580. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6581. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

H.R. 6582. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6583. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 6584. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 6585. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 6586. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. CLARK:

H.R. 6587. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 6588. A bill to extend the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965, and for other purposes; to the Committee on Public Works.

By Mr. COLLINS of Texas (for himself, Mr. Abbitt, Mr. Blackburn, Mr. Fulton of Tennessee, Mr. Gross, Mr. Horton, Mr. McClure, Mr. McDonald of Michigan, Mr. Michel, Mr. Pelly, Mr. Price of Texas, Mr. Schmitz, Mr. Steiger of Arizona, Mr. Ware, and Mr. Williams):

H.R. 6589. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. DELLUMS:

H.R. 6590. A bill to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of pesticides, and for other purposes; to the Committee on Agriculture.

H.R. 6591. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 6592. A bill to extend to every person classified or processed under the Selective Service Act the right to legal counsel to the end that the rights and privileges afforded under law may be known and secured; to the Committee on Armed Services.

H.R. 6593. A bill to provide that certain expenses incurred in the construction of a rapid transit station in Oakland, Calif., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

H.R. 6594. A bill to establish an urban mass transit trust fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 6595. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

H.R. 6596. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 6597. A bill to provide for the creation of an authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902 to the Committee on Interior and Insular Affairs.

H.R. 6598. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

H.R. 6599. A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1975; to the Committee on Interstate and Foreign Commerce.

H.R. 6600. A bill to amend the National Emission Standards Act to require standards be set at the most stringent possible levels, and to require the use of a National Bureau of Standards for certain technical service in connection with establishing such standards; to the Committee on Interstate and Foreign Commerce.

H.R. 6601. A bill to authorize a program of research, development, and demonstration projects for non-air-polluting motor vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 6602. A bill to prohibit commercial flights by supersonic aircraft within the United States until the Secretary of Health, Education, and Welfare finds and reports that such flights will not have detrimental physiological or psychological effects on persons on the ground; to the Committee on Interstate and Foreign Commerce.

H.R. 6603. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production of oil, coal, and uranium; to the Committee on the Judiciary.

H.R. 6604. A bill to amend the Clayton Antitrust Act to provide accessibility to documentary evidence gathered in connection with certain antitrust actions brought on the behalf of the United States; to the Committee on the Judiciary.

H.R. 6605. A bill to create a National Coastline Conservation Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6606. A bill to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures; to the Committee on Public Works.

H.R. 6607. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6608. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. COLLIER):

H.R. 6609. A bill to require the Department of Defense to determine disposal dates and methods of disposing of certain military material; to the Committee on Armed Services.

H.R. 6610. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. GAYDOS:

H.R. 6611. A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 6612. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra-high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. GONZALEZ:

H.R. 6613. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 6614. A bill to amend title 5, United States Code, to improve the basic workweeks of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6615. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 6616. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

By Mr. GREEN of Pennsylvania:

H.R. 6617. A bill to amend title 5, United States Code, to facilitate the collection of statistics with respect to the incidence of crime and to provide for the establishment of a National Crime Statistics Center, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIFFIN (for himself, Mr. COLMER, Mr. WHITTEN, Mr. ABERNETHY, and Mr. MONTGOMERY):

H.R. 6618. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GROSS (for himself, Mr. SCHERLE, Mr. KING, and Mr. HALL):

H.R. 6619. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. ICHORD:

H.R. 6620. A bill to provide that expenses incurred in certain construction in the city of Richland, Mo., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. JONES of North Carolina (for himself, Mr. PREYER of North Carolina, Mr. HENDERSON, Mr. TAYLOR and Mr. LENNON):

H.R. 6621. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. LEGGETT:

H.R. 6622. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6623. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hardcore unemployed; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 6624. A bill to appropriate funds for the continued preconstruction planning and survey of the Howards Mill Lake, N.C.; to the Committee on Appropriations.

H.R. 6625. A bill to appropriate funds to initiate a flood control study of the Waccamaw River Basin, N.C.; to the Committee on Appropriations.

H.R. 6626. A bill to appropriate funds for a flood control study of the Lumber River, N.C.; to the Committee on Appropriations.

H.R. 6627. A bill to appropriate funds for the beach-erosion protection at Carolina Beach Inlet, N.C.; to the Committee on Appropriations.

H.R. 6628. A bill to appropriate funds for a model study and preconstruction planning of a jetty at Masonboro Inlet, N.C.; to the Committee on Appropriations.

H.R. 6629. A bill to appropriate funds for a feasibility study of deepening the channel from 8 to 12 feet from Acme to Fayetteville, N.C.; to the Committee on Appropriations.

H.R. 6630. A bill to appropriate funds for continuing construction of the New Hope dam and reservoir project, North Carolina; to the Committee on Appropriations.

By Mr. LENNON (for himself and Mr. PREYER of North Carolina):

H.R. 6631. A bill to appropriate funds for continued preconstruction planning and survey of Randleman Lake, N.C.; to the Committee on Appropriations.

By Mr. LONG of Louisiana:

H.R. 6632. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. McCORMACK:

H.R. 6633. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat; to the Committee on Agriculture.

By Mr. McDONALD of Michigan:

H.R. 6634. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. McMILLAN:

H.R. 6635. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

H.R. 6636. A bill to amend the National Housing Act to advance the date after which the Secretary of Housing and Urban Development may take crime insurance available at affordable rates within the District of Columbia; to the Committee on Banking and Currency.

H.R. 6637. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; to the Committee on the District of Columbia.

H.R. 6638. A bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H.R. 6639. A bill to amend the Immigration and Nationality Act to provide for the expeditious naturalization of certain former alien employees of the United States who have been admitted to the United States for permanent residence; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 6640. A bill to provide rules for the application of sections 269 and 1551 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 6641. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself and Mr. BURTON):

H.R. 6642. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. POWELL:

H.R. 6643. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 6644. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. REID of New York:

H.R. 6645. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. RYAN:

H.R. 6646. A bill to amend title II of the Social Security Act to provide a 40-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $120 and subsequent cost-of-living increases, and to raise the amount individuals may earn without suffering loss of benefits; to amend title XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability, and to provide coverage for qualified drugs under part B of such title; and to authorize appropriations to finance the cost of these changes; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 6647. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Andrews of Alabama, Mr. Fuqua, Mr. Flynt, Mr. Brinkley, and Mr. Mathis of Georgia):

H.R. 6648. A bill for the improvement of navigation conditions in the Apalachicola River, Fla., and other purposes; to the Committee on Public Works.

By Mr. STEELE:

H.R. 6649. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 6650. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 6651. A bill to amend the Communications Satellite Act of 1962, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mrs. Dwyer, Mr. Frenzel, Mr. Gerald R. Ford, Mr. Hogan, Mr. McCloskey, and Mr. Rangel):

H.R. 6652. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 6653. A bill to provide for the establishment of a system of overtime pay for the U.S. Capitol Police; to the Committee on House Administration.

H.R. 6654. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 6655. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WYATT:

H.R. 6656. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

By Mr. YOUNG of Texas:

H.R. 6657. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mrs. ABZUG (for herself, Mr. Mitchell, Mr. Hechler of West Virginia, Mr. Koch, Mrs. Chisholm, Mr. Edwards of California, Mr. Rosenthal, Mr. Dellums, Mr. Matsunaga, Mr. Clay, Mr. Harrington, Mr. Collins of Illinois, and Mr. Conyers):

H.J. Res. 486. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. BELL:

H.J. Res. 487. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.J. Res. 488. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 489. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.J. Res. 490. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. HULL:

H.J. Res. 491. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUTCHINSON:

H.J. Res. 492. Joint resolution to amend title 5 of the United States Code to provide for the designation of the second Monday in November of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. JARMAN:

H.J. Res. 493. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. KING:

H.J. Res. 494. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 495. Joint resolution authorizing the President to proclaim the last Friday in September as "American Indian Day"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. Cederberg, and Mr. Mayne):

H.J. Res. 496. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 497. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.J. Res. 498. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. Collins of Texas, Mr. Derwinski, Mr. Daniel of Virginia, Mr. Landgrebe, Mr. Lujan, Mrs. Mink, Mr. McClure, Mr. Robinson of Virginia, Mr. Schmitz, Mr. Steiger of Arizona, Mr. Winn, and Mr. Zwach):

H.J. Res. 499. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. STEED:

H.J. Res. 500. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.J. Res. 501. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 502. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BINGHAM:

H. Con. Res. 224. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam; to the Committee on Foreign Affairs.

By Mr. CÓRDOVA:

H. Con. Res. 225. Concurrent resolution relative to San Juan's 450th anniversary; to the Committee on the Judiciary.

By Mr. EILBERG (for himself, Mr. Nix, Mr. Barrett, and Mr. Byrne of Pennsylvania):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress with respect to U.S. support of proposals made by Premier Golda Meir of Israel for the negotiation of a just and lasting peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Collier, and Mr. McClure):

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress with respect to the congressional intent in the enactment of the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 229. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. HULL:

H. Con. Res. 230. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio (for himself, Mr. Williams, Mr. Miller of California, Mr. Buchanan, Mr. Anderson of Illinois, Mr. Adams, Mr. Montgomery, and Mr. Zion):

H. Con. Res. 231. Concurrent resolution expressing the sense of the Congress with respect to obtaining recommendations for appropriate steps to obtain an accountability of, humane treatment for, and release of, Americans held prisoner or missing in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress with respect to the establishment of international standards for the humane treatment of animals; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mr. STOKES, Mr. CONYERS, Mrs. CHISHOLM, and Mr. RANGEL):

H. Res. 340. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. SIKES:

H. Res. 341. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

78. By the SPEAKER. A memorial of the Legislature of the State of South Dakota, relative to the use of an engraving of Mount Rushmore on some denomination of U.S. currency; to the Committee on Banking and Currency.

79. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to establishing a minimum wage of $2; to the Committee on Education and Labor.

80. Also, a memorial of the Legislature of the State of Oklahoma, relative to the creation of a national park in the counties of Texas, Cimarron, and Beaver, Okla.; to the Committee on Interior and Insular Affairs.

81. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to a Federal study of airport noise and operations; to the Committee on Interstate and Foreign Commerce.

82. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to propose a constitutional amendment authorizing pupils to pray and have Bible readings in public schools; to the Committee on the Judiciary.

83. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to establishment of a national cemetery in Massachusetts; to the Committee on Veterans' Affairs.

84. Also, a memorial of the Legislature of the State of South Dakota, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6658. A bill for the relief of Antonio and Maria Nair Puleo and minor child, Claudia Puleo; to the Committee on the Judiciary.

H.R. 6659. A bill for the relief of Theofanis Koutsiaftis; to the Committee on the Judiciary.

H.R. 6660. A bill for the relief of Biagio Caruso; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 6661. A bill for the relief of Sylvia Smith; to the Committee on the Judiciary.

H.R. 6662. A bill for the relief of Olivia Violet Tennyson; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 6663. A bill for the relief of Greta Hall; to the Committee on the Judiciary.

H.R. 6664. A bill for the relief of Guiseppe Montemaggiore; to the Committee on the Judiciary.

H.R. 6665. A bill for the relief of Winston Phillips; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 6666. A bill for the relief of Maj. Michael M. Mills, U.S. Air Force; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H.R. 6667. A bill to confer jurisdiction on the Court of Claim to hear, determine, and render judgment upon the claim of the estate of the late R. Gordon Finney, Jr.; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 6668. A bill for the relief of Amante and Rizalina Cabalda; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 6669. A bill for the relief of certain Filipino nurses; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 6670. A bill for the relief of John Vincent Amirault; to the Committee on the Judiciary.

H.R. 6671. A bill for the relief of Chan Gok Yiu; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 6672. A bill for the relief of Lucius Edward Arnold and his wife, Ann Marie Arnold, and their children, Steven Watkins Lucius Arnold and Patricia Diana Marie Arnold; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 6673. A bill for the relief of Dionissia Efstanthios Kefalinou Tzinieri; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 6674. A bill for the relief of Adelaida M. Alinsagay; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 6675. A bill for the relief of Faustino Murgoa-Melendrez; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.J. Res. 503. Joint resolution restoring citizenship posthumously to Gen. R. E. Lee; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

48. By the SPEAKER: Petition of Beatrice Miller Montonye, Sarasota, Fla., relative to redress of grievances; to the Committee on the Judiciary.

49. Also, petition of the Board of Supervisors, Milwaukee County, Wis., relative to use of vendor and voucher payments in AFDC without loss of reimbursement of the Federal share of such aid; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SUPPORT FOR CONTINUED FUNDING OF THE SST PROTOTYPE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KEATING. Mr. Speaker, last week, this body rejected by an extremely close vote, continued funding of the SST prototype development. I supported continuation of the development and will continue to do so.

In the First District of Ohio, which I represent, is located the General Electric plant which has been responsible for the GE-4 engines being developed for the U.S. SST prototype aircraft. Thousands of people working and living in my district will be directly affected by the determination made on the SST project. Since I took office in January of this year, I found myself in the middle of the heated controversy concerning the economic problems, the environmental problems, and the social problems which surround the SST controversy. I held repeated meetings with representatives from environmental groups in my district and representatives from the aerospace industry presenting all arguments for and against the SST.

After 2½ months of intense review and study of the ramifications of the SST prototype development, I have concluded:

First, the environmental problems represented with the SST development can be eliminated and will be eliminated if the prototype development is allowed to continue.

Second, the progress made in reducing aircraft and aircraft noise has been so successful that the SST will meet all FAA noise regulations and the approach noise will actually be lower than current subsonic aircraft.

Third, the real tough issues concerning the SST are the economic question and the priority question. Federal expenditures to date have no possibility of being recouped if the SST development is terminated. Continuation of the SST project and the appropriation of the necessary $350 million will give Congress and the country tangible factual basis on which to judge the feasibility of full development of SST's by American aerospace industry.

Terminating the SST project eliminates existing jobs in the aerospace industry, forfeits the advantageous position which the airlines have in terms of the international airline industry, eliminates the possibility of repayment, adversely affects future balance of trades and writes off the $800 million plus investment our Government has made to date in the SST.

I am convinced that the age of the SST is upon us and rejection by this Congress will not stop the development of supersonic plans but only eliminate the possibility of American aerospace industry leading the way in this development.

I believe if the SST is considered as an individual issue, it will merit the support and continuation of a majority of this body. Unfortunately, the SST has become a scapegoat for the dissatisfactions of today's society. Terminating the SST will not relieve urban blight, will not provide new mass transportation systems, and will not make welfare reform an accomplished fact.

These vital areas deserve and will get my individual attention and effort. I think the SST deserves the individual and studied consideration of each Member and I ask that this body review thoroughly the SST funding if we are afforded that opportunity.

MILITARY MANPOWER PROCUREMENT IN THE UNITED STATES: AN OVERVIEW

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in an excellent background study prepared for the President's Commission on an All-Volunteer Force, Jack Rafuse has provided a complete description of the problems created by compulsory military service. In his concluding section, Mr. Rafuse has provided answers to some of the commonly held myths which have buttressed conscription.

As for the claim of a universal obligation to serve:

> Exemptions . . . have proliferated with any conscription law, local or national. The exemptions tend to favor wealthy or powerful groups, and to place the greater burden upon the younger and less powerful. By doing so, they render the citizen's "traditional right and duty" to serve, meaningless.

Some fear that the volunteer force would lend undue power to the military. However, the periods in which the military has commanded the highest percentage of the Federal budget have been those in which conscription has been imposed:

> The military share of the budget has been as high as 42 percent or as low as 13 percent during periods when we have relied upon volunteers. When conscription has been in force, the percentage has varied from 45 to 76.7. . . . when peacetime (or Cold War) conscription was in force the military has been allotted 45 to 51 percent of the federal budget.

Regarding the charge that a volunteer force would be more prone to foreign involvement, the historical evidence is all to the contrary:

> Only the Mexican and Spanish American Wars might be called volunteer army foreign adventures in any sense of the term, and in each case the American people, the Congress, and the President were more responsible than the military for starting those wars which might have been avoided. The volunteer army had less to do with the beginnings of hostilities than did domestic politics.
>
> In the past thirty years, during which the United States has had conscription for all but fifteen months, there have been four foreign wars and numerous small interventions.

As we begin our discussion of the merits of the volunteer force, the historical background should be considered in assessing the various proposals before us. I commend this item to your attention:

UNITED STATES EXPERIENCE WITH VOLUNTEER AND CONSCRIPT FORCES

(By John L. Rafuse)

PART SIX: CONCLUSION

American experience with both the draft and voluntary recruitment demonstrates several things. First, there is no national tradition of the draft. The United States has resorted to conscription only in 1863–65; 1917–18; 1940–47; and 1948 to present. These facts are well known, but there is much more to be said about each case of conscription. The Civil War and the World War I rationales for conscription bear little resemblance to the system or rationale which has been with us since 1940. Each was different from the present system in theory and application. They contributed nothing to "tradition." Colonial militia drafts for local defense were rarely enforced. The proposed universal service (Knox Plan) of 1790 was rejected by the Congress. The proposals of 1814 were more akin to volunteer-recruitment systems than to a draft. The Civil War conscription was very different from today's; it was enacted in spite of sufficient voluntarism, intended primarily to stimulate voluntarism, and enforced at gun-point. The World War I conscription was based on exclusion rather than the need for greater numbers. Todays draft reflects complacency and acceptance of the *status quo*. It exists, so it is allowed to continue.

Those who claim that the real tradition is in the colonial and state militia systems refer to the fact that the American colonies enacted over 600 laws dealing with the duty of all (except those exempted) to serve in the local militia. However, laws are not enacted where they are unnecessary; nor are laws re-enacted unless original ruling is no longer applicable, or unless it is no longer followed in spirit and in letter. When every person in a small settlement was needed to fight, conscription laws were equitable. If anything, the quantity of the legislation demonstrates that the American tradition is to evade conscription wherever possible.

Another factor which is usually ignored in any discussion of the tradition of conscription must be considered here. The militia and the army originally meant two separate institutions, but that is no longer the case. Through a long evolutionary process, the National Guard and the national armed forces have become nearly indistinguishable in the public eye. This gradual unification has misled citizens. It was once acceptable to have a militia draft, though it was totally unacceptable to have a national army draft. The Knox Plan and the 1814 debates point up the differentiation. During the Civil War, men were drafted into units of the Volunteers—state or local groups—not into the regular forces. By World War I, men were drafted into the Federalized National Guard, and with the 1933 amendment to the National Defense Act, all distinction was destroyed. Men are still not drafted into regular forces but the distinction has no meaning to the draftee. Draftees go abroad to fight at the direct and single command of the federal government. It is no wonder that the talk of "tradition" is confusing and convincing to so many citizens.

Exemptions are also important in any discussion of conscription, and they have proliferated with any conscription law, local or national. The exemptions tend to favor wealthy or powerful groups, and to place the greater burden upon the younger and less powerful. By so doing, they render the citizen's "traditional right and duty" to serve, meaningless.

The phrase "right to serve" implies a choice which did not exist for everyone in colonial times and which has been selectively denied at other times since then. When there were economic, social and political advantages attached to army service, it became desirable. But, in America, military pay has steadily lost ground relative to civilian pay during periods of conscription. First term military pay presents none but the most deprived individual with an economic, social, or political opportunity. For those who do see opportunity for advancement, the choice is enlistment. The use of the term "right," then, is inapplicable in the context of the draft.

As to the duty, it is currently so compromised by myriad deferments that it falls to the small minority of "eligibles." Such selectivity infringes upon the rights of many who would volunteer and demonstrates that the right and duty are unrelated in the minds of those who set the standards.

Aside from the right and duty, the most important consideration is the manner in which the burden of defense is assigned to individuals. Some justify the draft by saying it enables the nation to respond quickly to a threat. The argument is inapplicable for peacetime. Further, it implies that draft enactments have been difficult to achieve, but that is not the case. The chronology of draft proposals follows:

1790 Knox plan submitted to Congress—never enacted.

1814 Secretary of War Monroe submitted his alternative proposals to Congress. House passed a draft on December 14, 1814. Draft was never enacted since the war ended.

1862 First session of the First Confederate Congress enacted conscription, April 16, 1862. Militia Act (quotas to be imposed by federal government) passed Congress and was signed into law June 17, 1862.

1863 February 9, 1863—Conscription bill introduced into Senate. February 16, 1863—Senate debated and passed the bill. February 23–25, 1863—bill approved by the House. February 28, 1863 final version of bill passed. March 3, 1863 Lincoln signed Conscription law.

1917 April 1, 1917—war declared. April 7, 1917—conscription bill requested. Conscription law signed May 18, 1917.

1940 June 20, 1940—Conscription bill introduced. August 2, 1940—FDR gave public support to conscription. September 14, 1940—bill passed Congress. September 16, 1940—FDR signs the law.

1947 Conscription law allowed to lapse March 31, 1947.

1948 March 17, 1948—new conscription law requested. Law enacted by Congress June 12, 1948, signed by President June 24, 1948. It has simply been extended with only minor changes, from that day to this.

Thus, the draft can be enacted quickly if the Congress feels the threat is real. The "threat perception" of the populace is less important, as demonstrated in 1940. It has taken only a short time to get legislation every time it was requested during the last 110 years. The real key to flexibility lies in the existing forces and the reserves, however, for a draftee takes just as long to train as a volunteer. The draft does not give quick response.

There are other widely held justifications for conscription which are equally weak. The inevitable military coup is a frequently cited fear despite the fact that such a thing has never happened in either the United States or in Great Britain.

Some may argue that this is only the most extreme danger, and that military intervention in domestic politics could be less dramatic, but no less effective, if the military interests were able to impose their will, and if that will was at odds with that of the elected officials or electorate. Once again, there seems to be no historical basis for such a fear, though this is harder to measure. One possible measure would be the percentage of the United States national budget spent on national defense. There, the relevant years are those since the Spanish American War, since that war is generally cited as the one which turned American interests abroad.

Table III.1.9 gives the figures for each period since the end of that war to the beginnings of escalation in Vietnam.

The share of budget, like the time necessary for draft legislation, depends upon the popular view of the threat—the potential gain or loss is tied to concern about national security. The military share of the budget has been as high as 42 percent or as low as 13 percent during periods when we have relied upon volunteers. When conscription has been in force, the percentage has varied from 45 to 76.7. Even excluding the war years, when peacetime (or Cold War) conscription was in force the military has been allotted 45 to 51 percent of the federal budget. The cause of the high proportion of the budget is likely to be the perceived threat. The greater the threat in the view of the policy-maker, the more money spent on defense and the more likely is conscription. The figures do show, however, that there is no casual relationship between volunteer forces and higher budgets. It is interesting (if nothing else) that the current popular talk and concern about the military industrial complex comes during a period of conscription. One possible reason for this concern might be that conscription has become accepted while the military is presently unpopular, so any change is viewed as a change for the worse. At any rate, American history offers no proof that volunteer armies are a danger to domestic politics.

Further, no draftee is ever in a policy-making position in the armed forces, nor can he hope to attain such a position in his two-year term. Even the inference that by sheer weight of numbers the draftees have something to say about military policy cannot be maintained. Conscript armies have done most of the fighting around the world in the last two centuries. During that time casualty rates have been higher and wars more frequent, so the conscripts have not avoided those wars. Table III.1.10 shows the figures for American wars since 1860.

Wars fought by draftees have been most expensive in terms of lives lost. Battle deaths as a percentage of troops in battle areas have averaged less than one percent in our all-volunteer wars, while in wars fought by draftees, the average is 2.75 and the range is from 1.04 percent to 6.34 percent. These figures do not include Vietnam, where we are still compiling statistics—in each sense of the term.

TABLE III.1.9.—NATIONAL DEFENSE AS A PERCENT OF TOTAL BUDGET EXPENDITURES

Time period	Recruitment system	Percent
1900 to 1916	Voluntary	41.5
1917 to 1919 (World War I)	Draft	64.3
1920 to 1929	Voluntary	33.7
1930 to 1939	do	13.1
1940 to 1945 (World War II)	Draft	76.7
1946 to 1950	do	45.0
1951 to 1954 (Korean War)	do	65.1
1955 to 1964	do	51.7

The so-called "humanitarian" or "povertarian" viewpoint that an all-volunteer army would be merely a scheme to send the poor off to be killed is baseless and demagogic. At the end of fiscal 1965, the death rate for military personnel was 2.5 per 1000—the same as for civilians of the same age-group—despite the fact that 1.1 per thousand of the 2.5 were combat fatalities. In peacetime, then, the death rate is lower in the military. The causes of this apparent paradox are several. The military is so selective that it accepts only the healthiest, and rejects millions by categorizing them as I–Y of IV–F; those who are acceptable have more dieticians and physicians per capita than do civilians; and the supervision and training of the men concentrates largely on physical well-being. The death rate for professional athletes would probably show the same bias, though professional sport does little to contribute directly to the health of the nation, or to get rid poverty. In war, on the other hand, both civilians and draftees in battle areas are killed, so the entire argument is invalid.

The opposite position justifies the draft on the grounds that military service is good for people. This is something that "everyone knows." Those who view the armed services as agencies for individual social improvement or rehabilitation, are placing emphasis on the wrong thing. In some cases, a type of rehabilitation may have resulted from a tour of duty in the armed forces, but to justify the draft on such grounds is misguided as well as misleading. The only sort of social rehabilitation which may result regularly from a tour in the military is that certain of underprivileged individuals who may learn a skill which will enable them to make a far better life for themselves later, whether as civilians or as members of the military. Whether this sort of rehabilitation takes place is dealt with in another section of this volume. Even if it were so, it only points up a problem of civilian society rather than a *raison d'etre* for the draft.

TABLE III.1.10.—COMBAT DEATHS AS A PERCENTAGE OF MEN IN BATTLE FOR AMERICAN WARS SINCE 1865

War	Men in battle areas	Battle deaths	Percent of battle personnel killed	Recruitment method
Civil (Union)	2,213,363	140,414	6.34	Volunteer/Draft.
Spanish-American	89,000	385	.43	Volunteer.
World War I	1,390,000	53,402	3.87	Draft.
World War II	11,938,000	291,557	2.5	Do
Korea	3,228,000	33,629	1.04	Do.
Total	18,858,363	519,387	2.75	

Another oft-heard justification for the draft is that for military serves as a melting pot and democratizing agent for people from all sectors of American society. This is patently absurd. Aside from the question of deferments which exclude the majority from the I–A pool, there is the basic inequality of military society. It is a true caste system, and the draftee is the untouchable of that society, powerless to change things or to become equal to the other individuals in the "melting-pot." This argument is too idealistic, even from the point of view that all draftees mix together randomly and evenly, with is untrue also. Any person who has developed racial or religious prejudices before he is drafted is unlikely to be inspired by his new status or his fellow-draftees to change his views. Negroes were barred from Regular enlistments until the Civil War, then accepted only for less pay and unequal rights. They were later excluded from the National Guard until World War I. Then they were drafted in disproportionate numbers, assigned primarily to servile functions, and kept segregated. Only within the last few years has there been a conscious effort to integrate the services. The "melting pot" has never existed. It has always been impossible because of the exclusion and deferment policies—policies which have gone so far at times as to grant paradoxical "furloughs" to industry while men were being drafted into military and others were excluded from service.

The history of the American military system also provides a context for some of the other contentions such as Kenneth Boulding's statement that a volunteer armed force would have to be recruited not only by economic means, but also by "even more of the the reinforcement of paranoid political attitudes." This would seem to indicate that only volunteer armies have been guilty of excess in war and that the excess is due to fanaticism resulting from the propaganda necessary to induce voluntarism. Such a claim has no historic base. Wars have become less gentlemanly and formalized since (and definitely beginning with) the American Revolution. The excesses of World War II and the university of conscription are recent enough and have been well-enough catalogued to disprove Boulding's stand.

INVOLVEMENT IN FOREIGN WARS

Another area of major concern to many in the current debate is that a volunteer military would become more active and aggressive—that it would seek out foreign adventures. One of the bases for such a position is the odd logic by which volunteers are assigned only crass, unpatriotic motives, while those who serve against their will are considered to be more American or patriotic. Such reasoning seems convoluted, at best, but this point will not be pursued here.

As far as history is concerned, there seems to be no indication that American volunteer armies are more aggressive than conscript forces. Table III.1.11 lists the major wars and conflicts in which the United States has been involved with the method of recruitment for each.

Excluded from the list are a great many minor military exercises, most of which were against the Indians. The list, then, is brief, but it exposes no pattern of increased military activity during periods of voluntary recruitment. Only the Mexican and Spanish-American Wars might be called volunteer army foreign adventure in any sense of the term, and in each case the American people, the Congress and the President were more responsible than the military for starting those wars which might have been avoided. The volunteer army had less to do with the beginnings of hostilities than did domestic politics. In the past thirty years, during which the United States has had conscription for all but fifteen months, there have been four foreign wars and numerous small interventions. This is not meant to say that conscription causes wars (though some do take that position) but rather that the military in the United States is what it has always been, an instrument of foreign policy. The means of recruitment has made no difference in American history. We have had foreign wars with volunteers and with conscripts, and in no case did the war result directly from military agitation for war.

TABLE III.1.11.—AMERICAN WARS AND RECRUITMENT METHODS

Revolution	1775–83	Volunteer.
War of 1812	1812–14	Do.
Mexican War	1846–48	Do.
Civil War	1861–65	Volunteer and draft.
Spanish American War	1898	Volunteer.
World War I	1917–18	Draft.
World War II	1941–45	Do.
Korea	1950–53	Do.
Vietnam	1964–	Do.

Discussions of the all-volunteer armed force are not, then, proposals to hire and train professional killers to seek out wars around the world and sell their services. They are, among other things, proposals to pay an equitable wage for service provided. Under conscription, military wages have lagged behind average annual earnings in manufacturing. Conscription as an institution practically guarantees that such a lag will develop since any manpower shortage can be made up with little apparent cost. Table III.1.12 shows the differences in military and civilian wages since the Civil War.

It should be stated here that the American political system has not suffered from the fact that 22 of the 37 men who have served as President have been volunteer military men. None of them seized power, and many of the 22 owe their presidency in large part to the reputation they had built as military men. The volunteer tradition has not hurt American institutions nor resulted in more wars. A return to that tradition would restore the ideals of no taxation without representation, and freedom of choice for all citizens. It would benefit the individual citizen, and according to Anglo-American tradition, the individual good is the reason for government.

TABLE III.1.12.—COMPARISON OF ANNUAL MILITARY ENLISTED EARNINGS WITH AVERAGE, ANNUAL EARNINGS IN MANUFACTURING

Period	Annual military pay and allowances	Manufacturing earnings	Ratio	Percentage of forces drafted
Civil War (1865)	$427	$410	1.041	2
Spanish-American War (1898)	444	394	1.127	0
World War I (1918)	870	980	.888	59
World War II (1945)	1,587	2,469	.643	61
Korean war (1952)	2,584	3,721	.694	27
1960	3,034	5,020	.604	16
1965	3,567	6,130	.581	16

SHOULD SECONDHAND 707'S BE SOLD TO CHINA?

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 23, 1971

Mr. GRAVEL. Mr. President, there is apparently a debate taking place within administration councils on the question of sales of American-manufactured goods to mainland China. In considering this question, it should be noted first that the President himself has set the tone of a new American posture toward China—for in his state of the world report on February 25 he referred repeatedly to "the People's Republic of China." It is a small step, but as Chou En-lai noted a few days later:

> Even the United States finally has come to refer to the People's Republic of China by its proper name.

The President has gone further, and has expressed to visitors his personal desire to visit China—or at minimum to take the necessary steps so that his and our children can come to know that vast country firsthand. The recent decision to allow visas to Americans wanting to visit China is a good step in this direction.

In order to do these things, both China and the United States will need to modify somewhat the habits and attitudes of the past 20 years of cold war confrontation. As Americans, as citizens of the world's most powerful nation, we can take the first steps, for as Winston Churchill said many years ago, it is the powerful who can afford to be magnanimous.

One such step has already been taken by the President, in his stated willingness to accept China's membership in the United Nations. The President took another such wise step last summer, when he approved the sale, by the Fiat Company of Italy, of 80 trucks to China equipped with engines of General Motors manufacture.

At the present time, there is another such request—by a French firm—to sell to China 30 heavy trucks equipped with engines and transmissions of American manufacture. This is the issue on which the President's advisers are divided. The Department of Commerce and the Department of State both approve the sale, according to news reports. The Department of Defense, on the other hand, is characterized by what Commerce officials refer to as "Neanderthal thinking" reminiscent of the worst days of the cold war, and opposes the sale.

It may be that this Neanderthal thinking emanates from the office of Dr. Warren Nutter, Mr. Laird's Assistant Secretary for International Security Affairs. Mr. Nutter is well known for his hardline views on both the Soviet Union and China, but in these matters a broader perspective is necessary. As officials in the Commerce Department have pointed out, if sale of these trucks with American engines is not approved, China will simply approach another manufacturer, perhaps in Germany or Britain, to fill the order. American workers and American enterprise will have needlessly suffered, and China will have been told that whatever the President has said, the cold warriors in the Pentagon really make the policy.

This should not be allowed to happen, and in the Senate we have an opportunity and a responsibility to assure the President that the American people are not willing to approach our relations to China in an unthinking and emotional way. For this reason, the Congress should resolve that every effort be made to open trade contacts with China, particularly when the Chinese show the good sense of requesting products of American manufacture when other and competitive products are also available.

Such is the case with the newest illustration of this problem—and here I refer to China's apparent desire to purchase already-used passenger aircraft of the 707 type. These airplanes are made by Boeing, and they are owned and operated by several dozen airlines around the world. They are very successful, and have been in extensive operation for almost 10 years. I mention this to underline two points:

First, that no new technology is involved in the 707;

Second, that the Chinese interest is apparently in 707's owned and operated by third parties around the world, and for that reason does not require a direct decision by the United States.

The question arises because Mr. James Ryan, a New York aircraft broker, proposes to deal with the Chinese and present owners and operators of used 707's to arrange sales. In my view, there is no good reason why the American people or the U.S. Government should seek to oppose the transaction in which Mr. Ryan is involved. If the Chinese are not able to purchase these 707's, there are alternatives to which they can turn. The French, for example, manufacture the Caravelle. Similarly, the British manufacture the Comet. There may be others as well—and in my view none is as good as the Boeing 707, and that of course is why it has won such a wide acceptance around the world. But if the Chinese are forced to, they can find substitutes, and then one must ask, how will the American people have gained by that?

There is every reason—political, economic, and technological—why it will be to the benefit of the United States to work toward a period in which Chinese economic advancement is to some extent related to American decisions, and for that reason I earnestly hope that any necessary approvals of transactions with interested Chinese buyers of these 707's would be immediately forthcoming.

THE TRANSPORTATION SPECIAL REVENUE SHARING PROGRAM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. CONABLE. Mr. Speaker, the transportation special revenue-sharing program is a meaningful breakthrough in the management of public resources. Nowhere are the implications for rapid improvement clearer than in the troubled field of transportation. We need balanced transportation services in this country. That means moving people and goods. It means providing services for all our people, not excluding the poor, the old, the very young, the handicapped. It means improving intermodal coordination and efficiency of freight movements to insure the continued advance of productivity.

This ideal mobility does not yet exist. As a people we rely too much upon the automobile, which has clogged our city streets, poisoned the air, ruined neighborhoods, absorbed parks, annihilated historic places, and made our cities and suburbs noisy, ugly and uninhabitable. That is largely, because Federal programs have provided massive encouragement for highways and little incentive for local government to improve bus and rail passenger service.

The real power to choose between modes of transportation must be returned to the people. Their local leaders must determine the mix of transportation modes. They should not have to accept programs designed in Washington. That is not democracy—it is bureaucracy. Revenue sharing would return the vital power of the purse to the American people for exercise through elected leaders who know their needs and can respond to them. Revenue sharing means revitalized State and local government throughout this country.

ABANDONED CARS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. VANDER JAGT. Mr. Speaker, I am today reintroducing legislation to encourage States to establish abandoned automobile removal programs and to provide tax incentives for automobile scrap processing. Joining me today are six Members of the House, including the distinguished minority leader. Forty-four colleagues in this body now have joined this year in the sponsorship of this legislation:

Mr. Abourezk, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Barrett, Mr. Brademas, Mr. Brown of Michigan, Mr. Carter, Mr. Cederberg, Mr. Clark, Mr. Cleveland, Mr. Collins of Illinois, Mr. Coughlin, Mr. Dingell, Mr. Duncan, Mrs. Dwyer, Mr. Eckhardt, Mr. Esch, Mr. Fisher, Mr. Gerald R. Ford, Mr. Frenzel, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hogan, Mr. Lent, Mr. McCloskey, Mr. Mikva, Mr. Miller of Ohio, Mr. Morse, Mr. Moss, Mr. Myers, Mr. Nedzi, Mr. Railsback, Mr. Rangel, Mr. Rees, Mr. Sandman, Mr. Saylor, Mr. Slack, Mr. Steele, Mr. Teague of California, Mr. Thompson of Georgia, Mr. Thone, Mr. Widnall, and Mr. Williams.

The need for this legislation grows steadily more acute and more obvious. Any time you drive over the countryside, or travel by train or even by plane, observing America's landscape, you find the scenery marred by an abundance of rusting old auto hulks. Only a few days ago Mr. Cederberg pointed out to us that in a recent flight over a small portion of his district, over 2,500 derelict automobiles were observed, while countless others lay hidden from view in deep snow. His experience, unfortunately, was not unique. We have all had similar ones. While the problem has increased each year, Government has taken no action to attack this readily apparent form of environmental deterioration.

America cannot afford this kind of wastefulness. Each auto carcass represents valuable resources which should not be thrown away, but rather reabsorbed in manufacturing and thus put to use for the benefit of society. Furthermore, the ever-present drain upon our steel resources would be significantly eased by the recycling of automobile steel.

Two major problems which currently discourage the collection and recycling of these cars could be met through the legislative process, under terms envisioned in this legislation. First, the task of collecting these scattered discarded vehicles is costly, often so much so as to prohibit individual firms from undertaking such work on their own. This program would earmark $19 million for each of 4 years as aid to the States to finance collection programs. These funds would be derived from the Federal auto excise tax. States would become eligible to receive these funds upon the presentation of abandoned auto collection plans to the Secretary of the Interior, under guidelines promulgated by him. In addition, the State would be required to enact legislation making possible the transfer of titles of these cars to a public agency or to private disposal businesses.

Second, the processing of the collected automobiles would be facilitated through the expansion of the capacity of the auto disposal industry, made possible by the extension of amortization benefits to processors who install sophisticated, nonpolluting scrapping equipment.

This legislation represents an opportunity to simultaneously enhance the quality of our environment and provide additional resources for manufacturing, two goals not often combined. It is my hope that Congress, through the appropriate committees, will soon give serious attention to this problem.

TRIBUTE TO THOMAS E. DEWEY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ADDABBO. Mr. Speaker, the passing of Thomas E. Dewey marked the end of a brilliant and achievement-filled career. As a public servant and politician, in the best sense of that word, the former Governor of New York State and presidential candidate, compiled a memorable record. He has left signs of his accomplishments for all the people of New York State and visitors from across the Nation to recognize, including a thruway system and a State university complex which are credits to his far-sighted administration.

Mr. Speaker, I ask permission to insert in the Record at this point the text of the editorial entitled "Thomas E. Dewey, Public Servant," which appeared in the March 17 edition of the Long Island Press:

Thomas E. Dewey, Public Servant

All the bulletins last night reporting the death of Thomas E. Dewey stressed how he rode his reputation as a racket-busting district attorney to New York's governorship and later to two tries for president.

Nearly a whole generation has grown up, dimly aware of this man, knowing him only through these salient aspects of his career—crime-buster and presidential also-ran.

But as winner and as loser, Tom Dewey was a man to reckon with. In 1935 to 1937, as a young district attorney, he led a staff of 20 lawyers, investigators accountants and special police in an attack on Murder Inc., winning 72 convictions out of the 73 cases he tried.

He was no match for Franklin D. Roosevelt and he met his most famous defeat in 1948 when underdog Harry Truman fooled the experts. Although eclipsed on the national scene by President Eisenhower, he continued to play a quiet, but highly influential role in Republican politics as adviser to governors and presidents. Perhaps more than any other man, he was responsible for fashioning the "modern Republicanism" that emerged as the first and most effective challenge to the long entrenched Democratic New Deal.

Yet his most enduring accomplishment remains his record as governor of New York for three terms. He not only gave the state an honest and responsible administration, he initiated programs of immense long-term value to this state. He deserves credit for the state Thruway system, for example, which bears his name. But perhaps his most important and far-reaching accomplishment was the establishment of the New York State University. It was born under his administration and has grown into one of the finest public institutions of higher learning in the land.

Tom Dewey's austere personality always stood in the way of his establishing a warm relationship with the people. But those who opposed him, those who supported him and those who have come after and hardly knew of him, owe him a debt of gratitude for his years of devoted, creative public service.

"AMERICANISM": WHAT IT MEANS TO ME, BY ROXANNE ANDERSON

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SCHERLE. Mr. Speaker, declarations of political philosophy by young people are fortunately not monopolized by the radical element in our society. This country is full of young people who cherish the patriotic tradition of their parents and grandparents. Generally, they do not publicize their allegiance, but occasionally their voices are heard, clearly if quietly. Earlier this month, one such voice was raised in a small town in Iowa. Speaking out proudly in praise of patriotism, Miss Roxanne Anderson, a Girl Scout from Shenandoah, celebrated Scout Sunday by reading her own definition of "Americanism." With your permission, Mr. Speaker, I am inserting her essay in the Record in its entirety:

"Americanism": What It Means to Me

(By Roxanne Anderson)

To me Americanism means (1) a custom, a belief or habit of the people of the United States; (2) a word or phrase of American English, especially one that was first used in the United States, such as "Juke Box" and "Squaw;" (3) loyalty to the United States or to its customs, beliefs and so on; but to me it's all this and more. I would like to express my interpretation of the word "Americanism" like this:

"A" is for "All" the people united together in this great country of ours.

"M" is for the "Many" opportunities offered to the people of this great country.

"E" is for the "Endless" privileges of ours that were made possible and handed down from our forefathers.

"R" is for the "Rich" and productive land which makes this country so great.

"I" is for "Independent," the right to choose your religion, your work, where you want to live, and to vote for whom you wish.

"C" is for the "Courage" it took from the beginning to make this great country what it is today.

"A" is for the "Abundance" of food, clothing and shelter for our people in this great country of ours.

"N" is for "Nation," one nation, under God, indivisible, with liberty and justice for all.

"I" is for the "Intelligence" of the first settlers in planning for this great country.

"S" is for "Security" secure with the knowledge that this great country is never unprepared for any disaster.

"M" is for "Me," may I never forget any of the great and wonderful traditions, customs or habits handed down to me from my ancestors who struggled and fought to give me this beautiful country with all of its Americanisms.

IRS JOLTS FIRST OFFENDER

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HILLIS. Mr. Speaker, I, and I would guess, every Member of Congress would like to have the dangerous drug problem eliminated from our Nation's scene.

But like all offenses, we want fair prosecution and fair sentences.

Therefore I want you to read the following news story from the Frankfort, Ind., Morning Times.

This tells of a Vietnam veteran who admitted that he possessed narcotics, was tried and because of his no prior arrest record was given a suspended jail sentence, but was then fined.

After he paid the fine he then learned that the IRS was assessing him for $14,300. I would like for every Member of Congress to read this news story:

FATHER QUESTIONS SON'S $14,300 "POT" ASSESSMENT

(By John A. Harden)

The Internal Revenue Service has a legal right—but does it have a "moral" right—to expect a first offender to pay $14,300 in excise taxes on marijuana found in his possession?

Harold P. Eldridge of Michigantown answers an emphatic "no" in a case concerning his son Michael, 21. If necessary, the elder Eldridge will "ride a bicycle all the way to Washington" to protest to President Richard M. Nixon.

About three weeks ago, Eldridge wrote to the President, but got an answer instead from the district director of Internal Revenue Service in Indianapolis, since the case concerns a Federal tax matter. "The President didn't even see the letter," Eldridge complained.

Harold, Mike and Mrs. Eldridge brought out some cake and coffee on which to munch while telling of their problems.

July 10, 1970, Michael pleaded guilty to possession of a narcotic drug in Howard Circuit Court. Frankfort police had made the arrest and Mike's case was venued to Howard County.

Harold said that the judge and Clinton County prosecutor at that time, Carol Grafton, agreed that Mike should receive a suspended sentence. His 2–10 year sentence was suspended and Mike was fined a total of $348.

District Director James E. Daly wrote, "Your son had 142.9 ounces of marijuana in his possession at the time of his arrest and did plead guilty to the charge of possession of a narcotic drug and violation of the Indiana Dangerous Drug Act. Since the law clearly prescribes taxing this marijuana at the rate of $100 per ounce or fraction thereof, we had no alternative but to assess $14,300 in Federal excise tax against your son."

Eldridge declared, "Morally, there is no justification for the Revenue Service to expect Mike to pay this."

Mike spent a year in Vietnam and participated in three major operations.

"It was there he learned about the drug which is used freely by the natives," his father said. "Naturally, the soldiers see this open use and many of them aren't acquainted with drugs. I feel if he hadn't been in Vietnam he wouldn't have come in contact with dope. We American taxpayers are all guilty for sending our boys to fight a dirty war and then prosecute them for things they get involved in there."

The family noted Mike had never been in trouble before, and according to court testimony, Mike was holding the drug for a Kokomo boy who was still in the Orient. His "friend" had mailed three packages of marijuana before postal authorities discovered the illegal shipment.

Harold continued, "We, the people, send our boys over there and we shouldn't condemn them for getting involved in something like this. Rather than force any boy to pay, the moral thing for our government to do would be to give the boys a free slate on a first offense. There should be understanding and forgiveness. I feel the law is meant to prosecute people who are a menace to society—the habitual criminals who are pushing dope on our school children, or anyone else, for profit. Mike is not a user and he definitely was not 'pushing' dope."

Harold and five brothers have served in the armed forces and one was killed in the Battle of the Bulge. "We feel the tax imposed on our son and nephew is unjustified," they wrote President Nixon.

After sending three demands for the excise tax payment, the account was placed in a "temporary suspense file" based upon information that Mike is unemployed and has no tangible assets.

Daly's letter continued, "The statutory period for collection of an assessed tax under normal conditions is six years from date of assessment. When your son is again employed, we will expect him to contact our office and make the necessary arrangements for paying the account. We will give him every consideration within the administrative discretion of this office."

Mike completed only nine grades of school, but he was employed in a Frankfort factory upon his honorable discharge from service. When he was arrested, the factory laid him off. Later, after working two weeks, Mike quit.

He has been working at odd jobs. More than 10 Kokomo and Frankfort factories have never replied to his application for work. "Whether its because of his lack of education or his 'criminal record' that is the trouble, I don't know," Harold said. "He prefers outdoor work such as carpentry and roofing."

The Eldridges feel their only recourse is to appeal to the President, "My intention is to still try to contact him even if I have to ride a bicycle to Washington to see him," Harold said. "I don't feel I can afford to hire a lawyer because I am the sole support of a family of seven."

"As one father to another, I ask you to do something about this," Harold wrote to the President.

The Eldridges admit that Michael did wrong, but they feel a first offender with no criminal record should be shown mercy.

How long the matter will remain in the "temporary suspense file," they don't know. For the three payment demands they received, they found the $14,300 was subject to an interest penalty of one per cent per month, or an additional $143 each month.

SENATE—*Wednesday, March 24, 1971*

(Legislative day of Tuesday, March 23, 1971)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer. Lead us so that Thy will becomes our will. May Thy purposes for man be furthered by our service in this Chamber this day.

Once more we remember before Thee all prisoners of war. Wherever they may be and whatever their lot, keep them close to Thee. Shelter them by Thy grace, heal their diseases, assuage their pain, and keep their faith and hope alive for the better day that is yet ahead. Infuse their captors with compassion and with a new sense of justice. By drawing close to Thee may we be kept close to our fellow citizens who serve and suffer on our behalf.

In the name of the Great Burden Bearer. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 24, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, March 23, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Frank Carlucci III on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The assistant legislative clerk read the nomination of Frank Charles Carlucci III, of Pennsylvania, to be Director of the Office of Economic Opportunity.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from South Dakota (Mr. McGovern) for not to exceed 15 minutes.

(The remarks of Mr. McGovern when he submitted Senate Resolution 82 are printed in the Record under Submission of a Resolution.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the transaction of routine morning business for a period of 15 minutes, with a 3-minute limitation on statements.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. Tunney) laid before the Senate the following letter, which was referred as indicated:

Report on Deficiency Apportionments To Meet Certain Pay Increases

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, deficiency apportionments to meet certain pay increases (with accompanying papers); to the Committee on Appropriations.

REPORT OF COMMITTEES

The following report of a committee was submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 789. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 92–45).

By Mr. CHURCH, from the Special Committee on Aging:

S. Res. 84. A resolution to authorize the printing of additional copies of the 1970 report entitled "Developments in Aging: 1970."

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Stephen Kurzman, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare; and

Robert O. Beatty, of Idaho, to be an Assistant Secretary of Health, Education, and Welfare.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGOVERN:

S. 1345. A bill to provide that the use and occupancy of trust land on the Cheyenne River Sioux Reservation in South Dakota pursuant to section V of Public Law 776 (83d Cong.; Stat. 1192) shall have the same force and effect as a trust patent, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (by request):

S. 1346. A bill relating to benefits for employees of the Government of the District of Columbia, and for other purposes;

S. 1347. A bill to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; and

S. 1348. A bill to provide for the payment of medical or surgical services or hospital treatment for certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protection Service, and the United States Secret Service Division, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. BIBLE:

S. 1349. A bill to authorize the Atomic Energy Commission to undertake a cooperative program to ascertain the feasibility of using atomic energy to develop the Nation's geothermal energy resources, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. BENTSEN:

S. 1350. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services, of equal rank and years of service, and for other purposes; and

S. 1351. A bill to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan. Referred to the Committee on Armed Services.

S. 1352. A bill for the relief of Rosa Margarita Pina Gutierrez. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 1353. A bill to amend the Public Health Service Act to assist in alleviating the shortage of health care personnel in rural areas, and for other purposes; and

S. 1354. A bill to amend the Public Health Service Act to provide for a Model State Code for the allied health professions. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S. 1355. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENS (for himself and Mr. Gravel):

S. 1356. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. BURDICK (by request):

S. 1357. A bill to amend the Organic Act of Guam so as to provide four-year terms for members of the Legislature of Guam. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGEE:

S. 1358. A bill for the relief of Sotirios Spanos. Referred to the Committee on the Judiciary.

By Mr. SCOTT:

S. 1359. For the relief of Leonardo Boccella; and

S. 1360. For the relief of Alessandro La Rocca, his wife, Maria Vittoria La Rocca, and their two daughters, Daniela and Gianluca La Rocca. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1361. A bill for the relief of Yuk Chun Au. Referred to the Committee on the Judiciary.

By Mr. STEVENSON (by request):

S. 1362. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

S. 1363. A bill to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes;

S. 1364. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes;

S. 1365. A bill to establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes;

S. 1366. A bill to designate the legal public holidays to be observed in the District of Columbia;

S. 1367. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

S. 1368. A bill to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes;

S. 1369. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; and

S. 1370. A bill to amend Section 8 of the Act approved March 4, 1913, (37 Stat. 974) as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under Section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest. Referred to the Committee on the District of Columbia.

By Mr. BROOKE:

S. 1371. A bill for the relief of Robert Hastings; and

S. 1372. A bill for the relief of Pierre-Michel Fontaine. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Fong, Mr. Anderson, Mr. Bayh, Mr. Case, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Magnuson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, and Mr. Stevens):

S. 1373. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1374. A bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. SPONG:

S. 1375. A bill to amend section 304 of the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

By Mr. LONG (for himself, Mr. Anderson, Mr. Bible, Mr. Burdick, Mr. Byrd of Virginia, Mr. Gravel, Mr. Hansen, Mr. Hollings, Mr. Jordan, of Idaho, Mr. Ellender, Mr. McGee, Mr. Pastore, Mr. Pearson, Mr. Randolph, and Mr. Ribicoff):

S. 1376. A bill to amend the Social Security Act to add a new title XX thereto which will provide insurance against the costs of catastrophic illness. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 1377. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis. Referred to the Committee on Commerce.

By Mr. BAYH:

S. 1378. A bill to provide implementation of the Federal Trade Commission Act, to give increased protection to consumers, and for other purposes. Referred to the Committee on Commerce.

By Mr. BENTSEN:

S.J. Res. 74. A joint resolution to authorize and request the President to proclaim the week of June 20, 1971, through June 26, 1971, as "National Royal Ranger Week." Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Fong, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Randolph, and Mr. Schweiker):

S.J. Res. 75. A joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (by request):

S. 1346. A bill relating to benefits for employees of the government of the District of Columbia, and for other purposes;

S. 1347. A bill to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; and

S. 1348. A bill to provide for the payment of medical or surgical services or hospital treatment for certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protection Service, and the U.S. Secret Service Division, and for other purposes. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA LEGISLATION

Mr. TUNNEY. Mr. President, as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the Committee on the District of Columbia, I am today introducing for appropriate reference three bills which have been submitted by the District of Columbia government for consideration by the Congress. This is part of the District's legislative package and as soon as the city has completed submission of its program I intend to announce hearings on the bills within my subcommittee's jurisdiction.

The District of Columbia Personnel Act would make five changes in present law: First, authorize designated District employees to administer oaths of office; second, authorize the set off of annuity payments, or refunds payable from the civil service retirement fund in order to liquidate debts owed to the District or Federal Government; third, authorize the waiver by the District of claims for overpayment of pay; fourth, authorize the District government to provide transportation for District employees working in municipal facilities outside the District of Columbia; and fifth, amend the Hatch Act to remove the exemption for the District of Columbia Recorder of Deeds.

The bill to provide payment of medical or surgical services to certain disabled former members of the Metropolitan Police Department and other departments is to allow the continued payment of such fees as may be required for the continued care of employees who were disabled in the performance of duty and who have retired, because of the incurrance of such disabilities. At the present time such payments are not authorized, although payments are authorized if the individual does not retire.

Finally, the third bill would amend the minimum wage act to extend coverage to domestic workers, would raise the minimum wage to $2 per hour for the year of enactment and to $2.25 the following year, and would require overtime compensation at one and one-half times the employee's regular rate for all hours worked over 8 in any day. The act would also make certain technical changes regarding payment of lost wages and provide for injunctive relief in certain instances.

By Mr. BIBLE:

S. 1349. A bill to authorize the Atomic Energy Commission to undertake a cooperative program to ascertain the feasibility of using atomic energy to develop the Nation's geothermal energy resources, and for other purposes. Referred to the Joint Committee on Atomic Energy.

THE NUCLEAR GEOTHERMAL POWER RESEARCH AND DEMONSTRATION PROJECTS ACT OF 1971

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to authorize the Atomic Energy Commission to undertake a cooperative program to ascertain the feasibility of using atomic energy to help develop the Nation's geothermal energy resources for the production of electricity.

The bill I am introducing today is another in a series of bills I have sponsored over the years in an effort to encourage the development and utilization of the geothermal resources that lie beneath much of the land area in the Western United States. The Department of the Interior estimates that there are some 1,350,000 acres of known geothermal resources on the public lands alone in our Western States. And the Senate will recall that—after nearly a decade of effort on the part of myself and a number of other Senators—the 91st Congress enacted and the President approved Public Law 91–581, the "Geothermal Steam Act of 1970" authorizing the leasing of public domain lands for geothermal development.

Geothermal power is literally earth-heat-energy. Large areas in our Western States are regions of relatively recent volcanic activity, and are known to be marked by numerous deposits of earth heat sufficiently near the surface to be exploited as a potentially enormous energy source. The hearings on Public Law 91–581 and the extensive record developed in connection with earlier geothermal bills indicate that the Nation's geothermal resources hold great promise as an energy source for the economical production of electric power. And the resource is particularly attractive in this time of growing consciousness of environmental hazards, for according to the available evidence, geothermal power production is relatively pollution-free compared to power generation through the use of fossil fuels.

The harnessing of geothermal steam energy for the production of electric power is not a new concept. Private development efforts have been underway in the United States for a number of years and can be expected to increase because of the encouragement provided by last year's Geothermal Steam Act.

The one significant development of geothermal power in the United States is located at The Geysers in Sonoma

County, Calif., some 90 miles north of San Francisco. There, geothermal steam wells now supply energy to generating facilities of the Pacific Gas & Electric Co. and produce some 84,000 kilowatts of electric power. And P.G. & E. expects to have over 600 megawatts of generating capability operating on natural steam energy by the end of 1975.

A great deal of exploratory work has been done in Nevada, and there is a growing interest in the geothermal potential of Alaska, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and other Western States.

Elsewhere, Italy, New Zealand, Mexico, Japan, the Soviet Union, and Iceland have all successfully developed geothermal energy resources, and are concentrating increased attention on the subject. Indeed, geothermal power is assuming such significance as a feasible, available source of economical electric energy that a United Nations Symposium on the Development and Utilization of Geothermal Resources was held at Pisa, Italy, in September 1970, and I understand the U.N. has sent technical assistance missions to some 19 nations to assess their geothermal power potentials.

Mr. President, I think there is no question that geothermal power stands out as a potentially invaluable natural resource—a sleeping giant among the Nation's energy reserves.

Geothermal steam—that, is, naturally occurring subterranian hot water deposits—has been the principal focal point of interest over the years. The electric power developments at The Geysers in California, at Lardarello in Italy, in New Zealand, Mexico, Japan, the Soviet Union, and Iceland all rely on naturally occurring geothermal steam deposits.

Experience indicates that whenever a favorable combination of recent magmatic intrusion and favorable groundwater conditions occurs to create the necessary steam conditions, it is usually economic to build a generating plant, and such plants are usually economically competitive.

Naturally occurring geothermal steam deposits must be exploited to the fullest extent possible.

In addition to naturally occurring geothermal steam sites, the record on last year's Geothermal Steam Act shows that large areas of a number of our Western States, including California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, are marked by what are termed "dry geothermal formation." That is, extensive "hot rock" structures deep beneath the surface of the earth, but unrelated to natural steam deposits.

If a method can be found for recovering the energy in these dry geothermal formations—without having to rely on the comparatively rare incidence of naturally occurring steam deposits—the horizons and economic payoff of the Nation's geothermal energy resources would be vastly expanded. For example, according to one estimate I have seen, the total energy in 1 cubic mile of hot rock is equivalent to that of a major oil field—300 million barrels of oil worth $600 million. The energy available in only one small known geothermal area in the far Northwest has been estimated as roughly equivalent to that of the Alaskan North Slope oil pool.

Mr. President, such estimates are staggering. They come from serious scientific students of our national geothermal energy potential. They envisage the application of atomic energy for a full exploitation of our geothermal resources. The concept involves penetrating hot rock geothermal formations deep below the earth's surface, and utilizing the rock crushing power of a nuclear device to produce a large cavity filled with broken rock from which the sensible heat can be removed. The heat removal would be accomplished by drilling a second hole into the bottom of the cavity and adding water. The resulting high pressure, high temperature superheated steam is then removed from the top of the cavity, used to power a turbine generator, condensed, and returned to the geothermal cavity. Such detonations would occur deep beneath the earth's surface to obviate venting, and according to advocates of the procedure, most of the fission products would be frozen in the molten rock of the cavity wall. The closed cycle nature of the process holds promise of full environmental protection, and a very clean method of power production.

If this approach is successful, many limitations that beset current geothermal steam plants would be overcome. It would no longer be necessary to depend on naturally occurring geothermal steam deposits alone. As I have said, the horizons of the resource would be vastly expanded.

Mr. President, I need not dwell on the energy crisis that confronts the Nation. The "brownouts," the periods of reduced power, the periodic pleas to the public to limit power consumption during certian times of the year, demonstrate more forcefully than anything I can say that we face a serious energy problem. A national effort to augment existing energy sources and develop new energy sources is imperative.

The full array of our Nation's technological know-how must be brought to bear on the development of new energy sources.

And I can think of no more fitting move than to assign the Atomic Energy Commission a further role in pursuing another vitally needed peaceful use of atomic energy.

The purpose of the "Nuclear Geothermal Power Research and Demonstration Projects Act" I am introducing today is to provide the stimulus of a congressional directive, coupled with necessary authorizations, for a program involving the use of atomic energy to develop geothermal energy resources for the production of electricity.

The bill directs the Atomic Energy Commission to enter into cooperative arrangements for this purpose with utility organizations and energy companies having an interest in exploration, and recovery of energy resources as well as other parties.

Under the bill, utility organizations, in partnership with such energy companies, would be invited to make proposals to the Atomic Energy Commission for cooperative programs involving the use of nuclear devices to develop geothermal resources for the production of electricity. Each proposal to the Commission would be accompanied by a preliminary feasibility study identifying alternate sites, evaluating environmental considerations, projecting recoverable resources, and covering other factors that may be necessary for an evaluation of such proposals. Each proposal would outline any arrangements contemplated between nongovernmental parties. Typically, a utility and an energy company might agree to execute a contract, the former obligating itself to construct necessary electric generating and transmission facilities and the latter committing itself to perform necessary exploration work and construct resource recovery facilities. The arrangements between the nongovernmental parties would also include agreements for the purchase and sale of steam produced in the project. Each proposal would also identify the amount and type of Government assistance required in the project.

The Government would be authorized to provide without charge site investigation, nuclear explosive detonation services, and associated health and safety and environmental services; expend funds for research and development in support of the program authorized by this section; and for necessary studies. Twenty-five million dollars would be authorized for the project, and would constitute the full extent of Government assistance available for this program. Major aspects of any project would be financed by the nongovernmental parties, including demonstration site acquisition, construction of generating and associated transmission facilities, and such other facilities as may be required for recovery of the geothermal resource.

Arrangements concluded under this authority would, typically, provide for a multiphase program involving:

First. Detailed studies of the project;

Second. Exploratory drilling to verify the extent and recoverability of the geothermal resource;

Third. Detonation of nuclear explosive devices and associated evaluations and construction of resource recovery and steam test facility and conduct of a product development program;

Fourth. Construction and demonstrational operation of electric generating and transmission facilities.

In keeping with the procedures that have been applicable to Commission programs over the years—particularly the cooperative power reactor demonstration program—the Joint Committee on Atomic Energy would have to approve any project proposed under this authorization.

Pursuant to section 5(f) of the bill—and to assure full attention to environmental problems—the evaluation of all proposals and the conduct of any project would have to be coordinated with the Secretary of the Interior, the Chairman of the Federal Power Commission, and the Administrator of the Environmental Protection Agency. Overall supervision of the program from the evaluation of proposals through the actual conduct of a project would be vested in the Chairman of the Atomic Energy Commission.

Mr. President, geothermal power is a challenging frontier. Our exploration for new energy resources requires that we bend every effort toward its early development. The bill I introduce today proposes a major step in that direction, and I commend it to the Senate for prompt consideration and action.

By Mr. BENTSEN:

S. 1350. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services, of equal rank and years of service, and for other purposes. Referred to the Committee on Armed Services.

EQUALIZATION OF RETIREMENT PAY OF MEMBERS OF THE UNIFORMED SERVICES

Mr. BENTSEN. Mr. President, the retired pay for those who retired prior to June 1958 has never been "recomputed" or equalized to the retired pay of those who retired after 1958.

Retirees who entered upon a military career under a retirement system which guaranteed them the same retired pay as other retirees of equal grade and years of service, now draw nine different rates depending upon the date on which they retired from active service. As pay raises are granted—according to the cost of living index—the disparity gap grows wider against the older group of retirees.

An example of this is the major—04—who retired before June 1, 1958; he receives a retirement pay of $501 per month compared to a recently retired major—04—who receives $708 monthly. The recent retiree is still young enough to work after becoming retired, virtually earning still more income.

Gentlemen, this is a serious situation for our older military retirees. The time has come to close this disparity gap with a more equitable retirement income for those who served in the uniformed services.

The bill I introduce today, the "Uniformed Services Retirement Equalization Act," similar to H.R. 3342 introduced in the House by my Texas colleague, Congressman OLIN TEAGUE. This bill would equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes. We must keep faith with those loyal, gallant and unselfish Americans who did their duty and faithfully served their country. Congress has a moral obligation to give this measure its fullest consideration and support.

By Mr. BENTSEN:

S. 1351. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan. Referred to the Committee on Armed Services.

SURVIVOR BENEFIT PLAN FOR MILITARY RETIREES

Mr. BENTSEN. Mr. President, today I introduce a bill that would establish a comprehensive and more equitable benefit plan for military retirees. This bill is identical to H.R. 984 previously introduced in the House by Congressman OTIS G. PIKE of New York. The current retired servicemen's family protection plan—RSFPP—is a most inequitable system that sets premiums under a complex formula based on age difference, grade of rank. Not only that, but military participants pay more under this plan than civilian employees under the civil service program.

An example of how the present objectionable plan works can readily be seen in the situation of an E–6 master sergeant, age 39, whose retirement pay is $302 monthly. From this sum, he is deducted $23.06 for the survivor plan for the rest of his life. If he dies and leaves a surviving widow, she will receive only $151.28 for the remainder of her life and there is no provision for a cost of living adjustment to compensate for the burden of inflation. It is unrealistic to think that any survivor could exist on such meager income.

Most military personnel must make an election in this retirement program prior to their 19th year of service. Further, the RSFPP is difficult to explain to prospective retirees since the plan is based on a complex actuarial cost table.

In view of the inadequacies of the present plan, there is a clear need for a more equitable survivor benefit program for our military retirees.

I point out that under my proposal, there would be no immediate increase in Federal budgetary requirements for the permanent survivor benefit program, for the retired pay deductions will exceed the level of benefit payments for approximately the first 20 years of the program.

Mr. President, I believe it is the moral obligation of Congress to attend to the needs of our military retirees, who have faithfully served in the Armed Forces of our country, and especially should we make adequate provisions for the future well-being of their surviving widows and children.

By Mr. PEARSON:

S. 1353. A bill to amend the Public Health Service Act to assist in alleviating the shortage of health-care personnel in rural areas, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE RURAL HEALTH SERVICES ACT

Mr. PEARSON. Mr. President, I introduce for appropriate reference a bill to assist in alleviating the shortage of health-care personnel in rural areas and to generally strengthen the delivery of health-care services to rural Americans.

Mr. President, this country faces a growing health-care crisis. Nowhere is that problem more pressing and more complex than in our rural areas.

By almost every indicator, health-care problems are greater in rural areas than in metropolitan areas. There are a number of reasons for this. First, the incidence of poverty is greater among rural people. And poverty and poor health have always gone hand in hand. Because they have less to spend, low-income families spend less on medical services than do middle- and upper-income families.

Second, the rural population has a much higher percentage of older aged citizens. Health-care problems are, of course, of great magnitude among our senior citizens and this is magnified by the fact that most of them live on limited income.

Third, accident rates among rural farm workers are very high compared to other types of occupations.

But the health-care problems of rural areas go far beyond the factors of poverty, age, and accident rate. If these three factors could somehow be eliminated we would still have a massive health-care problem. For it is a basic fact, Mr. President, that health-care personnel and facilities are less accessible in rural areas than in metropolitan areas.

The deficiencies in rural health care services have never been adequately cataloged. And because of differences in definitions, particularly in regards to what constitutes rural, the data produced by various studies are not always precisely comparable. However, the overall picture which emerges is all too clear:

In 1967 the President's National Advisory Commission on Rural Poverty reported that although about 30 percent of our population still lives in rural areas, about 12 percent of our physicians, 18 percent of our nurses, 14 percent of our pharmacists, 8 percent of our pediatricians, and less than 4 percent of our psychiatrists are located in our local areas.

Dr. Bond L. Bible, executive secretary of the Rural Health Council of the American Medical Association in an address before the Rural Sociological Society in 1969 said that 85.6 percent of the physicians in private practice are located in metropolitan areas, and only 14.4 percent in nonmetropolitan areas. The 1970 census shows that 31.3 percent of our people live in nonmetropolitan areas.

A 1965 study shows that over 90 percent of the specialists in internal medicine, obstetrics and gynecology, pediatrics and psychiatry were located in urban areas.

The following table shows a more detailed breakdown in the ratio of health personnel to population. The data in this table are based on a 1962 study.

THE RATIO OF PERSONS IN HEALTH OCCUPATIONS TO POPULATION, 1962

Item	County group[1]				
	Greater metropolitan (1)	Lesser metropolitan (2)	Adjacent to metropolitan (3)	Isolated semirural (4)	Isolated rural (5)
Health personnel per 100,000 population:					
Dentists	71.0	52.0	38.7	40.6	27.4
Nurses, total	492.7	509.3	388.3	350.6	195.7
Active	327.5	339.6	254.2	242.8	125.9
Pharmacists	81.2	65.2	51.3	56.0	45.3
Physicians, total	205.3	153.0	91.5	100.4	59.1

[1] Group 1: Greater metropolitan—counties with 1,000,000 or more inhabitants. Group 2: Lesser metropolitan—counties with 50,000 to 1,000,000 inhabitants. Group 3: Adjacent—counties contiguous to metropolitan areas. Population in such counties ranges from 500 to 508,500 inhabitants. Group 4: Isolated semirural—counties containing at least 1 township with 2,500 or more inhabitants. Group 5: Isolated rural—counties not included in the above 4 groups.

Aggrevating the general scarcity of health personnel is the fact that rural people often must travel considerable distances in order to utilize the services that are available. This problem is further accentuated by the general inadequacies of emergency services such as transportation and specialized treatment in rural areas. This undoubtedly contributes to the very high accident fatality rates in rural areas.

But these various figures represent not much more than the tip of the iceberg. Present trends indicate that things will get much worse unless major corrective actions are taken.

For example, a disproportionately high percentage of our rural physicians, most of whom are general practitioners, are over 50 years of age. As these physicians retire the very small rural communities are finding it difficult, if not impossible, to secure replacements. Part of this relates to the reluctance of young physicians to practice in isolated areas, but it also relates to the fact that our medical schools are turning out fewer and fewer general practitioners. Ninety percent of our medical school graduates now specialize.

Thus the special characteristics of the rural population and the lack of adequate medical personnel and facilities to serve them result in a disturbing picture of health conditions in rural areas:

About one-sixth of the population in rural areas have chronic health conditions which limit activity, compared to about one-tenth in large metropolitan areas. The rate of activity-limiting illnesses is particularly high among farmers.

Farm males lost 18.1 days per person per year from all conditions—as reported in a 1964 study. Rural nonfarm males 15.3 compared with 13.8 for metropolitan males.

Rural maternal mortality rate in 1964 was nearly one-fourth higher than the national average.

The infant mortality rate is highest in the most rural and poverty stricken areas.

Accident fatality rates are much higher in rural than in urban areas. For example, a California study has shown that people injured in auto accidents in rural areas are almost four times as likely to die of their injuries as those injured in urban. In 1966 there were 1,450 more farm residents killed by accidents than were lost in 5 years of battle in Vietnam from 1961 to 1966.

These raw figures alone tell a depressing story, but they tell only part of the story. Thousands of rural communities across the country today are fighting for their very survival. The availability of health care services is a vital component of a community. Once the services are no longer available, the life of a community is seriously threatened. The absence of health services encourages greater outmigration and certainly makes it virtually impossible for that community to attract new business and industry. Thus there is a close connection between health care and economic vitality and the ability of a community to survive and grow.

Therefore, Mr. President, the improvement of health-care services is a vital and necessary part of our rural community development efforts.

DESCRIPTION

Mr. President, the bill I introduce today seeks to achieve two basic objectives. First, is to increase the number of physicians and allied health personnel serving rural areas. The second objective is to improve and strengthen the delivery of health services to rural residents.

First, to encourage more physicians to locate in rural areas, the Public Health Services Act would be amended to provide that the loan forgiveness rate for students locating in rural areas would be increased from 15 to 33⅓ percent per year, with a total forgiveness of the student loan for those remaining in the rural area for at least 3 years. Also, if the student himself is from a rural area he would be eligible for an annual loan of $3,000 rather than the present $2,500.

Second, the bill also provides a loan forgiveness for allied health personnel. The forgiveness rate here being 25 percent per year, with a total forgiveness for individuals remaining in the rural area for 4 years.

Third, because surveys have shown that medical students from rural areas are much more likely than their urban-reared colleagues to establish practices in rural areas, the bill would establish a program of grants and contracts to encourage state and local educational agencies and other public nonprofit institutions and organizations to institute programs aimed at encouraging more rural youth to pursue careers in medical and allied health areas. In addition to this general promotional program the bill would provide a special grants program to educational institutions enrolling students from rural areas. This would be a per capita grant program with the size of the grants depending upon the nature of the educational program. In no case, could any institution qualify more than 25 percent of its student body under this program.

This program would also have the effect of increasing the total number of physicians and allied personnel.

To improve the delivery of health care services in rural areas, the bill proposes the following:

First, it would establish a demonstration program to provide better linkage between health personnel in rural areas and those in larger urban centers. Given modern communications and monitoring systems, we can and should be able to develop the organizational and technological systems whereby physicians and allied health personnel in rural areas can have regular, systematic access to the diagnostic and consultative services of major medical centers. With the proper use of modern communications and technology physical distance should no longer be a barrier to obtaining the services of specialized medical experts.

An effective program of linking smaller communities to the services of larger urban medical centers would certainly help to improve the quality of health care to rural people without the prohibitively costly duplication of facilities.

A regularized system of communication and cooperation between rural area health personnel and the larger metropolitan medical centers might also have the advantage of encouraging more health care personnel to locate in rural areas. Surveys have shown that physicians and allied health personnel consider the isolation from their peers and the lack of opportunity for professional growth to be one of the disadvantages of establishing a practice in a small isolated community. The program proposed by this bill would thus help overcome one of the factors which now discourages physicians locating in isolated rural communities.

Second, the bill would establish a demonstration program for the development and use of part-time medical clinics and mobile diagnostic units in the more isolated rural areas. In a number of communities there simply are too few people to support full-time health-care services, but surely we can do a better job of bringing medical services to these people. Mobile units and part-time medical clinics have great potential, but, to date, far too little has been done to develop this technique of bringing high quality medical services to people living in smaller and more isolated areas.

Third, the bill would also call for a demonstration program in emergency health transportation and emergency care. The inadequacy of emergency facilities in rural areas is especially critical because of the higher accident rate among farmers and because of the greater distances that must be traveled. The use of helicopters, centrally dispatched road vehicles, deployment of emergency health personnel, and other techniques can, if properly designed and carried out, do a great deal to provide improved emergency treatment to rural communites.

Finally, Mr. President, the bill provides for grants to the States to carry out special surveys of rural health needs and to develop plans for meeting such needs. We need a more detailed inventory of rural health needs and we need a much more comprehensive rural health planning effort.

And in developing these plans, the States should treat health care as a fundamental component of the rural community development effort. They should take into account the growing national commitment to the objective of rural development and balanced national growth. Too often in the past, the planners have assumed that rural, nonmetropolitan population would continue to decline and thus long range projections were adjusted accordingly. But the alteration of present population distribution trends to achieve a better rural-urban balance has now become an established national goal and this must be taken into account by State and Federal health planners.

Mr. President, a special note about allied health personnel. The more effective and extensive use of allied health personnel—physician assistants, paramedical, and other health technicians—is absolutely necessary to the overall improvement of health care in this Nation. If properly used, these personnel can make an enormous contribution. Allied health personnel can be particularly useful in rural areas. Physician assistants could be used to relieve the overworked rural general practitioners of many tasks which do not require the direct personal attention of an M.D. Physician assistants, if properly supervised and linked to medical centers, might also be able to function effectively in independent practice in the very isolated areas of rural America.

This bill gives particular attention to the allied health personnel field. The allied health professions are included in all the assistance programs provided in the bill. Also, it would be expected that the demonstration program authorized by this bill would be used, in part, to demonstrate the contribution that allied health personnel can make in rural areas.

In my study of the general subject of allied health it became apparent that there was need for the Secretary of Health, Education, and Welfare to draw up a model code which the State legislatures could use as a guide in drafting legislation covering the licensure and certification of persons engaged in the allied health professions. Therefore, I am introducing today a separate bill directing the Secretary to draft such a model code. This should help facilitate the development of the allied health professions in general and because allied health personnel can make an important contribution to rural health care I consider this bill to be complementary to the Rural Health Services Act. However, the model code proposal has general applicability and should be considered separately.

Mr. President, I ask unanimous consent that the Rural Health Services Act be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1353

A bill to amend the Public Health Service Act to assist in alleviating the shortage of health care personnel in rural areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Rural Health Service Act".

STUDENT LOANS

SEC. 2. (a) Section 741(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by striking out "Loans" and inserting in lieu thereof "Except as otherwise provided in the succeeding sentence, loans"; and

(2) by inserting after the first sentence thereof the following new sentence: "In the case of any student who is from a rural area and who indicates an intention (upon completion of his professional education) to practice his profession in a rural area, such loans may not exceed $3,000 for any such student for any such year."

(b) The second sentence of section 741 (f) of such Act is amended—

(1) by striking out "15 per centum" and inserting in lieu thereof "33⅓ per centum".

(2) by striking out "characterized by low family income"; and

(3) by striking out "an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled" and inserting in lieu thereof "an amount equal to the total amount of such loans plus interest may be canceled".

(c) (1) Effective in the case of fiscal years ending after June 30, 1971, the first sentence of section 742(a) of such Act is amended to read as follows: "There is authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to carry out this part (other than section 744).

(2) The third sentence of section 742(a) of such Act is amended—

(A) by striking out "1972" and inserting in lieu thereof "1978"; and

(B) by striking out "1971" and inserting in lieu thereof "1977".

(d) Section 794D (b) (C) of the Public Health Service Act is amended by—

(1) striking out "with an individual practitioner of medicine or dentistry";

(2) inserting "(i)" after "except that"; and

(3) inserting "(other than such a hospital, facility or agency which is located in a rural area)" after "health agency"; and

(4) inserting immediately before the semicolon at the end thereof the following: "(ii) such rate shall be 25 per centum for each complete year of service in such profession in a rural area, which is determined, in accordance with regulations of the Secretary, to have a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to the total amount of such loans plus interest may be cancelled".

DEMONSTRATION PROJECTS FOR HEALTH CARE IN RURAL AREAS

SEC. 3. Section 304 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) There are authorized to be appropriated such sums as are necessary for grants and contracts for special projects under this subsection.

"(2) The Secretary is authorized, from sums available therefor from appropriations made under this section to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to the development of innovative methods of expanding and improving the delivery of health care in rural areas, including (but not limited to)—

"(A) projects designed to provide physicians and allied health personnel access to diagnostic and consulting services of major medical centers through expanded use of modern communications and monitoring systems between rural areas and such medical centers;

"(B) projects for the establishment of medical clinics in rural areas to be operated on a full- or part-time basis to provide greater health care services to area residents;

"(C) projects for utilization of mobile diagnostic units and training of personnel; and

"(D) projects for expanded use of emergency health transportation and emergency care through the use of helicopters and radio dispatched road vehicles.".

SURVEY OF RURAL HEALTH NEEDS

SEC. 4. Section 314 of the Public Health Service Act is amended by redesignating subsection "(g)" as subsection "(h)" and inserting the following new subsection:

"GRANT FOR SURVEY OF RURAL HEALTH NEEDS

"(g) (1) The Secretary is authorized to make grants to State health planning agencies which have been designated pursuant to section 314(a), for the purpose of enabling such agencies to conduct special surveys of rural health needs in their States and to develop plans for the meeting of such needs.

"(2) Any such survey shall be designed to determine the various types of health personnel required to fulfill present and future needs of the rural areas in such States; and, in determining such needs for any rural area, there shall be taken into account the housing, income, transportation, communication, sanitation, and other relevant characteristics of such area; and

"(3) For the purposes of carrying out this subsection there are authorized to be appropriated $——."

TALENT UTILIZATION

SEC. 5. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—GRANTS AND CONTRACTS TO ENCOURAGE APPROPRIATE INDIVIDUALS FROM RURAL AREAS TO ENTER THE HEALTH PROFESSIONS

"SEC. 799H. (a) To assist in meeting the needs of rural areas for additional professional personnel in the health professions (as defined in subsection (b)) the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3708 of the Revised Statutes (41 U.S.C. (5))) for the purpose of—

"(1) identifying individuals from rural areas with a potential for education or training in the health professions, who indicate an intention (upon completion of their education or training in a health profession) of practicing such profession in a rural area, and encouraging and assisting them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 721 (b) (1) (B); or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in schools referred to in clause (1) (A).

"(b) For purposes of this part, the term 'professional in the health professions' refers to any of the following:

"(1) doctors of medicine;

"(2) doctors of dentistry or persons holding an equivalent degree;

"(3) doctors of osteopathy;

"(4) doctors of pharmacy or bachelors of science in pharmacy;

"(5) doctors of optometry or persons holding an equivalent degree;

"(6) doctors of podiatry or doctors of surgical chiropody;

"(7) doctors of veterinary medicine or persons holding an equivalent degree; or

"(8) graduates of schools of public health.

"(c) For purposes of carrying out the provisions of this part, there is authorized to be appropriated such sums as are necessary.

GRANTS FOR ENROLLING STUDENTS UNDER RURAL INCENTIVE PROGRAM

SEC. 6. Part B of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"GRANTS FOR ENROLLING STUDENTS UNDER THE RURAL INCENTIVE PROGRAM

"SEC. 318. (a) The Secretary is authorized to make grants to schools of the health professions (as defined in subsection (c) (1)) and to schools of the allied health professions (as defined in subsection (c) (2)) to assist such schools in meeting expenses incurred for staffing and operation (but not including expenses incurred for construction).

"(b) (1) The amount of any grant under

this section for any school for any school year shall be equal—

"(A) in case such school is a school of the health professions, to whichever of the following is the lesser:

"(i) the amount produced by multiplying the number of students of such school for such year by the school of health professions amount (as prescribed under paragraph (2)); or

"(ii) the amount produced by multiplying a number, which is equal to 25 per centum of the total number of students of such school for such year, by the school of health professions amount (as so prescribed); and

"(B) in case such school is a school of the allied health professions, to whichever of the following is the lesser:

"(i) the amount produced by multiplying the number of students of such school for such year by the school of allied health professions amount (as prescribed under paragraph (2)); or

"(ii) the amount produced by multiplying a number, which is equal to 25 per centum of the total number of students of such school for such year, by the school of allied health professions amount (as so prescribed).

"(2)(A) The Secretary shall, after taking into consideration the number of schools eligible for grants under this section, the financial needs of such schools, and the amount of funds available for grants under this section, establish, from time to time, a dollar amount which shall be the school of health professions amount and a dollar amount which shall be the school of allied health professions amount.

"(B) The dollar amount established, for any period, by the Secretary as the school of health professions amount shall be greater than (but not more than 150 per centum of) the dollar amount established by him, for such period, as the school of allied health professions amount.

'(c)(1) The term 'school of the health professions' means a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 721(b)(1)(B).

"(2) The term 'school of the allied health professions' means a public or nonprofit private educational institution (which meets such standards as may be prescribed by the Secretary) with an established program for training or retraining of personnel in the allied health professions.

"(d) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary."

By Mr. PEARSON:

S. 1354. A bill to amend the Public Health Service Act to provide for a model State code for the allied health professions. Referred to the Committee on Labor and Public Welfare.

A MODEL STATE CODE FOR THE ALLIED HEALTH PROFESSIONS

Mr. PEARSON. Mr. President, I introduce for appropriate reference a bill to provide for the establishment of a model State code for the allied health professions.

Mr. President, allied health personnel—physician assistants, corpsmen, and medics, and other health technicians—have an extremely important role to play in the delivery of health care. Indeed, we are only beginning to recognize the enormous potential of their contribution.

However, there is a great deal of uncertainty and confusion as to the proper educational and practicing standards.

Therefore, Mr. President, it would be extremely useful, I believe, for the Secretary of Health, Education, and Welfare to draw up, after proper study and consultation with representatives of the various medical specialties and disciplines, a model State code for the allied health professions. This code could be used by the State legislatures in drafting legislation covering the licensure and certification of persons engaged in the allied health professions.

Such matters as education requirements, experience as a substitute for education, specifications of training courses, duties which may be performed by direction of a physician, duties which could be performed without prior authorization, the liability of such persons and other problems of this type could be addressed by State model code.

The medical profession has already defined the education and duties for a number of occupations in the allied health personnel field, and attention is consistently being given to the need for updating and revision. A study by HEW in cooperation with the appropriate professional groups would be extremely useful in standardizing these career fields, in order to permit maximum use of such personnel in every State and also as such personnel would move from State to State.

Mr. President, I ask unanimous consent that this bill to establish a model State code be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1354

A bill to amend the Public Health Service Act to provide for a Model State Code for the allied health profession

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part G of title VII of the Public Health Service Act is amended by adding after section 799A, the following new section:

"MODEL STATE CODE

"Sec. 799B. (a) In order—

"(1) to expand the role of the allied health professions in meeting the health care needs of the Nation; and

"(2) more effectively to utilize the services of individuals engaged in such professions; the Secretary shall (at the earliest practicable date after the filing of the licensure report referred to in section 799A) prepare, distribute to States and other interested persons, and recommend for adoption by the States, a model code on licensure and certification of persons engaged in the allied health professions.

"(b)(1) Such model code shall—

"(A) define the various occupations and specialties in the allied health professions;

"(B) set forth the educational and other qualifications required for licensure or certification in each of such occupations and specialties;

"(C) describe the duties and responsibilities of each of such occupations and specialties and specify the type of supervision (if any) which is required in the performance of such duties and responsibilities.

"(2) The Secretary shall, from time to time, make such revisions in and additions to such code as may be necessary or appropriate to take account of developments which have taken place in the field of health care (including the development of new occupations and specialties in the allied health professions).

"(c) In the preparation of such code and in the preparation of any revision thereof or addition thereto, the Secretary shall consult with Governmental and other agencies having responsibilities with respect to the licensure or certification of individuals engaged in the allied health professions, and with such other Governmental and other agencies, professional organizations, and other persons, as may be appropriate."

By Mr. STEVENS (for himself and Mr. Gravel):

S. 1356. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. STEVENS. Mr. President, I am pleased to introduce today for myself and Senator Gravel a bill to establish the Seward National Recreation Area. This recreation area would include spectacular forests, glaciers, lakes, rivers, wildlife, and other resources in the Chugach National Forest and nearby lands on the Kenai Peninsula in Alaska. The area would contain approximately 1.4 million acres and would be administered by the Secretary of Agriculture as a part of the Chugach National Forest.

Rich in history, spectacularly beautiful, the Seward National Recreation Area contains a wealth of recreation resources and opportunities. It lies about an hour away from Anchorage, which is Alaska's most populous city and the air cross roads of the world.

The story of civilization within the proposed recreation area began in the late 1700's. The fur of the sea otter attracted Siberian fur hunters and Russian traders who enlisted as hunters the original inhabitants of the region—the Kenaitze Indians. In the 1850's gold was first discovered, and in 1888 the town of Hope welcomed a discovery at Resurrection Creek which started a human stampede in search of the precious metal.

Wildlife is a main attraction of the area. Moose wander near the main roads at certain times of the year, and Doll sheep and mountain goat can be seen on the steep mountain slopes. There are black bear, brown bear, and abundant porcupines and grouse. Hunting is good and fishing very popular, particularly when the salmon are running.

Most of the recreation area is rugged mountainous terrain with a maximum elevation of around 6,000 feet. The combination of mountains, lakes, streams, glaciers, and a variety of vegetative cover produce a striking and varied landscape.

Ice fields and glaciers are prevalent. The recreation area includes one of the largest ice deposits in North America, the Harding Ice Field. It contains one of the major established glacial attractions in Alaska—the Portage Glacier. This outstanding geological feature draws thousands of persons each year from all sections of the Nation and from many parts of the world. From a parking lot observation point on the western edge of Portage Lake, one can get an excellent view of the face of the glacier, the expanse of the lake itself, and the steep surrounding mountains. The unique feature of this panorama, however, is the floating mass of gigantic icebergs which regularly calve off the face of the glacier. These irregular chunks of ice drift across the lake and come within close range of the observation point. Few other places in the world afford such a closeup view of icebergs from a vantage point on land.

My bill is patterned after legislation which established other National Forest National Recreation Areas. It would direct the Secretary of Agriculture to manage the recreation area for public outdoor recreation benefits and the conservation of biotic, scenic, scientific, geologic, historic, and other values. The management, utilization, and disposal of natural resources would be permitted so long as these functions are compatible with the recreational purposes and programs in the area. Minerals would be withdrawn from location and entry under the mining laws, but could be leased or removed under permits issued by the Secretary of the Interior if the Secretary of Agriculture determines these would have no significant adverse effects on the administration of the area. Permits and leases would contain conditions prescribed by the Secretary of Agriculture to protect the areas resources. The Secretary of Agriculture would also be directed to cooperate with the State of Alaska and its subdivisions in administering the area.

Copies of a map of the proposed national recreation area are available in the Office of the Chief of the Forest Service in Washington and in the Alaska Regional Forester's office in Juneau.

Mr. President, enactment of our bill will bring an important new concept to bear in the management of Federal recreation resources in Alaska. I look forward to its early consideration.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1356

A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain spectacular forested areas, geological areas, lakes, rivers and streams, and other recreational features and resources on the Kenai Peninsula in the State of Alaska by present and future generations and the conservation of scenic, scientific, historic, geologic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Seward National Recreation Area (hereinafter referred to as the "recreation area"), comprising approximately one million, four hundred thousand acres. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Seward National Recreation Area" dated February 1971, which is on file and available for public inspection in the Office of the Regional Forester, Alaska Region, and in the Office of the Chief, Forest Service, United States Department of Agriculture.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to the national forest system, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of biotic, scenic, scientific, geologic, historic, and other values contributing to public enjoyment; and (3) such management, utilization, or disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established.

SEC. 3. Within one year after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description may be made.

SEC. 4. The boundaries of the Chugach National Forest are hereby extended to include all of the lands not presently within national forest boundaries lying within the recreation area as described in accordance with section 1 of this Act. Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

SEC. 5. Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, or other property, or any interest therein, in such manner as he considers to be in the public interest to carry out the purposes of this Act. Any lands, waters, and interests therein owned by or under the control of the State of Alaska or any political subdivision thereof may be acquired only with the consent of such State or political subdivisions. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become part of the recreation area and of the Chugach National Forest.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on the land and waters under his jurisdiction within the recreation area in accordance with applicable Federal and State laws; except that the Secretary may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, wildlife management, or public use and enjoyment. Except in emergencies, any regulations pursuant to the section shall be issued, only after consultation with the Alaska Department of Fish and Game.

SEC. 7. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may issue permits or leases for the removal of the nonleasable minerals from lands or interests in lands within the recreation area, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the recreation area: *Provided,* That any lease respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands within the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

SEC. 8. The jurisdiction of the State of Alaska and the United States over waters or any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water rights which are vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an expressed or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 9. The Secretary shall cooperate with the State of Alaska or any political subdivisions thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Alaska or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

By Mr. STEVENSON (by request):

S. 1362. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

S. 1363. A bill to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes;

S. 1364. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes;

S. 1365. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes;

S. 1366. A bill to designate the legal public holidays to be observed in the District of Columbia;

S. 1367. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

S. 1368. A bill to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes;

S. 1369. A bill to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; and

S. 1370. A bill to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest; referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA LEGISLATION

Mr. STEVENSON. Mr. President, as chairman of the Business, Commerce, and Judiciary Subcommittee of the Committee on the District of Columbia, I have the honor to introduce for appropriate reference nine bills which have been submitted by the District of Columbia government for consideration by the Congress. This is part of the District's legislative package and as soon as the city has completed submission of its program, I intend to announce hearings on the bills within my subcommittee's jurisdiction.

The bills I am today introducing would:

First, amend the District of Columbia Code to increase the jurisdictional amount of administration of small estates from $500 to $2,500, increase the family allowance and provide for simplified procedures for the settlement of such estates.

Second, amend the Alcoholic Beverage Control Act to allow the Board greater flexibility in dealing with licensees.

Third, authorize the District to lease airspace above and below freeway rights of way.

Fourth, establish a revolving fund consisting of appropriated monies repaid to the fund and sums from any other source to be loaned to nonprofit housing sponsors from any other source to be loaned to nonprofit housing sponsors for planning of housing for persons of low and moderate income.

Fifth, amend the present motor vehicle responsibility laws to provide for the indemnification of individuals who sustain losses as a result of the operation of motor vehicles by financially irresponsible individuals.

Sixth, allow the Commissioner of the District of Columbia to enter into contracts for the payment of the District's share of the costs of reservoirs on the Potomac River.

Seventh, revise licensing procedures for various occupations.

Eighth, designate certain legal public holidays so that such holidays shall be celebrated in the District of Columbia in accordance with Public Law 90-363 which sets certain Mondays as the day to celebrate such holidays.

Ninth, standardize the procedures for the testing of certain utility meters.

By Mr. KENNEDY (for himself, Mr. FONG, Mr. ANDERSON, Mr. BAYH, Mr. CASE, Mr. GRAVEL, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, and Mr. STEVENS):

S. 1373. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, on behalf of myself and Senators FONG, ANDERSON, BAYH, CASE, GRAVEL, HART, HUGHES, HUMPHREY, INOUYE, JAVITS, MAGNUSON, PASTORE, PELL, PERCY, RANDOLPH, and STEVENS, I introduce, for appropriate reference, a bill to amend the Immigration and Nationality Act.

Mr. President, the Immigration Act of 1965 repealed the discriminatory national origins quota system, and commenced long needed steps to reform basic policy governing the oldest theme in our Nation's history. Since then, additional reform measures have been enacted, and the comprehensive bill I introduce today continues this effort.

In preparing the bill introduced today, I worked with several Members of Congress. Senator FONG, Senator HART, and Senator PELL made important contributions to the development of the legislation. I also sought the advice and counsel of outside experts, including representatives of the American Immigration and Citizenship Conference and its more than 50 member organizations.

The bill goes a long way in continuing the basic reform initiated in 1965. It accomplishes the following objectives:

First, it refines and strengthens the new system established in 1965. It not only remedies the confused situation in the allocation of visas to applicants in Western Hemisphere countries—but also provides a more orderly, flexible, and humane method of allocating visas to applicants of all countries, on a first-come, first-served basis.

Second, it strengthens immigration objectives to reunite families.

Third, it establishes a new humanitarian policy of asylum for refugees and victims of natural calamity.

Fourth, it refines the application of our belief in human dignity and equal opportunity under law, by reestablishing a board of visa appeals and a statute of limitations on deportation.

Fifth, it provides minor adjustments in the nationality and naturalization law, and establishes a Select Commission on Nationality and Naturalization to evaluate the fairness of our general policy in this extremely important, but overlooked area of public concern.

Sixth, but of immediate importance—the bill curbs the massive influx of alien workers from Mexico who are contributing significantly to severe economic depression in many of our border areas.

Mr. President, I would like to elaborate briefly on these objectives—in the order I have listed them—by referring to specific sections of the bill.

(1) REFINEMENT OF THE NEW SYSTEM ESTABLISHED IN 1965

Section 4 establishes a worldwide ceiling of 300,000 immigrants annually, exclusive of immediate family members of U.S. citizens and other special immigrants.

The worldwide ceiling becomes effective on July 1, 1974. In the interim, the present ceiling of 170,000 immigrants from countries in the Eastern Hemisphere continues to operate.

The present ceiling of 120,000 immigrants from countries in the Western Hemisphere is raised to 130,000—and, owing to the special nature of the Cuban refugee program, refugees who adjust their status to permanent resident alien under the act of November 2, 1966, will not be counted against the ceiling.

Section 5 of the bill extends the present 20,000 annual limitation on immigration from any one country in the Eastern Hemisphere, to Western Hemisphere countries as well—except that Canada and Mexico are given a maximum of 35,000 each.

Section 6 amends the preference system established in 1965. In addition to introducing flexibility into the allocation of visas among the seven preferences, this section applies the preference system on a worldwide basis simultaneously with the effective date of the world ceiling.

In the interim, the preference system, which is currently operative only in the Eastern Hemisphere, is broadened to include the Western Hemisphere. But the preference system will operate separately in each hemisphere until July 1, 1974.

As suggested, section 6 of the bill introduces maximum flexibility into the allocation of visas within the preference system. This is accomplished, first of all, by making minor changes in percentage allocations from the pool of visas to each preference category, so as to better reflect the pattern of anticipated demands—and, more importantly, by permitting the drop down of unused visas in any category to meet excessive demand in the category that follows. Visas remaining after the drop down through the seven preference categories will be issued to nonpreference immigrants.

These modifications in the preference system will, among other things, make available additional visas in the categories traditionally used by applicants in Ireland, Germany, the Netherlands, and several other countries.

(2) FAMILY UNITY

On strengthening traditional immigration objectives to reunite families, section 6 of the bill adds parents of permanent resident aliens to the second preference.

It also increases the number of visas available to refugees, who frequently have relatives in the United States.

Section 7 facilitates the admission of the mentally retarded.

Section 22 provides for the issuance of special immigrant visas to clean up the backlog of applicants in the fifth preference for brothers and sisters of U.S. citizens. In Italy, petitions date back several years and contain a residue which resulted from the discriminatory national origins quota system.

To provide relief for qualified fifth preference visa applicants who still wish to join their family in this country, is humane and just.

Additionally, section 3 establishes a Board of Visa Appeals to review the denials of an immigrant visa to relatives of U.S. citizens or permanent resident aliens.

There are many cases on record in

which the denial of a visa by an American consul abroad has raised justifiable skepticism.

Some of these denial cases have been finally settled through the enactment of private immigration bills.

It is true that an informal appeal process currently operates within the Department of State.

Regardless of the Department's findings, however, the final decision rests with the consul abroad. I believe an independent board of visa appeals—under law—will help assure a more equitable treatment of denial cases.

(3) ASYLUM FOR REFUGEES

Sections 6 and 7 of the bill establish a new humanitarian policy of asylum for refugees. First, the definition of a refugee is broadened from its present European and cold war framework, to include the homeless throughout the world. Second, the number of annual refugee admissions allocated within the preference system is raised from the current maximum of 10,200 to 30,000. Third, the Attorney General is authorized to parole into the country additional numbers of refugees in times of emergency, if he determines it to be in the public interest. This merely confirms what we have done over the last 15 years in admitting those who fled Hungary and Cuba and Czechoslovakia. And, fourth, the bill provides a permanent authority to adjust the status of refugee parolees to that of permanent residence, thus avoiding the need for special legislation of the kind enacted for Hungarians and Cubans.

In practice, our country has always been generous in providing resettlement opportunities to refugees, but our permanent immigration law has never included a comprehensive asylum policy. As chairman of the Judiciary Subcommittee on Refugees, I believe it is extremely important that our law fully recognize refugee problems and resettlement needs throughout the world. The bill accomplishes this objective.

(4) HUMAN DIGNITY AND EQUAL OPPORTUNITY UNDER LAW

As suggested earlier, section 3 of the bill establishes a Board of Visa Appeals to review the denials of an immigrant visa to relatives of U.S. citizens or permanent resident aliens.

Section 15 of the bill reestablishes a statute of limitations on deportation. It is an established principle of law that justice requires a time limit, within which authorities must commence proceedings against an individual for any alleged crime or violation of law.

We recognize this principle in the criminal code, the exceptions usually involving capital cases.

But in matters involving the deportation of a lawfully admitted resident alien, this elementary principle does not apply.

The alien may have resided in this country since childhood, or for 20 or 30 years or more. He may have been a product of our society—but he is denied its justice, and its equity under the law.

The absence of a statute of limitations from the basic immigration law is a tragic shortcoming—a glaring injustice which has caused undue personal hardship and anxiety in the lives of many.

All Senators are familiar with such cases. The bill I introduce is a modest attempt to remedy the situation.

(5) NATIONALITY AND NATURALIZATION

Section 23 of the bill establishes a short-term select Commission on Nationality and Naturalization. As stated in the bill:

> The Commission shall make a complete study and investigation of all matters relating to the policy, administration and effect of title III of the Immigration and Nationality Act, including, but not limited to, the effect of federal judicial decisions in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization.

Mr. President, this important segment of public policy has been ignored and overlooked by the Congress, since the codification and amendment of nationality and naturalization laws in 1952.

There is little doubt that many provisions in the basic statute are products of a harsher period in our Nation's history, and should have no place in the public policy of a free society.

But aside from this, court decisions in recent years have altered the statute considerably. The situation clearly demands a comprehensive review and evaluation of our nationality and naturalization policy. I strongly feel this will be more easily and fairly accomplished through the efforts of an independent select commission.

(6) INFLUX OF ALIEN WORKERS FROM MEXICO AND CANADA

Finally, Mr. President, sections 7 and 14 of the bill help to curb the massive influx of alien workers, who are contributing significantly to severe economic depression in many parts of our country.

The grinding poverty, high unemployment, and low wages which mark many communities in our southern border States is well known. A readily available and low-paid workforce from Mexico is an important factor contributing to this distressing situation.

In previous years I have talked at length on this subject in this Chamber and elsewhere. And in both the 90th Congress and the 91st Congress I introduced remedial legislation. I do so again today, in the hope that Congress will finally come to grips with what can only be described as a national disgrace.

Section 7 of the bill refines the so-called "alien commuter system" administered by the Immigration and Naturalization Service. This system, a creature of administrative ingenuity without a statutory base, permits Canadian and Mexican workers who have been lawfully admitted to the United States for permanent residence, and who hold alien registration receipt cards—commonly known as "green cards"—to reside in Canada or Mexico and regularly commute across the border to places of employment in the United States.

A major thrust of our immigration laws has always been to protect the working conditions and job opportunities of American workers. As it currently operates, the 40-year-old commuter system—not provided for in these laws, but directly related to them—does not carry out this objective. It is true that potential commuters among many of the current applicants for an immigrant visa are covered by the labor clearance provisions of the Immigration Act of 1965. But once an applicant is given permanent resident status as a bona fide immigrant—once he receives his green card—for all practical purposes he holds in his hand a permanent work permit for employment in the United States.

I do not believe aliens should be given the unique privilege of being considered bona fide immigrants for purposes of employment in this country, when they choose to reside across the border and fail to become immigrants in the sense contemplated by law—and, more importantly, when their employment is so clearly detrimental to the economic conditions, the job opportunities, and the organizing and collective bargaining efforts of American workers.

The proposed amendment to section 212 of the Immigration and Nationality Act does not end the commuter system but it does refine its current operations. The amendment simply says that each commuter alien must be regularly certified every 6 months by the Department of Labor, that his presence in the United States to seek or continue employment does not adversely affect the wages and working conditions of American workers similarly employed. The amendment provides for the revocation of a commuter alien's labor clearance, if he violated administrative regulations, such as a ban on strikebreaking—and this regulation needs strengthening—prescribed by the Department of Labor and the Immigration and Naturalization Service to carry out the purpose of this amendment.

Section 14 of the bill, among other things, imposes criminal sanctions on employers who knowingly employ illegal entrants or those in an immigration status in which employment is not authorized. There is agreement in nearly all quarters that the presence of illegal entrants from Mexico within the American labor market continues to be a serious problem. An even greater problem, however, is apparently generated by Mexican nationals who enter the United States as bona fide visitors, usually on 72-hour passes—commonly known as white cards. Statistics compiled by the Immigration and Naturalization Service are not adequate to gage the full extent of employment among these visitors. Nevertheless, it is estimated that some 2 million white cards are currently in use, and that tens of thousands are issued annually.

Because the cards are undated and no record of entry is made at the border, Mexican nationals find them an extremely convenient vehicle to enter the United States—and with impunity acquire employment, remaining for extended periods of time in violation of their limited status as 3-day visitors. Moreover, there are no effective statutory or administrative regulations to deter employers from knowingly hiring the alien visitors. In fact, as it now stands, the Immigration and Nationality Act expressly facilitates their employment.

Mr. President, the influx of an alien workforce from Mexico, to compete for the limited number of jobs available in border areas, is compounding an already serious situation, and, understandably, producing bitter resentment among the severely disadvantaged American workers.

In these days of increased agitation by those who find they have no redress of grievances, the alien worker issue could well become explosive, with grave local and international consequences. I believe the situation demands the very urgent and active concern of the administration and the Congress. It demands an orderly pursuit of justice and fair play. Some measure of relief is needed promptly.

I believe that the enactment of these amendments—if coupled with a strengthening and more effective implementation of administrative regulations—will contribute a great deal to a reasonable and humane remedy of the chronic problems faced by the influx of workers from Mexico.

I fully appreciate that the rather free flow of nationals from neighboring countries into the United States evolved from a recognition of the special relations which we have had with these countries over the years. And I believe the parties concerned can continue to enjoy the mutual benefits of these relations, while at the same time curbing the adverse effects alien workers, including the exploitation of the workers themselves. In fact, a solution to these festering problems can only help to insure that the spirit of cordiality at the border will continue without difficulty in the years ahead.

Mr. President, I have outlined what I feel are today's principal issues in the immigration field. And I strongly feel that unless informed citizens, the Congress, and the adminstration give these issues the attention they need and deserve, much chaos will result in a significant area of public policy.

I urge Senators to join the movement for continuing reform.

Mr. President, I ask unanimous consent that the bill I introduce today, and a summary of its provisions, be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1373

A bill to revise the Immigration and Nationality Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1971."

SEC. 2. Subsection (a)(27) of Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(1) by striking out subparagraph (A) and redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking out "carrying on the vocation of minister of a religious denomination" in the subparagraph redesignated as subparagraph (C) and inserting in lieu thereof "performing duties which are related to the religious activities of a religious denomination"; and

(3) by amending the subparagraph redesignated as subparagraph (D) to read as follows:

"(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful, loyal, and efficient service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided,* That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

SEC. 3. Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end thereof the following new subsection:

"(g) (1) There is hereby established within the Bureau of Security and Consular Affairs a Board of Visa Appeals (hereafter referred to in this subsection as the 'Board'), to be independent of the Visa Office. The Board shall consist of five members to be appointed by the Secretary of State, who shall designate one member as Chairman. The practice and procedure before the Board shall be in accordance with this subsection and, subject to paragraph (4), such regulations as the Secretary of State may prescribe.

"(2) Upon petition—

"(A) by any citizen of the United States claiming that an alien outside the United States is entitled to (i) a preference status by reason of a relationship to the petitioner described in paragraph (1), (4), or (5) of section 203(a), or (ii) an immediate relative status under section 201(b), or

"(B) by any alien lawfully admitted for permanent residence claiming that an alien outside the United States is entitled to a preference status by reason of the relationship to the petitioner described in paragraph (2) of section 203(a).

the Board shall have jurisdiction to review any determination of a United States consular officer refusing an immigration visa, or revoking an immigrant visa issued, to any such alien outside the United States who has applied for classification as a preference immigrant described in any such paragraph or as an immediate relative. Each alien shall be informed of the review procedure available under this subsection when a determination refusing or revoking an immigrant visa to him is made by a consular officer. No petition for review may be filed with the Board more than sixty days after the date of notification to an alien of the making of the determination with respect to which review is sought.

"(3) Any review by the Board under this subsection shall be conducted solely upon the basis of the visa application and any other supporting documents submitted in connection with such application by or on behalf of the alien concerned, and any other documents, materials, or information in the possession of and considered by the consular officer, together with any briefs, memoranda, or arguments submitted in writing by or on behalf of the alien. No alien, solely by virtue of a petition for review by the Board under this subsection, shall be entitled to entry or admission into the United States.

"(4) The decision of the Board in each case shall be in writing and shall be communicated to the petitioner and the alien concerned. Decisions of the Board under this subsection shall be final and conclusive on all questions of law and fact relating to the issuance or revocation of a visa and shall not be subject to review by any other official, department, agency, or establishment of the United States; but, nothing in this subsection shall be construed to limit the application of section 221(d)."

SEC. 4. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), of alien refugees who may apply for adjustment of status to that of aliens lawfully admitted to the United States for permanent residence under the Act of November 2, 1966 (80 Stat. 1161; 8 U.S.C. 1255 note), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, (i) shall not in any of the first three quarters of any fiscal year exceed a total of eighty thousand and (ii) shall not in any fiscal year exceed a total of three hundred thousand: *Provided,* That, during the period from the effective date of the Immigration and Nationality Act Amendments of 1971 through June 30, 1974, the number of aliens specified in this subsection (a) shall not in any of the first three quarters of any fiscal year exceed a total of forty-five thousand and shall not in any fiscal year exceed a total of one hundred seventy thousand for aliens ascribed to independent foreign countries of the Eastern Hemisphere, and (B) shall not in any of the first three quarters of any fiscal year exceed a total of thirty-five thousand and shall not in any fiscal year exceed a total of one hundred thirty thousand for aliens ascribed to independent foreign countries of the Western Hemisphere."

(b) Subsections (c), (d), and (e) of such section are repealed.

SEC. 5. (a) Subsection (a) of section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in the first proviso—

(2) by amending the second proviso to read as follows: "*Provided further,* That, notwithstanding the preceding proviso, the total number of immigrant visas made available to natives of any country contiguous to the United States shall not exceed thirty-five thousand in any fiscal year."; and

(b) Subsection (c) of such section is amended by striking out "shall not exceed 1 per centum" and insert in lieu thereof "shall not exceed 3 per centum".

SEC. 6. (a) Subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in the portion which precedes paragraph (1);

(2) in paragraph (1), by striking out "20" and insert in lieu thereof "10";

(3) in paragraph (2), by inserting a comma and "or parents" after "unmarried daughters" and insert after "permanent residence" the following: ": *Provided,* That in the case of parents, such alien lawfully admitted for permanent residence must be at least twenty-one years of age";

(4) in paragraph (3), by striking out "10" and insert in lieu thereof "15", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) and (2),";

(5) in paragraph (5), by striking out "24" and insert in lieu thereof "20", and by striking out "brothers or sisters" in that paragraph and inserting in lieu thereof "unmarried brothers or unmarried sisters";

(6) in paragraph (6), by striking out "10" and insert in lieu thereof "15", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) through (5),"; and

(7) by amending paragraph (7) to read as follows:

"(7)(A) Visas shall next be made available, pursuant to such regulations as the Secretary of State may prescribe and in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to alien refugees described in subparagraph (B), who apply for admission to the United States.

"(B) The term 'alien refugee' means (i) any alien (I) who has left or shall leave from and is unwilling to return to any country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, or (II) who has been uprooted by natural calamity or military operations and who is unable to return to his usual place of abode, and (ii) the spouse and children of any such alien, if accompanying or following to join him.".

(b) Subsections (g) and (h) of such section are repealed.

Sec. 7. (a) Paragraph (4) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by striking "or a mental defect";

(b) Paragraph (14) of subsection (a) of such section is amended by striking out "to special immigrants defined in section 101(a) (27) (A) (other than the parents, spouses, or children of United States citizens or aliens lawfully admitted to the United States for permanent residence),";

(c) Paragraph (24) of subsection (a) is repealed;

(d) Subsection (b) of such section is amended by striking out "paragraph (25) of subsection (a)" at the first place it appears, and inserting in lieu thereof "paragraphs (1) or (25) of subsection (a)";

(e) Paragraph (5) of subsection (d) of such section is amended to read as follows:

"(5) (A) The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

"(B) The Attorney General, for emergent reasons and in order to promote the national interest, and after consultation with the Secretary of State and the appropriate committees in the Senate and the House of Representatives, may parole into the United States pursuant to such regulations as he may prescribe any alien refugees or class of refugees as described in section 203(a) (7).

"(C) Notwithstanding the numerical limitations specified in any other section of this Act, any alien who has been paroled into the United States as a refugee pursuant to subparagraph (B), whose parole has not therefore been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237.

"(D) Any alien who, pursuant to subparagraph (C), is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a) (20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival."

(f) Subsection (g) of such section is amended by striking out "who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien".

(g) Subsection (h) of this section is amended to read as follows:

"(h) Any alien, who is excludable from the United States under paragarph (9), (10), (12), or (19) of this section, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in hardship to such spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

(h) Such section is amended by adding at the end thereof a new subsection as follows:

"(j) Any alien lawfully admitted for permanent residence whose principal, actual dwelling place is in a foreign country contiguous to the United States and is returning from a temporary stay in such foreign country to seek or continue employment in the United States shall be admitted into the United States only if the Secretary of Labor has determined and certified to the Attorney General within six months prior to the date of admission that the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed, and if such certification has not been revoked on any ground. The provisions of this subsection shall be applicable to any aliens lawfully admitted for permanent residence, whether or not such aliens were so admitted prior to or on or after the date of enactment of this subsection."

Sec. 8. Section 223(b) (8 U.S.C. 1203) is amended to read as follows:

"If the Attorney General finds (1) that the applicant under subsection (a) (1) has been lawfully admitted to the United States for permanent residence, or that the applicant under subsection (a) (2) has, since admission, maintained the status required of him at the time of his admission and such applicant desires to visit abroad and to return to the United States to resume the status existing at the time of his departure for such visit, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, the Attorney General may, in his discretion, issue the permit. The permit shall be valid for not more than three years from the date of issuance and shall be in such form as shall be by regulations prescribed for the complete identification of the alien."

Sec. 9. (a) Section 224 of the Immigration and Nationality Act (8 U.S.C. 1204) is amended by inserting "alien refugee," immediately after "special immigrant" each place it appears.

(b) The section heading for such section is amended by inserting ", ALIEN REFUGEE," immediately after "IMMEDIATE RELATIVE."

(c) The item relating to such section 224 in the table of contents of such Act is amended by inserting ", alien refugee," immediately after "immediate relative."

Sec. 10. Section 241(a) (10) of the Immigration and Nationality Act (8 U.S.C. 1251 (a) (10)) is amended by striking out the language within the parentheses and inserting in lieu thereof the following: "other than an alien who is described in section 101(a) (27) (A) or is a native-born citizen of any independent foreign country of the Western Hemisphere or of the Canal Zone."

Sec. 11. Section 244(d) of the Immigration and Nationality Act (8 U.S.C. 1254(d)) is amended by striking out "is entitled to a special immigrant classification under section 101(a) (27) (A), or".

Sec. 12. Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended by striking out "any country of the Western Hemisphere" and inserting in lieu thereof "any country contiguous to the United States".

Sec. 13. Section 248 (8 U.S.C. 1258) is amended to read:

"Sec. 248. The Attorney General may, under such conditions as he may describe, authorize a change from any nonimmigrant classification to any other nonimmigrant classification in the case of any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain that status, except (1) an alien classified as a nonimmigrant under paragraph (15) (D) of section 101(a), or (2) an alien classified as a nonimmigrant under paragraph 15(C) or an alien classified as a nonimmigrant under paragraph (15) (J) of section 101(a) who is ineligible to apply for an immigrant visa or permanent residence by reason of section 212(e) unless he applies to have his classification changed from a classification under paragraph 15(C) or (J) to a classification under paragraph 15(A) or 15(G) of section 101(a)."

Sec. 14. Section 274 (8 U.S.C. 1324) is amended as follows:

(a) Paragraph (a) is amended by deleting the proviso thereto.

(b) Paragraph (b) is amended to read as follows:

"(b) Any person, including any person acting as an agent of an employer, who knowingly employs any alien who is in the United States in violation of law or in an immigration status in which such employment is not authorized, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, for each alien in respect to whom any violation of this subsection occurs. Whenever the defendant is shown to have employed an alien without inquiring whether the prospective employee was a citizen of the United States or an alien and, if an alien, whether he could present evidence of alien registration showing that he was lawfully admitted to the United States for permanent residence or evidence that the employment is permissible under his immigration status, such employment shall be deemed prima facie evidence of the defendant's knowledge that the alien was in the United States in violation of law to authorize conviction."

(c) A new paragraph (c) is added to read as follows:

"(c) No officer or person shall have authority to make any arrest for a violation of any provision of this section except officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws."

(d) A new paragraph (d) is added to read as follows:

"(d) For the purposes of this section, the employment of five or less aliens by any person, including any person acting as an agent of an employer, shall not be deemed to be in violation of law."

Sec. 15. (a) (1) Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351–1362) is amended by adding at the end thereof the following new section:

"LIMITATIONS ON DEPORTATION

"Sec. 293. (a) No alien lawfully admitted to the United States for permanent residence, other than an alien who obtained such status by fraud, concealment, misrepresentation, or other misconduct, shall be deported solely by reason of any conduct or event occurring or condition existing more than ten years prior to the institution of deportation proceedings against him.

"(b) No alien lawfully admitted to the United States for permanent residence before attaining the age of fourteen years shall be deported if he has resided continuously within the United States for a period of at least ten years immediately preceding the institution of deportation proceedings against him and after having been lawfully admitted for permanent residence, including as part of such period at least nine years of physical presence in the United States.

"(c) No alien lawfully admitted to the United States for permanent residence other than an alien who obtained such status by fraud, concealment, misrepresentation, or other misconduct, shall be deported if he has resided continuously within the United States for a period of at least twenty years immediately preceding the institution of the deportation proceedings against him and after having been lawfully admitted for permanent residence, including as part of such period at least eighteen years of physical residence in the United States.

"(d) The benefits of this section shall be applicable to any alien notwithstanding (1) that any of the facts by reason of which subsection (a), (b), or (c) may be applicable, including the date of admission for permanent residence in the United States, occurred or existed prior to the effective date of the Immigration and Nationality Act Amendments of 1969, or (2) that the status of an alien lawfully admitted for permanent residence was erroneously or illegally granted to such alien through no fault of his own, that this section shall not be applicable to aliens as to whom deportation proceedings are pending on such effective date.

"(e) Any alien whose deportation is prevented under this section and whose status as an alien lawfully admitted for permanent residence was erroneously or illegally granted through no fault of his own shall remain in that status notwithstanding any provision of this Act."

(2) The table of contents of chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end thereof the following: "Sec. 293. Limitations on Deportation."

(b) Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended by adding at the end thereof the following new subsection:

"(k) No proceeding under this section shall be instituted more than ten years after a naturalized citizen has been admitted to citizenship."

SEC. 16. The first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

SEC. 17. 316(b) of the Immigration and Nationality Act (8 U.S.C. 1427 (b)) is amended—

(1) in the matter preceding clause (1) of the second paragraph thereof by inserting "or is employed by an accredited American philanthropic agency or organization, or is the sole owner or proprietor of" immediately after "recognized as such by the Attorney General,";

(2) in clause (1), by inserting "or to be employed by such accredited American philanthropic agency or organization," immediately after "such firm or corporation,"; and

(3) at the end thereof by inserting the following new sentence: "The granting of the benefits of this subsection to a person who has established to the satisfaction of the Attorney General that he will be employed in a capacity described in this subsection shall extend to the spouse, children, and unmarried sons and daughters of such person who, after being lawfully admitted for permanent residence, are physically present abroad as members of the household of such person during the period that such person is absent from the United States in the capacity for which such benefits are granted."

SEC. 18. Clause (1)(B) of section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)) is amended by inserting "of an accredited American philanthropic agency or organization, or is the sole owner or proprietor or in the employment" immediately preceding "of an American firm."

SEC. 19. Sections 320 and 321 of the Immigration and Nationality Act (8 U.S.C. 1431–1432) are amended by striking out the phrase "sixteen years" wherever it appears and inserting in lieu thereof "eighteen years".

SEC. 20. Section 323 of the Immigration and Nationality Act (8 U.S.C. 1434) is amended as follows:

(1) In subsection (a)—

(A) by inserting "and" at the end of clause (1);

(B) by striking out the semicolon and the word "and" at the end of clause (2) and insert in lieu thereof a period; and

(C) by striking out clause (3).

(2) In subsection (b), by striking out "only two years' residence and one year's physical presence in the United States during the two-year period immediately preceding the filing of the petition" and insert in lieu thereof the following: "physical presence in the United States at the time of naturalization."

(3) By striking out subsection (c).

SEC. 21. The third sentence of section 336 (c) of the Immigration and Nationality Act (8 U.S.C. 1447(c)), relating to final hearings upon petitions for naturalization, is amended by striking out "sixty" and inserting in lieu thereof "thirty".

SEC. 22. Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking out "and personal description of the naturalized person, including age, sex, marital status, and country of former nationality" and inserting in lieu thereof "and personal description of the naturalized person, including age, sex, and marital status".

SEC. 23. (a) There is hereby established a Select Commission on Nationality and Naturalization (hereinafter referred to as the "Commission") to be composed of nine members as follows:

(1) three members appointed by the President, at least one of whom shall be from each of the major political parties;

(2) three Members of the Senate appointed by the President of the Senate, with the consent of the majority and minority leaders, two of whom shall be from the majority party of the Senate; and

(3) three Members of the House of Representatives appointed by the Speaker of the House of Representatives with the consent of the majority and minority leaders, two of whom shall be from the majority party in the House of Representatives. The President shall designate one of the persons appointed under clause (1) of this subsection as chairman.

(b) The Commission shall make a complete study and investigation of all matters relating to the policy, administration, and effect of title III of the Immigration and Nationality Act, including but not limited to, the effect of Federal judicial decisions in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization.

(c)(1) The Commission shall make a preliminary report to the President and Congress on or before the first day of the seventh month after the effective date of this Act. The Commission shall make a final report to the President and the Congress not later than six months after the submission of its preliminary report. Such reports shall include the results of its study and investigation, together with such legislative and administrative recommendations relating to title III of the Immigration and Nationality Act, as the Commission considers appropriate.

(2) The Commission shall cease to exist sixty days after the submission of its final report.

(d) All Federal departments, agencies, and instrumentalities shall cooperate fully with the Commission to the end that it may effectively carry out its duties.

(e)(1) Each member of the Commission who is not otherwise employed in the service of the Government of the United States shall receive compensation at the rate of $100 for each day he is engaged in the performance of his duties as a member of the Commission and shall be allowed travel expenses, including per diem in lieu of subsistence, while away from his home or regular place of business, as authorized by section 5703 of title 5, United States Code.

(2) Each member of the Commission who is otherwise employed in the service of the Government of the United States shall serve without compensation in addition to that received in his regular employment, but shall be allowed travel, transportation, and subsistence expenses while engaged in the performance of his duties as a member of the Commission, as authorizd by subchapter I of chapter 57 of title 5, United States Code.

(f) The Commission may appoint such personnel as it deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) The Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

SEC. 24. (a) Any alien who is eligible for immigrant status under section 203(a)(5) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to the effective date of this Act, and the spouse and children of such alien if accompanying or following to join him, shall be held to be special immigrants, and if otherwise admissible under the provisions of the Immigration and Nationality Act shall be issued special immigrant visas if, upon his application for an immigrant visa and at the time of his admission to the United States, such alien is found to have retained his relationship to the petitioner and status as established in the approved petition.

(b) The Secretary of State shall make reasonable estimates of the number of visas which shall be issued under subsection (a) and, based on such estimates not more than 35 per centum of such visas may be issued in each of the first two fiscal years beginning July 1, 1971. The visas authorized to be issued under this subsection shall be issued to eligible immigrants in the order in which petitions in their behalf were filed with the Attorney General under section 204 of the Immigration and Nationality Act.

SEC. 25. (a) Notwithstanding the provisions of section 245 of the Immigration and Nationality Act and without regard to the numerical limitations specified in that Act, any alien who, on or before the effective date of this Act, (1) has been granted by the Secretary of Labor an indefinite certification for employment in the Virgin Islands of the United States which has not subsequently become invalid, and (2) has been inspected and admitted to the Virgin Islands of the United States, and the spouse and minor unmarried children of any such alien may have his status adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence, or may be issued an immigrant visa: *Provided*, That the alien (i) makes application for such adjustment of status or immigrant visa, (ii) is eligible to receive an immigrant visa, and (iii) is admissible to the United States.

(b) Upon approval of an application for adjustment of status under subsection (a) of this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the order of the Attorney General approving the application for adjustment of status.

(c) Applications for adjustment of status or for immigrant visas pursuant to the provisions of subsection (a) of this section may be initiated on or after the first day of the first fiscal year following the enactment of this Act, but not later than the last day of the third such fiscal year. Applications for immigrant visas pursuant to the provisions of this section shall be considered in such order as the Secretary of State may by regulations prescribe.

SEC. 26. Section 21 of the Act of October 3, 1965 (79 Stat. 916, 920), is hereby repealed.

SEC. 27. This Act shall become effective on the first day of the first month which begins at least thirty days after enactment.

Summary of Immigration Bill Introduced by Senator Edward M. Kennedy

Section 1: designates the bill the Immigration and Nationality Act Amendments of 1971.

Section 2: provides special immigrant status to aliens "performing duties which are related to the religious activities of a religious denomination."

Section 3: establishes a Board of Visa Appeals as an independent office within the Bureau of Security and Consular Affairs of the Department of State. The Board will consist of five members, including a chairman, to be appointed by the Secretary of State. The Board shall have jurisdiction to review the denial of an immigrant visa to a relative of a United States citizen or permanent resident alien, upon the petition of such citizen or alien.

Section 4: Provides for establishing a worldwide ceiling of 300,000 immigrants annually, exclusive of special immigrants, to become operative on July 1, 1974. In the interim the current ceiling of 170,000 for the Eastern Hemisphere continues to operate, and the current ceiling of 120,000 for the Western Hemisphere is increased to 10,000. Cuban refugees who adjust their status to aliens lawfully admitted for permanent residence are removed from ceiling considerations.

Section 5: extends to Western Hemisphere countries the 20,000 annual limitation on immigration from any one country which is currently applicable to countries in the Eastern Hemisphere, and raises the limitation on dependent areas from 200 to 600 annually.

Section 6: amends the preference system.

(a) The preference system, currently operative only in the Eastern Hemisphere, becomes operative on a worldwide basis simultaneously with the effective date of the world ceiling. In the interim the preference system operates separately in each hemisphere.

(b) The percentum of first preference (unmarried sons and daughters of U.S. citizens) is changed from 20 to 10.

(c) The second preference, currently the spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence, is expanded to include parents of permanent resident aliens. The percentum of 20 remains.

(d) The percentum of third preference (members of professions or persons of exceptional ability in the sciences and arts) is changed from 10 to 15.

(e) The fourth preference (married sons or daughters of U.S. citizens) and its percentum of 10 remains unchanged.

(f) The fifth preference, currently the brothers and sisters of U.S. citizens, eliminates those who are married. The percentum is changed from 24 to 20.

(g) The percentum of sixth preference (skilled and unskilled workers in short supply) is changed from 10 to 15.

(h) The percentum of seventh preference (refugees) is changed from 6 to 10. Instead of being given "conditional entry" in accordance with regulations prescribed by the Attorney General, refugees are issued regular immigrant visas in accordance with regulations prescribed by the Department of State. The definition of a "refugee" is broadened to establish a worldwide asylum policy for the United States: "The term alien refugee means any alien who has left or shall leave from and is unwilling to return to any country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, or who has been uprooted by natural calamity or military operations. . . ."

(i) to permit maximum flexibility in the use of visas, available visas not required in any one preference are to be used in meeting excessive demand in succeeding preference categories.

Section 7: facilitates the admission of the mentally retarded and others; provides a permanent authority for the Attorney General to parole refugees into the country for emergency reasons and subsequently adjust their status to permanent residence; and regulates the flow of employable "commuter aliens" from Canada and Mexico.

Section 8: removes the renewal provision for re-entry permits, but extends their validity from one to three years. Re-entry permits are required for aliens in the United States who wish to maintain their immigration status while temporarily outside of the country.

Section 9, 10, and 11: contain technical amendments.

Section 12: except in the case of natives of Canada, Mexico and adjacent islands—provides for the adjustment of status of Western Hemisphere natives on the same basis as aliens from the Eastern Hemisphere.

Section 13: facilitates "exchange visitors" in changing to another non-immigrant status.

Section 14: imposes sanctions on persons who knowingly employ aliens who are illegally in the U.S. or in an immigration status which prohibits employment.

Section 15: provides for a statute of limitations to prevent the deportation of:

(1) of aliens lawfully admitted to the U.S. for permanent residence solely by reason of any conduct or conditions which occurred or existed ten years prior to the institution of deportation proceedings;

(2) aliens lawfully admitted to the United States for permanent residence if such aliens entered the U.S. prior to age 14 and have resided in the U.S. for a period of ten years immediately preceding the institution of deportation proceedings;

(3) aliens lawfully admitted to the U.S. for permanent residence if such aliens have resided continuously within the U.S. for a period of at least 20 years immediately preceding the institution of deportation proceedings against him.

The Statute of Limitations will not apply to aliens who received their residence status illegally.

Section 16: facilitates the naturalization of persons over 50 years who have been living in the U.S. for at least 20 years.

Section 17 and 18: facilitates the naturalization of permanent resident aliens employed overseas by an accredited American philanthropic organiaztion, or the alien spouse of a U.S. citizen employed by such organization.

Section 19: permits the derivative acquisition of citizenship by a minor child, through his parents' naturalization, through 18 years of age instead of 16 as currently provided.

Section 20: facilitates the naturalization of an alien child adopted by a U.S. citizen parent who employed overseas by an accredited American philanthropic organization.

Section 21: provides that final hearings upon petitions for naturalization can be held as late as 30 days before a pending general election, rather than 60 days as currently provided.

Section 22: eliminates the question of "Country of former nationality" from the naturalization certificate.

Section 23: establishes a Select Commission on Nationality and Naturalization to "make a complete study and investigation of all matters relating to the policy, administration, and effect of title III of the Immigration and Nationality Act, including but not limited to, the effect of Federal judicial decision in recent years on any of the provisions of such title and an analysis and evaluation of the fairness of the laws and regulations, and their administration and effect, relating to nationality and naturalization." The Commission shall be composed of nine members—three from the Senate, three from the House, and three appointed by the President—and shall file its final report one year following enactment of this bill.

Section 24: cleans up the backlog in fifth preference (brothers and sisters of U.S. citizens), by authorizing the issuance of special immigrant visas to applicants whose petition for admission was filed prior to the effective date of this Act.

Section 25: establishes a temporary program to facilitate the adjustment of status of certain nonimmigrant aliens in the Virgin Islands.

Section 26: contains a technical amendment.

Section 27: contains enactment date.

By Mr. THURMOND:

S. 1374. A bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia. Referred to the Committee on the District of Columbia.

EXEMPT FROM TAXATION CERTAIN PROPERTY OF THE DAR IN THE DISTRICT OF COLUMBIA

Mr. THURMOND. Mr. President, this bill that I am introducing today would exempt from taxation the Chapter House, and the land on which it is situated, owned by the District of Columbia Daughters of the American Revolution, Inc., a nonprofit District of Columbia corporation.

Real estate taxes on this property have increased over 450 percent during the past 10 years, notwithstanding the fact that no substantial improvements to the premises have been made. This property is the official residence of 57 chapters of the DAR in Washington which has a total membership of 3,300 members. The gross annual dues of the 3,300 members is less than annual real estate taxes and personal property taxes.

Mr. President, the following is a chart showing the tax increases on this property during the past decade:

Annual real estate taxes

1960	$1,719.60
1965	3,971.78
1968	6,060.58
1970	7,972.76

The subject property was acquired by the District of Columbia DAR after 16 years of effort by many of its members, and real estate taxes have been paid for a period in excess of 25 years. These taxes have now become so burdensome as to very likely result in a loss of the property unless relief is obtained.

Prior special acts of Congress have granted similar exemptions from taxation to the Young Women's Christian Association, the Young Men's Christian Association, the American Legion, the National Education Association, Society of the Cincinnati, American Veterans of World War II, Veterans of Foreign Wars, National Women's Party, American Association of University Women, National Guard Association, and numerous other organizations similar in type and character to the District of Columbia Daughters of the American Revolution, Inc. Similarly, such organizations and the Daughters of the American Revolution Chapter Houses throughout the United States have typically been granted exemptions from State and county real estate taxes in the respective jurisdictions in which they are located.

Mr. President, the DAR is a nonprofit organization classified by the Internal Revenue Service as "patriotic and educational," and the property which they own in the District of Columbia is not income producing. In order to prevent this worthwhile, patriotic organization from losing its property because of exorbitant taxes, exemption from taxation must be accorded the DAR District of Columbia property by Congress.

Mr. President, I send this bill to the desk and ask unanimous consent that it lie on the desk for 1 week and that any others who may wish to cosponsor this bill have their name added, and that after such time this bill be appropriately referred.

Mr. President, I further ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1374

A bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the property (more specifically described in subsection (b) of this section) situated in square numbered one hundred fifty-eight in the city of Washington, District of Columbia, namely, parts of original lots numbered twenty and twenty-one in square numbered one hundred and fifty-eight, known for purposes of assessment and taxation as lot numbered eight hundred and twenty-four in square numbered one hundred and fifty-eight, improved by premises 1732 Massachusetts Avenue, Northwest, city of Washington, District of Columbia, owned by the District of Columbia Daughters of the American Revolution, Inc.; a District of Columbia nonprofit corporation, and occupied by the sixty chapters of the District of Columbia Society Daughters of the American Revolution, is hereby exempt from all taxes, so long as the same is so occupied and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1089; D.C. Code, secs. 47–801b, 47–801c, and 47–801e).

(b) The property referred to in subsection (a) of this section is more specifically described as follows:

"Beginning on Massachusetts Avenue at the northeasterly corner of lot numbered seventy-one in said square, as per plat recorded in the Office of the Surveyor for the District of Columbia in liber 33 at folio 195, and running thence southeasterly along the line of said avenue, 49.58 feet to the northwesterly corner of lot numbered sixty-five in said square, as per plat recorded in said Surveyor's Office in liber 27 at folio 72;

"thence southwesterly along the westerly line of said lot sixty-five, 135.60 feet;

"thence still with said line of said lot, south 4.84 feet to the northerly line of an alley;

"thence westerly along said alley, to the southeasterly corner of the aforesaid lot seventy-one;

"thence northeasterly along the easterly line of said lot, 153.45 feet to Massachusetts Avenue and the point of beginning".

Sec. 2. The provisions of this Act shall be applicable with respect to taxable years commencing on and after January 1, 1972.

By Mr. LONG (for himself, Mr. Anderson, Mr. Bible, Mr. Burdick, Mr. Byrd of Virginia, Mr. Gravel, Mr. Hansen, Mr. Hollings, Mr. Jordan of Idaho, Mr. Ellender, Mr. McGee, Mr. Pastore, Mr. Pearson, Mr. Randolph, and Mr. Ribicoff):

S. 1376. A bill to amend the Social Security Act to add a new title XX thereto which will provide insurance against the costs of catastrophic illness. Referred to the Committee on Finance.

CATASTROPHIC HEALTH INSURANCE

Mr. LONG. Mr. President, during the past weeks, a substantial number of Senators have sponsored bills designed to assist Americans with the heavy costs of health care. Certainly all Senators appreciate the need to undertake constructive legislative effort designed to provide a reasonable, responsible, and feasible answer to what is all too often an overwhelming problem for a broad cross section of American families. Health care costs are soaring and reaching levels which, in the event of serious or prolonged illness, entail expense beyond the point ordinary families can afford. The impact of the costs of serious illness is often catastrophic—removing or threatening the capacity of the family to continue independent living or resulting in a sharp downward change from their normal standard of living.

During the course of the Finance Committee's consideration of H.R. 17550, the Social Security Amendments of 1970, the committee approved by a vote of 13 to 2, an amendment I offered to establish a new program of catastrophic health insurance for people under 65. Unfortunately, the amendment was an innocent casualty of the legislative logjam we encountered at the end of the last Congress and the Senate never has had an opportunity to consider its merits. I am introducing that amendment today as a separate bill so it can be studied by those concerned with the most crying needs in our health care system. It is my hope that the merits of this legislation will be seen and that it will rally the support needed to insure its enactment this year as part of the social security-medicare legislation.

I believe the committee gave the amendment strong support last year not only in recognition of the need to provide protection against costly and bank-breaking illness but also because the proposal was within the realm of the possible.

The Committee on Finance did not want to establish at this time an enormous new program of health care which might further fan the flames of health cost inflation. We have certainly seen and learned enough about that in medicare and medicaid. But it did want to provide aid to those families unfortunate enough to be hit by a catastrophic illness. Thus, instead of leaving these people victim to financial ruin the bill I am introducing today would aid in the payment of hospital bills after the first 60 days. It would help pay doctor bills after the first $2,000. In most instances the bill would pay 80 percent of covered costs. And it would provide this new insurance protection to over 170 million people—about 95 percent of our total population under age 65.

Certainly there are those who can and will argue that the catastrophic health insurance amendment does not go far enough. I believe, and I think the committee also thought, that it went as far as we could go at this time—and it is a multibillion dollar program—without totally overwhelming a health care system that is already under enormous pressure and is unable to efficiently deliver all the care our people need. It might be that the program would require expansion at a later date—but the basic approach of my catastrophic health insurance amendment is one of taking a reasonable step forward—rather than biting off more than can be chewed.

Mr. President, I am introducing today a catastrophic health insurance bill identical with the measure approved in 1970 by the Committee on Finance. This measure is introduced in behalf of myself and Senators Anderson, Bible, Burdick, Byrd of Virginia, Ellender, Gravel, Hansen, Hollings, Jordan of North Carolina, McGee, Pastore, Pearson, Randolph, and Ribicoff.

I ask unanimous consent that an excerpt from the Finance Committee report on H.R. 17550 explaining the amendment be printed in the Record.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG. Mr. President, it is my intention, as chairman of the Committee on Finance, to call a hearing sometime within the next 2 weeks to commence exploring the various health-care proposals that have been introduced. They are several in number. The Committee on Finance, in its responsibility in handling medicare, medicaid, and revenue bills that would seek to finance and pay for health care, feels that it should hear what can be said in support of the various proposals and try to recommend to the Senate that which is most in the national interest.

We anticipate that sometime soon the administration's health-care recommendations will be introduced.

I am further on notice that the House, in all probability, will send us its own version of a health-care plan, perhaps entirely at variance with the administration's plan and all the other bills we have discussed to this point.

In any event, this matter must be acted upon in this Congress, and Congress must give an answer.

The Committee on Finance, having the responsibility in this area, expects to begin to explore this field during the next 2 weeks.

EXHIBIT 1

EXCERPT FROM S. REPT. 91-1431, REPORT OF THE COMMITTEE ON FINANCE TO ACCOMPANY H.R. 17550, THE SOCIAL SECURITY AMENDMENTS OF 1970

V. CATASTROPHIC HEALTH INSURANCE PROGRAM

The Committee on Finance is concerned about the devastating effect which a catastrophic illness can have on families unfortunate enough to be affected by such an illness. Over the past decades science and medicine have taken great strides in their ability to sustain and prolong life. Patients with kidney failure, which until recently would have been rapidly fatal, can now be maintained in relative good health for many years with the aid of dialysis and transplantation. Patients with spinal cord injuries and severe strokes can now often be restored to a level of functioning which would have been impossible years ago. Modern burn treatment centers can keep victims of severe burns alive and can offer the victim restorative surgery which can in many instances erase the after effects of such burns.

These are but a few examples of the impact which recent progress in science and medicine has had. This progress, however, has had another impact. These catastrophic illnesses and injuries which heretofore would have been rapidly fatal and hence not too expensive financially, now have an enormous impact on a family's finances. The newly developed methods of treating catastrophic illnesses and injuries involve long periods of hospitalization, often in special intensive care units, and the use of complex and highly expensive machines and devices. The net cost of a catastrophic illness or injury can be and usually is staggering. Hospital and medical expenses of many thousands of dollars can rapidly deplete the resources of nearly any family in America. These families are then faced not only with the devastating effect of the illness itself, but also with the necessity of accepting charity or welfare. Catastrophic illnesses do not strike often, but when they do the effects are disastrous—particularly in the context of soaring health care costs.

The Committee on Finance believes that Government and social insurance programs should be able to respond to the progress made in medical science. Medicine and science are now often able to mitigate the physical effects of a catastrophic illness or injury, and the committee believes that government, through our established social insurance mechanism should act to mitigate the financial effects of such catastrophes.

The committee has adopted an amendment which would establish a Catastrophic Health Insurance Program.

The program would be designed to complement private health insurance which has played the major role in insuring against basic health expenses. About 80 percent of people under age 65 have insurance against hospitalization expenses, but these policies all have a limit on hospital days which they will cover. The most common policies cover 60 days of care. Similarly, existing private policies designed to cover medical expenses have upper limits of coverage. Private major medical insurance plans are available, but are held by only 20 to 30 percent of the population. In addition, even the major medical plans have maximum benefits per spell of illness, usually ranging from $5,000 to $20,000.

The committee's Catastrophic Health Insurance Program would be structured to take maximum advantage of the experience gained by medicare. The program would use medicare's established administrative mechanism wherever possible, and would incorporate all of medicare's cost and utilization controls.

Eligibility

The committee amendment establishes a new Catastrophic Health Insurance Program (CHIP) as part of the Social Security Act financed by payroll contributions from employees, employers and the self-employed. Under the committee's provision all persons under 65 who are fully or currently insured under the social security program, their spouses and dependent children would also be eligible for CHIP. This constitutes about 95 percent of all persons under age 65.

Persons over 65 would not be covered as they are protected under the medicare program which, in spite of its limitation on hospital and extended-care days, is a program with a benefit structure adequate to meet the significant health care needs of all but a very small minority of aged beneficiaries. The largest noncovered groups under age 65 are Federal employees, employees covered by the Railroad Retirement Act, and State and local governmental employees who are eligible for social security but not covered due to the lack of an agreement with the State. (There are a small number of people who are still not covered by social security or other retirement programs; the majority of these are domestic or agricultural workers who have not met the necessary social security coverage requirements.)

Federal employees are, however, eligible for both basic and major medical catastrophic health insurance protection under the Federal Employees Health Benefits Act, with the Federal Government paying 40 percent of the costs of such coverage. To assure equitable treatment of those Federal employees who also are eligible for social security, a special provision of the committee bill would require the Federal Employee Health Benefits program to make available to Federal employees who have sufficient social security coverage to be eligible under CHIP, a plan which supplements CHIP coverage; if such a plan is not made available to Federal employees, no CHIP payments will be available for services otherwise payable under the FEHB plan.

Buy-in for State and local employees

Under the committee bill, State and local employees who are not covered by social security could receive coverage under CHIP if the State and local governments exercise an option to buy into the program to cover them on a group basis. When purchasing this protection, States would ordinarily be expected to include all employees and eligible annuitants under a single agreement with the Secretary. A determination by the State as to whether an individual is an annuitant or member of a retirement system or is otherwise eligible to have such coverage purchased on his behalf would, for purposes of the agreement to provide CHIP protection, be final and binding upon the Secretary. Each State which enters into an agreement with the Secretary of Health, Education, and Welfare to purchase CHIP protection will be required to reimburse the Federal Catastrophic Health Insurance Trust Fund for the payments made from the fund for the services furnished to those persons covered under CHIP through the State's agreement with the Secretary, plus the administrative expenses incurred by the Department of Health, Education, and Welfare in carrying out the agreement. Payments will be made from the fund to providers of services for covered services furnished to these persons on the same basis as for other persons entitled to benefits under CHIP. Conditions are also specified under which the Secretary or the State could, after due notice, terminate the agreement.

Benefits

The benefits that would be provided under CHIP would be the same as those currently provided under parts A and B of medicare, except that there would be no upper limitations on hospital days, extended care facility days, or home health visits. Present medicare coverage under part A includes 90 days of hospital care and 60 days of post-hospital extended care in a benefit period, plus an additional lifetime reserve of 60 hospital days; and 100 home health visits during the year following discharge from a hospital or extended care facility. Part B coverage includes physicians' services, 100 home health visits annually, outpatient physical therapy services, laboratory and X-ray services and other medical and health items and services such as durable medical equipment.

The major benefits excluded from medicare, and consequently excluded from this proposal, are nursing home care, prescription drugs, hearing aids, eyeglasses, false teeth and dental care. Medicare's limitations on inpatient care in psychiatric hospitals, which limit payment to active treatment subject to a 190 day lifetime maximum, and the program's annual limitation on outpatient services in connection with mental, psychoneurotic and personality disorders are also retained. An additional exclusion would be for items or services which the Secretary of Health, Education, and Welfare rules to be experimental in nature.

Deductibles and coinsurance

The committee believes that in keeping with the intent of this program to protect against health costs so severe that they usually have a catastrophic impact on a family's finances, a deductible of substantial size should be required. The committee's proposal has two entirely separate deductibles which would parallel the inpatient hospital deductible under part A and the $50 deductible under part B of medicare.

The separate deductibles are intended to enhance the mesh of the program with private insurance coverage. In order to receive both hospital and medical benefits, both deductibles must be met. If a person were to meet the hospital deductible alone, he would become eligible only for the hospital and extended care benefits. Similarly, if a family were to meet the $2,000 medical deductible, they would become eligible only for the medical benefits.

Hospital deductible and coinsurance

There would be a hospital deductible of 60 days hospitalization per year per individual.

After an individual has been hospitalized for a total of 60 days in one year, he would become eligible for payments toward hospital expenses associated with continued hospitalization. The program would thus begin payment with the 61st day of his hospitalization in that year. Only those posthospital extended care services which he receives subsequent to having met the 60-day deductible would be eligible for payment.

After the hospital deductible has been met, the program would pay hospitals substantially as they are presently paid under medicare, with the individual being responsible for a coinsurance amount equal to one-fourth of the medicare inpatient hospital deductible applicable at that time. Extended care services which are eligible for payment would be subject to a daily coinsurance amount equal to one-eighth of the medicare inpatient hospital deductible. In January 1971, this coinsurance will amount to $15 a day for inpatient hospital services and $7.50 a day for extended care services.) Thus the coinsurance could rise yearly in proportion to any increase in hospital costs.

Medical deductible and coinsurance

There would be a supplemental medical deductible initially established at $2,000 per year per family. The Secretary of Health, Education, and Welfare would, between July 1 and October 1 of each year (beginning in 1972), determine and announce the amount of the supplemental medical deductible for the following year.

The deductible would be the greater of $2,000 or $2,000 multiplied by the ratio of the physicians' services component of the Consumer Price Index for June of that year to the level of that component for December 1971. Thus, the deductible could rise yearly in proportion to any increase in the price of physicians' services.

After a family has incurred expenses of $2,000 for physicians' bills, home health visits, physical therapy services, laboratory, and X-ray services and other covered medical and health services the family would become eligible for payment under the program toward these expenses. For purposes of determining the deductible, a family would be defined as a husband and wife and all minor and dependent children.

After the medical deductible had been met, the program would pay for 80 percent of eligible medical expenses, with the patient being responsible for coinsurance of 20 percent.

Deductible carryover

As in part B of medicare, the plan would have a deductible carryover feature—applicable to both the dollar deductible and the hospital-day deductible—under which expenses incurred (or hospital days used) but not reimbursed during the last calendar quarter of a year would also count toward the satisfaction of the deductibles for the ensuing year. For example, an individual admitted to a hospital with a cardiac condition on December 10, 1972, and continuously hospitalized through February 19, 1973, would not, in the absence of the carry-over provision, meet the hospital-day deductible unless he were to be hospitalized for at least another 10 days in 1973. With a carryover provision, however, the individual described above would meet the hospital deductible on January 30, 1973. Similarly, if a family's first eligible medical expenses in 1972 amount to $1,200 and were incurred during the months of November and December, and an additional $3,000 in eligible medical expenses are incurred in 1973, the family would, in the absence of a carryover provision, be eligible for payment towards only $1,000 of their expenses in 1973. With a carryover provision, however, the family described above would be eligible for payment toward $2,200 of their expenses in 1973.

Administration

Payments made to patients, providers, and practitioners under this program would be subject to the same reimbursement, quality, health and safety standards, and utilization controls as exist in the medicare program. Reimbursement controls would include the payment of audited "reasonable costs" to participating institutions and agencies, and "reasonable charges" to practitioners and other suppliers. However, the committee expects that appropriate modifications will be made to take into account the special features of this program, including a modification to exclude "bad debts" from those costs eligible in computing reasonable cost payments to institutions.

The utilization of services would be subject to review by present utilization review committees established in hospitals and extended care facilities and by the professional standards review organizations established under another committee amendment. The committee believes that all of the above controls should be applied to reimbursement of expenses for services rendered under the proposed catastrophic illness insurance program. In addition, the Office of the Inspector General for Health Administration established under another committee amendment would be expected to closely monitor the administration of the program and can be expected to provide valuable information with respect to increasing the efficiency of the program.

The proposal contemplates using the same administrative mechanisms used for the administration of medicare including, where appropriate, medicare's carriers and intermediaries. Using the same administrative mechanisms as medicare will greatly facilitate the operation of this program. The proposal also would encompass use of medicare's statutory quality standards, in that the same conditions of participation which apply to institutions participating in medicare would apply to those institutions participating in CHIP. These standards serve to upgrade the quality of medical care and their application under this program should have a similar salutary effect.

The Social Security Administration, utilizing its network of district offices, would determine the insured status of individuals and relationships within families which are necessary to establish entitlement to CHIP benefits. The determination of whether the deductible expenses had been met would also be handled by the Social Security Administration in cooperation with carriers and intermediaries. The proposed administrative plan envisions establishing a $2,000 minimum expense amount before individual bills would be accepted. This would protect the administrative agencies from being inundated with paperwork.

Financing

The first year's cost of the program is estimated at $2.5 billion on an incurred basis and $2.2 billion on a cash basis. The committee provision would finance the program on a $9,000 wage base with the following contribution schedule: 1972–74, 0.3 of one percent of taxable payroll on employees and 0.3 on employers; 1975–79, 0.35; 1980 and after, 0.4. Rates for the self-employed would also be 0.3, 0.35, and 0.4 respectively.

The contributions would be placed in a separate Federal Catastrophic Health Insurance Trust Fund from which benefits and administrative expenses related to this program would be paid. The complete separation of catastrophic health insurance financing and benefit payments is intended to assure that the catastrophic health insurance program will in no way impinge upon the financial soundness of the retirement, survivors, or disability insurance trust funds or medicare's hospital and supplementary medical insurance trust funds. Such separation will also focus public and congressional attention closely on the cost and the adequacy of the financing of the program.

To provide an operating fund at the beginning of the program (in recognition of the lag in time between the date on which the taxes are payable and their collection), and to establish a contingency reserve, a Government appropriation would be available (on a repayable basis without interest) during the first 3 calendar years of the program. The amount which could be drawn in any such calendar year could not exceed the estimated amount of 6 months of benefit payments during that year.

Relationship with medicaid

The catastrophic illness insurance program would be supplemental to the medicaid program with regard to public assistance recipients and the medically indigent in the same way in which it will be supplemental to private insurance for other citizens. Thus, medicaid will continue to be the State-Federal program that is intended to cover the basic health needs of categorical assistance recipients and the medically indigent. The benefit structure of medicaid varies from State to State, but in general it is a basic rather than a catastrophic benefit package.

In addition, medicaid will continue to play a substantial role in financing the cost of nursing home care, which represents a catastrophic cost to many people, especially the aged. The catastrophic health insurance program will, of course, lessen the burden on the medicaid program to some degree, since those covered by medicaid who are eligible would have a large proportion of their catastrophic expenses covered by this program, leaving only the deductible and coinsurance amounts for the medicaid program to pay. This factor will not only enable the States to contain the costs of their programs, but may also encourage them to improve coverage of basic services.

Conclusion

The committee estimates that more than one million families of the approximately 49 million families in the United States annually incur medical expenses which will qualify them to receive benefits under the program. Of course, nearly all American families will receive the benefit of insurance protection against the costs of catastrophic illnesses. The program is not intended to meet the health costs which the population incurs for short-term hospitalization and acute illness. This program is intended to insure against those highly expensive illnesses or conditions which, although a potential threat to every family, actually strike only a relatively few. The committee believes that individuals should, during their working years, be able to obtain protection against the devastating and demoralizing effects of such costs.

These provisions and the taxes to pay for them would become effective January 1, 1972.

By Mr. MATHIAS:

S. 1377. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis. Referred to the Committee on Commerce.

Mr. MATHIAS. Mr. President, I am pleased to introduce a bill aimed at banning the sale of nonreturnable bottles and cans. I do so at the request of 150 pollution-minded social studies students at Parkville High School in Baltimore County, Md.

Meeting with elected representatives of these students last week in Baltimore, I was presented with a list of nearly 200 Baltimore area businessmen whom they had contacted and found in favor of the measure.

The bill would ban the shipment and sale of nonreturnable beverage containers in interstate commerce. It provides for penalties of $1,000 maximum fine or imprisonment for up to 6 months, or both.

Authority to administer the law would be given the Administrator of the Environmental Protection Agency.

Involvement of the Parkville High School students, all seniors, is part of an attempt by Ralph Jaffe, a teacher at the school, to relate textbook political science to real world experience. The 150 students voted to select the ban-the-can issue from among the many others they proposed and debated.

For their enthusiasm and concern, for their enlightened efforts to work within the system, these students are to be congratulated. So, too, is Mr. Jaffe for his innovative way of bringing his students into contact with the living arena of politics.

I look forward to witnessing the mobilization campaign these students assure me will follow. A similar measure died in the House last year and, only recently, much the same proposal was decisively rejected by the Maryland Legislature.

On the local level in Maryland, however, both Howard County and the city of Bowie have enacted ordinances to ban the sale of nonreturnables.

Two years ago, Mr. President, I was pleased to sponsor a bill drafted by Mr. Jaffe's ninth-grade classes at Ridgely Junior High School creating a "National Youth-Adult Education Week." Aimed at bridging the generation gap, this bill was passed by both Houses of Congress and signed into law by President Nixon.

By Mr. BAYH:

S. 1378. A bill to provide implementation of the Federal Trade Commission Act, to give increased protection to consumers, and for other purposes. Referred to the Committee on Commerce.

Mr. BAYH. Mr. President, in the past few years we have seen a growing recognition of the urgent need to improve our laws dealing with consumer protection. As I believe every Member of this body knows, most aggrieved consumers today simply have no recourse against unscrupulous businessmen. While in most States there are reasonably comprehensive laws prohibiting fraudulent and deceptive practices in the marketplace, the only way to enforce these rights is by going to court. And, few, if any, consumers can afford the luxury of going to court, thereby incurring burdensome legal expenses, when the dispute centers around a $20 item.

The consumer class action is the answer to this problem. The class action allows defrauded consumers to band together in one suit—thus saving on legal fees and making more efficient use of court time—in order to litigate similar claims against one defendant.

Last year I strongly supported S. 3201, the consumer class action bill developed through the untiring efforts of Senators MAGNUSON and HART, together with a majority of the other members of the Commerce Committee. I supported that bill because I believed that it was an effective—and at the same time realistic and equitable—solution to a very difficult problem. And I was pleased to be able to join Senators MAGNUSON and HART again this year when the bill—S. 984—was reintroduced in the 92d Congress.

I continue to be a supporter of S. 984, but, as Senator MAGNUSON pointed out on the Senate floor earlier this year:

> While we believe the Consumer Class Action Act serves the task very well, we are not inflexibly committed to its language. There may well be modifications of the bill that would improve its effect. We will welcome suggestions for such modifications.

It is in the hopes of making some constructive suggestions that I am announcing today the introduction of another consumer class action measure. This is the same bill as was introduced by Congressman BOB ECKHARDT—a longtime crusader for consumer rights—in the other body earlier this month.

I believe that the bill I am introducing today is a good bill and that it deserves our most serious consideration. This measure would provide every consumer with a truly effective class action remedy, in both State and Federal courts. And it is written with the needs of our overburdened courts, and of all legitimate businessmen, in mind. As Congressman ECKHARDT pointed out at the time of introduction, special attention has been paid to discouraging nuisance suits, and to making sure that the courts do not become overloaded.

Mr. President, last year we came close to success. This year I hope that we will finally see action in this area, that we will finally give to the consumers of America an effective remedy against fraudulent and deceptive trade practices.

I ask unanimous consent to have the text of the bill printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1378

A bill to provide implementation of the Federal Trade Commission Act, to give increased protection to consumers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Class Action Act of 1971".

SEC. 2. Findings and Purpose. The Congress finds that there is a Federal interest in curbing unfair and deceptive practices which affect commerce. Congress finds that it promotes the free flow of goods in commerce and promotes the public welfare to provide an adequate process for class actions on behalf of similarly situated consumers.

SEC. 3. Definitions. As used in this title—

(a) "Unfair consumer practice" means any of the following:

(1) any material statement, whether oral, written, or by visual description or other representation of any kind, or by half-truth or intentional omission, in connection with the sale, lease, rental or loan or the offering for sale, lease, rental, or loan of goods or services to consumers, or the extension of credit to consumers, or the collection of debts from consumers, which has the capacity, tendency or effect of misleading or deceiving consumers.

Such statements include, but are not limited to:

(A) offering goods or services intending not to sell them as offered;

(B) advertising goods or services intending not to supply reasonably expectable public demand, unless the advertisement accurately discloses the limitation;

(C) making misleading statements concerning the need for any goods, services, or repairs;

(D) making misleading statements concerning the rights, obligations, liabilities, privileges or remedies of the consumer;

(E) representing that goods are new when they are not;

(F) representing that goods are of a particular standard, grade, quality, style, or model when they are not;

(G) making misleading statements concerning the reasons for, existence of, or amounts of price reductions or comparative price or value;

(H) representing that goods or services are those of another, when they are not;

(I) representing that goods or services have sponsorship, approval, origin, characteristics of safety, performance or non-pollution, ingredients, uses, benefits, or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that he does not have;

(J) taking consideration for goods or services without delivering the goods, performing the services or refunding the consideration within a reasonable period of time;

(K) making misleading statements concerning the profitability, risk, or any other material respect of any business opportunity or venture, or preparation or course of study for same, intended to be embarked upon by a natural person

(L) offering gifts, prizes, free items or other gratuities without providing them as offered;

(M) making misleading statements concerning the existence, terms or probability of any rebate, additional goods or services, commission or discount offered as an inducement for the sale of goods or services to a consumer in return for giving the supplier the names of prospective consumers or otherwise helping the offerer to enter into any other consumer transaction;

(N) threatening that a creditor will take action that he does not actually take in the regular course of business;

(2) the use or threat of physical force against consumers or the undue harassment or coercion of consumers;

(3) failure to return deposits or advance payments for goods not delivered or services not rendered, when no default or further obligation of persons making such deposits or advance payments exists

(4) violations which give rise to civil liability under state statutory or decisional law for the benefit of consumers

(5) any other action prohibited by rule of the Federal Trade Commission, in accordance with the provisions of section 6(g) of the Federal Trade Commission Act (15 USC 46(g)), as amended, provided that such rule:

(A) became effective prior to the time of the action complained of, and

(B) was expressly designated by the Federal Trade Commission as a rule intended to constitute the basis of civil liability under this Act.

(b) "intentional", and "intending" refer to actual intent, intent presumed where objective circumstances indicate that the person acted with intent, or intent presumed where circumstances indicate that the supplier acted in disregard of reasonable safeguards or care;

(c) "consumer" means any natural person who is offered or supplied goods or services for personal, family, or household purposes, or who is offered a personal business or money-making opportunity;

(d) "goods" includes real property but does not include securities or interests in securities or aircraft to the extent regulated in design or construction;

(e) "services" includes insurance services.

Sec. 4. It shall be unlawful for a person tc commit any unfair consumer practice as defined in this Act if

(a) his business affects commerce; or

(b) the violation or violations affect commerce.

Sec. 5. The district courts of the United States shall have original jurisdiction of civil class actions brought by a consumer or group of consumers under this Act on behalf of himself or themselves and all consumers similarly situated. The jurisdiction of district courts of the United States under this section shall be concurrent with that of the courts of the several States. If an action under this Act is brought in a court of a State. the provisions of rule 23 of the Federal Rules of Civil Procedure shall apply to such action to the same extent that such provisions apply in the case of an action brought in a united states district court.

Sec. 6. (a) In order for an action to be entertained under this Act, the court must find that the action is of such nature as to be entertainable under rule 23 of the Federal Rules of Civil Procedure.

(b) If the court finds that the case is entertainable under rule 23 of the Federal Rules of Civil Procedure. it may nevertheless decide, in its discretion, whether or not the controversy should be entertained or dismissed without prejudice to refiling the same in a court of competent jurisdiction of the State. In so determining the court shall consider—

(1) the nature and importance of the case;

(2) the condition of its docket and the likelihood that the matter would unduly delay other cases;

(3) the multidistrict or multistate nature of the matter; and

(4) the relative procedural advantages of trying the case in the Federal or in the State court.

(c) In order for an action to be entertained under this Act in a district court of the United States the court shall make a determination of whether or not the amount which can reasonably be expected to be the amount in controversy exceeds $25,000. If such amount cannot reasonably be expected to exceed $25,000, then the court shall not entertain the action. For the purposes of this paragraph, the aggregate claims for all members of the class shall be taken into account to make up such requisite amount, and, if injunctive relief is sought and may reasonably be expected to be appropriate, the court shall consider the probable damages to the class if injunctive relief were not granted as an item in making up such requisite amount.

Sec. 7. No person shall be a member of a class in an action under this Act unless the amount of his loss or claim exceeds ten dollars.

Sec. 8. In any action under this Act, the court shall only award

(a) injunctive and declaratory relief;

(b) restitution and actual damages;

(c) relief or penalties specifically provided for under any statute giving rise to a right within the jurisdiction of the court in a case arising under this Act; and

(d) costs of court as provided in section 14; and in no event shall award damages for personal injury or exemplary damages.

Sec. 9. In an action in a United States District Court under this Act based upon violations of State law, the law of the States shall be applied as if jurisdiction were based upon diversity of citizenship.

Sec. 10. Section 1441 of title 28, United States Code, shall not apply with respect to any action of which the district courts have jurisdiction solely by reason of the fact that the act complained of is alleged to be a violation of State statutory or decisional law for the benefit of consumers.

Sec. 11. At least thirty-five days prior to instituting an action under this Act, the prospective plaintiff or plaintiffs shall mail notice to the prospective defendant or defendants informing them, in general terms, of the nature of the alleged unfair consumer practice or practices. No action for monetary relief may be maintained if, within thirty days after the mailing of the notice, the prospective defendant or defendants;

(a) identify from business records all consumers similarly situated and notify them that appropriate refunds, credits, adjustments, replacements, or repairs will be made within thirty additional days; provided that where sales, leases, rentals or loans were effected through misleading statements, the defendants must notify the affected consumers that their money will be refunded upon their tender of the merchandise or any unused portion of the services, and where consumer debts were collected through misleading statements, the defendants must notify the affected consumers that the money will be refunded upon request; and

(b) cease the alleged unfair consumer practice or practices. Evidence of compliance or attempted compliance with this section shall not be construed as an admission of engaging in an unlawful practice.

Sec. 12. Actions pursuant to this Act shall be administered, so far as feasible within the discretion of the court, to avoid a multiplicity of suits, to avoid duplicating or overlapping class actions, and to avoid expenses of litigation which unduly repress obtaining justice under the Act. Such administration shall include, but shall not be limited to, assessing the costs of any required notice of the action as justice requires and providing for the use of facilities of the court, including mailing privileges, in such manner as justice requires.

Sec. 13. Actions pursuant to this section for redress of consumer injury shall be administered, so far as practicable, to facilitate voluntary settlements. The court shall have authority, upon the tender of a reasonable settlement offer by the defendant or defendants to the entire class, to supervise the submission of such settlement offer to the class. The court may take reasonable steps to insure that the consumers in the class are afforded, so far as feasible as determined by the court, the opportunity to exercise an individual choice with respect to accepting or rejecting any settlement offer. The court shall insure that equal space for the presentation of views as to the merits of the offer shall be tendered to plaintiffs and defendants in the notice of the offer to the members of the class. The cost of communicating the offer, or subsequent offers, tendered under the provisions of this section to the members of the class, shall be borne by the defendants. Such settlement offers shall be completed as expenditiously as possible.

Sec. 14. Whenever a consumer shall prevail in an action brought pursuant to this section, he shall be allowed to recover, in addition to damages, the costs of suit, including attorneys' fees. Such costs may be awarded from money damages which the defendant owes to members of the class who cannot be located with due diligence. Upon termination of a class action under this Act, whether by judgment, settlement or compromise, the court shall inquire into the reasonableness of attorneys' fees charged and revise such fees where necessary to assure that they are reasonable, taking into consideration, among other factors, the contingency of success, the actual time spent by attorneys in preparation and prosecution of the action, the difficulty of the case, the experience of plaintiffs' counsel, the amount recovered in the action, and the benefits to the public of the litigation.

Sec. 15. An action to enforce any claim under this section shall be forever barred unless commenced within three years after the claim arose, except that in the case of an action dismissed without prejudice to be filed in a State court under Section 9 this limitation shall be tolled between the time that the action is commenced in Federal court and one month after the federal court dismisses the action without prejudice to refiling.

Sec. 16. An action under this title may be brought in any district in which the claim arose or in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

Sec. 17. This Act shall not annul, alter, or affect in any manner the meaning, scope, or applicability of any Federal or State law except as specifically provided herein (as, for instance, in the case of application of Federal Rule 23 in cases brought upon a claim under this Act in State court), including but not limited to laws concerning the provision of goods and services to consumers and Public Law 91–222 (84 Stat. 87), or limit in any way the availability of rights or remedies under such law.

Sec. 18. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

By Mr. BENTSEN:

S.J. Res. 74. A joint resolution to authorize and request the President to proclaim the week of June 20, 1971, through June 26, 1971, as "National Royal Ranger Week." Referred to the Committee on the Judiciary.

NATIONAL ROYAL RANGER WEEK

Mr. BENTSEN. Mr. President, I introduce today a joint resolution to authorize and request the President of the United States to proclaim the week of June 20 through June 26, 1971, as "National Royal Ranger Week."

The Royal Rangers is a camping program for boys age 7 to 17, sponsored by the Men's Fellowship Department of the Assemblies of God. The Royal Rangers do an outstanding job promoting good citizenship and worthwhile community service projects for over 100,000 boys each year.

Mr. President, this joint resolution affords this Congress the opportunity to recognize the profound and wholesome influence of the Royal Rangers on our young people. I am pleased to offer this joint resolution in the Senate, just as my distinguished colleague, Representative Bob Casey, has introduced it in the House, and I urge quick and favorable consideration.

By Mr. MONDALE (for himself and Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Fong, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Randolph, and Mr. Schweiker):

S.J. Res. 75. A joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. Referred to the Committee on Labor and Public Welfare.

HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, I introduce for myself and Senators BAYH, BROOKE, CASE, FONG, HARRIS, HART, HUGHES, HUMPHREY, JAVITS, KENNEDY, MCGEE, MCGOVERN, MOSS, NELSON, PELL, RANDOLPH, SCHWEIKER for appropriate reference a joint resolution to create a National Advisory Commission on Health Science and Society.

Recent advances in biology and medicine make it increasingly clear that we are rapidly acquiring greater powers to modify and perhaps control the capacities and activities of men by direct intervention into and manipulation of their bodies and minds. Certain means are already in use or at hand—for example, organ transplantation, prenatal diagnosis of genetic defects, electrical stimulation of the brain. Others await the solution of relatively minor technical problems, while still others depend upon further basic research. All of these developments raise profound and difficult questions of theory and practice, for individuals and for society.

To consider and study the ethical, social, and legal implications of advances in biomedical science and technology, I propose in this measure the creation of a 15-member commission on Health Science and Society. This commission would also report on the public policy implications of its findings in interim reports and in a final report at the end of its 2-year study.

Mr. President, 3 years ago I introduced a joint resolution which was essentially the same as the one I am introducing today. At that time, heart transplants were a startling new medical breakthrough. Since then, several hundred heart transplants have been performed. When I reintroduced the resolution in the last Congress, the first successful test-tube fertilization of a human egg had just been reported. Now, just 2 months ago, Nobel Prize winner Dr. James D. Watson told the House Committee on Science and Astronautics that we will soon see the day when a baby will be conceived in a test tube and placed in a woman who will bear the child. As you may recall, Dr. Watson's reported prediction was that when such an implantation is successfully made, "All hell will break loose."

These brief comments indicate that the need for a sober and thoughtful analysis and evaluation of biomedical advance is even more urgent now than it was 3 years ago when I first proposed this commission.

The past 3 years have seen great advances in genetics. There have been major increases in the ability to detect genetic diseases, even in fetuses still unborn. By examining fetal cells present in fluid obtained from the wombs of pregnant women, diagnosis of diseases such as Mongolism are now being made. As treatment for most genetic diseases is not now available, the diagnosis is generally followed by abortion of the affected fetus.

But major steps have been taken toward developing a technology of genetic engineering which might eventually be able to provide a cure for diseases such as hemophilia, cystic fibrosis, or diabetes. Single bacterial genes have been recently obtained in pure form, both by isolation from biological material and by chemical synthesis from simple building blocks. And just 2 weeks ago, the Washington Post reported that British scientists had artificially corrected a genetic defect in mouse cells by inserting some healthy genetic material from chick embryos.

But these welcome prospects are accompanied by others which are frankly disturbing. In other areas of genetic research, work has progressed which may soon make possible the asexual production of large numbers of identical humans, by a technique known as cloning. Work is also in progress to make possible the predetermination of the sex of unborn children.

Research into the nervous system and behavior proceeds at an accelerated pace. The use of amphetamines on school children to treat the socalled "hyperactive syndrome," recently the subject of public concern and controversy, is only a foretaste of things to come as the science of psychopharmacology becomes more sophisticated. New drugs offer possibilities both for novel therapies and for novel abuses. There has also been increasing experimentation with electrical stimulation and with selective destruction of certain areas of the human brain, in order to achieve desired behavioral changes.

In the area of clinical medicine, there has been considerable effort to resolve existing confusion concerning the definition of clinical death. This confusion is due to the fact that, thanks to medical progress, the traditional signs of life—heartbeat and respiration—can now be maintained almost entirely by machines. Since many human matters depend upon the distinction between a man alive and a man dead, the importance of resolving this dilemma cannot be overemphasized.

There is great ferment now in cancer research, and we may be nearing the day when men may live out their lives without fear of this dread disease. And while on the subject of longevity, we should not neglect the claims of some scientists that the time is now ripe for an attack on the biological processes of aging. If this attack is successful, the result could be many added years of healthy life for all.

While holding forth the promise of continued improvements in medicine's abilities to cure disease and alleviate suffering, these developments also pose profound questions and troublesome problems. There are questions about who shall benefit from and who shall pay for the use of new technologies. Shall a person be denied life simply because he does not have enough money for an organ transplant?

There will be questions about the use and abuse of power. When and under what circumstances can organs be removed for transplanting? Who should decide how long a person is to be kept alive by the use of a machine? Exactly what constitutes informed consent for a prospective transplant donor or recipient? The extent to which the consent is informed and voluntary may very well depend not only on what is said, but how it is said.

There will be questions about our duties to future generations and about the limits on what we can and can not do to the unborn. Is it ethical for a man and wife, each carrying a gene for a serious hereditary disease, to procreate, knowing that their children have a significant chance of acquiring the disease? Should the law enjoin certain marriages or require sterilization for such eugenic consideration? What rights do unborn children have to protect them in experiments involving genetic engineering or test tube fertilization? In a letter to the Washington Post, Dr. Leon Kass, executive secretary of the Committee on the Life Sciences and Social Policy of the National Researh Council, warned:

> One must not forget that there is a human being (the child-to-be) upon whom these experiments are to be performed and who may suffer for our zeal and ignorance, an ignorance no more excusable because well-meaning.

We shall face questions concerning the desirable limits of the voluntary manipulations of our own bodies and minds. Some have expressed concern over the possible dehumanizing consequences of increasing the laboratory control over human procreation or of the increasing use and abuse of drugs which alter states of consciousness.

We shall face questions about the impact of biomedical technology on our social institutions. What will be the effect of genetic manipulation or laboratory-based reproduction on the human family? If laboratory fertilization can produce children for sterile couples, what will be the consequences for those orphaned or abandoned children who might otherwise have been adopted by these couples? What will be the effect on the generation gap of any further increases in longevity?

We shall face serious questions of law and legal institutions. What will the predicted new-fangled modes of reproduction do to the laws of paternity and inheritance? What would happen to the concept of legal responsibility if certain genetic diseases were shown to predispose to antisocial or criminal behavior? What would be done to those individuals with such traits?

We should expect that some people will try to have certain particularly frightening technologies banned by statute. Should this be done? Could such prohibition be effective?

Finally, we as legislators will face problems of public policy. We shall need to be informed of coming developments, of the promises they hold forth and the problems they present, and of public attitudes in these matters. We shall need to decide what avenues of research hold out the most promise for human progress. And we shall need to help devise the means for preventing undesirable consequences.

Mr. President, as serious and as vexing as these practical questions may be, there is yet another matter perhaps more profound. The biomedical technologies work directly on man's biological nature, including those aspects long regarded most distinctively human. Thus, we should expect major challenges to our traditional image of man as this technology unfolds. The impact on our ideas of free will, birth, and death, and the good life is likely to be even more staggering than any actual manipulation performed with the new technologies. These are matters of great moment, and we urgently need to take counsel from some of our best minds. I trust that the Congress will recognize this need by establishing this commission.

The questions raised require the competence of persons with different training and background. Accordingly, I propose that the commission include individuals drawn from the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, Government, and public affairs. The physician and the philosopher, the scientist and the theologian need to get together and to educate each other. We have much to gain from their collective learning. The commission I propose will provide the vehicle for this much needed exchange.

There is also a need for improved communication between laymen and scientists. The layman needs to learn more about the prospects and implications of expected developments. The scientist needs to acquire a broader understanding of the possible ramifications of his work and the concerns of the people it will affect. The Commission I propose will provide a vehicle for such communication.

Mr. President, we can ill afford to wait until the crush of events forces us to make hasty and often ill-considered decisions. We cannot again allow events to pass us by. We face an increasing number of new and far-reaching technological possibilities, touching the very nature of man. We face the need for some wise, deliberate, and sober decisions. These questions are not going to go away or answer themselves. They will become progressively more difficult as time goes on. As Dr. Watson said in his testimony:

> If we do not think about the matter now, the possibility of our having a free choice will one day suddenly be gone.

It would be foolish to expect the Commission to provide answers to all the questions we face, but we can expect that it will provide help in making some of our difficult decisions. The findings and considered judgments of excellent minds with a wide range of experience and training will be invaluable to individuals who must struggle with the awesome responsibility of coping with these new technologies.

We make no prejudgments. We do not call for controls. We ask only for a thorough and thoughtful consideration of every aspect of these complex, difficult, and profound questions and problems. I and the Senators who join with me in sponsoring this resolution sincerely hope that Congress will act with dispatch in creating this much needed Commission.

Mr. President, I ask unanimous consent that the text of the joint resolution, together with a number of articles, letters and statements bearing on these profound problems, be printed in the RECORD.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S.J. RES. 75

Joint resolution to provide for a study and evaluation of the ethical, social and legal implications of advances in biomedical research and technology

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution."

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission.")

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from among the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, which shall include, without being limited to—

(1) analysis and evaluation of scientific and technological advances in the biomedical sciences, current and projected;

(2) analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) analysis and evaluation, through the use of seminars and public hearings and other appropriate means, of public understanding of and attitudes toward such implications;

(4) analysis and evaluation of implications for public policy of such findings as are made with respect to the biomedical advances and public attitudes.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agents.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, in the authorization of the Commission, any subcoommittee or members thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rate, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

COMPENSATION OF MEMBERS

SEC. 6. Members of the Commission shall receive compensation at the rate of $175 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. There is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year beginning July 1, 1971; and $1,000,000 for the fiscal year beginning July 1, 1972.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and to the Congress, the Commission shall cease to exist.

[From the New York Times, Sept. 15, 1970]

CHIMP'S BRAIN SIGNALS ITSELF BY COMPUTER

(By Robert Reinhold)

NEW HAVEN, Sept. 14.—Direct two-way radio communication between an animal's brain and a computer has been established for the first time by a team of scientists at Yale University. It was used to enable the brain to control artificially one of its own functions.

In an experiment, electrodes implanted in a chimpanzee's brain picked up electrical brain waves, which were then transmitted to a computer by a small receiver-transmitter atop the animal's head.

The computer, programed to recognize special characteristics of the wave, returned a control signal to another part of the brain through the receiver.

Stimulated by the control signal, the latter part of the brain internally turned off the brain activity originally sensed by the computer.

While the exchange is of the most rudimentary sort, the feat is said by the Yale team to suggest promising new ways of treating mental and physical disorders in human beings. Moreover, it raises the prospect of establishing direct electronic communication from one brain to another.

The head of the team is Dr. José M. R. Delgado, a 55-year-old Spanish-born neurophysiologist at the School of Medicine. Dr. Delgado, a pioneer in this field, has attracted both attention and controversy in the past for his experiments inducing anger, fear, affection, pleasure and other emotions in animals and human beings by telemetry stimulation of specific regions of the brain.

The new work represents the first time that a two-way radio network has been devised, in which the brain itself determines the outside signals it receives without using the senses as intermediaries to convey information to the brain.

"We are now talking to the brain without the participation of the senses," said Dr. Delgado in an interview at his laboratory. "This is a pure and direct communication—I call it 'nonsensory communication.'"

Dr. Delgado said he expected to use the new technique on human beings within a year. One possible application is in the treatment of epileptics.

Theoretically, the computer could recognize the pattern of brain waves associated with the onset of a fit and trigger the inhibitory areas of the brain or inject a chemical.

PACEMAKER FORESEEN

Ultimately, he said, we may have internal brain pacemakers, controlling such things as breathing, motor functions and emotions by a similar system—much the way heart pacemakers work today.

Previously, Dr. Delgado has applied what he calls ESB, for electrical stimulation of the brain, to human beings in experimental efforts to calm violent mental patients and relieve pain by radio. He has also halted by radio a charging bull that was fitted with electrodes implanted in inhibitory regions of the brain.

All of this has prompted talk of "push-button people" and of dictators controlling the brains of whole armies. Such suggestions disturb Dr. Delgado, who believes the implications of his work are largely medical and scientific.

"Fortunately you cannot induce education by brain stimuli," he said. "All you can do is activate what is already there."

The technical details of the new work are to be published in the September issue of the journal Brain Research. A young male chimpanzee named Paddy was used in the experiment.

Other scientists have long implanted electrodes to study neutral activity and treat such problems as intractable pain.

But these devices, connected by wire to the instrumentation, made it necessary to constrain the subject so that normal social interaction could not be studied.

"STIMOCEIVER" DEVELOPED

Therefore, Dr. Delgado has developed what he calls a "stimoceiver." This is a miniaturized combination radio transmitter, receiver and electrical stimulator that can be put into a box smaller than a pocket cigarette lighter.

With it, electrical electroencephalogram (EEG) patterns can be transmitted wirelessly from the brain and artificial stimuli received—while the animal remains free.

The experiments with Paddy began on Feb. 1, 1968, when a bundle of 100 steel wire electrodes were implanted painlessly in both sides of three areas of the brain—the caudate nucleus, amygdala and reticular formation. The wires were anchored in a socket atop the skull. The stimoceiver, enclosed in a teflon box, was mounted on the socket.

To stimulate natural conditions, Paddy was placed on an artificial island in the company of three other chimpanzees at the 6571st Aeromedical Research Laboratory at Holloman Air Force Base in New Mexico.

Dr. Delgado's work was supported by the Air Force until recently, when it was decided that it had no direct military application. Congress recently forbade the armed forces from supporting nonmilitary research.

The transmitting and receiving equipment was mounted nearby, and Paddy's brain and motor activity were monitored 24 hours a day. The experiments hinged on the pattern of electrical activity in a small almond-shaped structure in the brain called the amygdala.

WAVE PATTERNS OF BRAIN

The amygdala spontaneously produces electrical wave patterns with a characteristic shape called spindles at the rate of about 1,000 an hour. Spindles are thought to be linked to olfactory, or smelling, functions and are one of the easiest patterns to recognize.

The spindles were converted by the stimoreciver into FM radio signals and fed into a Donner Analog computer. The computer was programed to recognize the spindles and to produec another signal for the duration of each spindle.

This signal was then converted into another FM radio wave and transmitted back to the animal, where it was picked up by the stimoceiver. The stimoceiver then triggered an impulse to the reticular formation, an area in the brain stem connected with arousal.

Thus the information received by the reticular formation was directly contingent on the pattern of electrical activity in a distant area, the amygdala.

The results showed that each impulse to the reticular formation inhibited electrical activity in the amygdala. After two hours of such feedback—that is, a signal is modified by its own deviation—the rate of spindling was cut to about half of normal. It disappeared almost completely after several days.

At the same time, behavior changed. The return impulses caused a slight grimace. Paddy became less aggressive and excitable, and lost much interest in food. After the computer was disconnected, these changes persisted for two weeks, after which behavior and spindling rate returned to normal.

ONLY ONE ANIMAL USED

The experiment was done on one animal only, but repeated successfully several times over a year and a half. The animal has suffered no apparent ill effects from the electrodes.

Collaborating with Dr. Delgado were Dr. Victor S. Johnston, Dr. Jan D. Wallace and Dr. Ronald J. Bradley.

The experiment, Dr. Delgado said, demonstrates the feasibility of artificial feedback between two cerebral structures and "on-demand" stimulation of the central nervous system.

According to Dr. Delgado, all of this has important implications for research and medicine. Various conditions, including multiple sclerosis, Parkinson's disease, anxiety, fear, obsessions, violent behavior, could conceivably be controlled by direct stimulation of the brain, which ultimately underlies all mental and physical activity.

Dr. Delgado has also experimented with imparting sight and hearing to blind and deaf persons through direct stimulation of specific areas of the brain.

A number of researchers, including Dr. Delgado, have permanently implanted electrodes in human beings. One of the leaders in this field is Dr. Robert Heath at Tulane University in New Orleans. Dr. Heath has been using the technique to correlate brain activity with behavior and to treat explosive and depressed patients.

NEW INSTRUMENTS NEEDED

To make such treatment practical, Dr. Delgado believes it will be necessary to develop radio instruments that can be completely buried under the skin. An experimental model of such a device is being tested in monkeys at his laboratory, but application is some years off.

The doctor recognized that the philosophical implications of this kind of work are as great as the medical. However, he says that brain stimulation should be treated much like other biological interventions we have become accustomed to—innoculations, tranquillizers, fluoride treatment of water, food additives.

He believes brain research can provide a window to the understanding of personality and social behavior—not to manipulate but to improve.

Technology, he says, has neglected man. So little is known of what goes on in the brain, he says, that "we are not civilized in human behavior."

In his recent book, "Physical Control of the Mind," Dr. Delgado wrote:

"We are now on the verge of a process of mental liberation and self-domination that continues our evolution. Its experimental approach is based on the investigation of the depth of the brain in behaving subjects.

"It's practical applications do not rely on direct cerebral manipulations but on the integration of neurophysiological and psychological principles leading to a more intelligent education.

"We must create a future man with greater personal freedom and originality—a member of a psychocivilized society, happier, less destructive and better balanced than present man."

[From the Washington Post, June 3, 1970]

SCIENTISTS CREATE FIRST GENE IN A TEST TUBE

U. OF WISCONSIN TEAM'S FEAT MAY LEAD TO CONTROL OF LIFE

(By Victor Cohn)

The first synthesis of a gene, the basic unit of heredity, was announced yesterday as the result of a momentous five-year effort at the University of Wisconsin.

The historic feat hastens the day of genetic engineering: mastery by man of the very control chemistry of life. It was accomplished by a team headed by Dr. H. Gobind Khorana.

Nobel-prize-winning geneticist Joshua Lederberg at Stanford University called the achievement a "milestone" and one that came "two years earlier than I expected."

On some future day, scientists may manufacture genes or parts of genes to order, and use them to cure or prevent diseases, or even change personality.

Some scientists even foresee—or fear—future production of "tailor-made" human beings as the result of such engineering.

Others call this unlikely. There is sure to be wide agreement however, that the shy, 47-year-old Khorana—a native of India who won the Nobel prize for several earlier steps in 1968—has probably opened an epoch.

In their Madison, Wis., laboratory, Khorana and his colleagues duplicated the structure of one of nature's simpler genes: one found in yeast RNA (for ribonucleic acid). Specifically, they synthesized an alanine transfer-RNA gene, one that orders production of the RNA that carries some of the essential genetic information in yeast cells.

"Now that he has determined the rules" for chemical synthesis, "theoretically any desired gene could be made in the test tube," said a University of Wisconsin announcement that Khorana approved.

What Khorana did in more detail in his test tubes was to put a set of chemical building blocks called nucleotides into the sequence in which they occur in the natural yeast gene.

The Wisconsin group has yet to perform one ultimate—but hard—experiment checking the new gene for biological activity by introducing it into a living cell lacking this gene to transform the cell into a normal one.

Many other experiments are ahead. Khorana would like to know how the genes act more precisely in protein synthesis. He wants to know what chemical signals turn the gene on and off in a living cell. To do such things, he plans to modify specific parts of the synthetic molecule and observe the effects.

He has already started work on synthesizing a second gene—a transfer-RNA found in the bacteria E. coli and optimistically now expects to complete this work within a few months.

What Khorana and company have produced then is not a molecule to make better yeast—that would be a minor goal—but a methodology to assemble other genes and investigate the chemical structure of life.

Khorana shared the 1968 Nobel prize in medicine with Drs. Robert Holley (now at the Salk Institute) and Marshall Nirenberg of the National Institutes of Health at Bethesda. He talked to a few reporters yesterday but declined to hold a news conference.

"He expressly does not want a news conference; he wants to talk to scientists," a colleague said.

He plans to move with his team in the fall to Massachusetts Institute of Technology. Born in Raipur, India, he came to Wisconsin in 1960 as professor of biochemistry.

His efforts, he said when he received the Nobel prize might eventually lead to "manipulating biology" to cure cancer, diabetes or physical effects. Or "in the long distance future," he said, "the knowledge might allow for genetic planning of individuals—tailoring people to fit patterns, turning out athletes or intellectuals."

That, he insisted, is "a very, very long time off." But "in that context," he conceded, "we are in a very elementary but a necessary stage."

[From the Washington Post, March 12, 1971]

GENE IMPLANT SEEN STEP TO CELL CONTROL

(By Victor Cohn)

A long step toward genetic engineering—artificially correcting defects in human cells—has been taken at Oxford University.

Dr. Henry Harris and other scientists there have inserted into a deficient mouse cell some healthy genetic material from chick embryos, thus correcting the mouse cell deficiency.

The new genes remained part of the permanent cell machinery, moreover, and were duplicated as the now healthy cells grew and divided.

This has been done entirely in what biologists call "tissue culture": collection of cells in the laboratory. The next step will be to try to repeat the process in mice.

But, says the British journal Nature in an accompanying comment, "removing cells with some genetic defect from a (human) patient, treating them to introduce" a new gene or genes "and replacing the cured cells in the patient" is now "possible in principle."

There are many equally long or longer steps ahead. Genetic engineering. Nature emphasized, is not "imminent." Yet "it is important to say," the eminent journal noted, that "these experiments offer the exciting prospect, in theory at any rate, of evolving a therapy" for mutant and defective human genes.

A vital part of the accomplishment was this: Only pieces of chick chromosome material (chromosomes are little rods which contain genes) were transferred.

GENETIC ENGINEERING CURES DEFICIENCY IN A MOUSE CELL

These were too small to carry the chemical instructions for manufacturing antigens. This means they did not arouse antibodies—proteins which normally fight off all foreign tissue in the host.

It is this achievement (Nature calls it "most elegant") which raises the most hope that this kind of human cell therapy will one day be possible.

In their full scientific account, the British group—A. G. Schwartz, P. R. Cook and Harris, all of the Sir William Dunn School of Pathology at Oxford—tell how they:

Used an inactivated mouse virus as a kind of silent partner to carry the chick embryo material.

Thus incorporated small amounts of pulverized genes from chick red blood cells into a line of mouse cells unable to produce the enzyme IAP. This same deficiency in humans causes a rare and fatal hereditary disease, Lesch Nyhan syndrome.

Found that most of the hybrid cells thus produced still failed to make IAP and therefore died. But some survived because they now possessed the IAP that the chick genes coded. The chick genes were only loosely integrated in the mouse cell, yet integrated well enough to work this cure.

Is the chick-mouse synthesis a special case, or can the same thing be done in creatures? Nature asked the question and—in what seems to be advance notice of further laboratory progress—added: "It seems already that comparable cells derived from (other) organisms . . . can develop in a similar genetic transfer."

In the late 1940s, a National Cancer Institute scientist pointed out here, Dr. John Enders of Harvard got chick cells to grow polio virus by adding a carrier virus to get the polio virus inside them—after which they too accepted the polio virus's instructions.

Virus DNA (a genetic chemical) has been successfully introduced into cells in many other experiments.

What Harris and company have achieved, the scientist here explained, is an engineering advance: introducing a whole piece of chromosome that may have "hundreds and hundreds" of genes rather than the five or 10 of a small virus.

The Schwartz-Cook-Harris article in Nature was highly modest in wording. But its brief heading summed up their coup: "Correction of a Genetic Defect in a Mammalian Cell."

[From the Washington Post, Dec. 26, 1970]

BETHESDA, MD.,
December 21, 1970.

HUMAN REPRODUCTION

LETTER TO THE EDITOR:

The report by Stuart Auerbach ("Lab Grows Embryo Ready for Womb," December 17, 1970) of the current success in the laboratory culture of human embryos and the anticipated success in implanting these embryos in prospective mothers prompts numerous moral and political questions. I wish to address but a few of these.

The article reports that the scientists are ready to proceed with implantation if tests on the embryos can rule out the presence of genetic defects. One should question whether the limited tests for defects now available can declare these embryos "genetically fit." Further, manipulation of the embryos to conduct such tests may itself introduce damages, some probably not detectable until after birth. One must not forget that there is a human being (the child-to-be) upon whom these experiments are to be performed and who may suffer for our zeal and ignorance, an ignorance no more excusable because well-meaning.

But one may go further and ask whether safety, even if adequately measured, would be a sufficient warrant for going ahead. Surely, there is more at issue than providing a child for an infertile woman. Once introduced for that purpose, the technique can be used for any purpose. Indeed, the work described is a giant step toward the full laboratory control of human reproduction. What are the implications of this step, and of the others it makes possible, for the human-ness of human procreation or for the human family? What are the implications of establishing as a precedent the passing of genetic tests as a prerequisite for a title to be born? Should not the weighing of ethical considerations concerning the widespread use of the new technology enter into the decision to use it for the first time.

These ethical questions point to a political question. Laboratory control of fertilization and embryonic development is a major departure in human procreation whose human consequences, both private and public, are likely to be profound. It is no mere ordinary medical advance. Therefore, one must question the wisdom of leaving the decision to go ahead for the private judgment of a team of physicians and scientists (whose judgment I am not now questioning), or even for the collective judgment of the medical and scientific community. Is this not a decision which deserves full public deliberation and resolution?

We are all to often forced to cope belatedly with the untoward consequences of technological advance, consequences unanticipated because the primary goal was thought to be so obviously good, or because the decision to go ahead was made technocratically and without public deliberation. Let us not make the same blunders with respect to the awesome powers, now gathering, for manipulating the bodies and minds of men.

Sincerely,

LEON R. KASS, M.D.

[From the Hospital Tribune, May 4, 1970]

DEFINITION OF DEATH: A DOUBLE STANDARD

(By Eliot Corday, M.D.)

Is the medical profession setting up a double standard of death? Can the transplant surgeon be charged with homicide or body robbing? Will new definitions of death cause a domino effect which dislocates relationship between everyday medical, legal, and clerical practices?

Farfetched as this may sound, there is the possibility that such questions may arise in the public mind—because exaggeration is sometimes a common currency in public discussion—unless the medical profession refines its definition of death. Already, in view of the known resuscitative methods and life-support systems that may revive a patient from apparent death, the public has begun to question the criteria by which a live heart is removed from a dead donor. And ultimately, we must have the support of the public.*

As matters stand now—in what Samuel Johnson called "the fury of innovation"—we are in danger of antagonizing the public by appearing to be moving toward a double standard. One standard would be to accomodate the transplanters—certifying that death has occurred when there are no reflexes and the EEG trace is linear—in other words, cerebral death. The other standard for the everyday practice of medicine would be to continue to accept the age-old definition of death as the irreversible cessation of perceptible heart beat and respiration. And today this may have to imply that cardiac resuscitation, assuming it was available, had been attempted and failed—a question that has come up in at least one court case.

If we adopted such a double standard in our everyday practice, will the public begin to fear that we are moving toward euthanasia?

Two lawyers, Houts and Hunts, recently wrote that as long as any heartbeat or respiration can be perceived, either with or without mechanical aids, death has not occurred. Obviously, this would preclude successful heart transplantation.

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* From the *American Bar Association Journal, vol. 55, pp. 629–632, July, 1969.*

Also, obviously, we cannot maintain a double standard of death. It would dent public confidence in medicine and prevent transplantations. So it is around this irritant that some pearl of wisdom must be formed. Among the perplexities we need to look at are: (1) the financial trauma to a patient's family if we were obliged to keep him alive by mechanical means when there is no possibility of recovery; (2) a new concept to provide a single standard of death to avert the possibility, however remote, of a charge of homicide or wrongful action against a transplanter—and if not wrongful action, the accusation of samuraillke conduct. In feudal Japan a samurai warrior could test his sword against any passing peasant.

On the first point, there is no such legal requirement in this country. And in 1957, Pope Pius XII, while speaking out against euthanasia, also declared that there is a clear distinction between negative life and superior life with all the vital functions; the artificial prolongation of life, he said, is not "obligatory, particularly if it created too heavy a charge on the family." So it must be taken as a medical axion, legally and theologically, that the physician should not be obliged in every situation to use extraordinary life-prolonging procedures after it has been clearly established that there is no hope for the patient's recovery.

On the second point, an ad hoc committee of Harvard University has proposed criteria of irreversible coma: when respiration is maintained only by artifical means and this is withdrawn, spontaneous respiration would be impossible; a total unawareness of externally applied stimuli; no spontaneous muscle movement; no reflexes; a flat EEG. These have been generally accepted as a basis for the diagnosis of cerebral death to permit organ removal. Some transplant surgeons, however, have declared cerebral death while spontaneous respiration was still present.

Also in 1968, similar criteria were issued by 24 surgeons, immunologists, neurologists, and heart specialists called together in Geneva by the Council for International Organizations of Medical Sciences operating under the World Health Organization and Unesco. They added two further guidelines: (1) the donor's heart must be in perfect condition at the time of removal; (2) an immunological examination should be made before the operation to determine the compatibility of donor and receiver. The scientists decided also that two independent teams should be deployed in heart transplant operations, one to establish the donor's hopeless condition, the other to perform the operation.

The Harvard criteria provide sound guidelines for the discontinuation of extraordinary life-prolonging procedures. But these and the Geneva guidelines still need to be ratified by the medical profession, the legal authorities, and the public. Otherwise we face the possible accusation that the concept of cerebral death is designed to meet the special interests of the transplanters; and we face the public's apprehension that this concept is a preface to euthanasia. We face, in short, an ethical crisis.

To avert this crisis, we need to determine whether there is adequate evidence that the moment of death may now be advanced to coincide with brain death, though cardiorespiratory activity is spontaneous. It would seem advisable to convene a Bethesda-type conference to try to arrive at this determination. Lawyers, clergymen, sociologists, perhaps even philosophers and cultural anthropologists should also be invited. The medical delegates, of course, would be the only ones to formulate scientific criteria. Any change requires careful study because it could start a chain reaction that might dislocate many relationships and standards of the everyday practice of medicine. But the advice of other professions may provide us with legal and historic precedent and with subtle moral guides to keep us from stumbling into some ethical or legal pothole.

Such a high-level conference would also give us the support that would increase the likelihood that our medical judgment, should we be able to arrive at one, will be accepted by the public. Certainly the public would be heartened by the fact that we have called upon other minds to share our moral responsibility and scrutinize our decisions.

Equally as important, we may harvest from such a meeting a new wisdom to accompany us should ethical problems arise from future scientific innovations.

Excerpts From Potential Consequences of Experimentation With Human Eggs

(By J. D. Watson)

The Biological Laboratories Harvard University, Cambridge, Mass., and The Cold Spring Harbor Laboratory, Cold Spring Harbor, New York; Presented Before the Twelfth Meeting of the Panel on Science and Technology Committee on Science and Astronautics, U.S. House of Representatives, January 28, 1971.

Several years ago a most remarkable frog grew up in Oxford. Its origin did not lay in the union of a haploid sperm cell with a haploid egg, the fertilization process which ordinarily gives each higher animal a mixture of paternal and maternal genes. Instead this frog arose from an enucleated egg, into which had been inserted a diploid nucleus from the intestinal cell of an adult frog. Microsurgical removal of the maternal nucleus from this egg had denuded it of any genetic material. But by subsequently gaining a diploid nucleus (as opposed to the haploid form found in a sperm) the egg acquired the chromosome number normally present in a fertilized egg. As such it could be activated to divide, thereby setting into motion the successive embryological stages which culminate in an adult frog.

The genetic origin of this frog was thus very different from that of all previous frogs, one half of whose chromosomes came from the male parent through the sperm, the other half from the female parent which produced the egg. Normal fertilization processes by combining genetic material from two different parents always generate progeny uniquely different from either parent. In contrast, the Oxford frog derived *all* its genetic material from the individual whose intestinal cell was used as the nuclear donor. The genetic complement of all its diploid somatic cells (as opposed to its haploid sex cells) was thus identical to that in the donor frog. So, in effect, it was an identical twin of the donor frog born some months before. Furthermore, since every adult frog contains millions of cells capable of being used as nuclear sources, the original donor could have served as the genetic parent of thousands of progeny identical to itself.

This type of reproduction is generally referred to as a *clonal* reproduction.

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The question of course arises, will this same basic principle hold for the large majority of differentiated cells? Now I suspect most biologists will guess yes. In general, very fundamental phenomena, of which differentiation is one, do not have a difference molecular basis from one organism to another. Moreover, it is already clear that differentiation in several plant species does not involve irreversible nuclear changes. Now it is routinely possible to produce mature plants starting from highly specialized somatic cells of diploid chromosome number. For example, mature carrot plants can be produced from single callus cells that are placed in proper nutritional environments. Thus it is highly likely that the embryological development of most higher animals, including man, involves the creation of countless numbers of totipotent somatic nuclei each capable of serving as the complete genetic material for a new organism. This means that, *theoretically*, all forms of higher animal life may in effect be capable of clonal reproduction.

If true, this situation could have very startling consequences as to the nature of human life, a fact soon appreciated by many magazine editors, one who commissioned a cover with multiple copies of Ringo Starr, another who gave us overblown multiple likenesses of the current sex goddess Raquel Welch. It takes little imagination to perceive that different people will have highly different fantasies, perhaps with some imagining the existence of countless people with the features of Picasso or Frank Sinatra or Walt Frazier or Doris Day. And would monarchs like the Shah of Iran, knowing they might never be able to have a normal male heir, consider the possibility of having a son whose genetic constitution would be identical to their own?

Clearly even more bizarre possibilities can be thought of, and so we might have expected that many biologists, particularly those whose work impinges upon this possibility, would seriously ponder its implications, and begin a dialogue which would educate the world's citizens and offer suggestions which our legislative bodies might consider in framing national science policies. On the whole, however, this is not at all what has happened. Though a number of scientific papers devoted to the problem of genetic engineering have casually mentioned that clonal reproduction may someday be with us, the discussion to which I am party, have been so vague and devoid of meaningful time estimates as to be virtually soporific.

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The general impression exists among biologists that the cloning of any mammal will be far from a routine task, if not impossible, over the foreseeable future. In particular, the techniques of micromanipulation used to insert nuclei into frog's eggs cannot now be applied to eggs in the mammalian size range. They are likely to be irreversibly damaged by the introduction of a nucleus whose diameter is only some two or three times less than that of the egg itself. And if somehow a trick were ever found to successfully insert a diploid nucleus, the equally challenging task of finding conditions for the in-vitro growth of the modified egg through to the adult stage would still lie ahead. Thus the clonal production of human beings has seemed to most geneticists an event so unlikely as to not be worth stirring up public attention.

This assessment would be correct if the pace of research on human reproductive biology would continue at the current rate. With a few exceptions, work on the early developmental processes in man has not been seriously pushed either here in the United States or elsewhere. As a result, there exists a scientific lacuna so serious that it deeply disturbs those people who realistically worry about over-population problems. They believe that more basic biological knowledge about human reproductive processes would be very helpful in slowing down the fearful rise in the number of human beings. Consequently, already there is much "population" money available to induce more people to move into the field of reproductive biology, hopefully to learn in great detail the step-by-step processes by which a human egg is ovulated, fertilized, cleaved, and moves down the oviduct to implant on the uterine wall.

A key ingredient to obtaining this information is the development of methods by which the early embryological stages of mammals can be studied in-vitro. For as long as study is restricted to work on intact animals, experimental work, as to be distinguished from observational analysis, will be virtually impossible. Most importantly, though unknown even to most biologists, the beginnings of first rate research on the invitro cultivation of mammalian eggs has already occurred. Techniques are in fact available for the isolation of mouse eggs, their fertilization in-vitro, and subsequent cultivation under test-tube conditions which permit growth to the sixty-four cell stage. At this point the embryonic body (called a blastocyst) can be surgically implanted back into the uterus of a living mouse, where it can eventually develop to the stage at which normal birth occurs.

This means that most of the techniques that will be needed for a clonal mouse are already available. The only serious obstacles remaining are the development of methods for the removal of the haploid maternal nucleus and the subsequent addition of a diploid adult nucleus. Now there are hints that the enucleation problem will not be serious. For some years it has been known that addition of the mitotic poison colchicine to preovulatory mice leads to abnormal meiotic divisions which frequently produce nuclear-free eggs. Moreover, very recent work suggests that colchicine in-vitro acts similarly. When it is added to unfertilized eggs which have been surgically removed from a living mouse, healthy enucleated eggs are produced.

And furthermore it looks like the nuclear insertion process might not be anywhere as tricky as first thought. This change of opinion is the result of the development of very simple methods for fusing two cells to yield a single cell containing the genetic compounds of both donor cells. Though the existence of rare examples of cell fusion was first clearly demonstrated in Paris by Barski in 1962, not until 1966 did Henry Harris and John Watkins working in the Pathology Department of Oxford University develop a routine method for easily fusing almost any two desired cells. Their contribution was the introduction of ultraviolet light-killed Sendai virus (a close relative of the common flu viruses). In some way not yet understood, adsorption of large numbers of Sendai particles so modifies cell surfaces that when two so-treated cells touch each other, portions of the opposing cell surfaces effectively dissolve, thereby creating one much larger cell containing two nuclei. Subsequently these nuclei often coalesce yielding a single nucleus containing all the chromosomes present in both original nuclei.

During the past three years, Christopher Graham, also at Oxford, has been using Sendai virus to fuse mouse eggs with diploid adult mouse cells. The resulting cells still retain the essential features of an egg because even the relatively small mouse eggs are much larger than most diploid adult cells. While the fused eggs can divide several times, they so far have not yet developed into blastocysts, the stage necessary for successful implantation into the mouse uterus. Conceivably this limitation results from the need to remove the zona pellucida (a normal protective covering) for the Sendai virus fusing trick. Conditions must thus be found either to fuse eggs which retain the zona pellucida or which permit unprotected denuded eggs to develop normally to blastocyst. A reasonable guess is that Graham will succeed, if not this year, most likely within this coming decade. The clonal mammal then will no longer be science fiction.

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At first consideration, it would seem likely that cloning of many domestic species would have to occur before serious thought would be given to the development of clinical procedures which would make human cloning more than a theoretical possibility. This way of thinking presupposes that the primary purpose for such methodological development need be cloning itself. If this in fact were the objective, the variety of moral and legal objections that would be bound to crop up most certainly would effectively prevent the legal granting of the medical facilities needed for extensive in-vitro experiments with human eggs.

If, however, the stated objective is to probe the human reproductive process so that better contraceptive methods can be obtained, the reaction of the general public will be much harder to predict. Though many people will look with horror at any test-tube work with human eggs, others will breathe more easily that something is being done to prevent the world from being crushed by over-population. Until several years ago, this latter group was numerically relatively small and without favor in virtually any political circle. Today, however, taboos which would have seemed unbreakable just a decade ago are rapidly being overturned, witness the recent action of the United States Congress in overwhelmingly passing legislation that would promote family planning. Even more significant was the action of New York State in making abortions the right of any women who so desire them.

Moreover, the development of a simple method for the predetermination of the sex of unborn children might generate considerable support, even if the methods involved the selective abortion of the not-wanted sex. At the same time I would foresee violent objections from other quarters, conceivably making the introduction of such sex-determining techniques illegal throughout much of the world. On the other hand, I would be surprised if all countries reacted unanimously. Most likely there would exist some countries where such sex-determining abortions were legal. If so, affluent families already having four sons could with absolute certainly have the pleasure of knowing that their last baby would be a girl.

The prognosis thus seems virtually inevitable that for one reason or another the number of people studying all aspects of human embroyogenesis will greatly increase. Not only will the amount of classical observational analysis increase, but even more important, direct experimentation with human eggs most likely will soon be the main preoccupation of a number of intelligent, highly-qualified biologists.

Already there exists one such individual, R. C. Edwards, an English reproductive biologist now working in the Physiology Department of Cambridge University. Originally trained as an embryologist and with some ten years experience in growing mouse embryos in-vitro, he focuses his attention on the test-tube growth of human eggs.

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Edwards, together with his clinical colleague, P. C. Steptoe of Oldham General Hospital, have devised a simple surgical method for the removal of healthy human eggs after they have completed much of meiosis, but before the ovulation step which releases free eggs from their follicles into the oviduct. Called laparoscopy, it is a relatively minor operation which, while requiring general anesthesia, generally only needs a twenty-four hour hospital stay. Prior to the operation, a regimen of hormone (gonadotrophins) treatment is given to induce follicle maturation and egg development through the early stages of meiosis. Laparoscopy is then performed, some four hours before ovulation would occur normally. The ovaries so exposed usually contain highly enlarged follicles with thinning walls, through which the desired oocytes can be carefully removed. Their procedures have now reached the state where they can obtain healthy eggs from over half the follicles examined.

Such pre-ovulating oocytes are very suitable for subsequent embryological investigations. Fertilization rapidly ensues after human sperm addition, and in contrast to those eggs which had undergone meiotic divisions in-vitro, these invivo matured eggs generally begin normal cleavage divisions. Already many embryos have developed to the eight-cell stage while a few have become blastocysts, the stage where successful implantation into a human uterus should not be too difficult to achieve. In fact, Edwards and Steptoe hope to accomplish implantation and subsequent growth into a normal baby within this coming year.

The question naturally arises why should any women willingly submit to such operations. There is clearly some danger involved every time Steptoe operates. Nonetheless, he and Edwards believe that the risks involved are more than counterbalanced by the fact that their research may develop methods which make their patients able to bear children. All their patients, though having normal menstrual cycles, are infertile conceivably because many have blocked oviducts which prevent passage of their eggs into the uterus. If so, in-vitro growth of their eggs up to the blastocyst stage may circumvent their infertility, thereby allowing normal childbirth. Moreover, since the sex of a blastocyst is easily determined by chromosomal analysis, such women would have the possibility of deciding whether to give birth to a boy or a girl.

Clearly, if Edwards and Steptoe succeed, their success will be followed up in many other places. The number of such infertile women, while small on a relative percentage basis, is likely to be large on an absolute basis. Conceivably within the United States there could be 100,000 or so women who would like a similar chance to have their own babies. At the same time we must anticipate strong if not hysterical, reactions from many quarters. The certainty that the ready availability of this medical technique will open up the possibility of hiring out unrelated women to carry a given baby to term is bound to outrage many people. For there is absolutely no reason why the blastocyst need be implanted in the same woman from which the pre-ovulatory eggs were obtained. So, many women with anatomical complications which prohibit successful childbearing, would be strongly tempted to find a suitable surrogate. And it is easy to imagine that many women who just don't want the discomforts of pregnancy would also seek this very different form of motherhood. And of even greater concern would be the potentialities for misuse by a savage totalitarian government.

Some very hard decisions may soon be upon us. For it is not obvious that the vague potential of abhorrent misuse should weigh more strongly that the unhappiness which thousands of married couples feel when they are unable to have their own children. Different societies are likely to view the matter differently and it would be surprising if all come to the same conclusion. We must, therefore, assume that techniques for the in-vitro manipulation of human eggs are likely to be general medical practice, capable of routine performance through the world within some ten to twenty years.

The situation would then be ripe for extensive efforts, either legal or illegal, at human cloning. No reason, of course, dictates that such experiments need occur. Most of the medical people capable of such experimentation would probably totally stay clear of any step which in any way looked like its real purpose was to clone. But it would be shortsighted to believe everyone will instinctively recoil from such purposes. Some people may very sincerely believe the world desperately needs many copies of the really exceptional people if we are to fight our way out of the ever increasing computer mediated complexity that makes our individual brains so frequently inadequate.

Moreover, given the widespread development of the safe clinical procedures for handling human eggs, cloning experiments would not be prohibitively expensive. They need not be restricted to the super powers—medium sized, if not minor countries, all now possess the resources needed for eventual success. There furthermore need not exist the coercion of a totalitarian state to provide the surrogate mothers. There already are such widespread divergences as to the sacredness of the act of human reproduction that the boring meaninglessness of the lives of many women would be sufficient course for their willingness to participate in such experimentation, be it legal or illegal. Thus, if the matter proceeds in its current nondirected fashion, a human being—born of clonal reproduction—most likely will appear on the earth within the next twenty to fifty years, and conceivably even sooner, if some nation actively promotes the venture.

The first reaction of most people to these conclusions may be one of despair. The nature of the bond between parents and their children, much less everyone's values about their individual uniqueness, could be changed beyond recognition, and by a science which they never understood but which until recently appeared to provide more good than harm. Certainly to many, our most sensible course of action would be to de-emphasize all those forms of research which would circumvent the normal sexual reproductive processes. If this step were taken, experiments on cell fusion would no longer be supported by federal funds or tax-exempt organizations. Prohibition of such research would most certainly put off the day when diploid nuclei can satisfactorily be inserted into enucleated human eggs. Even more crucial would be to take steps quickly to make illegal, or reaffirm the illegality of, any experimental work with human embryos. With both these actions taken, our current value systems might survive somewhat longer.

Neither of these prohibitions, however, is likely to take place. In the first place, the cell fusion technique now offers one of the best avenues for understanding the genetic basis of cancer. Today all over the world, cancer cells are being fused with normal cells to pinpoint these specific chromosomes responsible for given forms of cancer. In addition, fusion techniques are the basis of many genetic efforts to unravel the biochemistry of diseases like cystic fibrosis or multiple sclerosis. Any attempts now to stop such work using the argument that cloning represents a greater threat than a disease like cancer is likely to be considered irresponsible by virtually anyone able to understand the matter.

Though more people would initially go along with a prohibition of work on human embryos, many may have a change of heart when they ponder the real mess confronting us by the population explosion. The current projections are so horrendous that responsible people are likely to consider the need for more basic embryological facts much more relevant to our self-interest than the not-very-immediate threat of a few clonal men existing some decades ahead. So, scientists like Edwards are likely to get to go-ahead signal even if, almost preversely, the immediate consequences of their research may be the production of even more babies.

Complicating any possible effort at effective legislative guidance is the multiplicity of places where work like Edwards' could occur, thereby making most unlikely the possibility that such manipulations would have the same legal (or illegal) status throughout the world. We must assume that if Edwards and Steptoe produce a really workable method for restoring fertility, large numbers of women will search out those places where it is legal (or possible), just as now they search out places where abortions can be easily obtained.

Thus, all nations formulating policies to handle the implication of in-vitro human embryo experimentation must realize that the problem is essentially an international one. Even if one or more countries stop such research, their action could effectively be neutralized by the response of a neighboring country. This most disconcerting impotence even holds for the United States. If our congressional representatives, upon learning where the matter now stands, decided they wanted none of it and passed very strict laws against human embryo experimentation, their action would not set back seriously the current scientific and medical momentum which brings us close to the possibility of surrogate mothers, if not human clonal reproduction. This is because the relevant experiments are not being done in the United States, but largely in England. This is partly a matter of chance, but also a consequence of the advanced state of English cell biology. In certain areas it is far more adventurous and imaginative than its American counterpart. Now there is no American university with the strength in experimental embryology that Oxford possesses.

We must not assume, however, that today the important decisions lie only before the British government. Very soon we must anticipate that a number of biologists and clinicians of other countries, sensing the potential excitement, will move into the area and so even if the current English effort were stifled, similar experimentation could soon begin elsewhere. Thus it appears to me most desirable that as many people as possible be informed about the possible new ways of human reproduction and their potential consequences, both good and bad. Conceivably an international consciousness might be apparent and some form of international agreements might be negotiated before the cat is totally out of the bag. Admittedly, the vast effort, needed for even the most limited international arrangement, will deter those who believe the matter now is of such marginal importance that in effect it might be a red herring designed to take our minds off our callous attitudes toward war, poverty, and racial prejudice. But if we do not think about the matter now, the possibility of our having a free choice will one day suddenly be gone.

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[From the Washington Post, Feb. 4, 1971]

DNA AND THE SORCERER'S APPRENTICE

Man has come to be where he is in part because—at least until Hiroshima—he has considered anything that seemed possible by way of scientific discovery and technological capability to be *ipso facto* desirable. Lately, however, an increasing number of scientists has become increasingly worried that man, like the Sorcerer's Apprentice, may be unable to control the forces he keeps unleashing—that progress in science and technology is coming far faster and more easily than progress in our ability to deal with the social, political and moral implications of our discoveries.

One such worrier is Dr. James D. Watson, the Nobel-prize-winning co-discoverer of the structure of DNA, the heredity molecule and the author of "The Double Helix," a book that gave thousands of laymen a fascinating and human glimpse of these awesome scientific endeavors. Dr. Watson told the House Science Subcommittee a few days ago that any day now British scientists may produce a human embryo that can be placed inside a woman who will bear the child. "Then all hell will break loose," he said. For the next logical step will be to engineer biologically a human being by screening out "undesirable" characteristics and otherwise manipulating the female egg cells and male sperm cells before they are joined.

Scientists can see much obvious good resulting from these experiments. One might be an understanding of the genetic basis for cancer and other diseases. But Dr. Watson and others also have no difficulty imagining fearful abuse, not the least of which would be a drastic change in the nature of the bond between parents and their children and in the values we now attach to man's individuality. And worse. The "scientific" experiments in Hitler's concentration camps—the biological engineering for other than research purposes—are still too fresh on many minds to dismiss as mere nightmares. There is enough of what George Orwell called "double-think" even in our own, open society, to make it at least feasible that, once test-tube production of an unlimited number of duplicate embryos becomes possible (Dr. Watson deems this likely in 20 or 50 or perhaps five years) someone will set out to produce a master race or supermen.

Dr. Watson and a number of his colleagues, at any rate, fear that if we do not think about these matters now, "the possibility of our having a free choice will some day suddenly be gone." He suggested that the United States take the lead in forming an international commission to make this kind of biological engineering illegal.

Illegal? At first thought, a good many people will surely feel that this could only dangerously tempt another Sorcerer's Apprentice to invoke governmental control over some other quest for knowledge; international control, furthermore, seems a naive hope at best. So we share these first tentative thoughts. But we also urge second thoughts. And third and fourth ones, because the issue is incredibly complex, and therefore much too important to be allowed to become polarized between wishful thinkers and "realistic," first-thought-only thinkers. It is going to take broad, as well as hard, thinking, by which we mean, if you will pardon the cliche, that the application of these bio-medical developments is far too serious a matter to be left to the bio-medical scientists alone. This is why Dr. Jonas Salk is inviting philosophers as well as physical scientists to his Institute in La Jolla and why the Committee on Life Sciences and Social Policy of the National Research Council and the Institute of Society, Ethics and Life Science seek to draw lawyers and scientists in a variety of disciplines into their search for a middle ground between statutory limitations on certain research and pragmatic laissez-faire.

We desperately need this search. And to spur it along, we need broad discussion on the ever more urgent question of whether we dare continue to let material progress be our only guide.

[From the Washington Post, Feb. 24, 1971]

Experiments on Humans

In your most thoughtful editorial of Feb. 4, you discuss many of the matters which I talked about recently before the House Science and Astronautics Committee. The International Commission on Genetic Engineering that I proposed be set up, however, would not have as its purpose the outlawing of human embryo experimentation. Instead its task would be to assess the state of the art, and so be in a position to advise the world's governing bodies of the particular consequences of any given technique in genetic engineering.

Some governments, upon thoughtful consideration, might wish to ban certain manipulations (e.g. human cloning). But in other cases, there may be general agreement that certain procedures (e.g. test-tube conceptions to overcome infertility due to oviduct blockage) are in the national interest and should be actively promoted. In any case, I think the matter is much too important to be left in the hands of the scientists whose careers might be made by the achieving of a given experiment. In no case should we forget that the products of these experiments will be human beings, which we must afford the same opportunities for a meaningful life that are now given to children born of "God's" will.

J. D. Watson,
Professor, Molecular Biology, Harvard University; Director, Cold Spring Harbor Laboratory.
Cambridge.

[From the New York Times, July 3, 1970]

Rx for Child's Learning Malady

(By Robert Reinhold)

Providence, R.I., July 2.—A few months ago Jackie D., a 6-year-old boy with big brown eyes, was so bad that his mother was at her wits' end.

He could not sit still, he fought with all the other children on the block, was so clumsy that he could not ride a bicycle, had trouble reading and got so frustrated with his first-grade arithmetic that he would tear up his lessons.

But today, Jackie was not his usual self. He deftly climbed up and down a ladder and did somersaults under the approving eyes of Dr. Eric Denhoff, a pediatric neurologist.

In fact, Jackie has not been himself for some time now—ever since he started getting an amphetamine-like medicine called Ritalin a few months ago. Now he is quiet, coordinated and has even done well enough in his lessons to be promoted to second grade.

Jackie is one of countless thousands of American youngsters with normal or even high intelligence who get Ritalin or amphetamines. The aim is to counter a complex and little-understood learning and behavior disorder sometimes called "minimal brain dysfunction" that afflicts as many as three million children.

GROWING ACCEPTANCE

The treatment is a widely accepted and growing one—if still somewhat controversial. It has been used throughout the United States for 10 or 15 years, often yielding results that one expert called "black magic when it works."

The change it induces, often within hours, is described by doctors, parents and teachers as "remarkable" or "amazing."

But amid mounting concern with pill-popping, many medical and laymen have expressed worry over the potential long-term effects of amphetamines, which are widely abused. Moreover, one side effect is loss of appetite, which is particularly undesirable in disadvantaged children who may be undernourished to begin with.

The practice has sporadically generated public dispute. A number of physicians and laymen have expressed fears about long-term effects. In Omaha black parents were recently reported to have protested that their children were being drugged into submission.

According to the best estimates, from 5 to 20 per cent of American children suffer from this disorder, making it a problem of epidemic proportions.

Such children, usually boys, are all too evident in almost every classroom. They jump up and down, throw paper airplanes at the teacher, fight and shove on the lunch line, can concentrate for only a short time, frustrate easily and often do so poorly in school work that they eventually drop out despite good intelligence.

Very frequently this "hyperkinetic" behavior is linked to marked perceptual impairment; that is, visual and auditory signals are not assimilated properly. The child may read words and letters backward, a problem sometimes called dyslexia, or confuse the meaning of sounds.

This neurological disorder, possibly a result of subtle brain damage during or soon after birth, has been found in many but not all cases to respond dramatically to amphetamines, drugs that are normally used, and sometimes abused, to speed up bodily processes.

But for reasons that are not fully clear these stimulants have the paradoxical effect of calming hyperactive pre-puberty children, allowing them to concentrate for normal periods of time.

The drugs do have some side effects—largely loss of appetite and insomnia. Also, there have been reports of children swapping their pills in the school yard with unfortunate effects.

The most commonly used medications are Ritalin, made by CIBA, and Dexedrine and Benzedrine, made by Smith, Kline and French.

"These drugs had been called the penicillin of children with learning disabilities," said Dr. Denhoff, director of the Meeting Street School, an Easter Seal-supported school for handicapped children here. Over the last 2 years, he has maintained 3,000 or so hyperkinetic children on drugs, often with spectacular results.

In fact, it was only a few miles from where Dr. Denhoff was examining Jackie D. that the value of amphetamines was discovered in 1937 quite accidentally by Dr. Charles Bradley, then director of the Bradley Hospital in East Providence, R.I.

Dr. Bradley noticed that drugs he had been giving to control weight problems in disturbed children also seemed to improve their behavior.

SYMPTOMS MASKED

The treatment, which may last for many years, can be likened to the use of insulin for diabetics. That is, it does not cure the underlying neurological disorder, but it masks the symptoms enough to allow the child to become organized, to cope with his environment and to respond to special therapy that is often needed in addition to the medication.

The treatment is not used for children with learning or behavior problems. It is connected with mental retardation, emotional disturbance or psychosis.

The dose varies, but is usually around 30 milligrams a day, about the same that an adult taking amphetamines to lose weight would get, but considerably less than hippies shooting "speed." A 10 milligram tablet of Ritalin costs about 10 cents, so that a week's treatment runs about $2.

Various studies have shown that young children do not become addicted or develop tolerance for the drugs—and that the medication can be readily withdrawn after puberty, when minimal brain dysfunction often remits spontaneously.

While physicians have been using the drugs empirically for 30 years, there have been few controlled scientific studies. One of the first to start such studies was Dr. Leon Eisenberg, chief of psychiatric services at the Massachusetts General Hospital in Boston, and his associate, Dr. C. Keith Conners, a psychologist.

DRUGS HELD VERY SAFE

"When used properly, they are remarkably safe—even safer than penicillin," said Dr. Eisenberg, who has tested about 750 children.

Referring to fears that children were being doped up, he said:

"The basic confusion is to apply standards which were developed in adults to children without recognizing the very marked difference in response to his agent."

He and Dr. Conners have just completed an experiment in which 75 children were broken up into three groups. Twenty-five were given Ritalin, 25 Dexedrine and 25 a placebo with no medicine. Each child was given a wide battery of intelligence and perception tests before and after medication.

SURVEY OPTIMISTIC

The experiment was "double blind", meaning that neither the children, parents nor testers knew which children were getting the drugs. The results showed "extremely strong" beneficial effects of the stimulants on a variety of cognitive, perceptual, attentional and learning tasks, including the so-called Draw-a-man test in which the child is asked to draw a human figure.

Similar results were obtained recently by Dr. Denhoff and Dr. Anthony Davids, a professor of psychology at Brown University, in a study of 42 children at the Governor Center School in Providence. However, Dr. Davids believes much more study is needed before he can say conclusively that the drugs aided learning.

In a survey of studies conducted through 1967, Dr. J. Gordon Millichap and Dr. Glenn W. Fowler of Northwestern University found that 83 per cent of 337 children given Ritalin by various scientists had shown improvement while only 1 per cent got worse from the drug. Undesirable side effects were reported in 14 per cent of the cases.

As for the amphetamines (benzedrine and dexedrine), improvement was found in 69 percent of 610 cases and a worsening in 11 per cent.

In an attempt to measure the long-term effects, Dr. Eisenberg's group recently followed up on 100 children given drugs by Dr. Bradley in the nineteen thirties and nineteen forties. No indication of addiction or other drug-induced emotional or psychological damage was found.

Dr. William S. Langford, director of the pediatric language disorder clinic at Columbia's College of Physicians and Surgeons in New York, has been using the amphetamines since 1938 and Ritalin more recently.

"I don't think it's a learning pill," he said of Ritalin, "but our impression is that it is a safe drug—it keeps kids in school," Dr. Langford said that he had one child on it from age 3 to 13, the boy went on to complete college successfully.

The achievement has probably gained its greatest foothold in California. There, Dr. Sidney Adler, of Anaheim, a consultant to eight school districts in Orange County, has 2,000 children including 200 college students, on various drugs.

"I have saved many many kids from going down the drain," Dr. Adler said.

As elsewhere, school systems in California do not prescribe the drug. This is done by private physicians, often after a teacher or school nurse suggests that the parents seek medical help.

The chemical effects of the drugs are not clear. One theory holds that children with the disorder have immature nervous systems and that the stimulants affect certain immature parts of the brain, allowing the child to use his cortex, which controls logic and reasoning.

A number of pediatric authorities believe that some doctors have used the drugs too readily and have urged caution.

"No doctor should use any of these drugs lightly," said Dr. Robert Cook of Johns Hopkins Medical School. "The whole drug culture of our society is a worry, but in appropriately selected patients it may be as effective as insulin in diabetes."

[From the Washington Post, Sept. 30, 1970]

FDA Warns Against Uses of "Behavior" Amphetamines

(By Robert C. Maynard)

Federal Food and Drug Administration officials have warned physicians in Omaha, Neb., against the use of two drugs that had been commonly prescribed there for the "behavior modification" of schoolchildren.

The revelation was among several that emerged in a long day of testimony in Congress yesterday on the use of amphetamine-type drugs to curb the behavior of "hyperactive" children.

Minutes after the FDA warning was introduced to the Right to Privacy Inquiry of the House Government Operations Committee, a Little Rock, Ark., physician testified that one of the drugs was among those used in his behavior modification program.

"That's one of the great concerns about the use of these drugs," said Rep. Cornelius Gallagher (D.-N.J.), chairman of the inquiry. "You are using drugs that FDA says are dangerous and you didn't even know the drugs were dangerous. We should suspend the use of these drugs for this purpose until more is known."

His remarks were addressed to Dr. John E. Peters of Little Rock, who said he uses one of the drugs, Tofranil, for children with learning disabilities.

Neither Tofranil nor the other drug, Aventyl, should be used in children, and the FDA said it "now specifically warns against such use." The agency advised Dr. Byron B. Oberst of Omaha of this in a letter on Aug. 6. Dr. Oberst had been quoted in an article earlier in The Washington Post as saying that Tofranil and Aventyl were among several drugs he prescribed for modifying the behavior of children. The most common drug is Ritalin.

The FDA in its letter to Dr. Oberst emphasized that Tofranil's labeling specifically warns against its use in children. Its side effects include constipation, difficulty in focusing the eyes, precipitation of glaucoma, nausea, vomiting and mild symptoms of Parkinsonism among others.

Aventyl, the agency reminded Dr. Oberst, had been re-labeled to warn against its use in the treatment of children. Its known side effects include fall of blood pressure, tremors and bleeding into organs.

The FDA said in its letter that if Dr. Oberst wished to use these drugs in children, it would constitute an experiment and he would have to apply for a special permit.

Dr. Peters, head of the division of child and adolescent psychiatry at the University of Arkansas Medical Center, said he would suspend the use of Tofranil "until this is cleared up."

The discovery that the FDA had warned a doctor against the use of Tofranil in children came late in the day's testimony and after representatives of the agency had testified.

Dr. Dorothy Dobbs, the agency's director of the Division of Neuro-Pharmacological Drug Products, was asked whether she had investigated the use of drugs for behavior modification in Omaha. She said she had telephoned Dr. Oberst and determined that nothing irregular was taking place.

Dr. Oberst is one of several physicians in Omaha involved in a program for children with behavior and learning disabilities. Many of the children had been placed on amphetamines.

It was well after the testimony of Dr. Dobbs and several other FDA witnesses that the existence of the letter from the agency's legislative liaison, M. J. Ryan, was introduced by Theodore J. Johnson, a black chemist and Omaha resident. The letter had been addressed to Ernie Chambers, an opponent of the drug treatment approach to hyperactive children and an Omaha candidate for the Nebraska legislature.

"I am very disturbed," Gallagher said after Johnson introduced the FDA's letter. He charged that the agency had said that "everything is hunky dory" about using amphetamine-type drugs in children, only for the committee to discover later that two common drugs in such treatment are declared dangerous for children.

FDA officials could not be reached last night for comment, but Gallagher said before the hearing recessed that the agency would be recalled later.

Sally R. Williams, president of the Department of School Nurses of the National Education Association, was among those witnesses who said she felt stimulant drugs were safe if given to children under careful conditions.

But Gallagher hammered away throughout the day's testimony at the fact that amphetamines, commonly known as "speed," are a major cause of drug abuse in the United States.

The FDA witnesses had said there was no evidence of a link between drug abuse and the administration of such drugs to children.

Don Warner, retired assistant superintendent of schools in Omaha, said he was concerned that the national attention had made it appear that the school system was dispensing drugs. He said only private physicians prescribe the drugs.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 343

At the request of Mr. Case, the Senator from Ohio (Mr. Saxbe) was added as a cosponsor of S. 343, a bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

S. 545

At the request of Mr. Williams, the Senator from Pennsylvania (Mr. Schweiker) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 545, a bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges.

S. 571

At the request of Mr. Griffin, on behalf of the Senator from Kansas (Mr. Pearson), the Senator from Florida (Mr. Gurney), the Senator from Mississippi (Mr. Eastland), the Senator from Nebraska (Mr. Curtis), the Senator from North Dakota (Mr. Burdick), the Senators from South Carolina (Mr. Thurmond and Mr. Hollings), the Senator from South Dakota (Mr. McGovern), and the Senators from Utah (Mr. Bennett and Mr. Moss) were added as cosponsors of S. 571, to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 662 AND S. 681

At the request of Mr. Bellmon, the Senator from South Carolina (Mr. Hollings), the Senator from Illinois (Mr. Percy), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 662, a bill to assist in the development of a more workable correctional system; and the Senator from Colorado (Mr. Allott), the Senator from Kentucky (Mr. Cooper), and the Senator from Wyoming (Mr. McGee) were added as cosponsors of S. 681, a bill to provide for environmental research centers in the various States.

S. 731

At the request of Mr. Javits, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 731, a bill to make rules respecting military hostilities in the absence of a declaration of war.

S. 735

At the request of Mr. Cranston, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Massachusetts (Mr. Brooke), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), and the Senator from New Jersey (Mr. Williams), were added as cosponsors of S. 735, to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area.

S. 967

At the request of Mr. Griffin, on behalf of the Senator from Kansas (Mr. Pearson), the Senator from Alaska (Mr. Stevens), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors to S. 967, to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement and for other purposes.

S. 1082

At the request of Mr. Case, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1082, to regulate the discharge of wastes in territorial and international waters until 5 years after the date of enactment of this act, to prohibit such discharge thereafter, and to authorize research and demonstration projects to determine means of using and disposing of such waste.

S. 973

At the request of Mr. Bayh, the Senator from California (Mr. Cranston), the Senator from Montana (Mr. Metcalf), and the Senator from Missouri (Mr. Eagleton) were added as cosponsors of S. 973, a bill to improve the unemployment insurance compensation system.

S. 1163

At the request of Mr. Kennedy, the Senator from New Mexico (Mr. Montoya), the Senator from Minnesota (Mr. Humphrey), the Senator from West Virginia (Mr. Randolph), the Senator from Maine (Mr. Muskie), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 1163, the Nutrition Program for the Elderly Act.

S. 1167

At the request of Mr. Moss, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1167, a bill to prohibit the mailing of unsolicited samples of cigarettes.

S. 1191

At the request of Mr. Mathias, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor to S. 1191, the Peacetime Transition Act.

S. 1245

At the request of Mr. Moss, the Senator from New Mexico (Mr. Montoya) and the Senator from New Jersey (Mr. Williams) were added as cosponsors to S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1305

At the request of Mr. Mondale, the Senator from South Carolina (Mr. Hollings), and the Senator from Idaho (Mr. Church) were added as cosponsors of S. 1305, a bill to amend the Economic Opportunity Act of 1964 to establish a Natonal Legal Services Corporation.

SENATE JOINT RESOLUTION 4

At the request of Mr. Javits, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE JOINT RESOLUTION 29

At the request of Mr. Scott, the Senator from Oregon (Mr. Hatfield) and the Senator from Colorado (Mr. Dominick) were added as cosponsors of Senate Joint Resolution 29, a joint resolution providing for the designation of National Peace Corps Week; and

At the request of Mr. Mansfield, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Joint Resolution 29.

SENATE CONCURRENT RESOLUTION 10—SUBMISSION OF A CONCURRENT RESOLUTION PAYING TRIBUTE TO THE FIRST ANNUAL NATIONAL EXPLORERS PRESIDENTS' CONGRESS

Mr. MUSKIE. Mr. President, on behalf of myself and Senator Baker, I submit, for appropriate reference, a concurrent resolution commemorating the first annual National Explorers Presidents' Congress of the Boy Scouts of America. This Congress will take place in Washington from June 2 to June 6 and is expected to bring together between 4,000 and 5,000 young people from Explorer posts around the country.

Mr. President, the Boy Scouts' exploring program provides a unique opportunity for more than 350,000 young men and women between the ages of 14 and 21 to gain firsthand knowledge of potential career fields such as law enforcement, local government, small business, and conservation, to name a few. Under the guidance of professionals in these fields, Explorers gain invaluable insights into their own career interests at the same time that they perform useful community services. I ask unanimous consent that the text of an article, "Exploring—A New Path to a Better America," that appeared in the October 1970 issue of Reader's Digest, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

EXPLORING—A NEW PATH TO A BETTER AMERICA

(By John G. Hubbell)

The armed robber must have wondered what the Los Angeles police force had come to. He had just made a clean getaway with approximately $1000 from a customer of a branch of the United California Bank when he found himself in the unyielding clutches of three teen-agers in khaki uniforms. Unarmed themselves, they had, with quick, professional efficiency, relieved him of his .32-caliber pistol. Then two held him while the third summoned a squad car.

Later, the captors, Ron E. Miller, Paul Stephan and Wayne King, all 16, explained that they had just come off duty and were walking home, listening to police calls over a transistor radio. They heard of the robbery —and suddenly there was the robber, running toward them. They knew they should not try to capture an armed man—but it would have been a shame to let him escape. Anyway, weren't they supposed to be studying all aspects of Los Angeles police work?

The three young heroes and the Los Angeles Police Department are subscribers to a remarkable idea called Exploring. Though developed by the Boy Scouts of America (BSA), it has nothing to do with hiking, camping or merit badges. Exploring's aim is to enable young adults, 14 to 21, to find the fields of interest, to "try on" careers under lose but intensely interested expert guidance, while equipping themselves with healthy attitudes about one another, their country and the free-enterprise system.

The movement now involves more than 350,000 young men and women from across the entire American social and economic spectrum, and is expected to number one million by 1976, the 200th birthday of the Republic. BSAs enthusiastic partners in this adventure run the gamut of trades, professions, large and small businesses and industries from coast to coast—from hospitals to space-science companies to law offices.

For youngsters with strong notions about their futures, Exploring offers glistening opportunities. Since 1962, for example, more than 3000 young men have explored the law-enforcement field under the tutelage of professionals in the Los Angeles Police Department's 17 divisions. They undergo police-academy training, are issued L.A.P.D. recruit-type uniforms with Explorer patches, ride in patrol cars, learn police communications and study all phases of crime detection. "We are now beginning to get former Explorers onto the force," says their adviser, Officer Robert Portillo, "and we have 20 student-workers—college men who assume administrative duties." So successful has its Explorer program been that the Los Angeles force has answered requests from some 200 other towns and cities for advice and assistance in organizing similar efforts.

Meanwhile, Explorers in Mesa, Ariz., and Quincy, Ill., are absorbed in a top-to-bottom study of city government, from the functions and operations of the mayor's office to the city engineer's department. In Cambridge, Mass., Explorer firemen are led by professionals through an understanding of the chemistry of fire, the essentials of rescue work, and the operation, maintenance and repair of every kind of firefighting apparatus. In Coronado, Calif., tough U.S. Navy frogmen helped latch onto a group of miscreant teenage surfers, and develop an Explorer post which is fast becoming a source of oceanography and nautical-science experts. The boys also claim responsibility for policing and keeping clean for public enjoyment miles of Southern California beaches.

Even the sky is no limit to Exploring's possibilities. In Redondo Beach, Calif., TRW Corp. sponsors a coeducational group which spent more than two years in the company's laboratories designing and building a satellite. Piggybacked into orbit on a shot from Vandenberg Air Force Base, it will be available as a communications relay station to ham radio operators around the world.

The new Exploring got its real start in 1954. By then, it was apparent to BSA executives that their Explorer Scouting program, a sort of advanced Boy Scouting oriented to the outdoors, was dying for lack of interest. Of 20-odd million American teenage boys, only one in 20 was being attracted to Explorer Scouting. The University of Michigan's renowned Institute for Social Research was commissioned to conduct a nationwide survey of the attitudes and interests of boys 14 through 16. An accurate reading might provide the basis for a more successful approach.

The answers young America gave to the two-year study shocked the Boy Scout organization. They were told bluntly that if they wanted to succeed with teen-agers, they had to junk the existing Explorer Scouting program and start from scratch. That program was kid stuff—and they were no longer kids.

Where did their interests lie? The study showed that some 83 percent spent a good deal of time worrying about how they were to spend the rest of their lives, while 75 percent were already beginning to grapple with the vital decisions they would have to make after high school—about college, military service, careers, even marriage. Contrary to the popular adult notion that teen-agers, who are naturally rebellious, want to be left to themselves, 94 percent wanted adult leadership—but not of the Scoutmaster man-to-boy variety. Rather, they wanted close contact with and advice from men who had reached points in life where the boys thought they might like to go, men who would show them the fundamentals—not lecture, but show—and then step to the sidelines and let them run with the ball.

The study fired the imagination of William

H. Spurgeon III, of Newport Beach, Calif., a member of the national Explorer's Committee. Big, handsome, outgoing, Bill Spurgeon had been an active Scout leader all his adult life. He got permission from Boy Scout Headquarters to use some new ideas. One night in 1955, he gathered around his dining-room table a small group of friends who shared his enthusiasm for young people, including Kingery E. Whiteneck, a high-school science-department head, and Gilbert Bell, a professional Scout executive. By the small hours of the morning, a plan had been conjured.

From local high schools, Whiteneck recruited 25 lads who claimed an interest in science, and took them to see Jon Myer, a Hughes Aircraft executive. Then the two men prompted a discussion of the aspects of science the boys wanted to explore. Myer promised to provide working scientists who could supply expert advice for any experiments and projects they wanted to try—they could go as far as they wished on their own, but the expertise always would be available.

The boys soon decided to form the world's first Special Interest Explorer Post. They elected officers, agreed to meet in Myer's laboratories for two evening hours every second week, and mapped out a months-long agenda. After some searching, Myer was able to deliver on his promise to provide professional expertise. "It's difficult to get hard-working men interested in taking kids hiking and camping," he says. "But offer them the opportunity to share their professional knowledge with a group of interested teenagers, and it's like shooting them full of Adrenalin. You can't stop them!"

Among other things, the post in the next few years built and maintained a smog-monitoring station for Orange County, built an elaborate amateur radio station, and a fall-out shelter for the city of Newport Beach. At least seven members of the original post went on to earn doctorates in various sciences.

Meanwhile, Bill Spurgeon evangelized through Orange County, concerning all who would listen. "Every kid you see around here is up for grabs, and you had better be interested in who grabs him," he told them. "That's America's future you are looking at." Then, with a string of successful Exploring prototypes established in the West, Spurgeon, at the urging of Boy Scout National Headquarters and a group of California friends who financed him, took a three-year leave-of-absence from job and family to sell the program nationally.

Traveling all over the country, he left behind him a widening trail of Explorer posts. And soon it was apparent that a single man, even a Spurgeon, could not properly service the surging interest he had sparked. It was time for the national organization to take over. Thus, in 1968, Explorer Scouting, a term and activity which turned off the modern young adult, gave way to the Explorer Division of the Boy Scouts of America. Director John Clearhout assembled a staff of experienced but young, energetic professionals. "We organized a group of 'whiz kids,' " Clearhout explains, "who could take apart the studies that had been made, and the Spurgeon effort, then develop new schemes that would help preserve old values."

An example of this imaginative approach. the past few springs, students in hundreds of high schools have been asked to rate from a list of 100 career fields the three which appealed to them most. Soon, successful men who were known to be good citizens in communities across the country were being told, to their amazement, of the large numbers of young people who were interested in their work. By the beginning of this year, there were some 23,000 Explorer Posts in the United States.*

Exploring is happening everywhere, for reasons which should hearten Americans. If it has its way, upcoming generations—the ones we are always prone to despair over—will make tomorrow's America better than ever.

Mr. MUSKIE. Mr. President, I am proud to salute the first annual National Explorers Presidents' Congress, as well as all the outstanding young people who participate in the exploring program throughout the Nation. I ask that the text of the concurrent resolution appear in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 10), which reads as follows, was referred to the Committee on the Judiciary:

S. Con. Res. 10

Whereas the Exploring Division of the Boy Scouts of America will hold its first annual National Explorers Presidents' Congress in Washington, District of Columbia, from June 2, 1971, through June 6, 1971, at which time presidents from all national divisional posts will attend and represent local youth organizations and communities on a nationwide level.

Whereas such Congress will provide a living experience in the democratic process in that a national president and twelve regional vice presidents will be elected for one-year terms and thus become members of the Adult National Explorers Committee of the Boy Scouts of America; and

Whereas such Congress will afford Explorers the opportunity to demonstrate publicly their daily avocational and vocational interests, community participation, and youthful concern with today's national issues and problems: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States of America—

(1) welcomes Explorers of the Boy Scouts of America to their first annual National Explorers Presidents' Congress in the Nation's Capital from June 2, 1971, through June 6, 1971;

(2) urges these Explorers to witness first hand the structure and operations of their Government;

(3) calls upon them to use their Congress as a means of promoting the aims and advancing the aspirations of all young persons of the United States; and

(4) commends the Explorers for their example and for their part in training future leaders for our Nation.

SENATE CONCURRENT RESOLUTION 11—SUBMISSION OF A CONCURRENT RESOLUTION CONGRATULATING SAN JUAN, PUERTO RICO ON ITS 450TH ANNIVERSARY

Mr. MUSKIE. Mr. President, I submit, on behalf of myself and the Senator from New York (Mr. Javits), a concurrent resolution (S. Con. Res. 11) to commemorate the 450th anniversary of San Juan, Puerto Rico, the oldest city in the United States.

This commemoration is most appropriate, and I am honored to join in submitting this concurrent resolution. The American people are proud of San Juan, proud of its rich cultural heritage and proud of the unique role San Juan plays in joining the peoples of North, Central, and South America in a cooperative community.

The splendid harbor of San Juan is a gateway to the verdant plains and mountains of the Commonwealth of Puerto Rico and to our sister nations in the Caribbean and the Americas. Our American citizens in San Juan have shown fellow citizens throughout the United States the joyous celebrations of their fiestas and the industrial development resulting from their hard work.

I do not mean to overlook the pressing problems which San Juan shares with our other great cities, in housing, employment, health, and ecology. These are problems, but they are problems we can and must overcome, working together.

So, let us join with the wonderful citizens of San Juan in commemorating this joyous occasion. And let us wish the citizens of San Juan 450 more years of success.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 11), which reads as follows, was referred to the Committee on the Judiciary:

S. Con. Res. 11

Whereas the city of San Juan, capital of the Commonwealth of Puerto Rico, commemorates this year the 450th anniversary of its founding on the same site where it is presently located;

Whereas its founding in the year 1521 makes it the oldest city in the United States;

Whereas, our fellow citizens in Puerto Rico, and the citizens of the United States generally, feel justly proud of the rich historical and cultural heritage contributed by the city of San Juan to the gigantic melting pot of different races, peoples, and customs that comprise our great American nations; and

Whereas, the citizens of San Juan, headed by the Governor of Puerto Rico, Hon. Luis A. Ferre, and the city mayor, Hon. Carlos Romero Barcelo, jubilantly celebrate the historical date: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States congratulates the citizens of the municipality of San Juan, and joins them in the joyful celebration of their 450th anniversary.

SENATE CONCURRENT RESOLUTION 12—SUBMISSION OF A CONCURRENT RESOLUTION TO RECOGNIZE THE 13TH ANNIVERSARY OF THE UNITED SERVICE ORGANIZATIONS, INC.

Mr. RANDOLPH. Mr. President, 30 years ago the darkening clouds of war around the world led to a massive buildup of armed forces. Literally millions of families were to be uprooted through the years ahead by separation, troop movements, and overseas assignments. The business of fighting World War II was in the capable hands of the various services, but the attendant disruptions of human beings could not be ignored. Filling this breach was the United Service Organizations, Inc.—USO—which was created on February 4, 1941, through the efforts of five voluntary groups. They are: YMCA, YWCA, National Catholic Community Service, National Jewish

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*Among the many fields of interest and study: medicine, law enforcement, forestry, conservation, oceanography, marine biology, banking, automobile mechanics, electronics, photography, merchandising, marketing, journalism and advertising, radio and TV.

Welfare Board, and the Salvation Army. They were later joined by the Travelers Aid Association of America.

Throughout the years, the USO has provided a "home away from home" for millions of young men and women stationed all over the world. Its function, supported by private funds and the help of hundreds of thousands of volunteers, has provided necessary welfare, morale, and recreational services to our servicemen and servicewomen.

Today, the USO continues to battle isolation and boredom among our service personnel. There are more than 124 facilities in the United States and 62 points of service overseas to provide a wide range of services, such as assistance in securing housing facilities for military families, help with travel and accommodations, lounges at terminal points, entertainment and personal care facilities.

Mr. President, I offer in recognition of the USO's 30th anniversary, the following concurrent resolution with the hope that the USO will continue to receive the support of all citizens so that this fine organization—an outstanding example of interfaith action and cooperative social service—will continue to serve the members of our Armed Forces.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 12), which reads as follows, was referred to the Committee on the Judiciary.

S. CON. RES. 12

> *Resolved by the Senate (the House of Representatives concurring)*, That in recognition of the service and assistance the United Service Organizations, Inc. (USO), has rendered to the members of the Armed Forces of the United States, and as a tribute to the USO in its thirtieth anniversary year, the Congress commends the USO for its outstanding contributions to the morale and welfare of our Armed Forces.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROOKE, the name of the Senator from New York (Mr. BUCKLEY), the Senator from Virginia (Mr. BYRD), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. BIBLE), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Tennessee (Mr. BAKER), the Senator from Missouri (Mr. EAGLETON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. PERCY), and the Senator from Idaho (Mr. CHURCH), were added as cosponsors to Senate Concurrent Resolution 5, creating a joint committee on the treatment of prisoners of war/missing in action.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Concurrent Resolution 6, to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

SENATE RESOLUTION 82—SUBMISSION OF A RESOLUTION REGARDING THE POLICY OF THE UNITED STATES TOWARD THE PEOPLE'S REPUBLIC OF CHINA

Mr. McGOVERN. Mr. President, aside from ending our disastrous intervention in Indochina, there is no more pressing foreign policy task facing this country than to achieve fundamental change in our attitude toward the People's Republic of China.

In no other case have we clung so tenaciously, in both word and deed, to profound error. And in no other case has our policy done graver damage or posed more serious threats to our own interests.

For 20 years we have tried to isolate the world's most populous nation. We have experienced a generation of intense mutual hostility.

Yet there have been more constructive times.

Before 1949 we traded extensively with China. Chinese students attended American universities. We had proclaimed a strong, united, and independent China as a positive goal of U.S. policy.

For the most part our attitudes were reciprocated. The Chinese regarded us with friendship, at least in comparison to their propensities toward Japan, Russia, and Britain. And that good will was not based on ideology, as evidenced by Mao Tse-tung's statement in March of 1945:

> Between the people of China and the people of the United States there are strong ties of sympathy, understanding and mutual interest. Both are by nature peace-loving non-aggressive and non-imperialistic . . . America is not only the most suitable country to assist the economic development of China; she is also the only country fully able to participate.

But after completing, in alliance with Russia and China, a long and bloody war against Japan and Germany, we were soon enmeshed in a bitter competition with communism. We had seen its expansion in 1945 when the victorious Russian armies swept through Eastern Europe to establish Communist governments in Poland, Hungary, Rumania, Bulgaria, Yugoslavia, Albania, and later East Germany. Moreover, the war left Western Europe lying economically prostrate and in obvious danger of Communist influence.

The Marshall plan was designed to rebuild Europe, but it was also constructed as an economic counterweight to communism. The North Atlantic Treaty Organization was formed, with the added impetus of the fall of Czechoslovakia in 1948, to perform the same mission in the military sphere.

It was against this background that we saw the victories won by Communist armies in China in 1948 and 1949. We were conditioned to perceive a monolithic Communist menace sweeping the world, and to lose any perception of individual countries, with individual interests, within that realm. We saw any adherence to the ideology of communism, no matter where, as a political and military alliance with Moscow, committed to the subversion and destruction of freedom everywhere.

Under such conditions it may, in fact, be surprising that we did "keep our cool" briefly with respect to the Chinese revolution. From the Communist assumption of power on the mainland on October 1, 1949, until late June 1950, we followed a general wait and see policy toward the new government. On the very point which was to become most bitterly divisive later on, President Truman declared on January 5, 1950, that the United States regarded Formosa as Chinese territory without qualification and that—

> The United States has no predatory designs on Formosa or any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time, nor does it have any intention of utilizing its armed forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China . . . similarly, the United States government will not provide military aid or advice to the Chinese forces on Formosa.

Truman's initial policy was destined to quick reversal. It brought sharp attacks in the United States, and particularly in the Congress. Led by Congressman Walter Judd of Minnesota, a former medical missionary to China, a lobby was formed in alliance with the defeated Kuomintang government which had taken refuge on Formosa. They attacked the policy that had lost China, apparently having little difficulty with the ludicrous assumption that China was ours to lose. And they asserted that Chiang Kai-shek, notwithstanding his defeat, was still the legitimate ruler of China, fated ultimately to return and liberate the mainland.

With the help of the China lobby, Washington was easily turned around by the Korean war. We saw the attack by the North Koreans against the South as the first in a series of moves by the new Chinese government to build an empire in East Asia, just as the Soviet Union had done in Eastern and Central Europe. In response, Secretary of State Dean Acheson recommended that the 7th Fleet be ordered to prevent an attack on Formosa—placing the United States directly in the middle of the Chinese civil war—and that aid to Indochina be increased, including a strong military mission from the United States. Shortly thereafter, General MacArthur traveled to Taipei to consult with Generalissimo Chiang Kai-shek.

Our avowed aim in the initial stages of the Korean war was strictly limited, to secure the boundary at the 38th parallel which separated North and South Korea. However, MacArthur was gradually given more latitude to pursue the destruction of the North Korean Army, first by way of the Inchon landing and then across the 38th parallel. Finally he raced toward the Yalu River—to the border of China. MacArthur and other military and political leaders discussed the possibility of pressing on into Chinese territory. Several Chinese cities were bombed.

Meanwhile, in response to a cable from the Joint Chiefs of Staff expressing fears about Chinese intervention, General MacArthur replied:

There are many fundamental logical reasons against it.

We now have fairly conclusive proof—agreed upon by both Ambassador Averill Harriman and former Russian Premier Nikita Khrushchev—that it was the Russians, not the Chinese, who urged the North Koreans to attack the South. The available evidence suggests, in fact, that the Chinese were not even informed until after the attack had occurred, and that they were in no way a party to it.

It is also quite clear now—particularly in light of today's protective reaction language—that when the Chinese did enter the war it had little to do with an interest in subjugating other Asian countries. Instead, they were motivated by the fear of invasion by American and allied forces.

Our conception of China's role in Korea was wrong. We were taken in by our own fears, and we suffered from the fatal miscalculations of an overzealous American general encouraged by vocal Members of Congress.

Yet a policy born in error has persisted for 20 years. The position urged by the China lobby became a firmly entrenched national policy—perhaps a national passion—embraced by five successive administrations of both parties. It is our position today.

Politically we still assert that the People's Republic of China does not exist or that it is, at most, a temporary apparition. We hold that the forces of Chiang Kai-shek on Formosa still represents 750 million people on the mainland. On the basis of that premise we have withheld recognition from Peking, we have opposed its assumption of China's seats in the United Nations General Assembly and on the Security Council, and we have squandered our prestige and our resources to obtain the cooperation of other nations in perpetrating our myth.

We have further sought to isolate and damage China economically, not only by denying her our own trade in virtually all commodities but also by threatening to withhold our trade and aid from third countries which do not respect the embargo.

Militarily we have endeavored to contain China by encircling her with hostile anti-Communist governments—even, as in Vietnam, when the governments we prefer have no claim to the allegiance of their own people and can remain in power only with massive U.S. backing.

NO CHOICE BUT CHANGE

Under any reasoned assessment our China policy has been a spectacular, costly failure.

Its architects and advocates have presented us with:

Two land wars in countries bordering China;

A military buildup which has reached nearly a million men on the eastern and southern borders of China;

The continued occupation by American ground or air forces of every country on those eastern and southern borders of China from Japan through Korea, Taiwan, Okinawa, the Philippines, South Vietnam, Cambodia, Laos, and Thailand;

Over 100,000 American dead in East Asia, and more than five times that many Americans wounded;

The physical devastation of broad areas of Korea, Vietnam, Laos, and Cambodia;

Direct responsibility for several million dead and wounded Asian women, children, old men, and other noncombatants who have found themselves on our anti-China battlefield;

The alienation of large segments of our own society who see the war in Indochina as an illegal, immoral venture; and

The distortion and disruption of our national economy, with an accompanying neglect of urgent domestic priorities.

Yet the People's Republic of China survives, grows stronger, and is recognized as reality by a steadily increasing proportion of the world community.

The illogic, the costs, and the failure of our policy should be enough to convince us that it ought to be changed.

But in 1971 we have still more reasons for reconsidering the issue. Its disadvantages are now being combined with impossibility. Today the question is less whether we have the wisdom to change than how we will deal with change thrust upon us.

In the United Nations we watch the gradual erosion in the number of countries willing to suport our view that Peking should be excluded. In November of 1970 a clear majority of 51 members voted for a resolution to expel Chiang Kai-shek's representative and to offer the China seats in the General Assembly and on the Security Council to Peking. The resolution failed only because a majority agreed that the issue is an "important question" requiring two-thirds approval, but support is diminishing rapidly on that score as well. In the past year diplomatic relations have been established between China and Canada, Italy, Ethiopia, Chile, and Guinea; other countries which have supported us in the past are actively considering similar arrangements.

Within a very short period of time the People's Republic of China will be seated in the United Nations regardless of the position taken by the United States.

China also demands our attention in a military sense. Her first nuclear device was detonated more than 6 years ago, and she was able to develop a thermonuclear capability just 3 years later. Within a few years she will have the capacity to wage intercontinental nuclear war.

At the time of the first test Peking made a unilateral commitment never to be the first to use nuclear weapons—something the United States has never done. The Chinese also advocated the complete destruction of nuclear weapons and the creation of nuclear weapons free zones.

Yet our policy of ignoring and isolating China has meant that she has been excluded from all arms control negotiations, including those presently underway in Vienna. We practice a paradox by arguing that China is a dangerous, irresponsible entity, while at the same time depending solely upon her own restraint and good sense to prevent nuclear recklessness. If we mean seriously to achieve control over these ominous weapons, then we must encourage the sober and responsible attitudes among China's leaders and invite their help in protecting all of mankind from the risk of nuclear war.

A third condition compelling genuine change in our China policy is our own yearning for disengageemnt from a deep military involvement in Indochina. For if we remain determined to encircle China, and if that remains our primary goal in the region, then it is a fraud to pledge "no more Vietnams" and it is a fraud to promise an end to U.S. participation in the fighting in Indochina today.

Most of us recognize, after all, that the burning desire for Vietnamese self-determination used to justify our policy there now had little bearing on our decision to replace the French in that unhappy land. On the contrary, we opposed self-determination for the Vietnamese as provided in the elections promised by the 1954 Geneva agreement. We entered Vietnam, in Secretary of State Dean Rusk's words:

> To prevent . . . hundreds of millions of people in the free nations of Asia from being under the deadly and constant pressure of the authorities in Peking.

Vice President Agnew has defended the Nixon administration's Vietnam policy in still more hysterical terms, picturing a "Red Peking tidal wave engulfing all of Asia and Southeast Asia."

Both statements bring to mind a drawing by the perceptive cartoonist for the Chicago Sun Times, Mr. Bill Mauldin. He pictures a pockmarked battlefield still under U.S. bombardment. Two Vietnamees are in a crater seeking shelter from the bombs and rockets crashing overhead. One is saying to the other:

> If it's China they're after, let's send them a map.

It is China we have been after. Without that purpose no American policymaker could ever convince anyone that the conflict among warring factions of Vietnamese so affected our national interest as to demand direct American involvement.

And it is, therefore, impossible to escape the conclusion that the Nixon doctrine, if confronted with the same conditions that faced President Eisenhower in 1956, President Kennedy in 1961, and President Johnson in 1964, would have led to similar American actions or, in light of President Nixon's affinity for "decisive moves," perhaps to an even more disastrous course. The war in Vietnam is the product of our China policy, and unless that policy is changed we can expect no respite from the threat of military involvement on the Asian mainland.

TOWARD A NEW CHINA POLICY

According to Arthur Schlesinger's account of the Kennedy Presidency, "A Thousand Days," President John F. Kennedy told his United Nations Ambassador Adlai E. Stevenson in 1961:

> You have the hardest thing in the world to sell. It really doesn't make any sense—the idea that Taiwan represents China.

The Nixon administration has, to its credit, indicated some willingness to examine the issues which divide the United States and China, although the signals have been clothed in ambiguity.

But if the winds of change are stirring, then we should hasten to recall President Kennedy's words. There is, I believe, a serious danger that we will, out of inertia, a desire to save face, or similar motivation, respond to the demand for change with new artificial formulas and schemes which would leave the old myths untouched—and the old, deadly animosities unaffected.

Two such schemes are currently receiving widespread circulation—the so-called two Chinas and one China-one Taiwan formulas. Their terminology differs, but they propose essentially the same solution to the question of United Nations membership. Both governments—in Peking and Tapei—would be invited to sit in the United Nations.

Such formulas fail completely to address the fundamental issue and the central source of dispute between the United States and the People's Republic. They would leave unaffected our involvement in the remnants of the Chinese civil war.

Late last year the noted journalist Edgar Snow interviewed Chinese premier Chou En-lai. Snow reported that the Taiwan question remains the crux of the matter. He quoted Premier Chou:

> Taiwan is China's internal matter and the Chinese people alone have the right to liberate it. United States armed aggression there is another question, an international question, and we are ready to negotiate on that. The door is open, but it depends on whether the United States is serious in dealing with the Taiwan question.

To fully understand Chinese attitudes on this score it may be helpful to draw a hypothetical parallel in which our own interests are at stake.

Suppose that after the United States civil war Jefferson Davis had retreated to Long Island, subjugated the population of that island, and then asked the most powerful navy in the world, the British navy, to protect him from the Mainland Americans. Suppose that the British, in response, sent their navy to form an East River patrol to protect the island, and that they also sent enormous amounts of economic and military aid.

If there had been an international organization in the mid-nineteenth century Britain would have been the dominant member. Suppose that in addition to withholding diplomatic recognition from the United States and granting it to Jefferson Davis, she also insisted that the government she favored should occupy the American seat in the world body.

We would be unquestionably enraged at the interference in our internal affairs. And while we might consider normalized relations with other nations, even though they might seek to avoid a direct position on the matter, it is certain that we would find little room for accommodation with Britain so long as that primary issue remained unsettled.

While the lines are less rigid between China and other non-Communist countries, therefore, we have no choice but to address this fundamental issue if we seek improved relations with the People's Republic. And the "two Chinas" and "one China-one Taiwan" solutions make little sense except as attempts to avoid reality.

The truth is that the Chinese civil war is over and it will not likely be undone. We do not have to be pleased by the results in order to recognize what they are.

And once we do recognize that fact we are hard pressed to come up with any plausible explanation for a continued commitment to Chiang Kai-shek's regime. To do so we must adopt a novel doctrine that allows international commitments not simply between one country and another, but between one country and an individual or group of individuals who represent no country at all.

It is true that we have on occasion argued that the status of Taiwan was not legally settled by the Cairo and Potsdam declarations which returned Taiwan to China. It has been asserted that since these agreements among World War II allies were not validated by any treaty following the war, the status of Taiwan becomes an international matter.

But the United States is in an odd position to make such an argument, since by doing so we plead guilty to supporting and helping to solidify aggression by Chiang Kai-shek and his followers when they took control of Taiwan, with brutal force, in 1949. For 20 years the wishes and interests of the 12 million natives of Taiwan have been subjugated to the arbitrary rule of Chiang and his 2 million followers from the mainland. It is significant, moreover, that both Peking and Taipei agree that Taiwan belongs to China; both may oppose any solution which would separate the two.

The "two Chinas" and "one China-one Taiwan" proposals would merely put new myths in the place of old ones. Confronted with the irresistible need for change we should, instead, search for policies which will respond directly to the realities we have so long avoided, and which will clearly signal our interest in achieving the kind of relations which should prevail between mature societies.

The first step should be to address without equivocation the question of Chinese representation in the United Nations.

Prior to the next General Assembly meeting, we should encourage majority support for a resolution declaring that the People's Republic of China is the proper occupant of the China seats in the United Nations General Assembly and on the Security Council.

Second, the President of the United States should be prepared to recognize Peking as the sole legitimate government of China, leaving the future status of Taiwan to a peaceful resolution among the people on both sides of the Taiwan Straits. The President should seek early formal negotiations toward that end.

In light of widespread concern on this point, let me make clear that neither of these positions dictates the future status of the people of Taiwan. The United States need not be bound by an inflexible position on that question because it must, in the final analysis, be resolved by the people who are directly involved. It should be noted, however, that our present policy of support for Chiang's government prevents meaningful self-determination for the Taiwanese majority including the possibility of peaceful discussions with Peking.

Third, our position on trade with China should be placed on the same footing as U.S. trade with the Soviet Union and other communist nations in Eastern Europe.

Fourth, as an effort to initiate travel and cultural contacts an invitation should be made for visitations to the United States by Chinese scientists, officials, newspapermen, and similar groups. We should begin, as well, to encourage Americans, and particularly members of the American Chinese community, to seek visas to travel to China.

Beyond these steps bearing exclusively on United States-China relations, we should take two additional actions which, although they have a major influence on that question, are also justified strongly on independent grounds.

First, we should move as speedily as possible to end our involvement in the war in Indochina, by announcing and holding to a timetable for the withdrawal of all of our ground, air, and naval forces from that conflict.

Second, we should forego any plans to construct an area defense antiballistic missile system aimed at undermining a potential Chinese deterrent force. The Nike-X-Sentinel-Safeguard technology cannot protect our population against even moderately sophisticated delivery systems in any case. We, therefore, have little to gain and much to lose by continuing a vain effort to deny China the same deterrent protection we consider prudent and responsible for ourselves.

FUTURE PROSPECTS

It is wrong to conclude that the hard dividing line between the United States and China bears an exclusively American trademark. In the early and middle 1950's the China side of the line was more flexible, but the United States—in the tortuous grip of the McCarthy era—was incapable of accommodating. By 1957 the Chinese had become more rigid, and had begun talking of the inevitable conflict between communism and capitalism. Since then both sides have been unalterably acrimonious, each one reinforcing the other.

It is, therefore, entirely unrealistic to assume that any new policy we might adopt can lead to a quick resolution of our differences. The initiatives I have suggested would remedy fundamental wrongs in our own approach. But they would leave profound differences of outlook and interest. We should not expect that China will quickly discard beliefs about the United States which have become so firmly entrenched.

But though we cannot expect speedy reconciliation, neither do we need fear that dreadful results will flow from a new American posture.

If we can see past bellicose rhetoric, we find that China has performed with caution in international affairs. On most points she has been no more aggressive than we might have expected a non-Communist Chinese government to be.

The 2.7 million men of the Chinese army are stationed entirely within China's borders and they are, particularly since the cultural revolution, as much civil servants as soldiers.

When China has been directly involved beyond her own territory—in India, Tibet, and Korea—the clear purpose has been to claim disputed territory or to protect her own national boundaries rather than to advance communist ideology or conquer her neighbors by force. In the "rape of Tibet" which is frequently cited as evidence of brutal Chinese expansionism, it is significant to note that her actions had the support of Taipei and that both groups viewed the move as reclamation of territory which the British had "stolen" from China years before.

In Asia, China doubtless seeks removal of visible threats to her security—including some 600,000 American men within quick striking distance of her borders, and Americans engaged in active combat in adjacent countries. She doubtless seeks a willingness among her neighbors to recognize China as a dominant Asian power, and to practice international neutrality regardless of their internal forms of government.

But there is no significant evidence to support the claim that China threatens to engulf Asia. Moreover, the evidence that she could, regardless of her ambitions, is to the contrary. She would experience as much difficulty with the forces of nationalism in Asia as we—and the Dutch, the British, the Japanese, and the French before us—have already encountered to our sorrow.

China has offered limited material and moral support to revolutionary activities in other countries, not only in Asia but in Africa and Latin America as well. But the main form of involvement has been verbal, for both practical and ideological reasons. China has been preoccupied with enormous internal problems. Moreover, her doctrine on world revolution, as set forth in the heavily analyzed writings of Defense Marshall Lin Piao, emphasizes self-reliance and nationalism and implies that the chances for revolution are best if the battles are fought with indigenous forces. China is portrayed as a model and the October revolution as an inspiration. But if China aspires to be the ideological center of worldwide revolution, she seems to cherish with equal force her status as noncombatant. Perhaps both countries would profit, in fact, if we were to interpret and practice the Nixon Doctrine as the mirror image of Peking's international posture.

China's development of nuclear weapons will give her increased influence in all of these areas, and it is certainly a prospect which cannot be lightly dismissed. If we regard Chinese official statements as having any bearing at all, however, we should notice that they have consistently stated that they seek no more than reliable defense against nuclear attack. Thus, the New China News Agency described the 1964 test in the following terms:

> China cannot remain idle and do nothing in the face of the ever increasing nuclear threat posed by the United States. China is forced to conduct nuclear tests and develop nuclear weapons. . . . The development of nuclear weapons by China is for defense and for protecting the Chinese people from the danger of the United States launching a nuclear war.

Such language is, of course, consistent with China's "no first use" pledge.

But perhaps more reassuring is the fact that in the foreseeable future, China will not have the capacity to produce a nuclear force sufficient to undermine our deterrent. We will in the foreseeable future have the power to assure that any Chinese use of nuclear weapons will bring instant overwhelming retaliation. This will be true regardless of whether the steps I have proposed become part of American policy.

Mr. President, I make no pretense that the course I recommend is without risk. It asks that we offer major political concessions to a society which now sees inevitable conflict between our two systems.

But we have no risk-free options in Asia.

We have seen the tragic results of the old policy. We can see that it offers an even darker and more dangerous future. And we should be able to see that it is not a policy of accepting risks to assure the peace; it is a policy which would invite disaster simply to avoid reality.

For 20 years we have contested the very existence of the People's Republic of China. We have been involved for a generation in her civil war.

The dispute will continue. There may be irreconcilable differences between our two systems.

But it is time we moved the dispute to a different level.

Let us challenge Chinese leaders to respond to our initiatives to peace. As we offer understanding of the factors which have most damaged Chinese attitudes toward us and our system, let us challenge Chinese leaders to understand the deep fears and concerns and the domestic political aberrations which have inspired our own past policy.

Let us offer them a share of the urgent challenge facing all nations, to develop realistic means for the prevention of war, for the control of deadly weapons, and for the peaceful settlement of international disputes through principles of equity and justice.

And let us invite them to a vigorous competition to see which of our systems can best meet the needs and advance the aspirations of its own people and contribute to those same goals for people throughout the world.

Mr. President, I submit for appropriate reference a sense of the Senate resolution with respect to U.S. policy toward China, and I ask that it be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 82), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 82

A resolution to express the sense of the Senate regarding the policy of the United States toward the Peoples' Republic of China

Whereas it is vital to international peace and prosperity that the Peoples' Republic of China, the world's most populous nation, assume its rightful place in the community of nations, and

Whereas it is the declared policy of the United States to seek normalization of relations with the Peoples' Republic of China: Now, therefore be it

Resolved, That it is the Sense of the Senate that, at the next meeting of the General Assembly of the United Nations, the United States should support a resolution acknowledging the fact that the Peoples' Republic of China is the sole representative of China in the General Assembly, the Security Council, and all other organs of the United Nations.

It is further the Sense of the Senate that the President of the United States should seek negotiations toward the establishment of diplomatic relations with the Peoples' Republic of China, and should announce that the United States is prepared, through such negotiations, to recognize the Peoples' Republic as the sole legitimate government of China, leaving the future status of Taiwan to a peaceful resolution by the people on both sides of the Taiwan Straits.

It is further the sense of the Senate that the United States should seek to eliminate Sino-American tensions by placing trade with China on the same basis as trade with the Soviet Union, by inviting scientists, scholars, officials, journalists, artists and other persons from China to visit the United States, and by removing existing restrictions upon American travel to China and Chinese travel to the United States.

SENATE RESOLUTION 83—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "NATIONAL PROGRAM FOR THE CONQUEST OF CANCER"

Mr. WILLIAMS. Mr. President, I submit, for appropriate reference, a resolution authorizing the printing of the report entitled "National Program for the Conquest of Cancer" as a Senate document.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 83), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 83

Resolved, That the report entitled "National Program for the Conquest of Cancer," prepared for the Committee on Labor and Public Welfare by the National Panel of Consultants on the Conquest of Cancer (appointed pursuant to Senate Resolution 376, agreed to April 27, 1970), be printed with illustrations as a Senate document.

SEC. 2. There shall be printed three thousand additional copies for the use of the Committee on Labor and Public Welfare.

SENATE RESOLUTION 85—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "ECONOMICS OF AGING: TOWARD A FULL SHARE IN ABUNDANCE"

Mr. CHURCH. Mr. President, I submit, for appropriate reference, a resolution authorizing the printing of additional copies of Senate Report 91-1548, entitled "Economics of Aging: Toward a Full Share in Abundance."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 85), which reads as follows, was referred to the Committee on Rules and Administration:

S. Res. 85

Resolved, That there be printed for the use of the Senate Special Committee on Aging six thousand additional copies of its report to the Senate of December 31, 1970, entitled "Economics of Aging: Toward a Full Share in Abundance" (S. Rept. 91-1548).

SENATE RESOLUTION 86—SUBMISSION OF A RESOLUTION RELATING TO STRATEGIC ARMS NEGOTIATIONS

Mr. BAYH. Mr. President, 18 months ago, when the Strategic Arms Limitation Talks—SALT—first began in Helsinki, there were hopes that they would lead with reasonable promptness to steps that would slow the nuclear arms race. Many thought that, for an auspicious moment, technology was at a stage which made an end to that race uniquely negotiable.

Since then there have been three rounds of discussions, and a fourth is now beginning. These conversations have been carried on in a serious, business-like manner relatively free from the polemics which have seemed at other times and on other issues to be an intrinsic part of the process of East-West negotiation. Undoubtedly this has been an indication that the Soviets—like ourselves—realize that these talks are too important and too complex to be burdened by political posturing.

Despite these favorable signs, press analyses of the last round of talks in Helsinki indicate that progress has ground to a halt. This point is underscored by the fact that the President now expresses his own optimism about SALT in terms of an eventual agreement.

Apparently, the proposal which our delegation presented last summer, including limitations on both offensive and defensive strategic weapons, became impaled on the question of what constitutes an offensive strategic weapon as well as the problem of MIRV's—Multiple Independently-Targeted Re-entry Vehicles. In light of this the Soviet delegation proposed an agreement about defensive weapons only—antiballistic missiles. Our Government has taken the position that such an agreement was unacceptable—and there matters stand.

Each of us may have his own appraisal of why SALT has not been more productive. But there are two facts on which I think we can agree. First, if things continue as they have over the past 18 months, the chances of meaningful agreement in the foreseeable future are slim. Second, unlike some international issues about which delay does not necessarily reduce the chances of meaningful agreement, delay in the area of strategic arms is narrowing the effectiveness of any possible agreement and making its negotiation more difficult.

In this regard, the deployment of MIRV's by the United States since the beginning of SALT and the possible first tests of MIRV's by the Soviets have made the negotiation of a verifiable agreement about them extremely difficult. The massive Soviet SS-9's and the possibility of their resumed deployment and improvement have also added to the problem. The existence and expansion of ABM systems on both sides could have a similar but much more serious effect on our chances of controlling the arms race.

The resolution I am introducing is a simple one. It respectfully urges the President immediately to undertake negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement with that Government to ban or restrict to a small number and a limited geographical area the deployment of an anti-ballistic-missile system, including related radar installations, as part of our continuing effort to limit offensive and defensive strategic weapons.

An agreement stopping ABM deployment at a low level can—by itself—do much to halt the upward spiral of the arms race. It would eliminate the temptation to believe that by creating an effective enough ABM, one could attain a capacity to survive a nuclear exchange. Perhaps more importantly, it would relieve the fear that the opponent, because of the efficiency of his ABM might, in fact, be attaining such a capability. It is uncertainty about the adversary's ability to survive nuclear warfare—and therefore his willingness to risk it—that is most destablizing. It is that uncertainty which compels both sides to keep improving and expanding offensive and defensive weapons.

The MIRV's which we have been deploying and which the Soviets are testing will eventually constitute a threat to land-based nuclear weapons. When the number of warheads is multiplied several times and the guidance systems are accurate enough, MIRV's will have the capability of destroying ICBM's in their silos. That may well eliminate the second strike capability—the deterrent effect—of land-based ICBM's. This is one reason why an agreement about MIRV's has been uppermost in the minds of so many thoughtful Americans. Developments of the past 2 years have made the chances of such an agreement remote. However, I urge that our Government make a serious effort—even at this late hour—to negotiate an end to the process of MIRV'ing. We could do this either through mutual restraint, for instance by a freeze on all such types of weapons, or through a specific agreement.

But MIRV's, as dangerous as they are, represent no threat to the submarine-based deterrent. Their potential effect is to eliminate only the land-based missiles as deterrents. Of the weapons currently before us, only ABM, gradually expanded and made more efficient, could stop both land and sea-based incoming missiles—ending the deterrent effect of both.

Furthermore, the rationale for U.S. deployment of MIRV's was the belief that multiple warheads would be needed to penetrate the ABM system the Soviets were then building. It is possible that our start on an ABM system, which we made clear could grow to be an area defense of the whole country, played a similar role in Soviet decisions to continue SS-9 deployment and develop MIRV's. If we could agree to stop ABM's we would remove self-protection as a reason for deploying more and more sophisticated offensive weapons. Each side's capacity to destroy the other would remain a certainty, and deterrence would be assured. But we would have broken the action-reaction cycle which has kept the nuclear arms race going.

In budgetary terms such as a result could save the American people perhaps $10 billion of the $12 billion the Safeguard system is estimated to eventually cost. What would be saved in cost-overruns and add-ons can only be guessed. Similarly, we can only speculate on what we might save if assurance that the Soviet ABM system would not expand made further American offensive deployments unnecessary. I need hardly point out to this body the other uses to which such savings might be put.

This is not to suggest that an ABM agreement only is better than agreements covering such items as MIRV's and SS-9's—as well as ABM. But it is to suggest—as strongly as I can—that an agreement about ABM's is far better than no agreements at all. That is the situation which exists today and which, I fear from the press reports and the President's words, could be the situation for many months to come. If the talks continue stalemated on the issue of what offensive weapons should be included in a comprehensive agreement, then a new approach focusing on defensive weapons alone should be pursued.

The generality of this resolution is intentional. It should not be our purpose to dictate to the President the kind of ABM agreement to be negotiated. Our two points of concern are, first, that such agreement limit any ABM system in size and scope so that it does not erode deterrence and, second, that it include a limitation on radar.

It is my understanding that the Soviet proposal did not specifically mention radar. But the United States should insist that a limitation on ABM radar as well as interceptor missiles be spelled out, and for this reason: Once the radar for ABM is deployed, the installation of interceptor missiles and the operational status of the system can quickly follow.

One can perceive a variety of ABM agreements which, depending upon the circumstances, would be suitable. There could, for example, be a complete ban on ABM's. That would provide the highest degree of deterrence and afford the greatest savings.

We could agree on national capital systems only—the Soviets retaining theirs around Moscow and we building one around Washington. Some of our experts feel that even if we reached such an agreement, it would be wasteful to build a Washington area ABM. But that is a question to be considered later.

Alternatively, we could agree to freeze the situation upon completion of Safeguard Phase I. That would leave the Soviets with their current Moscow ABM, and we would have ABMs at two of our Minuteman bases.

There are a number of variations which might serve the essential interests of both sides. This resolution neither precludes nor prescribes any of them. Instead, it indicates the Senate's awareness that ABM agreement may be negotiable now and that such an agreement would be an important contribution to our national security.

Whether we are for or against an ABM of one kind of another, we can all agree with the President's statement in his foreign policy message, that "some limits on ABM systems are essential to any SALT agreement."

Any thorough examination of this subject would require consideration of some objections which might be raised about an ABM limitation agreement.

First, some people may have doubts about the verifiability of an ABM agreement.

In past nuclear negotiations and in the current SALT process, agreement on verification has been a difficulty. On-site inspection has been and is today rejected by the Soviet Union. One of the advantages of an ABM agreement, when compared to some proposed agreements about offensive weapons, is that we can verify compliance of an ABM treaty without on-site inspection.

The United States has been able to observe the deployment and operation of the current Soviet ABM system with a high degree of reliability. We knew when construction was begun, when it was cut back and when the Moscow system was operational. The large and sophisticated radars which are the central nerve system of ABM are easily observable. They take years to build and must be operated frequently and in a particular, identifiable manner to assure their usefulness. Our most knowledgeable scientists assure us that detection of future deployments would be relatively easy. As to the concern sometimes expressed that the Soviet aircraft defense system might be upgraded to be an ABM, most U.S. experts believe this extremely unlikely. But even if it were to occur, Soviet radars would have to be constructed and operated, and the violation would become readily detectable.

A second possible objection to an ABM agreement is that it would strip us of our protection against a future Chinese nuclear threat.

The administration itself has recognized that to adequately protect against a small-scale Chinese threat a nationwide ABM system would be necessary. Such a system would also threaten the Soviet's deterrent—forcing them to take new measures to assure their ability to penetrate it. Therefore, during the debate on Safeguard last year, the administration wisely dropped the Chinese threat as a justification for ABM.

Our nuclear force, which is sufficient to deter a Soviet attack, would certainly be sufficient to deter a much smaller Chinese threat as well. A Chinese attack on us would be an act of self-destruction. It is unreasonable to believe that China's leaders would launch such a strike—and thereby sacrifice all of what it has taken them two decades to build.

Third, it might be argued that an agreement covering only ABM's will lose the momentum of SALT; that by now giving the Soviets what they seem to want most, we would lessen the chances they would negotiate an agreement on offensive weapons.

It seems to me that our leadership in certain aspects of technology would still make it advantageous to the Soviets to reach offensive agreements—even if we agreed first about ABM's. We are ahead of them now in guidance systems and in MIRV'ing.

We have nearly twice the economic base they have to draw upon. They are well aware of America's scientific and technological ingenuity. From the Soviet point of view it is easy to believe that if the arms race continues we would try to remain ahead in some significant fields.

Also, as I have explained earlier, if ABM's do not exist or if their deployment is very limited, MIRV's are not necessary to deterrence. So an ABM limit could make restraint of MIRV's—and other offensive weapons—easier. Our approach to an ABM agreement should make clear that we regard this not as the ultimate strategic arms agreement but as an important first step toward comprehensive agreements.

Just because the Soviets want an agreement on ABM is not reason enough for us to reject it. It seems only common sense that we agree now to something that is obviously in the vital interest of both sides and proceed from that to more difficult issues. Certainly we should not exclude the consideration of ABM agreement.

Fourth, we hear statements that our ABM is needed as a "bargaining chip" to get the kind of agreement that we want about other items, for example, Soviet SS–9's. It is said that if we are just a little more patient the administration will get a better agreement in the future than is available today.

My answer to that is that the "bargaining chip" approach has been tried and has failed for the time being. Since this tactic was first employed more problems—not less—have developed in the negotiations. We now face the added complications of MIRV's already deployed, of 300 SS–9's and of defining whether or not forward-based aircraft are strategic weapons. Developments could occur at any moment in the ABM field which would make the achievement of an agreement even more difficult. If anything, all our recent experience shows that it takes years to develop common ground on which to base agreements in this complex field. We have an opportunity to achieve one such agreement now—and we should seize it.

Last is the argument that if we give up the ABM system protecting land-based ICBM's and those ICBM's become vulnerable to a first strike, we would be "putting all our eggs in one basket." It is said that missile-carrying submarines would then be our sole deterrent, and an adversary could focus all his resources on neutralizing them.

The fact is that all our eggs would not be in one basket—but in two. The process of MIRVing, together with prospective improvements in guidance systems, will indeed make land-based ICBM's vulnerable to attack in the foreseeable future. And no ABM system now contemplated can affect this eventuality. Moreover, multiple warheads vastly increase the probabilities for confusing penetrating or simply overwhelming such an ABM defense. Thus, accurate MIRV's could in the foreseeable future make even hardened—and defended—land-based ICBM's undependable as a second strike force.

However, this development will leave the other two elements of our deterrent forces essentially undisturbed. First, there are our 569 strategic bombers. Though their bases are vulnerable to missile attack and the bombers, once airborne, would face various defenses, our military regards these aircraft as an independent deterrent in themselves.

Second, in the absence of ABM's to intercept them, our sea-based weapons are more than adequate to inflict unacceptable damage on an adversary. Furthermore, the problem of detection as well as the mobility of sea-based units makes the prospect of foolproof ways of attacking them exceedingly remote. Even if only a few survived their missiles could impose an intolerable cost on the attacker.

Beyond that, if no agreement on offensive weapons were reached, and if in years to come, technological breakthroughs threatened our remaining deterrents, several courses would still be open to us. An ABM treaty, like other nuclear pacts before it, would contain a clause insuring our right to withdraw should new developments related to the treaty endanger our security. If we thought an ABM could significantly improve our security, we would be free to withdraw from the treaty and build that ABM.

I believe that an ABM limitation agreement should not be considered as a partisan issue. The idea of building an anti-ballistic-missile system was first conceived and undertaken by a Democratic—not a Republican—administration. If in the end history records that ABM was a mistaken effort to improve our national security, then many distinguished Democrats as well as distinguished Republicans had a part in that mistake. I am among the many in this body—Democrat and Republican, liberal and conservative—who in the past year or two have reconsidered the advisability of pressing ahead with ABM construction and have determined to vote against it. Outside of this Chamber, the principal scientific advisers to Presidents Eisenhower, Kennedy, and Johnson stand united in their support for immediate negotiation of an ABM agreement.

I urge that neither my Republican colleagues nor the responsible administration officials construe this resolution as an attempt to embarrass them for petty partisan advantage. The issue is far too momenotus to be judged on party lines

Finally, it should be emphasized that this resolution in no way infringes on the role of the executive branch and on the constitutional treatymaking function of the President. It is an effort to convince the executive branch. It is an attempt by the Senate—which has its own constitutional responsibilities in foreign relations and in the ratification of treaties—to persuade the executive branch to seek a result we believe to be desirable. Passage of this resolution would not interfere with the President's right to negotiate in a manner he thinks most productive. It does not direct that we simply accept the current Soviet proposal. It is not binding nor instructive but rather suggestive. It would indicate to the executive branch the desire of the Senate nad of the American people to make progress in SALT toward an ABM agreement that would be in our national interest and now appears to be attainable. It would be an indication beforehand to the President of the possibilities for ratification of an ABM agreement, should he be able to negotiate one.

There is a deep and swelling belief among people of all political persuasions that the nuclear ladder we and our adversaries have been climbing does not lead to greater security for anyone. There is a growing conviction that the farther we go, the more expensive, dangerous—and unnecessary—the burden.

None of us can be so naive as to fail to demand of our military and of ourselves an adequate defense of our Nation. But in this day of the multiple-warheaded missile and massive overkill we must be certain that what we provide is real security. Increased numbers of warheads and increased megatons do not necessarily make our Nation more secure.

For some Americans—particularly the young—the absurdity of the strategic arms race has become a symbol of the harrowing ambiguities of 20th century existence. Is it so unreasonable that they doubt their elders' leadership if we show neither the skill nor the foresight to escape from traps we ourselves have fashioned? Thus, it behooves those concerned about our Nation's future and its steadfastness—as well as those who hope for detente with our adversaries—to help take the first steps toward nuclear restraint.

We are living now a special moment in history. In the current nuclear balance we have a unique opportunity, an opportunity to halt this race of self-destruction. Is it possible we will let it pass us by?

Mr. President, I submit, for appropriate reference, a resolution relating to strategic arms negotiations.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 86), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 86

Whereas, the Senate has a deep desire for significant progress to restrain the nuclear arms race through agreements covering both offensive and defensive strategic weapons and wishes to encourage such progress in the Strategic Arms Limitation Talks;

Resolved, That the Senate respectfully urges the President—

(1) immediately to undertake negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement with that Government to ban or restrict to a small number and a limited geographic area the deployment of an anti-ballistic missile system, including related radar installations, as a part of our continuing effort to limit offensive and defensive strategic weapons.

THE FEDERAL ELECTION REFORM ACT OF 1971—AMENDMENT

AMENDMENT NO. 27

Mr. SAXBE. Mr. President, last year the Congress overwhelmingly passed a bill that would have established expenditure limitations on political broadcasts. The legislation provided free media time for presidential candidates and reduced rates for all candidates for public office. President Nixon vetoed the measure because it did not regulate all forms of media, just radio and television. The Senate upheld the President's veto. At that time a number of Senators indicated they would introduce comprehensive campaign reform legislation early in the 92d Congress. Many have fulfilled that promise.

I congratulate all those who have introduced such legislation, and, I would especially like to applaud the efforts of the distinguished minority leader, Senator SCOTT, Senator MATHIAS, and the other cosponsors of S. 956.

This legislation consists of four basic parts; financial reporting and disclosure, tax incentives for small contributions, political broadcasting and advertising, and reduced rates for political mail. I think S. 956 offers the best vehicle for comprehensive campaign reform. The approach of the bill is to emphasize full reporting and disclosure, and consequently no ceilings are placed on campaign spending. I am convinced that there must be campaign spending limitations in any effective reform legislation to eliminate the spiraling cost of campaigning.

For that reason, I am submitting at this time an amendment to S. 956 that will provide campaign ceilings based on a population formula. My amendment establishes a new section in the Scott-Mathias bill that limits amounts spent by candidates for President, Vice President, Senator, and Congressman. Representatives at Large, Delegates, and Resident Commissioner are also covered by the bill. The amendment in its present form provides further expenditure of 7 cents per individual in the election districts as of the first day of January of the year in which the election is held. At present this formula would allow between $14 and $15 million for presidential campaigns, adequate funds for diverse, individually styled Senate campaigns, and approximately $30,000 for each congressional race.

The bill also provides an additional 5 percent of the aggregate amount of general election expenditures which could be spent in connection with an uncontested primary election. If a candidate is opposed my amendment allows an additional 50 percent for the primary. To adjust the population figures the Bureau of the Census is charged with verifying or estimating the total number of individuals as of the first day of January of each year.

To combat political inflation, the amendment provides for increases in the limitations geared to percentage increases in the Consumer Price Index.

Also, the Scott-Mathias legislation provides for tax incentives for political contributions and reduced postal rates for political mail. We cannot afford reduced Federal revenues at this time if we are going to retain our economic position in the international community. And, we cannot risk increasing the national deficit to provide for political campaigns. For this reason my amendment deletes these provisions from the bill.

Mr. President, I want to reiterate that all provisions of the Scott-Mathias bill except the ones that I have discussed above appear to me to form a good basis for comprehensive Federal election reform. I submit this amendment in the spirit of differing slightly with the position of its sponsors but wholeheartedly supporting their efforts to bring about change in this very vital area.

Mr. President, I send to the desk at this time an amendment to limit campaign expenditures by candidates for Federal office. I ask that this amendment be printed and ordered to lie on the table.

The PRESIDING OFFICER (Mr. BUCKLEY). The amendment will be received and printed, and appropriately referred.

The amendment (No. 27) was referred to the Committee on Commerce.

HIGHER EDUCATION OPPORTUNITY ACT OF 1971—AMENDMENT

AMENDMENT NO. 28

Mr. JAVITS. Mr. President, I submit for appropriate reference an amendment to S. 1123, the Higher Education Opportunity Act of 1971, the administration's higher education bill which was introduced on March 4th by the distinguished Senator from Vermont (Mr. PROUTY) and of which I was a cosponsor.

This amendment is designed to meet the problem of discrimination against particular categories of students in the granting of guaranteed student loans and is similar to one I introduced last year. The discrimination takes such forms as a requirement that the student or his family maintain an account or business relationship with the lender, refusal to make loans to students during their freshman year of study and discrimination because of race or sex. These problems were documented in the Survey of Lender Practices Relating to the Guaranteed Student Loan Program conducted in accord with subsection 6(a) of the Emergency Insured Student Loan Act of 1969.

It is estimated that some 100,000 to 150,000 students could benefit from this proposal.

My amendment would require that as a condition precedent to the use of the secondary market and warehouse mechanisms provided in S. 1123, lenders must contract that they will not discriminate against particular classes or categories of students, including a requirement that the student or his family maintain a business relationship with the lender, the practice of refusing to make a loan to freshmen students, and discrimination on the basis of sex, color, creed, or national origin.

The survey revealed, for example, that:

In the judgment of financial aid officers interviewed, discretionary practices that prevent the largest number of students from receiving loans related to account relationships and year in school.

A similar conclusion was reached in a sampling of student loan applicants. The survey also found that:

An analysis of demographic characteristics of respondents who did not get loans indicated, for example, that the proportion of females and nonwhites not receiving loans was significantly higher than could be explained by chance occurrence.

My amendment seeks to meet these shortcomings.

In the current school year, an estimated 1,087,000 young Americans will borrow in the area of $1 billion to further their educations. And these figures, it is anticipated, will grow in the future. My amendment will foster that healthy growth.

The PRESIDING OFFICER (Mr. BUCKLEY). The amendment will be received and printed, and appropriately referred.

The amendment (No. 28) was referred to the Committee on Labor and Public Welfare.

WHITE HOUSE CONFERENCE ON INDIAN AFFAIRS—AMENDMENT

AMENDMENT NO. 29

Mr. FANNIN submitted an amendment intended to be proposed by him to the bill (S. 693) to provide for a White House Conference on Indian Affairs, which was received, ordered to be printed, and appropriately referred.

The amendment (No. 29) was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 6

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. CASE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 6 intended to be proposed to S. 659, relating to the education of American Indians.

NOTICE OF HEARING ON PATENT LAW REVISION

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee, on May 11 and 12, will continue the public hearings on legislation for the general revision of the patent law. These hearings will commence each day at 10 a.m. in room 3302, New Senate Office Building.

The subcommittee has previously held several days of hearings on patent law revision and the hearings on May 11 and 12 will be limited to issues which have developed since the earlier hearings. The hearings will cover the following topics:

First. The possible inclusion in S. 643, the patent revision bill, of provisions clarifying the rights of patent owners with respect to the licensing of patent rights, such as are contained in Senate amendment 24, proposed by the minority leader.

Second. The clarification of the relationship between the Federal patent law and contractual and other rights or obligations not in the nature of patent rights created by Federal or State statutes, as provided in section 301 of S. 643, and in Senate Amendment 23, introduced by the minority leader.

Third. Consideration of the necessity for modification of the patent law in order to facilitate the public policy of improving the quality of the environment. The subcommittee will consider section 308 of the Clean Air Amendments Act of 1970, and section 6 of the transitional and supplementary provisions of S. 643.

Fourth. Adjustment of patent and trademark fees, such as is provided by S. 1255.

Fifth. The amendment of title 35 to provide for the granting of a right of priority with respect to inventors' certificates, such as is provided in S. 1252.

Anyone who wishes to testify on these subjects, or file a statement for the record, should contact the office of the subcommittee, room 349-A, Old Senate Office Building, Washington, D.C. Telephone: Area code 202 225-2268. Although oral testimony will be limited to the subjects enumerated, the subcommittee will also receive written statements covering other provisions of S. 643. These statements will be incorporated in the record of the subcommittee's hearings on patent law revision.

The subcommittee consists of the Senator from Michigan (Mr. HART), the Senator from North Dakota (Mr. BURDICK), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Hawaii (Mr. FONG), and myself.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIG CITY MAYORS BOOST REVENUE SHARING

Mr. BELLMON. Mr. President, as all of us know here in the Senate, there are a lot of mayors and other city officials from all over the Nation here in Washington these days. They are here for a purpose, and that purpose is to urge approval of the various revenue-sharing proposals made by President Nixon.

Now, we have heard a lot in the Senate and on the airwaves and have read in the press much to the effect the cities do not really want revenue sharing. That they would prefer, instead, to have the Federal Government pick up the tab on welfare, or get tax credits for income taxes paid to States and cities.

We now find that this allegation is largely just plain nonsense. The mayors and officials who were here are not unanimous in their support of revenue sharing, but they are largely united behind it. Particularly, the mayors of big cities who have big problems.

Yesterday Mayor Carl Stokes of Cleveland, a city with really big problems, came away from the White House strongly urging Congress to consider revenue sharing favorably. He disagreed vigorously with the junior Senator from Maine (Mr. MUSKIE), who had the day before sharply criticized revenue sharing in a speech to the mayors.

Mr. Stokes made an observation which I would like to call to the attention of my colleagues.

He said revenue sharing was popular among Democrats a decade ago, and then added:

> Obviously what has happened is that because Nixon has proposed it, Democrats as a partisan reflex have opposed it.

Mr. President, I hope Mayor Stokes, who is himself a Democrat, is wrong in this appraisal. I would hate to think that either political party would take such a reflex partisan attitude toward any program that a President of the United States might propose, whether that President be a Republican or a Democrat.

This is not a healthy attitude for either political party to take. Nor is it a healthy attitude for any member of either political party to assume, especially if, by taking such an approach, that person might hope to achieve partisan advantage.

QUORUM CALL

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOSS). Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements limited therein to 3 minutes, be extended for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECISION OF ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the able Senator from Illinois (Mr. PERCY) for a colloquy on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE NBC FILM DOCUMENTARY "THE EVERGLADES"

Mr. CHILES. Mr. President, at a time when it seems that television network documentaries draw little reaction other than criticism and controversy, I should like to invite attention to one that has received broad acclaim—for its overall quality, for its manner of presentation, for its meaningful message, and for its value to the viewers.

Some 5 weeks ago, NBC presented a special 1-hour documentary, "The Everglades," as part of NBC News' continuing series of programs examining new areas in various fields of science and technology. The show concentrates on the Everglades National Park in the southern part of Florida. It was produced by NBC in cooperation with the National Academy of Sciences and was sponsored by the American Dairy Association, all of whom I commend for this outstanding presentation, along with Mr. Craig Fisher, who wrote, codirected, and produced it.

The Florida Everglades is a very special area; not just in the State but from a national standpoint; not only for its abundance of rare and spectacular wildlife but because it is a grand display of the force and energy of nature as once prevailed throughout this continent. For there, in the subtropical environment of the Everglades, even the smallest creatures depend upon the proper balance and regularity of those forces.

Huge quantities of pure water pour into the park and keep it alive, supporting uncountable numbers of birds and animals such as can be seen nowhere else on earth. It is one of the last refuges of our Nation's symbol, the bald eagle, who shares the sky with exotic birds like white ibis, great blue herons, woodstorks, and roseate spoonbills. The water is alive with fish and alligators. The plantlife is beyond description but this documentary film records it all.

There have been and will continue to be dangers to this natural preserve, but some important decisions have been made which recognize its value for now and the future and seek to protect its well-being. The proposed jetport is an example. Actions of man—roads, canals, housing developments, factories—have diminished to some degree the resources available to the Glades, but this documentary shows how a new attitude in south Florida has slowed, and in some instances stopped, this type of encroachment. As the script states:

> An atmosphere is being created, sometimes by government and sometimes by private citizens, that suggests that economics cannot take precedence over all else. The Everglades is a prime example of how pressure can effect positive change.

Mr. President, because this documentary presentation deserves the praise it has received, I ask unanimous consent that letters to the show's producer from the U.S. Department of the Interior, the Central and Southern Florida Flood Control District, the Greater Miami Chamber of Commerce, and the Water Users of Florida, Inc., and a February 18 column by Jack E. Anderson, of the Miami Herald, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Harpers Ferry, W. Va., February 25, 1971.

Mr. CRAIG FISHER,
NBC News,
New York, N.Y.

DEAR CRAIG: Congratulations on the Everglades show. It was easily the best that has been done on the subject. I am glad we were able to help in some small way and only wish we could have been more helpful.

I am certain we will be petitioning to purchase prints for Park Service use.

Once again, thank you for saying so well those things we have been trying to preach for so long.

Sincerely yours,
CARL G. DEGEN, Jr.,
Chief, Division of Audiovisual Arts.

CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT,
WEST PALM BEACH, FLA.
February 18, 1971.

Mr. CRAIG FISHER,
National Broadcasting Co.,
Burbank, Calif.

DEAR MR. FISHER: Please let me compliment you on your Everglades film. It was one of the finest films I have ever had the pleasure to see on television.

For many years I have spent a considerable amount of time in Everglades National Park and the great wilderness areas to the north that are controlled by the Central and Southern Florida Flood Control District. But in spite of this, at the film's conclusion I was anxious to return again to the Park.

As each portion of the film passed before my eyes, I caught myself agreeing with every comment. Let me assure you, this is something I haven't been able to say about previous documentaries concerning the Park's problems.

We in the Flood Control District have spent years attempting to find the answers to the problems of the Glades, and we will continue to do so in years to come. But a documentary such as this one reassures us that some people can still recognize the problems and encourage us, rather than arousing an uninformed public to blame all nature's woes on us.

I also appreciated the fact that credit was given to the FCD for their film footage used in the picture. Let me assure you that if you ever want to return to the Everglades, our District will be more than happy to cooperate with you on any project on which you may be working.

Sincerely yours,
JOHN G. DUPUIS, Jr.,
Vice Chairman.

THE GREATER MIAMI
CHAMBER OF COMMERCE,
Miami, Fla., February 17, 1971.

Mr. CRAIG FISHER,
Executive Producer, NBC News,
New York, N.Y.

DEAR MR. FISHER: Your Everglades documentary deserves many compliments. It was a "first" to point out how the quality and quantity of water affects our valuable ecosystem.

We were very proud of the observation you made about community attitudes, and we couldn't agree more that our directors and efforts have been channelled toward serious environmental goals.

If it is possible, I would like to obtain a copy of the script, or at least the last fifteen minute summary so we can use it as an objective viewpoint of our community activities.

Sincerely,
FRANK J. CALLAHAN.

WATER USERS ASSOCIATION
OF FLORIDA, INC.,
Kissimmee, Fla., February 25, 1971.

Mr. CRAIG FISHER,
National Broadcasting Co.,
New York, N.Y.

DEAR MR. FISHER: Please accept my sincere congratulations for your excellent production "The Everglades". The photography must be regarded as some of the most beautiful and interesting ever made. Your logical portrayal of the life food chain and the importance of wet and dry cycles was so clearly and logically portrayed that viewers could easily grasp this important biological process.

Mr. Downs' narration was excellent. The spacing of the narrative with the periods of fine background music was very effective and added much to the enjoyment of the program.

The overland flow of water to Everglades National Park has been a very controversial subject as you well know. In this connection it is seldom understood or pointed out that the sole source of supply for the water north of the park is also rainfall on the area. When the park is short on rain so is this supply. Another item that may be of interest is that the quality of the water from the conservation areas to Everglades National Park ranks with the purest of any aquatic preserve in the United States. This is probably due to the absorption of nutrients by the dense vegetation in the 1,345 square miles of the conservation areas.

Thank you for this outstanding program. I hope that it will be shown again soon.

Sincerely,
RILEY S. MILES,
Executive Director and General Manager.

REASSURING DOCUMENTARY FOCUSES ON THE EVERGLADES

(By Jack E. Anderson)

It was a relief Tuesday night to learn via an NBC special that our Everglades is in relatively fair shape, ecologically speaking.

In a 60-minute report with surpassingly beautiful photography, Hugh Downs, serving as host and narrator, told us that thus far the vast, watery park is in good natural balance.

There are threats to it—drought, encroachment of home development and jet ports and the wrong use of insecticides. But to Florida's credit the park is still an unsullied wonder of plant and wildlife.

Producer Craig Fisher and his cameraman in a succession of film shots gave TV viewers breath-taking vistas of the 9,000 square miles of grass, forests, mangroves and water.

And in candid close-ups it took the cameraman months to capture the eternal cycling of the bird and animal life of the Glades.

Viewing an alligator making a meal on a raccoon or a cottonmouth moccasin striking at a squirrel isn't particularly pleasant but as Downs pointed out, it is an important ecological process of "death without destruction."

Former Secretary of the Interior Walter Hickel was on hand, strolling with Downs along one of the park's elevated walkways and reflecting on the value to Americans of a natural treasure such as the Glades.

Americans, he said, "are trying to meet priorities that in the past were basically economic. Now they are making decisions that are greater than economic reasons."

It was reassuring documentary and totally fascinating to watch.

YOU SHALL KNOW THE TRUTH: A REPLY TO CRITICISM OF THE NETWORKS

Mr. McGOVERN. Mr. President, we have heard again in recent days serious attacks on the objectivity of the press made by the Vice President of the United States and by a Member of the U.S. Senate who serves as chairman of the Republican Party. Because of the source of these charges, I feel that we cannot allow them to go unanswered.

In our Nation, a free press has always been one of the underpinnings of an independent public opinion. It has enabled citizens to form an opinion about Government policies based on sources of information other than those in the Government itself.

Any government may find itself uncomfortable under such an arrangement, but that, I expect, is the very reason for its existence. We want our Government to be a model of probity; we know that a government is certain to reflect human shortcomings and fall somewhat short of our desires. It has been an article of our democratic philosophy that the free press should act to spur the men in our Government to the greatest honesty in their statements to the American people.

The media themselves are, of course, no less fallible than government. They will inevitably make mistakes. But their failures should no more discredit all of their work than the mistakes of our Government should be allowed to destroy our faith in the institutions of government.

For the second time, we have seen the administration launch a major attack on the media which is nothing less than an assault on the institution of a free press. Our history has shown that those in power are almost certain to dislike what they read about themselves. What is most disturbing now is that the administration, because it read and seen reports it does not like, is attempting to undermine the confidence of the American public in the media.

We are told that this attack does not mean that more stringent regulation of the media is sought. But the apparent objective of these attacks is not simply to restrain the media but to make them the object of public scorn.

I ask that the administration reflect on the course that it is taking. Its present course presents a clear and present danger to one of the vital ingredients of our democratic system.

In the light of these recent statements, I hope that the media resist all attempts at intimidation. Any newsman who alters his report because of criticism by the administration deserves equal condemnation with those who have sought to hinder his freedom.

I believe the media should always be on trial. It should be judged on its accuracy, its objectivity and its completeness. The jury should be the public; the media themselves should be their own most severe judge. When the political leaders of our Nation set themselves up as judge and jury, freedom of the press is in danger.

I believe, too, that our Government should always be on trial in the court of public opinion. When we are shown a pipe that allegedly was captured recently and it turns out to be a year-old trophy, when we are given differing estimates about the effectiveness of the Laos operation by the President and his field commanders only to be told later that they were really talking about two different things, when our people are blacked out on a major military operation while the rest of the world is able to inform itself, when invasion is called incursion, when retreat is called mobile maneuvering—when all this happens, the American people have the right to judge the administration's performance as unsatisfactory.

Effective government in a democracy depends on honesty by our leaders and a free press. Only in that way can we fulfill the ancient promise: "You shall know the truth and the truth shall make you free."

Mr. President, in view of the specific administration attacks, I ask unanimous consent that a letter of reply by NBC President Julian Goodman be printed at this point in the Record along with an earlier reply by CBS President Frank Stanton.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Broadcasting Company, Inc.,
New York, N.Y., March 22, 1971.
Hon. George McGovern,
U.S. Senate, Washington, D.C.

Dear Senator McGovern: Last week, an attempt was made by a member of the Senate to discredit fair and factual television reporting of recent developments in the war in Indochina, relating particularly to the Laos operation.

The issue is so basic that I am taking this means of bringing the matter to your personal attention and that of other Members of the Congress.

Senator Clifford Hansen has obtained video tapes of the network's evening News programs; has extracted excerpts dealing on a day-by-day basis with the Laos operation; and has assembled these excerpts into a running presentation for showing in the Senate. This material was then used by Senator Hansen and several other Senators to claim that the network news coverage of the war has been "biased," "distorted" and designed to disparage the military operation in Laos.

The news material itself does not support these charges. It includes film shot in the field; interviews with men who have been engaged in combat; reports from Washington officials describing the military operations; and the reporting of views, both favorable and unfavorable to the Administration's war policy and its effectiveness. Anyone who viewed this material fairly would consider it valuable in the information it offered as straightforward actuality reporting and would not read into it the bias charged by the Senator.

The charges of bias are not only unsupported, but dangerous, because they seek to interfere with the free flow of information essential to the public. The standard for news coverage is accuracy and fairness, not whether the news presentation serves the purpose of those who would like to see it reported in a way that would support their own views.

This latest incident, taken with other equally groundless attacks on television journalism, for partisan purposes, appears to be part of a continuing effort to discredit and intimidate the network news organizations so that they will not be effective or independent in presenting the facts the public must have to examine the course and soundness of government policy.

I ask you to consider the very fundamental point of principle involved here—the need of a free people to have the facts and developments on issues realistically reported even though the facts are unpleasant.

Television journalism—together with the rest of the press—deserves the support of all who recognize that the very nature of our democratic system rests on the independence of the press to report events and issues free of political pressure. This is a right that belongs to the public and needs careful and constant protection.

Sincerely,

Julian Goodman.

Columbia Broadcasting System, Inc.,
New York, N.Y., March 18, 1971.

CBS Rejects Agnew Criticism

CBS President Frank Stanton has made the following comments on Vice President Agnew's attack tonight on CBS News: "The Vice President's speech tonight is a vivid example of the traditional conflict between government and the free press which has marked this country's history. CBS does not claim any immunity from criticism. CBS does not claim to be infallible. But the Vice President's indictment is mistaken.

"The Vice President's attack is focused on (1) 'Hunger in America'; (2) 'The Selling of the Pentagon'; (3) a CBS News investigation called 'Project Nassau.' "

(1) "Hunger in America" was credited by President Nixon, shortly after his election, as the broadcast which "really aroused" the American people to the problem of hunger. For the full statement by President Nixon, see Attachment A(a).

The charges made against "Hunger in America" and cited by the Vice President were reviewed in an extensive proceeding by the Federal Communications Commission, which found no wrong-doing by CBS News. This report of the Commission was rendered *after* the Congressional Committee report which the Vice President cites. The pertinent findings of the FCC are given in Attachment A(b).

(2) "The Selling of the Pentagon" has been praised by distinguished Americans from all walks of life. It has also been criticized. But we believe that it is an important and valuable job of journalistic investigative reporting.

(3) "Project Nassau," a CBS News investigation, was abandoned and never resulted in any broadcast. The central facts relating to the allegations of a House Committee, relied on by the Vice President, are set forth in Attachment B.

"CBS stands behind 'Hunger in America,' 'The Selling of the Pentagon' and the integrity of CBS News. I am confident that impartial, professional observers will agree that these documentaries are important contributions to 'the people's right to know.' "

Attachment A

(a) "I noted the tremendous interest and I think it is encouraging that such an interest finally is developing among the people at large—the interest in the problem of hunger in the U.S. You will recall when the public conscience finally became aroused—really aroused about the problem of hunger in the U.S. it was a CBS Television program a few months ago in which millions of Americans for the first time living in this what is really the best fed, best housed, best clothed nation in the world—millions of Americans saw on television that in this rich land there is hunger."—President Nixon, in a talk to the staff of the Department of Agriculture, February 3, 1969.

(b) "23. We have set out the results of our investigation and, most important, the policy which we shall follow in this sensitive area. Upon the basis of the foregoing discussion, we conclude that no further action is warranted here with respect to the issue of slanting the news—the issue which was presented in the complaints."—Federal Communications Commission, Memorandum Opinion, October 22, 1969.

ATTACHMENT B

JULY 20, 1970.

Commenting on the Report issued today by a House Special Subcommittee on Investigations criticizing a CBS News investigative reporting project in 1966, a CBS News spokesman said:

"We deplore the Subcommittee's unfair investigation and deny its charges which cannot obscure three basic facts: (1) the Subcommittee is attacking an investigative reporting project, nothing of which was ever broadcast—a labored assault on a non-event; (2) the U.S. Department of Justice found no unlawful activities on the part of CBS News (John Davitt, Chief, Criminal Division, Internal Security Branch, U.S. Department of Justice, testified: 'So there is no doubt in our minds that CBS was privy to all of these preparations. I must add, CBS advised us of these facts, advised the Bureau of Customs that they were there, and that they were filming these episodes. I must say that at all stages they were very cooperative with us in our investigation.'); and (3) the Subcommittee conducted all of its hearings in secret, save a token part-day—despite our urging that all testimony be made public so that we would have an opportunity to examine the charges and respond to them."

A copy of a letter to Congressman Harley O. Staggers, Chairman of the Special Subcommittee on Investigations, from CBS News President Richard S. Salant, dated May 8, 1970, is attached.

CBS NEWS,
New York, N.Y., May 8, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Special Subcommittee on Investigations, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to urge the Subcommittee to make public all the testimony heretofore taken behind closed doors with respect to a CBS News investigative reporting project involving gun-running and related matters.

We do so for two principal reasons. First, we are concerned that this project has been the subject of false charges and erroneous conclusions; fairness and justice should entitle us to examine the record in order that we may more fully respond to such charges and counter such conclusions. Second, we have never been entirely closed as to why the Subcommittee considered it necessary or proper to probe behind a bona fide newsgathering project, particularly in light of the fact that the project was abandoned and no special report ever broadcast.

At the outset of the brief public hearing on April 16 you declared: "The purpose of these hearings is not accusatory in nature; we are interested in learning the facts." But even with that intent, the fact is, as the verbatim transcript stands in evidence, that the hearing became accusatory—for instance, the very last statement before adjournment was a stated belief by a member of the Subcommittee that CBS had violated the law. Previous executive sessions at which Mr. McMullen appeared were similarly conducted, and Mr. McMullen has not even been permitted to review his own testimony. During the only public hearing on April 16 fragments of secret testimony were utilized in a fashion that can only be called accusatory—regardless of intent. Moreover, these fragments were apparently taken from galley proofs of a report on the Subcommittee's findings that had already been distributed to its Members.

We must protest the Subcommittee enquiry both in principle and in the secretive manner in which it has been conducted. We cannot escape the conclusion that far from seeking out the facts—which can best be arrived at openly—an effort has been made behind closed doors, to build a case against an investigative unit of CBS News. The main accusations of that case, all of which CBS repudiates, seem to us to be as follows:

That CBS News had no business attempting to document and expose the commission of an illegal act, namely a purported military expedition against Haiti.

This is novel, to say the least. Investigatory journalism is a vital function of a free press and of a free society. Rarely does the press more vitally fulfill its role of serving informed public opinion than when it reports on flouting of the law. In that reporting, so essential to the public interest, investigatory journalism frequently arouses controversy. Some citizens—some members of executive and legislative branches—may quarrel with the judgments made in particular cases. That is a risk any investigative journalism worth his salt must be always ready to accept, for the journalist's responsibility to the community comes first. The continuing assaults on Caribbean lands, at times admittedly sponsored by refugee groups based in the Miami area, further confirm the need for such reporting.

That CBS News encouraged illegal activities (gun-running and an attempted invasion of Haiti) and that CBS News failed to report illegal activities promptly and directly to appropriate governmental authorities.

CBS News denies both of these charges. This entire project was an attempt at documentation of complex sub-rosa activities. As the story developed, the producer did not know whether he was dealing with a situation involving gun-running, an attempted invasion of Haiti which the United States Government knew about and approved, an attempted invasion about which the Government knew and would stop, or a group of people who had no intention of even attempting to invade but were merely raising funds from the refugee communities under the false promise of "freeing" their homeland.

It was understood that the story might turn out to be a combination of some of these possibilities. If the entire proposition was a hoax on the refugee communities by a few selfish promoters, the disclosure of that hoax was, in itself, a news story, and thus continued coverage seemed worthwhile. In the end it was determined that not enough genuine evidence had been uncovered to justify the broadcast, and the project was scrapped.

In this investigative reporting, CBS News was informed that United States law enforcement agencies were aware of the activities of the exile group and that the United States would not permit that group to undertake activities which constituted a violation of the neutrality laws. CBS News understood that the exile activities, and CBS News' reporting efforts, were known to the White House, the Federal Bureau of Investigation, the Central Intelligence Agency and the U.S. Treasury Department (the Bureau of Customs), although we could not be certain that all elements of the Government were acting in unison. Moreover, agents of a federal agency that had jurisdiction over the exile activities, the Bureau of Customs, asked the CBS News producer to continue his efforts. One CIA operative who was in touch with the project has said that groups planning to overthrow the Haitian government through invasion were publicly discussed and that much of the training and planning taking place in Miami was public knowledge.

That CBS News paid money with knowledge that it might be used to further illegal activities.

CBS News did not pay money to further illegal activities and is confident that no significant amount of money even inadvertently found its way to persons involved in any such activities. When CBS News cancelled the attempted documentary, its cost had amounted to about $170,000. (Such expenditures are not beyond the range of costs involved in documentary efforts requiring out-of-town travel and living expenses over a period of time.) The overwhelming percentage of these costs, which were incurred over many months, was for CBS News staff and crew and consultant salaries and fees, travel, living, overhead, office services, film and similar normal expenditures. We believe this is clear from the comprehensive financial information and analysis which CBS News has supplied to the Subcommittee. A small portion of those production expenses was paid for information and filming rights and services. Those amounts were not large, were not paid to further illegal activities, and could not conceivably have had an impact on an invasion force. (Reference was made on April 16 to salary and expenses paid to Andrew St. George, and amounts paid to Mitchell WerBell—the implication being that those were payments to "conspirators." Yet, Mr. St. George was in direct contact with the White House and the FBI during the course of the events, and Mr. WerBell, although indicted as a conspirator, was dismissed from that indictment at the instruction of the United States Department of Justice, without public explanation. Mr. WerBell was talking to the CIA during the course of the events.)

That CBS News "staged" certain film footage or photographed certain events knowing they were "staged" for the benefit of CBS News.

CBS News did not authorize the "staging" of any footage at any time or authorize the photographing of events knowing they were being "staged" for the benefit of CBS News. In investigative reporting, a producer evaluates and reevaluates raw material as his investigation continues and as new information is gathered. During that reevaluation, the CBS News producer was apprised that some events, including certain training activities in the Miami area and a purported shipment of guns from Atlanta to Miami, apparently occurred only for the benefit of the camera. The uncertainty about them played a part in the CBS News decision not to broadcast a documentary.

That CBS News assembled a 27-minute "work print" that contained some material known to CBS News to contain some "staged" or "falsified" materials, and that CBS News intended to broadcast that "work print."

This allegation arose from a reel of film materials edited and strung together by the CBS producer at different times during the course of his investigation and generally in chronological order. The producer has repeatedly denied that the reel was a "work print" for a broadcast, and has denied that he had any intention of recommending the broadcast of the reel in the form in which it existed, and, in fact, CBS News never received such a recommendation. The best evidence of CBS News' intent is that the reel was not broadcast. Further, Mr. McMullen has testified that at no time did he ever intend, or recommend, the broadcast of any events without identifying them exactly for what they were.

That CBS News management did not supervise closely enough the unit investigating the Haitian fiasco.

This too is incorrect. This project was assigned to one of the finest and most experienced investigative reporters in all of journalism, a man whose abilities and integrity had repeatedly been demonstrated, over 17 years at CBS News. He consulted with his supervisors during the project and joined them in the decision to abandon the project and not to broadcast any documentary.

I respectfully request that this letter be made a part of the Record of the Subcommittee's proceedings in this matter, and that the enclosed copies be distributed to the members of the Subcommittee.

Sincerely yours,

RICHARD S. SALANT.

SECRETARY VOLPE COMMENTS ON THE SST

Mr. SCOTT. Mr. President, today we cast votes in the Senate either to continue this great country's pioneering efforts in aviation, or to take a step backward in our desire no longer to have a ranking of a great power. I am convinced that every Member of the Senate is interested in maintaining our leadership as a nation.

Commenting on the House vote on the SST last week, Secretary of Transportation Volpe made some very clear observations. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

It is my firm hope that today's adverse action in the House will be corrected when the Senate takes up the SST Program.

There is no doubt whatever in my mind that the development of the two SST experimental test planes—and the concurrent environment study—should continue. I have confidence that American ingenuity can overcome any problems and create a plane which will have no damaging effect on the earth's environment. Completion of the final two years of this 12 year program will answer those questions. Without the experimental program, of course, we will have lost our opportunity to test the technological, environmental and economic feasibility of this plane. Thus, we will leave to other nations this critical responsibility.

What is happening here in Washington now, with respect to the SST, will be written in the history of the future. If Congress fails to continue this program tens of thousands of workers will feel the effects in the years to come. Our Country will lose leadership in the most important field of this airspace age and our economy will suffer great losses.

As a person who has pride and faith in his Country, I am hopeful that the Senate will support our proposal and that—in conference—the test program will be continued.

PROBLEMS OF THE TRANSPORTATION INDUSTRY

Mr. MOSS. Mr. President, the lead editorial of the Journal of Commerce for March 18, 1971, is entitled "The Quiet Voices" and counsels positive cooperative action by the various modes of transportation in solving the problems that confront the transportation industry.

The editorial points out that the issues before the transportation industry may be divided into three categories and quotes Mr. John A. Creedy as suggesting that issues which, if resolved, would benefit all forms of transportation; second, would benefit one form but not hurt the other; and then the third type of issue which is controversial because one mode believes its economic interests are adversely affected could then be addressed. Carriers, having worked together on simpler issues, might better be able to resolve the controversial ones. This is a sensible and appealing approach.

I recommend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE QUIET VOICES

When issues are complex, the desire for an overly simple solution becomes almost irresistible. Transportation policy issues have become tightly knotted. Times are difficult; the simple-sounding solutions seem attractive. "Off with his head," must often have given the absolute ruler of ancient times great personal satisfaction. At least the irritant was temporarily removed.

And so today we have strident voices speaking to us about transportation policy. Abolish the ICC and remove rate regulation, nationalize the railroads, create a super-regulatory agency, put transportation under the antitrust laws. We do not suggest that these proposals are all without merit. For many years, we have advocated more use of basic antitrust principles in the regulation of transportation.

But these are all very radical changes. There is formidable opposition from shippers and from the transportation industry to the abolition of the ICC. Nationalizing the railroads, in our view, is a counsel of despair. The super-regulatory agency may have merit, but it would require the complete rewriting of transport regulatory law—a herculean task and not one likely to be accomplished in this session. Applying antitrust laws inevitably means both the abolition of rate bureaus, which are popular with many shippers, and amending the Robinson-Patman Act so that it applies to services as well as goods—an arduous procedure.

Many of these long range suggestions may, in part or in whole, come true in time, but the urgent need is for prompt relief today. Because quick answers are needed, the simple-sounding drastic solution to complex problems are counter-productive. Many of these suggestions are diverting attention from practical goals more easily attainable and more productive.

We hear most of all about poor management in transportation; there is some of that undeniably, but also a lot of superior management. On the whole freight rates have risen much less than prices in the unregulated segment of the economy, a tribute both to cost-saving innovations by transport management and vigilant regulation. Nationalization would not produce half as good management. There is regulatory inequity.

Undeniable. There are regulatory lags, no question about it, but often brought on more by the litigants than the regulatory agency. There is local tax discrimination. Many carriers are forced to operate services which the public does not patronize; there is too much of that. The carriers have no adequate defense against the inroads of inflation; the goods they buy and the labor they pay for goes up in price much faster than the rates. That is undeniable and perhaps the single most important problem.

There has, up to now, been lack of unity of approach to common problems among the various modes of transportation. Railroads, motor carriers and water carriers have seemed intent, not on improving the position of the industry generally, but on cutting down each other.

Last year that seemed to be changing. One observed the totally unprecedented sight of water carriers and railroads working together to solve a water carrier problem, the legalization of mixing of regulated and unregulated commodities in a single river tow. At the same time, both sponsored amendments designed to achieve more equity in regulation between the modes. The truckers approved. The DOT now has two years to make recommendations in this area of equitable regulation.

Truckers, railroads and farm cooperatives also worked together to close a legal loophole which would have created a great many phony farm cooperative transport companies. Water carriers and truckers have both taken a "hands off" approach to railroad mergers, and new tax incentives and government loans for railroads.

Now the time appears to have come for more detailed common action. John A. Creedy, president of the Water Transport Association, representing the ICC-certificated water carriers, in a speech in Louisville last week suggested that the issues before the transportation industry be divided into three categories. The first would embrace issues which, if resolved, would benefit all forms of transportation. The second would benefit one, but not hurt any other. The third are the frankly controversial issues on which one mode believes its economic interests are adverse to another. Mr. Creedy said let's get going in a united effort to solve the first two types of issues, and the very act of working together may produce progress on the controversial issues. He urged that particular attention be given to modernizing the ICC's approach to cost justification so that the inroads of inflation may be properly taken into account.

Speaking in Chicago, William A. Bresnahan, president of the American Trucking Associations, also called for all modes to get together on the solutions of transport problems for the common good. He urged better ground rules for the abandonment of service, and argued that the carriers should not have to provide services at less than cost. He also suggested that the government, the largest shipper of them all, should pay the same tariff rates as any other shipper, not "Section 22" rates, which are much lower.

These are quiet voices calling attention to major issues all carriers have in common which could be settled promptly if the transport industry would unite in common action.

We hope such common sense suggestions of the water carriers and the truckers in the interest of all transport modes and of the public, will not be ignored by the railroads. If transportation does not suggest its own cures, other cures will be thrust upon them which may not meet the problems. If their reasonable requirements are not met, expansion of capacity will be insufficient to meet the needs of the economy and the public interest will suffer severely. The alternative is chaos leading to government-ownership and far less efficient transport service than now exists.

NEW POSITION AT STRATEGIC ARMS LIMITATION TALKS URGED

Mr. PEARSON. Mr. President, last week the distinguished senior Senator from Illinois (Mr. PERCY) delivered on the floor of the Senate a speech urging his proposal for a new U.S. position at the strategic arms limitation talks now underway again at Vienna.

As I understand the Senator's proposal, it includes three elements: First, that we accept a limit on antiballistic-missile systems, and that this be a zero limit; second, that we propose a freeze on all offensive systems on both sides; and, third, that we agree to negotiate in a European forum the reduction of forward-based weapons such as U.S. aircraft in Europe which have a capacity to strike the Soviet Union.

While I would like to study the Senator's proposal more thoroughly, I think it has already served to bring forward a concept well worth the consideration of the Senate and the American people. This is the concept of a "freeze," or "moratorium" which carries with it a willingness to resolve differences by negotiation, and conveys a sense of confidence that these negotiations can, at some time, succeed.

Such a proposal would have the great merit of removing the SALT talks from the kind of "fight and talk" conditions that have so burdened the Vietnam negotiations at Paris.

It would make clear by action, rather then mere words, the intent of both sides to give priority to the limitation of arms as opposed to the development of new weapons systems.

It would show our good faith and test the good faith of the Soviet Union and, in fact, put us in an aggressive, affirmative position in the struggle for peace.

I urged such a moratorium on the development of all strategic weapons, with reciprocal action by the Soviet Union, in a statement to the Senate last July. At that time, there was a feeling that the simple fact of entering the SALT talks would be an expression of good faith on both sides. And it was. But we are now reaching a time when a tone of skepticism, rather than optimism, is rising out of the news and commentary about these talks. Senator Percy has done for the Senate and the country a timely service, in my view, by bringing his proposals to our attention when, whether we like it or not, public confidence in the SALT talks, and especially in the seriousness of these talks with regard to new Soviet missiles and submarines, as well as MIRV deployment in U.S. missiles and submarines, is diminished. I welcome Senator Percy's initiative and, having commented on only one element of his proposal, assure him that all three will receive my careful consideration.

L. B. J. RECONSIDERED

Mr. McGEE. Mr. President, Esquire magazine for April 1971, contains an article entitled "L. B. J. Reconsidered," written by Eugene V. Rostow. The article is worthy of close scrutiny and serious consideration by not only this body, but the Nation as well. Mr. Rostow has presented an extremely intuitive and astute exploration of our foreign policy—particularly the role balance of power has played in maintaining world stability.

As Mr. Rostow so poignantly points out, with the demise of Great Britain as a world power, this country was thrust into a leadership role never before experienced in our national history. We remained relatively insulated from the strife of Europe until the conflagration of World War I. Isolationism, as Mr. Rostow illustrates, had become a part of our national psyche. Isolationism still pervades this psyche. We withdrew from the arena of world politics immediately preceding World War I and became involved in yet another World War some 20 years later—this one more deadly and horrible than the one before.

After the Second World War we made the commitment that the world would never again be engulfed in such a holocaust. We thereby assumed our destined role as a world power. Mr. Rostow points out that as the concert of Europe kept the general peace between 1815 and 1914 so has America's role in the balance of forces kept world stability for the past 25 years.

President Johnson fought against this temptation to withdraw back into this isolationist existence which has crept back into our national psyche. He fully realized it would be detrimental not only to our national interests and security but also to world stability, to once again withdraw from our responsibilities as a world power. He fully realized the consequences would be wholly disastrous in a nuclear age. There was no returning to the 19th century where two oceans left us relatively secure from the internal strife of Europe and Asia.

As Mr. Rostow so aptly discusses, and as I have long maintained, the only substitute for war that so-called civilized man has yet worked out is the balance of power. It is irrelevant to argue that it should not be that way, or that we should do better. We have to start where we are, rather than where we ought to be. Peace in the world has its best chance through the achievement of balance of forces, as President Johnson so fully realized.

Most students of politics agree that the decade of the 1970's is still going to be dominated by the bipolar world of the Soviet Union and America. Our role in maintaining the balance of power has kept some measure of stability in the world for the past 25 years. It is the only chance of peace for the world in the future.

Mr. Rostow has given us a lesson in history we should heed. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

L. B. J. Reconsidered

(By Eugene V. Rostow)

Like other veterans of the Johnson Administration, I have thought a good deal, both before and since January 20, 1969, about what went wrong—about what Johnson could have done, or should have done differently, to prevent the bitter and tragic division of the country over Vietnam.

While hindsight offers clues to alternatives of detail that seem plausible and attractive, at least in retrospect, I conclude, after canvassing the issue in a thousand ways, that the tragedy could not have been avoided; that its causes lie deep in our history; and that there is only one way to seek a cure: the nation must soberly reexamine its foreign policy before its foreign policy destroys the nation.

Almost all those who write and speak about foreign policy these days agree that American policy is significant to the possibility of peace. But American policy will not be credible, to friendly countries or to the other kind, until the American people come much closer to agreement on the nature of our national interest in world politics, and on the programs best calculated to protect that interest.

There is an outcry about foreign policy. The air is full of angry words about a new foreign policy that could liberate us from the burdens we have had to bear since 1945. Many Americans are frustrated and resentful, convinced that there must be a magic formula, a program not yet tried, which would permit us to bring the boys home, and return to "normalcy."

In fact, the outcry in the country is for the most part directed against the state of the world, not the state of our foreign policy. There is no magic formula, no hiding place, no easy option. The American government under five Presidents has made mistakes since World War II, including some major mistakes. But it has been on the right track. In my view, it has had no real alternatives to the course it has pursued.

If I am right, or even half right, in this bleak proposition, it follows that we should study the issues in the debate about foreign policy as dispassionately, and as analytically, as our temperaments permit. Our methods should be intellectual, and our motto Cromwell's famous admonition, "In the bowels of Christ, think it possible you may be mistaken." For I remain of the view, despite ten years as a university administrator and six in our own government and the United Nations, that reason should be an important source of policy, and that most of the really catastrophic errors of our recent experience have been intellectual errors, errors of theory and of analysis, not errors of intention, of arrogance, or even of pride. If this be rationalism in a romantic age, the reader is duly warned.

About Vietnam, President Johnson often said, quietly and decisively, "Ike has made a promise. I have to keep it." The S.E.A.T.O. Treaty, and all that lies behind it, was the key to Johnson's Vietnam policy. In making and carrying out foreign policy, I found Johnson stoic, detached, and a man of long views—extremely able and subtle, of course, but extremely simple, too, in the passion and fealty of his ultimate motives. Ike's promise was a powerful force in Johnson's mind for a number of reasons: because he is that kind of man; because he believes the United States should be a nation whose word is good, as he said over and over again, notably in his Baltimore speech of 1965; and because he knew that the S.E.A.T.O. Treaty is the essence of the Vietnam problem as a matter of international politics.

It has recently become fashionable at home, for obvious reasons, not to mention S.E.A.T.O. in talking about Vietnam. But our silence on the subject, even in high places, does not alter the fact that the credibility of an American guarantee is a critical feature of the Vietnam maze, and that the outcome of the affair will be felt wherever political arrangements depend upon the deterrent power of America's promises. Senator Fulbright's important proposal that the United States guarantee a peace agreement in the Middle East won't have much deterrent power if the guarantee of S.E.A.T.O. turns out to be worthless.

President Johnson's tragedy, like President Truman's, was that his foreign policy revived an unresolved division within the country—an intellectual and emotional division so intense as to make the President's withdrawal from politics a desirable step toward national reconciliation. Thus President Truman stepped down in March 1952, before the storm over Korea, as President Johnson did sixteen years later, before the storm over Vietnam. In each case, I am convinced, the President could have had his party's nomination for a second full term.

President Nixon is already caught up in the same tensions. Making a virtue of necessity, he has articulated the issue as a matter of principle. But, for many reasons, we ought not to put our Presidents to such a test.

Destroying a President is hardly a minor ripple in the stream of history. Johnson's reputation will doubtless revive, as Truman's did. My concern here is not with justice to reputations, but with the impact of the fate of these two Presidents on the pattern of the fuure. Together, the experiences of Truman and of Johnson pose a fateful question about the state of the American mind; must an American President expect to walk the plank if the Administration follows the kind of policy the United States followed in Korea under Truman and in Vietnam under Johnson?

Abroad, the question creates doubts, hopes and anxieties which are fundamental to everyone's foreign policy. What will America do, and what will it not do, to protect its own security, and those whose security is bound up with its own? What can people count on as fixed points in the spectrum?

At home, the question measures tension in the mind of every President—and every other American politician and bureaucrat—when there is conflict between what he regards as the imperatives of national security and the glittering appeal of his own career. Against the background of these events, any American President will use or threaten to use force in international politics most reluctantly, and only when he believes—rightly or wrongly—that his duty to the nation absolutely requires such action. And he will know, as Johnson knew, that in making his decision, he may well be deciding also to be a one-term President.

This constellation of doubt and tension is in itself a major causal factor in world affairs. The history of this tragic and brutal century is a chronicle of miscalculations about intent. The Kaiser thought Britain would not fight for Belgium, and he was confident we would never enter the First World War. Hitler fell into the same traps. Those who planned and initiated hostiilties in Korea believed that the United States, which had just withdrawn it forces from South Korea, would not resist the takeover of that country by force. And it is reasonable to suppose that the men who made the comparable decisions in Vietnam gave far too much weight to the popular American slogan of the time, "No more Korea."

It is commonplace to hypothesize that Truman's fall, and Johnson's, stemmed in major part from flaws in their characters and capacities. Thus Louis Halle and other students of recent foreign policy stress that Truman was not eloquent, and the same accusation is often leveled at Johnson. These men, it is said, failed to explain their policies persuasively to the American people. Public opinion became confused, and the President lost the support of the one force every President needs most. A gap developed between the people and their President—a "communications" gap, a "credibility" gap, a gap of sympathy and of empathy.

It is, of course, true that neither Truman nor Johnson has ever been near Churchill's class as a public orator. Very few people are. But Churchill himself, for all his rhetorical gifts, could not rouse Britain and the United States from their trance during the early and middle Thirties, when the Second World War could easily have been prevented. Roosevelt, at the height of his influence, stirred a storm of resistance when he hinted obliquely that the United States should take some responsibility for "quarantining" aggressors. And Wilson, a great orator, spoke to the wind when he pleaded with his people to join the League of Nations, enter into a security treaty with France, and take an active part in world affairs. In short, public opinion has a formidable power to resist information and advice which contradict what it wishes to believe, even when they are conveyed in the tongue of angels—or of Cassandra.

I have witnessed some instances of the phenomenon at first hand. In the years 1965, 1966, and 1967, the United States followed up a number of hints that talks leading to a reasonable peace in Vietnam could be started through secret meetings in unlikely places. The government, of course, chased every rabbit down every hole. We anguished over the drafting of telegrams, and the conduct of dusty and inconclusive conversations behind a thousand potted palms. It was apparent that many of these leads were fakes. But they were all pursued relentlessly, and each one was treated as if it might lead us to the key of the casket. Inevitably, stories leaked to the press about some of these diplomatic efforts. Books and articles were written, and political speeches made, charging that Johnson had "missed" a dozen chances for peace. Yet when Wilfred Burchett, the well-known spokesman for Hanoi, told the press in December, 1968, that one of the most famous of these peace efforts was a hoax, concocted by "well-meaning friends" and never authorized by Hanoi, the story didn't appear at all in The New York *Times*, and only made an inside page of The Washington *Post*. Its publication had no effect on the flow of mythology about missed opportunities for peace. One of the most eloquent of those articles, dealing with the episode on which Mr. Burchett commented, appeared after the Burchett interview and made no reference to it.

There is reason to believe that Burchett's disclosure applies to all the peace feelers of that period. But so far as I know there have been no apologies from the politicians or journalists who so vehemently accused Johnson of missing this "chance" for peace, or others.

Despite the political costs of his silence in the face of these charges, Johnson refused to authorize a White Paper on the subject of peace initiatives, or to allow even the most tendentious stories to be answered, on the ground that it was essential to maintain the policy of official secrecy in preparation for the day when genuine peace feelers were made, under the cover of secrecy. But American public opinion is inclined to accept the accusation that opportunities for peace were missed. People have screened out facts which challenge their favorite theories.

I believe that Truman and Johnson's fate had more fundamental causes than their own errors and shortcomings. Of course they made mistakes and of course they had shortcomings. But these were opposed by overwhelming forces of feeling and instinct drawn from the classical view we are all taught to take of the United States in world affairs. Our historical memory sketches a vision of national identity in our minds: virtuous America, proud and aloof in the wicked world, safe behind two broad oceans, and loyal to what the conventional wisdom regards (wrongly) as the prescriptions of President Washington against entangling alliances. It may take another generation before this tenacious idyll yields to reality, and American opinion fully accepts the twentieth century as a fact. Even a generation may not be enough, if politicians, journalists, and academicians continue to exploit the isolationist strain in the American psyche as a stepping-stone to power. We are still almost totally unconscious of the fact that our safety in those shaping years depended upon a balance of world power organized and maintained by European diplomacy and guaranteed for us by the British fleet. And we are nearly as unaware of the fact that since 1939 the conditions of our security are beyond the capacity of the old European powers to assure.

In my own thinking about what President Johnson could have done or should have done differently, my mind returns to an aspect of his policy which has not to my knowledge been much discussed as yet—his refusal to appeal to the national feeling over Vietnam. Since my duties did not include the continuing assignments on Vietnam, it took some time after I came to Washington to appreciate the deliberateness of this decision.

President Johnson was always more concerned about hawks than doves when foreign policy began to have military implications. The military element in history has no romantic appeal for him, as it did for Roosevelt, Churchill and de Gaulle. The campaigns of the past that he studies for recreation are political, not military. He has a pronounced distaste for chauvinism. In no area is he more visibly the Populist.

As President, Johnson was acutely aware of the unique military power of the United States. And he feared that it might be difficult to limit the use of that power if national pride were fully aroused about war in Vietnam. He often remarked that for centuries the British conducted limited military campaigns along the boundaries of their influence. "We have to get used to the idea," he remarked. There were no parades to dramatize Vietnam, and no bond drives, even in the period before domestic opposition became intense. In 1968, President Johnson and his Administration were beseiged by Congressmen and Senators who asked him to wrap the flag around the sur-tax bill. "Say we're doing it for the boys," they urged, "and we'll have no trouble passing the bill." Johnson would not budge. The battle for the tax increase was fought, and won, as an exercise in monetary policy and political responsibility, addressed to the balance of payments and the equilibrium of the monetary system, not to the necessities of war.

Thus public feeling about Vietnam was subjected to unequal pressures. The opponents of the war skillfully invoked the powerful magic of our yearning for the past. Johnson would not counter that force with patriotic appeals of comparable emotional impact.

The question that I have about this aspect of Johnson's policy is not one of democratic ethics. The essential facts about Soviet action in Vietnam, in the Middle East and elsewhere were not concealed from the American people. But they were not trumpeted out, either, or projected in the simplified images of propaganda. President Johnson deliberately had the facts presented in the setting of his hopes and efforts for reaching an understanding with the Soviet Union and with China. Over and over he repeated the chilling theme of his 1966 speech in Arco, Idaho:

"The heart of our concern in the years ahead must be our relationship with the Soviet Union. Both our nations possess unimaginable power; our responsibility to the world is heavier than that ever borne by two nations at any other time in history. . . . Our compelling task is this: to search for every possible area of agreement that might conceivably enlarge no matter how slightly or how slowly, the prospect for cooperation between the United States and the Soviet Union."

And he realized that one of the important consequences of the Cuban missile crisis in 1962 was the acceleration of the Soviet missile program.

Thus Johnson avoided an atmosphere of anti-Soviet and anti-Chinese hysteria, which could have swept us much closer to general war, despite the rising tide of pressures he faced—pressures quite different from those of the early postwar years, more diverse and sophisticated. As a result, it was possible for large parts of the nation to cling to illusions about the state of world politics. The American mind has been intermittently and inconclusively preoccupied with problems of foreign policy since the turn of the century. At that time, perceptive men began to warn their countrymen that the conditions of world politics were changing, and that we could not expect much longer to be able to live in isolation. The men who made these arguments were dismissed as visionaries, jingoes or worse, as the country clung to the attitudes toward foreign affairs on which we had been nurtured. Our forefathers had come to America to escape the wars and the power politics of the Old World, hadn't they? So, like sleepwalkers, we chose to pursue our destiny on this continent in peace, unique among the nations, e pluribus unum, a beacon of progress and of proud isolation from the selfish quarrels of imperialists. Such is the stuff of our collective memory, which still dominates our emotional approach to world affairs.

Like every other official on the foreign-policy side of the Johnson Administration, I was immersed in debate twenty-four hours a day. Since returning to the university, I have reviewed my impressions of these contests and the books, articles and memoirs about them that have thus far appeared. I have begun to find it helpful to classify the opposition to L.B.J.'s policy into six schools or parties. The first is the Pacifist School, expounding a doctrine of innocence for which we have always had a special place in our hearts. The pacifist, of course, contends that war is immoral and that we should not engage in it under any circumstances. He never explains how one nation can expect to survive unarmed or unprotected in a world political system which permits others both to arm and to attack. The theme of pacifism is more common in our debate than one might suppose. Those who are not pacifists, but oppose the war in Vietnam for particular reasons, often invoke or quote those who oppose all war without discrimination. Both Johnson and Rusk were sensitive to the mounting tide of criticism from the pacifists, especially the clerical pacifists, and devoted much effort to reasoning with them.

The Second School is at the other extreme of the spectrum—the party of all-out ideological anti-communism. These critics of our foreign policy regard the cautious efforts of the American government since the war to build a balance of power, and to reach an understanding with the Soviet Union and with China, as dangerous appeasement. For them, the major premise of our foreign policy should be *"Ecrasez 'linfâme,"* a theme antipathetic to Johnson, who worried about the potential power of this extreme, simplistic strain in American opinion if sufficiently aroused.

Third, I note the School of those who are consciously or unconsciously identified with one branch or another of the Communist movements of the world. These men, now as always, find ways of justifying anything done by one of the Communist states. Whatever happens, they tell us, is our fault, or the fault of the bankers and industrialists who in their view pull the strings of American power. And, as good Puritans, we half believe them. Johnson's attitude to critics of this stripe varied with his mood. He never stopped trying to influence friends who might have some persuasive influence with them.

The Fourth Party in my classification is that of old-fashioned isolationism. Nobody admits he belongs to that party. Nonetheless, it has influential members who, in effect, wrap themselves in the classic mantles of the late Senators Borah, La Follette and Wheeler, and of Professor Charles A. Beard. They contend that we do not need a foreign policy at all. We should not participate in the wickedness of world politics, they argue, but devote all our energies to the struggle for social improvement at home. They pass quickly over the changes in political geography since 1914, do not explain how we could avoid being drawn into the troubles of the world, as we were in 1917 and 1941, should disorder spread beyond a certain threshold. This powerful tide of feeling was one of Johnson's major preoccupations. He knew both the force of the idea and its danger.

All members of School Five find it difficult to become enthusiastic over the idea of the balance of power. Indeed, they find both the phrase and the idea odious. Some would have us engage in the world not to support a general system of equilibrium but only to uphold governments they could characterize as progressive, democratic and forward-looking. Another group within the same party advances the mirror image of this view as the proper major premise for our foreign policy—that American support should be available only to governments conservative and anti-Communist enough to meet with *its* approval. To worldly idealists like Johnson and Rusk, the major premises of both these groups were attractive, but naive and irrelevant. They felt that we are not engaged in world affairs to help governments some of us happen to approve, but to protect our national interests. The practice of foreign affairs these days requires our Presidents and Secretaries of State to move warily in a realm without heroes or villains or illusions.

As for the Sixth School, its eloquent spokesmen stress, and stress heavily, that the United States is over-committed and must retreat. Their books and speeches are not clear, however, about how far we should retreat in order to stop being over-committed. Nor do they offer us a clear criterion for deciding what commitments are excessive. Most would have us bring the troops back from Europe, the Mediterranean, and the Far East. They take these positions without explaining how nuclear deterrence would be credible under such circumstances, and how we could preserve and protect nonnuclear options for dealing with situations of strain. Indeed, many go farther. They admit that a general American withdrawal could lead to neutralism or reorientation, both in Europe and in the Far East, but are willing to risk even so drastic a change in the balance of power rather than face the alternative.

It is doubtless my fault, but I must confess that I have great difficulty in distinguishing many members of both the Fifth and Sixth Schools from true isolationists of the pre-1941 type.

What, then, should the major premise of our foreign policy be? What, after all, is foreign policy *for*?

In answering this question, we face a genuine gap in the American language. Since foreign policy was not a factor of much importance in our national life between 1815 and 1914, we have never had to formulate the ideas which in fact have governed our behavior abroad. As a result, we have used a highly rhetorical and often evangelical vocabulary to explain policies which were eminently practical, not to say cold-blooded. As President Johnson said of our entry into the First World War, "Our slogans rallied the nation to fight tyranny and make the world safe for democracy. But we were really fighting to protect a national interest most Americans at the time did not understand—our interest in the balance of power."

I regard the national interest as the only acceptable guide to foreign policy. There can be no distinction in this regard between conservatives and liberals. In my view, the American government should never send the troops into battle except to protect national interests. Behind that principle, citizens who are genuinely conservative and genuinely liberal about issues of domestic policy can come together with equal conviction. This was the view Johnson took when he was Democratic majority leader in the Senate during Eisenhower's Presidency. And in that post he established a model that will rank among his most important pubic services.

What is our national interest in world politics today? In an age of missiles and shifting allegiances, immunity from invasion is not a sufficient measure of national safety. The goal of our policy, I should suggest, is a system of world politics within which we could continue to develop as a free and democratic society. American democracy can be safe at home, to recall a speech by Senator Fulbright, only in a world of wide horizons, organized under the Charter of the United Nations—a world of balanced power, tolerant of different social systems, flexible in encouraging social progress, but free of the threat of change achieved by external force. It will be impossible to achieve such a system without American leadership in seeking international equilibrium, for those who once exercised such leadership no longer have the capacity to do so.

Our unconscious still resists this fact, and yearns for the effortless security of the nineteenth century. But our instinct for self-preservation has led us since 1947 to take an active part in the politics and security problems of a contracting world. That role does not represent the arrogance of power, or hegemonic ambition. It offers us a non-ideological non-imperialist, and manageable guide for our political and military activities. We did not become universal policemen. We did not conduct an anti-Communist crusade. What we did was the absolute minimum necessary to create and maintain a new balance of power in the world, to replace the Concert of Europe, which had kept the general peace between 1815 and 1914, and collapsed finally in 1939. The next few months may tell us whether we have done, in fact, less than that minimum.

"The balance of power" is neither a "conservative" nor a "liberal" idea. It is the key to any system of law, domestic or international, that seeks to assure liberty in peace; the only alternative, in fact, to a Roman solution for the problem of peace in international society.

Why can't America be safe at home behind a shield of I.C.B.M.'s and Polaris submarines? Because nuclear weapons can't be used. We won't use them unless hideously pressed, and even then the issue is dubious. And the Soviets won't either while we possess a second-strike capacity. Our nuclear monopoly did not prevent the Soviet take-over in Eastern Europe, nor the threats to Iran, Greece, Turkey and Korea. Nor has nuclear stalemate, more recently, prevented processes of Soviet and Chinese penetration in the Middle East, Southeast Asia, and elsewhere.

The nuclear deterrent may be credible, or half credible, in situations of ultimate tension, creating great uncertainty. But it is difficult to imagine that we would use nuclear weapons to prevent one more slice being taken off the salami, or, more important, that the Soviets would believe that we would. And, if we were to arrive in the final nuclear redoubt, surrounded by an overpowering array of passive, neutral, or hostile nations, and divided at home by plausible appeals for "cooperation" and "compromise," would we then opt for Götterdämmerung, and use the nuclear weapon, knowing we should be bombed in return? Or would we bitterly accept the wave of the future?

The answer, I think, is obvious.

The nuclear weapon, then, does not radically change the problem of peace. It complicates it with a new dimension. But it remains true, now as in the past, that to minimize the possibility of general war, and to maximize the possibility of remaining a free and democratic nation at home, we have no choice but to function in world politics at two levels: one, that of conventional diplomacy and conventional weapons, seeking to gain general acceptance for a stable equilibrium, based on understood limits of international conflict; the other, which affects the first, but is also distinct from it, the level of nuclear deterrence and nuclear control.

What does the concept of the balance of

power imply, as a guide for our conventional foreign policy?

To me, it allows no easy escape from the kind of policy we have pursued since 1947. Congressional resolutions cannot repeal the fact that hostile and expansionist powers are pursuing programs that would radically alter the balance of power, and leave us isolated on our continent. Great shifts in the balance of power have always drawn us into war. There is no reason to doubt that Thucydides' maxim still applies to the affairs of men. What made the Peloponnesian War "inevitable," he wrote, was not the episodes of conflict which preceded it, but "the growth of Athenian power, and the fear which this caused in Sparta."

The best—the only—cure for such fear is to prevent the convulsions which are its cause, to continue patiently and steadily to insist on the achievement of a reasonably stable system of peace in world politics.

Many who would accept this premise as a valid definition of our national purpose often add that times have changed since the late Forties, when President Truman first laid down the broad lines of the foreign policy we have followed ever since. The circumstances of world politics have indeed changed during the last twenty years. But these critics of our foreign policy rarely point out in what respect those changes require a change in the policies and postulates which have developed since the late Forties. The Communist movements of the world are no longer as tightly controlled as they were. But the pressure of Communist ambition is still felt in the Middle East, Southeast Asia, and other parts of the world. Almost three years ago the Soviets invaded Czechoslovakia, an event which closely parallels earlier conflicts over East Germany, Czechoslovakia and Hungary. The steady increases in Soviet air, naval and nuclear power, the development of the Chinese nuclear arsenal, and the emergence of Soviet and Chinese rivalry for leadership in world Communist movements—these trends hardly make the pressures easier for us and our allies to manage or contain. Of course the decentralization of Communist power offers our diplomacy certain opportunities. But it by no means guarantees their success.

One central conclusion emerges from an analysis of the literature of opposition to our foreign policy: except for the pacifists, the Communist apologists, and the other true isolationists, on the one hand, and the all-out ideological crusaders of the Dr. Strangelove type on the other, the critics of our foreign policy have failed to define a real alternative to the policy we have pursued since 1947. Their rhetoric is different. They talk more than their opponents about the nightmarish dangers of the world. But there is a gap between their rhetoric and the policies they propose or support.

For example, they decry the insanity of the arms race, and particularly of the competition in nuclear arms. But they conclude, as our government has concluded, that we must remain capable of neutralizing and deterring the nuclear and other armaments of nations that have opposed us.

The critics of our foreign policy would "reexamine" our commitments in many parts of the world. But I have yet to find a clear-cut and explicit statement by any of them to the effect that the defense of Japan, or Western Europe, or Australia, or Israel, or South Korea, or Canada would not be in our national interest. I know of no critic in this group who would denounce the North Atlantic Treaty, or any other treaty or defense arrangement made during the last twenty years, and almost all of them recognize the delicacy of any change in the system of guarantees for the fragile peace of the world. True, Senator Mathias has proposed the repeal of a number of commitment resolutions, as if the Congress could legislate détente, or eliminate a threat to our interests by increasing uncertainty about our willingness to protect them. But most of his colleagues know that American commitments are among the few solid structural elements of the world political system, and that uncertainties deepen when those commitments become doubtful, or lose their deterrent quality. They recall what happened when U.S. troops were withdrawn from South Korea in 1949. Even Senator Mathias has decided that this is no time to repeal Eisenhower's Middle East Resolution, which authorizes the President to use force, if necessary, in that tortured area.

In this respect, too, I fail to discover an analytic difference between the position of most of the critics and that of the Administrations they so merrily assail.

Even about Vietnam the debate has failed in my view to reveal an alternative position. A few, of course, and in recent months an increasing number advocate a confession of error, a denunciation of S.E.A.T.O., unilateral American withdrawals, and an abandonment of South Vietnam to the control of North Vietnam. And another group, perhaps no longer quite comparable in size, would support all-out war to conquer North Vietnam, and to liberate the areas of Laos and Cambodia now under Communist control.

But until a year or so ago, the majority of the more political critics of our policy, including Senator Eugene McCarthy and Senator Edward Kennedy, and, until his death, Senator Robert Kennedy, followed a different line. They opposed unilateral troop withdrawals, or turning the country over to the N.L.F. They opposed denouncing our obligations under the S.E.A.T.O. treaty, or repealing the Tonkin Gulf Resolution. They called for negotiations, and a return to the Geneva Conventions of 1954 and 1962. They urged an effort to obtain Soviet cooperation of the kind that was available in winding up the Korean War to help prevent the situation from getting out of hand. In short, apart from the atmospherics, they advocated exactly the policies the government of the United States has long pursued.

Recent months have, of course, seen an extraordinary change in American opinion about Vietnam and about foreign policy generally.

During the campaign of 1968 and before, high-minded politicians and journalists were convinced that "real" negotiations, leading to a "fair and honorable peace, compatible with our obligations to South Vietnam," could and would be assured by stopping the bombing of North Vietnam, despite the failure of previous bombing halts to achieve any results whatever. The American people, these men said, are tough and responsible. They will do whatever is necessary to make their word good. But before undertaking such an effort, they want to be sure that every peaceful alternative is tested. All over the world, these critics said, we are being told that a bombing halt will lead to peace. Let us find out. If a new bombing halt did not lead promptly to a decent peace, they said, they would advocate a military policy of much greater effort.

These men took grave responsibilities in what they promised the American people. It is now clear that Hanoi never intended to make any concessions whatever in exchange for the bombing halt it tried so hard, and so successfully, to obtain.

There is no public evidence qualifying Hanoi's position that we must accept the N.L.F. as "the sole legitimate representative of the South Vietnamese people." This is the only issue in the war—the only one of Hanoi's "peace points" the United States and South Vietnam have not long since accepted. Recent unofficial variants on the theme do not modify that policy, for they posit an abandonment of the South Vietnamese Constitution, and the government chosen under it, and the formation of a coalition consisting of the N.L.F., plus a few picked men who have participated in the government or the public life of South Vietnam.

Nonetheless, many who supported the bombing halt in 1968, on the grounds I have summarized here, now urge that we withdraw our forces, at once, and accept the N.L.F. with or without fig leaves as "the sole legitimate representative of the South Vietnamese people."

The shift from bombing halt to unilateral withdrawal is a major transformation in at least the nominal or the admitted aims of the larger part of the opposition to our policy in Vietnam.

It is difficult to predict the impact on our foreign policy of the strains and frustrations associated with the anguish of Vietnam. It is hard to imagine our repeating the follies of the Twenties and the Thirties. But we may. After all, we did so once before.

Foreign policy can be nemesis for more than reputations. If we do try to escape down the rabbit hole into the nineteenth century, if we stand by and do nothing to prevent cumulative and threatening gains in Soviet power in the Middle East, or of Chinese power in Asia, war is almost certain to follow, for the same reasons that led to war in Europe as a result of the American withdrawal from world politics more than thirty years ago.

Dean Rusk is not at all like his rather bland and solemn public image. In the privacy of his office, he is quick, sharp, and amusing, as well as a superb boss and colleague. In his office and in every other forum, he is also, of course, a man of great ability and intuition, dominated by principle and by his Old Testament sense of duty. He used to grin when the commentators dismissed one of his speeches as "nothing new." "If the question hasn't changed," he would remark, "how can we change the answer?" But he drew a different reaction from Congress and from the commentators when he began to warn the country, in 1967 and 1968, that many of the opponents of our Vietnam policy were not simply opposing the wisdom or prudence of our course in Vietnam, but were advocating a return to isolationism. That charge, which of course had Johnson's blessing, stirred sharp denials.

But I believe Rusk and Johnson were right, and that events since confirm their analysis.

HOUSTON CHRONICLE PRAISES WHITNEY YOUNG

Mr. BENTSEN. Mr. President, the recent death of Whitney Young was a blow to all Americans who seek better relations among the races in our country. As President Nivon said, Young's genius was "to accomplish what other people were merely for."

Whitney Young's capacity as a doer was eloquently described in a March 14 editorial in the Houston Chronicle. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Whitney M. Young, Jr.

During nearly a decade as executive director of the National Urban League, Whitney M. Young Jr. detested the term "moderate" when applied to his work in the civil rights movement.

The veteran civil rights leader said of the label:

"It isn't a question of moderate versus militant, but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness."

We praise Young, dead of an apparent heart attack at 49, as a man who took a responsible course in his efforts to improve the lot of the black man in our society. And as he himself had counseled, he took an effective course. This was his strength.

Even the black militants who did not agree with Young's methods could not deny his effectiveness in the battle for a better life for blacks. He was a dedicated, articulate spokesman for blacks at all levels. He worked vigorously for economic improvement. During the two-year period from 1964–66, the Urban League's search for jobs resulted in the employment of some 40,000 unemployed blacks and an upgraded job status for another 8000.

When Young took over the league in late 1961 he made changes that were to have a profound effect on the direction of the American civil rights movement during the 1960s. He abandoned the league's tradition of conventional social work and middle-class orientation. He sent the league into America's black ghettos and emphasized getting jobs, job training and self-help.

Under his leadership the league showed significant growth, not only in staff size and the number of chapters, but in influence as well.

He advised blacks to forget about their fire power and to concentrate instead on developing their brain power, political and economic power if they wanted a better life.

In answering black militants who hurled "Uncle Tom" epithets at him, he said:

"The only criterion by which I want to be measured is whether or not I have helped to improve the economic, political, health and social future for black people—not on the basis of how many white people I curse out."

Against this self-imposing measuring stick, Whitney Young emerges as a great black man and a great American.

THE GENOCIDE CONVENTION—STATEMENT OF HON. ARTHUR GOLDBERG

Mr. MUSKIE. Mr. President, more than 20 years have passed since the United States signed the Genocide Convention. Since that time, 75 other nations have signed and ratified this document.

The failure of the United States to ratify the Genocide Convention is an omission which should be rectified immediately.

Since 1949, when the American Bar Association first recommended that the United States not ratify this convention, a number of arguments have been offered in support of this position.

An extremely cogent analysis and rebuttal of these arguments was presented to the Senate Foreign Relations Subcommittee on the Genocide Convention on March 10, 1971, by the Honorable Arthur Goldberg. I ask unanimous consent that the full text of Mr. Goldberg's remarks be printed in the RECORD following my remarks.

As a former Justice of the Supreme Court and U.S. Ambassador to the United Nations, Mr. Goldberg speaks with considerable expertise on questions of constitutional and international law raised by the Genocide Convention.

In a careful analysis of these questions, he finds the objections to ratification of the Genocide Convention to be "without substance."

On the other hand, he finds—and I agree—that the arguments for ratification of this treaty are "compelling." To quote from his testimony:

> Our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity.

I myself have no doubts that the Senate should ratify the Genocide Convention. However, had I any questions, Mr. Goldberg's testimony would have clarified many of them. For this reason, I urge Senators to make a careful review of these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. ARTHUR J. GOLDBERG

I am grateful for the opportunity to testify before this Subcommittee on behalf of the Genocide Convention. I am appearing on behalf of the Ad Hoc Committee on Human Rights and Genocide Treaties, a committee of 52 national organizations whose total membership is in the millions. The purpose of the Ad Hoc Committee is to strengthen international law in the field of human rights by encouraging U.S. ratification of appropriate United Nations conventions, including in particular the Genocide Convention. A list of the oragnizations comprising the Ad Hoc Committee is contained at the end of my testimony.

I am accompanied today by Professor Richard N. Gardner of Columbia Law School, who appeared for the Ad Hoc Committee in your hearings on the Genocide Convention last year.

I do not wish to repeat today all the arguments this committee has already heard on behalf of the Genocide Convention. But permit me to state briefly my own answer to the frequently asked question: "Why should we act favorably on the Genocide Convention now?"

The answer, it seems to me, has three parts:

First. The Genocide Convention outlaws action that is repugnant to the American people. We should not decline to affirm our support for principles of international law and morality which we believe in. Our country was founded out of a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. I believe that concern is very much alive today, as is reflected by the report of the Foreign Relations Committee supporting this convention at the last session of Congress. It is inconceivable that we should hesitate any longer in making an international commitment against mass murder.

Second. Our failure to adhere to this Convention is an unnecessary diplomatic embarrassment. Seventy-five countries have now ratified the convention. We are the most prominent United Nations member that has not. When I was U.S. Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose. A continuing dedication and reaffirmation of the humane principles of our Bill of Rights and Constitution is very much in order.

Third. Our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity. It will put us in a better position to protest acts of genocide in other parts of the world and will enhance our influence in United Nations efforts to draft satisfactory human rights principles. I do not say that our adherence to this convention will work miracles. It may not bring very dramatic benefits in the short run. Let us remember, however, that none of the great documents of human civilization produced instant morality—not even Magna Carta or our own Bill of Rights. The point is that they did shape history in the long run. I believe the same may be true of the Genocide Convention, if we only give it a chance.

A number of arguments, many of them of a constitutional or legal nature, have been advanced against ratification. I believe they are lacking in substance. As the Secretary of State and the Attorney General have declared, there are no constitutional obstacles to U.S. ratification. I find fully convincing the reasoning of the report of the Foreign Relations Committee of December 8, 1970, which painstakingly examines and then rejects each of the constitutional and other arguments against the convention.

It is true, as this subcommittee is well aware, that the House of Delegates of the American Bar Association recommended against ratification of the Genocide Convention in 1949. But in the last 2 years every section of the ABA having specialized competence in the subject matter has come out in support of ratification of the Genocide Convention: the section of Individual Rights and Responsibilities, the section of International and Comparative Law, the section of Criminal Law, the section of Judicial Administration, the section of Family Law, and the ABA Standing Committee on World Order Under Law. A motion to reverse the ABA's 1949 position failed in the house of delegates by only four votes in the Atlanta meeting in February 1970.

It is clear from the recent record that the house of delegates is closely divided on this issue, but that settlement in recent years has moved dramatically in favor of ratification. It is also clear that those sections and committees of the ABA with special interest in international law and constitutional questions are overwhelmingly in favor of ratification. It is also significant that many prominent leaders of the ABA, including past presidents, Bernard G. Segal, Whitney North Seymour, William T. Gossett, Charles S. Rhyne, the Solicitor General Erwin N. Griswold endorse ratification. Many other distinguished members of the bar, including Attorney General Mitchell and Secretary of State Rogers, have likewise endorsed ratification, as have several other State and local bar associations.

The ABA, as we are all aware, is a very different organization than it was 22 years ago. Its membership has changed its views on many questions, domestic and international. I believe the subcommittee may wish to bear these considerations in mind as it evaluates the testimony of those who appear on behalf of the ABA today.

Let me comment on the arguments that have been given particular prominence by the opponents of ratification:

First. The contention that the Constitution prevents ratification of the Genocide Convention because genocide is a "domestic" matter is without foundation.

It would be a curious result if the United States were constitutionally barred from ratifying a convention already ratified by 75 other countries, including such friends and democracies as the United Kingdom, Canada, France, Mexico, the Scandinavian countries, and Israel. Fortunately, there is nothing in our Constitution that imposes such a unique disability upon us.

By any objective standard, genocide is a matter of international concern and is, therefore, an appropriate subject for the exercise of the treatymaking power. In our shrinking world the massive destruction of a racial, religious or national group in one country has its impact on members of this group in other countries, stimulates demands for intervention, and inevitably troubles international relations. The fact that the United Nations General Assembly unanimously declared genocide to be a crime under international law in 1949 and that 75 members of the United Nations are parties to the Genocide Convention is further evidence that genocide can no longer be considered a matter wholly within domestic jurisdiction.

The protection of human rights is a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery, 1967, and the Supplementary Convention on Refugees, 1968. In the words of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year, chaired by retired Supreme Court Justice Tom C. Clark:

"Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making powers of the United States. . . . It may seem almost anachronistic that this question continues to be raised."

I agree with my former colleague, Justice Clark, that there is no real basis for challenging the authority of our country under our Constitution to enter into the Genocide Convention. The constitutional arguments against the convention are indeed, as the committee said, anachronistic and without foundation in law.

Second. The contention that the Genocide Convention would alter the balance of authority between the States and the Federal Government is unfounded.

The Constitution specifically gives Congress the power to define and punish offenses against the law of nations. Genocide is an offense against the law of nations and is thus within the power of Congress to outlaw. Moreover, as the ABA's Section on Individual Rights and Responsibilities said in its report:

"Ratification of the Convention will add no powers to those the Federal Government already possesses."

Third. The contention that ratification of the Genocide Convention would subject American citizens to trial in foreign countries like North Vietnam on trumped-up charges of genocide is wholly false.

There is nothing in the Genocide Convention that would provide warrant for charges by North Vietnam that our prisoners of war, being held under conditions in violation of the Geneva Convention, are guilty of genocide. As the Foreign Relations Committee pointed out in its report, Hanoi can make trumped-up charges of genocide against our servicemen, with or without reference to the Genocide Convention. In the words of the committee:

"Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention."

Moreover, under the Genocide Convention, extradition would only take place in accordance with laws and treaties in force, and we have no extradition treaties with North Vietnam. Nor do we make such treaties with countries whose legal systems do not afford basic procedural safeguards. Moreover, we do not grant extradition in any event unless a prima facie case is established against the accused and unless the accused will be afforded by the requesting state the due process provided by our own law.

In reading the testimony of the prior hearings I have noted the discussion of concurrent jurisdiction under the convention—jurisdiction of the state of which the offender is a national as well as the state in which the offense of genocide occurs. I noted the concern expressed on this matter by the senior Senator from Kentucky, Senator COOPER. Any expression from Senator COOPER deserves serious attention, and I have given it the serious attention that it warrants. I found in my own review of the legislation history that there was an agreed interpretation by the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. The Foreign Relations Committee reached the same conclusion in its report. Nevertheless, I commend the committee for meeting this concern by recommending an appropriate understanding on this point. I note further from the testimony of administration witnesses that the Government could refuse to extradite where an accused American was standing trial in the United States or where the U.S. Government elected to try him here.

Fourth. The argument that ratification of the Genocide Convention would subject the U.S. Government to irresponsible charges of genocide arising out of Vietnam, or our treatment of American Negroes, is without foundation.

Here again, ratification of the Genocide Convention does not alter the present situation to our disadvantage. Even without ratification, there is nothing to prevent a country from making baseless charges of genocide against this country in the United Nations. If anything, ratification would improve our position, because the convention requires an "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such." The tragic events in Vietnam and the terrible loss of life, both military and civilian, that has occurred there do not meet the treaty definition. Charges of genocide in relation to the treatment of the Negro community in the United States, which admittedly has suffered widespread discrimination for many years, also are not within the scope of the treaty. Ratification of the convention would, if anything, help us rebut such charges by subjecting our behavior to a precise legal definition of genocide.

Fifth. The argument that provision for the settlement of disputes by the International Court of Justice would override the Connally amendment and unreasonably limit our sovereignty is without substance.

This charge also lacks substance. The Connally amendment applies only to our acceptance of article 36(2) of the Court's statute, the so-called optional clause providing for compulsory jurisdiction across the board. Cases arising as a result of our adherence to the Genocide Convention would come under article 36(1) of the Court's statute, which covers the Court's jurisdiction as provided for in specific treaties. The United States has ratified many treaties containing the same type of provision for the settlement of disputes by the International Court as is contained in the Genocide Convention. Among such treaties are the Supplementary Convention on Slavery, the Antarctic Treaty, the Statute of the International Atomic Energy, and the Convention on the Privileges and Immunities of the United Nations, ratified just last year. A list of these treaties is contained on page 215 of this subcommittee's 1970 hearings. Indeed, our country, in the ratification of many treaties, has proposed that the International Court have jurisdiction over disputes. Interestingly enough, our efforts in this direction have frequently been frustrated by the Soviet Union, not Congress, whose Members on numerous occasions have advocated increasing resort to the International Court.

This provision for the settlement of disputes over the interpretation of the Genocide Convention does not unreasonably limit our sovereignty. Our interests are better served by having any charges of genocide against us considered in a judicial forum like the International Court, rather than more politically motivated forums. Of course, by this provision we do undertake a commitment limiting our freedom of action in a limited sphere, as do the other parties to the convention. This exchange of commitment is inherent in any treaty to which we become a party. Where the exchange of commitments serves our national interest, as it does here, it provides no valid basis for objecting to the treaty.

Sixth. The argument that various provisions in the convention—"in whole or in part," "mental harm," "direct and public incitement to commit genocide"—are loosely drafted and potentially harmful to our interests, is without foundation.

Words in a statute or treaty are not self-interpreting. They must be read in the context of other provisions and in the light of the legislative or drafting history. The hypothetical interpretations of the Genocide Convention advanced by the critics are invalidated by the language of the convention itself and by the records of the negotiation.

Thus "in whole or in part" does not mean that the killing of a single individual becomes genocide. As the negotiating history makes clear, substantial numbers must be involved, and the acts of homicide must be joined by a common intent to destroy the group, for the definition of genocide to be satisfied. The understanding recommended by the Foreign Relations Committee to confirm this point is wholly consistent with the drafting history.

"Mental harm," in turn, would not support propaganda charges of harassment of minority groups, as charged by some critics, because mental harm becomes an element of genocide only when done with an intent to destroy a group. Moreover, as the negotiating history shows, it was inserted for the narrow purpose of prohibiting the permanent impairment of mental facilities, as from the forcible application of narcotic drugs.

"Direct and public incitement to commit genocide" does not cover constitutionally protected speech. It covers speech which calls for the commission of mass murder, which is actionable under our Constitution as in other countries. As the Supreme Court declared in *Bradenburg* v. *Ohio*, 395 U.S. 444:

"The constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation *except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action*." (Emphasis added.)

In any case, no treaty can override a provision of the Constitution, and there is no doubt that the legislation passed in implementing the Genocide Convention will be interpreted in accordance with the first amendment.

In conclusion, I find the objections to ratification of the Genocide Convention without substance. The reasons for ratification, as I suggested earlier, seem to me compelling. Some cynics doubt that the Genocide Convention really "matters." Some say it ranks at the bottom of our foreign policy priorities. Some even say it is an exercise in futility.

I do not agree. We have heard this argument now for over 20 years. I believe the time has come to devote more of our energies and resources to the long term task of constructing some kind of decent world order. Ratification of a convention outlawing the most blatant crime against humanity will not by itself provide the answer. But it is surely a good place to begin. It should be one of the foundations of the rule of law among nations—a rule of law which, in the long run, is the only assurance of lasting peace.

RECENT DEVELOPMENTS IN MEXICO

Mr. ALLOTT. Mr. President, today's Washington Post contains a very interesting column by Messrs. Evans and Novak on the recent developments in Mexico. Because these developments have a bearing on the perennial question of whether or not a detente is about to break out, I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Backfire in Mexico

(By Rowland Evans and Robert Novak)

Quite apart from the vast effrontery of the Soviet Union's aborted attempt to plant highly trained Mexican agents and provocateurs inside Mexico, the sudden exposure of the eight-year-old plot may have a profound anti-Soviet reaction throughout Latin America.

Moscow's diplomatic probing wtih traditionally anti-Communist governments in the hemisphere, just on the verge of success, is now endangered by the Soviet cloak-and-dagger maneuver. The facts of that maneuver, breathtaking in its audacity, are just now coming into focus.

In 1963, under auspices of the Mexican-Soviet cultural exchange agreement, the Soviet-Mexican Cultural Institute in Mexico City chose the first batch of promising left-wing Mexican students for a four-year scholarship at Moscow's Patrice Lumumba Institute. The central figure selecting these first 10 students was the second secretary of the Soviet Embassy in Mexico City (one of the five Soviet "diplomats" now expelled by the Mexican government).

After the four-year university course, during which they underwent indoctrination in Communist Party and revolutionary tactics, the 10 students asked for field training in antigovernment subversion. They formed themselves into the Revolutionary Action Movement.

But Moscow would not provide this revolutionary training in the Soviet Union itself. If discovered, the Mexican government would instantly retaliate.

To keep Soviet hands clean, the students were sent by rail to East Germany, where they acquired North Korean passports. They returned to Moscow and then flew, via Soviet Aeroflow Airline, to Pyongyang capital of North Korea.

In Korea, they were given six months' training in guerrilla tactics, at a location far from the prying eyes of diplomats. Their training completed, they threw away their passports, flew back to Moscow and returned to Mexico on their Mexican passports. It is unthinkable that all this could have been accomplished without Soviet complicity.

Two more groups, totaling 19 Mexican students, followed the precise course of the first 10. Back in Mexico, they set up eight clandestine training centers, most in remote provincial towns, and started recruiting. Mexican counterintelligence agents uncovered the plot and arrested approximately one-third of the revolutionary students 10 days ago.

The official reaction of the Mexican government, probably the most sophisticated in Latin America, was highly unusual public indignation. Five Soviet diplomas were declared personna non grata and sent home. Beyond that, the affair raises serious questions about Soviet standing throughout the hemisphere—as in Venezuela.

Venezuela has been a key Soviet target for subversion, financed partly through Soviet aid to Communist Cuba, partly through Eastern European Soviet satellites. Attempting to warm relations with Caracas by exchanging diplomatic delegations, Moscow finally reached agreement last December after tortuous negotiations conducted intermittently for almost 20 years.

That agreement limits Soviet personnel in the new embassy to 15, including cooks and chauffeurs. So far, only three Soviet diplomats have actually taken up residence. With the explosive Soviet subversion against Mexico now surfaced, Venezuela will undoubtedly clamp additional restrictions on the new Russian embassy.

In Costa Rica, a 30-year ban on Soviet diplomatic activity was lifted several months ago, but no Russian have yet arrived. Against the Mexican backdrop, Costa Rica—a traditional democratic bastion in Central America—may have second thoughts (despite January ratification of a surplus coffee-purchase agreement with Moscow).

Likewise, the Russians have been making strenuous efforts to sign a cultural agreement with Colombia, which renewed diplomatic relations with the Soviets in 1968. The agreement was signed last summer but it has not yet been ratified by the Colombian parliament.

All these careful diplomatic probes by Moscow are now endangered by Moscow's patronage of the aborted Mexican affair. Just how much they are endangered is evident in the formal Soviet response to Mexico's expulsion of the five Soviet diplomats. Unable to deny the facts, the Russians blamed the embarrassing affair on "powers"—that is foreign countries—"that are opposed to Soviet-Mexican relations."

What powers? What motivation? The Russians can't answer that question.

JOBS: THE HEART OF THE PROBLEM

Mr. KENNEDY. Mr. President, because the denial of rights to black and brown Americans has been substantially publicized in recent years, some efforts have been launched to respond to their pleas.

The Equal Employment Opportunity Commission, EEOC, established in 1965, was perhaps most effective under its third Chairman, Clifford Alexander, in making America aware of the cancer of discrimination in jobs.

He sought to achieve gains in employment that would properly establish the right of all to work at whatever job they could hold. But, as has often been repeated by Mr. Alexander and others—the "system" operated to deny fair competition and equal job access to those who were born into our racial minorities.

Mr. Alexander makes it clear, in a recent interview published in the Master in Business Administration—the MBA—that during the late 1960's, while EEOC highlighted the problems of job discrimination for all the Nation to see, in overwhelming numbers, jobs are still denied to minorities today because of blatant racial discrimination.

Mr. President, I believe Mr. Alexander's remarks as published in the MBA deserve the studied consideration of every Member of this Senate. For he not only points to a problem that personally weighs on the lives of those who suffer discrimination, but he accurately emphasizes the need for those of us in the larger society to insure that there will be reforms. Mr. Alexander's comments offer an exceptionally valuable insight and could help effect needed action.

I ask unanimous consent to have printed in the Record "Jobs, the Heart of the Problem—An Interview With Clifford Alexander," as published in the MBA, February 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jobs, the Heart of the Problem—An Interview With Clifford Alexander

The MBA: In 1967, upon accepting your post as chairman of EEOC, you told an interviewer: "Jobs are the heart of three-quarters of the problems of the ghettos. This is the key area in the whole field of racial unrest." Do you think that is equally true today?

Alexander. I said then that it was three-quarters. My percentages may be a little smaller or a little larger today. But the economic wherewithal that a job gives somebody, the kind of security it gives, relates to the black today, be he disaffected or not. He needs a job, needs to have the dignity that goes along with a job. Quite unfortunately, the system works against his best interests, and it is difficult for him to get a job that lives up to his potential, that gives him the chance to move along, that gives him the kind of dignity that men and women require.

The MBA: We're talking on all job levels—blue-collar and white-collar categories?

Alexander. Yes, we are. The most dramatic area—and I think the area we tend to spend a great deal of time on—is the blue-collar craft area. The bigotry there is blatant and open. I think in the white-collar areas it's more subtle, but the bigotry is just as real.

We ought to spend a lot more time on the white-collar area, because that's where the bulk of the jobs are. In the cities where most blacks live today, you have huge numbers of white-collar jobs. Over 55% of all jobs in New York City today are white-collar jobs, and that figure will grow within the next decade to close to 70%. This is true in lesser percentages in every major metropolitan area, and in every one of these areas, the population is somewhere between 20% and 75% black. Until blacks hold low, middle and upper white-collar jobs in those central cities, blacks will not be part of this capitalistic system.

Right now, you have funny money programs, like the National Alliance of Businessmen, which bring blacks to work because they need more workers, but which do not bring blacks into middle management positions. You don't find blacks on boards of directors, you don't see blacks in upper level management positions, you don't find the kind of mobility for blacks that you have for whites. And blacks can see that as easily as whites, if not more easily.

The MBA: When you resigned, you said that if the Nixon administration didn't vigorously pursue the policices and practices which you had instigated, it would hear from you "loud and clear." Has there been any attenuation in the efforts in the agency or loss of effectiveness? At the time, I remember Ronald Ziegler said that the administration intended to pursue these policies within the full extent of the existing law.

Alexander. I think that's certainly a quite accurate representation of what Ziegler said. Like so many things that have been said by Mr. Ziegler, Mr. Nixon, Mr. Mitchell and Mr. Hoover, the facts don't necessarily jibe with the statements that they made, nor do the predictions of good faith and good intent go along with the actions of this administration. Jerris Leonard [Atty. Gen. Mitchell's Assistant for Civil Rights] that same year said that the Justice Department would, in the field of employment discrimination, file over 70 pattern of practice suits—this was after I had accused them of filing none up to May. The final figure was less than a dozen at the end of 1969.

This President, who has talked about bringing people together, has failed in the two years since he's been in office to mention the problems of job discrimination, to give any significant statement to the American people about black vs. white. This President has failed to talk to that problem which is the most pervasive problem that faces America today or faced it yesterday.

The agency that I was a part of, one doesn't hear a good deal from. Part of that problem relates to the fact that legislation setting up the agency did not give it enforcement power. Another part of it, I think, again relates to the attitude of an administration that has, unfortunately, put its heel down on what should be a relatively independent agency and muted a few voices that might have made some sounds in the area of employment discrimination. Thus, blacks and chicanos and other minorities have no particular place to look in the Federal government for help in this area.

The sad, sad fact is that, despite some mediocre and minimal claims made by Nixon and Company, little or nothing has been done. What has been said in the public sense, the kind of statements that set a national tone, has been destructive of whatever black/white progress may have been made. It's generally been the racism of Agnew or comments by J. Edgar Hoover supported by Mitchell on Martin Luther King, or comments by the President about what he is going to do or isn't going to do in trying to integrate housing in this country. Every comment that I can think of has been negative, has been putting the heel on the neck of blacks in this country. And those who really want to do that in the physical sense can get the message.

The MBA: As I understand it, at the time you left, there were no "cease and desist" powers of any sort. You had to rely on either the Office of Federal Contract Compliance in the Labor Department or the Justice Department. You had little success with either. That situation's no better today?

ALEXANDER: No, it isn't any better today. Again, there should be some shared blame for that. Mr. Nixon gets the lion's share of the blame for no progress. The "cease and desist" legislation was presented several times by President Johnson, and Mr. Nixon has opposed this legislation this year. Despite his opposition, it came closest to passage. It was passed by the Senate; it came through the full House Education and Labor Committee. Rep. William Colmer of Mississippi, head of the Rules Committee, bottled it up, and many of the alleged friends of blacks and chicanos in this country then decided that they would go along with Mr. Colmer, and they would not force him to call for a rule to vote the legislation to the floor of the House. If it had gotten to the floor of the House, it would have passed because it's been voted up on previous occasions in the House.

As of the end of this session, there will be no "cease and desist" legislation, because one 80-year-old Mississippian representing the voice of white Mississippi of 40 years ago decided that he would keep this bill in committee. And, one President of the United States has said not a thing about this. Again, much talk about black capitalism, much talk about anything that fit neatly on the sheet of a press statement, but little talk about something that could really affect the substantive rights of millions of people. If it were known that "cease and desist" authority were there, if it were known that an administrative agency could end discriminatory practices by issuing an order, then rights would be protected. There could be appeals from the issuance of that order to relevant Federal courts, but—instead of the present status of EEOC, where one must conciliate after finding a discrimination—once discrimination was found, actually for a second time, the commission itself, as other administrative agencies in the Federal government, could issue an order to end the practice, to rectify the situation, to get back pay, to give somebody a job, or whatever the specific remedy in the case might be.

The MBA: I'd like to talk in detail for a few more minutes specifically about white-collar jobs. What was the situation with management employees when you first joined EEOC? What did you try to do, and has there been any improvement since you left?

ALEXANDER: One thing I did try to do, despite the fact that we had no powers, was to talk publicly, and hopefully loudly, about the nature of discrimination within American industry. This way the first step would be taken by corporations, that is, that they would face the sickness that they've created. Some of them did this. No major American corporation has cured racism—that would be an absurd claim—but some have made some little progress in the area. The best vehicle we found for this was the public hearing. We held two major public hearings, one in New York and the other in Los Angeles, and the New York statistics I've seen since then have indicated really very significant increases, in terms of blacks in white-collar positions, in the areas we concentrated on. In the ad agencies we went from really a zero ground to some blacks; in the banks significant increases in number; a few of the law firms going from none to something.

We looked at a hundred major corporations headquartered in New York, and in which there supposedly has been some significant increase. What I tried to stress at those hearings was that paper pledges and promises didn't amount to a hill of beans. We contrasted companies that were Plans for Progress companies with non-Plans companies, and, without exception in every category, those that had not signed a pledge of good faith and good will were doing better in employing blacks and Puerto Ricans in New York. We then said that it wasn't a question of whether some companies which had signed Plans for Progress pledges were good or bad, the point was that just signing a pledge doesn't do an awful lot. Rather one must approach the problem of equal employment and giving opportunity the same way you approach any other business problem.

You set some numerical goals for yourself, you strive to achieve them. People who are responsible for hiring blacks, for promoting them, for examining whether they're being properly utilized, when these people do not fulfill their function, they ought to be fired. If you are asking a salesman to sell a certain product and he doesn't sell it, you get rid of him after a certain time, or there's some penalty attached for non-performance. Those same criteria have to apply here. Many companies didn't take this up; some did.

What we had, in other words, attempted to do was to say, "This is the law of the land. We're not praying to you to change your habits; we're not going to give you any medals on Equal Opportunity Day, we're saying that this is a responsibility under the law that you have."

We also showed them that, at the time, it was costing them about $31 billion out of the GNP because blacks have been unable to participate according to their talents in this society. By whites giving blacks less pay than they deserve, by not utilizing their full talents, we, white and black in this country, lose a great deal of money every year.

Now, the progress I've talked about that's been made by some New York firms in the past years relates to just a certain category of white-collar job. It is often the entry level and the lower middle level white-collar position. The board rooms still are pretty lily white. In the recent survey of the 50 leading corporations by the Race Relations Center, it was found that of 660 members of the board, only four were black. It also found that the Poor's index of leading executives—which includes those who really make the long bread in these companies—listed 2522 executives from 50 corporations. Of those 2522, not a single one was black. Again, the talk far outstripped the performance.

The businessman who feels that he has made some significant contribution to society because he hires a black or promotes a black to a position where he or she ought to be, is dead wrong. He's probably contributing more to his psyche than to anything else. The businessman that does just that is not fulfilling his obligation under the law. He should examine what his own company is doing, or examine what the potential market is, and reach out for that market the same way he reaches out for the white market. Whites in business get their employees from their social friends, from their church friends, from their club friends, from their school friends, and most of those friends—probably over 99%—are white.

To reach out to the black community for potential employees is no extra effort, is no added something for blacks. It's just doing the same thing you do for whites everyday. It is going to the source of supply, finding out from groups like the Urban League, Workers' Defense League or the A. Phillip Randolph Institute, or CORE, or any of the chicano or the Puerto Rican groups involved with employment—to name just a few—where source of supply is, then going to that source of supply not with a $500 contribution but with a genuine desire to find out if there are people there who want to go to work for you. Then, once they say they're ready, put them on and promote them.

The MBA: Outside of working through government agencies like the EEOC, what type of concerted action can be taken by blacks? You're really in a situation where you're forcing a corporation, you're forcing society, to come around. And this means pressure. What are the pressure points?

ALEXANDER. I think there are several pressure points. Perhaps the most sentimental approach, which may or may not be useful, is to pressure the whites—and this is a broad generalization—who like to think of themselves as believing in and practicing a democratic form of government. They want their children to believe what they hear in school about all men and women being equal. And when they achieve positions of prominence, they like to hold themselves out as believers and propagators of democratic institutions, albeit corporate institutions. When those institutions tend to be hypocritical and tend to do something that undermines the democratic premises, as many corporations do today in their employment practices, this is hardly something to hold out to your son and daughter, who are already skeptical of your behavior patterns anyway. So, for some general peace of mind and some consistency at home, it might be useful for those who are in positions of corporate power to do something about correcting employment inequities.

The second pressure point is that blacks have a tremendous purchasing power, variously estimated from $21 to $40 billion, that they spend on a large number of products. This, of course, could make or break certain kinds of products. It has been said that in the beer industry, for example, 26% of the consumption is by blacks. This is one example. There are other consumer products where the percentages are even higher. A third consideration for whites is the vast wasting of talent by keeping people down, which I mentioned earlier.

I don't think, however, it's realistic to assume that the major responsibility for those changes is going to fall on black organizations. If the changes do take place—and there are certainly many reasons to question whether they are going to take place—they're going to take place because whites have decided from the point of view of their own self-interest that they need to do something.

This society is indifferent to its fellow human beings. This society and its corporations have done a fair amount to dehumanize whites and have tried their best to do the same to blacks. In the process it has often done something added and extra to blacks. It has made the everyday business of living difficult for blacks. Now, blacks cannot change that by protestations. They cannot change that by some form of violence. It isn't, basically, going to change that way. Whites have to come to some conclusions that they're perfectly capable of coming to. They're going to have to make these changes, they're going to have to do something with this legal entity known as the corporation.

The corporation, as a legal entity, is certainly perfectly capable of adjusting itself to the law; the corporation does not have to stand as a bastion against progress. There is no reason for it to do so. So, if the white individuals in leadership positions without corporations today are ready to assume not just the posture of making statements and uttering platitudes, but are also willing to take some immediate actions, then there will be change. It has been pointed out to them, the necessity for the change. I've done it, countless other people before me have done it. It's been very clear. It's been written about and it's been seen.

If they want to take the ultimate step, they could change this society within a few years. They could see to it that blacks are included in management positions, on boards of directors, in middle management positions, at lower level jobs. Until white corporate executives make that decision, until the foundations make it, and until all those others who potentially control the economic flow in a capitalistic society make it, then there isn't going to be an awful lot of change. It's got to come very fast, now, because there have been some decisions made to educate a few more blacks to the world of the business community; the business schools, at least in some locations, now have significant numbers of blacks; the colleges in some areas have significant numbers of blacks. They are as impatient as their forebears were, only they are overt with their impatience. They are educated in how to make their impatience known to the broader society.

If whites want to sit around corporations and listen to the wails of blacks every single day, hour and minute, then they will have that. There's no question about it. If they want to make some changes, they can have that as well. Blacks cannot make those changes now. Some might say that blacks ought to get their own institutions and work only within them. Some of that is practical and some of it isn't. But the basic point is that this society is controlled economically by a number of significant corporations, that those corporations are controlled in toto by white corporate executives at the top. Were the top different in shading and in attitude, we wouldn't have to have this discussion.

The MBA: There is, it seems to me, at least one great similarity between the lack of action on environmental problems and the lack of action in racial problems. The one thing that's going to force the corporate community into some kind of concerted action on the environment is a strong Federal system of legislation and taxation which penalizes liars, does not penalize the leaders, and ignores special interests. It seems to me that the same is true in terms of Federal leadership now in racial problems. Somebody has got to say, "God damn it, this has got to stop." How do you bring that about?

ALEXANDER: It's an important comparison because, I think, that you will see those penalties in the environmental field in two years. You will see the white society generally moving to protect its environment. And, again, the problems relating to minority groups and their status in this society will still be ignored, because this administration refuses to deal lawfully with black rights. It can deal very easily, it seems, with, or talk about, problems like environment, problems that are "away" and less human. It cannot deal, it seems, with blacks that are face to face with it and say, "where are you?" It does not seem to want to deal with chicanos and the problems that they face. So, it isn't going to push any legislation.

If we pushed and if we passed legislation, we would then be relying upon the Spiro Agnews of this world for enforcement; we would be relying on the John Mitchells of this world for legal actions.

The basic issue is, "Yes, we do need laws that penalize. Don't treat a violation, discrimination, like you would a child who just took a piece of candy. Treat it the way you would anyone else who has done something that is against the law." And when it's taken that seriously, when someone's going to—and should—lose a job for being a bigot, then we're going to be serious in this country. To me, there is literally no difference between taking somebody's pocketbook, which would be called either larceny or robbery, and giving them less money for the same work as whites. It does the exact same thing it steals money from somebody.

Right now, for every $100 a white man earns, a black earns $61 for equivalent work. In the early 1950's, we were at $57 and here we are in 1970 and it's $61. At that rate, it would probably take well over a century for blacks to achieve parity with whites. Well, I wouldn't expect any of your readers to tell their children that they have a hundred years to wait for parity. And I'm not about to tell mine that. So, I would presume that my generation or the ones that come after me are going to deal with whites with a sense of impatience, a sense of skepticism, a sense of "you show me that you mean business for change and stop fooling around." All they've been doing for as long as I've been alive, from all I've seen and from all I've read is fooling around with black lives and black opportunities.

It is imperative after passing legislation to enforce it, and they haven't done that. It is easy then to enforce legislation, and they haven't done that. A great deal of this rests with the President of the United States, a great deal of this rests with corporate executives, a great deal of this rests with other power clusters in this society such as the media. If you wanted to look at employment and employment problems, one need only look at the evening news and watch the three major networks and think about how long you have to watch before you see a black face. Think about how much of the news is related to black, brown and yellow people around this world and about how long it is before you hear a black voice or see a black face describe that to you. I asked in the two public hearings how many of the media have blacks on their boards of directors, and, of course, the three large networks had none. Yet they are transmitting news to the world at large. This is unfortunately true in other parts of the media, as well, but it is most pernicious right there.

So there are a series of power clusters which could make significant changes if they got together and could do it almost immediately. But they have decided that they want to go for another talk phase, that they want to deal with the issue verbally. And, again, it is not up to blacks to change that. Blacks can only point out the sins and omissions of some whites—and perhaps some of their own.

The MBA: We've talked about corporations up until now—do you think that blacks in government are getting a fairer shake?

ALEXANDER: Government itself is not an equal opportunity employer. This government in particular has made many noises about what it would like to be and then proceeded to violate those statements. As a recent example, as you may remember, the Department of Defense had made loud noises about discrimination in the armed forces and talked about how it's important to get more officers at higher levels.

I looked up the statistics for the Department of Defense and the Department of the Army after they had made these noises. I looked at the supergrade category, that is, those who make over $25,000 in the U.S. government, the G–16's, G–17's and G–18's. In the Dept. of the Army there are 362 of them, and there isn't a single black amongst them. In the Dept. of Defense there are in the supergrades, 1,093 men. Of that number, three are black, far less than 1%.

How can that Dept. of Defense and its Secretary, who doesn't have a single black Assistant Secretary, be making noises to the various services about getting more captains, colonels, and lieutenant colonels. Wouldn't it be appropriate and doesn't it probably happen that the all-white generals look and say to the Secretary of Defense, "Now, come on, Melvin. Who are you kidding? Look at your own house before you tell us about the problems of racism in the service." And this permeates a fair amount of the Federal government.

In some rare cases there have been decent employment situations in the Federal government. In some rare cases, there's been progress. In most cases there has been a status quo that is about the same as in the private sector. Add to that that the government itself maintains testing procedures that it outlaws in the private sector. It has culturally biased tests. The Federal entrance examination is a test that's given for over 200 jobs. How can one single test tell anyone anything about 200 jobs? What it can do is screen out rather than bring in applicants. What tests generally do is to work against minorities. The tests are more often than not unrelated to the job the employer expects to be performed. And that's what is happening in the Federal government today. Thus, the government is hard pressed to hold itself out as an example.

The laws, as made by the legislative branch of the government, are pretty clear. The Supreme Court decisions—the few that you might have—are pretty clear: discrimination is against the law, and equal opportunity is the law of the land. The execution, by either the government or the private sector, is far away from the law. In other words, they are being lawless. With all the claims of law and order that one hears today, this would be a very good area to carry it out in. We don't see quite as much law and order by Mr. Mitchell and Co. in this area as we do in some others.

The MBA: The picture you're painting is generally pessimistic.

ALEXANDER: I'm not of the school that thought this problem was discovered two or three or four years ago. I'm not of the school the saw two societies growing rapidly apart. The two societies have been apart as long as I've been alive, for as long as A. Phillip

Randolph has been talking about the problem back to the early Twenties, for as long as blacks were in a position to make known how violently they felt about the oppression that they experienced. I guess it sounds pessimistic to anyone who hasn't listened to it before.

The difference, I think, today is more blacks are coming in contact with whites, so whites aren't capable any longer of saying how pleasant it is that they don't really have any anti-black feelings themselves, because during their lifetimes they don't have any contact with blacks. That is very hard to do in today's society. That's perhaps the only change that's taken place.

Now, whether a substantive change in the position and status of blacks will come from this is a question on which I haven't got any good evidence to make me optimistic. I will be optimistic when more whites take more action.

Some whites, more than used to, I believe, are doing something. That is, perhaps, something to be hopeful about. I wouldn't tell my son, or someone between my son's age and mine, to become hopeful because of the actions of a few whites. I think that blacks, just as whites, ought to be pragmatic, ought to look for actual change and, when they see it in some great substance, then they can rejoice. Until that time, they ought to be very wary, very skeptical and very questioning of white motives, attitudes and society.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. PERCY. Mr. President, on March 25, 1918, the Byelorussian people proclaimed their national independence and their determination to govern themselves in a democratic manner. Before that year was over, however, the Soviet army had seized Byelorussia, and thus ended the independence of Byelorussia for many decades.

Those of us who enjoy a life of freedom in a democratic nation may not fully realize the plight of the Byelorussian people whose government institutions and national life are subordinated to the purposes of the Russian Communist system, without regard for the well being of the Byelorussians themselves.

Yet, as free men in a free society, we have a moral responsibility to take cognizance of the deprivation of freedom in Byelorussia. We should be united in spirit with the Byelorussians who thirst for freedom. And we should take this occasion to remind the world that independent Byelorussia lives in our hopes and prayers.

HUMAN RIGHTS AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, the General Assembly of the United Nations passed a unanimous resolution on December 11, 1946 affirming—

> . . . that genocide is a crime under international law which the civilized world condemns, and for the commission of which principles and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, or any other grounds—are punishable . . .

Under the terms of the Convention on the Prevention and Punishment of the Crime of Genocide—

> . . . genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.

The convention was signed by the U.S. representatives on December 11, 1948. President Truman transmitted the convention to the Senate on June 16, 1949. Public hearings were held by a subcommittee of the Committee on Foreign Relations in January and February of 1950.

Early in 1964, 10 Senators joined me in a bipartisan appeal to President Johnson to help in urging the Senate to ratify the Genocide Convention. Unfortunately, no action was taken on the convention.

In the spring of last year, after President Nixon had urged Congress to approve the convention, hearings were held under the chairmanship of the Senator from Idaho (Mr. CHURCH). The full committee then reported the Genocide Convention by a vote of 10–2.

This year, hearings were held again on the convention to hear representatives of the American Bar Association and former Justice of the Supreme Court of the United States Arthur Goldberg.

The former Justice eloquently spoke on behalf of the Genocide Convention. He made one of the best cases for ratifying the convention.

He pointed out that the diplomatic embarrassment from not ratifying the convention was not the major reason for our need to do so now. The important thing is to be a leader in the fight to protect human rights. Our tradition, from the Declaration of Independence to the Bill of Rights, demands that we accept this responsibility.

Certainly we all agree that genocide is wrong and unjust. The important thing is that by ratifying the Genocide Convention not only will we do what is morally right and just, but we will be taking effective action to prevent genocide in the future.

I have pointed out many times that genocide is a matter of international concern. But the issue is not whether genocide is a domestic or international issue. The important thing is to resolve the problem of how to move toward expanding international law so that future generations will live under a rule of law. If we fail to establish a system of international law, then, in the words of Justice Goldberg, "I do not see much hope."

The thrust of the Genoide Convention is to expand the dimensions of laws designed to protect human dignity. The protection of human rights is crucial for world peace.

The United Nations and international law are a new frontier. The establishment of that frontier means that perhaps in time, in our children's time, a new dimension will be added to international law. The way to achieve these results is to ratify the Genocide Convention now.

JACKSON STATE A YEAR AFTER

Mr. KENNEDY. Mr. President, last year, amid the turmoil and disruption in many of our national institutions, one violently tragic event shamefully mirrored the inhuman treatment suffered by black Americans throughout our history.

On the campus of Jackson State College in Jackson, Miss., two murdered students and 14 injured ones were counted in the toll after the violent assault on that campus ground.

I was reminded of the yet to be recovered stability at Jackson State by Stephan Lesher's account in the New York Times Magazine of March 21, I commend its reading to every Member of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD "Jackson State a Year After," as presented by Stephan Lesher, in the New York Times Magazine of March 21, 1971.

There being no objection, the article was ordered tc be printed in the RECORD, as follows:

[From The New York Times Magazine, March 21. 1971]

JACKSON STATE A YEAR AFTER

(By Stephan Lesher)

Nearly a year has passed since a 28-second fusillade unleashed by Mississippi highway patrolmen and city police at Jackson State College killed 2 young blacks and wounded 12 others on a heavy-lidded midnight last May. There were national cries of outrage; Federal Bureau of Investigation agents swarmed over the styleless, treeless, brick-and-concrete-block campus; two grand juries "investigated" the shootings; the Scranton Commission issued its comprehensive findings; a special biracial committee reported to the Mayor of Jackson.

No one has been punished. No one is going to be. There is the deepseated and historically justified belief among Jackson's blacks that but for the proximity in time to the killing of four white students at Kent State University, the Jackson State shootings would have attracted scant national attention. Where, they ask, was the public breast-beating after the Orangeburg massacre in 1968? Or after another young black, Benjamin Brown, was slain on the Jackson campus in 1967?

No one—least of all Jackson's blacks—expected a different outcome. The murderers of Emmett Till and Medger Evers, among others, have gone unpunished. Yet, there is a barely perceptible chance that the Jackson State violence will be remembered as more than simply another brutal chapter in Mississippi's disregard for black humanity. For since the shootings, in this area representative of the Deep South's worst instincts and antediluvian social and political leadership, there are genuine, if faint, stirrings of local conscience, a stumbling, almost pathetic groping for a vague and shadowy goal called "racial harmony"—but an unaccustomed, almost unprecedented groping, nonetheless.

With a population of 170,000 (about 40 per cent black), Jackson is a country town grown up, a scrubbed city seeking a cultural identity rather than a rural backwater, though its leaders have until now resolutely denied power to moderates, let alone liberals.

Being in the city these days is like watching Charlie Chaplin squatting splayfooted by a mountain stream, forlornly but patiently panning for gold that you know he'll never find. But you cheer him on, for somehow the effort itself bears seedling hope. From Jackson State's bloody soil, there have sprung some fragile sprouts:

After the shootings, Jackson Mayor Russell Davis appointed a biracial committee (itself an unprecdeneted step), a majority of which submitted a report roundly critical of the Mississippi Highway Patrol.

The Mayor fired the city's inept police chief and named in his place a man who issued regulations prohibiting use by his men of derogatory terms like "nigger," and who formulated a comprehensive riot-control plan which emphasizes restraint.

Mayor Davis tried to appoint a black man—Jackson State President John A. Peoples, Jr. to the influential city planning board, and though he was voted down, 2 to 1, he succeeded later in appointing a black to the city school board. There are two other blacks in the councils of city government.

A 29-year-old white man defied tradition by publicly denouncing the whitewashed findings of the state grand jury, of which he was a member, when it reported on the Jackson State shootings. The judge held him in contempt, then shrank from imposing a penalty.

The Jackson Chamber of Commerce, a singularly potent force for molding local opinion, broke new ground when it invited blacks to participate in writing a comprehensive community development plan soon to be presented to the city government.

As part of the program, the Chamber will recommend construction of 10 new public swimming pools—a subject on which white Jacksonians have been heretofore consummately paranoid. (Public swimming pools were closed in 1963 to avoid integration. They never reopened.)

If the reaction by whites seems pallid, the most notable response by the students at the predominantly black college has been the formation of the first campus chapter of the National Association for the Advancement of Colored People. Notions of racial progress in Mississippi, among blacks as well as whites, trail most of the Deep South, not to speak of the nation, by 10 to 15 years.

There are few outward reminders of the shootings last May. Alexander Hall, the huge, buff-colored, staple-shaped dormitory that houses 1,050 women students, still bears the pockmarks of some of the more than 400 bullets and shotgun pellets sprayed over the 200-foot length of the building by about 50 policemen and patrolmen. And the thoroughfare that bisects Jackson State—named, with grotesque irony, Lynch Street—has been closed to traffic by a 6-foot-high chain-link fence.

Lynch Street had been the focal point of trouble at Jackson State every spring since 1965. Annually, passing automobiles have been pelted with rocks and bottles. Fights have broken out between students and "corner boys"— habitués of bars and pool halls abutting the campus along Lynch.

Repeated requests by college officials that the street be closed to traffic had been regularly turned down by city authorities. The avenue is a major connector between downtown Jackson and a large, white suburb.

On May 13, 1970, in the wake of the Cambodian invasion and the Kent State killings, students and corner boys again erupted in a night of rock-throwing and setting trash fires. A worried Mayor Davis requested National Guardsmen but was persuaded by students to keep police and troops off the campus. Lynch Street was sealed off and the crowd dispersed. At 1 A.M. Peoples met with about 25 students in his home. They agreed the rock-throwing seemed to have started spontaneously.

"I mean, like some people say the Vietnam issue . . . is a big thing on the campus, but I don't think that is true," a student explained later to the President's Commission on Campus Unrest headed by former Pennsylvania Gov. William Scranton. "When you go to class every day and in overcrowded classrooms and it is hot and sweaty in there, you just get fed up with it, and you know you should have had more classrooms and your classrooms should have been cool and you are sitting in a 100-degree classroom and that night it's the same thing and you ain't got nothin' to do. You just got to do something, and it is just one thing led to another, so that's the way it was."

Another student explained it this way:

"They throw rocks because they are angry. And they throw rocks at cars passing on Lynch Street, those cars carrying whites, because, I guess, always in the back of your head you're thinking, 'Somebody hasn't been doing something right all along and if you can't get to the source, get to the next best thing.' . . . If you can't get to the politicians and the government officials that are white here, and get them to do a little better, then you go to the next best thing. You get something that looks a little like them, I guess."

It started again the next night, but this time police and patrolmen moved in force. Shortly after midnight, in response to some cursing coming from the 100 or so students in front of Alexander Hall, and to a few rocks and bottles tossed from that direction, the police and patrol opened fire. All the students were separated from the authorities by a 4-foot high chain-link fence. No teargas cannisters had been tossed to disperse students. All witnesses, except Inspector Lloyd Jones, commander of the highway patrolmen at the scene, testified later that students were retreating toward the dormitory when the shooting began. No warning was issued to the students. No order to open fire was issued to the police or the patrolmen.

'I think there are about three more nigger males over there, one of 'em shot in the arm, one of 'em shot in the leg and one of 'em somewhere else," Inspector Jones radioed his headquarters. "They ain't hurt all that bad. Them gals, it was to nigger gals . . . shot in the arm, I believe. . . . There are two nigger females and three males we just discovered, that's a total of 10 . . . Here's another one; let me see what this is." Then, in reference to 21-year-old Philip Gibbs, a married junior with an 18-month-old son, and 17-year-old James Earl Green, a high school track star on his way home from work, Inspector Jones radioed jocularly: "We got two students 10–7 here." In radio code, "10–7" means "out of service." Gibbs and Green were dead.

"The facts, regardless of what they show, will record a dark day in the history of this city," a visibly shaken Mayor Davis told his townsmen via television after the shootings. The Mayor, in office less than a year at the time, later announced an action out of character for a white Mississippi politician reacting to a racial incident—he indicated that he intended to get the facts and, to do so, he was granting a request of the Mississippi N.A.A.C.P. to appoint a biracial committee of three whites and two blacks. And the blacks he chose (at the N.A.A.C.P.'s suggestion) were two young, activist civil rights lawyers, Fred Banks and Rubin Anderson.

With the blessing of Gov. John Bell Williams, the highway patrol announced it would not cooperate with the Davis committee. City Commissioner Ed Cates who, with Davis and Commissioner Tom Kelly, is a member of Jackson's governing troika, advised city policemen to do likewise. Cates, who wants to be State Attorney General, contended Davis's commission had no legal standing. Several policemen subsequently did testify, but it did the committee little good. Police who were at the scene of the Jackson State shooting all said none of their group had fired—a contention the F.B.I., through ballistic tests, later proved to be a lie. Davis, on the basis of police testimony, publicly exonerated his men and, consequently, was embarrassed by the F.B.I. findings.

Hampered though it was by lack of cooperation, a majority of the Mayor's committee—the two black members plus a young white attorney, William Pyle—developed enough information to make a series of recommendations. They urged the closing of Lynch Street, establishing of better liaison between the college and the police, especially in periods of crisis, increasing the campus security force and appointing student marshals to help keep order, and, most important, ending the use of the Mississippi Highway Patrol for riot control in Jackson.

"The patrol," the committee reported with refreshing candor, "has proven itself undisciplined in riot situations."

That, needless to say, was not the prevailing opinion in Mississippi's power structure. Governor Williams utilized a statewide television hookup to report the results of the highway patrol's own "complete and impartial investigation" of the shootings: "Gunfire . . . came from the third-floor stairwell window . . . [which] had already been broken out before the officers arrival . . . A muzzle blast from that window was observed . . . Officers picked up one spent, mashed bullet and several empty .32-caliber cartridges . . . [not] fired from weapons of the officers.

Three senior highway patrol officers had interviewed highway partolmen who participated in the shootings. They interviewed no one else. They did not visit the campus. They looked at no photographs. No one cross-examined the patrolmen. No physical evidence was examined. That was the extent of Governor Williams' "complete and impartial investigation." F.B.I. agents found no evidence of gunfire from anywhere in the dormitory. The window in question, they found, was shattered by incoming fire. Jackson Police Sgt. Charles Lee, who was in charge of controlling sniper fire, saw no muzzle flashes. "I was looking more for flashes than anything else," he said. "I never saw any." Williams' "spent mashed bullet" turned out to be a buckshot pellet fired by a policeman. The .32-caliber cartridges were found on the street side of the chain-link fence separating the dormitory from Lynch Street—too far from the dorm, the F.B.I. said, to have been shot from weapons in or near the dormitory.

What the authorities did that night, Williams explained, they did "in the interest of self-preservation. . . . The officers did not instigate the problem; they did not encourage it. The responsibility must rest with the protesters."

The Governor was not alone in his fantasies. Columnist Tom Ethridge of the Establishment-supported Jackson Clarion-Ledger imagined police and patrolmen besieged by "opportunistic, publicity-hungry politicians . . . hard on the South and easy on Communism." He urged Jacksonians to become home-front Molly Pitchers: "To boost their morale and show your appreciation, maybe you will want to give our police . . . and patrolmen a friendly wave, a smile, a few kind words . . . maybe even treat some to coffee, cigarettes, candy and sandwiches . . ." Ethridge also devoted a column to "Innocent Victims of Tragic Events." These did not, of course, include the dead and wounded blacks at Jackson State, but rather "a Jackson citizen, father, war veteran and taxpayer in good standing," who complained: "Why did they want to throw at me and damage my car to the tune of $75 worth of broken glass and dents?"

The best friends the policemen and patrolmen had from a very practical standpoint, however, were, "the good ole boys" of the bench—the men to whom justice, Mississippi-style, is entrusted. Federal District Judge Harold Cox, who summoned a grand jury at the urging of the Justice Department, wasted few words in telling the jurors what he expected:

"No person participating in a riot or civil disorder or open combat with civil authorities," he said, "or failing to disperse on order of such authorities, or failing to immediately disassociate himself from such a group or gathering, has any civil right to expect to avoid serious injury or even death when the disorder becomes such as to require extreme measures and harsh treatment."

State Court Judge Russell D. Moore thought so highly of Judge Cox's charge that he quoted it verbatim when the Hinds County Grand Jury was empaneled. Judge Moore felt compelled to add his own touch, however:

"The law of this state specifically provides that the killing of a human being shall be justified when necessarily committed in lawfully suppressing any riot or in lawfully keeping and preserving the peace. Were this not the law and not supported by the vast majority of the law-abiding citizens of this state, then our police officers would be powerless in the face of those who would destroy our government and society."

The state grand jury completed its work first. (Judge Cox had recessed his jury in less than a week to permit him to make an extended trip to the Union of South Africa.) Its report, though by no means surprising, must stand as a classic of involuted logic. It roundly condemned Mayor Davis for the committee he appointed to probe the shootings because "at least three members . . . were already publicly opposed to anything that law enforcement, and particularly Jackson police, stood for." The Mayor was denounced for having stated that Jackson police did no shooting that night and for having subjected policemen "to the rankest kind of pressure and intimidation" by requiring them to testify before his committee. No mention is made, however, of the reason Davis said his men did not shoot: that they had lied to him.

While condemning the report of the majority of the Davis committee, however, the jury concurred in all its recommendations, save the one barring the highway patrol from participating in riot control in Jackson. The jury also found time to comment on one or two other pressing matters.

"This grand jury urges . . . increasing the daily fee paid to grand and petit jurors. This jury has found that the small amount paid them is inadequate to cover their reasonable and necessary expenses . . . We compliment the Board of Supervisors of Hinds County on the remodeling of the grand jury room and would urge that the air-conditioning system be fixed."

District Attorney Jack Travis took the extraordinary step of requiring every member of the grand jury to sign the report which Travis had a large hand in drafting. It was then that a young white man, L. Morris Spivey, himself a graduate of the University of Mississippi Law School, decided to buck the system. He refused to concur in the report.

Morris Spivey is an unlikely maverick. At Ole Miss he was considered a segregationist, largely because he believed the Federal Government had overstepped its authority in ordering the admission of James Meredith. Spivey is a onetime staff employe of Mississippi Senator James O. Eastland. A 29-year-old bachelor, he lives with his parents in a comfortable suburb in north Jackson and is a modish dresser who wears long, neatly trimmed sideburns and tinted, gogglelike eyeglasses. He had no intention of making waves. In fact, it was his view that from the evidence presented it would have been impossible to return any indictments against individual policemen.

But the shrill tone of the grand jury report, its cavalier disregard of any evidence demonstrating police overkill, its suppression of eyewitness accounts offered by blacks and its blatant invention of facts to support the weak theory of provocative sniper fire were too much for Spivey to swallow.

The grand jury maintained that most fire was directed either at the third floor stairwell—the location of the alleged sniper—or in the air. It ignored eyewitness accounts of newsmen on the scene who saw patrolmen systematically fire into all landings of the five-story building and at ground level; there is no reference to the more than 400 bullet and pellet marks peppering the entire 200-foot length of the dormitory and the dozens of rounds fired across the street toward the campus cafeteria where young Green was killed.

"To believe that report," Spivey explained, you have to believe that every white person who testified told the truth and that every Negro lied."

Under Mississippi law, Spivey was prohibited from discussing details of the grand jury deliberations for six months. But when his name was published as the only dissenting juror, he was, quite naturally, besieged for an explanation. He said simply there was insufficient evidence to prove there had been sniper fire and, even if there had been, it was too limited to warrant the massive response by the authorities.

Judge Moore responded by citing Spivey for contempt. At a hearing, Moore decided to postpone a ruling, refused Spivey's request for a jury trial and declined to withdraw the citation. "He could slap it on any time he wants," complained Sam Wilkins, Spivey's lawyer.

With the combined power of Mississippi's chief executive, the press in Jackson and the state and Federal judiciary seemingly in concert to assure that only a one-dimensional tale would be told about the events at Jackson State College, it is hardly surprising to find that the reaction by college students was muted and that college administrators were loath even to discuss them.

Dr. John A. Peoples Jr. is a lithe, 45-year-old, moist-eyed man who, except for the gray speckling his close-cropped hair, looks as if he could still take a turn at his old tight end position at Jackson State. A native of Starkville, Miss., Peoples worked as a public school teacher and eventually became an elementary school principal in Gary, Ind., although none of his public school background is included in his official biography—perhaps because it seems an unbecoming prelude to a college presidency. But Peoples holds both M.A. and Ph. D. degrees from the University of Chicago. (Only 25 Ph. D. degrees dot the 198-member Jackson State faculty, and Peoples's predecessor, Jacob L. Reddix, Jackson State president for 27 years until Peoples got the job in 1967, holds only a B.S. degree from Illinois Institute of Technology.)

The quiet-spoken Peoples likes to impress upon interviewers that he spent 2½ years as vice president at Jackson State, a year as assistant to the president of the State University of New York at Binghamton, and was elected to participate in the American Council on Education's academic administration internship program. Yet, there is no trace of bluff about the man; rather, there is the faintly debilitating scent of insecurity borne of the effort to serve two masters: his longing to make Jackson State an institution of quality and self-respect, and his need for obeisance to the State of Mississippi and its insistence upon black mediocrity.

"We resent everyone ignoring us until we have a riot," Dr. Peoples said with a note of desperation. "We were here a hundred years before the riot. We have dreams and goals . . . But we exist in the milieu of Mississippi. I don't want an article to come out that calls John Bell Williams an s.o.b. I've got to go before the Mississippi Legislature and present our program and our needs . . . If I had 200,000 blacks out there who could elect 25 black legislators, I could go and make a public appeal. But blacks have no power in Mississippi."

He said that if he publicly asked the Legislature for the millions he needs for facilities beyond normal appropriations, "it would kill the whole program." He needs 3-million in capital funds alone for a new dormitory; fewer than half of Jackson State's 4,500 students are able to live on campus because of space shortages.

(The university's position is so sensitive that in February, precisely nine months after the shootings, a public-relations officer at Jackson State pleaded over the telephone with an organization to forgo its plans to create two scholarships in the names of Philip Gibbs and James Earl Green, the two young men who died in the police gunfire on Lynch Street. "That'll kill us with the Legislature," he groaned.)

"In the South," Peoples said, repeating an old Dixie canard, "the white man likes individual blacks, Northern whites talk a good game, but don't know individual blacks. What I do, I do personally—and I can get more that way than any other way."

Peoples has had to try to get a great deal. His student body, which numbered 2,250 when he became president in 1967, has since doubled. The faculty, first integrated in 1967, has also doubled since then, and though it is now 25 per cent white, it remains largely inbred: more than a fourth of the members are themselves Jackson State graduates and another 40 per cent come from other Southern black colleges. Nearly half the 4,500 students come from families earning less than $3,000 a year and 40 per cent more come from homes with an income of less than $6,000 a year. Roughly 70 per cent of the students come from the red clay hills and Delta country of rural Mississippi. Peoples has instituted a number of remedial programs as part of the "education opportunity" he believes Jackson State offers to those "who won't have an opportunity to attend the more, shall we say, prestigious colleges because of financial reasons and an inability to make high marks on entrance examinations."

"We do in five or six years what others do in four," says Mrs. Aurelia Young, a music theory teacher at Jackson State for 23 years. Students, she explained, often require the equivalent of an extra year or two of remedial instruction to qualify for college-level courses. "I get so mad at being invited to Cornell or even to the University of Mississippi to take courses on teaching the disadvantaged when we've been doing this all our lives . . . But we get no credit for our methods."

"Our teachers and the whole institution," says Peoples, "have developed an *expertise* in the education of youngsters in disadvantaged circumstances. The large proportion of our teachers have come through such circumstances themselves. They're used to teaching under conditions which are themselves deprived—they're underpaid, don't have the equipment they need and they work in poor facilities. But they were teaching the disadvantaged when it wasn't the thing to do. We do these things as a matter of course, whereas in New York, they get special grants for them . . . ."

Grants to Jackson State from private sources are as scarce and as hard to come by as moon rocks. Of the school's $6-million instructional budget, roughly half comes from the state and the rest derives about equally from student fees (which average $350 a year per student) and Federal grants. But private grants this year number eight and total only $187,620.

Despite Peoples's efforts to expand the curriculum in business education and liberal arts, the overwhelming number of Jackson State graduates become public school teachers. Of the 476 graduates in 1969, 362—or 76 per cent—became teachers, all but 51 in Mississippi schools. This recycling of unsophisticated rural blacks through underfinanced colleges where they are taught by people from similar circumstances to teach yet another generation of the "disadvantaged" has created, in the main, a sealed-in educational vacuum; ambition and achievement float gravity-less, knowing neither up or down; egos are tranquilized as they race for escape but, like a hamster on an exercise wheel, get nowhere.

"This type of student, he don't really know how to hate," says former Black Muslim Degecha X, a 15-year career soldier, who, at the age of 37, quit the Army to enter Jackson State and prepare to teach emotionally disturbed children. "He's afraid to get involved . . . Mothers are out scrubbing floors for white folks and sending these kids to Jackson State. "You're doin' better than I ever did," they tell the kids. 'You better stay outta that mess' . . . And 70 per cent of 'em are on a loan and they got this hangin' over their heads and they don't wanta blow it."

Music teacher Aurelia Young sees another reason for apparent student docility after last year's shootings: "This is nothing new to us, the killing of black people. It's one of those 'life-must-go-on' things . . . you have to block certain things out of your consciousness that are too terrible to remember . . . I'm just now pulling myself out of it and I've decided I'm about ready to quit my civil rights activities and the futility of it. I'm 55. I tell my students it's their turn. As far as I'm concerned, it's time for my own self."

A number of students are beginning to feel the same way. "On one hand, they're angry," says Dr. James Harvey, a white political science teacher who joined the Jackson State faculty after the shootings. "Yet, they all feel they'll make something of themselves. It's almost a utopian feeling, but aren't we all a little like that? One student accepted a graduate scholarship to Harvard. She said to me: 'I know they're using me. But I'm using them, too.'"

"A week after the shootings—into August, even—people were mad," recalls Constance Slaughter, a 24-year-old black attorney working with the Lawyers' Committee for Civil Rights Under Law in Jackson. "But, finally, students realized this is the way it is in Mississippi. A black man does not, cannot get justice in the courts. Maybe they're just being realistic, the students. Maybe there's nothing to be done about it short of violence."

Miss Slaughter decided to try another way. On behalf of the families of Gibbs and Green and several of the students wounded at Jackson State, she filed a $13.8 million suit against the Governor, Highway Patrol Inspector Lloyd Jones and a number of other state and local officials and policemen. She doesn't hold out much hope for the success of the suit, but she thinks it's worth the effort.

"Once you have a cop like Lloyd Jones," she says, "who's accustomed to brutalizing blacks and he doesn't have to account for his actions, he'll go wild. But once he has to account for his actions, he may think twice. He may continue to beat heads, but he'll think twice. If we win, that's beautiful. But even if you lose, it'll educate the cops. It's like the Scranton Commission. A lot of students got a big kick out of Jones getting up there and sweating and having to say 'black' instead of 'nigger' and 'yes, sir' to the black men on the commission . . . Black people here and the students were upset for a few weeks, but nothing really changes. Almost all the students came back when school reopened, even though most of them had said they'd never come back. One of them said to me, 'We had no other place to go.'"

Lloyd Jones still is an inspector. Nothing much has happened to him except, according to friends, he has received a great deal of favorable mail "from Maine to California" for his stolid defense of the highway patrolmen who unleashed their weapons at Jackson State students that night. As for Governor Williams, he has expressed "uncertainty" over the wisdom of highway patrolmen like Jones using the term "nigger" over state patrol radio broadcasts.

Sometimes, there is an edginess among students, though the targets of their anger may be misplaced. In one class, Dr. Kenneth Rainey, a white English teacher, was reading a segment of "Huckleberry Finn" aloud, a passage where Pap is ranting about a "free nigger" he met and how he was "a p'fessor in a college, and could talk all kinds of languages, and knowed everything. And that ain't the wust. They said he could vote when he was at home . . . Thinks I, what is the country a-coming to? It was 'lection day, and I was just about to go and vote myself if I warn't too drunk to get there; but when they told me a state in this country where they'd let that nigger vote, I drawed out. I says I'll never vote ag'in."

A young man jumped up from his seat and snapped: "I don't have to listen to that fascist stuff." Before Rainey could explain the satirical irony of Twain, the student walked out and later dropped the course.

For the most part, however, students are occupied with their own destinies and hopes; nearly all have a desire "to do something that will help the black man, the community," as one senior put it. But when he was asked how, he replied. "I don't know. Work with people, I guess."

Like most of his classmates, this young man planned to become a schoolteacher, pinning his vague hopes for change on the good of education.

"Black Southerners without an education," Aurelia Young says, "believe education is the answer. They have drilled this into the kids. They've got to get an education or things won't be changed."

Dr. Peoples shares this hope. "His dream is to educate," says Degecha X about Peoples. "He tries to do this within a chaotic atmosphere . . . This is the waste exit of the United States. I mean, that man's aged 10 years in the past 12 months."

If Peoples is aging prematurely, one reason may be City Commissioner Ed Cates, whose answer to the problem of Jackson State is to move the campus to the outskirts of the city rather than leave it as an essentially urban school in the midst of the black community. (Peoples says Cates first proposed, in private conversation, moving the college clear out of Jackson—but Cates denies this.) The suggestion pinched some nerve ends at the campus. For one thing, the college's 13-member Board of Trustees is appointed by the Governor and is all white. For another, the state has shown itself fully capable of closing a black college should it offend white sensibilities. Less than a decade ago, Mississippi used its power of eminent domain to eradicate small black Campbell College after the college had housed Freedom Riders on their return to the state for arraignment.

Peoples took the unusual step for a black college president of denouncing Cates' suggestion publicly. He went further by accusing the commissioner of keeping him off the city planning board because he refused to cooperate with the scheme.

Cates, 41 years old, is a smallish, pleasant-faced man, slightly stooped and paunched, and given to referring to himself with the papal "we." He wanted to move Jackson State out of the ghetto, he says, because the President's Commission on Campus Unrest suggested that ghetto environments sparked several campus riots. He said that if the college were moved, Lynch Street could be reopened; public housing could be constructed on the present Jackson State site; money from the sale of Jackson State could be used to build "a brand spanky new college facility for Jackson State." When Peoples "summarily shunted aside" Cate's suggestions, "we could not help but ask ourselves this question: Is the vision of Dr. Peoples so parochial that he sees only the college as the total focal point of his existence . . .?

It was this "parochial" view that forced Cates to oppose People's nomination by Mayor Davis to the planning board. He persuaded Commissioner Kelly to vote with him, and the nomination was defeated, 2 to 1. Cates insists he did not oppose Peoples because he is black. In fact, Cates says he proposed another black for the appointment—Mrs. Herdia Weary, a laundry operator who "does not belong to any controversial organization . . . We suggested this to the Mayor . . . and we also suggested to the Mayor that he have his maid at City Hall, Allyne Evans, verify the outstanding qualities of Herdia Weary."

Cates was absurdly serious; he said he once offered to drive Mrs. Evans to a bus stop nearer her home than the one she normally used near City Hall. En route, they passed near Mrs. Weary's laundry. "We mentioned that we knew Herdia, and Allyne said she always took her cleaning and laundry there because she got such good service. She could have told that to the Mayor."

Russell Davis moved to Jackson 26 years ago as a youth of 22, assigned to the old Jackson Air Base as a fighter pilot instructor during World War II. After the war, he stayed on to marry a Jackson girl, to open an insurance agency and, eventually, to run for the State Legislature. Just under 6 feet tall, 200 pounds, pink-cheeked with straight, prematurely white hair, Davis spent nine years in the Legislature before he decided to run for Mayor. His lack of a drawl—and his refusal to affect one—betrays his Yankee background (he was born in Maryland), a political liability. But as a legislator, Davis piled up an impressive record stressing urban needs—education, recreation and, as early as 1960, legislative reapportionment.

In his campaign for Mayor in 1969, he pledged to preserve law and order, but in a considerably lower key than Nixon and Agnew did in their campaign the previous year. "We must emphasize education and intensive, specialized training for our police officers—and we must be willing to pay for it," Davis said.

More remarkable, he pledged publicly "to work with the responsible Negro leadership of this community. We must recognize them and deal with them . . . It's time for the people in *all* sections of Jackson to participate in public affairs and work together to make Jackson a better place in which to live."

After the shootings, Davis immediately recognized that failure to institute a carefully prepared riot-control plan may have contributed to the deaths at Jackson State.

He weathered Cate's criticism of his decision to appoint a lawyers' committee to investigate the city's role in the shootings—a decision which made Davis politically vulnerable because of the two blacks he named to the committee at the insistence of the N.A.A.C.P.

Less than a month after the Hinds County Grand Jury's scathing denunciation, Davis countered by filing suit demanding the grand jury report be expunged.

Considered by many to be politically dead only halfway through his term, Davis has gone on the offensive and already is planning to seek re-election in 1973.

"I'll tell you what I tell the people at Millsaps College or at the Hollandale Rotary

Club." Davis said, puffing on a picayune cigarette in his spacious, elegantly furnished office. "There has got to be a determination on the part of the people, black and white, to get along, for whatever motive. Wherever we're going, we're going to get there together. I ask them, 'If you don't agree, what's the alternative?' I haven't had any takers on that. Mine is the first administration to put blacks in appointive city policymaking jobs. I tried to get Dr. Peoples on the planning board . . . We had a school board appointment that came up later and I appointed a black over Mr. Cates's objection."

The Jackson State tragedy convinced Davis to rid himself of his police chief, W. D. Rayfield, who had a reputation for being a lax administrator and who, inexplicably, never even got to the campus during the confrontations. In September, he replaced Rayfield with Lavell Tullos, a 20-year veteran of the force whom Davis says "is not a polished man, but he caters to fair play and justice."

Tullos instituted a code of conduct for officers which demands respectful treatment of all persons regardless of "race, color, status in life or ethnic background." His 100-page civil-disturbance operation plan "is written to conform with the most modern, up-to-date methods of crowd control," Davis says—including a prohibition against the kind of barrage that riddled Alexander Hall.

But even Davis must draw the line to remain politically alive. Asked if he had taken any action against the policemen who had lied to him about not having fired their weapons at Jackson State, Davis thought for a long time. "Punish those men?" he replied. "I don't even know who they are. But if I did—no. The position I'm in, I couldn't go that far."

Before the shootings, the Jackson Chamber of Commerce had contracted with the Mississippi Research and Development Center to help develop a comprehensive growth and improvement plan for Jackson. "But Jackson State certainly put an urgency on the situation," says Edmund Brunini, a lawyer and president of the Chamber. "The importance of the time element was certainly a factor," he said. "Our determination to take forthright action—in housing, parks and recreation, in education—was accentuated. We didn't want this to be just another report to make and then put on the shelf."

Even the town's most ardent segregationists—the Hederman brothers who publish Jackson's newspapers and without whose participation very little ever happens in Mississippi's official circles—agreed to invite blacks to participate in development-planning sessions. Black lawyer Fred Banks, who was a member of Mayor Davis's controversial investigating committee, was invited to join the parks and recreation planning group—the one that eventually recommended reopening of long-closed public swimming pools and construction of 10 new ones.

"If the Hedermans did that," mused a long-time Jacksonian, "then you can bet there's some change going on."

There is change in Jackson. By objective, liberal standards, it isn't much. Says Fred Banks: "They're still trying to see how much they can hold onto rather than what we can do now for everybody." "You can believe nothing can come of it," says lawyer Rubin Anderson, the other black who served on the Davis committee, referring to the Chamber of Commerce proposals. And people like Degecha X and Constance Slaughter won't even squeeze out a word of praise for the likes of Mayor Davis or a Morris Spivey. "Spivey's not a hero," says Degecha. "He's a human being. If you don't show conscience toward a fellow human being—black, yellow, white or red—you're an animal." "I don't have to commend Spivey or Davis," says Miss Slaughter. "They were doing what they should do."

But it is not entirely fair to judge change in Jackson, Miss., by a standard set by other people in other places. A John Lindsay does not risk his political career in New York by denouncing injustice, nor does a young lawyer in Philadelphia or Chicago risk his future by condemning a grand jury report that amounts to little more than a tissue of lies. It does not speak well for Jackson, Miss., that men take such risks for saying and doing so little; but that does not diminish the courage required to take those risks.

And what of the black students? When a circular was published calling on Jackson State students to march en masse to City Hall to protest Cates's proposal to move the college, fewer than 10 finally went. And the student who organized the march wasn't even from Jackson State but from nearby Tougaloo College. But the inescapable question is, simply: What should the students be doing? Would it help them or the cause of equality and injustice to provoke daily confrontations?

"I've had a chance to compete with white people on their own terms—intellectually," says John Peoples, his wounded eyes hardening perceptibly. "In the Marines, I had a white platoon that I ran. I was the only black and I did O.K. The question is whether you say to students, 'Look, you can do it if you're really willing to compete and not be afraid.' I don't hate white people. But I'm not afraid of 'em, either.

"Or do you tell students there's no hope. 'Don't break your back 'cause you're not gonna make it anyway.' People who talk like that just want power. They want people to do what they tell 'em. But where are they leading us? We can't win a fight with guns. We're in a fight and we're gonna win it—but not with guns."

ACTION—THE NEW NATIONAL VOLUNTEER AGENCY

Mr. HRUSKA. Mr. President, with great pleasure I endorse and support President Nixon's reorganization plan submitted to this body today, to consolidate several voluntary service agencies of the Federal Government into a national volunteer agency. The new agency will be named "Action."

The President's reorganization plan will implement the proposal he made when he addressed the University of Nebraska student body at Lincoln 2 months ago.

At that time, Mr. Nixon issued an appeal for the generations to work together harmoniously and with dedication toward a single goal of a better America. As he pointed out, the compassion and commitment of our younger adults, combined with the discipline and experience of somewhat older ones, can accomplish the objectives all of us seek for our country.

We need not be reminded that the opportunities for meaningful volunteer service are greater today than ever before in our history. On all sides of us we see examples of pressing needs—needs which cannot be met completely by government, or by industry. They will be met ultimately only by a unified society mobilizing all of its powers for the accomplishment of essential changes.

The heart of such an encompassing effort must be, as it always has been in our Nation, a voluntary effort.

Let us look at the many tasks confronting us, all of which pose direct and exciting challenges for the stout of heart and the young of spirit.

There is the requirement to continue and expand our message of progress through democracy which the Peace Corps has been carrying to foreign nations.

There is the desperate plight of our overcrowded cities.

There is the need to clean up and to regenerate our environment.

There is the need to revitalize our rural communities and our rural life so that we may look ahead to a more equitable balance between urban and rural populations.

There is the problem of equal opportunity, and of health and of many other pressing needs.

Government can do much to solve these problems. Industry has grown tremendously in social consciousness in recent years. Labor has a long and distinguished record of work in this area.

But these gigantic forces in themselves have scarcely scratched the surface of many of our problems. The problems are too vast. Because they touch and affect virtually the entire population of the Nation in one way or another, their solution will be fashioned only by the entire Nation working in concert.

Much of the inspiration and direction of such a movement can come from voluntary service.

Thus the proposal which President Nixon has placed before us is a critical one. It is his concept of how the mechanics of such a program can best mobilize, motivate, and move forward a disciplined, strongly committed national voluntary force.

Mr. President, I urge the Senate and the Congress to support this fine and forward-looking move. We owe it to our people and our Nation.

Mr. President, I ask unanimous consent that there be printed in the Record selected excerpts from the President's message on Action.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From President Nixon's Message on "ACTION"

COMPOSITION

Under the reorganization plan Action would administer the functions of the following programs:

Volunteers in Service to America: VISTA volunteers work in domestic poverty areas to help the poor break the poverty cycle.

Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity: At present the National Student Volunteer Program is administered under this authority. This program stimulates student voluntary action programs which deal with the problems of the poor.

Foster Grandparents: This program provides opportunities for the elderly poor to assist needy children.

Retired Senior Volunteer Program: RSVP provides opportunities for retired persons to perform voluntary services in their communities.

Service Corps of Retired Executives: SCORE provides opportunities for retired businessmen to assist in the development of small businesses.

Active Corps of Executives: ACE provides opportunities for working businessmen to assist in the development of small businesses.

* * * * *

GOALS

Although reorganization is only a step, it is the essential first step toward the goal of a system of volunteer service which uses to the fullest advantages the power of all the American people to serve the purposes of the American nation.

In pursuing this goal, the new agency would, first, expand the testing and development of innovations in voluntary actions. Health services, housing, the environment, educational development, manpower, and community planning are just a few of the areas in which we would act to accomplish more through voluntary service, and I intend to ask for additional funds and additional authority for Action to explore new approaches to these and other problems.

Second, there are many Americans who want to contribute to our national life through voluntary citizen service, but who cannot serve full time. Their contributions must not be wasted. Volunteers in full-time service would work with part time volunteers and the new agency would develop and provide opportunities for more people to give part time service.

Third, Action would bring together in one place programs which appeal predominantly to younger Americans with those that appeal to older Americans and would work to bring the energy, the innovative spirit, the experience, and the skills of each to bear on specific problems. The generations in America share America's problems—they must share in the search for solutions so that we all may share in the benefits of our solutions.

Fourth, Action would develop programs for combining foreign service with domestic service to accommodate volunteers interested in such an opportunity. I believe that young people in particular would be interested in the chance for this experience and would greatly benefit from it. I know there would be great value, for example, in permitting those who have served the needs of the poor abroad to turn their skills and experience to helping the poor at home and vice versa.

* * * * *

Fifth, at the present time valuable professional skills offered in voluntary service are too frequently limited by narrow categorical programs when their broader application is urgently needed. For example, the contributions of businessmen made through SCORE and ACE are provided only through the Small Business Administration. We know that the skills of business can be used in many areas where they are not used presently. Action would open new channels for service and would permit a more extensive utilization of business and other vocational and professional abilities.

Finally, by centralizing administrative functions of the volunteer services, the new agency would provide a more effective system of recruitment, training, and placement of full time volunteers than the present circumstances permit. It would provide a single source of information and assistance for those who seek to volunteer full time service. And it would permit more effective management of services than is currently possible in the administration of volunteer programs as well as the more efficient use of resources.

* * * * *

In line with this effort to build on what we have learned, Action would function with particular concern for these basic principles:

It would encourage local initiative, and would support local programs to solve local problems.

Where appropriate the new agency would assign volunteers to assist, and work under the technical supervision of other Federal agencies, State and local agencies or organizations, and private sponsors.

The services of local part-time volunteers would be sought and supported in the effort to accomplish specific jobs. They would be assisted, when necessary, by full-time volunteers.

Universities and colleges, State, city and private organizations must be engaged in the effort to broaden opportunities for volunteer service and under the new agency they would be assisted in these efforts.

Finally, to meet the increasing need for skilled volunteers Action would give increased emphasis to recruiting and applying the skills of trained craftsmen and professional workers.

CONCLUSION

There are those today, as there always will be, who find infinite fault with life in this Nation and who conveniently forget that they share responsibility for the quality of life we lead. But our needs are too great for this attitude to be accepted. America belongs to all of its people. We are all responsible for the direction this Nation will take in the century ahead, for the quality of life we will lead and our children will lead. We are all responsible, whether we choose to be or not, for the survival and the success of the American experience and the American dream.

So there is little room for the luxury of making complaints without making commitments.

America must enlist the ideals, the energy, the experience, and the skills of its people on a larger scale than it ever has in the past. We must insure that these efforts be used to maximum advantage. We must insure that the desire to serve be linked with the opportunity to serve. We must match the vision of youth with the wisdom of experience. We must apply the understanding gained from foreign service to domestic needs, and we must extend what we learn in domestic service to other nations. And in all these endeavors, I believe, we can bring the power seen from afar to focus clearly on the problems and the promise of our time.

RETIREMENT OF ROSS G. STAPP AS SUPERINTENDENT OF WYOMING HIGHWAY DEPARTMENT

Mr. McGEE. Mr. President, I invite the attention of the Senate to the retirement of Ross G. Stapp as superintendent of the Wyoming Highway Department effective March 15, 1971. Mr. Stapp has been superintendent of the department since July 1965, and came to that distinguished position from the ranks of the department. He was first employed by the State highway department in 1927, and since that time he has served in various capacities. His career reflects step-by-step promotions and advancements throughout the many years in which he has served.

During his years of service with the State highway department, the Wyoming Department has been recognized as one of the most efficient and progressive ones throughout the entire country. The fine network of highways—both State and Federal—which we enjoy today are due in no small part to his service and leadership to the department.

In addition to his official duties with the State highway department, Ross has been most active in various professional associations involving the engineering community. Among other official posts which he has held are: President of the American Association of State Highway Officials, president of the Western Association of State Highway Officials, president of the Cheyenne Engineers Club, and president of the Wyoming Engineering Society. In these capacities Mr. Stapp has contributed greatly to his chosen profession and has brought great credit and distinction to the State of Wyoming and the offices which he has held.

Besides these professional activities, he has been deeply concerned over the years with the status of public employees generally and has been most active in the formation and administration of the Wyoming State Employees Association and the Wyoming Highway Department Employees Association. He has been most active and helpful in the implementation of the Wyoming retirement system, having served as chairman of the retirement board for some 8 years.

In leaving the post as superintendent, Mr. Stapp leaves a most impressive record which I am certain will serve as a challenge to those who will follow him in this capacity. Those of us who have worked very closely with him will certainly miss his advice and counsel, and I wanted to take this opportunity to express my best wishes to him upon his retirement.

TRIBUTES TO WHITNEY YOUNG

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD two very excellent presentations that express the value and nobility of the work performed by the late Whitney Young.

I submit an article from the Washington Star of March 21, by Sterling Tucker—"He Viewed and Related to Washington as a Special City," and an article from Life magazine of March 26, 1971, by Andrew Young entitled "Whitney Young: Working From the Middle."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 21, 1971]

HE VIEWED AND RELATED TO WASHINGTON AS A SPECIAL CITY

(By Sterling Tucker)

On Thursday, Mar. 12, 1971, I was rushing from a special meeting of the City Council to a luncheon at the Army and Navy Club when I was intercepted by my Washington Urban League Office. They informed me of the death of Whitney Young Jr. As I walked from the first floor of City Hall to a waiting automobile, the driver, Jerry Hackney, said to me, "Boss, you are just like a ghost, something really shook you up."

Even as I write this piece I cannot yet believe that Whitney Young is dead. He was so full of life and there was so much of it ahead for him. Somehow I still find myself expecting that maybe this is all a terrible hoax, a mixed-up negative happening. And yet I know it to be true. I was among the group who went to Lagos, Nigeria, to accompany his body home. It was a long, long journey. On the way back I had plenty of time to think and much of that time was spent in reflection on Whitney Young, as he viewed and related to Washington as a special city.

HOT NIGHT

My mind went back to the March on Washington in 1963. From the steps of the Lincoln Memorial, Whitney Young sounded the call to America to come to its senses and set its black brothers free. I had watched how he related to that crowd and they to him, and the spark of oneness, unity and purpose that his words seemed to generate. Perhaps not many people remember what he or anyone else said, for the movement and the spirit of that march have been enshrined in the famous, "I Have a Dream" speech of Dr. Martin Luther King Jr. Yet I know that the impact of that event was only possible because of the leadership of each of the so-called "Big 10," particularly the quiet, persistent, unifying voice of Whitney in the difficult days leading up to that March.

About a month after the march, Washington was on the brink of burning. It was a hot night in August in a church where I had brought together leaders of government, religion, business, civil rights education and just average people. We were brainstorming to figure a way out of the tension and pending chaos. I asked Whitney Young to come and speak briefly before we go home?" Whitney Young's response was to provide manpower to lend technical support. It was his opinion that poor people, like everyone else, have a right, even a responsibility, to let their government know that people need food and jobs, to let their government know that there's trouble in the land.

Whitney Young believed in poor people and they believed in him. I thought about this more last Tuesday as the funeral motorcade left the Riverside Church in New York City moving through Harlem to LaGuardia Field, where family and friends would accompany the body of our leader to its final resting place in a black cemetery in Lexington, Kentucky.

Lining the streets of Harlem were thousands of youngsters and oldsters—there to pay their final respects to one whom they knew as a giant among giants; a man among men.

There were victory signs, Black Power and "power to the people" salutes, and bowed heads and hands over hearts. There were children with signs scrawled in their own loving way, reading; "Public School 129 will miss you Whitney Young" and "thank you Whitney Young for what you have done for us."

Here in his death I sensed a coming together of the past, the present and the future. I felt that perhaps through his work these people had found their own identity, for as in the words of Howard Thurman: "A man has to be at home somewhere before he can be at home everywhere."

This outpouring of people took place in Harlem, but that's only because that's the route Whitney passed that day. It might well have been the Shaw, Anacostia or 14th Street areas of Washington.

Whitney Young was many people. He was the head of a large, important national organization with over 60 years of work on behalf of the poor and forgotten in this nation. An organization large in staff, commanding substantial resources and established—therefore, requiring a good deal of executive leadership from him. He was also a leader of American thought, scholar and statesman, carrying the message of Black America from the highest Councils of government to the thickly carpeted conference rooms of corporate suites, to the people in the deepest, darkest corners of the ghettos—helping each to understand the nature of the problems and the roles that each must play.

Because he carried these tremendous burdens, it was always good to see him relax, though he seldom did completely. I recall one occasion when we took our wives with us to a conference in Los Angeles and decided to take some time out to go to Disneyland. I wasn't very enthusiastic about spending a day in an amusement park and I suspect that Whitney felt very much as I did. Nevertheless, we went and I was so pleased to watch him enjoy the rides and walk the grounds. But even as we walked his conversation invariably turned to the myriad of problems which were perennial concerns. Some new idea would occur to him that he would want to try out on me. Some new approach, some new contact. His mind was always searching for something that could change the horrible plight of so many people.

WHITE ROLE

One of his greatest frustrations was that he couldn't get white America to understand, as he knew they should, the role that they had to play in solving these problems. He would often say to leaders of government and industry that, "if you expect black leadership to convince their followers that working through the system was the very best way to bring change, then the system would have to yield some victories for black people." He often said, "action not rhetoric, is what counts."

Our discussions took place in a hotel in New York or Washington or in his back yard in New Rochelle. These from dinner into the night sessions were a part of our work style because he was just too busy during the daylight hours doing what had to be done. Nights were reserved for thinking and planning.

These discussions, while yielding new directions and strategies, also had much therapeutic value for us. They sometimes served to relieve him of some of the weight of the burdens he bore. They helped me recharge my energy-producing batteries.

I suppose I was one of his favorite walls for he was constantly bouncing things off me and I always felt free to bounce them right back at him.

I also remember his great love for children. Walking one day through the Urban League Neighborhood Development Center area around New Jersey Avenue, he would stop and talk to a kid here, another there—not about anything special. He just wanted to know them. I thought about this the night his grandson was born just 10 months ago, and how proud he was just like anyone else that was a grandparent for the first time.

In 1964 I headed a voter registration drive for the National Urban League. In 17 cities, a small staff and 56,000 volunteers registered a half-million new black voters. Whitney had fathered the idea, raised the money for the project, but insisted upon remaining in the background.

I wanted to put him on a walking tour of the cities to encourage people to get out and vote. He finally consented to the tour but of only a few cities, Washington being one of them. As I think back on it now, I believe he had some resistance for two reasons; because he felt it might be regarded as showmanship and, I suspect that he wondered whether the name and the face of Whitney Young were sufficiently known to generate much interest in this tour. Had Whitney been able to open his eyes just for a while as the motorcade went through Harlem on Tuesday and if he could have peeked once more as the entourage went through Louisville and Lexington, Ky., he would have realized that the crowds had come to see him, to pay their last respects. One sign carried in the crowd by two boys would have started his mind to work again, for it read, "It took the death of a great man to get our streets cleaned."

[From Life magazine, Mar. 26, 1971]

WHITNEY YOUNG: WORKING FROM THE MIDDLE

(By Andrew J. Young)

The more that white folks trust and respect a black leader, the greater the suspicion in the black community. It was inconceivable to alienated blacks that Whitney Young could deal with the big business establishment or government without "selling out." From their bitter perspective, "if you were telling it like it is, you couldn't be tolerated long."

On the other end, most of the business world greeted Whitney Young with resentment and scorn reserved for those arrogant, uppity "niggers" who dared raise a moral challenge in a world where profits, not prophets, reign supreme. For every Henry Ford, Andrew Heiskell or Mil Batten who concerned himself with Whitney's cries for opportunity and justice, there were hundreds who contributed "tokens" to gain a little "PR" with black consumers and thousands who "couldn't care less" what happened beyond the company gate.

In trying to bring together these two factions—the black community and the white business world—Whitney Young was willing to suffer criticism from both sides. He was in the middle, a part of that segment of America which the pioneer black sociologist E. Franklin Frazier blasted in 1957 as the black bourgeoisie. Frazier saw this sector as an "escapist," conformist caricature of white America, and to some extent this was an accurate indictment. But there is a long legacy of freedom fighters who came from that middle group between "haves" and "have nots" and nonetheless bound themselves to their impoverished brethren and struggled with them to produce a new day for all. Internationally, Jomo Kenyatta, Kwame Nkrumah and Julius Nyerere of Africa, Gandhi and Nehru of India—all of these men whom we now revere as statesmen and liberators—came from this middle ground and were at some time damned as "compromisers."

The black bourgeoisie in America includes the proud black parents who "ate dirt" if necessary to raise their children out of poverty, and by arming the children with an undying faith, wisdom and education as security against the stresses of racism, prepared them to be leaders of their people. Those secrificial efforts provided the society with men like Whitney Young, Martin King and others who were able to work with passionate intensity to correct the ills of this nation, yet do so with calculated logic and tactical effectiveness. The leadership style they employed its reminiscent of that of the professional quarterback who lives under tension and violence and yet must calmly pick apart the defenses of the opposition.

Prior to 1961 when Whitney Young became its executive director, the National Urban League was basically a social welfare agency which subsisted largely on community chest funds. Whitney had the vision and ability to put this well-established and respected organization to work for meaningful reform of our society. Under his leadership the league no longer was a group that simply helped the poor to adjust to a racist and exploitative system; it organized blacks to register to vote and participate in government as a means of providing more representative and less corrupt government in all areas of urban politics.

He called for jobs from industry, a Marshall Plan for the cities and a guaranteed minimum income for all Americans. When these envisioned reforms were put together they constituted a potential revolution. Power and resources were to be shared with the powerless, and a new life-style would hopefully emerge, one which included all citizens in the blessings of this society.

As the league became more political, some of its past supporters withdrew money. Whitney broadened the funding base of the league, appealing to the business community to support, for its own enlightened self-interest, the inclusion of minorities in the mainstream of American life. Here he really found his niche. He was perfectly suited to function as interpreter of the movement in the board rooms, executive lunch and cocktail hours of America's business world. He had that special knack of being able to stick a moral stiletto into the pompous consciousness of those far removed from the realities of city streets and never change his smile or miss a sip of his martini. It takes a special talent indeed to mobilize the fiddlers to prevent Rome's burning.

In this role Whitney proved a perfect complement to the massive emotional upheaval of the late 1960s. The people were on the march, but marching masses have a frightening rather than enlightening effect on the "upper class" unless an interpreter translates the passionate demands for justice into statistics—showing, for example, how the demonstrations linked up with the widening income gap between blacks and whites.

Along with this special mission to the business world he took every possible opportunity to relate to the mass movement. He came to Birmingham, took a leading role in the March on Washington and even marched in Mississippi when the cry of Black Power threatened to divide the movement. He worked hard to maintain his integrity with the action movement, and this demanded of him agonizing appraisal of every action, for when he moved, 100 branches would feel in their budget the reverberation of any miscalculation.

No doubt the constant agony of decision intensified and shortened Whitney's life. So, conceivably, did tension brought on by more frustration than any man in a creative minority leadership position can bear. Lately, with the cities seemingly quieting, Whitney Young saw much of the support for the Urban League's employment drives and street academies begin to drift away. It was as though black youth had been the problem of the last decade and it was now time to slip back to business as usual. Nothing could have been more frustrating for Whitney Young.

Whitney Young died at the end of an era. The 60's, with all their grandeur, charismatic leadership and great conflict, have given way to a new mood and a new movement. The "new thing" is "political" and it's local. The mass marches of Selma in '65 have led to black sheriffs, county commissioners, probate judges and justices of the peace in several black belt counties of Alabama, Georgia, South Carolina and Virginia. The emotional outbursts of violence in the cities have been channeled by maturing black leadership into a genuine—and increasingly successful—struggle for political power.

In addition to its own involvement in local politics, the Urban League's latest thrust is a goood illustration of the new directions in the movement. One of Whitney's final projects was "system changes"—to organize ghetto residents to alter permanently and positively the institutional services which affect their lives. This project involves the league in picketing, selective buying and para-political activities to give the poor a greater share of power in the community.

The 70's will continue to bring a strengthening of local politics and community organizations. We know that we must build and support leaders who can continue our drive for dignity and equality. The most militant demand of men like Whitney Young and Martin King was that America live out the true meaning of her creed. If we had listened to these giants of the '60's or even let them live to continue working and speaking, we would be closer to their dream of reaching this goal through cooperative and peaceful democratic means. We should give thanks now that they kept hope alive this long, and get on with the business of building *one* America.

CIVILIAN REACTOR PROGRAM

Mr. BAKER. Mr. President, the Washington Post of March 21 contains an article entitled "Nuclear Fusion May Hold Key to U.S. Fuel Needs," written by staff writer Thomas O'Toole. This is the second article on the subject by Mr. O'Toole that I have seen within recent days, and not long ago CTR received the editorial attention of the Post, as well.

I am delighted by this interest on the part of such an important and influential newspaper in the civilian reactor program. I have stated many times—and I intend to continue to state—that this Nation is on the brink of an energy crisis of large proportions. Although breeder research and CTR research hold out no hope for the short-term energy crisis, they are, in my judgment, the certain answer to the medium- and long-range aspects of planning for our future energy needs.

Fortunately, the United States and the Soviet Union have maintained an exemplary cooperation on CTR research, keeping each other fully informed on the latest technological developments. But the U.S. CTR and breeder programs are seriously and short-sightedly underfunded. There will come a time when I and others will be able to say that "we told you so," but it will be little comfort.

The Domestic Council of the President's Cabinet is now undertaking a review of the Nation's short- and long-term energy needs. If the review is thorough and honest—which I am certain it will be—it will be certain to reveal the staggering inadequacy of our existing national energy policies—such as they are—and the urgent need for more coordination and directed effort. Such an effort must include the adequate funding of the breeder reactor program and CTR research.

I ask unanimous consent that Mr. O'Toole's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR FUSION MAY HOLD KEY TO U.S. FUEL NEEDS

(By Thomas O'Toole)

Oil is too expensive, gas is too scarce, and coal is too dirty. That leaves atomic power—or does it? The power of the atom is still dependent on uranium, which begets radioactive wastes and which in 30 years could be close to exhaustion all over the earth.

In the next few weeks, the Domestic Council of the White House will be grappling with the urgent and vital issue, the issue of how to meet the skyrocketing demand for electricity in the United States and preserve the environment at the same time. The Council will dwell mostly on what must be done in the next five years, but will also take on the problem of energy demand in as distant a time as the year 2000.

The big question is how to provide power at the lowest cost and least insult to the air and water. While the Domestic Council will probably make more than a few recommendations about how to achieve that goal, it will also distill its specific proposals on future power needs down to just two.

The first will be to give top priority for the near future (the next 15 years) to the Atomic Energy Commission's fast breeder reactor, a program whose goal it is to produce more nuclear fuel than it consumes. The second proposal will be to continue development of fusion power, in the expectation that electricity from thermonuclear fusion will begin to turn on our lights by the end of the century.

"The breeder reactor and the fusion reactor are not coming on like gangbusters right now," says White House energy adviser S. David Freeman, "but there's little question in my mind that the breeder will be the workhorse of the 1990s and that fusion holds the real promise for the 21st century."

Almost everybody in the United States knows that the country is suffering a power shortage, that the 340 million kilowatts of electricity the nation is able to generate today is not enough to supply our peak needs and stave off seasonal emergencies.

What people don't know is that the power shortage could get worse, that the nation will need more than 1.2 billion kilowatts of electricity 20 years from now, and 2 billion kilowatts by the year 2000. Even that's assuming there are no unanticipated leaps in population or in electrical demand in the next 30 years.

"What worries me is that demand accelerates while we preach power conservation," says the White House's Freeman. "I'm very much concerned that the growth of power in the United States will continue at a faster rate than we expect, project or can keep up with."

Keeping up with the nation's power demands has been made all the more difficult by the rising price of oil and the growing shortage of natural gas. There is also the surge of public concern about clean air, which conceivably could eliminate coal and all but the lowest-sulphur oils as future energy sources.

Conventional nuclear electricity is also under environmental fire, which is one reason why the White House will recommend turning to the fast breeder reactor as the nation's power source in the 1980s.

What is a fast breeder reactor? In essence, one that creates more atomic fuel than it burns up. In an oversimplified way, it does this by having metals like thorium absorb the escaping neutrons of a fissioning fuel like uranium. This splits the thorium atom, and the splitting creates more neutrons, which can bombard more thorium to create still more energy.

Though it still works on the principle of atomic fission, nuclear breeding has a far different engineering to it than today's conventional atomic plants. For one, breeder reactors will be cooled down by liquid sodium metal, which means the reactors won't need vast quantities of cooling water and won't have to operate under pressure.

This gives the breeder two big advantages over the water-cooled reactors in use today.

A breeder should leak almost no radioactivity, since it's not pressurized and not subject to the leaks that any pressurized plumbing has. The second advantage is that it's not using cooling water and therefore not discharging heated water into any lakes and rivers that might be alongside the power plant.

Just as important, breeder reactors will physically produce fissionable plutonium fuel as they burn, so much so that a working breeder will be able to refuel itself and a second identical reactor every seven to 10 years. This is a vital part of the breeder's importance, since most mining experts believe the United States will run out of uranium before the end of this century.

While the breeder might sound like the answer to most of our energy prayers, it's far from a perfect blessing. To begin with, the United States does not have a working breeder reactor, despite the fact that work has begun to develop one 17 years ago and $600 million has been spent on that development to date. Plans call for $103 million to be spent on the breeder in fiscal 1972, and the AEC fully expects to spend $100 million a year for the next 15 years before satisfying itself that it has a safe and efficient breeder plant.

The main reason the breeder has been so

slow to develop is its coolant, liquid sodium metal. Sodium is one of the most reactive metals known to man, igniting instantly on contact with air and water.

"We had hoped that four large breeder plants would be operating commercially by 1984," said Milton Shaw, director of the AEC's division of reactor development, "but it won't be any earlier than 1986, and the big thing that's slowing us up is development of the pumps, the valves and the heat exchangers that must handle the liquid sodium."

Shaw nonetheless thinks that a breeder milestone will be reached in the next year, through the award of a contract to either Westinghouse Electric Corp. or General Electric Co. to build a 500,000-kilowatt "demonstration" plant somewhere in the Northeast or in the Pacific Northwest. The only thing holding it up is the price that private industry will have to pay for the $500 million plant since the AEC has been authorized to provide only $50 million worth of federal support.

"If it takes 10 green lights to get going," Shaw says, "we've got nine of them on and glowing. I fully expect to resolve this problem within a year."

NEARING THE ULTIMATE?

Even as Shaw sets about resolving that problem, scientists at seven U.S. laboratories are laboring to tame and use the same power of thermonuclear fusion that's unleashed in the explosion of a hydrogen bomb.

Fusion power is as close to an ultimate means of making electricity as anything under the sun, but it is also proving to be the most elusive method of making power that's ever been researched. Scientists began work on fusion in 1952, two years before work was begun on the fast breeder. If anything, practical fusion power lags 15 years behind practical breeder power.

The United States has spent $440 million on fusion power research so far and plans to spend another $28 million this year. If talk in federal scientific circles is any guideline, that figure will rise to more than $30 million next year.

What is fusion? Almost the opposite of fission, where heavy elements like uranium are split up into lighter ones by neutron bombardment. Fusion works by combining light elements like deuterium and tritium (both isotopes of hydrogen) into heavier ones, releasing a terrific amount of energy when they do.

Scientists have long known that the way to bring about a fusion reaction is to heat a light gas to such a high temperature (30 million degrees and more) that it forms a plasma, which is an electrified form of the same gas. The problem is to hold the plasma in its electrified state long enough for fusion to occur.

For years, scientists were unable to contain these multimillion-degree plasmas for any useful length of time, even after they learned to keep the plasmas bottled up with some of the strongest magnetic fields ever created by man. The problem was that plasmas behaved like unstable and super-hot fluids, always finding ways to slosh out of the bottle.

"We started asking ourselves whether there was some unknown law of nature that said we couldn't do this," said Dr. Robert Hirsch, deputy director of the AEC's controlled thermononuclear fusion program. "All our experience was telling us that the plasmas were more clever than the people working with them."

A BREAKTHROUGH

Dogged determination paid off, and about five years ago scientists began to see results in the fusion program. They discovered they could hold the plasmas for longer periods of time by purifying the plasmas and by streamlining the magnetic fields that contained the plasmas. They found that making the magnetic fields weaker in the center and stronger at the edge created a kind of magnetic "well," in which the plasmas tended collect.

By the end of 1970, "classical" plasma containment had been carried off in the Soviet Union, Great Britain and six different institutions in the United States—Los Alamos Scientific Laboratory, Oak Ridge National Laboratory, Lawrence Radiation Laboratory, the University of Texas, Gulf General Atomic Corp. and Princeton University.

Nobody has yet achieved a pure fusion reaction, but to hear the most ardent fusion enthusiasts tell it there are no more major barriers left to stop it. A milestone of sorts was reached less than two weeks ago, when scientists at Los Alamos successfully cranked up the largest device yet built to achieve fusion, a $12 million machine called the Scyllac.

In the next two years, similar machines are scheduled to start working at Lawrence Radiation Laboratory, MIT and Oak Ridge, to test out different methods of fusion. Containing plasmas as hot as 50 million degrees is still the problem, but most fusion enthusiasts think it's within reach.

One, two, three or even four working fusion containers does not mean the arrival of fusion power. That must wait at least 20 years, for the time when a fusion reactor can be built to produce commercial electricity from fusion.

"The problem of recovering useful power after attaining the required plasma confinement time is a completely new and perhaps separate problem," said Dr. Harold Forsen of the University of Wisconsin last week. "The problems of handling neutrons, breeding tritium gas in flowing liquid metals, the transfer of enormous heats, radiation damage to materials and safety . . . there is a vast number of special problems that need to be explored."

Nearly everybody in the power business says that the problems should be explored, if only because fusion holds out the promise of abundant and relatively clean power.

BECAUSE IT IS POSSIBLE, IS IT NECESSARY?

Mr. McINTYRE. Mr. President, in his book, "The Technological Society," the French writer, Jacques Ellul, gave his view of the dominating force of our age when he said:

> Everything which is technique is necessarily used as soon as it is available, without distinction of good or evil. This is the principal law of our age.

There are some men who believe that such a law is not inevitable and that technical possibility must be incorporated with human and ethical judgments in making decisions about proceeding from technical possibility to societywide application.

The Senator from Wisconsin (Mr. Nelson) has been one of Congress' leading proponents of technology assessment and the need for greater application of human considerations in the decisionmaking processes surrounding the application of new technology. In a debate last December over continued Federal funding of the supersonic transport in the absence of any answers to the serious questions on environmental impact of the SST, Senator Nelson observed:

> The environmental issues are going to come to us one at a time. We cannot tackle them all at once, though I wish we could. This one (SST) has come to us involving the first major specific confrontation in the Congress over the environmental concerns, over the environmental implications of technological development and a test of whether or not we are prepared to say "No" to the utilization of technology simply because it works. This is what we have always done in the past, and as a consequence of our indiscriminate use of technology, all in the name of progress, we have polluted every major watershed east of the Mississippi.

Later in the SST debate, Senator Nelson expounded more eloquently on the issue of the need for technology assessment before the technology is applied. William Hines, a top reporter for the Chicago Sun-Times, picked up on the Senator from Wisconsin's December 17, 1970, floor speech in a column he wrote for the Universal Science News, Inc. In his column, Hines concluded that—

> Nelson was talking basically about technology assessment, which is only a specialized type of common sense applied at a high level. Just as the average man is expected to contemplate the probable consequences of his acts in everyday life, so decisionmakers should attempt to evaluate the consequences of technological advance.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BURDEN OF PROOF SHOULD BE ON INNOVATORS

(By William Hines)

Washington.—More often than not, a specious technological argument is won on the assertion that "you can't stop progress". Only occasionally will a prudent man pause to ask, "Why not?"

This is what Sen. Gaylord Nelson (D-Wis.) did the other day in an unusually passionate and eloquent speech on the Senate floor. Nelson rose specifically to speak against the supersonic transport plane, but his message had far broader application.

Nelson's theme was a simple one: He came back to the words "not proven" time and again as he reviewed the sorry history of galloping technology and what it has done and is doing to the world.

He spoke of the late Rachel Carson and her warnings about the "Silent Spring" that would break some year after all the songbirds had died from the effects of careless overuse of DDT. Rachel Carson in her lifetime was the object of many people's scorn, a "little old lady in tennis shoes," a muddleheaded do-gooder, an alarmist. She made her arguments, Nelson recalled, and they were brushed aside as "not proven".

He recounted how scientists warned that Lake Erie would be overwhelmed by the load of industrial, agricultural and municipal wastes being poured into it in an ever-increasing stream after World War II, and how their warnings were shrugged off as "not proven".

He told of the pollution of Lake Superior, "an incredibly delicate, pure lake," a mining company that has been dumping huge amounts of taconite (iron ore) tailings into it with permission of the State of Minnesota and the Army Corps of Engineers, despite warnings that were waved aside as "not proven".

"The case is now being proved," Nelson said. "Various trace elements in the tailings were found and there is great concern that it may start pollution blossoming in the lake."

Even the ocean is not immune to the effects of man's depredations, Nelson pointed out. He mentioned the alarming discovery of excessive amounts of mercury in the flesh of tuna, an open-ocean species, and cited widespread scientific opinion that the ocean is doomed in the foreseeable future.

Nelson was talking basically about technology assessment, which is only a specialized type of common sense applied at a high level. Just as the average man is expected to contemplate the probable consequences of his acts in everyday life, so decision-makers should attempt to evaluate the consequences of technological advance.

In going about this sometimes difficult reasoning process, Nelson seemed to be saying, decision-makers shouldn't wave away reasoned arguments against a technological development simply because they are "not proven". The burden of proof, he was saying, should be on those pushing the technological development, whether it be a supersonic transport airplane, a new form of insecticide, or a new way of extracting ore.

The detergent mess we find ourselves in is an excellent case in point. When the day of the modern washday miracle dawned, a few people foresaw the consequences of release of large quantities of "hard" phosphate detergents into the environment. Tap water with a frothy, beer-like head was the eventual result, and when this situation became intolerable a new type of detergent had to be developed—one whose magic ingredient would break down in nature.

Makers of the second-generation detergents were persuaded—in large measure by the government—to move away from phosphates and toward a different cleansing agent called nitrilotriacetic acid (NTA). Again, warnings were heard but went unheeded because they are "not proven". A multi-million-dollar industry was created to fill the raw-material needs of the NTA-based detergent manufacturers.

And then, the day after Nelson made his "not proven" speech to the Senate, the government ordered manufacture of all NTA-based detergents discontinued. The action was taken on the basis of experiments with animals which indicated a danger to embryos from NTA.

One of the government spokesmen called NTA "an even greater environmental hazard" than the phosphates it was brought in to replace. Phosphates, at least, have never been shown in laboratory experiments to cause birth defects or abortion.

Ironically, the officials who announced the NTA ban said that a link between NTA and possible fatal damage in humans is "not proven".

MEDICAL CARE, NOT INSURANCE

Mr. KENNEDY. Mr. President, a column published last week in the New York Times, written by Mr. Tom Wicker, states in a perceptive way what is emerging as one of the most important issues in the debate over national health insurance—whether the program should be administered by the Federal Government, as in medicare, or whether it should be administered by the private insurance companies.

I fully agree with Mr. Wicker's view that the private insurance companies have "no inalienable right . . . to make money in the medical care business." The real questions are whether we are going to develop a program capable of bringing high-quality health care to every American, and whether and to what extent the private insurance carriers should participate in reaching that goal.

I believe that Mr. Wicker's column will be of interest to all of us in the Senate concerned with the health crisis. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 18, 1971]

IN THE NATION—MEDICAL CARE, NOT INSURANCE

(By Tom Wicker)

The private health insurance industry has testified to a Senate subcommittee that a national system of medical care should be administered through private health-insurance companies—naturally.

This comes at a crucial moment. President Nixon is proposing a medical care plan, another is being offered by Senator Edward Kennedy and backed by a hundred Congressional sponsors, and the redoubtable Wilbur Mills of the Ways and Means Committee not only is devising his own health scheme but also is scheduling it for consideration ahead of Mr. Nixon's revenue-sharing program. That kind of activity almost certainly will result at last in a national medical care program, which is long overdue.

Why should such a program, which in any form will require a considerable investment of taxpayers' money, necessarily be administered through private insurance companies? Many of them have dubious records of service, not all offer policies that even come close to paying most medical expenses, and the number and variety of them would require in any case a considerable degree of Federal regulation.

Any way you look at it, the imposition of private profit-making companies on a national medical plan would impose another layer of costs. Industry representatives conceded to the subcommittee that the overhead costs of private health insurance policies amount to about half the premiums charged to individual subscribers. If taxpayers are to support the national health, must they also support the profits of private companies?

On the other hand, presumably, no one would object to the profits, nor would anyone mind private company administration, if indeed a higher level of medical care and a more efficient and effective administration of the program would result.

It is hard to argue, for instance, that instead of private companies there should be a new Federal medical care bureaucracy, with its associated state and regional bureaucracies—although the one clear analogy is to the Social Security Administration, which even the private insurance industry considers to have done an excellent job in administering Old Age and Survivors Insurance.

It is true, moreover, that building private insurance firms into a national medical care structure would place a screen between the Government and the doctors—so that the latter would have what many of them consider an essential freedom from bureaucratic regulation, and the opportunity to continue in an essentially private practice of medicine.

This leads to a third possibility—that both from a taxpayer's and a doctor's point of view, sensible study of the problem may suggest that there is a lot to be said for those who can afford it to continue paying for their own medical care through private insurance, much as they do now, as long as that does not interfere with or diminish the ability of the less affluent to get adequate medical care when they need it.

All of these things may be true. What is not true is that private insurance has some inherent place in the medical care system—that the doctrines of free enterprise or private medicine or the survival of the fittest create an inalienable right for private companies to make money in the medical care business.

In fact, once the idea of a national medical-care system is accepted, only two principles ought really to be considered immutable. The first is that everyone should get the medical care he needs, when he needs it, for as long as he needs it, unhampered by his lack of ability to pay (either medical care charges or insurance premiums); and the other is that the quality of that medical care should be as high as possible.

These ideals can hardly be reached overnight, and perhaps never fully can be. Achieving medical care for all, for instance, probably would make it harder to maintain high standards of medical care. But Congress and the Administration ought to keep in mind that their task is to devise the most effective national medical care plan—not a private insurance scheme. The latter will be useful only to the extent that it helps realize the former.

THE NEW YORK TIMES AND LAOS, OR, HOW "TIMES" CHANGE

Mr. BENNETT. Mr. President, it is always reassuring to find that the problems faced by the United States are viewed similarly by our Government and by our Nation's major sources of wisdom and enlightenment. And so it was with much satisfaction that I recently reread two editorials from one such source. The New York Times, which demonstrates a keen, sympathetic understanding of the situation in Laos.

My only criticism of the editorials is that they perhaps are a bit too hawkish in their advocacy of sending American fighting troops into Laos. The Nixon administration has so far resisted pressures to take such action.

However, all things considered, I belive the editorials offer some food for thought. Try this tidbit, for example:

> The spreading military crisis in Laos compels the American Government to take a new look at this tiny but strategically important kingdom and to review its whole policy with a view toward more forceful action to keep it out of Communist hands.

The Times notes:

> The crisis has been simmering ever since the Geneva Conference of 1954, and said the latest development has "put pro-Communist forces" on the Mekong River, where they can menace Thailand, and is opening a new route for Communist invasion of embattled South Vietnam.

A "grim alternative" to a political solution, the Times continues, "is massive military aid from the outside, which might trigger a larger conflict." While noting the President is loath to embark on such a policy, the editorial argues that "SEATO and ANZUS, which are pledged to joint protection of the area, should also have their say."

The second New York Times editorial notes again that—

> The United States faces a hazardous decision on whether to support Laotian anti-Communist forces at this time by sending American troops to Laos.

Apparently, opting for such a move the editorial states it "might even help induce the neutralist and Pathet Lao rebels to reach a compromise settlement."

Mr. President, if these editorials appear a bit out of character, perhaps it is because they appeared on May 12 and 15, 1962, respectively—during another era, when a man named John F. Kennedy was in the White House.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From The New York Times, May 12, 1962]

New Look at Laos

The spreading military crisis in Laos compels the American Government to take a new look at this tiny but strategically important kingdom and to review its whole policy with a view toward more forceful action to keep it out of Communist hands.

The crisis has been simmering ever since the Geneva conference of 1954 which was supposed to settle everything but merely led to continued intermittent fighting in Laos and one military coup after another. It reached its present stage when the combined neutralist and Communist forces, aided by Soviet Russia, Communist China and Communist North Vietnam, broke the latest year-old cease-fire agreement and launched a new offensive that has overrun several strongholds of the pro-Western Government and placed all northwest Laos under Communist control.

This development has put pro-Communist forces on the Mekong River, where they can menace Thailand, and is opening a new route for Communist invasion of embattled South Vietnam.

President Kennedy declared three months ago that if the cease-fire were broken we would be faced with "most serious decisions." But the Government clings to its present policy, agreed upon between President Kennedy and Premier Khrushchev at Vienna, which calls for a neutral and independent Laos under a coalition regime formed of pro-Western, neutralist and Communist factions. It has joined Britain in calling on Soviet Russia to stop the Communist offensive and has induced Prince Souvanna Phouma, whom it backs as a neutralist Premier, to call for a Communist withdrawal.

It has little hope that the Communists will really surrender what they hold. It does hope for restoration of the cease-fire and resumption of the dragging coalition negotiations between the three princes heading the three rival factions who view it all as a family affair to be settled in Laotian fashion. The American policy is based on Washington's belief that the Laotians are uninterested in political or ideological conflicts and, in contrast to the Vietnamese, will not fight. But to back up that policy and force the pro-Western leaders into the coalition with the Communists, even to surrender the army and police, which they refuse, American authorities have tended to under-cut the pro-Western Government even to accuse it of provocation, until this policy begins to resemble that which lost China.

On the other hand, the only grim alternative is massive military aid from the outside, which might trigger a larger conflict. President Kennedy is rightly loath to embark on such a policy, but SEATO and ANZUS, which are pledged to joint protection of the area, should also have their say.

[From The New York Times, May 15, 1962]

The Laotian Drama Quickens

The decision of neutralist Prince Souvanna Phouma to return from Paris to Laos somewhat increases the possibility that rival Laotian factions may yet agree on a coalition government. Having tasted military defeat last week in northwest Laos, the Vientiane anti-Communist leaders, Prince Boun Oum and General Phoumi Nosavan, may now be more inclined to let Prince Souvanna control the key Defense and Interior Ministries in the proposed coalition.

A bigger question will be the attitude of the third Prince in the Laotian political triangle, Prince Souphanouvong. After the victory of his Pathet Lao troops, stiffened by Vietnamese Communist cadres, he may be encouraged to raise his price for joining the coalition. His viewpoint will be a significant reflecton of the way his backers—the U.S.S.R., North Vietnam and Communist China—look at the situation in Laos at this time.

Prince Souvanna's leverage over Souphanouvong, his half-brother, does not appear to be great. The latter has ignored the neutralist Prince's plea that Pathet Lao forces pull back to lines they held before their recent assault on Nam Tha. Moreover, the leader of the neutralist army in Laos, General Kong Le, who has been voyaging to Peiping and Moscow, has been making statements indicating he is more inclined to echo Prince Souphanouvong's views than Prince Souvanna's.

The United States faces a hazardous decision on whether to support Laotian anti-Communist forces at this time by sending American troops to Laos. Conceivably such a move would not eliminate the possibility of a coalition. It might even help induce the neutralist and Pathet Lao rebels to reach a compromise settlement. Their reaction, of course, would depend on Hanoi, Peiping and Moscow.

However, the Communist decision might well be instead to break off all consideration of a comprise and make a hot war in Laos to which Vietnamese and (less likely) Chinese Communist troops would move in large numbers. The risks of American intervention are all the greater because the ineffectiveness displayed by the Vientiane Government and Army. We might find that we have no indigenous political and military forces of any consequence to support.

Prince Souvanna's return home and the resumption of political negotiations may bring a pause on the military fronts in Laos that will give Washington and the American people time to consider and prepare for the dangerous decisions that may yet have to be made.

Meanwhile, the Communists involved in Laos, of whatever nationality, must also realize the risks to them of the explosive situation there. Mr. Khrushchev has repeatedly said he wants a peaceful, neutral Laos; the Chinese and Vietnamese Communist regimes, in negotiations at Geneva, have also committed themselves to this view. Laos is a testing ground of the possibility of dealing with the Communist bloc without war. Failure by Mr. Khrushchev and his allies to honor the modus vivendi worked out at Geneva risks a fantastically dangerous military confrontation in this far-off corner of Southeast Asia.

HOOSIER MASTER FARMER CITATIONS

Mr. BAYH. Mr. President, I was greatly pleased to note recently that six Indiana men have been honored by being designated as 1971 Master Farmers. These coveted awards, which are based on "two-thirds for competence as a farmer and one-third for involvement in community affairs," were conferred by Prairie Farmer magazine in Indianapolis on February 26.

It is my understanding that more than 100 Indiana farmers have received similar recognition in the last 45 years, 85 of them between 1925 and 1935, and 30 since 1968 when the program was reinstituted after having been discontinued for some three decades. An unusual aspect of the six named this year from Indiana is that two of them are brothers, Erland and William Rothenberger, who are partners in a large, modern nationally recognized corn, hog, and cattle farm. The other winners include Lloyd Catton, an outstanding dairy farmer, Morris Hoar, who has a large swine and beef herder operation, James Shilling, who produces grain on 240 acres, and Richard Ward, another large producer of corn, hogs, and beef cattle.

Mr. President, as a tribute to these fine Indiana farmers I ask unanimous consent that a brief description of their accomplishments, which appeared in the Prairie Farmer for March 6, 1971, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Prairie Farmer, March 6, 1971]

Six Hoosiers Receive Master Farmer Citations

It's doubtful whether any American farm has hosted as many farm groups and foreign visitors over the past 20 years as the William R. and Erland G. Rothenberger farm near Frankfort. These brother-partners are recognized nationally as innovators in the production of corn, hogs, and cattle.

Both are graduates of Purdue University—Bill in animal science and Erland in biochemistry. Both began farming with their father after graduation. Farm account records kept in cooperation with Purdue since 1928 show their swine enterprise has changed almost completely every 10 years.

They own and operate 577 acres, all but 20 producing continuous corn. They raised and marketed 2591 hogs in 1969, but may increase this with their new slotted-floor gestation building. They also buy and feed out 400 beef calves each year.

The Rothenbergers have been among the first to adopt such innovations as slotted-floor confinement for hogs and wheel track planting for corn. Extremely competent in the field of animal nutrition, they were aware of the vitamin E-selenium deficiency of swine rations before most university nutritionists were.

They grow 450 acres of corn for grain each year and about 65 acres for corn silage. Their best-ever corn yield, in 1965, was 127 bu. The 1970 crop yielded about 100 bu.

Their corn production system involves 30-in. rows with 6-row equipment, harvest populations of 20,000 to 21,000, and 80% single-cross hybrids. They test soils on half the farm each year and have run occasional leaf analyses in July.

With the completion of their new swine gestation building, the swine enterprise will be confined except for gilts left on pasture for conditioning.

One finishing floor is located at Erland's farmstead and the rest of the swine facilities are at Bill's. The feed and grain handling facilities are at Bill's but the machine storage and cattle feedlot are at Erland's.

Most of their calves have come from the west and southwest in recent years, but they have fed some from the south. They have 3 large concrete stave silos—one filled with silage, the other 2 with high-moisture corn.

During the harvest season Bill operates the combine and Erland operates the grain dryer. They have only one full-time employee.

Bill's qualities of leadership were recognized by Purdue University when he was awarded an honorary degree of doctor of agriculture. He has been president or board member of such groups as the National Pork Producers Council. National Livestock and Meat Board, Institute of Animal Agriculture and Top Farmers of America.

A past president of the Indiana Farm Management Association, Bill has appeared on numerous Farm Science Days panels at Purdue. He is a bank director, has organized and taught adult farm classes, and served on 2 community study committees.

Erland is also a past president of the Indiana Farm Management Association and is an 8-year member of the state hog cholera eradication committee. He too appears on numerous state and national farm management panels. He was chairman of the local library board and served on the high school parent advisory council.

Both Rothenbergers have served on nearly every board and committee in their churches—Bill in the First Christian church and Erland in St. Matthew Methodist church.

The William Rothenbergers have 2 children: Ron, 29; and Carol (Mrs. Larry) McKee, 28. The Erland Rothenbergers also have 2 children: Steve, 24; and Karen (Mrs. Ronald) Rudolph, 22.

Lloyd G. Clayton of LaPorte keeps a Holstein dairy herd that consistently ranks high in a strong dairying county. During a recent 12-month rolling herd average, his milking string of 40 to 45 cows produced 18,500 pounds of milk and 703 pounds of butterfat.

After high school Clayton took a winter short course in dairy production at Purdue. He then farmed with his father. When his father retired in 1945, Clayton bought the farm.

Clayton chose stanchions instead of a milking parlor and loafing barn when he remodeled the milking facilities in 1951. He still milks in stanchions, using a vacuum transfer system instead of a conventional pipeline.

One of the first to drylot his milking herd, Clayton feeds green-chopped alfalfa when its available and corn silage and hay the rest of the year. He began feeding baking soda to his cows a few years ago, about 4 pounds per ton of dry feed. He's convinced it has raised his butterfat test about two-tenths of a point.

Most of the bull calves are fed out as steers on the farm. Clayton does keep a bull for heifers and problem breeders, but selects bulls from several artifical breeding studs for selected matings.

In recent years Clayton has transformed a 10-acre swampy brushy area into excellent pasture of reed canarygrass and birdsfoot trefoil. He starts 25 to 30 heifers on it each spring and removes them as they near freshening.

Clayton is a past president of his county co-op, secretary-treasurer of the county Pure Milk Association, is now president of his county Holstein breeders association, and has held all offices in the county DHIA and township Farm Bureau.

In the Salem Chapel United Methodist church he has been chairman of the board of trustees and official board, is a church lay leader, teaches a junior boys class, and is a member of the choir.

The Claytons have 3 children: David, 23; Nancy, 20; and Vane, 11.

Morris E. Hoar of Salem, with the help of his wife and a full-time employee, operates 589 acres, feeds out 525 beef calves, and has embarked on a swine program which will eventually market 2000 hogs a year.

A Purdue winter short course graduate, Hoar began farming with his father in 1943. He later bought a farm of his own. When his father died in 1958, he took over management of that farm.

Hoar keeps a swine herd of 120 sows, farrowing 30 sows per group 8 times a year. He weans 9 pigs per litter regularly.

Confinement buildings haven't solved all Hoar's management problems, but they are a big improvement over former facilities. He formerly handled 80 sows on 2 farms in pigloos, feeding out 1000 to 1200 each year on pasture.

The cattle feeding enterprise is spread over 3 small feedlots at separate farmsteads. The farm has a history of stalk rot so Hoar uses calves to glean the fields. He also grazes them on odd size pastures, providing 5 lb. grain per day.

Hoar prefers to feed heifers and gets most of his calves from Louisville weighing around 500 lb. He keeps them about 10 months and sells them around 1000 lb.

It was no accident that the hybrids Hoar planted in 1970 were largely resistant to the southern corn leaf blight. He uses single and 3-way crosses, harvest populations of about 18,500, and 28-in. row widths.

Hoar is currently on the county council, serves on the board of the Jackson County REMC, is on the county extension board, is a Farm Bureau member of 24 years, and belongs to his county's pork and cattlemen's associations. He has also been a board member of his county co-op and has been a soil and water conservation district supervisor.

In the Mt. Tabor Christian church he has been a trustee, deacon, and Sunday school teacher.

The Hoars have 5 children: Donald, 27; Connie (Mrs. Tom) Garriot, 25; Marcia Ann, 21; Robert, 19; and David Lee, 8.

James W. Shilling of Knox owns 676 acres, rents 459, and custom-farms 240. It's a cash grain operation—he keeps no livestock.

Shilling began farming with his father in 1957. By 1960 he was making most of the management decisions, then his father retired in 1963.

An active participant in Purdue's recent Top Operator classes, Shilling has run his own corn production system thru the computers 3 times. He keeps his own records and furnishes landlords with itemized accounts of seed and fertilizer used and yields at year's end.

Farming soils which are generally sandy with limited yield potential, Shilling averaged 111 bu. in 1969 on 884 acres. He has developed a series of minimum-tillage corn-planting systems, but new uses a unit which plants twelve 30-in. rows.

If possible, he likes to do all his chisel plowing in the fall. But if there isn't that much time, he disks instead. Very conscious of wind erosion potential, he attempts to leave soils covered with crop residues over winter.

Shilling hauls all his grain to either of 2 nearby commercial elevators and has no drying or storage facilities on his own farm. He installed a hopper bottom on a semi-trailer for the 1970 corn crop and can unload in 3 minutes. A 2-way radio system includes units in his home, 2 trucks, car, and either the combine or tractor.

In past years Shilling has been Starke county's Outstanding Young Farmer and its outstanding Soil and Water Conservation District cooperator.

He is county Farm Bureau president, on the county co-op board, was chairman of Indiana Farm Bureau's resolutions committee, is on the county extension council, is a past president of his county's Purdue Ag Alumni organization, and serves on the county health board.

In the United Methodist Church he has been a trustee, an usher, and Sunday school teacher.

The Shillings have 2 children: Bradford, 9; and Brenda, 6.

Richard H. Ward of Crawfordsville is well known in Hoosier agriculture. He was state president of the Purdue Agricultural Alumni Association from 1965 to 1967. He was host to the Indiana Farm Management Association during its 1959 tour and is past president of that association. He's also a premier producer of corn, hogs, and beef cattle.

It takes considerable labor to grow 560 acres of corn, produce 2400 hogs a year, and feed out 300 steers. That's why Ward keeps 2 full-time employees.

There has been an interesting sequence of improvements in grain handling and drying equipment on Ward's farm. He used an oil-fired bin dryer for ear-corn at first. Then 2 or 3 years later he changed to a field sheller and batch-bin dryer. He bought his first cornhead for a combine in 1956 and a gas-fired batch dryer in 1957, switched to dryeration in 1962, and bought a continuous-flow dryer in 1969.

Ward won the Montgomery county corn production contest with a 160-bu. average in 1966. He has 30-in. rows, uses 6-row equipment, harvests populations of about 23,500, and uses mostly single-cross hybrids.

Ward has never applied for a patent, but he designed and built an electrically-heated pig pad in 1961. He uses it in both farrowing houses and sells these units to other swine producers. Designed to fit in the creep area along a farrowing crate, the metal shell contains concrete and insulation beside resistance heating units.

Ward has served on the county council, the county extension board, and county FFA board, and is past president of the county historical society.

He also represents agriculture on an Indiana legislative committee studying local government.

In the Linden-Kirkpatrick United Methodist church, Ward has been Sunday school superintendent, trustee, and youth director.

The Wards have 2 children: Nancy, 15; and Rick, 12.

TERMINATION OF HELIUM CONSERVATION PROGRAM ILL ADVISED

Mr. PEARSON. Mr. President, the Department of the Interior has taken steps to terminate the helium conservation program. I believe that this action is extremly ill advised as helium is a scarce and dwindling resource. That helium which is not extracted from natural gas is lost forever. Future projections indicate that there will be great demands for helium. Helium has great potential for reducing pollution associated with electrical power generation and transmission.

While it may be that the present helium conservation program needs to be revised, its total abolition represents a gamble with the future which hardly seems justified.

Mr. President, I ask unanimous consent that the resolution adopted by the Kansas Legislature expressing opposition to this decision by the Interior Department be printed in the Record at this point.

I also ask unanimous consent that a copy of the statement I made before the Senate Committee on Interior and Insular Affairs on this subject be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

House Resolution No. 1038

A Resolution memorializing the United States Secretary of the Interior to reconsider action in canceling contracts for helium

Whereas, Mr. Fred J. Russell, Undersecretary of the United States Department of the Interior, has taken action purporting to cancel all contracts with helium conservation contractors effective March 27 because of reduction in demand for helium; and

Whereas, A study conducted by the Oil and Gas Committee of the Chamber of Commerce, Liberal, Kansas, indicates there is a need for continuing the present program; electrical power generation and transmission for medicine, oceanography, welding, pollution-free nuclear and magnetohydrodynamic some of these needs of private industry being and communications; and
appears to be temporary as was the case in 1927, 1934 and 1944; and

Whereas, Reduction in demand for helium

Whereas, Exhaustion of helium-bearing gas reserves is expected to occur by 1995 based upon present estimates and no significant discovery has been made in recent years; and

Whereas, Termination of contracts at this time will seriously adversely affect the economy of western Kansas. Four helium plants would be closed in Kansas, at Liberal, Ulysses, Bushton and Otis; eighty employees would lose their jobs in Liberal alone and the state would lose income, sales and property taxes: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we hereby request the Honorable Rogers C. B. Morton, secretary of the Interior to reconsider the recent action of the Undersecretary of Interior, purporting to cancel the helium contract, and that action be taken to institute a thorough study of the matter, and that the effective date of the cancellation of the contracts be extended until a full report with recommendations thereon can be made to the new secretary concerning the helium conservation program.

Be it further resolved: That the Chief Clerk of the House be directed to send enrolled copies of the resolution to The Honorable Richard M. Nixon, President of the United States; The Honorable Robert Docking, Governor of Kansas; members of the Kansas congressional delegation; George Schultz, Director of Management and Budget, White House, Washington, D.C.; The Honorable Rogers C. B. Morton, Secretary of Interior, Washington, D.C.; U.S. Chamber of Commerce, Washington, D.C., and the Kansas State Chamber of Commerce, Topeka, Kansas.

STATEMENT OF SENATOR JAMES B. PEARSON BEFORE THE SENATE INTERIOR COMMITTEE, MARCH 23, 1971

Mr. Chairman, I am happy to have the opportunity to submit this statement to the Committee expressing my concern over the recent Department of Interior decision to cancel four helium purchase contracts, terminating the Federal Helium Conservation Program which has been in effect since the passage of the Helium Act Amendments of 1960.

I am concerned that this step may have been taken more in regard to the short-term financial pressures which face the Nation than for the long-range needs of the country, particularly when viewed against a backdrop of dwindling natural resources and the rising demand for energy.

This decision raises a very real question regarding national policy in that it could very well place in great jeopardy an important but dwindling national resource, one upon which virtually all of the free world relies.

Mr. Chairman, it has become manifestly clear that the nations who will be the industrial leaders of the future will be those which have combined a maximum high energy demand with a minimal amount of environmental pollution.

One path to clean, yet high energy production lies in the development of superconducting power generation and transmission. Superconductivity is a phenomenon which occurs at temperatures near absolute zero, when certain metals are able to pass an electric current without resistance. There are at least two benefits derived from this occurrence. Because there is no resultant heat loss, smaller and more powerful equipment than is currently in use can be developed. Secondly, pollution is kept at a minimum.

A superconducting cable is currently under development which can compress the equivalent of the load of 20 conventional cables into a single, 24-inch pipe coded to superconductive temperatures. This single cable, safely buried underground, could meet the present power requirements of New York City.

Mr. Chairman, helium is the only known element which can make superconductivity possible. And helium is also a prerequisite for other facets of electrical production.

Future generations of atomic generators might well use helium, rather than water, as a coolant. In West Germany, where fresh water outlets are not as abundant as they are here, electric power development has been moving towards helium-cooled plants. A closed cycle plant is now under development which uses helium as a coolant for a high temperature reactor as well as the drive gas to spin the turbine motors.

Also under development are Magnetic Hydrodynamic (MHD) generators, which are reputed to have a 60% efficiency as compared to the 40% of conventional systems. MHD power creates electricity by passing an ionized gas across a powerful magnetic field. Helium is necessary to this system to operate the superconducting magnets and to provide the carrier gas for the generating process.

Again, development of MHD generators is considerably more advanced in Europe than in our own country. And in Great Britain, West Germany and other countries, the development of these power systems is almost totally reliant on U.S. helium.

In the past, we have always assumed that we had the know-how and the resources to meet any problem. However, geologists tell us that helium is a limited resource and that the bulk of our current reserves—some 30 billion cubic feet now in storage—will be depleted before 1990.

We have been further informed—and I quote the Washington Post of February 14, 1971—that the Soviet Union is preparing a new five-year plan which calls for the "development of research into nuclear physics, solid-state and semi-conductor physics, quantum electronics, low temperature physics, mastering the use of fast neutron reactors in industry, and solution of thermonuclear problems."

The Russians have given the world notice that among their new goals is the use of helium in the development of low temperature power generation equipment which will be capable of producing 1,030–1,070 billion kilowatt hours of electricity per year (compared to 740 billion in 1970). I submit that if we allow our supplies of helium to diminish, as the Department of Interior desires, we will find ourselves seriously shorthanded when we are forced to compete with Russian developments. Further, by failing to continue conservation of helium, we will allow more than six billion cubic feet per year to be wasted in the atmosphere as a result of our failure to extract this valuable resource from the natural gas burned as fuel. It seems to me that this waste can only be regarded as profligate when we know that the time is rapidly approaching when it will be in short supply.

It has been public policy for many years to stockpile commodities beneficial to the security and economy of the United States and to our allies. When the Helium Conservation Program was first proposed in 1958, a cabinet level committee in the Eisenhower Administration made it clear that it was "convinced that present and foreseeable uses of helium are highly essential to the welfare of the United States . . . and a conservation program . . . would be justified. . . . Failure to extract the recoverable helium . . . would be a gross wastage of a very limited and unique natural resource, which could have the effect of reducing or slowing down the rapid advance of scientific, technical, and military developments in this country."

I believe that the comments of the Helium Policy Working Group just quoted are equally prophetic today. I would only add that the added peaceful use of helium for the development of electric power adds an urgent appeal relative to domestic welfare which was unforeseen in 1958.

I might also point out that in the past, we have abandoned stockpilings with disastrous consequences. One of the more recent instances took place in 1962, when under the theory that synthetic chemical compounds would meet the government's need for antimalarial drugs, we sold four-fifths of our quinine stockpile.

The purchaser turned out to be an international group which already controlled much of the world supply. Once in possession of the U.S. stockpile, the group was able to increase the price by 333 percent.

Shortly after the sale, the government found that certain strains of malaria in Southeast Asia were resistant to synthetic drugs. But because no government-owned stockpiles existed, we were forced to pay $7.00 an ounce for the same quinine we had sold for 21 cents an ounce.

It may well be true that there are serious imperfections in the financing of the program we had in effect, but surely these imperfections should not challenge the necessity of helium storage. I call to your attention a statement made by Dr. Preston E. Cloud, Jr., who said in the March 20, 1970 issue of Science Magazine, that helium conservation "should be run like a conservation program, not a business." The article further quoted Dr. Cloud as urging the expansion of helium conservation, by stating, "To say that something will come along (to insure an adequate helium supply) is an act of faith that shouldn't be used as a basis for public policy."

Mr. Chairman, I am fearful that the consequences of cancelling helium conservation is at best a gamble. Too much is at stake, including the mutual benefit of the United States and its allies. I urge this committee to give serious review to the Helium Conservation Program and the development of a viable means to see that future supplies of this unique resource are provided.

ANNUAL SOCIAL SECURITY REVIEW OF PRIVATE HEALTH INSURANCE: 1969

Mr. KENNEDY. Mr. President, the February issue of the Social Security Bulletin contains the agency's excellent annual review of private health insurance in the United States. Because the article is an important source of statistics and other information on the health insurance industry, and because the role of the private carriers is a major issue in the current debate over national health insurance, I believe that the article should be widely available to all. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE HEALTH INSURANCE IN 1969: A REVIEW

(By Marjorie Smith Mueller[*])

An estimated 157 million persons in the United States or a little more than three-fourths of the civilian population had some protection in 1969 against the costs of hospital care and surgical care through private health insurance organizations. For two-thirds of the civilian population, private health insurance met at least part of the cost of physicians' in-hospital visits.

Out-of-hospital services were provided through private health insurance to smaller numbers: 125 million or 62 percent of the civilian population were covered for X-ray and laboratory services, 43 percent for physicians' office and home visits, 45 percent for prescription drugs, and 4 percent for dental care. Private health insurance helped meet the cost of private-duty nursing care for 45 percent of the population, 50 percent were covered at least in part for visiting-nurse service, and 14 percent had coverage for nursing-home care. Insurance coverage for physicians' office and home visits, dental care, and drugs is frequently subject to deductible and coinsurance payments. Consequently, the full cost of these health care services is almost never met through insurance.

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[*] Division of Economic and Long-Range Studies. Maureen Dwyer and Susan Plaks assisted with the statistical preparation.

Most persons aged 65 and over have health insurance coverage through the Federal Government's program of health insurance for the aged—Medicare. Complementary coverage for health expenses not covered in full or at all by Medicare was held by almost 10 million or half of all aged persons for hospital care and by nearly 9.5 million for surgical services.

This article is mainly concerned with the number and percentage of the population under age 65 who have prepayment or insurance coverage of health costs through private health insurance oragnizations—Blue Cross-Blue Shield, insurance companies, community and employer-employee-union group-practice and individual plans, private group medical clinics, and dental service corporations.

Office of Research and Statistics (ORS) estimates of the net number and proportion of the population having health insurance coverage for hospital care, surgical services, and other health care services are somewhat lower than those estimated by the Health Insurance Association of America (HIAA), an association of insurance companies. Both estimates, however, show a continued growth during 1969 in the number and percentage of the population covered .

Consumer expenditures for private health insurance in 1969 totaled $14.7 billion in premiums and subscription charges, about 14 percent more than in 1968. Benefit expenditures by private health insurance organizations reached $13.1 billion, close to 16 percent higher than in 1968. The organizations paid out 89 percent of premium income in benefits, 15 percent went for operating expense, and there was a net underwriting loss of 4 percent of premiums.

POPULATION COVERAGE

Estimates of the net number (of different persons) and the percentage of the population with some health insurance coverage of the various main types of health care are summarized in table 1. The Office of Research and Statistics based its 1968 estimates of net enrollment for hospital and surgical coverage on household-interview surveys conducted by the National Center for Health Statistics (NCHS) of the Public Health Service in 1967 and 1968. In 1969 these household-interview surveys were not made, and the estimates for that year are based on projections of the 1968 figures, derived from percentage changes from 1968 to 1969 shown in HIAA estimates of net coverage reported.

TABLE 1.—ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS UNDER PRIVATE HEALTH INSURANCE PLANS AND PERCENT OF POPULATION COVERED, BY AGE AND SPECIFIED TYPE OF CARE, AS OF DEC. 31, 1969

Type of service	All ages		Under age 65		Aged 65 and over	
	Number (in thousands)	Percent of civilian population	Number (in thousands)	Percent of civilian population	Number (in thousands)	Percent of civilian population
Hospital care	157,305	78.3	147,408	81.3	9,897	50.4
Physicians' services:						
Surgical services	152,314	75.8	142,902	78.8	9,412	47.9
In-hospital visits	133,914	66.6	126,190	69.6	7,724	39.3
X-ray and laboratory examinations	125,002	62.2	117,472	64.8	7,530	38.3
Office and home visits	86,317	43.0	77,916	43.0	8,401	42.8
Dental care	8,510	4.2	8,385	4.6	125	.6
Prescribed drugs (out-of-hospital)	89,805	44.7	86,880	47.9	2,925	14.9
Private-duty nursing	91,211	45.4	88,024	48.5	3,187	16.2
Visiting-nurse service	100,343	49.9	96,885	53.4	3,458	17.6
Nursing-home care	28,044	14.0	23,962	13.2	4,082	20.8
HIAA estimates:						
Hospital care	175,221	87.2	164,383	90.7	10,838	55.2
Surgical services	162,144	80.7	153,304	84.6	8,840	45.0

The estimates for other health care services are based on the gross total of enrollments reported by health insurance organizations, with estimated deductions for multiple or duplicatory coverages. These deductions are believed to be reasonable in the light of the extent of multiple coverages for hospital care and surgical services.

It should be noted that—although sizable proportions of the population are covered for physicians' office and home visits, prescribed drugs, private-duty nursing, and nursing-home care—actual protection for these services, as measured by the proportion of consumer expenditures for health services met by private insurance, varies widely from substantial to very little. In fact, private health insurance meets only 5 percent of consumer expenditures for all health services other than those for hospital care and physicians' services. The bulk of such coverage is under supplementary major medical and comprehensive insurance policies. Significant gains were noted, however, in the scope of coverage under group-practice plans—for both community and employer-employee-union organizations.

Tables 2–4 show the number of persons enrolled by the different types of health insurance organizations for each of 10 services, together with estimates of the net numbers of different persons with some coverage of each of these services.

The gross enrollment total, for persons of all ages for hospital care, reported by or estimated for all organizations, was 202.4 million (table 2). According to projections of the 1968 household-interview figures, 157.3 million different persons were covered for hospital care in 1969. The gross enrollment equaled 129 percent of the net number of different persons covered—an indication that 45 million, or approximately 22 percent of the 202.4 million gross enrollment, represented multiple or duplicatory coverage.

TABLE 2.—ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS OF ALL AGES AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN AND SPECIFIED TYPE OF CARE, AS OF DEC. 31, 1989

Type of plan	Hospital care	Physicians' services				Dental care	Prescribed drugs (out-of-hospital)	Private-duty nursing	Visiting-nurse service	Nursing-home care
		Surgical services	In-hospital visits	X-ray and laboratory examinations	Office and home visits					
Total gross enrollment	202,403	187,005	149,311	133,330	90,297	8,510	94,178	95,644	105,222	28,564
Blue Cross-Blue Shield	73,211	66,595	61,879	36,779	17,111	141	18,563	19,614	28,392	19,053
Blue Cross	70,620	3,629	3,448	1,769	1,088					
Blue Shield	2,591	62,966	58,431	35,010	16,023					
Insurance companies	121,562	110,460	78,282	86,671	64,636	4,811	71,395	70,230	70,320	7,461
Group policies	80,093	81,363	65,490	79,326	57,127	4,753	65,426	64,291	64,291	3,749
Individual policies	41,469	29,097	12,792	7,345	7,509	58	5,969	6,029	6,029	3,712
Other plans	7,630	9,950	9,150	9,850	8,550	3,558	4,220	5,710	6,510	2,050
Community	2,600	4,500	4,500	4,400	4,400	400	1,700	3,400	4,100	250
Employer-employee-union	5,000	5,300	4,500	5,300	4,000	1,400	2,500	2,300	2,400	1,800
Private group clinic	30	150	150	150	150	45	20	10	10	
Dental service corporation						1,713				
Net number of different persons covered, as estimated by—										
Office of Research and Statistics	157,305	152,314	133,914	125,002	86,317	8,510	89,805	91,211	100,343	28,044
Percent of civilian population [1]	78.3	75.8	66.6	62.2	43.0	4.2	44.7	45.4	49.9	14.0
HIAA	175,221	162,144	134,930							
Percent of civilian population [1]	87.2	80.7	67.1							
Gross enrollment as percent of net number of different persons covered, as estimated by—										
Office of Research and Statistics	128.7	122.8	111.5	106.7	104.6	100.0	104.9	104.9	104.9	101.9
HIAA	115.5	115.3	110.7							

[1] Based on Bureau of the Census estimate of 200,965,000 as of Jan. 1, 1970.

Multiple coverage occurs chiefly in three ways: when husband and wife are both employed and both cover self, spouse, and dependents under the insurance plan at the work place; when a person with group coverage under a health insurance plan purchases an individual insurance policy to supplement his group coverage; when a person not eligible for group coverage holds two or more insurance company individual policies (sometimes a second policy taken to supplement one that provides only meager benefits). A considerable share of the individual policies of insurance companies supplement other coverage, it is believed.

Blue Cross plans had 64.9 million persons under age 65 enrolled for hospital care at the end of 1969 (table 3). Blue Shield plans not cooperating or affiliated with Blue Cross plans reported an enrollment of 2.3 million for that type of care. Insurance companies accounted for 78.2 million persons covered for hospital care under group policies and for 37.6 million policy owners and dependents under individual policies. (The number of policy holder enrollments is greater than the net number of different persons with coverage because of multiple coverage.) Private health insurance organizations other than Blue Cross-Blue Shield plans or insurance companies covered an estimated 7.2 million persons for hospital care.

TABLE 3.—ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS UNDER AGE 65 AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN AND SPECIFIED TYPE OF CARE, AS OF DEC. 31, 1969

[In thousands]

Type of plan	Hospital care	Physicians' services				Dental care	Prescribed drugs (out-of-hospital)	Private- duty nursing	Visiting-nurse service	Nursing-home care
		Surgical services	In-hospital visits	X-ray and laboratory examinations	Office and home visits					
Total gross enrollment	190, 251	176, 716	140, 804	125, 695	81, 812	8, 385	91, 224	92, 425	101, 729	24, 441
Blue Cross-Blue Shield	67, 251	60, 499	56, 414	32, 885	12, 687	141	17, 600	18, 415	26, 969	15, 235
Blue Cross	64, 908	3, 412	3, 242	1, 560	1, 005					
Blue Shield	2, 343	57, 087	53, 172	31, 325	11, 682					
Insurance companies	115, 815	106, 767	75, 750	83, 480	60, 977	4, 735	69, 665	68, 600	68, 600	7, 361
Group policies	78, 194	79, 571	63, 864	76, 386	53, 893	4, 677	63, 836	62, 721	62, 721	3, 649
Individual policies	37, 621	27, 196	11, 886	7, 094	7, 084	58	5, 829	5, 879	5, 879	3, 712
Other plans	7, 185	9, 450	8, 640	9, 330	8, 148	3, 509	3, 959	5, 410	6, 160	1, 845
Community	2, 470	4, 310	4, 310	4, 210	4, 210	397	1, 620	3, 280	3, 910	185
Employer-employee-union	4, 690	5, 000	4, 190	4, 980	3, 798	1, 390	2, 320	2, 120	2, 240	1, 660
Private group clinic	25	140	140	140	140	43	19	10	10	
Dental service corporation						1, 679				
Net number of different persons covered, as estimated by—										
Office of Research and Statistics	147, 408	142, 902	126, 190	117, 472	77, 916	8, 385	86, 880	88, 024	96, 885	23, 962
Percent of civilian population[1]	81. 3	78. 8	69. 6	64. 8	43. 0	4. 6	47. 9	48. 5	53. 4	13. 2
HIAA	164, 383	153, 304	127, 227							
Percent of civilian population[1]	90. 7	84. 6	70. 2							
Gross enrollment as percent of net number of different persons covered, as estimated by—										
Office of Research and Statistics	129. 1	123. 6	111. 6	107. 0	105. 0	100. 0	105. 0	105. 0	105. 0	102. 0
HIAA	115. 9	115. 3	110. 7							

[1] Based on the Bureau of the Census estimate of 181,317,000 as of Jan. 1, 1970.

TABLE 4.—ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS AGED 65 AND OVER AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN AND SPECIFIED TYPE OF CARE, DEC. 31, 1969

[In thousands]

Type of plan	Hospital care	Physicians' services				Dental care	Prescribed drugs (out-of-hospital)	Private-duty nursing	Visiting-nurse service	Nursing-home care
		Surgical services	In-hospital visits	X-ray and laboratory examinations	Office and home visits					
Total gross enrollment	12, 152	10, 289	8, 507	7, 605	8, 485	125	2, 954	3, 219	3, 493	4, 123
Blue Cross-Blue Shield	5, 960	6, 096	5, 465	3, 894	4, 424		963	1, 199	1, 423	3, 818
Blue Cross	5, 712	217	266	209	83					
Blue Shield	248	5, 879	5, 259	3, 685	4, 341					
Insurance companies	5, 747	3, 693	2, 532	3, 191	3, 659	76	1, 730	1, 720	1, 720	100
Group policies	1, 899	1, 792	1, 626	2, 940	3, 234	76	1, 590	1, 570	1, 570	100
Individual policies	3, 848	1, 901	906	251	425		140	150	150	
Other plans	445	500	510	520	402	49	261	300	350	205
Community	130	190	190	190	190	3	80	120	190	65
Employer-employee-union	310	300	310	320	202	10	180	180	160	140
Private group clinic	5	10	10	10	10	2	1			
Dental service corporation						34				
Net number of different persons covered, as estimated by—										
Office of Research and Statistics	9, 897	9, 412	7, 724	7, 530	8, 401	125	2, 925	3, 187	3, 458	4, 082
Percent of civilian population[1]	50. 4	47. 9	39. 3	38. 3	42. 8	.6	14. 9	16. 2	17. 6	20. 8
HIAA	10, 838	8, 840	7, 703							
Percent of civilian population[1]	55. 2	45. 0	39. 2							
Gross enrollment as percent of net number of different persons covered, as estimated by—										
Office of Research and Statistics	122. 8	109. 3	110. 1	101. 0	101. 0	100. 0	101. 0	101. 0	101. 0	101. 0
HIAA	112. 1	116. 4	110. 4							

[1] Based on Bureau of the Census estimate of 19,648,000 as of Jan. 1, 1970

SOURCES OF THE DATA

Blue Cross and Blue Shield data are supplied by the Blue Cross Association and the National Association of Blue Shield Plans from data reported by the individual plans. The data for insurance companies were compiled by the Health Insurance Association of America from its annual survey of the number of persons covered by insurance companies under group and individual policies. The data for private insurance plans other than those of the Blue Cross and Blue Shield associations and those of insurance companies are Office of Research and Statistics estimates based on its annual survey of these plans. A full survey of all known plans of this type was made in 1969 to obtain 1968 data.[1] Estimates for the year 1969 have been made on the basis of changes from 1968 to 1969 in a small number of the larger plans.

The net number of persons under age 65 with hospital coverage at the end of 1969 is estimated as 147 million or 81 percent of the civilian population. The estimate is a projection of the 1968 household-interview survey figure by the NCHS.[2] In projecting the

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[1] See Louis S. Reed, *Health Insurance Plans Other Than Blue Cross or Blue Shield Plans or Insurance Companies, 1969 Survey* (Research Report No. 35), Social Security Administration, Office of Research and Statistics, 1970.

[2] "Hospital and Surgical Insurance Coverage Among Persons Under 65 Years of Age in the United States, 1968," *Monthly Vital Statistics Report*, National Center for Health Statistics, Public Health Service, Feb. 2, 1970.

1969 estimates, the 1968 NCHS figures for hospital and for surgical coverage were increased by the percentage changes reported by HIAA in its estimates of net coverage—3 percent and 4 percent, respectively. The 1969 estimates for the net number of persons over age 65 were arrived at in a similar manner: the relative increase shown by HIAA was 7 percent for hospital services, and it was 4 percent for surgical benefits.

Estimates of the net number of persons with coverage of other services have been made by assuming the ratios of gross enrollment to the number covered. For those under age 65, these ratios were 112 percent for in-hospital visits of physicians; 107 percent for X-ray and laboratory examinations; 105 percent for physicians' office and home visits, drugs, private-duty nursing, and visiting-nurse service; and 102 percent for nursing-home care (it is assumed that there is as yet no duplicatory coverage of dental care). The ratios are believed to be reasonable since the extent of multiple coverage is presumably much greater for hospital care and surgical services than it is for other items of health care.

For persons aged 65 and over who are covered for services other than hospital care and surgery, the estimates of the net numbers are derived in a similar manner but with the assumption of a lower rate of multiple coverage: 110 percent for physicians' in-hospital visits and 101 percent for X-ray and laboratory services, physicians' office and home visits, private-duty nursing, visiting-nurse service, nursing-home care, and drugs. For persons of all ages, the estimates are obtained by adding the estimates for persons under age 65 and for persons aged 65 and over.

Insurance company estimates are reported as in past years. The HIAA provides estimates of net coverage of persons under and persons over age 65, for hospital, surgical, and nonsurgical medical expense coverage—basic coverage of physicians' visits in the hospital, physicians' visits in the office, home, and hospital, and out-of-hospital X-ray and/or laboratory examinations. The nonsurgical medical expense estimate is used for in-hospital medical visits.

The percentage distribution of gross total enrollment among the carriers in 1969 is shown in table 5. For persons of all ages, Blue Cross-Blue Shield plans have 36 percent of total enrollment for hospital care and insurance companies have 60 percent. For plans other than Blue Cross-Blue Shield and insurance company plans, the share of gross enrollment is 4 percent. Enrollment under group insurance policies was almost twice as large as that under individual policies.

TABLE 5.—PERCENTAGE DISTRIBUTION OF TOTAL GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS, BY AGE, TYPE OF PLAN, AND SPECIFIED TYPE OF CARE, DEC. 31, 1969

Age group and type of plan	Hospital care	Surgical services	Physicians' services: In-hospital visits	Physicians' services: X-ray and laboratory examinations	Physicians' services: Office and home visits	Dental care	Prescribed drugs (out of hospital)	Private duty nursing	Visiting nurse service	Nursing home care
Total, all ages	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Blue Cross-Blue Shield	36.2	35.6	41.4	27.6	18.9	1.7	19.7	20.5	27.0	66.7
Insurance companies	60.1	59.1	52.4	65.0	71.6	56.5	75.8	73.5	66.8	26.1
Group policies	39.6	43.5	43.9	59.5	63.3	55.9	69.5	67.2	61.1	13.0
Individual policies	20.5	15.6	8.6	5.5	8.3	.7	6.3	6.3	5.7	13.0
Other plans	3.8	5.3	6.1	7.4	9.5	41.8	4.5	6.0	6.2	7.2
Under age 65, total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Blue Cross-Blue Shield	35.3	34.2	40.1	26.2	15.5	1.7	19.3	19.9	26.5	62.3
Insurance companies	60.9	60.4	53.8	66.4	74.5	56.5	76.4	74.2	67.4	30.1
Group policies	41.1	45.0	45.4	60.8	65.9	55.8	70.0	67.9	61.7	14.9
Individual policies	19.8	15.4	8.4	5.6	8.7	.7	6.4	6.4	5.8	15.2
Other plans	3.8	5.3	6.1	7.4	10.0	41.8	4.3	5.9	6.1	7.5
Aged 65 and over, total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Blue Cross-Blue Shield	49.0	59.2	64.2	51.2	52.1	...	32.6	37.2	40.7	92.6
Insurance companies	47.3	35.9	29.8	42.0	43.1	60.8	58.6	53.4	49.2	2.4
Group policies	15.6	17.4	19.1	38.7	38.1	60.8	53.8	48.8	44.9	2.4
Individual policies	31.7	18.5	10.7	3.3	5.0	...	4.7	4.7	4.3	...
Other plans	3.7	4.9	6.0	6.8	4.7	39.2	8.8	9.3	10.0	5.0

The relationship runs about the same for surgical services, with group insurance policies almost three times individual policies. For X-ray and laboratory examinations, insurance companies had 65 percent of the enrollment, with group policies almost 12 times as frequent as individual policies. Blue Cross-Blue Shield plans held 28 percent of the enrollment, and other plans had 7 percent.

Blue Cross-Blue Shield plans held only a small share of the other services, except for nursing-home care, where they accounted for 67 percent of the enrollment. The share of coverage held by insurance companies was 57 percent for dental care, 72 percent for physicians' office and home visits, 76 percent for prescription out-of-hospital drugs, 74 percent for private-duty nursing, and 67 percent for visiting-nurse service. Group insurance policies outnumbered individual policies about 11 to 1, except for dental care (almost exclusively group business) and physicians' office and home visits, with a ratio about 8 to 1. Plans other than Blue Cross-Blue Shield and insurance company plans had their greatest strength in dental care—42 percent of enrollment. They had less than 10 percent of the enrollment for all other services.

The distribution pattern was somewhat the same for persons under age 65 as for those of all ages. Among those aged 65 and over, however, there is a distinct shift: Blue Cross-Blue Shield plans accounted for a much larger share of enrollment for all types of services.

HISTORICAL DATA

The data in tables 6 and 7 give the gross enrollment of health insurance organizations and estimates of the net number of persons with some coverage of hospital care and surgical services during 1940–69. The gross enrollments are the total of enrollments for all carriers, with no deduction for duplication among insurance companies. The data on the net number of persons covered are those reported by various household surveys from time to time during the period. The 1969 data are projections of the 1968 NCHS figures, as noted earlier.

TABLE 6.—HOSPITAL BENEFITS: GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS OF ALL AGES AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN, 1940–69

[In thousands]

End of year	Gross enrollments: Total	Blue Cross-Blue Shield: Total	Blue Cross-Blue Shield: Blue Cross	Blue Cross-Blue Shield: Blue Shield	Insurance companies: Total	Insurance companies: Group policies	Insurance companies: Individual policies	Other plans: Total	Other plans: Community	Other plans: Employer-employee-union	Other plans: Medical Society	Other plans: Private group clinic	Net number covered, Household surveys[1]: Number	Household surveys: Percent of civilian population	HIAA: Number[2]	HIAA: Percent of civilian population	Gross enrollment as percent of net, estimated by—: Household surveys	Gross enrollment as percent of net: HIAA
1940	12,022	6,072	6,012	60	3,700	2,500	1,200	2,250	140	1,560	110	440	...	...	12,312	9.3	...	97.6
1945	32,135	18,961	18,881	80	10,504	7,804	2,700	2,670	420	1,660	200	390	...	...	32,068	24.0	...	100.2
1950	81,691	37,645	37,435	210	39,601	22,305	17,296	4,445	1,445	2,280	500	220	...	...	76,639	50.7	...	106.6
1955	118,629	48,924	47,719	1,205	63,160	39,029	24,131	6,545	2,920	3,220	360	45	...	...	105,452	64.1	...	112.5
1960	148,863	57,464	55,938	1,526	85,405	55,218	30,187	5,994	1,604	4,000	340	50	...	...	130,007	72.3	...	114.5
1961	153,026	57,960	56,489	1,471	87,964	57,013	30,951	7,102	1,851	4,850	344	57	...	...	134,417	73.7	...	113.8
1962	158,629	59,618	58,133	1,485	92,074	59,153	32,921	6,937	1,830	4,703	344	60	129,800	70.0	138,890	74.9	122.2	114.2
1963	165,142	60,698	59,141	1,557	97,279	62,817	34,462	7,165	1,947	4,814	344	60	126,057	67.0	144,575	76.8	131.0	114.2

See footnotes at end of table.

TABLE 6.—HOSPITAL BENEFITS: GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS OF ALL AGES AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN, 1940–69—Continued

[In thousands]

	Gross enrollments												Net number of different persons covered, estimated by—				Gross enrollment as percent of net, estimated by—	
		Blue Cross-Blue Shield			Insurance companies			Other plans					Household surveys [1]		HIAA			
End of year	Total	Total	Blue Cross	Blue Shield	Total	Group policies	Individual policies	Total	Community	Employer-employee-union	Medical society	Private group clinic	Number	Percent of civilian population	Number [2]	Percent of civilian population	Household surveys	HIAA
1964	169,632	62,429	60,478	1,951	100,363	64,506	35,857	6,840	1,859	4,785	8	188			148,338	77.8		114.4
1965	175,122	63,662	61,651	2,012	104,476	67,104	37,372	6,984	1,954	4,971	8	51			153,133	79.4		114.4
1966	180,482	65,638	63,408	2,230	108,211	69,570	38,641	6,633	1,964	4,618		51			158,022	81.1		114.2
1967	185,822	67,513	65,188	2,325	111,259	73,351	37,908	7,050	2,300	4,700		50	146,131	74.3	162,853	82.8	127.2	114.1
1968	193,555	70,510	67,958	2,552	115,768	76,009	39,709	7,277	2,507	4,749		20	152,117	76.5	169,497	85.3	127.2	114.2
1969	202,403	73,211	70,620	2,591	121,562	80,093	41,469	7,630	2,600	5,000		30	[3] 157,305	78.3	175,221	87.2	128.7	115.5

[1] Number estimated by applying percentages to total civilian population. Percentages projected to end of year and rounded, except for 1967, 1968, and 1969 data.

[2] Estimate exceeds gross enrollment for early years because HIAA data include estimated enrollment of college and university health services.

[3] Estimated by applying HIAA percentage increase in net enrollment from 1968 to 1969 to the NCHS figure for 1968.

TABLE 7.—SURGICAL BENEFITS: GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS FOR PERSONS OF ALL AGES AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY TYPE OF PLAN, 1940–69

[In thousands]

	Gross enrollments												Net number of different persons covered, estimated by—				Gross enrollment as percent of net, estimated by—	
		Blue Cross-Blue Shield			Insurance companies			Other plans					Household surveys [1]		HIAA			
End of year	Total	Total	Blue Cross	Blue Shield	Total	Group policies	Individual policies	Total	Community	Employer-employee-union	Medical society	Private group clinic	Number	Percent of civilian population	Number [2]	Percent of civilian population	House-hold surveys	HIAA
1940	4,790	260		260	2,280	1,430	850	2,250	200	1,480	110	460			5,350	4.1		89.5
1945	12,092	2,335	127	2,208	7,337	5,537	1,800	2,420	350	1,460	200	410			12,890	9.6		93.8
1950	55,950	17,253	1,151	16,102	34,937	21,219	13,718	3,760	940	1,950	600	270			54,156	35.8		100.3
1955	101,819	37,395	3,194	34,201	58,494	39,725	18,769	5,930	2,130	3,200	430	170			88,856	54.0		114.6
1960	134,118	48,266	3,773	44,493	78,516	55,504	23,012	7,336	2,760	4,020	346	210			117,304	65.2		114.3
1961	140,103	49,374	3,048	46,326	82,235	57,373	24,862	8,494	3,026	4,891	346	231	116,788	64.0	122,951	67.4	120.0	114.0
1962	144,441	50,876	2,814	48,062	85,278	59,787	25,491	8,287	3,003	4,695	346	243	120,528	65.0	126,900	68.4	119.8	113.8
1963	151,240	52,371	2,740	49,631	90,261	63,288	26,973	8,608	3,206	4,806	346	250			131,954	70.1		114.6
1964	155,215	54,473	3,222	51,251	92,445	64,939	27,506	8,297	3,111	4,968	10	208			135,433	71.0		114.6
1965	161,810	56,330	3,660	52,669	96,796	67,557	29,239	8,684	3,400	5,068	10	206			140,462	72.8		115.2
1966	165,810	57,916	3,417	54,499	99,569	70,268	29,301	8,325	3,526	4,601		198			144,715	74,3		114.6
1967	172,050	60,433	3,416	57,017	103,037	74,318	28,719	8,580	3,900	4,500		180	142,437	72.4	150,396	76.4	120.8	114.4
1968	177,647	63,279	3,464	59,815	105,616	77,415	28,201	8,752	4,132	4,476		143	146,295	73.6	155,725	78.3	121.4	114.1
1969	187,005	66,595	3,629	62,966	110,460	81,363	29,097	9,950	4,500	5,300		150	[3] 152,314	75.0	162,144	80.7	122.8	115.3

[1] Number estimated by applying percentages to total civilian population. Percentages projected to end of year and rounded, except for 1967, 1968, and 1969 data.

[2] Estimate exceeds gross enrollment for early years because HIAA data include estimated enrollment of college and university health services.

[3] Estimated by applying HIAA percentage increase in net enrollment from 1968 to 1969 to the NCHS figure for 1968.

Blue Cross-Blue Shield enrollment for hospital and surgical care continues to grow at about the same rate as in recent years. Insurance company enrollments show a gradually increasing growth rate, most of it in group business, although individual policies showed some increase in enrollment in 1969 after spotty or no growth during the preceding years. Among plans other than Blue Cross-Blue Shield and insurance company plans, the overall growth rate has been fairly constant. Employer-employee-union plans had the greatest increase, reflecting the impact of collective bargaining.

Although enrollment increased generally in community plans, the rate of growth slowed sharply in 1969, largely as a result of declines in enrollment in two major plans—the Community Health Association of Detroit and the Inter-County Hospital Plan, Inc., of Johnstown, Pennsylvania. The former—a community group-practice plan—lost almost 3,000 enrollees, most of them United Auto Workers (UAW) members who moved away from the center city in which the plan facilities are located and substituted other private insurance. Although other employee groups have taken the place of the UAW members in the center city, they are not in the favorable position of UAW groups who have collective bargaining agreements with their employers that give them a choice between carriers. The Inter-County Hospital Plan—a community individual-practice plan—lost 38,000 enrollees, most of them union groups, who turned to other types of health insurance plans when the Inter-County plan raised subscription rates after 2 years of adverse experience with these groups.

The difference of several points between the HIAA estimates and the other estimates of the proportion of the net population with health insurance continues to stand out very clearly. The ratio of total gross enrollments to the estimates of net enrollment by HIAA is examined as well as the ratio of gross enrollments to ORS and NCHS estimates of net coverage.

The HIAA estimates did not take duplicating coverages into account until 1947. By 1960, the Association's ratio of gross enrollment to net enrollment had leveled off at about 114 percent. The various household surveys have found a substantially larger ratio in the past few years—120–131 percent for hospital benefits and 120–123 percent for surgical care. Some of the difference between HIAA estimates and the household survey figures may result from HIAA overstatement of enrollments reported by health insurance organizations or from underreporting under the household surveys.

For persons under age 65 and for those aged 65 and over, data on enrollments and estimates of the net population covered are presented separately in tables 8 and 9. The separate data are significant because of the changing health insurance picture since the start of Medicare operations in mid-1966.

TABLE 8.—HOSPITAL BENEFITS: GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY AGE AND TYPE OF PLAN, 1960–69

[In thousands]

	Gross enrollment					Net number of different persons covered, estimated by—				Gross enrollment as percent of net, estimated by—	
			Insurance companies			Household surveys		HIAA			
End of year	Total	Blue Cross-Blue Shield	Group policies	Individual policies	Other plans	Number	Percent of civilian population	Number	Percent of civilian population	Household surveys	HIAA
Under age 65											
1960	139,855	53,070	53,718	27,487	5,580			120,772	74.1		115.8
1961	142,576	52,750	55,263	27,951	6,612			124,595	75.4		114.4
1962	146,626	54,194	56,853	29,121	6,458	120,220	72.3	128,600	76.6	122.0	114.0
1963	152,822	55,072	60,417	30,662	6,671			133,267	78.2		114.7
1964	157,083	56,663	62,006	32,057	6,357			(1)	(1)		
1965	162,461	57,884	64,504	33,572	6,501			141,400	81.0		114.9
1966	170,053	60,575	67,546	35,729	6,203			148,589	84.4		114.4
1967	175,672	62,103	71,279	35,670	6,620	137,617	77.4	153,768	86.5	127.7	114.2
1968	182,440	65,086	74,128	36,451	6,775	142,837	79.6	159,335	88.8	127.7	114.5
1969	190,251	67,251	78,194	37,621	7,185	[2]147,408	81.3	164,383	90.7	129.1	115.9
Aged 65 and over											
1960	9,008	4,394	1,500	2,700	414			9,235	54.8		97.5
1961	10,450	5,210	1,750	3,000	490			9,822	57.2		106.4
1962	12,003	5,424	2,300	3,800	479	9,125	54.1	10,300	59.1	131.5	116.5
1963	12,320	5,626	2,400	3,800	494			11,308	63.8		108.9
1964	12,538	5,766	2,500	3,800	472			(1)	(1)		
1965	12,661	5,778	2,600	3,800	483			11,700	63.9		108.2
1966	10,439	5,073	2,024	2,912	430			9,433	50.6		110.7
1967	10,150	5,410	2,072	2,238	430	8,514	45.0	9,085	47.8	119.2	111.7
1968	11,115	5,424	1,931	3,258	502	[3]9,280	48.5	10,162	52.6	119.8	109.4
1969	12,152	5,960	1,899	3,848	445	[3]9,897	[4]50.4	10,838	55.2	122.8	112.1

[1] Data not available.

[2] See footnote 3, table 6.

[3] Estimated on basis of percentage increase in gross enrollment from the preceding year.

[4] In the current medicare survey of the Social Security Administration, 51 percent of those enrolled for supplementary medical insurance were reported as having private hospital insurance as of Jan. 1, 1969.

TABLE 9.—SURGICAL BENEFITS: GROSS ENROLLMENT UNDER PRIVATE HEALTH INSURANCE PLANS AND ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS COVERED, BY AGE AND TYPE OF PLAN, 1960–69

[In thousands]

	Gross enrollment					Net number of different persons covered, estimated by—				Gross enrollment as percent of net, estimated by—	
			Insurance companies			Household surveys		HIAA			
End of year	Total	Blue Cross-Blue Shield	Group policies	Individual policies	Other plans	Number	Percent of civilian population	Number	Percent of civilian population	Household surveys	HIAA
Under age 65:											
1960	127,386	45,226	54,104	21,212	6,844			109,452	67.2		116.4
1961	132,209	45,649	55,673	22,962	7,925			114,645	69.3		115.3
1962	134,609	46,599	57,487	22,791	7,732	113,569	68.3	(1)	(1)	118.5	
1963	139,278	46,086	60,888	24,273	8,031			122,112	71.6		114.1
1964	144,811	49,825	62,439	24,806	7,741			(1)	(1)		
1965	150,946	51,348	64,957	26,539	8,102			130,100	74.5		116.0
1966	157,504	53,613	68,574	27,479	7,838			137,448	78.1		114.6
1967	163,643	56,020	72,583	26,965	8,075	134,061	75.4	142,828	80.3	122.9	114.6
1968	168,588	58,390	75,619	26,300	8,279	137,224	76.5	147,252	82.1	122.9	114.5
1969	176,716	60,499	79,571	26,196	9,450	[2]142,902	78.8	153,304	84.6	123.6	115.3
Aged 65 and over:											
1960	6,732	3,040	1,400	1,800	492			7,852	46.6		85.7
1961	7,894	3,725	1,700	1,900	569			8,306	84.4		95.0
1962	9,832	4,277	2,300	2,700	555	7,792	46.2	(1)	(1)	126.2	(1)
1963	9,962	4,285	2,400	2,700	577			9,842	55.6		101.2
1964	10,404	4,648	2,500	2,700	556			(1)	(1)		(1)
1965	10,864	4,982	2,600	2,700	582			10,400	56.8		104.5
1966	8,307	4,304	1,694	1,822	487			7,267	39.0		114.3
1967	8,407	4,413	1,735	1,754	505	8,376	44.1	7,568	39.8	100.4	111.1
1968	9,059	4,889	1,796	1,901	473	[3]9,021	46.7	8,473	43.8	100.4	106.9
1969	10,289	6,096	1,792	1,901	500	[3]9,412	[4]47.9	8,840	45.0	109.3	116.4

[1] Data not available.

[2] See footnote 3, table 6.

[3] See footnote 3, table 8.

[4] In the current medicare survey of the Social Security Administration, 44 percent of those enrolled for supplementary medical insurance were reported as having private surgical insurance as of Jan. 1, 1969.

For the population under age 65, gross total enrollments for hospital care rose 24 percent between 1962 and 1968, and enrollment for surgical care increased 25 percent. By the end of 1969, enrollments had risen again, by almost 5 percent for hospital care and for surgical care. As measured by the household surveys, the increases in the net number of persons covered from 1962 to 1968 were 19 percent for hospital care and 21 percent for surgical care. The 1969 increases in enrollment were 3 percent for hospital care and 4 percent for surgical care, as shown by the projection of the 1968 household-survey estimates.

The picture is different for persons aged 65 and over. The number and proportion covered by private health insurance reached their maximum in 1965 and fell off with the advent of Medicare. Total enrollments dropped only 18 percent by the end of 1966, however—an indication that the great majority of the aged with private health insurance retained their insurance, shifting to policies or plans complementary to Medicare. After a further slight decline in 1967, enrollment rose in 1968 and 1969. The percentage of the aged population with private insurance coverage also increased in those years.

The steadily broadening scope of benefits under private health insurance is shown in table 10, which gives data on enrollment and estimated net population covered, by type of health care benefit. For all ages, coverage for X-ray and laboratory examinations, prescribed drugs, and private-duty nursing has almost doubled since 1962; net enrollment for physicians' office and home visits went up 51 percent; the number and percentage of persons with visiting-nurse service more than doubled; nursing-home care covered fire times as many persons; and dental care jumped eightfold.

TABLE 10.—ESTIMATES OF THE NET NUMBER OF DIFFERENT PERSONS UNDER PRIVATE HEALTH INSURANCE PLANS AND PERCENT OF POPULATION COVERED, BY AGE AND SPECIFIED TYPE OF CARE, 1962–69

End of year	Hospital Care	Physicians' services				Dental care	Prescribed drugs	Private-duty nursing	Visiting-nurse service	Nursing-home care
		Surgical services	In-hospital visits	X-ray and laboratory examinations	Office and home visits					
					All ages					
Number (in thousands):										
1962	129,800	120,528	(1)	65,671	56,986	1,006	47,907	46,143	43,303	4,975
1965	(1)	(1)	(1)	79,500	63,400	3,100	53,200	56,000	60,100	9,900
1966	(1)	(1)	(1)	90,000	73,706	4,227	65,544	68,722	79,004	17,814
1967	146,131	142,437	(1)	92,480	78,565	4,679	71,201	76,080	81,771	18,754
1968	152,117	146,295	128,174	97,703	85,311	5,821	79,280	83,485	90,523	19,046
1969	157,305	152,314	133,914	125,002	86,317	8,510	89,805	91,211	100,343	28,044
Percent of civilian population:										
1962	70.0	65.0	(1)	35.0	31.0	0.5	26.0	25.0	23.0	3.0
1965	(1)	(1)	(1)	41.2	32.9	1.6	27.6	29.0	31.2	5.1
1966	(1)	(1)	(1)	48.0	37.9	2.2	33.7	35.0	40.6	9.2
1967	74.3	72.4	(1)	47.0	39.9	2.4	36.2	38.7	41.6	9.2
1968	76.5	73.6	64.5	49.2	42.9	2.9	39.9	42.0	45.5	9.6
1969	78.3	75.8	66.6	62.2	43.0	4.2	44.7	45.4	49.9	14.0
					Under age 65					
Number (in thousands):										
1967	137,617	134,061	116,656	88,926	75,785	4,596	69,363	73,857	79,302	15,873
1968	142,837	137,274	121,104	93,714	82,295	5,719	76,748	81,309	87,697	16,921
1969	147,408	142,902	126,190	117,472	77,916	8,385	86,880	88,024	96,885	23,962
Percent of civilian population:										
1967	77.4	75.4	65.6	50.0	42.6	2.6	39.0	41.5	44.6	8.9
1968	79.6	76.5	67.5	52.2	45.9	3.2	42.8	45.3	48.9	9.4
1969	81.3	78.8	69.6	64.8	43.0	4.6	47.9	48.5	53.4	13.3
					Aged 65 and over					
Number (in thousands):										
1967	8,514	8,376	5,905	3,554	2,780	83	1,838	2,223	2,470	2,881
1968	9,280	9,021	7,070	3,989	3,016	102	2,532	2,176	2,826	2,125
1969	9,897	9,412	7,724	7,530	8,401	125	2,925	3,187	3,458	4,082
Percent of civilian population:										
1967	45.0	44.0	31.1	18.7	14.6	0.4	9.7	11.7	13.0	15.2
1968	48.5	46.7	36.6	20.6	15.6	.5	13.1	11.3	14.6	11.0
1969	50.4	47.9	39.3	38.3	42.8	.6	14.9	16.2	17.6	20.8

[1] Data not available.

The expansion in the areas of physicians' office and home visits, private-duty nursing, and to some extent X-ray and laboratory examinations and prescribed drugs, comes largely through increased coverage under supplementary major medical and comprehensive insurance policies and extended-benefits contracts under Blue Cross-Blue Shield plans. Much of the expansion of coverage for X-ray and laboratory examinations, prescribed drugs, and dental care has come through self-insured employer-employee-union plans and community plans—both group practice and individual practice. It is clear, however, that all private health insurance organizations are tending to broaden the scope of their basic coverage.

Table 11 shows, for coverage of persons of all ages, the annual growth since 1955 in the number of persons under major medical policies of insurance companies and under supplementary major medical and comprehensive extended-benefits contracts of Blue Cross-Blue Shield plans. In 1969 group insurance policies covered twelve times the number covered under individual insurance policies, with supplementary major medical coverage outnumbering comprehensive coverages 3 to 1. Almost five times as many persons were covered under Blue Cross-Blue Shield supplementary major medical plans as the number covered under Blue Cross-Blue Shield comprehensive extended-benefit plans.

TABLE 11.—NUMBER OF PERSONS COVERED UNDER MAJOR MEDICAL POLICIES OF INSURANCE COMPANIES AND UNDER SUPPLEMENTARY MAJOR MEDICAL AND COMPREHENSIVE EXTENDED-BENEFITS CONTRACTS OF BLUE CROSS-BLUE SHIELD PLANS, 1955–69

[In thousands]

End of year	Insurance companies					Blue Cross-Blue Shield plans[1]		
	Total	Group policies			Individual policies	Total	Supplementary major medical	Comprehensive extended benefit
		Total	Supplementary	Comprehensive				
1955	5,241	4,759	3,928	831	482			
1960	27,448	25,608	17,285	8,323	1,840	3,713	3,020	693
1961	34,138	31,517	22,281	9,236	2,621	5,059	4,015	1,044
1962	38,250	35,053	25,301	9,752	3,197	7,501	5,068	1,735
1963	42,441	38,699	28,248	10,451	3,742	(2)	(2)	(2)
1964	47,001	42,579	31,772	10,807	4,422	(2)	(2)	(2)
1965	51,946	47,269	35,988	11,281	4,677	[3] 14,600	(2)	(2)
1966	56,742	52,002	39,685	12,317	4,740	14,352	10,409	3,943
1967	62,226	57,447	43,899	13,548	4,779	16,279	12,408	3,871
1968	66,841	61,738	46,935	14,803	5,103	17,807	14,078	3,729
1969	72,292	66,630	49,875	16,755	5,662	20,328	16,666	3,662

[1] Comparable data not available for earlier years; before 1965, data shown are for Blue Cross plans only; beginning 1965, data jointly developed by Blue Cross Association and National Association of Blue Shield Plans on unduplicated number of persons covered.

[2] Data not available.

[3] Data for Blue Cross plans plus an estimated 1,600,000 in Blue Shield plans not affiliated with Blue Cross.

Beginning in 1966, major medical coverage has increased at a faster pace under Blue Cross-Blue Shield plans than under insurance policies. However, the growth rate under individual insurance policies has stepped up rapidly since 1966, indicating that individual policies are frequently purchased as a supplement to a basic Blue Cross-Blue Shield plan or a group insurance plan.

With minor exceptions—mostly in the area of drugs—plans other than Blue Cross-Blue Shield and insurance company plans do not provide coverage of the major medical type. The community plans generally provide comprehensive physicians' services and usually complete coverage of hospital care. A very small number of the employer-employee-union plans have major medical coverage.

Group-practice plans are of special interest, since they would, presumably, be important links to any national health insurance scheme. Moreover, group practice as a method of organization and delivery of health care will continue to be studied from the standpoint of improved quality of care and savings in costs, for both hospital utilization and use of physicians' services, and as a source of comprehensive and preventive care. Since 1953, enrollment in these plans has roughly doubled for hospital care, surgical services, and dental care (table 12). In the last 5 years growth is estimated at 38 percent for hospital care, 36 percent for surgical services, 33 percent for inhospital physicians' visits, and 31 percent for physicians' visits in office, clinic, and health center. The growth in dental care and in prescription drugs enrollment has been especially rapid during the past year—68 and 24 percent, respectively.

TABLE 12.—PRIVATE HEALTH INSURANCE ENROLLMENT UNDER GROUP PRACTICE PREPAYMENT PLANS, BY SPECIFIED TYPE OF CARE, 1953-69

[In thousands]

Year	Hospital care	Physicians' services			Dental care	Drugs
		Surgical services	In-hospital visits	Office, clinic, or health center		
1953	1,802	2,410	2,507	2,853	452	(1)
1956	2,428	3,177	3,399	3,395	248	(1)
1959	2,526	3,280	3,400	3,694	318	(1)
1961	2,586	3,484	3,643	3,643	398	518
1964	2,695	3,504	3,176	3,844	438	889
1966	2,771	3,763	3,430	4,158	(1)	(1)
1967	3,060	4,130	3,760	4,480	(1)	(1)
1968	3,043	4,051	3,730	4,404	518	1,382
1969	3,730	4,750	4,210	5,050	870	1,720

[1] Data not available.

FINANCIAL EXPERIENCE

In 1969 the subscription or premium income of all private health insurance organizations totaled $14.7 billion (table 13). Claims or benefit expense amounted to $13.1 billion or 89 percent of premium income. The organizations used $2.1 billion for operating expense (15 percent of premium income) and had a net underwriting loss of 4 percent. Some of this underwriting loss was made up by income from investment of reserves.

TABLE 13.—FINANCIAL EXPERIENCE OF PRIVATE HEALTH INSURANCE ORGANIZATIONS, 1969

[Dollar amounts in millions]

Type of plan	Total income	Subscription of premium income	Claims expense		Operating expense		Net underwriting gain		Net income	
			Amount	Percent of premium income	Amount	Percent of premium income	Amount	Percent of premium income	Amount	Percent of premium income
Total	(1)	$14,657.7	$13,068.5	89.2	$2,133.7	14.6	−$544.5	−3.7	(1)	
Blue Cross-Blue Shield	$6,265.8	6,155.6	5,903.1	95.9	457.7	7.4	−205.2	−3.3	−$95.0	−1.5
Blue Cross	4,434.1	4,365.2	4,271.4	97.9	252.3	5.8	−158.5	−3.6	−89.6	−2.0
Blue Shield	1,831.7	1,790.4	1,631.7	91.1	205.3	11.5	−46.6	−2.6	−5.3	−.3
Insurance companies	(1)	7,569.0	6,306.0	83.3	1,609.5	21.3	−364.5	−4.6	(1)	
Group policies	(1)	5,685.0	5,349.0	94.1	750.4	13.2	−414.4	−7.3	(1)	
Individual policies	(1)	1,884.0	957.0	50.8	859.1	45.6	67.9	3.6	(1)	
Other plans	933.1	933.1	859.4	92.1	66.5	7.1	7.2	.8	7.2	.8
Community	375.0	375.0	349.0	93.1	27.0	7.2	−1.0	−.3	−1.0	.3
Employer-employee union	490.0	490.0	450.0	91.8	35.0	7.2	5.0	1.0	5.0	1.0
Private group clinic	16.3	16.3	14.2	87.1	1.1	6.8	1.0	6.1	1.0	6.1
Dental service corporation	51.8	51.8	46.2	89.2	3.4	6.6	2.2	4.2	2.2	4.2

[1] Data not available.

The Blue Cross-Blue Shield plans had a subscription income of $6.2 billion. About $5.9 billion of this total was used for benefits (96 percent) and $0.5 billion (7 percent) for operating expense. The net underwriting loss for the plans was $0.2 billion. The income from investments on reserves reduced this loss to $95 million. Blue Cross plans had almost 69 percent of the total Blue Cross-Blue Shield subscription or premium income, Blue Shield plans the remaining 29 percent. Blue Cross plans expended 98 percent of income for benefits; Blue Shield plans, 91 percent. The operating expenses were 6 percent of premium income for Blue Cross plans, 11 percent for Blue Shield plans. Blue Cross plans incurred a net underwriting loss of 4 percent of premium income; for Blue Shield plans the loss was 3 percent.

For insurance companies, total premium income reached $7.6 billion—one-fourth came from individual policies and three-fourths from group business. Group business paid out 94 percent of premium income in benefits; individual policies paid out 51 percent. Operating expense amounted to $859 million in individual business, compared with $750 million in group business. For all insurance policies, it represented 21 percent of premium income. Individual business showed a net underwriting gain of 4 percent of premium income; in group business the net underwriting loss was 7 percent.

Private health insurance plans other than Blue Cross-Blue Shield and insurance company plans had a total income of $933 million. They used 92 percent of such income for benefits, and 7 percent for operating expense, and they showed a net underwriting gain of almost 1 percent of premium income.

SOURCE OF DATA

The data for Blue Cross and Blue Shield plans are based on financial statements for all plans supplied by the Blue Cross Association and the National Association of Blue Shield Plans. Duplication resulting from the fact that six joint Blue Cross-Blue Shield plans report identical data to both national organizations has been eliminated. Data for Health Services, Incorporated, and for Medical Indemnity of America—insurance companies owned by the Blue Cross and Blue Shield associations, respectively—have been included.

The data on premium income and benefit expense of insurance companies were provided by HIAA. Premium income data come from the National Underwriter Company's annual survey of accident and health insurance and from HIAA's annual surveys of companies in this field. The division of group accident and health business between health care and wage loss is based on HIAA's annual survey of enrollment, premium income, and benefits paid under group business. For individual business, the distribution is based on HIAA's annual survey of benefits paid. Operating expenses were estimated by applying operating expense ratios to premium income derived from the National Underwriter Company aggregates[3] to HIAA premium income.

Of the total premium or subscription income of all private health insurance organizations in 1969, 42 percent was received by Blue Cross-Blue Shield plans; 52 percent by insurance companies (with group business three times the individual business); and 6 percent by other plans (table 14). The insurance company share of total benefit expense was somewhat smaller than their share of premium income. For both Blue Cross-Blue Shield plans and the other plans, the share of benefit expense was larger than their share of subscription income.

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[3] *Argus 1970 Chart of Health Insurance,* p. 112.

TABLE 14.—PERCENTAGE DISTRIBUTION OF SUBSCRIPTION OR PREMIUM INCOME AND CLAIMS EXPENSE, BY TYPE OF PRIVATE HEALTH INSURANCE ORGANIZATION, 1948–69

Year	Total	Blue Cross-Blue Shield plans			Insurance companies			Other plans				
		Total	Blue Cross	Blue Shield	Total	Group policies	Individual policies	Total [1]	Community	Employer-employee-union	Private group clinic	Dental service corporation
	Subscription or premium income											
1948	100	42.3	36.5	5.8	48.8	24.6	24.2	8.8	(2)	(2)	(2)	(2)
1950	100	44.4	33.8	10.6	46.8	25.8	21.1	8.7	(2)	(2)	(2)	(2)
1955	100	41.0	28.9	12.1	51.7	32.5	19.2	7.3	(2)	(2)	(2)	(2)
1960	100	42.5	30.4	12.1	51.8	36.0	15.8	5.7	2.3	3.2	0.2	(3)
1961	100	42.0	30.0	12.0	51.4	36.2	15.2	6.6	2.2	3.8	.2	0.1
1962	100	42.1	29.9	12.2	51.4	36.5	14.9	6.5	2.2	3.8	.1	(3)
1963	100	42.2	30.3	11.9	51.4	36.2	15.2	6.4	2.3	3.6	.2	.1
1964	100	42.1	30.0	12.1	51.8	36.7	15.1	6.1	2.2	3.7	.1	.1
1965	100	41.7	29.9	11.8	52.2	36.6	15.6	6.1	2.2	3.7	.1	.1
1966	100	41.0	29.2	11.8	52.9	37.7	15.2	6.1	2.3	3.5	.1	.2
1967	100	41.0	29.1	11.9	52.8	38 5	14.3	6.2	2.5	3.3	.1	.3
1968	100	40.2	28.4	11.8	53.7	40.0	13.7	6.1	2.5	3.2	.1	.3
1969	100	42.0	29.8	12.2	51.6	38.8	12.8	6.4	2.6	3.3	.1	.4
	Claims expense											
1948	100	50.8	44.4	6.4	37.6	24.4	13.2	11.6	(2)	(2)	(2)	(2)
1950	100	49.5	38.6	10.9	40.3	25.9	14.4	10.2	(2)	(2)	(2)	(2)
1955	100	45.2	32.8	12.4	46.5	33.8	12.7	8.3	(2)	(2)	(2)	(2)
1960	100	45.8	32.9	12.8	47.8	38.0	9.8	6.4	(2)	(2)	(2)	(2)
1961	100	45.4	32.8	12.6	47.5	38.1	9.4	7.1	(2)	(2)	(2)	(2)
1962	100	45.6	32.5	13.1	47.5	38.7	8.8	6.9	(2)	(2)	(2)	(2)
1963	100	45.6	33.2	12.4	47.7	38.3	9.5	6.7	(2)	(2)	(2)	(2)
1964	100	45.6	33.1	12.5	48.0	38.6	9.4	6.3	(2)	(2)	(2)	(2)
1965	100	44.8	32.7	12.1	48.9	39.1	9.8	6.3	2.3	3.8	0.1	0.1
1966	100	43.5	31.5	12.0	50.2	40.6	9.6	6.4	2.4	3.6	.1	.2
1967	100	42.8	31.0	11.7	50.7	41.9	8.8	6.5	2.6	3.5	.1	.3
1968	100	42.7	31.1	11.6	51.0	42.7	8.3	6.3	2.6	3.3	.1	.3
1969	100	45.2	32.7	12.5	48.2	40.9	7.3	6.6	2.7	3.4	.1	.4

[1] Medical society data not included.

[2] Data not available.

[3] Less than 0.05 percent.

Insurance companies have consistently received the largest share of all premium and subscription income from 1948 to 1969. Beginning in 1955, their claims expenditures ran higher than that of Blue Cross-Blue Shield plans. Group business has accounted for much of the increase in benefit expenditures: in 1948 the group share was almost twice the individual share; in 1969 it was more than five times the individual share. From 1948 to 1964, plans other than those of the Blue Cross-Blue Shield associations and insurance companies showed a gradually declining share of subscription income and benefit expenditures. Since 1964, there has been a general leveling off, with evidence of a slight upturn in 1969.

BENEFIT EXPENDITURES AND TYPES OF CARE

Sixty-four percent of benefit expenditures by all private health insurance organizations went for hospital care; 31 percent for physicians' services; slightly more than 1 percent for dental care; and 4 percent for other types of benefits—mainly private-duty nursing and drugs (table 15). Blue Cross-Blue Shield plans spent more for hospital care—70 percent of benefit expenditures for all types of care—than did insurance companies (61 percent). Plans other than Blue Cross-Blue Shield plans and those of insurance companies paid out 8 percent of benefits for dental care, compared with 1.3 percent spent by insurance companies and less than ½ of 1 percent by Blue Cross-Blue Shield plans.

TABLE 15.—BENEFIT EXPENDITURES OF PRIVATE HEALTH INSURANCE ORGANIZATIONS, BY SPECIFIED TYPE OF CARE, 1969

[Dollar amounts in millions]

Type of plan	Total benefit expenditures		Hospital care		Physicians' services		Dental care		Other types of care	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total	$13,068.5	100.0	$8,356.2	64.0	$4,028.9	30.8	$154.8	1.2	$528.6	4.0
Blue Cross-Blue Shield	5,903.1	100.0	4,155.4	70.4	1,565.4	26.5	2.4	(1)	179.9	3.1
Blue Cross	4,271.4	100.0	4,044.4	94.7	106.7	2.5	.8	(1)	119.5	2.8
Blue Shield	1,631.7	100.0	111.0	6.8	1,458.7	89.4	1.6	.1	60.4	3.7
Insurance companies	6,306.0	100.0	3,845.0	61.0	2,072.0	32.9	83.0	1.3	306.0	4.8
Group policies	5,349.0	100.0	3,191.0	59.7	1,814.0	33.9	83.0	1.5	261.0	4.9
Individual policies	957.0	100.0	654.0	68.3	258.0	27.0	(1)		45.0	4.7
Other plans	859.4	100.0	355.8	41.4	391.5	45.5	69.4	8.1	42.7	5.0
Community	349.0	100.0	105.0	30.1	230.0	65.9	7.0	2.0	7.0	2.0
Employer-employee-union	450.0	100.0	250.0	55.6	150.0	33.3	15.0	3.3	35.0	7.8
Private group clinic	14.2	100.0	.8	5.6	11.5	81.0	1.2	8.5	.7	4.9
Dental service corporation	46.2	100.0					46.2	100.0		

[1] Less than 0.05 percent.

BENEFIT EXPENDITURES PER ENROLLEE

Table 16 gives some idea of the relative depth or comprehensiveness of the coverage provided by the various private health insurance organizations to their enrollees. In 1969, Blue Cross-Blue Shield plans led the other carriers with an average $56.76 per year for hospital care benefits per person enrolled for this type of benefit. For those enrolled with insurance companies for this benefit, per capita expenditures were $31.63. The average per person was $46.63 in the other plans. The lowest annual expenditure—$15.77 per person—was made by insurance companies under individual policies.

TABLE 16.—BENEFIT EXPENDITURES OF PRIVATE HEALTH INSURANCE ORGANIZATIONS PER PERSON ENROLLED FOR SPECIFIED BENEFITS, 1969

Type of plan	Hospital care	Physicians' services
Blue Cross-Blue Shield	$56.76	$23.51
Blue Cross	57.27	29.40
Blue Shield	42.84	23.17
Insurance companies	31.63	18.76
Group policies	39.84	22.80
Individual policies	15.77	8.87
Other plans	46.63	39.35
Community	40.38	51.11
Employer-employee-union	50.00	28.30

These averages reflect (1) the high utilization rate of hospital care under Blue Cross-Blue Shield contracts that provide more days of coverage and more comprehensive coverage of hospital costs than group policies of insurance companies, (2) the generally meager coverage under individual insurance policies, and (3) the relatively lower utilization rates under community group-practice plans.

For physicians' services, community plans led the other carriers with a per capita expenditure of $51.11: most community plans provide a virtually complete coverage of in-office, home, and hospital visits. Blue Cross-

Blue Shield plans spent $23.51 per person enrolled, and $8.87 per person covered was spent under individual policies of insurance companies. The enrollment for surgical insurance was used in making these calculations.

TRENDS

Data are presented in table 17 on the premium income and benefit expenditures of private health insurance organizations from 1948 to 1969. Premium income and benefit expenditures for all plans rose at about the same rate in 1969 as in previous years, but there was a marked shift in the gains among the carriers. Blue Cross-Blue Shield subscription income rose more sharply than it had in the previous year—19 percent compared with 14 percent. Benefit expenditures were up 22 percent from the amount spent in the preceding year.

TABLE 17.—SUBSCRIPTION OR PREMIUM INCOME AND BENEFIT EXPENDITURES OF PRIVATE HEALTH INSURANCE ORGANIZATIONS, 1948–69

[In millions]

Year	Total	Blue Cross-Blue Shield plans			Insurance companies			Other plans
		Total	Blue Cross	Blue Shield	Total	Group policies	Individual policies	
Income:								
1948	$862.0	$365.0	$315.0	$50.0	$421.0	$212.0	$209.0	$76.0
1950	1,291.5	574.0	436.7	137.3	605.0	330.3	272.0	112.5
1955	3,149.6	1,292.4	910.7	381.7	1,626.9	1,022.5	604.4	230.3
1960	5,841.0	2,482.1	1,773.0	709.1	3,027.0	2,104.0	923.0	331.9
1961	6,673.3	2,805.1	2,004.4	800.7	3,427.0	2,414.0	1,013.0	441.2
1962	7,411.1	3,118.6	2,212.8	905.8	3,810.0	2,708.0	1,102.0	482.5
1963	8,053.6	3,399.4	2,438.7	960.7	4,136.0	2,913.0	1,223.0	518.2
1964	9,983.6	3,785.1	2,697.6	1,087.5	4,652.0	3,297.0	1,355.0	546.5
1965	10,001.3	4,169.0	2,903.7	1,175.3	5,224.0	3,665.0	1,559.0	608.3
1966	10,564.1	4,327.8	3,085.9	1,241.9	5,595.0	3,987.0	1,608.0	641.3
1967	11,105.3	4,555.3	3,230.0	1,325.3	5,858.0	4,270.0	1,588.0	692.0
1968	12,898.7	5,187.1	3,665.0	1,522.1	6,933.0	5,159.0	1,774.0	778.6
1969	14,657.7	6,155.6	4,365.2	1,790.4	7,569.0	5,685.0	1,884.0	933.1
Benefit expenditures:								
1948	606.0	308.0	269.0	39.0	228.0	148.0	80.0	70.0
1950	991.9	490.6	382.9	107.7	400.0	257.0	143.0	101.2
1955	2,535.7	1,146.7	832.2	314.5	1,179.0	858.0	321.0	210.0
1960	4,996.3	2,287.1	1,646.2	640.9	2,389.0	1,901.0	488.0	320.2
1961	5,965.4	2,585.4	1,867.1	718.3	2,706.0	2,170.0	536.0	404.0
1962	6,343.8	2,893.6	2,064.5	829.1	3,012.0	2,453.0	559.0	438.2
1963	6,979.3	3,179.5	2,317.3	862.2	3,332.0	2,671.0	661.0	467.8
1964	7,832.1	3,574.4	2,592.8	981.6	3,763.0	3,024.0	739.0	494.7
1965	8,728.9	3,912.9	2,853.4	1,059.5	4,265.0	3,413.0	852.0	551.0
1966	9,141.8	3,975.4	2,882.2	1,093.2	4,585.0	3,711.0	874.0	581.4
1967	9,544.8	4,082.8	2,963.1	1,119.7	4,836.0	3,998.0	839.0	625.0
1968	11,343.6	4,840.6	3,529.2	1,311.4	5,791.0	4,841.0	950.0	712.0
1969	13,068.5	5,903.1	4,271.4	1,631.7	6,306.0	5,349.0	957.0	859.4

Insurance company premiums increased only 9 percent in group business and 6 percent in individual business. Their benefit expenditures rose about 10 percent in group business and less than 1 percent in individual business; in 1968 the gains had been 21 percent in premium income for group business and 12 percent for income of individual policies. Plans other than Blue Cross-Blue Shield plans and insurance company plans showed a 20-percent increase in income. Their expenditures rose 21 percent, the 1948 rise had been 14 percent.

As a result of the growth pattern of income and benefit expenditures, Blue Cross-Blue Shield plans received 42 percent of the premium income of all private health insurance plans in 1969; their share was 40 percent in 1968 (table 14). Insurance company premium income accounted for 52 percent of all subscription and premium income—a drop from the 54 percent in the previous year. Other plans received 6 percent of the income—up slightly from the previous year. Similar shifting in relative shares was reflected in the benefit expenditure data.

Claims expense of Blue Cross plans continued to increase more rapidly than subscription income. As a result the claims expense ratio rose from 96 percent to 98 percent of subscription income and the 2 percent underwriting loss of 1968 went up to well over 3 percent (table 18). The increase in claims expense reflects rising hospital costs. The operating expense ratio also continued its upward trend.

TABLE 18.—FINANCIAL EXPERIENCE OF BLUE CROSS PLANS, 1950–69[1]

[Amounts in thousands]

Year	Reserves	Earned subscription income	Total earned income	Claims expense	Operating expense	Total net income or loss	As percent of subscription income			Net income as percent of total income
							Claims expense	Operating expense	Underwriting gain or loss	
1950	$116,531	$433,770	$436,984	$383,331	$36,281	$17,371	88.4	8.4	3.3	4.0
1955	254,407	916,690	925,197	836,546	58,368	30,283	91.3	6.4	2.4	3.3
1960	363,253	1,783,172	1,802,789	1,654,951	90,821	57,017	92.8	5.1	2.1	3.2
1961	410,658	2,011,062	2,035,740	1,872,939	99,269	63,531	93.1	4.9	1.9	3.1
1962	454,626	2,230,747	2,257,523	2,103,084	107,204	47,235	94.3	4.8	.9	2.1
1963	492,872	2,467,195	2,497,377	2,343,321	115,228	38,918	95.0	4.7	.4	1.6
1964[2]	511,112	2,731,380	2,766,829	2,624,302	124,969	17,558	96.1	4.6	−.7	.6
1965[2]	561,906	2,031,470	3,074,551	2,887,187	134,559	52,805	95.2	4.5	.3	1.7
1966	649,633	3,121,111	3,168,187	2,912,733	154,132	101,322	93.3	4.9	1.7	3.2
1967	797,575	3,270,022	3,327,677	2,996,799	177,632	153,266	91.6	5.4	3.0	4.6
1968	801,389	3,711,798	3,776,487	3,571,797	211,698	−7,008	96.2	5.7	−1.9	−.2
1969	711,274	4,419,296	4,489,266	4,322,341	256,227	−89,302	97.8	5.8	−3.6	−2.0

[1] Data in all years exclude Health Services, Inc., and are not adjusted for duplication between Blue Cross and Blue Shield.

[2] Includes Puerto Rico.

Blue Shield subscription income in 1969 was 17 percent higher than it was in 1968, and claims expense was 24 percent higher (table 19). The claims expense ratio increased from 87 percent to 91 percent; this rise, together with a slight increase in operating expenses, resulted in a 3-percent underwriting loss.

TABLE 19.—FINANCIAL EXPERIENCE OF BLUE SHIELD PLANS, 1950–69[1]

[Amounts in thousands]

Year	Reserves	Earned subscription income	Total earned income	Claims expense	Operating expense	Total net income or loss	As percent of subscription income			Net income as percent of total income
							Claims expense	Operating expense	Underwriting gain or loss	
1950	$34,954	$140,817	$141,594	$111,039	$18,653	$11,902	78.8	13.2	7.9	8.4
1955	164,705	399,781	404,294	331,068	43,610	29,616	82.8	10.9	6.3	7.3
1960	228,634	741,164	761,529	670,776	76,245	4,508	90.5	10.3	−.8	.6
1961	236,101	837,773	848,992	752,695	82,741	13,556	89.8	9.9	.3	1.6
1962[2]	266,536	974,086	985,373	868,816	91,136	25,421	89.2	9.4	1.5	2.6
1963[2]	289,440	1,086,356	1,101,745	977,147	99,662	24,936	89.9	9.2	.9	2.3
1964[3]	317,528	1,209,394	1,227,557	1,095,713	108,691	23,153	90.6	9.0	.4	1.9
1965[3]	347,266	1,318,915	1,338,907	1,190,486	115,940	32,481	90.3	8.8	.9	2.4
1966	398,374	1,399,890	1,413,185	1,226,383	129,864	56,938	88.2	9.3	2.5	4.0
1967	509,094	1,489,640	1,519,309	1,261,650	148,750	108,909	84.7	10.0	5.3	7.2
1968	578,390	1,709,548	1,747,867	1,481,070	180,154	86,643	86.6	10.5	2.8	5.0
1969	555,079	2,007,970	2,054,571	1,834,495	222,514	−2,438	91.4	11.1	−2.5	−.1

[1] Data in all years exclude Medical Indemnity of America and are not adjusted for duplication between Blue Cross and Blue Shield.

[2] Includes Jamaica.

[3] Includes Puerto Rico but excludes Jamaica.

The financial experience of insurance companies in 1969 was generally similar to that in the past few years. Claims expense under group business amounted to 94 percent of premium income and operating expense was 13 percent of premium income. The net loss from underwriting was 7 percent (table 13). This loss is made up to some degree by income from investment of reserves but largely by gains in group disability and group life insurance.

Under individual policies the claims ratio of 51 percent was slightly lower than the 1968 ratio; the operating-expense ratio was 46 percent, compared with 47 percent in 1968. A small underwriting gain occurred in 1969 and a slight loss the year before.

The trend in the distribution of benefit expenditures of private health insurance organizations from 1950 to 1969 is delineated in table 20. The 1969 distribution shows little change from that of the immediately preceding years.

TABLE 20.—BENEFIT EXPENDITURES OF ALL PRIVATE HEALTH INSURANCE ORGANIZATIONS, BY SPECIFIED TYPE OF CARE, 1950-69

Year	Total	Hospital care	Physicians' services	Other types of care
	Amount (in millions)			
1950	$992	$680	$312	(1)
1955	2,536	1,679	857	(1)
1960	4,996	3,304	1,593	$99
1961	5,695	3,766	1,796	133
1962	6,344	4,197	1,992	155
1963	6,980	4,642	2,153	185
1964	7,832	5,187	2,427	218
1965	8,729	5,790	2,680	259
1966	9,142	5,993	2,831	318
1967	9,545	6,133	2,964	447
1968	11,344	7,329	3,477	538
1969	13,069	8,356	4,029	684
	Percentage distribution			
1950	100.0	68.5	31.5	(1)
1955	100.0	66.2	33.8	(1)
1960	100.0	66.1	31.9	2.0
1961	100.0	66.1	31.5	2.3
1962	100.0	66.2	31.4	2.4
1963	100.0	66.5	30.8	2.7
1964	100.0	66.2	31.0	2.8
1965	100.0	66.3	30.7	3.0
1966	100.0	65.6	31.0	3.5
1967	100.0	64.3	31.1	4.7
1968	100.0	64.6	30.7	4.7
1969	100.0	63.9	30.8	5.3

[1] Included in physicians' services.

In 1969 the net cost of private health insurance to the American public was $1.6 billion. This amount is the difference between earned premium or subscription income and benefit expenditures (claims expense). It represents the retentions by the carriers to cover operating expenses, additions to reserves, and profits. Retentions of Blue Cross-Blue Shield plans amounted to $253 million. Approximately $1.3 billion was retained by insurance companies and $74 million by other plans. It should be pointed out that insurance companies pay premium taxes of 2–3 percent (varying from State to State) from which Blue Cross-Blue Shield plans and other plans are generally exempt. These plans do, however, carry the full cost of administration. Under most large group insurance policies the employer performs much of the administrative work, including determination of eligibility and review and payment of claims.

Over the years, consumers have been able to buy health insurance on increasingly advantageous terms in the sense that they get back increasingly more of their premium or subscription dollar in benefits. Evidence of this trend is the steady decline in the retention ratio—retentions as a percent of premium income (table 21). In 1948 the retention rate for all private health insurance organizations was 30 percent; in 1969 it was 11 percent. This decline is the result of two main factors: (1) The steady drop in the retention rates of Blue Cross-Blue Shield plans, and group insurance business, and (2) the steady decline in the relative importance of insurance company individual business with its very high retention rates. Retention rates for all plans other than Blue Cross-Blue Shield and insurance company plans were the same in 1969 and in 1948. Community plans and employer-employee-union plans are lowering their retention rates and private group clinics and dental corporations are showing considerably higher retention rates.

TABLE 21.—RETENTIONS [1] OF PRIVATE HEALTH INSURANCE ORGANIZATIONS AS A PERCENT OF SUBSCRIPTION OR PREMIUM INCOME, 1948–69 [2]

Year	Total	Blue Cross-Blue Shield plans			Insurance companies			Other plans [3]				
		Total	Blue Cross	Blue Shield	Total	Group policies	Individual policies	Total	Community	Employer-employee-union	Private group clinic	Dental service corporations
1948	29.7	15.6	14.6	22.0	45.8	30.2	61.7	7.9	(3)	(3)	(3)	(3)
1950	23.2	14.5	12.3	21.6	33.9	22.8	47.4	10.0	(3)	(3)	(3)	(3)
1955	19.5	11.3	8.6	17.6	27.5	16.1	46.9	8.8	(3)	(3)	(3)	(3)
1960	14.5	7.9	7.2	9.6	21.1	9.6	47.1	3.5	(3)	(3)	(3)	(3)
1961	14.7	7.8	6.8	10.3	21.0	10.1	47.1	8.4	(3)	(3)	(3)	(3)
1962	14.4	7.2	5.7	11.0	20.9	9.4	49.3	9.2	(3)	(3)	(3)	(4)
1963	13.3	6.5	5.0	10.3	19.4	8.3	46.0	9.7	(3)	(3)	(3)	(3)
1964	12.8	5.6	3.9	9.7	19.1	8.3	45.5	9.5	(3)	(3)	(3)	(3)
1965	12.7	6.1	4.7	9.9	18.4	6.9	45.3	9.4	8.2	10.2	10.7	6.9
1966	13.5	8.1	6.6	12.0	18.1	6.9	45.6	9.3	8.0	10.2	11.8	6.5
1967	14.0	10.4	8.3	15.5	17.4	6.4	47.2	9.7	8.4	10.8	13.3	6.2
1968	10.4	6.7	3.7	13.8	16.5	6.2	46.4	8.6	6.2	9.7	5.8	17.2
1969	10.8	4.1	2.2	8.9	16.7	5.9	49.2	7.9	6.9	8.2	12.9	10.8

[1] Amounts retained by the organizations for operating expenses, addition to reserves, and profits.
[2] Derived from table 17.
[3] Data by type of plan before 1965 not available.

PROPORTION OF CONSUMER EXPENDITURES MET BY INSURANCE

Thirty-seven percent of consumer expenditures for health care was met by private health insurance benefits in 1969.[4] Excluded from this figure is the net cost of obtaining health insurance protection—the difference between health insurance premiums or subscription costs and benefits paid. For hospital care, private health insurance met 71 percent of consumer expenditures, compared with 74 percent last year, apparently inflation kicked up hospital costs faster than private insurance benefits were able to adjust. For physicians' services, the proportion met by private health insurance was 43 percent in 1969, compared with 41 percent in 1968. For other types of health care the proportion was 5 percent up from 4 percent last year.

Except for hospital care, the proportions of expenditures met by private health insurance continue the upward trend of previous years, as shown below.

Year	Total	Hospital care	Physicians' services	Other types of care
1950	12.1	34.6	12.0	(1)
1955	21.5	51.8	25.0	(1)
1960	27.7	63.7	30.0	1.3
1961	29.9	66.2	32.7	1.7
1962	30.9	68.2	33.0	1.9
1963	31.7	67.2	33.6	2.1
1964	31.5	68.1	32.2	2.3
1965	32.4	70.2	32.7	2.5
1966	32.0	67.6	33.8	2.8
1967	33.3	71.9	35.8	3.8
1968	36.7	74.3	40.7	4.3
1969	37.4	71.2	42.6	5.0

[1] Included in physicians' services.

The estimates of consumer expenditures for health care include some items that are not covered by health insurance—nonprescribed drugs, various drug sundries, and sunglasses. Whether the difference in cost between private and semiprivate accommodations, when not medically required, should be included as a health insurance item is sometimes questioned. This expense is, of course, one that many purchasers of insurance want covered. If these types of health care expenditures were to be deducted from consumer health care expenditures, the proportion of such expenditures met by insurance would be probably 3 or 4 percentage points higher than shown above.

In 1969, private payments by consumers—out of pocket and through private health insurance—made up approximately 63 percent of the total national expenditures for personal health care, as estimated by the Office of Research and Statistics. The remainder came mainly from public funds, with a small proportion from philanthropy. Of the total estimated expenditures for personal health care, private health insurance met 24 percent in 1969, and 23 percent in 1968.

STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of major findings and recommendations in connection with a study of critical environmental problems, sponsored by the Massachusetts Institute of Technology.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

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[4] Barbara S. Cooper and Mary McGee, *National Health Expenditures, Fiscal Years 1929–70 and Calendar Years 1929–69* (Research and Statistics Note No. 25), Office of Research and Statistics, December 14, 1970.

SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS, STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS (SCEP)—SPONSORED BY MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Corrected and revised July 31—Supersedes July 30 summary

(NOTE.—The findings and recommendations in this document were developed by SCEP Work Groups through intensive, full-time discussion and study during the month of July at Williams College, Willamstown, Mass. Each statement has been subscribed to by all members of at least one Work Group. All those attending the Study had an opportunity to examine these conclusions and the papers on which they were based, but all participants had neither the time nor the expertise required to make an independent judgment on each and every finding and recommendation. The summary was presented July 30–31 at the conclusion of the study.)

SCEP FOCUS ON GLOBAL PROBLEMS

In order to most effectively use the finite resources and time available for SCEP, it was necessary to limit the scope and character of the problems which were chosen for intensive investigation. SCEP focused on environmental problems whose cumulative effects on eclogical systems are so large and prevalent that they have world-wide significance. Thus the Study was primarily concerned with the indirect effects of pollution on man through changes in climate, ocean ecology, or in large terrestrial ecosystems.

In general, local and regional environmental problems, the first order effects of population growth, and the direct health effects of pollution on man were not considered by the Study. This choice does not imply that these latter problems areas are not of critical concern. Indeed, they are so important that many organizations are deeply concerned with studying and ameliorating those local and regional problems. However, no organization is charged with the responsibility for determining the status of the total global environment and alerting man to dangers which may result from his practices. SCEP attempted to perform this function.

The existence of a global problem does not necessarily imply the need for a global solution. The sources of pollution are activities of man which can often be effectively controlled or regulated where they occur. Most corrective action will probably ultimately have to be taken at the national, regional, and local levels.

THE PROBLEMS STUDIED

The global environmental problems studied by SCEP were:

Climatic effects of increasing carbon dioxide content of the atmosphere.

Climatic effects of the particle load of the atmosphere.

Climatic effects of contamination of the troposphere and stratosphere by sub-sonic and super-sonic transport aircraft.

Ecological effects of DDT and other toxic persistent pesticides.

Ecological effects of mercury and other toxic heavy metals.

Ecological effects of petroleum oil in the oceans.

Ecological effects of nutrients in estuaries, lakes and rivers.

For these topics, the following general questions were addressed:

What can we now authoritatively say on the subject?

What are the gaps in knowledge which limit our confidence in the assessments we can now make?

What must be done to improve the data and our understanding of its significance so that better assessments may be made in the future?

What programs of focused research, monitoring, and/or action are needed?

What are the characteristics of the national and/or international action needed to implement the recommendations of the Study?

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Carbon dioxide in the atmosphere

Discussion of Findings

All combustion of fossil fuels produces CO_2. It has been steadily increasing in the atmosphere at 0.2% per year. Half of the amount man puts into the atmosphere stays and produces this rise in concentration. The other half goes into the biosphere and the oceans, but we don't know the partition in uptake, as between these two reservoirs.

CO_2 from fossil fuels is a small part of the natural CO_2 which is constantly being exchanged between the atmosphere/oceans and the atmosphere/forests. We have very little knowledge of such amounts.

The projected 18% increase resulting from fossil fuel combustion to the year 2000 might increase the surface temperature of the earth .5°C; a doubling of the CO_2 might increase mean annual surface temperatures 2°C. Surface temperature changes of 2°C could lead to long-term warming of the planet. These estimates are based on a relatively primitive computer model with no consideration of important motions in the atmosphere, and hence are very uncertain but they are the best we have.

If we had to stop producing CO_2, no coal, oil, or gas could be burned and all modern societies would come to a halt. The only possible alternative is nuclear energy, whose byproducts may cause serious environmental effects. Also, we don't have electric motor vehicles to be propelled by electricity from nuclear energy.

SCEP believes that direct climate change in this century resulting from CO_2 is small but its long term potential consequences are so large that much more must be learned about future trends of climate change if society is to have time to adjust to changes which may be necessary.

Recommendations

1. Improvement of our estimates of future combustion of fossil fuels and the resulting emissions.
2. Study of changes in the mass of living matter and decaying products.
3. Continuous measurement and study of the carbon dioxide content of the atmosphere in a few areas remote from known sources—specifically four stations and some aircraft flights. We particularly recommend that the existing record at Mauna Loa Observatory be continued indefinitely.
4. Systematic study of the partition of carbon dioxide between the atmosphere and the oceans, and biomass.
5. Development of comprehensive global computer models which include atmospheric motions and ocean-atmosphere interaction to study: circulation, clouds, precipitation and temperature patterns for expected CO_2 levels, and effects of stratospheric cooling.

Fine particles in the atmosphere

Discussion of Findings

Fine particles change the heat balance of the earth because they both reflect and absorb radiation from the sun and the earth. Large amounts of such particles enter the troposphere (the zone up to 40,000 feet) from natural sources such as sea spray, wind blown dust, volcanoes and from the conversion of naturally occurring gases—SO_2, NO_x, and hydrocarbons—into particles.

Man puts large quantities of sulfates, nitrates and hydrocarbons into the atmosphere which becomes fine particles and include special species, such as urban smog.

Particle levels have been increasing as observed at stations in Europe, North America, and the North Atlantic, but not over the Central Pacific.

We do not know enough about the optical properties (reflection vs. absorption) of particles to know whether they produce warming or cooling of the earth surface.

Recommendations

1. Studies to determine optical properties of fine particles, their sources, transport, and amounts in both troposphere and stratosphere, and their effects on cloud reflectivity.
2. Extending and improving solar radiation measurements.
3. Study of feasibility of satellite measurements of particle concentration and distribution.
4. Monitoring from ground and aircraft—10 fixed long-term stations and 100 stations for short-lived particles.
5. Develop atmospheric computer models which include particles.

Thermal pollution

Although by the year 2000 we expect global thermal power output to be six times the present level, we do not expect it to affect global climate. Over cities it does already create "heat islands" and as these grow larger, they may have regional climatic effects and they should be studied.

Atmospheric oxygen—non-problem

Atmospheric oxygen is practically constant. It varies neither over time (since 1910) nor regionally and is always very close to 20.946%. Calculations show that depletion of oxygen by burning all the recoverable fossil fuels in the world would reduce it only to 20.800%. It should probably be measured every ten years to make sure that it is remaining constant.

Effects of present jet aircraft

Observers all over the world have watched a jet contrail spread out to form a cirrus cloud. Observations at Denver and Salt Lake City show a systematic increase in such clouds since the advent of jets. Although they seem to be only regional there is a possibility that they may have broader effects and should be studied.

SST's in the stratosphere

Discussion of Findings

The stratosphere where supersonic jet transports will fly at 65,000 feet is a very rarified region with little vertical mixing. Gases and particles produced by jet exhaust may remain for one to three years before disappearing.

Using FAA estimates of 500 SST's operating in 1985–90 mostly in the Northern Hemisphere, flying seven hours a day, at 65,000 feet, propelled by 1,700 engines like the GE-4 being developed for the Boeing 2707–300, we have estimated the steady state amounts of combustion products using GE calculations of the amount of such products because no test measurements exist. We have compared such amounts on a steady state basis with the natural levels of water vapor, sulfates, nitrates, hydrocarbon and soot. All are believed to form fine particles. We have also compared these levels with the amounts of particles put into the atmosphere by the volcano eruption of Mt. Agung in Bali in 1963.

In our calculations we used jet fuel of 0.05% sulfur. We are told that a specification of 0.01% sulfur could be met in the future at higher cost.

We do not believe that CO_2 resulting from such operations is likely to affect the climate. We are genuinely *concerned about the possibility of increased stratospheric cloudiness,* and about the fine particles, even using the calculated amounts given us by GE.

Clouds are known to form in the winter polar stratosphere. Two factors will increase the future likelihood of greater cloudiness in the stratosphere due to moisture added by the SST. First is the increased stratospheric cooling due to the increasing CO_2 content of the atmosphere. Second is the closer approach to saturation indicated by the observed increase of stratospheric moisture.

The largest engine whose combustion products have been actually measured in static ground tests was the P&W JT9D used on the Boeing 747. Its fuel consumption rate is one third that of the GE-4. Combustion products from such tests of the JT9D, leading to particles, were much greater than the calculated values for the GE-4.

It is claimed that the particle formation is very small at 65,000 feet. Very, very little is known about reactions under such conditions. One guess is now as good as another.

Depending upon the actual particle formation, the effects of 500 SST's could range from a small, widespread continuous "Agung" effect to one as big as "Agung."

The temperature of the equatorial stratosphere (a belt around the globe) increased 6–7° C. and remained at 2–3° C. above its pre-Agung level for several years. No apparent temperature change was found in the lower troposphere.

Clearly such consequences are on a global scale even though the most pronounced effects would be felt where the highest density of traffic existed, i.e. the North Atlantic Ocean.

Conclusions

SCEP concludes with respect to contamination of the stratosphere by products of SST's that:

1. CO_2 creates no problem.
2. Global water vapor may increase 10%; increases in regions of dense traffic may go up 60%.
3. Particles from SO_2, hydrocarbons and soot may double pre-Agung global averages and peak at ten times those levels where there is dense traffic.
4. Effects on climate could be: increased clouds from water vapor and increased temperatures in the stratosphere with possible increase in surface temperatures.
5. A feeling of genuine concern has emerged from the above set of conclusions. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

Recommendations

1. That uncertainties about SST contamination and its effects be resolved before large scale operation of SST's begins.
2. That the following program of action be commenced as soon as possible:

a. Begin to monitor the lower stratosphere for water vapor and particles and develop means to measure SO_2, NO_x and hydrocarbons.

b. Determine whether additional cloudiness will occur in the stratosphere and the effects of such changes.

c. Obtain better estimates of emission of combustion products under simulated flight conditions and under real flight conditions at the earliest opportunity.

d. Using data resulting from a, b, and c, estimate effects on weather and climate.

DDT and related persistent toxic pesticides

The ecological effects which have been identified with DDT are both general and specific. In general, the use of pesticides on crops generally requires continued and increased use of different and stronger pesticides. This is the result of a complex ecological system in which the reduction of one pest and innocuous (to man) predators allows new pests to become dominant. As one example, the egg shells of many birds are becoming thinner reducing hatching success. In several species, these effects now seriously threaten reproductive capabilities. Damage to these predators in ecological system tends to create a situation in which pest outbreaks are likely to occur.

The concentrations and effects of DDT in the open oceans are not known. There are no reliable estimates and no direct measurements have been made. It is known that large amounts leave the area of application through the atmosphere and are transmitted through the world and some portion of this falls into the oceans.

DDT collects in marine organisms. Detrimental effects have not been observed in the open ocean but DDT residues in mackerel caught off of California have already exceeded permissible tolerance levels for human consumption. It is known that reproduction of fresh-water game fish are being threatened. The effect of DDT on the ability of ocean phytoplankton to convert carbon dioxide into oxygen is not considered significant. The concentration necessary to induce significant inhibition exceeds expected concentrations in the open ocean by ten times its solubility (1 ppb) in water.

As DDT is being phased out, control measures must be accomplished through a variety of existing techniques such as biological controls and environmental management in addition to the use of degradable insecticides to offset food and health problems in the developing countries.

Recommendations

1. We recommend a drastic reduction in the use of DDT as soon as possible *and* that subsidies be furnished to developing countries to enable them to afford to use non-persistent, but more expensive pesticides, and other pest control techniques.
2. In order to obtain information about the concentrations and effects of DDT in the marine environment, a baseline program of measurement should be initiated. This might involve taking about one thousand samples at selected locations and analyze them over the course of a year. A full-scale monitoring program should await the results of such a program.
3. We recommend greatly increased effort and support for the research and development of integrated pest control, combining a minimal use of pesticides with maximal use of biological control.

Mercury and other toxic heavy metals

Discussion of Findings

Many heavy metals are highly toxic to specific life stages of a variety of organisms especially shellfish. Most are concentrated in terrestrial and marine organisms by factors ranging from a few hundred to several hundred thousand times the concentrations in the surrounding environment.

The major sources of mercury are industrial processes and biocides. Although the use of mercury in biocides is relatively small, it is a direct input into the environment. There are many other possible routes but little data exists about the rates of release to the environment.

Recommendations

1. Pesticidal and biocidal uses of mercury should continue to be drastically curtailed, particularly where safer less persistent substitutes can be used.
2. Industrial wastes and emissions of mercury should be controlled and recovered to the greatest extent possible, using available control and recovery methods.
3. World production, uses, and waste products should be carefully monitored.

Oil in the ocean

Discussion of Findings

It is likely that up to 1.5 million tons of oil are introduced into the oceans every year through ocean shipping, offshore drilling, and accidents. In addition, as much as two to three times this amount could eventually be introduced into waterways and eventually the oceans as a result of emission and wasteful practices on land.

Very little is known about the effects of oil in the oceans on marine life. Present results are conflicting. The effects of one oil spill which have been carefully observed indicate severe damage to marine organisms. Observations of other spills have not shown such a marked degree of damage. Different kinds of damage have been observed for different spills.

Potential effects include: direct kill of organisms through coating, asphyxiation, or contact poisoning; direct kill through exposure to the water soluble toxic components of oil; destruction of the food sources of organisms; incorporation of sub-lethal amounts of oil and oil products into organisms, resulting in reduced resistance to infection and other stresses, or in reproductive successes.

Recommendation

1. Much more extensive research is required to determine the effect of oil in the ocean. Future oil spills should be systematically studied beginning immediately after they occur so that a comprehensive analysis of the effects can be developed over time. Sites of previous spills should be reexamined to study the effects in sediments.
2. Political and legal possibilities should be explored which would accomplish the conversion to Load-On-Top techniques by that 20% of the world's tankers which do not use this method.
3. The possibility of recycling used oil should be explored.

Nutrients

Discussions of Findings

Eutrophication of waters through over-fertilization (principally with nitrogen and phosphorus) produces an excess of organic matter which decomposes removing oxygen and killing the fish. Estuaries are increasingly being eutrophied. Pollution of in-shore regions eliminates the nursery grounds of fish including many commercial species which inhabit the oceans.

Most (probably between 60% and 70%) of the phosphorus causing over-enrichment of water bodies comes from municipal wastes. In the U.S. about 75% of the total phosphorus in these waters comes from detergents. Urban and rural land runoff contributes the remainder (approximately 30% to 40%). A major contributor is runoff from feedlots, manured lands, and eroding soil.

Trends in both nutrient use and loss are rising. Fertilizer consumption is expected to increase greatly in both developed and developing countries in the next decade increasing the nutrient runoff from agricultural lands. Concentration of animal production will continue with the result that losses of nutrients from feedlot runoff will quadruple by 2000. Urban waste production is expected to quadruple by 2000 meaning greater potential loss of nutrients directly into coastal waters.

Recommendations

1. Develop technology and encourage its application to reclaim and recycle nutrients in areas of high concentrations, such as sewage treatment plants and feedlots.
2. Avoid use of nutrients in products which are discharged in large quantities into air or water. For example, reformulate detergents to eliminate or reduce waste phosphates, but be certain the substitutes degrade and do not poison the ecosystem.
3. Effect, through appropriate institutions, control of nutrient discharges in natural regions such as river basins, estuaries, and coastal oceans.

Wastes from nuclear energy

It has taken our full efforts to probe in some depth a few qestions. We decided deliberately to omit consideration of others of great importance. One of these is the problem of perpetual management of the large quantities of radioactive wastes which are by-products of nuclear power.

No other environmental pollutant has been so carefully monitored and contained. Yet as we look back on our intense examination of the effects of the products of fossil fuel combustion we have become aware of our neglect of a different class of pollutants which will grow greatly in quantity in the next 30 years.

We call to the attention of one of the sponsors of SCEP, the AEC, our decision to omit this item from our agenda and our concern about the subject.

Recommendation

That an independent, intensive, multidisciplinary study be made of the trade-offs in national energy policy between fossil fuel and nuclear sources, with a special focus on problems of safe management of the radioactive by-products of nuclear energy leading to recommendations concerning the content and scale and urgency of needed programs.

GENERAL CONCLUSIONS AND PRINCIPLES

In studying the specific problems outlined above, SCEP reaffirmed the conclusions and principles which underlie the ecological, social, and political implications of most critical environmental problems. Efforts to examine or ameliorate the effects of these problems should include explicit recognition of the considerations.

Ecological considerations

An estimate is needed for the ecological demand, a summation of all of man's demands upon the environment, such as the extraction of resources and the return of waste. Such demand-producing activities as agriculture, mining, and industry have global annual rates of increase of 3, 5, and 7% respectively. An integrated rate of increase is estimated to lie between 5 and 6% per year, in comparison with a population rate of annual increase of only 2%.

Natural ecosystems still provide us many free services. At least 99% of the potential pests of man are held to very low densities by natural control. Insects pollinate most of the vegetables, fruits, berries, and flowers, whether they be wild or cultivated. Commercial fish are produced almost entirely in natural ecosystems. Vegetation reduces floods, prevents erosion, and air-conditions the landscape. Fungi and minute soil animals work jointly on plant debris and weathered rocks to produce soil. Natural ecosystems cycle matter through green plants, animals and decomposers, eliminating wastes. Organisms regulate the amount of nitrates, ammonia, and methane in the environment. On a geological time scale, life regulates the amount of carbon dioxide and oxygen in the atmosphere.

The functions of ecological systems connect the impact of man upon the environment with the services supplied by nature. Ecological impairment eventually leads to a loss of such services. The health and vigor of ecological systems are easily reduced if (1) general and widespread damage occurs to the predators, (2) substantial numbers of species are lost, or (3) general biological activity is depressed. Most pollutants that affect life have some effect on all three processes.

To prevent further deterioration of the biosphere, and to repair some of the present damage, action is urgently needed. In addition to a variety of specific recommendations such as those accompanying the specific problem areas, *SCEP recommends* that the following activities be developed in national and international programs:

A. Technology Assessment: An information center that centralizes data on products of industry and agriculture, especially new products and new increases in production. Such a center will also identify potentially hazardous materials, and promote research on their toxicity and persistence in nature.

B. Environmental Assessment: An information center that centralizes data on the distributions of pollutants, and on the health and pollution loads of organisms.

C. Problem Evaluation: A think-center to evaluate problems on the basis of the above information, to determine the urgency for action, and to identify options.

D. Public Education: A service center to present the results of the above in simple form, and to distribute such materials to educational institutions and the new media.

Social and political changes

SCEP has concentrated on a few global problems. The main thrust of our recommendations is to gather more information about pollution of the planet. This information would improve our understanding of the impact of man's activities on the earth's resources of air, water and those on land, that is, the Ecological Demand of man's activities. Relevant data on critical global problems is very poor and this seriously limits our understanding of their meaning.

We have tried to estimate scales of world activities to the year 2000. In very few areas is there reliable data for projections. Indeed much data about world activities today in areas of importance to this Study have been found fragmentary and contradictory. Far better estimates well into the 21st Century are needed in order to assess the expected impact of man on the world ecological system to give us time to take action to avoid crisis or catastrophe.

We have looked beyond the gathering of data and its interpretation to the question of how remedial action may be taken. Unless information leads to action to abate or control pollution it is largely useless.

Earlier in our history, the prevailing value system assigned an overriding priority to the first order effects of applied science and technology: the goods and services produced. We took the side effects—pollution—in stride. A shift in values appears to be under way that assigns a much higher priority than before to the control of the side effects. This does not necessarily impart a reduced interest in production and consumption. When the crunch comes, when the implications of remedial action and the choices that must be made become clear—will we have second thoughts? Or will we bog down in confusion and frustration? Will we hold to our course, insisting that our society make a more thorough and imaginative use of its resources of science and technology, its organizational skills, and its financial resources in an effort to achieve an optimal balance between the production we need and the side effects which we must bring under control? We hope the answer to these questions is in the affirmative.

The problem of action is compounded because contributions to global pollution come from activities in countries all over the world. Action to control depends upon agreed data on amounts of pollution and their harmful effects. Actual control will depend upon national action by governments. It is not enough that the U.S. exercise control. If others pollute our common resources of the air and oceans the perils remain. This challenge is before the United Nations Conference on Man and the Environment in Stockholm in 1972. We hope that the SCEP Reports will form useful inputs to that Conference and that the SCEP Study model may be applied to other critical problems of the environment.

JOHN L. LOEB, "THE QUIET PHILANTHROPIST"

Mr. RIBICOFF. Mr. President, I recently came across a profile of John L. Loeb, of New York City. At a time when our universities are hard put to make ends meet, it is good to find a man who can serve as a national example.

Harvard University and many other worthwhile causes have been fortunate in having the services and philosophy of John L. Loeb used in their behalf.

Mr. Loeb is called The Quiet Philanthropist for good reason. While his contributions are significant, many are given anonymously. As he states:

> It's a great satisfaction to give during one's lifetime, to see one's money create something . . . you can't go to another fellow and ask him for money unless you yourself have given generously.

John Loeb and his wife, Frances, have indeed given generously.

This profile, taken from University Resources of Harvard, could well point the way for other men of means. Our Nation's institutions need leadership and foresight. The John L. Loeb example is one that must be followed if our institutions are to remain constructive, meaningful, and in a position to continue serving our Nation.

I ask unanimous consent that the profile be printed in the RECORD.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

"THE QUIET PHILANTHROPIST," WILL HEAD SIGNIFICANT HARVARD CAMPAIGN

Two years ago John L. Loeb '24 led Harvard's Graduate School of Design to the successful completion of an $11.6 million capital campaign. The drive more than doubled the School's endowment and set a record for capital funds raised by any school devoted to the improvement of the design environment—the spaces, the buildings, the urban areas—in which men live. Mr. Loeb and his wife, Frances, who is New York City's Commissioner to the United Nations, contributed $2 million to the Design fund. Part of their gift funded the Loeb Fellowships in Advanced Environmental Studies for young professionals concerned with urban problems, ecology, design programming and common housing design. Another part established the library within the new School of Design building, which is to be named for Frances L. Loeb. It will house one of the world's finest collections in city and regional planning, landscape architecture, architecture and urban design.

Mr. Loeb agreed to become National Chairman of the Design drive in 1966, a time when the urban crisis was not a major concern of American philanthropy. To launch the campaign he supervised the design and writing of a brochure which dramatically set forth the crisis of our cities.

Now Mr. Loeb has agreed to put Harvard first again. With many other institutions requesting his services, he has agreed to undertake what Harvard fund raisers call "the biggest challenge of them all." He will serve as General Chairman of the $11.4 million campaign, "To Finish a Job for Harvard." Mr. Loeb expects to reach this goal by June, 1971, thereby achieving the most immediate goals of the buildings for Harvard Science, for the Harvard College Library, and for International Studies.

"What he is undertaking will surpass the rate of capital growth called for in the $82.5 million Program for Harvard College," said H. Irving Pratt '26, Chairman of A Program for Science, "and he does not have the luxury of time."

Mr. Loeb agreed to take on this task because of "my devotion to Nathan Pusey," whom he first got to know when he served as National Vice-Chairman of A Program for Harvard College.

"We ought to rally for him now as a tribute to his leadership in American education as well as to help Harvard College," said Mr. Loeb. "With the total blessing of the Governing Boards, I'm confident we will succeed. Also the ground-work has been magnificently laid by Irving Pratt, Douglas Dillon and Mots Copeland, who have been working on the three campaigns."

This new post as General Chairman will take fully one-third to one-half of Mr. Loeb's time. He has established a New York campaign office at 42 Wall Street which is now fully staffed. Howard Brooks of the Harvard Development Office and Ann Kvaraceus will be on hand during the week. The New York office was in full operation one week after Mr. Loeb accepted his assignment.

As philanthropic leaders, Mr. Loeb and his wife believe in working for the causes they support. The Loeb's charitable interests are broad and they have made personal gifts and commitments running well into the millions of dollars. In New York City they have supported medicine, education, architecture, and the fine arts.

To Harvard Mr. Loeb gave a Drama Center, considered to be the most modern and well-equipped university theater in America. He created one of the College's largest endowed scholarship funds. He established a University professorship in honor of his father, Carl M. Loeb. At the Business School, he established the Loeb, Rhoades Fellowship Fund for students concentrating in finance; he also gave the School the Anderson Building as well. In conjunction with the Adele and Arthur Lehman Foundation, Mr. Loeb established the Adele Lehman Professorship in Medicine at the Harvard Medical School.

Of his gifts to Harvard, Mr. Loeb reflects that he derived the greatest satisfaction from the Loeb Drama Center, "because it makes such a visual statement. I gave the theater during the Program for Harvard College because not many people were giving to it at the time. I also thought it would dramatize the needs of the entire Program."

Termed by members of the nation's press "a quiet philanthropist" because so many of his contributions are given anonymously, Mr. Loeb has an attitude toward charity that is characteristically modest. "I hate to say 'no' to anyone," he said. "To me it's a great satisfaction to give during one's lifetime, to see one's money create something."

"I believe that you can't go to another fellow and ask him for money unless you yourself have given generously," says Mr. Loeb. "It makes your case much more convincing if you yourself are committed."

At sixty-eight, Mr. Loeb is a senior partner of Loeb, Rhoades, the investment brokerage firm he and his father founded in 1931. Recently he has been called "a courageous and forceful leader" on many of the larger issues facing Wall Street.

Where, in his view, the Exchange has needed improvement, he has pressed for it. In 1963, as chairman of a NYSE Special Committee on Expense Recovery, he was instrumental in establishing a protective fund for the protection of clients of member firms. This special fund came into being after the failure of one member firm; it is considered by investment bankers to be a flexible and creative solution for the insurance of clients.

At Harvard, Mr. Loeb's assignments have been varied and, in each case, productive. He served as a member of the Board of Overseers from 1962 to 1968, with two of those years on the Executive Committee. Over the years, he has served on many Visiting Committees. Today he serves on the Committees to Visit the Graduate School of Business Administration and the School of Design. He also serves on the Overseers' Committee for University Resources, and on the University's Corporate Relations Committee.

As a fund raiser, classmates say, he both responds to and creates challenges. For example, a few months from the end of A Program for Harvard College, when the drive was dragging slightly, he created "the $100,000 Club." The idea stimulated the achievement of the remaining $5 million and helped put the Program over the top. Thirty of the 32 concluding gifts came from people who had given before, many of whom responded to Mr. Loeb's idea.

Later, for his 45th Class Reunion gift following the completion of the Program, he and another classmate offered a matching gift arrangement which increased the Class total by $100,000.

As to the present effort "to finish a job," Mr. Loeb believes that "it's essential to clear the decks for the new President and to finish for Nathan Pusey something he started and believed in. Our approach to donors must be, as I see it, to urge a gift to Harvard at a very important time in her history."

THE DEATH OF WHITNEY YOUNG

Mr. BAYH. Mr. President, the death of Whitney Young is not only a great loss to his family but indeed a great loss to the Nation. At a time when the emotions of men often overshadow forces of reason, Whitney Young persevered in the role of social statesman. He was of the firm opinion that the "cost of liberty is less than the price of repression, and that the cost of economic justice is but a fraction of the price of racial privilege and exploitation."

It was my pleasure to have worked with Whitney Young over the years in a variety of programs to secure social and economic justice for all citizens of our Nation, including his dream of a domestic Marshall plan. His leadership of the Urban League was imaginative and effective and he died believing that a new American coalition could be forged to, in his words, transcend narrow hate and exploitation—"a coalition of the decent, the just, the good in our society."

Whitney Young believed in a "coalition of builders versus destroyers; of decency versus hate; of unity versus division; of courage versus cowardice; of hope versus despair." And he believed that all of us, black and white, need each other. I am saddened by his loss and join in his belief that—

> We will either work together in a New American Coalition to build an open society—a hard, difficult task that will mean occasional pinpricks and annoyances—or we will all go down the drain of history—frozen by hate and injustice.

MEDIA COMMENTARY ON SOUTH VIETNAMESE OPERATIONS IN LAOS

Mr. ALLOTT. Mr. President, in the belief that, where some critics of the President are concerned, those who learn from the past are still destined to repeat old mistakes, I invite the attention of Senators to a most interesting column by Mr. Joseph Alsop, published in today's Washington Post.

Mr. Alsop points out that much of the media commentary on the recent South Vietnamese operations in Laos bears a striking resemblance to much of the media commentary in the period immediately following the Communist ill-fated Tet offensive in 1968. In addition, some of the current gloomy commentary on the Laos operation sounds like an echo of the commentary which followed last year's successful allied operations against the sanctuaries in Cambodia.

As Mr. Alsop says, it is now clear that the Communists made a disastrous blunder when they launched the Tet offensive in 1968, and it is now clear that many commentators were wrong in their initial interpretation of the Tet offensive as a victory for the Communists. It was nothing of the sort.

And, as Mr. Alsop says, it is now clear that the operation against the Cambodian sanctuaries was successful in facilitating American troop withdrawals and reducing American casualties.

Mr. President, so that all Senators can examine Mr. Alsop's reasoned column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1971]

THE PAYOFF IN LAOS

(By Joseph Alsop)

The Senators and analysts who will now become extremely vocal about the withdrawal from Laos, will do well to remember their own follies at the time of the Tet offensive, and after the U.S. troops finished their job in Cambodia last year.

By now, the same publications that portrayed Tet as an unmitigated disaster for the United States and its allies, have been forced to admit obscurely, but in plain language, that Tet was instead a dreadful disaster for Hanoi. The Cambodian venture was also portrayed as a sad failure. But by now it has just about ended the war in the whole southern, most populous half of South Vietnam.

These reminders are necessary because assessment of the result of the Laos operation is bound to be controversial. Optimism about the result is likely to be greeted with shock and surprise.

Yet optimism is in order. Suppose a man tries to cut his bitter enemy's throat, and instead only manages to break both his enemy's legs. In that case, he has not attained its maximum objective, but he has still succeeded in hurting his enemy pretty critically. And since war is always an ugly business, this is the best analogy for the Laos result.

The maximum objective was to cut the Laos trails, which are Hanoi's sole remaining supply line to the south, and to keep them cut throughout the whole dry season. That objective was not attained, because of Hanoi's cold-blooded willingness to expend almost limitless numbers of North Vietnamese soldiers to keep the trails partly open.

But quite aside from the fearful hemorrhage of North Vietnamese military manpower, the damage done to Hanoi has been very grave, and can even prove mortal. The right way to compute this damage is to begin at the beginning, with the supply requirement that the Laos trails are supposed to meet.

Until last year, only about one half of the total supply needed for Hanoi's war in the south had to be carried over the Laos trails. The other half of all that Hanoi's troops in the south needed was then provided through Cambodia. It came in at the port of Kompong Som, then Sihanoukville; or it was simply purchased on the Cambodian open market.

In addition to the American analysts' grave underestimate of Sihanoukville's importance to Hanoi, it is now realized that the Cambodian open-market purchases were also grossly underestimated. These not only provided all the rations and other material requirements for the four North Vietnamese divisions in Cambodia. They also provided the direly needed rations for the tens of thousands of North Vietnamese troops on the Laos trails, in a region where there is no locally produced food.

This year, therefore, with the Cambodian source cut off, Hanoi needed a through-put over the Laos trails in the dry season that would be at least twice the through-put achieved in last year's dry season. The desperateness of the need was signalled when Hanoi left in place throughout the 1970 wet season the whole huge engineering and transport apparatus that makes the Laos trails work. Previously these troops had always been called home when the rains came and made the trails impassible.

In these conditions, so painful for Hanoi, the Laos operation did three things of great importance, Albeit temporarily, it cut the Laos trails for a considerable period. It thoroughly disrupted the trail-management apparatus. And it also forced Hanoi to expend, in the furious fighting of the last weeks, the bulk of the supply already in the pipeline that had been originally destined for Hanoi's units further to the south.

By mid-March of this year, Hanoi's through-put on the Laos trails was still only about 20 per cent of the through-put in the same period of last year's dry season. After the South Vietnamese withdrawal, great efforts will surely be made to push more supply to the south. But it is hardly possible, after all that has happened, for this year's through-put to go above 50 per cent of the 1970 total.

The requirement, however, is for 200 per cent of the 1970 total. In sum, Hanoi's forces in Cambodia and threatening South Vietnam are going to have to get along, from May through next December, with about one quarter of their needed supplies. They have never got more than their minimum needs, moreover. And with only one quarter of their minimum needs, their situation is obviously likely to be very grave indeed.

These are the reasons the Laos operation should have much the same fruitful aftermath as the Cambodian venture, but on a far wider and bigger scale.

FACING UP TO AMERICA'S HEALTH CRISIS: TWO ALTERNATIVES

Mr. KENNEDY. Mr. President, in an article in Newsday last week, Mr. David Zinman published interviews by Secretary of Health, Education and Welfare Elliot Richardson and me on our respective proposals to ease the Nation's health crisis. Mr. Zinman's questions bring out a number of the most important differences between the programs, especially with respect to the impact in very human terms on the average American family.

I believe that Mr. Zinman's article will be of interest to all of us, and I ask unanimous consent that it may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Newsday, Mar. 16, 1971]

Facing Up to America's Health-Care Crisis: Two Alternatives

(By David Zinman)

Two years ago, President Nixon said America's medical system faced a "massive crisis." Now, he says that crisis has deepened.

It is a crisis with two dimensions—rising costs and declining services. Since 1960, medical costs have gone up twice as fast as the cost of living. For many Americans, going to the hospital could mean going broke. Meanwhile, the doctor shortage is so severe that the quality of medicine ranges widely depending on income and geography. In some areas of New York City, for example, there is one private doctor for every 200 persons. But in other areas, the ratio is one to 12,000. And so for some in ghetto neighborhoods or in remote rural areas, care is simply not available.

To meet the crisis, nearly two dozen bills have been submitted to Congress. The major ones come from President Nixon and Sen. Edward Kennedy (D-Mass.). Their difference is the difference between a tuneup and an overhaul. Nixon's plan, less radical but purported to be less expensive, would bring repairs to the existing system of private health insurance. Kennedy's plan, more far-reaching and more controversial, would restructure medical care by putting all health insurance under the federal government.

The months ahead promise a full-scale debate. Some are saying the plans will be the major domestic issue of the 1972 presidential campaign. The certainty is they will affect the lives of every American. With that in mind, Newsday got an in-depth explanation of the plans from Kennedy and Elliot L. Richardson, Secretary of Health, Education, and Welfare and chief spokesman for the President's plan.

Q. If I were a Long Island worker without any health insurance and asked you what your health bill would mean to me and my family, what would you tell me?

Kennedy. I'd tell you that you were covered by National Health Insurance if the Congress were to pass S. 3 (Senate Bill No. 3) and the President were to sign it. You'd have comprehensive coverage of your doctor and hospital bills. There would be no deductibles, no co-insurance, no waiting time (for such things as maternity eligibility) and no paper work (for the patient). And you'd be entitled to quality health care.

Richardson. I'd say that you would get insurance covering the costs of outpatient (out of hospital) service, medical care, in-hospital care. And that if anybody in your family had bills in a year of $5,000 or over, the insurance program would pay all costs up to $50,000.

Q. Suppose a worker already had private health insurance through his job; would your plan deduct more or less from his paycheck?

Kennedy. Well, our plan would deduct less money and provide more comprehensive health benefits than, I would say, are covered for 85 per cent of the working people in this country . . .

Richardson. You'd have to know the coverage of the plan he was under. The required insurance . . . would probably cover more outpatient services . . . than his present policy. . . . Of course, the administration's program does not require the employe, the worker, to pay anything. It just says that the worker cannot be required to pay more than 35 per cent in the first two and a half years or more than one-quarter of the cost after that.

Q. Could you explain what "deductible" and "co-insurance" mean and how they work in your plan?

Kennedy. Those do not figure in my plan.

Richardson. It (deductible) means that he (the worker) has to pay $100 out of his own pocket before the insurance takes over for outpatient medical services. It means he has to pay . . . room and board costs of his first two days (in hospital). And (co-insurance means he has to pay) 25 per cent of bills up to $5,000. Over $5,000 as I said earlier, and up to $50,000, he wouldn't have to pay anything more. . . . The purpose (of deductible and co-insurance features) is to hold down total premium cost . . . The other reason (for their inclusion) is that if a worker and his family aren't aware of paying anything toward the cost of health care . . . there is a risk that the system will be overused. And this, of course, would have the effect, and has had the effect already, of forcing up costs.

Q. What per cent of the nation's total annual medical-care costs, that is, all personal health bills, do you estimate your plan would cover?

Kennedy. Seventy per cent.

Richardson. We estimate 45 to 50 per cent. It doesn't cover, of course, the amounts that are covered by the deductible and the co-insurance. And it doesn't cover several forms of care that are not part of the policy—psychiatric care, prescription drugs, or dental care.

Q. Would your plan cover expensive, life-saving therapy that could bankrupt a family? Like heart transplant or long-term treatment on an artificial kidney?

Kennedy. There would be total medical coverage for those extremely costly and lengthy procedures which would save families, most families, from complete financial ruin. . . . There's no limitation in the program.

Richardson. It would cover these to the extent of $50,000 catastrophic coverage. . . . (Beyond $50,000) there would have to be brought to bear some form of help to the family. Ordinarily, there would be no means of helping them through the state, community, or private philanthropy if his own fund won't. . . . When you have in mind that major medical expense coverage now seldom goes above $10,000 and only 40 per cent of people who have any health insurance have major medical coverage at all, we realize that the increase in catastrophic coverage to $50,000 . . . is a big stride in increased protection.

Q. What do you estimate your plan would cost the first year—fiscal 1974?

Kennedy. Approximately $58 billion. But this is not new money. These are funds that are all being expended by individuals and government for health services that are ineffective and inadequate. So it really isn't new money. It's changing the financing mechanism to insure that the inefficient will be eliminated.

Richardson. We estimate that the added cost to the employers . . . would be about $7 billion. (However, the total of all federal and private money in the program would run $59 billion, according to Ruth Hanft, HEW's director of health finance planning) . . . We estimate the cost of the Kennedy plan the first year at about $77 billion. There are two reasons for the big difference (in the cost of the two plans). One is that there are no deductibles or co-insurance under the Kennedy proposal. The coverage is somewhat broader, besides, so that the premium costs are higher in the first place. Second, the Kennedy proposal uses government money to substitute for all health insurance payments now being made under collective bargaining or employe group plans.

Q. Prepaid group insurance is one of the key ways both the Nixon and Kennedy plans would reorganize the delivery of medical services. Prepayment lets a worker pay a flat yearly fee for all health care. He pays when he is well and best able to afford it rather than when he's sick and least able to. And so, proponents say, doctors have a stronger incentive to keep patients healthy. Group care also puts the doctors in team setups, which reportedly can treat twice as many people as a doctor practicing alone. If prepaid group practice is the heart of your plan, what incentive do you offer doctors to get into these prepaid groups?

Kennedy. (We) would allocate grants to various medical groups who are innovating, creating new kinds of delivery systems more efficiently and more effectively . . . Secondly, what you would hope to be able to achieve is a competition between health delivery systems. For example, (there could be) a group practice competing for providing comprehensive health services to a community against a health maintenance organization who wants to provide comprehensive health facilities. And both of them saying, "We'll provide comprehensive health services to the people in this community at such and such a rate." They will be competing (for the contract) against each other. And the people who will benefit from that will be the consumers . . .

Richardson. The principal incentive that we propose has to do with the provision of start-out costs and subsidies for the coverage of low-income families under the prepaid plan. As far as individual doctors are concerned, we hope to encourage increasing numbers to want to practice in this kind of prepaid plan—or what we call health maintenance organizations—through, for one thing, providing federal funds to medical schools and teaching hospitals to train doctors who are working in a health maintenance organization setting. We hope that this will have the effect, as time goes on, of drawing more doctors into this form of practice.

Q. Suppose doctors won't accept prepaid group practice. Suppose they want to keep practicing on a traditional fee-for-service basis. Then what?

Kennedy. I don't think the American people are going to stand for it. Because as a result of the present system, the American people are not getting the kind of quality health care that they are entitled to. The mother can't get a doctor. When she calls a doctor's office, she talks to an answering service. If she ever sees a doctor, usually it's the wrong doctor for the sickness of the child. People are tired of waiting in waiting rooms for hours. They're tired of the inefficiencies of the present system. And I think the people are entitled to quality health care. And we have to attempt to devise a system—hopefully with the support and cooperation of the health community—that will do the job.

Richardson. We'll simply have to cross that bridge when we come to it. It's fair to say that this is a key problem for any plan to improve the quality and accessibility of health care in the U.S. and to hold down costs. The only other important feature of our plan that would bear on this is the provision for the forgiveness of loans to medical students—amounts they borrow while they're going through their medical education. If they practice in a scarcity area for four years . . . we hope that the combination of extending health maintenance organizations into low-income areas and the provision of loan forgiveness for doctors who practice in scarcity areas will result in a substantial number of those doctors working for the health maintenance organizations.

Q. How would you keep an eye on hospital and medical costs and see that people are, in fact, getting quality care?

Kennedy. We'd establish peer groups to insure that and have consumer representation—true consumer representation. Not just the wives or husbands of those who are involved in the health profession who serve on so many of these boards at the present time. But real consumer peer review of various health programs. The consumer has a strong voice in our legislation in terms in quality and of cost control. And hopefully, we can do something about it.

Richardson. This is a very important question . . . We think two things need to be done under our approach. One is to provide federal standards of coverage for the administration to bring all health insurance policies under federal regulation for the first time. The second is to create under the regulatory legislation a system of community-based review of the use of health services and the quality of health services. This would require setting up groups in each community—representing both providers and consumers—to monitor the demands being made on the health-care system and to maintain standards of quality . . . We are concerned that unless we include consumers in this process, there won't be the same critical review from the standpoint of the consumers' interest.

Q. Secretary Richardson has criticized your plan, saying it would ignore the best of the present health system and, instead, start all over with a single post office-like nationalized system. Would you have any comment about this evaluation?

Kennedy. I'd say that I believe the American people are satisfied with the Social Security system. Perhaps the benefits aren't high enough—and they're not. (But) I think they've been satisfied generally with the Medicare system, although the benefits haven't been, again, sufficient. And I think they'll be satisfied with the health security system as they are with these.

Q. Sen. Kennedy has criticized your plan as being a forced subsidy of the private health insurance companies who have, by and large, been part of the problem of the health crisis. The President says we should build on the strengths of the existing system. But by financing health insurance through private insurance companies, wouldn't we be pumping more money into one of the system's weakest areas?

Richardson. To answer that question requires identifying what the weaknesses of the private insurance systems are. By and large the problem has not been the problem of excessive profits or price-gouging. It has been that the private insurance system has not focused enough attention . . . on outpatient, diagnostic and preventive services. Because most health insurance has paid only for hospital bills, the result has been to bring about more use of hospitals and therefore higher costs of health care than we think have been necessary or desirable. And so the principal need in correcting weaknesses in the system is to shift priorities from hospital care to outpatient diagnostic care . . . To correct the weakness in the existing system, what you have to do is try to correct it through the emphasis that is placed in the combination of benefits provided. In any case, we think that the most effective and economical way of prepaying the cost of health care is through prepayment under a group practice plan or health maintenance organization. And we are requiring under all of the legislation we are proposing that the worker have the option of having the value of his coverage applied to the cost of membership in a health maintenance organization which will, in itself, mean greater emphasis on early diagnosis and prevention.

Q. What is your chief criticism of the President's plan?

Kennedy. I have, perhaps, three. First, I think it's a patch-up job to meet what is a real genuine health crisis. We're just putting Band-Aids on the existing program. Secondly, the program is not universal. It's not comprehensive. It's regressive in nature. You still retain the deductibles. You still retain the co-insurance. You still retain the extraordinary kinds of paper work. . . . And it just will not do the kind of job in providing quality health care . . . Now if he (a worker) makes $3,600 and he gets sick, say, and he has to go down to the hospital to get an appendix out, he'll have to pay the $100 deductible. And he'll be required to pay the first two days in the hospital for his room. This could amount to a minimum of say $250. Say his wife gets sick later on in the year and she has to go to the hospital. He'll still have to pay $100 deductible in addition and the first two days of hospitalization for his wife, which might be another $250. Say his child gets sick and has to go to the hospital for a couple of days. For the third time he has to pay $100 deductible and the two days that he would be in the hospital, as well as 25 per cent of the total medical expenses that he, his wife or his child will incur in the hospital or afterward . . . Under the legislation which I've introduced, on each one of those occasions he would have all of his medical expenses covered. But the administration . . . requires these kinds of deductibles for individuals. And it makes no distinction after you reach the $3,600 figure whether you're making $3,600 or $30,000. The worker, say, whether he's making $8,000 or $10,000 is still going to have those deductibles as well as the person who is making $50,000. And this, therefore, is regressive. It's requiring the working people of this country to bear an additional kind of health burden at an extraordinary expense.

Richardson. Our chief criticism of the Kennedy plan is that it unnecessarily substitutes the complete takeover by the federal government of all financing of health care through a heavy increase of taxes of both employer and employe. In so doing, the Kennedy proposal displaces the collective bargaining process. It displaces all existing private arrangements and will, in the long run, we think, tend to increase costs by eliminating competition and experimentation . . . It would (also) have the effect of creating an enormous federal bureaucracy to administer health benefits that are now being handled through private contracts and voluntary arrangements.

Q. How much support is lined up for your bill and what are its chances of passage by this Congress?

Kennedy. We've got 25 members of Congress as co-sponsors. It's bipartisan. It's representative in terms of geography and philosophy. And we've got strong support for that program. I'm hopeful that we can achieve it in this Congress.

Richardson. It's a little early still to tell. Our proposals, which need to be seen as parts of an interrelated whole, have met with a favorable response on the part of many members of Congress. Hearings won't begin in the Ways and Means Committee in the House until after they've dealt with Social Security and welfare reform and perhaps also general revenue sharing. In the meanwhile, our bills are being carefully reviewed, not only in the Congress, but by a lot of outside groups and individuals . . . I would judge from the reactions to date that the chances are good that when Congress does act, it will be along lines consistent with the administration's proposals . . . I would think it's very likely a bill might pass prior to the 1972 presidential election.

HOW THEY COMPARE

Nixon plan

1. Employer must subscribe to basic health insurance plan. But it's up to each worker if he wants to buy coverage.
2. Plan pays 45 to 50 per cent of bills.
3. Private firms would continue providing coverage. But government sets minimum standards—saying how much insurance pays and for what.
4. Financed mainly by employer and workers. Employer would pay three-quarters of cost. Employe would pay one-quarter.
5. Each person pays first $100 of medical bills and first two days room and board in hospital. After that, family pays 25 per cent of health costs up to $5,000. Thereafter, government pays all costs up to $50,000.
6. Omits drugs (unless in hospital), dental, psychiatric, nursing home and long-term mental care.
7. First-year cost estimated at $59 billion

(for fiscal 1974), with $22 billion from private insurance. Actual layout of new federal money—$3.2 billion.

Kennedy plan

1. Employer must subscribe. Worker must take out insurance.
2. Plan pays 70 percent of bills.
3. Government sets standards and provides coverage. Private firms would either go out of business or pick up remaining 30 per cent of uncovered medical expenses.
4. Financed from general revenues and payroll tax, like Social Security. Employer pays 3.5 per cent. Employe pays one per cent.
5. No deductibles or co-insurance features. No cutoffs on most medical services. (See No. 6 for exceptions.)
6. Some limitation on drugs, dental, psychiatric, nursing home and long-term mental care.
7. First-year cost estimated at $58 billion. But HEW estimates it at $77 billion. Actual layout of new federal money—$46 billion.

HOW THE PLANS WOULD WORK

1. George X., a Smithtown shoemaker, and his wife and two children get the flu. Dr. John Jones examines them all at his offices and writes drug prescriptions for them. The family's doctor bill comes to $40. Their drug bill is $30. Total $70. The Kennedy plan would pay $40. The Nixon plan would pay nothing.

2. Ralph W., a Uniondale aircraft plant worker, slips on the way to his job and injures this back. He has to be hospitalized for 10 days. When he gets home, a physical therapist works with him for a month. His hospital bill is $1,000, doctor bill $300, therapist bill $500. Total medical costs $1,800. Kennedy plan pays $1,800. Nixon plan, $1,200.

3. Henry G. and his wife run a neighborhood grocery in Long Beach. One day, Henry suffers a heart attack and later a stroke. He is hospitalized four months and runs up a $16,900 bill (hospital $12,000 and doctor $4,900). When he is discharged, he is partially paralyzed. Mrs. G. gets a nurse's aide to attend him during the day while she runs the store. The aide's fee for the next eight months runs to $7,800. Meanwhile routine doctor bills for Mrs. Green and her two children run $100 each, totaling $300. Total family medical bill—$25,000. Kennedy plan pays $25,000. Nixon plan pays $23,525.

REVENUE SHARING AND THE NATURE OF OUR FEDERAL SYSTEM

Mr. BAKER. Mr. President, I read with great interest an article published in the New York Times of March 21 about the views of Wisconsin Gov. Patrick J. Lucey on the nature of our federal system. Although the article indicates that Governor Lucey might prefer a system of tax credits to the general revenue-sharing proposal of the President (S. 680), he is emphatic on the point that some such move is urgently needed.

I was particularly pleased to read of Governor Lucey's standing up for the capacity and integrity of State and local government. I share his confidence in locally elected leaders, and some system of sharing Federal revenues with State and local governments would be certain to strengthen the quality of government at that level.

I know that Senators will be as interested in this article as I was. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Wisconsin's Chief Breaks a Pattern—Lucey, Democrat, Stresses State, Not Federal, Role

(By Anthony Lewis)

Madison, Wis., March 17.—For northern Democratic politicians it has been traditional to support Federal as against state programs. The Federal Government had a more liberal outlook, they felt, and the necessary national authority.

How much that historic attitude is changing is illustrated by the new Democratic Governor of Wisconsin, Patrick J. Lucey. He is a liberal activist on social and other issues—and an emerging crusader for state responsibility.

In an interview this week, for example, Governor Lucey said he saw a philosophical advantage in the Federal Government's sharing its revenue with the states to assist on the welfare problem rather than taking over the whole function itself.

"When I'm working over state programs to make them more efficient and economical," he said, "and I come to one that is funded by the Federal Government, I just lose my incentive to take a hard look. I feel that even after a brief time in office."

PREFERS NIXON PLAN

This is one reason Mr. Lucey inclines at this point to prefer President Nixon's revenue-sharing proposal to the alternative of a total Federal takeover of welfare spending. The latter proposal, perhaps ironically, is favored by the most powerful Southern Democrat in Washington, Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee.

But money is also a motive for Mr. Lucey on the revenue-sharing issue. Like other Governors, he faces a fiscal crisis, and he thinks Wisconsin would do somewhat better under the Nixon plan than under the Mills approach.

The reason is that a Federal assumption of welfare costs would give the greatest help to those states facing the most extreme welfare burden, such as New York. On a strict per capita basis, Wisconsin would get more from revenue sharing, and some extra money under the Nixon plan for rewarding a good record of state performance.

FINDS SCRUTINY CLOSER

Governor Lucey indicated that he might be attracted to the Mills approach if it included a more generous version of the Family Assistance Plan, Mr. Nixon's proposal for reforming the basis of welfare payments.

But his view of Federal-state relations, in any case, goes beyond the welfare issue.

"There are those who worry about the accountability of the states as against the Federal Government," he said in a speech last month. "It seems obvious to me that state expenditures are much more program-oriented than Federal, and under closer scrutiny by the public and press. At least, this is certainly true in Wisconsin.

"It is to the state government that people look to fill domestic needs. It is to the state government that our citizens bring their demands for clean water and air adequate police protection, good schools, efficient mass transportation, decent mental health institutions."

URGES SHIFT OF FUNDS

For those reasons, Mr. Lucey argued, "some Federal funds must be shifted to the state and local governments." He said that he would prefer to see that done by allowing Federal taxpayers to deduct from their income taxes the total amount they had paid to the states, thus encouraging greater state taxation without an increase in the net tax burden on the individual.

Governor Lucey has also argued more broadly that military expenditure by the Federal Government takes a disproportionate share of tax payments.

He recently submitted a state budget for the next two years totaling just under $2-billion. That required drastic economies, including some controversial proposed restrictions on spending at the University of Wisconsin.

In the same two years, Governor Lucey estimates, Wisconsin residents will be taxed $3-billion by the Federal Government "just to support the Pentagon." In a speech he added a jab at a one-time Wisconsin Republican politician, now Secretary of Defense. He said, "If Melvin Laird and the Pentagon generals had to sell their budget to the people of Wisconsin like I have to sell mine, the war in Indochina would stop in a week."

DR. ARTHUR GALSTON COMMENTS ON GENEVA PROTOCOL

Mr. FULBRIGHT. Mr. President, earlier this week the Committee on Foreign Relations had the privilege of hearing an eloquent statement from a distinguished biologist on the subject of the Geneva protocol. The witness was Dr. Arthur Galston who is professor of biology at Yale University and director of the Marsh Botanical Garden.

In his testimony, Professor Galston spoke to the desirability of including herbicides in the ban on "poisonous or other gases and all analagous liquids" described in the Geneva protocol of 1925. It was an unusually thoughtful statement, one which drew the committee's attention beyond questions of national interest to the more fundamental question of the future of the human species and our obligation in that respect. As such, I believe that it is worthy of the attention of all Senators. I ask unanimous consent that Dr. Galston's statement be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Arthur W. Galston

Testimony of Arthur W. Galston, Professor of Biology, Yale University, before the United States Senate Committee on Foreign Relations in Washington, D.C., March 22, 1971, in connection with hearings on the proposed ratification of the Geneva Gas Protocol of 1925.

My name is Arthur W. Galston. Since 1955 I have been Professor of Biology at Yale University, New Haven, Connecticut. I am currently also Lecturer in Forestry and Director of the Marsh Botanical Garden at Yale. I also serve on the Council and the Committee on Chemical and Biological Warfare (CBW) of the Federation of American Scientists and am President of the Scientists' Committee on CBW. I received my undergraduate education and B.S. degree at the New York State College of Agriculture at Cornell University, my graduate degrees (M.S. and Ph.D.) at the University of Illinois, and early postdoctoral training and faculty experience at the California Institute of Technology. During the early years of World War II, I worked at Caltech on the Emergency Rubber Project, in an attempt to domesticate and obtain rubber from the Mexican shrub, guayule. Later on, I entered naval service and served for a time as Agricultural Officer in the United States Naval Military Government unit on Okinawa. This tour of duty gave me some familiarity with the vegetation in that part of the world. I have also traveled extensively in other parts of the Far East, having visited Japan on several occasions, as well as Hong Kong, Singapore, Indonesia and the environs of Bangkok. During a two week stay in Indonesia in 1961, I lived at the famous tropical Botanic Garden in Bogor and also visited at the alpine gardens at Tjibodas. I have also traveled in tropical Australia from Darwin down through Townsville and the Barrier Reef to Brisbane. Within the past decade I have served as President of the American Society of Plant Physiologists and the Botanical Society of America, and in 1969 received a Merit Award from the Botanical Society. I have also been the recipient of Guggenheim, Fulbright and National Science Foundation Science Faculty Fellowships.

My training is as a botanist, and I wish to speak to this committee solely on the question of the desirability of including herbicides in the ban on "poisonous or other gases and all analogous liquids" described in the Geneva Protocol of 1925.[1] To begin with, I strongly support ratification of this Protocol by the United States Senate. I also concur with the already expressed view of the Federation of American Scientists that to ratify this treaty with damaging exclusions of herbicides and tear gas would be worse than taking no action at all. Such an ambiguous ratification would, in my view, simply invite other signatories to weaken the treaty by similar reservations and exclusions. It would also fly in the face of a decision already reached by an overwhelming majority of United Nations members who voted, 80 to 3, that herbicides and tear gas deserve to be included in the overall ban on CBW weaponry.

Let me tell you why, as a botanist, I am so convinced of necessity of banning herbicides and defoliants as weapons of war. These days it is conventional for man to consider himself as master of all he surveys. His ability to reach the bottom of the sea or the surface of the moon, to fly at supersonic speeds, to split the atom and to construct sophisticated computers makes him feel that there is no problem requiring scientific or technological expertise that he cannot overcome. This is a dangerous fallacy, and could lead man to overlook his own Achilles' heel. For man lives in this world only by the grace of vegetation. He is totally dependent on and cannot substitute for that thin mantle of green matter living precariously on the partially decomposed rock that we call soil. This fragile web of green plant matter incorporates radiant energy, carbon dioxide and water into energy-rich carbohydrates and other useful foods and materials through the magical and still poorly understood process of photosynthesis. The Bible has told us that "all flesh is as grass." The statement is as true today as it was when first written, for all men everywhere eat vegetation or creatures who eat vegetation. If man makes conditions unsuitable for vegetation on this earth, he thereby makes conditions unsuitable for his own existence. Like other life forms now extinct, man could perish forever from the face of the earth or could greatly restrict the conditions for survival if he is unwise in husbanding his vegetational resources.

According to our best estimates, green plants on the surface of the earth and in the waters of the oceans and lakes, each year without fuss or fanfare convert approximately seven hundred billion tons of carbon dioxide into roughly five hundred billion tons of plant material potentially consumable by man.[2] At the same time, they release into the atmosphere another five hundred billion tons per year of the oxygen required for respiration by man and almost all forms of life. I would remind the Committee that this prodigious biochemical process exceeds by about one hundred times the sum total of all of man's activities upon the face of the earth. Seen in this context, man is not the conquering colossus before whose onslaught all nature trembles; rather he is but one of the forms of animal life drawing sustenance from the bountiful bosom of nature. In view of the present population of about three and a half billion people on earth and the estimated doubling of this population in about thirty years, it ill behooves us to destroy with profligacy the ability of any part of the earth to yield food for man's nutrition, fiber for his clothes, wood to build and heat his houses, and other useful products, too numerous to mention.

It has been estimated that one acre of good high yielding hybrid corn can fix about a ton of carbon per year in photosynthesis. An acre of sugar cane, the highest yielding crop of all, can fix on the order of twenty tons of carbon per year. However, even sugar cane is dwarfed in its productivity by forest trees, which comprise the most productive ecosystem of all. On an earthwide basis, it is estimated that forests fix annually a total of about eleven billion tons of carbon, which is roughly three times the total yielded by all the cultivated lands of the world. The high yield of forests is due in part to the multiple stories of leaves which create a beautiful mosaic, effectively absorbing practically all of the radiant energy falling upon the forest. It would appear that one should treat forested lands with the respect due them as the major photosynthetic units of the earth.

In the decade since 1961 it is estimated that American military forces have defoliated more than five million acres of forest land in South Vietnam through the aerial application of more than one hundred million pounds of assorted herbicides.[3] Through this operation, more than 20% of the total forest of that country has either been killed or sufficiently inhibited in its growth as to reduce yield appreciably. This defoliation and killing of the forest has led to a considerable dumping of vital mineral elements into the waters leading to the ocean, and to a decrease in the organization of the forest community such that inferior systems like bamboo and *Imperata* grass, normally repressed by the overstory vegetation of the trees, have invaded and taken over large areas. Whether the forest can ever recover its original form is not known. Even more serious is the fate of the complex mangrove community lining the estuaries of the Mekong River Delta. About two hundred thousand acres of such mangroves, approximately one fifth of South Vietnam's total, has been killed as the result of sprayings which commenced in 1961. No one could then have foreseen this extraordinary sensitivity of mangroves to herbicides.[4] Yet, they are now dead. Optimistic estimates of recovery time indicate that a beginning may occur in several decades; pessimistic estimates say that the mangroves will never recover. The effect on the country of the death of such a complicated plant community can only be estimated. Certainly organic productivity is immediately down; the mangroves produced woody stems used for firewood, roots which held the soil in place against the swirling tides and currents of the river and ocean, and organic detritus, the conditions of which furnish an important ecological niche for many kinds of fish and shellfish harvested in South Vietnam. These make up an important part of the fish sauce poured over rice in traditional Vietnamese food. This sauce is one of the few protein-rich foods ingested in Vietnam, and its disappearance could have profound nutritional effects on the population. Later on, as the mangrove swamp land erodes due to the failure of vegetation to stabilize it against water movement, even more catastrophic effects may be expected.

One of my graduate students, Mr. Robert E. Cook, was a member of the Herbicide Assessment Commission of the American Association for the Advancement of Science. For three weeks in August of 1970, he was in South Vietnam helping to conduct preliminary examinations of the ecological and civil consequences of the defoliation and crop destruction program. Listen to his description of the devastated mangrove area,[5] first from the air. "It became immediately apparent that much of the mangrove forest in this area had been seriously damaged or destroyed. The delta was a maze of winding channels and drainage streams isolating large patches of land normally covered with dense mangrove forests. Below we could see many large muddy stretches on bare ground with no visible vegetation in sight. The tide was still rising and most of the drainage streams were swollen with silty water. The higher ground above the high tide mark varied from light muddy brown to dark ashen grey in areas that probably had heavier organic deposits. The surface was speckled with the bleached grey trunks of deadwood and fallen debris.

More commonly there were occasional patches of green in random blotches and streaks, and frequently individual trees could be seen close by the water or isolated in the middle of the grey-brown islands. Seldom did we see areas that were free from any damage; most frequently such areas were on the upwind edge of a spray swath such that within twenty yards the forest had been totally destroyed by a single spraying. I would estimate that about forty percent of the land over which we flew that day was totally devoid of vegetation, and that an additional thirty or forty percent had been seriously damaged, leaving only random patches of survivors."

Next, a description from the water, obtained from a naval gunboat. "Before long we were moving through defoliated areas, and the devastation was truly remarkable. Stretching as far as the eye could see, a great wasteland lay parched and dead, with a few trees standing and broken branches scattered across the ground. In some areas one could see for a half mile dead trunks cut two feet above the ground, and no signs of green life whatsoever. Occasionally a patch of grass was growing or a small clump of green vines; but most frequently the ground was brown and cracked, littered with the dead midribs from the leaves of once-green palms. We saw no living movement for many miles on each side of the channel except an occasional heron flying overhead."

Finally, here is a description from the land itself. "There was an awesome silence in the air broken only by the crack of each stick stepped on and the hum of small black flies. The incredible devastation swallowed all of our attention. At the edge of the water numerous mudskippers skittered off to their sunning logs, and crabs slipped quickly into holes in the mud when anyone approached. The area before us was dotted with the brown stumps of cut mangroves, and dead branches were scattered across the ground as though a great wind had shattered many dead trees into splinters. The soil was dry and cracked, and very little vegetation was seen growing anywhere. We searched around hoping to find some mangrove seedlings, but none were there. One small patch of green belonged to a vice-like flowering composite, and, not far away, a weedy fern-like species grew out of the base of a dead stump. Clearly little regeneration was occurring. We also found evidence of people before us, partially burned sticks, broken pottery and a sandal. We poked about the edges of a drainage stream, but there was little more to be seen among the sticks and mud. I remember thinking of the silent barrenness as I walked back to the boat.

But the immensity of the devastation became most apparent when we stopped, before returning to Quand Xuyen, in an area unaffected by herbicides. Within twenty feet of the boat we were swallowed up by the dense

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Footnotes at end of article.

vegetation of twisting vines, heavy palm leaves and tall, waxy-leaved mangroves. Birds flitted through the trees, and the green was rich with crawling ants and spiders. The ground was moist under my feet and I could see no more than thirty feet in any direction The contrast was considerable".

Let me close with a statement I made about a year ago before a Conference on War Crimes and the American Conscience sponsored by ten Congressmen. The proceedings of this conference have since been published.[6] "After the end of World II, and as a result of the Nuremberg trials, we justly condemned the willful destruction of an entire people and its culture, calling this crime against humanity genocide. It seems to me that the willful and permanent destruction of an environment in which people can live in a manner of their own choosing ought similarly to be considered as a crime against humanity, to be designated by the term ecocide". I believe that our country has been guilty of ecocidal practices in Vietnam. I would hope that through ratification of the Geneva Protocol of 1925, and through the inclusion of herbicides and tear gas in the list of substances whose use is prohibited by that treaty we will make it less likely that our country or any other country will ever again commit itself to this kind of massive destruction of the only environment mankind will ever have.

FOOTNOTES

[1] A brief general review is found in Meselson, M. Scientific American *222,* 15, May 1970.

[2] Riley, G. A. American Scientist *32,* 132, 1944. Noddack, W. Angew. Chemie *50,* 505, 1937.

[3] Herbicide Assessment Commission. Preliminary report to the American Association for the Advancement of Science. Chicago, Dec. 1970. See review and comments in Aaronson, T. Environment *13,* 34, 1971.

[4] Some scientists did point out the danger of massive uncontrolled ecological experiments under previously untried conditions. See, for example, Galston, A. W. *in* CBW (Steven Rose, ed) Beacon Press, 1969. Also *in* Patient Earth (R. Socolow and J. Harte, Eds.) Holt, Rinehart and Winston, 1971.

[5] Cook, R. E. In press in Yale Alumni Magazine, 1970.

[6] Galston, A. W. *in* War Crimes and the American Conscience. (Erwin Knoll and Judith Nies McFadden, eds.) Holt, Rinehart and Winston, 1970.

AMERICAN POLICIES IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) recently spoke to a Boston audience about his visit to Israel earlier this year. I believe that his thoughtful observations and conclusions with regard to American policies in the Middle East should be carefully considered by all who follow events in this vital area. I heartily recommend Senator BAYH's firsthand impressions to all Senators.

I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SIX-POINT POLICY TOWARD A MIDDLE EAST SETTLEMENT

Today I want to share with you some impressions I received, and some conclusions I have reached, as a result of my recent visit to Israel.

During that visit I had the privilege of discussing the diplomatic, military, and economic situation with Prime Minister Golda Meir; Deputy Prime Minister Yigal Alon; Foreign Minister Abba Eban; Chief of General Staff Lt. General Haim Bar-Lev; Director of Military Intelligence Aharon Yariv, and others.

While there I also tried to see as much as I could of how people were living and what they were thinking, to determine what changes had taken place since my last visit in July, 1967, and to discover if the long period of tension since the Six Day War had taken any toll of Israeli morale.

My overwhelming impression was of high morale and firm confidence in the future—even in the face of continued concern for security. Everywhere I saw men, women and children involved in satisfying one of mankind's deepest needs: to be part of something greater than the individual. And certainly, the creative ferment that one felt in the air was superlative response to that need. It has led to the kind of accomplishment so well expressed by David Ben-Gurion when he said, "I'm living in a house and I know I built it. I work in a workshop which was constructed by me. And I know I shape my life according to my desire by my own ability. I feel I am safe. I can defend myself. I am not afraid. This is the greatest happiness a man can feel—that he could be a partner with the Lord in creation. This is the real happiness of man—creative life, conquest of nature, and a great purpose."

Above all, I saw this sense of creation when I traveled to Kibbutz Ashod Ya'acov Ihud. There, within rifle range of the Jordan border, was a symbol of the greatest problem, and the greatest promise, of Israel.

For two things about the Kibbutz struck me forcibly. One was the warmth and sparkling alertness of the children in the nursery, curious about a stranger, eager to learn. The other was the underground shelters and blast-resistant emergency rooms standing ready to protect those children and their parents should the quiet pastures once again become a battlefield.

The problem is, which will it be? Will the symbol of Israel's future be the children playing and learning? Or will it be the children rushing to the shelters to escape the enemy attack?

These are the questions that motivated me to journey to Israel. And these are the questions I addressed myself to while I was there.

I wish I could give you an unequivocal answer to those questions, but I am afraid that any honest answer must contain two elements—the element of hope and the element of concern.

Let us first look at the element of concern.

We all know of the obvious factors that make the path toward peace tangled and treacherous—the hostilities that have bred mistrust; the festering refuge problem; the inflated language and rigidity that blocks real communication; the new and more powerful weapons in the Egyptian armory; the presence of Russian advisors and combat airmen.

These realities pose a serious problem that can be overcome only through the most delicate negotiations and a willingness to compose differences and to coexist that has been sadly lacking in the past.

But there is another, and potentially more serious element of concern. This relates to our involvement in Southeast Asia, an involvement that is winding down, or "widening down," depending on the point of view. Some people, in Israel as well as in the United States, have expressed the view that the credibility of America's commitments elsewhere, such as in the Middle East, will be adversely affected if our support of the Thieu-Ky regime in South Vietnam is less than total. In short, that an unwillingness to go plodding on and on in Vietnam would signal a unwillingness to be steadfast in Europe or the Middle East.

I am convinced that view is exactly wrong. I am convinced that the longer we are bogged down in Vietnam, the less credible will be our commitments elsewhere. Most Americans now recognize our Vietnam involvement to be what it is: a unique mistake, an abberation that has no relation to the validity of our interest in Europe, the Mediterranean or the Middle East. The concern of Israelis and those of us who care about Israel should be that the longer we are in Vietnam the greater will grow the possibility that more Americans, in their frustration and anguish, will lose the capacity to differentiate between a misplaced commitment in a peripheral area and a well-founded commitment in a vital one. As Mark Twain once observed, we should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sat down on a hot stove-lid. She will never sit down on a hot stove-lid again, and that is good. But also she will never sit down on a cold one anymore either.

Plainly, Israel is not Vietnam. When an ally is willing to make a maximum effort of its own to create a representative government and an open society, to undertake the tasks of social and economic development and to defend itself to the limit of its own ability—our assistance can be highly effective. If such an ally resides in a part of the world which is strategically important to us—and the Israelis do—it is not only desirable but also in our vital interest to render such assistance.

The Middle East is, indeed, a strategically important region. It holds 80-million people. It is the fountainhead of three of the world's major religions. It stands at the crossroads of Eurasia. It touches on vital sealanes. And above all, it produces in abundance the staff of life of modern industry—oil.

The presence of 15,000 Soviet military personnel in the UAR and Soviet vessels in Egyptian ports as well as a Soviet military presence in Syria, Iraq, Sudan and some of the south Abrabian states reflects this strategic importance and the degree of Soviet appreciation of it. For them, and for us, the stakes are many and high. Soviet bases along the Mediterranean, by allowing their air and naval forces a greater scope of operation, could be an increased threat to the U.S. Sixth Fleet and the southern flank of NATO. Positions along the Red Sea, particularly if the Suez Canal is reopened, make the extension of Soviet naval power in East Africa, in the Persian Gulf and in the Indian Ocean much easier.

Further, since Western Europe and, particularly, Japan secure three-quarters of their oil from the Middle East, Soviet domination of that area could put Russian hands on the windpipe of our friends and allies. U.S. unwillingness to stand with reasoned firmness against Soviet domination of the Middle East—and of the Mediterranean—could create a dangerous sense of insecurity in Western Europe.

This then is the main element of concern, that revulsion from the unessential can make us irresponsible about the essential.

Counterbalancing to some degree this danger are certain important reasons for hope. Let me list them.

First, the fundamental good sense of the American people in recognizing our own compelling interests and their admiration for the achievement of Israeli democracy works against new isolationism in our Middle East policy.

Second, there is still quiet on Israel's western front.

Third, both principal adversaries are talking—indirectly to be sure—but nonetheless there is tentative communication through the web of hostility. And, as John Kennedy once said, "Jaw, jaw, jaw is far better than war, war, war."

Fourth, Israel's current situation gives her greater physical security than before the June War. The Sinai provides strategic depth on the West; in the East the Palestinian guerrillas have, to a significant degree been "defanged" by King Hussein and, more importantly, they seem to have lost support among the Palestinian people; in the north Israel looks down from, rather than up at, the Golan Heights; and the guerrillas in Lebanon are more of a nuisance than a threat. Together with Israel's military excellence, these facts have forced Arab leaders for the first time in two decades to confront seriously the issue of negotiating a political settlement.

Given this overall situation containing a mixture of great concern and fresh hope, what are the prospects for peace?

One way to view current developments in the Middle East is as part of a process. It would be unrealistic to call that process "negotiation." Certainly two men—one from Cairo and one from Jerusalem—are not yet sitting face-to-face debating disputed points and trading concessions. But what has been happening in recent months has the appearance of a process of *accommodation*. Whether it will lead to peace or whether it will end in another and perhaps more deadly round of fighting no one can really say. But these are encouraging signs. Let me touch on them:

Israel, which for two years insisted on direct negotiations, has accepted indirect contacts, at least at the outset.

Egypt has replaced the barbarous rhetoric of two decades about "pushing Israel into the sea" with language about "the territorial inviolability and political independence of every state in the area, including Israel."

While hedging with many unacceptable provisions, President Sadat has for the first time indicated Egyptian willingness to sign a peace agreement.

Attitudes in both capitals have clearly moderated.

Emphasis is on how to get the most favorable peace—not on how best to fight a new war. In light of the bitter history of hatred and belligerence, this, indeed, is a form of progress.

The passage of the March 7 deadline may signal a new period in this process. For one thing, the world is relieved of the tri-monthly suspense story. Will Egypt extend the cease-fire? Will the Big Four, or the Secretary General or the Security Council have to intervene to save the peace?

While there may now be a slightly increased possibility of small clashes, few observers expect a real conflict anytime. This is due to the underlying military balance—a balance that *must* be maintained soon. Instead, the absence of deadlines can help both sides to concentrate on the substance of the problem—rather than on the periodic vain efforts by one side to manipulate world concern about renewed fighting for unilateral advantage.

There may now be a time of waiting and of diplomatic—and public—probing. Each side claims that it has made an important proposal and that it is up to the other side to respond. After years of extremist rhetoric, Egypt's new diplomatic stance and apparent willingness to strike more flexible attitudes, has raised expectations. Because of this, Israel now faces hard choices. For the first time she must come to terms with the questions of what are her bedrock necessities, what matters are negotiable, and what *quid pro quos* are acceptable. This is not an easy endeavor. It takes time. It requires of the United States, as Israel's friend, a policy of understanding and patience as well as persistence. To push the Israelis harshly or clumsily could not only reverse the process of accommodation on the Israeli side, but also reawaken Egyptian hopes of avoiding serious negotiation.

If this process is to continue, as we all hope it will, what role should the great powers play? I believe the U.S. and the Soviet Union have a common interest in avoiding a direct confrontation in the Middle East. The four-power meeting, as well as bilateral talks can help to prevent that. Through them we can make the Soviets aware of our purpose and commitment so that they weigh carefully the possible gains of pursuing an aggressive policy against the risks of a big power confrontation. In the four-power talks we can work to influence to put their weight on the side of peace.

While this we can do, one thing the four powers should not do is impose a settlement, nor should they try to do so. The U.S. simply must not permit arrangements unacceptable to Israel to be forced upon her. And even if an undesired arrangement could be forced on the parties, it would not stand the test of time. It would be far better to take more time to negotiate an agreement both sides truly accept than to attempt to impose upon them one to which, in their hearts, they have not consented. Our purpose must be a genuine settlement—not another temporary armistice.

Recent indications from Moscow suggest some change in the Soviet policy in the Middle East. Apart from a realization that without some kind of settlement the Suez Canal will not be reopened, I am convinced that the Soviets want now in the Middle East what they have *always* wanted—as much as they can get at the lowest possible cost.

I must tell you, however, that I am deeply concerned about the role our government is now playing. It seems to believe that we can rely on wishful thinking about Soviet intentions. In this regard it was neither wise nor right for Secretary Rogers to announce publicly that the U.S. opposed all but "insubstantial" changes in the 1967 borders of Israel. It was not right because it is not our prerogative to give away someone else's strongest bargaining point before the give-and-take negotiation has even begun. It was not wise because it stimulated a rigidity in Israel's position born of past experience. Given that experience—first, when the world turned its back while the Nazis exterminated the Jews of Europe, and later, when the State of Israel repeatedly found international assurances and guarantees inadequate to protect its security—such rigidity is understandable.

In the ensuing months the Rogers formulation was de-emphasized. But unfortunately, the President chose to repeat it in his "State of the World" message last month. Again, publicly, our government took sides on an issue which should be the subject of negotiations between Arab and Israeli. Again, the U.S. appeared to be putting itself in the position of deciding beforehand what was to be done. The Israeli response, while widely criticized, is understandable—in their note to Ambassador Jarring they flatly stated their refusal to return to the 1967 borders.

There are sensitive areas particularly Golan, Sinai and Sharm el Sheikh—whose past misuse has been a direct source of conflict. Surely, their future status must be negotiated and agreed upon by Arab and Israeli. Clearly, Israeli withdrawals must be based on a treaty which settles these questions once and for all.

And beyond that, it is precisely because we know that a final settlement will give neither side all it hopes for, that the U.S. must not now waver in its support of Israel. Israelis know they cannot truly be 100% self-reliant. In this world no one can be. They expect that the U.S. will be one of the guarantors of a settlement when it is finally reached. If we now give them cause to question our reliability, we make the path to that settlement much more difficult.

For all who are deeply concerned about the creation of a viable peace in the Middle East, I am today proposing a six part policy.

First, if an opportunity to de-escalate the Middle East arms race appears, we should seize it. But if no such opportunity occurs, we must be willing to meet any expansion of Egyptian-Soviet military capability in the area. We must maintain the military balance so that Israel's adversaries do not come to believe that the path of war is more promising than the path of negotiation.

Second, we should resist the policy that the Administration is reported to be weighing of slowing or halting deliveries of supplies to Israel in order to push it toward accepting negotiating positions it might not otherwise accept. Neither the current state of negotiations nor what we know about the continued delivery of Soviet arms to Egypt would justify any such pressure on Israel.

Third, we should do everything possible to make clear to the Egyptians that there are realistic and attractive alternatives to their current policy. We should not only reassure them about Israel's posture after a settlement but also about re-establishment of our diplomatic relations and American economic assistance as well. In short, if they are at all concerned about the preponderance and possible danger of Soviet influence, we can offer Egypt a way to counter-balance that influence.

Fourth, we should emphasize to Israeli and Arab the importance of stating positions and reactions to diplomatic proposals in ways calculated to emphasize the ultimate objective of peace. Despite the immense legacy of bitterness due to a quarter-century of hostility, both parties must force themselves to look for the best in each other's position and to try building from that a mutually acceptable peace.

Fifth, although the most recent Egyptian initiative regarding the partial withdrawal of Israeli troops and the reopening of the Suez Canal may be a real sign of new Egyptian flexibility, both the United States and Israel should move with caution regarding the canal. I cannot stress this too strongly. For in the absence of an overall Egyptian-Israeli agreement including a *binding* commitment about Israeli use of the Canal, such an agreement would amount to a giveaway comparable to the trade between Esau and Jacob. Israel *must not* exchange something for nothing. And we should not urge her to do so. The over-riding fact about reopening the Canal is that growing Russian interests in the Red Sea and Indian Ocean make reopening important to them. Therefore, in my opinion, Russian interest in reopening gives us an important card to be played in persuading the Soviets to use their influence for peace. It is not to be played lightly. And it is certainly not to be thrown away.

Sixth, and most important, our objective should be first permanent solution, second permanent solution, and last permanent solution. We should by all means aim at gaining the substance, not the appearance, of peace. We must refuse to support—and certainly refuse to urge—any partial or temporary arrangement. A permanent settlement, at least between Egypt and Israel, is absolutely basic. For it is imperative that any settlement exclude as far as humanly possible the seeds of or incentives to future conflict. Less than this we have no right to urge upon them. Less than this will provide not a lasting peace but a breathing space between rounds. And less than this will mean future and possibly far more serious threats to the peace of the world.

My friends, my talks with Israeli leaders have convinced me that Israel is anxious to journey toward peace. But it wants to know precisely where that journey will take her. As Golda Meir said, "We have had an intimate knowledge of boxcars and of deportations to unknown destinations." Who among us who has not shared such an experience would urge any Israeli to take another journey to an unknown destination?

IRA KAPENSTEIN

Mr. BAYH. Mr. President, recently Ira Kapenstein, one of the finest young Americans it has ever been my privilege to know, passed away, grieving an army of friends shocked by his untimely death. Although but a young man, his maturity of spirit and store of wisdom made him a valued counselor to all concerned with devising policies to help achieve a better, finer America.

On March 13, Bruce Biossat captured this sense of loss in an eloquent column in the Washington Daily News. I ask unanimous consent that his eulogy to one whose presence made us all more hopeful that man might rise to reach his full stature as a child of God be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE GOT JUST 35 YEARS

When great qualities mark a quiet man, they often go unspoken. So it was for Ira Kapenstein, deputy chairman of the Democratic Party, who died the other day at 35. In that brief passage, without fanfare, he set foot on the summit.

He bore the stamp of leader, though cancer struck him down before he could move from the role of vital "second man" to others.

Secure in his manliness, he could always be gentle, performing kindnesses in profusion, with no claim of authorship. His brilliant, exacting mind led him nonetheless to tough judgments, which were his hallmark. He burned with loyalty, dedication, a sense of justice.

He would want no one to dwell upon his dying. Yet his courage at the end measures him. He worked on, masking his failing strength with a show of normalcy.

"Ira died the way men should live," Sen. Edward Kennedy said.

What so few of us who knew him realized is how loong he carried his burden. National Chairman Lawrence O'Brien, his boss, stresses it:

"He had to live for 10 years of his short life with the specter. In all his time with me, he allowed himself only a brief comment and a fleeting smile when he passed the fifth anniversary (supposedly a safety milestone) of his first cancer operation."

Until that moment in 1965, Mr. O'Brien did not know. And Ira's comfort was illusory. In 1969 he underwent surgery again, then last October a third time. By then he knew he was doomed. Few others did.

The story is not his ordeal, but how he lived in its awful shadow. His visible achievements—top political reporter, counsellor to two postmasters general, winner of awards for excellence in government, friend and helper to Mr. O'Brien the respected political leader—are well recorded. The value of Ira's life goes deeper.

Perhaps, knowing his own harsh secret, he had no room for anything not real. You spoke always to the only, the true Ira Kapenstein. That made him a rock, a friend to far more people than he grasped. Says one of many:

"Whether you knew him 10 years or 10 minutes, he could help you. He got to the heart of everything."

Another friend tells of the compassion which molded these skills:

"He was just a good man—so obviously good that everyone recognized it. If he had been rabbi or social worker, this would have been no surprise. But he managed to stay that way and still be effective in the rough world of politics."

Many remark this unique blend. As gentle as anyone who ever decried inhumanities in "the system," he yet chose to work for change within the establishment's walls.

For a decade, leaders sought the young man's wisdom. The late Robert Kennedy asked him to join John Kennedy's 1960 campaign. Even as he was faltering, Ira heard a new figure call for his services above all. The lad who was raised in a small Bronx apartment over a Chinese restaurant had come far and, luckily for him, fast.

As at work, so at home he battled for normalcy with his characteristic grace and balance in the face of peril. Fortune gave him a proud hour two weeks before his death, when his eldest son, Joel, 13, had his bar mitzvah with mother and two younger brothers looking on. A hundred friends heard the boy speak eloquently of poverty, hunger and peace. Ira beamed, and told of the family warmth he felt.

He had another high moment when, only days later, major Democratic Party reforms he helped to shape won final sanction. Then danger crept closer. Once in 1969, when Mr. O'Brien spoke of his own future at 50, Ira Kapenstein said softly: "I'd settle for 50." He got just 35 years, but their richness and quality are what living is all about.

REPORT OF NATIONAL PANEL OF CONSULTANTS ON THE CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, in recent weeks there has been immense interest in S. 34, the bill I have introduced on behalf of a bipartisan group of more than 50 Senators to create a new national program for the conquest of cancer. As Senators are aware, much of the impetus for this legislation comes from the three-part report last December of the National Panel of Consultants on the Conquest of Cancer, a group of 26 distinguished scientists and laymen, chaired by Mr. Benno C. Schmidt, of New York, and Dr. Sidney Farber, of Boston.

Because of the widespread interest in the panel's report, I ask unanimous consent that three items may be printed in the RECORD—part I of the report which contains a brief summary of the overall report; the summary of part II of the report, which deals with the scientific and medical background in the field of cancer research and treatment; and a list of the members of the panel of consultants.

The full report—including the rest of part II of the report, and part III of the report, which contains much valuable background material, including a historical review of cancer research, work being done by Government agencies and private organizations, the growth and funding of categorical institutions, and State laws and regulations pertaining to cancer research—are available from the Senate Committee on Labor and Public Welfare.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL PROGRAM FOR THE CONQUEST OF CANCER: REPORT OF THE NATIONAL PANEL OF CONSULTANTS ON THE CONQUEST OF CANCER, PREPARED FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE, UNITED STATES SENATE, DECEMBER 4, 1970

PART I—SUMMARY

Introduction

On April 27, 1970, the Senate passed Senate Resolution 376 authorizing the Senate Committee on Labor and Public Welfare, with the assistance of an advisory committee, to report to the Senate on (1) the present status of scientific knowledge with respect to the causes of cancer and its treatment, cure, and elimination, (2) the prospect of success in such endeavors, and (3) measures necessary or desirable to facilitate success at the earliest possible time. Pursuant to that resolution, the Committee of Consultants was designated in June 1970, and was asked to submit its report and recommendations at the earliest practicable date but not later than December 15, 1970.

On July 15, 1970, the House of Representatives passed Concurrent Resolution 675, later passed by the Senate, expressing the unanimous sense of the Congress that "the conquest of cancer is a national crusade" and that "the Congress should appropriate the necessary funds so that the citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

On June 29, 1970, the Committee of Consultants held its first meeting. Since that time the Committee has met 10 full days, subcommittees have met many additional days and the written or verbal testimony of 289 witnesses and advisors has been considered. The Committee is pleased to present herewith its report and recommendations.

Summary and recommendations

1. Cancer is the No. 1 health concern of the American people. A poll conducted in 1966 showed that 62 percent of the public feared cancer more than any other disease. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence, and 34 million will die of this painful and often ugly disease, if better methods of prevention and treatment are not discovered. About one-half of cancer deaths occur before the age of 65, and cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it by a wide margin our second greatest killer (after cardiovascular diseases). Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

2. The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid and only $0.89 on cancer research. Cancer deaths last year were 8 times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question. In addition to the poignancy of the disease, and the death and suffering that it causes, the economic loss is staggering, with estimates of its costs to the Nation running as high as $15 billion per year, of which some $3 to $5 billion represents direct care and treatment costs and the balance is loss of earning power and productivity.

3. The incidence of cancer is increasing. This is partly due to the fact that a greater number of our citizens are reaching more advanced ages, where cancer strikes more frequently, but it is also due to the sharp increase in lung cancer, undoubtedly attributable to the air pollution in certain environments and most importantly to the self-pollution of those who smoke cigarettes. It is estimated that if the American people stopped smoking cigarettes this alone would eliminate about 15 percent of all cancer deaths.

4. The nature of cancer is not yet fully known. We know that human cancers are

caused by certain chemicals, by certain types of radiation, and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause, cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses, and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. There is very strong suggestive evidence that viruses cause some human cancers, but which viruses, how they are transmitted, and how they operate are unknown. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization (as in the case of polio) or a single cure. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. However, as our knowledge is expanded, more and more cancers will become preventable or curable.

5. The cure rate for cancer is gradually improving. In 1930 we were able to cure only about one case in five; today we cure one case in three; and it is estimated that the cure rate could be brought close to one in two by a better application of knowledge which exists today, i.e. detection at an earlier stage through the more widespread use of existing techniques (such as the Papanicolaou test for women and mammography), coupled with an extension to all citizens of the same quality of diagnosis and treatment now available at the best treatment centers. There are three methods for curing cancer today: surgery, radiation therapy, and chemotherapy. Often two or even three of these methods are used in combination. Some types of cancer are far more curable than others. For example, early breast cancer treated by surgery, cancer of the cervic by radiation or surgery, and choriocarcinoma and Burkitt's tumor by chemotherapy, are among those most susceptible to cure today. Treatment techniques are improving markedly, particularly in radiation therapy and chemotherapy, and more widespread availability of the best quality detection and treatment will give us more and more cures. However, it is still true that those cancers which disseminate rapidly are seldom curable today, and this represents a major gap in our existing knowledge. Where we stand today in our knowledge of the causes, nature, prevention, diagnosis, treatment, and control of cancer is set forth in detail in part II of this report.

6. There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. These areas of special promise must be explored with vigor, if we are to exploit the great opportunities that lie before us. They are examined in detail in part II of this report.

Among the areas of special promise which must be aggressively pursued are:

(*a*) The identification and study of the chemical, physical, and other environmental factors that cause cancer (food additives, air pollutants, industrial hazards, radiation, and other carcinogens);

(*b*) Viruses causing cancer (what viruses cause cancer, how are they transmitted, and how do they act);

(*c*) Cell and tumor biology (including cell surface phenomena, molecular functions, differentiation and genic expression, controls of cell division, mechanisms of metastasis, nutritional requirements and other biological factors);

(*d*) Immunology (host resistance against cancer, its nature, causes and therapeutic use);

(*e*) Epidemiology (the variables in cancer incidence and types stemming from geographic, social, economic, nutritional, occupational, and constitutional differences);

(*f*) Cancer prevention (more effective utilization of existing knowledge and intensified research on preventive measures);

(*g*) Diagnosis (the development of new and improved diagnostic techniques);

(*h*) Chemotherapy (the development of new and better drugs and improvement in their uses);

(*i*) Radiotherapy (development of new and better techniques and apparatus for radiation therapy);

(*j*) Surgery (the best techniques in cancer surgery coupled with earlier diagnosis must be made generally available in order to further increase the cure of cancer. Better rehabilitation techniques must be further developed and utilized to return the cancer patient to an active and full life);

(*k*) Combinations of treatment modalities (improvement in treatment results by better combinations of surgery, radiotherapy, chemotherapy, and immunotherapy).

7. A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administration with clearly defined authority and responsibility;

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitely laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time. The three foregoing elements are considered separately in more detail in the succeding paragraphs 8, 9, and 10.

8. *Administration.*—An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institute of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare. Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the administration are truly committed to making the conquest of cancer a "national crusade," as expressed in the concurrent resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and, as pointed out in subsequent paragraphs not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that associated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

The powers of such a National Cancer Authority should be very broadly defined in order to accomplish a mission of this complexity. It would not be useful to attempt to enumerate here all the powers that such an Authority should have and in the writing of the implementing legislation, the Committee believes that the powers should be broadly defined and not enumerated. However, the following are illustrative of the kinds of powers which the National Cancer Authority will have to be able to exercise in order to carry out a comprehensive program of the type envisaged:

(*a*) The power to enter into prime contracts with authority in the prime contractor to enter into subcontracts;

(*b*) The power to commit available funds until expended rather than on a year-to-year basis;

(*c*) The power to authorize exceptions to existing regulations, where necessary, to permit the use of experimental drugs, biologicals, and devices in cancer research;

(*d*) The power to establish or support the large-scale production of specialized biological materials for cancer research, such as viruses, cell cultures, animals, and the like, as well as the power to set standards of safety and care for those using such materials;

(*e*) The power to support research outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and training of American scientists abroad and foreign scientists in the United States, to the extent that such activities will promote the accomplishment of the mission. The Committee believes that cancer research offers a particularly fruitful field for collaboration with other nations, including those nations with whom present cooperation is limited but with whom greater collaboration is desired;

(*f*) The power to fund by loan, grant, contract, or otherwise any facilities or programs, or to take such other actions, as may be required for the accomplishment of the mission.

9. *Program plan.*—A comprehensive national plan for the conquest of cancer should be developed as promptly as possible. The development of a coherent overall program plan should include the following features:

(*a*) The present research activities now being carried forward under the National Cancer Institute should in no way be impeded or interrupted while plans are being made for the expansion, intensification, and coordination of the cancer research program;

(*b*) Existing research facilities and manpower should be used as promptly as possible for the accelerated exploitation of the opportunities in the areas of special promise. There is substantial unused capacity in this country today that should be utilized in order to attract and retain the manpower that is needed. It is a myth that we could not spend effectively on cancer very much more than is now being spent. The fact that Federal support for cancer research has leveled off since 1967 and that, due to inflation, the actual amount of work done has decreased has created a serious gap between what we are doing now and what we could and should be doing in cancer research. It is estimated that current expenditures could be doubled within the framework of the existing facilities and manpower potential of this country today, exclusive of the great industrial research capability in this field which should be brought to bear on an appreciable scale in high priority areas to which this type of capability is particularly suited.

(*c*) Existing cancer centers should be strengthened and additional cancer centers in different parts of the country should be created. The solution of the cancer problem lends itself to a multidisciplinary effort, where teams of highly qualified specialists are available to interact on problems of research, both clinical and nonclinical, teaching, diagnosis, preventive programs, and the development of improved methods in the delivery of patient care, including rehabilitation. Among those who work in the cancer field, there is great emphasis on the advantages of critical mass—a critical mass of scientists and physicians committed to the cooperative solution of the cancer problem, of research facilities, of patients, and of financial and other resources. This is simply another way of saying that the comprehensive cancer center offers the best organizational structure for the expanded attack on cancer. In addition to the few comprehensive cancer centers that exist in the United States today, there are a number of other institutions which combine all or most of the capabilities for a multidisciplinary effort in cancer. These could serve as a base for the creation of additional centers. The new centers should have appropriate geographic distribution and should, wherever possible, be created where a nucleus of scientific, professional and managerial personnel already exists and preferably where a university or a medical school affiliation exists or is planned.

In the creation of new cancer centers, manpower limitations should be taken into account, and new centers should not be created where there would be a dilution in the effectiveness of existing centers which would offset any gain from the new center. There should be a realistic operating plan for each new center which assures the scientific and managerial commitment and ability necessary to the creation and operation of a successful center.

It should be emphasized that the strengthening of existing cancer centers and the creation of new cancer centers does not mean that under this program general responsibility should be undertaken for the care of the Nation's cancer patients. The delivery of patient care in cancer cases is a part of the general problem of the delivery of patient care and should be so dealt with. However, this inhibition must not prevent the cancer centers from including such patient care facilities as are necessary for clinical research and teaching and for the development and demonstration of the best methods of treatment in cancer cases.

(*d*) The cancer centers should also serve as administrative coordinators of those programs which require regional coordination. Such centers should support and assist clinics and community medical centers in their own geographic areas in order to assure the widespread use of the best available methods for early detection and treatment of cancer. They should also serve to collect data useful in the prevention and cure of cancer, including patient follow-up information, and be responsible for the dissemination of information, both at the lay and professional levels, that is useful in the prevention, diagnosis and cure of cancer. The effective dissemination and utilization of such information is a most important part of any national plan to conquer cancer.

(*e*) A national plan of the type envisaged must take account of the manpower requirements for this effort. There is a critical need for training and career opportunities for young scientists, physicians, and other personnel in this program. We must reaffirm to young investigators our confidence in the future of American science and in our national dedication to success in the conquest of cancer. A manpower program in this field should include training stipends, predoctoral fellowships for particularly promising candidates, postdoctoral fellowships for brilliant investigators, and career positions where appropriate through career initiation awards, career development awards, and senior career awards.

(*f*) A national plan for the conquest of cancer should provide for the generous use of grants as well as contracts and other methods of funding. There should be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

(*g*) A comprehensive national program requires optimum communication and centralized banks of information. There must be an accurate and prompt information flow in both directions. This will call for integrated data processing, storage, and retrieval in order to rationalize the decision-making and to make information available when and where needed. As indicated above, the centers can be important foci in both the collection and dissemination of this information.

(*h*) A coordinated national program plan should, to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result of the happenstance of a multitude of random decisions independently arrived at. An integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution is fundamentally different from the hierarchial imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrificed.

10. *Funding.*—The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as invisaged by the concurrent resolution of the Congress, would require an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues. It is of utmost importance that the financing of this program not result in cutbacks in other health programs.

11. *National Cancer Advisory Board.*—Both the public and the scientific community must be effectively represented in this effort, and must have a part in its planning as well as its execution. To this end, a National Cancer Advisory Board should be created with 18 members, nine of whom are distinguished scientists and doctors in the field of cancer, and nine of whom are distinguished laymen. The members should serve for a term of 6 years with the terms of one-third of the members expiring every 2 years. Members of the Board should be appointed by the President of the United States with the advice and consent of the Senate. The Chairman of the Board should be elected by the members and should serve for a term of 2 years. The Board should meet not less than once each quarter and its function should be to advise and assist the National Cancer Authority and its Administrator in the development and execution of the program. The Administrator should be an ex-officio member of the Board. The Board should have statutory responsibility for the approval of each year's program plan and budget, but the responsibility for administering the program should rest with the Administrator. The Board should have full investigatory powers and should be required to report once each year to the President and the Congress on the progress of the National Cancer Authority in the accomplishment of its mission. This Board should supersede the presently existing National Advisory Cancer Council, and the members of that Council should serve as additional members of the National Cancer Advisory Board for the duration of their present terms.

12. Cancer is an implacable foe and the difficulty of eliminating it as a major disease must not be underestimated. A top priority commitment by the Congress, the President, and the American people is required if we are to mount and sustain an assault on cancer of the magnitude envisaged by Senate Resolution 376 and the concurrent resolution of the Congress. Such a commitment involves a recognition not only of the difficulty and complexity of cancer but also of the time and resources required to attack it effectively. While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards. The Committee is unanimously of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued.

PART II—SCIENTIFIC AND MEDICAL BACKGROUND: SUMMARY

In 1969, 323,000 persons died from cancer in the United States. Deaths from cancer were greater than all U.S. battle deaths in the four years of World War II and four times the sum total of the war in Vietnam. Of the 200 million people now living in the United States, approximately 50 million will develop some form of cancer and, unless better methods of treatment and cure are developed, 34 million of those now alive will die of cancer. The rate of increase in deaths from cancer is more rapid than the rate of increase in the population. Most of this increased mortality is a result of the rise in deaths from lung cancer among males in the past 30 years. Although one usually thinks of cancer as a disease of maturity and old age, it is also the largest cause of death—except for accidents—among persons between the ages of 1 and 35.

There are no complete figures on the economic impact of cancer in this country. It is estimated, however, that direct costs for hospitalization and medical care, coupled with losses of productivity and earning power, are probably in the range of $10 to $15 billion per year. In spite of these appalling facts, the 1969 allocations in our national budget, per citizen, were $410 for national defense and only 89c for cancer research.

Present status of cancer treatment

It has been estimated that there are now 1,500,000 individuals who are alive and well more than five years after treatment from cancer and that another 700,000 who have been treated within the past five years are alive and well. Whereas, in 1930, only one in five individuals with cancer survived five years after treatment, the figure has since risen to one in three, and under optimum circumstances, one in two may be cured. This improvement in cure rate is tangible evidence of the beneficial impact of the many advantages in diagnosis and treatment which have accrued from the nation's investment in cancer research in the past 25 years.

The Avenues of Advance

There are four chief avenues of advance toward the conquest of cancer:

1) *Cancer prevention*—by the elimination from the external and internal environment of chemical and other agents that cause or promote cancer.

2) *Earlier cancer detection*—through improved methods, whose application will allow earlier curative therapy.

3) *More effective application of present treatment methods*—by making more widely available the best present techniques of surgery, radiation, and chemotherapy.

4) *Development of new methods of cancer treatment and prevention*—through research. It is the judgment of the Panel that major gains in the effort to eradicate cancer will come from new developments achieved through research.

Cancer prevention

Cancer prevention offers greater possibilities for the control of cancer and the saving of human lives than any other measure now at hand. Many, perhaps most, human cancers can now be prevented. The most important environmental causal agent in the production of internal cancer today is the prolonged inhalation of cigarette smoke. Cigarette smoking is now recognized as the major cause of lung cancer and a significant factor in the causation of cancer of the oral cavity, pharynx, and larynx. Other cancers that can now be prevented include: cancers of the skin from prolonged overexposure to sunlight, to ultraviolet lamps, to arsenic, to coal tar, and to certain oils and chemicals; cancers of the bladder in workers exposed to betanaphythylamine; cancers of the lung in miners in uranium, chromate and asbestos mines; cancers of the nasal sinuses in nickel miners; and leukemias and thyroid cancer from excessive radiation. Studies of the differences in the geographic distribution of various cancers throughout the world should lead to the identification of other specific and presumably avoidable carcinogens in the environment.

Cancer detection

If cancers are discovered when they are still localized, the majority of them can be cured by surgery and radiotherapy. The past decade has witnessed striking innovations in the development of methods and instruments for cancer detection, as well as the perfection of established procedures. Exfoliative cytology is extremely valuable in detecting early cancer of the cervix and also in studying high-risk populations for cancer of the lung, bladder, and stomach. It may soon be applicable to cancers of the colon, kidney, and oral cavity.

Diagnostic radiology also contributes to cancer detection by means of chest X-rays, G.I. series, and barium enemas, and also by mammography, which is the examination of the breast by special X-ray techniques. Significant progress has been made over the past few years in endoscopic examinations of the esophagus, stomach, colon, and bladder as a means of early detection of cancer. An immunologic test for early cancer detection has been reported in the past year. This test involves a fetal antigen, called carcinoembryonic antigen (CEA), which is present in the blood of patients with cancer of the colon and disappears from the blood of patients treated successfully. Several other such fetal antigens are being investigated for their diagnostic significance in primary cancer of the liver and other human cancer.

Cancer treatment

Surgery

Today surgery offers patients with many types of cancer more chance for a cure than any other known treatment and is the most widely used form of cancer therapy. To cure, surgery must take place before the cancer has spread and become established beyond the tissues that can be removed. Good surgical treatment is now able to cure by the five-year criteria at least 95 percent of patients with skin cancers, about 70 percent of women with cancer of the uterus, 60 percent of women with breast cancers, and 40 percent of patients with cancers of the colon and rectum. Relatively few patients, however, with cancer of the lung, stomach, or pancreas are being cured. In virtually every category, there is a striking difference in cure rate between patients with localized cancer in whom the regional lumph nodes have not become involved and patients in whom regional lymph node involvement is present. Organ transplantation may allow wider surgical excision and so increase the possibility of cure where cancer involves vital organs. The potential of this technique in cancer control is just beginning to be realized. Surgical techniques, organ preservation, tissue typing, and immunosuppression now have been developed to the point where replacement of vital organs irreparably damaged by cancer is occasionally possible, but better techniques of immuno-suppression are urgently needed.

In the future, prevention of cancer by the removal of precancerous growths may eventually be surgery's greatest contribution to the control of cancer. Another major frontier in the surgical therapy of cancer is in reconstruction and rehabilitation. There is a need for a greater number of qualified cancer surgeons.

Large medical centers are usually staffed with excellent cancer surgeons but this is not so often the case in less populated regions. Increasing the number of competent cancer surgeons can improve the treatment of cancer and, therefore, increase the number of lives saved.

Radiation Therapy

Radiation therapy is second in importance only to surgery as a modality for the curvative treatment of a wide range of cancers arising in various parts of the body. In addition, it has an important role in palliative treatment of cases that are too far advanced for cure. It is used for cure or for palliation in 50 to 60 percent of all cancer cases at some stage of their evolution. Radiation therapy makes use of the ionizing radiations—including x-rays and electrons produced by man-made machines, and gamma rays which emanate from naturally or artificially radioactive elements—to destroy cells by injuring their capacity to divide. Since the single most important attribute of cancer cells is their sustained, uncontrolled, lawless proliferation, inhibition of such proliferation is precisely the therapeutic goal which is desired.

Remarkable strides have been made in the past 20 years, owing largely to the technologic development of machines producing beams in the multimillion electron volt energy range. Such beams can deliver a greater dose to deep-seated tumors without the serious skin reaction that formerly limited treatment with lower energy x-ray beams. Thus, five-year survivals of patients with early Hodgkin's disease have been increased from approximately 35 percent to 75 percent, cancers of the cervix from 40 percent to 60 percent, and embryonal cancers of the testis from 25 percent to 60 percent. Modern megavoltage radiotherapy apparatus is expensive and requires major capital investment and centralized facilities, as well as specialized personnel. These complex requirements are most readily satisfied by centralization of radiotherapy departments in major cancer hospitals or in university medical centers.

An integral component of many of the larger radiotherapy departments is an active fundamental research program in cellular and molecular radiobiology, biophysics and radiologic physics. Thorough comprehension of the complex processes by which ionizing radiations damage vital macromolecules is likely to reveal a variety of approaches whereby the efficiency of cell killing can be enhanced or modified with potential therapeutic benefit. The recovery of cells from the lethal effects of radiation can be blocked by chemical agents—such as Actinomycin D. The principal target in the cell is its deoxyribonucleic acid (DNA); DNA, the prime genetic determinant, is a double-stranded molecule and in this molecule, radiation produces breaks in one or both of the two strands. Two compounds, 5-bromodeoxyuridine (BUdR) and 5-iodo-deoxyuridine (IUdR), have been shown to increase the radiosensitivity of cells by increasing the number double-stranded breaks in DNA. Preliminary results of BUdR infusion and radiotherapy in brain tumors have been encouraging. Single-strand breaks produced in DNA by ionizing radiation are much more numerous but rapidly undergo repair and thus are not lethal under ordinary circumstances. An exciting new line of investigation has recently been opened up by the discovery that several chemical compounds are able, when added to cell cultures soon after radiation, to block single-strand repair. There is an urgent need for intensified investigation of this new approach, since some of these compounds are known to be relatively nontoxic in man.

It has long been known that cells are nearly three times more sensitive to radiation when oxygen is present than when it is absent, as it is in some areas of tumors. Certain nuclear particles—notably neutrons and negative pi-mesons—have attracted attention as substitutes for x-rays and electrons because they are much less dependent on oxygen and thus could effect the hypoxic-cancer cells. The optimum dose schedules for radiation are not known and their determination will presumably depend on more information on cell population kinetics of a given type of tumor and their normal tissue homologues.

There is a critical shortage of manpower in the field, not only of radiation therapists but in all of the relevant paramedical areas as well. If all radiation therapy were administered by highly-trained, full-time radiation therapists, it is estimated that four times the present number available would be needed. Many medical schools and large community hospitals remain without either megavoltage equipment, radiotherapists or supporting facilities. There is thus an urgent need to bring the general level of staff, equipment, and facilities throughout the nation up to standards which are acceptable by today's criteria and to offer to all patients the benefits of the many advances made during the past 15 to 20 years.

Chemotherapy

In contrast to surgery and radiation therapy, chemotherapy can be used effectively for disseminated as well as localized cancer. Although chemotherapy had long been considered largely a palliative procedure, it is now evident that certain types of cancer can be cured by chemical treatment, either with single drugs or combinations of several drugs. Some of these curable cancers are choriocarcinomas and metastatic hydatidiform moles, highly malignant types of cancer which originate in the placenta; Burkitt's tumor, a highly malignant form of cancer which arises in the jaw or abdomen and occurs most frequently in children; and Wilm's tumor, which originates, in the kidney of young children and rapidly spreads to the lungs. In acute leukemia of children and in advanced stages of Hodgkin's disease, long-term remissions have been achieved in an ever increasing percentage of the patients, and in many of these, presumptive cures have been achieved. Cures of carcinomas of the superficial layers of the skin have been achieved in the majority of patients treated with topical application of certain anticancer drugs. There are many other tumors which are markedly benefitted by chemotherapy, but in some no real beneficial effect can be achieved.

Much research is being done in the basic and developmental aspects of chemotherapy research. In the screening for new agents, in addition to the fast-growing mouse leukemias, the use of mouse tumor systems which screen for activity against the relatively slow-growing human carcinomas is being emphasized. Similarly, cancer cell kinetics are now being explored in the slow-growing solid tumors as well as in the more rapidly-growing leukemias and lymphomas. Research in cancer chemotherapy has made it clear that there is great individual metabolic diversity among tumors, which fact enormously complicates the task of chemotherapy. Most drugs currently available exert their action primarily as growth inhibitors and consequently exert toxicity to rapidly dividing normal cells. Some experimental tumors, however, can be cured by individual drugs or combinations of drugs; such cures imply that there are major metabolic differences between these tumors and normal tissues.

For example, mice with a particular form of experimental leukemia [L1210] can be cured. In order to achieve these cures, *all* of the leukemic cells must be killed. That cures of this cancer can be produced without lethal toxicity to the animal is remarkable and encouraging.

The major classes of effective compounds include: alkylating agents, antimetabolites, antibiotics, plant products, and steroids. There are also some miscellaneous individuals compounds. Most of these compounds have been discovered by screening in animals. The mechanism of action of the majority of these compounds involves DNA. The alkylating agents react chemically with DNA and prevent its further replication. Many antimetabolites block DNA synthesis. Many antibiotics bind to DNA or intercalate into DNA and consequently block DNA transcription.

In any tumor, only a certain proportion of cells are actively dividing at any one time. Most drugs that inhibit cancer growth kill only these dividing cells. The degree of killing is often proportional to the growth rate of the tumor. The same effect is observed in cancer patients; acute leukemic cells, for instance, can usually be killed much more effectively than cells of slow-growing solid tumors.

As a result of studies on the patterns of cell division characteristic of a number of experimental tumors, drug regimens have been designed that are much more effective against these experimental tumors than when the sams drugs have been given arbitrarily. In studies on human cancer cell kinetics, the problem of extrapolating dosage schedules of cycle-dependent drugs from mouse to man demands a thorough knowledge of the kinetics in man of various types of cancer cells, as well as of the most sensitive normal cells—such as bone marrow or gastrointestinal epithelium. Much progress has been made in the understanding of the cell kinetics of acute leukemia in man, but further work is needed in the leukemias and particularly the more slow-growing human solid tumors.

Cancer cells may eventually become resistant to the drugs, as a result of selection from a mixed cell population. This resistance has been shown to result from the loss of activating enzymes, induction of synthetic enzymes, or from an increase in repair processes. Resistance can be minimized by the use of suitable drug combinations. Use of such combinations has been largely responsible for the improved results in the treatment of the acute leukemias and Hodgkin's disease.

Research to establish optimum dosage schedules and route of administration for chemotherapeutic agents has produced such outstanding achievements as increasing the cure rate of metastatic choriocarcinoma from practically zero to greater than 75 percent, and of Burkitt's tumor from zero to 50 percent. Meningeal involvement is common in acute leukemia. Leukemic cells in the cerebrospinal fluid cannot be reached by most otherwise active systemic chemotherapeutic agents and must be treated by intrathecal administration of the drugs. The use of the Omaya reservoir to instill the drug directly into the cerebrospinal fluid of the ventricles appears to achieve a longer lasting effect.

Cancer chemotherapy appears to hold great promise for the future control of cancer. Indeed, it is concluded that the chemotherapy of cancer is today at a point analogous to that of the chemothreapy of infectious disease in 1937. Not only has it been established that certain types of cancers can be cured by chemotherapy but also the technical knowledge is available to mount a large-scale program for the development of new agents and new regimens of treatment.

Cancer research

Cancer Biology

Cancer is a population problem among cells. As in other population phenomena, the interactions prove to be multiple, complex, and often subtle. In spite of these complexities, it is now known that normal cells in a functioning organ sense and respond to one another as well as to the specific chemical messages coming to them from distant body sites. In the course of normal aging and tissue renewal, they replicate and grow in exact relationships to one another—relationships which are compatible with the successful function of that organ—lung kidney, intestine, breast, or other. Not only the number of a particular cell type is regulated, but also the geometry of their growth in relation to other adjacent cell types. They literally count one another!

In cancer cells—whatever their cause—something has gone wrong with this social interaction of cells as they no longer sense or respond properly to the intercellular growth stimuli or restraints. The result is a disproportionate growth and the accumulation of certain cell types—often at the expense of their neighbors. In most cases the losses are only partial defects, and the affected cells retain much of their original character. They may be easily identified by growth pattern, morphology, or function as arising from cells of a particular phenotype. In many cases they respond to pharmacological levels of the normal stimulant or depressant for that cell type. Thus, while differing from the cell of origin, the cancer cell may retain many, properties which could be used to therapeutic advantage, if only it were possible to identify those properties which play important roles in the interactive growth of cancer cells with their normal neighbors.

Accordingly, in order to make maximum progress in the control and treatment of cancer, it is necessary to identify the principles and components which operate between cells in normal organ growth and to clarify the specific defects in the cancer cell which leads to its relative unresponsiveness to these normal regulatory mechanisms. It is important, in particular, to identify the interactions and mediating principles which persist or might be re-enforced in specific neoplastic tissues to correct their disorderly growth pattern.

Biochemical Properties of Cancer Cells

With respect to the biochemical properties of cancer cells in relation to normal cells, it is known that although there is unity in the fundamental chemical organization of living cells, there is a fantastic diversity in the detailed chemical properties. Tremendous chemical differences are found from species to species, from organ to organ, among different types of cells within individual organs, and even among the same types of cells at different times. Paralleling the diversity of chemical detail in normal tissues, there is also a great diversity of chemical detail among various types of cancer. Such diversity exists not only among cancers of different organs, such as mammary cancer, liver cancer, and skin cancer, but among different cancers arising from a single cell type such as the major type of liver cell (the hepatocyte).

Just as normal cells can lose a variety of enzymes or can alter the ratios between a variety of different enzymes and still survive, cancer cells can sustain major shifts in enzyme pattern and survive.

The rationale of cancer chemotherapy rests on the assumption—supported by the occasional successes of cancer chemotherapy—that chemical differences between normal cells and cancer exist, despite the many common or identical features that maintain the vital processes in both normal and cancer cells.

There are a number of unresolved problems in cancer biochemistry: First, among the chemical components of cells there is no single one whose alteration can be said at this time to be *essential* to the malignant transformation, although there are a number of biochemical properties that correlate with growth rate. There appears, rather, to be an alteration in the relation between the various components, whether this is referred to as altered control, regulation, feedback, homeostasis, or integration, in relation to the needs of the whole organism.

Second, there is no agreement at this time as to whether or not cancer can occur without alteration in the genome—that is, whether or not alteration in the DNA sequences of the cell, broadly equivalent to somatic mutation, is a universal requirement for malignant transformation. The recent demonstration of the integration of the DNA oncogenic viruses into the cellular genome and the recent findings that the oncogenic RNA viruses can exist as a DNA provirus suggest that a comprehensive explanation of viral oncogenesis and its relation to the somatic mutation theory of cancer may be forthcoming.

Third, there is no agreement at this time as to whether the transformation of a normal cell to a cancer cell is universally irreversible occasionally reversible, or potentially widely reversible. It is well known that under a variety of circumstances highly malignant cells can lose their malignancy without, however, becoming normal.

Fourth, the available evidence suggests

that in the transformation process there may be an activation of latent genes and a shutting off of other genes, just as in normal differentiation and cell maturation. There is the important difference, however, that the process in the cancer cells fails to proceed to the point of coordination with the needs of the rest of the body.

It is now becoming possible to explore the biology of the tumor cell with much greater precision than was ever previously possible. Technological developments, such as radioisotopes and the electron microscope, enable investigators to examine functions and structures of individual cancer cells. Advances in tissue culture techniques permit the study of carcinogenesis in single cells under controlled conditions. The recent discovery that different types of cells can fuse in tissue culture to form viable hybrids has opened the way to genetic anlysis of tumor and normal cells of a sort not even envisaged a few years ago.

Etiology of Cancer

The goal of cancer etiology—the study of the causes of cancer—is cancer prevention. Three types of agents have now been shown to cause cancers: chemicals, radiation, and viruses. Of these, two—chemicals and radiation—clearly cause cancer in man and the third, viruses, are, on the basis of present knowledge, highly suspect.

Cancer epidemiology

Cancer epidemiology seeks to correlate differences in the incidence of different types of cancer with differences in the external or internal environments of the persons developing these cancers as has already been established. For example, between cigarette smoking and lung cancer.

Recent investigations have raised some intriguing questions that call for further study. These include the malaria-like distribution of Burkitt's tumor among African children; the sevenfold higher incidence of breast cancer among American than among Japanese women; the much greater incidence of colon cancer in the United States than in Africa and, conversely, the extremely high incidence of liver cancer in certain areas of Africa; and the spotty geographical distribution of esophageal cancer throughout Africa.

The results so far of epidemiological research strongly suggest that variations in exposure to environmental agents and in social practices are largely responsible for variations in the incidence of cancers among different groups of people. Therefore, if such environmental exposures and social practices could be identified and eliminated, the majority of cancers in man might be prevented. Because of the complexity of the relationships between man and his environment and the long latent period of cancer development, the identification of particular cancer-inducing factors is extremely difficult, but there is no other area of cancer research that holds more promise for cancer prevention.

Chemical carcinogenesis

The objectives of research in chemical carcinogenesis are 1) identification and removal from the environment of compounds that cause cancer in man, and 2) identification of the mechanisms by which chemicals induce cancers, so that such induction may eventually be prevented or reversed.

Testing for Carcinogens: Hundreds of chemicals have now been shown to be carcinogenic in experimental animals. Furthermore, new potential carcinogens are being introduced daily into the environment in the form of air pollutants, food additives, pesticides, etc. Reliable screening methods to assay which of these agents may be dangerous to man are not yet available and are urgently needed.

The screening of such compounds is complex for several reasons. First, the experimental procedures now available, which usually involve tests in laboratory animals, are slow and expensive and the correlations between the activity of an agent under these conditions and its action in man in the natural environment are not always clear. Furthermore, exposures to even very low doses of multiple agents, such as may now be occurring in man's increasingly carcinogenic environment, may have additive effects which could not be discerned by the testing of any one agent alone. Finally, there are indications that certain carcinogenic chemicals may be endogenous—that is, produced within the body of certain persons from naturally occurring organic compounds.

Mechanism of action of chemical carcinogens

It is known that many chemicals are changed by the tissues of the organism into their ultimate carcinogenic form. As a consequence, the varying capacities of different tissues and of different individuals for the activation and deactivation of chemical carcinogens are important factors in determining the susceptibilities of individuals to chemical carcinogenesis. It has been possible, in one instance, to identify the particular enzyme system involved in the activation of a particular carcinogen in mice. Such identifications, if they can be extended to the human population, may make possible the detection of persons who are high cancer risks because of their particular enzymatic machinery, and also, if useful inhibitors are found, may open the way to the blocking of the activities of activating enzymes.

As a class, carcinogens have physicochemical properties that result in their binding to macromolecules within the cell, including DNA, RNAs and proteins. It is presumed that the cancer-causing activity of the agents is related to their affinity for particular molecules, but it is not known which of these affinities are of crucial importance in the induction of cancer in man or in experimental animals.

Induction by chemical of tumors in the skin of mice and probably in other tissues in other species can be divided into two distinct phases, initiation and promotion. In some cases, cancers can be produced only following exposure to both chemicals and in the "right" order. Knowledge of the biochemical events that occur during initiation and promotion would provide important leads to the understanding of the nature of carcinogenesis.

Radiation carcinogenesis

X-rays and other ionizing radiations have been shown unequivocally to cause cancers of the skin, leukemias, bone cancers, and various other types of cancers in man as well as a broad spectrum of neoplasms in experimental animals. Recently it has also been demonstrated that ionizing radiations can produce cancerous transformation in cells in tissue culture. Because dose and timing can be precisely controlled, radiation-induced transformation *in vitro* offers a uniquely useful model system for studying the early events of carcinogenesis.

Radiation may cause cancer by producing changes in the genetic material of cells (somatic mutation), by activation of latent viruses, and by disturbing growth regulatory mechanisms. Of these three possible modes of action, the latter two have been well documented in experimental animals. In mice, radiation results in the induction of a leukemia virus. Radiation damage to endocrine glands of experimental animals has been shown to produce hormonal imbalance which leads to cancer.

Whether or not such mechanisms are involved in the induction of cancers in man is not clear but this question is of great theoretical interest as well as practical importance.

Viruses and Cancer

Some one hundred viruses now have been discovered which cause cancer in some species of amphibians, birds, and mammals. Although there is, as yet, no unequivocal evidence of a human cancer virsus, most investigators working in this field are of the opinion that viruses will soon be shown to be responsible for some types of human cancer.

Search for human cancer viruses

One of the viruses now under intensive study as possibly carcinogenic in man is the EB virus, which has been observed in electron micrographs of cells of Burkitt's tumor (a tumor of African children whose distribution leads to the suspicion that it may be of infectious origin). The EB virus belongs to a common "family" of DNA-containing viruses known as the herpes group, among which is the virus which causes fever blisters. One hundred percent of the African children with Burkitt's tumor have been found to have significant amounts of antibody against this virus, as compared to less than 50 percent of the other African children tested. Other studies of the EB virus have indicated that it is probably the cause of infectious mononucleosis, a benign infectious disease which involves the same type of cells that are involved in leukemia and induces, in these cells, a phase of very rapid growth.

A group of RNA-containing viruses, which have been detected by the electron microscope in samples of human milk and in human breast cancer cells growing in tissue culture, is also suspected of causing human cancers. These viruses are found more frequently in milk specimens of women from groups with high rates of breast cancer—such as the Parsis, a highly inbred group in India—than among the general population. These viruses resembled the mouse mammary tumor virus, a virus which is transmitted from mother to offspring in genetically susceptible strains of mice. It is not known, however, whether or not the viruses found in humans are associated with any form of cancer.

The third highly suspect group of viruses are the C-type viruses which have been shown to induce leukemias and sarcomas in cats, chickens, and mice and have been detected in specimens of human leukemias and lyphomas.

It is difficult to prove that a particular virus causes cancer in man because it is not ethically possible to inject a suspected virus into human beings and see if cancer occurs. Moreover, such viruses when first isolated from laboratory animals have usually grown only in genetically similar animals and no comparably inbred strains of humans exist. However, some ingenious new detecting systems, involving the growth of cells in tissue culture, have recently been worked out which should help to provide a solution to this critical problem.

Mechanism of action of the cancer-causing viruses

Virus particles are composed of either DNA or RNA, depending on the type of virus, and protein. The protein serves as a protective carrier for the nucleic acid and is discarded before or soon after the virus enters the cell. Once within the cell, the viral DNA or RNA interacts with the biochemical components of the cell. In the case of the common infectious viruses, such as influenza, this interaction results in the production of new viral particles and the death of the host cell. In the case of certain bacterial viruses (the lysogenic" viruses) and also, apparently, of the cancer-causing viruses, the viral DNA or RNA becomes a part of the cell and the cell, as a result, takes on new properties.

Cancer-causing DNA viruses are thought to persist in the cell as part of the cellular DNA and to be replicated with the cellular DNA at the time of cell division and passed on to daughter cells. As mentioned previously, however, some of the known cancer-causing viruses are RNA viruses. In what form are the RNA viruses perpetuated within the cell? Several years ago it was proposed that the RNA of the cancer-causing viruses is translated into DNA within infected cells and that the viral "information" is stored in this form. Recently an enzyme that translates RNA into DNA was found. This enzyme, known as RNA-dependent DNA-polymerase, is associated with all the cancer-causing viruses so far tested and with only two viruses not known to be cancer-causing. This enzyme has been reported to be present in the cells of some human acute leukemias, but not in normal blood cells. This suggests that the enzyme may be the "footprint" of a hidden virus in these human leukemic cells.

Interferon

Immediately following infection by a virus, animal cells produce a protein substance, interferon, which protects neighboring cells from infection by that virus and by other viruses as well. Each animal species produces an interferon that is active only in cells of that species, and the cells produce it for only a relatively brief time.

Very recently it has been discovered that interferon not only can inhibit cancer induction by known cancer-causing viruses but also delay the progression of or produce regression in some leukemias and transplanted mammary tumors in mice. Microscopic studies of the tumors after treatment indicate that the interferon had specifically destroyed the cancer cells without injuring normal cells. Extensive work on technical procedures for the production of larger amounts of human interferon is clearly needed.

Interactions Between Etiologic Factors

As noted previously, a number of environmental agents are known to cause cancers. Yet not all persons exposed to these agents develop cancer. Clearly there are also factors within an individual that determine whether or not he will develop cancer. These intrinsic factors include genetic characteristics, aging, activity of particular enzymes, and hormonal and immunologic status. Most apparently "spontaneous" human cancers are probably caused by a combination of factors, both intrinsic and environmental.

According to one recent new hypothesis of cancer causation, certain types of cancer viruses are transmitted from generation to generation, probably as part of the cell's genetic material. Whether or not an individual carrying such a virus develops cancer is a result of whether or not the cancer-producing viral genes remain "turned off," or repressed, or are activated. Chemical carcinogens, radiation, and perhaps other viruses are among the agents that proponents of this hypothesis suspect of being capable of activating these hypothetical viral genes.

Molecular Biology

Molecular biology seeks to account for the basic phenomena of life, such as growth and reproduction, in molecular terms. In the last two decades, in a series of brilliant discoveries, the nature of the genetic material, how it is replicated, and how it is translated into cellular enzymes and other proteins has been revealed. Present studies are focused on the molecular events involved in cellular differentiation and in the regulation of gene function. Cancer, whatever its causes, clearly involves a dysfunction at the molecular level in the cellular control mechanisms. Basic research in the molecular biology of cancer is the area of investigation most likely to reveal this fundamental, underlying disorder.

Immunology of cancer

The defense systems of the body, by immunologic reactions, defend it against invasions by bacteria and other micro-organisms. It is now clear that cancers also invoke immunologic reactions in their hosts. "Spontaneous" regressions of a few cancers in man are well documented. Lowered immunologic status both in man and in laboratory animals results in increase susceptibility to cancer. Finally, autopsies of persons who died of other causes and were not known to have cancer reveal an incidence of "silent" cancers considerably higher than that of clinical cancer. These data suggest that immune reactions can hold the cancer in check, sometimes completely successfully. This new knowledge is opening the way to the development of wholly new methods of cancer therapy and detection, based on immunologic techniques.

Immunologic means of cancer detection

In the cancer cells of laboratory animals, antigens are found associated with DNA and RNA viruses which are shared by all cancers produced by a particular virus. Cancers produced by chemical carcinogens also have antigens, but these are different in each tumor produced by the carcinogen.

In human cancer, antigens have been found in cells of Burkitt's tumor and this same antigen is associated with infectious mononucleosis. Among other common antigens in human cancers is one which is found in melanomas, which is the first suggestion of a possible viral origin for this type of cancer.

Recently the intriguing discovery has been made of a new kind of antigen, a fetal antigen, associated with human cancer. These antigens, which are released from cells and can be detected in the blood stream, are normally present in embryonic or fetal tissues, disappear in adult life, and only reappear in the cancerous cell. (This reappearance suggests that a gene that is switched on in fetal life and switched off after birth is switched on again during carcinogenesis.)

One of these fetal antigens, CEA, is providing the basis for the new immunologic test previously mentioned. The second fetal antigen is found in the blood stream of about 75 percent of patients with cancers arising in the liver. A third fetal antigen is found in association with a variety of other tumors. All of these antigens may be useful in the development of diagnostic tests.

Studies on cancer prevention

A vaccine has been developed which protects chickens against a herpes type virus which cause an infectious lymphomatosis in chickens. The possibilities of developing a vaccine against the related EB virus associated with Burkitt's tumor and other diseases, are being explored.

Immunotherapy

Because of the indication of an association between cancer progression and a lowered immune capacity, ways are being sought to bolster immune responses in cancer patients. In a few cases of acute leukemia in children, addition to the treatment regimen of an agent known as BCG, which nonspecifically stimulates immune reactions, has been associated with a few very long remissions. Immunotherapy will probably be most useful in combination with other forms of treatment, which will remove or destroy most of the cancer cells. However, in such situations it might be of critical importance whether or not a cure was achieved.

Clinical investigation

Clinical investigation is essentially the culmination of basic and preclinical studies in cancer research and the development from these of techniques useful in preventing, diagnosing, and treating cancer in man. Among the important achievements of clinical investigation have been the testing of new surgical procedures, new types of ionizing radiation and new chemotherapeutic agents in man and the development of schedules and combinations of therapies that have resulted in great improvement in treatment. For certain types of cancer, cures or presumed cures ("presumed" because insufficient time has elapsed) have been achieved by chemotherapy in patients with choriocarcinomas and Burkitt's tumor and occasionally in patients with widespread Hodgkin's disease, acute leukemia, and other forms of cancer for which the previous cure rate was virtually zero.

Areas of active study in this field include investigations of immunologic status of patients with different types of cancer, studies of groups of persons, such as heavy smokers, patients with mongolism, etc., who have a high risk of cancer development, to define the factors which determine their susceptibility to cancer, and comparisons of enzyme systems in normal persons and cancer patients. The latter studies have resulted in the detection of an RNA-directed DNA polymerase in the leukemic cells of patients with acute leukemia but not in normal white cells. This suggests that the enzyme may be the "footprint" of a hidden virus in these leukemic cells. If this enzyme could be shown to be an essential component of the leukemic cell, there might be a possibility of treating the disease by blocking this enzyme action.

As the pace and productivity of fundamental research increases, a greatly expanded effort in clinical investigation must be undertaken in order to realize fully the promises and accomplishments of cancer research.

Areas of greatest importance

Certain broad areas of cancer research, in the judgment of the Panel, warrant expanded and particularly vigorous exploration.

1) *Epidemiological Research* can identify extrinsic influences (such as chemicals, viruses, and radiation) that may play substantial roles in determining the frequency of cancer. Different types of cancer are known to occur with varying incidence in different geographic regions and under varying circumstances of social, economic, nutritional, and occupational conditions. Epidemiological identification of intrinsic conditions such as genetic predisposition, immunological impairment, hormonal effects, or metabolic differences may elucidate other factors affecting the incidence of cancer which could be clinically controlled.

2) *Chemical Carcinogenesis* is a research area of prime importance because of the variety and quantity of new compounds introduced into the biosphere. Preliminary efficient screening should be used to eliminate or reduce this hazard. The ability to evoke neoplastic change in isolated tissue in culture should accelerate the research in defining hazardous compounds and the mechanisms by which cancer is caused. Further research is needed on:

a) The basic cellular and molecular mechanisms of action of carcinogenic chemicals, viruses, and radiations. There may be several mechanisms (both genetic and epigenetic) for each class of carcinogens.

b) The kinds of interactions of viruses, chemicals, and radiations which result in the production of neoplasms in experimental animals and man.

c) The proportion of tumors in man induced by viruses, chemicals, radiations, and combinations of these agents.

d) The prevention of chemically induced cancer in man by the identification and removal of causative chemicals.

It is known that in most circumstances, a compound is transformed to a proximate carcinogen, which is then directly involved in the carcinogenic process. There appear to be common chemical characteristics of the proximate carcinogens and also common characteristics of the cellular metabolites with which they can react. Further research is called for on how to interfere chemically with the metabolism which produces the proximate carcinogen or to inactivate it once it is formed.

3) *Virology*. The recognition that a variety of neoplastic diseases in domestic and wild animals are due to viruses makes it appear increasingly probable that some types of human neoplasia are due to viruses. Although viruses have been found in human cancers, proof of their etiologic relationship is still incomplete. An expanded study of viruses in cancer should include the mechanisms of a how a virus initiates cancer, b) how a virus may be carried in cells for long periods of time without expressing its cancerous potential, c) how a natural defense against viral oncogenesis occurs, d) how a virus can sometimes cause tumors and sometimes other, non-neoplastic diseases, e) how the presence of a virus can be detected by characteristic and special chemical reactions, and f) how the interactions between viral infection and chemical carcinogens occur which sometimes can evoke tumors.

4) *Tumor Antigens*. The characterizaton, isolation, and purification of antigens from normal cells and from specific tumor cells are important both to the understanding of differences in cellular chemistry in the neoplastic state and to the development of tools for the study of tolerance or rejection of tumors. Some of these antigens may be identical with those found in embryonic tissues, and some may be specifically associated with virus infection.

5) *Cellular Immune Mechanisms*. Much further work is needed on the chemical, biochemical, and antigenic nature of cancer cell membranes in comparison with those of normal cells, especially in terms of the role of the membranes in coordinating cell activity with bodily needs. Substantial evidence indicates that some, if not all, tumors have surface antigens different from normal cells These differences allow recognition and possible eradication of the tumor by cells of the lymphoid or reticuloendothelial system of the host. This surveillance mechanism is known to be influenced by genetic, hormonal, chemical, and physical factors, and perhaps by many others. The characteristics of production, distribution, and mechanism of action of the effector cells that participate in the defense against tumors are of great importance. Failure of cellular mechanisms to eradicate emerging tumor populations may be the final step before a tumor becomes established and begins to grow and so is worthy of intensified study.

6) *Humoral Immmunity* is conveyed through the agency of one or more of the five immunoglobulins and perhaps by other proteins in the plasma. Humoral effects on tumor cells span the range from lethality to apparent protection of the cell by interfering with cellular immune mechanisms. The interrelation of the immunoglobulins with other proteins, their relation to receptor sites on the cell, and their influence on cellular immune mechanisms, urgently need clarification.

7) *Immunoprophylaxis and Immunotherapy* have both been shown to be effective in experimental animals, and useful immmunotherapy has been reported in some children with acute leukemia. Specific and nonspecific stimuli may enhance immunologic response of the host's own immunocompetent tissue, both *in vivo* and *in vitro*. Techniques of using specific tumor antigens, additional immunocompetent cells, and nonspecific immunologic stimuli, are worthy of intensified study. The timing of immunotherapy with respect to other procedures needs clarification, but this form of treatment would appear to be most useful after maximal reduction in tumor size by surgery, radiation, or chemotherapy.

8) *Diagnosis*. Precise and highly sensitive techniques of diagnosis prior to the appearance of clinical symptoms or of large masses of cancerous tissue are of major importance to advances in therapy. It is suspected that many, if not most, neoplasms secrete materials into the blood which have remote effects on the patient and which are not yet recognizable with tests available. Immunological assay methods have been successfully used to quantify tumor products in biological fluids. For example, chortonic gonadotropin indicates the presence of trophoblastic neoplasia and its detection allows diagnosis and appropriate therapy before a tumor mass is recognizable. A carcinoembryonic antigen appears in the blood of patients with carcinoma of the bowel, and a sarcoma antigen in patients with sarcomatous tumor growth. Continuing research to seek biochemical and immunological means of detecting cancers early deserves expansion. Automated analytic techniques with comparisons of results against computer-banked data for the healthy population and for the same individual at an earlier date would provide a more precise method for early diagnosis.

9) *Chemotherapy*. Several disseminated human tumors have been cured with drugs alone, giving ample testimony to the proposition that selective toxicity does exist and that a potential for cure is present. Effort must be extended to understand the interaction of drug, host, tumor, oncogenic agent, and host defense mechanisms in this equation. Research on which drugs to give for which tumors, in what combinations, and when in the course of the disease (before operation, after operation, with radiotherapy, after widespread metastasis, etc.) are areas of great importance.

10) *Tumor Cell Kinetics*. Only a portion of tumor cells are in an active growth cycle at any one time, and the synthesis of critical cellular constituents is known to occur during specific phases of that cycle. A much deeper understanding of selective toxicity during different phases of the cell cycle is needed in addition to elucidation of the natural death of cells within the tumor, the fraction of cells in the tumor which can reproduce, and techniques of killing cells which are not in the critical phases of synthesis. These types of information are required particularly for slow growing spontaneous neoplasms in experimental animals and in man.

11) *Sanctuary*. Tumor cells lodge at a distance from the closest capillary or beyond the blood brain barrier may enjoy a pharmacological sanctuary where adequate drug concentrations cannot reach them to exert lethal effects. Experimental and clinical research of this problem is required.

12) *New Drugs*. Chemical syntheses of compounds or polymers designed to interfere with critical steps in cancer cell biosynthesis and metabolism are important. The specific targets and techniques of selecting the compounds for trial must be arrived at by chemists and biologists in coordination, and these synthetic programs must be carried out in close proximity to biological testing, so that rapid feedback occurs. Empiric screening of natural products, particularly plant extracts and antibiotics, continues to provide compounds of major clinical usefulness. Nearly a dozen substances of botanical and microbiological origin are now in clinical use and have demonstrated therapeutic benefits against cancer. The programs of search for botanical and antibiotic drugs against cancer should be extended together with relevant biological screening in close proximity. Much additional research is also needed on:

a) Metabolic or enzymatic differences between normal and malignant cells, which might lead to new drug design.

b) Sophisticated testing of compounds, particularly antibiotics, against various important biosynthetic enzymes. Drugs which may affect enzymes unique to oncogenic viruses hold particular promise for neoplasms found to be caused by viruses.

c) Pharmacology and metabolic disposition of known active compounds in human cancer patients.

d) Development of growth-inhibiting compounds that are *not* immunosuppressive.

e) Synthesis and structure-activity analyses of series of compounds that inhibit key enzymes, with the aim of discovering species or tissue differences in affinities for the drugs.

f) Attempts to lay the groundwork for the development of new classes of drugs that would affect processes of malignancy other than growth, such as invasion and metastasis.

g) Elucidation of the mechanisms whereby certain drugs potentiate the lethal effects of heat on tumor cells.

h) Attempts to find new and effective drugs to produce a radiosensitization of tumors.

Predictive Testing of Drugs before human use is of major value and must be extended. The optimal dose, route, schedule and conditions of administration may be learned from experimental animals in addition to the toxicities and side effects which may develop. What is more, development of methods by which a drug can be tested in the laboratory for its effectiveness on the patient's own tumor prior to its clinical use is an area where important advance can be made.

Clinical Investigations in chemotherapy provide an essential link in cancer research, since the ultimate goal is prevention and relief of the disease in man. Cooperative group studies bring earlier results of higher precision and validity because of the positive intellectual input of several investigators in planning the research.

13) *Radiotherapy*. Use of new radiation sources may allow avoidance of the problems of anoxia in tumor tissues and so substantially improve radiotherapeutic results. Another area of great importance is the continued and expanded study of the effects chemotherapeutic agents in combination with radiotherapy where the optimal choice of drug, schedule, dose, and radiation regimen needs wide investigation.

14) *Surgical Improvements* can be made which should substantially increase cure rates. These involve the early use of surgery as a prevention of the development of invasive and matastatic cancer by removing precancerous tissues. In addition, the combination of radiation and surgery in the eradication of established neoplasms is subject to major improvement by appropriate design, precise scheduling, and the use of drugs, to take advantage of the small residual tumor populations after the initial major reductions. Organ transplantation should be developed as an aid to the extension of curative surgery.

15) *Fundamental Biological Studies* are of the greatest importance in disclosing information about the causes of cancer and strategy for its cure and prevention. Molecular biology can elucidate DNA mutations. A change in DNA structure as a random event or as a response to an environmental trauma may lead to cellular death, or, if the injury is compatible with cellular survival, a mutation. Following such a mutation, a series of descendants may appear whose change in the DNA, if unrepaired, may be heritable and could be the cause of neoplastic transformation. In the course of normal growth and maturation, this change in DNA would be reflected in the composition of RNA, which in part provides messages specifying particular protein syntheses which determine the character of the cell's enzymes and thus its whole metabolic machinery. Mutations and derangements in the repression and derepression of genetic material are susceptible of study by a wide range of experimental systems. These studies must be pursued in great range of experimental systems. These studies must be pursued in great detail because of

their relevance to cancer. Further work is needed in the area of biochemistry to support both the search for preventive and therapeutic measures:

a) Further documentation of biochemical diversity in cell components and in responses to control factors is necessary to depict the true magnitude of the cancer problem and perhaps to sort out the threads of unity which must exist.

b) Examination of tumors in terms of *isozymes* is particularly important because, if two different enzymes can catalyze the same reaction but possess different three-dimensional structures, they may respond differently to chemotherapeutic agents, and the information may suggest new modes of chemotherapy. Isozyme research is also important because it is relevant to the understanding of gene regulation in differentiation, in transformation of normal cells to cancer cells, and in the understanding of the relation of the two processes.

16) *The Nature of Cell Surface* is imprecisely known. Its chemical and physical composition, its mediation of the cell's antigenic identity, its function in nutrition and in drug intake, are poorly understood. The mechanism by which the surface affects the control of a cell's mobility and the role of how this is distorted to allow the characteristic invasion and metastasis of cancer is not understood and merits continuing research.

17) *Biological Organization.* Intercellular communication in a multi-cellular animal is an obvious reality. The right number of particular types of cells of given architectural relationships accumulate to make up our characteristic normal organs. Among the most typical features of cancers is a loss of normal architectural arrangement suggesting a major alteration in intercellular communication. Mediators of this intercellular communication must be sought. Tumors evoke a new blood supply and a chemical complex responsible for this activity, known as the angiogenesis factor, has recently been isolated and is worthy of major additional exploration. More research is needed on:

a) The development of assay systems for sensing and measuring the growth-regulating chemicals which operate between different cells in specific growth situations and neoplastic conditions.

b) The isolation and characterization of the active principles.

c) The synthesis of precursors, analogs, and antagonists of these important intercellular regulators.

d) The elucidation of the cell cycles and the manner in which new agents and analogs modify steps in the cell's replication cycle.

e) The use of cell biological and genetic methods for modifying the cell's response to the action of such controlling factors.

f) The mechanisms of action of known hormones and nutrients in the control of cell replication and differentiation.

g) The application of this knowledge in the effective staging of cells for more efficient use of existing chemotherapeutic agents.

In addition to opening new avenues to cancer therapy, the knowledge derived from these approaches to the biology of growth control has the extra advantage of being widely applicable to other growth dyscrasias such as vascular and kidney disease, nerve regeneration or replacement, immune defects, and aging.

List of Members of the National Panel on the Conquest of Cancer; Staff Members of the Special Staff to the Panel

Mr. Benno Schmidt, managing partner, J. M. Whitney & Co., 630 Fifth Ave., New York, N.Y., 10022; *Chairman.*

Dr. Sidney Farber, director of research, Children's Cancer Research Foundation, 35 Binney Street, Boston Mass. 02115, *Cochairman.*

Mr. I. W. Abel, president, United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

Mr. William McC. Blair, Jr., general director, the John F. Kennedy Center for the Performing Arts, 726 Jackson Place, N.W., Washington, D.C. 20566.

Mr. Elmer Bobst, chairman of board, Warner Lambert Pharmaceutical Co., 7 East 60th Street, New York, N.Y. 10021.

Dr. Joseph Burchenal, vice president, Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021.

Dr. R. Lee Clark, president, M. D. Anderson Institute, 6723 Bertner Avenue, Houston, Tex. 77005.

Dr. Paul B. Cornely, president, American Public Health Association, 520 W Street NW., Room 2400, Washington, D.C. 20001.

Mr. Emerson Foote, 185 East 85th Street, New York, N.Y. 10028.

Mr. G. Keith Funston, chairman of board, Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904.

Dr. Solomon Garb, scientific director, American Medical Center at Denver, 6401 West Colfax Avenue, Spivak, Colo. 80214.

Mrs. Anna Rosenberg Hoffman, 444 Madison Avenue, New York, N.Y. 10022.

Dr. James F. Holland, chief of medicine A, Roswell Park Memorial Institute for Cancer Research, 666 Elm Street, Buffalo, N.Y. 14203.

Dr. William B. Hutchinson, president, Pacific Northwest Research Foundation, 1102 Columbia, Seattle, Wash. 98104.

Dr. Henry S. Kaplan, chairman, Department of Radiology, Stanford University Medical Center, Stanford, Calif. 94305.

Dr. Mathilde Krim, Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021.

Mrs. Mary Wells Lawrence, Wells, Rich & Green Advertising Agency, 767 Fifth Avenue, New York, N.Y. 10022.

Dr. Joshua Lederberg, professor of genetics, Stanford University School of Medicine, Stanford, Calif. 94305.

Mr. Emil Mazey, secretary-treasurer, United Automobile Workers, 8000 Jefferson Ave., Detroit, Mich. 48214.

Mr. Mike O'Neill, managing editor, New York Daily News, 220 East 42d St., New York, N.Y. 10017.

Mr. Jubal R. Parten, member of board, Fund for the Republic, Room 1603, Bank of the Southwest Bldg., Houston, Tex. 77002.

Mr. Laurance S. Rockefeller, chairman, Rockefeller Brothers, Inc., 30 Rockefeller Plaza, New York, N.Y. 10020.

Dr. Jonathan E. Rhoads, chairman, department of surgery, University of Pennsylvania School of Medicine, 3400 Spruce St., Philadelphia, Pa.

Dr. Harold P. Rusch, professor of cancer research, McArdle Laboratory, University of Wisconsin, Madison, Wis.

Dr. Wendell G. Scott, clinical professor of radiology, Washington University, 100 North Euclid Ave., St. Louis, Mo.

Mr. Lew Wasserman, president, Music Corp. of America, Inc., Universal Studios, Universal City, Calif.

Staff:

Mr. Robert F. Sweek, director of special staff.

Mr. Carl M. Fixman, deputy director.

Mr. John A. Grimes, editorial director.

The Panel of Consultants has established four subpanels. These panels, their areas of study and their members are:

Subpanel No. 1—State-of-the-art:

Dr. Rhoads, chairman.
Mr. Blair.
Dr. Hutchinson.
Dr. Rusch.
Dr. Scott.

Subpanel No. 2—Current program and personnel evaluation:

Dr. Burchenal, chairman.
Dr. Cornely.
Mrs. Hoffman.
Mr. Rockefeller.
Mr. Schmidt (also No. 3).
Dr. Kaplan.

Subpaned No. 3—Delineate areas of greatest importance:

Dr. Farber, chairman.
Dr. Holland, acting chairman.
Mr. Foote.
Dr. Krim.
Dr. Lederberg.
Mr. Schmidt (also No. 2).

Subpanel No. 4—Coordination, communications and program implementation:

Dr. Clark, chairman.
Mr. Bobst.
Mr. Funston.
Dr. Garb.
Mr. Mazey.
Mr. Parten.
Mr. O'Neill.

FUTURE CHOICES FOR THE NATION

Mr. FULBRIGHT. Mr. President, one of the most eloquent newspaper columns I have seen on the subject of what has happened to the Nation and the choices confronting us in the future was published in the Dermott News, an Arkansas weekly.

The column was written by Dan Harrison, a successful insurance agent and respected member of the Dermott community, who writes a weekly column for the News.

He demonstrates a keen insight into our Nation's problems and makes clear the futility and senselessness of more weaponry and more war.

Mr. Harrison writes:

> Some day some nation is going to have to lead the way in truth, honor and mutual confidence among the nations of the earth and in discarding the old, bloody, brutal, savage pathway of war. I covet that honor for my country . . .

This is an excellent article which I strongly commend to all. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dan's Cubbyhole

(By R. D. (Dan) Harrison)

"And now we are trying to take this helpful effort to Cambodia and Laos."

This statement is reported as having been made by William W. Ford, retired Army General, to a group of antiwar businessmen in Washington, D.C. after he had told them that there are four hundred thousand prostitutes and one hundred thousand amputees in South Vietnam. What good news it must be to the inhabitants of Cambodia and Laos to learn that they are to be the recipients of such beneficial endeavors on our part.

I believe it was General Sherman who said that "War is Hell". In what other way could it be described when one considers the statement made by the chief counsel for William W. Calley, Jr., when he is reported to have said that Lieutenant Calley did not think that he was killing "humans" at My Lai. This also seems to have been the attitude of Adolph Hitler when he ordered the assassination of millions of Jews during World War II.

It matters not how much justification that the United States or any other nation can show for the fighting of any war, the sad fact is that those who participate in battle and who witness dead and wounded men being brought out on stretchers cannot help but become hardened and calloused to a degree that they become more or less indifferent to the suffering of others. Their training conditions them to kill, and the bigger the body count of the enemy killed the more gloriously successful they have been. Without this conditioning to kill there could be no war.

Man has spent thousands of years getting civilized, only to discover that he is still a savage. And man's ability to kill has been vastly improved over the ages. The stone ax and the crude knife became the sword and the spear. The sword and the spear, in turn, became the cannon and the "backbuster", and they were finally replaced by the atomic and hydrogen bombs. We can now kill millions with a single bomb. This bomb can be loaded into the belly of a jet plane and, within the matter of just a few hours, be dropped anywhere on earth.

The United States dropped the first atomic bombs. It is reported that only something over one hundred thousand people were killed in these two strikes, but we can do much better than that now. Our weapons become bigger and more fearful every day, and the fact that radioactive fallout may jeopardize the lives of millions seems to have been of little consequence to us until recently when we have begun to be concerned about the harmful effects of all kinds of pollution.

With all of these monstrous weapons possessed by the United States, Russia, and all other nations of the world are we any safer than were our primitive ancestors who fought with the sword and the spear? My positive and unequivocal answer to this is "NO" in large capital letters. Our horizons have been expanded and our neighborhood has now become the whole wide world. But we, along with the other leading nations of the world, have largely dissipated our substance in our monstrous race for bigger and better weapons. We keep getting ready to kill. I am fearful, however, that the world could be getting ready to commit suicide, for that is what another all-out war would be.

No nation can live unto itself alone. It is equally true, however, that no nation can run the affairs of the entire world. I would suggest therefore, that it might be well for us to take a good dose of minding our own business. Teddy Roosevelt once said: "Speak softly, be a good neighbor, but carry a big stick." We have the big stick, and the entire world knows that we have it. Why continue to annoy the world, therefore, by the testing of new and bigger atomic devices or of the development of bigger and better machines of war? This encourages the other big powers of the world to do likewise, and it might give the smaller nations an inferiority complex.

This is my country, and I love it very much. I would like to see it lead, not only in things material, but in things of the spirit and in demonstrated principles and ideals. I would like to see it lead, not merely in confident assertion of rights, but in willing assumption of duties. I would like to see it lead, not by flaunting strength like a giant but by using that strength over a sick and frightened world like a Good Samaritan and in sympathy, understanding, and a reverence for all life. I would like to see it lead in a courageous recognition that the world is a neighborhood and that neighborhood without brotherhood is the most dangerous explosive that has ever been invented.

Some day some nation is going to have to lead the way in truth, honor, and mutual confidence among the nations of the earth and discarding the old, bloody, brutal, savage pathway of war. I covet that honor for my country, the good old U.S.A. If and when that time comes my heart will swell with pride. And my voice shall be raised in a hymn of praise, the title of which shall be, "This Is My Country."

Are you listening?

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

Mr. CHURCH. Mr. President, today all age groups have been affected by our widespread joblessness. But, older workers and their families have been especially hard pressed.

There are now more than 1 million unemployed individuals 45 and older. Of this total, 365,000 have been without work for nearly 4 months, and 154,000 have been searching for jobs for more than 6 months.

Many of these individuals, after having been laid off work, are discovering that they lack the necessary skills and training to move into gainful employment. Large numbers have been forced to settle for low-paid work or part-time jobs. Others have just given up, after prolonged periods of unemployment.

Many more also experience problems because: First, they live where there are no longer any jobs, or second, they are seeking the employment of a bygone era.

Yet these mature workers are grossly under-represented in our existing training programs. Last year persons 45 and older accounted for only 4 percent of all enrollees in our Nation's manpower programs—although they represented about 35 percent of the long-term unemployed, 15 weeks or longer. Even in mainstream, with its emphasis on the disadvantaged aged, persons 45 and older comprise barely a majority of all participants. Mr. President, I ask unanimous consent that a table comparing the number of enrollees by age in our Nation's manpower programs be inserted in the RECORD at the close of my remarks.

These statistics, important as they are, still present only a small portion of the overall grim picture for the mature worker. But when we translate these figures into human beings, they take on an added dimension which must concern us all very deeply.

For these individuals, the Middle-Aged and Older Workers Employment Act can mean a new lease on life. It can help to place them in the mainstream of our work-oriented society by providing training, counseling, and supportive services. Moreover, the special recruitment and placement services can mean the difference between long periods of joblessness and gainful employment. In my own State of Idaho, it is estimated that this bill could help approximately 1,400 persons back to work again.

Lack of employment and training opportunities for these mature workers is not only a personal tragedy; it is also wasteful of our human talent and resources. Much more can be gained, I strongly believe, through a national effort to raise our productive capacity and to provide new jobs—as well as related manpower services—for middle-aged and older workers.

In the Senate Committee on Aging's report early this year on the "Economics of Aging," one of the major recommendations urged was "that a middle-aged and older workers employment act be promptly enacted and fully funded." As chairman of that committee, I shall continue to work for that goal. In the very near future, I shall conduct further hearings on the special employment problems of older workers, as well as the impact of unemployment of their pension coverage.

Mr. President, I urge the early passage of the Middle-Aged and Older Workers Employment Act, and ask unanimous consent that a summary of its provisions, together with other pertinent data, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT

MAJOR PROVISIONS

Establish a comprehensive Midcareer Development Service program (administered by the Department of Labor) for middle-aged and older persons.

Provide training, counseling, and other supportive services for persons 45 and older to upgrade their work skills.

Train personnel to become qualified to train and retrain mature workers.

Provide recruitment and counseling services in communities where a substantial number of middle-aged and older workers are unemployed because of a plant close-down or permanent large scale reduction in the labor force.

Assist nonprofit volunteer agencies in increasing employment opportunities for individuals 45 and older.

Authorize a wide range of research and demonstration projects to provide new employment opportunities for mature workers and to seek solutions to problems hindering their employment.

Provide for studies to consider ways to provide part-time employment opportunities for older workers in the executive branch and to consider the feasibility of job redesign to increase employment opportunities for older persons.

UNEMPLOYMENT SITUATION FOR PERSONS 45 AND OLDER

1. Unemployment—1,062,000 (Up 78 percent since January 1969).
2. Long-Term Unemployment (15 weeks or longer)—365,000 (Up 217 percent since January 1969).
3. Very Long-Term Unemployment (27 weeks or longer)—154,000 (Up 221 percent since January 1969).

WHY IS THE MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT ACT NEEDED

Under present training and employment programs, the emphasis has been on youth. By whatever barometer one would choose to use, the middle-aged and older worker is under-represented in our present manpower efforts. For example, persons 45 and older now comprise about 22 percent of our total unemployment; they represent 34 percent of the long-term unemployed (15 weeks or longer); they constitute 40 percent of all persons without jobs for 27 weeks or longer; and they represent about 38 percent of the civilian labor force. Yet, they constitute only about 4 percent of all enrollees in manpower and training programs. Without specific statutory direction, their special employment and training needs will probably continue to be overlooked or ignored.

ENROLLEES IN MANPOWER PROGRAMS, BY AGE GROUP, FISCAL YEAR 1970

[Amounts in thousands]

Program	Total	First time enrollments			
		Under age 22		Age 45 and over	
		Percent	Number	Percent	Number
Total, all programs	1,051.4	68	716.8	4	46.3
Manpower Development and Training Act:					
Institutional	130.0	37	48.1	9	11.7
OJT	91.0	35	31.9	11	10.0
Job opportunities in the business section	86.8	47	40.8	4	3.5
Concentrated employment program	110.1	41	45.1	8	8.8
Work incentive program	92.7	23	21.3	6	5.6
Operation mainstream	12.5	4	5.0	51	6.4
New careers	3.6	21	.8	7	.3
Youth programs:					
Neighborhood Youth Corps:					
In-school	74.4	100	74.4		
Out-of-school	46.2	98	45.3		
Summer	361.5	100	361.5		
Job Corps	42.6	100	42.6		

CHAOS IN DAVIS-BACON POLICY AND FEDERAL-STATE RELATIONS

Mr. KENNEDY. Mr. President, I am distressed to learn that the Nixon administration has threatened to withhold all Federal construction funds for Massachusetts and other States until they bring their own Davis-Bacon laws into compliance with President Nixon's proclamation suspending the Federal Davis-Bacon Act.

The situation is intolerable. Urgently needed funds for hospitals, schools, housing, roads, and countless other federally-assisted projects will be delayed and denied until the issue is resolved. Thousands of construction workers will be laid off. The same dismal situation will apply wherever local Davis-Bacon laws continue in force, in spite of the President's action suspending the Federal law.

The situation is all the more distressing because it was so obviously unintended. The hasty and ill-considered decision to suspend the Federal act was reached at the eleventh hour in Florida last month, when organized labor called the administration's bluff about imposing a wage freeze on the construction industry. Now, the administration has painted itself into a corner in which it has only two choices—either to allow State Davis-Bacon laws to continue in effect, thereby totally nullifying the President's action, or to impose blanket cut-offs of Federal funds for construction projects in States that fail to abrogate their own labor laws.

To be sure, the administration makes the legal claim that the President's proclamation has the effect of preempting inconsistent State and local laws, but that result is far from clear, and will take months of litigation and controversy to resolve, involving even the Supreme Court itself.

In effect, the President is challenging the independence and autonomy of every State legislator, demanding that the States conform their laws to Federal policy. It is difficult to believe that this administration, pledged as it is to greater responsibility for State and local governments, is actually pursuing such a crude and heavy handed policy of Federal domination.

I therefore call on the administration to reconsider its ill-advised construction policy, before irreparable damage is felt by cities and communities throughout the Nation. It may well be that the only course left open to the President is to rescind the Davis-Bacon proclamation. Surely, this course is preferable to an unfair and arbitrary fund cut-off of Federal construction funds for Massachusetts and other affected States.

We know that cleaner and more effective Federal remedies can be devised for the problem of inflation in the construction industry. It is long past time for the administration to admit its mistake and begin to do the job properly.

Mr. President, on Monday of this week I wrote to Mr. George P. Shultz, Director of the Office of Management and Budget, urging him to take immediate steps to end this crisis in Federal-State relations. I ask unanimous consent that my letter to Mr. Shultz may be printed in the Record. I also ask unanimous consent that the following items may be printed in the Record: A memorandum to all State attorneys general setting forth the position of the Department of Labor and the Department of Justice on the preemption issue, two recent articles from the Boston Globe answering threatened Federal fund cut-offs until State laws are in compliance with Federal laws, and a letter from the Federal Highway Administration to the department of public works in Massachusetts announcing the threatened fund cut-off for highway projects.

There being no objection, the items were ordered to be printed in the Record, as follows:

Hon. George P. Shultz,
Director, Office of Management and Budget, Executive Office of the President, Washington, D.C.

Dear Mr. Shultz: I am deeply concerned that the Administration's hard-line pursuit of its Davis-Bacon policy is leading the country to the brink of a nationwide crisis in the construction industry and in Federal-State relations. I believe that immediate action is required by your office to clarify the situation and eliminate the danger of this dual catastrophe.

The situation has come to a head because in many States—perhaps as many as half the States—the President's Proclamation of February 23, suspending the Federal Davis-Bacon Act will be completely nullified unless the State Governor or the State legislature acts to suspend the state version of the Davis-Bacon law. In response to the likelihood that the President's Proclamation will be nullified in some States, it is my understanding that the Administration is holding up, or is threatening to hold up, all Federal construction funds, unless and until these States take whatever action is necessary to conform their own laws to federal policy.

It appears that there are four categories into which a State law may fall:

In States like Mississippi, the State may have no Davis-Bacon Act of its own, in which case no problem arises, and Federal construction projects may continue in full accord with the intent of the President's Proclamation.

In States like Maine and Rhode Island, the State law is tied to the Federal Davis-Bacon Act, and is automatically suspended by the President's Proclamation. Here also federal construction projects may continue in full accord with the intent of the President's Proclamation.

In other States, the State law is not automatically suspended, but the State Governor has the power to suspend the State law. In this case, the state law continues in force until the Governor acts.

In States like Massachusetts, New Hampshire, Delaware and Wisconsin, the State law is not automatically suspended, and can be suspended only by the State legislative process. In this case, the state law continues in force until new state legislation is enacted to implement the President's Proclamation, Indeed, in some States, like New York, it appears that the changes cannot be accomplished except by amending the State Constitution.

It is the latter two situations that have caused the current crisis. Apparently, in order to prevent the nullification of the President's Proclamation in such states, the Department of Labor and the Department of Justice have adopted the legal position that the Proclamation "pre-empts" State law, thereby, in effect, overriding any inconsistent state provisions. I gather that this Federal interpretation has been communicated to each State Attorney General, with a cover memorandum expressing the "desire" that the States should reach a similar legal interpretation.

It is also my understanding that, as a sanction to insure compliance with this interpretation, Federal agencies are now withholding Federal funds for construction projects in States where laws are not yet in compliance with the President's Proclamation.

Surely, whatever the wisdom of the President's action on its own merits in attempting to secure lower wages on construction projects by suspending the provisions of the Federal Davis-Bacon Act, it is unthinkable to use the President's Proclamation to impose a blanket cut-off of all Federal construction funds for States that fail to bring their own laws into compliance with the Proclamation. It is equally unthinkable to rely on the dubious legal doctrine of preemption as a justification for this severe sanction.

Already, it is clear that many States are unwilling to capitulate to the Administration's ultimatum. If the Administration adheres to its present course, thousands of construction projects throughout the nation will be delayed, and tens of thousands of workers will lose their jobs, while the complicated legal issues involved in the situation are decided by the courts.

At the very least, I urge the Administration to ease this crisis by making clear that Federal construction funds will not be delayed or denied to any state pending a court resolution of the Administration's legal claim. Hopefully, the Administration will embrace this position before States are obliged to seek court injunctions to preserve the status quo and the flow of Federal funds.

Since the question is of great urgency, I would expect that a test case could be expedited to the Supreme Court within a matter of weeks.

Obviously, however, even if this course of action is followed, the Administration faces the dilemma of finding the Davis-Bacon Proclamation applicable in some states, not in others, with all the resulting unfairness that would be entailed for millions of American working men.

It may well be, therefore, that the only valid solution of the crisis is for the President to withdraw the Davis-Bacon Proclamation, in light of the serious and obviously unanticipated problems that have arisen in the wake of efforts to enforce it. Indeed, because my strong reservations about the wisdom of the Proclamation in the first place are now reinforced by the immense confusion that has been generated, I hope that this is the policy that the Administration will adopt.

Sincerely,

EDWARD M. KENNEDY,
Member of Congress.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
March 1, 1971.

Memorandum to all States' Attorneys General

Subject: Suspension of Davis-Bacon Act and Related Acts

On February 23, 1971, President Nixon suspended for an indefinite period the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended), as well as the provisions of all other Federal acts for the payment of wage rates on federally assisted projects which are dependent upon prevailing wage determinations by the Secretary of Labor under the Davis-Bacon Act.

The effect of that action was to remove from all federally involved construction contracts entered into on or after February 23, 1971, all otherwise applicable Federal requirements that laborers and mechanics be paid at least the wage rate determined by the Secretary to be prevailing for their crafts.

In addition, and as indicated in the attached memoranda, it is our judgment that all State-required wage standards provisions have been rendered inapplicable for the duration of such suspension to federally involved construction contracts on which the wage payment requirements of the Federal statutes and regulations have been suspended. We trust that you will reach a simiiar judgment in order that conflicts between the President's suspension action and your state requirements may not arise over federally involved construction contracts.

Enclosed for your ready reference are copies of the President's Proclamation and explanatory statement, and copies of memoranda of law from this office and the Office of Legal Counsel, Department of Justice, concerning the effect of the suspension on the application of State prevailing wage requirements.

If we can be of assistance to you, please do not hesitate to call upon us.

PETER G. NASH,
Solicitor of Labor.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
February 26, 1971.

MEMORANDUM OF LAW

(Effect of the Presidential Proclamation of February 23, 1971, Suspending the Davis-Bacon Act and Related Wage Statutes, on the Application of State Laws to Federally-Assisted Construction Projects)

I. THE QUESTION

Can State "Davis-Bacon" laws now apply to Federally-assisted construction work which was subject to wage standards provisions dependent upon Davis-Bacon wage determinations by the Secretary of Labor prior to the suspension of such provisions by Presidential Proclamation of February 23, 1971?

II. THE CONCLUSION

The weight of authority supports the conclusion that States are now preempted (in effect a "negative" preemption) from applying their prevailing wage standards laws to Federally-assisted construction work subject to DBRA wage protections prior to February 23, 1971.

III. PERTINENT PROVISIONS

(A) The Davis-Bacon Act.

Section 6 of the Davis-Bacon Act provides that—

"In the event of a national emergency the President is authorized to suspend the provisions of this Act."

(B) Reorganization Plan No. 14 of 1950 (63 Stat. 203; 5 U.S.C. Supp. III, §133z note) is designed to assure coordination of administration and enforcement of the affected labor standards provisions under the various statutes affecting Federally-assisted construction by placing regulatory and investigative functions in the Secretary of Labor.

(C) Presidential Proclamation of February 23, 1971. The Presidential Proclamation of February 23, 1971, suspends "as to all contracts entered into on or subsequent to the date of this Proclamation" and thereafter until provided otherwise—"the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

Also suspended as to all such contracts until otherwise provided are—"the provisions of any Executive Order, proclamation, rule, regulation or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act".

The Proclamation also contains the following statement, in the nature of a "finding":

"The Davis-Bacon Act and other acts dependent upon it frequently require contractors working on federally involved projects to pay the high negotiated wage settlements to mechanics and laborers, thereby sanctioning and spreading the high rates and thus inducing further acceleration contributing to the threat to the nation's economy."

(D) Presidential Statement. The Press Release issued by the White House at the time the President signed the Proclamation contains several statements pertinent to the issues involved in this paper.

First, it points out that the action taken "is based on the principle that government programs which contribute to excessive wage and price increases must be modified or rescinded in periods of inflation (page 1, paragraph 1). Secondly, it concludes that the Act is being suspended "because of emergency conditions in the construction industry" (page 3, paragraph 3).

IV. DISCUSSION

(A) Legislative History. The provisions of the Act itself provide no clue in the resolution of the question posed. Further, the legislative history of the emergency provisions (§ 6) is extremely sparse. The identical provision was contained in the original 1931 Act and inserted on the House floor in the vetoed version of the 1932 amendments. At that time the statement was made: "Mr. Whittington. Mr. Chairman, I call attention to this important and significant fact: The Davis-Bacon Act contains this identical provision. It is absolutely imperative that it should be in the pending bill. Suppose we have a flood on the Sacramento or the Colorado River or the Mississippi. The President of the United States ought to have the same authority that he has under the Davis-Bacon Act to suspend the operation of this law temporarily. . . ."[1] The provision did appear in the 1935 version of the Act. Intervening legislative history indicates that on a prior occasion the President had suspended the Act temporarily when confusion arose over the wage scales on public projects, only to revoke that suspension and restore the operation of the Act when conditions had clarified.[2]

(B) THE SUPREMACY DOCTRINE.

(1) The Constitutional Provision. The Constitution of the United States, together with laws made in pursuance thereof are, by the express declaration of Article 6, § 2, made the Supreme law of the land.[3] This does not, of course, preclude the exercise of State power in all situations dealt with by the Federal Constitution or a duly enacted Federal statute. On the contrary, the Supreme Court at an early date laid down a broad formula which from that time has been the general principle governing the possibility of State exercise of power. The Court held that the States may exercise concurrent or independent power with the Federal Government in all cases except where—

1. The power is lodged exclusively in the Federal Constitution.
2. The power is given to the United States and prohibited to the States.
3. From the nature and subject of the power, it must necessarily be exercised by the national government.[4]

(2) Court Decisions Further Construing the Supremacy Doctrine and Supporting Preemption.

As a general proposition the courts have refused to presume that a Federal statute is intended to supersede the exercise of power by a State unless there is a clear manifestation of intention to do so (*Schwartz* v. *State of Texas,* 344 U.S. 199). Nevertheless, Federal legislation "must not be read in a spirit of mutilating narrowness." "Hospitable scope" must be given to Congressional purposes "even when meticulous words are lacking." (*United States* v. *Hutcheson,* 312 U.S. 219). The rationale in *Hutcheson* is particularly significant since it dealt with State efforts to frustrate Federal policy through action in an area not expressly dealt with by the Federal law.[5]

In *Hill* v. *Florida,* 325 U.S. 538, 550, the Court expanded on the principle enunciated in *Hutcheson.* In the *Hill* case a State was denied the exercise of power to fix the qualifications of labor union representatives upon a showing that one of the basic purposes of the National Labor Relations Act would be frustrated if the State action were permitted. Cf. *Nash* v. *Florida Industrial Comm.,* 389 U.S. 235; *Florida Lime and Avocado Growers* v. *Paul,* 373 U.S. 132, rehearing denied 374 U.S. 858; *Fitzgerald* v. *Catherwood,* 388 F. 2d 499 (C.A. N.Y.), cert. denied 391 U.S. 934. See also *Maryland* v. *Wirtz,* 392 U.S. 183.

The application of the supremacy clause and the doctrine of Federal preemption by the Supreme Court is increasingly a matter of statutory construction—a determination of whether State regulations can be reconciled with the language and policy of Federal enactments. Once the Congress has acted in a certain area, however, the concern of the Court is not an inquiry into the "precise nature and degree of federal-state conflict involved, and more particularly what exact mischief such a conflict would cause . . ." but rather, "the potential conflict of two law-enforcing authorities, with the disharmonies inherent in two systems, one federal,

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Footnotes at end of article.

the other state, of inconsistent standards of substantive law and differing remedial schemes.[6]

In trying to avoid such conflict, the Court has been mindful of the problem that, "A multiplicity of tribunals and a diversity of procedures are quite as apt to produce incompatible or conflicting adjudications as are different rules of substantive law.[7] The Court has supported this principle even where the Federal Government has declined jurisdiction over an area it regulates.[8] In so doing, the Court pointed out that specific statutory provision for the national authority to enter into agreements with States to cede its authority was the exclusive means by which States may be enabled to act concerning the matters Congress had entrusted to the National Labor Relations Board. The Court pointed out that the specific provision was enacted in response to its decision under the former Wagner Act that Federal policy prevailed over State provisions with regard to declining jurisdiction over unions of foremen in the absence of any delegation of jurisdiction by the Federal board.[9]

The thrust of these cases was most recently followed in *International Longshoremen's Association, Local 1416, AFL–CIO* v. *Ariadne Shipping Co., Ltd., et al.,* 397 U.S. 195 (1970). There the Court (Mr. Justice Brennan) found the state-enjoined picketing "arguably subject" to regulation under the Federal Act and thus the NLRB's jurisdiction was exclusive and preempted that of the Federal courts. Mr. Justice White in a concurring opinion stated (p. 202) that so long as employers are denied effective determination by the NLRB as to whether "arguably protected" picketing is actually protected, he would hold that only "labor activity determined to be actually, rather than arguably, protected under federal law should be immune from state judicial control."

Perhaps the broadest occupation of a field under a Federal statute where States have exercised legislative authority could be implied from the holding in *Pennsylvania* v. *Nelson,* 350 U.S. 497 (1956), where drawing upon its holdings with regard to occupation of the field in the commerce cases, the Court held that federal legislation regulating communist activity had superseded the sedition statutes of the States. It held that the States cannot punish sedition directed against the United States Government; but declared that they remained free to punish offenses involving a local breach of the peace. In *Uphaus* v. *Weyman,* 360 U.S. 72, the Court, however, offers the dictum that *Nelson* did not deprive the States of the right to punish sedition directed against themselves, dictum which might support a finding that States may apply their wage provisions on construction not involving Federal assistance. However, where Congress and the administrators have expressed a policy with regard to application of funds under a Federal grant welfare program, inconsistent State regulation is invalid.[10]

Closely in point is *Paul* v. *United States,* 371 U.S. 245, in which the Court held that a State regulatory scheme fixing the minimum wholesale price on milk—including milk purchased by a military installation solely for military consumption—was preempted by the Federal procurement statute and regulations thereunder. The established Federal procurement policy, the Court found, demanded competition in the purchase of milk by military installations for military consumption; the California policy effectively eliminated such competition and thus defeated the command to Federal officers to procure supplies at the lowest cost.

In concluding that the Supremacy clause of the Federal Constitution barred California from enforcing its regulations, the Court also noted that, under the Federal statute when a purchase contract is negotiated because it is impracticable to obtain competition, the State agency, not the Federal procurement officer and the seller, would determine the price provisions of the contract if State policy prevailed, a clear "collision between the Federal policy of negotiated prices and state policy of regulated prices". The *Paul* case is particularly significant in terms of the issues involved in this memorandum since—like the general Federal procurement statutes—the Davis-Bacon Act and related statutes involve a proprietary function of the Federal government.

C. SUMMARY

The weight of authority thus supports the conclusion that the President's Proclamation of February 23 preempted the States from applying their wage determinations to Federally-assisted construction work which was subject to Federal wage standards prior to that date. That there is a conflict between the purpose of the President's action in invoking his authority under section 6 of the Davis-Bacon Act to suspend the Act and the application of State wage determinations to Federally-assisted work is plain. Such application would be contrary to the Congressional intent expressed in Reorganization Plan No. 14 for uniformity of regulation and administration of the labor standards provisions in the affected statutes. Such application would frustrate the purpose of section 6 in authorizing suspension of the Davis-Bacon Act. It would not only not permit "unhampered effectuation" of Federal objectives; it could almost completely nullify the effectiveness of the President's action designed to hold down the inflationary spiral of wages in the construction industry. Where there is such a conflict the requirements of Article VI of the Constitution control so that State power must be denied.

To hold that State action is preempted by the President's Proclamation under section 6 of the Act would not be a "sterile and harmful insistence on exclusive federal power" (*Cloverleaf Butter Co.* v. *Patterson,* 315 U.S. 148, 175), but a preservation of the fundamental purpose and intent of section 6.

PETER G. NASH,
Solicitor of Labor.

FOOTNOTES

[1] Cong. Rec. Vol. 75, p. 12388, June 8, 1932.

[2] 1935 Senate Report, Part 3 (pursuant to S. Res. 228) p. 10. While the issue is not necessarily within the ambit of this paper, it seems clear that the Presidential finding that the high wage rates determined under the Davis-Bacon Act induce "further acceleration contributing to the threat to the Nation's economy"; that Government programs which contribute to excessive wage and price increases must be modified or rescinded in periods of inflation; and that the Act is being suspended because of emergency conditions in the construction industry constitute adequate findings in support of the President's declaration of a national emergency. Given the fact that "all levels of government together account for almost one-third of the total construction expenditures" (Statement of the President, p. 2, paragraph 4), there is little doubt that the President's declaration of a national emergency within the meaning of section 6 of the Act is legally supportable.

[3] *Panhandle Steel Co.* v. *Miss.,* 277 U.S. 218; *Hawke* v. *Smith,* 253 U.S. 221; *Buchanan* v. *Warley,* 245 U.S. 60; and a whole series of State court decisions.

[4] 6 Am. Jur. 442, citing *Gilman* v. *Philadelphia,* 3 Wall. (U.S.) 713, summarizing language in which Mr. Justice Story originally formulated this group of principles in *Houston* v. *Moore,* 5 Wheat. (U.S.) 1.

[5] The Court's holding: When Congress immunized labor disputes from injunctions in the Norris-LaGuardia Act it could not have intended, although the Act dealt only with injunction proceedings, to leave such disputes subject to criminal prosecutions and suits for damages under State law.

[6] Mr. Justice Frankfurter in the Opinion in *San Diego Building Trades Council, et al.* v. *Garmon, et al.,* 359 U.S. at p. 242.

[7] Mr. Justice Jackson in the Opinion in *Garner, et al., trading as Central Storage & Transfer Co.* v. *Teamsters, Chauffeurs and Helpers Local Union No. 776 (A.F.L.) et al.,* 346 U.S. at p. 491.

[8] *Guss* v. *Utah Labor Relations Board,* 353 U.S. 1 (The "no man's land" problem created here was dealt with in the Labor-Management Reporting and Disclosure Act of 1959 (P.L. 86–257), 29 U.S.C. 164(c)(2)).

[9] *Bethlehem Steel Co.* v. *New York Labor Board,* 330 U.S. 767.

[10] *King, Commissioner, Department of Pensions and Security, et al.* v. *Smith, et al.* 392 U.S. 309 (1968) with regard to Alabama's "substitute father" rule under the Aid-to-Dependent Children Program.

DEPARTMENT OF JUSTICE,
March 1, 1971.

MEMORANDUM FOR HONORABLE PETER NASH
Solicitor of Labor

Re: Effect of Suspension of Davis-Bacon Act on State "Davis-Bacon" Laws.

We have reviewed the memorandum of February 26, 1971, which you forwarded to us, concluding that the suspension of the Davis-Bacon Act by Proclamation No. 4031 of February 23, 1971 precludes the States from applying their own "Davis-Bacon" provisions to federally-assisted construction.

It is not entirely clear from the memorandum whether its conclusion is limited to federally-assisted construction projects which are subject to statutory provisions (*e.g.,* 12 U.S.C. 1701q(c), 20 U.S.C. 848, 42 U.S.C. 2685, 3107) requiring the payment of wages determined in accordance with the Davis-Bacon Act (hereinafter referred to as "Davis-Bacon extension statutes"). If the conclusion is so limited, we would concur in it. If, on the other hand, the conclusion encompasses all federally-assisted construction regardless of whether a Davis-Bacon extension statute applies, we cannot concur.

The Davis-Bacon Act and the Davis-Bacon extension statutes are designed to provide a federal wage floor in construction contracts in which the federal government has an interest. When an emergency dictates that this wage floor be removed in the national interest, the President has the power to do so. By the Proclamation of February 23, 1971 the President has suspended the Davis-Bacon Act and the Davis-Bacon extension statutes thus removing the wage floor.

While the Davis-Bacon Act is not a preemptive statute in the broad sense of the word, it is our view that the suspension provision (40 U.S.C. 276a–5) does preclude a State from imposing its "Davis-Bacon" requirements on construction otherwise subject to the Davis-Bacon Act or a Davis-Bacon extension statute. Any other conclusion would subvert the whole purpose of the suspension provision. If the States had the power locally to undo what the President has found necessary in the national interest, then the suspension provision would be rendered impotent. Such a result, in our opinion, would be illogical. If suspension has any meaning at all with respect to the construction contracts covered, it must mean that there will be no wage floor, federal or State, for the duration of the suspension.

Construction contracts not covered by the Davis-Bacon Act or Davis-Bacon extension statutes present a very different issue. Where the Congress has not seen fit to impose a wage floor, despite the involvement of federal funds, the States are free to impose their own wage floors. The State action with respect to such contracts is not, in our opinion, affected by the suspension. If the initial federal interest was not sufficiently great to impose a federal wage floor, then it would not appear great enough to preclude a State-imposed wage floor. In areas where federal law has not previously imposed an affirmative wage requirement, it would be anomalous to suggest that it might nevertheless impose a negative requirement, precluding the operation of State law.

Accordingly, if the conclusion in the memorandum furnished is limited to contracts covered by the Davis-Bacon Act and Davis-Bacon extension statutes, we concur in the view that a State may not substitute its wage floor for the suspended federal wage floor. We would not agree, however, that this concept could be extended to federally-assisted construction which has not previously been subject to a Davis-Bacon extension provision.

(S) WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

CONTRACTOR PAY DISPUTE PERILS ROAD

(By A. S. Plotkin)

The state Department of Public Works had hoped to get started soon on demolishing 40-odd structures in the corridor of the proposed Southwest Expressway.

There had been a tentative agreement with a committee representing community groups and with the governor's office that the vacant, vandalized buildings in Jamaica Plain, Roslindale and other places should come down.

The cost estimate was $100,000. Since the proposed expressway (on which all other work has been "frozen" by the governor's order pending a restudy) is part of the Interstate system, the Federal government would have reimbursed $90,000 to the DPW.

The demolition now appears to be headed for the "freeze" category also—but for a different reason.

The reason is President Nixon's proclamation last month suspending the provisions of the Davis-Bacon Act, which stipulates that contractors on Federal-aided jobs must pay their employees the equivalent of union wages.

Mr. Nixon, attempting to curb inflation by rolling back high wages in the construction trades, also asked those states which have their own equivalent laws to do the same. These laws are in effect in several dozen states—mostly the northern, urban ones where unions are strong.

And, at the request last week of DPW Comr. Edward J. Ribbs, Atty. Gen. Robert Quinn ruled in effect that the Bay State, if it doesn't want to lose millions in Federal aid, must change its minimum wage statutes covering construction trades.

Ribbs estimates that of the $75 million in contracts the DPW had planned to award this year, $50 million would be reimbursed by Washington.

"We want to get going," he said. "But this is serious."

Ribbs has sent to Gov. Sargent a list of all the Federal-aid road projects affected. He appealed to the Federal Highway Administration to exempt the $100,000 for the Southwest Expressway demolition, but this was denied.

Also affected are jobs due to have been advertised for bids soon by the state's Aeronautics Commission and for the University of Massachusetts' medical school complex in Worcester.

If the Davis-Bacon suspension continues for a long period, there could also be a serious effect on new construction by the MBTA—which depends on two-thirds Federal reimbursement for most of its capital work.

There was speculation around Boston last week that the President's move was a deliberate ploy to pass the buck to the states and take pressure off the White House.

This reasoning went that labor would not tolerate the brunt of the wage rollback's being borne by workers in the construction trades—and would maintain that all, unions, industry and consumers, should be involved. Hence, pressure would build—in the states—for wage and price controls, and the Nixon Administration could then claim it would take that drastic step only because of state pressures.

STATE PAY PACTS HIT

(By Arthur Stratton)

Redevelopment authorities of Boston and other areas throughout the state have been advised by the U.S. Department of Housing and Urban Development that they no longer can award construction contracts stipulating prevailing wages must be paid workers.

At stake is the two-thirds cost paid by the federal government for the multi-million dollar urban renewal and redevelopment programs underway in virtually every corner of the state.

HUD Secretary George Romney has directed local agencies that, state laws on payment of prevailing wages notwithstanding, they must adhere to President Nixon's proclamation suspending the Davis-Bacon Act.

The act requires that workers on federal construction projects be paid prevailing wages for that area as determined by the Labor Department. The chief executive suspended it to curb inflationary wage increases in the building trades.

The suspension opens federal contracts, and those at the state and local level are federally-assisted, to bidding with cheaper, non-workers.

Massachusetts has a similar law requiring payment of prevailing wages on public works projects such workers, etc. Now HUD has advised local agencies that the presidential suspension of payment of prevailing wages applies to housing and development as well, regardless of any state law guaranteeing such payment to workers.

Secretary Romney specifically advised Massachusetts area offices of HUD that:

Contracts on which bids have been opened, but award not made prior to Feb. 23, are to be readvertised or the low bid accepted "upon agreement of the low bidder that provision for prevailing wages are to be suspended and waived, and the contract price reduced by the amount of any reduction in his cost of performing the contract which will result from the suspension of the prevailing wage provision."

No provision requiring the payment of prevailing wages determined by the secretary of labor pursuant to the Davis-Bacon Act which was included in any contract executed on and after Feb. 23, 1971, shall be enforced.

The conflict between a 36-year-old Massachusetts law requiring payment of prevailing wages in public works construction, and the President's suspension of the Davis-Bacon act, already has stalled about $75,000,000 worth of this state's highway projects.

In most of these projects, the federal government pays 90 per cent of the cost.

The state Department of Public Works asked Atty. Gen. Robert H. Quinn for a ruling on the conflict and he found that the state law would have to be repealed or amended if the state was not to risk loss of these sizable federal funds.

Only the Legislature can change the law, Quinn added. Organized labor, and the building trades unions in particular, have voiced angry protest to the presidential proclamation. For Massachusetts legislators a proposal to scrap the union minimum equivalent wage requirement would be a highly controversial issue.

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION, BUREAU OF PUBLIC ROADS,
Boston, Mass., March 5, 1971.

Mr. EDWARD J. RIBBS,
Commissioner, Department of Public Works,
Boston, Mass.

DEAR COMMISSIONER RIBBS: The following teletype was received this date from our Washington headquarters:

"Reference is made to the President's Proclamation of February 23, 1971, suspending the Davis-Bacon and Related Acts, and to the solicitor of Labor's memorandum of March 1, 1971, to state attorneys-general, wherein he states that in his judgment all state-required wage standards provisions have been rendered inapplicable for the duration of such suspension to Federally involved construction contracts on which wage payment requirements of Federal statutes have been suspended.

"In addition to the deletions of Davis-Bacon provisions as discussed in Swick's wire of February 26, proposals for Federal-aid projects on which bids are opened after March 5, must contain no wage determinations made under the provisions of state statutes or other wage determination processes."

Very truly yours,

——— ———,
(S) (for E. J. DEPINA,
Division Engineer.)

STATE ADVISORY COMMITTEE ADVISES ABOLITION OF THE SELECTIVE SERVICE SYSTEM

Mr. HATFIELD. Mr. President, by Presidential order, State youth advisory groups to the Selective Service were established nationwide in 1969. The Camden, N.J., Courier-Post reported that the New Jersey youth advisory committee to the Selective Service System unanimously advised the System to expire by December 31, 1971. I think this is one further indication how strongly feelings against conscription are held by the youth in our country and one of the strongest argument for an all-volunteer armed force. I ask unanimous consent that the March 16, 1971, article by Beth Durchschlag, of the Courier-Post staff, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Courier-Post, Camden, N.J., Mar. 16, 1971]

YOUTH PANEL ADVISES DRAFT TO GET OUT OF BUSINESS

(By Beth Durchschlag)

TRENTON.—A New Jersey youth advisory committee to the Selective Service system has advised it to go out of business.

In a unanimous vote, the N.J. Youth Advisory Committee to the state Selective Service director has passed a resolution supporting a bill now before Congress to end the draft.

And while telling the parent organization—Selective Service—where to get off, the group of young men and women also introduced a resolution to dissolve their own committee—saying that they are "serving as a public relations gimmick to the youth of New Jersey and the United States."

Both resolutions were introduced at a Saturday meeting by 25-year-old Greg Paulsen, a Rutger's University law student in charge of draft matters for Camden Regional Legal Services.

"The committee was in favor of the resolution to end the draft immediately," commented Paulsen, a Delran resident who was appointed to the group last December. "But they changed the original resolution—which did not call for a study for alternative systems—because they felt that we don't know enough about the alternatives to preclude anything."

The final resolution, adopted by the New Jersey group, which was created by a Presidential order establishing them nationwide in 1969, is the first to tell Selective Service to call it quits by Dec. 31, 1971.

The bill to which the resolution refers is now before the Senate and simply calls for the repeal of the 1967 Selective Service Act by the end of this year.

The youth committee's resolution, in supporting the measure, says that since there are "six months to study the alternative systems to the 1967 Selective Service Act, the Youth Advisory Committee feels that adoption of this resolution is in the best interests of the nation."

But national headquarters of Selective Service was not exactly overwhelmed at the group's advice to look for another job.

"I wasn't even aware of it," a spokesman for the agency said yesterday. "From time to time we've had a young man or woman who feels differently than we do, but we've never had a whole group before.

"By and large our groups are pretty level-headed and work in the public interest. It's unfortunate that this group feels the way it does," the official commented.

The second resolution, scheduled for discussion on April 17 in Trenton, accuses the state Selective Service headquarters with lapses in:

—"voluntarily providing the members with relevant information other than that proffered by national headquarters and the Nixon Administration:

—"elicits comment only on Administration proposals;

—"elicits individual opinions rather than collective opinions which defeats the purpose and undermines the worth of the committee;

—"impedes the function of the committee by cancelling scheduled meetings without notice;

—"(state headquarters) is reluctant to discuss broadening the representative base of the commtitee in order to have more concerned and representative membership;

—"have the members serve as a public relations gimmick to the youth of New Jersey and the U.S.;

—"and have the members serve as a confessor from headquarters to the youth of New Jersey and the U.S."

Paldsen said the state's liaison officer "told us to keep in mind that President Nixon has promised to end the draft by 1973, generally supported the administration and asked for more time."

"But then again there are presently four bills to reform the draft before Congress and the only one the state has given us to consider has been the Administration's bill with Curtis Tarr's (head of selective service) and Mel Laird's (Secretary of Defense) comments attached."

OPPOSITION TO THE SST

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Purdue Environmental Action Chapter of the Izaak Walton League in opposition to the SST. The Purdue group wisely concluded that, on national priority grounds, the supersonic transport should not be continued at Government expense.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE PURDUE ENVIRONMENTAL ACTION CHAPTER OF THE IZAAK WALTON LEAGUE OF AMERICA CONCERNING THE SUPERSONIC TRANSPORT

(Presented by Linda D. Van Liere)

After much investigation and study, the decision concerning the continued funding of the SST becomes one of national priorities. The evaluation of the project should be viewed from the standpoint of human needs; the best decision must be to the advantage of the majority of the American people.

Does our country need a supersonic transport? The airlines says yes and they have the firm support of the aerospace industry. The airlines are losing a great deal of money based on their figures for the cost per person per seat mile to operate an aircraft. It is generally felt that by increasing the number of possible flights in a given time period, the SST would be more economical and therefore the answer to the airlines' financial dilemma. It is said that only the SST can keep the industry from bankruptcy.

Well-known economists, from Milton Friedman to John K. Galbraith, disagree however. With added construction costs, increased fuel usage and maintenance, and the large scale airport improvements needed to commercially fly the supersonic aircraft, it would class as a high economy risk. Lawrence Moss projects that by 1980, the actual fuel consumption of the vehicle would increase to 600 million pounds per day—which raises the U.S. annual crude oil requirement by ⅓. By using twice the fuel per passenger mile as the 747, the SST needs will greatly tax the world's already low supply of fossil fuels thereby raising the cost. The increased costs of operation will not allow a lowering of air fares as supporters propose, in fact fares will more likely to higher making the possibility of air travel available to an even smaller percentage of Americans. If the SST would be so economically feasible and would reap such significant financial rewards, why is it that the airlines are not willing to fund the program with their own dollars? It is interesting that if the SST prototypes are successful, the airlines would pay back the money borrowed from the federal government. However, should the SST not be successful this would not be the case and the "experiment" would be written off at the taxpayer's expense.

Most of the actual effects of SST emissions in the upper atmosphere can only be predictions. But these predictions are not just emotional ones as proponents have implied; they are based on known ecological evidence. The moisture added to the upper atmosphere will increase the likelihood of cloudiness and the particles formed from SO_2, hydrocarbons, and soot will accumulate in the atmosphere. The result will be to raise the surface temperature of the globe by preventing the reradiation of solar energy. This would particularly affect areas beneath heavy air traffic—namely the Northern Hemisphere. There is no statistical data in this regard since testing methods as well as the instrumentation to do that testing are not significantly developed. The testing of the two prototypes, however, can tell little about the cumulative effects of SST emissions—those that could have a drastic effect on our climate.

Very recently a group of 15 atmospheric physicists stated that the supersonic transport pollutants may cause an increase in the ultra-violet radiation at sea level. This could possibly increase the incidence of skin cancer. Another important point, however, is that ultra-violet light causes the breakdown of chlorophyll in green plants! This could have a more far reaching effect of decreasing the rate of world food production at a time when it needs to be greatly increased.

It is true that through research in the field of aerospace much has been learned which is of direct benefit to the average American. Examples include heat resistant china, superior structural materials, and better communication systems. But there are many Americans who are not so "average" and need better housing, better schools, and better hospitals. Our country vitally needs improved mass transportation and pollution control. It might seem more rational to invest the monies proposed for the SST prototypes in programs to develop efficient mass transit systems. This would certainly benefit a much larger segment of our population and represent a more realistic ordering of our national priorities. Engineers needed to build an SST prototype are also needed to solve the problems of our human environment; the latter objective is vital to our well-being as a species.

ISOLATION CELLS ON CON SON ISLAND

Mr. FULBRIGHT. Mr President, on February 21, the New York Times published a news story from Saigon which reported that the United States was paying $400,000 for the construction of 288 isolation cells on Con Son Island, the site of the "tiger cages" discovered some time ago by an inspection team from the House of Representatives."

I wrote to Dr. John A. Hannah, Administrator of the Agency for International Development, which is responsible for this type of assistance, to make appropriate inquiries. He replied on March 16. Because of the interesting information it contains, I ask unanimous consent that the exchange of letters be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

February 27, 1971.

Dr. JOHN A. HANNAH,
Administrator, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: I enclose an item from the *New York Times* for February 21 reporting United States assistance in the construction of new prison facilities on Con Son Island, South Vietnam. I would appreciate your providing the Committee with a report on this matter, particularly as to the amount of United States aid involved. Would you also supply information concerning any United States assistance in recent years in the construction of other prison or detention facilities for civilian prisoners.

In this connection, would you also supply estimates as to the number of civilian prisoners or detainees now being held in South Vietnam who are being held for crimes against the state or who would in our view be looked upon as political prisoners. How many of these are being held on Conson?

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

[From the New York Times, Feb. 21, 1971]

TIGER CAGE CAMP TO GET NEW CELLS—U.S. IS SPENDING $400,000 ON PRISON FOR SAIGON

SAIGON, SOUTH VIETNAM, Feb. 20.—An agency in the United States mission here has contracted for the construction of a prison compound consisting of 288 isolation cells on Conson Island.

The new cells apparently are being built to replace the Tiger Cages, or disciplinary cells, discovered there last summer by United States Congressmen, which became the center of controversy both here and in the United States.

The Military Assistance Command for Civil Operations and Rural Development has contracted the R.M.K.-B.R.J., a United States construction consortium, to build the compound, at a cost of $400,000, to be paid by the United States.

According to Frank E. Walton, who heads the Public Safety Directorate of the command, the cells will augment a series of cells now under construction, bringing the total to 400.

The Conson Prison has long been the detention center for political dissidents.

TO BE "INDIVIDUAL UNITS"

Comparing the new cells with the Tiger Cages, Mr. Walton said they were "smaller, individual units as compared to the larger multiperson Tiger Cages."

Specifications called for a set of "three cell blocks, each partitioned into 96 isolation cells, an outer compound wall of concrete block, a barbed wire perimeter fence with security gates."

Prison labor is to be used. Skilled workers are to be paid 75 cents a week and non-skilled labor 55 cents, a knowledgeable source revealed.

R.M.K-B.R.J. stands for Raymond, Morrison, Knudsen of the West Coast and Brown, Root and Jones of Texas. It has contributed to most of the American military complexes in South Vietnam through its construction of buildings, airport runways and roads. Under recent contracts call for R.M.K.-B.R.J. is building South Vietnamese military support bases.

WASHINGTON, Feb. 19.—The State Department said today that prison cells being installed by an American contractor on the island of Conson off the coast of South Vietnam were designed "according to modern penal standards."

The spokesman said the department understood that there were no prisoners at the old Tiger Cage prison, that all prisoners of war, even those who might have committed crimes, had been removed from the island, and that the new cell blocks would be used only for ordinary criminals.

He said he did not know whether this category would include political prisoners.

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL
DEVELOPMENT,
Washington, D.C., March 16, 1971.

The Honorable J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge your letter of February 27, 1971, concerning U.S. assistance to the Government of Vietnam (GVN) in the construction of new prison facilities on Con Son Island and elsewhere in Vietnam, and the number of civilian prisoners or detainees being held at the Con Son Prison or in other GVN incarceration facilities.

There are no A.I.D. funds involved in the new construction at Con Son. The Vietnamese Government undertook to build new maximum security facilities there from their own resources. These consist of four new buildings designed according to more modern penal standards than the old French cells they are to replace. Decision to build the new structures followed severe deterioration of prisoner discipline after the old cells were vacated and the maximum security prisoners were housed among the other prisoners.

The first of the new buildings was completed in December under a "self-help" program of the Vietnamese Government utilizing prison labor. Because of the prolonged period of time required to complete the first building and worsening of discipline problems, a decision was reached by MAC/CORDS in Saigon to assist the GVN construct the remaining three buildings more rapidly. A contract was let through the Officer-in-Charge of Construction, U.S. Naval Facilities Engineering Command, with a U.S. construction company, Raymond, Morrison, Knudsen-Brown, Root and Jones, utilizing local currency piaster funds. The approximate piaster cost of this contract is, we understand, equivalent to $400,000.

With reference to U.S. assistance in the construction of other prison or detention facilities for civilian prisoners, the U.S. has furnished the piaster equivalent of $6,235,000 from 1963 through 1970 for construction and/or renovation of correction and detention facilities throughout Vietnam to assist the GVN in its efforts to provide more adequate and sufficient spaces for prisoners confined to correction and detention facilities. The greater part of these funds (85%) was provided after the Viet Cong offensive at the time of the Tet holidays in 1968.

Records supplied by the GVN reflect that 31,597 civilian prisoners were being held at the end of January 1971 in South Vietnam's correction and detention facilities. Statistics provided by the Vietnamese Directorate of Corrections indicate all are convicted or detained awaiting trial under various civil laws or decrees. Approximately 65% of these are classified as "communist criminals" and 35% as "common criminals" charged with such crimes as murder, larcency, etc. Confined on Con Son are 1,925 GVN "military personnel convicted of civil crimes," 5,832 "communist criminals" and 286 "common criminals," all of whom have been sentenced under Vietnamese laws and decrees.

If we can be of further assistance, please do not hesitate to call upon us.

Sincerely yours,

JOHN A. HANNAH.

THE PRESIDENT'S LEGISLATIVE PACKAGE ON REORGANIZATION OF EXECUTIVE DEPARTMENTS

Mr. PERCY. Mr. President, I am pleased that the President's legislative proposals for revamping the structure of executive departments will tomorrow be placed before the American people and the Congress.

As we all well know, the primary and overriding purpose of these proposals is to make Government more responsive, to reduce the gap between promise and performance. The program outlined today recommends the consolidation of seven departments into four, specifically:

A Department of Human Resources to deal with the social needs of individuals, as members of a family;

A Department of Community Development to serve the needs of both rural and urban communities;

A Department of Natural Resources concerned with preservation and balanced use of the vital resources of our physical environment; and lastly,

A Department of Economic Affairs, overseeing the Nation's prosperity and assuring economic growth.

These recommendations to focus responsibility within the executive branch are non-partisan in nature. While based most immediately on proposals submitted at the end of last year by the President's Advisory Council on Executive Organization, the recommendations reflect the collected wisdom and research of various Presidential task forces over the past three decades. These groups include the President's Committee on Administrative Management, 1937, chaired by Louis Brownlow; the Commission on Organization of the Executive Branch, 1949, chaired by Herbert Hoover; and the second commission chaired by Herbert Hoover of 1955; the Temple University Survey of Federal Reorganization of 1953; the Report on the Status of the Hoover Commission Recommendations by Meyer Kestnbaum of 1956–58; the President's Advisory Committee on Government Reorganization chaired by Nelson Rockefeller, 1953–60; the President's Task Force on Government Organization chaired by Don Price, 1964; the President's Task Force on Government Organization led by Ben Heineman, 1967; the President Elect's Task Force on Organization of the Executive Branch led by Franklin Lindsay, 1968–69; and the President Elect's Task Force on Inter-governmental Fiscal Relations led by Richard Nathan, 1968–69.

I am firmly committed to the theory underlying the President's plan. I expect next week to introduce legislation specifically directed to implementing the purposes of that plan, and hope that many of my colleagues will join me in this important endeavor. My esteemed colleague, the senior Senator from Arkansas, chairman of the Government Operations Committee, has informed me of his intent to have the full committee hold comprehensive hearings on each of these proposals. During the course of those hearings, we will examine in detail the many and diverse ramifications of these proposals and modify and improve them as new factors come to light. In this way we can shape legislation that will achieve the desired goal of improving our government.

One of the great concerns of the American people today is that their government is unwieldy, overlapping, ineffective, and inefficient. We can respond to this concern and make a major contribution to the effectiveness of American Government by studying, improving and acting on these bills in a strong, bipartisan effort.

SENATOR RANDOLPH JOINS IN DISCUSSION OF "NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION"

Mr. RANDOLPH. Mr. President, there few parents or wives who would not, this very day, eagerly trade places with their son or husband held prisoner by the North Vietnamese and Vietcong. So any expressions of concern for these 1,600 brave men I make seems pallid compared with the anguish and anxiety felt by their loved ones at home.

I am privileged to join with Senators who spoke yesterday, in marking this "National Week of Concern for Prisoners of War/Missing in Action." It is a posture of unanimity which I hope will not be lost on those who hold the fate of these American servicemen in their hands. The Nation has been divided over the conduct of the war itself, but Americans are against these imprisoned countrymen being pawns in the game of war.

There are few fears more terrifying than fear of the unknown. For almost 7 years, some Americans have existed with the brutal doubt that loved ones may yet live, but convinced over a long period of numbness and sorrow that a just God would erase such doubt.

Our appeals in the name of humanity to other countries and organizations have not worked; the direct approach of a Sontay sortie has failed. There is left only the cessation of hostilities in Indochina and the full moral weigh of civilized nations brought to bear on this problem to effect the release of this special class of war victims. In the interim, there is the intangible force of a concerned citizenry and the power of collective prayer to sustain those who weep.

I commend my fellow Senators for their action in promulgating the resolution and the President for proclaiming this week of national concern. It is one in which all of us join. Meanwhile, let us not relent in our efforts to overcome the barriers of secrecy that prevail, and in our attempts to assure that until these imprisoned Americans are freed they will receive the humane treatment civilized nations demand.

TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, today I shall place in the RECORD an excellent article written by former Secretary of the Interior Walter J. Hickel on the proposed Trans-Alaska pipeline.

In this article, Governor Hickel describes his love of the primitive wilderness beauty of Northern Alaska. He goes on to point out that the protection of this scenic area is compatible with the building of the pipeline, which will be the largest private construction project in the history of man. Mr. Hickel points out that—

> As long as the federal government stands behind the strict environmental stipulations which we established for this project . . . we can enjoy both the resources treasure and the wild grandeur of Alaska.

This observation is made with the knowledge that America's energy needs are increasing at a tremendous rate and that we now have the technology to construct the pipeline in accordance with sound conservation principles. I strongly support this position and recommend Mr. Hickel's article for the consideration of the Members of this body.

I ask unanimous consent that the article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ALASKAN PIPELINE IS ESSENTIAL

(By Walter J. Hickel)

ANCHORAGE.—I cherish Alaska's beauty. I call it Alaska's "resource of the heart and soul." I would not give the pipeline project my support if I were not convinced—by facts rather than emotion—that it can be built without harming this beauty. The key lies with the Government, and its determination to meet its responsibilities to John Q. Citizen.

Most Americans, whether "developers," "preservationists," or "conservationists"—where I place myself—agree that the United States needs more petroleum if we are to continue to feed, fuel, move and light our nation.

The statistics tell the story: Present-known, domestic reserves of oil and gas are 40 billion barrels. Daily consumption of these products amounts to some 14 millions barrels a day, of which roughly four million barrels come from nondomestic sources, primarily the Middle East.

As individuals we are free, within some practical limits, to curtail our consumption of these resources. But we cannot turn off the ignition of America without plunging ourselves into economic, political and industrial darkness.

We need Alaska's Slope oil. But we also need, perhaps now more than at any previous point in our history, to respect the environment, and to realize that environmental considerations are needed. Rape of our resources is generally an irreversible process.

If nature had to put that oil somewhere, I'm glad it was on the North Slope of Alaska and not in the Tetons, or the Sierras, or Cape Cod. America enjoys a cherished and immeasurable wealth of frontier grandeur and environmental bounty in its 49th State. And within Alaska's vast reaches, I believe we have room to set aside just 15 square miles, out of Alaska's 586,000 square miles, to be taken up by the entire right-of-way for an 800-mile pipeline from Prudhoe Bay to a deep-water port on the Gulf of Alaska.

The insistence of Americans that the pipeline's integrity be guaranteed in advance is just and proper, and gratifying to those who demand wise use of our resources—without abuse.

Soon after I became Secretary of the Interior, the question of moving oil from Prudhoe Bay to an ice-free port came before me. There were pressures: pressure from those who said nothing should happen, and from those who demanded that it happen immediately. But pressure comes with responsibility, and responsible action could come only after all interests were considered for the benefit of 200 million Americans.

God gave to America an abundance of resources—not to destroy, but to use and enjoy, and then to pass on to following generations. We are rapidly approaching a civil war of priorities—neighbor against neighbor, man against need—over the preservation or use of our resources. Bitter voices are raised, on the one side pleading, "Give us work, give us energy for our homes"; on the other side shouting, "Stop the destruction of our environment, protect our wildlife and our wilderness."

Somewhere in between there's a small voice that insists that if we do it right we can work together and respond to both needs. We cannot undo all of the wrongs of yesterday, but we can guide responsibly the needs of tomorrow. We cannot condone exploitation of one resource at the expense of another, but neither can we preserve untouched all of those resources that man needs.

All human needs must be taken into consideration, those of everyday necessity such as energy, as well as those of less tangible but equal importance such as scenic beauty.

In evaluating the entire situation regarding the trans-Alaska pipeline, I am convinced that we must make "use" and "conservation" compatible. As long as the Federal Government stands behind the strict environmental stipulations which we established for this project—to be the largest private engineering enterprise in the history of man—we can enjoy both the resources treasure and the wild grandeur of Alaska.

I have dreamed of the day when man would change his attitude toward the Arctic. There is vastness, untouched and primitive. There is beauty, peace, wealth and opportunity. A treasure chest of oil and other resources lie under the barren North Slope. At the same time, other vast areas of Alaska are of tremendous beauty, and promise to be an even more important resource for refreshing the spirit of man for as long as the human species inhabits earth.

WILLIAM PROXMIRE—GIANT KILLER

Mr. NELSON. Mr. President, the loneliness of the long-distance runner is a movie theme that is quite familiar to my Wisconsin colleague, BILL PROXMIRE. For years he has been making a daily 5-mile run to the Senate Office Building. And for years he has been setting the pace against the SST. Both actions have been relatively singular positions with only a few companions to join in the competition to halt Federal funding of the SST.

Today the SST race is over, and again the man that led the entire way is BILL PROXMIRE. This year, however, a majority of the Senate joined in the competition on our team, and it was not quite so lonely an exercise.

Mr. President, I congratulate BILL for his perseverance and efforts and call the attention of the Senate to the article entitled "William Proxmire, the Giant Killer," published in this week's issue of Time magazine. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIAM PROXMIRE, THE GIANT KILLER

Proposals for Government funding of an American supersonic transport date back ten years—the same amount of time Senator William Proxmire has spent opposing it. From 1961 to 1969, Proxmire engaged in five losing campaigns against SST appropriations. He has filibustered and conducted hearings, hammering away in a personal crusade against the "perfectly trivial purpose of developing an SST, seeing how rapidly we can already fly people overseas." It was the kind of tenacity that has made Proxmire the bane of defense contractors, pork-barreling colleagues and consumer frauds.

He is a loner and a maverick who disdains the Senate "club" way of conducting business, and as a result, his effectiveness as a legislator has been uneven. Proxmire came to the Senate in 1957 after winning a special election to fill the seat vacated by Joseph McCarthy's death. His committee assignments included Banking and Currency, Post Office and Civil Service, which he used to help shape his reputation as one of the chief watchdogs of Government waste.

An early run-in with Senate tradition came in 1959 when he attacked Majority Leader Lyndon Johnson for his autocratic rule of the Senate. Proxmire's popularity with insiders was further eroded by his penchant for paring fat Government work projects dear to the Senate's patronage heart.

Until the late '60s he was considered a scattershot Senator, but during the past several years, he has homed in on some major issues. In 1967 he pushed a truth-in-lending bill through the Senate that had languished for four terms. He uncovered the $2 billion cost overrun on the C–5A and defense contractors' hiring of former high-ranking military officers. Finally, he is close to success in his fight against the SST.

His staff was treated to clear evidence of his delight with the House **defeat of funds** for the big plane; from inside his suite in the New Senate Office Building could be heard the voice of the usually taciturn Proxmire singing *Bill* from the old musical *Show Boat*. His office reflects his personal style—sparsely furnished, its green walls completely devoid of pictures or decorations. The only homey touch is the hot plate used to make his breakfast at the office after his 4.8-mile run—not a jog—to the office and 200 push-ups. At 55, Proxmire is nearly as fit as he was as an undergraduate boxer and football player at Yale.

As the SST fight goes down to its final stage, Proxmire's groundwork, is largely done. Testimony of economists and environmentalists is already in, and the body of information he has developed against the plane over the years is well known to his colleagues. He does not wring votes from fellow Senators with deals and high-pressure promises, as members of the club would do, but he relishes the upcoming battle for the final handful of votes: "It's going to be a ——— interesting week."

MEDICAL AND HEALTH-CARE FACILITIES

Mr. BAYH. Mr. President, for many years the Nation has faced a major crisis in attempting to provide adequate medical and health-care facilities for its people, regardless of income, age, or race. Everyday reports are rampant about the rising costs of hospitalization, lack of medical manpower, and overtaxed conditions existing in medical institutions. Criticisms are made about the misdirection of Federal and State funds, the lack of adequate planning for future expansion of medical facilities, and the insufficient efforts Congress and State legislatures have made to improve the quality of these services.

Nevertheless, occasionally a community comes to attention which, by its energies, has accomplished in the health field that which most deem impossible. Mr. President, Rossville, Ind., is one such community. Essential health services have been provided for its elderly through a most commendable spirit of cooperation and unusual generosity displayed by its residents. Over $300,000 in cash and property were contributed toward the cost of erecting a 96-bed convalescent center for the aged and infirm of that area.

In a recent letter to me, Mr. Joseph Bonner, trust officer of the Lafayette Bank & Trust Co., Lafayette, Ind., described in graphic terms the remarkable accomplishments of this small community in providing a fine new health-care facility. In particular he singled out for special praise the work of Mr. Ralph Rodkey who spearheaded these efforts. Because this is an outstanding example of what local cooperation and team effort when properly directed can achieve, and as a tribute to the people of Rossville and especially Mr. Rodkey, I ask unanimous consent that certain excerpts from Mr. Bonner's letter be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LAFAYETTE BANK & TRUST CO.,
Lafayette, Ind., February 22, 1971.

Senator BIRCH E. BAYH, JR.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: This is neither a letter complaining about something nor a letter requesting Federal Funds for some worthy cause. This is a letter to report to you that the Hoosier spirit of initiative, community-mindedness and hard work is still very much alive in the countryside in and around Rossville, Indiana.

Almost three years ago the people of the Rossville area decided that they needed a convalescent home for their aged and infirm. And they set about to get the job done and did it.

On the 1st of February, 1971, the doors of the 96-bed Milner Community Health Care Center opened and the first patients were admitted. This event, however, was only the necessary result of a tremendous effort.

Donated land and money accounted for approximately $320,000.00 of the approximately $750,000.00 cost, of which sum over $100,000.00 was given by "little people". No tax money, no grants from any government or agency brought this remarkable feat about. And, the facility will operate as a not-for-profit corporation.

It was my privilege to be the Lafayette representative on the Board of Directors of the Corporation and as such, I witnessed these Rossville-area people in action. They impressed me with their zeal. I only attended meetings—did no real work.

Which brings me to the point of my letter. Is there some kind of award or some kind of recognition that can be given the Rossville community for this spirit? Would it be possible to recognize in some manner the individual efforts of Mr. Ralph Rodkey, a Rossville implement dealer, who took hours of his time (away from his business) to supervise the construction, to arrange for the mortgage loan, to purchase the equipment and to see to it that the building and its equipment and furnishings passed all inspections?

The construction of a nursing home by a farm implement dealer must be one of the wonders of the world.

In my opinion, he should at least be made a Sagamore of the Wabash. Mr. Rodkey would probably be angry if he knew I was writing this letter, but I believe such efforts need to be publicized.

Very truly yours,

JOSEPH A. BONNER,
Trust Officer.

BUD HORN MEMORIAL SCHOLARSHIP

Mr. HATFIELD. Mr. President, the hundreds of friends of the late Harold G. Horn, affectionately known as "Bud" to a host of people, are forming the "Bud Horn Memorial Scholarship" in the memory of this outstanding citizen, who was a native of Oregon for many of his 58 years. Bud Horn was a cherished friend of mine.

I ask unanimous consent that the eulogy delivered by Don Robinson, the letter written by Emory E. Moore in connection with this scholarship, and the letter of Barbara Horn, Mr. Horn's daughter, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EULOGY TO BUD HORN

(At the funeral services held "for Bud Horn on November 4, 1970, the following eulogy was delivered by Don Robinson, long-time associate of Bud Horn as a member of BMA's Portland Branch Office.)

It is not the length of life that matters but *how it is lived*. That is the thing that counts—

It is not *how long* but *how well*.

Bud had the admirable quality of overlooking people's weaknesses and faults and commending them for their good points. He never said a critical or harsh word against anyone. He believed in people and hoped for the best in their lives.

He was a splendid organizer and didn't believe in "divide and conquer," but always instigated a spirit of togetherness and unity to see that the job was well done.

He loved his work and his enthusiasm was infectious. He had patience with his salesmen that was extraordinary.

Mr. Horn liked people and enjoyed making people happy. The tickets for ball games, the Christmas gifts, and numerous other things—displayed his "big heart" and generosity.

He was a "boss" that was approachable . . . sensitive to the problems of his salesmen and others—far outside the line of duty. He had a "listening ear" and was warm and friendly to people in all walks of life.

Bud respected his family and was concerned about them. This concern extended to all his friends and their families as well.

Three months ago, Bud and I had a close talk about what life is really about. He said a person couldn't just become a Christian and then not do any good works.

For the most part, people only know us on the surface—but often, in a man-to-man conversation, a person will reveal how deep the water really runs. He will reveal matters we had no concept about—such as the necessity to be prepared for death by inviting Christ to come into your life.

Bud believed in prayer. When you believe in organizations—you get only what organizations can do. When you believe in education—you get only what education can do. When you believe in man—you get only what man can do.

But—when you believe in prayer—you get what God can do.

It is impossible for me to adequately express the gratitude and feelings of Bud's many friends and acquaintances over the past years. But I personally believe that I have become a better person just to have known a man of Bud's calibre.

John 11: 25–26 paraphrased says, Anyone who believes in Me, even though he dies like anyone else, shall live again.

He is given eternal life for believing in Me and shall never perish.

"For true friendship, it is not enough to have emptied a brotherly glass to each other, to have sat in the same form at school, to have met frequently at the same cafe, to have conversed courteously in the street, to have sung the same songs at the same club, to have worn the same colors as politicians, to have extolled one another in the press . . . Friendship, indeed, is one of the greatest boons God can bestow on man . . . It is a union of our finest feelings; a disinterested binding of hearts, and a sympathy between two souls. It is an undefinable trust we repose in one another, a constant communication between two minds, and an unremitting anxiety for each other's souls . . ."

—J. Hill

ALBANY, OREG., *March 1971.*

DEAR FRIEND: As one of Bud Horn's personal friends, I am sure you will agree that we need to insure that his memory continues on. Bud did so much for us and meant so much to so many that it is important—in fact, essential—that his friends perpetuate his good name and the joy which it constantly represented.

A memorial scholarship fund is being established for this purpose, to honor Bud Horn. This fund—its minimum objective is $150,000—will endow a program that will forever associate Bud's name with excellence in education. The program, patterned after that of the Rhodes Scholarship, will encourage and assist outstanding students enrolling at Oregon State University, University of Oregon, and Lewis and Clark College—the institutions that were closest to Bud's heart.

Following Bud's own ideals, the Bud Horn Scholar will not be a one-sided man, or a selfish man. He will have intellectual ability founded upon sound character. Leadership and successfu participation will be present in abundance. We intend to make the Bud Horn Memorial Scholarship as prestigious at the high school level as the Rhodes Scholarship is at the college level.

Thanks for your help.

Sincerely,

EMORY E. MOORE,
Chairman,
Bud Horn Memorial Committee.

(What Bud Horn meant to his family is beautifully expressed in this letter from his oldest daughter, Barbara, to BMA's Chairman and President, W. D. Grant.)

DEAR MR. GRANT: Thank you for your lovely letter.

They say that few men love their work and I think this is necessary for a man to be whole. Daddy loved the Business Men's Assurance Company with every fiber in him. From the time I learned to talk and understand, I grew up with this love pounded into my brain. Although he never had a son to carry out his business image, I can tell you that my sisters and I knew what integrity and discipline were from following his devotion to your company. We have had a beautiful upbringing thanks to his success and the inner qualities only Bud Horn could convey to us.

I know you are as sad as we are at his death. But Daddy packed 100 years into 58 and still came out on top. He always told me, "Attitude is everything in life, Barbara." What more can I say.

BARBARA HORN.

HOSPITAL COMMUNICATIONS SAVES LIVES

Mr. BAYH. Mr. President, last year it was my privilege to preside over a series of hearings held by a special Subcommittee of the Committee on Public Works in studying the need for legislation to provide a permanent, comprehensive program of Federal disaster assistance.

In the course of those hearings which examined the experiences of communities devastated by Hurricane Camille, the subcommittee considered practically every facet of emergency relief during disasters.

Among other matters our attention centered on such problems as predisaster relief, debris removal, fire suppression grants, temporary housing assistance, emergency transportation, community tax relief, unemployment, food stamps, and emergency communications.

One of the interesting developments which came to the attention of the subcommittee was a special, regional hospital two-way radio communications network called the HEAR system—hospital emergency administrative radio—which enables participating hospitals in a disaster area to have immediate and continuous communications with each other, as well as with hospitals outside the disaster area, and which enables detailed information regarding the distribution of casualties and the need for medical supplies to be made available immediately.

Last month, according to an article in the Los Angeles Times this new type system demonstrated how helpful it can be in dealing with major emergencies. The HEAR communications system set up in the Los Angeles area about a year ago by the Hospital Council of Southern California proved to be instrumental in coordinating the resources of the 110 hospitals tied into the system during the recent, tragic earthquake.

According to the article in the Times, because telephone communications had been disrupted in so many places in the San Fernando Valley, the HEAR system was the only reliable means of communications. It was through the HEAR system that available medical personnel were dispatched to the areas where they were most needed and that medical facilities were located and prepared for the arrival of disaster victims. Similarly, I have learned that in the Mississippi tornado a similar statewide radio medical network proved to be extremely valuable in coordinating medical relief efforts following the devastation wrought there on February 21.

Mr. President, I ask unanimous consent that the Los Angeles Times article referred to earlier; an editorial from the same newspaper; and a short article and editorial from the American Medical News of March 8 describing the Mississippi network be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 10, 1971]

RADIO NETWORK: DISASTER PLANNING BRINGS QUICK AID

(By William Drummond)

Los Angeles County's medical disaster planning paid off Tuesday in fast, smooth assistance given to hundreds of persons injured or evacuated from their beds in damaged hospitals as a result of the earthquake.

A short-wave radio network—set up only about a year ago at a cost of $250,000—was used to coordinate the resources of the 110 hospitals in the county included in the system.

The network (called HEAR, short for Hospital Emergency Administration Radio) was headquartered at Valley Presbyterian Hospital. In addition, the Hospital Council of Southern California, 4777 Sunset Blvd., served as the countywide clearinghouse for requests for medical personnel and facilities.

However, Frank St. Denis, assistant executive director of the hospital council, told The Times there is one serious flaw in the radio network: The U.S. government's Veterans Administration hospitals are not tied into it.

The San Fernando Veterans Hospital was one of the hardest hit. About 200 to 300 patients had to be evacuated. Most of them went to the veterans hospital in Sepulveda.

The first warning that the Sepulveda staff could expect a large number of evacuees from San Fernando Veterans came from a Los Angeles city fireman, who came in at 8:30 a.m. and asked for all the beds they could prepare. This was 2½ hours after the quake struck.

SYSTEM HIGHLY PRAISED

But for hospitals participating in HEAR the radio network had functioned "beautifully," said St. Denis. "I don't know what we would have done without it."

It was via HEAR that available doctors and nurses were dispatched to the right places. And it was via HEAR that available hospital beds were found for the hundreds evacuated from damaged hospitals.

Evacuations took place at Olive View Hospital (400 patients) and Holy Cross Hospital in Mission Hills (150 patients). Both hospitals were destroyed.

In addition to placing evacuated patients, the radio network was instrumental in other work, said St. Denis.

With Gerald Allenbaugh manning the radio at Valley Presbyterian, operating rooms were readied with doctors standing by for the arrival of patients. Special respiration equipment was located and made available. Units of blood, special sutures and other vital items were tracked down.

Many of these supplies, as well as medical personnel, were flown to the scene via helicopters or transported on the streets with police escort.

With forewarning, County-USC Medical Center was braced for an influx of quake patients from other areas about 7:30 a.m. Its night staff of doctors, nurses, orderlies and custodial help was held over. The halls were filled with waiting wheeled stretchers.

The medical staff then cleared out all persons with no acute problems or routine illnesses. They were asked to come back another day.

All elective surgery was postponed. Patients who could be discharged were sent home.

As the quake patients arrived, they were sorted quickly by medical personnel. A minor trauma area was set up for victims of cuts and bruises; the auditorium for the chronically ill, and the main emergency room for the acutely ill.

HELD THEIR HANDS

Nurse Nancy M. Blee, coordinating the County-USC nursing services, said that after the patients came to the auditorium they were examined by a doctor, given some rest and then assigned either elsewhere at County-USC or to another hospital.

"We are assigning a nurse just to hold their hands," said Nancy Blee. "What is needed more than anything now is for someone just to hold their hands."

One of the immediate problems facing the staff at Sepulveda Veterans Hospital was the loss of all medical records on tubercular patients from San Frenando Veterans. The staff had no immediate way of knowing what stage of treatment the patients were in.

Although it has an official capacity of 815 beds, Sepulveda Veterans was expanded by 200 beds to meet the emergency, said Dr. Charles Modica, the hospital's director. In addition, there already were 62 actual empty beds.

MINOR GAS LEAKS

The major damage at Sepulveda Veterans was broken glass in the laboratories and pharmacy, although minor leaks occurred in gas and water lines.

However, at San Fernando Veterans about six miles from Sepulveda, the damage was far more extensive. Dr. David Salkin, medical chief of staff at both San Fernando and

Sepulveda, went to the former facility Tuesday morning to set up medical operations.

He wound up pulling eight to 10 persons from the wreckage.

He then tried to return to Sepulveda, but was caught in a traffic jam and ambulances carrying patients from San Fernando Veterans arrived before him.

Emergency surgical cases had to be taken to the Veterans Administration facility in West Los Angeles, because the operating room at Sepulveda Veterans was knocked out in the quake.

Preparations for handling the medical needs of a major disaster have been in the works for some time, said Dr. Arnold Niemeyer, chairman of the Los Angeles County Medical Assn.'s disaster medical-care committee.

ONLY RELIABLE METHOD

The short-wave radio was the only reliable method of electrical communication in the San Fernando Valley, where telephone service was disrupted in many places.

The logistics of the hospital evacuation were formidable.

First, room had to be found for patients elsewhere. For example, there were 50 mental patients at Olive View. Room for them was found at Camarillo Hospital. Other hospitals checked in with their available bed space: Rancho Los Amigos 275; Long Beach General 50; El Cerrito Hospital 50; County-USC Medical Center 400.

Once the space problem was solved, the patients had to be provided transportation. "We have beds available," St. Denis reported early Tuesday, "but we can't get people to them."

However, this problem was solved after buses were dispatched from the Los Angeles County Sheriff's Department, County-USC Medical Center and the Rapid Transit District.

Teams of physicians were sent to the site at San Fernando Veterans Hospital from as far away as Harbor General Hospital after the call went out for help on the HEAR network. Harbor General also sent its paramedic mobile intensive care unit.

[From the Los Angeles Times, Feb. 10, 1971]

The Great Earthquake of 1971

In 1769, when Capt. Gaspar de Portola was leading his men north to Monterey in their colonizing expedition, they felt a sharp earthquake as they crossed the Santa Ana River.

It lasted, wrote Fr. Juan Crespi, "about half as long as an Ave Maria, and about 10 minutes later it was repeated, though not violently." The men named the Santa Ana the Rio de los Temblores, the river of quakes. Shocks continued until the party reached the Los Angeles River.

Thus those early explorers learned what all Southern Californians know, that beneath the mild and even climate there lurks nature's capacity for sudden, unpredictable and sometimes overwhelming violence.

We suppose everyone is both thankful the earthquake of Tuesday morning was not worse than it was, and sobered by the heavy loss of life, and the injuries, which it occasioned. Those several millions of us who escaped with nothing more serious than damage to property or a shaking up are a little more aware this morning than we were before 6 a.m. yesterday of the actions of chance in our lives.

Beyond that, we, like everyone else, have only to offer an almost random collection of thoughts, or observations, some serious, some gratifying, about the worst earthquake in Los Angeles in many years.

It is especially appalling and poignant that destruction and loss of life were so severe in two hospitals, the Veterans Administration Hospital and the county's Olive View Hospital, both in Sylmar near the epicenter of the quake.

Perhaps, as one man said, "it was like a bombshell scoring a direct hit," and the strength of the building would not have made any difference.

But you naturally ask whether all reasonable precautions were taken in the planning and building of those hospitals, part of which now lie toppled like playthings.

The same question arises about the freeway overpasses which fell, and the Van Norman Dam. If the hospitals and the overpasses and the dams met all appropriate codes, are the codes stringent enough? The inevitable investigations will tell.

There is scarcely such a thing as an earthquake-proof structure, if the earthquake is severe enough. We all take certain risks by living here. But there are reasonable precautions to be taken, and standards to be set.

One precaution taken with foresight was Los Angeles County's medical disaster planning. With its new short-wave radio network, the Hospital Council of Southern California was able to rush ambulances and supplies to the San Fernando Valley.

Indeed, policemen, firemen and rescue workers of all sorts rose to the occasion. And so, in a common cause, did the citizens. Whether they just had stories to tell, or grave problems to cope with, they showed more courtesy, generosity and good will than we have seen around this town for quite a while.

[From the American Medical News, Mar. 8, 1971]

Mississippi M.D.'s Mobilize Tornado Assistance

Victims of Mississippi's worst tornadoes in more than 30 years received immediate aid through an elaborate statewide radio medical network and the helping hand of physicians and the state medical association. Portions of Louisiana and Tennessee also were hit by storms Feb. 21.

The federally-funded communications network was set up approximately 14 months ago by the Mississippi Hospital Assn. in conjunction with a helicopter ambulance project. Eighty-two of the state's 114 hospitals are linked to the network, 20 as regional communication centers and the remainder on an area-wide basis. Those on regional frequencies are licensed by the hospital association. Hospitals on area frequencies secure their own licenses.

The network was activated almost immediately after tornadoes struck the Mississippi Delta area. King's Daughters Hospital in Yazoo City, 30 miles south of the hardest-hit area, was established as the communications center.

From Yazoo City, constant communications were maintained with the hospital association in Jackson and with hospital officials in Rolling Fork, the center of the disaster area.

Through the radio network, ambulances were routed to and from disaster scenes. Information was furnished to state civil defense and Red Cross workers.

Shortly after tornadoes hit, the Mississippi State Medical Assn. notified the hospital association of its willingness to furnish teams of physicians where needed. The radio network helped direct the flow of doctors and nurses from Vicksburg and Jackson to disaster sites.

Three helicopters were used in rescue operations. The majority of injured were transported to hospitals in Jackson and other sites by school buses and private transportation.

Although the supply of physicians were adequate, the Coast Counties Medical Society, formed by physicians on the Gulf Coast, offered to send teams of physicians, supplies, and drugs to areas needing aid.

One hundred one people were reported dead in Mississippi and 650 injured. Heavy damage resulted in the primary tornado belt, located in the Mississippi Delta area east of the Mississippi River from Natchez to Clarksdale.

Inverness and Cary were virtually destroyed by the storms. Death tolls were also high in Rolling Fork and Delta City.

An official of the National Medical Assn. meanwhile charged the American Red Cross with discriminatory practices in handling disaster aid. Andrew Thomas, MD, Chicago, said the Red Cross and Civil Defense provided services to a white section of Inverness, but little or no help in nearby black rural communities. The Red Cross denied the charge, saying that lack of communications and facilities prevented them from learning of some locations hit by tornadoes.

[From the American Medical News, Mar. 8, 1971]

Disaster Planning

Tornadoes in Mississippi (story, page 3) and the earthquake in Los Angeles (AMN, Feb. 22, 1971) illustrate again the awesome power of nature. The two disasters also demonstrate the important role played by the medical community at such times.

Man is powerless to prevent natural disasters, but he can be prepared to deal with the aftermath. In both the earthquakes and the tornadoes, the responses of physicians, allied health personnel, and hospitals was in the finest tradition of medicine.

Their response was facilitated by radio communication networks which made it possible to assess the damage and swiftly arrange for the needed personnel and supplies to be sent where they were most needed. Almost all areas now have such medical plans for coping with disasters—under the aegis of the medical society, hospital groups, and civil defense units. Many hold realistic drills; in fact, the Los Angeles hospital radio network had conducted a mass 300-casualty mockup drill less than a year ago. The "disaster" at that time, ironically, was an "earthquake" centered on a local junior high school.

In communities all over the country, similar drills have been held. Physicians and others have spent countless hours making detailed plans for coping with disaster. Fortunately, few of these plans ever are needed to cope with actual emergencies. However, when the need arises, their value is incalculable, as the Mississippi and Los Angeles tragedies have shown. These events are a dramatic illustration of the value of all those involved in disaster preparedness activities that their time and effort is not being spent in vain.

OUR DEBT TO GREECE

Mr. McINTYRE. Mr. President, March 25 marks the 150th anniversary of Greek independence from four centuries of oppressive rule under the Ottoman Turks.

This is the anniversary of the day when a small band of patriots, led by Upsilanti, struck the first blow for Greek liberty and launched a struggle, on land and on sea, that persisted for the next 7 years.

The vigor and determination of that struggle for independence was founded on that great love of freedom and liberty and democracy which Greece bequeathed to our own young Nation.

The ties between our countries date back many generations, Mr. President.

James Monroe recognized those ties when he spelled out the famous Monroe Doctrine in 1823, for in that historic message to the Congress he paid tribute to the Greek heritage that was the foundation stone of our young democracy.

President Monroe expressed his belief that the Greek nation deserved its independence from the Ottoman Empire and was supported, a few days later, by a famous figure from my own State of New Hampshire.

It was Daniel Webster who rose on the floor of the House of Representatives and in his customary eloquence acknowledged America's ideological debt to Greece and asked that a minister be sent to that struggling nation.

But Greek contributions to our own Nation include more than the ideological, Mr. President.

From the first recorded Greek immigrant to our shores, in 1848, the people of that nation have become an integral, contributing, part of this Nation.

Those contributions span a spectrum that reaches all the way from the Greek architecture of the Lincoln Memorial, to the music of Mitropooulous, to the medical contributions of Papanicolau, to the literature of Zachos, to that delightful concoction of Greek descent, the ice cream cone.

Mr. President, it is, indeed, true that there is no domain of American life where the Greeks have not been active and to which they have not brought some contribution.

Our Nation owes so much to all Greeks that on this memorable occasion it behooves all of us to offer our thanks and our good wishes.

COMPARATIVE INFORMATION ON THE FREE WORLD AIR TRANSPORTATION SYSTEM

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement containing comparative information on the free world air transportation system.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPARATIVE INFORMATION ON THE FREE WORLD AIR TRANSPORTATION SYSTEM

TOTAL FREE WORLD AIRCRAFT FLEET [1]

Approximately 80 percent of the aircraft in the free world air transportation system operated by airlines using turbojet aircraft were manufactured in the United States.

FOREIGN COMMERCIAL AIRCRAFT FLEET [1]

The foreign commercial aircraft fleet utilizes approximately 2100 United States manufactured aircraft. This is about 68 percent of the foreign commercial aircraft fleet. Twenty-four percent of the 2100 U. S. manufactured aircraft are 4-engine turbojets.

EXPOSURE [2]

During the past five years the foreign air carrier fleet has flown an average of 5,220,000 hours annually, carried 103,400,000 passengers annually, and flown 66,779,609,400 passenger-miles annually. The significance of this is highlighted by the following comparison based on the above figures.

Of the free world air carrier fleet, foreign air carrier operators account for: 51.6 percent of the hours flown; 44.5 percent of the passengers carried; and 39.6 percent of the passenger-miles flown.

Foreign Commercial Aircraft Fleet,[1] U.S. and foreign manufactured aircraft in use, on order and on option

Aircraft in use:	
United States manufactured aircraft	2,901
Foreign manufactured aircraft	987
Total aircraft in use	3,078
Aircraft on order:	
United States manufactured aircraft	268
Foreign manufactured aircraft	100
Total aircraft on order	368
Aircraft on option:	
United States manufactured aircraft	98
Foreign manufactured aircraft	82
Total aircraft on option	180
Aircraft in use, on order, on option:	
United States manufactured aircraft	2,457
Foreign manufactured aircraft	1,169
Total aircraft in use, on order, on option	3,626

UNITED STATES AND FOREIGN COMMERCIAL AIRCRAFT FLEETS[1]—AIRCRAFT IN SERVICE, BY MANUFACTURER

Manufacturer	Aircraft in service by commercial aircraft fleets		
	United States	Foreign	Grand tota
United States:			
Boeing	1,319	491	1,810
Douglas	709	1,075	1,784
Convair	358	131	489
Lockheed	105	40	145
All other	171	354	525
Subtotal	2,662	2,091	4,753
Foreign	159	987	1,146
Grand total	2,821	3,078	5,899

[1] Source: Commercial Aircraft Fleets, Jet Equipped Airlines of the Free World, Lockheed/Georgia Company. (June, 1970) A carrier must have a turbojet powered airplane in service or on order to be included in this report.

Explanatory notes relating to fatal accidents, fatalities, rates the U.S. and foreign scheduled airlines

This table shows the number of fatal accidents occurring in United States scheduled passenger service compared with those occurring in foreign scheduled passenger service. A similar comparison is also shown for passenger fatalities, passenger-miles flown, and the passenger fatality rate per 100 million passenger miles flown.

In 1969, U.S. scheduled passenger operations recorded 61 percent of the passenger-miles flown, yet accounted for only 22 percent of the fatal accidents and only 12 percent of the passenger fatalities. The passenger fatality rate for these U.S. Carriers is about one-twelfth that of the foreign carriers.

During the ten year period 1960–1969 the United States fatal accidents totaled 75, while the foreign fatal accidents totaled 223. These 75 United States fatal accidents accounted for 25 percent of the fatal accidents in the free world air carrier fleet.

These comparisons of fatal accidents do not reflect a relationship between United States and foreign manufactured aircraft, however, they do provide comparative information on the air carrier fleets when viewed in conjunction with the other data provided.

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[1] Source—Commercial Aircraft Fleets, Jet Equipped Airlines of the Free World, Lockheed/Georgia Company. (June, 1970).

[1] Source—Commercial Aircraft Fleets, Jet Equipped Airlines of the Free World, Lockheed/Georgia Company (June, 1970). A carrier must have a turbojet powered airplane in service or on order to be included in this report.

A carrier must have a turbojet powered airplane in service or on order to be included in this report.

[2] Source: ICAO Reports. Prepared By Bureau of Aviation Safety, February 19, 1971.

FATAL ACCIDENTS, FATALITIES, RATES: THE UNITED STATES AND FOREIGN SCHEDULED AIRLINES[1] SCHEDULED PASSENGER SERVICE, 1960–69

	Fatal accidents		Passenger fatalities		Passenger miles flown		Passenger fatality rate per 100,000,000 passenger miles	
	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign
Year:								
1960	12	21	336	537	40,484,908,000	27,015,092,000	0.76	1.99
1961	5	20	124	681	41,701,560,000	30,798,440 000	.30	2.21
1962	5	23	158	607	45,853,343,000	34,646,657,000	.26	1.75
1963	5	26	121	594	52,703,333,000	38,796,667,000	.23	1.53
1964	9	16	200	461	61,022,488,000	44,977,512,000	.26	1.02
1965	7	18	226	458	71,796,399,000	51,203,601,000	.32	.89
1966	4	28	59	942	83,142,197,000	58,857,803,000	.07	1.60
1967	8	22	226	452	103,381,996,000	66,118,004,000	.22	.68
1968	13	24	305	694	119,612,578,000	72,887,422,000	.26	.95
1969[2]	7	25	132	991	132,168,783,000	84,831,217,000	.10	1.17

[1] United States—Certificated Route Air Carriers. Foreign—Schedules Airlines of ICAO Contracting States Major Exclusions—U.S.S.R., Peoples Republic of China.

[2] Foreign data preliminary.

Source: United States—National Transportation Safety Board World Scheduled Airlines—ICAO.

AIRCRAFT HOURS FLOWN, PASSENGERS CARRIED—THE UNITED STATES AND FOREIGN SCHEDULED AIRLINES, 1960–69

Year	Aircraft hours flown		Passengers carried	
	United States [1]	Foreign [2]	United States	Foreign [2]
1960	4,100,000	4,500,000	58,000,000	48,000,000
1961	3,700,000	4,300,000	58,000,000	53,000,000
1962	3,500,000	4,200,000	63,000,000	58,000,000
1963	3,600,000	4,300,000	71,000,000	64,000,000
1964	3,800,000	4,400,000	82,000,000	73,000,000
1965	4,100,000	4,300,000	95,000,000	82,000,000
1966	4,200,000	5,100,000	109,000,000	91,000,000
1967	4,900,000	5,100,000	132,000,000	102,000,000
1968	5,500,000	5,600,000	150,000,000	112,000,000
1969 [3]	5,800,000	6,000,000	159,000,000	130,000,000

[1] Aircraft hours flown by certified route air carriers in all scheduled service.

[2] Foreign: Scheduled airlines of ICAO contracting states major exclusions—U.S.S.R., Peoples Republic of China.

[3] Foreign data preliminary.

Source: United States–National Transportation Safety Board, Foreign scheduled airlines—ICAO.

STATE REGISTRATION AND ELECTION LAWS

Mr. BAYH. Mr. President, for many years civic-minded citizens have been concerned about the sometimes appalling turnout at the polls in National, State and local elections. It is a well-known fact that the voting records of many American citizens compare quite unfavorably with those demonstrated in certain other countries.

At least in some cases current election laws and practices work to discourage or inhibit well-intentioned persons who normally would be qualified to vote, but who for one reason or another find themselves legally barred from participating in an election or who believe, whether rightly or wrongly, that the system is so structured as to make their participation meaningless or ineffective. If our Government is to function in accordance with those basic principles of democracy in which we all firmly believe, it is imperative that laws, ordinances and regulations controlling elections not operate in such a way as to deter electors from exercising their right of suffrage.

An article written recently by Al Barkan entitled, "Voting Laws: A Promising Climate," points out some of the major obstacles to better voting participation and makes certain suggestions which might help to remedy these problems. In view of its timeliness and general value, I ask unanimous consent that this short article, published in the February 1971, issue of the Federationist, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOTING LAWS: A PROMISING CLIMATE

(By Al Barkan)

Coping with America's current voter registration laws is a lot like treading water—you make very limited progress and if you've got a long swim ahead of you, it's no way to cover the distance.

There isn't much to recommend the present registration and voting laws, which are so vital to the electoral process in the United States. We have thousands of state and local fiefdoms, each with its different set of rules controlling access to the voting booth. There is no uniformity among them, and too few laws in any state or community actually encourage maximum registration and voter turnout.

In terms of voting performance, we are indeed treading water—and we have a long way to swim. For example, the labor movement recently came through a hard political campaign. The basis of any such campaign is registration and getting out the vote of our members. COPE's register-and-vote effort involves sizable expenditures in money as well as hundreds of thousands of man-hours.

In 26 states that reported results of a special voter identification program, 69 percent of our members were registered, a slightly higher percentage than among the public at large and a gain over previous non-presidential election years. Many were registered by COPE's efforts. Many already had registered. Many were repeaters, members who had moved and had to be registered at their new address or who for other reasons had been dropped from registration rolls.

So even after a gruelling registration campaign, 31 percent of our members still were not eligible to vote by the time the election rolled around. And on election day, slightly less than 50 percent of all union members cast ballots, while only 46.4 percent of all eligible voters turned out. (We believe that since a higher percentage of union members register, then a slightly higher percentage of them vote.)

The labor movement is justly proud of its role in registration and voting. No other group, including the major parties, does as much to get citizens to participate in the democratic process, and we do manage to make some progress.

While any progress is an achievement in a field so loaded with hurdles, we know that massive breakthroughs will come only when the archaic, unfair election laws of most states and communities have been swept away.

Of course, no matter how convenient registration and voting might be made, some citizens simply won't trouble themselves to go to the polls on election day. Some will always "go fishing." However, let us also recognize that the hodge-podge of restrictive state and local election laws prevents millions of Americans from voting.

The labor movement has fought for years for modern, rational election laws. Today, there are reasons to hope this long struggle will be successful and that, as in other areas of American life, the winds of change are blowing.

Taking the long view, significant gains have been made over the past decade in expanding the electorate and equalizing voting strength, beginning with the U.S. Supreme Court's one-man, one-vote rulings of the early 1960s and carrying through to the Voting Rights Act of 1965 and its extension last year. The one-man, one-vote decisions finally give city and suburban voters parity with rural voters. The Voting Rights Act greatly increased participation of black and other minority group voters—already, it has helped bring an encouraging increase in the number of elected officials from minority groups.

And now, the Supreme Court in recent rulings has substantially broadened the potential electorate. Millions of young Americans became eligible to vote as a result of the court's 5–4 ruling in December that Congress did not transgress the Constitution when it passed a law allowing 18-year-olds to vote in elections for federal offices—the Presidency, the U.S. House of Representatives and the U.S. Senate.

With this one decision, the Supreme Court increased the number of eligible voters by more than 8 percent. More than 11 million Americans of ages 18, 19 and 20 are now potential voters in this year's special congressional elections and in all federal elections next year.

Or equal significance with the 18-year-old vote was an 8–1 Supreme Court decision upholding a section of the Voting Rights Act that prohibits a state from requiring more than 30 days residency to vote for President. The immediate effect of this is to add more than 5 million voters to the potential presidential turnout in 1972.

Because of the court decisions, the opportunities are present for adding millions of voters to the rolls in federal elections. Nearly 17 million more Americans will be potential voters in 1972, many of them members of unions. They represent a rich trove for political aspirants and a challenge to labor's political action and political education programs.

While the Supreme Court launched a process that increased the electorate, in the next breath it introduced new complications into the already complex area of election law. The 5–4 vote that decreed 18-year-olds eligible to vote in federal elections shifted to a second 5–4 decision that said Congress had gone too far when it said 18-year-olds may also vote in state and local elections.

This second Supreme Court decision could result in pandemonium at the polls. With persons under 21 eligible to vote in one election but not in another, registrars would have to keep dual sets of books and voters under 21 would have to be given a separate ballot or shuttled to a different voting machine, one with the state elections blacked out.

Hopefully, many states will act on their own to open their state and local elections to 18-year-olds, if only to avoid the chaos of dual systems. Several states already allow 18-year-olds to vote and many more already are tackling the job of revising their state laws. Action on the constitutional amendment necessary to give 18-year-olds the vote nationwide is already getting a strong push in Congress.

But if those things aren't done, if we go into 1972 with the Pandora's box of conflicting laws left open, the ingenuity of election officials will certainly be taxed. The problems are not insurmountable, but dual systems would be extremely costly—one large state estimated the cost of dual registration books and voting booths at $5 million.

The opportunity, of course, far outweighs the tribulations. The simple justice of the vote for 18-year-olds is unarguable—if we can send young Americans to college, into the work force or to war, we must also send, or at least invite them, into the voting booth. But it would be far better to do it rationally, in all elections, rather than face the chaos of a separate and unequal franchise for those under 21. At present, only eight states permit voting by persons under 21. Alaska, Georgia and Kentucky allow 18-year-olds to vote. Massachusetts and Minnesota have approved the vote for 19-year-olds and Hawaii, Maine and Nebraska for 20-year-olds. All other states have a minimum voting age of 21—or had, before the Supreme Court decision on federal elections.

The importance of the congressional actions and Supreme Court decisions goes far beyond mere numbers of new voters and the mechanics of the 1972 balloting. The recent developments suggest a new climate of opinion more hospitable not only to broadening the electorate, but also to uniform national registration and voting laws that would bring order to the jungle of present laws. A large part of this new decision is that the Supreme Court has clearly defined jurisdiction over voting laws. The court has drawn sharp lines on who has jurisdiction over which election laws—an authority which before was vaguely presumed to rest totally in the hands of the states. This should encourage Congress to act and only such action will enable the recent developments to reach their full potential.

For despite these encouraging gains, the heart of the problem of low voter turnout remains—and will remain until the process of citizen registering and voting is made easier and more manageable. Until that is done the labor movement's monumental efforts to register its members and get them to the polls will continue to represent a holding action, with every increase bearing a high cost in money and manpower.

For example, as long as an election board can limit time of registration to regular business hours and to only one, or a few, central locations, numbers of our members and other citizens will simply not undergo the inconvenience it takes to register and thus will be ineligible to vote. Registration has always proved the key to voting performance: In presidential elections more than 80 percent of registered voters turn out and cast their ballots, so if registration complications can be stripped away, people will vote. Even in the "off-year" elections of 1970, our best estimates are that 72 percent of the union members who were registered did turn out to vote.

Many citizens and commissions have proposed liberalized registration and voting laws, ranging from a door-to-door canvass by authorized persons to enroll all eligible citizens on the spot, at their homes, or declaring election day a national holiday to ensure everyone the opportunity to vote.

The AFL–CIO subscribes to many recommendations in the field of election law. The AFL–CIO Executive Council is on record for "immediate reform" of state and local laws, including "truly permanent, personal registration so that a citizen once registered, remains registered." The council has urged state AFL–CIO bodies to "work for longterm, grass-roots registration through precinct, neighborhood or mobile registration procedures." The council cited the example of Idaho, where house-to-house canvasses already are authorized and the voting reflects it, with Idaho getting 91.4 percent of its eligible voters registered in 1968. Now Sen. Daniel K. Inouye (D-Hawaii) has introduced legislation which would make this a national law.

Even Idaho imposes some odd restrictions on voting, including prohibitions against bigamists, polygamists and "persons who frequent houses of ill fame."

In seven states, a loyalty oath or some certification of good citizenship is a requirement for voting. In Mississippi, Nevada, South Carolina. Texas and Virginia, people who have taken part in a duel may not vote and in Connecticut "bad moral character" can bar you.

But these are the bizarre notes in election laws. More substantial and more effective in limiting voter participation are the regulations that make registration difficult for the broad mass of Americans who have never fought a single duel and do not have "bad moral character"—such as the rules that purge citizens from the registration rolls and force re-registration.

And it is still true in too many places that after all the obstacles have been overcome and the voter is registered, it must all be done over again at a later date. You may still live in the same place, hold the same job and be even more a part of the community, but for varying reasons in many places, you must recapture your right to vote by reregistering for a future election.

Colorado cancels a voter's registration for failure to vote at least once in any one-year period. California cancels a voter for failure to vote in the previous general election. Access to registration, too, differs from locality to locality and from state to state. In some, the number of days, hours and locations available are absurdly few, while in others real efforts are made to bring registration into the neighborhoods.

Following are some of the key steps required to eliminate the major obstacles:

Elimination of any residency requirements for presidential and vice-presidential voting. This would have to account for those who change addresses within the present 30-day limitation—by providing for some means for voting from their new address or an absentee ballot from their previous address.

A closing date for registration much nearer to election day than most laws now provide, the date to be determined by the minimum amount of time needed to process new registrations and transfers.

Laws that provide door-to-door registration and total canvassing of residences with the government carrying the primary responsibility for accomplishing them.

Total elimination of literacy tests and of state laws that bar from voting such groups as Indians or those living on federal lands.

Permanent registration and a simplified means, possibly by mail, of transferring or recording a change of name and change of address.

Lowering of the voting age for all elections to 18.

Creation of a national election commission and state election commissions where there are none, to supervise enrollment and to maintain complete and accurate records of all election returns as well as all laws pertaining to election jurisdiction.

Requiring local election commissions or agencies to keep up-to-date records of registered voters within their geographic area and a master alphabetical list as well as precinct lists, with these records available to organizations that are recognized as having a legitimate interest in them. These records should be regarded as public information, except for use for tax assessments or jury lists.

Equipping polling places with the facilities needed to eliminate long waiting periods and keeping polling places open throughout the day until at least 9 p.m.

Election and registration commissions should be required to furnish to interested parties precinct maps, locators, materials and other devices that are used in the determination of registration status. These should be furnished free or for a fee not exceeding actual cost.

Undoubtedly, other recommendations will be made to ease the path to the voting booth, but those steps represent a minimum need in increasing participation of the electorate. The whole point is to change our laws to encourage maximum citizen participation. Present laws are designed to exclude, to make difficult what should be made easy. This contrasts with the voting laws of most western nations, which take the responsibility for increasing voter participation.

Until Congress acts to establish national election laws, it is our hope that state AFL–CIO bodies and community labor organizations will step up the pace of their own efforts toward updating registration and voting laws within their areas.

We believe the people of this nation want better, fairer election laws. We believe the nation needs them if democracy is to flourish. We believe the time is ripe and that one day soon we will win through.

HERBICIDES AND THE GENEVA PROTOCOL

Mr. MONDALE. Mr. President, the Committee on Foreign Relations is now considering the Geneva Protocol to ban chemical and biological warfare.

The issue of those hearings comes down essentially to one question: Should the Senate ratify this protocol, as the administration asks, without a specific prohibition on the use of herbicides?

By every measure of decency and realism, I believe the answer must be unequivocal. Herbicides must be included in our understanding of the weapons banned.

The distinguished Senator from Wisconsin (Mr. NELSON) has long fought for such decency and realism on this question. As his testimony on March 18 showed so forcefully, to exclude herbicides would make a sham of any pledge to outlaw chemical warfare.

We are not only dealing here with some hypothetical horror of the future—cities ravaged by a plague or the unleashing of deadly gases in the madness of a world war.

The horrors of chemical warfare are here and now in the ravaged ecology of Vietnam, if only we have the courage to face the facts.

And it will take courage. For those horrors are there because we have made them.

I ask unanimous consent that Senator NELSON's wise testimony before the Foreign Relations Committee be entered at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HERBICIDES AND THE GENEVA PROTOCOL

Nine years ago the United States began a new chapter in the annals of war by adding chemical herbicides to our arsenal of weapons in Vietnam.

At first these chemicals were used on a modest scale to destroy vegetation in which the enemy hid, particularly along roads. As U.S. participation in the war mounted, our use of herbicides grew rapidly. Vast forest regions were sprayed from the air to deny cover to the enemy. The program was extended to food crops said to be for use by enemy troops.

Last December, a special commission sent to Vietnam by the American Association for the Advancement of Science, made public a preliminary report on the extent of the program and the damage done. Among the findings of this Herbicide Assessment commission were these:

Over the past nine years, approximately one-seventh of the land area of South Vietnam had been sprayed with chemical herbicides for purposes of defoliation and crop destruction. This is an area the size of Massachusetts.

Southwest of Saigon and along much of the coast of the Delta lie dense mangrove forests, covering about 3000 square kilometers. Probably half of these forests were sprayed. In areas checked from the air and on the ground essentially all vegetation was killed and there had been little regrowth of mangrove trees after more than three years. Such areas could no longer support most bird and animal life normally found there.

Approximately one-fifth of South Vietnam's marketable hardwood forests had been sprayed. A Commission summary said: "Aerial inspection of forests in a wide arc north of Saigon extending from the Cambodian frontier in the west to the South China Sea on the east showed more than half of the forest to be very severely damaged. Over large areas, most of the trees appeared dead and bamboo had spread over the ground." The Commission warned that this worthless bamboo could be expensive to eradicate and could retard the reestablishment of hardwood trees.

The Commission said 2,000 square kilometers of land in South Vietnam had been sprayed to destroy food crops. It estimated that this entailed the destruction of enough food to feed about 600,000 persons for a year. "Our observations in Vietnam," the Commission said, "lead us to believe that precautions to avoid destroying the crops of indigenous civilian populations have been a failure and that nearly all of the food destroyed would actually have been consumed by such populations." The group said that though the food destroyed amounted to less than two percent of the national crop in any one year, the spraying had been concentrated in the food-scarce Central Highlands, the home of Montagnard tribesmen. "We believe," the Commission said, "the anti-crop program may have had a profound impact on a large fraction of the total Montagnard population of South Vietnam and we believe this to be a point for urgent consideration."

We undertook this unprecedented herbicidal warfare without knowing what the long range consequences would be. We still know little about the extent of food contamination or the effects on South Vietnamese health. The Commission collected samples of shrimp, fish, human milk and various foods to check them for contamination. At last report it was still in the process of developing methods of analysis. It noted an increase in the stillbirth rate at Tay Ninh City Provincial Hospital, located in an area of defoliation. But it said that without further study in both defoliated and nondefoliated areas the significance could not be assessed.

The herbicide program was conducted with utter disregard for the possible-long-range effects on the ecology of Southeast Asia—effects such as "laterization," or irreversible hardening of soil no longer protected from sun; the poisoning of aquatic life by runoff into the waterways; the elimination of species of animals; or the replacement of one kind of vegetation by another. We still do not know what the extent of the ecological damage will be.

From the beginning of the program up to the latter part of last year, the United States sprayed more than 100 million pounds of herbicide on Vietnam. Since the population of South Vietnam is about 18 million, our use of herbicides amounted to about 6 pounds for every man, woman and child in that country.

The program reached a peak in 1967, when 1,486,446 acres were sprayed for defoliation and 221,312 acres for crop destruction. In April, 1970, after evidence came to light that 2,4,5-T, widely used as a commercial herbicide in the United States, caused birth defects in test animals, the Defense Department halted use in Vietnam of compound Orange, which contained 2,4,5-T. By August, 1970, the Vietnam herbicide program had been cut back to a quarter of its peak size.

Now the program is being ended. On Dec. 26, 1970, the White House announced plans for "an orderly, yet rapid phase-out of the herbicide operations." During this phase-out it said, the use of herbicides in Vietnam "will be restricted to perimeter of fire bases and U.S. installations or remote, unpopulated areas." Since then, the use of herbicides for crop destruction has been ended. No date for ending the remaining program was given. There have been reports that officials planned to terminate it this spring or summer, but this has not been stated formally.

Our own use of herbicides in Vietnam appears to be ending. But what have we begun? Will other nations in future wage environmental warfare? And if so, what will be the consequences to the planet on which we live?

To begin with, it is possible that the South Vietnamese armed forces will continue at least some military uses of herbicides. On Jan. 26, 1971, as part of replies to a series of questions, the Department of Defense wrote my office that: "We do not know what plans the GVN may have for the future military use of herbicides."

Furthermore, if the United States is going to insist on the right to use this weapon, other countries will follow our lead, and we will see a worldwide proliferation of herbicides as a weapon. Japan recently ratified the protocol, adopting no formal reservation on the subject of herbicides, but agreeing with the U.S. interpretation in a statement made by the Japanese government in the Diet.

Compared with other weapons, herbicides are cheap. Those used for military purposes are made of the same chemicals manufactured as commercial herbicides. These can be purchased on the open market in a number of countries, including the United States, France, Italy, West Germany, Britain, the Soviet Union, Poland and Czechoslovakia. Spray tanks can be purchased in a number of countries and can be installed in many kinds of aircraft.

With a modest investment, any developing country, say in Asia, Africa or Latin America, could wage environmental war on its neighbor. It could destroy a food supply and bring starvation. It could pollute fishing grounds. It could destroy cash crops on which a country's economy depended. The world-wide environmental consequences of this kind of warfare could be disastrous. The life cycles of nature could be disrupted on a vast scale. Continents could be devastated and oceans polluted.

For all these reasons, environmental war should be expressly outlawed under international law.

One way to accomplish this would be to seek a new international treaty on the subject. But that would take time. A quicker way would be to work for general acceptance among nations of the premise that the Geneva Protocol of 1925, which bans gas and biological warfare, also outlaws military use of herbicides.

To bring this about, the first thing we must do is ratify the protocol. The protocol prohibits use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices," and also prohibits "the use of bacteriological methods of warfare." It does not ban production of such weapons. It was signed at Geneva on June 17, 1925. The United States had proposed it and was one of the signatories. But it was never ratified by the U.S. Senate. More than 90 other countries have ratified it, including all of NATO except the United States, all of the Warsaw Pact including the Soviet Union, plus Japan, both Chinas, Israel and the United Arab Republic. President Nixon, to his credit, has placed it again before the Senate for advice and consent. It deserves prompt approval.

The second thing we must do is change the present official U.S. interpretation of the protocol with respect to herbicides. A letter by Secretary of State William P. Rogers, dated Aug. 11, 1970, which accompanied the protocol to the Senate states: "It is the United States understanding of the Protocol that it does not prohobit the use in war of riot-control agents and chemical herbicides. Smoke, flame and napalm are also not covered by the Protocol."

When that letter was written, the United States was still in the midst of its herbicide program in Vietnam. The administration hardly wanted the protocol to go to the Senate with the intepretation that it banned this program. But now that we are phasing out the herbicide program by spring we have nothing to lose by taking the position that herbicides are banned by the protocol.

To this end, I reintroduced in the Senate on Jan. 29 Understanding No. 1 on the Executive Calendar. It would express the view of the Senate that the protocol outlaws military use of herbicides. It says:

"At the end of the resolution of ratification, insert the following: 'It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the protocol, that the terms of the protocol prohibit the use in war of chemical herbicides.' "

The protocol does not explicity mention herbicides. It speaks of "other gases" and "all analogous liquids, materials or devices." Though herbicides may have been known in 1925, they had not been used in war.

A great majority of the world's governments have said they think herbicides are outlawed by the protocol. On Dec. 16, 1969, the United Nations General Assembly adopted a resolution which said that "any chemical agents of warfare" which "might be employed because of their direct toxic effects on man, animals or plants" were outlawed by generally recognized rules of international law embodied in the protocol. It was passed 80 to 3 with 36 abstentions. Only Australia and Portugal voted with the United States in opposition. The abstentions included most of our NATO allies and Japan. But the debate did not indicate that they wanted the right themselves to use herbicides in war. Canada gave as one of its reasons for abstention the following: "It would in our view, be an undesirable complication to seek to intepret the protocol, to which the widest possible adherence is being sought, at the very moment when a major power known not to agree with that interpretation has expressed its intention to ratify the Geneva protocol."

Now that we are ending our use of herbicides in Vietnam, what could we possibly have to lose by a world-wide understanding that such warfare is banned? How could we be disadvantaged? We certainly don't need herbicides to defend the United States.

Last August Sen. Charles Goodell and I introduced two amendments on herbicides to the Military Authorization Bill. One of these, Amendment No. 784, would have ended military use and procurement of herbicides by the United States It was defeated 62–22. The Second, Amendment No. 863, would have banned the U.S. crop destruction program. It was defeated 48–33 During that debate, the argument used in behalf of the Defense Department was that the herbicide program was saving American lives. This argument could also be used for employing mustard gas or nuclear weapons in Vietnam. At any rate, it is not a relevant argument now that the herbicide program is being phased out.

Quite obviously, at the time of the August debate, the U.S. armed forces were in the process of rapidly reducing their use of herbicides in Vietnam with the intention of announcing an early termination. Yet the Defense Department did not make clear this intention at the time of the debate and permitted its supporters on the Senate floor to continue to make the old arguments. The Defense Department was aware in August of information on the danger of herbicides. We outlined this information in the Senate from earlier scientific studies.

Achieving clear international law outlawing military use of herbicides would be a step forward in the field of arms control. It may take many, many years to outlaw nuclear weapons, but we can ban this weapon now.

Technically, the Senate's understanding would not bind the administration, but in all probability it would become the official U.S. position. Even this would not bind other parties to the protocol but would merely state our own position. But this would be a big step toward achieving world-wide acceptance of the interpretation outlawing herbicides. Almost no one would be left to argue otherwise.

One proposal being made is that the Senate should not ratify the Geneva Protocol unless the Administration abandons its interpretation regarding herbicides. In my opinion further delay in ratifying the treaty would be a serious tragedy. The momentum which President Nixon has started to get the protocol ratified would be lost. The executive branch might never change its interpretation, and we might never get back to ratifying the protocol. Disarmament talks are now going on at Geneva at which proposals are being discussed to build on the protocol and go beyond it. One of these is a British draft treaty to outlaw research, production and stockpiling of biological weapons. President Nixon on Dec. 1, 1970, endorsed the British proposal. The preamble of the British draft treaty specifically refers to the Geneva Protocol as the foundation on which it builds.

Both at the Geneva disarmament talks (the 26-nation Conference of the Committee on Disarmament) and at the United Nations, a number of countries have expressed the view that world-wide adoption of the Geneva protocol is a necessary step if there is to be further progress on arms control in this field. Statements to this effect have been made by India, Mongolia, the Netherlands, Nigeria, Pakistan, Poland and Sweden. The United Kingdom and Canada have also urged widest possible adoption of the protocol. In the light of all this, the ratification of the protocol by the United States at this time is clearly in our interest.

Another proposal before this committee is that of the Secretary of State. Under this approach the Senate would ratify the protocol with the Secretary of State's interpretation on the record. Secretary Rogers has made clear that this interpretation would not be a formal reservation to the treaty, and that the United States will not formally circulate it among other Governments which are parties to the protocol. But it remains the official interpretation of the administration. It is very explicit: "It is the United States understanding of the Protocol that it does not prohibit the use in war of riot-control agents and chemical herbicides. Smoke, flame and napalm are also not covered by the Protocol" This interpretation is at odds with that of most of the rest of the world. It would tend to erode the protocol.

One possible compromise would be to ratify the protocol with *no* U.S. interpretation stated on the record. The Administration could withdraw its interpretation. The Foreign Relations Committee and the Senate could adopt language to the effect that the questions of interpretation remain open. Then these questions of interpretation could be settled, as Secretary Rogers has suggested, by international negotiation, or as others have suggested, by the International Court of Justice.

But as matters now stand, if the case went to the International Court of Justice for an advisory opinion, the United States position, which presumably this country would argue to the court, would be that expressed by Secretary Rogers. This position should be changed. The best way to do it is by Senate adoption of Understanding No. 1.

In conclusion, a large part of our difficulty here is the fact that the Administration refuses to really face up to the problem. The problem is that we used herbicides in Vietnam on a vast scale. At first little technical information was available on the possible environmental and health consequences of our actions. Now all the scientific evidence indicates that this is a bad weapon; we should not have used it; it should be banned worldwide.

But instead of facing up to this, the Administration goes into contortions. It no doubt knew last August, at the time of the herbicide debates in the Senate, that it would be phasing out the program. It announced this phase-out in December, just three months later. Even then, the only reason it gave for the phase-out was a vague reference to the "changing nature of the war." Actually, the nature of the war hasn't changed that much. It is still a jungle war though South Vietnamese troops are taking over more of the combat responsibility. Next, instead of taking the forthright position that environmental war should be banned, the Administration, in its embarrassment, adopts a legally strained interpretation of the Geneva Protocol, one which is contrary to the views of a majority of members of the United Nations and one which is also contrary to stated U.S. aims of achieving worldwide acceptance of the Geneva Protocol and of using the Protocol as a foundation at Geneva on which to build further arms control agreements such as the British draft treaty on biological stockpiles.

For this or any other nation to resume environmental warfare by use of herbicides, in the face of the scientific information now before us as to the local and world-wide dangers, would be both irresponsible and immoral. Such warfare should be banned. The Senate should ratify the Geneva Protocol. It should ratify it with the understanding that it bands herbicides.

MINORITY ENTERPRISE SMALL BUSINESS DEVELOPMENT CO.

Mr. BROOKE. Mr. President, social responsibility, on the part of individuals, organizations, and corporations, is becoming a byword, as rightly it should. Those who have the talent and resources owe it to society and their country to put a portion of these assets to work helping others.

It also is important that we recognize those who have the foresight to undertake such endeavors and particularly members of the business community who take their responsibility seriously. Therefore, I invite the attention of Senators to an interesting story published in the March 1971, issue of Black Enterprise, a magazine which reports on minority business. The article, entitled "ITT: A Sense of Involvement," relates the experience of this large corporation in setting up a Minority Enterprise Small Business Development Co. in New Jersey.

With a pledge of $200,000, ITT has established the MESBIC, in cooperation with Rutgers University, to provide financing and management assistance to minority businesses. In the first 6 months of operations, about $50,000 of ITT's funds have been invested in 15 loans, including backing for a dry cleaner, two health spas, a restaurant, and a men's clothing store. This arrangement with Rutgers is unique among MESBIC's already established. The article points out that it is the first instance of a business school running this type of operation in experiment which may be a solution to the problem some MESBIC's have of finding experts who have the time to lend their talents to less sophisticated minority-owned business.

I believe all of us who believe strongly in the need for social responsibility will be interested in this unique project.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ITT: A Sense of Involvement

(By Lester Carson)

With a net annual income of nearly $235 million, International Telephone and Telegraph is the nation's ninth largest corporation in earnings and one of the most diversified. Through a series of post-World War II acquisitions, ITT has moved from its traditional position in telecommunications into a variety of businesses including book publishing (the Bobbs Merill Co.), baking (Continental Baking Co.) car rentals (Avis) and innkeeping (the Sheraton chain).

As ITT has grown, so has its involvement in black economic development. For instance, ITT Sheraton, which has headquarters in Boston, makes deposits in a black-owned bank in the city's Roxbury district. In Louisiana, ITT Continental Baking, which makes Wonder bread and Hostess pastries, has given technical advice on packaging to a black bakery cooperative. These incidents of ITT involvement with black business are essentially unilateral; ITT's only gain is enhancing its corporate image. Since last June, however, the company has been experimenting with a different approach that aside from aiding minority enterprises, may also "develvelop the kind of man who might someday be president of ITT," according to an ITT official.

ITT teamed with Rutgers, the State University of New Jersey, to launch a MESBIC (Minority Enterprise Small Business Development Company). MESBICs are private corporations licensed by the Small Business Administration to provide financing and management assistance to minority businesses. By law, they make loans or equity investments only in businesses that are at least 50 per cent minority owned, but not more than 20 per cent of the total capital needed. MESBICs get their initial money from a sponsor, usually a corporation, and this initial sum increases as the loans are paid off. If a businessman needs $100,000, the MESBIC would provide $20,000 by buying stock in the new business or by making a direct loan. Then it would help him find a bank to provide the remaining $80,000, 90 per cent of which usually is guaranteed by the SBA.

To provide the new businessman with the guidance he frequently needs to stay afloat, MESBICs usually rely on the resources available within a community. They enlist local business executives with free time, or utilize the skills banks of organizations like the Service Corps of Retired Executives and the Interracial Council for Business Opportunity.

The Rutgers-ITT arrangement utilizes these sources, but minority businessmen get additional help from second-year master's degree candidates in the graduate school of business administration who are assigned to loan candidates as "interns." The interns help the minority entrepreneurs with bookkeeping, display and sales promotion. They also help the borrowers state their case when they appear before the RMIC loan committee. An additional feature of the RMIC is the seminar on business techniques held at regular intervals at different locations in the state.

Early returns indicate the arrangement is performing well. In the first six months the RMIC dispersed or approved loans to 15 businesses. The total MESBIC funds invested amounted to about $50,000, a fourth of the initial investment capital of $200,000 put up by ITT. The corresponding bank share for the 15 loans came to about $211,000.

Among the new enterprises launched are a dry cleaners, two health spas, a restaurant-nightclub and a men's clothing store. Not included in these figures, it should be noted, are several borrowers who, through the RMIC screening process, were found to be eligible for conventional loans and referred to banks.

MESBIC officials in Washington say the RMIC in New Jersey is the first instance of a business school running a MESBIC and they believe it is a possible solution to the problem some MESBICs have finding experts who have time to lend their talents to less sophisticated minority-owned businesses. "The advantage of a business school running a MESBIC is they have a lot of manpower," says Pete Hansen, who is director of MESBIC development in the Commerce Department's Office of Minority Business Enterprise. Hansen says letters have been sent to universities with business administration programs to see if they are interested in MESBICs. If enough schools show interest, he says, "there will be the added advantage of the university's competitive spirit. They like to see how well they can do."

Hansen says there are some drawbacks, however. "A lot depends on how many business schools are located in or near minority communities," he says. He also notes that the academic world has a tendency to be suspicious of the business world and says this could hamper MESBICs because they sometimes need help from "high level decision makers" in the corporate sector. "Rutgers appears to have avoided this," Hansen says, "but there is the danger of a university completely losing contact with its corporate sponsor."

The ITT official who is closest to the Rutgers scene is Charles G. Sherwood, special assistant to Harold S. Geneen, ITT president and board chairman. As chariman of the RMIC loan recommendations committee. Sherwood expresses misgivings over some aspects of the RMIC loan policy, but says it is doing well "within the limitations of its lendable capital."

One thing that bothers Sherwood is that not enough jobs are created when MESBIC funds are invested in dry cleaners and laundromats. "We would like to see more labor-intensive kinds of activity," he says, "but the problem is how to do it within the dollar limits." Sherwood says another problem is maintaining a reasonable return on MESBIC funds, especially since the RMIC does not want to charge interest higher than 10 per cent. He says some MESBICs charge interest as high as 15 per cent, but he doubts the wisdom of such practices. "Unless you charge usurious rates there is likely to be a gradual depletion of the MESBIC capital," he says. "On the other hand, higher interest rates would probably send the borrower under more quickly, trying to meet the payments." Sherwood says most RMIC loans have been at nine percent interest. Payment on the principal by law must be deferred for at least five years. MESBICs have no control over what the bank charges for its share of the capitalization. But MESBIC officials in Washington say the SBA is not likely to guarantee loans if the interest rate exceeds the formula, "prime rate plus two per cent." Thus, if the prime rate is six per cent, the borrower owes the bank eight per cent interest on the guaranteed loan. As subordinate lenders, MESBICs typically charge higher rates than banks.

Despite his misgivings, Sherwood says that one redeeming feature of the RMIC is the training it provides the MBA students, black and white. "We were looking for a school with a business program for minorities," he said. "and the choices narrowed to Rutgers and Howard University." He says Rutgers was selected because Howard was primarily an undergraduate program. "We felt that more mature students would relate better with businessmen," he says. RMIC officials expect an increase in the percentage of minority students studying business administration at Rutgers. These students reportedly will be given preference as interns to assist them in the transition to the business world.

One black New Jersey businessman is critical of the program at Rutgers. "Those students will birddog a man into bankruptcy," he predicts. The businessman said there are problems in running a minority business that students don't encounter in their academic world. "It's like going into the hospital," he suggested. "Would you want a staff intern or the chief surgeon to cut you open?" Indeed, even Sherwood agrees that friction occasionally develops between the students and loan candidates, especially the older ones. But Sherwood says when this occurs, "we supplement the MBA students with people in the business world." For example, he says a vice president of Bamberger's, New Jersey's largest department store, has been called in to help a black haberdasher, Juan Winter, prepare for the opening of a new store with a $125,000 MESBIC–bank loan. The store is scheduled to open this spring.

Winter insists that he and the intern had clashed briefly over deciding the best way to control inventory in Winter's present store, Jackie's Men Shop, on Newark's Broad Street. He says the problem was worked out to the satisfaction of everyone, "and I'm still the boss here." But he says the intern's knowledge has helped him immeasurably. For example, to boost sales both at the Newark store and at the new store, both of which are near college campuses, the intern has arranged for Winter to hold campus fashion exhibits. The exhibits will be run by students, who will be compensated with 10 per cent discounts on purchases from Winter.

In many ways Winter was a cut above the typical black entrepreneur who seeks an RMIC loan. He had worked for the Ripley retail clothing chain in New York for 20 years before going into business for himself. While at Ripley, he had risen from tailor to salesman to assistant manager of the chain's outlet in Times Square. He says he had been offered the managership of a Ripley store in Harlem, but he had already decided to open his own store, when this opportunity came. His first store was on Springfield Avenue in Newark's central ward.

Several years ago fire destroyed the store. He had no fire insurance, but he had enough money saved to open his present shop in 1969. But when he sought financing for the new store, in a shopping center near Woodbridge, N.J., the deficits from the Springfield Avenue fire returned to haunt him. He approached the RMIC. The selling point was his retail clothing experience. The RMIC lent Winter $25,000 and arranged for $100,000 in additional financing from the SBA and the Broad National Bank of Newark. "It was obvious that this man knows how to run a business," said Louis T. German, a Rutgers professor of business administration who is president of the RMIC.

From the standpoint of experience, Winter obviously was a more attractive loan candidate than Henry Jinks, who received a $6,000 loan in MESBIC funds to operate a health spa for women in his hometown, Orange, N.J., Jinks says he knew practically nothing about running a business. Now 30, he had literally made a living for 10 years with his brawn instead of his brain. He was a professional weightlifter who toured the country competing for prizes by flexing his muscles in "Mr. America" contests. Two years ago, Jinks married and decided to give up the biceps circuit. He and a white photographer became partners in the Paradise Health Spas, one in Orange and the other in Whippany. They used the MESBIC money to buy out the owners of the Whippany spa, and have applied for bank-SBA financing to equip both businesses with sauna baths and other gym equipment. In the meantime, Jinks says he's learning how to promote sales attending the Rutgers-sponsored seminars.

In the final analysis, the ITT-Rutgers example of running a MESBIC may solve the problem of overcaution in financing black businesses. Typically, this problem arises with banks. The bank president may be committed to helping black businesses, but, as Commerce Secretary Maurice M. Stans recently pointed out to newsmen, this commitment rarely filters down to the bank's loan officer, who feels that if he grants a loan to a business that ultimately fails, the failure amounts to a negative entry in his personnel folder. Therefore, the loan officer tends to be overly cautious.

Similarly, in many MESBICs the final authority in approving a loan is usually the representative from the sponsoring corporation. In the ITT-Rutgers program, most lending authority is vested in German, the RMIC president.

It is German whom the loan applicant first encounters at Rutgers, and if German turns down the applicant, his recommendation usually is accepted by the loan committee. "Sometimes I'll tell a man who knows all the answers and has lots of experience that he simply hasn't the personality for the kind of enterprise he has in mind," says German. "In most cases I am impressed by the individual, the guy who's got that extra something that will help him succeed where others have failed." Among German's advocates are Richard Marshall, a black investment analyst for the Prudential Insurance Company in Newark, and an officer in a MESBIC run by Prudential, the Prudential Minority Enterprise, Inc. "Sometimes a candidate approaches us for a loan that we can't grant because we're already over-extended in his type of business" Marshall says. "In that case we send him to see German and they usually take care of him." Marshall says German's greatest asset "is the fact that he's not overly concerned with his own personal box score."

THE QUALITY OF MERCY

Mr. PELL. Mr. President, in this Congress, we are engaged in a debate on different methods of improving the delivery of our health-care system.

We are talking about different methods of payments for health care service, different forms of organization, and new means of delivering health care.

In our discussion of these administrative, economic, and technical matters, I believe it is important that we do not forget that the health-care system concerns people.

The impact of the lack of health-care services for the poor was recently very poignantly described by Mr. Selig Greenberg in an article in the February issue of the Progressive magazine.

Least we forget the main reason why health care is a major issue in this Congress, I ask unanimous consent that the article, entitled "The Legacy of Neglect," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POVERTY AND HEALTH CARE: THE LEGACY OF NEGLECT

(By Selig Greenberg)

(The subject of medical economics will be fiercely debated in the Congress and the country this year. Scores of bills proposing a variety of approaches to the crisis of the high cost of medicine await debate and action. The Progressive has scheduled a series of articles over the entire year exploring various aspects of this basic issue. The first of the series is the work of Selig Greenberg, prize-winning writer on medicine for The Providence Journal and Evening Bulletin (Rhode Island). His article is adapted from The Quality of Mercy: A Report on the Critical Condition of Hospital and Medical Care in America, to be published this month by Atheneum Publishers. Copyright 1971 by Selig Greenberg.—The Editors.)

There is a slum neighborhood in Boston where infant mortality exceeds the level of the Biblical plague inflicted on ancient Egypt, when every tenth newborn child died. The infant death rate of 11.1 per 1,000 live births, or one out of every nine, in this section is five times greater than the national average, more than four times the average for the city of Boston as a whole and more than fifteen times the average for a nearby affluent suburban community which has only 7.2 infant deaths for every 1,000 births. In several other Boston ghetto areas, infant mortality rates run from double to more than three times the city-wide average.

This is just one example of how a gap of only a few blocks but of astronomical social and economic proportions in one of the nation's foremost medical centers may doom many to untimely deaths and others to lives of suffering and anguish.

In the South End, Boston's worst slum and the site of three outstanding teaching hospitals with a massive pool of medical talent, health conditions are fully as abysmal as in some of the most abject black poverty pockets in Mississippi. The prematurity rate, a major consequence of inadequate prenatal care and a leading cause of death shortly after birth, is seventy-five per cent higher for the South End of Boston than for the city as a whole. The incidence of tuberculosis is six and one-half times the average for the city. The death rate from tuberculosis, which with proper treatment is now generally curable, is more than seven times as high. A large proportion of the children are yet to be immunized against common childhood ailments, and a recent survey showed that more than half of the residents had not been to a dentist for at least a year. In Boston as a whole, the birth rate is fifty per cent higher than the death rate. But in one section of the South End the death rate actually exceeds the birth rate, despite the fact that the latter is forty-five per cent above the average for the city. . . .

Medical care cannot, of course, be considered apart from the crushing numbness of the ghetto life. Nor can the medical profession be held solely responsible for the ghetto's legacy of poor health. It is futile to treat symptoms and then send the patients back to the same degrading environment which helped produce their illnesses and will do so again. Dr. H. Jack Geiger, acting chairman of the Department of Preventive Medicine of Tufts University School of Medicine, has put it this way: "There is just no point in treating rat bites—and ignoring the rats. We cannot simultaneously have health and Harlems, health and slums, health and racial discrimination, health and a second- or third-class education."

Dr. Leon Eisenberg said it another way: "What one generation does—or fails to do—plagues its children. The adults those children become are adults warped by the childhood experience afforded them. They do as they were done to. The tragedy is re-enacted for more than the third and fourth generation promised by a vengeful Lord. Not only do we owe it to ourselves to create a just society in our time; we owe it to our children and our children's children. The urgency upon us is greatest on behalf of those who even now are growing into persons less than they might have been—for want of food, for want of health, for want of dignity, for want of love."

This stinging excerpt from a recent talk by the chief of psychiatry at Massachusetts General Hospital and a noted authority on the psychology of childhood development is all the more poignant in the content of the appalling waste of human potential in the richest country in the world.

Dr. Eisenberg, a physician who has frequently voiced his passionate concern for removing the impediments to normal development so prevalent in our society, particularly in the wasteland of the Negro ghetto, also said:

"To be conceived black means that you are at risk while still inside the womb meant to shelter you. Racism takes its toll early, through class-related malnutrition and poor prenatal care. Black fetuses are aborted or born dead more often than white ones. More are thrust forth prematurely, at higher risk of damage to the delicate mechanisms of the brain. Once born, malnutrition, infection and inadequate health care exact their price in stunting of ultimate stature and in maldevelopment of the central nervous system. Before you know you are black, you will have experienced what it is to be black. But you learn the meaning of blackness soon enough in the crowded slum when you try to grow. You are two and a half times more likely to live in dilapidated housing units and three times more likely to be grossly overcrowded than whites who pay the same rent. Since your parents have had less education, your home fewer books, your community fewer educational opportunities, and your parents less know-how in preparing you for school, your development quotient, which at a year (if you were lucky enough to be born at full birth weight) was indistinguishable from that of your white brother, will have fallen well behind by the time you are three, and still farther behind when you start bravely off to school at five."

The evidence of the widespread neglect of the health of the young among the at least twenty-five million Americans classified as urban poor and the additional millions of rural poor is distressingly compelling.

The cycle of deprivation starts off with the lack of proper health care during pregnancy. Out of the some 3.5 million births occurring annually in the United States, at least 500,000 are by women who, according to official government reports, have received inadequate prenatal care or none at all. Authoritative estimates are that about half of the expectant mothers in poor families go through pregnancy without the required medical attention. The lack of such care and poor nutrition lead to a high rate of stillbirths and premature births. They also result in complications of pregnancy and childbirth than can inflict irreversible damage on the offspring and sometimes kill the mothers.

The close relationship between race and the risks of childbirth is shown by the fact that in Mississippi the Negro maternal mortality rate is more than six times the white rate. Nationally, a black mother's chance of dying from the complications of pregnancy is four to five times greater than a white woman's.

Prematurity holds many hazards for babies. Deaths in the first year of life are twenty times more common among premature infants than normal-term ones. Mental retardation occurs ten times more often in very small premature babies than in those born at full term. Ironically, the expansion of Federal maternal-health programs in the last few years has led to an increase in the prematurity rate and the death rate among such babies. This has happened because many women whose pregnancies formerly terminated in stillbirths are now able to deliver with some improvement in nutrition and obstetric care, but their infants are still too low in weight to survive.

Since the proportion of low-weight babies is highest among blacks, the increase in the death rate in the first days of life has been considerably greater for nonwhite than white infants. This has contributed to the dismayingly widening differential in infant mortality between the races. In 1950 the nonwhite infant death rate was sixty-six per cent greater than for whites. Now it is nearly ninety per cent greater—38.8 per 1,000 live births as against 20.6 for whites. In some urban ghettos the ratio of infant deaths not infrequently hovers around 100 per 1,000 births.

There are wide disparities in infant mortality between states, counties, and sections of the same city. Nationally, the death rates during the first year of life range from 19.3 per 1,000 live births in Utah to 40.4 in Mississippi. In the seventeen states with the lowest per-capita income the rates are forty per cent above the national average. In one county in Pennsylvania the rate for whites is ten for each 1,000 births.

There is one Mississippi county, on the other hand, with a rate of seventy-six per 1,000 for nonwhites. In New York City the infant death rates run all the way from twelve to forty-seven per 1,000 births, with the mortality incidence in parts of Harlem and the Bedford-Stuyvesant section of Brooklyn more than triple that of neighborhoods only a few blocks away. A study of infant mortality made in New York a few years ago held that forty-two per cent of the deaths could have been prevented. The U.S. Department of Health, Education and Welfare figures that more than 25,000 babies could be saved every year if the mortality rate in the ten per cent of the counties in the United States with the lowest incidence of such deaths were to prevail through the nation.

A chilling statistic is this: An infant born of poor parents in this country has twice as much risk of dying before his first birthday as does the non-disadvantaged child, and his chance of dying before the age of thirty-five is four times greater.

Even more critical than infant mortality, in the opinion of many authorities, is the problem of the heavy burden of damaged children, many of them with handicaps could have been prevented with better prenatal care.

About 250,000 of the babies born in this country every year are afflicted with congenital defects. An additional 125,000 are mentally retarded. Among the causes of inborn retardation, aside from prematurity, are the mother's malnutrition, a variety of virus infections developing during pregnancy, anemia, maternal diabetes or thyroid deficiency, and birth injuries. Nutritional surveys have found alarming rates of malnutrition in some poverty areas, with a grim chain of ill-nourished mothers giving birth to ill-nourished children with a high risk of mental retardation. Babies inadequately nourished in the womb or shortly after birth are likely to have impaired behavior and learning ability. An infant's brain attains eighty per cent of adult weight by the age of three, when the body weight is only about twenty per cent of that at maturity. Good nutrition during the first three years of life is therefore particularly important.

If the brain is dependent for its growth on biologic nourishment, the mind is no less dependent on psychological alimentation. The growth of the mind requires nutrition in the form of experience, language, and ideas. Just as malnutrition during pregnancy and early infancy can produce permanent stunting of the brain, so the lack of intellectual stimulation leads to stunting of the mind.

The tragedy of retardation at birth is compounded by the mental damage inflicted by the slum environment. "Five per cent of the children in this country are born mentally retarded," Dr. Joseph T. English, former director of the Federal Health Services and

Mental Health Administration, has said: "By the time these children reach the age of thirteen, nine per cent will be retarded. We produce almost as much retardation as is born, and seventy-five per cent of the mental retardation among children comes from the areas of poverty."

The devastating impact of the combination of poor nutrition and psychological deprivation is strikingly documented in the recent report of a study of black children in Bolivar County, Mississippi, where Boston's Tufts School of Medicine operates the Delta Health Center. Ninety per cent of the 344 infants in the study group were found to be anemic. Up to the age of thirteen weeks, these infants scored an average intelligence quotient of 117.5 as against a national norm of 100 for white children. By the end of the second quarter-year of life and through fifteen months of age, their functioning was roughly on a par with white norms. But from then on there was a sharp drop, and by the third year of life the IQs of the youngsters were down in the eighties. Verbal efficiency was found to fall off earliest and most drastically. These children, like countless thousands of others in urban and rural slums throughout the nation, were paying the penalty of growing up in homes where they had never seen a ball, a rattle, a bell, or a mirror, where sticks and rocks were the only toys, where rags and old clothing served for blankets, and where there were sometimes not even any eating utensils.

In homes so grossly lacking in the elementary essentials of daily living, children also are apt to suffer emotional damage. Mental disease not infrequently stems from parental deprivation—a lack of familial interaction with the proper balancing of love, support, and approbation on the one hand with direction, disapproval, and punishment on the other.

But while emotional disorders are widely prevalent among the young in impoverished families, the Joint Commission on the Mental Health of Children set up by the Federal Government estimates that only ten per cent of those who need treatment are receiving it. The incidence of emotional disorders and mental illness among the poor, who are exposed to numerous stresses, is estimated to be between five and six times greater than for those with higher income. And since nowhere is race or class discrimination more conspicuous than in the psychiatric field, the poor are less likely to get timely and adequate help and more likely to wind up in the desolate warrens of the state mental hospitals.

The gap between need and availability of services prevails in all areas of health care.

"It is a mockery of American tradition and our national honor that only forty per cent of poor children with handicapping conditions are getting the required care," Dr. George S. Silver, former deputy assistant secretary in the Department of Health, Education and Welfare and now on the faculty of the Yale School of Medicine, has said. "Why should one million poor children who need glasses not have them? When we know that the end effect of amblyopia [blindness in one eye] is preventable, why should two per cent of all children still suffer from it? Why should nearly seventy-five per cent of nonwhite children not be getting dental care, although conservative estimates show that ninety-seven per cent of all children require some dental care?"

The Department of Health, Education and Welfare compiled several years ago a shocking review of the prevalence of handicapping conditions among the young. The department said it was estimated that more than 11,400,000 children, or twenty-three per cent of all youngsters, had eye conditions requiring specialist care; that 4,600,000, or 8.5 per cent of the total, were emotionally disturbed; that 2,830,000, or five per cent, had speech disorders; and that 2,150,000 had orthopedic conditions, and 2,130,000 were suffering from hearing impairments, in both cases a little under three per cent of the total. About one-third of these conditions could be prevented or corrected by case-finding and treatment in early childhood, according to the official report, and nearly two-thirds could be prevented or corrected by appropriate care up to the age of eighteen. "In low-income areas," the report said, "between ten and twenty-five per cent of children suffer from one or more untreated chronic conditions. Most poor children go without adequate preventive or remedial health care."

The deprived young, most of them unable to break out of the vicious cycle of poverty as they grow up, remain the stepchildren of our medical-care system throughout their lives.

"The poor are likelier to be sick, and the sick are likelier to be poor," Dr. Geiger has said. "Without intervention, the poor get sicker and the sick get poorer." Dr. Alonzo S. Yerby, a distinguished Negro physician and former New York City hospital commissioner who is now associate dean of the Harvard School of Public Health, has described the health care of low-income Americans as "a national disgrace." That this is no exaggeration may be seen from these facts, all of them culled from official government statistics:

The average life expectancy of an American Negro, who is most likely to be economically disadvantaged, is nearly seven years lower than that of a white American.

Of every 1,000 whites in their late forties, five will die in the coming year. But of every 1,000 Negroes in this age group, ten will die.

Among the poor, the incidence of such chronic conditions as heart disease, high blood pressure, arthritis, and visual impairments is four to eight times as high as among higher-income people. Their rate of orthopedic impairments is more than twice the national average.

Tuberculosis, whose spread is generally attributed to inadequate nutrition and crowded living conditions, has an incidence among blacks more than double that of whites. The Negro death rate from tuberculosis is almost four times as high. Blacks die from influenza and pneumonia at a rate which is more than 100 per cent higher than for whites. They also have a higher mortality of cancer of the cervix, a malignancy almost entirely curable with early diagnosis and treatment.

Not only is hypertension much more common among Negroes, but it is prevalent in a more severe form. In alluding to this, Dr. John H. Knowles, general director of Massachusetts General Hospital, has said: "We know that poverty breeds physical, mental or social disease. And I stress the word 'disease' to mean just exactly what the word means literally: a lack of ease. But to be poor *and* black is the most difficult combination of all. If a man doesn't have a job, can't get enough food, can't have transportation to reach a job or a hospital clinic, cannot become educated or to see his children being educated adequately, he is in a state of disease. In him it may be manifested by high blood pressure."

In families with incomes of $10,000 or more, adults average five physician visits a year. The figure is only 2.9 visits when family income is under $3,000. An even sharper disparity exists in the frequency of dental care. And a large proportion of the visits paid by the poor to dentists are for extractions, whereas much of the care sought by the more affluent is for examination and cleaning of teeth.

The report of the large-scale public-opinion survey sponsored by the Blue Cross Association concluded that "over one-third of this nation feels ill-cared-for in its medical needs." While this conclusion was based on the widely prevalent complaints of people of all income levels regarding the accessibility and costliness of good health care, the deepest anxieties and frustrations were expressed by the poor.

Sixty-seven per cent of the low-income people questioned said they were concerned about where they would get the money to pay a doctor, and sixty per cent expressed open worry over who might take care of them during a serious illness. Six out of ten said that, despite the much advertised availability of free medical care in an emergency, they were worried over whether or not it would really be there when they needed it.

Particularly startling were the survey's findings about psychosomatic conditions. Sixty-five per cent of those interviewed in the low-income group described themselves as "worried and nervous"; fifty-eight per cent said they were "lonely and depressed"; thirty-nine per cent reported having difficulties sleeping. The poor have a high incidence of nervous tension, back trouble, ulcers, headaches, sore throats, bad coughs, indigestion, constipation, and exhaustion. They trail the affluent only in disorders which they cannot afford, notably sunburn and allergies.

" 'Linking sick' is the prevailing condition of poverty in America today," the survey report said. "For two out of every three people in the population, when they are 'feeling fine,' it means that nothing is the matter with them. But for nearly two out of every three ghetto blacks in the inner city or rural-poverty whites in Appalachia, 'feeling fine' means literally 'not as sick as usual.' "

Most Americans are aware of the fact that, generally speaking, each succeeding generation is taller, weighs more, and is in better physical shape than the previous one. When asked by the survey interviewers to compare the health of their own family with times gone by, three-quarters of the high-income people answered unhesitatingly that their health is better. But when inner-city blacks or the Appalachian whites were interviewed, the story was the reverse. By fifty-one to twenty-nine per cent, Negro ghetto dwellers said they felt their health has deteriorated and was worse than that of their parents or grandparents. Rural-poverty whites expressed the same sense of discouragement over their health by an even more sizable sixty-three to sixteen per cent. For the poor, illness is something that is constantly with them, a seemingly permanent condition. As one of them put it, "I always got a visitation from the miseries."

The unequal toll of disease and death, particularly when racial discrimination is superimposed on the effects of social and economic deprivation, is a standing indictment of our failure to assure equal access not only to health services but also to adequate housing, nutrition, and education. "There is a phrase in the Book of Common Prayer," Dr. Geiger said, "that is tragically precise in describing our national performance with respect to the health of the Negro population. It reads: 'We have left undone those things which we ought to have done; and we have done those things which we ought not to have done; and there is no health in us.' "

Many of our doctors may be the best in the world. But in health we are still a backward country.

CONGRESSIONAL PROBE IN VIETNAM

Mr. HATFIELD. Mr. President, throughout the Nation there is growing concern over the lack of a constructive role on the part of the Congress in the conduct of American policy in Southeast Asia.

It is my firm belief that the Congress has a constitutional responsibility to determine, with the President, the circumstances under which American troops will be committed abroad. The security of this Nation lies in the hands of its Federal Government; it is neither reasonable nor right for the full burden to fall upon one man—the President.

It was with this view in mind that the distinguished Senator from Massachusetts (Mr. BROOKE) recently introduced in the Senate a resolution calling upon Congress, through its committee system, to consider all of the factors involved in our disengagement from Vietnam, and to come forth with joint recommendations which could have the support of this Government and of the American people.

Recently, this proposal received the strong editorial endorsement of the New York Times. I ask unanimous consent that the complete text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 21, 1971]

CONGRESSIONAL PROBE IN VIETNAM

At a critical moment of the Korean War, after President Truman had fired General MacArthur, Congressional hearings probed deeply and publicly into all aspects of that controversial Asian conflict. The highest civilian and military officers of the executive branch, with the important exception only of the President, appeared before joint sessions of the Senate Foreign Relations and Armed Services Committees in May-June, 1951. They submitted to 43 days of questioning, during which more than 3,000 pages of testimony were taken to enable the Congress and the country to come to a judgment on a major undeclared war into which the country had been taken, without consultation, by Presidential decision.

In contrast, six years after the bombing of North Vietnam had initiated large-scale American participation in another undeclared land war in Asia, Congressional hearings have been brief, occasional and fogged by secrecy. The Congress itself bears heavy responsibility for the fact that it was not adequately consulted about the succession of steps that involved the country in its second most costly foreign conflict.

The complaint that the principle of executive accountability to Congress and the country has been violated by the refusal of the President's men to appear for adequate questioning is an indictment of the Congress as much as it is a criticism of the executive. For control of the purse strings undoubtedly enables the Congress to compel executive branch testimony, even if that weapon is in practice largely unusable in curbing the Commander in Chief's power to involve the nation in war or to conduct such a war.

The question that demands probing now has been put before the Senate most clearly by Senator Brooke, Republican of Massachusetts: "How best terminate the American involvement in a manner which will maximize the chances for an early and enduring peace in that region?" The manner in which Congress can best assert its influence in answering this question lies in Mr. Brooke's draft resolution calling on the Senate Committees on Appropriations, Armed Services and Foreign Relations to conduct joint hearings and report conclusions within 90 days.

Is President Nixon, through his Vietnamization policy, seeking American victory or withdrawal in Southeast Asia? Some of Washington's most acute observers, inside the Administration as well as outside, disagree on the answer to this question. Defense Secretary Laird has indicated that American forces would be down to 50,000 or less by the end of 1972; but a few hours later Secretary of State Rogers denied that Mr. Nixon had taken any decision on future cutbacks, the size of the "residual" American force or the date when it would be reached.

Is there any way in which the Paris negotiations can be reactivated? Do the impending National Assembly and Presidential elections in South Vietnam offer a new opportunity to achieve a political settlement? Can the war be ended and American prisoners be released by Vietnamization and other proposals for American withdrawal or is a negotiated settlement the only hope? Would a broader government in Saigon open the way for such a negotiation?

The Brooke resolution offers no answers to these critical questions. What it offers is a procedure through which the Congress can involve itself in shaping policies to terminate the Vietnam war and, perhaps, compel a reexamination of these policies by the Administration. There is no better way for the Congress to reassert its constitutional prerogatives in the fields of foreign policy and defense than to exercise and thus to reinvigorate its investigatory powers.

AN UNHAPPY ENDING FOR WYOMING

Mr. HANSEN. Mr. President, many people are disappointed with the intercity railroad passenger service routes designated this week by the National Railroad Passenger Corporation. I am one.

Under the Corporation's route plan, Wyoming will lose the east-west passenger service that was established more than 100 years ago, before statehood was granted to Wyoming Territory. Wyoming will become one of seven States which will not be served in any way by railroad passenger trains.

The mere fact of discontinuance of all service to or through my State is a bitter disappointment to me and to Wyoming citizens, who have fought so hard in recent weeks to convince the Railpax people of the merits of Wyoming's facilities. But even harder to swallow is the rationale the Railpax incorporators have advanced for choosing a route through Colorado, instead of Wyoming, to connect Chicago and the west coast.

In Monday's announcement of the routes chosen for the system and the reasoning applied in making the choices, the incorporators indicated in case after case that a particular route was selected over a possible alternative because of shorter distances, superior performance, or more adequate equipment. But in the case of the Wyoming versus Colorado routes, the incorporators apparently ignored such factors as distance, speed, efficiency, and condition of trackage and equipment and made their decision to use the single-track system of the Denver & Rio Grande Western Railroad, as opposed to the double-track system of the Union Pacific, on the basis of scenery.

If Congress envisioned development of a national passenger service network designed to serve scenic areas, then it failed to say so in the legislation creating the Railpax Corporation. Indeed, if scenery, as opposed to speed and efficiency, was to be a dominant consideration, I would have proposed construction of a railroad line across northern Wyoming, where some of the Nation's most magnificent scenery is located.

As it was, I believed, and still do believe, that when Congress set up the Corporation last year, it had in mind the preservation of passenger service in this country by making it as fast, efficient, and convenient as possible. On this basis, I strongly feel the incorporators made the wrong decision when they chose the Colorado route over the Wyoming route as a connecting segment of the service between Chicago and San Francisco.

My opinion of the Corporation's decision is shared by the president of the Colorado Railroad, the Denver & Rio Grande Western, who has a very sound reason for wishing that the Wyoming route had been designated, rather than his own line. Mr. Gus Aydelott, president of the DRGW, has called attention to the single-track system maintained by his company, and notes that his ability favorably to compete with the double-track Union Pacific for freight business will be impaired because of the emphasis on passenger service which the Denver & Rio Grande Western will have to maintain.

Mr. President, there are other Senators who feel the Railpax incorporators made some errors in setting up the basic system. Legislation is pending, which I cosponsored, to guarantee passenger service to at least one major city in each of the contiguous States. Hearings on this legislation would afford an opportunity for Senators to learn what prompted the incorporators to make the decisions they made, and to evaluate the benefits to the Nation and to the people of individual States which may or may not accrue from the system developed.

I am hopeful such hearings can be scheduled soon.

So as to call to the attention of other Senators what I feel are obvious disadvantages of routing passenger service through Colorado, rather than on the faster, more efficient, and better equipped system across Wyoming, I ask unanimous consent that the RECORD reflect the contents of a letter I wrote to the Chairman of the National Railroad Passenger Corporation on March 4, and of an article written by Stephen Aug and published in the Washington Evening Star of March 23 concerning the possible effect passenger service will have on the freight business of the Denver & Rio Grande Western.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 4, 1971.

Hon. DAVID KENDALL,
Chairman, National Railroad Passenger Corporation, Washington, D.C.

DEAR DAVE: As a follow-up to our telephone conversation of March 3, I am writing to outline the factors which, I believe, make necessary the utilization of the Union Pacific Railroad's existing track system across Wyoming in the national railroad passenger service system you are developing.

On the basis of what I have been able to learn about the existing passenger system across Wyoming and the alternative route through Colorado, the Wyoming route would best serve the requirements and objectives of the Railpax System.

The route across Wyoming is double-track all the way, while the alternative route through Colorado is almost all single track and must service both freight and passenger trains. This means that the Union Pacific is able to give priority right-of-way to passenger trains, while still maintaining freight service, thus providing more efficient passenger service than would be possible on the single-track Colorado route.

This trackage and passenger equipment of the Union Pacific through Wyoming is in excellent condition. The Union Pacific maintains two of the best passenger trains in the nation—the City of Los Angeles and the City of Portland—which have provided good service for years.

The Union Pacific maintains dining car service, lounge service and sleeping car operations on its route across Wyoming, has the most powerful engines, and has some of the best maintained track and track structure in the world providing for smooth travel.

The distance between Chicago and the West Coast via the Colorado route is 2,394 miles. The distance, utilizing the Wyoming route, is 2,299 miles—a reduction in the distance traveled of 95 miles.

The estimated travel time between Chicago and the West Coast, utilizing the Colorado route, would be about 63 hours on the westbound trip. Up to 10 hours, one-way, would be required for switching and terminal delays. In contrast, the travel time between the same points using the Union Pacific route through Wyoming would be 46 hours on the westbound trip and 47 hours returning east—a saving in travel time, one-way, of 17 hours.

The Colorado route must traverse mountainous terrain, while the Wyoming route runs straight across the plains of the southern part of the state, by-passing terrain which would require a circuitous track system and the climbing of steep grades—a factor of considerable significance in the winter time.

In addition to what I feel are obvious advantages to Railpax of the Wyoming route, as opposed to the Colorado route, I would like to emphasize the importance of continuing this service from the standpoint of Wyoming's economic stability and growth.

During 1970, about 55 persons per day boarded the Union Pacific's trains in my state, and 53 people per day got off. During vacation and holiday seasons, it is my understanding that these use figures increased to the point where the railroad's passenger operation just about break even, financially. Most citizens were well aware that the railroads were less enthused about maintaining passenger service. Schedules were not carefully maintained, delays in being served by agents and others, were commonplace.

The use of trains has been discouraged by most railroads in a number of ways. Were the routes across Wyoming to be continued under the Railpax System, and the public made aware that, henceforth, service would be efficient, on time, and dependable, and that they were welcome on the trains, usage would increase significantly.

If the traveling public had assurance that such service would be permanent and stable, a public transportation network throughout the rest of the state could be developed from a base of dependable rail passenger service across the southern half of Wyoming. Presently inadequate and undependable bus service could become dependable, serving the northern half of Wyoming from the rail passenger terminals of the south. Wyoming is transportation poor, and this rail line could serve as a foundation for building a reliable network, utilizing other modes, such as buses.

Wyoming is noted for its outstanding recreational facilities, which attract millions in the summer months and which also are popular in the winter. The passenger train could become the primary source of dependable transportation for a huge number of people who would use it to take advantage of these facilities. Presently, winter development of recreational areas is greatly restricted by the uncertainty of flying weather, compounded by inadequate schedules and few cities being served.

With regard to industrial development, obviously, dependable freight service is required, but industry cannot exist without people, and people need transportation facilities, too. In Wyoming, the passenger train is a very important means of public transportation, since other modes are so inadequate and subject to such hindrances as severe winter weather. Airline service has never been adequate, and continues to decline. Bus service is inadequate. The passenger train offers the most promise for building a public transportation system.

The growing energy crisis facing us underscores the national significance of the development of Wyoming's oil fields, petroleum reserves, coal beds, oil shale and uranium deposits. Wyoming stands fifth in the nation in petroleum reserves. Wyoming's vast coal deposits are the lowest in sulphur content of any reserve in the nation. We rank near the top in uranium discoveries, and Wyoming will probably be in first place in the next few years in the production of this source of energy.

Wyoming is part of a tri-state area with oil shale deposits that have the potential for producing more oil than has been consumed, plus that in known reserves, as of today. Our trona beds produce most of the soda ash and chemicals coming from this product consumed in this country, and expansion continues apace. Wyoming's bentonite is shipped all over the world, and our taconite deposits produce the highest quality steel made. Most of the industry connected with these resources would be located in the southern part of Wyoming, where the UP passenger system is now located.

Thus, we have the resources to bring about great industrial development, which means jobs and people. Only by maximizing these opportunities, including recreation, can Wyoming add to our nation's strength and grow as a state. These goals will require adequate and dependable public transportation.

Wyoming's population has not grown a great deal for several years. Despite this, our unemployment rate is significantly below the national average. We have so much room to grow, and so much potential for growth. The inclusion of the Union Pacific passenger trains in the Railpax system is, admittedly, only one of many factors involved in plans for Wyoming's future. But it is a very important factor, and deserving of consideration by the Railpax incorporators.

Enclosed are copies of recent press stories from the newspapers of my state, which will indicate the importance of this issue in Wyoming, and will also give you an idea of the different approaches being taken.

In consequence, both from the standpoint of adding to the Railpax system, and enhancing Wyoming's future, the inclusion of this Wyoming route in the system you are developing is essential.

Your consideration of Wyoming's case is deeply appreciated.

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

[From the Washington Star, Mar. 23, 1971]

SMALL LINE FIGHTS RAILPAX ROUTING ON FREIGHT LOSS

(By Stephen M. Aug)

The new National Railroad Passenger Corp. (Railpax) was formed to save declining rail passenger service, but the president of a small Western railroad says it may ruin his line's profitable freight business.

Gus B. Aydelott, president of the Denver & Rio Grande Western Railroad said in a telephone interview that the heavy federal backing of Railpax, and the anticipated government hand in running the trains after May 1 may adversely affect his control of his own railroad.

Aydelott is among a number of railroad officials who have expressed these thoughts privately, but his doing so publicly is in reaction to yesterday's decision by Railpax officials routing the sole remaining transcontinental passenger service between Chicago and San Francisco via the scenic Colorado Rockies—and the D&RGW.

ARGUMENT OUTLINED

Aydelott complained that placing this passenger service on his small line and at the same time removing all passenger service from his principal competitor—the vast Union Pacific Railroad—may make it almost impossible for him to compete with UP.

"Our trouble is we have to compete with Union Pacific which is a flat country double-track mainline railroad. We have a single track mountain line," Aydelott said.

Aydelott contended that delaying his railroad's high-speed freight operations—as passenger trains would—could wind up in a complete loss of the auto parts business for which it competes with Union Pacific. He said he was "afraid Railpax will cut (make up) the schedules suiting themselves . . . and that they would enforce them rigidly." D&RG runs one round-trip passenger train three times weekly now—the same is anticipated under Railpax.

At present, Rio Grande receives about $10 million a year carrying auto parts from Denver to Ogden, Utah. The railroad's total freight revenues are about $98 million.

Aydelott conceded, however, that it takes 33 hours to ship auto parts from Kansas City to Ogden, via a combination of railroads including Rio Grande. UP does the job in about 24 hours, all on its own railroad. He contends that auto assembly plants must have the parts by midnight for work the following morning. Rio Grande delivers the parts by about 4 p.m. now.

$20 MILLION SAVING

Union Pacific, it is understood, stands to save about $20 million by no longer having to operate any passenger service—$15 million in salaries and $5 million in fringe benefits. This, Aydelott points out, compared with the total profit D&RG made last year: $13 million.

The corporation (Railpax) made public yesterday the routes over which its 184-train system will operate.

Railpax was created late last year by Congress as a means of saving rail passenger service. Starting May 1 it will take over all intercity rail passenger service—and railroads that sign contracts with it may then discontinue all their remaining passenger trains, except commuter service, which is not involved.

In announcing the decision on routes, the board of incorporators of Railpax told newsmen that they anticipate the 184 trains to be run after May 1 will provide about $150 million in revenues. Anticipated expenses are $250 million in the first year.

TOO MANY VARIABLES

Arthur D. Lewis, one of the incorporators, declined to predict when Railpax would become profitable—although Department of Transportation estimates have indicated it could become profit-making in two years. "There are too many variables at this time to make a forecast," he said, adding that the three-year forecast is "certainly a feasible one."

The $40 million in federal funds Railpax already has to start operating May 1 will be beefed up by an estimated $215 million which the railroads would pay to join the corporaion—but these payments are to be spread out over three years.

Frank S. Besson Jr., a retired Army general, and one of the incorporators, said also that the corporation has not yet made a decision on whether to buy or lease equipment—or simply to lease service as a package from the railroads.

ATTACKING THE DEFICIT

But David W. Kendall, the chairman of the incorporators, said the corporation plans to use the best equipment available—1,500 passenger cars out of 3,300 existing—operated by 22 railroads. He said the corporation's first job will be to halve the current $235 million deficit the railroads are sustaining operating passenger trains.

But on May 1, when operations begin, Kendall foresees no immediate change—except there will be about half the number of trains now running. "We will use obviously the same cars, the same equipment and largely the same personnel," Kendall said. But he promised a brighter future.

Meanwhile, said another incorporator, Catherine May Bedell, former Republican congresswoman from Washington, anyone who wants to may place a reservation on any train the corporation will run next summer. Eventually there will be a centralized reservation system, she said, but meanwhile, all railroads have agreed to start accepting reservations now.

THE TRAGIC EFFECT OF DRUGS ON YOUTH

Mr. BAYH. Mr. President, I recently received from a constituent one of the most moving and tragic letters to cross my desk during my 8 years in the Senate. This man's young grandson, a high school student in Michigan who had fallen prey to a local drug peddler, took his own life with a .22 caliber rifle while apparently undergoing the agonies and delusions induced by a "trip."

In an address conveyed to all students, the principal of his school described in dramatic terms the events in the last hours of this young man's life leading up to his death and appealed to anyone to disclose any information he might have about those selling drugs to the youth of the community. It seems to me, Mr. President, that wide publicity should be given to events of this type which so clearly illustrate the terrible consequences so often befalling those who become innocent victims of the drug and dope peddlers.

In order that others will have the opportunity to read about this sorrowful tragedy and perhaps profit from this experience, I ask unanimous consent that the letter from my constituent and the statement by the high school principal both be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LINTON, IND.,
February 26, 1971.

Senator BIRCH BAYH.

DEAR SENATOR BAYH: I'm sending you a story by a high school teacher in Waterford, Michigan. It's about my grandson. I think it a shame for a nation like ours to let this drug racket to get as it is. While we have spent $25 billion plus—and I don't know how much more just sending rockets to the moon—which I think is useless. Also the billions of dollars we have given to foreign aid and the war in Viet Nam, Cambodia and Laos, in which our boys are dying everyday and we have no right to be in that war.

I know lots of other people who think the same as I do about these conditions.

Senator Bayh, I helped elect you to the Senate, and you have done some good work. Now I'm asking that you try to get the Senate to do something about this drug business in the schools. Chemistry students learn to make L.S.D. Why is it taught to them? I hope this 4 page story will be read from the floor of the Senate. For the sake of our country our children and grandchildren and for God's sake Senator do something about it.

Sincerely yours,

RICHARD F. THORNTON.

I have a story to tell—it is not fictitious—it is a true story which began here at Waterford-Kettering last Thursday, February 11, 1971. I have not been free to tell you this, until this moment, and it is at the request of a boy's mother that I tell you now.

Last Thursday, one of our students, Rick Thornton, got up to get ready for school. He kidded with his mother who was busily getting breakfast of bacon and eggs—for Rick always ate a full breakfast. As she was preparing the meal, Rick called out he thought he had time for a shower—it was only 6:30. When breakfast was being served, his best friend came in and sat at the table while Rick finished eating. In kidding with his mother, he said "I don't feel like going to school today." His mother responded by saying "You had better be there unless you are sick. Don't you feel well?" Rick laughed it off, and the two boys left for school.

When they reached school, the two boys lingered in the main lobby and eventually decided to go through with their plans to skip school for the day. They were joined by another boy who agreed to go with them and provide his home as a place to stay. As they made their plans, Rick said he wanted to take a trip. His friend advised him against this, but Rick said he really wanted to. An ever-ready pusher had come to school late and was in the boys' lavatory in the main lobby. Rick allegedly made a buy of LSD for $2.00. Soon afterwards, he took the pill, turned to his best friend and said, "So long, friend. See you later."

The three boys then left the school and walked to a house in a nearby subdivision. While on the way, they stopped off at Huntoon Lake and sat on the raft there. Meanwhile, back at the school, a student came in and said she wasn't feeling well and wanted to go home. A parent was called but had no way to come to the school. Apparently, the student had thought of this, and she had brought a senior boy with her to provide a ride. This was agreeable with the parent.

The boy, however, loaded his car with skippers—seven in all—and proceeded to the home of the girl. As they passed Huntoon Lake, they spotted Rick and his friends and two of the boys got out of the car and went down to the raft. This increased the party at the raft to five.

From there, the boys proceeded to their destination. They sat around talking during the morning hours, but it was apparent that Rich was extremely ill. He complained that he thought he was going to swallow his tongue. One boy held on to his tongue while another went to get some water and dribble it down his throat. This did not seem to help. Rick thought the best thing to do was to go home and get his mother to take him to the hospital. The boys were worried whether Rick could make it on his own, but Rick insisted on going home alone. It is about a twenty minute walk down Airport Road. The boys gave Rick sufficient time to get there, then they began calling every ten minutes or so to see if he had made it. But there was no answer. The school also called about 11:00 to see why Rick's name was on the absence list, but there was no answer.

Apparently, Rick went up to his room and lay on the bed. His mother later said there was an imprint on the bed. In the meantime, Rick's mother returned home to pick up some things and immediately left for her work, not realizing her son was on the bed upstairs. What happened then is simply guesswork. In that lonely hour, apparently the affects of the drugs were so severe that Rick preferred death to enduring the hallucinations he was suffering. He descended from his room and picked a .22 calibre rifle from his dad's gun case, went out on the back patio, sat down, leaned his head against the barrel and pulled the trigger. This was about 12:30. Rick's father came home from work much later—about 4:30—entered the front door, turned on the TV, and proceeded to the refrigerator for a snack. As he looked out the kitchen window, he saw his son in the snow surrounded by blood. He went out, and as he says, "Rick must have been dead for some time, the snow was melted all around him, and he was so cold."

Back at the house of his friend, one boy decided to return to school about 11. Two others returned later and caught the 2:30 bus home; one remained at the house.

On Friday, friends of Rick's reported to my office and told the story. It was heart-breaking, recounting the chain of events, errors in judgment, tragic mistakes made during those fateful hours. There was guilt expressed, there was anger expressed towards those who brought drugs into the school for distribution—not realizing the serious consequences of their acts.

I told the group that we were aware that a drop had been made about 7:35 in the parking lot, and that the police had been notified; that we were anxious about unusual behavior in the student body. But we had nothing concrete to go on. Friends were anxious to prevent a re-occurrence of this kind, but still reluctant and afraid to supply details. The Narcotics Bureau of the State Police Department arrived at the school, as did the Waterford Police. Investigations were made.

I am not free to divulge the direction the police are taking, except to say that Rick's death is not fully attributed to the fact that he pulled the trigger of a rifle. His death was staged when he made a $2.00 purchase in the boys' lavatory in the main lobby of our school; it was staged when some big-wheel supplier contacted students in our school to act as pushers.

Many of you know more of the story than I—but are afraid. May I tell you this: when I talked with Rick's Mom and Dad yesterday, their only comfort now is that in Rick's death many other students will realize the seriousness of drug abuse and be willing to do something about it. We on the staff have long realized that there are drugs in the building, that many of you are using them, and that many of you need help. We have talked with you, we have counseled you, and we have warned you, but we do not know if we are effective. We know that there are students who bring drugs into the building to make a fast buck. These persons are often suspected, but we do not have the proof to take action. Students simply will not talk. I plead with you now. Tell us before others are also dead like Rick. Somewhere in this student body there must be those who have the courage to be heroes—and we need these heroes now. Let us not sit back under some fake code which tolerates and encourages the destruction of the lives of our friends. Let us *not* say Rick Thornton died for nothing.

Rick's funeral will take place at 1:00 today at the Faith Baptist Church on Airport Road. At that time I will come on the air and ask for a moment's silence in the memory of this happy-go-lucky, 17 year old boy—who tragically died because he needed to do his thing—and because there are those who would let him die.

ISRAEL'S COMMONSENSE VERSUS STATE DEPARTMENT WISHFUL THINKING

Mr. MONTOYA. Mr. President, recent developments in the United States concerning the Middle East are causing increasing disquiet. It seems as if our State Department is once again slavishly falling into line with positions advanced by those interests seeking settlement in that area of the world at the expense of the only friend we possess there. Israel is the only democracy in that part of the world. She is also our only reliable ally. Carved out of the desert by refugees from the Nazi holocaust, she has had her sovereignty attacked from the beginning, militarily and diplomatically. In 1948, she was invaded, yet triumphed over all odds. In 1957, she showed her military viability in the face of overwhelming numbers. In 1967, as Arab military forces armed to the teeth with up-to-date Soviet weapons, attacked her, she triumphed. Since that time there has been a stalemate. She seeks face-to-face negotiations with her foes to secure her boundaries.

It is simple to see why Israel stands firm. These people have the longest record of persecution in the world's history. Only the Jewish people have been victims of organized, modern attempts at genocide. Every diplomatic promise ever made them has been broken.

The United Nations has been turned into a sounding board for Soviet-orchestrated Arab propaganda against her. I must admit I find it grotesque that less than 3 million people in a miniscule nation are being made villains in a conflict with 50 million foes backed by one of the world's thermonuclear superstates. It is a little hard to believe that David is the real aggressor against Goliath.

What crime have the Jewish people of Israel been guilty of? Fighting successfully to survive. They are guilty of winning. They stand accused of refusing to die quietly. This time the world will not make them agree to do a Czechoslovakia a la 1938. And I admire them for their stand. They are wise, because such promises have proven to be not worth the paper they are printed on. Who can forget Thant's panicky acquiescence to Nasser's arrogant 1967 demands to withdraw the U.N. forces?

Each time Israel has believed promises from the United Nations, she has been betrayed. Now she understandably refuses to accept further tenuous guarantees. After paying in blood for her present borders, all she seeks are face-to-face negotiations with her opponents. On this basis, she is prepared to discuss any and all issues at hand.

She seeks recognition as a nation with the formal guarantees this brings. She seeks security from nightly terror and slaughter in the name of guerrilla warfare. She asks for her international rights of access, trade, and negotiation. Only this, Yet U Thant, Soviet de facto representative at the U.N., seeks to treat such requests as negotiable. His behavior and that of the organization he represents cast no credit upon either in this entire Middle Eastern imbroglio. Whatever remaining credit they had left in the minds of most Americans has long since been used up by their recent behavior.

The Soviets have rearmed the Arabs to the teeth. Egypt once again has bulging armories. Further, she now has a minimum of 10,000 to 12,000 Soviet troops and technical experts on her soil and in positions of significant frontline authority. Past acts of bad faith were updated last year when the truce was declared at the Suez Canal. The very first night showed who the Egyptians and their Soviet mentors really were, as missile sites and antiaircraft missiles were moved up toward the canal. Can anyone in their right mind blame Mrs. Meir and her compatriots for the stand they have now taken?

That is why I consider the positions advocated by Secretary of State Rogers so unusual, to say the least. His logical processes in this situation are even more convoluted than when he states a case for expanding the war in Indochina. Israel must live with Arab hate and Soviet weapons. Both are far removed from Foggy Bottom.

It is one thing to say we are advancing backward and the Communists are retreating forward in Asia. It is another to blandly propose the pro-Communist themes of U Thant and the Soviets on the Middle East at Israel's expense.

Israel looks askance at our guarantees. How can Mr. Rogers and the President commit American troops to any border force in the Middle East or anywhere else without consulting the Congress? The Israelis are aware of this. That is just one reason why they regard such an oral promise with skepticism.

Israel knows what an enemy on a commanding height means in terms of precious lives. She knows what it means to live with the reality of hordes of Russian-armed and trained enemies only a few miles away from her most vulnerable heartland. It is easy for a Secretary of State to tell her to withdraw. Israel's people will have to physically live with the consequences. Mr. Rogers will not.

Israel has an unassailable reason for wishing retention or neutralization of each piece of territory in question. The Golan Heights are an artillery bastion that, as has been shown in the past, in the hands of an enemy make life practically untenable for settlements in the north of Israel. To give them back to the hands of Syria, a totally irrational state, would be an act of betrayal to Israeli citizens dwelling under the shadow of the guns which would immediately be placed there.

Sharm-el-Sheikh is a bottleneck controlling access to Israel's only port facing Asia and Africa. Egypt has violated international law with impunity in the past, forbidding international access to Israel by military control of that strategic point. Israel gave up her options on Sharm-el-Sheikh once, and paid accordingly. This particular spot was a major cause of the 1967 war, which brought the world to the brink of massive conflict.

Military control of the Gaza Strip by Egypt creates a dagger pointed at the heart of Israel. Why should this little country place such a weapon in the hands of people sworn to wipe her out?

While Arabs controlled part of Jerusalem, Jews were not allowed access to holy shrines. Jewish holy places were defiled. The old city was used as a military base for attacks upon Israel in the 1967 war. Why then, should she return to such a status quo?

I find it perfectly understandable that she refuses to withdraw from her strategic, hard-won positions until she has something more tangible than a mere promise based upon a questionable constitutional position.

Mr. President, what it boils down to is that too many people are willing to treat Israel's interests as negotiable. Face-to-face negotiations between principals is essential to a meaningful agreement in that part of the world.

The Israelis are not fools. Past lessons, old and new, have not lost their meaning to them. It would behoove our diplomatic establishment to take heed of the very elementary lessons that are ours to learn for the asking.

EXECUTIVE IMPOUNDMENT

Mr. CHURCH. Mr. President, Executive impoundment of appropriated funds is another area in which Congress is losing its prerogatives. Just recently, for instance, it was reported that the Nixon administration intends not to spend $8 billion authorized and appropriated by both Houses of Congress for domestic programs. This nullification of congressional intent further tips the present constitutional imbalance in our Government—in matters of peace and war as well as the purse—toward the Presidency.

It is the duty of Congress to redress this imbalance and to stop the flow of authority and responsibility away from Capitol Hill. On this score, I am pleased that the distinguished senior Senator from North Carolina (Mr. Ervin), chairman of the Senate Subcommittee on Separation of Powers, is holding hearings on this crucial issue. I have long been concerned about the practice of Executive impoundment. In an article entitled "Impoundment of Appropriated Funds: The Decline of Congressional Control Over Executive Discretion," published in the Stanford Law Review, I set out a review of the growth of impoundment and my appraisal of the constitutional questions it raises.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Stanford Law Review, June, 1970]

Impoundment of Appropriated Funds: The Decline of Congressional Control Over Executive Discretion

(Comments by Senator Frank Church) *

The aggrandizement of governmental power, particularly executive power, is a well-known theme in the literature on American politics.[1] Mushrooming executive authority should, of course, surprise no one, given "the

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Footnotes at end of article.

three great centralizing experiences of this century—world wars, extended depression, and protracted Cold War."[2] The important question is whether increasing executive authority has impaired the separation of powers prescribed by the Constitution. Is our nation guided, in a spirit of comity, by three strong and separate branches of government?[3] Or, to paraphrase Roscoe Pound, are we witnessing the desuetude of representative government, the rise of "executive hegemony"?[4]

Despite Congress' apparent abdication of its constitutional responsibilities under certain powers, some suggest that Congress has nonetheless managed to preserve the scope and significance of its policy role by using other available tools—open debate, committee investigations, and, especially, continuing control over public spending. For example, in 1959 Senator Hubert Humphrey stressed: "[W]ith its power of the purse, and through the right to investigate, to criticize and to advocate, the Congress does exert a significant influence on the quality and direction of United States foreign policy, and it usually does so without violating the integrity of the Executive Branch."[5] The purpose of this Comment is to suggest that it is the integrity of Congress rather than the executive branch that stands in jeopardy. Most of the authority over foreign policy that the Constitution vests in Congress has already passed to the President.[6] Now, through a process of subtle attrition, Congress also appears to be surrendering its traditional wellspring of strength, the power of the purse. The Constitution declares that the appropriations power is the exclusive prerogative of Congress: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . . ."[7] However, through the growth of "central clearance"[8] the appropriations power has become as much the executive domain as the congressional. One author suggests that "Congress, according to the Constitution, must appropriate—but what is appropriated, speaking very generally, is what is presented to them by the Administration."[9] The increased complexity of governmental transactions and the speed and flexibility with which they must be handled inevitably have led to increased executive responsibility over public spending. The executive, however, has supplemented this inevitable shift of power through the use of a particularly noxious device—executive impoundment of appropriated funds. The growing practice of impoundment, whereby the executive branch fails to expend funds according to the intent of Congress, looms as yet another force eroding the foundation of representative government. I shall first briefly describe the practice, point out the dangers and constitutional infirmity of impoundment, and finally suggest some steps Congress can take to retrieve its quickly vanishing initiative in this area.

I. THE PRACTICE OF IMPOUNDMENT

A. The growth of impoundment

Though an occasional earlier example of executive impoundment can be found in American history, the Anti-Deficiency Acts of 1905–06[10] provided the first lawful basis for the practice of reserving appropriations, "the *sine qua non* of the impounding process."[11] These Acts state that appropriations may ". . . be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made."[12] The Anti-Deficiency Acts were later used "to effect savings when the required purpose was accomplished for a sum less than the amount of the appropriation."[13]

Executive impoundment lost its character as an economy measure and became a full-fledged policy tool early in the administration of Franklin Delano Roosevelt. The Bureau of the Budget initiated the practice of impounding funds for specific purposes.[14] The frequency of impounding increased sharply as the Roosevelt administration coped with the emergencies of the Depression and World War II. Congress permitted Roosevelt to pursue those activities he deemed necessary to ease the economic crisis of the thirties and to ignore appropriations for nonessential activities.[15] Similarly, during the forties Congress usually supported the President in his policy of deferring projects that might absorb funds required for the war effort.[16] Until victory over our enemies was assured, the constitutional separation of Congress and the President was temporarily shelved, allowing the executive branch to determine if legislation passed by Congress was in the best interests of winning the war. Throughout this period of crisis, the executive branch based its rationale for impounding funds chiefly upon the war powers of the President. One case study focusing on impoundment during these war years states: "Recognizing that the Bureau's right to stop specific projects during peacetime might be questionable, [a Bureau of the Budget official] contended that the President's war power permitted 'the President to prosecute the war in all its ramifications by all the machinery available to him.' "[17]

Several members of Congress, however, were clearly unhappy about their wartime "expendability" and concerned that the claimed emergency powers might become normal powers. A legislative amendment introduced by Senator McKellar in 1943 was "the first across-the-board curtailment of the Budget's impounding procedure to be accepted by either house of Congress."[18] The language of the McKellar rider sought to eliminate impounding completely, "except by direction of the Congress." After passing the Senate by a voice vote, the McKellar amendment was resoundingly defeated in the House; however, the floor debate over the issue made it evident that, even given the wartime emergency, many influential members of Congress believe the executive branch had clearly overstepped its bounds.

The amendment seems to have been defeated largely because of the disinclination of members to interfere with the progress of the war. Inside the Congress, House Appropriations Committee Chairman Clarence Cannon spoke against the amendment, stressing that it sought to eliminate impoundment "at the time . . . we need the exercise of that power more than any other in the history of our country."[19] Outside the Congress, a constitutional expert underlined part of the problem:

> "[I]n its control of the purse-strings Congress possesses its most effective check on Presidential power. At best, the promise of this rule is seriously impaired by war, inasmuch as legislative prying into Presidential budgets at such a time always involves the danger of revealing military secrets."[20]

Congressional abdication of its "most effective check on Presidential power" was thus directly linked to the war. Therefore, the true test of the importance of impoundment would seem to lie in its use since the Second World War.

The record of postwar impoundment discloses that, far from abating, the practice has grown markedly.[21] Examples abound where the executive branch has rejected or deferred projects approved and mandated by Congress.[22] Most disturbing of all, the impounding procedure has expanded from its wartime intrusion into "national defense" into the area of civilian spending. No longer do we find only military programs being reduced and sometimes completely eliminated because the executive branch prefers a different program, but—far more alarming—we are increasingly confronted by news items such as the following: "[U]nder Congressional pressure the Budget Bureau released a backlog of 56 [civilian] projects."[23] Also seen with startling regularity are references concerning whether funds for housing, pollution control, medical research, and other important programs ought to remain impounded or be released for use.[24] One must wonder how many other projects approved and funded by the representatives of the American people are similarly trapped in the executive snare. The fundamental question, of course, is whether these funds should have allowed to be impounded in the first place. The words of one Senator, speaking on the impoundment issue during World War II, are even more poignant today: "Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people."[25]

Impoundment has evolved significantly from the Anti-Deficiency Acts' original purpose of effecting savings. Now the administration announces that it "*may* be ready to release the $586 million in extra funds voted last year by Congress for the fight against water pollution."[26] The importance of examining the constitutional and political implications of this trend should be obvious. Before turning to these implications, however, it may be worth while to outline briefly the major types of impounding procedures.

B. Impoundment: a typology

Various methods of holding up funds have been used over the years. Some of these procedures have been useful; others hold grave implications for the very *raison d'être* of Congress. The following typology of these procedures is not meant to be exhaustive; present data on impoundment are far too fragmentary for a definitive classification. The tentative findings presented here are designed simply to outline the major methods of impoundment and to encourage further research in this area.

1. Reserving Funds To Prevent Deficiencies or Effect Savings

This method of holding up funds is by far the most common. When used to economize rather than to cripple programs, its usefulness is apparent. For example,

> "if an island, for whose inhabitants Congress appropriates X millions of dollars, suddenly were to disappear and all its residents perished. Congress would not expect the President, with a view to escaping its wrath over impounding to direct that the unexpended portion of the funds thus allocated follow the decedents to their watery grave."[27]

Or, to use Professor Williams' classic example, when only $500,000 was needed by the Department of Agriculture to control the Mediterranean fruit fly, the remainder of the original $1 million appropriation was rightly placed in a federal reserve.[28]

In short, no one is opposed to returning moneys to the Treasury whenever a program costs less than originally expected, just as no one should object to apportioning funds to prevent deficiencies. These practices, aimed at fiscal responsibility and not policy-making, are better referred to as apportioning (in the case of deficiency prevention) and reserving (when funds are placed in the Treasury as a result of program economizing), rather than impounding. The distinction between reserving and impounding is, of course, a matter of degree. When the purpose of holding back funds is not to effect marginal savings but to alter the intention of a program or policy, then "reserving" has become "impounding."[29] The transition is one from fiscal responsibility and economizing—rightly pursued by all components of govern-

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ment—to constitutional irresponsibility with a concomitant decline of checks and balances and separate institutions.

2. Impoundment Under Authority of Permissive Appropriation

On some types of legislation—for example, during a national emergency such as war or depression—Congress may wish to set only ceilings on expenditure, allowing the President discretionary powers over these programs. As one author correctly points out: "There has been little dispute as to the power of the President to make the decision as to whether or not funds shall be spent, if it is clear that Congress intended the appropriation to be permissive." [30] Once Congress has made its intentions clear on a particular appropriations measure, however, the flexing of presidential muscle serves only to tear the fabric of the Constitution.

One of the problems in this area stems from semantic confusion. Ambiguities in statutory wording sometimes obscure the difference between language allowing discretionary funding and language stressing the mandatory nature of certain congressional appropriations. An Assistant Attorney General remarked: "[A]n appropriation is not in itself ordinarily interpreted as a direction to spend. To determine whether or not there is a duty to spend one must examine the substantive legislation." [31] Hence, whether Congress used words like "direct," "mandate," "require," "order," "shall," in one instance, or "authorize," "permit," "may," in another instance, can determine whether an entire project is carried out or quietly abandoned by the executive branch.

There are numerous illustrations of this semantic difficulty. For example, an author suggests that one sentence in the Hospital Survey and Construction Act [32] is mandatory since the verb "shall" is used, whereas a second sentence is "purely permissive and wholly discretionary" because "may" is the verb.[33] The author concludes that "the Surgeon General is at liberty to disregard the second sentence" but must "follow the congressional command imposed in the first sentence." [34] The well-publicized controversy over the RS–70 weapon system (the B–70 bomber) is another instructive example. President Kennedy persuaded Representative Vinson, Chairman of the House Armed Services Committee, to replace the word "directed" with the word "authorized" in the legislation appropriating funds for the program.[35] Though Vinson later explained that his Committee deleted the word only upon assurance that the Defense Department would take some action on this program,[36] in the long run "[t]he project was restudied but no extra funds for the B–70 or RS–70 were ever spent." [37] One scholar of defense budgets remarks: "The fact that such a strenuous, and successful, effort was made to delete the term 'directed' carries an implied recognition that the Executive would not be free to ignore such a mandate. . . ." [38] The moral of these examples should be clear: If Congress intends to mandate the executive branch, this should be unambiguously stated in the legislation so the President understands clearly when he has been "directed" and when he has been given discretionary powers.

3. Impoundment Under Authority of a Congressional Mandate

Directives from the Congress requiring the President to freeze funds for projects under certain conditions have become increasingly common. Under Title VI of the 1964 Civil Rights Act, for example, Congress mandates the executive branch to impound funds rather than spend them in areas practicing unlawful discrimination.[39] This method of executive impoundment can be of great value in eliminating unlawful activities in this nation and is in harmony with the separation doctrine. Probing the effects of this kind of congressional mandate, one authority raises the following questions: "Does it merely shore up an already existing power? Does it create new power? Does it mean that in areas other than those covered by the Civil Rights Act—for example, national defense—the President has now made the tacit admission and will be held to the position that he cannot impound funds? [40] As this Comment suggests, the answer can be direct: It has always been the power of the Congress to control the purse strings, and this type of congressionally mandated impounding is merely an example of such control.

4. Impoundment Despite a Mandatory Appropriation

In the three types of impoundment outlined above, the President is permitted by Congress to withhold the expenditure of duly appropriated funds under certain conditions. If we are to preserve our democratic institutions, however, the President cannot be allowed the further privilege of ignoring a *mandated* appropriation. It is this form of impoundment that represents a grave threat to the integrity of Congress.

In a recent review of the impoundment question, one political scientist states his belief that

> "a *constitutional* issue emerges only when Congress finds a legislative program cancelled or abbreviated because the President considers the purpose unwise, wasteful, or inexpedient. He then no longer operates on the basis of legislative authority. On the contrary, he matches his will against that of Congress." [41]

This type of impoundment occurs with increasing frequency. The executive often refuses to spend funds that Congress explicitly orders spent. Today we find, for instance, that "while Congress authorized and presumably intended to spend $8.9 billion on school aid this year, the Nixon budget contained only $3.2 billion." [42] We learn from an Assistant Secretary of Health, Education, and Welfare that medical research and other projects over which the executive branch has much control may be cut back or halted by discretion of the President, despite specific congressional orders directing that the projects be carried out.[43] Most recently, it is reported that President Nixon vetoed the vital and popular [44] Hospital Construction Bill because of a "[p]articularly obnoxious . . . provision in the bill that would have prevented [the President] from impounding any of the $1.2 billion in hospital construction grants authorized for the next three years." [45]

The outright elimination of entire programs ordered by Congress is a blatant example of this dangerous trend.[46] A more subtle accretion of executive powers is found in the practice of "reserving" funds (to use the Budget euphemism) with a promise to release them at a later, "more fiscally responsible" time. Though the executive branch is quick to disclose instances when there funds are actually later released, not a word is uttered about those projects that are quietly entombed—or released only after great pressure is brought to bear on specific agencies or Budget officials.[47] As suggested earlier, Congress is reduced to vigorous lobbying to compel expenditures, despite the fact that funds have already been mandated for spending and the congressional mandate signed into law by the Chief Executive, who, according to the Constitution, is supposed to see that "the laws are faithfully executed." [48]

The tentative typology presented here may lead to a further refinement in the study of impoundment procedures as additional data are uncovered. It should be remembered that of the four methods outlined above, only the last—impoundment despite a mandatory appropriation—is impugned here as illegitimate and a threat to representative government.

II. THE CONSTITUTIONAL AND POLITICAL IMPLICATIONS OF IMPOUNDMENT

Those who have carefully examined court decisions bearing on the impoundment issue have concluded that no cases involve the problem directly, and those cases that are of tangential significance fail to settle the issue.[49] One constitutional scholar concludes: "[T]he relationships between President and Congress are essentially political and are to be solved by the operation of the political process, not by resort to legalistic arguments." [50] As this issue is not resolved by past court decisions, and as the chances of a future test of this case before the Supreme Court are remote,[51] it is evident that we must rely for authority on (1) an examination of the wording of the Constitution itself, (2) the American tradition of separate institutions and checks and balances in government, and (3) the political arguments for and against executive discretion in this area.

A. The Constitution

Recognizing that the Constitution offers no specific guidelines concerning the "reserving" of appropriated funds, it is nonetheless plain that the authors of that document did not intend to give the Chief Executive an absolute veto over public spending. No item veto is specifically granted to the President by the Constitution, and the provision for overriding a veto upon a two-thirds vote lends credence to the proposition that the President has no constitutional power to veto legislation absolutely. If the President or his subordinates are permitted at will to refuse to spend funds after an appropriations statute has been signed into law, then in essence these officials have "an absolute veto exercised without danger of being overridden by a two-thirds vote of Congress." [52]

The Constitution in certain specific cases seems to grant to Congress actual affirmative power rather than the right merely to limit spending. In the military sphere, for example, the constitutional prerogative of Congress to "raise and support armies" and to "provide and maintain a Navy" carries with it the implication that Congress may ensure that the funds for these military activities are expended in the manner determined by Congress. Similarly, in other areas of spending, the congressional power of the purse is not simply negative power to establish a ceiling, but rather a full and positive authority to compel expenditure of the funds.[53] An Assistant Attorney General states: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent." [54] Every refusal by the President to execute a program or project, once made law, is nothing less than the exercise of a patently unconstitutional absolute veto.

B. Separation of powers

A vital ingredient of democracy in our country is the opportunity afforded diverse political interests—civic groups, government agencies, private citizens, and others—to appeal in a meaningful way to the Congress, the courts, and the executive branch to advance the policies they favor. Once it is widely recognized that a project may be entombed by the executive branch—even when a convincing case has been made before the Congress and moneys have been appropriated—the American people will sense the futility of appealing to their elected representatives. They will conclude that the executive branch is the only significant arena for policymaking. This undermining of confidence in the

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Footnotes at end of article.

ability of Congress to act with authority on appropriations will eventually destroy public reliance on that representative body and thereby increase the power and authority of the executive to the detriment of our tradition of separate institutions acting as checks and balances on one another.

C. The political argument

The argument most readily embraced by proponents of impoundment may be stated generally as follows: The question of freezing funds is fundamentally of a political nature, and, in an era demanding administrative speed and efficiency, presidential discretion over funds is imperative. Hence, an author tells us:

> "The struggle between the President and Congress over impounded funds is essentially political. The decisive appeal is not to legal principles and Court decisions but to constituencies and agency support. . . .
>
> . . . Since the President lacks an item veto, he must impound the unwanted funds to preserve his budgetary objectives and maintain control over his own executive officials." [55]

Another constitutional authority suggests: "The answer is not to be deduced from the Constitution itself but is to be decided on the grounds of policy. This, in turn, means that the President can and may withhold expenditure of funds to the extent that the political milieu in which he operates permits him to do so." [56] We are told that impoundment is "an essential instrument for protecting budgetary policy and avoiding unnecessary and costly programs" and that "Presidents exercise this power with considerable restraint and circumspection." [57] But who is to determine what programs are unnecessary, or when the President has used circumspection in freezing funds? Surely the President alone, or, worse still, some lower-echelon official within one of the executive agencies should not.

Proponents of this point of view seem to confuse the nature of the budgetary process with the impounding issue. The distinction is that legislative determination of appropriations is a process of bargaining and persuasion; once the appropriations are passed, however, it becomes the constitutional obligation of Congress "to compel the funds to be expended." [58] Politics and bargaining, yes, when it comes to deciding the merits among competing requests for scarce resources; politics and bargaining, no, when the laws of the land are to be carried out. Given the President's veto and his obvious influence over the whole budgetary process, there is no need for him to obstruct the intent of the Constitution or subvert the tradition of balanced government by challenging Congress' most important instrument for monitoring the executive branch.[59]

III. CONCLUSION

Naturally, an evaluation of the impoundment question will reflect to some extent the value structure of the investigator. However, the empirical evidence analyzed here indicates that Congress should assume its larger responsibility. The powers of the President are now vast and growing; congressional power over the purse is one of Congress' few real means for controlling the federal bureaucracy. Still, the executive branch continues to impound funds, increasingly invading the domestic realm to deprive Congress of its constitutionally imposed duty to control public policy. The President has the higher responsibility, in the long run, of maintaining the Congress as the strongest legislature in the world. He will fail in this responsibility if he treats with disdain the appropriations bills passed by Congress.

To prevent such an occurrence, the Congress has recourse, in the last extremity, to the process of impeachment, though this reprisal is clearly too harsh to be practical. More realistically, Congress can deny funds requested by the President for programs he may strongly favor, and, in this manner, bring pressure on the Chief Executive to implement congressional intent in other areas. This political leverage is frequently utilized by Congress, though not often in the public view. It amounts to individuals or groups of legislators reaching private understandings with the executive, often without alluding to a specific bargain. If Congress is to maintain its status as a separate and equal branch of our government in the face of increasing presidential usurpation in the appropriations area, this technique may have to be studied, refined, and employed more often and more effectively in the future. As judicial review is unlikely, and impeachment is unworkable, it is suggested that congressional and scholarly thought be directed toward finding more effective ways to implement withholding procedures, and toward discovering and implementing other feasible remedies.

If any remedy is to assure that programs, once funded, are carried out as mandated, Congress must strengthen and regularize its review of executive compliance with congressional appropriations. At present, once an appropriation is passed, Congress usually loses sight of it. There is no regularized process for following an appropriation to see that it is spent in the legislatively prescribed manner. Moreover, the Budget Bureau, an executive agency, is unwilling to release to the Congress information on "reserved" funds.[60] It is therefore apparent that for any remedy to be effective Congress must provide some means for obtaining the data necessary to determine whether to invoke that remedy. Legislation might be enacted requiring the Budget Bureau to inform Congress whenever funds are reserved. The duties of the General Accounting Office, an arm of the legislative branch, might be augmented to include supervision of expenditures in order to identify when impoundment has occurred. The appropriations committees of Congress—indeed, all the committees—might be encouraged, or required, to follow appropriations through the executive branch to ensure that they have been allocated and spent as directed. Again, this is an area in which further study is necessary, and the suggestions put forth here should in no way be taken as all-encompassing.

The most desirable general resolution of the problem would be for the executive branch to discipline itself, recognizing that today's dominant presidential initiative in the legislative process must be matched by meaningful congressional control. For a President, or the agents who act in his name, to impound funds at their own discretion places both initiative and control of legislative policymaking in the hands of the executive branch, and forecasts a decline of constitutional government in this country. Absent such unilateral action by the executive, the problem of impoundment deserves far more congressional attention than it has received in the recent past.

FOOTNOTES

* A.B. 1947, J.D. 1950, Stanford University. United States Senator from Idaho. The author wishes to thank Loch K. Johnson, American Political Science Association Congressional Fellow, for his assistance in the preparation of this Comment.

[1] *See, e.g.*, E. Corwin, The President: Office and Powers, 1787–1957 (1957); V. Key, Jr., Politics, Parties, and Pressure Groups (5th ed. 1964); L. Koenig, The Chief Executive (1964); R. Neustadt, Presidential Power (1960); C. Rossiter, The American Presidency (1956); A. Schlesinger, Jr. & A. de Grazia, Congress and the Presidency: Their Role in Modern Times (1967).

[2] K. Waltz, Foreign Policy and Democratic Politics 103 (1967).

[3] The phrase "separate institutions sharing powers" has been offered by Neustadt as a clarification of the proper constitutional relationship of our political institutions. R. Neustadt, *supra* note 1, at 33. Essential to both this expression and the more common "separation of powers" is the notion that no branch of government may be allowed to usurp those powers meant to be shared by another branch of government. In the appropriations process, for example, one finds an overlap of functions, powers, and responsibilities to be shared by Congress and the President. The difficulty, of course, lies in ascertaining when a particular branch no longer plays a viable role in the partnership.

[4] *Quoted in* Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision-Making,* 43 N.C.L. Rev. 502, 523 (1965).

[5] Humphrey, *The Senate in Foreign Policy,* 37 Foreign Affairs 525 (1959). Writing more recently on Senate powers, New York Senator Jacob K. Javits calls the power of the purse "the one weapon we have." Javits, *The Congressional Presence in Foreign Relations,* 48 Foreign Affairs 221, 233 (1970).

[6] *See, e.g.*, Church, *Of Presidents and Caesars: The Decline of Constitutional Government in the Conduct of American Foreign Policy,* 6 Idaho L. Rev. 1, 13 (1969).

[7] U.S. Const. art 1, § 9.

[8] *See* Neustadt, *Presidency and Legislation: The Growth of Central Clearance,* 48 Am, Pol. Sci. Rev. 641 (1954).

[9] Miller, *supra* note 4, at 506.

[10] Act of Mar. 3, 1905, ch. 1484, § 4, 33 Stat. 1257; Act of Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48–49.

[11] Williams, *The Impounding of Funds by the Bureau of the Budget,* Inter-University Case Program No. 28, at 6 (1955).

[12] Act of Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48–49. For the 1905 legislation see Act of Mar. 3, 1905, ch. 1484, § 4, 33 Stat. 1257.

[13] Davis, *Congressional Power to Require Defense Expenditures,* 33 Fordham L. Rev. 39, 54 (1964).

[14] M. Ramsey, Impoundment by the Executive Department of Funds Which Congress Has Authorized It to Spend or Obligate, May 10, 1968, at 4 (Library of Congress Legislative Reference Service). An example of impoundment of this nature before 1933 is President Harding's freezing of funds for rivers and harbors in 1923, ignoring a supplementary appropriation by Congress. Kranz, *A 20th Century Emancipation Proclamation: Presidential Power Permits Withholding of Federal Funds from Segregated Institutions,* 11 Am. U.L. Rev. 48, 65 n.122 (1962).

[15] *See, e.g.*, the Economy Acts of 1932 and 1933 (Act of June 30, 1932, ch. 314, §§ 101, 105, 110, 403, 47 Stat. 399, 401, 403, 413; Acts of Mar. 3, 1933, ch. 212, §§ 403, 408, 47 Stat. 1518, 1519) and the War Appropriation Act of 1933–34 (Act of Mar. 4, 1933, ch. 281, § 4, 47 Stat. 1602).

[16] *See* Corwin, *The War and the Constitution: President and Congress,* 37 Am. Pol. Sci. Rev. 18–25 (1943). The instances in which the executive branch was unsuccessful in holding up funds it felt not in the national interest have been few. *See, e.g.*, Williams, *supra* note 11, at 12–20.

[17] Williams, *supra* note 11, at 15.

[18] *Id.* at 27.

[19] *Quoted in id.*

[20] Corwin, *supra* note 16, at 24. It should be noted that recourse to executive privilege over so-called "secret" information has often been misused. Senator Javits is correct in asserting that information has frequently remained classified "more for the sake of bureaucratic convenience than for legitimate national-security reasons." Javits, *supra* note 5, at 224.

[21] No truly systematic data can be found on either postwar or prewar impoundments; one must rely on fragmentary newspaper reports and citations in the academic litera-

ture. The only attempt known to the writer to gather detailed information on this subject was made by Senator Ervin's Subcommittee on the Separation of Powers in 1968. In response to the Subcommittee's request, Budget Director Robert P. Mayo forwarded a list of "Examples of Reserves Established Under Specified Circumstances, 1945–1969." Memorandum from Robert P. Mayo to Senator Sam J. Ervin, May 1969. The document, which took "months" to prepare according to a Budget official contacted by my office, presents a relatively sparse listing of "reserving" incidents, and fails even to mention several examples of impoundment cited in the scholarly literature. In fact, the Budget Bureau seems to have been very careful to select only those cases that least call into question the practice of impoundment. For each example selected, the Bureau stresses that the "reserved" funds were "released later in the fiscal year." Even the controversial RS–70 case comes out looking good, with all the moneys finally being released. This version of that case is, however, inconsistent with reports of it found elsewhere. *See* T. Sorensen, Kennedy 348 n.2 (1965).

[22] Anyone casually acquainted with the history of impoundments must wonder how the Budget Bureau could have forgotten some of the following examples, to take only more blatant impoundments of military programs. In 1950 the aircraft carrier Forrestal was canceled by the executive after funds had been appropriated. *See* H.R. Rep. No. 1406, 87th Cong., 2d Sess. 5 (1962). A year earlier President Truman had impounded the $615 million that Congress appropriated for an Air Force group larger than he preferred. *See* M. Ramsey, *supra* note 14, at 22. In 1956 the Department of Defense impounded appropriations by Congress "earmarked for the construction of twenty superfort bombers." *See* E. Corwin, *supra* note 1, at 137. In 1959 Senate Armed Services Committee hearings examined the failure to spend funds appropriated for such things as Polaris submarine construction and support of the Marine Corps at a given level. The hearings revealed: "Last year the Congress appropriated $1,300,000,000 extra . . . and 58 per cent was not spent at all. . . ." *Quoted in* N. Small, Constitutional Power of President to Order the Impounding of Appropriated Funds, Aug. 25, 1959, at 6 (Library of Congress Legislative Reference Service): *See* M. Ramsey, *supra* note 14, at 26.

[23] Congressional Quarterly Services, 2 Congress and the Nation 508 (1969).

[24] *See,* e.g., Washington Post, Mar. 14, 1970, at A4, cols. 1–4; *id.*, Jan. 17, 1970, at A2, cols. 1–2.

[25] Remarks of Senator Holman, *quoted in* Williams, *supra note* 11, at 24.

[26] Washington Post, Jan. 17, 1970, at A2, cols. 1–2 (emphasis added).

[27] N. Small, *supra* note 22, at 5.

[28] Williams, *supra* note 11, at 6.

[29] Even the Bureau of the Budget in 1952 stressed that "[r]eserves must not be used to nullify the intent of Congress with respect to specific projects or level of programs." Bureau of the Budget, Examiners Handbook (1952). According to George Mahon, Chairman of the House Appropriations Committee: "[E]conomy is one thing, and the abandonment of a policy or program of the Congress another thing." 95 Cong. Rec. 14,922 (1949).

[30] M. Ramsey, *supra* note 14, at 22. One misconception concerning whether appropriations represent only a "ceiling" seems to originate in the 1951 General Appropriations Act, in which the executive branch is directed "to expend as little as possible out of the funds appropriated." 31 U.S.C. 665(c)(2) (1964); *see* H.R. Rep. No. 1797, 81st Cong., 2d Sess., (1950). One writer refers to this Act as a rationale for executive impoundment. *See* Kranz, *supra* note 14, at 65. However, a more accurate statement of congressional intent in the 1951 Act is the following: "There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency *in executing the purposes for which the appropriation is made.*" Davis, *supra* note 13, at 55 (emphasis in original). President Kennedy, in a similar vein, declared in 1963: "I don't have the power to cut off the aid in a general way, as was proposed by the Civil Rights Commission, and I think it would probably be unwise to give the President of the United States that kind of power. . . ." N.Y. Times, April 20, 1963, at 11, col. 5.

[31] Memorandum from Assistant Attorney General William H. Rehnquist to Edward L. Morgan, Deputy Counsel to the President, Dec. 19, 1969, at 1.

[32] Hospital Survey and Construction Act (Hill-Burton Act), 42 U.S.C. 291 (1964).

[33] Kranz, *supra* note 14, at 60. Underscoring the problem of semantic confusion in committee reports, Arthur MacMahon writes: "It is the difficult task of administrators to construe the reports and to identify the commands and interdictions which the committee intends to have an intrinsic force, not merely advisory value." MacMahon, *Congressional Oversight of Administration: The Power of the Purse,* 58 Pol. Sci. Q. 161, 380 (1943).

[34] Kranz, *supra* note 14, at 60.

[35] Davis, *supra* note 13, at 43.

[36] 108 Cong. Rec. 4693 (1962).

[37] T. Sorensen, *supra* note 21, at 348 n.2.

[38] Davis, *supra* note 13, at 44 n. 27.

[39] 42 U.S.C. §§ 2000d to 2000d–4 (1964). *See also* the Library Services Act, 70 Stat. 293 (1956), *as amended,* 20 U.S.C. §§ 351–58 (1964); Vocational Rehabilitation Act, 41 Stat. 735 (1920), *as amended,* 29 U.S.C. § 3 (1964).

[40] Miller, *supra* note 4, at 544.

[41] Fisher, *Funds Impounded by the President: The Constitutional Issue,* 38 Geo Wash. L. Rev. 124, 125–126 (1969) (emphasis in original).

[42] Washington Post, Jan. 24, 1970, at A2, cols. 1–8.

[43] Washington Post, Jan. 17, 1970, at A2, cols. 4–6.

[44] The bill passed both the House and Senate without a dissenting vote. Wall Street Journal, June 23, 1970, at 5, cols. 2–4.

[45] *Id.*

[46] *See* note 22 *supra.*

[47] For example, the Bureau of the Budget did not release $3 million authorized for the molten-salt breeder reactor at Oak Ridge; the breeder had shown promise of being "the cleanest and most efficient fuel source for electric power." Time, Feb. 16, 1970, at 45. For a recent example of one Senator's successful effort to exhume appropriated moneys see Washington Post, Jan. 17, 1970, at A2, cols. 1–2.

[48] Goostree, *The Power of the President to Impound Appropriated Funds: With Special Reference to Grants-in-Aid to Segregated Activities,* 11 Am. U.L. Rev. 32, 39 (1962): "[T]he high Constitutional duty to see that the laws are faithfully executed does not confer upon the President the discretion to determine what law shall be executed and how much."

[49] One investigator states: "A number of decisions by the Supreme Court are being invoked in an effort to demonstrate that Presidents lack constitutional authority to impound funds. Taken from context, various phrases of the Court appear to have bearing on the issue, but on closer inspection they have little, if any, relevance. Furthermore, efforts to *justify* impoundments on the basis of other court decisions are also not persuasive." Fisher, *supra* note 41, at 136, (original emphasis).

A long line of cases might be cited against impoundment. Kent v. Dulles, 357 U.S. 116 (1958); Cole v. Young, 351 U.S. 536 (1956); Peters v. Hobby, 349 U.S. 331 (1955); Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952); United States v. Louisville, 169 U.S. 249 (1898); United States v. Price, 116 U.S. 43 (1885); The Floyd Acceptances, 74 U.S. (7 Wall.) 666 (1868); Kendall v. United States *ex rel.* Stokes, 37 U.S. (12 Pet.) 524 (1838). An equally long line of cases can be cited as justification for impoundment. United States v. Pewee Coal Co., 341 U.S. 114 (1951); United States v. Lovett, 328 U.S. 303 (1946); United States v. Midwest Oil Co., 236 U.S. 459 (1915); *In re* Neagle, 135 U.S. 1 (1890); Simkins v. Moses H. Cone Memorial Hosp., 323 F.2d 959 (4th Cir. 1963), *cert. denied,* 376 U.S. 938 (1964); McKay v. Central Elec. Power Cooperative, 223 F.2d 623 (D.C. Cir. 1955). *See generally* Fisher, *supra* note 41; Goostree, *supra* note 48; Miller, *supra* note 4; Ramsey, *supra* note 14; and Small, *supra* note 22.

[50] Miller, *supra* note 4, at 544.

[51] For understandable reasons, the Supreme Court has shied away from entering the political arena where the persistent power struggle between Congress and the President is waged. Even in cases where legitimate constitutional questions may be posed, the hurdles obstructing a judicial determination are formidable indeed. *See* Goostree, *supra* note 48, at 33.

[52] S. Huntington, The Soldier and the State 427 (1957).

[53] W. Morrow, Congressional Committees 161 (1969).

[54] Memorandum from Assistant Attorney General William H. Rehnquist to Edward L. Morgan, Deputy Counsel to the President, Dec. 1, 1969, at 8.

[55] Fisher, *supra* note 41, at 136.

[56] Miller, *supra* note 4, at 533.

[57] *Id.* at 137.

[58] S. Huntington, *supra* note 52, at 15.

[59] Professor Reagan writes: "[I]f the legislature doesn't legislate vigorously, why should it bother to meet at all? So runs a commonly accepted standard for evaluating Congress' performance. . . . A more sensible criterion for deciding how effectively Congress has acted is this: how well has Congress monitored the bureaucracy? How active has it been in criticizing, prodding and pushing the departments and agencies? This function, I maintain, is *the* essential task of Congress today. If it is performed well, then Congress has earned its keep, no matter what its legislative output in a given session." M. Reagan, Monitoring the Bureaucracy: Congress' Most Important Task, December, 1969, at 1–2 (unpublished manuscript) (emphasis in original).

[60] *See* notes 21–22 *supra.*

THE JARRING MISSION—I

Mr. HATFIELD. Mr. President, a great deal of publicity has been given lately to recent events regarding U.N. mediated negotiations in the Middle East. Little attention, however, has been focused on the history of these negotiations and the substance of the progress made to date. On January 4, 1970, the United Nations issued a report by the Secretary General, U Thant, to the Security Council. The report summarized and detailed the activities of the special representative, Gunar Jarring, to the Middle East and contained copies of the correspondence between Ambassador Jarring and the representatives of Israel, Jordan, and the United Arab Republic.

Mr. President, I think that this document would be of particular value to those concerned with this vital issue. I ask unanimous consent that the introduction, the first two sections, and annex I be printed in the Record.

There being no objection, the portions

of the report of the Secretary General of the United Nations were ordered to be printed in the Record, as follows:

REPORT BY THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE SPECIAL REPRESENTATIVE TO THE MIDDLE EAST

INTRODUCTION

1. On 22 November 1967, the Security Council adopted resolution 242 (1967), which reads as follows:

"*The Security Council,*

"*Expressing* its continuing concern with the grave situation in the Middle East.

"*Emphasizing* the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

"*Emphasizing* further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

"1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

"(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

"(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

"2. *Affirms further* the necessity

"(a) For guaranteeing freedom of navigation through international waterways in the area;

"(b) For achieving a just settlement of the refugee problem;

"(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

"3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

"4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible."

2. On 23 November 1967 I reported to the Council (S/8259) that I had invited Ambassador Gunnar V. Jarring of Sweden to accept the designation as the Special Representative mentioned in paragraph 3 of the Council's above-mentioned resolution. Ambassador Jarring accepted this designation and arrived at United Nations Headquarters on 26 November, where he entered into consultation with the representatives of Israel, Jordan, Lebanon and the United Arab Republic (Syria, the other State concerned, did not at that stage or later accept the Security Council resolution). After those consultations with the parties, Ambassador Jarring established the headquarters of the United Nations Middle East Mission in Cyprus.

3. In reports dated 22 December 1967, 17 January 1968, 29 March 1968, 29 July 1968 and 3 December 1968 (S/8309 and Add. 1 to 4, respectively), I reported to the Security Council on the progress of the efforts of Ambassador Jarring. On 7 August 1970, I was able to inform the Security Council (S/9902) that Israel, Jordan and the United Arab Republic had agreed to take part in discussions under Ambassador Jarring's auspices for the purpose of reaching agreement on a just and lasting peace between them. Unfortunately and for well known reasons those discussions were interrupted immediately after they began. The Members of the Security Council will have been able to observe that in the last few days it has become possible to arrange for the resumption of the discussions. I hope that these resumed discussions will be fruitful. However, it seems appropriate at this time to provide the Security Council with a somewhat fuller account of the activities of the Special Representative than heretofore.

I. ACTIVITIES OF THE SPECIAL REPRESENTATIVE DURING THE PERIOD 9 DECEMBER 1967 TO 26 NOVEMBER 1968

4. When the Special Representative first met with the parties in December 1967, he found that the Israeli Government was of the firm view that a settlement of the Middle East question could be reached only through direct negotiations between the parties culminating in a peace treaty and that there could be no question of withdrawal of their forces prior to such a settlement. On 27 December, the Minister for Foreign Affairs of Israel, Mr. Abba Eban, communicate to the Special Representative a proposal that Israel and the United Arab Republic representatives should, as a first step, discuss an agenda for peace. The Israeli proposals for such an agenda were:

"1. *Political and juridical problems:* The replacement of cease-fire arrangements by peace treaties ending the state of belligency, ending all hostile acts and threats and embodying a permanent undertaking of mutual non-aggression.

"2. *Territorial and security problems:* The determination of agreed territorial boundaries and security arrangements. Agreement on this measure would determine the deployment of armed forces after the cease-fire.

"3. *Navigation problems:* Practical methods should be discussed for ensuring free navigation for all states including Israel in the Suez Canal and the Gulf of Aqaba when the cease-fire is replaced by peace. In the light of tragic experience, it is evident that international declarations cannot by themselves solve this problem. Concrete measures and guarantees are required.

"4. *Economic problems:* Proposals for terminating boycott practices and instituting normal economic relations."

5. The United Arab Republic and Jordan, for their part, insisted that there could be no question of discussions between the parties until the Israeli forces had been withdrawn to the positions occupied by them prior to 5 June 1967. Reacting specifically to the Israeli proposals for discussing an agenda for peace, the Minister for Foreign Affairs of the United Arab Republic, Mr. Mahmoud Riad, stated that the withdrawal of Israel's forces to the positions held prior to June 1967 was a basic and preliminary step to a peaceful settlement in the Middle East.

6. An Israeli proposal for discussions on an agenda for peace with Jordan was submitted to the Special Representative on 7 January 1968. It followed the same general lines as the proposal for the United Arab Republic but contained more detailed suggestions for economic co-operation, as well as the following new topics:

"*Humanitarian problems:* In the proposed negotiation, high priority should be given to a solution of the refugee problem with international and regional co-operation.

"*Religious and historical sites:* Access to sites of special religious significance should be discussed. The Government of Israel clarified its view on this subject in several verbal and written communications to the United Nations."

It was also stated:

"In the meantime, it is urgent that breaches of the cease-fire and activities by El Fatah and other such organizations should be suppressed and every effort made on both sides to avoid exchanges of fire."

7. The proposals, when communicated to the Jordanian authorities by the Special Representative, were objected to in the same way as the proposals to the United Arab Republic had been.

8. Faced with these conflicting positions, the Special Representative sought to obtain from the parties an assurance that they would implement Security Council resolution 242 (1967), in the hope that such a declaration would be regarded as a basis for subsequent discussions between the parties. The Special Representative received from Foreign Minister Eban a number of formulations of Israel's position on the Security Council resolution, of which the last, dated 19 February 1968, read as follows:

"1. The Government of Israel, out of respect for the Security Council's resolution of 22 November 1967 and responding affirmatively thereto, assures you of its full co-operation in your efforts with the States concerned to promote agreement and to achieve an accepted settlement for the establishment of a just and lasting peace, in accordance with your mandate under the resolution.

"2. Israel's position has throughout been that the best way to achieve the objective of the Security Council resolution is through direct negotiations. However, as a further indication of Israeli's co-operation, we are willing that this be done in a meeting convened by the Special Representative of the Secretary-General.

"3. On 12 February 1968, I informed you of Israel's acceptance of the Security Council's call in its resolution of 22 November 1967 for the promotion of agreement on the establishment of peace. The United Arab Republic is also aware of Israel's willingness as explained on 1 February to negotiate on all matters included in the Security Council's resolution. We accept the sponsor's view that the principles recommended for inclusion in the peace settlement are integrally linked and interdependent.

"4. We have noted the United Arab Republic's willingness to 'implement' the Security Council's resolution and fulfil its obligations thereunder. It is a matter of concern that the United Arab Republic statements, unlike those of Israel, do not specifically use the precise terms of the resolution in such crucial matters as 'agreement' and the 'establishment of a just and lasting peace', and that the United Arab Republic has not yet agreed to a process of negotiation without which, of course, a declaration of willingness to fulfil the resolution is of no substantive effort. The resolution is a framework for agreement. It cannot be fulfilled without a direct exchange of views and proposals leading to bilateral contractual commitments. The United Arab Republic position is, therefore, still deficient in important respects. We are, however, conscious of the importance of the fact that the United Arab Republic and Israel have both responded affirmatively to call for co-operating with you in the mission laid upon you by the Security Council. At the same time, it would be unrealistic to ignore that there have been sharp differences of interpretation of what the resolution entails. To subscribe to similar declarations does not of itself solve practical issues at stake.

"5. It is accordingly urgent to move forward to a more substantive stage and to embark on a meaningful negotiation for achieving the just and lasting peace called for by the Security Council."

In discussions with the Special Representative, Foreign Minister Eban stated that Israel would not object to an indirect approach to negotiations provided that it was designed to lead to a later stage of direct negotiations and agreement.

9. The United Arab Republic Foreign Minister gave repeated assurances that the United Arab Republic was ready to implement the Security Council resolution as a whole and to fulfil its obligations under it, but stated that it would not accept direct negotiations. The United Arab Republic accepted indirect negotiations; however, the first step must be an Israeli declaration "in clear language" that it would implement the Security Council resolution.

10. The Jordanian authorities expressed a similar point of view to the Special Representative.

11. The Special Representative then proceeded to United Nations Headquarters for consultations with the Secretary-General. Returning to the area at the beginning of March, he informally presented to the parties, to ascertain their reactions, a draft letter from himself to the Secretary-General, which would be worded as follows:

"The Governments of Israel and the United Arab Republic [Jordan] have both indicated to me that they accept Security Council resolution 242 (1967) of 22 November 1967 for achieving a peaceful and accepted settlement of the Middle East question and intend to devise arrangements, under my auspices, for the implementation of the provisions of the resolution.

"The two Governments have expressed their willingness to co-operate with me in my capacity as Special Representative of the Secretary-General in the discharge of my tasks of promoting agreement and achieving such a settlement.

"In view of the urgency of the situation and with a view to expediting efforts to reach settlement, I have invited the two Governments to meet with me, for conferences within the framework of the Security Council resolution, in Nicosia. I have pleasure in informing you that the two Governments have responded favourably to this invitation."

12. When Ambassador Jarring presented this text to the United Arab Republic Foreign Minister on 7 March 1968, the latter stated that recent statements by Israeli leaders showed that they were following an expansionist line. It was no longer sufficient to have Israel give an assurance of intent to implement the resolution; the Arabs had to be satisfied that the Israelis were going to "implement it for action". If the Israelis withdrew completely from the occupied territories, peace could be arrived at by the implementation of the other provisions of the Security Council resolution under the Council's guidance.

13. In a meeting on 10 March, the Special Representative informed the Israeli Foreign Minister of the United Arab Republic attitude. He then informally showed his draft letter to the Foreign Minister, who expressed the personal view that it would be fully acceptable to the Israeli authorities if it was also accepted by the other side and led to contacts between them. Subsequently the Special Representative was informed of Israeli's official acceptance, without conditions, of the text.

14. In a meeting on 14 March, the Jordanian authorities stated that they were ready to accept the proposed meeting in principle provided that the text was modified to read that the parties had "declared their readiness to implement the resolution".

15. During the following weeks, Ambassador Jarring paid repeated visits to the countries concerned in an endeavor to obtain from the Israelis a more precise formulation of their acceptance of the resolution and from the two Arab States acceptance of the idea of meetings between the parties under his auspices.

16. At a meeting in Amman on 16 April 1968, the Jordanian authorities stated that they were prepared to accept the text of the Special Representative's draft letter provided that the third paragraph was amended to read as follows:

"In view of the urgency of the situation and with a view to expediting efforts to reach settlements, I will meet with representatives of Israel and Jordan for conferences within the framework of the Security Council resolution, in New York. I have pleasure in informing you that the two Governments have responded favourably hereto."

The acceptance was based on the assumption that the United Arab Republic would accept an identical text.

17. The Israeli authorities found difficulties in the Jordanian amended text. They had accepted meetings at Nicosia, on the understanding that the Special Representative's invitation would lead to joint meetings. The new text appeared to give the impression that only meetings between the parties and the Special Representative were intended. The change of venue, while not objectionable in principle, tended to create the impression that only discussions with the permanent missions in the scope of normal United Nations activities would take place; a change from Nicosia to a European city would be acceptable.

18. The United Arab Republic Foreign Minister at first continued to insist on a prior declaration by Israel of its intention to implement the Security Council resolution. Finally, however, on 9 May, on the eve of the Special Representative's departure from the area (see following paragraph), he replied to the Special Representative's proposed invitation in the form amended by Jordan in the following written statement:

"With reference to your indication to me today of your desire to meet with a representative of the United Arab Republic in New York, I wish to reaffirm the readiness of our Permanent Representative to the United Nations in New York to meet with you to continue the contacts which you have been conducting with the parties concerned in accordance with Security Council resolution 242 (1967) of 22 November 1967 for the implementation of that resolution.

"I have referred in the course of our previous meetings to the importance of the setting of a timetable for the implementation of the resolution of the Security Council, and offered you several alternatives toward that end, one of which, that you present a timetable prepared by yourself for the implementation of the resolution. These suggestions emanate from the United Arab Republic's indication to you of its acceptance and readiness to implement the above mentioned resolution.

"I wish to express anew our willingness to co-operate with you in your capacity as Special Representative of the Secretary-General in the discharge of your tasks as defined in the Council's resolution of the 22nd of November 1967."

The United Arab Republic Foreign Minister repeated that the United Arab Republic was ready to implement the resolution as a whole and as a "package deal." It insisted, however, that Israel should do likewise, including complete withdrawal.

19. Ambassador Jarring was faced with a position where there was now agreement, though clearly with considerable differences of interpretation, on the first two paragraphs of his proposed invitation, but where there was disagreement on the third paragraph containing the actual invitation. Further journeying backwards and forwards between the various countries was unlikely to be productive. In consultations with me, he considered issuing a formal invitation along the lines of his proposal, but with the venue at New York, but it was felt that a forced acceptance obtained by such an invitation would not be helpful. Instead it was decided that the talks in New York should begin without a formal invitation by the Special Representative or a letter from the Special Representative to the Secretary-General but on the basis of a short statement to the press in which it would be announced that the Special Representative was arriving in New York for consultations in continuation of his mission.

20. During his stay in the area, the Special Representative visited Beirut on three occasions. The Lebanese Government expressed its full support for a solution according to Security Council resolution 242 (1967). Lebanon, however, had no territory under occupation and therefore did not have the same detailed involvement in the settlement as the United Arab Republic and Jordan. The Special Representative did not visit Syria, whose Government, as noted above, had not accepted the Security Council resolution.

21. Ambassador Jarring left the area on May 10, 1968 and arrived at Headquarters on May 15, 1968.

22. In the five weeks following his arrival at New York, Ambassador Jarring pursued actively his contacts with the permanent representatives of the parties at both a formal and informal level. Unfortunately these contacts did not serve in any way to break the dead-lock between the parties concerning the interpretation of the Security Council resolution and the manner in which it should be implemented. In that regard, the Permanent Representative of Israel had stated in the Security Council on May 1, 1968:

"In declarations and statements made publicly and to Mr. Jarring, my Government has indicated its acceptance of the Security Council resolution for the promotion of agreement on the establishment of a just and durable peace. I am also authorized to reaffirm that we are willing to seek agreement with each Arab State on all the matters included in that resolution."

This statement was not regarded as acceptable by the Arab representatives.

23. Returning to New York on 22 July after a short stay in Europe during which he had met in various capitals the Foreign Ministers of the United Arab Republic, Israel and Jordan, Ambassador Jarring decided, with my approval, to return to the Middle East and resume his direct contacts with the parties. This second round of discussions, which began on 16 August 1968, took the form of an exchange of questions and of comments between the parties through the Special Representative. Some progress in the clarification of the respective positions of the parties had been made when the opening of the twenty-third session of the General Assembly caused the venue of the discusions to be transferred to New York, where they could be carried out with greater convenience. With the arrival of the foreign ministers of the parties for the session toward the end of September, Ambassador Jarring began a series of frequent meetings with them individually, which were at first mainly of an informal nature but which, following the delivery by the foreign ministers of their speeches in the general debate, assumed a more formal character and concluded with written communications from the Foreign Ministers of Israel and of the United Arab Republic restating the positions of their respective Governments. Those written statements were in amplification of the positions of the parties as publicly stated in the General Assembly and made clear the essential differences between them. Or the one hand, Israel regarded the Security Council resolution as a statement of principles in the light of which the parties should negotiate peace and, on the other hand, the United Arab Republic considered that the resolution provided a plan for settlement of the Middle East dispute to be implemented by the parties according to modalities to be established by the Special Representative. It was also abundantly clear that there was a crucial difference of opinion over the meaning to be attached to the withdrawal provisions of the Security Council resolution, which according to the Arab

States applied to all territories occupied since 5 June 1967 and according to Israel applied only to the extent required when agreement had been reached between the parties on secure and recognized borders between them.

24. Discouraging though the prospects seemed, Ambassador Jarring decided to carry out another brief round of discussions in the Middle East. As he explained in a letter to me, dated 26 November 1968, he had in mind inviting the parties to a new round of discussions in the middle of January 1969 in order to give them time for reflection and for careful consideration of their respective positions.[1]

II. ACTIVITIES OF THE SPECIAL REPRESENTATIVE FROM 27 NOVEMBER 1968 TO JUNE 1970

25. Ambassador Jarring departed from Headquarters on 27 November 1968 and met with representatives of Israel in Nicosia on 2 and 3 December, of the United Arab Republic in Cairo on 4 December and of Jordan in Amman on 7 December. Unfortunately, these meetings did not reveal a change of position in the attitude of the parties that would have made it expedient for Ambassador Jarring to convene a meeting of the parties in the middle of January 1969, as envisaged in his letter of 26 November 1968.

26. After resuming for a time his duties as Ambassador of Sweden to the Union of Soviet Socialist Republics, Ambassador Jarring returned to Headquarters on 29 January 1969. He there undertook a series of personal contacts with the Permanent Representatives of the parties and the representatives of other Member States.

27. At that stage, Ambassador Jarring concluded, with my concurrence, that the best contribution which he could make to breaking the existing deadlock was to make a further tour of the Middle East in which he would submit formally to the parties a series of questions designed to elicit their attitude towards Security Council resolution 242 (1967). He accordingly left New York on 21 February 1969 for the Middle East. At meetings with the Foreign Ministers of the United Arab Republic on 5 March, of Israel on 9 March and of Lebanon on 14 March, he submitted the questions which he had previously prepared. The replies of the parties were received by Ambassador Jarring as follows:

Israel: handed to Ambassador Jarring in Jerusalem by the Minister for Foreign Affairs on 2 April 1969.

Jordan: received by Ambassador Jarring in Nicosia on 24 March 1969.

Lebanon: received by Ambassador Jarring in Moscow on 21 April 1969.

United Arab Republic: handed to Ambassador Jarring in Cairo by the Minister for Foreign Affairs of the United Arab Republic on 27 March 1969. The questions and replies are reproduced in annex I.

28. It had been the hope of Ambassador Jarring, in submitting his questions, that the replies might show certain encouraging features which might make it possible to invite the parties for a series of meetings between them and him at some mutually convenient place. Unfortunately, the replies were in general a repetition of attitudes already expressed to Ambassador Jarring on numerous occasions from the beginning of his mission. They showed continuous serious divergencies between the Arab States and Israel both as regards the interpretation to be given to the Security Council resolution and as to the procedures for putting its provisions into effect.

29. Ambassador Jarring was regretfully forced to conclude, with my agreement, that the conditions for convening a useful series of meetings at that time did not exist and that there was no further move which he could usefully make at that stage. He therefore returned on 5 April 1969 to Moscow, where he resumed his duties as Ambassador of Sweden to the Union of Soviet Socialist Republics.

30. Ambassador Jarring continued to keep in close touch with me and with representatives of the parties and of other interested States.

31. Ambassador Jarring returned to Headquarters from 12 September to 8 October 1969 ad from 10 to 26 March 1970, but found no new elements which would permit him to organize active discussions with the parties. On each occasion he returned to his post in Moscow.

32. On 3 April 1969, the Permanent Representatives of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America began a series of meetings on the Middle East question, which have continued at various intervals up to the present time. After each such meeting, the Chairman reported to me on the substance of the discussions and I kept Ambassador Jarring informed.

ANNEX I. QUESTIONS SUBMITTED IN MARCH 1969 RE THE SPECIAL REPRESENTATIVE TO THE GOVERNMENTS CONCERNED AND THEIR REPLIES

Note: Ambassador Jarring submitted his questions to the States concerned in the form of separate lists specifically addressed to each Government. Those lists were, however, prepared from a general list applicable to all the parties and that list is, to save repetition, reproduced here. As some questions related to provisions of Security Council resolution 242 (1967) which applied to only one or some of the parties, the numbers of questions in the specific lists were not always the same as those in the general list. Where the number of the answer differs from that of the question in the general list, the latter number is added in square brackets.

Specific lists of questions based on the following general list were submitted by Ambassador Jarring to the Governments of the United Arab Republic on 5 March, of Jordan on 8 March, of Israel on 9 March and of Lebanon on 14 March 1969.

A. Questions submitted by the Special Representative

Security Council resolution 242 (1967) sets out provisions and principles in accordance with which a peaceful and accepted settlement of the Middle East Question should be achieved. Some of these provisions would impose obligations on both sides, some on one side, and some on the other. It has generally been accepted that they should be regarded as a whole. The following questions designed to elicit the attitude of the parties towards the provisions of the Security Council resolution are based on this assumption and are to be understood in the context that each provision is regarded as part of a "package deal".

1. Does Israel (Jordan, Lebanon, United Arab Republic) accept Security Council resolution 242 (1967) for implementation for achieving a peaceful and accepted settlement of the Middle East Question in accordance with the provisions and principles contained in the resolution?

2. Does Israel (Jordan, Lebanon, United Arab Republic) agree to pledge termination of all claims or states of belligerency with Jordan, Lebanon and the United Arab Republic (Israel)?

3. Does Israel (Jordan, Lebanon, United Arab Republic) agree to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of Jordan, Lebanon and the United Arab Republic (Israel)?

4. Does Israel (Jordan, Lebanon, United Arab Republic) accept the right of Jordan, Lebanon and the United Arab Republic (Israel) to live in peace within secure and recognized boundaries free from threats or acts of force?

5. If so, what is the conception of secure and recognized boundaries held by Israel (Jordan, Lebanon, United Arab Republic)?

6. Does Israel agree to withdraw its armed forces from territories occupied by it in the recent conflict?

7. Does the United Arab Republic agree to guarantee freedom of navigation for Israel through international waterways in the area, in particular:

(a) through the Straits of Tiran, and

(b) through the Suez Canal?

8. Does Israel (Jordan, Lebanon, United Arab Republic) agree that, if a plan for the just settlement of the refugee problem is worked out and presented to the parties for their consideration, the acceptance in principle of such a plan by the parties and the declaration of their intention to implement it in good faith constitute sufficient implementation of this provision of the Security Council resolution to justify the implementation of the other provisions?

9. Does Israel (Jordan, Lebanon, United Arab Republic) agree that the territorial inviolability and political independence of the States in the area should be guaranteed:

(a) by the establishment of demilitarized zones;

(b) through additional measures?

10. Does Israel agree that such demilitarized zones should include areas on its side of its boundaries?

11. Does Jordan agree that a demilitarized zone should be established in Jordanian territory from which Israel armed forces have been withdrawn?

12. Does the United Arab Republic agree that a demilitarized zone should be established:

(a) at Sharm-el-Sheikh;

(b) in other parts of the Sinai peninsula?

13. Does Israel (Jordan, Lebanon, United Arab Republic) agree that demilitarization of such zones should be supervised and maintained by the United Nations?

14. Would Israel (Jordan, Lebanon, United Arab Republic) accept as a final act of agreement on all provisions a mutually signed multilateral document which would incorporate the agreed conditions for a just and lasting peace?

B. Reply of the Government of Israel

(Handed to Ambassador Jarring in Jerusalem by the Minister for Foreign Affairs on 2 April 1969.)

JERUSALEM,
April 2, 1969.

DEAR AMBASSADOR JARRING: Israel's position on all the subjects raised in your eleven questions has been stated in detail in my address to the General Assembly of 8 October 1968, and in the memoranda presented to you on 15 October 1968 and 4 November 1968.

I now enclose specific replies in an affirmative spirit to the questions as formulated. It is my understanding that on the basis of the answers received from the three governments you propose to pursue further mutual clarifications in an effort to promote agreement on all the matters at issue in accordance with your mandate. We are ready to join in this process at any appropriate place.

Israel's statements of attitude, including her replies to these questions, has taken into account recent developments in Arab policy including the speeches recently delivered by President Nasser and other Arab leaders. We have noted the specific and emphatic reiteration of their refusal to make peace with Israel, to recognize Israel, to negotiate with Israel, to cease terrorist attacks on Israel or to admit the possibility of sovereign co-existence in any field. It would appear at this time that the effective negation by the UAR of the principles of the Charter and of the Security Council's Resolution is obvious and vehement. We hope that this policy, to which effect is given every day, will change; but these authoritative statements have caused deep concern and have intensified the tension which we would have wished to see relieved.

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[1] For the texts of the letter from Ambassador Jarring and the reply by the Secretary-General, see S/8309/Add. 4.

It is also our view that highly publicized encounters by four member States have weakened the attention which should have been concentrated on the efforts of the parties themselves to move towards agreement. They are causing a duplication and dispersal of effort. They have also encouraged a wrong impression in some quarters that a solution can be sought outside the region and without its governments. Israel recognizes your mission as the authoritative international framework within which peace between the States in the Middle East should be promoted.

I recall the idea which we discussed some weeks ago that the Foreign Ministers of the three governments should meet with you soon at a suitable place to pursue the promotion of agreement. As you will remember, I reacted positively to this idea. I wish to reaffirm that Israel will continue to co-operate with you in the fulfilment of your mission.

Yours sincerely,

(Signed) Abba Eban.

Answer to Question One: Israel accepts the Security Council resolution (242) for the promotion of agreement on the establishment of a just and lasting peace, to be reached by negotiation and agreements between the governments concerned. Implementation of agreements should begin when agreement has been concluded on all their provisions.

Answer to Question Two: It is the Arab States, not Israel which claimed and originated states of belligerency. They declared themselves for two decades to be in a state of unilateral war with Israel. It is therefore primarily incumbent upon them to terminate the state of war with Israel.

On the establishment of peace with her Arab neighbours, Israel agrees to the termination, on a reciprocal basis, of all claims or states of belligerency with each State with which peace is established. A declaration specifying each State by name would be made by Israel in each case.

The corresponding statement by any Arab State must specifically renounce belligerency "with Israel" and not "with any state in the area." Legal obligations must be specific in regard to those by whom they are bound.

Renunciation of belligerency includes the cessation of all maritime interference, the cessation of boycott measures involving third parties; the annulment of reservations made by Arab States on the applicability to Israel of their obligations under international conventions to which they have adhered; nonadherence to political and military alliances and pacts directed against Israel or including States unwilling to renounce claims or states of belligerency with Israel and maintain peaceful relations with it; the nonstationing of armed forces of such other States on the territory of the contracting States and the prohibition and prevention in the territory of Arab States of all preparations, actions or expeditions by irregular or para-military groups or by individuals directed against the lives, security or property of Israel in any part of the world.

The last stipulation is without prejudice to the fact that the responsibility of Arab governments for preventing such activities is legally binding under the cease-fire established by the parties in June 1967.

Answer to Question Three: Israel agrees to respect and acknowledge the sovereignty, territorial integrity and political independence of neighbouring Arab States; this principle would be embodied in peace treaties establishing agreed boundaries.

Answer to Question Four: Israel accepts the right of Jordan, Lebanon, the United Arab Republic and other neighbouring States to live in peace within secure and recognized boundaries, free from threats or acts of force. Explicit and unequivocal reciprocity is Israel's only conditions for this acceptance. "Acts of Force" include all preparations, actions or expeditions by irregular or paramilitary groups or by individuals directed against the life, security or property of Israel in any part of the world.

Answer to Question Five: Secure and recognized boundaries have never yet existed between Israel and the Arab States; accordingly, they should now be established as part of the peace-making process. The cease-fire should be replaced by peace treaties establishing permanent, secure and recognized boundaries as agreed upon through negotiation between the governments concerned.

Answer to Question Six: When permanent, secure and recognized boundaries are agreed upon and established between Israel and each of the neighbouring Arab States, the disposition of forces will be carried out in full accordance with the boundaries determined in the peace treaties.

Answer to Question Seven (general question 8): The refugee problem was caused by the wars launched against Israel by Arab States, and has been perpetuated through the refusal of Arab States to establish peaceful relations with Israel. In view of the human problems involved in this issue Israel has expressed its willingness to give priority to the attainment of an agreement for the solution of this problem through regional and international co-operation. We believe that agreement could be sought even in advance of peace negotiations. We suggest that a conference of Middle Eastern States should be convened together with the Governments contribution to refugee relief and the Specialized Agencies of the United Nations, in order to chart a five-year plan for the solution of the refugee problem in the framework of a lasting peace and the integration of refugees into productive life. This conference can be called in advance of peace negotiations.

Joint refugee integration and rehabilitation commissions should be established by the governments concerned in order to work out agreed projects for refugee integration on a regional basis with international assistance.

In view of the special humanitarian nature of this issue we do not make agreement on plans for a solution of the refugee problem contingent on agreement on any other aspect of the Middle Eastern problem. For the same reason it should not be invoked by Arab States to obstruct agreement on other problems.

Answer to Question Eight (general question 9): The effective guarantee for the territorial inviolability and political independence of States lies in the strict observance by the governments of their treaty obligations. In the context of peace providing for full respect for the sovereignty of States and the establishment of agreed boundaries, other security measures may be discussed by the contracting governments.

Answer to Questions Nine and Ten (general questions 10 and 13): Without prejudice to what is stated in answer to Question Eight, it is pointed out that experience has shown that the measures mentioned in Questions Nine and Ten have not prevented the preparation and carrying out of aggression against Israel.

Answer to Question Eleven (general question 14): Peace must be judically expressed, contractually defined and reciprocally binding in accordance with established norms of international law and practice. Accordingly, Israel's position is that the peace should be embodied in bilateral peace treaties between Israel and each Arab State incorporating all the agreed conditions for a just and lasting peace. The treaties, once signed and ratified, should be registered with the Secretariat of the United Nations in accordance with Article 102 of the United Nations Charter.

April 3, 1969.

C. Reply of the Government of Jordan

Received by Ambassador Jarring in Nicosia on 24 March 1969.)

March 23, 1969.

His Excellency Ambassador Gunnar Jarring,
Special Representative to
The Secretary-General of
the United Nations.

Your Excellency: Following are the answers of my Government to the questions which you presented to us in Amman, on Saturday, 8 March 1969. The answers as numbered, hereunder, correspond to your questions.

These answers explain my Government's position, which position has repeatedly been stated to Your Excellency throughout our past meetings.

May I take this opportunity to express to you my continued sincere wishes for your success in the important mission with which you are entrusted.

Yours sincerely,

(Signed) Abdul Monem Rifa'i,
Minister of Foreign Affairs.

Answer (1): Jordan, as it has declared before, accepts the Security Council resolution 242 (1967) and is ready to implement it in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles contained in the resolution.

Answer (2): Jordan agrees to pledge termination of all claims or states of belligerency. Such a pledge becomes effective upon withdrawal of Israeli forces from all Arab territories which Israel occupied as a result of its aggression of 5 June 1967.

A pledge by Israel to terminate the state of belligerency would be meaningful only when Israel withdraws its forces from all Arab territories it occupied since 5 June 1967.

Answer (3): On 5 June 1967 Israel launched its aggression against three Arab States, violating their sovereignty and territorial integrity. Agreement to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area requires the termination by Israel of its occupation and the withdrawal of its forces from all the Arab territories it occupied as a result of its aggression of 5 June.

Answer (4): Jordan accepts the right of every State in the area to live in peace within secure and recognized boundaries free from threats or acts of force, provided that Israel withdraws its forces from all Arab territories it occupied since 5 June 1967, and implements the Security Council resolution of 22 November 1967.

Answer (5): When the question of Palestine was brought before the United Nations in 1947, the General Assembly adopted its resolution 181 (II) of 29 November 1947 for the partition of Palestine and defined Israel's boundaries.

Answer (6) (general question 8): It has always been our position that the just settlement of the refugee problem is embodied in paragraph 11 of the General Assembly resolution 194 of December 1948 which has been repeatedly reaffirmed by each and every General Assembly session ever since its adoption.

If a plan on the basis of that paragraph is presented for consideration to the parties concerned, its acceptance by the parties and the declaration of their intention to implement it in good faith, with adequate guarantees for its full implementation, would justify the implementation of the other provisions of the resolution.

Answer (7) (8) (general questions 9 and 11): We do not believe that the establishment of demilitarized zones is a necessity. However, Jordan shall not oppose the establishment of such zones if they are astride the boundaries.

Answer (*9*) (general question 13): In case demilitarized zones are established Jordan accepts that such zones be supervised and maintained by the United Nations.

Answer (*10*) (general question 14): In view of our past experience with Israel and her denunciation of four agreements signed by her with Arab States we consider that the instrument to be signed by Jordan engaging her to carry out her obligations, would be addressed to the Security Council. Israel would likewise sign and address to the Security Council an instrument engaging her to carry out her obligations emanating from the Security Council resolution of 22 November 1967. The endorsement by the Security Council of these documents would constitute the final multilateral act of agreement.

D. Reply of the Government of Lebanon

(Received by Ambassador Jarring in Moscow on 21 April 1969.)

(Translated from French.)

In reply to the questionnaire which Your Excellency addressed to me on 14 March 1969, I have the honour, on behalf of the Lebanese Government, to inform you of the following:

Lebanon is essentially involved in the general context of the Israeli-Arab conflict—and, therefore, in the consequences of the war launched by Israel on 5 June 1967—because of its brotherly solidarity with the Arab States and of the threats which are constantly directed at it by Israel.

Lebanon is justified in considering, however, that the armistice agreement which it concluded with Israel on 23 March 1949 remains valid, as indicated in its message of 10 June 1967 to the Chairman of the Mixed Armistice Commission and as confirmed by U Thant, Secretary-General of the United Nations, in his report to the General Assembly of 19 September 1967. In that report, Mr. Thant, referring to the actual text of the agreement, said that it could be revised or suspended only by mutual consent. In view of Lebanon's circumstances, now and in the past, the armistice lines have, of course, never been changed. These lines, it should be noted, correspond to the frontiers of Lebanon which have always been internationally recognized in bilateral and multilateral diplomatic instruments as well as by the League of Nations and the United Nations. Lebanon participated actively in the drafting of the United Nations Charter and was admitted in its present form and structure to membership in the Organization. Its frontiers have not undergone any *de facto* or *de jure* alteration as a result of the cease-fire decisions taken by the Security Council after 5 June 1967.

It may be appropriate to state the above-mentioned facts, more particularly with a view to explaining the nature and character of the only reply which we are in a position to give to the questionnaire sent to us by Your Excellency on 14 March 1969.

In this reply, which reflects the position taken by Lebanon at inter-Arab conferences, we proclaim Lebanon's support of the position of the Arab States whose territory has been occupied by Israel and which have accepted the Security Council's decision of 22 November 1967.

The present note is consistent with the spirit of the talks which you have already held with various Lebanese officials.

Accept, Sir, the assurances of my highest consideration.

(Signed) YOUSSET SALEM,
Minister for Foreign Affairs.

E. Reply of the Government of the United Arab Republic

(Handed to Ambassador Jarring in Cairo by the Minister for Foreign Affairs of the United Arab Republic on 27 March 1969.)

The memorandum handed to you on 5 March 1969 during your recent visit to Cairo clearly expresses the realities of the present situation. In its items 1 to 7, the memorandum gives a clear restatement of the position of the United Arab Republic which is based on the acceptance of the Security Council resolution 242 of 22 November 1967, and its readiness to carry out the obligations emanating therefrom.

The memorandum also clearly expounds Israel's persistance in rejecting the Security Council resolution and its refusal to carry out its obligations emanating from it as well as Israel's plans for annexation of Arab lands through war; a policy not only prohibited by the Charter of the United Nations but also violates the Security Council resolution which specifically emphasizes the inadmissability of the acquisition of territory by war. It has become obvious that Israel, in its endeavour to realize its expansionist aims, is no longer satisfied with the actual rejection of the Security Council resolution but actively works against it.

The same memorandum also states Israel's expansion plan as revealed by the quoted statements of Israeli leaders. This plan aims at:

1. Annexation of Jerusalem;
2. Keeping the Syrian Heights under its occupation;
3. Occupation of the West Bank in Jordan and its complete domination, practically terminating Jordan's sovereignty in that part;
4. Economic and administrative integration of the Gaza strip into Israel and the systematic eviction of its inhabitants;
5. Occupation of Sharm El-Sheikh and the Gulf of Aqaba area as well as the continued military presence in eastern part of Sinai;
6. The establishment of Israeli settlements in occupied territories.

This Israeli position constitutes a flagrant violation and clear rejection of the Security Council resolution of 22 November 1967 and of the peaceful settlement for which it provides.

In the light of these undeniable facts, I find it incumbent upon me to state categorically, at the outset of the replies to the specific questions you addressed to the United Arab Republic on 5 March 1969, that all the answers of the United Arab Republic, which reaffirm its acceptance of the Security Council resolution and its readiness to carry out the obligations emanating from it require, likewise, that Israel accept the resolution and carry cut all its obligations emanating from it and in particular withdrawal from all Arab territories it occupied as a result of its aggression of 5 June 1967.

Question (*1*): The United Arab Republic, as it has declared before, accepts the Security Council resolution 242 (1967) and is ready to implement it in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles contained therein.

Question (*2*): The United Arab Republic agrees to pledge termination of all claims or state of belligerency. Such a pledge becomes effective upon withdrawal of Israel's forces from all Arab territories occupied as a result of Israel's aggression of 5 June 1967.

A declaration by Israel terminating the state of belligerency would be meaningful only when Israel withdraws her forces from all Arab territories it occupied since 5 June 1967.

Question (*3*): On 5 June 1967, Israel launched its aggression against three Arab States violating their sovereignty and territorial integrity. Acceptance by the United Arab Republic to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area requires the termination by Israel of its occupation and the withdrawal of its forces from all the Arab territories it occupied as a result of its aggression of 5 June, and the full implementation of the Security Council resolution of 22 November 1967.

Question (*4*): The United Arab Republic accepts the right of every State in the area to live in peace within secure and recognized boundaries free from threats or acts of force, provided that Israel withdraws its forces from all Arab territories occupied as a result of its aggression of 5 June 1967, and implements the Security Council resolution of 22 November 1967.

Question (*5*): When the question of Palestine was brought before the United Nations in 1947, the General Assembly adopted its resolution 181 of 29 November 1947, for the partition of Palestine and defined Israel's boundaries.

Question (*6*) (General question): We have declared our readiness to implement all the provisions of the Security Council resolution covering, *inter alia*, the freedom of navigation in international waterways in the area; provided that Israel, likewise, implements all provisions of the Security Council resolution.

Question (*7*) (General question 8): It has always been our position that the just settlement of the refugee problem is embodied in paragraph 11 of the General Assembly resolution 194 of December 1948, which has been unfailingly reaffirmed by each and every General Assembly session ever since its adoption.

If a plan on the basis of that paragraph is presented for consideration to the parties concerned, its acceptance by the parties and the declaration of their intention to implement it in good faith, with adequate guarantees for its full implementation would justify the implementation of the other provisions of the Security Council resolution.

Question (*8*), (*9*) (General questions 9 and 12): We do not believe that the establishment of demilitarized zones is a necessity. However, the United Arab Republic will not oppose the establishment of such zones if they are astride the boundaries.

Question (*10*) (General question 13): In case demilitarized zones are established the United Arab Republic accepts that such zones be supervised and maintained by the United Nations.

Question (*11*) (General question 14): In view of our past experience with Israel and her denunciation of four agreements signed by her with Arab States, we consider that the instrument to be signed by the United Arab Republic engaging her to carry out her obligations, should be addressed to the Security Council. Israel should, likewise, sign and address to the Security Council an instrument engaging her to carry out her obligations emanating from the Security Council Resolution of 22 November 1967. The endorsement by the Security Council of these documents would constitute the final multilateral document.

CAIRO, March 27, 1969.

DEPARTMENT OF DEFENSE INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, during last year's debate on the military procurement authorization bill a considerable amount of time was spent discussing the language which was included in the report filed by the Senate Armed Services Committee relating to the subject of independent research and development—I.R. & D. I would like to recount briefly for the benefit of Senators, who may not recall what transpired, that this subject was the basis for very extensive hearings conducted by the ad hoc Committee on Research and Development of which I am privileged to be chairman.

During the hearings this highly complex issue, which was investigated and reported upon by the General Accounting Office, was addressed by a wide range of witnesses from the various industry associations. Appearances were also made by representatives of the AEC, NASA, the Comptroller General, and by the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from California (Mr. CRANSTON).

A complete record of those hearings, which were open to the public, was made a part of the hearings published by the Armed Services Committee on the fiscal 1971 military procurement authorization bill. The specific language, which was included as section 203 of the bill, was reported by the committee and adopted by the Senate. I ask unanimous consent to have printed at this point in the RECORD the language of section 203, as passed by the Senate.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this Act or any other Act shall not be available for payment of independent research and development, bid and proposal, or other technical effort costs unless the work for which payment is made is relevant to the functions or operations of the Department of Defense and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than $2,000,000 of independent research and development, bid and proposal, or other technical effort payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such company beginning on or after the beginning of each fiscal year of the Federal Government and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year.

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement;

(3) no payments for independent research and development, bid and proposal, and other technical effort costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a) (1) of this section, except pursuant to the terms of that agreement; and

(4) the total dollar value of the advance agreements negotiated prior to or during a given fiscal year as required under subsection (a) (1) of this section does not exceed a ceiling to be established annually by the Congress.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a) (1) of this section, but no agreement is reached with any such company or product division—

(1) no payments for independent research and development, bid and proposal, and other technical effort costs shall be made to any such company or product division during the fiscal year for which an agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive; and

(2) the amount of money received by that company for independent research and development, bid and proposal, and other technical effort costs during its last preceding fiscal year shall be included in determining compliance by the Department of Defense with the ceiling established by Congress, pursuant to subsection (a) (4) of this section, for the fiscal year in question.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before January 31, 1972, and on or before January 31 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this section prior to or during the preceding fiscal year, together with the result of those negotiations;

(2) the manner of his compliance with the ceiling established by Congress for the preceding fiscal year pursuant to subsection (a) (4) of this section; and

(3) the latest available Defense Contract Audit Agency statistics on the independent research and development, bid and proposal, and other technical effort payments made to major defense contractors whether or not covered by subsection (a) (1) of this section.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

(e) The ceiling to be established pursuant to subsection (a) (4) of this section for fiscal year ending June 30, 1971, shall be $625,000,000.

(f) Section 403 of Public Law 91-121 (80 Stat. 204) is hereby repealed.

Mr. McINTYRE. Mr. President, let me briefly summarize the main provisions of section 203 as passed by the Senate:

First. It would require the Defense Department to negotiate advance agreements with all contractors who, during their preceding fiscal year, received payments in excess of $2 million for Independent Research and Development—I.R. & D., Bid and Proposal—B. & P.—and Other Technical Efforts—OTE.

Second. It would require that the I.R. & D. portions of this defense agreement be accompanied by technical evaluations of contractors' proposed I.R. & D. programs.

Third. It would require that no payments be made for I.R. & D., B. & P. and OTE work not relevant to the functions and operations of the Department of Defense.

Fourth. It would have established a ceiling of $625 million on the payments to be made by the Department of Defense pursuant to the advance agreement required to be negotiated during fiscal year 1971.

Subsequently, in conference with the House, whose bill contained no restrictions on this matter, the Senate receded on several of the major features of this section, and the bill as finally enacted was substantially watered down. Specifically, the requirement for relevancy to Defense programs was eliminated and language was adopted which indicated that, in the opinion of the Secretary of Defense, the work was required merely to have "potential application" to a military function. Also, and perhaps most important, the specific ceiling of $625 million was eliminated.

Section 203, also required submittal of an annual report to the Congress on or before March 15 each year. The first report was received on March 15, 1971, and contained a number of significant features.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the letter of transmittal, the report by the Department of Defense, and copies of implementing Defense instructions which already have been issued or which are pending distribution by that Department.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
March 12, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Secretary of Defense has requested that I prepare and submit to you a report on Independent Research and Development and Bid and Proposal costs as required under section 203, paragraph (c) of the 1971 Department of Defense Military Procurement Authorization Act (PL 91-441). This section requires the submittal of an annual report to the Congress on or before March 15 each year setting forth—

"(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development or Bid and Proposal payments made to major defense contractors, whether or not covered by subsection (a) (1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' Independent Research and Development and Bid and Proposal programs."

This is the first report to be submitted in compliance with this new legislation. The report is in three parts corresponding to the three items quoted above. Parts I and II were compiled from detailed data gathered from individual companies. This detailed company information is very sensitive and is not included in the report; however, it will be made available for review.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense,
(Installations and Logistics).

REPORT TO THE CONGRESS ON INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

PART I

Companies with which negotiations were held pursuant to Section 203 prior to or during the preceding fiscal year of the Federal Government and the results of those negotiations.

Section 203 became effective January 1, 1971. Therefore no negotiations subject to its provisions were held in the Federal Government's prior fiscal year. The first complete report of these negotiations will be furnished in the report due on March 15, 1972.

Since the law became effective negotiations have been conducted with a few contractors. Other contractors have submitted data to the Defense Department in preparation for negotiating advance agreements for Independent Research and Development and Bid and Proposal costs. A report showing the results or status of these negotiations is furnished herewith.

On the basis of data presently available we estimate that under the provisions of Defense Procurement Circular 84 which was published to implement Section 203, advance agreement negotiations will be required with between 60 and 80 companies in calendar year 1971.

NEGOTIATIONS COMPLETED (OR IN PROGRESS) AND RESULTS

[Status as of Mar. 1, 1971]

Number of companies	Total program dollars proposed by contractors: I.R. & D.	B. & P.	Total	Total advance agreement ceiling dollars negotiated by DOD, I.R. & D. plus B. & P.	Estimated DOD share of ceiling dollars negotiated
Completed negotiations (7) [1]	$47,350,000	$30,513,000	$77,863,000	$63,251,000	$44,443,000
Negotiations in progress (17)	208,071,000	190,375,000	398,446,000	(2)	
Preliminary data received (6)	134,210,000	(3)			

[1] 2 of the 7 companies have completed negotiations for certain divisions but have not completed negotiation of advance agreements for all divisions. The completed negotiations are included in the dollars shown.

(2) Negotiations not completed.

(3) Data not yet furnished by contractors.

PART II

Latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development (IR&D) or Bid and Proposal (B&P) payments made to major defense contractors, whether or not covered by Subsection (a)(1) of this Section [203, PL 91-441] during the preceding calendar year.

The statistics required are provided in the attached DCAA report. The report shows total IR&D and total B&P costs incurred by the contractors reviewed, the amount accepted or recognized by the Department of Defense and the DOD share. In addition, total sales of the contractors are shown along with the portion representing DOD sales.

The amount listed under the column heading "amount accepted by Govt." represents the sum of the ceilings negotiated with individual contractors as well as the sum of amounts recognized for other contractors who had no advance agreements. These accepted amounts are not the costs reimbursed by the DOD but are the amounts that the DOD recognizes for allocation to all the contractors' business. The DOD portion is shown under the column headed "DOD share."

Page 2 of the report shows the portion of the total dollars reported which was covered by advance agreements. It should be noted that, in the past, very few advance agreements were negotiated for B&P. Therefore the dollar amount of B&P costs shown on Page 2 is low as compared to the amount for IR&D. Page 3 reflects IR&D and B&P costs for which no advance agreements were negotiated.

Although not required by Section 203 a report is also included showing other technical effort (OTE) costs. The cost principles included in the Department of Defense Procurement Regulation are presently being modified to include, in their definitions of IR&D and B&P, certain technical costs not now included. Since these revised definitions are not yet effective OTE costs are being furnished to provide consistency with data for other years previously furnished informally to Congressional staff representatives.

It will be noted that DATA for both 1969 and 1970 are furnished. It has been the practice to update data previously furnished because latest year figures include significant amounts of estimated information. The 1969 figures presented here have had most of the estimated data replaced with actual data. The report furnished next year will similarly update the 1970 data furnished herewith.

A complete explanation of the information contained in the report is provided in the foreword which precedes Page 1. It will be noted that certain classes of contractors have been excluded from the report even though they fall within the group of contractors having $10 million or more. These classes of contractors are excluded because they incur little or no IR&D expense. Likewise, they incur very little B&P expense of an R&D nature. Inclusion of these contractors would therefore not be meaningful.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS IN THE YEARS 1969 AND 1970

FOREWORD

This summary report presents the latest available Defense Contract Audit Agency (DCAA) statistics, estimated to the extent necessary, on the independent research and development (IR&D) or bid and proposal (B&P) payments made to major defense contractors. The statistical data are submitted for inclusion in the annual report to be submitted by the Secretary of Defense to the Congress on or before March 15, 1971, in accordance with paragraph (c), Section 203, Public Law 91-441. The data set forth in this statistical summary report are similar in nature to the information previously furnished to the Office of the Assistant Secretary of Defense (Installations and Logistics) (OASD (I&L)), for calendar years 1968 and 1969.

The summary on page 1 is an overall presentation of IR&D and B&P costs incurred by 98 major defense contractors during their fiscal years 1969 and 1970, amounts accepted by the Government, and the Department of Defense (DoD) share of amounts so accepted. The column "Amount Accepted by the Government" contains amounts considered allowable and allocable to all contractor work performed—Government and commercial. The DoD share of the costs accepted each year is computed by applying the ratio of contractors' defense sales to the contractors' total sales that year. In addition, this summary shows related sales achieved by the 98 contractors, comprising 188 reporting divisions and/or operating groups.

The defense contractors represented in this summary are those who had an annual auditable volume of costs incurred in excess of $10 million as of December 31, 1970, and a few other contractors who, although not meeting the auditable volume criterion, had advance agreements for IR&D and/or B&P costs. Contractors specifically excluded from this summary are construction companies; educational institutions; foreign contractors and overseas operations of U.S. contractors; Government - owned - contractor - operated (GOCO) plant contractors; insurance companies; Job Corps Training Center contractors; major laboratory (Jet Propulsion Laboratory, California Institute of Technology; Massachusetts Institute of Technology; Applied Physics Laboratory, Johns Hopkins University; etc.); marine transport contractors; and military medicare contractors. These exclusions are contracting activities which incurred nominal or no IR&D and B&P costs. Details in support of the summary are contained in a separate statistical report, designated "For Official Use Only," copies of which are available through OASD (I&L) or DCAA.

The summary on page 2 indicates the extent of advance agreements in effect during either one or both years. Costs not subject to advance agreements are summarized on page 3.

DCAA obtained the IR&D and B&P cost and sales data from contractors' records, but such data do not necessarily represent audited amounts. Included in the costs shown are amounts accepted by the Government in overhead negotiations and through advance agreements. Where actual cost and sales data were not available, as in the case of calendar year contractors who had not completed the closing of their books for 1970, DCAA auditors obtained reasonable estimates. It should be noted that the contractor sales shown do not necessarily equal total contractor sales, but rather the sales of the individual contractor divisions and/or operating groups that are listed in DCAA's detailed supporting report. DCAA did not attempt to determine the reasons for increases or decreases in contractor costs and sales between the years 1969 and 1970.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED AND SALES ACHIEVED BY MAJOR DEFENSE CONTRACTORS FOR CALENDAR YEARS 1969 AND 1970

[In millions of dollars]

	1969			1970		
	Costs incurred	Amount accepted by Government	DOD share	Costs incurred	Amount accepted by Government	DOD share
Independent research and development	$808	$653	$389	$714	$576	$347
Bid and proposal	426	407	286	411	391	275
Total I.R. & D. and bid and proposal costs	1,234	1,060	675	1,125	967	622
Sales—Total Government and commercial	36,430			34,314		
Sales—Total DOD			22,692			21,260

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS WITH ADVANCE AGREEMENTS

[In millions of dollars]

Independent research and development	$698	$556	$335	$614	$487	$302
Bid and proposal	134	127	80	150	141	98
Total I.R. & D. and B. & P. costs	832	683	415	764	628	400

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS WITHOUT ADVANCE AGREEMENTS

[In millions of dollars]

	1969			1970		
	Costs incurred	Amount accepted by Government	DOD share	Costs incurred	Amount accepted by Government	DOD share
Independent research and development	$110	$97	$54	$100	$89	$45
Bid and proposal	292	280	206	261	250	177
Total I.R. & D. and B. & P. costs	402	377	260	361	339	222

SUMMARY OF OTHER INDEPENDENT TECHNICAL EFFORT COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS IN THE YEARS 1969 AND 1970

(Prepared by Defense Contract Audit Agency)

FOREWORD

This summary report presents at a glance the extent of other technical effort (OTE) costs incurred by 56 major defense contractors in their fiscal years 1969 and 1970. It also presents the total amount of such costs accepted by the Government each year, the Department of Defense (DoD) share of the amounts so accepted, and related contractor sales. The costs and sales shown for each year are supported by a more detailed OTE report issued by the Defense Contract Audit Agency (DCAA) to the Office of the Assistant Secretary of Defense (Installations and Logistics) (OASD (I&L)). The detailed report, in addition to listing the major defense contractors in alphabetical sequence, contains individual descriptions of OTE costs incurred each year. Copies of the detailed report are available through OASD (I&L) and/or DCAA.

DCAA summarized the OTE cost data from the information appearing in the detailed OTE report, which is based on costs and descriptions obtained from the records of the major defense contractors. As stated in this summary report, the costs and sales do not necessarily represent audited amounts. Included in the costs shown are amounts accepted by the Government is overhead negotiations or other overhead settlements. Where contractor actual OTE cost data and sales were not available, DCAA auditors obtained reasonable estimates. DCAA did not attempt to determine the reasons for increases or decreases in costs and sales between the years 1969 and 1970.

The "Amount Accepted by the Government" represents amounts considered allowable and allocable to all contractor work performed—Government and commercial. The "DoD Share of Amount Accepted by the Government" comprises individual contractor amounts computed by applying a percentage ratio to the amounts so accepted. This ratio is the relationship of a contractor's defense sales to total sales for the year.

There is no universally accepted definition of OTE. For the purpose of reporting these summary statistics, OTE is defined as indirect technical efforts which are essentially in the nature of IR&D or B&P work, but which may not be identified as such in contractors' accounting records. In view of this definition, DCAA auditors were required to exercise judgment in determining reportable accounts and descriptions. Because of the numerous methods and descriptions used by contractors to account for OTE costs, it should be recognized that the various types of technical effort may not be reported for all of the 56 contractors. These contractors are included among the 98 major defense contractors listed in DCAA's statistical IR&D/B&P report of March 1971, submitted to the Secretary of Defense in accordance with Section 203, Public Law 91–441. Thus, of these 98 contractors who incurred IR&D and B&P costs in their fiscal years 1969 and 1970, 42 did not incur costs considered to be OTE within the foregoing definition.

SUMMARY OF OTHER TECHNICAL EFFORT COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS

[In millions of dollars]

	1969	1970
Costs incurred	178	169
Amount accepted by the Government	128	120
DOD share of amount accepted by the Government	79	73
Sales:		
Total Government and commercial	19,140	18,602
Total DOD	11,499	11,055

Mr. McINTYRE. Mr. President, I should like to report at this time, based upon a review of this documentation, that the Department of Defense is complying with the provisions of this section and is planning to impose certain additional measures which should be constructive. I make specific reference to the establishment of a data bank to provide a centralized body of technical information to enable Government investigators to identify I.R. & D. projects and technology involved. This data bank will represent an important source of data which will be available not only to the various agencies of the Federal Government, but also to qualified contractors.

The tests of the I.R. & D. data bank have been completed and the Department of Defense is waiting for approval of the reporting format from the Office of Management and Budget. The Department of Defense plans to start inputs into the data bank during this first quarter of 1971.

I am pleased to report, Mr. President, that the report for 1970 marks a reversal of the rising trend of expenditures made by the Department of Defense for its share of contractor I.R. & D., B. & P., and OET work. The total amount reimbursed by the Department of Defense amounts to $695 million which is $59 million lower than the $754 million spent during 1969. If this trend continues, we may expect to see the report for 1971, when it is submitted a year from now, reflect a further decline from the 1970 level. It may even approach the ceiling of $625 million which the Senate established in its action on the 1971 military procurement authorization bill, but which was defeated in conference.

Since the provisions of section 203 became effective less than 3 months ago, the decline in expenditures do not result from that language. Rather it may be attributed in part to the decline in Defense spending with industry for goods and services from $45.4 billion in fiscal 1968 to $43.4 billion in fiscal 1969; and in part to the restrictive language of section 403 of the fiscal 1970 Military Procurement Authorization Act which limited payments for I.R. & D., B. & P., and OTE to 93 percent of the total amount contemplated for such purposes. It remains to be seen if section 203 implementation will contain total expenditures within reasonable limits, or if further restrictive legislation may be needed for fiscal year 1973.

The report also contains information relating to the results of negotiations conducted with only a small number of contractors since the beginning of 1971, but this information is not sufficiently representative to provide a basis for predicting what will happen during the remaining 9 months of 1971.

The Department of Defense is to be commended on its diligence and cooperation in the prompt implementation of the provisions of section 203.

I shall continue to monitor their performance closely to insure that expenditures for I.R. & D., B. & P., and OTE are maintained within reasonable limits and are in strict conformance with section 203. It is my intent to obtain an estimate from the Department of Defense of their expenditures for 1971, and to compare this with actual performance a year from now in determining at that time if additional legislation is needed.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FURTHER CONTINUING APPROPRIATIONS, 1971

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

Mr. MOSS. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time utilized for the quorum call be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask to be recognized.

Mr. BIBLE. Mr. President, I yield to the Senator from Utah such time as he may require. I understand that we will speak for 10 or 15 minutes. I yield him 15 minutes.

Mr. MOSS. Mr. President, as we all know, the question before the Senate today has to do with the supersonic transport. In fact, one reading our periodicals would find people making book on it, as it were, like a world series game or any other sporting event. The big question of the hour is, Are there more votes for it or more votes against it? Everybody concedes that it will be very close.

As I see the question before the Senate, it is not whether there will be supersonic transports in use around the world in the years ahead. That decision already has been made. There will be supersonic transports. So those who pin their hopes on killing supersonic transports and believe that the action of this body, coupled with the action of the House, will rid our planet of supersonic civilian transport planes had better forget that.

Incidentally, inasmuch as we are discussing this matter, those who see the supersonic transport as something evil and doing damage, and that sort of thing, should remember that for 10 years we have been flying supersonic military aircraft; and I am told that our own military establishment has more than 500,000 hours of supersonic transport flying time. In the part of the country where I live, one can hear a sonic boom almost any time. It is usually far off. There is just a little pop, and if one is not sophisticated, he may not even realize it is a sonic boom; but it is the military aircraft that are flying over this country all the time.

The military did some experiments with these sonic booms, and there is no question that if they become of a certain intensity, in a certain manner, they can do some damage. Therefore, the Senate passed—I think the vote was unanimous—a bill that provides that civilian supersonic planes must not fly over the continental United States at supersonic speeds, meaning that they would have to be over the polar cap or over the ocean, someplace offshore, before they went supersonic. Nevertheless, that applies only to civilian planes and does not apply to military planes, and our military planes are flying now.

The real question, therefore, it seems to me, is not whether we are going to have supersonic planes, both military and civilian. The question is whether there will be an American supersonic civilian transport in use or whether the Russians, and perhaps the French and British, will supply the market for these planes, because it is perfectly evident that they are coming. This is the next step in the field of transportation.

When our civilization—our country and other countries—moved from the horse and buggy to the automobile, there were many predictions and many people said it would never take, that it was just a fad. Besides, they said, who needs to get down to Aunt Nellie's in 15 minutes, when he can hitch up the horses and get there in 30? There is no need to hurry like that. Nobody would want to travel cross country at a faster speed. After all, there are railroads, so why have automobiles?

So, to me, the only realistic position to take is to assume and to recognize that the SST must be built. It is the next step on in transportation. Just as inevitably as we went from the automobile to the airplane and from the propeller airplane to the jet airplane, the next step on in the state of the art, the next demand of our changing mode of life, our interchange internationally, is that we will fly supersonically.

The supersonic plane must be built not only for the obvious economic reasons but also because we can insist that extensive research work be done that will protect us from the environmental hazards. That, it seems to me, is where much of the criticism has centered, by raising the specter of doubt about the ecological hazards, the pollutants that may be created by the supersonic transport.

Since it is going to fly anyway—somebody is going to be flying it—I think we are much better off if, by setting the specifications here and by carefully monitoring the building of the engines and the building of the plane, we can require that technology protect us to the maximum degree possible—perhaps totally, but to the maximum degree possible—from any kind of pollutants being produced by the planes, by protecting us from the noise side effects, by protecting us from all the spectres that have been raised.

Harking back to our 500,000 hours of military flying, I have not yet heard anything about those military flights having left a great deal of pollutants in the atmosphere or the stratosphere, nor have I heard any extensive complaint about the sonic boom.

As I have said, in certain places they have concentrated it, by experiment, and there has been some damage there. We do it militarily. Why does it suddenly become so unacceptable and impossible if we talk about doing it with a civilian plane?

Before I go on to my discussion of this matter, I should like to say that in the field of protection of the ecology and control of pollution, I do not yield to any man in my dedication to the protection of our environment. As Senators well know, I was an early and devoted advocate of both water and air pollution control measures, joining with the distinguished Senator from Maine and many others in the Committee on Public Works in developing the many environmental control proposals which came out of that committee. We began back in 1960, before it was fashionable to talk about the environment, or to worry about the pollution of our streams, or to be concerned with our air. We continued with that work through the whole decade of the 1960's. I cosponsored and worked for every major water and air pollution bill which passed the Senate in the past 12 years. Similarly, as a member of the Committee on Interior and Insular Affairs, I have helped to develop laws to keep our wilderness and our wild rivers in a virgin state, and to establish outdoor recreational areas, national parks, and national recreational areas. I have supported every other step that we have taken to protect our environment from degradation.

So, surely, my credentials as an environmentalist are in order.

It is, therefore, in some sense, difficult for me to stand here today in opposition to some of my allies in former ecological battles and plead that we fund the SST. But we must do so. I feel that no other course is realistic.

I said earlier that it was not within our power, here today, to decide whether or not the SST would fly.

Over the weekend, the Soviet Union announced that its SST, the TU-144, would be operational before the end of the year and its pilots will begin training shortly.

Avia-export, the official Soviet aviation exporting organization, has been running full color ads in Aviation Weekly, offering the TU-144 for sale. The Russians are requesting a bilateral airworthiness code that will permit them to sell planes in this country.

It seems to me it is obvious they mean business, that they are well along the road, and that they are going to fly their planes and they will fly them here.

In what position would we be, to say that, if they meet the standards we set up for noise and pollution, "Well, we now become an isolated hermit kingdom and we do not let planes land in our country?"

Obviously, we are going to have to let them fly their planes here, or expel ourselves from the general international flow of military traffic. Certainly if we did that, we would invite retaliation against landing our subsonic planes elsewhere, if we do not let supersonic planes come in.

Mr. BIBLE. Mr. President, will the distinguished Senator from Utah yield at that point?

Mr. MOSS. I am happy to yield to the distinguished Senator from Nevada.

Mr. BIBLE. The Senator just mentioned the fact that the Soviet Union wants to sell their TU-144's. My attention has been directed to a newspaper article from the Las Vegas Review-Journal, of Las Vegas, Nev., of last Wednesday, March 17, 1971—a week ago today—which has a big, black caption, "Soviet SST To Sell in U.S." The article is written by Carole Foryst of the Chicago Sun-Times, and it reads, in part, as follows:

> The Soviet Union has made an exclusive agreement with a Louisiana aircraft dealer to sell the Russian TU-144 supersonic transport in the Western Hemisphere, it was reported today.
>
> Doyle G. Berry, owner of Berry Aviation Co., Berwick, La., said the sales agreement was reached in Moscow last week after negotiations with Viatcheslav M. Serov and T. Fljorov, both vice presidents of Aviaexport—the Soviet aircraft sales organization.
>
> The agreement represents a major aircraft marketing breakthrough for the Russians, who are making strong attempts to get a portion of the commercial aircraft market now dominated by the United States.
>
> The TU-144 is scheduled to go into domestic service in the Soviet Union in October.

I thought that would just simply underscore the point the Senator from Utah is making.

Mr. MOSS. I thank my colleague from Nevada for his comments. They are exactly in point with the thought I have been trying to develop. I agree that the Soviet Union is going to fly its TU-144's. In fact, I am informed they will have the TU-144 at the Paris Air Show on the first of June this year. It will be on display for all to come and see. The Paris Air Show, of course, is the greatest international air show of them all, to which all the countries of the world come. I think the Russians will aggressively attempt to sell their airplane to other countries.

Mr. President, where do you think a good bulk of their sales will come from? They will come from international airlines, who have traditionally bought the lion's share of their planes from American airplane manufacturers. It is these sales, and the sales of replacement parts, that now contribute a substantial positive component to our balance of trade. But the next big purchase orders will be for SST's. So, if we bow out of the competition now, the airlines will have no choice but to buy from the Russians, the British, or the French. Although our economists may disapprove, the airlines say that they will buy.

In fact, they have some tentative orders in right now. So the airplanes will be purchased. They will be very expensive. If our airlines purchase offshore, it means that that much money will flow out to the producing country, be it Russia, or be it the French or the British with their Concorde, rather than the flow being the other way, which it has been during all the time the aviation industry has been developing in the past 40 to 50 years, because we have been preeminent in this field. We have been the leader in producing airframes and aircraft engines for civilian transport.

Anyone who has traveled around the world knows that no matter where he goes, he will see DC-8's, 707's——

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from Utah has expired.

Mr. BIBLE. Mr. President, I yield the Senator from Utah 5 additional minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 additional minutes.

Mr. MOSS. Clear on down the scale to old C-47's, and DC-3's. But they are all American aircraft. That is what we have been able to do. That is what we have been able to supply the world. It has contributed immensely to the economic development and well-being of this country.

Economists disagree over the long-term economic implications of this decision for the United States. I agree that both sides have made some exaggerated claims. But what is clear is that a decision to terminate this project now is unwarranted. Having put over $800 million into it, to pull the string now and say, "That is all," when we are only talking about finishing out a total amount of money that will come to $1.2 billion to put two prototypes in the air, is unrealistic and unwise. It will mean the loss of thousands of jobs in the short term and perhaps, tens of thousands over the long term. It will mean the loss of tax dollars and loss of millions of dollars in foreign trade for domestic companies. The economic and technological edge in the aerospace industries will tilt away from America.

I do not believe that we can view these facts lightly. We must remember that the money we spend for our great liberal programs—health, education, antipoverty, and, yes, even cleaning up the environment—is available because it has been generated by a basically productive economy.

This body well knows that I have supported all those programs in health, education, and the termination of poverty and the environment; and the reason that I have felt I could vote to support them is that we have a tremendously productive economy, a great gross national product, and we have a favorable balance of trade. So that we can do these other things, if we have the money. But, if the money is gone, then we will have trouble doing it. If we fail to maintain our economic strength, I assure you Mr. President, that we will not have the luxury of debating which of the multi-billion-dollar health, education, or social welfare measures we will enact.

I believe that the airlines of the world—competing fiercely for the flying public dollar—are going, sooner or later, to put in operation a plane which will get a passenger to his destination in one-half, one-third, one-sixth of the time he is now using, and probably with far greater ease and comfort.

This has been the history of the world. We continue to expand our life style. We continue year after year, decade after decade, century after century, to improve the places in which we live and the places in which we work and vacation, and the methods which get us in between them.

Our mobility has increased with the passing of each era. In the 1970's, the next step in the improvement of our mobility appears to be the SST.

Mr. President, to those who say, "Well, if we are going to go into the SST, why don't we just let the aircraft companies themselves do it; they surely have the money," let me say, without debating the intricacies of that matter of whether they could get the money, that the Government in this instance, just as it does in other matters, has always been a contributor to the research and development money that brings out a new aircraft. Heretofore we have done it largely through the development of military planes which could then be very readily adapted to civilian planes. In this instance we do not happen to have a military plane developed that could be turned over and made into a passenger SST. For that reason, we have some of the money coming in directly rather than coming from the military.

This brings us to the hard question of this debate.

Will the SST so contaminate our atmosphere that we dare not fly it?

Surely, much more research must be done on the environment of the stratosphere. Surely, much more research must be done on how to eliminate the pollutants in the SST prototypes. But that means we must do that research, not throw up our hands in despair. Automobiles, sewage systems, industrial plants: all are substantial polluters of our environment. Yet, we are confident that, with the application of more technology, we will be able to eliminate pollution in these areas. Why not the SST? The answer is, of course, that with sufficient research we can make the SST environmentally safe. And part of the funds in this appropriation will go for just that purpose.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator's time has expired.

Mr. BIBLE. Mr. President, I yield the Senator an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. MOSS. Mr. President, where sufficient research has been done, ways have been found to minimize the environmental impact. Engines will be cleaner, and will be as quiet or quieter than those of present subsonic jets. After further study the potential effects of carbon dioxide and water vapor released into the atmosphere seem to be far less serious than was originally thought on the basis of sketchy data. The current scare about skin cancer is based on very hotly disputed sets of statistics. More research will have to be done on this and other areas of concern. Only then will we have the information to assess the real impact the SST will have, and the technology to modify the design if necessary.

This body has already taken steps to make the operation of the SST compatible with environmental considerations. I mentioned earlier S. 1117, which would prohibit supersonic commercial flights over land. We have the power to require an even stricter set of environmental standards under which the SST must operate, as we did for automobiles last year.

Automobiles are everywhere in our country. Congress decided that emissions from automobiles must be decreased drastically and by law we required the automobile companies to comply, and they must now comply, within the time frame given to reduce pollutants from automobiles.

If these prototypes show some type of pollutants that we feel is unacceptable, we can require that they reduce those pollutants. But I submit that the proper way to protect the environment is to do the necessary research, for which we certainly have the technological capacity, and pass the necessary laws rather than simply to give up.

The SST is going to fly; it can be made environmentally safe. An American SST will have long-term economic benefits for our country.

We should build it.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I yield 20 minutes to my colleague from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 20 minutes.

Mr. CANNON. Mr. President, I want to congratulate the Senator from Utah on the very fine comments the distinguished Senator has made. He made some very excellent points in this debate on the SST.

One of those particularly is the fact that we have in this country thousands and thousands of hours of supersonic aircraft flight experience over our own country.

Over the last 15 years I, personally, as a pilot with very limited experience, have flown more than 10 different aircraft supersonically in this country. I am not flying as a regular pilot on active duty. However, during that period of time I have personally flown supersonically the F-86, the F-100, the F-101, the F-102, the F-104, the F-105, the F-106, the T-38, the F-111, and the B-58.

For a person of my limited experience to have flown that many military aircraft supersonically over this country gives some idea of what the regular Air Force military pilots are flying constantly day in and day out in the various types of supersonic flights over our country.

Mr. President, I may say that all of these aircraft have been built with the approval of Congress, funded by the U.S. Senate and House of Representatives, to give us the capability of flying supersonically and performing supersonic missions. In addition, a few years ago we authorized a research project in connection with the B-70—which was a great military aircraft—for research and development purposes. We built all of them. We built them in the State of California, my neighboring State. They were flown and tested in California, Nevada, Utah, and throughout the great western area, much of the time in supersonic flight at very high flight regimes to give us experience in this area.

Congress in its wisdom determined not to go ahead with it and therefore did not go ahead on the production basis of the B-70.

We did produce the B-58 which had the capability of flying better than twice the speed of sound. It has been flown very successfully. It has flown through its life span and is now retired from the Air Force inventory.

The Senator from Utah made the point that we have been flying for thousands and thousands of hours supersonically in this country and we have yet to hear—I have yet to hear—anyone claim there has been any damage to the ecology or to the environment as a result of the supersonic flights that have already taken place in this country. Everything we hear about it now is to the effect that it is going to damage the ecology at some vague point in the future. If it is going to damage the ecology in the future, why has it not damaged it up to this point?

I submit that the arguments are not well taken, else we would have heard many more complaints. It is true that we have had some complaints. They have primarily been occasioned by when a pilot has pointed the nose of the aircraft toward a particular point on the ground and gone into supersonic flight. In some instances it has caused some damage. It has broken a window on occasion.

As a matter of fact, in my own city of Las Vegas, where there have been many supersonic flights, on occasion there were some complaints of damage. There was only one claim verified in that period of time. That was for one broken glass window, and the aircraft had flown supersonically for a long time over Las Vegas.

THE INTERNATIONAL SST COMPETITION

Mr. President, as we are well aware, three of the major world powers besides the United States have recognized the great potential for a major breakthrough in the speed of man's commercial transportation. The potential time saving is of about the same amount as that achieved when the subsonic jets ran the piston and turboprop powered transports off the commercial airways—refuting the dire predictions of the economists of the 1950's.

I understand that both the Concorde and the Russian TU-144 are satisfactorily passing their extensive flight tests and will prove to be viable supersonic transports, in spite of all the pessimistic reports by the present day antispeed coalitions.

First, let us look at the Concorde. It is a pure delta wing airplane about the length of a Boeing 707 and carries about half the payload of the proposed U.S. SST. It is slower, cruising at a mach number of about 2.2, and is constructed of aluminum.

Approval has been given for six production Concorde models, in addition to the two flying prototypes and two preproduction models currently under construction. Negotiations appear to be about complete at BOAC and Air France, so sale agreements could occur early this spring. Reportedly, an advanced model Concorde is also being considered which would be larger and more competitive with our SST, and the State Department has indicated Germany may join in the financing of this advanced model.

The Concorde prototype airplanes—001 and 002—had completed a total of 376 hours of development flying at the end of 1970. Of these total hours, 86 have been at supersonic speeds and approximately 12 have been at supersonic cruise speed. The total number of flights is 188 with 98 of these involving supersonic flight. The highest mach number achieved to date is 2.07—1,360 m.p.h.—and the highest altitude is 58,000 feet.

I am informed the Concorde has performed better than predicted in many areas. Both prototypes are flying satisfactorily at their supersonic cruise speed. The specific fuel consumption and vital aircraft operating characteristics have been generally established for the speed regime through mach 2 and have confirmed engineering estimates.

The Concorde will introduce a new class of transportation. History has shown that speed has value, and that the name of the game in transportation is to reduce traveltime. This has been true since the railroad train knocked out the ox cart.

Last week Sir Keith Granville, the managing director of BOAC, stated that:

> BOAC's objective is to go supersonic as soon as possible and we are working in a very positive way with BAC and the government on the best way of doing so.

This is hardly compatible with statements that:

> The plane can be bought by Air France and BOAC only if it flies at full capacity on every flight, an impossible assumption . . .

Just last week, Granville said:

> The handling characteristics of the Concorde are excellent. It is a very precise Aircraft to fly and we have been particularly pleased with handling features at high supersonic speeds.

He described the mammoth flight and ground test program being used to develop and prove the Concorde and said:

> At the present time I might describe myself as one of the few users of this Aircraft and I can assure you that one has seen, during our program to date, many visible signs that a lot of good homework has been and is being done.

Concerning environmental issues, Brian Trubshaw, BAC's flight test director and chief test pilot, said:

> Our aim has been to show clearly and objectively the extent of human knowledge in this area, to distinguish between fact and guesswork and to present conclusions based on the most authoritative sources available. On the basis of these authorities, we and our French colleagues are convinced that:
>
> (A) turbine powered aircraft offer the cleanest known practical means of transport.
>
> (B) There is no known technical basis for fears that supersonic transports will affect the weather or harm mankind.

> (C) Supersonic transports will reduce, not increase condensation trails."

Trubshaw described the sonic boom as a "nonissue" saying:

> It is our understanding that flight at boom producing speeds will not be permitted over United States territory and that legislation to ensure this will shortly be enacted. Such a ban has always been assumed both in market assessments, in route analyses and in economic studies carried out for potential airline customers. Banning the boom will in no way undermine Concorde's commercial viability as 80 percent of international routes fly over unpopulated areas. Also the sheer size of the over water market lifts Concorde well away from the reach of those who would decry it as a plaything for the jet set.

Department of Transportation studies show that if there is a viable Concorde and no U.S. SST, we suffer a trade imbalance from 200 Concordes imported worth $7.0 billion and lose by not building an SST, $10.1 billion from sales abroad, for an unfavorable swing in trade balance of $17.1 billion. If a more airline-economical Concorde II appears, this unfavorable trade impact would grow to $22.1 billion. This represents a conservative estimate and is due to a greater impact upon the jumbo tri-jet market from a more commercially attractive Concorde II. However, taking into account the effect on import sales of a more favorable "family of civil aircraft," this impact could grow to $27.1 billion and, when the real world offset agreements are accounted for, then this trade impact could reach almost $30 billion, all computed in 1967 dollars, over a 12-year period—1978–90.

When we apply a conservative escalation of 3 percent per year to current dollars through 1985, only half the life of the production program, the trade impact numbers can rise dramatically from a minimum of $17.1 billion to $45.6 billion over a 12-year period, or $3.5 billion per year.

Finally, when aircraft are sold over a time period such as the U.S. SST 1978–1990 time span, the spare parts for airframe and engine support can add exports with a value of 50 percent of the initial sales price. This factor has also been largely ignored in our previous trade balance assessments. If we add this to the above highest estimate, over $50 billion trade swing can be projected.

Mr. President, it may occur to several besides myself that much of the difficulty we have experienced and continue to encounter with obtaining a true, unbiased assessment of the supersonic transport is caused by unfounded charges and irresponsible repetition of untruths. Those who have been so quick to accuse and so vociferous in condemning the supersonic transport have not only refused to acknowledge proof to the contrary, but have used every device and have gone to every extreme to assure that the great majority of the Congress and the American public would be either denied the truth entirely or would find it too obscured to be recognizable.

I have talked about the Concorde. What about the Russians? We all know they are developing their own SST, the TU–144, and from all reports the aircraft flight testing is proceeding according to plan and it is expected that the aircraft will enter its first commercial service this fall. Alexander Evstafiev, Russian press counsel, said the TU–144 would probably be used on a 4,000-mile route between Moscow and Khabarovsk. He said Russian scientists had no fear of ecological consequences. Evstafiev said capitalist countries had shown interest in purchasing the Russian plane.

The TU–144 is a delta wing supersonic transport quite similar in plan form to the Concorde, with range equal to the Concorde. It is reportedly designed to fly somewhat faster, the higher speed capability being dependent upon the application of titanium in certain critical temperature areas. The payload is slightly less than the Concorde at 120 all-tourist passengers. The TU–144 is the first commercial supersonic transport to have flown and the first to be flown at supersonic speeds.

Mr. President, what about the ability of the Russians to sell aircraft to the free world market? We know that up to now they have not been very successful, but also we know they are mounting a very strong effort in this direction.

Fast improving technology and strong desire to enter this field may make Russia a strong contender in the near future. The U.S.S.R. was recently officially accepted as a member of the International Civil Aviation Organization (ICAO). This membership is a first and vital step toward the recognition of Russian transport and other civil aircraft by the free world's certification bodies. Some U.S.S.R. transport aircraft activities are a matter of record, for example:

In Europe, Mideast, Africa, Asia, and Cuba, 1,456 Russian transport aircraft are in active airline operation.

In Afghanistan, Russians have sold Yak 40 trijets to Bakktar Afshan Airlines for $500,000 on a barter basis. The aircraft will be delivered in May 1971. Russia is sending maintenance and pilot instructors to Kabul. The airline will also send their pilots to Russia for additional training.

In Italy, the Russians have sold two Yak 40 trijets to Aerterrenia Airlines for $700,000. They have been equipped with complete Collins—United States—communications and navigation equipment. At the request of the airline, the 10 volumes of the maintenance manual have been translated from Russian into English (not Italian).

In Germany, the Russians have established Rotorcraft Air Services as distributors for the YAK 40 and the KA 26 twin-engine helicopter in Germany (FRG) and Austria.

Spare parts depot will be established at Rotorcraft at the expense of the Russians. German pilots will be trained free of charge.

It has been reported that a major African airline has purchased the following Russian aircraft:

Four TU–154's, B–727 competitor.

Four TU–134's. DC–9/B–737 competitor.

Two AN–12's, four-engine cargo turboprop.

The payment terms are 1.5 percent interest 20 year payback period. The list price of each has been discounted 45 percent. The Russians are providing a $2,000,000 flight simulator for the TU–154 at no cost. All flight and maintenance training will be free to the airline. The Russians are providing a full spares depot and the airline will pay for these spares as they are drawn out.

In anticipation of competing in the U.S. market with the YAK–40, the U.S.S.R. Government has expressed willingness to equip the aircraft with U.S.-built engines and with U.S. avionics products, a direct reversal of its previous position. Significant improvements in the quality of their sales efforts and brochuremanship, their willingness to exchange technical information, and greatly improved product support planning is further evidence of the seriousness of their intent to penetrate the market. Other civilian aircraft already flying and being offered for sale to free-world airlines by the U.S.S.R. include:

TU–144, supersonic transport—mach 2.3.

IL–62, four turbofan engines, 180 passengers, similar to the VC–10.

TU–154, three turbofan engines, 150 passengers, similar to the B–727.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. BIBLE. Mr. President, I yield my colleague an additional 5 minutes.

Mr. CANNON. Mr. President, as the Department of Commerce Bureau of Domestic Commerce reported in June 1970:

> The current Soviet Aircraft export drive is aimed at more than 40 countries of the West, with publicity/demonstration tours of all types of Soviet aircraft, including helicopters.
>
> Since the state has rigid control over aircraft production, the Soviet aviation export agency can offer whatever deliveries, terms or services is deemed necessary to satisfy customer requirements or desires. If deliveries to aeroflot, the Soviet state airline, or other Soviet-bloc airlines have to be changed to meet export commitments, national export policy reportedly dictates that this will be done.
>
> The selling price of Soviet aircraft is obviously not established at a commercial level, but prospective customers have been aware of problems relating to international standards, spares provisioning and prices, component lives, availability of support equipment, and field technical assistance.
>
> The Soviet aviation export officials have indicated that they recognize that to be competitive with U.S. aircraft exporters they must offer adequate support for their exported aircraft. They have developed a logistics support system offering normal delivery times of 7 days, and 48 hours express deliveries for spares required by customers on an urgent basis.

The Russians are already certificating their transports to their own, the British, and United States FAA airworthiness standards.

Mr. President, I feel it would be foolhardy indeed to write off future Russian competition in the lucrative commercial aircraft market, and their TU–144 may be just the product that will complete their available aircraft product mix and make Russian aircraft a real competitive threat.

Mr. President, I submit that three other major nations are entering strongly into the supersonic transportation age. We must not let the United States stand idly by and relinquish its traditional and most important lead in the aerospace technology and air transport fields.

The real question is: Will we have an SST, or will we buy them abroad? The SST is here. The trouble is, it is not ours, but we can catch up if we try.

Mr. BIBLE. Mr. President, I am pleased to yield 15 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I have listened with very keen interest, and approvingly, to the remarks just made by the distinguished Senator from Nevada. He has given some detailed information that I think is very pertinent to a proper and adequate consideration of the issue before us.

Mr. President, I support a continuation of the program to produce two prototypes of an American SST.

This question engendered a great deal of controversy in the last session of the Congress, and the issue has carried over into this session. Last week, the House, by a narrow margin, voted down funds for the continuation of this prototype program. That vote took place against a background of noise and propaganda, which, in some degree, prevented a rational approach to an adequate consideration of this appropriation item.

From the testimony and debate in the House and from press coverage of the matter, it seems that many lost sight of the real issue upon which the vote was taken. The vote in the House was, and the vote here on the Senate floor will solely be, upon the question of whether to continue funding for the next 3 months of a program to manufacture and test two—may I emphasize, two—prototype supersonic transport planes. This is the real issue on which we will also vote in the Senate.

An affirmative vote for this funding will mean that this exploratory—research—program, in which the Government already has invested 864 millions of dollars, will be continued. In fact, if the Government's support were to be terminated as a result of congressional action, the costs of closing down the program would be somewhere in the area of $100 million. This money, I believe, can better be spent in the continuation of this project which is already over two-thirds completed.

The principal objections raised to the operation of a fleet of SST's relate to the possible harmful effect on the environment by the use of numbers of these aircraft. Much of the data submitted by advocates of this position is based upon pure conjecture and supposition and cannot be proved as facts. To those persons who base their opposition to the SST on these grounds, I would suggest that a sincere interest in determining the truth of the matter would seem to require the proving of their hypotheses by the developing and testing of the two prototypes. Factual data concerning the effect of the SST on the environment would be preferable, and certainly more reliable than the opinions and hypotheses now put forward by those who oppose the program.

I state for the record that I have faith that the environmental and technological challenges presented by the SST will be successfully met by the creative application of American genius and technological expertise. I might add that, as we enter a new era of environmental awareness, we should assure ourselves that our technology assessments are based as much as possible upon factual evidence, so that the evaluation process may continue to be rational and scientific and no become instead an arbitrary barrier to our technological progress—in effect, technological arrestment.

The stakes in establishing this Nation's policies are too high not to insist upon careful and thorough appraisal of all facets of a program with the minimum amount of dependence on mere conjecture and opinion. The production of the two prototypes is especially important as a research laboratory to help determine the answers to those environmental questions raised about the operation of an entire fleet of these planes.

Mr. President, it should be apparent that while the manufacture and testing of the two prototypes is in and of itself an important scientific undertaking, it is also a necessary first step if our aviation industry is ever to produce the SST commercially. This factor lends added importance to the vote to be taken on the further development of the prototypes.

I call to the attention of my colleagues an analogous situation: that is, the shocking decline of our maritime industry. If I recall correctly, in 1947 our maritime industry transported some 57 percent of the world's ocean-going cargo. In 1969 our ships carried less than 5 percent of that cargo. This decline results from a number of factors, but the point is that we can ill-afford to have a comparable situation develop in our air transport industry. The question posed by this situation is: Should America continue to compete in world trade or should we retreat and surrender our potential in the aviation transportation field and become dependent upon the ingenuity and the facilities that other countries will provide? In other words, shall we purchase SST planes from Russia, Britain, and France and possibly, ultimately, from Japan and West Germany, or shall we build our own? We know already that other nations stand ready to satisfy the market for a supersonic transport plane; and there is, Mr. President, a market for them, in my judgment. The Russians have already advertised their TU–144 supersonic transport in the March 8, 1971, issue of Aviation Week and Space Technology magazine—at pages 86–87. According to public announcement, it will go into commercial use in Russia by October of this year. And, as the distinguished Senator from Utah pointed out a little while ago, the Russians are making arrangements for the sale of this plane in the Western Hemisphere.

The British and French with their Concorde are not far behind. Even the SST opponents must concede that their prospects for keeping foreign SST's out of this country are very poor indeed—Washington Post, March 19, 1971 at A4.

A significant question raised by some is the need for government involvement in the production of these prototype SST's. This is not at all a novel situation. Federal support of the railroad industry in the 19th century, by grants of land and other means, made possible an extensive network of railways which would otherwise certainly not have been built in so short a time, if at all. That development is somewhat analogous to the problems presented by the SST. Unlike the current generation of passenger-carrying jets which had military predecessors, the SST has none. The consequence of this fact is that our aviation industry has had to begin research on the SST prototypes practically from scratch, so to speak. The investment required would have been prohibitive, much as would have been the building of our railroads over a century ago, without Federal support. Other economic reasons should be taken into account in this vote to continue the Federal commitment to the production of the two prototype airplanes.

Considerable testimony has been offered concerning the effect of the production and sale of the SST on our balance of payments. Secretary of Transportation John Volpe recently testified before the Senate Appropriations Committee that the production of a commercial SST can be expected to have a favorable $22 billion dollar impact on this Nation's balance of trade over a 12-year period spanning the 1980's. Some experts have suggested that our balance of payments is not a problem, and that this issue is irrelevant in considering the funding of the SST.

With that, Mr. President, I do not agree. I do not think anyone is in a position to predict positively whether or not this addition to a favorable balance of trade will be urgently needed in the coming years. Certainly, if present trends continue, this trade will be needed. We do know that our aviation industry is currently among a declining number of our industries which remain competitive in international markets. This factor should not be disregarded in our consideration of the funding of two prototype planes.

Mr. President, there is another significant consideration involved in this question. There are already 14,000 people at work on the development of the prototypes. This number is expected to increase as work on the engines and prototype aircraft accelerates. If the development of the prototypes proves commercially feasible, and I have no doubt that it will, the Secretary of Transportation pointed out in his testimony before the Senate Appropriations Committee that 50,000 people would be employed directly in the production of the commercial version of the aircraft. That means that many other persons would be employed indirectly.

I am advised that other estimates of employment run as high as 150,000 people, not including the impact of the supersonic transport in creating additional jobs for Americans in the operation of the airlines themselves. Whatever the exact figures may be, there can be little doubt that a great number of jobs would be created when and if the SST should become commercially operational.

To this fact opponents have responded that the use of such figures involves an erroneous assumption that the people would not otherwise be employed if it were not for the production of the SST—perhaps so, but likely not. In this content it must be noted that our aviation industry consists of a great number of highly skilled and highly specialized personnel whose talents are not readily transferable to another field. I think most will agree that, if we can at all do so, we need to use the talents of these individuals in their field of specialization.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIBLE. I yield the Senator 5 additional minutes.

Mr. McCLELLAN. Mr. President, the termination of the program to manufacture and test two prototype SST aircraft at this time would involve an irretrievable loss approaching $1 billion. The program is two-thirds completed; we are nearing some tangible return on this huge investment of money and manpower. Let us not throw it away.

If we continue the program and produce the prototypes, we will have the actual hardware to test the theories and hypotheses concerning alleged harm to the environment and the propaganda which led this Congress to the verge of a wasteful and imprudent action terminating this program.

I agree with the prominent Yale economist who has been quoted as saying:

> We cannot afford to give up the project at this point.

There are questions which can only be scientifically answered through the flight and testing of the prototypes.

Mr. President, I think we should remember what Dr. Samuel Johnson, the great English lexicographer and author, said:

> Nothing will ever be attempted if all possible objections must first be overcome.

This statement of Dr. Johnson, in my opinion, is directly applicable to the controversy over the continued funding of the SST.

We will never overcome all objections to it. All objections were never overcome to any progress made scientifically and technologically. There always have been objections. The objections are overcome after the issue becomes a fact, becomes a reality, and it is scientifically demonstrated that those objections were groundless or not valid.

Having gone as far as we have, we should now continue the prototype program to find out if there are indeed sound bases for all the skeptical objections that have been voiced by SST opponents. We must continue so that our technological genius can be applied to solve whatever problems actually result from the flight of the prototypes. If we stop short now and do not develop sound scientific information from flights of the prototypes, we will have deprived our Nation of any chance of having a commercially viable SST, and we will have done so on inadequate, insufficient evidence and at a shocking waste of the taxpayers' money.

Mr. President, I want my country to compete and not retreat in the fields of science, technology, and competition, and I shall vote accordingly.

I am not persuaded by the emotional objections and considerations that have been interposed to this program. We know that a comparable plane is being constructed by other governments and will soon be in operation. We also know that these planes are going to be used on the market. We need not be under any illusion that our American overseas airlines will not use these planes. We have invested heavily in this program. We have already progressed far into it. We must not now throw away all that we have gained.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. McCLELLAN. I ask for 1 additional minute.

Mr. BIBLE. I yield the Senator 2 additional minutes.

Mr. McCLELLAN. Americans will use the foreign planes, Mr. President. The argument is made, "Why must a businessman get to London 2 hours sooner?" Well, perhaps he does not have to. But when that kind of transportation becomes available to him, when he can do it—and the time is coming when he can—he is going to take the best and do it. That is not only true with a businessman; that is true with all of us. We want and take the best in America. If we want the best and are going to take the best, let us have America build the best and not have to buy the best from other countries.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield to the Senator from Maine such time as he may require.

Mr. MUSKIE. I thank the distinguished Senator from Wisconsin.

Mr. President, the question that will be before the Senate today is whether the Federal Government should spend $134 million, in addition to the $868 million already spent, on the crucial problem of reducing air travel time to Paris by 3 hours. We are asked to pour more money into a supersonic commercial airliner to meet this critical problem of lowering trans-Atlantic flight time even though the plane to be built might cause severe damage to our environment and may never be able to operate profitably. Further, we are told that if the Russians or Europeans alone overcome this key problem of time lost flying over the Atlantic, the blow to America's scientific and industrial prestige will be staggering.

This sounds foolish. But it is true. And it is an indication of the tragic lack of clearsighted leadership in our Nation today.

The serious problems with the proposed SST are enormous. The wastes that it will inject in the upper atmosphere could cause sweeping damage to the world's environment. The booming noise it will make over the oceans could also result in ecological harm. The screaming of its engines on the ground will just barely fall within present required noise limits which themselves may be too high for our health protection. And in order to reduce noise on the ground, weight was added to the aircraft that will reduce payload and range, possibly guaranteeing that the SST will never run profitably. If the European example is precedent, surcharges on airfares for the SST will be high enough to shrink the SST market. In that case, the Government will never be repaid for developing an unprofitable plane that few can afford to fly. So we are pursuing the solution of ridiculously unimportant problems in a potentially disastrous manner.

I think most proponents of the SST realize that the need for it is doubtful and the problems with it are great. That is why they do not tell us what good this mammoth industrial undertaking will bring—they can only point to the alleged harm that will come from not proceeding with it. Here the SST proponents are simply not convincing.

First, they tell us that it will be horrible if the Russians or Europeans have an SST and we do not. I have never been convinced that another nation's squandering of precious resources was a good argument for doing the same here in America. Our automobile industry has been able to survive in good health in spite of the fact that we do not have a competitor with the Rolls-Royce or Ferrari cars that sell for over $25,000. I think the same will hold true with the airframe industry.

Second, on the question of balance of payments, it is clear that investment in major projects of dubious utility and doubtful profitability will not help us in this respect. I join with such diverse economists as Professors Leontief, Friedman, Heller, and Samuelson in rejecting the argument that building the SST is a rational way to help out our balance-of-payments situation.

Third, there is the question of jobs. According to the Department of Transportation, the SST will provide only 81,979 jobs at the peak of its production. That does not compare well with the 5 million presently unemployed across the Nation due to inept economic policies. At its peak, the SST will generate little more than 18,736 jobs in Seattle; right now there are 72,000 unemployed in Seattle. It is clear that the SST will not solve our cruel unemployment problem anywhere in the Nation. In fact, there are thousands of ways to spend the $447 million of requested future Government investment in the SST that would create many more jobs. And it would be difficult to find ways to spend that money, other than the SST, that could employ so few to accomplish things of such little value to our Nation.

I do not mean that the present 8,000 jobs at stake are not important. They are. But they are in jeopardy because the administration has been using the SST employees as political hostages in order to ram the SST through Congress. It was obvious a year ago that the SST was in trouble and that its lack of public support might end its public subsidy. But the administration did not move to prepare alternate means of financing the project. They did not begin plans to help convert the generally ailing airframe industry to profitable areas of work. The administration did nothing, and this is not surprising. An administration that vetoed legislation for public service jobs, that is phasing out the highly successful JOBS program, that has done nothing to ease the plight of those out of work because of defense cutbacks, and that has used increased unemployment to fight inflation cannot be expected to make plans for those workers who might lose their jobs if the SST is not funded.

If we defeat the SST, as I think we should, I think we have the responsibility to save the jobs of those affected. It can be done, and done in a way that benefits our whole Nation.

It is not difficult to find areas in our transportation system that urgently and desperately need Government investment. We need funds for the further development of aircraft noise and air pollution abatement technology. We need research to make our airport and airways safe; the administration itself testified that we must invest over $14 billion in air safety in this decade. Also, we need terminal facilities to handle the new jumbo jets that time gained in the air is not lost on the ground.

It is foolish to spend so much money to develop a plane for a few of the affluent, when our air system today needs so much safety, pollution control, and ground facility support.

And looking to the future in aviation, we need to develop STOL and VTOL aircraft for short flights in our urban corridors to save our major airports from overwhelming traffic and continuing delays. And finally, high-speed ground transportation, such as air cushion vehicles or monorails, are required to bring airports within the reach of our cities.

Just as important as revitalizing our airways is the problem of urban mass transit. Our cities are being choked to death because of outmoded or nonexistent transit systems and the increasing reliance on automobiles. These are the transportation problems of noise, of air pollution, and of wasted space and time that must be met and decrease our attention. Yet the administration has consistently opposed full funding of the Urban Mass Transit Act, while it relentlessly pushes the SST. Today, there is a backlog of $2.2 billion in requests for urban mass transit funds; yet the Department of Transportation has frozen $200 million of the $600 million appropriated. We could spend the total 10-year Federal investment in the SST on urban mass transit and fill only about half of the pending requests for mass transit funding now before the Department of Transportation.

This policy of underinvestment in city transportation will delay for years, even a decade, decent transportation that the average American needs every day. Yet this must wait so that a few can leave New York in the morning and reach Paris by lunchtime, rather than arriving for dinner.

The administration's refusal to move on mass transit funding also threatens our health. If the clean air standards of the air pollution bill passed by Congress last year are to be met, up to 75 percent of automobile traffic in our 60 largest cities will have to be replaced by some form of mass transit. At present funding, that antipollution legislation will be destroyed.

The corporate structures that have the best technical and industrial potential to solve these aviation and mass transit problems are the airframe and defense corporations—the very jobs and capital now being tied up with the SST.

Many contend that the Boeing and General Electric technical and production capabilities cannot be readily adapted to the design and construction of urban transportation systems. But the striking characteristic of the industry points to the opposite conclusion.

The Department of Transportation itself is now finding that aerospace talents are directly and almost immediately transferable to other areas requiring high technical expertise and systems analysis capability. In fact, it was DOT's forceful argument on this point that permitted the Department to take over the Cambridge Research Center from the National Aeronautics and Space Administration. The Center and its employees, once working on sophisticated space technology, are now working on solutions to our urban transportation dilemmas. And the same transfer can take place in the aerospace industry and those portions of the aerospace industry dealing with the SST.

The Department also has current contracts with research firms such as Rand, the Institute for Defense Analysis, and Mitre. These firms had little experience in nonmilitary work until defense and space budget retrenchments forced them to apply their talents in other fields.

Other aerospace and defense firms have found it possible to change as our priorities have changed. The North American Rockwell Corp. has a DOT contract to develop a high speed urban tracked system. The Rohr Corp. is building cars for the Bay Area Rapid Transit in San Francisco and an air cushion vehicle for France. The Garrett Research Corp. is developing a linear induction motor and United Aircraft built both the vehicles and the propulsion system for the Boston-New York Turbotrain.

These aerospace concerns have found that dependency on aerospace contracts—such as the SST—is neither the way of the future in transportation, nor the key to their corporate survival. There is no reason to keep that knowledge from Boeing and General Electric.

Let us put the 8,000 SST employees, and some of the tens of thousands of defense and airframe workers, back on the job—and on a job that needs to be done.

The answer to the immediate problem of the SST is clear—let us employ the talents and money now being wasted on the SST on our real transportation needs in urban mass transit and aviation.

But we must understand that the SST is a product of a greater problem—one of leadership. As President Kennedy once said, "To govern is to choose."

And our present leaders have made the wrong choice. While millions of Americans suffer every day from the decay and pollution of cities choked with cars, our leaders chose to reduce the time on flights to Paris. While our airports became unsafe and clogged with air traffic, our leaders chose to subsidize travel for the affluent. And while our lungs are filled with poison and our ears assaulted with noise, our leaders chose to build a plane that will increase pollution and noise in our Nation.

We need leadership that can separate important problems from unimportant ones. We need leadership that can differentiate between special interests and the general welfare. We need leadership that can direct our Government, not passively accept the demands of those who benefit from unwise or unneeded programs. We need leadership that will respond to the needs of our people, not to false appeals of national pride or entrenched interests in Government subsidy.

That leadership has not come from the White House. It must be provided in the Congress. So today, we must defeat the SST.

Mr. PROXMIRE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am glad to yield to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, first I congratulate the Senator from Maine on his excellent speech, particularly with respect to some of the problems that have been bothering some of those who are concerned about the SST. He answered very well, I think, the jobs question with the point that there are many things we can do to provide jobs not only for the people in trouble in the aerospace industry, but also for those who suffer because of defense contracts and other areas where the Government has a clear responsibility.

I would like to ask the Senator from Maine a question on another point. The Senator from Maine shares the pride that all of us feel in our country. The Senator from Arkansas (Mr. MCCLELLAN) just made a forceful and persuasive speech in which he talked about the importance of America being first in the SST as well as in other areas.

Is it not true that today the commercial aircraft industry is without a subsidy from the Federal Government and yet we are No. 1 in the world, we dominate the world in this area as in few others.

Mr. MUSKIE. The Senator is correct. May I make this further general point, that if we seek to be first by every test and in every area of technological development, we are, indeed, going to neglect some important social programs.

As the Senator will recall my prepared remarks, we have never competed with the Rolls Royce. However, I am sure that at this point the people of Britain have reason to feel doubt concerning the value of the Rolls Royce to the national economy of Great Britain.

Our automobile industry has always been much more responsive to the needs of the people. We have chosen to be first in the automobile industry in those areas that are of much more interest to our people. And Henry Ford is the best symbol of that.

Mr. PROXMIRE. The automobile development has occurred with private capital and through the test of the marketplace and without any Federal subsidy. Is that correct?

Mr. MUSKIE. That is correct; and I wish to add this additional point. Henry Ford recognized the importance of the mass market. He directed his efforts not to producing the automobile for those who might afford it, but toward a mass market that might be created.

We need mass markets in other forms of transportation. We have mass markets in need of mass transportation facilities in our cities. The masses of our peoples—and that means markets for those who would profit from them—need something other than the SST. So from an economic point of view and a profits point of view, the SST is wrong.

Mr. PROXMIRE. In addition, is it not true that when we enter with a substantial subsidy for the SST for commercial and industrial efforts we substitute political judgment for the economic judgment of the marketplace and, therefore, care should be taken in making an economic judgment that it can be supported economically.

I think the Senator pointed out that the overwhelming majority of widely recognized and highly competent economists oppose the SST on strictly economic grounds. I would like to call to the attention of the Senator in connection with something that was said this morning that yesterday the Wall Street Journal published an article by Economist Allen R. Ferguson. He said the SST represents the first plane that would be brought into competition with existing planes that has a higher passenger mile cost than the planes it would replace. He points out how the only way this can be done is either by charging a surcharge on overseas flights and requiring people who take the SST to pay more, which probably would not be economically feasible, or to require subsonic jets to charge more so that the price will be raised to a point where the SST can compete. He comes to the conclusion that the reason why we have been able to increase the number of persons flying overseas flights remarkably in the last 20 years is that the cost has remained stable or has dropped, and there have been more and more efficient planes to fly at lower cost. If the SST charges more, it means we will have to charge more for people to fly overseas. He points out that this means there is not only the unsound economics at stake but also a diminishing number of passengers which means fewer jobs, and fewer planes produced because the SST is in competition with our subsonic jet. This argument makes sense and it should be given consideration.

Mr. MUSKIE. May I respond to that point because I think it needs embellishing. First, we are told in the course of this debate that there are a lot of answers we cannot get without further development of the prototype form of the SST, but the interesting thing with respect to the plane is, in terms of economics, the longer our involvement in it, the more unpromising it becomes. In other words, there is a stronger case today for a Government subsidy as the only way to build the plane than there was when the Government first became involved. It has been a steadily upward-climbing curve.

This matches the experience with the Concorde. I would like to place in the RECORD some observations on the Concorde experience given us by Jean-Jacques Servan-Schreiber, Member of the French National Assembly and former chairman of the influential L'Express. He said just the other day:

> Every single cost analysis from the beginning has proven to be wrong. The cost of the SST has multiplied here, as it will everywhere, four times the initial evaluations.

Then, on the question of reduced passenger capacity he points out that the maximum passenger capacity has been reduced from 134 to 110 or less, indicating its decreasing economic viability.

Range has been drastically reduced. With respect to maintenance cost estimates he states that they have risen sharply.

He said that on the economic operation, British Overseas Airways Corp. says it sees no way of operating the Concorde economically. BOAC estimates SST will cost twice as much to operate per seat mile as the subsonic Boeing 747; and Air France, the French national airline, says its evaluation of the Concorde is even worse than BOAC's.

So Schreiber said that the Concorde:

> Looks to us, on this side of the Atlantic like an industrial Vietnam.

He further stated:

> Now, the public eye is on the (Concorde) and what it sees is bankruptcy. The Rolls Royce disaster already looks small compared to the financial quagmire of the SST.

These are evaluations of the French and British SST by a distinguished Frenchman.

What is happening to its economic viability? The downcurve has been clear, visible, and steady; and as long as it continues the case for Government subsidy increases, and Government involvement rises. That is the clear economic history of the SST up to this point and it is based on the French-British experience, as well.

Mr. PROXMIRE. What the Senator said is most significant. In that connection I would like to add that by and large the argument in favor of the SST goes like this. If we do not build it, France, Britain, and Russia will; we want to be first; we do not want them to be first; we want to have a better plane than they have.

I understand that and it is an understandable conviction for us to want to be first But that argument is shot full of holes by the point the Senator from Maine has documented so well.

The fact is that the Concorde is not competitive with the subsonic jet. It makes no sense for our airlines to buy a plane costing $25 to $30 million, and that will cost twice as much per passenger-mile as the planes they have. This fact simply eliminates the prestige argument and the competitive argument.

It is true, they say, the Russian T–144 is for sale. That was shot full of holes by a report in the Washington Post last Sunday, in which it was pointed out the Russians have never been able to sell the plane successfully; that if they sold their SST on the basis of using their political power and influence and providing superjets for our airlines, they would invest in a Russian plane at $25 to $30 million and not be sure whether or not spare parts would be available and not be sure of maintenance. The article also stated the Russians have never been able competitively to build a comfortable plane, and the T–144 is similar in every respect to the Concorde.

With respect to the T–144 we do not know exactly the wing length or the length of the plane because the Russians have not told us. However, it is essentially the same plane as the Concorde and the Senator from Maine indicated how the Concorde is not competitive.

Mr. MUSKIE. With all of this fuss and fury we should not take our eyes off of one point and that is that the purpose of it all is to save a few Americans 3 hours in traveltime to cross the Atlantic Ocean. That is the great national purpose that engages us in weeks and months of debate and disagreement on whether or not this piece of machinery will fly safely and economically. Whether or not it is that important to save a few Americans 3 hours traveltime across the Atlantic Ocean is the great burning question before the Senate today.

Mr. PROXMIRE. That is exactly correct. The Senator has destroyed the competitive argument. The question is: If we do not build it will the British and French take the entire market away from us? The Senator has demonstrated chapter and verse that this is not going to happen. If there is not a competitive argument it comes down to whether or not we want to spend a susbtantial amount of money to transport a few Americans overseas a little faster when we have the disgraceful record of mass transit and people cannot get to their destinations on time, and there are so many more urgent needs.

I thank the Senator.

Mr. MUSKIE. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I suggest the absence of a quorum, with the understanding that the time will be charged equally to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I yield myself 1 minute for the purpose of having the Senate receive a message.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REORGANIZATION PLAN NO. 1 OF 1971—REORGANIZATION OF CERTAIN VOLUNTEER PROGRAMS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–74)

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

America is a nation unique in the political history of the world. More than any other nation, it is the sum of the energies and efforts of all of its people. The American tradition of voluntary involvement—of freely committing one's time and talents in the search for civic improvement and social progress—gives an extra dimension to the meaning of democracy. In the past decade, the Federal Government has built on this tradition by developing channels for joining the spirit of voluntary citizen service in America with public needs, both domestically and abroad. Many of these efforts have had marked success. But the circumstances in which these efforts were conceived have changed.

National and international needs have altered. The opportunities for voluntary service must be adapted and improved to meet these new needs.

Recognizing that private channels of voluntary action are a vital source of strength in our national life, I have supported the establishment and development of the National Center for Voluntary Action. The National Center is a private, non-profit partner in the effort to generate and encourage volunteer service. The Center works to promote the establishment of local Voluntary Action Centers, as well as to assist in the expansion of voluntary action organizations already in existence. It stimulates voluntary action by providing information on successful voluntary efforts, and it assists in directing those who wish to volunteer services to areas and endeavors in which their services are needed.

The National Center for Voluntary Action is functioning now to fill a vital need in the private voluntary sector. Now we must turn our attention to bringing government volunteer programs into line with new national priorities and new opportunities for meeting those priorities. We must take full advantage of the lessons of the past decade, and we must build on the experience of that period if we are to realize the full potential of voluntary citizen service. This is no longer a matter of choice. We cannot afford to misuse or ignore the considerable talents and energies of our people. In the coming years, the continued progress of our society is going to depend increasingly upon the willingness of more Americans to participate in voluntary service and upon our ability to channel their service effectively.

One matter of consequence to the problems of properly channeling volunteer services and expanding government's role in the development of volunteer resources is the proliferation of government volunteer programs. It was perhaps inevitable that these programs would be generated almost at random across the spectrum of government concern for human needs. This occurred in a period when the Federal Government was still attempting to define its relationship with, and its purposes in, the area of voluntary service. Now the role of government has been confirmed and its responsibilities and obligations are clear. Meeting these responsibilities and obligations will be a long, difficult, and challenging adventure. But it is an adventure we can look to with excitement and with the knowledge that the only sure source of failure can be a failure of the will of the American people. I do not believe it will fail.

The foundation for a greatly expanded government contribution to volunteer service already exists. Now we must consolidate that foundation in order to build on it. To accomplish this, I propose a reorganization of the present volunteer service system. Accordingly, I herewith transmit to the Congress Reorganization Plan No. 1 of 1971, prepared in accordance with chapter 9 of title 5 of the United States Code. Reorganization would bring together within a single agency a number of voluntary action programs presently scattered throughout the executive branch of the Federal Government. The new agency would be called Action.

COMPOSITION

Under the reorganization plan Action would administer the functions of the following programs:

—Volunteers in Service to America: VISTA volunteers work in domestic poverty areas to help the poor break the poverty cycle.

—Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity: At present the National Student Volunteer Program is administered under this authority. This program stimulates student voluntary action programs which deal with the problems of the poor.

—Foster Grandparents: This program provides opportunities for the elderly poor to assist needy children.

—Retired Senior Volunteer Program: RSVP provides opportunities for retired persons to perform voluntary services in their communities.

—Service Corps of Retired Executives: SCORE provides opportunities for retired businessmen to assist in the development of small businesses.

—Active Corps of Executives: ACE provides opportunities for working businessmen to assist in the development of small businesses.

After investigation I have found and hereby declare that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 1 of the plan. The rates of compensation fixed for these officers would be comparable to those fixed for officers in the executive branch who have similar responsibilities.

The reorganization plan should result in more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which would result from this action.

Upon the establishment of Action, I would delegate to it the principal authority for the Peace Corps now vested in me as President and delegated to the Secretary of State. In addition, the function of the Office of Voluntary Action, now operating in the Department of Housing and Urban Development, would be transferred to the new agency by executive action.

Finally, I will submit legislation which would include the transfer of the functions of the Teacher Corps from the Department of Health, Education, and Welfare to the new agency. This legislation would expand authority to develop new uses of volunteer talents, it would provide a citizens' advisory board to work with the director of the new agency and it would provide authority to match private contributions.

GOALS

Although reorganization is only a step, it is the essential first step toward the goal of a system of volunteer service which uses to the fullest advantages the power of all the American people to serve the purposes of the American nation.

In pursuing this goal, the new agency would, first, expand the testing and development of innovations in voluntary actions. Health services, housing, the environment, educational development, manpower, and community planning are just a few of the areas in which we would act to accomplish more through voluntary service, and I intend to ask for additional funds and additional authority for Action to explore new approaches to these and other problems.

In the future, we are going to have to find new ways for more people to fulfill themselves and to lead satisfying and productive lives. The problems are of concern even now, but they must be put in perspective quickly because they will soon be upon us. I believe at least some of the answers will be found in volunteer service. Action would work to find those answers and apply them.

Second, there are many Americans who want to contribute to our national life through voluntary citizen service, but who cannot serve full time. Their contributions must not be wasted. Volunteers in full-time service would work with part-time volunteers and the new agency would develop and provide opportunities for more people to give part-time service.

Third, Action would bring together in one place programs which appeal predominantly to younger Americans with those that appeal to older Americans, and would work to bring the energy, the innovative spirit, the experience, and the skills of each to bear on specific problems. The generations in America share America's problems—they must share in the search for solutions so that we all may share in the benefits of our solutions.

Fourth, Action would develop programs for combining foreign service with domestic service to accommodate volunteers interested in such an opportunity. I believe that young people in particular would be interested in the chance for this experience and would greatly benefit from it. I know there would be great value, for example, in permitting those who have served the needs of the poor abroad to turn their skills and experience to helping the poor at home, and vice versa. In addition, if volunteers are to reap the full benefit of serving, and if they are to be able to provide others the full benefit of their service, then we must open the doors to a fuller exchange of ideas and experiences between overseas and domestic volunteer efforts. These exchanges would considerably enhance the value of the experience gained in these endeavors by broadening the areas in which that experience is applied.

Fifth, at the present time valuable professional skills offered in voluntary service are too frequently limited by narrow categorical programs when their broader application is urgently needed. For example, the contributions of businessmen made through SCORE and ACE are provided only through the Small Business Administration. We know that the skills of business can be used in many areas where they are not used presently. Action would open new channels for service and would permit a more extensive utilization of business and other vocational and professional abilities.

Finally, by centralizing administrative functions of the volunteer services, the new agency would provide a more effective system of recruitment, training, placement of full-time volunteers than the present circumstances permit. It would provide a single source of information and assistance for those who seek to volunteer full-time service. And it would permit more effective management of services than is currently possible in the administration of volunteer programs, as well as the more efficient use of resources.

PRINCIPLES

In restructuring our system of volunteer services, we can accomplish the goals which I have set forth. But we must do more than this. We must restructure our thinking about volunteer services. We must determine how to use our volunteer resources to accomplish more than they accomplish now. We need an increased effort to stimulate broader volunteer service, to involve more volunteers, and to involve them not simply as foot-soldiers in massive enterprises directed from the top, but in those often small and local efforts that show immediate results, that give immediate satisfaction—those efforts that return to citizens a sense of having a hand in the business of building America. Part of our rethinking of this matter must look to the past so that we may properly meet the needs of the present and prepare for the possibilities of the future.

Volunteer service in poverty areas is a case in point. We already have considerable experience in dealing with the problems of poverty through the use of volunteers. Now we must build upon this experience and find new ways to use more effectively the volunteers presently serving in poverty areas, as well as in all other areas, and to stimulate new programs so that additional numbers of volunteers can assist in the solution of community and national problems.

In line with this effort to build on what we have learned, Action would function with particular concern for these basic principles:

—It would encourage local initiative, and would support local programs to solve local problems.

—Where appropriate, the new agency would assign volunteers to assist, and work under the technical supervision of other Federal agencies, State and local agencies or organizations, and private sponsors.

—The services of local part-time volunteers would be sought and supported in the effort to accomplish specific jobs. They would be assisted, when necessary, by full-time volunteers.

—Universities and colleges, State, city and private organizations must be engaged in the effort to broaden opportunities for volunteer service and under the new agency they would be assisted in these efforts.

—Finally, to meet the increasing need for skilled volunteers Action would give increased emphasis to recruiting and applying the skills of trained craftsmen and professional workers.

FUNDING

To insure that the new agency has the financial resources to begin working toward the goals I have outlined, I will seek for this agency an additional $20 million above the budget requests I have already submitted for the component agencies. These funds would be directed primarily to finding new ways to use volunteer services.

CONCLUSION

The early nineteenth century observer of America, Alexis de Tocqueville, was intrigued by the propensity of Americans to join together in promoting common purposes. "As soon as several of the inhabitants of the United States have taken up an opinion or a feeling which they wish to promote in the world, they look out for mutual assistance, and as soon as they have found one another out, they combine. From that moment they are no longer isolated men, but a power seen from afar. . . ."

Though we have seen the success of Government volunteer efforts in the past ten years, I believe voluntary citizen service is still little more than a power seen from afar. In relation to its potential, this power is virtually undeveloped. We must develop it.

There are those today, as there always will be, who find infinite fault with life in this Nation and who conveniently forget that they share responsibility for the quality of life we lead. But our needs are too great for this attitude to be accepted. America belongs to all of its people. We are all responsible for the direction this Nation will take in the century ahead, for the quality of life we will lead and our children will lead. We are all responsible, whether we choose to be or not, for the survival and the success of the American experience and the American dream.

So there is little room for the luxury of making complaints without making commitments.

America must enlist the ideals, the energy, the experience, and the skills of its people on a larger scale than it ever has in the past. We must insure that these efforts be used to maximum advantage. We must insure that the desire to serve be linked with the opportunity to serve. We must match the vision of youth with the wisdom of experience. We must apply the understanding gained from foreign service to domestic needs, and we must extend what we learn in domestic service to other nations. And in all these endeavors, I believe, we can bring the power seen from afar to focus clearly on the problems and the promise of our time.

RICHARD NIXON.

THE WHITE HOUSE, *March 24, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

FURTHER CONTINUING APPROPRIATIONS, 1971

The Senate continued with the consideration of the joint resolution (H.J. Res. 468) making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, I yield whatever time he may require to the assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that George Will, a clerk to the Senator from Colorado (Mr. ALLOTT), be permitted to remain on the floor today during the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I yield 10 minutes to the distinguished Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I thank the Senator for yielding.

Mr. President, so much has already been said on all sides with regard to the issue before the Senate on providing further funds for the SST that it seems doubtful whether much can be added to it. As we all know, the paper industry is, unfortunately, one in which the manufacturing process involves pollutants of both air and water. I cannot help but wonder whether the paper battle through correspondence and piles of material on this issue have not already created more pollution than all that would be created by the completion and testing of the two prototype airplanes.

I shall not seek today to review the many pros and cons which have been presented, as to do so would surely be repetitive. Coming as I do from an area where the engine for the aircraft has been developed and having even tested the throttle of that engine myself, I may not be viewed as a impartial adviser for the Senate on this issue. There can be no doubt, however, that it does mean a great deal economically to the country and those involved in its development and future production. Arguments, of course, can be made that other unconnected economic stimulation and development might create the same or greater effect, but none could avoid the disruption bound to occur if the program is abandoned, as it seems extremely likely to be if this measure is not passed by the Senate today.

What I would like to talk about from an economic point of view, however, is the longer impact on the Nation generally. I am one of those who, along with a majority of the Congress, have felt that international trade should be encouraged and stimulated and that the lowering of tariff barriers is desirable from the point of view of both the consumer and the producer in America.

I have also felt that increased international trade is desirable not only from the point of the United States but also from the point of view of the world and the prospects of world order in the future. A concomitant of such an approach, however, would seem to be that the United States must remain in a competitive position with regard to manufactured products, even while maintaining a higher standard of living than its industrial competitors. This puts us in the sometimes difficult position of maintaining our status in world trade in manufactured products only by utilizing the background of skills, innovation, and productive capacity where we have definite advantages. Our practical domination of the aircraft industry on a worldwide basis, estimated at 80 percent, is a prime example of an area in which we have excelled, and, given reasonable encouragement and competence, we can continue to excel.

A negative decision on processing with the SST would leave this field of aircraft development and production to others who are well on their way; and if you do not believe it, I refer you to the February 8 issue of Aviation Week describing the tremendous progress of the Concorde aircraft development, certain extracts from which magazine I shall attach to my remarks.

I would, therefore, suggest to all who feel strongly that we should continue to seek freer world trade and reduce tariff barriers for all manufactured products, that the decision to phase the United States out of the foremost areas of aircraft development, could be one with most serious consequences and could be a major factor in a wave of rising sentiment for protectionism for American industry.

The regrettable thing about the SST debate has been the tendency of both sides to see the issue as all black or all white. I think we must honestly recognize that there are many valid and important arguments on both sides of this question. On balance, however, I think the case for continued funding through the prototype phase of this project is sound.

Environmental concerns must be paramount for all of us. Testimony indicates, however, that the SST would produce less pollution per passenger-mile than any other mode of transportation. With respect to the possibilities of skin cancer, we have presently hundreds of supersonic flights by military aircraft which have produced no detectable effects upon the upper atmosphere that would be related to an increase in any health hazard.

And it is because I am vitally concerned about the environment that I want to keep control over the design of the SST in American hands so that we may make it conform to the rigid environmental standards that we shall set as a nation. It is argued that we can simply keep out SST's made by other nations through the imposition of standards which are inapplicable to any American-made airplane. If we did so, we could have a diplomatic problem of the first magnitude. Such a policy would be viewed as a trade restriction rather than the genuine environmental concern that it would be.

Those of us interested in the environment should remember that we are considering today only the development of two prototype planes. For instance, these planes will enable us to make determinations on the important question of landing and takeoff noise levels.

It is correctly argued by a great many Americans that there are other vital areas where these dollars could be spent to improve our society. With this I entirely agree. The fact is, however, that we have presently invested $865,875,000 in this project which will be repaid if the SST is a commercial success. If we terminate this project the Government will have to pay approximately $200 million more than we have already spent just to cover possible governmental liability under the existing program. If we continue with this project the taxpayers will be repaid.

It is contended that the financial plight of the airlines will not permit them to purchase these planes. This argument is negated by the projections, and by the $81 million already invested in this project by the airlines and the orders for 122 SST's which are already on the books.

This measure is not simply a WPA project. If it were, there are many cheaper ways of keeping these workers employed. Nor is this simply a scheme to allow the very rich to get to Europe in 3 hours or less. It is a project which at this junction makes good sense from the standpoint of the American taxpayer whose investment can be repaid and from the standpoint of the environmentalist whose concerns can be best protected if the control of SST's is left in American hands.

I ask unanimous consent to have printed in the RECORD the article and extracts from the February 8 issue of Aviation Week, to which I previously referred.

There being no objection, the article and extracts were ordered to be printed in the RECORD, as follows:

[From Aviation Week & Space Technology, Feb. 8, 1971]

CONCORDE IS COMING

The Anglo-French Concorde supersonic transport has emerged in 1971 as a new factor in the international airline equation for the next decade. After more than a decade of technical development, it has flown through its crucial flight test envelope to prove that the concept of a supersonic transport is sound and its increased productivity offers an interesting profit potential.

The flight test program of the French prototype 001 and its British counterpart 002 during the winter of 1970–71 has proved that the production versions of the Concorde can deliver their guaranteed payloads over nonstop ranges including London and Paris to New York and key transpacific stage lengths. A solid technical base for Concorde production has been demonstrated by the initial flight test program. A variety of airline pilots and safety board examiners have flown the Concorde prototypes through the supersonic regime and found no special handling problems even with simulated double engine failure. The recent incident of an air intake ramp door tearing loose at Mach 2 and going through the Olympus engine without any further incident than an engine shutdown and a three-engine return to base is an example of both the Concorde's durability and docility.

Much detailed test flying remains to be done to isolate the many problems that develop only with experience in the air. When it enters airline service in the 1974–75 period, Concorde will be the most thoroughly tested transport in history. It will have amassed nearly 4,000 hr. of flight testing including certification to U.S., French and British standards and 1,000 hr. of actual route flying by airline pilots. BOAC, Air France and Pan American pilots will probably begin this route simulation this spring using the prototypes to get an early start on adapting Concorde's performance to airline patterns.

Next step will involve working out the detailed equation of fares, utilization and passenger appeal that are a necessary preliminary to the firm contract negotiations between the Concorde manufacturers, British Aircraft Corp. and France's Aerospatiale, and the key bellwether airlines, BOAC, Air France and Pan American for the Atlantic and Qantas and Japan Air Lines for the Pacific. This should begin by summertime.

Concorde was the first supersonic transport program to take shape more than ten years ago. It triggered both the Russian and American efforts to get into this market. This has been both an advantage and a problem for Concorde. By using basic, well-proved state-of-the-art aerodynamics, propulsion avionics and materials, it built on a sound technical base. But in the decade of Concorde development, technology has advanced rapidly in all areas, opening wide possibilities of improvement for a second generation SST.

Similarly, Concorde's early start has given it a significant lead over its most potentially serious commercial competitor, the Boeing 2707. At the very time that U.S. political resolve to back its SST program is wavering, the Anglo-French governmental support for Concorde appears to be gathering strength.

The gap between Concorde's entry into airline service and the appearance of a U.S. supersonic transport on the market is an extremely significant factor in Anglo-French economics. For the longer the Concorde enjoys a western world monopoly on supersonic service on the Blue Ribbon high-density routes across the Atlantic and Pacific, the more aircraft its makers will sell and the more money its airline customers can harvest from its slender cabin. At the moment, a solid five-year gap is firming and any further slippage of the U.S. program would provide additional bonus for Concorde.

Concorde technology was also pretty firmly committed long before the environmental issue arose and adapting to the operational temper of the times will pose some problems. The sonic boom is the least of these. Supersonic tests over a precisely instrumented range in western England have dispelled many of the boom superstitions with facts. The historic cathedrals are undisturbed by Concorde though the measuring instruments showed alarming vibration from their local organ peals.

A cow may have been frightened by a Concorde boom into an unwarranted romp that aborted its calf, but thunderstorms, trains and a small boy throwing stones could have produced the same result.

Nor will Concorde emit a sonic boom over any land on its currently contemplated airline routes. Heavy smoke trails from the early Olympus engines are unacceptable and are being eliminated in the production aircraft. Less amenable to solution is the ground sideline noise from the afterburning Olympus. Palliatives applied to date leave Concorde ground noise somewhat above currently acceptable standards.

Nevertheless, with all of its anticipated and unanticipated operational and economic problems, Concorde is now coming on strong as a contender for the Blue Ribbon traffic of the mid-1970s and already is the strongest challenger to American domination of the international transport market in history.—Robert Hotz.

[From Aviation Week & Space Technology, Feb. 8, 1971]

Concorde Test Data Confirms Designers' Predictions

Anglo-French Concorde supersonic transport will enter airline service with a payload of 30,790 lb. from Paris to New York, with full fuel reserves. Engine improvements scheduled for the 41st airplane onwards will raise the payload to 33,670 lb.

The figures have been confirmed by an intensified, integrated flight test program using the French and British prototypes at speeds to Mach 2 and beyond. Previously predicted performance, often viewed with skepticism by potential customers and government officials responsible for the estimated $1.98 billion research and development bill, has been achieved and often exceeded.

Payload figures are now being presented to 16 airlines holding options for 74 Concordes. They also are being told:

Concorde will cost $23.8 million based on 1970 prices. With airframe and engine spares, this figure will rise to a unit cost of about $30 million.

Down payments of 5% will be required on contract signing, and 50% sought prior to delivery, though airline resistance to this high a level is probable. Option payments will be applied to this sum.

Manufacturers are retaining a payload figure of 4,000 lb. as a reasonable margin to allow for possible degradation in performance of the production aircraft between now and entry into service.

M. G. Wilde, British Aircraft Corp. chief engineer-aerodynamics, said that the in-service figure, is based on a high degree of confidence and on an operating empty weight of 167,250 lb., a figure that has shown a small rate of increase in development of the airplane.

Weights are based on the U.S. Federal Aviation Regulations Part 121.648 mission: Paris to New York in summer, 3,203 naut. mi., ISA plus 5C, with a 13 kt. headwind and a 30 min. hold at 1,500 ft. Additionally, there is a noise-abatement climbout, a 250 kt. restriction below 10,000 ft., and a 200-naut.-mi. still-air diversion at 30,000 ft.

Henri Ziegler, president of Aerospatiale, said contacts with airline customers since flight test data began to match and improve on predictions has resulted in a marked change of attitude, to optimism that Concorde will actually enter airline service in 1974.

Fleet integration problems of the Concorde should be tackled as a major priority in 1971 and 1972, he said, and equal priority should be given to establishment of fare levels.

Some airline executives are worried that the Concorde's operating costs will be double those of subsonic jet transports, such as the Boeing 707 and 747, and that a 100% increase in costs may mean a 100% increase in fares.

E. H. Burgess, BAC Concorde sales director, allows that Concorde operating costs will be higher than subsonic jets, but maintains that a fare can now be based on present first-class yields to determine potential earnings. Breakeven load factor on a single-class 110-seat version—which the manufacturers are now beginning to refer to as a superior class configuration—could be as low as 37%, he said.

Burgess added that a first-class fare minus 10% for dilution would result in a breakeven load factor of 42%. He predicted that by 1975, a 108-seat single-class airplane could have a breakeven load factor of 30%.

Bernard Darrieus, Concorde sales manager for Aerospatiale, said operating costs and breakeven load factors have been computed using two cabin configurations—108 and 128 passengers—according to the standard ATA-cost formula and based on a sales price of $24 million.

On the North Atlantic with 128 passengers in an all-tourist arrangement, direct operating costs are $2.66 per naut. mi. and seat-mile costs are 2.08 cents per naut. mi.

Using total aircraft operating costs, including intangible indirect operating costs, seat-mile costs are 3.32 cents per naut. mi. In comparison, a Boeing 747 seat-mile cost computed with direct and indirect costs, and seating 350 passengers, is 2.4 cents per naut. mi.

Two firms doing economic studies used a tourist fare average of $208 London to New York, for a breakeven load factor of 48%, or 61 passengers. This is based on a fare yield diluted to 90% to take into account non-revenue passengers, agent fees, fare variations due to family rates and also excursion rates.

At a configuration of 108–112 passengers, direct operating costs would be $2.64 per naut. mi. and costs per seat naut. mi. would be 2.4 cents. Using the present first-class fare of $306.70, minus 10% dilution, the breakeven load factor would be 37%.

The direct costs are about what airlines have been expecting—70% above those of the Boeing 707. The indirect cost figure in these estimates is 60% above the direct. Since indirect costs vary widely with aircraft size and carrier, this level is considered reasonable, although one carrier said it would probably use 75–85%.

With a considerable portion of the Mach 2 data now analyzed, Wilde said results show:

Flight test measurements are of uniformly good quality. They show little statistical scatter in results from Concorde 001 in France, and 002 in Britain.

Performance measurements show a significant improvement over previous predictions in the critical cruise configuration.

Olympus 593 engine flight performance agrees with predictions from ground test and the Avro Vulcan V-bomber flying testbed.

Wilde said there is no area of aerodynamic handling or drag that is a matter of concern to the manufacturers. Main task now is to relate test data from the Concorde prototypes to preproduction aircraft, where nacelle sealing is expected to produce lower drag.

Flight tests in subsonic cruise, which is critical in view of large amount of fuel consumed, have shown that prototype optimum performance is close to the production aircraft lift coefficient range. Analysis has shown that no drag rise effects can be discerned up to at least Mach 0.95. In some cases, optimum specific range at subsonic speeds is about 1% better than predicted.

Using present predictions, Wilde said payloads and weights should follow this pattern, considering that 4,000 lb. is being retained by BAC and Aerospatiale for possible degradation in preproduction and production versions not yet flying:

Engine version	Mk.603	Mk.612	Mk.621
Nozzle	TRA	TRA	TRA
Operating (pounds):			
Empty weight	165,250	165,250	165,250
Payload	30,790	32,730	35,670

Commenting on the payload-versus-drag results, Sir George Edwards, managing director of British Aircraft Corp., told Aviation Week & Space Technology:

"There are no corners of the Concorde envelope yet explored that have not been put right, and we just do not see any technical problems that could hamper the effort."

Actual contracting with the customer airlines is a major problem. Despite the large amounts of development money involved, there will be no big profits and, as Edwards put it: "We have to ensure the continuation of this firm." BOAC now has a draft contract for initial negotiations.

"Right now, we figure we have a working airplane that will provide a 15–16% return on capital at a 60–65% load factor," he said. "The airline that gets the mixed supersonic-subsonic fleet requirement right is really in business."

Engine noise will continue to be a worry to the manufacturers, considering what Edwards calls "rubber rules" that call for legislation on decibel levels in a number of directions to meet varingly defined environmental requirements. Concorde is being guaranteed to airlines and government authorities as being no noiser than the worst present subsonic jet case—a Boeing 707–420 fitted with Rolls-Royce Conway engines—and has an in-service target of 112 epndb. maximum on climbout, approach and landing.

Sideline noise will be on the order of 113 epndb.

THE SST: PUBLIC MONEY—PUBLIC PRIORITIES

Mr. McINTYRE. Mr. President, I oppose the continuation of funding for the supersonic transport prototype development program. After over a year of hard work, I cannot conclude that continuation funding is in the public interest.

Before presenting my reasons for this decision, however, I should like to commend the Senators from the State of Washington (Mr. Magnuson and Mr. Jackson). I know the tremendous burden that they carry as representatives of a State largely dependent on the aircraft industry. I know how deeply they are affected by the unemployment they see among their constituents. These are sensitive men. They care greatly for their State. They have fought the good fight, and I commend them. Theirs was an honest and human battle. They have my respect.

I have considered, as closely as possible, the various arguments in favor of this project. Its proponents have contended that this aircraft will eventually provide a great deal of employment in an industry that is now plagued by unemployment. I have been told that it will favorably affect our balance of payments. I have been told that it is efficient and marketable. And I have been told that it will be environmentally sound.

Yet, in my analysis of these arguments, each of them has proven highly speculative and likely to be defective in the real world. Let me point out that my considerations have centered on one basic issue: Is this an appropriate allocation of already scarce public funds and is it likely to produce a public goal worthy of priority treatment in our range of national needs I conclude "No."

At the heart of the matter is the question of why this project must be funded at the taxpayer's expense. The industry has repeatedly stated that the SST will be a better aircraft than those of other nations. They have propounded the theory that it is a guaranteed moneymaker for the airlines. And they have promised that environmental problems can, and will, be solved before commercial production begins.

If these arguments are true, I question why the aviation industry cannot secure private financing for such a rosy investment. Certainly private bankers are now faced with a shortage of prime borrowers—as witnessed by the continual decline in the prime interest rates.

I can only conclude that their case has not been made to the private interests or that it has proven defective. Former Chairman Arthur Okun of the President's Council of Economic Advisers stated this argument succinctly in a recent statement to the Joint Economic Committee:

> By standards of the private financial marketplace, SST is a big project, but not an indigestible one. I frankly do not know whether the companies involved in SST development have made a serious effort to obtain private financing. If they have not, the Congress should send them out to do so. If they have, and have failed, then they must not have been able to demonstrate to the investment bankers of this nation that SST is going to be technically and commercially sound and that it is going to meet essential environmental standards. In the latter event, the verdict of the investment company should be decisive. Try as I may, I can find no reason, and I submit there is no reason, to justify overruling the verdict of the marketplace.

This and similar statements were echoed by 10 of this Nation's leading economists, including the conservative economist Milton Friedman, as they parried the economic thrusts of the industry. Throughout this debate, I have not heard mentioned any solid reason for public financing of this project.

One such argument related to the balance of payments. Yet, the SST would not help solve an existing problem in this area. Testimony from within the administration, and without, has indicated our balance-of-payments situation is sound, that it has not been a material factor in our economic planning for several years, and that it is unlikely to be a problem in the foreseeable future.

I have also heard proponents claim that there must be public funding lest our Nation lose its superiority in international aviation. This assumes too much. We faced a similar situation with the advent of jet airline production in the early 1950's. Then, as now, we were behind foreign producers. Then, as now, the industry sought to feed at the public trough. Then, as now, the arguments were not compelling. Congress refused to provide a public subsidy at that time; yet within 10 years, American aviation had cornered 85 percent of the world jet aircraft market. If the SST, anybody's SST, were as sound a gamble as the industry suggests, I feel certain that private sources would be most willing to reap the profits.

Beyond this, I would like to address myself to a related argument. The industry has vociferously claimed that we must provide public funds because the governments of Russia and France are financing competing projects. Neither of these nations, however, have the private industries nor the private capital to undertake the project otherwise. Yet we do.

At the same time, the immense cost of these foreign projects and the consequent drain on those governments' limited resources dictate that this will be a one shot deal. The U.S. industry, on the other hand, now has several families of marketable aircraft on which to rely—aircraft whose markets will be substantially unaffected by the SST—and U.S. industry has the know-how and the capital to undertake research and development for new generations of marketable aircraft in fields like short-haul aviation. This market for instance is untouched; and may be the real, future world aviation market.

I am not convinced that there is a bona fide market for the SST at this time. Much has been made of increased efficiency due to its speed. Yet, BOAC and Air France, two airlines which jumped in early to purchase options on the Concorde, have now indicated that they doubt whether it can be operated profitably. In the case of BOAC, it is unlikely that these options will be canceled, however. BOAC is a government-owned airline. And I am aware that American airlines have experienced declining enthusiasm for the SST along these same lines.

We must remember that the cost of this aircraft to the airlines was originally projected at around $40 million. Now it looks like the cost will be between $50 to $60 million per copy. Consider the irony of the Government having to subsidize the private purchase of privately produced aircraft financed with public funds. The American taxpayer deserves better than this.

The industry also contends that the Government stands to recoup its investment as soon as the aircraft goes into commercial production. With an investment originally projected at $1.3 billion for the Government share, over 500 of these aircraft would have to be sold before the public gets a return on its investment. Even the most optimistic analyst could not foresee this happening before 1985 or later, if at all. And at what additional cost to the taxpayer? As each of us has known over the past decade, the dollar has a way of shrinking mightily over this length of time.

I cannot find many industry spokesmen who are genuinely optimistic about selling a sufficient number of SST's for the public to recoup its investment. With the costs of government continually rising at all levels, can we ask the taxpayers to undertake such a risk?

Then there is the employment question. Estimates have varied on the amount of employment actually involved in consideration of the SST. Realistic estimates of the direct employment impact indicate that continuation of the program would provide 13,000 jobs in an industry with several hundred thousand unemployed. Another 80,000 or so jobs might be provided at some time in the next decade if the aircraft goes into commercial production; and if sufficient aircraft can be sold. These questions are highly speculative, however, and I find myself hard put to feed that speculation with $290 million of the taxpayer's money this year and prospects for at least several hundred million more by 1975. I find this especially hard to take when I see that the administration requested only $106 million for air pollution control last year and only $85 million for consumer protection. I find it hard to take when I find that manpower retraining programs and mine safety programs are still underfunded. Also, I find it hard to take when I consider that the administration is not asking for any further appropriation for rural sewer and water systems this year. If we were really concerned about unemployment, we would use this money for needed projects designed to produce jobs now, not a decade from now. The eminent conservative economist, Milton Friedman, addressed himself to this issue in a recent statement to the Joint Economic Committee, stating that—

> The so-called employment effects involve a fallacy of composition. The funds spent on the SST will have to come from somewhere. Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market not by government subsidization of leaf-raking jobs—and if the SST is not commercially viable then jobs in producing it are the economic equivalent of leaf-raking.

While I am not in complete agreement with Friedman's harsh comparison with "leaf raking," I do feel that the subsidizing by the Government of projects should have a direct and measurable public purpose. To provide jobs for a few now, with speculative prospects for more employment a decade from now, seems poor justification for an infusion of public funds at this time of national need.

I am also concerned with identifying the ultimate public purpose to be served. This aircraft will provide more speedy transportation for transoceanic flights only. Now I ask my colleagues whether or not the general public has any stake in faster flights to another continent? I think not. At present, transoceanic flight is adequate, if not far better than any of our domestic transportation systems. There may be a benefit for the upper-echelon businessman or the regular international traveler in terms of timesaving. But they are not providing the funds for this aircraft; you and I and the average taxpayer are. When is the last time that the average American thought of going to Europe? When is the last time that the average American taxpayer thought it worth extra money to save 3 hours flying time over the Atlantic?

I must emphasize that it is crucial to me to see in this expenditure of funds some benefit to the taxpayer measurable by the elimination of a current national problem. Yet, reasonable figures show that only 3 to 6 percent of American taxpayers have any reasonable expectation of ever using the SST. And those that can expect to, can anticipate paying a fair premium over the current prevailing fares on other aircraft. This seems a poor deal to me for the taxpayer in my State who works hard all day, everyday, and may travel only as far as Boston or New York for most of his life. I must conclude that this expenditure is a poor prospect for the American taxpayer and a gross misallocation of public funds. Again, I reiterate that if this aircraft had the prospects that the industry claims for it, I feel certain that private financing could be arranged.

At the heart of my judgment, is the suspicion that seeking public funds offered the industry the path of least resistance and greatest convenience. I mentioned earlier that the original estimate for prototype production was for $1.3 billion in Government funds. Now, informed sources indicate that current problems are such that the Government's share of prototype development costs could go as high as $3 to $5 billion. As a member of the Senate Armed Services Committee, I am quite accustomed to this type of accounting. But I believe from past experience that the chances are extremely strong that the Government's—the taxpayer's—share of this project could well reach $5 billion before we are done. And I cannot stand aside and see this happen. Nor can I justify such a risk in terms of other vital national priorities.

Let us consider for a moment, some of the real transportation problems that this Nation faces. Rural America is dying. Despite our past efforts and our belated attempts to stem this tide, we have not yet provided those transportation services which would make it reasonable for most industries to locate in rural America: Industries that are absolutely essential in its revival. I can speak from the experience of years of frustration on this point. One hundred years ago, my own State of New Hampshire was serviced by an efficient rail system providing both passenger and freight services. Yet today, there is not one passenger train left in the State; and I am now in the process of fighting several petitions before the ICC to eliminate some of the few remaining freight lines.

Now modern technology has provided other modes of transportation to counter this loss, as Senators know; yet New Hampshire is not serviced, to this day, with a completed north-south interstate highway or by any primary highway running from east to west in the entire State. What alternatives are there for the shipper or for the industry that New Hampshire so dearly hopes to attract? Very few. Yet, New Hampshire is a State with much natural beauty. Many feel that its tourist industry would compensate for a lack of new industry. Yet, tourism is dependent on the roads that we do not have. Some say that air transportation might alleviate this lack; yet, we may be fortunate at the year's end to be left with any substantial certificated air service at all. And even if our air service pattern improves, New Hampshire is faced with an enormous capital expense in furnishing adequate airports.

The airport at Lebanon, for instance, was eligible for a grant over $50,000 under the Airport and Airways Development Act this year. The necessary processing had been completed when Lebanon had to withdraw its application because it could not raise the matching funds. So today, one of the 3 year-round certificated airports in the State is without adequate taxiways. Only a few years ago, this airport was the scene of a tragic air crash. The cause, lack of an ILS system. It was only through the consistent efforts of my distinguished colleague and cherished friend from New Hampshire, Senator NORRIS COTTON, that this system, basic to the operation of any modern airport, will finally be installed this summer.

I could go on and on; but the points that I have raised are relevant to this consideration. We have already spent over $860 million in public funds for the SST. We are now asked to spend at least $500 million, and possibly as much as $4 billion more, over the next few years to develop two prototype aircraft of benefit to very few. Yet, most States of the Union, like New Hampshire, face a genuine crisis in both short-haul transportation and mass transportation. Could not this money be better spent in these areas?

Congress authorized $400 million for mass transportation research and development for the current fiscal year. But the administration asked only $200 million and only reluctantly accepted more for this vital work. Yet these funds were designed to fill a vital public need of paramount importance to the economic and social well-being of millions of American taxpayers. Parsimony for such programs coupled with spendthrift provisions for the SST, a project that might best be undertaken privately, strike me as patent nonsense. I cannot agree.

Again, I return to my example of the State of New Hampshire. Under the conservative estimate of a Federal allocation of $1.3 billion for the SST, an amount of $4.3 million will come from the pockets of New Hampshire taxpayers. What can they expect in return? About all that can happen at best will be the preservation of a miserable status quo in our transporation situation. At worst, the current trend can continue, leaving us with almost no transportation base.

And if the costs of the Government escalate to the level that my experience tells me they will, New Hampshire's share of the boondoggle will amount to over $16 million. Now our State is currently in a fiscal crisis. We are faced with a multimillion-dollar deficit. Yet, that $16 million in SST funds could eliminate the deficit almost completely in the hands of New Hampshire taxpayers. And yet, they can gain nothing from prototype production of the SST.

I can find no justification, either in terms of real national need or in terms of the welfare of my constituents, which would compel me to approve this expenditure of public funds. There are too many needs, including many in the field of air transportation, that would require these funds for me to allocate them to this project.

I am not saying that the SST will not fly; I believe that it may. But I prefer to see its costs borne by private interests where they belong. The Government then will be free from the real risk of financing an unsuccessful venture and will be able to contribute to the advancement of more legitimate public interests.

In conclusion, let me quote the words of the president of one of the world's major airlines:

> Finally, if our country must make a choice between appropriations for improvements of our airways-airport systems or furthering the development of the SST, then there is no question that airways-airports must be the choice. In summation, the provision of completely adequate airways and airports in this country must take precedence over any other consideration if the vigor of our economy is to be maintained.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. BIBLE. Mr. President, I suggest the absence of a quorum, and request that the time for the quorum call be taken equally out of the time allotted to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I yield such time as he may require to the Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, I thank the Senator. I shall speak only very briefly.

As we approach this vote, Mr. President, I join with the many others who have thanked the able Senator from Wisconsin for giving focus and direction to the effort to, if not establish a claim to sanity in all things, at least a claim to sanity with respect to the allocation of the resources involved in this particular question.

The symbolism of the supersonic transport is vast. Quite aside from the question of environmental consequences—indeed, even aside from the raw question of economics, even if these two issues were resolved in favor of the ship—there is a very broad feeling in this country that there are other things which will work and that there are other things which will not damage the environment which are vastly more needed by a majority of Americans than this ship. I suggest that perhaps on that basis alone we should get busy shelving this ship.

If the day comes when we have met the problems of the man who does not have the money to get a ride in any kind of airplane, even though he has worked all his life, and if we have arranged surface transportation in urban centers that permit him, with his money, to get to the airport, if we do a lot of these things, then we can look to the shelf and ask ourselves if it is now time to take up again the development of a ship which will serve relatively few, in any event.

Mr. President, all has been said that possibly could be said on this issue, not just in the days immediately past but also in the months and the several years over which time it has been before the Senate. I found an editorial in yesterdays' edition of the Detroit Free Press which itself is very brief and yet, in its brief scope, contains, I think, each of the points which would persuade us, in a few moments, to vote "no" on the further funding of this ship. I ask unanimous consent to have the editorial from the Detroit Free Press, published in its issue of Tuesday, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE EVIDENCE SAYS NO

The U.S. Senate is no place for the fainthearted this week, as factions pressure and maneuver their way toward a do-or-die vote on continued funding for supersonic transport (SST) development.

Doubtless the decision will be difficult for some of those senators not yet deeply committed to one or another side. Most of the hotly debated questions remain as unclear as ever. On both sides of the issue, Congress has heard more than it can possibly digest from that popular breed of Washington cat, the expert whose technical testimony confirms social and political beliefs.

But certain things can be known. Clearly, the environmental threats posed by the SST are real enough to be of concern to many thoughtful, knowledgeable men. In the realm of international business, the competitive threat from the European air industry simply has not materialized as predicted.

And perhaps most important for the Senate this week, it is possible to gauge whether the country at large is eager to shoulder more than three-quarters of the financial risk in this expensive venture. By any reasonable standard, the answer is no. After all this time and all this wrangling, proponents can demonstrate no clear need, no firm demand.

This political truth was evident in the House of Representatives a few days ago. Bound by new procedures to put themselves individually on record, House members turned out in vast numbers and declined to commit any more public money to the project.

SST backers are saying that the plane will be built anyway, and already are discussing methods of independent financing. That is well enough, if environmental dangers can be firmly controlled.

But the question for the Senate is what the federal role shall be. The message from the House—both in the new representatives elected in November and in the behavior of veterans newly on record—is that much of the country feels there are better ways to spend the money, better ways indeed to move toward the aerospace eminence the SST is said to represent.

The call to the Senate is as clear as any call has been in this debate. The call is to vote no.

Mr. BIBLE. Mr. President, I yield such time to the distinguished Senator from West Virginia (Mr. BYRD) as he may desire.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mr. Norman D. Dicks, clerk to Senator MAGNUSON, be permitted the privilege of the floor during the yea and nay vote today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 15 minutes.

Mr. STEVENS. Mr. President, I thank the Senator from Wisconsin for showing his usual generosity in yielding to me in spite of the fact that I oppose his position on the SST.

Mr. President, we have been inundated by statistics and fears, facts and apprehensions, data and feelings. The supersonic transport, commonly known as the SST to us all, has received perhaps more attention and fanfare, and subsequent notoriety, than it justly deserves. I am not here to delay this body's consideration of this issue of whether or not to continue funding the supersonic transport.

All of us are readily familiar with the key positions on each side of this current issue. I would, however, like to submit for the record the findings of the Ad Hoc Committee on technology assessment of the supersonic transport program, whose findings, I might add, were endorsed by the executive committee of the American Institute of Aeronautics and Astronautics, the AIAA.

First, with respect to the prototype aircraft, all stated performance objectives can be met without recourse to as yet unknown technology and with as high a confidence level as on any previous development program prior to flight tests. These objectives include flight performance, takeoff and landing, propulsion system efficiencies, and environmental considerations. Second, given the added data base generated during the prototype program, a technically successful production SST can be built. Third, full completion of the prototype phase of the program is estimated to require an additional net Government investment of about $250 million over approximately 2 years above the program cancellation costs. This amount of money appears warranted in view of the potential economic return of the follow-on, privately financed production program.

Fourth, a "stretchout" in prototype funding at this time would cause extensive immediate cost increases in the prototype program. The resulting delay in production aircraft market penetration would curtail total revenues, reduce new job opportunities and impair favorable impact on international balance of trade. Fifth, abandonment of the U.S. SST program could lead to ultimate takeover of the United States traditional civil aircraft sales dominance by foreign interest. Sixth, the production of SST will meet the demands for increased intercontinental air travel during the 1980's, while providing a substantial gain in productivity. Seventh, the production SST is the first aircraft development to be dominated by environmental considerations, and its critics have made a valuable contribution in this regard. As a result, the SST will meet or better all engine noise specifications. Lastly, the SST prototype flight-test program provides environmental research investigations which will determine necessary stratospheric data and measure the environmental effects of future production SST operations. The two prototype SST's will not produce any equilibrium environmental changes.

We are now familiar with the arguments of productivity, Government investment and the return on costs, the arguments over national priorities, the balance of trade, noise, sonic boom and solar radiation, and general pollution problems, as well as the arguments about jobs and dollars.

We all know that the United States now imports more dollars than it exports of such things as ships, movies, cameras, optics, consumer goods of various kinds, as well as steel, food, feed, beverages and automobiles. Our greatest export item is now aircraft engines and parts. It has been pointed out to me that one SST sold overseas will offset the import of 20,000 German Volkswagons or 200,000 Japanese TV sets. We all know now too, that the Russian TU–144 and the French-British Concorde are already flying. So it becomes now a question of when and perhaps whether Americans will fly a supersonic transport of their own making, rather than one made by Russians or French or British.

The Russian SST is scheduled to begin commercial flights to India in October of this year, which is much sooner than anyone predicted a few months ago and at least 3 years of the SST service planned by the English and French Concorde. When will an American SST even be ready for test flying let alone scheduled service? The American SST as we know is designed, not as a technological showpiece, although it is that, but as a soundly marketable product, an assured profitmaker and foreign exchange earner for Uncle Sam over a period of many years. I do not need to belabor you about these points, because they have all been heard before in one form or another.

The most familiar arguments, however, have revolved around the issue of environmental pollution. We are not discussing whether or not to pollute further this world of ours. No sensible American would argue in favor of pollution. If supersonic travel is indeed hostile to the environment, it should not be encouraged. What we are really talking about here is completing the construction of two experimental SST aircraft already partially built. They should be completed in order to answer all of the questions that cannot be satisfactorily answered until we put those two test models in the air. Some experts have pointed out that the automobiles which the Members of this Congress drive home from the office each evening produce more pollution than the entire projected fleet of 500 SST's traveling the same distance. But we shall not fully know the answers to these kinds of questions until we put those two aircraft in the air and investigate their effects. A statement made by Martin Van Buren when he was still Governor of New York in a letter to President Andrew Jackson in 1829 has recently come to my attention, and I think it should be pointed out at this time.

> As you well know Mr. President, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers roar and snort their way through the countryside setting fire to the crops scaring the livestock and frightening women and children. The Almighty certainly never intended that people should travel at such breakneck speed.

In a book entitled "A History of Invention" which was published in 1962, Egon Larson reported the following:

> When they tried to build the first long-distance passenger and freight train from Manchester to Liverpool, a great campaign of abuse began. It was claimed that the terrible spectacle of a locomotive rushing by would effect people and animals: ladies would have miscarriages, cows would cease to give milk, hens would lay no more eggs, the poisoned air from the engine would kill all the livestock in the district as well as the birds and the trees and houses along the line would be set on fire by the sparks.

This is some of what we have heard about the effects of the SST. I would just like to say that no nation can progress if its actions are predicated on some vague fears of the future. The continuation of the supersonic prototype program can resolve all those fears that we harbor and this program can serve as a base for future progress. To default now, to retire from the international competition, is neither in the spirit nor the tradition of the United States, particularly in aviation where we have led the world since the inception of this industry.

Mr. President, I intend to vote in favor of the SST.

I thank the Senator for yielding.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, the time to be taken from my side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I thank the Senator from Wisconsin for yielding.

The issue before the Senate today was the subject of extensive public debates last year. Out of those debates emerged three major objections to continued Federal support of the SST.

First is the serious doubt about the aircraft's effect on the environment. It has been argued that construction of two prototypes will give us the answer to the environmental questions and that no construction beyond the prototype stage will be authorized if these answers are not satisfactory. But the construction of two prototypes will not tell us about the effect of 500 SST's making regular commercial flights. This is the essential environmental question. Until it is answered the continued Federal subsidy of the SST runs the risk of being a subsidy of environmental pollution.

Second, there is a traditional doubt about the wisdom of Federal subsidies for commercial projects. Doubts about the SST's effect on the environment are now matched by equally serious doubts about its prospects as a commercially viable product.

Having faith in our enterprise system, the resourcefulness of the aviation industry, and our private financial institutions, I am persuaded that if this plane is the aviation wonder its proponents claim, adequate financing of the prototype and the production stages will be available in private markets.

Finally, there is the crucial issue of national priorities. We are dealing with the allocation of a portion of limited Federal resources. We are faced, too, with the task of funding of urgent domestic programs which have been starved. We cannot have it all ways. Millions—perhaps billions—of dollars spent in the future for development, and perhaps later for the production, of SST's would be moneys diverted from schools, housing, health, mass transit, and other real and immediate public needs.

Some argue that it is important to be first in aviation. I would suggest that we can be first in aviation, and without this subsidy; besides, it is more important to be first in curbing infant mortality. It is more important to be first in mass transit and in safe and livable cities. It is more important to clean the air than to risk filling it with poison and with noise.

Last year the President vetoed a manpower bill primarily because of its public service employment section. There is no place in modern America, the President said, "for permanent subsidized employment." Now the administration argues that we must continue to subsidize the SST to subsidize jobs in the aircraft industry.

That is an argument that can be made in support of all commercial projects, and the Government cannot support all. It is the business of the national Government to determine national priorities and allocate our resources accordingly. I suggest it is more important for the Federal Government to create jobs in schools, in hospitals, and in the myriad of public agencies no longer able to deal with the growing demands for public services.

Above all else, the Senate is faced today with an issue of symbolic importance. The same issues, the same arguments, were debated last year. Last November the Senate, responding to the wishes of millions of Americans, voted to end the Federal subsidy for the SST. Nothing has changed since then—nothing except the infusion of massive amounts of money in a lobbying campaign.

There is nothing wrong with special interests lobbying, but the fact remains that the central issues are the same as they were last November. The public awaits the Senate's reaction to these same issues after 4 months of intensive, well-financed lobbying. At stake, therefore, today in the Senate is not only the question of whether we will help to reorder national priorities, but a question of public confidence in the ability of our public institutions to represent the public interest.

There have been few other issues in which questions of national priorities and political power have been so clearly delineated. The Senate has a chance today to restate, in forceful terms, its commitment to the use of scarce national resources for national needs. It has a chance to reject the notion that machines equal progress. We can, if we but have the will, make ourselves the masters of our technology instead of its victims.

The Senate today can serve notice that national priorities will not be swamped in a flood of propaganda, high pressure lobbying, and arm twisting. We can end the arguments which say that once funds are committed to a project, it must be carried through to its end, no matter what that end is.

Ours is a nation of fantastic resources—of money, manpower, and technology. Our political system is the soundest ever devised by the mind of man. Yet people in our Nation see a difference between things as they are and things as they really could be. When we travel over our country and see that the air and the lakes and the rivers are filled with poisons, that some people do not receive adequate medical care because they cannot afford it, when the walk at home from the bus stop is a moment of fear in the daily lives of many, people ask why, and they look to their governments for an answer.

Congress has not been faced with an issue of such symbolic importance in many years. People everywhere are asking why. People everywhere are looking to the Senate today for more hope. They want to feel that we can and we will close that gap between things as they are and as they really can be. They want to have more faith in our capacity for self-government.

I submit that the issue is not only the preservation of our atmosphere, it is not only the need to reorder national priorities, it is not only the question of public subsidies for private ventures. Because of all these concerns, but also because of the need to renew public confidence in public institutions, the Senate should again oppose Federal funding for development of the supersonic transport.

I thank the Senator for yielding.

WHO NEEDS THE SST?—AMERICA DOES

Mr. GOLDWATER. Mr. President, there can be little doubt that the proposal now before us to provide for the production of two prototype models of the SST has had a thorough airing. Over the past months we have heard all the conceivable, and even some inconceivable, arguments that could be brought up in an effort to defeat this program and surrender America's valuable lead in the world's air transport industry.

We have heard claims that there is a powerful lobby working for the SST. If so, I hope they are correct. For if there ever was a need for a high-powered program of public education for the good of the Nation, this is one issue where it exists.

But let us not pretend, Mr. President, that there has not been an even more powerful anti-SST lobby working in all 50 States of this country for more than a year. And I would remind the Members that the funding for this program was discussed and approved for more than 10 years without charges of pollution, skin cancer, and related charges being brought to public notice. If there is an SST lobby functioning today, it is a lobby which was created to fill a national need for the true fact concerning the SST. If there is an SST lobby functioning today, it was made necessary by hysterical and unsupported claims from opponents of this program who have done their best to make it a terminal point in a nationwide fight against air pollution.

Mr. President, I have been a conservationist for all of my adult lift. Long before the words "ecology" and "pollution" became prominent in practically all public discussions, I was known in my native State of Arizona as a nature lover. I might state that my political opponents sometimes waxed derisive in alluding to my concern for my beloved desert land and my interest in the Grand Canyon and the other scenic wonders of my State. For example, I have been known at times as a "desert rat." I have also been known as "a Grand Canyon buff." Both names were applied in efforts to belittle my concern for nature's wonders. But I was proud of them at the time. I am even prouder of them today.

Mr. President, what I am attempting to point out here is that I yield to no one—whether he be a member of the Sierra Club or the Friends of the Earth or whatever some of these new groups like to call themselves—in my concern as a conservationist.

Mr. President, I am sorry that it becomes necessary for me to go into this past history of a personal nature. But I feel it is important in view of the fact that opponents of the SST are making such a concerted effort to make it appear that anyone who votes for this needed program of progress is automatically against conservation and either in favor of polluting our environment or indifferent to the possibility that such might be the case in the development of American SST.

So let me state now, in the concluding hours of this very prolonged and intense debate on the SST, that I vote for it with not a single qualm as to its possible effect on the earth's atmosphere or the stratosphere. If there were even a question of a doubt I would be opposed to this program. But after listening to and reading through all the arguments about what the SST might do to the atmosphere, the stratosphere, the radiation levels, and so forth, I am convinced that these arguments have no validity and were raised, some of them on the basis of only a 20,000-to-1 probability, in an effort to defeat this program through misrepresentation.

My background, Mr. President, also includes considerable experience in the field of aviation. As a retired major general in the U.S. Air Force and a pilot of many years' standing, it has been my privilege to fly more than 100 types of American-built planes, including some that are capable of flying at supersonic speeds. Perhaps more than any other Member of this body, I have made it my business to keep up on all of the new and projected developments in the field of aviation, both military and civilian.

And I draw upon that experience, Mr. President, to say that an American SST is not only feasible but it is absolutely necessary. There will be SST's in our future—yes, yours and mine—the only question is whether they will be American SST's or British-French SST's or Russian SST's.

I have noticed that many of the more exaggerated claims of the SST's critics are based on the assumption that there will be fleets of these supersonic giants all flying at the same time and for many hours a day. Let us assume that SST fleets grow out of the SST models which the Russians and the French and the British are already flying. For the sake of argument, let us grant that these enormous and highly improbable fleets have an adverse effect on the atmosphere and the stratosphere. In such a case, it would be imperative for this country to at least have SST prototypes available so that we could make our own tests and devise ways to protect ourselves from the effects of the SST fleets launched in Western Europe and in the Soviet Union. I certainly think we can agree that any pollution resulting from planes built and flown in Europe will not confine their contamination, if any, to the geography over which they fly. If an American SST fleet would pollute the environment, a Russian fleet would pollute the same environment. If an American SST would cause skin cancer, a French or British SST would cause skin cancer.

I think it is important, Mr. President, to remember at all times that we are not here voting on the future conduct of aviation agencies in other countries.

There is a great confusion on the part of the public on this matter. Many Americans seem to think that if we defeat this funding proposal here in the Senate that we will be killing the advent of supersonic air travel throughout the world. This, of course, is ridiculous. Other countries are already flying their SST's and reaching for future sales in the American market. If you do not believe me all you have to do is pick up the March 8 issue of the magazine, Aviation Week and Space Technology, and turn to pages 86 and 87. There you will find a double-page, multicolored advertisement for the Russian SST, the TU-144. Not only have the Russians produced and are flying an SST, they are already advertising it for sale in American magazines.

What this means, Mr. President, is plain enough: the Russians are serious in their bid to take over American civilian aviation markets. They undoubtedly understand that they are shooting, not just for the SST market but for the market on all planes in that same family which will come after the TU-144.

In this simple funding of prototype program we can take a small step toward catching up in this vital field. If we vote it down, I believe we are sacrificing future markets which will involve billions of dollars in sales, millions of dollars in salaries, and wages and many thousands of jobs which would otherwise have gone to workers in the American aerospace industry.

I say that on this vote, we, as a nation, have everything to lose and very little to gain. However, our situation vis-a-vis the French, British, and Russian is such that we need to take advantage of whatever little gains we can.

Mr. President, in conclusion, I should like to voice another concern with regard to the effort to defeat the SST and have America turn her back on a field in which she has held the world leadership for many years. I believe that it is part and parcel of the same drive which is aimed at making this country isolationist again, making it withdraw and pull back from her honorable international commitments, making her relinquish her No. 1 position as a world power. It strikes me that many of those opposed to the SST are the same people who would have us withdraw precipitiously from Indochina, cut down our commitments to the North Atlantic Treaty Organization, relinquish our precarious position of nuclear parity with the Soviet Union.

In other words, Mr. President, I see the fight against the SST as another step in the direction of making this Nation a second or possible a third-class factor in the family of nations.

In connection with this debate, I ask unanimous consent to have printed in the RECORD a brief background statement on SST environmental research.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A Brief Background of the Commerce Technical Advisory Board and the CTAB Panel on SST Environmental Research, U.S. Department of Commerce

(Prepared by Frank Cacciapaglia, Jr., Executive Director, CTAB, Feb. 22, 1971)

"I consider this citation relating directly to the activities of the Commerce Technical Advisory Board which . . . has rendered outstanding service to the Commerce Department and the Nation."

With these words the Secretary of Commerce, in 1966, accepted the Industrial Science Award from the American Association for the Advancement of Science "for significantly increasing the communication between science and industry to benefit all segments of the population in meeting human needs and aspirations."

BACKGROUND

The Commerce Technical Advisory Board or CTAB, as it is becoming increasingly well known in scientific and government circles, was established by the Secretary of Commerce in January 1963 at the suggestion of the President of the United States. The Board was created in view of the increasing importance of science and technology to the Nation's economic growth and the action of the Department of Commerce to develop policies and programs to encourage the expansion of the Nation's scientific and technological capability and to stimulate its use in industry and commerce. Specifically, it was intended that CTAB should bring outside views to bear on the technical activities of the Department of Commerce, assess the future and continuing role of its scientific and technical agencies, and consider the interaction of economic and business matters with research and development. In order to promote economic growth, the Board was also to suggest ways to stimulating research and development by private industry for private industry and to advise on specific technical problems of major material significance as they arise.

During its eight year history, CTAB has matured from studying purely internal Department of Commerce programs and problems to wide-scope national interest problems. For example, CTAB panels have studied and reported on the technological problems of surface effect ships; the promotion and management of invention and innovation; the utilization of the electromagnetic spectrum; research and development relating to high speed ground transportation; and the feasibility of using electrically powered highway vehicles to mitigate air pollution caused by automotive internal combustion engines.

Since its inception, over fifty distinguished Americans have served as members of the Commerce Technical Advisory Board. They have been drawn from almost all of the disciplines, the main criterion being that they are outstanding in their fields. There have been industrialists, engineers, scientists from various disciplines, economists, academicians, labor leaders, and bankers who have served on CTAB. Members are appointed for a one year period and may be reappointed. If a CTAB member is chairing a Panel at the expiration of his term, his membership has been extended until his Panel has completed its report. In addition, several hundred other leaders from the private sector have served on the Panels and Sub-Panels created by CTAB to conduct specific studies.

All members of CTAB serve without reimbursement although the Department of Commerce does pay for travel and expenses necessary for CTAB's business. The Board meets for one or two days periodically, about eight times a year. As a general rule, meetings are held in the Department of Commerce in Washington although meetings are held in other locations when institutions outside of Washington can make contributions to CTAB. Meetings have been held, e.g., on board vessels of the National Oceanic and Atmospheric Agency (formerly Environmental Science and Services Administration) at the United States Patent Office in Virginia and at the Department of Commerce facilities in Boulder, Colorado.

In addition to public members of CTAB Panels, various agencies of government which have an interest in the work of a particular panel usually designate liaison members to assist the Panel. Such liaison members take an active role supplying technical advice to Panels but are not granted a vote.

The Commerce Technical Advisory Board is chaired by the Assistant Secretary of Commerce for Science and Technology. Thus far, this post has been held by J. Herbert Hollomon, John F. Kincaid, and Myron Tribus. Richard O. Simpson, Acting Assistant Secretary is currently serving as Acting Chairman of CTAB. Dr. James H. Wakelin, Jr., recently confirmed by the Senate as Assistant Secretary for Science and Technology, will soon assume the Chairmanship.

The administrative functions of the Board are handled by an Executive Director who, traditionally has been selected from among the Department of Commerce Science and Technology Fellows.

Each CTAB panel is chaired by a member of the CTAB who is assisted by an Executive Secretary. Members of the Panel need not be members of CTAB and are usually chosen from outside for their expertise in the subject being studied by the Panel. Funding for the Panel may come from the Department of Commerce or from the outside agency requesting the study.

The Panels of CTAB have been of two general types: those which have defined the technical state of the art necessary to attack a problem of national concern and those which investigate ways in which the institutions of government (particularly those of the Department of Commerce) could be modified in order to fulfill their roles more effectively. Examples of the latter type of Panel are the Engineering and Commodity Standards Panel whose report led to the establishment of the United States of America Standards Institute (now the American National Standards Institute), the Patent System Panel whose report has been the basis for revisions to the patent system still under consideration, and the Telecommunications Panel whose report led to the establishment of the Office of Telecommunications in the Department of Commerce.

CTAB hears presentations and participates in discussions relating to the organization, policy, and technical activities of government. Experts are frequently invited from the various branches of the government, or from outside, to brief the Board on the activities of their organizations. These encounters serve to broaden CTAB's understanding and to uncover areas of interest where CTAB might wish to charter a Panel. In addition to ideas for panels which are generated from within, requests for creation of panels come from outside of CTAB, such as other government agencies. Examples of the latter include the Panel on Automotive Fuels and Air Pollution and the Panel on Housing Technology.

To amplify, CTAB, in 1967, issued a report on the Automobile and Air Pollution. As a direct result, CTAB was asked, in late 1969, by the President's Science Advisor to conduct a study on the implications of removing lead and other additives from gasoline. This study was funded jointly by the Departments of Health, Education and Welfare and Transportation. The report of the CTAB Panel on Automotive Fuels and Air Pollution was accepted by CTAB at its meeting on February 17, 1971, and will be issued shortly.

CTAB, in 1970, issued the report of its Panel on Housing Technology. This study was funded largely by the Department of Housing and Urban Development.

The CTAB Panel on Noise Abatement will shortly release its report on what it believes can be done to reduce noise pollution.

CTAB, because of its reputation for objectivity and professionalism in its published reports, is called upon increasingly to make studies on issues of transcending importance to the Nation. Its interest and capabilities in environmental issues has become well-known.

There are a number of criteria; however, which CTAB feels must be met before it will undertake to establish a Panel:

1. The problem must be capable of clear definition understandable to those who will serve on the panel. The charter by which a CTAB panel is established must convey the precise nature and scope of the problem to be studied.

The problem should be one having substantial national significance and involve science and technology in attempts to define a solution

3. The problem should be one that CTAB is not only well qualified to consider but, preferably, one for which CTAB has a capability superior to other study groups.

4. There should be a reasonable expectation that the report of the panel to CTAB will result in action—by the Department of Commerce itself or by another member of the federal establishment or by a professional group—whereby some public benefit may be realized.

Mr. William Magruder, Director of the SST program, approached Dr. Myron Tribus, then chairman of CTAB, in the summer of 1970 and out of their discussions arose the possibility that a study concerning environmental questions relating to the SST might be undertaken by CTAB. CTAB was briefed on the matter at its September 16–17, 1970 meeting by Mr. Magruder. CTAB carefully considered what he had to say and whether the issue met its four criteria for establishing a Panel. It was agreed unanimously by all present that CTAB should undertake the SST study. In line with earlier precedents, funding for the study, approximately $100,000 will be supplied by the interest soliciting the study, in this case the Department of Transportation.

At the September 1970 CTAB meeting the identification of suitable candidates for membership on the Panel was initiated by CTAB. CTAB seeks to establish balanced panels representing the total spectrum of views. Efforts were taken to choose the best people available who did not have a personal financial or business interest in decisions concerning the SST. Approximately four months were spent in this effort, and in obtaining requisite clearances and receiving acceptances from those selected.

Two meetings of the SST Panel have been held on January 23, 1971 and February 19, 1971. A third meeting is planned for March 18, 1971. These meetings have been for information purposes only and no decisions have yet been reached.

Attached is a list of Panel members, affiliations, and areas of expertise. Where the Panel requires further expert advice, it plans to solicit same for qualified sources.

Attached also is a list of the government liaison representatives to the Panel. A strong effort has been made to insure that all possible relevant areas of the federal establishment are represented.

PANEL ON SUPERSONIC TRANSPORT ENVIRONMENTAL RESEARCH

To determine potential environmental pollution and radiation hazards associated with proposed supersonic aircraft.*

To determine whether supersonic aircraft would create significantly increased world weather and climatic hazards with particular (but not necessarily exclusive) reference to the following:

An increase in upper air water content;

A decrease in upper air ozone content with subsequent increase in ultraviolet radiation;

A change in atmospheric temperature through disturbance of the thermal radiation balance; and

An increase in cloud cover through contrails.

To determine whether SST passengers and crew will experience ionium radiation exposure problems.

For each of these questions, and other related environmental questions which the Panel may identify, advice and recommendations should be given concerning:

Whether enough information is available to provide definite answers at this time;

Whether adequate research programs are underway, in the U.S. or in foreign countries, to cover subjects for which inadequate information exists; and

Whether planned research programs are designed to produce definitive answers prior to appropriate decision points in the U.S. SST program.

Mr. BUCKLEY. Mr. President, will the Senator from Oklahoma yield me 5 minutes?

Mr. BELLMON. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, as one who has maintained a lifelong interest in conservation, I have been greatly concerned over the possible adverse environmental effects of supersonic transports. I am speaking not only of sideline noise and the sonic boom, but most particularly about the problems posed by the potential contamination of the stratosphere, because anyone familiar with the delicate interconnection of ecological balances must take seriously the concern expressed by many scientists over the adverse consequences which could result from even relatively small changes in the composition of the upper atmosphere.

It is for this reason that my position on the SST has been, as it continues to be, that the burden of proof of environmental safety must rest with the proponents of the SST—not with its critics. In other words, before supersonic transports are placed in commercial use, the proponents must first establish beyond a reasonable doubt that they will not adversely affect the life or climate of this planet. Further, it has been my consistent position that if such proof is not forthcoming, then we must not only terminate our own program for the development of a commercial SST, but we must discourage its development abroad both by denying American landing and overflight rights for SST's of foreign origin, and by working for an international treaty to outlaw all supersonic transports.

In attempting to assess the potential effect of the SST on the environment, my staff and I have studied the voluminous evidence presented before congressional committees. We have also consulted numerous specialists in scientific affairs, airline economics, and environmental matters, and have met with representatives of several citizens' groups. The individuals consulted represented the complete spectrum of opinion on the SST, ranging from strong proponents to strong opponents.

It appears from this review that the environmental problems associated with local engine noise and the sonic boom can and will be met by the simple expedient of outlawing overland flights at supersonic speeds and by requiring that sideline noise on landings and takeoffs be kept within the limits currently in effect for existing subsonic jets. The General Electric Corp. has undertaken to achieve this reduced level of noise by eliminating the engine afterburner, which modification will be achieved at a substantial sacrifice in terms of weight. While these measures may have a critical effect on the ultimate economics of the aircraft, they will meet the principal environmental objections as far as noise is concerned.

With respect to the problem of pollution resulting from SST flights in the stratosphere, we have discussed the details of the problem with some of the most articulate opponents of the SST on environmental grounds, including Dr. James McDonald of the Institute of Atmospheric Science of the University of Arizona, and Dr. Richard Garwin, a scientist associated with the IBM Corp. Both scientists expressed serious concern over the possibility that widespread commercial use of SST's could have a detrimental effect upon the environment. Both of these men pointed out, however, that not enough is yet known about the extent to which supersonic flight in the stratosphere could influence our environment, and emphasized the need for additional research before a definitive conclusion can be reached.

We discussed the problem of the environmental impact of the SST at length with Dr. Fred Singer, chairman of the SST Environmental Committee. This committee was instrumental in encouraging administrative and legislative measures to prohibit supersonic flights over land. Dr. Singer is a geophysicist who has had a long career devoted to the study of atmospheric phenomenon. Although he was skeptical of some of the suggested hazards of the SST, Dr. Singer emphasized his belief that it was impossible at this stage for anyone to discount these hazards or to attempt to evaluate the environmental dangers of the SST because so little relevant scientific data has as yet been collected. He pointed out that until recently, there has been little or no scientific interest in the effects of supersonic flights on the stratosphere; and further, that certain of these effects could not be conclusively determined without utilization of an operational prototype.

Dr. Singer and the others who were consulted believe that the series of experiments which are planned in connection with the prototype development program—at a total cost of $26 million—will enable scientists with competence in the field to measure the broad impact of the SST on the environment, and to determine whether or not its commercial utilization would create potential hazards.

Thus, while it is clear that the proponents of the SST have yet to sustain the burden of proving that the commercial utilization of the aircraft would not adversely affect the environment, it appears equally clear that the evidence required to make a definitive judgment cannot be marshaled until the prototypes have been built and the necessary data gathered under actual operating conditions.

Based on environmental considerations, I believe it is important that the additional information be secured. If we terminate the program at this stage, we will not be safeguarding the environment because our action will not prevent other nations from continuing the development of their own supersonic transports; and if such additional information would in fact confirm that it would be imprudent to place the aircraft into commercial operation, we will have precluded ourselves from amassing the hard information required, first, to justify denial of landing and overflight rights to foreign SST's and, second, to work effectively for an international treaty banning all SST's.

I fully appreciate the fear expressed by many that once the program is carried to the prototype stage, there will be tremendous pressures to place the aircraft into commercial production in the absence of adequate evidence that the environment would not be adversely affected. It is for this reason that I sought specific assurances that the SST will not be allowed to go into commercial production until the results of the testing of the prototype have been fully evaluated, and a clean bill of environmental health issued.

I met with the President yesterday afternoon, and he reiterated in the strongest terms his personal commitment that the United States will not proceed with the commercial development of the SST if there is any doubt as to its environmental safety. Further, he stated that he would, in the near future, establish a committee whose specific task will be to make an impartial review of all of the data secured in connection with the prototype program and to make the final determination as to whether the burden of proving the environmental safety of the SST has been satisfied. It is on the basis of these assurances that I shall vote this afternoon to continue the funding of the development of the SST prototype.

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*Noise pollution problems will be considered by another group.

In closing, I would like to make an observation about one aspect of the SST program which is not related to environmental considerations.

The SST program involves a very great commercial risk which cannot be discounted. I believe, however, that it is too readily assumed that the entire public investment in the SST program will be lost if the resulting aircraft should prove unfeasible for either environmental or economic reasons. Such a view, in my opinion, ignores the very real benefits which we will have derived by way of technological spin offs from the development and testing of the prototype.

It should be kept in mind that an aircraft, whether subsonic or supersonic, involves three main components: the airframe or the aircraft's structure; the avionics, or the aircraft's electronic navigation and communication control equipment; and the propulsion system; that is, its engine. Because supersonic flight with an aircraft of the size of the proposed SST so far exceeds in complexity any yet built, by the time the prototypes have been completed, significant advances will have been achieved with respect to each of these components. Advances in material sciences, for example, will permit the construction of larger and more efficient subsonic aircraft. The high speeds at which supersonic aircraft travel will require substantial advances in navigation and collision avoidance systems which, when transferred to subsonic aircraft, will help increase the safety of air travel while making it possible to increase efficiency by permitting aircraft to be more densely "packed" in existing air routes.

There is already an indication that the technological development of the SST will have a number of ready applications to military aircraft, including advanced avionics and instrumentation for the proposed B–1A manned strategic bomber for the U.S. Air Force. This, incidentally, represents a reversal of a 25-year trend which has seen most of the technological advances in aviation transferred from military to civilian purposes rather than the other way around.

These are economic factors which ought properly to be taken into consideration in determining the ultimate amount which is at risk. But while there is room for argument as to how much public money ought to be risked in such a venture, I believe that thanks to the effective work of various conservation groups, Americans are now generally in agreement that we cannot afford to take risks with the environment.

My vote to continue funding the development of the SST prototypes is, in my judgment, totally consistent with this overriding concern.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the Senator from Oklahoma yield me 3 minutes so that I may reply to the statement of the Senator from New York?

Several Senators addressed the Chair.

Mr. MAGNUSON. Mr. President, may I inquire how much time remains on both sides?

The PRESIDING OFFICER. The time allotted to the Senator from New York has expired. There remains 58 minutes to the proponents and 81 minutes to the opponents.

Mr. MAGNUSON. I yield 5 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I congratulate the Senator from New York for what I think is probably the best reasoned statement of reasons for voting for this measure that I have heard. He recognizes that neither side can make definite statements about what will or will not happen, and calls for proof by the proponents as well as the opponents.

Mr. President, contrary to what many people have been led to believe, there has been a long period of deep research in the upper atmosphere and the lower atmosphere, being conducted by the Air Force and other academic groups in this country. In fact, in 1969 the Air Force made 20,345 supersonic flights, with a total flight time of 1,827 hours. Mr. Herbert Appelman, Chief of the U.S. Air Force Physical Science Office, after some of these investigations, has made a statement in which he concluded that a change in jet flight altitudes from 35,000 to 70,000 feet would result in a large relative decrease in contrail frequency.

As opposed to definite statements by the proponents, as reflected here, the opponents have been relying upon statements made by scientists as to what they think might happen if certain things took place. The statements by Dr. McDonald about skin cancer, to me, though I am not a scientist, were ill-advised. He did not come here with any proof; he merely says this might happen.

It might happen; but, again, we are going on an assumption that has no scientific background at all, particularly when we realize that the so-called fleet he is talking about, of 500 SST's, and the fleet that the Senator from Illinois just mentioned of 500 SST's, if they all flew together, wing to wing, would be only 8 miles in length, and this would be like scratching a billiard ball with a needle, to try to get a comparison with the area that might be involved in flying across the North Atlantic.

No, the proponents of this measure have made the only sound investigations that have been made. The opponents of the measure have been engaged in wishful thinking as to what might or might not happen. For example, I have in my hand the preliminary evaluation of the XB–70 airplane in intercontinental flights with high altitude turbulence, something that Dr. McDonald did not take into consideration. He states that you cannot sustain a suspension of particulate matter in the atmosphere where there is turbulence, wind, or changes in temperature. That may occur in an absence of turbulence, but there is more turbulence at those altitudes, so much so that we probably will not see commercial aircraft flying much above 60,000 feet, because of wind turbulence. So this particulate matter will not remain suspended in the atmosphere; it will be moved because of the action of winds and temperature changes.

So I conclude by saying to my friend from New York again that I think he has made a most reasonable statement, in view of the statements of others I have heard on this whole subject. How are we going to find out what supersonic aviation will do without tests conducted on aircraft as large as the SST? Are we going to ask the Russians, and expect them to tell us? Not on your life. Will the French and the English be likely to tell us what they are experiencing? I do not think so.

I think it would be very wrong for us, at this time, to stop the development of new prototypes, so that we might answer the questions on our minds and on the minds of Americans all over this country, who have been led to believe that they are going to catch every disease known to man if the supersonic airplane flies.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute, before yielding to the Senator from Iowa.

Mr. President, the fact is that the prototypes can contribute nothing to telling us what effect a fleet of supersonic transports will have on the atmosphere. There is no question about that; all of the scientists agree. All they can tell us will be how the prototype performs. These prototypes will be flown exactly 100 hours, according to present plans, before the decision is made whether to go into production. So any argument that you can rely on these two prototypes to give you any answer as to the effect on the environment is just ridiculous. I do not know of any scientist, any engineer, or anyone who has made the assertion that you can take two prototypes and learn all the environmental answers.

The evidence as to the possible polluting effect of a supersonic transport on the atmosphere comes from a man who was asked by the National Academy of Sciences to look into it. He looked into it for more than a year and studied it very carefully. He testified before the House Appropriations Committee at great length. We took that testimony and submitted to 40 of the outstanding meteorologists and skin cancer specialists in the country. I put into the RECORD their analysis, and commented on it at some length yesterday.

The fact is that the scientific community overwhelmingly supports that scientist's general conclusions; that is, they do not know for sure whether the SST's will cause skin cancer or not. But there is strong evidence that it might. The projection is that it might cause 5,000 to 10,000 additional cases of skin cancer. As I say, it has not been determined definitely. They say they need 10 years to determine it, and the prototypes will not give us the answer.

Mr. President, I yield 10 minutes to the Senator from Iowa.

Mr. MAGNUSON. Mr. President, will the Senator from Iowa yield to me for 2 minutes?

Mr. HUGHES. I yield.

Mr. MAGNUSON. Mr. President, I do not like to belabor this matter, but every time I hear the Senator from Wisconsin, I feel compelled to stand up and correct the Record. Otherwise, I would not take up the time of the Senate.

I put in the Record yesterday, and we have heard here, the fact that there are eminent scientists—I put statements from many of them in the Record yesterday—who disagree. I use the word "eminent" because the Senator from Wisconsin uses it all the time. Their testimony is just opposite of the Senator from Wisconsin's experts. So here we are again, keeping hammering away at this business and really there are many unknowns.

But I ask unanimous consent to have printed in the Record a letter from Dr. Singer, published in the Washington Post this morning, on this subject of the environment, which I think is quite pertinent. I add this to the views of the other very eminent scientists whose statements I put in the Record yesterday.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Environmental Concerns and the SST

Can a fleet of SSTs really produce harmful effects on the atmosphere, on the climate, or on human health? This has become the burning question in the SST debate, since it is now generally accepted that the noise problem is licked and the sonic boom confined to the ocean routes. At this moment, the opponents have no proof whatever that harmful effects will be produced, and the supporters cannot be 100 percent sure that harmful effects may not exist. While this is a fair way to state the situation, it is of little help to those who seek guidance. And, to make matters worse, both the supporters and the opponents are inundating the public and the Congress with misleading and irrelevant information. According to the Boeing Company, one SST is equivalent to three cars; according to the Sierra Club, a fleet of 500 SSTs is equivalent to 100 million cars. Both sides are correct if one reads the fine print; yet both statements are misleading and completely irrelevant; cars do not drive in the stratosphere.

Then what can we say for sure at the present time? That the two SST prototypes which are under debate now will cause no environmental effects whatsoever. The environmental impact of the prototypes is a *non-problem*. But should we not be concerned about the effects of a fleet of commercial SST's? Well, the degree of concern which has been expressed by scientists seems to depend on their emotional involvement with the SST project. Yet the considered opinion of the governmental advisory committee made up of the most knowledgeable scientific experts is this: We can be reasonably sure that the pollution effects will be well within the natural climatic variations and therefore will not be harmful. Water vapor, ozone, dust content in the stratosphere—all of these vary due to natural causes—far beyond additions from an SST fleet. How sure is "reasonably sure"? Assigning a number is subjective, but I personally would choose 95 per cent. This is not good enough; one needs to be 100 per cent sure before proceeding with a commercial SST fleet in the future. In order to make refined predictions, we need more data. The major purpose of our committee is to shape a research program which will get the necessary data. Consider, for example, the skin cancer controversy, which depends on the argument that the water vapor from the SST engine exhaust will diminish the ozone content and thereby increase ultraviolet radiation reaching the surface. This connection is based only on theoretical calculations. But the actual data which have become available show that while the water vapor content has increased in the stratosphere recently, the total ozone concentration has also increased—a contradictory result but a measurement which seems to eliminate the basis for the skin cancer argument. Once we understand this apparent contradiction and our predictions can be absolutely sure, then and only then will our government allow a commercial SST project to proceed. I note in passing that environmental concerns have not held back the Soviet Union, and have had no impact on the Concorde project in Europe.

One final thought. What if we are wrong after all and if adverse effects are produced *after* the SST fleet goes into commercial operation? Are the effects reversible? Fortunately they are; if an SST fleet is stopped from flying, any pollution effects and climatic consequences would disappear in a matter of one to two years. Again, we have Mother Nature to guide us, because natural upsets in the stratosphere produced by volcanoes and hurricanes have not caused irreversible change—in spite of the fact that they inject quantities of material vastly greater than SSTs.

What about the alternative to SSTs—subsonic jets flying below the stratosphere. Unlike SSTs, they produce contrails which would increase average cloudiness and could give rise to effects on the world climate. In summary, then, we can say that environmental concerns should be given relatively little weight in making a decision today on completing the SST prototypes.

S. Fred Singer,
Chairman, SST Environmental Advisory Committee.
Washington.

Mr. MAGNUSON. It is true that the National Academy of Sciences has taken an opposite position on this subject. There are many unknowns, and that is the reason why we are here, seeking to fund the prototypes.

Mr. President, I also ask unanimous consent to have printed in the Record a lengthy article published in the Washington Post last Sunday, about the Soviet SST.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviets Appear Nearer To Producing Supersonic Airliner

(By Anthony Astrachan)

Moscow, March 20.—Soviet pilots "will start mastering" the Tupolev-144 supersonic transport this year, according to the Soviet minister of civil aviation.

The T-144 thus appears closer to production and use than either of its troubled Western competitors, the Anglo-French Concorde or the American SST.

But no date has been publicly set for the Soviet plane to start service. In 1968, Soviet officials predicted a start in March 1970. In 1969, they put the date at early 1973. A year ago they put it at 1975. Nothing has been heard since on an official basis.

Moscow observers are almost unanimous that the T-144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transports.

They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many T-144s to Western airlines. Warnings from American aviation officials that the Soviets will sell many planes appear from here to be part of the lobbying effort for congressional approval of the Boeing SST rather than prudent conclusions drawn from available facts.

It is true that Aviaexport, the Soviet organization for selling aircraft abroad, has been advertising the T-144 in such publications as Aviation Week and Jane's Directory of World Aircraft.

THREE MOTIVATIONS

Moscow observers find three probable motivations for this: an intent or wishful thought of actual sales; a desire to build Soviet prestige when Western manufacturers cannot yet advertise supersonic transports, and a desire to fuel the American lobbying effort for the SST.

The last possibility reflects the fact that the Soviet aircraft industry has no guarantee of the precise dimensions of its slice of the resource pie. If the U.S. Congress appropriates more money for the SST, Soviet aircraft makers can turn to the Kremlin and say, in effect, "You have to give us the rubles to finish the TU-144 because the Americans are going ahead."

Efforts of the kind made on behalf of the SST by men like Najeeb Halaby of Pan American World Airways and astronaut Neil Armstrong are known to be used by their Soviet equivalents in the Kremlin's internal lobbying.

So far as the ecological problem goes, the Soviets have made public no facts about the TU-144's sonic boom except for statements by a test pilot and test-flight passengers that they could not hear it.

POLLUTION PROBLEMS

The U.S.S.R. is much less pollution-conscious than the West. Both its pollution and its relatively feeble efforts to solve pollution problems are concentrated more on water than on air. In Soviet society, citizens are not allowed to organize pressure groups against Kremlin-approved projects like the TU-144 of the kind that encouraged the U.S. Senate to stop funds for the SST last year, and the House to cut off funds this past week.

The sonic-boom problem is smaller here than in the West because the Soviet Union is sparsely populated, compared to the United States and Western Europe. Aeroflot could conceivably route planes around urban areas and minimize the effect of booms more thoroughly than is possible in the West.

That depends on the routes chosen. Alexei A. Tupolev, designer of the TU-144, said two years ago that it would operate on routes over 1,200 miles long. Most Moscow observers think it would be uneconomical on routes under 2,000 miles.

That would still allow a TU-144 to fly eastward from Moscow, Kiev or Leningrad to Alma Ata, Novosibirsk, Irkutsk or Khabarovsk, approximately 4,000 miles from Moscow in the Soviet Far East.

One rumor now being heard says that the TU-144 will go into service on the Moscow-Khabarovsk run in October. Efforts to trace the rumor to its source have wound up in Washington and Paris more than in Soviet officialdom.

FOREIGN SERVICE

The same is true of rumors of imminent supersonic services to Karachi, New Delhi and Calcutta. Soviet officials spoke two or three years ago of TU-144 flights to Tokyo and New York. Those flights would demand at least one stop en route because Tokyo and New York are beyond the craft's 4,040-mile range from Moscow.

All these flights would involve flying, presumably at subsonic speeds, over thickly populated areas like the U.S.S.R. west of Moscow, Western Europe and northern India. Yet Tupolev said the TU-144 was designed to travel at supersonic speed "almost during the entire flight time."

On the economic side, the Soviets have said only, "Economists have estimated that the cost of a flight on the TU-144 will not exceed that on subsonic planes."

Moscow observers are convinced that the TU-144 in fact will have costs comparable to the Concorde's. An American study put the operating costs of the Concorde per passenger mile at 40 per cent more than existing four-engine jets, which in turn would require at least a 25 per cent surcharge on regular passenger fares.

If that is true of the TU-144, the Soviet statement becomes simply a promise that the government will absorb these extra costs. It already absorbs much of the cost of housing and public transport, including existing rail and plane fares, as necessary social services.

PASSENGER SEATING

Cost estimates start with the fact that the TU-144 will carry up to 120 passengers in rows of three seats on one side and two on the other, compared to 128 to 144 in pairs of seats on the Concorde. The Boeing SST, which will carry 300 passengers if it is ever built, is not strictly comparable.

Tupolev said the TU-144 seating arrangement in a plane roughly the same size as the Concorde was made possible by the fact that the main undercarriage of the TU-144 retracts into the wings in the direction of flight, while that of the Concorde retracts into the fuselage at right angles to flight, i.e. in line with the wingspan. Tupolev suggested this meant less drag on his aircraft.

The maximum rated speed of the TU-144 is 1,550 mph at 65,000 feet; the maximum it has been reported as reaching was 1,458 mph at 51,000 feet in a test last Nov. 12. The Concorde is rated at 1,450 mph at 54,000 feet.

The TU-144 will have a range of 4,040 miles compared to 3,600 for the Concorde.

The Soviet engine thrust is similar to the Concorde—35,000 to 40,000 pounds, according to Halaby, who saw the TU-144 two years ago. The TU-144's four engines are clustered together in the center of the plane under the fuselage, while the Concorde's are located in pairs under the wings. Tupolev said the Soviet design means that if one engine fails, it will be easier to prevent inadvertent turns of the aircraft.

COMPARATIVE WEIGHTS

The Concorde takeoff weight will be 385,000 pounds, compared to 330,000 for the TU-144.

Both planes have bent noses like a bird's beak—the Tupolev slightly more so. Alexei Tupolev said this was to maximize the cockpit field of vision while eliminating the traditional "canopy" to reduce drag.

The performance of the TU-144 is unknown except in the most general terms. Halaby and Armstrong praised it without seeing it in flight. Its chief test pilot, Eduard Yelyan, said the plane was a great success and "much easier to control than subsonic aircraft."

Yelyan added that all flight characteristics had "proved better than the designed ones." He said the plane generated less noise than a conventional jet inside the passenger cabin.

The plane "trembled slightly" as it exceeded the speed of sound, but Yelyan said this was not likely to be noticed in the passenger compartment. Western passengers on all Soviet aircraft—prop, turbojet and jet—have noticed more vibration than on their Western equivalents. This is no reflection on their safety but it reduces passenger comfort and might conceivably reflect factors that would shorten aircraft life.

ON-BOARD COMPUTER

Up to 90 per cent of TU-144 flight operations are performed by an on-board computer "that calculates the course and the best trajectory and prepares the necessary information for landing." The plane will therefore carry no navigator and have only three people in the cockpit—pilot, copilot and flight engineer to check the equipment.

This may be a tribute to Soviet technology. But Soviet scientists have said that their computers are 5 to 15 years behind the West's, for reasons including poor component reliability, and specialists will be watching to see how the TU-144 computer checks out in performance.

However good the plane is, Soviet marketing disabilities remain a factor. The first is a penchant for secrecy that might prevent Western civil aviation authorities from learning what they want to know about how an aircraft is made as well as how it performs. The Soviets have seldom if ever permitted foreigners to make a thorough inspection of an aircraft factory.

Despite the signs of Soviet interest in Western sales, the Aviaexport advertising is rich in colors and poor in specifications. So little is known about the TU-144 that Western sources report nose-to-tail lengths varying from 188 ft. 6 in. to 196 ft. 10 in., and wing spans from 72 ft. to 88 ft. 3 in. The differences may reflect modifications in design that have also been rumored, but Soviet sources have not said which are the latest figures.

The second marketing problem is the traditional Soviet inability to provide service and spare parts on a basis acceptable to the West. Only the defense industry produces adequate service systems or spare parts here. Foreign buyers do get preference, as in the case of Volga cars sold abroad, because the Soviets usually do try to live up to contracts. Users in Nigeria and Finland still have not found Soviet performance equal to the West's.

COST ESTIMATES

Third is the fact that Soviet accounting methods lead to what Westerners regard as inaccurate cost estimates, even if there is no conscious intention to cheat.

Fourth is the simple fact that Soviet international aircraft have never been as comfortable for passengers as their Western equivalents, though Tupolev rated passenger comfort a prime consideration in the design of the TU-144.

All these factors led to dissatisfaction with the performance of Soviet Ilyushin aircraft sold to Ghana over 10 years ago. Romania bought British BAC-111s when it presumably could have had Soviet planes. Western airlines will be watching with interest the performance of YAK-40 medium-range jets recently sold to Italy, to see how these problems have been overcome.

Some observers believe that if the TU-144 is successful, competition in world markets will come less from attempts to sell the craft to Western airlines than from selling faster service to that handful of passengers that would rather cross the Atlantic in two hours instead of seven, or Siberia in three hours instead of 10.

The standard of service on Aeroflot makes Westerners think the latter choice would well be worth a surcharge. Such reactions warn against overrating Soviet competition for passenger-miles. But the Soviet airline, which now serves 60 countries, is extending its international routes. Its standards may go up as it moves into more competitive routes—although the cancellation for Scandinavian Airlines training for 40 Aeroflot hostesses is not a good omen.

Mr. MAGNUSON. I call to the attention of the Senate that there are headlines in every paper tonight, all over the country, that the Russians want to sell their SST here. A headline is not usually conclusive, but it bears some resemblance to the story in most cases.

Lastly, I wish to put into the RECORD, before I take a little time for myself for some remarks I wish to make, that I have gone to some effort, the last 3 days——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. I yield myself 2 additional minutes.

To find out what would be the cost of concellation. We have different figures, but I think all of us agree on a certain round figure as to the costs.

But I went further and I asked what the cost would be as to layoffs of 14,000 direct employees. Using what even the economists cited by the Senator from Wisconsin acknowledge, the multiplier effect of 2½- or 3- to-1, it would give us a total of approximately 40,000 employees, either directly or indirectly employed, who would be subject to layoffs. The total welfare and unemployment cost for these people, based upon a minimum figure of $3,000 a year for each employee, would be $126 million a year. This is what we will have to pay, on the average layoff of those people who have some expertise in the aerospace industry, when they have been laid off over a year because they cannot find anything anyplace else. I suppose they would like to go to Philadelphia and work on rapid transit, but it just does not work that way in the real world. Incidentally, we have some money in this bill for rapid transit.

Mr. President, I ask unanimous consent that the figures on unemployed defense and aerospace engineers, scientists, and technicians be printed in the RECORD at this time.

I might add, that conditions have worsened considerably since these figures were compiled in the autumn of 1970. I would also like printed additional statistics on the vital impact nationally of the SST program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY FOR MANPOWER,
Washington, D.C., March 18, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: We are enclosing a table on unemployment among aerospace and defense engineers, scientists and technicians in selected areas in response to a recent request from Mr. Mike Stewart of your staff. The table is based on data developed by affiliated State employment security agencies as part of a survey conducted by the Manpower Administration in 24 areas which were significantly affected by defense and aerospace layoffs. Together, these 24 areas account for at least 35,800 of the 50-65,000 such individuals we estimate are unemployed in these occupational classifications.

The area unemployment data shown in the table are as of the fall of 1970. More recent information from other sources indicate that while total defense and aerospace employment has continued to edge down since then, the unemployment situation for displaced aerospace engineers, scientists and technicians has not altered significantly. This may not be true in each of the areas listed, however.

The unemployment figures shown in the table also represent somewhat less than the total number of defense and aerospace layoffs affecting engineers, scientists and technicians. Persons who have found jobs in other industries or activities (as well as in defense or aerospace), plus those who have retired, outmigrated or left the local labor force for other reasons, are not included in the unemployment estimate.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

Number of unemployed—defense and aerospace engineers, scientists and technicians, selected areas, autumn 1970

Total, all areas listed	35,800
Alabama: Huntsville	1,500
California:	
Los Angeles	10,000
Orange County	2,400
San Diego	700
San Jose	1,300
Connecticut: Hartford	NA
Florida: Cape Kennedy	3,100
Georgia: Atlanta	2,500
Illinois: Chicago	400
Indiana: Crane	0
Kansas: Wichita	700
Louisiana: New Orleans	100
Maryland: Baltimore	300
Massachusetts: Boston	2,200
Missouri: St. Louis	800
New York: Long Island	2,900
Ohio: Columbus	100
Oklahoma: McAlester	([1])
Pennsylvania: Philadelphia	2,500
Texas:	
Dallas	1,900
Fort Worth	500
Houston	100
Texarkana	100
Washington: Seattle	1,700

NA. Not available

[1] Less than 100.

In some instances data shown represent minimum levels, and are based solely on the number of unemployment insurance claimants and/or job registrants at public employment offices.

Number of unemployed in all areas is somewhat less than the number of aerospace and defense layoffs in these occupational classifications. Persons who have found other jobs (whether or not in related occupations or industries), who have retired, outmigrated or otherwise left the local labor force are not included in these statistics.

Areas listed are standard metropolitan statistical or labor areas, and generally consist of one or more counties.

Source: Special survey data from State Employment Security Agencies.

National impact—SST vital summary statistics

Prototype peak manpower, direct and indirect Boeing/GE and first-tier subs (jobs)	23,627
Production peak manpower (550 A/C) direct and indirect, Boeing/GE, and first-tier subs (jobs)	81,979
Production peak manpower (with multiplier factor of 3) (jobs)	250,000
Total subcontracts awarded prototype through Dec. 31, 1970	
Boeing (in millions)	$216.4
GE (in millions)	$118.3
Total (in millions)	$334.7
Total number of actual suppliers (Boeing and GE) thru Dec. 31, 1970:	
GE	1,834
Boeing	1,100
Total	2,934
Total number of States—prototype first tier receiving subcontracts thru Dec. 31, 1970	43
Total potential number (Boeing/GE) first-tier suppliers—proto	3,100
Total potential number (Boeing/GE) first tier suppliers-prod	6,471
Total number of States—production first tier receiving potential subcontracts (Over $100,000):	
Boeing	37
GE	38
Total TBC & GE	39

Total contracts Awarded Boeing and GE Through Dec. 31, 1970, (all States)	
Boeing, Jan. 1, 1967, through Dec. 31, 1970	$216,444,375
GE, Jan. 1, 1967 through Dec. 31, 1970[1]	118,385,679
Total Boeing & GE	334,830,054

[1] Includes $5,485,963 that GE cannot brake out by state due to feature of computer program.

Major airframe and engine prototype, subcontract dollars awarded by State, Jan. 1, 1967, through Dec. 31, 1970

	Total value of awards
Alabama	$108,939
Arizona	14,417,795
Arkansas	306
California	106,022,961
Colorado	133,825
Connecticut	13,477,547
Delaware	85,686
Florida	915,857
Georgia	829,468
Idaho	$862
Illinois	8,729,072
Indiana	7,437,285
Iowa	116,715
Kansas	32,047,325
Kentucky	877,445
Louisiana	480
Maryland	13,465,101
Massachusetts	7,283,069
Michigan	$17,753,849
Minnesota	2,751,973
Mississippi	35,040
Missouri	73,207
Nebraska	8,099
Nevada	18,445
New Hampshire	134,423
New Jersey	4,100,765
New Mexico	26,540
New York	37,212,256
North Carolina	229,916
Ohio	36,104,174
Oklahoma	7,006,695
Oregon	1,301,994
Pennsylvania	$4,181,950
Rhode Island	154,612
Tennessee	2,417,876
Texas	3,573,595
Utah	82
Vermont	313,350
Virginia	1,193,179
Washington	3,357,215
West Virginia	54,507
Wisconsin	1,387,738
Wyoming	25
Grand total subcontract awards, Boeing and GE	329,341,243

1ST TIER BOEING AND G.E. TOTAL SUBCONTRACT DOLLAR IMPACT, PHASE III PROTOTYPE AND PRODUCTION (550 A/C) CALIFORNIA

	Total contracts awarded Jan. 1, 1967 through Dec. 31, 1970	Total potential suppliers, prototype	Total potential phase III contract	Total potential suppliers, production	Total potential production contract[1]
G.E	$23,063,164	152	$32,000,000	290	$2,170,000,000
Boeing	82,959,797	202	126,800,000	804	3,795,000,000
Total TBC and G.E	106,022,961	354	158,800,000	1,094	5,965,000,000

[1] The potential production peak labor subcontract 1st tier suppliers in the State of California (Boeing and G.E.) of 15,583 jobs is part of the 82,000 jobs of the projected total national impact of the SST production effort. Both direct productive jobs and related in direct or burden people are included in the total peak labor figures. The potential subcontract production dollars is expressed in time period (escalated) dollars.

Note: The above potential jobs total and by State or area do not consider such additional considerations as the impact of payroll, dollars (or jobs) for goods and services, and local tax revenues to a local economy due to the multiplier effect. This multiplier effect, when applied, increases the above total by a factor of 3.

Mr. MAGNUSON. There is another cost added to the whole thing, when we have unemployment in this country. Now I am going to take the whole group, and this comes from not only the Department of Commerce but also the Department of Labor, and I want to put in the RECORD the cost of finishing the prototypes, the potential profit from sales, and the number of direct layoffs. It runs into a total of almost $360 million. Mr. President, I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Cost of finishing prototypes: $477,000,000.

Direct layoffs: 14,000 (times 3) total, 42,000.

Average annual salary/wage: $12,000 ($5,005,000 total).

Federal, State, and local taxes loss (32 percent salary): $3,850 annually per employee. (Wall Street Journal and Washington Post).

Welfare/unemployment costs: $3,000 annually per employee.

Total loss per employee: $6,850 annually.

Average aerospace layoff time: 18 months (Wall Street Journal).

$42,000 times $6,850 times 1.5 years equals $436.6 million.

$477 million minus $436.6 million equals $40.4 million equals 20 cents per capita.

Potential profit/capita divided by potential loss per capita equals $34.31 divided by 20 cents equals 170.1 odds.

Mr. MAGNUSON. I also have a statement on the potential per capita profit on the SST and the potential loss and some other figures on that point. Here is one figure we have never considered.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I yield myself 2 additional minutes.

The distinguished Secretary of the Treasury testified at some length, in clear and concise testimony, on the balance of payments involved in this matter. The conservative figure that we are talking about is at least $22 billion in our balance-of-payments account.

I invite the attention of the Senate to

the fact that the United States now imports more than it exports of ships, movies, cameras, optics, consumer goods, food beverages, and automobiles. Its greatest export item, the most salable item we have had for 10 years, cash on the barrelhead, has been airplanes. We have sold abroad almost $11 billion worth of airplanes in the last 5 years, cash on the barrelhead, and this has been the difference.

One SST—just one—sold overseas would offset the import of 20,000 Volkswagens and 200,000 Japanese TV sets. This is something to consider in this matter, too. I want to put that in the RECORD.

Also, I have more answers by eminent scientists to what I think have been irresponsible statements regarding water vapor, ultraviolet rays, and other matters. I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIMPLE SUPERSONIC TRUTHS

SST AND ATMOSPHERIC MOISTURE

Critics speculate that SST operations may affect the moisture balance in the stratosphere, 12 miles above the earth.

One large thunderstorm puts as much water vapor into the stratosphere as an entire fleet of SSTs making four flights per day. But there are 3,000 to 6,000 thunderstorms active around the world continuously.

Is it really reasonable that the SST fleet could affect weather?

HOW TO PAY FOR IMPORTS

The United States now imports more dollars than it exports of: ships; movies, cameras, optics; consumer goods; steel; food, feed, beverages; and automobiles.

Its greatest export item is aircraft, engines and parts.

One SST sold overseas will offset the import of 20,000 Volkswagens or 200,000 Japanese TV sets.

OZONE, ULTRA-VIOLET AND SST'S

There have been irresponsible statements that water vapor from SST exhausts will decrease the atmosphere's ozone content and thereby increase ultra-violet radiation at the earth's surface. Some have carelessly added that this could increase skin cancer in man.

FACTS

1. Measurements of high-altitude ozone over Caribou, Maine showed that, during a two-week period, the natural ozone content varied over sixty times as much as calculations would predict for a fleet of 500 SSTs operating over a two-year period.

2. At the single weather station which has measured both water vapor and ozone content, water vapor has increased 50% (from 2 parts per million to 3 parts per million) from 1963 to 1970, but the ozone content has increased (about 5%) instead of decreasing.

3. The MIT Study of Critical Environmental Problems (SCEP) group has stated—"that the reduction of ozone due to interaction with water vapor or other exhaust gases should be insignificant."

COMMENTS OF DR. WILL KELLOGG

(Director, Laboratory of Atmospheric Sciences to House Subcommittee on Transportation Appropriations, March 3, 1971, in reply to statement of Dr. James McDonald that a 1 percent decrease in ozone can result in a 5–10 percent increase in skin cancer.)

1. The 1–2 percent change in ozone predicted for a 500-airplane SST fleet compares with 50–75 percent fluctuations from day to day, season to season and place to place.

2. This change is equivalent to going from sea level to Denver or going about 50–100 miles north or south.

3. If Dr. McDonald is right about his skin cancer estimate, you can reduce your exposure the same amount—if you go out in the sun every day of your life—by wearing a hat for one day during your life.

4. If you only go out in the sun on weekends, you would get the same result by wearing a hat once in 200 years.

5. If you like to sit on the beach, you would get this reduction by covering your bikini with a bath robe about once in 2,000 years!

"It seems to me that this kind of thing puts the McDonald type of argument into perspective."

SST "POLLUTION" OF UPPER ATMOSPHERE

Calculations indicate that a 500-airplane fleet of SSTs could add something less than 1 percent to the natural "background" of particles in the upper atmosphere—oil companies advise they can remove 80 percent of the sulfur content of present jet fuels, if that's what's wanted.

But, the two scientific measurements made of natural particulates at the altitude vary by 30 fold, a difference of 3,000%.

And, one major volcanic eruption ejects more material into the upper atmosphere than a fleet of 50,000 SSTs!

SST opponents have fantastically exaggerated the possible effect of a 500-SST fleet, much less the effect of the present program, which is limited to two prototypes!

THE SST AND CARBON DIOXIDE

Critics contend that a fleet of SSTs flying at high altitudes could increase carbon dioxide in the atmosphere and, through the "greenhouse effect," increase the earth's temperature. (Like glass in a greenhouse, carbon dioxide should let in the sunlight, but hold in heat reflected back from the earth). Theoretically, it should work that way. But—

1. A 500-airplane SST fleet would affect the world's carbon dioxide by less than ½ of 1%.

2. Man's total effect on the world's carbon dioxide throughout history has been small; it is known that the earth's carbon dioxide has increased over the past half century.

3. However, the earth's average temperature is presently decreasing rather than increasing.

4. The MIT Study of Critical Environmental Problems (SCEP) group concluded, "Based on these calculations, we have concluded that no problems should arise from the introduction of carbon dioxide and that the reduction of ozone due to interaction with water vapor or other exhaust gases should be insignificant."

SST'S WILL DECREASE CONTROLS

SST opponents have frequently pointed fingers without checking the facts, even cursorily.

They suggest that SSTs flying at altitudes of 60,000 feet and up, above most of the atmospheric turbulence, will blanket some regions with contrails. But the facts are—

1. WWII bombers sometimes flew high enough to produce contrails.

2. Present jet aircraft cruise at altitudes between 30,000 and 40,000 feet where, at normal temperatures, contrails usually occur.

3. At SST cruise altitudes the temperature is practically never low enough for contrail formation.

4. In more than 200,000 hours of supersonic military operations above 60,000 feet, there have been NO reported observations of contrails.

Replacing subsonic jets with supersonic transports will decrease contrails.

SST MANPOWER AND WAGES

Over a ten-year production period the U.S. SST program will provide one billion, forty million manhours of work and will pay at least four billion, eight hundred million dollars in direct wages to U.S. workers.

POWERFUL CAN BE CLEAN

A brand-new car (even an economy import) with all the latest anti-pollution equipment, creates more pollution per mile than—this SST smokeless engine which, at nearly 100,000 H.P., is the world's most powerful!

Mr. MAGNUSON. Mr. President, the case is far from complete on the environmental aspects of the SST. Contrary to press reports and sensational charges before congressional committees, no valid scientific concluusions have been reached concerning possible effects on world weather and climatic hazards, including any increase in ultraviolet radiation.

A panel of nationally eminent scientists appointed early this year by Secretary of Commerce Maurice Stans to study possible environmental concerns associated with the proposed supersonic transport met just last week in Boulder, Colorado, to organize a study that is expected to take at least three months.

The panel includes: Dr. Frederick Henriques, photochemist, Technical Operations, Inc.; Dr. Harriet L. Hardy, M.D., assistant medical director, Massachusetts Institute of Technology; Dr. Joseph Hirschfelder, chemist, Theoretical Institute, University of Wisconsin; Dr. Paul P. MacCready, Jr., meteorologist, Meterological Research, Inc.; Dr. Thomas Malone, meteorologist, University of Connecticut; and Dr. Richard S. Miller, ecologist, School of Forestry, Yale University.

Liaison members are: Capt. Hugh Albers, U.S. Navy, Department of Defense, Pentagon; Dr. Stanley Greenfield, Environmental Protection Agency; Dr. Lester Machta, NOAA Environmental Research Laboratories; Dr. Richard Strombotne, Department of Transportation; Dr. William Kirchhoff, National Bureau of Standards; Mr. Richard Broun, Department of Housing and Urban Development; and Mr. Martin Prochnik, Department of Interior.

In addition, the panel has invited 19 interested scientists from a wide range of disciplines to contribute input.

In announcing the panel February 3, Secretary Stans charged the group with determining whether existing research efforts, here and abroad, plus the Department of Transportation research program, are adequate to produce definitive and timely answers to pressing environmental questions. He cautioned:

> The environmental aspects of supersonic flight have received major attention and million of dollars of research attention over the past 12 years, he said. Based on information from past and ongoing research, no significant effects on the weather and climate due to the SST program have been identified. However, in the absence of complete data, and because sufficient uncertainties exist, I believe that additional information should be obtained and analyzed.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Arizona such time as he requires.

Mr. GOLDWATER. I apologize to the Senator from Iowa and the Senator from Wisconsin for seeming to presume on their time, but I did not want the statement Senator PROXMIRE just made, relative to scientists, to go unchallenged.

Mr. President, I want to bring to the attention of the Senate today the strong endorsement of the U.S. SST prototype development program by the Executive Committee of the American Institute of Aeronautics and Astronautics—AIAA—the premier professional society in the U.S. aerospace field, with 32,000 professional members and 6,000 student members with 118 student branches on university campuses.

After an independent assessment of the SST program conducted by an AIAA ad hoc committee composed of technical experts having no connections with the SST, a report of findings was published on March 1, 1971.

The AIAA's conclusion was:

> Current plans advanced by Department of Transportation for the United States supersonic transport (SST) prototype program are reasonable and proper and in the best interest of this Nation.

The ad hoc committee examined the program broadly, from the performance, operational, environmental, and economic viewpoints, taking strong note of foreign SST developments and capabilities.

Some key findings leading to the general conclusion were:

First. Prototype performance objectives are reasonable and within the state of the art.

Second. The prototype program will provide an adequate base for a successful SST.

Third. The expenditure of the Government funds required to complete the prototype program is warranted in view of the potential economic return of the production program.

Fourth. The production SST with its great gain in productivity will meet the demands for increased intercontinental air travel in the 1980's.

Fifth. The production SST in the first aircraft development to be dominated by environmental considerations, and its critics have made valuable contributions. Now the production SST will meet or better all engine noise specifications.

Sixth. The prototype flight test program will provide the needed environmental research and will not produce any equilibrium environmental changes.

Lastly, the AIAA report cautions:

> Abandonment of the United States' SST program could lead to ultimate takeover of the U.S.'s traditional civil aircraft dominance by foreign interests.

Mr. President, I put that in the RECORD at this point so that the record might be kept straight. The people who really understand this field, who have been in this field as professionals all their professional lives, endorse the SST. The scientists cited by the opponents are eminent men, admittedly, in their fields, but I know of none whose names I have heard with the qualifications of the AIAA.

Mr. PROXMIRE. I yield myself 1 minute, in response to the distinguished Senator from Arizona.

I listened very carefully to what the Aeronautic Association said. Obviously, they are for the SST. They are for a Government subsidy of the aircraft industry to the extent of a billion dollars or more. It would be a stunning shock if they were not for it.

Mr. GOLDWATER. Will the Senator say why?

Mr. PROXMIRE. They do not submit one bit of evidence that the two prototypes flying 100 hours are going to give us the answers on the environment.

I yield 20 minutes to the distinguished Senator from Iowa.

Mr. HUGHES. I thank the distinguished Senator from Wisconsin.

Mr. President, subsidizing the supersonic transport represents bad ecology, bad economics, the wrong priorities, and a challenge to the very integrity of the Government of the United States.

Congress is now being asked to add some $425 million to the $846 million already spent in subsidizing two prototype SST's. The question is not whether there should someday be an American SST but whether we should force-feed the technology and develop and build an SST—and eventually a fleet of 500 of them—before the private sector is ready to finance the undertaking, and hence whether the taxpayers as a group, rather than the travelers who will gain from supersonic speeds, should pay for its development.

I am not going to stress the ecological aspects of the SST. That has been amply covered in the debates over the last 6 months. Let me merely say that although the SST may not be as bad as some people fear or, indeed, it may pose a grave threat not only to our desperately needed interludes of quiet but even to the climate of our planet, even those who believe that it will not be very bad agree that it will not be very good. No one says it will help solve our environmental problems.

Whatever the uncertainties about the ecological aspects of the SST, its economic consequences are clear: it promises to be an economic disaster. If it were a good investment, if it were a good risk, there would be no need for Government subsidy. To argue that an investment of $1.3 billion is beyond the capability of America's private financial institutions is utter nonsense. The prototype cannot be financed by American business only because to do so would be bad business.

The SST may even be bad business for American aviation. It is inefficient and costly, and the airlines of the United States have unprecedented debts and huge operating losses. The last thing they need is a new uneconomical aircraft that will speed the obsolescence of their present fleets and raise their capital charges further. But the future prospects are worse. The SST is not realistic technical progress. In the past, new aircraft introduced through the ingenuity of the American aircraft industry have not only brought increased speed, range, and comfort, but even more important, they have brought reductions in the cost of flying. Not so with the SST; it will increase cost per seat-mile. Consequently, unless taxpayers are called upon for further subsidies, air fares will have to be higher than they would otherwise be. The higher air fares, the less the air travel; hence, the fewer the airline jobs, eventually the fewer the aircraft produced, and perhaps fewer aircraft industry jobs too.

The SST is not, as it advocates protest, a good way to maintain or create jobs. It is true that the additional $425 million Government expenditure will support employment, but any half-billion-dollar expenditure would do the same thing, and there are many ways that half a billion dollars could create more jobs than would subsidizing the SST. The basic way for the Government to support employment is to get the economy back on the track—not to use the aerospace industry as a welfare agency, in disguise.

The industry and the FAA representatives have persistently argued that the SST should be supported because it would have balance of trade benefits. However, in the long run, the forces of international commerce and finance tend to induce shifts in trade, price levels, and other economic relationships so as to remove imbalances in international payments anyway. Any so-called favorable balance-of-trade impact of the SST will certainly not occur much before the end of the decade. In the meantime, its effects will be adverse—it will contribute somewhat to inflation, and hence to encouraging imports; more directly, it will probably discourage the exportation—and production—of other commercial aircraft. No independent economist of national stature accepts the balance-of-trade argument, and leading economists of widely divergent political persuasion have categorized it as "a complete 'red herring' "—Friedman—or "If the Government is foolish enough to want to spend $1.2 billion in subsidizing uneconomic exports, it can get much better value for its money than by buying a lottery ticket toward what may improve our balance of payments by 1978 to 1990"—Samuelson.

Even if the U.S. SST were not an ecological threat and a potential economic catastrophe, no one can argue that it is a matter of high priority. When its advocates say that it would eventually support hundreds of thousands of man-years of employment, they are right—just as would any comparable expenditure. But that also says that it will cost hundreds of thousands of man-years of labor. They are saying that those hundreds of thousands of man-years of labor—many of them highly skilled—will not be available to move into the production of the goods and services needed to provide adequate housing, mass transit, better health service, better education, cleaner water, purer air. When the Government is simultaneously trying to fight inflation, return to prosperity, improve the quality of life, and prevent gargantuan growth of bureaucracy, subsidizing the SST has low priority even under the most optimistic assumptions about its benefits.

Yet there is a clear danger that the Government of these United States cannot extricate itself from the forces converging upon it to impose this program on the taxpayers. The aircraft companies, the airlines, and their trade associations, with some of their associated unions, have converged upon Washington with massive and diverse pressures.

They have lobbied incessantly in both Houses of Congress. Representatives of Boeing and of General Electric have made innumerable visits to Congressmen and Senators and their staffs.

They have been reinforced by trade association executives, and by scores of expensive special-interest lobbyists associated with aviation. Together they have put forward reasonable arguments, unreasonable arguments, and entirely ludicrous arguments.

Mr. JACKSON. Mr. President, will the Senator from Iowa yield at that point?

Mr. HUGHES. I yield.

Mr. JACKSON. I was curious why the Senator failed to mention organized labor in his statement on lobbying efforts.

Mr. HUGHES. I think I did mention it.

Mr. JACKSON. The Senator did mention it?

Mr. HUGHES. I said together with some of our associated trade unions.

Mr. JACKSON. The AFL–CIO, headed by George Meany, made a very substantial effort on behalf of this program. I assume the able Senator from Iowa is not objecting to Mr. Meany's efforts on behalf of this program?

Mr. HUGHES. I am a recipient of the lobbying efforts of the AFL–CIO.

Mr. JACKSON. I do not believe that there is anything wrong with that effort to speak for labor. Who has lobbied on the other side?

Mr. HUGHES. I would have to get the names of the individuals. I do not have that present with me in the Chamber at this moment.

Mr. JACKSON. The Senator will say that there has been very active lobbying against the SST, though?

Mr. HUGHES. I would certainly suggest that there has been, yes.

Mr. JACKSON. And they have spent money?

Mr. HUGHES. I am sure that they have.

Mr. JACKSON. The Senator is aware of George Meany's testimony——

Mr. HUGHES. Yes.

Mr. JACKSON. Before the Appropriations Committee, when he pointed out that the Russian Government, for one ad, covering two pages, spent $7,000. Is it not fair to say that there is a lot of lobbying going on on both sides on this effort?

Mr. HUGHES. That is always fair on critical issues that face any State legislature or the Nation or that face Congress. I do not attempt to say that there has not been lobbying on the other side.

Mr. JACKSON. Yes, but I do not know of anyone who has stood up in opposition to the SST and said anything about the big Russian ads in Aviation Week magazine.

Mr. PROXMIRE. Will the Senator from Iowa yield right there?

Mr. HUGHES. Well, I would hope that the distinguished Senator would be able, on his own time, to make a speech on his statement.

I yield now to the Senator from Wisconsin.

Mr. PROXMIRE. Does it not strike the Senator from Iowa as weird for anyone to say that the ads the Russians took to advertise their plane is an effort, somehow, to oppose the SST? That ad has been used over and over again on the floor of the Senate, an argument for the SST. If we read the Washington Post's article, the one the other Senator from Washington put in the RECORD a few minutes ago, what does that say? It says that what the Russians are anxious to advertise the SST to get us to go ahead with the SST, too, and then they could lobby with their own people to go ahead with their own plane.

Mr. JACKSON. Is the Senator denouncing George Meany?

Mr. PROXMIRE. No. He is a great man. He is a great leader. But he is wrong on this issue. All of us can be wrong at times. He is wrong on this one. I would not denounce him, of course, but I think he made a mistake, and he made a real one on this one.

Mr. GOLDWATER. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. Mr. President, I would like to have this colloquy take place at the conclusion of my speech, since it completely distorts the meaning and the thrust of my speech.

I yield now to the Senator from Arizona, but I do not wish to use up all my time on colloquy. I have a limitation on time on the amount of subject matter I would like to get into the RECORD.

Mr. GOLDWATER. I should like to ask the Senator if this would not be a proper place to put a little bit of evidence in the RECORD.

I am a member of the Sierra Club. Lo and behold, when I was in Arizona last week, I received my monthly bulletin, and what was in it? What did I see? I saw the smiling face of the distinguished Senator from Wisconsin (Mr. PROXMIRE) in a photograph, with a little bit of information reminding me that the SST is on the skids.

That is nice lobbying. I do not object to any of that. I would like the Senator to put my name on his mailing list and I would appreciate it, but I do not like to see it in my Sierra Club bulletin. [Laughter.]

Mr. HUGHES. Mr. President, my line of thought has been disrupted again but I would like to return to my speech when I yielded to the Senator from Washington and discuss the main thrust of what I was saying.

They have threatened and cajoled, they have exaggerated the dangers of unemployment in district after district and State after State, as if spending on the SST were the only way to maintain or create jobs.

They have made economic arguments that fly in the face of the most basic economic principles. In the name of free enterprise, they have begged for socialized support of one of America's great industries. They have attacked legitimate fears about noise, sonic boom, and atmospheric disruption as myths. They have abused facts and statistics.

It is impossible to exaggerate the importance of these tactics in pursuit of government largesse for a purpose that is virtually devoid of redeeming social value. They are debasing our pluralistic system.

They have pressed their particular technocratic interests upon each legislator. Every legislator has the responsibility—a vital responsibility if representative democracy is to survive—to represent the common good of all his constituents and of the American people as a whole. Yet this enormous lobby, which itself claims that only 0.2 percent of existing jobs are at stake, is demanding that their particular interests be served at the expense of 203 million Americans.

One must expect pressures in our system. One must expect and even welcome forceful, honest, tough lobbying. I have no argument with that, as I indicated to the Senator from Washington. But just as the anarchist who presses basic civil liberties to destructive extremes thereby jeopardizes the preservation of those very liberties, this lobbying is going so far as to raise legitimate doubts about the ability of Congress as a whole.

The pressures go beyond lobbying. Some aviation interests have undertaken retribution against political leaders who stand up against them. The most blatant case is the effort to get aerospace centers to boycott Wisconsin cheese because Senator PROXMIRE has been deeply involved in the fight against the SST.

Aerospace lobbying goes beyond the direct approaches to Senators and Representatives. They have launched an enormous propaganda campaign. Radio stations repeat again and again slanted spots, spots that distort and deride anti-SST arguments and pose half-truths or irrelevancies as retorts. The Orwellian iteration and reiteration of emotion-laden trivia is itself distasteful and ominous. The spots end by urging listeners from all over the country, if they believe the sponsors' slogans, to put still more pressure on their Congressmen.

Some of the pressures put upon members of Congress suggest retaliation for a vote against the SST. But in the private sector there are indications of the same kind of morality at work. The Boeing Airplane Company has made thinly veiled threats that firms associated in any way with aerospace activities must support the SST—presumably, to keep on the good side of that giant of the industry with its billions of dollars for subcontracts.

Recently Boeing sent a circular to several thousand companies, addressed as "suppliers and subcontractors to the aerospace industry," pressuring them to pressure Congress for the SST. It is an amazing document. It urges:

> Don't overlook the tens of thousands of people who work for companies such as yours. You and your people are encouraged to join with us . . . This can best be done by (making) your representatives in Washington, D.C. aware of your position. Employees should write their Congressmen—then contact their personal friends and relatives with encouragement for them in turn to join this effort. Company management assistance is vital to stimulate this action and your personal efforts are requested . . . Past efforts of mail campaigns proved very effective during late 1970—Your company with several thousand others is being asked to assist.

Then, just in case some unsophisticated supplier did not fully understand his position, the memorandum closes with:

> We trust you will react with personal effort. Feedback regarding your company's activities for support is very important for over-all assessment. It will be very much appreciated if activity status is forwarded to the following address.

There is an interesting footnote to this effort to pressure suppliers to pressure their employees to pressure the Government. It is this: the Government could be paying much of the cost of the maneuver. Here is how it works: "The company management assistance," as well as the time of company clerks, mailroom staffs, Xerox operators, and the other effort spent on the job in behalf of this lobbying effort probably is charged to overhead. And in its cost-plus-fixed-fee contracts, which are the life-blood of the aerospace industry, the Government could pay the overhead:

There are other threatening aspects of the SST caper. President Eisenhower, at the end of his Presidency, warned America against the dangers inherent in the burgeoning military-industrial complex. There is a danger that comparable, unwholesome Government-special interest syndicates will grow wherever Federal bureaucracies provide vast sums to particular groups over long periods. If that happens the consequences for the functioning of the representative democracy can be far-reaching. Congress should be able to rely largely on the executive branch for reasonably accurate and unbiased expert opinion in technical areas. The executive is, after all, theoretically responsible to the Nation as a whole, but experience with the SST shows many signs that the relevant Federal agency and the industry it is supposed to regulate and support do anything but deal at arm's length. And the testimony and deportment of the FAA flunk the test of objectivity.

In its testimony the FAA has followed the industry's line and position point by point. It has derogated the opposition rather than dealing seriously and objectively with its concerns. Mr. William Magruder, Director of Supersonic Transport Development, has carried with him to his Government assignment his point of view, his experience, his aviation background, he could hardly be expected to look objectively at the elegant new vehicle whose development has been entrusted to his care. No one need question his sincerity, but he appears before congressional committees not as an objective Government administrator committed to the economic and social well-being of the Nation as a whole, but as a man steeped in the lore of one industry, with whose fortunes his own fortunes, as they have in the past, rise or fall; he comes before Congress not as a rational balancer of pros and cons but as an advocate.

His testimony has again and again made the aerospace industry's case. But it has not made it in a competent, objective, analytically sound way. In my opinion, he has made the case as one trying to sell his particular point of view. It has made the case as propaganda. I will not detail the deficiencies in his recent testimony here. But I shall only deal with this one question of whether in his role as a high Government official, Mr. Magruder is in fact presenting special interest rather than public interest argumentation. One expects an agency head or any other senior official to be committed to his own programs and to argue to increase his own budget; when he discusses expenditures for the interest of a particular portion of the private sector, the situation is quite different, however.

His March 1 testimony followed the industry's ploy of trying to indicate that the United States is trapped into subsidizing the SST. He describes the trap as the near certainty that foreign supersonic transports will be produced, will be economically viable and will force large slashes in American aircraft sales. That alleged chain of events would both curtail the aircraft industry and its employment and would drastically reduce our export trade balance and impair America's world prestige and its technological leadership, according to the argument. In effect the United States has allegedly lost its opportunity for free choice: Unless we spend immediately nearly another half billion dollars the Nation will suffer dire consequences.

This is not an entirely absurd argument on its face, although I certainly think it is a wrong argument. What is important is that every step of the argument is debatable and problematical. Yet the FAA gives no objective even-handed treatment to the uncertainties or counter arguments, but instead treats uncertainties as if they would all be resolved favorably and ignores or derides opposing arguments. Further, the FAA introduces arguments that are simply unacceptable. The balance of payments argument is a case in point. For months competent economists have pointed out that the argument has no place in the SST discussion; yet the FAA continues to present it and to do so in an erroneous way. Similarly, Mr. Magruder's testimony is misleading in its emphasis on what he calls productivity, on the relationship of the SST to airport and airway congestion, on the use of many of the cost and other estimates associated with the prototype program and the eventual operation of a United States SST.

It appears clear that within the Administration, the FAA has succeeded in carrying the day for the aerospace industry's position on the SST. Only last summer and fall there was healthy controversy within the Administration; some departments and agencies pointed out problems and doubts and to varying degrees dissented. This is explained by Mr. Magruder on the grounds that the administration now unanimously accepts the idea that the Concorde will be not only operationally practical but economically competitive. During the past several months the Concorde has been successfully test flown at supersonic speeds, but in the same period estimates of its payload and range characteristics have deteriorated, its expected operating costs have risen, and several major airlines including Pan American, TWA, and even British Overseas Airways have publicly expressed doubts about it. Last November British Aircraft Corporation admitted that it would cost 36 percent more per seat-mile than present subsonic jets.

The industry and the FAA assert that the SST will never be allowed to fly at supersonic speeds over populated portions of the United States. The value of the domestic market to operators of a high-speed long-haul aircraft is compelling. Is it imaginable that 10 years hence, if the SST should be operational, the then presidents of the Air Transport Association and the Aerospace Industries Association will appear before Congress to argue that the ban on overland supersonic flights should be preserved even though its removal would be highly profitable to airlines and manufacturers alike? Where will the FAA stand? Now it is opposed to legislation that would ban such flights.

The PRESIDING OFFICER (Mr. COOK). The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield 5 additional minutes to the Senator.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 additional minutes.

Mr. HUGHES. In the past it has made public commitments to stand up against the pressures of aviation interests. It committed itself, for example, to keep jets out of National Airport; then when jets were allowed to come in, the FAA was going to preclude big jets. Now that big jets have been operating at National, the FAA is going to determine whether such operation has had adverse effects not on local residents or on the air travelers but on other airports.

Other things could be cited to suggest that here is a case where the executive, through one of its major agencies, is subservient to a high-technology special-interest group. I shall mention only one more: the contract between the Government and the prime contractors. According to Mr. Magruder's testimony, it would cost the Government more than half as much to cancel the contract as to continue with it. I am told that some figures presented by Secretary Volpe total about $115 million in cancellation charges. If Mr. Magruder's figures are exaggerated why would he use them? I think it is clear that this is more of the effort to place Congress in a position where it is trapped, where there is no way that it can do much to cut down the program's costs no matter what it does. Who engineered a contract that would lay such a trap—or even present the appearance of such a trap? The FAA. Such a contract, involving either a $115 or a $300 million penalty clause, does not sound like the product of arms-length bargaining.

THE REAL ISSUE

The issue of the SST rises above the questions of ecology and economics, important as these are. It gets to the heart of the question of whether the Congress of the United States can, in the face of the full exploitation of the media and the technology mystique, act in the interest of the whole of the American people.

Now, let us look, in summary, at where we are in March 1971 with respect to both the SST and the broad social and political context of this controversy.

With regard to the SST we are presented with a proposal to appropriate some $420 million for the remainder of this fiscal year and next in order to build two prototypes for the SST. This is almost certainly throwing good money after bad. The SST is not a good enough risk to get private financing from the richest money market in history. It is even uneconomic for the airlines. It is not a good instrument for sustaining employment. Its balance of payments effects are uncertain; any "favorable" ones will be delayed for nearly a decade, and are fundamentally a "red herring" anyway. The aircraft might be an ecological disaster; it probably will cause some environmental damage and it certainly will do absolutely nothing to help solve our environmental problems. The subsidy is a proposal to tax the average taxpayer to benefit a small relatively wealthy fraction of the population. There are no unambiguously good arguments for the SST program.

But the program has had massive, persistent, support from a syndicate of aerospace corporations and technocratic Federal officials. They have coordinated their lobbying. The lobbying has employed the highest pressure tactics; it has been biased, dissembling, emotional, inaccurate. Industry tactics have included a propaganda campaign, concealed threats, and open efforts at retaliation. The interlocking interests of FAA officials and the areospace industry have led to the development of a coordinated effort to box in the Government of the United States, through presenting an exaggeration of the threat of foreign commercial dangers and developing a contract that the FAA argues is such that little money would be saved by terminating the program now when only two-thirds of the planned Government expenditures have been made. Within the administration as a whole it appears that all opposition and serious doubts have been suddenly dispelled or abruptly silenced.

That is the SST situation.

This situation has arisen at a time when the American system of representative democracy is under severe attack from extremes of both left and right. There are vociferous partisans who protest that the Government is neither representative nor democratic; that the national policy and economy is in reality run and manipulated not for the people as a whole but for big business, for "the establishment," or for monopoly capital. They charge that the workings of Congress and the executive branch are determined by the dictates of a small oligarchy of wealthy industrialists intimately interlocked with finance, education, big labor, and above all Government; that this oligarchy is driven by the relentless forces of an uncontrolled addiction to technology, irrespective of human values; that there is no effective force in the country countering this syndicate, that Government is its puppet, helpless to extricate itself from the tentacles that grasp it from every angle.

This is a picture of America that is widely accepted among our young people, it is a picture that is reflected again and again in contemporary theatre and literature, it is a picture that has grown tremendously in its appeal in recent years. It is in my opinion still a false picture of America. Despite the ubiquity of pressure groups there is in my view some balance among them; our Government is still manned by many individuals concerned with promoting the general welfare.

But if Congress at this time approves the SST it will in doing so do three other things. It will provide the critics of the American system with an important piece of evidence that they are right. It will prove that at least at this time in this one area the system is in fact run by a syndicate of industrial and governmental partisans. It will carry the Nation closer to the day when the evil picture of America is in fact a true representation of our country.

Mr. President, I thank the distinguished Senator from Wisconsin for yielding.

Mr. PROXMIRE. I thank the Senator for an excellent speech.

DOLLARS AND SENSE

Mr. BELLMON. Mr. President, the Senate has spent many hours debating the question of the supersonic transport plane. But when all is said and done, and regardless of what action the Senate chooses to take, there will be an SST. The only question is whether Americans build it or whether Americans ride in planes built in other countries.

So let us look at this matter from the financial point of view. It really comes down to a dollars and cents proposition; or in view of some of the doubtful arguments that have been raised by the opponents, perhaps a more appropriate term would be "dollars and sense."

Disregarding long-range production of an SST, and limiting our considerations only to the developmental aspects, several factors should be carefully considered.

The total estimated cost of the program to develop two prototype aircraft, a program which was begun 9 years ago, is $1,342 million, of which $864 million already has been spent. Even if the program is terminated as of March 30, the Government would still be required to pay between $97 million to $178 million in additional costs, just to stop the project two-thirds of the way through to completion.

These figures represent only the Federal Government's investment in this effort to maintain this Nation's position of leadership in air transportation. In addition to these funds, the aerospace industry and commercial airlines also have invested heavily for the development of a safe, clean, economically feasible supersonic airliner.

To date private capital in the amount of $403 million has been invested. Of this amount, $215 million has come from Boeing, $59 million from the airlines—as risk capital—$94 million from General Electric, and $25 million from subcontractors.

If the current development phase is completed, another $381 million will be supplied by industry sources.

In the development phase alone, 23,600 are employed in primary industrial jobs. An additional 48,616 jobs are indirectly involved, for a total of 72,216 jobs.

This represents an annual payroll of $697,680,000. Even using the low level average tax liability of 22 percent, the return to the Federal treasury on this payroll alone will amount to $153.5 million, more than half of the appropriation in question. The second year would more than repay the $290 million expenditure.

Discontinuation of the prototype program would lead to additional Government costs in welfare and unemployment benefits. Aviation workers would not go directly on welfare but would cause downward movement throughout the labor force. Average costs of these benefits, plus administrative overhead, is $3,949 per year for each unemployed person. Multiplied by 72,216 employees who without the prototype program would be out of jobs, the additional cost of this additional unemployment to the Government would be $283.3 million per year. Adding the $153.5 tax income to the prospected Government costs of adding to the unemployment rolls we find that the total loss to the Government would amount to $436.8 million. U.S. invests $290 million—almost $150 million better off by end of first year.

It is obvious, then, that the cost of not carrying through the prototype program would result in direct welfare and unemployment costs which in just one year would equal the appropriation being sought.

Mr. President, in view of the amount of tax payments being made by present jobholders, and the costs that would result from welfare and unemployment benefits for these men and women if they lose their jobs, the economic gains of following through the prototype program far outweigh the costs. In the meantime, valuable scientific and technical information will become a part of our knowledge resources, and the United States will continue its dominant position in world aviation.

For my part, Mr. President, I think it makes much more sense to keep these workers gainfully employed and productive contributing citizens rather than forcing them to become unproductive burdens on our social welfare system.

In my opinion there is only one conclusion for the Senate to reach today, and that is to provide the necessary funds to keep this project on schedule and allow it to be completed. To do otherwise would be a disastrous step backward.

Mr. PACKWOOD. Mr. President, in January I sent a questionnaire to the registered voters in 27 of Oregon's 36 counties. One of the questions was:

> Do you favor continued Government funding of the SST?

The response was as follows: 40,000 Oregonians responded and of those giving a yes or no response 76.4 percent answered no. This morning I received a questionnaire from an adviser to a political science club at McNary High School in Salem, Oreg. The adviser, Mrs. Lemley, polled the club on all my questions. On the SST, the result was unanimous. All 20 students are opposed to the SST. I hope the U.S. Senate will accurately reflect the views of the Political Science Club at McNary High School.

Mr. HRUSKA. Mr. President, I rise in support of the continued funding of SST prototype planes.

Mr. President, I have received a great deal of mail both pro and con about the proposed supersonic transport. These letters carry as much conviction and sincerity as any category of mail I receive. I am sure that this is the case with the mail received by the other Members of Congress.

Unfortunately, however, my correspondence points up the fact that there has been a great deal of misunderstanding and even misinformation about the program as it affects the Nation technically, economically, and environmentally.

Perhaps one of the most common misunderstandings has to do with the belief by many people that the issue now before us is whether there should be mass production of the SST. This, of course, is not the fact. The immediate issue is whether enough money will be appropriated to finish construction of two prototype or test SST planes. The further fact is that if after they are built and have actually been flight-tested, they do not fulfill stated requirements, they will not proceed to manufacture. This is the plain and flatly stated position of the Nixon administration as testified to by Secretary John Volpe, of the Department of Transportation.

Mr. President, I concur with this policy and approach. I will oppose full production of SST unless it meets these requirements:

First. It must be safe.

Second. It must be economical.

Third. It must comply with prescribed antipollution standards.

Only actual field and test flights can decide these points. The pending measure in the Senate right now provides for funds which will enable completion of the two test SST planes. I favor and will vote for this measure.

This program, Mr. President, is one which started in 1962 under President Kennedy. That is when appropriations for the two test planes started. They total about $866 million to date. It will take about $478 million to complete construction of the two planes. But it would take about $335 million to terminate the program now. Hence, the net sum in dispute is the difference between these two figures, or about $143 million.

Opponents now seek to junk this project and abandon the large investment already made. A very pertinent question is: Why did they wait till this late date to take such an obstructive course?

Many of the reasons advanced against the program have been disproven. Some of them were groundless and without foundation from the outset. These opponents are opposed to the expenditure of the net difference of $143 million, pursuant to a plan and procedure supported by Congress since 1962.

Query: Are these opponents afraid that their fear arguments will be totally discredited if the actual flight tests occur?

Many objections stated have already been disproven. Noise is one of them. Fear of the sonic boom is dwelled on greatly. The fact is that SST engine plans have been improved so as to enable it to meet the 108-decibel sound level now laid down by the Federal Government on all big new airliners. Most jets now in intercontinental service do not meet this standard. But SST will do so.

Acceptable control of air pollution is also well near solution. It will be completely solved by the time the plane is completed. There is evidence that the SST will be cleaner and quieter than commercial jets flying today. It is estimated that one SST carrying 300 passengers at 1,800 miles per hour will emit no more pollutants per mile than three autos traveling at 60 miles per hour.

Various other claims against the SST based upon fear or conjecture, or both, bring to mind some of the fears expressed when General Yeager planned the first supersonic flight by man a few years ago. Some experts firmly predicted that he would disintegrate in flight, or even become a vegetable. Or that his bone marrow might mineralize. None of these things happened. Since that first flight men have gone to the moon—and come back.

When the Panama Canal was proposed some 60 years ago, some timid reactionaries afraid of the future, denounced the proposal. They argued that it was only for the benefit of a few New York-San Francisco shippers and merchants; that it would cost too much money, which could be spent for better purposes. Today snide references to the jet set take the place of the merchants and shippers. No comment is needed on the Panama Canal objections. Very little more, if any, is needed on jet set arguments.

To cancel SST at this point does not mean there will be no SST. It only means that someone else will build them, and sell them. Russia has announced two regular scheduled flights long distance and intercontinental, with their SST. They are advertising in American aviation journals their version of SST for sale "in any part of the world." The French-British Concorde SST prototypes are already flying and testing.

So the real questions—if SST meets flight tests—are: Will the United States build or buy SST planes in the future? Will the United States retain its aircraft industry superiority—it now makes 80 percent of the world's needs—or will it lose same to foreign powers? Will the United States enjoy and prosper with the 50,000 jobs to make SST planes and the added 150,000 jobs needed in SST-related industries, or will these jobs be exported to foreign countries?

Such jobs will produce the tax and other revenues which will enable the United States to continue many of its programs for human needs.

It is said the money for SST could be used for better advantage in the field of human needs. In the first place, jobs are the very essence of filling human needs. Second, the net amount in dispute on the pending measure comes to about $143 million. A goodly amount to be sure. But consider that the 1972 budget contains some $96 billions for human needs now. So the net amount in dispute does not loom too large relatively; and again: the ultimate 200,000 jobs will go a long way to filling many human needs and national income.

Approval of the pending measure will enable us to have all the facts needed to determine whether full production of SST should go forward. We should act upon firm, intelligent information.

I have faith in America's ability to make a sound decision as to full SST production when all the facts are in.

In the best interests of America, the present program to complete the SST prototype program should be finished. It would be a gross and dangerous mistake to refuse to conclude a task which Congress started in 1962, and which is so far along.

Mr. BEALL. Mr. President, whenever a controversial issue, such as the SST, comes before the Congress for consideration, each of us receives vast amounts of mail. This morning I received a letter from one of my constituents that made a special impression on me and I would like to share it with my colleagues at this time. Incidentally, I returned the check to the sender.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BLADENSBURG, MD.,
March 22, 1971.

DEAR SENATOR BEALL: I heard yesterday that it would cost each American $7.00 to build the SST. I enclose my check for $7.00 with a hearty "Let's Fly!"

Never mind about the poverty, housing and education arguments against it. We have always had poverty. We have always needed housing and schools. That didn't stop us from moving from Kittyhawk to the 747.

America seems to have lost her sense of adventure, her enthusiasm for conquering new horizons. Our moon shots don't even excite them anymore.

Could the fault lie with the Congress, whose members seem to be going through life now staring at their feet. They seem to have grown old and quarrelsome. Not a very good example for the nation. The President certainly can't be blamed. His programs are innovative and he seems to be enthusiastic about them. He never panics no matter how bad the situation.

I urge you to vote for the SST and influence as many as possible to do the same and try to perk up that dead Congress!

Sincerely,
(Miss) GRACE V. MONTGOMERY.

Mr. BIBLE. Mr. President, how much time remains to the proponents and the opponents.

The PRESIDING OFFICER. The time remaining is 43 minutes for the proponents and 50 minutes for the opponents.

Mr. BIBLE. Mr. President, I yield 10 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I recall clearly the time when the concept of the SST was originated to military preparedness. The larger subsonic jet aircraft that commercial airlines now use originated from the research, development, testing, and engineering that produced our military planes. I refer to the B–52 and the tankers that go along with the

Boeing 707, and the later and larger commercial planes.

All of that research, development, testing, and engineering required years, but out of it came the weapon that spanned the gap and still does with reference to our security, our preparedness, and our military security—our so-called long-range bomber. We had another long-range bomber program, the B–70. However, in time, and before production, long before production, that program was canceled.

There were years when we had no advanced research going on, and no development, testing, and engineering in the supersonic plane. It was during that time when we had reached a policy decision not to have any more military planes that this commercial plane concept originated and was placed before Congress and adopted. That was one of the main reasons I supported it from the beginning. Subsequent facts have confirmed and restrengthened my views as to why we should continue with this program, especially since we have gone so far, because it is now the connecting link, and the only valid connecting link, in the research, development, evaluation, testing, and engineering that have gone on, and will go on for the next 2 or 3 years, with the big long-range bomber we have decided now we do need, the B–1, which has already been approved by the Congress. It is in the stages of early research. It has not reached development. It has not reached testing. It will be several years before it will reach those ultimate stages.

So the only program of substance going on now to fill this gap in the supersonic military and transport needs of our Nation—whatever they may be, and no one can be certain—is the SST.

So I think we would be making a bad mistake from the standpoint of preparedness to turn our back now on this plane, on the research and development into which we have put so much money, when we are on the threshold of either success or proven failure, and leave this void of several years before we will have any substantial progress on the new military long-range bomber. It is unthinkable to me that that would be sound even today.

I believe that so many other so-called issues, which I do not think are vital, have come into this matter and obscured the real picture. I believe that is where the main trouble is to be found.

So I urge the Members of this body who have not had an opportunity, especially those who have not been here long, to really get into the very insides of this problem from a military preparedness standpoint, to consider this point as a major one, and which should be the determining one.

Remember that we have no really follow-on bomber now to the B–52. We canceled out what little we had. We just have some paper bombers that will not be into the field of research like the SST is now for several years.

These sound like large figures, of course, and they are large figures to me, but when we go into the business of military and commercial planes, we have to talk in terms of millions of dollars. There is no way to avoid it.

Heretofore I had been chairman of the subcommittee that included consideration of the SST. In my judgment, they have done an exceptionally good job in their process of research, development, and testing. We have now our money's worth, so to speak. And now when we are almost reaching the ultimate base, as far as the elementals I have been talking about are concerned, it is just inconceivable to me that we would turn down our own project here, in which we have invested all these millions and millions of dollars—not counting what is in this bill, only $134 million—when we would need $340 million to reach home base so far as development, testing, and engineering are concerned.

It is inconceivable that we would turn our back on it now and throw it overboard and lose all this investment, plus the additional sum of termination costs, which have been estimated from various standpoints, but the lowest is $97 million, the intermediate figure is $119 million, and the highest one is $178 million. That is for termination costs. I do not think we should assume that liability, instead of paying the $134 million provided for in the bill, and then the $340 million additional, which will give us all the fruits, whatever they may be—and I think they will be substantial—and the benefits of the entire project up to the stage of production. Those fruits will certainly be a long, long step forward, according to all the arguments, in the field of commercial aviation, as one that will be necessary. I know it will be a long step forward as a connecting link for our necessary research, development, and so forth, in the field of long-range bombers, for military preparedness.

I do believe that the long-range bomber is one of our most important weapons. We must remember what it means, after all, to turn loose missiles. We would have to assume that they would all fire and all reach their targets, whereas the long-range bomber, with the same kind of weapons, is a powerful argument when it starts on its way.

So I hope we do not turn our back on this fine project, but have the faith that is necessary in all such projects, not only in commercial aviation but in military preparedness, to see it through and give it a solid vote, whereby we can settle this issue and be on our way.

I thank the Senator for yielding. I yield back such time as I may have left.

SCHWEIKER CITES ECONOMIC ARGUMENTS AGAINST SST

Mr. PERCY. Mr. President, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) has written an excellent article describing the reasons why he is voting against continued spending on the SST. The article appeared on the editorial page of the Philadelphia Inquirer today.

Senator SCHWEIKER's arguments regarding doubtful economic viability of the SST program parallel many of my own reasons for opposing the further appropriation of funds for the SST, and I ask unanimous consent that the Inquirer article be printed in full in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FLYING WHITE ELEPHANT"—HIS VOTE IS NO ON SST

(NOTE.—Pennsylvania Senators Hugh Scott and Richard S. Schweiker were asked for their positions on the supersonic transport vote which is scheduled for today in the U.S. Senate. Senator Scott's statement was not received. Following is Senator Schweiker's reply.)

WASHINGTON.—Today I will be asked to vote on whether or not this country should continue spending millions of dollars to build two experimental supersonic transport airplanes. I intend to vote no.

Last year I joined the majority of the Senate in voting against the SST appropriation partly because of my concern with the environmental damage the SSTs could cause, but primarily because I am not convinced that this is an economically viable program.

A new element this year is a well-financed public relations and advertising campaign strongly urging SST funding, with major arguments being advanced that the industry can make the SST meet new environmental standards, and that it is essential for us to remain the international leader in the aircraft field.

New data on the SST, however, reinforces my economic concern. I will vote against the SST again to prevent the taxpayer from being saddled with a flying white elephant.

The total cost of the prototype program was originally to be $750 million. Currently, estimates are $1.3 billion, but with the well-documented history of cost-overruns in the military aircraft field, the price-tag could easily mount to $2.5 billion. At a minimum, the technological improvements which must be made to meet environmental objections, such as noise softeners, indicate increased costs for the prototypes.

Beyond the presently requested financing for research on the two experimental prototype planes, however, the Federal Government is likely to be asked to subsidize the production costs also. The aircraft industry is in perilous financial condition, with Lockheed suffering major losses because of the C5A and Rolls Royce in deep trouble.

Boeing has asked the taxpayers to finance the research and development, and I predict that similar help will be requested for production, running the total costs to perhaps over $5 billion.

First of all, how will the airlines be able to buy SSTs without federal aid? The twelve major U.S. airlines suffered financial losses of over $120 million in 1970, and anticipate losses of $192 million in 1971, and $279 million in 1972. The three major transatlantic airlines, the primary SST competitors, lost a total of $130 million themselves in 1970.

One SST alone will cost nearly $50 million, more than any airline made in profits in 1970. Some analysts are even now predicting we will soon see a "Penn Central of the airline industry."

The 747 costs half the price of an SST, requires less fuel to operate, carries more passengers than the SST will, and is more economical to fly, but even current sales of the 747s are declining seriously. If we force the airlines into another expensive round of competition with the SST, which they cannot afford, you can bet the government will be asked to pay the bill.

Secondly, however, British and French studies this year of the Concorde, their version of the SST, indicated that it will cost twice as much to operate the SST as the 747s. Since the airlines are already in financial trouble, if they begin operating SSTs at a loss they will undoubtedly be back to the public treasury for a hand-out.

Basically, this a question of national priorities for the taxpayers, because the result of SST funding will be higher taxes or cutbacks of other essential government programs.

I strongly favor using our limited resources for higher priority programs, such as mass transit, housing, education, and medical care.

The argument that we need the SST program to support employment in the country is deceiving at best. If we spend an equivalent amount of money on better programs, particularly involving domestic-use technology, we will provide just as many jobs, if not more, than the SST will. But in addition to creating jobs, this money will at the same time create productive projects beneficial to all citizens, not just a handful.

So, we have an aircraft program, researched, developed, and most likely produced, and operated by the taxpayer through government subsidies, to enable the few passengers who will pay the premium rates (higher than current first-class fares) of the SST to save a couple of hours of flight time. If this program was truly warranted economically, the private financial market would be willing to bear the risks of financing it.

After all, the American superiority in the civilian aircraft field was achieved by private enterprise, without direct government subsidies, and I do not think we should increase the already heavy tax burden of all our citizens for the benefit of an expensive, uneconomic airplane.

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from South Dakota (Mr. McGOVERN).

SST: AN UPPER-CLASS EXTRAVAGANCE

Mr. McGOVERN. Mr. President, I want to take this opportunity to express again my opposition to continued Government funding of the civil supersonic transport program. I have long opposed the SST and am much encouraged by the House rejection of the program last week. Hopefully, the change in House sentiment which has occurred during the last year reflects an awakening to the contradictions which continue to stand in the way of the United States achieving the greatness we all desire.

I have never viewed the SST issue as particularly complex. Perhaps it is because as chairman of the Select Committee on Nutrition and Human Needs I have constantly been reminded of how much food the yearly SST appropriations could have provided for the undernourished poor of our Nation. The best available estimates indicate that from 12 to 14 percent of our population lives in abject poverty and more than 15 percent require some kind of nutritional assistance. These are people whose essential needs are not being met—people who live in substandard housing on deficient diets—people whose existence is further degraded by a high incidence of disease both emotional and physical.

Their needs are immediate and compelling. It is difficult to imagine any need less immediate and less compelling than the supersonic transport plane. SST's—American, British-French, or Soviet—are strictly snob appeal vehicles whose high fares limit their market to less than 3 percent of our population. It is small wonder that the taxpayers have revolted over the prospect of their money being spent on such an extravagant, upper-class gadget.

I am not going to take the Senate's time to reiterate the case against the SST that the Senator from Wisconsin (Mr. PROXMIRE) has so meticulously presented over the last few months. The economic and environmental objections to the SST program are well understood, primarily as the result of Senator PROXMIRE's diligence. But there are three aspects of the issue which I feel can be usefully discussed even at this late hour: First, the Department of Transportation's claim that 150,000 jobs are at stake in the SST prototype program; second, the effect of an operational SST fleet on the fare levels of subsonic jets; and third, the notion that the environmental questions concerning the SST have all been answered;

The Department of Transportation has been using its 150,000-job figure for years in its presentations to the Appropriations Committees of the Congress, but a careful reading of the hearings indicates that the figure is at best an estimate with very little solid research behind it. Moreover, it is a figure based not on the prototype program which we are considering today, but on the production program—a program which will not even begin until the last part of this decade. Any possible job payoff in the SST program is so far in the future as to be largely irrelevant in a discussion of the current unemployment rate. The prototype program involves at the most 13,000 direct jobs. It has been estimated that if the $290 million budget request for the SST were invested instead in low-cost housing, some 32,000 people could be employed this year. To really meet the problem of unemployment, we ought to be emphasizing Government support for labor-intensive projects such as housing or hospitals or schools rather than for the SST which channels so much of its funding into equipment and research.

The fact is that the SST is not a very good answer to the unemployment problem. It represents an effort not to create jobs but to create artificial demand in an industry which is running out of things to do. The Boeing Co. is presently faced with just the situation that will be confronting many defense-oriented firms once the war in Indochina is finally concluded.

At present, there is no real demand for the supersonic transport, just as there will be a much smaller demand for war materiel once the conflict is over. If there were such a demand, the investment market would provide the capital for the project.

On the North Atlantic routes which would provide most of the SST market the current first-class load factor is 33 percent, or about nine passengers per flight. Supersonic transports, Concordes or SST's, will charge a fare above first-class rates and can, therefore, be expected to encounter tremendous difficulties in filling their seats. If the laws of the air transport marketplace were allowed to operate normally, SST operation would still be far in the future. But in the present circumstances we find the Government pushing the airlines into the SST business as a means of propping up an aerospace industry that has not demonstrated the flexibility required to survive while producing a socially useful, profitable product.

This aspect of the SST issue is particularly interesting to me since it is essentially a matter of the conversion of an industry from one kind of technology to another. I have addressed just that problem in the National Peacetime Transition Act of 1971, which I cosponsored with the Senator from Maryland (Mr. MATHIAS). Referring to the weapons industry, I said then:

> We may be tempted to respond to the problem by trying to keep the industry alive—by using jobs as a justification for building more military hardware than we need.
>
> But that approach is indefensible on all grounds—moral, political and economic. With all the public tasks waiting to be performed by this country, it is unconscionable to regard the Pentagon as a job-creating enterprise. There is no area of federal responsibility in which the "public works" concept is less appropriate or more damaging.

The same principle applies to the SST. There can be no justification for building a plane which is environmentally damaging and economically preposterous in order to keep a particular industry afloat. The American taxpayer should not be asked to foot the bill for the shortsightedness of the Boeing Co. management and the Federal Government. As I indicated in my remarks on introducing the Peacetime Transition Act, the Government has a responsibility to those who have in the past depended on Government contracts for their livelihood. But that responsibility does not include building planes as objectionable and as unneeded as the SST.

I would like to take just a minute to address an aspect of the SST debate that has had almost no attention, the effect on subsonic fares of the introduction of large numbers of SST's into the fleets of the major international carriers.

The cost of the U.S. SST is expected to be in the neighborhood of $60 million each by the time the plane is introduced into commercial service.

Purchasing the planes will place tremendous economic strains on the airlines that buy them. This is especially true since the poor economic characteristics of the SST would make capital extremely hard to find, and then only at premium interest rates. Since the plane, especially in its early stages of operation, cannot be expected to pay for itself, the cash flow requirements of the airlines will almost certainly be reflected in higher fares throughout the industry. In other words, passengers who use domestic subsonic flights will be asked to pay a higher fare so that the supersonics will be available for that tiny percentage of our population who desire to fly overseas in first-class seats. Students who are going home for the holidays, or relatives who wish to visit one another, or just average businessmen or even Congressmen who require air transportation within the country will be paying more for those flights if the SST's are introduced into service.

In addition, those who choose to fly overseas in coach or economy class flights will probably have to pay more for their vacation trips, many of which are once-in-a-lifetime affairs, because of the SST. Present projections call for an SST fare 50 percent higher than subsonic fares. It is doubtful that the SST could carry such a surcharge and still compete with the subsonics. The likely result is an artificial boost in subsonic fares which would make them less competitive with an economic albatross like the SST.

"The Age of the SST" which is looked to with such unmitigated enthusiasm by the plane's proponents will be an age in which each time an air traveler boards a plane in this country he will be taxed so that some rich international traveler can reach his destination a couple of hours earlier. That is a prospect which I cannot support.

Finally, regarding the debate over whether the environmental doubts raised by critics of the SST have been laid to rest or will be at the time that the airplane goes into production, I urge you to view this question from a different perspective—a perspective assumed by David Brower, president of Friends of the Earth, in his testimony before the House Transportation Subcommittee. Brower asked the question, "Suppose we simply didn't build the albatross?" not "What noise levels, or what boom frequencies, or what emission levels can we tolerate in the SST?"

Toleration is at best a very shaky relationship. And we ought to think less about what we can tolerate than what we should demand. No doubt the first liter of pollutant introduced to Lake Erie was tolerable to trout and swimmer alike. And the second and the third liter too. But now, consider what toleration has done to Lake Erie. No doubt the first snowmobile to buzz in and out among the trees of a forest was acceptable, albeit startling, to the jackrabbit and the woodsman. And perhaps the second and third snowmobile too. But consider what toleration, and the incessant buzzing, have done to the ecology and the peace of those woods now.

We should not tolerate incremental additions to technological noise when their benefit is so limited. We should not tolerate incremental additions to stratospheric pollution, whether they equal those produced by two Volkswagens or 500 Mack trucks. For they will accumulate over time. And 50 years from now, we will look back and ask ourselves, why we did not dig our heels in and say "No" when it really could have counted. We will ask ourselves—"Suppose we simply had not built the Albatross?"

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, last year the Senate gave thorough consideration to the question of further Federal funding for the supersonic transport and decided that the funding should not continue. Last week the House of Representatives made a similar decision. Now, once more, the matter is before the Senate, and I strongly hope we will reaffirm the action of last December, as well as the recent vote in the House.

However, in recent weeks we have witnessed a high-powered campaign designed to save the SST. The plane's proponents have undertaken a massive and costly promotional blitz.

It would be tragic if we allowed propaganda and pressure to blot out the overwhelming case against the SST. The environmental questions about the SST have not been answered; but far outweigh the environmental arguments, as I now understand them, are the economic arguments, which have been distorted out of all proportion, and which I think are sufficient to condemn the SST at this time. Of course, some time in the future, in 10 or 20 years, other conditions may develop in which this could possibly be an economically feasible situation.

Mr. President, I know we have had many arguments here, but I think one very significant one, published on March 21, in the Observer, may not have been called to the attention of the Senate. This tells the experience of the British. The article is by Andrew Wilson, in the Observer of London:

> Britain will refuse French demands for a go-ahead on quantity production of the supersonic Concorde when the Minister of Aviation Supply, Mr. D. Corfield, meets his French opposite number, M. Jean Chamant, in London a week tomorrow.
>
> * * * * *
>
> Members of the Government, including it is believed, both Mr. Corfield and the Secretary of State for Trade and Industry, Mr. John Davies, have been profoundly disturbed by the figures submitted by BOAC showing that Concorde can be flown only at a loss.
>
> * * * * *
>
> The minimum number of orders thought necessary to give Concorde a £12 million price tag, is about 100.
>
> At present there are no orders—only 'options' on 74 aircraft taken out four to six years ago and in no way binding on the airlines concerned.
>
> * * * * *
>
> Whitehall officials are now studying the legal implications of a British withdrawal from the programme.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOUGHER LINE WITH FRANCE ON CONCORDE

(By Andrew Wilson)

Britain will refuse French demands for a go-ahead on quantity production of the supersonic Concorde when the Minister of Aviation Supply, Mr. D. Corfield, meets his French opposite number, M. Jean Chamant, in London a week tomorrow.

The Ministerial meeting was to have been for a "final review" of the Anglo-French project. But it is now clear that, so far from committing itself, the British Government is determined to keep its freedom of action.

Members of the Government, including, it is believed, both Mr. Corfield and the Secretary of State for Trade and Industry, Mr. John Davies, have been profoundly disturbed by the figures submitted by BOAC showing that Concorde can be flown only at a loss.

Following the criteria laid down by the Labour Government, the Cabinet is refusing to authorise production without clear evidence that airlines are willing to buy the plane. The minimum number of orders thought necessary to give Concorde a £12 million price tag is about 100.

At present there are no orders—only "options" on 74 aircraft, taken out four to six years ago and in no way binding on the airlines concerned.

Up to last week supporters of the Concorde in the Ministry of Aviation Supply apparently hoped to convince Mr. Corfield that BOAC's figures were unduly pessimistic.

While admitting that they still need time to check BOAC's sums, they advanced the argument that it was not necessary to have real live airline orders before opening the production run.

It was enough, they said, to know that competing airlines would have to order the plane if BOAC and Air France ordered, which they could be made to do with a Government subsidy if necessary.

But Mr. Corfield and the Treasury have not accepted this argument. On the contrary, for the first time since Labour's abortive attempt to cancel the Concorde in 1964, Whitehall officials are now studying the legal implications of a British withdrawal from the programme.

In 1964, the Law Officers advised that Britain could be sued for damages in the International Court with which the Anglo-French agreement had been deposited two years before. It is thought unlikely that this would be so if Britain withdrew from the production programme—because the agreement provides only for the development of the Concorde and the building of prototypes.

An immediate problem is the effect cancellation would have on the unemployment situation, especially if the RB-211 cannot be revived. Another is the relationship of Concorde to Britain's application to join the Common Market.

To cancel now would gravely endanger relations with France on the matter; but to commit Britain to continuing without any quid pro quo would be to throw away a valuable bargaining counter.

This has determined the Government to postpone a decision on Concorde until the summer, when Britian is expected to resume the Common Market talks frustrated by French reservations earlier this month.

The most Mr. Corfield can agree to—and even this is now in considerable doubt—is the authorisation of preliminary work on four production aircraft in addition to the six on which preliminary work was started last year.

There is no question of giving the green light to the Concorde. It also seems that in the event of any further delay on the Common Market the Cabinet intends to review the spending of £1 million a week on an aircraft that may never go into service.

Mr. FULBRIGHT. It is interesting that the French and the British, after their experience, as long or longer than ours, are now contemplating—the British are—how much it will cost them to withdraw from it—that, is, the additional cost. They have already spent far more than was originally contemplated, as we have. We were assured, when President Kennedy discussed this matter, that we would be called upon to provide only $670 million. We have already appropriated more than that, and this is the usual way these things escalate. We are now told it will cost approximately $1.4 billion. There is no doubt that it will be at least $2.5 or $3 billion before we are through with it.

In that connection, I have another story that does not have to do with planes—just the arms cost overruns of $33 million found by the General Accounting Office. This is the typical way these things are managed.

I ask unanimous consent that the article be printed in the RECORD, for the information of the Senator from Washington. I do not have time to read it now, but it shows the usual progression of the cost overruns on all these similar gadgets which either the Pentagon or the Department of Transportation requests.

Mr. MAGNUSON. There are no overruns in this at all.

Mr. FULBRIGHT. We have appropriated more than President Kennedy said it would cost.

Mr. MAGNUSON. That was 15 years ago.

Mr. FULBRIGHT. It was not 15 years ago.

Mr. MAGNUSON. Twelve years ago. Inflation has affected everything.

Mr. FULBRIGHT. Yes; inflation of all kinds.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Arms Cost Overruns of $33 Billion Found

(By Bernard D. Nossiter)

A General Accounting Office study discloses that cost overruns on 61 weapons systems have so far reached $33.4 billion, an average of $500 million apiece.

The report blames this on, among other things, "deliberate underestimating." Additional factors cited are "unanticipated development difficulties, faulty planning, poor management, bad estimating," inflation and the desire to exploit new technology.

Of the $33.4 billion in "cost growth," the term favored by the Pentagon, some $9.5 billion took place before any production began. This sum is the difference between the first estimates the Pentagon prepared to get money from Congress and later estimates made when the preliminary designs were completed.

That disclosure supports Pentagon critics who charge that the military have consciously misled Congress to get programs started.

The 84-page study is entitled "Acquisition of Major Weapons Systems" and is due to be made public today. An advance copy was obtained by The Washington Post.

It examines major systems that are still being developed or produced. These were initially advertised to cost $83.6 billion. By June 30, 1970, the services estimated the systems would cost $117 billion.

No more recent estimate of cost increases is provided, nor is their any measure of the increase per year.

The biggest overrun, $3 billion, is attributed to the Navy's Mark 48 Torpedo. Next comes the Air Force Minuteman III missile, up $2.9 billion over its original estimate.

Third on the list is a new class of Navy destroyer, the DD–963. However, a substantial share of its $2.4 billion cost growth simply reflects the purchase of more ships. The Navy's new F–14 fighter is next, recording a $2.1 billion cost gain, again largely because more are to be bought than originally planned.

Some of the more famous programs with cost overruns do not rank high on the list, largely because the skyrocketing increases have induced their sponsors to trim them back. Thus the C–5A, reduced from 120 to 81 planes is now credited with an overrun of only $900 million. Similarly, the overrun on the F–111, models A through F, is computed at only $1.7 billion.

Apprised of the study's central finding, Rep. William Moorhead (D-Pa.), a leading House critic of Pentagon procurement procedures, said:

"The $33.4 billion in overruns is shocking—but even more disturbing is the $9.5 billion in overruns which appear before the weapons systems got out of the paper stage. This is clear evidence that the Pentagon is deliberately deceiving the Congress. It emphasizes the need to redouble our efforts in obtaining better information and visibility of these programs earlier in the game."

The GAO study, prepared for Congress, suggests that the Pentagon's weapons-buying has improved somewhat in recent months. Under Deputy Defense Secretary David Packard, the report says, newer programs "are characterized by a slower development pace and more conservative procurement practices."

Mr. FULBRIGHT. Mr. President, it is very interesting. We are told that it is necessary for us to keep our leadership. Apparently, the Members of the Senate have forgotten that in the case of airplanes, especially jet airplanes, the British put the Comet in the air before we did, on a commercial basis. It was not a successful plane because of certain defects of design. We learned from their mistakes. We came along with subsequent planes similar to the 707, and the principal difference in design was putting the engines in a pod below the wing. The old Comet had the engines in the wing, and they had some disastrous experiences. I recall reading about one that disintegrated over the Mediterranean, and it was thought to be metal fatigue growing out of the design. So we came along—but who got the business? It was not the British, with the Comet; it was Boeing, with the 707.

It was the same with the design of putting the engines in the rear, as in the 727. We did not originate it. The French put it on the Caravelle before Boeing did.

It would seem more profitable to allow someone else occasionally, when they have undertaken this kind of experimental plane, to go ahead and do it. The argument that we should do it first is not a very sound one, judging by the experience we have already had.

The SST lobby has tried to color over the environmental problems and concentrate on the economic aspects. Despite their claims, however, their economic case is woefully weak.

Last September I submitted to the Senate the results of a survey taken by my staff of the views of 16 of the Nation's leading economists. As is well known, they were nearly unanimous in their belief that proceeding with the SST would be unwise and was not justified on economic grounds.

Subsequently, this survey has been updated and in most cases the economists have strengthened their opposition to the SST.

Anyone who harbors doubts about these economic questions should study the economists' statements and measure them against the claims made by the proponents about the potential impact on jobs, balance of payments, and so forth.

I will not attempt to review all these economic questions. Certainly there are many problems in our society which demand our attention and for which our funds could much more wisely be appropriated. Seldom has there been a clearer example of misplaced priorities than the SST.

As has frequently been pointed out, the SST would serve an infinitesimally small percentage of the population. The problems of urban transportation, of ground transportation to and from airports, are much more compelling and a fit subject for our technologists.

The average family does not need the SST, and everyone knows this. The average family might like to travel, but getting to Europe 3 hours quicker will be of no significance. Existing planes will carry larger passenger loads than would the SST.

Only last week, the Civil Aeronautics Board approved higher fares to Europe—by as much as 12.5 percent on some flights. If the Concorde should ever fly, passengers would be charged a supplemental fare and the same would apply for the SST. Should we not be more concerned about bringing air travel within the price range of a greater number of people than with providing faster transportation—from takeoff to landing—for a few?

As economist Wassily Leontief, president of the American Economics Association, said:

> At a time when millions of average American citizens make their trips by bus or private car because the one-way flight from Boston to New York for which they paid $13 four years ago now costs $26, and when our airlines lose money because of empty seats and increasing costs, research and development efforts to provide a somewhat faster trans-oceanic passage for a few thousand well-heeled travelers at still higher costs makes no sense.

The SST lobby has greatly emphasized the threat of the French-British Concorde and the Russian TU–144. This threat has been considerably exaggerated, and several articles and statements that I have seen recently help put this matter in better perspective.

One of the most significant statements on this subject was that made by Mr. Jean-Jacques Servan-Schreiber, deputy to the French National Assembly from Lorraine, and author of "The American Challenge."

In the statement which he submitted to Senator PROXMIRE, Mr. Servan-Schreiber provides a devastating critique of the Concorde, pointing out its numerous shortcomings and the reasons why numerous experts have concluded that this is not an economically viable aircraft. Referring to the Concorde as "an industrial Vietnam," he notes that the plane's capacity is now being reduced to 110, or less, which is not even one-third the capacity of the existing 747's. Mr. Servan-Schreiber states:

> At that level, the plane can be bought by Air France and BOAC only if it flies at full capacity on every flight. An impossible assumption, as any airline executive knows.

I would urge that every Senator give careful consideration to Mr. Servan-Schreiber's statement, in which he details the Concorde's problems and says:

> The conclusion in France today, after a few weeks of publicly airing the facts, is that, the project is, at a minimum, a commercial and financial disaster.

I would also commend to Senators an article from the Observer, London, of March 14 concerning a recent report on the operating economics of the Concorde. The article tells of a recent report to the Swedish Government by Mr. Bo Lundberg, a respected aviation expert, who "endorses the finding of BOAC and Air France that the supersonic Concorde can be flown only at a loss."

The Observer article states:

> Lundberg gives the operating costs per seat mile for the Concorde as 1.76 times those of the 747 on the most optimistic assumptions, and as 2.12 times those of the jumbo on

more cautious assumptions. This accords with the estimates made by BOAC and Air France. (Lundberg's figures for the American SST are 1.54 and 1.79 respectively.)

But this most telling indictment of Concorde's economics—which also weighs heavily with BOAC—is the aircraft's lack of cargo space. He says that not only is it ill-equipped to carry more than the passengers' baggage, but no shipper will pay a supersonic surcharge for cargo, by which less-than-full aircraft are helped to pay their way.

Mr. President, I ask unanimous consent that this article from the Observer of March 14 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Observer London, Mar. 14, 1971]

Concorde "Flown at a Loss"

(By Andrew Wilson)

The most damning report yet to be made public on the operating economics of the Anglo-French Concorde was deliverd to the Swedish Government last week by the internationally respected aviation expert, Mr. Bo Lundberg.

Mr. Lundberg, who is Sweden's representative on the sonic boom committee of the International Civil Aviation Organization (ICAO), endorses the finding of BOAC and Air France that the supersonic Concorde can be flown only at a loss. According to his report, even if Concorde is operated at an advantageous fare surcharge, the airlines' return on their investment in the plane is unlikely to be more than 30–55 per cent of that on an equivalent investment in the subsonic Boeing 747.

The economics of the projected American supersonic transport (SST), which is larger than Concorde, would work out slightly better, but the plane is still liable to be a 30 per cent poorer investment than the subsonic jumbo.

"If such deficient returns are accepted by airlines," says the report, "they will either counteract possible fare reductions on *subsonic* operations, or will result in an increase in subsonic fares"—unless, of course, the loss is subsidised by Governments and tax-payers.

Mr. Lundberg says the main reasons for the the poor economics of supersonic airliners are the purchase cost per passenger seat (about four times that of a big subsonic jet) and the supersonic's fuel consumption—about three times that of a subsonic jet per seat mile.

Lundberg gives the operating costs per seat mile for the Concorde as 1.76 times those of the 747 on the most optimistic assumptions, and as 2.12 times those of the jumbo on more cautious assumptions. This accords with the estimates made by BOAC and Air France. (Lundberg's figures for the American SST are 1.54 and 1.79 respectively.)

But his most telling indictment of Concorde's economics—which also weighs heavily with BOAC—is the aircraft's lack of cargo space. He says that not only is it ill-equipped to carry more than the passengers' baggage, but no shipper will pay a supersonic surcharge for cargo, by which less-than-full aircraft are helped to pay their way.

A decision on the future of Concorde is due to be taken by the British and French Governments at the end of this month.

Mr. FULBRIGHT. In regard to the Russian aircraft, it should be remembered that no airline in Western countries has ever bought a plane from the Soviet Union, and it seems unlikely that this policy would be changed overnight. An excellent analysis of the Soviet plane and its prospects was published in the Washington Post of March 21. A careful reading of this article by Anthony Astrachan will make clear that the threat of the TU–144 has been greatly overstated.

As Mr. Astrachan points out:

> Moscow observers are almost unanimous that the TU–144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transports.
>
> They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many TU–144s to Western airlines.

Then Mr. Astrachan makes the telling point:

> Warnings from American aviation officials that the Soviets will sell many planes appear from here to be part of the lobbying effort for congressional approval of the Boeing SST rather than prudent conclusions drawn from available facts.

Mr. President, I ask unanimous consent that the article by Mr. Astrachan from the Washington Post of March 21 be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1971]

Soviets Appear Nearer to Producing Supersonic Airliner

(By Anthony Astrachan)

Moscow, March 20.—Soviet pilots "will start mastering" the Tupolev–144 supersonic transport this year, according to the Soviet minister of civil aviation.

The TU–144 thus appears closer to production and use than either of its troubled Western competitors, the Anglo-French Concorde or the American SST.

But no date has been publicly set for the Soviet plane to start service. In 1968, Soviet officials predicted a start in March 1970. In 1969, they put the date at early 1973. A year ago they put it at 1975. Nothing has been heard since on an official basis.

Moscow observers are almost unanimous that the TU–144 will solve neither the ecological nor the economic problems that seem likely to abort the Western supersonic transports.

They feel that those factors, combined with traditional Soviet marketing disabilities, will prevent the U.S.S.R. from selling many TU–144s to Western airlines. Warnings from American aviation officials that the Soviets will sell many planes appear from here to be part of the lobbying effort for congressional approval for the Boeing SST rather than prudent conclusions drawn from available facts.

It is true that Aviaexport, the Soviet organization for selling aircraft abroad, has been advertising the TU–144 in such publications as Aviation Week and Jane's Directory of World Aircraft.

THREE MOTIVATIONS

Moscow observers find three probable motivations for this: an intent or wishful thought of actual sales; a desire to build Soviet prestige when Western manufacturers cannot yet advertise supersonic transports, and a desire to fuel the American lobbying effort for the SST.

The last possibility reflects the fact that the Soviet aircraft industry has no guarantee of the precise dimensions of its slice of the resource pie. If the U.S. Congress appropriates more money for the SST, Soviet aircraft makers can turn to the Kremlin and say, in effect, "You have to give us the rubles to finish the TU- 144 because the Americans are going ahead."

Efforts of the kind made on behalf of the SST by men like Najeeb Halaby of Pan American World Airways and astronaut Neil Armstrong are known to be used by their Soviet equivalents in the Kremlin's internal lobbying.

So far as the ecological problem goes, the Soviets have made public no facts about the TU–144's sonic boom except for statements by a test pilot and test-flight passengers that they could not hear it.

POLLUTION PROBLEMS

The U.S.S.R. is much less pollution-conscious than the West. Both its pollution and its relatively feeble efforts to solve pollution problems are concentrated more on water than on air. In Soviet society, citizens are not allowed to organize pressure groups against Kremlin-approved projects like the TU-144 of the kind that encouraged the U.S. Senate to stop funds for the SST last year, and the House to cut off funds this past week.

The sonic-boom problem is smaller here than in the West because the Soviet Union is sparsely populated, compared to the United States and Western Europe. Aeroflot could conceivably route planes around urban areas and minimize the effect of booms more thoroughly than is possible in the West.

That depends on the routes chosen. Alexei A. Tupolev, designer of the TU-144, said two years ago that it would operate on routes over 1,200 miles long. Most Moscow observers think it would be uneconomical on routes under 2,000 miles.

That would still allow TU-144 to fly eastward from Moscow, Kiev or Leningrad to Alma Ata, Novosibirsk, Irkutsk or Khabarovsk, approximately 4,000 miles from Moscow in the Soviet Far East.

One rumor now being heard says that the TU-144 will go into service on the Moscow-Khabarovsk run in October. Efforts to trace the rumor to its source have wound up in Washington and Paris more than in Soviet officialdom.

FOREIGN SERVICE

The same is true of rumors of imminent supersonic services to Karachi, New Delhi and Calcutta. Soviet officials spoke two or three years ago of TU-144 flights to Tokyo and New York. Those flights would demand at least one stop en route because Tokyo and New York are beyond the craft's 4,040-mile range from Moscow.

All these flights would involve flying, presumably at subsonic speeds, over thickly populated areas like the U.S.S.R. west of Moscow, Western Europe and northern India. Yet Tupolev said the TU–144 was designed to travel at supersonic speed "almost during the entire flight time."

On the economic side, the Soviets have said only, "Economists have estimated that the cost of a flight on the TU-144 will not exceed that on subsonic planes."

Moscow observers are convinced that the TU–144 in fact will have costs comparable to the Concorde's. An American study put the operating costs of the Concorde per passenger mile at 40 per cent more than existing four-engine jets, which in turn would require at least a 25 per cent surcharge on regular passenger fares.

If that is true of the TU–144, the Soviet statement becomes simply a promise that the government will absorb these extra costs. It already absorbs much of the cost of housing and public transport, including existing rail and plane fares, as necessary social services.

PASSENGER SEATING

Cost estimates start with the fact that the TU–144 will carry up to 120 passengers in rows of three seats on one side and two on the other, compared to 128 to 144 in pairs of seats on the Concorde. The Boeing SST, which will carry 300 passengers if it is ever built, is not strictly comparable.

Tupolev said the TU–144 seating arrangement in a plane roughly the same size as the

Concorde was made possible by the fact that the main undercarriage of the TU–144 retracts into the wings in the direction of flight, while that of the Concorde retracts into the fuselage at right angles to flight, i.e. in line with the wingspan. Tupolev suggested this meant less drag on his aircraft.

The maximum rated speed of the TU–144 is 1,550 mph at 65,000 feet; the maximum it has been reported as reaching was 1,458 mph at 51,000 feet in a test last Nov. 12. The Concorde is rated at 1,450 mph at 54,000 feet.

The TU–144 will have a range of 4,040 miles compared to 3,600 for the Concorde.

The Soviet engine thrust is similar to the Concorde—35,000 to 40,000 pounds, according to Halaby, who saw the TU–144 two years ago. The TU–144's four engines are clustered together in the center of the plane under the fuselage, while the Concorde's are located in pairs under the wings. Tupolev said the Soviet design means that if one engine fails, it will be easier to prevent inadvertent turns of the aircraft.

COMPARATIVE WEIGHT

The Concorde takeoff weight will be 385,000 pounds, compared to 330,000 for the TU–144.

Both planes have bent noses like a bird's beak—the Tupolev slightly more so. Alexei Tupolev said this was to maximize the cockpit field of vision while eliminating the traditional "canopy" to reduce drag.

The performance of the TU–144 is unknown except in the most general terms. Halaby and Armstrong praised it without seeing it in flight. Its chief test pilot, Eduard Yelyan, said the plane was a great success and "much easier to control than subsonic air craft."

Yelyan added that all flight characteristics had "proved better than the designed ones." He said the plane generated less noise than a conventional jet inside the passenger cabin.

The plane "trembled slightly" as it exceeded the speed of sound, but Yelyan said this was not likely to be noticed in the passenger compartment. Western passengers on all Soviet aircraft—prop, turbojet and jet—have noticed more vibration than on their Western equivalents. This is no reflection on their safety but it reduces passenger comfort and might conceivably reflect factors that would shorten aircraft life.

ON-BOARD COMPUTER

Up to 90 per cent of TU–144 flight operations are performed by an on-board computer "that calculates the course and the best trajectory and prepares the necessary information for landing." The plane will therefore carry no navigator and have only three people in the cockpit—pilot, copilot and flight engineer to check the equipment.

This may be a tribute to Soviet technology. But Soviet scientists have said that their computers are 5 to 15 years behind the West's, for reasons including poor component reliability, and specialists will be watching to see how the TU–144 computer checks out in performance.

However good the plane is, Soviet marketing disabilities remain a factor. The first is a penchant for secrecy that might prevent prevent Western civil aviation authorities from learning what they want to know about how an aircraft is made as well as how it performs. The Soviets have seldom if ever permitted foreigners to make a thorough inspection of an aircraft factory.

Despite the signs of Soviet interest in Western sales, the Aviaexport advertising is rich in colors and poor in specifications. So little is known about the TU–144 that Western sources report nose-to-tail lengths varying from 188 ft. 6 in. to 196 ft. 10 in., and wing spans from 72 ft. to 88 ft. 3 in. The differences may reflect modifications in design that have also been rumored, but Soviet sources have not said which are the latest figures.

The second marketing problem is the traditional Soviet inability to provide service and spare parts on a basis acceptable to the West. Only the defense industry produces adequate service systems or spare parts here. Foreign buyers do get preference, as in the case of Volga cars sold abroad, because the Soviets usually do try to live up to contracts. Users in Nigeria and Finland still have not found Soviet performance equal to the West's.

COST ESTIMATES

Third is the fact that Soviet accounting methods lead to what Westerners regard as inaccurate cost estimates, even if there is no conscious intention to cheat.

Fourth is the simple fact that Soviet international aircraft have never been as comfortable for passengers as their Western equivalents, though Tupolev rated passenger comfort a prime consideration in the design of the TU–144.

All these factors led to dissatisfaction with the performance of Soviet Ilyushin aircraft sold to Ghana over 10 years ago. Romania bought British BAC–111s when it presumably could have had Soviet planes. Western airlines will be watching with interest the performance of YAK–40 medium-range jets recently sold to Italy, to see how these problems have been overcome.

Some observers believe that if the TU–144 is successful, competition in world markets will come less than attempts to sell the craft to Western airlines than from selling faster service to that handful of passengers that would rather cross the Atlantic in two hours instead of seven, or Siberia in three hours instead of 10.

The standard of service on Aeroflot makes Westerners think the latter choice would well be worth a surcharge. Such reactions warn against overrating Soviet competition for passenger-miles. But the Soviet airline, which now serves 60 countries, is extending its international routes. Its standards may go up as it moves into more competitive routes—although the cancellation for Scandinavian Airlines training for 40 Aeroflot hostesses is not a good omen.

Mr. FULBRIGHT. Of course, the Russians do not account for the profitability upon the same basis we do. Because of their internal traffic, they have reasons for a plane of this kind. If anybody is justified in building such a plane, it is the Soviets. I believe it is about 5,000 to 7,000 miles from one extreme end to the other of the Soviet Union. Much of that is over areas which are thinly populated, in the far north. So if any country in the world could make a case for a plane of this kind, it would seem to me to be the Soviet Union. While they have developed it in Russia, the use of that argument to justify one here is quite irrelevant, it strikes me.

I think Mr. Paul Samuelson, the Nobel laureate in economics, summed up this matter well:

> By use of the methods employed by the defenders of the SST, one could arrive at the conclusion that the Concorde was an economically sound project—an absurd conclusion not shared by any informed people on either side of the Atlantic. The threat of a Concorde or Russian supersonic plane is used to sell the inevitability of our developing an SST at whatever expense and ultimate loss. After realistically surveying what those two models can accomplish if we do not have an SST, one arrives at the proper economic conclusion that an SST at this time is not warranted.

Finally, Mr. President, I would like to take note of the fact that the question of further funding for the SST has generated an extremely large volume of mail from my constituents. I've heard from people from every section of Arkansas and all walks of life and they are overwhelmingly opposed to continuation of the SST.

I ask unanimous consent to have printed in the Record a small sampling of the many letters I have received from Arkansas. Each of these writers make a strong and direct case against the SST.

I also ask unanimous consent to have printed in the Record an excellent editorial from the Arkansas Gazette of March 18, which thoroughly documents the case against the SST and the need for the Senate to uphold the popular will.

There being no objection, the material was ordered to be printed in the Record, as follows:

MARCH 18, 1971.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As a constituent of yours in Arkansas I am writing to you regarding the proposed funding and building of a Supersonie Transport Airplane.

I hope that you will take a stand against this funding if and when this comes up for a vote in the Senate.

Aside from the damage that this plane could contribute to our environment, I simply feel that the billions of dollars that it would take to build just two of these planes for testing could better be spent in other ways too numerous to mention.

Even if the planes were eventually built and put into commercial use I feel that they would be a luxury only the very rich could enjoy. They would not benefit the vast majority of American people. As for speed and luxurious traveling I feel that the 747's now in use completely suffice in this area.

I would appreciate hearing your views on this matter.

Sincerely,

MRS. LARRY R. CLARK,
Fort Smith, Ark.

PULASKI HEIGHTS
PRESBYTERIAN CHURCH,
Little Rock, Ark., March 19, 1971.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: Personally, I was thrilled over the defeat of the SST bill in the House this past week. As it comes before the Senate, I would like to share with you my personal concerns.

For one thing, I feel that in a period when we have been so concerned about government control of private enterprise, it seems highly inconsistent that the government should spend this much money to subsidize a commercial undertaking. If it is a profitable venture, private industry should be able to find some way to finance it.

I am also deeply concerned that this type expenditure should take precedence over the many physical and educational needs in our nation and throughout the world.

Recently, I have read articles written by competent scientists who raise many questions concerning the possible harmful effects of supersonic transportation. I feel that it would be highly irresponsible for the Senate to take action before knowing the full story in the area of science.

It also seems that private industry ought to make sure that such ventures as the "747" are profitable and wise before getting into the SST. It is my understanding that they are losing a great deal of money on this form of transportation, and that the SST could even be more of a white elephant. I would regret to see our federal government encourage this type irresponsibility. Some arguments have been made based on "national pride." Many of us do not care about keeping up with the French and Russians, especially when it comes to matching their costly blunders.

Sincerely,

William S. McLean.

Crystal Hill Farm,
Mena, Ark., March 16, 1971.

Senator J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator: I am opposed to the SST program because if it is successful it will benefit only a very few people who will be taxed to supply the funds.

Proponents of the program stress that it will furnish employment for a great many people. This is one good feature, but I am sure that the same amount of money used to build schools and hospitals will put a much larger number of people to work and a greater number of the taxpayers will benefit for years to come.

You are cognizant with the situation of the Lockheed C–5A. Its costs have exceeded the estimate several times. The French-English Concorde is in exactly the same way. How do we know the true cost of our proposed SST is any better estimated?

Please bear in mind that you were elected to represent the people of Arkansas in the United States Senate. I am one Arkansan who hopes you will vote negatively on the bill to provide any more funds for the SST.

Yours truly,

E. Irvin Fritch.

Blytheville, Ark., *March 15, 1971.*

Honorable J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I urge you to vote against the use of government funds for developing the supersonic transport plane when the issue comes before the Senate later this year.

In my opinion, there are too many unanswered questions about the possible effects of the SST upon our environment to justify its construction now. Too, Senator Gaylord Nelson has estimated that each SST will cost about fifty million dollars. It is unlikely that many would be sold, since all major airlines are already in financial difficulties.

In short, the SST is a high cost, high-fare plane designed to serve a small constituency who travel regularly to Europe. The transportation systems in our major cities are in a state of near-collapse. If federal funds are to be used to solve transportation problems, they should be spent so as to benefit many rather than a few.

Sincerely yours,

Elvis W. Morris.

University of Arkansas,
Medical Center,
Little Rock, Ark., March 9, 1971.

The Honorable J. William Fulbright,
U.S. Senate,
Washington, D.C.

Sir: I am writing on behalf of myself and some other members of my department concerning the proposed SST. We feel very strongly that the SST project should be dropped. There are several reasons for our feelings.

First of all, and most important, is the environmental question. We simply do not know what effects the SST would have on our upper atmosphere. Until we are reasonably sure that no adverse effects will result, we feel it would be tremendously unwise to even consider the project further.

Secondly, we feel that the very idea of an SST is a little absurd in light of the appalling conditions on the ground at our airports. I recently took a trip to Europe, and was delayed on the ground at Kennedy Airport for twelve hours. The SST would cut my flight time from eight to three hours. If air traffic control, flight scheduling, etc., were improved, my total airport time could be cut by at least eleven and a half hours. I might also mention that upon my return from Europe, it took me three hours to reach my Aunt's house in Brooklyn via the public "transportation." My experiences, believe me, were not at all unusual. What possible good is an SST when one cannot land or take off on time from our airports, and when one cannot get to or from the airport on the ground?

Finally, we would like to express an opinion on recent comments by various elected officials concerning ecological problems in general. Several times on the news, we have heard elected officials say of such projects as the SST and the trans-Alaska pipeline that, ". . . we must look at the human element involved, not just the ecological problem." Can these men really have missed the entire message of ecology? Ecology is not birds and fish. The entire point which ecologists have been trying to make it that all creatures, people included, are tied together on the same earth. The things that kill whales and bald eagles will kill people too.

What these men want is jobs for their constituents. We can empathize with the people who are out of work, especially with the scientists, since we, too, are scientists. But if we pass legislation for such things as pipelines and supersonic transports merely to give people jobs now, we are guilty of jeopardizing the future of the children of these very same people. The human element involved is not just the short term gain of jobs for constituents but the long term gain of a healthy and livable world for the children of those constituents. We need very badly to put these people to work, but let's put them to work on projects which will benefit the environment and the future of our children.

Very truly yours,

Karen Harris and Others,
Graduate Student, Dept. of Physiology.

Fayetteville, Ark., March 18, 1971.

The Honorable J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I urge you to vote against any further funding or support of the SST program. There are several reasons for my opposition. First, the plane project has proved, according to reports from France, to be a financial disaster, a burden which our European allies might well wish to transfer to us. Second, we have not even filled our 747 flights and these certainly offer sufficient speed and size for intercontinental flights. Third, the SST promises grave ecological dangers, those already substantiated enough to dictate our disapproval. Last, we should waste no valuable money on a project of no real national use, a program of benefit only to a few travelers and of not that much benefit anyway. Our national priorities and our good sense dictate that we turn down this program. Thank you for your consideration.

Sincerely,

Suzanne H. MacRae.

[From the Arkansas Gazette, Mar. 18, 1971]

Test of the System in Decision on SST

Late last year the United States Senate made history—almost—in a decisive vote to stop funding the bitterly controversial development of a Supersonic Transport plane for commercial aviation. The outraged SST proponents, led by the Nixon administration, mounted a furious counter-offensive in which it seemed the whole of the aero-space industry and of the very military-industrial complex itself was engaged; they managed in the end to keep the $1.3 billion program alive until March 30, pending another congressional decision.

Now, three months and the $156 millions later (give or take a few millions, who cares?) another showdown is beginning with House debate on the next proposed appropriation for the SST—or, rather, or about $134 million that is left of the $290 million added last year. The issues in debate are major in the SST context itself, but they are surely no more important than the symbolism and the precedent in whatever Congress decides.

There are, first of all, the issues of environment—or "ecology." No one really knows what the side effects of commercial SST's would be, but opponents, including some of the experts, raise a spectrum of dangers encompassing everything from sonic booms to skin cancer. The sonic booms alone would settle the matter so far as we are concerned. In any case the risks seem large indeed for a speculative venture in an area of such uncertain commercial value.

About all the SST people have left, other than pure chauvinism, is the argument that the British and French are building theirs, and if they sell many SSTs their success will hurt the American aircraft industry and the balance of trade. In actuality, the SST has so many problems and so many obstacles that it may *never* be developed on any appreciable scale. It would seem that just once, anyway, the United States would leave some grand scheme of the aero-space people to someone else, some other country, to take its chances with. It might be instructive to sit this one out and examine another country's experience in such speculative dubious enterprise. After all, there may be other priorities of larger importance than trying to jet passengers across the ocean at 1,700 miles an hour instead of 600.

Debate on the SST opens, as it happens, coincidentally with the news that the great jumbo jets, the 747s that were going to revolutionize the air passenger industry in their turn, have been flying at about 30 per cent of capacity. Some airlines are tearing out the seats to put in bars in tourist class, trying to entice more customers aboard.

So much for progress. In the circumstances it is especially hard to buy the specious argument that just because we have poured $900 million down the SST drainpipe we are compelled to pour in the $400 million remaining on the schedule.

The worst damage in a congressional capitulation on the SST, however, might be what it would do to national "morale."

This is a time of deep unease for the American people, confronted as they are with a whole complex of ills, most of them deriving from, or at least aggravated by, an unwanted war that two successive presidents have refused to bring to an end. It is a time when all of us have a sense of profound frustration, in trying to prevail against powerful syndicates of interest and seemingly inexorable forces; it is a time when many Americans contemplate remedies outside of our system.

Yet in the case of the SST it seemed for a moment last December, in the Senate vote on the issue, that the popular will had been felt in the Congress, that the people had won a victory against one of the great combines at work polluting the environment and depleting the national treasury.

In the Senate's stand against the Supersonic Transport, then, there was a symbolism reaching beyond the instant issue. And if Congress should proceed now to continue with the risky SST boon-doggle, notwithstanding national concern approaching outrage, then the defenders of the system—all of us—will find it harder still to prove that the system still works, is still viable.

Mr. TAFT. Mr. President, there have been before this body and before the Appropriations Committee extensive recitations concerning the number of jobs which will be lost if the SST is terminated. In short, 13,000 jobs are at stake in building the prototype and the some 150,000 jobs that would be lost if the SST does not go into production. There has also been reference to the loss of business opportunities for the thousands of firms which would supply material for the SST and reference to the millions of dollars that will be lost in taxes which the jobs and the business opportunities would produce.

I invite the attention of Senators to another loss which is real and tangible that would result from the defeat of the SST. This is the cost of maintaining an unemployed person. Since all of the States do not give the same amount of dollars per week of unemployment benefit purposes, nor do they give the benefits for a standard period of time, I have used an average of the benefits given by five representative States; namely, Washington, Massachusetts, New York, Connecticut, and Ohio. The dollar benefits range from $60 to $92 per week and for a period of from 26 to 52 weeks. This provides an average of $77 per week for 39 weeks which the 13,000 people who will be made unemployed by the cancellation of this program could collect. This amounts to $3,000 per person, or a sum of $39 million. Obviously, a number of these 13,000 people will find employment almost immediately. Others will undoubtedly use up all of their eligibility for unemployment benefits.

Each of us can determine for ourselves what percentage of the 13,000 people released from the SST program will not use any unemployment benefits, how many will use a month, and so forth. Even if only 50 percent use 39 weeks of benefits, we are still speaking about paying out almost $20 million, which is a very significant cost of cancellation of this program.

There is a further cost of cancellation of this program. This is the cost of retraining. If we assume a portion of this 13,000 people who have lost their jobs will undergo retraining, and if we use a minimal figure of $1,000 per person, the cost of retraining becomes very significant. If only 2,500 people of the 13,000 have retraining, this amounts to an additional $2½ million. This cost must be added to the cost of the unemployment benefits which must be added to the standard termination costs of $312 million to determine the true cost of defeating the SST.

I believe these are tangible and calculable costs that must be considered when determining the cost of terminating the SST program. With many of our States having very heavy demands upon their unemployment insurance programs, I believe we should be cautious when taking any action that would increase the burden on these already overloaded State unemployment funds.

The PRESIDING OFFICER (Mr. MONTOYA). Who yields time?

Mr. BIBLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes.

Mr. BIBLE. Mr. President, I am trying to divide the remainder of this time. Obviously, we are running out of time. I just want to look at my scheduling, to see how it will work.

At this time, I yield 5 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, on December 3, 1970, I reiterated my position expressed earlier in the year, against the SST. I ask unanimous consent to have those remarks printed in the RECORD at this point, doing so because one should not have to be reminded of what he previously said, he should remind others first.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Dec. 3, 1970]

Mr. COOK. Mr. President, today the Senate will once more consider whether additional appropriations should be approved for the development and construction of two prototype supersonic aircraft. By a very narrow margin the House passed this measure. The Senate Appropriations Committee also recommended its continuation. Now we must decide whether to accept the Department of Transportation's $290 million request for further development of the SST.

I voted against Federal funding for the SST last year.

I shall also oppose it today.

Very briefly, I would like to outline my reasons for doing so. First, a number of eminent scientists have also raised the question of atmospheric pollution by an SST flying at 60,000 feet altitude. The threat of a fleet of SST's introducing large quantities of water vapor into the stratosphere possibly causing unpredictable weather modification on a global scale, certainly cannot be ignored. Further study of this problem should precede the commitment of funds for development.

Other qualified scientists have voiced their concern over the potential environmental effects of this aircraft. The sonic boom and sideline takeoff noise have been cited as having an adverse impact on both the population and the wildlife. Yesterday the Senate approved a bill which is a step in the right direction toward eliminating these objections.

This legislation would prohibit supersonic flights of civil aircraft over the lands of the United States. It would also require the proposed civilian SST's to comply with the Federal Aviation Administration noise limitations. We should realize, however, that the latter is an administrative regulation subject to change.

Even assuming the best, the overland flight prohibition, while ostensibly eliminating one problem, also raises another. A number of qualified economists have said that such a prohibition would reduce the market demand for the aircraft, thereby reducing the Federal Government's return on its money invested under the royalty contract.

This form of Government participation also raises the question of our commitment to reorder our national goals and priorities. At a time when many of our needs in the field of transportation alone are going unfulfilled, I question whether the Federal Government should fund the development of a strictly commercial aircraft—which at most would benefit only one-half of 1 percent of all Americans.

Also, its proponents have argued that it would create a favorable balance of payments. Others disagree. Some of the Nation's top economists have stated that it would be a mistake to build an SST for that reason. They also contend that it would not benefit our balance of payments in world trade.

As a firm believer in our system of private enterprise, I seriously question the need for Government funding. The United States has achieved a dominant position in the field of international aviation because of our belief in this principle. I see no valid reason to alter it.

Also, if the SST is as economically viable as its proponents argue, then sufficient financing from the private sector should be available. The recent success of the Boeing 747 illustrates the principle that when a new development in aviation becomes economically sound, the private sector will be willing to finance it. In the matter of the SST, however, the private banks and financial lending institutions have been unwilling to invest any money in this highly questionable project. They believe it is a money loser.

Mr. President, I urge my colleagues to vote aye on the amendment I have cosponsored which would delete any appropriation for the SST.

Mr. COOK. You see, Mr. President, in my speech of December 3, 1970, we were voting on $290 million and today, 2 months and 21 days later, we are down to $134 million, while we allowed a filibuster from those who opposed—while many in this Chamber voted against cloture who really favored and favor now the SST—we allowed $156 million to be spent on this program.

I might say here that this Senator voted for cloture every time, because my record on that subject is consistent in all matters.

While those who opposed the SST filibustered for what they so strongly believed, they inadvertently sanctioned the expenditure of $156 million in funds.

So, therefore, Mr. President, my position on this project has come down to the same simple and what I consider to be the logical and rational conclusions; namely, that SST's will be built, they will fly, and they will be purchased. They will traverse the atmosphere and we will not, nor could we, put an 80,000 foot wall around the United States to insure our exclusion from the world of SST's.

If the statements of the senior Senator from Colorado are correct—and they were not refuted—if we save $134 million, it will cost us $119 million to save it. If the Government feels responsible to repay the airlines for their current expenditures, as appeared in last evening's newspapers, of presently $81 million, our cost would be $200 million to save the $134 million.

This certainly constitutes very poor economics. But let us look at it a different way. If we spend $134 million, we allow literally thousands of people from minimum wages to professional salaries to continue to go to work, to purchase goods, to pay taxes, and to maintain respect. We can do all this with the expenditure of $134 million.

However, if we spend the $200 million to "cop out" as it were, thousands of people will stop working, stop buying, stop performing, and stop paying taxes, by the way, Mr. President; but it does not end there. We are not out at the $200 million figure. We are transferring the few thousand people to unemployment and welfare rolls. We add to the unemployment figures, that some here on this floor, who oppose the SST, will spend and have spent months blaming this administration for.

Mr. President, right after World War II, this country begged its citizens to go to school to get an education. The Government said, "Give us engineers and give us scientists." "Take us to the moon," if you will.

America's men and women took the challenge. They gave this Nation 85 percent of all the world's aircraft sales—and, yes, took us to the moon.

I wonder whether Americans would have done all this if they had known, when they had accomplished enough to satisfy the Congress, that Congress would walk out on them?

Mr. President, I know that the SST has become a symbol for the young for environmental reasons, and for the elderly because of inflation.

For me, Mr. President, because of our national priorities that I believe need true reorientation, the SST is not a symbol. It is a fact. It is here. If it is in the arsenal of production and if it will be in the arsenal of production for Britain, France, and the U.S.S.R., then I want it available to the United States of America.

This Senator would not vote for this resolution had section 3 not been inserted in it, because I spoke of governmental participation and my objection to it on December 3, 1970.

The PRESIDING OFFICER (Mr. BUCKLEY). The time of the Senator from Kentucky has expired.

Mr. BIBLE. Mr. President, I yield 1 additional minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOK. Mr. President, this Senator will go on record now to vote "no" on every dime proposed on this floor beyond the two prototypes, and "no" on any attempt for a program for commercial production.

I am now willing to finish the two prototypes, but if the industry wants it from that point, then it is the banks of this Nation that they will have to turn to and not to the Congress of the United States.

Mr. President, I yield the floor.

Mr. BIBLE. Mr. President, I yield 2 minutes to the distinguished Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, it can be said that I have a selfish interest in the outcome of this vote because of the fact that many subcontractors in my State will benefit to the extent of half a billion dollars—indeed, probably much more than that.

But the basic issue here is whether we will make a determination to surrender American superiority and leadership in the aerospace industry and in aerospace technology to other countries.

I submit, Mr. President, that if we surrender that superiority and that leadership, we might be surrendering other products purchased in this country in the future.

Right now we are the greatest industrial nation in the world. It would seem to me that an unfavorable vote on this issue would be the harbinger of making the United States second rate. Indeed, it could be the harbinger of the creation of only one superpower in the world, because if the rest of the world is going to have to look to the Soviet Union for technology, for mass production, all the things that the world needs to achieve progress, then the United States is certainly going to be second rate.

Mr. President, it will be a black day in the history of this country if we should, at this point in time, reject the funds necessary to develop the SST.

We must recognize that the people of the world will be flying around in SST's in due course.

Let us pray that they will be ours and not someone else's.

Mr. BIBLE. Mr. President, I yield 6 minutes to the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator from Colorado is recognized for 6 minutes.

Mr. ALLOTT. Mr. President, in the last few weeks and days many people have come forward to discuss this issue, many of them authorities and many of them not authorities at all. But I should like to point out at this time that more than 20 economists across the Nation have endorsed the U.S. supersonic transport—SST—program in response to charges that the SST will not be economically feasible.

The list of supporters includes such nationally respected economists as Dr. Paul Cherington, professor of transportation economics, Harvard Business School; Dr. Martin T. Ferris, professor of economics, Arizona State University Graduate School of Business; Dr. J. C. D. Blaine, professor of economics, University of North Carolina Graduate School of Business; and Dr. Edward Smykay, professor of transportation and economics, Michigan State University Graduate School of Business Administration.

All the economists supporting the SST program are from colleges, universities and private research organizations across the country.

They said:

> The U.S. SST should increase employment by adding a substantial number of new direct jobs—

And—

> contribute significantly needed dollars to assist this country's balance of payments problems.

All agreed that development of the U.S. SST through the prototype stage will permit a complete analysis of the commercial economic viability of the SST.

They also pointed out:

> Recent technical information presented to Congress has demonstrated the high probability that the SST will operate well within environmental standards.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those endorsing the SST program.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBSCRIBERS TO THE SST ENDORSEMENT

Paul Cherington, Ph. D., Professor of Transportation Economics, Harvard Business School.

Martin T. Ferris, Ph. D., Professor of Economics, Arizona State University, Grad. School of Business.

J. C. D. Blaine, Ph. D., Professor of Economics, University of North Carolina, Grad. School of Business Adm.

Edward Smykay, Ph. D., Professor of Transportation and Economics, Michigan State University, Grad. School of Business Adm.

Hugh S. Norton, Ph. D., Chairman, Dept. of Economics, University of South Carolina.

Stanley Brewer, Ph. D., Professor of Transportation Economics, University of Washington, Grad. School of Business Adm.

Roy J. Sampson, Ph. D., Professor of Economics, University of Oregon, Grad. School of Business.

Hale Bartlett, Ph. D., Assoc. Professor of Economics, University of Illinois, College Management Science.

Joseph L. Frye, Ph. D., Professor of Transportation Economics, University of Tennessee, College of Business Adm.

Warren Rose, Ph. D., Professor of Transportation, University of Houston.

George W. James, Ph. D., Former Director of Economic Research, Battelle Memorial Institute, Chief Economist—Air Transport Assn.

Frank L. Hendrix, Ph. D., Professor of Transportation & Public Utility Economics, University of Tennessee, College of Business Admin.

James E. Suelflow, Ph. D., Assoc. Professor of Transportation and Public Policy, Indiana University, Grad. School of Business Admin.

Buford Brandis, Ph. D., Industrial Economist.

Grant Davis, Ph. D., Professor Economics, Auburn University.

Peter Lynagh, Ph. D., Asst. Professor of Transport Economics, University of Maryland, College of Business and Public Admin.

William P. Carlin, Industrial Economist.

J. Richard Jones, D.B.A., Assoc. Professor of Economics, University of Georgia, College of Business Admin.

George Horton, Ph. D., Professor of Economics, Auburn University, College of Business.

Prof. J. A. Smith, College of Business Admin., Southern Illinois University.

Lemont K. Richardson, Ph. D., Consulting Economist.

Alan H. Skaggs, Chief Economist, Aerospace Industries Assn.

Theodore Wallin, Ph. D., Prof. of Transport, Syracuse Univ.

Virgil Cover, Ph. D., Prof. of Transport Economics, Univ. of Georgia.

Mr. ALLOTT. Mr. President, an editorial published in the New York Times yesterday quotes the president of the Continental Airlines, Robert F. Six, as doubting that he would buy the Concorde for the California to Hawaii run, using that as an argument why our prototypes are not needed to determine profitability. The Times is not accurate with regard to Mr. Six.

The Times can make all the statements they wish about the uselessness of prototypes. But the airlines know we need a prototype when new technologies are involved, and when a new generation plane is untried. They know we need prototypes with which performance specifications can be measured—matters such as range, payload, safety, and even environmental complications.

The lending institutions have said that their ability to finance the production phase depends in part on a proven project and a flying prototype.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Mr. W. M. Magruder, Director of SST Development, from the president of Continental Airlines Robert F. Six, dated June 26, 1970. The letter concludes with this sentence:

> I wish to assure you that we at Continental Airlines support fully the American SST program as it is now planned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONTINENTAL AIRLINES,
June 26, 1970.

Mr. W. M. MAGRUDER,
Director, SST Development,
Department of Transportation,
Washington, D.C.

DEAR MR. MAGRUDER: This will acknowledge your letter of June 8, 1970 regarding our judgment on the viability of a production SST in the 1978 time period.

There is no question in my mind that the 1978 time period for the U.S. SST will enable the industry in this country to benefit from the expense of the Concorde development and also the Russian development and will increase the probability of the U.S. SST being a viable commercial aircraft. Should the United States not proceed with this project along the lines of the timetable currently being studied, I sincerely believe that the second generation Concorde will be developed and will obtain all the commercial airline market in the 70's and 80's with the possibility that the Russians will obtain a small portion of the world market.

In reference to speed, historically speed has been a demand by the world since the beginning and one only has to read history to find that to be a fact. To have a supersonic aircraft with sufficient range to join the various population centers of the world will give the traveler something he really wants and needs to conduct his business or enjoy his leisure with a worldwide scope. The altitude capability, coupled with the speed of the U.S. SST will permit much more efficient use of the world's airspace and will help resolve some of the problems we face with the rapid population and travel growth.

I wish to assure you that we at Continental Airlines support fully the American SST program as it is now planned.

Sincerely,

ROBERT F. SIX.

Mr. ALLOTT. Mr. President, what are we talking about in the final minutes here? We are talking about two prototypes, and the money needed to develop them further. That is all we are talking about. We are voting for a balance of $134 million to the end of fiscal year 1971. What would be the cost of termination? Boeing and General Electric, $85 million; terminating the other contract liabilities, $10 million; termination of administrative costs, $2 million; to airlines for repayment, $22 million. That comes to a total of $119 million. The difference between what we are actually talking about, the difference between having something to show for 10 years of effort, and the action the others would have us take, is $15 million.

If we cancel now, what becomes of those beautiful planes that are nearing their final phase of construction? Do we take axes and chop them up and put them on a bone pile? What becomes of the thousands and even hundreds of thousands of drawings which have been worked out assiduously over these years by some of the best brains we have in this country? Do we put this work on a musty shelf in some storeroom, to be hauled out by our children and our grandchildren, who will point to the fact that we did not have the courage to face up to our responsibilities and look to the future for the technological progress of this country?

What about the personnel which has been discussed here? What about those who are working on this project, the 14,000 to 15,000 who will be immediately out of work? And that relates in immediate jobs to 40,000 or more.

What do we do with this personnel? Do we put them on relief? Do we take an aeronautical engineer and make a mass transit man out of him? Hardly. These are things which we have to consider today as we enter these final minutes of debate.

It seems to me there is, among all the trees in this forest, one great issue to be grasped by the people of the United States and the Members of the Senate. That issue concerns whether or not this country, contrary to the tendency of the last few weeks, months, or perhaps the last 2 years, accepts a new challenge technologically and scientifically. We can either do that or retrogress and step backward and backward, even going back, I suppose, as far as the Middle Ages, as some would like us to do.

To me, the challenge here is whether we push our own mental horizon a little further and we are able to grasp the stakes involved in this. I believe the future of American scientific efforts and our psychological outlook toward the future are involved in this matter.

We have stepped backward many times. I hope we do not step backward with respect to this matter.

Mr. President, in conclusion, I only say that this is our opportunity to look to the future. I urge the Senate to do so.

Mr. HUMPHREY. Mr. President, I shall vote today against continued Federal funding of the supersonic transport. My decision is not a hasty one. I have reviewed carefully the current debate, the testimony presented to the committees of Congress, and the views of many individuals who have written or talked to me.

This is not a black and white issue, with the "good guys" on one side and the "bad guys" on the other. There are compelling arguments on both sides, and Senators and others are no less honorable because they have come to contrary decisions.

I personally regret earlier statements in the debate and in the press which have charged public-spirited men with unworthy motives in supporting the SST appropriation. It is deplorable that personal attacks should be made and then motives questioned of men whose records of high public service and integrity go back for a generation.

Mr. George Meany, president of the AFL-CIO, has every right to express strong support for the jobs created by the SST project. He should make that case. Mr. Floyd E. Smith, president of the International Association of Machinists, similarly has the right to defend the jobs of the members of that union. I strongly deplore any implications that the expression of honest differences of opinion by these and other proponents are unworthy or improper.

The most telling argument of the proponents is the cruel effect on people—on workers and their families—from the loss of jobs if the SST is canceled. I do not take this lightly.

I have concluded, however, despite my concern for the loss of present jobs, that the SST is economically, technically and environmentally neither a good buy nor a good risk when compared to our urgent national needs and priorities.

It is certain that the SST costs the taxpayer will be asked to bear will far exceed the original or the present requests. The total requests to date exceed President Kennedy's original estimate by at least one-third. I do not doubt that cost overruns will continue to grow in the development stage, and if—as is nearly certain—the Government is forced to bear production costs as well, the total costs could be many, many times the original planned investment.

The environmental risks—the noise problem plus the cumulative air pollution impact in the upper atmosphere—are substantial and costly. Noise overland and sideline noise at takeoff may be solved, but each solution greatly increases development, production and operating costs. SST impact on the upper atmosphere is judged to be severely threatening by some authorities. The operation of the prototypes will not give us dependable answers to these questions, so careful scientific research must be carried out. But this research will take many years to complete.

The capacity of the airline industry to operate the SST without subsidy—even assuming no unpredicted additional costs due to inflation, or overruns, or difficulty in getting private financing for production—is extremely doubtful. I am not convinced that the increased speed of the SST, compared to existing aircraft, is sufficiently attractive to travelers that they will be willing to pay the higher cost of SST travel.

I emphasize my deep concern for the uncertainties faced by those now working in SST-related jobs. Those of us who vote to halt or delay this project have responsibilities to these families.

I, therefore, pledge my efforts to help these workers and these families.

I have joined, for example, as a cosponsor of the sense of the Senate resolution offered by Senators BAYH, PROXMIRE, and NELSON. That resolution commits the Government of the United States to find new productive ways to use the talents of those workers affected by the cancellation of the SST in the longer run, and to provide immediately transitional assistance to the workers presently employed in the production of the prototypes.

Personally, I would and will reach out further to help the SST work force. I am prepared to ask all my colleagues—if the SST is cancelled—to vote now an equivalent amount of funds and authority to relieve the distress of workers affected, and to attempt to channel their skills and initiative into new jobs truly related to the national welfare.

Senator EAGLETON has proposed investing funds equivalent to the SST appropriation through our national laboratories, federally funded laboratories associated with universities and our aerospace companies to apply advanced research technology to our urgent human needs. This is a wise proposal which has my support.

Others have put forward plans for national conversion assistance for the aerospace industry, and for a national environmental laboratory to use in this field the available skilled technologists and workers.

We can find ways to put people to work and keep them at work which are not wasteful and which do contribute to urgent needs. We need to put the same energies as pushed the SST—and opposed it—behind programs of public service employment, for the rehabilitation of our cities, for the improvement of health care and its delivery, for the expansion and improvement of educational facilities and opportunities, for help to our poor and for the modernization of rural America. We must improve mass transportation systems, our airports, and air safety. And we need to wage a relentless war against the pollution of our environment.

The SST, in my judgment, does not begin to outrank any of these needs. Aside from the other compelling reasons to question the SST effort, I do not believe we can justify heavy Federal financing to benefit the few at the expense of other Federal efforts which could quickly and directly help so many.

We must help create jobs in place of those lost due to cancellation of the SST, but see to it that the Federal funds create jobs which directly contribute to a better quality of life in America.

Mr. MATHIAS. Mr. President, it is very difficult to reach a rational decision on the question of whether or not the two experimental supersonic transport prototype planes now authorized should be completed. In the first place, there is an emotional atmosphere which has become a very real part of the debate and which cannot be ignored. On the one hand, the construction of this plane, which will admittedly be primarily for use in foreign travel, seems to be a symbol of the Government's lack of relevance to the problems of housing and education and health and other pressing social concerns. On the other hand, the abandonment of the effort to develop a safe and swift plane for civil use might well be taken as a symbol of abdication of leadership with negative results in the SALT talks and other important world councils.

As the symbols clash, so do the facts. This much at least is clear: That the American supersonic transport must be ecologically feasible and economically feasible.

I am convinced that within the currently recognized perimeters of scientific knowledge a plane can be constructed that will not do violence to the environment. With a sufficient investment of time and resources, the major environmental problems can be overcome if they have not already been conquered. At the same time, I recognize that there are certain problems that are beyond the perimeters of contemporary science. These are questions such as possible diminution of the ozone with a resulting increase in ultraviolet rays on the earth's surface or the repetitive effect of exposure to sonic booms on the creatures that frequent the ocean areas over which the plane might fly. After diligent investigation, I cannot find that answers to the questions such as these are yet known.

There are, however, some very real facts that are known and must be considered. One of these is that there are two versions of supersonic civilian planes now in existence and soon to be available in the commerical markets of the aviation world. Assuming that these planes do enter production and operation they will constitute important units in the aviation of the eighties. We also know that in the aviation of the seventies American aircraft constitute the most important item in our export trade. Unless we prcoeed with a minimum of research and development in this field, our foreign trade will alter for the worse as we move from this decade to the next.

If we stop work today, clearly it is unlikely that there will be American participation in the supersonic transport market of the eighties. There also will be no American answers to the problems that have not yet been solved and we will find ourselves looking to Britain, France and Russia for solutions, as we will look to them for manufacture and sale of aircraft. On the other hand, if we continue work on the two experimental prototypes, we will retain the ability to make a decision while we probe for the unknown answers.

The contribution that could be made by an SST is not to take an individual traveler from New York to London between breakfast and lunch, but is rather that a single machine will do the same amount of work in a given period of time that twice as many conventional machines now do. If this is so, it clearly adds to the productivity of our society and will make a contribution to mankind, of importance to those who travel and those who do not.

There is one area of difficulty that has not yet been broadly discussed and perhaps properly so, because it lies largely in a speculative future. That is the second criteria for the question of economic feasibility. Looking ahead to the possible sale of an American SST around the end of this decade, it is impossible to forecast with either honesty or conviction whether or not there will be a consumer demand for the plane which will justify airlines in purchasing it, manufacturers in building it, and banks in financing it. Looking at the unit cost of an SST plane today, we may very well doubt whether the aviation industry will ever be able to get off the ground with such an enormous load. At the same time, an American of a generation ago who was contemplating the purchase of a DC–3 at $125,000 might have been shocked and dismayed at the projected cost of a DC–7 at $4 million, or a 747 at over $20 million. The economy did, in fact, expand to accommodate these expenditures. It may well expand sufficiently to support the SST, although no Member of Congress, of the administration, or of the aircraft industry can guarantee that this will be so by 1980.

A death blow to the SST today will be final as far as Government is concerned. The chances of resurrecting the project would be remote if the Senate acts adversely today. On the other hand, since investment to date plus cancellation costs come close to the total cost of completing the prototypes, there seems to be little to be gained from abandoning the effort at this moment while so many facts are still unknown. To continue would be to take an insurance policy at no additional premium cost. The timing of this vote, while necessary under our appropriation procedures, is extremely unfortunate, because we simply do not have all the facts necessary for the rational ultimate decision that every Member would like to make. The only way to reserve that final decision is to vote to continue funding the prototypes with the clear knowledge that all the questions are not yet answered and a firm determination that if the answers prove to be negative we will then have the strength of character to turn from this unproductive effort and remove the SST from our national agenda.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, before beginning my concluding remarks, I would like to address myself to the comments made by my distinguished friend, the Senator from Colorado.

The Senator asked a very pertinent question, whether we should turn aeronautical engineers into mass transit engineers. My answer is an unequivocal "Yes." We must convert our personnel and our facilities and what productive capacity we have in this country to meet the real needs, not the imaginary needs.

I would like to offer one specific illustration. Because we are cutting down in the space program and defense expenditures, we have a large number of scientists and physicists unemployed. It is estimated at the present time that these professionals are in excess of 40,000. We have 50,000 doctors needed in this country. If we continue in our universities to turn out physicists and chemists that we do not need and do not turn out the doctors that we do need, something is wrong with our society.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BIBLE. Mr. President, I have no time.

Mr. PERCY. I yield for a question.

Mr. ALLOTT. Mr. President, we cannot convert aeronautical engineers into doctors.

Mr. PERCY. I do not think that there is any reason why we cannot take an engineer and turn him into a radiologist. The University of Chicago Medical School is now engaged in a study to see what they can do to convert these highly trained and highly skilled people from an occupation where we no longer need them and convert them into an area of great need.

Mr. ALLOTT. The Senator thinks we do not need them. I think that we do need them.

Mr. PERCY. I did not mention politicians. I mentioned engineers and doctors. We could use more doctors.

The PRESIDING OFFICER. There will be order in the Sentae.

Mr. PERCY. Mr. President, I would like to summarize my feelings about the SST and list a few of the problems and the reasons why I think we should resoundingly reject the funding of the SST this afternoon.

After 9 months' debate on this appropriation request and nearly 9 years of public debate on the SST generally, I for one am ready to have the Senate bite the bullet and move forthrightly and to finally extricate the country from the tentacles of this highly seductive but, what I consider to be, ill-advised project.

Mr. President, it seems to me that the Senate is running the serious risk of permitting the SST issue to become an enormous legislative enigma, camouflaged by irrelevancies. Our attention is too easily diverted by patriotic pleas to "buy American." Our fears are too often fed by claims that foreign SST competition, specifically the Concorde and the TU-144, will destroy our aeronautical superiority and, in turn, our national prestige and security.

Our emotions are too easily played upon by unemployment estimates and statistics concocted and recited in an attempt to suggest that those who oppose Federal financing of the SST do so because of their callous disregard for the unemployed.

I am not impressed at all when the Soviet Union places ads in American magazines to say that the TU-144 is going into production and that they are going to open up a route between Moscow and Calcutta. That, to me, is no reason to build the SST, just to beat the Soviet Union.

How ludicrous it is for the Soviet Union, with their tremendous domestic needs at home, to be building a plane to fly from Moscow to Calcutta.

Their people have to wait 5 to 10 years to buy an automobile. They propose to fly their plane to Calcutta where poverty plagues almost every citizen.

If we are so foolish as to be stampeded into competing with the Russians for this reason, it is irrational. We would not then have any sense of our national priorities.

I therefore submit that we serve to stand better the national interest if we try to cut through the rhetoric and the emotion, the high-pressure sales pitches, and all the pressure put on us in this last 48 hours from high places, and focus on these three fundamental economic issues:

First. Is the expenditure of Federal money on the SST a sound investment for the American taxpayer?

Second. Is the investment an appropriate Federal undertaking?

Third. Is the investment worthy of receiving Federal money at this particular time?

In my judgment, the most persuasive case—indeed, the best case—taking into account the Federal deficit, taking into account the hard-pressed taxpayers, our national priorities and the precarious financial position of our aircraft manufacturers, our airlines, and the reluctance of the banks to put any of their money into this project—is to be made on the basis of the three economic issues I have raised concerning the economic viability of this plane.

This is not to say that the environmental issues are not very real. They are real. However, as a trustee of the taxpayers' money, I must ask is this a good investment? What does the taxpayer, the citizen of the United States, and the Nation get back on its investment?

Mr. President, it would be easier to determine if the investment in the SST is a sound one if we had more complete financial data. I ask my distinguished colleagues who have looked so closely at this contract why the principal contractor, Boeing, which was required by the terms of that contract to produce a financing plan for production of the SST on June 30, 1968, three times has set a different date for submission of financing plans? As a government, we have had to negotiate with them two extensions of the originally set time. The time for compliance now is June 30, 1972. In other words, we are being asked to vote on "a pig in a poke," and we are being asked to vote on something in connection with which the contractor was required and agreed to furnish a financing plan but has still not furnished that plan. In other words, are we being asked to vote on $1.3 billion or $5 billion or $11 billion or $15 billion? I do not want to cast a vote unless I know what I am voting for and what the limitation of any commitment is.

In view of the fact we have no answer from the contractor I will only presume that he has gone to the banks and they will not finance it, he has milked the airlines so they do not have any more money to put in, and the contractor does not have any more money to put in either. The contractor can only present the financing plan of the British and French, the national government. Consequently, the taxpayer now is being asked to finance this product. That is why I think there is a good reason not to support funding this project at this time.

There is more than a reasonable doubt that the airlines will be unable to buy and maintain the SST in the quantities promised by the Department of Transportation. Who could deduce otherwise from the profit-and-loss statements of America's airlines these days? In 1970 alone the Nation's 12 major airlines lost an estimated $123 million. Many are in no position to purchase and maintain the 747's. Reports at the end of last year indicated that the British and French had decided not to build four production models of the Concorde because the market outlook was so grim. In the United States no airline has converted its options to buy SST's into actual orders for the Concorde.

We have been told that prototype development will cost $1.3 billion, and the extent of Federal participation will be limited to the prototypes. But the nature of developmental research makes this promise illusory. If we are to have the SST, and accommodations required as a result of hypothesizing and testing must come during the developmental stages. This always means more money. It is in every sense open-ended research.

My doubts as to cost estimates, to the extent that we know them, do not end with the prototype projections. I cannot believe we will not be drawn into funding production as well. If there is any validity in arguing that we should not discontinue the SST at this point since it will mean a loss of those funds already invested, the argument will be even more persuasive at the end of the prototype phase. I am not saying I buy that argument; I am only indicating that the trap will be even more compelling at that point.

The most fundamental consideration involved in passing on a project such as this is the law of supply and demand. Discussion must terminate prematurely, however, since the whole project has been taken out of the marketplace. This has been one of my most persistent criticisms of this program. We have force-fed the design, we have force-fed production, we have force-fed financial support, and on the basis of this economic head-knocking, we are assuming there will be a market. We wind up forcing supply and presuming demand.

In answer, then, Mr. President, to the question concerning the wisdom of investing in the SST as considered according to the dictates of strict economic theory, we discover that we are making a decision on the SST without the benefits of the economic give-and-take of the marketplace, without cost data, on the assumption—and nothing more—that there will be a demand, and without any financing schedule or plan whatsoever. The managers of the Government's SST program have sacrificed hard-headed business sense for hard-sell salesmanship. Any director of any corporation who would decide to pursue an investment in these circumstances would be subject to removal from office and would probably be sued as well by the stockholders. No bank in the country would. I submit that as Senators our duty to the taxpayers is no less than a director's duty to his stockholders.

Is the investment in the SST an appropriate Federal undertaking? In general, Government assistance is devoted to those endeavors that cannot be carried out by the private sector and to those projects that serve to benefit directly the public interest. The SST satisfied neither of these prerequisites.

The principal reason for the Government's role, as the FAA feasibility study made clear in 1967, is the high risk involved. There is nothing unusual about investing $1.3 billion in a technological venture in the private sector. Last year, American industry was provided $23 billion in new funds in the form of corporate bonds and $8 billion in the form of corporate stocks. Every year the auto industry raises $500 million for model changes alone. And the Alaskan oil development project will cost approximately $4.5 billion. When the capital required is extraordinarily large, several companies frequently invest. As Arthur Okun has said:

> By standards of the private financial marketplace, SST is a big project, but not an indigestible one.

So where is the private venture capital? We are seeking support for a commercial aircraft, but the banks, the investors, and the sources of private capital have not come forward. As Allen Ferguson wrote in yesterday's Wall Street Journal:

> The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it.

What is unusual in the case of the SST is the small chance of success.

The risk factor and the absence of private support should raise red flags to the Government as they do to private enterprise. It is impossible to justify the assumption of this risk at high cost to the taxpayer if it cannot be justified in the private marketplace.

Mr. President, I believe American industry is only weakened by projects of this kind and that confidence of the public undermined. The business community has been relentless in its support of the free enterprise system. The reservations consistently expressed concerning the expanding role of Government have to a large extent been well founded. Yet, in the case of the SST, a few businessmen are asking the Government to step way over this line, ignoring the apparent contradiction between their requests for special assistance and their demands to be left alone.

In deciding whether the SST is an appropriate recipient of public funds, we must look to the direct and indirect benefits it promises. I suppose it has some value simply as a technological advancement. If successful, it will save flight time for its passengers. If there is a premium on time, as SST proponents suggest, passengers will pay for that advantage, thereby remunerating the companies which produce the plane and those who travel on it. But I can find no reason to impose the costs on those who will not fly in this plane. The larger community has no stake in its development, no interest to be served, no benefits to reap. Why then should the community be required to underwrite the project?

I indicated at the outset that it was not my intention to engage in a debate of national priorities at this time. But my discussion of the SST economics would be incomplete without directing an inquiry to the worthiness of the SST in terms of its claim on Federal moneys.

When it is recognized that every cent we put into this program is borrowed and that we must pay interest on this debt, when it is recognized that the SST must compete with every single program the Federal Government sponsors, it is easy to recognize that the proponents of the SST have a particularly difficult argument to support.

Mr. PROXMIRE. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Mr. President, the entire debate surrounding the funding of the supersonic transport plane has been charged with emotion. One of the most unfortunate aspects of this debate has been the actions of the Nixon administration and their allies in using the aerospace workers of this country as political pawns in a battle that has become centered on the prestige of the administration rather than the economic well-being of 200 million Americans.

The SST, in my opinion and in the opinion of many others, is economically unfeasible. It will cost more jobs than it would create and it would present unknown hazards to our environment. There is no conclusive proof that it will in fact create 50,000 jobs. There is no conclusive proof that it will not despoil the upper atmosphere. There is no conclusive proof that it will not present a serious hazard to the health of our people.

I have long spoken out against the SST and maintained that position throughout my campaign for the Senate. My opposition has been a matter of conscience. It is based upon my belief that there are more important priorities for our country to be undertaking at this point in our history and it is based upon my belief that it will not give the aerospace industry the kind of long-term growth that it needs.

Yesterday, in California, a group of aerospace employees accused me of betraying their interests through my opposition to the SST. This charge is false, but it raises serious questions in my mind as to the type of exploitation that has been taking place with regard to this debate. How many aerospace workers have received both sides of the SST story? How many hundreds of thousands of dollars have been spent in promoting a massive propaganda campaign? Where has this money come from?

Has it come from donations from citizens who are truly concerned that the SST must be built or has it been induced from the paychecks of the aerospace workers through pressure? Has it come from the people who are working in an industry that has been ravaged by unemployment due simply to a lack of planning on the part of the Federal Government?

It is clear to me that the employees of the aerospace industry have been badly misled about the SST. They have been led to believe that the development of this project means economic salvation for them and their industry—when in fact it does not.

The pressure of lobbyists and the special interests is a tradition on Capitol Hill and always will be. But in the case of the lobbying campaign exerted on behalf of the SST we have witnessed a cruel game; a game that is being played on the men and women of the aerospace industry who work for a living. The SST is not a panacea for the domestic aircraft industry. It is not a question of national prestige or national defense and it is certainly not a question of betrayal on the part of those who oppose it as I do.

It is merely a question of commonsense.

Given the disparities in our society today; given the fact that the people of this country are still paying for a war that they did not start and that the President apparently cannot end; given the real needs that our country must meet, it is only commonsense that would dictate a no vote on the supersonic transport plane. And those who have taken this battle to the factory gates across America and played upon the fears and emotions of people; those who have utilized half truths and distortions in presenting their case can attain no victory. For even if they meet with short-term success today in the Senate, they will, in the long run, lose, for they are merely adding to the frustrations and alienation that so plague our land today.

Mr. DOMINICK. Mr. President, last December I announced my opposition to providing further funds for development of the SST. At that time I had serious reservations about certain aspects of the program. Certain questions, it seemed to me, had not been answered, particularly some of those relating to the environment. I was especially concerned about the reported side levels noise and some of the potential pollution problems. I was concerned that consideration and adequate examination of these potential problems had not been made by the supporters of the SST.

During the intervening period a complete reexamination of the entire program, including all of the issues, has been undertaken. In this regard, both the Senate and the House held extensive hearings. All of the proponents and opponents were given ample opportunity to express their views—all of the arguments for and against were laid on the table. The entire debate has received extensive coverage in the news media. The Nation today is far better informed on all aspects of the program than ever before. It has been a very useful and productive examination.

My personal and detailed study of all the hearings held during the period convinces me the SST prototype funding should be continued. Therefore, Mr. President, I will vote for continuing this $134 million appropriation.

One of my previous concerns was the possibility of supersonic flight over the U.S. land area. Mr. Magruder assured the Congress the SST would not conduct supersonic flight over the United States and the Senate has passed two bills specifically prohibiting supersonic flight over any part of the U.S. land areas. The bill passed last week, was carried unanimously and I am sure it will receive the same response in the House and will be promptly signed by the President.

I was also concerned about the reported noise level of the engines. As the result of focusing on this issue the contractor now guarantees the side line noise level will not exceed EPNdb 108, a noise level output less than the 747 and 707 aircraft and a noise limit required by the environmental pollution regulations.

While these primary concerns have been resolved there are other good reasons to continue the program at this particular time.

Cancellation would cost the taxpayers over $1 billion, and end completely any chance to recover these funds. After 9 years and in light of the most recent review of all aspects of the program it now seems imprudent not to proceed with the production of the prototypes.

Let me say, Mr. President, I am as concerned as anyone else about the possible environmental impact of the SST. I have examined each of these issues very, very carefully and I am convinced in my own mind we are not creating a monster that will do irreparable harm. Certainly the two prototypes will not endanger the environment, but rather, will assist in further verifying environmental data. Environmental safeguards are built into the program that will insure production is not begun if it is determined that any environmental hazards exist. Secretary Volpe has also assured me that each production aircraft must meet all specifications in this regard or it will not be certificated.

It is important to point out, Mr. President, that the existing contract for the two prototypes does not provide in any way for the subsequent financing of production aircraft. This has been clearly established as a matter between the Boeing Co. and the private financial market. This is extremely important as it means that before any fleet of supersonic American jets enter the commercial field, the airlines and the private financial institutions must determine whether the planes will be economically sound while the Government determines whether they meet environmental requirements.

From a national point of view the American aircraft industry today supplies approximately 85 percent of the world's commercial aircraft fleets. We are the undisputed world leader now and if we are to remain in this position we must continue to progress. With every other country their own commercial aircraft fleets are completely subsidized. Ours is not. Our own SST program has been criticized as a subsidy program and its initial development costs have been heavily supported by general revenues. It is my own belief that in terms of priorities we may have made a mistake in 1962 when Government revenues were allocated to the development process for commercial aircraft; but we have the contract; it has been funded for 9 years; it is a sharing program which may return to the taxpayer all moneys involved if the planes are ever certificated and purchased and there is a potential to realize a return of about a billion dollars.

One final point, Mr. President. I have been a strong supporter and believer in advancement through technology. This has made our country great in the past and will continue to assure our greatness in the future. The technology involved in this program will have substantial spin-offs that will even further assure our ability to control pollution and protect our environment.

In summary, although the priorities on spending are tight and I will not vote for any Government subsidy for commercial production, it is my belief that a slight balance is in favor of continuing the funding of our present contract through the two prototype models.

Mr. CASE. Mr. President, for a decade or more we have been hearing about revolutionizing civil aviation with development of a supersonic transport capable of going twice or three times the speed of sound.

In the United States, the Kennedy administration decided to undertake to build the biggest, fastest plane of all. The venture would be financed largely with Federal funds.

Estimates of the cost to the Federal Government have ranged from $1.3 billion toward the development of two experimental models, or prototypes, to upwards of $5 billion if the Government is obliged to finance the expensive production phase.

There always have been many who have doubted the plane's soundness. Their ranks have grown over the years and finally, I believe, the majority of the people of the country are against the SST.

I think it is accepted by most that environmental and economic concerns are the underlying factors in the growing public opposition to the SST. Also, there is a well-founded feeling that the funds could be used more profitably for more urgent national needs.

First the environment.

Everyone agrees that an SST flying faster than the speed of sound will generate sonic booms which will be an intolerable annoyance to those who hear them. The booms may even cause physical damage.

Because of this I introduced the first bill to prohibit commercial supersonic flight over the continental United States. I am happy to say that legislation embodying the principle of my bill has passed the Senate twice since December. But there is a question whether the SST is economically feasible if overland flights are not permitted.

Moreover the SST engines, as presently designed, will cause intolerable sideline noise as the plane prepares to take off. While the Department of Transportation states that it has made progress in reducing the racket, it is not willing to put the "quieter" engines on the prototypes for all to see and hear.

And it is agreed that noise suppression equipment will cut down the efficiency of the plane and will reduce its economic viability.

But our anxiety about the SST's environmental impact is most deeply aroused by the possibility that the plane may irreparably pollute the earth's atmosphere, perhaps even reducing the ozone layer which shields our planet from the sun's most lethal rays.

The scientific evidence on these matters is too slight to justify any final conclusions, but it seems plain that without more knowledge we dare not take a chance. I emphasize that building the prototypes is not necessary to giving us this information and that they will not help.

The great weight of economic opinion is against the SST. Economists from opposite ends of the spectrum, such as Paul Samuelson and Milton Friedman, oppose it.

They ask the simple question:

> If the SST will be as profitable as its proponents claim, why not let private enterprise take over the venture?

It has shown no inclination to do so. The conclusion is inescapable that doubts about the economic soundness of the SST program extend to the aviation industry itself.

I shall vote against further Federal funding of the SST.

Mr. BIBLE. Mr. President, I yield 8 minutes to the distinguished minority leader.

THE RELATIONSHIP OF INCREASES IN PRODUCTIVITY AND EMPLOYMENT TO RESEARCH AND DEVELOPMENT EXPENDITURES

Mr. SCOTT. Mr. President, of all the crucial items of vital business I have seen and heard debated in the U.S. Congress, I can think of very few that have been accompanied by as vast a plethora of information, and misinformation, as we have heard in connection with the matter before us today.

The pros and cons of Government support of this Nation's supersonic transport program have been bisected, disected, vivisected, accepted, rejected, disconnected, and put back together again—over and over—in Congress after Congress.

Yet how much more do we know—how many new facts do we have—compared to those early days when an enthusiastic Congress—and an enthusiastic Nation—first conceived the planning of this great project?

I submit that there is a new point of focus, a new aspect to be considered, and I would like to address myself to that factor at this time.

We must not overlook the cold clear fact that research and development—pure and simple—has been a primary force behind the advances made by this great Nation of ours. Let me take as a touchstone the rate of growth of our gross national product during the years 1960 to 1968. For the Nation as a whole it was 71 percent for that period. Now compare the rate of growth of industries that have wisely invested heavily in research—and who have developed that research for the benefit of us all. For example, during the period 1960 to 1968 the airframe manufacturing industry expended approximately 10 percent of its sales for research and development, and during that same period its growth and productivity was about a phenomenal 120 percent. Its level of sales increased from $9.1 billion in 1960 to $17.4

billion in 1968, which is a 91.2-percent increase in sales. Let me stress my conviction that this increase of $8.3 billion in sales was primarily the result of the investment in research and development. Equally important is the increase in employment: over 100 percent for the same period of time. More than doubling total employment in 8 years is a superior achievement by any man's standards.

The examples do not end with the airframe industry. When we look at the plastic industry we find another industry that has expended approximately 10 percent of its sales revenue for research and development over the same 9-year period, and it too has enjoyed a major growth in productivity, namely 44 percent. Plastics sales grew approximately 113 percent, from $4.7 billion in 1960 to $10 billion in 1968. At the same time employment increased approximately 113 percent, from 135,000 to 287,000. Note once again the dramatic rewards associated with research and development investment.

The electrical and electronic equipment industry is another pace setting industry in terms of major gains in productivity, sales and employment during the 1960's. When it invested some 10 percent of its sales to research and development, that industry reaped a 59-percent increase in productivity, a 112-percent increase in sales, and a 44-percent increase in employment. In absolute terms, sales increased a phenomenal $12.4 billion, and approximately 500,000 new jobs for labor were created. These encouraging cases show what research and development can mean for our country's economy, work force, productivity.

To strengthen my point, let us consider the case of several industries which have failed to meet a need for a continuing improvement in their products. For example within the railroad industry, where research and development expenditures averaged about 0.5 percent of revenues, employment from 1958 to 1966 actually declined by some 210,000. Compared to a gross national product increase in excess of 60 percent during these years, revenues for the rail industry only increased some 10 percent. The maritime industry, where the equivalent of ⅓ of 1 percent of revenues has been invested in research and development, experienced a 2-percent decline in seafaring employment from 1960 to 1968. Commercial merchant ship revenues, even during a period of inflated demand, declined about 22 percent from about $324 million in 1962 to $252 million in 1968.

Are we—today—voting to condemn our aviation industry to that same dismal fate our railroads and maritime interests are now plagued with, and to balance them out and involve the Federal Government in commitments far greater than the amount under consideration here?

If we are to issue such a condemnation here in this great U.S. Senate this afternoon, Mr. President, let us do so openly. Let us admit that the failure of the railroads and the maritime to prosper came not only because these industries were unable to expend sufficient funds for research and development, but also because Government itself failed to assume collateral involvement in that same vital field.

Who in this Chamber this afternoon can claim that our railroads and our shipping lines would not be in their present state of decay and financial embarrassment had they received the benefits of expansive, broad-brush research and development programs?

Who in this Chamber can deny the fact that growth and progress in any industry comes from building a better mousetrap, or a new mousetrap, or a less expensive one?

The research and development cost of the supersonic transport was determined many years ago to be beyond the capacity of the industry alone. Did that fact stand in the way of previous Congresses? Did the U.S. Senate say then: "You can't afford it, therefore the Nation cannot have it?" Look at the vast sums of Government-subsidized research and development moneys invested in the space program, and the multitude of technological "spinoffs" that have resulted from that great program. And, Mr. President, we must look now at the multitude of benefits we will receive from Government involvement in research and development for commercial supersonic flight. Not only in increased technological expertise, but also—as has been discussed here many times before—in terms of getting a solid return on our research and development investment.

And I would venture this very valid point. New and improved, fully researched, innovative products—hallmarks of American technology—have almost invariably been laborsaving devices, timesaving devices.

And with labor saved, and time saved, the American people have received a double blessing. In addition to an increased ability to enjoy the fruits of our skills—through additional recreation, education, and social achievement—we have had more time, more manpower, to apply to further research and development in quest of our goals.

Yes, in this Nation, technical productivity has led to increased human productivity. Here, in this great Nation, we are not slaves to our machines. We are the greatest Nation in the world because we have had the initiative and the incentive to have faith in our ability to conduct thorough research and to enhance progressive development.

Mr. President, I cannot envision our actions here this afternoon resulting in a sudden, ill-informed halt to such progress.

When this vote is cast, 13,000 men and their families will wait with bated breath to see if they work tomorrow.

The U.S. economy is the richest and most productive economy in the world. Much of the growth in our economy and the benefits which accrue to American citizens are due to the ability of American businesses to continually develop new and better products. My earlier remarks make it quite clear that the highly successful industries in the U.S. economy are those whose growth is largely based on steady improvement in their products. I believe that the lesson from these statistics is quite clear: If we are to continue our growth in national and individual wealth for all Americans, we must continue to support research and development efforts designed to seek out new facts and to apply them to industrial processes.

Mr. **PROXMIRE**. Mr. President, I yield 5 minutes to my colleague from Wisconsin.

Mr. **NELSON**. Mr. President, I do not think there is anything new to be said about the issue of whether or not the prototype SST's should be built, but I am compelled to observe that I have been puzzled by the tactics of the administration in pushing for the appropriation. Finally, after watching it for months, I have come to suspect that the administration forces handling the SST argument for the administration have been heavily infiltrated by anti-SST people. There is no other way, in my judgment, to account for the incredible incompetence in the way in which they have handled the fight.

I call attention to the fact that the administration has appointed three committees now to evaluate the SST. The first one was a well-controlled in-house ad hoc committee made up of representatives of the various Federal agencies all under control of the executive department. After they made their studies, they were so critical of the program that the administration decided they had to appoint another committee. Even Dr. DuBridge, a member of the ad hoc committee and the President's science adviser, came out against funding the SST. So in order to get a different result they appointed a distinguished science committee. Dr. DuBridge selected all 16 scientists, headed by Dr. Richard Garwin. So the science committee, again selected by the administration, made a study and filed a report with the administration.

No one has seen the report except the administration. I have asked the proponents—I think this is the sixth time since last fall—to just bring the administration's science committee's report to the floor of the Senate and let us tell the public and the Congress what the committee of scientists told the administration. But, no, they will not bring the science report to the floor.

When Dr. Richard Garwin appeared on the House side and the Senate side, he said he could not disclose what this group of distinguished scientists said to the administration. He said he was not at liberty to do that. But Dr. Garwin said he could give his personal opinion and his personal opinion was that we should not build it.

Then when Mr. Magruder was pushed to reply as to why the White House would not disclose the findings of the science committee appointed by the administration, he said he opposed releasing the report on the ground that Dr. Garwin was not a qualified expert either on aviation or the SST.

So now we have a situation where Dr. DuBridge selects a committee whose report is rejected by the administration because it came out on the other side. There are 15 other scientists on the committee named by Dr. DuBridge on behalf of the administration. Is the administration going to claim that all 16 of the scientists selected by them to evaluate the project are incompetent? How preposterous can they get about this?

Thus we will not be able to see the Garwin report because it is against the administration's position. It is as simple as that.

So we have one report by the Cabinet-level ad hoc committee which the administration has rejected and one by the Garwin committee which the administration will not make public. Now they have appointed a third committee. This is the Environmental Advisory Committee. I think they have tightened up on it enough now so that they will be sure they will get a report they will not have to hide or reject. As I look down the list, so far as I can see there is only one distinguished environmentalist on this in-house committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BIBLE. Mr. President, how much time do the proponents have?

The PRESIDING OFFICER. The remaining time allotted to the majority leader is 14 minutes.

Mr. BIBLE. Mr. President, I am prepared to yield the first 7 minutes of that to the distinguished Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. Mr. President, I have said so much on this matter over the past few months that I do not know how I can emphasize over and over again some of the points that have been cited both pro and con.

I just listened to my friend from Wisconsin talk about Dr. DuBridge. I just read in the paper that Dr. Daird, who is now the President's scientific adviser, has decided the other way.

That is what has been going on on this issue all the way through.

Mr. President, the Senate has heard extensive debate on the civil supersonic aircraft—SST—development program. The Appropriations Committee has recommended completion of the prototype development program by a vote of 17 to 5. A decision to halt funding of the SST program would mean the loss of all of the $865 million appropriated to date plus $178.5 million in costs associated with termination. This does include the reimbursement of the $58.5 million contributed by the airlines for which a strong moral obligation of reimbursement by the Government exists.

The age of commercial supersonic air travel is here. Other nations are already well into the testing phases of commercial supersonic aircraft. The British-French Concorde has already flown at mach 2. Recently, the Soviet Union announced that the TU-144 would start operating between Moscow and Calcutta in October of 1971. The United States has no real alternative to proceeding with the construction and flight testing of the two SST prototypes. We must maintain our capability for production of a U.S. SST for delivery to airlines in the latter part of this decade. Failure to do so would result in irretrievable losses in world aviation leadership, aviation industry employment, and exports of civil aircraft, one of the few remaining positive balance of trade accounts.

U.S. exports of commercial aircraft have shown a strong positive trade balance over the past 10 years in the U.S./Foreign Trade Exchange. Failure of the United States to enter the SST market could result in a total unfavorable balance of trade effect in the aircraft account which the administration conservatively estimates at $22 billion but which could run as high as $45.6 billion between 1978 and 1990. As Secretary John Connally stated before the Senate Appropriations Committee:

> Aircraft manufacture, the industry center stage here today, is another prime example of our technological advantage. Most of the people, mail, and freight transported through the air today are flown in American-built airframes powered by American-built engines. Our export sales of aircraft of all types in the last 10 years totaled over 10.6 billion which dwarfs the 4.6 billion in sales of the rest of the world. The United States today manufactures and sells 84% of the world's aircraft fleet. I believe we must maintain our position of superiority in this important technological industry.

I believe Secretary Volpe makes the argument for continuation of the prototype program as persuasively as any administration official:

> This year we are asking for $290 million, which represents approximately three percent of our total Department of Transportation budget. Funding at lesser levels will increase total costs and increase development time. With significantly decreased funding, the experienced teams of scientists, designers and engineers working on this program would be disbanded. Thus the program would suffer irreparable damage. The team of subcontractors would undoubtedly be dissolved and the U.S. Government would be faced with contract termination costs. To save a few dollars this year would, in my opinion, be counterproductive. This is a program which, unlike many others, is on schedule within cost and faces no insurmountable technical problems. We cannot and should not disrupt it by shaving off a few dollars in the name of economy. That, Mr. Chairman, would truly be false economy.
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> This is the moment of decision for this program, and in a larger sense for this nation's entire attitude toward the advancement of technology. As we stand on the threshold of commercial supersonic flight, we can decide either to keep or throw away this country's aviation leadership. We can decide to shrink from our responsibility to find the real answers on environmental effects, or we can conduct the necessary flight tests to find solutions. And this decision rests with you in the Congress.
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> The choice is yours. And history will judge the course which this Congress takes during the next 20 days. This Administration has not wavered in its support of the SST. We are supporting, in the strongest way possible, a bipartisan decision made by four United States Presidents, a decision to build and test two experimental planes. We do not shrink from our responsibilities. We look forward to finding answers, not withdrawing from our search.
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> The SST program is not a Government subsidy, as suggested by its critics. In 1961 the U.S. Government concluded that it was essential to develop a commercial supersonic transport. Accordingly, the Government sponsored a competition for manufacturers to determine who would build the airframe and the engines. The U.S. Government has remained a partner, along with the airlines and the manufacturers, and has a contractual obligation to complete the prototype program. The Government is involved because of the magnitude of the funding required, as are the British, French, and Soviet Governments involved in the Concorde and TU-144 programs. However, one important distinction exists—the U.S. program is an investment shared by the manufacturers, airlines, and the Government. The Government's investment will be fully returned through royalties on aircraft sales by the sale of the 300th airplane. A conservative market forecast for sales of U.S. SSTs is 500 aircraft; by the sale of the 500th aircraft, the Government will recover in royalties every dollar of its investment plus an additional billion dollars. Those royalty payments will begin with the first SST sold, not, as the opponents contend, with the 101st airplane sold. In addition to the royalty payments, it is estimated that by 1990, the Government will also receive $6 to $7 billion in corporate and personal taxes as a result of the production of an American SST.
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> Concern has been expressed by some that the SST could have an adverse effect upon our environment. The Appropriations Committee, of which I am a member, has firmly taken the position that we will not "buy aviation leadership at further cost to our environment." Environmental questions were explored thoroughly in our hearings and a number of witnesses testified on these matters. I was particularly pleased with Secretary Volpe's statement that the Nixon Administration would not favor allowing SST production if any serious environmental problem had not been solved after the prototype phase. There does not appear to be any evidence or factual substantiation that the SST will have a harmful impact on the environment. The charge is made that the SST will greatly pollute the atmosphere. Yet, jet aircraft provides a cleaner mode of transportation per passenger mile or travel than any other mode of mass transportation.
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> Another theory has been postulated that the SST will alter the world's climate by introducing water vapor or particulants into the upper atmosphere, or that a possible alteration of ozone content in the upper atmosphere will increase ultraviolet radiation at the earth's surface to hazardous levels. The experts quoted by the critics who raise these points admit that these conclusions are mere speculation, unsubstantiated by any factual evidence.

I have gathered together some of the testimony presented to the House and Senate Appropriations Committees on the impact of the SST on the upper stratosphere. For example, Dr. William W. Kellogg, Associate Director of the National Center for Atmospheric Research, in his March 3, 1971, testimony before the House Appropriations Transportation Subcommittee, expressed the following judgment:

> In short, I have found no environmental basis for delaying the government's SST program to develop two prototype SSTs. The best estimate we have today regarding the climatic aspects of large-scale SST operations indicates that the effects will be generally imperceptible and trivial when compared to the changes we experience from natural causes.

Dr. S. Fred Singer, Deputy Assistant Secretary, Department of the Interior, in his March 4, 1971, testimony before the House Appropriations Transportation Subcommittee, expressed the following judgment:

> Two years from now, well, actually probably in a shorter time . . . we should be able to say to you 2 years from now with

> a 99.99 per cent certainty that nothing will happen, or it may turn out with a very small probability that something would happen if these measurements turn out the other way.

Concerning his present degree of certainty of no adverse effects, Dr. Singer further stated in his testimony:

> I would say I am 95 percent sure that there will be no problem from an SST fleet.

All available scientific data from military supersonic flights, which total over 500,000 hours of supersonic flight, fails to substantiate the speculation of the SST critics. It is admitted by all, including the opponents of the SST, that the development and flight of the two prototype SST aircraft will not have any significant impact on the environment. Despite the lack of evidence that the SST will have a detrimental impact on the environment, the DOT has formed an inter-agency environmental research program as well as a committee of many of the foremost environmental experts in the country to make certain that all questions regarding possible adverse environmental effects are answered prior to mass production of the SST.

Aircraft flying at speeds in excess of sound create sonic booms. The Government's policy, however, is that the U.S. SST will not be allowed to fly over land at speeds or conditions that would cause a sonic boom to reach the ground. Last Friday, March 19, the Senate passed my bill, S. 1117, the sonic boom and sideline noise bill. This bill would prohibit boom-producing airliner flights over U.S. territory and it would also restrict the airport noise levels made by the SST. This bill would also prevent foreign-made aircraft from making boom-producing flights above U.S. territory. The same ban was proposed by the Federal Aviation Administration, but now the Senate has—for the second time—approved this measure by a vote of 71 to 0.

The sonic boom bill also requires the Transportation Department to modify all appropriate contracts for the development of prototype civil supersonic transport aircraft to provide that such contracts will not be satisfactorily completed until the contractors demonstrate that all production models developed from the prototype aircraft can comply with the noise level standards at the noise measuring points now specified for new subsonic jet aircraft in sections C36.3 and C36.5 (a) and (b) of appendix C—evaluated as prescribed by appendix B—of part 36 of the Federal Aviation Regulations, as in effect on the date of enactment of S. 1117.

During House hearings, Dr. Leo Beranek, chairman of the SST Environmental Advisory Committee, said:

> The noise objectives for the commercial SST are consistent with the noise levels specified in FAR 36.

He went on to say:

> There does not appear any technical reason why a commercial supersonic transport cannot be built which will be acceptable with regard to noise, and we conclude from the other evidence that was presented to us and which is contained in reports that have been sent to the airlines for them to study, that this airplane will achieve the goals that the SST office has set up for it in terms of range and load-carrying factor.

I feel that this bill provides a strong guarantee to those environmentalists who fear persistent sonic booms and unreasonable airport noise created by the SST would not be prevented by the FAA. Some critics also believe that economic necessities will require supersonic flights over land in order to make this plane profitable. The passage of S. 1117 would ban these overland boom-producing flights, and such flight would not be needed in any case to make the SST economically successful, according to available market surveys.

Concern has been raised over the question of emissions from the SST. This problem, however, has been covered under the Air Quality Control Act which was passed last year. Regulations regarding aircraft emission are being developed by the Department of Health, Education, and Welfare.

Similar misunderstandings exist with respect to aircraft noise. The amount of noise associated with the SST has been overstated by many of the program's opponents. Aircraft takeoff and approach noise is the type of noise about which people who live in the neighborhoods adjacent to airports complain. The community noise level from an SST will be less than that of existing commercial jets. The "sideline" noise of the SST, which is confined almost entirely to the airport, is anticipated to be about equal to the noise made by the present jets and the manufacturers are working diligently to insure that goal. In fact, a recent noise breakthrough has been made with the development of the "chute noise-suppressor"; with this equipment, the SST will easily meet the 108 EPNdb standard for existing subsonic jets.

Production of the U.S. SST will bring direct employment to 50,000 workers in American industry over a 15-year period. In addition, approximately 100,000 jobs will be created as a secondary effect of the direct jobs.

As George Meany, president of the AFL–CIO said before the Senate Appropriations Committee:

> Bad as conditions are in the Nation as a whole, they are even worse in centers of aerospace production. As Floyd Smith, president of the Machinists and Aerospace Workers told the House Appropriations Committee last week, and I quote, "The Nation's aerospace centers have been disaster areas." It doesn't take much digging into the facts to verify this description. In Connecticut, where United Aircraft is the major manufacturing employer, unemployment is 7½ percent. In California, in communities surrounding Lockheed, McDonnell-Douglas and Aero Jet-General the jobless rate is almost 9 percent. In Seattle and its suburbs, the home base of Boeing, unemployment has risen to almost twice the national average.
>
> In the past, when aerospace has experienced periodic declines, the companies have always tried to keep their pools of technological expertise intact. The ax generally has fallen heaviest on production workers. They have felt it heaviest again this time. But now, for the first time, hard-to-replace teams of engineers, scientists, and technicians are also being chopped off.
>
> During the last 18 months alone, 300,000 people have been let go in aerospace plants around the country. This includes 17.3 percent of the technicians, 12.9 percent of the scientists and engineers, and 27½ percent of the production workers.
>
> Declines of such magnitude cannot be easily and quickly absorbed by other industries. In fact, the shockwaves of aerospace unemployment have hit employers in other industries. In Seattle alone, 71,500 people are out of work.

This certainly is strong evidence regarding the employment issue.

In addition to the future effect of the production SST program on employment and revenue levels, the current SST prototype program has an immediate favorable effect on employment in U.S. industry. This effect—20,000 of the direct labor force working on the prototype program—will help stabilize employment at a time when the aviation industry has been following a marked downward trend since mid-1968.

I want to suggest something else: This has nothing to do with the merits or demerits of the supersonic transport. But I have another reason for this. Almost 100,000 people are walking the streets in two counties in Washington, and everybody, including the Federal Government, is trying to find jobs for them.

This is a personal matter. It is pretty serious. It just happens that situation exists in my State. We do not have a lot of jobs involved. We have only half of the contract, and approximately 78 percent of that work is going to be done by subcontractors; but every job counts out in Washington these days.

I want to point out that I have a particular reason for getting people back to work, doing something good for the future of the United States. I hope Senators will weigh the facts and forget the fantasies that have been raised by certain groups.

One final issue deserves the most serious consideration by the Senate and that is the question raised by Senator PROXMIRE on the issue of whether the operation of a fleet of SST's will have an impact on ozone concentration in the upper stratosphere, thus causing an increase in the amount of ultraviolet energy passing through the stratosphere and atmosphere to the earth's surface. Senator PROXMIRE's leading authority, Dr. James McDonald, has suggested that greater amounts of UV would cause increased cases of skin cancer.

It appears to me that Dr. McDonald's conclusions may be premature. Dr. McDonald is the same scientist who stated that flying saucers manned by humanoid-type creatures might have been responsible for power failures in the Northeastern section of the United States—Housing hearing, July 29, 1968, UFO: Symposium, J. Edward Roush, House Science and Astronautics Committee.

However, regardless of the source of the theory, we who are responsible for the SST debate have sought out a reasonable opinion on this issue. The Department of Commerce Technical Advisory Board—SST panel—a group composed of 16 scientists from business and academia, none of whom are employed by the Government, have commissioned a study of solar radiation and skin cancer. The panel project is under the direction of Frederick Henriques, chairman of the Board of Technical Operations, Inc. Mr. Henriques is a photochemist by professional training. He contacted Dr. Harriet Hardy, associate director of the Medical School at MIT, and she in turn commissioned a paper by M. A. Pathak, Ph. D., principal associate in dermatology, department of dermatology, Harvard Medical School and Massachusetts General Hospital, and Thomas B. Fitzpatrick, M.D., professor of dermatology, Harvard Medical School, and chief of dermatology service, Massachusetts General Hospital. I am placing in the Record their paper entitled "Solar Radiation and Skin Cancer—A Brief Review."

May I read from page 21 of their paper:

> Thus it appears that ozone concentration, irrespective of SST effects, is variable in terms of space, time, season, latitude, and is governed by natural complex processes which among others include photochemical processes, atmospheric circulation, meteorological transport process, etc. The effect of the pollutants on solar ultraviolet energy and its day to day variation will in a limited manner contribute to the filtering effect of erythemogenic radiation. It is hard for us, therefore, to entirely agree with the views presented by Dr. James McDonald of the University of Arizona for the following additional reasons:
>
> 1. The process of cancer induction by ultraviolet light appears to be cumulative and hence the total amount of exposure becomes a very important factor rather than a single or a few severe exposures. The increase in the habit of sunbathing in our affluent society alone (creating more actual sunshine hours) would tend to shift the incidence of cancer of the skin irrespective of whether the spectral quality of solar radiation changes as a result of SST fleet operations.
>
> 2. The cancers of skin, particularly basal cell epitheliomas and squamous cell carcinomas are curable conditions. Skin cancer accounts for, at the most, two percent of all cancer deaths.

I hope that these conclusions will help to put into perspective this skin cancer charge. As many Senators know, I originally had passed the legislation that created the National Institute of Cancer. I also have very personal reasons for being concerned about cancer in any form; thus, I felt it vitally important to present this new evidence to the Senate.

I do not disagree with the sincerity of the opponents in this matter. The only thing that bothers me is that there has been a great deal of misinformation, quoting people here and quoting people there who know nothing about this problem at all and who are not qualified.

The Senator from Wisconsin just mentioned an eminent environmentalist. What is an environmentalist today? Everybody is an environmentalist. Members of the Senate have a pretty good education in the environment, no matter what committee they serve on. They listen to people from all walks of life talk about it.

When we talk about not having an SST, we are saying no American SST. It is as simple as that. That is what it amounts to. I do not know whether it is being suggested that we should completely fold up and not do anything about our present role in world aviation. If the proposal is defeated today, it will be leading America down the road, not to a second-rate nation in aviation, but a third-rate nation, when we now hold the lead.

That has to be consistent, I am sure, with the environment. I have said many times that environment is a relative thing with a lot of people. We cannot all live near Walden's Pond, but there must be somewhere between Walden's Pond and disregard for the environment, or the people who manufacture motors in Wisconsin that pollute the air. There has got to be a position somewhere in the middle.

This is how we built America with the newer and better technology. This is the strength of America. As my colleague so aptly said, we are likely to run into a technological Appalachia in America, if we do not watch out. This has been the might and the strength of America, and I believe we can do it and be consistent with all the things that have been said here about the environment.

The Senator from Wisconsin can bring in 25 scientists on this side, and I will bring 25 on the other side, put them all together in a room, and they never will agree on anything. There is only one way we can find out, and that is to build these two prototypes.

Someone has asked, "How can you find out with 100 hours?" Listen to me: No one suggests that is all we have to fly a prototype. We can fly it a thousand hours if we need to. If the results are not satisfactory or sufficient, I would be the first to say, "Fly it 5,000 hours, if you have to, to find out what we need to know." That 100 hours is just the usual thing that is put in contracts when you build planes.

So I do not know. When you say, "No SST," do you mean "No American SST?" If that is what Senators want, so be it. But I just cannot believe that Congress wants to say, "Lock it up and put it in mothballs," after we have spent more than $800 million, and the companies have spent almost 24 percent of that amount; and the airlines have put in, what is it, $82 million already, on more than 120 orders?

Do we want to say that, because some arguments are left unanswered. I do not know some of these unknowns myself. I do not think any of us know them. Do we want to say that, for the sake of some arguments about it, we are just going to walk away and quit?

I have heard a lot about priorities. Mr. President, I have sat on the Appropriations Committee, handling all of the things that the opponents have been talking about, dealing time after time with the question of priorities, how much money for rapid transit have I fought for? How much for urban renewal? Who has done more than I have, moneywise, to promote health programs, or social welfare? I take my hat off to no one in the Senate in being a champion of the people's concerns.

The cancer scare: I think that was a cruel thing to do to me. I received a letter today from a teacher in my State, a grade school teacher, who said:

> You must be for cancer, because you are for the SST.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. BIBLE. I yield the Senator 1 additional minute.

Mr. MAGNUSON. Mr. President, I established many, many years ago an order of priority. There are no priorities involved here at all. If we cancel this contract, we will have to pay out more money than is appropriated here. Where are we going to find that?

In the Appropriations Committee, things stand on their own merits. I never could understand, when we talk about these things, why a great big country like the United States, with the technology we have, cannot do both things.

The PRESIDING OFFICER. The Senator's additional minute has expired.

Mr. MAGNUSON. You are letting American air superiority go down the drain, and a few years from now we will be a third-rate power in world aviation.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I voted against the further funding of the SST last time and I have decided to vote against it again now.

I continue to believe that the development of this aircraft, at this time and in this way, is an unwise investment for the Federal Government in terms of the allocation of our Federal financial resources, and it also compounds the fiscal problems of our airlines which could very well result in further calls upon the Federal Government for major financial assistance or even a takeover.

I have carefully weighed again the arguments and evidence relating to the development of the SST—including its potential impact on the economy, on the environment, on employment, on international trade, and on the present circumstances of war, inflation, and budget limitations. While I believe many factors weigh heavily against its further development, I am concerned principally with the economic considerations and the question of our national priorities. These are the two principal factors which led me last year and lead me now to vote against including these additional funds for the SST.

I find it unseemly that at a time when we are involved in a war and when so many other crucial needs remain unfulfilled that we should be marching ahead with a federally funded program that is more of a luxury than a necessity.

I would support a reduced appropriation for research and development with the intention of slowing down the pace of the development program. In that way, although total costs may be somewhat higher, actual yearly spending would be reduced, leaving funds for more urgent programs. There also would be more time to investigate and correct environmental hazards and pass, in a more deliberate fashion, any necessary environmental-protection laws. Furthermore, the general economy and the depressed financial conditions of the airlines would be given time to improve. With this additional time, the airlines would not be forced by business competition to buy SST's in these financially difficult times. Further, a slower pace may allow development of the SST to leapfrog beyond the present concept of supersonic travel to perhaps an even more advanced aircraft.

With respect to the impact of the SST on trade, I consider the continuance of an enlightened U.S. trade policy far more important to our balance-of-payments position and our export interests than the SST. The balance-of-payments argument with respect to the SST cannot and should not be separated from our overall trade policy. Last year, a member of the Council of Economic Advisers observed that if the United States goes protectionist, the SST would be dead in terms of export potential. I am not convinced that the administration or the Congress will follow an overall trade policy conducive to the promotion of our export interests.

If we go down the road of closing our market to the goods of others without regard to internationally accepted injury criteria, if we do not pass the generalized preferences scheme and thus encourage Europe and Japan to go regional, if we choose the course of trade war over trade peace, who will buy the SST?

Unfortunately, this is an up or down vote, one which does not leave any latitude for efforts to slow down the program and one which could likely result in the cancellation of the program. But I believe the only way I can record my views is to vote "no."

I, for one, do not want to see this program completely discarded. I believe other financing arrangements, not principally dependent on the Federal Government, can be found. Certainly if the SST is going to be as commercially sound and technically feasible and as safe to the environment as is claimed and if the foreign supersonics continue to show reduced productivity potential and technical capacity, the financial community should be willing to invest its own resources in it—a fundamental marketplace test of any new product.

My efforts and desire to help maintain employment in the aircraft industry in New York State and elsewhere in the Nation remain undiminished. But there are other ways to help in this crucial technological area besides the subcontracting work on the SST. Note for example the award for the prototype of the new Air Force support plane to a New York aircraft manufacturer.

Certainly, my desire to help the industry and the workers is one of the reasons I would support a modified program. But in this instance I believe now, as I did at the time of the last vote, that the weight of the evidence requires me to vote against this particular appropriation in the interest of the overwhelming majority of the people of my State.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

Mr. President, what happens if we do not proceed with the funding of the SST? The administration made that clear last Thursday night, when they said, quoting the New York Times:

> Clark McGregor, counsel to President Nixon, said yesterday that the White House was holding intensive talks with key officials on alternate ways to finance the supersonic transport if Congress finally shut off direct funds for the plane.

Frankly, I do not think the private financial market will fund the plane at this point. Perhaps they will; I hope so. I think it would be an excellent solution if they would.

But, Mr. President, let us consider. We have already put $864 million into research and development on this plane. Because of termination costs, we will have put more than $1 billion into research and development on a private plane by the time we have finished, and if at that point the private market cannot decide this is worth going ahead with, I say there is something wrong with it.

There has never ever been a commercial plane on which the Federal Government has directly put anything like a billion dollars for research and development. We have done it in this case, and from this point it seems to me that we should let the private market decide.

Mr. President, I wish to speak very briefly on the jobs argument. The most prominent economists in the country—Dr. Samuelson, Dr. Friedman, Heller, Okun, and virtually all of the well-known economists—have agreed repeatedly that there just is no truth in the notion that we will get more jobs by going ahead with this program than we would with the same amount of money in any other.

But I call attention, just once again very briefly, to the fact that one very distinguished economist, in the Wall Street Journal yesterday, pointed out that because the SST will be more expensive to operate on most routes because it will be necessary either to have a surcharge or to require subsonic planes to charge more than they do now, it will mean that the airline industry will begin to charge higher fares; and he pointed out that the whole tradition and the whole business experience of the airlines has been that they have been able to maintain and increase their passenger flow because they have reduced fares. If they start going in the other direction, they are going to lose business; and as they lose business, that means fewer jobs in this industry. It means fewer planes being built; it means fewer jobs for virtually everyone in it.

Mr. President, there has been almost no communication in the Senate on the economic tradeoff if the Boeing Co. goes ahead in supplying noise suppressors on this plane. The testimony that we had, and the opinion of every expert that I could find, is that if you put an additional 50,000 pounds of noise suppressors on, which it is now argued they would do, it would mean you would reduce the range of this plane by 800 miles. Second, you would probably cut into the passenger load; third, you would greatly increase the fuel consumption; fourth, you would increase the capital cost of the plane; and, fifth, you would increase the operating cost of the plane. All of this would make the SST even less economical, and make it more necessary to charge higher fares and escalate the cost of international air travel.

Mr. President, it has been made clear that between the time we finish funding the prototype and the time the first SST goes into operation so that it is yielding revenue, there will be a necessity for raising from $2.5 to $4 billion. Mr. President, I submit that the likelihood of this being possible from the airline industry, the manufacturers, or the banks is virtually zero. That means Uncle Sam will have to come in again, as the Senator from Illinois (Mr. PERCY) has pointed out, not just for a billion dollars, but probably a great deal more than a billion dollars.

The principal argument made over and over again on this plane is that if we do not build it, the British and the French have the Concorde, which they will build. Last December when we voted on this issue, that was a viable argument; it made some sense. But now, Mr. President, we have had the finding of the British Overseas Air Lines and the disclosure by Air France that the Concorde is economically not competitive, that it will cost twice as much per passenger mile as the subsonic jets. Furthermore, we know that the capital cost will be very great. Most of the airlines experts I have talked to have told me that they consider the Concorde now to be out of the market, and I have seen very strong evidence that our airlines are likely to cancel their Concorde orders within the next 60 to 90 days.

Mr. President, the significance of this is that we no longer have to be concerned with building our own SST to compete with the British-French Concorde. The argument has been raised that we have the Russian plane and that this is a serious competitor. The Russians have never been able to sell a commercial plane, for a very clear reason—because when they sell a plane, they do not care about the economic cost of it, and it gives them a very strong political power to withhold the spare parts, to withhold maintenance. This is the reason why the Russians have not been able to sell their planes anywhere in the free world until recently, when they sold three or four to Italy. They have never sold any to any of our airlines. Neither the British-French Concorde nor the Russian plane is likely to be a real competitor.

Let me say, in conclusion, that there has been a great deal of talk here about our turning our back on technology. I think that every Senator I have talked with takes great pride in the fact that America is the technical colossus of the world, the marvel of the world. We are way ahead of other countries in technology, far more productive than the Soviet Union. In fact, we produce twice as much as they do. We have far more in research and development. when we consider our industrial and governmental expenditures. We are the marvel of the world in space, in automobiles, in virtually every kind of technological achievement. We do not have to be out in front with a plane which is not economical, a plane which does not compete, a plane which, on the basis of the best evidence we can get, does not provide a real service for the overwhelming majority of our people.

Where we should be out in front is not in this area but in the area of housing, in the area of providing an improvement in infant mortality, in the area of providing better mass transit, in the area of building a better and stronger America.

I yield the remainder of my time to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I think what we must do today is establish the real needs for America and formulate projects that serve the best interests of the entire people, which will employ our citizens over the long haul, in fulfilling our real needs and can justify themselves on the basis of national interest—projects that do not require the kind of high-pressure salesmanship that this project has received, projects that can meet the test of the marketplace. The SST fails to meet these criteria.

If the Senate today votes to fund the SST, we will, in my judgment, be launching a Federal airborne Edsel, with no more justification than Henry Ford had in continuing the automotive Edsel.

The program will not survive the marketplace and the pressure of competition. The program will simply not meet the laws of supply and demand.

As a trustee of the public funds, I have sought to apply the same kind of judgment that I would to a business investment. This project fails to meet, in every respect, the test of economic viability.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BIBLE. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. Six minutes.

Mr. BIBLE. I yield the remaining 6 minutes to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, throughout the debate on funding for further development of the civil supersonic transport in this Congress and the past Congress I have assumed the good faith and honest concern of the program's opponents. I have tried to meet, and I have urged the Department of Transportation to try to meet, all questions concerning the program with straightforward factual responses. Where the answers were available, and they have been available in almost all cases, they have been made part of the record. Where further research is indicated, it has been undertaken. Where questions remain they have been acknowledged and efforts have been initiated to find the answers.

It is my view that the case for proceeding with the prototype program is so compelling that anyone who honestly and objectively examines the facts and weighs the evidence must conclude that it is irresponsible to terminate this program.

Unfortunately, the debate on this matter has been carried on largely without reference to the facts. Instead, the debate has revolved around "worst possible case hypotheticals" propounded by opponents of the program; around predictions of environmental disaster by people not qualified to speak on the issues they raise; and on the theoretical assertions of university economists who have never studied aircraft economics, let alone SST economics.

What are the facts?

The facts are that over the past 9 years we have invested, with provisions for a return of this investment if the aircraft is produced, $864 million in this program. In addition, industry has invested $217 million; the airlines have invested $59 million. The total national investment in the program is $1,140 million.

The committee amendment the Senate will shortly vote on provides authority to spend an additional $134 million on the program for the remainder of this fiscal year.

What are the alternatives to continuing the program; what do they cost in dollar terms?

If the program is terminated, the Federal Government must pay these costs: $85 million to Boeing and General Electric; $10 million for terminating contractual liabilities; $2 million in administrative costs; and $22 million to the airlines as repayment of downpayments on SST's.

This is a total of $119 million. But this is not all; in addition, the Government is under moral obligation to return $59 million to the airlines which they advanced in good faith for development of the two prototypes. When this is added in, the total termination cost comes to $178 million.

The issue posed and the alternatives posed by today's vote are as follows:

First, should the program be continued at a cost of $134 million; or

Second, should the program be terminated at a cost of a minimum of $119 million, or a more realistic cost of $178 million?

That is the choice facing the Senate.

What are the facts on employment?

The facts are that if this program is terminated, 13,000 American scientists, engineers, technicians, and workingmen will be out of jobs tomorrow; 4,900 of these people work for the Boeing Co. in my State. They will enter a labor market already staggering under an unemployment rate of 18 percent. They will join 71,500 people in the Seattle area who are unemployed, 66,000 who are receiving welfare, 72,000 who are receiving food stamps.

Also, 6,700 of the people who would lose their jobs tomorrow work for subcontractors in 44 different States; 1,400 of these people work for General Electric.

Should the Senate fail to provide funding for the program, I would anticipate that by next week Members of the Senate who have opposed the program will be hearing from these people. They will be hearing of the misery, the tragedy, and the insecurity of being unemployed at a time when unemployment stands at a 9-year high and unemployment nationally stands at 6 percent.

I would urge my colleagues in the Senate to think about what they will say to these American men and women before they vote this afternoon. They will find little comfort in the discussions of "priorities" I have heard to date.

Some of my colleagues in the Senate have tried to pooh-pooh the employment picture. They have tried to convey the impression that this program does not affect American labor. Some of them are embarrassed making this contention. Do not think for one moment that American labor is not concerned about this program.

George Meany went before the Senate Appropriations Committee, in one of his rare appearances a few weeks ago. I want to read from his testimony before the committee. This is what he said:

> So, Mr. Chairman, the issues in this fight for this relatively small appropriation go far beyond the question of merely keeping the SST alive.
>
> We're not merely fighting for 42,000 jobs now and 150,000 in the future. We are fighting to conserve one of America's most important industries.
>
> We are not asking for a handout. We are asking Congress to fund a program which will not only keep people off unemployment and welfare rolls but which will create billions of dollars worth of new revenues.
>
> We are not trying to make work for workers, engineers, technicians and scientists in aerospace. We are trying to insure that America maintains its technological lead in its most sophisticated industry.

I want Senators to pay special attention to the next quotation, because Mr. Meany is fed up with this argument. We have been hearing a great deal about the "jet set," as if the civil supersonic transport is something to take care of the "silk stocking" crowd. This is what Mr. Meany said:

> We do not view the SST as a "plaything for the international jet set" but as the top of a product line that can help to stem and reverse the Nation's dollar drain.
>
> For these reasons, the AFL–CIO believes that continued development of the SST is in the national interest. And for these reasons I urge this subcommittee—and the Senate—to approve this appropriation.

Mr. President, some of our colleagues have come up with all kinds of rationalizations about this program. It has been said that it is minor in the way of employment. But they are not fooling the working men and women of this country—and make no mistake about it. Mr. Meany feels very deeply about this, and the millions of people who are in organized labor feel strongly about it. They know that it goes way beyond this particular program, because if it is defeated, there are other programs that will soon be the target for similar action.

So let us not kid ourselves into thinking that by voting to kill this program the working men and women of this country and their leaders in organized labor are being fooled. Labor feels very strongly about the jobs and the technology which are at stake.

Mr. President, thoughtful people who are concerned about the environment and technology assessment cannot help but be distressed by the quality of the debate on this program, by the emotionalism and hysteria which has prevailed, and by the failure to address the real issues involved.

The SST has become a symbol for those in this country who are frustrated by the fact that science and technology have not solved all of the social problems we face. The reaction has tended to be to oppose science and to oppose technology. This is a negative attitude. It does not solve problems.

I deeply regret, Mr. President, that

real environmental problems, real problems in technology assessment do not receive the attention from Congress, from environmentalists and from the media which has been given to the SST. I do not understand why it is so easy to marshal support to oppose a program such as the SST, and so difficult to get any support for undertaking an effort to establish critically needed environmental programs such as a national land use policy or a national program for technology assessment.

The supersonic transport program is a program to build two prototypes. No one has ever claimed the prototypes would have any adverse effect on the environment. The opponents of the program have constructed a "strawman" to attack. The strawman is a fleet of 800 federally subsidized SST's which fly over land causing sonic booms, skin cancer, and pollution of the atmosphere.

This is fiction. It is not honest debate. It does not reflect well on the policy analysis and decisionmaking capability of the Senate.

I invite those who are concerned about the environment to proceed with research and development of this program. Let us find out what the facts are. Let us base policy decisions on facts as opposed to hypothetical assertions and emotionalism.

I also invite my colleagues who have recently expressed concern about environment and technology assessment to join with me in developing a national land-use policy which influences the quality of life and surroundings in every town, city, and county of this country.

This is hard work. It involves basic legal, institutional, and social changes. It will receive little or no television coverage. Few people will write about it in the newspapers. But, development of a national land-use policy is without question the Nation's No. 1 priority if we are to improve the quality of life and surroundings.

In this field there are no strawmen arguments to assault; there will be no dramatic confrontation, no easy symbol of public frustration to heap abuse upon.

Mr. President, it has been 12 years since the first study group was formed within the FAA to examine technical, economic, and operational aspects of commercial SST development, and even before that our aircraft companies were studying SST design possiblilities on their own. As a result of this very extensive work, we now have within the United States a tremendous bank of data, experience, design information, tooling, mockups, and hardware that only awaits the final effort to bring two flying prototypes into being and to reap the reward of actual flight test and verification of these most advanced supersonic cruise aircraft in the world.

If we stop now, if America says "quit," what do we get from this tremendous investment of human and monetary resources? In truth, I am afraid—very little. A major loss, of course, would be the disbanding of our highly skilled and qualified team of supersonic aeronautical scientists, engineers, and technicians. Without these people the mass of drawings, data, mockups, and machines would become quite academic in value. Another loss would be the $1,140 million national investment already made in the development of commercial supersonic aircraft technology—$864 million Federal, $217 million industry; $59 million airlines. A third loss would be the forfeiture of all future benefits—employment, technology, balance of payments—that would flow from an eventual production of a successful supersonic aircraft.

If the program is canceled, the Government would, of course, own all the data, patent rights, tools, mockup, and hardware already built, but the worth of all this rapidly evaporates if we disband the men and women who have developed the essential science, technology and hardware. There would be vast losses in all the other areas of SST expertise. These include titanium technology, advanced aerodynamics, automatic flight control systems, environmental control systems, and, of course, the very successful propulsion system. Here we have the actual flight test status engine running, and already the specification thrust and fuel consumption values have been demonstrated and even bettered. Who can use this engine? It represents a giant step forward, but without the flying prototypes to power, it will have no use. There just are not any U.S. aircraft advanced enough to use it.

This is a grim picture. It shows a colossal wasted effort, if we should choose to stop short just when the goal is within sight. If the program is terminated we forfeit all chances for future success in an outstanding technological achievement that could bring great future benefits to our people.

Mr. President, I urge my colleagues to vote "yes," to support continued development of this important program.

Mr. President, we will be making a mistake that we will regret for years to come if we cause a termination of this program. It will cost jobs, technological and almost $200 million to liquidate the termination costs.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, has all time now expired?

The VICE PRESIDENT. All time has now expired.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the committee amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 29 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The VICE PRESIDENT. A quorum is present.

Mr. SCOTT. Mr. President, I rise to ask the Chair to state the question. As I understand it, the question is on the adoption of the committee amendment; but I would appreciate a ruling from the Chair. As I understand it, a vote in favor of the committee amendment would be a vote in favor of the appropriation of $289 million.

The VICE PRESIDENT. That is correct. A vote for the committee amendment would be in favor of the appropriation.

Mr. PROXMIRE. Mr. President, may I clarify that. Those in favor of the committee amendment are voting for the SST.

The VICE PRESIDENT. That is correct.

Mr. PROXMIRE. A "nay" will be a vote against the SST.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment, beginning on page 2, line 5.

Under the previous order, during the yea and nay the Sergeant at Arms will clear the Senate Chamber of all aides to Senators who have not been specifically authorized to be present.

The Chair wishes to caution the galleries that under the rules of the Senate it is imperative that there be no demonstrations or any evidences of misconduct on the part of the galleries. The Chair hopes that the galleries will cooperate in this so that it will not be necessary to take any further action.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from North Carolina (Mr. JORDAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 46, nays 51, as follows:

[No. 30 Leg.]

YEAS—46

Allott
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Goldwater
Gravel
Gurney
Hollings
Hruska
Inouye
Jackson
Long
Magnuson
Mathias
McClellan
McGee
Moss
Pearson
Randolph
Saxbe
Scott
Sparkman
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Young

NAYS—51

Aiken
Allen
Anderson
Bentsen
Brooke
Burdick
Byrd, Va.
Case
Chiles
Church
Cooper
Cranston
Eagleton
Ervin
Fulbright
Gambrell
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, Idaho
Kennedy
Mansfield
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Schweiker
Smith
Spong
Stevenson
Tunney
Weicker
Williams

NOT VOTING—3

Bayh
Jordan, N.C.
Mundt

The VICE PRESIDENT. The Chair again reminds the occupants of the galleries that under the rules of the Senate demonstrations are prohibited and asks the cooperation of the galleries in this respect.

On this vote, there are 46 yeas and 51 nays. The amendment is rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. (Mr. BUCKLEY). The next committee amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 12, change "SEC. 2." to "SEC. 3."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum so that we may have a little quiet.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask that the Senate proceed to vote on final passage of the joint resolution.

The PRESIDING OFFICER. The question is on final passage. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. JORDAN), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 94, nays 1, as follows:

[No. 31 Leg.]

YEAS—94

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Long

NOT VOTING—5

Bayh
Goldwater
Jordan, N.C.
Magnuson
Mundt

So the joint resolution (H.J. Res. 468) was passed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the Senator from Idaho (Mr. CHURCH) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF THE 1970 REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I submit a resolution which would authorize the printing of additional copies of the 1970 report of the Special Committee on Aging, "Developments in Aging: 1970," and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. RES. 84

Resolved, That there be printed for the use of the Special Committee on Aging one thousand eight hundred additional copies of its 1970 report to the Senate, entitled "Developments in Aging—1970".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHURCH. By having the additional copies, which we require, printed at the same time as the regular quantity, we can effect a saving to the Government of almost $2,000. I have discussed this action with the acting chairman (Mr. CANNON) and the ranking minority member (Mr. PROUTY) of the Committee on Rules and Administration; and in view of the circumstances, they have agreed to interpose no objection to this unanimous-consent request.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 84) was agreed to.

ANNOUNCEMENT OF APPOINTMENTS

The PRESIDING OFFICER (Mr. BUCKLEY). The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, announces the appointment of the following Senators to the Board of Visitors to the U.S. Military Academy: The Senator from New Mexico (Mr. MONTOYA), the Senator from Hawaii (Mr. FONG), and the Senator from Kansas (Mr. PEARSON). The Chair also announces the appointment, by the chairman of the Committee on Armed Services, of the Senator from Nevada (Mr. CANNON) to be a member of the same Board.

THE 196TH ANNIVERSARY OF PATRICK HENRY'S IMMORTAL SPEECH

Mr. THURMOND. Mr. President, one hundred and ninety-six years ago this week, our Nation came to the sticking point of its first constitutional crisis. As a nation, we were inchoate and unformed. Our Constitution was the Constitution of Great Britain. The crisis was whether or not we should sever ourselves from the constitution of the mother land.

The voice that articulated that crisis, and made our Nation live was the voice of Patrick Henry. His cry was the immortal sentence,

> Give me liberty or give me death!

But that immortal sentence sometimes overshadows the long, constitutional argument which Henry proposed. Nor do we pay attention to the fact that Henry well understood the consequences of his argument. If we wish to preserve our constitutional rights, he argued, we must fight—he said:

I regret it sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us.

Today it is fashionable in some circles to deride our present Constitution and the intentions of its authors. It is considered great sport by some to deride the necessity of military strength to protect ourselves and to protect our liberties. There is talk about reversing our priorities, even, as though it were possible to give our liberties second priority.

Today we are faced with a threat more grave than that faced by the colonists, and our constitutional rights are under attack from every direction. It is time, then, to recall the speech of Patrick Henry, and to recall to ourselves that the first priority is to liberty, and that death is the only alternative of honorable men.

Mr. President, Patrick Henry's speech was made at the Second Virginia Convention in session at historic St. John's Church in Richmond. That body was no ordinary political gathering, but an assemblage that included men who had been active in defending their just rights as British subjects against usurpation. Among them were such leaders as Thomas Jefferson, Edmund Pendleton, and Benjamin Harrison; Richard Henry, Richard, and Francis Lightfoot Lee; Patrick Henry, and George Washington.

Called for the purpose of determining the position that Virginia should take in the mounting crisis, the convention was divided, one faction desiring to postpone action and another led by Patrick Henry demanding immediate preparation for supporting New England patriots.

The resolution introduced by him asserted that a well regulated militia is the natural strength and only security of a free government and directed that Virginia be immediately put into a state of defense.

Henry, following George Washington, was the last to speak, giving the world an immortal address that still reverberates among free peoples in all continents.

I think, then, that it would be worth our while to listen to Patrick Henry's famous speech once more, and to put ourselves back into that famous convention as Henry rose to speak as follows:

Mr. HENRY. No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if entertaining, as I do, opinions of a character very opposite to theirs, I shall speak forth *my* sentiments freely, and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery. And in proportion to the magnitude of the subject, ought to be the freedom of debate. It is only in this way that we can hope to arrive at truth and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time through fear of giving offense I should consider myself guilty of treason toward my country and of an act of disloyalty toward the majesty of Heaven which I revere above all earthly kings.

Mr. President, it is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of the siren till she transforms us into beasts. Is this the part of wise men engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it might cost, *I* am willing to know the whole truth; to know the worst and provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation—the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British Ministry have been so long forging. And what have we to oppose them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned—we have remonstrated—we have supplicated—we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. *There is no longer any room for hope.* If we wish to be free—if we mean to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of Hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged, their clanking may be heard on the plains of Boston! The war is inevitable—and let it come!! I repeat it, sir, let it come!!!

It is in vain, sir, to extenuate the matter. Gentleman may cry, peace, peace—but there is no peace. The war is actually begun. The next gale that sweeps from the North will bring to our ears the clash of resounding arms. Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

EDITORIAL FROM THE AMERICAN BAR ASSOCIATION JOURNAL CONCERNING THE LIBERAL BIAS AGAINST PROPERTY

Mr. THURMOND. Mr. President, in the February 1971 issue of the American Bar Association Journal there appeared a very relevant article entitled "Men and Things: The Liberal Bias Against Property."

Many behavorial scientists, liberals and reformers, do not probe property relationships in our culture, and thus are led astray by several false assumptions. In writing this article, Mr. Thomas Shaffer makes the observation that most revolutionary elements and liberals have the implied wish that it is possible to separate the ownership of property from the personal rights of man. The impossibility of this separation is based on three behavorial theories on man's ownership of things. These theories point out the deep concern, involvement, and effect that property has upon man's personality and character.

Last, the author asserted that every person should have enough property for guaranteeing and safeguarding personality; for dignified labor; for sound relationships with those he loves; and for self-expression. Most people set almost as much value on the nonvocal elements of their personalities as they do by self-expression. Every reformer ought to try for an appreciation of what is most important to the people he proposes to reform before he begins his reform. Thus, anyone who proposes to be a revolutionary should realize that the right of a man to own and enjoy his property is as great as his right to gather with his neighbors and criticize the government. These interesting comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "Men and Things: The Liberal Bias Against Property," which appeared in the February 1971 issue of the American Bar Association Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Men and Things: The Liberal Bias Against Property

(By Thomas L. Shaffer)

Ownership of property is as prevalent in human society as taxes and government, and almost as prevalent as sex. Most men are more concerned with their possessions and with what it takes to acquire and protect them than they are with righteous indignation.

When a property teacher sets out to learn about the human facts in his subject—if, for instance, he wants to learn about the behavioral aspects of the law of the dead (wills, trusts, future interests and death taxation)—he will be discouraged by the fact that psychological literature has a great deal to say about sex, and even quite a bit about death, but almost nothing about property.

There are a couple of metaphysical essays by Jean-Paul Sartre,[1] and, from the founders of psychoanalysis, the theory that our concern about property begins at the potty chair.[2] But for the most part the men who have been most interested in studying the human spirit have not been concerned about our relationships with things. There may be a reason for that. And the reason may be useful for our profession, which necessarily deals with property and which should begin to learn what it cannot learn from behavioral science.

MOST REVOLUTIONARIES ARE NAIVE ABOUT PROPERTY

Here is a guess: The most revolutionary elements in our society are naive about property. They say, as William Stringfellow, a distinguished lawyer, said in his book *Dissenter in a Great Society:*

> The venerable ideological conflict in our society between those who regard property, and the ownership of property, as the moral basis for society and those persuaded that human rights must have precedence in the ordering of society and the making of public policy once more dominates the American scene.[3]

Some of our revolutionaries (not including Mr. Stringfellow) say that banks must burn and some that houses should be owned communally. The aspiration is that we share our burdens and our benefits and forget about ownership. In some hard-to-get-at way this sentiment is implicit in the communal spirit—the let's-get-together ethic—of the coming generation. And something like this same spirit is implicit in the ideas and sympathies of those of us who often cheer at the irreverence of the coming generation. This is a mildly utopian idea; it is prevalent in the literature of the new left and the not-so-new, not-so-left, and it suggests a liberal bias against property. (If the word "liberal" seems bothersome, substitute "reformer's" or even "revolutionary's". "Liberal" is used here, frankly, to provoke annoyance.) There is at least the implied aspiration that it is possible to separate the ownership of property from the rights of men. Whatever it is, it seems to be erroneous, and the error could make a difference. More to the present point is that it seems to be part of the current liberalism in behavioral science.[4]

My favorite image on men and things is Humphrey Bogart on the *African Queen,* chugging down that fetid jungle river with Katherine Hepburn. The boat's ancient steam engine jammed and rattled and scattered hot steam, and Bogart jumped up, ran to the boiler and kicked it. And the boiler worked again.

Hepburn asked what was the matter with the boiler, and Bogart said it was jammed. Hepburn asked him why, and Bogart said, "I left a screwdriver in it one day when I was working on it, and the screw driver jams a valve." Hepburn asked why he didn't take it apart and take the screwdriver out. And Bogart said, "I could do that, Miss, but I like to kick her. She's all I got."

You cannot talk about the captain of the *African Queen* as a person unless you are willing to talk about the *African Queen* as an extension of its captain—as part of his personality. That seems obvious, but it is an instinctive judgment on which the behavioral scientists have presented no data. They have defaulted on their clear duty to satisfy the curiosity of lawyers. If they had not failed us—or if they someday propose to redeem their failure—what might be the behavioral theories on man's ownership of things? Here are three ideas.[5]

"I Am What I Have"

First, property is something I am. It is a part of what is me. Sartre makes a theoretical case for that proposition:

"The quality of being possessed does not indicate a purely external denomination . . . ; on the contrary, this quality affects its very depths. . . . This is the significance of primitive funeral ceremonies where the dead are buried with the objects which belong to them. . . . The corpse, the cup from which the dead man drank, the knife he used make a single dead person. The desire to have is at bottom reducible to the desire to be related to a certain object in a certain relation of being."

"I draw the collection of my surroundings into being with myself. If they are taken from me, they die as my arm would die if it were severed from me."

The totality of my possessions reflects the totality of my being. I *am* what I have.[6]

Property personality is a common thing in the law of succession—in this culture and others. Consider the astounding respect that is shown for the wishes of a dead man on the disposition of his property. In Tahiti,[7] and in Iowa and Kansas for that matter, one reason a man makes a will is in order to prevent fights—because his survivors will not resist what he wants done as much as they will resist someone else, someone who lacks the dead man's identification with the property. Throughout the law of succession, in all cultures, there lingers the idea that the property is the personality of the dead man. Property is his immortality.[8]

Try that thought on yourself. Pretend you are going on a long trip, a trip from which you may never return. What will you take with you? What is the most valuable thing you own? And what is the most significant thing to you personally? Can you tell clearly where you end and the things on your take-along list begin?[9] Those who study the dynamics of "total institutions"—prisons and asylums—report one of the principal ways to make inmates docile is to take away everything they own.[10] The result is not only a naked man, but also a naked personality. Justice Holmes said: "A thing which you have enjoyed and used as your own for a long time, whether property or an opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however you came by it."[11]

PROPERTY IS SOMETHING I DO

Property is more than something I am. It is also *something I do.* One of the first signs of a beginning of ownership among primitive, communistic societies is respect for primary rights in things that are the fruit of labor. Among the Yamana of South America, for instance, if I catch a whale, the blubber belongs to everyone in the village. But I get first pick and, to some extent, get to choose who gets second and third pick.[12] In the Semang society on the Malay Peninsula, there is no ownership of land or buildings, but every warrior owns his own poison tree.[13] The Eskimos of Greenland and the Arctic Siberians recognize almost no exclusive ownership, but if you want to learn a spell or a hunting song you have to pay the man who knows it.[14]

In each of these instances—and in the case of American businessmen—property is what I do. And this is true beyond consideration of wealth. I asked a veteran life insurance underwriter a couple of years ago about his business clients. He said they were always greatly concerned about what would happen to their businesses when they died. I asked him if they knew how much their businesses were worth, and he said they usually did not.

PROPERTY IS SOMETHING I USE

Property is more than what I am and more than what I do. It is also *something I use,* and there are three radically different aspects of property as *use.*

Property may be a conduit to other people; it may be a cornerstone of human relationships. Freud noticed this in his *Psychopathology of Everyday Life.*[15] I am enjoying myself at your house but have to leave, and when I leave I forget my coat. I have to go to the office on a Sunday afternoon and resent it, and find when I get there that I left my keys at home. My things—coat and keys—are where I wish I were. A patient of Freud's was having trouble with his wife; she gave him a book and he misplaced it. Six months later their relationship improved, and the patient found the book in some obvious place in his desk.

It has usually been thought that primogeniture, the legal system under which property is inherited by an eldest son to the exclusion of everyone else, is medieval and undemocratic. But societies that have observed primogeniture—including fairly modern societies—are often prosperous. This comes about because the central family—father or eldest son—takes care of everyone else. Property is used to keep the family together at least as much as the family is used to keep the property together.[16]

The line between rights in things and rights in persons is functionally obscure. Most legal systems have always recognized rights in persons as a species of property. The levirate—a custom under which a widow is given to her husband's brother—seems a cruel instance of that, but it is not really so different from child ownership, or even wife ownership, in our own society.[17] Engels saw this connection; he wrote that the institution of marriage had to decline with decline in the institution of property. The two go together—a dogma that caused great theoretical turmoil in the Soviet Union until Stalin rejected it.[18]

Property is something I *use,* in a second sense, as a significant personal expression not otherwise available to me. There is a custom among one tribe of Indians in Arizona, for example, that everything a dead man owns is destroyed when he dies. Survivors are afraid of the dead; they want solid earth between them and all extensions of the dead man—including his property personality.[19] We all know carpenters who would not be who they are without wood and tools. The only ownership recognized in many primitive societies is the ownership of things to work with. A quaint example of that is the Hopi garden. A husband may own the garden, and he may do whatever he wishes with his produce as long as he is in the garden. But if he brings the produce into the house—his wife's house, as the Hopi see it—the produce doesn't belong to him anymore and only his wife is allowed to give it away.[20]

The idea of ownership begins when self-

Footnotes at end of article.

expression with property requires exclusive rights in it. It may be that the need for exclusive control has important psychological significance. The anthropologist Rene Millon hit upon the very rude beginnings of land ownership among the Sierra Populaca of Mexico. Those people were just beginning to permit a man to demand exclusive rights in his grove of coffee trees—the land as well as the trees. They had recognized for a long time that a man could own the trees, but only recently did they expand this idea to the land itself. And the apparent explanation of the extension is that they had discovered that they could grow more and better coffee that way. Millon does not guess at the effects of this transition on the social and physic personality of the coffee grower.[21]

There is a third sense in which property is something I use, and that is as a means of assuming and protecting power. The coffee trees of the Sierra Populaca suggest that development. There are many instances in our own history. An example is the use of land grants in the United States and in Spanish America, not only as a means of economic development, but as a means of solidifying power. For another example, the English feudal system, from which our law of property grew, was above all a system of government.[22]

TRANSMISSIONS OF STATUS AND PROPERTY ARE INSEPARABLE

The transmission of status—which is a symbol of power—and the transmission of property are functionally inseparable. Titles and positions of honor illustrate that throughout Western history; and there is more transmission of status in our own culture than we may be ready to admit. You can reflect on that fact as you run down the roster of names in the United States Senate. In societies entirely alien to our own, the transmission of corporate membership—in clan groups, in castes, in the primitive equivalent of the country club—is property used to assume and protect power.

I think Mr. Stringfellow and reformers of his persuasion, as well as revolutionaries who will doubtlessly be influenced by him, make a mistake when they equate the assumption and protection of power with property ownership. And the mistake may lead them far beyond anything they had in mind. There is a kind of revolution that is callow and therefore unwittingly inhumane. Successful revolutions—and the most successful of all revolutions, the American Revolution, was designed and implemented by lawyers—are built on a healthy respect for the way people are.

Callow revolutions tend to unexpected catastrophe. I agree with Justice Holmes that "the notion that with socialized property we should have women free and a piano for everybody seems to me an empty humbug".[23] One thing every reformer ought to try for—on pain of failure—is an appreciation for what is most important to the people he proposes to reform.

In terms of national policy, an appreciation for the way people are and the way people own will tend to support, for example, the way our federal tax structure has grown up, so that businessmen are taxed just this side of destroying their desire to own more than they have. And death taxes are kept just low enough so that a man does not lose all hope of aggregating status and power and passing it along to his children.

A primary goal of the American welfare state—supported, as it is, by taxing policies that take realistic account of the way people are—is that every household should have a house. Every person should have enough property to guarantee and safeguard personality; for dignified labor; for sound relationships with those he loves; and for self-expression.

Behavioral scientists don't probe property relationships in *our* culture because they are members, by and large, of Mr. Stringfellow's species of reformer. The trite label for that species is middle-class liberal. Middle-class liberals are ambivalent about property. They are comfortable with their things. They couldn't get along without things. But social passions and consider-the-lilies-of-the-field idealism leave one somehow ashamed of ownership—and, especially, of the love of ownership.

HYPOCRISY OF PROPERTY IS A SORE SPOT

The enlightened American liberal has come to terms with his sex impulses and even has learned to live with anxiety about death—both more advertently, and more efficiently, than he has dealt with his ambivalance about the comforts of property. The rebellious kids have some pretty useless ideas about *distribution* of property, but they hit a sore spot when they talk to their elders about the *hypocrisy* of property.

Middle-class liberals aside, most men are more concerned with their things and with what it takes to acquire and protect their things than they are with righteous indignation. The comparison is important because self-expression—the "firstness of the First" (Amendment)—appears to be a sort of primary, non-negotiable value among the vocal leaders of the coming generation, and even more so among the admirers and supporters they have in the command generation. But most people set almost as much store by the nonvocal dimensions of their personalities.

All of us are more involved in our things than many of us care to admit. Anyone who proposes to be a revolutionary should realize that, as Judge Prettyman said, "The right of a man . . . to warm his slippered feet before his own open fireplace is as great as his right to gather with his neighbors in the corner pub and cuss the government."[24]

FOOTNOTES

[1] Sartre, Existential Psychoanalysis (1953).

[2] Ferenczi, Sex in Psycho-Analysis (1958).

[3] Stringfellow, Dissenter in a Great Society (1964); see Slater, *Cultures in Collision*, Psychology Today 31 (July 1970).

[4] See Moynihan, *Eliteland*, Psychology Today 35 (September, 1970).

[5] See also Shaffer, Death, Property, and Lawyers (1971); Shaffer, *The Psychology of Testation*, 108 Trusts & Estates 11 (1969); Shaffer, *Will Interviews, Young Family Clients, and the Psychology of Testation*, 44 Notre Dame Law. 345 (1969); and Shaffer, *The Psychological Autopsy in Judicial Opinions under Section 2035*, 3 Loyola University of Los Angeles L. Rev. 1 (1970).

[6] Sartre, *supra* note 1, at 122–123.

[7] Cairns, *The Explanatory Process in the Field of Inheritance*, 20 Iowa L. Rev. 266, 281 (1935).

[8] See generally Goody, Death, Property, and the Ancestors (1962).

[9] Thanks to Dr. Oron South, of the Midwest Group for Human Resources, for this suggestion.

[10] Goffman, Asylums (1961); Sykes, The Society of Captives (1958).

[11] Holmes, *The Path of the Law*, 10 Har. L. Rev. 457, 477 (1897).

[12] Lowie, *Incorporeal Property in Primitive Society*, 37 Yale L. J. 551, 552–553 (1928).

[13] *Ibid.*

[14] *Id.* at 553–555; The return of succession and even testation to Soviet law is an interesting parallel. See Griffin, *The About Turn: Soviet Law of Inheritance*, 10 Am. J. Comp. L. 431 (1961).

[15] Freud, The Psychopathology of Everyday Life (Mentor ed., 1951); ch. II, Jones, Papers on Psycho-Analysis (Beacon ed. 1961).

[16] Cairns, *supra* note 7 at 268–281: Radcliffe-Brown, *Patrilineal and Matrilineal Succession*. 20 Iowa L. Rev. 286, 297–303 (1935); Griffin *supra* note 14.

[17] *Ibid.* (Radcliffe-Brown).

[18] Atkinson, *Succession Among Collaterals*, 20 Iowa L. Rev. 185, 186, note 3 (1935).

[19] Blauner, *Death and Social Structure*, 29 Psychiatry 378 (1966).

[20] Beaglehole, *Ownership and Inheritance in an American Indian Tribe*, 20 Iowa L. Rev. 304 (1935).

[21] Millon, *Trade, Tree Cultivation, and the Development of Private Property in Land*, 57 American Anthropologist 698 (1955).

[22] See generally Cairns, *supra* note 7; John, Land Tenure in Early England (1960).

[23] Holmes, Collected Legal Papers 306 (1921).

[24] Prettyman, Trial by Agency 15 (1959).

RECENT TRENDS IN SUPREME COURT DECISIONS

Mr. THURMOND. Mr. President, recent decisions of the U.S. Supreme Court show that Chief Justice Warren Burger's leadership is slowly but surely turning the wheel of justice back into an orderly path. In May of 1968 President Nixon set out his philosophy on the Supreme Court appointments. The President said:

> The President could not and should not control the decisions of the Supreme Court. On the other hand, the President does have some effect on the future of the Court because of his prerogative to appoint its members. In addition to getting an extremely qualified man, there are two important things I would consider in selecting a replacement to the Court. First, since I believe in a strict interpretation of the Supreme Court's role, I would appoint a man of similar philosophical persuasion. Second, recent court decisions have tended to weaken the peace forces as against the criminal forces in this country. I would, therefore, want to select a man who is thoroughly experienced and versed in the criminal laws and its problems.

The addition of only two Justices nominated by President Nixon has given hope that the Court will restore the protection of the law to our citizens. Under the leadership of Justice Burger the Court seems to be taking a deliberate swing toward strict constructionism.

A recent instance was the so-called Harris case, in which the Supreme Court began to undercut the impact of the notorious Miranda decision. In the Miranda case, the Warren Court had ruled that confessions obtained from suspects without informing them that they could have a lawyer present were inadmissible as evidence. As a result of this technicality, uncounted numbers of confessed criminals were set free to prey upon society.

Until recently, the High Court has adhered to a strict prohibition against allowing Miranda-type confessions to be used against defendants in criminal trials, but the Harris case closed the door on the heretofore unchecked use of perjury by defendants in criminal trials. While this decision was called monstrous by a member of the liberal dissent, the Chief Justice duly noted that to rule otherwise would be to allow an accused to confess fully to a murder and lead the police to the body, yet deny it all on the witness stand under the guise of constitutional rights.

The new decision in the Harris case has not yet faced the issue of the Miranda doctrine squarely. Yet Chief Justice Burger delivered the opinion that statements taken without a lawyer present could be used to cast doubt upon the credibility of an accused person's testimony in a cross-examination. This doctrine goes back to one of the basic principles of cross-examination which had formerly been fully established in Anglo-American jurisprudence.

The difficulties faced by the Chief Justice are evident in the vicious way in which this slight change for the better was attacked by liberals. Both the dissent by Justice Brennan and attacks by leftwing newspapers seem designed to exaggerate the issue of real reform of the Miranda doctrine. For several years, the Supreme Court has refused to accept any more cases which might bring a challenge to the Miranda rule. Yet last week, four Justices, the required number, voted to take up such a challenge. Thus we can expect another ruling on the Miranda doctrine later this year or early next year.

Another indication of the Court's straight-thinking came recently in a decision holding that home visits with recipients of aid to families with dependent children were not unreasonable. Speaking for the majority of the Court, Justice Blackmun compared the public to a person dispensing a private charity, saying that they both have an interest in and expect to know how charitable funds are utilized and put to work. He concludes that as long as the means of securing that interest are gentle, of limited extent and of practical consideration, then they are not unreasonable in the fourth amendment's sense or any other sense.

Justice Douglas was left standing alone in left field recently when the Court handed down the 8-to-1 decision, which held that to qualify as a conscientious objector, one must oppose participating in all wars and not merely oppose participating in a particular war. Still in another moderating decision, the Court slapped the hands of Federal district courts for unwarranted interference with State courts

Nevertheless, the margin for reform is often narrow. If the four Justices who voted to take up the Miranda rule again vote for reform, one more will be needed to carry. President Nixon has not had the opportunity to fill another vacancy on the Court.

Mr. President, this precarious situation was illustrated most recently when the Supreme Court, in a 4-to-4 tie, voted to let stand a lower court decision banning a pornographic film in the State of Maryland. Thus the Court struck a blow for decency. But it was most significant that one of the Justices absented himself from participating in the case. This individual was Justice Douglas.

The reason Justice Douglas did not participate was a conflict of interest. It is a matter of notoriety that the Justice has received financial compensation from some of the Nation's leading pornographers, including the very distributor of the pornographic film in question. Plainly, he could not take part in an action against a man with whom he had been financially involved.

Therefore, we are faced with a strange contradiction. If Justice Douglas had participated, we might assume that the pornography conviction would have been overturned. Yet the rights of the people of Maryland to legislate against pornography have been upheld only because one of the Justices himself was implicated in the business activities of the pornographers.

Mr. President, these are just a few examples of the type of constitutional thinking which has earmarked the Burger Court in recent decisions. Continuity and public support is being enforced with each decision. The Court is not dramatically vacillating from decision to decision, but is putting a gentle thumb on the scales of justice. This has created a pause in the Court's race toward the chaos created by the loose ends, confusion and bitterness that the Warren Court left in the wake of each decision. Out of this pause may come a broad scale reexamination of all the problems with which the Supreme Court is concerned.

The Court's recent decisions, even more than showing a swing to the right, indicate that President Nixon is building a court made of the "caretakers of the Constitution and servants of the people, not superlegislators with a free hand to impose their social and political viewpoints upon the American people."

Mr. President, I ask unanimous consent that an article by John P. MacKenzie entitled "Precedent-Upsetting Rulings Give Court a Nixon Stamp," which appeared in the March 1 issue of the Washington Post, and an article entitled "Supreme Court Gradually Moving to the Right" by Lyle Denniston which appeared in the February 28 issue of the Evening Star, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1971]

PRECEDENT-UPSETTING RULINGS GIVE COURT A NIXON STAMP

(By John P. MacKenzie)

If ever it seemed that President Nixon had made his mark on the Supreme Court, it was last week.

On two successive days the court handed down decisions cutting deeply into precedents of recent years. No holding of the Warren Court was directly reversed, but foundations were shaken.

Rumblings from the week's output of 20 decisions indicated strongly that further shakeups in the law are on the way, spurred by the votes of the Nixon appointees, Chief Justice Warren E. Burger and Associate Justice Harry A. Blackmun.

On Tuesday, the court proclaimed a rebirth of "Our Federalism" and told federal judges to keep their hands off criminal cases in the state courts except in the most provocative circumstances.

Then on Wednesday, Burger casually released his first majority opinion of his second term, a 5-to-4 decision that opened a gaping hole in the confession rules laid down in the much-disputed 1966 case of *Miranda* v. *Arizona*.

After 18 months of inconclusive maneuvering among the court's factions, the message suddenly was this: The conservatives are ready to deliver some major results. Furthermore, important movements in the conservative direction can be made without going to the trouble of directly repudiating past rulings.

The "Our Federalism" and criminal cases were not the only signals of change. Blackmun delivered an opinion which took pains to point that the court was not—that is, not now—reexamining a 5-to-3 decision of June, 1969, expanding servicemen's rights to civilian trials.

And in a series of decisions involving the power of states to inquire into the character and beliefs of applicants for the bar, the majority stressed repeatedly that it was hostile to broadside attacks on the bar examiners' rules and preferred to review the complaints of individual lawyers.

Not long ago the high court was very receptive to attacks against a law "on its face" and was quick to strike down many of them because of their potential for intimidating people out of exercising their rights of free speech and association.

Some of these signals of change were transmitted by language telling the bar and the public that the court was merely refusing to go one step further than required by a prior decision. Such are the dynamics of Supreme Court decisions that the refusal to expand on prior rulings can start the law traveling in the opposite direction.

Burger did not come to the court with a reputation as a scholar in the field of federalism, which to the judiciary means the proper relationship between federal and state courts. The U.S. Court of Appeals in Washington, where Burger served for 13 years, handles masses of cases involving the federal government but is unique among the federal appellate courts in the small number of federal-state problems that reach it.

However, Burger has made clear, in wide-ranging, off-the-bench speeches, how deeply he desires a reduction in federal court caseloads.

By contrast, Burger is a veteran of combat over the use of incriminating statements obtained illegally from suspects in police custody. He labored in the court of appeals to limit the impact of the Supreme Court's 1957 decision, Mallory v. United States, a forerunner of Miranda.

Over a dissenter's protest that the result was "monstrous," Burger held that illegally obtained statements, which could not be used the prosecutor's basic case, may be used to discredit the testimony of a defendant who takes the stand.

In the course of a brief opinion, Burger cast doubt on the court's policy, dating back 50 years and more, of excluding evidence that authorities have obtained illegally. With none of the majority justices indicating the contrary, Burger said he was only "assuming" that the policy had validity before going on to say that it would not be employed in the case at hand.

To many observers it is too early to say that the Supreme Court has been "turned around." Administration officials, for example, won't feel secure until there are nine Burgers and Blackmuns.

There still is much momentum in the civil rights area—at least until the court rules on school busing—that hasn't been completely halted. Among the five-member majority of Wednesday there are three justices, John M. Harlan, Potter Stewart and Byron R. White, who sometimes take turns crossing over to vote for the defendant's claimed rights. But there is much uncertainty, drift, and change.

[From the Washington Evening Star, Feb. 28, 1971]

Supreme Court Gradually Moving to the Right

(By Lyle Denniston)

Perceptibly and, so far, rather quietly, the "Burger court" is edging away from the "Warren court."

It is the sort of gradualism that Justice Hugo L. Black, who has been on the Supreme Court under five chief justices, calls just another historic wave—sometimes rising, sometimes falling.

And it is the kind of modest change that has led President Nixon and Atty. Gen. John N. Mitchell to limit their public praise to the work of the two justices they chose, making no claims that they have won over the court.

Chief Justice Warren E. Burger and Justice Harry A. Blackmum, the Nixon administration appointees, are making a difference. But it is as true now as it has been for years that there are three other justices who make more difference.

The men who are still pivotal are Black and Justice Potter Stewart most of the time, and Justice John M. Harlan some of the time.

It is they who move between the fairly solid blocs of the court, swinging the result with them.

So far this term, they have been taking the court with them in a fairly steady, but unspectacular, move away form the liberal trend that was nearly constant when Earl Warren was chief justice.

LIBERALS DISSENT

One clear indication that this is the way the court is moving is that, more often than not, the results in key cases have led Justices William J. Brennan Jr., William O. Douglas and Thurgood Marshall to dissent. They are the core of the liberal bloc, the committed members of the old "Warren court" majority that often had as many as six votes, and sometimes seven.

Black was routinely a member of that bloc in the past, and he still is likely to side with it frequently. When Brennan, Douglas and Marshall have been able to attract a fourth vote to their side this term, it usually has been Black's.

The four were together in dissent in 5–4 rulings on the power of prosecutors to make some use in criminal trials of unconstitutionally obtained confessions, the duty of new lawyers to take a pledge of loyalty, the right of suspects to be free from prosecution if they agree to give a grand jury evidence, and the power of prosecutors to use some "hearsay" testimony during a trial.

Except for the decision approving lawyers' loyalty oaths, each of those results by the five-man majority marked a change—even if occasionally subtle—from results that the Warren court majority had announced.

TROUBLE HOLDING JUSTICE BLACK

But the Brennan-Douglas-Marshall grouping has had some trouble holding Black on a handful of important issues. They lost him, for example, on mandatory home visits by welfare inspectors, Congress' powers to overturn the voting age laws of the states, and removal of any real chance to wipe out a gulity plea once given.

The actions by Black, the oldest justice, on the voting age issue gave a good indication of how crucial his vote can be. Black voted with four justices to hold that Congress could reduce the voting age for federal elections, but then switched and voted with four different men to rule that Congress could not touch age laws for state and local elections.

Stewart performed a similar feat just the other day, when the court was ruling on loyalty screening of lawyers seeking licenses to practice. He helped form a five-man majority in favor of a carefully limited loyalty oath, but turned around to join the liberal bloc in striking down unlimited probing into a lawyers' associations.

Stewart is most often ready to vote with the conservative side. There is an exception, however: almost any case on the First Amendment as it applies to the rights of the press and the rights of sellers and exhibitors of literature or films which some prosecutor deems obscene. Stewart would provide more constitutional protection than any member of the court except Black and Douglas, who want total protection.

THE "BURGER BLOC"

At this halfway point in the current court term, Harlan's occasionally pivotal role is more potential than actual. His record in the past suggests that he may be drawn over to the side of the old "Warren bloc," and at least a few times this term he has seemed strongly tempted. At the least, he is not firm as an ally of the new conservative bloc Burger is drawing together, although he has been with that group on most crucial issues this term.

The "Burger bloc" includes, as its most loyal adherent, Blackmun. The Associated Press log on this term's work so far shows that Blackmun has voted with Burger 45 out of 47 times. The two exceptions were not significant.

Almost as often, the bloc has been able to claim the vote of Justice Byron R. White. He abandoned Burger and Blackmun on the key decision about voting age and shared the views of Brennan, Douglas and Marshall that Congress could let 18-year-olds vote in all elections.

Burger and Blackmun have felt driven to strong dissent only once so far this term, on the power of federal courts to strike down state laws when state courts had been given no chance to rule first.

That fact, plus the over-all record which shows that only four major decisions—at most—produced 5–4 splits, indicates that the conservative sector on the bench is at least comfortable if not in full command.

MAJOR DECISIONS AHEAD

But, the court is not even half through with major controversy. Aside from the voting rights, loyalty oath and confessions rulings, its work so far is short of the rank of major landmarks.

It has more than 60 other cases approaching decision, and many of them seem sure to reach that rank. Between now and the planned adjournment date of June 7, the court will act on the practical steps that must be taken to desegregate schools, the power of juries in death penalty cases, the right of parochial schools to get public funds, the freedom of adults to see dirty movies or buy dirty books if they wish, the scope of federal eavesdropping authority, and the opportunity for youths to pick the kind of wars they would agree to fight as draftees.

Already well-splintered on what it has done up to now, the first term of a full court under Burger is likely to satisfy Black's public plea for dissent because it is supposedly a good thing. Before June, however, it may reach a point against which even he argued: when dissents are so strong that "the court sounds like a crackling bunch of chickens, and no one can hear anyone's voice."

RESPONSIBLE JOURNALISM

Mr. THURMOND. Mr. President, it is indeed unfortunate when professional journalists publish a column which maligns the good name and reputation of a dedicated public servant. Responsible journalism requires that accusations against individuals be checked out thoroughly for accuracy. To print charges without ascertaining the truth is unfair to the individuals who have been attacked, and reflects poorly on the competence of the columnists, when the accusations are subsequently refuted.

The Republican Party in the First Congressional District of South Carolina held a primary on February 20, and two well-known columnists, Rowland Evans and Robert Novak, attacked both the Republican and Democratic Party leadership for an alleged conspiracy to prevent blacks from participating in this primary. The column was a serious charge against a number of individuals of both parties, and Evans and Novak should not have published it unless certain of its accuracy.

Mr. President, these ridiculous charges have been answered very effectively by news articles and editorials which appeared in South Carolina newspapers.

Mr. President, I ask unanimous consent that an editorial entitled "Someone Has Sandbagged Columnists Evans, Novak," which appeared in the March 9 issue of the State, Columbia, S.C.; an article, published in the March 5 issue of the News and Courier, of Charleston, S.C.; another article by Jack Leland, published in the March 11 issue of the Charleston Evening Post, Charleston, S.C.; an article by Barbara Williams, published in the March 14 issue of the News and Courier, Charleston, S.C.; and the Evans-Novak column, entitled "Status Quo Suits South Carolina GOP," which appeared in the March 3 edition of the Washington Post, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State (Columbia, S.C.) Mar. 8, 1971]

Someone Has Sandbagged Columnists Evans, Novak

Two of our columnists, the team of Rowland Evans and Robert Novak, recently leveled charges of the most serious nature at the Republican candidate for Congress in the First District. With the same brush, they likewise tarred the entire GOP state executive committee and a number of First District Democrats.

Let this much be made clear at the outset: the charges, in our opinion and in the opinion of persons most familiar with the First District congressional race, are wholly fictitious. Messrs. Evans and Novak, it is quite plain, have been sandbagged by someone with a smarting political grudge.

In the case of Dr. Edwards, the result is especially regrettable, because he was singled out by name and unfairly portrayed as a "far right conservative dentist" with strong backing from the John Birch Society. By virtue of this kookiness, the columnists stressed, he and other "right wing Republicans" conspired with "conservative Democrats" in the First District to frighten black voters away from the February 20 Republican primary. The means selected was a law, hurriedly passed, requiring voters in the GOP primary to have their registration certificates stamped—a partisan identification that blacks in a strongly Democratic district presumably would avoid.

This rendition contains just enough truth to sound convincing. Dr. Edwards is a dentist and he is conservative and a law was passed requiring registration cards to be stamped. There the truth ends and the fairy tale begins. Dr. Edwards also happens to be a decent and intelligent man whose attitude on matters of race and ideology Messrs. Evans and Novak only think they understand. As for the stamping law, it was passed for the obvious reason: South Carolina does not require registration by party affiliation, and the law was necessary to protect against double balloting.

It is the implicit charge of racism that is most galling to those persons familiar with Dr. Edwards' record. At a time when most Charleston dentists received Negro patients after hours, Dr. Edwards was a conspicuous exception; his patients, black and white, got equal treatment. The first two Negroes admitted to the South Carolina Dental Association were admitted under his sponsorship. These examples are characteristic.

In mitigation, it ought to be said that Rowland Evans and Robert Novak are honorable men also and conscientious journalists. Their offense lies in having seemingly relied upon misinformation supplied by a person or persons with more of a grudge than a grasp of the facts.

One thing more: Dr. Edwards, campaigning in a Democratic district against a Democrat with a famous and vote-getting given name, may indeed "lose overwhelmingly," as Messrs. Evans and Novak predict will be the case on April 27.

But this is something for the voters to decide. If such be their decision, let us hope that it is made on the basis of something more substantial than bogeymen conjured up out of the whole cloth.

[From the Charleston (S.C.) News and Courier, Mar. 5, 1971]

Solons Critical of Article: Charges Election Conspiracy

Columbia.—An article which charged that Democrats and Republicans conspired to discourage blacks from voting in a Republican congressional primary drew angry retorts Thursday in both houses of the South Carolina Legislature.

Washington-based columnists Rowland Evans and Robert Novak said in a syndicated column "the Republican far right and dominant conservative Democrats" pushed a bill through the legislature which required that the registration certificates of persons voting in the 1st District primary be stamped.

The law, approved by the legislature three days before the GOP primary on Feb. 20, was passed on the claim that it was needed to prevent persons voting in the Republican primary from voting again in the Democratic primary Feb. 23.

However, the Evans-Novak article, printed in the Columbia State and the Charlotte Observer, said it was aimed at discouraging blacks from taking part in the Republican nominating process. The columnists said black ministers in Charleston had warned their congregations that those who voted in the Republican primary could be identified because of their stamped registration certificates and the dominant Democrats might retaliate politically.

Sen. Robert Scarborough, D-Charleston, said the "two northern reporters" were guilty of a "complete falsehood" and that publication of the article "is carrying freedom of the press too far."

In the House, Rep. Robert L. McFadden, D-York, and Rep. Arnold Goodstein, D-Charleston, also called the article "totally false."

Also denouncing the article as "an absolute fabrication" was C. Kenneth Powell of Columbia, chairman of the State Republican Party.

Sen. Scarborough said the article "condemned, criticized and attempted to try this honorable General Assembly" for passing the stamping bill.

He questioned whether "our press has the right to publish complete falsehoods."

Scarborough said some time ago when he sponsored a bill to prohibit the advertising of X-rated movies, "I was besieged by newspapers yelling about freedom of the press.

"Yet they make it look like you and I conspired to do something crooked," he told the Senate.

Rep. Goodstein said "I don't think we did anything that is not done in northeastern states to keep people from voting twice."

Rep. McFadden denied that "any of us in the House—Democrats or Republicans—acted to intimidate any voters."

[From the Charleston (S.C.) Evening Post, Mar. 11, 1971]

Columnists Ignored Trend of Black Vote in South Carolina

(By Jack Leland)

That controversial column by Roland Evans and Robert Novak would have carried more punch if the authors had bothered to study the history of Negro voting in South Carolina.

What the columnists said was that conservatives in both parties conspired to keep Negroes from voting in the Republican Party Primary Feb. 20 by supporting a law that affixed "date stamps" to all voter registration cards.

It isn't at all clear where the Evans-Novak team got its information concerning conservative Republicans teaming up with conservative Democrats to get the plan through the legislature and approved in time for the election. They haven't said and no one's talking except a few Democrats who initiated the bill in the General Assembly.

Sen. Robert B. Scarborough, Charleston County's "Mr. Democrat", complained—and not surprisingly.

For Sen. Scarborough—and all the other Democrats—owe their present elective positions to the black voters. If those voters get the idea that white Democrat friends are teaming with white Republican foes to disenfranchise blacks—well, then it'll be Katie bar the door. At least for the present officeholders.

But a real gap in the Evans-Novak thinking was their assumption that Arthur Ravenel could have gotten enough black votes to win the Republican primary. Had the writers or their informants bothered to simply look at the black voting record in South Carolina since the Republicans began putting up candidates they would have seen right away that no Republican candidate has ever gotten more than a fistful of Negro votes.

The GOP is the partly of Lincoln and all that, but, more recently, the Democratic Party is the party of FDR, Hubert Humphrey, Jack Kennedy, Robert Kennedy, Thurgood Marshall, Martin Luther King, et al. And the memory of man—and political parties—is notoriously short.

The trend of the Negro vote became clear to this writer in 1952 when he covered the state, county by county, for The News and Courier prior to the Eisenhower-Stevenson election. He sent in a story from Beaufort that said the Negroes would vote almost solidly Democrat. News and Courier editors almost split their gaskets. Their informers in Charleston were saying the Negroes would stick to the GOP and shun the party of Wade Hampton, Pitchfork Ben Tillman, Cotton Ed Smith, Strom Thurmond and all the other "racists."

But to the reporter in the field, the trend was clear. That's the way it turned out. And that's the way it's been ever since. And—by way of prophecy—that's the way it's going to be for some time.

What it boils down to is that blacks wouldn't vote Republican in South Carolina if Abe Lincoln were resurrected and ran again on the GOP ticket. Anyone who bothers to take the general elections, every two years, and compare the returns from nearly all-white wards with those of the nearly all-black wards is bound to realize that the Democrats have had the Negro vote in the bag.

When an almost all-black ward of 1,300 or so registered voters gives 1,267 to the Democrats and 31 to the GOP, then even an idiot should be able to analyze who's voting for whom.

Mr. Ravenel's moderate appeal to the Negroes to come on over (not back, because the present Negro voters never were Republicans) to the GOP is, philosophically at least, a heartening move. But—from the standpoint of practicality—it is just baying at the moon.

Almost all of the Republicans—even the most "conservative" ones—with whom I've spoken are saddened at the thought of further polarization of the races with the blacks in the Democratic camp and the whites in the GOP area. But facts are facts and that is the way it is.

The sociologically interesting thing is that it has been the Negro who has insisted on this polarization, not the white. If the trend continues, the Democrats will find their party controlled by a black bloc and even may find the Negroes numerically superior to the whites on a statewide basis.

When—and if—that happens, then once again—as in the post-Civil War days—South Carolina will have a black party and a white party. But this time it will be reversed with white Republicans and black Democrats gunning for each other's political skins.

And when, and if, that happens, it will not have been because of any positive action on the part of the Republicans. It will have happened because, from 1960 on, the Democrats running at local level, began making a big play—by patronage and vote-buying—for the Negro vote.

During the last two general elections, the Negro vote has been the margin by which white Democrats were elected. It was the margin by which Gov. John C. West was elected.

The Negro leaders are not stupid. They know their strength and they now can talk from strength.

The Democratic Party in this state must now face up to the facts of political life. One of those is that, if you owe your political power to a bloc vote, then you must be prepared to acquiesce to the demands of the leaders of that bloc.

It's the old story of "whose bread I eat his song I sing."

It's time someone started singing.

[From the Charleston (S.C.) News and Courier, Mar. 14, 1971]

"Feeding the Columnists" Is the Game

(By Barbara S. Williams)

There's an interesting game called "feeding the columnists" that some politicans play, particularly on the national level.

Those who write what often amounts to political gossip columns often grow to rely on that diet.

Basically, there's nothing wrong with "the tip." The public often is the beneficiary of information obtained as the result of an anonymous hint, particularly in the political arena.

Political reporters find those tips invaluable in keeping tabs on what should be the public's business, but often is conducted like a closed shop.

What no columnist or reporter should ever forget, however, is that those feeding him those bits of information most often have their own personal motivations.

To rely on that source without making some attempt to check the facts can prove disastrous from a credibility standpoint.

There already has been much discussion about a nationally-syndicated column from Washington written by the team of Roland Evans and Robert Novak.

It dealt with South Carolina's recent congressional primary and the controversial "date stamp."

Basically, the columnists charged that the stamping of voting certificates was "conspiracy" between the Republican "far right" and conservative Democrats to keep the Negroes out of the GOP primary.

Presumably, the Democrats involved in the "conspiracy" had to be the legislators who approved the date stamp. Anyone who knows anything about the relationship between Charleston's Legislative Delegation and the leadership of the local Republican Party couldn't help but be amused by that suggestion.

A columnist, of course, is in a different category from a reporter. His views are most often presented on or near the editorial page and his conclusions should clearly be labeled his own. The reporter whose work appears in the news columns should be accurately reflecting what someone else has to say.

While Evans and Novak are entitled, as columnists, to draw certain conclusions, they made several serious factual errors.

"Obstensibly," they said, "the new law was intended to prevent double-voting. But, double-voting was impossible anyway because each voter in the Republican primary had to sign his name on entering the polling booth. That guaranteed voting registrants as absolute check against double-voting."

Obviously Evans and Novak just weren't quite up on the procedure.

The Republicans and Democrats had separate polling lists with the names of all registered voters in their particular counties.

A voter balloting in the GOP primary did indeed have to sign in. However, that Republican poll list was that party's property to which the Democrats had no access for their primary three days later.

It's simple. Without some kind of stamp there was nothing to prevent someone from voting in the Republican primary on Feb. 20 and the Democratic primary on Feb. 23.

There really was no disagreement on that point between parties. In fact, it was the Republicans who pointed out the need for some kind of stamp when they had their first primary in Charleston County in 1968.

The disagreement, of course, was over whether the registration certificate should carry the date of the primary, which months later still could identify which election the voter had chosen.

Apparently no one told Evans and Novak that the legislator who fought the hardest against putting the date on the stamp was Republican Rep. J. Sidi Limehouse III, who is considered among the most conservative.

Limehouse's objections had nothing to do with the Negro vote. He simply is opposed to the idea of party registration and that's what he said the vote stamp would accomplish, in a mild form.

It's doubtful that Evans and Novak are hinting that party registration is a "conspiracy." South Carolina is one of the few states in the nation that doesn't require voters to register as Republicans, Democrats or independents.

Putting the date on the stamp really had nothing to do with the primary itself. Anyone who voted in the GOP election would have been "stamped" and couldn't also have been "stamped" in the Democratic primary.

In effect, the use of the same type stamp would have stopped the possibility of "double voting." The date was added by the lawmakers, they said, because of the possibility of run-off elections and the fact that it provided an easier check.

Limehouse argued, and he was correct, that the stamp would have been sufficient and the party workers then could have checked their separate lists for their runoffs. It just would have been more time-consuming.

There was a suggestion that anyone who objected to the stamp after the run-offs were over, simply could mark through them. That, of course, is a lot less permanent than party registration, the foundation of most state's political process.

Of course, the Evans and Novak column prompted some legislative screams and certain suggestions that there should be some sort of newspaper censorship.

The publication of those objections, however, make the checks and balances obvious.

[From the Washington Post, Mar. 3, 1971]

STATUS QUO SUITS SOUTH CAROLINA GOP

(By Rowland Evans and Robert Novak)

The abysmal failure of the White House-aided effort to attract black voters into the recent Republican primary for Congress in the Charleston, S.C. district resulted directly from conspiracy between the Republican far right and dominant conservative Democrats represented for 30 years by the late Rep. Mendel Rivers.

That failure, in a major test of White House aide Harry Dent's quiet campaign to broaden the Republican base in South Carolina with infusions of Negro voters, points up President Nixon's large Southern problem: breaking through the Democrats' total control of the Southern black vote for the 1972, election.

The prospect of a breakthrough in Rivers' district was particularly rosy because Arthur Ravenel Jr., a Charleston builder of low-cost homes for rural Negro families, probably stands higher with blacks than any other politician in the district. With blacks comprising 35 percent of the total registration, Ravenel seemed assured of at least 2,000 black votes in the Feb. 20 primary election.

But Ravenel was not the choice of far-right Republicans who now control the state executive committee. Nor was he by any stretch favored by conservative Democrats, who feared the prospect of a Republican foe dipping into the district's huge black vote.

Joined by this community of interest, right-wing Republicans and conservative Democrats conspired to push a last-minute law through the legislature. Passed three days before the primary election, that law required all voters to have their registration certificates stamped with the date of the primary when they came to the polls to vote.

With no party registration and with the Republican primary held three days before the Democratic primary, the date-stamping law was nothing less than an effort to intimidate black voters with an implied threat of retaliation if they voted in the Republican primary. With the date of their vote stamped on their registration certificates, they would be easily identifiable.

Ostensibly, the new law was intended to prevent double-voting. But double-voting was impossible anyway because each voter in the Republican primary had to sign his name on entering the polling booth. That guaranteed voting registrars an absolute check against double-voting.

The real object was intimidation. Thus, on the evening after the new law was signed, black leaders of the Democratic Party held meetings in rural churches throughout the first district warning that any one who voted in the Republican primary would be indelibly marked.

Negro preachers warned their congregations that the district had always been Democratic and that any Negro who voted in the Republican primary would alienate the overwhelmingly Democratic white power structure.

Such intimidation proved wildly successful. Instead of the minimum 2,000 black votes Ravenel had every reason to expect no more than 100 blacks voted on Feb. 20—just over 1 percent of the total. The winner was a far-right conservative dentist, Dr. James Edwards, whose credentials included powerful backing of the local John Birch Society. Edwards, who was Gov. Ronald Reagan's leading South Carolina backer before the 1968 Convention, will lose overwhelmingly in the April 27 election against the Democratic nominee, Mendel Davis. Significantly, the district's large black vote will be neutralized.

The result for Mr. Nixon is all too clear. Instead of his party bidding for Negro support, as Dent has publicly advocated, the blacks—at least in Charleston—remain invited out by the far right. That is precisely the way the new Republican state chairman, Kenneth Powell, wants it.

It was to defeat Powell's bid for state chairman two months ago that Dent went to Columbia, S.C., to appeal for the party to open its doors to blacks and to younger voters with far more moderate politics than the brand practiced by Powell and Dr. Edwards. Dent lost that fight.

Had Powell lost out as state chairman, there would have been no Republican collusion with Democrats on the date-stamping law. Moreover, the party would then have formally protested that law to the Justice Department, on grounds that it violated the Voting Rights Act (which is designed to maximize black voting).

But no protest was made by Chairman Powell. He and the reigning South Carolina Republicans are happy with the status quo.

TRIBUTE TO SENATOR LONG

Mr. THURMOND. Mr. President, according to an excellent article written by the very talented Mr. Frank Van Der Linden, a promise has been made by one of my colleagues and friends, Senator RUSSELL LONG of Louisiana, which deserves high praise and commendation.

The able Senator has called attention to one of the most painful dilemmas in our Nation—the welfare cheaters.

As one who has long fought conditions which allow able-bodied persons to use loop holes in the law to receive welfare benefits under false pretenses. I am very favorably impressed with Senator LONG's promise to tighten up on welfare regulations.

According to Mr. Van Der Linden, Senator LONG says:

> I don't think a man should be allowed to turn down any job. Here in Washington, D.C., where 10 percent of the people are on welfare, the streets are littered with trash and yet filthy hippies around Georgetown are living on welfare although they're perfectly able to work If I have any influence, we will write into the reform bill a stiff requirement for somebody to check and certify that people are really eligible for welfare.

Mr. President, I agree wholeheartedly with my colleague. I hope the whole country will become aware of what he is trying to accomplish.

The article to which I refer appeared in the March 15 issue of the Nashville Banner of Nashville, Tenn. This paper, which enjoys one of the best reputations in the United States, is published under the direction of my good friend, Capt. James G. Stahlman. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR RUSSELL LONG TO WAGE FIGHT AGAINST NATION'S WELFARE CHEATERS

(By Frank Van Der Linden)

WASHINGTON.—Senate Finance Committee Chairman Russell Long says he will fight for tough provisions to help clean up the "welfare mess," including measures aimed at catching "welfare cheaters" and "runaway fathers" and to require able-bodied adults to take jobs or training.

The Louisiana Democrat says a bill for "real reform" of the rapidly growing welfare program has a good chance of winning approval by Congress this year but only after a replay of last year's bruising battle which ended in no bill at all.

Long opposes the Nixon administration plan for guaranteeing a minimum income of about $2,200 annually for a family of four. One version of this won House approval last April by a 243 to 155 vote but died in the Senate's session-end legislative snarl in December.

"The guaranteed annual income plan could keep all the evils of the present welfare mess and increase the number of people on welfare from 10 to 24 million in one fell swoop," Long said in an interview. "It also could set the stage for drastic future increases.

"If Congress is going to assume the burden of guaranteeing an income there is no logical reason to stop short of the poverty level, or $3,700 for a family of four. That could run the cost up to about $30 billion a year, for 59 million people. They would form an enormously powerful political bloc, and next they would demand the $5,500 a year which the national welfare rights organization is hollering for—$56 billion a year for 98 million people.

"Only last year when our Finance Committee was meeting, their members were charging up and down the halls shouting '$5,500 or fight; kill, kill, kill.' "

HEW Secretary Elliot Richardson has noted that the aid to dependent children payments now vary from an average of $46 per month for a family of four in Mississippi to $265 for a family in New Jersey.

House Ways and Means Committee Chairman Wilbur Mills, D-Ark., supports the basic idea of the guaranteed minimum income for the working poor, but his new bill will require that recipients either take work or training for a job.

"Mills expects to have a welfare reform bill passed by the House by Easter, April 11," Long said. "It's going to have much stronger work requirements than the previous one."

Long said the administration bill, although requiring welfare recipients to register for "suitable" work, allowed "a multitude of excuses for not going to work."

"I don't think a man should be allowed to turn down any job," the Louisiana senator said. "Here in Washington, D.C., where 10 per cent of the people are on welfare, the streets are littered with trash and yet filthy hippies around Georgetown are living on welfare although they're perfectly able to work."

"If I have any influence, we will write into the reform bill a stiff requirement for somebody to check and certify that people are really eligible for welfare," Long said. "One big reason for the frightening increase in welfare payments is that the new rules allow almost anyone to sign up on his own declaration of need."

Other reasons for the rise in the nation's welfare rolls at the rate of about 200,000 cases a month, Long said, are these:

"1. Government-paid anti-poverty lawyers are suing the states to make them pay more to welfare clients.

"2. The Supreme Court struck down the 'man-in-the-house' rule, so that many more people are eligible for aid to dependent children.

"3. The courts have knocked down the residency requirements and made it easy to get onto the rolls and cheat."

"I don't see how you can beat the cheaters unless you finger-print everybody who get a welfare check," Long said. "But I know the 'welfare rights' people will be screaming that it is criminal to ask for fingerprints."

Long also plans to introduce a new "federal child support law" which would have federal agencies help find fathers who run across state lines and refuse to support their families.

"I would have them traced through their Social Security numbers and garnishee their checks," the senator said. "I would make it to mama's advantage to find papa, by giving her at least half of the money recovered from him."

"We haven't faced up to the real problem," the senator said. "Figures show that 11 per cent of the white children on welfare and 40 per cent of the blacks, are living with one parent, usually the mother." The present law discriminates against the father who stays home and works to support his family, Long said—and the administration agrees.

"Let's assume a man is working for $6,000 a year," the chairman said. "If he lives with the family, the government reduces the welfare payment by 80 per cent. If he pretends he's not living with the family, and shows up only to help mama spend the welfare check, they draw the full amount."

"We should pay people to work," Long said. "I'd be willing to vote for a bill stating that, if a man works 40 hours a week and still can't support his family properly, we would pay $100 a month in supplemental income. I won't take the labor union's proposition that his job must pay the minimum wage. I hope to bypass a confrontation with organized labor. It's not the job we'd be subsidizing, but the working father."

TRIBUTE TO COACH FRANK McGUIRE AND JOHN ROCHE, THREE-TIME ALL-AMERICAN

Mr. THURMOND. Mr. President, the State of South Carolina is proud of the basketball record achieved this season by the Gamecocks of the University of South Carolina. Led by the highly renowned Frank McGuire, who has established himself as one of the finest basketball coaches in the United States, the Gamecocks compiled a record of 23–6 this year, and they won the Atlantic Coast Conference championship.

Mr. President, Coach McGuire has now completed his seventh season at the University of South Carolina. He has built the Gamecocks into a team that has figured prominently in national rankings during the past few years. In 1970 he was named the National Coach of the Year, an honor which he accepted for the third time. He was similarly cited in 1952 while head coach at St. John's, and in 1957 at the University of North Carolina. Only the famed Adolph Rupp of Kentucky and John Wooden of UCLA have won this honor more than once.

Coach McGuire built a well-balanced team with such stars as Tom Owens, Tom Riker, John Ribock, Kevin Joyce, Bob Carver, Rick Aydlett, and John Roche. A special honor took place recently with the selection of John third consecutive year. Sports statistics record only a handfull of athletes to be named All-American three straight years.

This young man has performed outstandingly during his career at the University of South Carolina. Frank McGuire has called Roche "the finest all-around player in the history of the Atlantic Coast Conference." The coach said Roche "can dominate a game like no other player in college basketball today."

Look magazine, one of several All-American selectors to name Roche to their first team last year, said he was "the most unselfish player of the year and maybe of the decade."

Not only was John Roche named All-American for three straight seasons, but he has also been honored as the Atlantic Coast Conference Player of the Year for the previous 2 years. He barely missed receiving that honor again this season. Had he been chosen again, he would have been the only player ever to be named ACC Player of the Year three times.

Last year Roche led the Gamecocks to a perfect 14–0 regular season mark in the Atlantic Coast Conference, rated by many as the toughest conference in the Nation. This year he led his team to victory in the ACC tournament, earning for the University of South Carolina a berth in the NCAA regional tournament where they were finally eliminated by a fine team from the University of Pennsylvania.

Coach McGuire says:

> John Roche should be a strong contender for National Player-of-the-Year honors. He is the closest thing to a Jerry West that I've seen. I believe we would have had a chance to go all the way last year if it hadn't been for John's unfortunate injury in the ACC Tournament. Every team, even the great ones, needs a home run hitter. That man for us is John Roche.

Mr. President, this young man has averaged nearly 23 points per game for 3 years despite stalling and deliberate slowdown tactics by many opponents. At the same time, he led the team in assists, proving himself a valuable team man.

Tom Price, the sports information director at the University of South Carolina, has compiled a few paragraphs included in information released from his office which spotlight some of Roche's more outstanding achievements. I refer to them here:

> Early in his senior season, Roche surpassed the South carolina school career scoring record that had stood for 20 years. Midway through his senior season Roche scored 56 points in a single game to break an Atlantic Coast Conference record that had stood for 15 years. During his junior season he tied the ACC record of 41 consecuitve free throws and has continued his sensational foul line shooting as a senior, hitting better than 86 percent so far this year and 83 percent over three seasons.
>
> Early this season, South Carolina traveled to South Bend, Indiana, to meet powerful Notre Dame. Roche scored 32 points in that game, including a perfect 16 for 16 from the foul line to spark an 85–82 South Carolina victory.
>
> South Carolina won the prestigious Holiday Festival tournament in New York City's Madison Square Garden during the Christ-

mas Holidays and Roche was sensational. He and teammates Tom Riker and Kevin Joyce were named to the All-Tournament first team as South Carolina beat nationally ranked Western Kentucky for the championship after preliminary wins over Cornell and Providence. This marked the third consecutive year that Roche had sparked the Gamecocks to a Christmas tournament championship. As a sophomore, it was the Quaker City Classic in Philadelphia and the victim was LaSalle. The loss to the Gamecocks was the only blemish on LaSalle's record that whole season. As a junior, it was the Sugar Bowl Tournament in New Orleans and the championship game victim was Notre Dame.

John Roche has repeatedly responded to the challenge in the big games. Through this season he has directed South Carolina to a 69–16 record since his remarkable career began.

Mr. President, all of South Carolina takes pride in the achievements of the Gamecocks, Coach McGuire, and John Roche. Roche and his teammates stand as an example for future college athletes to emulate. Despite the time expended on the basketball court, the All-American Roche has still achieved an overall A-minus grade average in his academic work. He has demonstrated the highest quality of sportsmanship on and off the court, and he is one of the best examples I know of the product that college athletics should always strive to produce.

MRS. MARTHA STRINGFELLOW, NATIONAL TEACHER OF THE YEAR FINALIST

Mr. THURMOND. Mr. President, in a day when the public is hearing much about the problems of the teaching profession, when unrest and protest in our schools are almost ordinary in our newspapers, it is most refreshing, indeed, to learn of a teaching situation that is functioning just the way we would have it function.

There is a little brick schoolhouse in a rural area of my State of South Carolina where a very unusual teacher has received national acclaim for her devotion to students and for her abundance of talent in ministering to their needs.

She is Mrs. Martha Stringfellow, a first grade teacher, who teaches in the county school system of Chester County. This unusual lady has been named the South Carolina Teacher of the Year for 1971, and she is one of the five finalists selected from among more than 2 million teachers in our country from whom will be selected the National Teacher of the Year.

Mr. President, this expert teacher does not specialize in a certain teaching method—she specializes in the worth of the individual student. When she describes her teaching philosophy, she calls it "individualized teaching." She says that—

> Every child is different—has different abilities and different needs. You can't fit a shoe on every foot, so I try to present learning materials that will fit each child.

A very excellent feature article on Mrs. Stringfellow has appeared recently in the March 21 issue of the State of Columbia, S.C. This extremely interesting feature, written by one of the States' ablest staff writers, Miss Charlotte Wyndham, describes this outstanding teacher as one who "doesn't understand the new breed of teacher who is becoming militant in demanding rights. She's simple enough in her thinking to believe still that "We must act and think professionally, to set examples for our young people to follow.' "

Mr. President, I ask unanimous consent that this feature article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIVIDUAL CONCERN IS KEY TO HAPPY LEARNING

(By Charlotte Wyndham)

Nestled among the Christmasy pines on a winding rural road in Chester County is an ordinary brick school.

But there's something going on inside that's far from ordinary in education today.

Opening the door to Mrs. Martha Stringfellow's first grade, a visitor is compelled to stop a moment to take in the kaleidoscope of color, materials and creative activity going on.

Sifting through all this atmosphere, the thing that strikes a visitor most is the happy, interested faces of the 20 little six-year-olds, who are learning . . . in spite of their backgrounds or IQ's.

The manipulator of this educational drama, Martha Stringfellow, has distinguished herself, her profession and her state by emerging from the ranks of over two million of the nation's teachers to become one of the five finalists in Look Magazine's Teacher of the Year Award.

Named S.C. Teacher of the Year for 1971, Mrs. Stringfellow awaits the national decision by doing what she's been doing for 14 years . . . "giving each child an opportunity to find success in education."

It would be hard to say who's enjoying himself more . . . the little learners or their teacher. Martha Stringfellow's enthusiasm and love for what she's doing are registered in her happy smile and boundless energy.

The classroom (the decor almost entirely crafted by the children) is made up of gaily painted bird houses, posters of clown and clouds, a newsboard (with articles about their "celebrity" teacher, among other items), a burlapped, red-curtained puppet stage (for the children to act out their own dramas), a bowl of fish, a box growing potatoes (which they later will harvest and bake), and a scattering of learning puzzles on the floor. It's a hodgepodge of anything and everything that each child has personal involvement in.

And strangely enough, this unorthodox schoolroom setting is not chaotic. It is a quiet explosion of children learning those things that interest them.

Pressed to explain her philosophy and techniques of teaching, the 56-year-old mother and grandmother put it very simply: "It's individualized teaching. Every child is different—has different abilities and different needs. You can't fit a shoe on every foot, so I try to present learning materials that will fit each child." Her classroom approach has been described as "plywood and flexibility."

Mrs. Stringfellow remembered a little girl named Kathy who was so shut up inside herself, she was considered a failure in her school work and headed for the bin marked "special education."

"I begged them to let me keep Kathy," Mrs. Stringfellow said. "Bless her little heart, after awhile in our classroom, where she was shown love and concern, she started talking. She just needed to feel like somebody."

This feeling of love and concern has spilled over to each child in the classroom. "When Kathy wrote her name for the first time, the whole class clapped their hands and were so proud of her," Mrs. Stringfellow reminisced.

"You know," her head tilted pensively, "people don't seem to care about each other anymore. We want to care. If any child is sick, the children make cards, or we might bake a cake to take. Sometimes we gather money or clothing for someone we hear about who is in need."

Simplicity and dedication might best sum up this outstanding educator. She still believes in the basics: love, understanding and prayer. "Why, our little devotion in class each morning sets our day. Each one is eager to say out loud his own little prayer."

Dedication? Martha Stringfellow doesn't understand the new breed of teacher who is becoming militant in demanding rights. She's simple enough in her thinking to believe still that "We must act and think professionally . . . to set examples for our young people to follow."

None of these beliefs are new for the Winthrop alumna of 1937, although when she first started teaching in a one-room school at Lowery, S.C., "I did sort of keep to the textbook."

But it wasn't long before she started making "little extras" to hold the children's attention. She began recognizing early in her teaching career that every child learned at a different pace. "I tried to find their weaknesses and strengths and work from there."

That's why today she's entirely opposed to the graded system in schools. "We don't talk about groups, grades or comparisons in my room. A child should not fail or pass to the next grade, but should just continue to learn on the level he's capable of."

However, there is a definite method in her "madness." The three R's are taught, "even though the children are not aware of it."

Richie may be completely absorbed in matching numbers to a plyboard puzzle with sand paper circles pasted on it. Sandy might be lying on the floor "fishing" out letters in a bowl that will make up sounds and words.

Or the whole class may be reading, not about an unknown Dick or Jane, but a story they put together about each other's doings.

There is no hard-swallowing of the pill called learning for these youngsters. They're right in the middle of it all. It's fun and it's meaningful to slide into a unit on farms, when they all can help churn butter and make ice cream, right in class, especially when they can eat it afterwards as they did with the roasted pumpkin seeds at Haloween.

Somebody spots an unusual insect, or brings in a guinea pig, or visits in another city. These become learning projects right then and there. "Let's look it up, talk about it, write a story, make something. Let's learn about it," is the Stringfellow approach.

Moving constantly among the busy children, Martha Stringfellow's presence is known, but not interfering. She may stop for a warm hug of encouragement, or to answer a question, or to suggest, but never to dominate a learning situation.

She does have the proverbial teacher's desk and chair, but they piled high with materials. "I almost never sit down from time the children come in until they leave."

After a long day that starts a little after seven in the morning, and lasts until dark some days, Martha Stringfellow may stop at the home of a little fellow in bed with an abscessed tooth before she reaches her farm home.

Husband William is a dairy farmer and really a part of her "team." "He is so understanding of what I am doing," she said. "He is forever busy cutting plywood blocks for puzzles, chopping trees, and gathering other home-made materials to be used in the classroom." Now he is even busier chauffeuring his wife about to receive the many honors showered on her by her proud state.

The ancestral Stringfellow home is empty most of the time now. The two older daughters, Edith and Marian, are married, and 18-year-old Ann is away in Atlanta studying art and interior design.

An air of excitement and anticipation hangs over all the Stringfellows these days, as well as the whole first grade at Chester's Lewisfield Elementary School.

If, indeed this spring, Martha Marian Stringfellow does win the national award, it only will reflect what one of her little six-year-olds already expressed, "She's a real good teacher."

THE SMITHSONIAN SYMPOSIUM ON ECOLOGICAL HAZARDS OF A SEA LEVEL CANAL AT PANAMA

Mr. THURMOND. Mr. President, the submission on December 1, 1970, to the President of the United States of the lengthy report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88–609 headed by Robert B. Anderson recommending the construction of a so-called sea level canal across the American Isthmus, has rendered the situation as regards the Panama Canal acute and greatly confused.

One of the important questions that this recommendation has evoked among scientists is the effect that such project would have on the biota—animal and plant life—of the Atlantic and Pacific regions. A group of prominent biologists have charged that the Anderson Commission dangerously minimized the hazards of a sea level canal project. Such a project could allow the migration of the yellow-bellied sea snake—one of the most poisonous members of the cobra family—as far north as the beaches of the Carolinas and Virginia. Other hazards include the migration of the crown of thorns starfish, the destruction of the shrimp industry, and the invasion of Pacific sharks.

To provide an objective evaluation of the biological data on the Panama area, the Biological Society of Washington, the Conservation Foundation, and the National Museum of Natural History sponsored a symposium of recognized authorities held on March 4, 1971, in which the present state of knowledge in pertinent fields was summarized. Most appropriately, the seminar was dedicated to Dr. Waldo L. Schmitt, world famous zoologist of enormous achievement.

Organized and presided over by Dr. Meredith L. Jones of the National Museum of Natural History, past president of the Biological Society of Washington, the entire program was highly illuminating, probably raising as many questions as it answered. The assembled papers, which will be published in a single volume, should be of unusual value in research and policy determination.

As essential background information, the symposium included a paper summarizing the physical characteristics of the proposed sea level canal by Col. John P. Sheffey, former executive director of the Anderson panel, who is now a consultant in the Department of State for the negotiation of new canal treaties with Panama.

In the ensuing discussions, Colonel Sheffey supplied significant information as regards the current status of the sea level drive. Colonel Sheffey indicated:

That the investigation under Public Law 88–609 originated with the State Department after the 1964 riots—Red led Panamanian mob assault on the Canal Zone—calling for consideration of a long-range plan as a means for improving treaty relations with Panama.

That President Nixon accepted the 1964 Johnson policy but has not yet acted upon the December 1, 1970 Anderson report.

That prior to Presidential action, the report will probably be reviewed by the National Security Council.

That the main purpose of the sea level proposal in to obtain "better treaty relationships" with Panama, that if these are not obtained the project is not warranted, that it is not justified economically, and that it "may never be constructed."

That because of opposition in both the United States and Panama, the 1967 treaties will not be the basis for future negotiations.

That the study panel recognized that a sea level undertaking would be "ecologically dangerous" and urged a program of massive studies in advance of authorization of such project.

That the decision to construct a canal of sea level design at Panama would be a "political" one.

From the information supplied by Colonel Sheffey, it is evident that President Nixon has not received adequate advice or data on the ecological aspects of a sea level project without which no wise decision can be made, including that of political nature.

It is regrettable that the program did not include any discussion of the major modernization of the existing high-level lake and lock type canal according to the celebrated Terminal Lake-Third Locks plan. This proposal was developed in the Panama Canal organization as the result of World War II experience, won the full support of the Secretary of the Navy, Frank Knox, was recommended by the then Governor of the Panama Canal, Maj. Gen. Glen E. Edgerton, to the Secretary of War, Henry L. Stimson, for comprehensive investigation, and won the approval of President Franklin D. Roosevelt as a post-war project. The terminal lake solution, by retaining and increasing the size of the present fresh water barrier—Gatan Lake—between the Caribbean Sea and the Gulf of Panama, would continue to protect both the Atlantic and Pacific Oceans against the biological dangers feared by scientists. Moreover, it would provide the ideal solution of the ecological problem, all at least cost and without treaty involvement, and render entirely unnecessary a vast and costly biological investigation as recommended by the Anderson panel.

In this general connection, it should be noted that the Anderson panel was not an independent commission but merely an Executive appointed consulting board. Its task was to justify a predetermined decision for a sea-level canal embodied in its authorizing statute and not to develop realistic solutions of pressing problems related to the major modernization of the Panama Canal to provide the best conditions for the transit of ships.

Mr. President, it is hoped that Chairman Jones of the symposium and his scientific associates, when preparing the forthcoming volume, will include an adequate statement of canal history and the plan for the major modernization of existing canal for which proposed legislation is now pending in both the Senate and the House.

I have introduced this legislation as S. 734. The text will be found in my address to the Senate in the CONGRESSIONAL RECORD of February 10, 1971. Also quoted in that address is a comprehensive article on the Panama Canal quoted from the 1970 edition of the Encyclopedia Britannica. Identical legislation has been introduced in the House as H.R. 712 by Representative DANIEL J. FLOOD, of Pennsylvania.

The program for the major modernization of the canal to be authorized by these measures is strongly supported by many independent and greatly experienced engineers, navigators, geologists, economists, ecologists, nuclear warfare and other defense experts, political scientists, and many others of outstanding competence as the only sensible solution of the Canal question when it is evaluated from all angles, including the biological.

Long ago, capable students of the interoceanic canal question discovered that the best solution for engineering is also best for navigation. Now, in the light of the revelations in the March 4 symposium, it is likewise apparent that what is best for navigation is also best for ecology.

The papers at the symposium are not yet available and therefore cannot be included as part of my remarks, but they were clearly and overwhelmingly against the sea level project because of ecological considerations.

The symposium program lists the participants and the subjects of their papers. A newsstory in the Washington Post of March 5, 1971, contains information on certain specific biotic hazards.

As both the program and newsstory should be of interest to the Congress, and the scientific community as well as to all victims that may be affected, I ask unanimous consent for them to be printed in the RECORD at the conclusion of my remarks.

There being no objection, the program and newsstory were ordered to be printed in the RECORD, as follows:

THE PANAMIC BIOTA: SOME OBSERVATIONS PRIOR TO A SEA-LEVEL CANAL

It has been proposed that a sea-level canal be built connecting the Caribbean Sea and the Pacific Ocean. It has been predicted that such a canal would affect many organisms associated with it, both terrestrial and aquatic. It is our concern, apart from the impact of such a structure on the biota of the area, that there may not be sufficient knowledge of the plants and animals of the region to provide base line information for later comparative studies, nor to ensure that the construction of such a canal be made in accordance with proper conservation procedures.

Recent discussions by biologists of a sea-level Central American Canal have emphasized the effects of such a canal on the biota of the Caribbean Sea and the Pacific Ocean. Most often these discussions have been based either on literature records or, where few collections or observations have been made, supposition.

We believe that an objective evaluation of the biological knowledge of the Panamic region is essential and are convening this meeting to hear authoritative summaries of the present state of knowledge in various fields.

PROGRAM

8:30—*Introduction.* Meredith L. Jones, Past President, Biological Society of Washington.

8:35—*A tribute to Waldo L. Schmitt.* George A. Llano, National Science Foundation.

8:50—*The background of the sea-level canal.* David Challinor, Smithsonian Institution.

9:10—*The general ecology of the Caribbean and Pacific coasts of Panama.* Peter W. Glynn, Smithsonian Tropical Research Institute.

9:30—*Physical characteristics of the proposed canal.* John P. Sheffy, Atlantic-Pacific Interoceanic Canal Study Commission.

9:50—*Exchange of water through the proposed canal.* Donald R. F. Harleman, Massachusetts Institute of Technology.

10:10—*The University of Miami survey.* Gilbert L. Voss, University of Miami.

10:30–10:55—*Break.*

10:55—*Curatorial problems posed by an extensive biological survey.* Richard S. Cowan, National Museum of Natural History.

11:15—*Algae and marine vascular plants.* Sylvia Earle, Los Angeles County Museum.

11:35—*Corals.* James W. Porter, Yale University.

11:55—*Molluscs.* Axel A. Olsson, Miami, Florida.

12:15—*Crustaceans.* Larry Abele, University of Miami.

12:35–1:35—*Lunch break.*

1:35—*Echinoderms.* Richard Chester, Westinghouse Ocean Research Laboratory.

1:55—*Fish.* C. Richard Robins, University of Miami.

2:15—*Fisheries.* Harvey Bullis, National Marine Fisheries Service.

2:35—*Terrestrial plants.* Robert L. Dressler, Smithsonian Tropical Research Institute.

2:55—*Insects.* Neal A. Weber, Swarthmore College.

3:15—*Reptiles and amphibians.* Charles W. Myers, American Museum of Natural History.

3:35–4:10—*Break.*

4:10—*Birds.* Alexander Wetmore, National Museum of Natural History.

4:30—*Mammals.* Charles O. Handley, National Museum of Natural History (to be read by Roland H. Pine).

4:50—*Anthropology.* Reina Torres de Arauz, National Museum of Panama.

5:10—*Summary.* Daniel M. Cohen, President, Biological Society of Washington.

After-dinner speaker: William A. Newman, University of California, San Diego (Scripps Institution of Oceanography), a member of the Committee on Ecological Research for the Interoceanic Canal, National Academy of Sciences.

[From the Washington Post, Mar. 5, 1971]

Ecological Research Advisers Warn on Sea-Level Panama Canal

(By Victor Cohn)

A new sea-level Panama Canal must not be built without a massive barrier to keep Atlantic and Pacific species separated, scientist-members of an official advisory panel warned yesterday.

A decision to build a new canal should not even be made, they added, before 12 to 14 years of biological research to make sure it would not be a new economic and ecological disaster.

The panel—a 12-man Committee on Ecological Research for the Atlantic-Pacific Interoceanic Canal Study Commission—told the commission these things late last year.

The commission, nonetheless, unequivocally told President Nixon Nov. 30 that a new canal should be built.

In doing so, it dangerously minimized the scientists' warnings, three of the scientist-advisers charged in interviews yesterday.

Hasty decisions on huge engineering projects can cause unseen ecological problems like those created by Egypt's Aswan Dam, pointed out Dr. Ernst Mayr of Harvard, the advisory panel's chairman.

But the Aswan Dam, he said, "has a dramatic effect only locally—I don't think it has much impact beyond the easternmost Mediterranean. A new Panama Canal might affect the whole Atlantic Ocean."

Mayr was reached at Arizona State University, where he is a visiting professor of zoology.

His co-members Dr. William A. Newman of the University of California's Scripps Institution of Oceanography and Dr. Daniel M. Cohen of the National Oceanographic and atmospheric Administration were among speakers on a symposium on the problem at the Smithsonian Institution yesterday.

There are three main dangers, Newman and Cohen said in interviews and some of yesterday's speakers agreed.

One is migration into the Caribbean or farther into the Atlantic of predatory Pacific species potentially deadly to some Atlantic life.

These include sharks, poisonous fish-eating sea snakes and the Crown of Thorns starfish that is decimating Pacific coral reefs and might pose the same danger in the Carribbean.

An invasion by either the crown of thorns or the venomous yellow-bellied sea snake might ruin the Caribbean tourist industry, some scientists fear.

The scientists worry most about Pacific-to-Atlantic migration because the Pacific is homewhat higher than the Atlantic and waterflow in the canal would be toward the Atlantic.

A second danger, Newman and Cohen said, is possible disruption of Central American shrimp and other fisheries, vital to local economies, by new pathogens like fungi and bacteria.

A third peril, Newman said, is "the feeling that if the fauna and flora and biota are connected, the species on one side will prove more vigorous and replace species on the other, and 5,000 to 6,000 species of plant and animals may become extinct."

"I would like to emphasize the phrase 'potential dangers' because nobody knows what will happen," Mayr said. "I rather suspect that the canal commission does not fully realize these. It does not take many organisms and you have a great problem," like the sea lamprey that entered the Great Lakes through new canals.

The commission, executive secretary John P. Sheffey said, agreed fully "that precautions need to be taken" and that long-range research should be started.

But it recommended that construction be started as early as 1975 (with a canal opening date of 1990), and agreed, Sheffey said, only that "there should be the possibility of a fresh-water barrier" against ocean-to-ocean contamination.

Twenty-five-mile-long, fresh water Gatun Lake has kept all but a few species from getting even most of the way through the present Panama Canal.

The commission does plan large tide gates to create "a slack water area," Sheffey said, and, if research proves it necessary, this could become a fresh water barrier "because the new site crosses the Trinidid arm of Gatun Lake."

He said the commission (headed by former Secretary of the Treasury Robert B. Anderson) leaned heavily on another scientific report—one far more favorable though it said facts are incomplete—by Batelle Memorial Institute of Columbus, Ohio.

The Mayr committee was named by the National Academy of Scientists at the commission's request.

PERSONAL STATEMENT BY SENATOR COOK ON VOTE ON SST

Mr. COOK. Mr. President, before we adjourn, I feel that it is appropriate to say, now that the matter of whether a program for the SST will be funded or not funded has been put to rest, that remarks be put into the Record with regard to the fact that I hope henceforth no governmental agency or no individual in the governmental body, either in this body or, as we affectionately refer to it, downtown, feels that it is necessary to impose on people within the media his wishes or his desires.

I have reference to the fact, Mr. President, that it became apparent that Mr. Magruder appeared on Mr. Richard Cavett's show as a direct result of more than a nominal amount of coercion. I might say, as a result of that, certainly I think Mr. Magruder was most uncomfortable, and obviously I think Mr. Cavett was uncomfortable. The result of today's vote makes it very obvious that Mr. Magruder did not convince any Senators to switch their votes.

So I can only say that, now that this matter is over, I hope that those in high places in this administration, or any administration, will realize and understand the right and the absolute freedom of an individual in this country to express what he wants to express, to be what he wants to be for, to be against what he wants to be against. It is a matter which everyone of us in this body, at least, and I think everyone in the Government, will defend as hard and as conscientiously as he can.

I hope that this Government does not interfere with Mr. Cavett or interfere in behalf of the Canadian Government so that someone might have to be on Mr. Cavett's show to comment on the fact that perhaps human beings should not kill little white seals.

I think Mr. Cavett is a very able and interesting entertainer. I do not know him. I have never met him. But I wonder who presumes to have the right to tell a man that he has to assume on his program a responsibility that he does not want to assume.

There are laws in this country that allow one, if he is dissatisfied, to take his actions before the Federal Communications Commission to be determined. I think for anyone in a high and responsible position to deem it necessary to force his way on a television program is something that ought to be, and certainly is in my mind, foreign to this country.

I might say I feel that I probably could not have made these remarks tomorrow morning. I think they ought to be made today. I think they ought to have been made after the vote that was taken today.

I think all of us ought to reaffirm very emphatically a trust and an affirmation in the fact that those people who appear on television have the right to say what they want, with the understanding that if somebody wants to say something different, he has the opportunity to go on that media and do so. The law allows it and requires it, but it never requires, and it should not require, that one should find himself in an embarrassing position on that media. I think that is what occurred. I frankly feel that somebody, somewhere, not only should apologize to Mr. Cavett, but to Mr. Magruder, for putting him in a most uncomfortable position.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED RESOLUTION ON THE NEED TO DEVELOP ALTERNATIVE EMPLOYMENT OPPORTUNITIES TO THE SST

Mr. BAYH. Mr. President, as previously announced, if I had been present on the SST vote, which recently was taken by this body, I would have voted against it.

I shall not go into detail to describe all the particular things that have happened in the last 10 hours that prohibited me from having a chance to be here, but suffice it to say that the past few hours have been some of the most excruciating in my life, in which I left a couple of cars stranded in snowbanks, and tried at the last minute to charter an airplane, only to get here after the vote.

I am certainly glad to see that the Senate did go on record, as it did last year, in striking out the SST funds. I think this is an extremely important first step toward reordering our priorities and dealing with some of the unfinished business which confronts our society.

I have been concerned, over the past several months, during which the SST debate has raged, with the impact that the termination of this program could conceivably have on those who are presently employed in the construction and the implementation of the SST program. For some time now I have been greatly troubled by arguments about the job creating impact of the SST. With the general employment picture still very weak, I for one would not want to take any action that might further aggravate an already serious problem—and an unemployment rate of nearly 6 percent is indeed a serious national problem. I do not believe, however, that by voting to stop the SST the Senate is denying American workers employment opportunities that otherwise would not be available. Currently, there are a number of underfunded public projects, such as urban renewal, urban mass transit, and the construction of waste treatment plants, that are more worthy candidates for Federal tax dollars—more worthy in terms of both employment opportunities and social benefits.

Despite statements by proponents of the plane to the effect that continuing the SST program would produce 150,000 jobs, I have yet to see an adequate explanation of how that figure was arrived at. Only by using the "most favorable case" for every assumption surrounding the SST can we even approximate 150,000 jobs—sometime around 1985, after the production of 500 planes, and then only by using what one leading economist has described as some "dubious and unproven multipliers." Furthermore, many of these jobs are unlikely to be new employment opportunities but the result of displacing workers presently involved in the production of subsonic aircraft.

It seems obvious to me, Mr. President, that a Government investment of $1.3 billion will generate some new jobs—whatever the project. An investment of $1.3 billion in the SST, however, is likely to produce less total employment than an equal investment in almost any other project because a substantial portion of the investment is in hardware, not people, and, the aerospace industry has an extremely high average wage.

The critical point, both in terms of economic benefits and social costs, is whether we ought to produce something we do not really need in the hope of creating some additional employment. I think not, particularly since the Assistant Secretary of Labor for Manpower, Arnold Weber, has said that "the net employment increase from SST production would likely be negligible."

Now is the time to put an end to this unwise and costly investment of critically needed tax dollars, before the development of two Government subsidized prototypes leads to pressures to produce a plane that the market place cannot support.

I, too, am deeply concerned about the fate of those workers involved in the present program. When the Federal Government makes a significant change in policy, as in the case of Congress' action on the SST, the Government has a definite moral responsibility to ease the burden on those workers adversely affected by the cancellation and to facilitate their transition into areas where there are employment opportunities. The legislative and executive branches, working in concert, now should consider how future Government contracts and programs can be allocated so as to best utilize the SST workforce.

Toward that end, Mr. President, I am introducing a sense-of-the-Senate resolution expressing the Senate's concern for the fate of the SST workforce and urging the development of programs to provide transitional assistance and for the channeling of Government contracts into affected areas.

Therefore, Mr. President, pursuant to a statement which I made last December when we previously discussed this matter, I submit at this time a sense of the Senate resolution which deals with the matter, feeling that the Senate, the House of Representatives, and the President have a responsibility to try to ease the burdens on the workers who are presently affected or will be affected by this particular vote.

Mr. President, I ask unanimous consent that the resolution be held at the desk, and that it be incorporated in the RECORD, so that other Senators will have a chance to read it.

I think it will be a noncontroversial resolution, the trust of which is adequately described in my remarks: an effort to relocate employees or locate other types of governmental programs in which similar skills are used, which I think is a responsibility of all of us in Government.

Mr. GRIFFIN. Mr. President, reserving the right to object, does the Senator from Indiana request that the resolution be held at the desk for a period of time, and then be referred to a committee?

Mr. BAYH. I was hoping that the resolution would meet with unanimous support in the Senate, and could be voted on some time next week, after everyone had had a chance to read it in the RECORD and be apprised of it.

Mr. GRIFFIN. I have no idea what the resolution is, or anything about its merits, but it would seem to me that it would be appropriate for it to be referred to a committee, where hearings could be held. I do not know what committee would have jurisdiction. As far as holding it at the desk for a limited period of time to allow other Senators to join as cosponsors is concerned, I would have no objection to that.

The Senator from Indiana must realize, of course, that every bill that is introduced, one would not expect to be handled in this way.

Mr. BAYH. I am aware of that, but I am also aware, as I am sure my friend from Michigan is, that there are a number of matters which are not strictly of legislative character, which are not designated and sent to committees, but are so held.

Mr. GRIFFIN. Mr. President, I have to object.

The PRESIDING OFFICER. Objection is heard. What is the will of the Senate?

Mr. BAYH. Mr. President, I suppose I still have the floor, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Will this measure then be designated for committee assignment, or sent to a committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. I shall not discuss it further now. I regret the fact the Senator from Michigan has made this objection. I think he does share my concern for the plight of those who are presently employed in the SST program.

I, for one, see no reason why we have to have prolonged hearings before we, as the Senate, can go on record saying that we think something needs to be done now. The reason why I wanted to have the measure held at the desk was that every week, perhaps every day, the various agencies of the Federal Government are designating, assigning, and authorizing contracts to be let to do a wide variety of public works type programs. One similar program that I think could be very applicable to the resolution submitted by me is the mass transit program, just for one. That is why I hate to see the matter get involved in a logjam of other legislation, when it would be a matter of simply considering it some time next week. It is not that the Senator from Indiana is in any way trying to run something by, or in any way pull the wool over someone's eyes, but just trying to expedite the matter.

But, of course, the Senator from Michigan is well within his rights to object if he desires, and he did.

Mr. GRIFFIN. Mr. President, I want to make it clear for the RECORD that I feel I must do this in my leadership capacity, without any regard to the merits of the particular proposal. As I said earlier, I do not know what is in it. I take it that it calls for some relief, or calls for action that would cost money, and if that is the case, it would seem to me it ought to be considered by the appropriate committee.

Mr. BAYH. Mr. President, in view of the position of the Senator from Michigan, while I had intended to submit this resolution today, I withdraw it.

Mr. President, because of the concern of the Senator from Michigan, I should like to have this resolution printed in the RECORD—I think I did ask unanimous consent for that earlier—so that he and other Members of the Senate can have the chance to read it; and then the Senator from Indiana fully intends to introduce again, the first of next week, at which time I hope there will be no objection and that we can rapidly put the record straight—that the Senate has compassion for the workers involved in the SST program and feels that there are alternative means of employing them, and that the SST is not the beginning of the end of jobs for them.

I ask unanimous consent to have the resolution printed in the RECORD.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. GRIFFIN. As I understand it, the Senator is asking unanimous consent that the proposed resolution be printed in the RECORD, a resolution which he intends to introduce next week.

Mr. BAYH. That is correct.

Mr. GRIFFIN. I have no objection.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. —

Declaring it to be the sense of the Senate that the Federal Government has a responsibility to those workers affected by the cancellation of the SST

Whereas it is the decision of the Senate to cancel the Federal Government's financial involvement in the development of two prototype SSTs

Whereas the Federal Government, after making a significant and abrupt change in its policy, bears a responsibility for easing the hardships imposed upon those workers presently employed in the SST program

Whereas the Federal Government, in the "Adjustment Assistance" provisions of the Trade Expansion Act of 1962, has established a precedent for compensating American workers who have suffered from governmental policies

Whereas officials of the Model Cities division of the Department of Housing and Urban Development have developed a retraining program to utilize the talents of the growing number of unemployed scientists and engineers

Resolved, That it is the sense of the Senate that in order to evidence its concern for those workers affected by cancellation of the SST program, the legislative and executive branches, working in concert, should immediately consider how future government contracts and programs such as urban mass transit, housing, and the construction of waste treatment plants can be allocated so as to utilize the talents of the present SST workforce and, be it further resolved, that programs be developed to provide adequate transitional assistance to the workers presently employed in the production of the prototypes.

ORDER FOR MULTIPLE REFERRAL OF S. 1344

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill (S. 1344) to revise and improve national transportation programs introduced yesterday by the Senator from Illinois (Mr. PERCY), which is being held at the desk, be multiply referred to the Committee on Commerce, the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Public Works for their consideration of matters in the bill falling within their respective jurisdictions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MUSKIE TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, immediately following the remarks by the able Senator from Mississippi (Mr. STENNIS), an order for which has already been entered, the distinguished Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 12 meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I wish to make the record clear, to this extent: If the Senate completes its business tomorrow, completes the work on the calendar that has been cleared, and completes its work on the nomination on the Executive Calendar, then the leadership would intend to go over until Monday next, and that is the purpose of obtaining the order requested just now. But the order will be changed if the Senate does not complete action on the matters proposed for action tomorrow.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if the able assistant Republican leader has no statement at this time, I shall proceed to state the program for tomorrow.

The Senate will convene at 10 a.m. tomorrow, following an adjournment. Immediately following the disposition of the reading of the Journal, the recognition of the two leaders or their designees, under the standing order, and the transaction of any unobjected to business on the legislative calendar, the distinguished Senator from Minnesota (Mr. HUMPHREY), together with the Senator from Michigan (Mr. HART), the Senator from Kentucky (Mr. COOPER), and other Senators, will be recognized for not to exceed 1 hour, for the purpose of conducting a colloquy on the subject of arms control.

Following this discussion, the distinguished Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from Maine (Mr. MUSKIE) will be recognized for not to exceed 15 minutes, at the conclusion of which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 30 minutes.

Mr. President, on the Calendar, and cleared for action, are two measures: Calendar No. 46, S. 557, a bill to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes; and Calendar No. 48, S. 1330, a bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes. It is anticipated that the Senate may be able to take action on these two measures by unanimous consent early in the day tomorrow.

Following the period for the transaction of routine morning business tomorrow, it is anticipated that the Senate will proceed to the consideration of the nomination of Mr. William J. Casey, of New York, to be a member of the Securities and Exchange Commission.

If the Senate completes its work on these items tomorrow, the Senate will thereupon adjourn until 12 o'clock meridian on Monday next.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 25, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24 (legislative day of March 23), 1971:

U.S. COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

Glenn G. Kolk
Edward J. Beder, Jr.
Michael F. Flessner
Gary R. McGuffin
Michael D. Allen
Frank J. Tintera, Jr.
Harold W. Henderson
David R. Moore
Charles R. Weir
Joel A. Thuma
John K. Kirkpatrick
David S. Belz
Donald R. Dickmann
Thomas L. Davis
Richard D. Crane
Douglas C. Phillips
James B. Friderici
Michael D. Gentile
James B. Clarke
Rodney L. Cook
James R. Beach
Timothy L. Terriberry
David J. Reichl
William B. Thomas
John H. Baker III
James G. Marthaler
Gerald A. Gallion
Robert D. Sirois
Harold D. Ketchen
Thomas L. Mills
Paul C. Jackson
James S. Carmichael
Kevin L. Ray
Richie M. Keig
Peter C. Olsen
Joseph L. Bryson
Michael D. Cooley
Gregory S. Voyik
William E. Kozak
Roy J. Casto
Alan F. Walker
Terrance M. Edwards
Mark A. Ohara
Gale W. Fisk
Ronald A. Marcolini
Robert J. Williamson, Jr.
Thomas J. Zieziulewicz
Peter Q. Pichini
William H. Anderson
Lawson W. Brigham
John F. Hughes
Ernest J. Blanchard IV
Larry F. Lanier
Terry M. Cross
Dennis R. McLean
James Q. Neas, Jr.
John E. Hodukavich
Ralph A. Yates
George P. Waselus
Horton W. Johnson
David E. Wilson
Jeffrey N. Compton
William L. Beason, Jr.
Ralph D. Utley
Thomas B. Taylor
Roger C. Cook
Julius B. Sadilek
Henry J. Rohrs, Jr.
Anthony S. Tangeman
Richard W. Brandes
John R. Mitchell
Frederic N. M. Squires III
Douglas B. Stevenson
Anthony R. Souza
Stephen R. Rottier
Paul L. Hagstrom
Philip E. Sherer
Anthony T. Mink
Edward J. Dennehy
George F. Johnson
Kenneth M. Zobel
Thomas E. Bernard
Andrew Malenki III
Alan E. Spackman
Steven A. Macey, Jr.
John A. Gaughan
Charles R. Brown
Albert J. Sabol
W. A. McDonough, Jr.
Kenneth C. Kreutter
David T. Jones
Bruce B. Stubbs
Richard S. Muller
Allen K. Boetig
Myron F. Tethal
John H. Fearnow
John E. Quill
Melvin W. Garver
Terrance P. Hart
James S. Brown
Jonathan M. Vaughn
David B. Irvine
Dennis M. Pittman
Edmund F. Labuda, Jr.
Thomas M. Howard
Marc Pettingill
Kim I. MacCartney
Michael R. Adams
John M. Murphy
Stephen M. Riddle
David J. Maloney, Jr.
Frederick H. Sellers, Jr.
John F. McGrath, Jr.
Guy T. Goodwin
James C. Olson
Samuel J. Apple
John L. Beales
David Dahlinger
Timothy G. Balunis
Robert L. Pray
Donald G. Bandzak
Thomas B. Rodino
David G. S. Binns
Lawrence V. Kumjian
Thomas W. Purtell
Edward A. McKenzie
Chester J. Walter
Donald B. Parsons, Jr.
William W. Pickrum
Richard M. Cool
Christopher Desmond
Thomas X. Worley
Robert J. Vollbrecht
Victor J. Guarino
Theophilus Moniz
Donald B. Erisman
Ernest C. Card
Douglas J. Arnold
Robert E. Pearce
James J. Rao, Jr.
Warren E. Dutton, Jr.
Paul Mularchuk
Richard J. Guhl
Bruce L. Blandford
James Perozzo
Jack D. Asbury
Donald T. McNulty
Paul T. Pelzer
William F. Meininger
Ronald T. Via
James H. Davis
Wayne T. Shipman

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

James H. Ferguson
David F. Withee
Robert C. North

CONFIRMATION

Executive nomination confirmed by the Senate March 24 (legislative day of March 23), 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Frank Charles Carlucci III, of Pennsylvania, to be Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, March 24, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the victory that overcometh the world, even our faith.—I John 5: 4.

O God, our Father, who art the light of the world and the lover of every human soul, let Thy spirit of righteousness and good will arise within us as we worship Thee in spirit and in truth. Burn away the barriers that separate us from our fellow men and build within us the spirit which makes for unity among men, good will in our Nation and peace for our world.

We pray that we may have the power of Thy presence to live through these Lenten days without stumbling and without stain. May our spirits strengthened by courage and vision rise to meet the trying tasks of these disturbing days.

Again we pray for our prisoners of war and for their loved ones. Grant that they may soon be released and returned to their families where love and joy wait to greet them. Make us worthy of their suffering and help us devote ourselves to greater freedom for all people.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

FURTHER LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to announce that on tomorrow we will call up House Resolution 317, to create the Select Committee on the House Restaurant. The resolution has been approved by the Committee on Rules.

CAPITOL POLICE DESERVE OUR THANKS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, my attention has been called to recent incidents in which Capitol Police have been censured by both Congressmen and staff members because the police asked for identification or sought to examine briefcases and packages. This is incomprehensible. The police are simply trying to protect those of us who work here and to save the Capitol buildings from further desecration. They should have the fullest support of every Member of Congress in what they are doing. The minor inconvenience in showing identification or in taking a moment to open a briefcase or package for inspection simply should serve to remind us of the responsibility these officers must bear.

I commend the members of the Capitol Police force. They have one of the most difficult security jobs in the world. They are charged with safeguarding Members of Congress and their staffs. As officeholders, we naturally seek to make ourselves available to the public and to accept people at face value. This makes the policeman's job doubly hard. The Capitol buildings are probably among the most accessible structures anywhere. It is almost impossible to watch every approach all of the time. Yet the Capitol Police handle these complex and difficult tasks in a very effective way.

They deserve our thanks for the service they render to us and to the Nation.

PERSONAL ANNOUNCEMENT

Mr. SEIBERLING. Mr. Speaker, as I was unavoidably detained in a conference on Tuesday, March 16, I was not present to vote on House Joint Resolution 465, the supplemental appropriation for the Department of Labor, rollcall No. 21.

Had I been present and voting, I would have voted "yea" in support of the appropriation.

CORPORATION FOR LEGAL SERVICES ACT

(Mr. CELLER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CELLER. Mr. Speaker, recently, legislation was offered by many of our colleagues of both parties which would take an important step toward true equality under the law. This bill, which would establish a National Legal Services Corporation, will help to insure that every American, regardless of economic status, will have his day in court. Our system of justice is based on the adversary process—and that process cannot and will not operate unless legitimate grievances are aired in a court of law with competent advocates on both sides.

The legal services program of the Office of Economic Opportunity has proven itself to be successful. So successful, in fact, that it has gained the confidence of the poor on one hand and raised the opposition and fears of persons who are afraid to have their actions and procedures tested in legitimate forums on the other.

As a result of the opposition, the legal services program has become hampered by political controversy unrelated to its mission of representation. The creation of the National Legal Services Corporation will insulate the lawyers and clients from these unwarranted and debilitating political machinations.

As a result, the adversary system is in the great tradition of the independent bar and the inviolability of the lawyer-client relationship will be protected. Equally as important, the poor will be able to express legitimate grievances within the system.

ANNIVERSARY OF GREEK INDEPENDENCE

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, this week we mark the anniversary of Greek independence. The celebration of all independence days have profound significance, but the marking of Greek Independence Day is of especial significance for many reasons.

Greece is the cradle of our culture, it is the wellspring from which flows all that Western civilization holds most dear and precious. Our values, our form of government, our desire for freedom and independence all comes from centuries of Greek tradition.

The Greeks have always placed a high premium on freedom. They have always showed the world that they preferred to fight for the preservation of their independence rather than willingly submit to conquering oppressors. When eventually they were forced to submit to alien tyrants, they proudly maintained their spiritual independence for many centuries. And finally, in 1821 when they saw a chance of regaining their freedom and national independence, they staged a revolt which in the course of many years of bloody warfare, led to the birth of modern Greece.

We have followed the course of events in Greece with keen interest and heartfelt sympathy. There never was, and let us hope that there may never be, any doubt as to where our wholehearted sympathy and national interest lie when freedom-loving Greeks have pitted themselves against foreign oppressors and totalitarian tyrants.

I hope, that not only during this week but throughout the year, all Americans will think back on what great debt we owe to Greece—and to Greek-Americans—and continue to sympathize with their cause and join with them in their longing for true freedom.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be given permission until midnight on Thursday, March 25, 1971, to file its report on H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize active duty strengths for fiscal year 1972; and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FULL FUNDING FOR MASS TRANSIT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, yesterday a group of mayors met with the President on a number of issues, including the cutback in mass transit funds. Last year the Congress authorized the Department of Transportation to commit $600 million on urban mass transportation capital grants. But in his budget, the President indicated that spending would not be more than $400 million.

I understand that the President indicated to the mayors yesterday that he is "flexible" on this matter. Certainly this posture holds some promise, and Members of this House should be encouraged to press for the full commitment of the mass transit funds authorized by Congress and should congratulate the President if he permits the commitment of the $200 million now withheld.

DELAWARE FIRST TO RATIFY 26TH AMENDMENT

(Mr. duPONT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. duPONT. Mr. Speaker, it is a great honor for me to take the floor this afternoon and bring to the attention of the Members of the House that the first State in the Union still leads the Nation. Yesterday afternoon we passed overwhelmingly in this Chamber the 26th amendment to the U.S. Constitution giving 18-year-olds the right to vote. Within 30 minutes of the signing of that measure by the President pro tempore of the Senate, both Houses of the Delaware Legislature ratified the amendment and Delaware became the first State in the Union to extend this franchise to our younger citizens.

I supported the proposal when I was in the Delaware Legislature a year ago, and I supported it here on the House floor yesterday.

I am glad to see us continuing to lead the way. From what I have seen the young people are going to make good citizens, they are going to use the right to vote, and they are going to use it responsibly. We are giving them the opportunity to participate within the system rather than to make their views known in other ways in the streets.

We are also avoiding chaos in the 1972 election and saving all our States a great many dollars.

I commend my colleagues in the Congress, particularly my former colleagues in the Delaware State Legislature, and especially Senator Margaret R. Manning, who has led this fight. We can all be proud, those of us from Delaware, that our State is continuing to be the first State and continuing to lead the Nation.

MERGING OF VOLUNTEER EFFORTS

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, the President's plan to merge the volunteer efforts now scattered through the Government is a necessary and welcome first step toward expanding the opportunities for volunteer service.

There is much to be done in America. The critical problems of our time are concentrated in no single State, no special area, nor among any one group. There are the myriad problems of the poor. Children need help with schooling. The elderly have special needs requiring special attention. The entire community can benefit from volunteer action on common problems in housing, health, and the environment.

The problems are there and so is the spirit. I hope the new agency will serve as a bridge to enable all Americans to share in a noble effort and thereby serve their communities and their country.

MISGUIDED STUDENTS OFFER COMFORT TO CASTRO

(Mr. GROVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROVER. Mr. Speaker, there are current newspaper reports of a group of university students traveling to Cuba again this year to help with the sugar harvest.

I am distressed as are most freedom-loving Americans that even one misguided young American-born radical would offer comfort and help to dictator Castro in his times of agricultural, economic, and well-deserved political disaster by participating in the annual pilgrimage to the Cuban canefields.

Unbiased observers and refugees give evidence of a total police state in Cuba with martial law and complete deprivation of civil rights, human rights, or freedom of speech, movement, or public assembly.

We should be grateful that the vast majority of our young people are sound and rational thinkers who, while realizing our shortcomings, also count our blessings, and who would work within our system to reorder priorities and readjust inequities as they see them.

Perhaps the State Department should develop an exchange program—one prisoner of Cuban tyranny and repression for each local radical who seeks liberation from the constitutional rights and freedoms of America.

In any event a clandestine trip to New Brunswick for a Cuban cattle boat should not be the lot of young lovers of dynamic oppression and systematic slavery. Let us fly them to Havana first class at Government expense—one way.

PERSONAL ANNOUNCEMENT

Mr. HELSTOSKI. Mr. Speaker, having been assured that there would be no votes taken on Tuesday, March 16, I had scheduled several conferences at my district office and obtained an official leave of absence for that day.

Because of this, I was not present when the conference report on the debt limitation and tied to the social security increase was brought up for adoption and I am recorded as being absent on rollcall No. 20. Had I been present, as I would normally be if these assurances had not been given, I would have voted "yea" on the conference report. I would like the RECORD to show that fact.

PROVIDING FOR CONSIDERATION OF H.R. 7, RURAL TELEPHONE BANK

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 339 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 339

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, and all points of order against section 2 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 7, it shall be in order in the House to take from the Speaker's table the bill S. 70, and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7 as passed by the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 339 provides an open rule with 2 hours of general debate for consideration of H.R. 7 to create a rural telephone bank. Due to a transfer of funds, all points of order are waived against clause 4 of rule XXI of Rules of the House of Representatives and, after passage of H.R. 7, it shall be in order to take S. 70 from the Speaker's table and amend it with the House-passed language.

The purpose of H.R. 7 is to improve telephone service in the rural areas.

A rural telephone bank would be created to provide non-Federal financing to supplement the existing telephone loan program administered by the REA. The bank would be managed by a board of 13 directors—the REA Administrator, the Governor of the Farm Credit Administration, three Presidential appointees from the Department of Agriculture and two from the general public, and six members representing the rural telephone systems—initially appointed by the President and thereafter elected by stockholders.

The capital investment of the United States would be at the rate of $30 million annually from repayments on outstanding rural telephone loans until the total reached $300 million. The bank would pay 2 percent on the money provided by the Government.

Intermediate rate loans would be made until June 30, 1985, and would be returned as soon as practicable after that date. The interest rate on these would be based on the market yield of Government obligations with comparable remaining periods to maturity, but not exceeding 4 percent. A second type of loans would be made at rates reflecting the cost of money to the bank.

The bank would be authorized to obtain borrowed funds through the sale of its debentures up to eight times the amount of paid-in capital and retained earnings.

The legislation would provide a long-term credit institution which would do two things: First, it would bring in capital from the private money sector to supplement the present loan program and, second, it would establish a credit institution that would eventually be owned and controlled by its patrons.

Mr. Speaker, I urge the adoption of House Resolution 339 in order that H.R. 7 may be considered.

Mr. LATTA. Mr. Speaker, the fact that H.R. 7 will be before the House today proves that if one keeps introducing these bills long enough and they continue to report them out of the legislative committees as a matter of practice, they will finally get out of the Rules Committee. We have had this bill, or one similar to it, before the Rules Committee for the past two Congresses, apparently without the support or merit needed to report it, but it finally made it to the floor today.

It would be difficult to show any pressing need for this piece of legislation. In fact, I represent a rural area of Ohio, and I have not had a single company contact me in support of this legislation in all of its years before the Congress.

This bill would establish a telephone bank with an investment by the people of $300 million—$300 million over a 10-year period.

In the other body today they are going to be voting on the SST project, and a lot of publicity has been given to the amount of money involved in this project. In fact, there is $292 million involved in the SST this year but there is $300 million involved in this bank bill.

The purpose of the bill is to create a new Government-sponsored financial institution, the Rural Telephone Bank, which would be charged with the responsibility of providing additional non-Federal sources of capital for rural telephone systems in order to improve existing telephone service in our rural areas.

The financial structure of the telephone bank would include: First, capital subscribed by the United States which ultimately would be replaced by capital paid in by each borrower—5 percent of each loan; second, capital subscribed by borrowers and potential borrowers as investments; and, third, funds received from the sale of debentures in the private money market to an amount not to exceed eight times the paid-in capital plus retained earnings. Any loan made by the bank will have to be supported by sound loan security and eligibility requirements.

In order to get the new bank started, the Government would be required to furnish $30 million annually for 10 years from the repayments on currently outstanding rural telephone loans. Over the 10-year period the Government would contribute $300 million, which sum would eventually be repaid by the bank. During this period, the telephone bank would pay a return to the Government at a rate of 2 percent per year.

Two types of loans would be available. First an "intermediate rate loan" which would be made until June 30, 1985, at an interest rate based on the market yield of Government obligations with comparable remaining periods to maturity, but not exceeding 4 percent. This would be available only to borrowers requiring such subsidized assistance to achieve the objectives of the program, because the committee recognizes the inability of some telephone borrowers to pay the full market rate of interest, and; second, loans would also be made at rates reflecting the cost of money to the bank. At the same time, this legislation does not change the authority of the REA to make 2-percent loans to any qualified borrower operating in rural areas except as set forth in section 412 of the bill. Section 412 aims at encouraging borrowers under the REA's 2-percent loan program to seek loans for telephone service loans from the newly created telephone bank as their own equity position improves When a borrower's net worth reaches 20 percent of its assets, the Administrator of the REA must require a borrower to obtain, or try to obtain, its financing from the telephone bank or other sources before seeking a 2-percent loan from REA.

The administration, through the Department of Agriculture, has submitted its own proposal creating a telephone bank. It has been introduced in the House by several Members. In the Senate, S. 70 has been passed, March 1, 1971, and is now on the Speaker's table.

Minority views are filed by the gentleman from California (Mr. TEAGUE) and the gentleman from Pennsylvania (Mr. GOODLING) opposing the bill because it perpetuates the old 2-percent loan program, pays the Government only a 2-percent return on its investment, and turns the bank over to borrower control when only two-thirds of the Government's investment has been repaid. They also point out that better methods of achieving this purpose exist, methods which do not have the defects of H.R. 7.

I believe we ought to take a good, hard look at this bill to see whether or not it is really needed.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, first I should like to compliment the Committee on Rules for at least having delayed for 6 years in reporting out what I consider to be an atrocious piece of proposed legislation.

I should like to have all Members realize that no hearings have been held on this bill for more than 2 years. No report was even requested from the executive branch of the Government. It was passed out in about 5 minutes.

I do not blame my friend the chairman for having accomplished this. It was passed out with no question over the fact that we have nine new members on the committee.

I felt there should have been hearings so we would at least know what this proposal really is. As the gentleman from Ohio just said, this involves a 10-year investment of $30 million a year by the taxpayers in this new telephone bank at a return of only 2 percent a year. The capital is to be returned only when the directors of the bank find it practicable to do so, which could well mean never. There is no assurance whatsoever that we will get our money back on this so-called investment.

Here is something else which I think is terribly important. This is different from the REA electric cooperative program which has to do with REA co-ops. About 70 percent of these companies, small telephone companies, are privately owned commercial companies and money-making corporations. You might be interested in a compilation which appears on page 28 of the committee report which shows how very profitably these companies have been operating. Here we are proposing to give these money-making companies, many of which are family owned pay themselves good salaries and dividends on top of that—we are proposing to give them 2 percent or perhaps 4 percent money with 50-year loans at that rate. Now, who would not like to get such a proposition? If they need to refinance in order to modernize their equipment, there are other ways that they can do it. Co-ops can borrow from the bank for cooperatives and other companies can borrow from commercial banks. They can certainly go to various utility commissions throughout the country and get rate increases to accomplish such modernization as needs to be done.

Mr. Speaker, I repeat this is a very bad bill. I see no reason why we should take up the time of the House considering it, and I hope the rule will be defeated.

Mr. LATTA. Mr. Speaker, will the gentleman yield to me?

Mr. TEAGUE of California. Yes. I will be glad to yield to the gentleman.

Mr. LATTA. Will the gentleman agree with me that these telephone companies now can secure 2-percent money?

Mr. TEAGUE of California. Yes, they can. We have appropriated about $125 million a year for these companies to borrow at a 2-percent rate. That program will be continued. In addition to that, we will be putting up $300 million here at the three different rates, one of which is 2 percent and one not to exceed 4 percent and one which will probably be at the cost of money, but which I doubt will often be used.

Mr. LATTA. Let me ask the gentleman one further question.

Were there any hearings held in the Committee on Agriculture on this bill during this new Congress?

Mr. TEAGUE of California. No. I stated when I first started there have been no hearings on this bill or on any suggested bill which was sent up in draft form by the executive department for 2 years. No report was even requested.

POSTMASTER GENERAL MUZZLES EMPLOYEES

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS was allowed to speak out of order.)

Mr. GROSS. Mr. Speaker, earlier this year Postmaster General Winton M. Blount put on a display of arrogance seldom matched by any Washington bureaucrat when he issued an order to muzzle hundreds of thousands of American citizens.

The Postmaster General swung the axe on the constitutional rights of these men and women because they happened to be postal employees.

At an early stage in his or her formal education, every American child is taught that provision of our Constitution which guarantees without reservation or restriction the right of citizens to petition Congress. What is not too well known is that it took an act of Congress in 1912—Lloyd-LaFollette Act—to spell out, once and for all, that the guarantee applies to Federal employees, including postal workers.

When Mr. Blount appeared before the House Post Office and Civil Service Committee on June 3, 1969, in support of his postal corporation bill, I was referring to the Lloyd-LaFollette Act when I questioned him as follows:

> Mr. Blount, the one question I want to get out of the way real quick is this: Does your bill repeal section 7101 of title 5 of the United States Code which states that a postal employee may not be reduced in rank or pay or removed from the postal service for petitioning Congress?

The Postmaster General responed:

> No, the section is not repealed. The new section 209, on page 12, specifically provides that chapter 71 of title 5, which includes section 7101, shall apply.

Thus, Mr. Blount cannot plead ignorance of the law as an excuse for the edict he handed down on January 12, 1971; an edict which reads as follows:

> It is mandatory that postal employees immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service.

Mr. Speaker, this is overbearing Big Brotherism at its worst. It is demeaning, and I for one have no intention of permitting this dictatorial, unconstitutional order to go unchallenged.

Therefore, I have written to each of the 180 postmasters in the Third Congressional District of Iowa and asked that on the post office bulletin board be posted a letter I have writen so that postal employees will be properly informed of their constitutional rights.

In that letter, I invite every employee to feel free to communicate with me at any time, and with the assurance that I stand ready to assist any employee if an attempt is made to intimidate such employee through use of this outrageous edict.

Mr. Speaker, I insert my letter to the postmasters at this point in the RECORD:

> MARCH 18, 1971.
>
> DEAR MR. POSTMASTER: So employees of your office will be properly informed of their constitutional rights, I will appreciate it if you will post this letter on your bulletin board.
>
> Although postal employees enjoy the same constitutional right to petition Congress as all other citizens, it actually took an Act of Congress in 1912 (Lloyd-LaFollette Act) to spell out, once and for all, that the guarantee applies to federal employees, including postal workers.
>
> When Postmaster General Winton M. Blount appeared before the House Post Office and Civil Service Committee on June 3, 1969, in support of his postal corporation bill, I was referring to the Lloyd-LaFollette Act when I questioned him as follows:
>
> "Mr. Blount, the one question I want to get out of the way real quick is this: Does your bill repeal section 7101 of title 5 of the United States Code which states that a postal employee may not be reduced in rank or pay or removed from the postal service for petitioning Congress?"
>
> The Postmaster General responded: "No, the section is not repealed. The new section 209, on page 12, specifically provides that chapter 71 of title 5, which includes section 7101, shall apply."
>
> Despite this unqualified response, Postmaster General Blount, on January 12, 1971, issued a "Memorandum to Postmasters and Regional Officials" and included with it a "background" paper on "Congressional Procedures for the U.S. Postal Service." That paper carries the following edict (emphasis supplied):
>
> "It is *mandatory* that postal employees *immediately cease any direct or indirect contacts with Congressional offices* on matters involving the Postal Service."
>
> I would hope that no postal employee will be intimidated by this shocking and arrogant attempt to "muzzle" him or her—in direct violation of his or her constitutional rights. *This office stands ready to assist any employee who is so intimidated.*
>
> Sincerely,
>
> H. R. GROSS.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. TEAGUE of California) there were—ayes 27, noes 15.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 366; nays 26, not voting 40, as follows:

[Roll No. 28]

YEAS—366

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Mills
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—26

Archer
Ashbrook
Baker
Bell
Betts
Broomfield
Burke, Fla.
Clawson, Del
Crane
Devine
Giaimo
Goodling
Gross
Grover
Hall
Hosmer
Kemp
Latta
Michel
Pirnie
Rousselot
Schmitz
Teague, Calif.
Terry
Vigorito
Ware

NOT VOTING—40

Alexander
Boggs
Boland
Celler
Clay
Collins, Tex.
Corbett
Dellums
Dent
Dorn
Dowdy
Edwards, La.
Evins, Tenn.
Gallagher
Green, Pa.
Hanna
Hébert
Hicks, Wash.
Jacobs
Long, La.
Long, Md.
McCulloch
Macdonald, Mass.
Mann
Miller, Calif.
Mink
Moorhead
Myers
O'Hara
Pepper
Pucinski
Rangel
Roberts
Roy
St Germain
Thompson, N.J.
Ullman
Whitehurst
Wilson, Charles H.
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Mann.
Mr. Alexander with Mr. Collins of Texas.
Mr. Miller of California with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. Corbett.
Mr. Charles H. Wilson with Mr. Myers.
Mr. Celler with Mr. Whitehurst.
Mr. Boggs with Mr. Long of Maryland.
Mr. Dent with Mr. Dowdy.
Mr. Evins of Tennessee with Mr. Edwards of Louisiana.
Mr. O'Hara with Mr. Wright.
Mr. Boland with Mr. Dellums.
Mr. Moorhead with Mrs. Mink.
Mr. Clay with Mr. Pucinski.
Mr. Roberts with Mr. Roy.
Mr. St Germain with Mr. Green of Pennsylvania.
Mr. Gallagher with Mr. Rangel.
Mr. Dorn with Mr. Macdonald of Massachusetts.
Mr. Jacobs with Mr. Long of Louisiana.
Mr. Hanna with Mr. Hicks.
Mr. Ullman with Mr. Pepper.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

DEVELOPMENT OF THE NATIONAL CENTER FOR VOLUNTARY ACTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (NO. 92–74)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

America is a nation unique in the political history of the world. More than any other nation, it is the sum of the energies and efforts of all of its people. The American tradition of voluntary involvement—of freely committing one's time and talents in the research for civic improvement and social progress—gives an extra dimension to the meaning of democracy. In the past decade, the Federal Government has built on this tradition by developing channels for joining the spirit of voluntary citizen service in America with public needs, both domestically and abroad. Many of these efforts have had marked success. But the circumstances in which these efforts were conceived have changed.

National and international needs have altered. The opportunities for voluntary service must be adapted and improved to meet these new needs.

Recognizing that private channels of voluntary action are a vital source of strength in our national life, I have supported the establishment and development of the National Center for Voluntary Action. The National Center is a private, non-profit partner in the effort to generate and encourage volunteer service. The center works to promote the establishment of local Voluntary Action Centers, as well as to assist in the expansion of voluntary action organizations already in existence. It stimulates voluntary action by providing information on successful voluntary efforts, and it assists in directing those who wish to volunteer services to areas and endeavors in which their services are needed.

The National Center for Voluntary Action is functioning now to fill a vital need in the private voluntary sector. Now we must turn our attention to bringing Government volunteer programs into line with new national priorities and new opportunities for meeting those priorities. We must take full advantage of the lessons of the past decade, and we must build on the experience of that period if we are to realize the full potential of voluntary citizen service. This is no longer a matter of choice. We cannot afford to misuse or ignore the considerable talents and energies of our people. In the coming years, the continued progress of our society is going to depend increasingly upon the willingness of more Americans to participate in voluntary service and upon our ability to channel their service effectively.

One matter of consequence to the problems of properly channeling volunteer services and expanding government's role in the development of volunteer resources is the proliferation of government volunteer programs. It was perhaps inevitable that these programs would be generated almost at random across the spectrum of government concern for human needs. This occurred in a period when the Federal Government was still attempting to define its relationship with, and its purposes in, the area of voluntary service. Now the role of government has been confirmed and its responsibilities and obligations are clear. Meeting these responsibilities and obligations will be a long, difficult, and challenging adventure. But it is an adventure we can look to with excitement and with the knowledge that the only sure source of failure can be a failure of the will of the American people. I do not believe it will fail.

The foundation for a greatly expanded government contribution to volunteer service already exists. Now we must consolidate that foundation in order to build on it. To accomplish this, I propose a reorganization of the present volunteer service system. Accordingly, I herewith transmit to the Congress Reorganization Plan No. 1 of 1971, prepared in accordance with chapter 9 of title 5 of the United States Code. Reorganization would bring together within a single agency a number of voluntary action programs presently scattered throughout the executive branch of the Federal Government. The new agency would be called Action.

COMPOSITION

Under the reorganization plan Action would administer the functions of the following programs:

- —Volunteers in Service to America: VISTA volunteers work in domestic poverty areas to help the poor break the poverty cycle.
- —Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity: At present the National Student Volunteer Program is administered under this authority. This program stimulates student voluntary action programs which deal with the problems of the poor.
- —Foster Grandparents: This program provides opportunities for the elderly poor to assist needy children.
- —Retired Senior Volunteer Program: RSVP provides opportunities for retired persons to perform voluntary services in their communities.
- —Service Corps of Retired Executives: SCORE provides opportunities for retired businessmen to assist in the development of small businesses.
- —Active Corps of Executives: ACE provides opportunities for working businessmen to assist in the development of small businesses.

After investigation I have found and hereby declare that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 1 of the plan. The rates of compensation fixed for these officers would be comparable to those fixed for officers in the executive branch who have similar responsibilities.

The reorganization plan should result in more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which would result from this action.

Upon the establishment of Action, I would delegate to it the principal authority for the Peace Corps now vested in me as President and delegated to the Secretary of State. In addition, the function of the Office of Voluntary Action, now operating in the Department of Housing and Urban Development, would be transferred to the new agency by executive action.

Finally, I will submit legislation which would include the transfer of the functions of the Teacher Corps from the Department of Health, Education, and Welfare to the new agency. This legislation would expand authority to develop new uses of volunteer talents, it would provide a citizens' advisory board to work with the director of the new agency, and it would provide authority to match private contributions.

GOALS

Although reorganization is only a step, it is the essential first step toward the goal of a system of volunteer service which uses to the fullest advantages the power of all the American people to serve the purposes of the American nation.

In pursuing this goal, the new agency would, first, expand the testing and development of innovations in voluntary actions. Health services, housing, the environment, educational development, manpower, and community planning are just a few of the areas in which we would act to accomplish more through voluntary service, and I intend to ask for additional funds and additional authority for Action to explore new approaches to these and other problems.

In the future, we are going to have to find new ways for more people to fulfill themselves and to lead satisfying and productive lives. The problems are of concern even now, but they must be put in perspective quickly because they will soon be upon us. I believe at least some of the answers will be found in volunteer service. Action would work to find those answers and apply them.

Second, there are many Americans who want to contribute to our national life through voluntary citizen service, but who cannot serve full time. Their contributions must not be wasted. Volunteers in full-time service would work with part-time volunteers and the new agency would develop and provide opportunities for more people to give part-time service.

Third, Action would bring together in one place programs which appeal predominantly to younger Americans with those that appeal to older Americans, and would work to bring the energy, the innovative spirit, the experience, and the skills of each to bear on specific problems. The generations in America share America's problems—they must share in the search for solutions so that we all may share in the benefits of our solutions.

Fourth, Action would develop programs for combining foreign service with domestic service to accommodate volunteers interested in such an opportunity. I believe that young people in particular would be interested in the chance for this experience and would greatly benefit from it. I know there would be great value, for example, in permitting those who have served the needs of the poor abroad to turn their skills and experience to helping the poor at home, and vice versa. In addition, if volunteers are to reap the full benefit of serving, and if they are to be able to provide others the full benefit of their service, then we must open the doors to a fuller exchange of ideas and experiences between overseas and domestic volunteer efforts. These exchanges would considerably enhance the value of the experience gained in these endeavors by broadening the areas in which that experience is applied.

Fifth, at the present time valuable professional skills offered in voluntary service are too frequently limited by narrow categorical programs when their broader application is urgently needed. For example, the contributions of businessmen made through SCORE and ACE are provided only through the Small Business Administration. We know that the skills of business can be used in many areas where they are not used presently. Action would open new channels for service and would permit a more extensive utilization of business and other vocational and professional abilities.

Finally, by centralizing administrative functions of the volunteer services, the new agency would provide a more effective system of recruitment, training, and placement of full-time volunteers than the present circumstances permit. It would provide a single source of information and assistance for those who seek to volunteer full-time service. And it would permit more effective management of services than is currently possible in the administration of volunteer programs, as well as the more efficient use of resources.

PRINCIPLES

In restructuring our system of volunteer services, we can accomplish the goals which I have set forth. But we must do more than this. We must restructure our thinking about volunteer services. We must determine how to use our volunteer resources to accomplish more than they accomplish now. We need an increased effort to stimulate broader volunteer service, to involve more volunteers, and to involve them not simply as foot-soldiers in massive enterprises directed from the top, but in those often small and local efforts that show immediate results, that give immediate satisfaction—those efforts that return to citizens a sense of having a hand in the business of building America. Part of our rethinking of this matter must look to the past so that we may properly meet the needs of the present and prepare for the possibilities of the future.

Volunteer service in poverty areas is a case in point. We already have considerable experience in dealing with the problems of poverty through the use of volunteers. Now we must build upon this experience and find new ways to use more effectively the volunteers presently serving in poverty areas, as well as in all other areas, and to stimulate new programs so that additional numbers of volunteers can assist in the solution of community and national problems.

In line with this effort to build on what we have learned, Action would function with particular concern for these basic principles:

—It would encourage local initiative, and would support local programs to solve local problems.

—Where appropriate, the new agency would assign volunteers to assist, and work under the technical supervision of other Federal agencies, State and local agencies or organizations, and private sponsors.

—The services of local part-time volunteers would be sought and supported in the effort to accomplish specific jobs. They would be assisted, when necessary, by full-time volunteers.

—Universities and colleges, State, city and private organizations must be engaged in the effort to broaden opportunities for volunteer service and under the new agency they would be assisted in these efforts.

—Finally, to meet the increasing need for skilled volunteers Action would give increased emphasis to recruiting and applying the skills of trained craftsmen and professional workers.

FUNDING

To insure that the new agency has the financial resources to begin working toward the goals I have outlined, I will seek for this agency an additional $20 million above the budget requests I have already submitted for the component agencies. These funds would be directed primarily to finding new ways to use volunteer services.

CONCLUSION

The early nineteenth century observer of America, Alexis de Tocqueville, was intrigued by the propensity of Americans to join together in promoting common purposes. "As soon as several of the inhabitants of the United States have taken up an opinion or a feeling which they wish to promote in the world, they look out for mutual assistance, and as soon as they have found one another out, they combine. From that moment they are no longer isolated men, but a power seen from afar. . . ."

Though we have seen the success of Government volunteer efforts in the past ten years, I believe voluntary citizen service is still little more than a power seen from afar. In relation to its potential, this power is virtually undeveloped. We must develop it.

There are those today, as there always will be, who find infinite fault with life in this Nation and who conveniently forget that they share responsibility for the quality of life we lead. But our needs are too great for this attitude to be accepted. America belongs to all of its people. We are all responsible for the direction this Nation will take in the century ahead, for the quality of life we will lead and our children will lead. We are all responsible, whether we choose to be or not, for the survival and the success of the American experience and the American dream.

So there is little room for the luxury of making complaints without making commitments.

America must enlist the ideals, the energy, the experience, and the skills of its people on a larger scale than it ever has in the past. We must insure that these efforts be used to maximum advantage. We must insure that the desire to serve be linked with the opportunity to serve. We must match the vision of youth with the wisdom of experience. We must apply the understanding gained from foreign service to domestic needs, and we must extend what we learn in domestic service to other nations. And in all these endeavors, I believe, we can bring the power seen from afar to focus clearly on the problems and the promise of our time.

RICHARD NIXON.

THE WHITE HOUSE, *March 24, 1971.*

FEDERAL VOLUNTEER PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, thousands of Americans are today being offered a chance to serve their country through the creation of a new volunteer agency. This new agency, proposed by President Nixon, will bring together the now uncoordinated efforts of a wide variety of smaller agencies. It will provide for better direction and a new sense of unified effort.

President Nixon's plans for the new agency go well beyond the simple concept of providing willing volunteers to meet the many tasks confronting both our Nation and the world. An expanded effort would be made to develop exciting innovations in the field of voluntary action. Health services, the environment, housing, and education are just a few of the areas where new approaches and meaningful action may be generated by the work of the new agency.

America has a proud history of volunteer service by its people. It is a history that runs from the tradition of neighbors helping neighbors in the earliest frontier days to the proud work of the Peace Corps vounteers working in 60 countries overseas today. The President's action will take that tradition ever farther, and I am pleased to be able to support it.

FEDERAL VOLUNTEER PROGRAM

(Mr. BAKER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BAKER. Mr. Speaker, the President has given us a practical and realizable means of mobilizing volunteer action to attract the problems of our Nation. By building on the experience of several Federal volunteer programs already in existence, the new agency can expect to have an immediate and beneficial impact. Of special merit is the role local initiative will play. The new agency will guide and counsel, and act as a clearinghouse for proposals involving volunteer action. But the real stimulus is from the cities and the States. It is there, at the local level, where people live with the problems they hope to solve, that the success of the new agency will be measured. But this expression of faith in the American people entails no real risk, for there are great human resources ready to serve if the leadership and framework are available. President Nixon has provided the leadership—and he has proposed the framework. It is up to us to insure that that framework is strengthened by our support.

RURAL TELEPHONE BANK

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 1 hour, and the gentleman from Oklahoma (Mr. BELCHER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, I know some of the Members wonder why you are considering this bill, H.R. 7, at this time. You have been seeing it for some time. In three successive Congresses the Committee on Agriculture has reported out a bill either exactly like this or very similar to it. It was last reported by a vote of 23 to 3 on the 10th day of February. A very similar bill was passed about a week ago by the Senate by a unanimous vote.

Mr. Chairman, there must be some reason why legislation of this kind would continue to appear on the program of this House, and would receive so much general support when it is presented. I think the reason is very clear, and it is twofold. There is an outstanding need for additional financing of the rural telephone systems. And here I know that there is much confusion, and I am sure that some of you were confused when the title of the bill was read, because it refers to the Rural Electrification Administration.

Many of the Members are not aware that the financing of the rural telephone systems, both corporate and cooperative, is now done through the Rural Electrification Administration. This bill has nothing to do with loans to electric cooperatives, or electric companies. It relates solely to telephone operations regardless of the nature of their incorporation.

I would point out that there was considerable opposition to this measure by those who felt that if it proved the success which we trust that it will, that it then would be used as a means of financing the electric cooperatives. Many of the electric cooperatives thought that that was a good idea, and for some years they sought to be included. But in the meantime they gave up in disgust because of the long delay of the Congress. They decided that those of their members who had some resources would pool what resources they had.

But I would point out in the past—there was an agreement between the ranking minority member of our committee and myself that we would not, at least during that session of the Congress, bring up any legislation that would extend this principle to the electric cooperatives. While I can only speak for myself, at the moment I feel sure the ranking minority member agrees with me that we are not going to bring up any legislation now that relates to the electric cooperatives.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. McMILLAN. Is it not correct that the passage of this bill does not set any precedents or criteria for any other legislation?

Mr. POAGE. No—frankly, I think we are setting a precedent. But I think it is so clear that the precedent would be meaningless so far as the electric cooperatives are concerned because we have an understanding here, and I am sure the gentlemen himself as the ranking majority member of the committee will agree, that we will not bring out at this session of the Congress—and I cannot bind those down the road forever—but certainly this session we will not bring out any legislation that will extend this principle to the electric cooperatives. While I would not say it does not set a precedent, I would say it becomes utterly meaningless so far as establishing anything relating to the electric cooperatives is concerned.

Mr. McMILLAN. I thank the gentleman very much.

Mr. POAGE. I thank the gentleman very much.

Mr. Chairman, I do want it completely understood that what we are talking about in this bill is only telephone systems. The rural telephone systems need help and need it desperately. They need financing. Of course, there are lots of institutions in the United States which need financing but these telephone systems have all been built on the assumption that they could get some financing from the REA.

Now the Committee on Appropriations has in the last few years been appropriating about $125 million a year to provide for the financing of the telephone systems as distinguished from the electric cooperatives. That has not been enough to meet the needs. There is approximately $500 million of pending loans right now, most of which certainly would qualify, and represent real needs.

There is an estimate of the REA that during the next 15 years we will need $3½ billion to finance the rural telephone system.

I had some figures here a moment ago. I have them here—I think we should bear in mind that these systems serve the most sparsely settled areas of our country. The average density of the REA financed telephone lines is 3.9 customers per mile. The average density in the Bell System is something over 40 customers per mile. Even though they have most of the long lines, they have something over 40 customers per mile as opposed to less than four customers for the rural systems. In other words, Bell has more than 10 times as many customers for each mile than do the rural systems. Obviously, the major companies can be expected to serve and make a profit whereas these rural companies are suffering a loss.

So we find there is a need for financing the rural systems. I do not think anybody can deny that. They need additional capital. Now how do they get the needed capital at the present time? I want to make it clear just what is happening under existing law.

At the present time we are authorized to finance these rural systems through the REA with 2-percent interest. This is done through the appropriation process, and the Appropriations Committee is providing about $125 million a year. Those loans, of course, are quite expensive to the Government. I am not opposed to it. I am for it. I think that just as we are subsidizing most of the housing being built in the United States today, so must we recognize that we must provide assistance for the rural areas. We must provide some kind of cheaper interest. I am not objecting to the 2-percent interest. I am for it. But what I do want to make clear—and I want every Member here to realize this, and I wish we had the full membership on the floor—this bill does not change the existing authority in the present program. It merely sets up a system which will, over the years, make the need for subsidized financing substantially less than it is today.

It sets up a banking system based upon the principle we used when we established the land bank a great many years ago. The same principle has been applied to the intermediate credit banks, the PCA's and the banks for the cooperatives. In all of those institutions the Government advanced the original capital. I believe it was $80 million originally in the land bank. The Government put lots more into it before it got through. But all of that money has been repaid. The Government advanced the original capital. Every time a borrower made a loan from the land bank, he had to invest 5 percent of the amount of that loan in the stock of the land bank.

The same thing has happened in the banks for cooperatives. The same thing is provided in this bank. We set up a system whereby the Government will advance, not a vast sum, but $30 million a year, no more than $30 million a year. It cannot be $30 million just taken out of the General Funds of the Treasury. It can only come from the repayments of the outstanding 2-percent loans. That is the only source that the Appropriations Committee can use to get the money, and the Appropriations Committee must appropriate that money before it can be used. We are not authorizing back-door spending. We are saying that the Appropriations Committee will have the right to appropriate not to exceed $30 million a year, and from no other source than the repayments that come in from the presently outstanding loans, to buy capital stock in this bank.

When the Government puts money into the capital stock, there is a provision in this bill that the banks sale of debentures cannot exceed eight times the amount of the bank's capital. You understand that that is the way any bank operates, that it loans a great deal more money than its capital stock. The land banks have the authority today to borrow 20 times their capital stock—20 times. This bank is limited to eight times, all because we are trying to protect this thing so it will be absolutely sure that we are not imposing any kind of risk or obligation on the Government.

The bank then will sell its debentures in the open market. The Government does not guarantee those debentures. I want that real plain. The Government does not guarantee the debentures of the bank. The Government does not guarantee land bank debentures either. The Government simply lets the bank handle it as a business proposition, just like any other bank. That is what we establish here. We believe that with such a system, it will be possible to provide a good deal of credit without digging into the Public Treasury.

If the Appropriations Committee sees fit to let us buy a $30 million worth of class A stock the first year from the proceeds of the repayments on outstanding loans rural telephone loans, then that bank could, theoretically, loan as much as $240 million which could be generated by the sale of debentures at the rate of eight times the bank's capital.

As a practical matter, it would probably lend no more than approximately $150 million which would represent five times the bank's capital. That will be money they will probably get by the sale of the debentures in the open market. That will enable the bank to loan more money than the Appropriations Committee has been providing for the whole system in the last few years—and it will not be all Government money.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield briefly at that point?

Mr. POAGE. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, it is not true that the borrowers from the land bank pay the going rate of interest that the Government itself must pay for its borrowing plus a small handling charge?

Mr. POAGE. The Government does not now put any money into the land bank. The land bank is completely paid out and is privately financed in its entirety.

Mr. TEAGUE of California. During the time the Government did have an investment in the land bank, was it not true the borrowers from the land bank paid the going rate of interest rather than a subsidized interest?

Mr. POAGE. They paid the same kind of interest rate that will be required here, exactly the same kind, because the interest rate will be determined by what the bank can get for its debentures. They cannot lend money they do not have, and they cannot get money unless they sell their debentures. It is the same thing with the land bank.

As to the subsidy in the land bank, let me call the attention of the gentleman to where the subsidy is. There is not any now, let me make that plain, but there was a subsidy in the land bank for a long time. It was through the Commissioner loans, and the loans were made at less than the going rate of interest and they were made out of the Treasury, not out of the sale of debentures. The land bank loaned Government money for many years through what is known as the Land Bank Commissioners and they did subsidize those loans.

Mr. TEAGUE of California. But how can this bank make loans at 2 percent or 4 percent if, as the gentleman said, they must make loans at what it costs them to get their capital?

Mr. POAGE. I do not think this bank can possibly make loans at 2 percent, and there is no such provision in the bill.

There is a provision for an intermediate type of credit.

Mr. TEAGUE of California. Not to exceed 4 percent.

Mr. POAGE. Correct, and that goes only to certain types of borrowers who it is felt are entitled to receive some kind of special consideration.

Mr. TEAGUE of California. I was not aware that there was much 4 percent money running around loose these days.

Mr. POAGE. I do not think there is. I think the 4 percent money carries a subsidy of 2 to 4 percent, does the gentleman not agree, under the present situation.

Mr. TEAGUE of California. Mr. Chairman, I thank the chairman of the committee.

Mr. POAGE. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, I would call attention to the fact that this bill just does not do anything to change the existing program. It is in addition to, not in place of. It allows the Administrator of REA to continue to make loans, just as the present law allows. We do not repeal that. But we do provide that if a telephone system has as much as 20 percent equity—that is not an awfully big equity—but if it has as much as 20 percent equity then it has to go to the bank and it cannot get the money from the Administrator of REA. It has to go to the bank.

We try to take care of those systems where there is not the ability to pay the interest rates that the bank must have, as the gentleman from California pointed out. The bank must certainly have more than the Government has been getting. We know there are telephone systems in this country that simply could not pay these rates. There are telephone systems that do not have any equity. There are telephone systems that do not have one subscriber for 5 miles of line. So we provide that if the telephone system does not have as many as three subscribers per mile, that it can still borrow from the current REA under the present terms. We do not change those laws.

We provide if it has less than 20-percent equity in the system it can still go to the administrator. If it has more than that, it has to come to the bank.

That relieves the administrator of a substantial amount of money that he would otherwise have to loan, and to the extent that it relieves him of even $1 it saves the Government some money.

This is not something adding to the expense of the Government. This is something that will, over the years, save the U.S. Government some money.

I know it can be said that, "We do not intend to finance those companies." Of course, if we do not intend to finance these rural electric systems we can close out the whole program and we can, of course, save the Government some money. We can save the Government some money by cutting out the highway program. We can save the Government some money by cutting out the courts.

But if we are going to carry on the program, then every dollar that is loaned by this bank is a direct saving to the U.S. Treasury. I challenge anybody to stand up here and show that it is not. I hope they will try. Every dollar that is loaned by this bank saves the Government; to the extent the Government does not make 2-percent loans, to the extent the bank loans, that is a savings to the U.S. Government.

I believe that is a pretty good deal, when we can carry on a program that is as needful as this rural telephone system is and at the same time remove some of the load from the U.S. Treasury.

That is what this bill will do. I believe it is a good bill. I hope the House will pass it.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I thank the gentleman for yielding to me.

I am not a member of the Agriculture Committee, but I was the administrator of the rural electrification program during the Eisenhower administration.

During the early history of this program the telephone program was going nowhere. As a matter of policy in REA, we decided that the independent telephone companies of our country should be brought into the operation of the rural telephone program, because a cooperative, in order to work, needed a central exchange. The independents had the central exchange, but they did not have the funds to serve the rural areas because the count per mile was very low. The program started to move when we changed that policy with the result that today we have wide representation and a great extension of telephone service to rural America.

I would like to point out that there has been a problem for an independent serving rural areas arising out of the lack of capital funds and the lack of income to finance expansion. Under the terms of this bill I believe we are moving in the right direction to solve this problem.

I understand there is some difference of opinion between the Office of Management and Budget and the Committee as to certain details of this bill, but I hope in conference it can be worked out so that we will have a program which will serve rural America.

When I was administrator of the rural electrification and telephone programs, I proposed a revolving fund type of financing that would leave in the program the money already there for purposes of further lending to assure REA electric and telephone borrowers a source of money in the future. At that time my plan was frowned upon, but I am happy to see now a recognition of the need to move in the direction of getting off the Government's back through establishment of a separate facility which assures financing in the future.

I am not familiar with every detail of this bill, but I am familiar with the need. I am familiar with what this program has done. I want to assure my colleagues of its great potential for making a great contribution to rural America.

The rural electric program had already made a remarkable contribution to a better life in rural America.

I found that out very forcibly a couple of weeks ago when we had a snowstorm while I was home in Minnesota. The power lines were down, because of the storm, and we had 40 cows to milk by hand. I want you to know that I and one other man milked until midnight. We started over again early the next morning and kept right on milking until noon. When the power came on I really appreciated the REA that much more.

Mr. Chairman, I want to congratulate the committee and especially BOB POAGE and PAGE BELCHER, who as chairman and ranking minority member of the committee, have been great in their efforts to develop this program.

I hope we can work out a financing bill that will be adequate to do the job.

I congratulate the committee and intend to support the bill.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Yes. I yield to the gentelman from Iowa (Mr. MAYNE), a member of the Agriculture Committee.

Mr. MAYNE. I certainly want to commend the gentleman from Minnesota for the excellent statement he is making and for the years of dedicated and effective service he has given to this Nation and especially to our farming population as national director of the REA during the Eisenhower administration.

Mr. Chairman, I rise in strong support of this bill which will greatly strengthen telephone service to rural America, and urge all Members of the House to join me in voting "yes."

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Chairman, I feel as though I am fighting kind of a lonely battle up here, but I am going to keep trying, anyway.

There were several points I made when we had our little discussion on the adoption of the rule. I have some more and I would like to repeat those that I previously made, also.

First of all, I would like to tell you that there were no hearings on this bill for 2 years. No report was requested from the Department of Agriculture.

I think this next point is something that very few people realize, but it is terribly important.

We are not just talking about poor little rural cooperative groups here. Seventy percent of these rural telephone companies are commercial corporations organized for profit. I call to your attention a table appearing on page 28 of the minority report which indicates that at least 30 of these companies in 1967 made a profit in excess of 30 percent on their net worth. I wish I had a more up-to-date table. I would have had, had we had hearings on this bill. Many of these companies, I am sure, are family owned. I am all for that. They pay themselves, the members of the families, adequate salaries, I presume, and they are still able to pay dividends.

They have other sources of raising the necessary money to improve and modernize their systems. I do not question at all the chairman's statement that these systems must be modernized, but the cooperatives can go to the bank for cooperatives. If necessary, that law may have to be altered or changed some, but they can go to the bank for cooperatives and pay the going rate on interest just like other borrowers do from the other farm lending agencies. Private corporations can go to commercial banks and get loans, I am sure. There is no reason that I know of why they could not go to their utility commissions in the various States and get a modest rate increase such as is necessary to provide the modernization required.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I am glad to yield to the chairman of the committee.

Mr. POAGE. I wonder if the gentleman will tell us what these 30 companies he named, that appear in the minority report—I wonder if he will tell us what the average return on their capital investment was.

Mr. TEAGUE of California. It is all in the table there, Mr. Chairman. I have not figured out the average.

Mr. POAGE. It reads 2.9, 3.9, 4.5, 4.4, 6.9, 3.4, 2.2, 3.7, and 3.05.

I just wondered since the gentleman mentioned the fact whether the gentleman was not talking about something else when he said that they made a profit of 30 percent. Surely, he was not talking about return on their capital investment. He was talking about a return on the equity they had.

Mr. TEAGUE of California. That is right, of course.

Mr. POAGE. And, Mr. Chairman, if the gentleman will yield further, return on equity gives absolutely no idea of the success of a business. Most of these companies had very little equity, therefore, a very small profit would show up as a very large return on equity. Does the gentleman feel that such a yardstick gives a fair idea of profits?

Mr. TEAGUE of California. I think it does. There are several in here with figures on their total capital profits of 11 percent, 12 percent, and 8 percent.

So, anyway, for further detail I refer the gentleman from Texas to the table which appears on page 28 of the committee report.

Mr. Chairman, there is no reason why these private corporations, insofar as I know, cannot issue debentures. As I said before, they could go to the utility commissions and get necessary rate increases.

There is a banking aspect involved in this measure. Of course, I do not quite understand it, because I am certainly not a banker. I think some of you understand it. I think the gentleman from Pennsylvania (Mr. GOODLING) is on the board of directors of a bank. It is my understanding that the telephone bank can go out into the money market and borrow money at 5, 6, 7, or 8 percent, but this bill provides intermediate interest at not to exceed 4 percent. How it can do that and still remain solvent is something I do not quite understand. This is why I have definitely convinced myself that the taxpayers will never see a return on the $300 million which we are investing in this telephone bank. I do not think it will be a success. Poor Uncle Sam will be left holding the bag.

Mr. Chairman, there is another aspect of this which I think ought to be considered. One hundred and fifty of these little rural electric companies were acquired by Continental Telephone Co. in the last few years. I think we will see more of this. If these little companies are able to get 2-percent and 4-percent loans repayable in 50 years, their value as a going concern will be considerably increased and they will be swallowed up by the big companies.

Mr. Chairman, there are many differences between the bill passed by the other body and the one under consideration here.

When we get back in the House I will ask permission to insert those differences in the RECORD. In the meantime, even though the committee did not request any report from the Executive Department, I did. I have a letter dated March 9 from the Executive Office—the President's Office of Management and Budget—signed by Caspar W. Weinberger, Deputy Director. I think I should read parts of that letter into the RECORD:

We would not support the provisions of H.R. 7 which are at variance with the provisions of S. 70—

Which is the bill passed by the Senate and which is the administration bill or close to it—

Our specific views on the points set forth in your letter are as follows:

1. OMB agrees with the provisions of S. 70, under which the rural telephone account would contain only so much of the net collection proceeds of the REA telephone program as are needed to buy class A stock in the bank.

2. OMB believes that the money in the rural telephone account should remain in the Treasury until disbursed as provided in S. 70.

3. OMB supports the 4 percent minimum on bank loan interest rates as provided in S. 70.

4. OMB believes that the bank should be considered to be a wholly-owned government corporation under the Government Corporation Control Act as provided in S. 70.

Let me state at that time under the provisions of our bill, the House bill, H.R. 7, the Government controls the corporation until two-thirds of the capital has been returned; in other words, $200 million. Who knows when that will be? But the Government does have some control up until that time, because seven out of the 13 directors will be Government people, but after two-thirds is returned to the Government, $100 million of Government capital still is in the hands of the telephone bank and the Government loses all control thereof over the operations of the bank.

Now, Mr. Chairman, to go on with Mr. Weinberger's letter:

5. OMB believes that even after conversion of the bank of private ownership, its debentures should be issued only after consultation with the Treasury Department as provided in S. 70.

6. OMB supports the language of S. 70 which expresses a preference for bank loans rather than REA loans at 2 percent.

7. OMB favors the provision in S. 70 which requires that approval for a borrower to dispose of property be conditioned on the borrower's agreement to pay interest at a rate such as he would have to pay on new loans and on his agreement to refinance his loan on such basis.

8. OMB agrees with the provision in S. 70 which provides that the conversion of the bank to borrower ownership would not occur until all class A stock has been retired.

I repeat, this is a $300 million—to put it bluntly—raid on the Treasury.

Also, repeating—I am not questioning the necessity of refinancing for these telephone companies, but I have pointed out other sources and means that are available to them. And at this time of our careful looking at priorities which face us, this certainly ought to be way down, way, way down on the priority list. Therefore, I hope the bill will be defeated.

Mr. Chairman, the report that I have referred previously is as follows:

(1) H.R. 7 treats the telephone bank as a mixed-ownership Government corporation but exempts it from the requirements of Treasury approval of its debentures. S. 70 treats the bank as a wholly owned Government corporation requiring Treasury approval of its debentures and preparation of an annual business-type budget in addition to auditing by the General Accounting Office.

(2) Conversion to private control occurs when the Government's investment in class A stock is reduced to one-third of the total outstanding stock under H.R. 7 and when it

has been fully retired under S. 70. Consultation with the Treasury on the issuance of debentures after conversion is required under S. 70 but not under H.R. 7.

(3) H.R. 7 provides that the telephone account will be used in accounting for regular REA loans as well as the Government's investment in the bank. S. 70 limits the rural telephone account to the amount needed for the Government's investment annually in the bank.

(4) H.R. 7 provides for deposit of all collections on telephone loans in the rural telephone account. S. 70 limits the amount of telephone loan collections to be deposited in the telephone loan account to the amount needed for the purchase of class A stock.

(5) Both S. 70 and H.R. 7 permit REA loans to be made to low-density areas (three subscribers or less per mile) even if bank loan funds are available. S. 70 requires that loans for higher density borrowers be made from the rural telephone bank when bank funds are available and the borrower meets the bank's requirements for financing. This requirement is not specifically included in H.R. 7.

(6) H.R. 7 contains provisions for bank loans at a rate sufficient to cover the bank's cost of money and other expenses and also a provision for some bank loans at 4 percent or the average yield on Government securities with comparable terms, whichever is less. S. 70 requires that bank loans are to bear the highest practical rate of interest consistent with the borrower's ability to pay. The report on S. 70 makes it clear that a borrower may obtain loans simultaneously from both the bank and REA if such financing will produce interest costs within the borrower's ability to pay.

(7) H.R. 7 requires that bank loans would not be made unless the governor of the bank certifies that the security is adequate and the loan will be paid within the time agreed. S. 70 requires additionally that the borrower be capable of producing net income before interest of at least 150 percent of the interest payments on outstanding and proposed loans.

(8) H.R. 7 contains a provision that the maturity of loans could be accelerated if the borrower violated its agreement not to engage in specified unlawful political activities. S. 70 does not contain this provision.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, one of the progressive steps taken many years ago to help rural areas was an enactment of legislation providing for loans for rural telephone cooperatives. Congress wisely set the interest rates low on these loans to make certain that the opportunity to provide the service would be there.

We owe a great deal to the foresight of the men who launched this solution to the communication problem for farmers and ranchers. Across the countryside of America the telephone lines stretch for long distances with only a few users per mile. The national average is 3 per mile on the rural cooperative lines, but in my western country there is often only one user in 2 or more miles.

Communication in many rural areas would be almost nonexistent if it were not for rural telephone associations or cooperatives. The need for the telephones in the rural farms and ranches is as great as any other business or home in the United States, yet only 39 percent had phones when the RTA program started in 1949. Today 82 percent have phones.

As a result of the development of rural telephone cooperatives, time, lives, and health have been saved. Emergencies have been met by picking up the telephone and calling for help. The business of the farms and ranches of the Nation like business everywhere is conducted also on the telephone. The comfort of visiting with friends, neighbors, and relatives across the country has been provided to rural people over these telephone lines. We have increased productivity, we have ended the isolation and increased desirability of living on farms and ranches. It is an entirely successful and worthwhile program. And it is a two-way success because through modern communication it has brought rural and urban people closer together.

The job of providing areawide service, which the cooperatives undertook in spite of distances and few customers per mile, could not have been done without 2-percent loan money. It has been a fine investment of benefit to the entire Nation.

The telephone cooperatives are now proposing through a financing arrangement of their own, to let some of the cooperatives which can afford to pay higher interest assume part of the burden of raising necessary capital to fund a backlog of $400 million in capital needs.

Continuation of Government provision of low-interest, 2-percent loan funds is not only essential to continued success of the systems, however, for some of the coops in sparsely settled areas must still have it, but it is necessary to keep Uncle Sam's commitments to the cooperatives. They have extended lines to widely scattered customers. They are providing the areawide service which was their part of the bargain. The Government owes them, in return, reasonably priced capital. That was the agreement and we should continue to keep it. This bill is the means of keeping that bargain.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, as has been pointed out by the committee, the purpose of H.R. 7 is to improve telephone service in rural areas by providing an additional source of capital to telephone cooperatives and companies serving rural areas of the Nation. This new source of capital would be in addition to the basic Federal 2-percent loans provided for in the Rural Electrification Act of 1936.

To this purpose, the legislation would create a new Government-sponsored financial institution—a rural telephone bank—to provide a new supplemental non-Federal source of capital for rural telephone systems. It would bring funds from the private money market into these systems.

REA telephone borrowers—totaling 878—642 commercial companies and 236 cooperatives—have received loans of almost $1.75 billion since the beginning of the telephone program in 1949. They will need more than twice this amount in the next 15 years.

With the diverse demands upon the Federal Treasury, it is imperative that new and additional sources of capital funds, at usable interest rates, be developed if these needs are to be met.

We are concerned that sufficient Government money is not available. The committee is also concerned over public misunderstanding of the REA programs. Many people believe the Government gives money to the systems and to others for the development of the telephone services. It does not. It loans money for REA financing. The Congress in 1944 set a 2-percent interest rate on the REA loans. Two percent was the approximate interest cost of money to the Treasury at that time. The only Government subsidy involved in making telephone service available to rural America and in taking telephone service to farm people is the difference between the 2 percent charged on REA loans and the higher cost the Government now must pay for money it borrows. The REA telephone systems almost without exception are even or ahead in repayment of the money the Government has loaned to them.

No subsidy so small ever has achieved such great benefits for the farmers and for the Nation at large.

Nevertheless, the operators of the telephone systems feel that sufficient Government loan money may not be available to meet their expanding needs in the future, and they came to the Congress with proposals for the establishment of the telephone bank, even though this legislation will no doubt result in higher money costs to the more prosperous systems.

In 1949, only about 39 percent of U.S. farms were receiving telephone service of any kind. Now approximately 83 percent have telephone service, most of it modern dial. REA loans have been made to build and improve 565,000 miles of telephone line serving 2,450,000 subscribers in rural areas.

This program has helped farm families to improve vastly their standard of living and they in turn have benefited the Nation's consumers by increasing the efficiency of food and fiber production, and have contributed to making the United States today a land of abundance. This program has also helped to create multibillion-dollar markets for urban manufacturing industries.

This Government undertaking has brought wide rewards to many people at very little cost.

Mr. Chairman, there is broad support for the telephone bank. The committee has approved this bill creating the telephone bank in order that our rural areas not be denied the type of telephone service they deserve on an equal basis with the urban subscribers of our country. I hope the proposal will be favorably acted upon today.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in support of H.R. 7.

At the outset, it must be recognized that rural telephone service is distinct in many ways from that found in urban or semirural areas. The party line, an anachronism in most of the United States, is still a fact of life for numerous rural residents. Some have estimated that as many as two-thirds of rural telephones are on party lines.

A private telephone line is no longer a luxury. In fact, it is essential for the conduct of business and personal affairs. Even when there are but two families on the same line, the telephone ceases to function as it should. Add more subscribers, and the situation becomes worse for the individual becomes increasingly dependent upon the discretion and good manners of the others.

The large geographic areas involved makes rural telephone service more expensive per unit than normal operations. This is true not only for maintenance and modernization of existing facilities, but for the addition of new subscribers as well. At this very moment, 17 percent of the rural homes in America do not have any telephone service. To reach them, large resources will be needed even though rural telephone co-ops have difficulty maintaining and improving existing service.

There are those who feel H.R. 7 is a subsidy to rural America. I believe, however, the $9 or $10 million spent on making up the difference in interest payments is an investment.

Rural areas of our Nation cannot develop and help take the population pressures off urban America unless basic services can be provided. Certainly, rural America needs many services, roads, schools, water and sewers, and so forth, but most basically there is a need for communication. Unless the rural resident can communicate his ideas, wants, and needs with an urban society and vice versa, we are relegating nonurban areas to a constant state of underdevelopment and poverty. This is neither good for those in rural America, nor the Nation as a whole.

Mr. Chairman, we must understand that rural development is a highly desirable objective. But it has no possibility of accomplishment without basic communication facilities; that is, modern telephone service. In the past, we have seen rural telephone service expanded immensely. There is no reason why this service should not be able to continue expanding and modernizing to meet the needs of a developing countryside.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in enthusiastic support of this legislation. I think it is long overdue.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this bill.

America is indeed fortunate that we passed years ago in this Congress the farm credit system. The farm credit system, the Federal land bank, has enabled the land to stay in the hands in the main of our people.

This telephone bank bill is intended to do in this area what the Federal land bank has done in the area of the ownership of land. So we are not here today legislating in the dark. We have a history and a background upon which to legislate.

Countryside development is around us and is discussed everywhere. Without proper communications in rural America, we never would have countryside development. It is imperative that we improve our communication system. Both sides of the aisle in this body have long stood in strong support of the Federal land bank. I know both sides of the aisle will stand in strong support of rural telephones.

Speaking of priorities, members of the committee, certainly there is nothing that should have more of a priority today than laying the groundwork for countryside America. We must reverse the trend of stacking more and more and more of our people in less and less and less of our land. Proper communications in countryside America lays a background for solving the problems of rural and urban America.

Mr. Chairman, I am very pleased that one of the first pieces of legislation we have before us in the 92d Congress is H.R. 7, which would establish a rural telephone bank.

This is of vital importance to rural America. Many hundreds of rural telephone systems were started at the turn of the century and the approximate 20 years following. By 1949, these systems were 40 to 50 years old, and were becoming inadequate. Actually, there were less telephones in rural America in 1949 than there were in 1920. They found themselves in a position where they were trying to operate a system of equipment that was put in at the turn of the century while, at the same time, urban America was being revitalized in its telephone communications by rather dramatic efforts in technological improvements.

The time came when something had to be done. When these rural telephone companies tried to secure adequate debt capital financing they suddenly realized that they were not the attractive types of risk that either a banker or an insurance company was prepared to handle. We had a financial vacuum so far as the ability of the rural telephone companies at that time to obtain financing to rebuild and improve their systems.

At the same time the REA electric program had already proved itself, and so, in 1949, an amendment to the REA Act was proposed to the Congress to try to help cure this situation for rural America.

Whereas only 39 percent of our American farms had telephone service in 1949, the enactment of the telephone program has brought this to 83 percent. The REA telephone companies are operating the most modern dial system in America. They are cooperating with the entire telephone industry to see that this modern type of service is furnished.

But once again, they have come to a crossroad where they need more debt capital. This is just as much of a need today as it was before 1949, and the reason is that the amount of money needed has more than doubled since 1949. This is due to the upgrading of the service that is taking place within this industry in rural America.

Back in the early days, the standard of REA was eight parties on a rural line. We are finding out that rural America is not satisfied with this eight-party service and a tremendous amount of upgrading is taking place. Upgrading is taking place to the extent that those eight-party lines are now being reduced to four-party lines, and where economically feasible, one-party per line.

The Bell Systems feels that they can have 90 percent of their entire system converted to a one-party system by 1975, and, certainly, it would not be well for rural America to lag far behind in the furnishing of this kind of service.

Estimates indicate that these rural telephone systems will need in the next 15 years more than twice the $1.7 billion they have received in loans during the first 20 years of the telephone loan program. It seems obvious that other sources of financing must be sought to supplement the present loan program if the rural telephone systems are to meet their service responsibilities.

We have before us today, H.R. 7, which would establish a telephone bank and provide an additional source of financing for our rural telephone program. The proposed legislation would provide a long-term credit institution which would do two things. First, it would bring in capital from the private money sector to supplement the present loan program. Second, it would establish a credit institution that would eventually be owned and controlled by its patrons.

The Federal Government would furnish capital to the telephone bank at a rate of $30 million annually from repayments on outstanding rural telephone loans until the total reached $300 million. The bank would pay a return of 2 percent on the money provided by the Government.

We have been working on this legislation and trying to get it passed in the last three Congresses. I urge my colleagues here in this Congress to join in support of this legislation so that we can finally establish this additional source of credit which is so urgently needed in our rural areas.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well in support of this bill. We certainly need this type of legislation. We have heard a lot of talk lately about rural renewal. Rural renewal means simply to encourage people to stay in the less densely populated areas so that they do not move to the urban areas and, thus, cause all the problems that overcrowding has caused—with additional Federal funds needed for mass transit, urban renewal, pollution control and the rest when people are gathered too closely together.

Let us take a look at the need for 2-percent money in the rural areas. It is simply needed because we have to have it if we are going to give comparable services at anywhere close to the same rate city people pay for them. The costs are greater to serve the rural areas. The average co-op has less than three subscribers per mile. The Bell System has almost 40 subscribers per mile.

The rural telephone co-ops average about $300 per mile in revenue and the Bell System grosses about $11,000 per mile. If the less densely populated rural areas are to have telephone service at rates anywhere near what their city friends pay, this type of legislation is seriously needed.

If we are going to keep people living in the rural areas, they have to have telephone service. We who live in rural areas know how it feels to have a child with a temperature of 105 degrees and the importance at that time of dependable service when the doctor is at the other end of 12 miles of blizzard-blocked roads. At such a time you cannot tell a farmer that telephone service is unimportant to himself and his family.

It was my privilege this year to address the annual meeting of the National Telephone Cooperative Association in Houston, Tex. In my remarks, I stressed the importance and responsibility those of us from rural America have in maintaining the quality of life in our countryside.

I am sure that all of my colleagues have read articles which discuss the flow of people from rural America to the major metropolises which are already overcrowded and plagued with a vast demand on the Federal Government for mass transit, for urban renewal, for smog control, environmental enhancement, clean air, and all the rest. One of the best ways to begin to relieve this problem is to encourage our people to live in the country. In order to do this we must, first, insure that people will get a fair return for their labor—this, of course, has to do with agricultural price improvement; and, second, insure people that the quality of living in rural America will be satisfactory to them.

This second point is where H.R. 7 means so much to the development and strengthening of our rural areas. If we are to reverse this trend of outmigration from our farms to the already crowded cities, we must provide for a dynamic rural America.

The rural telephone program, which was begun in 1949, is essential to the development and revitalization of our rural sections of the country. It will make rural America not only an attractive and safer place for the families who now live there, but also will make possible new industries and business and the families that go with them. Everyone knows that we cannot expect industry and people to either settle or stay in communities where they cannot enjoy quality telephone service.

I feel it is imperative that we update the present phone system we do have in our rural areas. The demand for single party service continues to increase, and there still remains the unfinished job of reaching the estimated 18 percent of the rural establishments which do not have telephone service.

The need, therefore, for supplemental funding through banks is obvious. The backlog of loan applications has increased from 296.5 million on December 31, 1968, to 457.3 million on December 31, 1970. There would undoubtedly be far more applications except for the fact borrowers can see no point in submitting applications when they cannot possibly be acted on for 3 or 4 years.

I was very pleased when the President, in his budget message, said the following:

> The 1972 budget request anticipates that a supplemental source of financing, using both private and Government capital, will be available in the 1972 fiscal year to satisfy a part of the capital requirements of the rural telephone system.

Our rural telephone associations simply cannot go directly into the private money market because of their uniquely low subscriber density. It costs far more per subscriber to service the RTA density of 3.8 per route mile in comparison with the over 40 per mile for the Bell System companies.

Mr. Chairman, if we are to fulfill the mandate of Congress when the rural telephone program was authorized—to assure the availability of adequate telephone service to the widest practicable number of rural users of such service—we must provide a flexible system of financing.

I believe that with the passage of this legislation, the REA telephone program will be strengthened and along with it, the rural areas of this great Nation.

Mr. ZWACH. I thank the gentleman for his contribution. I now yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I thank the gentleman from Minnesota for yielding. I would like to say also that I know of no one who has a greater interest in developing rural America than the gentleman in the well. At the same time our Committee on Agriculture certainly has the greatest interest in seeing that rural America continues to move ahead.

H.R. 7 is just another tool that the Agriculture Committee has seen fit to provide, for the continual development of rural America and provide the services that are so badly needed. I think it is an excellent approach to providing the financing for rural telephone service for the citizens of rural America.

Mr. MIZELL. This bill would create a rural telephone bank, initially under the supervision of the Secretary of Agriculture, to provide a new non-Federal source of financing to supplement the existing telephone loan program now administered by the Rural Electrification Administration.

The REA currently has a huge backlog of loan applications, and such a supplemental source of financing is badly needed to expand and improve rural telephone service.

Since 1949, the REA has been providing a very worthwhile service by giving 35-year loans to these rural telephone systems at a 2-percent annual interest rate.

But many of these systems have prospered over the years and can now afford to pay higher interest rates. Two-percent money for these cooperatives is unnecessary and obsolete.

However, there is currently no program bridging the gap between the REA's 2-percent loans and the much higher interest rates the systems would have to pay if they tried to borrow money through the private money market.

I believe this rural telephone bank can provide such a bridge. The bank could meet the need of rural telephone systems for greater financing to improve their services, and it could at the same time move these rural telephone borrowers away from 2-percent loans gradually, as their borrowing capacity increased, toward intermediate financing at a 4-percent interest level and eventual financing in the private market.

Some rural telephone cooperatives, particularly some of the newer ones, are not yet well enough established to borrow money at a 4-percent rate. In many cases, initial loans to get these services started tie up the bulk of a young company's resources.

For these cooperatives that cannot afford 4-percent money as provided by the rural telephone bank, I believe we need to insure their continued ability to borrow money at the 2-percent level directly from the Federal Treasury.

This is not to say we should favor one cooperative over another. It is simply a good business proposition that is fair to all concerned parties.

And let us not forget the original intent of this entire program, and that is to provide the best possible community telephone service for rural Americans. I believe this measure will help provide that service, and I urge my colleagues to join me in voting for passage of H.R. 7.

Mr. ZWACH. I thank the gentleman from North Carolina, and point out the gentleman's great contribution to countryside America.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, REA came into being in 1936. It was largely a "depression" recovery mechanism. None will deny it served a useful purpose and was responsible for rural areas obtaining electric current that private interests simply could not furnish for economic reasons. Telephone financing, in a similar manner, came into being in 1949.

Today we consider a bill designed to perpetuate the greatest fiscal inequity that has ever been endured by the American taxpayer. I refer to the unconscionable 2-percent loan subsidy program of the rural telephone bank. This bill proposes to lend the telephone bank $300 million at 2 percent interest.

There are those who say that the Government will not lose anything through this transaction. While interest rates have declined somewhat recently, several months ago Government and private industry were paying 8½ percent and more for money.

In this fiscal year REA will lend nearly a half billion dollars at a 2-percent interest rate to electric and telephone cooperatives, many of them readily able to pay their own way in the money market.

Let me give you some recent figures on lending. I refer to the Daily Summary that comes out of the U.S. Department of Agriculture, the one dated Tuesday, December 29, 1970, and others. The first is a charge per customer of $1,749. The second $1,151 per customer, the third $1,461 per person and this continues:

EXCERPTS FROM THE DAILY SUMMARY

TUESDAY, DECEMBER 29, 1970

REA Electrification Loans to Benefit 7,061 New Consumers: Loans totaling $12,451,000 to 13 REA borrowers, in Ga., Iowa, Ky., Mo., Montana, Okla., S. Dak., Tex. & Wash. 3913-70. $1,749 per customer.

WEDNESDAY, DECEMBER 30, 1970

REA Telephone Loans to Benefit 3,838 Subscribers: Loans totaling $4,418,800 to 7 REA borrowers in Kans., Mo., Neb., Okla., Ore., & S. Dak. 3914-70. $1,151 per customer.

TUESDAY, JANUARY 5, 1971

REA Electrification Loans to Benefit 6,815 Consumers: Loans totaling $9,862,000 to 7 REA borrowers in Colo., Ga., Kans., La., N.J. & S. Dak. 4019-70.

MONDAY, JANUARY 11, 1971

REA Approves Three Telephone Loans: Amounting to $2,040,000, borrowers receiving loans are located in Ala, Okla., & S. C., 52-71.

TUESDAY, JANUARY 26, 1971

REA Electrification Loans to Benefit 11,336 New Consumers: Loans totaling $10,601,000 to 15 REA borrowers in Ark., Fla., Ky., Minn., Mo., Mont., N.C., Ohio, Okla., Tenn., Tex., W. Va., & Wis., 218-71.

MONDAY, FEBRUARY 1, 1971

REA Approves Six Telephone Loans: Amounting to $5,869,000, borrowers receiving the loans are located in Ark., Ill., Kansas, N.C., S.C. & Wis., 293-71.

REA Electrification Loans to Benefit 6,862 Consumers: Loans totaling $8,536,000 to 10 REA borrowers in Iowa, Ohio, Minn., N. Mex., N.C., S. Dak., Tex. & Va., 294-71.

MONDAY, FEBRUARY 8, 1971

REA Approves Two Telephone Loans: Amounting to $757,000. Borrowers receiving loans are located in Colo., & Wash., 382-71.

TUESDAY, FEBRUARY 9, 1971

REA Electrification Loans to Benefit 8,309 New Consumers: Loans totaling $9,767,000 to 15 REA borrowers in Iowa, La., Mo., Montana, N. Dak., Ohio, S. Dak., Tex., Va., Wis., & Wyo., 381-71.

WEDNESDAY, FEBRUARY 17, 1971

REA Electrification Loans to Benefit 2,107 New Consumers: Loans totaling $3,885,000 to 5 REA borrowers. Located in Iowa, North Dakota, New Hampshire & Wisconsin, 469-71.

MONDAY, FEBRUARY 22, 1971

REA Approves Three Telephone Loans: Amounting to $2,045,000. Borrowers receiving loans are located in Ala., Kans., & N.C., 543-71.

REA Electrification Loans to Benefit 5,597 New Consumers: Loans totaling $3,847,000 to 6 REA borrowers. Located in Ala., Ark., Ga., Iowa, Mich., & Tenn., 544-71.

MONDAY, MARCH 1, 1971

REA Approves Three Electrification Loans: Amounting to $4,149,000. Borrowers receiving loans are located in Colo., Ga., & Iowa, 680-71.

MONDAY, MARCH 15. 1971

REA Approves Four Telephone Loans: Amounting to $4,671,000. Borrowers receiving loans are located in New Mexico, Texas and Wis., 821-71.

REA Approves Five Electrification Loans: Amounting to $2,194,000. Borrowers receiving loans located in Iowa, Minn., Utah & Wis., 822-71.

One does not have to be an Einstein to realize the terrific cost to the Government at a time when our national debt is orbiting to astronomical heights. Each minute I stand here, and I hope each Member will pay attention, each minute I stand here we pay $38,000-plus in interest charges on our national debt. Let me repeat, that is $38,000 for every minute that I stand here. That is true 24 hours per day and 7 days per week.

I am completely flabbergasted and amazed that the Department of Agriculture continues not only to tolerate, but also to advocate a program which makes loans available to a privileged few borrowers at such ridiculously low interest rates.

How, I ask, can our Federal Government look a Vietnam veteran squarely in the eye and have the colossal nerve to tell him his GI home loan will cost him 7 to 8 percent, when a giant co-op is actually milking the taxpayers by getting millions for only 2 percent per year?

How can anyone justify this when other Government loan programs at least reflect the cost of money to the overworked taxpayer? Yet we allow this 2-percent subsidy to go along unfettered and unbridled. How can anyone justify such an unsound program in this time of severe economic difficulty brought on by heavy inflationary pressure? Inflation, Members will remember, is largely the result of the Government spending money it does not have.

When we are attempting to consolidate agencies this is not an appropriate time for the House to create another gigantic Government-subsidized lending institution without either public hearings or consideration of the administration's recommendations. This completely unnecessary legislation should not be supported. To perpetuate and expand a 2-percent loan program to a favored few should be unthinkable. Certainly the taxpaying public has every right to expect the House to either kill or cure this bill which is the tattered remains of a proposal which has three times been spurned by previous Congresses.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. VIGORITO).

Mr. VIGORITO. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I am on the committee, but I rise in opposition to this bill. I have heard many words this afternoon, but there are many facts which have not been brought out, and I hope to bring them out. I am for the REA program. It has done a tremendous job. As I understand it, in 1948 the REA Act was amended to bring in the rural telephone industry. At that time there were 6,000 independent telephone companies. Did that save the number of independent telephone companies? Of course not. The number dropped from 6,000 down to 1,894 companies at the end of 1969, or at the rate of 200 a year. For the last couple years they have been decreasing at the rate of 108 telephone companies each year. That means a few companies are getting larger.

Unsecured debentures on the money market will not bring a low rate of interest. It will still have to be a high rate of interest.

Do the independents really need it? In the 2 years from 1967 to 1969 they increased their plant investment from $8.8 to $11.3 billion, a tremendous increase of $2.5 billion. They increased the number of telephones from a little over 17 to 19½ million. That is better than 1 million telephones a year for the independents. So why do they need a "shot in the arm" for cheaper or easier financing?

The money is there in the open money market. That is where they are borrowing most of it now.

The American Telephone & Telegraph Co., which is the Bell System, has 85 percent of the telephones. That is one company. The other 1,894 telephone companies have the other 15 percent.

But if we take the top three only, American Telephone & Telegraph and General Telephone & United Telephone, the top three have over 90 percent of all the telephones in the United States. So the other 1,892 independent companies have less than 10 percent of the telephones, and we are going to superimpose on all the other means of financing in this country another bank. How complicated can we get?

A.T. & T. has fewer employees per million telephones than the independents. They get a greater return on their investment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. VIGORITO. I yield to the gentleman from Oklahoma.

Mr. BELCHER. If the A.T. & T. is so efficient and has less cost than the independents, and can borrow money as cheap as any corporation in America, why did they not carry the service out to these rural areas before the cooperatives had to go in? If it was good business and if they could borrow money at a rate with which they could serve these country people, with all their efficiency, why did they not do it?

Mr. VIGORITO. Well, they and a couple of large telephone companies are in the process now of gobbling up the smaller telephone companies. Of course, economics demand that they will go into the more profitable areas.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. POAGE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VIGORITO. So, Mr. Chairman, it is only a question of time until half a dozen large telephone companies will have most if not all of the telephone business in the United States.

I can remember in 1942 or 1943 Western Union and Postal Telegraph were merged.

So we have one Western Union for the whole United States. We will end up in another 10 or 15 years with maybe six telephone companies for the whole United States. About 98 or 99 percent of all the homes already have telephones although, of course, we are upgrading the system.

The independents are doing a tremendous job there, but they may not survive in this economic world of ours.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. VIGORITO. Yes. I yield to the gentleman from Iowa.

Mr. KYL. The situation that the gentleman in the well discusses would be fine if all parts of the country were exactly the same. I would like to give him an illustration of the difference.

For example, I live in a rural county in which there are eight or 10 communities. The telephone system there is owned by the people. It is an independent mutual telephone company. They get excellent cooperation from Northwestern Bell. I have no argument at all with the big telephone companies. But if these people in that county did not have this kind of a system and if a person living in Pulaski wanted to call the county seat, then he would call long distance and would pay long distance charges. If you want to call the attendance center where your children are in school, you would call long distance even though we have a one-county school district. Under the present situation, because we do own our own independent mutual telephone company—we can call all communities in the county without toll fees.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VIGORITO. I yield to the gentleman.

Mr. KYL. This company, incidentally, is not in jeopardy of going bankrupt and is not about to be purchased by a bigger company. But they do need to have new systems installations at times, they want to put all of their lines underground and so on, and there will be continuing improvements. However, if we did not have this kind of a system, we would not have the independence and the service which is possible in this kind of a rural area.

There is no question in my mind but that there is a place for this small telephone company and I hope that there will always be a place for it. The entire country has pride and satisfaction in knowing it can operate its own system.

Mr. VIGORITO. That is true. But we went from 6,000 down to 1,894 in 22 years, and we are still dropping at the rate of 100 per year. So if they survive, fine.

Mr. KYL. I would like to make a further point. One reason why we have a smaller number of companies is that in counties like mine perhaps there were 10 different telephone companies at one time, and they found that they could operate better as one. We get excellent service at reasonable cost, because we can operate on a county mutual basis.

Mr. VIGORITO. You do not have anything to worry about. That company will succeed. I hope good companies like you mention will all succeed.

Mr. KYL. And this bill is dedicated to saving companies like that.

Mr. VIGORITO. That remains to be seen. I do not think it will.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I think if there is one word that is going to describe the job of the 92d Congress, it is going to be the word "priorities."

There are a lot of things to be talked about here dealing with this bill on rural telephones. Obviously, the Rural Electrification Act of 1936 was a forward-looking program that accomplished a great many things, and it is still accomplishing them, but, to talk today about an expenditure of up to $300 million, be it in the form of a loan or anything else, at an interest rate set in 1936 of 2 percent; in fact, possibly excluding any interest at all, to talk of the expenditure of $300 million when just a week ago this House—and I am not here at this time to argue the pros or cons of the SST—but this House on the basis of economics which became the primary factor voted down the expenditure of $134 million. Yet, today we are talking about expending up to $300 million in a program of this type in this Nation.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. Yes, I am glad to yield to the gentleman from Oklahoma.

Mr. BELCHER. You know, I am getting a little tired of people throwing out the figure of $300 million. It is $30 million a year. It cannot exceed $300 million. After the first $30 million is put in, they would borrow on debentures probably $200 million as against those $30 million.

In my opinion there never will be more than $90 million of Government funds in that bank as long as it lives. So, this $300 million figure which a lot of people have tossed around a lot, and other big figures here, are not the facts.

Mr. PEYSER. I would like to speak to that. In my area in New York next week there is a hearing taking place dealing with mass transportation. It deals with the expenditure of $23 million by the Penn Central Railroad for passenger cars, the direct cost of which is being passed on to the 50,000 people who commute on that line in the form of a fare increase simply to pay for that particular expenditure. So, I do not look upon $30 million as a small figure at all. I think we have got to really look in this Congress at the total picture as to what we are dong with our money.

Mr. Chairman, I am concerned about the rural areas. Certainly, I am concerned that they have good communications. But we are faced with a critical situation. I touched upon mass transportation, for instance. Today, I believe the Government should be stepping in in a much bigger way in order to assist in the solving of this problem. I refer also to what $30 million would mean if we directed it at the terrible epidemic now sweeping our country in the form of narcotics where we do not direct this kind of money into the area of drug abuse.

Mr. Chairman, I think we must evaluate these things. I think we cannot look at this program and say $30 million and, perhaps, up to $300 million can be put forth even though it may be returned if these companies manage to earn money and make a return.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman speaks of $30 million. He also speaks of a low interest rate. The gentleman knows of the billions of dollars which the Federal Government sends out to cities and counties in vast amounts in the form of grants. Of course, there is no interest on those grants, no interest whatsoever.

The one thing I would like to try to show the gentleman is this——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. KYL. I thank the gentleman for yielding.

One of the reasons we have the mass transit problems, one of the reasons we have problems with narcotics, crime, delinquency and so on is because we are concentrating our population in centers which cannot handle these problems. The only way we are ever going to be able to stop that trend is by making life more reasonable, practical, beneficial, and desirable in those areas of the country where we do not have massive populations. This telephone bank bill is one of those ways with which we will have to do it, because if we cannot communicate, we cannot have commercial intercourse.

Mr. PEYSER. I appreciate what the gentleman says. However, I think, going directly to that point, that unless we solve the problem of these large areas of density of population today, and unless we take steps today that are going to cure some of these problems—and these are problems, as the gentleman knows, of mass transportation, pollution, and narcotics—that the need of the rural areas for telephones is going to mean very little. We are in the kind of situation today where these problems must be faced, and we must direct our efforts there, and there is obviously just so much money to go around. I do not believe we can continue getting into programs of this nature at this time.

Mr. SMITH of Iowa. If the gentleman will yield, I would remind the gentleman when he talks about the railroads, that we gave the railroads lots of land, and we have pumped billions and billions of dollars into the railroads, so they are not any good example, it seems to me, to use as a shining example of private enterprise doing something by itself.

Mr. PEYSER. I am not suggesting that the railroads are a shining example. As a matter of fact, I think they are a horrible example. But the problem is that the people of these areas involved are in desperate need of help with these types of problems, and what I am trying to say is that those areas are more crucial to the country today than is the area of rural telephone service. Even though I think it is also an important area, I just do not think it is as important.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I thank the gentleman for yielding.

I favor the concept of the rural telephone program just as strongly as I favor the concept of the rural electrification program. However, the gentleman from New York (Mr. PEYSER), has raised some questions about the financing, and I would like to delve into that aspect a little more. Perhaps the gentleman from

Oklahoma (Mr. BELCHER), or the gentleman from Texas (Mr. POAGE), can help me out.

This is a total of $300 million. Now, how is the capital of the bank to be raised? As I understand it, the U.S. Government is not going to put up the entire $300 million. Can the gentlemen explain that?

Mr. POAGE. Mr. Chairman, if the gentelman will yield, the capital is indeed raised exactly as it was raised in the land bank. That is that each time a loan is made the borrower is required to purchase 5 percent of the amount of the loan in stock of the bank, which means that by the time the money is loaned 20 times the Government is completely out.

Mr. ICHORD. If the gentleman will yield further, that is the borrower would pay, in addition to the interest—I understand they have two types of loans, first, the interest is not to exceed 4 percent, and in the second type of loan, he will pay the going rate of interest.

Now, in addition to the payment of the going rate of interest, or the 4 percent, the borrower will pay an additional 5 percent, which will go in as capital for the bank.

Mr. POAGE. It is just 5 percent one time, at the time he makes the loan.

Mr. ICHORD. Five percent at one time?

Mr. POAGE. He puts in 5 percent of the amount of the loan in the capital stock of the bank.

Mr. ICHORD. Then eventually it is contemplated——

The CHAIRMAN. The time of the gentleman has expired.

Mr. POAGE. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. ICHORD. If the gentleman will yield further, then eventually it is contemplated that all of the money will be returned to the Federal Government?

Mr. POAGE. If the gentleman will yield further, that is correct. And that is exactly what has happened. That is the only way that it can function, and that is exactly what has happened in the case of all the farm credit institutions, every one of them are now completely paid back. There is no Government money in either the land bank, credit bank, or bank cooperatives; they are all paid out, all the money is farmer owned.

Mr. ICHORD. What does the gentleman contemplate would be the initial financing by the Federal Government?

Mr. POAGE. It would be $30 million, and it cannot be taken just out of the Treasury fund; it has to be taken out of moneys that are repaid currently from the existing telephone loans. That is the only place they can get it.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from California.

Mr. TEAGUE of California. In further response to the inquiry of the gentleman from Missouri, the bill provides that the Government's investment in capital will be returned as soon as it is deemed practicable.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. POAGE. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. TEAGUE of California. If the gentleman will yield further, as soon as it is deemed practicable by the directors of the bank, which could be never.

Mr. PEYSER. I think the only thought that I would like to add to that is that there is no guarantee here that the $30 million will ever be repaid, or that you could not extend this $30 million into the second year and get a much larger commitment.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. POAGE. Mr. Chairman, there does not happen to be any statement in the bill about such a requirement.

The bill specifically requires that for every loan that is made there has to be purchased stock amounting to 5 percent of the amount of the loan. So you do not have to require this sort of thing. When the stock is purchased—by the time 20 people purchase the stock, then the Government is out because the Government has paid for the stock and the borrower paid the Government 5 percent today and the next borrower pays 5 percent and as soon as there are 20 of them, there is not any Government money left in it.

Mr. PEYSER. Is it not then assumed that the telephone companies that are taking this money are going to have to succeed so that these payments can be met.

Mr. POAGE. Obviously, if the loans go into default, you find the same situation with this bank as you find with any other bank. That is true of every one of the farm credit institutions. But everyone of them have paid out. There is not a one of them that has ever suffered that sort of thing. Everyone of them has paid out.

Mr. POAGE. Mr. Chairman, I yield to the gentleman from North Dakota (Mr. LINK) such time as he may require.

Mr. LINK. Mr. Chairman, as a Congressman from one of the most rural districts in the Nation, I rise to lend my support to H.R. 7, a bill to amend the Rural Electrification Act of 1936.

Much has been said today about the need for REA telephone loan funds. We have heard reasons to fully justify the use of these funds. I would like to reiterate some of the points already made:

First, there is a great need for additional low-cost financing for extensions and to make improvements on existing rural systems. While the average telephone cooperative in the Nation has fewer than three subscribers per mile of line, we have in North Dakota closer to one subscriber per mile; in fact, there is a substantial community in my home county that has no telephone service at all.

Second, this is not a grant. These funds are fully repaid, with interest, and in many cases the borrowers have repaid loans in advance to help ease the Federal fiscal situation.

Third, interest cost on capital is a large factor in determining telephone bills. Should the telephone cooperatives be forced to pay higher rates of interest, extensions of service and system improvements would have to be delayed and in some cases canceled.

Finally, rural consumers cannot afford to pay the higher phone bills that would inevitably result in forcing them to seek other sources of financing. The deadly combination of inflation and low prices for products produced on farms and ranches has already had a devastating effect on our rural communities.

By not providing adequate financing for rural telephones, we would just compound the problems facing rural and urban America.

Mr. POAGE. Mr. Chairman I yield to the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I thank the distinguished gentleman from Texas, the distinguished and outstanding chairman of the Committee on Agriculture, for the opportunity to speak. My prepared remarks will appear in the RECORD at this point.

Mr. Chairman, I can personally testify to the great contributions REA and the telephone service have made to my area, the iron range, in northeastern Minnesota. When I was a young man, I taught in a one-room, rural schoolhouse, where we were completely isolated, without any way to get help in an emergency. I also spent 2 years in a CCC camp near the Canadian border—and I know what a dramatic change telephones and electricity have made in the area.

I sympathize with the gentleman from New York, and share his concern for the plight of the big cities.

But our problem—the Nation's problem—is not overpopulation alone. Its roots are in the continued migration of people compelled to leave rural areas in order to make a living.

These people are literally driven to the big metropolitan cities like New York and Chicago, and to the huge urban sprawls like Los Angeles, and all the way from Detroit to Toledo and through the "horseshoe" around Cleveland.

We will have 100 million more people in the United States within the next 30 years. If the present outmigration and lopsided concentration of the population in our cities continues, in 30 years up to 85 percent of our total population will be living on 2 percent of the land. We know that the more you pile up people, and squeeze them together, the more you create new problems with consequent degradation of the quality of life—pollution in all its forms, bumper to bumper traffic, crime, drugs, inadequate housing, substandard schooling.

Mr. Chairman, the solution is to enable people to live decent lives outside our urban areas.

The task for the next 30 years and more will be to encourage people to stay where they are—to enhance their economic opportunities and their ability to make a living, to get their vocational training nearby, and to provide them with the conveniences which we in urban areas take for granted—such as telephone service. Then we should attack the problems of the cities. But unless we improve the quality of rural life, we will always be acting after the fact, as people continue their exodus to the cities.

H.R. 7 may seem a minor piece of legislation, but it is extremely important to the people living in rural and semirural areas—and to the shape and population profile of the entire Nation for the next 30 years.

The loan program has worked extremely well for the past 20 years. How well I remember events in 1949 when the program started. How well I know the conditions in my State of Minnesota at that time. How well I know how great a contribution the rural telephone service has made.

Mr. Chairman, this is why I lend my support to and urge a favorable vote for the rural telephone bank bill, H.R. 7. For the past 22 years of its existence, the record of the REA telephone program has been truly remarkable. In 1949 when the telephone amendment to the Rural Electrification Act was passed, much of rural America was being served by hundreds of telephone systems which were 40 to 50 years old and wearing out. Other rural areas had no telephone service at all. As much as these companies needed to modernize, they could not go into the private money market and obtain much needed debt capital because banks and insurance companies did not consider worn out and rural telephone systems to be good equity for loans. The future was indeed bleak for people in rural areas who either had poor telephone service or no telephone service whatsoever. The companies who were willing to modernize and extend their service were faced with a financial vacuum.

Twenty-two years ago in 1949 the Congress saw and met the need by enacting the telephone amendment to the Rural Electrification Act. The Congress stated at that time:

> It is declared to be the policy of the Congress that adequate telephone service be made generally available in rural areas for the improvement and expansion of existing telephone facilities and the construction and operation of such additional facilities as are required to assure the availability of adequate telephone service to the widest practical number of rural users of such services.

I am happy to report that these objectives have been carried out in an exemplary manner in 46 of our 50 States where REA telephone companies are located. In my own State—Minnesota—for instance, over 130,000 rural subscribers are being served by 41 commercial companies and 18 cooperative associations who have borrowed moneys under this program. No borrower is delinquent in his repayment.

Today these REA telephone companies face a serious problem. The debt capital which they will require for the next 22 years of the program will be double that of the past 22 years. On February 28, 1971, there were unapproved telephone loan applications on hand in REA totaling $467.8 million. For the past 3 years the appropriation level for this program has been $125 million annually. These companies realize that they cannot rely completely upon the Federal budget process to meet these needs. It is for this reason that we are considering today H.R. 7, the rural telephone bank bill. It provides the vehicle by which those companies, who are financially able, can have their needs supplemented from a source other than the Federal Treasury. I believe this is a sound solution to their problem. It is patterned after the Farm Credit System in that ownership of the bank will eventually revert to the companies themselves.

A great deal is being said these days about the need for more extensive rural development. Before this can ever take place successfully, we must be sure that the key ingredients are provided—modern telephone service is one of them.

The Rural Telephone Bank which is provided in H.R. 7, is in my judgment a sound structure and vehicle by which the REA telephone companies can continue to meet their service responsibilities to the people of rural America who demand more and better service.

Mr. Chairman, to establish a national policy to encourage people to remain in their rural and semirural areas, I urge adoption of this very important piece of legislation, H.R. 7.

Mr. BELCHER. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. BELCHER. Mr. Chairman, I am probably the only speaker who will speak to this House today who can be completely objective. I do not have any rural telephone system in my district. I represent a city district. I do not know whether every Member who has talked for the bill represents subscribers, and I do not know why those Members who have been against the bill are opposed to it.

I am satisfied they do not have any rural subscribers and, therefore, I think they want to save money, but they do not seem to want to do that in an appropriate way. The only reason I am for this bill is to save the taxpayers' money. They say we are going to have to put up $30 million. We are now appropriating $125 million every year, and lending it out at 2 percent, and there is a backlog of applications that cannot be taken care of.

On the bank we will put in $30 million at 2-percent interest. The bank will borrow anywhere from $150 to $200 million on the open market on debentures. It will lend that $150 million or that $200 million, together with the $30 million the Government puts in, to the cooperatives that can pay more than 2-percent money.

Many people are against 2 percent money. I do not like any kind of subsidy. I have not since I have been a little boy. But I cannot think of a single thing in the United States which is not subsidized. So if we are going to subsidize everybody—for instance, we have passed a bill providing for $1,400 million for food stamps. We do not get 2-percent interest on that. We do not get any of that back. We just throw out the $1,400 million. Some of the people who are now worried about the $30 million at 2-percent interest voted for the food stamp bill. We passed a farm bill at $3,500 million, and 86 Members on this side voted for it and 138 Members on that side voted for the $3,500 million—and we are not going to get a dime of it back. We do not get 2-percent interest on it. We do not get any interest on it. We lose the whole works.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for a question?

Mr. BELCHER. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the money that the Rural Telephone Bank borrows—not the $30 million from the Government, but that which they borrow through their own credit transaction—will they in turn lend that at the 2 percent or at a higher figure?

Mr. BELCHER. No, they will have to lend that at enough money to take care of the interest they pay on the debentures plus the 2 percent they pay on the $30 million.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, then why does the bill provide for lending at interest not to exceed 4 percent?

Mr. BELCHER. It does not provide all loans have to be made at 4 percent. They have one loan, an intermediate loan, at not to exceed 4 percent, but they cannot lend money at 4 percent if they do not get enough interest return on it.

Mr. TEAGUE of California. So they cannot lend the Federal money at 2 percent?

Mr. BELCHER. So the bank cannot lose any money at all. The money that it borrows it will have to lend at a rate of interest that will pay the interest on the debentures plus the 2 percent on the $30 million.

In all of these subsidies I have been talking about—for instance, the REA has had brickbats thrown at it all the time. All we have ever done for rural electrification or telephone bills is the difference between 2 percent and the money that it costs the Government to borrow. For a long time the REA really did not cost anything because the money could be borrowed at 2¼ or 2½ percent, and sometimes the Government could borrow money at 2 percent. Since the interest rates went up, the difference between 2 percent and what they had to pay has been a subsidy.

I do not know of any other subsidy in the world that is so low. On all the other subsidies we just give them a check and do not even get a note back for it. We had railroads built all through the West, and they got 10 miles of land on both sides in order to build a railroad. We are going to spend about $225 billion by this Government this year. I suppose $80 or $90 billion of that will be given to people—on which we do not get 2 percent or anything back.

I should like to get rid of the 2-percent money. I believe this is the only way in the world we can get rid of the 2-percent money. As time goes on they will be able to get these REA's in a shape to pay more than 2 percent. If we wait until we can kill the 2-percent program, I do not believe this Congress will kill the 2-percent program, while people are in the dark out in the country and they do not have telephone service. I do not believe this Congress will kill that kind of a program while they still need money out there.

The only way we can ever get rid of it is to get a bank. We had subsidies for the land banks and the banks for cooperatives. We used the same system to get those banks into private enterprise and to get the Government completely out of it.

That is the only reason why I am for this bill. I do not have any chips in the game. I do not pay any more taxes than you fellows do. The only thing is I would like to save as much of the taxes I pay as I possibly can. That is the only thing involved in this bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate my friend, the gentleman from Oklahoma, yielding. I want to approach this from a little bit of a different manner. Who is eligible and what are the restrictions on borrowing the intermediate loans? Who is eligible for an intermediate loan?

Mr. BELCHER. A cooperative that cannot pay any more than the 4-percent money, to get those intermediate loans. I do not believe there will be too many of those loans, but at the present time I believe FNMA is borrowing money at about 5½ or 5¾ percent. If we take the 2-percent money they get from the Government, and the 5½ percent, that would be as much as 4 percent, and still pay back all the interest they have to pay out.

Mr. HALL. Does this bill we are considering limit such loans to people within the United States or co-ops within the continental United States?

Mr. BELCHER. Yes, within the continental United States, including of course, the State of Hawaii, and the territories and possessions of the United States, but certainly is not our intent to authorize any loans to borrowers either within foreign nations or serving citizens of foreign countries.

Mr. HALL. I fail to find where it is so limited, but the gentleman's word is good enough for me.

Could I participate as a member of one of the boards in making such an intermediate loan?

Mr. BELCHER. Could the gentleman participate as a member of an REA board? Yes, if he were elected by the cooperative to be a board member of that cooperative, then he could apply for a loan from that bank and he could participate, but only the cooperative would get the money and not him individually.

Mr. HALL. I understand that. The gentleman believes that this will retain the power in the local cooperative board even though the question of eligibility and even though the question of percentage of interest is moot?

Mr. BELCHER. This does not surrender any of the prerogatives of the local board at all. We will still have the REA 2-percent money for those cooperatives and telephone companies out in the rural areas that cannot pay more than 2 percent and really bring service.

The only reason why I am for this bill is I believe it is a way to get out of the 2-percent money. A lot of people say, "I just do not like 2-percent money." Well, they are not going to have any chance to kill 2-percent money. Getting this bill through is not going to help 2-percent money or kill 2-percent money.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. How much does the Federal Government now lend on an annual basis to REA telephones at 2 percent?

Mr. BELCHER. I believe the Congress appropriated about $125 million, which is not anywhere near enough to take care of the REA applications that are filed every year.

So we are going to spend $125 million on 2 percent and there is no way in this bill or by killing this bill to do anything at all on that. If this were a bill to kill 2-percent money, I could understand my friend from California and my friend from Pennsylvania. They are against 2-percent money. But killing this bill will not help them a bit.

Mr. GERALD R. FORD. If this legislation is approved in this version or in a comparable version, does it mean that we are substituting in the future a $30 million 2-percent contribution in place of $125 million a year at 2 percent?

Mr. BELCHER. No. That is not correct. The thing of it is that we will probably be able to get out of the $125 million, but this would not substitute the entire program for the $125 million program, because there will still be 2-percent money available from the Federal Government for those cooperatives and those telephone companies that cannot pay more than 2 percent and still get along. So you still have that program.

Mr. GERALD R. FORD. In other words, there is no termination of the existing program at $125 million a year at 2 percent if and when the legislation before us now becomes law?

Mr. BELCHER. No.

Mr. GERALD R. FORD. In other words, it will be both?

Mr. BELCHER. It will not stop the $125 million program and it will not stop the 2-percent REA Government program, but it will take out of the Government program some of the borrowers that can pay more than 2 percent, that could not pay enough to go out on the open market and borrow. So you will be able to take some of the load off from the Government program, but you will not completely wipe out the Government program at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Unless all signs fail, the House will be confronted in the near future with a bill to provide for another $900 million—I said $900 million—donation to the kitty of the Inter-American Development Bank. Soft loans are through the Inter-American Development Bank for 40 years. The first 10 years will be a grace period with no interest at all paid. Thereafter the interest rate may be 2 or 3 percent. No one knows whether this money will be used to build telephone systems in Latin American countries. What the money will be used for no one knows. However, on the basis of past performance, the bill will probably glide through the House with the greatest of ease. I doubt if anybody will present much of a challenge to the 2- or 3-percent interest rate—no interest for 10 years—and with less than no assurance that the principal of the loan will ever be repaid.

Mr. BELCHER. And all the money will be spent in some foreign country rather than in this country.

I might differ with the gentleman on one point. I think there will be one speaker against that program when it comes before the House, and that will be the gentleman from Iowa, but I doubt if he will have any company.

Mr. GROSS. The gentleman is right. And one of the good reasons is that try as hard as you may you cannot find out what they are really doing with the money that is so easily approved by the House of Representatives and the other body.

Mr. BELCHER. You know I vote against boondoggles and I have for 20 years on this floor, and a whole lot of my friends just vote them up.

But when we come out with a bill that would probably save the taxpayers some money, and we will subsidize a farm out here in the country that cannot get electricity or telephone service, we will subsidize him for the 2 and 5 percent, we get a whole lot of speaking against that program. But we do not get much when we subsidize these other programs.

Mr. Chairman, I do not think we are subsidizing them enough to really get anything done.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. I thank you very much, Mr. Chairman.

First, I would like to say that I join the gentleman who just addressed the House in that I do not have any rural telephones in my district as I come from New York City. It is my purpose here this afternoon merely to relate to you an incident which occurred to me this past Friday when I first noticed with interest the bill which is before the House today.

After examining the calendar, I decided I would make a telephone call to my legislative assistant to try to get some additional information, and would like to relate to you just exactly what transpired. This is practically a verbatim transcript. I picked up the telephone receiver in my office and waited for the dial tone, and waited and waited and I waited. Finally the dial tone. I dialed Information to get the home number of my assistant.

The information operator came to the phone and said, "Directory assistance.

May I help you." I said, "I would like the number, please, for"—and then I was interrupted by this young lady who said, "Do you have a directory, sir?" I said, "Yes, I do have a directory, but I am in a hurry." She said, "I am sorry, sir, we are not allowed to give out numbers if you have a directory. We of the telephone company would appreciate you using your directory." And then there was a click. I then took out my telephone directory and I looked up the number I sought to call, and then picked up the telephone receiver and waited for the dial tone. I waited, and I waited, and I waited. Finally, I got a dial tone and it was accompanied by an ear-piercing, shattering "beep, beep, buzz," and then a recording. A computer said, "The number you have dialed is not a working number; please hang up and dial again, or ask your operator for assistance." Click.

I finally got through to the operator and again was told to ask for information. She obligingly added that she would connect me. Another click. We are disconnected. I did not even attempt to dial a number at that time. I decided then to call the operator and tell her of the difficulty I was having. She said, "Sir, would you kindly call information?" She said she should be happy to connect me, because I had had difficulty getting a dial tone. A moment later I hear the operator who said, "Directory assistance." Click. I was disconnected. I finally get another dial tone, "Directory assistance. May I help you?"

Prepared for the routine song and dance from her overly gracious computer voice I told her, "Madam, I do have a problem. I need your help. Would you please help me get a number?", and she hangs up the phone. Now I am getting quite chagrined and I call the operator and ask for the supervisor. She begrudgingly asks me about my problem. Summing all the patience I have ever known or had at my command, I tell her about my problem. She said, "Sir, it is my pleasure to help you." She finds the correct number for me and dials it for me and says, "I am happy to connect you." With surprising speed a voice at the other end of the line answers, and somehow I get a rather strong southern accent. I said, "Pardon me, is this so-and-so?" They said, "Sir, you are calling Jackson, Miss."

I finally gave up, hung up the phone, and decided to send a telegram, which I am told was received that very same day.

Mr. Chairman, I certainly shall support the bill before the House today, but would submit to the House of Representatives that we in New York City do not have rural telephone companies. We have the New York Telephone Co., and Lord, let me tell you, if anybody needs help the New York Telephone Co. does.

(Mr. MICHEL, at the request of Mr. BELCHER, was granted permission to extend his remarks at this point in the RECORD.)

Mr. MICHEL. Mr. Chairman, I rise in opposition to H.R. 7, a bill to provide an additional source of financing for the rural telephone program. As a member of the House Appropriations Committee for more than 10 years, I believe the time has come when both the rural electric and telephone programs should be financed in the private money market whenever it is practical and feasible.

I want to congratulate the rural electric borrowers—virtually 100 percent of which are cooperatives—for taking the initiative, without Government help, to establish their own bank. In view of their accomplishment, it is perfectly ridiculous to me that the rural telephone borrowers —75 percent of which are profitmaking commercial companies—should have to lean on the Treasury and the Federal taxpayers for funds.

If the annual loan authorization made available by the Congress for the telephone program is properly used, there appears to me to be adequate funds to take care of the needs of the rural telephone cooperatives and the small companies who are unable to obtain money in the private market.

Furthermore, I oppose this bill because it was reported out of the House Agriculture Committee this year without hearings and without requesting or receiving any views from the administration which has a bill of its own. I have been around long enough to know that the wisdom is not wholly within one party, or one group of people, but that to serve the public good the views of all sides of an issue must be weighed.

I am certain that my good friends on the Agriculture Committee know that the Senate has already passed the administration bill—S. 70—and that if the House passes H.R. 7, the final bill will be written in the conference. In my recollection as a Member of Congress I cannot recall when conferees have been able to write good legislation when we have passed the buck to them in this manner.

I am opposed to H.R. 7 because I believe that the provisions contained in S. 70 have such merit that at least they should have been considered by the House committee. For example, under S. 70 only such part of the collections from outstanding telephone loans would be placed in the loan account as may be necessary to purchase class A stock in the bank. On the other hand, under H.R. 7, all of the collections from outstanding telephone loans would go into the loan account. Obviously, this provision in H.R. 7 is undesirable since it would needlessly siphon funds from the Treasury.

There are other provisions which I think should have been discussed and considered by the House Agriculture Committee before it reported a telephone bank bill. The provision in S. 70 which expresses a preference for bank loans over REA 2-percent loans is a step in the right direction. It would help move this program away from Government subsidy into the private money market—and remember that 75 percent of the telephone borrowers are commercial companies.

There are other important provisions contained in the administration's bill, S. 70, that I could mention, but have not done so for the sake of brevity. I do believe that a vote against H.R. 7 today is not a vote against the rural telephone program, but a vote in support of establishing a sound Government policy for the creation of a telephone bank. Today we will be enacting legislation that will be on the books for a number of years to come. It is appalling that we have been asked to vote on a bill which is not in the best interest of the Treasury or of the rural telephone borrower who wants to stand on his own feet and become an enterprise free of Federal subsidy and control.

Mr. BELCHER. Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I hope I shall not take the full 5 minutes. I was not prepared to engage in this debate until I happened to read some of the items in what is called the minority views, contained in the report accompanying H.R. 7. After reading these views I cannot restrain myself from making some comment.

At the very beginning of the minority views there is a reference to this as a "multibillion-dollar" boondoggle. First, I submit that to provide good telephone service to rural residents can never be called a boondoggle. Next, if the authors of the minority views are really out to squelch some boondoggles, they should not begin in the rural areas but in some of the big city oriented programs such as the Office of Economic Opportunity and even some of the public housing projects that have been built at great expense and are not now occupied.

In the few moments allotted to me I would like to ask the chairman of the Committee on Agriculture about the record of repayment of the Rural Electrification Administration. We understand this has been better than good and almost excellent. Is that correct?

Mr. POAGE. Mr. Chairman, if the gentleman will yield, I do not know of any agency of the Government that has ever loaned as much money with as little loss as has the Rural Electrification Administration of the United States. I do not happen to have the exact figures with me at the moment, but the REA has loaned several billion dollars, and the losses at the present time are measured in the thousands of dollars—not in millions of dollars, and not in hundreds of thousands of dollars, but thousands of dollars.

Mr. RANDALL. I thank the Chairman.

I notice in the report under minority views there is a complaint about the 2-percent money. Well, in reply to that complaint let me tell you that in some of the new housing programs, and perhaps under the so-called rent supplement programs, that there are instances in which the cost of money loaned to certain applicants, when all the housing subsidies are figured is no more than 1 percent. Yet we have heard no outcry of concern about this low interest in the housing bill. Each housing bill seems to pass with support from all of those who represent urban and suburban areas. So when we complain about 2-percent money for rural telephone, let's remember there are instances of 1-percent money in some of our housing programs.

We are indebted to the gentleman from Iowa (Mr. GROSS) for bringing this debate into its proper perspective. This $30 million a year for 10 years, when you multiply that it comes out to exactly $300 million. But the gentleman from Iowa was so eminently right when he said that we are going to be called on to kick in, in a very short time, $900 million for the Inter-American Development Bank. And that is just part of our generous contribution to other countries.

Over the years, millions upon millions and even billions of dollars have literally been given away, with never a thought that it was loaned. We knew we would never get any of that money back.

Let us never forget that if we are going to provide the money to build telephone lines in Central America, then let us first build telephone lines in the rural areas of this country that are without telephone service.

There are rural people in our congressional district that do not have telephone service. Some of them called in this morning from our congressional district to request that I support this bill. As a practical matter, it is not financially feasible to build these lines unless there is a subsidy. Once again, let us ask ourselves if we are going to build telephone lines in Central America and elsewhere in the world, then let us finish the rural telephone lines in America first.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I am glad to yield to the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, I want to commend my friend for making a very courageous statement and to commend him for the good work he has done in behalf of the rural areas of America in the last few years.

The gentleman hits the nail right on the head and makes no bones about how he stands. I want to commend the gentleman for the firm stand that he has taken and salute him for the great contribution he has made in improving life in rural America.

Mr. RANDALL. I thank my distinguished colleague, the gentleman from Alabama.

Mr. Chairman, in these few remaining moments, let me return to a thought raised by the gentleman from Iowa (Mr. KYL), when he spoke about the serious outmigration from our rural areas.

We use a lot of descriptive terms to try to improve life in our rural areas. I think it is best described as rural revitalization. But unless we all work hard to try to stop this outmigration, all the Federal money our city friends want to appropriate for urban renewal or model cities or rebuilding the ghettos will be to no avail unless we can stop rural residents from moving to the cities because the minute we get through rebuilding one ghetto, we are going to have another spring up beside the one just rebuilt. Our urban problems will grow greater every day we postpone this effort to revitalize rural America.

Now, before I sit down, let me remind you that in the early days of the telephone, it was kind of a luxury. From that status, telephone service moved to being a convenience. Now, today it is a necessity.

Of our farms 83 percent now have telephone service. H.R. 7, now before the House, will make it possible for the remaining 17 percent of our farm population to take advantage of telephone availability. Equally important, this bill will enable the much needed modernization of those rural telephone systems now operating at less than normal efficiency or with substandard service, beneath or inferior to that available in the cities.

According to the Administrator, modernization of existing service is the major objective of those telephone applications now being received by the Rural Electrification Administration. Reduction of multiservice lines is a high priority. It should certainly be a most desirable one. As the committee report on H.R. 7 points out, even a two-party line represents only half a phone, at the very best. If your neighbor's phone is in use, you actually have no telephone service. And busy rural families, no less than their city-dwelling neighbors, count single party, round-the-clock telephone service a necessity today and no longer a convenience or a luxury.

We should never forget that the cost of providing telephones to the residents of our rural communities is greater than that required in more densely populated areas. In the large metropolitan city there may be as many as a thousand or more subscribers served by a single mile of telephone line. In the countryside there may be only three, or even fewer stations on a mile of service line. For this reason the privately owned, profitmaking companies have been unwilling, or rather unable, because of a lack of risk capital to extend their lines to take care of the homes in rural areas. But these rural people want and need the service and they are willing to pay a fair price for good service. The small companies, and perhaps even a few of the larger ones, are anxious to put telephones into these homes. But large or small, the prices companies can fairly charge for such service in sparsely populated sections is not sufficient to cover the large cost of investing in all the necessary equipment to extend telephone service.

We have heard a great deal about improving the quality of rural life. For attaining these goals the Congress has authorized many millions of dollars in a number of different programs. Today, we are considering improving the quality of life among a very special kind of citizen, the rural resident who, more often than not, is the supplier of the Nation's food and fiber. I say these are special kinds of citizens because they endure the hardships of unpredictable, crop-ruining weather and wildly fluctuating market conditions in order to stay on the land and perform the functions of an industry that is the most unrewarding endeavor, financially, to be found in this country.

Let me say again at the expense of being repetitive that, unlike many other programs to improve life's quality, the rural telephone bank does not call upon the Treasury for a giveaway. Think of the vast number of foreign giveaway programs, involving infinitely larger sums than does this bill, from which we can never hope to recover 10 cents on the dollar.

If we are going to make a really sincere effort to attract light industry to the rural areas to provide a new source of income to rural residents, then we have to recognize that industry cannot operate effectively when their telephone service is inferior to that enjoyed by their competitors in more densely settled areas. Families of people who run the industries that might locate or relocate in rural sections, and those who work in these industries, would not be satisfied with telephone service that is deficient in quality or lacking availability.

Mr. Chairman, we should promptly pass this bill to provide a rural telephone bank. It is most likely that there will be any ultimate cost because there has been an excellent loan repayment record by all rural cooperatives. Yes, here is a proposal with low cost, or even no cost, but with benefits to be derived that are enormous.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. VANIK. Mr. Chairman, will the gentleman yield for a question.

Mr. POAGE. I yield to the gentleman.

Mr. VANIK. Mr. Chairman, I would like to ask the distinguished chairman a question.

In reading over the section of the act on page 2, section 301, the rural telephone account, it is provided that—

> All collections of principal and interest received on and after July 1, 1970, on notes, bonds, judgments, or other obligations made or held under title II of this Act, which shall be paid into and be assets of the rural telephone account;

Can the distinguished chairman tell me how much there is in value of the notes and bonds being transferred over to the telephone account here and made a part of the bank's assets? That is transferring the right of title to this from the Federal Government over to a private bank.

Mr. POAGE. I cannot tell the gentleman what the amount will be because there have been no repayments from bank loans as yet to go into this fund.

Mr. VANIK. No—this is on existing notes and bonds and judgments previously made under title II for rural telephone purposes.

Mr. POAGE. I think what the gentleman is talking about is repayments of the 2-percent loans now due to the REA administration.

Mr. VANIK. The REA—well, what is the value of that amount? How much is owed?

Mr. POAGE. Oh, I believe that there is something well over a billion dollars now owed. This money is the only money from which the Committee on Appropriations can appropriate funds for the purchase of stock in the bank.

Mr. VANIK. But am I correct in understanding that it is contemplated by this legislation to transfer all of that over into the telephone bank.

Mr. POAGE. No. This transfers no money to the bank. It is contemplated that that account will be the only source from which the Committee on Appropriations can make any appropriations for the purchase of capital stock in the bank.

Mr. VANIK. But those existing loans are going to be transferred over to the telephone bank, about $1 billion in value?

Mr. POAGE. No; they are not transferred to the bank. They are transferred to this account from which the Appropriations Committee can make appropriations. They do not become assets of the bank, but they do go into a special fund that must be earmarked, so we limit——

Mr. VANIK. Future loans?

Mr. POAGE. Limit future appropriations by the Appropriations Committee to buy the stock of this bank. In other words, we do not let the Appropriations Committee go into the general funds of the Treasury to make appropriations to buy stock. They have got to make it out of this fund. But we do not make that a part of the assets of the bank. We make it a part of the fund from which the Appropriations Committee can make appropriations to buy the stock of the bank.

Mr. VANIK. You also provide that these funds cannot be used for any other purpose but the acquisition of stock in the telephone bank?

Mr. POAGE. Yes, but only up to $30 million a year.

Mr. VANIK. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. GROSS. What happens to the assets of this bank? Are they held in perpetuity? What happens to them?

Mr. POAGE. The assets of the bank are held in perpetuity, but the assets are represented by the stock just as in any bank. There are three classes of stock. The first stock to be issued would be the "A" stock. That is issued to the U.S. Government. It is to be paid for, as the gentleman from Ohio just pointed out, out of this particular fund. When the Government buys, we will say $30 million—and that is all it can buy in any one year—the Government gets the stock just as you or I would get stock if we bought stock in a corporation. There is a provision for guaranteeing that the Government is going to get a payment of at least 2 percent of that stock. That "A" stock is retired by the borrowers. Any time anyone borrows from that bank, the borrower must purchase stock equal to 5 percent of the amount of its loan, and that stock he purchases from the U.S. Government, because they are the only people who own that "A" stock.

He purchases that stock and he gets 5 percent of that loan in "B" stock, just exactly as we have long done with the Land Bank. The gentleman from Iowa is very familiar with how you go about borrowing $10,000 on a farm. You have to put $500 of it in stock of the Land Bank. That 5 percent you have been putting into the Land Bank has over the years completely paid it out. There is no Government money left in any of the Farm Credit System now.

Mr. GROSS. That is what you anticipate will happen here. The Federal Government will be paid out.

Mr. POAGE. That is exactly correct.

Mr. GROSS. The bank then will continue——

Mr. POAGE. Yes, just exactly as the land banks now continue, and it would be then owned by the borrowers.

Mr. GROSS. And the private interests?

Mr. POAGE. That is one of the questions that Mr. TEAGUE raised in his discussion. This bill provides that when 66⅔ percent of the Government stock is paid out, that then the holders of the two-thirds of the stock—that would be the borrowers—then would have control of the management. That is, they get a majority of the directors. The Senate bill provides that not until all of the Government money is paid out will the Government have less than a majority of the directors.

Mr. GROSS. One further question, if the gentleman will yield for that purpose: Will this bank provide financing for educational television or educational radio? Will loans be available for that purpose?

Mr. POAGE. No, this measure does not provide financing for radio. At one time, some years ago, the gentleman may well recall, we made some provision for that sort of thing in the REA bill. We do not add to nor subtract from the existing powers of the Administrator to make loans for TV or radio.

Mr. GROSS. But we do not subtract from his power to do so?

Is that what I heard the gentleman say?

Mr. POAGE. We do not change his powers in the bill.

Mr. GROSS. Under section 408, under "lending power," it seems to me, and under the original REA Act, it will be possible to do so. I would hope this would not be the case, since the bill is being sold here today with other indications.

Mr. POAGE. I do not know what the gentleman refers to which he thinks gives that power. I do not think this gives that power.

Mr. GROSS. This bill is an amendment to the Rural Electrification Act of 1946.

Mr. POAGE. That is correct. And we do not take from nor add to the powers of the REA Administrator, but we do provide in section 408, to which the gentleman refers, the purposes for which the telephone bank can make loans. We provide that a loan or loan commitment pursuant to this section can be made:

> (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock.

Mr. GROSS. Let me read the gentleman the language to which I refer, if the gentleman will bear with me, and this is section 408:

> (a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act.

Mr. Chairman, that goes back to the act of 1936, so it would be possible, it seems to me, under the guise of telephone bills for this bank to make loans to educational television and similar groups, to whomever they can make the loan.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of H.R. 7, the bill to provide an additional source of financing for rural telephone systems by establishing a rural telephone bank.

The existing program of REA loans has been of invaluable service to the rural area of North Carolina which I represent. Without this Federal program, much of this area would not have telephone service available. At the time this program began, as a result of the Rural Electrification Act of 1936, commercial telephone companies were not providing service, and in many areas of North Carolina the people banded together to provide their own, assisted by Government loans.

As the economy in these areas has grown, the REA telephone systems have been obligated to expand service. Companies are obligated to serve all the people in their areas and this telephone service has played a large part in bringing economic opportunities to more remote rural areas. This story is well known in the mountains of North Carolina and it is one of the achievements that our people can view with lasting pride.

At the present time, the only practical source of capital is from the Rural Electrification Administration. I might also point out that this entire program has an excellent record of repayment of loans. I feel that, as increased funds are made necessary by the expansion and upgrading of telephone services, rural telephone companies should be able to go to the private money market to obtain capital, and not remain dependent on the Federal Government as the only source of capital.

This bill would establish a new, Government-sponsored, rural telephone bank which would provide a non-Federal source of capital for rural telephone systems to supplement the REA loan program. Such a supplemental source of funds is required, because of increased demands upon the Federal Treasury and the inability of present Federal funds to meet the needs of borrowers.

The House Agriculture Committee has twice reported such legislation favorably to the House, but has not been granted a rule. This Administration also has recommended the establishment of a rural telephone bank.

In view of the broad support for this legislation, and the great benefit a rural telephone bank would provide for many Americans, I urge my colleagues to pass this bill.

Mr. BINGHAM. Mr. Chairman, H.R. 7, a bill to create a Rural Telephone Bank, is a boondoggle that not only should be defeated but should never have reached the floor of the House in the way it did.

No hearings have been held on this bill, even though there are nine new members of the Committee on Agriculture who did not have the benefit of prior consideration of this bill. No report on this bill was requested or received by the Committee from the executive branch—in fact, the administration has made other recommendations which I understand have not yet been considered by the committee.

I am particularly dismayed to see this bill, which will provide money to assist rural telephone companies at only 2 percent interest, reported from the Agriculture Committee because the real crisis in telephone service in this country is in the cities, not in rural areas. In New York City, the telephone crisis is generally well known, with service breakdowns and difficulties that are staggering. The New York Telephone Co., just 1 month ago requested a rate increase of 29.1 percent, the largest request in its history, in spite of the fact that the company was granted a rate increase totalling $120.8 million just last year. The company says that it needs the higher rates in order to be able to attract the needed investment capital to deal with the service problems it is facing.

Mr. Chairman, if anyone needs assistance in the area of our telephone system it is the cities. In rural areas, where telephone lines must travel some distance to reach but a few subscribers, one would certainly expect that the unit cost of telephone service would be high but, in fact, the costs of providing service in New York City, where the company is plagued with numerous difficulties, are growing at a rate far greater than in rural areas.

I oppose this bill, not only because it does not face the real crisis in telephone service and because the committee has not afforded itself the opportunity in this Congress to fully consider the bill, but also because the substance of the bill is unsound in a number of respects. These objections have been discussed by our colleagues, Mr. TEAGUE of California and Mr. GOODLING, both members of the Agriculture Committee, in their minority views and I need not repeat what they said in the report or here again on the floor today. Let me just conclude by saying that it seems particularly inappropriate for the Congress to expand the present 2-percent subsidy on rural telephone loans to profitmaking and profitable private companies at a time when this low cost loan assistance is much more urgently needed in other areas, such as mass transit or public housing.

The Rural Electrification Act of 1936, which first established the 2-percent interest rate, was a much needed and fine program in its day. But as general interest rates have risen substantially since 1936, so has the amount of the subsidy and today this subsidy should not be expanded.

If the bill is passed, I hope that in conference with the Senate, the House conferees will accept S. 70 in place of H.R. 7 since the Senate bill, which embodies most of the administration recommendations, meets many of the substantive objections to H.R. 7.

Mr. Chairman, I urge defeat of H.R. 7.

Mr. HOGAN. Mr. Chairman, I am pleased today to add my support to that already expressed for approval of H.R. 7, the telephone bank bill. Under the Rural Electrification Act of 1936 the Federal Government has for years supplied telephone cooperatives and companies with the capital needed for expanding telephone service to the rural areas of our country. No one argues the outstanding success of this program. As the committee has stated, no subsidy so small ever has achieved such great benefits for the farmers and for the Nation at large.

With the great demand upon the Federal Treasury it is not possible to provide the capital necessary to meet the requests received. Since the beginning of the program in 1949, REA telephone borrowers have received loans of almost $1.75 billion. Yet we understand they will need more than twice this amount in the next 15 years. To permit continued expansion of telephone service in our rural areas, it is necessary for us to try to bring the private sector into the financing of these loans. I believe, the telephone bank proposal before us provides the proper mechanism for attaining this, and urge my colleagues to vote for this legislation.

Mr. RARICK. Mr. Chairman, helping farmers and rural people has suddenly become of style. Most assuredly, I am for doing everything possible to help our farm communities, which is offered as the motivating force behind passage of H.R. 7, the rural telephone bank bill which we are now considering; but there are several areas where the intent of this body remains uncertain regarding the actions and authority of the telephone bank which we are creating.

Replete throughout the bill, H.R. 7, are references to the original Rural Electrification Act of 1936, and to the Rural Telephone Services Amendments of 1949. Some questions have been raised relating back to the enabling acts which I do not feel have been adequately answered and explained—at least to my satisfaction—to make sure whether or not we are helping our farmers and rural people or whether we are really in the act of creating another private bank monopoly which may prove to the detriment of those we are intending to help.

First, the gentleman from Missouri had raised the question as to the scope of the bank's services; namely, whether or not the financing, services, and stockownership was open to countries outside the United States. The reply was in the negative, which is obviously the intent of the committees and the many members who support this measure. But is it?

The original enabling act as contained in 7 U.S.C. 922 defines the authority as being limited "in rural areas and to cooperative, nonprofit, limited dividend, or mutual associations." Section 924 of this same chapter, under definitions defines "rural area" to mean "any area of the United States not included within the boundaries of any incorporated or unincorporated city, village, or borrough, and so forth." The definitions paragraph does not define limitations, citizenship, nor for that matter the scope of operations of the cooperatives, and so forth. This could easily leave to a Federal judge the judicial interpretation as to whether the "and" following the phrase "in rural areas" limits the use of the telephone bank's financing under the definition of paragraph 924(b) or whether the co-ops are not limited and could operate in areas outside the United States, for example, Yugoslavia, emerging nations, in Russia, and so forth.

Most certainly, I do not feel that the latter is the intent of any Member of this body and I do hope that the committee will be able to remove such questionable language as to the jurisdiction so that it is positively certain that the bank we are creating with taxpayers' money is limited to helping farmers and rural citizens within the continental United States or in our possessions.

Likewise, a question was raised as to what constitutes "telephone service." Expressly, could it be interpreted to mean educational television? The original act, which is not before us here in the bill or the report today, contains a description of "telephone service" under U.S.C. 924 (a), as follows:

> As used in this subchapter, the term "telephone service" shall be deemed to mean any communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity between the transmitting and receiving apparatus, and shall include all telephone lines, facilities, or systems used in the rendition of such service; but shall not be deemed to mean message telegram service or community antenna television system services or facilities *other than those intended exclusively for educational purposes,* or radio broadcasting services or facilities within the meaning of section 153 (o) of Title 47. (Emphasis added.)

Therefore, it is most definite that under the original telephone act the term "telephone service" would authorize the use of the bank funds for loans to educational television and would make educational television co-ops and nonprofit groups eligible not only for financing but also for ownership of bank stock as well as election to the board of directors.

The unwholesome experiences of many Americans with educational television makes it doubtful that this coverage should be included under the bill which is being sold to the Members of this body as helping farmers and rural peoples. I am doubtful that members of the committee so intend. Yet it is expressly present.

For example, an educational television, Pacifica Foundation, which has already had its transmitters twice blown up in Houston, Tex., was granted $35,480 by HEW's Educational Broadcasting Facilities Branch for KPFK-FM of Los Angeles, and is awaiting a grant of $37,563 for its Berkeley, Calif., installation as well as $26,066 to replace its Houston facility. Additional applications by Pacifica for other stations and facilities remain pending and mostly dependent upon easy financing from some governmental source which may end up being the rural telephone bank. This is far from helping farmers get telephones.

My information comes from Barron's magazine of March 8, 1971, page 7, and earlier documentation on the Pacifica Foundation from Barron's for April 6, 1970, entitled "Airwave Pollution."

Considering that Pacifica and other similar thought-control monstrosities are organized and operating nationwide and that they would be eligible for financing as well as the purchase of stock, and the bank's governing body, it would appear that the very purpose of this bill is endangered by Pacifica and/or like conglomerates monopolizing complete control of the rural telephone bank. What chance for a voice could a local group of farmers in a rural telephone company have against a stacked deck like this? Especially when the administrator under section 922 in making loans is directed to "give preference to persons providing telephone service in rural areas, and to cooperative, nonprofit, limited dividend, or mutual associations."

The bill at present has all the earmarks of a new Federal Reserve-type bank monopoly in the making.

Since I would like to help our Nation's farmers, I have serious reservations about supporting this measure at this time and I am hopeful that the objections I have outlined may be removed or modified in conference.

Until then, I must resolve these serious doubts in favor of my people and our farm communities and cast my people's vote "no."

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 7 to create a new financing source for rural area telephone service. I feel that the approach taken in this legislation, that of creating a bank which would rely increasingly on private capital, is a responsible one. Not only will this new Rural Telephone Bank expand the available sources of capital at reasonable interest rates for qualifying rural telephone systems, it would reduce the dependence on strictly Federal budget funds for the financing of these systems.

There is one point, Mr. Chairman, concerning the use of low-interest loan funds from this new bank, as well as from current REA programs which should be mentioned as part of our debate on this issue.

I have recently learned that in some cases, telephone companies receiving REA loans at 2-percent interest rates for the purpose of purchasing central telephone office or telephone exchange equipment have been able to purchase foreign made equipment. My understanding is that in recent months, an American distributor of Japanese-made central office equipment, costing in excess of $500,000 per unit, has successfully bid for sales to companies using Government-subsidized loans.

According to present policy, foreign-made equipment may be purchased with these loans as long as the foreign-bid price is at least 6 percent below the lowest domestic bid.

While time has not permitted me to complete exhaustive research on this subject, I think that this debate is an appropriate time to raise several questions about the practice of using Government-subsidized loans for foreign purchases of equipment of this type.

First, with the current State of our own electrical equipment and electronics industry, I would ask those charged with responsibility for this program whether it is sound economic policy for our Government, in effect, to subsidize foreign competitors in this field by allowing the use of these low-interest loans for purchase of this equipment. Of course, in answering this question, it must be remembered that the purpose of this program is to provide reliable telephone service at reasonable cost to rural telephone consumers.

Second, central office telephone equipment presents a specialized problem. These central office units, once installed, become a part of our nationwide telephonic communications network. Is there a national security problem presented by permitting incompatible equipment, or equipment for which parts cannot be obtained domestically, to be woven into this network? Should not the Office of Emergency Preparedness have a say in this matter—apart from whether or not it is Government loan funds that are used to purchase these units?

Third, is the impact or potential impact of foreign made central office equipment so great as to threaten a continuing and adequate capacity to produce this equipment in this country? Because of the national security factor, the "buy America" differential for certain defense products is much higher than 6 percent. Should central office telephone equipment be considered for a higher differential to avoid a national security problem?

Mr. Speaker, under this bill, $150 million in Federal funds will be committed to helping the development of rural telephone companies and systems. Much of this money will flow into these systems in the form of subsidized-interest loans not to exceed 4 percent. I feel the questions I have raised about the use of such funds the purchase of foreign-made central office equipment should be a matter of serious and immediate concern. I am hopeful that my colleagues on the Agriculture Committee will assist my probe for answers to these questions, and that this important and necessary program can be pursued in a way that will benefit not only the telephone consumer, but also the American telephone and equipment supply industry and our ultimate national security.

Mr. BELCHER. Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish assured and viable sources of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

SEC. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"SEC. 301. RURAL TELEPHONE ACCOUNT.—(a) There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of—

"(1) all notes, bonds, obligations, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under section 201 of this Act, including notes, bonds, obligations, and property held in trust by him on behalf of the Secretary of the Treasury, as of the effective date of this title, which shall be transferred to and be assets of the rural telephone account;

"(2) undisbursed balances of telephone loans made under section 201, which, as of the effective date of this title, shall be transferred to and be assets of the rural telephone account;

"(3) all collections of principal and interest received on and after July 1, 1968 on notes, bonds, judgments, or other obligations made or held under title II of this Act, which shall be paid into and be assets of the rural telephone account;

"(4) all appropriations for telephone loans made under the authority of section 3 of this Act and funds obtained in accordance therewith and the unexpended balances of any funds available on the effective date of this title for telephone loans under section 201 of this Act, including any funds made available for telephone loans under the item 'Rural Electrification Administration,' in the Department of Agriculture Appropriation Acts current on the date of enactment of this title, and said appropriations, balances, and funds shall be assets of the rural telephone account; and

"(5) shares of the capital stock of the Rural Telephone Bank acquired by investment of the rural telephone account pursuant to section 302(b)(3) of this title, and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the rural telephone account.

"SEC. 302. LIABILITIES AND USES OF ACCOUNT.—(a) The notes of the Administrator issued to the Secretary of the Treasury to obtain funds for loans under section 201 of this Act, and all other liabilities against the appropriations or assets in the rural telephone account in connection with telephone loan operations shall be liabilities of the rural telephone account, and all other obligations against such appropriations or assets arising out of telephone loan operations shall be obligations of the rural telephone account.

"(b) The assets of the rural telephone account shall be available for the following purposes:

"(1) loans under section 201 of this Act and for advances in connection therewith, except that no such loans shall be made in any year in excess of the amounts previously authorized therefor in appropriation Acts for such year or available pursuant to section 3 of this Act; the amounts so authorized for loans and advances shall remain available until expended;

"(2) payment of interest as it accrues on loans to the Administrator from the Secretary of the Treasury for telephone purposes pursuant to section 3(a) of this Act;

"(3) investment in the capital stock of the Rural Telephone Bank in accordance with section 406(a) of this Act: *Provided,* That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the purchase of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank; and

"(4) payment of principal when due on loans to the Administrator from the Secretary of the Treasury for telephone purposes pursuant to section 3(a) of this Act.

"SEC. 303. DEPOSIT OF ACCOUNT MONEYS.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"SEC. 401. ESTABLISHMENT, GENERAL PURPOSES, AND STATUS OF THE TELEPHONE BANK.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"SEC. 402. GENERAL POWERS.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided*, That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further*, That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services, or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligation may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"SEC. 403. SPECIAL PROVISIONS GOVERNING TELEPHONE BANK AS AN AGENCY OF THE UNITED STATES UNTIL CONVERSION OF OWNERSHIP, CONTROL, AND OPERATION.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United States and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however*, That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank and without charge to administrative expenses recoverable by the telephone bank under section 408(b)(3) of this title, but the compensation and expenses of members of the Telephone Bank Board who are not Federal officers or employees, and of officers and employees engaged solely on telephone bank activities, and procurement for the telephone bank, shall be administrative expenses recoverable under said subsection;

"(c) notwithstanding the provisions of the second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), all telephone debentures issued by the telephone bank shall be issued at such times, bear interest at such rates, and contain such other term and conditions as have been or may be approved by the Secretary of the Treasury;

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"SEC. 404. GOVERNOR.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"SEC. 405. BOARD OF DIRECTORS.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative vote at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employees of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsections (c), (d), and (e), shall receive $100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title IV and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"SEC. 406. CAPITALIZATION.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1970 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equal $300,000,000: *Provided*, That on or before July 1, 1974 the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1968, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law, in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1984, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided*, That the minimum amount of class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000 shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers, receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loan funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers, and corporations, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of class B or class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"SEC. 407. BORROWING POWER.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called 'telephone debentures'). Telephone debentures shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine: *Provided, however*, That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"SEC. 408. LENDING POWER.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telephone lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, or financial stability of the telephone system of the borrower, and in respect of exchange facilities for local services, the size of each acquisition shall be not greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made hereunder shall be fully amortized over a period not to exceed fifty years.

"(2) Notwithstanding any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provision shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Intermediate loans shall bear interest at a rate equal to (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield, during the month of May preceding the fiscal year in which the loans are made, on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, or (ii) 4 per centum per annum, whichever is lower. All other loans made hereunder shall bear interest at a rate which shall reflect the average cost of moneys to the telephone bank, including (a) interest on its debentures, and (b) the return on funds provided by the United States for the purchase of class A stock pursuant to section 406(a) of this Act, and (c) administrative expenses, and (d) reserves, and (e) estimated losses of the telephone bank. Intermediate loans shall not be made to a borrower which is determined by the Governor of the telephone bank, under standards to be established by the Secretary, to be capable of both paying the interest rate applicable hereunder to loans other than intermediate loans and achieving the objectives of the Federal rural telephone loan program. The authority to make intermediate loans hereunder shall terminate on June 30, 1984, or such earlier date as conversion takes place under section 410(a): *Provided*, That on or before July 1, 1974, the Secretary shall make a report to the President for transmittal to the Congress on the status of the intermediate loan program with recommendations concerning its continuation thereafter.

"(4) Loans shall not be made unless the Governor of the telephone bank finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term 'telephone service' shall have the meaning prescribed for this term in section 203(a) of this Act, and the term 'telephone lines, facilities, or systems' shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) No portion of any loan made under this Act shall be used to finance any political activities prohibited under sections 600, 601, 610, 611, and 612 of title 18, United States Code, and prior to the making of any loan the borrowing entity shall agree in writing not to engage in any such prohibited political activities during the term of such loan. If the Telephone Bank Board finds a violation of this provision to have occurred, it shall so notify such borrower in writing and thirty days thereafter such loan shall become due and payable in full.

"(8) Notwithstanding any other provision of law, (i) no borrower of funds under section 201 of this Act shall, without approval of the Administrator, sell or dispose of its property, rights, controling interest, or franchise until all indebtedness, including all interest and charges, to the Rural Electrification Administration shall have been repaid, and (ii) no borrower of funds under section 408 of this Act shall, without approval of the Telephone Bank Board, sell or dispose of its property, rights, controlling interest, or franchise until all indebtedness, including all interest and charges, to the telephone bank shall have been repaid.

"(c) The Governor of the telephone bank is authorized under the rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided, however*, That no adjustment shall extend the period of such loans beyond fifty years.

"Sec. 409. Telephone Bank Receipts.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"Sec. 410. Conversion of Ownership, Control and Operation of Telephone Bank.—(a) Whenever after retirement of class A stock issued to the United States has begun pursuant to section 406(c) of this title, the total amount in stated value of class B and class C stock outstanding equals two-thirds of the total amount in stated value of class A, class B, and class C stock outstanding, as determined by the Secretary—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this title IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"Sec. 411. Liquidation or Dissolution of the Telephone Bank.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata, and any remaining surplus and contingency reserves shall be distributed to those entities to which they are allocated on the books of the bank at the time of the liquidation or dissolution."

Sec. 2. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended by inserting "rural electrification" immediately following the words "interest on" in both places where it appears in said subsection and by inserting the words "for rural electrification purposes" after the words "Secretary of the Treasury" the second time they appear in said subsection.

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

Sec. 3. Section 201 of the Government Corporation Control Act, as amended (31 U.S.C. 856), is amended by striking "and" immediately before "(5)" and by inserting ", and (6) the Rural Telephone Bank" immediately before the period at the end.

Sec. 4. The second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), is amended by inserting "the Rural Telephone Bank," immediately following the words "shall not be applicable to".

Sec. 5. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 6. This Act shall take effect upon enactment.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Committee amendments: Page 1, line 6, insert the word "an" after the word "furnish";

Page 1, line 6, strike out the word "sources" and insert in lieu thereof the word "source";

Page 2, line 25, strike out the figure "1968," and insert in lieu thereof the figure "1970".

Page 4, line 23, strike out the word "suck" and insert in lieu thereof the word "such";

Page 6, line 25, strike out the comma after the word "services";

Page 13, line 11, strike out the figure "1970" and insert in lieu thereof the figure "1971";

Page 13, line 18, strike out the figure "1974" and insert in lieu thereof the figure "1975";

Page 13, line 23, strike out the figure "1968" and insert in lieu thereof the figure "1970";

Page 14, line 21, strike out the figure "1984" and insert in lieu thereof the figure "1985";

Page 15, line 10, strike out the comma after the word "Borrowers";

Page 15, lines 19 and 21, after the word "corporations" each time it appears insert the words "and public bodies";

Page 15, line 21, strike out the word "and" where it first appears and insert a comma in lieu thereof;

Page 17, lines 6 and 7, strike out the quotation marks enclosing "telephone debentures";

Page 20, line 16, strike out the figure "1984" and insert in lieu thereof the figure "1985";

Page 20, line 16, strike out the word "take" and insert in lieu thereof the word "takes";

Page 20, line 18, strike out the figure "1974" and insert in lieu thereof the figure "1975";

Page 21, line 18, strike out the word "Act" and insert in lieu thereof the word "section";

Page 25, line 3, strike the quotation mark and insert the following new section:

"Sec. 412. Borrower Net Worth.—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions."; and

Page 25, line 4; page 25, line 17, page 25, line 22; page 26, line 3; and page 26, line 5: change the section numbers to 3 through 7.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Hamilton, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, pursuant to House Resolution 339, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Teague of California moves to recommit the bill H.R. 7 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 127, not voting 36, as follows:

[Roll No. 29]

YEAS—269

Abbitt
Abourezk
Adams
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspin
Aspinall
Badillo
Baring
Begich
Belcher
Bennett
Bergland
Bevill
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clark
Cleveland
Collins, Ill.
Colmer
Corman
Culver
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dickinson
Dingell
Donohue
Dow
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Gonzalez
Grasso
Green, Oreg.
Griffin
Griffiths
Hagan
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Link
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McMillan
Madden
Mahon
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pickle
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rees
Riegle
Robinson, Va.
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roush
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Waggonner
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Winn
Wright
Wyatt
Wyman
Yates
Young, Tex.
Zablocki
Zion
Zwach

NAYS—127

Abernethy
Abzug
Addabbo
Anderson, Ill.
Archer
Ashbrook
Ashley
Baker
Bell
Betts
Biaggi
Bingham
Blackburn
Broomfield
Brown, Mich.
Burke, Fla.
Byron
Carey, N.Y.
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Daniels, N.J.
Delaney
Dennis
Derwinski
Devine
Drinan
Dulski
duPont
Dwyer
Erlenborn
Fish
Frelinghuysen
Frenzel
Fulton, Pa.
Gaydos
Giaimo
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hanley
Harvey
Heckler, Mass.
Helstoski
Hosmer
Hunt
Jacobs
Jonas
Keating
Keith
Kemp
Koch
Landgrebe
Lent
Lloyd
Long, Md.
Lujan
McClory
McEwen
McKevitt
McKinney
Mailliard
Martin
Michel
Minish
Minshall
Monagan
Mosher
Pelly
Pettis
Peyser
Pike
Pirnie
Rarick
Reid, Ill.
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Rousselot
St Germain
Saylor
Scheuer
Schmitz
Schneebeli
Scott
Smith, Calif.
Smith, N.Y.
Spence
Stanton, J. William
Steele
Steiger, Ariz.
Talcott
Teague, Calif.
Thompson, N.J.
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Ware
Whalley
Wiggins
Williams
Wilson, Bob
Wolff
Wydler
Wylie
Yatron
Young, Fla.

NOT VOTING—36

Alexander
Annunzio
Barrett
Celler
Clay
Collins, Tex.
Corbett
Dellums
Dent
Diggs
Dorn
Dowdy
Edwards, La.
Fraser
Gallagher
Gray
Green, Pa.
Hanna
Hawkins
Hicks, Wash.
Long, La.
McCulloch
Macdonald, Mass.
Mann
Mink
Myers
Pucinski
Rangel
Reid, N.Y.
Roberts
Rostenkowski
Roy
Seiberling
Slack
Terry
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Macdonald of Massachusetts against.

Mr. Alexander for, with Mr. Mann against.

Mr. Annunzio for, with Mr. Clay against.

Mr. Roberts for, with Mr. Corbett against.

Mr. Rostenkowski for, with Mr. Reid of New York against.

Mr. Hanna for, with Mr. Gallagher against.

Until further notice:

Mr. Barrett with Mr. Myers.

Mr. Dorn with Mr. Terry.

Mr. Edwards of Louisiana with Mr. McCulloch.

Mr. Dowdy with Mr. Collins of Texas.

Mr. Celler with Mr. Dellums.

Mr. Diggs with Mr. Fraser.

Mr. Hicks with Mr. Hawkins.

Mr. Rangel with Mrs. Mink.

Mr. Green of Pennsylvania with Mr. Roy.

Mr. Gray with Mr. Pucinski.

Mr. Charles H. Wilson with Mr. Seiberling.

Mr. Slack with Mr. Long of Louisiana.

Messrs. CAREY and ASHLEY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, pursuant to House Resolution 339, I call up from the Speaker's table for immediate consideration the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. POAGE

Mr. POAGE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Poage moves to strike out all after the enacting clause of S. 70 and to insert in lieu thereof the provisions of H.R. 7, as passed, as follows:

That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish an assured and viable source of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

Sec. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"Sec. 301. Rural Telephone Account.—(a) There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of—

"(1) all notes, bonds, obligations, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under section 201 of this Act, including notes, bonds, obligations, and property held in trust by him on behalf of the Secretary of the Treasury, as of the effective date of this title, which shall be transferred to and be assets of the rural telephone account;

"(2) undisbursed balances of telephone loans made under section 201, which, as of the effective date of this title, shall be transferred to and be assets of the rural telephone account;

"(3) all collections of principal and interest received on and after July 1, 1970, on notes, bonds, judgments, or other obligations made or held under title II of this Act, which shall be paid into and be assets of the rural telephone account;

"(4) all appropriations for telephone loans made under the authority of section 3 of this Act and funds obtained in accordance therewith and the unexpended balances of any funds available on the effective date of this title for telephone loans under section 201 of this Act, including any funds made available for telephone loans under the item 'Rural Electrification Administration,' in the Department of Agriculture Appropriation Acts current on the date of enactment of this title, and said appropriations, balances, and funds shall be assets of the rural telephone account; and

"(5) shares of the capital stock of the Rural Telephone Bank acquired by investment of the rural telephone account pursuant to section 302(b)(3) of this title, and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the rural telephone account.

"SEC. 302. LIABILITIES AND USES OF ACCOUNT.—(a) The notes of the Administrator issued to the Secretary of the Treasury to obtain funds for loans under section 201 of this Act, and all other liabilities against the appropriations or assets in the rural telephone account in connection with telephone loan operations shall be liabilities of the rural telephone account, and all other obligations against such appropriations or assets arising out of telephone loan operations shall be obligations of the rural telephone account.

"(b) The assets of the rural telephone account shall be available for the following purposes:

"(1) loans under section 201 of this Act and for advances in connection therewith, except that no such loans shall be made in any year in excess of the amounts previously authorized therefor in appropriation Acts for such year or available pursuant to section 3 of this Act; the amounts so authorized for loans and advances shall remain available until expended;

"(2) payment of interest as it accrues on loans to the Administrator from the Secretary of the Treasury for telephone purposes pursuant to section 3(a) of this Act;

"(3) investment in the capital stock of the Rural Telephone Bank in accordance with section 406(a) of this Act: *Provided*, That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the purchase of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank; and

"(4) payment of principal when due on loans to the Administrator from the Secretary of the Treasury for telephone purposes pursuant to section 3(a) of this Act.

"SEC. 303. DEPOSIT OF ACCOUNT MONEYS.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"SEC. 401. ESTABLISHMENT, GENERAL PURPOSES, AND STATUS OF THE TELEPHONE BANK.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"SEC. 402. GENERAL POWERS.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided*, That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further*, That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligation may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"SEC. 403. SPECIAL PROVISIONS GOVERNING TELEPHONE BANK AS AN AGENCY OF THE UNITED STATES UNTIL CONVERSION OF OWNERSHIP, CONTROL, AND OPERATION.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United States and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however*, That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank and without charge to administrative expenses recoverable by the telephone bank under section 408(b)(3) of this title, but the compensation and expenses of members of the Telephone Bank Board who are not Federal officers or employees, and of officers and employees engaged solely on telephone bank activities, and procurement for the telephone bank, shall be administrative expenses recoverable under said subsection;

"(c) notwithstanding the provisions of the second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), all telephone debentures issued by the telephone bank shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as have been or may be approved by the Secretary of the Treasury;

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"SEC. 404. GOVERNOR.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"SEC. 405. BOARD OF DIRECTORS.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative vote at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employees of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock.These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsections (c), (d), and (e), shall receive $100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title I and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"Sec. 406. Capitalization.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1971 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equal $300,000,000: *Provided,* That on or before July 1, 1975 the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1970, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law, in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1985, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided,* That the minimum amount of class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000, shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers, receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loan funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations and public bodies eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers, corporations and public bodies, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of Class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of Class B or Class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"Sec. 407. Borrowing Power.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called telephone debentures). Telephone debentures shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine: *Provided, however,* That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"Sec. 408. Lending Power.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telephone lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, financial stability of the telephone system of the borrower, and in respect of exchange facilities for local services, the size of each acquisition shall be not greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made hereunder shall be fully amortized over a period not to exceed fifty years.

"(2) Notwithstanding any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provision shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Intermediate loans shall bear interest at a rate equal to (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield, during the month of May preceding the fiscal year in which the loans are made, on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, or (ii) 4 per centum per annum, whichever is lower. All other loans made hereunder shall bear interest at a rate which shall reflect the average cost of moneys to the telephone bank, including (a) interest on its debentures, and (b) the return on funds provided by the United States for the purchase of class A stock pursuant to section 406(a) of this Act, and (c) administrative expenses, and (d) reserves, and (e) estimated losses of the telephone bank. Intermediate loans shall not be made to a borrower which is determined by the Governor of the telephone bank, under standards to be established by the Secretary, to be capable of both paying the interest rate applicable hereunder to loans other than intermediate loans and achieving the objectives of the Federal rural telephone loan program. The authority to make intermediate loans hereunder shall terminate on June 30, 1985, or such earlier date as conversion takes place under section 410(a): *Provided,* That on or before July 1, 1975, the Secretary shall make a report to the President for transmittal to the Congress on the status of the intermediate loan program with recommendations concerning its continuation thereafter.

"(4) Loans shall not be made unless the Governor of the telephone bank finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term 'telephone service' shall have the meaning prescribed for this term in section 203(a) of this Act, and the term 'telephone lines, facilities, or systems' shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) No portion of any loan made under this section shall be used to finance any political activities prohibited under sections 600, 601, 610, 611, and 612 of title 18, United States Code, and prior to the making of any loan the borrowing entity shall agree in writing not to engage in any such prohibited political activities during the term of such loan. If the Telephone Bank Board finds a violation of this provision to have occurred, it shall so notify such borrower in writing and thirty days thereafter such loan shall become due and payable in full.

"(8) Notwithstanding any other provision of law, (i) no borrower of funds under section 201 of this Act shall, without approval of the Administrator, sell or dispose of its property, rights, controlling interest, or franchise until all indebtedness, including all interest and charges, to the Rural Electrification Administration shall have been repaid, and (ii) no borrower of funds under section 408 of this Act shall, without approval of the Telephone Bank Board, sell or dispose of its property, rights, controlling interest, or franchise until all indebtedness, including all interest and charges, to the telephone bank shall have been repaid.

"(c) The Governor of the telephone bank is authorized under the rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided however,* That no adjustment shall extend the period of such loans beyond fifty years.

"SEC. 409. TELEPHONE BANK RECEIPTS.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"SEC. 410. CONVERSION OF OWNERSHIP, CONTROL AND OPERATION OF TELEPHONE BANK—(a) Whenever after retirement of class A stock issued to the United States has begun pursuant to section 406(c) of this title, the total amount in stated value of class B and class C stock outstanding equals two-thirds of the total amount in stated value of class A, class B, and class C stock outstanding, as determined by the Secretary—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all the powers and limitations conferred or imposed by this title IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"SEC. 411. LIQUIDATION OR DISSOLUTION OF THE TELEPHONE BANK.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata, and any remaining surplus and contingency reserves shall be distributed to those entities to which they are allocated on the books of the bank at the time of the liquidation or dissolution.

"SEC. 412. BORROWER NET WORTH—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions."

SEC. 3. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, is amended by inserting "rural electrification" immediately following the words "interest on" in both places where it appears in said subsection and by inserting the words "for rural electrification purposes" after the words "Secretary of the Treasury" the second time they appear in said subsection.

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing a telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

SEC. 4. Section 201 of the Government Corporation Control Act, as amended (31 U.S.C. 856), is amended by striking "and" immediately before "(5)" and by inserting ", and (6) the Rural Telephone Bank" immediately before the period at the end.

SEC. 5. The second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), is amended by inserting "the Rural Telephone Bank", immediately following the words "shall not be applicable to".

SEC. 6. The right to repeal, alter, or amend this Act is expressely reserved.

SEC. 7. This Act shall take effect upon enactment.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, STUBBLEFIELD, PURCELL, FOLEY, BELCHER, TEAGUE of California, and WAMPLER.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill H.R. 7.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FILING OF PRIVILEGED REPORTS FROM THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit three privileged reports for printing under the rule.

The SPEAKER. The Clerk will report the title of the first resolution.

The Clerk read as follows:

House Resolution 28 (Rept. No. 92-64) providing funds for the Committee on the District of Columbia.

The SPEAKER. The Clerk will report the title of the next resolution.

The Clerk read as follows:

House Resolution 288 (Rept. No. 92-66) to provide funds for the expenses of the investigation and study authorized by House Resolution 109, 92d Congress.

The SPEAKER. The Clerk will report the title of the next resolution.

The Clerk read as follows:

House Resolution 282 (Rept. No. 92-65) provided pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions.

The SPEAKER. The resolutions will be referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING COMMITTEE ON GOVERNMENT OPERATIONS TO CONDUCT STUDIES AND INVESTIGATIONS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 304 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 304

Resolved, That the Committee on Government Operations is authorized to conduct full and complete studies and investigations with respect to matters within its jurisdiction, and for the purpose of carrying out this resolution the committee, or any subcommittee thereof, is authorized to sit during the present Congress at such times and places either within or without the United States, whether or not the House is in session, has recessed, or has adjourned, and to hold such hearings and take such other actions as are authorized under rule XI(8)(d) of the Rules of the House of Representatives relating to the Committee on Government Operations.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Government Operations of the House of Representatives and employees engaged in carrying out their official duties under section 190d of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88-633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; and (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones. All such individual reports shall be filed by the chairman of the Committee on House Administration and shall be open to public inspection.

With the following committee amendment:

Strike all after the word "*Resolved*," and insert in lieu thereof:

That, effective January 3, 1971, the Committee on Government Operations, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 8 of Rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of Rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1973, a report on the activities of that committee during the Congress ending at noon on January 3, 1973.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Government Operations of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying the expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

The committee amendment was agreed to.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) and pending that I yield myself such time as I may consume.

Mr. Speaker, there is a printing error in the committee amendment to House Resolution 304 which should be corrected.

Delete the quotation marks at the beginning of each paragraph on pages 3, 4, and 5 of the resolution and the quotation marks at the end of the last paragraph on page 5.

I ask unanimous consent that that error be corrected.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, this is the investigative normal resolution for the Committee on Government Operations.

The amendment by the Committee on Rules made this one conform to all those previously passed for the other committees.

Mr. Speaker, I know of nothing unusual about this resolution nor do I know of any controversy or objection to it.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statement just made by the gentleman from Missouri. I have no requests for time. I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. TERRY. Mr. Speaker, I would like to explain my position on the rural telephone bill. I was absent on account of official business in another part of the building. Had I been present I would have voted "no."

WE MUST CONTINUE FUNDING OF OUR SUMMER PARK AND RECREATION PROGRAMS

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, for some time now, I have been concerned with the fragmented Federal approach to the funding of our cities' summer park and recreation programs—All too often, aid at the Federal level has come only in response to potential volatile situations. I am referring to the "long, hot summer" syndrome.

I place the blame for this standard reactionary policy on no particular administration or Congress. I am personally of the opinion that if we are ever going to accomplish anything worth while in this most important area, the Federal Government must in some way, reconcile its different strategies and agree upon a singular approach that will perfect the local park and summer recreation planning process.

Mr. Speaker, I am sorry to say that as the result of the present administration's plans, or should I say lack of plans, for assistance to some of the major federally supported summer youth programs, we presently face the distinct possibility that we will once again this summer, have to rely on these often inadequate crash programs. For, according to widely publicized reports, the administration, at this time, has no plans to repeat either the recreation support program, or the summer transportation program. It is also reported that the administration plans severe cutbacks in the successful summer Neighborhood Youth Corps program.

Mr. Speaker, I have drafted a letter to the President in which I urge him to continue these necessary programs and to restore these vital funds.

By this time, each of my colleagues should have received a copy of this proposed letter which is essentially the same letter that hundreds of local recreation officials have sent to Washington in the last month. I hope that as many of my colleagues as possible will join me in signing this letter which I will send to the President in a week's time.

A copy of the letter follows:

Hon. Richard M. Nixon,
President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: In recent summers, the Federal government has greatly assisted the youth of America by providing a substantial number of work opportunities through the Neighborhood Youth Corps, as well as providing funds for inner-city recreational and transportation programs. This assistance has been exceptionally helpful to America's cities in developing sorely needed employment, educational, and recreational opportunities for our nation's disadvantaged youth.

Thus, we are deeply distressed by reports of severe cut-backs in these programs. We understand that the summer Neighborhood Youth Corps, while ostensibly at the same position level, is actually being cut back through the reduction of each position's duration from 10 to 8 weeks. We understand as well that the Administration is not planning to repeat either the Recreational Support or the Transportation Programs at all.

In the strongest possible manner, we respectfully urge you to increase the number of summer Neighborhood Youth Corps positions to 630,000 nationally, and fund them for ten 32-hour work weeks. We also respectfully urge you to use the powers of your office to insure the repetition of both the Recreation Support and the Transportation Assistance Programs. We would further respectfully request that you announce these expanded program levels as soon as possible in order that local program administrators might carefully plan the most effective use of these funds.

Sincerely yours,
Dan Rostenkowski,
Member of Congress.

FEDERAL PROGRAMS MUST BE CARRIED OUT

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker and Members of the House, I would like to commend the distinguished gentleman from Illinois (Mr. Rostenkowski) for the very fine statement he has just made.

He pointed out that this administration is cutting down the Summer Neighborhood Youth program, a program in which we take boys and girls from the slums and ghetto areas and give them jobs and is holding up funding of other vital summer recreation programs.

I might say to the distinguished gentleman from Illinois that this is just another illustration of the hypocrisy of this administration. This program and other programs amounting to billions of dollars that have been appropriated for by the Congress are not being implemented by the President of the United States. At the same time he is putting on a fake campaign for revenue-sharing using big advertisements like the ones in this mornings' newspapers. He is calling in the mayors holding out this pap to them and getting them all excited, when at the same time he will not spend about $10 billion that the Congress has already appropriated.

Mr. DINGELL. If the gentleman will yield, I believe that the figure is $12 billion.

Mr. BOGGS. Now, Mr. Speaker, I want to propound a constitutional inquiry to President Richard Nixon. I want to know under what authority he has the right not to spend funds? Under the Constitution we raise revenues and appropriate for the spending of revenues. If he does not want to spend them, he can veto the bill and send it down here and let us vote on that veto, like we did last year on the hospitals legislation.

Now he is arrogating to himself the right to take over the spending function. I am happy that the distinguished Senator from North Carolina (Mr. Ervin) is confronting him with this violation of our Constitution by scheduling hearings on the issue.

Rather than wining and dining hungry mayors and employing Madison Avenue advertising techniques he might convince his own leader the minority leader of the Ways and Means Committee my good friend the Honorable John W. Byrnes who shares the opposition to revenue sharing and committee chairman the Honorable Wilbur Mills.

FUNDS WITHHELD SHOULD BE RELEASED

(Mr. EVINS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished gentleman from Illinois (Mr. Rostenkowski) and the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs) have just alluded to the impoundment, freezing, and withholding of funds authorized and appropriated by Congress.

This is a matter of great concern to me and the people of the country.

This is one of the most important challenges faced by the 92d Congress.

I have repeatedly asked by what authority—what legal authority—does the executive branch withhold and impound funds appropriated by the Congress. The answers from the officials of the Bureau of the Budget have been unsatisfactory and unresponsive.

There is no legal authority to withhold and impound funds in the amount of $8 billion—or $10 billion, as reported by the Bureau of the Budget. This is excessive and unreasonable and unwarranted.

The newly organized Office of Management and Budget has assumed powers in the withholding, freezing, and impounding of funds that, if left unchecked, can effect a shift in the essential balance of power between Congress and the Executive.

If this arbitrary and capricious exercise of power is not stopped, the Office of Management and Budget can set precedents that could inhibit the powers of Congress permanently and in large measure negate the appropriations process and the will of the people, expressed by their elected representatives.

Perhaps some of the funds withheld are in the military budget, and perhaps in freezing some of these funds there is justified logic because of changes in military conditions.

However, there can be no justification for the freezing, withholding, and impounding of funds for the vital programs for our cities and our people, especially as we are now proposing full employment.

There can be no justification for the arbitrary withholding of funds for all public works projects initiated by the Congress.

In the two Appropriations Subcommittees on which I serve, I have seen the impact of this arbitrary power of the Office of Management and Budget exercised.

In the appropriations bill last year for the Department of Housing and Urban Development, a total of $1,325 million has been withheld for important programs for our cities—$200 million for urban renewal program, $200 million for water and sewer grants, $727 million for Model Cities program, and $193 million withheld for public housing programs.

In the Subcommittee on Public Works

Appropriations, the Bureau of the Budget has impounded and withheld funds totaling $91,700,000 for 145 public works projects for the Nation—all funded last year by the Congress.

I repeat, Mr. Speaker, funds for all projects initiated by the Congress last year were frozen. The Bureau of the Budget has attempted to stop the work of the Public Works Committees of the Congress.

Funds for a few administration budgeted projects included in the impoundment have been released—but none of the priority projects initiated by Congress have been released.

This situation exists despite the fact that the budget for public works projects was cut and reduced by some $26 million by the Congress below the President's recommendations.

There may have been justification last year on the basis of inflation.

Then I withheld comment and criticism.

Now the administration has proposed a full-employment budget, an expansionary budget to stimulate the economy, and I ask again, how are we going to have a full employment budget if we do not release funds to provide jobs and to provide employment?

Mr. Speaker, I asked the Director of the Budget what legal authority existed for impoundment of funds appropriated by Congress. He said:

> I am not a lawyer, but I will try to provide you the answer for the record.

He has not provided the answer yet. I have written to the President and I have had no response to my request in this area. There is involved $10 to $20 billion and certainly a limited amount can be attributed to inflation and the Anti-Deficiency Act. Congress passed an Anti-Deficiency Act which provides, in substance, that the departments should not spend all of their money in one quarter, but that funds appropriated could be adjusted over four quarters. We said, "Don't come back with a deficiency." Here they are withholding money in an excessive amount, and I challenge their right to do so in this magnitude. This is excessive. Some of these funds must be released.

CYRUS EATON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in a recent letter to the New York Times, Cyrus Eaton, the eminent Ohio industrialist and internationalist, who incidentally is a resident of my home county, has made some cogent points about President Nixon's recent interview with Times correspondent C. L. Sulzberger. The text of the Eaton letter follows:

[From the New York Times, Mar. 20, 1971]

"VERY LAST WAR"—ON WAY TO ARMAGEDDON?

To the EDITOR:

C. L. Sulzberger's highly interesting "This is probably the very last war" interview [March 10] underlines grave basic fallacies in President Nixon's policies.

In insisting on a "non-Communist Asia," Mr. Nixon fails to point out that both the Chinese People's Republic and the Soviet Union would have to be overpowered to achieve his goal.

In stating that "for the next 25 years the United States is destined to play this superpower role as both an economic and a nuclear giant" in order to build a "world that is relatively peaceful," Mr. Nixon not only ignores the fact that the United States is already on the brink of bankruptcy and exhaustion from pursuing this policy. As self-appointed arbiter of world politics and economics, Mr. Nixon also omits any reference whatsoever to the United Nations, the organization duly constituted to solve international problems peacefully.

One can only conclude that Mr. Nixon is still as blindly dedicated as he was when he first came to Congress 24 years ago to the complete extinction of Communism, at whatever cost in American lives and substance, and that he will not end but will continue indefinitely to widen the war in Southeast Asia.

For many years, as a capitalist concerned with the preservation of our system, I have made a point of having direct and constant contacts with the statesmen, scholars and industrial leaders of all of the Communist nations, now constituting half the world's population. It is utterly incomprehensible that the White House, the Pentagon and the State Department, far from seizing obvious opportunities for accommodation with the Communist world, have consistently taken active steps to stir up heightened anger and bitterness.

At this moment in history, unless Mr. Nixon voluntarily alters his headlong course, or the Congress exercises its constitutional right to cut the military purse strings, it would appear that "this is probably the very last war," to use Mr. Nixon's very own words, and that nuclear Armageddon must inevitably engulf the globe.

CYRUS EATON.

CLEVELAND, *March 11, 1971.*

TV DOCUMENTARIES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, last night I had the opportunity to view on the CBS channel some of the answers given by some of the spokesmen for the television media. It was almost hilarious, if it was not so sad. They were trying to rebut some of the charges made about the lack of veracity of some of their so-called documentaries.

The official spokesman was either, I believe, the vice president or the executive director of CBS and he said

> Oh, no, their documentaries were pretty good because they had good intentions.

Well, Hitler had good intentions and Herr Goebbels was a good propaganda minister because he clothed Hitler's good intentions with a lot of lies. The only defense given by the director of CBS is that their intentions are good.

But, even when he got to mention the so-called documentary on hunger, he kind of swallowed twice and he hemmed and hawed and said. "Well, yes, it was not a bad presentation or documentary. It was just something that was not proven. The baby they showed dying of starvation had not died of starvation at all, they learned later." So he says.

We brought that out on the floor of the House more than a year ago. We proved beyond a doubt that it was a falsification and that the whole thing was made out of whole cloth. It was a deception and a fraud perpetrated on the world. But CBS is not retracting all this and it is still showing what is called a documentary of hunger in America to this day, without correcting one iota, even though CBS admits to its mendacity.

CBS IS CAUGHT WITH THE CHICKEN

(Mr. HÉBERT asked and was given permission to address the House for 1 minute.)

Mr. HÉBERT. Mr. Speaker, I want to express my appreciation to my colleague from Texas for his remarks, which I did not know he was going to make this morning. I am proceeding to do something which is unusual for me, and that is to read a statement. I believe the necessity for accuracy and positiveness demands that I read the statement.

Mr. Speaker, it had to happen and it did. Last night CBS was caught in the chicken coop with the chicken in its hand. Now the viewing public has the goods on CBS.

CBS widely advertised it would rebroadcast its documentary, "The Selling of the Pentagon," although more accurately, it should be called "The Selling Out of the Pentagon."

It also announced that edited remarks of Vice President AGNEW, Secretary of Defense Mel Laird, and myself would be televised after the documentary, and that Richard S. Salant, president of CBS News would follow with some comments of his own.

That was the understatement of the year. They sure did edit my remarks and now I have got them with the evidence in black and white.

Obviously, CBS believes in the Goebbels method of propaganda—if a lie is told enough times, people will eventually begin to believe it.

On the other hand, I believe if you expose a lie enough and tell the truth enough, the truth will catch up with the lie.

It becomes abundantly clear that CBS does not intend to give any other side of an issue a fair airing of its views except the side it wants to have heard.

A striking example of the network's perfidy comes in the editing of my remarks where they totally struck out that section which clearly answered Mr. Salant's observations.

CBS, in the Goebbels style, replies to the charges of inaccuracies with more inaccuracies, replies to the charges of misrepresentation with additional misrepresentation, replies to the charges of lack of objectivity by demonstrating objectivity on their part is a myth.

As soon as I have the transcript from last night's presentation following the documentary, I will bring it to the attention of the Members so they can see for themselves.

In the meantime, CBS has a bear by the tail and cannot let go.

FEDERAL WATER POLLUTION CONTROL ACT

(Mr. DINGELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I have today introduced legislation providing for a comprehensive revision of the Federal Water Pollution Control Act.

My bill increases the annual appropriation for administrative and enforcement grants to State and interstate water pollution control agencies 10 million to $30 million; beginning July 1, 1971, through June 30, 1976.

It provides that 85 percent of the annual sum appropriated will go to State water pollution control agencies.

It provides that the money be used to develop and carry out plans to implement, maintain, and enforce water quality standards for all waterways under the agency's jurisdiction, to carry out a program of State certification to Federal permitting and licensing agencies under the act that the proposed activities will comply with applicable water quality standards, to train water pollution control personnel, and to assist local governments in pollution control.

It increases the Federal share of such grants from 66⅔ percent to 75 percent.

It calls for improved State or interstate plans to be approved by EPA before these grants are made.

WASTE TREATMENT WORKS

It extends the waste treatment construction grant program, which expires on June 30, 1971, to June 30, 1976.

It authorizes a maximum of $5 billion annually for this extended program for grants to municipalities.

It increases from 50 to 60 percent the amount of grant that can be made for treatment works if a State pays 25 percent of the costs and there are water quality standards for the applicable waterway.

Up to 40 percent grants are also possible where a State pays 30 percent and there are no water quality standards for the waterway.

It provides for 90 percent Federal grants, beginning in fiscal year 1973, where the project is in a river basin or region designated by EPA as meeting certain requirements to insure coordinated and effective waste treatment.

WATER QUALITY STANDARDS

It extends the water quality standards program to all navigable waterways.

It requires that every State adopt and submit to EPA water quality standards and a plan of implementation, maintenance, and enforcement with 9 months after enactment.

EPA must approve or disapprove them within 6 months after they are submitted to EPA.

It requires that the States review the standards and implementation plan at least every 3 years.

It provides that the plan require that no toxic or other hazardous wastes be discharged from any stationary source.

It provides that the plan include effluent requirements and schedules and provide for the attainment of applicable standards within 3 years after the plan is approved.

It strengthens EPA's enforcement powers.

It provides for greater public disclosure of pollution data.

It provides for citizen class action suits to enforce the act and prevent pollution.

It provides for emergency action by EPA through the institution of civil proceedings to control pollution that endangers the health or welfare of persons or treaty-protected fish or wildlife or presents a substantial economic injury to the shellfish industry.

It protects employees who testify or give information about polluting discharges.

It directs that the executive branch utilize its procurement and leasing powers to control pollution.

It prohibits false or deceptive advertising by the manufacturers of equipment or devices for pollution control.

Mr. Speaker, I include the text of the bill at this point in the CONGRESSIONAL RECORD:

H.R. —

A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Water Pollution Control Act is amended as follows:

(1) Section 1(b) is amended by striking out the second and third sentences thereof.

(2) Section 2 is hereby repealed, and sections 3 and 4 are redesignated as sections 2 and 3, respectively.

(3) Redesignated section 2(a) is amended by striking out "interstate waters" and inserting in lieu thereof "the navigable waters of the United States".

(4) Before the heading above section 5 insert "Title I—Research, Training, and Grants for Water Pollution Control".

(5) Redesignate sections 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, and 20 as sections 101 through 111, respectively.

(6) Before the heading above section 10 insert "Title II—Water Quality Standards and Enforcement".

(7) Redesignate section 10 as section 201, and sections 11, 12, 13, and 21 as section 206 through 209, respectively.

(8) Before the heading above section 9 insert "Title III—Administration".

(9) Redesignate sections 9, 22, 23, 24, 25, 26, and 27 as sections 301 through 307, respectively.

(b) All references to sections of the Federal Water Pollution Control Act redesignated by this section are amended to correspond with such redesignated sections.

SEC. 2. Redesignated section 103 of the Federal Water Pollution Control Act is amended to read as follows:

"GRANTS FOR STATE AND INTERSTATE WATER POLLUTION CONTROL AGENCIES

"SEC. 103. (a) There is authorized to be appropriated annually to the Administrator for the fiscal year ending June 30, 1972, the sum of $30,000,000, and for each succeeding fiscal year to, and including, the fiscal year ending June 30, 1976, for the purpose of making grants to State and interstate water pollution control agencies under this section. The portion of the sums appropriated for each fiscal year which shall be available for such interstate agencies shall be specified in the Act appropriating such sums, except that such portion shall not exceed 15 percent of the total sum appropriated for that year.

"(b) Beginning in fiscal year 1972, the Administrator is authorized to make grants to State and interstate agencies having effective plans approved under this section for the enhancement of water quality through the prevention, control, and abatement of water pollution, to assist such State and interstate agencies—

"(1) in developing and carrying out plans for the implementation, maintenance, and enforcement of water quality standards for all waters;

"(2) in carrying out the certification requirements of section 209(b) of this Act;

"(3) for the effective enforcement of water pollution control laws and regulations;

"(4) in the training of water pollution control and enhancement personnel of public agencies; and

"(5) in assisting political subdivisions of a State in developing and carrying out effective water pollution control programs.

"(c) Beginning on and after July 1 of the fiscal year ending June 30, 1971, each State water pollution control agency or appropriate interstate agency shall adopt and the Administrator shall approve annually a plan for the enhancement of water quality through the prevention, control, and abatement of water pollution which—

"(1) provides for the orderly development, implementation, maintenance, and enforcement of water quality standards and plans for each river basin or portions thereof within such State, including procedures to assure that all sources of waste within a basin or portion thereof receive effective treatment to prevent the degradation of any waters and to enhance water quality;

"(2) provides for the administration of, or for the supervision of administration of, the plan by the State or interstate water pollution control agency;

"(3) provides that such agency will make such reports, in such form and containing such information, as the Administrator may from time to time reasonably require, but at least annually, to carry out his functions under this Act, and that such reports shall be available to the public;

"(4) sets forth the plans, policies, and methods to be followed in carrying out an approved State (or interstate) plan and in its administration;

"(5) provides for extension or improvement of the State or interstate program for water quality enhancement and for prevention and control of water pollution;

"(6) sets forth (A) effective criteria, consistent with an adopted plan for implementation, maintenance, and enforcement of water quality standards, established by the State, in determining priorities for treatment works, and (B) the priorities so determined;

"(7) contains assurances that such agency has or will employ an adequate and competent staff of trained personnel to carry out effective water pollution control laws, standards, and regulations;

"(8) contains assurances that grants provided under this section will supplement, not supplant, existing State or interstate water quality enhancement and pollution control programs;

"(9) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of an approved plan;

"(10) sets forth applicable State or interstate water pollution control laws and regulations;

"(11) provides an effective waste treatment management program under which treatment works are planned, constructed, and maintained so as to achieve efficiency, water quality enhancement, and economy; and

"(12) meets such additional terms and conditions as the Administrator may prescribe from time to time in furtherance of, and consistent with, the purposes of this section.

"(d) The Administrator shall approve any plan which, in his judgment, effectively complies with the requirements of this section. He shall not finally disapprove any plan or modification thereof submitted under this section without first affording the appropriate State or interstate water pollution control agency reasonable notice and an opportunity for a public hearing. In disapproving any plan or modification thereof, he shall make findings of fact, and issue a decision incorporating such findings therein.

"(e) Whenever the Administrator, after reasonable notice and opportunity for a public hearing, finds that, in the administration of an approved plan, there is a failure to comply with one or more of the requirements of this section, the Administrator shall issue a decision, incorporating his findings and a notice to such agency therein, that no further payments will be made to the State or interstate agency, under this section (or, in his discretion, that further payments will not be made to the State or interstate agency for treatment works under that portion of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall make no further payments or shall limit such payments to such State or interstate agency under this section.

"(f) Any State or interstate water pollution control agency aggrieved by a decision of the Administrator under subsection (d) or (e) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Administrator. The court may affirm, vacate, or remand the proceedings to the Administrator for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the decision of the Administrator, unless the court so orders.

"(g) (1) From the sums available therefor for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to the States, in accordance with regulations promulgated by him, on the basis of (A) the population of each State, and (B) the extent of the water pollution control problem of each State. The population of each State shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(2) From the allotment of each State made under paragraph (1) of this subsection for any fiscal year, the Administrator shall make grants to such State in an amount equal to its Federal share (as determined under this section) of the cost of carrying out a State plan approved under this section.

"(3) The Federal share for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share in no case be no more than 75 per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 66⅔ per centum. The Federal share shall be determined and promulgated by the Administrator between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(h) From the sums available therefor for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to interstate agencies, in accordance with regulations promulgated by him, on such basis as the Administrator finds reasonable and equitable. He shall from time to time pay to each such agency from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under this section as may be determined in accordance with such regulations. The regulations relating to the portion of the cost of carrying out a plan of an interstate agency which shall be borne by the United States shall be designed to place such agency, so far as practicable, on a basis similar to that of the States.

"(i) Beginning in fiscal year 1972, the method of computing and paying grants pursuant to this section shall be as follows:

"(1) The Administrator shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State or interstate water pollution control agency for such period on the basis of such records of the State or interstate agency and information furnished by it, and on the basis of such investigation, as the Administrator may require.

"(2) The Administrator shall pay to such State or interstate agency, from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State or interstate agency for any prior period was greater or less than the amount which should have been paid to such agency for such prior period. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Administrator may determine.

SEC. 3. Redesignated section 104 of the Federal Water Pollution Control Act is amended to read as follows:

"GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"SEC. 104. (a) There are authorized to be annually appropriated for the purpose of making grants under this section for the fiscal year ending June 30, 1972, the sum of $5,000,000,000 and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976. At least 50 per centum of the first $100,000,000 appropriated each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under. Sums appropriated under this subsection shall remain available until expended.

"(b) The Administrator shall, in accordance with the provisions of this section, make grants (from the sums appropriated under subsection (a) of this section) to any State, municipality, or inter-municipal or interstate agency for the construction of necessary treatment works to provide for the effective treatment of sewage and other wastes of any kind or description prior to the discharge thereof into any waters, and for the purpose of reports, plans, and specifications made in connection therewith.

"(c) Except as provided in this subsection or subsection (d) of this section, the amount of any grant for approved treatment works under this section shall not exceed 30 per centum of the estimated reasonable cost thereof (as determined by the Administrator), except that such percentage limitation shall be increased—

"(1) to a maximum of 40 per centum, in the case of grants made from funds allocated for any fiscal year to a State under this section, if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Administrator) of all treatment works in such State for which grants are to be made under this section from such allocation; or

"(2) to a maximum of 60 per centum, in the case of grants made from funds allocated for any fiscal year to a State under this section, if the State agrees to pay not less than 25 per centum of the estimated reasonable cost (as determined by the Administrator) of all treatment works for which grants are to be made under this section from such allocation, and if enforceable water quality standards have been established for the waters receiving the treated sewage and other wastes discharged from such treatment works.

"(d) The Administrator shall designate any river basin or region as eligible for up to a maximum of 90 per centum grants under this subsection whenever he finds, and publishes such finding, that there exists therein a river basin or regional plan for a basin or region which provides an effective and economical system, consistent with applicable water quality standards, for the collection and treatment of sewage and all other municipal and industrial wastes of any kind or description throughout such river basin or region for which recycling is not technologically practicable. Such river basin or regional plan shall provide that (1) each user of treatment works in the basin or region participates equitably in the non-Federal construction costs of such works; (2) adequate reserves to offset the cost of future treatment works constructed therein are provided; (3) the costs of operating and maintaining treatment works assisted by grants under this section are equitably shared by the users; (4) the degree of treatment to be provided is compatible with the long-range needs of the basin or region which shall be identified in the plan and shall include, among other things, an inventory of approved sites for the location of new industrial facilities, residential communities or developments, and municipalities in the basin or region and the effluent requirements to be imposed on such facilities, communities or developments, and municipalities; (5) each user pay the cost of any new treatment works constructed after fiscal year 1976 where such works are required by new industries, increased population, or expanded usage of facilities in the river basin or region; and (6) such plan is in accordance with any approved water quality standards and implementation plan for that basin or region. The Administrator may designate one or more portions of a basin or region, if he finds, from a pollution control and water quality enhancement standpoint, that, because of the geographical size of the entire basin or region, an effective and economical basin-wide or region-wide treatment system is not practicable for the entire basin or region. The Administrator shall make grants for up to 90 per centum of the costs of eligible treatment works within such designated basin or region or portion thereof from funds allotted or reallotted under this section.

"(e) Notwithstanding any other provision of this section, the Administrator may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any treatment works which has been certified by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Office of

Management and Budget, subject, however, to such modifications and extensions as the Administrator deems appropriate for the purposes of this Act, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

"(f) Before approving grants for any treatment works under this section, the Administrator shall determine—

"(1) that such works are included in any applicable comprehensive program developed under section 2(a) of this Act;

"(2) that such works are in conformity with the State water pollution control plan approved under section 103 of this Act;

"(3) that such works (A) have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with such approved State water pollution control plan, and (B) have been approved by such agency;

"(4) that the applicant proposing to construct such works agrees to pay the remaining non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring after construction thereof (A) proper and efficient operation, including the employment of trained personnel, and (B) maintenance of such works in accordance with an effective plan of operation approved by the State water pollution control agency, or, as appropriate, such interstate agency, and the Administrator;

"(5) that such works will provide effective treatment for all sewage and other wastes prior to discharge thereof into any waters, including the use of new or improved treatment processes and procedures;

"(6) that the source and composition of all industrial wastes discharged into such works is identified and, where appropriate, provision is made for treatment of such wastes at the source (A) to insure that no toxic or other hazardous industrial wastes which threaten the public health, safety, or welfare shall be discharged from such works, (B) to prevent damage to such works, or (C) to prevent impeding the efficient operation of such works; and

"(7) that such works meet such other requirements as the Administrator may from time to time prescribe by regulation, or by conditions in any grant agreement, or by both, which are consistent with the purposes of this section.

"(g) (1) The first $100,000,000 appropriated pursuant to this section for each fiscal year shall be allotted by the Administrator from time to time, in accordance with regulations promulgated by him, as follows: (A) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and (B) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under this paragraph, which are not obligated at the end of the fiscal year for which they were allotted because of a lack of treatment works which have been approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Administrator on such basis, as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having treatment works approved under this section for which grants have not been made because of lack of funds.

"(2) All sums in excess of $100,000,000 appropriated pursuant to this section for each fiscal year shall be allotted by the Administrator from time to time, in accordance with regulations promulgated by him, in the ratio that the population of each State bears to the population of all the States. Sums allotted to a State under this paragraph which are not obligated within six months following the date of such allotment, because of a lack of treatment works approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Administrator, in accordance with regulations promulgated by him. Priority in such reallotment shall be given to States which are eligible under this section for up to 60 per centum grants for such works and to States having designated basins or regions eligible for a maximum of 90 per centum grants under this section for the construction of such works in such basins or regions.

"(3) All reallotted sums shall remain available for obligation for one additional fiscal year following the end of the fiscal year for which they were appropriated. Any such sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this section during any fiscal year.

"(4) The allotments and reallotments under this subsection shall be available, in accordance with the provisions of this section, for payments with respect to treatment works in such State approved under this section, except that—

"(A) in the case of any treatment works on which construction was initiated after June 30, 1966, and which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of this section but was constructed without a grant under this section because of a lack of available Federal appropriations, such allotments and reallotments for any fiscal year ending prior to July 1, 1976, shall also be available for payments in reimbursements of State or local funds expended for such works prior to July 1, 1976, to the extent that grants could have been provided under this section if such works had been approved pursuant to this Act and if Federal appropriations up to the level of those authorized under this Act since July 1, 1966, were available; and

"(B) in the case of any treatment works on which construction was initiated after June 30, 1966, and which was constructed with a grant under this Act but the amount of such grant was a lesser per centum of the cost of construction than is allowable under this section because of lack of available Federal appropriations, such allotments and reallotments shall also be available for payments in reimbursement of State or local funds expended for such works prior to July 1, 1976, to the extent that grants could have been provided under this section if Federal appropriations up to the level of those authorized under this Act since July 1, 1966, were available.

"(5) Nothing in this section, including a finding by the Administrator that any treatment works meets the requirements of this section for approval for a grant under this section, shall be construed to constitute an actual or implied commitment or obligation of the United States to provide funds other than those appropriated under this section for purposes of reimbursement of State or local funds under paragraph (4) of this subsection.

"(h) For the purpose of this section, (1) population shall be determined on the basis of the latest available figures, as certified by the Secretary of Commerce, and (2) per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(i) The Administrator shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the treatment works for which the amount was paid. As used in this section the term "construction" includes (1) preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of treatment works; (2) the erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works; and (3) the inspection and supervision of the construction of treatment works.

"(j) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5), and the Secretary of Labor shall establish effective safety standards for the protection of such laborers and mechanics. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in the Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276a).

"(k) The provisions of this section shall apply to all treatment works for which grants are made from funds appropriated under this section."

SEC. 4. Redesignated section 201 of the Federal Water Pollution Control Act is amended to read as follows:

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 201. (a) Water quality standards and plans for the implementation, maintenance, and enforcement thereof, including compliance schedules and timetable and effluent requirements, and revisions thereof established pursuant to this Act shall have the purpose of protecting and improving the public health, safety, and welfare, protecting and enhancing the quality of the Nation's waters for the benefit and enjoyment of present and future generations of Americans, and otherwise serving the purposes of this Act. In developing and considering such standards and plans or revisions thereof, the Administrator and the appropriate State—

(1) shall take into consideration (A) the present and future quality, use, and value of the applicable body of water for public water supply, propagation of fish, shellfish, and wildlife, and recreational purposes, and for agriculture, industrial, navigation, and other legitimate uses, and (B) the present and future sources of waste discharges into such waters and the composition, quantity, frequency, and extent of treatment of such discharges, and

(2) shall strive to enhance the quality of such water body. Public participation in water use designations of all or part of any such waters and in the development, revision, and enforcement of such standards and plans at all levels of government shall be provided and encouraged.

"(b) (1) The Administrator shall develop and publish, within 60 days after the effective date of this paragraph, criteria of water quality which, in his judgment, is requisite for the protection of the public health, safety and welfare and for the protection and enhancement of water quality. Such criteria shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health, safety, and welfare and on water quality which may be expected from the presence of a pollutant or combination of pollutants in any body of water in varying quantities and at varying times.

"(2) Simultaneously with the issuance of criteria under this subsection, the Administrator shall issue to State and interstate water pollution control agencies information on pollution control techniques. Such information shall include technical data relating to the technology and costs of effluent control and such data as are available on the latest available technology and on alternative methods of prevention and control of water pollution, including cost-effectiveness analyses.

"(3) In order to assist in the development of information on pollution control techniques, the Administrator may establish one or more standing consulting committees which shall be comprised of technically qualified individuals representative of State and local governments, the academic community, industry, and the public. A verbatim transcript shall be kept of all meetings of such committees which shall be available to the public.

"(4) The Administrator shall from time to time review, but at least every two years, and, as appropriate, modify and reissue any such criteria or information.

"(5) Such criteria and information shall be set forth in the Federal Register.

"(c) (1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within nine months after the enactment of this section:

"(A) water use designations and water quality standards for all navigable waters and tributaries affecting such waters within or bordering such State, including interstate and underground waters, which are consistent with subsection (a) of this section and the criteria published by the administrator, and

"(B) a plan, including compliance schedules and effluent requirements, for the implementation, maintenance, and enforcement of such standards (hereinafter referred to in this title as the 'plan').

"(2) Water quality standards, including any implementation plan, approved under the Water Quality Act of 1965 and any enforcement action taken or pending prior to the date of enactment of this title shall continue in full force and effect until superseded or modified pursuant to this title, but all such standards and plans shall be reviewed and, where appropriate, revised to conform to the requirements of this section.

"(3) The Administrator shall, within six months after the date required for submission of water use designations, water quality standards, and a plan under paragraph (1) of this subsection, approve or disapprove such designations, standards, and plan or each portion thereof. The Administrator shall approve such designations and standards, or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with subsection (a) of this section and the criteria published by him under subsection (b) of this section. He shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

"(A) it provides that no toxic or other hazardous wastes which threaten the public health, safety, or welfare shall be discharged from any stationary source into any waters;

"(B) it provides for the attainment of such standards as expeditiously as practicable, but in no case later than three years from the date of approval of such plan or any revision thereof;

"(C) it includes effective effluent requirements for all stationary sources discharging wastes into such waters and schedules and timetables for compliance with such requirements, and such other measures as may be necessary to insure attainment and maintenance of such standards, including, but not limited to, land use controls;

"(D) it provides that, wherever technically feasible, effluent requirements shall, except in the case of municipal waste treatment works, provide for the recycling of wastes or for other means which eliminate or substantially reduce discharges of wastes into any waters;

"(E) it includes provision for (i) the establishment and operation of appropriate devices, methods, and procedures necessary to monitor, compile, and analyze data on water quality, and (ii) upon request, making such data available to the Administrator and the public;

"(F) it contains, where appropriate, adequate provisions for intergovernmental cooperation, including measures needed to insure that discharges of wastes from any stationary source located on or near navigable waters or tributaries thereof located in or bordering one State, including interstate waters, will not interfere with the attainment and maintenance of such standards in another State;

"(G) it provides—

"(i) necessary assurances that the State water pollution control agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such plan;

"(ii) for installation, where appropriate, of equipment by persons owning, leasing, or otherwise controlling stationary sources to monitor discharges therefrom;

"(iii) for periodic reports on the composition, frequency, and quantity of such discharges, which shall be available to the public, and

"(iv) for authority comparable to that in section 204 of this Act, including effective contingency plans to implement such authority; and

"(H) it provides (i) for periodic review at least every three years, and, where appropriate, revision, after public hearings of such standards and designations, or plan, or both, to achieve the purposes of this section, (ii) for revision of such designations and standards or plan, or both, whenever the Administrator finds on the basis of information available to him that such designations and standards or plans are substantially inadequate to achieve the purposes of this section.

"(4) The Administrator shall, in accordance with the procedures and requirements of this subsection, approve any revision of such designations and standards or plan.

"(5) The Administrator may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed six months.

"(d) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such designations and standards or plan or portion thereof, or both, if (1) a State fails to submit water use designations and water quality standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the designations and standards or plan, or portion thereof, or both, submitted is determined by the Administrator not to be in accordance with the requirements of this section, or (3) the State fails, within 60 days after notice by the Administrator or such longer period as he may prescribe, to revise such designations and standards or plan as required by this section. If such State held no public hearing associated with adoption of such designations and standards or plan, the Administrator shall provide an opportunity for such hearing within such State on any proposed regulation for such State. The Administrator shall, within six months after the date required for submission of such designations and standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adpoted and submitted designations and standards or plan which he determines to be in accordance with the requirements of this section. Such designations and standards or plan promulgated by the Administrator for any State shall be the designations and standards or plan, or both, applicable to such State in the same manner as if such designations and standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such designations and standards or plan and it is approved under this section.

"(e) (1) A petition for review of any action of the Administrator approving such designations and standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within 30 days from the date of such approval, by any person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Administrator and thereupon the Administrator shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Administrator with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

"(2) Proceedings before the court under this paragraph shall take precedence over all the other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

"(3) Such approved designations and standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any subsequent civil or criminal proceeding for enforcement thereof under this Act."

SEC. 5. The Federal Water Pollution Control Act is amended by inserting after redesignated section 201 the following new sections:

"Federal Enforcement of Plans for the Implementation, Maintenance, and Enforcement of Water Quality Standards.

"SEC. 202. (a) (1) Whenever, on the basis of any information available to him, the Administrator or his authorized representative finds that any person violates any applicable water quality standard or applicable plan, or both, he shall notify such person and the appropriate State water pollution control agency of such violation. All such notices shall be made public when issued. Unless the Administrator finds, and publishes his finding, that such violation is being effectively abated by such agency within twenty days after such notice, he shall immediately issue or cause to issue an order requiring such person to comply with such standards or plan, or both.

"(2) On or after the effective date of this title, whenever the Administrator or his authorized representative finds that any person is discharging into any navigable waters or tributaries thereof including interstate or underground waters, a hazardous substance, he shall issue an order requiring the abatement of such discharge within 10 days after the receipt of such order, or he shall bring a civil action in accordance with subsection (d) of this section. The Administrator shall notify the appropriate State water pollution control agency of such action.

"(b) A copy of any order issued under this section shall be sent to the State water pollution control agency of any State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator or his authorized representative determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply. In any case in which an order under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers. All such orders shall be made public when issued.

"(c) (1) Any person issued an order pursuant to the provisions of this section, or any person affected by such order or by any modification or termination of such order, may apply to the Administrator for review of the order within thirty days of receipt thereof or within twenty days of its modification or termination. Any person issued a notice pursuant to this section may, if he believes that the period of time fixed in such notice for the abatement of the violation is unreasonable, apply to the Administrator for review of the notice within twenty days of the receipt thereof. Upon receipt of such application, the Administrator shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of any such person to present information relating to the issuance and continuance of such order or the modification or termination thereof or to the time fixed in such notice. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

"(2) Written notice of the time and place of the hearing shall be given at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(3) Upon receiving the report of such investigation, the Administrator shall make findings of fact, and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the order, or the modification or termination of such order, or the notice, complained of and incorporate his findings therein.

"(4) In view of the urgent need for prompt decision of matters submitted to the Administrator under this section, all actions which the Administrator takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

"(d) (1) The Administrator shall commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

"(A) violates or fails or refuses to comply with any order issued under this section; or

"(B) fails or refuses to comply with any requirement of subsection (f) of this section.

"(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State water pollution control agency.

"(e) (1) Any person, who violates any requirement of an applicable plan or fails or refuses to comply with any final order issued under this section, shall be assessed a civil penalty by the Administrator which penalty shall not exceed $50,000 for each such violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Administrator shall not have the power to compromise such penalties.

"(2) Whenever the Administrator believes that a person is subject to the imposition of a civil penalty under the provisions of this subsection, he shall notify such person in writing (A) setting forth the date, facts, and nature of each act or omission with which the person is charged, (B) specifically identifying the particular provision or provisions of the section, rule, regulation, order, standard, or plan involved in the violation, and (C) advising of each penalty which the Administrator proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Administrator to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Administrator shall by regulation prescribe, why such penalty should not be imposed or why the amount of such penalty is not warranted. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Administrator the penalty shall be collected by civil action. All such notices and writings shall be available for public inspection.

"(3) On the request of the Administrator, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

"(f) (1) Any person who knowingly—

"(A) violates any applicable water quality standard or requirement of an applicable plan, or

"(B) violates or fails or refuses to comply with any final order issued by the Administrator under this section, shall, upon conviction, be punished by a fine of not more than $75,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $100,000 or less than $2,500 per day of violation, or by imprisonment for not more than two years, or by both, one-third of said fine to be paid to the person or persons giving information which shall lead to conviction. Any such person may sue any person subject to said penalty for recovery of that portion of the penalty to which he is entitled.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, system, or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"INSPECTIONS, MONITORING, AND ENTRY

"SEC. 203. (a) For the purpose of (i) designating water uses of any waters or developing or assisting in the development of any water quality standards and any plan for the implementation, maintenance, and enforcement thereof, including any effluent requirement and schedule or timetable for compliance, (ii) determining whether any person is in violation of any such standard, plan, requirement timetable, or schedule, or of any prohibition of discharge of a hazardous material, or (iii) of carrying out section 204 of this Act—

"(1) the Administrator may require the person who owns, leases, or otherwise controls any effluent source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain monitoring equipment or devices, (D) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

"(2) the Administrator or his authorized representative, upon presentation of his credentials—

"(A) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under paragraph (1) of this subsection are located, and

"(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1) of this subsection and sample any effluents which the owner or operator of such source is required to sample under paragraph (1) of this subsection.

"(b) Each State shall develop and submit to the Administrator a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Administrator from carrying out this subsection in a State.

"(c) In carrying out the provisions of this title, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to the officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(d) Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, Attorneys appointed by the Secretary may appear for and represent him in any proceeding instituted under this section.

"(e) There is authorized to be appropriated annually to the Administrator beginning July 1, 1971, and ending June 30, 1976, $75,000,000 to carry out his enforcement responsibilities under this title, and he shall submit to the Congress on March 1 of each year a detailed report concerning the enforcement activities of the Administrator, including a discussion of the violations discovered, during the preceding calendar year. Such sums shall be available until expended.

"(f) The Administrator shall periodically hold public hearings in various regions or States of the United States to determine the effectiveness of approved water quality standards and plans and the enforcement thereof and to investigate significant pollution problems."

"EMERGENCY POLLUTION CONTROL

"SEC. 204. Upon receipt of evidence that a pollution source or combination of sources, including moving sources, (A) is presenting an imminent or substantial endangerment to the health or welfare of persons or to treaty-protected fish or wildlife, or (B) may present a substantial economic injury to persons because of their inability to market shellfish or shellfish products in commerce because of such pollution, the Administrator shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which the persons owning, leasing, or otherwise controlling such source or sources, is located or resides or is doing business. The district court shall have jurisdiction to hear and decide such actions and to issue such orders as it deems appropriate.

"CITIZEN SUITS

"SEC. 205. (a) Any person may commence a civil action on his own behalf or on behalf of a class of persons—

"(1) against any person (including the United States, and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) any water quality standard or plan or effluent requirement, schedule, or timetable of compliance, or prohibition of discharge under this Act, or (B) any order issued by the Administrator or a State with respect to any violation under this title, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act, including the enforcement of any water quality standard, plan, effluent requirement, schedule, timetable of compliance, or prohibition of discharge.

"(b) The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to hear and decide such actions and to issue such orders as may be necessary.

"(C) In any such action, the Administrator if not a party, may intervene as a matter of right.

"(d) Nothing in this section shall restrict any right which any person (or class of person) may have under any statute or common law to seek enforcement of any such standards or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(e) No bond shall be required by the court of the plaintiff, except that the court may, upon clear and convincing evidence offered by the defendant other than the Administrator, that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted. Such security shall not be required of the plaintiff if it would unreasonably hinder the plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of. The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate."

SEC. 6. The Federal Water Pollution Control Act is amended by adding after redesignated section 209 the following new section:

"EMPLOYEE PROTECTION AGAINST DISCHARGE OR DISCRIMINATION

"SEC. 210. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee or any authorized representative of employees by reason of the fact that such employee or representative of employees has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 202 of this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

SEC. 7. Redesignated section 209 of the Federal Water Pollution Control Act is amended by adding a new subsection at the end thereof as follows:

"(e) (1) Any person (A) required to comply with any order issued by a Federal court pursuant to this Act who fails to comply within the time period specified in such order, or (B) convicted by a Federal court for a knowing violation of any applicable schedule or timetable of compliance, effluent requirement, discharge prohibition, or water quality standard shall be ineligible to enter into any contract with any Federal agency for the procurement of goods, materials, and services to perform such work at or with any facilities which are subject to such action by the court and which are owned, leased, or supervised by such person. Such ineligibility shall continue until the Administrator certifies compliance with such order, or that the condition giving rise to the violation has been corrected.

"(2) The Administrator shall establish procedures to provide all such Federal agencies with the notification necessary for the purposes of paragraph (1).

"(3) In order to further implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this paragraph cause to be issued an order (A) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (B) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(4) The President may exempt any lease, contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(5) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section."

SEC. 8. The Federal Water Pollution Control Act is amended by adding after the new section 210 a new section to read as follows:

"DECEPTIVE ADVERTISING

"Sec. 211. (a) It shall be unlawful for any person who manufacturers any equipment, devices, or systems of any kind or description for commerce to make any false or deceptive claims, statements, or representations concerning their use and effectiveness for the control of pollution or the enhancement of the human environment. The Administrator shall promptly refer any complaints received by him concerning any violation of this subsection to the Federal Trade Commission for prompt investigation. All such complaints and the reports of each investigation thereon and supporting material shall be available to the public.

"(b) Any person who violates subsection (a) of this section shall be assessed a civil penalty by the Federal Trade Commission in accordance with the provisions of section 202(e) of this Act.

"(c) Any person who knowingly violates subsection (a) of this section shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than six months, or by both.

Sec. 9. Redesignated section 303(e) of the Federal Water Pollution Control Act is amended by inserting the word "navigable" before the word "rivers."

Sec. 10. Redesignated section 102 of the Federal Water Pollution Control Act is amended by adding the following new subsection:

"No research demonstrations, experiments, or other such work shall be carried out, contracted for, sponsored, or authorized under this Act after the effective date of this subsection, unless all information, uses, products, processes, patents, and other developments resulting from such work will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest and he publishes his finding) be available to the general public."

SEC. 11. Redesignated section 302(a) of the Federal Water Pollution Control Act is amended by adding the following new sentence:

"All regulations, criteria, or guidelines issued under this Act, unless otherwise provided in this Act, shall be published as proposed rulemaking under 5 U.S.C. 553 and adequate opportunity shall be provided for public written comment thereon and copies of all such comments shall be available for public inspection."

SEC. 11. Nothing in this Act or the Federal Water Pollution Control Act, as amended, shall be construed as limiting the authority of the Secretary of the Army and the United States Attorneys under the River and Harbor Act of 1899 to vigorously enforce that Act against person or corporation violating the provisions of that Act or any registration issued thereunder.

INDIANA'S AMENDMENT TO FEDERAL UNIFORM TIME ACT

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, on February 3, 1971, the Indiana House delegation filed H.R. 3508 calling for a minor change in the Federal Uniform Time Act.

Indiana Senators, HARTKE and BAYH also filed S. 904 to amend the Federal Uniform Time Act. This amending legislation does not curtail the Federal Uniform Time Act, but will accommodate certain areas in the few States that are divided by two of the national standard time zones. The Senate Commerce Committee, chaired by Senator HARTKE, held hearings on S. 904 this morning. A large delegation from the 12 counties in Indiana adjacent to Chicago and Louisville appeared as witnesses, and supporters of this amending legislation.

I include with my remarks testimony which I submitted to the Senate Commerce Committee at the hearing this morning outlining the reasons and urgency for adopting this amendment to the Federal Uniform Time Act.

The testimony follows:

STATEMENT OF CONGRESSMAN RAY J. MADDEN ON THE UNIFORM TIME ACT

I commend Senator Hartke and Senator Bayh for joining with the unanimous Indiana delegation in the House of Representatives in filing S. 904, to amend the Federal Uniform Time Act, which gives permission for areas in certain states where division of uniform time exists to have the privilege of participating in temporary time change or standard time in certain exceptional cases.

On February 3, 1971 the Indiana House delegation joined as cosponsors with our colleague, Congressman Roush, in filing H.R. 3508 calling for this minor change in the Federal Uniform Time Law which, if adopted, will affect only a few areas throughout the Country strategically located across state lines immediately contiguous to large urban areas. This bill, S. 904, is a duplicate of H.R. 3508 and both have the unanimous endorsement and sponsorship of both Republican and Democratic Congressmen and the two Senators from Indiana.

If this legislation is enacted into law it will permit 12 Indiana counties the option to observe daylight saving time between the last Sunday in April and the last Sunday in October of each calendar year.

This legislation would only affect two highly populated urban areas in Indiana, including the highly industrial Calumet Region adjacent to Chicago and the equally large urban area of Evansville adjacent to Louisville, Kentucky.

Only the state line separates approximately 6 million people in the Chicagoland area and almost one million in several counties in Northwest Indiana adjacent to Chicago. Many thousands of people commute daily across the state line from the Northwest Indiana counties to the Chicagoland area and from the Chicagoland area into Northwest Indiana. If one hour's difference of time existed between these two areas it would throw this vast community into an economic turmoil and confusion and, no doubt, indirectly contribute greatly to slowing down business, both retail and industrial, thus bringing about many lost man hours to labor and industry and create conditions that border on turmoil, mental confusion, and the slowing down of our economy.

It would also affect the many projects, Federal, state, county and city, that are now operating in these contiguous areas in which a difference of one hour's time schedule would be devastating. This legislation would merely give 12 counties in Indiana legal authority to coincide with the heavily populated adjacent urban territory across the state line, to wit: Chicago and Louisville. It will give these sections within the state the opportunity of either adopting or not adopting daylight saving time. Such an amendment would not detract from the basic principal of uniformity which the Uniform Time Act seeks to establish.

The Federal Department of Transportation has endorsed this legislation and has advocated the present amendment to the Uniform Time Act. The bill would merely eliminate the unfair and ridiculous circumstances resulting in the few states divided into various time zones. It would merely give the opportunity for 12 states including Indiana, Kentucky, Tennessee, Florida, North Dakota, South Dakota, Kansas, Nebraska, Texas, Idaho, Oregon and Alaska to take advantage of the pending amendment if they so choose. Some of these states are not affected seriously but in Indiana if this legislation is not adopted it will create havoc, confusion and untold inconvenience to millions of citizens. It will also create a major inconvenience to the citizens and the economy of the adjacent urban area in the two neighboring states.

The sentiment throughout the State of Indiana is almost unanimous that this time option provided in the pending Senate bill S. 904 be permitted. Thousands of letters and requests have come into Washington from Hoosiers seeking Federal relief on this minor amendment to the Uniform Time Act.

The Indiana State Senate recently unanimously adopted a concurrent Resolution urging the passing of the pending amendment. Copies of this Resolution were transmitted to the Secretary of the Department of Transportation, and the entire Indiana Delegation in the U.S. Congress, both House and Senate.

Mr. Chairman, I do hope the Senate will take immediate action on S. 904, and I feel certain the House will join the Senate in favorable action on H.R. 3508 now pending before the House Interstate and Foreign Commerce Committee.

THE CLOSING OF TEXTILE PLANTS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, to paraphrase an often quoted expression "Congress is still fiddling while the textile industry is closing plants by the dozen." I refer, of course, to the unbearable burden placed on the textile industry in this country from the increasing imports which has brought about the shutdown of a number of plants.

In my own congressional district, one textile mill was forced into bankruptcy in November of last year and a second mill has ceased operations this month principally because of the import situation.

Mr. Speaker, what has happened in the small Alabama town of Roanoke, should not have happened to ones worst enemy; for economic conditions there and unemployment surpass the depression years of the 1932–33 era. Handley Mills, the town's largest manufacturing plant and an old textile mill in continuous operation since 1900 which employed 830 textile workers is closed. The mill and its equipment are up for sale; 830 textile workers have drawn their last unemployment check and are desperately seeking employment in other towns.

Rolane Manufacturing Co., which makes ladies' panty hose ceased its operations on March 15, 1971, and 450 employees have now joined the ranks of the unemployed in a town whose total population is only 5,500. Talk about hard times, and you only have to go to Roanoke to see the end results of our permissiveness in allowing these Japanese goods produced with exceedingly cheap labor, to continue to come into this country in larger and larger quantities every year.

Mr. Speaker, a substantial number of Members of this Congress worked hard last year for the passage of a trade bill only to see it sputter and die in the Senate. Many of us have reintroduced this trade bill, believing it is the only salvation when effective agreements to limit trade cannot be reached between this country and the Japanese industry. Again, I strongly petition the Committee on Ways and Means for early consideration of these bills. The recent Japanese offer is no more than a game of charades offering no measure of real relief to the textile industry. I am enclosing an article from the March 4 issue of the American Textile Reporter which lists only a partial number of the textile plants which were forced to cease operations last month. If the Congress should fail in its responsibility to rectify this injustice, then I am convinced that many, many more textile jobs are going to go down the drain in the months ahead. The article follows:

TEXTILE PULSE: PLANT CLOSINGS

The number of mill shutdowns has accelerated lately and what follows is a partial listing of plant closings for the last month.

Piedmont Cotton Mills, East Point, Ga., has ceased operations and is converting its facilities into an air freight terminal and office park. The 74-year-old family-owned facility was lucky in that it happened to be located near the Atlanta airport and so could easily switch over. The company had considered modernizing or moving, but the costs were prohibitive in the face of the current import situation and the current market.

Others are not so lucky though. Hillsboro Cotton Mills, Hillsboro, Tex., is presently phasing out its inventory prior to closing its doors forever. This plant was in its third generation of family management but has no definite plans at this time for the disposal of the plant site and equipment. Imports and high costs were blamed here also.

Bigelow-Sanford is discontinuing operations at its Thompsonville, Conn., facility. Parts of this plant are over 100 years old and although new equipment and up-dating of old equipment has been done in the last few years, the age of the facility contributed to its closing. Another major reason for its closing was the fact that the Thompsonville facility manufactured primarily Wilton Carpet whose sales accounted for less than 5 per cent of Bigelow's total production.

The Maxon Shirt Company, Greenville, S.C., is closing its doors in April and will put 500 employees out of work. The plant which produces men's and boys' apparel blames unrestricted imports for their demise.

Burlington has had several plants closed lately. The Carolinian Plant, High Shoals, N. C., will be closed soon. The plant produces cotton fabrics from print cloth and sheeting yarns, and employs 400 people. Again, blame is placed on weak and unprofitable markets and the continuing flow of foreign imports. A Burlington yarn plant in Reidsville, N. C., will be closed by the middle of this month. Sluggish markets were blamed for the shutdown of this facility, employing 300 people and producing nylon yarn for the hosiery trade. This is reported to be the seventh Burlington plant closing since early 1969. All news is not bad at Burlington, however. They are planning to re-open their plant in Graham, N. C., soon. The plant which closed last fall, had been making rayon acetate yarns for its griege division but now will convert to be able to spin yarn for Burlington house fabrics div.

Fitzgerald Textiles, Fitzgerald, Ga., has closed, the explanation being given as 'economic reasons'. They previously produced course fancies.

The 136 years-old A. G. Dewey Co., Enfield, N. H., has closed its last facility, Baltic Mills, because of lack of orders to justify continuing operations.

The Garver Mfg. Co., Wilmington, N. C., men's shirt producer, will close this month letting its 415 employees go. Cheaper imports from the Orient are named as the cause for the shutdown.

Golden Belt Mfg. Co., Durham, N. C., is shutting down its cotton mill yarn division to go into more profitable operations. The company hopes to absorb 'some' of the estimated 100 employees in other divisions.

The 2000 man Monsanto Co., Greenwood, S. C., plant is 'temporarily' reducing its work force by 150 people. The same plant also 'temporarily' laid off 100 employees last month. The company promises to start recalling employees to work when production requirements begin to rise again.

Lisbon Mills, Lisbon Falls, Maine, has temporarily shut down its plant freeing some 200 workers. It does not know now when it will reopen although it hopes to be back in operation within two weeks.

Local residents and former employees pitched in in Easthampton, Mass., to get the United Elastic Company Dyehouse started up again after it closed recently. A new corporation has been formed to operate the facility as an independent commission dyehouse which will do contract work for the United Elastic Co. and also solicit outside customers. The company has re-named itself Easthampton Dyeworks, Inc. and initially will employ 40 people.

VFW PROGRAM FOR THIS YEAR—OPERATION PRISONER OF WAR

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, earlier this month the national commander in chief of the Veterans of Foreign Wars of the United States, Mr. H. R. Rainwater, presented the highlights of his organization's program for this year in a hearing before the Committee on Veterans' Affairs.

VFW leaders from all over the country attended this hearing and were proud as I was of the presentation by Mr. Rainwater, a fellow Californian. I was particularly impressed with "Operation Prisoner of War" which is a tremendous effort by this organization composed of men who have served on foreign soil, to incite and develop citizen opinion and action against the treatment of members of the Armed Forces being held prisoners by the Communist forces in Southeast Asia. Commander Rainwater's statement follows:

STATEMENT OF H. R. RAINWATER

Mr. Chairman and members of the committee: Thank you for the privilege of appearing before this great Committee to present the legislative program of the Veterans of Foreign Wars of the United States.

I note that there are some new members on the Committee—and regretfully, that some long-time members are missing. I refer to Congressman William H. Ayres of Ohio, and E. Ross Adair, of Indiana. During their ten terms in Congress, these two distinguished gentlemen never failed to be present on this occasion.

The Veterans of Foreign Wars is deeply appreciative of their efforts in behalf of veterans' programs during their twenty years of service on this Committee. They will be missed by all of us.

As you know, the Veterans of Foreign Wars of the United States is the oldest major veterans' organization in America—having been initially formed by veterans of the Spanish-American War, 1899.

From that small beginning, we have grown steadily in membership and service—until today we have over 1,600,000 members. This is 110,000 more than we had at this same time last year. We expect to close out the current year with an all-time high of 1,750,000 members. This will make the nineteenth consecutive year that we have achieved a substantial increase in our membership.

The men who are with me this morning are primarily responsible for this continued growth. Through their efforts and leadership, the great purposes and programs of the Veterans of Foreign Wars are being carried out in all the states of this great nation.

One of these is our Voice of Democracy Program. It is a scriptwriting contest, whose theme this year is: "Freedom—Our Heritage."

The winners of that great patriotic contest are the young and handsome people you see just a few rows behind me. We are extremely proud of these young Americans. Five of them will receive college scholarships, totaling $22,500, at our Congressional Banquet tonight. We will have the privilege of hearing the first place winner deliver his or her speech. The first place prize is a $10,000 scholarship.

Mr. Chairman and Members of the Committee, the legislative program of the Veterans of Foreign Wars is determined each year by our delegates at our National Convention. Approximately three hundred separate resolutions dealing with veterans' rights and benefits; national security; and Americanism are weighed in the process.

Thereafter, our National Legislative and Security Committees meet here in Washington for the purpose of reviewing these resolutions and recommending a Priority Legislative and National Security Program.

That Priority Program for 1971 has been printed in an attractive brochure and distributed to the Congress, the Executive Branch, the news media, and to the public.

It would be deeply appreciated, Mr. Chairman, if a Digest of the Resolutions approved by the Veterans of Foreign Wars delegates attending our Miami Beach National Convention, and a copy of our Priority Legislative and Security Goals, may be made a part of my remarks at the conclusion of my statement.

When I assumed office as Commander-in-Chief of the Veterans of Foreign Wars, last August, I immediately announced operation "Prisoner of War." This was a petition-signing effort to incite and develop citizen opinion and action throughout the world, against the treatment of our men who are being held prisoners by the Communists in North Vietnam, the Viet Cong in South Vietnam and the Pathet Lao in Laos. Our members came through with flying colors. They gave me petitions carrying four million signatures. I later asked them to send 25 million letters to the North Vietnamese representatives in Paris—where I had been unable to deliver those petitions.

Immediate release of our men is our primary objective. But short of outright release of all prisoners of war, identification, adequate food and medical care, humane treatment, and the release of the sick and disabled, are obligations of the North Vietnamese Government under the terms of the Geneva Convention.

Looking optimistically toward the day when that release is effective, I have recommended to the Secretary of Defense and to the Administrator of Veterans Affairs that specific plans be developed to provide for the treatment and readjustment of these gallant men when they are returned to us. I am pleased to report that the Secretary of Defense has assured me that appropriate programs will be ready and operative when needed.

This Committee is to be commended for taking the initiative during the previous Congress in developing and gaining approval of legislation which has provided close to three-quarters of a billion dollars in additional assistance to veterans and their dependents. I refer, of course, to the general cost of living increase, and the 35 per cent increase in the GI Bill rates, and other VA educational programs.

Despite these increases, however, the inflationary costs of living continue to spiral—and it will not be long before additional increases are mandatory. VA compensation and pension checks never keep pace with the ever-mounting costs of today's economy. Certainly they have never yet anticipated the increased costs of the future. To this extent they both remain a game of "catch-up", in which the veteran is always behind on the economic ladder.

The Veterans of Foreign Wars has always maintained that there is a distinction between the honor of being buried in a National Cemetery, and the economic assistance provided through the veterans' burial allowance. This is the reason we have so long held to the position that there should be at least one National Cemetery in each state.

The continuation of the National Cemetery System, including Arlington National Cemetery, is a priority goal of our organization. We strongly support bills before this Committee which will carry out these purposes.

We in the Veterans of Foreign Wars are deeply disturbed at the use of drugs by many of our young servicemen. Many identified as marijuana users have been summarily discharged with undesirable discharges which bar them from VA treatment for this condition, as well as all other veterans benefits. For more than two years, the Veterans of Foreign Wars has been urging the Department of Defense to review existing policies with a view toward treatment and rehabilitation rather than punishment. We view the recently revised Defense Department policy in so far as marijuana users are concerned as a step in the right direction. At least it is an excellent first measure on the road to reform.

The establishment of the first of thirty planned drug treatment centers by the Veterans Administration is still another program which the Veterans of Foreign Wars has long advocated.

We believe the Congress of the United States has the obligation to look ahead, just as it does in matters involving National Defense, and be prepared at all times to balance the equities and inequities which repeatedly occur in the Veterans Administration program.

Realistic compensation and pension payments for the disabled veteran and his family, or survivors; increased GI Bill assistance for returning Vietnam veterans; practical job assistance and training for those who do not use the GI Bill; preservation of veterans' preference in Federal employment, including the new Postal Corporation; and complete elimination of the pauper's oath for veterans seeking VA hospital care, are musts, in so far as the Veterans of Foreign Wars is concerned.

Important as these are, there is one veterans program which deserves even more attention. I refer to the VA hospital and medical program. During the past several years the Veterans of Foreign Wars has devoted its major effort to obtain additional badly needed funds for this program. Your distinguished Committee, Mr. Chairman, provided the leadership which added $155,000,000 to the VA hospital budget for last year.

Despite this, however, it appears that we failed to make a dent in the Office of Management and Budget. In spite of the fact that the Office of Management and Budget knows full well that the extra $155,000,000 was almost literally jammed down its throat by the Congress after overwhelming evidence indicated that much more was needed, it does not seem to have been impressed. For the VA budget for hospitals and medical care for fiscal year, 1972, is based on a substantial reduction in the medical care program for veterans. It contemplates taking care of 6,823 less veterans per day, starting next year,—79,000 patients per day, as against 85,935 on an average daily basis at the present time. Obviously this will force the VA to increase its rejection rate.

In other words, Mr. Chairman and Members of the Committee, it perpetuates a vicious circle. Each year the VA is given less money than it needs by the Office of Management and Budget. The VA is forced to reduce the number of patients on an average daily basis in order to live within this inadequate budget.

Then when the record shows that the average daily patient load is down, operating beds and other facilities are curtailed. Needed personnel are not hired. And the quality of medical care is reduced.

The next year the Office of Management and Budget forces the VA to accept a still smaller budget based upon this fictitious reduction, or perhaps I should say enforced reduction, of the daily patient load for the previous year.

It is very easy to predict the ultimate destruction of the VA hospital system if the Administration, through the Office of Management and Budget, continues this policy of starving the VA hospital and medical system.

I can assure this Committee and the Congress that the Veterans of Foreign Wars of the United States is well aware of the downward skid of VA hospitals since 1965. That was the year the then Bureau of the Budget tried to close 32 VA facilities. The Veterans of Foreign Wars stands ready to fight to the last ditch to save our VA hospitals.

Even the $155,000,000 that the Congress so wisely added to the VA hospital budget for this year was used in a manner which kept it from becoming a continuing budget item for successive years. Practically all of it was spent on equipment, maintenance, and other one-time budget items. It was not used for additional personnel and badly needed services. Yet it is the lack of sufficient personnel to provide essential services in our VA hospitals which has reduced their quality of medical care to veterans of this nation's wars.

The President, in his message to Congress on February 1, entitled, "Resubmission of Legislative Proposals", included a rehash of proposals to eliminate statutory payments for service-connected disability caused by tuberculosis, and the $250.00 burial allowance to which every veteran is not entitled. This message was obviously the creature of the Office of Management and Budget.

There are many ways in which money can be saved without saving it at the expense of veterans—especially those who were disabled while on active duty in the service of our country.

The Veterans of Foreign Wars strongly recommends that bills implementing these proposals to eliminate veterans rights be rejected by this Congress. It is our fervent hope that they will die when the 92nd Congress finally adjourns.

Mr. Chairman and Members of the Committee, there are other areas which greatly disturb the members of my organization. Two of these are the processing of veterans' claims in regional offices, and jobs for veterans. There has been a constantly rising case load of claims under the GI Bill and readjustment programs, compensation, and pensions in the VA. The Veterans of Foreign Wars commends the dedicated VA personnel who are doing a tremendous job in keeping up with this sharply rising work load during the past few years. We have sought in every way possible to call attention to the need for additional personnel. The proposed budget will add approximately 257 employees to these 57 VA regional offices. But here again, an additional 257 employees will not be enough.

The Congress took note of the sharp increase respecting the need of veterans for information and assistance by authorizing an outreach program, which is the 1970 word for an expanded contact program. Yet last year's VA budget did not have one cent in the VA appropriation for the newly-authorized expanded outreach services as provided in PL 91–219. Nor does there appear to be any money in this year's 1972 appropriation for that program. Without additional, competent personnel to advise veterans and their families respecting their rights and the assistance to which they are entitled, this program is completely nullified. Additional outreach personnel must be provided for if veterans and their dependents are to be advised about the assistance Congress has authorized for them.

The Veterans of Foreign Wars has committed itself to lending all possible assistance to the problem of obtaining jobs and job training for all veterans, and more particularly for veterans returning from Vietnam. We are cooperating with the President's Jobs for Veterans Program, and have our own continuing program to assist veterans in obtaining jobs.

Last, but far from least, Mr. Chairman, we are concerned about the recommendation to eliminate the most successful veterans program ever established by the Congress. I refer to the direct home loan program. It is inconceivable to the Veterans of Foreign Wars that this program, which is the only veterans program which has ever made money for the Government, should be earmarked for elimination.

The need for additional housing is on everybody's tongue. We all know that in our small towns and rural areas it is next to impossible to obtain a housing loan. That is why the Congress established the direct home loan program. It has experienced few losses. It is a paying program making its own way. Yet unless the Congress acts this veterans' program will come to an end. The 1972 budget calls for the expansion of various subsidized housing programs and includes the continuation of the direct loan program, handled by the Small Business and Farmers Home Administrations—yet the veterans direct loan program will be deleted.

I have not endeavored to deal with National Health Insurance and all of its implications respecting veterans hospitals. There is no question, however, that a true National Health Insurance program, as contemplated by the bills introduced in this Congress, would swallow up VA hospitals at least in part. Should such a system be established, we will need the wisdom and leadership of this great Committee if we are to continue to provide medical care and hospital treatment for veterans in separate facilities.

The Veterans of Foreign Wars will continue to oppose any attempt to eliminate these separate facilities, as we now oppose the efforts being made by the Office of Management and Budget to curtail service to America's veterans.

These, Mr. Chairman and Members of the Committee, are a few of the areas of intense concern for 1971 in the members of the Veterans of Foreign Wars of the United States.

May I again express my sincere gratitude for this opportunity to appear before this distinguished Committee. Many of us will be visiting with you individually throughout the remainder of the day.

We are hoping to return your courtesy by being your hosts tonight at our annual Congressional Banquet at the Sheraton-Park Hotel. All members of Congress have been cordially invited. The dinner will begin promptly at 7:00 P.M., with a reception beginning at 6:00 P.M.

Thank you for your attention.

JAPANESE TEXTILE INDUSTRY PROPOSAL UNSATISFACTORY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call to the attention of the Members of this House a statement issued recently by the distinguished president of the AFL–CIO, George Meany:

> The AFL–CIO considers the unilateral proposal of the Japanese textile industry, to place its own overall ceiling on textile imports into the U.S., altogether unsatisfactory. We shall renew our efforts to achieve legislation that will establish a trigger mechanism for quotas, not only on textile footwear and apparel products, but on any products in which there is the loss of American jobs due to market disruption or the activities of American multi-national corporations.

I think this statement from the principal spokesman of organized labor in this country reflects the growing concern throughout this Nation in all industries over the prospects of continued dumping of foreign-made goods in the domestic markets of this Nation. If Congress fails to respond to this concern soon and impose a measure of restraint on the present unbridled growth of foreign imports into this country, then none of us here should be surprised if in 1 year's or 2 years' time the demand for action does not increase to the point where something far more drastic than the Trade Reform Act presently under consideration is demanded by the majority of the American people as a final solution to the problem. Those who objected to the provisions of last year's Trade Reform Act as passed by the House will then wake up to the fact that they have to accept a far more thoroughgoing reform of this Nation's trade policies than they would now. We might really be confronted with irresistible pressure for something approaching Smoot-Hawley in the absence of taking the mild medicine being prescribed now. I am not making idle threats. The workingman's patience with the present situation is fast running out. Demand for protection is spreading through more and more industries. Failure to act now will only add steam and build up pressure which Members will only be able to resist at the risk of their own political futures. Big business may well benefit from the present situation. The multinational firms provide the real support for the free trade groups in this country; but men's jobs are at stake in all of this and understandably the workers now demand a measure of protection from their Government. If we do not do something soon, we may well discover the hard way the truth to the observation that in order to have a market, people have to have jobs. Any unilateral declaration by foreign trading interests which really concedes nothing and protects no one, completely fails to tackle the problem at hand. What we need now are not a few steps in the right direction, or a sign of willingness to seriously negotiate, but remedial action here and now. The clock just will not stop as the monthly unemployment trends all too forcefully indicate. With the passage of each month that Congress fails to act in this matter, it becomes increasingly apparent that the final dose of medicine will be more difficult for those supporting the principle of free trade to swallow.

PRISONERS OF WAR AND MEN MISSING IN ACTION

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, this week our Nation pauses to give special attention to the plight of our fighting men who have been taken prisoner or are missing in action in Vietnam. Although constant efforts are made in their behalf by all segments of our society, we set aside this week in particular to commemorate the time, 7 years ago, when the first American soldier was taken as a prisoner of war by the North Vietnamese. Today we number over 1,500 men as prisoners of war or missing in action.

One of the principal tragedies of this war has been the attitude of the North Vietnamese toward United States servicemen who are prisoners of war. The Government of North Vietnam refuses to release a list of the men held prisoner. It refuses to allow an inspection of prisoner-of-war facilities. It has restricted communications between these men and their families. And it refuses to release the sick and the wounded.

For this reason, in May of 1969 President Nixon made a decision to publicize the plight of these men. It is our hope that by bringing pressure on Hanoi we may be able to alleviate the inhumane treatment of those men held prisoner.

Mr. Speaker, our country has been at war before, and during those times many of our boys have had to endure the hardships of the enemy's prison compounds. In all wars this country has fought there were always those who questioned our participation in them. But I do not recall an earlier time when some of our citizens were so critical of a war, that they failed to remember the Americans who were fighting that war.

In my view, too many Americans have forgotten about their brothers who suffer physical and mental anguish at the hands of the enemy. May God forgive them for debasing the heroism of those Americans guilty of nothing more than honorably serving their country. These are the men who answered when their country called. We owe a great debt to them, for they have served and continue to serve so valiantly. We owe a great debt to their loved ones for their unfailing courage. They endure a burden that belongs to all of us.

Let us renew our commitment to those who have given so much for us. Not just for this week, but for as long as it takes to reunite these boys with their families.

CREATION OF NEW VOLUNTEER AGENCY

(Mr. TERRY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TERRY. Mr. Speaker, creation of the new volunteer agency as proposed by the President has the two distinct merits of efficiency and economy.

Not the cold efficiency of a distant bureaucracy—but the welcome efficiency of an operation that reaches more people with programs than do the job.

This is because the new structure would combine the money and timesaving benefits of centralized administration, with the personalized benefits of local carry through.

From its national vantage point, the agency would enjoy an "over-view" of programs and needs, with the authority to match private contributions for worthy programs with Government funds.

On the local level, local initiative would be encouraged to develop and support local programs to solve local problems.

The goal as stated by the President to use to "the fullest advantage the power of all the American people to serve the purposes of the American Nation"—would be happily served by this cooperative effort by the Government and the people.

POW'S AND MIA'S

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HELSTOSKI. Mr. Speaker, on January 22, 1971, I introduced House Joint Resolution 105, authorizing the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

I am pleased that the President signed Proclamation 4038 on March 19 designating this week as POW/MIA Week and called upon all the people of the United States to observe this week in heartfelt prayer, and conduct ceremonies and other activities which are appropriate to express our concern for the prisoners and missing men, and which would inspire their loved ones with new courage and hope that someday, soon, they will be returned home.

Mr. Speaker, the known captured and missing now total at least 1,600 men and we owe them our unwavering support and give them our assurances that we shall not abandon them. On this day we must reaffirm and rededicate ourselves to expending greater efforts in bringing these men back to a world of peace and to familiar surroundings.

These are days of turmoil and it would be most gratifying to see a united America pursue its objective in ceasing all hostilities in Southeast Asia as soon as practicable—even tomorrow would not be too soon.

In expressing our concern for the POW/MIA I cannot help but feel that these men have performed their ultimate duty in a war that is unnecessary and immoral, which took many lives and relegated many more to various hospitals for treatment of battle scars.

Mr. Speaker, I implore my colleagues not to stop at the end of this week in our attempts to free our men from the prisoner-of-war camps. We are prone to take part in activities set aside for 1 week only, but neglect to concern ourselves with the plight of the POW as soon as the hoop-la is ended.

I feel that continued public expressions will bring this situation into focus and before the eyes of the entire world.

All civilized peoples agree that a war is tragic enough without imposing suffering on civilians. The mothers and children who have suffered the tortures of uncertainty for so long have the right to know as to the whereabouts and physical condition of their husbands and fathers. This applies also to the parents of the prisoners of war.

It is my most sincere hope that we will continue to work on this problem throughout the year and not only during the week of concern which comes and goes so rapidly. Whether or not these men wanted to serve in Vietnam is not the principal problem at this time. They were serving America and the least we can do is to make every effort to obtain their freedom.

Mr. Speaker, this is the first Week of Concern for POW's/MIA's, I wish that it is the first and last. Let us not permit it to become an annual event. Let us also hope for the termination of the conflict.

The arguments over this problem of the POW's can go on forever, but the answer we seek immediately is, "How and when can we bring them home?"

Mr. Speaker, I would like to suggest that we end this conflict in Southeast Asia as soon as possible so as not to add to the numbers of POW's in the hands of the North Vietnamese and to the honor rolls of the dead, and to the beds of hospitals where we must minister to the wounded.

RETIREMENT OF EDWARD H. HOLMES

(Mr. HARSHA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, on behalf of myself and the other members of the Public Works Committee, I wish to announce the April 2, 1971, retirement of Mr. Edward H. (Ted) Holmes from the Federal Highway Administration of the U.S. Department of Transportation after a highly commendable 43-year career in Federal service. Mr. Holmes entire professional life was spent in the Federal Government starting with the U.S. Bureau of Public Roads in 1928.

Those of us who have worked with Mr. Holmes, Associate Administrator for Planning in the Federal Highway Administration, are ambivalent over his departure. On the one hand, we cannot help but feel sad because the Nation will lose the expertise of a man who has made invaluable contributions to the advancement of traffic engineering, highway research, and transportation planning. On the other hand, we recognize that his years of dedicated service entitle him to take it easy and do the many things he did not have time for previously.

Mr. Holmes began his career after graduation from Massachusetts Institute of Technology with a bachelor's degree in civil engineering. He was awarded a fellowship for study in traffic research at Harvard University and received his master's degree from that institution in 1930. From 1956 to 1962, he was the Bureau's Director of Research and from 1962 to 1967, he was Director of Planning. In 1967 he was appointed Director of Policy Planning for the Federal Highway Administration, and last August was named to his present position.

Mr. Holmes in a large measure was responsible for the planning, adaptation and design of equipment and scientific techniques for the measurement of traffic characteristics. He played a major role in establishing statewide highway planning surveys which linked land use to highway planning.

He gave direction and counsel to the series of studies and reports which led to the enactment in 1956 of the Federal-aid program for construction of the Interstate Highway System. In the 1960's, he guided the development in urban areas of transportation planning processes designed to relate highways to total urban requirements.

Many honors came to Mr. Holmes during his years of Federal service. They included the Theodore M. Matson Memorial Award for outstanding contributions to the advancement of the science and profession of traffic engineering, the Highway Research Board's Roy W. Crum Award for Distinguished Service; and the Thomas W. MacDonald Award for Outstanding Service presented by the American Association of State Highway Officials.

When the Bureau of Public Roads was an agency of the Department of Commerce, Mr. Holmes received the Department's Meritorious Service Award in 1950, and the Department's Gold Medal Award for Exceptional Service in 1962.

Mr. Holmes is a man of extraordinary ability who exemplifies the finest in Federal service. He has played a stellar role in improving the lot of his fellow man helping to provide the highway facilities a mobile society demands. A dedicated employee, he has left an indelible mark on the Nation's highway program.

THIRTIETH BIRTHDAY OF SERVICE FOR THE UNITED SERVICES ORGANIZATION

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. TERRY. Mr. Speaker, this year marks the 30th birthday of service for the United Services Organization, or the USO as it is more commonly known. As many of you know, the USO was founded in a common effort by the YMCA, the National Catholic Community Service, the National Jewish Welfare Board, the YWCA, the Salvation Army, and the Travelers Aid Association. Volunteers from all over the United States are attending a USO National Council meeting opening today at the Shoreham Hotel. Yesterday, they honored ambassadors of the 12 countries where the USO is represented. The meeting in Washington will discuss the growth and direction of the USO.

Whatever our feelings about the current conflict in Vietnam, most of us have warm feelings toward the USO dating from our World War II days. I know that I certainly do, and, in that connection, I have always sought opportunities to aid the USO in its work to the best of my ability. In this connection, I have served as chairman of the New York State USO since 1965. The younger generation may change, but the loneliness our young people experience away from home when in the service is changeless, and the USO, as we all know, fills a great void in that regard. The USO provides a wholesome place of relaxation where the protection of our servicemen's morals is regarded as important.

On the occasion of its 30th anniversary, I have today introduced a House concurrent resolution to commend the USO for its great contribution to the American way of life. It is my hope that others will join me and that the Congress will adopt this resolution and do honor to this organization as it so rightly deserves.

PLIGHT OF MASS TRANSIT

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, recently the Massachusetts State Legislature adopted a resolution expressing their concern over the plight of mass transit. It calls for the adoption of legislation by the Congress to help meet the burdensome costs of mass transit through the use of the Federal Highway Fund.

We are all well aware of the deterioration of our mass transit system. Caught in the cycle of increasing costs, rising fares, shrinking revenues, decreasing quality, and declining passengers, virtually all of the remaining privately owned mass transit companies are on the verge of bankruptcy, while those publicly owned continue to operate at greater and greater deficits. Today the Penn Central is bankrupt, New York State owns the Long Island Railroad, and Massachusetts has assumed operation of the commuter lines formerly run by the Boston and Maine.

For too long we have relied almost solely on cars and highways, even encouraging this development by making it easy to obtain assistance for highway construction and difficult to obtain assistance for other modes of transportation. The effect of this development on the old, the young, the poor and the handicapped, those hardest hit by deteriorating transit systems, and on our environment, which is being choked by pollution and marred by "ribbons of concrete," can no longer be ignored. We cannot sit back and wait for the inevitable crisis to engulf us. Transportation systems are too vital a part of continued urban growth, and the need for an efficient and economical public transportation system is greater today than ever before.

Up until now, the burden of supporting these services has fallen mainly on State and local governments, and cities, already financially pressed, can no longer meet the costs. Additional Federal assistance is imperative and I hope that we may move forward in meeting the transportation needs of this country before we face a further decline in our public transportation system. I am pleased to bring this recommendation of the General Court of Massachusetts to the attention of my colleagues:

Resolution Memorializing the Congress of the United States To Enact Legislation To Finance Massachusetts Transit Costs by Using the Federal Highway Fund

Whereas, Massachusetts transit costs have increased so rapidly and to such extent as to become almost unbearable; and

Whereas, The payment of such costs exceeds the capacity of the people to assume; and

Whereas, The solution of this problem now requires the aid of the federal government; and

Whereas, Numerous bills dealing with the problem have been introduced in Congress; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to meet such costs not only in the commonwealth but throughout the United States by the assumption of the same by the use of the Federal Highway Fund; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth.

DEFENSE DEPARTMENT PURCHASING POLICIES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, on Thursday, March 18, I made a speech on the floor criticizing certain purchasing policies of the Defense Department. In looking over my remarks recently, I was struck by how mild they were in relation to the great potential destruction that these purchasing policies have on the local economies.

I would like to pursue the idea of the deleterious effects of certain supposedly beneficial purchasing policies. By describing the contract award policies of the Defense Department as "to the lowest bidder," we imply something that is saving money for the Government and naturally for the people of the United States.

However, I believe I showed in my remarks of last Thursday that these policies, by creating sudden unemployment and by rewarding low-paying firms, actually, cost the Government more in unemployment benefits and lost taxes than they actually save.

I am afraid that I did not stress sufficiently on Thursday two very important points: First, the social and economic impact of Defense Department purchasing policies and two the proclivity of the Defense Department for dealing with low-paying firms with retrogressive, if not reactionary, employee policies. It stands to reason that in certain areas, particularly where the labor required is unskilled or semiskilled, cost savings will often come from lower wages paid to these workers. This is the obvious reason why so many firms move from northern, industrial, union organized areas to semirural, nonunion areas. By taking advantage of unorganized workers and the lack of high-paying competitive jobs, these firms can cut costs and more successfully compete for Government contracts.

However, the Government does not really save money. We know that the rate of unemployment in many industrial cities throughout the Nation is extremely high. Part of the reason for this, of course, is the administration's unsuccessful and destructive economic policies. But it is also in part due to the transfer of many medium-sized factories to lower paying areas of the country. The economic and social disruption this creates is manifold. The cost to State, local, and Federal governments in unemployment compensation, welfare, job retraining programs, is massive.

It is somewhat ironic that the whole thrust of Federal employment practices for the past 10 years is being thwarted by these purchasing policies. It has been the practice and the intention of the Federal Government's programs to increase employees' wages and fringe benefits and to bring new industry to unemployed areas, not just to move industries around. It has been our purpose, stated and enacted into legislation, to improve the lot of all American working men and not help some at the cost of a great many others.

It seems very clear to me that it would be possible to reward efficiency and low profits in industry without punishing workers for their hard won economic gains. If we examine the profit margins of companies a little more carefully, we might find that in awarding the lowest bidder in all cases actually means rewarding a handful of individuals for regressive employment practices.

Again, I call upon the appropriate committees of the Congress and the executive departments involved to examine these policies a little more carefully in order to produce a more equitable result.

THE COMPREHENSIVE CHILD DEVELOPMENT BILL

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I have today introduced for myself and nine other Members of Congress of both parties, the comprehensive child development bill. This measure is aimed at making educational, nutritional, and health services available to all preschool children in America.

The sponsors of this bill, five Democrats and five Republicans, feel this bill is the most significant proposal in child care ever introduced in Congress, and we urge prompt action on it by this Congress.

In the 91st Congress members of the House Select Education Subcommittee, which I have the honor to chair, worked hard on legislation similar to this bill, conducting 18 days of hearings on the subject of child development. Other sponsors of the bill I am today introducing are Representatives Ogden R. Reid of New York; Patsy T. Mink, of Hawaii; James H. Scheuer, of New York; Lloyd Meeds, of Washington; William "Bill" Clay, of Missouri; Albert H. Quie, of Minnesota; John Dellenback, of Oregon; Orval Hansen, of Idaho; and Alphonso Bell, of California.

The comprehensive child development bill, therefore, marks a genuinely bipartisan effort, and we hope the legislation will win widespread support from Members of both parties.

Mr. Speaker, I am glad also to be able to state that under the outstanding leadership of Senator Walter Mondale of Minnesota, who has been an eloquent and articulate champion of child development programs, and his distinguished colleague, Senator Jacob Javits of New York, legislation similar to the bill we are today introducing is being considered, and I am confident that interested Members of both bodies will work closely together on this vital measure.

Mr. Speaker, let me here highlight the principal features of the comprehensive child development bill:

Participation by both parents and their children is voluntary.

Priority in the provision of services under the bill will be given to economically disadvantaged children such as those at the moment eligible for Headstart.

Programs will be open to children from all income groups. Fees will be charged on a sliding scale basis for children above a certain level, with no charge for children whose family incomes are below that level.

There will be a strong emphasis on parent involvement in the planning and conduct of the programs authorized by the bill. The programs provided by this bill will strengthen family ties, not weaken them.

An Office of Child Development will be established in the Office of Health, Education, and Welfare to coordinate all federally supported child development programs. The present Office of Child Development is authorized only by Executive order.

The bill authorizes funds for the construction of day care facilities, for the training of child development personnel and for the operation of child development programs including education, nutrition, physical and mental health services and family consultation.

Mr. Speaker, by 1980 there will be 5.3 million working mothers aged 20 to 44 with children under 5. This represents an extraordinary increase of 43 percent over the present figure. Even now there are 5 million preschool children in the United States, but day care services are available for only 641,000 of them.

Mr. Speaker, I should like here to recall that in February 1969, President Nixon committed his administration "to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life." The comprehensive child development bill we have today introduced establishes a framework for services to develop the potential of all American children, and supplies a legislative basis for the fulfillment of President Nixon's promise to the children of America.

Mr. Speaker, let me here also express warm appreciation for the work and support of the many organizations and individuals who have contributed to the shaping of this proposal.

I am today writing to all Members of the House to invite them to introduce companion legislation.

Mr. Speaker, I insert at this point in the Record a copy of the comprehensive child development bill, followed by a section-by-section analysis of it:

H.R. —

A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS DIRECTION TO ESTABLISH PROGRAM

SEC. 101. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

SEC. 102. Funds appropriated under section 108 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority group, Indian and migrant children with particular emphisis on the needs of children from bilingual families for the development of skills in English and other language spoken in the some;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

SEC. 103. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State;

(2) any unit of general local government—

(A) which is a city with a population of— thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government with a population of— thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city;

(3) any combination of units of general local government having a total population of—thousands or more persons on the basis of the most satisfactory current data availabel to the Secretary;

(4) a federally recognized Indian reservation; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within 120 days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 104 within 240 days of said implementation during the first fiscal year in which this title is funded or earlier than 90 days before the start of each succeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (f) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title.

(b) In the event that a State, a unit of general local government, a county or other unit of general local government, any combinations thereof, or a federally recognized Indian reservation have not submitted a plan under section 104 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 102 or where the needs of migrants and the economically disadvantaged are not being served, the Secretary may allocate funds for use by any public or private nonprofit agency or organization that he deems necessary in order to serve the children of the particular area.

(c) Any State, unit, or combination of units of general local government or Indian reservation that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 14. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Police Councils. The balance shall be appointed by the chief executive officer of officers of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size, composed of parents of children eligible to participate under this Act working or participating in training in a common area, or otherwise possessing a particular interest in the establishment of one or more projects under this Act, in the area to be served under the prime sponsorship plan. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan, and recommend applications for funding by the Child Development Council.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, or Indian reservation of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 104, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of

programs assisted under the title, provided that such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

(c) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a) (5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a) (5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a Local Policy Council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(d) (1) In the event that a State had submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area within the jurisdiction of a unit (or combination of units) of general local government or an Indian reservation which is eligible under paragraphs (2), (3), or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(2) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(e) The Governor or appropriate State agency shall be given a reasonable opportunity to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

(f) Except as provided in subsection (d), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

(2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) (1) If any party is dissatisfied with the Secretary's final action under subsection (f) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or as to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

SEC. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 103 (b) and (c) only pursuant to a Comprehensive Child Development Plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, within the limits of available funds, including infant care and before and after school programs for children in school with priority to children through age 5;

(3) give priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 109 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 109 for child development programs and services for economically disadvantaged children; for those children of families having an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor.

(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

(6) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child whose family has an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to any child who does not qualify under (A) in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payments for such services;

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides for special needs of minority groups, bilingual, migrant and Indian children within the area served;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

(15) provides that, to the extent appropriate, programs will include participation by paid paraprofessional aides and by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(16) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(17) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(18) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary school children, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222 (a) (2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(19) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(20) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(21) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(22) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(23) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

(24) provides that consideration will be given to project applications submitted by public, private, nonprofit and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title; and

(25) makes adequate provision for staff and administrative expenses of the Local Policy Councils.

(c) No Comprehensive Child Development Plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(3) the Governor or appropriate state agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian reservation, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A Comprehensive Child Development Plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 105. (a) A prime sponsor designated under section 103(b) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) otherwise further the objective and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 104.

(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding.

(d) (1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 106(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds allotted under section 109 to the prime sponsorship area in which the section 103(a)(5) prime sponsor will be conducting programs, [and in the case of prime sponsors designated pursuant to section 103(a)(5)(C) such financial assistance may be provided from the funds reserved pursuant to section 109(a)(1).]

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 106.(a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated:

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be less than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

PAYMENTS

SEC. 107. (a) (1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

(2) The Secretary shall pay to each prime sponsor approved 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

(3) The Secretary shall pay to each prime sponsor approved 100 per centum of the costs of providing child development programs for children on federally recognized Indian reservations.

(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 104(a)(5) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 104(a)(3);

(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

ALLOTMENTS AMONG PRIME SPONSORS

SEC. 109. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors;

(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children on Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian reservations for programs serving such res-

ervations so that the amount apportioned to each such reservation bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children residing in such reservation bears to the total number of children residing in all such reservations; and

(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act.

(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a);

(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) bears to the number of children in all the States who are eligible for services funded unded subsection (a);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) bears to the total number of children of working mothers and single parents in all the States, who are eligible for services funded under subsection (a).

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State;

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the regional allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

OFFICE OF CHILD DEVELOPMENT

SEC. 110. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 111. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within 60 days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 112. (a) The Secretary shall, within 60 days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 111.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the commitee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 113. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 114. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Op-

portunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children, but not operation of child development program for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(c) The day care services furnished as a part of the child care services furnished under a State plan approved under part A of title IV of the Social Security Act, or as a part of the child welfare services furnished under a State plan developed as provided in part B of such title, shall be day care services made available under this title, and such services shall be deemed to meet the requirements of section 422(a)(1)(C) of the Social Security Act. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development porgrams under this Act and the programs of aid and services under such title IV.

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

Sec. 201. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 112 of this Act

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and apprasal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

Sec. 301. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence: "There is additionally authorized to be appropriated the sun of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

Sec. 302. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)".

Sec. 303. The Secretary of Health, Education, and Welfare is authorized to award grants to individuals employed in child development programs operating under the authority of title I of this Act and to such programs for the purposes of meeting the costs of ongoing inservice training for professional and nonprofessional personnel including volunteers to be conducted by an agency carrying on a child development program by a community or higher education institution, or by a combination thereof.

Sec. 304. There is authorized to be appropriated for the purposes of section 303 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

Sec. 401. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission:

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

Sec. 402. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

Sec. 403. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

Sec. 506. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal Involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectiveness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

Sec. 502. The secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

Sec. 503. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

Sec. 504. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 103.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for staff and administrative expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

Sec. 505. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION OF PURPOSE

Sec. 601. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

Sec. 602. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations and individuals.

GENERAL AUTHORITY OF THE CENTER

Sec. 603. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 501;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

Sec. 604. The Center will make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

SEC. 605. (a) Funds available to any department or agency of the Government for the purposes stated in section 501 or the activities stated in section 502(b) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 501.

AUTHORIZATION OF APPROPRIATIONS

SEC. 606. There are authorized to be appropriated such sum each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

SEC. 701. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the Appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same Appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 702. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 703. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

DEFINITIONS

SEC. 704. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, medical, and physical services needed for children to attain their full potential:

(b) "children" means children through age 14;

(c) "economically disadvantaged children" means children of families having an annual income below the poverty level (as determined by the State agency pursuant to criteria established by the Secretary) or who are recipients of Federal or State public assistance;

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parents" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" describes any person who is Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" refers to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents is bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

(l) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SECTION-BY-SECTION ANALYSIS: COMPREHENSIVE CHILD DEVELOPMENT ACT

Sec. 2. Statement of Findings and Purpose:

States (a) the finding of Congress that (1) millions of children are suffering from lack of child development services; (2) comprehensive child development programs should be available to all children; (3) priority to preschool children with greatest economic and social needs; (4) no mother may be forced to work in order for children to receive services; (5) such programs should be undertaken as a partnership of parents, community, and local government.

(b) the purpose of the Act is to establish and expand comprehensive child development programs, building on the Headstart experience, with emphasis on economically disadvantaged and including children of working mothers and single parents, involving parents and community groups in the decision-making process, and establishing the legislative framework for eventual universally available child development programs.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Sec. 101—authorizes Secretary of HEW to direct programs.

Sec. 102—Child Development Programs:

Lists activities for which funds can be provided, including: planning and development of programs; establishing, maintaining, and operating comprehensive programs with a broad range of activities; design, acquisition, construction, alteration, renovation or remodeling of facilities including mobile facilities; training programs for professionals, paraprofessionals, parents, older family members and prospective parents; public information activities; child advocate staff and administrative expenses.

Sec. 103—Prime Sponsors:

Authorizes any State, city over ———, county over ———, combination of units of local government over ———, or federally recognized Indian reservation to serve as prime sponsor. Secretary designates such prime sponsor upon receipt of application which (1) establishes a Child Development Council (CDC) to plan, conduct, coordinate, and monitor programs; ½ members to be elected representatives of Local Policy Councils, the balance appointed by the chief executive in the area to be broadly representative of the community; at least ⅓ of total membership must be parents of economically disadvantaged children; members select chairman; (2) establishes Local Policy Councils (LPC's) elected by parents of eligible children to serve appropriate subdivisions within the prime sponsorship area; determines needs and priorities within its area, encourages project applicants and recommends them to the CDC; (3) delegates administrative responsibility to an appropriate local agency.

Authorizes a public or private non-profit agency or organization to become a prime sponsor if the appropriate unit of local government has not submitted an application or is out of compliance, or if Secretary determines such prime sponsor is necessary to meet the needs of economically disadvantaged children.

Provides opportunity for State to comment on all applications for designation, notice and hearing before Secretary makes adverse decision on designation, and judicial review of Secretary's final action.

Sec. 104—Comprehensive Child Development Plans:

Requires submission by CDC and Secretary's approval of a Comprehensive Child Development Plan before a governmental prime sponsor may receive financial assistance. Such plan (1) identifies needs and goals and describes purposes for which funds will be used; (2) meets the needs of children in the area including infant care and before and after school programs; (3) gives priority to economically disadvantaged children by reserving funds equal to funds expended in the prime sponshorship area under Headstart and Title IV Social Security in FY 72 and then reserving 65% of the remainder of the prime sponsor's allotment for children whose families have an annual income below the cost of family consumption established by the Department of Labor; (4) gives priority thereafter to children of single parents and working mothers; (5–6) provides free services for children referred to in (3) and fees on a sliding scale for others; (7) cooperative arrangements required of State and local agencies serving the handicapped; (8) provides jobs and training insofar as possible for residents of the community; (9) provides insofar as possible for socioeconomic mix in centers; (10–11) provides for special needs of minority, bilingual, migrant and Indian children in the area; (12) assures benefits for children in nonpublic preschool and school programs; (13) coordinates programs so family members relate to each other during the day; (14) provides for parental participation in plans and programs; (15) provides for paraprofessional and volunteers, including parents, senior citizens, students, other children, and those preparing for child development careers; (16) provides for dissemination of program information in language of parents; (17) eliminates barrier of State teacher certification standards; (18–20) assures coordination with schools and with other child development programs in the community; (21) assures payment of the non-Federal share; (22) provides for fiscal control and fund accounting procedures; (23) provides for continuing evaluation, analysis of needs and reports to the Secretary; (24) emphasis to on-going programs; (25) must provide adequate staff and administrative expenses of LPC's.

Gives opportunity for comment to governor, major or community action agencies, Headstart agencies and educational agencies; provides for notice and hearing before adverse decision or plan by Secretary.

Sec. 105—Project Applications:

Authorizes funding by CDC, of a qualified public or private agency which submits an application to run a child development program, which provides comprehensive services for children served, assures adequate personnel, and meets the appropriate provisions of the Comprehensive Child Development Plan.

Authorizes funding by Secretary of a non-governmental prime sponsor designated under Section 103 which submits a project application.

Sec. 106—Additional Conditions for Programs Including Construction:

Allows construction only of facilities essential to provide child development services, where use of existing facilities is shown to be not practicable. Provides for 20-year use of facility for child development programs or return of proportionate value of facility to the Federal government. Applies Davis-Bacon Law. Authorizes Secretary to establish interests rates of construction loans, with a 3% minimum rate. Provides grants and loans for construction limited to 50% of total cost except for private nonprofit groups, limits construction to 15% of total allotment to prime sponsor and limits grants for construction to 7½% of total.

Sec. 107—Payments:

Provides 80% Federal share (with allowance for Secretary to pay up to 100% if necessary to provide services) of costs to prime sponsor of programs for economically disadvantaged children; 50% Federal share of cost to prime sponsor of programs for children not economically disadvantaged; 100% Federal share of migrant and Indian programs. Provides that non-Federal share may be in cash or kind including fees paid by parents.

Sec. 108—Authorization of Appropriations:

Provides open-ended authorization with no funding levels established.

Sec. 109—Allotments:

Reserves for Secretary funds for migrant and Indian programs at a ratio equal to the ratio of such children to total number of economically disadvantaged children in the nation; 5% for Secretary's discretionary use, with the remainder apportioned among the States as follows: (1) 50% according to the ratio of economically disadvantaged children in the State, (2) 25% according to the ratio of children through age 5; (3) 25% according to the ratio of children of working mothers and single parents. Allots State's apportionment among prime sponsors according to the same formula.

Provides for reallotment of unused funds among prime sponsors and among States. Assures that no State or local government reduces its expenditures for child development or day care.

Sec. 110—establish Office of Child Development (OCD) to be principal agency in HEW to administer this Act.

Sec. 111—provides for promulgation of Federal Standards of Child Development Services, applicable to all programs receiving assistance under this Act.

Sec. 112—provides for promulgation of Minimum Uniform Code for Facilities, which replaces State and local standards for all facilities which receive assistance under this Act or in which programs which receive assistance under this Act are operated.

Sec. 113—provides for maximum utilization of existing Federal, State, and local public facilities, including school buildings, for child development programs.

Sec. 114—repeals, consolidates, and coordinates existing child development programs, effective July 1, 1973.

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS*

Authorizes a program of mortgage insurance for child development facilities, administered by the Secretary of HEW, to provide a source of funds in addition to the direct grants and loans authorized in Title I for construction of such facilities.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

* Sec. 301—authorizes $20,000,000 each for programs to train professional child development personnel and for programs to train paraprofessional child development personnel under the Higher Education Act.

Sec. 302—authorizes NDEA loans and forgiveness for training of full-time teachers in child development programs.

Sec. 303—authorizes training grants to individuals and child development programs.

Sec. 304—authorizes $5,000,000 annual appropriation for Section 203.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

Authorizes direct grants to establish and operate programs for children of Federal employees. Authorizes $5 million to operate program.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

Authorizes OCD to evaluate Federal involvement in child development and to provide technical assistance to prime sponsors and project applicants. Authorizes such funds as necessary to carry out such activities.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

Establishes National Center within OCD to conduct, coordinate, and disseminate research on child development. Authorizes $20 million to operate the Center.

TITLE VII—GENERAL PROVISIONS

Sec. 701—provides for advance appropriations and advance funding of programs.

Sec. 702—assures public information, without charge.

Sec. 703—prohibits Federal control.

Sec. 704—defines the terms used in the Act to insure accurate interpretation of its intent.

THE CASE OF GEN. GEORGE YOUNG

The SPEAKER pro tempore (Mr. Bolling). Under a previous order of the House, the gentleman from Arkansas (Mr. Pryor), is recognized for 60 minutes.

(Mr. PRYOR of Arkansas asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. PRYOR of Arkansas. Mr. Speaker, my remarks today are concerned with a topic of current interest, one that has generated a great deal of contentiousness in the press, and one that should be of paramount importance to the U.S. Congress and the American people. I address myself to the case of the military justice system and Brig. Gen. George H. Young, Jr.

It would not be proper for me to comment on what did or did not happen in Mylai 4 on March 16, 1968, because criminal charges are still being tried regarding that subject matter. However, I do feel it is appropriate to discuss the breakdown of the military justice system as that breakdown is demonstrated by the actions now pending against Brigadier General Young.

In March of last year, charges against General Young and 13 other officers were announced in a high level press conference held at the Pentagon. The charges were said to concern themselves with a "coverup" of the activities of elements of the American division by the officers charged. The charges against General Young involved two allegations. First, that he had not reported to Major General Koster, American division commander, all of the information he had received concerning the operation of task force Barker on March 16, 1968, and second, that he had failed to insure that a thorough and impartial investigation of the allegations concerning that operation was conducted.

The charges against General Young as well as those against 11 other officers were referred to the commanding general, First U.S. Army, for appropriate disposition under the provisions of the Uniform Code of Military Justice. That officer directed that a task force of attorneys thoroughly review the charges and the evidence and advise him. Seven judge advocate officers were involved in this review which extended from the middle of March 1970 to February 1971. On June 23, 1970, after receiving the advice of his staff judge advocate and personally reviewing the evidence, Lieutenant General Seaman ordered the charges dismissed as "not supported by the evidence." In doing so, he approved the written advice of his legal advisers which stated that the preponderance of the evidence supported General Young as to the information known by him and reported to General Koster. The advice concluded that as to the charge of failure to properly supervise an investigation, General Young's alleged duties in this regard were based mainly on speculation.

General Young was officially notified that he had been exonerated of the charged misconduct. He was assigned important duties as director of maintenance, U.S. Army Materiel Command, an assignment that carried responsibility for an annual budget of approximately half a billion dollars. His file was sent before a special standby board of officers for consideration for promotion in September 1970. Although he was not selected for promotion at that time, he was told that he would again be considered for promotion when the regularly scheduled board met this spring. It is thus clear that no future adverse action was planned against General Young. In fact, a U.S. Senator had made an inquiry to the Department of Army concerning the future of General Young after all charges against him had been dismissed. In a letter signed by Kenneth G. Wickham, the

Adjutant General, and who was speaking for the Secretary of the Army, responded to the Senator on July 6, 1970, as follows:

> The Secretary of the Army has asked me to reply to your inquiry concerning the careers of Brigadier General Young, Colonel Parson, and Major McKnight now that courts-martial charges have been dismissed.
>
> You may be assured that the principle of presumption of innocence prevailed in these cases and that the careers of these officers will not be jeopardized as a resut of actions of the past few months.
>
> Brigadier General Young has been assigned as Director of Maintenance, Headquarters, United States Army Materiel Command. This position will capitalize upon his past experience, and will develop his logistical expertise for future assignments.

What would a reasonable man have been led to believe by such a communication from the highest ranking legal spokesman for the Department of the Army?

But suddenly, February 11, 1971, the files of all Mylai cases on which final action had been taken were shipped from First Army Headquarters to the office of the Judge Advocate General in the Pentagon. General Young, on February 13 first knew of this action by reading it in the Washington Post. A group of five judge advocate captains had been given the job of again reviewing the evidence. They were briefed by counsel who had represented the Government. During the investigations conducted at Fort Meade, this group of officers took only about 1 week to recommend that harsh and punitive action be taken against General Young. The recommended actions included vacation of General Young's temporary appointment as a brigadier general, revocation of his Distinguished Service Medal, and the placing of a letter of censure in his file. On February 24, 1971, General Young was informed that the Secretary of the Army was considering a recommendation by the Chief of Staff that the actions recommended by the group of Pentagon lawyers be taken against General Young. General Young was further informed that he had only until March 5, 1971, to submit any matters he wished the Secretary to consider. That time has now been extended to March 31, 1971. General Young has now attempted to discover what, if any, new evidence has been brought forward which would warrant this extraordinary action. He has been informed in effect that the evidence has not changed in any way. He has not been afforded the opportunity to cross-examine any of his accusers. The proposed adverse action was based on the same allegations which were the subject of charges nearly a year ago. The Chief of Staff has made it clear that he feels free to disregard the findings of a duly constituted general court-martial convening authority and he has done so. For reasons which he does not explain, he expressly repudiates the advice of the First Army Staff judge advocate and the action of the First Army commander. He does so on the basis of a 1-week review of the evidence. He thereby repudiates an exhaustive 3-month review and the final judicial action which followed on that exhaustive review.

It can be said that administrative action is separate from and not determined by action taken under the Uniform Code of Military Justice. However, General Seaman had the authority to take or to recommend administrative action against General Young when he dismissed the charges against General Young more than 9 months ago. He has recommended administrative action when he thought such action appropriate in other related cases. He recommended no action against General Young because he accepted his legal advisor's considered opinion that the preponderance of evidence was in General Young's favor. This is not a case where evidence has been found by a general courts-martial authority to be sufficient for administrative action, but not sufficient to meet the test of proof beyond a reasonable doubt required in a criminal trial. In this case, the evidence has supported the man who has been accused.

The concept of military justice as envisaged by the Congress and most recently implemented in the Uniform Code of Military Justice in 1968 is one of equity and fair play. Thus, regardless of the nature of charges, each and every individual from private to general is presumed innocent until proven guilty. The Congress, and certainly with the concurrence of the military departments, has provided for clear procedural and substantive safeguards. The recent decisions of the Supreme Court in the area of criminal justice have only now caught up in large part with what has long been a part of the warp and woof of the military criminal system. That is, in the military justice system, each accused is entitled to know his accuser and to have the evidence against him in order that he may properly evaluate and determine the veracity of this evidence. He has a right to a public hearing; he has a right to free counsel at every stage of the military justice system; he has a right to present his case to various appellate bodies in the event that he is convicted. I submit to you that it has never been the intent of Congress, nor do I see any possibility of Congress ever subverting unique and superior system by allowing action to be taken against members of the military, whatever their rank or position, in a manner inconsistent with common fairness and decency. I say now that I am firmly convinced that this ill-advised action is neither fair nor decent. It does violence to the system and it destroys the credibility of the Army.

Why do I feel this way? Charges against General Young were dismissed without even referring them to a formal pretrial investigation. This was done because the evidence was so clearly in favor of the accused man. This has meant, however, that General Young has never had the opportunity to present his case in a public hearing. He has never had the opportunity to cross-examine those who would testify against him. In days gone by, it was the practice of the Army to try all serious allegations against officers by court-martial. In this way, the officer was granted an opportunity to fully and finally exonerate his honor in a public trial by a jury of his fellow officers. General Young, who is a man of honor, has relied upon the integrity and credibility of the military justice system. Will that system now be subverted?

He would have gladly submitted to a criminal trial had he thought it necessary in order to finally settle the allegations against him. He now finds that the same allegations, supported by no further evidence, have sprung again to life. Is not the theory of double jeopardy recognized in the confines of the Pentagon? Even more distressing, he is told that he must again prove his innocence, without public trial, and without confronting the witnesses against him.

No, Mr. Speaker, I do not think this is what the military system of justice is all about.

Here is a man who is giving his life to his country and to the military. Now, he suddenly discovers in the twilight of his military career and only 1 year before his retirement that the system he has so revered and honored and served is showing a merciless disregard for him as a product of that system.

Hopefully, there is enough remaining of the true spirit of the military judicial system to show its wisdom as it deals with the case of Gen. George Young.

Mr. Speaker, I include in the Record at this time the list of the decorations and awards received by Brig. Gen. George H. Young, Jr., during his illustrious career in the U.S. military. I further ask that the list of the major assignments held by General Young during his distinguished 29-year military career also be included in the Record.

The material follows:

U.S. DECORATION AWARDS

Bronze Star Medal, 1945.
Bronze Star Medal (1st OLC), unknown.
Army Commendation Medal, 1946.
Purple Heart, unknown,
Purple Heart (1st OLC), unknown.
Silver Star, 1951.
Air Medal, 1952.
Legion of Merit, 1964.
Air Medal (1–11 OLCs), 1968.
Distinguished Service Medal, 1969.
Legion of Merit (1st OLC), 1967.
Legion of Merit (2d OLC), 1967.
Air Medal (12–13 OLCs), 1968.
Legion of Merit (3d OLC), 1968.
Silver Star (1st OLC), 1968.

MAJOR ASSIGNMENTS

Chief, Plans Branch, Logistics Division, United States Army, Europe: June 1962–March 1964.

Commanding Officer, 1st Brigade, 3d Infantry Division, United States Army, Europe: March 1964–February 1966.

Chief of Staff, United States Army Communication Zone, Europe: February 1966–February 1967.

Deputy Chief of Staff, Plans and Operations, United States Army, Vietnam: March 1967–November 1967.

Assistant Division Commander, 23d Infantry Division (Americal) United States Army, Vietnam: November 1967–May 1968.

Commanding General, United States Army Support Command, Da Nang, United States Army, Vietnam: June 1968–November 1968.

Assistant Division Commander, 24th Infantry Division, United States Army, Europe and Seventh Army: December 1968–June 1970.

Director of Maintenance, United States Army Materiel Command, Washington, D.C.: July 1970–present.

Mr. Speaker, on Friday, March 19, 1971, Gen. George Young issued the following statement to the press. It is my own opinion that this accurately expresses his beliefs concerning this matter, and I insert it at this point in the RECORD:

STATEMENT BY GENERAL YOUNG

One year ago I was one of the principal American troop commanders in Europe. On 16 March 1970, I was told that charges had been sworn against me, alleging that in 1968 I had hidden information from my Division Commander concerning an operation at My Lai, Vietnam, and that I had not done a proper job of supervising an investigation into allegations concerning that operation. I was directed to leave my post immediately, without even a farewell to my troops, a privilege never denied an outgoing commander. Under the humiliating glare of public attention, I was assigned to First Army Headquarters at Fort Meade, Maryland for the sole purpose of undergoing preliminary processing of the charges against me. The charges were untrue, and on 22 June 1970, the First Army Commander dismissed them, as "not supported by the evidence".

Now, eight and one-half months later, the Secretary of the Army is considering a recommendation by the Chief of Staff that I be punished for the exact same charges which were dismissed last June. The Secretary is being urged to demote me to the grade of Colonel, to give me a letter of censure, and to revoke my Distinguished Service Medal. There has been no new evidence developed. I have never been given a public trial, because the First Army Commander found the evidence already developed to be in my favor. How can it be that I am now to be punished, eight and one-half months after I was declared completely exonerated by competent legal authority?

Because of the publicity surrounding the charges against me and others, I was concerned about my future career even after charges against me were dismissed last year. I could have retired from the Army with over 28 years service. But I was assured by the Deputy Chief of Staff for Personnel that, in fact, I would be considered for promotion this spring. A United States Senator was assured in writing by The Adjutant General, speaking for the Secretary of the Army, that "the presumption of innocence" was applicable, that my career was unaffected by the dismissed charges, and that I was being assigned to a very responsible position. In fact, I was given a sensitive and responsible job in Washington which involved the supervision of a substantial amount of our taxpayer's dollars. Clearly, as of last fall, I was considered a competent general officer and a man who still had a future.

On the 4th of February, all this began suddenly to change. A Congressman spoke on the floor of the House, saying that if the Army did not find a way to reverse themselves on the dismissal of charges, not against me, but against General Koster, they would rue the day. A few days thereafter, a group of young Army attorneys in the Pentagon was given the task of "reviewing the files" in all cases related to My Lai where charges had been dismissed as those charged had been acquitted. Approximately one week later, it was concluded that the legal staff at first Army Headquarters, who had taken three months to exhaustively review the 20,000 pages of Peers Committee testimony were wrong. On the 24th of February, the General Counsel of the Army wrote me to say that the Chief of Staff had recommended I be punished. I was also advised that I can submit a rebuttal, in writing by 31 March, to the recommendations of the Chief of Staff. Further, I have been assured a personal audience with the Secretary of the Army prior to his making a decision on this grave matter.

I cannot help feeling like a political scapegoat. And who will mourn the departure of a man who has been so depersonalized in the last year that he has come to be known as a "My Lai General"? The public does not know that the panel of senior attorneys whose job it was to draw charges after the Peers Inquiry, recommended no charges against me. The public does not know that I was 50 miles from My Lai on the day in question. The public, in fact, knows next to nothing about the facts in these cases, because all of us have been ordered not to discuss the testimony. This makes it easy for the public to believe that whomever is punished is guilty, since obviously something went wrong during and after the operation in My Lai.

I cannot discuss the testimony. Further, I would not make public statements which might hurt others still involved in these reborn charges. But I *can* say that I never was told of a war crime in My Lai while I was in Vietnam. I can, and I do, deny that any report came to me of noncombatants killed by infantry in My Lai. I have been in three wars, and I have commanded at every level. I would not be so stupid, as an Assistant Division Commander, as to try to hide something from my Commander. In the first place, I would not knowingly do anything to dishonor the uniform of the United States Army. In the second place, I would have nothing to gain and everything to lose, since I did not command the units involved and had a responsibility only to the Division Commander. Third, I could not hope to succeed.

In June 1968, I was Acting Division Commander of the Americal Division. A report of atrocities came to me then, and I took prompt and aggressive action to bring those guilty of crimes to trial and to report everything to higher headquarters. These cases are on the record and can be verified. I would have taken the same aggressive action had I known of crimes at My Lai three months before.

My family and I have quietly endured a great ordeal in the last year. But now I see that this case does not represent only an injustice to me, but also a threat of great harm to the Army's own fine system of justice and the morale of its officers and men. Dozens of officers have told me of their dismay that I would be subjected to this second gauntlet; if I am treated this way, what can they expect if it becomes expedient to sacrifice them? I do not blame them for their concern. The Secretary has been urged to show a studied lack of confidence in the military justice system. If he does so, no one else can have confidence in that system either.

I have confidence in Secretary Resor. Although I do not know him personally, his reputation is that of an honorable, just and reasonable man. I am sure that, when he recognizes the implications of the recommendation now before him, he will reject that recommendation.

Mr. Speaker, I include excerpts from a few of the statements I have examined pertaining to the character of Gen. George Young:

EXCERPTS PERTAINING TO GENERAL YOUNG'S CHARACTER

In all of these circumstances, I found George Young to be a man of honor and truth whose integrity was rock-ribbed and straight. He is not, in my opinion, a man who, during those times when I observed him, would take the easy way out when the right and moral decision was the harder choice. I have faith that General Young is still a man of honor who would not lie or fail to do his duty or carry out his orders simply because he did not want to face up to hard choices. His sense of responsibility is impelling. I say this not as one General Officer coming to the aid of another but as Harris Hollis who knows George Young and considers him to be a real man, a man of honor and decency.

HARRIS W. HOLLIS,
Major General, USA Deputy Chief of Staff, Personnel HQ, USAREUR and Seventh Army.

Without hesitation or reservation, I state that I have the greatest respect and admiration for General Young. In all of my dealings with and in all of my observations of him, I find nothing in his character makeup but a steadfast devotion to duty and a conscientious dedication to his mission and to his operations. Knowing him officially and socially, it is inconceivable to me that he could, in any way, be derelict in his duties in any matter, large or small. I am convinced that he would, without equivocation or subterfuge, report serious incidents to his superiors up the chain of command; that he would follow orders of his superior officers explicitly and comprehensively; and that, under no circumstances, would he violate his honor, even though it might be to his advantage to do so. I consider General Young to be a superb example of moral strength and rectitude. I know him to be a man of competence and self-confidence and, thus, a man who has no need to cover up, camouflage, or deceive. He is the type of man who has the moral strength to do what is right under any circumstances. I can think of absolutely no quirks of character which would permit him to be derelict in his duties or responsibilities.

EDWARD M. FLANAGAN, JR.,
Major General, USA, Commanding.

Throughout his career, General Young has consistently demonstrated the finest qualities the Army seeks in an officer: integrity, professional knowledge, judgment, common sense, a sense of the important, intellectual and physical stamina to get the job done well and quickly.

There can be no question that General Young is a most capable, dedicated officer. Equally true is the fact that he is incapable of dereliction of duty. For, he is too honest, too much of a professional, too dedicated to the service of his Country.

J. Q. DEAVER,
Colonel, USA Regional Officer, USCIN CSO Area, SAMAA.

During the period I have known General Young I have always considered him an outstanding professional soldier and commander. The characteristics and qualities of General Young which left a lasting impression on me were his honesty, his straightforwardness and loyalty, his conscientiousness and his dedication to the United States Army and the military service. It is impossible for me to believe that he would fail to keep his superior commander fully informed of any matters, incidents, occurrences that affected his command or his superior command, certainly never anything as serious as an alleged war crime. Nor would he ever fail to follow orders and directions to thoroughly investigate a reported incident. He is one of the most loyal, honest and "open and above board" and trustworthy individuals of my acquaintance. It is inconceivable for me to believe that he would lie in any case even if the truth were to his extreme disadvantage. He is a man of his word and lives up to his oath as a commissioned officer in the United States Army.

JOHN A. HEINTGES,
Lieutenant General, USA.

This series of contacts with this most dedicated man under some very trying circumstances has caused me to form an unshakeable conviction concerning him. I am convinced that his character and sense of honor are such that he would never lie under any circumstances, even though the truth were to be to his extreme disadvantage—that he would follow his orders to the letter, no matter how difficult to carry out—and that he would never fail to report to higher commanders any matters, no matter how deleterious to the Army. General Young is one of the many graduates of The Citadel, the military college of South Carolina, with whom I have served in the last 29 years. My impression of these men, to include General Young, is so high that I have sent my own son to follow in their footsteps in that institution.

FRANK H. LINNELL,
Brigadier General, USA.

During the period that I have known General Young, no incident or observation has come to my attention that would indicate that he maintains anything less than the highest degree of honor and integrity and an impeccable sense of right and duty. I cannot conceive of him concealing a truth, even were it to his advantage or in a dereliction of duty and loyalty to his superiors, to his command and to the U.S. Army.

PAUL L. FREEMAN, JR.,
General, USA, Retired.

It would be completely out of character if General Young failed to inform his superiors of any atrocity or to follow orders. The entire makeup of this officer and the hallmark of his achievements have been a high sense of loyalty to his duty and his commander. I have seen this demonstrated on three tours of duty with General Young (as related above)—in Brazil, in Heidelberg and recently when he commanded the 24th Division Forward in Augsburg. He is a man of integrity and fine character and, in my opinion, would be incapable of guilt of dereliction or falsehood.

GEORGE M. SEIGNIOUS II,
Major General, U.S.A., U.S. Commander, Berlin.

All in all, I consider Brigadier General George H. Young, Jr., one of the finest officers I have had occasion to be associated with. He is a man of honor and integrity. He is reliable and trustworthy. I do not think that he would ever fail to inform his superior commander of any serious matter pertaining to any aspect of Army Regulations, especially an alleged war crime. I am positive he would follow directions to thoroughly investigate a reported incident. Under no circumstances would Brigadier General George H. Young, Jr., lie or deceive.

MERVIN C. DILLNER,
Principal, Augsburg American High School (Germany).

General Young is respected and revered to an unusual degree not only by his professional peers but by his subordinates and superiors. His integrity has never, to my knowledge, been called into even the slightest question. He is without a doubt a man of profound personal commitment, of deep dedication to the service of his country, and of humble and sincere, religious convictions. There is nothing of the superficial in his makeup. Principle, not expediency, is the mark of his leadership, and pragmatic self-interest has had no part in his military decisions. I regard General Young as a man whose character is admirable in the highest degree and would stake my own reputation upon his veracity and complete integrity.

Few officers I have known have combined in the same degree the professional competence and dedication with a personal life of such admirable standards, as General Young. His military record likewise supports everything I have said about him. If there is any way in which I can lend added weight to my stated convictions regarding the character and integrity of this outstanding patriot, soldier and Christian gentleman, I shall be only too happy to do so. My clumsy words inadequately express my admiration for and my absolute confidence in Brigadier General George H. Young, Jr.

FRANCIS L. SAMPSON,
Chaplain, Major General, USA, Chief of Chaplains.

He placed the security of the civilian population of the area over the necessity for security of the operation. He once stated at a briefing that if we took the land and there were no people to farm and live on the land, that we would not have accomplished much. To cite another example of Brigadier General Young's thinking, in one of his visits to my district headquarters, I mentioned that the people that had been moved from Pla-Tanga Peninsula were fishermen and that their nets and boats were at their old location. General Young called Lt. Col. Barker and told him to have an operation in that area and for his unit to secure these boats until they could be moved. Through General Young's efforts, the advisory team was able to secure the help of the Navy to move these boats to the safe haven. This type of action by General Young won many friends for the government of Viet Nam and Americans operating within the area. Based on the seven months I worked closely with the Americal Division and Brigadier General Young, not once did I hear any of the commanders state of any orders that General Young gave or issued that would have resulted in civilian casualties. On the contrary, at every briefing and meeting I attended that Brigadier General Young was present, he advised of the importance of winning the hearts and minds of the civilian population.

NEILL J. WILLOUGHBY,
Major, Infantry, District Senior Advisor.

I yield to my friend from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. I thank the gentleman for yielding.

Mr. Speaker, I, too, am immensely concerned that the Army is trying to punish unnecessarily Brig. Gen. George H. Young. A constituent of mine was also charged in the alleged Mylai incident. Fortunately he too has had his charges dismissed. The way the top echelon in the Army is acting in this case of General Young, it would not surprise me in the least to learn that my constituent might also have administrative action taken against him. As far as I am concerned, there is absolutely nothing "administrative" about this proposed action. It is strictly punitive in my humble judgment.

I know very little about General Young. He is not a constituent of mine. General Young is a native of Arkansas. I do know, however, it is repugnant to me to see an American—soldier or citizen—punished more than 8 months after he was declared innocent.

The Pentagon's approach is not very novel. They tried in March 1970, to "clear the Army's name" by producing a list of 14 persons whom they charged with an alleged cover up of the alleged Mylai massacre. The list was hastily compiled because when the Peers-McCrate investigating committee completed its work, it was faced with a 2-year statute of limitations and, roughly speaking, a week in which to decide whom to charge. A panel of lawyers was designated this task.

Someone described it at the time as, "they took some big ones and some little ones and some middle-sized ones." We know that General Young was not chosen by the lawyers' panel, but he was nevertheless charged by a man who worked for the Peers Committee. One would have to conclude that they needed another big one to balance the ticket. Never mind if he was innocent. He was the right size.

The second panel of lawyers who reviewed the testimony at Fort George G. Meade, Md., concluded that the charges were unsupportable by evidence and General Young was exonerated completely of criminal charges. That was 8 months ago. There was no formal investigation of any kind because it was ruled unnecessary.

Meanwhile, charges have been dropped at one stage or another on 12 more of those accused.

Now, another panel of Army lawyers has met in the Pentagon. Because of the timing, I can only assume that they were assembled in direct response to a recent explosive speech on this floor on February 4 when one of my colleagues voiced his dissatisfaction with the dropping of charges against former Americal division commander, Maj. Gen. Samuel Koster.

The Washington Post carried a story on February 13 to the effect that the files of all Army officers who were charged originally have been "flagged." No one could retire, be promoted, or be transferred during this time. The Secretary of the Army would conclude who had performed his duties in a manner befitting his rank and position. A list of punitive consequences was also printed.

Again, they needed a big one.

They need the man who was not originally chosen but who was charged anyway.

They need the man who was exonerated, because the charges were not substantiated by evidence.

They need the man who has gone on serving his country these 8 months, even though he had been betrayed.

Never mind if he is innocent.

Never mind if he has not been able to speak in his own behalf because he was ordered not to discuss Mylai.

They need a big one. A press story on March 1 tells us they are trying once more for General Young.

A man who has served in three long wars to preserve rights and justice is learning again that his sacrifices were in vain. Apparently, in his case, justice is synonymous with expedience.

The credibility of the Army is today under attack. I believe the action being urged for the Secretary of the Army to take against General Young, after he has been declared innocent of all criminal charges, will further impair its credibility. Let there be no doubt of my position on this grave matter—I urge the Secretary of the Army to uphold the dignity and credibility of the military justice by proceeding no further with this ill-advised punishment of Brig. Gen. George H. Young, Jr.—a professional soldier—a dedicated American—and the others who have been cleared.

Mr. PRYOR of Arkansas. I thank the gentleman from Tennessee for his very fine remarks.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate

the gentleman yielding. I am vastly interested and I listened to every word the gentleman has said.

As a preface to my remarks, I should like to say that only this week have I addressed an inquiry to the Secretary of the Army and his staff as to how in the world he would ever expect to have a volunteer army if they are going to repeatedly try, in keeping with the Nuremberg trials, all officers or enlisted men who carried out their duty in fire zones and where the "pucker" zone is tight, to say the least. Conversely, I have asked the quesetion. I have served on the Committee on Armed Services, along with some of my colleagues on the special committee that has taken up this problem.

I believe the gentleman from Arkansas would join with me, in that he wants to see justice done. Certainly, although I am no lawyer, I would not want the legislative branch to violate the principle of sovereignty of powers and try to bring any preconclusions to the effectuation of the duties of the executive branch.

I have served in the executive branch. Perhaps that is unfortunate, but at least it gives one a bivalent feeling about the dual responsibility.

Has the distinguished gentleman, or any of the gentlemen speaking on this subject today, discussed it with any responsible members of the Committee on Armed Services who know this problem, and have they discussed it with the military liaison people, as to the universal code of military justice as revised and the procedures being carried out?

Mr. PRYOR of Arkansas. I would say to my friend from Missouri on that point, I have on at least one occasion—I believe actually on only one occasion—discussed this particular case with one of the members of the Committee on Armed Services. If my knowledge is correct he is in the Chamber today and may want to bring forth some of his own opinions as they might relate to the subject matter.

I do say to my distinguished friend, who I know actually and truthfully cares about the system of military justice, and one who is certainly a splendid student of the legislative system—probably one of the greatest students we have in this Congress of the legislative branch—that my position today is not to go to the substantive situation as to what happened or what did not happen in Mylai in 1968. I do not know exactly what happened. I do not know if anyone knows exactly what happened.

My situation is this: I see a man who has served in a military capacity, who has served for some 29 years, who has been decorated and honored; who suddenly found himself accused of a crime, who was exonerated by a very thorough and impartial procedure and completely exonerated, who was subsequently given a responsible position and even later sent to Southeast Asia on a factfinding mission for the Department of the Army, and subsequently came back and found by way of the press—not through regular channels; not through an attorney; but through reading in the press—that again these same allegations were coming up, that they had been revived and born again.

Mr. HALL. Mr. Speaker, will the gentleman yield on that point.

Mr. PRYOR of Arkansas. I am happy to yield.

Mr. HALL. I would certainly be sympathetic. Like the gentleman from Tennessee who spoke in the well, I have been placed in the same situation.

In addition to serving on the Committee on Armed Services, I have watched this extremely closely. Does it occur to my colleague and my personal friend from Arkansas that the timing of this is important? I care not what any paper says, and especially the Daily Post, or whatever it is.

It is entirely possible that the timing is important here, and lest we exert undue influence on the executive branch I want to postulate to the gentleman as to whether or not it might be possible that at the time administrative action was not taken against General Young that that failed to be done, because to have done so at that time might have constituted command influence in the determination as to whether or not General Koster and Colonel Henderson might be tried by a general court-martial under the UCMJ. It is a matter of law—and this Congress passed this law in 1965—that we ruled against command influence in the universal code of military justice proceedings and made it clear that no commander could exercise command influence concerning courts-martial during the time that they were under the investigative phase of the proceedings or prior to the time that was established for that.

I would like to submit for the record that the Department of the Army has agreed to bring witnesses to Washington and to provide stenographic care for questioning by General Young and his counsel. Also, that the Secretary of the Army has not made a decision in the case regarding administrative work.

I agree with the gentleman, first, that criminal charges were dismissed against General Young due to lack of sufficient evidence. I know you agree with me that this did not preclude any further administrative action and review in the case by the Secretary of the Army. It never does.

Third, administrative action was not recommended at the time by either the Chief of Staff or the Secretary of the Army, but possibly due to the fact that investigations were in progress on the other general or field grade officers, which would have constituted command influence.

Fourth, General Young has the opportunity and, indeed, the responsibility personally to appear with counsel before the Secretary of the Army to plead his case and is going to do so on March 31.

Fifth, that the Secretary of the Army, I repeat, has not made a decision in the matter.

I would plead, sixth, that we let the administrative process work prior to forming opinions or influencing the executive branch as to any general or field grade officer or enlisted man, for that matter, or company grade officer before we determine their guilt or innocence.

Finally, that the Secretary of the Army will base his decision on all of the facts in the case, and General Young's rights are being protected, and due process is being given him to give him the opportunity to plead his case to the Secretary prior to a decision.

As we have a uniform code of military justice, I am very familiar with the Doolittle report on modernization and all of those things. I am familiar with the difference between administrative action and criminal investigation. I helped to rewrite the uniform code of military justice at one time when I was in the executive branch albeit not an attorney at law.

Be that as it may, I wonder and I ask the gentleman solicitously if perhaps a discussion at this time serves a more useful purpose since the final decisions have not been made.

Mr. PRYOR of Arkansas. I appreciate the remarks of the gentleman.

Again I would like to read the second paragraph of this letter by Kenneth Whitman, the Adjutant General of the U.S. Army.

Mr. HALL. Who, by the way, is the highest administrative officer and not the highest legal officer.

Mr. PRYOR of Arkansas. His opinion is one that certainly should be considered.

Mr. HALL. He was speaking for the Chief of Staff.

Mr. PRYOR of Arkansas. He was speaking for the Secretary of the Army on the 6th of July after General Young was exonerated.

Again I would like to reiterate for the RECORD, and I quote from the letter written by the Adjutant General:

> You may be assured that the principle of presumption of innocence prevails in these cases and that the careers of these officers will not be jeopardized as a result of the actions in the past.

I say to my friend from Missouri that in stating this—when the Adjutant General replied to the Member of the other body, he did lead General Young to believe that he would have a career left. Any reasonable man would have gathered the same meaning from this statement.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, the gentleman realizes that was with respect to criminal investigation and whether or not he would be tried under a court-martial and not administrative action which is still a prerogative of the Army, does he not?

Mr. PRYOR of Arkansas. I think Geneneral Young had the perfect right to feel that it applied to the entire scope of his case. I feel surely, and I think this was a terrible position for our military to put a human being in, as it did to General Young.

Mr. HALL. As the gentleman says, if I can just finish up, I agree with the gentleman at that point. I am not trying to defend the military in this whole dastardly field of errors, but I hope we will not be presumptive——

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Georgia.

Mr. FLYNT. Before the gentleman from Missouri leaves, if I could have his attention, since he directed the question not only to the gentleman from Arkansas but to four or five of us who are interested in this matter, in answer to the question of the gentleman from Missouri, have any of us who are interested in this subject talked to members of the Armed Services Committee and members of the Department of the Legislative Liaison of the House or Department of the Army and to other officials in the Army, the answer to that is unequivocally "Yes," we have. One Member who is interested in this subject, like the gentleman from Missouri, is a member of the Armed Services Committee, and I refer to my distinguished colleague from Georgia (Mr. Brinkley). I know that the gentleman from Arkansas who has already answered that question in the affirmative; yes, he has talked to several members of the committee and several officials of the Department of the Army, and the gentleman from Georgia now speaking has also done so.

I think, if I may say so, although I had not intended to get up at this time, but I think my dear friend the gentleman from Missouri hit this matter on the head when he referred to command influence. In the name of heaven can I ask the gentleman from Missouri and if the gentleman from Arkansas will yield, what does he think this is on the part of the Department of the Army by asserting command influence that the gentleman from Missouri abhors as I do?

This case took its normal course of procedure under the Uniform Code of Military Justice. This man, General Young, was in effect found not guilty of all the charges against him. Then after he had been notified, and after the distinguished Senator from Arkansas had been notified in response to a question that he addressed in writing to the committee, he was told in effect that this case was closed. Because of circumstances which I suspect, but not being clairvoyant and not being able to read the mind of the Chief of Staff of the Army and the Secretary of the Army, I am not prepared to say what caused him to do this. But the gentleman from Missouri raised the question that this was not the proper forum to discuss this. I agree with the gentleman, but let me say to my distinguished friend from Missouri that we did not start this. This case was adjudicated and closed. It was reopened, if I may say to the gentleman from Arkansas and the gentleman from Missouri because of a speech made on the floor of this House. If it is going to be tried on the floor of the House, I want to have a part in it.

Mr. Speaker, I think the gentleman from Missouri is exactly right, that command influence ought to never have been brought to bear in this case. It looks to me that command influence was brought to bear and I think we should never have taken it up on the floor of the House.

But it was taken up on the floor of the House on the 4th day of February. And if it is going to be taken up then I think all of the facts ought to be put in the record on it.

Let us look to the record and the minutes, and see what happened in connection with this very case.

When General Young was acting division commander of the Americal Division, which he was during an interim period of time after Major General Koster was reassigned as Superintendent of the U.S. Military Academy and before Major General Gettys, who is a first cousin of a Member of this body, was assigned to command the Americal Division, Brigadier General Young was temporarily in command. While he was in command, let us see what he did.

He had some evidence upon which he could prefer charges, and what did he do? He did prefer charges. The persons against whom the charges were preferred were convicted by a court-martial. And that was the proper forum for them to be tried in.

What happened after they were convicted and sentenced? The very same group of people in the Department of the Army, who today want to try Brigadier General Young again, commuted the sentences of the persons who had been tried by a court-martial, and who had been brought to trial by Brigadier General Young.

Mr. Speaker, at this point I ask unanimous consent to include as part of my remarks an article which appeared in the Columbus Inquirer of Columbus, Ga., on March 1, which is an account of the war crime trials which were brought to trial by General Young.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The material referred to follows:

War Crime Trial After My Lai Went Unnoticed

(By Billy E. Bowles)

From record of court-martial held at Chu Lai in the Republic of Vietnam, Sept. 17, 1968: "I understood that they would use her for the whole operation and then kill her. At this point I was pretty fed up with what I had heard and witnessed and I went to LT. DEWITT telling him that I wanted to go see the chaplain and that I was not going to continue fighting this war in this manner."

Washington.—The Americal Division, perhaps the best known fighting unit in Vietnam as a result of its involvement in the alleged My Lai massacre, figured in another war crimes trial that has virtually escaped public notice.

Army records here show that one officer and two infantrymen from the division were convicted in connection with the repeated rape of the two young Vietnamese girls suspected of being nurses for the Viet Cong. A young lieutenant was accused by Army investigators of murdering one of the girls, a 14-year-old, but was ruled mentally unfit to stand trial.

The incident occurred near Tam Ky about 60 miles south of Da Nang, on June 2 and June 3, 1968, less than two months after the mass slaying of villagers at My Lai. Different units from the Americal Division were involved in the two incidents.

The Tam Ky incident has not figured in the My Lai trial at Fort Benning, where 1st Lt. William L. Calley Jr. is being tried on charges of murdering 102 non-combatant villagers. However, Brig. Gen. George H. Young Jr., who was accused last year of failing to insure a proper investigation of the My Lai slayings, brought up the Tam Ky incident when he testified about My Lai last year before a House Armed Services subcommittee. Since it was he who ordered the investigation that resulted in the Tam Ky convictions, he cited that case to defend himself against charges that he failed in his duties at My Lai.

Young's reasoning was that if he held his men to account for their actions in one incident, why would he want to cover up the facts in another? Moreover, he would have had more reason to shield his division in the second incident, at Tam Ky, because by that time he was its acting commander. At the time of the assault on My Lai, he was merely assistant commander and it was Maj. Gen Samuel W. Koster who had command responsibility.

Young was charged with dereliction of duty in failing to see that a proper investigation was carried out at My Lai, but the charges later were dropped. However, The Enquirer learned Sunday that the Army is considering demoting Young to colonel, taking away his Distinguished Service Medal and putting a reprimand in his record.

Are the two incidents comparable? In scope, no. The Army contends that 102 persons died at My Lai, and some estimates run higher. Apparently only two persons died at Tam Ky, and only three men were convicted in the case, one of whom was not criminally implicated. However, there is extensive testimony in the court-martial records here to indicate that many others were involved but did not stand trial.

Prior to being sentenced, one of the young soldiers acknowledged his guilt and told the court that he and his comrades acted "just like animals."

In an unusually strongly worded reprimand to the company commander convicted in the Tam Ky trials, the court panel deplored the "barbaric treatment" of the girls, and what it termed the "slaughter" of the younger of the two.

To the officer, Capt. Leonard G. Goldman, the court said, "Your abdication of responsibility corrupted the members of your command by permitting them to commit acts of uncontrolled debasement and tinctured the mission of the U.S. Army in Vietnam."

The unit involved at Tam Ky was the 198th Infantry Brigade, one of three brigades attached to the 23rd—or Americal—Division. All of those charged were in B Company, 1st Battalion, 52nd Infantry Regiment.

The two girls were among about a dozen Vietnamese picked up by the company on June 2, 1968, on a sweep through an area known as Dragon Valley, eight or nine miles southwest of Tam Ky. The group was seized after the Americans walked into an ambush in which a Sgt. Dutcher was killed and a radio-telephone operator named Pelligreedy —witnesses were uncertain of the spelling— was wounded.

One member of the ambush party was killed and his Communist weapon, an AK-47, recovered, but there were believed to be others who got away. The Americans then apparently rounded up all Vietnamese in the immediate area.

All except three of the prisoners were women and children. Two of the three men were elderly, and, as one soldier later testified, "probably innocent civilians."

The other man, believed to be about 26 years old, was a suspected Viet Cong named He Nghai—or, as the Americans dubbed him, "Horseface."

With the prisoners in tow, the company made camp shortly before dusk on a nearby hill, linking up with A Company of the same unit.

He Nghai and the two girls, Que, 17, and Yen, 14, were taken before two Vietnamese interpreters traveling with the American companies. There was repeated testimony at the subsequent courts-martial that the three prisoners were beaten with sticks and kicked by the interpreters.

Capt. Goldman and his platoon leader who later was accused of killing 14-year-old Yen, 1st Lt. William M. DeWitt, apparently took no part in this interrogation. Two of the enlisted men who did were Spec. 4 Marlyn D. Guthmiller and a Sgt. Bonaparte.

The fullest accounts of what happened after that were given to Army investigators later by Spec. 4 Randolph C. Porter, whose complaint to his chaplain led to the investigation of the incident, and by Pfc. Walter F. Potter, who admitted he raped both girls and was granted immunity from trial for testifying against others involved. A number of other witnesses filled in details.

PFC Potter told Army investigators that "Guthmiller said that he would be the first one to rape the older nurse. I spoke up and said that I would be the first to get the younger nurse, and the others spoke up indicating where they would be in line."

According to several witnesses at the courts-martial, a number of the men had sexual relations with the two girls during this time, and Spec. 4 William C. Ficke, Jr. forced the younger girl to commit sodomy. Ficke later was convicted of this act but acquitted of another charge that forced the girl to submit by holding a knife to her head.

Potter said he and Guthmiller slept that night with Que, the older girl, and two other men slept with Yen. Potter said he was awakened by Que's crying, and that both he and Guthmiller raped her again.

The next morning, a member of A Company, Cpl. Stanley G. Weaver, heard a report that "Company B was having sexual intercourse with the nurses," and, as he later told investigators, he went over to check.

According to Weaver's statement, he sat down and cleaned his rifle and watched another soldier having sexual relations with the 14-year-old.

"It appeared to me that she was passed out," Weaver said.

Later, Weaver wandered over to where another soldier was having sexual relations with the older girl, he said.

Weaver returned to his company, he said, when word came from his company commander ordering his men "to stay away from all the activity."

Pfc. Potter recalled members of both companies sitting around watching.

Specialist Porter said Guthmiller told him the younger girl was raped more than 20 times and the older one 9 or 10 times.

This is Porter's account of what happened after that, as told to Army investigators at Chu Lai nine days later:

"The girls were taken before Captain Goldman at the CP (command post) and the 14 year old girl was led out in front of the detainees and the VC male was given LT DEWITT's M-16 with one round in the chamber and instructed by one of the interpreters to shoot the 14 year old girl or he (the VC) would be shot.

"The weapon was on safety and Lt. DEWITT had to take the safety off and give the weapon back to the VC. The VC then shot the girl in the throat but he did not kill her.

Lt. DEWITT took the weapon from the VC, put a magazine into the weapon and shot the girl in the head two times.

"The Lt. and another soldier dragged the girl to the vicinity where the other VC was lying that had been shot the afternoon before. All of this was witnessed by the detainees and I was told by Lt. DEWITT that the purpose for killing the 14 year old girl was to scare the 17 year old girl into giving us information and that the 14 year old girl would be the example."

The 17-year-old girl was not killed.

"I understood that they would use her for the whole operation and then kill her," Porter said in his statement to Army investigators. "At this point I was pretty fed up with what I had heard and witnessed and I went to LT. DEWITT telling him that I wanted to go see the chaplain and that I was not going to continue fighting this war in this manner.

"I told DeWitt that I wanted to see the CO (company commander) or for him to see the CO and he told me to talk with CPT. GOLDMAN myself. I went to talk to CPT. GOLDMAN and he told me to catch the next chopper out and see if I could find a job in the rear and that he would release me."

Porter returned to the base camp near Chu Lai, where he remained while awaiting reassignment to a new unit. While there, he talked to his executive officer but did not relate to him the events at Tam Ky. However, he did reveal the entire story to a chaplain on June 5 or 6.

Spec. 4 Porter said that as he awaited transfer to another brigade he became suspicious of what was happening in the mail room.

"I noticed it was locked," he said, "This was unusual, as the only time the mail room was locked was at night."

However, returning later, Porter found the mail room door ajar. He looked in and saw a sergeant and a Vietnamese girl, whose back was turned to him.

The sergeant pushed him out of the mailroom, "acting very strange," Porter told investigators. The sergeant told him to return to his mail later.

The next day, Porter said, he was asked by a Spec. 4 Michael Hornung "if I had seen the NVA nurse in the supply room."

"Hornung told me that he couldn't take the NVA nurse to S-2 because GOLDMAN would hang if she were interrogated," Porter's statement said. "I asked HORNUNG what they would do with the girl and he replied that they would probably take her out turn her loose and shoot her. I decided to come back and talk to someone at the 198th Bde (brigade)."

Porter said that he saw a cot in the mail room two days later but that the girl was gone. He went to the chaplain's office, but the chaplain was not in.

That afternoon, on June 12, Porter related his story an an official of the Army Criminal Investigating Division.

At division headquarters, when Gen. Young heard of Porter's charges, he immediately notified U.S. Headquarters in Saigon. Investigators returned to Tam Ky and exhumed Yen's body. The skull was shattered but tests to determine whether she had been sexually abused were inconclusive.

A CID officer reported to Gen. Young that there was reasonable cause to believe there had been a murder and two rapes. The investigating officer recommended that Lt. DeWitt be sent the next day to the nearest brig, at Da Nang.

"Get him to us there tonight," Gen. Young said.

The lieutenant never came to trial. His lawyers won a ruling that he was mentally unfit for trial, and he was rotated back home.

Capt. Goldman was tried by general court-martial at Chu Lai on Sept. 8 of that year. He was acquitted of the most serious charge, that he concealed knowledge "that First Lieutenant William M. DeWitt had actually committed a felony . . . the murder of a female Oriental human being."

However, the captain was convicted of failing to protect the prisoners in his charge, and of failing to report Yen's death. He was fined $2,500, reprimanded and returned to duty.

"You abdicated the basic principles of command by not taking care of those entrusted to your charge," the court told him. "Equally appalling was subsequent failure to report the non-battle death of the female detainee. Although not criminally implicated in the acual commission of the atrocities, under the circumstances your presence in the vicinity substantially degrades the honorable profession of arms and maligns the reputation of the officer corps."

Spec. 4 Guthmiller was sentenced on Sept. 15 to two years at hard labor for the rape of Que. He was reduced to private and fined $75 a month for two years. However, he was granted clemency seven months later by Secretary of the Army Stanley R. Resor. Released from the Army on May 12, 1969, he returned to his home in Pettibone, N.D., where he had worked as a well driller prior to being drafted.

Spec. 4 Steven G. Iten was tried on Sept. 16 on charges of forcing Yen to commit sodomy but was acquitted.

On Sept. 17, the last defendant, Spec. 4 Ficke, was sentenced to 12 months in prison, reduced to private and fined $75 a month for forcing Yen to commit sodomy. He, too, was granted clemency by Resor the following May 27.

Pfc. Potter did not stand trial.

The older nurse, Que, did not appear at any of the trials. She could not be found.

Mr. FLYNT. Mr. Speaker, he brought these to trial long before the My Lai incident was ever reported to anybody anywhere. Heaven knows, if he was as diligent as he was when he was the acting division commander of the Americal Division and brought these cases to trial only to see the results of those trials upset and overturned by the very same people who are trying to punish him now by administrative action, then we can certainly expect that if he had evidence of other and perhaps more serious war crimes that he would certainly have brought those to trial.

What we are complaining about, if I may say so, Mr. Speaker, is the procedure which is being used. The Department of the Army, the Chief of Staff, the Secretary of the Army, the General Counsel of the Army had every provision of the Uniform Code of Military Justice available to them in this case. They also had administrative procedures available to them. They could have gone either way. They could have reduced him in grade, they could have taken away his Distinguished Service Medal, they could have put a letter of reprimand into his 201 file by administrative action, or they could have preferred court-martial proceedings, which is the most serious of the two methods they could have followed. What did the Army do? The Army elected to prefer court-martial charges against Brig. Gen. George Young, Jr.

These charges were thoroughly investigated and, so far as I know, all of the evidence which is available now was available to the investigating officers, the judge advocate officers who investigated the charges, so that the charges were preferred by the very highest levels in the Army.

The investigation exonerated this man. What did they do? They are not satisfied, they come back and use the very same command influence that I join the gentleman from Missouri (Mr. HALL) in abhorring, and they are now trying to punish him by administrative action and flicted upon him if he had been tried by a ous punishment as would have been inflicted upon him if he had been tried by a court-martial.

The letter to him say something like this—and I do not have the letter before me, but I know the gist of it, and it says that "this action is administrative and not punitive in nature under the provisions of article 15 of the Uniform Code of Military Justice."

Let me say this, Mr. Speaker—that the

mere disclaimer by the Department of the Army that this action against Brigadier General Young is not punitive does not keep it from being so. After having spent 24 years in the Army, to be reduced in grade, stripped of decorations which he won honorably in combat, and to place a letter of censure in his file.

Mr. Speaker, I speak today on a matter which should be of grave concern to all Members of Congress and to all Americans who care about the reputation of the U.S. Army. I refer to the shabby, callous, and highhanded manner in which the Army proposes to deal with one of its own distinguished officers, Brig. Gen. George H. Young, Jr., of Arkansas.

Almost exactly 1 year ago, the Department of the Army held a press conference at which they announced that charges had been sworn against 14 officers who had served in the Americal Division in Vietnam, for "covering up" the alleged massacre at Mylai. Present at that press conference were the Chief of Staff and the Secretary of the Army. Americans everywhere were shocked at being told, in effect, that an entire division chain of command was suspected of deliberately hiding evidence of mass atrocities committed by American soldiers. Many of us who have served in the Army just did not believe that it was true. But I, for one, had faith that the Army would fairly and openly deal with the matter, and that in due course the American people would be able to judge, on the evidence, whether there was any truth to the charges. So I was willing to wait and see.

At the time the charges were announced, General Young was serving as the commanding general of the 24th Infantry Division—Forward—in Germany. He was unceremoniously yanked out of Europe and assigned to 1st Army Headquarters at Fort Meade, Md., where the charges against him were to be processed. At Fort Meade, a team of attorneys assembled, briefed and analysed all of the evidence in order to advise the 1st Army commander, Lieutenant General Seaman, which of the charges were warranted by the evidence. For the charges had been brought in great haste, just days before the statute of limitations ran out. The charges against General Young, in fact, were brought by an individual colonel after a team of Pentagon attorneys had advised against charging General Young. In June of last year, the 1st Army attorneys reached the conclusion that not only did the evidence not support the charges against General Young; in fact, the preponderance of the evidence supported General Young's memory of what happened in March 1968, in Vietnam. So it appeared that General Young had squarely faced his ordeal and had emerged with his honor intact.

General Young was reassigned to a position of great responsibility at the Army Materiel Command. His file was sent to a special board for consideration for promotion to major general, because he had been under charges when the regular board had met. Although he was not selected at that time, he was officially told on September 29 by General Westmoreland's Deputy for Personnel that he would be considered again for promotion this spring. Further, a U.S. Senator provided General Young with a copy of a letter he had received from the Army Adjutant General, speaking for the Secretary of the Army. That letter stated, in part, that "the principle of presumption of innocence prevailed in these cases," and "the careers of these officers will not be jeopardized as a result of actions of the past few months." The letter further stated that General Young's assignment at the Army Materiel Command would "develop his logistical expertise for future assignments."

Based on what happened following the dismissal of charges against General Young, you would conclude that, having tested him with criminal charges, the Army was now willing to stand by its system of military justice and allow this fine officer to continue his distinguished career. General Young certainly believed in the Army and placed his faith in its fairness. He had testified, without counsel and without fear, at the Peers Inquiry and at the hearings held by the Mylai Investigations Subcommittee of the House Armed Services Committee. He had stood ready to prove his innocence and his honor at a court-martial if that was thought necessary. But the evidence had been so strong in his favor that not even a formal pretrial hearing had been ordered. General Young, who could have retired, continued to offer service to the country, secure in the belief that his innocence had been shown.

But the Army had changed. In years gone by, officers accused of misconduct were sometimes tried by court-martial even if the evidence was weak, on the theory that a trial would clear the officer's name. Court-martials were forms of rough justice, perhaps, but they were trusted as measures of a man's worth. The Army had great pride in its honor code, and would not allow any outsider to question the manner in which it enforced it. Now, the Uniform Code of Military Justice is a finely honed system of justice. The only major problem with it is the people who run it.

What I am talking about is this. On January 29, 1971, it was announced that charges against Major General Koster, General Young's old division commander, were being dismissed. On February 4, a Member of this body who is present here today made a speech deploring the fact that no trial had been held in General Koster's case. On February 7, the New York Times carried an editorial stating that the dropping of charges on Koster raised doubts about the Army's willingness to discipline itself. On February 11, the Department of the Army ordered all the files on the cases at Fort Meade to be sent to the Pentagon. Less than 2 weeks later, General Young was sent a letter. That letter said the Chief of Staff had recommended to the Secretary of the Army that General Young be demoted, stripped of his Distinguished Service Medal, and censured. And what was the reason given? The same allegations, based on the same evidence, that General Young had met and soundly defeated over 8 months before.

Gentlemen, I submit that this cannot be permitted. My distinguished colleague who spoke of General Koster's case on February 4, did not intend this result. The Chief of Staff asks that Secretary Resor ruinously punish this man, 8 months after he was cleared, reassigned, and assured of a continued career. He does so in response to political pressure. He does so without affording the accused man a public hearing, or confrontation of the witnesses. By doing so, he repudiates the findings of the duly constituted judicial authority under the Uniform Code, and shows his contempt for the military justice system.

If we remain silent, a fine officer is ruined and disgraced unfairly and without cause. But more importantly, no soldier and no citizen can have that confidence I had last year in military fairness and honor. We must speak out, and tell Secretary Resor that 10 U.S.C. 3447 was never intended to do this kind of dirty work. We must tell him to proceed no further with this travesty.

If these three things are not punitive, then, Mr. Speaker, I do not know what the meaning of the term and the word "punitive" is.

Mr. Speaker, I certainly think the gentleman from Arkansas has served a service in calling these to the attention of the House of Representatives today.

Mr. PRYOR of Arkansas. I appreciate the remarks of my friend, the gentleman from Georgia.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to my friend, the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman from Arkansas yielding to me. I want to express my appreciation to the gentleman from Arkansas for being good enough to advise me in advance that he was going to bring this subject up.

I am the gentleman who made the speech in question. I am the influential Member of Congress who General Young has said that the Department of Defense is mollifying by the action they are taking against General Young. I am the individual who made the speech the gentleman from Georgia referred to a moment ago, as trying this case on the floor of the House of Representatives.

Mr. Speaker, I must say that I am flattered that any remarks of mine, and particularly remarks made in a special order when there are very few people on the floor, should have had as much influence as those remarks are alleged to have had.

I was a member of the Hébert subcommittee that investigated the Mylai incident. I think I am familiar with it. I was appalled when the Army dropped the charges against the commanding general of the division involved while charges were still underway against other members, such as lieutenants and enlisted men, and a court martial was in progress.

I have no brief for the Army. I think they erred and have erred very seriously in connection with the Mylai case. They made two serious mistakes. In the first place, they never should have dropped charges against General Young. That was a very serious mistake. They certainly never should have dropped the charges against General Koster. I would say this, however, and I think we should be clear on this—I am not a lawyer, but the dropping of the charges against General Young does not constitute a finding of innocence in this particular case. They simply elected not to prosecute. I do not know legally whether they can reinstitute those charges or whether they can bring General Young and General Koster to a court martial. But I would agree with the gentleman from Arkansas that he ought to be court martialed so he has his opportunity to be heard publicly and so that the people of America have some idea about what happened.

The important thing, however, I would say to the gentleman from Arkansas in this particular case is that this matter is too important today to rest on any mere technicality. The Hébert comittee, and I would recommend and I have recommended to the gentleman from Arkansas and the gentleman from Georgia and others, that they read the Hébert committee report——

Mr. PRYOR of Arkansas. The gentleman from Arkansas has read the report.

Mr. STRATTON. This is a report that has not, I am afraid, been read too much.

But the charges against General Young had not to do with the Mylai massacre, but with the coverup.

Here is what our committee said about that coverup:

> These tragic consequences might have been avoided had the My Lai incident been promptly and adequately investigated and reported by the army.
>
> The image of the army and the American people would have been helped if some effort had been made to carry out the investigation that should have been carried out.

Now the important thing is that this matter goes beyond the Army. It becomes a matter of public interest. The important thing is whether the American people are going to get the facts about Mylai or whether they are going to be covered up by a letter of censure of General Koster and a demotion for General Young—or whatever may be in the mill.

I think there is something else that ought to be said, if the gentleman will yield to me.

I think there is something else that ought to be said, if the gentleman will yield further to me. We have heard statements made that there was not a scintilla of evidence against General Young. I read from the report of the Hébert committee which was published last July 15:

> That responsible officers of the Americal Division and 11th Brigade failed to make adequate, timely investigation and report of the Mylai allegations.

That statement appears on page 4.

On page 6 the following statement appears:

> There was a surprising and almost unbelievable lack of recollection on the part of many of the Subcommittee witnesses whose responsibility to investigate the original Mylai allegations should have caused a more lasting impression on their minds as to the incidents and events involved.

Here is what is stated on page 26. General Young did not know anything about this? General Young, the assistant division commander, did not hear any allegations of atrocities which under the directive should have been reported to MACV? According to Lieutenant Colonel Holladay—

> The report furnished to General Young was substantially the same as Major Watke had given him the previous evening. He said that there was mention that a large number of civilians had been killed by ground forces. According to Lieutenant Colonel Holladay, the General remarked about the killing of civilians, "That's murder."
>
> General Young in sworn testimony denied having made such a comment.

Maybe we ought to find out before a court-martial just which testimony is to be believed.

Over on page 27 the following statement appears:

> General Young directed Colonel Henderson to investigate the report.

This is the report that never surfaced. This is the report that was buried. This is the report that did not get through. General Young was not involved in this? There is no evidence on which to proceed? Just take a look at the Hébert Committee report. Here is another statement that is even more damaging on page 37:

> The investigation was also characterized by the "close hold" attitude of all persons involved. According to a witness before the subcommittee, when General Young convened the March 18th meeting, he prefaced his remarks by saying, "Nobody knows about this except the five people in this room." And when Lieutenant Colonel Blackledge assigned the Henderson report for typing, he instructed that the contents were not to be discussed. The report was transmitted to division in an envelope addressed "For eyes of Commanding General Only."

I think the American people need the facts, and I would agree with the gentleman from Arkansas, that regardless of the technicalities, we ought to have a court-martial on these issues. We ought to have the general officers stand trial just like the lieutenants and the enlisted men.

Mr. ANDERSON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Tennessee.

(Mr. ANDERSON of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Tennessee. Mr. Speaker, I commend my good friend and distinguished colleague from Arkansas for bringing this discussion to the floor of the House. The gentleman has since his earliest days as a Member of this body established an unexcelled reputation for diligence and fair play. His statement today further enhances his stature.

The gentleman from Arkansas has presented the matter most ably and fully. Thus I will limit my comments to the very dangerous precedent being set by the Army in the case of General Young, a distinguished soldier and officer whom I understand will probably retire in about a year.

In doing so, Mr. Speaker, let me make it explicit that I presume neither guilt nor innocence on the part of anyone.

This is the second time in recent months that I have felt compelled to come to the House and speak about due process of law and fair play in a controversial case.

I first knew General Young as a classmate at Columbia Military Academy in my native State of Tennessee, from which the general and I graduated together in the class of 1938.

General Young was in Vietnam on March 16, 1968, the date the Mylai incident occurred. He was at that time an assistant division commander for the Army division with jurisdiction over Mylai operations. I have been advised he had held this post only 2 or 3 days prior to the incident.

As we know, after the Mylai incident came to public attention, Secretary of the Army Stanley Resor convened an investigatory body as an arm of his office in the fall of 1969. This body was established to investigate the incident at Mylai and was not convened as a formal legal proceeding against anyone. This body became known as the Peers-McCrate Board, and it completed its inquiry on March 9, 1970.

At this point it is important to remember that pursuant to the Uniform Code of Military Justice, according to reports received today, a 2-year statute of limitations was about to toll. The Board accumulated over 20,000 pages of testimony. This testimony was subsequently reviewed by a panel of Army Judge Advocates who recommended that General Young not be charged with any offense.

Under the Uniform Code of Military Justice, any person subject to the UCMJ may bring charges against any other person subject to the code.

On March 14, 1970, the man who is now Chief of the Military Justice Division of the Office of the Judge Advocate General of the Army swore charges against General Young, which alleged his failure to fully inform the division commander and failure to supervise closely enough the colonel who conducted the field investigation of the Mylai incident allegations.

Upon being so formally charged, General Young was summarily relieved of his command in Germany, and without being allowed so much as the customary farewell to his troops, he was ordered to return to the United States under 1st Army jurisdiction and stationed at Fort Meade, Md.

The formal charges were referred to 1st U.S. Army commander, Lt. Gen. Jonathan O. Seaman. General Seaman in turn referred the charges to a task force of Army Judge Advocates for review of the charges and evidence pursuant to the question of the subjection of General Young to a general court-martial.

After the review by the task force of Judge Advocates, the Staff Judge Advocate General of the 1st Army advised General Seaman to dismiss all charges against General Young and not to convene a general court-martial. General Seaman followed this advice.

On July 20, 1970, Capt. Juan D. Keller

of the Judge Advocate General's Corps, and Assistant Staff Judge Advocate signed the letter for the commander in which he stated—

> This letter will serve as official written confirmation of the action of Lieutenant General Jonathan O. Seaman, Commanding General, First United States Army, Fort George G. Meade, Maryland, in dismissing the charges against you, which arose from the Peers Inquiry, Department of the Army, Washington, D.C.

Now at this time, Mr. Speaker, formal charges had been placed against General Young, they were found lacking in substance after an excruciating investigation followed by review of numerous Army attorneys, charges were dismissed and the general was so formally notified. And now, without question, the statute of limitations has run and the general should have been made free to resume his military career untainted or unstained, safe in the knowledge that he had been cleared of all Mylai charges under due process of law. But such has not been the case. For reasons unknown and unfathomable to me, there apparently is a move within the Department of the Army to again attack General Young by executive fiat after he has been exonerated under due process of law.

The general has received notification that he is subject to being demoted, censored, and deprived of his Distinguished Service Medal awarded in 1968.

Why, Mr. Speaker? Why is this distinguished soldier being singled out for attack after having gone through what must be the excruciating pain of months of investigations and serious allegations as to his fitness as an officer?

I should hope that Secretary Resor will consider the issue of double jeopardy and the due process of law before he makes a decision in the General Young case. The inherent fairness and justice through due process upon which the Uniform Code of Military Justice is based must be preserved.

But the issue before Secretary Resor goes beyond General Young. The issues go to the foundations of justice in our entire Military Establishment.

Mr. Speaker, if the Secretary of the Army, by executive fiat, can destroy the distinguished military career of General Young after he has been exonerated of all charges under due process of law, can he not destroy the career of any person under his jurisdiction? What will be the affect on younger generations of military personnel?

Free societies are built upon a foundation of justice under law; our military society is no exception. While demanding obedience to duly constituted authority, our military system has provided equitable recourse to law to any member of the Military Establishment under the Uniform Code of Military Justice. If this tradition is tampered with, faith in justice within the Military Establishment will be shaken and our national defense will suffer as a result.

This month General Young received a copy of a letter sent to Secretary Resor by one of the men who served under General Young when he was commanding officer of the 1st Brigade, 3d Infantry Division in Schweinfurt, Germany. This officer stated to Secretary Resor:

> I ask myself, as many other young Regular Army officers ask themselves, if this can happen to a man of General Young's caliber, when he has not been proven guilty of any offense, what treatment can I expect? What can I expect for myself in the future?

Mr. Speaker, I ask Secretary Resor if he is willing to shake the faith in the system of military justice for all who serve under it for the sake of scapegoating one man for the Mylai incident? Is Secretary Resor planning to add one more case to the credibility of our system of justice by due process?

In conclusion, I think it important to emphasize again a letter from the Army to a Member of the other body, which I quote in part:

> You are assured that the principle of presumption of innocence prevailed in these cases and that the careers of these officers will not be jeopardized as a result of actions of the past few months.

Mr. PRYOR of Arkansas. Mr. Speaker, I thank the gentleman from Tennessee for his fine remarks.

I yield now to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, with much deference to my colleagues on the Armed Services Committee, and to the gentleman from Missouri (Mr. HALL), for whom we have so much respect, and to the gentleman from New York (Mr. STRATTON), for whom we have equally high respect, I am convinced I should say the things which are in my heart today and which I have written here. As a relatively new member of the Armed Services Committee and as a man, I am compelled to speak out today on a grave matter now being considered by the Secretary of the Army concerning a professional Army officer of the State of Arkansas, United States of America. I speak of Brig. Gen. George H. Young, Jr., of Pine Bluff, Ark.

Many of our colleagues, I am sure, are unaware what the Army is considering for General Young. Let me relate the "surprise" and I am sure you will be as disturbed as I am. Eight months ago—in fact last June 22—the Army declared General Young innocent of anything to do with an alleged "coverup" of the alleged Mylai war crimes. Subsequently, General Young was assigned to a very responsible position with the Army here in Washington. Now, he has been advised that, although he was declared innocent last summer, the executive branch feels that he performed in a substandard manner in Vietnam in 1968, because of the "incident" at Mylai and therefore, intends to demote him to the grade of colonel, give him a letter of censure and revoke the award of his Distinguished Service Medal. This action is based on the same evidence which existed in 1970. Does it not reek with command influence?

The Pentagon calls this "administrative action." I call it injustice. No law that I know of permits a man to be sentenced 8 months after he has been declared innocent.

General Young is a highly respected officer. I have spent several hours discussing this grave matter with Colonel Poydasheff, his counsel, and I have both sides of the argument for and against him. May I say that I have known Colonel Poydasheff for many years. He was posted at Fort Benning and assisted me and other lawyers in starting the Young Lawyers' Club in Columbus, Ga. I know his truthfulness. I believe General Young to be innocent.

Frankly, I think we have here a classic example of reaction to political pressure. I do not like to see an attempt to "railroad" any man, especially one who has given the best years of his life to this country and who has been declared innocent.

Throughout my service here, I have always attempted to support, to the very best of my ability, our military services, because I know of their necessity. But this contemplated action against General Young is not right. It is unfair, totally and completely to declare to him and others that he is cleared, permit him to function in a responsible position and then attempt to impose a punishment of such serious proportions. I am aware that the Army is not legally "estopped" in this case, but I submit that it is ethically and morally estopped. General Young could have retired with honor 8 months ago. That he did not was only because he was led to believe that he had continued viability in the service. Where now does it lie in their mouth to deny this? Is this an act of honesty and morality?

Let the record clearly indicate my position. I stand beside and for General Young. I appreciate what he has done for this country for the last 29 years. I do not intend to stand silently by while the executive branch makes this distinguished soldier and his family continue to suffer as they have. I, therefore, urge you to join me in insisting that Secretary of the Army Resor permit Brig. Gen. George Young to retire honorably—it is late in the day for any court-martial—as he could have over 8 months ago.

I thank the gentleman for yielding and permitting me to express myself.

Mr. PRYOR of Arkansas. I thank my friend from Georgia, a member of the committee, who deals with these matters. I deeply appreciate his remarks.

Mr. HALL. Mr. Speaker, will the gentleman yield again?

Mr. PRYOR of Arkansas. I shall be happy to yield. I believe we have only 1 minute left, and I can think of no better person to use that minute.

Mr. HALL. I want to join with what everyone has said about not submitting General Young to double jeopardy.

I still want to say that there is a question of assumption as to what the Secretary may be going to do about this after due process is given in an administrative manner. My sole purpose is to point out that the question here before us today is as to the propriety of that administrative action.

I can well understand the feelings of the gentlemen who have spoken, today. Would that I were, too, his personal friend. But the administrative action recommended by the Chief of Staff to the Secretary of the Army was in view of the fact that court-martial charges were not preferred because of a lack of admissible evidence, and there has not been at any time any question that he would be brought back up for trial by court-martial or that this finding of nonadmissible evidence would be reversed.

Moreover, the dismissal of criminal charges does not preclude under the Uniform Code of Military Justice further administrative action for not following lawful regulations and/or for dereliction of duty.

The question before the Secretary, which he will decide after the conference on March 31 with counsel, and after the unusual step that has been taken in providing evidence that went through Army agencies to the Defense Council, is one that the Secretary must decide concerning General Young's performance of duty during and after Mylai.

It is for this reason that I not only compliment the gentleman in view of what has gone on before but still question as to whether we should carry it any further into the halls of debate.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to join my colleagues in their protest over the ill-considered way the Army is treating General Young. Whatever the truth may be concerning the reasons for resurrecting these charges so long after they were dismissed, the timing and secretiveness which have surrounded this matter can only reflect badly on the Army's reputation for fairness.

The Armed Forces are a uniquely closed society, in the sense that a man who gives 20 years of his life to the Army or any other of the services cannot go to another "company" if he is discredited. There is only one Army, and once it turns its back on a man, his profession is closed to him.

General Young has given 29 years in the service of his country. Were he guilty of a crime, of course, he should have been tried for it. But he was exonerated of charges, although he stood ready for trial, without trial or formal hearing. The Army was apparently sincere in assuring him that the charges, having been found groundless, were dead and gone. Now, the Army threatens this man with more sentence than a court would have imposed for these technical, noncriminal charges, without trial or public scrutiny. It does not look fair; I am convinced it is not fair to this man. But more than that, it bodes ill for the Army as a whole.

I urge the Secretary of the Army to further enhance his own and the Army's reputation for fair play. I urge him to reject the recommendation of the Chief of Staff against General Young.

Mr. BROYHILL of Virginia. Mr. Speaker, I support the statements made here today concerning Brig. Gen. George H. Young, Jr. I know nothing about the alleged My Lai war crime. I do not know General Young, although he resides in my congressional district. I do know, however, that I am diametrically opposed to any man—soldier or civilian—being sentenced after being declared innocent. The Army hierarchy appears to be trying to do this to a professional officer who has served our country with distinction for almost 29 years.

The Army "brass" tells General Young they intend to demote him one grade, give him an official letter of censure, and revoke his Distinguished Service Medal. They propose to take this action without giving him a chance to face or answer his accusers. This action, if it is approved by the Secretary of the Army, appears to be a "railroad" job, and I do not want to see a resident of my district made a "scapegoat" for General Westmoreland or anyone else.

I submit the action being considered for General Young, referred to as "administrative" is actually "punitive"—and wrong. I further submit that it would be a travesty of justice for the Secretary of the Army to approve it. I do not like what the "brass" is planning—and I protest it.

Mr. MANN. Mr. Speaker, On February 4, 1971, a member of the special subcommittee on the My Lai incident addressed this House in relation to the dismissal of charges against Maj. Gen. Samuel W. Koster for his alleged part in concealing events at My Lai.

Subsequently, it was reported that the Chief of Staff had recommended administrative action against both General Koster and Brig. Gen. George H. Young, Jr., against whom similar charges had been dismissed more than 8 months ago. In General Young's case, the Chief of Staff recommended that he be reduced to the rank of Colonel, stripped of his Distinguished Service Medal, and that a letter of reprimand be placed in his file.

When General Young indicated that he would fight the administrative action, in accordance with his constitutional rights, the same member of the My Lai subcommittee who criticized the dismissal of charges against General Koster, is reported to have made public comments to the effect that if the Secretary of the Army rejected the recommendations of the Chief of Staff that he—Secretary Resor—would regret it.

Since such a report, if true, would appear to be an attempt to intimidate the Secretary of the Army and compromise the rights of an officer to a fair and impartial hearing, I feel compelled to raise my voice in protest against this highly unorthodox and prejudicial conduct on the part of a Member of Congress.

Although there is no question about the legality of the contemplated administrative action, there is much question about its justification—particularly in light of the publicity and controversy which it has generated.

I have reviewed the remarks which appeared in the CONGRESSIONAL RECORD on February 4, 1971—pages 1725–1731—and the Report of the Armed Services Investigating Committee which is quoted therein, and I find no basis upon which to indict General Young for complicity in the alleged concealment of events at My Lai.

In its review of events, the report mentions initially that on the basis of alleged confrontation between American forces and indiscriminate firing at My Lai, General Koster: 'directed General Young to have the matter investigated."

The report then goes on to say that on the basis of reports received from the District Chief and District Adviser in relation to civilian fatalities that General Koster: "directed Colonel Henderson to conduct an investigation of the allegation contained therein." From there, the report states that Colonel Henderson's report, as ordered by General Koster: "was placed in a double envelope and addressed 'For Eyes of Commanding General Only.' "

The report implicitly, if not explicity, establishes a direct line of communication between Colonel Henderson, the officer who was given responsibility for investigating the killing of civilians at My Lai, and General Koster. As a matter of fact, Colonel Henderson seems to have gone to extraordinary lengths to insulate his report from all eyes except those of the commanding general whose responsibility it was to relay the information to MACV.

If there was any conscious effort to conceal or repress information concerning My Lai, the subcommittee's own report would seem to remove General Young from suspicion in any such effort.

The report establishes that it was Colonel Henderson who conducted in the investigation and that he submitted his report directly to General Koster who was responsible for forwarding it to MACV.

General Young was exonerated from any blame in connection with the alleged "cover up" of My Lai almost a year ago. I do not recall any congressional criticism of the Army at that time for the dismissal of charges against General Young.

Yet now, he stands accused and in some quarters condemned on some "vague" charge relating to his performance of duty while serving under General Koster during the time the My Lai massacre is alleged to have occurred.

I emphasize the word "vague" since as far as the public is concerned, the charge of "substandard performance of duty" without clarification or elaboration is just that; and, in my judgment, will only serve to generate further suspicion concerning the Army's handling of the entire My Lai affair.

Administrative proceedings against an officer in a less sensational case would in all likelihood go unnoticed. However, we are dealing with one of the most controversial cases in the history of the Army where even the most routine action is subjected to microscopic inspection and interpretation by the news media.

Already, the media are seeing something sinister in the fact that administrative charges have been preferred against an officer who was previously exonerated of any criminal responsibility for the My Lai incident. One body of opinion holds that this officer is being sacrificed in order to satisfy the appetites of those who are demanding the blood of someone higher in rank than a captain or lieutenant. Others hold that the Army made an error in dismissing criminal charges against General Young, and it is now trying to rectify its mistake by administrative action. Obviously, the vagueness of the charge, "substandard performance of duty," can be used to support these, as well as a score of other equally odius opinions—all of which serve only to impugn the integrity of the Army and the officer involved.

Under the circumstances, I feel that the Army is doing itself and General Young a grave disservice by allowing these unsavory conjectures to go unchallenged. While I realize that it is not customary for the Army to air the nature of its administrative proceedings in public, I feel that circumstances are such as to warrant a departure from custom in this case, and a full public hearing on the charges which have been made against General Young.

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

INVOLVEMENT IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 60 minutes.

Mrs. ABZUG. Mr. Speaker, as a comparative newcomer to Washington, I sometimes feel as though I have wandered through the looking glass into a fanciful world in which the meaning of words becomes reversed, nonsense is paraded as televised candor, and reality is prettied up beyond recognition.

Thus, after 10 years of direct American involvement in the war in Indochina, we heard President Nixon on a television interview the other night reproaching his critics for wanting instant peace.

We have seen developing in Laos a situation with 25 percent of the South Vietnamese troops there sustaining casualties, where desperate soldiers are clinging to the skids of helicopters and some are falling to their deaths thousands of feet to the ground in their hasty flight.

This, Vice President AGNEW tells us, is an orderly retreat. Defense Secretary Laird assures us that all is going according to a plan worked out in December, although he does not tell us whether the South Vietnamese or the American GI's were informed that they were expected to play the role of kamikazes.

The President describes the Laotian venture as vindicating Vietnamization, that policy which Ellsworth Bunker is reported to have bluntly described as changing the color of the corpses. Although most of the casualties have been Asians, as indeed they have been throughout this war, American corpses are piling up, too: young black men and white men ordered to their deaths in a war that has long since been repudiated by the American people.

Vietnamization, the President reports, is intended to make the South Vietnamese self-reliant and capable of carrying on their own war independently. He describes the campaign in Laos as proving the case for Vietnamization when, in fact, it suggests the opposite. Large numbers of what we have earlier been told were South Vietnam's best troops were wiped out. American helicopters have flown more than 145,000 sorties during this operation. The United States simultaneously conducted massive bombing raids in Laos and North Vietnam and the entire invasion has been planned, directed, and supplied by the American Army at the expense of the American taxpayers.

We are told that the Laotian venture has been worthwhile because 11,000 enemy soldiers have been killed. We are always given very precise numbers by the Army although one would have thought the recent disclosures at the trial of Lieutenant Calley, some of which we heard here in the earlier special order today, and at the war crimes hearings held by returned American Vietnam veterans—of just how these imaginative body counts are arrived at and who are included in them would have shamed them into an embarrassing silence.

We are told that further escalation of the war into Laos is not a violation of the Cooper-Church amendment even though American troops are touching down on the ground and operating in Laotian territory, and we are expected to pretend that a war conducted in the air is somehow not really a war, but merely an exercise in pacifism.

This is at a time when the total amount of bombs we have dropped on the anguished people of Indochina has reached more than 5.7 million tons—three times the amount of explosives dropped in all of World War II over a much vaster area.

And in a singular perversion of truth, the President tells us that one of his major goals in Indochina is to speed the release of American prisoners of war. In fact, the Laotian misadventure has resulted in the capture of more American prisoners and many more Americans reported dead and missing in action.

I suppose that a President who can describe himself as a "deeply committed pacifist" can also delude himself into believing his own propaganda. His comments would be ludicrous if they were not directed at a situation in which so much ghastly human suffering and tragedy are involved.

After a decade of watching the American Army mind at work in Indochina, I have learned not to believe anything the military tells us. They may occasionally tell the truth, but one never knows when and it is never the whole truth because the Army, and unfortunately the successive residents of the White House, have not yet been able to grasp the fact that no meaningful or lasting military victory can be won in Indochina.

Fortunately, the delusion of Washington and Saigon are not shared by the American people. According to the polls, more than 70 percent of the American people are now opposed to the war. The polls also report the continuing erosion of President Nixon's popular support to new lows. The people believe neither in his veracity nor in his assurance that the war is winding down.

A majority of the Americans want all of our troops out of Indochina by the end of this year. We have before us in Congress several resolutions that would set the date for withdrawal from Indochina. Although a number of us have introduced resolutions proposing various dates for total withdrawal, the most widely supported of these appears to be the Vietnam disengagement resolution which specifies December 31, 1971, as a termination date for America's role in the longest and most discredited war in its history.

The people want us to get out, and Congress has the authority under the Constitution to get us out. Repeal of the Gulf of Tonkin resolution has removed the last pretext of legality for this war.

And yet the war goes on, and we must ask ourselves why, and the people who elected us have a right to ask why. They have a right to ask why Congress has allowed so many months to drift by without action, why Congress does not assert its responsibility under the Constitution to cut off funds and order an end to the war.

True there has been no dearth of compelling arguments and eloquent speeches against the war from Members in both the House and the Senate, but we have yet to see any definitive action. In fact, we have yet to see any action at all.

If Congress is really so powerless that it cannot fulfill its responsibilities under the Constitution, then we might as well resign and stop pretending to be Representatives of the people. But I do not think we are all that powerless. What we are suffering from is not the lack of power, but a failure of leadership and purpose and a sense of urgency that reflects the crisis in our country and in tormented Indochina. And that failure is here among us in Congress, not just in the White House.

Mr. Speaker, I was deeply troubled to read a news report in the New York Times on March 20 which said that "for the time being, at least, the controversy over the Vietnam issue has abated on Capitol Hill."

The article goes on to say that the debate may erupt again—and we in the House know that this is already happening.

But it notes that the more moderate doves are keeping their own counsel. It continues:

> A principal reason they offer for doing so is a reluctance to weaken the public's confidence in the Presidency. Such doves as Senator MIKE MANSFIELD, the majority leader, and Senator JOHN SHERMAN COOPER, say that they were disturbed by recent polls showing that the public was losing confidence in President Nixon's handling of the war to the point that 7 out of 10 of those questioned believed that he was withholding information.
>
> Even before the polls, the doves were worried about a loss of public faith in the ability of the Presidency and Congress to deal with the Vietnam issue. They say that it was partly out of concern that they might

> have gone too far in questioning administration policies that several Senate doves—Mr. Mansfield and Mr. Cooper; another Republican, George D. Aiken of Vermont, and two other Democrats, J. W. Fulbright of Arkansas and Frank Church of Idaho—made an informal agreement earlier this year to restrain their criticism.

Mr. Speaker, I have no idea whether there is any basis in fact for the assertions in this article, and I would hope there is not, because these are men who have had a long history of effort against the war, and in efforts to get and bring peace to this country. But it is curious that in the same edition of the Times that reported this muting of congressional criticism of the war, another article appeared from Madison, Wis., describing a remarkable transformation in the attitudes of such previously pro-war groups as the hard hats, and in the article, the reporter, Anthony Lewis, quoted political analyst, Richard Scammon, as saying he believes a consensus is developing against the war for a simple reason:

> The public has concluded that basic American interests are not at stake in Vietnam, so it asks: If we are going to get out why not now?

Mr. Speaker, the White House may prefer to drown out the cries for peace by turning up the sound on the televised football programs, but we in Congress cannot be deaf to the demands for prompt action to end the war. And we can expect that the demands will get more piercing as the carnage in Indochina continues and our cities fly into deeper crisis.

I was elected to Congress by a constituency that is repelled by the war for reasons of both morality and practical self-interest. They are in no mood to hold still for a policy that will have 284,000 American troops in Indochina this summer, and that offers no concrete date for complete withdrawal. They are alarmed by Mr. Nixon's formula of inflation plus recession, his cutbacks in domestic programs and his proposals for a $3 billion increase in military spending.

Although the President's full employment budget is an interesting admission that the first 2 years of his administration were a failure, my constituents do not believe that his recently announced economic policies are really going to stem inflation, or halt unemployment, or relieve the crisis in our cities.

As long as the war continues to consume our young men and our national resources, my constituents and most Americans face severely increased hardships. In New York City within recent weeks the people there faced a crippling of their schools because of a shortage of funds. They were hit by an increase in taxi fares, and were also told to expect a phone rate increase, a Blue Cross increase, a gas and electric rate increase, a subway fare increase, and a postage increase.

And the Governor and the Mayor propose more taxes that would cost taxpayers an average of $600 more a family per year. The alternative they are offered is to face drastic cuts in basic services for human needs.

Prices go up; unemployment spreads among Vietnam veterans, blue-collar workers and professionals; the welfare rolls soar; and crime has converted New York into a virtual city under siege. A feeling of anger, despair, and frustration spreads among people. Conditions in the cities are explosive, and our young people, including the 18-year-olds in whom we place so much hope, tell us that maybe Mr. Nixon is right, maybe this is the last war, and maybe they are the last generation.

Mr. Speaker, it is against this background of human need and desperation that I would urge my colleagues in Congress to assert their responsibility under the Constitution and to act swiftly and decisively to use the legislative means at hand to end the war.

I found it personally disheartening last week when the leaders of the Democratic caucus postponed action on the Vietnam disengagement proposal, but at the same time there have been other more positive moves toward peace action in recent days. The decision to call a special caucus meeting on March 31 to consider a Vietnam withdrawal resolution is highly welcome. I urge the Democratic leadership to join with the Members in working out a strategy to insure that Congress asserts its constitutional authority and that it votes to cut off funds for this war so that it is terminated no later than the end of 1971.

I would further propose that beginning right now Members of Congress from both parties go up and down the country mobilizing and organizing the majority antiwar sentiment that exists among the people. If Congress is loathe to act without a massive show of support from the people, let us help to focus that support.

In New York City and Westchester County, this weekend, for example, a number of New York Members of Congress, including myself, will be barnstorming at public meetings, business, and shopping centers to campaign for an end to the war.

We do not have to wait for people to plead with us for peace. We must not simply represent. We must lead. We must act.

Mr. Speaker, I believe that the Congress has the responsibility to assert its investigative powers and to bring to the American people the full story of what is happening in Indochina and Laos, a story which has been covered up by the Nixon administration press embargo. I have introduced a resolution calling on the House Government Operations Committee to conduct an on-the-spot investigation to determine the extent to which the Cooper-Church amendment is being violated by the Laotian campaign.

I believe that personal interviews by Members of Congress with our young men at Khesanh, on the Laos-Vietnam border and those helicopter crews who are undergoing the hellfires and torment of war would provide a sobering counterpoint to the hymns of self-praise offered us almost daily on television by President Nixon and members of his administration.

I would also urge the Congress to act on requests for investigations into American economic interests in Southeast Asia and their possible connections with our Government's disastrous war policies in Indochina and President Nixon's apparent determination to maintain residual forces there.

I renew my request that Congress look into reports that major U.S. oil companies are bidding for concessions off the shores of Vietnam and that they have received assurances from the Government that their investments will be protected by maintaining the present corrupt Thieu-Ky government in power by maintaining U.S. military presence there indefinitely.

If the Nixon administration is making secret commitments to U.S. oil companies which will result in prolonging the war, then the American people have the right to know about it.

Mr. Speaker, at this point I would like to insert in the Record the various newspaper articles which I have referred to as well as additional material.

I would particularly call attention to a recent article, "The President Is the Problem," by Townsend Hoopes, who was Under Secretary of the Air Force in the Johnson administration. In this article, Mr. Hoopes analyzes and documents the serious contradictions in Mr. Nixon's policies in Southeast Asia.

Pointing out that Mr. Nixon's insistent definition of a "just peace" is really a euphemism for a military solution, Mr. Hoopes says that domestically the Nixon doctrine fosters the notion of noninvolvement in future American wars. At the same time, he continues, "it rejects the inevitable corollary—which is retreat from insistence on U.S. paramountcy in every corner of Asia, and a basic move toward accommodation with China."

Mr. Hoopes continues:

> The notion that, under the Doctrine, the United States will henceforth remain aloof from Asian conflicts is thus seen to be a myth, for U.S. involvement will flow directly from the administration's plan to lock insubstantial fringe states into positions of permanent tension and hostility toward China, and then to back them up when that impossible mission proves beyond their strength.
>
> Secretary Laird has now made clear that the unfettered use of air power in Cambodia is one application of the Nixon Doctrine. The President has now added Laos and North Vietnam to those areas where he feels free to use this instrument without limit and without further Congressional consultation or public debate.

Mr. Speaker, I agree with Mr. Hoopes that the contradiction in Mr. Nixon's policies are too glaring to conceal. Although ground troops are being reduced, the President is still sending 19,000 American draftees a month to Vietnam. Our troops are not being withdrawn. Massive bombing of North Vietnam has been resumed, and the threat of even wider and more provocative air action which could lead to confrontation with China is implicit in the President's refusal to disavow the Thieu-Ky's government talk of invading North Vietnam. It is time for Congress to call a halt to this reckless policy. It is time to get this tragic albatross off our necks, and time to end a war that is destroying the people and the country of Southeast Asia and preventing us from dealing with the enormous human and environmental needs both here and abroad that have been so long neglected.

Leaders of the Democratic Party as well as a number of Republicans want us to get out of Indochina. The people want us to get out. We have the authority under the Constitution to get ourselves out. Let us get out.

Mr. Speaker, at this point in the RECORD I wish to insert various newspaper articles which I have referred to, as well as additional material.

The articles and materials are as follows:

"Controversy on Vietnam Policy has Abated on Capitol Hill," New York Times, March 20, "On Wisconsin," Anthony Lewis, New York Times, March 20, 1971, "Desperate Saigon Soldiers Scramble for Helicopters," Ivan Peterson, New York Times, March 22, 1971, "Kick Them Off the Skids," Tom Wicker, New York Times, March 23, 1971, "The President Is the Problem," Townsend Hoopes, New Republic, March 6, 1971.

[From the New York Times, Mar. 20, 1971]

CONTROVERSY ON VIETNAM POLICY HAS ABATED ON CAPITOL HILL FOR THE MOMENT

(By John W. Finney)

WASHINGTON, March 19.—For the time being, at least, the controversy over the Vietnam issue has abated on Capitol Hill.

Thomas E. Morgan, the Pennsylvania Democrat who, as chairman of the House Foreign Affairs Committee, has stood behind Democratic and Republican Administrations on Vietnam policy, concedes to visitors that sentiment among his colleagues has shifted toward complete withdrawal as soon as possible.

The debate may erupt again, for the more moderate doves are keeping their own counsel. A principal reason they offer for doing so is a reluctance to weaken the public's confidence in the Presidency.

Such doves as Senator Mike Mansfield, the majority leader, and Senator John Sherman Cooper, Republican of Kentucky, say that they were disturbed by recent polls showing that the public was losing confidence in President Nixon's handling of the war to the point that 7 out of 10 of those questioned believed that he was withholding information.

Even before the polls the doves were worried about a loss of public faith in the ability of the Presidency and Congress to deal with the Vietnam issue. They say that it was partly out of concern that they might have gone too far in questioning Administration policies that several Senate doves—Mr. Mansfield and Mr. Cooper; another Republican, George D. Aiken of Vermont, and two other Democrats, J. W. Fulbright of Arkansas and Frank Church of Idaho—made an informal agreement earlier this year to restrain their criticism.

The doves are neither homogenous nor a flock.

Senator George McGovern, out of conviction and Presidential ambition, tends to go off on solitary flights of rehetoric that many of his fellow doves say they find too high-pitched. Occasionally, Senator Mansfield's Irish indignation boils up in statements that alternately praise the President for troop withdrawals and criticize him for getting involved in Cambodia and Laos.

For the most part, though, Mr. Mansfield and those of his colleagues who lead the dovish opposition in the Senate have preferred to grumble in private.

CHURCH EXPLAINS PLAN

Senator Fulbright has postponed plans for hearings by his Foreign Relations Committee on "how to end the war." He explains that he is tired of taking a front-row seat and wants the initiative to come from others. But there has been no pressure from Senator McGovern or from Senators Mark O. Hatfield, Republican of Oregon, or Walter F. Mondale, Democrat of Minnesota, for hearings on their bills that would set a withdrawal timetable or preclude an invasion of North Vietnam.

In some cases, the doves have turned to what they hoped would be effective persuasion. Whatever the political dividends for the Democrats, Senator Mansfield says he believes he was strengthening Mr. Nixon's hand in pushing through the Senate Democratic caucus a resolution that called in vague terms for withdrawal of all American troops by the end of 1972. His purpose, he says, was to demonstrate to the President that he would face no Democratic criticism if he decided on complete withdrawal.

Echoing such themes, Senator Church insists that he is interested in preserving national unity—and at the same time encouraging the President to withdraw—in drafting a resolution expressing the sense of Congress that the United States should pull its troops out as soon as possible.

The President is no longer seeing Senator Mansfield over the breakfast table on a weekly basis, as he did last year. Senator Cooper, who has unsuccessfully sought Presidential audiences from time to time, leaped at the chance to fly to Kentucky with Mr. Nixon Wednesday for the Whitney Young funeral in the hope that he might get his ear.

Privately, the doves are continuing to challenge fundamental tenets of Administration policy.

Republicans such as Messrs. Aiken and Cooper say they would like to believe that the President's policies will lead to withdrawal but are no longer sure. More and more the doves, raising an issue that has not figured large in the Congressional debate, are questioning the morality of fighting a proxy war with South Vietnamese troops and American planes.

Whether outspoken criticism pours forth again probably depends as much upon the President as upon the doves.

Mr. Nixon, in interviews and appearances, appears to be trying to bolster his standing with the public, but he is making no apparent effort to open lines of communication with his Congressional critics.

The doves say that at this point they want the President to listen even if he does not agree with their views.

ON WISCONSIN

(By Anthony Lewis)

MADISON, Wisc.—Harold Rohr, known to everybody as Babe, has been a local symbol of hard-hat support for the Vietnam war. He is president of the Madison Building Trades Council. As an alderman a few years ago he fought the peace groups and opposed a referendum on the war.

Babe Rohr has just come out for "immediate" withdrawal of all American forces from Indochina. When he said that on the radio the other night, a woman in the antiwar movement was so astounded that she telephoned him to ask if she had heard right. He laughed and said he had changed his mind about a lot of things.

The transformation of Babe Rohr reflects a shift in public attitudes out here that a visitor finds astonishing. The instinctive trust in the President that used to be so evident, the patient willingness to give his policy of gradual and aggressive withdrawal a chance—that mood is gone or going fast.

The impression does not come just from this university town, with its liberal tradition. Consider the comment of a leading Republican in central Wisconsin.

"It has happened in the last three months," he said. "Now nobody cares how we get out, with honor or without, with something we can claim as a victory or not. It's rampant—not just the students and the peaceniks.

"People are saying, 'Ike did it in six months in Korea. What the hell is Nixon monkeying around about?' "

Here in Madison, the Student Association of the University of Wisconsin has just completed its annual symposium. In this remarkable project, the association brought politicians and philosophers and others from all over the country to lecture and talk during a two-week period; many of the programs were broadcast throughout the state.

The theme this year was alternative futures for America. And so, in many different ways, people talked about how this country has to change—and whether it can change fast enough. Naturally there were those who said "the system" had to be replaced. But what was interesting was the relative absence of provocative rhetoric, revolutionary or stand pat, and the general acceptance at all age levels of the need for change.

The muted tone of the students came partly in reaction to the bombing of the Army Mathematics Research Center on campus last August; that terrible event took a lot of the glamor out of the rhetoric of violence. But as the students have sounded more moderate, so also have some older people become more sympathetic to their unchanged views on what is wrong with America: the war most of all.

There may, for example, be a widening realization of what Vietnam is doing to the American people's attitude toward defense policy generally.

It is no surprise that students turn their feelings of revulsion over what we have done in Indochina into a general disapproval of American intervention anywhere. One faculty member here said he guessed that 90 per cent of his students, regardless of their political outlook otherwise, would be deeply skeptical of the whole apparatus of alliances and the American military role in world politics that we have accepted as a premise of policy for a generation.

What is surprising is the indication that those who believe in American strength as the basis of world order are beginning to see Vietnam as a threat.

The new Democratic Governor of Wisconsin, Patrick Lucey, spoke last month to a lunch of National Guard leaders. As a critic of the war, he thought he could not avoid the subject. What he did was warn that "this ill-advised war" was destroying public respect for the military and hurting the ability to fund "legitimate defense needs." He was amazed when the audience cheered.

At the student symposium Richard Scammon, the political analyst and explorer of middle America, said he thought a consensus was developing against the war for a simple reason: the public has concluded that basic American interests are not at stake in Vietnam, so it asks: if we're going to get out, why not now?

The question is whether this change of public mood with all its significance for limiting his options in Indochina, is getting through to President Nixon loud and clear.

"It's like a joke I heard awhile ago on 'Laugh-In,' " a Republican said. "The majority isn't silent. Washington is deaf."

DESPERATE SAIGON SOLDIERS SCRAMBLE FOR HELICOPTERS

(By Iver Peterson)

HAMNGHI COMMAND POST, SOUTH VIETNAM, March 21.—The men who are considered South Vietnam's best soldiers are coming out of Laos, some in orderly fashion, others in panic. The North Vietnamese are right behind them.

For five days, American helicopters have been shuttling between Laotion battlefields and the allied staging area at Khesanh near here, bringing out as many weary South Vietnamese ground troops as possible.

The American pilots—the only United States forces operating across the border—are also bringing out horror stories. The pilots say that many of the South Vietnamese soldiers, their leaders lost, break into an undisciplined retreat when the helicopters come down through enemy fire to pick them up.

Instead of returning the fire, according to the pilots, the South Vietnamese cower in their foxholes until the helicopter is near the ground and then scramble for a place on the rapidly overloaded craft.

"We just have to kick some of them off," a pilot here said today as he prepared to return to Laos in a new helicopter. His previous one was shot yesterday.

"We have to think about ourselves too," he added. You just cannot lift this bird with 15 guys clinging to it."

Reports that South Vietnamese troops are carried out clinging to the landing skids are frequent.

Some soldiers manage to hold on, and can be seen landing here gripping the skids in the harsh beating winds of the rotor. But there are others who fall off when they can hold on no longer and drop as much as 3,000 feet to the ground, the pilots say.

"You can't blame them—every helicopter that comes in makes them think it is the last one, the last chance to get out," another pilot said.

Everywhere now there are the signs of the pullout.

Army trucks, loaded with dust-caked and dismantled equipment, are lined up on Route 9, the long highway that cuts the border, ready to move through the Annamite Mountains back to the coast.

The activity on the road, which was reopened in February for the operation, is indicative of the enemy's determination to harass the withdrawing South Vietnamese troops. The allied advance westward along the road was almost without incident when the operation began on Feb. 8. Now larger and larger sections have become unsafe.

American helicopters are reporting enemy ground fire closer to Khesanh every day. South Vietnamese officers say an enemy regiment—about 1,500 men—has moved closer to Route 9 between Khesanh and the border, menacing the withdrawal of three South Vietnamese armored battalions that abandoned Fire Support Base Aloui de Laos Friday.

The American armored commanders expect the columns to reach here tomorrow. An American adviser said sarcastically:

"Oh, they will. You have not seen how our ARVN armor can move backwards."

The Vietnamese commanders here describe the pullback as a "change in direction," but an American infantry adviser said:

"The only direction they are going is home."

The American advisers, who took a back seat during the Laotian operation because the Vietnamese forces did the fighting alone for the first time, have assumed some of their old authority.

At an armored division camp near here, an American major asked a South Vietnamese captain why a vehicle had not yet been repaired. But the American did not wait for an explanation.

"Well, you'd better get it fixed quickly tomorrow," the adviser snapped, "because we have to move on out of here." The Vietnamese captain tried to be conciliatory, but the American ignored him.

In addition to threatening Route 9, the North Vietnamese have also bombarded Khesanh for the last six days.

The huge American air and logistical support base for the South Vietnamese operation has changed dramatically, from a noisy, bustling plateau—studded with tents and aircraft—into a nearly silent plain with men digging hard to make bunkers and foxholes.

Brig. Gen. Pham Van Phu, who commands the South Vietnamese First Infantry Division stood in the sunshine outside his command bunker here yesterday when the rockets began to hit the base.

"Now they know where we are" one Vietnamese artillery officer said, as the men scrambled * * * that it is the First Division, General Phu said, "because we are mobile."

And as he waited for the end of the barrage the general reminisced about his days as a captain in the French colonial army, and how he had held his outpost at Dienbienphu 40 minutes longer than the French commander fighting near him before the final wave of Communist troops swept up the hill and forced his surrender.

[From the New York Times, Mar. 23, 1971]

KICK THEM OFF THE SKIDS

(By Tom Wicker)

WASHINGTON, March 23.—Some South Vietnamese soldiers, in the retreat from Laos, have been clinging to the landing skids of American helicopters. Some have been falling to their deaths from these precarious perches, and in addition, "we just have to kick some of them off," an American pilot has reported. "We have to think about ourselves, too. You just cannot lift this bird with fifteen guys clinging to it."

Let that stand as the epitaph of the Laotion invasion, as it comes to an end so much less than glorious that even those who claim great things for it do not sound as if they have convinced themselves. It is an appropriate epitaph, for if the invasion had any rational purpose at all it was, in the familiar incantatory words of the Nixon Administration, "to save American lives."

This is not a purpose any American can oppose, but how high a price must the rest of the world, particularly the Indochinese, pay to rescue Americans from a decade of blunders? In the Laotian operation alone, taking Saigon's figures at their dubious face value, more than 12,000 North Vietnamese and 1,031 Vietnamese have been killed; in addition, 219 South Vietnamese are missing and 3,985 were wounded. When North Vietnamese wounded and missing are considered, these figures suggest that perhaps 25,000 Indochinese military casualties have been suffered. (At least 59 American helicopter crewmen have been killed, 68 wounded and twenty are missing.)

What were the civilian casualties produced by this meatchopper of an operation? It is a safe bet that no one can say, because no one in Washington or Saigon, any more than in Hanoi, bothers to make such estimates before launching big military strikes, and it is only weeks or months later that the refugees and the wounded and the dead begin to make their miserable marks. Thus, it was only last week that semi-official figures were obtained from Senator Kennedy's subcommittee on refugees: 125,000 to 150,000 civilian casualties from military action by both sides in South Vietnam in 1970, with 25,000 to 35,000 civilians killed.

These figures have not so far been disputed here or in Saigon. They do not include civilian casualties in Cambodia or Laos. They are included in the estimated 1.1 million civilian casualties, including 325,000 deaths, in South Vietnam since 1965, when Americans entered the war in force; of the total of those casualties, about a third are thought to have been children under thirteen.

Aside from the bloodshed, once more a military operation was heavily oversold in advance as a decisive action, one that proved the South Vietnamese "can give an even better account of themesIves than the North Vietnamese" (General Abrams via Mr. Nixon's news conference).

No doubt this hardsell will cause Mr. Nioxn domestic political problems. It is more important that, once again, the American command made the old familiar error of assuming that when it made a move, the other side would have no answer; in this case, the answer was at least partially a mass of heavy tanks. Moreover, since the President himself predicted that the North Vietnamese would fight and fight hard, it is also clear that the fighting abilities of the South Vietnamese Army were overrated. All of that suggests a continuing underestimate of the power and determination of Hanoi and the people it commands, a repeated overestimate of Saigon's ability, with or without American help, to match the effort from the North, and another mistaken effort at a quick, winning blow in a war that will not permit such a blow.

It would probably be a mistake, nevertheless, to think that the Laotian repulse will lead Mr. Nixon to a significant change of policy. If he accedes to the request General Abrams probably will make for a slowdown in American withdrawal, the President will wreck his domestic political stance; and he is more likely than ever to think that pulling out at a faster rate would open both Saigon and any remaining American forces to disastrous attack.

Nor is there any reason to believe that the explusion of the South Vietnamese from Laos signals anything but even wider and more destructive aerial warfare "to protect American lives." The heavy series of air attacks on North Vietnam at this time can be read in no other way than as Mr. Nixon's defiant message to Hanoi that he still has the will and the means to carry on the fight, if only by air.

So the long, costly, shabby policy of withdrawing while propping up Saigon and ravaging Indochina probably will go on, without any new attempt to negotiate an end to the slaughter. It is a policy of kicking them off the skids so the American bird can fly.

[From the New Republic, Mar. 6, 1971]

WATCHING NIXON LIQUIDATE (ESCALATE) THE WAR: THE PRESIDENT IS THE PBOBLEM

(By Townsend Hoopes)

(NOTE.—Townsend Hoopes was Under Secretary of the Air Force in the Johnson Administration and is the author of The Limits of Intervention.)

As the first reports of the Laos "incursion" seeped out of Saigon and the Pentagon about February 10, the listless response of the American people seemed to reflect a mood of moral exhaustion, a weariness mixing incredulity with resignation, a profound sense of the futility of trying to influence our Indochina policy. Like several predecessor Presidents, Mr. Nixon had shown himself possessed of the raw power—unrestrained by congressional guidance or public debate—to make events and deepen commitments, leaving the American people and countless others to cope with the open consequences as best they could. He alone bestrode the scene, reducing senators, scholars, journalists and the rest of us to impotence. No reasoned criticism or moral protest made any difference. Senator Fulbright summed it up in one pathetic sentence: "There is nothing we can do."

By February 22, the country seemed to have recovered its morale, its capacity to think and speak out. The news of serious South Vietnamese defeats along Highway 9 showed yet again the egregious quality of Mr. Nixon's strategic and military judgment, and underlined with blinding clarity the fundamental contradictions of his Indochina policy. The President was once again under serious challenge from his critics, and there was in the new confrontation the distinct possibility of a constitutional crisis.

From the sidelines it's now possible to adopt either a sanguine or a grave view of the prospects, with the choice turning almost entirely on how one predicts the shape of political pressures likely to be generated as we approach the 1972 election. The sanguine view proceeds from the belief that, whatever Mr. Nixon may now be doing in Cambodia and Laos, and whatever he may be saying about the need to retain indefinitely a sizeable US "residual force," political pressures for total withdrawal are in fact growing and by 1972 will prove irresistible. The grave view proceeds from the belief that Mr. Nixon will effectively resist pressures for full withdrawal until conditions in South Vietnam have met his requirements for a "just peace"—i.e., the assured survival of a non-Communist government—but that such conditions will again prove unrealizable.

Several pieces of evidence can be mustered to support the sanguine view. For one, the American Army in Vietnam is now beset by a galloping deterioration of discipline and morale—a fact which reflects the pervasive inability of American public opinion to believe that our official war aims are any longer attainable, important, or moral. This creates a political and operational imperative swiftly to reduce total force levels and terminate the US ground combat role, or else suffer the humiliation of an expeditionary force coming apart at the seams. If further large force withdrawals are made over the next twelve months, they will powerfully strengthen the political logic of withdrawing all the way. Conversely, any stretchout will make manifest the reality of a semi-permanent "residual" force. At that point, what is already apparent to many will become a naked truth for all to see—namely, that so long as we insist on the survival and dominance of the Thieu regime, the war will continue in endless stalemate; and that our commitment, our military participation, our inability to recover our prisoners, and the domestic consequences of all of these factors will also continue.

The foregoing are arguments for the hopeful proposition that, in the crunch decisions looming up toward the end of 1971, President Nixon will yield to political reason and the mood of the country, that he will abandon the notion of a "residual" force and will play the card of total withdrawal as a means to a compromise settlement and the recovery of American prisoners. This view is buttressed by the strong possibility that he will face in 1972 a Democratic opponent explicitly pledged to such a position (in late January, the Gallup Poll showed 73 percent of Americans in favor of total withdrawal from Vietnam.)

The opposing view is that Mr. Nixon will in the end yield not to political reason, but to his combative instincts, his convictions about the threat of "International Communism," and his concern for the credibility of American commitments elsewhere. This prospect rests on the fundamental perception that he is not a consensus President, but a determined Commander-in-Chief with a strong personal view of what the national interest requires. Compelling evidence indicates that a clear-cut, anti-Communist solution in Vietnam is paramount for Mr. Nixon, and that he is quite prepared to accept further risks of searing domestic division and demoralization in order to go on trying to get it. US military action in Indochina is now bent toward assuring the Thieu regime's survival; at the same time, moderate American troop withdrawals are proceeding. Beyond a certain point, however, American withdrawals must contribute to a net weakening of the allied military position and will then begin to increase the risks to Thieu's survival. The grave view is that, when this critical juncture is reached, Mr. Nixon will shed the present ambiguity and come down hard on the need for an indefinite American military effort in Indochina, no matter what the mood of the country. He came close to doing this in his press conference of February 17.

Support for this view derives from his steady insistence that the Thieu regime, or something very like it, must prevail without participation by Communist elements; it is seen in warnings against American "humiliation and defeat" if the elected Government of South Vietnam should be overthrown, and in his easy resort to impassioned cold war rhetoric (which was so notable a feature of the speech announcing the attacks on the Cambodian sanctuaries last April 30). One must also take note of Mr. Nixon's sense of being constantly under test by the dark powers in Moscow and Peking and of having constantly to prove his toughness. This facet of the President's personality has the effect of raising many international issues to the level of personal challenge. His tactical combativeness is aroused. Through an inability to accept transient setbacks for the sake of larger goals, he is often led into actions which deepen the involvement and harden the commitment, contrary to the judgments of his senior advisors.

For example, it is now clear that many senior American officials (military and civilian, in Washington and Saigon) did not share the President's conclusion last spring that the fall of Prince Sihanouk and the subsequent movement of Communist forces in Cambodia "posed an unacceptable threat to our remaining forces in Vietnam." They discerned neither an increase in the size of enemy forces in Cambodia, nor an increased threat to U.S. forces. They did not believe that strikes into Cambodia were necessary to protect American lives or to maintain the scheduled rate of troop withdrawals. Some advisors did see "opportunities" in striking at the sanctuaries while the Communist forces (unsettled by the coup and by Lon Nol's ultimatum that they depart Cambodia in 72 hours) were moving or facing westward. In fact these opportunities had been seized by the Saigon Army as early as March 20—just two days after Sihanouk's ouster and nearly six weeks before Mr. Nixon acted. ARVN mounted steadily larger raids from that date until late April—air strikes, armored patrols, and sustained task force operations that penetrated a number of miles into Cambodia and remained for several days; some of these were conducted in coordination with the new Cambodian regime.

The governing factors in Mr. Nixon's decision of April 30 are thus an interesting speculation. Whether he appreciated that the ARVN cross-border operations may well have provoked the Communist forces to move west (in anticipation of a larger US–ARVN attack, or to put pressure on the new Cambodian government for the adoption of a less hostile attitude) is not clear. But he appears to have been virtually alone in perceiving this movement as "an unacceptable threat" to remaining US forces in Vietnam, if indeed that was his substantive judgment and not merely the stated reason for the US attacks. From Stewart Alsop's engrossing look at the famous yellow pad calculations on this occasion (*Newsweek*, June 1, 1970), one gains the strong impression that Mr. Nixon's chief concern lay elsewhere. He was disturbed by the prospect that, if neither side moved, an "ambiguous situation" might arise in Cambodia which, by underlining the neutral status of that country, would thereafter inhibit US military actions. It is a fair inference that Mr. Nixon's decision to send US forces against the sanctuaries and to release ARVN for the conduct of much wider operations in Cambodia was aimed at preventing both the restoration of a hitherto unfavorable neutrality and the possibility that Cambodia might "go Communist."

But whether he foresaw the consequences of his act—for Cambodia, for aid to Cambodia, for ARVN, for US airpower—is doubtful. He made a very personal decision, involving the kind of dramatic action and stirring rhetoric appropriate to his chosen role of Global Brinksman. The central question he posed in his later television address of June 3 made clear that he perceived the playing field as much wider and the stakes much higher than Cambodia or even Indochina: "If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States?"

In the same speech, delivered as American forces were pulling out of the sanctuaries, he described the action in Cambodia as "the most successful operation of this long and very difficult war." By mid-February 1971, close to half of Cambodia had passed out of Cambodian control; the country's productive capacity—embracing rubber plants, cement plants, fertilizer plants, paper mills and rice mills—had been severely damaged by heavy American air strikes and other war operations; roads, railroads, bridges and other communications had been extensively cut. Although the Cambodian armed forces had grown from 35,000 to 165,000, most of the major cities were in enemy hands and the capital remained virtually under siege. All of this had produced a Cambodian budget deficit of $40 million in 1970, and an anticipated shortfall of $400 million in 1971. While the United States continued to disclaim any commitment to uphold the Lon Nol government, its actions steadily belied its words. Initially a few thousand captured Russian rifles and American carbines were quietly provided the Cambodian army; then $100 million in emergency military assistance was transferred from other programs. Then Congress was pressed to vote $250 million of combined military and economic aid in exchange for the Administration's explicit promise that no US ground forces would reenter Cambodia, and its implied judgment that the whole US military effort would be gradually diminished.

In the June 3 speech, Mr. Nixon also stated that "the only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam." In fact, the American air effort has been dramatically intensified throughout Cambodia, involving not only long-range interdiction, but close support of Cambodian and South Vietnamese troops. The full panoply of tactical air power—reconnaissance, forward air control, fighter bombers, gunships, flareships, medical evacuation, and leaflet drops—has been employed. In the January effort to reopen Route 4 (the highway south from Phnom Penh to the Gulf of Siam), the Administration finally abandoned the pretense of adhering to the President's position, and acknowledged that it was using "intensive air power" in Cambodia, but not of course to support the Lon Nol government! The purpose, as explained by Secreary Laird, was "to protect Americans in South Vietnam . . . to enhance Vietnamization." In his own press conference of February 17, and referring not only to Cambodia, but also to Laos and North Vietnam, Mr. Nixon said that (except for resort to tactical nuclear weapons) "I am not going to place any limitation upon the use of air power." Small wonder that the credibility of his pretensions to a policy of restraint is being steadily lost.

Not even rash optimists now expect that anything conclusive will be achieved in Cambodia. What most see is the making of another quagmire: American airpower committed to endless months of devastating, yet inconclusive destruction of human life and property, and the American treasury to endless years of compensatory economic assistance—all to support a government to which we have no formal commitment of any kind and whose need for support arises chiefly from events precipitated by U.S.-ARVN attacks on the sanctuaries. While the U.S. interest in Cambodia is obscure, the survival of the Lon Nol Government has now become, for practical purposes, intimately linked with the Thieu regime's view of its own security. For this reason, plus the military incompetence of the Cambodians, a major combat role in Cambodia has been thrust upon the ARVN. If long sustained, these operations could lead to a weakening of the security situation in South Vietnam.

The prospect presented by the situation in Laos is, if anything, less encouraging. A fundamental question in the equation—the acid test of Vietnamization—is whether the ARVN will be able to operate more or less on its own in the foreseeable future. Senior American officials insist there has been some improvement, but one central fact is undeniable: ARVN remains absolutely dependent on the whole panoply of U.S. air, artillery, airlift and technical maintenance support—not only for mobility but for survival. Perhaps 2000 U.S. combat aircraft are committed to the Laos operation. During the first two weeks of fighting, U.S. helicopters flew 10,000 missions across the border (for purposes of troop lift, gunship support, supply, and evacuation). During the same period U.S. fighter bombers flew 700 strike missions, and B-52 bombers made 420 heavy attacks. Two fundamental conclusions follow: (1) it is difficult to see how large ARVN formations could be logistically supported—or avoid entrapment—if U.S. combat support forces were totally withdrawn, or even if they were reduced much below the level of 150,000–200,000 men; and (2) even the staggering dimensions of the U.S. air-support effort in Laos have not prevented serious ARVN defeats in the mountainous terrain. But given Mr. Nixon's unrelenting commitment to Thieu, the spreading bog does not encourage the hope that U.S. withdrawal from Indochina is imminent.

As analysis elsewhere has shown, there are perilous risks in a course of piecemeal, but partial, US withdrawal. Were reductions to proceed downward to, say, 100,000 men or less, we would face not only the immobilization of ARVN, but also serious dangers for the physical security of the remaining American forces. If the US were to announce a definite timetable for total withdrawal, we could rather heavily discount the Nixon assumption that the other side is eager to humiliate us by terrorist attacks on our troops during embarkation (Ho Chi Minh was once quoted as saying that his side would strew our departing path with roses). On the other hand, if the reality emerges that we intend to provide starch and mobility to the ARVN in perpetuity, then we may be sure Americans will become special targets of enemy violence. At that point might be posed the same hard question we faced in 1965—to escalate or liquidate. But if such a question were posed in 1971 or 1972, it would have to be decided in an atmosphere of profound war-weariness, disillusionment, and spreading bitterness; any attempt at reescalation might snap the remaining strands of national patience, and produce political tumult. Yet the logic of the Nixon policy is painting us into that kind of corner.

The bizarre raid on the prisoner compound at Sontay may also reveal Mr. Nixon's thoughts about the future. It has always been clear that even successful Vietnamization will not bring American prisoners home, for it is a policy aimed not at promoting serious negotiations, but at substituting for them. Only a negotiated settlement (though it could be confined narrowly to the military issues between the United States and North Vietnam) can secure the return of our prisoners. This truth spreads slowly through American opinion. Last September 17, the Vietcong representative in Paris offered to negotiate the prisoner issue immediately following public announcement of a definite US timetable for withdrawal.

The Sontay raid can be read as Mr. Nixon's considered reply. Constituting a rejection of the proposal, the raid demonstrated (while seeking to camouflage) the painful truth that Vietnamization holds out no hope for the prisoners. As even the Administration's friends now admit, the raid was largely an exercise in domestic public relations. It aimed at dramatically demonstrating that the Administration was not "standing idly by," but it was in fact designed to bring back few, if any, prisoners. The determining factors in selecting the Sontay site were its accessibility to helicopter assault and the ease with which the attackers could get in and out of the compound. Intelligence gathering to ascertain the presence of prisoners was either very casual, or else the attack was deliberately made on an abandoned compound in order to reduce the operational hazards.

The Administration's oft-stated position on the prisoner issue seems either deluded or disingenuous. On February 17, in another effort to relieve domestic anxiety, Mr. Nixon asserted that so long as North Vietnam holds American POWs, American military forces will remain in Vietnam; moreover, that they will remain in sufficient numbers to give the other side "an incentive to release the prisoners." This suggests a belief that US tenacity will at some point break the will of the North Vietnamese and cause them to negotiate on our terms; if the belief is real, it is another minifestation of the prime delusion that the US somehow has more at stake in Vietnam than do the North Vietnamese. On the record of the past ten years, it would be more accurate to reverse the President's proposition, and to say that so long as American forces remain in Vietnam, North Vietnam will continue to hold American POWs. On the other hand, the President may fully understand this, and may be using the prisoner issue as merely another justification for perpetuating American involvement in the war.

In a wider context, further evidence against the sanguine view of an orderly letting-go in Indochina is the developing perception that the Nixon Doctrine is a rather elaborate camouflage for the determined pursuit of old policies. Widely advertised as the promise of a lower US profile in Asia, it appears to perpetuate the confrontation with China by other means. As a concession to the current mood in America, the doctrine calls for a reduction of US military deployments in Asia. But it seeks to compensate for this, in part by efforts to strengthen the military establishments of pygmy states on the fringes of China, and in part by reaffirmation of every existing US commitment in the region. Public statements have stressed our intention to transfer the major burden of deterrence and defense to local states; the statements have conspicuously failed to acknowledge the inherent incapacity of those small, weak, divided countries to "contain" a China whose continued hostility will have been assured by unrelenting American efforts to maintain them in an anti-China posture (including a steady flow of arms and military advice).

The Nixon Doctrine thus contains serious contradictions. Domestically, it fosters the notion of non-involvement in future Asian wars; at the same time, it rejects the inevitably corollary—which is retreat from insistence on US paramountcy in ever corner of Asia, and a basic move toward accommodation with China The notion that, under the doctrine, the United States will henceforth remain aloof from Asian conflicts is thus seen to be a myth, for US involvement will flow directly from the Administration's plan to lock insubstantial fringe states into position of permanent tension and hostility toward China, and then to back them up when that impossible mission proves beyond their strength. Secretary Laird has now made clear that the unfettered use of airpower in Cambodia is one application of the Nixon Doctrine. The President has now added Laos and North Vietnam to those areas where he feels to use this instrument without limit and without further congressional consultation or public debate.

Beyond some finite point, progressive troop withdrawals and the promise of more to come cannot be reconciled with an unlimited commitment to a South Vietnamese regime which seeks a clear-cut military solution. But the contradictions may be more apparent than real, for Mr. Nixon's insistent definition of a "just peace" is really a euphemism for a military solution. Indeed the only real question for the Administration may be the particular mix of US and ARVN forces, and the amount of time required to achieve it—that is, to defeat all resistance in South Vietnam and thereafter enable the Thieu regime to govern the country in a tolerable state of civil order. No doubt, Mr. Nixon hopes that Thieu and the ARVN can do the lion's share, and soon, but he seems quite determined to maintain powerful American forces in Indochina for an indefinite period, if that is necessary to guarantee an undiluted non-Communist solution. Presumably he judges the political risks of this course to be high, but manageable.

Up to now they have proved manageable. Those who oppose his policy and seek to resolve the issue through scheduled withdrawal and compromise negotiation are not so much in intellectual disarray as they are simply overwhelmed by the sheer power and momentum of the Presidency. They are not isolationists or proponents of a Communist victory; neither are they unilateral disarmers, summer soldiers nor defeatists. They have made a considered judgment, based on long and painful experience, that the tragic American involvement in Indochina has been based (probably from the beginning, certainly from 1965) on fundamental misconceptions of what was necessary, possible, moral or important for our security interests. They are convinced that these profound mistakes must be acknowledged, and the acknowledgement translated into clarifying action, before the US Government and the American people can once again think constructively and sensibly about foreign policy and the American role in the world. They are absolutely convinced that further military efforts to "win" in Southeast Asia can only increase our national frustration and delay the inevitable reappraisal and adjustment of our general position. Delay has already constricted responsible choice; more of it will imperil American leadership elsewhere in the world and could destroy our society at home.

Two weeks ago, such judgments seemed entirely academic. And they are still no match for the President's power of initiative, his control of the war machine, his capacity to manipulate information and events under the inherently fluid and confusing conditions of the war. But public opposition is stirring again. The contradictions of the President's policy are too glaring to conceal.

You cannot fool all of the people all of the time.

Mr. BADILLO. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Speaker, I want to commend my good friend and colleague, the gentlewoman from New York (Mrs. Abzug), for taking this time today to again focus on the war in Southeast Asia. I know there are those who feel there is nothing new to be said about the war. There are even those who feel it is no longer an issue. And I would say to all of them: You are dead wrong. We should be talking about this war every day and we should be reasserting the responsibility of Congress to shape our foreign and military policy by bringing the war to an end—now.

Can anyone say the war is no longer an issue, when Americans continue to fight and die, not for our own national interests, but to keep in power a repressive regime in Saigon; when billions of dollars continue down the rathole of Indochina while our cities become further mired in decay and blight; when an administration which came into office with a pledge to square with the American people over the war, blatantly refuses even to tell the people or the Congress what it is spending on the war.

I would point out to my colleagues that in his interview Monday evening with ABC Commentator Howard K. Smith, President Nixon would not characterize the war in Vietnam as either a victory or a defeat for the United States. In my opinion, this war has been and will continue to be a tragic defeat for this Nation—a defeat for our constitutional system of checks and balances between branches of the Government; a defeat for our traditional principle of committing this Nation to war only when our own national interests are at stake; a defeat for our urgent national priorities for better schools, housing, and health for all Americans; a defeat for the poor and the black and the young, whose aspirations have been crushed by the misallocation of resources; and yes, a defeat for the people of Vietnam itself, who have suffered death and injury not only at the hands of those we call their enemies, but at the hands of us—their so-called defenders. Twenty-five thousand Vietnamese civilians dead and another 100,000 injured last year alone is scarcely the hallmark of a mission of mercy, and I just do not see how it can be called winding down the war.

I think it is clear that the President holds the same dream of a military victory that proved the undoing of his predecessor. I think it is clear that he has given up all hope of a negotiated settlement. I think it is clear that only the style of our warfare has changed; not its substance and not its goal.

I think it is clear that Congress must act to end this war—now.

And it is certainly clear that all of us here in the Congress have a responsibility to keep calling the attention of the Members to the urgent need to act now, and for that I again commend my colleague from New York.

Mrs. ABZUG. I thank the gentleman.

Mr. ANDERSON of Tennessee. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Tennessee (Mr. Anderson).

Mr. ANDERSON of Tennessee. I wish to commend the gentlewoman for a most excellent statement, which has brought forth the many, many elements related to the war and our hopes for its earliest possible end.

The gentlewoman's statement is excellent, and I think it is one that should receive wide attention and distribution.

The distinguished gentlewoman spoke of the President saying that some people apparently wanted what he called instant peace. I do not think anyone thinks there can be instant peace, but would the gentlelady not agree that at the rate the President is going we are getting out of Vietnam probably at a slower pace than would be possible if we were withdrawing by way of Hannibal's elephants?

Mrs. ABZUG. Mr. Speaker, I thank the gentleman from Tennessee.

Mr. DELLUMS. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Speaker, I consider it a privilege to join the gentlewoman from New York in the special order on Indochina.

I came to Congress very seriously committed to the notion that our involvement in Indochina is the No. 1 priority that confronts the 92d Congress. I consider our involvement in Indochina illegal, immoral, and insane. We are in a war which is the greatest human and economic drain on American resources in modern times—a war disproportionately waged on the backs of blacks and browns and reds and yellows and poor and working class whites, a war resulting in an untold number of deaths of the Vietnamese people, a war that is justified only by the notion that we, as a nation, must save face.

I would suggest the only way this Nation can save face with respect to our involvement in Indochina is to stand up and admit to the world we made a tragic mistake in Southeast Asia and then to get out of Vietnam.

The problems of Vietnam can be solved by the Vietnamese people. It is rather presumptuous on the part of this country to assume that we can assert our way of life and our attitudes and our philosophy over other people.

We in this Congress must be willing to respond to the will of the people. The substantial majority of people in this country are tired of war and death and destruction and militarism which has characterized this Nation's involvement in Indochina.

If the administration which is presently assuming what is ostensibly called leadership in this country does not fix a date for American withdrawal from Indochina, then we, as a Congress—the body of government that is often referred to as the people's branch of government—must fix a date to end the madness. We must become leaders for peace.

Any of us who believe that peace can be achieved without this Nation assuming some bold and courageous steps in order to achieve it are living in a never-never land. Bold steps must be taken for this country to regain much-needed credibility as a nation concerned about peace and humanity.

Step No. 1 is for America to get out of South Vietnam. If 434 of my fellow colleagues agreed with me, I would say there should be immediate, total, absolute, unilateral withdrawal from Indochina, but I recognize the realities. I recognize that we often put political issues before human life. Perhaps then on that basis we, as people, in Congress can come together at least to end this madness and this insanity by the end of this year.

The second bold step is to end the draft. Millions of people in the country are no longer willing to engage in such folly and be cannon fodder, and go across the water to spill their blood on foreign soil in a cause many of them do not even understand.

As a third step, let us make some drastic cuts in our military appropriations. Let us stop this national chauvinism, the Pentagon chess games that allow underdeveloped nations to act as pawns with human life hanging in the balance. I would submit, Mr. Speaker, that if this Nation, in fact, needs a weapon in the world, then let that weapon be this Nation's ability to make democracy a reality for all human beings.

Then we will not have to export it at the end of a bayonet or at the end of a bomb blast or napalm, because if democracy works, and it is good, it will be imported by other people without the absurdity of violence, death, and destruction.

The way we are going to make democracy a reality is to strike a blow against racism, discrimination, prejudice, poverty, hunger, and disease.

Let us take those previously committed funds for the military and start dealing with human questions, with the quality of life in this country. Let us help the underdeveloped nations in the world. I am not an isolationist, but I believe we should not hand money to them with one hand and tie it up politically, militarily, and diplomatically with the other.

Next, let us say to the administration, "We want to have the strategic arms limitation talks move off dead center." In order to do that let us say to the President and the leadership in this country that we want to stop the absurdity and the deployment of the ABM and the insanity of what I call perhaps the most heinous weapon ever devised by man, the MIRV system.

Next let us admit, gentlemen we have to either create or strengthen a mechanism in the world that allows us to solve international disputes short of the absurdity and insanity of war. War by its very nature is a psychotic state. Where else can you send young people to kill or to be killed in a cause they do not even understand?

We can take 9-year-old children on the elementary school playgrounds and tell them to stop fighting, and then 10 years later give them an M-16 and tell them to go kill. That is the height of hypocrisy, folly, and contradiction.

Maybe if we can tell the young people in this country today to stop violence and stop fighting, we ought to call upon the young people of this country today to tell us old folks to stop the insanity of killing and the absurdity of war. Because war, reduced to its fundamentals, is pain, stench, sorrow, suffering, and death—nothing more, nothing less.

Let us assume our responsibilities as Representatives of the people in this branch of Government to respond to the will of the people who are saying, "End our involvement in Indochina." Let us end our adventurism, our involvement in a covert attempt to replace the French in Indochina. Let us prepare this Nation to receive peace without a heavy reliance in our economic system on militarism and destruction, and let us start dealing with the quality of life of human beings in this country.

Let us get on with dealing with the problems of racism and poverty and hunger and inadequate education, the problems of sex discrimination, the problems of destroying our environment, and all the other crippling problems which confront us as human beings.

And let us stop the emptiness, gentlemen, of merely giving speeches on the floor of Congress and come together as people to deal with the human questions in this country.

I realize that this colloquy was made very late, but it is rather tragic we have to talk about one of the greatest problems in this world with a handful of Congressmen on the floor and maybe a few more people in the gallery, when human life hangs in the balance and desperately needed programs go unfunded in this country.

Gentlemen, destiny is in our hands. Let us seize the time and use the power to end our involvement in Indochina and to end the military mentality of this country and get on with achieving the quality of life for blacks, browns, reds, yellows, and whites in this country.

Thank you.

Mrs. ABZUG. I thank the gentleman.

Mr. DRINAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Massachusetts, Congressman DRINAN.

Mr. DRINAN. I wish to commend the Congresswoman from New York for her leadership in this matter and to note that there are troublesome days ahead as we seek to evaluate the precipitate withdrawal from Laos. It has certainly been a depressing and distressing thing to be a freshman Congressman and to have during the first 8 weeks of your tenure the President of the United States invade another neutral nation without any authorization or justification from this Congress.

There is no way to evaluate the claims of the administration that Laos has been useful. All I know is that a new credibility gap has arisen because, contrary to predictions and expectations, the United States has now withdrawn from Laos prior to the rains and the monsoons.

Independently, however, of what you may evaluate or however you may judge what we are told or what we are not told, the fact of the matter is that this invasion was done in total violation of at least two of the rules of war—those rules which incorporate the basic commitment that all of humanity has to the civilized waging of warfare.

I commend to all an article in the Foreign Affairs magazine for April 1971 entitled "Laos: The Anatomy of the American Involvement" by Roland A. Paul, who is counsel to a subcommittee of the Senate Foreign Relations Committee.

This tragic land has now been further decimated by activity which is justified by the Department of State. It is indeed once again discouraging to be a freshman Congressman and have the Secretary of State at the very height of the Laotian invasion testify before the Senate Foreign Relations Committee on March 5, 1971, saying that this administration will not ratify the 1925 Geneva protocol banning all biological and chemical warfare. This administration will accept that protocol only with the understanding that the United States can continue and will feel free to use tear gas and chemical herbicides. Both of these, I assume, have been used in Laos.

We can assume that, contrary to the rules of war of all civilized humanity, we continue to indulge in crop destruction and defoliation. Secretary Rogers admitted what is known by all, namely, that this protocol has long been accepted by every major nation on earth. Secretary Rogers' testimony was followed up and confirmed by State Department officials who have not yielded and will not yield from the position of this administration.

It is more than a little disturbing to note that in 1969 the General Assembly of the United Nations in an 80 to 3 vote adopted a resolution stating that the use of all chemicals, including tear gas and herbicides, would be in fact contrary to the 1925 Geneva protocol. The United States was one of the three nations out of 83 nations voting that dissented from the overwhelming sense of all of humanity that all chemical and all biological warfare, including tear gas and herbicides, should be banned by civilized nations. The only motivation for the United States so to act in 1969 was, of course, the continued use by the United States of tear gas and herbicides in the war in Vietnam. We can assume that that illegal conduct has been continued in the invasion of Laos. The continued use of tear gas chemicals is justified by this administration in a statement to the effect that "the employment of this type of weapon is more humane than napalm." It is, however, difficult to justify the use of any form of tear gas, any form of herbicides, or napalm in view of the Geneva protocol's prohibition against the use of "asphyxiating, poisonous, or other gases and analogous liquids, materials, or devices."

In view of the broad and sweeping language of the Geneva protocol it is not surprising that the Federation of American Scientists criticized the Nixon administration's interpretation of the Geneva protocol as "highly questionable legally, absurd politically, repugnant morally, and foolish strategically."

I would like to state as vigorously and forcefully as I can that I feel that the continued refusal of the United States to accept the 1925 Geneva protocol because of its insistence in using these chemicals in the Vietnam war is, in my judgment and in the words of the Federation of American Scientists, "repugnant morally."

The position of the administration constitutes a clear admission that the United States continues to prosecute the war in Southeast Asia by the use of certain forms of biological and chemical warfare which have been outlawed by every major nation except America and condemned overwhelmingly by the United Nations.

I would therefore ask that the Nixon administration alter its position on these weapons of war and proclaim to this Nation and to the world that the United States will henceforth comply with the minimum standards for civilized humanity set forth in the 1925 Geneva protocol.

Mrs. ABZUG. I thank the distinguished gentleman for his contribution.

Mr. DOW. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. ABZUG. I yield to the distinguished gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Speaker, I want to commend all of the speakers this afternoon on this special order about the war on Southeast Asia and especially the distinguished gentlewoman from New York, because they are not accepting the conclusion that the Vietnam conflict is winding down and that it is just a routine affair now and one to be ignored. We cannot go on to any other project until this problem in Southeast Asia is resolved.

Mr. Speaker, on March 1, I sent my constituents a letter; in that letter I said:

> The recent foray that we have engineered of sending Saigon soldiers to cut the Ho Chi Minh Trail in Laos is building up to a crisis that may soon be a major turning point.

The unwisdom of sending a small contingent of 16,000 Saigon troops into the position most vital to the North Vietnamese, is another example of the mistakes that our civil and military leaders have been making regularly for years. Anyone can see that if our marines could not hold the base at Khesanh, it is reckless to send a small number of Saigon troops into an enemy nest miles beyond Khesanh.

My letter stated:

> All of this promises to be a setback to the Laos expedition and the United States backup efforts. It may shortly present the administration and the Nation with the hard decision whether to expand the war even further or to accept the setback. I predict much trouble in this situation shortly.

And, so, following up on those words of 3 weeks ago, I would like to say that critics of this sorry expedition, which has exacerbated the war and pretty well discredited the program of vietnamization, now face a serious dilemma. If we criticize the operation, then the pride of our military and civil leaders is publicly challenged and they could be moved to escalate the war. There are dangerous signs that they might do this, and such a sign is the recent bombing of North Vietnam on a heavy scale. If, on the other hand, we do not criticize the incursion into Laos, then we acquiesce in what is obivously another link in the long chain of unwisdom that has drawn our ship of state into dangerous waters.

I do not know which of the dilemma's horns we should seize. I do know that the last incursion was a gross mistake. I mourn the courageous helicopter pilots who were the victims.

How long must this cruel routine continue? How long must American blood be spilled on ground that is alien to us, and will always be alien? How long must our country stand this extravagance while our poor suffer from high prices, our families from high taxes, and our elderly from downright poverty?

Mrs. ABZUG. Thank you, Congressman Dow.

GENERAL LEAVE

Mrs. ABZUG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the object of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MONTHLY BRIEFINGS ON ECONOMIC INDICATORS CANCELED BY LABOR DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Sisk) is recognized for 5 minutes.

Mr. SISK. Mr. Speaker, I am shocked and appalled to learn of the cancellation of the regular monthly briefings of the Labor Department on economic indicators.

The Bureau of Labor Statistics of the Department regularly provided us with valuable tools for assessing the state of our economy. Reported immediately in the press, on radio, and television, and knowing what past figures indicated, we could at a glance tell whether we were progressing, standing still, or regressing.

This impartial assessment is necessary, Mr. Speaker, if we are to correct those imbalances which develop in every society as it evolves. These impartial assessments enable us to correct conditions before they become crises.

I deeply regret, although I am sure that is the intention of the administration in canceling the interpretation briefings, that media attention will now be diverted to official White House explanations of the statistics. I fear colorful interpretations of the sometimes stark forms of reality will be the rule and unpleasant facts will be hidden behind a smokescreen of wishful thinking, or become so exaggerated as to be unbelievable. Danger lies in both extremes for our democratic processes. Either erodes public confidence.

The self-serving statements of officials who want to sugarcoat the bitter pills of unemployment and economic repression will not go down well in the long run. This is fantasy which leads to self-defeat. In the process, however, the loss of public respect for public officials is not pleasant to contemplate.

We cannot pick up a newspaper these days, listen to a news broadcast without being aware of the tremendous gap between promise and fulfillment. The muzzling of officials who can impartially interpret economic indicators, in my mind, can only help widen the gap.

For 20 years now—during Republican and Democratic administration—we have had impartial interpretations of statistics. This action can only demonstrate that the administration does not have faith in its own predictions of the economy.

There is also the problem created for the administration itself in following this course. If spokesmen believe that what they say about a problem is more important than what they do about it, we are in for real trouble. I am afraid it suggests that we are in for a dramatic script written in Hollywood east, but which can hardly be likened to a blueprint for betterment.

Congress has pointed the direction to go. What we need is an incomes policy now, jobs now. Why should we wait until the election year of 1972? Voters eat in other than general election years.

We have proposed public works programs, legislation which will put people back on the payrolls immediately.

Mr. Speaker, this new step by the administration can only serve to obscure the real state of the Nation. Therefore, I have written to our colleague, Mr. Holifield, the chairman of the Government Operations Committee, requesting a full and complete investigation of the President's action. I urge my colleagues in the House to join me.

AUTHORIZING CONSTRUCTION OF BRIDGE ACROSS THE CHESAPEAKE AND DELAWARE CANAL AT ST. GEORGES, DEL.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware, (Mr. duPont) is recognized for 15 minutes.

Mr. duPONT. Mr. Speaker, I introduce today, a bill to authorize construction by the Army Corps of Engineers of a new, six-lane bridge across the Chesapeake and Delaware Canal at St. Georges, Del. This bill, Mr. Speaker, is a companion bill to the one introduced by my distinguished colleagues from Delaware in the other body late last week. This particular crossing at St. Georges, Del. is the vital link between upstate and downstate Delaware. U.S. Route 13 is the only major artery which runs north and south through our State. Already, the bridge is overcrowded every day of the year. During the summer, the bridge carries as many as 30,000 cars per day. Many, many residents of Delaware, Pennsylvania, New Jersey, Maryland, and other States, use this bridge as the vital link to the Delaware shore area. Also, this bridge is the vital link between Wilmington, the largest city in our State and Dover, the State capital.

The bridge is under the control of the Army Corps of Engineers as a result of the purchase of the canal by the Federal Government in 1919. By this purchase, the United States also agreed "to keep good and sufficient bridges across the said canal, so as to prevent any inconvenience." The original bridge built was replaced on January 1, 1942, by the present structure. Obviously, Mr. Speaker, a bridge built on Delaware's most vital artery in 1942 is simply not sufficient to meet the traffic demands of today and of the future. The Delaware resort areas such as Rehoboth Beach and Lewes have boomed in the 1960's. Access roads both north and south of the bridge have been improved and the residents of many States are traveling via the bridge to the Delaware shore.

This bill has been precipitated by the announcement of the Army Corps of Engineers that it plans to close the bridge for a period of 9 months for repairs. Mr. Speaker, this is more than a major crisis for the people of the State of Delaware; It is a disaster. I have met with the Governor of the State of Delaware, the secretary of the department of highways and transportation, and the Army Corps of Engineers in order to see if the present repairs cannot be done so as to keep the traffic moving across the bridge. At this state, the Army Corps of Engineers says it has no alternative, but to close the bridge for the entire 9 months. This will result in hardships for the State of Delaware totally beyond comprehension. Up to 30,000 cars a day will have to be rerouted on two-lane, back roads not designed to carry interstate traffic in such volume. Any detour will be a substantial safety hazard for those who use it, as well as for the residents who live along the intended detour roads. I reminded the Army Corps of Engineers, Mr. Speaker, that they closed the bridge in 1964 to make repairs which would last "at least 12 years." Now, 7 years later, the Army Corps of Engineers tells us that the resurfacing done in 1964 was a failure and we need an entirely new roadbed. The Corps of Engineers tells us that the bridge cannot be partially closed, but rather must be fully closed for the entire 9 months. I certainly am not qualified to judge whether or not it is possible to resurface the bridge without closing it entirely. I have, therefore, asked the Governor of the State of Delaware and specifically his secretary of highways and transportation to provide for me their best information as to possible alternatives to a complete closing. A closing, Mr. Speaker, is a special hardship for the many persons who live in the area and use it daily to get to their jobs, their schools, or their post office. And even after the bridge is resurfaced, the citizens of Delaware as well as the interstate users of the bridge will, at best have an inadequate, unsafe, outdated, structure.

The Delaware Department of Highways and Transportation is presently doing a complete analysis of traffic patterns and flows north and south throughout Delaware, and especially along U.S. Route 113. There appears to be little or no doubt that these traffic projections will show the need for a new six-lane bridge in the very near future. Delaware is already planning so it can provide access roads to the bridge. This bill, Mr. Speaker, is designed to start the Army Corps of Engineers planning so it can work with the State of Delaware in fulfilling its responsibility to the citizens of Delaware and surrounding States, who have come to realize that this crossing is truly a vital link through our State.

By introducing this bill today, Mr. Speaker, I certainly hope that we can pave the way for cooperation in the future so that both the State and the Federal Government work together on this project. It has been suggested that if we could get a new bridge across the canal at St. Georges in the next few years, maybe the present bridge could be patched temporarily until a new one could be built, and only then close the present structure for resurfacing. All of the experts to whom I have spoken have suggested this is not feasible since a new bridge is at least 10 years away even if Congress acted today. I would certainly hope this is not the case. But Congress, by authorizing the construction of this bridge during this session, can set the ball rolling and take a much needed first step in living up to its responsibility to the people of Delaware. Mr. Speaker, we may not win the fight to keep the bridge from closing for 9 months, but I firmly believe that by sound, farsighted planning, we can help to avoid a recurrence of this situation in the future.

MARYLAND HOUSE OF DELEGATES REJECTS ABORTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I have just received elating news regarding a legislative matter which has been of vital concern to me and to many other Marylanders. Although this involved legislation pending before the Maryland House of Delegates rather than this body, it concerned a matter which has nationwide implications and should be of concern to all Members.

The Maryland House of Delegates has today voted 77 to 59 to defeat the liberalized Maryland abortion bill, H.B. 100, which would have authorized abortion on demand. This rejection follows the Maryland Legislature's vote of last year to approve an abortion measure which was the most liberal in the Nation. You will recall that Gov. Marvin Mandel vetoed this measure last year.

Because of the seemingly great support for liberalizing the Maryland abortion law, I did not have great hope that this effort could be defeated. Nevertheless, because of my strong conviction that abortion is akin to murder, I testified before the committee holding hearings on this matter and further informed all Maryland legislators of my deep concern and opposition to abortion.

It is a source of deep personal pride and satisfaction to me that my own brother, Dr. William Hogan, an obstetrician-gynecologist of Montgomery County, Md., is entitled to a great deal of the credit for the defeat of this bill. He testified before the committee hearings on this legislation and showed color slides of the fetus at various stages of development which graphically illustrated that the developing infant was a human being whose life should not be snuffed out capriciously for the convenience of the mother. My brother worked very hard in convincing members of the house of delegates that this bill should be defeated. He also spoke before numerous organizations educating the public about the plainly evident humanity of the unborn child. I hope my colleagues will forgive my personal allusions to my brother, but I am bursting with pride over the magnificent victory which he and his allies have won. I am grateful that there are compassionate human beings such as my brother who will make such great personal sacrifices as he has done, to fight an issue such as this. I am grateful that he is my brother.

He believes strongly, as I do, that it cannot be right, nor should it be legal, to end one human life for the personal convenience of another human being. And we are talking about a human life, inasmuch as an unborn infant feels, turns, kicks, somersaults, swallows, swims, makes a fist and may even suck his thumb long before the mother is aware of life within her.

I could reiterate all the arguments against this legislation, however, I will just recommend instead that you review my testimony which appeared on page E293 of the CONGRESSIONAL RECORD of January 29 and Dr. Hogan's testimony which appeared on page 2647 of the CONGRESSIONAL RECORD of February 11, 1971, if you desire additional information.

It is my intention to now redirect my concerns in this matter to the actions of the Department of Defense which allows abortions for members and dependents of members of the military service. I urge all Members to examine the Department's endeavors in this direction closely, as well as the authority under which they are performing abortions.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Because of our advances in medical technology, the United States has one of the lowest infant mortality rates in the world. In 1969, the United States recorded 20.8 deaths of infants under 1 year of age per 1,000 live births. This compares to a rate of 65.7 for Mexico, 61.9 for Peru, and 26.4 for the Soviet Union.

ANOTHER TEXTILE FIRM CLOSES DUE TO FOREIGN IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to call my distinguished colleagues' attention to yet another example of the tragedy that has befallen the American textile industry as a result of the uncontrolled influx of foreign textile imports to this country.

In the February 22, 1971, edition of the Southern Textile News, there appears a story telling of further evidence that foreign imports are forcing domestic textile mills to shut down completely in many instances such as this one.

The case in point here is the Maxon Shirt Co. in Greenville, S.C., where 500 workers will be turned out in the streets before the first of June, with the closing of the business.

The article is self-explanatory. I urge my colleagues, while reading this article carefully, to consider their positions on the textile import issue. I believe they will find that, in light of events in recent days, the only recourse left open to us if we are to save our domestic textile industry is to support my legislation calling for a system of quotas on textile imports in this country.

I ask permission at this time to have the article reprinted in the RECORD of today.

MAXON-SHIRT TO BE CLOSED

GREENVILLE, S.C.—Maxon-Shirt Co. will cease operations here by the end of May, it was announced by Oxford Industries, Inc., which has owned the Greenville firm since 1962. About 500 employees will be affected.

John Owens, executive vice president of Atlanta based Oxford, blamed mounting losses in recent years due to foreign import competition as the reason for the shutdown.

He said relief hoped for from Congress to stem the tide of imports through legislative quotas which failed to materialize forced Maxon to "abandon" its business.

Max M. Miller of Greenville, who founded the company in 1948, said the closing "should point out to Washington that they are going to have to do something about the textile situation."

He said that when he left Maxon three years ago he "didn't foresee this would happen."

Owens said that production operations of the plant on North Pleasantburg Drive, which manufactures children's wear, will cease by the end of April. The warehouse and merchandising offices will remain open through May to provide customer services, he said. The company has a distribution center on Woodruff Road.

An employment service center will be established to assist the employees in obtaining jobs with other companies in the area.

Charles A. Gibson, president of the Greater Greenville Chamber of Commerce, said, "I don't think they (employes) will have a world of trouble" finding other similar work.

"I imagine they will be placed all right although they cannot be absorbed overnight. The chamber will work with the owners to get employes properly placed."

Commenting on the closing, Owens said, "The massive influx of foreign made boys' wear manufactured in countries with wages far below those of the United States has generated price pressures that we cannot meet.

"In spite of mounting losses during the past few years, we held the line, hoping that Congress would enact import quota legislation allowing an orderly sharing of our market with our foreign competition.

"As you know, we did not get this legislation. Our inescapable conclusion is that we must abandon our Maxon Shirt Co.—Carnegie Boys' Wear business."

DISORDERED ECONOMIC POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS), is recognized for 10 minutes.

Mr. BOGGS. Mr. Speaker, in recent weeks the administration has given regular, rosy forecasts about the condition of the economy for the next 18 months.

The administration's Budget and Economic reports predict a gross national product of $1,065 billion for 1971, a rise of 9 percent in a single year. Democrats have consistently maintained that this is an unrealistic projection, especially in the absence of any affirmative steps to stimulate the economy.

If the economy falls short of these estimates, the fiscal deficit in 1972 will rise by $6 billion to about $19 billion.

Even worse, the administration's goal still falls short of the legislated aims of the Employment Act of 1946. For the administration's projection is premised on a rate of inflation of at least 4½ percent and a level of unemployment of 5 percent. In other words, even if we reach the goal of a GNP of $1,065—which many consider improbable—we will be further from our aims of full employment and price stability than we were 2 years ago when this administration took office.

This was the topic of an editorial in this morning's New York Times. I am inserting it in the RECORD and calling it to the attention of my colleagues:

DISORDERED ECONOMIC POLICY

The decline in industrial production last month and the slowdown of gains in income and construction make it increasingly improbable that the Nixon Administration will see its forecast of a $1,065-billion Gross National Product realized this year.

It is still unclear what the Administration was up to in producing a forecast regarded as so badly out of line by virtually the entire economics fraternity. Was it anticipating a magic resurgence of consumer and business spending? Or was it handing an assignment to the Federal Reserve to reduce unemployment more quickly through monetary devices?

All the evidence points to the latter explanation. Yet there is no reason to believe that the Fed is going to feed money to the system significantly faster than the 5 to 6 per cent rate of the past twelve months. The Council of Economic Advisers strongly suggests that this is not stimulative enough, although the Office of Management and Budget seems to think that a 6 per cent rate of growth in the money supply is just about right.

Meanwhile, Federal Reserve Chairman Burns continues to lecture the Administration about the need for a stronger incomes policy. The C.E.A., in the person of Herbert Stein, says, "Without any grand announcement, we have now taken on a large number of the ingredients of what is loosely called incomes policy." But many states defy or ignore the President's call for suspension of their support of construction industry wages.

Evidently, the picture of economic policymaking within the Administration is one of disarray. The Administration uses the Federal Reserve as a whipping boy, while doing little itself to realize the $1,065-billion target cum-forecast that it insists is essential to a reasonably prompt return to full employment. Although the unemployment rate has come down a bit in the past two months, a decline in the labor force is the main reason. Long-term joblessness has continued to rise.

With more stimulus clearly needed, Congress has done the Administration—and the economy—a good turn by raising Social Security benefits 10 per cent, retroactive to the start of this year, while postponing until next year the increase in the amount of income subject to payroll tax. But additional fiscal stimulus is still required if the Administration is to come closer to its goals. Expenditures should be increased for social programs, especially those that would help create jobs for the unemployed.

While moving to a more stimulative fiscal policy, the Administration also needs an incomes policy to tamp down inflation. A wage-price board administering an over-all advisory program designed to gain widespread business, labor and public acceptance of non-inflationary behavior would help repair a critical lack in policy.

A firmer incomes approach, coupled with flexible fiscal and monetary policies, will be essential to deal with what the Administration earlier called "the re-entry problem"—the problem that the economy will meet when it moves closer to full employment with increased danger of a heating up of inflation. The difficult maneuvers necessary to get the economy back to price stability and full employment can scarcely be carried out without stronger Presidential leadership and better integrated policy.

A GUARANTEED ADEQUATE INCOME FOR EVERY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 15 minutes.

Mr. RANGEL. Mr. Speaker, today I am introducing legislation to assure a guaranteed adequate income for every American.

I am recommending that the present welfare system be replaced by a guaranteed adequate income system and that any welfare reform which fails to establish a time table for reaching income adequacy be opposed. A guaranteed adequate income system must assure a minimum of $6,500 a year for a family of four from this new plan, wages or both.

I am proposing a $6,500 minimum for the following reasons:

A. The minimum a family of four needs is $6,500 to live at a minimum standard of health and decency. This figure is based on studies conducted by the Bureau of Labor Statistics that show what a family of four actually spends to get by at a low standard of living.

B. Studies conducted by the Department of Agriculture show that lesser amounts including the so-called poverty level are totally adequate as a measure of what people need to live.

C. Jobs available to people without high school and extensive technical education do not provide an income sufficient to meet people's needs, and this income must be supplemented.

D. This country has the resources available to provide this minimum level of health and decency to all Americans. A guaranteed adequate income would initially cost only five percent of the gross national product. By putting substantial amounts in the hands of poor people the country would assure itself of considerable economic growth because poor people will pour their income right back into the economy.

A recent Gallup poll reports that the American public believes the smallest amount a family of four needs to make ends meet is $126 a week. Earnings of $126 a week is $6,5524 a year.

The bill represents the structure and procedures recommended by the National Welfare Rights Organization. This group, with 800 affiliates in 50 States, is an organization of welfare receipients and other poor people. The group speaks for those who know first hand the deficiencies and frustrations of the present systems. The time has come for America to solve the welfare crisis and that time is now.

FEDERAL SUPPORT FOR THE FEDERAL PRIVACY ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the list of sponsors of H.R. 854, a bill which would protect the right of privacy for our citizens, has now reached 74. Editorials are appearing across the country in support of my bill pointing out the need for it.

H.R. 854 would act as a check, to a large degree self-executing, on Government recordkeeping. Under this bill, each agency maintaining records concerning any individual would have to, first, notify the individual that such a record exists; second, notify the individual of all transfers of such information; third, disclose information from such records only with the consent of the individual or when legally required; fourth, maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them.

The bill provides exceptions in cases of national security and investigation for purposes of criminal prosecutions, as well as safeguards for informants. Initially it would cause some inconvenience to Government officials, but the benefits of creating a system of protection are eminently worth this cost.

I am appending two editorials for the consideration of our colleagues:

WCBS-TV EDITORIAL

Subject: THESE ARE YOUR LIVES.
Spokesman: Sherrye Henry.
Broadcast: March 10, 1971, 6:55 P.M.

Do you remember the good old days when "This is Your Life" referred only to a television show—and when cool secret agents spied only on the enemy?

Well, that's all changing now. The man behind the dark glasses, pretending to read his newspaper, perhaps is watching you. And "This is Your Life" can now refer to files in the Defense Department on some 25 million people in the country. 25 million people! Our total population is about 200 million. About 60 million are under 14—and hopefully the Army is not yet after the children. That means that one out of every six adults has been checked on and computerized.

And those are just the files in the Defense Department. If you are not recorded there, don't feel left out. You may appear in the files of the FBI, the CIA, the Passport Office, the Justice Department, the State Department, the Treasury, the Department of HEW, or, perhaps, all of the above.

And if you don't make it on a national level, there is always the chance that you are important enough at home to be included in the files of New York City's Bureau of Special Services, a division of the Police

Department, which has carded about a million local residents and organizations.

With so many citizens at home to check on, when do we get around to spying on our enemies? Well, though the situation is outrageous, it is really is no laughing matter. This country was founded on constitutional guarantees of free speech and privacy, without fear of government retaliation, and those guarantees are now in serious danger if present surveillance practices are not controlled.

Congressman Edward Koch, Democrat of Manhattan, has introduced legislation to act as a check on government record keeping and to protect an individual's right to privacy. His bill will require any government agency keeping records to notify individuals when such a record exists—and permit the individual to inspect his own records if he chooses. The Koch bill makes exceptions for cases involving national security and investigations for prosecution.

Since the Defense Department is currently adding some two and a half million people a years to its files, Congress needs to pass the legislation quickly. Otherwise everyone in the country will show up in one government file or another. If that happens our secret agents may have to go back to spying on our enemies.

[From the St. Louis (Mo.) Post-Dispatch, Mar. 17, 1971]

Opening the Dossiers

A Senate subcommittee's investigation of governmental spying on citizens raises the question of how to discourage such activity. Certainly the Executive branch shows little disposition to stop it, or even discuss it frankly.

Secretary Richardson warned the committee that agencies outside government are more and more using Social Security numbers to identify persons, but as for government itself, the Health, Education and Welfare Secretary said it needed more and not less information. The Pentagon used the flimsy excuse that it was investigating Army spying and hence could not let three intelligence generals testify.

One partial answer to federal espionage at home is a bill proposed to the House and the Senate committee by Representative Koch of New York. Under this bill, any federal agency keeping records on individuals would have to tell the individual there was such a record, and let him inspect the record. Mr. Koch thinks some intelligence activity, such as Army surveillance of civilian political activity, ought to be prohibited outright. We agree. But if government is going to keep records on its people, the people have a right to know about them.

That alone should have a cautionary effect on the way federal agencies perform. Such secrecy as exists now is an invitation to roughshod invasion of individual rights.

PARACHUTE DROP ON POLAR ICE CAP

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on March 4, 1971, the officers and men of Company O, 75th Infantry Airborne Arctic Rangers, led by Gen. "Jim" Hollingsworth, parachuted from C–130 aircraft, in temperatures reading minus 37° F., to the polar ice cap.

These men were participating in a 5-day exercise named "Ace Band Polar Cap," the object of which was to simulate a rescue mission for a downed commercial jetliner over the pole.

This extraordinary exercise, perfectly planned and executed jointly by the U.S. Army, Alaska, Alaska Air Command, the fleet weather facility, Kodiak, and the 11th Weather Squadron, Elmendorf AFB, Alaska, deserves the highest commendation.

I offer a résumé of the exercise for the enlightenment of all.

Parachute Drop on Polar Ice Cap

March 1–5, 1971.

1. Purpose: The purpose of this fact sheet is to provide an immediate resume on the background, planning and execution of the Joint Exercise ACE BAND POLAR CAP which was a parachute drop on the Polar Ice Cap by the Arctic Ranger Company (Co O, 75th Infantry), simulating a rescue mission for a downed commercial jetliner.

2. Participating Forces: Participating forces consisted of US Army, Alaska (USARAL), Alaska Air Command, (AAC), the Fleet Weather Facility, Kodiak, and the 11th Weather Squadron, Elmendorf AFB, Alaska.

3. Discussion: United States Army, Alaska achieved a significant first for the command and for the United States Army through the completion of a highly successful training exercise conducted on the northern Polar Ice Cap. The innovative joint exercise, nicknamed ACE BAND POLAR CAP, had as a primary objective—the perfection of procedures and techniques that would be required in a rescue/recovery effort in the event of an emergency occurring along the transpolar airline routes used daily by flights between Alaska and Europe. The primary participants were the 123 officers and men of the Airborne Arctic Rangers (Co O, 75th Infantry) who were paradropped on the Polar Ice Cap 100 miles north of Point Barrow, Alaska, from three United States Air Force Alaska Air Command C–130 aircraft. Additional C–130's made drops of supplies and equipment necessary to sustain the unit overnight, plus a three day emergency supply in case of severe weather which might preclude extraction. The mass paradrop was conducted on 4 March 1971 without injury or incident and all training objectives, to include simulated search, recovery, first aid, and casualty evacuation procedures were attained. The USARAL coordinated exercise was conducted in subzero temperatures that reached a low of minus 62 degrees Fahrenheit with an equivalent wind chill factor of minus 92 degrees.

On 4 March 1971, the day of the jump, the temperature was a minus 36 degrees with a wind chill factor of minus 65 degrees.

The exercise was conducted in four phases. Initially, prepositioning of fuel and movement of an advance party by C–130 aircraft to Point Barrow was accomplished. On the afternoon of 1 March, one HH–3 with a C–130 providing navigational assistance flew to the intended area of operations and selected a drop zone on the Polar Ice Cap, 100 miles north of Point Barrow. On 2 March 1971 the exercise was delayed 24 hours, due to the extreme low temperatures which caused maintenance problems with the four Air Force HH–3 primary support helicopters rendering them unflyable for the remainder of the exercise. Additional Army CH–47 helicopters, initially planned as a back-up for the HH–3's, were immediately dispatched to Point Barrow to become the primary rotary wing support.

Phase Two commenced on 3 March 1971 when sufficient Army CH–47's were available at Point Barrow to insert a Drop Zone preparation team and mobile navigational aids. Three CH–47's made the 200 mile round trip without maintenance problems or incidents. The Drop Zone party spent the night on the ice providing continuous weather observations and communication checks with Point Barrow, Fort Richardson, and Fort Wainwright.

Phase Three, jump day, began on 4 March 1971 with the members of the press and observers being briefed on the exercise and then being transported to the vicinity of the drop zone to watch the mass paradrop. The Commanding General, United States Army, Alaska and his party were transported by two UH–1D (HUEY) helicopters to the drop zone. The Ranger Company loaded on C–130 aircraft at Elmendorf Air Force Base and departed at 0830 local time for movement to the drop zone. The paradrop commenced at 1225 and was completed by 1300. Following the jump, as the Arctic Rangers busied themselves securing parachute equipment, establishing base camp, and simulating rescue and recovery, the Army aircraft transported the observers, press and rigging equipment and parachutes back to Point Barrow in the remaining daylight. Temperatures during the evening reached a low of a minus 37 degrees with winds of 12 knots gusting to 18 knots resulting in an equivalent wind chill factor of a minus 80 degrees.

Phase Four commenced on 5 March 1971 with the extraction of the first units at 0845. A total of ten missions were flown without problems or incidents. One Air Force HH–3 aircraft attempted to assist in the extraction effort; however, after picking up a small load, a maintenance problem developed and the aircraft returned to Point Barrow on one engine.

4. Results: The exercise was a complete success and all objectives were attained. No injuries or malfunctions as a result of the parachute drop occurred. All participating forces were able to assess procedures and equipment under real operational conditions in extreme Arctic weather conditions. US Army, Alaska is confident that, if a requirement is presented in the future, the US Army Arctic Ranger Company is fully prepared to move to the location of a jetliner crash and provide rescue and first aid until recovery can be made. Army aircraft have proven that they can withstand the extremes of temperature and could assist in operations on the Polar Ice Cap as they were 100% operational during the entire exercise.

THE VULNERABLE RUSSIANS

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, for the past 2 years there have been dozens of reviews given to the book "The Vulnerable Russians," authored by Dr. Lev E. Dobriansky of Georgetown University. It was my pleasure to provide the introduction to this work, which most reviewers feel has lasting worth for our understanding of the Soviet Union and its imperialistic Russian base.

Recently, another review of the book has appeared in excerpted form in several publications. Written by Vera A. Dowban, executive secretary of the National Captive Nations Committee, the review in its complete text makes for timely reading. As the reviewer begins, "Know Your Enemy could well be the subtitle of this timely work." Because of the essentially sensitive and realistic points brought out in this review, I submit it for publication in the Record in full:

The Vulnerable Russians

(By Lev E. Dobriansky)

Know Your Enemy could well be the subtitle of this timely work. For throughout, whether dealing on the national or international sphere, *The Vulnerable Russians* is a constant and sober reflection on Soviet Russian imperio-colonialism.

The author loses no time in taking grips with reality. He cogently links the present with the past and his impervious confidence and authority unmasks Russia, the last colonial empire in a modern world, with alarming frankness, revealing not only her strength, weaknesses and vulnerabilities, but also her course of action.

For those with stunted viewpoints that foolishly insist that Russia and the Soviet Union are a single and like entity, Dr. Dobriansky introduces many, for the first time perhaps, to the captive non-Russian nations in the USSR. With expertise, he defeats completely the erroneous concepts of the Soviet Union as a "nation-state," a "monolith," a "polyglot society," the captive nations as "minority groups" in the USSR, "the Soviets," "Russian USSR," etc. He exposes Russia as the real threat to the United States and this country's national security. With marked precision, Dr. Dobriansky discloses Russia's stronghold on the USSR, her "theoretic humanism" toward the 123 million captive non-Russian peoples in the USSR, militarily conquered and forcibly incorporated into the empire. He discloses why our fear should not be the Red satellite states, with their cacophony of leaders, but rather Moscow, for should Moscow collapse her satrapies could not survive for long.

Much of *The Vulnerable Russians* is appropriately devoted to the captive nations, and their cultural, social, linguistic and religious differences are given broad exposure. It was Dr. Dobriansky who authored the Captive Nations Week Resolution passed by Congress in 1959. The resolution, now Public Law 86-90, calls upon the President to issue a proclamation each year during the third week in July and invites the people of the United States to observe the Week with suitable ceremonies and activities until such time as all nations once again enjoy freedom and independence. It is significant that these proclamations are issued so close to the date on which we celebrate our own Declaration of Independence, for each succeeding proclamation affords Americans an opportunity to rededicate themselves to the principles of this great declaration of humanism.

The resolution rocked Moscow, and the ramifications of it and the Captive Nations Week movement have been especially hostile on the part of the Kremlin rulers. When it was passed in 1959, with his typical rhetorical finesse, Khrushchev said, "This resolution stinks." Mikhail Suslov, chief Russian ideologist and Secretary of the Central Committee of the Soviet Communist Party, declaimed, "Especially disgusting is the villainous demagogy of the imperialist chieftains of the United States. Each year they organize the so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke." And, it is also interesting to note that Richard Nixon admitted that the Captive Nations Week Resolution was the major irritant throughout his 1959 tour of the Soviet Union. This particular resolution continues to remain a thorn in Moscow's side.

The concept of the captive nations of Eurasia is well established by the author. Proof not only of their captivity but also of Cuba, in our own Western Hemisphere, is documented in the annals of American history by annual proclamations by Governors of almost every state and mayors of major cities during Captive Nations Week. The movement has even expanded into many countries of Europe and Asia. The Republic of China, for example, yearly has one of the largest and most successful observances. It is little wonder, then, that the resolution has made such an impact on the Russians and yearly bores into their so-called domestic tranquility. It is further proof that for Moscow words such as "mir i druzba" (peace [or piece] and friendship), "peaceful coexistence," "bridges of understanding," "lessening of international tension," etc. are nothing more than Russian argot with which to expediently parade their political rectitude, and which serve only their advantage.

The entire book is one of historical contrast—a link between the present and the past—an allegorical characterization of the Russians' good faith. As Dr. Dobriansky rightfully points out, 'the whys' of history are as important as 'the whats' of man's experiences." In reviewing Russian history and expansionism from Tsar Ivan III down to the present, we could ask why? for what purpose? At the conclusion of the chapters on the erection of the Taras Shevchenko statue in Washington, D.C. the reader cannot but see why the statue of Ukraine's poet laureate and Europe's freedom fighter had the effect it did on Moscow. He could likewise conclude for himself why the *Washington Post* and other detrimental forces here tried to stymie the statue's very being in the capital of the United States. He could not but question the ineffectiveness of the Voice of America, our national and supposedly propaganda artery.

We have entered a new decade and with it, we have gone from an era of confrontation to an era of negotiation. How different it will be, only time will tell. Surely we cannot afford to be out of step with the times. But if history repeats itself and must be lived to be understood, you have to know what happened in the years gone by. And the history of Russian expansionism has, indeed, repeated itself.

What does Dr. Dobriansky think would help the mitigating problem? He feels that for the immediate future, at least, an outstanding service could be rendered our Nation and the Free World by the creation of a Freedom Commission for concentrated cold war education for which, he says, political and psychological import cannot be exaggerated. Another, a Special House Committee on the Captive Nations in the House of Representatives. H. Res. 211 was submitted in 1961 for the formation of such a committee, and although several hearings have been conducted in the House Rules Committee with solid arguments in favor of it and no opposition to it, nevertheless behind the scenes forces have been hard at work to defeat and stall the proposal. And, a first in this or any decade since U.S. recognition of the Soviet Union, he says, would be a full-scale review of U.S. policy toward the USSR. The consequences of this last point would have a twofold result. On the one hand, it would show whether the Russians really are sincere in their peace efforts and willing to relinquish their colonies, or whether they are the imperialists history has heretofore proven them to be. And, secondly, whether our policy-makers are truly interested in the cause of freedom and independence for nations now under the yoke of Russian communism, or just not willing or are afraid to dismember the last existing imperio-colonialist empire in a modern world.

Dr. Dobriansky enjoys the well deserved reputation of being one of our foremost experts on Russia and the Soviet Union, and his many publications in these areas read like a Russian anthology. *The Vulnerable Russians* is in itself a document which affords its readers the luxury to judge our present world situation honestly. The thick walls of suspicion and distrust stand in our midst, whether in our involvements in Europe, Asia, the Middle East, or on our own homefront with student demonstrations, strikes, race riots, etc. The United States is very much involved in the Cold War. But is it a fight of ideology, a fight for power, or a fight for long overdue justice for peoples and nations?

We, Americans, pride ourselves in being a thinking people. If we would only take the time to review Russian history, review the whims and prejudices which have determined the course of that history, we could not but see that its panoply of deceit has been very prosperous over the years. *The Vulnerable Russians* is very much the old story of cause and effect; it is an exposé of whom relates to what.

I HAVE NOTHING TO DO WITH JUSTICE

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, the following article from the March 12, 1971, issue of Life magazine is by all odds one of the most frightening looks at the contemporary situation in the American judicial system I have come across. It seems to me sinister in its implications of the direction we are taking in criminal court proceedings, especially in the big cities.

While I do not think New York is necessarily representative of the actual state of things elsewhere—it is perhaps something of a microcosm of the worst ills of our society at large, and thus ripe for the type of hard-bitten, cynical reporting of the author, James Mills.

As repelled as I am by what Mr. Mills is telling us, I am nevertheless obliged to admit that it sometimes has the "ring of truth" which so often accompanies brilliant if unpleasant reporting.

The article follows:

BRILLIANT AND CYNICAL, A LEGAL AID LAWYER WINS FREEDOM FOR THOUSANDS OF MUGGERS, RAPISTS AND THIEVES

(By James Mills)

Martin Erdmann thinks he might be antisocial. When he was six he liked to sneak across his family's red-carpeted, spiral-staircased entrance hall to the potted palm, and spit in it. At Yankee Stadium, he rooted for the Red Sox. When he went to Dartmouth, he cheered for Yale. He didn't make a lot of friends. He says he doesn't need them. Today he's 57 years old, an unmarried millionaire lawyer, and he has defended more criminals than anyone else in the world. Because he is one of the five or 10 best defense lawyers in New York, he gets those criminals turned back into the streets months or years earlier than they had any right to hope for. His clients are not Mafia bosses or bank embezzlers or suburban executives who've shot their wives. He defends killers, burglars, rapists, robbers—the men people mean when they talk about crime in the streets. Martin Erdmann's clients *are* crime in the streets.

In 25 years, Martin Erdmann has defended more than 100,000 criminals. He has saved them tens of thousands of years in prison and in those years they have robbed, raped, burglarized and murdered tens upon tens of thousands of people. The idea of having had a very personal and direct hand in all that mayhem strikes him as boring and irrelevant. "I have nothing to do with justice," he says. "Justice is not even part of the equation. If you say I have no moral reaction to what I do, you are right."

And *he* is right. As right as our adversary judicial system, as right as jury trials, as right as the presumption of innocence and the Fifth Amendment. If there is a fault in Erdmann's eagerness to free defendants, it is not with Erdmann himself, but with the system. Criminal law to the defense lawyer does not mean equity or fairness or proper punishment or vengeance. It means getting everything he can for his client. And in perhaps 98% of his cases, the clients *are* guilty. Justice is a luxury enjoyed by the district attorney. He alone is sworn "to see that justice is done." The defense lawyer does not bask in the grandeur of any such noble oath. He finds himself most often working for the guilty and for a judicial system based upon the sound but paradoxical principle that the guilty must be freed to protect the innocent.

And Erdmann does free them, as many as he possibly can. He works for the Legal Aid Society, a private organization with a city contract to represent the 179,000 indigent defendants who flood each year into New York City courtrooms. He heads the society's supreme court branch, has 55 lawyers working under him, makes $23,500 a year. Next to the millions left him by his father, a Wall Street bond broker, the money means nothing. Twenty-five years ago, until the accounting office told him he was messing up their books, he kept his paychecks stuffed in a desk drawer. In private practice he could have a six-figure income and, probably, the fame of Edward Bennett Williams, or F. Lee Bailey, or Percy Foreman. He is disgusted when people accuse him of dedication. "That's just plain nonsense. The one word that does *not* describe me is dedicated. I reserve that word for people who do something that requires sacrifice. I don't sacrifice anything. The only reason I'm any good is because I have an ego, I like to win."

Martin Erdmann does not look like a winner. He is slight, unimposing, with balding hair cut short every Monday on his way to work, custom-made suits that come out baggy anyway and a slightly stooped, forward-leaning walk that makes him look in motion like Groucho Marx. His face is lean, bony, taut-skinned, with thin lips and bulging eyes. He lives in a one-bedroom co-op on Manhattan's East Side, has no television and rarely answers his phone ("I learned that from my father—he could sit in a room for hours with a ringing phone"). He plays chess by postcard, buys Christmas presents from catalogues and seldom goes out except to work and eat. Defendants who ask him for loans, get them. He finances black student scholarships and is listed as a patron of New York City Center. His only self-indulgences are a 75-acre weekend Connecticut retreat and a one-month-a-year fishing trip, alone, to the Adirondacks. "I discovered a long time ago," he says, "that I am a very self-contained person."

Like most men who are alone without loneliness, Martin Erdmann is emotionally compact: self-centered, stubborn, at times perverse. He is also a failed idealist. "I had an English professor in college," he says, "who read an essay I wrote and told me, 'Martin, you are looking for better bread than is made of wheat.' I've never forgotten that."

Martin Erdmann gets up at 4:45, reads till 6:30, then subways three miles downtown to the Criminal Court Building. He moves through the dark, empty hallway to his office and unlocks the door. He is there at 7:30, two and a half hours before the courts open, and he is alone. In another 10 or 15 minutes Milton Adler will arrive, his boss, chief attorney in the criminal branch. Then, one or two at a time, come the phone operator and clerks, the other lawyers, the defendants on bail, mothers of men in jail, sick-looking junkies with vomit-stained shirts, frightened people who sit quietly on the seven wooden chairs along the wall, angry people mumbling viciously, insane people dressed in costumes with feathers in their hair.

Before the rush begins, Martin Erdmann sits at his desk in a side office and goes over the folders of the day's cases. Anthony Howard, a 21-year-old Negro, is accused of using a stick and knife to rob a man of his wallet. Howard's mother visits him in jail, brings clean clothes and takes out his laundry. She doesn't know that the greatest danger to her son is not the robbery charge but the man who sleeps above him in the eight-by-six-foot cell. Robert Phillips Howard's cellmate, escaped from a state mental hospital seven years ago, was recaptured, released, then arrested for the murder of a 22-year-old girl and an infant boy. After three more years in a mental hospital, he has been declared legally sane and is now awaiting trial for the murders. Erdmann looks over the file. "Prisoners who've been in mental hospitals," he says, "tell me they keep them there until they admit the charges against them. Then they mark them sane and send them down for pleading." He decides to give the Anthony Howard case to Alice Schlesinger, a young lawyer who can still believe her clients are innocent. She's good at what Erdmann calls "hand-holding," giving a defendant and his family more time than the case might need.

Milton Adler walks in and says something about a meeting he went to yesterday with DAs and judges to discuss ways of getting more prisoners out on bail. Erdmann listens and says nothing. What's left of his idealism, the wreckage, he defends against the day's events by affecting an air of playful cynicism. He smiles and laughs and pricks the pretty little bubbles of naiveté that rise around him from other lawyers. Listening to Adler, his face flashes now with the playful-cynic smile. "If they do reduce bail," he says, "it'll be the last they see of the defendants."

Alice Schlesinger appears in the doorway, a small young woman, about 30, with long black hair. She wants to know what she can do to pressure the DA to start the trial of a bailed defendant charged with robbery. "Can't we put the screws to them a little? My client is very nervous and upset. He wants to get the trial over with."

"Well," says Erdmann, "of course you can always make a motion to dismiss for lack of prosecution. Say your client is suffering great emotional stress at having this dreadfully unjust accusation hanging over his head."

"Don't *smile* like that," she says. "He *is* innocent, this time."

Erdmann gets rid of the smile. "Well, you know," he says, "maybe the DA is having a little trouble locating the complainant, and your defendant's on bail anyway, so why urge them to go right out and track him down? Because if they find the complainant and go to trial and if from some extremely unfortunate occurrence your client should be convicted, then he's going to jail and he'll be a lot worse off than just nervous."

She agrees reluctantly and leaves. Erdmann sits silently at his desk, staring into the piles of papers. Then he says, "She has a lot to learn. She'll learn. With some tears, but she'll learn."

Erdmann gathers up the folders and takes the elevator to a courtroom on the 13th floor. He sits in one of the soft upholstered chairs in the jury box and takes another look at the 30 folders of the day's cases: a forgery, robberies (mostly muggings), burglaries, drug sales, assault with a gun, arson, sodomy, an attempted murder. He arranges them on the shelf in front of the jury box and then sits back to await the DAs and the judge. He is alone in the courtroom, a dimly lighted, solemn place—meant to be imposing, it is only oppressive. Brown walls, brown tables, brown church-pew seats soak up what little light the low-watt overhead bulbs surrender.

A DA comes in and Erdmann asks him about a kidnapping case that's approaching trial. "The DA on that one's on trial on another case, Marty. He won't be finished for a month at least."

"Wonderful," Erdmann laughs, "I hope he stays on trial until the complainant's 30. Then it won't look so bad. She was 8 when it happened and she's already 11." The DA shakes his head and walks away. Two more DA's arrive and Erdmann talks to them, joking with them, making gentle fun of them, establishing his presence: twice their age, more experienced, more knowledgeable, more cunning. "There's no question that my reputation is much too high," he says. "It's been carefully cultivated. Myths are very important in this business."

The Judge enters: Mitchell Schweitzer, tall, thin, gray-haired, on the bench 26 years, 16 of them working closely with Erdmann. He flashes a look around the room, greeting private lawyers, Erdmann and the two assistant DAs.

The clerk calls a name: "Jose Santiago!"

Erdmann fumbles through his folders and pulls one out. "He's mine," he says. An assistant DA looks at the rows of folders on his table and picks one up. Erdmann and the DA walk slowly toward the judge's bench, pulling out papers as they go. Erdmann has, among other things, a copy of the complaint and a hand-written interview that another Legal Aid lawyer had earlier with the defendant. The DA has a synopsis of the grand jury testimony and a copy of the defendant's record. With these documents, in the next three or four minutes, while the defendant himself sits unaware in a detention pen beneath the courtroom, the judge, DA and Erdmann will determine the likelihood of guilt and the amount of time the man will serve.

Trials are obsolete. In New York City only one arrest in thousands ends in trial. The government no longer has time and money to afford the luxury of presuming innocence, nor the belief that the truest way of determining guilt is by jury trial. Today, in effect, the government says to each defendant, "If you will abandon your unsupportable claim of innocence, we will compensate you with a light sentence." The defendant says, "How light?"—and the DA, defense lawyer and judge are drawn together at the bench. The conference there is called "plea bargaining," and it proceeds as the playing of a game, with moves and countermoves, protocol, rules and ritual. Power is in the hands of the prisoners. For as increasing crime has pushed our judicial system to the crumbling edge of chaos and collapse, the defendant himself has emerged as the only man with a helping hand. The government needs guilty pleas to move the cases out of court, and the defendants are selling their guilty pleas for the only currency the government can offer—time. But no matter what sentence is finally agreed upon, the real outcome of this bargaining contest is never truly in doubt. The guilty always win. The innocent always lose.

To play the game well, a lawyer must be ruthless. He is working within, but *against* a system that has been battered to its knees. He must not hesitate to kick it when it's down, and to take every advantage of its weakness. No one is better at the game than Martin Erdmann.

Judge Schweitzer glances through the grand jury extract handed him by the DA, a young bespectacled man named Jack Litman. Then the judge looks up over his glasses. "What are you looking for, Marty?"

Erdmann isn't sure yet. His client is accused of robbing a man on the street after stabbing him in the face, neck, chest, stomach and back. The victim was held from behind by an accomplice. "They have a big identification problem," Erdmann says. He is looking at a copy of a police report. "The DD–5 says the complaining witness refused to look at pictures in the hospital the next day because he said he wouldn't be able to identify the assailants from photographs."

"Your honor," Litman says, "they put 65 stitches in him."

"Just a minute," says the judge, and proceeds to read quickly to Erdmann from the grand jury extract: "They fled into an apartment house, the cop asked the super if he'd seen them, the super said they went into apartment 3–A, the cop went in, placed them under arrest and took them to the hospital where they were identified by the victim." He looks up. Erdmann has never heard the grand jury testimony before, and it hasn't exactly made his day. "So, you see, Marty, it's not such a bad case." He leans back. "I'll tell you what. A year with credit for time served." Santiago already has been in jail for 10 months. With time off for good behavior, that sentence will let him out today. Erdmann agrees. The DA nods and starts stuffing papers back into the folder. "Bring him up," he says.

Santiago's accomplice is brought in with him. Both men are 21, short and defiant-looking. The accomplice, Jesus Rodriguez, has his own lawyer, who now joins Erdmann in agreeing to the sentence. The lawyers explain the offer to the defendants. They tell them that the offer can be made only if they are in fact guilty. Neither the judge nor the DA nor the lawyers themselves would permit an innocent man to plead guilty. Santiago and Rodriguez look bewildered. They say they are innocent, they did nothing. Much mumbling and consternation at the counsel table. Then Schweitzer says, "Would you like a second call?"

"Yes, your honor," says Erdmann. "A second call." The defendants are lead out and downstairs to a detention pen. Erdmann looks at Santiago's interview sheet, a mimeographed form with blanks for name, age, address, education, employer and then at the bottom, space for his version of what happened. Santiego's statement begins, "I am not guilty, I did nothing wrong." He has never been arrested before. He says he and Rodriguez were asleep in their apartment when the police charged in and grabbed them. At his arraignment some weeks ago, he pleaded not guilty.

"Talk to them," Judge Schweitzer suggests. Erdmann and his co-counsel walk over to the door of the pen. A court officer opens it and they step from the court's dark, quiet brownness into a bright, noisy, butt-littered hallway. The door slams shut behind them. From somewhere below comes voices shouting, and the clang of cell doors closing. A guard yells, "On the gate!" and precedes them down a dark stairway to a barred steel door. An inside guard unlocks the door and they walk into a yellow, men's-room-tiled corridor with windows on the left and a large bench-lined cell on the right. Twenty men are in the cell, almost all of them dirty and bearded, some young and frightened sitting alone on the benches, others older, talking, standing, as at home here as on a Harlem street corner. Suddenly the voices stop and the prisoners, like animals expecting to be fed, turn their heads toward Erdmann and his co-counsel. Three other lawyers walk in, too, and in a moment the voices begin again—prisoners and lawyers arguing with each other, explaining, pleading, conning in the jailhouse jargon of pleas and sentences: "I can get you one and one running wild [two years consecutive]. . . . I know a guy got an E and a flat [a class E felony with a year]. . . . So you want a bullet [a year]? You'll take a bullet? . . ."

Erdmann walks to the far end of the cell and Santiago meets him at the bars. Erdmann puts his toe on a cross strip between the bars and balances Santiago's folder and papers on his knee. He takes out a Lucky Strike, lights it and inhales. Santiago watches, and then a sudden rush of words starts violently from his mouth. Erdmann silences him. "First let me find out what I have to know," he says calmly, "and then you can talk as much as you want." Santiago is standing next to a chest-high, steel-plate partition. On the other side of it: a toilet flushes. A few steps away, Rodriguez is talking through the bars to his lawyer.

"If you didn't do anything wrong," Erdmann says to Santiago, "then there's no point even discussing this. You'll go to trial."

Santiago nods desperately. "I ain't done nothing! I was asleep! I *never* been in trouble before." This is the first time since his initial interview seven months ago that he has had a chance to tell his story to a lawyer, and he is frantic to get it all out. Erdmann cannot stop the torrent, and now he does not try. "I never been arrested," Santiago shouts, "never been to jail, never been in *no* trouble, no trouble, *nothing*. We just asleep in the apartment and the police break in and grab us out of bed and take us, we ain't done nothing, I *never* been in trouble, I never saw this man before, and he says we did it. I don't even know what we did, and I been here 10 months, I don't see no lawyer or nothing, I ain't had a shower in two months, we locked up 24 hours a day, I got no shave, no hot food, I ain't *never* been like this before, I can't stand it, I'm going to kill myself, I got to get out, I ain't——

Now Erdmann interrupts, icily calm, speaking very slowly, foot on the cross strip, drawing on his cigarette. "Well, it's very simple. Either you're guilty or you're not. If you're guilty of anything you can take the plea and they'll give you a year, and under the circumstances that's a very good plea and you ought to take it. If you're *not* guilty, you have to go to trial."

"I'm not guilty." He says it fast, nodding, sure of that.

"Then you should go to trial. But the jury is going to hear that the cop followed you into the building, the super sent him to apartment 3–A, he arrested you there, and the man identified you in the hospital. If they find you guilty, you might get 15 years."

Santiago is unimpressed with all of that. "I'm innocent. I didn't do nothing. But I got to get out of here. I got to—"

"Well, if you did do anything and you are a little guilty, they'll give you time served and you'll walk."

That's more like it. "Today? I walk today?"

"If you are guilty of something and you take the plea."

"I'll take the plea. But I didn't do nothing."

"You can't take the plea unless you're guilty of something."

"I want the year. I'm innocent, but I'll take the year. I walk today if I take the year?"

The papers start to fall from Erdmann's knee and he grabs them and settles them back. "You walk if you take the plea, but no one's going to let you take the plea if you aren't guilty."

"But I didn't do nothing."

"Then you'll have to stay in and go to trial."

"When will that be?"

"In a couple of months. Maybe longer."

Santiago has a grip on the bars. "You mean if I'm guilty I get out today?"

"Yes." Someone is urinating on the other side of the partition.

"But if I'm innocent, I got to stay in?"

"That's right." The toilet flushes.

It's too much for Santiago. He lets go of the bars, takes a step back, shakes his head, turns around and comes quickly back to the bars. "But, man—"

Back upstairs at the bench, Erdmann says to Schweitzer, "He's got no record, your honor, and I've had no admission of guilt. You know I'm very careful with people who have no records—"

"And I am, too, Marty, you know that."

"He says he hasn't had a shower in two months, he's in a 24-hour-a-day lockup, and he wants to get out, and I don't blame him."

"Marty, I'm not taking a guilty plea just because he wants a shower."

"Of course not."

"Do you want me to talk to them?"

"I think it might be a good idea, your honor."

Santiago and Rodriguez are brought up again and led into a small jury room adjoining the courtroom. Schweitzer reads the grand jury extract to the defendants, making sure they know the case against them.

Now Rodriguez says he'll take the plea. Schweitzer asks him to tell what happened the night of the robbery. Rodriguez says he and Santiago were on the street and they ran into the complainant and spoke with him and the complainant had a knife in his pocket and ended up getting cut, "but I didn't do nothing."

This departure from the original story, the admission that they had been with the victim and that there was indeed a knife, is enough for Erdmann. He looks at Schweitzer. "Now I'm convinced he's guilty." Schweitzer and Litman go back to court. Erdmann says to Santiago, "Do you want the plea?"

'Yes, man, I *told* you that, I got to get out—"

"Then the judge will ask you certain questions and you have to give the appropriate answers." He nods toward Rodriguez. "He held him and you stabbed him. Let's go."

They return to the courtroom and stand before the bench. Three times Schweitzer asks Santiago if he wants to change his plea, and three times Santiago refuses to answer. What if this is just a ruse to trick him into confessing? In exasperation Schweitzer gives up and moves on to Rodriguez. Rodriguez pleads guilty and is sentenced. Erdmann leans against the clerk's desk, his arms crossed over his chest, his eye burning into Santiago. This ignorant, stupid, vicious kid has been offered a huge, heaping helping of the Erdmann talent, the experience, the knowledge, the *myth*—and has shoved it away. Erdmann's face is covered with disgust. Through his eyes, way beyond them, is fury—and unclouded, clear contempt.

The defendants are led from the courtroom. The clerk calls a case for a private lawyer. and Erdmann takes advantage of the break to get a cigarette. He goes into a small side room the court officers use for a lounge. The room has lockers, a desk, a refrigerator, toaster and hotplate—all of them old and beaten and scarred. Cops' jackets hang from the chair backs. Erdmann has forgotten Santiago. He stands by the window with his foot up on a radiator and looks across at the Tombs, home of many of his clients, a desperate place of rats and rapes, beatings, murders and, so far this year, six suicides. Eighty percent of the 1,800 men in the Tombs are clients of the Legal Aid Society. A few weeks ago some of the prisoners, angry at the overcrowding, vermin and lack of official attention, decided to find out what could be accomplished by rioting. The riots were followed by avalanches of studies, committees, investigations and reports—some helpful, some hysterical.

Erdmann is looking at workmen on a Tombs setback clearing away shattered glass and broken furniture from beneath burned-out windows. "It will never be the same," he says. "Once they've found out they can riot and take hostages, it will never be the same. Today defendants are telling the judges what sentences they'll take. I had a guy the other day who told me he knew the system was congested and that they needed guilty pleas, and he was willing to help by pleading guilty for eight months. The guilty are getting great breaks, but the innocent are put under tremendous pressure to take a plea and get out. The innocent suffer and the community suffers.

"If the defendants *really* get together, they've got the system by the balls. If they all decide to plead not guilty, and keep on pleading not guilty, then what will happen? The offered pleas will get lower and lower—six months, three months. If that doesn't work, and they still plead not guilty, maybe the court will take 15 or 20 and try them and give them the maximum sentences. And if *that* doesn't work—I don't know. I don't know. They have the power, and when they find out, you're in trouble."

Two workmen standing on a plank are lowering themselves on ropes down the side of the Tombs. "Fixing the windows," Erdmann says. "Or escaping."

Forty minutes have been wasted with the stubborn Santiago, and now comes another problem. An Erdmann client named Richard Henderson says he was asleep in a Welfare Department flophouse when another man "pounced" on him with a stick. The other man says he was trying to wake Henderson when Henderson "jumped up like a jack rabbit" and stabbed him in the chest. Henderson is charged with attempted murder.

Erdmann talks to him in the pen hallway just outside the courtroom door. It has started to rain. A casement window, opaque, with chicken wire between the plates, has been cranked open and cold air and rain are blowing in and making things miserable for Henderson. He's a 21-year-old junkie—wire-thin, with deep, lost, wandering eyes and a face sad and dead, as if all the muscles that could make it laugh or frown or show fear or anger had been cut. He stands there shivering in a dirty white shirt, no socks, no shoelaces, the backs of his shoes pushed in like slippers, hands stiff-armed down into the pockets of beltless khaki pants. Quickly, he tells Erdmann he wants to go to trial.

"Well you certainly have that right. But if you're guilty, I've spoken to the judge, and he'll give you a year with credit for time served. How long have you been in?" Erdmann turns the folder and looks at a date. "Six months. So with good behavior you'll have four left. It simply depends on whether you're guilty of anything or not."

Henderson nods. "Yes, that's why I want a jury trial."

"Why?"

"To find out if I'm innocent or not."

"Don't you know?" Erdmann takes another look in the folder. Henderson was psychiatrically examined at Bellevue Hospital and returned as legally sane.

"No. I don't know. But I have an opinion." His eyes leave Erdmann and begin to examine the hallway. He has withdrawn from the conversation. Erdmann watches him a moment, then brings him back.

"What is your opinion?"

"That I am."

"Well, if you go to trial, it may be four months anyway before you get a trial, and then you'll be gambling zero against five or 10 years. And even if you're acquitted, you'll still have done the four months."

Henderson moves his feet and shivers. "I understand," he says meekly. "So I think I'd better do that."

"What?"

"Go to trial."

Erdmann just looks at him, not angry as he was with Santiago, but questioningly, trying to figure him out.

"I think I'd better have a trial," Henderson says.

Erdmann leaves him and walks back into court. "Ready for trial," he announces. "Don't even bother bringing him out." Litman makes a note on his file and they move on to another case.

Erdmann sits down in the jury box. The next few defendants have private lawyers, so he just waits there: watching, smiling, his bulging eyes gently ridiculing those around him who have failed to see as clearly as he into the depths of this charade, and to have found the joke there.

The judge is asking a defendant where he got the loaded gun. "He found it," Erdmann whispers before the man answers.

"I found it," the man says.

"Where?" asks the judge.

"Someone just gave it to him," Erdmann says.

"Someone walked by and handed it to me," says the defendant.

Erdmann smiles. "It's amazing," he says, "how often people rush by defendants and thrust things into their hands—guns, watches, wallets, things like that."

One of the two DAs is Richie Lowe, a black man—young, tall, slender, double-breasted, mod, Afro-haircut. Black defendants coming into court glance quickly around, and they see a white judge, white defense lawyers, white clerk, white stenographer, white guards, and then, over there, at that table over there, a *black*, the *only* black in the room, and here—the enemy. Lowe, the black kid with a law degree from St. John's sits next to millionaire Erdmann with the Wall Street father and Dartmouth and Yale Law.

But the irony is superficial—inside, Erdmann's character belies his background. He says he was "far to the left" of his parents, and he spent much of his youth trying to radicalize them. After law school he went to work in "a stuffy Wall Street law firm" where his first assignment was discovering whether or not a Florida gambling casino had acted legally in denying admittance to a female client's poodle. He quit, spent World War II in the Army and then joined the Legal Aid Society. "When I run into someone I can't place, I just say, 'Good to see you again, when did you get out?' That covers college, the Army and prison."

Guards bring in an old, toothless black man with wild white hair and an endless record of rapes, assaults, sodomy and armed robbery. He's accused of trying to rape a 4-year-old Puerto Rican girl. Some people driving in a car saw the man sitting on a wall with the girl struggling in his lap, and rescued her. Erdmann, Lowe and Judge Schweitzer talk it over. Schweitzer suggests a year. Lowe runs his eyes again over the grand jury extract. He usually goes along with Schweitzer, but this time he balks. "I can't see it, your honor. I just can't see it."

Erdmann speaks a few urging words, but Lowe won't budge. "No," he says, "I just can't see it, your honor. If these people hadn't come by in the car and seen the girl, this could have been—it could have been anything."

Schweitzer, himself under great Appellate Division pressure to dispose of cases, now pressures Lowe, politely, gently. He points out that the girl was not injured.

"I just can't, your honor," Lowe says. "I just can't. This is abhorrent, this—"

Schweitzer breaks in. "It's abhorrent to *me*, too, and it's being discussed only in the light of the calendar."

"Your honor, we've been giving away the courthouse for the sake of the calendar. I can't do it. I won't do it." He stuffs his papers back in the folder. "Ready for trial, your honor."

He moves back to the prosecution table and announces for the record, "The people are ready for trial."

Erdmann has been saying nothing. As he passes Lowe's table on his way to the jury box, Lowe says, "Am I being unreasonable, Marty?"

Erdmann stops for a moment, very serious, and then shakes his head. "No, I don't think you are."

Lowe is upset. The next case has not yet been called. He moves around the table, fumbling folders. Then loudly he says, "Your honor, if he takes it *right now* I'll give him a year."

The judge fires Lowe a look. "You'll *recommend* a year. *I'll* give him a year."

Erdmann talks to the defendant at the counsel table. Lowe keeps shaking his head. He is suffering. He takes a step toward the bench. "Your honor," he says desperately, "he should get zip to three, at *least*."

"I *know* he should," Schweitzer says.

Erdmann now stands and for the record makes the customary speech. "Your honor, the defendant at this time wishes to withdraw his plea of not guilty, previously entered, and plead guilty to the second count of the indictment, attempted assault in the second degree, a Class E felony, that plea to cover the entire indictment."

Now it's Lowe's turn to make the speech of acceptance for the people, to accept the Class E felony, the least serious type of felony in the penal code. He stands. "Your honor, the people respectfully recommend acceptance of this plea feeling that it will provide the court with adequate scope for punishment—" He stops. The next words should be, "in the interest of justice." He sits down and pretends to write something on a folder. Then softly, as if hoping he might not be heard, he speaks down into the table: ". . . in the interest of justice."

He walks over to a visitor. "What do you think about *that*?" he demands. "That took a little *piece* out of me. He got a *year* for trying to *rape* a *4-year-old* girl."

Schweitzer recesses for lunch, and Lowe and Erdmann ride down in the elevator. Lowe is still upset. "What do I tell that girl's mother when she calls me and wants to know what happened to the man who tried to rape her daughter?"

Erdmann smiles, the playful cynic. *Better bread than is made of wheat.* "Tell her, 'No speeka English, no speeka English, no speeka English.'"

Because Manhattan's Criminal Court Building is on the lower East Side, in the midst of the ethnic no-man's-land where Little Italy collides with Chinatown, it is surrounded by some of the city's best Italian and Chinese restaurants. But every lunchtime Erdmann ignores these and walks two blocks north to Canal Street, a truck-choked crosstown conduit littered with derelicts overflowing from the Bowery, and eats in the sprawling, Formica-filled, tray-crashing chaos of the foulest cafeteria east of Newark. No number of threats, insults or arguments can persuade him into any other eating place. He has, every day, one scoop of cottage cheese, a slice of melon, and one slice of rye bread, buttered. (They give you two slices, want them or not, but he never succumbs.) Today he is at a table with a friend, not a lawyer, who asks how he feels when he goes to trial with a man he knows is guilty, and gets the man freed.

"Lovely! Perfectly beautiful! You're dancing on air and you say to yourself, 'How could that have happened? I must have done a wonderful job!' It's a euphoric feeling. Just to see the look of shock on the judge's face when the jury foreman says 'Not guilty' is worth something. It's the same sense of greed you get if a horse you bet on comes in at 15 to 1. You've beaten the odds, the knowledgeable opinion, the wise people." He laughs. "The exultation of winning dampens any moral feelings you have."

"But what," he is asked, "if you defended a man who had raped and murdered a 5-year-old girl, and he was acquitted and went free, and a year later was arrested for raping and murdering another 5-year-old girl. Would you defend him again with the same vigor?"

"I'm afraid so."

"Why afraid?"

"Because I think most people would disapprove of that."

"Do you care?"

"No."

"It doesn't concern you?"

"I'm not concerned with the crime committed or the consequences of his going free. If I were, I couldn't practice. I'm concerned with seeing that every client gets as good representation as he could if he had $200,000. I don't want him to get screwed just because there wasn't anyone around to see that he not get screwed. If you're a doctor and Hitler comes to you and says you're the one man in the world who can cure him, you do it."

"How much of that is ego?"

"Ninety-nine percent."

Erdmann eats his cottage cheese. An old derelict—bearded, toothless, with swollen lips—puts his tray down next to Erdmann and sits slurping soup and eyeing the untouched slice of rye.

In the courthouse lobby after lunch, Erdmann stops to buy a candy bar. Someone says he saw a story in the *Times* that 5,000 of that brand had been recalled after rodent hair was found in some of them. Erdmann smiles and buys two more.

A court officer sees Erdmann coming down the hall. "Hey, Marty," he yells, "he's on the bench, he's starting to call your cases."

"So what do you want me to do," Erdmann says, "break into a run?"

Guards bring in a 20-year-old girl charged with robbery with a knife. Erdmann is talking to her at the counsel table when Lowe strolls over and says, "Marty, an E and a flat?"

The girls looks at Lowe. "What's he saying, who's he?"

Lowe starts away. "Don't listen to me, I'm the enemy."

She wants to know why she has to go to jail. "Well, rightly or wrongly," Erdmann tells her, "people think they shouldn't be robbed. So when they get robbed, they give a little time." She asks if the year can run concurrent with another sentence pending against her. Erdmann asks Lowe and he agrees. She still hesitates, and finally refuses the offer.

"What's wrong?" Lowe says. "She wanted a year, I gave her a year. She wanted it concurrent, I made it concurrent. It's unreal. They tell us what they want and we're supposed to genuflect."

"José Sanchez!" the clerk calls. A drug-sale case.

"Your honor, he hasn't been seen yet," Erdmann says.

"Let me see the file," Schweitzer says to Lowe.

"Your honor," Erdmann says, "he hasn't even been interviewed. I haven't seen him."

"Well, just let's look at it, Marty," the judge says. He goes over Lowe's file. "It's one sale, Marty. He doesn't have any robberies. Burglaries, petty larceny. Mostly drugs. I'll tell you what, Marty, I'll give him an E and a flat" Lowe agrees.

Erdmann walks into the pen hallway, and they bring up a defendant. "They're offering and E and a flat," Erdmann says to him. "For a single sale, that's about the—"

The defendant looks mystified. He says nothing. The guard interrupts. "This isn't Sanchez, Marty. It's Fernandez."

Erdmann drops his arms in disgust, and without a word he turns and goes back into court and sits down in the jury box. A defendant has in effect been tried, convicted and sentenced before his lawyer even knew what he looked like.

After court, Alice Schlesinger comes into Erdmann's office to brief him on a client of hers, a woman, who will be in Schweitzer's court tomorrow. "She's absolutely not guilty," Alice says. When she leaves, Erdmann's smile turns wistful and nostalgic. "It must be wonderful," he says, "to have an *absolute* sense of who's guilty and who isn't. I wish I had it."

Adler walks into the office. "What can I tell them?" he asks Erdmann. "Jack says he's leaving because the job's making a cynic of him. He says he thought he was going to defend the downtrodden and he finds out they're hostile and they lie to him. So he's leaving. Alice comes to me and says, 'The system's wonderful for the guilty, but for the innocent it's awful. Some of them *must* be innocent.' What do you *say* to that?"

"You say nothing," Erdmann answers, "because it's true."

"No. You say that in a good system of government the vast majority get fair treatment, but there are bound to be a few who don't." He looks at Erdmann. "You think that's sentimental."

"I think you're a Pollyanna."

Adler turns to another man in the office. "He's called me sentimental, and he's called me a Pollyanna. And you know what? It's *true.*"

Erdmann laughs. "What difference does *that* make?"

That night Erdmann goes home, has three Scotches on the rocks, meets a former judge for dinner, has a double Scotch, and thus fortified appears before the judge's evening seminar at the New York University Law School. Ten students are sitting in upholstered, stainless-steel swivel chairs in a red-carpeted conference room—all very new and rich and modern. Erdmann is supposed to tell them about jury selection and trial tactics, subjects on which he is a recognized master.

He upwraps a pack of cigarettes, lights up, and leans close over the table. Two of the students are girls. Most of the men are in jeans and long hair. Erdmann knows the look in their eyes. They think they will have innocent clients, they think they'll be serving their fellow man, the community, justice. They don't know that what they'll be serving is the system. He wants to give them some of the facts of life. "You are salesmen," he begins, "and you are selling a product that no one particularly wants to buy. You are selling a defendant who in all likelihood is guilty." They give him looks. "So you're going to disguise the product, wrap it in the folds of justice, and make it a symbol of justice. You have to convince the jurors that you're sincere, and that the product you are selling is not really this defendant, but justice. You must convince them that your defendant is not on trial. Justice is on trial."

The students are cautious. No one has taken any notes. "Your job is at the beginning and the end of the trial—the jury-picking and the summation. In between comes that ugly mess of evidence. In examining prospective jurors you have to sell your product before they get a look at him, before they hear the evidence. You want also to plant the seeds of your defense, and soften the blow of the prosecution's case. If you know that a cop is going to testify that the defendant stabbed the old lady 89 times, you can't hide from it. You might just as well bring it out yourself, tell them that they're going to hear a police officer testify that the defendant stabbed the old lady 89 times, and then when the testimony comes you will be spared the sudden indrawing of breath. And maybe you can even leave the impression that the cop is lying."

A girl mentions the Tombs riots and asks Erdmann what could be done to give the prisoners speedy trials. During the riots, inmates' demands for less crowding, better food, extermination of rats and vermin were supported even by the hostage guards. But their demands for speedy trials, though they found strong support in the press, were less sincere. Virtually every prisoner in the Tombs is guilty, either of the crime charged or of some lesser but connected crime. He knows that he will either plead guilty or be convicted in a trial, and that he will serve time. He knows, too, that delays will help his case. Witnesses disappear, cops' memories fade, complainants lose their desire for vengeance. As prosecutors see their cases decaying, they lower and lower the pleas. Meanwhile, time served in the Tombs before sentencing counts as part of the sentence. Erdmann wants to explain that to the students, but he knows he will not find many believers.

"Let me disabuse you," he says, "of the idea that the prisoners in the Tombs want speedy trials. Most of them are guilty of something, and the last thing they want is a trial. They know that if every case could be tried within 60 days, the pleas of one-to-three for armed robbery would be back up to 15-to-25."

"What about the defendants out on bail?" a student asks.

"People out on bail almost never have to go to trial. If you can get your client out on bail, he won't be tried for at least three years, if at all. The case will go from one DA's back drawer to another's until it either dissolves into dust or the DA agrees to a plea of time served."

A student asks about the defense lawyer's responsibility to be honest. That triggers Erdmann's smile. "My only responsibility," he says, "is to my client. And not to suborn perjury, and not to lie personally. My client may lie as much as he wants."

So mired have the courts become that there now arises the nightmare possibility of a prisoner sinking forever out of sight in the quicksand of judicial chaos. In the post-riot panic to relieve overcrowding in the Tombs, a special court was set up to facilitate the return to state prisons of inmates who had been brought to the Tombs to await hearings on various motions of appeal. One defendant entered the court in a rage. He was doing 20-to-life at Sing Sing for stabbing someone to death with an umbrella. A year ago he was brought to New York for an appeal hearing. He never got the hearing, and went 11 months without seeing a lawyer. Finally in court—unsure as to when, if ever, he would reappear—he shouted furiously at the judge. Guards moved in around him.

The judge got things sorted out, scheduled the hearing for the following week, and the prisoner was removed. After a year in limbo in the Tombs, he had finally been found. The judge waited until the door closed behind the prisoner, then looked at Erdmann, at the DA and back at Erdmann. He said, "Now there's a man who's got a beef."

Since the case of Richard Henderson, the junkie who didn't know if he was guilty, was marked ready for trial, he has been returned each day to the detention pen beneath Schweitzer's courtroom—on the almost nonexistent chance that his lawyer, and the DA assigned to the case, and a judge and courtroom might all become simultaneously available for trial. Each day he sits there in the pen while upstairs in court his case is called and passed, with no more certain consequence than that he will be back again the next day, so that it can be called and passed once more. After several days of this, Erdmann speaks to him again to see if he has changed his mind. He is the same—same clothes, same dead expression, same mad insistence on trial. Erdmann tries to encourage him to take the plea, "if you are guilty of anything."

Henderson still wants a trial.

"What will happen today?" he asks.

"'Nothing. They'll set another date for trial, and that date will mean about as much as any date they set, which is nothing. You'll just have to wait in line."

Henderson picks at some mosquito-bite-size scars on his arm. "The other prisoners intimidate me," he says. "They keep asking me about my case, what I did, what I'm in for."

"What do you say?"

"I don't answer them. I don't want to talk about it."

Henderson is adamant. Erdmann leaves him and goes back to court.

Erdmann's disrespect for judges (Schweitzer is a rare exception) is so strong and all-inclusive that it amounts at times to class hatred. When one of his young lawyers was held in contempt and fined $200, Erdmann left Schweitzer's court and rushed to the rescue. He argued with the judge and conned him into withdrawing the penalty. Then, outside the courtroom in the corridor, Erdmann's composure cracked. "He's a bully," he said angrily. "I'll put Tucker [one of his senior lawyers] in there a couple of days and tell him, 'No pleas.' That'll fix *that* wagon." He makes a note, then crumbles it up. "No. I'll take it myself—and it'll be one for the record this time." Erdmann remembers that two days earlier the judge's car was stolen in front of the courthouse. "I should have told him not to let the theft of his Cadillac upset him so much."

"There are so few trial judges who just judge," Erdmann says, "who rule on questions of law, and leave guilt or innocence to the jury. And Appellate Division judges aren't any better. They're the whores who became madams."

Would he like to be a judge?

"I would like to—just to see if I could be the kind of judge I think a judge should be. But the only way you can get it is to be in politics or buy it—and I don't even know the going price."

Erdmann is still in the hallway fuming over the contempt citation when a lawyer rushes up and says a defendant who has been in the Tombs five months for homicide has been offered time served and probation—and won't take it. Erdmann hurries to the courtroom. The defendant and his girl friend had been playing "hit and run," a ghetto game in which contestants take turns hitting each other with lead pipes. He said he was drunk when he played it and didn't know how hard he was hitting the girl. They both passed out and when he awoke the next morning she was dead. He had no previous record, and the judge is considering the extraordinarily light sentence agreed upon by the lawyer and DA. Neither the judge nor the DA is in a mood for any further haggling from the defendant. Erdmann talks with the defendant and gets the plea quickly accepted. Five months for homicide. As he leaves the courtroom, a DA says, "Marty, you got away with murder."

Erdmann is gleeful. "I always get away with murder."

He goes down to his office. Alice Schlesinger walks by his desk and Erdmann remembers something he saw in the *Times* that morning about Anthony Howard, the man with an insane cellmate whose case he assigned to her three weeks ago.

"Hey, Alice," he calls to her, "congratulations on winning your first case."

She shrugs. A lawyer named James Vinci walks in and Erdmann says to him, "Don't forget to congratulate Alice. She just won her first case."

"Really?" says Vinci. "That's great."

"Yeah," Erdmann laughs. "Anthony Howard. His cellmate strangled him to death last night."

Every evening Martin Erdmann walks crosstown to a small French restaurant in the theater district. He sits always at the same table in a rear corner, with his back to whatever other customers there are, and he is happiest when there are none. The owner and his wife are always pleased to see him, and when he does not come they call his apartment to see if everything is all right.

Not long ago he reluctantly agreed to allow a reporter to join him for dinner. The reporter asked him if he could be positive after 25 years if he had ever defended an innocent man.

"No. That you never know. It is much easier to know guilt than innocence. And anyway, it's much easier to defend a man if you know he's guilty. You don't have the responsibility of saving him from unjust punishment."

"What do you think about the courts today, the judicial system?"

"I think it's time people were told what's really going on. Everyone's so cowardly. Nobody wants to tell the public that the minimeasures proposed to clear up the mess *won't* do it. If you only had two roads going in and out of New York and someone said, 'What can we do about the traffic problem?' the answer would be, 'Nothing—until we get more roads.' You couldn't help it by tinkering around with the lights. Well, tinkering with the courts isn't going to help. We need more courts, more DAs, more Legal Aids, more judges—and it's going to cost a massive amount of money. I wonder how much money you could raise if you could guarantee safety from mugging and burglary and rape for $50 per person. Eight million people in New York? Can you get $20 million? And if you asked for $20 million to provide a workable system of criminal justice, how much would you get? People are more interested in their safety than in justice. They can pay for law and order, or they can be mugged."

"So what's the solution?"

"I've never really felt it was my problem. Everything up to now has benefited the defendant, and he's a member of the community, too. When you say, 'The people versus John Smith'—well, John Smith is part of the people, too. As a Legal Aid lawyer, I don't think it's my problem to make things run smoothly so my clients will get longer sentences. That's the court's problem."

He stops talking and thinks for a minute. Something is burning inside. "That's the wrong attitude, I suppose, but then the Appellate Division has never approached me and asked me what can be done to improve justice for the *accused*. They *never* ask *that* question. It's just how can we clear the calendars. It's how can we get these bastards in jail faster for longer. Not in those words—*certainly* not. They *never* in all these years asked, how can we have more justice for the defendants. That's why I'm not too concerned about the system." He has become angry and impassioned and now draws back. He concentrates on a lamb chop.

"I'm loquacious when I'm tired," he says.

After several minutes, he begins again. "You know, I really don't think there *is* any solution to the problem, any more than there is to the traffic problem. You do what you can within the problem."

"Is the day coming when the traffic won't move at all?"

"Yes. If every defendant refused to plead and demanded a trial, within a year the system would collapse. There would be three-year delays in reaching trial, prison riots, defendants would be paroled into the streets."

"What's Martin Erdmann going to do when that happens?"

"That's an interesting question. It would be too late by then to do anything. It's going to be too late very soon."

Every Friday, Erdmann assigns himself to a courtroom with a half-day calendar and catches the 1:35 bus for Danbury, Conn. From there he drives to his estate in Roxbury and spends the weekend walking, gardening "and talking to myself." He has a three-story house with a junk-jammed attic, a cellar filled with jarred fruit he preserved years ago and never ate, and a library cluttered with unread books and magazines. A brook runs down from the acres of Scotch pine, past his garden and under a small bridge to the country below. He walks along the brook, and stops on the bridge to stare down at the trout. He never fishes here. "These are my friends," he says, "and you don't catch your friends."

Most of the weekend he spends trying to coax cooperation from the flowers and vegetables. "I worry most about the tomatoes because I like to eat them. The most difficult is what I don't grow anymore, roses. They demand constant care and that's why I don't have them." Tulips he likes. He spent a recent four-day weekend putting in 400 bulbs sent by a friend from Holland. "They're not difficult. You just dig 400 holes and put them in and they come up in the spring. The only problem is moles. The moles make runs to eat insects and then the mice use the mole runs to eat the tulip bulbs. Years ago I used to be out with spray guns. And then I figured, what the hell, this is nature, the mice don't know they're not supposed to eat tulip bulbs. So I gave up the spraying. I can't be hostile to something that's just doing what comes naturally."

The tulips are all in, it's 9 a.m., and Erdmann is back in his office going through the *Times*. He is stopped by an item about a former Legal Aid client, a 25-year-old homosexual named Raymond Lavon Moore. Charged with shooting a policeman in a bar, Moore had been in the Tombs 10 months, made 24 appearances in court, and steadfastly refused to plead guilty to anything more serious than a misdemeanor. He went into the Tombs weighing 205 pounds, and wasted slowly down to 155. He had never been in jail before. Five times Moore was removed to hospitals for mental observation, and each time he was returned to the Tombs. He twice tried unsuccessfully to kill himself. For fighting with a guard, Moore was sentenced to 20 days' solitary confinement in a small iron box whose only openings were a barred window and a four-inch-wide glass slit in the door. Last weekend, while Erdmann was on his hands and knees in T-shirt and dungarees digging the 400 tulip holes, Moore stripped the white ticking from his mattress, knotted it into a noose and hanged himself from the barred window.

Erdmann slowly folds the paper around the clipping and without expression hands it across his desk to another lawyer. He says nothing.

That noon, Erdmann is back talking through the bars of the detention pen beneath Schweitzer's courtroom. He's asking a drug pusher if there's someone who will make bail for him.

"I can't get in touch with no one from in here, man."

"Can I?"

"Yeah. My mama in Cincinnati." He is about to give Erdmann the phone number when Erdmann moves aside to allow a guard to open the door and insert more prisoners. One of the prisoners is Richard Henderson, the junkie who wants to go to trial. He walks in, foggy and listless, and his momentum carries him to the center of the cell. He stops there, staring straight ahead. He does not move or look around for three minutes. Then he takes two steps to the bench, sit down and puts his hands between his knees. He sits there, rubbing his palms together.

Five hours later, Judge Schweitzer is almost at the end of the day's calendar. The spectators have all left, and no one remains but court personnel. Everyone is tired. To speed things up, Schweitzer has told the guards to bring up everyone left in the pen and keep them in the hall by the door till their names are called. Five come up. Their cases already have been adjourned and what's happening now is more or less a body count to make sure no one is missed.

The last is Henderson. A guard walks him in, holding his arm, and someone says, "That's Henderson. He's been adjourned."

The guard, just four steps into the courtroom when he hears this news, quickly wheels Henderson around and heads him back out the door. Something in the wide, passage through the court, something in his dead, unware, zombie-eyed stare as he banks around the pivoting guard, strikes everyone who sees it as enormously funny. It's strange and it's pathetic, and no one can keep from laughing.

AN MIA WIFE CRITICALLY EXAMINES THE POW ISSUE

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, in the

course of this week we have heard the POW issue discussed at considerable length. We have heard the North Vietnamese treatment of POW's condemned repeatedly. We have heard the courage of the POW families praised repeatedly.

All of this is valid, and I am sure it is well meant. But none of it is of any help to the POW's. And, except in the most superficial sense, none of it is of any help to their families.

As Mrs. Barbara Mullen, whose husband has been missing in Laos for nearly 5 years, recently wrote me—

> I've had enough sympathy to drown in self-pity and enough praise to burst an ego—no more please.

Condemning the other side for its treatment of POW's is, I suppose, a good emotional outlet, and God knows it is the politically popular thing. But it does not move the North Vietnamese, the NLF, or the Pathet Lao 1 inch. Appealing to their humanitarianism is not much better.

Mr. Speaker, if we seriously intend to help the POW's, we must be willing to bargain seriously. And if we are going to bargain seriously, we must offer the other side something it values. The North Vietnamese, the NLF, and the Pathet Lao do not want our money, they do not want our thanks, and they do not want their prisoners back. They want only one thing from us: our absence.

If we are willing to trade total withdrawal for total POW repatriation, we can get our men back. If we are not, forget it. If we are not willing to trade withdrawal for POW's, all the speeches made this week are so much wasted breath.

Mrs. Mullen discusses these points and others in her very perceptive and insightful letter, which I insert in the RECORD at this point under unanimous consent:

OAKLAND, CALIF.,
March 12, 1971.

DEAR REPRESENTATIVE LEGGETT: This week marks concern for our POW's—again. Congressmen will make speeches honoring, praising and expressing sympathy for these men. Some will infer that support of current U.S. action in the war is necessary in order to support these men. Others will use it as an opportunity to condemn this war. I wonder if any will really try to help us. I've had enough sympathy to drown in self-pity and enough praise to burst an ego—no more please.

If I could crawl into the conscience of each congressman I would ask him to destroy his pat speech and instead spend a solemn hour probing for a real solution to the problem.

It would be naive to expect congressmen to consider the prisoner of war issue completely separate from their own views about the war. Realizing this, I nevertheless ask them to review some elements of the problem objectively.

1. U.S. and world pressure aimed at Hanoi has not been overwhelming, but it has achieved an increase in letters from POW's in North Vietnam. It has not produced information about any of the missing men in South Vietnam or Laos (nearly 800). No POW's have been released in the past year and a half and the North Vietnamese, Viet Cong and Pathet Lao have not lived up to the provisions for POW's in the Geneva Convention. This world pressure strategy has run its course.

2. Negotiations in Paris on POW's have been fruitless. We have offered large numbers of North Vietnamese prisoners in return for ours. We have also offered a cease-fire. Both have been refused. The Communists—NLF and North Vietnamese have stated many times that they will release our POW's in return for a stated U.S. withdrawal date. The Administration has refused to do this. General Hughes, White House Military Advisor, has told me the reason for this is that the POW question must remain humanitarian, separate from political or military considerations. Senator Dole, Chairman of the Republican National Committee, told me (letter dated March 10) that on the question of negotiating for the release of POW's, ". . . the word of the Communists is difficult to trust." ". . . that since World War II there have been an endless number of agreements reached with the Soviet Union but invariably they have been broken." These and other Administration statements indicate that the intention is not to bargain for the release of these men.

3. If then the Administration is to insist this is a separate humanitarian issue, we are again left with the same strategy of pressuring the Communists to live up to the Geneva Convention—a strategy that has thus far failed. The Geneva Convention has been ignored by the North Vietnamese though they did sign it (1957). Our only shakey means of holding the Viet Cong and Pathet Lao to the Convention is by virtue of the fact the official governments of Laos and South Vietnam (1965) signed it. The document has been totally ignored by both of these groups, a fact which affects half of the Americans missing in Indo-China.

Repatriation in the Convention is covered in Article 118. It states that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." The important point to remember about the present "Vietnamization" plan is that there will be no clear cut "cessation of active hostilities." Even if we could convince the Pathet Lao and the Viet Cong to consider the Geneva Convention a valid document, when can we tell them that hostilities have ceased if American air power continues in support of ARVN and against supply routes and if U.S. equipment is still being used in combat?

I ask much more of the members of Congress this week than another "Memorial Service." I ask them to seriously consider the difficulties I have outlined and suggest a way out of the deadlock. I am not satisfied with President Nixon's "no bargaining for these men" position. I think for some heroic reason he respects their sacrifice, but has built his approach to their repatriation on wishful thinking. On the other hand Congressmen who oppose this war have allowed deep resentment toward the war to negate human feelings toward fellow Americans held captive in the conflict. Not as hawks or doves, but as Representatives in the U.S. Congress, Congressmen owe a responsibility to these men.

In all of Congress only one specific plan for return of these men has emerged. The proportional repatriation-withdrawal plan proposed by you, Congresman Leggett, and twenty-two other representatives takes cognizance of the only offer the communists have thus far made for the release of our prisoners. It seems realistic and has given many families a first sense of hope in years. I ask all Congressmen to consider this plan. If it is acceptable, support it, if not, please offer another concrete plan in its place. Please find a way to convince our President to bargain realistically for these men. The longer we wait, the fewer of them there will be to bring home.

I close on a personal note. If my husband ever lives through these years of internment in the jungles of Laos, he may ask why he was left there so long. What can I answer him? During his first 2½ years of captivity government officials and Congress were silent and his sons grew from babies to little boys. During the following year the war continued the same, his oldest son started school, the President announced publicly that there were American prisoners of war and Congress passed a resolution saying they supported them. The war went on another year and Congress designated a day of prayer for my husband and other missing Americans. The following year members of Congress called a joint session and said they still supported him. In March of 1971 his sons were half grown and Congress took note of a week of concern . . .

Very sincerely,
BARBARA R. MULLEN.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ASPINALL, for Thursday, March 25, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SISK (at the request of Mr. BOLLING) for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members at the request of Mr. HILLIS) and to revise and extend their remarks and include therein extraneous matter:)

Mr. CRANE, for 1 hour, on Tuesday, March 30.

Mr. DUPONT, for 15 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

(The following Members (at the request of Mr. BRINKLEY) to revise and extend their remarks and include extraneous material:)

Mr. BOGGS, for 10 minutes, today.

Mr. RANGEL, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RYAN, for 30 minutes, March 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TEAGUE of California to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 7.

Mrs. GREEN of Oregon in four instances.

Mr. GERALD R. FORD immediately following the message of the President.

Mr. BAKER immediately following Mr. GERALD R. FORD on the message of the President.

Mr. HORTON to revise and extend his remarks during debate on H.R. 7.

(The following Members (at the request of Mr. HOLLIS) and to include extraneous material:)

Mr. BROOMFIELD.

Mr. HORTON.

Mr. STEELE in 10 instances.

Mr. KEATING.

Mr PETTIS in two instances.

Mr. MCCLORY.

Mr. FULTON of Pennsylvania in five instances.

Mr. Railsback.
Mr. Baker.
Mr. Schmitz in four instances.
Mr. Landgrebe.
Mr. Arends.
Mr. Del Clawson in two instances.
Mr. Archer.
Mr. Erlenborn.
Mr. Bob Wilson.
Mr. Shoup.
Mr. Grover.
Mr. Schwengel.
Mr. Rhodes.
Mr. Scherle.
Mr. Bray in two instances.
Mr. Martin.
Mr. Fish.
Mr. Derwinski.
Mr. Frenzel.
Mr. Duncan in three instances.
Mr. Byrnes of Wisconsin.
Mr. Findley.
Mr. Mizell.
Mr. Kemp.
Mr. Wyman in two instances.
Mr. Goldwater.

(The following Members at the request of Mr. Brinkley) and to include extraneous material:)

Mr. Scheuer.
Mr. Wolff in four instances.
Mr. Begich.
Mrs. Chisholm in two instances.
Mr. Foley.
Mrs. Mink.
Mr. Reuss in six instances.
Mr. Boggs.
Mr. Kastenmeier.
Mr. Anderson of California in three instances.
Mr. Waldie.
Mr. Symington in five instances.
Mr. O'Neill in two instances.
Mr. Dingell in three instances.
Mr. Rodino in two instances.
Mr. Pepper.
Mr. Thompson of New Jersey in two instances.
Mr. Evins of Tennessee in three instances.
Mr. Patten in two instances.
Mr. Kluczynski in two instances.
Mr. Fountain.
Mr. Green of Pennsylvania in four instances.
Mr. Downing.
Mr. Fulton of Tennessee.
Mr. Hicks of Washington in five instances.
Mr. Poage.
Mr. Gonzalez in two instances.
Mrs. Hansen of Washington.
Mr. Fraser.
Mr. Tiernan.

ADJOURNMENT

Mr. BADILLO. Mr. Speaker I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p.m.) the House adjourned until tomorrow, Thursday, March 25, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

462. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that several appropriations have been apportioned on a basis which indicates the necessity for supplemental estimates of appropriations, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

463. A letter from the Chairman, Commission on the Organization of the Government of the District of Columbia transmitting a report on the activities of the Commission to date, pursuant to Public Law 91-405; to the Committee on the District of Columbia.

464. A letter from the secretary, the Foundation of the Federal Bar Association, transmitting the audit report of the foundation for the fiscal year ended September 31, 1970, pursuant to 68 Stat. 800; to the Committee on the District of Columbia.

465. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of the determination of the President No. 71-9, for the furnishing to various governments of sophisticated weapons systems, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

466. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 4724. A bill to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 92-62). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 5352. A bill to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce (Rept. No. 92-63). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 28. Resolution providing funds for the Committee on the District of Columbia; with amendments (Rept. No. 92-64). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 282. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions (Rept. No. 92-65). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 288. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 109, 92d Congress; with an amendment (Rept. No. 92-66). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 6676. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production of oil, coal, and uranium; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 6677. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia (for himself, Mr. Giaimo, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Veysey, Mr. St Germain, Mr. Diggs, Mr. Yatron, Mr. Chappell, Mr. Melcher, Mr. Teague of California, Mr. Kuykendall, Mr. Winn, Mr. Williams, Mr. Carney, Mr. Clark, Mr. Fulton of Pennsylvania, and Mr. Horton):

H.R. 6678. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DENT:

H.R. 6679. A bill to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; to the Committee on Armed Services.

H.R. 6680. A bill to amend the loan program in the National Defense Education Act of 1958 to extend the forgiveness for teaching benefit to teachers in American schools abroad supported by the United States; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 6681. A bill to provide for the publication of the "United States Multilateral Treaties in Force Annotated"; to the Committee on House Administration.

By Mr. Du Pont:

H.R. 6682. A bill to improve the crossing at St. Georges, Del.; to the Committee on Public Works.

By Mr. EVANS of Colorado (for himself and Mr. Aspinall):

H.R. 6683. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. FINDLEY:

H.R. 6684. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 6685. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. FULTON of Tennessee:

H.R. 6686. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to exclude from earnings for social security benefit and tax purposes certain royalties and renewal commissions paid to an individual after the year in which he attained age 65, and certain payments made to an individual's survivors or estate after the year of his death; to the Commission on Ways and Means.

By Mr. GIAIMO:

H.R. 6687. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. GIAIMO (for himself, Mr. Davis of Georgia, Mr. Johnson of

California, Mr. Frenzel, Mr. Podell, Mr. Wright, Mrs. Dwyer, Mr. Coughlin, Mr. Collins of Illinois, Mr. Seiberling, Mr. Sarbanes, Mr. Grover, Mrs. Hicks of Massachusetts, Mr. Morse, Mr. Aspin, Mr. Roe, Mr. McKinney, Mr. Yates, and Mr. Pepper):

H.R. 6688. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GIAIMO (for himself and Mrs. Abzug):

H.R. 6689. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mrs. GRIFFITHS:

H.R. 6690. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. HASTINGS:

H.R. 6691. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. HAYS:

H.R. 6692. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

H.R. 6693. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 6694. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

By Mrs. HICKS of Massachussetts:

H.R. 6695. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and the "meals on wheels" program, and for other purposes; to the Committee on Education and Labor.

By Mr. KEMP:

H.R. 6696. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 6697. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bell, Mr. Bingham, Mr. Buchanan, Mr. Burton, Mr. Byron, Mr. Collins of Illinois, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Frenzel, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Halpern, Mr. McCollister, Mr. McKinney, Mr. Metcalfe, Mr. Mikva, and Mr. Mitchell):

H.R. 6698. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Steele, Mr. Stokes, Mr. Whitehurst, Mr. Williams, and Mr. Yates):

H.R. 6699. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. LANDGREBE:

H.R. 6700. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. LANDRUM (for himself, Mr. Stephens, Mr. Brinkley, Mr. Stuckey, Mr. Thompson of Georgia, and Mr. Mathis of Georgia):

H.R. 6701. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. LUJAN:

H.R. 6702. A bill to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS of California:

H.R. 6703. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 6704. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 6705. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 6706. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. PICKLE (for himself and Mr. Murphy of New York):

H.R. 6707. A bill to amend the Rail Passenger Service Act of 1970 to reduce the amount a State, regional, or local agency may be required to reimburse the National Railroad Passenger Corporation for certain rail passenger service provided by the Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 6708. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. RANGEL:

H.R. 6709. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. SISK:

H.R. 6710. A bill to clarify the status of certain U.S. citizens performing services for the Trust Territory of the Pacific Islands; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 6711. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject ot the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 6712. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. VANDER JAGT (for himself, Mr. Aspin, Mr. Brademas, Mr. Broomfield, Mr. Brown of Michigan, Mr. Cederberg, Mr. Dingell, Mr. Esch, Mr. William D. Ford, Mr. Horton, Mr. Kemp, Mr. Mikva, Mr. Minshall, Mr. Riegle, and Mr. Steiger of Wisconsin):

H.R. 6713. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. VIGORITO:

H.R. 6714. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 6715. A bill to provide for the establishment of a national cemetery in or near Yaphank, N.Y.; to the Committee on Veterans' Affairs.

By Mr. ZWACH:

H.R. 6716. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness; to the Committee on Agriculture.

H.R. 6717. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. ASPIN:

H.R. 6718. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS (for himself, Mr. Reid of New York, Mrs. Mink, Mr. Quie, Mr. Meeds, Mr. Dellenback, Mr. Scheuer, Mr. Hansen of Idaho, Mr. Bell, and Mr. Clay):

H.R. 6719. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare to the Committee on Education and Labor

By Mr. BYRNE of Pennsylvania:

H.R. 6720. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 6721. A bill to transfer to the Secretary of the Interior certain insecticide, herbicide, fungicide, and pesticide research functions transferred to the Administrator of the Environmental Protection Agency by Reorganization Plan No. 3 of 1970; to the Committee on Agriculture.

By Mr. DINGELL (for himself, Mr. Saylor, Mr. Moss, Mr. Nedzi, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. McCloskey, Mr. Conte, and Mr. Vanik):

H.R. 6722. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 6723. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs; to the Committee on Armed Services.

H.R. 6724. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Clay, Mr. Collins of Illinois, Mr. Davis of Georgia, and Mr. Dellums):

H.R. 6725. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. METCALFE:

H.R. 6726. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 6727. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. PEYSER:

H.R. 6728. A bill to amend the Federal Corrupt Practices Act, 1925, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, and Mr. Stokes):

H.R. 6729. A bill; the Adequate Income Act of 1971; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Hosmer, Mr. Skubitz, Mr. Kyl, Mr. Steiger of Arizona, Mr. Don H. Clausen, Mr. Lujan, Mr. Sebelius, Mr. McKevitt, Mr. Terry, and Mr. Córdova):

H.R. 6730. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Carney, Mrs. Chisholm, Mr. Derwinski, Mr. Donohue, Mr. Dow, Mr. Edwards of California, Mr. Eilberg, Mr. Flowers, Mr. Foley, Mr. Fraser, Mr. Garmatz, Mr. Gonzalez, Mrs. Grasso, Mr. Green of Pennsylvania, and Mr. Halpern):

H.R. 6731. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself, Mr. Hathaway, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Leggett, Mr. McCollister, Mr. Mann, Mr. Melcher, Mr. Metcalfe, Mr. Mikva, Mrs. Mink. Mr. Mitchell, Mr. Morse, Mr. Price of Illinois, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Runnels, Mr. Ryan):

H.R. 6732. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (fo himself, Mr. Smith of New York, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Thone, Mr. Vanik, Mr. Waldie and Mr. Wolff):

H.R. 6733. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 6734. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Ill., via Cleveland, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 6735. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Monmouth-Dallas division, Willamette River project, Ore., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6736. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. WYATT (for himself and Mr. Ullman):

H.R. 6737. A bill to amend the Internal Revenue Code of 1954 to make it clear that independent truck dealers and distributors who install equipment or make minor alterations on taxpaid truck bodies and chassis are not to be subject to excise tax as manufacturers on account thereof; to the Committee on Ways and Means.

By Mr. ADAMS:

H.J. Res. 504. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. CONABLE:

H.J. Res. 505. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mrs. Abzug, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Collins of Illinois, Mr. Dellums, Mr. Edwards of California, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Koch, Mr. Matsunaga, and Mr. Rosenthal):

H.J. Res. 506. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. BYRNE of Pennsylvania:

H. Con. Res. 233. Concurrent resolution expressing the sense of Congress with respect to reducing the balance-of-payments deficit by encouraging American industry and the American public to ship and travel on American ships; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H. Con. Res. 234. Concurrent resolution expressing the sense of Congress with respect to alternative efforts to secure the release of U.S. prisoners of war from North Vietnam; to the Committee on Foreign Affairs.

By Mr. TERRY:

H. Con. Res. 235. Concurrent resolution to recognize the 30th anniversary of the United Service Organizations, Inc. (USO); to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. Badillo, Mr. Addabbo, Mr. Eilberg, Mr. Nix, Mr. Gaydos, Mrs. Grasso, Mr. Horton, Mr. St Germain, Mr. Charles H. Wilson, Mr. Drinan, Mr. Scheuer, Mr. Edwards of California, Mr. Aspin, and Mr. Wolff):

H. Con. Res. 236. Concurrent resolution expressing the sense of Congress that our NATO Allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. Nichols, Mr. Burke of Massachusetts, Mr. Shoup, Mr. Collins of Illinois, Mr. Buchanan, Mr. Rarick, Mr. Steele, Mr. Córdova, Mr. Blackburn, Mr. Forsythe, Mr. Duncan, Mr. Johnson of Pennsylvania, and Mr. Eshleman):

H. Con. Res. 237. Concurrent resolution expressing the sense of Congress that our NATO Allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mrs. ABZUG (for herself, Mr. Abourezk, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mr. William D. Ford, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Koch, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Ryan, and Mr. Seiberling):

H. Res. 342. Resolution calling for an investigation of Government agency involvement in U.S. oil company investment in oil deposits offshore Vietnam; to the Committee on Rules.

By Mr. BRINKLEY:

H. Res. 343. Resolution creating a special committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

By Mrs. GRIFFITHS:

H. Res. 344. Resolution providing for investigations and studies by standing committees of the House of Representatives to ascertain and identify those areas in which differences in treatment or application, on the basis of sex, exist in connection with the administration and operation of those provisions of law under their respective jurisdictions, and for other purposes; to the Committee on Rules.

By Mr. HALEY:

H. Res. 345. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. By the SPEAKER: A memorial of the Legislature of the territory of Guam, relative to constituting the University of Guam as a land-grant institution; to the Committee on Agriculture.

86. Also, a memorial of the Legislature of the territory of the Virgin Islands of the United States, relative to holding sessions of the Legislature of the Virgin Islands on St. Croix and St. John, as well as at Charlotte Amalie; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6738. A bill for the relief of Alberto Tortoroli; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 6739. A bill for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 6740. A bill for the relief of Aniello Peluso; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 6741. A bill for the relief of Antonio Giovanna Livoti; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 6742. A bill for the relief of Pasquale Antonio Frisoli; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 6743. A bill for the relief of Carlos Alberto Arenas; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 6744. A bill for the relief of Fred Devine, doing business as Fred Devine Diving Co.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

50. The SPEAKER presented a petition of Barry Dale Holland, Portsmouth, Va., relative to referendums on public questions, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

POLLUTION OF OUR CULTURE WITH PORNOGRAPHY MAY BE AS SERIOUS A PROBLEM AS POLLUTION OF OUR WATER; DIRTY MOVIE BUSINESS CALLED MULTI-MILLION-DOLLAR INDUSTRY IN SAN FRANCISCO

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 23, 1971

Mr. RANDOLPH. Mr. President, the constant flow of pornography in all of its degrading forms should be cause for increasing concern by officials and citizens alike. Rightfully, we express alarm with frequency with respect to the degradation of the quality of the air and the pollution of our oceans, lakes, and streams. But why are we so patronizing of the pollution of the sight and the minds of ourselves and our fellow citizens—and especially those of our children?

The increase in the availability of unadulterated pornographic smut and obscene materials is an appalling fact. Is our civilization, in the name of freedom, to see and read what some persons believe should be an unlimited range of pornography and obscenity, marching backward under the impact of these freedoms? I believe so, and, Mr. President, there are abundant facts and compelling reasons for believing pornography and obscenity are dragging the former high standards and the progress of our civilization down to level of the polluted streets and gutters.

Mr. President, the San Francisco Examiner of February 5, 1971, contained a most revealing article by Robert Patterson under the headline, "How To Clean Up on Dirty Movies," and the reference was to moneymaking by the dirty movie industry, unfortunately not to cleansing the movies of their filth. And the February 1971 issue of the magazine, Success Unlimited, contained a far-ranging and incisive article called "Smut Alley."

Because both articles have the tendency to arouse the desire to improve the bad situations being generated and stimulated by pornography and obscenity at their worst, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOW TO CLEAN UP ON DIRTY MOVIES

(By Robert Patterson)

The dirty movie business in San Francisco—recently called "the smut capital of the world" in a national magazine—has become a multi-million-dollar industry.

This estimate covers San Francisco alone in respect to theater admissions, releasing charges, and profits from films being made clandestinely in warehouses, lofts, private homes, and blinded store-front "studios."

A reliable, authoritative source places the national take of the new industry at "more than five hundred million dollars as of the fall of 1970." The action and the profit are escalating at breakneck pace. Another source states that the total grab has already reached 2 billion dollars annually as the market spreads and the film production proliferates.

In San Francisco what was a cheapie, back-alley operation a year-and-a-half ago is now a gilt-edged, buck-producing industry, though still carried out along semi-clandestine, quasi-underworld business patterns.

In San Francisco, according to a private report submitted today to Board of Supervisors President Dianne Feinstein, the gross profit to exhibitors—the retail take—is in excess of $7 million a year. The poorest of porny houses, according to this report, does $2000 a week. One deluxe house, on the basis of a head-count, took in $22,000 in one day.

UNTAXED MONEY

Those close to the industry, incidentally, suggest that the tax collector sees but a portion of his legal percentage of these bonanzas. They assert that casual admission procedures, plus tickets sold collected and re-sold, plus the greediest "skimming" techniques this side of Las Vegas, materially reduce the known take.

"We can't yet say how accurately the gross receipts of the porny houses are reported," City Tax Collector Thad Brown said. "Some claim their bookkeeping is done out of state and we have no realistic way of checking admission procedures. However, we are going through an extensive audit on them at the moment."

GROWTH

There were but seven outlets for fifthy pictures in the summer of 1969 and the outlets were modest and the pictures less than completely obnoxious. By the fall of 1970, there were 28 of them. As of Feb. 1, there are 42 and the great majority of these offer cinema fare that makes much of the "adult entertainment" shown in 1969 and 1970 seem like an "Our Gang" comedy.

Until shortly ago the City's libidos were offered titillation via nude art films, love scenes in which the more biological aspects were suggested by undulation and deep breathing rather than by more clinical detail, and pseudo-educational epics that warned against immorality by abundantly demonstrating it.

CORNY-PORNY

The latter group usually carried a strait-laced narration by a friendly pseudo-Ph.D. over the shots of sex. The customers didn't seem to mind the narration. All of this was merely corny-porny.

Today's porn is straight out of a textbook on abnormal psychology. Kraft-Ebbing and Freud would have to throw up. And the central theme is bestiality instead of sex.

As one former dirty film-maker phrased it, "anything that makes women look like stupid meat, that degrades them good and hard, makes money. Or anything that hurts them."

So the movies in San Francisco's Tenderloin, Mission, North Beach, along Market Street, and even—now—reaching into better districts if they can, show women being gang-raped, knife-cut, and subjected to sex with horses, dogs, goats and monkeys.

For those already sated on sexual "love" involving women, there are in incidents involving young boys. Reliably predicted by those in the production end of the industry are films in planning to be climaxed by scenes of ritual death; exotic importations from countries and cultures where accomplishing such phenomena involves no problems.

AHEAD OF MARKET

After all, production has to stay ahead of the market. A customer already tired of mere copulation, and getting his heart's content of barnyard love, has to be kept lining up at the box offices of the sordid little theaters.

And so the exhibitors—a strange breed of people who were largely involved in other strange businesses until porn became the name of the game—make money at a rate that makes the gold rush seem like penny ante. And spend it on high-powered lawyers who advise them on how to by-pass upcoming laws in advance ("Forget it," one local barrister is said to have told his clients, in reference to a newly-enacted city ordinance), and on lurid advertising.

ADVERTISING

In 1970, the San Francisco smut houses spent more than half a million dollars advertising. The Examiner last year refused to any longer accept such advertising.

With the advance of the promotional sophistication of the smut theaters, code words and phrases replace enticing details in signaling the kind of product within the theater.

A large sign "Adult" on or under the marquee means hard-core sex. "Super-Adult" or "Adult-Plus" means just what it seems to mean.

"Freak Sex" indicates nothing normal will be shown and "Rock-Bottom" and "Total Involvement" clearly promise things far more exciting than just bare ladies and normal love.

PRODUCTION

In another area of the industry, one that is unrepresented in the aforementioned report on gross revenue, San Francisco is also preeminent; the production of the raw product.

Fourteen full-time production units are presently involved in turning out hardcore porno-features that rate so highly throughout the rest of the nation as to be profitably advertisable as "San Francisco Style Sex Films", or "Direct From Frisco."

Financing, promotion and releasing emanates from elsewhere in the nation, according to police and other authoritatively-researched sources but some of the most successful product is put together in the Bay Area, with Los Angeles shaping up as a close second in the sex-race.

100 FOR 8

Coming up with a dirty movie print that can gross over $100,000 in a relatively short time may involve as little as $8000, according to an experienced local porno-producer.

Talent is numerous and cheap, much of it being recruited from the horde of runaway and dropout youngsters so available in San Francisco.

The professional know-how for the entire industry has its original roots in San Francisco, many of the porno-pros having been pre-experienced in the smutty publication business that preceded dirty pictures in the Bay Area.

LOCAL CONDITIONS

Other peculiarly local conditions are helpful to the new industry.

For instance, a local expert whose expertise is documented by a criminal court conviction, points out that a great many hard-core sex epics are made weekends with the first-class equipment available in the cinema instruction laboratories of San Francisco's several colleges.

The entrepreneurs of these productions—according to this informant—may additionally forgo expenditures for talent. He claims that fifty dollars worth of pot and speed and the promise of a sex bash brings in a full and voluntary cast of both sexes for these clandestine "production parties."

[From Success Unlimited Magazine,
February 1971]

"SMUT ALLEY"

(By Og Mandino)

Is the pollution of our culture with pornography as serious a problem as the pollution of our water?

In October 1967, Congress established an advisory commission to study the traffic in obscenity and pornography and recommended advisable, appropriate, effective, and constitutional means to deal effectively with such traffic.

President Johnson appointed members to the Commission in January 1968 and funds were appropriated in July of that year. Twenty-seven months later, in October 1970, after an expenditure of more than $2 million, the Commission on Obscenity and Pornography issued its findings. Three Commissioners dissented, calling the report "a Magna Carta for Pornography", but the majority's conclusions and recommendations can perhaps be condensed in one sentence: The Commission recommends that federal, state, and local legislation prohibiting the sale, exhibition, or distribution of sexual materials to consenting adults should be repealed.

Although it recommended legislative regulations upon the sale of sexual materials to young persons "who do not have the consent of their parents," the Commission pointed out that "even where materials are legally available to them, young adults and older adolescents do not constitute an important portion of the purchases of such materials."

From that position, the Commission went on to make the following judgment:

"In sum, empirical research designed to clarify the question has found no evidence that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults."

Manipulated Statistics?

Six months have passed since the issuance of the report, and one of the most serious and provocative questions raised by the Commission is yet to be answered. That question deals with how you, an average American, feel about pornography. The Commission's position is that you don't really care, one way or another, as follows:

"Public opinion in America does not support the imposition of legal prohibitions upon the right of adults to read or see explicit sexual materials. While a minority of Americans favor such prohibitions, a majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so."

The Commission's findings, that only 2% of United States citizens viewed pornography as a serious national problem is in puzzling contradiction to the 1969 Harris Poll (76% want pornographic literature outlawed) and the 1969 Gallup Poll (85% favor stricter laws on pornography). However, Morton A. Hill, one of the Commission's dissenting members, argues that it is not difficult to see how the Commission study came up with such a low percentage of concerned citizens when one hears the question asked in the poll:

"Would you please tell me what you think are the two or three most serious problems facing the country today?"

As the Commission's dissenting members points out, "It's doubtful that even the most concerned citizen would list 'pornography' as among the first two or three most serious problems facing the country when the country is faced with the problems of war, racial conflict, youth rebellion, law and order disruption, drugs, pollution, etc." Thus, pornography was listed among the top two or three serious problems facing our country in only 2% of the responses. Manipulated statistics . . . or are Harris and Gallup both wrong?

Perhaps the answer lies in another area . . . that the average American citizen, since he has never been confronted with the blatant sale of pornography at his shopping center, has no conception of what it means to have obscene sexual and pornographic materials available in his own home town. Without this first-hand experience and with his ingrained belief that freedom of the press is one of our most important rights, it is not difficult to comprehend the apathy that exists.

With this premise as our starting point, *Success Unlimited* decided to investigate the dissemination of pornography at its own largest base, New York City. Inasmuch as our nation's largest metropolis has become nearly an "open city" for the purveyors of smut, it was not illogical to assume that whatever was occurring there would gradually extend throughout the rest of the country if the recommendations of the Commission were followed regarding the repeal of all obscenity statutes.

Both photographer Bob Genny and I spent two days and nights on this investigation, working separately so that we would attract as little attention as possible. We visited more than fifty smut shops, arcades, peepshows, live shows and movie houses. Bob photographing as surreptiously as possible and I made only quick and brief notations on a small note paid as we visited the shops.

If you are ready, let us begin. Let me take you on a guided tour of New York City's "smut alley." Let's look at the materials which the majority of the Commission states "are sought as a source of entertainment and information by substantial numbers of American adults" and which (according to the Commission's majority report) "at times, appear to serve to increase and facilitate constructive communication about sexual matters within marriage."

Forty-second Street conjures up a whimsical and nostalgic melange of images to the non-New Yorker. If one is old enough, memories of a 1933 Warner Brothers musical with Dick Powell and Ruby Keeler flicker out of yesteryear. It was the street of entertainment world giants, the street of first nights, Ziegfield, George and Ira Gershwin, parades, excitement, music . . . and the mecca for every would-be entertainer from Portland to San Diego. It was America's "dream street."

Now, it has descended so far in character that only one appelation seems to fit its long blocks of pornographic shops, skin flicks, and hash houses . . . "smut alley."

Silent witness to the street's transition from debutante to prostitute is the New York Public Library on the corner of Fifth Avenue and Forty-second Street. Containing nearly five million books, each day the library is visited by more than nine thousand visitors, many of them students researching high school and college projects. Unfortunately, many students engage in another type of "research" only a short distance away. They leave the building through its Forty-second Street exit, turn left and walk one block. Then, they cross the Avenue of the Americas, still on Forty-second Street, and enter "smut alley," perhaps the most concentrated and varied collection of pornographic shops, arcades and sex shows (live and film) this side of Copenhagen or Hamburg.

Let's walk in the first one we come to. Inside the grimy, unswept cubicle, a male clerk sits near the doorway on an elevated chair behind a counter which displays packages of black and white photographs, sealed in plastic. Each set, usually a collection of eight poses, shows a disrobed female model with camera angles concentrated on her genitals. Also, for sale are 8 millimeter movie films, each carton promoting, through an attached color photograph, the contents of that particular reel usually the sexual manipulations of one or more females or males. Price per reel, $15.

Above the clerk's head nailed to a post, is a scrawled sign which says, "You must be 21 . . . and prove it." In two days of investigation, I saw no one asked to show any credentials proving their age.

Along one wall of the shop, on racks, magazines were for sale from $3 to $5 each. In full color, and with titles like "Big Bust" and "Low Down", these magazines featured full color poses of females of all sizes and colors, again with the accent on genitalia. Another section, for the "male homosexual trade" featured magazines with such titles as "Gay Life" and "Male Liberation." The "cover boys" on these all displayed genitalia, with bored expressions.

Along the other wall were paperbacks, selling in price from $1.50 to $3.50, with titles like "Three In The Hay", "Make It Big", "The Lollipop Kid" and "Black Baby."

Many of these books, featuring every form of perversion and sexual deviation, are illustrated, and the story line, if there is one at all, only exists to hold together the sexual acts described on nearly every page. Oral-genital contact occurs far more often than the usual form of intercourse and four-letter words abound . . . except for one, *love*.

At the rear of this dingy palace of pornography are "peepshows." Drop your quarter in one of these, place your eyes close to the dingy glass, and watch three mintues of sexual acrobatics involving either a single performer or as many as can perform on one bed. When the three minutes are up, you drop in another quarter and watch the orgy continue. Each of these machines are capable of earning $5 per hour . . . and from my observations, many do.

The clerk nods unsmilingly as I leave.

Next door, the fare is different. A sign says, "Live Models Upstairs" and so I climb. I turn right at the top of the stairs, walk past deserted offices, and find myself confronted by an old man behind a desk laden with quarters. I give him a dollar, he drops four quarters in my hand and points silently to the large contraption at his right.

A green cloth curtain surrounds what seems to be a room within a room. Circling around the top are lights and a small sign informs me that I can enter directly under any portion of the curtain flashing a green light. I push the curtain aside and step into blackness.

With my cigarette lighter, I finally locate a receptacle for my quarter, drop it in, and wait. Soon, a panel slowly moves down before me and I am peering down at a small revolving stage on which a tired-looking model is reclining in the nude. After the stage has made several rotations she begins to move, arching her back until her genitals are facing the silent circle of faces staring at her from the many peep holes. Soon, the panel in my booth snapped shut and I was in darkness again, until I dropped in another quarter. I tried to study the faces staring intently down at the "model" from the other peep holes and for the first time, I began to wonder about our sanity.

When I had returned to the sidewalk, I crossed Forty-second Street and stopped before a store front displaying Wurlitzer organs plus a giant size parchment proclaiming the significant events in the history of Wurlitzer since 1856. To its left is an entrance to an arcade and as I walked into the lobby, I could see and hear a young group within the Wurlitzer store apparently rehearsing for a recital. Brahms seemed so out of place in this environment.

At the end of the lobby is an elevator with a sign indicating that a "live show" was being photographed above. I pushed the second floor button, painted red, and stepped off at the second floor to be met by a tall, burly individual telling me that the admission was $5 and the show was going on. I paid him, pushed aside another dingy curtain, and stopped until I could adjust my vision to the semidarkness.

The room contained wooden benches of the movable variety and although it was exactly 4 o'clock in the afternoon, there were approximately 100 individuals staring intently at the "show." I had to stand at the rear since it was a "full house."

On a stage at the front, surrounded by a thin screening of some sort, a man and woman were performing on a bed, simulating sexual activities in all its varieties accompanied by loud shrieks of feigned pleasure. Standing above them, with a movie camera which looked like a reject from the Smithsonian Institution, a third individual went through the motions of taking movies. He would pause, now and then, give them instructions which I could not hear, the couple would change their positions, and action would begin again. The "cameraman" would then aim his camera as if he were "shooting" and this would continue until the next pause, the next change of position.

I looked around at my fellow spectators. Most were well-dressed and many had briefcases. Two hours from now, I thought, most of them will be having dinner with their wives and children. What's happening to us?

Even New York City air seemed clean when I was back on the street. I crossed "smut alley" and stepped into what looked like a veritable "supermarket for sex." Magazines, films, photographs, books, were displayed by the thousands along with a special section selling sexual gadgets such as vibrators shaped in the form of male organs. At the rear of this emporium was a separate room devoted to "Peepshows" and the heavy beat of rock music was punctuated only by the ring of three cash registers placed strategically in various sections of the store. I picked up a paperback but concentrated my attention on one cash register. As accurately as I could add, more than $45 was rung up on that one machine in less than twenty minutes. The pornography commission had stated, "Nor is the business (pornography) an especially profitable one; profit levels are, on the average, either normal as compared with other businesses or distinctly below average." I wondered how many cash registers in Macy's rang up nearly fifty dollars in twenty minutes.

In the next pornography shop, I tried something different. I walked in but instead of browsing through the store, I stayed close to the clerk and studied the photographs on the 8 millimeter movie films that were for sale. Finally the clerk asked me if I was looking for something special and I shrugged. He reached under his counter and produced four or five magazines.

"These are real action, right from Denmark," he muttered under his breath.

He began to flip the pages of this special collection which featured oral-genital contact, both fellatio and cunnilingus.

"How much?" I asked.

"Only six dollars each. You can have the five for twenty-five bucks."

I shrugged and he tried another pitch. "How about movies. I've got some great stuff."

"How much?"

"Twenty bucks, black and white, thirty bucks in color."

I tried to show interest and said, "I've got a super-eight projector. Do you have any films for that?"

His face soured and he replied, "No, Mac, just regular eight."

Trying to look disappointed, I left the gentleman and his store. I headed toward Broadway, still on Forty-second Street. Three prostitutes approached me within a few hundred yards, reasoning perhaps that if a man is on "smut alley" he must be a hot prospect.

I crossed Broadway and Seventh Avenue, still on Forty-second Street. Now, the pornographic shops were dispersed between movie houses displaying titles such as "Obscene House," "Anomalies," and even "live all male burlesque!"

I walked as far as Eighth Avenue and turned north on Eighth.

Halfway up the block, in the shadow of the staid New York Times Building, a barker was on the sidewalk shouting his spiel about the live sex show now going on. I went in and this time found a seat. On the stage was a bed on which a young male and female, billed as Bunny and Claude, were amateurishly ad-libbing their way through what became a rape scene. After 10 minutes, I departed and headed north.

Like all other forms of pollution, "smut alley" is now beginning to extend its cancerous growth beyond Forty-second Street. Small stores are being converted to "sixteen-millimeter" houses (hard-core pornography) throughout the Times Square area. These small theaters are found as far north as Forty-ninth and Fiftieth Street near some of the city's finest hotels.

I walked into one of these "theaters" which was advertising daily in New York's most widely read newspaper. During the next hour, I watched, in technicolor, as eight different couples performed the sex act in all its forms and deviations and this was followed by a "feature" movie concerning a young man who rented out sleeping quarters in his apartment to a large parade of women who hurriedly disrobed after being shown their room and engaged in various sex acts with their new landlord as an advance on their rent. This film was followed by a live stripper who stepped on a small stage, disrobed hurriedly and completely, and danced in "go-go" style until the next film began. Price of admission at this particular cinema . . . $5.00, and the house was full!

As a writer and editor, I believe very strongly that freedom of speech and freedom of the press are rights without which this country cannot survive and I conducted this investigation with what I hope was an impartial and objective point of view. It did not remain that way very long. I would never want my two sons to be exposed to this type of filth on a regular and legal basis anymore than I would want them to be able to buy Pot or Heroin or LSD from a dispensing machine in their school lunchroom. Furthermore, I am convinced that any of our readers who had accompanied me in my two days on "smut alley" would be in complete agreement.

As Hill, Link, and Keating so aptly put it in their dissension to the Pornography Commission's report:

"Children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of animal."

So what about "freedom of speech and freedom of the press?" President Nixon had the best answer regarding this sincere concern on the part of many when he replied, "As free men are willing to restrain a measure of their freedom to prevent anarchy, so must we draw the line against pornography to protect freedom of expression."

Nearly every big city in our country already has a "smut alley" with its accompanying problems of dope, venereal disease, muggings, and murder. Its siren's song is an inevitable attraction to all our youth but the Commission's majority report states that it won't hurt them.

In rebuttal, the dissenting Commission members say:

"The 'burden of proof' or demonstration of no harm in a situation such as this, is ordinarily considered to be on the shoulders of he who wishes to introduce change or innovation. It might be noted that in areas where health and welfare are at issue, most government agencies take extremely conservative measures in their efforts to protect the public. In the case of monosodium glutamate which was recently removed from all baby food by government order, the evidence against it, in animal studies was quite weak. However, because the remote possibility of harm existed, measures were immediately taken to protect children from consuming it."

No such steps are recommended against pornography! How so?

To those mayors and police chiefs who throw up their hands in helplessness, may we suggest they study the procedures followed by a New York City mayor of another era, Fiorello LeGuardia. Success (as we say as often as possible in this magazine) is achieved by those who try . . . and keep trying.

Smut Alley.

Let's get rid of it now . . . before the pollution spreads to your neighborhood . . . and mine!

EPISCOPAL CHURCH PARTICIPATES IN COMMUNITY DEVELOPMENT IN JACKSONVILLE, FLA.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BENNETT. Mr. Speaker, one of the best examples of Christian-inspired work for community development is taking place in Jacksonville, Fla. The St. John's Cathedral of the Diocese of Florida of the Episcopal Church has been a leader in the Nation in tackling the problems of urban decay, housing for the aged, and needed health services.

Recently it was my pleasure and privilege to participate in the dedication of the new $2.5 million Cathedral Health and Rehabilitation Center, sponsored by the St. John's Cathedral, along with Dr. Howard A. Rusk, director of the Institute of Rehabilitative Medicine at New York University Medical Center.

This was an inspiring event in one of the series of developments sponsored by the church, involving a revitalization of downtown Jacksonville, a senior citizens home, a health research center, and the new rehabilitation center, all of which have had support from Federal programs. I have been honored to assist in these worthy projects for the benefit of our citizens, and I include in the CONGRESSIONAL RECORD two news articles concerning the most recent projects sponsored by St. John's Cathedral and its brilliant leadership—Rt. Rev. Hamilton West, bishop of the diocese of Florida of the Episcopal Church, the Very Rev. Robert R. Parks, dean of St. John's Cathedral, and Charles Pruitt, the executive for the nonprofit sponsoring corporation, and other members of the church. The following published articles tell the story in part:

[From Florida Times-Union, Mar. 7, 1971]

BENNETT LAUDS LEADERSHIP OF REHABILITATION CENTER

The new $2.5 million Cathedral Health and Rehabilitation Center is an example of "how one church with brilliant leadership has tackled the gigantic problems of today," according to Rep. Charles Bennett.

Bennett made the address at the dedication ceremonies for the 128-bed facility at 333 E. Ashley St. Sunday.

He said "a portion of human kindness," has gone into the center, which is "the newest community effort by Cathedral Foundation of Jacksonville, a non-profit, charitable corporation sponsored by St. John's Cathedral."

Robert C. Davidge, administrator for the new center, said the facility is needed to provide "restorative, rehabilitative, medical and surgical extended care" for many people. The center opened on March 16, 1970.

Dr. Howard A. Rusk, a well-known researcher in the field of rehabilitative medicine, spoke at the Cathedral services preceding the dedication.

Then, the Rt. Rev. Hamilton West, bishop of the Diocese of Florida of the Episcopal Church, and the Very Rev. Robert R. Parks, dean of St. John's Cathedral, led a procession from the cathedral to the center.

Rusk is the Director of the Institute of Rehabilitative Medicine at New York University Medical Center.

On behalf of the United Nations and other professional organizations, he has studied rehabilitative medicine in 48 nations throughout the world, and he has received numerous professional awards for his work.

"All of what the Cathedral Foundation has done so far, and I have been an active participant in its efforts for federal assistance, has been to help lift our city and its people to greater goals so they can live productive lives," said Bennett. The center was partially financed with a $768,000 federal grant.

"They are making a better life for our older citizens, they are contributing to a revitalization of downtown Jacksonville and providing for medical research and education," continued Bennett.

"The latter effort, I hope, will stimulate efforts to build a medical school and a Veterans' Administration Hospital in Jacksonville."

Bennett said the foundation's volunteer efforts were ten years ahead of President Nixon's recent request for "a new measure of reliance on voluntary efforts."

[From the New York Times, Mar. 14, 1971]

HOPE FOR STROKE VICTIMS

NEW TECHNIQUES AND TREATMENTS ARE DESCRIBED AT A CONFERENCE IN FLORIDA

(By Howard A. Rusk, M.D.)

A new aura of hope for stroke victims was evidenced earlier this month at the second annual stroke conference held in Jacksonville under the sponsorship of the Florida Regional Medicine Program.

The conference was devoted to a disease that has affected an estimated total of two million patients in the United States. Those attending included specialists in the fields of medicine, neurology, vascular surgery and rehabilitation.

Discussions centered on the evaluation and interpretation of ongoing basic and clinical research. It was generally agreed that the stroke syndrome should not be considered as a final, sudden event, as it has been viewed in the past, but rather as a continuum of disease processes that are distinct, recognizable and separable into three phases.

This modern concept has evolved through multiple research efforts. The idea of total management of strokes has changed greatly during the last five days and hopefully will continue to change as new knowledge accumulates.

IN THREE STAGES

Strokes are caused by either thrombosis (blood clots) or hemorrhage. The first stage is the convert or incubating phase of the disease; the second is the overt phase known as transient ischemic attacks (little strokes), and the third phase is the completed stroke with paralysis.

The treatment of the first stage is dependent on recognition of the fact that, (a) the disease has a long incubation period (as much as 30 to 40 years), and (b) it is merely a manifestation of many underlying factors that finally culminate in stroke. Diabetes mellitus, hypertension, gout (elevated uric acid) and positive family history are primary offenders.

Specific treatment of these medical problems will delay or often prevent the disease from progressing to stage two, which is evidenced by transient dizziness or limb weakness, aphasia (inability to link words to objects), visual disturbances and other neurologic symptoms.

USING ANTICOAGULANTS

Treatment in this phase incorporates all the principles described under the first phase with the addition of the judicious use of anticoagulants.

A number of new and hopeful research projects were also reported. It was pointed out that one of the specific and distressing problems with a stroke patient is communication. Five patients with dysarthria (a speech defect resulting from paralysis of the throat muscles) were reported to have been greatly helped by pharyngeal flap surgical procedures, a new approach to this problem.

One experiment reported was the development of an instrument that decodes Morse Code input. It requires at most three physical movements and very little motor power. In essence, these movements are translated into a record of the patient's message, typed by an electric typewriter actuated by the patient's minimal physical movements—even motions of the eyelids.

RETRAINING PROGRAM

There were a number of extremely interesting new findings in the field of psychological research. For example, 30 to 40 per cent of left hemipleics have certain problems in their left field of vision. These patients also neglect stimuli on the left side and are accident prone.

To treat this condition, a novel retaining program that is most encouraging was reported. It is a simple apparatus with a speed control moving target mounted over a panel of lights that the patient follows visually.

The visual display is so compelling that the patient is forced to turn his head to track the target or identify the lights. After as few as 12 training sessions the patients were able to read from a newspaper and solve arithmetic problems.

New techniques have also been developed in which the wife of an aphasia patient is taught on the basis of principles of learning theory to improve the talking behavior of her husband. 19 couples have undergone this treatment and the results are encouraging.

The seminar weekend culminated with the dedication of a new Cathedral Health and Rehabilitation Center, a 128-bed health facility for persons needing rehabilitation and restorative services, medical-surgical extended care and long-term care, sponsored by St. John's Cathedral of the Diocese of Florida (Episcopal).

THE IMPENDING CRISIS IN OUR NATIONAL ELECTIONS—ADDRESS BY DR. RICHARD G. SMOLKA

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 23, 1971

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Dr. Richard G. Smolka of the School of Government and Public Administration, the American University, entitled "The Impending Crisis in Our National Elections."

Fair and honest elections are vital to our representative form of government, and the Senate has been rightfully concerned with preserving and enhancing the equity of our national elective processes in its recent deliberations on direct popular election of the President and election campaign reform. Dr. Smolka in his article raises yet another complex of problems which calls into question the basic assumption that all our citizens presently have the right to participate equitably in their own government through the electoral process.

As a direct result of the Voting Rights Act Amendments of 1970 and the Supreme Court decision in Oregon against Mitchell, there are now three classes of American voters. The first class comprises those voters at least 21 years of age who are permitted to vote for everything on the ballot. The second class consists of voters 18 to 21 years of age who are entitled to vote only for national offices. The third class includes people who move between States in the period just prior to elections and who may vote for President and Vice President only.

It is these and attendant problems with the elective process that Dr. Smolka documents and offers solutions in his provocative paper. I commend it to Senators for their consideration as a part of the national dialog on electoral matters.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE IMPENDING CRISIS IN OUR NATIONAL ELECTIONS

(Address by Dr. Richard G. Smolka)

INTRODUCTION

In the wee hours of the morning after Election Day 1968, television commentators speculated on an impending "crisis," because it was not yet apparent that Richard Nixon had achieved a clear majority of the electoral college vote. In a way, it was a crisis. But it was a crisis for which the Constitution had provided a remedy. We may no longer approve the procedure of the electoral college, but we know what it is. And we know if the electoral college fails to produce a winner, the Constitution provides another solution: election of the President by the House of Representatives with each state delegation casting one vote. Again, we may not prefer this provision but it *is* clearly stated and understandable.

This crisis of 1972 is likely to arise from another type of situation for which the Constitution makes no provision. As a result of the Voting Rights Act Amendments of 1970 and the Supreme Court decision in *Oregon vs. Mitchell,* there are now three classes of American voters. Members of at least one of these classes—about 10 to 11 million people between the ages of 18 and 21—are not yet certain about the *extent* of their franchise or *where* they will be permitted to exercise it.

The cost and administrative implications of this situation will become known on Election Day 1972 should the system fail to identify a winner. We may learn then that our election administration system has broken down.

This is the crisis we face in 1972.

The basic assumption of our system is that all citizens have the right to participate in their own government through the electoral process and that their votes will be counted honestly and accurately. This assumption is not always correct.

To some extent, as long as human beings are fallible, there will be some who are less than completely honest and there will be some who make honest mistakes. It is vital to the health of the democratic order, however, to make the system of elections as foolproof as possible. It is imperative to develop procedure that are easily understood by both the voters and the election officials. It is imperative to secure protection against fraud, without discouraging qualified persons from voting.

Unfortunately, the noble motives of the Congress and the Supreme Court in enlarging the franchise and ensuring the right of every American to vote for President and Vice President have resulted in their imposing a difficult—if not impossible—task upon local election officials. In the words of certain officials, that task will lead to "chaos and confusion" in the next general election.

Let us consider our elections process for a moment. Elections take place one or two days a year at most. They are administered and financed locally. Although many jurisdictions have at least one full-time person employed exclusivley to register voters and administer elections, many jurisdictions have *no* full-time workers at all. *Every* jurisdiction depends heavily upon numerous temporary election-day employees, most of whom are instructed poorly, if at all, in elections procedures. When elections are relatively simple and procedures repetitive, and when there is no change in the type of ballot or the voting method, the system works. Introduction of new laws, new procedures, new types of voting methods, new classes of voters, a multiplicity of ballots, or other such complication invariably raises difficulties.

V. Lance Tarrance, Jr., the author of *Texas Precinct Votes '68,* identified a total of 2,097 vote mistabulations in 1968 for the three statewide Texas elections—approximately the same number as the total mistabulations found in the 1966 elections in that state. Several counties reported precinct results containing more votes than there were registered voters.

In 1970, when Detroit, Michigan, tried a new electronic system of voting, the procedures for vote-counting broke down completely. A subsequent report by the National Scientific Corporation for the Michigan State Senate identified wholesale violations of the law. These stemmed not from dishonesty but merely from the failure to establish procedures in conformity with the law and from poor training of officials. Failure to protect the ballots adequately was another deficiency of the process.

Administrative errors in Baltimore during the Democratic Congressional primary of 1970 created a tense situation. Ultimately, a black candidate, Parrin Mitchell, was declared the victor over incumbent Samuel Friedel, but not before confidence in the system was badly shaken.

Other cities which had serious difficulties with recent vote counts include Atlanta, Dallas, Los Angeles, and San Francisco.

In 1972, far greater responsibilities will be placed on local election offices than ever before. If these offices are not fully prepared, we may not be able to determine who had won the Presidential election.

The 1972 election is likely to be by far the most costly and complicated election in our history—the result of Congressional and Judicial action. Congress has required all states to provide absentee registration and voting procedures for persons who move into or out of the state in the period preceding an election. It has also attempted to give those between the ages of 18 and 21 the right to vote in all elections. However, the Supreme Court issued a double-barrelled ruling. It upheld the provisions of the Act that permitted such persons to vote in *national* elections, but it ruled unconstitutional other provisions permitting 18 to 21 year olds to vote in state elections.

These actions greatly increase the size of the potential electorate. They will result in a substantial increase in absentee voting. The combination of these decisions has led to three classes of voters and the consequent need for at least three separate ballots in all jurisdictions in all but three of our 50 states.

The first class comprises voters 21 years of age and older who are permitted to vote for everything on the ballot.

The second class includes voters 18 to 21 years of age who are permitted to vote *only* for President, Vice President, Senators, and Representatives.

The third class consists of those people who move between states in the period just prior to elections and who are permitted to vote for President and Vice President only.

These classifications of voters and the resulting ballot requirements complicate the election process tremendously.

THE PROBLEMS INVOLVED

The most pressing problems that will complicate the 1972 elections process are these:

1. Definition of the limits of a *national election.*
2. Definition of *residence,* especially for college students.
3. The *cost* of elections.
4. Possibilities of *fraud* attributable to absentee registration and voting privileges.
5. Administrative complications.

I should like to discuss each of these five problems separately.

Definition of a national election

One of the first issues that will confront state and party officials—and, shortly thereafter, the courts—is the definition of what constitutes a *national* election. It is generally assumed that primary elections for President and Members of Congress are a part of the national elections process. In many states, however—Virginia being one example—the selection of some nominees for Congress is not determined by a primary election but by delegates to a district or a state convention. Therefore, will 18- to 21-year-olds be eligible to vote for such delegates? Of even more importance for 1972: are such persons eligible to vote for the delegates to *State* Conventions when such delegates, among their other duties, also select some delegates to the national nominating conventions? It appears likely that any primary election or political process involving either the President or Congress is subject to legal challenge by persons 18 to 21 who are excluded. This is not to say that the challenging interpretation will be upheld by either State or Federal courts. It *does* mean that we can expect court tests, delays, and confusion until the issue is resolved.

Definition of residence

At one time, an individual's legal residence was more easily and clearly defined than it is today. Mobility of the population, dual home ownership, jurisdictional location of occupation, and other factors make residence difficult to determine. In 1970, for example, Sargent Shriver was reported to be a potential candidate for public office in Illinois, Maryland, and New York; and he might have been able to stake a claim to residence in each, if it had come to that.

The largest group affected by residence definition are college students who now have the franchise. These students are not easily classified. They include graduate students, research fellows, married students with families, young people independent of their parents, and students who have no residence other than the college community. The determination of residence for any of these people may be affected by a number of factors: out-of-state tuition provisions, draft board locations, marriage and divorce laws, driver's licenses, and many other laws and regulations, aside from voting considerations. At present, it is unclear whether college students have an option to vote at their permanent home address or in their university community. Some legislators fear that Congressional districts will be dominated by college communities if all students in huge state universities are considered eligible to vote in those districts. Others worry less about Congressional elections than they do about elections for Mayor, City Council, or the State legislature. There are those, too, who feel that there may be efforts to encourage college students to vote in marginal states or districts in order to achieve a maximum impact.

The political effect is debatable. The legal situation unclear.

For example, a student recently told me that he thought he could legally vote in the special District of Columbia Congressional election in 1971 because his residence at The American University would qualify him to do so. Yet, in 1972, he plans to register and vote in New York, which he considers his permanent home. Is he eligible to vote in both elections? Today, there is no clear answer.

COST OF ELECTIONS

There is no doubt that the cost of elections will skyrocket in 1972. A growing population, eligibility of 18-year-old voters (resulting in dual age requirements), the expected increase in absentee voting, and the consequent requirement of three forms of ballots will add to the total expense.

Even if there had been no 18-year-old voting provision, costs would have increased. Many more voting machines, at $2,000 each, would have been required merely to keep pace with population growth—the potential 10 million additional voters too young to exercise the franchise in 1968.

Another nine to 10 million potential voters have become eligible by the reduction in voting age. Even greater costs are incurred with this group. Senator Birch Bayh of Indiana, as Chairman of the Subcommitte on Constitutional Amendments, conducted a 50-state survey of the costs created by the dual age provision. Identified were such factors as additional machines, separate ballots, separate registration lists and subsequent tranfer to permanent lists, separate tallying of the vote and other procedural details. Senator Bayh concluded that the dual age provision alone may add 10 to 12 million dollars to the cost of elections.

An even more costly factor is the absentee ballot. Processing an absentee ballot is both time-consuming and expensive. Most states have a two-step procedure: an application for a ballot and the actual ballot itself. The application form, when returned to the voting district, must be verified to ascertain the eligibility of the voter and to determine the appropriate ballot to be sent. When the ballot is returned, the elections office must handle two envelopes per voter. The outer envelope, identifying the voter, usually by name, address, and precinct number, must be checked against the application list. The inner envelope, which is unmarked and contains the actual ballot, is then separated for counting at the proper time. Both envelopes must be protected, from the time they are received until some time after the election, to ensure secrecy of the ballot as well as an honest count. The legal procedure usually requires that at least two persons be present at every stage of handling each absentee ballot.

How many people will use this expensive process in 1972? The *President's Commission on Registration and Voting Participation* estimated that about eight million persons were ineligible to vote in the 1960 Presidential election because they did not meet residence requirements. Thus, with more relaxed interpretation of absentee voting requirements, eight million can be considered a *conservative* estimate of the number of new potential absentee voters for President in 1972, even excluding college students and military personnel, 18 to 21 years old. Many of these can be expected to vote absentee as well. There is also an undetermined number of voters who currently fail to meet certain state requirements for absentee voting other than residence requirements, and this group will now be able to vote absentee for President only.

All in all, there will be about 25 to 30 million potential new voters in 1972. A large proportion of these will apply for an absentee ballot, with the resulting increase in costs of administration in the local communities.

The Federal Act also requires a provision for an absentee *registration*, if such registration is required by the home district for Presidential elections. This is one more complication with attendant costs.

If we consider the expense of legal services that may be required by local boards of elections to establish their procedures and even to defend these procedures if they are challenged in the courts, the financial burden will be even greater.

Undoubtedly, the additional cost of elections to local governments in 1972 will be in the *tens of millions* of dollars. And this, at a time when local budgets are being stretched to the breaking point.

Fraud possibilities

I have already pointed out how the new absentee registration and voting procedures will result in a greatly increased absentee vote potential in 1972. This vote must be processed within a very short period of time. Large suburban communities will be affected most by this provision. As many as 10 to 20 thousand absentee votes may be cast in some local jurisdictions in 1972.

Processing each of these ballots requires time. Identity of the voter must be verified, secrecy of the ballot must be maintained, and the ballot itself must be protected physically from alteration between the time it is received and the time it is counted.

Suppose an individual intent on fraud were to rent a room and establish an apparently *bona fide* temporary residence. He might then apply for absentee registration and voting privileges to, say, 100 of the largest elections offices in the United States. It would be physically impossible for any election official to determine whether the applicant had made other applications, nor would he have any reason to suspect it. The fraudulent voter could then disappear from his rented room any time after he had received his last ballot, with little risk of being caught.

Indeed, the integrity of the absentee voting procedure relies almost entirely on the honesty of the electorate and the fact that a single vote for a national office is likely to have minimal impact. It is only one of 75 million or so cast. The smaller the jurisdiction and the closer the election, however, the greater the effect of a single vote. In a closely contested Congressional primary, for example, the absentee vote may be critical.

The absentee vote procedure itself is the one most susceptible to fraud. It has the deficiencies of being a *paper* ballot, subject to physical alteration, theft, substitution, or ballot-stuffing. The scope of all these possibilities increase if the number of absentee ballots is large and if the election staff is overworked or undertrained.

The integrity of our present elections system depends, in part, on the two-party system, with each major party providing workers and watchers to verify every step of the process. This is not always a satisfactory process. It does not always work well in primary elections, and minority and third parties frequently feel disadvantaged by the process. In many ways, processing a large number of absentee ballots during a short period of time invites manipulation.

Administrative complications

Confusion in the administration of elections is almost certain to arise as a result of the dual age provision and multiple ballot requirements. Difficulties can be expected in the registration process, as well as in the actual voting process and in the count.

Voters must be separated into three classes as they register. This creates problems in transferring individuals from one list to another as they become 21 years af age because most lists do not identify registrants by birthdate. Persons registering to vote for *President only* may or may not be considered *permanent* registrants for subsequent elections. If they are considered to be registered and eligible for later elections, then they too must be transferred to a permanent registration list after the Presidential election. Because State procedures do not take such transfers into account, they become most difficult to handle within the existing systems. In areas where registration is not required, the exact age, as well as the identity, of each voter must be determined at the polls.

A number of questions arise regarding the 18-year-old voter, who is eligible to vote only in "national" elections. Does he vote on the same machine as the 21-year-old, and if so, is adequate provision made to ensure that the *State* portion of the ballot is locked out? In primary elections, such a voter is permitted to vote only for the national candidates of the party in which he is registered, an additional complication. Most voting machines can handle this requirement but some older machines may not be able to do so. In this case, does the 18-year-old vote on a paper ballot at the polls while others voters use machines? Is there a special machine for 18- to 21-year-old voters only? Does he vote absentee only? Is a separate polling place established for such voters in order to keep the ballots separate? All these possibilities and more have been suggested by election officials but one thing is certain: Whatever procedure is adopted, it must be well-understood and publicized or people will be in the wrong place or get the wrong ballot. Further, any procedure that makes casting a vote more difficult for an 18-year-old than for anyone else will be subject to legal challenge.

The number of ballots and classes of voters will be confusing enough to inexperienced election day workers, without the additional difficulties imposed by attempting to tally several different categories of ballots.

At what point in the process will the totals of the under-21 votes be combined with the rest? Are procedures that are adequate to handle a few absentee ballots capable of handling the expected increase? For example, some states require that absentee ballots be sent to the precincts from which they were cast and recorded on the machines in that precinct by election officials. The Texas election code even requires this to be done between 2:00 p.m. and 3:00 p.m. Such procedures make verification difficult and recount of disputed ballots next to impossible.

The vote count will be slower in 1972 than ever before because in many areas there will be separate tallies of each class of voter—additional subcounts which must be checked and rechecked. Further, some states will not count the absentee ballots until the day after election or even later. Maryland begins its absentee count the day following the election, and it expects to have 40,000 absentee ballots cast in 1972.

Some states are beginning to experiment with combinations of automatic voter machines in the precincts and an electronic system for absentee ballots with tabulation by computer. Unless the procedures are clearly determined in advance for every step of the process, it may be almost impossible to recheck the results of computer tabulation.

Simply stated: 1972 imposes extremely complex procedures on inexperienced people—those working at the polls, those at work in the county courthouses, and those in city halls.

Unfortunately, every single local jurisdiction in the country must anticipate and prepare for all these contingencies on its own. There is no agency in most states to guide or help them. And each jurisdiction must pay for whatever it does. The electorate will ultimately pay in one way or another, both for what is done and for what is not done.

POSSIBLE SOLUTIONS

Now, what can be done about this plethora of problems? There are a number of possibilities and it is these I would like to bring to you now.

Pass a constitutional amendment

The most obvious problem, that of maintaining dual lists and separate ballots for 18- to 21-year-olds, lends itself to the simple solution of a Constitutional Amendment. If Congress had passed Title III, reducing the voting age to 18 in Federal, State, and Local Elections, as a Constitutional Amendment in the first place, this confusion would have been avoided.

In theory, such a Constitutional Amendment could still be enacted before the 1972 elections, but it would be most unusual if it were made effective in time for the primaries that begin early in the year. Therefore, although, it does not appear likely to affect the 1972 elections, such an amendment should be passed as soon as possible.

Although each state has the opportunity to amend its own constitution to lower the voting age, here, too, very few would be able to do so before 1972. The vast majority of states require that amendments to the State Constitution be approved by the voter at the next general election.

CLARIFY THE DEFINITION OF RESIDENCE

State legislatures must enact reasonable and simple definitions of residence for voting purposes. Such definitions must be applicable to all persons and not directed specifically at one class, such as college students. There is no reason to treat a college student differently from any other person for purposes of voting. Whether or not a person is in attendance at a college or university should have no bearing whatever on his right to vote. Thus, a reasonable definition susceptible to a simple test is all that should be required. Presentation of such documentation of residence as a driver's license, automobile registration, personal property tax receipts, income tax receipts, or alternate evidence of intent to maintain or establish residence should be accepted without question. It should be noted that voter registration is a public matter and that everyone who registers is subject to the responsibilities, including tax, of the residents of the jurisdiction in which he registers.

In this mobile society, there are many people who by virtue of their occupations, life styles, ownership of property, or other criteria have an option in determining their residence for voting purposes. College students should be treated in the same manner as all other voters, neither feared nor favored.

PROFESSIONALIZE ELECTIONS ADMINISTRATION

Other problems I have discussed can be resolved only by obtaining necessary financing and personnel capable of administering elections honestly and efficiently. What is needed more than anything else is a measure of professionalization in election administration. In too many parts of this country, elections offices are administered by political hacks, overworked and undertrained staffs, with insufficient attention given to details, either by local governments or state legislatures. Archaic procedures are maintained simply because nobody knows enough, or cares enough, to change them for the better. Even when new laws are written, they are often ignored by local administrators, either because the new laws are not called to their attention or, in some cases, merely because they happen not to agree with them.

Joseph Harris has observed: "There is probably no other phase of public administration in the United States which is so badly managed as the conduct of elections. Every investigation or election contest brings to light glaring irregularities, errors, misconduct on the part of precinct officials, disregard of election laws and instructions, slipshod practices and downright frauds . . ."

Harris made that statement in 1934. The situation is little better today—37 years later!

Yet with professionalization, it is possible to reduce costs and to increase ballot security. Money is being wasted and the job is not done well!

For example, the State of Maryland passed a law permitting new residents to vote for President in 1968, even though they did not meet the minimum residence requirements for voting in State elections. In Montgomery County, over 5,000 such new residents voted for President, but four other counties in Maryland made no provisions for voting and new residents there were denied the right to vote.

Examples are numerous of state laws being interpreted differently from county to county because local officials simply are not adequately trained, do not receive adequate instruction from the state, or simply prefer to do things the way they have always done them.

Few local officials know how elections are administered elsewhere in the state, let alone in other states. The cost of elections is high, in part, because information about efficient methods is not disseminated.

There is no reason why the states cannot find a simple and common method of handling the absentee vote for President. The problem is identical in all 50 states because the provision of the Voting Rights Act applies to all. However, no systematic attempt to find a simple solution for this task has been forthcoming.

AU'S PROPOSED SOLUTION

The School of Government and Public Administration of The American University is now undertaking to assist in this effort. The last full-scale study of election practices in the United States was in 1934. The American University is now seeking to mount a new study, to identify the common problems, and to determine the most efficient and inexpensive methods of dealing with them.

At the present time, training of election officials, if it is done at all, is carried on primarily by the manufacturers of voting machines. This summer, The American University expects to launch a pilot institute for local officials, members of boards of elections, and State legislators interested in election laws, that will acquaint them with a variety of efficient and economical practices and procedures.

CONCLUSION

It is clear, then, that this nation, with its long tradition of democratic practice, cannot afford primitive, haphazard, or dishonest election administration. In an honest attempt to make certain that a larger number of our citizens, who are qualified to vote, have the *right* to vote, we have become entangled in a morass of inadequate procedures and confusion.

Each and every voter must be assured that his vote is counted efficiently and honestly. Without this assurance, he can have no faith in the electoral system. And without faith in elections, there can be no faith in democracy. . . .

MORE ANSWERS ON CBS PROGRAM—"THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HÉBERT. Mr. Speaker, Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, has provided me with answers to a number of additional questions I have asked about the recent CBS program "The Selling of the Pentagon."

This material will supplement that which I placed in the RECORD on March 8:

Question 1: Has any CBS official, in his corporate position or as a private citizen, requested the participation of any military unit at any event during the past five years?

Answer: Yes. For example, Mr. Roger Mudd, in 1969, in his capacity as Chairman, Dinner Committee, Radio & Television Correspondents' Association, requested Armed Forces patriotic musical support for the Association's 25th Annual Dinner on Wednesday, March 12, 1969. The request was approved, and the U.S. Marine Band participated.

Traditionally, media associations have requested and have received the same support granted to other national organizations and groups.

Question 2: CBS says the Department of Defense is spending "ten times what it spent to tell people about itself just 12 years ago." Is this comparison accurate?

Answer: CBS probably justifies the statement by comparing the $2.8 million estimate of public information costs in Fiscal Year 1959, with the $30.4 million limitation on public affairs costs in Fiscal Year 1971. The comparison is not valid. The $30 million figure includes the costs of all community relations activities at all levels of military structure, a substantial figure when one considers that significant share of public contact falls into this category, particularly at base and post level. The $2.8 million figure specifically exempted community relations activities as well as other costs associated with activities not unique to public information, but common to all staff sections, such as administrative costs, policy, planning, and programming costs.

It should also be noted that on June 30, 1959 the strength of the Armed Forces was 2.5 million while on June 30, 1970 was 3.0 million. In the same eleven years Department of Defense expenditures increased from $43.5 billion to $77.8 billion. In Fiscal Year 1959 our Armed Forces were not engaged in combat operations, while in FY 1971 they are. The result of increases in strength, defense costs and our military role in Southeast Asia is a greater demand for information concerning the personnel, operations, and programs of the Department of Defense—a demand reflected in both personnel and costs required to meet the Department's public affairs responsibilities. Furthermore, the comparison does not acknowledge that a substantial portion of the difference results directly from costs inflated by the overall economy of the nation.

Question 3: CBS says that in preparing its program it "looked only at what is being done for the public in public." Was CBS assisted in gaining access to any activities which are not normally open to the general public?

Answer: CBS asked for and was granted access to activities, information and facilities not normally open to the public: the morning Pentagon press briefings, the Hometown News Center, the Defense Information School, files from military film libraries, and statistics on film use, to name a few. This is not to say CBS was granted access to activities not normally available to the press. The inaccuracy is in the claim that CBS had access to and examined only ". . .what is being done for the public in public."

Question 4: CBS says someone told them a firepower demonstration "cost $2 million." Did it?

Answer: The "Brass Strike" joint training exercise shown in the film is one of the largest firepower and training exercises conducted annually by the U.S. Armed Forces. It presents one of the few training opportunities in which Air Force crews and Army ground troops can practice joint air-ground operations. If one added up the daily salaries of every man participating, directly, or indirectly, included all of the support costs such as subsistence, equipment and weapon use, and related training items, certainly the cost figure would be impressive.

However, to imply that $2 million was spent to put on a special firepower demonstration for a selected civilian group is certainly misleading. "Brass Strike" is a regular training operation, costs associated with it are budgeted as a part of normal annual training, and are expended to accomplish training objectives, whether public groups are allowed to observe or not.

Question 5: CBS says some weapons were "turned over to children" after a demonstration. Were they?

Answer: Generally speaking, an audience is not allowed to handle weapons that are used in a firing demonstration. However, at some open houses, demonstrations and Armed Forces Day displays spectators are allowed to inspect and physically handle weapons that are placed on static display. These, of course, are carefully cleaned and cleared of ammunition, and are not "turned over" to anybody. They are controlled by Armed Forces representatives nearby who answer any questions that are asked by the public concerning the weapons.

This entire matter is under review.

Question 6: Towards the end of its program, CBS showed a shot where the camera looked down a gun barrel while a child's head was framed in the other end. Was this shot staged by CBS?

Answer: We do not know.

Question 7: CBS states "it is widely known that the Defense Department often helps sympathetic Hollywood producers who need troop support for their war movies." Under what conditions is such assistance provided and who pays for it?

Answer: The Department of Defense assists in the production of commercial motion pictures only when that assistance is not available from private or commercial sources, when it does not interfere with mission responsibilities, when no additional expense accrues to the government as a consequence of the assistance, and when the production promises to be of benefit to the military services or the nation. In the event assistance requested cannot be provided without additional cost, and the production otherwise qualifies for military participation, the producer is required to reimburse the government or the military agency for all additional costs involved. (See attachment for details.)

General Information: Motion Picture Productions

During the last five years the Department of Defense has authorized assistance to the producers of 43 feature motion pictures. Assistance has varied from token to major; from authorizing the sale of stock footage to the use of facilities, equipment and photographing military personnel.

The basic policy, Department of Defense Instruction 5410.15 (Paragraph V. E.), refers to deviations. However, producers are charged for any cost that would be an additional cost to the Government involved in the use of any facility or equipment.

Much of the assistance we render the motion picture production companies is in the same category as the "news access coverage" extended to news media. We authorize the camera crews to visit military installations to film background scenes on military events as they are happening.

Military personnel, whenever they are filmed doing anything above and beyond their normal activities involved in operations or scheduled training, are on a leave status. Personnel are never ordered to take leave, they do so as they desire and are hired by the producer on a voluntary basis on financial terms worked out between them and the company.

There are no requirements for any company to come to the Department of Defense for assistance or even to submit its project for comment. Informational assistance, such as furnishing technical or historical facts, is given to any producer or writer regardless of the story. Likewise, in keeping with the Freedom of Information Act, stock footage is authorized for sale for research and study purposes regardless of the story content. The use of such stock footage, however, in any commercial motion picture is considered a form of assistance and before the sale of footage is authorized established criteria and policies are followed.

As indicated in Department of Defense Instruction 5410.15, the principles which govern assistance to non-government audio-visual media are based on consideration of the following factors:

A. The production, program, project, or assistance will benefit the DoD or otherwise be in the national interest based on consideration of the following factors:

1. Authenticity of the portrayal of military operations, or historical incidents, persons or places depicting a true interpretation of military life.

2. Compliance with accepted standards of dignity and propriety in the industry.

B. There can be no deviation from established DoD safety standards.

C. Operational readiness of the Armed Forces shall not be impaired.

D. Official activities of military personnel in assisting the production must be within the scope of normal military activities, with exceptions being made only in unusual circumstances.

E. Diversion of equipment, personnel and material resources from normal military locations or military operations may be authorized only when circumstances preclude the filming without it, and such diversions shall be held to a minimum and without interference with military operations, and will be on the basis that the production company will reimburse the Government for expenses incurred in the diversion.

F. DoD materiel and personnel services will not be employed in such a manner as to compete with commercial and private enterprises. The requestor will furnish a noncompetitive certification.

Question 8. CBS stated that "the Pentagon itself spends over $12 million a year on its own pictures." Is that correct?

Answer: If CBS intended to suggest the cost of public information films, the answer is categorically, NO. If one includes *all* films made by *all* Services for *all* purposes, including those for training, research and development, religious, medical, troop information, recruiting, public information, etc., then the figure is reasonably accurate. However, only a very few of all the films included in the $12 million estimate are even cleared for public release. Almost none are made specifically for the public. Thus the implication that large sums of money are expended on films for the public is grossly inaccurate and misleading. The information given CBS on film costs is indicated below:

FISCAL YEAR'S 1969 AND 1970 BUDGETS FOR OSD AND SERVICES FOR ALL FILM PRODUCTIONS

Activity	Fiscal year 1969	Fiscal year 1970
OSD (and defense agencies)	$659, 839	$478, 799
Army	6, 548, 437	6, 672, 588
Navy	2, 500, 000	2, 500, 000
Air Force	2, 564, 110	2, 655, 810
Marine Corps	287, 210	375, 317

OSD AND SERVICE FISCAL YEAR'S 1969 AND 1970 EXPENDITURES FOR FILM PRODUCTIONS MADE SPECIFICALLY FOR PUBLIC RELEASE (EXCLUDING RECRUITING FILMS)

Activity	Fiscal year 1969	Fiscal year 1970
OSD [3] (and defense agencies)	[3]	[3]
Army	None	None
Navy	$28, 671	$17, 298
Air Force	None	1, 946
Marine Corps	5, 125	10, 046

[1] Current year 1969.

[2] To December 1.

[3] OASD (PA) had $100,000 budgeted for film productions in both fiscal year 1969 and fiscal year 1970, but none of that amount was utilized either year.

Question 9: CBS states that "at least 356 commercial and educational television stations" presented DOD films "during the 1960's." How do the stations get the film, and who decides that they will be aired?

Answer: Stations using Department of Defense films do so at the station's request, as do civic, fraternal and religious organizations. Local station managers and news directors decide, of course, what will be aired on their stations.

Question 10: CBS showed a film of actor Bob Stack, quoting Stack as saying "speaking of guns and far away places, I have just come back from a trip to Vietnam where guns are used for an entirely different purpose." What was the name of the film from which that opening sentence was clipped, and what was it about?

Answer: The clip is from an Air Force Training Film, "Alone, Unarmed and Unafraid—Tactical Reconnaissance in Southeast Asia." The film was originally made to train tactical reconnaissance pilots. It was subsequently cleared for public release. Mr. Robert Stack's original commentary, clipped and inserted into the CBS show out of context, implies that the subject is about weapons involved in the shooting war in Vietnam. In fact, the film is about reconnaissance pilots, who fly over North Vietnam . . . unarmed.

The actual narration from the film goes as follows: "Hi, I'm Bob Stack. As you may know, one of my hobbies is collecting guns. I've hunted on and off all my life—from California to Mexico, to safaris in Africa. Speaking of guns and far away places, I've just come back from a trip to Vietnam where guns are used for an entirely different purpose. I wanted to visit our men out there . . . talk to some of them . . . which I did . . . foot soldiers, mostly . . . fighting, and dying, too, for what they believe is right. Just before I left Vietnam, I met some men who are fighting a different kind of war . . . Air Force pilots who fly their aircraft without guns or rockets or bombs of any kind. Yet they encounter more enemy ground fire, more surface-to-air missiles and MIGs, and lose more men and aircraft, per mission, than any other air operation in the entire war. In fact, this aircraft we're looking at here—and its crew—were lost to enemy ground fire that same afternoon."

Question 11: Is the number of the military camera teams in Vietnam being reduced as the U.S. military withdrawal from Vietnam progresses?

Answer: Yes. At peak strength there were five teams. One team was deactivated in November 1970 and a second team was deactivated in January 1971. The three remaining teams will be deactivated in June 1971.

Question 12: Mudd says "protective reaction means the U.S. resumed the bombing of North Vietnam." Has the bombing campaign carried out by the former Administration been resumed?

Answer: No. The bombing campaign carried out prior to November, 1968, has not been resumed.

Protective reaction is a description of those actions which involve the inherent right of self-defense for the unarmed reconnaissance missions undertaken over NVN to insure the safety and security of our troops inside SVN. Anti-aircraft artillery and surface to air missile sites, along with their associated radar and support facilities, firing on unarmed reconnaissance planes or their escorts over NVN, or at U.S. aircraft striking targets in Laos, are subject to protective reaction strikes.

There has been no change in American policy with respect to bombing in NVN. At the time of the cessation of our bombing in NVN in November, 1968, the U.S. Government made it clear in private talks with the North Vietnamese and the Soviets, that our reconnaissance flights over NVN would continue. There is no question but that both the NVN and the Soviets clearly understand our position on these flights. We have also made it clear that we would take whatever measures were necessary to protect our reconnaissance planes and their pilots.

Question 13: Mudd says "defoliation means nothing will grow there any more." Is that right? Why is defoliation used around U.S. firebases? Is the current Administration reducing the defoliation program?

Answer: Defoliation does not mean that "nothing will grow there anymore." When one defoliation application occurs, tree leaves fall off; in a few months the leaves grow back again. Where heavy, repeated applications are used, trees can ultimately be damaged or killed, but new plant growth occurs after a short time.

The current Administration has:

1. Prohibited the use of orange defoliant.

2. Reduced the total defoliation effort in 1970 by more than 70%.

3. Further reduced the total defoliation effort in 1971.

4. Placed restrictions on the use of defoliants to around military bases or in remote areas away from the population.

5. Permitted use of herbicides in Vietnam only in conformance with regulations in effect in the U.S. as determined by the U.S. Department of Agriculture.

6. Stopped the crop destruction program.

7. Announced termination of U.S. use of herbicides for the summer.

The use of herbicides has always been stringently controlled at all levels of government, eventually requiring the concurrence of the U.S. Ambassador, COMUSMACV, and the Vietnamese Joint General Staff. Its purpose was to prevent the enemy from using the heavy foliage to launch attacks and to prevent the loss of American and Allied lives. It has succeeded in doing this.

Question 14: Mudd says that the President ordered curtailment of public information activities but that the Pentagon has not cut anything. What cuts have you made in recent years in response to Congressional action and Presidential directive?

Answer: In Fiscal Year 1970, Congressional reductions associated with public affairs activities totaled approximately $5 million.

In Fiscal Year 1971, Congressional reductions associated with public affairs activities amounted to more than $7 million.

An additional reduction for these activities of approximately $5 million, attributable to the reduction directed by the Office of Management and Budget, is reflected in the estimated costs of public affairs activities in Fiscal Year 1972.

Reductions effected among personnel engaged in public affairs activities in Fiscal Year 1970 are reflected in the difference between the end strength in FY 1969 (5,120) and the end strength in FY 1970 (4,430) a difference of 690 positions. This difference is in large part attributable to Congressional reductions during FY 1970.

The difference between personnel estimates submitted to Congress with the Fiscal Year 1971 budget request and those associated with the Fiscal Year 1972 budget request, reflected a reduction of 1,535 public affairs positions. This reduction results from a combination of Congressional action on the Fiscal Year 1971 budget, plus reductions necessary to meet the requirements of the Office of Management and Budget.

Question 15: Mudd says that "each day the press and the Pentagon have a formal confrontation" with the newsmen's "adversary" Deputy Assistant Secretary Friedheim. Does the Department of Defense regard these daily news briefings as "confrontation" and the participants as "adversaries"?

Answer: No. The daily news briefings here are regarded as one important way to provide the American people with maximum information about the Department of Defense, consistent with national security. Acting as the sole DoD agency at the seat of government for the release of official information, OASD(PA) representatives regularly meet with newsmen to furnish them information for the public.

It is necessary that information which is classified, for example, must be protected. No DoD spokesman can discuss in public, nor would any reputable media representative knowingly, publish classified information. In general, the press corps realizes this.

The DoD by no means considers the daily briefings as "confrontations," nor does Mr. Friedheim regard himself as an "adversary" of the media representatives here.

Question 16: Former Sergeant Demitor discusses what he called a "staged" story about South Vietnamese forces. Who was in charge of the film team? Did the fact sheet sent forward from the film team advising the persons in charge of the film team indicate the film was "staged"?

Answer: First Lieutenant John Beeler was in charge of the film team. The fact sheet received with the footage did not say that the film was "staged".

Question 17: Has CBS or the other major networks made use of the film prepared by the military camera team in Vietnam? How much?

Answer: Based on statistical data provided by the networks and newsfilm syndicates, an average of 90 percent of Vietnam originated newsfilm releases made in 1970 were used. This includes Department of Defense Vietnam-originated releases screened on network news programs, or releases that, though not used on network news programs, are passed on by the networks or syndicates to their affiliates for possible use on local news programs. Our records show that CBS used 24 releases in 1970, either on the network or their affiliates. (ABC 13, UPITN 58, NBC 64, Fox Movietone 17)

Question 18: CBS runs a "no comment" answer from the U.S. military briefer at Saigon. How much of the briefer's session did CBS film? How many questions were asked which were not answered "no comment"? Why would a MACV briefer reply "no comment"?

Answer: The briefing officer sequences filmed by CBS in Saigon took place on 21 November 1970. This briefing followed the announced Son Tay search and rescue operation seeking to free American prisoners of war in North Vietnam. The operation had taken place that week end. The MACV briefer opened the U.S. military portion of the briefing by reading a statement by the Secretary of Defense regarding the protective reaction strikes which took place 20 and 21 November. The statement ended with, "To comment further could jeopardize the safety and security of Americans, therefore, I have nothing to add at this time."

The briefer also stated that he could add nothing further to the Secretary of Defense's statement on the subject. Obviously the MACV briefer could not go beyond what the Secretary of Defense felt was a matter of security of U.S. personnel. Nevertheless, the Saigon press corps continued to press for details of the operation.

Although there is no transcript of this particular briefing, notes taken by this office indicate that at least 12 questions were asked regarding protective reaction. The briefer responded six times that he could add nothing to the statement, as he should have. There was one other "no comment" response given on another subject.

On other subjects, the briefer responded to at least 8 questions with answers or explanations. Yet CBS selectively used the "no comment" type answers as an expression of a "typical" Saigon briefing.

Question 19: The Mudd–Tolbert interview discussed the fact that information officers assist broadcast by networks by selecting "articulate" pilots for on-camera interviews. Has CBS ever asked an information officer to arrange an interview for them with an inarticulate pilot not knowledgeable about his job?

Answer: Not necessarily, except that by insisting on a "name" or a well-known interviewee, which is common practice among the Networks, there is no assurance that the MOST articulate and knowledgeable interviewee is requested.

During the time the CBS program, "Air War in the North" was being filmed, there was difficulty in getting any pilots to discuss their flights over North Vietnam, because of harassment many of their families were going through in the U.S. Some pilots formally requested that they get no personal publicity, because it frequently resulted in vicious phone calls and "hate mail" from anti-war groups in the United States. In the case of "Air War in the North," the information office at DaNang attempted to locate and provide pilots who would volunteer for on-camera interviews, and who fitted general qualifications outlined by the CBS producer.

Question 20: The Mudd-Tolbert interview indicates that pilots are "briefed" before appearing on camera. What sort of briefing would be normal in such circumstances?

Answer: Normally, pilots are cautioned prior to interviews that they should not address such security topics as the air order of battle, rules of engagement, route to a target, combat tactics employed, or planned missions for the future.

Question 21: Who was the narrator of the CBS show Mudd and Tolbert talked about?

Answer: Bill Stout was narrator of the 1967 program "Air War in the North." The program was produced by Phil Sheffler. Ed Fouhy (now with the CBS Washington Bureau) was the Bureau Manager in Saigon at the time.

Question 22: CBS describes part of the film as "a demonstration of a massive troop airlift . . . to show that thousands of troops can be transported thousands of miles in just a few hours." Were thousands of troops actually involved in the demonstration?

Answer: Exercise Brass Strike, an excessive planned and executed for military training and study purposes, did itself involve large numbers of troops. However, any implication that thousands of troops were involved in a demonstration for the JCOC is false. The JCOC tour was scheduled to coincide with Exercise Brass Strike, and guests viewed the exercise during one of the three days it was conducted. The exercise would have occurred whether or not JCOC guests were in attendance. Furthermore, although 72 JCOC visitors viewed the one day's activities, actually curtailed severely because of inclement weather, they were only a segment of the audience in attendance. Other groups present included about 200 members of ROTC units from several universities and high schools, about 165 local civilians, and nearly 450 military personnel from the Strike Command, Military Attache posts, and Tactical Air Command operational and training bases.

40TH JOINT CIVILIAN ORIENTATION CONFERENCE SCHEDULED FOR APRIL 19–28

Seventy-two civilian leaders have accepted the invitation of Secretary of Defense Melvin R. Laird to participate in the 40th Joint Civilian Orientation Conference (JCOC), to be held April 19 through April 28, 1970.

The Joint Civilian Orientation Conference is a response by the Secretary of Defense to the desire and need of the American people to be informed about how their Department of Defense is operated. The Conference makes it possible for key professional men, representing a geographic and occupational cross section of the country, to study the accomplishments and problems of the Department of Defense. JCOC objectives are to make as much information as possible available to Americans.

Daily schedule of the Conference is:

April 19. Conference opens with briefings at the Hotel Del Coronado, Coronado, California.

April 20. Group proceeds to USS *Juneau* to observe amphibious demonstrations, then to USS *Oriskany* to observe attack carrier operations.

April 21. Conferees fly to Vandenberg Air Force Base, California, and tour space and missile facilities.

April 22. Conference proceeds to North American Air Defense Command Headquarters, Colorado Springs, Colorado, for NORAD briefing and tour of Cheyenne Mountain complex.

April 23. Group departs Colorado Springs and travels to Fort Hood, Texas, for Army demonstrations and briefings.

April 24. Conferees observe Army demonstrations, then depart for U.S. Marine Corps Air Station, Cherry Point, North Carolina.

April 25. At Camp Lejeune, North Carolina, group observes Marine Corps demonstrations.

April 26. Group proceeds to Fort Bragg, North Carolina.

April 27. Conferees observe U.S. Strike Command Exercise Brass Strike and then depart for Washington, D.C.

April 28. Conference concludes at the Pentagon with briefings and discussions with senior Department of Defense officials.

All demonstrations and exercises to be observed by the group are a part of the regular training programs of the Military Services. None are specifically staged for the sole benefit of the conferees.

Personal expenses during the tour and transportation to and from the Conference are paid by the conferees.

Joint Civilian Orientation Conferences, started in 1948, are conducted one or more times each year.

Question 23: At one point, in discussing the alleged costs of demonstrations, CBS picks up an unidentified speaker saying, "711 tons of ammunition and 308 tons of fuel." Was the speaker in fact talking about ammunition and fuel involved in the demonstration?

Answer: No, he was not, even though the CBS show leads one to believe this is the case. The unidentified voice was that of a briefing officer explaining the tonnage of fuel and ammunition that a USMC battalion landing team takes with them on deployment.

Question 24: CBS states that "war, however, is not fought in front of a grandstand." Why are reviewing stands sometimes placed near field training areas? Who uses the stands?

Answer: These reviewing stands serve the purpose of outdoor classrooms. They are placed at strategic points throughout the training area. They not only are used by the troops themselves, as briefing and debriefing sites, but are also used by recruits who observe a training exercise before taking part in one. Another important use of these stands is for the training of headquarters command personnel. These ranking officers come as a group from our military service colleges to observe scheduled large training exercises as a part of their overall command education. Also, when a civilian group, such as the one shown in the CBS show is invited to observe a scheduled exercise, they share these stands with groups of the type already mentioned.

Question 25: When was the film, "Red Nightmare," produced and cleared for release to the American public?

Answer: "Red Nightmare" is a half-hour adaptation of a 50-minute film called "Freedom and You," which was produced for military use in 1962 by Warner Brothers under contract with the Directorate for Armed Forces Information and Education, OASD-(M&RA). "Freedom and You" was cleared for public non-profit use by OASD(PA) on October 26, 1962. "Red Nightmare," the adaptation which featured the "Nightmare" sequences, was produced by Warner Brothers in 1965, also for the Directorate for Armed Forces Information and Education, now known as the Office of Information for the Armed Forces, OASD(M&RA). OASD(PA) cleared it for public release in October of the some year.

Question 26: Mudd says the film, "Red Nightmare," was made by the Armed Forces Directorate on Information. Is there an Armed Forces Directorate on Information?

Answer: There is no such agency or office, either charged with public information or internal information. The office that was responsible for the film is now known as The Office of Information for the Armed Forces, IAF, known as the Directorate for Armed Forces Information and Education at the time the film was made. IAF is charged with troop information for the Office of the Secretary of Defense. The incorrect name used by the CBS Show for the organization implies that the film was produced for public information purposes, which is in error. The firm was designed as a troop information vehicle.

Question 27: Mudd quotes Tolbert as saying "it is extremely difficult for a Pentagon reporter, even a regular, to establish sources outside the Public Affairs arm." How many interviews by newsmen with Pentagon officials outside the "public affairs arm" were arranged by your office during the eleven months that CBS worked on its show?

Answer: During the eleven months that CBS worked on its show the "Public Affairs arm" of the Defense Department arranged more than 1100 interviews between newsmen and other media representatives, and Pentagon officials *outside* the "public affairs arm."

Needless to say, Pentagon newsmen have their own independent sources of information developed through their professional skill.

Question 28: Mudd says there are thousands of phone calls and thousands of pieces of mail at the Pentagon daily "but very little of this communication is done with the press." For what reason is the bulk of this communication accomplished with persons other than the press?

Answer: The primary mission of the Department of Defense is defense—not communicating with the press. Thus the bulk of communication concerns defense matters.

Nevertheless, a substantial amount of communicating is also directed toward accommodating requirements by or for the press.

Question 29: Mudd says, "What the press wants to reveal the Department of Defense often wants to conceal!" What does the Defense Department want to conceal?

Answer: Information that might adversely affect the national security, and information that could endanger lives of Americans.

Question 30: CBS states that the Army Home Town News Center "functions as a publicity agency." To what media is information from the Center provided? Do they want it? Do they use it? If they use it, who decides that it is news worth using?

Answer: This information is provided to media in the local area of the individual's home town. These media want this information. Without the Army Home Town News Center and the other Services' Centers, the people back home would get little or no information about the individual serviceman except what he was able to write them on his own. The news media does use the information. The editors of the media decide if the items are newsworthy and whether or not they will be used.

All material is sent out by AHTNC at the request of media who have asked to be sent such information on a regular basis. It is not sent out unsolicited.

Navy has a similar procedure with hometown releases. There are exceptions for Air Force, who will send material unsolicited only if requested by the individual airman concerned.

Question 31: Mudd says the Pentagon uses "sympathetic Congressmen" making "war heroes available" for the back-home district TV reports from "pro-Pentagon politicians." Under what conditions are military personnel available for interviews by or testimony before Congress?

Answer: Personnel are made available for personal interviews, such as Major Rowe's appearance on Representative Hébert's TV Report, if requested by any member of Congress, so long as the interview is voluntary, it can be accomplished without appreciable interference with the subject's military duties, and without additional cost to the Government. As for testimony, a Congressional committee may at any time ask DoD to provide a witness to address a specific subject area.

Question 32: CBS stated that "Pentagon speakers . . . traverse the country, shaping the views of their audiences." Under what conditions do the Department of Defense speakers appear in public? Are they ever requested to appear before newsmedia organizations?

Answer: Department of Defense speakers appear in public as the result of a direct invitation from a sponsoring organization. Such sponsors usually request a specific speaker to cover a specific topic.

As to the second part of your question, the answer is, yes. We receive and honor many such requests to have speakers appear before newsmedia organizations. (Examples: American Newspaper Publishers Association, Midwest Circulation Managers Association, top officials of Associated Press, etc.).

Furthermore, when a distinguished Department of Defense speaker is scheduled for an appearance in a community, it is common practice for the local press—newspapers, television, radio—to ask for and frequently receive special news conferences.

Question 33: CBS used a quotation from a speech by General Lewis Walt. Did General Walt turn down any requests that he speak during the last year?

Answer: General Walt, now retired, turned down 21 requests that he speak during the last year.

Question 34: In discussing the Joint Civilian Orientation Conference, CBS says "the Department of Defense outfits" the participants "in different colors." Who pays for the jackets and caps worn on the tours?

Answer: These jackets and caps are paid for by the participants, as are all their other personal expenses.

Question 35: CBS says "high ranking generals accompanied these civilians." Do any generals travel with the group?

Answer: There were no "high ranking generals" traveling with these civilians. Upon arrival at a military installation, the Commander, be he General or Colonel, would meet such a group, welcome its members and, at his discretion, perhaps accompany them during various phases of their visit at his installation. One case shown in the film, was a scheduled joint training exercise ("Brass Strike") and the group was met by the Commander-in-Chief of the Strike Command and his Deputy who were there because of the joint exercise, not just to greet the civilian group.

Question 36: Mudd states "the Pentagon helped John Wayne make the film 'Green Berets.' John Wayne helped the Pentagon make this film in Vietnam." Is this presentation of cause and effect accurate? Did John Wayne Studios pay the Department of Defense any of the costs of "The Green Berets?"

Answer: No. The two films were completely unrelated, and one had absolutely no bearing on the decision to do the other.

"A Nation Builds Under Fire," designated AFIF 160 and later TV 695, was produced by the Office of Information for the Armed Forces, OASD (M&RA), and originally distributed in 1966. Mr. Wayne's participation in that film was actually a last-minute substitution after another actor became ill and could not narrate the film as planned. To find a replacement, IAF ask Armed Forces Professional Entertainment office for names of other stars scheduled for troop tours in RVN within the time frame of IAF's shooting scheduled. Learning that Mr. Wayne was scheduled to be there, IAF asked him to do the part.

When Mr. Wayne's request for assistance in the proposed production of "Green Berets" came to OASD(PA) in 1966, it was given the same consideration as all other such requests. It qualified for assistance under the provisions of DoD Instructions 5410.15 and 5410.16, which govern assistance for non-government motion picture productions. Actual DoD assistance in "Berets" began in mid-1967 when photography began at Eglin AFB and Fort Benning. Wayne Productions paid $18,623.64 for DoD reimbursable assistance associated with "Berets."

Question 37: Mudd says, "Not only movie stars have aided Pentagon propaganda. For patriotic reasons, newsmen have often volunteered their talents. . . ." Why does Mr. Mudd apply the adjective "patriotic" to the newsmen but not to the movie stars?

Answer: We do not know.

COAL RESEARCH EXECUTIVE QUESTIONS WHETHER OR NOT FEDERAL GOVERNMENT IS GUILTY OF "TECHNOLOGICAL FOLLY"

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 23, 1971

Mr. RANDOLPH. Mr. President, in an address to the Washington Coal Club last week, James R. Carvey, president of Bituminous Coal Research, Inc., questioned whether or not the Federal Government is guilty of "technological folly." The main question, he declared, is whether or not the Federal Government is spending billions of dollars on kinds of research that should have a low priority.

From the evidence available, Mr. Garvey asserted, it is apparent that past Government energy research policies have been nonproductive and, to a great extent, have been self-defeating. He emphasized:

> The fact that, in a country blessed with abundant fuel resources, we are experiencing power blackouts and brownouts, gas companies turning away potential customers, and with some government officials advocating reductions in energy consumption, the illustrations are sufficient. Factors other than government research policies, of course, have been involved too. But we have spent billions of dollars to get a few rocks off the moon and more billions to develop an atomic pot heater, while practically ignoring the nation's need for fossil fuel research—and this is technological folly with the taxpayers' money.

Mr. Garvey, who is executive vice president of the National Coal Association in addition to being president of Bituminous Coal Research, Inc., said Federal research funds should be spent in a manner compatible with the Nation's energy needs and not influenced by the dramatic appeal of what may appear to be revolutionary technology.

He said he did not mean to imply that atomic research should not have been pursued nor that it should be continued. But in the light of total energy needs, he stressed the opinion that the past and current overemphasis on atomic research is regrettable. Mr. Garvey added:

> It is apparent now that the most critical fuel need concerns the growing demand for and available resources of natural gas. A realistic government research policy would treat this problem by accelerating the effort already underway to perfect the technology for conversion of our most abundant hydrocarbon, coal, to a synthetic pipe-line gas.

The second most critical area of current and future fuel use is in minimizing its environmental effects, the speaker noted and said that because coal is, and for some time will continue to be, the principal fuel used in power generation, major emphasis should be placed on the many research opportunities available to permit the use of coal with minimum insult to the environment.

Several research approaches to convert coal to a synthetic residual oil or to clean solid form have been languishing for several years for lack of funding, he asserted in urging research in all areas because of the current "crisis" situation.

Government research expenditures on atomic energy have been about 16 times those on other energy sources over the past decade, which Mr. Garvey described as a deterrent to proper energy supply planning. The electric utilities, under Government pressure, began ordering atomic instead of coal power plants, causing coal producers to defer new mine openings. The predictable result was the present shortage of coal availability and the marginal power producing capability, he said. And this Senator agrees. Also, I join him in the assertion that the need for corrective action now is apparent. The evidence already available is sufficient to justify an immediate increase in Federal research dollars for fossil fuel research.

Mr. President, I ask unanimous consent that the text of Mr. Garvey's March 17, 1971, address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A REALISTIC FEDERAL GOVERNMENT POLICY ON ENERGY RESEARCH

(Address by James R. Garvey)

The subject I have chosen to discuss relates to the Federal government policies on energy research. In pursuing this subject I may very well step on a few toes, but I think it is about time to "tell it like it is" on this matter so vital to the welfare of our country. I do not know who is to blame for the foolhardy policies of the past, but we are all, especially those of us knowledgeable in the total problem, responsible for what actions are taken in the future.

Whether we work for the coal industry, the Federal government, or have an interest only because we are a taxpayer or an energy user, as all of us are, we should be concerned about the energy research policies of the Federal government. It is in everybody's interest, but primarily the user of energy and those concerned with environment, that the direction of energy research and the expenditure of Federal funds in this area be undertaken in a manner compatible with the energy needs of the country and not be influenced by the dramatic appeal of what may appear to be revolutionary technology.

In any discussion of the subject which I have chosen to cover, a number of basic considerations should be kept in mind. These include:

1. We must acknowledge that coal is our most abundant fuel resource. According to U.S. Geological Survey estimates, coal constitutes over 70 per cent of the fuel reserves of the United States—the minimum amount recoverable is more than twice the probable recoverable reserves of all other fuels combined including oil, gas, oil shale and uranium, if the latter is used with current conversion technology.

2. While the growth in use of electricity has been far greater than that of any other energy form, we should not let this fact obscure the far greater demand for fuel *not used* in the production of electricity. We should recognize that despite its tremendous growth, electricity still comprises only 21 per cent of the end-use of all energy.

In the development of our present highly industrialized and mechanized society we have evolved what might be termed a "hydrocarbon economy." We need gasoline for our automobiles, gas for home heating and cooking, oil for space heating, and coal for many industrial operations. Almost 79 per cent of the energy fuels consumed each year is in the end-use form of a solid, gas, or liquid, not as electricity.

3. Unfortunately in this "hydrocarbon economy" the hydrocarbon fuels we have available are not always interchangeable in their natural form; for example, we cannot use our most abundant solid fuel resources to power our automobiles. It is also unfortunate that the demand for some hydrocarbons in their natural form is growing at such a rate that the available source of each may not be sufficient to meet future needs.

4. The production and use of all fuels result in environmental changes. Because of the rapidly expanding demand for fuels such environmental changes are occurring at a rate which, according to the Federal government threatens the health and welfare of man and steps must be taken to control it.

With these four considerations in mind we can consider those actions by government which are needed to stimulate the new technology essential for meeting our growing energy needs in all its end-use forms. With the improvement in hindsight resulting from government research policy errors of the past we are in a better position to do this than we were 10 or 15 years ago.

Certainly no person taking a rational approach would conclude now, as was done then, that the first priority of Federal government energy research should be the production of electricity from the atom. I do not mean to imply that atomic energy research should not have been pursued nor that it should not be continued. All our energy-producing fuels, and surprisingly including atomic, are non-replenishable and every effort to ensure that future generations have adequate fuel is justifiable. But in light of our total energy needs, the availability of other fuel resources and even the long-range needs, that is 100 years from now, the past and current over-emphasis on atomic research is regrettable.

With our commitments to space technology, weapon development, etc., the tax dollars available for energy research are understandably limited and their prudent use in the solutions to the most imperative energy problems is dictated. What then are these imperative energy problems?

It is apparent now that the most critical fuel need concerns the growing demand for, and available resources of, natural gas. In the past 10 years consumption of this fuel has risen from about 13 trillion cubic feet in 1960 to 22.0 trillion cubic feet in 1970. During that same period the ratio of proved reserves to annual consumption declined from about 20 to a little more than 13. But more important is the fact, recognized now by many, that the growth in demand for this versatile fuel, expected to be twice what it is today by the year 2000, will exhaust the total natural resources before that date. A realistic government research policy would treat this problem by accelerating the effort already underway to perfect the technology for conversion of our most abundant hydrocarbon, coal, to a synthetic pipeline gas.

The second most critical area relating to current and future fuel use is the control of environmental damage resulting from fuel production and use; a substantial part of this damage results from power generation. Since coal must play a significant role in such power generation for many years to come, major emphasis should be placed on the many research opportunities available to enable coal use with minimum insult to the environment.

For the past several years industry and government have been pursuing research directed at control of such pollutants as sulfur oxides from power plant and industrial stacks. Many such control approaches have reached the stage where they are being installed as full-scale demonstration plants, and in 1970 Federal funds were made available for the first time to encourage such trial installations. But processes for cleaning up flue gases after the fact are, at best, a limited solution to the problem. When one considers that, for example, in the case of sulfur oxides, we are attempting to remove a pollutant which comprises only a few tenths of a per cent of the total gas volume, the magnitude of the problems of this approach becomes apparent. Indications from the full-scale installations already made are that the chemical processing plants required at a power plant to remove this pollutant will add around $40/kw, or 20-25 per cent to the cost of the original power plant. And in many existing plants such flue gas processing is impractical if not impossible, irrespective of the cost. The only answer for these plants is the use of a low-sulfur fuel. And because of the unavailability of natural low-sulfur fluid fuels we must again rely on coal. There have been many who claim that naturally-occurring low-sulfur coals can be used, but those who make such claims ignore the facts.

The substitution of low-sulfur coal for that now being used by power plants is not the answer. Unfortunately the production capability, manpower necessity, and proximity to market involve the high-sulfur coal reserves of our country.

If we assume that by low-sulfur we mean 0.7 sulfur or less, and if we review the Bureau of Mines data we find that 94 per cent of the low-sulfur coals are in the far-western states which account for about 4 per cent of the total annual production. We further find that while production in the states of Alabama, Kentucky, Virginia and West Virginia, in which about 6 per cent of the low-sulfur coals occur, accounts for about 54 per cent of the total production, much of this coal is of metallurgical quality and produced for that market. And more importantly, much of the reserves have been dedicated to that market.

The major production of steam coals, about 42 per cent of the total production, is from the mid-west and northern Appalachian states which account for only 0.2 per cent of the low-sulfur reserves.

There are research opportunities available which will enable development of the technology to desulfurize these high-sulfur reserves. In this regard I am not referring to conventional or even advanced methods of coal cleaning; for most coals the organic sulfur content which cannot be removed by such methods is too high to consider such approaches. What I am referring to is chemical conversion of the coal to either a liquid which might be referred to as a synthetic residual oil, or to a solid produced by a solvent extraction process which removes the mineral constituents and leaves a clean hydrocarbon. Several research approaches to enable such production have been languishing for several years for lack of funding.

Flue gas cleaning processes and the substitution of desulfurized coal products can serve as an intermediate pollution control approach. But we should also be looking forward to the future, say 10 years from now, when entirely different methods for producing electricity from coal could be made available. The research on such approaches would be directed at producing electriity from coal, not only in a pollution-free manner, but also with improved efficiency and availability. Research opportunities from accomplishing this are available, including MHD, the fuel cell, fluidized bed combustion, and the combined cycle. Each of these approaches has its own advocate and I would not attempt to say which is best. Personally, I believe that in the crisis situation which exists today, all approaches should be pursued. In other words, "Do something—don't just stand there debating."

The situation with regard to liquid fuels has not as yet developed to the critical stage such as is the case with natural gas. One reason is that the Federal government has had its hand on the spigot which controls foreign oil imports and it has always been assumed that when the domestic supply gets a little tight, the government will just have to open that spigot a bit wider. But unfortunately in the past year something has happened to make us wonder regarding the dependability of that oil flow. Recent openings of the spigot have not resulted in greater oil flow, because the foreign governments who control the input to the line have refused to cooperate. We "ain't" getting the oil we expected.

As in the case with natural gas the demand for petroleum fuels is expanding rapidly, and also as in the case with natural gas, the domestic resources cannot continue to meet the need indefinitely. We have an option of either developing the technology for using our coal and possibly our oil shale resources to supplement our natural domestic supplies, or of relying on imports. The latter decision would be, in my opinion, disastrous not only because it would place our economy in the hands of unreliable and unfriendly foreign governments, but also because it would commit us to a tremendous drain on our balance of payments. Currently the basic fuel cost for the United States is of the order of $20 billion per year. It is expanding rapidly and to allow a substantial percentage of these dollars to leave the country could lead to financial chaos.

There are research opportunities which could be pursued for conversion of coal and oil shale to petroleum products. I have already mentioned one of these in connection with the control of environmental pollution, namely the conversion of coal to a residual oil, other approaches could result in the development of technology for the conversion of coal to the lighter weight liquid products. We should pursue them in the national interest.

The least important imperative in connection with our energy fuels is the development of technology to convert the atom into electricity. There is no question that the nation's long-range energy needs—after the next 75 to 100 years—will have to be satisfied from an energy source other than hydrocarbon fuels. Since it is in the national interest to develop such a new energy source, it is reasonable that Federal funds be used for required research.

However, a more important need is to utilize more effectively the energy sources we now have, not to develop a new energy source. In my opinion there has been an overcommitment of Federal research funds for development of electric power from the atom. In their report to the President in 1962, the AEC stated that about 1.3 billion dollars had been spent as of that time. As nearly as we can determine the commitment since that time has been somewhat over 200 million dollars a year, bringing the total atomic power development expenditures to the order of 3 billion dollars.

On the other hand, prior to 1960 when the Office of Coal Research was established in the Department of the Interior, very little Federal funds were expended for fossil fuel research. Since then that office's annual budget has averaged 7.3 million dollars. If we add that to the 6.4 million dollars spent annually by the Bureau of Mines for coal utilization research, we arrive at a total of 13.7 million dollars each year, or a total of about 140 million dollars during the 10-year period.

In 1967 the Federal Government finally recognized that there was justification for the expenditure of Federal research funds for air pollution control. In the years 1967 through 1970 a total of 45 million dollars was expended.

Combining the research expenditures relating to fossil fuels, we find that the commitment to atomic energy research has been about sixteen times the commitment to improve utilization of other energy sources. My comparative research expenditures may not be entirely accurate, but the difference in total expenditures is so great that a few million dollars errors is not significant. Like everything else about the AEC, factual information on expenditures for research is hard to obtain.

And what results has this overcommitment produced? It certainly has not let to a lower cost means for producing electricity and it has not eliminated environmental damage since it has created pollution problems of its own completely unknown before the advent of this so-called miracle power source. Further, the evidence indicates that the new atomic technology has adversely affected short-term fuel availability and may in the long run prove to be disastrous insofar as future energy needs are concerned.

Over-emphasis on atomic power research in recent years has been deterrent to proper energy supply planning. Several years ago many electric utilities, under government pressure, began ordering atomic instead of coal power plants to meet projected energy needs. This in turn caused coal producers to defer opening new mines. The predictable result was the present shortage of coal availability and power-producing capability.

For the long-term the over-emphasis on development of light-water reactors may prove to be a tragic mistake. Our reserves of low-cost fissionable fuel, that containing fissile material, are very limited. And during the next few years they will be consumed at an alarming rate in light-water reactors. We have attempted to bring this to the attention of those responsible for the over-emphasis on atomic power for at least the last five years.

Recently the "atomic fraternity" has begun to recognize the validity of our arguments. Unless the breeder reactor becomes a commercial reality in the very near future, or unless fantastic quantities of fissionable fuel are discovered the atomic power age may very well be short-lived. As M. King Hubbert pointed out in the National Academy of Sciences publication, ***Resources and Man:***

"Taking a view of not less than a century, were electrical power to continue to be produced solely by the present type of light-water reactors, the entire episode of nuclear energy would probably be short-lived. With the growth rates now being experienced, the inexpensive sources of uranium would probably be exhausted within a fraction of a century, and the contained uranium-235 irretrievably lost. With the use of more costly uranium, the cost of power would increase until nuclear power would no longer be economically competitive with that from fuels and water."

Further emphasizing this possibility are recent statements by representatives of the Atomic Energy Commission. For example, Milton Shaw of AEC, in testimony before the Joint Committee on Atomic Energy, admitted that even if a breeder reactor is available for commercial use by 1986, the consumption of uranium fuel will be 2.1 million tons during the next 50 years, and if the breeder is not perfected, which is certainly a possibility, atomic fuel consumption will be 4.5 million tons during that period. The former is more than four times what the Atomic Energy Commission estimates as reasonably assured to be available at $30/lb or less, and the latter is 8½ times the assured availability. Bear in mind that atomic power is barely competitive now at $8/lb.

From the evidence it is apparent that past government energy research policies have been non-productive and to a great extent self-defeating. The facts that in a country blessed with abundant fuel resources we are experiencing power blackouts and brownouts, gas companies are turning away potential customers and some government officials are even advocating reductions in energy consumption are sufficient illustrations. Factors other than government research policies have, of course, been involved. But to have spent billions of dollars to get a few rocks off the moon and more billions to develop an atomic pot-heater while practically ignoring the nation's needs for fossil-fuel research is technological folly with the taxpayers' money.

It is not likely that the over-all fuels situation will improve unless realistic research policies relating to the production and use of energy fuels are established. Since time will be required to correct the mistakes of the past it is important that, to get our energy economy moving in the proper direction, we embark on a realistic government research program now.

We are not heartened by recent developments in this regard; for example, the programs of the Office of Coal Research are being hamstrung by a recent directive from the Office of Management and Budget. This directive stipulates that government funding for new pilot-plant research on coal research programs will not be funded by government unless at least one-third of the total cost is supplied by industry.

While it certainly is a laudable idea to have industry join with government in financing the fuel research required to sustain the energy economy of our country, it is a little late to establish this now in light of the established precedent in regard to atomic power. To our knowledge, no cost-sharing was required in the Federal government attempt to develop a power generating technique to compete with fossil fuels until the research had reached the large-scale demonstration plant stage. To instigate such a procedure now is to emphasize the obvious total disregard of government for research planning to fit the energy needs of our country.

The need for corrective action is apparent. While energy studies such as those now underway and planned will serve a useful purpose in developing a long-range energy policy. I feel the evidence already available is sufficient to justify an immediate increase in Federal research dollars for fossil-fuel research. Failure to act now is to acknowledge that the energy policy of the nation will continue to be, as it has for the past 15 years, too little too late.

THE TELEPHONE BANK BILL

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. TEAGUE of California. Mr. Speaker, some time this week we will probably be called upon to vote on H.R. 7, the telephone bank bill. This legislation proposes an outrageous raid on the Treasury at a time when our priorities must be reexamined.

A telephone bank would be established with a 10-year investment by the U.S. taxpayers of $300 million. Interest would be paid to the U.S. Government at the rate of only 2 percent. The investment would be returned as soon as practicable after June 30, 1984—which could well mean never. Loans could be made to the rural telephone companies at less that 4 percent interest.

We do not question the fact that some rural telephone companies need to be modernized. But consider these facts:

First. No hearings have been held on the proposal for over 2 years.

Second. No report from the executive branch on H.R. 7—92d Congress—was either requested or received by the committee.

Third. At least two-thirds of the rural telephone borrowers are commercial corporations organized for a profit. Most of them appear to be doing very well. Many are family owned, pay good salaries to family members and still make a profit.

Fourth. Some telephone cooperatives would appear to be eligible to borrow from the bank for cooperatives—as other co-ops do. They would have to pay the going rate of interest, which is the cost of money to the Government plus handling charges. This is the principle behind other Federal farm loan programs.

Fifth. The other companies could and should borrow from regular commercial sources or issue debentures.

Sixth. Certainly the public utility regulatory agencies, if necessary, would grant rate increases to accomplish any needed modernization.

For these reasons, I urge you to oppose this unnecessary legislation.

GOLDEN EAGLES END A PROUD YEAR

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HILLIS. Mr. Speaker, today I would like to take a few moments to pay tribute to Oak Hill High School of North Central Indiana.

This consolidated school, which educates students from both Miami and Grant Counties in Indiana, has an outstanding athletic record. Its basketball team advanced to the final 16 in the recent Indiana State High School Tournament for the last 2 years, its record is 41 wins and nine losses.

The Oak Hill footballers have compiled a record of 18 straight victories over the last 2 seasons.

Following is an editorial from the Peru, Ind., Tribune, praising the Golden Eagles of Oak Hill:

GOLDEN EAGLES END A PROUD YEAR

When State finals-bound Elkhart bumped Oak Hill from the basketball tournament at Fort Wayne last Saturday afternoon, this area lost its lone remaining representative—and a darned good one at that.

Coach Galen Smith's Eagles thrilled their fans during the season by winning the Mid-Indiana Conference and the Grant County tourney.

They picked up hundreds of supporters by sweeping the Marion sectional for the fourth time in the school's 12-year history, beating the Marion Giants in the final game.

The regional was next and Logansport was the victim in the finals.

Oak Hill played hard against Elkhart, but couldn't stay with the tall Blue Blazers on the boards. Although they were down by nearly 20 points in the fourth quarter, they still battled back like champions and made a game of it.

With the final buzzer a truly "golden era" of major sports at Oak Hill came to an end for another year. In the past two years Eagle football teams won 18 straight and the basketballers had a 41–9 record.

Miami County should be proud of Oak Hill, for many of its athletes live within its boundaries.

The Eagles' accomplishments should provide an incentive to young, prospective athletes from schools of all sizes—because they proved pride, spirit and determination can carry you a long, long way.

CANDIDATE NIXON ENDORSED CANAL

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. FUQUA. Mr. Speaker, sometimes events puzzle the observer. Sometimes the statements made by political candidates are obscured by the actions of those same men when they hold public office.

Such is the case with the Cross Florida Barge Canal which has now been halted. After an expenditure of some $50 million, a brusque announcement was made by the White House that work would be terminated.

Now those of us from that area are faced with problems which will be with us for a decade or more—trying to undo what has been done with this incomplete waterway.

I think it appropriate to have reprinted a news story from the Palatka Daily News, Palatka, Fla., of November 1, 1960, in which the Republican presidential candidate expressed his support and endorsement of the project.

This article is worth reprinting:

NIXON IS SECORD CANDIDATE TO ENDORSE FLORIDA BARGE CANAL

The Cross Florida Barge Canal today received the endorsement of Richard M. Nixon, Republican presidential candidate, giving the canal the encouragement of both presidential candidates.

In a telegram to David S. Arthurs, publisher of the Palatka Daily News, Nixon stated that he has "long supported and worked for the continued development of a strong transportation system (and) for this reason I am most interested in the development of projects such as the trans-Florida canal."

A telegraph query of the presidential candidate was made by the Daily News following the recent announcement that Democratic candidate John Kennedy had pladged to Congressman Charles E. Bennett of Jacksonville to assist the backers of the Canal project.

The Florida Barge Canal project was originally designed as a deep draft ship canal to cut across peninsular Florida from a point twelve miles south of Palatka on the St. Johns River to Port Inglis on the Gulf of Mexico, 70 miles north of Tampa. Construction on the incompleted project ceased shortly before World War II.

Since that time the plans have been changed to the extent of reducing the depth to 12 feet and changing the designation to a barge canal. The Army Corps of Engineers has estimated that the canal is economically feasible for both commercial and military use. The canal would reduce the distances for barges moving from the Atlantic Seaboard to western states and the Mississippi River by about 800 miles. It would also reduce the risk of barge transportation by providing protected routes for barges which must now venture out into open water to navigate the west cost of Florida.

Protected waterways presently extend the entire length of the Atlantic seaboard, and from St. Marks, on the Florida panhandle, westward to the Mississippi and along the Texas coastline. Advocates of the Cross-Florida canal refer to the incomplete canal as the "missing link" in the American waterway system.

The Nixon telegram further stated, "I understand it (the canal) could be an important link in the transportation network that serves Florida and the Southwest. I shall look forward to giving this project careful consideration . . . and if it appears that the canal will strengthen our nation economically, you may be sure it will have my support."

The winner of the presidential election Nov. 8 may be called upon sooner than he probably expects to support the canal. Members of the Florida Barge Canal Authority will attend a meeting in Washington the day following the election, Nov. 9, at which time they will present their case to the Federal Budget Director, Maurice Stans, asking for $20 million to complete the engineering work and begin final construction.

The Daily News inquiry followed the Kennedy endorsement of the canal. Additional wires were sent to Florida Democratic leaders asking their impression of the Kennedy pledge. A jubilant response was received from Senator Spessard Holland, Congressman Robert Sikes and Billy Matthews, Governor-nominee Farris Bryant, and State Representative Bill Chappell, speaker of the house. No response has been received from Senator George A. Smathers, southern campaign manager of the Kennedy campaign.

With further reference to this matter, I would like to have an editorial from the Bradford County Telegraph of Starke, Fla., reprinted as additional data on the canal.

I think the editorial speaks for itself:

Florida Canal Sacrificed on the Altar of Politics

Thank heaven for a few elected officials who aren't afraid to speak out and call a spade a spade in President Nixon's shameful and unjustified halt of the Florida barge canal project.

Too many officials, including a majority of the state cabinet, seem content to roll over and play dead when the President delivers an undeserved political punch to Florida's midriff. "The canal's dead," they weep and wail, shedding crocodile tears, if any—and, of course, the canal is dead, just so long as they take this attitude.

In strong contrast is Mayor Hans Tanzler of Jacksonville who proclaims that his people, and those of the rest of the state, have a right to know whether there was justification in the President's dogmatic halting of the project. So far, none has been shown.

The so-called "ecological justification" of the action has been described as "hog wash" with little or no data to support the wild claims of "damaging fishing" (most fishermen in the area say Rodman Dam has improved it) . . . increasing plant growth (even if this happened, it could be controlled) . . . and breeding more mosquitoes (ecologists themselves tell us that mosquitoes are a necessary part of the balance of nature. They are food for the "mosquito fish," who in turn provide food for the bigger fish, who provide food for the fishermen).

Should the canal halt prove to be permanent, Mayor Tanzler said he would do everything possible, including filing suit, to recover the $6.5 million that Jacksonville has contributed toward the canal from an annual half-mill ad valorem tax levy. Many other towns along the canal route—Palatka, Dunnellon, Ocala, etc.—are in the same boat.

If anyone ever had the idea that the President's decision was based on cold, hard facts, and was not politically-inspired, that idea was dispersed for all time with the publication last week of a document sent to the Whitehouse by Russell F. Train, chairman of the National Council on Environmental Quality, prior to the President's decision.

Two paragraphs in the document were dead give-aways as to the political foundation of Mr. Nixon's action. After setting forth his so-called "justification" for the recommendation to halt the project, Mr. Train said:

"I believe there are probably more political advantages than disadvantages in stopping the project, compared to a partial realignment."

And again:

"I believe that termination of the project would bring maximum political benefits."

All of which proves that the hard-core environmentalists stirred up such a fuss that Mr. Train, and subsequently the White House were led to believe that halting the canal would be the politically popular thing to do.

Score one for the vocal minority. Scratch one for the silent majority.

COMMEMORATION OF THE SESQUICENTENNIAL OF MISSOURI'S STATEHOOD

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HALL. Mr. Speaker, 1971 marks the Sesquicentennial of Missouri's statehood. To participate in the celebration, this past February 18, the members of the Missouri Society of Washington, D.C., renewed our State's historical ties with the Republic of France, with a reception at the embassy of France hosted by his Excellency Charles Lucet, the French Ambassador and Madame Lucet.

As a part of the program, Dr. James Messersmith, past president of the Missouri society presented a succinct and interesting resume of Missouri's cultural heritage from France, following which, the Governor of the State of Missouri presented sesquicentennial medallions to the Ambassador and Madame Lucet.

A description of the program and the remarks of Dr. Messersmith follow:

Commemoration of the Sesquicentennial of Missouri's Statehood

The Missouri Society,
of Washington, D.C.,
February 25, 1971.

On Thursday evening, February 18, 1971, the Sesquicentennial of Missouri's Statehood was appropriately observed by approximately 250 members and guests of The Missouri Society of Washington, D.C., at a Reception and Buffet held at the French Embassy and hosted by His Excellency Charles Lucet, the French Ambassador, and Madame Lucet. Guests from within the State included Governor Warren E. Hearnes; Mr. Floyd C. Warmann, Executive Assistant to the Governor; Mr. Conn C. Winfrey, Chairman, State Park Board, and Mrs. Winfrey, of Lebanon; Mr. Gerald B. Rowan, Member and former Chairman, State Park Board, and Mrs. Rowan, of Kansas City; Mr. Jack M. Jones, Director, State Tourism Commission; and Mr. Stanley J. Goodman, President of Famous-Barr and Honorary French Consul, and Mrs. Goodman, of St. Louis. Most of Missouri's Congressional Delegation, as well as a number of other persons of prominence, were also present for the occasion.

After the guests had been individually received, Ambassador Lucet expressed warm greetings to all present, and commented upon Missouri's historical ties to France. Later, Dr. James C. Messersmith, immediate Past President of the Missouri Society, gave a résumé of "Missouri's Cultural Heritage From France." Governor Hearnes, following his introduction by Senator Thomas F. Eagleton, addressed the assemblage briefly and then presented appropriate gifts consisting of an engraved silver tray and a matching set of silver Sesquicentennial medallions to Ambassador and Madame Lucet.

The February 18 observance at the French Embassy will undoubtedly be acknowledged as one of the most significant and unique of all Sesquicentennial events to be scheduled throughout the year. One of the first such activities to be held, it is in all probability the first to be held out-of-State. It should constitute an important chapter in the State's Sesquicentennial Annals.

Remarks of Dr. James C. Messersmith

PREFATORY REMARKS

Your Excellency, Madame Lucet, Governor Hearnes, distinguished guests, and fellow-Missourians: Isn't this a momentous occasion? I am certain, a never-to-be-forgotten occasion for all of us.

Some months ago, the Executive Board of The Missouri Society of Washington, D.C., began considering possible events which might be held during the current year to commemorate appropriately this highly significant moment in Missouri history—the Sesquicentennial of her Statehood. As many of you know, there is now in existence the Missouri Sesquicentennial Commission, an agency created by the State Legislature to see that suitable observances of this 150th year of Statehood are held at local, State, and National levels. An important aspect of this function of the Commission is to make certain that contacts are established with prominent persons within the State, the Nation, and from other countries, and the assistance of these persons solicited in planning and holding fitting commemorative activities.

The Missouri Society's Executive Board—in particular. Mr. Cahill, our President—has maintained a close association with the Commission in regard to plans and arrangements for activities of our own organization, especially, the event being held here tonight. In my estimation—and, I am certain, in yours, also—this occasion will stand out as the highlight of the year for our Society, as well as be acknowledged as one of the most significant and unique of all Sesquicentennial observances.

Sesquicentennial activities officially began on February 5 at St. Charles, Missouri, with the dedication of the newly-restored first Capitol Building of the State. Governor Warren E. Hearnes officiated at this ceremony, and Mr. Cahill, our Society's President, participated in the program. We are pleased that our Sesquicentennial observance here tonight ranks among the first of many such events to be held. It is in all probability the first to be held out-of-State.

As the Commission has well noted, Missouri's Sesquicentennial, properly observed, will be a tangible asset to the State. It will be a vigorous expression of the hope and philosophy of all participating counties, communities, agencies, and organizations. It will also serve as a unifying influence for localities within the State, and will promote the establishment of bonds of friendship between the State and out-of-State associations, such as ours.

Your Excellency, it is a distinct privilege and a high honor for The Missouri Society of Washington, D.C., to be so closely associated with you and Madame Lucet in the culmination of this notable Sesquicentennial observance here tonight—an occasion which must certainly be considered one of the most outstanding in the history of our Society, which dates back to 1900. We are indeed grateful for the warm hospitality which you have extended to us. You are most gracious hosts.

At this time, I should also like to express the gratitude of the Society to Counselor de Warren, Mlle. Fourrier, and other members of your staff who have worked with our Executive Board in planning and coordinating the arrangements for this occasion. It has been a pleasant time indeed for those of us who have been associated with them in this assignment.

MISSOURI'S CULTURAL HERITAGE FROM FRANCE

We Missourians here tonight sense a particular closeness to our hosts, His Excellency and Madame Lucet, and to the great Nation which they have the honor and privilege to represent. Not one of us here is unaware of the tremendous impacts which the French people have made upon this great Country of ours, and, for us in particular, upon that very special part of the midsection of our Country which we affectionately call "Missouri", or, as some are wont to say, "Missour*ah*!"

Prior to being admitted into the Union as a State in 1821, Missouri was a part of the Great Louisiana Purchase obtained by the United States from France in 1803. During the recorded history of this region, the impact and influence of French exploration, settlement, and culture have been both significant and far-reaching. St. Louis, St. Charles, Bonne Terre, Cape Girardeau, Ste. Genevieve, Bois d'Arc, and Versailles are but a few of the Missouri towns and cities which attest to the vast extent of that influence.

Speaking before the Missouri State Historical Society in February 1906, Professor Edward Gaylord Bourne of Yale University observed: "In old Louisiana, the French explorers, *voyageurs,* and priests were the pathbreakers, the forerunners. They first viewed the land and reported that it was good, and we have reaped the fruit of their labors." You and I here tonight at this notable Sesquicenntial observance have a valid and worthy impulse to admire and honor them—to appreciate them to the full.

There will doubtless always be debates as to the actual identity of the first white men to set foot in the Territory now known as Missouri, whether they were remnants of the Conquistadores who explored the Southwest or the Catholic priests from Canada to the North or New Orleans to the South. Probably the first traveled southward from Canada, were French, and representatives of the Church. In 1673, the Governor of Canada, under the authorization of the King of France, sent priest-explorers into the Upper Louisiana (or Missouri) Country: such men of the cloth as Fathers Jacques Marquette, Louis Jolliet, and Robert Cavalier Sieu de La Salle.

Nine years later—in 1682—LaSalle took possession of the entire Mississippi River Valley in the name of France. Naming the Territory after King Louis XIV, he erected a fort at what is now Peoria, Illinois. Other French priests and explorers, such as Montegny, Du Tisne, and Bourgmond came into the area at the turn of the 18th Century, and the first settlements in what is now Missouri were established.

Today, Ste. Genevieve stands as the oldest permanent settlement in Missouri. Here the first Catholic Church and the first Masonic Lodge west of the Mississippi River were established. Many of the early settlers in Missouri came from earlier Canadian-French settlements in Illinois. Ste. Genevieve, for example, was largely settled by French migrants from Kaskaskia, just across the Mississippi River.

Then shortly after the establishment of Ste. Genevieve—St. Louis! One December morning in 1763, Pierre Laclede Liguest, who was to become the founder of the settlement of St. Louis, peered through the river mists, then raised a hand as a signal for a boat landing. There were 30 men in this boat, including Auguste Chouteau, 14 years old, who was acting as Laclede's clerk. These men had come from New Orleans to establish a trading post with the Indians. The actual date of the founding of St. Louis was February 15, 1764.

Born in France in 1724 of an aristocratic family, Laclede came to Louisiana in 1755, established a merchandising business, and then secured a permit to trade with the Indians on the upper Mississippi. Although his backers had recommended only the establishment of a trading post, Laclede determined to establish a town, which he would call "St. Louis." He laid out the streets, developed a system of property ownership, and invited settlers to the area. Laclede died in 1778, following his return from a trip to New Orleans, and was buried near the confluence of the Mississippi and Arkansas Rivers. After his death, St. Louis continued to grow and develop, under the dynamic leadership of the young Auguste Chouteau, and by 1800 had a population of several thousand. Other settlements established by the French along the Mississippi included Cape Girardeau and St. Charles.

The *Political* History of Louisiana prior to the 1803 Purchase falls into three periods: (1) The Period of French Domination, 1673–1762. (2) The Period of Spanish Domination, 1762–1800, following the ceding of the Territory to Spain by secret treaty. (3) The Period of Retrocession, 1800–1803, following the return of the Territory to France. *Socially,* however, the entire era of 1673–1803 was one of *French* influence and domination. Commerce, trade, habits, and mores—everything was French. The Governor and *all* officials spoke French. Settlements, rivers, business establishments carried primarily French designations.

Following the Purchase of Louisiana by the United States in 1803, the influx of Americans from other areas to the Territory began to effect numerous changes, many positive in nature, some, perhaps, negative in character. Among the advantages accruing to the French following the Purchase, Henri Brackenridge, who as a child had lived with a French family in Ste. Genevieve, identified the following: "They (the French) have derived a greater security from the Indians; greater reward for *industry* and *enterprise*. Their land has increased in value; mercantile goods are less expensive." Brackenridge was also able to identify certain disadvantages: "They are less content; their anxiety is greater; there is less cordiality, friendship, and harmony."

Despite the many changes which were wrought in great measure during those early years after the Purchase, and which were to continue in ever-extending breadth and depth during the century and a half following President James Monroe's affixing his signature to the enactment which made Missouri a State, the imprint of the French settlement, language, and culture has remained and shall always remain firm and distinct. And, so, while the name *Messersmith* may be quite difficult to pass off as smacking even remotely of French derivation, yet I am still able, through the aid of that wonderful science, genealogy, to find, among my family forebears from Missouri, that definitely French name, *Routon*. Which should conclusively prove the point just made.

What, then, shall we underscore as the French "whole cloth" legacy to our great State of Missouri? Any of you can, of course, enumerate a lengthy—and valid—list of such heirlooms. To me, however, Amos Stoddard, the first Administrator of Upper Louisiana, spoke to this point most simply, and yet quite forcefully, in these words: "Of all the people on the Globe, the French in Louisiana (or Missouri, if you will) appear to be the happiest. They are honest in their dealings, and punctual in the performance of their contracts."

Thank you.

CHILD PASSES THROUGH THE NIGHTMARE OF RABIES AND LIVES

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. McCULLOCH. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues in the House a human interest story of great medical significance.

It is a widely known fact that once a person has been bitten by a rabid animal and serum injections not immediately commenced thereafter, such a bite is fatal. Always. However, there was a night last fall, back in my congressional district where a small boy of 6 years was attacked by a rabid bat while he slept.

This courageous young boy is Matthew Winkler, the son of Mr. and Mrs. Nicholas Winkler of Willshire, Ohio, and for the first time in recorded medical history a human being passed through the nightmare of rabies and lived.

I would like to congratulate the Winkler family and those physicians involved for the tremendous effort they put forth. It pleases me to note that Dr. Thomas T. Weis was among the several physicians who was responsible for saving the life of young Matthew. Dr. Thomas Weis, a graduate of Georgetown University Medical School, while attending that school, served in my office in Washington, D.C. as a volunteer. As a matter of fact, if my recollections serve me correctly, it was during this time that young Dr. Weis met his lovely wife, Jean, who was also working in my office.

Mr. Speaker, I am also very proud to note that St. Rita's Hospital in Lima, which has served so many people in western Ohio, has again distinguished itself as the truly great hospital that it is.

Mr. Speaker, I would like to have reprinted into the RECORD immediately following, an account of this dramatic event which appeared in the Cincinnati Enquirer, Sunday, January 3, 1971. I am sure the Members would like to read a detailed account of such a tremendous human and medical event. The account follows:

Bat Bites, Child Screams—But Rabies Loses

(By John Barbour)

Lima, Ohio.—The old red brick farm house in Willshire, Ohio, settled down in the crisp evening.

Nick Winkler, tired after a day's plowing under an Indian Summer sun, thumbed through some seed catalogs. His wife, Verna, half-way watched Richard Burton in the movie, "Bramble Bush." The children, Matthew, six, and Valerie, four, were asleep, at last, upstairs. It was 10 o'clock, October 10, 1970.

A medical first was about to begin.

Suddenly a child's scream tore through the house. Matt's room. Verna Winkler flew up the dark staircase, flicking on lights. Matt lay there on the big double bed, in horror. On his left thumb, fastened by frenzied teeth, was a tiny brown creature.

"It's a bat," Verna Winkler screamed.

Nick, his legs weakened by childhood polio, bounded up the stairs. He thought she'd said "rat," but now he saw the tiny rodent, wings limp, its teeth in his son's flesh. He tore it off and told his wife to find a jar. His mind held one thought that would have terrified any parent: rabies.

Nick ordered his wife to cleanse Matt's wound with soap, water and alcohol.

Nick Winkler, 28, had grown up on this farm and knew the dangers.

The animal would have to be sent to the state health department and its brain examined for signs of rabies.

The next morning Nick took the bat to a veterinarian in a nearby town, hoping that Matt would not have to endure the two weeks of rabies shots that he himself had endured after being bitten by a cat years ago. The vet sent the rodent by bus to the state capital, Columbus.

On Wednesday, October 14, four days after Matt had been bitten, the report came back: the bat was rabid.

The U.S. Public Health Service's Communicable Disease Center in Atlanta, Ga., estimates that 100,000 Americans are bitten by animals each year—and 20,000 of these are treated for rabies. Once the symptoms appear, the disease is invariably fatal, invariably that is, until Matt Winkler. But the vaccines are so effective that only three Americans developed rabies in 1970. Matt Winkler and two others. The two died.

Matt's family doctor immediately began daily shots of the newest vaccine. But it was four days since the bite. Too long, by past experience if rabies were the diagnosis.

Matt bravely put up with the daily injections and went about his normal life of first grade classes at the Parkway School, bright fall days on the farm and his preoccupation with television programs.

Nick continued his commuting to a night assembly line job at a General Electric plant in Decatur, Indiana.

Verna Winkler, a tiny, pretty woman of 25, wasn't perturbed that her son began going to bed before his 8:30 p.m. bedtime. Then Friday, October 30, the day before Halloween she noticed that Matt wasn't feeling well.

On Halloween day she took him to the doctor's office. It looked like the flu. He prescribed antibiotics. That night Matt still didn't feel well enough to go "trick or treating."

On Tuesday, November 3, Verna thought her son felt a little warmish. The Winklers didn't have a thermometer so Verna went out and bought one. Matt had a temperature of 104. He was complaining of a stiff neck.

The family doctor was out of town at a medical meeting. The physician standing in for him saw Matt on Tuesday, swore to himself as he examined the boy, and called Dr. John Stechschulte, a pediatrician in Lima, Ohio, 40 miles away. Dr. Stechschulte arranged to see Matt immediately at the emergency room at St. Rita's Hospital in Lima.

Nick's mother drove dashing along the narrow county roads, passing red lights.

Dr. Stechschulte was waiting when they arrived. He found no evidence of a stiff neck. Good. No involvement of the nervous system. Matt seemed alert. But there was the fever. It looked like it might be a reaction to the rabies vaccine—rare, but not serious.

He admitted Matt for observation. He prescribed antibiotics and other routine care. Then, as if some suspicion gnawed at his mind, he added one line to the written orders:

"Although no rabies I would suggest that avoid rare possiblity of child bite." By Matt. A rabid bite.

Under medication to bring the fever down. Matt began to improve with each passing day. The case looked more and more manageable—just a vaccine reaction. The word got around the hospital that a blond blue-eyed boy had been admitted on suspicion of rabies but was doing well. Dr. Stechschulte, 40, chief of staff designate of the hospital, saw nothing to prevent him from attending a hospital administration meeting in St. Petersburg, Fla.

He saw Matt the morning of Tuesday, November 10, and turned the case over to his young partner, Dr. Thomas T. Weis, 34. They talked over Matt's case in the pediatrics ward. It was agreed that the boy was progressing. The fever was lower every day. If he continued to improve, Weis could discharge him from the hospital before Stechschulte returned from the medical meeting, about a week later.

Wednesday, November 11, Weis saw Matt again. Fever down. No specific abnormalities—except the child tended to drift into sleep.

It looked though like a normal reaction to the fever—a little malaise, fatigue perhaps even hospital boredom. When he was awake he seemed alert. That morning Matt was eating his breakfast sitting up in bed and talking to his new doctor.

Thursday morning. Fever: almost normal. But there was some increase in the sleep phases. And one significant change. Weis rotated Matt's head. The child had developed a stiff neck. To Weis it meant one thing, irritation in the nervous system.

Rabies? The rabies virus attacks the nervous system and the brain.

He ordered a spinal tap, to examine the fluid in Matt's spinal column. Stechschulte had been ready to make a tap the day Matt was admitted, but found no sign of nervous system involvement and decided against it.

The fluid showed the presence of some white blood cells, changes in protein. That meant nervous system irritation—perhaps alergic, perhaps chemical. Perhaps viral.

Rabies?

Now hard decisions had to be made. Weis called Dr. Robert S. Oyer, the county health commissioner.

Oyer agreed with Weis' suspicions. Rabies or another brain virus. He called Dr. John Ackerman, Ohio's chief of the bureau of preventive medicine in Columbus. Ackerman called Dr. Alan Bronsky at the Communicable Disease Center in Atlanta. It all took less than an hour. Weis entered this report in the progress record, dated Nov. 12.

"Conclusion: Apparently not rabies—all agree as of now.

"May be vaccine reaction—but extremely RARE to this degree, if at all. But MAY BE. If so, reportable.

"May be chance occurrence of another viral infection, i.e., true viral encephalitis such as California strain which attacked child at same time as rabies virus given."

The odds were now that it was a virus infection—either rabies or some other virus attacking Matt's brain and nervous system. But odds against rabies.

Blood samples were taken for shipment to the state department of health. Weis checked Matt two and three times a day.

Friday 13. Little change. Stiffness no worse. No better. Fever nearly normal. But the sleep pattern continued.

Saturday, November 14. Weis had another shock. Matt was sitting up in bed when he made morning rounds. But when Weis asked him a question the words from the child's mouth were an unintelligible garble.

Unlike any previous symptom, this was an indication of a specific, localized effort on the brain. Weis spent an hour checking.

At the end of his examination there was no other way. It was mid-morning. He called the experts at the Communicable Disease Center in Atlanta. They concurred in his diagnosis. The boy could be flown to the National Institutes of Health in Bethesda, Md., by Air Force ambulance plane. There were experimental vaccines and serums available there which might be tried if nothing else worked. Weis would call again at 4 p.m.

For some time, doctors had asked: "Why must rabies always be fatal?"

In a California case, a child suffering from rabies went into cardiac arrest, and was revived. But in the process, due to a lack of oxygen, the patient suffered irreparable brain damage. He lived on in a coma for several months before finally succumbing. Death came from complications, not from rabies.

Public health authorities began to ask if they had been able to prevent the complications would the patient have survived the disease?

The idea caught on, and became more and more refined. Maybe rabies wasn't in itself a killer. Its victims all died, but they died of oxygen insufficiency, or heart failure, or intracranial pressure, or they choked to death by swallowing their tongues during seizures, or they drowned in their own fluids. Individually any one of those fatal instances could be handled medically; if they were predicted, anticipated, they could be forestalled.

After two years of study, by late 1970, U.S. Public Health Service experts were looking for a case of rabies to give the new medical philosophy a try.

Matthew Winkler became that case.

As Saturday morning progressed, Matthew began to fall deeper into a sleep pattern. At 4 p.m. Weis joined a national conference call with other experts on Matthew's condition. It was decided that any attempt to move the boy could endanger his life. Instead the Communicable Disease Center made available its top rabies expert, Dr. Michael Hattwick, only 29, but one of the authors of the new rabies treatment theory.

By 5:30 p.m. Hattwick was on a jet bound for Dayton.

Ohio roads were icy with the year's first snowfall, but Hattwick drove the 75 miles slowly to Lima. He was at Matthew's bedside with Weis by 10 p.m.

Not in a decade had doctors been able to get to a rabies case so early.

They decided that at the slightest hint of any complication, they would order immediate treatment. Matt was moved into intensive care room. A nurse stood at his side constantly. His heart was monitored by electrocardiogram. His respiration was checked constantly. The main areas of concern: heart, lungs and brain.

Matthew by now couldn't talk. When asleep he was almost in semicoma, although he still looked alert while awake. His mother, Verna, in surgical gown and rubber gloves stood at his side. He tried but could not talk to her. He turned his head away, embarrassed. But he would stick out his tongue when he was told to, or nod his head.

Weis and Hattwick ordered dozens of tests to rule out any other disease. They decided what complications could occur, what symptoms would herald their approach, what to do at the first hint of any trouble. It was 4 a.m. before they left Matthew.

They were back at his bedside Sunday morning, 4½ hours later. Diagnosis: still probably rabies.

Weis and Hattwick decided on a brain biopsy to determine if rabies were present.

By 5 p.m. the State Highway Patrol was rushing brain samples to Dayton, 6:20 p.m. One cubic centimeter of Matthew Winkler's brain was in the hands of a Delta Air Lines stewardess bound for Atlanta.

A doctor from the Communicable Disease Center rushed the sample to the laboratory.

Midnight: the doctors in Lima got the report negative.

That in itself was not a denial of rabies. The virus is often seen in one portion of the brain and not in another. Portions of the brain tissue were injected into laboratory animals to see if they came down with the disease in the two-week incubation period.

Meanwhile, Matthew's condition remained essentially unchanged. Deep sleep continued. Fever returned. But not as high.

Monday November 16: Dr. Stechschulte returned. The patient he had thought would be discharged from St. Rita's was now one of its most critical patients.

That night: respiratory trouble.

About 8 p.m. Hattwick was in the small conference room behind the nurse's desk talking to Nick and Verna Winkler about the breathing problems. It might be necessary to perform a tracheostomy, to cut a small airway into Matthew's throat.

Matthew was beginning to show signs of a lack of oxygen. A nurse reported tersely, "Color very pale, lips bluish."

During one of his sleep phases, Matthew's heart and breathing rate went up.

His breathing rattled. The new airway was established in Matthew's throat.

Midnight Weis went home. Hattwick ate a lonely spaghetti dinner in a restaurant across from his motel.

It was a turning point. If there was a moment in Matthew Winkler's life when a yes or no decision was all important, it was then, the tracheostomy.

In succeeding days a twitching in the left arm was the signal of coming convulsions. Medication was given early. The convulsions were forestalled.

November 23: Matthew was "more responsive." November 26: he was "holding head up quite well this a.m." November 28: "Will sit up by self." December 2: "Much brighter this A.M. Said 'He's Still some left arm weakness'" December 12: "Continues even more alert today. Will walk alone. Less left arm weakness. Feel Trach can be removed."

Matt Winkler is still in St. Rita's.

Speech therapy has helped erase most of the aberrations in his voice. He is the unofficial mayor of the pediatrics ward. He'll be there for quite a while longer.

His Sunday school class gave him so many Christmas gifts to open one-a-day he still had a two-week supply when New Year's arrived. A woman in Grand Rapids sent him a yarn doll he sleeps with every night.

Life has returned to normal for Doctors John Stechschulte, Thomas Weis, and Michael Hattwick. Nick and Verna face hospital bills that will approach $4000, but they have their son.

And to be recorded in the medical annals if the first documented case of a human being who developed rabies and survived—at least so far. For Matthew Winkler, the future will never be absolutely certain for at least a year.

The doctors are still monitoring his condition. Although they are 99.9% sure he had rabies, they will need additional tests to prove completely nothing else was involved. But they are all but sure that Matthew Winkler is the first human to survive rabies.

REPORT FROM CONGRESSMAN ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent to my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

REPORT FROM CONGRESSMAN ESHLEMAN

QUESTIONS BEFORE CONGRESS

There are a record number of important issues facing the 92nd Congress. Therefore, the real job before us is to find the best solutions to this multitude of problems. Just to give you an idea of what we will be sifting through on Capitol Hill during the next two years, below is a list of some of the key problems and alternatives to be considered. The list, I think, makes it pretty clear that Congress has its work cut out for it if we are to meet our responsibilities to the American people. We must press for action on these issues that have piled up during the Sixties. Here, then, are the questions:

(1) *Revenue Sharing*—Return a share of Federal tax revenues to the States with no strings attached? Take over programs now run by States?

(2) *Presidential Elections*—Popular vote? District plan? Proportional plan? Non-elector plan? No change?

(3) *Sex Discrimination*—Equal rights for women Constitutional Amendment?

(4) *State and Local Voting at 18*—Constitutional Amendment?

(5) *Poverty Program*—Increased? Decreased? Abolished?

(6) *Food Stamps*—For strikers? For students? Work requirements?

(7) *Welfare*—Income floor? State contribution? *Work incentive?* Training requirement?

(8) *Health Insurance*—Coverage for all? Coverage for poor, regardless of age? Coverage of all catastrophic illnesses? No change?

(9) *Unemployment*—Government jobs for ex-GIs? Deficit spending or higher taxes to finance public works projects? Tax incentives for creation of new jobs in industry?

(10) *Pollution abatement*—Federal standards? Federal penalties? Federal injunctions? Tax incentives for private enterprise?

(11) *SST*—Federal subsidies—Now? Later? Never?

(12) *Population*—Birth control? Education? Migration? Immigration cutback? No Federal involvement?

(13) *Medicine*—Federal scholarships for medical students? Subsidies for rural practice? Rural clinics?

(14) *Foreign Imports*—Quotas? Tariffs? Combination? Free Trade?

(15) *School Desegregation*—Federal subsidies for expenses?

(16) *Nationwide Transportation Strikes*—Binding arbitration?

(17) *Railroads*—Subsidized? Nationalized?

(18) *Campaign Spending*—New limits on TV? Newspaper ads? Overall?

(19) *Congressional Reform*—Abolish seniority? Filibusters? Junkets? Age limit?

(20) *Inflation*—Credit, price and wage ceilings? Guidelines? Higher taxes to eliminate budget deficit? Less governmental spending?

(21) *Consumer Protection*—New Federal agency? Federal standards for size, weight, warranties, guarantees? Class action suits?

(22) *Vietnam*—Withdrawal dates? Executive vs. Legislative prerogatives?

(23) *Space Exploration*—More? Less? Terminate?

(24) *ABM*—Expand? Reduce? Discontinue?

(25) *Troop Deployment Abroad*—Congressional authority? Presidential discretion in emergencies? Declaration of war only?

(26) *Military Draft*—Extend? All volunteer army?

(27) *Crime Control*—New laws? Stricter enforcement of present laws? Harsher or softer penalties? More or less probation and parole? Prevention? Rehabilitation? Police, court and corrections reforms?

(28) *Social Security*—More? Cost of living adjustments? Greater earnings allowance?

LIMITED UNEMPLOYMENT

In any family where the breadwinner has lost a job, the results are tragic. That is why there is so much genuine concern when the unemployment rates begin to rise. An increase in national unemployment is reason for taking quick action to deal with the problem. But even in this most fundamental economic area, it is important to define the problem before attacking it. Some statistics recently compiled by Common Cause interested me because they seemed to indicate that the present unemployment crisis is of limited rather than national scope. There are seven States in which joblessness is disproportionately high—particularly areas where defense-related industries are located—while the other forty-three States show average unemployment below, in most cases well below, the national average of about 6 percent. This fact raises doubts about attacking the present problem with massive national programs. Wouldn't it be better to deal with the unemployment in just those limited areas where more people than normal are out of work? And wouldn't it be better to tell the American people that the unemployment crisis is a concentrated one rather than spreading the fear of joblessness across the land?

CAMPAIGN TALE

There's a story circulating on the House floor about one Congressman's re-election campaign last year. It seems that this veteran of several terms found himself running against a young candidate with a slick television campaign. The TV advertising showed the young man walking with his wife through a green pasture, looking upward toward the sky while cows grazed peacefully in the background. The veteran Representative's answer to that ad was simply: "I may not be as smart as my young opponent, but at least I have sense enough to look down when I'm walking through a cow pasture." He won with his biggest margin ever.

DRIVE AGAINST DRUGS

The drug menace in our society is being attacked on many fronts. In a series of raids recently, Federal agents rounded up 56 of the Nation's top drug peddlers in the biggest drug crackdown in history. A team of doctors from Johns Hopkins have gone after the problem by compiling hard facts about it. Among their findings are these: Hard drug dealers do an $84 million per year business: addicts steal $313 million worth of goods to pay for their dependence; and in a specific case, the doctors found an addict who mugged people three nights a week averaging $150 a night. A more heartening note is the entrance of major corporations into the war against drug abuse. A great deal of their advertising money is being spent to warn Americans about the drug menace. The message on the right particularly caught my eye.

PRESS ON PRESS

Kenneth Crawford, the retired Washington Bureau Chief for *Newsweek* and now a columnist, writes this about press coverage of the Laotian situation: "By part of the press, it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is—a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than them."

PRESIDENTIAL SCHOLAR

I was visited in Washington recently by James Gerstenlauer who was in the Nation's Capitol attending a Presidential Classroom For Young Americans. Jim is a senior at Ephrata High School, and one of a handful of students from across the Nation who got an opportunity to participate in the Presidential Classroom program.

PERSONAL FREEDOM

What are American's really searching for today? An answer to that question was advanced by President Nixon in 1968. It is an answer which seems just as valid in 1971 and helps explain his New Revolution. "We won our fight for political freedom two centuries ago; we won a battle for human freedom a century ago; today, we are in a fight for our personal freedom. Personal freedom, to me, is at the root of human dignity. Personal freedom is room to turn around in life. It is the right to grow in your own way, to learn what is not yet being taught; it is both the right to privacy and the right to participate. Personal freedom is not a license to disrupt, but it is a liberty to dissent; not a duty to destroy, but an obligation to challenge. Personal freedom will not insure that every man will get all he desires; it will insure that every man will get all he deserves. Those Americans who once had personal freedom and lost it, now want it back; those who never had it at all, want it now. In striving for a worthy goal—security—we have lost a worthy asset/individually, the hallmark of personal freedom. In trying to provide for the material needs of all, we have stolen from the personal freedom of each. . . . Well, what are we going to do about it? We cannot turn back the clock; we must not undo all the good we have done, as we try now to regain the freedom we have lost. Nor can we throw up our hands and say that one man does not count anymore—that we've traded personal freedom away for the security of a big, paternal government. We do have another choice. We must find a way to make government work for all of us without dominating any one of us. We have to establish new respect for the qualities of initiative, personal sacrifice, and readiness to seize opportunity, that made the individual American the wonder of the world."

THREE BASIC OBJECTIVES

The President's thoughts on personal freedom bring to mind some of my own research findings. During the past several weeks, my staff and I have been devoting a good deal of time to studying the welfare crisis. We are hopeful that our studies will lead to the development of some welfare solutions. But, as we accumulated facts and worked with possible answers, one convincing bit of evidence has emerged. It is apparent that the individual must be the central factor in any real solution. That kind of approach will demand programs stressing three basic objectives—self-determination, self-sufficiency and self-respect.

ISRAEL—THE WINNER TAKES NOTHING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ANDERSON of California. Mr. Speaker, following the Revolutionary War, what would have been George Washington's reaction to a proposal to return to British rule the States of New York, Massachusetts, and Connecticut?

Following World War II, how would President Truman have reacted to a proposal to return France, Poland, and Hungary to Germany?

Following the Mexican War, how would President Polk have reacted to a proposal to return Texas to the Mexican Government?

In each of these cases, I think most reasoning men would scoff off these suggestions as ridiculous. But, in the Middle East, is that not what we are suggesting to Israel?

By endorsing the Egyptian-Russian suggestion that Israel return the lands she occupies as a result of the lightning war of 1967, Secretary Rogers is asking Israel to trade her security for a promise—for a piece of paper that has been ripped to shreds too many times in the past.

Israel wants peace. Israel has been deceived—has been betrayed—too often in the past to rely on the dictates and the fantasies of other nations. Israel has shed too much blood to give up her security for an I O U which has proven to be baseless.

While the United Arab Republic can lose battle after battle, Israel cannot afford to lose once. For, when Israel loses, there will be no more nation of Israel.

Mr. Speaker, I oppose this policy which may threaten the security of Israel and I am asking Secretary Rogers to reconsider his stand. I feel that our role must be as a true and constant friend of Israel.

We must not ask her to jeopardize her security.

Mr. Speaker, an editorial which appeared in the March 21 edition of the Los Angeles Herald-Examiner, succinctly and accurately states the facts, and I concur with the opinion of Mr. Hearst. I commend this editorial to my colleagues and I urge them to express their views on our Middle East policy to Secretary Rogers.

The editorial follows:

THE WINNER TAKES NOTHING?

(By William Randolph Hearst, Jr.)

NEW YORK.—Just who was it who won that astonishing six-day war between Israel and the Arabs back in June of 1967?

There certainly was no debate at the time. Little Israel, coming on like little David of the Old Testament, with its aerial slingshot thoroughly trounced the burnoosed Arab Goliath.

Instead of slaying him, though, as in the Biblical tale, the Israelis merely chased him back across the River Nile. Israel could have taken the Suez Canal. It could have razed Cairo, Damascus and Amman. It could have forced Nasser to sign a peace treaty while sitting on a pyramid.

Yet today, almost four years after one of the quickest and most decisive victories in military history, the question of who won seems to have been forgotten by just about everyone except the Israelis.

Today, in fact, the answer to the question is far from clear. In a truly strange reversal of roles, Israel today finds itself on the defensive against an international diplomatic gang-up which demands a return of all lands won in the 1967 blitz.

It is not surprising that Egypt, backed by Russia, should make such an irrational demand in the hope of partial success. It is not even too surprising that the United Nations Security Council, in the hope of achieving a permanent peace pact, should have taken the same position as a prod toward eventual compromises.

What really is surprising—both to me and to the Israelis—is that the United States should have come up this week with a new Mideast policy which stresses the same unrealistic demand on Israel as do its enemies.

It happened when Secretary of State Bill Rogers—who incidentally deserves a lot of credit for achieving the recent ceasefires in the area—declared in a major pronouncement that Israel's security would be better served by treaties and international guarantees than by territorial acquisition to defendable boundaries.

If after all the months of labor the Republican elephant can produce only this mouse of an idea, it does not belong under the same big tent with those professional tight-rope walkers and other trained diplomatic seals. All the U.S. plan does is to reinforce the gangup on Israel and put the whole peace initiative right back where it was with the UN withdrawal resolution of Nov. 22, 1967.

It did even worse than that. Unfortunately, and perhaps dangerously, the Rogers pronouncement also exacerbated longstanding policy differences between the U.S. and our Mideast ally—creating new tensions which the Russians and their Egyptian stooges will surely seek to exploit.

Quite properly, Israeli Prime Minister Golda Meir reacted immediately with a firm declaration that her country is not about to submit to arm twisting by us or by anybody else.

"We cannot trust what Mr. Rogers offers us," she said. "We have paid for what we have won and that is something people don't always remember."

Contrary to what other kibitzers of the 1967 war seem to think today, Israel's leaders are convinced they won it and thus have a perfect right to retain as much as they deem important to their security.

At the risk of saying, "I told you so," I refer you to a column of mine of last Jan. 10 entitled "Mideast Peace Formula."

In it I said flatly that Israel has been sold down the river too often in the past to ever again trust the promises of anybody. This was seen as ruling out the return of any captured territory regarded as vital for Israel's defense.

There is no claim of originality in this. In fact even a child should be able to realize that Israel's leaders have really had it this time, and for mighty good reason.

All you have to do is look at the record. It is a record of broken guarantees.

As far back as 1917 during the first World War Great Britain promised the Jews it would set up Palestine for them as a Jewish state, but later it reneged on that promise.

Eisenhower, in 1956, promised the Suez Canal would be kept open for Israeli shipping—and it wasn't.

The UN promised that the Golan Heights would not be armed again for Arab shelling of Israeli farmlands—and the bombardments resumed.

France promised it would back Israel's right to answer with force any overt Egyptian threats to its security—then withdrew its support in the 1967 crisis.

More recently, we ourselves did nothing when Russia and Egypt immediately broke U.S.-sponsored truce terms last year by installing SAM-3 missile sites in the canal zone.

Israel, as Mrs. Meir said, did indeed pay for the Syrian Golan Heights it occupied in 1967, just as it paid for the Gaza Strip and for Sharm El-Sheikh, the bastion used by Nasser to seal off Israeli shipping through the Gulf of Aqaba.

It paid in the bloodshed of three wars.

Over the last 23 years there have been many more broken promises, so many that it would take a whole column merely to list them in full.

All I have tried to do here is to suggest how off base our Secretary of State was when he told Israel this week that "it is not necessary to acquire territory to make adequate provisions for security . . . a contractual agreement is the most adequate possible guarantee."

That statement, as more than proven by the sorry record, is simply not true. A contractual agreement in the minds of many is just a scrap of paper.

Israel, of course, has no desire or need to retain all the territory it seized in 1967. It stands ready and willing to negotiate as soon as the other side—and ironically now even the U.S.—stops insisting on an unrealistic total withdrawal to its pre-1967 borders.

Eventually, if it ever proves possible to reach an agreement, there is going to have to be some kind of international force to police buffer zones.

Secretary Rogers, in his statement this week, stated that such an international patrol force properly could include U.S. troops—and here, once again, I take sharp issue with his position.

It is my very strong conviction that we should be working overtime to get our troops out of other countries rather than planning to ship more overseas—anywhere.

By this time, it seems to me, we should have had a bellyfull of sending American men out to help solve other people's problems by assigning them to patrols where they risk getting shot.

Peace in the Middle East and reopening of the Suez Canal naturally are matters of importance to us. But they are much more important to the nations of Europe.

To date, by and large, those nations have been sitting around doing little or nothing because of their selfish conviction that good old Uncle Sam will do their dirty work for them.

It is high time they started getting off their duffs and taking steps to protect their own paramount interests.

We do not need the Suez Canal half as much as such countries do. It is their men, not ours, who should be part of any Mideast patrol force.

Our role should be simply that of Israel's most constant and dependable friend.

ADMINISTRATION PROPOSES CUTBACKS IN ELDERLY PROGRAMS WHILE PROMOTING 1971 WHITE HOUSE CONFERENCE ON AGING

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. GIBBONS. Mr. Speaker, I insert in the RECORD a statement by Mr. Nelson H. Cruikshank, president of the National Council of Senior Citizens, which I am sure will be of interest to Members of the House:

ADMINISTRATION PROPOSES CUTBACKS IN ELDERLY PROGRAMS WHILE PROMOTING 1971 WHITE HOUSE CONFERENCE ON AGING

WASHINGTON, D.C.—The Nixon Administration has turned its back on the nation's elderly, Nelson H. Cruikshank, President of the 3,000,000-member National Council of Senior Citizens, charged today.

"While Presidential Aide John B. Martin is predicting this will be a great year for the elderly because the White House Conference on Aging is scheduled this year, the Administration's actions reveal the low priority the White House places on the needs of the elderly," the 68-year-old spokesman for the senior citizns' organization declared. "The Administration's restrictive actions against aged Americans, as revealed in the President's budget, show he is unwilling to wait for the deliberations of the White House Conference in November."

Cruikshank listed these actions which, he said, were bad medicine for older Americans:

Administration insistence on limiting any further Social Security increase to 6 per cent—even though the Senate voted last year for a 10 per cent Social Security increase and House Ways and Means Chairman Wilbur D. Mills has promised to support a Social Security increase in this amount.

Cruikshank said even a 10 per cent increase is far from what is needed. The National Council of Senior Citizens seeks a 15 per cent increase immediately and a 20 per cent Social Security increase next year and an immediate doubling of the Social Security minimum benefit—now $64 a month.

Reported Administration plans to make Medicare beneficiaries pay additional out-of-pocket charges so they will bear a larger share of the cost of health services now available to them. Cruikshank called the proposed new out-of-pocket charges required of Medicare beneficiaries "barriers to adequate health care," asserting that "instead of lowering or removing these barriers, the Administration wants to pile them higher and higher."

Severe cuts in funding the U.S. Administration on Aging. Cruikshank said Congress authorized $30,000,000 in funds for community programs for the elderly but the Administration asked for only $5,350,000 for these programs in the coming year. This is 40 per cent less than the $9 million provided for these programs in the current Federal budget and will force the closing of many local senior citizens' centers where isolated, impoverished elderly can participate in social and community programs, Cruikshank declared.

The senior citizens' spokesman said "all this is taking place in the very week in which task force making preparation for the White House Conference on Aging were in session and a meeting of the White House Conference Executive Committee was scheduled (in Washington's exclusive Watergate office and residential complex)."

The one program for the elderly to win favor with the Administration, Cruikshank said, would employ elderly persons who can afford to volunteer their services for community betterment. He noted that the President's budget calls for an outlay of $5,000,000 for this program next year, which is 10 times the amount in the current budget, to provide carfare and lunch money for these volunteers (under Retired Senior Volunteer Program).

"Programs to enable the elderly poor to become self-supporting on wages are vetoed," Cruikshank declared in a reference to the President's veto of the Manpower bill which would have, Cruikshank said, financed public and community service jobs for the young, middle aged and elderly."

The senior citizens spokesman recalled that, following the first general meeting of White House Conference planners held last October in Washington, each of those present received along with the minutes of the meeting a political document entitled "What the Nixon Administration Has Done for Older Americans."

Cruikshank observed: "Now, the elderly are learning what the Nixon Administration is trying to do to them."

OVERLOOKED SPACE PROGRAM BENEFITS

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. McKEVITT. Mr. Speaker, I would like to share with the House what I consider to be an excellent account of how this Nation is getting its money's worth out of our space program. I refer to an editorial printed in the March 15, 1971, issue of the authoritative and respected Aviation Week and Space Technology.

The article follows:

OVERLOOKED SPACE PROGRAM BENEFITS

Apollo 14's three astronauts passed by a hotel housing welfare families during their tickertape parade welcome to New York last week. Waiting there on the sidewalk were 20 or so demonstrators with signs like one that read: "White astronauts fly to the moon while black children die in welfare hotels."

On the steps of City Hall, where Mayor John V. Lindsay greeted the three crewmen—Alan B. Shepard, Jr., Edgar D. Mitchel, Jr., and Stuart A. Roosa—there were other demonstrators. While the mayor spoke, they chanted, "Crumbs for the children, millions for the moon."

A National Aeronautics and Space Administration spokesman with the astronauts said that the welfare demonstration was not directed at the astronauts. His impression was that they took advantage of the TV and news coverage they knew would follow the parade, whose route had been published, to focus attention on an issue that has been controversial in New York. Similarly, the City Hall demonstration has been planned earlier in the wake of a proposed mass layoff of New York substitute teachers, he said, and the demonstration had been planned earlier in occasion.

This may well be the case. Mayor Lindsay in the past has himself taken the line that space or defense funds ought to be diverted to the cities. On this occasion, however, he talked more in terms that funding for space and for urban programs were not mutually exclusive.

Nevertheless, the incidents—even if the demonstrators were few—brought home again that the U.S. space effort cannot exist on a bed of platitudes. A good example of how to meet a grassroots audience with facts was a recent appearance by J. F. Clayton, general manager at Bendix Aerospace Systems Div., at a Rotary Club meeting in Ann Arbor, Mich. He said in part:

"What are the benefits of the space program? You have all heard of sharper X-ray pictures, the longer lasting paint, the faster dentist drills, small TV cameras, new medical instruments and far better ice cream freezers. These are comparatively trivial and insignificant outputs of the program and certainly are not in themselves ways to justify the expense and energy we have undertaken.

"I believe there are [other] overriding benefits that have already been realized and will continue to have a profound effect on not only this country but the rest of the world.

"The first benefit has to do with finding solutions to overwhelmingly complex problems. The national space program represents a successful management approach to accomplish the almost impossible. The task of going to the moon required a government, industry, and university team which, at its peak, involved organizing 400,000 people, hundreds of universities and 20,00 separate industrial companies to a common goal. This project was done in public and full view of the world. It was done without a military objective and it was done within the cost and schedule set for it 10 years earlier. These management techniques are available to the country if we ever decide to again use them on what we now consider almost impossible tasks.

"The second benefit is the exploration itself. We obviously cannot forecast what our descendants centuries from now will say about our beginning the exploration of space. But as we look back to earlier centuries it is obvious how tremendous an impact the exploration of our ancestors had on our life today. We can think of Columbus and Marco Polo and Charles Darwin and the voyage of the Beagle and many others. One of the unique aspects of the voyage of the Beagle was that it was the first time that science had ever been involved in exploration.

"Darwin's 'ridiculous' collection of rocks, plants and animal life took ten years to study after he returned. But now we know that the results of this obscure exploration simply revolutionized our understanding of our world and everything in it.

"A third benefit of the national space program is the leadership that it has given us in science and technology.

"At this time someone usually interrupts me, perhaps if they are polite Rotarians they do not jump up and shout, but they say 'how can we justify spending billions exploring the moon when there are so many pressing problems here on earth?' Well then let us look at a comparison of where the taxpayers' money has gone.

"Since 1961, when it started, through last year the space program has cost $38 billion. Of this, $24 billion has been involved directly or indirectly on the Apollo program. During the same period the country has spent $624 billion for military purposes. This, too, is a well known number. But here is a number people have not been made aware of: during the same period we have spent $340 billion on health and welfare. Do we feel that health and welfare social programs are getting a fair share of the federal budget?

"The ratio of expenditures on the social programs is growing. In 1971, this fiscal year, the country will spend $77.2 billion on social programs, slightly greater than the defense budget of $73.5 billion compared to the space expenditure of $3.265 billion. That is a ratio of 23 to 1 in favor of social programs. We could close down the NASA establishment, let facilities at Cape Kennedy go back to jungle. We could terminate the employment of all aerospace engineers and scientists. We could close the university laboratories. Save the $3 billion and spend perhaps $80 billion next year on social programs. Does anyone seriously think that the country's interest would be served. Please do not misunderstand, I do not oppose social welfare programs. But the figures do show that these programs are currently being funded at substantial levels when one looks at the total budget.

"There has been clearly one event in our national life that has caused real frustration and perhaps is responsible for this senseless lashing out against good science and technology. I am referring, of course, to the Vietnam War. Through last year the expenditures for this war during the previous six years have been $107 billion. During the last three years the war has cost as much per year as the total cost of the lunar exploration program. In 1969 the war cost $25 billion, 1968—$28 billion, 1967—$26 billion. We spend as a nation $160 million per day for the Vietnam War. The space program has cost you 5 cents per day since 1961.

"I was impressed with something that Mr. [Daniel P.] Moynihan recently said in his farewell address to the Administration. The American people are particularly able to skip their attention from one major problem to another very quickly and in the process lose sight of long-term priorities. Just yesterday space exploration was a major concern but today is out of vogue.

"The suggestion of an either/or choice between technological and social advances ignores the fact that without a technology base we will not have the capability to address ourselves effectively to any national problem."

IMPORTS DAMAGE GLASS INDUSTRY

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MOLLOHAN. Mr. Speaker, for the past 2 years much of the Congress has been concerned about the future direction of our Nation's trade policies. Particularly, those of us who represent areas where industry has been seriously affected by the unprecedented growth of imports have been most attuned to the direct harm these imports have had on our industry.

But the impact of these trends affect the entire Nation and should be closely examined by all of us. By and large, the industries which have suffered the most are those which have labor intensive operations as contrasted to those which have a high degree of mechanization and automation. The pressure has been twofold on the American economy in this instance. First, nations with low wage costs have drastically increased their imports and in essence through this practice we are subsidizing an amount of labor exploitation through our purchases of goods from nations which pay these low wages.

The second pressure upon the American economy has come from the American corporation which moves its operations abroad to take advantage of this low labor cost and then exports its products back to the United States. This trend is truly disturbing in its growth.

In view of these trends, the Stone, Glass, and Clay Coordinating Committee recently testified before the Tariff Commission on the competitive position of U.S. industries. Their documentation is very revealing of the situation that is now upon us.

Mr. Speaker, the investment of U.S. capital abroad is now substantially in excess of $100 billion, and the export-import trade of this Nation in 1970 exceeded $120 billion.

For this reason, I commend the report of this important labor group to the Congress. It should be required reading for every serious student of international trade.

The report follows:

STATEMENT OF THE STONE, GLASS, AND CLAY COORDINATING COMMITTEE

Mr. Chairman and Members of the Commission:

Our Stone, Glass and Clay Coordinating Committee is composed of seven International Unions, all affiliated with the AFL-CIO, who have joined together to cooperate on mutual problems that affect any one, or all of our seven affiliates. We have a combined membership of 250,000 workers, with active locals in almost all of the fifty states.

We have a direct concern in the competitive position of U.S. Industries, and appreciate this opportunity to express our views on this vital subject. As previously announced, you are considering the impact of imports on U.S. Industries and the effect of this impact on our economy, our communities and our workers.

This statement on behalf of our full Committee addresses the general problems involved with trade and then the specific problems that directly concern the seven International Unions that comprise our Committee.

BALANCE OF TRADE

Contrary to the wide spread opinions and published figures showing trade surplus, to properly figure where we really stand on balance, two considerations must be accounted for: (1) our imports figured on a c.i.f. basis instead of f.o.b., and (2) our exports must exclude U.S. Government subsidies on agricultural exports such as P.L. 480, Food for Peace, AID loans and grants, and military grant aid. *These exports are not competitive exports.*

To emphasize this point, we have excerpted a table placed in the record of the hearings before the Ways and Means Committee by the Secretary of Commerce, Maurice H. Stans, May 12, 1970, page 480. This table clearly shows that the U.S. has sustained sizeable deficits in the trade account in the last four years, $7.9 billion dollars. This enlightening table further shows that our trade statistics should truly show our position in trade, so that trade policy decisions can be based on accurate figures and not figures that undervalue imports and overvalue exports. (See Appendix—Table A.)

HIGH-TECHNOLOGY VERSUS LOW-TECHNOLOGY MANUFACTURES

In determining the impact of imports on U.S. industries, consideration must be given to labor intensity involved in producing a product. The heavier impact from imports falls on the low-technology manufactures where more workers are employed and where we have moved steadily to a position of substantial deficit. For example, our deficit in 1963 of 1.7 billion has increased to a deficit of 5.5 billion in 1969. This point was clearly illustrated by Secretary of Commerce Stans in testimony before the Ways and Means Committee in May of this year, in response to a question by Congressman Vanik (Report of Hearings, page 472) regarding labor intensity, Secretary Stans placed in the record a study in chart form showing the breakdown of imports and exports in high-technology manufactures compared with low-technology manufactures. (Ways & Means Hearing report, page 473.) (See Appendix—Table B.)

U.S. PRIVATE FOREIGN INVESTMENT

Another important consideration affecting the import-export position of U.S. industries is the astounding growth of U.S. private foreign investment.

Manufacturing leads all other industry investment abroad with 41% of the total or $26.3 billion and this increased foreign capacity can only serve to decrease our exports and increase our imports, and since capital is mobile and labor is not, the result has been loss of American jobs.

This point was made with great clarity by Deputy Under-Secretary of Labor, George Hildebrand in a speech to the National Foreign Trade Council's, Labor Affairs Committee in September, 1969:

"It has often been assumed that high U.S. wages and better working conditions were largely offset by high U.S. productivity and a strong internal market. Increasingly, however, the spread of skills and technology, licensing arrangements and heavy investment in new and efficient facilities in foreign lands have all served to increase foreign productivity without comparable increases in wages. The problem we have is to assure that the social and economic gains of the American worker and the purchasing power that goes with it are not undermined by competitive goods produced and exported on the basis of much lower standards which some may view as an exploitation of human resources."

The following Chart "A" will serve to show the astounding increases in our U.S. foreign investments; Chart "B" the area distribution of U.S. direct private foreign investments; Chart "C" the industry distribution of U.S. direct private foreign investments. (The sources of information for Charts A, B, and C were the 1958 Hearings by the Subcommittee on Private Foreign Investment, and the Department of Commerce "Survey of Current Business," September, 1967 and October, 1969.)

CHART A.—U.S. PRIVATE INVESTMENT ABROAD

[Millions of dollars]

	1950	1957	1966	1968
Private investments	19,004	36,812	86,235	101,900
Long term	17,488	33,588	75,565	88,930
Direct	11,788	25,252	54,562	64,756
Portfolio	5,700	8,336	21,003	24,174
Short term	1,516	3,224	10,670	12,970

In Chart "A" we find that total U.S. private investment abroad in 1968 has increased by 436 percent over the 1950 figure of $19.0 billion. In all divisions of private foreign investment, comparing 1950–1957–1966–1968, there have been tremendous increases in the holdings of U.S. companies and private investors abroad.

Chart "B".—*Area distribution of U.S. Direct private foreign investments*

1957	Percent
Latin America	35
Canada	33
Middle East & Africa	9
Western Europe	16
Other	7

Book values, $25.3 billion.

1968:	Percent
Latin America	20
Canada	30
Western Europe	30
All Other	20

Book values, $64.7 billion.

In Chart "B" comparing the area distribution of direct private foreign investment for 1957 with 1968 we find that considerably more investment dollars went into Western Europe, with a 14 percent increase, so the investment flow is to the developed countries, in Western Europe and to Canada, while the less developed and underdeveloped countries in Latin America, Africa and the Middle East dropped considerably in investments to their areas. And this happened despite the emphasis, stated in the 1958 Hearings, on the necessity of changing the private investment pattern to encourage more flow to Latin America, Middle East and Africa to deter the Soviet economic offensive in those area.

Chart "C."—*Industry distribution of U.S. direct private foreign investments*

1957:	Percent
Petroleum	36
Manufacturing	31
Mining	11
Public Utilities	7
Distribution	6
Other	9

Book values, $25.3 billion.

1968:	Percent
Petroleum	29
Manufacturing	41
Mining	8
All Other	22

Book values, $64.7 billion.

Chart "C" compares the industry distribution of U.S. direct private foreign investments in 1957 with 1968. You will note a strong upward thrust in manufacturing investment, a 10 percent increase over 1957, a decline in petroleum and mining. Manufacturing leads all other industry investment with a 1968 foreign total of $26.3 billion in all areas, while petroleum is in second place with $18.8 billion.

The three charts which show the increases in U.S. private foreign investment bear out a prediction made by Mr. Robert M. Mitchell, Vice President of the Whirlpool Corporation, in Hearings held on the subject of private foreign investment by the Subcommittee on Foreign Trade Policy, December 1958. After Mr. Mitchell's testimony, questions were asked by Congressman John W. Byrnes:

Mr. Byrnes. As I gather the basis of your concern here, among other things, is the fact that you foresee a necessity as far as American business is concerned to shift from an export business to manufacturing abroad, an investing and going through the manufacturing process abroad; is that right?

Mr. Mitchell. That is correct, Mr. Byrnes.

Mr. Byrnes. Do you attribute that trend in part to this common market trend, the European Common Market and the proposals for a common market in other areas? Is there any other factor that gives rise to that?

Mr. Mitchell. Basically that is it, Mr. Byrnes. In many of the Latin American countries at the moment for practical purposes it is impossible to export particularly consumer durable goods. There is a rising nationalism in many of these countries, and they are trying to industrialize, and to raise their standard of living. So that American companies, if they are going to have a part of that market at all, must invest in some form or other.

Mr. Byrnes You don't see a great future then as far as the export of finished commodities from this country. You see that contracting, I gather, and an increase in manufacturing abroad and with foreign labor?

Mr. Mitchell. I think that is the way it will happen, yes, sir.

Mr. Byrnes. Great emphasis has been put on the fact of the importance of the trade-agreements program and all of the rest of it, and the increase in our exports, and the developing of this freer trade. I gather that you would suggest at least by your testimony that we may be getting into a period where that is going to be reversed?

Mr. Mitchell. I think that that is quite right, sir.

Mr. Byrnes. That is all.

This prediction of increasing investment abroad and the decrease in the export of finished commodities from this country has come to pass. This increased foreign capacity can only serve to decrease our exports and increase our imports, and since capital is mobile and labor is not, the result has been loss of American jobs and loss to those American industries that do not choose to move or that do not have the capital to make such a move.

Many of these global corporations are showing their concern against any restriction to their access to the U.S. market. They recognize that free access to U.S. markets is in their corporation interest; they want to invest abroad, enjoy the markets and low-wage labor; and they also want to enjoy the U.S. market from abroad, in some cases in direct competition with their domestic operation or other domestic producers of the same product.

As stated by former Assistant Secretary of Commerce, William H. Chartener, "Efforts to improve the U.S. foreign trade balance are being hampered by growing competition from U.S. corporate affiliates abroad." (Washington Post, September 26, 1968.)

The time has come for a re-evaluation of this expanded investment program in terms of the U.S. economy, employment, outflow of capital, loss of revenue to the United States and effect of imports on U.S. industry and labor.

IMPACT ON OUR SEVEN UNIONS

Our group of seven International Unions represent members in industries that produce labor-intensive products; the displacement of jobs has been tremendous and certainly points out what happens to labor when imports of manufactured products penetrate to the extent they have in the 1960s. Our seven Unions are concerned with products that are extremely import sensitive, products such as: pottery, ceramic tile, glassware, T.V. tubes, cement, potash, stone and flat glass. We are not alone in our concern, many other industries and unions are showing their concern.

We submit that for labor-intensive industries to compete with the like product produced in foreign countries, who have our technology and production system, plus a lower wage structure, can only be destructive to our U.S. economy.

How destructive? Let's look at the pottery industry where since 1954, twenty-one plants have closed their doors, where employment has dropped from 12,000 workers to 3,600 workers, yet imports have really invaded the domestic market, taking 90% of the chinaware and 40% of the earthenware markets—where foreign value of chinaware and earthenware imports in 1954 was $19.2 million and has now reached in 1969 the astounding figure of $93.3 million dollars—with Japan far in the lead as the source of imports. (See Appendix—Table C.)

This is only one striking example; we have glassware plants who have closed their doors, sheet glass plants, cement plants, T.V. tube, potash and ceramic tile plants—with many plants that are still operating, working at greatly reduced capacity and many workers laid off.

In a recent case before the Tariff Commission (TEA–W–11) petitioning the Commission for adjustment assistance for the workers of Cambridge Tile Company, all six Commissioners agreed that imports had increased and that workers at Cambridge Tile were unemployed. However, the majority of the Commission found that the increased imports were not in major part the result of concessions granted under trade agreements, but rather by dumping and other unfair practices; in any case our petition was rejected 4–2.

In the course of the investigation a chart was compiled and published in the report to the President showing the overall penetration of imports of ceramic floor and wall tile, the data clearly show the rising import penetration from 7% of consumption in 1955 to 38% in 1969. (See Table D.)

In December 1969 the Tariff Commission reported to the President on an escape clause investigation on flat glass, the report covered the various segments of the industry, namely rolled glass, sheet glass, plate and float glass and tempered glass. The findings were negative on all segments with the exception of sheet glass where the Commission split 3–3. The President continued the modified rates until January 31, 1972, followed by a two year phase out of the modified rates. Sheet glass imports have been steadily increasing and in 1968 show a ratio of imports to consumption of 31.8%. Plants have closed and reduced capacity, in three of the plants; Arnold and Jeanette, Pennsylvania and Henryetta. Oklahoma the workers are drawing adjustment assistance—which proprovision was proclaimed by President Nixon, on February 27 together with the two-year continuance of the modified rates.

T.V. tubes and the manufacture of the glass envelope for such tubes, in which two of our affiliates are involved, have been seriously affected by rapidly rising imports of T.V. sets. Imports have risen from 128 thousand sets in 1962 to over 4 million sets in 1969 and show a further increase in January–May 1970 over January–May 1969. (T.C. report to the President, TEA–W–21, July 1970)

In addition to the tubes imported within the T.V. sets, direct imports of tubes as such amounted to 95 thousand tubes in 1964, increasing to 387 thousand in 1967.

In 1969, 210 thousand tubes were imported, added to the 4,034,000 sets or a total of 4,244,000 tubes imported in 1969 which amounted to 31% of domestic consumption.

What is the employment situation with respect to the employees engaged in the manufacture of the glass envelope used for the T.V. tube? The employment figures from the Union, which are current and dated October 7, 1970, show that within three companies, Corning Glass, Owens-Illinois and Lancaster Glass Corporation, in their T.V. tube manufacturing operations only, the employment has dropped from 6,116 workers in 1966 to 4,466 workers in 1970 for a loss of 1,650 workers or 27% of the entire work force involved in T.V. tube manufacture. The outlook is very bleak for being called back to these plants, or getting work within another industry, especially in light of our present unemployment rate nationally. The hardship on these unemployed workers, their families and their communities can not be minimized.

Other Unions who represent employees engaged in the production of T.V. sets and components, other than the glass envelope, are vitally concerned. The IUE, IBEW, and the IAM have suffered a tremendous loss of jobs in the last four years.

Members of our Committee will be testifying on other import sensitive products such as glassware, potash and stone products. One of our affiliated Unions will be unable to be present, the United Cement, Lime & Gypsum Workers, so I would like to briefly cover one of the industries they are concerned with the cement industry.

The cement industry has long been plagued with foreign countries "dumping" cement into the U.S. Over a period of years, this industry has been seriously damaged by the unfair competition of "dumping" and with this damage, the man-hours worked and the wages paid to the workers has been seriously affected.

Table I is a list of the antidumping proceedings filed by the domestic cement industry against imports from no less than 15 foreign countries during the years 1958–1967. Table II records the amount of foreign cement imported from these "dumpers" during the same period. Table III shows how much this unfair competition has hurt our critical balance of payments position. Using the latest Bureau of Labor Statistics figures on productivity in the domestic cement industry (5.97 barrels per man hour in 1966 and 6.27 barrels per man hour in 1967), Table IV translates these unfairly lost sales into man hours lost for domestic workers. Finally, using average domestic cement industry wage rates ($3.97 per hour in 1966 and $4.27 per hour in 1967), Table V shows the amounts of wages by which American labor has been unfairly deprived as a result of the dumped and tainted imports.

We would like to call the Committee's attention particularly to the figures in Tables IV and V. These tables show that American labor has lost well over 7 million man hours during the 1958–1967 period, an average of more than 700,000 man hours per year. Similarly, the equivalent wages lost have amounted to over $24,000,000, an average of almost $2.5 million a year. Surely American labor should not have to sustain such drastic injury from an importing practice that has been condemned as an unfair method of competition not only by the United States Congress but also by Article VI of GATT.

SUMMARY

The American people have for many years been misled, with regard to our balance of trade figures, into believing the United States has been enjoying large surplus in our trade account, when in fact we are not. Reporting imports on a cif basis, withdrawing Government subsidies when reporting agricultural exports, would give a true picture of our balance of trade.

Accurate and realistic trade statistics on our imports and exports would make possible more responsible and responsive decisions on our Nation's foreign trade policy. It is imperative for the Congress to have the accurate facts at their disposal so they can regulate foreign commerce and preserve this Nation's economic well-being. Secretary of Commerce Stans clarified this point before the Ways & Means Committee with a chart showing how the U.S. has been in deficit the last four years in the amount of $7.9 billion dollars. (Appendix—Table A.)

In a comparison of our trade in high-technology vs. low-technology manufacturers we find that the heavier impact from imports falls on the low-technology manufactures, where more workers are employed producing products containing more labor input.

It is clear, from a chart placed in the record of the Ways & Means hearings by Secretary Stans that our deficit in low-technology manufactures is rapidly rising. In 1963 our deficit was $1.7 billion dollars and in 1969 had increased to $5.5 billion dollars, in contrast our high-technology manufactures have maintained a surplus during this period 1963–1969.

With National unemployment rising, the area where most of our labor force is employed, the low-technology manufactures area, has been the hardest hit by unemployment and is suffering from the highest penetration of imports. The serious loss of employment in this import-sensitive area must be halted and reversed if we are to provide employment for American workers and help our unemployed.

American jobs are being exported to other countries by the astounding increase in U.S. private foreign investment. Direct investment abroad in 1950 was $11.7 billion and increased to $64.7 billion in 1968 the latest figures available.

Sixty percent of this investment has gone to the developed countries in Western Europe and to Canada. Manufacturing leads all other industry investment with a 1968 foreign total of $26.3 billion in all areas, or 41% of the total.

United States foreign manufacturing affiliates' sales in 1965 were $42.4 billion compared to $18.3 billion in 1957, for an increase of 132 percent.

In 1965, $34.7 billion of such sales were within the area of plant location, however, $7.7 billion represented export sales to other countries, including the United States. The products shipped to the U.S. amounted to 24 percent of total export sales of manufacturing affiliates, or $1.856 billion.

This figure does not include exports to the U.S. of foreign mining affiliates of U.S. firms in the amount of $1.225 billion, nor does it include exports to the U.S. of petroleum and petroleum products by U.S. foreign petroleum affiliates, estimated at $2.052 billion.

Combining manufacturing, mining and petroleum export sales to the U.S., by U.S. foreign affiliates in 1965, the total would be an astounding $5.133 billion.

The time has come for a re-evaluation of this expanded investment program in terms of the U.S. economy, employment, outflow of capital, loss of revenue to the United States and effect of imports on U.S. industry and labor.

To further illustrate the immense problem for labor flowing from the multi-national corporation, I would like to quote from a speech given by Mr. George W. Ball before the British National Committee of the International Chamber of Commerce, London, 1968;

"It is a fact of great import, therefore, that, at a time when politicians have been moving to create regional markets to supersede national markets, businessmen have been making quiet progress on an even larger scale. The great industrial enterprises of the world are moving to recast their plans and design their activities according to the vision of a total world economy. Today a large and rapidly expanding roster of companies is engaged in taking the raw materials produced in one group of countries, transforming these into manufactured goods with the labor and plant facilities of another group, and selling the products in still a third group. And, with the benefit of instant communications, quick transport, computers and modern managerial techniques, they are redeploying resources and altering patterns of production and distribution month by month in response to changes in price and availability of labor and materials."

This plan in operation avoids a very sensitive area, social responsibility. It is becoming more apparent that labor is the loser in this plan, especially U.S. labor in light of the fact that so many U.S. multi-national corporations are moving to lower wage areas to exploit to their advantage lower wage costs to the serious detriment of the U.S. worker and the U.S. economy, and doing so without penalty or and sense of social responsibility. Ideally we would have world labor unions to deal with the powerful multi-national corporations to extract social justice.

The impact of imports on the industries in which many of the members of our seven Unions work has been devastating. The penetration of imports has been excessive and has caused considerable job loss, over 25% of the work force has been lost in pottery, sheet glass, ceramic tile, T.V. tubes, glassware, potash and stone. In addition to these losses, dumping of cement has eroded employment in the cement industry.

The job losses of these industries, as well as many other adversely affected industries, must be stopped. With unemployment growing and less purchasing power available the entire economy is threatened. Our nation must have a trade policy geared to maximum employment and healthy industries instead of the present policy geared to "freer" trade and the foreign policy illusion that we can remake continents.

We endorse H.R. 18970, the new trade bill as it was reported from the Senate Finance Committee and attached to the Social Security bill.

In addition we would recommend a legal remedy open to us as a member of the General Agreement on Tariffs and Trade (GATT), and that is to invoke Article XII of the Agreement, which authorizes a contracting party to impose restrictions on imports when necessary to prevent a serious decline in its foreign-exchange reserves and maintain equilibrium in its balance of payments.

Also, we should proceed to regulate U.S. private foreign investment, and repeal Tariff

Code 807, to prevent further exportation of American jobs.

Moving on the above three priority items together with responsible attention to our public debt and our serious balance of payments deficit could put the United States back in a strong economic position so necessary in our world today.

On behalf of the Stone, Glass and Clay Coordinating Committee, I want to thank you for this opportunity to express our convictions before this Commission.

APPENDIX

TABLE A.—ESTIMATED U.S. TRADE BALANCE, 1966–69

[In millions of dollars]

	U.S. exports					U.S. imports		
Year	Total, including reexports	Military grant-aid	AID loans and grants	Public Law 480 shipments	U.S. exports excluding military grant-aid and Public Law 480	FOB value	Estimated c.i.f. value	U.S. trade balance, based on estimated c.i.f.-valued imports and exports excluding military grant-aid. AID, Law 480 shipments
1966	31,430	940	1,186	1,306	26,998	25,618	27,745	−747
1967	31,622	592	1,300	1,237	28,493	26,889	28,745	−252
1968	34,636	573	1,056	1,178	31,829	33,226	[1] 35,519	−3,690
1969 [1]	37,988	674	994	1,018	35,302	36,052	38,539	−3,237

[1] Preliminary data.

TABLE B.—U.S. FOREIGN TRADE, 1963, 1965, 1967 and 1969

[Millions of dollars]

	1963	1965	1967	1969
U.S. foreign trade total:				
Domestic exports	23,102	27,187	31,238	37,444
General imports	17,207	21,429	26,889	36,052
High-technology manufactures:				
Exports	10,586	13,030	16,002	20,553
Imports	2,637	3,895	6,988	11,334
Low-technology manufactures:				
Exports	3,710	4,410	4,841	6,212
Imports	5,428	7,350	8,678	11,688
Minerals, fuels and other nonmanufactured and nonagricultural products:				
Exports	3,222	3,518	4,015	4,743
Imports	5,122	6,012	6,661	8,076
Agricultural products:				
Exports	5,584	6,229	6,380	5,936
Imports	4,020	4,082	4,472	4,954

WEST MIFFLIN GI KILLED IN WAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fightingmen, Army Sp4c. Robert T. Kiser, of West Mifflin, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Pvt. Robert Kiser for his heroic action, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

W. MIFFLIN GI KILLED IN WAR

A West Mifflin soldier has been killed in action in Indochina, the Defense Department announced yesterday.

He was Army Spec. 4 Robert T. Kiser, 20, son of Mr. and Mrs. Robert E. Kiser, of 2406 Homestead-Duquesne Road.

The Defense Department reported he was killed when a helicoper was hit by enemy antiaircraft fire and exploded in the air.

A graduate of West Mifflin North High School, Kiser was sent to South Vietnam 20 months ago.

Besides his parents, he is survived by a sister, Lou Anne.

CONGRESSMAN WHALEN REPORTS ON HIS ANNUAL OPINION SURVEY OF THE THIRD OHIO DISTRICT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. WHALEN. Mr. Speaker, I am pleased to announce that my annual survey of constituents in the Third Ohio District has been tabulated.

Slightly more than 21,000 replies have been received, a response which indicates a continuing high level of interest in my district in the major national questions. Approximately 157,000 questionnaires were distributed to residents of the Greater Dayton area.

Perhaps the most significant opinion reflected in the poll relates to the Vietnam war and our rate of withdrawal. Sentiment for withdrawal has increased over last year with the majority favoring either the present rate or greater. I believe the statistics speak for themselves.

For the information of my colleagues, Mr. Speaker, I insert herewith the final tabulation of my survey with replies expressed as percentages rounded to the nearest tenth:

SUMMARY OF RESULTS

(By Congressman CHARLES W. WHALEN, Jr.)

1. Which of the following Vietnam alternatives would you prefer (select one)?

a. Maintain the present rate of withdrawal (with 284,000 troops remaining as of June 30, 1971)—33.6.

b. Increase the rate of withdrawal to remove all U.S. troops by December 31, 1971—58.2.

c. Halt the withdrawal and step up the level of U.S. military activity in Vietnam—7.3.

2. What is your position concerning the present draft law—which permits conscription—which will expire June 30, 1971?

a. It should be continued—48.3.

b. It should be terminated in favor of an all-volunteer military force—48.1.

3. What is your position regarding proposed plans (legislation) for a national health insurance program?

a. For—41.1.
b. Against—31.1.
c. Undecided—26.4.

4. If Congress imposes campaign expenditure limitations, which one of the following would you prefer (select one)?

a. A maximum dollar spending limitation—83.1.

b. Limit expenditures for radio and television advertising only—13.8.

5. Should Communist China be admitted to the United Nations?

a. Yes—45.4.
b. No—38.7.
c. Undecided—15.0.

6. Which FIVE of the following would receive your highest priority for funding and federal action?

a. Agriculture—14.6.
b. Aid to Cities—30.8.
c. Air and Water Pollution—82.0.
d. Anti-Crime Programs—65.6.
e. Beautification—3.2.
f. Civil Rights Enforcement—19.7.
g. Defense—44.3.
h. Education—64.1.
i. Foreign Air—1.8.
j. Health—47.0.
k. Highways—10.0.
l. Housing—27.6.
m. Poverty Program—34.5.
n. Public Works—11.8.
o. Space Exploration—15.9.
p. Supersonic Transport—5.8.

(Answers are rounded to the nearest tenth. Not all answers total 10 percent since some respondents did not reply to all questions.)

THE "CHICAGO"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. REES. Mr. Speaker, on Friday, March 26, at the Shoreham Hotel Regency Ballroom, seven of my constituents will present "the Salute to Young America" at the final evening of the 1971 secondary high school program of a Presidential Classroom for Young Americans. My constituents are the world famous group "Chicago," and are favorites among this generation of youth.

Individually the men of "Chicago" are Daniel Seraphine, drummer; James Pankow, trombonist; Terry Kath, guitarist; Lee Loughnane, trumpeter; Walt Parazaider, flute and reeds; Lamm, pianist-organist; and Peter Cetera, bass.

The alumni of Presidential Classroom for Young Americans—currently on 312 American college campuses—were polled and asked which they felt was the musical group most popular among today's young people. The results came out overwhelming favoring "Chicago", and subsequently the group was invited to present "The Salute to Young America" at the final evening of the 1971 secondary high school program.

The group became known first in 1967 as the "Chicago Transit Authority." They were joined by Mr. James William Guercio, the record producer who was to bring them out West and eventually change their name to "Chicago."

As the men were inspired by other musicians, they began to inspire each other. Rehearsing every day, Chicago began making increasingly frequent visits to small clubs. They became a local phenomenon that has gained them international prominence on all levels of music and performance; Chicago is now the biggest American act on the international market. "Chicago has made this commitmment—the best vocabulary between cultures is music."

Most importantly, Chicago is an idea that continues to work. Serving as an umbrella for seven highly accomplished musicians with different musical tastes, Chicago as a unit, an entity, has brought these resources together within the contextual framework of growth through freedom, Chicago, in all its forms, works not only for the musicians, but for its audiences. Between the two stands a mutual mirror, reflecting the band and its listeners.

HOW TO BRING THE POW'S HOME ALONG WITH THE REST OF THE TROOPS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RIEGLE. Mr. Speaker, I have joined with my distinguished colleague from California, ROBERT L. LEGGETT, in introducing House Concurrent Resolution 212 which calls for the simultaneous withdrawal of our troops in Southeast Asia and the release of American POW's held by the opposition forces. I believe Congressman LEGGETT's development of this idea is one of the most attractive plans to end the war and bring the POW's home in time for Christmas with their families. A recent explanation of this plan, called "proportional repatriation," has been published in the most recent issue of the Nation and I am pleased to share this article, by Mr. LEGGETT, with my fellow colleagues:

HOW TO BRING ALL THE POW'S HOME ALONG WITH THE REST OF THE TROOPS

(By Congressman ROBERT L. LEGGETT)

"As long as there are American POWs in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."—President Richard Nixon, March 4, 1971.

"We are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war."—Melvin Laird, Secretary of Defense, December 15, 1970.

"In case the United States Government declares it will withdraw from South Vietnam all its troops . . . by June 30, 1971, the people's liberation forces will refrain from attacking the withdrawing troops of the United States . . . and the parties will engage at once in discussions on . . . the question of releasing captured military men."—Mrs. Nguyen Thi Binh, Viet Cong chief negotiator, September 17, 1970.

We won't get out until we're sure they'll give the POWs back. They won't settle the POW question until they're sure we're getting out.

So why not do both once?

We want our prisoners back, and have no use for a permanent military presence in Southeast Asia. The other side wants us out of Southeast Asia, and has no long-term use for its American prisoners.

So let us accommodate each other.

Together with my colleague Don Riegle (R-Mich.), I have developed a plan, called "proportional repatriation," that would enable us to withdraw all of our troops and *simultaneously* recover all of our POWs. The plan is fair to both sides. It is feasible, and as nearly foolproof and cheatproof as a settlement of this kind of war can be. It is more favorable to our national interest than any other settlement we are likely to get, in that it brings a prompt end to our part of the war and a prompt return of the POWs.

Its basic provisions have been endorsed by 25 Members of Congress and were sent to President Nixon on January 2. He has not responded as of the time of this writing. This article is the first public discussion of the details of the plan.

PROPORTIONAL REPATRIATION

The crux of the plan is an agreement between the United States and the three forces that comprise the other side (North Vietnam, the NLF, and the Pathet Lao) to repatriate all American POWs and withdraw all American troops in equal percentage installments.

Let's take an example. Suppose the other side holds a total of 700 American POWs. Suppose, at the time the plan were put into effect, there were 300,000 American troops in Southeast Asia. Every time the other side returned 10% of the POWs it held, which would be 70 prisoners, we would withdraw 10% of our troops, which would be 30,000 men.

North Vietnam, the NLF, and/or the Pathet Lao would turn 70 POWs over to an intermediary, which would be an international agency or a neutral nation that both sides found acceptable. The intermediary would hold the men until it verified that 30,000 American military personnel had actually left Vietnam. Then it would release the POWs to American hands.

This process would be repeated at regular intervals, perhaps every two weeks or every month, until all POWs were returned and all American troops were out of Southeast Asia. The exact schedule to be followed, to which both sides would make a public commitment, would be decided at the Paris negotiating table. The schedule would have to end with a date by which the last prisoner would be returned and the last soldier withdrawn. There is no reason why the completion date should be later than Christmas Day of this year.

The importance of an explicit commitment to withdrawal by a specified date cannot be overemphasized. The other side has repeatedly indicated nothing else will induce it to release the POWs.

Offers to exchange North Vietnamese prisoners for American prisoners are futile, no matter how favorable the exchange ratio. The other side doesn't want its men back badly enough to trade the only bargaining card it holds. The American POWs are North Vietnam's only assurance we won't adopt Curtis LeMay's strategy of "bombing them back to the stone age;" it has repeatedly indicated it won't give them up unless it gets American withdrawal in return.

Letters-to-Hanoi campaigns, Ross Perot's airplane trips, and so forth may secure better treatment and improve the mail flow, although the bombing halt has probably made the greatest contribution in this regard. But all the letters and Veterans' Day speeches in the world won't get the men back.

Nor should we deceive ourselves that partial withdrawal will get us anywhere. The other side is most unlikely to trade half the POWs for a 50% withdrawal, or even 95% withdrawal; a partial withdrawal does not alter our basic commitment to determine who will govern South Vietnam. The American military presence in Vietnam is an all-or-nothing proposition. If we leave even a thousand men in Vietnam, concern for their safety commits us to support them, in the event of an ARVN collapse, with whatever reinforcements would be necessary to prevent their being overrun by enemy troops. Current experience in Cambodia suggests these reinforcements would be used to save not only the American troops, but the Saigon government as well.

In North Vietnamese and NLF eyes, such a reversible withdrawal would probably constitute no significant change from our present policy. The North Vietnamese and the NLF consider themselves badly burned by the 1954 settlement. As they see it, at that time they allowed themselves to be negotiated out of their battle-won right to rid Vietnam of foreign control. They have repeatedly demonstrated their determination not to let this happen again and to fight on, indefinitely if need be, until all foreign forces have gone home.

So the only meaningful withdrawal is a complete withdrawal. We can continue to supply Saigon with military aid, just as China and the Soviet Union supply the other side. But if we are serious about getting the POWs back, we must withdraw all American military personnel of all kinds from Southeast Asia. No more combat troops, no more support troops, no more advisers, no more air or artillery strikes, no more looking toward a "Korean solution." In short, we must put the Saigon government on a sink or swim basis.

There seems no reason why this shouldn't be done immediately in any case. The Saigon government has had the benefit of sixteen years of American training, more than 130 billion American dollars, and more than forty-five thousand American lives. Its army outnumbers the combined forces of the NLF and North Vietnam by more than 5 to 1, and the ratio of dollar value of military equipment is even more favorable. If we are to believe the advocates of Vietnamization, the other side is debilitated, demoralized, and decimated, and its fighting forces consist primarily of pre-teenagers and old men. If, after we have done so much for it, the Saigon government's popular support remains so weak that it is unable to hold its own, further effort on our part would be wasted.

But above all, we are faced with a choice between saving our POWs and continuing to protect Thieu and Ky from their moment of truth. We cannot do both.

In order to demonstrate good faith, and to safeguard against the possibility of cheating, each side would have to take certain steps, openly and publicly, before proportional repatriation could begin.

The other side would:

(1) Publish a complete list of all the prisoners it held, including a description of each man's physical conditions. (The list the North Vietnamese recently gave Senator Ken-

nedy did not include descriptions of condition, there is some question of its completeness, and of course it could not include men captured after the list was compiled. No lists at all have been released by the NLF or the Pathet Lao.)

(2) Publish a list of men who died in captivity, including date and cause of death.

(3) Agree to allow the intermediary to run unannounced checks and inspections to satisfy itself that there were not more POWs than publicly admitted.

(4) Agree to repatriate prisoners in order of length of their captivity, with the exception that those in serious need of medical attention be returned first.

(5) Agree to send all Chinese and Russian military advisers out of North Vietnam, and permit the intermediary to verify that this had been done. If we are going to require the Saigon government to do without foreign advisers, it is equitable that the other side do the same.

(6) Agree to refrain from initiating military action against departing American troops. (This merely calls for a reaffirmation of Madame Binh's September 17 statement.)

In return, the United States would:

(1) Agree to continue to publicize the number of American troops in Vietnam, as we have in the past.

(2) Agree to publicize the number of American troops in Thailand, in order that they could be included in the proportional withdrawal schedules.

(3) Agree to allow the intermediary to inspect our books and run whatever other checks it felt were necessary to verify that we did not have more troops in Southeast Asia than publicly admitted, and that we were not rotating in more men than we were taking out.

Both sides would agree to accept the intermediary as final judge of alleged violations of the agreement.

Now let's consider some of the questions that come to mind concerning proportional repatriation:

What do we do if they offer to release all the POWs immediately? We accept. We get our men out as fast as we can load them onto the planes. All the POWs will be immediately turned over to the intermediary, and we'll have no further worries about their medical care or living conditions. It might take us a month to fly all the troops out of Southeast Asia; the difference between this and a year of continued fighting will be more than 2500 American lives. We'll have to abandon several billion dollars worth of equipment we'd prefer to dismantle and evacuate, but lives are more important than computers and aluminum runways.

What do we do if they don't offer to release any POWs? If they reject proportional repatriation because of a specific detail, such as the date for total withdrawal, we'll at last have a basis for meaningful negotiations.

It's inconceivable to me that they'd reject the entire plan. But if they did we'd simply be back where we are now.

Isn't it possible that the other side could keep unacknowledged prisoners hidden in remote camps where the inspectors might never find them? This is possible no matter what course we follow. Even if we were to invade and occupy all of Southeast Asia, the opposition might still keep a number of American prisoners hidden away deep in the jungle. Proportional repatriation minimizes this possibility by providing the strongest possible incentive not to cheat.

The Vietnamese who hold our men prisoner have been fighting almost continuously for thirty years to drive foreigners out of their country. Agreement on proportional repatriation would set the date of final success only months away. No matter how carefully they hid the prisoners, the possibility of being found out could never be completely eliminated. The last thing in the world they would want to do would be to jeopardize the withdrawal of American troops by violating the proportional repatriation agreement.

What do we do if they attack us as we're leaving, creating another Dunkirk? Attacks on withdrawing American troops would violate the proportional repatriation agreement, as well as the present stated policy of North Vietnam and the NLF. It is always implicit that we will do whatever is necessary to protect our troops. It would be incredibly stupid of the North Vietnamese or the Viet Cong to jeopardize our withdrawal in this way, and they know it.

How do we know they won't play along with us for awhile, then abrogate the agreement before they've returned all the POWs? We know they won't do this because if they did we'd come out ahead. Partial repatriation is of considerable value to us but, to reiterate, partial American withdrawal is of very little value to them.

How do they know we won't play along with them for awhile, then abrogate the agreement before we've pulled out all our troops? They know the domestic political penalties against a President who did this would be prohibitive. Current polls show the American people favoring, by margins ranging between 2 to 1 and 3 to 1, legislation to compel total withdrawal within one year, even if we don't get the POWs back. Once the withdrawal date was set, public support for ending the war would become even greater. Nothing could persuade the American people to re-elect a President who then reversed course and plunged us back into the quagmire we had almost escaped.

Don't we have an obligation to stay in order to prevent the bloodbath that might follow a communist victory?

First, the behavior of the Thieu-Ky government has given no reason for confidence that the bloodbath which might follow a communist victory would be any greater than that which might follow an *anti-communist* victory. The post-civil war bloodbath in Asia is hardly peculiar to communism, as the victorious Indonesian anti-communists demonstrated a few years ago when they put nearly a half-million communists and alleged communists to the sword.

Second, the worst bloodbath of all is that which we create by staying and prolonging a war the Vietnamese would have settled among themselves years ago.

Third, the South Vietnamese people themselves expressed their feelings on this matter last summer in a poll, conducted by the Pentagon East, which found 65% wanting all Americans out of their country, 5% wanting the Americans to stay, and 30% undecided. (Despite attempts to suppress the poll, the irrepressible Sen. Stephen Young of Ohio, now unfortunately retired, found out and read the results into the Congressional Record.)

We don't recognize either the National Liberation Front or the Pathet Lao as independent agents. What do we do if they refuse to negotiate through the North Vietnamese, and instead insist on separate settlements? If we can get our men back by separate settlements, then let's make separate settlements. Between them, the NLF and the Pathet Lao hold 82 known American prisoners, and may hold up to 700 more. The freedom of even 82 men is more important than whatever debating points can be gained by refusing to concede the independence of these groups.

How about a military solution to the POW problem? Why don't we resume heavy bombing or perhaps conduct more raids such as the one on Sontay? The North Vietnamese have already demonstrated they respond to heavy bombing in the same way as did the citizens of London and Berlin during World War II. Bombing doesn't make them give in; it makes them dig in and fight harder.

As for the Sontay raid, its results speak for themselves. We can expect similar operations to meet with similar success in the future.

Why must we withdraw from all of Southeast Asia, rather than just Vietnam and Laos? Under the Nixon Administration, the sole official mission of all American military operations in Southeast Asia, including the carrier task forces and the air bases in Thailand, has been the protection of American troops in Vietnam. Once these troops are withdrawn, the forces outside of Vietnam will no longer have a reason for staying, unless we envision continued air strikes in support of the Thieu-Ky regime. We can be sure that such continued air support would not fit the other side's definition of American withdrawal, and would prevent the release of POWs.

What about the North Vietnamese and Viet Cong prisoners held by our side? We hold no prisoners ourselves; all those we capture are turned over to the Saigon army. The question of these men, along with that of the South Vietnamese prisoners held by the other side, is a matter to be decided among Hanoi, Saigon, and the Viet Cong. What I am proposing is a settlement of the American part of the war.

Do the Australians, Koreans, and New Zealanders have to pull out with us? They can stay if they want to.

How is proportional repatriation better than Vietnamization? Vietnamization provides no incentive to the other side to return the POWs, and no guarantee they will be returned; proportional repatriation provides both. Vietnamization ties withdrawal to progress by the Saigon government, giving Thieu and Ky an incentive to make no progress and thereby prolong our sugar-daddy presence forever; proportional repatriation sets a firm date for complete withdrawal, thereby putting Thieu and Ky on notice they'd better shape up because we're shipping out.

What will our allies think if we pull out? Our most important and most reliable allies—Japan, Israel, Canada, the West European democracies—will breathe sighs of relief. They've demonstrated their belief in our Southeast Asia effort by the number of troops they've sent to help us.

Is return of the POWs a fair price for withdrawal? Shouldn't we ask for more? To ask a stiff price for withdrawing from Vietnam would be like demanding that a surgeon pay us a stiff price for taking out our inflamed appendix. The war is not an asset to us; it is a colossal liability. It has torn our country in two, plunged our economy into recession, forced us to neglect urgent domestic needs, and exacerbated the cold war. It has cost us the position of world moral leadership we once held. Nothing could serve our national interest more than a simple, quick, and total withdrawal, even if we received no concessions from the other side in return. If we can get out and at the same time get the POWs back, as it appears we can, we're fools if we don't seize the opportunity.

JAYCEE SCHOLARSHIP FUND

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. CARTER. Mr. Speaker, you will recall that on February 23, I informed the House of plans being formulated by the Clay County and Kentucky Jaycees to raise money for a scholarship fund. It is to be used for those children left fatherless by the Hyden mine disaster on

December 30, 1970. Today, it is my pleasure to inform you of the success derived from the tireless efforts of these groups.

On March 1, 1971, the Loretta Lynn Benefit Show was held in Louisville, Ky. Portions of the show were carried on radio and television throughout the Nation and the public responded with gifts exceeding $270,000 and pledges for more assistance. This is testimony to the sympathy and kindness of citizens across the Nation and illustrates, once more, the willingness of Americans to respond to unknown friends' needs in a time of tragedy.

Alice Lloyd College at Pippa Pass, Ky., and Lee's Junior College at Jackson, Ky., have offered all of these children 2 years of college free of charge. Other colleges, such as Cumberland College, Union College, Midway Junior College, Eastern Kentucky University, University of Kentucky, University of Kentucky extensions, Southeast Community College, and Somerset College, are doing what they can to be of assistance also.

These successful results would have never been possible had there not been many interested persons who were willing to give unselfishly of their time and energy. To list all of them would be impossible, but all, with whom I have talked, give special praise to Mr. Joe Swafford of Manchester, Ky., a member of the Clay County Jaycees.

Those who participated in the Loretta Lynn Benefit Show should also be singled out for their contributions. They are as follows:

Roy Acuff, Loretta Lynn, Conway Twitty, Wilburns Grandpa Jones, Webb Pierce, Charlie Louvin, Del Reeves, Jimmy Martin, Peggy Sue and Sonny Wright, Bobby Lewis, and Jay Lee Webb.

Loretta Lynn's Band, Charlie Louvin's Band, M.C.'s Bud McCain, Doyle Wilburn, Larry Scott, Gus Thomas, and Randy Atcher.

Tex Ritter, Stu Phillips, Tom T. Hall, Bill Monroe, Osborne Brothers, George IV, Billy Ed Wheeler, Pee Wee and Redd Hagers, Colonel Sanders, Lonzo and Oscar, George Morgan, and Hugh X Lewis.

Glaser Brothers, Jim Ed Brown, Ray Pillow, Connie Smith, Billy Grammar, Stu Phillips, Jim and Jesse Skeeter Davis, and Charlie Walker.

To these individuals and thousands of others, I offer my congratulations for making the scholarship fund a success and for reaffirming those principles which have made our country the great Nation it is.

THE DISTRICT OF COLUMBIA BUDGET—URGENTLY NEEDED

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. GUDE. Mr. Speaker, I am pleased to see that a member of the Republican National Committee, Carl L. Shipley, has joined me in endorsing a higher Federal payment to the District of Columbia as a means of keeping abreast of the great financial needs of the city. Mr. Shipley notes that the proposed budget is only fair because of the tremendous demands for services of the Federal Government. The enormous amount of tax exempt property occupied by the Government here, both justifies and necessitates, Mayor Washington's proposed budget for fiscal year 1972.

Mr. Shipley's statement follows:

MAYOR WALTER WASHINGTON AND THE DISTRICT OF COLUMBIA BUDGET

(By Carl L. Shipley)

D.C. Republican National Committeeman Carl Shipley said today: "Residents of the metropolitan area should rally around and support Mayor Walter E. Washington in his current effort to persuade Congress to adopt the proposed District of Columbia budget of $885 million for fiscal year 1972.

"Of this budget, $200 million is for capital improvements that will in some measure serve the entire metropolitan area. Public safety in the District affects the whole area—it will cost $173 million in 1972. Education has an impact on the entire region—it will cost $285 million next year. Transportation requires $100 million, and housing and community development $105 million. The District's human resources program—to develop individual economic independence and protect the helpless—will cost $308 million.

"These are not only District problems, but metropolitan area and national problems. Washington is the city of the Nation, not the city of its local residents.

"Since metropolitan area residents oppose a commuter tax, they should urge Congress to increase the Federal payment from its current $126 million to $243 million next year. This would represent only 27½% of the 1972 budget—while the Federal Government owns 43% of the land.

"Mayor Walter E. Washington is doing his best in a most difficult job. He deserves the support and understanding of everyone in Congress and in the metropolitan area. The District is on the verge of bankruptcy. Local tax increases cannot meet the District's needs—they are regressive and drive business and taxpayers to the suburbs. A vastly increased Federal payment is the only answer".

EAGLETON ESSAY CONTEST WINNERS

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Tuesday, March 23, 1971

Mr. EAGLETON. Mr. President, this morning I have the privilege of presenting to Senators the winning entries in an essay contest I sponsored this year for Missouri high school seniors. The topic of the contest was "The Role of Youth in Setting the Goals of America in the 1970's." I was pleased at the quality of the essays I received. The young people who entered the contest have shown keen perception and interest in the problems which we face in this decade. The winner of the contest was Miss Cindi Lewis of Columbia, Mo. The runners-up were: Miss Jan Chrisman of Springfield, Mo., Mr. James D. Everett of Bethany, Mo., Mr. John W. Head of Palmyra, Mo., Mr. Edward C. Holland III of Chesterfield, Mo., Mr. Ron Jarvis of Kansas City, Mo., Miss Linda Kettlewell of Independence, Mo., Miss Darcy Tuma of Poplar Bluff, Mo., and Miss Kathy Witt of Kansas City, Mo.

I ask unanimous consent that the complete text of the winning essay and the eight runners-up be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

THE ROLE OF YOUTH IN SETTING THE GOALS OF AMERICA IN THE SEVENTIES

(By Cindi Lewis, Senior at Hickman High School, Columbia, Mo.)

Idealistic young fools! No sense of responsibility! Think they can run the world!

Do these words sound familiar? They should. They have all been used to describe today's American youth. These descriptions apply, however, to only a small percentage of the country's young people, and most thinking people realize this. What, then, of the others? What role should they play in setting America's goals during the coming decade?

Practically speaking, young people are not in a position to assume the full responsibility of leading the nation and making its decisions. Most are still in high school, college, or vocational school, preparing themselves to accept this responsibility in the future. The additional education provided by experience has barely begun; thus, it is often difficult to make wise and realistic decisions. Nor is it desirable for a young person to shoulder the responsibilities of an adult too early. Rushing into adulthood generally deprives a person of the feelings and experiences that happen only to the young.

Today's younger generation, however, does have several advantages which make some sort of involvement in the decision-making processes quite desirable. They are receiving one of the best educations that has ever been given to any generation in the world. The mass media brings news of national and international events to their attention daily. They have at their disposal a great deal of youthful energy and enthusiasm with which they will work tirelessly for a cause they believe in. Finally, and most importantly, idealism is a virtually inherent characteristic of youth.

It is through the expression of this idealism that young people can best serve a purpose in setting their country's goals. Although many realities prevent the immediate attainment of most of our nation's ideals, few people hold that it is wrong to try to achieve them. It seems, however, that as people grow older and become hardened by their experiences, they tend to subordinate ideals to more practical considerations. This should not be taken to mean that the older generation has forgotten the principles the nation was founded upon. However, constant repetition of these principles can be quite beneficial. Youth can therefore serve as a conscience—a reminder to their elders of these ideals—and can attempt to insure that the goals of a given action support the ideals of liberty and equality.

This can be done in several ways. Besides exercising their freedoms of speech, assembly and the press, young people can participate in political campaigns, circulate petitions, and take part in peaceful demonstrations. All of these methods can be utilized without age, a great deal of experience, or the right to vote.

Those descriptions again? Young people are—and should be—idealistic, but they are not fools. They have a sense of responsibility although it may be different than that of their elders. And they don't think they can run the world. They simply want—and deserve—to take an active role in setting the goals of their country.

FOR THE TOMB OF THE UNKNOWN CITIZEN

(By Jan Chrisman)

He was found by the Bureau of Statistics to be
One against whom there was no official complaint . . .

For in everything he did he served the
Greater Community . . .
When there was peace, he was for peace,
when there was war he went . . .
Was he free? Was he happy? The question is
absurd:
Had anything been wrong, we should certainly have heard.

W. H. AUDEN, *"The Unknown Citizen."*

In the forties and fifties, we were content with our ignorance. We were blind and deaf and dumb, but happy. We followed the flag without question or doubt as to where it led. So, we found ourselves in Vietnam, involved in a war we thought we had no business being in. But, most of us remained silent. For ours was not to reason why . . .

Forty thousand dead men later, we opened our eyes and saw young bodies, yellow and white torn apart. We opened our ears and heard the cries of starving children, not in Saigon ghettos, but in Harlem slums. We opened our minds and felt a hate and shame and love that ignited both hope and destruction. And, most importantly, we opened our mouths. We alienated, in some cases let off hot air, and exposed a species, old as mankind, and long overdue for extinction—the unknown citizen.

If nothing else, we learned from the 1960's just exactly what we didn't know.

We didn't know, said the congregation
singing a hymn in their church of white
The outside agitators came—
To set our colored people aflame.
And maybe some of our boys got hot
And a couple of niggers and reds got shot.
The preacher would have told us if we'd done
wrong.
We didn't know, said the puzzled voter,
Watching the president on T.V.
I guess we got to drop those bombs
If we're going to keep south Asia free
The president is such a peaceful man
I guess he's got some kind of plan.

TOM PAXTON, *"We Didn't Know."*

Forty thousand dead in Vietnam, four dead at Kent State, and six dead at Jackson is a high price to learn the extent of our ignorance. But, perhaps they will not have died in vain if their deaths move just one unknown citizen to crawl out of their middle America hole and speak up for what he believes, if he believes. And, perhaps they will not have died in vain if we, the American youth, learn that ignorance is the murderer and the chief obstacle to peace. This is our responsibility in setting the goals of America and ourselves in the 1970's, to avoid the trap of ignorance and passive acceptance.

The initial goals of America, as the nation's founding fathers proposed, are good, strong, ambitious ones, and not beyond our grasp. America as a land where all are equal, and where the right to life, liberty, and the pursuit of happiness is respected as inalienable is not beyond our grasp if we are willing to work together and cast off the bonds of our ignorance.

Johns Adams, second president of the United States, thus rating him, I suppose, a founding father, said, "Liberty cannot be preserved without a general knowledge among the people". In remembrance of our fathers and for the sake of our children, we must open our eyes and ears and minds. We must stand, alone or together, but, we must stand. For if we don't who will know we gave a damn?

For the tomb of the unknown citizen, the epitaph reads, "I didn't know, I didn't stand". God, I hope mine, my peers', and my children's read, "I knew, and stood for what I knew".

THE ROLE OF THE YOUTH IN SETTING THE GOALS OF AMERICA IN THE 1970'S

(James D. Everett, South Harrison High School)

Many times I have dreamed of hiking trails that were worn down under moccasins hundreds of years ago. I have followed with my mind the covered wagons on the trek across our continent. I have thought much on the determination and devotion of the men and women who built our country, and I have the honor to be a descendant of those people. I am the guardian of what they built. I am a youth, on whom the future of America will ride. It is my hope and my prayer that the actions I take will help bring to America a goal: This goal is one that should be at the front of every America's mind. And that is that the universal peace and harmony we so desperately need now will soon exist among all nations.

I know I must be realistic for the world is real. I know I must be patient for the world will not and cannot change by the flick of a finger. Change takes time, and if we are realistic we will take heed and help others with the change. This is and can be the only way change will come. Shouting, drawing sides and fighting will only forestall a change. Tradition is much more of an argument in some people's mind than all the reason and logic in the world. This is sad, but it is true. However if reformers learn to act through people's mind, not against them, everyone will gain much more.

I also know I must be loyal to my convictions, for the world is already too full of hypocrites. One of the hardest things in the world to do is to be honest with oneself when under pressure. But, unless we live with the world, and not against it, we will be sapped up and flung apart tearing at the seams. The worst type of hypocrisy, the same type that is seriously crippling the United States, is the silent voice. The silent voice is possessed by someone who may care but hasn't "got-the-guts" to say anything to anyone's face. This person will agree with another anytime, until that person's back is turned. This is why the "silent majority" is the most destructive force in this country today.

"And in that naked light I saw ten thousand people, maybe more. People talking without speaking, people hearing without listening, people writing songs that voices never shared; no one dared disturb the sounds-of-silence. (Paul Simon and Arthur Garfunkel.)" This is what I see when looking at my country: people talking, hearing, and thinking, but no one speaking, listening, or trying to help others with their ideas.

When the separate people realize that they are not each one entities, but rather only a thread of a fine, closely woven garment, our world will be able to advance unboundlessly. If the youth of the '70's can but start this country on the road to better understanding, our job will be accomplished and accomplished well.

THE ROLE OF YOUTH IN SETTING THE GOALS OF AMERICA IN THE "70's"

(By John W. Head)

John Kennedy declared that "the torch has been passed to a new generation of Americans." Not to our grandparents, not to our parents, but to us, the youth of America, has it been passed. It is a torch that beckons us to action for a cause rarely, if ever, assumed by young people, but which now seems too unimportant for an ever-increasingly materialistic society to concern itself with. For it is our challenge to relieve the despair bred by hunger and poverty, to reduce the apathy encouraged by depersonalization and apparent individual unimportance, and to combat the ignorance that prevents Americans from fulfilling their responsibilities to our society.

How can we meet this challenge? What weapons do we have on our side to help us combat ignorance, apathy, and despair? What means do we have through which to set the goals of America in the 70's?

First, we have political leverage. It has been shown in the last two elections that young politickers have wielded considerable, and in many cases, determining power in assisting or defeating either candidates for office or referendums and amendments. Lately, a reactionary pulse has registered on the nation's electrocardiogram, in response to the usually liberal and sometimes radical contentions and methods of young campaigners, indicating a misuse or perhaps even an abuse of this precious leverage. We cannot afford such reaction to be produced by our involvement in national and local concerns, for as soon as we lose the respect held by adults for us, we lose our influence. Therefore, let us first protect and utilize our political leverage.

Secondly, we have opportunities for a personal role in determining policies and providing service to others. Despite the cries from the reactionary right, our nation's governmental structure is becoming more democratic, not less democratic; more responsive to popular opinion and need, not less responsive; more dependent on personal initiative and volunteer work, not independently controlled by a band of socialistic sovereigns. We are able to materially change conditions on a personal level by assisting with such programs as VISTA or Job Corps. Through such action we can instill hope, dignity, and love in thousands, even millions of Americans. Secondly, then, let us recognize and take advantage of our opportunities for personal service.

And finally, we have vigor. Older people have believed since the time of Cain and Abel that "the young people are tearing down the society." If we can tear down, why can we not also build up? We lack not for energy. We lack not for time. We lack not for opportunities. So thirdly, let us direct our youthful vigor toward the challenge.

Through these means, young Americans truly have the tools with which to set the goals of America in the 70's. Therefore let us use our political leverage, our personal opportunities, and our vigor to help educate the ignorant, help invigorate the apathetic, and help relieve the desperate. After all, the torch we carry will soon light our nation. We must accept its challenge.

THE ROLE OF YOUTH IN SETTING THE GOALS OF AMERICA IN THE 70'S

(By Edward Charles Holland III)

The youth of today are more strongly motivated toward identifying goals for America than any group of youth since our country's founding. This group, because they were fortunate enough to be born at this time in our nation's history, has been given more and better formal education than any age group in the country today. It is ironic that this group also finds itself ineffective in helping set the nation's goals because of its age. Some are too young to vote; most are considered by their elders to be too young to have any worthwhile ideas.

To be effective in helping with America's goals, the youth of today must first find a way of communicating their ideas to those who have the responsibility of solving the nation's problems and directing its course of action. Overcoming the publicity and reputation caused by the illegal actions of a few will be a necessary and difficult task. Positive acts of help and a demonstration of good faith will heal wounds made to the nation's society and prove to the nation that the youth are willing to earn their right to be heard. Prevention of further irresponsible acts of violence and lawlessness will create an environment in which the youth can participate. Such prevention will be accomplished by support of the legal authorities and willingness to put down the rabble-rousing leaders who are establishing the reputation for the whole group.

Once the youth of the nation have earned the right to be heard, they must make certain they are prepared to say something of value. Such preparation must include an intelligent pursuit of the academic opportunities, a serious effort to be physically healthy, including avoidance of those things known to be detrimental to one's health, and the development of a realistic feeling for the nation's problems.

Setting our nation's goals requires an acceptance of our nation's problems as a challenge to find an improved way of solving the problems. Destroying the source of the problem or completely ignoring it only leads to more problems. Improved methods of solving these problems must be found and the youth is very capable of helping the nation in this task.

Our youth must accept its individual place of responsibility in the society and put its talents and strength to improving what exists today. This responsibility includes a contribution by proper academic preparation to later earn a salary and pay taxes, supporting of community activities such as the Boy Scouts, P.T.A., etc., and living a moral personal life. From this base, the goals can first be defined and then the course of action identified and followed.

In many fields the youth has made a good start toward setting America's goals. Each election year many political candidates find themselves backed by the youth who, although they cannot vote, do have a helpful influence upon his campaign. The youth has also been instrumental in bringing public attention to the ecology problems of the United States.

Today's youth will become participants in setting America's goals in the '70's only by earning the right to be heard and demonstrating they have the maturity to contribute in a practical, realistic way as they have done in some cases. They must keep in mind that the goals for the '70's will determine the economic health and world position of the country in the '80's and '90's when they will have the responsibility of running the nation.

The Role of Youth in Setting the Goals of America in the 1970's

(By Ronald J. Jarvis)

From the depths there arises a mighty roar, prodigious in its shuddering force as the earth screams her death agony—a wail of sadness and pain unequalled in the mind of man. Polluted, lifeless tears wash over the time-furrowed brow as mud streak rivers flow to poison seas. Shrieking, pounding metal insects sting the grayish sky-haze with black tails of noxious smoke. Subterranean mushroom clouds entrench their radioactive by-products in the innocent soil while levels of strontium-90 and DDT in the bloodstreams of the populace struggle for supremacy. Terrorism and death reign supreme in the gore-stained hands of Machiavellian political extremists on every side, and rising crime is the watchword on the quivering lips of a frightened society. And in the midst of all the gathering clamor can be observed an apathetic citizenry, searching desperately for some person or persons upon which to blame the mediocrity of its existence.

Pollution, crime, apathy, hunger—it is clear to see that the die is cast for this and upcoming generations. Society has long been treading water on important issues, hampered by its distorted set of priorities. Commercialism has triumphed over human values—capitalism, long considered a political panacea, can no longer rightfully assume first place in the crown of social glory. Through single-minded expansion of monetary interests, our coffers have been filled to surfeit—but at what cost?

The cries of undernourished Negro children, of the once noble but now depreciated American Indian, facing the hollow reality of poverty contrast dissonantly at best with the mellifluous tones of the American horn of plenty. The granaries of our central lands overflow with wealth while emaciated throngs all over the globe grapple daily with the grim business of their own survival.

It is the responsibility of this area's youth to re-order the decadent and irresponsible priorities that have been followed. A civilization which values its own comfort over the very survival of less fortunates cannot expect popular applause or even longevity.

It is doubtful whether any significant changes might result from the actions of America's all too evident "silent majority." When an increasingly large portion of eligible voters on any given election day fail to exercise the least bothersome of their responsibilities as citizens, it speaks eloquently of the tragedy before us. The apathy and indifference permeating society need to be overcome by some sharply-pointed prodding. This, then, is a major role of youth—to prompt constructive reform of society by appropriate activism.

The most pressing concern of today's youth, therefore, is concern itself. That is to say, if a proportionately greater number of persons in the younger camp can be prevented from falling into the miasma of inactivity, then long-needed improvements might be made in government and in society. A reassertion of the responsibilities and duties of citizenship, hand-in-hand with social consciousness should lead youth directly to the accomplishment of the formidable tasks offered by this decade.

The Role of Youth in Setting the Goals of America in the '70's

(By Linda Kettlewell)

The challenging 70's are upon us and the youth should accept this opportunity by striving for higher goals than ever before. In looking at this challenge, one must first look at that word G-O-A-L-S:

Government plays an important part in accomplishing goals and in keeping the people of the land organized as well as informed about our "rush rush" society and world affairs. Only through successful cooperation and political endeavors by the people this can be accomplished. James Clarke had a revealing opinion when he said, that a politician frequently thinks of the next election, while a true statesman thinks of the next generation.

Out-reach for youth is imperative if we're to create a secure future. All men must have a purpose: to keep the minds and bodies of the youth busy, to better the environment of our society, to improve our world economy. It has been said, by Robert Ingersoll, that "free bodies and free minds, along with free labor and free thought, will lead us to wealth and truth."

Ambition should be on many fronts. One example is the People to People Program. It has been and is being supported by interested students on the secondary level, who help the foreign exchange students meet with American boys and girls of their own age group. If we're ambitious enough to discuss, openmindedly, the problems in our society, we can help bring the nations together. The Peace Corps volunteers also help people help themselves, by showing less fortunate people how to use what they have. By providing education, they help lessen the growth of ignorance and poverty. Both organizations, by their ambitions, stimulate others in creating more productive lives.

Love is the key to fewer slums and less poverty in our nations. Love towards one's fellowman would not cause war, but peace. If true love was more evident today, Herbert Hoover's statement would be a reality. "We shall soon, with the help of God, be in sight of the day when poverty will be banished from this nation."* While we're concerned with poverty, we're also concerned for Peace. Harry Truman once commented, "Our goal must be—not peace in our time—but peace for all time."* Love is the key in unlocking the doors of poverty and peace.

Sacrifice is the hardest of all goals to attain. Who among us is willing to sacrifice personal gain, without that "what's in it for me" attitude? Sacrificing one self for others requires strict discipline. By sacrificing we're often forced to reach far beyond our grasp.

These goals: government involvement, outreach in community concern, coupled with ambition, love, and sacrifice for a nations people, can meet the challenge of the 70's. We're no longer content to watch the world go by. There's always something to be done to help others and unborn generations. At this time thirty percent of the United States' population is composed of youth, ranging from fifteen years of age and under. If this thirty percent could be motivated and challenged in this "rush rush" world, the youth in the 70's would become a dynamic force. The youth, by the G-O-A-L-S we set in the 70's, can keep the bells of freedom ringing not only for America, but for all the world.

The Role of Youth in Setting the Goals of America in the '70's

(By Darcy Tuma)

In America today, the average child lives a carefree life with little ambition beyond a dream of growing up to be a cowboy or a ballerina. Adults have the responsibility and freedom to vote. Because of this, their opinions are of prime importance in determining the goals of America. The bridge between childhood and maturity is characterized by the freshness, vigor, inexperience, and precipitancy found in youth. Their future and the future of their country rest on the success of their attempt to cross this unstable bridge.

The inexperience and precipitancy of youth guide some youth to display their shortcomings. These leave many adults with the conception that American youth have no goals beyond the satisfaction of their immediate needs. Youth wear the label of being influenced and deluded easily. They appear to the public as uncompromising children throwing tantrums in the forms of riots and bombs. Adults often associate youth with abuse of drugs and escape from reality. If all of America's youth are aimless, uncomprising escapists, they are obviously not ready to play an active role in the decisions of society and government.

There exists another group of Young Americans not found in the news associated with acts of lawlessness and of violence. They display the freshness of youth in their dream of peace: a peace with everyone as an equal brother, a peace with all of God's creations, and a peace within each man that he is an individual free to be himself. This group is full of vigor and spirit directed toward making their dream come true. They work for candidates of their choice. They are active in discussion and debate on important issues in and out of their classrooms. They speak out against what they believe hinders the fulfillment of their dream.

Young Americans feel frustration from the injustices in their country of "liberty and justice for all". They find inconsistency in the fact that young citizens are asked to risk their lives for a country before they are considered mature enough to help decide the actions of that country. Because they cannot vote, no one listens to their ideas. These frustrations shatter their belief in their country and lead many to search elsewhere for ways to achieve their goals.

Young and old, America's dreams are the same. The youth see possible improvements on the past. They ask for changes. Will anyone listen to their ideas? As a country, America must progress, and progress comes from change. Together we must act expediently. Since all Americans have basically the same goals, we can work together, listen together, and learn together.

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*The Great Quotations, G. Seldes, pp. 743, 721.

To Be Human Again

(By Kathy Witt)

There has been a great deal of talk these past few years about the youth of our country. A "generation gap" has been declared, across which the New Generation and the Establishment eye each other warily. Despite the cries of a few courageous optimists, there seems to be a general feeling among the over-35 group that our country will fall into chaos if left in the hands of a generation whose hair covers its ears. "What do these kids think they want?" is a question often heard. "What have they contributed?" is another. Wasn't it a sixteen-year-old girl who, in 1968, carried a sign imploring President Nixon to "bring us together?"

America is and always has been, a rapidly-growing, constantly-expanding nation, and the inhabitants of this nation come from a long line of people who have been married, harried, pressurized, mechanized, computerized, and psychoanalyzed. They have lived through imperialism, prejudice, depression, war, secession, materialism, isolationism, and capitalism. What presently exists is a group of people who hurry too much, run too fast, and are afraid to trust the other fellow because they haven't had time to know him. Fathers spend as much as twelve hours a day at work, and then bring their troubles home. Not only does this tend to bring on migraine headaches for the father; the family suffers, too. The TV- camera's-eye-view of the typical American working man is one showing the office worker coming home from a hard day, yelling at the children to be quiet, and growling at his wife.

People are so preoccupied with what they should be, they often forget what they are—human. They don't realize that when they spend so much time working, they lose track of life. They don't have time to enjoy their children; to build any kind of permanent relationships. This can harm the child as well as the parent.

Oddly enough, it is usually the Establishment person who runs himself ragged in this way. The younger person hasn't learned yet how it's done, and hopefully never will. People, being human, need time to relax. Then they can smile at their neighbors, pass the man in the other car without cursing at him, and maybe, just maybe, close the "generation gap."

What do there kids want? They want time for people, all people, to be human again.

COMMUNIST-STYLE POLLUTION

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SCOTT. Mr. Speaker, apparently, throughout the world people are concerned about the problem of pollution but an editorial in the Herald Progress, a newspaper published in Ashland, Va., gives an interesting slant on the response of government-owned industry in Russia to the concerns of environmentalists. You may be interested in reading the entire editorial:

Communist-Style Pollution

Once again, government has been proven a poor self-regulator—this time in the area of pollution control. While many have believed that environmental problems are peculiarly the property of capitalist countries, an item in The New York Times reveals that the Soviet Union has its environmental problems too. But, there is no one to blame in the U.S.S.R. for industrial pollution except the government, since government under the communist system owns and runs all industry. Now, Soviet conservationists appear to be having little success in persuading state-run industries to curb pollution.

It is said that ordinary Soviet citizens are appalled by the worsening conditions of major rivers in European Russia. The New York Times comments, "What is disappointing is the fact that the Soviet Government has evidently taken umbrage at suggestions that pollution is a problem cutting across ideological and political divisions. Insistent rumors in Moscow . . . have told of official efforts to clamp down on exposure of Soviet polluters, presumably for fear of providing anti-Soviet propaganda material."

This is a far cry from the United States where under our system of private enterprise the state, as an advocate of the public interest, can move without fear of hurting its "image" to impose pollution-control standards. U.S. industry, by the same token, that lives by the virtue of customer goodwill is inspired to do everything within its power and technological ability to improve the environment.

CONGRESSMAN THOMAS L. ASHLEY CALLS FOR REALIZATION OF HOUSING GOALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BRADEMAS. Mr. Speaker, there is great concern over the urban crisis in our country and one of the most informed individuals on this subject in Congress and the country is our distinguished colleague from Ohio, Congressman Thomas L. Ashley.

On March 10, 1971, Congressman Ashley addressed the National Service to Regional Councils in New Orleans. He outlined the problems facing our cities and discussed programs in housing and land use planning which would serve to correct many of these problems.

Mr. Speaker, because I believe Congressman Ashley's message is a valuable contribution in our consideration of this important issue, I insert the address in the Record.

The text of Congressman Ashley's address follows:

Address by Congressman Thomas L. Ashley

I am very pleased to participate in this annual conference because I consider the work of your National Service to Regional Councils to be highly important, for the simple reason that I consider continued development of regional councils to be one of the most important ingredients in the future growth of our country.

This year's Conference is aimed at developing a statement of "Goals for Action" and I congratulate you for the courage that this requires.

One of the strange things about the United States is that we are very goal oriented in our private undertakings but traditionally we have been very much against the establishment of goals by the government sector, local, state or national. One of the reasons for this, I suppose, is that such goals represent political risk: If we don't set goals to be achieved for the good of society, there is no way to measure failure; on the other hand, if goals are established but not fulfilled, the gap between promise and performance is very measurable, especially by the alert political opposition.

ESTABLISHING GOALS

There is also little artistry that can enter into the establishment of goals, as we saw in the State of the Union Message a month or so ago. This involved the defining of six National major goals by the President, each of which requires Congressional action for implementation. There are those who are cynical enough to suggest that this puts the President in the position of being able to claim credit for proposing goals which win popular support, and at the same time damning the Congress for blotching its legislative task in areas which incur public disfavor.

In any event, it's clear that we need national goals and strategies to achieve these goals. This Conference is especially timely because DHUD's internal reorganization and current legislative proposals are aimed at enlarging both the geographical and administrative scope of its planning assistance and physical development programs. Obviously the success of this effort depends on the willingness and ability of metropolitan and other regional councils of government to establish planning objectives within the broader framework and upon their success in establishing development priorities that are bound to favor some local jurisdictions more heavily in the short term but which on balance achieve the objectives established for the entire area.

LAND USE PLANNING

At this juncture, there doesn't appear to be any quarrel with the Administration's effort to initiate statewide land use planning and the proposal of DHUD to route 70I and other planning assistance through the States to regional and local planning agencies in order to assure more active State participation in the planning process. Congress and the Administration are also in substantial agreement on the need to revise and consolidate the existing categorical aid programs to facilitate both central city and suburban development programs. The major difference is that the administration's block grant development assistance would have no strings attached while the majority view in Congress is that the use of block grant funds should be governed by broadly-stated, congressionally-established goals, to be implemented by specific operating mechanisms. This view is predicated on the notion that our growth patterns are a matter of national concern because they determine the extent to which we can fulfill the promise of a suitable living environment for every American. If this national goal is to be achieved, we argue, then we must insist—as a condition of receiving block grant funds—that the money be used to carry out a regional or area-wide development strategy consistent with stated national objectives.

HOUSING

Housing represents a second area where Congress and the administration may be out of step—particularly with respect to its regional application and consequences.

Inasmuch as the administration thru H.U.D. is proposing to regionalize both planning and development, consistency would seem to require that housing be treated on the same broader jurisdiction basis. NOT SO.

In fact, very much the contrary. It was the President himself, only a few weeks ago, who stated that his administration would abide by the law with respect to open housing but would not use Federal funds to achieve forced integration in the suburbs.

This sounds fine to some but it produces weird results.

The Census defines suburbs as any area in any standard metropolitan statistical area outside a central city with a population of 50,000.

If Federal funds can't be used to achieve integrated housing in the suburbs, this means such funds can only be used in the center city itself where generally speaking, the density of poor and black is already dangerously high.

Most certainly the Congress is going to challenge the efficacy of regional approaches to planning and development in the absence of a similar approach to housing.

Housing aside, it's clear that Congress and the administration are directed toward—if not committed to—a much more positive public role in the development process than ever before. Both are on record in stating that a continuation of established patterns of urban and rural growth will waste land; destroy resources and increase pollution; reduce the prospect of meeting our shelter needs; limit options as to where and how people may live; further erode central city areas; further separate homes from places of work and recreation while further separating people by income and race.

URBAN DEVELOPMENT

Congress and the Administration are agreed upon the further premise, also contained in legislation that has been signed into law, that "better patterns of urban development and revitalization are essential to accommodate further population growth, prevent further deterioration of the physical and social environment, and improve the overall quality of life."

So despite specific areas that may be in dispute, there are much broader bases of agreement that already have begun to produce legislation charting new directions in the development of our country.

One example is the Urban Growth and New Community Title of last year's Housing Act.

One part of this legislation which for the first time provides for a national urban growth policy, was based on a number of findings that have been written directly into law. Among these is that achievement of satisfactory living standards depends upon sound; orderly and more balanced development in all areas of the Nation; that existing and future Federal programs must be interrelated and coordinated within a system of orderly development and established priorities consistent with a national urban growth policy; and that the Federal Government . . . "Must assume responsibility for the development of a national urban policy which shall incorporate social, economic, and other appropriate factors, such policy to serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and which provide a framework for development of interstate, state and local growth and stabilization policy."

To assist in the development of a national urban growth policy, the law provides that the President—through his domestic council—shall make regular reports to the Congress, including information with respect to population and growth trends; specific urban growth problems and efforts designed to meet these problems; a review of state, local and private policies and actions; current and foreseeable needs—both public and private—for implementing national growth objectives and recommendations for specific legislation and administrative action.

EIGHT GUIDELINES

In short, the Congress by legislative mandate has directed the President to evolve a national urban growth strategy. While recognizing that growth policy must be an evolving policy, flexible rather than static, the act is specific with respect to eight guidelines that must be followed and which represent sharp departures from current growth and development patterns. In other words, the Congress—while deliberately fastening responsibility on the White House to delineate a national urban growth policy—has stated that such policy should—

Favor patterns of urbanization and economic development which offer a range of alternative locations in metropolitan and urban regions as well as in smaller regions which have a potential for accelerated growth;

Foster the economic strength of all parts of the country—central cities, suburbs, smaller communities and rural areas;

Reverse trends of migration and physical growth which reinforce disparities among states and among regions and cities;

Treat comprehensively the problems of poverty and employment which are associated with disorderly urbanization and rural decline;

Encourage good housing without regard to race or creed;

Define the role of the Federal Government in revitalizing existing communities and encouraging planned, new community development;

Strengthen the capacity of general governmental institutions, and

Facilitate better coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth, the prudent use of resources, and the protection of the physical environment.

Just a final comment on this phase of the new legislation.

Our country has never had a growth policy. Residential construction—home building—has in large measure taken place where, when and how the speculative developer has decreed, it would be built and industrial and commercial location also have been determined exclusively by market forces.

ABSENCE OF PLANNING

In short, where people live and how they live largely have been considered the special domain of private enterprise and only inferentially a matter of public policy.

This has begun to change—not because officialdom in Washington has become suddenly enlightened (that day hasn't come!) but because burgeoning population growth in the absence of planning has resulted in chaotic growth patterns which threaten to rip asunder the very social, economic and ecological fabric of our country.

At the time of the American Revolution, we were a fledgling nation of 3 million with a whole continent to settle. No need then for a growth policy.

It took about 130 years—until the turn of this century—for the U.S. population to reach 100 million—and still no pressing need for planning rational patterns of growth.

But it took only 70 years—until just last year—to add the next 100 million population and demographers tell us we'll jump from 200 million to 300 million by the year 2000--just 30 years from now.

It's at this juncture—on this awesome threshold—that we have finally acknowledged that there is sufficient public interest in a rational, coherent development process—that respects human and environmental values as much as the market mechanism—to at least begin to forge a whole new development concept.

PLANNING ON A REGIONAL BASIS

At the heart of this concept is the notion that the process of growth must be determined by planning and development decisions on a regional basis—through public officials appointed or elected by the people who live there—rather than by Congressional enactments which cater to home builders—as FHA has done since the end of WW II or to the automobile industry—witness the impact of turnpikes and interstate highways on industrial location in just the last decade.

Nor is this emerging National growth policy without new means of implementation.

The second part of the Act adopted last year establishes a new community Development Corporation to provide a whole range of assistance for the planning, construction and preliminary operation of new, carefully planned communities.

FEDERAL ASSISTANCE

For the first time, Federal assistance will be available to State or local bodies authorized to engage in development, as well as to private sector developers. For the first time funds will be available to help cover the costs of planning, land acquisition and development, for essential public services—sewer, water, roads, school, hospitals, police, and fire facilities—and for their operation during the early years of the new community.

What kind of a new community am I talking about? There is no sterotype. Generally they are expected to fall into four categories—

New communities with metropolitan areas;

New towns—in town;

Existing smaller communities with good growth capability, and

New free standing communities such as Reston, Columbia, Jonathon, etc.

In my view, new communities will become a cornerstone of our development process in the immediate years ahead.

HIGH PRIORITY

Already there have been scores of inquires from potential new town developers—both public and private—interested in applying under the new legislation. And honesty compels me to say that the Administration—especially HUD—is now wholehearted in favor of the programs and is giving it high priority—both with respect to personnel and to funding. Personally, I think a major reason for this is the Administration's conviction that rich, white suburbia will never allow acquiescence to the intrusion of the poor and the black—and therefore new communities—with racial and income balance built in—represent the only suburban alternative which promises a thoroughly decent, well planned living environment.

I also think the Administration is beginning to share my view that new communities in proximity to major urban centers will be essential as relocation resources to permit the reduction of ghetto density and rehabilitation of the core city. In other words, rational metropolitan development is a must if our major cities are to be saved.

So there are some of the directions and activities that are taking shape in Washington but which are sure to have a direct major impact throughout the country: Heavy emphasis on a more regional approach to physical development as well as planning—with housing not quite included; and emerging national urban growth policy which for the first time acknowledges and defines public responsibility for how and where people live; and lastly a new community program for public and private developers alike with a wide range of financial assistance available for those willing to combine public interest with private profit.

A PRODUCT OF PLANNING

If I were to add a final thought, it would be that development must be the product of planning; planning must reflect a deliberate strategy; and strategy must be designed to achieve established goals.

When these relationships are understood and respected, it will be possible to undo some of the great damage that has been wrought by the selfish, insensitive development process that has served us so poorly at such enormous expense.

In short, the President was right when he said we must develop a national urban growth policy before our problems become insolvable.

The Congress has forged the mechanism to produce such a policy; its effectiveness will determine the shape of America in the decades to come.

MR. NIXON AND THE WAR TO END ALL WARS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SCHEUER. Mr. Speaker, last night, in what has been termed an unprecedented personal interview, Mr. Nixon clearly and articulately set forth his view of the American role in the world in general and in Vietnam in particular.

Mr. Nixon apparently believes that there are countries in the world which are hostile to freedom and the freedom-loving peoples of the world. These forces are ready and willing to spring upon unsuspecting and/or weak countries at a moment's notice and to subject them to an unfree and undemocratic way of life.

These hostile countries are deterred from gobbling up the world, however, by the force and power of the United States. Whenever any hostile country shows an inclination to attack a weak neighbor, the United States roars up and bares its teeth. If, in fact, the hostile country engages in combat and/or guerrilla-type actions, the United States will counter by sending combat troops to the threatened country or, under the Nixon doctrine, it will help the threatened government defend itself by sending aid, advisers, or supporting air power.

Thus, it is the United States, and for all practical purposes, the United States alone, which deters the aggressive impulses of the hostile countries. If, for whatever reason, the United States fails to counter one of the hostile probes for weakness, the hostile power will learn that aggression does in fact pay and will experience a whetting of its appetite.

Mr. Speaker, this view of the world is perfectly consistent and coherent given its premises. But, I think that it betrays a view of the world that is outdated and inappropriate.

First, at risk of being labeled a "new isolationist," the world view I have described is undesirable in view of America's priorities. The theory that the United States is the world's policeman may have been acceptable at a time when the United States was unaware or unwilling to attack its problems at home, but, we have now come to realize that urban decay, mass transportation system, racial injustice, and the many other problems of our times cannot be solved without money. And, the necessary money is simply not available as long as we continue to support and maintain a swollen defense budget. We must cut this budget if we are to have the funds which are required to solve our problems at home and we cannot do this if we are going to remain the world's policeman.

Mr. Nixon's theory, as I have outlined it, is based upon the view that the United States cannot survive as a free society unless it functions in a world environment which contains a large and undetermined number of other free countries. If the free world is gradually swallowed up by aggressive nations, the theory goes, the United States will be turned into a fortress, no longer free and democratic, by the very need to defend itself. Ultimately, without allies, it might be overrun itself and subjugated.

What the theory does not take into account is the fact that by attempting to act as the world's policeman, the very thing we are attempting to prevent is already occurring.

Our defense requirements, based upon Mr. Nixon's theory, have given rise to a military-industrial-labor union complex which is threatening our freedom and the livability of our cities. Senator ERVIN has already conducted hearings about the role of the Defense Department in civilian surveillance activities. The large defense budget prevents us from allocating funds to the very activities which would enable our citizens to enjoy a free and full life. What benefit will we have gained if our society collapses in an attempt to save "free" countries everywhere?

The Nixon doctrine does not change these facts very much. True, under this doctrine we will, presumably, no longer shed American blood in the remote countries of the world. But, we will be spending our treasure—money we can ill afford—and we will still be contributing to the growth of the Defense Department and its allied industries.

Second, the Nixon doctrine will continue to involve the United States in the support of undemocratic but non-Communist governments. Prior to the Nixon doctrine our foreign policy involved the defense or the pledge to defend many undemocratic governments as long as they pledged to remain non-Communist. The Nixon doctrine, in effect, continues this policy. Whether we support a government of this type with a pledge to send men or whether we send material the result is the same—we will continue to support status quo governments, including dictatorships, in the alleged cause of defending the "free world."

Third, Mr. Nixon's theory appears to be a rather simplistic explanation of the war in Vietnam. If the North Vietnamese were merely probing U.S. willingness to defend South Vietnam, why, after so many years have they failed to learn that aggression will not pay in the South? Why would the North Vietnamese be willing to see their society and their land virtually destroyed, if they were simply probing for American weaknesses?

Given the historical aversion of Vietnamese to Chinese domination, would the North Vietnamese be willing to suffer destruction in order to act as tools of Chinese aggression? Does anyone believe that the North Vietnamese are acting as tools of the Soviet Union?

We must reexamine all of our commitments in the light of our true national interests. Is it true that we must intervene with either men or material everywhere in the world in order to deter aggression?

Why have aggressors failed to learn that aggression does not pay as a result of World War I? World War II? Korea? Is the war in Indochina or the Nixon doctrine really in our national interest viewed in light of our problems here at home?

Has Mr. Nixon, in enunciating the Nixon doctrine, actually committed the sin of which he accused the Democrats—promising much more than he can deliver?

Mr. Speaker, the President prides himself on being a realist. He does not, however, appear willing to allow this luxury to be enjoyed by others. If others attempt to examine our foreign policy in light of our true national interest but reach conclusions which differ from those of the President, they are met not with arguments but with pejorative characterization as "new isolationists."

Mr. Speaker, the rhetoric of the 1950's modified only slightly will not serve as a substitute for carefully conceived foreign policy. We must reexamine our foreign policy in light of our problems at home, our national ideals of freedom and democracy, and our true national self-interests. If we do not, what has now become Mr. Nixon's "war to end all wars" will suffer the same fate as Mr. Wilson's.

PASTOR EMERITUS MONSIGNOR SOCHA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Mr. RODINO. Mr. Speaker, I was deeply saddened by the recent passing of an old and dear friend of mine, Rt. Rev. Msgr. Bronislaus A. Socha, first pastor emeritus of St. Valentine's Church in Bloomfield, N.J., where he had served for 40 years as pastor. Monsignor Socha was a native of Poland who came to the United States at age 7, in 1895 and settled in Newark.

He was a man whose lofty ideals provided me with a great source of inspiration over the years, and whose wise counsel was gratefully taken. He was a person who cared deeply for his fellow man as so many know who have felt his compassion, his warmth, and generosity.

Words cannot possibly convey the sense of loss of those who knew him, for Monsignor Socha's contributions to spiritual, educational, and community development were immeasurable. He was a gentle man whose dedicated service touched all who knew him and made our lives more meaningful.

HOUSE OF REPRESENTATIVES—*Thursday, March 25, 1971*

The House met at 12 o'clock noon.

Rt. Rev. Nikolaj Lapitzki, Byelorussian Orthodox Church of St. Euphrosynia, South River, N.J., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit.

O eternal God, and our Father, the source of all life and light, on this day commemorating the proclamation of independence of anniversary of Byelorussia, we humbly bow our heads and pray, that Byelorussia, and all other captive nations may soon receive a new birth of freedom.

O Generous God, the source of kindness, bless and instruct the leaders and legislators of the United States of America, so that they would arrive at the decisions, which would lead to peace and freedom of all mankind.

O Merciful God, source of love, send Your blessing on all people of our glorious country, United States of America, save them from discord, giving them the spirit of love, wisdom, and true brotherhood. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of it clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

The message also announced that, pursuant to Public Law 84–1028, the Vice President appointed Mr. MANSFIELD, Mr. YOUNG, and Mr. HARRIS as members of the Board of Visitors to the U.S. Air Force Academy; and Mr. STENNIS, chairman of the Committee on Armed Services, appointed Mr. DOMINICK as a member of the same Board of Visitors.

The message also announced that, pursuant to Public Law 84–1028, the Vice President appointed Mr. MONTOYA, Mr. FONG, and Mr. PEARSON as members of the Board of Visitors to the U.S. Military Academy; and Mr. STENNIS, chairman of the Committee on Armed Services, appointed Mr. CANNON as a member of the same Board of Visitors.

NUMBERING OF RECORDED TELLER VOTES AND ROLLCALL VOTES

The SPEAKER. The Chair would like to announce that recorded teller vote No. 1—on the public debt and interest rate limitation—and recorded teller vote No. 2—on deleting appropriations for the supersonic transport—be renumbered as "roll No. 30" and "roll No. 31," respectively. The Clerk will henceforth number all recorded teller votes in sequence with roll numbers.

Without objection, the permanent RECORD and the Journal will be changed accordingly: and, in the future, recorded teller votes will be carried in the single "roll number" series.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, will this in any way change the results as they appear in the RECORD?

The SPEAKER. Not in the least. The purpose is to have just one set of numbers on recorded votes instead of two.

Mr. GROSS. Since they have already been changed from what the Chair announced the totals were, that is why I raised the question.

The SPEAKER. The Chair thanks the gentleman.

RT. REV. NIKOLAJ LAPITZKI

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, on this March 25, the people of Byelorussia are commemorating the 53d anniversary of their declaration of independence; and what could be more fitting than to have one of their own clergymen open this day's activities of the House of Representatives.

Mr. Speaker, today we had the distinction of listening to Rt. Rev. Protopresbyter Nikolaj Lapitzki of the Byelorussian Orthodox Church of St. Euphrosynia, located in South River, N.J., deliver the opening prayer.

Reverend Lapitzki, although not a resident of my congressional district, has been a friend and has done an impressive and dedicated job both to his church and to the community. He is the guiding spirit within his community of Byelorussian people in keeping their hopes alive for the resurrection of Byelorussian freedom and independence.

Mr. Speaker, I am pleased and honored to welcome Reverend Lapitzki to the Halls of Congress.

BYELORUSSIAN INDEPENDENCE

Mr. Speaker, the highest hopes and aspirations of the Byelorussian people for a free and independent nation were fulfilled on March 25, 1918, when the Byelorussian National Republic was born.

It was during World War I that the Byelorussians took advantage of a weakened Russian regime and took steps to liberate themselves from the Russian powers. The All-Byelorussian Congress met in December 1917, in the city of Miensk, and, on March 25, 1918, proclaimed the Byelorussian Republic.

Byelorussia's provisional constitution was adopted which provided for freedom of speech, press, and assembly; national and cultural autonomy of all minorities; a direct and secret ballot open to all Byelorussians; an 8-hour workday with a right to strike—all guarantees of human rights.

Acknowledging the right of Byelorussia to its freedom and independence, the Byelorussian Democratic Republic was accorded recognition by over a dozen states, and Byelorussian legations and consulates were set up in some foreign capitals. Unfortunately, the new Byelorussian free and independent state was unable to enjoy its new found freedom for very long. The Russian Communists invaded Byelorussia and turned the territory into a battlefield, and the nation soon found itself in Russian captivity.

World War II provided a period of relative calm and, under the German occupation, resulted in a spontaneous revival of Byelorussian national institutions. In 1944, in Miensk, the Second Byelorussian Congress was convened and it reaffirmed the desire of the Byelorussian people for complete political independence.

Today, the Byelorussian people cannot claim their former lands as an independent and free state. What resemblance there is to show that Byelorussia is an independent state is only an external facade, while the inner workings reflect the strict hand of Moscow control, which do not represent the hopes of the Byelorussian people.

There is no joy in Byelorussia today, there are no celebrations, there are no family gatherings on this, their day of the 1918 proclamation of independence. Today, in Byelorussia it is a day of work for the economic benefit of the oppressor, the Soviet Socialist Republic.

We all know that we cannot physically help Byelorussia regain her status as a free and independent nation. We can only express our hopes that this once proud nation will soon become a member of the free nations family.

I wish to join in this universal struggle for Byelorussian freedom and urge my colleagues to express themselves in seeking justice for these subjugated people.

Mr. Speaker, at this point of my remarks I would like to include a well-prepared treatise on the subject of what is presently the situation in Byelorussian territory, which I wish to share with my colleagues of this honorable body.

The material referred to follows:

BYELORUSSIAN CONGRESS
COMMITTEE OF AMERICA,
Queens, N.Y., March 10, 1971.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR SIR: The United Nations recently has celebrated ist 25th anniversary. The Byelorussian Soviet Socialist Republic belongs to the United Nations and is one of its founding members. However, the Byelorussian people are not represented at this international organization. The people of Byelorussian SSR have been and remain under the oppression of Soviet Russia and have been denied the basic human freedom and rights. The Byelorussian people are unable to express their opinion because the Byelorussian SSR is not a sovereign state; it is merely a colony of Soviet Russia. Thus we, the Byelorussians living in the free world, would like to focus your attention upon the following points: 1. the status of Byelorussian people in the Byelorussian SSR; 2. the real status of the Byelorussian Mission at the UN; and the role of the Byelorussian Mission at this important international body.

The Byelorussian Soviet Socialist Republic is a nominal state. The Constitution of the BSSR has one purpose—to promote the BSSR as an independent state outside of the Soviet Russian Empire. The Byelorussian SSR, in reality, is one of many non-Russian provinces which, for all practical purposes, do not have any characteristics of an independent state. The political power in the BSSR is concentrated in the hands of Russian Communists and all aspects of political life are directed and guided entirely by the Central Committee in Moscow. The Byelorussian Government in Minsk merely executes the orders coming from Moscow. All of the most important Branches of Government of the BSSR are, in fact, parts of All-Union Government Departments and thus receiving orders from Moscow. Out of 35 ministers of the BSSR only seven are under direct orders of the Government in Minsk. These seven are automobile transportation, construction and exploitation of highways, department of urban construction, local industries, ministry of collective farms and social security. However, even these seven departments are working within the framework established and controlled by the Moscow government.

All key positions in the Byelorussian SSR are occupied by the Russians. Russian nationals are coming to Byelorussian cities by the thousands and taking over almost all important positions in all levels of government. These Russian newcomers virtually control entire Bylorussian life and Byelorussian territory. The so-called "House of Representatives" of Byelorussian SSR consists mainly of Russian nationals and is superimposed by the Russian Communist party. The "candidates" in the election campaign are usually the key persons from the Army and the administration. These people are almost all of Russian descent. The only Byelorussians in the "Parliament" of the BSSR are farmers and mechanical workers from collective farms. The election procedures in the BSSR are below standard for they proceed under constant pressure. In view of these facts, it should be understood why the Byelorussian Government of the BSSR during the past 52 years never voiced its own opinion or an idea, or had expressed a single voice of protest against Soviet Russian occupation of Byelorussia.

At the same time, the Soviet Russian government is conducting a continuous policy of deportation of professional people and skilled workers from the BSSR to other parts of Soviet Russia. The same holds true for Byelorussian students—they must leave Byelorussia in order to get jobs in their professions. Many of these deported specialists never return back to Byelorussia and are completely lost to Byelorussian nationhood.

The Government of Soviet Russia carries out a policy of genocide toward the Byelorussian Nation. It is a statistically proven fact that during the Soviet Russian occupation the demographic deficit of the Byelorussian SSR was 6,045,000; only one-third of that number were direct or indirect losses of WW II; two-thirds, or over 4,000,000, are direct consequences of political terror, mass deportations and forced resettlements of Byelorussians to the Asian parts of the Soviet Russian Empire. And such a genocide had been carried out by the Russians for many decades, regardless of the fact that the Soviet Union was a signing member of the UN document against genocide which was adopted at the UN convention as far back as December 9, 1948.

The genocidal policy of Soviet Russia has its long history in Byelorussia. During the late 20's and early thirties millions of Byelorussian farmers and workers were forced to leave Byelorussia and to go to the eastern parts of Siberia. Such a policy of Soviet Russia is a magnified replica of the policy of Czarist Russia in regard to the Byelorussian people.

During the early history of Soviet Union a great part of Byelorussian territory was sliced from Byelorussia and attached to the Russian SFSR. The Byelorussian population in that part of the Byelorussian territory is continuously russified and directed towards complete destruction.

Presently the Byelorussian ethnic territory is divided at Moscow's will among four neighboring states, and the Byelorussian SSR includes less than half of the ethnographical Byelorussian territory. Loss of a great part of its territory and such a genocidal policy diminishes considerably Byelorussian national potential. The Byelorussian Soviet Socialist Republic is not a Byelorussian State and was not created by the Byelorussian people. The Byelorussian Soviet Socialist Republic was created by the Russian Bolsheviks in 1919 in order to subvert the aspirations of the Byelorussian people, who had proclaimed their own independent Byelorussian Democratic Republic in March 1918. In 1919 the Soviet Russian State conquered by military force of the Independent Byelorussian State and proclaimed the BSSR. In 1922 the Byelorussian SSR was incorporated into the Soviet Union.

The Soviet Russian regime in Byelorussia is carrying out a systematic Russification campaign. The Byelorussian language has been almost completely eliminated from official use in business relations, from institutions of higher education and from schools. The number of Byelorussian theaters, movies and cultural institutions shows a continuous decrease and the number of Russian-langauge institutions is increasing.

Streets, parks, monuments and even Byelorussian cities are named for Russian heroes and famous Russian dignitaries. Names of Byelorussian national heroes are virtually banned. The administration carries on a campaign of continuous destruction of Byelorussian historical monuments and architectural structures. Instead the Soviet Russian Government introduces a typical Russian addition of pseudoclassical style, and introduces it across the entire Soviet Union.

In view of the above, it is clearly understood why a traveller from the West entering the border town of Brest feels like he is in Russia. The Byelorussian features of this city have disappeared and a Byelorussian historical city of Bierasce has become a "Russian fortress in the western border."

Since 1927 in the BSSR there has been a continuous process of liquidation of Byelorussian national life. During the first stages of Russian Communist terror, the Russian Communists liquidated several hundred Byelorussian National Communists. In the 1930's the Russian Communists arrested thousands of Byelorussian scholars, artists and engineers. Many hundreds of thousands of Byelorussian farmers were deported to Siberia, where they perished. Among the first victims of Soviet Russian terror were Byelorussian leaders, such as the first president of the Byelorussian Academy of Sciences, most authoritative Byelorussian historians, economists, etc.

The ruthless purges continued also in 1937. Thousands of political leaders, former Byelorussian representatives in the Polish Parliament, were killed.

Byelorussian National Culture under Soviet Russian rule has undergone uncalculable losses. The Soviet Russian government has shut down all Byelorussian Learned Societies and literary clubs. The Government has banished publication of hundreds of Byelorussian artistic and scholarly journals. Byelorussian language and linguistic studies have suffered even greater losses. In 1933, by a Government decree, a reform was introduced into the Byelorussian grammar aiming to incorporate Byelorussian grammar into the Russian. The Byelorussian language was deprived of an independent path of development, and, instead, since 1933 its development is forcefully guided toward unification with the Russian language.

The Byelorussian libraries and archives were stolen and those books which have significance and importance for Byelorussian culture were removed from the country and were stored in Moscow or Leningrad. Since 1935 special indexes were published with the purpose of listing "outlawed" titles in Byelorussia. About 2,000 Byelorussian book titles numbering millions of copies were burned and totally destroyed.

Newspapers, journals and pamphlets in the Russian language are published in the BSSR, as a rule, in considerably larger numbers than the journals in the Byelorussian language. The publications in the Byelorussian language gradually decrease and the Russian publications increase. The language of Byelorussian publications is continuously russified.

In the field of religious affairs to general situation in Byelorussia remains very dark. Twice the Autocephalic Church of Byelorussia was completely destroyed, in 1937 and again in 1944. The Byelorussian Religious Hierarchy was mostly executed or exiled to Siberia. Thousands of Byelorussian Churches were completely demolished. A few churches which were rebuilt during World War II are forcefully incorporated into Moscow Patriarchate, the same as the remaining Byelorussian Hierarchy was incorporated into the Jurisdiction of the Patriarch of Moscow.

These are only a few characteristic features of a Russification program carried out by the Soviet Russian Government in the BSSR. Now a few words about the Byelorussian Delegation at the UN.

Byelorussian representatives at the United Nations Organization do not truly represent the people of Byelorussia and the records of the last 25 years will show that they have never taken any position which was in the slightest way different from that of the Soviet Russia.

Such an accord with the Soviet Russian Delegation has certainly its ground and explanation. The Byelorussian SSR is not an independent state but a colony of Soviet Russia; the Byelorussian SSR is represented at the United Nations by Russian nationals and the name of Byelorussia is used as a cover for Russian expansion policy. Mr. V. Smirnoff, for example, present Byelorussian Representatives at the UN, is a Russian. Only occasionally the Byelorussian Delegation will include one or two Byelorussian writers or a Byelorussian national; however, their role and degree of freedom are very limited. Byelorussian delegates, as a rule, are accompanied by a Russian delegate or a "guide". If a Byelorussian writer wants to buy some Byelorussian language books in New York, he must check them at the entrance of the UN Mission. Such was the case with Mr. P. Glebko. Mr. Glebko checked his books at the entrance of the UN Mission and has never received them in the USSR.

These are only a few characteristics of the present situation of Byelorussian within the Soviet Union. From this analysis it is understood that neither the government of the BSSR nor the Byelorussian delegation at the UN represents the Byelorussian people. They merely serve as a cover for the Russian expansion policy.

In view of the above, we respectfully request your assistance in stopping the genocidal policy of Soviet Russia in the BSSR in helping the Byelorussian people to regain their independence, as this has been recently occurring in many colonial countries of Africa and Asia.

Very respectfully yours,

JOHN KOSIAK,
President.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 5981

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on H.R. 5981.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

LEGISLATIVE PROGRAM FOR THE WEEK OF MARCH 29, 1971

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman from Lousiana.

Mr. BOGGS. Mr. Speaker, in answer to the inquiry of the distinguished gentleman from Ohio, the program of the House of Representatives for the week of March 29 is as follows:

On Monday: Senate Joint Resolution 55, wage and price control extension;

H.R. 5352, maritime authorization supplemental for fiscal year 1971, subject to a rule being granted;

H.R. 4724, maritime authorization for fiscal year 1972, subject to a rule being granted; and

H.R. 5981, feed grain bases, subject to a rule being granted.

Tuesday and the balance of the week:

H.R. 6531, Military Service Act amendments, subject to a rule being granted.

Conference reports may be called up at any time.

Mr. BOW. May I ask the distinguished gentleman one further question: Is any other legislative business scheduled for today except the resolution creating a select committee to be known as the Select Committee on the House Restaurant?

Mr. BOGGS. Not to my knowledge.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Would the distinguished majority leader like to correct the statement on Senate Joint Resolution 55, "subject to a rule being granted"? It is my understanding that a rule has been granted.

Mr. BOGGS. Yes. I did not make the statement the gentleman read.

Mr. GROSS. However, it appears on the notice.

Mr. BOGGS. In reply to the gentleman, I am told that the first rule was a faulty rule, and the committee will have to again consider the matter.

ADJOURNMENT OVER TO MONDAY, MARCH 29, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CREATING A SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 317

Resolved, That (a) there is hereby created, as of January 3, 1971, a select committee to be known as the Select Committee on the House Restaurant, which shall be composed of five Members of the House of Representatives to be appointed by the Speaker, not more than three of whom shall be of the majority party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) In the Ninety-second Congress, the select committee shall exercise direction and supervision over the immediate management and operation of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, subject to the authority of the Committee on House Administration as provided in section 2 of this resolution.

SEC. 2. (a) Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Administration; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress; 40 U.S.C. 174k).

(b) The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Administration directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Administration.

(c) All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k), shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Administration may designate.

(d) The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

The SPEAKER. The Chair recognizes the gentleman from Missouri for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution came before the Rules Committee with two witnesses, both of whom indicated there was no disagreement on either of the committees involved. The two witnesses were the chairman of the Committee on House Administration, the gentleman from Ohio (Mr. HAYS) and the chairman of the House Restaurant Committee, the gentleman from Illinois (Mr. KLUCZYNSKI). They agreed that they both favored and the members of their committees favored the proposal contained in House Resolution 317, which, in effect, continues the House Restaurant Committee and takes the jurisdiction of the House restaurants and other facilities now vested in the Architect of the Capitol and places it rather in the Committee on House Administration.

As far as I know there is no disagreement with this. There was an indication that this might save a little bit of money, because the Committee on House Administration had an adequate number of auditors to handle the various accounts of the House restaurant and cafeteria facilities and thus there would not have to be an auditing staff in the Capitol Architect's office for that purpose.

As far as I know, there is no opposition to this.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have no opposition to the resolution, but I wonder if the need is more for an audit than it is for a collection agency to take over in certain areas with respect to the dining rooms?

Mr. BOLLING. The gentleman really has no knowledge on which to base a comment in reply to the gentleman's remarks.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Ohio.

Mr. HAYS. The Committee on House Administration has no information on that, because there has never been vested in the committee the power to find out about it.

I believe the gentleman is aware that if the thing he mentions exists nobody like the Architect of the Capitol is going to put much pressure on any Member of the House to pay up. On the other hand, if such conditions exist—and I have only heard rumors—I believe a committee of the House would be in a position to apply pressure.

Mr. GROSS. I am sure they have in the past, if not in the present. I hope that this will cure some of the things that have been going on.

I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, my understanding of House Resolution 317 is the same as that which was just given by the distinguished gentleman from Missouri (Mr. Bolling). The gentleman from Illinois (Mr. Kluczynski) and the gentleman from Ohio (Mr. Hays) both testified before our committee this was what was wanted, this was a desirable thing to do. Accordingly, that is what we are suggesting the House do.

I have no requests for time, and I urge the adoption of House Resolution 317.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REORGANIZATION OF THE FEDERAL GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92–75)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

When I suggested in my State of the Union Message that "most Americans today are simply fed up with government at all levels," there was some surprise that such a sweeping indictment of government would come from within the government itself. Yet it is precisely there, within the government itself, that frustration with government is often most deeply experienced.

A President and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law.

GOOD MEN AND BAD MECHANISMS

The problem with government is not, by and large, the people in government. It is a popular thing, to be sure, for the public to blame elected officials and for elected officials to blame appointed officials when government fails to perform. There are times when such criticism is clearly justified. But after a quarter century of observing government from a variety of vantage points, I have concluded that the people who work in government are more often the victims than the villains when government breaks down. Their spirit has usually been willing. It is the structure that has been weak.

Good people cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims. That is why so many public servants—of both political parties, of high rank and low, in both the legislative and executive branches—are often disenchanted with government these days. That is also why so many voters feel that the results of elections make remarkably little difference in their lives.

Just as inadequate organization can frustrate good men and women, so it can dissipate good money. At the Federal level alone we have spent some $1.1 trillion on domestic programs over the last 25 years, but we have not realized a fair return on this investment. The more we spend, the more it seems we need to spend and while our tax bills are getting bigger our problems are getting worse.

No, the major cause of the ineffectiveness of government is not a matter of men or of money. It is principally a matter of machinery. It will do us little good to change personnel or to provide more resources unless we are willing to undertake a critical review of government's overall design.

Most people do not pay much attention to mechanical questions. What happens under the hood of their automobile, for example, is something they leave to the specialists at the garage. What they do care about, however, is how well the automobile performs. Similarly, most people are willing to leave the mechanical questions of government organization to those who have specialized in that subject—and to their elected leaders. But they do care very deeply about how well the government performs.

At this moment in our history, most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises. The great danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith.

We must fight that danger. We must restore the confidence of the people in the capacities of their government. In my view, that obligation now requires us to give more profound and more critical attention to the question of government organization than any single group of American leaders has done since the Constitutional Convention adjourned in Philadelphia in September of 1787. As we strive to bring about a new American Revolution, we must recognize that central truth which those who led the original American Revolution so clearly understood: often it is *how* the government is put together that determines how *well* the government can do its job.

This is not a partisan matter, for there is no Republican way and no Democratic way to reorganize the government. This is not a matter for dogmatic dispute, for there is no single, ideal blueprint which will immediately bring good order to Federal affairs. Nor is this a matter to be dealt with once and then forgotten. For it is important that our political institutions remain constantly responsive to changing times and changing problems.

RENEWED INTEREST IN COMPREHENSIVE REFORM

The last two years have been a time of renewed interest in the question of how government is organized. The Congress has instituted a number of reforms in its own procedures and is considering others. Judicial reform—at all levels of government—has also become a matter of intense concern. The relationship between various levels of government has attracted increased attention—and so, of course, has the subject of executive reform.

This administration, with the counsel and the cooperation of the Congress, has taken a number of steps to reorganize the executive branch of the Federal Government. We have set up a new Domestic Council and a new Office of Management and Budget in the Executive Office of the President. We have created a new Environmental Protection Agency and a new United States Postal Service. We have worked to rationalize the internal structure of Federal departments and agencies.

All of these and other changes have been important, but none has been comprehensive. And now we face a fundamental choice. We can continue to tinker with the machinery and to make constructive changes here and there—each of them bringing some marginal improvement in the Government's capacities. Or we can step back, take a careful look, and then make a concerted and sustained effort to reorganize the executive branch according to a coherent, comprehensive view of what the Federal Government of this Nation *ought* to look like in the last third of the twentieth century.

The impulse for comprehensive reorganization has been felt before in recent decades. In fact, the recommendations I am making today stem from a long series of studies which have been made under several administrations over many years. From the report of the President's Committee on Administrative Management (the Brownlow Committee) in 1937, down through the findings of the Commission on Organization of the Executive Branch of the Government (the Hoover Commission) in 1949, the President's Task Force on Government Organization in 1964, and my own Advisory Council on Executive Organization during the last two years, the principles which I am advancing today have been endorsed by a great number of distinguished students of government and management from many backgrounds and from both political parties.

I hope the Congress will now join me in concluding, with these authorities, that we should travel the course of comprehensive reform. For only if we travel that course, and travel it successfully, will we be able to answer affirmatively in our time the fundamental question posed by Alexander Hamilton as the Constitution was being debated in 1788: "whether societies of men are really capable or not of establishing good government from reflection and choice. . . ."

THE FRAGMENTATION OF FEDERAL RESPONSIBILITY

As we reflect on organizational problems in the Federal Government today, one seems to stand out above all others: the fact that the capacity to *do* things—the power to achieve goals and to solve problems—is exceedingly fragmented and broadly scattered throughout the Federal establishment. In addressing almost any of the great challenges of our time, the Federal Government finds itself speaking through a wide variety of offices and bureaus, departments and agencies. Often these units trip over one another as they move to meet a common problem. Sometimes they step on one another's toes. Frequently, they behave like a series of fragmented fiefdoms—unable to focus Federal resources or energies in a way which produces any concentrated impact.

Consider these facts:

Nine different Federal departments and twenty independent agencies are now involved in education matters. Seven departments and eight independent agencies are involved in health. In many major cities, there are at least twenty or thirty separate manpower programs, funded by a variety of Federal offices. Three departments help develop our water resources and four agencies in two departments are involved in the management of public lands. Federal recreation areas are administered by six different agencies in three departments of the government. Seven agencies provide assistance for water and sewer systems. Six departments of the government collect similar economic information—often from the same sources—and at least seven departments are concerned with international trade. While we cannot eliminate all of this diffusion, we can do a great deal to bring similar functions under common commands.

It is important that we move boldly to consolidate the major activities of the Government. The programmatic jumble has already reached the point where it is virtually impossible to obtain an accurate count of just how many Federal grant programs exist. Some estimates go as high as 1,500. Despite impressive attempts by individual legislators and by the Office of Economic Opportunity, there is still no agreement on a comprehensive list. Again and again I hear of local officials who are unable to determine how many Federal programs serve their areas or how much Federal money is coming into their communities. One reason is that the assistance comes from such a wide variety of Federal sources.

THE CONSEQUENCES OF SCATTERED RESPONSIBILITY

What are the consequences of this scattering of Federal responsibility? There are many.

In the first place, the diffusion of responsibility makes it extremely difficult to launch a coordinated attack on complex problems. It is as if the various units of an attacking army were operating under a variety of highly independent commands. When one part of the answer to a problem lies in one department and other parts lie in other departments, it is often impossible to bring the various parts together in a unified campaign to achieve a common goal.

Even our basic analysis of public needs often suffers from a piecemeal approach. Problems are defined so that they will fit within established jurisdictions and bureaucratic conventions. And the results of Government action are typically measured by the degree of activity within each program rather than by the overall impact of related activities on the outside world.

The role of a given department in the policy making process can be fundamentally compromised by the way its mission is defined. The narrower the mission, the more likely it is that the department will see itself as an advocate within the administration for a special point of view. When any department or agency begins to represent a parochial interest, then its advice and support inevitably become less useful to the man who must serve *all* of the people as their President.

Even when departments make a concerted effort to broaden their perspectives, they often find it impossible to develop a comprehensive strategy for meeting public needs. Not even the best planners can set intelligent spending priorities, for example, unless they have an opportunity to consider the full array of alternative expenditures. But if one part of the problem is studied in one department and another part of the problem is studied elsewhere, who decides which element is more important? If one office considers one set of solutions and a separate agency investigates another set of solutions, who can compare the results? Too often, no official below the very highest levels of the Government has access to enough information to make such comparisons wisely. The result is that the Government often fails to make a rational distribution of its resources among a number of program alternatives.

Divided responsibility can also mean that some problems slip between the cracks and disappear from the Government's view. Everybody's business becomes nobody's business and embarrassing gaps appear which no agency attempts to fill. At other times, various Federal authorities act as rivals, competing with one another for the same piece of "turf."

Sometimes one agency will actually duplicate the work of another; for instance, the same locality may receive two or more grants for the same project. On other occasions, Federal offices will actually find themselves working at cross purposes with one another; one agency will try to preserve a swamp, for example, while another is seeking to drain it. In an effort to minimize such problems, government officials must spend enormous amounts of time and energy negotiating with one another that should be directed toward meeting people's needs. And even when they are able to work out their differences, officials often reach compromise solutions which merely represent the lowest common denominator of their original positions. Bold and original ideas are thus sacrificed in the quest for intragovernmental harmony.

Scattered responsibility also contributes to the overcentralization of public decision making. Because competing offices are often in different chains of command, it is frequently impossible for them to resolve their differences except by referring them to higher authorities, a process which can mean interminable delays. In an attempt to provide a means for resolving such differences and for providing needed coordination, an entire new layer of bureaucracy has emerged at the *interagency* level. Last year, the Office of Management and Budget counted some 850 interagency committees. Even so, there are still many occasions when only the White House itself can resolve such interjurisdictional disputes. Too many questions thus surface at the Presidential level that should be resolved at levels of Government closer to the scene of the action.

Inefficient organization at the Federal level also undermines the effectiveness of State and local governments. Mayors and Governors waste countless hours and dollars touching base with a variety of Federal offices—each with its own separate procedures and its own separate policies. Some local officials are so perplexed by the vast array of Federal programs in a given problem area that they miss out on the very ones that would be most helpful to them. Many State and local governments find they must hire expensive specialists to guide them through the jungles of the Federal bureaucracy.

If it is confusing for lower levels of government to deal with this maze of Federal offices, that challenge can be even more bewildering for individual citizens. Whether it is a doctor seeking aid for a new health center, a businessman trying to get advice about selling in foreign markets, or a welfare recipient going from one office to another in order to take full advantage of Federal services, the people whom the Government is supposed to be serving are often forced to weave their way through a perplexing obstacle course as a condition of receiving help.

THE HOBBLING OF ELECTED LEADERSHIP

Perhaps the most significant consequence of scattered responsibility in the executive branch is the hobbling effect it has on elected leadership—and, therefore, on the basic principles of democratic government. In our political system, when the people identify a problem they elect to public office men and women who promise to solve that problem. If these leaders succeed, they can be reelected; if they fail, they can be replaced. Elections are the people's tool for keeping government responsive to their needs.

This entire system rests on the assumption, however, that elected leaders can make the Government respond to the people's mandate. Too often, this assumption is wrong. When lines of responsibility are as tangled and as ambiguous as they are in many policy areas, it is extremely difficult for either the Congress or the President to see that their intentions are carried out.

If the President or the Congress wants to launch a program or change a program or even find out how a program is working, it often becomes necessary to consult with a half dozen or more authorities, each of whom can blame the others when something goes wrong. It is often impossible to delegate to any one official the full responsibility for carrying out a specific mandate, since the machinery for doing that job is divided among various agencies. As a result, there is frequently no single official—even at the Cabinet level—whom the President or the Congress can hold accountable for Government's success or failure in meeting a given need.

No wonder bureaucracy has sometimes been described as "the rule of no one." No wonder the public complains about programs which simply seem to drift. When elected officials cannot hold appointees accountable for the performance of government, then the voters' influence on government's behavior is also weakened.

HOW DID THINGS GET THIS WAY?

The American people clearly pay a very high price for the incapacities of governmental structures—one that is measured in disappointment, frustration and wasted tax dollars. But how did things get this way?

What happened, essentially, was that the organization of Government—like the grant-in-aid programs which I have discussed in my special messages to the Congress concerning revenue sharing—grew up in a haphazard, piecemeal fashion over the years. Whenever Government took on an important new assignment or identified an important new constitutency, the chances were pretty good that a new organizational entity would be established to deal with it. Unfortunately, as each new office was set up, little or no attention was given to the question of how it would fit in with the old ones. Thus office was piled upon office in response to developing needs; when new needs arose and still newer units were created, the older structures simply remained in place.

Of the twelve executive departments now in existence, only five can trace their origins to the beginnings of our country. The Departments of State and Treasury were set up in 1789; so was the War Department—the predecessor of the Department of Defense. The positions of Attorney General and Postmaster General were also established in 1789, though it was not until later that the departments they head were set up in their present form. One of these five units, the Post Office Department, will soon become an independent corporation. But, under my proposals, the other four "original" departments would remain intact. It is the seven newer departments of the Government which would be affected by the changes I recommend.

These seven departments were set up to meet the changing needs of a growing nation, needs which have continued to change over the years. The Department of the Interior, for example, was established in 1849 to deal with newly opened western lands and especially with the Indians who inhabited them. The Department of Agriculture was also added in the nineteenth century, at a time when the overwhelming majority of our people were directly affected by the tremendous expansion of agricultural enterprise. In the early years of the twentieth century, in a time of rapid and unsettling industrial growth, the Department of Commerce and Labor was set up. The Labor Department was split off from it in 1913, in response to feelings that labor was suffering from an imbalance of power and needed additional influence. The three newest departments of the Government—Health, Education, and Welfare, Housing and Urban Development, and Transportation—were all created after World War II. Each represented a first step toward bringing together some of the new Federal offices and agencies which had proliferated so rapidly in recent decades.

ORGANIZING AROUND GOALS

As we look at the present organization of the Federal Government, we find that many of the existing units deal with methods and subjects rather than with purposes and goals. If we have a question about labor we go to the Labor Department and if we have a business problem we go to the Commerce Department. If we are interested in housing we go to one department and if we are interested in highways we go to another.

The problem is that as our society has become more complex, we often find ourselves using a *variety* of *means* to achieve a *single* set of *goals*. We are interested, for example, in economic development—which requires new markets, more productive workers and better transportation systems. But which department do we go to for that? And what if we want to build a new city, with sufficient public facilities, adequate housing, and decent recreation areas—which department do we petition then?

We sometimes seem to have forgotten that government is not in business to deal with subjects on a chart but to achieve real objectives for real human beings. These objectives will never be fully achieved unless we change our old ways of thinking. It is not enough merely to reshuffle departments for the sake of reshuffling them. We must rebuild the executive branch according to a new understanding of how government can best be organized to perform effectively.

The key to that new understanding is the concept that the executive branch of the government should be organized around basic goals. Instead of grouping activities by narrow subjects or by limited constituencies, we should organize them around the great purposes of government in modern society. For only when a department is set up to achieve a given set of purposes, can we effectively hold that department accountable for achieving them. Only when the responsibility for realizing basic objectives is clearly focused in a specific governmental unit, can we reasonably hope that those objectives will be realized.

When government is organized by goals, then we can fairly expect that it will pay more attention to results and less attention to procedures. Then the success of government will at last be clearly linked to the things that happen in society rather than the things that happen in government.

Under the proposals which I am submitting, those in the Federal Government who deal with common or closely related problems would work together in the same organizational framework. Each department would be given a mission broad enough so that it could set comprehensive policy directions and resolve internally the policy conflicts which are most likely to arise. The responsibilities of each department would be defined in a way that minimizes parochialism and enables the President and the Congress to hold specific officials responsible for the achievement of specific goals.

These same organizational principles would also be applied to the *internal* organization of each department. Similar functions would be grouped together within each new entity, making it still easier to delegate authority to lower levels and further enhancing the accountability of subordinate officials. In addition, the proposals I submit today include a number of improvements in the management of Federal programs, so that we can take full advantage of the opportunities afforded us by organizational restructuring.

The administration is today transmitting to the Congress four bills which, if enacted, would replace seven of the present executive departments and several other agencies with four new departments: the Department of Natural Resources, the Department of Community Development, the Department of Human Resources and the Department of Economic Affairs. A special report and summary—which explain my recommendations in greater detail—have also been prepared for each of the proposed new departments.

THE DEPARTMENT OF NATURAL RESOURCES

One of the most notable developments in public consciousness in recent years has been a growing concern for protecting the environment and a growing awareness of its highly interdependent nature. The science of ecology—the study of the interrelationships between living organisms and their environments—has experienced a sudden rise in popularity. All of us have become far more sensitive to the way in which each element of our natural habitat affects all other elements.

Unfortunately, this understanding is not yet reflected in the way our Government is organized. Various parts of the *interdependent* environment are still under the purview of highly *independent* Federal offices. As a result, Federal land policies, water programs, mineral policies, forestry practices, recreation activities and energy programs cannot be easily coordinated, even though the manner in which each is carried out has a great influence on all the others.

Again and again we encounter intragovernmental conflicts in the environmental area. One department's watershed project, for instance, threatens to slow the flow of water to another department's reclamation project downstream. One agency wants to develop an electric power project on a certain river while other agencies are working to keep the same area wild. Different departments follow different policies for timber production and conservation, for grazing, for fire prevention and for recreational activities on the Federal lands they control, though the lands are often contiguous.

We cannot afford to continue in this manner. The challenges in the natural resource field have become too pressing. Some forecasts say that we will double our usage of energy in the next 10 years, of water in the next 18 years, and of metals in the next 22 years. In fact, it is predicted that the United States will use more energy and more critical resources in the remaining years of this century than in all of our history up until now. Government must perform at its very best if it is to help the Nation meet these challenges.

I propose that a new Department of Natural Resources be created that would bring together the many natural resource responsibilities now scattered throughout the Federal Government. This Department would work to conserve, manage, and utilize our resources in a way that would protect the quality of the environment and achieve a true harmony between man and nature. The major activities of the new Department would be organized under its five subdivisions: Land and Recreation Resources, Water Resources, Energy and Minerals Resources, Oceanic, Atmospheric and Earth Sciences, and Indian and Territorial Affairs.

The new Department of Natural Resources would absorb the present Department of the Interior. Other major programs which would be joined to it would include: The Forest Service and the soil and water conservation programs from the Department of Agriculture, planning and funding for the civil functions of the Army Corps of Engineers and for the civilian power functions of the Atomic Energy Commission, the interagency Water Resources Council, the oil and gas pipeline safety functions of the Department of Transportation, and the National Oceanic and Atmospheric Administration from the Department of Commerce. Because of their historical association with the Department of the Interior, the programs of the Bureau of Indian Affairs would be administered by the new Department until such time as an acceptable alternative arrangement could be worked out with Indian leaders and other concerned parties.

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A restless and highly mobile people, Americans are constantly creating new communities and renewing old ones throughout our land. In an era of rapid change, this process—which once took generations—can now be repeated in just a few years.

At the same time, the process of community development is becoming even more complex, particularly as the problems of urban and rural communities begin to merge. The elements of community life are many and the mark of a cohesive community is the harmonious way in which they interrelate. That is why we hear so much these days about the importance of community planning. And that is why it is essential that Federal aid for community development be designed to meet a wide range of related needs in a highly coordinated manner.

Often this does not happen under the present system. The reason is that the basic community development programs of the Federal Government are presently divided among at least eight separate authorities—including four executive departments and four independent agencies.

A community that seeks development assistance thus finds that it has to search out aid from a variety of Federal agencies. Each agency has its own forms and regulations and timetables—and its own brand of red tape. Each has its own field organizations, often with independent and overlapping boundaries for regions and districts. Sometimes a local community must consult with Federal offices in three or four different States.

The result is that local leaders often find it virtually impossible to relate Federal assistance programs to their own local development strategies. The mayor of one small town has observed that by the time he finishes dealing with eight Federal planning agencies, he has little time to do anything else.

Occasionally, it must be admitted, a community can reap unexpected benefits from this diffusion of Federal responsibility. The story is told of one small city that applied to six different agencies for help in building a sewage treatment plant and received affirmative responses from all six. If all the grants had been completed, the community would have cleared a handsome profit—but at the Federal taxpayers' expense.

To help correct such problems, I propose that the major community development functions of the Federal Government be pulled together into a new Department of Community Development. It would be the overriding purpose of this Department to help build a wholesome and safe community environment for every American. This process would require a comprehensive series of programs which are equal to the demands of growing population and which provide for balanced growth in urban and rural areas. The new Department would operate through three major administrations: a Housing Administration, a Community Transportation Administration and an Urban and Rural Development Administration. A fourth unit, the Federal Insurance Administration, would be set up administratively by the Secretary.

The new Department of Community Development would absorb the present Department of Housing and Urban Development. Other components would include certain elements of the Economic Development Administration and the Regional Commission programs from the Department of Commerce, the independent Appalachian Regional Commission, various Department of Agriculture programs including water and waste disposal grants and loans, the Rural Electrification Administration, and rural housing programs. The Community Action and Special Impact Programs of the Office of Economic Opportunity would be included, as would the Public Library construction grant program from the Department of Health, Education, and Welfare and certain disaster assistance functions now handled by the Office of Emergency Preparedness and the Small Business Administration. Most Federal highway programs and the Urban Mass Transportation Administration would be transferred from the present Department of Transportation.

I would note that while the Department of Transportation is a relatively new entity, it, too, is now organized around methods and not around purposes. A large part of the Department of Transportation would be moved into the new Department of Economic Affairs—but those functions which particularly support community development would be placed in the Department which is designed to meet that goal.

THE DEPARTMENT OF HUMAN RESOURCES

The price of obsolete organization is evidenced with special force in those Government programs which are directly designed to serve individuals and families. In part this is because there has been so much new legislation in the human resource field in recent decades; the old machinery is simply overstrained by its new challenges. But whatever the reasons, human resource programs comprise one area in which the Government is singularly ill-equipped to deliver adequate results.

I have already commented on the broad dispersion of Federal health and education activities. Similar examples abound. Income support programs, including those which administer food stamps, welfare payments, retirement benefits and other forms of assistance, are scattered among three departments and a number of other agencies. The Department of Agriculture, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity all handle food and nutrition matters.

Child care programs, migrant programs, manpower programs, and consumer programs often suffer from similarly divided attention.

In one city, two vocational training centers were built three blocks apart at about the same time and for the same purpose, with money from two different Federal agencies. And for every case of overattention, there are many more of neglect. Consider the plight of a poor person who must go to one office for welfare assistance, to another for food stamps, to another for financial counseling, to still another for legal aid, to a fifth office for employment assistance, to a sixth place for job training, and to a number of additional offices for various kinds of medical help. The social worker who might guide him through this maze often works in still another location.

Such situations are clearly intolerable, yet the Federal Government—which ought to be working to reform these confused systems—actually is responsible for much of the confusion in the first place.

I believe that we can take a major step toward remedying such problems by establishing a new Department of Human Resources which would unify major Federal efforts to assist the development of individual potential and family well-being. This Department would be subdivided, in turn, into three major administrations: Health, Human Development, and Income Security.

This new Department would incorporate most of the present Department of Health, Education, and Welfare with the following significant additions: A number of food protection, food distribution, and nutrition programs from the Department of Agriculture, the College Housing program from the Department of Housing and Urban Development, the independent Railroad Retirement Board, various programs from the Office of Economic Opportunity (including nutrition, health, family planning, alcoholism, and drug rehabilitation efforts), and the Manpower Administration, the Women's Bureau, the Unemployment Insurance program and a number of other employment service and training activities from the Department of Labor.

THE DEPARTMENT OF ECONOMIC AFFAIRS

One of the first things most students learn about economics is that the material progress of our civilization has resulted in large measure from a growing division of labor. While a single family or a single community once provided most of its own goods and services, it now specializes in providing only a few, depending increasingly on a far-flung, intricate network of other people and other organizations for its full economic well-being.

The only way the Federal Government can deal effectively with such a highly interdependent economy is by treating a wide range of economic considerations in a comprehensive and coordinated manner. And—as our gross national product moves beyond the trillion-dollar level and as our productive system, which now accounts for approximately 40 percent of the world's wealth, encounters new challenges from other nations—it is becoming even more important that Federal economic policies be carried out as effectively as possible.

But again, the organization of the Government works against the systematic consideration of economic complexities. The step by step evolution of our Federal machinery has created a series of separate entities—each handling a separate part of the economic puzzle. Some of these entities are relatively autonomous units within departments. Others are independent agencies. But perhaps the most dramatic evidence of our fragmented approach to the economy is the existence of four major executive departments which handle highly interdependent economic matters: Commerce, Labor, Agriculture, and Transportation.

This situation can seriously impair governmental efforts to respond effectively to economic challenges. One department, for example, may be concerned with the raw materials a given industry receives from the farms, while a second department is concerned with getting these materials to the factory and getting the product to its market. Meanwhile, a third department is concerned with the workers who harvest the crops, run the transportation systems and manufacture the product, while a fourth department is concerned with the businessmen who own the plant where the product is made and the stores where it is merchandised.

Such a division of responsibility can also create a great deal of overlap. The Agriculture Department, for instance, finds that its interest in agricultural labor is shared by the Labor Department, its regard for agricultural enterprise is shared by the Small Business Administration, and its concern for providing sufficient transportation for farm products is shared by the Department of Transportation. The Commerce, Labor and Agriculture Departments duplicate one another in collecting economic statistics, yet they use computers and statistical techniques which are often incompatible.

It has sometimes been argued that certain interest groups need a department to act as their special representative within the Government. In my view, such an arrangement serves the best interests of neither the special group nor the general public. Little is gained and much can be lost, for example, by treating our farmers or our workers or other groups as if they are independent participants in our economic life. Their problems cannot be adequately treated in isolation; their well-being is intimately related to the way our entire economy functions.

I would not suggest these reforms if I thought they would in any way result in the neglect of farmers, workers, minorities or any other significant groups within our country. To the contrary, I propose these reforms because I am convinced they will enable us to serve these groups much better. Under my proposals, the new Department of Economic Affairs would be in a much stronger position really to *do* something about the wide-ranging factors which influence farm income than is the present Department of Agriculture, for example. It could do more to meet the complex needs of workingmen and women than can the present Department of Labor. It would be able to pull together a wider range of resources to help minority businessmen than can the present Department of Commerce.

Federal organization in the economic area has been the target of frequent criticism over the years. During the previous administration alone, two special studies of executive organization recommended that it be substantially altered. I have received a similar recommendation from my Advisory Council on Executive Organization.

I am therefore recommending to the Congress that a new Department of Economic Affairs be established to promote economic growth, to foster economic justice, and to encourage more efficient and more productive relationships among the various elements of our economy and between the United States economy and those of other nations. As this single new Department joined the Treasury Department, the Council of Economic Advisers and the Federal Reserve Board in shaping economic policy, it would speak with a stronger voice and would offer a more effective, more highly integrated viewpoint than four different departments can possibly do at present. The activities of the new Department would be grouped under the following six administrations: Business Development, Farms and Agriculture, Labor Relations and Standards, National Transportation, Social, Economic, and Technical Information and International Economics.

The new Department of Economic Affairs would include many of the offices that are now within the Departments of Commerce, Labor and Agriculture. A large part of the Department of Transportation would also be relocated here, including the United States Coast Guard, the Federal Railroad Administration, the St. Lawrence Seaway Development Corporation, the National Transportation Safety Board, the Transportation Systems Center, the Federal Aviation Administration, the Motor Carrier Safety Bureau and most of the National Highway Traffic Safety Administration. The Small Business Administration, the Science Information Exchange program from the Smithsonian Institution, the National Institute for Occupational Health and Safety from the Department of Health, Education, and Welfare and the Office of Technology Utilization from the National Aeronautics and Space Administration would also be included in the new Department.

OTHER ORGANIZATIONAL REFORMS

Regrouping functions *among* departments can do a great deal to enhance the effectiveness of government. It should be emphasized, however, that regrouping functions *within* departments is also a critical part of my program for executive reform. Just as like tasks are grouped together within a given department, so similiar operations should be rationally assembled within subordinate units. Such a realignment of functions, in and of itself, would make it much easier for appointed officials to manage their agencies and for both the President and the Congress to see that their intentions are carried out.

Toward this same end, I am recommending to the Congress a number of additional steps for bringing greater managerial discipline into Government. In the first place, I am proposing that the Department Secretary and his office be considerably strengthened so that the man whom the President appoints to run a department has both the authority and the tools to run it effectively. The Secretary would be given important managerial discretion that he does not always enjoy today, including the ability to appoint many key department officials, to delegate authority to them and to withdraw or change such delegations of authority, and to marshal and deploy the resources at his command so that he can readily focus the talent available to him at the point of greatest need.

Each of the new Secretaries would be provided with a Deputy Secretary and two Under Secretaries to help him meet his responsibilities. In addition, each major program area within a department would be headed by a high-level administrator who would be responsible for effectively managing a particular group of related activities. These officials would be appointed by the President and their appointments would be subject to Senate confirmation.

It is my philosophy that we should give clear assignments to able leaders—and then be sure that they are equipped to carry them out. As a part of this same effort, we should do all we can to give the best new management tools to those who run the new departments. There is no better time to introduce needed procedural changes *within* departments than a time of structural change *among* departments. We can reap great benefits if we take advantage of this opportunity by implementing the most advanced techniques and equipment for such tasks as planning and evaluation, data collection, systematic budgeting, and personnel administration.

Finally, I would again stress in this message—as I have in my discussions of revenue sharing—the importance of decentralizing government activities as much as possible. As I have already observed, the consolidation of domestic departments would do a great deal to facilitate decentralization, since it would produce fewer interagency disputes that require resolution at higher levels. It is also true, as many management experts have pointed out, that as the reliability and scope of information expand at higher levels of government, officials can delegate authority to lower levels with greater confidence that it will be used well.

In addition to the consolidation of functions, I am also proposing a reform of the field structures of the Federal Government that would also promote decentralization. Each Department, for example, would appoint a series of Regional Directors who would represent the Secretary with respect to all Department activities in the field. Planning, coordination and the resolution of conflicts could thus be more readily achieved without Washington's involvement, since there would be a "Secretarial presence" at the regional level. Further coordination at lower levels of government would be provided by strengthening the ten Regional Councils which include as members the Regional Directors of various departments in a given area of the country.

In the first months of my administration I moved to establish common regional boundaries and regional headquarters for certain domestic departments. I observed at that time that the Federal Government has never given adequate attention to the way in which its departments are organized to carry out their missions in the field. It is now time that we remedied this pattern of neglect. Even the best organized and best managed departments in Washington cannot serve the people adequately if they have to work through inadequate field structures.

Industry and government both have found that even the largest organizations can be run effectively when they are organized according to rational principles and managed according to sound techniques. There is nothing mystical about these principles or these techniques; they can be used to make the Federal Government far more effective in a great many areas.

As we consolidate and rationalize Federal functions, as we streamline and modernize our institutional architecture, as we introduce new managerial techniques and decentralize Government activities, we will give Government the capacity to operate far more efficiently than it does today. It will be able to do more work with fewer mechanisms and fewer dollars. It will be able to use its work force more productively. This could mean significant savings for our taxpayers. I would emphasize, however, that any reductions in the Federal work force attributable to this proposal would come by normal turnover; no civil servant should lose his job as a result of this plan.

It is important that these reforms be seen by our civil servants not as a threat to their security but as an opportunity for greater achievement. We have worked hard to bring able people into Government employment. Executive reorganization can help the Nation make even better use of their talent and their dedication and it can also make it easier for us to attract more men and women of great vision and competence into public service at the Federal level.

FOCUSING POWER WHERE IT CAN BE USED BEST

These proposals for reorganizing the Federal Government are a natural complement to my proposals for revenue sharing; there is a sense in which these two initiatives represent two sides of the same coin. Both programs can help us decentralize government, so that more decisions can be made at levels closer to the people. More than that, both programs are concerned with restoring the general capacity of government to meet its responsibilities.

On the one hand, through revenue sharing, we would give back to the States and localities those functions which belong at the State and local level. To help them perform those functions more effectively, we would give them more money to spend and more freedom in spending it. At the same time, however, we must also do all we can to help the Federal Government handle as effectively as possible those functions which belong at the Federal level. Executive reorganization can help us achieve this end by bringing together related activities which are now fragmented and scattered.

A healthy Federal system is one in which we neither disperse power for the sake of dispersing it nor concentrate power for the sake of concentrating it. Instead, a sound Federal system requires us to *focus* power at that place where it can be used to the greatest public advantage. This means that each level of government must be assigned those tasks which it can do best and must be given the means for carrying out those assignments.

THE CENTRAL QUESTION

Ever since the first settlers stepped upon our shores more than three centuries ago, a central question of the American experience has been: How do we best organize our government to meet the needs of the people? That was the central question as the colonists set up new governments in a new world. It was the central question when they broke from their mother country and made a new nation. It was the central question as they wrote a new Constitution in 1787 and, at each critical turning point since that time, it has remained a dominant issue in our national experience.

In the last forty years, as the Federal Government has grown in scope and complexity, the question of how it should be organized has been asked with even greater intensity and relevance. During this time, we have moved to formulate responsive answers to this question in an increasingly systematic manner. Searching studies of Government management and organization have been made under virtually every national administration since the 1930s and many needed reforms have resulted.

What is now required, however, is a truly comprehensive restructuring of executive organization, one that is commensurate with the growth of the Nation and the expansion of the government. In the last twenty years alone our population has increased by one-third and the Federal budget has quintupled. In the last two decades, the number of Federal civilian employees has risen by almost 30 percent and the domestic programs they administer have multiplied tenfold. Three executive departments and fourteen independent agencies have been tacked on to the Federal organization chart during that brief span.

Yet it still is the same basic organization chart that has set the framework of governmental action for decades. While there have been piecemeal changes, there has been no fundamental overhaul. Any business that grew and changed so much and yet was so patient with old organizational forms would soon go bankrupt. The same truth holds in the public realm. Public officials cannot be patient with outmoded forms when the people have grown so impatient with government.

Thomas Jefferson once put it this way: "I am certainly not an advocate for frequent and untried changes in laws and constitutions," he wrote, "but . . . laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

"Institutions must advance." Jefferson and his associates saw that point clearly in the late 18th century, and the fruit of their vision was a new nation. It is now for us—if our vision matches theirs—to renew the Government they created and thus give new life to our common dreams.

RICHARD NIXON.

THE WHITE HOUSE, *March 25, 1971.*

THE PRESIDENT'S PROPOSAL FOR GOVERNMENTAL REORGANIZATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, in the last four decades more and more power has been concentrated in the Washington bureaucracy.

During that time the Congress appears to have been fascinated by sheer numbers—a fantastic increase in numbers of Governmnent programs, numbers of Federal dollars allocated to those programs, and numbers of Federal workers employed in those programs.

The problems remain. In fact, the problems have become worse. And in recent years when Presidents have tried to point to progress they have talked in terms of increased dollar outlays rather than results.

This has brought crushing disappointment to the American people—a bitter realization that performance has fallen far short of political promises.

There is an inescapable conclusion—that the system is at fault, that thorough-going changes are needed in the fundamental structure of the Federal Government and the Federal aid system.

The President has sent us his proposals for Federal revenue sharing—and these are most welcome.

Today we have received the President's proposal for governmental reorganization. This, combined with revenue sharing, places us on the threshold of a new era in American political history, an era in which the people are given more control over their own destinies.

We need only look at the record and we must recognize that governmental reorganization is a must. In the past 20 years the number of Cabinet departments has increased from 9 to 12; the number of major independent agencies has increased from 27 to 41; the number of Federal employees has increased from 2.1 million to 2.7 million; the Federal budget has increased from $42 billion to more than $200 billion; and the number of Federal programs has jumped more than ten fold to about 1,400.

We need wholesale reorganization of the Federal Government. We need to reorganize the executive branch along the lines of the functions served by various departments and agencies, not the constituencies they now serve.

This is the thrust of the President's plan—to organize the Federal Government by function. This, I believe, would eliminate overlapping and clear away the present complicated maze.

Our citizens are sick of the complexity of big government. They are sick of waste. They are sick of the miles and miles of red tape in which Government now is entangled—and the people with it.

I urge the Congress to give careful study to the President's proposals and to bring order out of chaos. The Congress must not stand in the way of progress.

Mr. STAFFORD. Mr. Speaker, we have before us in the administration's proposals for executive branch reorganization one of the most important pieces of legislation in recent years. I hope we will begin hearings on the proposals promptly and take steps to enact reform of the Federal bureaucracy.

During the 1960's we established a number of Federal programs to alleviate human needs and to raise the quality of life in this country. Unfortunately, the effectiveness of these efforts was nullified by having to append them to departments and agencies not really geared to handle the increased work.

While we were eager to enact new legislation, we overlooked the necessity of seeing that the Government was structured in such a way as to execute the intent of the new laws. Education programs were scattered throughout several offices, as were health, welfare, and manpower training programs. This added to the overlapping of programs which had been slowly taking place for years.

Now we find that a total of 29 agencies have responsibilities for 180 education programs. Eight agencies look into cancer research. Thirty-eight groups have authority in the field of water resources. The list goes on and on.

If the programs we have enacted are to operate efficiently with the maximum aid to our constituents and a minimum of bureaucratic overlap, then we must reorganize the structure of the entire executive branch. We must draw together the related education programs, similar health programs, and so on in order that they can be managed effectively.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks on the subject of the President's proposal for governmental reorganization.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE RIGHT TO PRIVACY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the need for the right to privacy bill becomes more self-evident with each day. Today we read in our newspapers that the FBI has engaged in surveillance, pursuant to the directions of its Director, J. Edgar Hoover, of school groups "organized to project the demands of black students." Last week we learned that Assistant Attorney General William H. Rehnquist who appeared before the Senate Judiciary Subcommittee on Constitutional Rights took the position that the Federal Government would be within its constitutional authority if it put Senator SAM J. ERVIN, JR., under surveillance. Mr. Rehnquist maintained that the Government has a right to gather information on citizens so long as it did not force an individual to disclose information or did not use the information in a court action. As a result of earlier testimony before Senator ERVIN's subcommittee we learned that the Army has been conducting surveillance of civilians from mid-1967 to mid-1970. I am appending some interesting correspondence that I have had on the subject of Army surveillance, with Robert E. Jordan III, General Counsel to the Department of the Army.

At the present time there are 76 cosponsors of H.R. 854. H.R. 854 would require each Government agency which maintains records concerning any individual to: notify the individual that such a record exists; notify the individual of all transfers of such information; disclose information from such records only with the consent of the individual or when legally required; maintain a record of all persons inspecting such records; and permit the individual to inspect his records, make copies of them, and supplement them.

I hope that the Government Operations Committee before which this bill is pending will hold hearings on this vital subject.

I urge our colleagues who are not yet cosponsors to join those of us who are.

The correspondence follows:

HARVARD LAW SCHOOL,
Cambridge, Mass., December 28, 1970.

HON. STANLEY RESOR,
Secretary of the Army,
Department of Defense,
Washington, D.C.

DEAR SECRETARY RESOR: As former president of the student body of one of New York University's colleges (Washington Square College), I want to express to you my anger and disgust with the domestic espionage activity of the Army. That activity has caused immense damage to the nation; to the respect for the Constitution, to the relationship between the people and the government, to any remnant of faith in its institutions.

If the Government disapproves of this espionage and seeks to divest itself of responsibility, it cannot merely disassociate itself from the acts and internally reorganize. It must apply to itself its own method for correcting the wrongs of others. Those responsible—who planned and ordered—for this espionage against the people ought to be subject to criminal prosecution for abuse of authority. The Government must be willing to place its personnel and agents under the same rule of law it promulgates for the people. Perhaps one of your agents was enrolled in a European History course and could report to you on the rise of constitutionalism.

I hope you have the integrity to deal with this scandal. However, I cannot help but wonder if I haven't just made myself a candidate for surveillance.

Sincerely,

Jonathan Bockian.

Memorandum

To: Rep. Edward Koch
From: Jonathan Bockian
Subject: Army surveillance at N.Y.U.

The enclosed letter was sent to Secretary Resor regarding the recently disclosed surveillance of four New York City colleges. You will note from the letter my personal interest in the matter.

As a constituent of yours (60 East 8 Street) I would like you to try to find out for me if I or my government was under surveillance. I am interested in the period from January, 1969, to May, 1970. The name of our organization is the Washington Square College Student Council. To me, the uncertainty of Government espionage is as harmful as the fact.

Please write to me at: Shaw Hall No. 310, Everett Street, Cambridge, Mass. 02138.

Thank you.

Jonathan Bockian.

U.S. House of Representatives,
Washington, D.C., January 19, 1971.

Congressional Liaison,
Department of the Army, The Pentagon,
Washington, D.C.

Dear Sir: I am writing to you about a matter brought to my attention by Jonathan Bockian, Shaw Hall No. 310, Everett Street, Cambridge, Mass. 02138.

I have received the enclosed letter from Mr. Bockian regarding his desire to ascertain if he and/or the Washington Square College Student Council was under surveillance at any time during January 1969 through May 1970. In accordance with your existing procedures, I would appreciate receiving your comments on this matter so that I might advise him.

Thank you for your interest in this inquiry.

Sincerely,

Edward I. Koch.

Department of the Army,
Washington, D.C., March 22, 1971.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: The Office of the Chief of Legislative Liaison has referred your letter to me for reply.

Your constituent has asked about a particular instance of surveillance by Army personnel. As you may know, all civil disturbance files kept at the local level were ordered destroyed as a result of a June 9, 1970 Army policy letter. Thus, it is difficult as well as time-consuming to attempt to investigate each allegation. Furthermore, since most of the specific incidents in question relate to situations which could not arise where personnel follow revised policies in effect in June 1970 or earlier, most such investigations serve no useful purpose. The enclosed statement of Mr. Robert F. Froehlke, Assistant Secretary of Defense (Administration), delivered on March 2, 1971 to the Subcommittee on Constitutional Rights of the Senate Judiciary Committee does, however, indicate generally the results of previous Department of the Army and Department of Defense investigations into recent allegations by former military intelligence personnel.

Rather than focusing on the past, however, I believe it is much more worthwhile to recognize that the Department of the Army and Department of Defense have recently devised a series of policies which will prevent the recurrence of the type of activities which are alleged to have occurred. Secretary Froehlke's statement discusses these policies in considerable detail.

Sincerely,

Robert E. Jordan III,
General Counsel.

House of Representatives,
Washington, D.C., March 25, 1971.

Hon. Robert E. Jordan III,
General Counsel,
Department of the Army,
Washington, D.C.

Dear Mr. Jordan: Thank you for your letter of March 22 informing me that all civil disturbance files kept at the local level were ordered destroyed by the Army in June 1970. However, I understand that these files were duplicated by the Department of Defense and are now located at a higher echelon than the local level. Of what value is it to destroy the local level records if, in fact, their duplicates are still being retained? Consequently, I am still interested in ascertaining if the Washington Square College Student Council and the constituent who inquired were under surveillance at any time from January 1969 to May 1970.

I have no desire, as you stated you have no desire, to focus on the past and do appreciate the apparent change in your policies. But, it is important that if there is a continuing injustice, as appears to be present in this case, that it be rectified. This can only be accomplished by the destruction of all of these records relating to the subjects of my inquiry and all others similarly situated.

Sincerely,

Edward I. Koch.

[From the New York Times, March 25, 1971]

Of Students, Blacks, War Foes

(By Fred P. Graham)

Washington, March 24.—Copies of Federal Bureau of Investigation documents that have been mailed anonymously to several newspapers and individuals indicate that the agency is engaged in active surveillance of student, Negro and peace groups.

The F.B.I. acknowledged today the authenticity of the documents and said they had been stolen from the two-man bureau office in Media, Pa., near Philadelphia, on March 8.

The documents suggest that F.B.I. surveillance of dissenters on the political left has been far more extensive than was generally known. They also show that the subjects of inquiries include obscure persons marginally suspected of illegal activity.

The disclosures come at a time of mounting controversy over reports of widespread Government surveillance.

A Justice Department source said that a distorted picture on the bureau activities had been given because the thieves had thus far circulated only 14 documents—relating to investigations of students, blacks and new Left groups—out of more than 800 documents that were stolen.

Surveillance discussed in the documents that have been put into circulation, ranges from an order by the bureau director, J. Edgar Hoover, to investigate all student groups "organized to project the demands of black students," to a paper noting an Idaho Boy Scout leader's plans to take his troop to the Soviet Union.

There is also a discussion of a bureau order to investigate all students, teachers, and scientists who had been in the Soviet Union at least a month, to determine if there had been attempts by Soviet intelligence agencies to recruit them.

In addition, the papers disclose that Mr. Hoover has given his approval for the limited recruitment of informers in the 18-to-21 age group.

Copies of the documents are known to have been received by Senator George S. McGovern, Democrat of South Dakota; Representative Parren J. Mitchell, Democrat of Maryland; The New York Times, The Washington Post and The Los Angeles Times. The copies sent to The Times came in an envelope addressed to Tom Wicker, an associate editor and columnist. It bore a Princeton, N.J. postmark.

A letter signed by the Citizen's Commission to Investigate the F.B.I. said the documents had been taken as part of an effort to scrutinize the bureau's surveillance activities.

Apart from the 14 internal bureau communications and memorandums, most of which were typed on Government stationery, there was a report from the Swarthmore (Pa.) Police Department about black militant activities at Swarthmore College.

MEMO FROM HOOVER

The bureau's interest in student militancy is reflected in a memorandum of Nov. 4, 1970, by Mr. Hoover.

It said in part:

"Increased campus disorders involving black students pose a definite threat to the nation's stability and security and indicate need for increase in both quality and quantity of intelligence information on Black Student Unions and similar groups which are targets for influence and control by violence-prone Black Panther party and other extremists. . . .

We must target informants and sources to develop information regarding these groups on a continuing basis to fulfill our responsibilities and to develop such coverage where none exists.

"Effective immediately, all B.S.U.'s and similar organizations organized to project the demands of black students, which are not presently under investigation, are to be subjects of discreet, preliminary inquiries, limited to established sources and carefully conducted to avoid criticism. . . .

"Open individual cases on officers and key activists in each group to determine background and if their activities warrant active investigation."

Mr. Hoover specified that "this program will include junior colleges and two-year colleges as well as four-year colleges."

INFILTRATION ATTEMPTED

Other papers disclose that the bureau attempted to infiltrate a conference of war resisters at Haverford (Pa.) College in August, 1969, and at a convention of the National Association of Black Students at Wayne State in June, 1970.

There was also a report on a Berkeley University coed from Philadelphia who was said by one informer to be "an inveterate Marxist revolutionist" and by another informer to be an "average, liberal-minded student." The girl was not placed on the "Security Index."

One memorandum said that the telephone operator at an Eastern college showed to an F.B.I. agent long-distance telephone records of a philosophy teacher who was apparently suspected of harboring fugitives. The college security officer and the city's chief of police also provided information.

Several documents urged discretion in campus investigations, which are apparently governed by a special manual for checking on student groups.

Documents concerning black militant groups disclose that minute details are recorded involving activities within the Black Panther party and the National Black Economic Development Conference, which campaigned in 1969 to collect reparations from the nation's churches for "racial injustices."

FINANCIAL PROBLEMS

The memorandums, apparently based on information from informers within the Philadelphia chapters of these two organizations, quote conversations involving financial difficulties and personal bickering. They also include copies of the checking account statements of the Economic Conference's Philadelphia branch, obtained from the Southeast National Bank.

Assistant Attorney General William H. Rehnquist has argued in Senate hearings that noncoercive surveillance does not have a "chilling effect" on free political expression.

However, a newsletter from the Philadelphia bureau office has urged increased interviewing of people identified with the new left because "it will enhance the paranoia endemic in these circles and will further serve to get the point across there is an F.B.I. agent behind every mailbox."

"In addition," it said, "some will be overcome with the overwhelming personalities of the contacting agents and volunteer to tell all—perhaps on a continuing basis."

WHERE ARE THE MINING ENGINEERS? DEMAND INCREASES, SUPPLY DWINDLES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, news stories day after day outline the plight of scientists and engineers and their various professions. Technological unemployment in specific fields is climbing while careers in other fields go begging. The glamour and enticements of the new fields of engineering ushered in with the atomic and space ages drained off much of the talent which normally would have gone into career fields related to mining and mineral resources.

Very few people can claim to have been farsighted about the effect of the new ideas demanding advanced technological skilis after World War II.

As our universities turned their attention and curriculum development toward the stars and contemplated the promises of the atomic age, the traditional fields of science were relegated to lower and lower places in the academic hierarchy. Surely this was not by design, however, the effect of the atomic/space malaise on fundamental courses of engineering study was just as severe. We see the results now.

The science and technology which supports the exploration, extraction, processing, and utilization of the materials and energy which drives our Nation in a serious state. The number of universities with accredited mining departments has decreased in the past decade alone from 26 to 15. Last year, only 111 mineral engineers were graduated in the entire United States while the Soviet Union was training thousands in this field. I mentioned "demand"—the Bureau of Mines, alone, could have absorbed all of those graduated with mining specialities last year.

The state of technology in mineral industries in America is at a crisis point. This situation is not only a result of the lack of available new techniques in mining, but also because there is an inadequate supply of trained personnel to carry what new developments there are into the field. Support for research and instructional programs in institutions capable of providing it has been nothing short of scandalous. While every land-grant college is spending millions for growth of our agricultural products, no such program of support exists for the mineral resources industry.

Every State in the Nation has a significant mineral industry component whether it be sand, gravel, building stone, oil, natural gas, coal, or metallic ores. Thus, every State has, or should have, an interest in seeing that the condition of the mining art is improved. Lands need not be destroyed forever. The 10,000 miles of acid streams in Appalachia need not be increased. Technology can do what must be done to extract our resources from the earth and at the same time preserve the quality of the environment. It is important to point out that the devastation of our land, air, and water has not been the result of technology, rather, it has been due to the lack of using the proper technology.

Cleaning up the environment is not the only pressure requiring a program to improve our mineral industry. There has been too little attention paid to the fact that with each day that passes, the United States becomes more and more dependent on foreign supplies; the ratio of the value of mineral imports to exports has tripled in the last decade. Are we going to let this trend continue unabated and thus place ourselves at the mercy of other nations?

The need for a strong, progressive, and environmentally aware U.S. mineral industry is obvious. But that segment of America's economic strength cannot grow, cannot develop new techniques of extraction and processing, cannot attract new talent, cannot encourage new capital investment, cannot develop methods of environmental protection unless there is a commitment to improvement. I believe such a declaration of intent must be made first by the Congress of the United States.

I have introduced a bill today to do just that. Congresswoman Julia Butler Hansen, of Washington; and Congressmen James A. McClure, of Idaho; John H. Dent and Joseph M. McDade, of Pennsylvania; and Wendell Wyatt, of Oregon; have joined in sponsoring H.R. 6788 which would establish research centers throughout the country to promote a more adequate national program of mining and minerals research. The bill has been referred to the Committee on Interior and Insular Affairs; the text of the proposed legislation follows:

A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of Americo in Congress assembled, That (a) This Act may be cited as the "Mining and Minerals Resources Research Act of 1971".

(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production and the training of mineral engineers and scientists in the fields of mining, mineral resources and technology.

TITLE I—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

Sec. 100(a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972, and for each succeeding fiscal year thereafter the sum of $500,000 to assist each participating State in establishing and carrying on the work of a competent and qualified mining and mineral resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" or some other institution designated by Act of the legislature of the State concerned: *Provided,* That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act: (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the instituted.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological and other aspects of mining, mineral resources and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State Governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

Sec. 101. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industry-wide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by non-governmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

Sec. 102. Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships and post-doctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

Sec. 103. Moneys appropriated pursuant to this Act in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the selection of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

Sec. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior and other Federal establishments.

On or before the first day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State, whether it is entitled to receive its share of the annual appropriations for mining and mineral resources research under section 100 of this Act, and the amount which it is entitled to receive.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

Sec. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAM

Sec. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1972, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions, private foundations or other institutions with private firms and indivduals, and with local, State and Federal government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable utilize the facilities of institutes designated in Section 100 on this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

Sec. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorites or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

Sec. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

Sec. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

Sec. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects to progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms and individuals as voluntarily may make such information available.

Sec. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for inner-agency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the government-wide research effort, and (f) actions to facilitate inter-agency communication at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an advisory committee on mining and minerals resources research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent; and

(5) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

PROGRESS IN COMBATING SICKLE CELL ANEMIA

(Mrs. GRASSO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRASSO. Mr. Speaker, I am pleased to report that since my first mention of sickle cell anemia, an inherited and deadly blood disease primarily afflicting black citizens in this country, positive progress has been made to alert possible carriers of the sickle cell trait of its effect and to promote further research, treatment, and counseling services for those who suffer from this long-ignored disease which claims the lives of half of its victims before they are 20.

Good news came yesterday when the Foundation for Research and Education in Sickle Cell Disease announced that a nationwide drive will begin to alert black Americans to the peril of sickle cell anemia. Financed through a $50,000 grant from the Chase Manhattan Bank Foundation, the program will consist of a nationwide network of volunteer groups to make potential carriers aware of the disease and what they can do about it.

The efforts to combat this nemesis, the lack of concern for which up to now has been a national disgrace, is due in large measure to the dedicated campaign of WTIC–TV in Hartford, Conn., and its president, Leonard J. Patricelli, who through a series of editorials and special programs informed viewers of sickle cell anemia and its effects. This example has stimulated the Nation and its Government to act.

Mr. Patricelli's latest constructive attempt to attain priority status for the need to develop a treatment and cure for this dread disease has been a fund drive in the Greater Hartford community to benefit the Center for the Study of Sickle Cell Anemia at Howard University. With a goal of $25,000 to provide the Center at Howard with a full-time director for their sickle cell program, the WTIC drive quickly realized over $27,000, and more funds are on the way. Contributions were received from a wide variety of sources; however, a great deal of credit must be given to the young people in the Hartford area—particularly high school and grammar school children—who have held assorted functions and pooled their own resources to assist in the fund drive. Students at Weaver High School in Hartford are planning a rock concert on March 31, the proceeds of which will be given to the sickle cell fund. Young residents of the State Receiving Home at Warehouse Point have contributed $200, as have inmates at the Somers State Prison.

Channel 3—WTIC is performing a humane and timely public service and is providing an opportunity for thousands of youngsters to have the chance to enjoy a healthy start in life by seeking to remove the dangers of sickle cell anemia from our midst.

The President has allocated $6 million in the new budget for a genetic counseling program in a pilot effort to identify prospective marriage partners with the disease trait and alert them to the danger facing their offspring. This is a commendable beginning; however, much more in the way of Federal assistance must be allocated to meet the need for finding a successful treatment and cure for the disease. Doctors at Howard estimate they would require $60 million to properly establish full treatment and research facilities at that university.

The neglect of sickle cell anemia has ended; but a great challenge remains to commit the necessary resources to ridding our people of the doubts and fears surrounding this terrible blood disease. This crusade requires the cooperation of Government and people; this crusade demonstrates again the effectiveness of this cooperation in the public service. The pioneer efforts of Leonard Patricelli and WTIC–TV finds new allies and recruits in a campaign for life that is in our finest tradition.

RALPH NADER AND THE PUBLIC INTEREST

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, no individual has done more than Ralph Nader in the past 5 years in attacking corporate irresponsibility and bureaucratic insensitivity. Now Mr. Nader has enlisted hundreds of public-spirited assistants to multiply his effectiveness as this Nation's greatest battler for the public interest.

In two articles in the March 21, 1971 New York Times Magazines and the April, 1971 issue of the Progressive, Julius Duscha has made a cogent analysis of the nature and influence of this remarkable, tireless, and dedicated man:

STOP IN THE PUBLIC INTEREST!

(By Julius Dusch)

WASHINGTON.—They said that he couldn't last, that he would spread himself too thin, that he would burn himself out, that the press and the public would tire of his moralistic, monastic, Martin Luthern life style and that then he, too, would succumb to the pleasures of the flesh. That was what they were saying about Ralph Nader after he burst upon the public conscience five years ago at a supercharged Senate hearing, challenging the gumshoe tactics General Motors had used against him.

Well, they were all wrong. Some of the Chevrolets of 1966 are already on the junk heap, but not Ralph Nader. He has become an institution at least as formidable as General Motors. Some say Nader and his followers constitute a corporation, perhaps even a conglomerate. Wow! Ralph Nader, Chairman of the Board.

Nader, now 37 years old, is no longer a lonely figure bravely fighting off the excesses of governmental and corporate bureaucracy and standing up all by himself for consumers. With him now are Nader's Raiders—hundreds of students, housewives, lawyers, professors, engineers and scientists throughout the country who are working or have worked for him part-time and a handful of lawyers, a teacher or two and a few other professionals who have enlisted full-time and who operate from his several redoubts in Washington.

The result is an avalanche of reports, books, television programs, testimony at Congressional and administrative hearings, lawsuits, petitions, letters to government and corporate administrators and campaigns to organize college students in a nationwide consumers' crusade.

It is not all just talk, either. Nader and his Raiders get things done. Last year they were moving forces in pushing a tough air-pollution bill through Congress; in getting workmen's safety legislation approved by Congress; in persuading the Senate to turn a mushy consumer bill into a meaningful Consumer Protection Agency; in winning a court case that forced the Administration to review all the remaining uses of the herbicide 2,4,5-T, and in convincing the National Highway Safety Bureau that 200,000 G.M. trucks had potentially dangerous wheels.

And that's not all Nader's Raiders accomplished last year. Reacting to their first assault on a Government agency, the Federal Trade Commission continued to implement suggestions made by some of the early Raiders back in 1969. The Interstate Commerce Commission and the Food and Drug Administration instituted some long-overdue reforms pin-pointed by Raider reports on those two agencies.

Two Raiders dispatched to West Virginia mounted an assault on Union Carbide's pollution smokestacks and low tax bill in the state. Partly as a result of the Raiders' activities, the company agreed to clean up its polluting plants and pay higher taxes.

Some Raiders have even joined the Establishment. William Howard Taft IV, one of the first Raiders, is a special assistant to Caspar W. Weinberger, Deputy Director of the Office of Management and Budget. Raider

Reuben B. Robertson III is Chairman of the Consumer Advisory Committee to the Civil Aeronautics Board. Nader himself is a member of the National Highway Safety Bureau's Advisory Council, but sends Lowell Dodge of his Center for Auto Safety to represent him at meetings because he doesn't think the council is important enough for his time. And Edward F. Cox, another of the original Raiders, appears to be about to marry Tricia Nixon.

There are only 20 or so full-time members of Nader's Raiders (the name was coined by a newspaperman), but their energy and effectiveness make it seem as if there were at least 2,000. A half-dozen senior Raiders, most of them around 30, work out of Nader's three-year-old Center for Study of Responsive Law. Each earns only $10,000 to $15,000 a year.

A few blocks away a dozen Raiders just out of law school (each paid about $4,500 a year) make up Nader's newly organized Public Interest Research Group. In adjoining closetlike offices in the National Press Building, Nader's Center for Auto Safety and Professionals for Auto Safety operate with a full-time staff of one and many volunteers.

Then there is the Center for Law and Social Policy, a five-man public-interest law firm with 12 law-student interns, which is not directly associated with Nader but represents him and his Raiders in some of their suits. Finally, the Project for Corporate Responsibility runs the Campaign to Make General Motors Responsible with the advice of Nader and the help of a Raider.

Ralph, as everyone in Washington calls Nader, continues to work out of his $80-a-month room near Dupont Circle and a $90-a-month unmarked office in the National Press Building, dropping in daily on his various enterprises and scoffing at the idea that he has become a corporation.

"This," he says, "is an experiment in *not* developing a bureaucracy. We bring people in who are interested in a particular subject and give them front-rank responsibility. They don't report to somebody who then reports to somebody else. I get together with them regularly. We have a constantly fluid, conversational system."

"It's orchestrated chaos," says 25-year-old Mark J. Green, a lawyer attached to the Center for Study of Responsive Law. "Have you been down to that office? It's impossible. I work at home because I can't get anything done when I go down there."

Institution, corporation, conglomerate, fluid conversation pit, orchestrated chaos—whatever it is that Nader has wrought, it works surprisingly well for him.

He has found a way to turn youthful energy into amazingly productive work. Beginning in the summer of 1967 with five law-school internes, he built up his corps of summer Raiders to 100 in 1969 and 200 last year. While they are in Washington, the young Raiders do a lot of spadework for the reports Nader and his senior Raiders publish later in the year. And once the Raiders are back at school they are eager to help with problems Nader would like checked out in New York, Boston, Chicago, San Francisco or wherever a Raider happens to be.

The concept is that reasonably bright young men and women with a background in the law, engineering or the sciences can easily grasp the deficiencies of governmental and corporate bureaucracies. Nader now seems to have institutionalized the program on a year-round basis, and the part-time Raiders continue to churn out more material than Nader and his handful of full-time Raiders know what to do with.

And Nader still inspires youth, though he is no gentle perpetrator of participatory democracy. He is an authoritarian with a mania for detail and perfection. He does not approve of cigarette-smoking, let alone marijuana, and at times last summer his dictatorial handling of the Raider program pushed many of its participants to the brink of revolt. But still young people are attracted to him because he accomplishes things.

"I had done all sorts of antiwar protesting," said 22-year-old Mrs. Collot Bruce, the blond daughter of novelist Albert Guerard. She is the part-time director of Professionals for Auto Safety and a full-time Georgetown University law student. "But I didn't think I could change anything that way. At first the idea of working on auto safety didn't appeal to me. I'm more concerned about corporate collusion, but now I'm convinced that I can help make corporations more responsive through auto safety."

Mrs. Bruce is typical of Nader's Raiders—white, upper-middle-class, from one of the best schools (in her case Radcliffe), modishly dressed but not determinedly sloppy. Blacks are not attracted, and many Negro activists regard Nader's attacks on the Establishment as middle-class protests and irrelevant to their causes. Nor are there any freaked-out long-long-hairs around.

Not only is Nader authoritarian with his own Raiders: he can also be ruthless in his legislative tactics and his bouts with bureaucrats. During the drafting of consumer legislation last year he frequently got his way by threatening to go over the heads of Congressional staff aides to their patron Senators or Representatives or to the press.

"If you don't do what he wants," one staff aide said, "he's prepared to go to his friends in the press and publicly denounce you."

And Nader has no qualms about denouncing his friends, either. A 1970 report by some of the Raiders scathingly criticized Senator Edmund Muskie's record on air pollution. Liberal Senators were appalled, but the report stiffened Muskie's backbone and helped push him into supporting a tough bill requiring a 90 per cent reduction in automobile pollution by 1975.

Senator Abraham Ribicoff of Connecticut, the man who in 1966 provided Nader with the forum in which he exposed G.M.'s efforts to shadow him, also felt Nader's wrath last year. When, during debate on the Senate floor, Ribicoff accepted several compromising amendments to his consumer bill, which Nader had been so active in shaping, Nader emerged from the galleries where he had been watching the horse-trading and denounced Ribicoff to reporters.

In dealing with governmental bureaucracy, Nader has perfected a familiar Washington tactic which drives administrators up walls. Through a friend working in an agency, Nader will find out that a long-pending decision favorable to one of his causes is about to be made public. He then will write a letter to the administrator in charge demanding to know why this decision has not been made for lo! these many months. Copies of the letter go to Nader's many friends in the Washington press corps, and when, within a few days, the governmental decision is dutifully announced, Nader gets credit for once again cracking open the bureaucracy.

As Senators and Raiders alike have discovered, joining up with Nader is like enlisting in the Army. He demands total fealty to his concept of the public good.

Raider pay is low and the hours are long. "One hundred hours a week is ideal," Nader says, and he's not kidding. He still works those hours himself, and recently told a friend that he had spent only $5,000 on his personal needs last year. The friend believes him because Nader is as meticulous in keeping track of his own expenses as he is in following amendments on the Senate floor.

Nader frowns on Raiders' going off for summer weekends at the beach, and was unhappy with one aide who took a long Thanksgiving weekend last year without leaving behind a telephone number where he could be reached. Raiders quickly get used to midnight calls from the boss with his marching orders for the next day or two.

He hassles his Raiders over cigarettes (but half of them still smoke) and over the cars they drive (he still does not have one). A lot of Raiders own Volkswagens, which Nader considers to be particularly dangerous but which the Raiders like because they are economical. Despite the pressures, though, few Raiders resign.

"I'll still be a Raider when I'm 60," says Mark Green, who has 35 years to go and is finishing a mammoth study of Government antitrust activities. "Imagine sitting up in a Wall Street office being the 10th man on an antitrust suit, working on the 13th count of the suit. The responsibility I have here is the largest I could possibly think of having at my age."

Nadar is a lawyer and has great faith in a lawyer's approach to problems and in legal solutions to them. Usually he finds out what a Raider is interested in and tries to give him a research assignment within that range. He tells the Raider to begin by reading everything he can find about the subject. The reading is followed by extensive interviewing. Finally Nader sits down with the Raider to decide whether the end product should be a report, a book, a letter to a Government administrator or a public denunciation of some person or agency.

But the styles of the Raiders vary enormously. Some, like 30-year-old John C. Esposito, can be abrasive and arrogant, spoiling for a public confrontation. A dark-haired, brooding man with penetrating eyes and a penchant for sports shirts and bell-bottom trousers, Esposito went to work for Nader in the summer of 1966 and is now a senior Raider.

Esposito wrote the report on "Vanishing Air" which Nader put out last spring and which sought to tear apart Senator Muskie's record on air-pollution legislation. But such is the power of Nader and his Raiders that Esposito was routinely admitted thereafter to meetings organized by Muskie aides to get industry and reformers together for discussions of the 1970 air-pollution legislation.

Like 36-year-old Gary Sellers, other Raiders become fascinated with the legislative process and its inevitable compromises, and learn how to use the system on Capitol Hill to their advantage. Now the senior Raider in charge of the neophytes at Nader's Public Interest Research Group, Sellers also works part-time for Democratic Representative Phillip Burton of San Francisco.

A short man with longish brown hair, a taste for long cigars and a generally conspiratorial view of the world, Sellers spent much of last year helping steer occupational-safety legislation through Congress. Burton is a member of the House Education and Labor Committee, which handled the legislation, and Sellers used his position on Burton's staff as a way to get into secret committee meetings where legislative tactics were discussed.

"I have no problem serving two masters," Sellers said. "Ralph's and Phil's passion and concern are coextensive. The arrangement turned out very well for both of them."

Like William Harrison Wellford, some Raiders look and talk as if they were displaced scholars. Nearly bald at 31, Harrison Wellford is a soft-spoken North Carolinian who was a valedictorian at Davidson College, has a master's degree from Cambridge University, is a doctoral candidate in government at Harvard and has won Marshall, Danforth and Woodrow Wilson Fellowships.

More than any other single person, Wellford is responsible for the recent decision by the Environmental Protection Agency to conduct a crash study to determine whether all uses of the herbicide 2,4,5-T should be ended.

During a lengthy study of the Agriculture Department which has resulted in a two-volume book, "Sowing the Wind," to be published this spring, Wellford became an expert on herbicides and pesticides. His knowledge was used by four environmental organizations which filed a suit that led to the decision by the new Environmental Protection Agency, which recently took over the Agriculture Department's authority to regulate herbicides and pesticides.

Raiders have shown again and again what one man can do in Washington if he spends full-time on a single issue or bird-dogging one agency, and no one has been more successful than 30-year-old Lowell Dodge, the director of Nader's Center for Auto Safety. Dodge's office in the National Press Building is hardly wider than the door leading into it and not much deeper than a walk-in closet.

Dodge's sole assignment is the National Highway Safety Bureau, which was created by the first piece of legislation resulting from Nader's crusade in Washington—the 1966 Highway Safety Act. A neat, black-haired man who rides a bicycle to work from his Capitol Hill apartment, Dodge supervises the activities of three paid assistants (one makes $30 a week, another $40 and the third $75) and several volunteers.

The aides range from a young man fulfilling his conscientious-objector's obligation, to a young woman who goes to law school at night and by day studies the use of air bags to prevent injuries in automobile crashes, and a physicist who works at the U.S. Patent Office.

It was Dodge who put together information about potentially dangerous wheels on 200,000 G.M. trucks built between 1960 and 1965. By pressing their case, Dodge and some public-interest lawyers got the Highway Safety Bureau to reverse a previous decision and issue a warning about the truck wheels.

Dodge has also completed work with Nader and an engineer named Ralf Hotchkiss on a book entitled "What to Do With Your Bad Car: A Manual for Lemon Owners." Profits from the book will be used to help finance and expand the center.

"Sure, that little Center for Auto Safety is effective," said an official of the Highway Safety Bureau. "Many a night I've spent late at the office trying to 'Nader-proof' a regulation. The pipelines this guy has into the agency are unbelievable."

Another Raider, James S. Turner, is Nader's expert on the Food and Drug Administration and the author of "The Chemical Feast," a critical study of the F.D.A. Still another is James R. Michael, who is completing a massive citizens' handbook on access to the Federal agencies.

Other reports and studies are under way on supermarkets; property taxes; consumer credit; banks; the influence of large law firms like Washington's Covington & Burling, whose most celebrated partner is Dean Acheson; the domination of the state of Delaware by the du Pont Company; the power of the First National City Bank in New York; the pollution caused by pulp and paper mills in Maine; General Motors' commitment to safety work and the abatement of air pollution, and the relationship of Government agencies to think tanks.

Helping Nader keep track of everything is 30-year-old Theodore Jacobs, a classmate at Princeton and Harvard Law School who gave up a Wall Street law practice three years ago to come to Washington, first as chief counsel to the National Commission of Product Safety and since last spring as Nader's chief of staff.

"When I was practicing law in New York," said Jacobs, an intense man with receding but bushy hair and rimless glasses, "Ralph would drop into my office when he was in town, pick up some will or trust I was working on, glance at it, put it down with disdain and ask: 'How can you spend the rest of your life on stuff like that?' "

Jacobs is bringing some order out of Nader's orchestrated chaos, but he is also seen by some Raiders as a divisive influence. Some consider Jacobs an opportunist who waited to sign on until Nader was firmly established. Others believe Jacobs shields Nader too much from his staff. And still others think Jacobs is not a true believer in the Nader muckraking style, but is more interested in steering old friend Ralph into politics.

Jacobs and Nader's senior Raiders work in an old three-story office building just below Dupont Circle. There is not even a sign on the door, and the offices are furnished with second-hand desks and hand-me-down chairs (one in a corner of Jacob's office is propped up with a chunk of 2 by 4). Everywhere there are files—in old metal cabinets, in cardboard boxes, in wooden apple crates, on book shelves made from planks and bricks. The Public Interest Research Group is jammed into a warren of offices in an old apartment house five blocks away.

The Center for Study of Responsive Law is tax-exempt and meets its $250,000-a-year budget largely with money from foundations and profits from the sales of Raiders' books. Major contributions have come from the Philip M. Stern Family Fund, Carnegie Corporation, Norman Fund, Jerome Levy Foundation and from the automobile muffler king turned liberal philanthropist, Gordon Sherman of Midas International.

The Public Interest Research Group is not tax-exempt, and is thus free to lobby. Its annual budget of $170,000 comes from Nader's speaking fees, which range up to $2,000 an appearance, and from the $280,000 out-of-court settlement in his libel suit against G.M. The Center for Auto Safety is financed by Consumer's Union, and Professionals for Auto Safety stays in gear with money from speaking fees.

Finances are a constant problem, and Nader is frequently criticized, even by his friends, for failing to build a dues-paying constituency. He is thinking about trying to raise money through magazine and newspaper advertisements and direct-mail solicitations. Nader has put an experimental ad in The Progressive magazine, and it met with some success. But it costs money to raise funds through ads and mailings, and Nader is reluctant to expend what little capital he has. He is also impatient with Raiders who keep after him to find a financial angel.

"People are always asking me why we can't get some Jean Paul Getty to finance us," Nader says, "but it doesn't work that way. You have to go at it 60 different ways. If someone will come in and work for room and board, fine, or if his family will support him, fine. That's the same as a $4,000 or $5,000 contribution right there. It's always going to take bits and pieces like that."

Despite Nader's great impact in some areas, most of the governmental and corporate bureaucracy still sits there, impassive and largely unmoved by the Raiders.

"It troubles me," says Jacobs, "that we haven't got the formula to translate concern for public problems into effective means for change."

It troubles Nader, too. In a recent conversation in Jacobs's office at the Center for Study of Responsive Law, Nader munched on some cookies baked by a Raider's wife and talked about his and the Raiders' future. He hasn't changed much in five years—wavy black hair a little longer but by no means modish; the shadows under his eyes a little more pronounced; his dark features perhaps a little sharper. But he looked as though he were wearing the same rumpled dark gray suit, narrow dark green tie, white shirt and scuffed black shoes he wore in 1966.

Offering the tin of cookies to the others in the room—"Have one; they're good Homemade"—and then taking a couple himself, Nader began: "What we've been trying to do is all converging now. Wherever you look the consumer is defied, whether it be the goods and services he buys, the Government services with which he is supposed to be provided or governmental and corporate pollution of the environment.

"Take the Government first," he continued, reaching for another cooky. "There have been more studies than I care to count on the Civil Service which show men willfully changing regulatory law, willful lassitude, willful manipulation of legal processes.

"How can we develop rights for citizens to initiate censure actions for public officials? Now they get decorated instead of being fired. When a citizen is adversely affected by pesticides and the Agriculture Department knowingly suppresses information about violators of the laws regulating pesticides, as has happened, why shouldn't a citizen have the right to make the public officials more responsible for their actions?

"We're interested in the development of initiatory democracy, and this is more fundamental than participatory or representative democracy. We need a fundamental change in our structure so that people can initiate actions to make sure public officials are acting responsibly. I'm talking about rights plus remedies plus legal responsibilities so it can be a citizen versus the I.C.C. or the F.D.A. A civil servant should be forced to make the law work, and if he won't do it he should be censured or expelled from the Government."

Turning to corporations—and taking another cooky—Nader said: "The question of the constitutionality of the corporation will be one of the biggest struggles of the next decade. It will be a greater struggle than the New Deal. The corporations must assume more responsibility for what they do. We have a right to know how much pollution is being dumped where by what corporation. Corporations are now running the ball game, and we must look at them in terms of the scene today, not in terms of their origins in the 18th and 19th centuries."

One way Nader sees to attack the problem of individual responsibility in the bureaucracies of both the Government and corporations is to turn what he calls "whistle-blowing" into an honorable action. "A 'whistle-blower,' " says Nader, "is anyone in any organization who draws a line in his own mind where responsibility to society transcends responsibility to his organization."

An example of "whistle-blowing" that Nader often cites is the G.M. engineer who first came to him with details of the tendency of Corvairs to roll over. To encourage more people to put public responsibilities above bureaucratic allegiances, Nader had one of his Raiders organize a "Whistle-Blowers' Conference" in Washington recently. At the all-day meeting in the Mayflower Hotel, speakers included Ernest Fitzgerald, a former Defense Department employe who first blew the whistle on the excessive costs in the C-5A plane contracts.

Nader has also advocated legislation giving protection to persons working for the Government or for corporations so they may be free to speak out on public-interest problems within their bureaucracies. He also has urged professional societies to make known their readiness to defend members who seek to put the public interest above their private interests as employes.

Ever the optimist, but still pragmatic, Nader likes to reply to questions about his successes and failures with: "We always fail. The whole thing is limiting the degree of failure."

But Nader is not a man to dwell on the past. He is always looking ahead, at the moment to his "whistle-blowing" concept, to the expansion of an Oregon project that encourages students to tax themselves to finance public-interest law and research groups, to the passage of consumer legislation this year—"It will be a vintage year for consumers"—and to the development of more public-interest law offices in Washington.

"Ideally," he says, "after a report comes out on an agency like the I.C.C., filled with facts and statistics, we ought to see to it that at least a four-man law firm is set up to specialize in the I.C.C., to begin filing suits, to be a full-fledged pressure group. We need to begin this institutional monitoring on a mass basis. We know exactly what has to be done, but it takes a lot of people and money to do it."

Although Nader is usually tagged simply as a "consumer advocate" by the newspapers, he is much more than that. He is an ombudsman; a symbol to all the little people of the world; a one-man court of last resort that receives an average of 1,500 letters a week from the helpless; an inspiration to college students; the man who turned the phrase "public-interest law" into a whole new concept of the legal profession. But is he a revolutionary?

"To what extent is he interested in basic reform?" mused a Senate staff aide who has dealt extensively with Nader and is a personal friend. "I honestly don't know. He's not much of a philosopher, is he? A lot of guys up here think that he deliberately tailors his strategy so as not to frighten off too many people."

"Ralph wants change," says old friend Ted Jacobs, "but we're not revolutionaries. Basically, Ralph wants people to be accountable for their actions. Ralph believes that the system of injustice in this country was built up block by block, and that any effort to remedy it will have to be done block by block. The basic problem we're dealing with is law and order—the law and order of corporations."

A former Government official who has dealt extensively with him says: "Nader more than any other single individual has contributed to the denigrating attitude America's young people have toward government. He has deprecated government on every major campus in this country."

"For a fellow who is so critical of the law," noted a prominent Washington lawyer who has fought more than one battle with Nader, "he has an extravagant faith in the ability of the law to right wrongs, but all of us are doing things quite differently because he's around."

"He's changed the realities we all had to deal with," said Charles Halpern, who heads up the public-interest law firm that handles many of Nader's suits, "and he's made a new world for us."

"People working for Ralph," said Raider Mark Green, "are not imbued with a sense of politics and power but with a concern for issues. We're not on ego trips. Ralph has a very effective way of psyching up his staff. He has so much enthusiasm, and that gets a lot of work out of people. Ralph would have been a great camp counselor.

"Ralph's ideal is true competition, with vigorous Government regulation to keep people competing. Socialism doesn't interest Ralph. When Ralph thinks of socialism, he doesn't think of Lenin. He thinks of Paul Rand Dixon [the former F.T.C. chairman so mercilessly criticized in the first Raider report] because he knows there will always be guys like Dixon trying to run things."

NADER'S RAIDERS PUT THE WASHINGTON PRESS CORPS TO SHAME

(By Julius Duscha)

The other day I had lunch with the chief of a Washington bureau for one of the nation's leading newspapers. Over coffee, the conversation turned to what the chief's staff ought to be doing. What stories was his bureau missing? What trivia were the reporters masquerading as news? What was being overcovered? And as we talked, I kept thinking about Ralph Nader.

"Why don't you go see Ralph Nader and some of his people?" I suggested. "Find out what they're doing and what they don't have time to do but would like to do. He's closer to the cutting edges of issues in Washington than anyone else I know."

"Good idea," the bureau chief said. "In fact, we probably should have someone covering Nader full-time."

His response was typical of the way the Washington press corps views Nader and his Raiders. In Washington and elsewhere the press is almost totally oriented to reacting to events, or, in too many cases, to pseudo-events carefully contrived for press coverage. In the eyes of editors and reporters, Ralph Nader is a "consumer advocate" who makes news by holding press conferences, publicizing reports compiled by his Raiders, and releasing the texts of letters to public officials.

But what much of the press fails to appreciate is that Nader is much more than a consumer advocate. He is a reformer challenging not only the responsibilities of public officials but also the accountability of corporations and their officials and employes.

Nader is also a muckraker in the best sense of that word. While so much of Washington journalism continues to wallow in analysis written off reporters' sleeves and in columns belaboring the obvious, Nader and his Raiders are doing the most serious, factual, and consistent job of public service muckraking in the nation's capital.

There are some other watchdogs in Washington: Jack Anderson and his staff; Morton Mintz of *The Washington Post* with his exposes of the drug industry; Jerry Landauer of *The Wall Street Journal* with his vigilant reporting on the judiciary; Robert Walters of *The Washington Star* with his tenacious quest for facts in a number of strategic areas; Jack Nelson of *The Los Angeles Times* with his sharp coverage of civil rights issues; Seymour Hersh, whose brilliant exposure of My-lai was in the best traditions of crusading journalism. And a few more.

But in general the hundreds of reporters who make up the Washington press corps still spend an inordinate amount of time serving up rewrites of White House and agency handouts, once-over-lightly accounts of legislative maneuverings and meaningless "scoops" on the size of the Federal budget to be announced officially tomorrow.

With the help of only twenty full-time Raiders, Nader puts the Washington press corps to shame. In agency after agency and on issue after issue, Nader and his Raiders know more about what is going on than any reporter or editor in Washington—and they have learned how to bring their findings to public attention.

The list of muckraking achievements by Nader and his Raiders is impressive. Some examples:

Nader was one of the first to call attention, a couple of years ago, to the rot within the United Mine Workers, a significant story which, with one or two exceptions, the press virtually ignores.

Two Raiders dispatched to West Virginia by Nader succeeeded in getting Union Carbide Corporation to begin cleaning up their polluting smokestacks and pay a fair share of local taxes.

Without the work of one Raider who provided essential data for lawsuit, the Environmental Protection Administration would not have been forced to move swiftly to remove DDT and 2,4,5–T pesticides from the market.

Because of the persistence of another Raider, the Federal Highway Safety Bureau was forced to order General Motors to warn the purchasers of 200,000 GM trucks of potential wheel defects. Nader's undermanned Center for Auto Safety is one of the most effective goads to bureaucracy that Washington has ever seen, and is a thorn in the side of the Bureau.

A report compiled by Nader and some of his Raiders meticulously dissected Senator Edmund Muskie's record on air-pollution legislation and raised serious questions about the efficacy of his approach and about his concern for the sensibilities of major industrial polluters.

The first Nader report, on the failures of the Federal Trade Commission to protect the consumer, is still having an effect on that agency more than two years after it was issued; it remains a model of first-rate muckraking.

In all of the above cases, and in many more, Nader and his forces are doing no more than what good reporters are supposed to do. His operations are what good newspapering ought to be all about.

Nader picks and issue, an agency, a target, and embarks on a careful comprehensive study. He or one of his Raiders sticks with it. Not just for a day or a week, but for weeks, months, even years, as is the case with his long and fruitful investigation of auto safety—or the lack of it.

Nader himself is a lawyer, and nearly all of his Raiders have been trained in the law. But in the exacting art of investigation the techniques of the law and of journalism are—or should be—much the same. First must come the extensive study of the background of an issue, largely through research in books, articles, Congressional reports, and official documents. Then follows the interviewing of key sources to discover as much as possible about the current situation. Finally, there are the conclusions to be drawn and the courses of action to be charted.

Nader's Raiders, however, seem to have two special qualities that not enough reporters command. One is a quality of mind that seeks the answer to a fundamental question: Why don't private and public institutions work the way they are supposed to work? The other quality is tenacity in digging out the answer.

Reporters like to blame their generally short attention spans on the demands of their editors for daily copy. There is some truth in this complaint, but it is also true that too many reporters, editors, and publishers are content with the superficialities of stories quickly churned out to meet daily deadlines. Moreover, publishers do have their sacred cows, whether political, bureaucratic or corporate.

Yet, as the trade press, lawyer, and lobbyists have shown over the years in Washington, and as Nader and his raiders are now demonstrating, it is possible for almost any reasonably intelligent reporter or lawyer to discover what is really going on within an agency.

Nader's Center for Auto Safety provides what amounts to a casebook study for the journalist—or lawyer or lobbyist, for that matter—who wants to know how to stay on top of a complicated but extremely important issue with ramifications extending to every person in the United States. Working out of a tiny office in the National Press Building and surrounded by bookshelves jammed with government reports and correspondence, thirty-year-old Lowell Dodge operates the Center with Nader's advice and counsel and the help of three paid employes (one at $30 a week, one at $40, and the third at $75) and a few part-time volunteers. The hours are long (twelve to fourteen-hour days are not uncommon) but the dedication is great.

Dodge, a neat New Hampshireman out of Yale Law School, does what lawyers for special interests and reporters for the trade press—written and edited for specific industries—have done in Washington ever since New Deal days. Dodge's primary responsibility is to keep track of what is going on at the

Highway Safety Bureau, which probably would not have been created by Congress had it not been for the extraordinary impact of Nader's 1965 book, *Unsafe at Any Speed*, and the subsequent clumsy efforts of General Motors to "get something on" Nader.

Helping Dodge are several law students and engineers. One of the students, for example, is, in Dodge's words, "our man at the Highway Safety Bureau." He is Justin Klein, a full-time law student at George Washington University.

"He's a great vacuum cleaner," says Dodge. "He's got short hair. He's un-threatening, well-mannered, well-groomed, very conscientious."

Other students work with the mail complaints about automobile defects that pour into the offices of Nader's operations in Washington, and into the boarding house off Dupont Circle where he still lives. Nader does not have the staff to investigate and answer individual complaints but there are enough people at the Center for Auto Safety to look for patterns in the complaints and to let the Highway Safety Bureau know what the problems are. Nader gets more mail on auto safety problems than the Bureau itself does, and Nader and Dodge see that this mail gets to the Bureau.

The mail often turns up cases which lead to action by the Bureau. Not long ago, for instance, Nader received a steady stream of letters from owners of 1970 Buicks complaining about a sticking accelerator pedal. The letters led to a Bureau decision ordering Buick to tell owners of the affected models about the potential safety defects, and that dealers were ready to correct them.

But perhaps what is most important about the Center for Auto Safety is that it is there, and is always ready to light fires under complacent bureaucrats.

"Every time they take some action over there," Dodge says, "they have to ask themselves whether we're going to explode it in their faces."

That is pretty close to the truth. Employes of the Highway Safety Bureau acknowledge that they have frequently stayed up until two or three in the morning to try to "Nader-proof" a decision or a new regulation.

A major newspaper or one of the wire services could keep track of auto safety problems the same way Nader and Dodge do. This would require a commitment of journalistic and clerical manpower, but, as Nader's mail indicates, the subject is one of widespread public interest that touches the lives of almost all Americans.

Another example of the essentially journalistic approach of Nader and his raiders is the work of Jim Turner, who became interested in Nader's operations when he was assigned by a law professor at Ohio State University to play the role of Nader in a seminar on auto safety.

Turner first worked for Nader as a summer Raider in 1968. Nader put him on his Food and Drug Administration project, and Turner has stayed with FDA ever since. He was responsible for the breaking of the cyclamates story by an NBC News Washington correspondent in the fall of 1969. This story led Robert Finch, then Secretary of Health, Education and Welfare, to order an end to the widespread use of cyclamates as an artificial sweetener in soft drinks any many foods.

By carefully keeping track of what was going on in the FDA, Turner was able to establish that the scientists in the agency were convinced cyclamates were potentially harmful, but that for some reason these scientific findings had been pigeonholed by the FDA policy-makers.

More recently, Turner is concerned with such FDA matters as the safety of saccharine, another widely used artificial sweetener, the use of brominated vegetable oils, the fat content of foods, and the labeling of foods containing additives. His book, *The Chemical Feast*, written with the help of several other Raiders, is a devastating critique of the FDA. It is one of a series of muckraking books resulting from Raider forays into the depths of the Washington bureaucracy.

Turner is now working on a book about supermarkets and the food industry. The central issue he is exploring, Turner says, is why supermarkets do not make more information available to consumers. He is investigating such proposed reforms as unit pricing, grade labeling, and complete disclosure of the contents of food.

Food and supermarkets have always been sensitive issues for newspapers because of real or feared pressures from advertisers. Even such a prestigious newspaper as *The Washington Post* still runs a weekly food section in which advertising is surrounded with recipes and stories that are often puffs for promotion campaigns by food companies.

But, as Nader's Raiders have demonstrated, there is a great deal of news in what food additives may be doing to us, as well as in the economics of a food industry that has changed rapidly over the last two decades. With twenty percent or so of many a family's income going for food each week, it is reasonable to expect that reader interest in the subject would be high.

Turner is one of a half a dozen or so senior Raiders who work with Nader out of old office space not far from Dupont Circle. This particular Nader operation is the Center for Study of Responsive Law, now almost three years old. A few blocks away, near the Statler-Hilton and Sheraton-Carlton hotels, is Nader's new Public Interest Research Group, set up last summer, where about a dozen young men and women just out of law school are working as interns for only $4500 a year.

The projects under way or recently completed in the two offices ought to make a modern city editor chew his pencil in envy. John Esposito, the air-pollution expert and the author of the Nader Report, *The Vanishing Air*, is looking into the question of the uses and sources of electrical energy. Mark Green is investigating the failures of the anti-trust division of the Department of Justice to investigate and prosecute monopolists. Jim Michael is compiling a handbook on the Federal regulatory agencies.

At the Public Interest Research Group's offices young lawyers are researching such problems as the inequities of local property taxes, the public consequences of corporate acts, the responsibilities to the public of government employes and officials, the interest-free use banks have of income-tax and social-security-tax money deposited with them by employers as required by Federal law, and the costs of consumer credit.

"We're a combination of lawyer, journalist, and political theorist," explains senior Raider John Esposito, who first went to work for Nader in the summer of 1966 and has researched such problems as gas pipelines, anti-trust policies, professional societies, meat inspection laws, consumer financing, and air pollution.

Nader and his Raiders are interested in much more than muckraking. They are seeking to reform existing governmental and corporate bureaucracies, and some of the Raiders spend a good deal of their time actively working for reform through lobbying and other techniques. The average journalist, on the other hand, usually must content himself only with the exposure of facts.

But not only do Nader and his Raiders do a far better job of reporting than do most of the Washington press corps; they have also invoked or threatened to invoke the 1967 Freedom of Information Act, which opens long closed doors to official proceedings, more than have the reporters for whom this long-sought piece of legislation supposedly was designed. Once again, this fact reflects the patience of Nader's Raiders, their willingness to wait out the bureaucratic process for a few weeks or months. On the other hand, journalists, bent on a story *today*, become impatient when a definitive answer is not immediately forthcoming.

Why is the press generally unwilling to do the kind of in-depth investigative work that is the guts of the approach to public issues by Nader and his aides? The major reason is the way editors and reporters are oriented toward the reporting of events. But there are other reasons.

A principal one is the failure of newspapers to comprehend what is genuinely news. The big, obvious story, like the war in Vietnam or a Presidential campaign, is always covered and often over-covered. But when it comes to stories of a second magnitude, the press generally lags behind the interests of its readers and is too often beholden to its advertisers.

Take the issue of automobile safety. For years the press dutifully ran auto-accident statistics and regularly deplored them on the editorial page—usually placing the blame on drivers. Press coverage of automobiles seldom went beyond puff stories, and frequently whole sections are devoted to the wonders of the new models. Few reporters ever looked into the public record on auto safety, as Nader did in researching *Unsafe at Any Speed*.

Most of the changes that chemicals and marketing practices have made in food and drugs over the last twenty-five years can be found in public records, but only a few dedicated investigators like Nader have bothered to explore these records, while most newspapers have continued to glorify the supermarket economy which contributes so much each week in advertising.

Not all of this glorification is by any means the result of advertising pressure, however, because in these days of one-newspaper communities advertisers such as supermarkets have nowhere to go but to the monopoly paper in their town. The other part of the problem is the definition of news.

In Washington, news media all too often concentrate on what the President is doing or, more likely, saying; what bill is being approved by what subcommittee on Capitol Hill; and what the Secretary of Defense or Secretary of State is announcing as "news." There is little systematic coverage of such departments as Agriculture and Interior. Coverage of such agencies as the FTC, the Federal Power Commission, and the Interstate Commerce Commission is virtually nonexistent. Yet, what these departments and agencies do—or do not do—is often more important to more Americans than what the President is saying.

As Nader has demonstrated, editors need to turn loose their reporters for in-depth investigations; they also need to redefine Washington news. It is no excuse to say that not enough happens at some departments and agencies to justify full-time coverage. Most major, and many smaller, newspapers, have men covering politics full-time; yet the truth is that the political beat is often dull and reader interest in politics is limited in the years when there are no Presidential or Congressional elections.

Ralph Nader has become more than a beat to be covered by Washington reporters. He and his Raiders are the best examples to be found of what journalism ought to be in the capital of a country that has produced such great muckrakers in the public interest as Lincoln Steffens, Ida Tarbell, Frank Norris, and Upton Sinclair.

PETITION TO SEC FOR PUBLIC INVESTIGATION OF UNION CARBIDE POLLUTION DOCUMENT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, one of the most refreshing and healthy developments in the field of modern corporate management is the attempt by many concerned stockholders to exercise their legal rights and responsibilities, both as good citizens and stockholders, to prevent further environmental destruction by this country's giant corporation.

Just last week, my attention was called to a petition filed with the Securities and Exchange Commission on March 12, 1971, in behalf of Mr. Larry J. Silverstein, Mr. William Osborn, Mr. Roger S. Foster, and the Project on Corporate Responsibility, all owners of stock in the Union Carbide Corp. The petitioners seek a public investigation of a document on pollution control issued by Union Carbide last November.

Exposes of Carbide's irresponsibility in the field of pollution control have been many—so many, in fact, that the corporation's directors evidently felt compelled to distribute the document to their stockholders and employees, painting a rosy picture, indeed, of the corporation's puny efforts at its plants all over the country. The document, entitled "Summary of Union Carbide's Programs for Pollution Control," gives the impression that Carbide's overall environmental pollution has been moderate and largely unavoidable and that Carbide has been public spirited, forward looking, and cooperative with public authorities in this area.

On the contrary, the petition charges, Carbide is, and has been, one of the Nation's worst corporate polluters; has been resistant to efforts of public authorities to curb pollution; and resulting public criticisms have tarnished its reputation. The public is all too familiar with the sorry excuses which Carbide has used over the years to escape the consequences of its actions. Despite the best efforts of Carbide's public relations department, the public has not been fooled.

Ostensibly, the purpose of the misleading document which Carbide distributed was to keep their employees—who are eligible to participate in a special stock-purchasing plan—and stockholders "informed," but it is the petitioners' contention that the corporation's real purpose was to influence shareholders and potential shareholders in their decisions as to the purchasing and disposition of their stock and the use of their proxies, and, by so doing, constituted a direct violation of SEC rules.

The petition fully documents the many news stories which show that Carbide's document was so false and misleading as to require a public investigation, with the object of requiring Carbide to issue a correcting statement. Such an investigation is the least that the public should expect of the Securities and Exchange Commission, so I take this opportunity to urge all Members to join me in calling for an affirmative response to the petition. I also call on all Union Carbide stockholders across the Nation, who want to see their corporation conform to its professed policy of concern for its responsibilities as a citizen, to join with the petitioners in their efforts to swing the corporation around to a more honest and exemplary stance.

For the benefit of the Members and the public in general, I include, as part of my remarks in the Record, the "Summary of Union Carbide's Programs for Pollution Control" and the "Petition to the Securities and Exchange Commission":

[Exhibit A]

Union Carbide Corp.,
New York, N.Y., November 6, 1970.

To our Stockholders and Employees:

Because of the nature of recent publicity regarding pollution problems at certain Union Carbide facilities, we think you may be interested in additional information about these problems and our plans for dealing with them.

Unfortunately, accomplishments in environmental pollution abatement are not often considered sufficiently newsworthy to warrant space in the popular press. For this reason, we are addressing you directly, in order to make it clear that Union Carbide has been making major commitments to this effort for some time, and that we fully intend to meet our responsibilities at all of our plant locations.

It would appear that there may be continuing pressure to discredit our intentions and programs. If, at any time, you have questions as to the actual facts relating to these matters, we urge you to write to us for further information.

Sincerely,

Birny Mason, Jr.,
Chairman.

Summary of Union Carbide's Programs for Pollution Control

November 1970.

Industrial operations throughout the United States, with few exceptions, create waste materials in the normal course of their manufacturing processes. These wastes will escape into the air, water, and ground unless they are collected and disposed of in a proper manner. Pollution from production facilities is not peculiar to one industry or one corporation. All of industry is faced with the problem of adequately controlling effluents and emissions.

The industrial operations of Union Carbide are no exception to this creation of waste material. The important thing is to devise and implement feasible programs to protect our environment from the disposition of these materials. Ever since the 1930's we have been installing pollution-abatement equipment. Throughout the intervening years, we have continued to develop technology required to improve the disposal of our waste materials. Many of our programs have been completely successful; others have been partially successful; some have failed.

WASTE-WATER CONTROL

Union Carbide was the first corporation in the United States to enter into a joint waste water treatment project with a municipality. This venture resulted in the construction of such a plant at South Charleston, West Virginia, in 1959. Since that time, this plant has served as a guide to the development of similar programs in many other communities. At our Anmoore, West Virginia plant we have constructed and are operating a sewage-treatment plant, which was recently doubled in size. Also, we have developed the Unox System, which uses oxygen to treat municipal and industrial waste water at a capital cost of up to 50 per cent less and an operating cost of up to 30 per cent less than conventional facilities. Interior Secretary Walter J. Hickel has called the Unox System "one of the most significant technological breakthroughs in the history of the activated sludge process."

We have been generally successful with our waste-water control efforts to keep within the limits of applicable permits and standards and to improve those efforts over the years. Water-effluent standards, like air-quality standards, are changing. The facility that is in compliance today may well be out of compliance tomorrow. Union Carbide will continue to upgrade its pollution-abatement facilities appropriately.

PROGRESS IN SOLID-WASTE DISPOSAL

Solid-waste problems have come to be recognized as necessary companions to the abatement of air and water pollution. At many corporate locations, we have instituted incineration programs that assure complete combustion of wastes, are smokeless, and are well within compliance of air-pollution regulations. Our three major facilities in the area of South Charleston, West Virginia, are participating in the only licensed chemical landfill project in the state. Under very strict controls, a blending-inerting technique is used to dispose of solid-chemical wastes so that they will become converted to useful soil. This landfill project was cited in 1970 by the Consulting Engineers Council as a major contribution to technical, economic, and social advancement.

CURRENT AIR-QUALITY PROBLEMS

The major air-pollution problems of Union Carbide's manufacturing facilities are associated with the burning of coal to produce steam and electricity, the production of alloys, and the manufacture of carbon electrodes.

Power-station emission controls

The Corporation is giving high priority to steps to combat air pollution resulting from the production of power (i.e., burning coal at our plants located at Alloy, West Virginia; South Charleston, West Virginia; Institute, West Virginia; and Marietta, Ohio. The steam and power stations at Alloy, South Charleston, and Institute require equipment, in addition to that already installed, to control fly-ash emissions. Electrostatic precipitators, which are more than 99 per cent effective, are currently being installed at these locations, at a cost of approximately $11 million. The control of sulfur-oxide emissions is not a problem at these three sites because we are able to acquire fuel that is low in sulfur content.

At Marietta, Ohio, we have an unresolved problem resulting from the unavoidable use of high-sulfur coal to produce steam and electricity for a ferroalloy plant and an adjacent chemical plant. The reduction of both sulfur-oxide and fly-ash emissions at the Marietta power station has been recommended by an interstate air-pollution abatement conference. Because low-sulfur coal is not available, it is imperative that some form of stack-scrubbing equipment be devised to capture the sulfur-oxide emissions. Up to the present time, there is no commercially developed process available for the removal of sulfur dioxide from the Marietta power-station stacks. Congress has provided for the joint funding by government and industry for development of research technology in situations of this type.

Consequently, we proposed to the National Air Pollution Control Administration (NAPCA) a program aimed at such technology through a jointly funded program. Completion of the proposal would effectively demonstrate a commercial method for removal of sulfur oxide from coal with a sulfur content of 4 to 6 per cent. This development would be available to industry generally, but would have very limited use to Union Carbide beyond the bounds of the Marietta steam station. A successful demonstration would assure the continued use of the high-sulfur coal of Ohio, Kentucky, and West Virginia as an energy source in a nation where 44 per cent of the coal supply is considered to be high in sulfur content. NAPCA has rejected our proposal as originally presented, but we will be discussing with them alternative approaches to the abatement of sulfuroxide emissions at Marietta.

Alloy process-emissions control

At Alloy, West Virginia, where we produce ferroalloys, Corporation scientists and engineers have made progress toward abatement of process emissions, but much more will be accomplished through implementation of a compliance schedule now approved by the West Virginia Air Pollution Control Commission. On July 1, 1970, the Commission adopted its Regulation VII, setting up specific guidelines and criteria for air-pollution control measures. Our ferroalloys plant is covered by these regulations. As required by the Commission, Union Carbide presented a schedule designed to attain the standards set forth in Regulation VII. The Commission has approved procedures and time schedules that establish specific plans for the Corporation to reduce pollution. When all of the planned abatement measures are completed by December, 1974, 99 per cent of the particulate emissions will be eliminated at the Alloy plant.

The ferroalloys produced at Alloy, West Virginia, are basic raw materials used by the steel, aluminum, and foundry industries for among other things, the production of stainless steel. The problems associated with air-pollution control equipment for these furnaces are unique and vary considerably with the type of furnaces and the products they make. Our progress in attacking this air pollution has been such that other ferroalloy producers have visited our Alloy facilities to obtain information on the technological advances the Corporation has made.

Marietta process-emissions control

Recent newspaper articles have been critical of the air-pollution control measures at our Marietta, Ohio, plant, which also produces ferroalloys. The operation of this facility has been reviewed by the Parkersburg, West Virginia/Marietta, Ohio Interstate Air Pollution Abatement Conference, which issued recommendations on March 19, 1970, relating to process emissions to the air. On September 18, 1970, the Corporation presented a detailed progress report showing that process emissions from the ferroalloy furnaces had already been reduced to the September, 1971, level recommended by the interstate conference group. This was accomplished through the installation of new air scrubbers, improved operating conditions, and the upgrading of existing pollution-control equipment on older furnaces.

The Marietta ferroalloys plant currently possesses the most advanced degree of emission control yet achieved by any major ferroalloy producer. This is due, in large part, to the fact that this plant was designed to incorporate the most modern pollution-control devices available.

Anmoore process-emissions control

A third major air-pollution problem facing Union Carbide results from the production of carbon electrodes at our Anmoore, West Virginia plant. Emissions from these production processes until very recently, were technologically impossible to control. Since the required technology could not be purchased. Union Carbide developed and engineered its own abatement innovations to control emissions from graphitizing furnaces. This recent technological breakthrough has been applied at our Anmoore plant, eliminating the emissions from this source. The technology is also being put to use at our other electrode manufacturing locations.

In recent months, Corporation engineers determined that troublesome emissions from another step in the electronic manufacturing process (i.e., carbon baking furnaces) can only be eliminated by a complete rebuilding of these furnaces to enable incineration of the emissions. Our Anmoore, West Virginia plant has now received approval from the West Virginia Air Pollution Control Commission to proceed with such a program to meet the guidelines of Regulation VII. This will be accomplished by July, 1973.

NEW PLANT CONTROLS

New construction projects initiated by the Corporation in recent years all provide for environmental protection. At Taft, Louisiana, a modern automated petrochemical plant, control devices include process waste sumps, water clarifiers, settling ponds, a 29-million gallon equalizing pond, oil skimmers in the central canal system, and a fully equipped pollution-control testing laboratory. Expansion of the petrochemical complex at Ponce Puerto Rico, includes comparable pollution-control devices and facilities. These two operations represent a major, coordinated effort by Union Carbide to "design pollution out" of its operations.

MANAGING ENVIRONMENTAL EFFORTS

Union Carbide Corporation has been accused of arrogance and indifference to the environmental quality around its plants. As a matter of fact, each production facility of Union Carbide throughout the United States has personnel assigned specifically to the task of pollution control. In addition, within the research and engineering segments of each operating group, teams of experts have the responsibility for assisting and supplementing the pollution-abatement efforts at each plant location. These groups help monitor effluents and emissions, establish control measures, and assist in implementing the necessary improvements in sanitary waste disposal, waste incineration, and the elimination of noxious emissions. Union Carbide has a Director of Environmental Affairs, who is responsible for coordinating the Corporation's total effort.

Throughout the United States and Puerto Rico, we have expended approximately $90 million to abate pollution. We work continually with the properly constituted commissions and officials to devise and implement feasible and acceptable programs to resolve our remaining problems. Our plans and programs to resolve these problems will require the expenditure of $20 to $25 million each year for the next five years.

The programs designed to bring our facilities at Marietta, Ohio; Alloy, West Virginia; and Anmoore, West Virginia, into compliance with the latest regulations and recommendations will, by themselves, require capital expenditures in excess of $47 million.

It must be recognized that control programs for Marietta and Alloy are based on the assumption that control techniques, not now available, can be developed within the required compliance schedules. Every effort will be made to perfect the technology required for this purpose. Because of the importance of these problems, we will keep you informed of our progress.

PETITION BY STOCKHOLDERS OF UNION CARBIDE CORP. FOR PUBLIC INVESTIGATION AND OTHER RELIEF

(1) Petitioners are holders of common stock of Union Carbide Corporation, (herein called "Carbide").

(2) Such stock is a security registered on the New York Stock Exchange, and is actively traded in the exchange and non-exchange markets.

(3) On or about November 6, 1970 Carbide distributed through the mails and instrumentalities of interstate commerce a communication entitled "Summary of Union Carbide's Programs for Pollution Control" dated November 1970, a copy of which communication marked Exhibit A is attached to this petition.

(4) Exhibit A contains untrue statements of material fact and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading (hereinafter referred to as material misstatements and omissions). The nature of such material misstatements and omissions and questions raised thereby are stated in paragraphs 13, and 14.

(5) Exhibit A was distributed to stockholders of record of Carbide.

(6) Distributees in their capacity as such stockholders of record, and otherwise, included most of the leading brokerage firms and a substantial number of registered investment companies, investment advisers, both those registered under the Investment Advisers Act and those exempt from registration.

(7) Exhibit A was also distributed to employees of Carbide, including those who are offered participation in an Employees Savings Plan contemplating investment in Carbide common stock which is registered with the Commission under the Securities Act of 1933 (file no. 2–37077), which had over 58,000 participants as of February 1, 1970 and under which securities are currently being offered.

(8) Exhibit A was distributed in connection with purchases and sales of the common stock of Union Carbide in that

(a) Exhibit A was calculated to induce reasonable investors to rely thereon and in connection therewith, so relying, cause them to purchase or sell Carbide's securities as part of the active trading of such securities in the exchange and over the counter markets, as well as the participation by employees in the said Employees Savings Plan. See *Heit v. Weitzen* 402 F. 2d, 909, 913 (CA2 1968) citing S.E.C. Texas Gulf Sulphur Co. 401 F. 2d, 833 at 839.

(b) The management of Carbide and their immediate families hold substantial amounts of stock of Carbide, as well as options granted under a so-called Stock Option Plan. Such plan has the ostensible purpose of providing an incentive to management tied to the market price of Carbide's securities, including the opportunity to buy stock below the market price at the time of the exercise, and thereafter to sell the stock at a profit if the market price should be higher than such exercise price at the time of sale. The plan thus contemplates future purchases and sales of Carbide stock by such participants, the extent of such sales depending upon future market prices for such stock. See Part 3 Report of Special Study of Securities Markets at p. 71 discussing impact of issuers' public relation activities, upon purchases and sales of securities.

(9) Carbide's 1969 Annual Report contains a statement under the heading, "Public Affairs" which begins "Union Carbide continued to manifest its concern for its responsibilities as a citizen in a number of ways during 1969". After citing examples the statement continues, "These small items are in their own way indicative of a multimillion dollar corporate program to fight environmental pollution—one of the most urgent problems facing man today."

(10) Exhibit A states at page 10 under the heading "Managing (sic) Environmental Efforts" that "Union Carbide Corporation has been accused of arrogance and indifference to the environmental quality around its plants". The tenor of Exhibit A as a whole is to answer such criticisms. As such and in the context of the statements referred to in paragraph 9, Exhibit A shows a conscious recognition by Carbide's management of stockholders' interest in having management conduct its operations in accordance with its claimed "concern for its responsibilities as a citizen" inter alia with reference to fighting the "urgent" problem of "environmental pollution" particularly as that problem may be aggravated by Carbide's operations.

(11) In addition to their direct financial impact, the misstatements and omissions contained in Exhibit A are material to the decision of investors who share the "good citizenship" concern expressed by Carbide's management, in the statements quoted in paragraph 9 and 10 above, either to purchase or sell Carbide stock or to give or withhold proxies from time to time in support of or in opposition to management proposals.

(12) Distribution of Exhibit A was "reasonably calculated to result in the procurement of proxies", in connection with the ensuing annual meeting of Carbide and constituted a solicitation as defined in Rule 14 a -1. See *Okin v. S.E.C.* 132 F. 2d 784, 786; and see 1969 Report on Disclosure to Investors from the Disclosure Policy Study at p. 367.

(13) On the basis of facts which have been reported in the press, or are matters of public record in the files of state or federal governmental agencies, petitioners allege that Exhibit A in the following specific respects contains untrue statements of material fact and omissions to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made not misleading:

(a) Exhibit A by its title and tenor purports to be a comprehensive summary of Carbide's pollution control programs and problems. It gives the impression that Carbide's overall contribution' to pollution of the environment has been moderate in relation to the scope of its operations and largely unavoidable under current technology; that Carbide has been public spirited and forward looking in endeavoring to meet these problems and to cooperate with the public agencies having responsibilities for the protection of the environment. Exhibit A admits that there have been criticisms of Carbide but fails to specify the nature and extent of the criticisms and thus implies that they have been limited in scope and underserved. On the contrary; Carbide is, and has been, one of the nation's worst corporate polluters; has been uncooperative and resistant to the efforts of public agencies to curb pollution and the public criticisms have been so extensive as to tarnish its reputation and apparently have led to substantial changes in management, all as stated in more detail below.

(b) A stockholder looking to Exhibit A as a source of information would hardly be aware of "the tarnish that has accumulated over a period of time making Union Carbide—a manufacturer of chemicals, plastics, carbon metals and consumer products—appear as one of the worst corporate pulluters in the country." See an article by Gerd Wicke in the New York Times for Sunday, February 14, 1971 and see references to "the horror story of" Carbide in an article by E. W. Kenworthy in the New York Times for July 6, 1970. Nor would the stockholder learn that Carbide's plant at Alloy, West Virginia mentioned in Exhibit A gives the town "a highly visible claim to infamy" as "home for what may be the smokiest factory in the world: a Union Carbide ferroalloys plant that pours out 70,000 tons of particulates a year-slightly more than the total emitted in all of New York City. . . ." See an article in Business Week for February 6, 1971 at p. 54 which states further:

"By Carbide measurements, each cubic meter of air around the plant contains about 400 micrograms of soot, some of it fine as face powder. That is four times the level that HEW says causes children to 'experience an increased incidence of respiratory disease' and five times the level that can cause 'a noticeable increase in mortality among the elderly and middle-aged.'"

(c) Under the heading "Waste-Water Control" Carbide states (p. 4) "We have been generally successful with our waste-water control efforts to keep within the limits of applicable permits and standards. . . ." citing changing standards and its continuing purpose to "upgrade its pollution-abatement standards" and also pointing to specific technological and other breakthroughs. This statement is misleading in failing to state that as of the date thereof all five of Carbide's West Virginia facilities were dumping waste into navigable streams without permits from the Army Corps of Engineers as required by the Refuse Act of 1899. Shortly prior to the distribution of Exhibit A, the Charleston Daily Mail for October 30, 1970 reported with respect to Carbide's South Charleston area:

"Meanwhile, F. Douglas Bess, assistant manager of environmental control for Carbide's 16 plants, including those at South Charleston and Institute, told State Atty. Gen. Chauncey Browning Jr. that the area plants turn loose more than 36 tons of chemical waste daily into the Kanawha River which draws on the oxygen needed for living things. He said it goes without treatment.

"Virtually none of the water is recycled, he testified at Browning's Blue Ridge project hearing, and from an economic standpoint it is nearly 'impossible to treat these large volumes of water.'

"Chemical oxygen demand material, largely unbiodegradable, is also released into Ward Hollow in the amount of 43,000 pounds daily, Bess said. The hollow is drained by Davis Creek which flows into the river. Davis Creek has been the scene many times of massive fish kills.

"Another 136,000 pounds of industrial waste, or 68 tons, flows from the South Charleston waste treatment plant each day, Bess said."

Petitioners do not know of comparable published figures as to water pollution by Carbide in other areas.

(d) Under the sub-heading Power-Station Emission Controls, Exhibit A states, "The Corporation is giving high priority to steps to combat air pollution resulting from the production of power . . . at our plants at Alloy, West Virginia, South Charleston, West Virginia, Institute, West Virginia; and Marietta, Ohio." This statement, if literally true as of today is misleading in failing to summarize Carbide's long history of past neglect and resistance to efforts of state and federal authorities to obtain relief against pollution from these plants. This omission is highly material, since the need for Carbide giving "high priority" today, and any practical difficulties in meeting schedules proposed, or ordered by regulatory * * *.

The mayor of Vienna, West Virginia has struggled since 1961 without significant response from Carbide to obtain relief from Carbide's plant across the river in Marietta, Ohio. Passage of the 1963 Clean Air Act set up a slow moving procedure for federal relief, but Carbide appears to have taken full advantage of the inherent delays in implementing that legislation. Pursuant to that Act, the National Air Pollution Control Administration (NAPCA) held an abatement conference concerning pollution in the Vienna area. Carbide was invited but declined to present evidence at that conference. A Public Health Service study was presented to show "marked increases in respiratory diseases in the area and pinpointed the Marietta Plant as the region's major polluter." (See the 2/6/71 Business Week article at page 54 which continues "For the next two years Carbide refused to supply complete data on emissions, and, at one point, barred federal inspectors from the Marietta Plant." NAPCA called a second abatement conference in October 1969 which Carbide failed even to attend and the conference failed to result in any immediate recommendations. Threats of litigation on the part of HEW, in 1970, finally resulted in Carbide supplying requested information, followed in April 1970 by formal "recommendations" for the control of sulphur oxides by Carbide—a 40% reduction by October 1970 and a 70% reduction by January 1972. Carbide failed to meet the October deadline. Thereafter the Environmental Protection Agency succeeded to the powers of the HEW Secretary, and further proceedings led to an order, in January 1971, (shortly after the distribution of Exhibit A), for an immediate 40% reduction, and timely compliance with the other conference recommendations. Carbide was the first company to be the subject of an enforcement order of the Environmental Protection Agency with respect to air pollution.

The West Virginia Air Pollution Control Commission appears to have been met with similar delays on Carbide's part. A 1969 written agreement on the part of Carbide to cut power plant emissions at Alloy failed to result in timely compliance, as a result of Carbide's indecision as between modifying operations, or purchasing power as means of compliance. (See Business Week 2/6/71 at p. 55.)

(e) Exhibit A states at page 6 that an "unresolved problem" of pollution from its power plant at Marietta, Ohio results "from the unavoidable use of high-sulphur coal." This is misleading in its failure to disclose the ownership by Carbide of some 53 million tons of low-sulphur coal in reserve at its own Mammouth, West Virginia mine, and in its failure to discuss the feasibility of Carbide buying low sulphur coal; or the extent to which any actual difficulties with timely substitution of low sulphur coal were self-induced. Carbide had reported to anti pollution authorities that its own low sulphur reserves were unavailable to meet recommended pollution abatement schedules. If true, this ceased to be the case shortly after distribution of Exhibit A, following the January 1971 order of the EPA administration and subsequent termination of a contract calling for sales of Carbide low sulphur coal to an Ohio utility corporation.

(f) In a number of press reported interviews both before and subsequent to the distribution of Exhibit A, Carbide officers have admitted past overzealousness in resisting pollution control authorities. See the concluding paragraph of Kenworthy's report in the New York Times for July 6, 1970; Report by Burt Schorr on the editorial page of the Wall Street Journal for March 4, 1971, entitled "Fighting Pollution; Why the Delay?"; article in 2/6/71 Business Week at page 56, column 1.

(g) Exhibit A states at page 8, "Recent newspaper articles have been critical of the air pollution control measures at our Marietta, Ohio plant, which also produces ferroalloys." This statement is misleading for failure to indicate the scope and extent of press criticisms with respect to the Marietta plant as well as other Carbide operations. A limited search by petitioners has turned up a number of pertinent criticisms over a period from July 6, 1970. We are making copies available to the Commission's investigatory staff.

It may be assumed that Carbide's public relations advisors have a far more extensive clipping file and petitioners suggest that Carbide should be required to produce such file. Reference to significant news reports, both before and after November 6, 1970, are listed below. It is not suggested that Carbide should have referred in Exhibit A to then non-existent news items. The post November 6, 1970 items are nevertheless relevant, both because in many instances the texts indicate references to long standing public criticisms of Carbide and because of the bearing of the more recent items on what would be an appropriate correcting statement.

I. ITEMS PRIOR TO NOVEMBER 6, 1970

7/2/70 *Charleston Gazette* refer to filing of a suit by an Anmoore, West Virginia couple in the U.S. District Court against Carbide, the West Virginia Air Pollution Control Commission and the NAPCA for compensatory and punitive damages from Carbide and injunctive relief in respect of Carbide caused air pollution at Anmoore.

7/6/70 *New York Times* article (signed by E. W. Kenworthy) quoting criticism by Representative Ken Hechler of West Virginia concerning pollution from Carbide's Marietta plants and his correspondence with Carbide as a "horror study" buttressing the need for further Federal legislation.

9/19/70 "Environment Action" at page 9 describing complaints concerning unhealthy working conditions in Carbide's plant at Tonawanda, New York.

10/1/1970 *Charleston Gazette* article by Mary Walton concerning a then pending proceeding before the West Virginia Air Pollution Control Commission and quoting a statement of Director Beard of that agency, "The record of Union Carbide has not been good. It's been sorry," later adding "You started in 1963, and you want until 1975. Ridiculous."

10/13/70 *Charleston Gazette* referring to a petition of 200 Anmoore, West Virginia residents, asking Union Carbide to make public its plans for abating air pollution in Anmoore, West Virginia. The article further states that about 50 families have agreed to join the suit referred to in the above mentioned 7/2/70 *Charleston Gazette* item.

10/15/70 *Bridgeport, West Virginia Spotlight*, noting that the fight against Carbide of a "Citizens for Clean Air" Anmoore group has attracted the attention of the national press, National Education Television, and concerned citizens from other areas.

10/15/70 *Charleston Gazette* referring to copies of Ralph Nader correspondence criticizing pollution at the Alloy, West Virginia plant.

10/22/70 *New York Times* article signed by E. W. Kenworthy referring to a telegram to the HEW Secretary signed by Curtis M. Uhl, Mayor of Vienna, by Richard S. Cotterman of the West Virginia House of Delegates and by Grace Dils, a local businessman complaining of delays in abating pollution from the Carbide Marietta plants.

10/30/70 *New York Times*, page 69, reviewing proposals of Carbide, and requirements of state and federal authorities with respect to controlling pollution at Carbide's Alloy, Anmoore and Marietta plants.

10/30/70 *Charleston Daily Mail* article by Richard Grimes referring to Carbide plans for abatement of air pollution at Alloy, Anmoore and Marietta plants, also referring to daily discharge of some tons of chemical wastes by Carbide plants into the Kanawha River.

11/2/70 *Charleston Gazette* article by Mary Walton describing visits to the homes of Carbide plant managers in the hills high above the pollution suffered by valley dwellers, stating "I have heard these managers and their emissaries on countless occasions talk apologetically about pollution and what they say is that it's going to take a long time to do anything. This from people who don't shut their windows on hot summer nights to block out burning fumes and horrid smells that even an air conditioner can't stop."

II. NEWS ITEMS SUBSEQUENT TO NOVEMBER 6, 1970

11/15/70 *News Register* of Parkersburg, West Virginia reviewing the struggle of Vienna, West Virginia, for relief from the Marietta, Ohio and referring to the action of a citizens' committee in urging the NAPCA to move a little faster—particularly in regard to abatement recommendations at the Carbide Marietta plant.

11/24/70 *New York Times* article by Ben A. Franklin refers to plants at Alloy and Anmoore as "currently under fire."

12/28/70 *News Week* article entitled "Pollution; Puffery or Progress" discusses pollution and related public relation activities on the part of a number of companies including Carbide. See page 50, first column.

1/1/71 *Denver Post* report from Marietta, Ohio of the unsuccessful attempt of a defendant speeding past a Carbide factory at 80 m.p.h. to use the excuse "I was hurrying to pass the awful odor."

1/9/71 *Washington Post*, p. 6 Associated Press story referring to the rejection by the Director of the Environmental Protection Agency of a proposed clean up schedule on the part of Carbide at Marietta as the Director's first major anti-pollution enforcement action.

1/23/71 *Environmental Action* article entitled "Union Carbide: Village Villain" adapted from a two part story by Stewart Udall and Jeff Stansbury distributed by the *Los Angeles Times*.

2/6/71 *Business Week* article on Carbide entitled "A Corporate Polluter Learns the Hard Way" referred to in proceeding paragraphs of the petition.

2/14/71 *New York Times* article by Gerd Wilcke entitled "Untarnishing Carbide" also mentioned supra.

(h) The implications that Exhibit A is a comprehensive summary of Carbide's pollution problems and programs is misleading in omitting to deal at all with (i) pollution resulting from Carbide's extensive strip and other mining operations, (ii) emissions, including noxious odors from its chemical plants (iii) pollution from Carbide's coal burning power plants, alloy and carbon electrodes plants other than those mentioned in Exhibit A and (iv) pollution by Carbide's majority owned Canadian Subsidiary.

Carbide's chemical plants at Institute and South Charleston, West Virginia are a notorious source of objectionable odors as revealed in a 1970 joint report on air pollution in the Kanawa Valley. Carbide's Beaubarnois, Quebec plant discharges almost 11,000 tons of silica dust into the atmosphere each year, an amount equal to approximately 1/7 of the total visible air pollution from all sources in the City of New York. The same subsidiary has an alloy plant at Welland, Ontario which has been the subject of recent pollution control orders of Ontario's Energy and Resources Minister which, as announced by Carbide on August 23, 1970, requires corrective action at an estimated cost of $20,000,000. Petitioners are not informed of the extent of the pollution problems at Carbide's numerous other plants in the United States and elsewhere which are engaged in inherently pollution causing production of alloys and carbon products and chemicals, as well as its coal, asbestos, tungsten, vanadian-uranium mines and related mills, all types of operations associated with serious degradation of the earth, air and water.

(14) It is a reasonable inference from the misstatements and omissions described in paragraph 13 that there are other respects not known to or reasonably ascertainable by petitioners in which Exhibit A may contain material misstatements and omissions.

(15) By reason of the facts set forth in paragraphs 2 to 11 inclusive and paragraph 13, Petitioner's distribution of Exhibit A violated Section 10(b) of the Securities Exchange Act and the Commission's Rule 10 b–5 thereunder, and section 17 of the Securities Act.

(16) By reason of the facts set forth in paragraphs 2 to 7 and 9 to 13, both inclusive, such distribution also violated the Commission's Rule 14 a–9. Petitioners regard such violation of Rule 14 a–9 as a matter of aggravation of the violation of Rule 10 b–5 and Section 17. Petitioner does not know whether Exhibit A was filed with or otherwise submitted to the Commission but any incidental violation of any requirements as to filing with or submission to the Commission is not material to the relief sought by petitioners.

(17) Petitioners' interest in obtaining relief in respect of the misstatements are as follows:

(a) Petitioners agree with the professed policy of Carbide "to manifest its concern for its responsibilities as a citizen": and wish to be in a position (i) to exercise their franchises as stockholders, (ii) to determine whether to continue as stockholders of Carbide and (iii) to enlist the support of fellow stockholders in trying to induce management to conform to such professed policy, all in the light of an adequately informed evaluation of the genuineness of Carbide's efforts to conform to that objective.

(b) Petitioners as stockholders have an interest in Carbide conducting its business in a lawful manner.

(c) Carbide's violation of Rule 10b–5 and section 17 of the Securities Act, unless corrected, is of continuing impact on the trading in respect of Carbide's securities in the exchange and over the counter markets and offerings of securities by Carbide and to an extent dependent on the future market prices of Carbide's securities, exposes Carbide to the risk of liabilities to security holders who may rely on Exhibit A in the purchase or sale of securities. As stockholders, petitioners have an interest in minimizing such liabilities.

Wherefore petitioners pray that the Commission:

I. Order a public investigation pursuant to section 21(a) of the Exchange Act of the facts set forth in the petition, and such further facts as may be pertinent to determine the extent that Exhibit A contains misleading statements and omissions. In the interest of expedition and economy of the Commission's time petitioner suggests that the scope of such investigation may be limited, initially at least, as specified in paragraphs II, III, and IV of this prayer for relief.

II. As part of such investigation require Carbide to file with the Commission, pursuant to the first sentence of said section 21(a), a statement in writing, signed by a responsible officer of Carbide, as to all the facts and circumstances concerning the matter, including specific answers to the allegations of fact contained in this petition, and to the matters specified in paragraph 14 as pertinent but not known to petitioners.

III. Direct Carbide to submit to the Commission its proposal as to an appropriate text and plan for distribution of a correcting statement, designed to mitigate so far as possible the consequences of the misleading statements and omissions in Exhibit A and require that the final text of such correcting statement be filed with the Commission pursuant to the first sentence of section 21(a), when and as distributed. (As a minimum, Carbide's correcting statement should describe, adequately, with details as to each major facility: (a) the full impact of Carbide's operations upon the environment; (b) the resulting press and other public criticisms; (c) the efforts of local, state and federal government authorities to curb pollution from Carbide's operations and related private litigation; and (d) the past and planned future steps of Carbide to curtail pollution caused by such operations and costs and estimated future costs thereof.)

IV. Direct Carbide to serve copies of such documents on petitioners and accord petitioners and any other interested stockholders an opportunity to comment, orally or in writing, on the adequacy of any statement or proposals of Carbide of the nature referred to in paragraphs II and III of this prayer for relief.

V. Take such, if any, additional steps as the Commission may consider necessary to ascertain the pertinent facts.

VI. On the basis of the facts ascertained by the Commission direct Carbide to take appropriate corrective action.

VII. Pending final action on the petition by the Commission, direct Carbide to defer future solicitation of proxies from its stockholders and/or action upon matters which have been the subject of such solicitation subsequent to the mailing of Exhibit A.

VIII. In the event of refusal of Carbide to comply with any requirements and directions of the Commission, institute procedures for appropriate administrative and/or judicial sanctions to compel such compliance and to deter future violations.

Roger S. Foster,
Charles R. Halpern.

Washington, D.C.

Attorneys for Petitioners, whose names and ownership of Carbide stock is listed below:

Project on Corporate Responsibility, 1600 Connecticut Ave., N.W., Washington, D.C. 20009, beneficial owner of 3 shares of Carbide stock as a result of an uncompleted purchase contract.

Larry J. Silverman, 2310 Claridge Circle, South Charleston, West Virginia, owner of 1 share of Carbide stock.

William Osborn, 2310 Claridge Circle, South Charleston, West Virginia, owner of 10 shares of Carbide stock.

Roger S. Foster, one of the attorneys for petitioners, has been a stockholder of Carbide for approximately 40 years, is presently the holder of 258 shares of Carbide stock, and in that respect may be considered as petitioning in a dual capacity.

AMERICA'S PRIORITIES

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last week, in one of the most dramatic turnabouts in recent congressional history, the U.S. House of Representatives voted to terminate Government participation in the controversial SST. One of the primary reasons cited by many Members of the House was the issue of priorities. It was the issue which prompted my decision.

For several years now, I have contended that Federal spending priorities were way out of whack. Military spending went virtually unchecked until last year, while domestic needs remained woefully underfinanced. The Federal Government poured billions of dollars into subsidies for part-time farmers and at the same time failed to adequately fund our national housing programs. The situation was, and remains, intolerable.

One of the most scandalous examples of confused priorities which is presently surfacing involves our nationwide system of veterans hospitals and outpatient clinics. In the recently submitted Veterans' Administration budget, for fiscal 1972, the White House has proposed massive cuts, in terms of both actual dollars and services performed. The budget proposes to cut back medical service for approximately 5,000 hospital patients daily. In Syracuse alone, this will mean the elimination of 40 beds in the already short-bedded VA hospital. At the Bath hospital, 15 beds would be eliminated; in Canandaigua it would mean the loss of almost 100 units; and another 100 would be lost in Buffalo.

As many of you will no doubt recall, the White House last year attempted a similar cutback for the VA. That proposal ran into stiff opposition in Congress. After the battle was over Congress had succeeded in restoring $155 million to the budget, but even this was far below the level of need. One of the amazing statistics which came to light during the 1970 debate was the fact that some $40 million worth of highly sophisticated medical equipment was laying idle in VA hospitals across the country because the hospitals didn't have enough money to hire adequately trained medical technicians. A very painful irony, indeed.

But the VA hospital system, important as it is to our our veterans, is not the only area to feel the cold blade of the White House knife. The new budget calls for the complete elimination of the direct home loan program, a program which over the years has aided some 300,000 veterans and their families and which, incidentally, has shown a profit of some $218 million.

A short time ago, I met with Congressman Olin Teague of Texas, the chairman of the House Veterans' Affairs Committee. I was deeply concerned about the administration's proposal. I was deeply concerned because I realized that our veteran population is rising every day and that a cutback in VA funds would place severe strains on them. Chairman Teague assured me that the committee intends to lead the fight against any further cuts and that wherever possible to restore badly needed funds which were cut out in prior years.

It is certainly a sad reflection on our society when we have billions of dollars to throw away on nonessentials, and then attempt to make returning veterans the scapegoats. It is the kind of confused priorities with which the Congress will have to come to firm grips during the weeks and months ahead. The VA budget is not alone in this situation, to be sure. There are literally dozens of areas like housing and drug control which have become stepchildren in the Federal budget over the years. It is long past the time when we must seriously reorder our priorities and restore some semblance of sanity to our national goals.

We have the richest, most highly educated, most technologically advanced society in the history of the world. With those qualities of affluence come great moral and civic responsibilities. We cannot afford to shirk them.

THE NEW POSTAL SERVICE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on March 22, the chairman of the Senate Post Office and Civil Service Committee, Senator Gale McGee, delivered a provocative speech about the new Postal Service. Senator McGee's penetrating comments deserve wide distribution and consideration by all of us who have a deep and abiding interest in improving the Postal Service throughout the country. A copy of Senator McGee's remarks follows:

Address by Senator Gale McGee

This occasion creates an opportunity for you as mail users, for your guest lecturers as experts on postal problems, and for me as the Chairman of the Senate Committee on Post Office and Civil Service to review some of the factors which were taken into account when we enacted the Postal Reorganization Act last year; to discuss what problems lay ahead; and to lay out, as far as I am concerned, at least something akin to a blueprint for progress in postal operations.

First of all, I think it is important for all of us to keep in mind that there is no reason for establishing—or permitting to be established—a genuinely adversary situation between the post office and anyone else. By anyone else, I include the users of the mail, both in business enterprise as well as the millions of citizens who rely upon mail for all kinds of services, and the Congress; which is, after all, the Branch of our government which created the new United States Postal Service and is the only government agency which answers directly to the people. If we do not act to prevent the development of an adversary situation, if we allow our tempers to be riled, or our viewpoints to become too personal, too petty, or too prejudiced, then the movement for postal reform will go awry and the aftermath will be most unhappy.

So, although my words to you today may be strong and my criticisms pointed, I say them because of my very deep commitment to the fulfillment of the policies which Congress established in the Postal Reorganization Act, that

"The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people."

I am glad to see that this symposium has some of the very fine participants that it does. Looking around this room and looking over the schedule of guest speakers convinces me that this kind of meeting can be most useful. There may be some feeling that permitting Postal Service officers or employees to hobnob with lawyers or junk mailers or Congressional aides or other people who have an interest—either official or business—in the Postal Service might somehow taint the parity of the Postal Service. That is a legitimate concern; but it is more important that officers of the Postal Service participate in meetings such as this so that businessmen and private citizens who look upon the Postal Service as a vital commercial service in the United States will not only have an opportunity to present their side of many issues but will also get the word from the "horse's mouth."

Some from outside the Government who are here and on other programs of this kind have extremely high qualifications. Tim May was planning the reorganization of the Post Office Department when the present postal administration was back home.

Ralph Nicholson, for eight years the Assistant Postmaster General for Finance who guided two major postal rate bills through Congress, and John Burzio, the Staff Director of the Senate Committee, wrote the first Postal Reorganization Bill at the request of the then Chairman of the Senate Post Office and Civil Service Committee, S. 3726 of the 90th Congress. Fred Belen, after 15 years as the Chief of Staff of the House Committee on Post Office and Civil Service, devoted 8 years to top-flight administrative and operations duties in the Post Office Department.

My point is there is no need for adversary conditions. I recognize that there is money involved, that an extra one-half cent of postage for second-class mailers means millions of dollars; but I was impressed from the beginning until the end of our consideration of postal reorganization last year that almost all business mailers, second-, third-, and fourth-class, recognized that in the long run, cost was not the most important factor. *Reliability of service is the most important factor.* If the Postal Service can work with business and Congress to achieve that goal, our efforts—and I might say our sacrifice—will have been worthwhile. I say sacrifice because many of my colleagues held and still adhere to the view that if this new government agency is not successful, nobody is going to write Red Blount and complain. They are going to write Gale McGee, Hiram Fong, Ted Dulski or their own Congressman or Senator. The hen house where that plucked chicken will come home to roost is the Committee on Post Office and Civil Service. If anyone believes that we are not fully aware of that truth then let him be disuaded from now on.

Congress must carry out its responsibilities to the people to insure that the new postal agency is a success. The enactment of the new law does not mean that we will never act again. The establishment of a Board of Governors does not mean that we will refrain from exercising our Constitutional power to look into postal operations. I have never heard of an executive agency that appreciated that idea, but in maintaining the system of Separation of Powers and checks and balances in our Federal Government, the Founding Fathers must have thought it was a good idea. That's why they wrote that little sentence in Article I of the Constitution of the United States:

"All legislative power herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives."

You notice that they didn't say "some" legislative powers or "such legislative power as the Postmaster General determines advisable." It says "all." We shall proceed in accordance with the Constitution.

Cabinet officers used to appear before our Committee and often referred to the Committee as the Post Office Department's "Board of Directors." They reported to us for legislation and for appropriations. The basic relationship has not changed. There is a Board of Governors in the Postal Service, but there's a little story about that. When Hiram Fong and I introduced S. 3842 last year we created a Board of Governors of the United States Postal Service and said:

"The executive authority of the Postal Service shall be vested in a Board of Governors."

That sentence so concerned the Postmaster General that he dispatched his aides to the Hill to insure that nobody would get the idea that this Board of Governors was actually going to run the post office. You may note that the final language adopted—in compliance with the Postmaster General's wishes—says:

"The exercise of the power of the Postal Service shall be directed by a Board of Governors."

On adopting its rules and regulations, the new Postal Service decided that the Governors wouldn't actually have to attend a meeting, they can just listen in on a telephone down on the ranch or wherever they are and be counted as present. If that is a businesslike way to conduct the affairs of a major commercial enterprise, then I understand a little more about Penn Central and Lockheed than I did.

Except for Fred Kappel, who served as the Chairman of the President's Commission on Postal Organization, no member of the Board has any experience with postal problems. I can think of a dozen men, in and out of government, active and retired, whose years of experience in the Congress, the Executive Branch, or postal labor unions make them highly qualified and who would contribute invaluably to improving the post office. It seems as if acquiring anyone with any knowledge of the post office was consciously disregarded.

Another aspect of the adversary situation which I regret to see arising is the relationship between the United States Postal Service and the United States Postal Rate Commission. There has been a good bit said by the Postmaster General and some of his subordinate officers about how the Commission is independent, and yet in his testimony prepared to present to the Commission, the Assistant Postmaster General, Jim Hargrove, has implied very strongly that the Commission is rigidly confined in its power to investigate the Department's case for a rate increase.

Now it may be that the Postal Rate Commission has limitations upon its authority, but there is no doubt in my mind that the Postmaster General or anyone else in the Postal Service is not and can not be a judge of those limitations. The judge is the Commission itself, or a court of law if an appeal is taken from a Commission recommendation, or the Congress, which might exercise its law-making power to alter the Commission. But for an officer of the Postal Service to attempt to proscribe activities of the Commission is a direct attack upon the independence of the Commission. That is why, among other reasons, that in vesting in the Board of Governors the power to overrule a Commission recommendation we specifically excluded the Postmaster General and the Deputy Postmaster General from voting on the issue. If further legislation is needed to clarify Congress' viewpoint, it will be enacted.

The other day, the Commission asked the Postal Service to grant permission for the Commission to go inside some post offices and take a look. Here is the answer and I quote from the Service's response to the Commission's request:

"To dragoon the Post Office Department's limited manpower into conducting cooks' tours for an array of interveners, interveners officials, lawyers, economists, consultants and miscellaneous camp followers can only be expected to be counter-productive if this proceeding is to move forward expeditiously. By inviting other participants in its request, the litigation division had advantaged no one."

We on the Senate Committee created the Postal Rate Commission. If you look back to the original recommendation to establish a postal corporation you notice that the "Postal Rate Board" was a highly dependent part of the postal corporation, whose advice could be disregarded at will. The Commission which we created, and which we insisted upon over the strong objections of the Postmaster General, is a Commission independent of any outside influence. Although their judgment in the final analysis may be overruled by the unanimous written decision of the Governors—excluding the Postmaster General and the Deputy Postmaster General—their powers otherwise are not limited. The Postal Reorganization Act is 69 pages of law; probably somewhere someone has counted the words. Let me assure you that the Senate Committee read and wrote and re-wrote all of those words. Chapter 36 of that law, regarding postal rates, classifications, and services went through 21 versions before the conferees finally agreed. The Postmaster General, I recall, was amused and critical that we would take so long to write a law and make so many changes. In my judgment, we knew exactly what we were doing. We said what we meant when we wrote a law saying:

"The Postal Rate Commission shall take *any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people.* Such actions shall not be subject to any change or supervision by the Postal Service."

The Postal Service has the duty to deliver the mail in the best manner possible. The Postal Rate Commission has the duty to determine who will pay what rate to use that mail. For either to impose upon the other destroys the balance of power existing between them. Surely disagreements may arise; but for the whole system to work as we envisioned it, they must be resolved and they must be resolved specifically within the boundaries of the law and with careful adherence to the policy which Congress established. There is no other policy-making body in the Federal Government. If they cannot be reconciled, then very clearly we have all failed: the Service, the Commission, and the Congress itself for failing to insist upon compliance.

In the months ahead the results of our effort will come to light. Some have suggested that the postal service in the United States is as poor as it is today because the Postal Service wants to show how much they can improve it two or three years from now. I have no evidence to prove that this is the policy, but I have received an unusually large number of complaints from the public in general about the deterioration of the service and I am concerned that public dissatisfaction might possibly reach a point requiring fairly drastic action. A whole lot of people, including some labor leaders, scoffed at the idea that postal workers would violate both the civil and criminal statutes of the United States by going out on strike. I think we should all keep that in mind and not reach a similarly unwise conclusion concerning the viewpoint of the people or the people's representatives in Congress about the necessity for good postal service now.

Postal costs mean a lot to you businessmen, millions of dollars a year, but that is a cost which in the last analysis you can usually—I emphasize the word usually out of respect to the Saturday Evening Post and other departed friends—pass on to your customer. But the housewife or the hod carrier cannot pass that cost on. They have no use for second-class mail, very little use for third-class mail, and only Christmas or birthday use for fourth-class mail. So when the housewife or the hod carrier steps up to the window at the post office—of course, that has to be on a week day during business hours—and pays 8 or 10 or 15 cents for the only postage stamp they can use to send a letter by the only legal means of sending a letter, they're going to spend some time thinking about it. And if the only thing they get for their extra money is reduced service and slower mail delivery, they just may express their dissatisfaction at the ballot box.

We in Congress are anxiously, hopefully, and I hope patiently, awaiting results from the "honest, efficient, and economical management" of the United States Postal Service.

PRIVATE FINANCING OF THE CONSTRUCTION OF A PROTOTYPE SST

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record.)

Mr. BOW. Mr. Speaker, I am introducing today my bill to provide for private financing of the construction of a prototype SST, first submitted in 1966.

The bill would establish a supersonic transport authority to develop the prototype aircraft through flight tests.

If the development is successful, the bill provides for creation of a Supersonic Transport Corporation to undertake production and sale of the aircraft.

The bill requires the SST authority to work closely with the Council on Environmental Quality and the Environmental Protection Agency to overcome any hazards to the environment that may be encountered in the development of the prototype. The bill requires the President to make certain this cooperation is had.

Mr. Speaker, if my bill had been heard and my suggestion adopted in 1966 the prototype would now be well underway and we would have avoided the great problems through which we have struggled recently. It is not too late to change to financing from the private sector and experts in finance assure me that the funds are available and the proposal is feasible.

I hope this bill can have immediate and careful consideration from all concerned, so that we may continue this important project with a minimum of delay.

ADDITIONAL APPROPRIATIONS FOR RAILPAX

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, in the near future I will introduce legislation to provide an additional $289,965,000 for the funding of Railpax during its first full year of operation as a reserve to add urgently needed service around the Nation, including westward service from Buffalo through Erie, Pa.; Cleveland and Toledo, Ohio; and South Bend, Ind., to Chicago.

I am sure my colleagues will take note of the fact that the above amount was the budget estimate for fiscal year 1971 in the Department of Transportation appropriation bill for civil supersonic aircraft development. I realize that some of the above budget estimate will be used up at the end of this month, but I still consider the $290 million figure to be fitting and proper, for Railpax needs, this year and in the future.

Since the routes that Railpax announced on Monday would suspend 50 percent of the railroad passenger service in the Nation, I am sure there is no disagreement that Railpax is grossly undercapitalized. In addition, my proposal would save about 40 percent of the 16,000 jobs in railroad passenger service, which would be eliminated under the Railpax plan.

Mr. Speaker, SST opponents talked about priorities in generalities which I could not accept. Now that SST funds are no longer an issue, I am going to talk about specifics, and I will ask for cosponsors to my bill, but as yet I have not decided whether to increase the authorization under Public Law 91-518 or under special revenue sharing for the Department of Transportation.

OBITUARY

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, pondering the decision of the Congress to abandon the SST program after spending $800 million of the taxpayers' money on the project, and with the cost of terminating it close to that of completing the prototypes has inspired certain thoughts which I include, herewith, for the edification of the Congress:

THOUGHTS ON THE DEATH OF THE SST

Turn back, Columbus, we may die!
The quest is hard
The sea too rough
The price too high
Turn back, Columbus, we may die!

Return, bold eagle, do not fly!
Lest soaring where
None flew before
Dangers be there
Return, bold eagle, do not fly!

Thus in the lives of nations
And of men
Does what was meant to be
Become what might have been.

CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, this week has been designated as National Week of Concern for Prisoners of War and Missing in Action.

This week is of special significance since it was 6 years ago this week that the first American serviceman was captured by North Vietnamese forces. Since that time, over 1,500 of our military personnel have been listed as either missing in action or as prisoners of war. Approximately 150 of these men have been held prisoner or have been missing for 5 years; an additional 300 have been missing for almost 4 years.

While the North Vietnamese and Vietcong have arrogantly refused to release word on our men, their families wait for their return. Instead of cooperating, the Communists have given unofficial lists to leftist organizations who then release them with great fanfare in the United States. This only adds to the heartbreak and misery being experienced by the wives, children, and parents of those missing in action.

Mr. Speaker, our President has made two very simple proposals concerning Vietnam and our prisoners of war. He has proposed a mutual withdrawal of all foreign troops from Vietnam and a return of all prisoners of war. The Communists, however, have refused to even discuss this.

I need not remind any of my distinguished colleagues that the Paris talks have been continuing for almost 3 years. Out of those weekly meetings, the only thing that has been definitely decided is the shape of the conference table.

While our diplomats continue to make honest attempts at ending our involvement in Southeast Asia, the Communists continue to make propaganda from the talks from the POW issue.

Mr. Speaker, I endorse the President's vow that as long as the prisoner of war issue is unresolved, the United States will continue to have troops in Vietnam.

I pray that God will continue to give strength to the waiting families and to those who remain in Communist prison camps. This week affords every American the opportunity to let the families know that they are not waiting alone without hope.

RAILPAX IN CONNECTICUT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, I was pleased with the decision of the National Railroad Passenger Corporation to include the New Haven-Hartford-Springfield route in the Railpax System. Station stops on the route include Meriden and Wallingford, both cities in the Fifth Congressional District which I represent. I can personally attest to the importance of railroad passenger service in both of the cities.

Initially there was some question whether rail passenger service to Hartford, the State capitol, would be retained in the plan due to the inclusion of the New York-New Haven-Providence-Boston route and I early pointed out the need for both routes. Last November, I wrote to Secretary of Transportation Volpe and urged him to include all Connecticut rail lines in the Railpax System, and Secretary Volpe assured me that my recommendations would be considered and analyzed in the preparation of the final report.

In December, shortly after the Department of Transportation issued its Preliminary Report on Basic National Rail Passenger System I again wrote to the Secretary of Transportation and protested the exclusion of the entire western half of Connecticut, which includes a good part of my district, from the proposed basic system. In my letter to Secretary Volpe I urged the inclusion of a Bridgeport-Waterbury-Hartford-Springfield-Boston route, and a New Haven-Meriden-Wallingford-Hartford-Springfield route in any plan finally adopted. I also asked that the city of Danbury, serviced by a rail passenger line originating in Norwalk, to be included in the system.

On December 18, I also urged Mr. Chester M. Wiggin, Jr., Federal Cochairman of the New England Regional Commission to include my recommendations for western Connecticut and for the Hartford line in the Commission's proposals to the Secretary of Transportation. I was pleased that the January 3, 1971, New England Regional Commission report to the Secretary of Transportation included my recommendation for a Hartford-Meriden-New Haven route, and a route through Danbury, but I notified Mr. Wiggin of my disappointment with the failure of the New England Regional Commission to propose an overall rail passenger system to service the western half of Connecticut.

Prior to the National Rail Passenger Corporation's decision to designate the so-called inland route through Hartford as well as the coastal route from New York to Boston in the final system I joined with Governor Meskill, ex-Governor Dempsey, and other elected officials and concerned citizens in Connecticut in emphasizing with the Secretary of Transportation and the incorporators of the National Railroad Passenger Corporation the vital importance of having both routes designated to serve Connecticut, and I am pleased that the Corporation has adopted our recommendation.

Despite our success in having both routes in Connecticut included in the final system, it is a matter of continuing concern for me that the final route fails to include any rail service in the entire western half of Connecticut and I intend to work with elected officials and citizens in that part of the State to secure adequate rail passenger service, since I believe that in the future we shall turn increasingly to this form of transportation as the congestion of our highways and streets increases with the rise in the number of automobiles.

CIVIL RIGHTS IMPLICATIONS OF REVENUE SHARING

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include an article.)

Mr. EDWARDS of California. Mr. Speaker, we have heard a great deal about the pros and cons of President Nixon's revenue-sharing proposals. The President has hailed his recommendation as a means of returning "power to the people." As a Member of Congress who has long been concerned with civil rights and equal opportunity for all of our citizens I find the President's choice of words ironical. For while revenue sharing on its face may appear to be a mechanism for returning power to some people, I have grave doubts about the program's ability to deliver power to those people that have never fully had it—namely the poor and members of minority groups. For these reasons I asked Dick Warden of the Washington Research Project Action Council, a well-respected organization concerned with poverty, race, and education to prepare a memorandum for me on the civil rights-equal opportunity aspects of the President's revenue-sharing proposals. I would like to share this insightful memo with my colleagues who I am sure are equally concerned about the full implications of the President's proposal. The memorandum and the article it commends to our reading follows:

Revenue Sharing

(By Dick Warden)

From a civil rights-equal opportunity standpoint, the concept of revenue sharing represents a retreat from national responsibility. We strongly oppose the Administration's revenue sharing proposals. In what follows, I shall attempt to set forth some (but not necessarily all) of the objections which have occurred to persons involved in civil rights, equal opportunity and programs to aid disadvantaged Americans. Most of these concerns would apply equally to the proposed program of grant consolidation as we understand it.

NATIONAL PRIORITIES

As one who has had some experience in the administration of federal programs, I find it difficult to understand how the federal government could assign priorities under a program of no strings revenue sharing. Let us assume for the sake of discussion that the "modest" program recommended by the President represents a "foot in the door" from which a more comprehensive revenue sharing program would probably evolve. It is unrealistic, I think, to expect that the federal government will retain many of its categorical aid programs in the face of revenue sharing if that concept should ever be written into law.

Under a program of revenue sharing, how would the Congress and an administration declare a national goal to do anything and then be confident that the goal would be pursued effectively. It has been difficult enough (to wit, the "war against poverty") even under categorical grants where Uncle Sam holds the strings. Take the improvement of education opportunities for disadvantaged children, for example. How, under a system of revenue sharing (or block grants, the revenue sharing twin) could the Congress legislate to meet those needs?

I'm afraid—and this is a fear shared by the many of my associates—that with respect to equal opportunity, meeting the needs of disadvantaged people or in trying to direct a greater share of the nation's resources to meet any national problem, we would be placed in a position of having to rely upon the "good faith" of the states. This, of course, means that the national objective would not be achieved. Instead, we would have a potential of 50 different situations in 50 different states. The track records of many of the states does not inspire much confidence. Without singling out any particular states, it doesn't take much imagination to understand why minority groups, the poor and other disadvantaged Americans might prefer to cast their lot with the federal government rather than the states.

The states and municipalities—in spite of Nixon's "power to the people" and closeness to the people arguments—have not exactly shown themselves to be paragons of virtue or administrative efficiency. While recognizing the federal government has problems in trying to administer its far-flung programs, I suspect most black people in Alabama for example, would still prefer to take their chances with the federal government than to be forced to rely on a fair shake from a state government headed by George Wallace. It is difficult enough for disadvantaged Americans and minorities under our federal categorical aid programs—even though a number of them are aimed specifically at alleviating problems of poor, minorities and the disadvantaged. Things would be even more difficult under no strings revenue sharing or—perhaps to a lesser extent—block grant approaches to extending federal aid.

I have singled out the federal aid to disadvantaged children program as one which would be particularly vulnerable to either revenue sharing or block grants. You may have noticed articles recently about a study conducted at Syracuse and funded by the Ford Foundation. The title is "The Pattern of Allocation of Federal Aid to Education: A Preliminary Summary of Findings", and it concludes with respect to Title I of the Elementary and Secondary Education Act (the aid to disadvantaged kids section) that this program is the only one administered by the Federal government which does a half-way decent job of getting money to the kids who need it most. Other less categorical federal programs have not proven to be good vehicles for getting assistance to those who need it most, or even to be equitably distributed on the basis of population.

The experience under Title III of the Elementary and Secondary Education Act of 1965 might be worth citing at this point as an example of what can happen to an innovative, promising federal program when it is, in effect, turned over to the states. This is the section of the Act authorizing development of supplementary services and centers. When ESEA was adopted in 1965, many members of Congress and others outside of Congress saw Title III as the most promising part of the Act. One hears very little about Title III any more, a fact undoubtedly related to the reality of subsequent amendments turning the program over to the states.

You may have read the recent article in *The Post* by Doug Carter about categorical aid programs. I think he has done an excellent job of summarizing the "national priorities" argument on revenue sharing. I am enclosing a copy of the article.

CIVIL RIGHTS AND EQUAL OPPORTUNITY

My principal concern here can be summarized in one sentence: How do we carry out a Title VI or other equal opportunity program under revenue sharing or block grants? It isn't enough to say, as the President has, that equal opportunity requirements and the protections of Title VI of the Civil Rights Act will apply. The question is *how*—and this is a question bothering most of the people I know who have worked in the area of civil rights and equal opportunity. In his message on revenue sharing, the President reiterated his earlier State of the Union statement about nondiscrimination safeguards and then went on to say:

"The legislation I am recommending provides these safeguards. It stipulates that: 'No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

" 'The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, *or* he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cutoff of Federal funds . . . ' " (Emphasis added.)

This is all well and good, but . . . In the first place, the Treasury Department has never, to the best of my knowledge, been known for vigorous enforcement of equal opportunity. The language used by the President in his message is almost identical to Title VI, and the federal government—except in education programs and a couple of other activities—has never been particularly zealous about enforcement of Title VI. Giving the Secretary of the Treasury the option of going either to the courts *or* Title VI means, in practice, the courts—if indeed, any compliance action were ever undertaken. The Nixon Administration has for all practical purposes abandoned the use of the Title VI sanction (the cutoff of funding). Even if these facts of life under the Nixon Administration were not facts, and even if we could assume absolute good faith, I still would ask how Title VI could be implemented.

What would be the mechanics of an effective compliance program? Is the Administration thinking of a huge division of compliance officers as part of the Treasury Department to fan out over the country to determine how these federal shared revenues are spent after they are comingled with state and local money? Or is the government planning to delegate its responsibility for the protection of federal constitutional rights to state and/or local governments? Or is the idea to require simply an "assurance of compliance" from states that they are distributing the shared revenues on a nondiscriminatory basis? How is it to be done? It isn't enough simply to say it and have it happen. If we haven't learned that by now, we haven't learned anything. The *Brown* decision was 17 years ago, and segregated schools still exist in the South.

On a related subject, how is the Executive Order on Equal Employment Opportunity (E.O. 11246) to be applied under revenue sharing or block grants. This is the executive order which requires equal employment opportunity under federal contracts or federally-assisted contracts. It has been the basis for the Philadelphia Plan and other similar efforts to increase employment opportunities for minority workers in federally-assisted construction.

COMMUNITY PARTICIPATION, PUBLIC DISCLOSURE, OTHER ISSUES

In several existing federal programs, the Congress has required community participation, public disclosure and such other practices as maintenance of state and local effort as a condition to receiving federal assistance, prohibition against supplanting federal money for state and/or local funds and accountability by local and state officials. I don't see how such requirements could be implemented under revenue sharing. How, for example would the Freedom of Information Act be implemented to assure that local citizens or others interested be given access to information about the way in which shared revenues are being spent.

I have not exhausted the list of concerns expressed just in the areas of civil rights and equal opportunity by persons who have been involved in these types of programs in recent years. The above recitation, however, should give you some idea about the types of apprehensions being widely expressed.

With all their imperfections, the categorical aid programs are much preferable, in my judgment, to any of the proposals yet advanced for revenue sharing or block grants. If the categorical programs need amendment—and I think they do, then Congress should amend them to meet changing conditions and new needs. But let's not throw the baby out with the bath water. Let's not deprive those Americans who need help most of the concern of their federal government—particularly when the federal government is the only instrument through which their special needs are likely to be met.

[From the Washington Post, Feb. 6, 1971]

A KIND WORD FOR CATEGORICAL AID PROGRAMS

(By Douglass Carter)

During the struggle to pass the Elementary and Secondary Education Act of 1965, one close friend of mine, a member of the Cleveland, Ohio, School Board, visited me in the White House to voice grave reservations. He was fearful that Title I of that Act, earmarking federal funds for disadvantaged children, would make the job of hard pressed school officials more difficult. A year or so later, he reported that he had reversed his position. Title I funds, he said, had made it possible to tackle critical and expensive needs which could not be justified if paid from locally raised revenues.

Recently, he enumerated for me two political facts of life. The first: local governments tend to deal well with needs that are general in the community; they tend to deal less well with needs which are special, or which serve interests going beyond the community. A second political fact of life: the lion's share of any general aid for education will be claimed for higher salaries in a community where there is strong teacher organization. At best, only a small fraction can be preserved for innovative programs.

Both these facts of life need to be kept in mind as we consider President Nixon's proposal for revenue sharing. It is tempting to succumb to the cry of "more power to the people" uttered by the apostles of the New Revolution. Why not join Joe Alsop in berating the federal bureaucracy for the red tapery of categorical aid programs? Why not join Vice President Agnew in making a whipping boy of Wilbur Mills for demanding federal responsibility for federal spending? (At last Mr. Agnew has found himself a nattering nabob of nepotism!)

But a little perspective is in order: categorical aid programs did not emerge out of fiendish mistrust of the people by their elected leaders in Washington. On the contrary, those programs have been adopted by Congress in order to serve public needs not being met by state and local government. They have represented national priorities to be paid for by tax revenues raised by the federal government.

Admittedly, some of these priorities are markedly different from those of state and local governments. For example, Congress passed, on President Eisenhower's urging, an act to create a national highway system. Local officials might have preferred to spend the money on more farm-to-market roads.

Similarly, with President Johnson's urging, Congress established a wide range of categorical programs to meet desperate needs of the disadvantaged. Congress set new priorities for the nation.

No impartial observer could claim that these priorities have been met. Most of the categorical programs have been funded at only a fraction of their authorizatons. Lacking adequate dollars to make a measurable impact, they have spawned too much bureaucratic foot shuffling at federal, state and local levels. It is easy to curse the bureaucrats for the shortfall of great expectations.

But the more relevant task is to decide where we go from here. I am persuaded that it will be a cop out for the federal government to remove itself from the business of setting national priorities. And it will be a grand illusion to believe that those priorities can be attained by passing out funds with no strings attached. Given their present strained financial situation, even the best intentioned governors and mayors will be forced to bail out their most pressing debts and their most persistent creditors. New and hard won social programs, lacking a powerful constituency, will be the first to suffer.

It is a beguiling notion that the people share great intimacy with their state and local governments. We no longer live in a nation of New England town meetings. Most people learn about government from their press and they influence government through their organizations. I wonder how many believe that state capitol or city hall is better reported than the U.S. Congress? Or that Washington is less responsive to public interest lobbies?

Our problems today—health, education, environment, urban crisis—cut across the traditional boundaries of state and municipal government. They even cut across the traditional federal departments, hence Mr. Nixon's efforts at reorganization. We will not meet our problems by pouring new funds into old containers. Probably the most difficult challenge we face is to create new institutions adequate to cope with our problems.

This does not mean blind commitment to the categorical programs launched in the past decade. There must be continual efforts at consolidation, especially of the programs which are too small to justify separate existence. Congress needs to study the proper balance between "earmarked" funds and "general support" funds. The matching fund formula has provided a highly effective device for asserting a federal priority while allowing discretion to state and local government.

But it will be bad policy and bad politics for Congress to cast aside the experience of the past decade in a rush to espouse the creed of revenue sharing. The slogan "more power to the people" could lead to abdicating the vital role which the people elected Congress to serve.

THE RAILPAX MESS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include two resolutions.)

Mr. STAGGERS. Mr. Speaker, the storm of protest stirred up by announcement of Railpax routes yesterday is rising to a veritable gale. I cannot enter my office without being aware of it, by letter, by telephone call, or by personal visit. I have no doubt that many Members of this body have a similar experience.

A particularly forceful example is a message from the city of Cumberland, Md. It consists of two letters and a resolution setting forth the impossible situation produced by the Railpax decision. People in many walks of life are affected. They will be deprived not only of rail service, but will have no other form of public transportation available.

Heavens knows rail service has been poor enough. But it has sufficed to take people back and forth to their necessary places of work or study.

Surely it was not the intention of Congress in establishing Railpax to abolish rail service. What we had in mind was to improve it. Improve it, not in a few places, but everywhere. We must take a careful look at what has been done to our project.

Cumberland is not in my own district, but it is just across the river from my home. I know that what Cumberland says is true, because it is just as true of my side of the river as of the Maryland side.

I submit the Cumberland protest for consideration of the House and also a resolution passed by the Oklahoma Legislature, pertaining to the same subject:

CITY OF CUMBERLAND, MD.,
March 10, 1971.

DAVID W. KENDALL,
Railpax Chairman, U.S. Department of Transportation, Washington, D.C.

DEAR MR. KENDALL: I am enclosing for your consideration of Resolution adopted by the Mayor and City Council of Cumberland with respect to the implications of the adoption of the Railpax System.

As the Resolution indicates, City Officials are quite disturbed with the prospect of a loss of direct rail passenger service and adequate connecting service as a result of the new system.

Very truly yours,
J. FREDERICK SHARER,
City Solicitor.

CITY OF CUMBERLAND, MD.,
March 17, 1971.

Re Rail Service Through Cumberland.
Hon. HARLEY O. STAGGERS,
Committee on Interstate Commerce,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: It is pleasing to report that the City Council unanimously adopted the enclosed Resolution dealing with the need for Rail Service through Cumberland under the Rail-Pax contract. I believe you and other members of the Committee who are familiar with the problems of transportation in Appalachia will agree that our Attorney, Mr. J. Frederick Sharer, has effectively portrayed the problem and the urgency of a solution for it.

The Council feels strongly about this matter and called upon Mr. Sharer to frame their objections to the removal of Cumberland from the Rail passenger network, and his words speak eloquently for all of us. As you know, my business is the transportation of passengers, by motor coach tours, air, and when possible, by rail.

Reservations personnel in my Travel Agency constantly remind me that young people attending college, and many, many Vietnamese veterans depend upon our Rail service to get to the Pittsburgh Airport and the Washington National Airport, since we have no commuter service as yet which connects them conveniently to these points.

Senior citizens, many of whom hold railroad passes as a result of long and faithful service to the B. & O. Railroad and the Western Maryland Railway Systems, would receive a double blow if something cannot be done soon for Cumberland and its rail passenger service. These older folks who cannot drive their cars on the modern dual highways would be deprived of visiting their children and grandchildren in Montgomery County and Prince Georges County where many of these families have emigrated in the search for work.

It is my earnest hope that you will convey to your committee members the concern that I have for the City officials who must some day face the stranded elderly taxpayers and tell them that rail service will be no more through Allegany County.

I know that you are concerned, but I am sending extra copies of this excellent Resolution for distribution to key members of your committee and staff. If there is any way in which hearings can be brought about to counteract the misinformation which Rail-Pax officials seem to have about the B. & O. Railroad trackage and mileage, it is my feeling that they should be held soon.

Very truly yours,

THOMAS F. CONLON, *Mayor*.

CITY OF CUMBERLAND, MARYLAND

RESOLUTION

Whereas, the histories of the City of Cumberland and the Baltimore & Ohio Railroad Company are nearly parallel in that the City of Cumberland virtually grew around the Baltimore & Ohio Railroad Company when said company extended its services Westward; and

Whereas, the Baltimore & Ohio Railroad Company has been an integral phase of the life and times of the City of Cumberland; and

Whereas, as a result of the development of the Baltimore & Ohio Railroad Company in and near the City of Cumberland, the residents of the City of Cumberland and its surrounding area have enjoyed the benefits and services of said Baltimore & Ohio Railroad Company; and

Whereas, the City of Cumberland has been linked directly with the cities to the East and to the West by railroad passenger service, as a result of the growth of said Baltimore & Ohio Railroad Company; and

Whereas, the U.S. Department of Transportation, through the implementation of its "Railpax" System, now seeks to remove railroad passenger service from the City of Cumberland and its residents; and

Whereas, implementation of the "Railpax" System will result in a loss of railroad passenger service to the residents of the City of Cumberland and the residents of the surrounding area and will eliminate connection, by rail, with the cities to the East and to the West; and

Whereas, loss of passenger service to the residents of the City of Cumberland and the surrounding area will have serious personal and economic effects. Now, therefore, be it

Resolved, by the Mayor and City Council of Cumberland:

1. That the Mayor and City Council of Cumberland hereby voices strong objection to the elimination of direct rail passenger service to the City of Cumberland and the resulting detriment to its residents and the residents of the surrounding areas; and the Mayor and City Council of Cumberland strongly urges the U.S. Department of Transportation to reconsider the implementation of the "Railpax" System in its present form, and suggest an amendment to said system to permit the continuance of the rail passenger service to the City of Cumberland.

2. That copies of this Resolution be forwarded to the Secretary of the Department of Transportation, to the Chairman of the Railpax System and to those members of the U.S. Senate and House of Representatives who represent the citizens of the City of Cumberland and its surrounding area.

Given under our hands and seals at City Hall, Cumberland, Maryland, with the Corporate Seal of the city attached, duly attested by the City Clerk, this 16th day of March, 1971.

THOMAS F. CONLON,
Mayor.

CONCURRENT RESOLUTION NO. 15 RELATING TO PASSENGER TRAIN SERVICE BY THE NATIONAL RAILROAD PASSENGER SERVICE CORPORATION UNDER THE RAIL PASSENGER SERVICE ACT OF 1970

Whereas, the Congress of the United States has enacted the Rail Passenger Service Act of 1970, popularly referred to as "Railpax," establishing the National Railroad Passenger Service Corporation to provide intercity rail passenger service, assuming the public responsibility to carry passengers previously vested in individual rail carriers; and

Whereas, the Secretary of Transportation has been authorized and directed by said act to devise a basic rail passenger system and to submit a report to the Congress, the Interstate Commerce Commission and the National Railroad Passenger Service Corporation including the principal cities between which intercity passenger trains shall be operated and all routes over which such service may be provided and the trains presently operated over such routes; and

Whereas, the Secretary of Transportation in the Basic National Rail Passenger System designated Chicago-Houston as city-pair end points and indicated the route "Chicago via St. Louis-Houston," over which passenger service may be provided, though no through service is currently available, thus bypassing Oklahoma City and the entire State of Oklahoma; and

Whereas, the Atchison, Topeka & Santa Fe passenger trains Nos. 15 and 16 routed Chicago-Kansas City-Oklahoma City-Dallas/Ft. Worth-Houston currently provide through service and connecting service from Kansas City to Tulsa, Oklahoma; and

Whereas, through passenger train service from Chicago via Kansas City-Oklahoma City-Dallas/Ft. Worth-Houston and connecting service from Kansas City to Tulsa, Oklahoma, is urgently needed in the public interest as indicated by a request of the Oklahoma Corporation Commission, dated December 23, 1970, directed to the Secretary of Transportation. Now, therefore, be it

Resolved by the Senate of the 1st Session of the 33rd Oklahoma Legislature, the House of Representatives concurring therein:

SECTION 1. The Secretary of Transportation is hereby respectfully requested and petitioned to include Chicago via Kansas City-Oklahoma City-Dallas/Ft. Worth-Houston as an alternate route in the Basic Rail Passenger System for the reasons outlined in the preamble to this Resolution.

SECTION 2. Copies of this Resolution, after consideration and adoption, shall be distributed to the Secretary of Transportation, Washington, D.C., the Interstate Commerce Commission, Washington, D.C., each member of the Oklahoma Congressional Delegation, Washington, D.C. and each Director of the National Railroad Passenger Service Corporation.

Adopted by the Senate the 9th day of March, 1971.

TOM PAYNE,
Acting President of the Senate.

Adopted by the House of Representatives the 10th day of March, 1971.

REX PRIVETT,
Speaker of the House of Representatives.

HIGHER EDUCATION EMERGENCY ASSISTANCE PACKAGE

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, in a special message to Congress on February 12, President Nixon proposed comprehensive reforms and innovations for our system of higher education. With several exceptions these proposals are the same as those which received no congressional action last year.

As the President pointed out last month, existing legislation for the basic Federal higher education programs expires at the end of the current fiscal year. Based on past experience, it is at least possible that final action on new legislation will not be completed by that time. Because of the depth and scope of the proposed reforms, all Members of Congress will need to give them careful consideration before any votes are taken.

At the same time, we are faced with a situation wherein two-thirds of all American colleges and universities are either in or headed for grave financial difficulties. To help meet these difficulties, most institutions have found it necessary to raise their tuition and other charges, and most face the need to do so again in the near future. Thus, the financial squeeze will inevitably be shared with the consumer—the students and their families.

Mr. Speaker, these institutions fully realize that fundamental reforms are needed in our system of higher education, but they are simply too busy surviving to initiate such changes on their own. In addition, changes of a complex nature in the field of student assistance programs such as those which have been proposed would surely require extensive reorganization of administration procedures on each campus, thus further delay. The delay inherent in these basic changes cannot be tolerated.

For that reason, I am today introducing a higher education emergency assistance package of three bills to provide immediate relief to these institutions and students. It is my hope that the relatively uncomplicated nature of these bills will facilitate early action by Congress. They are designed to assist all low- and moderate-income students while attending all postsecondary institutions—large and small, public and private, educational, and vocational—with the least amount of governmental interference.

The first bill would allow a tax credit for certain higher education expenses of up to $325 on the first $1,500 paid by the student or for the student by any other individual. These expenses include tuition, fees, books, supplies, and equipment required by the institutions involved. In order to allow students a wide choice in the kind of education they want, the bill specifically includes the traditional institutions and business, trade, technical, and vocational schools which offer postsecondary education for useful employment.

Since costs of higher education are expected to continue their upward climb, the second bill in this package is designed to provide a backstop for a more effective guaranteed student loan program. This bill would establish the Student Loan Marketing Association, or Sally Mae, as it would be called. Sally Mae establishes a student loan program which would operate in much the same fashion as Fanny Mae, the Federal National Mortgage Association does in the home mortgage field. This means that Federal tax dollars would not be needed to maintain its operations. Operating funds would be generated through the sale of stock and later through the sale of Government-guaranteed bonds.

The guaranteed student loan program, which was established as part of the Higher Education Act of 1965, has been important to the education of thousands of our young people, but it has suffered during these times of high interest rates. By buying up the loans already held by private lending institutions, Sally Mae would free additional private funds for more student loans. Private lenders would also be encouraged by the resulting lighter load of paperwork needed for such loans.

The first two bills in this package deal primarily with the economic needs of students, although they would have secondary favorable effects on institutions. The third bill of the package is aimed at financially pressed institutions themselves, so that the students assisted by the other bills will have some place to go to school.

Mr. Speaker, if we provide additional financial assistance to potential students, and this additional money is viewed as a green light for increased tuition, we will be frustrating our purpose. My third bill, the Higher Education Gift Incentive Act, is designed to alleviate the need for such tuition increases through the stimulation of charitable contributions to institutions from individuals and corporations. Private contributors have always played an important role in our higher education system, but tax laws and the economic slowdown have hampered these efforts at the same time larger gifts are needed.

Under this bill, an individual would be allowed a tax credit equal up to the amount of his contribution up to 20 percent of his tax liability, or $100, whichever is less. A corporation would be allowed a tax credit equal to its contribution up to 10 percent of its tax liability, or $5,000, whichever is less.

All three of the bills I have introduced today are designed to motivate and mobilize our private economy toward greater support for higher education. As I have said, I am quite aware that more extensive legislation is needed and will be passed by this Congress with my support. However, the need is urgent; these bills are relatively noncontroversial; and all three would be complementary to additional legislative reform in this area. I strongly urge serious and prompt consideration of this emergency higher education package.

GREEK INDEPENDENCE DAY—150TH ANNIVERSARY

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, today is Greek Independence Day. It is also the 150th anniversary of the Greek Revolution which overthrew four centuries of Ottoman rule.

We welcome this opportunity to demonstrate our respect for the great contributions Hellenism has made to world civilization, to reaffirm our affection for the Greek people, and to emphasize that there are voices in Congress who strongly favor the return of democracy to that ancient land.

The Greek revolt of 1821 was a daring decision to either perish or be delivered. It was the culmination of centuries of oppression, and humiliations, and uprisings begun and crushed. Just as the situation in Greece today attracts a concern far beyond Greece's borders, the Greek revolution of 1821 was considered an event of great interest not only to Europe but much of the world.

While the conservative atmosphere of the Holy Alliance in post-Napoleonic Europe argued for not offending the Ottoman Turkish Empire, individuals in Western Europe dared to state the moral issues of freedom and individual liberties. And in the end, the views of these individuals were adopted by their hitherto reluctant governments.

As Prof. George Arnakis, of Texas University, state in his "Americans in the Greek Revolution."

> The intellectuals and the youths of Germany, France, Italy and England and other countries took a sympathetic interest in the struggle for Greek Independence, largely because their education had stressed the cultural achievements of classical Greece. Philhellenism, a product of classicism as well as an aspect of political liberalism, was rapidly winning ground and an increasing number of people in Europe and in America shared the hope that Greece, the cradle of Western civilization, would again be free, after four centuries of Ottoman rule.

The cause of emergent Greece captured the interest of many Americans, too. Our American Republic of the 1820's was very young, we must remember. It numbered but a few million, and the journey by ship to Greece took 60 days. Yet the mood here was idealistic, and President Monroe, Daniel Webster, and Edward Everett were effective in arousing pro-Greek sentiment.

In time, perhaps a dozen Americans actually reached Greece and fought against the Turks in a war that stretched out over 7 years. The most interesting of these Americans was the remarkable Samuel Gridley Howe. Howe went to Greece immediately after completion of his medical studies at Harvard in 1824. His "Greek phase" was indeed extraordinary as he not only joined the Greeks in battle, but treated casualties, wrote appeals, and later, wrote a book of his experiences. In his later life he worked to abolish slavery in the United States, was involved in the expansion of the American frontier—the Kansas Free Territory—participated in projects to establish institutes for the blind, deaf and dumb, married Julia Ward Howe, the poetess of Battle Hymn of the Republic, was imprisoned in 1832 in Berlin for helping the Poles in their struggle for freedom—in this he collaborated with General Lafayette, the great liberal of the American and French revolutions—and as late as 1867 was helping the Greek Cretans in their unsuccessful attempt to shake the Turkish yoke.

A reading of this history reveals American ties to Greece which are rooted in the "rebirth" of that ancient land. Americans as well as Europeans breathed the heady breeze of Philhellenism. And the efforts and writings of Lord Byron annotated the cause with practical as well as romantic support.

When the Byzantine Empire came to an end in 1453 the Greeks passed from the catalog of nations. It is no wonder that the stirrings of those virtually forgotten people four centuries later engaged the hearts and minds of the West. The word "Greece" called up visions of the great classical age. It also reminded some that the language of the New Testament was Greek, and that Christian faith was spread by Greek-speaking missionaries, notably St. Paul, in Hellenized Asia Minor and Old Greece.

Constantine, the first Christian emperor, chose Byzantium as his capital in 321 A.D., when it was renamed Constantinople. For over 1,000 years the Byzantine Empire, which was Greek in language, culture, religion, maintained a relatively high level of civilization in an age when Western Europe lay in barbarism. It ended when Constantinople fell to the Turks in 1453.

The Turks first appeared, out of what is today the Turkeston area of the Soviet Union, in the 11th Century. In 1071, near modern Armeniz, the Byzantine army was defeated. The Hellenic world of Asia Minor was steadily occupied by the Turks, whose advance was slowed by the four crusades, 1100–1204, arising from the appeal of the Byzantine emperor to Western mercenaries. These adventurers, Franks, Genoans, Venetians, were frequently diverted into establishing themselves on the Greek mainland and simply stayed. Meanwhile, the Ottoman Empire moved into Europe in the 15 Century. The Turkish tide was finally turned back under the walls of Vienna in 1520.

The Ottoman Empire was somewhat less vigorous but still war-minded by 1821. The "terrible Turk" still frightened the Christian West, and Turkish authority ruled the Balkans and much of the Middle East.

The Greeks of mainland Greece, in 1821, were scarely 3 million. Others were scattered along the Black Sea, in modern Rumania, in the Aegean Islands, and in Asia Minor. Yet they dared to rise against a huge empire, despite having been slaughtered in a previous revolt inspired, then abandoned, by Catherine II of Russia in 1770. Their situation was intolerable. Except for those Greeks who moved to the inaccessible mountains, Greek families had to submit to the shameful tribute of the first male child to the Turks, to be educated by and serve the Turks. Levies and taxes further humiliated them and beauty in their children was a danger, lest the Turks force them into harems.

Nevertheless, Howe and others found a continuity of Hellenism from ancient times. These Greeks spoke the same language, employed the same characters in writing, retained many of the same prejudices, manners, and customs recorded of the old Greeks. Many Greeks, especially the "Klephts," had never laid down their arms but chose to retire to the fastneses of the mountains, where they lived in open hostility to all around, sang and passed down songs in the Homeric tradition, and became the backbone of the revolution.

It is remarkable that a people who had been under foreign rule for four centuries and who labored under the fact of no money, no standing army, no medical facilities, no arms depots, and no central government to command the land's scattered resources, could yet prevail. They did so thanks to the heroic bands of mountain warriors and the exploits of the merchant fleets of island Greeks which were converted into makeshift warships. They did so despite brutal reprisals, such as the slaughter of the 40,000 Greek inhabitants of the island of Hios. And they did so, in the end, when the Russian, French, and British fleets intervened and inflicted a critical defeat on the Turkish Fleet in 1828. But it was the Greeks themselves who broke the chains of bondage on the head of the oppressors.

In the West, it was Lord Byron, above all others who had stirred the minds of civilized man about the fate of Greece. In his youth, he had made a pilgrimage to the venerable land, gazed with admiration on her wild and beautiful scenery, trod with awe on the graves of her heroes, and wrote with pleasing melancholy:

Cold is the heart, fair Greece! that looks on thee,
Nor feels as lovers o'er the dust they loved;
Dull is the eye that will not weep to see
Thy walls defaced, thy mouldering shrines removed.

And he prophesied their regeneration with the words,

And many dream withal the hour is nigh,
That gives them back their father's heritage.

As we know, Byron himself returned to help the Greeks in revolt and gave his life at Messolonghi before the final liberation was at hand. A young American, George Jarvis, who organized American relief supplies in 1827, was also to die before the war was won. Howe survived, to write about his experiences and to insure the beginning of Greek-American friendship which has now stretched to a century and a half.

One hundred and fifty years ago today, Greece and America were two countries together in spirit and in substance. Committed to the revolutionary ideals of independence, freedom, democracy, and individual dignity, the Greeks looked to the young and distant nation of President Monroe as a shining example for emulation.

Today, unfortunately, the largest portion of the Greeks and their political spokesmen are accusing the United States of supporting a tyrannical, oppressive, regressive, and unimaginative regime in the interest of dubious and at best narrowly defined "strategic objectives."

What has happened to account for this dramatic reversal in the relations of two traditional friends and allies?

Twenty-five years ago the United States aided the Greeks massively in their resistance against a Communist attempt to take power by force of arms. Twenty years ago, all but a handful of Greece's parliamentarians voted overwhelmingly for NATO accession and considered Greece's participation in the Western alliance the crowning success of Greece's foreign policy.

The record of Greek-American friendship and cooperation throughout the 1950's and 1960's has been tremendous. The Greeks have participated actively with the U.N. forces in Korea and have adopted strong and vigilant NATO stances in the U.N. and other international organizations.

Greece, since 1952, has been steadily marching toward rapid economic development and modernization. Good relations between the United States and Greece had been further cemented by about 2 million Greek Americans.

Following a severe political crisis, from 1965 to 1967, which could have been solved easily by the legitimate electoral process, a small group of Greek colonels staged a coup d'etat—April 21, 1967—and has suspended democratic structures and freedoms ever since.

Although promises for an early return to democracy have been abounding since that time, little of substance has been accomplished on this score. The Greeks still remain under the shadow of martial law in a tightly policed and controlled state approaching Orwellian proportions.

The U.S. policy has been stated from the outset as one of dilemma; that is, disappointment on the political sphere but need to continue cooperation in the vital strategic dimension of NATO. The equivocal verbal protestations of the U.S. administration, have failed totally to move the colonels in the direction of democracy. On the contrary, the military and diplomatic cooperation, through substantive military assistance and cordial politico-strategic relations, have been interpreted by all but the most obtuse and obstinate observers as tangible political support for the Greek regime, if not outright approval.

It is, therefore, no surprise that recent resistance announcements in Greece are demanding American withdrawal "or else," while the military government itself is making signs of greater and greater impatience with American suggestions urging democratization.

The dilemma of the United States will eventually be transformed into a paradox where in support of a progressively uncooperative and unpopular Greek regime, the United States will lose the traditional affinity and affection of the Greek people. The paradox, in turn, may soon degenerate into a tragedy.

It is in America's interest, and in Greece's interest, that we as individuals and public officials challenge the official line of governments, that we raise the moral issue as the Philhellenes of the 1820's raised it.

Four years of dictatorship have done untold damage to a nation which was undergoing economic, educational, and creative revitalization in the 1950's and early 1960's. A genuinely free Greece, with a government enjoying mass support, will be an ally we will be able to rely on and also be proud of it. Beyond that, there is the question of individual liberty and man's concern for his fellow man, which, in this day of "strategic interests," and "blocs," and "bases" is too often lost in the shuffle.

Next year, when we observe the 151st anniversary of Greek Independence Day, let us hope that genuine democracy has returned to Greece and that our own Nation has hastened that return by acting with honor and wisdom.

Mr. DRINAN. Mr. Speaker, 150 years ago, Alexandros Ypsilantis led the first of a series of revolts against the Turks. This bloody struggle for national independence lasted 7 tumultuous years, before the Greek people finally managed to extricate themselves from Turkish rule.

Greece's turbulent political history has extended into the 20th century. In the past 30 years, there have been over 40 changes of government, involving coups, attempted coups, dictatorships, democracies with a king, democracies without a king, and a civil war. Finally, in April 1967, a group of military officers seized power, and constituted themselves as the "Revolutionary Council."

Prime Minister Papadopoulos, presently in command, has continually emphasized the transitional nature of his Government, and his desire to return to parliamentary democracy. Yet, this transitional government has been in power now for almost 4 years with little hope of elections in the foreseeable future.

Over the past year and a half, the government has issued several statements promising full implementation of the constitution, only to withdraw these promises in subsequent statements or actions. At the present time, eight of the most crucial constitutional articles have been suspended, and according to the Prime Minister, will remain suspended through 1971.

These articles include: Article 12, relating to the trial of civilians by civilian courts; article 14, relating to freedom of the press; article 25, relating to the role of the Council of State and the Parliament in declaring a state of siege; article 58, relating to political parties; article 60, relating to parliamentary elections; article 111, relating to trial by jury and to trial of press offenses by regular courts; article 112, relating to the nontrial of civilians by courts-martial; and article 121, relating to the election of municipal and community authorities. These significant aspects of the Constitution dealing with human rights and liberties are presently frozen, and appear likely to remain so in the future.

It is extremely difficult to measure the popular support extended to the present regime, as it has never put its popularity to a free vote. It may be safe to conclude that more people oppose the regime than favor it. As stated in the Senate Foreign Relations Staff Report on Greece:

> Were this not the case it would not be necessary for the regime, after almost four years in power, to continue martial law in force and that if the regime did enjoy popular support it would have held elections by now if for no other reason than to improve its image abroad.

In light of this repressive political atmosphere, it is quite difficult to comprehend many recent official statements issued by the U.S. Government. On September 22, 1970, the U.S. Department of State announced the lifting of the selective embargo on the delivery of heavy military equipment to Greece, imposed immediately after the coup in April 1967. According to the announcement, the decision to lift the embargo was entirely related to the strategic advantages to the NATO alliance such a move would create. But the statement also said:

> The trend toward a constitutional order is established . . . Major sections of the Constitution have been implemented . . . The Government of Greece has stated that it intends to establish parliamentary democracy. . . .

In lifting the embargo on heavy arms, the United States may well have preserved Greek military cooperation with the NATO alliance, but simultaneously managed to disillusion many opposition leaders with the accompanying statement. It now appears that most Greeks sincerely believe that the United States supports the military junta—and this support is tragically considered to be the junta's greatest asset.

Only 5 days from now, Gen. Odysseus Anghelis, commander in chief of the Greek Armed Forces, is meeting with Adm. Thomas H. Moorer, Chairman of the U.S. Joint Chiefs of Staff. This exchange of high-level visits can only serve as further evidence of U.S. support for the present regime.

I censure the United States for this tacit approval of the Greek military junta and implore our Government to restrain from encouraging such close relations with this regime. We should restrict the exchange of high-level visits, and demand that the Greek Government fulfill its empty promises to the people.

We must not allow ourselves to forget that the democratic principles and beliefs we hold so dearly in this country, were derived from ancient Greece. I am sure I speak for all concerned Americans in extending to Greece and her people our hope for lasting freedom and peace.

Mr. NEDZI. Mr. Speaker, in 1821, after nearly four centuries of foreign occupation, the Greeks rose up against their oppressors and began a struggle which seemed all but hopeless. Not alone was the power of the great Turkish Empire still unbroken and dreaded, but the governments of Europe, fearing complications in their relations with the Turks, were opposed to the timing of the Greek rebellion.

The official date of the beginning of the Greek War of Independence was March 25, 1821, 150 years ago today, when the flag of resistance was first raised at Kalavryta, a village in the Pelloponesus. The struggle, which lasted 7 years, was fought among the islands of the Aegean Sea and primarily in the Pelloponesus, the southern peninsula of Greece. At the hardcore of the resistance were the "Klephts," the term used to designate the free mountaineers who had long carried on a small-scale open warfare against the Turkish occupiers, and who, by their unsubdued state in their mountain fastenesses, justified the assertion that Greece was at no time wholly conquered. The Klepht typified the ideals of individuality, austerity of morals, endurance against every hardship, and skill in guerrilla warfare. His was a hard, dangerous life but one very appealing when compared with the humiliation which followed submission to the occupier.

It was the Klephtic bands who were at the heart of the makeshift Greek Army. It was they who surprised the hesitant West by trapping, harassing, and eventually besting the Turkish legions in the mountain defiles. It was they, whose every previous rising had been crushed by barbarous means, succeeded in the 1820's in achieving their own deliverance.

The historian George Periovoles is fond of quoting the leading Klepht warrior, the Odysseus of the Greek Revolution, Theodore Kolokotronis, a man much given to colorful idiom. "Tame fowl cannot chase away wild ones," Kolokotronis would say. "We must help ourselves and not rely on strangers to save us. God has autographed our freedom. He will not withdraw his signature."

The Greek rebels had no munitions depots, no centralized food supply, no central government to command the land's scant resources. Communications were primitive and most of the rebels knew of no place beyond a few miles of their own localities. Yet, the spirit of liberty united them sufficiently until the Turks, bled by incessant skirmishes on land and on sea and finally pressured by Russia, England, and France, agreed to peace. A new Greece, consisting of a modest portion of the ancient Hellenic world, was born.

America was, in the 1820's, herself a new young nation, a modest portion of her present size in land and in population. Yet, the struggle of an ancient people, symbol of classical learning, stirred President James Monroe to issue a statement of support. Daniel Webster and Edward Everett organized popular support and a handful of Americans, such as Dr. Samuel Gridley Howe, actually made the 2-month ocean crossing to enlist in the Greek cause.

Greek-American ties were sketchy until the 1860's, when Ambassadors were exchanged. Greek emigration to America really did not begin until the 1890's although a little-known expedition of Greeks, led by Dr. Andrew Turnbull, an English adventurer, settled in Florida in the 1760's but was decimated by illness.

The great wave of Greek immigration reached America in the first two decades of the 20th century. We have known them and their families as good citizens, close-knit family people, industrious, and ambitious for the education of their children.

In metropolitan Detroit, the Greek-American community numbers approximately 30,000 to 40,000. It has five churches in Detroit, plus churches in Allan Park, Southfield, Pontiac, and Ann Arbor. There are hundreds of Greek-American lawyers, teachers, doctors, businessmen, and the entire Greek-American community is infused with vitality, public-spirit, and aspiration. I have personally enjoyed and valued my association with this community.

One cannot observe the significance of this anniversary in its entirety without also noting the tragic fact that today's Greece has been under martial law for 4 years, political parties have been abolished, and fundamental civil liberties denied. This has been the case since a military junta seized power illegally in April 1967.

In the short run, and in the long run, Greece's interests and America's interests will be best served by a freely elected Greek Government enjoying mass support. It is morally wrong and politically and strategically short-sighted that this truth has not been sufficiently recognized. Let us hope that when the 151st anniversary of Greek Independence Day arrives that Greece will have once again become a genuine democracy.

Mrs. GRASSO. Mr. Speaker, today we mark the 150th anniversary of the beginning of the Greek struggle for independence from Ottoman rule. While we celebrate with special significance this day, the heritage and principles of democracy which have their roots in Greek tradition, we must also recognize with sadness the suffering of tyranny presently afflicting the staunch people of Greece.

The spirit of the Greek people has long been a dominant factor in their determined search for freedom. Historically, Greeks would rather fight against insurmountable odds than succumb to conquerors; and even when subjected to foreign rule, their nationalistic spirit could not be crushed. Today, in Greece, a military junta which assumed power in April of 1967 has tragically destroyed almost all personal freedom in the country. Martial law continues to reign; and fundamental civil liberties, the growth of political parties, and free elections are denied to the people. Such events cloud a happy celebration of this traditional event.

Traditionally, March 25 is regarded as the day when Alexander Ypsilantis and the archbishop of Patrias unfurled the flag that sparked the revolt leading to the Greek War of Independence, and the eventual overthrow of Ottoman Empire rule. For 8 years the Greeks, aided by the French, English, and Russians, fought against their Turkish and Egyptian oppressors in order to gain the freedom they valued so highly. Their long and valiant struggle was rewarded finally with success by the treaty of Adrianople in 1829, followed by the London protocol of 1830.

From the day the Archbishop and his group of patriots raised the standard of freedom in 1821, we, in the United States, have followed the course of dramatic events in Greece with deep interest. Having fought a war of independence less than 50 years prior to the Greek struggle, American sympathies, prayers, and aid were gladly offered. When Greek independence became a reality, we were overjoyed.

This same feeling of friendship and mutual aid has been continued and expanded during and after the two world wars; since long before the Greek struggle for independence, Americans were fully aware of the debt owed to Greece as the cradle of democracy, and as our cultural forebearer.

The concept of government and the principles of democracy, which were the basis of the government of ancient Athens, are also the principles of government which we now hold. The city-state methods have been altered to fit the needs of modern society, but the basic precept of dignity for the individual and respect for the spirit of the law remains unchanged.

Over three-quarters of a million Greeks now reside in the United States. These Greek Americans have contributed significantly to the development and strengthening of our democratic institutions and all of us are, indeed, fortunate for the impact Greeks have had on our way of life.

We, in the United States, can only hope that the spirit which has so long guided these people will continue to be a source of inspiration to them during these dark days of military rule in Greece. There exists between the Greek and American people a bond of friendship that shall outlive the current political presence in their homeland, as we look forward to a rebirth of freedom and human dignity in that land.

Mr. KASTENMEIER. Mr. Speaker, this year marks the 150th anniversary of the beginning of the Greek insurrection against the Ottoman Empire, a movement which eventually led to the establishment of an independent Greece.

Today, however, the Greek people do not enjoy the basic civil liberties of a free people. It has been almost 4 years since the military junta seized power and crushed self government. The periodic pledges to restore democratic government have been broken as regularly as they have been made by the ruling clique of colonels. A police state now reigns in Greece, the birthplace of democracy. Government by terror and torture rules in the land which first conceived of government by the consent of the governed.

For Americans, the grimmest part of the tragedy of Greece is our Government's support of this brutal military junta. Using the excuse that Greek military cooperation is essential in order to cope with the tensions in the Mideast and the Soviet naval presence in the Mediterranean, the administration has given significant military assistance to the Greek dictatorship, notwithstanding our other military allies in the area. This action not only carries with it the official blessings and moral approval of our Government for this cruel military regime where political prisoners are tortured and where many have died, but also, this military aid strengthens the junta's grip on the Greek people.

Our State Department maintains that the junta has made substantial progress toward the restoration of political freedom in Greece. There is, however, no sound evidence to support this claim made by the apologists in the State Department. The Greek situation is yet another instance of our espousal of high sounding principles about democracy on the one hand, while dealing with a dictatorship for military purposes on the other.

Mr. Speaker, it is about time for this hypocrisy to end. It has been the traditional policy of the United States to support free peoples who are resisting the subjugation of their liberties by totalitarian forces. Rather than giving legitimacy to the dictatorship of the colonels, the United States should loudly proclaim our solidarity with the Greek people who cry for liberty, and stop immediately the shipment of all military supplies to the Greek regime and withdraw all support to the oppressors of Greek freedom.

Mr. CLARK. Mr. Speaker, I welcome this opportunity to join with my colleagues in the observance of Greek Independence Day and the 150th anniversary of the start of the Greek revolution which overthrew four centuries of Ottoman tyranny.

We owe much to the people of Greece and their ancestors. In two world wars, Greek soldiers fought side by side with Americans in the cause of democracy.

The ancient Greeks helped lay the foundations on which modern civilization was built. Their contributions to world culture stand out brilliantly on the pages of history.

The people of Greece have for years exemplified the true meaning of democracy. I join with all advocates of true democracy in the hope that soon Greece will again enjoy the fruits of individual liberty and freedom which Greece has cultivated throughout the years.

Mr. ABOUREZK. Mr. Speaker, it is an almost unspeakable irony that Greece, "the cradle of democracy," today suffers under a regime that holds more to the philosophy of Adolf Hitler than that of Pericles. It is an even greater irony that America, which pictures itself as the world's greatest contemporary defender of democracy, is that regime's "greatest asset." How could this remarkable situation come to be?

In April 1969 Greece fell under the rule of a military junta which claimed the necessity to restore political order to Greece despite the fact that from 1952 to 1965 only three persons served as head of government to that country, not counting transitional, caretaker governments. This junta also claims that it, too, is just a transitional caretaker government. For all that, we find that today, 4 years later, the constitution has not been implemented. Martial law remains in effect for political offenses. There is no suggestion that elections will take place in the foreseeable future. Arrests continue with prisoners frequently held imcommunicado and tortured. The press is intimidated and in danger of being shut down for even the vaguest hint of criticism against the government.

All this makes American support for the junta incomprehensible. Yet, on September 22, 1970, the selective embargo on heavy military equipment delivery to Greece was lifted. This action was greeted with great dismay by many Greeks, foreign observers, and even some officials in the executive branch. While Greeks have been generally pro-American, there is now growing anti-Americanism in that country. Many Greeks feel betrayed.

Whether this lifting of the embargo in fact suggests that our Government approves to the junta is beside the point. Most Greeks believe that it does. It is this belief that constitutes a great asset to the junta. The Greeks place a great deal of value on American support and this in turn creates a curious situation. Greeks believe the regime has American support and therefore opposition is futile. Since there is no sign of opposition, the Americans believe the regime has popular support and that they might as well support it too.

The junta is aware of the importance of American support. That fact does give us some amount of leverage if we are wise enough to use it. To date the regime has resisted our efforts at persuasion while accepting our aid. Yet, we have not showed an inclination to use threats of withdrawal of aid or condemnation of the junta to encourage the needed political reforms. We have accepted the broad generalities handed down by the junta as firm commitments despite the lack of action.

It is time that we use our influence to achieve reform rather than to further cement the control of another military dictatorship. Do we still really believe that the best way to fight communistic totalitarianism is to support totalitarianism on the right? It is time that we we commit ourselves to the support of democracy.

Mr. PATTEN. Mr. Speaker, I would like to call the attention of my colleagues to a very important celebration today. This is the 150th anniversary of Greek independence from the Turks. On March 25, 1821, after 400 years of Turkish rule, Greece once again gained her independence and freedom as a nation.

What a joyful occasion this must have been for the Greek people, who had known the benefits of a democratic system so early in their history. Our own Nation has much to be thankful for what has come out of the Greek heritage. It is the Greek philosophy which forms the foundation of our Republic. We are a nation of free people today, because the Greeks long ago felt that man could govern himself. As Thierry Maulnier, a member of the French Academy, said in his work. "Tribute to Greece":

> We have all been shaped on that anvil of civilization that was the Greece of yesterday. We owe what we are today to her, and our debt is infinite, since Greece is closely bound with our existence. Therefore, the future of Greece is our future, too.

The ancient Greeks were great philosophers, teachers, and statesmen. The magnificient heritage left by the ancient Greeks helped make modern Greek Americans the fine citizens they are today. Again and again, they have fought for freedom with real tenacity and distinction. Modern Greek Americans have made major contributions to strengthening the United States with their remarkable character, diligence, and leadership. They are great people.

All this week in my congressional district hundreds of Greek American families have been celebrating this 150th anniversary. In fact, New Brunswick and Piscataway have been selected as sites for area Greek Americans to gather to celebrate. This past Monday, Piscataway Mayor Orville Bennett signed a proclamation to commemorate March 25 as the official feast day. Today the Greek community will present Mayor Bennett with a Greek flag to be flown over the Municipal Building. The Greek flag will also be flying over the city hall in New Brunswick after it has been brought, in relay fashion by the Sons of Pericles, a Greek American boy's fraternity, from services at the St. George Greek Othodox Church. At city hall in New Brunswick Mayor Patricia Q. Sheehan will read a proclamation in honor of the day's activities. Additional religious and musical programs will be presented throughout the day, and tonight a banquet with a Greek consul official from New York as guest of honor will close out the activities.

Mr. Speaker, like most free nations today, Greece is facing problems which cause many of us concern. Let us hope that in the present struggle America can serve as an inspiring example of democracy to Greece, in the way that small, but brave nation has so nobly served the cause of freedom.

Mr. MIKVA. Mr. Speaker, March 25, 1971, marks the 150th anniversary of the war of independence in Greece. In 1821 the Greek people struck the initial blow in their struggle to break free of 400 years of rule by the Ottoman Empire.

The fact that the date is the Greek equivalent of our own July 4 must be considered painfully ironic to the United States today. This Nation, historically dedicated to the belief in global democracy and one whose most fundamental institutions stem from ancient Athens itself, is pursuing a policy of "benign neglect" toward the oppressed peoples of Greece on the very day of celebrating the start of the country's struggle for freedom.

The United States continues to bestow foreign aid upon a military government that seized power in 1967 and has since refused to hold elections. The Parliament has been dissolved and the leaders of the nation's political parties are in exile or have gone to jail. Articles in a new constitution remain suspended while the military junta pursues a domestic policy of "purification," evening out what it considers any leftist or immoral trends with steamroller effectiveness. As one of the junta members said, they want to make sure the candidates for public office are "reliable" before elections are held.

The plight of an imprisoned Greece has been described before. Greeks have spoken to us about the problems firsthand. American citizens have organized special groups in some instances to address themselves more forcefully to the problem. A first-rate film dramatically recreated the events that preceded military control. Some Members of this Chamber have spoken out with regularity on the need to recognize the injustice of the situation.

The message, however, is going unheard. In 1970 military aid to Greece is expected to exceed $45 million. The United States is providing $45 million to a military government which maintains strict controls on freedom of speech, on the right to organize and join political parties, and on a free press. In recent years, the Congress has approved even the sending of heavy military equipment to the junta.

The cry is not for the United States to intervene or to involve American dollars or lives; it is simply to curtail the sending of military aid to a government dictatorship.

We have provided Greece with more than $4 billion in foreign aid since 1946. Twenty-five years and $4 billion later, Greece stands without a representative government. Internal strife racks the nation's urban centers, and political prisoners remain confined throughout the country. The only hope for impartial justice has been suspended by an autocratic rule, fed and supported by benevolent providers like the United States.

Admittedly, Greece is strategically located in the volatile Middle East and friendly relations may be important to our interests in that area. However, it does appear inconsistent for a nation which has dedicated itself to liberating South Vietnam at virtually any price, not even to be willing to speak out against the lack of basic freedoms in Greece. Through our actions and our official silence, the United States has both acknowledged and accepted the military junta.

Two letters, written 150 years apart, speak eloquently on the plight of the oppressed who call to those who are free. In 1821, Petros Mavromichalis, Director General of the Messenian Senate at Kalamata, addressed an open letter to the American people during the revolutionary war against the Turks:

> Though separated from you by mighty oceans, your character brings you near us. . . . It is by your example that Europe has abolished the shameful and cruel trade in human flesh, from you that she receives lessons of justice, and learns to renounce her absurd and sanguinary customs. This glory, Americans, is yours alone, and raises you above all the nations which have gained a name for liberty and laws.
>
> It is surely worthy of you to repay the obligations of the civilized nations, and to banish ignorance and barbarism from the country of freedom and arts. You will not assuredly imitate the culpable indifference or rather the long ingratitude of some of the Europeans. No, the fellow-citizen of Penn, of Washington, and of Franklin, will not refuse their aid to the descendants of Phocion and Thrasybulus, of Aratus and of Philopoermen. You have already shown them esteem and confidence in sending your children to their schools.

The letter of a Greek student printed this month in the New York Times presents a contemporary version of the message of the Messanian Senate updated in tone as well as in time.

> These people fought against the Turks in 1821, against the Italians in 1940, against the Nazis from 1941 to 1944, against the Greek Communists from 1944 to 1949 and in Korea in 1950. They fought and were killed not only for their own freedom, but for the freedom of the Western world. It is time that the Western world, and mainly the United States, did something about the freedom that these people and their sons have now lost.

Perhaps we have pursued such a deranged policy in Southeast Asia for so long that we no longer can sensibly comprehend where our duties lie. Perhaps reasons can be found for being completely apthetic toward the recent problems of the Greek people. Perhaps forces beyond our control dictate our support of a government which represents everything that is abhorrent to the American system. Nevertheless, on this, Greek Independence Day, let us salute the people of Greece and their dedication to freedom, and pledge ourselves to ending American support of the military dictatorship which oppresses that spirit. Let us turn from a policy which caused a young Greek to almost wistfully remark to me: "I have a high regard for your democracy; it is too bad you believe in it only for yourselves."

Mr. DULSKI. Mr. Speaker, I am delighted for the opportunity to join with my colleagues in the observance of Greek Independence Day.

The occasion also marks the 150th anniversary of the beginning of the Greek revolution which overthrew four centuries of Ottoman rule.

I have had many wonderful associations with peoples of Greek descent particularly since we have an active community of Greek descendants in my home area of Buffalo, N.Y.

Over the years, Hellenism has made great contributions to world civilization, and it is most appropriate that we take this opportunity to voice our affection for the people of Greece and those of Greek descent.

Unfortunately, there is very little personal liberty left in Greece today as a result of the tragedy in April 1967, when a military junta grabbed control of the Nation.

Despite repeated promises to the contrary by the junta, and despite assurances from our own State Department, the fact remains that martial law continues in effect.

There are no elections; political parties are not allowed; fundamental civil liberties are denied the people.

A recent staff report to the Senate Committee on Foreign Relations points out that there is the widespread impression in Greece that the junta has the approval of the U.S. Government. Indeed, this mistaken impression is considered to be the junta's greatest asset.

My heart goes out to the people of Greece in their present restricted life under martial law, and I join my colleagues in the hope that the people of Greece soon will have the independence which they so richly deserve.

Mr. STEELE. Mr. Speaker, Greeks are among the oldest and boldest fighters for independence in human history. Throughout their long and glorious history they have championed innumerable noble human causes; they have fought for them and have died for them; but among these none has been so appealing and attractive to them as the cause of national political independence.

For many centuries they were without their independence, and their country, once the glorious fountainhead of freedom and the cradle of the West's heritage, had become a province of the Ottoman Turks. Under these Asiatic invaders and conquerors, Greeks lived and suffered as subjects of the sultans. Whenever they tried to free themselves from the tyrannical oppression of the Turks they were not powerful enough to fight alone, and they paid heavily for their abortive efforts. But the attempt made in 1821 proved successful, partly through the aid received from abroad. On March 25, 1821, a band of intrepid Greeks rose in rebellion against their alien masters, and unfurled the flag of revolt. At once their efforts were greeted by all friends of freedom in many lands. All Europe and America followed the events in Greece with the keenest interest. Material aid was sent from many lands, and volunteers even came from as far away as in Scandinavia. For more than 6 years the war raged, and at times it looked as though the Greek cause would lose out against the overwhelming forces of the Turks. But the events toward the end favored the Greeks, and finally they regained their independence.

Today on the 150th anniversary of Greek Independence Day I join with all Americans of Greek descent—indeed, with all Americans, since it is our common spiritual heritage to oppose external oppression—in the celebration of the memorable day.

Mr. SARBANES. Mr. Speaker, perhaps no nation in the Western World has contributed more to the development of freedom and democracy than the small, but heroic, nation of Greece. Therefore, I believe it appropriate to point out that today is the 150th anniversary of the beginning of the Greek War of Independence, which led to the overthrow of nearly 400 years of Ottoman rule. This War of Independence, in which the Greeks—battling against tremendous odds—regained their freedom, is a glorious chapter not only in Greek history, but in the human struggle for dignity and democratic self-determination.

All of us are aware of the ancient traditions of Greek democracy. Greek philosophers, Socrates, Plato and Aristotle first asserted the dignity of the individual; Greek statemen, Solon, Cleisthenes and Pericles first spelled out the rights of a citizen; and Greek patriots set a stirring example for the ages when they died resisting tyranny at Thermopylae and Marathon.

The ancient Greeks were, indeed, a noble and freedom-loving people; but it should be emphasized that the Hellenic contribution to freedom and democracy spans virtually every age of recorded Western history. Greek political thought played a major role in the progress of the Roman Empire, which extended the rule of law and the concept of free, individual citizenship throughout much of the ancient world. During the Dark Ages it was Greek Byzantium which kept alive the tradition of freedom and learning. Historians now point out that it was Byzantine Greek scholars who carried these ideas with them to the universities of southern Europe, thereby laying the intellectual groundwork for the Renaissance.

Again, in modern times, Greeks have demonstrated, repeatedly, their firm determination to resist the forces of tyranny and political extremism. In World War II, little Hellas became the first Nation to successfully turn back the Axis armies. Refusing with one voice to bow to demands for immediate surrender, the Greeks stood their ground and drove the fascist forces into the sea. This Greek victory forced Hitler to withdraw troops from the eastern front thus postponing a major offensive and granting the allies badly needed time to bolster their defense. Greek tenacity and bravery against overwhelming Nazi forces prompted one American reporter to comment that Greece was truly a land where ". . . Freedom was life, and death merely an episode."

After nearly 5 years of harsh Axis occupation, a liberated Greek Nation was confronted by the threat of totalitarian communism. Once again, the Greek people met the challenge and, with American help, defeated the forces of Communist extremism, thus alining Greece with the free world.

On this important anniversary we can be proud not only of the Greek contribution to freedom but also of the historic friendship between the Greek and American peoples. When Greek Bishop Germanos lit the torch of liberty in 1821, proclaiming the independence movement with the immortal words, "Freedom or Death," it was the young American Republic which rallied to Greece's side with moral and material support. Meetings were held throughout this country and governmental bodies, at all levels, passed resolutions of support or raised funds to send to the valiant Greeks. This friendship grew closer over the years. It was further solidified by the thousands of Greek immigrants who came to the United States and enriched America's pluralistic culture as she, in turn, gave them the opportunity to live a better life.

This alliance between the ancient, small Greek democracy and the young, giant American Republic has served as an inspiring model for all those seeking equality and integrity among nations. It was, therefore, natural that the United States should play the crucial role in the rebuilding of post-World War II Greece. This involvement added a new and important dimension to already friendly Greek-American relations. Based on the moral and political commitments contained in the historic Truman Doctrine, America undertook to protect and assist a stable, free, and—most importantly—democratic Greece.

Today as we mark this 150th anniversary of Greek Independence, all those who love Greece and liberty cannot but feel deep concern, and dismay at the political situation in that land. For Greece, today is not the democratic and free country for which Americans in the past worked so hard. She is ruled by a small group of military officers who overthrew the constitutionally designated government and imposed a regime which has violated fundamental individual liberties. For nearly 4 years, the Greek people have been deprived of the basic rights of free speech, free movement, and free assembly. Many persons have lost their jobs and countless others have been jailed, harassed, or forced into exile because they asserted these basic rights. This is not the Greece which America envisioned nor the Greece which the Greek people would desire could they freely choose their government.

During the last 25 years the American people have sent millions of dollars in assistance to Greece. These resources were committed in support of a free and democratic nation. The present regime has violated this commitment. It is, I submit, time for the United States, as a close and longstanding friend of the Greek people, to make every effort to achieve a prompt and peaceful return of democratic government to Greece.

Today, as we honor Greek Independence Day we pay tribute to Greeks who made great sacrifices so that the delicate, tenuous, human condition we know as freedom might prevail and be enjoyed by all men. It is that message we should stress today, for Greece, like America, is much more than a nation; it is the idea of freedom . . . it is the sanctity of the individual from the oppression of either tyrannical government or mindless anarchy . . . it is the belief that the individual can, given the chance, decide his own destiny, respect his fellow man, and work together for the common good. On this important occasion let us therefore reassure the Greek people that we stand rededicated to these democratic precepts and the restoration of their freedom.

Mr. BRADEMAS. Mr. Speaker, today is an historic date for Greece.

It is a date which will be marked with pride by the people of Greece and the sons and daughters of Greece who now live in other lands—including more than 400,000 American citizens of Greek descent.

Indeed, Mr. Speaker, March 25, 1971, is an important date for everyone who loves freedom and democracy, because today is the 150th anniversary of Greek independence.

It was on March 25, 1821, that Greek patriots triggered a revolt against the Ottoman Empire, which for four centuries had dominated Greece with a cruel and tyrannical rule. Inspired by the prospect of independence and supported by freedom-loving allies in Europe and America, the people of Greece succeeded in routing their oppressor and reestablishing liberty in the birthplace of democracy.

Sympathy for the Greek cause was easily aroused in the United States, where independence was still newly won and freshly defended. Many American leaders rallied behind the Greek patriots, forging an alliance between the two countries which has endured for a century and a half.

It is a natural alliance, because Greece's contribution to the civilization of the Western World is almost incalculable.

For, as you well know, Mr. Speaker, democracy was conceived in Greece.

The philosophy of Socrates, Aristotle and Plato and the highest ideals in learning flowed from Greece.

The arts and culture of Sophocles, Euripedes and Aeschylus flourished in Greece.

A deeply religious spirit is an indispensable part of the life of the Greek people.

And through the centuries, the heritage of liberty and learning which we have come to identify as characteristic of the Hellenic ideal has served as a model for America.

Mr. Speaker, as some of my colleagues are aware, I have a highly personal link with Greece. My father is a Greek immigrant; he was born in Greece and came to the United States some 55 years ago.

As my colleagues also know, I am deeply proud to be the first native-born American of Greek descent elected to the Congress of the United States.

Moreover, Mr. Speaker, I am delighted to be able to say that there are now four other Members of Congress with Greek ancestry, and of course I refer to my warm friends and distinguished colleagues, Congressmen Peter Kyros, of Maine; Nick Galifianakis, of North Carolina; Gus Yatron, of Pennsylvania; and Paul Sarbanes, of Maryland. They are among the ablest Members of the House of Representatives.

So, Mr. Speaker, I have always felt a strong affinity with the land of my father, and I have naturally followed the course of events in Greece with very great interest.

And, Mr. Speaker, as I reflect on the 150th anniversary of Greek independence, I find myself with very ambivalent feelings.

It is written in Ecclesiastes that "to every thing there is a season, and a time to every purpose under heaven . . . a time to weep and a time to laugh; a time to mourn and a time to dance."

For me, this 150th anniversary of Greek independence seems to be a time both to rejoice and to mourn.

We can rejoice over the great legacy that Greece has given mankind. We can hail the concepts of democracy and independence.

But, Mr. Speaker, if we are to be honest with ourselves, we must also mourn the loss of constitutional democracy and political freedom in that Nation today.

Indeed, it is truly a modern Greek tragedy that many liberties are missing there today—liberties that we now enjoy in our own country which were in large measure spawned in Greece.

So, Mr. Speaker, I am deeply troubled, as I know many of my colleagues in both the House and Senate are, by the political situation in Greece today.

The military junta which seized power in Greece in 1967 retains ostensibly good relations with the U.S. Government but rules the country in a manner which does not live up to the ideals of the North Atlantic Treaty Organization; namely, the provisions in the agreement relating to the strengthening of free institutions.

The policies instituted and administered by the colonels for nearly 4 years now are clearly incompatible with the democracy and self-government and political freedom which it is the principal purpose of NATO to defend.

There have been no free elections in Greece. The parliament, such as it is, is chosen by the controlling regime.

Basic civil liberties have been suspended. Key tenets of the Constitution assuring political freedom have not been implemented.

There have been widespread political arrests and verified reports of torture. Martial law, instead of due process, is in effect for political offenses.

Freedom of the press is a phrase instead of a reality. The Greek press has been severly restrained and intimidated by the possibility of stern punishment for the publication of material unfavorable to the junta.

Meanwhile, the military continues in the ascendancy with government expenditures for defense and security purposes expected to double this year the funds spent for the same purpose in 1966.

Mr. Speaker, that this state of affairs should exist in Greece on the 150th anniversary of its independence is sad, indeed.

I am, of course, aware that political problems are not new for Greece; that in recent years the nation has been unsettled by a succession of governments including dictatorships, democracies with and without monarchs, coups and countercoups; that political freedom has existed on a tenuous basis in a period of instability which has seen more than 40 changes of government in Greece in the past 30 years.

As C. L. Sulzberger noted in an article in "Foreign Affairs" in January 1970:

> The current fashion is to decry the military coup as a rape of democracy. Indeed it was; but democracy in Greece is no virgin.

So, Mr. Speaker, I recognize that Greece has a turbulent political background. Yet Prime Minister Constantine Karamanlis headed a parliamentary democracy in Greece over a recent, continuous span of 8 years. Clearly a stable, democratic government in modern times is possible in Greece.

Mr. Speaker, I am also aware that Greece is an important ally for the United States in the explosive Mediterranean area; that Greece is a valuable member of NATO; that its government is fiercely anti-Communist.

Mr. Speaker, no one recognizes more than I the importance of maintaining cordial relations between the United States and Greece. But I am disturbed, as I know many Americans are, that U.S. policies may be, albeit untentionally, nurturing political repression there.

Furthermore, Mr. Speaker, first as a U.S. Congressman, and second as an American of Greek origin, I find America's posture today vis-a-vis Greece most ironic.

It is ironic because our Nation's early history carried a firm commitment on behalf of liberty in Greece, while our present policy toward Greece is filled with contradiction.

Let me cite several examples.

Deputy Assistant Secretary of State Roger Davies said in June 1970 that:

> We are informed that the entire constitution will be implemented by the end of the year.

But today eight key constitutional articles dealing with elections, political parties, trial of civilians in civil courts, and freedom of the press are still suspended.

During virtually the entire period that the junta has controlled the country, the U.S. Government has imposed a heavy arms embargo on Greece.

But a recent report by investigators from the staff of the Senate Foreign Relations Committee points out—

> Greece received even larger amounts of U.S. military assistance, taking all categories combined, during the three years and five months the embargo was in effect than in the equivalent period before the embargo was imposed.

In announcing the lifting of the embargo on September 22, 1970, the United States noted that "the trend toward a constitutional order has been established."

That, however, was followed by a December 19, 1970, declaration by the Greek Government that there would be no change in the coming year in the constitutional field.

On February 14, 1971, Assistant Secretary of State Joseph J. Sisco said:

> I think one must bear in mind that Greece is a loyal NATO ally. The Greek people have a tremendous affection for America and the American people. Greece is important to the U.S. as part of the southern flank of NATO, and we have really tried to pursue a two-pronged policy, namely to support the present leadership insofar as its responsibilities are concerned within the NATO framework, and we would hope that more progress in the future can be made toward the establishment of democratic institutions.

But this hope for progress in restoring democracy in Greece—a hope, Mr. Speaker, I am sure I share with most Americans—is not at all being effectively implemented by our Government. Indeed, the Senate Foreign Relations Committee report concludes that America's "policy of friendly persuasion has clearly failed. The regime has accepted the friendship, and the military assistance, but has ignored the persuasion."

Moreover, Mr. Speaker, the action of the U.S. Department of State seems in many instances to encourage the Greek Government to continue its present course.

Officials of our Government issue approving statements, hold out false promises, and offer little criticism of the subversion of democracy there. In fact, American officials continue to add to the aura of U.S. approval of the junta through repeated public appearances with members of the Greek Government, thereby leading the Greek people to believe that the United States condones the conduct of the regime in suppressing democratic institutions.

What should be the role of the United States regarding Greece?

Mr. Speaker, let me here state that I

do not suggest that the United States should attempt to dictate policy for Greece. I nonetheless believe the time has come for the U.S. Government to make it unmistakably clear to the Government of Greece that the policy of repression of constitutional democracy and self-government is neither in keeping with the longstanding friendship between our countries nor with the very purpose of the NATO alliance.

Furthermore, the failure of the Government of Greece to initiate elections and to provide constitutional guarantees for personal and political freedom stands in sharp contrast with the stated objectives of reform which the junta pledged when it seized power 4 years ago.

Mr. Speaker, I believe the U.S. Government should make emphatic its disapproval of current political conditions in Greece. We should urge the present Greek Government to restore to the people of Greece constitutional democracy and political freedom in that great country.

The United States is in a position to be strongly persuasive: Because of the long friendship between our countries, because of our military support, and because of our impact on the economy of Greece through trade and tourism.

Therefore, Mr. Speaker, I hope that at long last the United States Government will begin to use its influence to work for the early restoration of constitutional democracy and political freedom in Greece.

Mr. Speaker, having expressed the hope that there will be continued friendship between our countries and an early return to democracy in Greece, I would like to close with the words of a great American President, James Monroe, who nearly a century and a half ago—in 1822—spoke for Greek independence in words which must haunt us today:

> The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed, and so long hidden as it were, from the world under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past . . . A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

Mr. Speaker, if one American President could speak so eloquently in support of the independence of Greece from despotism, 150 years ago, is it too much to ask that another American President—and we in Congress—speak today in that same cause?

Mr. Speaker, I am honored today to introduce on behalf of myself and my distinguished colleagues, the gentleman from Maine, Mr. Kyros; the gentleman from North Carolina, Mr. Galifianakis; the gentleman from Pennsylvania, Mr. Yatron; and the gentleman from Maryland, Mr. Sarbanes, the following resolution:

> Whereas, the date of March 25, 1821, is the date on which the people of Greece began their War of Independence against Turkish rule; and
>
> Whereas, on March 25, 1971, the people of Greece will celebrate the 150th Anniversary of the 1821 Greek War of Independence; and
>
> Whereas, the people of Greece and the people of the United States have always maintained the closest international friendship, and were allies in two World Wars:
>
> Now, therefore be it *resolved*, that the House of Representatives of the United States does hereby extend all good wishes to the people of Greece on this, their 150th Anniversary of Independence from foreign rule, and expresses its hope for a speedy resumption of constitutional democracy and political liberty for all the people of Greece.

Mr. KOCH. Mr. Speaker, today is Greek Independence Day. I take this opportunity to express my respect for the great contributions the Greeks have made to world civilization, and to reaffirm my affection for the Greek people.

It is also the 150th anniversary of the beginning of the Greek revolution which overthrew four centuries of Ottoman rule. How long will it be before the Greek people regain their liberty stolen from them by the Greek military junta now ruling that land?

It is not our role, as Americans, to depose the Greek junta. The people of Greece must do that. But, we must not aid the military junta which we are doing, by providing them with arms and economic aid used to oppress their own people.

We should not require every country to be made over in our own image, and of course, we should note that, in the case of Greece, it is the reverse situation for we are modeled on its original democratic principles. But, we should never provide support to a government that oppresses its own people.

Despite junta promises to end it, martial law remains in effect. There are no elections, political parties are banned, fundamental civil liberties are denied, and our country bears some responsibility for this state of affairs. As the recent Senate Foreign Relations Committee staff report points out, the widespread impression in Greece that the junta has American approval is the junta's greatest asset.

Mr. Speaker, our continued support of that Greek junta shames us before every country maintaining its democratic form of government. When will it end?

Mr. ASPIN. Mr. Speaker, today marks the anniversary of Greek independence. March 25 is the date of the renewal of the struggle of the Greek nation to be free of the bonds imposed by another nation. The successful conclusion of that struggle returned Greece to the family of sovereign states.

The contribution of Greece and her sons to our civilization is incalculable. The ideals and wisdom that ancient Hellas gave the world have provided the substance, the firm foundation, upon which not only our own country, but our civilization as a whole is based. The influence of Greece has prevailed in the arts, sciences, and humanities.

The epic legends of Homer present to the world one of its most enduring sagas of man's struggle against himself, his fellow man, the gods, and the forces of nature. Greek myths and legends have provided a great part of the body of Western literature and music. The vitality of Greek architecture, poetry, literature, and thought attest to its greatness. No one can escape being struck by the influence of Greek architecture when they first enter our Nation's Capitol.

This influence extends not only to the Government's buildings but to the roots of our democracy. Our Founding Fathers were well educated in the classics, both in literature and theory of government. When they set out to build a nation from 13 colonies they drew heavily from the democratic traditions of Greece.

Unfortunately, progress and democracy in Greece were not able to withstand the invasions and tyranny of other peoples. At times the peoples of Greece united to withstand the armies of Persia—but were later conquered by the Macedonians under Phillip and Alexander. The successive invasions and occupations by Rome, and later by the barbarians from the north, infused many diverse and foreign influences into Greece. Finally, the Turkish invasion ended Greek independence for over 3½ centuries.

After several years of struggle a modern, independent Greece was established in the mid-19th century. A monarchy was established with Prince Otto of Bavaria chosen to rule Greece as king. Political instability was the mark of his reign, and the national assembly and constitution was the result of a bloodless coup with the Bavarians being removed.

After a year of anarchy Prince William of Denmark was placed on the throne. He led the nation through a period of economic stability, social progress, and political calm that lasted until the 20th century.

The Young Turk revolt of 1909 and increased tensions in the Balkans involved Greece in the Balkan wars of 1912–13, in which Greece, Bulgaria, and Serbia defeated the Turks. As one of the Allied powers alined against the Germans and Turks in World War I, the Greeks were offered support for the establishment of an enclave on the Asia Minor coast, a revival of the Ionian Greek presence of centuries past. Unfortunately, they were driven off and, later, a population exchange with Turkey brought 1,500,000 Asian Greeks to the peninsula.

The period that followed was one of political instability. Finally the country was solidified enough to bravely resist the Fascist ultimatum for capitulation on October 28, 1940, a date remembered in the Okhi Day holiday which celebrates Greek determination to remain free. Under the leadership of Gen. Alexandros Papagos, the Greek Army stopped the Italian advance and drove the Italians from Greek soil, only to be met by a new invasion by the Germans in 1941. This forced King George II into exile.

The Greeks courageously resisted the German occupation through noncooperation, which soon became guerrilla warfare. When the Germans withdrew in 1944 the fight began against the Communists. Elections reestablished the monarchy and returned George II from exile. President Truman assisted the fight against the foreign supported Communists with the result that on October 16, 1949, the hostilities ended with the democratic forces victorious.

Greece became more international in outlook during these years, joining NATO in 1951, fighting in the Korean conflict of 1950–53, and signing in 1959 an agreement with Turkey for the independence of Cyprus. During this period Greece was also enjoying both economic prosperity and political freedom.

But tragically, on the night of April 21, 1967, a group of conservative army officers seized control of the Government because they maintained the leftists were planning to use the upcoming elections to stage their own coup. Since that coup the loss of democratic freedoms in Greece is too familiar and too disturbing to be recounted again here.

Mr. Speaker, that devotion to freedom and democracy by both Americans of Greek origin and by Greek citizens themselves has not diminished at all since the 1967 coup. We all hope and believe that the disappearance of democratic freedoms from Greece will be both temporary and brief.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, the 150th anniversary of Greek independence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IN MEMORY OF PRINCE KALANIANAOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, tomorrow, March 26, 1971, is a day which holds special significance for the people of Hawaii. It is the 100th anniversary of the birth of Prince Jonah Kuhio Kalanianaole, one of the most appealing figures in the saga of Hawaii. Born to the purple in 1871, the Prince was to prove, in his mature years, to be an inspiring champion of American democracy.

Born on the island of Kauai, only a short distance from my own birthplace, Prince Kalanianaole was a direct descendant of the last independent ruler of that island. He was a son of High Chief David Kahalepouli Piikoi and the Princess Kinoiki Kekaulike. While still in his teens, the youth was made a prince of the realm by King Kalakaua, his uncle.

After attending both public and private schools in Honolulu, the prince became a student at St. Matthew's College in San Mateo, Calif. He concluded his formal eduaction by taking a business course at the Royal Agricultural College in England.

Compelled by ill health to return to Hawaii, Prince Kalanianaole served, under the Hawaiian monarchy, as a minor official in the office of the Minister of the Interior and in the Customs Service. When the non-native element forced revolution on the islands in 1893, Kuhio sided with his cousin, Queen Liliuokalani. Shortly after the Republic of Hawaii was established, the unreconstructed prince was arrested, convicted, and imprisoned for conspiring to effect a royalist uprising. Following his release in 1896, he was married to Elizabeth Kahanu Kaauwai, daughter of a chief on Kauai. Three years later, the couple left Hawaii for an extended tour abroad, despairing of a future in their own land. It was initially the purpose of the prince to remain in exile for the rest of his life, but after 2 years he was persuaded to accept the new order in Hawaii, and he thereupon returned.

At home again, he entered into politics, becoming for a time a member of the home rule party before declaring in favor of the Republicans. This switch in party affiliation occurred in 1902, in which year the prince received the Republican nomination for Territorial Delegate to Congress. Victorious in his first campaign, Kuhio established a record of political invincibility from then on. He served as a nonvoting delegate to Congress from 1903 until his death in 1922.

Affectionately known to his colleagues and constituents alike as "Prince Kuhio" or "Prince Cupid," the affable, untiring delegate captured the respect of everyone with whom he came in contact. Assigned to four House committees, Agriculture, Coinage, Weights and Measures, Military Affairs, and Territories, Kuhio was able to render significant service to his people. In 1919, he introduced the first of a long series of bills to accord Statehood to Hawaii. The crowning legislative achievement of his career was the successful sponsoring of the Hawaiian Homes Commission Act, looking to the salvation of the Hawaiian people from second-class status in their own land.

As in every country taken over by Western influence, so it was in Hawaii, where the people migrated to the cities in search of work, creating slums and wreaking economic havoc among themselves. Under the terms of the Hawaiian Homes Commission Act, Prince Kuhio proposed to modify the public land section of the Organic Act, providing land for homesteaders in the interior regions as an inducement for mass migration from the city slums. The system had been employed successfully in the United States, Prince Kuhio noted, so why not Hawaii?

Approximately 200,000 acres of Government land, comprising specified undeveloped areas, excluding sugarcane lands, were made available. The act prevented homesteaders from either speculating with their land or conveying it to others. If the implementation of the Hawaiian Homes Commission Act has not measured up to the original expectations of Prince Kuhio, the act has nonetheless produced tangible benefits.

On January 7, 1922, the prime mover of Hawaiian rehabilitation departed to join his forefathers. Despite his express desire to have his death marked by a simple ceremony, the grief-stricken people of Hawaii refused to have it so. The pomp and pageantry incident to his funeral has never been surpassed in the history of the Islands. He was revered not only as a man of pure motives, but also as the last titular prince of his line. The Hawaiian people today acknowledge that he, through example and influence, played a major part in committing the Islanders to an acceptance of America, and converting them to passionate Americanism. That Americanism promises to extend, undiminished, into perpetuity under Hawaiian statehood—a dream that Prince Kuhio did not live to see fulfilled.

Truly, Kuhio was "Ke Alii Makaainana"—"A Prince of the People."

THE SEVENTH VIETNAM ROLL OF HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, 2 years ago on March 26, 1969, I first inserted in the CONGRESSIONAL RECORD the names of American men killed in hostile action in Vietnam. Since then, the whole course of the war has changed and America's involvement in it has been significantly curtailed. Secretary of Defense Laird has pledged to have all Americans out of ground combat activity by this summer, and President Nixon has vowed to maintain withdrawal rates at least at present levels—12,500 per month—and is hopeful that withdrawals can be increased. The President has also said he will announce another reduction in American troop strength in May, at which time the number of Americans in Vietnam will be 284,000, about half what it was when he came to office.

One thing seems clear. Regardless of the circumstances, the U.S. combat role in Vietnam will be terminated on the ground in a few months, and the bulk of our combat support activity in the air will be phased out over a period of time only slightly longer. America's role in the Indochina war is unquestionably nearing an end.

Comforting as this must be for most Americans, it, nevertheless, provides little solace to the families of loved ones who have been killed during this period when the war is being wound down.

Today I am listing with these remarks the names of 1,352 men killed in hostile action in Vietnam during the last 6 months of 1970. This brings the total number of dead listed in the CONGRESSIONAL RECORD to 44,778, and demonstrates vividly the grim momentum of the war. The previous listings were:

March 25, 1969, 31,379 men, through January 1969;

April 3, 1969, 2,148 men, February and March, 1969;

July 22, 1969, 2,866 men, April and May, 1969;

December 2, 1969, 2,999 men, June through September, 1969;

March 26, 1970, 1,159 men, October through December, 1969;

October 14, 1970, 2,875 men, January through June, 1970;

March 26, 1971, 1,352 men, July through December, 1970;

Total of 44,778 men.

For many men, the incursion into Cambodia and the subsequent activities over Laos proved to be the hardest and bleakest days of the war. American casualties once again rose from previous lows. Fighting is unquestionably heavier, and setbacks to Allied forces once again occupy the front pages of newspapers.

For those caught up in the process of winding down the war, these are surely their darkest hours. The difficulty of understanding the need for Americans to die in a far off corner of the world is intensified as it becomes clearer that America's role in this war is almost over. For many, the last days of the war are the hardest.

Progress in ending the war in Vietnam seems to be moving so slowly in the eyes of some as to be imperceptible. On another front, in the legislative halls of Congress, I am glad to report that very definite, if slow, progress has been made in shaping legislation aimed at preventing the recurrence of Vietnam-type entanglements in the future.

One year ago, when I listed the names of over 1,000 men who died in the last 3 months of 1969, I called for the Congress to build a proper legislative memorial to our Vietnam war dead in the form of a new law which would seek to prevent the improper use of Presidential powers to initiate military hostilities. In my view, it was this improper use of power by previous administrations, together with congressional inaction, which step by step took us into the quagmire of Vietnam.

On March 26, 1970, I introduced a joint resolution outlining the three circumstances in which I believed the President was authorized to commit U.S. military personnel to foreign territory without prior congressional approval. A second section of the resolution required the President to report promptly to Congress anytime he sent our troops to a foreign country without first securing the approval of the Congress, such report to state the circumstances necessitating the commitment of troops and the justification for not first seeking congressional approval.

In the intervening year, much progress has been made. The three circumstances in which I suggested the President need not first come to Congress—that is, to repel attack, protect American lives and property, and fulfill treaty and legislative obligations—have been embodied in a proposal which is presently the focus of hearings before the Senate Foreign Relations Committee. Today I testified before that committee to express my support for measures which would restore the war powers to the Congress.

Substantially more progress has been made in the House of Representatives. After exhaustive hearings, the House Foreign Affairs Committee last year passed a joint resolution containing the language of a Presidential reporting requirement which I had drafted. The measure, which was reintroduced as House Joint Resolution 1 this year, would require the President to report to Congress promptly in any case where, without specific prior congressional authorization, he:

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation.

The President's report would include:

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

I am hopeful that this Congress will finish construction of the legislative monument to Vietnam war dead begun 1 year ago. I believe that Congress will pass a bill which will impose new meaningful limitations on Presidential ability to commit U.S. troops to war without first seeking congressional approval. Such limitations need not infringe upon his responsibilities as Commander in Chief, but they will impose upon him the responsibility to take the Congress into his councils when decisions are made which might make the difference between war and peace for our Nation, and life and death for many of its citizens.

Had this reporting requirement been in effect in 1962 when the number of U.S. advisers in Vietnam was raised from 700 without combat gear to 16,000 equipped for combat, President Kennedy would have been required to explain promptly and in writing to Congress the circumstances necessitating his decision, the constitutional, legislative, and treaty provisions under which he took such action, and his reasons for not seeking specific prior congressional authorization.

This reporting requirement of itself might have caused sober second thoughts by the President. It might have caused him to reconsider. If he went ahead, the report on the action would have provided Congress with a formal document on which to hold hearings.

Certainly the consideration of the report in 1962 would have been in circumstances more favorable to objectivity than existed when the Gulf of Tonkin resolution was passed in 1964.

We cannot turn back the clock and erase Vietnam from the pages of history. Nor can we afford to erase from our minds the memory of Vietnam. We must build upon our experience so that there will be no Vietnams in the future. The legislation which is being considered by the House and the Senate is aimed at just that. When enacted, it will be as fitting a monument to our Vietnam war dead as any memorial carved in granite or engraved in bronze.

List of war dead follows:

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM FROM JULY–DECEMBER 1970

The names appearing in this list are of those U.S. military personnel who incurred fatal casualties in connection with the conflict in Vietnam, arranged by home state of record as indicated by the servicemen at their last entry into active duty. For officers, this would generally be at the time of commissioning or call to active duty in the reserve or national guard. For enlisted personnel, it would be at the time of induction, first enlistment, or reenlistment.

This is volume IV of the name list and includes the deaths reported from 1 January through 31 December 1970.

Volume III (deaths reported during 1969), volume II (deaths reported during 1968), and the list which includes deaths reported from 1 January 1961 through 31 December 1967, should be retained, as it is not planned that they will be re-published or incorporated in a subsequent list.

ALABAMA

Army

Allen, Johnny, Jr., Birmingham.
Baldwin, Larry Glenn, Montgomery County..
Billings, Will Danny, Helena.
Campbell, Thomas Allen, York.
Craig, Clayton Gerome, Lester.
Crenshaw, Joe Edward, Mobile.
Crow, Rodger Pinkney, Decatur.
Duckworth, James Edward, Cullman.
Durall, Robert Michael, Daleville.
Ellis, William Richard, Brewton.
Gantt, Samuel Lee, Montgomery.
Mitchell, Perry Adkins, Athens.
Moss, Jack, Jr., Talladega.
Murrell, Ervin Jerome, Birmingham.
Parker, Carter, Jr., Monroeville.
Perkins, James Earney, Birmingham.
Raiford, Mark Phillip, Huntsville.
Robinson, Jimmie Lee, Mobile.
Tindall, Bruce Carland, Pittsview.
Todd, Carlos Franklin, Talladega.
Wade, Steven Michael, Birmingham.
White, Michael Eugene, Prattville.

Air Force

Brunson, Robert Wade, Birmingham.
Stallings, John Larry, Tuscaloosa.

Marine Corps

Barber, Ernest McDonald, Talladega.
Bennett, Daniel Murphy, Mobile.
Berryman, William Ernest, Leighton.
Elland, Grady Louis, Foley.
Lassitter, John Irving, Summerdale.
Shelton, Joseph Henry, III, Montgomery.
Touart, John Elliott, Mobile.

ALASKA

Banta, Michael Dean, Cordova.
Plett, Larry Joe, Ankorage.

ARIZONA

Army

Blanchette, Michael R., Phoenix.
Brenner, Larry Ray, Phoenix.
Carlborg, Alan George, Scottsdale.
Clifford, William Henry, Tucson.
Coffin, Jeffrey Alan, Flagstaff.
Davis, Wesley Wayne, Queen Creek
Felts, Dan Owen, Flagstaff.
Fenton, James Williard, Prescott
Gray, Dale Alan, Mesa.
Hankins, Bruce Lynn, Tempe.
Pahissa, William Anthony, Tucson
Pickett, Darrel Monroe, Buckeye
Shevlin, Hugh John, Tucson.
Staddon, Peter Bruce, Phoenix.
Toschik, Mark Joseph, Phoenix.

Marine Corps

Tsosie, Albert, Chinle.

Navy

Daniels, Russell Glen, Phoenix.
Ortiz, Antonio Clivarez, Pirtleville.
Riter, James Lee, Phoenix.

ARKANSAS

Army

Barnett, Stuart Lee, Bull Shoals.
Cody, Wesley Oteria, Wynne.
Hamm, Franklin Alvin, Little Rock.
Hedges, Daniel Macom, Malvern.
Huffine, Dennis Willard, Paragould.
Johnson, David Earl, Humnoke.
Lindler, Jessie Ray, Lockesburg.
Price, Arthur Houston, Fort Smith.

Smith, Jimmy Don, Mountainburg.
Upshaw, Olen Lee, Holly Grove.
White, Donald Nisler, Plumerville.

Marine Corps

Kimbrough, Harold Bruce, Batesville.

CALIFORNIA

Army

Apellido, Raymond Hugh, Bakersfield.
Arias, William Cip, Jr., National City.
Arnall, Robert C., Bell.
Bainter, Neal Vincent, Orange.
Barrera, Jose Gilbert, Corcoran.
Baxley, Dennis Wayne, Orange.
Baxter, Ivery Lee, Los Angeles.
Bedra, Theodore Frank, Buena Park.
Beltran, Robert Joseph, Los Angeles.
Bennett, Brian John, Stockton.
Brown, Clemmie Jr., Dublin.
Brown, Laurence Gordon, Fullerton.
Burns, Ken Dwight, Norwalk.
Campbell, James Lee, Northridge.
Carr, Roger James, Fullerton.
Chamberlain, Dale Stewart, Pasadena.
Coe, Paul Thomas, Concord.
Denna, David Ramiro, Los Angeles.
Dick, Manuel Levi, Coleville.
Dodge, Gregory Alexis, Stockton.
Emerine, Jerry Owen, Benicia.
Filippi, Gerald Francis, San Jose.
Fitzsimmons, Patrick G., Ventura.
Ford, Earl Eugene, Susanville.
Frazier, Rex Leonard, Sonora.
Gage, Michael Arthur, Gerber.
Gleim, Arthur Frederick, Jr., Aptos.
Griggs, Steven Thomas, Atwater.
Guenther, Bert Marrion, Jr., West Covina.
Gurnias, Nichalas Perez, Hollister.
Hargraves, Murvyn Eugene, Santa Maria.
Hernandez, Ramon Antonio, McFarland.
Holt, Raymond Clyde, Antioch.
Hooper, John Joseph, Ventura.
Hunt, John Stuart, Santa Ana.
Jensen, Michael Charles, San Francisco.
Jernigan, Mark Thomas, Imperial.
Kappmeyer, Theodore C., San Jose.
Kloss, Thomas Donald, Los Angeles.
Koonce, Robert Edmund, San Diego.
Kotarski, Vincent R., Jr., Paramount.
Kuersten, Jeffery David, San Jose.
Lawrence, Tory Drake, Murphys.
Lopez, George Leonard, Banning.
Lopez, John Edward Jr., San Jose.
Lucas, Andre Cavaro, San Diego.
Luna, Joe, Jr., Azusa.
Mathern, Edward Gerard, Corona.
Meador, Larry Joe, Carmichael.
Morgans, Christopher W., Redlands.
Nelson, Benjamin Roy, Jr., Los Angeles.
Nunez Jesus Carlos, Los Angeles.
Padilla, Eddie Jack, Stevinson.
Perry, Casey Clayton, Los Angeles.
Petandvich, Nicholas C., Lompoc.
Prater, Donald Harold, El Cerrito.
Premenko, John Al, Pacifica.
Pritchard, Clarence R., Jr., Lompoc.
Ramirez, Eduardo Cruz, Canoga Park.
Rasey, Larry Wayne, Taft.
Remelts, William Henry II, Wilmington.
Reyes, Edward Thomas, San Leandro.
Rocha, Robert Silas, Los Angeles.
Rollason, William David, Riverside.
Runge, Robert Carl, Mountain View.
Sayers, David William, Simi.
Scanlon, William Manuel, Los Banos.
Schoepke, Anton John, Goleta.
Sears, Gordon Bert, Los Molinos.
Settle, William Foy, Richmond.
Silver, Gareth MacKenzie, Palo Alto.
Singleton, Gerald Blaine, Indio.
Stephens, Boyd Adam, Jr., Mendota.
Sullivan, Thomas Howard, Los Angeles.
Swarbrick, Lawrence Gordon, Pismo Beach.
Taylor, Larry Gene, El Cajon.
Vandiver, Fred Gerald, Riverside.
Velasquez, Robert, Los Angeles.
Vesey, Jerrold Louis, Palo Alto.
Villalobos, Paul Rubio, Los Angeles.
Vullo, Michael Phillip, Alhambra.
Wadsworth, John Lanier, San Diego.
Wagner, John Lawrence, Dale City.
Wagner, Marvin Leroy, Elverta.
Waldron, Duane Everett, Inglewood.
Walker, Larry Allen, Denair.
Ward, Robert William, Concord.
Watson, J. V., Los Angeles.
Webster, Frank Anthony, Los Angeles.
Wheeler, Nicholas, San Diego.
Young, Ronald Lee, Morongo Valley.
Zacharzuk, Michael Patrick, San Diego.
Zerba, Douglas Paul, Napa.

Air Force

Lundy, Albro Lynn, Jr., Sherman Oaks.
McGerty, Michael John, Fullerton.
Vrablick, Michael Stephen, Marysville.

Marine Corps

Barnett, John Frank, Port Hueneme.
Buttry, Richard Russell, Anaheim.
Davis, William Stanley, Alhambra.
Duemling, Ralph Nelson, South Pasadena.
Keller, Greg, Whittier.
Ketchum, William Arnold, Jr., Littlerock.
Kindrick, Bryce Leroy, Torrance.
La Rosa, Marion Dominic, San Jose.
Munoz, Jose, Jr., Rowland Heights.
Parsons, Henry Bennett, III, Fairfield.
Russell, Donnie Howard, Tracy.
Standring, Lauren Walter, Reseda.

Navy

Drake, John De Witt, Stockton.
Pedersen, William A., La Conada.

COLORADO

Army

Carter, James William, Denver.
Casler, Joseph Duane, Colorado Springs.
Haining, Paul Linn, Placerville.
Helms, John Ray, Littleton.
Marchesi, Jimmy Eugene, Littleton.
Parmentier, Roger David, Littleton.
Sanchez, Nick Enrique, Chama.
Smith, Dennis Michael, Aurora.
Sullivan, William Lee, Denver.
Thaden, Gary Dennis, Brighton.
Vestal, Steve Alan, Denver.

Air Force

Helwig, Roger Danny, Colorado Springs.
Stearns, Roger Horace, Boulder.

Marine Corps

Pappenheim, Thomas Henry, Eaton.
Sievers, John Robert, Gunnison.

CONNECTICUT

Army

Harris, Roy Edward, Bridgeport.
Malcolm, John Daniel, Middlefield.
Parsons, Clifford E., Jr., Milford.
Repole, Richard Glenn, Danbury.
Silverman, Sheldon, Waterford.
Stoddard, Norman R., Jr., Kent.

DELAWARE

Army

Aikin, George Lee, Wilmington.
Jones, William Edward, Millsboro.
Moses, Jesse Lee, Wilmington.

DISTRICT OF COLUMBIA

Army

Austin, Paul Jasper, Jr., Washington.
Williams, Raymond Leon, Washington.

FLORIDA

Army

Aaron, Eugene Allen, Tampa.
Batcher, Larry Gene, Naples.
Bean, John Robert, Parker.
Bregler, John Ramsey, Lake City.
Bryant, John Darrall, Miami.
Chamblee, William Donald, Leisure City.
Diehl, Stanley Gene, Treasure Island.
Durden, Troy, Orlando.
Freda, Robert, Miami.
Hadden, Herbert Michael, Bradenton.
Harp, William, Pompano Beach.
Heile, Henry Nicholas II, West Palm Beach.
Herring, John Willie, Sanford.
Johnson, Gordon Michael, Oviedo.
Maseda, Gerald Lee, Miami.
McGuckin, Joseph, Apopka.
McNutt, Frank Elliott, Tampa.
Minear, Mark Wendell, Merritt Island.
Moore, Johnny Lee, Madison.
Parker, Otis, Green Cove Springs.
Porter, Sandy Hilly, Tampa.
Pratt, David Alvin, Miami Lakes.
Ravelo-Toribio, Elpidio J., Hialeah.
Redding, Walter Lee, Lake Wales.
Roller, William Eugene, Sebastian.
Sawyer, William Lelon, Jr., Hollywood.
Schofield, Robert Louis, Miami.
Scoville, Howard James, Hollywood.
Shaw, Roy Edward, Jr., Bowling Green.
Sizemore, Robert Ralph, Jr., Lynn Haven.
Szponder, Robert Allan, Miami Beach.
Tanner, Kenneth Paul, Orlando.
Thigpen, Willie Junior, Ocala.
Walker, William Wayman, Jacksonville.
Washenik, Gary Lee, Miami.
Williams, Pondextuer E., Ft. Pierce.
Wooten, David Daryl, Coral Gables.
York, Joel Craig, Fort Walton Beach.

Air Force

Carter, Joseph Jr., Miami.

Marine Corps

Amick, Timothy David, St. Petersburg.
Gray, Bobby Elmer, Tampa.
Leffler, Richard John, Miami.
Maninger, Raymond Marcine, Jacksonville.
Vacenovsky, Dennis Edward, Brooksville.
Watts, Richard Joe, West Hollywood.

Navy

Bomar, Frank Willis, Miami.
Young, Robert Earl, Orlando.

GEORGIA

Army

Allen, Gus, Atlanta.
Fouche, Paul Jerry, Macon.
Gentry, Dennis Wayne, Athens.
Lightsey, John Henry, Odum.
Mears, Guy Lamar, Jr., Rockmart.
Vavrin, Frank Neal, Augusta.
Walner, Walter Lewis, Stapleton.

Marine Corps

Manac, Don, Fargo.
Noricn, John Emory, Ft. Ogelthorpe.
Pierce, Robert James, Ft. Gains.
Scott, Johnny Fred, Americus.

HAWAII

Army

Johnson, Steve Freddie, Kailua Kona.
Riveira, Robert Charles, Honolulu.

IDAHO

Army

Blenkinsop, William Darwin, Coeur D' Alene.
Mapes, Eddie D., Kootenai.
Mitchell, John E. S., Jr., American Falls.
Nelson, Robert William, Rigby.
Shiefer, John Frederick, Boise.

ILLINOIS

Army

Avery, Don Wayne, Chicago.
Babich, John Michael, Franklin Grove.
Baum, Michael Edward, Decatur.
Benoist, William F., III, Winnetka.
Bohan, Patrick John, Peoria.
Bollman, Robert Norman, Springfield.
Boyer, James Alan, Kansas.
Brass, Paul Robert, St. Charles.
Busch, Eric Peter, Chicago.
Clymer, Dennis Lee, Eureka.
Colford, Darrell Lee, West Chicago.
Connor, Patrick James, Glenview.
Edgren, Thomas Gordon, Libertyville.
Ervin, John Lee, Springfield.
Feezell, Dan Guinn, Wilmington.
Felkamp, Ronald Allen, Chicago.
Frossard, William John, Chicago.
Glassford, Gary Bruce, Flora.
Guimond, Paul Gerald, Chicago.
Hart, Robert William, Chicago.
Herington, John Donovan, Washburn.

Herring, Thomas Forest, Lombard.
Housman, Robert Charles, Bradley.
Jeters, Darold, Chicago.
Johnson, Michael Kirk, Alton.
Juarez, Mateo, Joliet.
Karsznia, Leszek Stanley, Chicago.
Kelton, Richard Lane, Chicago.
Knox, Leonard Wayne, Sterling.
Lakwa, Edward John, Chicago.
Lyons, William Perry, Lombard.
Mackey, Larry Allen, Polo.
Magnuson, David Jack, Chicago.
Mindock, Richard William, Ottawa.
Mucci, John Rocco, Chicago.
Olson, Mark Allen, Plano.
Palcowski, Richard Wayne, Chicago.
Quick, Michael Edward, Wauconda.
Rajcevac, Hans Anthony, Chicago.
Ramm, Ferenc John, Danville.
Rankins, Samual Kaye, Chicago.
Reed, Richard Leon, Rock City.
Sandoval, Hector Montalvo, Chicago.
Scarbrough, Roger Allen, Dixon.
Simmons, Elroy, East St. Louis.
Soto, Joseph Martinez, Chicago.
Springer, Timothy Michael, Chicago.
Stearns, Frank Edwin, Carbondale.
Troianello, Clement Joseph, Chicago.
Trygg, Stanley Herbert, Jr., Joliet.
Utecht, Robert Stephen, Des Plaines.
Wehrheim, Charles George, Chicago.
Widdows, John William, Chicago.
Williams, Gary Robert, Cuba.
Wolters, Theodore Anthony, New Baden.
Wright, Clifford Ivan, East Peoria.
Zagata, John Joseph, Chicago.

Air Force

Bunker, Park George, Homewood.
Pennington, Richard W., Adair.
Wood, James Watson, Galesburg.

Marine Corps

Ashenfelter, Alan Wayne, Decatur.
Berger, Nicholas Allen, Savanna.
Blake, Wayne Valgeen, Rockford.
Dodd, Richard William, Oglesby.
Fiester, Glen Alan, Park Ridge.
Gilbert, Jack Richcardo, Chicago Ridge.
Guldan, John Anthony, Chicago.
Hilliard, Donald Ray, Chicago.
Iwasko, Edward Bernard, Bellwood.
Novak, Edward James, Tinley Park.
Schroeder, William Ray, Bloomington.
Williams, Earnest, Chicago.

Navy

Boor, Alan Scott, Woodridge.
Buroff, Lanny Howard, Chicago.

INDIANA

Adams, Robert James, Indianapolis.
Barnett, Thomas Martin, Sellersburg.
Beyl, David Robert, Sellersburg.
Birkholz, Robert Earl, Michigan City.
Chaney, Roy Lee, Indianapolis.
Cisar, Thomas Charles, Highland.
Cleland, Ronald Louis, Gaston.
Conover, Charles Raymond, Loogootee.
Craig, William Anderson, Indianapolis.
Dickus, Michael John, Hammond.
Draper, Mark Gregory, Finly.
Engelhardt, Gary Wayne, Muncie.
Fields, Garrison David, Lafayette.
Gibbs, Ira Eugene, Hammond.
Harkins, Edison Amos III, Beverly Shores.
Harter, Francis William, La Porte.
Heavrin, Mark Thomas, Evansville.
Henthorn, Harry Thomas, Richmond.
Hickman, Thomas Steven, Loogootee.
Hughes, Furman David, Hammond.
Jordan, Roy Douglas, Logansport.
Kahre, Donald Lee, Evansville.
Lee, Milan Lavoy, Muncie.
McDowell, Larry James, Terre Haute.
O'Boyle, Terrence Patrick, Gary.
O'Connor, Timothy John, Loogootee.
Pettitt, John Thomas Sr., Indianapolis.
Phillips, Kerry Wayne, Evansville.
Pratt, Carey Jay, Kokomo.
Raymer, Carroll Edward Jr., Otisco.
Scott, Rickey Leroy, Columbia City.
Smith, Stephen Thomas, Indianapolis.
Stone, Forest Michael, Oaklandon.
Tharp, Paul Arnold, Kirklin.
Tunny, Nicholas Randle, Osgood.
Valentine, Donald Lynn, Lafayette.
Warner, Wilfred Wesley Jr., Mishawaka.
Waymire, Michael Karl, Macy.
Webb, Mark James, Hobart.
Willis, Steven Craig, Hammond.

Air Force

Bancroft, William W. Jr., Indianapolis.

Marine Corps

Daulton, William Manson, Medora.
Frakes, William Douglas, Boonville.
Musselman, James Kevin, Fort Wayne.

Navy

Gish, Calvin Robert, Highland.
Hunt, James Robert, Columbus.
Prchlik, William Charles, Knox.

Army

Ahart, William Junior, Crown Point.
Alexander, James Hines, Lizton.
Barnett, Carl Taylor, Bluffton.
Baum, David Michale, Crown Point.
Brittain, Joseph Bruce, Bloomington.
Buchanan, John Gary, Evansville.
Cook, Donald Warren, Avilla.
Craig, Dickey, Madison.
Creamer, Charles F. III, South Bend.
Dulin, Zettie J. C., Brazil.

IOWA

Army

Abrahamson, Gary Lee, Albia.
Bartmess, Gary Wawne, Nevada.
Bixby, Virgil Martin, Iowa City.
Briese, Stephen Craig, Correctionville.
Bull, Billy Bruce, Lake City.
Fell, Daniel Boone, West Des Moines.
Freeman, Randall Gaylord, Sac City.
Fries, Danny Joe, Council Bluffs.
Halbach, Bruce Charles, Stacyville.
Huk, Peter Paul, Cedar Rapids.
Larson, Mark Allan, Council Bluffs.
Levis, Dennis Richard, Chariton.
Martin, Dennis Keith, Cedar Rapids.
McClurg, John Lloyd, Earlham.
McNett, Joe Billy, West Burlington.
Miller, Melvin Dale, Newell.
Newell, Tim Edwin, Des Moines.
Riley, James Francis, Waukon.
Rushing, Stephen Abram, Ames.
Scott, Steven Clayton, Elkhart.
Scully, Russell Craig, Ottumwa.
Shonka, Daryl David, Ft. Dodge.
Struble, Stanley Dean, Castana.
Thorpe, William David, Jesup.
Waterman, Craig Thomas, Rockwell City.
Werner, John Fredrick, Williamsburg.
Wilson, John Joseph, Davenport.
Wolf, Kent Carter, Boone.
Wright, Bruce William, West Des Moines.
Wright, Vernon Arthur, Indianola.
Zittergruen, Louis Lloyd, Monona.

KANSAS

Amann, Albert Frank, Argonia.
Carter, Otis, Independence.
Conrardy, Richard John, Wright.
Coombs, Dan L. F., III, Overland Park.
Dickey, Derrel Keith, Arcadia.
Forrest, Monte Wayne, Argonia.
Hewitt, Thomas Theodore, Topeka.
Huttie, Frederick E., III, Prairie Village.
Mizer, Lenton Eugene, El Dorado.
Munger, Ronald William, Beattie.
Richardson, Gary Wayne, Wichita.
Seglem, Richard Noyce, Wichita.
Steimel, Gregg Francis, Wright.
Tucker, Robert Eugene, Abbyville.
Wallace, Lanny John, Shawnee Mission.

KENTUCKY

Army

Bridgers, Douglas Stephen, Louisville.
Carson, Omer Price, Campton.
Chaney, David Glenn, Bloss.
Estridge, Curtiss, Hoskinston.
Fawbush, Steven Lee, Jeffersontown.
Fields, Bobby George, Blackey.
Fraley, Ezekiel, Jr., Jackson.
Geer, Robert Sampson, Elizabethtown.
Hockensmith, David Baker, Frankfort.
Inmann, Harry Charles, III, Louisville.
Johnson, Nicholas G., Sr., New Haven.
Johnson, Paul Allen, New Haven.
Jones, Marshall Keene, Campbellsville.
Kavich, Robert Dale, Jeffersontown.
Marcum, Walter Vernon, Louisville.
Nolen, Kenneth Joe, Manchester.
Norrenbrock, William A., Louisville.
Ratliff, Billy Harrison, Pomeroyton.
Ray, William Clayton, De Mossville.
Risinger, Gerald Lee, Jeffersontown.
Schneider, Gary Lee, Newport.
Sharp, Stephen Allen, Sebree.
Taylor, Harry Eugene, Louisville.
Toler, David Bruce, Ashland.
Williamson, Pete Ellis, River.
Wright, Phillip Gerald, Ashland.

Marine Corps

Cox, Charles William, Louisville.
Crisp, Thomas Mikell, Hopkinsville.
Justice, Don McClelland, Pikeville.
Seymore, Richard Morris, Princeton.

LOUISIANA

Army

Brown, James, Jr., Port Allen.
Converson, Tyrone, New Orleans.
Duplechain, Andrus Floyd, Eunice.
Emanuel, William Frederick, Shreveport.
Garnett, Isiah Calvin, New Orleans.
Johnston, Billy Neal, Jr., Ruston.
Lombas, Dexter Joseph, Morgan City.
Medine, Bertrand C., Jr., New Orleans.
Mistretta, Eric Paul, Metaire.
Perrodin, Curtis Joseph, St. Martinville.
Romagosa, Layne Joseph, New Orleans.
Singleton, Charlie, Jr., Winnsboro.
Smith, Marcus, West Monroe.
Thibodeaux, Michael L., Crowley.
Walton, Jimmy Ronald, Harrisonburg.
Wheless, Douglass Terrell, Shreveport.

Marine Corps

McNeil, Bruce Alan, Metairie.
Tarver, Edward, Winnsboro.

Navy

Griffith, Eric Lawrence, Destrehan.

MAINE

Army

Daigle, Bennett Joseph, Stockholm.
Manchester, Gary Oral C., Farmington.

Marine Corps

Buxton, Dale Ryan, Rangeley.

Navy

Withee, Edward William, Madison.

MARYLAND

Army

Bates, Melvin Carroll Jr., Baltimore.
Bolan, Robert Louis, Pasadena.
Bridgett, Paul Edward, Riverdale.
Burrows, Roberts Paton, Denton.
Dale, Dennis Humphrey, Baltimore.
Curtis, Joseph Paul, Hollywood.
Deibel, Edward Paul III., Baltimore.
Keeney, Joseph Frank, Baltimore.
Kessing, Thomas Edward Jr., Silver Spring.
King, Robert Lee, Prince Frederick.
Kozlowski, James Michael, Baltimore.
McDermott, Joseph F. III., College Park.
Osborne, David William, Baltimore.
Rowe, Russell Allen, Lexington Park.
Stroud, Allen Ralph, Silver Spring.

Air Force

Wright, David Irvin, Annapolis.

Marine Corps

Casner, Lewis Edgar, Jr., Potomac.
Gaffigan, Robert Michael, Silver Spring.
Killmon, Frederick Russell, Delmar.
Steger, David Naylor, Hampstead.

MASSACHUSETTS

Army

Cahill, William Joseph, Haverhill.
Collina, George William, Springfield.

Davis, Wayne Robert, Leominster.
Gambino, Michael James, Haverhill.
Heppler, James Howard, Needham.
Kacsock, Walter Joseph, Jr., Bridgewater.
Larraga, Angelo Gentry, Boston.
Lovett, Bernard James, Jr., Springfield.
McEwing, Harry, Ayer.
Powers, Francis Edward, Jr., Charlestown.
Seaman, Joseph Andrew, Framingham.

Air Force

Landry, Peter Joseph, Quincy.
Ramsay, David Leroy, Boston.

Marine Corps

Cunningham, Robert James, Dorchester.
Lawson, John David, Topsfield.
Reardon, Dennis Joseph, Cohasset.

Navy

Buzzell, Richard Howard, Arlington.
Palma, Luco William, Tewksbury.

MICHIGAN

Army

Atkins, Douglas Paul, Ann Arbor.
Baer, Randall Thomas, Detroit.
Bain, Bruce Arnold, Taylor.
Barkley, Kirk Owen, East Leroy.
Blaskowski, Richard L., Cheboygan.
Bouchard, Roger Harold, Flint.
Boyer, Thomas Michael, Livonia.
Brooks, Larry Eugene, Detroit.
Bryan, Robert Lamarr, Colon.
Busick, Larry Russell, Fraser.
Caffey, Michael Alexander, Saginaw.
Carver, Randall Allen, Three Oaks.
Cleverley, William Bert, Detroit.
De Wulf, Patrick Thomas, Bloomfield Hills.
Derrick, Robert Allen, Marquette.
Faculak, Gary J., Boyne City.
Fries, Daniel Leslie, Greenville.
Gerten, Ronald Eugene, Tecumseh.
Gomez, Evelio Alfred, Kalamazoo.
Greene, Frederick David, Detroit.
Griffin, William Donald II, Pontiac.
Gydesen, Gregory Allen, Big Rapids.
Harper, Harold Owen, Grand Rapids.
Hawley, Peter Sheldon, Jackson.
Hearsch, John Patrick Jr., Flint.
Herndon, Thomas Hayden, Saint Joseph.
Hilderbrant, Phillip Jay, Edmore.
Howe, John Allan, Mt. Pleasant.
Huxtable, Ronald Lester, Madison Heights.
Lafferty, Thomas Lee, Adrian.
Lane, Albert Leroy, Jr., Ferndale.
Laverty, Steve L. J., Farwell.
Law, Brent Robin, St. Johns.
Linville, Michael Thomas, Madison Heights.
MacDonald, Harold Lee, Clarkston.
Mathews, Charles Donald, Grand Haven.
Merz, James R. Jr., Royal Oak.
Metz, Gary Raymond, Adrain.
Miller, David Bruce, Lansing.
Musich, John Paul, Calumet.
Nabozniak, Myron Richard, Warren.
Natalie, Ronald John, Monroe.
Nowaczynski, Natalie, Roseville.
Olinger, James Edward, Jr., Grand Rapids.
Osler, Robert Dale, Jr., Garden City.
Overweg, Roger Dale, Zeeland.
Persyn, Ronald Frank, Detroit.
Pinkney, Robertis, Detroit.
Reska, Craig Thomas, Novi.
Rose, David Earl, Flint.
Sanders, Terry Lee, Wayne.
Simmons, Kenneth Jerome, Muskegon.
Smith, Thomas Paul, Alpena.
Stanich, Nade Michael, Lexington.
Van Ochten, Terry Joseph, Bay City.
Vanderhaag, Albert Jacob, Grant.
Von Der Hoff, Ralph Henry, Traverse City.
Weaver, Jerry Michael, Niles.
Wheeler, William Eugene, Detroit.
Wilson, Phillip Allen, Plainwell.

Air Force

Kelsey, Ronald Keith, Troy.

Marine Corps

Asbury, Donnie DeWayne, Flint.
Beach, Leo Albert, Jr., Detroit.
Carr, James Otis, Flint.
Delaphiano Joe B., Shelbyville.
Franklin, William Johnson, Southgate.
Jones, James Dale, Pontiac.
Lafler, John James, Wyandotte.
Lazar, Daniel Stephen, Flushing.
More, Gary Keith, Sterling Heights.
Welch, Robert Leroy, Yale.

Navy

Conley, Larry Ray, Detroit.
Nieboer, Douglas Alan, Holland.

MINNESOTA

Army

Anderson, Roger Wilbur, Jr., Montevideo.
Barrett, Andrew Ryan, Minnetonka.
Cooreman, Raymond Robert, Tracy.
Gunderson, Thomas La Von, Milan.
Hayes, Lyle Dennis, Pierz.
Hennessy, Stephen Thomas, Duluth.
Kaster, Stephen Joseph, Coon Rapids.
Knott, John Charles, Pine River.
Kraemer, Fred Chris, Hopkins.
Krull, James Lee, Herman.
Nehl, Joseph Robert, Hoyt Lakes.
Nieken, Larry Lee, Hillman.
Nordquist, Jon Harris, St. Paul.
Ordner, John Albert, Rush City.
Sampson, Michael John, Forest Lake.
Sikich, Michael Matthew, Bloomington.
Stefanich, Nicholas C., Tower.
Waldron, James Taylor, Minneapolis.
Wise, Gordon Scott, Minneapolis.
Zager, John Carl, Virginia.

MISSISSIPPI

Army

Bailey, Bobby Lee, Biloxi.
Barritt, William Emmett, Meridian.
Bennett, Robert Horace, Starkville.
Drane, Wilbert Ray, Charleston.
Expose, Henry Ray, Columbia.
Franklin, Jerold, Greenville.
Frazier, Gary Lee, Jackson.
Fulgham, Joe Hugh, Mathiston.
Gillaspy, Thomas David, Monticello.
Golden, Donald Lewis, Meridian.
Hester, Guy Wilson, Jr., Winona.
Howard, Chester Theo, Jr., Winona.
Hudson, James William, Biloxi.
Mallette, Avon Norris, Lucedale.
McGuire, John Eddie, Walls.
McLaurin, Willie James, Picayune.
Porter, Thomas Lamar, Vicksburg.
Ray, Willie James, Centreville.
Roberts, Joe Raymond, Jr., New Albany.
Robinson, Charles Wayne, Vicksburg.
Salters, Lee Earnest, Belden.
Sanford, Hollis Coleman, Jr., Clarksdale.
Santee, Henry Edward, Hattiesburg.
Stodard, William Terry, Meridian.
Sumrall, Roger Dale, Hattiesburg.

Marine Corps

Clark, Dennis Eugene, Tupelo.

MISSOURI

Army

Batesel, Dennis Gordon, Hocomo.
Burnett, Curters Joseph, Sikeston.
Cady, Stephen Michael, St. Louis.
Candrl, Bruce Charles, St. Louis.
Collins, Donald Clifton, West Plains.
Crawford, John Nelson, Jr., Kansas City.
Crosby, Louis John, St. Louis.
Dean, Terry Lee, Columbia.
Dickson, Ronald George, St. Louis.
Fisher, Dennis Fay, Walker.
Frasch, Robert Louis, Belton.
Freeman, David Franklin, Farmington.
Gallina, Anthony Joseph, Maplewood.
Gladu, Robert Joseph, St. Louis.
Grove, Steven Eugene, Kansas City.
Gutierrez, Christopher, St. Louis.
Hicks, Larry David, St. Ann.
Hodges, William Jesse, Sr., Kansas City.
Hood, Derald Joe, Polk.
Kraus, Jean Mason, Gorin.
Layne, Howard Wilson, Jr., Lamar.
Long, Thomas Arnold, Brookfield.
Maune, Francis Edward, Washington.
McCray, Pleasant, Jr., St. Louis.
McMillin, Gary Don, Osceola.
Miller, Burke Holbrook, Springfield.
Moore, Paul Vincent, Independence.
Morris, Tommy Gene, Lucerne.
Myers, Tony Howard, Kansas City.
Neu, William Allen, Overland.
Petty, Ernest De Forest, St. Louis.
Reynolds, Edward Lee, Macon.
Rother, Robert Cawson, Jr., St. Louis.
Sathoff, Dale Ervin, St. Louis.
Schmitz, Craig Alan, Kirkwood.
Shea, Thomas Welch, Ballwin.
Spiers, Randolph, Maysville.
Unzicker, Gregory Dean, St. Joseph.
Wilson, Robert Henerson, Jr., St. Louis.
Workman, Donald Renay, Kirkwood.

Marine Corps

Goszewski, Thomas Walter, Dellwood.
Hancock, Jerry Edward, Qulin.
Hudson, Gary Duane, Joplin.
James, Robert Lee, Clinton.
Mitchell, Daniel Lee, Ballwin.
Paule, Phillip Arthur, St. Louis.
Perry, Jack Armond, St. Louis.
Pope, Charles Alfred, Jr., Independence.
Waterfield, Richard F., Kansas City.

MONTANA

Army

Hensley, Mark Alan, Great Falls.
McDougall, Hima Duncan, Jr., Thompson Falls.
Mehls, Leland McGee, Flaxville.
Naasz, Emil John, Wolf Point.
Nichols, Phillip Arthur, Kalispell.
Stube, Richard Furrell, Helena.
Utter, Keith Edward, Eureka.
Ziebarth, Dennis Leroy, Missoula.

Air Force

Melnick, Steven Bernard, Billings.

NEBRASKA

Army

Anderson, Warren Charles, Omaha.
Barnhill, Robert Eugene, North Platte.
Kaminski, Raymond Donald, Loup City.
Larson, David Wayne, Funk.
Moreno, Dennis Ralph, Hay Springs.
Walker, Michael Allen, Scottsbluff.

Marine Corps

Samuelson, Ronald Earl, Wymore.

NEVADA

Army

Muncey, Jay Allan, Battle Mountain.

NEW JERSEY

Army

Asmuth, Robert Labudde, Jr., Montclair.
Diani, Franco, Passaic.
Formica, Gary Peter, Bloomfield.
Graham, Barry Francis, Jersey City.
Grau, Antonio Ambrosio, Lodi.
Grisard, John Robert, Long Branch.
Hutton, Walter Wesley, Newark.
Jacobson, Jon Christopher, Bayonne.
Koch, Kenneth John, Jersey City.
Lively, Warren II, Trenton.
Luttgens, James, Keyport.
Mickens, Carl Lawrence, Belleville.
Nudenberg, David Alan, Caldwell.
Rogers, Thomas Samuel, Penns Grove.
Schiess, Thomas Charles, Edgewater.
Schoenberg, Richard C., Palmyra.
Spruill, Ovell, Jersey City.

Marine Corps

Elliott, Robert William, Woodbury.
Humphrey, Kevin Richard, Park Ridge.
Ortiz, Robert Wilson, Paterson.

NEW MEXICO

Army

Chavez, Glen Alex, Glencoe.
Hern, William Burch, Albuquerque.
Robertson, Kenneth Lee, Albuquerque.
Smith, Jol Nebane, Santa Fe.

Air Force

Milbrath, Robert Keith, Okabena.

Marine Corps

Charlie, Peter, Farmington.
Kozai, Kenneth Bruce K., Albuquerque.
Montoya, Joe Herman, Santa Fe.

NEW YORK

Army

Aiken, William Leslie, Whitehall.
Allen, Leonard Peter, Fort Ann.
Alsever, Michael Hadwin, Pennellville.
Armato, Salvatore, Joseph, West Babylon.
Asep, Michael, New York.
Auletti, Peter Paul, New York.
Bailey, Rae Arvid, Clemons.
Baiz, Lee Thomas, Elmira.
Barrett, Stanley Howard, Waterford.
Bedient, Ross Edward, Valois.
Beebe, Richard William, Liverpool.
Bohnwagner, Peter Paul, Slate Hill.
Bojanek, Robert Arthur, Kenmore.
Bozier, Willie, Jr., New York.
Brown, Robert Joseph, Jr., Buffalo.
Bunk, Francis Xavier, East Islip.
Caines, Frederick Alfred, New York.
Cannan, Dennis Charles, Rochester.
Coffino, Thomas Paul, New York.
Crowley, John Edward, Williamson.
De Angelis, Dominic John, New York.
Di Finizio, Louis Carl, New York.
Dorsey, William Timothy, Peekskill.
Dragone, James Vincent, Middletown.
Fako, John Stephen, New York.
Fratellenico, Frank Rocco, Chatham.
Glenn, Edward Francis, Jr., Levittown.
Gross, Mark Irwin, New York.
Harrison, Charles E., Jr., Kill Buck.
Hatcher, David Lee, New York.
Huey, Donald Raymond, Farmingdale.
Kingston, George Henry, Jr., Waterloo.
Livingston, John Dewey, Red Creek.
Lynch, Bernard, New York.
Macedonio, Carmine Angelo, Williston Park.
Marcantonio, Joseph Frank, New York.
Martinez, Anthony Vincent, Medford Station.
Meehan, James Michael, Flushing.
Muniz-Garcia, Luis Ernesto, New York.
Olgyay, Roy Christopher, New York.
Ottman, Todd Whitney, Victor.
Oyola, Hector David, New York.
Pardo, Thomas Anthony, Flushing.
Petrashune, Michael James, Lyon Mountain.
Pippins, Gus, New York.
Quinn, Richard Floyd, Woodstock.
Salazar, Ernesto Victor, New York.
Shine, Jonathan Cameron, Pleasantville.
Silvernail, Douglas Harold, Bloomfield.
Smith, Michael, Richmond Hill.
Sorci, Mark Timothy, Niagara Falls.
Tamburri, John Richard Jr., New York.
Van Gelder, William H., Jr., Waterloo.
Vetrano, Gerald Michael, Elmont.
Wicks, William Arthur, North Bellmore.
Woodhouse, Robert F., Jr., Ellenville.

Air Force

Justice, William Paul, Niagra Falls.

Marine Corps

Bajin, Enver, College Point.
Boyd, Stephen Leslie, Rochester.
Cruz, Luis Antonio, New York.
Donnell, Robert A., II, Clymer.
Fisher, Arthur, North Tonawanda.
Gillies, James Francis, Bardonia.
Hines, John Charles, Cohoes.
Miller, Jeffery Allen, Akron.
Montano, William Andrew, Deer Park.
Montero, Ignacio, New York.
Murphy, William, New York.
Oliver, Kenneth Earlston, Rensselaer.
Puderbaugh, Charles Kay, Dryden.
Smith, Gregg Allison, Great Valley.
Stolz, James Edward, Jr., Hicksville.
Valle, Guillermo, New York.
Vega, Francisco, New York.

Navy

Beck, Edgar Peter, Jr., Gowanda.
Hyler, Nelson Michael, Scarsdale.
Koberlein, Charles Ernest, Swan Lake.
McNulty, William Francis, Green Island.
Neubauer, John Frank, Mount Vernon.
Raymond, Carl Roger, Elmira.
Rochez, Esteban Valeriano, New York.

Army

Alexander, Woodrow, New York.
Andrews, Walter Eugene, Jr., Garnerville.
Bailey, Dennis Michael, New York.
Barbaria, Louis Joseph, New York.
Bauer, Robert Ernest, Pearl River.
Bennett, John Jay, Beacon.

NORTH CAROLINA

Army

Adams, Merritt, Fayetteville.
Arbeit, Martin Irving, Fayetteville.
Austin, William Eugene, Lenoir.
Auten, Donald Eugene, Cramerton.
Black, Perry Gray, Winston-Salem.
Boone, William Edward, Durham.
Bradley, Thomas Euben, Tarboro.
Brown, Joseph Martin Leroy, Fayetteville.
Campbell, Wilson, Laurinburg.
Carroll, Max Edward, Gastonia.
Carroll, Samuel T., Jr., Drexel.
Clayton, Curvin, Durham.
Daves, Dennis Lee, Lincolnton.
Davis, Sherman Pondexter, Fayetteville.
Dennis, Jerry Allen, Erwin.
Dew, Robert Earl, Raeford.
Elkins, Bruce Clinton, Swannanoa.
Ford, Jerry Stevenson, Jonesville.
Fore, James Larry, Sanford.
Fox, Lorenzo, Battleboro.
Gaddie, David, Jr., Hope Mills.
Graham, Michael Allan, Kings Mountain.
Gray, Charles Howard, Jr., Fayetteville.
Grimm, Michael Joseph, Carthage.
Hailey, Mark Steven, High Point.
Harrison, Robert Allen, Asheville.
Heaggans, Thurston Conrad, Troutman.
Hodges, Bernard, Parkton.
Holder, James Edward, Fayetteville.
Hollifield, Harold Dean, Marion.
Howell, Ralph, Eureka.
Hyatt, Jack Edward, Sylva.
Johnson, Albert Lee, Angier.
Jones, Wilbert Earl, Mt. Olive.
Manring, Curtis Johnson, Pinnacle.
McDaniel, Cary Elzievan, McLeansville.
Moody, John Ernest, Jr., Norlina.
Oglb, Johnny Wayne, Burnsville.
Owens, Carl Eugene, Lincolnton.
Parris, Bobby James, Sylva.
Proffit, John Bernard, Todd.
Raymond, Fredrick Carol, Jr., Beaufort.
Ritchie, Glenn Carland, Jr., Mount Pleasant.
Slaughter, Kenneth Wesley, Murfreesboro.
Sturm, Herman Victor, Jr., Monroe.
Taylor, James Erwin, Laurinburg.
Taylor, Rodney Eugene, McGrady.
Taylor, Wendell, Enfield.
Walker, Gary Wayne, Winston-Salem.
Winborne, John Hutchings, Edenton.

Air Force

Morgan, Otis Cleveland, Candler.
Wellons, Phillip Rogerson, Raleigh.

NORTH DAKOTA

Army

Jacobson, Larry Bruce, Norma.
Sveen, Brent William, Fargo.

OHIO

Army

Amheiser, David James, Lodi.
Asher, Frank Louis, Hamilton.
Brown, Richard Allen, Rayland.
Bryan, David Andrew, North Canton.
Callan, Robert Thomas, Youngstown.
Climer, David Leroy, Columbus.
Conrad, John William, Fremont.
Dadisman, Gordon Alan, Dayton.
Dasen, Gerald Randal, III, Toledo.
Denig, Joseph Henry, Mansfield.
Devers, David Ronald, Sr., Paulding.
Du Pont, James Camil, Westerville.
Dunn, Carl Edward, Chillicothe.
Flynn, Raymond Joseph, Jr., Toledo.
Foster, Alfonza, East Liverpool.
Frilling, Jerome Raymond, Sidney.
Hannah, Byron Mark, Cygnet.
Hively, Daniel Richard, Danville.
Jasso, John, Rudolph.
Keister, John Loy, New Lexington.
Kelley, George Robert, Bellaire.
Koly, Robert James, Parma.
Lloyd, Randall Lynn, Sterling.
Marshall, Dennis Craig, Wooster.
McFarland, Richard Wesley, Lucas.
Mikolajczyk, Dennis Lee, Toledo.
Miller, Frank Harold, Jr., Athens.
Noel, Michael David, Lucasville.
Paley, Norman Fred, Mentor.
Peterson, Michael Harreld, Toledo.
Poland, Ronald Lee, Canton.
Radcliff, Robert Paul, Jr., Akron.
Reed, William Clemon, Hamilton.
Rice, Finley Austin, Athens.
Rice, Robert Thomas, Jr., Springfield.
Russell, John Joseph, Ironton.
Schaff, Ronald Joseph, Kettering.
Shaw, Jeffrey Michael, Lima.
Swiger, Bernard Leroy, Madison.
Thompson, Douglas, Cleveland.
Thompson, Timothy Joseph, Norwalk.
Walker, William Gregory, II, Euclid.
Ward, Paul, Rarden.
Wilhelm, William Lester, Covington.
Winter, Gary Glen, Grand Rapids.
Wirks, Robert Blane, East Palestine.
Zoller, Robert William, II, Mantua.

Air Force

Justice, William Allen, Columbus.
Pearl, Richard Max, Lorain.
Powell, John Parker, Dayton.

Marine Corps

Arnett, Ray, Jr., Dayton.
Chandler, Ronald Eugene, Cincinnati.
Courtney, Michael Joseph, Youngstown.
Jenkins, Donald Ray, Cleveland.
Jenks, Gary Lee, Xenia.
Mattingly, John Eugene, Dresden.
Predovic, William Mark, Cleveland.
Rowley, Theodore Texas, Chillicothe.
Savieo, Richard Hugh, Fostoria.
Trotta, Franciso Jeffrey, Cincinnati.
Ward, Craig Nelson, Dayton.

Navy

Kempel, Michael Richard, Cuyahoga Falls.
Nutter, Frederick Leroy, Zanesville.
Ratliff, Johnny, Washington Court House.
Rushton, Wayne Sterling, Eastlake.

OKLAHOMA

Army

Armstrong, Sherman Felton, Poteau.
Bogle, Dennis Dean, Oklahoma City.
Bookout, Charles Franklin, Oklahoma City.
Bradley, Alfred Lee, Stilwell.
Callison, Jimmy Ray, Nowata.
Cruse, Stanley Joe, Clayton.
Dodd, Richard Eugene, Wister.
Domine, Manuel De Leon, Ft. Sill.
Hartness, Roger Dale, Hulbert.
Hodges, Raymond Leon, Jr., Lawton.
Hutton, Charles Phillip, Tulsa.
Kalsu, James Robert, Oklahoma City.
Kusch, William Howard, Fairview.
Love, Don Wayne, Konawa.
McDonald, Albert, Jr., Tulsa.
Niman, Robert O'Neal, Tulsa.
Reese, Chester Roy, Jr., Sand Springs.
Starrett, John Delbert, Bartlesville.
Tefft, George Edward, Oklahoma City.
Wellman, Cecil Albert, Purcell.
Wells, Elroy Frederick, Ponca City.
Williams, Bobby Ray, Lawton.
York, Daniel Webster, Tulsa.

Marine Corps

Evans, Danny Leo, Atoka.
Porter, Robert Lee, Enid.
Prince, Eugene, Jr., Grant.
Teffs, James Richard, Tulsa.

Navy

Asher, Harold E., Tulsa.
Morrison, Randy Stanton, Oklahoma City.

OREGON

Army

Anderson, Dale Arthur, Portland.
Carper, John William, Jr., Sweet Home.
Davis, Kelly Ray, Arock.
Flieger, Harold Norman, Tigard.
Friend, Gary Ralph, Harper.
Gatliff, Larry Allen, Lebanon.
Johnson, Clifford Thomas, Portland.
Johnston, Edward Charles, Hines.
Milberger, Russell Dale, Portland.
Murphy, John William, Pendleton.
Ownbey, Timothy Robert, Springfield.
Popp, David Fred, Milwaukie.
Rogers, Dean Francis, Portland.
Smith, Gary Wayne, Toledo.
Taylor, Robert Wayne, Klamath Falls.
Whitmore, William Lee, Sherwood.
Whitton, Edward James, Gaston.
Williams, Robert A., Jr., Rockaway.
Winter, Gary James, Portland.

Marine Corps

Manela, Randall Paul, Eugene.

PENNSYLVANIA

Army

Belarski, Ronald Dale, Charleroi.
Blickenstaff, Joseph W., Jr., Littlestown.
Bowdren, James Ignatius, Jr., Philadelphia.
Cassin, Frank Andrew, Jr., Newell.
Corl, Franklin Matthew, Jr., Lebanon.
Di Bartolomeo, Ronald J., Volant.
English, Glenn Harry, Jr., Cornwells Heights.
Farnsworth, John Joseph, Jr., Frackville.
Findlay, William Thomas, Philadelphia.
Finn, Albert Maurice, Lansdale.
Fritsch, Andrew Joseph III, Rochester.
Geiger, Lawrence, Irwin.
Gilpin, Terry Lee, Marianna.
Glatfelter, Larry Eugene, Glen Rock.
Hamilton, Walter Wade, Eighty Four.
Hiteshue, Frank Richard, Penn.
Horner, Larry Mark, Walnutport.
Hughes, Frederick Joseph, Pittsburgh.
Hupp, James Earl, Darlington.
Johnson, Asa Thomas, Covington.
Johnson, George Russell, Amity.
Kelso, James Michael, Clifton Heights.
Kiscaden, Michael Edward, Lancaster.
Kubelus, Anthony George, Jr., Scranton.
Lishchynsky, George, Philadelphia.
Maratta, Craig, Allegheny.
Marlatt, Roy Wayne, Pittsburgh.
Martin, Lawrence Samuel, Philadelphia.
McCann, Jack William, Pittsburgh.
Meadows, Lee David, Johnstown.
Napier, Robert Wayne, Pittsburgh.
Parada, Edward John, Arcadia.
Piersol, John Laurence, Jr., Downingtown
Quinn, James Anthony, King of Prussia.
Reed, Albert Marshall, Philadelphia.
Scheib, Lawrence Elwood, Jr., Tower City.
Scholl, Clifford Paul, Jr., Macungie.
Schultz, Thomas Russell, Pittsburgh.
Shipe, Thomas Allebach, Venetia.
Shultz, Dale Edward, Freeport.
Spence, John Andrew, III, Modena.
Thomas, Henry Benny, Philadelphia.
Upright, Brian Dale, Starrucca.
Walko, Daniel Steven, Wilkes-Barre.
Walsh, Wayne Emerick, Jr., Fairbank.
Walter, Clyde Elmer, Jr., Claysburg.
Watson, Tyrone Calvin, Philadelphia.
Weidle, Robert James, Cornwells Heights.
Weigner, David Ralph, North Wales.
Wells, Roger Orrie, Pleasantville.
Wiegand, Dean Michael, Philadelphia.
Zerggen, Francis Albert, Philadelphia.

Marine Corps

Craige, Amos Mark, Selingrove.
Delozier, David Vincent, Altoona.
Hanlon, Martin Joseph, Gallitizin.
Klaiber, Francis Earl, Kane.
Miller, James Edward, Lancaster.
Morrow, Edward Cy, Bangor.
Smith, David Leland, Clairton.
Smith, Frederick Joseph, Pittsburgh.
Stockman, John Frank, Marcus Hook.
Thomas, John Henry, Jr., Pittsburgh.

Navy

Bullock, Dennis John, Montoursville.

RHODE ISLAND

Army

Lancaster, Robert West, Lincoln.
MacNaught, Robert William, Warwick.
O'Neill, John Joseph, Jr., Providence.
Webster, Dennis Wade, Narragansett.

Marine Corps

Argenti, Robert Lee, Providence.

SOUTH CAROLINA

Army

Baker, Clarence Eugene, Lancaster.
Blackwell, Robert Lawrence, Gaffney.
Brooks, David Lee, Greenwood.
Burdette, Hilburn M. Jr., Simpsonville.
Fields, Ronald Elwood, Anderson.
King, Robert Louis, Anderson.
McGee, Joseph O'Neil, Clinton.
Miles, Galen Spinks, Dillon.
Miller, Paul, Roebuck.
Norris, Grady Lee, Walhalla.
Shaw, William Frederick Jr., Columbia.
Smith, Richard Lee, West Columbia.
Still, Jerry Melton, Bamberg.

Marine Corps

Herring, Alfred Jimmy, Jr., Mullins.

Navy

Tapscott, Kennith Walker, Charleston.

SOUTH DAKOTA

Army

Hallstrom, Charles Maury, Webster.

Air Force

Callies, Tommy Leon, Howard.

Marine Corps

Flying Horse, Conrad Lee, McIntosh.

TENNESSEE

Army

Bills, Kenneth Dale, Greenfield.
Brady, David Harvey, Leoma.
Bramwell, Raymond Sanders, Nashville.
Coddington, James Patrick, Dyersburg.
Dickson, Kenneth Odell, Ethridge.
Ferguson, Richard Lee, Nashville.
Guinn, Joseph Wade, Bradford.
Knight, James William, Rockwood.
Markland, James Harry, Elizabethton.
Morgan, Michael Lynn, Hollow Rock.
Palk, Bobby Lee, Bloomington Spring.
Strong, James Larry, Celina.
Sullivan, Lawrence Michael, Memphis.
Weaver, Garry Lynn, Lake City.
Young, Thomas Dudley, McMinnville.
Yount, William Henry, Jr., Millington.

Marine Corps

Leftwich, William Groom, Jr., Germantown.
Rippetoe, Rae Kelland, Greeneville.
West John Edward, Jr., Johnson City.

Navy

Edmonds, Jerry Baxter, Jr., Crossville.
Ingle, Nathan Lamar, Chattanooga.
McGarry, Thomas Stewart, Springville.

TEXAS

Army

Avila, Juan, Jr., Brackettville.
Baker, Robert Benton, Jr., Pasadena.
Barnes, Stephen Westley, Duncanville.
Barrett, John Daniel, Wichita Falls.
Becker, James Christof, Palestine.
Bell, Harrison, Bon Weir.
Black, Victor Lee, De Kalb.
Bothwell, William David, Tyler.
Bowens, Tommy, Houston.
Broach, Earl David, Dallas.
Burgess, John Harlie, Jr., San Antonio.
Cain, James Calwinn, Hampshire.
Christie, Zane, Eureka.
Connel, David Arnold, Wichita Falls.
Dacus, Freddie Louis, Beaumont.
De Foor, Victor Lee, Abilene.
Dotson, William Thomas, III, Dallas.
Dunaway, Robert Leon, Jr., Ft. Worth
Elder, Howard Lee, Texarkana.
Epps, Titus Lee, Paris.
Fabacher, Sazin Dale, Copperas Cove
Flores, Florentino, Welch.
Flores, Roberto C., Brownsville.
Fracione, Frederick R., Alvin.
Guerrero, Andrew Castro, Midland.
Harper, Robert Edward, Houston.
Harris, Ned Henry, Houston.
Hays, Robert Bradford, Weslaco.
Hayton, Brent Allan, San Antonio.
Herd, Ronald Ward, Dallas.
Isaacs, Milo Clinton, Temple.
Jesko, Stephen Edward, Hereford.
Johnson, Ben Odell, Brenham.
Kestler, Jesse Lynn, Dallas.
Knetsar, George Arthur, Ft. Worth.
Laurence, William H., Jr., San Antonio.
Luna, Julian, Forreston.
Lynch, Samuel Roy, Nacogdoches.
Martin, Donnie Richard, Lubbock.
Montoya, David, Crystal City.
Moreno, Angel Jose, Roma.
Moreno, Jesus, Jr., Corpus Christi.
Nelson, Franklin King, Arlington.
Oldham, Robert Lee, Caldwell.
Orsini, John Joseph, Jr., Denver City.
Pannell, Phillip Randall, Plainview.
Patino, Roberto Lerma, Corpus Christi.
Percy, Donald Lee, Devers.
Perez, Jose Manuel, Brownsville.
Phillips, Roger Lee, La Porte.
Reyna, Joe, Jr., Cherokee.
Richardson, Robert Waynne, Alta Loma.
Rios, Fidencio Garza, Jr., San Antonio.
Roberts, Thurston Craig, Baytown.
Robertson, Tommy Wayne, Big Sandy.
Rodriguez, Margarito, Jr., Dallas.
Rodriguez, Sammy Pina, San Antonio.
Rosen, Patrick Dean, Austin.
Salazar, Alfred, Victoria.
Schultz, David Paul, Harlingen.
Sells, Terry Stephen, Fort Worth.
Sides, Harold Edwin, Dallas.
Sims, Kirk Wayne, Corpus Christi.
Smith, Donald Richard, Universal City.
Smith, Rayburn Lester, III, Shamrock.
Spencer, Robert Dale, Texas City.
Suniga, Ruben Bosquez, San Antonio.
Tomas, David Ray, Gonzales.
Tristan, Albert Flores, Dallas.
Tuttle, Nelson Payne, Abilene.
Valle, Eloy Ruben, Rio Grande City.

Air Force

Vaughan, Carver Joe, San Antonio.
Williamson, Benton Claude, Fort Worth.
Zamudio, Benigno, Jr., Houston.

Marine Corps

Aston, Blake Edward, Dallas.
Hendry, David Eugene, Lake Dallas.
Jones, Gary William, Houston.
Maseda, Robert, Port Lavaca.
Rodgers, Johnny Michael, Fort Worth.
Rogers, Orville Curtis, Jr., Dallas.
Sanchez, Michael, Dallas.
Torres, Joe D., San Antonio.
Vaden, William Kenneth, Jr., Hurst.
Villasana, Fernando, El Paso.

Navy

Ramos, Jose Parlo, McAllen.
Williams, Lawrence C., Jr., Port Arthur.
Worth, Robert Earl, Big Lake.

UTAH

Army

Hardman, Dean William, Murray.
Petersen, Harry Thomas, Salt Lake City.
Rhead, Jim Marble, Ogden.
Sorensen, Kenneth Jay, Lehi.
Stitt, Gregory Carlyle, Salt Lake City.
Wilks, Gregary Alan, Ogden.

VERMONT

Army

Carr, Stephen Douglas, Barre.

VIRGINIA

Army

Bass, John Cabney, Lynchburg.
Bly, Percy Eugene, Jr., Norfolk.
Brown, Eugene Onfil, Richmond.
Cox, Henry Thomas, Christiansburg.
Crouse, Edgar Franklin, Jr., Glen Allen.
Dickey, James Wheeler, Alexandria.
Edenton, Hiram Eurias, Jr., Spotsylvania.
Ellinger, Victor Lee, Staunton.
Felton, Garland Paris, Norfolk.
Ginn, James Michael, Arlington.
Jones, Wilbert Jasper, Jr., Keysville.
Journell, Robert Mason, III, Salem.
Knisley, Randall C., Roanoke.
Lancaster, Herman, Jr., Newport News.
McCauley, Wayland F., Jr., Manassas.
McElhannon, Kevin C., Jr., Alexandria.
Mealer, Ferrell Eugene, Jr., Virginia Beach.
Messer, Thomas Hubert, Springfield.
Myers, John Samuels, Moneta.
Neal, Harvey Ray, South Boston.
Newman, Stanley Victor, Oak Grove.
Palm, Terry Alan, Williamsburg.
Powers, Monroe Alan, Newport News.
Ramsey, Calvin Wetzel, Bassett.
Rohlinger, Joseph Earl, Fairfax.
Rucker, John William, Roanoke.
Spence, Joseph C., Jr., Franklin.
St. Clair, Elisha Reeves, Newport News.
Vaughan, Council Delano, Chesapeake.

Air Force

Burd, Douglas Glenn, Hampton.

Marine Corps

Akers, E. G., Jr., Galex.
Cardwell, Ernest Daniel, Concord.
Harvey, Cleveland Ray, Alexandria.
Ross, Walter, Jr., Bremo Bluff.
Steward, Jerry Waine, Springfield.
Wilborn, Charley Andrew, Richmond.

WASHINGTON

Army

Campbell, Donald Duane, Tacoma.
Cokley, Gary Wayne, Pasco.
Cordiner, Duane Gordon, Tumwater.
Crosier, Steven Sebastian, Toppenish.
Engebretson, Larry Douglas, Snohomish.
Frank, Harold Leroy, Seattle.
Heindselman, Michael James, Olympia.
Lenz, Lee Newlun, Kennewick.
Linnell, Dennis Richard, Mount Vernon.
Malatesta, Larry Joe, Enumclaw.
Matter, Mark Allen, Puyallup.
Morton, Charles Tienerey, Seattle.
Noble, Dennis Ray, Spokane.
Pomerinke, Richard Allen, Toppenish.
Quinn, James Joseph, III, Bellingham.
Reese, David Phillip, Tacoma.
Rouska, Dennis Leon, Cosmopolis.
Schmidt, James Crew, Mount Vernon.
Scoby, Richard William, Hoquiam.
Secor, William Cale, Kelso.
Swinson, Lonnie Melroe, Yelm.
Weber, Wiltse Lee, Tacoma.
Widmer, Kim William, Spokane.
Worthington, Richard C., Jr., Bothell.
Zornes, Vernon Glen, Chelan.

Air Force

Eddy, Garrett Edward, Seattle.

Marine Corps

Baker, David Wallace, Ridgefield.

Navy

Gerth, Peter Hudson, Yakima.

WEST VIRGINIA

Army

Cole, Roger Dale, Martinsburg.
Ellis, Randall Lee, Justice.
Fisher, Carroll Dean, Dunbar.
Gumm, Robert Hugh, Jr., Cowen.
Halstead, Benny Ray, Glen Morgan.
Hatcher, James Lewis, Sundial.
Hoffman, Charles David, Nitro.
Miller, James Calvin, Martinsburg.
Moles, Lewis Dayton, Elkview.
O'Brien, Dwight Preston, Ronceverte.
Pierce, Andrew Starrett, Jr., Alderson.
Salerno, Paul Louis, Weirton.

Air Force

Adkins, Kenneth Dale, Huntington.

Marine Corps

Burdette, Clifford Gerald, Hurricane.
Conner, David Leland, Wheeling.
Doty, James Marshall, Parkersburg.

WISCONSIN

Army

Anderson, William, Jr., Milwaukee.
Bahrke, Russell Leroy, Jr., Suring.
Benicek, James Milton, Racine.
Damm, Thomas William, Fond Du Lac.
De Long, Jerald Steven, De Soto.
Drapp, Robert George, Milwaukee.
Grebby, Robert William, Walworth.
Kreckel, John William, Milwaukee.
Kurz, Sidney Allen, Milwaukee.
Linton, Lee Roy Edward, Reeseville.
Maddux, David Thornton, Racine.
Martinez, William Joseph, Milwaukee.
Mc Master, Robert Paul, Green Bay.
Muellenbach, Robert Joseph, Malone.
Mulder, Russell Wesley, Adell.
Paulich, Patrick James, Racine.
Payne, Terry John, La Crosse.
Reed, Jon Edward, Somerset.
Richardson, Edmond William, Potosi.
Ritschard, Roger Lee, Monticello.
Roberts, Thomas John, Burlington.
Roe, John Marshall, Milwaukee.
Rouse, Jerome Michael, Coleman.
Schmidt, Peter Alden, Milwaukee.
Sengstock, Gary David, Marinette.
Severson, Donald Jon, Superior.
Stecker, Dennis Eugene, Manitowoc.
Strachota, John Gregory, Milwaukee.
Thelen, Le Roy Edmund, Glenbeulah.
Vanderweg, Peter Michael, Oak Creek.
Warden, Richard John, Sheboygan.

Air Force

McLeish, Charles Edward, Monana.

WYOMING

Army

Chipp, Donald Warren, Jr., Rock Springs.
Crichton, Robert Gary, Burlington.
Scott, Roger Lee, Powell.

GUAM

Army

Diaz, Edward Reyes, Piti.
Moreham, Vincent Pinaula, Sinajana.

PUERTO RICO

Army

Gavilan-Torres, Wilfredo, Ponce.
Hernandez-Carras, Quillo J., Juncos.
Hernandez-Rodriguez R., Isabela.
Lozada-Wichy, Anibal P., Bayamon.
Martinez-Zayas, Ruben, Salinas.
Rivera-Montes, Edictor, Manati.
Rodriguez, Guillermo, Cayey.

Marine Corps

Torres-Oyola, Orlando.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. In 1969 there were 1,278 new books on religion, 1,999 new books on science, and 3,216 new books published for the first time on economics and sociology.

FUNDS FOR THE DIXIE PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 10 minutes.

Mr. McKAY. Mr. Speaker, of great importance to the development of the southwestern part of the State of Utah is the long-awaited Dixie project. The Dixie has been shown to be economically sound and has been authorized by Congress and is now awaiting funding from the U.S. Government. At this time, I would like to offer my support for, and have inserted in the pages of the RECORD, a joint resolution of the 39th Legislature of the State of Utah calling for an acceleration of funding for the Dixie project:

HOUSE JOINT RESOLUTION 9

A joint resolution of the 39th Legislature of the State of Utah, memorializing the President of the United States, the Secretary of the Interior, and the Congress of the United States to accelerate the funding of the Dixie Project

Be it resolved by the Legislature of the State of Utah:

Whereas, the Dixie Project is important to the future economic growth of the area's irrigation, flood control, recreation, employment, municipal and industrial water, and highway improvement;

Whereas, the additional water developed under the Dixie Project would make water available for local resources and for industry which may be interested in coming into this area;

Whereas, the Dixie Project is economically sound and has been authorized by Congress;

Whereas, the Dixie Project has been planned and is now awaiting funding from the United States Government.

Now, therefore, be it resolved, that the 39th Legislature of the State of Utah calls upon the President of the United States, the Secretary of the Interior, and the Congress of the United States to take positive steps toward furthering and assisting the development of this potentially rich economically depressed area and toward accelerating the funding of the Dixie Project.

Be it further resolved, that the 39th Legislature of the State of Utah calls upon the Congressional delegation from the State of Utah to work avidly for the implementation of this resolution.

Be it further resolved, that the secretary of state is authorized and directed to send copies of this resolution to the President of the United States, the Secretary of the Interior, and the Congress of the United States and to the Senators and Congressmen representing the State of Utah in the United States Congress.

STATEMENT BY MRS. ABZUG ON THE OCCASION OF THE ADOPTION OF HOUSE RESOLUTION 317

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, on the occasion of the adoption of House Resolution 317 creating the Select Committee on the House Restaurant, I would like to take the opportunity to make some comments regarding the conditions under which employees in the House restaurant labor and the original mandate of this committee.

Let me first say that it is with some satisfaction that I note the change in jurisdiction which occurs in this measure. The previous tripartite arrangement whereby restaurant management was divided between the Capitol Architect, managerial personnel in the restaurant, and the select committee, was certainly an arrangement which rendered reform confusing and difficult, if not impossible. However, now that the restaurant is under the jurisdiction of the committee only, I would hope that the committee will proceed to carry out its mandate. It is critically important that one of the first efforts of the committee is a concerted effort to ameliorate the disgraceful conditions under which the employees are forced to work.

Accordingly, I would urge the committee to hold public hearings on the grievances of the employees of the House restaurant pertaining to hiring and dismissal procedures, working conditions, wages, and other matters affecting the restaurant employees. It is important that the committee invite all those interested parties who may wish to present relevant testimony including a number of employees of the restaurant.

Further, I would hope that the committee will evaluate the testimony, present its report to the House and make such recommendations as it deems advisable.

At this point I would like to enter into the RECORD a letter which was sent by a former employee of the restaurant to various Members of Congress a few years ago. A few days after writing this letter, Miss Mahatha, a black woman, had her hourly wage reduced from $1.92 to $1.71 per hour. Last year Miss Mahatha died of a heart attack.

The letter follows:

LONGWORTH RESTAURANT,
U.S. House of Representatives.

TO WHOM IT MAY CONCERN: I was working in the House Restaurant of the Capitol for all most four years. I was working as a salad girl, but they never gave me the title as a salad girl. They had my position stating that I was a counter girl. I was a grade 3, step 3, now I am a grade 2, step 2. All because of a misunderstanding with Jean Palmer on December 22, 1967, in which she was half drunk and plus she still had a half of bottle of whiskey left. This is what happened:

I threw out a bowl of fruit because the refrigerator had gone out, but still all the other things had to be thrown out and nothing was said to anyone else. Doing this time she (Jean) calls Mr. Cowan and he came down, and at that time she calls me a black lie and started to hit me and I told her that I wished she would and picked up a knife off the board. We went on out and he sent me home for a week and then when I came back the following Monday he sent me back for another week and he has never said anything to Jean Palmer.

Mr. Cowan said that he had talked it over with his boss and that they had decided to send me over to the Rayburn Cafeteria. As of now I am working in the Longworth Cafeteria because they were short of help. Mrs. Weil sent me over here. Now I am working as a coffee girl which I don't mind but they have cut my salary.

Since this has happened, I have talked to Mr. Cowan concerning my salary, and he talked very nasty to me saying that whoever sent you over here to go right back and tell them that he wasn't ready to give my grade back. I think that something should be done about this because I am a steady worker and I always come on time and all of this should be on my record. The Negroes have always been treated like this. Furthermore, years ago, Mr. Cowan drew a knife on the chef to protect himself and nothing was done about that.

I am hoping that you can help me with this problem. I am hoping to hear from you soon.

Thank you,

(Miss) EMILY MAHATHA.

Miss Mahatha endured the injustices and degradation of a system which oppressed her because she was black and because she was a woman. Now she is dead and it is too late to give her justice. However, let us do what is right by the living and ask the forgiveness of the dead.

Perhaps this body does not yet understand the implications of the institutional arrangements which it has supported for so long that have oppressed the poor, the underprivileged, the black, and the woman, but at the very least let us pursue justice in our own house and remove the inequities which have afflicted and abridged the rights of the workers in the House restaurant for so long.

Mr. Speaker, let me take this opportunity to report those conditions which have come to my attention.

In 1966 when the District of Columbia wage board was established the resturant workers were placed under its jurisdiction. When in 1968 District of Columbia workers were placed under a Federal wage board, the restaurant workers were not put under its jurisdiction but instead were placed under a separate wage board established rather arbitrarily by the Office of the Capitol Architect.

Most of the lower paying jobs are held by women and most of the women are black and it is my understanding that the majority of these women make under $5,000 a year.

Their promotions are arbitrarily decided and seniority is rarely a guarantee of a better position or higher salary.

There are no provisions which provide for their job security and thus they can be fired at any time with little recourse.

When the House is in recess most of the workers go off salary unless he or she has accumulated enough sick or vacation leave to receive salary through the recess. Those who continue to receive salary are few and the rest must join the ranks of the unemployed.

Furthermore, employees are required to take time for both breakfast and lunch and lose pay accordingly.

Finally, there is no adequate grievance procedure to insure the rights of the employed.

Mr. Speaker, many Members have been approached by workers with reports of injustices and it is my sincere hope that the committee will see fit to hold the public hearings I have recommended to permit the airing of these and other grievances and thus take a first step to alleviate this dreadful state of affairs.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to join with my colleagues in what has been a remarkable outpouring of tribute and concern in observance of the National Week of Concern for POW's and MIA's. In doing so, I must confess I have had to overcome some initial skepticism about the value of yet another round of speechmaking and memorializing on a subject about which we in Congress seem so powerless to control and/or influence. Over the years, I have risen on a number of occasions to call attention to the continuing plight of our unsung, and in some cases unknown, heroes of the conflict in Indochina. Many of my colleagues have done the same, and to what avail? Are we closer to a solution? Have we prompted the administration to any concrete action or dramatic move?

More than my skepticism, I must confess I have had to overcome some fears—fears that we might be in danger of crossing a very thin and vague, ill-defined borderline between our statesmen-like action and politics on what is, after all, one of the most emotional issues in this Nation today. I am afraid that we may well end up being accused of simply making noises, idle gestures, playing to the galleries on an issue which is of no small concern to so many patient and long-suffering families across this land.

But I have finally overcome both my skepticism and my fears and have decided to rise today to join my colleagues once again in focusing attention on this problem, because in the end I have concluded that it might just be worth the effort one more time to register the unanimous concern of this House, together with the other House, for our separated brothers. It may just be this outpouring might finally accomplish the impossible and reach the consciences, if not the hearts, of the North Vietnamese and lead them to see the injustice in their course of action—if not the injustice, then the bad public relations of their action. If somehow we could convey to the North Vietnamese that all Americans, whatever their views on the war may be, are united on at least one aspect of this war, then we just might manage to convince them that they would be much better off without the stigma of the POW/MIA policy that they have pursued. If not the North Vietnamese, we just might be successful in registering some impression on the mentors, backers, and providers of the North Vietnamese, the Russians, or the Chinese who, in turn, just might influence their ally to mend its ways.

Closer to home, a unanimous outpouring of concern on this issue might just possibly register an impression on the administration to try one more time, make one more concession, make one last all-out effort to negotiate the release of these men. One of the depressing aspects of corresponding with the administration on this issue is that the replies a Congressman receives are stale retreads of what we have heard all along. They seem to lack even the suggestion of new thinking. They do not indicate that any real search is going on in the minds and hearts of the leaders of the administration to come up with a solution to this problem. New proposals put forth by men of good will in Congress seem to be rejected out of hand. The other side, which is all too easily blamed, is blamed once again. Perhaps this week of heart-rending concern, this week of national admission that something is wrong when we go about our merry ways while our brothers sit tortured behind bars in a far-off land, deprived of any contact with the outside world. As I sit down once again, I am beset with misgivings. What we really need as a nation is a week of penance and sacrifice to bring home to one and all the cost of this war and the real suffering being borne by such a small number of men for a large nation such as ours. It is an appalling fact that some should be deprived of so much while others enjoy so much. We too often appear to be more a nation at play than a nation at war. If the morale of our troops is low when faced with this picture, think of what must be going on in what is left of the minds of our POW/MIA's. Until this dilemma is resolved this Nation will never really be at peace where it counts the most—at peace with itself.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pettis) to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mrs. Grasso) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rarick, for 10 minutes, today.

Mr. McKay, for 10 minutes, today.

Mrs. Abzug, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Pettis) and to include extraneous material:)

Mr. Riegle in two instances.

Mr. Horton.

Mr. Wyatt.

Mr. Scherle in 10 instances.

Mr. Lent.

Mr. King in five instances.

Mr. Schmitz in three instances.

Mr. Stafford.

Mr. Duncan.

Mr. Kuykendall.

Mr. Bob Wilson.

Mr. Findley.

Mr. Wydler.

Mr. Keith.

Mr. Baker.

Mr. Zion in two instances.

(The following Members (at the request of Mrs. Grasso) and to include extraneous matter:)

Mr. Davis of Georgia in 10 instances.

Mr. Mitchell.

Mr. Carney.

Mr. Roe in two instances.

Mr. Murphy of New York in two instances.

Mr. Badillo.

Mr. Griffin in two instances.

Mr. Monagan.

Mr. Pucinski in six instances.

Mrs. Grasso in two instances.

Mr. Clark.

Mrs. Mink.

Mr. Clay in six instances.

Mr. Rostenkowski.

Mr. Gonzalez in two instances.

Mr. Rarick in two instances.

Mr. Hagan in five instances.

Mr. Fountain.

Mr. Kluczynski in two instances.

Mr. James V. Stanton.

Mr. Boggs in two instances.

Mr. Fascell in two instances.

Mr. Bingham in two instances.

Mr. Harrington in four instances.

Mr. Howard.

Mr. O'Neill in two instances.

Mr. Patten in two instances.

Mr. Anderson of California in three instances.

Mr. Rodino.

Mr. Delaney.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, an for other purposes.

ADJOURNMENT

Mrs. GRASSO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 29, 1971, at 12 o'clock noon.

OATH OF OFFICE, MEMBERS AND RESIDENT COMMISSIONER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by each of the following Members and Resident Commissioner of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948:

ALABAMA

1. Jack Edwards.
2. William L. Dickinson.
3. George W. Andrews.
4. Bill Nichols.
5. Walter Flowers.
6. John Buchanan.
7. Tom Bevill.
8. Robert E. Jones.

ALASKA

At Large

Nick Begich.

ARIZONA

1. John J. Rhodes.
2. Morris K. Udall.
3. Sam Steiger.

ARKANSAS

1. Bill Alexander.
2. Wilbur D. Mills.
3. John Paul Hammerschmidt.
4. David Pryor.

CALIFORNIA

1. Don H. Clausen.
2. Harold T. Johnson.
3. John E. Moss.
4. Robert L. Leggett.
5. Phillip Burton.
6. William S. Mailliard.
7. Ronald V. Dellums.
8. George P. Miller.
9. Don Edwards.
10. Charles S. Gubser.
11. Paul N. McCloskey, Jr
12. Burt L. Talcott.
13. Charles M. Teague.
14. Jerome R. Waldie.
15. John J. McFall.
16. B. F. Sisk.
17. Glenn M. Anderson.
18. Robert B. (Bob) Mathias.
19. Chet Holifield.
20. H. Allen Smith.
21. Augustus F. Hawkins.
22. James C. Corman.
23. Del Clawson.
24. John H. Rousselot.
25. Charles E. Wiggins.
26. Thomas M. Rees.
27. Barry M. Goldwater, Jr.
28. Alphonzo Bell.
29. George E. Danielson.
30. Edward R. Roybal.
31. Charles H. Wilson.
32. Craig Hosmer.
33. Jerry L. Pettis.
34. Richard T. Hanna.
35. John G. Schmitz.
36. Bob Wilson.
37. Lionel Van Deerlin.
38. Victor V. Veysey.

COLORADO

1. James D. (Mike) McKevitt.
2. Donald G. Brotzman.
3. Frank E. Evans.
4. Wayne N. Aspinall.

CONNECTICUT

1. William R. Cotter.
2. Robert H. Steele.
3. Robert N. Giaimo.
4. Stewart B. McKinney.

5. John S. Monagan.
6. Ella T. Grasso.

DELAWARE

At Large

Pierre S. (Pete) du Pont.

FLORIDA

1. Robert L. F. Sikes.
2. Don Fuqua.
3. Charles E. Bennett.
4. Bill Chappell, Jr.
5. Louis Frey, Jr.
6. Sam Gibbons.
7. James A. Haley.
8. C. W. Bill Young.
9. Paul G. Rogers.
10. J. Herbert Burke.
11. Claude Pepper.
12. Dante B. Fascell.

GEORGIA

1. G. Elliott Hagan.
2. Dawson Mathis.
3. Jack Brinkley.
4. Ben B. Blackburn.
5. Fletcher Thompson.
6. John J. Flynt, Jr.
7. John W. Davis.
8. W. S. (Bill) Stuckey, Jr.
9. Phil M. Landrum.
10. Robert G. Stephens, Jr.

HAWAII

1. Spark M. Matsunaga.
2. Patsy T. Mink.

IDAHO

1. James A. McClure.
2. Orval Hansen.

ILLINOIS

1. Ralph H. Metcalfe.
2. Abner J. Mikva.
3. Morgan F. Murphy.
4. Edward J. Derwinski.
5. John C. Kluczynski.
6. George W. Collins.
7. Frank Annunzio.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. Harold R. Collier.
11. Roman C. Pucinski.
12. Robert McClory.
13. Philip M. Crane.
14. John N. Erlenborn.
15. Charlotte T. Reid.
16. John B. Anderson.
17. Leslie C. Arends.
18. Robert M. Michel.
19. Tom Railsback.
20. Paul Findley.
21. Kenneth J. Gray.
22. William L. Springer.
23. George E. Shipley.
24. Melvin Price.

INDIANA

1. Ray J. Madden.
2. Earl F. Landgrebe.
3. John Brademas.
4. J. Edward Roush.
5. Elwood Hillis.
6. William G. Bray.
7. John T. Myers.
8. Roger H. Zion.
9. Lee H. Hamilton.
10. David W. Dennis.
11. Andrew Jacobs, Jr.

IOWA

1. Fred Schwengel.
2. John C. Culver.
3. H. R. Gross.
4. John Kyl.
5. Neal Smith.
6. Wiley Mayne.
7. William J. Scherle.

KANSAS

1. Keith G. Sebelius.
2. William R. Roy.
3. Larry Winn, Jr.
4. Garner E. Shriver.
5. Joe Skubitz.

KENTUCKY

1. Frank A. Stubblefield.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. M. G. (Gene) Snyder.
5. Tim Lee Carter.
6. John C. Watts.
7. Carl D. Perkins.

LOUISIANA

1. F. Edward Hébert.
2. Hale Boggs.
3. Patrick T. Caffery.
4. Joe D. Waggonner, Jr.
5. Otto E. Passman.
6. John R. Rarick.
7. Edwin W. Edwards.
8. Speedy O. Long.

MAINE

1. Peter N. Kyros.
2. William D. Hathaway.

MARYLAND

1. Rogers C. B. Morton.
2. Clarence D. Long.
3. Edward A. Garmatz.
4. Paul S. Sarbanes.
5. Lawrence J. Hogan.
6. Goodloe E. Byron.
7. Parren J. Mitchell.
8. Gilbert Gude.

MASSACHUSETTS

1. Silvio O. Conte.
2. Edward P. Boland.
3. Robert F. Drinan.
4. Harold D. Donohue.
5. F. Bradford Morse.
6. Michael Harrington.
7. Torbert H. Macdonald.
8. Thomas P. O'Neill, Jr.
9. Louise Day Hicks.
10. Margaret M. Heckler.
11. James A. Burke.
12. Hastings Keith.

MICHIGAN

1. John Conyers, Jr.
2. Marvin L. Esch.
3. Garry Brown.
4. Edward Hutchinson.
5. Gerald R. Ford.
6. Charles E. Chamberlain.
7. Donald W. Riegle, Jr.
8. James Harvey.
9. Guy Vander Jagt.
10. Elford A. Cederberg.
11. Philip E. Ruppe.
12. James G. O'Hara.
13. Charles C. Diggs, Jr.
14. Lucien N. Nedzi.
15. William D. Ford.
16. John D. Dingell.
17. Martha W. Griffiths.
18. William S. Broomfield.
19. Jack H. McDonald.

MINNESOTA

1. Albert H. Quie.
2. Ancher Nelsen.
3. Bill Frenzel.
4. Joseph E. Karth.
5. Donald M. Fraser.
6. John M. Zwach.
7. Bob Bergland.
8. John A. Blatnik.

MISSISSIPPI

1. Thomas G. Abernethy.
2. Jamie L. Whitten.
3. Charles H. Griffin.
4. G. V. (Sonny) Montgomery.
5. William M. Colmer.

MISSOURI

1. William (Bill) Clay.
2. James W. Symington.
3. Leonor K. (Mrs. John B.) Sullivan.
4. Wm. J. Randall.
5. Richard Bolling.
6. W. R. Hull, Jr.
7. Durward G. Hall.
8. Richard H. Ichord.
9. William L. Hungate.
10. Bill D. Burlison.

MONTANA

1. Richard G. Shoup.
2. John Melcher.

NEBRASKA

1. Charles Thone.
2. John Y. McCollister.
3. Dave Martin.

NEVADA

At Large

Walter S. Baring.

NEW HAMPSHIRE

1. Louis C. Wyman.
2. James C. Cleveland.

NEW JERSEY

1. John E. Hunt.
2. Charles W. Sandman, Jr.
3. James J. Howard.
4. Frank Thompson, Jr.
5. Peter H. B. Frelinghuysen.
6. Edwin B. Forsythe.
7. William B. Widnall.
8. Robert A. Roe.
9. Henry Helstoski.
10. Peter W. Rodino, Jr.
11. Joseph G. Minish.
12. Florence P. Dwyer
13. Cornelius E. Gallagher.
14. Dominick V. Daniels.
15. Edward J. Patten.

NEW MEXICO

1. Manuel Lujan, Jr.
2. Harold Runnels.

NEW YORK

1. Otis G. Pike.
2. James R. Grover, Jr.
3. Lester L. Wolff.
4. John W. Wydler.
5. Norman F. Lent.
6. Seymour Halpern.
7. Joseph P. Addabbo.
8. Benjamin S. Rosenthal.
9. James J. Delaney.
10. Emanuel Celler.
11. Frank J. Brasco.
12. Shirley Chisholm.
13. Bertram L. Podell.
14. John J. Rooney.
15. Hugh L. Carey.
16. John M. Murphy.
17. Edward I. Koch.
18. Charles B. Rangel.
19. Bella S. Abzug.
20. William F. Ryan.
21. Herman Badillo.
22. James H. Scheuer.
23. Jonathan B. Bingham.
24. Mario Biaggi.

25. Peter A. Peyser.
26. Ogden R. Reid.
27. John G. Dow.
28. Hamilton Fish, Jr.
29. Samuel S. Stratton.
30. Carleton J. King.
31. Robert C. McEwen.
32. Alexander Pirnie.
33. Howard W. Robison.
34. John H. Terry.
35. James M. Hanley.
36. Frank Horton.
37. Barber B. Conable, Jr.
38. James F. Hastings.
39. Jack F. Kemp.
40. Henry P. Smith III
41. Thaddeus J. Dulski.

NORTH CAROLINA

1. Walter B. Jones.
2. L. H. Fountain.
3. David N. Henderson.
4. Nick Galifianakis.
5. Wilmer (Vingear Bend) Mizell.
6. Richardson Preyer.
7. Alton Lennon.
8. Earl B. Ruth.
9. Charles Raper Jonas.
10. James T. Broyhill.
11. J. William Stanton.

NORTH DAKOTA

1. Mark Andrews.
2. Arthur A. Link.

OHIO

1. William J. Keating.
2. Donald D. Clancy.
3. Charles W. Whalen, Jr.
4. William M. McCulloch.
5. Delbert L. Latta.
6. William H. Harsha.
7. Clarence J. Brown.
8. Jackson E. Betts.
9. Thomas L. Ashley.
10. Clarence E. Miller.
11. J. William Stanton.
12. Samuel L. Devine.
13. Charles A. Mosher.
14. John F. Seiberling.
15. Chalmers P. Wylie.
16. Frank T. Bow.
17. John M. Ashbrook.
18. Wayne L. Hays.
19. Charles J. Carney.
20. James V. Stanton.
21. Louis Stokes.
22. Charles A. Vanik.
23. William E. Minshall.
24. Walter E. Powell.

OKLAHOMA

1. Page Belcher.
2. Ed Edmondson.
3. Carl Albert.
4. Tom Steed.
5. John Jarman.
6. John N. Happy Camp.

OREGON

1. Wendell Wyatt.
2. Al Ullman.
3. Edith Green.
4. John Dellenback.

PENNSYLVANIA

1. William A. Barrett.
2. Robert N. C. Nix.
3. James A. Byrne.
4. Joshua Eilberg.
5. William J. Green.
6. Gus Yatron.
7. Lawrence G. Williams.
8. Edward G. Biester, Jr.
9. John Ware.
10. Joseph M. McDade.
11. Daniel J. Flood.
12. J. Irving Whalley.
13. R. Lawrence Coughlin.
14. William S. Moorhead.
15. Fred B. Rooney.
16. Edwin D. Eshleman.
17. Herman T. Schneebeli.
18. Robert J. Corbett.
19. George A. Goodling.
20. Joseph M. Gaydos.
21. John H. Dent.
22. John P. Saylor.
23. Albert W. Johnson.
24. Joseph P. Vigorito.
25. Frank M. Clark.
26. Thomas E. Morgan.
27. James G. Fulton.

RHODE ISLAND

1. Fernand J. St Germain.
2. Robert O. Tiernan.

SOUTH CAROLINA

1. [Vacant].
2. Floyd Spence.
3. Wm. Jennings Bryan Dorn.
4. James R. Mann.
5. Tom S. Gettys.
6. John L. McMillan.

SOUTH DAKOTA

1. Frank E. Denholm.
2. James Abourezk.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan.
3. LaMar Baker.
4. Joe L. Evins.
5. Richard H. Fulton.
6. William R. Anderson.
7. Ray Blanton.
8. Ed Jones.
9. Dan Kuykendall.

TEXAS

1. Wright Patman.
2. John Dowdy.
3. James M. Collins.
4. Ray Roberts.
5. Earle Cabell.
6. Olin E. Teague.
7. Bill Archer.
8. Bob Eckhardt.
9. Jack Brooks.
10. J. J. Pickle.
11. W. R. Poage.
12. Jim Wright.
13. Graham Purcell.
14. John Young.
15. Eligio de la Garza.
16. Richard C. White.
17. Omar Burleson.
18. Robert Price.
19. George Mahon.
20. Henry B. Gonzalez.
21. O. C. Fisher.
22. Bob Casey.
23. Abraham Kazen, Jr.

UTAH

1. K. Gunn McKay.
2. Sherman P. Lloyd.

VERMONT

At large

Robert T. Stafford.

VIRGINIA

1. Thomas N. Downing.
2. G. William Whitehurst.
3. David E. Satterfield III.
4. Watkins M. Abbitt.
5. W. C. (Dan) Daniel.
6. Richard H. Poff.
7. J. Kenneth Robinson.
8. William Lloyd Scott.
9. William C. Wampler.
10. Joel T. Broyhill.

WASHINGTON

1. Thomas M. Pelly.
2. Lloyd Meeds.
3. Julia Butler Hansen.
4. Mike McCormack.
5. Thomas S. Foley.
6. Floyd V. Hicks.
7. Brock Adams.

WEST VIRGINIA

1. Robert H. Mollohan.
2. Harley O. Staggers.
3. John M. Slack.
4. Ken Hechler.
5. James Kee.

WISCONSIN

1. Les Aspin.
2. Robert W. Kastenmeier.
3. Vernon W. Thomson.
4. Clement J. Zoblocki.
5. Henry S. Reuss.
6. William A. Steiger.
7. David R. Obey.
8. John W. Byrnes.
9. Glenn R. Davis.
10. Alvin E. O'Konski.

WYOMING

At large

Teno Roncalio.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

467. A letter from the Secretary of Defense, transmitting the annual report on Reserve Forces for fiscal year 1970, pursuant to 10 U.S.C. 279; to the Committee on Armed Services.

468. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior; to the Committee on Interior and Insular Affairs.

469. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide that the unincorporated territories of Guam and the Virgin Islands shall be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

470. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 7, 1969, submitting a report, together with accompanying papers and illustrations, on Terre Notre Creek Basin, Ark., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 8, 1964; to the Committee on Public Works.

471. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 12, 1969, submitting a report, together with accompanying papers and illustrations, on Chittenango Creek and tributaries, New York, requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 24, 1961; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

472. A letter from the Comptroller General of the United States, transmitting a report on the evaluation of results and administration of the job opportunities in the business sector (JOBS) program in five cities. Department of Labor; to the Committee on Government Operations.

473. A letter from the Comptroller General of the United States, transmitting a report that more competition in emergency defense procurement by the Department of Defense is found possible; to the Committee on Government Operations.

474. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of Salman M. Hilmy against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 4209. A bill to amend the Revised Organic Act of the Virgin Islands; (Rept. No. 92–67). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANN: Committee on the Judiciary. H.R. 5814. A bill to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; without amendment (Rept. No. 92–68). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 5981. A bill to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugarbeets; with amendment (Rept. No. 92–81). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 6531. A bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; with amendment (Rept. No. 92–82). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1824. A bill for the relief of Clinton M. Hoose; with amendment (Rept. No. 92–69). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 1891. A bill for the relief of John W. Watson, a minor; (Rept. No. 92–70). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2011. A bill for the relief of Philip C. Riley and Donald F. Lane; (Rept. No. 92–71). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2047. A bill for the relief of Marion Owen; (Rept. No. 92–72). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 2067. A bill for the relief of Mrs. Rose Thomas; (Rept. No. 92–73). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 2132. A bill for the relief of Cmdr. Albert G. Berry, Jr.; (Rept. 92–74). Referred to the Committee of the Whole House.

Mr. DONOHUE. Committee on the Judiciary. H.R. 2400. A bill for the relief of David Z. Glassman; (Rept. No. 92–75). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2816. A bill for the relief of Rose Minutillo; (Rept. No. 92–76). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 3475. A bill for the relief of Paul Anthony Kelly; (Rept. No. 92–77). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 4327. A bill for the relief of Robert L. Stevenson; (Rept. No. 92–78). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committtee on the Judiciary. H.R. 5419. A bill for the relief of Corbie F. Cochran, Jr.; (Rept. No. 92–79). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 5422. A bill for the relief of the American Journal of Nursing; (Rept. No. 92–80). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK (for himself and Mr. DENHOLM):

H.R. 6745. A bill to amend section 122 of title 28 of the United States Code to transfer certain of the Central Division of the Judicial District of South Dakota; to the Commiittee on the Judiciary.

By Mr. ANDREWS of Alabama:

H.R. 6746. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. BOW:

H.R. 6747. A bill to provide private sector financing of the prototype construction of a commercial supersonic transport airplane, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS (for himself, Mr. REID of New York, Mrs. MINK, Mr. QUIE, Mr. MEEDS, Mr. DELLENBACK, Mr. SCHEUER, Mr. HANSEN of Idaho, Mr. BELL, and Mr. CLAY):

H.R. 6748. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 6749. A bill to amend the Rail Passenger Service Act of 1970 to require intercity rail passenger service between New York, N.Y., and Chicago, Ill., via Youngstown, Ohio, and also between Washington, D.C., and Chicago, Ill., via Youngstown, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. ANDERSON of Tennessee, Mr. COLLINS of Illinois, Mr. FRELINGHUYSEN, Mr. GREEN of Pennsylvania, Mr. RANGEL, and Mr. J. WILLIAM STANTON):

H.R. 6750. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

Mr. CONTE (for himself, Mr. ADAMS, Mr. ANDERSON of Tennessee, Mr. COLLINS of Illinois, Mr. FRELINGHUYSEN, Mr. GREEN of Pennsylvania, Mr. RANGEL, Mr. RUPPE, and Mr. J. WILLIAM STANTON):

H.R. 6751. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 6752. A bill to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such code (relating to tax on the use of certain vehicles); to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 6753. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

H.R. 6754. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 6755. A bill to amend the Internal Revenue Code of 1954 to provide that periodic assistance payments made by the United States on behalf of homeowners and cooperative members under section 235 of the National Housing Act shall not be deductible as interest; to the Committee on Ways and Means.

H.R. 6756. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 6757. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 6758. A bill to provide for the creation of an authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 6759. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERLENBORN (for himself, Mr. QUIE, Mr. BELL, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. VEYSEY):

H.R. 6760. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. GERALD R. FORD:

H.R. 6761. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture.

H.R. 6762. A bill to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

H.R. 6763. A bill to amend title 37, United States Code, to make military pay more equitable, and for other purposes; to the Committee on Armed Services.

H.R. 6764. A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; to the committee on Armed Services.

H.R. 6765. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; to the Committee on Armed Services.

H.R. 6766. A bill to extend and amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 6767. A bill to establish a National Foundation for Higher Education, and for other purposes; to the Committee on Education and Labor.

H.R. 6768. A bill to amend section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

H.R. 6769. A bill to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

H.R. 6770. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 6771. A bill to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 6772. A bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 6773. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall not be less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6774. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.R. 6775. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 6776. A bill to amend the Fair Packaging Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL (for himself, Mr. Anderson of Illinois, Mr. Buchanan, Mr. Brown of Michigan, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Collins of Illinois, Mr. Collins of Texas, Mr. Corbett, Mr. Coughlin, Mr. Dent, Mr. Derwinski, Mr. Dorn, Mr. Erlenborn, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Hansen of Idaho, Mr. Hosmer, Mr. Halpern, Mr. Hunt, Mr. McCloskey, Mr. McDade, Mr. Mazzoli, and Mr. Moorhead):

H.R. 6777. A bill to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. KUYKENDALL (for himself, Mr. Biester, Mr. Morse, Mr. Patman, Mr. Pelly, Mr. Pepper, Mr. Peyser, Mr. Robinson of Virginia, Mr. Roush, Mr. Schwengel, Mr. Scott, Mr. Shoup, Mr. Talcott, Mr. Terry, Mr. Thone, Mr. Veysey, Mr. Whitehurst, Mr. Williams, Mr. Winn, and Mr. Wyman):

H.R. 6778. A bill to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORHEAD:

H.R. 6779. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOSS:

H.R. 6780. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H.R. 6781. A bill to incorporate the National Social Conditioning Camps; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 6782. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 6783. A bill to establish a National Student Loan Association to serve as a secondary market for student loans insured under the Higher Education Act and to provide liquidity for those making such loans; to the Committee on Education and Labor.

H.R. 6784. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas (for himself, Mr. Bingham, Mr. Leggett, Mr. Mahon, Mr. Melcher, Mr. Baker, Mr. Duncan, Mr. Myers, Mr. Hillis, Mr. Hanley, Mr. Galifianakis, Mr. Brasco, Mr. Collins of Illinois, Mr. Alexander, Mr. Kee, Mr. Gallagher, Mr. Gonzalez, Mr. Begich, and Mr. Kyros):

H.R. 6785. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. ST GERMAIN:

H.R. 6786. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

H.R. 6787. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mrs. Hansen of Washington, Mr. McClure, Mr. Dent, Mr. McDade, and Mr. Wyatt):

H.R. 6788. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, Mr. Bell, and Mr. Denholm):

H.R. 6789. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 6790. A bill to permit American citizens to hold gold and to accept gold as compensation under the terms of a contract; to the Committee on Banking and Currency.

By Mr. SHRIVER:

H.R. 6791. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 6792. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

H.R. 6793. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 6794. A bill to amend the Bacon-Davis Act, as amended, and the Walsh-Healey Government Contracts Act, as amended, to prevent suspension of their provisions by the President to the Committee on Education and Labor.

By Mr. JAMES V. STANTON:

H.R. 6795. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

By Mr. J. WILLIAM STANTON:

H.R. 6796. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Ill., via Buffalo, N.Y., to the Committee on Interstate and Foreign Commerce.

By Mr. STEED (for himself, Mr. Edmundson, and Mr. Camp):

H.R. 6797. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316A, 317, 145, 193, and 318; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.R. 6798. A bill to establish a registration system with respect to donors of blood, and to provide funds for research to detect serum hepatitis prior to transfusion and transmission of the disease; to the Committee on Interstate and Foreign Commerce.

H.R. 6799. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood to nonprofit blood banks and other nonprofit organizations; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin (for himself, Mr. Matsunaga, Mr. Drinan, Mr. Abourezk, Mr. Winn, and Mr. Collins of Illinois):

H.R. 6800. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. SYMINGTON:

H.R. 6801. A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMSON of Wisconsin:

H.R. 6802. A bill to amend the Social Security Act to provide increased widow's and widower's insurance benefits; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 6803. A bill to create a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

H.R. 6804. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear, seal, walrus, and cetaceans for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF:

H.R. 6805. A bill to amend the Fish and Wildlife Coordination Act to authorize refrainment from certain activities and to permit the refusal of Federal licenses or permits for such activities; to the Committee on Merchant Marine and Fisheries.

H.R. 6806. A bill to amend the Solid Waste Disposal Act to provide for greater incentives for demonstration of resources recovery systems; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 6807. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida (for himself, Mr. Frenzel, Mr. Archer, Mr. Aspin, Mrs. Chisholm, Mr. Devine, Mr. Edwards of California, Mr. Esch, Mr. Forsythe, Mrs. Grasso, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hillis, Mr. Hogan, Mr. Keating, Mr. Kemp, Mr. Leggett, Mr. McKevitt, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Ryan, and Mr. Veysey):

H.R. 6808. A bill to require the Secretary of Transportation to prescribe regulation requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.J. Res. 507. Joint resolution; designation of third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 508. Joint resolution increasing the authorizations for comprehensive planning grants and open-space-land grants; to the Committee on Banking and Currency.

By Mr. GARMATZ:

H.J. Res. 509. Joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day"; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 510. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 511. Joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 512. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. WOLFF:

H.J. Res. 513. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. BADILLO:

H. Con. Res. 238. Concurrent resolution relative to San Juan's 450th anniversary; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 239. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. BRADEMAS (for himself, Mr. Kyros, Mr. Galifianakis, Mr. Yatron, and Mr. Sarbanes):

H. Res. 346. Resolution relative the 150th anniversary of independence for Greece; to the Committee on Foreign Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. Long of Maryland, and Mr. Byrne of Pennsylvania):

H. Res. 347. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WOLFF:

H. Res. 348. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 6809. A bill for the relief of Gioacchino, Giovanna, and Antonio Giuseppe Gancitano; to the Committee on the Judiciary.

H.R. 6810. A bill for the relief of Graziano Randazzo; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 6811. A bill for the relief of Salvatore Orlando; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 6812. A bill for the relief of Mani Hashem, his wife, Malihe Hashem, and their minor daughter, Ariela Hashem; to the Committee on the Judiciary.

H.R. 6813. A bill for the relief of Mario Michele Zito; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 6814: A bill for the relief of Anna Anzalone; to the Committee on the Judiciary.

H.R. 6815. A bill for the relief of Ann Attanasio; to the Committee on the Judiciary.

H.R. 6816. A bill for the relief Democrate and Giuseppina Gabaldi; to the Committee on the Judiciary.

H.R. 6817. A bill for the relief of Enrique and Maria Pombal; to the Committee on the Judiciary.

H.R. 6818. A bill for the relief of Michele Salerno; to the Committee on the Judiciary.

By Mr. HELSTOSKI (by request):

H.R. 6819. A bill for the relief of Antonio Inzillo; to the Committee on the Judiciary.

By Mr. KING:

H.R. 6820. A bill for the relief of John W. Shafer, Jr.; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 6821. A bill for the relief of Theodore Barr; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 6822. A bill for the relief of Vito Vavallo; to the Committee on the Judiciary.

SENATE—*Thursday, March 25, 1971*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, holy and just, who exaltest a nation that follows the way of righteousness, we pray for our leaders and our people that this Nation may become worthy of Thy gracious favor. Deliver us from pride and greed, from avarice and prejudice, from ill will and discord. Inspire in us such a love of our neighbor and concern for one another's welfare that we shall work together with one heart and will to secure a just reward and the opportunity for the good life for all.

Teach us to serve Thee as we ought, to give rather than to get, to minister and not be ministered unto, to spend our lives for others, and in everything to know and to do Thy will.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 24, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, and that it consider Calendar Nos. 46, 47, and 48.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAGNER-O'DAY ACT AMENDMENTS OF 1971

The bill (S. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a Committee on Purchase of Blind-Made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46–48), is amended by striking out all after the enacting clause and inserting in lieu of the matter stricken the following: "That there is hereby created a committee to be known as the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter referred to as the 'Committee') to be composed of two private citizens conversant with the problems incident to the employment of blind and other severely handicapped individuals and a representative of each of the following Government departments or agencies: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of the Interior, the Department of Justice, the Department of Labor, and the General Services Administration. The members of the Committee shall be appointed by the President, shall serve without additional compensation, and shall designate one of their number to be Chairman. The private citizen members of the Committee shall each be appointed for a term of five years; and such members shall be eligible for reappointment.

"Sec. 2. (a) It shall be the duty of the Committee to determine the fair market price of all suitable commodities produced and offered for sale by, and suitable services offered by, blind or other severely handicapped individuals to the Federal Government from time to time by any qualified nonprofit agency for the blind or qualified nonprofit agency for the other severely handicapped, organized under the laws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency or agencies to facilitate the distribution of orders (by direct allocation, subcontract, or other means) among the qualified agencies for the blind or the qualified agencies for the other severely handicapped, and other relevant matters as shall be necessary to carry out the purposes of this Act.

"(b) Rules nad regulations of the Committee shall provide that, in the purchase by the Government of commodities produced and offered for sale by nonprofit agencies for the blind or other severely handicapped, priority shall be accorded to such commodities produced and offered for sale by nonprofit agencies for the blind, and that, in the purchase by the Government of services offered by nonprofit agencies for the blind or other severely handicapped, priority shall, until the close of June 30, 1977, be accorded to services offered by nonprofit agencies for the blind.

"Sec. 3. All suitable commodities and suitable services hereafter procured in accordance with applicable specifications by or for any Federal department or agency shall be procured from such qualified nonprofit agencies for the blind or qualified nonprofit agencies for the other severely handicapped in all cases where such commodities or services are available within the period specified at the price determined by the Committee to be the fair market price for the commodity or commodities or services so procured: *Provided,* That this Act shall not apply in any cases where suitable commodities or suitable services are available for procurement from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this Act.

"Sec. 4. For purposes of this Act—

"(a) the term 'blind' refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees;

"(b) the term 'other severely handicapped' means an individual or class of individuals who is under a physical or mental disability other than blindness, which (according to criteria established by the Committee after consultation with appropriate agencies of the Government and taking into account the views of non-Federal agencies representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment;

"(c) the term 'qualified' when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped means such an agency which complies with such occupational health and safety standards as are specified by the Secretary of Labor. The term 'qualified' when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped also means such an agency organized under the laws of the United States or of any State, operated in the interest of the blind or in the interest of the other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual and, in the case of a nonprofit agency for the blind employs blind persons to an extent constituting not less than 75 per centum of the man-hours of direct labor used during the fiscal year in the production of commodities or provision of services under this Act, or in the case of a nonprofit agency for the other severely handicapped employs other severely handicapped or blind persons to an extent constituting not less than 75 per centum of the man-hours of direct labor used during the fiscal year in the production of commodities or provision of services under this Act;

"(d)(1) commodities offered for sale by a nonprofit agency for the blind accorded a priority under section 2(b) of this Act shall be considered to be produced by the blind only if not less than 75 per centum of the man-hours of direct labor required during the fiscal year for the production of such commodities was performed by blind individuals. Commodities offered for sale by a nonprofit agency for the other severely handicapped shall be considered to be produced by the other severely handicapped only if not less than 75 per centum of the man-hours of direct labor required during the fiscal year for the production of such commodities was performed by other severely handicapped or blind individuals;

"(2) services offered by a nonprofit agency for the blind accorded a priority under section 2(b) of this Act shall be considered to be services provided by the blind only if not less than 75 per centum of the man-hours of direct labor entailed during the fiscal year in the provision of such services is performed by blind individuals. Services offered by a nonprofit agency for the other severely handicapped shall be considered to be services provided by the other severely handicapped only if not less than 75 per centum of the man-hours of direct labor entailed during the fiscal year in the provision of such services is performed by other severely handicapped or blind individuals;

"(e) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"Sec. 5. (a) There is hereby authorized to be appropriated to the Committee $200,000 for each fiscal year commencing with the fiscal year ending June 30, 1972, to carry out the provisions of this Act.

"(b) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis."

Sec. 2. The amendments made by the first section of this Act shall take effect on the first day of the ninth month following the month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–41), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

This bill has two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and, second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill.

BACKGROUND OF THE LEGISLATION

The Wagner-O'Day Act was originally enacted by the Congress in June of 1938 to provide employment opportunities for the blind in the manufacture of products to be sold to the Federal Government. In the 33 years since its enactment, it has been of inestimable value in providing workshops for the blind with contracts for blind-made products at a fair market price.

As enacted in 1938, the Wagner-O'Day Act created a presidentially appointed Committee on Purchases of Blind-made Products composed of one public member and representatives of six Federal agencies concerned with utilization of blind-made products. The committee determined the fair market price of all "brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the Federal Government by any non-profitmaking agency for the blind," procurement of which shall be mandatory and authorized a central non-profitmaking agency (the National Industries for the Blind) to facilitate the distribution of orders and other relevant matters of procedure.

The act has been administered by personnel from the several Federal agencies purchasing blind-made products and members of the Committee on Purchases of Blind-made Products, all of whom have had their salaries paid from funds appropriated to their individual agencies.

In fiscal year 1969, 78 workshops for the blind in 35 States sold approximately $23 million worth of goods to the Federal Government, providing employment to some 5,000 blind individuals. These products, 435 in number, covered a wide range including mops, brooms, pillow cases, military neckties, barracks bags, and signal flags. While the $23 million purchased from workshops for the blind represents less than five one-hundredths of 1 percent of the total $49.28 billion of Federal purchases, for the blind workers assisted it represents the difference between some modicum of self-sufficiency and dependency, the difference between being a taxpayer and a tax burden.

During the past 33 years the Wagner-O'Day Act has stood without amendment. In the intervening years, techniques for utilizing the innate talents of the blind and other severely handicapped have continually improved and the realization has grown that these persons can pursue useful, productive lives rather than being institutionalized or becoming burdens upon their families.

In response to the changes of the past three decades, S. 3425 was introduced in the last Congress on February 10, 1970. A Special Subcommittee on Handicapped Workers, under the chairmanship of Senator Jennings Randolph, of West Virginia, was appointed. Two days of hearings were held on July 9 and 10, 1970, at which time testimony was submitted on the bill by 14 witnesses. The bill was unanimously reported from the Committee on Labor and Public Welfare on September 24, 1970, and passed the Senate, without dissent, on call of the calendar on September 28.

This bill, S. 557, is similar to the legislation which passed the Senate unanimously last year, too late to be considered by the House of Representatives. It was reintroduced in the 92d Congress on February 3, 1971, as S. 557, with some minor technical changes which had been worked out with the executive agencies concerned and with the blind and handicapped groups which had earlier testified in support of the bill. The committee, taking cognizance of the hearings held last year, unanimously ordered S. 557 reported at its executive session on March 17, 1971.

As Rehabilitation Services Administration Commissioner Edward Newman testified before the committee, "the research clearly indicates that the expansion of the Wagner-O'Day Act will benefit many severely disabled persons other than the blind and will create thousands of new job opportunities without detracting from the original intent of the program."

Further information brought forth at the hearings included the following: Through the addition of services, workshops could further diversify the number of training programs and the types of persons served; one of the most important problems facing workshops engaged in contract work is that of obtaining sufficient work to keep their handicapped clients employed; in Japan nearly a third of that country's blind and partially blind are employed but in the United States no more than one-fifth of the blind are employed; many of the more than 120,000 Vietnam veterans now drawing compensation for service-connected disabilities would be eligible for employment in workshops having contracts under the expanded Wagner-O'Day Act; last year 6,591 disabled persons moved from sheltered workshop employment to outside work in the general economy; and Government contracts would make it possible to establish workshops in rural communities where it heretofore has not been feasible to provide such services for the blind and other severely handicapped.

The Department of Health, Education, and Welfare estimates that there are some 10,000 adult blind and some 77,000 other adult severely handicapped who form the potential work force for non-profit agency workshops which could receive contracts under the Wagner-O'Day Act, as contemplated to be changed by S. 557.

Support for this legislation was indicated during the hearings last year by representatives of the three Federal agencies concerned; namely, the Committee on Blind-made Products, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, and the President's Committee on Employment of the Handicapped. Among the organizations submitting testimony in support of the bill were the American Association of Workers for the Blind, the American Foundation for the Blind, the General Council of Workshops for the Blind, the Goodwill Industries of America, the International Association of Rehabilitation Facilities (formerly the National Association of Sheltered Workshops and Homebound programs and the Association of Rehabilitation Centers), the National Association for Retarded Children, the National Easter Seal Society for Crippled Children and Adults, the National Industries for the Blind, the National Rehabilitation Association, and the United Cerebral Palsy Association of America.

SUMMARY OF THE BILL

Section 1 of the bill amends the Wagner-O'Day Act as follows:

(a) Section 1 of the Wagner-O'Day Act is amended to—

(1) Change the name of the Committee on Purchases of Blind-made Products to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter in this report referred to as the "Products Committee").

(2) Increase from one to two the number of private citizens who are members of the Products Committee, providing that they be conversant with problems incident to employment of the other severely handicapped as well as the blind. Provision is also made that those two private individuals shall each serve for a term of 5 years instead of indefinitely as is the case presently.

(3) Add to the Products Committee representatives of the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Justice, the Department of Labor, and the General Services Administration, removing from membership representatives of the War Department, the Navy Department, and the Treasury Department.

(b) Section 2 of the Wagner-O'Day Act is amended to—

(1) Add services to suitable commodities as subject to the Products Committee's jurisdiction in determining eligibility for Government contract.

(2) Include other severely handicapped as being eligible along with the blind, with the proviso that the blind will have first preference in the sale of suitable commodities and that in the sale of suitable services the blind shall have first preference until June 30, 1977.

(3) Provide that a nonprofit agency for the blind or the severely handicapped must be qualified, as defined in section 4 of the act.

(4) Permit the distribution of orders by direct allocation, subcontract, or otherwise.

(5) Make it clear that the Products Committee is responsible for rules and regulations regarding not only procedures, but all matters relevant to administration of the act.

(6) Make other changes of a minor and technical nature.

(c) Section 3 of the Wagner-O'Day Act is amended to conform with the changes made in section 2 of the act relative to the inclusion of the other severely handicapped and services, as well as changes of a minor and technical nature.

(d) Section 4 of the Wagner-O'Day Act is amended to add definitions of—

(1) "blind", (2) "other severely handicapped", (3) "qualified" when used in reference to a nonprofit agency for the blind or a nonprofit agency for the other severely handicapped, (4) commodities and services offered by a nonprofit agency for the blind and a nonprofit agency for the other severely handicapped, and (5) a State.

(e) A new section 5 is added to the Wagner-O'Day Act to—

(1) Authorize an appropriation of $200,000 annually to carry out the provisions of the act. Presently funds for the administration of the act are derived from the funds appropriated to the various Federal agencies purchasing blind-made products.

It has been indicated that the projected budget for the first full year of operation, should this bill be enacted, is less than $125,000. This committee provided for an authorization of $200,000 as a permanent authorization to allow for normal increased costs over a period of years and expresses the expectation that in the near future the appropriation requested will remain below that figure and in line with the present budget of some $125,000.

(2) Stipulate that the General Services Administration shall provide administrative services for the Products Committee on a reimbursable basis.

Section 2 of the bill provides that the amendments to the Wagner-O'Day Act made by section 1 of the bill shall take effect on the first day of the ninth month following enactment of this measure.

CORN FEED GRAIN BASES

The Senate proceeded to consider the bill (S. 795) to authorize the Secretary of Agriculture to establish corn feed grain bases which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert in lieu thereof:

That, notwithstanding any other provision of law and subject to such terms and conditions as he determines appropriate, the Secretary of Agriculture is authorized to establish feed grain bases and wheat domestic allotments for purposes of the Agricultural Act of 1970 with respect to producers of sugar beets who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970, if there is no substitute plant available in the area for the processing of their sugar beets. The feed grain base or wheat domestic allotment shall be conditional upon the production of such commodity on such base or allotment and for the 1971 and 1972 crops of the commodity, there shall be established for eligible producers either a feed grain base or wheat domestic allotment, at the option of the producer.

Sec. 2. For the purpose of section 379c(b)(1) of the Agricultural Adjustment Act of 1938, as amended, and section 105(b)(3) of the Agricultural Act of 1949, as amended, the Secretary of Agriculture may permit producers to have barley planted prior to the date of enactment of the Agricultural Act of 1970 for harvest in calendar year 1971 considered as devoted to the production of feed grains or wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of feed grain bases or domestic wheat allotments for certain sugar producers, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–43), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill, with the committee amendment to the text, would—

(1) authorize the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operations on or after January 1, 1970; and

(2) authorize the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970, to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history.

The bill, as introduced, would have applied only to sugar-beet producers in Montana and Wyoming who formerly processed their beets at Hardin, Mont., and provided only for the establishment of feed grain bases. The Department of Agriculture recommended that it be extended to all sugar beet producers whose processing plants had ceased operations after January 1, and that the establishment of bases be conditioned upon production of the commodity on them. The committee adopted this recommendation, and recomended further that producers be given a choice of a feed grain base or a domestic wheat allotment in 1971 and 1972.

Because the Agricultural Act of 1970 was not enacted until November 30, 1970, the 1971 feed grain program could not be announced until after that date. Consequently many farmers planted barley in anticipation of being able to have it considered as feed grains or wheat for history preservation purposes, as was the case under the 1970 program. However when the 1971 feed grain program was announced, the Secretary elected not to include barley in that program; and consequently acreage planted to barley could not be considered as devoted to either feed grains or wheat for history preservation purposes. To correct this situation the committee has recommended an amendment to the bill to let the Secretary permit producers who planted barley prior to November 30, 1970, to have their barley acreage considered as feed grains or wheat acreage for history purposes.

COST ESTIMATE

The committee estimates that no cost would be incurred in carrying out the bill during the fiscal year ending June 30, 1971; the cost incurred in the fiscal year ending June 30, 1972, would be approximately $700,000, as described in the attached report of the Department of Agriculture; and the cost incurred in the fiscal years ending in 1973 and 1974 would depend upon the elections by producers to take feed grain bases or wheat acreage allotments. Since feed grain bases established under the bill would be additional bases, the cost in those years would be about $700,000 if all producers elected to take feed grain bases. Since wheat farm domestic allotments established under the bill would be additional to the national domestic allotment only in 1971, there would be no cost in the fiscal years ending in 1973 and 1974 if all producers elected to take wheat domestic allotments. Since the current wheat and feed grain programs are authorized only through the 1973 crop, there would be no costs under the bill for the fiscal years ending in 1975 and subsequent years.

This cost estimate agrees with that contained in the attached report of the Department of Agriculture.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 17, 1971.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of February 22, for a report on S. 795, a bill to authorize the Secretary of Agriculture to establish corn feed grain bases.

The Department recommends that S. 795 be passed with amendments.

S. 795 would benefit only those producers who formerly processed sugar beets at Hardin, Mont. There are producers in other areas of the country that have been or will be affected by the closing of processing facilities who are entitled to similar consideration. Therefore, we recommend that this be extended to all sugar beet producers who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970, and that establishment of such base be conditional on the production of the commodity on such base. The planting requirement would be consistent with existing legislation which requires that a percentage of the base or allotment be planted to avoid reduction of the base or allotment in subsequent years.

This bill would authorize the Secretary of Agriculture to establish corn feed grain bases for producers of sugar beets in Montana and Wyoming who formerly processed their sugar beets in Hardin, Mont. The feed grain bases established shall be equivalent to the farm proportionate share acreage which was established for the farm for the 1970 crop.

Current legislation authorizes the withholding of some base acreage and allotment in reserve for new farms. However, for the 1971 feed grain program there is not sufficient reserve acreage in the affected States to provide the increases that could be required to implement S. 795 with the amendments suggested above. In the case of feed grains, any new farm base acreages established above current State bases would stay in effect for subsequent years. Hence, the State and National totals would be increased by the amount of the new bases.

Information presently available to the Department indicates that 60,000 to 75,000 acres of land devoted to sugar beets in 1970 might be affected by the provisions in this bill, with the amendments we have suggested.

If new feed grain bases are established for 60,000 acres formerly in sugar beets, the additional set-aside payments on this new base acreage would amount to approximately $700,000 in fiscal year 1972. Of the 60,000 acres established, 12,000 acres would be diverted at a cost of $58 per acre.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

CLARENCE D. PALMBY,
Assistant Secretary.

PRE-1934 BONDS OF THE PHILIPPINES

The bill (S. 1330) to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 6 of the Act of March 24, 1934, as amended (22 U.S.C. 1393 (g)), (relating to the trust account for the payment of pre-1934 bonds of the Government of the Philippines) is repealed.

SEC. 2. In order to implement the Executive Agreement concluded between the Government of the United States and the Government of the Republic of the Philippines on November 26, 1969, under which the Government of the Republic of the Philippines agreed to assume from the Secretary of the Treasury sole responsibility for payments of the principal of and interest on all outstanding bonds of the Phillippines, its provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress, the Secretary of the Treasury is authorized to transfer to the Government of the Republic of the Philippines whatever sums remain on the effective date of this Act in the special trust account with the Treasurer of the United States in the name of the Secretary set up by section 6(g) (4) of the Act of March 24, 1934, as amended.

SEC. 3. As of the date of the transfer of sums to the Government of the Philippines, authorized by section 2 of this Act, the United States shall cease to be liable for the payment of principal or interest on all outstanding bonds of the Philippines, its provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress.

SEC. 4. This Act shall take effect 60 days after the date of its enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–44), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The principal purpose of the bill is to effect the transfer to the Government of the Republic of the Philippines of money which the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934 pursuant to acts of Congress. The amount in the special trust account that would be transferred is $138,739.21, and consists of funds originally furnished by the Philippine Government.

BACKGROUND

By the first section of the act of August 7, 1939, the Congress amended section 6 of the act of March 24, 1934 (which act provided for the independence of the Philippine Islands) to direct the establishment before July 4, 1946 of a special trust account in the Treasury to meet principal and interest payments on "bonds of the Philippines to which a moral obligation of the United States might have been attached" (H. Rept. 1058, 76th Congress, 3 (1939) and S. Rept. 453, 76th Congress, 3 (1939)), and to specify the Secretary of the Treasury as the person authorized to make such payments when the amount in the account was adequate. The bonds on which payments were to be made were in particular those issued prior to May 1, 1934, by the Philippines, its provinces, cities and municipalities, in accord with congressional authorizations. The account was to consist of sinking funds maintained by the Government of the Philippines for the payment of the bonds, and of a supplementary sinking fund which the Treasurer of the United States held for the same purpose consisting of the proceeds of export taxes imposed and collected by the Philippine Government after the enactment date of the 1939 act.

The special trust account was established in the Treasury and the sinking funds covered into it; the account was supplemented by yearly payments by the Philippine Government between 1946 and 1951. In 1951 the Secretary of the Treasury determined that the trust account balance was sufficient to meet principal and interest payments on all outstanding bonds, and he began to make all interest and principal payments from the account. Also, in accord with the congressional direction that, whenever the Secretary determined that the trust account balance was in excess of an amount adequate to meet interest and principal payments on all such obligations, such excess be turned over to the Treasurer of the Philippines, the Secretary determined to be excess and returned to the Philippines an aggregate of $1,838,000, consisting of $1 million in May 1964, $600,000 in February 1962, and $238,000 in August 1965.

Accordingly, the provisions of the 1939 act have either been fulfilled or have expired, except for the authorization of the Secretary of the Treasury to make the principal and interest payments on the pre-1934 bonds. Bonds denominated in dollars are presented for payment to the Treasurer of the United States through Federal Reserve banks, or to the Treasurer of the Philippines. Bonds denominated in pesos are presented for payment only through the Central Bank of the Philippines.

All of the bonds for which the special trust account is liable had matured by 1963. The liability for the total outstanding amount of principal and interest on the bonds has been determined which as of December 31, 1970 was $138,733.69. As of the same date, the account held $138,739.21. There have been few payment transactions during the past several years. Further, the Department of the Treasury cannot determine when, if ever, all the outstanding matured bonds and interest coupons will be presented for payment. The Treasury considers, therefore, that it is unnecessary for it to continue to maintain indefinitely the amounts in the special trust account.

The Government of the Republic of the Philippines has agreed to accept the sums which the bill proposes to transfer and thereafter to assume full responsibility for the principal and interest payments on the bonds in an executive agreement with the Government of the United States, dated November 26, 1969, which by its terms will enter into force upon receipt by the Philippine Government of advice from the U.S. Government that appropriate legislation has been enacted. Therefore, enactment of this noncontroversial legislation is necessary to implement the executive agreement.

EXPLANATION OF BILL

The first section of the committee's bill would repeal subsection (g) of section 6 of the act of March 24, 1934 (48 Stat. 456), as added by the first section of the act of August 7, 1939 (53 Stat. 1226, 1228) and amended by section 104(1) of the act of September 22, 1959 (73 Stat. 621, 622), codified at 22 U.S.C. 1393(g)), which provides the specific statutory authority of the Secretary of the Treasury to make principal and interest payments on pre-1934 Philippine bonds and prescribes the conditions for setting up the special trust account and its authorized uses.

The second section would authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines whatever money remains on the effective date of the bill in the special trust account held by the Secretary. The transfer would implement the executive agreement between the Governments of the United States and of the Philippines, dated November 26, 1969, whereby the Philippine Government undertook to assume responsibility for making payments on the pre-1934 Philippine bonds.

The third section provides a disclaimer of U.S. liability for payment of the pre-1934 Philippine bonds as of the date of the Secretary's transfer authorized by section 2.

The fourth section provides for an effective date 60 days after enactment in order to allow the Department of the Treasury adequate time to make the fiscal arrangements required.

RAILPAX PLAN IN MONTANA—II

Mr. MANSFIELD. Mr. President, on Tuesday, I addressed myself to the problem of what I consider to be the unwise decision—to put it very mildly—of the National Railroad Passenger Corporation in selecting routes for the Railpax plan throughout the Nation. The people of Montana were stunned when they learned that the Corporation recommended that over two-thirds of Montana would have to give up rail passenger services.

Alternate methods of public transportation has apparently been the major factor in their decision. A State like Montana does have other public transportation, but in very limited quantities. A number of these communities affected do not have airline service and in the case of cities like Missoula and Butte, cannot depend on scheduled airlines because of fluctuating and oftentimes, difficult weather conditions. These same areas are mountainous and during the winter there are days when it is impossible to travel by highway, for those the one possible method of transportation, would be the railroads. After May 1, the people of western Montana will not have this option.

Mr. President, I am taking this opportunity to restate my unaltered opposition to the Railpax plan. I ask unanimous consent to have the following documents printed in the RECORD: Telegram of protest to the Secretary of Transportation, John Volpe and David Kendall, Chairman of the National Railroad Passenger Corporation; my statement of March 23; the text of legislation introduced by Senator METCALF and myself affecting this issue; a letter my colleague and I addressed to the Council of Environmental Quality, raising questions about the Council's lack of involvement in this decision; and a letter which we are at the present time drawing up and will send later today to the distinguished chairman of the Subcommittee on Transportation of the Appropriations Committee, the distinguished Senator from West Virginia (Mr. BYRD).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 22, 1971.

Hon. JOHN R. VOLPE,
Secretary,
Department of Transportation,
Washington, D.C.:

Extremely disappointed at Railpax' decision which allows only one transcontinental road across Montana and, in effect, eliminates the old Northern Pacific route. Montana is a state 700 miles wide and over 400 miles long and the need for a two rail lines transportation over Montana is apparent to all. I hope that you will reconsider this decision which will impose a tremendous hardship on Montana because of previous losses in bus, rail and air service. Would suggest that instead of asking funds for supersonic transport that money would be better spent to keep both passenger rail lines in service in Montana, that their passenger service be up-graded and that the administration show more interest in developing and maintaining railroad passenger service to serve all the people, thereby maintaining a tax and employment base rather than not prestigious and long-range items such as the SST.

I personally request that you reconsider your decision so that the people of Montana will continue to be given the service to which they are entitled to. Otherwise, results will be a great hardship which, in my opinion, will ill-serve the Nation and its people.

Regards,

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

MARCH 22, 1971.

DAVID W. KENDALL,
Chairman, The National Railroad Passenger Corporation, Department of Transportation, Washington, D.C.:

Deeply concerned and disappointed in total lack of understanding evidenced in the advanced release of the Railpax plan. The old Great Northern Route selected will leave approximately two-thirds of Montana without rail passenger service. The six largest cities will be without passenger trains. In most cases it will involve surface travel of up to three-hundred miles to a rail depot. I had hoped the initial purpose of the Railpax plan would be to provide reasonable passenger train service, not a retreat and reduction of these services. The Federal Government has become involved because of the negative attitude of the railroads insofar as passenger service is concerned. It would seem the rail corporation is endorsing and continuing this same sterile approach to the surface transportation needs of Montana and the Nation. We had expected at least the recommendations of the Interstate Commerce Commission—alternate day service through Montana on both the Northern Pacific and Great Northern lines with north-south service between Butte and Salt Lake City. People of Montana and the northwest deserve better treatment. Reconsideration is necessary.

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

RAILPAX PLAN AND MONTANA

Mr. President, when the National Railroad Passenger Corporation announced the details of the unified passenger system, I was amazed and shocked with the total lack of understanding and consideration given to the less populated, rural states in the Nation.

When the Congress enacted legislation establishing this new corporation, it was done to bring about a new vigorous approach to railroad passenger service as a replacement for the deteriorating and stagnant passenger service provided by the majority of the railroads in the country. Railroad passenger service has been reduced to such a state that something had to be done to preserve this mode of transportation. If this recent announcement is any indication, the corporation is merely perpetuating what we had hoped to replace.

Fifteen years ago, passenger service was available on three transcontinental railroads through Montana. In recent years, this has been reduced to service on the old Northern Pacific and Great Northern lines. Under the Railpax plan, the ony passenger service would be on the Great Northern line, across the Northern edge of Montana. Two-thirds of the State will be without rail passenger service, Montana's six largest cities will not have access to rail service and it will be over three hundred miles from any point in Montana to a rail depot.

In the past several years there has been a great deal of conversation about the migration of Americans from rural areas to metropolitan centers. If we are to make a sincere effort to reverse this trend, the Railpax Plan is not going to help. The route selected through Montana gives every indication of what I feared might happen. It gives primary consideration to the railroad corporation, not the needs of the traveling public. This route through Montana is the shortest and the least costly to maintain. This supports my fear that the Burlington Northern views Montana as a necessary roadbed between the Twin Cities and Seattle. I fear that there will now be reductions in freight service on the Northern Pacific lines, now that they will not be required to maintain these roads for passenger trains.

As my colleagues here in the Senate know, I have been objecting to the reduced service offered by the railroads for a number of years. I still believe they have purposely reduced their services and discouraged public use of their lines, in an effort to bring about abandonment of their responsibilities in passenger service. The Railpax Plan, appears to support this philosophy and I do not see how it can provide a suitable alternative.

It is quite ironic, that the Congress is considering the appropriation of billions of dollars for the Super Sonic Transport to fly people to Europe and other parts of the world in less than four hours, when it will be virtually impossible to get out of Montana by public surface transportation in order to take advantage of super sonic travel. The corporation officials may feel that the remainder of Montana has adequate alternatives of public transportation. However, I wish to remind these officials that air service does not include many of the smaller cities and at some points, the airlines are attempting to reduce their schedule. Bus lines offer about fifty percent less public transportation than they did a few years ago. Under the Railpax Plan, Montana does have one line which will be available to very few people, but I am certain that constituents in the States of Idaho, Wyoming and South Dakota, find this plan even less comforting.

Originally I had felt that the National Railroad Passenger Corporation could be the answer to the deteriorating surface transportation needs of our nation, I realize, that we can economically maintain railroad passenger service now available without a tightened up system aided by improved service for the traveling public.

In the State of Montana, we could have survived reasonably well, with alternate-day service on the Northern Pacific and Great Northern lines, between the Twin Cities and points in Montana, even if on a reduced basis. Also, in looking at the map of the new improved passenger routes, there is not one North-South connection between Chicago and the West Coast. The corporation thoroughly ignored such existing routes from Butte to Salt Lake City.

For some time I have been considering a plan to require the railroads to abide by their public responsibilities and today I have introduced legislation which would require railroads who benefited by land grants, to return all these lands to the federal government, where they have abandoned rail services. On the surface, this may appear to be a drastic measure, but these railroads were given the original land grants as an incentive to provide railroad services to the people of the United States. If they abandon this intention, I see no reason why they should benefit from the land grants. It is my distinct impression, that in many instances, the railroads are more interested in investments and benefits associated with these lands, than they are with the business of running a railroad.

Mr. President, I ask unanimous consent, to have printed with this part of my remarks, the proposed amendment to the Railroad Passenger Service Act of 1970, which Senator Metcalf and I introduced.

Before concluding my remarks today, I wish to express my opposition and views on another matter. The Inter-State Commerce Commission has authorized eastern and western railroads to increase their current freight rates by about 11.8%, without any comments or controls over deteriorating service. Here again, we see an example of the reasoning why I have advocated the abolishment of this regulatory agency, or a comprehensive overhauling of the agency.

Rail Passenger Service Act

To amend the Rail Passenger Service Act of 1970 in order to require railroads to return lands received as a grant from the Federal Government in return for the discontinuance of passenger or freight service

That title IV of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"Sec. 406. Public Consideration in Return for Discontinuance of Service.

"(a) Notwithstanding any provision of this or any other Act no railroad holding title of any kind to lands, other than rights of way, which were received as a grant (not including any purchase) from the Federal Government shall discontinue, after May 1, 1971, any passenger or freight service regularly provided prior to such date unless such railroad reconveys to the United States all right, title, and interest (including mineral rights) held by such railroad in an amount of such land equal to one hundred acres for each mile of service discontinued.

"(b) For the purpose of this section the term 'rights of way' means land within 300 feet on either side of a railroad track regularly used on May 1, 1971, for the provision of freight or passenger transportation service to the public."

March 23, 1971.

Mr. Russell Train,
Chairman, Council on Environmental Quality, Washington, D.C.

Dear Chairman Train: At the press conference called yesterday to announce the National Railroad Passenger Corporation's rail system, Mr. John P. Olsson, one of the incorporators, said that the General Counsel of the Department of Transportation had ruled as "unnecessary in this case" a report on the environmental impact of the system. The Acting General Counsel today confirmed this ruling as applying to the Secretary's recommendations for a basic system. Apparently the ruling has been held to obtain as well as for the Corporation.

We are deeply concerned that a decision of such magnitude has been taken without the tests called for in the National Environmental Policy Act of 1969.

The Railpax plan, according to Mr. David Kendall, will operate about half of the currently operating passenger trains. The probabilities are that the railroads will choose to join the corporation and discontinue the remaining trains.

If a large segment of a transportation system is thus abandoned, it does not follow that the public will abandon travel. What means will former rail passengers use? What will be done with abandoned equipment and facilities? Will there be an increase in the use of automobiles? Are the airlines and buslines equipped to handle even more traffic? Are the airports and bus terminals? Are the highways adequate or will more be cut into the land? What additional pollution can be expected?

We have all seen the photographs of Yosemite and Yellowstone at peak seasons, with bumper to bumper traffic that is usually found only on urban freeways. Last year an official of the National Park Service said there is a very strong possibility that the number of automobiles permitted to enter some of our national parks will have to be limited, both because of the congestion they cause and because of the hazards for plant and animal life from exhaust emissions.

Yet Railpax has decreed that there shall be no passenger train service to Yellowstone National Park in the basic national system.

Such a decision is scarcely consonant with the "interdisciplinary approach" intended by Congress to "insure the integrated use of the natural and social sciences . . . in decision-making which may have an impact on man's environment," as stated in Public Law 91-190.

Will you please advise us what position the Council on Environmental Quality has taken on the Railpax matter and what steps were taken or might be taken to assess the impact on our environment of the rail system that is to become effective on 1 May?

Very truly yours,

Mike Mansfield,
Lee Metcalf,
U.S. Senators.

March 25, 1971.

Hon. Allen J. Ellender,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Chairman Ellender: We are writing to convey our determined opposition to the granting of any appropriation to the National Railroad Passenger Corporation. In our opinion, the proposed routings of national railroad passenger travel announced by the Railpax directors on March 22 show a blatant disregard for both the will of Congress and the needs of the traveling public.

The Rail Passenger Service Act of 1971 clearly expressed the desire of Congress to make available efficient, clean and convenient rail passenger service that the railroads were seemingly unable or unwilling to provide. It was our understanding that in return for a substantial Federal subsidy, Railpax was to improve the clearly inadequate existing service.

Instead, we are shocked and appalled to discover vast areas of this nation, including Montana, South Dakota, Idaho, Wyoming and other areas, will lose what meager passenger service that still existed after years of neglect. This appears to be almost a great leap backwards in available public transportation. eliminating by half the trains now running.

Indeed, the taxpayers will be paying more to receive less if continued appropriations for Railpax are approved. We urge that no further monies be approved for Railpax until its directors demonstrate more sensitivity to the desperate needs of persons dependent on the railroads for transportation services.

Assuring you of our deep personal concern and interest and with best personal wishes, we are

Sincerely yours,

Mike Mansfield,
Lee Metcalf,
U.S. Senators.

Mr. BYRD of West Virginia. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I share the sentiments which have been voiced by the distinguished majority leader and express my disappointment with respect to my own State.

West Virginia loses half to two-thirds of the passenger service it had prior to Railpax. The new plan will have to produce a miracle if it comes anywhere near to serving the real needs of the traveling public. Cities like Wheeling, Morgantown, Fairmont, Clarksburg, Martinsburg, Parkersburg, Bluefield, and Williamson are not included in the route—the one route—selected.

Compared with some States in which service was eliminated altogether, some may say that West Virginia is fortunate to have been given one route across the State, serving the capital of Charleston and the State's largest city, Huntington. But the State has two other major rail lines in addition to the C. & O.—and they are the B. & O. and the N. & W. These lines extend from the populous areas of the Eastern Seaboard to the Midwest, and in any logical restoration of railway passenger service will surely have to be included.

There will be no way to reach any of the cities I have mentioned from Washington by rail. Railpax thus far has pleased no one, with the possible exception of the railroads which wanted to get out of the passenger business. I fully understand the widespread dissatisfaction that is being expressed with the routing as announced.

I am told that the B. & O. also proposes to reduce the number of commuter trains running into Washington from the Eastern Panhandle of West Virginia. Three trains are now being operated—one of them is the Capitol Limited, a through train which comes off in the Railpax plan. Only one commuter train will remain between Washington and Martinsburg. Cancelling existing and needed service which is being patronized such as this is not the way to launch the Railpax experiment. I have grave doubts as to whether the experiment will succeed. Rail travel must be made more convenient if it is to succeed. It seems to me that Railpax is making it less convenient.

Mr. President, I want to assure the distinguished majority leader that my Subcommittee on Appropriations will be asking some questions regarding this matter, not only on behalf of West Virginia but also on behalf of the States served by other Senators.

Mr. MANSFIELD. Mr. President, may I say that I want to thank the distinguished Senator from West Virginia, the chairman of the Committee on Appropriations Subcommittee on Transportation. I feel that I have been had because in voting for this Corporation I had no idea that this would be the outcome.

So far as I am concerned, I do not intend to vote for any further appropriations for this Corporation until and unless this situation in Montana—Wyoming and South Dakota especially, as well as in other States of the Union, including specifically West Virginia and cities like Cleveland, which has been cut off with no rail service, and the like—is clarified.

If we can spend money for round trips to the moon, I think we can spend a little money to take care of surface transportation in this country and face up to the needs of the people on this planet.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Minnesota (Mr. HUMPHREY) is now recognized for 1 hour for remarks and colloquy.

SENATE RESOLUTION 87—SUBMISSION OF A RESOLUTION RELATING TO ARMAMENTS LIMITATIONS

A CHANCE TO HALT THE ARMS RACE NOW

Mr. HUMPHREY. Mr. President, I rise to address the Senate on a subject of great importance; namely, national security.

The United States and the Soviet Union have resumed meetings in Vienna—a city where peace has been made, or broken, on many occasions in the past. We are meeting to continue the strategic arms limitation talks, designed to arrest the terrifying race in nuclear arms before it can reach a new and even more dangerous level.

Several of my colleagues—most recently the distinguished Senator from Illinois (Mr. PERCY)—have vocalized their concern and introduced proposals to facilitate negotiations in an attempt to reach a satisfactory arms control agreement with the Soviet Union.

I would like to contribute constructively to this discussion and submit a resolution in that regard, intended to serve as a guideline to the administration.

At stake in these negotiations is the power of man to control his own fate—by placing firm limits on weapons that could lead to his self-destruction.

No other issue more meaningfully affects our chances for a peaceful world, and indeed for the survival of mankind. No other issue more deserves our attention here in the U.S. Senate, as the two superpowers, the United States and the Soviet Union, once again raise our hopes and fears about the nuclear arms race and its end.

For many years, I have taken part in the efforts to bring the arms race under control. For several years, I served as chairman of the Senate Subcommittee on Disarmament and Arms Control. During that period, I introduced and cosponsored resolutions in the Senate which led to the Limited Nuclear Test-Ban Treaty; as Vice President of the United States, I worked for the acceptance of the Non-Proliferation Treaty; and as Vice President I signed Protocol II of the Treaty for the Latin American Nuclear Free Zone. And I have long supported the initiation and holding of these important strategic arms limitation talks.

During the past 2 years, while absent from public life, I had a further chance to study these problems, as student and teacher, and watched with approval the courageous efforts by Members of the Senate to free us all from the tyranny of the nuclear arms race. Now the effort here, in the Congress, must be renewed, and I intend to contribute as best I can to help insure that it is not in vain.

As I speak today, the arms race is continuing, despite the SALT talks and our hopes for their success.

When these talks did finally begin in November 1969, they promised to be an incentive for restraint on the part of the two superpowers.

But they became instead an excuse for each side to pile up arms and more arms—each justifying its action on the claim that it was strengthening its bargaining position; in other words, each country giving itself a new bargaining chip.

The arms race goes on, oblivious of the negotiators, of the hard demands of peace, and of the welfare of this Nation. While we continue to stockpile weapons, we are diverting valuable funds from the basic needs of our own country. It is our own people who are caught in the arms race and now we must ask ourselves what price we are paying for the catchall of sufficient security, as defined by this administration.

By conservative estimates, the total cost of Minuteman III—our most advanced ICBM—alone will be about $5.6 billion dollars, and another $5.1 billion at current prices for the Poseidon missile for our nuclear submarines. Estimates for our Safeguard program depend on what plan the administration follows. We could spend from roughly $12 billion for 12 sites to $200 billion for total ABM deployment. In welfare terms, the cost is phenomenal both in actual fiscal expenditures and human resources.

Then we must ask ourselves if these weapons would give us more security even if we were to buy them all. It is my view that they do not.

We did not enter the SALT talks with any doubts about the continued hostility of the Soviet Union toward us. Instead, we entered them with knowledge of the greater risks if we failed to act, and from awareness of two hard facts:

First, there was nothing that either the Russians or ourselves could do to the other, including a full-scale surprise attack, that would prevent the nation being attacked from causing the sure destruction of the attacker in return—destruction of his industry, his cities, his population, and his society itself. No matter how it might begin, a nuclear war between our two countries would be mutual suicide. There can be no victory for anyone—only the defeat of the whole human race.

Second, both the United States and the Soviet Union had crossed the threshold of another round of the arms race. We had hoped that this could be avoided. But even if talks on arms reductions have been under way, a whole new dimension of weapons is now in the process of being constructed and deployed. If unchecked, it would cost vast sums of money; it would be more deadly than we have ever known before; and it would be less stable than the situation we know today.

These facts should have impelled both the United States and the Soviet Union to seek an end to nuclear competition.

Today, I would like to report with some assurance that this new round of the SALT talks, or one in the near future, will bring the arms race under control.

Unfortunately, I cannot do so, because of the difficulties that continue to surround the whole subject of limiting arms.

Mr. President, I am therefore submitting today a resolution which I send to the desk. It reads:

RESOLUTION RELATING TO ARMAMENTS LIMITATIONS

Whereas the Governments of the United States and the Union of Soviet Socialist Republics have both expressed a willingness to deescalate the arms race by entering into the Strategic Arms Limitation Talks (SALT) to consider the control of strategic weapons;

Whereas the Government of the Union of Soviet Socialist Republics has recently shown an interest in negotiating agreed limitations on anti-ballistic missile defense systems and has slowed its deployment of ICBM's;

Whereas the United States has previously offered to negotiate a complete ban on or limitation of anti-ballistic missiles;

Whereas there is a strategic, political, and economic interrelationship between anti-ballistic missiles and multiple independently targeted re-entry vehicles (MIRV's); and whereas the regulation of both of these weapons systems could contribute to a halt in the arms race;

Whereas an agreement limiting ABM deployment would contribute to the negotiation of limitations on offensive strategic systems because it would reduce the need for new offensive weapons to maintain the deterrent;

Now therefore, be it Resolved, That as the first step toward achieving a more comprehensive agreement on both defensive and offensive weapons, the Senate request the President to propose at the negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement—

SEC. 1: 1. to ban or limit to a very low level the deployment of anti-ballistic missile systems by the Government of the United States and the Government of the Union of Soviet Socialist Republics;

2. to bind those Governments to conduct further negotiations to achieve a limitation on offensive strategic weapons;

The Senate also calls upon the President

SEC. 2: 1. to propose that the United States and the Union of Soviet Socialist Republics enter into a mutual freeze on the testing of multiple independently targeted re-entry vehicles and on the deployment of both offensive and defensive nuclear weapons, including anti-ballistic missiles and multiple independently targeted re-entry vehicles, for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.

2. to inform the Congress fully and promptly of all developments in the arms race which could affect the Strategic Arms Limitation Talks (SALT), and to consult regularly with the Senate on those developments.

Mr. President, first, we in the United States are handicapped by the unwillingness of the Soviet Union so far to make definite declarations of restraint concerning its own nuclear weapons programs.

As ever, the Russians remain silent about what they intend to do. At the SALT talks they have not been forthcoming on the U.S. proposal for a comprehensive agreement—an agreement covering both offensive and defensive nuclear arms.

Second, the Soviet Union appears to be resuming the deployment of land-based missiles, after a period of suspension lasting several months. This merely refuels the fires of suspicion and tension. We have heard a great deal in our press and through the media about this lately.

We are not yet sure what these new deployments entail, but it does appear that our hopes for a continuing moratorium on Soviet land-based missile deployments has not been realized.

At the same time, however, these difficulties must be set against two positive developments of the past few months.

The Soviet Union has not resumed work—and I repeat, has not resumed work—on a number of missile sites already under construction. These include the giant SS–9's.

In addition, the Russians have now shown a willingness to negotiate an agreement to limit antiballistic missile defenses. This, too, may indicate Soviet interest in finding a new way to regulate the nuclear relations between our two countries.

I believe that these two developments could be more important than other Soviet behavior and therefore, respectfully urge that the administration probe more deeply into them.

Regrettably, it appears that this administration has, instead, concentrated on inconclusive evidence that the Russians are continuing and expanding their nuclear missile program. Thus we become prisoners of our own fears, and fail to give due recognition to the possibilities that may be before us.

Surely we ought to have been seriously exploring and asking:

Why they suspended their deployment programs of the SS–9. Were they demonstrating restraint? Or were they merely pausing, before new efforts to increase the power and effectiveness of their land-based arsenal? We may never know. We made it difficult to test Russian motives because of our own stepped-up deployment program.

But we did not need to know what Soviet motives were. We could have responded with our own acts of restraint. And our risks would have been minimal compared to the gains we might have achieved.

In talking about arms control we must be prepared to take what I call minimal, prudent risks for peace, to try to slow down the arms race. This is the best way I know to promote both our national security and world peace.

As I said, we did not need to know what Soviet motives were. We could have responded with our own acts of restraint. There is precedent for this assertion. Both Presidents Eisenhower and Kennedy took unilateral action to stop our own nuclear testing; both acted in anticipation of a commensurate response from the Soviet Union and both were willing to accept less at the time than a complete test ban.

This is why we call it the limited nuclear test ban treaty. We can still exercise restraint today in ways that were long urged on the administration before the Russians launched their land-based missile program—if that is indeed what they are doing—and as yet we have no positive evidence that they are resuming this program.

We must not be panicked by recent Soviet moves, or headlines about them, into believing that all chances for ending the arms race are dead. They are not; they have become even more imperative; and they require even more restraint on both sides.

Restraint should begin with the weapons that raise the most serious problems of immediate concern for the stability of the arms balance: The Soviet and our anti-ballistic-missile system, Soviet offensive missiles, and multiple independently targeted rerentry vehicles—MIRV—both ours and theirs.

Our Safeguard system is presently deployed at three sites—and, if the administration has its way, it will be deployed at a fourth site, either in Wyoming or right here around Washington. So far this ABM is designed primarily to afford some protection for our land-based missile and bomber forces against a successful first-strike by the Soviet Union.

But this purpose has always been suspect: Few scientists really believe that Safeguard could thwart the attack of a determined aggressor. In any event, we have alternatives to Minuteman in order to deter a Soviet attack. Those alternatives include our bomber fleet and nuclear submarines with Polaris and Poseidon missiles. Come what may, we know and they know we can retaliate against any attack, at any time, from any quarter—with total devastating effect.

The arguments for Safeguard were always weak. Despite reported recent developments, they remain weak.

During a period of several months, the Soviet Union halted programs which, had they continued such programs unabated for long enough, and without any action by us, could have posed the threat of a disarming first-strike against Minuteman. According to Department of Defense figures in the posture statement, for 1971, the Soviet SS–9 program has leveled off at fewer than 300 missiles. Yet in order to launch an all-out first-strike against Minuteman, the Soviet Union would need at least 420 SS–9's, each armed with a MIRV system capable of bringing three separate targets under attack in order to implement this strategy. They do not have this MIRV system at this time, Mr. President.

I am aware, of course, that the Soviet Union could try to achieve this same purpose—the ability to launch a disarming attack against Minuteman—without increasing the total number of its SS–9's. It could install an advanced system of highly accurate MIRV's. Each would have to carry at least six separate warheads.

Today, we know that the Soviet Union has tested a simple, unguided, multiple warhead that could fire three warheads like a shotgun. The Russians may also have begun testing a rudimentary MIRV, capable of taking three separate targets under attack at one time. But they have clearly not finished the test program that would be necessary to develop their MIRV into a system capable of successfully attacking Minuteman Missiles in their hardened silos. Even more, there is no evidence that they have begun a test program for a MIRV with six warheads, despite all the suppositions and scare talk that appears from time to time.

Before the Russians could possibly deploy a system of offensive weapons capable of threatening our Minuteman force, they would have to make considerable strides, in their missile programs—particularly in the development of their MIRV.

Do the Russians intend to build a first-strike capability sufficient to destroy our Minuteman force?

I believe that this possibility is too fanciful to merit our serious concern.

It ignores the political developments of a decade in our relations with the Soviet Union.

It ignores the certainty that the Russians would face a continued, all-out nuclear arms race with us—a race they could not win. We would never stand idly by and permit that.

But most important, the case for believing in a Soviet first-strike capability against Minuteman ignores totally the existence of our powerful Polaris submarine force.

Today that force on its own—and without MIRV—is capable of utterly destroying the Soviet Union, if this brings any comfort to anyone. I sometime wonder about how mad we are. We talk about total destruction as if it were a game.

Indeed, if there were ever a real threat to our Nation that required the deployment of Poseidon submarines, one single Poseidon equipped submarine would be able to destroy a significant portion of the Soviet Union—one Poseidon could destroy 160 different cities.

We must understand one thing: we cannot continue to assert, without convincing evidence, that the Soviet Union is bent upon the destruction of our land-based missiles; and we must not undertake programs based upon that assertion. If we do, we stand to forfeit the possibility that the arms race itself can be brought to an end. Overinsurance, and the hysteria which breeds it, may only help to bring into being the very offensive threat that is the object of the Safeguard defense.

For these reasons, I call upon the President to propose a mutual freeze with the Soviet Union on ABM deployments, as an important first step in limiting both offensive and defensive arms. And the United States for its part should maintain this freeze for as long as the Soviet Union exercises comparable self-restraint and refrains from taking action directed to counter the ability of the United States to respond effectively to a Soviet nuclear attack.

I believe we should take the initiative, just as President Kennedy and President Eisenhower did on two other occasions when they took the initiative unilaterally. This is not an awful risk, but it does represent leadership. We can take that leadership at this time because, as I speak to the Senate today, we do have massive retaliatory power. We do have a great deal of deterrent force. We do have a powerful strike force not only in our land-based missiles and bombers, but also in the Polaris fleet which in itself, is a deterrent force, a strike force that the Soviet Union cannot counter.

This kind of mutual suspension which I am now proposing could be policed through the satellite reconnaissance systems of each side.

The Soviet Union might not accept this mutual suspension. But at least we in the United States would be making an effort to stop the arms race—an effort which the Senate urged upon the administration last year, when the arms race was much less advanced. At that time, the President refused to act. We must not make the same mistake this year.

What about offensive weapons?

If we wish to bring the arms race to an end, it is essential that both superpowers exercise restraint in these weapons as well. For the United States it means halting the deployment of MIRV's. For the Soviet Union it means continuing its suspension of SS-9 deployments and refraining from deploying comparably large intercontinental ballistic missiles as well as from further testing of their own MIRV.

MIRV's are already being deployed on our Minuteman III missiles, and we will shortly be sending to sea the first of our Poseidon submarines.

Why did we develop this MIRV warhead in the first place, and begin to deploy it? The last two administrations have adopted these reasons—and I am quite familiar with at least one of those administrations.

First, the MIRV program was designed as a counter to a Soviet anti-ballistic-missile system which some people said might threaten our ability to counterattack following a nuclear attack on us. Against such a Russian ABM system, MIRV would enable us to maintain deterrence, by guaranteeing that enough warheads could always penetrate Soviet defenses, regardless of their ABM's.

But the Soviet Union has not built the ABM system we feared. A few years ago the Senate was filled with talk about what the Russians were going to do with their ABM system; the fact is they have not done anything with it—and the limited already outdated system they have deployed is not capable of stopping an American retaliatory attack with our existing arsenal—much less of stopping a MIRV attack.

An effective ABM system would take the Russians many years, if not decades, to build; would be incredibly expensive—and might not work in any event.

Furthermore, if the Russians begin this ABM system, we will know it immediately, through our own reconnaissance satellites that give us positive and reliable evidence of Soviet acts. An ABM system requires very large pieces of equipment, radar equipment, and all of which is visible by use of reconnaissance satellites.

We could counter their efforts by deploying MIRV warheads at a moment's call.

It is beyond dispute that we are far advanced with MIRV technology—so far advanced that we are already deploying the counter to a future Soviet ABM system. We have, in other words, considerable leadtime over the Soviets.

One fact should now be clear to anyone who has looked at the awful logic of an arms race: if we build the counter to a weapon before that weapon is built, we will only inspire the other side to fulfill our worst fears. Yet this is exactly the course we seem to be pursuing.

There is a second reason advanced by the administration for building MIRV: to provide added insurance that we could retaliate following an attempt by the Soviet Union to destroy our bombers and land-based missiles in a surprise, disarming attack. But with more targetable warheads, fewer missiles would have to survive in order to rain unacceptable damage in retaliation upon the Soviet Union.

And here, too, we can wait to deploy MIRV warheads to counter the potential threat—we can wait until we have evidence that the Soviets are expanding their offensive and defensive strategic nuclear arsenal where it poses a real threat to our ability to retaliate.

What I am asking for is that we do not chase each other in this costly, dangerous arms race. We are setting up assumptions and then we build weapons to meet the assumptions, only to precipitate the building of other weapons by the Soviet Union. And they do the same.

By deploying MIRV's now, we may attain a self-fulfilling prophecy by forcing the Soviet Union to accelerate its own land-based missile program or even to deploy another, more complete ABM system. But a mutual freeze on ABM's would, on the other hand, remove a large part of the rationale for the existence of MIRV's. For these reasons, I believe that we should suspend further deployment of ABM's and MIRV's—in other words, either a freeze or agreement.

In addition, I believe Congress should act to place in escrow all funds for MIRV deployment.

If we should have reason to believe that the Soviet Union is not responding with similar restraint—in other words, that it does not take commensurate action—then this Congress and our President must, of course, do what would appear to be necessary.

But if we were to put in escrow the funds for the deployment of MIRV, Congress could continue to appropriate the funds needed for a MIRV program; and the Russians would not doubt our resolve to resume this program if their actions made it necessary.

By putting the funds in escrow, we would be taking a positive step to exercise restraint in the arms race.

At the same time, I propose that the administration require the Soviet Union to match our restraint by suspending, once again, their land-based missile programs and MIRV testing. We should expect that our restraint in halting deployment and testing of MIRV's will evoke a comparable response from the Soviet Union.

People are going to say, "You will never get it done this way, Senator." I submit that we have to try. I think we have to be as ingenious at the peace table as we can be at the arsenal and in the field. I think we have to develop peace weapons and peace technologies, just as we have developed military weapons and technologies. We have spent billions of dollars on weapons technologies. We must use every bit of ingenuity and inventive genius in the intellectual and diplomatic realm that we have, to probe and to search for ways and means of slowing down this arms race without in any way sacrificing our own security.

I have been in Congress long enough, and have served in high office long enough, to be concerned about our security. My point is that we are not gaining any more security. What we are getting today is less security and less stability. What we are getting today, Mr. President, is a costly, dangerous, deadly arms race.

There are still further reasons for us to withhold deployment of MIRV warheads. What will happen if we fail to do so? The answer becomes clear after a careful reading of President Nixon's foreign policy report this year.

In his message, the President said that our MIRV's would contribute to the stability of the arms race, but that Russian MIRV's, if they are developed and deployed, would be destabilizing.

Mr. President, he cannot have it both ways. Listen to the remarks of the President:

> Deployed in sufficient numbers and armed with (MIRV's) of sufficient accuracy, (the SS-9) could threaten our land-based ICBM forces. Our MIRV systems, by contrast, do not have the combination of numbers accuracy and warhead yield to pose a threat to the Soviet land-based ICBM force.

I guess it depends on which end of the telescope you are looking through. Whom do we think we are kidding? Are we building a nuclear force for a Fourth of July celebration? Is that what this is all about? Has our nuclear force suddenly become a little social enterprise?

Why should the Russians believe us when we try to reassure them about our MIRV's, when we distrust them about theirs? And why should we assume that the Russians will believe that a weapon we are deploying will pose less of a threat than a weapon which the Soviet Union has not yet even adequately tested?

Mr. President, for many years the arms race has continued unabated because each of us, the United States and the Soviet Union, has insisted on a double standard. We in this country have argued that we would never start a nuclear war—and I am sure we will not—and we know this to be true. This, in our minds, has justified our having a superiority or sufficiency of nuclear firepower.

At the same time, the Russians argued and acted on the basis of Communist doctrine that the capitalist West would start the last great war. In other words, the Soviets have rationalized and justified their nuclear arsenal on the basis of their defense.

We may reject their doctrine, but we must not fail to understand the result of this parallel process of belief: each of us continues to rush ahead in the arms race, convinced that the other is the real villain.

Neither of us can any longer indulge ourselves in this practice of placing all the blame for the nuclear arms race on the other.

We in the United States, therefore, cannot argue that our MIRV's are weapons for peace, and theirs are weapons for war. Nor can they. We must realize that we are trapped together in this mad circle of escalation, and must work together to break out of it.

Of course, it is widely argued that it is too late to head off a competition in these MIRV warheads.

We are told that yet another genie is out of the bottle, and that the Soviet Union will inevitably respond, and may even be doing so now, to our MIRV deployments, with new nuclear deployments of their own—one day including MIRV's.

For those of us who long ago urged the postponement of our MIRV program for this very reason—and who now watch new Soviet activity in land-based missiles—it is cold comfort to be told now that we were right.

I do not believe that it is too late to act.

Perhaps the Russians will undertake a full program to test MIRV's, and deploy them in significant numbers.

Perhaps.

But we will never know whether they can be convinced not to deploy MIRV's—and possibly a new ABM system, as well if we rush ahead with our own MIRV program. In despair, we would make our prophecy self-fulfilling.

There is one further reason for suspending deployment of our MIRV's at this time. Part of the nuclear equation is closely related to the total number of nuclear warheads and firepower on each side.

The President has dealt with this issue in defining his concept of nuclear sufficiency. According to this concept, we must have enough power to prevent our being blackmailed by the Soviet Union. Therefore, as the President has said:

> Our strategic power (must) not be inferior to that of any other state.

I heartily concur.

For that reason, we must be watchful concerning any new activity in the Soviet strategic nuclear missile programs.

But I also recognize that the Russians claim this prerogative and would resist the right of a foreign power to exercise nuclear blackmail over them. They, too, must be concerned with the number of our warheads—as it increases radically with our deployment of MIRV.

This is why over the years both sides have come to accept that neither must be allowed to become so superior to the other as to make it vulnerable to political blackmail.

President Nixon endorsed this concept in his press conference on March 4.

And as long ago as March 7, 1970, the Soviet Union endorsed parity—and claimed it for itself—in an article which appeared in Pravada, the most authoritative public source of Soviet thinking:

> The military strategic balance of forces existing in the world makes quite unrealistic any of the West's militarist circles' calculations about the possibility of winning in the event of a thermonuclear war, and judging from everything, a new spiral in the arms race could not change the essence of this balance.

And it noted even further that:

> At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to receive any additional unilateral advantages for itself in the sphere of safeguarding just its security alone.

I do not suggest that we in the United States should permit the Soviet Union to be roughly equal with us in nuclear power out of any abstract notions of nuclear justice.

Quite the contrary: We must accept this kind of equality as the only basis for stability, and the point at which arms control can begin.

We are dealing with a psychological concept—that each nation feels equal, and can permit a lowering of political tensions, whatever may be the true facts of the case. Indeed, the Russians claimed equality with us—and endorsed an end to the arms race—at a time when they were markedly and demonstrably inferior to us in every form of nuclear power except land-based missiles.

But if the Russians can be comfortable with that situation, and can urge that the competition come to an end, then it would be foolish for us to make their inferiority even more apparent, and force them to take a new hard look at their position relative to us.

These questions of restraint on ABM and MIRV are doubly important at this very moment. At the end of this month, the 24th Congress of the Soviet Communist Party will be convened.

High on the agenda will be the issue of East-West relations.

Efforts will be made by the Soviet military leaders to portray the United States as an aggressive power, bent on the destruction of the Soviet Union. We will present them with a set of most persuasive arguments if they can demonstrate that we are continuing the arms race at a faster rate than they are.

The Soviet Union is clearly not a pluralistic society in the sense that we know pluralism.

I might suggest, Mr. President, that the Russians have some tough, hardline militarists in their Government.

But there are people in the Soviet society and Government who are concerned about both the risks and costs of the arms race, just as we are.

There are strong incentives for the Soviet Union, as well as for the United States, to change its priorities away from an arms race that costs them far more relative to the rest of the economy than it does us.

We can help make that possible, by not undermining those people in the Soviet Union who share our objective of slowing down the arms race.

I suggest that we try to appeal to the men of reason.

By suspending the deployment of our MIRV's, coupled with an offer to freeze our ABM position, we could strengthen our hand at the SALT talks. SALT talks have resumed in Vienna, and what happens in them will depend more on what the superpowers do with their own weapons programs than what they say in Vienna.

Last year, we were told that we must continue work on an ABM system as a "bargaining chip" to be used in those negotiations.

Whatever the merits of that view, we should realize that we now have that chip—and the one represented by our capability to deploy MIRV's at will.

But we are in danger of changing our bargaining chip into a chip on our shoulder, if we do not show restraint.

It is one thing to prepare ourselves to continue programs if the Soviet Union does not negotiate in earnest; it is quite another thing to build so many arms that the Soviet Union will have no alternative but to respond in kind, and even to suspend productive work at SALT while they try, once again, to catch up with us.

Indeed, the reputed Soviet resumption of a land-based missile program may be no more than an attempt to play our game: To reestablish a bargaining chip of their own, and another chip on their shoulder.

As Admiral Moorer has said:

> There is an interreaction between what we do and what the Soviets do.

A demonstration of restraint is an essential preliminary step in the process of building the climate needed for success at SALT.

But there are steps that we can take during the negotiations themselves.

I recognize that we all must be very careful here. The President, as Commander in Chief, is primarily responsible for our security. He, alone, must make the final decision on our negotiation posture at the strategic arms limitation talks.

But the Senate also has a role to play, above and beyond its power to give our "advice and consent" to the President on a specific treaty. As a coordinate branch of the Government, Congress at all times has joint responsibility with the President for deciding our military posture and has the power of the purse strings to insure that it plays an active part in making security policy for our Nation.

It would be folly to believe that the Senate should only be consulted when a treaty is presented to it. We have the experience with the Treaty of Versailles to chasten us. Then President Wilson's failure to consult adequately with Members of the Senate who opposed him but were open to persuasion doomed that treaty from the start, and helped set us on the road to World War II.

The same can be said of the Southeast Asian experience, when Congress and the public suffered from inadequate consultation which bred a feeling of distrust between the two branches of Government and damaged our policies at home and abroad.

In dealing with problems of nuclear strategy and arms control, we cannot afford to repeat these practices. The President must take the Senate into his confidence every step of the way.

Last year, the President requested funds for phase II of Safeguard, and the Senate complied after lengthy debate. Yet we know now that for some months, as I have said, the Soviet Union had slowed down its SS-9 program. Had the President been more forthcoming about this information, the Senate's deliberations may have proceeded differently.

This year, therefore, it is incumbent upon the Senate to fulfill the responsibilities it has under the Constitution.

We have this responsibility in the conduct of the SALT talks.

Without attempting to bind the President to any set course of action, therefore, we owe him our support and allegiance in declaring our own position on the best way to proceed to SALT.

In this regard, we have to note the major shift in Soviet policy during the past year: I repeat, the willingness of the Soviet Union to consider an agreement on antiballistic missiles alone.

While being duly cautious in assessing Soviet motives, we must not underestimate the significance of this development. It represents a declaration by Moscow of the need to halt one area of the nuclear arms race, and a new road to travel.

An agreement to ban or limit to a very low level any further ABM deployment would not be the end of that road, but only a station on the way. Nor would we limit our own actions by agreeing, as the first step, to stop this part of the nuclear competition. We could—and we should—hold an ABM agreement to be only the first important part of a more comprehensive agreement, to be negotiated as soon as possible following the first step. We would not halt our research and development of an ABM system; nor would we sign without an escape clause that would permit us to abrogate the agreement if the Soviet Union pursued programs that violated the agreement or limited the ability of the United States to respond to a Soviet nuclear attack. And, if need be, we could place a time limit on the agreement, to require further, negotiated progress in other parts of the arms race. There are many alternatives. I am merely asking that we try to see whether they apply.

Our objective must be an agreement, formal or tacit, on both offensive and defensive strategic nuclear weapons. The President insists that such a comprehensive agreement be concluded at one time.

This approach has not yet proved successful in making a breakthrough toward an agreement of any kind. I maintain that an ABM agreement could and should be explicitly linked to an agreement on offensive weapons. In fact, I would suggest that an ABM ban is the essential first step.

Critics will say that the first step will be the last, that the Soviet Union will have no incentive to negotiate further agreements if they once could neutralize our Safeguard system. I do not believe this. I believe that any agreement with the Soviet Union on these matters—or any tacit actions of restraint will build toward others. Together, these steps could eventually bring an end to the entire race in nuclear arms. In 1963, we negotiated a halt to the testing of nuclear weapons on the ground, under water, and in the air. That limited test ban treaty was never considered the last act in arms control; rather, it has helped to build the climate which we now find supporting our efforts to take more substantial steps. In fact, that agreement was step No. 1 toward the so-called Nonproliferation Treaty, which was step No. 2.

So, too, an agreement on ABM's alone will not release either of our two countries from the solemn pledge we have made to stop our race in every nuclear arm. We made this pledge in the Nonproliferation Treaty, not out of altruism, but out of a hardheaded recognition that we could not expect other nations to exercise nuclear restraint—by not building their first bomb—unless both the superpowers began work to end their race in more deadly weapons. Article VI required the parties to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." It is under that article that we are proceeding with the SALT talks.

And the NPT will continue to succeed only as long as the SALT talks themselves show progress—or there is other evidence of superpower restraint, such as the suspension of programs that I have proposed.

The SALT talks must continue; and they must lead to a conclusion that all the world can see, and that will discharge the responsibilities that are expected of the mightiest nations of the world. The superpowers do have a responsibility for peace and for promoting the conditions that are conducive to peace.

But most important, the SALT talks are a forum for protecting our national self-interest. They will continue only as far and as fast as both superpowers recognize that it is in their self-interest to proceed. What comes first is of lesser importance. If we negotiate an end to deployment of the ABM, the Soviet Union will not lose its incentive to bring the rest of the arms race to an end, nor will we. The perils of an offensive nuclear arms race will remain the same; the economic incentives to desist will be just as strong. And the Soviet Union will be no more likely to acquire a nuclear capability that would permit it to launch a first-strike against us, or to hold us to ransom through a large increase in offensive arms.

Therefore, I strongly urge the President to begin this round of the SALT talks by negotiating a ban or at least a low-limit level on the ABM. He has himself said that we can only expect to succeed at SALT by being flexible in the way we approach these talks. The President also has stated that:

> We will negotiate an agreement that is not comprehensive but it must include offensive as well as defensive weapons, some mix.

We do not reject the need for an agreement on both offensive and defensive missiles. I surely do not. We merely move toward that objective step by step—each carefully measured. This is the pattern of United States-Soviet relations. And, we have made progress by following this course.

I do not speak in theory, Mr. President. I speak from the record of history. In the past 9 years, we have seen total disarmament in Antarctica; a nuclear test ban undersea, in the atmosphere, and on the ground; an atomic quarantine for Latin America; a nuclear nonproliferation treaty to curb the spread of weapons and technology; a treaty banning the use of nuclear weapons in outer space and, most recently, a treaty barring nuclear weapons and launching installations from the ocean seabed.

We have made progress negotiating with the Soviet Union. It is not as if they were a wall of granite, obstinate, stupid, stubborn to the point of doing nothing. If we pursue our program for peace with prudence and tenacity, we can make progress. In fact, we must.

In the past 2 years, both the Russians and ourselves have repeatedly declared our desire to slow down the arms race; yet the piling up of arms continues. The two nuclear giants have recognized their mutual self-interest, yet they have been powerless to put it into effect.

This is what was meant when we talked of the "mad momentum" of the arms race. It is mad—insane—to persist in this folly.

Of course, an agreement at SALT must reflect patience, understanding, and mutual accommodation. But we must not forget that every day we waste on finding the proper formula for halting the arms race, either by agreement or by concrete acts, we move one more day along in massing of weapons and passing of new thresholds.

I submit to the Senate that there are massive, new weapons systems on the drawing board in the Pentagon and, I am sure, in the Soviet pentagon as well. We can bankrupt ourselves and get no more security.

Bureaucrats on both sides have become paralyzed; misplaced caution betokens a far greater recklessness; and we both insure that an end to the arms race, if it ever does come, will be at a far higher level of weaponry than was true 2 years ago, or is true even now.

For too long, we have allowed ourselves to think that the arms race was a technical problem requiring technical solutions. Now we have learned two lessons:

First, the strategy of deterrence is as much a matter of psychology as of military weapons.

Second, and even more important, controlling the arms race is a political problem, requiring political solutions. It cannot be accomplished by experts, by the military, or by technicians. Experts should be on tap, not on top. There are political decisions which have to be made. Stopping the arms race can only be done by leaders responsible for the overall well-being of their people, and who have a sufficient grasp of history and of men to end the tyranny of nuclear technology and our cowardice before it.

I believe that it is time for both sides to act to end the arms race—now. That is why I propose this resolution today.

We have an opportunity today to slow the whole race down. And we must take it. We have taken many risks on the battlefield—in Vietnam, Laos, Cambodia—at the direction of Presidents. It is now time, and the situation demands, that we take some risks for peace and security.

It is also time to recognize the tremendous economic costs of the nuclear arms race, and the waste that it represents for us in America in terms of our domestic needs. Of course, throughout our history, we have believed that nothing could stand in the way of our own security—that no cost was too great to insure our future peace of mind.

There is no such question today—our security is guaranteed, and a failure to halt the arms race will even make us less secure.

It is proper, therefore, to question the diversion of needed resources to strategic nuclear programs which were once so crucial to us, but which now may produce more threat to us than safety.

The strength of our Nation is made up of many factors. We have accounted for the factor of nuclear might. Now we must be concerned with our domestic strength, as well—with our cities, housing, education, health, poverty, the environment. These are needs we will never meet—strength that we will never build—if we persist in placing unlimited funds in nuclear weapons programs that add nothing to our security.

Mr. President, I speak today at a moment of unique promise—and peril. For the first time in more than 20 years, we see the possibility of bringing some order into Soviet-American competition in nuclear weapons, leading to a day when these weapons will not loom so large in our relations. It is a promise for everyone—that all the world can rest more easily in the knowledge that the two great custodians of this destructive power could recognize their own self-interest in stopping the arms race, and recognize their responsibilities to all mankind.

But there is peril in our present course of action. By placing too much weight on detail—too much weight on remote threats—too much weight of suspicion—that appears only on the far reaches of our imagination—we may squander the opportunity that is ours today. This is no time for timidity, or for blind obedience to outdated doctrines of building every weapon it is possible to have. Our back is laden, burdened with the weight of these weapons.

This is a time for trust—not of Soviet intentions—but of ourselves. Trust that our undoubted strength can be used as a base for building a better world. Trust that we can find a way through the difficult and uncertain days ahead as we negotiate and end to the arms race. And trust that our efforts can give us that future—secure and safe—that is ours to have.

The future of the world itself may very well depend upon our confidence in ourselves and our trust in ourselves.

Mr. President, I hope that this message today will make some contribution to a most complex and difficult assignment.

I recognize that the President has an exceedingly difficult task in the negotiations at Vienna.

I did not make this speech to enter into a debate with the President. I made it as a contribution to the thinking of ways and means to bring about deescalation in the arms race, and effective control over weapons of mass destruction.

I appeal to the leaders of our Government to be ingenious. I appeal to them to be tenacious. I appeal to them to have faith in ourselves and our capacity to give leadership to the world.

As we are now in a program, hopefully, of withdrawal from Southeast Asia, may we be able to forge a program of leadership in the cause of world peace. There can be no peace in the world if the arms race continues unending and unabated.

The beginning of peace is in the mind of man. The mind of man must find a way through political decision, through negotiation and diplomacy, to bring a halt to the arms race which consumes our resources and threatens our very lives, and which gives us little or no security or stability.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 87) was referred to the Committee on Foreign Relations.

Mr. HART subsequently said: Mr. President, I had hoped very much that I could have been on the floor to hear the able Senator from Minnesota when he spoke a few minutes ago with respect to arms control.

Mr. President, let me presume to speak for those millions in this world who are interested in ending the nuclear arms race.

Each welcomes the return of Senator HUBERT HUMPHREY to this area of concern, an area in which he has performed with courage and effectiveness.

Perhaps I err to indicate that he has never been away from this issue, for in or out of the Senate, he has demonstrated a knowledge about and a commitment to the cause of arms control from which we have benefited in the past and from which we will gain in the future.

So speaking only in the context of his absence from the Senate I say, "Welcome back."

And second, I welcome Senator HUMPHREY's introduction of a resolution relating to armaments limitations.

This resolution should be discussed widely and should lead to Senate action that will encourage U.S. and Soviet negotiators to reach significant agreements at the arms limitation talks in Vienna.

Many hopes ride on the outcome of those talks.

An arms limitation agreement could stop the world's plunge toward a nuclear holocaust, could increase the national security of both countries, and could allow the diversion of funds from the Pentagon to domestic programs critical to our security and survival.

In each instance, the question of arms control is important to the continuing debate over national spending priorities.

While the specifics of the debate will be over how much of the $77 billion requested for the Pentagon this year should be approved, the broader questions involve the definition of national security, how much security can be purchased in a nuclear age, do we really need 4,000 long-range nuclear weapons, and will our Nation and the world be better off if we continue to follow policies which have cost us $1 trillion?

To answer those questions intelligently, we must look at and question assumptions which led to those policies.

Many of those assumptions were formed as far back as the 1940's. It is useful to recall the atmosphere in which they were made.

A very able former public servant, Joseph M. Jones, has recorded in his book, "The Fifteen Weeks," a February 27, 1947, meeting in the White House among President Harry Truman, the chiefs of the State Department and congressional leaders. The subject of the meeting was the American response to the request by Great Britain that the United States extend aid to Greece and Turkey. The sun was setting on the British Empire, and John Bull had asked Uncle Sam to assume some of the burden. This meeting was to provide the shape of our policy for several decades.

Among those present, according to Mr. Jones, then an official in public affairs at the State Department, were Senators Arthur Vandenberg, Styles Bridges and Tom Connally, House Speaker Joe Martin and minority leader Sam Rayburn.

Secretary of State George C. Marshall, still acutely conscious of the Nation's isolationist past, presented the administration's reasons for responding positively to the British request.

According to Jones:

> There is no question that the Secretary understood thoroughly the strategic importance of Greece and Turkey, but somehow his summary and cryptic presentation failed to put it across to his listeners. In fact he conveyed the overall impression that aid should be extended to Greece on grounds of loyalty and humanitarianism, and to Turkey to strengthen Britain's position in the Middle East. This did not go down well with some of the Congressional leaders, whose major preoccupation at that moment was reducing aid abroad and taxes at home.

Thereupon, Marshall's deputy, Dean Acheson, tried a different approach. He stated a world view which convinced the congressional leaders to accept a new course in foreign policy.

Speaking as a fervent advocate, writes Jones, Acheson painted this picture:

> Only two great powers remained in the world, the United States and the Soviet Union. We had arrived at a situation unparalleled since ancient times. Not since Rome and Carthage had there been such a polarization of power on this earth. Moreover, the

> two great powers were divided by an unbridgeable ideological chasm. For us, democracy and individual liberty were basic; for them, dictatorship and absolute conformity. And it was clear that the Soviet Union was aggressive and expanding. For the United States to take steps to strengthen countries threatened with Soviet aggression or Communist subversion was not to pull British chestnuts out of the fire; it was to protect the security of the United States—it was to protect freedom itself, for if the Soviet Union succeeded in extending its control over two-thirds of the world's surface and three-fourths of its population, there could be no security for the United States, and freedom anywhere in the world would have only a poor chance of survival.

The Members of Congress were greatly impressed by the presentation. Senator Vandenberg is reported to have told the President that any request for funds and authority to aid Greece and Turkey must be accompanied by a message to Congress explaining the grim facts of the larger situation.

Six days later, in a letter to a congressional colleague, Senator Vandenberg defined the larger situation this way:

> I sense enough of the facts to realize that the problem in Greece cannot be isolated by itself. On the contrary, it is probably symbolic of the worldwide ideological clash between Eastern communism and Western democracy; and it may easily be the thing which requires us to make some very fateful and far-reaching decisions (*The Private Papers of Senator Vandenberg,* Houghton Mifflin, 1952).

Very fateful and far-reaching decisions, indeed, were made on the basis of these assumptions about a bipolar world divided between democracy and totalitarianism. Aid to Greece and Turkey was followed by the Marshall plan. Then came NATO and other military alliances in Central and Southeast Asia. When the U.S.S.R. broke the American monopoly of atomic weapons, both superpowers engaged in a race for the H-bomb. Both succeeded. The United States surrounded the Soviet Union as well as Communist China with more than 40 military alliances and more than 3,000 military bases.

And I sense this same view made it easier to rationalize the use of U.S. troops in South Vietnam.

In 1970, with the wisdom of hindsight, the Senate Subcommittee on Security Agreements and Commitments Abroad observed:

> In retrospect, it is easy to assert that two things seemed probable in the wake of these policies:
>
> "The United States eventually would not be able to continue bearing the financial burden of all these activities.
>
> "The Soviet Union and China—both of them growing economically as well as militarily—would strive to increase their military positions as against the United States."

Earlier in 1961 President Eisenhower warned against the "unwarranted influence of the military-industrial complex." Despite that warning, our Nation engaged in a race for security which encouraged an alliance which, with the tacit if not willful support of Congress and much of the Nation, consumed an ever-greater share of Federal resources. The richest Nation in the world, which thought it could have both guns and butter, produced guns in profusion but only dabs of lard for the poor, the aged, the ill, the minority groups.

This Nation has invested more than $1 trillion in the military since the end of World War II. We have produced the most awesome military machine in history. By the end of the 1960's the United States has deployed more than 4,000 long-range nuclear weapons, despite the fact that Russia had half as many and despite the fact that Defense Secretary Robert McNamara told us that 400 of these weapons could annihilate one-third of the Soviet population.

Why did we continue to build 10 times as many strategic nuclear weapons as required to destroy 70 million human beings?

Does overkill really add to our security?

Today are we really more secure, after an expenditure of $1 trillion, than we were in 1947 when no hostile country could attack our territory? Is Greece, the first country we aided under our new foreign policy, more democratic under the regime of the colonels in 1971 than it was in the chaotic days of 1947? Are the security of the United States and the liberty of its people really enhanced by a decade of military involvement in Southeast Asia?

These questions take on added importance as we debate new departures in foreign aid, as we are told we are winding down our war effort in South Vietnam, as we set out to negotiate an arms control agreement in Vienna.

But the answers to those questions will be useful only if we debate also the assumptions which led to those policies to determine if they are valid today.

Certainly the world has changed since that day in 1947 when Dean Acheson described the two polarized great powers.

Dr. Hans Morgenthal, a noted international affairs scholar, contends there has been several major changes.

First, he sees evidence that both the Soviet Union and the United States are pursuing policies of nuclear restraint—a reluctance to push confrontations to the explosion point.

Second, he sees Washington and Moscow in a growing willingness to abandon the good-and-evil approach to world problems.

And third, he points to the obvious development of polycentric communism, with centers in Moscow, Peking, Belgrade, Hanoi, Havana, and even Bucharest.

On the minus side of the ledger, Dr. Morgenthal points to the development of ABM's and MIRV's, to efforts by both sides to make agents out of other countries, and to the possibility of the acceptance of the status quo in Europe leading to a Soviet-German alliance.

Whether or not we agree with the evaluation of those observations, it would be hard to argue that they do not accurately portray some changes from the world of 1947.

So let us examine these changes, and then let us ask whether the security of the American people is better served in 1971 by another $77 billion for the military or by a shift of some of these bountiful resources to our unfinished but critically important business at home.

Certainly, no one need fear that this unfinished business would provide too small a challenge or too little work for our people. According to the 1969 Economic Report of the President and the Bureau of the Budget, new Federal programs or expansions of existing programs just in fiscal year 1972 could total $39.7 billion in education; health; nutrition; community services; jobs and manpower; social security and income support; veterans' benefits; economic, area and other special development programs; crime and delinquency; environment; natural resource development and utilization; urban development; transportation; science and space exploration, and foreign economic aid.

In the process of reexamining our concepts of national security, perhaps we can arrive at a better balance between destroying and healing, between defoliating and feeding, between deterring and educating, and between despairing and hoping.

Perhaps then we will be better able to determine if the safety and well-being of the American people are more endangered by Communist-led guerrillas in Southeast Asia than by drug addiction and poverty-bred frustrations at home.

But even as we debate such questions, I believe—with deep conviction—that history tells us we should not delay on doing what we can right now to stop the arms race.

History not only compel us to explore fully every initiative to secure a meaningful arms control agreement, but history indicates that the time may be right for such an agreement.

The major nuclear powers possess awesome destructive forces—forces stronger than necessary to deter attack.

The major nuclear powers are under pressures at home to direct greater portions of their national resources from war to peace, from military to domestic programs.

And most important, representatives of the major nuclear powers are now meeting in Vienna to discuss arms control, and there are strong indications of a willingness to negotiate.

History, I feel certain, will deal sharply with us if we fail through inaction to take advantage of that combination of circumstances.

And history tells us, as I shall recall shortly, that initiatives by this Nation and by this Senate have resulted in significant arms control agreements.

It is then with a hope bred out of history, with a hope strengthened by the present combination of events, with a hope based on the realization that the shape of the future depends on what we do today, I endorse a three-step U.S. initiative at the SALT talks in Vienna.

The United States should seek:

First. A total ban on deployment of anti-ballistic-missile systems.

Second. A firm promise to continue negotiations on limiting the types and numbers of other strategic nuclear weapons after an ABM agreement is reached.

Third. A mutual freeze on deployment of new types of strategic nuclear weapons, including MIRV's, during such negotiations.

Let me briefly explain the reasoning behind each step.

ABM BAN

I am more convinced than ever that Safeguard will not work. Even if it would operate as advertised, I am convinced that it is unneeded to protect our total deterrent and inadequate to defend our land-based deterrent.

Predictably, however, conservative military planners in Washington and Moscow would react as if the systems worked. And their response would be to develop and deploy offensive weapons to overcome such systems.

Development of such weapons would escalate the arms race.

By agreeing to a total ban on ABM deployment we would be eliminating a force for heating up the arms race and would save money, both without endangering the national security.

BINDING NEGOTIATIONS

By linking a total ABM ban with continuing negotiations on limiting deployment of offensive weapons would diminish pressures which might develop to deploy new offensive weapons. Perhaps the ABM ban could be tied to prompt and successful negotiations on offensive weapons.

MUTUAL FREEZE

And finally, history indicates that important arms limitation agreements have followed initiatives on our part.

When President Eisenhower sought a treaty to maintain the Antarctic a nuclear-free zone, he refrained from deploying nuclear weapons in that part of the world.

When President Kennedy sought a treaty banning atmospheric testing of nuclear weapons, he announced the United States would suspend such testing as long as other nations did not test and that this Nation would not be the first to resume testing.

And when President Johnson sought a nonproliferation treaty, the Senate took the initiative of passing a resolution which supported the President's efforts and helped convince Moscow we had no intention of transferring nuclear arms to West Germany.

Let us take such an initiative now and see if Moscow responds as it has in those instances.

If it does, we will have made the world safer, yet increased our own security, and we will have made possible a diversion of funds from the Pentagon to important domestic programs.

Mr. President, I ask unanimous consent that an article entitled "To Strengthen Deterrence—Total Ban on ABM is Real Solution," written by Henry Owen and published in the Washington Post, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO STRENGTHEN DETERRENCE: TOTAL BAN ON ABM IS REAL SOLUTION

(By Henry Owen)

In recent public discussion of the resumed SALT talks, one key point has been slighted: In his foreign policy message, the President reported that we have made proposals to the Soviets "for either limitation or total ban of ABM." If you read this quickly, it sounds as though it were one proposal; in fact, there is a world of difference between banning and limiting ABMs. The pros and cons of each should now be talked out.

These pros and cons reflect the fact that there are two different reasons for deploying ABMs; to defend land-based missiles, and to defend cities. An effective ABM defense of land-based missiles should be stabilizing, as Professor Schelling points out in a recent issue of the Saturday Review, since it would reduce fears that either side's land-based ICBMs could be struck down in a surprise attack. ABM defense of cities, on the other hand, should be destabilizing, since it would threaten the effectiveness of each side's retaliatory capability. So the right solution, in theory, would be to negotiate an agreement which would allow ABM defense of missiles but forbid ABM defense of cities.

The trouble with this solution is that no one has yet found out how to devise an ABM defense of missiles which could not be converted (or which the other side might not believe could be converted) into a defense of cities. This is particularly true of the Soviet Union, since Soviet offensive missiles are so widely spread about Russia that ABMs deployed in their defense would seem to foreshadow an area defense of cities.

The surest way to lift this shadow is by banning ABMs altogether. This is an exciting notion; it is surprising that its mention in the President's message hasn't aroused more comment. It would transform the strategic scene, by wholly setting to one side a weapon whose deployment could threaten mutual deterrence: Each side could, without any further buildup of offensive weapons, be sure of its—and of its enemy's—ability to mount effective retaliatory action. This would strengthen stable deterrence.

A total ban on ABMs will, however, be hard to achieve. The Soviets already have an ABM defense of Moscow, and may be reluctant to dismantle it. The United States might have trouble accepting this limited Soviet ABM system, unless a limited American ABM system were allowed in return. Which is why the notion of an agreement which would permit limited ABM deployment—in defense of national capitals—has gained some currency.

Deploying ABMs to protect Moscow and Washington would be a lot better than spraying them about more widely, but it would still raise probelms: It might be difficult, unless the Moscow system were frozen in its present rudimentary state and the Washington system were equally crude, for military leaders on one side to be sure that the radar and other equipment associated with these ABM defenses on the other side was not the precursor of wider systems. Each side might thus fear that the other would suddenly expand its limited ABM defense—as Germany expanded the 100,000-man Reichswehr in 1935.

Nor is it clear that an ABM defense limited to capitals would do much to enhance U.S. security. It would provide a defense of Washington against Chinese or accidental attack, but it would not assure that defense against Soviet massive attack, which is the more serious threat. All of which makes a total ban on ABMs look a lot better than a partial limit.

A total ABM ban would have one disadvantage, however; it would leave each side fearful that its land-based ICBMs could be hit in a surprise attack. So long as each side wanted to re-insure itself by retaining land-based missiles, this fear could have serious destabilizing effects. This is why the United States has proposed linking an ABM agreement to a limit on offensive missiles, particularly the large Soviet SS-9s, which could threaten ICBMs. This would not indefinitely assure the ICBMs' invulnerability; when the Soviets put MIRVs (multiple warheads) on their SS-9s, our ICBMs would be in jeopardy. But the Soviets will need time to develop and deploy MIRVs; so an initial agreement which limited SS-9s would buy us time in which to negotiate a second agreement, which could further curtail offensive weapons—for example, by drastically reducing or phasing out both sides' vulnerable land-based ICBMs. Alternatively, we could try to meet the problem posed by the potential vulnerability of unprotected land-based ICBMs by seeking to choke off MIRV deployment, if it is not already too late now to prevent this, or by spending large sums trying to harden ICBM sites.

But the main point is this: There are ways of dealing with the problem of ICBM vulnerability which a total ABM ban would create, particularly if that ban can be linked to a follow-on agreement to limit offensive weapons. One way to create this link would be to negotiate an ABM ban and to make its life expectancy clearly and explicitly dependent on early negotiation of a satisfactory agreement regarding offensive weapons. Nailing down this link in an initial ABM agreement is more important than merely limiting SS-9s; indeed, if the link between an ABM ban and a later agreement on offensive weapons is clearly established, it becomes less necessary to limit SS-9s in the initial agreement.

The key thing is to be clear about our goal. Having failed to choke off MIRVs, our best chance of stable deterrence lies in getting a total—not partial—ban on ABMs. Tactical negotiating decisions along the way should be keyed to both to getting such a ban and to ensuring that it is followed by a substantial curtailment of offensive weapons, which will make it last.

RESCINDING OF ORDER FOR SENATOR STENNIS TO SPEAK TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order to recognize the able Senator from Mississippi (Mr. STENNIS) for 15 minutes today be vacated.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Maine (Mr. MUSKIE) is now recognized for 15 minutes.

(Mr. MUSKIE's remarks when he introduced S. 1382 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed with the conduct of routine morning business for a period not to exceed 30 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Job Opportunities in Five Cities

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the evaluation of results and administration of the job opportunities in the business sector (JOBS) program in Detroit, Mich.; Oakland, Calif.; Portland, Oreg.; San Francisco, Calif.; and Seattle, Wash. (with accompanying report); to the Committee on Government Operations.

Additional Assistant Secretary of the Interior

A letter from the Secretary of the Interior transmitting a proposal to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

Ninth Annual Report of the Federal Maritime Commission

A letter from the Chairman of the Federal Maritime Commission transmitting the Commission's annual report (with accompanying report); to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JORDAN of Idaho (for himself, Mr. Bennett, Mr. Church, Mr. Curtis, Mr. Fannin, Mr. Gravel, Mr. Hansen, Mr. Hart, Mr. Hollings, Mr. Hruska, Mr. McGovern, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Packwood, and Mr. Pell):

S. 1379. A bill to authorize the Secretary of Agriculture to establish a Volunteers in the National Forest program, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 1380. A bill to amend the Rail Passenger Service Act of 1970. Referred to the Committee on Commerce.

By Mr. BENTSEN (for himself and Mr. Tower):

S. 1381. A bill to provide for the conveyance of certain real property of the Federal Government to the county of Grayson, Tex. Referred to the Committee on Armed Services.

By Mr. MUSKIE (for himself, Mr. Humphrey, and Mr. Hart):

S. 1382. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes. Referred to the Committee on Commerce.

By Mr. WILLIAMS:

S. 1383. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1384. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1.800 in the case of single individuals, and $2,400 in the case of married couples. Referred to the Committee on Finance.

By Mr. BENTSEN (for himself and Mr. Mansfield):

S.J. Res. 76. A joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JORDAN of Idaho (for himself, Mr. Bennett, Mr. Church, Mr. Curtis, Mr. Fannin, Mr. Gravel, Mr. Hansen, Mr. Hart, Mr. Hollings, Mr. Hruska, Mr. McGovern, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Packwood, and Mr. Pell):

S. 1379. A bill to authorize the Secretary of Agriculture to establish a Volunteers in the National Forest program, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. JORDAN of Idaho. Mr. President, during the second week of March, national attention was focused on a very important area of American life—volunteer organizations. Although such activities as barn raisings are rather infrequent now, there still is a place in our society for the person who has an interest in becoming personally involved in worthwhile projects.

Only a few months ago Congress again recognized the valuable resources of American volunteer workers when legislation was enacted that depends entirely on the interest of the volunteer—the volunteers in the parks program. Called the VIP, this program is already underway, encouraging individual participation in the struggle to improve the Nation's environment. Congress and the President consider the VIP program a valuable project for the national parks and I became convinced a similar program would be an asset to the national forests —especially in a State such as Idaho which has 20 million acres of national forest land and no national park.

Today I am introducing on behalf of myself and Senators Bennett, Church, Curtis, Fannin, Gravel, Hansen, Hart, Hollings, Hruska, McGovern, Montoya, Moss, Muskie, Packwood, and Mr. Pell, a bill to authorize the Secretary of Agriculture to establish a program of national forest volunteers.

The proposed program will foster interest in enhancing the environment, protecting the scenery, the valuable watersheds, grazing lands, and wildlife forage, and in developing the rich resources of the national forest, including outdoor public recreation.

National forests are found in 40 of the States, covering 186.9 million acres, a quarter of all Federal lands. Forests are an integral part of the country's woodlot, grazing, and watershed resources, providing for the needs of industry, agriculture, and public recreation, and for ecological balance. Administered by a competent career corps, the National Forest Service has initiated numerous public services to assist the vast throngs of visitors attracted for activities ranging from rock hunting to skiing, or just observing nature. The forests are heavily used now on a year-round basis and a further increase can be expected as more people take advantage of expanded leisure time to seek a temporary escape from urban life among the towering mountains, tall trees, and sparkling waterways of the forest domain.

Among the millions of people who go into the forests each year are many who would like to spend more than a brief visit. There are many who would like to participate as volunteers in Forest Service programs, but who cannot qualify under Federal employee standards or are engaged in unrelated professions and cannot be utilized because of the lack of disability insurance coverage, transportation, and identifying uniforms. The contributions of such people through the forest volunteers program could be a valuable supplement to the work force of the forest rangers who already have heavy responsibilities and tremendous acreage to care for.

The volunteer assistance would not interfere with nor compete with the jobs of career workers and regular seasonal employees. The forest volunteers would be dedicated men and women who are willing to contribute some of their knowledge, time, experience and interest to help others derive a greater benefit from the forests and to supplement the outstanding work of the career corps.

Volunteers could assist with tree planting programs, with maintaining and refurbishing camp grounds, planting forage for wildlife, and with other forest programs. As environmental study area assistants, they could help acquaint children and adults with an on-the-scene appreciation of nature and the local environment, help build and supervise nature trails for the handicapped, and aid in other educational activities.

As research assistants in history, archeology and natural science, they could help staff members develop information which will contribute to man's knowledge and understanding of the forests. They also could help visitors obtain the maximum enjoyment and understanding of the history and the natural and recreational resources of their home forest area.

While they would not receive a salary, the volunteers would be reimbursed for incidental expenses such as uniforms, training fees, meals on duty, and local transportation. They also would becovered by insurance.

Since the volunteers would be involved in conservation and environmental education and in providing special services to forest visitors, without compensation, the public benefit would far exceed the Federal investment.

The Forest Service would benefit greatly from such a program and so would the volunteers and visitors to the National forests.

Mr. President, I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1379

A bill to authorize the Secretary of Agriculture to establish a volunteers in the National Forests program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $500,000 shall be appropriated in any one year.

SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1970."

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1380. A bill to amend the Rail Passenger Service Act of 1970. Referred to the Committee on Commerce.

(The remarks of Mr. MANSFIELD appear at the beginning of today's RECORD.)

Mr. METCALF. Mr. President, this morning, the distinguished majority leader mentioned that he and I, the two Senators from Montana, had introduced legislation to correct some of the transportation difficulties in the Railpax program.

I concur heartily in the remarks my colleague made this morning, and it was my impression that the bill had been introduced. However, I find now that although the text of the bill was printed in the RECORD, it was not formally introduced.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1380

A bill to amend the Rail Passenger Service Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 406. PUBLIC CONSIDERATION IN RETURN FOR DISCONTINUANCE OF SERVICE.

"(a) Notwithstanding any provision of this or any other Act no railroad holding title of any kind to lands, other than rights of way, which were received as a grant (not including any purchase) from the Federal Government shall discontinue, after May 1, 1971, any passenger or freight service regularly provided prior to such date unless such railroad reconveys to the United States all right, title, and interest (including mineral rights) held by such railroad in an amount of such land equal to one hundred acres for each mile of service discontinued.

"(b) For the purpose of this section the term 'rights of way' means land within 300 feet on either side of a railroad track regularly used on May 1, 1971, for the provision of freight or passenger transportation service to the public."

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1381. A bill to provide for the conveyance of certain real property of the Federal Government to the County of Grayson, Tex. Referred to the Committee on Armed Services.

Mr. BENTSEN. Mr. President, today, joined by my colleague, Senator TOWER, I introduce legislation to convey land and facilities at Perrin Air Force Base to Grayson County for civilian airport use and industrial development.

Perrin is being closed by the Air Force effective in June of this year.

My colleague from Texas, Congressman RAY ROBERTS, earlier introduced similar legislation in the House.

The bill would convey 1,204 acres and the base facilities to the county without cost.

The use of the properties for airport facilities and for development to offset the economic blow of closing of the base has been widely advocated by leaders in the community.

When my office received word of the base closure, I immediately sent a representative to the area to work with local and area officials, and with Congressman ROBERT's office, to seek ways to adjust to the base closing. The results of our work there indicated that this was the most acceptable, and probably the very best use for the facilities.

An airpark there for industrial purposes, and for use of a needed community airport, will serve vital interests of the entire area. The people of this area have rolled up their sleeves and are ready to go to work to bring economic stability to an area which has been hard hit by closure of the base. Return of the land and facilities to the community will be of major help to these citizens of Texas who are meeting a serious problem with a fine self-help attitude.

Mr. TOWER. Mr. President, I would like to associate myself with the bill being introduced by my distinguished colleague from Texas. This bill, in brief, would expedite the conveyance of certain real property from the Federal Government to Grayson County, Tex. This property is located in Grayson County at Perrin Air Force Base, which is scheduled to be closed by June 30, of this year. If turned over to the local government, the county will create an air park for industrial development.

The release of property is normally a lengthy process. But, Mr. President, time is short. Perrin Air Force Base was vital to the economy of Grayson County. The payroll of the base alone accounted for over 15 percent of the total personal income of the county. This, of course, grossly understates the importance of the base for the economy of the surrounding area. The closure of Perrin, necessitated by the new military posture of the President and by the transition from a wartime to a peacetime force structure, will be extremely disruptive for the economy of Grayson County.

It is ironic that those people who have served the Nation well by their support of local military installations and personnel, that those areas whose economies have become dependent upon these installations and personnel, should now be forced to bear the brunt of our reordering of national priorities. This is indeed a strange "peace dividend." It is imperative that these people who have given their enthusiastic support to Perrin Air Force Base not be made to suffer hardship. We can, and we must, make the transition from a wartime to a peacetime economy easier for them. This measure will help achieve this goal.

By Mr. MUSKIE (for himself, Mr. HUMPHREY, and Mr. HART):

S. 1382. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes. Referred to the Committee on Commerce.

Mr. MUSKIE. Mr. President, I am introducing a bill today to channel some of the funds that were originally allocated to the SST into areas of our transportation system that desperately need money. My bill will bring the partially unused talents and the experience of the airframe and defense contractors to bear on the problems of transportation that face the great bulk of Americans.

This bill authorizes $100 million to be spent on research and development in aviation safety, into aviation systems serving areas of concentrated population, and into urban mass transit systems.

The bill provides priority to contractors applying for these grants which have had a contract with the Federal Government canceled within 12 months of application, or which reduced their labor force by 10 percent since January 1, 1969, or which are located in areas with unemployment 50 percent above the national average for 3 consecutive months within the last year.

This bill answers the priority question we faced on the SST vote by channeling

Federal investment into areas of greatest transportation need.

This bill utilizes the talents and experience of the airframe and defense contractors who can best meet these transportation needs.

And this bill fulfills the obligation of the Federal Government to those now working on the SST.

It is not difficult to find areas in our transportation system that urgently and desperately need Government investment. We need funds for the further development of aircraft noise and air pollution abatement technology. We need research to make our airports and airways safe. The administration itself testified that we must invest over $14 billion in air safety in this decade. Also, we need terminal facilities to handle the new jumbo jets so that time gained in the air is not lost on the ground.

And looking to the future in aviation, we need to develop STOL and VTOL aircraft for short flights in our urban corridors to save our major airports from overwhelming traffic and continuing delays. And finally, high-speed ground transportation, such as air cushion vehicles or monorails, are required to bring airports within the reach of our cities.

Just as important as revitalizing our airways is the problem of urban mass transit. Our cities are being choked to death because of outmoded or nonexistent transit systems and the increasing reliance on automobiles. These are the transportation problems of noise, of air pollution, and of wasted space and time that must be met. Yet the administration has consistently opposed full funding of the Urban Mass Transit Act, while it relentlessly pushes the SST. Today, there is a backlog of $2.2 billion in requests for urban mass transit funds; yet the Department of Transportation has frozen $200 million of the $600 million appropriated. We could spend the total 10-year Federal investment in the SST on urban mass transit and fill only about half of the pending requests for mass transit funding now before the Department of Transportation.

This policy of underinvestment in city transportation will delay for years, even a decade, decent transportation that the average American needs every day.

The administration's refusal to move on mass transit funding also threatens our health. If the clean air standards of the air pollution bill passed by Congress last year are to be met, up to 75 percent of car traffic in our 60 largest cities will have to be replaced by some form of mass transit. At present funding, that antipollution legislation will be destroyed.

The corporate structures that have the best technical and industrial potential to solve these aviation and mass transit problems are the airframe and defense corporations—the very jobs and capital that were used for the SST.

Many contend that the Boeing and General Electric technical and production capabilities cannot be readily adapted to the design and construction of urban transportation systems. But the striking characteristic of the industry points to the opposite conclusion.

The Department of Transportation itself is now finding that aerospace talents are directly and almost immediately transferable to other areas requiring high technical expertise and systems analysis capability. In fact, it was DOT's forceful argument of this point that permitted the Department to take over the Cambridge Research Center from the National Aeronautics and Space Administration. The center and its employees, once working on sophisticated space technology, are now working on solutions to our urban transportation dilemmas.

The Department also has current contracts with research firms such as Rand, the Institute for Defense Analysis, and Mitre. These firms had little experience in nonmilitary work until defense and space budget retrenchments forced them to apply their talents in other fields.

Other aerospace and defense firms have found it possible to change as our priorities have changed. The North American Rockwell Corp. has a DOT contract to develop a high-speed urban tracked system. The Rohr Corp. is building cars for the Bay Area Rapid Transit in San Francisco and an air cushion vehicle for France. The Garrett Research Corp. is developing a linear induction motor and United Aircraft built both the vehicles and the propulsion system for the Boston-New York Turbotrain.

These aerospace concerns have found that dependency on aerospace contracts—such as the SST—is neither the way of the future in transportation, nor the key to their corporate survival.

My bill matches the talents and experience of the SST and defense contractors with our pressing transportation needs. Priority for use of the authorized $100 million of research and development will go to firms that have been adversely affected by Government policy. Cancellation of a Government contract, unusually high unemployment, or substantial layoffs will give defense and airframe contractors, who would be otherwise eligible, a first crack to land one of these contracts.

By changing our priorities to meet our transportation needs in urban mass transit and aviation, we know we can be assured of one very important side effect: we will be providing many thousands more jobs during this decade and the decades that follow for our transportation workers. There is no doubt that a full Federal commitment to meet these essential transportation needs of cities and towns across the Nation will create much more employment over the long range than our SST effort would ever have entailed.

In addition, the job-producing effects of these new transportation facilities is likely to be massive. We know that many of our small towns and cities have had their economic development substantially slowed due to nonexistent or inadequate airport facilities. We know that man-hour losses due to lateness in our great urban centers are substantial and continually getting worse due to inadequate and overloaded mass transit facilities. And we know there are increasing numbers of people who join the ever-growing welfare rolls because they cannot find or cannot afford transportation to their jobs.

So let us put the 8,000 SST employees, and some of the tens of thousands of defense and airframe workers, back on the job—and on a job that needs to be done.

Mr. HART. Mr. President, I thank the Senator from Maine for raising the points he does. I am sure that others of us will want to join him in this suggestion.

By Mr. WILLIAMS:

S. 1383. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. Referred to the Committee on the Judiciary.

PROTECTION FOR OUR POLICEMEN AND FIREMEN

Mr. WILLIAMS. Mr. President, on September 9, 1970, I introduced a bill that would make the killing of police officers and firemen a Federal offense. At that time, I referred to many of the unfortunate slayings and bombings that had just occurred, and which were the reason for my concern.

Hearings were held on this bill, as well as on other bills related to the murder of policemen and firemen in October. On November 1, the President issued a statement expressing concern about this problem and directing the Attorney General "to take immediate action to make all appropriate investigative resources of the Department of Justice available to work jointly with State or local police when requested in any case involving an assault upon a police officer." On February 25, 1971, I sent a letter to the Attorney General requesting to know just how the Attorney General plans to implement this directive.

I have not yet received an answer to my letter, so I am not aware of what plans, if any, the administration is making for concrete action in the field of protecting policemen and firemen in the performance of their duties.

In the absence of any reassurance that the intent of my proposed legislation is being carried out by Executive action, I am reintroducing my bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman. This legislation would provide for the automatic entry of the Federal Bureau of Investigation into the search for a person alleged to have committed such an offense 24 hours after the slaying.

There are now existing laws which would authorize FBI participation in such investigations, although it is not clear from the laws as to when, specifically, the FBI would enter a given case. I think such an automatic participation should be institutionalized in the Federal statute books at once.

Mr. President, the problems faced by our police officers, and firemen have not declined in recent months. On February 15, two gunmen murdered three Texas deputy sheriffs in execution-style slayings, and only 2 days later, in Oklahoma, a highway patrolman and State park superintendent was slain at a State park by two AWOL servicemen. Hardly a day goes by without a report from some American city of a sniping or attempted assault on a law officer. In many of our cities, firemen are reportedly reluctant to respond to calls from certain localities because of the hostile attitudes of neighborhood residents.

We cannot change the attitudes of citizens toward our public servants overnight, although we must certainly try to. The policemen and firemen of our cities are all too often unfairly maligned and despised, and we must continue to stress community relations and public educational programs to heal their breach of understanding. What we can do immediately, however, through hearings on this bill and its eventual passage, is to indicate our respect for those officers and men who are performng such a difficult and thankless task, and to afford them the additional protection from assailants that this additional legislation will afford.

I ask unanimous consent that this bill, to prohibit flight in interstate commerce to avoid prosecution for the killing of a policeman or fireman, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1383

A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1075. Flight to avoid prosecution for the killing of a policeman or fireman

"(a) Whoever moves or travels in interstate or foreign commerce to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which he flees, for willfully killing a police officer or fireman while such police officer or fireman was engaged in the performance of official duty shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whenever a police officer or fireman is willfully killed, while such policeman or fireman is engaged in the performance of his official duties, and no person alleged to have committed such offense has been apprehended and taken into custody within twenty-four hours after the commission of such offense, it shall be presumed in the absence of proof to the contrary that the person who committed such offense has moved or traveled in interstate or foreign commerce to avoid prosecution or custody under the laws of the place at which the offense was committed.

"(c) This section shall not be construed to evidence an intent on the part of the Congress to prevent the exercise by any State of jurisdiction over any offense with respect to which such State would have had jurisdiction if this section had not been enacted by the Congress.

"(d) As used in this section—

"(1) the term 'police officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) the term 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State; and

"(3) the term 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The section analysis of chapter 49, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1075. Flight to avoid prosecution for the killing of a policeman or fireman.".

By Mr. PROUTY:

S. 1384. A bill to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples. Referred to the Committee on Finance.

Mr. PROUTY. Mr. President, I send to the desk for appropriate reference a bill to establish the Older Americans Assurance Act of 1971.

Mr. President, my bill would work on a very simple concept. The bill would establish an income floor under all older Americans. It would guarantee every older American a minimum income of $1,800 for an individual or $2,400 for a couple. The income base would be estimated from both earned and unearned income. The proposal would be financed from general revenues.

The income level could be easily computed by the Social Security Administration. For over 30 years they have been applying the retirement earnings test which requires comprehensive recordkeeping. Further information could be supplied by the Internal Revenue Service since integration between the Social Security Administration and the Internal Revenue Service is already well established.

One of the major benefits of my bill is the provision for revenue sharing. The States now spend over half a billion dollars on old-age assistance. Since my proposal is 100 percent federally financed, States would gain over half a billion dollars in added revenue.

The provision for revenue sharing will free up to $650 million for the States to use. In his State of the Union message, the President proposed a far-reaching concept of revenue sharing which would bring power back to the people. My proposal will assist in making that goal a reality. The Income Assurance Act's limited program of revenue sharing with the States should not be considered as a substitute for the President's proposal. Nevertheless, it will be a modest beginning to assist those persons in American society most in need and, yet, least able to help themselves.

My bill will eliminate the standards which now force our older Americans into a position of complete poverty before they can accept assistance. Consider for a moment the situation facing our older Americans forced to go on old-age assistance. We tolerate a system which allows each State to insist that an older American must exhaust all his savings, lose his property and have virtually no income before he can qualify for old-age assistance. Is this system any less barbaric than the poor houses of 200 years ago?

Many of our impoverished older Americans became impoverished only after they retired. They contributed many years of useful work to our Nation's labor force. They find, after retirement, that they no longer can work, but that their savings are not sufficient to allow them to live out their lives. For the first time in their lives they are forced to accept welfare.

I am committed to the elimination of poverty in all groups in the country. The President has taken the initiative in his comprehensive welfare proposal to link a minimum income standard with work incentive and manpower training programs. His programs will help our impoverished Americans raise themselves into useful and productive citizens.

Our Nation's older Americans have no means to relieve themselves of the burden of poverty. They do not need manpower training programs. Most of them can no longer work. The programs which make the President's proposal most attractive for our younger Americans have no meaning for our senior citizens.

Our system of old-age assistance is not only harsh in its terms, it is not doing what it sets out to accomplish. We have made strides in lowering the number of poor in this country. The number of persons living below the poverty level has been decreased by over 7 million since 1965. Our efforts have started to pay off, but for whom? The number of persons over 65, living in poverty, has actually increased since 1965. Over 20 percent of the persons over 65 are living in poverty. Ten years ago only 15 percent of our economically disadvantaged Americans were over 65.

The income features of the bill will supply all older Americans with what they need most.

It does not provide education.

It does not provide job training.

It does not provide make-work.

What it provides is cash income and security with dignity.

In my own State the situation of our citizens over 65 closely parallels that all over our Nation. The average cash income for our senior citizen's household is $191 a month. This represents 28 percent of the average cash income for all households.

Is there some kind of magic expense reducer for persons over 65? Do taxes or rent or food costs suddenly disappear? Does it suddenly become possible for persons over 65 to live on only 28 percent of their income?

In fact, Mr. President, expenses actually increase for most older Americans. At the same time, cash income virtually disappears.

Between five and a half to seven million Americans in this rich country of ours have incomes below the poverty threshold.

Mr. President, our efforts on behalf of our older Americans have been woefully inadequate. Our efforts have created an illusion of protection. For many our assistance does not exist. For those who worked at low wages all their lives the assistance is virtually nonexistent. Even without efforts to increase benefit payments, inflation erodes all forward progress.

Moreover, Mr. President, many older Americans receive nothing from increased social security benefits. During their working years, these individuals—through no fault of their own—were not covered by social security.

Why were so many older Americans passed by by social security? Actually, the coverage under the Social Security Act has grown immensely since it was first enacted into law. In 1935 a limited group of industrial workers were covered by the act. The Republican Party became the first national party to advocate universal coverage in 1944. By 1950 coverage had extended to a large majority of American workers. The act presently covers over 95 per cent of our labor force. This piecemeal approach has left many workers uncovered.

My 1966 amendment to the Tax Adjustment Act provided a $35 monthly payment to individuals over 72 who had never been covered by social security. When the amendment was first introduced, it was estimated that 300,000 to 350,000 persons would be covered by it. In fact, the amendment has paid benefits to over 1 million persons. Six hundred and fifty thousand persons are now receiving it. Fewer people are receiving the benefit because the eligibility was limited to persons reaching 72 before 1968. Eight hundred thousand of those who qualified for benefits have died since passage of the act. At least those individuals were able to enjoy this meager benefit in the last few years of their lives.

Our original payment to these people was $35 a month, a mere $420 a year; yet, thousands of older Americans have written me thanking me for this minimum assistance.

Under the bill I am introducing today, it is estimated that between 6½ and 7 million persons will be covered under the act. In the future years, fewer and fewer individuals will need to rely on the Older Americans Income Assurance Act. As time progresses, and more and more people reaching retirement age are covered by social security, the need for the act will diminish. We still must make provision for that small group in the population who are not covered under social security taxes and those missed by our piecemeal approach.

The Older Americans Income Assurance Act will eliminate the need for the complete economic destruction of an individual before he can receive help. It will assure our older Americans the economic security which will allow them to live out their lives in dignity and self-respect.

Mr. President, in the next week I plan to introduce the Blind and Disabled Income Assurance Act which will improve another area of inefficient distribution of income to those in need.

Mr. President, can any of my colleagues say that we owe these Americans less?

Mr. President, I ask unanimous consent that the bill and several charts and explanations be added at the conclusion of my remarks.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1384

A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Older American Income Assurance Act of 1971."

Sec. 2. The Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"Sec. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an anual income (as determined pursuant to section 2004) of less than $2,400 in the case of an individual who is married and living with his spouse, or $1,800 in the case of any other individual,

"(4) has filed application for benefits under this title,

shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"Sec. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"Sec. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"Sec. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made; except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"Sec. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"Sec. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"Sec. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"Sec. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"Sec. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"Sec. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title".

Explanation of Prouty Amendment To Assure a Minimum Cash Income for Older Americans

BACKGROUND

On June 18, 1968, Senator Prouty introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, Prouty re-introduced his measure (S. 3554).

PROVISIONS

The measure simply assures a minimum income to individuals age sixty-five or over of $150 per month ($200 for aged couples). Payments would be administered as part of the Social Security System and financed out of general revenues.

ADVANTAGES

More than $650 million would be gained revenue for the states. (See charts E and F).

Between 6½ and 7 million people age sixty-five or over would receive payments under the Prouty proposal.

Over 20% of those now living in poverty would be moved out of poverty as a result of payments under the Prouty Proposal.

Over 2.1 million older Americans receiving old age assistance under welfare would in effect be taken off the welfare rolls and receive the greater benefits under the Prouty Proposal.

Nationwide, the average individual cash gain for those now on welfare would be $76.32 per month. (See chart C).

HOW IT WORKS

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

EXAMPLES

1. Mary Jones who is unmarried receives a minimum Social Security benefit of $64 a month. She also receives interest on her savings in the bank, $16 a month. Her total income is $80 a month.

Under the Prouty Proposal she would also receive $70 a month to bring her income up to $150 a month or $1,800 a year.

2. John Smith and his wife, Mary, have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Prouty Proposal Mr. and Mrs. Smith's home would not count as income since it is a non-income producing asset, however, they would be entitled to $100 a month under the Prouty Proposal in order to bring their annual income up to $2,400 a year.

3. If Mr. and Mrs. Smith sell their house in 1972 for $10,000 they would be ineligible for benefits that year but the next year they could receive benefits assuming that their income was less than $2,400 a year.

CHART A.—*Number of individuals receiving old age assistance under welfare by year*

1961	2,229,000
1962	2,183,000
1963	2,152,000
1964	2,120,000
1965	2,087,000
1966	2,073,000
1967	2,073,000
1968	2,055,000
1969	2,027,000
1970	2,047,635

CHART B.—*Total amount spent for old age assistance under welfare by year*

1961	$1,568,985,000
1962	1,566,121,000
1963	1,610,310,000
1964	1,606,429,000
1965	1,594,183,000
1966	1,633,675,000
1967	1,679,199,000
1968	1,699,984,000
1969	1,694,175,000
1970	1,817,642,000

CHART C.—*Average monthly payment for old age assistance under welfare by year*

1961	$59.60
1962	61.55
1963	62.80
1964	63.65
1965	63.10
1966	68.05
1967	67.50
1968	68.95
1969	69.65
1970	73.68

CHART D

Federal, State, and local shares for payments under old-age assistance calendar year 1969:

Federal share (65.6 percent)	$1,213,490,000
State share (29.9 percent)	553,536,000
Local share (4.5 percent)	83,254,000
Total (100 percent)	1,850,280,000

Federal, State, and local shares for payments under old-age assistance, (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:

Federal share (65.6 percent)	1,209,832,000
State share (29.9 percent)	551,788,000
Local share (4.5 percent)	83,164,000
Total (100 percent)	1,844,784,000

Federal and State/local (combined) shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands) calendar year 1969:

Federal share (65.6 percent)	1,209,832,000
State and local share (34.4 percent)	634,952,000
Total (100 percent)	1,844,784,000

CHART E

BREAKDOWN BY STATE BETWEEN FEDERAL AND STATE SHARES OF PAYMENTS UNDER OLD-AGE ASSISTANCE—CALENDAR YEAR 1969

State	Federal share	State share
Alabama	$106,595,000	[1]$25,417,000
Alaska	2,363,000	1,329,000
Arizona	10,659,000	2,386,000
Arkansas	52,342,000	9,687,000
California	395,538,000	[1]198,230,000
Colorado	31,679,000	10,827,000
Connecticut	8,638,000	4,402,000
Delaware	1,528,000	477,000
District of Columbia	2,291,000	900,000
Florida	62,549,000	16,944,000
Georgia	55,443,000	[1]7,698,000
Hawaii	2,229,000	1,138,000
Idaho	2,606,000	823,000
Illinois	31,125,000	8,866,000
Indiana	27,655,000	[1]14,749,000
Iowa	30,453,000	12,980,000
Kansas	13,248,000	[1]5,610,000
Kentucky	41,244,000	7,466,000
Louisiana	99,963,000	24,975,000
Maine	7,358,000	1,258,000
Maryland	6,878,000	[1]1,821,000
Massachusetts	53,601,000	[1]27,219,000
Michigan	31,917,000	13,198,000
Minnesota	18,218,000	[1]7,716,000
Mississippi	40,017,000	7,245,000
Missouri	81,084,000	25,490,000
Montana	2,817,000	[1]804,000
Nebraska	5,460,000	1,208,000
Nevada	2,462,000	829,000
New Hampshire	5,694,000	[1]2,297,000
New Jersey	16,516,000	[1]6,006,000
New Mexico	6,151,000	861,000
New York	101,688,000	[1]50,597,000
North Carolina	35,589,000	[1]9,086,000
North Dakota	3,765,000	[1]1,121,000
Ohio	40,990,000	[1]9,086,000
Oklahoma	63,693,000	13,092,000
Oregon	5,432,000	[1]1,942,000
Pennsylvania	46,747,000	21,182,000
Rhode Island	2,237,000	205,000
South Carolina	10,621,000	2,068,000
South Dakota	3,348,000	974,000
Tennessee	42,052,000	9,350,000
Texas	167,050,000	40,573,000
Utah	2,291,000	552,000
Vermont	3,730,000	1,234,000
Virginia	12,287,000	[1]4,573,000
Washington	18,275,000	6,283,000
West Virginia	9,768,000	2,472,000
Wisconsin	19,181,000	[1]8,559,000
Wyoming	1,567,000	[1]503,000

[1] Indicates that "State share" includes some local government funds.

CHART F.—*Direct revenue savings accruing to States under Older Americans Income Assurance Act*

	Revenue gain per State [1]
Alabama	$25,417,000
Alaska	1,329,000
Arizona	2,386,000
Arkansas	9,687,000
California	198,230,000
Colorado	10,827,000
Connecticut	4,402,000
Delaware	477,000
District of Columbia	900,000
Florida	16,944,000
Georgia	7,698,000
Hawaii	1,138,000
Idaho	823,000
Illinois	8,866,000
Indiana	14,749,000
Iowa	12,980,000
Kansas	5,610,000
Kentucky	7,466,000
Louisiana	24,975,000
Maine	1,258,000
Maryland	1,821,000
Massachusetts	27,219,000
Michigan	$13,198,000
Minnesota	7,716,000
Mississippi	7,245,000
Missouri	25,490,000
Montana	804,000
Nebraska	1,208,000
Nevada	829,000
New Hampshire	2,297,000
New Jersey	6,066,000
New Mexico	861,000
New York	50,597,000
North Carolina	9,086,000
North Dakota	1,121,000
Ohio	9,086,000
Oklahoma	13,092,000
Oregon	1,942,000
Pennsylvania	21,182,000
Rhode Island	205,000
South Carolina	2,068,000
South Dakota	974,000
Tennessee	9,350,000
Texas	40,573,000
Utah	552,000
Vermont	1,234,000
Virginia	4,573,000
Washington	6,283,000
West Virginia	2,472,000
Wisconsin	8,559,000
Wyoming	503,000
Total	634,952,000

[1] Under Prouty proposal, States would no longer have to pay for old-age assistance under welfare. Figures represent 1969 State payments for old-age assistance.

CHART G

COMPARISON BETWEEN PROUTY MONTHLY MINIMUM PAYMENT AND PRESENT AVERAGE STATE MONTHLY PAYMENTS FROM OLD-AGE ASSISTANCE UNDER WELFARE

State	Minimum monthly cash income assured under Prouty proposal	Present average OAA monthly cash payments	Individual cash gain under Prouty proposal
Alabama	$150.00	$66.10	$83.90
Alaska	150.00	96.45	53.55
Arizona	150.00	72.00	77.80
Arkansas	150.00	59.35	90.65
California	150.00	109.85	40.15
Colorado	150.00	76.40	73.60
Connecticut	150.00	90.30	59.70
Delaware	150.00	73.80	76.20
District of Columbia	150.00	89.35	60.65
Florida	150.00	51.85	98.15
Georgia	150.00	52.70	97.30
Hawaii	150.00	89.75	60.25
Idaho	150.00	63.30	86.70
Illinois	150.00	73.65	76.35
Indiana	150.00	55.15	94.85
Iowa	150.00	112.70	36.30
Kansas	150.00	78.35	71.65
Kentucky	150.00	54.50	95.50
Louisiana	150.00	67.40	82.60
Maine	150.00	61.25	88.75
Maryland	150.00	58.60	91.40
Massachusetts	150.00	99.20	50.80
Michigan	150.00	75.70	74.30
Minnesota	150.00	72.65	77.35
Mississippi	150.00	50.40	99.66
Missouri	150.00	75.95	74.05
Montana	150.00	58.20	91.80
Nebraska	150.00	59.20	90.80
Nevada	150.00	64.50	85.50
New Hampshire	150.00	122.90	27.10
New Jersey	150.00	75.20	74.80
New Mexico	150.00	57.95	92.05
New York	150.00	102.00	48.00
North Carolina	150.00	64.85	85.15
North Dakota	150.00	64.80	85.20
Ohio	150.00	60.70	89.30
Oklahoma	150.00	69.60	80.40
Oregon	150.00	63.55	86.45
Pennsylvania	150.00	101.75	48.25
Rhode Island	150.00	54.25	95.75
South Carolina	150.00	48.70	101.30
South Dakota	150.00	59.55	90.45
Tennessee	150.00	50.40	99.60
Texas	150.00	62.65	87.35
Utah	150.00	52.95	97.05
Vermont	150.00	72.90	77.10
Virginia	150.00	61.90	88.10
Washington	150.00	66.65	83.35
West Virginia	150.00	70.55	79.45
Wisconsin	150.00	99.20	50.80
Wyoming	150.00	60.95	89.05
Nationwide	150.00	73.68	76.32

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE JOINT RESOLUTION 29

At the request of Mr. MANSFIELD, the Senator from Michigan (Mr. HART) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution providing for the designation of National Peace Corps Week.

NOTICE OF HEARING ON URBAN MASS TRANSPORTATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committe on Banking, Housing, and Urban Affairs, will hold a 1-day hearing on S. 870, a bill to amend the Urban Mass Transportation Act of 1964, to authorize certain grants to assure adequate commuter service in urban areas.

The hearing will be held on Tuesday, April 6, 1971, in room 5302, New Senate Office Building, and will commence at 10 a.m.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Nos. 45 and 46 under "New Reports" on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The PRESIDING OFFICER. The clerk will state the nominations.

The legislative clerk proceeded to read the nominations of Stephen Kurzman, of the District of Columbia, to be Assistant Secretary of Health, Education, and Welfare, and

Robert O. Beatty, of Idaho, to be Assistant Secretary of Health, Education, and Welfare.

Mr. MANSFIELD. Mr. President, I ask that those two nominations both be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc; and, without objection, they are confirmed en bloc.

SECURITIES AND EXCHANGE COMMISSION

Mr. MANSFIELD. Mr. President, I now ask that the Senate turn to the consideration of Calendar No. 43, the nominee for the Securities and Exchange Commission.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of William J. Casey, of New York, to be a member of the Securities and Exchange Commission.

Mr. BENNETT. Mr. President, I urge my colleagues to act favorably on the nomination of Mr. William J. Casey to become Chairman of the Securities and Exchange Commission. As a member of the committee which reported favorably this nomination, I have carefully considered every aspect of Mr. Casey's qualifications for this position and find him especially well suited to assume this responsibility.

The securities business has recently had a series of blows which threaten to undermine public confidence in this basic underpinning of our free enterprise system. If the SEC ever needed strong leadership, it is now. And there is no doubt in my mind, nor in the opinion of the overwhelming majority of the committee, that Mr. Casey, by reason of his deep knowledge and long experience in the securities field, is a man who can restore public confidence.

There are a few of our colleagues who do not hold this view and are opposed to Mr. Casey's nomination. For the most part, their objections seem to rest on the fact that Mr. Casey has during his long business career been involved in several civil actions, both as plaintiff and defendant. The committee looked into these cases very closely and found no wrongdoing on Mr. Casey's part. He has never been convicted of any crime nor found guilty in any lawsuit.

Despite these facts, Mr. Casey's critics have persisted in labeling him with guilt by association. This callous charge denies the very basis of our American heritage of justice; that a man is presumed innocent until proven guilty. Mr. Casey has been proved innocent at every turn; he should not now be presumed guilty.

Furthermore, it would be a tragic and extremely dangerous precedent for the Senate to say that because a man has had charges brought against him, he is not qualified. Not only would this be completely unfair to the individual involved; it would deny the country the services of a large number of talented and capable people. If this standard were to be applied across the board as the criterion for high public office, we would be placing the country in the hands of only those who were lucky or mediocre.

In short, I find nothing in Mr. Casey's distinguished record to disqualify him for the post to which he has been nominated. As to the future, I would point out that Mr. Casey has agreed to place his considerable financial holdings in a blind trust, although other SEC Commissioners have not chosen, nor have they been required, to take this step.

Finally, I would point out to my colleagues that the committee which reported favorably on this nomination was chaired by the distinguished senior Senator from Alabama. My colleagues all know Senator SPARKMAN's reputation. They know him to be a dedicated, conscientious, and impartial individual. They know that he would not have reported this nomination favorably until he was completely satisfied that the nominee was qualified.

I hope that the full Senate will join Senator SPARKMAN and the majority of the committee in finding Mr. Casey qualified and give him the unanimous support which this nomination deserves. It will be one more step to restoring public confidence in this most basic of our financial institutions, dealing, as it does, with our securities business.

Mr. PROXMIRE. Mr. President, I believe Mr. William J. Casey is the wrong man to be appointed as the Chairman of the Securities and Exchange Commission. However, since the Committee on Banking, Housing and Urban Affairs has voted to send his name to the floor, I do not plan to further contest the nomination. Instead, I merely want the record to reflect my concern over Mr. Casey's appointment. I also hope that in the future, President Nixon will order a more careful review of appointees requiring Senate confirmation. Those who are appointed to sensitive agencies such as the SEC should be above reproach. Careful screening procedures should eliminate from consideration those who do not measure up to the strictest standards of proper conduct.

Mr. President, it has been a difficult decision on my part to oppose Mr. Casey's nomination in committee. He has been an enormously successful lawyer and businessman. He has made a considerable amount of money as a lawyer, a publisher, and a stock market speculator. He has been something of a wheeler-dealer capitalist in helping to promote new companies. However, when our securities industry is facing a financial crisis, this is not the kind of man we need to head up the Securities and Exchange Commission.

Mr. Casey first appeared before the Senate Banking Committee on February 10. During this appearance, there was some discussion of a private lawsuit charging Mr. Casey with plagiarism. After a lengthy trial, the jury found Mr. Casey liable and awarded damages of $40,000 to the plaintiff.

Following his appearance before the committee on February 10, the committee learned that Mr. Casey was involved in two additional civil actions alleging that he violated the securities laws he would be called upon to enforce if he were Chairman of the Securities and Exchange Commission. One case was settled out of court by paying the plaintiff 80 percent of the damages he sought. The complaint charged that a company in which Mr. Casey was chairman of the board sold stock which should have been registered with the SEC but was not and that the literature used to sell the stock contained false and misleading statements. The other case is still pending in the U.S. District Court for the Eastern District of Louisiana. Among other things, it charges Casey with circumventing a public hearing scheduled under the California securities laws.

In addition to these cases, several additional matters came to the attention of the committee involving Mr. Casey. The Securities and Exchange Commission disclosed that certain proxy statements filed by Roosevelt Raceway failed to disclose the full amount of the legal fees earned by Mr. Casey's law firm. Since Mr. Casey was a director of the racetrack, the SEC rules required a full disclosure of all fees payable to his firm.

In addition, an attorney for Nicholas du Pont has charged Casey with "overreaching" as an attorney and with violating the American Bar Association's canon of ethics by acting as an attorney to the Du Ponts while at the same time participating with them in a joint business venture.

The committee also discovered serious discrepancies in Casey's testimony on February 10 regarding the plagiarism suit. For example, Casey testified that the Federal judge in the case took the initiative in sealing the transcript of the trial from public view, whereas the transcript clearly shows the initiative came from Casey. Casey also testified the judge indicated the verdict was not supported by the evidence, whereas the judge testified that he never so indicated and in fact felt the verdict was "amply" supported by the evidence.

After the committee report on Casey had been prepared, the committee learned of still another civil action involving a violation of the securities law in which Mr. Casey was named as a defendant. This action was brought in 1969 by a group of shareholders in a mutual fund called Fund of America. The complaint alleges that the directors of the mutual fund failed to protect the interests of its shareholders by approving excessive fees to a management company engaged to manage the fund. Casey was appointed a director of the fund shortly before the suit was filed, and was named in the complaint.

Mr. President, I believe little purpose would be served by a lengthy discussion of these cases or incidents. For those Members of the Senate who are interested, a complete record is available in the committee hearings. I would also refer Members to my minority views contained in the committee report which discusses three of these cases in some detail.

Any of these cases or incidents, taken individually, would not be serious enough to disqualify Mr. Casey for the chairmanship of the Securities and Exchange Commission. But taken as a whole, they do indicate a pattern of conduct which is less than the exemplary standards which should be set by a man appointed to the Securities and Exchange Commission. In order to maintatin investor confidence in the soundness of our securities markets and the Securities and Exchange Commission, we need a man at the head who is beyond reproach. I am afraid that Mr. Casey's record indicates that he is not such a man.

I do wish to commend Mr. Casey for placing his stock in a blind trust. When he first appeared before the committee on February 10, he indicated his securities holdings would be independently managed by an investment adviser, but that he would receive quarterly reports from the investment adviser. Thus, he would have complete knowledge of what stocks were purchased and sold.

At the suggestion of the committee, Mr. Casey has placed his holdings in a blind trust. As I understand it, he will now have no knowledge of the securities transactions made by the investment adviser. I believe such an arrangement is proper. It will help to avoid any appearance of a conflict of interest on Mr. Casey's part as the Chairman of the Securities and Exchange Commission.

Mr. President, since the committee has recommended that Mr. Casey be confirmed, I see no reason to oppose him further. I am sure that any members of the committee who still have some doubts about Mr. Casey's qualifications will be extremely interested in watching Mr. Casey's stewardship over the SEC in the months ahead.

I believe the concern which has been demonstrated over Mr. Casey's appointment will serve a useful purpose. Hopefully, Mr. Casey will lean over backwards to avoid any future charge that he is weakening the enforcement of our securities laws. Moreover, I hope the President now realizes that he needs to exercise a greater degree of care in scrutinizing the men proposed for Senate confirmation.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks made by my distinguished colleague the Senator from Utah, and to note that in William Casey we have a man who is eminently qualified, a man of extensive business and legal experience. He has been extremely active, as the Senator from Wisconsin (Mr. PROXMIRE) has suggested, but I do not think a man should be denigrated for that, because Bill Casey is one of a breed of people who have made the American economy grow. Without people like him, our economy would stagnate.

He is a man who is no stranger to public service. He served in the OSS in Europe during World War II, and assisted in the administration of the Marshall plan following the war. He is a man who has always been public spirited.

Any man who is heavily involved in business activity on the corporate level, as Bill Casey has been, is going to be subject to nuisance suits rather frequently. I am sure there are Members of the Senate who have been businessmen in private life, who have probably been defendants in suits of a comparable character.

As to the fact that Mr. Casey did not properly recall everything that happened in the Field case, we might note—which I noticed the Senator from Wisconsin did not note—that we also had the judge testify. That is a very unusual thing. We had the judge who presided over that trial testify, and we found that his powers of recall were not so good, either, and he could not remember some of the things that he had said. So I think we cannot hold a man to account for something that happened several years ago, and that he is trying to relate off the top of his mind.

I think we are fortunate to have someone like Bill Casey who is willing to give up the private practice of law and his private business activity, put his securities in a blind trust, and come to work for the citizens of this country. I think we need a man who is tough minded, as Bill Casey is, experienced as he is, and competent as he is, to serve on the Securities and Exchange Commission. I can tell you that there is a lot of dissatisfaction in the financial community with the current state of the SEC, and I think Bill Casey is a man eminently qualified to help straighten it out. I urge that the Senate act favorably on the confirmation of his nomination.

Mr. SPARKMAN and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, during the past 38 years the Securities and Exchange Commission has enjoyed a reputation unmatched among regulatory agencies for vigorous enforcement of the securities laws. In that time period the Commission has established an outstanding record for protection of our Nation's 31 million investors and for administering an efficient scheme of government-industry self-regulation over our securities markets. Public confidence in the Commission has always been of the highest nature. This public confidence in my opinion has had much to do with the rapid growth of our Nation's securities industry.

On February 4 President Nixon sent the nomination of William J. Casey to be Chairman of the SEC to the Senate and on February 10 hearings were held by the Committee on Banking, Housing and Urban Affairs. The nominee's résumé and early statements, concerning his views on the securities industry were of the highest quality. His past achievements were most distinguished. He is a member of the General Advisory Committee on Arms Control, a member of the Presidential Task Force on Industrial Development, a member of the Brookings Institute Advisory Committee on Presidential Selection Studies and has had a most distinguished career as both an author and attorney in the field of taxation.

I, for one, was very thankful for our committee's diligent and searching inquiries into Mr. Casey's past experiences which were conducted by the senior Senator from Alabama, Senator SPARKMAN, the chairman of the Committee on Banking, Housing and Urban Affairs. This investigation suggested that the nominee had in the past been involved in certain appearances of misconduct and in civil law suits involving purported violations of our Nation's securities laws. Such an appearance can most certainly erode public confidence in the Securities and Exchange Commission as a watchdog over our Nation's securities markets. However, in my mind although these questions have generated certain doubts concerning Mr. Casey they do not justify the Senate rejecting the President's choice for the chairmanship of the SEC. I am, therefore, with some anxiety, perhaps it would be more accurate to say some apprehension, going to vote to confirm the nominee. I would like to stress that I do this with full confidence that the searchlight of national concern which our committee hearings have brought upon Mr. Casey will continue to shine on him after he takes office, described by both the Senate Committee on Banking, Housing and Urban Affairs and the Members of both bodies of Congress and other interested patries.

The one reassuring fact coming out of Mr. Casey's nomination hearings is that they were in many ways similar to the hearings held by the Senate Committee on Interior 2 years ago on Walter J. Hickel. Out of the Hickel hearings came the same doubts and apprehensions which we now have concerning Mr. Casey. Yet in retrospect Mr. Hickel turned out to be an outstanding Secretary of the Interior. Mr. Hickel's record is one of which our Nation can be proud. Under his leadership outstanding gains were made in the areas of water and air pollution and in the preservation of our natural resources and environment.

If past experience is to prove to be our guide I am confident that Mr. Casey will profit from his experiences and prove to be as fine a chairman of the SEC as Walter Hickel was a Secretary of the Interior.

Mr. SPARKMAN. Mr. President, I agree with the statements made by the chairman of the Subcommittee on Securities, the Senator from New Jersey (Mr. WILLIAMS).

I also was glad to hear the remarks of the Senator from Texas, the ranking minority member of our full committee. I agree with the statement he made that we need somebody who is tough and who knows the ropes in order to handle the situation with which we are confronted at this time in the securities market of this country.

Mr. President, we all know that we had a very difficult time in the last couple of years in the securities market. We know that at times various conditions prevailed, to such an extent that we rushed through, just before adjourning the last session of Congress, a broker-dealer insurance program. This program was enacted in order to try to give some assurance to the 31 million investors in stocks on the various stock exchanges of this country some protection somewhat similar to what we have given to the depositors in banks and other savings institutions.

I say, quite candidly, that this nomination has not been an easy one for our committee. Let me say very clearly that it is not because of anything I feel that we found against Mr. Casey, but it is because many issues were raised in regard to some of the matters in which he has been involved, matters which needed to be carefully considered by the committee. I say this also because many of the issues were widely discussed in the press, and the committee felt that it was necessary to delve into these matters so that we could justify for ourselves whether the issues were allegations or were factual.

After very careful consideration of all the matters that were brought to our attention regarding the nominee, the majority of the committee recommended to the Senate the confirmation of the nomination. I agree with the conclusions reached by the committee, and I hope that the Senate will act favorably on this nomination.

Mr. President, as is always the case in the Senate, we may not agree with the Executive in his choice of a nominee for a certain position within the executive branch. Nevertheless, I feel that the President has the right "to have his own man" in a position, unless we find reasons to show that the nominee is not qualified for the position to which he has been nominated. On that basis, the majority of our committee could not find facts that would disqualify Mr. Casey to serve as a member of the Securities and Exchange Commission.

I should like to present this thought, because it occurs to me quite often: We in the Senate have the power, the right, to confirm or to refuse to confirm the nomination of any person the President has named to a responsible position that requires confirmation by the Senate. But we do not have the right to select. I have heard many Senators say at times, "I am sure I could have found a better man," or, "I am sure there is a better man." But we do not have the right to select that man. The President selects the man, as he has the right to do under the Constitution and under the laws that are enacted by Congress, and to submit the name to us for consideration. I do not believe that any nominee for a responsible position has ever received more careful investigation than this.

We went over every case or dealing that was suggested to us, even if they may have ended up as being just rumors. Mr. Casey appeared before us twice. The majority of the committee was satisfied at the first hearing that we should proceed to report his nomination favorably to the Senate. But, as is well known, since there were some things that some of the members felt should be cleared up, we withheld actually reporting to the Senate—we agreed to this in the committee—until there could be some clarification.

After the matters were clarified, or sought to be clarified, the committee again decided to hold hearings and to have Mr. Casey appear before us again, and to have the judge who presided over that case almost 10 years ago come before us. The judge agreed to do that, stating at the time that he was neither for nor against—he was here simply doing his duty as an official of the United States Government. I think he made a very significant statement in the early stage of his testimony. He said that he wanted to make it clear to the committee that when he said something, he really does not know whether it is from "actual recall" or "logical reconstruction of events" as he felt they ought to have been.

He let us know that he was not absolutely certain of his recollection of things that had happened more than 9 years ago.

At any rate, we went into that case; we went into other cases. Mr. Casey has been dealing in business. He has had wide dealing in business and in stocks and securities. He has been a director of various companies. Suits were brought against the companies, and he was named simply because he was a director. But I think they were all cleared up to the reasonable satisfaction of the committee as a whole.

I have here a letter from Mr. Casey that has come to me since the report was written, and therefore it was not included. I want to read a sentence or two from the letter:

> As I have previously informed you, I had Pinkerton's do a litigation search on me in New York and that report of February 26, 1971, showed no actions that have not already been discussed. But I have just received details on two stockholder actions which, among some 30 defendants, named independent directors of the Fund of America, Incorporated.

And he gives the names of them.

To continue reading:

> Although named in these actions, none of the independent directors has ever been served. This may explain why my litigation search did not disclose these actions.

By the way, he brings out the fact that the three independent directors that were named to the investment fund had become members on March 31, 1969, and that these actions were initiated about a month later.

Mr. President, I ask unanimous consent to have Mr. Casey's letter, along with the exhibits which he enclosed, printed in the RECORD.

There being no objection, the letter and exhibits were ordered to be printed in the RECORD, as follows:

HALL, CASEY, DICKLER & HOWLEY,
New York, N.Y., March 19, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR SPARKMAN: As I have previously informed you, I had Pinkerton's do a litigation search on me in New York and their report of February 26, 1971 showed no actions that had not already been discussed. I have just received details on two stockholder actions which, among some 30 defendants, name the independent directors of Fund of America, Inc., George Kistiakowsky, a Harvard professor and former Science Advisor to the President, Herman Kahn, President of Hudson Institute, and Michael O'Neil, President of General Tire of Miami, and myself. Although named in these actions, none of the independent directors has ever been served. This may explain why my litigation search did not disclose these actions.

Dr. Kistiakowsky, Mr. Kahn, Mr. O'Neil and I were for the first time elected independent directors of Fund of America, Inc. on March 31, 1969. These actions were initiated about a month later.

One action, Funnell v. Arkus-Duntov, et al. was filed in the United States District Court for the Southern District of New York on May 5, 1969, and the other, Weiner v. Winters, et al. was filed on June 9, 1969.

The two actions, like those brought against many other mutual funds, seek a relationship between the fund and its investment advisor and its underwriter which would be more favorable to the fund. The stockholders of the fund ratified new contracts between the fund and its investment advisor and the fund and its underwriter at the same meeting at which I and the other independent directors were elected. Thus, these actions are based on matters which occurred at a time when the new directors had no connection with any of the other defendants.

While I believe that these derivative suits have no bearing on my nomination to the Securities and Exchange Commission, I want to bring them to your attention. I am enclosing the letter from Milton Kroll providing details on these specific actions, together with background on this general type of action.

Respectfully yours,
WILLIAM J. CASEY.

FREEDMAN, LEVY, KROLL & SIMONDS,
Washington, D.C., March 18, 1971.

WILLIAM J. CASEY, Esq.
Hall, Casey, Dickler & Howley,
New York, N.Y.

DEAR BILL: I am writing to confirm our telephone conversation of this morning and provide you with information with respect to two derivative actions, allegedly brought under the Investment Company Act of 1940 and other securities laws on behalf of Fund of America, Inc. (the "Fund") and others. The cases are entitled *Funnell* v. *Arkus-Duntov, et al.*, and *Weiner* v. *Winters, et al*. The complaints, which are substantially identical, were filed in the United States District Court for the Southern District of New York on May 5, 1969 and June 9, 1969, respectively.

The following is background information relating to these cases: Prior to April 1, 1969, the Fund, a registered mutual fund, was managed by Investors Planning Corporation of America ("IPC") and its shares were distributed by a wholly-owned subsidiary of IPC. On April 1, 1969, substantially all of the assets of IPC were sold to an unaffiliated corporation, Equity Funding Corporation of America ("EFCA") and thereafter the Fund was managed, and its shares distributed, by wholly-owned subsidiaries of EFCA. The sale of assets was made with the consent of the Securities and Exchange Commission pursuant to an order of that agency, dated May 23, 1967, which provided, among other things, that the parent of IPC, which is IOS, Ltd., must dispose of IPC to a person who is "independent and not directly or indirectly affiliated with IOS" and that the transaction shall be effected only with consent of the Commission.

As of April 1, 1969, IPC had no further connection with Fund of America. At a stockholders' meeting, held on March 31, 1969, a new Board of seven directors, of whom you were one, was elected for the Fund by the stockholders. (You resigned from the Board on February 1, 1971). At the same meeting, the stockholders approved the new investment advisory and underwriting agreements with the two EFCA subsidiaries.

All of these stockholder actions were taken pursuant to a proxy statement, filed with the SEC, which detailed the various matters to be voted upon.

Within approximately one month after the stockholders' meeting, the *Funnell* suit was filed, and about a month thereafter the *Weiner* suit was filed. Each of these cases includes a large number of defendants among whom were the former management company and its parent, the former underwriter, the new management company, new underwriter and their parent, the former Board of Directors of the Fund and the new directors of the Fund who had only recently taken office. This week, I have been informed of the results of a check made of the docket and Marshall's return in both cases. Neither the docket nor return indicates that you were ever served with the summons or complaint, either personally or by substituted service. The docket does show service on several of the corporate and other individual defendants.

The complaints contain allegations similar to those in other cases which have been filed with respect to numerous mutual funds. The allegations appear to be directed chiefly against the management companies and underwriter; the only specific dates mentioned in the charging portions relate to periods prior to November 30, 1968 when the former management company and underwriter were acting for the Fund. For the most part, the complaints use the term "defendants" without specification. The "new management" of the Fund is mentioned, as such, in only one part of the complaint, but no distinction is made between the management company and Fund directors.

In that part of the complaint it is alleged that the new management failed to provide for a management fee on a sliding scale. The management fee of .50% of average net assets of the Fund was approved by stockholders on the same day that you and the other new directors were elected.

This type of charge has been made in many cases but, to my knowledge, in none of them has judgment been rendered for the plaintiffs. This was pointed out in the testimony of former Chairman Cohen before the Senate Committee on Banking and Currency in 1967. An excerpt from that testimony is attached. Also I have attached a chart which lists some 100 cases of this type that were pending at the end of 1969.

Finally, I should point out that, as shown in the attached excerpt from page 49 of the prospectus of EFCA, dated December 9, 1970, special counsel has advised it that the suits are without merit.

Sincerely,
MILTON P. KROLL.

STATEMENT OF MANUEL F. COHEN, CHAIRMAN, SECURITIES AND EXCHANGE COMMISSION

Now, let's consider these advisory fees and how they have been dealt with in the courts.

It is a generally accepted principle of corporate law that the fairness or reasonableness of transactions between a corporation and any other company in which a diretcor of that corporation has an interest is reviewable in the courts. That is the teaching of the Supreme Court in the leading case of *Geddes* v. *Anaconda Copper Mining Co.* (254 U.S. 590 (1921)), and a host of other cases. Nor do we believe that this principle is open to serious dispute at this late date in the development of American corporate law.

Starting in 1959, over 50 lawsuits were instituted in which advisory fees paid by most of the large externally managed funds were attacked as excessive. These lawsuits were derivative in nature—brought by one or more individual shareholders on behalf of their funds.

Only three of the cases were fully litigated. (*Acampora* v. *Birkland*, 220 F. Supp. 527 (D. Colo., 1963); *Saxe* v. *Brady*, 40 Del. Ch. 474, 184 A. 2d 602 (Del. Ch. 1962); *Meiselman* v. *Eberstadt*, 39 Del. Ch. 563, 170 A. 2d 720 (Del. Ch. 1961).)

One court thought that the fees were high (*Acampora* v. *Birkland, supra*, 220 F. Supp. at 549).

Another thought that a flat 0.50 percent management fee on $600 million produced profits "certainly approaching the point where they are outstripping any reasonable relationship to expenses and effort even in a legal sense." (*Saxe* v. *Brady, supra*, 40 Del. Ch. 474, 184, A. 2d at 616.)

Nevertheless, all three actions resulted in judgments for the defendants.

The courts viewed the fact that the advisory contracts had been approved by the shareholders—and in one case by the unaffiliated directors—as changing—this is the important point—as changing the applicable standard from fairness or reasonableness, which would otherwise apply, to the much more permissive standard of waste.

But the statutory purpose, and the congressional requirement enacted in 1940, has been perverted. The congressional requirement of approval by the shareholders and a majority of the unaffiliated directors, which was intended to act as a protection for the shareholders, has actually insulated the fees from judicial scrutiny and deprived the shareholders of the benefit of judicial protections they would otherwise have enjoyed.

In essence, we are asking you to take away those barriers, those restrictions, which you never intended to place there in the first instance.

The courts also relied on the fact that the rates under attack were typical of—and in one case lower than—those prevailing in the investment company industry generally. The courts suggested that the problem of advisory fees is a result of an industrywide pattern of external management which initially calls for legislative action.

Although judicial examination of advisory fees in the courts has not to date acted as an effective substitute for competition and for arm's-length bargaining, most of the cases that were brought have been settled under conditions which resulted in new advisory contracts somewhat more favorable to the funds. Nevertheless, as has been indicated previously, after these settlements, the median advisory fee paid by the largest funds, the 59 externally managed funds with net assets of $100 million or more was still 0.48 percent.

STATEMENT OF ROBERT L. AUGENBLICK, PRESIDENT AND GENERAL COUNSEL, INVESTMENT COMPANY INSTITUTE

PENDING MUTUAL FUND LITIGATION INVOLVING CHALLENGE TO MANAGEMENT FEES

Date	Litigants	Court
Mar. 4, 1965	Ross v. Bernhard	U.S. District Court, S.D.N.Y.
Mar. 5, 1965	Waxman v. Youngman	Do.
Mar. 10, 1965	Gluck v. Bell	Do.
Mar. 11, 1965	Schwartz v. Starr	Supreme Court, State of New York.
Do	do	U.S. District Court, S.D.N.Y.
Apr. 1, 1965	Polack v. Starr	Supreme Court, State of New York.
Apr. 12, 1965	Gluck v. Bell	Do.
May 27, 1965	Mintz v. Starr	U.S. District Court, S.D.N.Y.
June 9, 1966	Friedenberg v. Bernhard	Do.
June 16, 1966	Waxman v. Youngman	Supreme Court, State of New York.
June 27, 1966	Zorn v. Anderson	U.S. District Court, S.D.N.Y.
January 1967	Schlusselberg v. Weissman, et al	Do.
Do	Weiss v. Chalker, et al	Do.
Do	Putnam Investors Fund, Inc. et ano. v. Werly, et al.	U.S. District Court, Massachusetts.
Jan. 10, 1967	White v. Auerbach, et al	U.S. District Court, S.D.N.Y.
Do	Weinberger v. Manhattan Fund, et al.	Do.
Do	Kaminsky v. Auerbach, et al	Do.
Do	Tonick v. Auerbach, et al	Do
Do	White v. Affiliated Fund	Do.
Do	Schlusselberg v. Investors Overseas Services, Ltd.	Court of Chancery, State of Delaware.
Do	Schlusselberg v. Fund of Funds	U.S. District Court, S.D.N.Y.
Do	Bernstein v. Affiliated Fund	Do.
Do	Schlusselberg v. Investors Overseas, Ltd.	Do.
Do	Schlusselberg v. Keystone Fund Series S-3, et al.	Do.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.

Date	Litigants	Court
Jan. 11, 1967	Schlusselberg v. Investors Overseas Services, Ltd.	Court of Chancery State of Delaware.
Do	Greenbaum v. Investors Planning Corp. of America.	Supreme Court, State of New York.
Jan. 12 1967	Schlusselberg v. Keystone Fund Series S-3, et al.	Do.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.
Do	Schlusselberg v. The Fund of Funds Ltd.	U.S. District Court, S.D.N.Y.
Do	White v. Auerbach, et al	Supreme Court, State of New York.
Jan. 18, 1967	Greenbaum v. Investors Planning Corp. of America.	U.S. District Court, S.D.N.Y.
January 19, 1967	Schlusselberg v. Keystone Fund Series S-3, et al.	Court of Chancery, State of Delaware.
Do	Schlusselberg v. Keystone Fund Series S-4, et al.	Do.
Jan. 20, 1967	Meshnick v. Burgin, et al	U.S. District Court, Massachusetts.
Do	Schlusselberg v. Investors Overseas Services, Ltd.	Supreme Court, State of New York.
Do	Schlusselberg v. Fund of Funds, Ltd.	Do.
Jan. 27, 1967	Schlusselberg v. Fund of Funds Ltd.	Court of Chancery, State of Delaware.
Apr. 1967	DeRenzis v. Levy	U.S. District Court, S.D.N.Y.
Apr. 26, 1967	Silverman v. Wellington Management Company.	Do.
Oct. 1967	Horenstein v. Waddell & Reed	Do.
Nov. 22, 1967	Gluck v. Vance, Sanders	Do.
Dec. 6, 1967	Moses v. Burgin, et al	U.S. District Court, Massachusetts.
1968	Putnam Growth Fund, et ano, v. Gardiner, et al.	Do.
Do	Marcus v. Devens, et al	Do.
February 1968	George Putnam Fund of Boston et al. v. Werly, et al.	Do.
Do	Derma v. Dunn, et al	U.S. District Court, S.D.N.Y.
Do	Lister, et al, v. Dunn, et al.	Do.
Feb. 13, 1968	Zicklin v. Burgin, et al	U.S. District Court Massachusetts.
Mar. 7, 1968	Goodman v. von der Heyde	U.S. District Court, S.D.N.Y.
Mar. 14, 1968	Lerman, et al. v. Burks, et al	Do.
Mar. 15, 1968	Lifter, et ano. v. Morgan, et al	U.S. District Court, S.D.N.Y. (transferred to Eastern District of Pennsylvania March 1969).
Mar. 21, 1968	Saminsky v. Kenstone Fund Series S-4, et al.	U.S. District Court, S.D.N.Y.
Mar. 27, 1968	Josephson v. Cody, et al	U.S. District Court, Central District of California.
Mar. 28, 1968	Gross v. Cooper	U.S. District Court, S.D.N.Y.
Mar. 29, 1968	Josephson v. Chapellet, et al	U.S. District Court, Central District of California.
April 1968	Thurner v. Haire, et al	U.S. District Court, S.D.N.Y.
Apr. 1, 1968	Edelman v. Brown	U.S. District Court, Massachusetts.
Apr. 2, 1968	Saminsky v. Kenstone Fund	U.S. District Court, S.D.N.Y.
Apr. 10, 1968	Saminsky v. Neuberger, et al	Do.
Apr. 11, 1968	Newman v. Stein, et al	Do.
Apr. 23, 1968	Kurach v. Kaplan, et al	Do.
Apr. 29, 1968	Lerner v. Calvin Bullock Ltd. Dividend Shares, et al.	Do.
May 20, 1968	Gross v. Cooper	Do.
May 23, 1968	Lerner v. Burns	Do.
May 28, 1968	Gluck v. Cody	U.S. District Court, Central District, California.
June 4, 1968	Lovich v. Isaacs	U.S. District Court, Massachusetts.
June 17, 1968	Edelman v. Brown	Do.
June 18, 1968	Lieberman v. National Investors	U.S. District Court, S.D.N.Y.
July 1968	Lerman v. Oppenheimer & Co	Do.
July 9, 1968	Saminsky v. Guild	U.S. District Court, Massachusetts.
Do	Saminsky v. Boston Fund	Do.
July 22, 1968	Silverman v. Rogers, et al	U.S. District Court, S.D.N.Y.
Aug. 26, 1968	RYP v. Deland, et al	U.S. District Court, Massachusetts.
Sept. 3, 1968	Goldbert v. The Dreyfus Corporation, et al.	Supreme Court, State of New York.
Oct. 16, 1968	Buzin v. Lloyd, et al	U.S. District Court, S.D.N.Y.
Oct. 17, 1968	Schein v. Weissman, et al	Do.
Oct. 22, 1969	Schwartz v. Anderson	Do.
Nov. 14, 1968	Buzin v. Brown	U.S. District Court, Massachusetts.
Dec. 4, 1968	Gluck v. Fletcher, et al	Court of Chancery of Delaware (removed to U.S. District Court, State of Delaware).
January 1969	Ruskay v. Merriman	U.S. District Court, S.D.N.Y.
Do	Horenstein v. Waddell & Reed	Supreme Court, State of New York.
Do	Berr v. Pioneer Fund	U.S. District Court, S.D.N.Y.
Jan. 23, 1969	Ruskay v. Morgan, et al	Do.
Jan. 29, 1969	Buzin v. Brown	Do.
Jan. 30, 1969	Lessac v. Godfrey	Do.
February 1969	Lerman v. Morgan, et al	U.S. District Court, S.D.N.Y. (transferred to Eastern District of Pennsylvania March 1969).
Feb. 11, 1969	Dacey v. the Value Line Special Situations Fund.	U.S. District Court, S.D.N.Y.
Feb. 20, 1969	Brown v. Fletcher, et al	Do.
Mar. 1969	Fishbein v. Cole, et al	U.S. District Court, Eastern District of Pennsylvania.
Mar. 3, 1969	Sklar v. Cross, et al	U.S. District Court, S.D.N.Y.
Mar. 20, 1969	Brown v. Fletcher, et al	U.S. District Court, Delaware.
May 5, 1969	Levine v. Financial Programs, et al.	U.S. District Court, S.D.N.Y.
Do	Gluck v. Fletcher, et al	U.S. District Court, S.D.N.Y. (transferred to Central District of California).
Do	Funnell v. Arkus-Duntov, et al	U.S. District Court, S.D.N.Y.
May 6, 1969	Lerman v. Jack Dreyfus, et al	Do.
May 27, 1969	Gluck et ano. v. Shareholders Capital Corporation, et al.	Do.
June 9, 1969	Weiner v. Winters, et al	Do.
Sept. 15, 1969	Herman v. Steadman Security Corporation, et al.	Do.
Sept. 25, 1969	Mintz, et al. v. Ehlers, et al	Do.

EXCERPT FROM PAGE 49 OF PROSPECTUS OF EQUITY FUNDING CORPORATION OF AMERICA (DECEMBER 9, 1970)

LITIGATION

In May and June 1969, the Company was served with two substantially identical Complaints in actions brought by Lavinia V. Funnell and Richard Weiner, Plaintiffs, in the United States District Court for the Southern District of New York against the Company, its subsidiaries, EFC Management, EFC Distributors, IPC Sponsors and RMF Corporation, and Yura Arkus-Duntov, Stanley Goldblum and Herbert Glaser, officers and directors of the Company, and certain other individuals and corporations, including, as derivative defendants only, Fund of America, Equity Growth Fund and Equity Progress Fund. Plaintiffs allege that the defendants have violated various provisions of the Securities Act of 1933, Securities Exchange Act of 1934 and Investment Company Act of 1940 in the management of each of the mutual funds named in the Complaints and in the sale of shares issued by such funds. Judgments are sought against the defendants on behalf, and for the benefit, of Fund of America, Equity Growth Fund and Equity Progress Fund, and the other mutual funds named in the Complaints, (a) returning to such funds certain fees, commissions, profits and other emoluments, (b) rescinding the management and distribution contracts between Fund of America, Equity Growth Fund and Equity Progress Fund, and subsidiaries of the Company, (c) restraining and enjoining defendants and their agents from continuing the alleged acts complained of, (d) declaring certain brokerage methods contrary to statutory requirements and (e) certain other relief. In the opinion of the Company's special counsel, Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, the actions brought by the Plaintiffs are without merit.

Mr. SPARKMAN. Mr. President, let me just say this, that Mr. Casey has been very cooperative with the committee in submitting all the documents, data, and other materials requested of him for use by the committee in considering his nomination. In fact, and I am sure much to his chagrin, after the hearings were closed and the committee had voted to recommend his nomination to the Senate, Mr. Casey found the information to which I have just referred, and since he did learn of it, after the report had been prepared, he brought it to our attention immediately.

Mr. President, let me say that Mr. Casey's nomination has been thoroughly considered. The committee has voted in favor of his confirmation. I hope that the Senate will take favorable action on this nomination.

Mr. BUCKLEY. Mr. President, I have studied all the information I could get about Mr. Casey, as to his qualifications for the high post to which he has been nominated.

I am very much impressed with his qualities, his energy, and his toughness. I believe that the charges brought against him are without substance and no flaws have been found in his character that would disqualify him for membership on the Securities and Exchange Commission.

I therefore very much endorse his selection, Mr. President, and urge the Senate to give him unanimous approval.

Mr. SCOTT subsequently said: Mr. President, I have known Mr. Casey for some years, and I would like to simply mention, aside from my own regard for his entire competence and ability, that he did submit his record to the public not very long ago by becoming a candidate for public office in his State of New York, for Congress, that matters which might have been brought up of a critical nature could have been arranged at that time, that nothing was raised which would reflect on his integrity or confidence at that time.

I do not believe that the allegations raised against him here in any degree rise to a disabling level. On the contrary, I think we are going to find in Mr. Casey a very tough and a very strict administrator, a man who knows the operations of the market and who can bring about something that is considerably desired, and that is a careful oversight and an insistence on reform where reforms are needed and a revision of procedures where that would appear to be in order, and finally the exercising of responsibility in a highly important office which will result in greater protection for the consumer and a greater assurance to the investor that the operation of the market will in no sense be loaded against the person who buys in good faith the securities which are offered to him.

Mr. JAVITS. Mr. President, it has generally become accepted that a really outstanding SEC chairman needs to have knowledge of the operations of the business community, to have had considerable experience in it and to have executive capacity and authority. I believe the nominee will bring these credentials to the job. I have known him for many years, and this is my personal appraisal. Also, there is the question of direction of the SEC staff which carries such heavy responsibilities, the administration of which is so critically important to the securities industry. I believe that Mr. Casey will turn out to be an administrator of great capacity and this we all agree is a prerequisite for an effective Chairman of the SEC.

The litigations in which Mr. Casey was a defendant and other matters related to the work of the SEC in which he was engaged have been the subject of much difference of opinions between Mr. Casey and his critics. Certainly Senator PROXMIRE's individual views are very strong. On the other hand, the Banking Committee majority after a review of all the cases in question has given Mr. Casey a finding that the cases did not adversely affect his ability to serve as a member of the Securities and Exchange Commission. Under these circumstances, I believe we must look to the nominee's ability to do the job for which he was selected by the President. It is because I feel that he can and will do this job that I am for his confirmation.

The securities industry is critically important to the success of our country and the well-being of our people. Its over 30 million individual security holders and its functioning as the capital market for the Nation makes it a very valuable ingredient in our society. Hence, there is a paramount national interest in a really effective Chairman of the SEC which must oversee that industry. From my knowledge of him acquired over the years, I believe Mr. Casey will meet this test.

The PRESIDING OFFICER (Mr. STEVENSON). The question is, Will the Senate advise and consent to the nomination of William J. Casey of New York to be a member of the Securities and Exchange Commission?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PAUL DOUGLAS' 79TH BIRTHDAY

Mr. PROXMIRE. Mr. President, Friday, March 26, is Paul H. Douglas' 79th birthday. As our friend and former colleague, I want to salute him on the occasion and wish him many, many more years of productive work and effort.

PROPHET BEFORE HIS TIME

Almost daily we are reminded of the events and issues which Paul took part in or initiated. Five years after his last term in the Senate we are still dealing with issues which he, along with a handful of others, first raised and developed. He was and is, indeed, a prophet before his time.

At a time, 7 and 8 years ago, when my amendment to knock out funds for the development of the SST was first offered, Paul Douglas was among the 17 and 22 Senators who voted to knock out the funds.

At a time when it received almost no publicity and little public support, Paul was holding hearings and issuing reports on military waste and excessive spending.

FATHER OF CIVIL RIGHTS

From his earliest days in the Senate, Paul forced the Senate to come to grips with the great civil rights issues of the day. Due in no small part to his work, and especially to his tenacity, the Congress first implemented the voting rights provisions of the 15th amendment in 1957 and, finally and belatedly, implemented the massive constitutional rights of the 14th amendment so long delayed to blacks and minority groups throughout the country.

Year after year he led the fight to change rule XXII, and to diminish the threat of the filibuster. Paul, during his Senate career, believed passionately in the right of free debate and free expression. But he also believed that, after a reasonable length of time, 3 weeks, 4 weeks, or more, a majority of the Senate should be able to decide an issue.

FULL EMPLOYMENT BUDGET CONCEPT

When the administration this year proposed what they called a full employment budget concept, we were all reminded again of Paul Douglas' pioneering work. Over 20 years ago, Paul proposed the same concept and urged its adoption by the Federal budget makers. While most of the reforms he proposed took approximately 7 years to be passed into law or to be acted upon by the Federal Government, this one took 20 years. And, as is so often the case, those who are the last to accept reform are the ones who have received the praise for embracing it.

There are other things which Paul initiated. He first introduced a truth-in-lending bill. In 1949 he proposed a 6-year public housing goal of 135,000 units a year or a total of 810,000 units as the minimum number needed to meet our most desperate housing needs. But 20 years later, when he chaired the National Commission on Urban Problems, the Commission reported that in 20 years the Nation had failed to build the number of public housing units it had proposed to build in 6 years.

FEDERAL RESERVE INDEPENDENCE

Paul Douglas' efforts included a fierce support for the independence of the Federal Reserve Board. He engineered the Federal Reserve-Treasury Accord which insured that the Board was independent of the executive branch. The wisdom of that move has never been more clear than this year when some leading members of the executive departments are pushing the Board to carry out a monetary policy which the overwhelming majority of first-rate economists in the country not only think is wrong but which they have denounced and poked fun at. The Federal Reserve is now able to hold out against some mythical faith in computer-designed formulas for monetary expansion, which have no or little validity in fact, because of the fight Paul Douglas put up 2 decades ago.

Other things come to mind as well. The fight to uphold the concept of one man, one vote; support for 18-year-old voting; early advocacy of catastrophic health insurance and sponsorship of medicare; opposition to the depletion allowance and other major tax loopholes; cosponsorship of the food-for-peace bill; early advocacy and actual drafting of social security, minimum wage, unemployment compensation, and union-management pension fund disclosure laws; the development and nursing through to enactment of the depressed area redevelopment legislation; and his one-man fight to save the Indiana Dunes; are all issues which Paul Douglas pushed and developed at a time when they were unpopular but which were finally enacted because they were right.

A LIBERAL NEED NOT BE A WASTREL

One aspect of this career deserves special mention. Paul is a great liberal. But he believes that a liberal need not be a wastrel. He fought pork barrel projects, unneeded subsidies, and inefficient projects while others of all political persuasion were promoting them. As the former president of the American Economic Association he opposed roads which led nowhere, dredging rivers where there was not traffic, building big dams which were unneeded, and subsidizing the growing of hay crops at altitudes of 5,000 to 6,000 feet in the Rocky Mountains which were uneconomic.

To him a boondoggle was a boondoggle, whether it was a public work project, a sugar subsidy, the SST, or waste in military procurement.

That attitude, which, during most of his 18 years in the Senate, he held in splendid isolation, has now become a major, if not a dominant, factor in deciding public issues. That, I say, is a major contribution which Paul Douglas made to public policy.

A BUSY LIFE

For all of these reasons, we salute him on his 79th birthday. Since he left the Senate he has published several books, lectured at the new school, chaired a Presidential Commission, and taken an active role in raising money for the reelection of his liberal colleagues.

He has also done one other thing. He has now finished his autobiography. It is now at the publishers and may come out in the near future.

I am told that it is an honest autobiography and tells it as it is. Because of that fact, its publication will be such a unique event that we all look forward to it very much indeed.

The Senate is a better place because Paul Douglas served here. The country is a better country because he is one of its leading citizens.

What we all wish for him are many more productive years.

Paul Douglas, we salute you on your birthday.

Mr. BENNETT. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Utah.

Mr. BENNETT. Mr. President, as a man who does not share former Senator Douglas' philosophical point of view, and as a man who opposed him in many of his enterprises during the years we served together on the Committee on Banking and Currency, I am very happy to join with my good friend from Wisconsin today in expressing the Senate's greetings to Paul on his 79th birthday, and join in the hope that Paul may yet have many happy years in which he can use his great intellectual capacities in fields which interest him.

Mr. PROXMIRE. Mr. President, I should like to say, in response to the distinguished Senator from Utah, that I know of the admiration and respect Paul Douglas had for WALLACE BENNETT'S integrity, diligence, and intelligence, although Paul did disagree vigorously, as the Senator from Utah has just said, with him on some issues.

ALCOHOLISM AND NARCOTICS

Mr. HUGHES. Mr. President, the Special Senate Subcommittee on Alcoholism and Narcotics, which I have the honor to chair, has been in existence now for about 2 years.

During that period of time, the subcommittee has held an unusually large number of hearings in major cities across the land and here in Washington.

Our mission has been to get at the drug problem, U.S.A., from the health standpoint.

We have studied the infestation of our society by an incredibly wide variety of drugs and narcotics. We have examined ongoing treatment, rehabilitation, and prevention programs that are having any degree of success in this country and abroad. We have looked into the facilities available for drug treatment and rehabilitation.

For almost a year, our subcommittee has been looking into the drug and alcohol abuse problems among military personnel in this country and abroad under authority granted us by the Senator from Mississippi (Mr. STENNIS) and the Armed Services Committee which he so ably chairs. Our staff has visited Southeast Asia, the Far East and Europe and military bases in this country where their investigations have received the cooperation of military authorities. In addition, the subcommitee held 4 days of hearings on drugs in the armed services last November and December.

In the work of the subcommittee, a truly bipartisan spirit has prevailed. Senators JAVITS, DOMINICK, SCHWEIKER, and the other Republican members have made invaluable contributions. Every member of the subcommittee and of the parent Labor and Public Welfare Committee have been motivated by a deep sense of the urgency of the problem with which we are dealing.

The work of the subcommittee has progressed quietly and, I believe, thoroughly. Our prime objective has been to get facts and results, not to sensationalize a subject that all too readily lends itself to sensational treatment.

Understandably, the work of the subcommittee has not attracted great public attention by comparison with the other headlined priorities here on Capitol Hill—the war, the supersonic transport, the unemployment crisis, the persistent inflation, and so on.

But in my travels to every region of the country in the past couple of years, I have found the drug epidemic is a universal concern and top priority among the people of America.

Anxiety-ridden parents, distraught drug abusers trying to find their way out of the poisonous jungle, poor people in congested urban areas in which almost every single family is infected with the drug disease, well-to-do suburbanites seeing the invasion of the schools by the drug menace—these and millions of other decent Americans see that the problem is bigger than they can handle individually, bigger than their communities or States can handle alone.

It is a national problem of epidemic proportions. For leadership and action to control the threatening, rapidly growing blight, the people are looking to the only entity in the country with the power, prestige and resources that measure up to the magnitude of the job.

And back of the anxieties that harass the people is the belief, the faith, that somehow this great Federal Establishment will supply the programs, the facilities, and, most important of all, the leadership, that will stay the rapidly growing drug menace before we have reached the point of no return.

We in Congress are clearly in a position of profound trust with the American people on this matter.

Therefore, as I see it, it is the responsibility of our subcommittee to report to the Congress and to the people our progress, or lack of progress, our success or our failure.

I believe the most cynical dereliction of duty of all would be to lead the people to believe we were on the way to saving the country from this deadly threat—when, in point of fact, we were only throwing a few teacups of water on the flames.

Last week, I called to the attention of the Senate the fact that the landmark Comprehensive Alcoholism Act of 1970, passed unanimously by both Houses of Congress and signed by the President, was not being implemented by the executive branch.

I pointed out that the National Institute on Alcohol Abuse and Alcoholism and the National Advisory Council, required by the law, have not been administratively established by the administration.

I pointed out that we had been informed that there is no intention on the part of the administration to request supplemental appropriations for 1971 or even an expanded budget for 1972 to implement this new law.

In these and other ways, a new law, representing the best in bipartisan cooperation between the executive and legislative branches, is being effectively derailed.

I said, last week: "In the vast bureaucracy of the Federal Government, there are bound to be miscarriages of high executive intent within the structure.

"I can only believe this is the case in the present instance."

However, the following day, we held hearings of the Subcommittee on Alcoholism and Narcotics at which representatives of the Department of Health, Education, and Welfare testified as to the Government's intentions regarding the implementation of the new alcoholism law.

I can only tell you that the information we received was completely disheartening.

There apparently is no intention of fully implementing the new law at this time.

Mr. President, since it appears that the same kind of short-circuiting is occurring with regard to some of the new drug laws and the prospects for needed new legislation in this session, I felt it was my responsibility to report to the Senate on this, as well.

Within the context of efforts to control drug abuse and drug dependence, I believe all of the experts would agree that a sound, vigorous program of preventive education is a top priority and a necessary first step.

On March 11, 1970, President Nixon stated:

> One of the great tragedies of the past decade has been that our schools, where our children should learn about the wonder of life, have often been the places where they learn the living—and sometimes actual—death of drug abuse. There is no priority higher in this Administration than to see that children—and the public—learn the facts about drugs in the right way and for the right purpose through education.

Yet, in fiscal 1970, the entire national drug education program was funded at a shockingly inadequate $7.0 million level—$3.5 million in the NIMH and $3.5 million in the Office of Education.

That kind of money was obviously not enough to curb an epidemic of the type we then had on our hands—and it became especially evident when one took a close look at the breakdown of the figures.

The administration for that year, for example, had allocated only $900,000 for community drug education training grants. We heard bizarre testimony by administration officials that this amount was adequate to serve the needs of the entire Nation. Later in the hearing, however, an administration spokesman admitted that the amount allotted would not, in fact, meet the needs of New York City alone.

That same fiscal year, the administration had $1,807,000 in its drug abuse information budget—as contrasted to $2,112,000 in its information budget for the effect of smoking on the public health.

I suggest a confusion of priorities. It was being proposed that we spend more on trying to convince Americans to stop smoking than to stay away from shooting drugs. I have no quarrel with the antismoking campaign. But to assign lesser importance to dissuading people from using heroin and LSD simply does not make sense.

Based on its concern that inadequate focus and funding was being placed on preventive education programs, the Labor and Public Welfare Committee held hearings and reported out the Drug Abuse Education Act of 1970. That legislation authorized the Secretary of HEW to establish two new drug education grant programs: One program provided funds for the development and evaluation of curriculums, training, and education programs for institutions of higher education, State and local educational agencies, and other public and private education agencies, institutions and organizations; the other program provided funds for community-oriented drug education projects on drug abuse and drug dependence which were established by nonprofit agencies, organizations, and institutions —such programs as peer-group assistance programs, crisis intervention centers, and telephone hot lines.

The administration opposed the legislation on the grounds that it already had general legal authorities which would allow these programs and that the present programs they had established were adequate. The Congress disagreed, passed the legislation, and it became law on December 3, 1970.

Congress also provided authority for an additional drug education program, in the National Institute of Mental Health, title I of Public Law 91–513.

The Congress then supplied $7.5 million of supplemental funds for these newly created programs.

In his July 14, 1969, message to the Congress on drug abuse, President Nixon stated:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.
>
> A national awareness of the gravity of the situation is needed: a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

But what happens to our communities who are actively looking for assistance and leadership in drug prevention and rehabilitation areas? Local leaders, because of the lack of Federal funds, are being discouraged by Federal officials from bothering to apply for HEW's community assistance grants. Once they do apply, they have 6 months of redtape and review committees to survive, and they must deal with departmental rules, regulations, and procedures which are extremely complicated and more restrictive than the congressional authorizing legislation.

My office is deluged with requests from all over the country, seeking my assistance in developing community drug programs. I am certain that other offices are similarly inundated. Yet do you know how many completed applications HEW states it had for drug program community assistance grants in 1970? Forty-two. Now something is wrong.

A survey in March of 1970 revealed that in one period of a month, there were 1,776 community consultations with regional offices for this type of assistance. In addition, 300 community consultations were made directly with NIMH. This does not count the many thousands of requests for information which come to congressional offices. When, from all these thousands of inquiries, only 42 applications result, then, I repeat, something is drastically wrong.

Those community leaders who have the wit and experience to manage application roadblocks, find that there is little funding to be had. In fiscal 1970 the administration requested no funding for new community programs in HEW and opposed congressional insistence on mandatory funding of a new congressionally proposed drug rehabilitation legislation in the OEO Act extension. For fiscal 1971, the administration requested only enough additional funding in the HEW community assistance programs to fund seven new community programs, and it again opposed funding of the congressionally created OEO program. While the 1971 budget was under debate, however, the Congress broadened existing authorizations of the HEW community assistance program and, in addition, created new HEW authorizations for special community drug projects in title I of Public Law 91–513. The Congress then supplied $5 million of supplementals to get that new program underway.

Now for fiscal 1972, the administration is again requesting no funding for new community programs in HEW. Instead of using the newly created HEW special projects authority to develop new programs, it is using it to fund programs previously begun by OEO. And for OEO the administration is only asking for $2.3 million for nonspecialized community assistance grants—excluding a $4.6 million funding commitment already made for New York City—only $1.5 million for manpower related programs, and only $1.5 million for corrections systems programs—this for the entire Nation.

Congressional initiatives which would provide additional program resources and force administrative action in this area have been consistently opposed by the administration. In late 1969, the Labor and Public Welfare Committee added special emphasis programs for drug rehabilitation and alcoholic counseling and recovery to legislation extending the Office of Economic Opportunity Act. Because of administration opposition to these amendments, the Congress required mandatory funding of the programs—$10 million in 1970 and $15 million in 1971 for alcohol programs; and $5 million in 1970 and $15 million in 1971 for drug programs. The administration has continued to oppose these provisions and has continually recommended their repeal. To date, they have only spent the minimum amount required by the legislation.

In March of last year 12 cosponsors and I introduced the Comprehensive Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970. That act would have:

First, established within the Public Health Service of the Department of Health, Education, and Welfare, a Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which would have had a comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers. Those responsibilities were to have included administrative, planning, coordination, statistical, research, training, education, classification, and reporting functions;

Second, would have replaced present legislation governing treatment and rehabilitation services available to drug dependent persons charged with or convicted of violating Federal criminal laws with updated and stronger legislation, which, while continuing the same basic policy of treatment and rehabilitation, would have greatly expanded the number of persons eligible for such treatment and rehabilitation and would have made more definite the Federal Government's obligations to carry out that policy;

Third, would have required the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal employees, and members of the armed services. It would also have required the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees;

Fourth, would have required the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs affecting health matters, including vocational rehabilitation programs, the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security;

Fifth, would have authorized the Secretary of Health, Education, and Welfare to make grants to and enter into contracts with State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas. This would have included but would not have been limited to development of model curriculums, curricular materials, and curricular dissemination programs; training and education programs for medical schools, outreach workers, and other professional and nonprofessional persons; support of community planning and educational programs; organization of community personnel; support of services to juveniles and young adults; and services in correctional institutions;

Sixth, would have established an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created Administration and to assist it to carry out the purposes of this act; and would have established an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to assist the Secretary of Health, Education, and Welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

These were the main provisions of this legislation designed to mount a comprehensive, coordinating effort to control the drug problem at the source—the addiction itself.

In the hearings on the legislation, however, the administration opposed the bill on the grounds that it already had scattered legal authorities which would allow these programs and because the present programs which they had established were adequate.

When the administration's drug enforcement legislation came before the Senate last year, relevant portions of this legislation were redrafted and introduced by the entire Labor and Public Welfare Committee as a bipartisan substitute amendment to the administration's enforcement bill. In spite of administration opposition, the amendment was adopted and passed the Senate. Some of the most important aspects of it were lost in conference, however. With administration support or constructive modification, it would be law today.

Now if all this is the "new urgency and concerted national policy" of which President Nixon speaks, I need a new dictionary—and so do those leaders in our communities who have hopes for action in this area. Our present administration's half-hearted and under-funded community assistance efforts—and proposed efforts—constitute a national tragedy.

Our citizens believe that a full-scale national commitment has been made and that a massive national effort is underway. It is not. As a Government official I am deeply embarrassed and shamed by that fact.

In his message to the Congress, the President also stated:

> In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug abuse.
>
> The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area.

Administration documents on "Narcotics and Drug Abuse Activities" for the National Institute of Mental Health indicate that the administration requested $15.4 million for fiscal 1971, and is requesting $16.4 million for fiscal 1972 for research. The fact of the matter is, however, that of the $15.4 million in 1971, only $5.6 million actually relates directly to drug abuse research. The larger share, $9.8 million, was used outside of NIMH for general drug research. Of the $16.4 million for 1972, only $6.4 million will relate directly to drug abuse research. These amounts obviously are but a drop in the bucket if we are serious about our efforts in this important area.

Mr. President, I have no doubt that the people of this Nation stand ready to support those steps which are essential to build a strong, national substance abuse prevention and treatment program—to invest in a health program such as this. But our high-level Government administrators are not as wise as the people they represent.

The administration has had 2 full years to beef up existing programs and make realistic funding commitments in this area. They have not done it.

They have had 2 full years to offer meaningful legislation in the area. They sat on their hands. I believe it is time they were called to account for this irresponsible unwillingness to act.

The American people, in this area as in others, do not want paper shuffling and glib brushoffs—they want facts, ideas, and encouragement. They do not want semantic games and lame answers from Federal employees who fear to speak other than the official White House and OMB lines—they want enthusiasm and creativity. They do not want to hear what cannot be done—they want to know what can be done.

In short, they want compassionate and courageous leadership, backed up by action.

Mr. President, why are these crucially needed programs being derailed, cut back, and underfunded?

Surely it cannot be on the grounds that fighting the drug plague would be inflationary.

Compared to proposed expenditures for such purposes as weapons systems and the SST, the full funding of all of these programs could not be construed to have thrown more than a tiny twig on the inflationary fires.

Surely it cannot be that the urgency is not recognized at the highest executive level.

Both the President and the Secretary of Health, Education, and Welfare have addressed themselves eloquently to the need.

Nonetheless, the job is not getting done.

If we are to keep faith with the American people, the logjam must be broken.

It is, therefore, my hope and my belief, Mr. President, that the Congress will recognize the implementation of our drug programs to be one of our most crucial responsibilities in the present session and will take appropriate action to this end.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 70) entitled "An Act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes," with an amendment in the nature of a substitute.

The message also announced that the House insists upon its amendment, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. STUBBLEFIELD, Mr. PURCELL, Mr. FOLEY, Mr. BELCHER, Mr. TEAGUE of California, and Mr. WAMPLER were appointed managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled joint resolution, and it was signed by the President pro tempore:

> H.J. Res. 468. A joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

GOVERNMENT REORGANIZATION—MESSAGE FROM THE PRESIDENT (DOC. NO. 92–75)

The ACTING PRESIDENT pro tempore laid before the Senate the following messages from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

When I suggested in my State of the Union Message that "most Americans today are simply fed up with government at all levels," there was some surprise that such a sweeping indictment of government would come from within the government itself. Yet it is precisely there, within the government itself, that frustration with government is often most deeply experienced.

A President and his associates often feel that frustration as they try to fulfill their promises to the people. Legislators feel that frustration as they work to carry out the hopes of their constituents. And dedicated civil servants feel that frustration as they strive to achieve in action the goals which have been established in law.

GOOD MEN AND BAD MECHANISMS

The problem with government is not, by and large, the people in government. It is a popular thing, to be sure, for the public to blame elected officials and for elected officials to blame appointed officials when government fails to perform. There are times when such criticism is clearly justified. But after a quarter century of observing government from a variety of vantage points, I have concluded that the people who work in government are more often the victims than the villains when government breaks down. Their spirit has usually been willing. It is the structure that has been weak.

Good people cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims. That is why so many public servants—of both political parties, of high rank and low, both the legislative and executive branches—are often disenchanted with government these days. That is also why so many voters feel that the results of elections make remarkably little difference in their lives.

Just as inadequate organization can frustrate good men and women, so it can dissipate good money. At the Federal level alone we have spent some $1.1 trillion on domestic programs over the last 25 years, but we have not realized a fair return on this investment. The more we spend, the more it seems we need to spend and while our tax bills are getting bigger our problems are getting worse.

No, the major cause of the ineffectiveness of government is not a matter of men or of money. It is principally a matter of machinery. It will do us little good to change personnel or to provide more resources unless we are willing to undertake a critical review of government's overall design.

Most people do not pay much attention to mechanical questions. What happens under the hood of their automobile, for example, is something they leave to the specialists at the garage. What they do care about, however, is how well the automobile performs. Similarly, most people are willing to leave the mechanical questions of government organization to those who have specialized in that subject—and to their elected leaders. But they do care very deeply about how well the government performs.

At this moment in our history, most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises. The great danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith.

We must fight that danger. We must restore the confidence of the people in the capacities of their government. In my view, that obligation now requires us to give more profound and more critical attention to the question of government organization than any single group of American leaders has done since the Constitutional Convention adjourned in Philadelphia in September of 1787. As we strive to bring about a new American Revolution, we must recognize that central truth which those who led the original American Revolution so clearly understood: often it is *how* the government is put together that determines how *well* the government can do its job.

This is not a partisan matter, for there is no Republican way and no Democratic way to reorganize the Government. This is not a matter for dogmatic dispute, for there is no single, ideal blueprint which will immediately bring good order to Federal affairs. Nor is this a matter to be dealt with once and then forgotten. For it is important that our political institutions remain constantly responsive to changing times and changing problems.

RENEWED INTEREST IN COMPREHENSIVE REFORM

The last 2 years have been a time of renewed interest in the question of how government is organized. The Congress has instituted a number of reforms in its own procedures and is considering others. Judicial reform—at all levels of government—has also become a matter of intense concern. The relationship between various levels of government has attracted increased attention—and so, of course, has the subject of executive reform.

This administration, with the counsel and the cooperation of the Congress, has taken a number of steps to reorganize the executive branch of the Federal Government. We have set up a new Domestic Council and a new Office of Management and Budget in the Executive Office of the President. We have created a new Environmental Protection Agency and a new United States Postal Service. We have worked to rationalize the internal structure of Federal departments and agencies.

All of these and other changes have been important, but none has been comprehensive. And now we face a fundamental choice. We can continue to tinker with the machinery and to make constructive changes here and there—each of them bringing some marginal improvement in the Government's capacities. Or we can step back, take a careful look, and then make a concerted and sustained effort to reorganize the executive branch according to a coherent, comprehensive view of what the Federal Government of this Nation *ought* to look like in the last third of the twentieth century.

The impulse for comprehensive reorganization has been felt before in recent decades. In fact, the recommendations I am making today stem from a long series of studies which have been made under several administrations over many years. From the report of the President's Committee on Administrative Management (the Brownlow Committee) in 1937, down through the findings of the Commission on Organization of the Executive Branch of the Government (the Hoover Commission) in 1949, the President's Task Force on Government Organization in 1964, and my own Advisory Council on Executive Organization during the last two years, the principles which I am advancing today have been endorsed by a great number of distinguished students of government and management from many backgrounds and from both political parties.

I hope the Congress will now join me in concluding, with these authorities, that we should travel the course of comprehensive reform. For only if we travel that course, and travel it successfully, will we be able to answer affirmatively in our time the fundamental question posed by Alexander Hamilton as the Constitution was being debated in 1788: "whether societies of men are really capable or not of establishing good government from reflection and choice. . . ."

THE FRAGMENTATION OF FEDERAL RESPONSIBILITY

As we reflect on organizational problems in the Federal Government today, one seems to stand out above all others: the fact that the capacity to *do* things—the power to achieve goals and to solve problems—is exceedingly fragmented and broadly scattered throughout the Federal establishment. In addressing almost any of the great challenges of our time, the Federal Government finds itself speaking through a wide variety of offices and bureaus, departments and agencies. Often these units trip over one another as they move to meet a common problem. Sometimes they step on one another's toes. Frequently, they behave like a series of fragmented fiefdoms—unable to focus Federal resources or energies in a way which produces any concentrated impact.

Consider these facts:

Nine different Federal departments and twenty independent agencies are now involved in education matters. Seven departments and eight independent agencies are involved in health. In many major cities, there are at least twenty or thirty separate manpower programs, funded by a variety of Federal offices. Three departments help develop our water resources and four agencies in two departments are involved in the management of public lands. Federal recreation areas are administered by six difference agencies in three departments of the government. Seven agencies provide assistance for water and sewer systems. Six departments of the government collect similar economic information—often from the same sources—and at least seven departments are concerned with international trade. While we cannot eliminate all of this diffusion, we can do a great deal to bring similar functions under common commands.

It is important that we move boldly to consolidate the major activities of the Government. The programmatic jumble has already reached the point where it is virtually impossible to obtain an accurate count of just how many Federal grant programs exist. Some estimates go as high as 1,500. Despite impressive attempts by individual legislators and by the Office of Economic Opportunity, there is still no agreement on a comprehensive list. Again and again I hear of local officials who are unable to determine how many Federal programs serve their areas or how much Federal money is coming into their communities. One reason is that the assistance comes from such a wide variety of Federal sources.

THE CONSEQUENCES OF SCATTERED RESPONSIBILITY

What are the consequences of this scattering of Federal responsibility? There are many.

In the first place, the diffusion of responsibility makes it extremely difficult to launch a coordinated attack on complex problems. It is as if the various units of an attacking army were operating under a variety of highly independent commands. When one part of the answer to a problem lies in one department and other parts lie in other departments, it is often impossible to bring the various parts together in a unified campaign to achieve a common goal.

Even our basic analysis of public needs often suffers from a piecemeal approach. Problems are defined so that they will fit within established jurisdictions and bureaucratic conventions. And the results of government action are typically measured by the degree of activity within each program rather than by the overall impact of related activities on the outside world.

The role of a given department in the policy making process can be fundamentally compromised by the way its mission is defined. The narrower the mission, the more likely it is that the department will see itself as an advocate within the administration for a special point of view. When any department or agency begins to represent a parochial interest, then its advice and support inevitably become less useful to the man who must serve *all* of the people as their President.

Even when departments make a concerted effort to broaden their perspectives, they often find it impossible to develop a comprehensive strategy for meeting public needs. Not even the best planners can set intelligent spending priorities, for example, unless they have an opportunity to consider the full array of alternative expenditures. But if one part of the problem is studied in one department and another part of the problem is studied elsewhere, who decides which element is more important? If one office considers one set of solutions and a separate agency investigates another set of solutions, who can compare the results? Too often, no official below the very highest levels of the Government has access to enough information to make such comparisons wisely. The result is that the Government often fails to make a rational distribution of its resources among a number of program alternatives.

Divided responsibility can also mean that some problems slip between the cracks and disappear from the Government's view. Everybody's business becomes nobody's business and embarrassing gaps appear which no agency attempts to fill. At other times, various Federal authorities act as rivals, competing with one another for the same piece of "turf."

Sometimes one agency will actually duplicate the work of another; for instance, the same locality may receive two or more grants for the same project. On other occasions, Federal offices will actually find themselves working at cross purposes with one another; one agency will try to preserve a swamp, for example, while another is seeking to drain it. In an effort to minimize such problems, government officials must spend enormous amounts of time and energy negotiating with one another that should be directed toward meeting people's needs. And even when they are able to work out their differences, officials often reach compromise solutions which merely represent the lowest common denominator of their original positions. Bold and original ideas are thus sacrificed in the quest for intragovernmental harmony.

Scattered responsibility also contributes to the overcentralization of public decision making. Because competing offices are often in different chains of command, it is frequently impossible for them to resolve their differences except by referring them to higher authorities, a process which can mean interminable delays. In an attempt to provide a means for resolving such differences and for providing needed coordination, an entire new layer of bureaucracy has emerged at the *interagency* level. Last year, the Office of Management and Budget counted some 850 interagency committees. Even so, there are still many occasions when only the White House itself can resolve such interjurisdictional disputes. Too many questions thus surface at the Presidential level that should be resolved at levels of Government closer to the scene of the action.

Inefficient organization at the Federal level also undermines the effectiveness of State and local governments. Mayors and Governors waste countless hours and dollars touching base with a variety of Federal offices—each with its own separate procedures and its own separate policies. Some local officials are so perplexed by the vast array of Federal programs in a given problem area that they miss out on the very ones that would be most helpful to them. Many State and local governments find they must hire expensive specialists to guide them through the jungles of the Federal bureaucracy.

If it is confusing for lower levels of government to deal with this maze of Federal offices, that challenge can be even more bewildering for individual citizens. Whether it is a doctor seeking aid for a new health center, a businessman trying to get advice about selling in foreign markets, or a welfare recipient going from one office to another in order to take full advantage of Federal services, the people whom the Government is supposed to be serving are often forced to weave their way through a perplexing obstacle course as a condition of receiving help.

THE HOBBLING OF ELECTED LEADERSHIP

Perhaps the most significant consequence of scattered responsibility in the executive branch is the hobbling effect it has on elected leadership—and, therefore, on the basic principles of democratic government. In our political system, when the people identify a problem they elect to public office men and women who promise to solve that problem. If these leaders succeed, they can be reelected; if they fail, they can be replaced. Elections are the people's tool for keeping government responsive to their needs.

This entire system rests on the assumption, however, that elected leaders can make the government respond to the people's mandate. Too often, this assumption is wrong. When lines of responsibility are as tangled and as ambiguous as they are in many policy areas, it is extremely difficult for either the Congress or the President to see that their intentions are carried out.

If the President or the Congress wants to launch a program or change a program or even find out how a program is working, it often becomes necessary to consult with a half dozen or more authorities, each of whom can blame the others when something goes wrong. It is often impossible to delegate to any one official the full responsibility for carrying out a specific mandate, since the machinery for doing that job is divided among various agencies. As a result, there is frequently no single official—even at the Cabinet level—whom the President or the Congress can hold accountable for Government's success or failure in meeting a given need.

No wonder bureaucracy has sometimes been described as "the rule of no one." No wonder the public complains about programs which simply seem to drift. When elected officials cannot hold appointees accountable for the performance of government, then the voters' influence on government's behavior is also weakened.

HOW DID THINGS GET THIS WAY?

The American people clearly pay a very high price for the incapacities of governmental structures—one that is measured in disappointment, frustration and wasted tax dollars. But how did things get this way?

What happened, essentially, was that the organization of Government—like the grant-in-aid programs which I have discussed in my special messages to the Congress concerning revenue sharing—grew up in a haphazard, piecemeal fashion over the years. Whenever Government took on an important new assignment or identified an important new constituency, the chances were pretty good that a new organizational entity would be established to deal with it. Unfortunately, as each new office was set up, little or no attention was given to the question of how it would fit in with the old ones. Thus office was piled upon office in response to developing needs; when new needs arose and still newer units were created, the older structures simply remained in place.

Of the twelve executive departments now in existence, only five can trace their origins to the beginnings of our country. The Departments of State and Treasury were set up in 1789; so was the War Department—the predecessor of the Department of Defense. The positions of Attorney General and Postmaster General were also established in 1789, though it was not until later that the departments they head were set up in their present form. One of these five units, the Post Office Department, will soon become an independent corporation. But, under my proposals, the other four "original" departments would remain intact. It is the seven newer departments of the Government which would be affected by the changes I recommend.

These seven departments were set up to meet the changing needs of a growing nation, needs which have continued to change over the years. The Department of the Interior, for example, was established in 1849 to deal with newly opened western lands and especially with the Indians who inhabited them. The Department of Agriculture was also added in the nineteenth century, at a time when the overwhelming majority of our people were directly affected by the tremendous expansion of agricultural enterprise. In the early years of the twentieth century, in a time of rapid and unsettling industrial growth, the Department of Commerce and Labor was set up. The Labor Department was split off from it in 1913, in response to feelings that labor was suffering from an imbalance of power and needed additional influence. The three newest departments of the Government—Health, Education, and Welfare, Housing and Urban Development, and Transportation—were all created after World War II. Each represented a first step toward bringing together some of the new Federal offices and agencies which had proliferated so rapidly in recent decades.

ORGANIZING AROUND GOALS

As we look at the present organization of the Federal Government, we find that many of the existing units deal with methods and subjects rather than with purposes and goals. If we have a question about labor we go to the Labor Department and if we have a business problem we go to the Commerce Department. If we are interested in housing we go to one department and if we are interested in highways we go to another.

The problem is that as our society has become more complex, we often find ourselves using a *variety* of *means* to achieve a *single* set of *goals*. We are interested, for example, in economic development—which requires new markets, more productive workers and better transportation systems. But which department do we go to for that? And what if we want to build a new city, with sufficient public facilities, adequate housing, and decent recreation areas—which department do we petition then?

We sometimes seem to have forgotten that government is not in business to deal with subjects on a chart but to achieve real objectives for real human beings. These objectives will never be fully achieved unless we change our old ways of thinking. It is not enough merely to reshuffle departments for the sake of reshuffling them. We must rebuild the executive branch according to a new understanding of how government can best be organized to perform effectively.

The key to that new understanding is the concept that the executive branch of the government should be organized around basic goals. Instead of grouping activities by narrow subjects or by limited constituencies, we should organize them around the great purposes of government in modern society. For only when a department is set up to achieve a given set of purposes, can we effectively hold that department accountable for achieving them. Only when the responsibility for realizing basic objectives is clearly focused in a specific governmental unit, can we reasonably hope that those objectives will be realized.

When government is organized by goals, then we can fairly expect that it will pay more attention to results and less attention to procedures. Then the success of government will at last be clearly linked to the things that happen in society rather than the things that happen in government.

Under the proposals which I am submitting, those in the Federal Government who deal with common or closely related problems would work together in the same organizational framework. Each department would be given a mission broad enough so that it could set comprehensive policy directions and resolve internally the policy conflicts which are most likely to arise. The responsibilities of each department would be defined in a way that minimizes parochialism and enables the President and the Congress to hold specific officials responsible for the achievement of specific goals.

These same organizational principles would also be applied to the *internal* organization of each department. Similar functions would be grouped together within each new entity, making it still easier to delegate authority to lower levels and further enhancing the accountability of subordinate officials. In addition, the proposals I submit today include a number of improvements in the management of Federal programs, so that we can take full advantage of the opportunities afforded us by organizational restructuring.

The administration is today transmitting to the Congress four bills which, if enacted, would replace seven of the present executive departments and several other agencies with four new departments: the Department of Natural Resources, the Department of Community Development, the Department of Human Resources and the Department of Economic Affairs. A special report and summary—which explain my recommendations in greater detail—have also been prepared for each of the proposed new departments.

THE DEPARTMENT OF NATURAL RESOURCES

One of the most notable developments in public consciousness in recent years has been a growing concern for protecting the environment and a growing awareness of its highly interdependent nature. The science of ecology—the study of the interrelationships between living organisms and their environments—has experienced a sudden rise in popularity. All of us have become far more sensitive to the way in which each element of our natural habitat affects all other elements.

Unfortunately, this understanding is not yet reflected in the way our Government is organized. Various parts of the *interdependent* environment are still under the purview of highly *independent* Federal offices. As a result, Federal land policies, water programs, mineral policies, forestry practices, recreation activities and energy programs cannot be easily coordinated, even though the manner in which each is carried out has a great influence on all the others.

Again and again we encounter intragovernmental conflicts in the environmental area. One department's watershed project, for instance, threatens to slow the flow of water to another department's reclamation project downstream. One agency wants to develop an electric power project on a certain river while other agencies are working to keep the same area wild. Different departments follow different policies for timber production and conservation, for grazing, for fire prevention and for recreational activities on the Federal lands they control, though the lands are often contiguous.

We cannot afford to continue in this manner. The challenges in the natural resource field have become too pressing. Some forecasts say that we will double our usage of energy in the next 10 years, of water in the next 18 years, and of metals in the next 22 years. In fact, it is predicted that the United States will use more energy and more critical resources in the remaining years of this century than in all of our history up until now. Government must perform at its very best if it is to help the Nation meet these challenges.

I propose that a new Department of Natural Resources be created that would bring together the many natural resource responsibilities now scattered throughout the Federal Government. This Department would work to conserve, manage and utilize our resources in a way that would protect the quality of the environment and achieve a true harmony between man and nature. The major activities of the new Department would be organized under its five subdivisions: Land and Recreation Resources, Water Resources, Energy and Minerals Resources, Oceanic, Atmospheric and Earth Sciences, and Indian and Territorial Affairs.

The new Department of Natural Resources would absorb the present Department of the Interior. Other major programs which would be joined to it would include: The Forest Service and the soil and water conservation programs from the Department of Agriculture, planning and funding for the civil functions of the Army Corps of Engineers and for the civilian power functions of the Atomic Energy Commission, the interagency Water Resources Council, the oil and gas pipeline safety functions of the Department of Transportation, and the National Oceanic and Atmospheric Administration from the Department of Commerce. Because of their historical association with the Department of the Interior, the programs of the Bureau of Indian Affairs would be administered by the new Department until such time as an acceptable alternative arrangement could be worked out with Indian leaders and other concerned parties.

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A restless and highly mobile people, Americans are constantly creating new communities and renewing old ones throughout our land. In an era of rapid change, this process—which once took generations—can now be repeated in just a few years.

At the same time, the process of community development is becoming even more complex, particularly as the problems of urban and rural communities begin to merge. The elements of community life are many and the mark of a cohesive community is the harmonious way in which they interrelate. That is why we hear so much these days about the importance of community planning. And that is why it is essential that Federal aid for community development be designed to meet a wide range of related needs in a highly coordinated manner.

Often this does not happen under the present system. The reason is that the basic community development programs of the Federal Government are presently divided among at least eight seperate authorities—including four executive departments and four independent agencies.

A community that seeks development assistance thus finds that it has to search out aid from a variety of Federal agencies. Each agency has its own forms and regulations and timetables—and its own brand of redtape. Each has its own field organizations, often with independent and overlapping boundaries for regions and districts. Sometimes a local community must consult with Federal offices in three or four different States.

The result is that local leaders often find it virtually impossible to relate Federal assistance programs to their own local development strategies. The mayor of one small town has observed that by the time he finishes dealing with eight Federal planning agencies, he has little time to do anything else.

Occasionally, it must be admitted, a community can reap unexpected benefits from this diffusion of Federal responsibility. The story is told of one small city that applied to six different agencies for help in building a sewage treatment plant and received affirmative responses from all six. If all the grants had been completed, the community would have cleared a handsome profit—but at the Federal taxpayer's expense.

To help correct such problems, I propose that the major community development functions of the Federal Government be pulled together into a new Department of Community Development. It would be the overriding purpose of this Department to help build a wholesome and safe community environment for every American. This process would require a comprehensive series of programs which are equal to the demands of growing population and which provide for balanced growth in urban and rural areas. The new Department would operate through three major administrations: a Housing Administration, a Community Transportation Administration and an Urban and Rural Development Administration. A fourth unit, the Federal Insurance Administration, would be set up administratively by the Secretary.

The new Department of Community Development would absorb the present Department of Housing and Urban Development. Other components would include certain elements of the Economic Development Administration and the Regional Commission programs from the Department of Commerce, the independent Appalachian Regional Commission, various Department of Agriculture programs including water and waste disposal grants and loans, the Rural Electrification Administration, and rural housing programs. The Community Action and Special Impact Programs of the Office of Economic Opportunity would be included, as would the Public Library construction grant program from the Department of Health, Education, and Welfare and certain disaster assistance functions now handled by the Office of Emergency Preparedness and the Small Business Administration. Most Federal highway programs and the Urban Mass Transportation Administration would be transferred from the present Department of Transportation.

I would note that while the Department of Transportation is a relatively new entity, it, too, is now organized around methods and not around purposes. A large part of the Department of Transportation would be moved into the new Department of Economic Affairs—but those functions which particularly support community development would be placed in the Department which is designed to meet that goal.

THE DEPARTMENT OF HUMAN RESOURCES

The price of obsolete organization is evidenced with special force in those Government programs which are directly designed to serve individuals and families. In part this is because there has been so much new legislation in the human resource field in recent decades; the old machinery is simply overstrained by its new challenges. But whatever the reasons, human resource programs comprise one area in which the Government is singularly ill-equipped to deliver adequate results.

I have already commented on the broad dispersion of Federal health and education activities. Similar examples abound. Income support programs, including those which administer food stamps, welfare payments, retirement benefits and other forms of assistance, are scattered among three departments and a number of other agencies. The Department of Agriculture, the Department of Health, Education, and Welfare, and the Office of Ecomonc Opportunity all handle food and nutrition matters. Child care programs, migrant programs, manpower programs, and consumer programs often suffer from similarly divided attention.

In one city, two vocational training centers were built three blocks apart at about the same time and for the same purpose, with money from two different Federal agencies. And for every case of overattention, there are many more of neglect. Consider the plight of a poor person who must go to one office for welfare assistance, to another for food stamps, to another for financial counseling, to still another for legal aid, to a fifth office for employment assistance, to a sixth place for job training, and to a number of additional offices for various kinds of medical help. The social worker who might guide him through this maze often works in still another location.

Such situations are clearly intolerable, yet the Federal Government—which ought to be working to reform these confused systems—actually is responsible for much of the confusion in the first place.

I believe that we can take a major step toward remedying such problems by establishing a new Department of Human Resources which would unify major Federal efforts to assist the development of individual potential and family well-being. This Department would be subdivided, in turn, into three major administrations: Health, Human Development, and Income Security.

This new Department would incorporate most of the present Department of Health, Education, and Welfare with the following significant additions: a number of food protection, food distribution and nutrition programs from the Department of Agriculture, the College Housing program from the Department of Housing and Urban Development, the independent Railroad Retirement Board, various programs from the Office of Economic Opportunity (including nutrition, health, family planning, alcoholism, and drug rehabilitation efforts), and the Manpower Administration, the Women's Bureau, the Unemployment Insurance Program and a number of other employment service and training activities from the Department of Labor.

THE DEPARTMENT OF ECONOMIC AFFAIRS

One of the first things most students learn about economics is that the material progress of our civilization has resulted in large measure from a growing division of labor. While a single family or a single community once provided most of its own goods and services, it now specializes in providing only a few, depending increasingly on a far-flung, intricate network of other people and other organizations for its full economic well-being.

The only way the Federal Government can deal effectively with such a highly interdependent economy is by treating a wide range of economic considerations in a comprehensive and coordinated manner. And—as our Gross National Product moves beyond the trillion dollar level and as our productive system, which now accounts for approximately 40 percent of the world's wealth, encounters new challenges from other nations—it is becoming even more important that Federal economic policies be carried out as effectively as possible.

But again, the organization of the Government works against the systematic consideration of economic complexities. The step by step evolution of our Federal machinery has created a series of separate entities—each handling a separate part of the economic puzzle. Some of these entities are relatively autonomous units within departments. Others are independent agencies. But perhaps the most dramatic evidence of our fragmented approach to the economy is the existence of four major executive departments which handle highly interdependent economic matters: Commerce, Labor, Agriculture, and Transportation.

This situation can seriously impair governmental efforts to respond effectively to economic challenges. One department, for example, may be concerned with the raw materials a given industry receives from the farms, while a second department is concerned with getting these materials to the factory and getting the product to its market. Meanwhile, a third department is concerned with the workers who harvest the crops, run the transportation systems and manufacture the product, while a fourth department is concerned with the businessmen who own the plant where the product is made and the stores where it is merchandised.

Such a division of responsibility can also create a great deal of overlap. The Agriculture Department, for instance, finds that its interest in agricultural labor is shared by the Labor Department, its regard for agricultural enterprise is shared by the Small Business Administration, and its concern for providing sufficient transportation for farm products is shared by the Department of Transportation. The Commerce, Labor and Agriculture Departments duplicate one another in collecting economic statistics, yet they use computers and statistical techniques which are often incompatible.

It has sometimes been argued that certain interest groups need a department to act as their special representative within the Government. In my view, such an arrangement serves the best interests of neither the special group nor the general public. Little is gained and much can be lost, for example, by treating our farmers or our workers or other groups as if they are independent participants in our economic life. Their problems cannot be adequately treated in isolation; their well-being is intimately related to the way our entire economy functions.

I would not suggest these reforms if I thought they would in any way result in the neglect of farmers, workers, minorities or any other significant groups within our country. To the contrary, I propose these reforms because I am convinced they will enable us to serve these groups much better. Under my proposals, the new Department of Economic Affairs would be in a much stronger position really to *do* something about the wide-ranging factors which influence farm income than is the present Department of Agriculture, for example. It could do more to meet the complex needs of workingmen and women than can the present Department of Labor. It would be able to pull together a wider range of resources to help minority businessmen than can the present Department of Commerce.

Federal organization in the economic area has been the target of frequent criticism over the years. During the previous administration alone, two special studies of executive organization recommended that it be substantially altered. I have received a similar recommendation from my Advisory Council on Executive Organization.

I am therefore recommending to the Congress that a new Department of Economic Affairs be established to promote economic growth, to foster economic justice, and to encourage more efficient and more productive relationships among the various elements of our economy and between the United States economy and those of other nations. As this single new Department joined the Treasury Department, the Council of Economic Advisers and the Federal Reserve Board in shaping economic policy, it would speak with a stronger voice and would offer a more effective, more highly integrated viewpoint than four different departments can possibly do at present. The activities of the new Department would be grouped under the following six administrations: Business Development, Farms and Agriculture, Labor Relations and Standards, National Transportation, Social, Economic, and Technical Information and International Economics.

The new Department of Economic Affairs would include many of the offices that are now within the Departments of Commerce, Labor and Agriculture. A large part of the Department of Transportation would also be relocated here, including the United States Coast Guard, the Federal Railroad Administration, the St. Lawrence Seaway Development Corporation, the National Transportation Safety Board, the Transportation Systems Center, the Federal Aviation Administration, the Motor Carrier Safety Bureau and most of the National Highway Traffic Safety Administration. The Small Business Administration, the Science Information Exchange program from the Smithsonian Institution, the National Institute for Occupational Health and Safety from the Department of Health, Education, and Welfare and the Office of Technology Utilization from the National Aeronautics and Space Administration would also be included in the new Department.

OTHER ORGANIZATIONAL REFORMS

Regrouping functions *among* departments can do a great deal to enhance the effectiveness of government. It should be emphasized, however, that regrouping functions *within* departments is also a critical part of my program for executive reform. Just as like tasks are grouped together within a given department, so similar operations should be rationally assembled within subordinate units. Such a realignment of functions, in and of itself, would make it much easier for appointed officials to manage their agencies and for both the President and the Congress to see that their intentions are carried out.

Toward this same end, I am recommending to the Congress a number of additional steps for bringing greater managerial discipline into Government. In the first place, I am proposing that the Department Secretary and his office be considerably strengthened so that the man whom the President appoints to run a department has both the authority and the tools to run it effectively. The Secretary would be given important managerial discretion that he does not always enjoy today, including the ability to appoint many key department officials, to delegate authority to them and to withdraw or change such delegations of authority, and to marshal and deploy the resources at his command so that he can readily focus the talent available to him at the point of greatest need.

Each of the new Secretaries would be provided with a Deputy Secretary and two Under Secretaries to help him meet his responsibilities. In addition, each major program area within a department would be headed by a high-level administrator who would be responsible for effectively managing a particular group of related activities. These officials would be appointed by the President and their appointments would be subject to Senate confirmation.

It is my philosophy that we should give clear assignments to able leaders—and then be sure that they are equipped to carry them out. As a part of this same effort, we should do all we can to give the best new management tools to those who run the new departments. There is no better time to introduce needed procedural changes *within* departments than a time of structural change *among* departments. We can reap great benefits if we take advantage of this opportunity by implementing the most advanced techniques and equipment for such tasks as planning and evaluation, data collection, systematic budgeting, and personnel administration.

Finally, I would again stress in this message—as I have in my discussions of revenue sharing—the importance of decentralizing government activities as much as possible. As I have already observed, the consolidation of domestic departments would do a great deal to facilitate decentralization, since it would produce fewer interagency disputes that require resolution at higher levels. It is also true, as many management experts have pointed out, that as the reliability and scope of information expand at higher levels of government, officials can delegate authority to lower levels with greater confidence that it will be used well.

In addition to the consolidation of functions, I am also proposing a reform of the field structures of the Federal Government that would also promote decentralization. Each Department, for example, would appoint a series of Regional Directors who would represent the Secretary with respect to all Department activities in the field. Planning, coordination and the resolution of conflicts could thus be more readily achieved without Washington's involvement, since there would be a "Secretarial presence" at the regional level. Further coordination at lower levels of government would be provided by strengthening the ten Regional Councils which include as members the Regional Directors of various departments in a given area of the country.

In the first months of my administration I moved to establish common regional boundaries and regional headquarters for certain domestic departments. I observed at that time that the Federal Government has never given adequate attention to the way in which its departments are organized to carry out their missions in the field. It is now time that we remedied this pattern of neglect. Even the best organized and best managed departments in Washington cannot serve the people adequately if they have to work through inadequate field structures.

Industry and government both have found that even the largest organizations can be run effectively when they are organized according to rational principles and managed according to sound techniques. There is nothing mystical about these principles or these techniques; they can be used to make the Federal Government far more effective in a great many areas.

As we consolidate and rationalize Federal functions, as we streamline and modernize our institutional architecture, as we introduce new managerial techniques and decentralize Government activities, we will give Government the capacity to operate far more efficiently than it does today. It will be able to do more work with fewer mechanisms and fewer dollars. It will be able to use its work force more productively. This could mean significant savings for our taxpayers. I would emphasize, however, that any reductions in the Federal work force attributable to this proposal would come by normal turnover; no civil servant should lose his job as a result of this plan.

It is important that these reforms be seen by our civil servants not as a threat to their security but as an opportunity for greater achievement. We have worked hard to bring able people into Government employment. Executive reorganization can help the Nation make even better use of their talent and their dedication and it can also make it easier for us to attract more men and women of great vision and competence into public service at the Federal level.

FOCUSING POWER WHERE IT CAN BE USED BEST

These proposals for reorganizing the Federal Government are a natural complement to my proposals for revenue sharing; there is a sense in which these two initiatives represent two sides of the same coin. Both programs can help us decentralize government, so that more decisions can be made at levels closer to the people, More than that, both programs are concerned with restoring the general capacity of government to meet its responsibilities.

On the one hand, through revenue sharing, we would give back to the States and localities those functions which belong at the State and local level. To help them perform those functions more effectively, we would give them more money to spend and more freedom in spending it. At the same time, however, we must also do all we can to help the Federal Government handle as effectively as possible those functions which belong at the Federal level. Executive reorganization can help us achieve this end by bringing together related activities which are now fragmented and scattered.

A healthy Federal system is one in which we neither disperse power for the sake of dispersing it nor concentrate power for the sake of concentrating it. Instead, a sound Federal system requires us to *focus* power at that place where it can be used to the greatest public advantage. This means that each level of government must be assigned those tasks which it can do best and must be given the means for carrying out those assignments.

THE CENTRAL QUESTION

Ever since the first settlers stepped upon our shores more than three centuries ago, a central question of the American experience has been: How do we best organize our government to meet the needs of the people? That was the central question as the colonists set up new governments in a new world. It was the central question when they broke from their mother country and made a new nation. It was the central question as they wrote a new Constitution in 1787 and, at each critical turning point since that time, it has remained a dominant issue in our national experience.

In the last forty years, as the Federal Government has grown in scope and complexity, the question of how it should be organized has been asked with even greater intensity and relevance. During this time, we have moved to formulate responsive answers to this question in an increasingly systematic manner. Searching studies of Government management and organization have been made under virtually every national administration since the 1930's and many needed reforms have resulted.

What is now required, however, is a truly comprehensive restructuring of executive organizations, one that is commensurate with the growth of the Nation and the expansion of the government. In the last twenty years alone our population has increased by one-third and the Federal budget has quintupled. In the last two decades, the number of Federal civilian employees has risen by almost 30 percent and the domestic programs they administer have multiplied tenfold. Three executive departments and fourteen independent agencies have been tacked on to the Federal organization chart during that brief span.

Yet it still is the same basic organization chart that has set the framework of governmental action for decades. While there have been piecemeal changes, there has been no fundamental overhaul. Any business that grew and changed so much and yet was so patient with old organizational forms would soon go bankrupt. The same truth holds in the public realm. Public officials cannot be patient with outmoded forms when the people have grown so impatient with government.

Thomas Jefferson once put it this way: "I am certainly not an advocate for frequent and untried changes in laws and constitutions," he wrote, "but . . . laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

"Institutions must advance." Jefferson and his associates saw that point clearly in the late 18th century, and the fruit of their vision was a new nation. It is now for us—if our vision matches theirs—to renew the Government they created and thus give new life to our common dreams.

RICHARD NIXON.

THE WHITE HOUSE, *March 25, 1971*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ADDITIONAL STATEMENTS

THE AMERICAN SST

Mr. DOLE. Mr. President, action by the Senate yesterday and by the House last week indicates to me that this country is in danger of losing its perspective on technology—and, if such is the case, we are surely courting economic stagnation and disaster. If in the past we have been overly zealous in applying America's technological genius without sufficient regard for the environment, there is no reason to suddenly become unduly and excessively cautious in our concern for our air, water, and other precious natural resources and completely reject the values of technology.

If the SST has become the first casualty of an undiscriminating environmental myopia, then the Nation will have been done a great and costly disservice. The SST prototype development program was the most prominent example of responsibly applied technology to date. It was pursued with utmost concern for the preservation and restoration of the environment, but the detractors of the SST slandered it with tales of terror and prophesies of horror.

The United States had a chance to prove that this country is equal to the challenge of building a new product that would be profitable to the Nation, but not deadly to the environment. However, the Senate did not reverse the action of the House, and the opportunity was lost.

The opponents of the SST were willing to take no chance that they are wrong. They wanted the SST dead and buried now, before honest environmental research and unbiased scientific examination could put their claims to the test. The long-cherished principle of "innocent until proven guilty" was not honored in the trial of the SST, and the Senate failed to insist that the accused be granted a fair opportunity to stand or fall on its own merits.

Opponents of the SST lobbied sensationally and emotionally, while in the same breath they branded those who supported the SST as lobbyists, self-serving special interests, and propagandists. They accused the administration of deceit, of a lack of concern, and of attempting to stampede the public into a decision based on fears, not facts. But they raised alarms based on unproved speculation, 11th-hour scare stories, charges of gagging, and evidence suppression.

Mr. President, it is unfortunate that opponents of this program resorted to such tactics to crucify a program of such great potential value to our Nation. Though this attack was regrettable, its style was not new, for over the years other scare stories preceded proposed advances in transportation. Before Chuck Yeager flew the X-1 through the sound barrier there were "experts" who predicted his body would disintegrate when he went supersonic. Others said his bone marrow would be affected and he would become a vegetable. To go back further, some people resisted the train because they said passengers would not be able to breathe traveling at the breakneck speed of 30 miles an hour, but in each of those cases the alarmists were overcome, and the interests of progress and national achievement were served.

Mr. President, I do not suggest that the SST's proponents did not also endeavor to influence public opinion. But it is surely clear that they were playing "catch up ball" against this concerted barrage of emotionalism and distortion. I believe the Department of Transportation made a conscientious effort to respond to the allegations that the SST would abuse the environment or be an economic dud. Also in all fairness, both of these matters were open issues. There were no unequivocal answers. There were assumptions on both sides.

Over the course of this controversy, I examined the SST issues in detail and attempted to keep an open mind on the questions involved. Last October, I distributed to Senators a six-page letter, outlining my findings. I did not then, and I do not now, find any justification for the public or the press to presume arbitrarily that the assumptions of the opponents were right and the assumptions of the proponents wrong. I fully agreed with the administration's consistent position that concerns over noise and possible environmental effects are proper and should be given thorough examination and consideration. I also placed full reliance upon the administration's pledge that the program would never get beyond the prototype and flight test stages if compliance with strict environmental standards were not demonstrated. In any event, we in Congress have the ultimate power to have made sure that such a pledge was kept.

I am, therefore, appalled by the willingness of Congress to overthrow a billion dollar investment—and consign 10 years of the most advanced aeronautical research and development ever performed to the junk heap.

I am dismayed that within a matter of days, a 13,000-man work force will be dismantled, adding to the already critical unemployment situation in America's second largest industry.

I am discouraged that in the face of increasing competition from abroad for American business we should signify a disdain for U.S. aviation leadership and for the one export which in many years has been responsible for keeping our foreign trade balance in the black.

I am distressed that America's option to compete for business in the supersonic air age should be abruptly canceled when the goal of a long-term Government commitment—prototype construction and flight test—was within sight.

I am disturbed that those so eager to shoot down the U.S. SST put so little stock in the ability of other nations to succeed with their own supersonic transports. I find presumptuous and preposterous the notion that the United States can somehow or other dictate what airplanes will or will not be used in international commerce.

The issues surrounding the SST were admittedly, complex, and the objective communication of all the facts relating to this decision was difficult to achieve. It is significant that the Appropriations Committees and subcommittees of the House and Senate, which heard testimony on the SST over the years, in every case voted to continue the program. Those who heard, first-hand, the witnesses for and against the SST opted without exception to proceed with prototype development. The Senate Appropriations Committee this very year, within the last week, voted by a ratio of 2 to 1 to continue funding through fiscal year 1971.

We invested in good faith in a supersonic transport to sustain America's aviation leadership. We had faith that the SST could be everything we wanted it to be and none of the things those who fear it said it would be. The SST this country designed and nurtured almost to prototype completion deserved a chance to prove itself. This termination of the SST is all the more confounding when one considers the comparatively modest cost of going forward in relation to the high cost of wiping out a billion dollar investment and closing the door on the possibilities of billions in assets for the United States in the years ahead. With a successful SST we had the opportunity to achieve supersonic leadership as superior as the leadership we enjoy today in the design, production, and sale of subsonic commercial aircraft.

It was within our power to give the SST a new lease on life. By failing to do so we entered a black mark in the history of American technological achievement. I only hope that this event does not mark the beginning of the end for America as the economic and technological leader of the free world. It would be tragic for the high-flying American eagle to become an ostrich with its head buried in the sand.

FOREST SERVICE MINERAL REGULATIONS

Mr. MANSFIELD. Mr. President, I feel certain that Senators are aware that the matter of environmental degradation as a result of extensive mining in the Western States, and in my State of Montana in particular, has been of grave concern to me.

On March 16, the distinguished Senator from Idaho (Mr. CHURCH) introduced S. 1240, relating to prospecting and exploring for minerals on public lands. At that time, I addressed the Senate, indicating my concern for the need for overhauling the mining laws of the last century.

Recognizing my concern in these areas, Edward Cliff, Chief of the Forest Service, recently forwarded to me a new set of proposed rules and regulations which will affect surface use of the national lands in connection with mineral developments. First, let me offer my congratulations to the Forest Service for their recognition of this most serious problem and for their expeditious attention in upgrading existing regulations to attempt to compensate for the damage being done. The proposed regulations, which I mention, have been made available to elected representatives, Government agencies, conservationist groups, and industrial organizations for their comments prior to official adoption. With this in mind, and with the approval of the Forest Service, I ask unanimous consent to have printed in the RECORD a letter from Chief Cliff, as well as the proposed regulations. I feel it important that all who are interested be given an opportunity to review these regulations. I am confident that the Forest Service will give serious attention to any comments that Senators or others might care to make.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C.

Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: Enclosed for your information and convenience are proposed regulations and an environmental statement concerning mineral development under the authorities of the United States mining laws. These regulations are proposed to set forth rules and procedures through which use of the surface of National Forest lands in connection with mineral development shall be conducted so as to avoid or minimize adverse environmental effects and loss or damage to other National Forest resources. The environmental statement has been prepared in conformance with Section 102(2)(c) of the National Environmental Policy Act of 1969.

Government agencies, industry organizations, and conservation groups have been asked to comment on this proposal prior to publication of the regulations in the Federal Register. Because of your interest in National Forest programs we are advising you of this proposal in its early stage of review.

Sincerely,

EDWARD P. CLIFF,
Chief.

USDA DRAFT ENVIRONMENTAL STATEMENT PROPOSED MINING REGULATIONS

(Prepared in accordance with section 102(2) (c) of Public Law 91–190)

Administrative action is being taken to propose regulations which would amend Section 251.12, Part 251, Title 36 of the Code of Federal Regulations. They provide for the protection and conservation of the surface resources in connection with prospecting, exploration, development, mining, or processing operations and uses reasonably incident thereto on some 140 million acres of National Forest land which are subject to location and entry under the United States mining laws.

ENVIRONMENTAL IMPACT

These regulations would provide that all prospecting, exploration, development, mining, and processing operations carried out on National Forest lands will be conducted to harmonize, insofar as practicable, with the environment by protecting fragile landscapes, important ecological communities, natural beauty, and future productivity of other renewable forest resources.

ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed regulations would have no adverse effects since their primary purpose is to protect and enhance the environment within existing statutes. Regulating use of the surface in connection with mineral development will require planning and design to minimize the physical impact on the environment.

ALTERNATIVES TO THE PROPOSED ACTION

1. Continue current mode of persuading mining claimants to keep necessary surface disturbance at a minimum.
2. New legislation to modify or change the existing location system.
3. Rely on State enforcement of air, water, and solid waste pollution criteria and standards.

NATURE OF LEGISLATION OR ACTION

The increasing national demand for minerals has caused an intensive search for new mineral reserves. The more accessible deposits were discovered years ago, and new deposits must now be found at greater depths, thus requiring larger and more sophisticated equipment to adequately delineate and appraise the value of these hidden ore bodies. Hence, the use and attendant disturbance of National Forest lands in connection with mineral development are now increasing. Such use of the surface of National Forest lands, although authorized by law, can have a serious impact on other National Forest resources.

Section 1 of the Act of June 4, 1897 (30 Stat. 35, 36; 16 U.S.C. 551, 478), provides that persons entering National Forests for the purposes of prospecting, locating, and developing mineral resources must comply with the rules and regulations covering National Forests. Section 4 of the Act of July 23, 1955

(69 Stat. 368, 30 U.S.C. 612) provides that mining claims located after July 23, 1955, are to be used only for prospecting, mining, or processing operations and uses incident thereto, and that rights under such claims are subject to the right of the United States to manage and dispose of the vegetative surface resources, and to manage other surface resources thereof.

Authority to regulate surface use of National Forests in connection with mineral development has existed for many years, but reasonable use and administration has only been achieved by persuasion with responsible mining claimants. This has not been adequate to achieve the best possible uniform protection of important environmental values. A comprehensive and fair set of regulations is needed. Further support for such regulations may be found in Section 102 of the Environmental Policy Act. It directs that to the fullest extent possible the policies, regulations and laws of the United States shall be intepreted in accordance with the policies of the Act.

In order to meet these environmental protection responsibilities and to more specifically define the rights and obligations of miners operating on the National Forests, it is appropriate to provide mining regulations to meet these objectives.

PROPOSED ACTION

The proposed regulations would amend Section 251.12, Part 251, Title 36 of the Code of Federal Regulations to provide for the protection and conservation of the surface resources on National Forest land under the jurisdiction of the Secretary of Agriculture, in connection with prospecting, discovery, exploration, development, mining, and processing operations. These regulations are inapplicable to mining activities in designated wildernesses which are subject to the provisions of 36 CFR 251.70–.84.

I. ENVIRONMENTAL IMPACT

The proposed regulations are applicable to approximately 140 million acres that are open to mining location and entry under the mining laws within the National Forest System. These regulations would provide that all mining and processing operations carried out on National Forest lands be conducted to harmonize insofar as practicable with the environment, by protecting fragile landscapes, important ecological communities, natural beauty, and future productivity of other renewable forest resources. Specifically, the regulations would meet these broad objectives by requiring measures including, but not limited to control of erosion, landslides, contributions to floods and the pollution of waters and air; isolation of toxic materials; reclamation of disturbed areas by shaping, drainage control, and vegetation; proper location of roads and facilities; the protection of fish and wildlife and their habitat; and the prevention of hazards to public health and safety including the prevention and control of fire.

II. FAVORABLE ENVIRONMENTAL EFFECTS

The primary purpose of the proposed regulations is to protect and enhance the environment while conducting operations associated with mineral development. The regulations would foster improved:

(a) *Air quality* by requiring all operations to meet Federally approved standards for clean air by appropriate measures including, but not limited to dust control, treatment of stack gases, and emission control devices on equipment.

(b) *Water quality* by requiring that all water discharge from the operation area into receiving water shall be of the highest possible quality by employing such measures including, but not limited to, effectively designed tailings ponds, settling basins, or treatment facilities of sufficient capacity for the life of the planned operation.

(c) *Solid waste disposal* by requiring that all treatment and storage of solid wastes resulting from the extraction, processing, or utilization of mineral materials or fossil fuels within the area of operations be accomplished in such a manner to prevent or minimize scenic blight, public safety hazards, air and water pollution, create public nuisances, adversely affect land values, or otherwise interfere with community life and development.

(d) *Fisheries habitat* by requiring that in all operations adjacent to or within the watersheds of streams, lakes and ponds valuable or potentially valuable for fish, practicable means will be taken to maintain and protect fisheries habitat including, but not limited to, maintenance of water temperature and unobstructed fish passage and to protection of fish spawning, rearing and feeding areas.

III. ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed regulations would have no adverse effects since their primary purpose is to protect and enhance the environment within existing statutes. Any mineral exploration or mining will disturb the environment for a period of time. Regulating use of the surface in connection with mineral development will require planning and design to minimize the physical impact on the environment.

IV. ALTERNATIVES TO THE PROPOSED ACTION

1. Continue the current mode of persuasion with mining claimants to keep necessary surface use and disturbance at a minimum.
2. New legislation in line with the Public Land Law Review Commission recommendation to modify the mining laws of 1872.
3. New legislation for a full "hard mineral" leasing system such as that suggested in S. 921 introduced by Senator Jackson in the 92d Congress.
4. Rely on State enforcement of air, water, and solid waste pollution criteria and standards.

Alternative 1 is no longer acceptable since protection of the environment is provided by only the more responsible mining claimants. Uniform protection is lacking and since adequate environmental protection is often costly the more responsible claimant is at an economic disadvantage.

Alternatives 2 and 3 are beyond administrative authority. The proposed regulation does not preclude such congressional action but provides the best possible protection until and if such legislation is passed. The regulations are not intended to negate new legislation since present mining statutes limit and departmental regulation to the protection and conservation of only the surface resources.

Alternative 4 by itself would not provide the uniformity of environmental protection on all National Forests. The proposed regulations would not replace but would reinforce State requirements.

V. RELATIONSHIPS BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG-TERM PRODUCTIVITY

Mining itself is a short-term use of a localized resource. Only a definite quantity of a specific mineral or fuel now exists and the resources are non-renewable. However, the environmental impact of the mining or processing operation has both short-term and long-term effects. The long-term effects are most serious because some, such as the complete destruction of an ecosystem from airborne chemicals or a drastic altering of an asthetically pleasing landscape, may persist for several generations. Ecological changes occur over long time periods and recovery from short-term mining operations could span centuries.

By its very nature, mining is an extremely difficult activity to undertake without some adverse influence on the environment. These regulations are intended to minimize both the short-term and long-term effects. The control of on-site erosion, stream sedimentation, chemical quality of waters, air pollution, and solid waste disposal during the mining operation are examples of short-term environmental controls attempted by the regulations. In addition, regulations that protect basic air, soil, and water resources will help maintain long-term productivity of other renewable resources in an acceptable environment. Reclamation practices that reshape the land, establish lake ponds, and restore productive wildlife habitat or tree cover will also produce long-term benefits as well as enhance the beauty of some landscapes.

VI. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

Implementation of the proposed regulations would impose no irreversible and irretrievable commitment of resources except the mineral resource which is nonrenewable. More intensive mining management would result in opportunities to improve upon the management of other resources—roads can be fitted into access plans and benefit wildlife habitat, recreation, fire control, timber management, etc. In some areas mining sites can be reclaimed to enhance recreational activities such as developing ponds and lakes where none existed before, reclaiming certain lands for higher quality forest products, land forming and shaping to benefit wildlife, esthetics, etc.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 251—LAND USES

Prospecting and mineral development under the United States mining laws

Section 251.12, Part 251, Title 36 of the Code of Federal Regulations, is revised to read as follows:

§ 251.12 *Mining Regulations.*

(a) *Authority.* Pursuant to the Act of June 4, 1897 (30 Stat. 35, 36; 16 U.S.C. 551, 478), persons entering National Forests for the purposes of prospecting, locating, and developing mineral resources must comply with the rules and regulations covering National Forests. Section 4 of the Act of July 23, 1955 (69 Stat. 368; 30 U.S.C. 612) provides that mining claims subject to the provisions of that Act are to be used only for prospecting, mining, or processing operations and uses reasonably incident thereto, and that right under such claims are subject to the right of the United States to manage and dispose of the vegetative surface resources and to manage other surface resources thereof. The Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531), authorizes and directs the Secretary of Agriculture to develop and administer the renewable natural resources of the National Forests for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4332) authorizes and directs that to the fullest extent possible the policies, regulations, and laws of the United States shall be interpreted and administered in accordance with the policies of the Act, which include the requirement that environmental amenities and values be given appropriate consideration in decision making.

(b) *Purpose.* It is the purpose of these regulations to set forth the rules and procedures through which use of the surface of national forest lands in connection with operations authorized by the United States mining laws shall be conducted so as to avoid or minimize adverse environmental impacts and loss, damage, or adverse effects on national forest resources.

(c) *Scope.* These regulations provide for the protection and conservation of environmental quality and the surface resources on national forest land under the jurisdiction of the Secretary of Agriculture which are subject to location and entry under the United States mining laws of May 10, 1872, as amended: *Provided, however*, That any area of national forest lands covered by a special Act of Congress (16 U.S.C. 482a–482q) is subject to the provisions of this section and the provisions of the special act, and in case of conflict the provisions of the special act shall apply. Operations under the United States mining laws in National Forest Wilderness units of the National Wilderness Preservation System are subject to the provisions of sections 251.83 and 251.84 of this Part.

(d) *Definitions*. The following definitions shall apply to all regulations in this section:

(1) The word "operations" means all functions, work, or activities in connection with prospecting, exploration, development, mining, or processing of mineral resources and uses reasonably incident thereto, including roads, conducted on national forest lands whether on or off the claim.

(2) The word "operator" means a person conducting operations.

(3) The word "person" means an individual, corporation, or other legal entity.

(e) *Use of Mining Claims, Vegetative Resources*. (1) All mining claims subject to these regulations shall be used by claimants only for prospecting, exploration, development, mining or processing operations and uses reasonably incident thereto. Except for claims not subject to surface management under the provisions of the Act of July 23, 1955 (69 Stat. 368; 30 U.S.C. 612), other uses of the surface or surface resources are subject to use or occupancy by the United States, its licensees or permittees, so long as the use or occupancy does not endanger or materially interfere with the prospecting, exploration, development, mining, or processing of the mineral resources thereon and uses reasonably incident thereto. (2) All vegetative resources on mining claims subject to these regulations shall be used only for prospecting, exploration, development, mining, or processing operations and uses reasonably incident thereto, and such resources may be severed or removed only when necessary for construction of buildings or structures or for clearance for such operations and uses. Any severance or removal of vegetative resources, except to provide clearance, shall be conducted in such manner as to avoid or minimize adverse effects on national forest resources and environmental and esthetic values, and any severance and removal of timber, except to provide clearance, shall be in accordance with sound principles of forest management.

(f) *Plan of Operations—Requirements*. (1) Any person, before conducting prospecting, exploration, development, mining, or processing operations on national forest lands requiring the use of vehicles or equipment other than non-powered hand tools, shall submit a proposed plan of operations to the District Ranger having jurisdiction over the land involved. Any person conducting prospecting, exploration, development, mining, or processing operations on the effective date of these regulations shall within one year from that date comply with the provisions of this section, including the submission of a plan of operations: *Provided*, That in no event shall the provisions of this section apply to operations concluded prior to the effective date of these regulations. (2) The plan of operations shall include: (i) a description sufficient to identify the area on the ground within which the operations are to be conducted and the estimated period of activity; (ii) means and other conditions of access as set forth in subsection (1) of this section; (iii) the methods of and the type and size of equipment to be used; (iv) the location and size of areas upon which it is expected vegetation or soil will be disturbed; and (v) a description of measures to be taken to meet the requirements of subsection (h).

(g) *Plan of Operations—Approval*. (1) An authorized Forest Officer shall promptly review the proposed plan of operations and shall notify the operator, in writing, within thirty (30) calendar days of the date the plan was submitted of approval or of any changes or additions to the proposed plan of operations, or that it has been determined that the provisions of section 102(2)(c) of the National Environmental Policy Act apply. Where the provisions of section 102(2)(c) apply no operations shall take place until there has been compliance with those provisions. If such a notice is not given within thirty (30) calendar days, the plan shall be deemed to be approved and the person submitting the plan of operations may proceed in accordance with the plan. A plan of operations may be changed by mutual consent of the Forest Service and the operator at any time. (2) If development of a plan of operations for an entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. A plan of operations covering only a defined phase or stages of an entire operation may be approved.

(h) *Requirements for Environmental Protection and National Forest Resources Conservation*. All operations shall be conducted in accordance with the following requirements:

1. *Air Quality*. Operators shall comply with applicable Federal and State air quality standards, but in no event shall operations be conducted in such a manner as to cause air pollution which can be avoided or minimized through such measures as dust control, treatment of stack gases, and emission control devices on equipment.

2. *Water Quality*. Operators shall comply with applicable Federal and State water quality standards, but in no event shall operations be conducted in such manner as to cause water pollution from tailings, dumpage, sedimentation or discharges into receiving waters which can be avoided or minimized through such measures as ponds, settling or catch basins, or treatment facilities of sufficient capacity for the life of the planned operation.

3. *Solid Wastes*. Operators shall comply with applicable Federal and State solid waste disposal standards, but in no event shall operations be conducted in such manner as to cause adverse effects of solid wastes on air and water quality, scenic beauty, and public health and safety which can be avoided or minimized through such measures as careful design and location of tailings, spoil, and trash piles.

4. *Scenic Values*. Operators shall, to the greatest extent practicable, minimize adverse impacts of operations on scenic values of the surface of national forest lands through such measures as the design or locations for roads and facilities, vegetative screening of operations, and use of materials and colors for permanent structures which blend with the landscape.

5. *Streams and Lakes*. If operations in streams and lakes are to be undertaken, they shall be conducted in such manner as to cause the minimum practicable disturbance of the lake or stream bed and to maintain the highest practicable quality of the waters of the lake or stream.

6. *Fisheries Habitat*. If operations adjacent to or within the watersheds of streams, lakes and ponds valuable or potentially valuable for fish are to be undertaken, operators shall take all practicable means to maintain and protect fisheries habitat, including, but not limited to, maintenance of water temperature and unobstructed fish passage, and protection of fish spawning, rearing and feeding areas.

7. *Roads within Mining Claims*. Operators shall construct and maintain all roads within mining claims to assure adequate drainage and to prevent damage to soil, water and other resource values. Unless otherwise requested by the Forest Service, roads no longer needed for operations shall be closed to normal vehicular traffic, bridges and culverts removed, cross drains, dips or water bars constructed, and revegetated or surfaced to provide a permanent protective cover.

8. *Reclamation, Rehabilitation, Restoration*. Except for roads within mining claims, at the conclusion of operations on mining claims, operators shall take measures to promptly stabilize, rehabilitate, and, when practicable, restore disturbed areas. Such measures shall include, but not be limited to:

(i) Control of erosion and landslides.

(ii) Control of storm water runoff.

(iii) Isolation of toxic materials.

(iv) Reshaping of all disturbed areas to facilitate drainage and revegetation or other planned uses.

(v) Revegetation of disturbed areas.

(vi) Elimination of hazards to public health and safety.

(vii) Restoration of fisheries and wildlife habitat in surface water bodies.

(i) *Maintenance during Construction and Operations; Public Safety*. Throughout all construction and operation stages, the operator shall maintain his structures, equipment and facilities in a reasonably safe, neat, and workmanlike manner. Hazardous sites or conditions shall be signed, fenced or otherwise identified to protect other national forest users.

(j) *Removal of Structures and Equipment*. Upon completion of operations, abandonment, loss, or relinquishment of mining claims, operators shall remove within a reasonable time all structures, machinery, equipment, tools, and materials, and shall clean up the site of operations.

(k) *Prevention and Control of Fire*. The operator shall comply with all applicable Federal and State fire laws and shall take all reasonable measures to prevent and suppress fires on the area of operations, and require his employees, contractors, and subcontractors to do likewise.

(l) *Access to Mining Claims*. Any person holding a valid mining claim under the United States mining laws shall be permitted access to such claim, but no road or other means of access, including landing areas for aircraft, shall be constructed or improved on national forest land until he has received authorization in writing. Application for such access shall be filed with the District Ranger and shall include a description of the type and standard of the proposed means of access, and a plat of its proposed location. Authorization for such use shall provide the mode of access, route, location design standards, and other conditions reasonably necessary to protect environmental value and national forest resources, including vegetative screening or other measures to protect scenic values and measures to assure against erosion or pollution.

(m) *Performance Bonds*. (1) To assure the faithful compliance with the regulations of this section and the plan of operation as approved, amended or supplemented, a performance bond shall be required unless waived by the Forest Service. In determining the amount of the bond, consideration will be given to, among other factors, the character and nature of the restoration and reclamation requirements and to the estimated costs thereof in the event that the operator forfeits his performance bond. (2) The authorized Forest Officer shall determine whether the operation has been carried out and completed in accordance with the approved plan of operations and related permit for access insofar as restoration and reclamation aspects are concerned before releasing the performance bond.

HOUSING INDUSTRY MOVING UP

Mr. SCOTT. Mr. President, last week Chairman Preston Martin of the Federal Home Loan Bank Board announced that interest rates on conventional home mortgages declined by a record amount in February 1971 for the second consecutive month.

This welcome news brought out the fact that last month's drop of 26 to 28 basis points—on top of January's decline of 18 to 20 basis points and earlier smaller decreases—brought the total downturn in conventional home mortgage costs on loan closings, since their peak last summer, to about 60 basis points. For those technically and mathematically inclined, a "basis point" is defined as one-hundredth of 1 percent.

Mr. Martin said in his announcement:

> Effective rates on loans closed reached a 20-month low. Availability of funds is growing. The loan-to-price ratio and the term to maturity for mortgage loans were also further liberalized in February. These developments reinforce new, lower, rates on commitments to lend, and should add a further stimulus to housing demand.

Seldom, Mr. President, have so many fundamental forces lined up simultaneously to support a rise in housing. Last year, President Nixon prevented the drop in housing starts from growing larger by giving the building industry massive injections of mortgage credit and subsidies, and this year, the administration expects a 20-percent gain, to at least 1,750,000.

Further, the Commerce Department reported last week that the annual rate of housing starts climbed to 1,715,000 in February, up from 1,306,000 in the same month a year earlier.

And, from a peak of 8½ or 9 percent last summer, rates on conventional home loans have dropped to 7 percent in some cities and 6¾ percent in a scattered few, the swiftest decline in decades.

As Time magazine noted this week, this decline in interest rates has had the double effect of reducing the buyer's monthly payments and enabling people with lower incomes to qualify for mortgages under the usual standards demanded by lenders.

Finally, the Federal Housing Administration gave the market a lift by cutting the ceiling on its home loans from 7½ percent to 7 percent.

Thus to President Nixon, and to his entire housing team, I think we owe a hearty "well done."

PRISONERS OF WAR STATEMENT

Mr. HUMPHREY. Mr. President, having joined in supporting the congressional resolution which led to the President's designation of this week as "National Week of Concern for Prisoners of War/Missing in Action," I should like to reiterate at this time, along with Americans everywhere, my personal concern for American prisoners of war in Vietnam.

I urge once again the Government of North Vietnam to observe the minimum standard of treatment for prisoners of war as it agreed upon with 124 other governments in the Geneva Convention of 1949. And I urge our own Government to disengage completely from Vietnam by the end of this year so that we can obtain the early release of our servicemen and civilians, now being held in Vietnam. The North Vietnamese Government and the National Liberation Front have offered to negotiate the release of these prisoner-hostages once we submit a timetable for the complete withdrawal of American troops from Vietnam. I strongly request that the administration consider this offer seriously before rejecting it as a tactical diversion by the other side.

Until these American citizens are properly cared for according to the minimum standards set by international law and released in a timely fashion, we must all work toward the rapid achievement of these demands. Only through concerted energies can we emphasize the strength of our demands to the North Vietnamese Government and the National Liberation Front as well as to the administration.

In that regard I ask unanimous consent that the statement issued by the Student Association for Freedom of Prisoners of War together with the signatures from leaders throughout the country be printed in the RECORD. This association has worked unceasingly to bring this issue before the public conscience, and I commend the work it has done and will continue to do. It has organized bipartisan support from students and other solicitious citizens and public representatives. For that reason it merits the support of this entire body.

There being no objection, the statement and signatures were ordered to be printed in the RECORD, as follows:

> We, the public representatives of the United States of America, differing in our political persuasions and our opinions concerning the conduct and management of the Southeast Asian war by this Government, call upon the leaders of the Communist Forces in that area of the world to respond to our plea for the humane treatment of the United States military personnel and the civilians that those Forces hold as prisoners.
>
> We ask that they not examine this plea for either superficial or hidden motives, for we assure them that we speak from our hearts, without regard to any political label or coloring.
>
> We speak on behalf of the families of the nearly 1,600 American servicemen and the 18 civilians who await word of the welfare, or indeed the existence, of their husbands, sons, brothers and fathers missing in action or captured in Southeast Asia.
>
> Under both Democratic and Republican Administrations, the United States Government has brought the plea for humane treatment under the supervision of the International Committee of the Red Cross to the attention of the Democratic Republic of Vietnam, and to the other Communist Forces in Southeast Asia.
>
> A minimum degree of humanity on the part of the said Forces would require them to fulfill their obligations under the 1949 Geneva Convention relative to the Treatment of Prisoners of War, by identifying each serviceman that they now hold or have held prisoner; a decent respect for the opinion of mankind should compel them to do so.
>
> We further call upon said Forces to assure this nation and to assure the world that they will begin to comply with all provisions of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, by which all parties to the conflict in Southeast Asia are bound. We ask nothing more than these prisoners' rights as soldiers and men, as set down in the long history of civilized mankind, and in the 1949 Geneva Conventions.
>
> The children in our States who are denied fathers, the wives who are denied husbands, the parents who are denied sons, the brothers who are denied brothers, and prisoners of war who are denied life in its most primitive meaning, deserve this simple courtesy and basic right required by international law and protocol.
>
> In the name of simple and basic humanity, we request the Government of the Democratic Republic of Vietnam and all other Communist Forces in Southeast Asia to begin immediate and meaningful negotiations for the release of all prisoners of war, especially the sick and wounded.
>
> The following is a list of those United States Senators who have signed the statement on prisoners of war being circulated by this organization:
>
> AS OF 12 P.M., MARCH 25, 1971
>
> Senator Allen, Senator Allott, Senator Beall, Senator Bellmon, Senator Bennett, Senator Bible, Senator Boggs, Senator Brock.
>
> Senator Brooke, Senator Burdick, Senator Byrd of Virginia, Senator Cannon, Senator Chiles, Senator Cook, Senator Cooper.
>
> Senator Dominick, Senator Ellender, Senator Fannin, Senator Gambrell, Senator Goldwater, Senator Griffin, Senator Gurney, Senator Hansen.
>
> Senator Harris, Senator Humphrey, Senator Inouye, Senator Jackson, Senator Jordan of North Carolina, Senator Jordan of Indiana.
>
> Senator McGee, Senator McIntyre, Senator Metcalf, Senator Miller, Senator Mondale, Senator Montoya, Senator Moss.
>
> Senator Muskie, Senator Nelson, Senator Packwood, Senator Pastore, Senator Pearson, Senator Prouty, Senator Routh.
>
> Senator Saxbe, Senator Sparkman, Senator Stevens, Senator Stevenson, Senator Thurmond, Senator Weicker, Senator Young.
>
> Every Governor has signed this statement. Six hundred forty-three Mayors and forty-seven State Attorneys General, and numerous other public servants on the state, local, and municipal level have added their signatures to the statement.

THE PRESIDENT'S COMPREHENSIVE HEALTH PROPOSALS

Mr. PACKWOOD. Mr. President, an editorial published in the Portland Oregonian lauds the President's comprehensive health proposals stating that other proposals based on a national health insurance would inevitably lead to more Federal control over State and local governments.

Under the President's bold health-care plan the Federal Government would play a comparatively minor role with private insurance companies and the health industry.

I ask unanimous consent to have printed in the RECORD the Oregonian editorial of February 19, 1971, entitled "Reformed Health Care."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> [From the Portland (Oreg.) Oregonian, Feb. 19, 1971]
>
> REFORMED HEALTH CARE
>
> President Nixon's health care program, proposed in a message to Congress Thursday, would cover virtually all Americans, as would other plans under consideration by Congress. But in contrast to some proposals, such as Sen. Edward M. Kennedy's and Rep.

> Martha W. Griffiths' Human Security Program, the federal government would play a comparatively minor role in cooperation with private insurance companies and the health professions.
>
> Cost of the Kennedy-Griffiths national health insurance has been estimated at from $53 billion to $77 billion a year, financed from increased Social Security taxes and from federal general revenues. Mr. Nixon made no over-all estimate of the cost of his plan, but individual items added up to $2.8 billion.
>
> Under the Administration plan, employers would be required to provide comprehensive private insurance for employees by July 1, 1973. The employer would pay 65 per cent of the premium cost at the start and 75 per cent after 2½ years. Employes would pay the remainder. Full hospitalization, surgical and medical care, laboratory services, maternity and well-child care would be covered.
>
> The government would subsidize family health-care for families earning less than $5,000 a year under a proposal to eliminate most of the present Medicaid program. Familes earning less than $3,000 would pay no premiums and those earning between $3,000 and $5,000 would pay on a sliding scale. The $5.30 monthly contribution now paid by the elderly for supplemental Medicare coverage would be eliminated.
>
> A nationwide network of health maintenance organizations would be encouraged by Federal financial aid. The President said such organizations would reverse the present "illogical incentive" whereby doctors and hosptials are paid in relation to how long a patient is ill. Under his plan, he said, income would grow in relation to how long the patient is well.
>
> A doctor corps would be established at a cost of $10 million to provide care in rural areas and ghettos where there is inadequate care now. Scholarships, totaling $29 million, would be provided for low-income medical and dental students. A similar amount would be budgeted for training physicians' assistants. Medical schools would be eligible for $93 million in grants for expansion. A commission would be set up to study the high cost of malpractice insurance.
>
> Mr. Nixon said that nationalization of health insurance inevitably would lead to federal personnel approving local hospital budgets and setting local physicians fees. He said the better way—"more practical, more effective, less expensive and less dangerous"—is to reform and renew the present health system.
>
> Many Americans will agree. But there is strong support also for nationalization. The Kennedy-Griffiths plan was drafted by the AFL-CIO and the Commitee of 100 for National Health Insurance created by the late Walter Reuther, president of the United Auto Workers Union. A long debate is likely in Congress before an adequate solution is reached to the mounting problem of financing the Nation's health care. The Administration's plan appears at first glance to be adequate.

THE GENOCIDE CONVENTION

Mr. **PROXMIRE.** Mr. President, an editorial published in the Atlanta Constitution following the American Bar Association's vote on the Genocide Convention is an example of the many fine editorials and stories on this important human rights covenant.

Following World War II, the entire world was shocked by the exposure of the Nazi extermination of over 6 million Jews. Consequently, the United Nations General Assembly adopted the Convention on the Prevention and Punishment of Genocide in 1948.

The Constitution asked why America stands apart from 75 other nations in the world which have ratified the Genocide Convention. The paper pointed out that the human rights treaties of the U.N. would not supersede our own Constitution and that both the President and the Attorney General have urged the Senate to approve the convention.

The paper further stated that the claim that the United States would be charged with genocide by many foreign nations is based on false assumptions:

> It seems to suggest that genocide is a terrible crime unless Americans are committing it.

But all rational Americans know that America does not intend to, nor does it commit, genocide anywhere in the world. Unfounded charges can be made at anytime, anywhere, regardless of whether or not we adopt the Genocide Convention. I have been at a loss to understand how our not signing the convention would protect us from unfounded allegations by other nations or people.

The time has come to ratify the Genocide Convention. I urge the Senate to act now.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> [From the Atlanta Constitution, Feb. 25, 1970]
>
> ### THE GENOCIDE CONVENTION
>
> Genocide is an ugly word defined as "the deliberate and systematic destruction of a racial, political or cultural group."
>
> The word came into common usage after World War II when Nazi extermination of some six million Jews and gypsies staggered the conscience of mankind. In 1948 the U.N. General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide. This made mass murder of a people a matter of international concern. The United States signed the convention but has never ratified it, and it has no effect in our country.
>
> Surely Americans are not indifferent to the deliberate mass slaughter of innocents.
>
> Then why haven't we taken a stand with 74 other nations by ratifying the convention?
>
> For a long time it was held that treaties of this sort would supercede our Constitution or interfere with sovereignty. But President Nixon, backed by the Secretary of State Rogers and Attorney General Mitchell, says there is no constitutional obstacle and has urged the Senate to approve the Convention.
>
> One influential organization has opposed ratification from the beginning. The American Bar Association, meeting in Atlanta, has once again gone on record as opposed to ratification, though the vote was close—130 to 126. They argue that Americans could be tried in foreign courts, or that our troops in Vietnam might be accused and tried on charges of genocide.
>
> This attitude, we'd guess, is greatly appreciated by those employed in the propaganda bureaus of America's enemies. It seems to suggest that genocide is a terrible crime unless Americans are committing it. One delegate said quite bluntly that genocide in war is no crime and added: "I wouldn't be in this country if it weren't for genocide. It was either the white man or the Indian and the Indian went down the drain." This memorable quotation is probably framed on the office walls in Hanoi and Moscow right now.
>
> Rational Americans know well enough that we intend no genocide in Vietnam or anywhere. But we're being accused of it. This is unjust, but perhaps it is behind the President's desire to place the nation firmly on record. "I believe we should delay no longer," he told the Senate, "in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."
>
> The enormity of the crime, it seems to us, makes the objections look like petty quibbling over technicalities. We support the President wholeheartedly.

THE SOUTH VIETNAMESE IN LAOS

Mr. **SCOTT.** Mr. President, this week the London Economist magazine reviewed the effect of South Vietnam's expedition in southern Laos with the clarity of thought, and dispassion of intent for which that journal has long been noted.

The Economist says the South Vietnamese in Laos have probably won a year's quiescence in the war, and that the operation has succeeded in at least two very important things.

First, it demonstrated that—

> The North Vietnamese have been unable to prevent the invading force from coming and sitting in their own back yard. They tried to prevent it. The number of North Vietnamese troops in the area between Khe Sanh and Tchepone was doubled after the invasion began, to the equivalent of four or five divisions, and it is pretty clear that General Giap meant to fight a decisive battle to keep open his supply routes to the south. But the actions in the second and third weeks of the operation showed him that, for all his two-to-one superiority in numbers in the area as a whole, he could not concentrate enough men to win a clear-cut victory at any given point without exposing them to devastating losses from air attack.

Second, said the Economist—

> The other thing the South Vietnamese have achieved, and which has been made possible by their ability to stay one jump ahead of Giap's men, is to have deprived the communist forces in Cambodia and South Vietnam of a substantial proportion of the supplies they were counting on being able to use between now and May, 1972.

Mr. President, in the belief that frequently we here at home do not see the forest for the trees, I ask unanimous consent that the article entitled "What It Has Bought," published in the Economist of March 20, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> ### WHAT IT HAS BOUGHT
>
> It is six weeks on Monday since the South Vietnamese went into Laos: six weeks more, and the monsoon will be starting, the gullies of the Annamite chain of hills will be disappearing under anything up to eight feet of water and it will be God, not man, who is cutting the Ho Chi Minh trail. It has not been easy to tell what has been going on in southern Laos these past six weeks. For once the non-communist side of the war has been fought under wraps: the reporters and the cameramen have been escorted to what it was convenient for them to see, the spokesmen have told as much as they wanted to, and each hillside tussle has duly become either a triumph or a rout. Perhaps this is how wars have to be fought. But enough has happened now for the shape of the campaign to be reasonably plain. Even if the South Vietnamese come back out of Laos fairly soon—and provided they come out in reason-

ably good order—the operation has had a major effect. It has made it clearer how this war is likeliest to end: not with a peace, but a pacification. It should also have helped Mr. Nixon to make up his mind how many Americans—above all, how many American helicopters and bombers—he will have to try to persuade the American electorate to let him keep in the war in the months immediately before the presidential election in November next year.

The South Vietnamese army has not done the most it may have hoped to do. It has not beaten the North Vietnamese in a set-piece action, and thereby turned the tables in the battle for morale. It got beaten itself at Landing Zone Ranger, and only just came out on top at Hill 31, which seems to have been a turning-point of the operation. It knows that it could not have fought this campaign without the help of American air power, and the battered helicopters hauled out of the Laotian hills are evidence that American air power has had a rough time against the other side's anti-aircraft guns. It is quite possible that the North Vietnamese will still be able to catch, and hammer, some South Vietnamese units before they pull back over the border as the rains approach. This has not been the stroll across the Ho Chi Minh trails that some of South Vietnam's generals seem to have thought it would be. But neither has it been the flop that so many hand-wringers expected.

The operation has done two things, and these two things are very important. The first is to have demonstrated that the North Vietnamese have been unable to prevent the invading force from coming and sitting in their own back yard. They tried to prevent it. The number of North Vietnamese troops in the area between Khe Sanh and Tchepone was doubled after the invasion began, to the equivalent of four or five divisions, and it is pretty clear that General Giap meant to fight a decisive battle to keep open his supply route to the south. But the actions in the second and third weeks of the operation showed him that, for all his two-to-one superiority in numbers in the area as a whole, he could not concentrate enough men to win a clear-cut victory at any given point without exposing them to devastating losses from air attack. The South Vietnamese were able to move into one section of the trails after another—first east of Tchepone, then around Tchepone itself, and then to the south of it—spend a week or so in blowing up the dumps they found there and blocking the routes to south-bound traffic, and then flit away by helicopter to the next landing-place before Giap's plodding infantry could stop them. It has been an expensive way of doing things, in shot-down helicopters and spiked and abandoned guns. But it has put the squeeze on the trails.

And that is what counts. The other thing the South Vietnamese have achieved, and which has been made possible by their ability to stay one jump ahead of Giap's men, is to have deprived the communist forces in Cambodia and South Vietnam of a substantial proportion of the supplies they were counting on being able to use between now and May, 1972. The trails of the Ho Chi Minh route, running like capillary veins along the limb of the Annamite hills, are the second of Hanoi's two means of keeping the war in the south going. The first was the Sihanoukville route, run by Chinese ships to the port of Sihanoukville and from there by Chinese-owned lorries trucking the guns and ammunition to the South Vietnamese border, and financed through the Bank of China in Hongkong. That route was closed when General Lon Nol threw Prince Sihanouk out of power a year ago this week and when the Americans sent their troops into Cambodia to prevent the North Vietnamese from putting him back again.

Now the Laos operation has cut across the best part of the Ho Chi Minh route. It is around Tchepone that the tracks wind under the thickest canopy of trees; ten miles west of that erased town the last ridge of the hills falls away into relatively open country where the trucks cannot hide from the bombers. The South Vietnamese have found, and destroyed, some of the supplies that had been hidden away along the trails; they have obliged the North Vietnamese to use up other dumps in fighting them; above all, they seem to have stopped about half the south-bound traffic just by being there. The fact that the total amount of traffic on the trails has been cut by less than half is simply a result of the reinforcements that have been pouring down from the north into the fighting zone—and have got not farther.

What this will mean for the war in the south, which is the heart of the matter, had better be judged when the monsoon ends in September or October. The optimists in Washington are saying that by then the communist divisions in Cambodia will have been reduced to tattered bands of men trying to stay alive in the jungle. The optimists about Indochina do not find many people to believe them nowadays. But there are sensible men who think that the trail-cutting operations may already have made it impossible for the communists to launch any major attacks in Cambodia or South Vietnam either during the coming wet season or during most of the dry season that follows it, which goes on until May, 1972; and who believe that a smaller raid on the trails during that dry season might be enough to keep them quiet from then until the beginning of 1973. If these guesses turn out to be right—and if nothing goes bloodily wrong in Laos in the next six weeks—this fighting may have justified the number of men who have died in it. It will have bought a year, and maybe more, of relative quiescence: a year or more in which the armies of Cambodia and South Vietnam will get more arms and better training, and after which it will be that much harder for General Giap to order another attempt to turn the tide.

If this is how it goes, there are two lots of people who will have to draw their consequences from it: the men who run the war in Hanoi, and in Washington. The North Vietnamese have already seen the centre of the war move twice in the past year. Last year it moved westwards from South Vietnam into Cambodia. This year it has moved northwards from Cambodia into southern Laos. One effect of this is that, although a larger part of Cambodia and Laos is now involved in the war, the total proportion of the land area of Indochina in which a significant amount of fighting is taking place is probably smaller than it used to be, and most of this is sparsely populated back-country; in this sense there has actually been a de-escalation of the war.

But there has also been an effect on Hanoi's calculations. The communists have lately been telling a lot of their men in South Vietnam to come back above ground: to hide their guns, apply for identity cards, and blend into the normal life of the country for the time being. This is part of the strategy of lying low in South Vietnam which they fell back on last year. But until now the low-level strategy has been backed up by the belief that the North Vietnamese regiments in Cambodia might be able to start attacking across the border again before long. If that possibility has to be deferred for another year, and perhaps for longer than that, the communists' low-level strategy will have become a very long-term business indeed. Of course, the North Vietnamese are not likely to call the war off by a public admission of defeat, as the Greek communists did in 1949. But the longer the Vietcong have to get along without the support of North Vietnam's regulars, the more the struggle will become a political contest combined with a certain amount of terrorism and only the occasional guerrilla action. It will be a job for the intelligence men and and the police—and the politicians—more than for the army.

The Laos campaign also has its lesson for Mr. Nixon. It is that he has to balance the political necessity to go on withdrawing troops from Vietnam against the fact that the South Vietnamese army will plainly go on needing a certain amount of American help to prevent things coming unstuck again next year or in 1973. It is true that by this time next year the South Vietnamese will have got more helicopters of their own—600 against about 350 now—and more fighter-bombers and more artillery. It is true that there may not have to be another operation on the scale of those in Cambodia and Laos before Mr. Nixon faces his fight for re-election next year. But it is going to be important that Mr. Nixon should leave just enough units in Vietnam to make it possible for the South Vietnamese to enforce the past year's change in the state of the war. He knows that the war is now deeply unpopular in America. His own policy of Vietnamisation is partly to blame for that: the Americans, having thought they were getting out, still see their helicopters being shot down on television. But he also knows that his policy requires him to provide South Vietnam with enough help to make the difference.

CLEANING UP POLLUTION

Mr. HRUSKA. Mr. President, we are treated to countless words and catchy phrases about cleaning up pollution. It is my pleasure today to speak briefly about two organizations which are doing something about it.

The first is the Governor's Council to Keep Nebraska Beautiful. This group is promoting an intensive statewide antipollution effort during the month of April, which it is calling Nebraska Environmental Action Month.

This fine organization is headed by Mrs. Les Anderson, Omaha, who has been very active in fighting pollution—long before it became the popular thing to do.

Mrs. Anderson and her committee have organized a full-scale promotional effort dedicated to securing participation of all Nebraskans in this first comprehensive statewide effort. They have enlisted the help of these individuals and groups: Garden clubs, county extension agents, the clergy, mayors, industrial editors, school principals, and neighborhood improvement groups.

To all of these groups and individuals, Mrs. Anderson's committee has dispatched fact sheets and suggested programs and projects which they can undertake in order to make a constructive contribution to the month's activities.

Mrs. Anderson meanwhile happens to be cochairman of another committee, called the Environmental Control Committee of Downtown Omaha, Inc.

The committee held its first awards luncheon recently and honored several Omaha businesses for their efforts to improve the Omaha environment.

Awards went to these firms.

The Northern Natural Gas Co. for building a plant which heats 34 downtown buildings, cools 12, and reduces pollution by eliminating the need for individual systems.

The Union Pacific Railroad for installing an industrial waste treatment plant.

Safeway Stores for eliminating the use of incinerators and using more ecologically beneficent methods of disposing of solid wastes.

The Omaha Public Power District for early and continuing efforts to abate air pollution.

Mrs. Anderson's comments at the awards luncheon are well worth repeating. She said in part:

American industry is spending over $3 billion a year to clean up the environment, and additional billions to develop products that will keep it clean.

The real danger today is not from the free enterprise establishment that has made ours the most prosperous, the most powerful, and the most charitable nation on earth. The danger today resides in the disaster lobby—those crepe hangers for personal gain or (those who) out of sheer ignorance are undermining the American system and threatening the lives and fortunes of the American people.

This awards luncheon prompted the Omaha World Herald to publish an editorial on her comments and those of James Malkowski, her fellow cochairman.

The World Herald voices a commonsense approach—one I like very much—when it refers to pollution as "a problem that is serious but not as hopeless as it is sometimes made out to be."

I ask unanimous consent that the complete text of the World Herald editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOME GOOD NEWS ABOUT THE ENVIRONMENT

Ready for some upbeat talk, about the environment?

Listen to James Malkowski. As naturalist, forester, ecologist and intensely concerned citizen, he was fighting pollution in this community long before it was the popular thing to do.

On Tuesday, as cochairman of the Environmental Control Committee of Downtown Omaha, Inc., he was passing out awards for business and industrial achievement in cleaning up our surroundings.

He reminded his audience that he had helped to define what was "environmentally degrading" in our way of life and had never spared business and industry. But Tuesday he was helping to honor the Northern Natural Gas Co. and the Omaha Public Power District. Why? In his words:

"These awards do not in any way accept or condone the practices of any business and industry, including any here today, which result in avoidable environmental degradation. Present problems, however serious as they are, do not negate the legitimate efforts to keep our air, water, food, and water, cleaner.

"On the contrary, I believe we should laud, loudly and clearly, the true efforts that are being made by everyone, including business and industry, to keep and improve our environmental quality. This is what we are doing here today."

Or listen to Mrs. Les Anderson, the other cochairman and head of Keep Nebraska Beautiful and Keep Omaha Beautiful. She was honoring the other two winners, the Union Pacific Railroad and Safeway Stores.

She said she was proud of business sponsorship that had made many beautification programs possible, proud of her country, its system and of the overall improvement in the quality of life. Said Mrs. Anderson:

"What was it (life) really like 150 years ago? For one thing it was brief. Life expectancy was 38 years for males. . . . The work week was 72 hours. . . . The average pay $300. The women had it worse. Housewives worked 98 hours a week."

Food was monotonous and scarce. In summer people sweltered and in winter they froze, and—

"Whatever American business has done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back."

The danger, as she see it, lies not in American industry, but in what she called the "Disaster Lobby," made up of crepe hangers who for personal gain or out of ignorance undermine the American system.

Jim Malkowski and Mrs. Anderson may not have precisely the same view of America.

But they do agree that some Americans, including a number of forward looking business firms, are doing their part to make the country cleaner and to keep it beautiful.

And that's our cheering word about a problem that is serious but not as hopeless as it is sometimes made out to be.

THE SELLING OF THE PENTAGON

Mr. TOWER. Mr. President, there has been much controversy lately concerning the documentary "The Selling of the Pentagon." Some serious charges have been raised concerning this matter which should be satisfactorily answered. I have recently read an article published in Air Force Space Digest, written by its senior editor, Claude Witze. I should like to bring this article to the attention of the Senate. It contains some more serious allegations that the originators of the documentary should answer to maintain their credibility.

I ask unanimous consent that the article, entitled "The Wayward Press—Tube Division," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Air Force Space Digest, Mar. 15, 1971]

THE WAYWARD PRESS (TUBE DIV.)

(NOTE.—Following is the complete text of the column "Airpower in the News," by Senior Editor Claude Witze, as it will appear in the forthcoming April 1971 issue of AIR FORCE Magazine, the publication of the Air Force Association.)

The winter issue of the Columbia Journalism Review, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-years-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of his was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste together of film clips, but he is Col. John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somwhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it. CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CGS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problems—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers throught that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL–TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire

DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

NATIONAL SCIENCE FOUNDATION ANNUAL REPORT

Mr. PACKWOOD. Mr. President, I am pleased to have become a member of the Senate's National Science Foundation Subcommittee and am very much interested in learning more about these important programs.

Last Tuesday, President Nixon submitted NSF's 12th annual report covering the fiscal year 1970. In his message the President said:

> The Scientific research supported by the Foundation reflects our continuing concern for the quality of life in the United States today and in the future. He pointed out that new programs initiated by the Foundation in fiscal year 1970 are designed to promote and encourage the search for solutions to problems of the natural and social environment.

Mr. President, here is another advantage which accrues from the Foundation's flexibility in programing, moving into new directions as new research needs and problems arise. The Foundation will continue its principal mission of supporting basic research, but with an increased and sharpened focus on applying the fruits of that research to improve the quality of our environment. These programs provide important benefits for all Americans—and, indeed, all mankind. I ask unanimous consent to have printed in the RECORD the statement of Dr. W. D. McElroy, Director of the National Science Foundation, introducing the Foundation's Annual Report of 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE TRANSITIONAL DECADE

(By W. D. McElroy)

In the opening year of this new decade, one fact stands out. American society and our Nation as a whole are moving in new directions. Concurrently, science, science education, and the National Science Foundation are entering a significant and distinct period of transition.

This 20th Annual Report—my first as Director of this unique Federal agency—not only highlights the Foundation's activities for fiscal year 1970, but more important, it identifies the benchmarks for future developments.

What will evolve by the end of the decade I cannot say, but I do know the rate of change—and its potential for good and ill—will accelerate at a rapid pace. How we can plan and guide that change to enrich human life is the central question of our era. This question is a special challenge both to scientists, who by the very nature of their training have a responsibility to be both sensitive and responsive to the wants of their fellowman, and also to those institutions like the National Science Foundation whose calling is to support science as it serves society.

I believe it is particularly timely as we begin the new decade to examine the convictions I share with my colleagues at the Foundation underlying new policies and new programs for the 1970's.

Progress in science cannot continue if its foundations—fundamental research—are weakened. This fact must continue to lie at the heart of the Foundation's programs. To tamper or to compromise with a continuing national investment in knowledge would be to cripple future generations by denying them the fruits of today's research.

Science, engineering and technology must be reexamined as basic tools of service to society. The traditional objectives of science can be—and must be—supplemented by research and education responsive to social needs.

What science implies, now and in the future, is rightfully a matter of growing concern to all Americans. Public participation in the making of policy for science must be encouraged.

The Foundation is an appropriate instrument of leadership for a large segment of American science, and we are prepared to accept that leadership.

Since the decisions we make today will set the new directions for the future, I am keenly aware of the critical role the Foundation should and must play in the immediate years ahead. That role will not be a passive one as long as I am Director.

I believe it important to acknowledge as the hallmarks of the Foundation's orientation towards the future, certain new emphases we have or are in the process of refining. Broad as they are, these emphases may best be viewed from the perspective of how NSF invests in people, in knowledge, and in the institutions which bring the two together.

INVESTING IN PEOPLE

Over the years, the Foundation has invested in people primarily through the education of scientists and prospective scientists, and to a modest extent, non-scientists. This is still the case, although numerous adaptations to meet our nation's changing needs are taking place. Among the anticipated program modifications we will stress are:

Alternative doctoral degrees, specialized master degrees, and continuing education programs which will provide training more attuned to the contemporary needs of colleges and industry.

Curricula for students not intending to make science a career.

Institutes for teachers which will better enable science teachers and their local school administrators to develop and adapt new courses, materials, and methods within their own school systems.

Public participation in science policy issues through greater involvement by State and local governments, industrial interests, and private citizens in applying science to their particular problems.

INVESTING IN KNOWLEDGE

The core mission of NSF is, and will remain, to advance the progress of science. One specific and central function is, of course, the support of scientific research; in fact, NSF is the only agency charged with this primary responsibility.

To build on our past scientific accomplishments, research support for the various scientific disciplines should be reasonably adequate. But how is adequacy to be decided? What are the criteria to be used? With the funds available to NSF, in a time of limited funding, we must first allocate our resources to achieve proper balance among the various scientific fields. We then must focus more sharply by considering such factors as the scientific opportunities made possible by the development of new scientific knowledge, instruments, and techniques, the impact of the research proposed on other fields, the applicability of the proposed investigations to societal or environmental problems, and its relationship to other NSF and Federal agency research programs.

I would be less than candid if I implied that these considerations result in any clear-cut answer as to the best program balance for NSF research in the future. But I anticipate increased emphasis in the following areas:

Disciplinary Research Support . . . predictable funding stability at a satisfactory level for disciplinary research support is one of our most important goals; our best scientists much be assured adequate support and we cannot afford to ignore younger scientists of promise.

Interdisciplinary Research . . . expanding problem-oriented research and related training activities is an important step in responding to the Nation's pressing social needs; the program of Interdisciplinary Research Relevant to the Problems of Our Society (IRRPOS) is the Foundation's catalyst effort in this.

Specialized Research Facilities and Equipment . . . increasing capital commitments in specialized research facilities is a must when the economy becomes more stabilized; the frontiers of science can only advance when adequate tools are available.

INVESTING IN ACADEMIC INSTITUTIONS

Given the complex difficulties facing the Nation's colleges and universities, I cannot offer a short answer to the hard problems of maintaining and improving institutional effectiveness. The Foundation and our institutions of higher education are inextricably bound together but, as every college president knows, NSF is not a major benefactor of the institution's general health.

We do help in small ways through the provision of annual formula funds for science to be used at the discretion of colleges and universities, and increasingly through flexibility given institutional officials in administering research and education programs. Most significantly, NSF has strengthened science on a broad front in more than 30 universities and in individual areas of science at 54 other universities through large-scale development grants. Successful as these programs have been, we believe future emphases should be along somewhat different lines, for example:

Fostering of new multidisciplinary departments and centers with efforts directed toward specific societal problems. A number of problems believed amenable to this approach have already been identified.

Strengthening of investments in institutions planning to improve and expand their social sciences. The national demand for social scientists is expected to exceed the foreseeable supply, especially as to the multidisciplinary specialist with abilities to teach and investigate through a wide spectrum of the social sciences.

Broadening of support to institutions possessing interdisciplinary strengths in scientific research and education with special attention directed toward the improvement of university programs in the computer sciences.

As the new decade unfolds, the Foundation will require a great measure of cooperation and support from the scientific community in handling many of our "new thrust" programs, especially those which relate to the development of problem-oriented institutional capabilities. In addition to support for traditional disciplinary research, NSF will also concentrate other resources upon the solution of acute national difficulties by identifying areas of research, by actively seeking proposals, and by helping to work out new institutional arrangements. The Foundation's additional lead agency responsibilities in national and international research programs, such as Earthquake Engineering, Arctic Research, and the International Decade of Ocean Exploration, will assume a broader role as the decade progresses.

I firmly believe the Foundation is entering "The Transitional Decade" with vigor, imagination, and a new sense of responsiveness. The more subtle events of fiscal year 1970, indicating the probable directions for the future, underscore my belief. In short, I view the years ahead with confidence and optimism—thanks to an immeasurable degree to the leadership and wisdom of my two distinguished predecessors, Alan Waterman and Leland Haworth, and a deeply committed National Science Board, and staff.

BYELORUSSIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, today, the people of Byelorussia, along with her American descendants, will honor the 53d anniversary of Byelorussian Independence Day. This day should serve as a reminder to all free men of the hope and determination of those suppressed people who long to be free.

The years immediately prior to World War I were, for the people of Byelorussia, a time of hardship and discouragement under the dominating rule of czarist Russia.

However, as the Red army became disruptively involved with their own revolutions, the Byelorussian patriots seized upon the opportunity to break away from the Soviet forces and declare their independence. On February 19, 1918, the Byelorussian Congress, aided by the military, gained complete control of the government; and on March 25, 1918, the people of this brave nation declared Byelorussia a free and sovereign nation.

Although the life of the free nation of Byelorussia was just a brief moment in history, the people of this nation demonstrated to the world a determined and courageous capability for self-government. Within less than a year, her citizens had bravely fought for and rewardingly won the grand possession of freedom.

However, by late 1918, the Soviet armies once again invaded and overthrew this democratic government.

Mr. President, on this day, as we honor Byelorussian Independence Day, let us join with all free men in paying tribute to the hope and determination of these brave patriots of Byelorussia.

THE 30TH ANNIVERSARY OF THE USO

Mr. DOLE. Mr. President, yesterday, March 24, the United Service Organizations, Inc.—USO—opened its 3-day national annual conference here in Washington, D.C. A highlight of this conference is the celebration of the completion of 30 years of service to the men and women of our Armed Forces. President Nixon is national honorary chairman of this organization and Harvey S. Firestone, Jr., is chairman of the corporation.

The USO should be commended for its outstanding efforts and accomplishments in serving our servicemen throughout the world. Its single mission has been to provide for the spiritual, recreational, and entertainment needs of the Armed Forces. The USO has been supported entirely by the financial gifts and volunteer help of the American people and foreign nationals.

In the past year alone, our men and women in uniform made over 33 million visits to 124 USO clubs in the United States and 62 USO clubs overseas. These clubs are the servicemen's "home away from home," especially for those who are stationed many miles from their families and friends.

The USO is not resting on its laurels, but is looking to the future. Its annual report to the President contains the following statement regarding the future:

> As we look ahead, USO is anticipating helping to serve the needs of the oncoming generation of young Americans who may be called to the colors.
>
> We believe the needs and aspirations of the human heart and spirit remain the same whether a man is in uniform or not. This is especially true of young people who are separated from home by distance and loneliness and, additionally, in foreign lands by barriers of language, money and customs.
>
> We continue to remain in a state of flexibility sensitive to the changing conditions of the times, and ready to curtail, expand or relocate facilities with any re-deployment or reduction of our Armed Forces.
>
> We pledge to you, Mr. President, and to the American people that USO shall remain steadfast in our mission in furthering the welfare and morale of Armed Forces wherever they go.

Mr. President, many of us have spent many happy hours because of the outstanding service provided through this organization. I congratulate the leaders and volunteers for a job well done and wish them success in their continued service. I would also commend the annual report on USO's 30th year of service to the attention of all Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

JANUARY 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of United Service Organizations, Inc., (USO), we have the honor to transmit to you, our National Honorary Chairman, a report about operations on behalf of the morale and welfare of the members of the Armed Forces both within the U.S. and 40 countries overseas during 1970.

At the same time, we would point out that on February 4, 1971, the USO will be commemorating its 30th year of service to the men and women of the last three generations of our fellow countrymen who have been called into uniform in defense of our nation since 1941.

During this three-decade span, it has been estimated that there have been more than 27 million Americans who have been in uniform of the Armed Forces starting in World War II and continuing through the Korean conflict, the Cold War crisis, and in Vietnam in recent years, a majority of whom have enjoyed the services of the USO either at a club or USO Shows overseas.

Because of this, we are inaugurating in the coming year the USO Alumni Association for all those who would like to be reunited in memory and rededication.

Throughout the years, the USO has steadfastly adhered to its single mission of helping to provide for the spiritual, recreational, and entertainment needs of the Armed Forces. As you know, Mr. President, the USO is a "grass roots" expression of the continuing home-town concern of the American people for their sons and daughters in uniform.

USO has neither been given, nor has it requested, any financial subsidy from the Government. Throughout the years. USO has been supported directly by the financial gifts of the American people to maintain its far-flung operations.

Not only have the American people given of their treasure, but also thousands have offered themselves as volunteers. In the past year, for example, the USO was supported by the cooperation of 140,385 volunteers who have assisted our small professional staff by providing hospitality to those who otherwise might have been forgotten.

In the past year, the men and women in uniform made approximately 33,048,000 visits to our USO operations—11,143,000 visits to 124 USO facilities in the continental U.S., and 13,205,000 visits to our 62 points of service overseas. In addition, a total combined audience of 8,700,000 servicemen and women attended 8,100 performances by 1,066 USO Shows entertainers in overseas areas.

A significant factor underlying our overseas activity is USO's contribution to America's international relations. Wherever USO operates overseas, the local USO Council is composed of both American and foreign nationals who are important businessmen and leaders of the community. Many indigenous paid USO staff members and volunteers are also brought into contact with American servicemen and the American way of life under conditions that promote mutual understanding and respect.

The information and services provided by USO help in preventing incidents that might be detrimental to the image of America and America's servicemen abroad. In addition, our overseas club operations stress community-related, people-to-people programs with the local populations. The programs include activities for the welfare and entertainment of war orphans, as well as visits between servicemen and local citizens.

Perhaps it would be useful to summarize our operations by overseas areas:

PACIFIC AREA

In Vietnam we have reduced the number of club operations from 17 to 15 as troops have been withdrawn. We are prepared to make further reductions to parallel planned withdrawals of additional troops.

At the same time, USO continues to maintain five club operations in Thailand. In the past year, we opened a new club in the forward area of Taegu, Korea. For a number of years, we have operated a major club in Seoul.

In other regions of the Pacific we maintain clubs in Japan, Okinawa, Guam, Taiwan, and the Philippine Islands. Many clubs throughout this entire area operate on a 24-hour day basis.

One of the attractions of the clubs in Vietnam is that we administer trans-Pacific overseas telephone communication facilities in cooperation with the military, USAID Program, and the South Vietnamese Government. Through these facilities the troops have a direct communication link with loved ones at home. Over 200,000 calls were placed through the USO switchboard in Saigon during the past year.

Toward year's end, Mr. President, USO responded to the need for reliable low-cost charter flights to transport servicemen on 14-day leave from Vietnam to the United States. At the urging of the United States Military Assistance Command in Vietnam, USO made non-exclusive arrangements with one of the nation's largest charter air carriers to transport authorized personnel round trip from Saigon to Oakland, California, for the minimal rate of $350. This is in support of new Department of Defense regulations permitting regular leaves in the United States, and no profit accrues to USO.

EUROPEAN OPERATIONS

In the past year, and for the first time, USO has initiated operations in Frankfurt, Germany, at the request of the Department of Defense. We also operate clubs in Toulon and Paris, France, Naples and Rome, Italy; Athens, Greece; Rota, Spain; and on the island of Malta.

In addition to these permanent clubs, USO operates Recreation Centers during major Sixth Fleet visits to ports along the Mediterranean, responding to requests by Navy Commanders to establish such temporary Centers when the Fleet comes ashore on leave.

CARIBBEAN OPERATIONS

USO maintains facilities in San Juan and Roosevelt Roads, Puerto Rico; Balboa in the Canal Zone; and in St. Thomas and St. Croix, to serve Navy and Marine personnel on training maneuvers and other missions throughout the Caribbean. There is no club at Guantanamo Bay, primarily because personnel there are restricted to the base by the political situation, and there can be no programs planned involving the local community. However, USO does provide diversion and entertainment through the many USO Shows that are booked there. During joint Naval maneuvers between the United States and its Latin American neighbors, the doors of USO are open to Latin American servicemen, as well as our own military personnel. Indeed, Mr. President, foreign military visitors are generally welcomed by USO everywhere, including our clubs and centers in the United States.

DIVERSITY OF PROGRAMMING

We would point out, Mr. President, that in each location—in the Pacific, the Caribbean, and Europe—the type of club operation differs according to the varying needs of military personnel and the cultural background of each country.

At each club there are certain basic services provided such as: snack bars, reading rooms where uniformed personnel may read the newspapers from home, listen to stereo tapes as well as listen to tape-recorded messages from their loved ones and exchange a message in return; lounging and recreation areas, and writing rooms. All the clubs maintain an atmosphere of companionship, friendliness and contact with home.

We are very proud that we have received great numbers of letters, not only from the grateful servicemen and women, but oftentimes from their parents and loved ones.

USO SHOWS IN 1970

In the past year the curtain rose on USO shows 8,100 times, presenting 216 entertainment units comprising 1,066 professionals, college groups, sports figures, and celebrities before a total U.S. military audience of 8,700,000. Every USO show is presented free—without charge of any kind—to members of the American Armed Forces and our allies in uniform.

As you know, sir, this last Christmas Bob Hope, USO's most renowned entertainer, went overseas for the 28th time. This season he visited not only Vietnam and Thailand, but also our troops in England, Germany, Italy and Greece. He is a symbol of the dedication of our American show business to the morale of our Armed Forces under the USO banner.

It is noteworthy, Mr. President, to point out the cooperation of American colleges and universities who last year sent 31 units of entertainers under the USO banner. The groups presented plays, musicals, and choral programs.

It is further significant that the Commissioners of Baseball, Basketball, and Football have joined in our overseas program by sending major sports figures on "hand-shake" tours to our Armed Forces, especially to those in hospitals.

These visitations also include visits by members of the National Cartoonists Society who talk with the wounded and give them individual sketches and caricatures to send home to their families. In addition, mention should be made of the participation of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America who never fail to bring a nostalgic touch of home.

OPERATIONS IN THE UNITED STATES

In the U.S., the USO operates 124 facilities in major cities and small communities near large military installations.

While continuing the basic "home away from home" features which have attracted the servicemen since its beginning 30 years ago, the USO has also augmented its programming by relating it to the Department of Defense's Domestic Activities Program. This is in two general directions: (1) to assist military personnel about to re-enter civilian life to find employment suitable to their skills, and (2) opportunities for those still in uniform to participate in voluntary community service in neighborhood programs designed to aid youth, the underprivileged, the aged, and the needy. As Secretary of Defense Melvin Laird, has said in establishing the program, "this call to social consciousness is being accomplished without impairing our primary mission of military readiness."

In the past, USO has had to relocate into more attractive quarters some of its club operations in large cities where neighborhoods had deteriorated. At the same time, there has been a significant increase in the number of lounges at airports, which handle traveling problems of military personnel and their dependents. Notably these are in Chicago, San Francisco, Cleveland, Seattle, and Dallas.

Again, stressing the diversity of its programming, we would point out that in addition to providing recreational facilities for Armed Forces personnel, we also look after the particular needs of personnel dependent families such as foreign-born wives and a large group who have taken on the title of "waiting wives," those who have husbands overseas.

These are but a few highlights, Mr. President, of our activities in the past year.

We are very pleased to report that the USO for the tenth consecutive year has earned the support of the Advertising Council by way of another major national campaign through print and electronic advertising media, bringing the appeal of USO to the eyes and ears of millions of Americans, and at the same time, urging support of United Funds and Community Chests. We know you are indeed familiar with the great public service provided by advertising and the media through the Advertising Council.

TOWARD THE FUTURE

As we look ahead, USO is anticipating helping to serve the needs of the oncoming generation of young Americans who may be called to the colors.

We believe the needs and aspirations of the human heart and spirit remain the same whether a man is in uniform or not. This is especially true of young people who are separated from home by distance and loneliness and, additionally, in foreign lands by barriers of language, money and customs.

We continue to remain in a state of flexibility sensitive to the changing conditions of the times, and ready to curtail, expand or relocate facilities with any re-deployment or reduction of our Armed Forces.

We pledge to you, Mr. President, and to the American people that USO shall remain steadfast in our mission in furthering the welfare and morale of Armed Forces wherever they go.

Sincerely yours,
Harvey S. Firestone, Jr.,
National Chairman.
Emmett O'Donnell, Jr.,
General, USAF, retired, President.

REFORM OF NATION'S HEALTH CARE DELIVERY SYSTEM

Mr. TOWER. Mr. President, the Health Subcommittee of the Committee on Labor and Public Welfare is now considering various proposals on reform of the Nation's health care delivery system. The distinguished chairman of the House Ways and Means Committee, Mr. Mills, has anounced that he hopes to begin hearings on similar proposals in the near future.

In a sense, a national debate on national health insurance has already begun. The Dallas Times Herald has recently addressed itself to this debate in an editorial published on March 18. The editorial mentions two of the principal proposals before Congress. As a cosponsor of the medicredit proposal, I found this editorial to be most perceptive. I therefore ask unanimous consent that its text be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Of Freedom and Physicians

Teddy Kennedy not long ago offered us a sweeping proposal to revolutionize American health care. Let us, said Kennedy, have compulsory national health insurance.

Now there's no doubt that Kennedy's plan would make health care available to absolutely everyone. But wouldn't it also destroy a health system that, notwithstanding its ever-rising cost to the public, now offers the best medical treatment in the world? It would.

And this is one of the things that disturbs Americans who want to make this a healthier nation, but without socializing and bureaucratizing our medical system.

There is a way out of the dilemma, however, and the American Medical Association is the latest group to point it out to us.

A couple of days ago, the AMA unveiled its answer to the Kennedy program. It is a reasonable and commonsense approach which merits careful study. The doctors suggest that the government help pay the cost of private health care protection for everyone under 65 (Medicare would be continued as is). The size of the government contribution would depend on one's income. The less you earn, the more help you get in buying a health insurance policy, or a membership in a prepayment plan or a prepaid group practice plan.

This, says the AMA, leaves the health care system with the freedom and flexibility which have made it flourish. The problem of high-priced treatment is met, but without the doctor's becoming a vassal of the state.

Thus free, he can concentrate on the very substantial problems with which national health insurance doesn't at all come to grips.

The maldistribution of health care services, for example, which, according to AMA board chairman Dr. Max Parrot "can be ameliorated through a shift in emphasis in many programs. Scholarships tied to service contracts, income guarantees, and preceptorships will help . . . but more attention should be given to transportation, to the use of more physicians on a part-time basis, to facilities for remote biomonitoring of patients . . ."

What has this to do with health insurance? Not much, except as such initiatives might be stifled by a straitjacket system of federal medicine.

Those initiatives are available now, and the doctors want to act on them. But this might prove a bit difficult should they one day discover the government peering over their shoulders.

It's a good point the doctors have raised. And given the transcendent importance of medican care. Congress ought to lend them an attentive ear.

BYELORUSSIAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, today it is a privilege and a serious duty to join with all Americans in observing the 53d anniversary of the declaration of independence of the Byelorussian Republic.

Since that declaration during the tumultuous period of 1918, Byelorussia has lived under the most cynical sort of Soviet despotism. Denied the substance of freedom, they have been granted the worthless shadows of liberties which Soviet constitutionalism grants.

But the very fact that the Soviet despots must pay even lipservice to the existence of Byelorussia as a sovereign state testifies to the great enduring heritage of the Byelorussian people.

Furthermore, when—as surely it one day must—Soviet despotism is destroyed by the just aspirations of its subject peoples, and by the determined hostility of free people everywhere, then the Byelorussian people will be rewarded for the steadfastness which they and their fortunate brethren living in liberty have shown in the dark and discouraging days of tyranny.

TRADE POLICY QUESTIONS—ADDRESS BY THEODORE R. GATES

Mr. JAVITS. Mr. President, in the present debate on trade policy, the impression is often left that the forest of our widespread commercial interests in Europe and Japan is often overlooked as we narrowly focus on the trees of individual commodity problems.

I suggest that such a narrow focus is as detrimental to our overall foreign economic policies as our excessive focus on Vietnam is detrimental to our broader interests in the world.

I invite the attention of Senators to a recent speech by Theodore Gates, the assistant special representative for trade negotiations, which focuses on our evolving commercial relationship with Western Europe. We would do well to heed Mr. Gates words that—

> Europe is at a major turning point. It is once again making rapid, highly significant steps forward in its internal development and in overcoming obstacles to full integration. In its current enlargement negotiations, it may soon be creating further, vast changes in our multilateral trading world. While these are not the only trade policy issues ahead of us, they are certainly among the most important.

I would suggest that the actions the administration and the Congress take in the foreign economic policy area in the months ahead will help determine the future shape of our relations with Western Europe in the decade of the 1970's. In turn, the decisions of Western Europe as they approach a historic expansion of the Common Market particularly as they relate to the access of our exports and capital to European markets will help influence the developing mood of the U.S. administration and Congress.

I ask unanimous consent that Mr. Gates' remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A U.S. Point of View on Trade Policy Quesitions

(Addressed by Theodore R. Gates, assistant special representative for industry and labor, before the German American Chamber of Commerce, New York, N.Y., Mar. 10, 1971)

I hope you will not mind if I tend to concentrate today upon certain European-American aspects of future trade policy questions. Europe is at a major turning point. It is once again making rapid, highly significant steps forward in its internal development and in overcoming obstacles to full integration. In its current enlargement negotiations, it may soon be creating further, vast changes in our multilateral trading world. While these are not the only trade policy issues ahead of us, they are certainly among the most important.

Europe today is both the world's largest trader and a very major political force. Tomorrow it may be even larger and more important in both respects. It already carries great weight and responsibility for world economic development, with all of the broad and complex obligations that its power and position involve. Tomorrow it may carry even more responsibility. Its policies, both domestic and foreign, and the actions it takes will have worldwide effects.

These developments, moreover, are coming at a time when the need for unity and cooperative action is greater than ever before. The problems of modern technology, of our common environment, of the faltering progress in economic growth and development in many regions, and of steadily intensifying competition will require close and real collaboration.

While these events have been transpiring I am sure you all have been equally conscious of growing tensions. Of late, to take but one example, there have been statements and a flow of comments from Europe, even cartoons, suggesting a deterioration of our relations. It has been asserted, among other claims, that we misunderstand economic and political developments in Europe.

I propose today to examine some of these claims, to state what I believe are some basic propositions, and to describe where the United States is heading in its trade policies and where it believes others should also be going. I do not want to add to the volume of rhetoric, but rather try to point to some places where it has been tending to depart from reality.

It must be no secret to a group such as this that some spokesmen in Europe of late have appeared to claim the status of Caesar's wife. Nor that some have gone so far as to see in American concerns over certain developments in European policies evidence of a reversal of our long support for European unity. Our concerns have also been characterized as being based on a narrow point of view—one of pure self-interest—rather than as viewing European evolution in the broader context of its contribution to world political development and strength.

We have been said to be ignoring the subjective political importance of certain economic policies, and even of misunderstanding the purposes of such major features as Europe's agricultural and preferential trade policies. We are also said to be consciously slowing down or even abandoning our efforts to eliminate obstacles to freer trade.

Others have claimed that any problems we here may have with European policies revolve around specific products where, if we can prove damage, specific solutions can eventually be found. Any such specifics, moreover, tend to be considered as mere details. Finally, there are even those who seem to believe the voices here which have been calling for greater protection are expressing only internal American causes and considerations, in no way related to developments abroad.

On the other hand, one also hears today that the European Community has adhered consistently and wholeheartedly to a liberal trade policy. While conceding an unavoidable preoccupation with achieving the internal political compromises necessary to forge each new link in the process of integration and, now, preoccupation with the complex and massive enlargement negotiations, the interests of third countries we are assured are taken care of each step of the way. Any adverse developments, it appears, are either temporary or involve but a small price to pay. The facts that U.S. exports to Europe overall have continued to grow or that our traditional trade surplus remains reasonably intact are often cited as proof positive that our interests are being adequately safeguarded.

Much of such generalization and rationalization is perhaps inevitable in times of rapid and profound change. But it should be recognized for what it is and how it arises. Trade matters traditionally fall midway, if you will, between domestic stresses and urgencies on one side and foreign policy considerations on the other. Let pressures from one side relax or become nonexistent, and considerations from the other will become paramount and determining.

Last year, for example, we saw here in the United States a tipping of the scales in the minds of many toward domestic urgencies.

Across the Atlantic, this should have been a familiar problem. Most of the instruments of European foreign policy are still the province of the Member States—foreign aid, for example. The hammering out of foreign-trade positions is not directly subject to the leavening influences of a comprehensive and unified common foreign policy. On the other hand, trade measures are about all the Community as a single entity can offer to others in the conduct of its foreign relations.

As Professor Joslin has pointed out in his recent study of world agricultural trade, one of the Communities' present combination of high internal support prices and its lack of a unified foreign policy is an agricultural trade policy subject only to domestic pressures. The long, hard process of merging the separate ideologies and patterns of centuries has involved a long series of essentially political negotiations. The overriding priority in each has been compromise in order to establish the new Community. While such compromises are, at least in the first instance, internal matters for the countries concerned, other nations are properly concerned that this process not subordinate their own interests nor those of the world trading system itself.

Obviously, the creation of a new entity of 250 million people includes a vast number of specifics and many complicated issues. I propose to single out but two—agricultural policies and preferential arrangements—for comment. There are more, but these two have perhaps the greatest significance for the world trading order and its future, certainly in the short run, and both have been matters of concern outside Europe.

Community spokesmen point out with reason that agriculture has long been a problem virtually everywhere. They also rightly point out that it is often and largely a socio-economic problem, one difficult to solve working from any international point of departure.

With equal truth, they note that some common agricultural policy is absolutely essential to European integration. Finally, given these facts some then would hold that we are, in effect, misunderstanding the essential purpose of their efforts when we express our concern wth some of the methods they have employed and with present and probable future consequences.

The system they have chosen to adopt, you will recall, operates to keep European prices for grains, meat, dairy, and certain other products above world prices. A variable import levy further operates to insulate Europe from world market forces. When world prices fall, the levy rises to dampen or prohibit imports, and vice versa.

Such a system could, of course, be operated to achieve any desired level of protection or results. Internal prices could be set at or near external prices. As a matter of fact, however, the community has chosen to set them at high levels. They thus now operate to restrict imports and to induce surplus production. Moreover, the continuing political issue for those who set prices, unfortunately, seems to be when and how much to raise them further.

With virtually no limitations on domestic production, high support prices stimulate greater output. They also discourage consumption. The resultant surpluses are then marketed with the aid of export restitutions or subsidy payments, to the disadvantage of other exporters in third market countries. In short, a two-edged sword is being wielded, limiting access to the European market and providing sharp competition elsewhere.

Protection for agriculture, of course, is hardly unique with the Community. We protect our sugar, peanut, and dairy farmers by maintaining our domestic price above world prices. We still make export payments to a shrinking product list which includes wheat and wheat flour, tobacco, rice, cottonseed oil and meal, peanuts and dried milk.

We are currently also making payments on exports of lard and poultry to certain destinations but, in these two instances, for a special reason. Subsidized European exports of lard and poultry to some markets have made such inroads that this has appeared to us to be the only reluctant recourse we had to defend our interests.

At the same time, however, we also subject our agricultural sector to production limitations and disincentives, and have often restrained our exports to avoid disrupting world markets. Moreover, we are moving toward lower domestic price support levels, closer to world levels. There are few if any signs of European movement in the same directions.

In seeking to minimize this problem, spokesmen in Europe often point out that our share of total Community farm-product imports has been stable, that we have a favorable, bilateral balance in such trade, and that nearly 40 percent of Europe's purchases from us are not subject to either tariffs or quotas. Such observations, however, overlook the facts that our exports to the Community of the unrestricted agricultural commodities have grown rapidly while our exports of products subject to variable levies have declined with equal rapidity.

For example, while our soya bean exports to the Community have increased dramatically, our grains exports declined drastically. Common market grains imports from the rest of the world totalled 13.3 million metric tons in 1960 and fell to but 2.1 million tons in 1969. While the Community had a small grain crop in 1970, the outlook is for further production increases. In a few years, if the trend of the 1960's continues, the Community could conceivably achieve an artificial, net self-sufficiency in grains. What was ten years ago the world's largest grain market may soon become a negligible factor in world grains trade.

The lesson we all are or soon will, I hope, be learning is that we must resist the temptation to solve our domestic problems by higher prices and by subsidizing our way into foreign markets—of, one way or another, in effect exporting the problem itself instead of solving it. The need for accepted, observed rules of behavior is critical. Until those rules arrive, preferably in the context of a truly international policy for agriculture—a goal we have long been urging in the GATT and other forums, the present world market system must be carefully preserved and gradually strengthened. It certainly cannot be violated by major countries.

Meanwhile, we cannot be asked to regard the external aspects of a domestic agriculture system as sacrosanct nor an unfit subject for discussion or change. To do otherwise is to risk the possibility of collapse of our present rules and a rapid snapback to the jungle of self-sufficiency of the 1930s, a jungle that has taken so long to find our way out of and from which we have not yet entirely emerged.

The basic concern of the non-European with the second example—the problem of preferential arrangements—is much the same. It stems both from the adverse effects on non-participants' trade and from its deep erosion of a basic principle of the GATT—that all other trading partners be treated on the same basis.

The still growing network of European preferential and association arrangements has been variously justified. For those countries once colonies or dependencies of present Member States it is argued with some plausibility that their weak and dependent economic status is such that suddenly to give up special access to European markets could be disastrous.

For other nations without the same close historical ties it is said that a mutual exchange of reduced tariffs is a form of development or aid policy, in effect, a means of providing additional cash payments to the countries concerned. For still others, largely the traditionally neutral nations of Europe, the discussions underway with them are justified on the basis of the close ties within the European family. One way or another such justifications have been developed to cover the Mediterranean, most of Africa, and virtually all of Europe.

Whatever the justification may be, the fact is that except for genuine free trade areas or customs unions each arrangement involves derogations from the basic principle of the GATT that a concession granted to one country is extended to all. This is the backbone of our present multilateral trading system. Each such arrangement not complying with the rules involves a return to the bilateralism of the 1930s, the straitjacket on trade from which we also slowly emerged, or had hoped we were leaving behind.

Some would defend some of these developments on the basis of overriding political considerations and counter any criticism as only reflecting, again, a misunderstanding of motives. Others pass off any criticism as involving no yet discernible economic justification. They imply, thereby, that a principle can be breached until damage can be proved, or, as we would say, until the horse is out of the barn.

Any issue here does certainly not involve a clash between political considerations. Indeed, we have long sought greater participation and a broader sharing in the responsibilities for closer political ties and for the economic growth of developing nations everywhere. In the critical area of the Mediterranean, too, our general interests coincide with those of Europe. The issue is whether the instrument for such policies must, should, or can only be tariff preferences. This includes in particular whether preferences granted by developing nations to the products of Europe, but not to those of other developed nations, are somehow also essential and unavoidable.

Again, it appears to us that the policy being created not only has a double-edge, but threatens to undermine the progress gradually achieved in creating our present trading system. Better solutions, we feel, can be found to pursue otherwise commendable objectives than by creating a vast new, bloc-trading system with built-in discriminatory features.

Our concern here is more than any stubborn clinging to principles agreed upon at some earlier point in time. Developments such as these not only undermine the present GATT system of multilateral trading rules, but also pose the potential of diverting trade, not expanding it. Our need today is to strengthen the system under which trade moves and nations deal with each other, not fragmenting it. We have long supported regional groupings and the elimination of barriers between closely affiliated states. In each case we have believed that the form and detail of such association are essentially the business of the participants. But we must oppose any results harmful to our interests or to the interests of other third parties to the trading system itself. All countries today share a common, basic interest in expanding trade on a nondiscriminatory basis. They must realize they have as much to gain and as much to lose as any others do under the present system.

This realization will come. It will surely come with the success of integration and with assumption of world-wide responsibility and, more desirably, even before then. As the President said in his recent report on United States Foreign Policy for the 1970s,

"Western Europe is uniting, and will soon be in a position to forge an identity of its own, distinct from America within the Atlantic world. As nations and peoples we in the West now share both the horizons and the burdens of the most advanced modern societies. This challenges us to develop a partnership engaging the collective energies and wisdom of our fifteen sovereign states."

The alleged misunderstandings I noted earlier can clearly extend in both directions. While it is often claimed that we misunderstand Europe's agricultural and preferential policies, it seems equally clear to us that there can be grave misunderstanding abroad of our directions and goals in foreign trade. It has been said, for example, that we have abandoned our long role of leadership in the removal of barriers to trade, and that we are turning inward.

Nothing could be further from the truth. Let me again quote from the President's message:

"This Administration is committed to the principles of free trade. We recognize that our preponderant size in the world economy gives us an international responsibility to continue on this path just as we have an international responsibility to manage our domestic economy well. I am convinced that liberal trade is in both our domestic economic interest and our foreign policy interest."

In that same message the President went on to detail the steps he has and is taking to continue liberal policies and concluded:

"One conclusion is already clear: Our trade policy problem is not ours alone. It is truly international in scope. We and other countries shall all move toward freer trade together or we shall all retreat to protectionism together. Restrictionist policies in one country reinforce restrictionist pleas in another and weaken the case of those who defend freedom of trade."

He added that we cannot be expected to remove our barriers unless others are equally willing to eliminate theirs, and on a truly reciprocal basis. He further underlined that the failure of the Administration's trade bill in 1970 and the near success of protectionist legislation "were closely related to the slow pace of the international negotiations on trade barriers." "These developments," he stressed, "make clear that other countries can no longer proceed on the facile assumption that no matter what policies they pursue, liberal trade policies in the U.S. can be taken for granted."

Finally, with regard to the European Community, the President stated his policy clearly:

"Our full support for the European Community continues, but its policies—including those related to the expansion of its membership, which we also support—must take full account of our legitimate economic interests. We look to the Community, as the world's largest trading entity, to assume an ever greater responsibility for the maintenance of a liberal world trading order by pursuing liberal policies itself, and by playing a more active leadership role in seeking ways to further reduce the remaining barriers to trade."

From personal experience, if I might, may I add that one of the most common arguments last year for greater protection—and one not always easily met—was the argument that "others are not playing the game." Most responsible Members of our Congress, I submit, are not protectionist, certainly not in the sense of having an all-out desire to add protection to American domestic interests and at any cost. But many last year were ready for change because of their concern that trade was not a proper, fully policed, two-way street. Their mood, in short, was directly related to developments abroad.

Many of them were concerned that certain international rules were being flaunted, thereby offending our traditional sense of fair play, and that loopholes were being found and widened. Observance of the Most-Favored-Nation principle, or lack of it, is for Americans a major, deep-rooted issue. The possible fact that there may be not yet "discernible economic justification" for any concern in some of the present departures from it misses the point. The principle is there; it has a certain wisdom and a body of useful and satisfactory experience to justify it. It cannot be ignored or superseded for purely domestic political considerations with impunity.

There were other elements in the mood of 1970—elements that the world trading community can also do something about. Much of that mood was based on a sense of frustration and an exhaustion of patience with certain other countries. Certainly, the long-standing efforts of Japan to penetrate foreign markets while impeding any access to its own was a large factor in 1970. So were such long-standing issues as the European agricultural policy. Our concerns about its effects have been expressed in virtually every manner possible for better than a half a decade. Or the effects of preferences upon our citrus exports—an issue in one form or another now well past its second birthday. Another gnawing issue which should also be noted for it typifies still another problem is resentment here over quiet arrangements and often hidden restrictions on trade. The methods employed, for example, in restraining Far Eastern textile exports into European markets carried great weight—and not just because such restraints divert textiles to this market—in the decision of many to favor our own restraints on textiles last year.

There were, of course, other, primarily domestic reasons for the 1970 mood. I have taken too much of your time, but some should be mentioned if only in passing. The regrettable failure of the escape clause and adjustment assistance provisions of our existing trade laws was clearly a source of further disillusionment and contributed to over-reaction. The unhappy combination of rising unemployment, prices, and balance-of-payments deficits contributed further.

The conclusion I want to leave with you today is that protectionist sentiment is neither the prevailing nor a persisting mood in America. Nor is it by any means entirely "made in America."

There are problems today in all nations. We must abandon the rhetoric, the public relations devices, and the debating points and approach these problems in partnership as sensible, responsible inhabitants of the same shrinking globe. We need to listen, understand not misunderstand, and give consideration to others' problems and to the broader implications of how we choose to solve our own. We must reject the easy political compromise based on the purely domestic consideration.

There are no simple answers to our common problems. In solving them we must be concerned with our own interests and expect others to do the same. But none of us can afford the luxury of economic nationalism or pursue goals without regard to others. If we give access to our markets, we must have in return equal access to other markets. The strains and stresses in world trade, the inequalities of treatment, must be resolved if our common purpose—a multilateral system of expanding world markets—is to be achieved.

One of the many functions of a hyphenated Chamber of Commerce such as yours is to explain the viewpoints of countries to each other. I hope you can help perform this vital function. Any contribution you can make to improved understanding will be most timely and most welcome.

HANDICAPPED DESERVE FIRST-RATE EDUCATION

Mr. DOLE. Mr. President, education has become the major route to full participation in our society. Our Nation's schools have done a commendable job of preparing our youth to meet the challenges of today's society. However, nearly 7 million handicapped children suffer with conditions which limit their ability to profit from regular education programs. Failure to guarantee adequate instruction services to these handicapped children imposes undue and costly hardships upon the child, the family, and the Nation as a whole.

Only one-third of the handicapped children in the country are receiving an education that will provide them with the basic skills they need to become active, productive citizens. It cannot be denied that progress has been made. In the last decade, the number of handicapped youth receiving educational services has more than doubled. Still, two out of three lack any kind of educational services. The number of teachers of the handicapped has increased dramatically in the last 10 years. Yet we need to more than double the present number of trained teachers for this work.

I believe we must all bear the guilt for the present lack as we must all share the responsibility of realizing the goal of an adequate education for every child.

Mr. President, an article written by Louis Cassels, senior editor of United Press International, is at present appearing in newspapers throughout the country. The article very effectively states the current problems concerning special education today. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Handicapped Children Can Learn, Given A Chance

Washington.—"I'm biased on this subject," admitted Dr. Edwin W. Martin Jr. "I don't claim to be an impartial source."

The subject on which Martin acknowledges bias is handicapped children. He thinks they deserve a first-rate education. This is not an inappropriate prejudice for the man who heads the Bureau of Education for the Handicapped in the U.S. Office of Education.

He said in an interview the present situation is either very depressing or very hopeful, depending on which set of statistics you choose to emphasize.

The depressing facts are these:

America has 7 million children whose ability to learn in ordinary classrooms is handicapped by blindness, deafness, speech defects, mental retardation, physical abnormalities, emotional disturbances, minor brain injuries or a combination of these things. Nearly all of them could be helped through special education programs. But only 2.2 million are being helped at present. The other 4.8 million do not have access to the kind of classes and teachers that would enable them to surmount their handicaps and realize their potential as human beings.

HOPEFUL FACTS

The hopeful facts are these:

The nation's conscience is belatedly awakening to the needs of handicapped children. Ten years ago, the federal government was spending less than $1 million a year to promote special education services. This year, it's spending $170 million for that purpose. And Congress has displayed a willingness to vote more if the White House and Budget Bureau will allow the extra money to be spent.

State and local school boards also are displaying a greater willingness to invest in special education. Martin estimates state and local outlays will approach $3 billion this year.

To provide adequate programs for all of the

7 million handicapped children would cost, Martin figures, in the neighborhood of $10 billion a year.

"But this should not be regarded as a spending program," be said. "It's an investment that will save the taxpayers a lot of money in the long run."

A handicapped child who does not receive special education is likely to wind up in an institution or on the welfare rolls, he said. The cost to the public of maintaining him in that dependent status may total, in a normal lifetime, around $300,000.

The same child could grow up to be a responsible, self-supporting adult if he had the benefit of 15 years of special education at an average cost of $2,000 per year, or $30,000 in all.

EDUCATION COSTS LESS

In other words, educating a handicapped child costs only one-tenth as much as neglecting him.

There are, of course, better reasons for educating handicapped children than saving money. The best reason of all, in Martin's opinion, is the simple fact that "it can be done."

"We've made tremendous progress in recent years in developing new techniques and special kinds of equipment that enable trained teachers to accomplish near-miracles in educating even severely handicapped children," he said.

One of the first needs is to help parents of handicapped children locate schools or training centers where the right kind of special education is available.

Martin's bureau has moved to meet this need by establishing a computerized national information center. Any parent who suspects that his child may have a learning disability is invited to write to this center. He will receive without charge a list of all appropriate facilities in his area, plus helpful guidance on how to tell when a child needs special help.

The address is Box 1492, Washington, D.C., 20013.

PRISONERS OF WAR

Mr. ROTH. Mr. President, the events of this week have not been humdrum in any way. The SST has been defeated, the 18-year-old vote has successfully crossed its first hurdle toward passage, and the District of Columbia at long last has a voice in Congress. These are a few items which have made a significant mark on the historical calendar for the week of March 21, 1971. All of them, however, tend to pale in light of the issue for which this week has been designated: "National Week of Concern for Prisoners of War/Missing in Action." It is an honor for me to be a cosponsor to Senate Joint Resolution 10 which sets this week apart from all others by asking the American people to give special recognition to the plight of our more than 1,500 prisoners of war and men missing in action.

The North Vietnamese have proven their prowess and their ingenuity to us many times over. They have also proven their inhumanity. It is incomprehensible to me to think that the leaders of the National Liberation Front and the North Vietnamese Government could condone and bear witness to the atrocities inflicted on our prisoners of war. The slow and steady torture to which these men have been subjected is a fate not fit for any living creature. Any man, be he North Vietnamese or American, should have no trouble in reaching that same conclusion. I appeal to the basic instincts of the leaders of North Vietnam and beseech them to restore their own dignity and set these men free.

RAILPAX ROUTE DECISIONS

Mr. ALLOTT. Mr. President, the long-awaited route decisions by the National Railroad Passenger Corporation—Railpax—have now been made, and for the first time since the end of World War II we appear to be on the threshold of major improvement in rail passenger service.

Although the number of intercity, and especially long-distance passenger trains has been drastically reduced, the remaining routes, for the most part, appear to be capable of an eventual self-sustaining status.

Speaking first as the senior Senator from Colorado, I cannot be too displeased with the route decisions. Along with Gov. John Love and other members of the delegation, I had long fought for retention of the California Zephyr. It has been retained. In 1967, when the Santa Fe Railroad announced its intention to seek major passenger service cutbacks, I indicated we should at least be willing to fight for the Chicago-Los Angeles "Super Chief" route, which operates through the southern part of Colorado. Railpax has also maintained that service.

These two positive points are tempered somewhat by the Railpax decision to make the Denver-San Francisco service triweekly rather than daily as promised by Secretary Volpe when he announced the original system. I am confident, however, that when renewed equipment, reliable scheduling, efficient ticketing, and reservation service, and adequate marketing are applied to the Zephyr route, enough traffic will be justified to restore service to a daily basis. I am also somewhat disappointed that the entire front range will be left without rail passenger service. I hope that some type of service there will be possible in years to come.

Speaking now as a member of the Transportation Subcommittee of the Appropriations Committee and as a Senator who has had a long and abiding interest in the development of our Nation's transportation system, I believe the Railpax incorporators have, for the most part, done a fair and reasonable job considering the enormity of their task, the seriousness of the problems involved and the limited funds available.

I would say, as an overview, that perhaps the incorporators gave a bit too much weight to existing ridership patterns and existing service in determining what trains should be operated. It is true that where railroad passengers still persist after years of bad service and poor equipment there is probably a good base market which is capable of sustaining continuing service. It is also true, however, that in some areas of the Nation, service has been so poorly operated and passengers so completely discouraged that the lack of ridership today cannot necessarily be taken as an absolute sign that people in that region are not interested in passenger trains.

I hope Railpax will initiate market surveys to determine where else service might be used if provided. This has not been done to date, and it should be done before large areas of the Nation or various long distance routes are eliminated from the thinking of the corporation.

I must admit I have not taken the train at various times because of the kind of service which was available, and I know there must be millions like me who would use trains at least from time to time if these trains were fast, clean, and dependable.

The elimination of Cleveland and of the whole Northern Chicago-New York route from the Railpax system is a good illustration of my point. Surely that area of the country ought to have some kind of service. The service they have had has been poor enough to destroy the present ridership base. Yet if good service were provided on such a route with a very impressive population base, I think it is reasonable to assume that it could attract riders back to the rails.

In my examination of the national system I have noted a few other curious decisions as well. The Milwaukee-Chicago service uses the route which bypasses all of the major cities between Milwaukee and Chicago. Instead, the route selected operates through flagstop-type villages, which is fine for through passengers between Milwaukee and Chicago, but not so fine if one happens to live in one of the major cities along the lakeshore.

People in Detroit, as an example, can get to Chicago via the new system, but cannot get to the East Coast. Also, the amount of corridor service, especially between Los Angeles and San Diego seems to be somewhat inadequate considering the market potential.

I cite these few points simply to express the hope that as the system develops it will be adjusted and expanded where feasible. Again, I hope that market potential, rather than existing service, will serve as a greater factor in future decisions on the system.

In any case, the incorporators and Secretary John Volpe deserve great praise for doing a difficult job well, and doing it on time.

May 1 is fast approaching. I know that Railpax intends to do as much work on equipment prior to that time as possible. I know that Railpax will attempt as completely as possible to make the public aware of the system, its routes, fares, through services, ticketing operation and schedules. If the people really know about the kind of service that is offered, I cannot help thinking they will avail themselves of it. I do not believe we can say we really did an adequate job unless the system is advertised and promoted in every way possible.

All of us concerned with transportation will look forward to continued progress under Railpax.

THE PRESIDENT'S PROPOSED HEALTH INSURANCE PLANS

Mr. DOMINICK. Mr. President, some 61 million Americans under the age of 65 have no insurance covering in-hospital medical expenses, and more than 102 million have no coverage of office visits to doctors. President Nixon in his recent health message recommended a new National Health Insurance Act, and a new family health insurance plan, both of which would alleviate the dire plight of our millions of citizens in desperate need of better health care.

In Atlanta, Ga., President Nixon's new plan has been called the best we've seen so far.

I ask unanimous consent to have printed in the RECORD the Atlanta Constitution editorial of February 19, 1971, entitled "National Health Plan."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta (Ga.) Constitution, Feb. 19, 1971]

NATIONAL HEALTH PLAN

President Nixon has sent the Congress a national health plan that is basically workable within our economic framework, undoubtedly constructive, and sorely needed.

As things stand now, the federal government underwrites medical care for the aged and gives some assistance to state programs for the indigent. The rest of the population is either covered by private insurance or not covered at all. Some 61 million Americans under the age of 65 have no insurance covering in-hospital medical expenses, and more than 102 million have no coverage of office visits to doctors.

Central to the President's plan is a proposal to require all employers to furnish their employes with health insurance covering up to $50,000 of medical expenses for office visits as well as in-hospital care for each worker and each member of his family. The program would go into effect in July 1973 and costs of the insurance would be split between employers and employes.

Initially, employers would pay 65 per cent of the premium, but by 1976 this proportion would rise to at least 75 per cent.

And although the federal government would not contribute directly to the national plan, employers' payments would be deductible for income tax purposes. The potential loss in federal revenue from such a move is estimated at $1.5 billion to $2.5 billion a year by Health, Education, and Welfare experts—Which is considerably cheaper than any alternate plan yet proposed.

Still to be answered by the Administration, however, is what new federal controls will have to be imposed on the insurance industry itself.

Obviously for such a plan to work there will have to be some control over premium rates, profit margins and disclosure of company ownership or control.

But just as obvious to us is the fact that there is no longer any question as to whether the United States must have a national health program. The only question is whether we are to have a good one or a bad one.

We think President Nixon's plan is the best we've seen so far.

MISCONCEPTIONS ABOUT THOSE ON WELFARE

Mr. RIBICOFF. Mr. President, no issue is more clouded with misconceptions and oversimplifications than welfare reform. We will never develop adequate public assistance programs and policies if our judgments are based on myths rather than reliable information regarding the nature and causes of poverty in the United States.

One of the greatest misconceptions is that millions receiving public assistance are loafers who should be put to work. In fact, only a relative handful of those now on welfare would be able to work if we had the jobs to provide them.

This entire question is explored in William Raspberry's column entitled "All Poor People Are Not Bums," published in the Washington Post of March 23, 1971. I ask unanimous consent that Mr. Raspberry's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1971]

ALL POOR PEOPLE ARE NOT BUMS

(By William Raspberry)

One reason why there is so much opposition to the President's welfare reform proposal is that a lot of Americans are convinced that the welfare rolls already are filled with bums too lazy to work.

Even Mr. Nixon, in the August, 1969, speech in which he first proposed his Family Assistance Plan, spoke of "those who can work but choose not to."

No hardworking taxpayer wants to underwrite someone else's laziness. And so there are constant efforts to write work requirements into the proposed legislation or in some cases to kill the proposal outright.

But to what extent are the beneficiaries of either the present welfare system or the proposed Family Assistance Plan in fact lazy bums?

To start with, only about half the nation's poor people are on welfare. The rest work full time.

But of those who do receive welfare grants, an estimated 64 per cent are children, another 10 per cent are old folk and approximately 15 per cent work at least part time.

The bums, obviously, must be in the remaining 11 per cent. But this 11 per cent includes mothers of young children for whom full-time work may be impracticable, it includes the disabled who cannot work and it also includes people who simply can't find work—the unemployment figures we keep hearing about.

The lazy bums we are so loath to support constitute perhaps 1 per cent of the present welfare load—hardly enough to warrant killing a program that could help so many people who desperately need help.

Nor are the welfare recipients the only ones who would be helped by the Nixon proposal.

Nearly half of the nation's poor people work hard every day. The problem is that the general economic situation and their lack of skills force them into work that is ill-paid.

Between 3.5 and 4 million jobs, for instance, pay less than $1.60 an hour—$64 a week. No matter how hard you work at such a job—particularly if you have a family to support—you will remain poor.

Without the Family Assistance proposal, or something like it, there is no relief in sight for these working poor. And yet the prospect of supplementing the income of even this group raises shouts of opposition.

The reason, I think, is that we have a distorted view of our Land of Opportunity. No matter what our knowledge of the *facts*, the *feeling* persists that anyone who really wants a job can get one. Moreover we feel, the facts again notwithstanding, that anyone who works hard at a bad job will be rewarded with a better one.

It is this Horatio Alger view that leads so many of us to suppose that the jobless on our welfare rolls are mainly people who don't want to work. (And many of us can "prove" it by pointing to the welfare mother who turned down an offer of a $60 a week maid's job.)

What we forget to ask ourselves is what does $60 a week do for a woman that would warrant removing her and her family from the welfare lists?

By the same token, we look at non-welfare recipients who work full-time at lousy jobs as people who are simply too lazy or too ambitionless to better themselves through hard work.

The feeling persists that a busboy who works hard and keeps his nose clean will wind up owning the restaurant. The truth is that about the only thing that working hard as a busboy will produce is a very tired busboy.

It is time we stopped deluding ourselves that poverty is the result of personal moral flaws of the poor or that America cannot afford to guarantee the right of its people to live in decency.

The truth is that we cannot afford not to. The Nixon proposal is recognition of this truth.

It will work no great harm—and may make some puritans feel better—to build into the legislation some insistence that participants (excluding mothers of young children) indicate their willingess to accept suitable employment or training opportunities.

But whether you call it welfare reform or by some less palatable names as guaranteed income or redistribution of wealth, some version of the President's plan ought to be enacted—and by this Congress.

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD testimony given by me on March 24, 1971, at a hearing before the Committee on Foreign Relations on S. 731, a bill to regulate undeclared war.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL DEMOCRACY AND THE CONTROL OF UNDECLARED WAR

(Testimony of Senator JAVITS, a member of the Foreign Relations Committee, prepared for delivery at the committee's hearing on S. 731, a bill to regulate undeclared war, room 4221 NSOB, Wednesday, March 24, 1971, 10 a.m.)

In the opening sessions of these hearings on S. 731 which I have introduced with Senators Mathias, Pell and Spong—a bill to regulate undeclared war—three distinguished national authorities established the historical and constitutional imperatives for this legislation. In my testimony today I shall draw upon the lessons, themes, and principles of that testimony. But first I will address myself to the present situation—the contemporary imperatives for legislation as embodied in S. 731.

Our nation today is facing perhaps the greatest crisis of its history since 1865—and the Vietnam war is the core of that crisis. The Vietnam war has strained to the breaking point the political, social and economic fabric of our national life. It has introduced in our nation a divisiveness and erosion of spirit not seeen in this century.

It is essential that we devise a national means to prevent other Vietnams, and no one has a higher stake in this task than the President of the United States.

Soon, I hope, the Secretary of State will testify before us on S. 731, along with the measures suggested by Senators Taft and Eagleton.

Secretary Rogers' testimony could well be a historic turning point for our nation and for the Nixon administration.

In his February 25, 1971 "State of the World" message, President Nixon stated:

"This Administration must lead the nation through a fundamental transition in foreign policy . . . we are at the end of an era. The postwar order of international relations—the configuration of power that emerged from the Second World War—is gone. With it are gone the conditions which have determined the assumptions and practice of United States foreign policy since 1945."

The President further stated:

"Our experience in the 1960's has underlined the fact that we should not do more abroad than domestic opinion can sustain."

In my judgment, the President is right in his diagnosis; there is urgent need for a fundamental updating of U.S. foreign policy principles and procedures—and especially is this right in recognition of the perils of trying to fight undeclared wars which domestic opinion will not sustain.

This is the fundamental rationale for S. 731. My cosponsors and I regard this bill as basic national legislation. It is legislation essential to our security and well being. It is legislation in the interest of the President as well as the Congress. By joining us in support of this legislative approach the Administration would be seizing an opportunity to transform into creative partnership its embattled relationship with Congress over Vietnam—and it would open an opportunity to clear the turgid and oppressive political atmosphere created in this country by the Vietnam war.

The President on many recent occasions has expressed his fear of what he calls "neo-isolationist" trends. The best way for him to arrest any such trend would be to join in legislation to establish a role for Congress and the people in controlling undeclared wars.

Conversely, opposition to this type of legislation can only exacerbate the situation between the Congress and the President over undeclared wars.

For, undeclared wars have been Presidential wars. Such wars—while seeming to have so vastly expanded Presidential power—have in fact done more to undermine the Presidency than any development in modern history.

In his projection of the international security situation in the years ahead, the President placed major emphasis on the importance of conventional forces—the kind of forces which get involved in Vietnam-type wars. In his "State of the World" message in this regard he stated:

"The change in the strategic situation in recent years profoundly enhances the importance of our general purpose forces. . . . General purpose forces, therefore, now play a larger role in deterring attacks than at any time since the nuclear era began."

While we move heaven and earth to avoid a nuclear confrontation, in the decade ahead, and no one can rule it out, the more likely prospect is a continuation—perhaps acceleration—of the brush fire and guerrilla wars of the recent past. Asia, Africa and Latin America all have the seeds for potential wars of this nature. The great challenge for American statesmanship will be, therefore, to avoid being sucked into the quagmire of another Vietnam.

We became involved in Vietnam incrementally, in an off-hand and almost absent-minded way. S. 731 would prevent that from happening again because it requires a deliberate, joint national decision taken by the President and the Congress.

Thus far I have emphasized the prudential and restraining aspect of S. 731, for these considerations are now uppermost in our minds. But I know of no Senator who is not keenly aware of the potential dangers to American security and American interests in many parts of the globe. And I know of no Senator who wants a President and Commander-in-Chief unequipped to safeguard U.S. security and the national interest with vigilance and dispatch.

I believe that S. 731 gives the President more authority to do what is necessary and proper in an emergency than he now possesses.

Under S. 731 the President for the first time would have statutory authority to take emergency protective actions in defense of American lives and American interests—in areas where Presidents previously have acted solely on the basis of unilatrally asserted authority which faced many subsequent challenges.

The four categories specified in Section A of S. 731 are compiled from historical precedents which have acquired the quasi-legal sanction of tradition. It is high time that tradition and practice of this nature be codified into law. The President will know where he stands. The Congress and the people will know where they stand. And the world will know where America stands.

I take this opportunity to express my conviction that S. 731 fully accommodates the need for Presidential authority to act with flexibility and discretion in emergency situations. I certainly recognize that need and made every effort to see that it was accommodated in the drafting of this legislation.

Indeed, I may have gone too far in this regard, for the previous witnesses and several members of the Committee have questioned the propriety of authorizing, in Section A (3), the use of the armed forces "to protect the lives *and property*" of U.S. nationals abroad. I believe that the words "and property" can probably be deleted when the bill is marked-up. Let me make it clear that I did not intend this to be interpreted as authority to intervene militarily on behalf of American business or property interests in the commercial sense. I had intended to authorize the protection "as may be required" of the immediate personal property—such as the house or automobile—of endangered U.S. nationals when such property is integral to their personal safety and survival. I had also intended to authorize the protection of official United States government property and installations such as the American Embassy compound (where U.S. citizens usually are gathered in moments of danger) or U.S. military facilities such as Guantanamo Bay. However, in view of the potential for misinterpretation I am prepared to delete the words "and property" from Section A (3).

I wish now to refer back to the testimony of the three previous witnesses—Professors Henry Steele Commager, Richard B. Morris and Alfred H. Kelly. That testimony—and the supplement we will hear tomorrow from Professor Alpheus T. Mason, a preeminent authority on Constitutional law and the Supreme Court—established beyond any question the Constitutionality of the legislative approach of S. 731. My own research has convinced me of this from the outset. But it was very important and very illuminating to have their testimony on this score. Their testimony of course went far beyond this point. One member of the Committee called it a memorable seminar in our national history. A salient point of that "seminar" was that not only the letter—but preeminently the spirit and intent—of the Constitution cries out for legislation such as S. 731.

We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. That danger now permeates the political climate beyond the immediate issues of the war per se.

The stress of the imbalance has reached proportions where the very credibility and bona fides of our Constitutional form of government has been called into question in the minds of many Americans, particularly younger Americans. They see the unchecked power of a President to prosecute an undeclared war as a barrier to their most fundamental aspirations and ambitions for the nation they will inherit. Many members of my own generation are also deeply disturbed by the unresponsiveness of our last two Presidents to Congressional and public pressures to control war and to give the nation the means to redirect our national energies and resources to even higher priority issues at home and abroad.

The legislation before us today is a crucial first step in reestablishing the Constitutional balance so essential to the survival and proper functioning of our democratic political system.

S. 731 is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional Power—the exclusive authority of Congress to "declare war"; the power to change the nation from a state of peace to a state of war.

The framers of the Constitution took pains to reinforce the central power of Congress to "declare war" by surrounding it with the power of Congress to "raise and maintain" the armed forces and "to make rules for the government and regulation" of these forces. The Founding Fathers did not contemplate the existence of anything more than minimal standing armies. Consequently, they did not foresee the possibility of a President/Commander-in-Chief having the wherewithal at hand to engage in warfare without prior action by Congress (except in emergency defensive actions).

The foresight of the framers is reinforced in the crucial final clause of Section 8, Article I, which goes beyond the comprehensive and carefully specified war powers reserved to the legislature. That final clause gives to Congress the unequivocal authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

S. 731 will, after almost 200 years, do exactly that in regard to the most decisive power dealt with under the Constitution.

Mr. Chairman, to help complete the record being compiled in these historic hearings—a record which I believe will be a major source of information on this topic in years ahead—I ask unanimous consent to have the following material be included as appendices to my remarks. (A) My remarks of February 10, 1971 introducing S. 731 on the Senate floor; (B) A speech titled "Who Makes War" which I delivered at Princeton University on December 8, 1970; (C) A legal brief in support of S. 731 which appeared in the Congressional Record of March 5, 1971; (D) Letters in support of S. 731 which I have received from Professor Irving Brandt. Professor Benjamin Wright, Professor Alexander M. Bickel, Professor Merrill Jensen and Professor Phillip Jessup; (E) A letter from James Madison to Thomas Jefferson dated April 2, 1798 and record of a debate in the House of Representatives in March, 1798, concerning "Relations With France;" (F) An extract from Madison's notes on the debates of the Constitutional Convention, concerning treaties of peace, dated September 7, 1787.

PRISONERS OF WAR/MISSING IN ACTION

Mr. DOMINICK. Mr. President, as a cosponsor of proposed legislation to authorize the President to designate this week as "National Week of Concern for Prisoners of War/Missing in Action," I join Senators in urging a continued, unified commitment to the freedom and safety of these brave men while continuing to register our protests over the inhumane treatment they are receiving from the North Vietnamese.

The adminstration's determination in pursuing humane treatment and eventual release of our men should be reassuring to the friends and families of the prisoners and missing men. A very strong component of the administration's commitment to these men is provided by the Veterans' Administration. The VA has pledged itself to offer a well rounded program which provides not only specialized health care and rehabilitative services for the returning men, but also an interim program of housing and educational benefits for their dependents.

As the author of the legislation providing such necessary assistance to the families of these brave men, I am proud to note the progress of such program, and confirm the Veterans' Administration's pledge to the men and the families of the men who are missing in action or prisoners of war in Southeast Asia.

I ask unanimous consent that the telegram sent by Veterans' Administrator, Donald E. Johnson, to all Veterans' Administration field stations on March 23, 1971, be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

> The President and Congress have designated this week as a "National Week of Concern for Prisoners of War or Missing in Action."
>
> I urge all of our Veterans' Administration installations and our more than 170,000 employees across the land to give full and active support to the President's call "upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end."
>
> I know that the President in his proclamation speaks for all his countrymen when he says of the 1,600 Americans missing in action or known to be captured, "even in captivity, they continue to serve our Nation in the highest sense of honor and duty to country. We owe them in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandon them."
>
> The Veterans' Administration has a special interest in these men. When they return they will need specialized health care and rehabilitative services. It will be our privileged responsibility, undertaken with thanks for their return, to aid them in their transition back to full participation in the mainstream of American life.
>
> And not only this week, but every week, the Veterans' Administration has a signal opportunity to translate the compassion of all America into benefits action on behalf of the families of these brave men.
>
> Under recent law, the Veterans' Administration has been able thus far to provide educational training for more than 90 wives. Some 60 college age children have been assisted in continuing their schooling, and over 30 familes are being assisted in securing Veterans' Administration home loan guaranties.
>
> I call on all Veterans' Administration field stations to continue giving prompt and dedicated attention to the needs of the families of these men we honor, and to accelerate these programs where possible. I urge you to seek out each of those families residing in your area to apprise them of the rights they now have under law, and to provide all possible assistance.
>
> Although Veterans' Administration financial aid cannot begin to compensate for the pain of separation from their loved ones, we can and we must try to ease the burden these families must bear by providing all possible Veterans' Administration assistance.
>
> DONALD E. JOHNSON,
> *Administrator.*

SETTING THE NETWORK CREDIBILITY GAP STRAIGHT

Mr. HANSEN. Mr. President, unfortunately the distinguished junior Senator from South Dakota (Mr. McGOVERN) did not advise me that he intended to have printed in the RECORD yesterday some material that concerned me and was critical of me.

Following his remarks, the Senator from South Dakota placed in the RECORD a March 22, 1971, letter from Mr. Julian Goodman, the president of National Broadcasting Co., Inc. Contrary to the representations made by the junior Senator from South Dakota, Mr. Goodman's letter did not deal with what the South Dakota Senator called "administration attacks," but rather with the program hosted on March 12, 1971, by the junior Senator from Wyoming. Mr. Goodman's letter was aimed specifically at the actions of the junior Senator from Wyoming. Mr. Goodman's letter did not refer to the administration at all.

The distinguished Senator from South Dakota entitled his remarks "You Shall Know the Truth: A Reply to Criticism of the Networks." Had the junior Senator from South Dakota informed me of his intent to present Mr. Goodman's letter for the RECORD, I would have been glad to be present yesterday to help him establish the truth.

I made known to the distinguished Senator from Wyoming's neighboring State that I intended to deal with this matter today—to establish the truth of this matter. The Senator from South Dakota regretted that he could not be present today because of other commitments.

Judging from the use of Mr. Goodman's letter yesterday, I am not sure that my distinguished colleague realized the subject of which Mr. Goodman wrote his letter—a letter that it is important to note, contained some serious inaccuracies.

I ask unanimous consent that at the completion of my remarks my letter responding to Mr. Goodman, and pointing out his errors, be printed in the RECORD.

Now I would refresh the memory of the distinguished junior Senator from South Dakota. On March 11, 1971, a member of my staff hand-delivered an invitation from the junior Senator from Wyoming to the junior Senator from South Dakota, and the same invitation to the office of every Member of the Senate. The invitation also went to every Member of the House of Representatives. I will read the invitation:

> As you know, in recent days, there has been some criticism of the news media, especially television, for its coverage of South Vietnam's limited invasion of Laos.
>
> Fortunately, we can now judge for ourselves whether there is any bias to that coverage.
>
> Vanderbilt University, one of the great universities of the nation, in recent years has been collecting news television tapes as part of an effort to preserve the history of this nation.
>
> The man who is responsible for this effort is Mr. Paul Simpson of Nashville, Tennessee.
>
> He has graciously agreed to provide an hour and a half's worth of TV tape for showing in Room 457 of the Old Senate Office Building from 9:30 a.m. to 4 p.m., continuously, today.

I do not know whether the junior Senator from South Dakota was able to view the evidence presented in the videotape record made available by Vanderbilt University of the coverage by the National Broadcasting Co. and the Columbia Broadcasting System of the Laos incursion from evening newscasts of those two networks during the period February 25, 1971, through March 5, 1971. I do know that the Senator was invited to view the facts and make his own judgment. I hope that he did, with other Senators, take advantage of that opportunity to know the truth, and I hope that he will make known whatever conclusions he reached after that examination.

Mr. Goodman's letter, a copy of which I received this week, and which the Senator from South Dakota placed in the RECORD was a far cry from a letter Mr. Goodman wrote to me on March 13, 1970—a little over a year ago. In his 1970 letter to me, Mr. Goodman said:

> NBC News has never felt itself immune from responsible criticism. We expect it and frequently profit from it.

Somehow, Mr. Goodman's 1971 letter to me, or perhaps more accurately, about the junior Senator from Wyoming, does not seem to indicate that NBC News still welcomes an examination of its newscasts.

In 1970, the NBC president welcomed a review of NBC news reporting, but this year when the Vanderbilt University record of NBC and CBS is examined by Members of Congress, the welcome mat is no longer out.

All of the media in the Metropolitan Washington area were invited by notice to the galleries and by notification to the Associated Press and United Press International city wire to attend the Vanderbilt presentation. I know that some camera crews were present at least briefly, including one from CBS, but to my knowledge this coverage has not been broadcast by the network. I wrote to the president of CBS on March 17, asking why the decision was made to withhold this information that the network must have gone to some expense to film with a five-man crew, but have received no response.

Mr. President, this is a copy of my recent response to Mr. Goodman:

> Your letter is at hand. It was first brought to my attention by several reporters and by a member of the Senate to whom the letter was addressed.
>
> First, I want to make it clear that I believe we in the United States are privileged to have the best news media in the world. It is because of this generally excellent record of fairness and objectivity that many Americans are saddened when these news media fail to deliver what we have grown to expect

from them—fair and unbiased reporting of the facts.

Second, your letter contains several statements that are not factual, and I refer specifically to the third paragraph. You allege that I "extracted excerpts dealing on a day-by-day basis with the Laos operation" and that I "assembled these excerpts into a running presentation for showing in the Senate." This work was done by Vanderbilt University, which keeps a videotape record of television newscasts. The University offered no judgment as to whether the material lacked objectivity. The material was not "extracted excerpts," but was represented to me as a complete record of the portions of the evening newscasts dealing with the Laos incursion during the period February 25, 1971, through March 5, 1971.

Third, I invited every member of Congress to view this material and make his own judgment. The news media were invited also, both through advance announcements to the galleries, and through the facilities of United Press International and the Associated Press.

You state that "The news material itself does not support these charges . . ." and further you state "The charges of bias are not only unsupported, but dangerous, because they seek to interfere with the free flow of information essential to the public."

Both of these statements reflect your opinion and your conclusions. You are entitled to both. But I believe the public also is entitled to make its own judgment. I made mine on the basis of seeing these video tapes. I am disappointed in NBC's failure to measure up to the standards we expect of it.

CONSTITUTIONAL CRISIS IN 1971: THE UNCERTAIN CONTINUANCE OF REASON

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record a statement entitled "Constitutional Crisis in 1971: The Uncertain Continuance of Reason," given by Alpheus Thomas Mason before the Committee on Foreign Relations on March 25, 1971.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Constitutional Crisis in 1971: The Uncertain Continuance of Reason

(Statement of Alpheus Thomas Mason)

America is in the midst of a grave constitutional crisis. The closest parallels are the Civil War and the economic depression of the nineteen thirties. The Javits bill, S. 731, represents a significant effort, among others, including John Gardner's *Common Cause*, to meet it. Even if S. 731 wins enactment, the present Court would perhaps refuse to sustain it. A recognized scholar, no cynic, commented: "Courts love liberty most when it is under pressure least."[1] At home and abroad liberty is endangered. It is, indeed, under pressure. Except among our youth, apathy is widespread. Recalling Justice Brandeis' reminder, "the greatest danger to liberty is an inert people," I accepted the invitation of Senators Fulbright and Javits to appear before this Committee.

The Founding Fathers feared, above all, unchecked appetite for power. "The truth is," Madison remarked, "that all men having power ought to be mistrusted." "Confidence," Jefferson declared, "is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions, to bind down those we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. . . ."[2]

Our political system reflects distrust—written Constitution, a detailed Bill of Rights, separation of powers, federalism, judicial review. American history features a running debate concerning the relative value of these safeguards. During the formative years, James Wilson and Alexander Hamilton took up the cudgels in favor of structural checks—federalism and separation of powers. These, they argued, precluded necessity for a Bill of Rights.[3] Jefferson disagreed, insisting on additional binders. "A bill of rights," he argued, "is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference."[4] Jefferson carried the day. In certain quarters, the first eight amendments—our Bill of Rights—(in 1789 an almost forgotten appendage) is now considered "the heart of any Constitution."[5]

Thanks to this joint concern for freedom, the Constitution embodies both these safeguards.

Debate concerning the priority of structural vis-a-vis bill-of-rights checks continues in the councils of the Supreme Court. Justice Black and Douglas are in the Jeffersonian tradition, stressing bill-of-rights freedoms. Justice Harlan, echoing Wilson and Hamilton, highlights structural safeguards.

"We are accustomed," Harlan observes, "to speak of the Bill of Rights and the Fourteenth Amendment as the principal guarantees of personal liberty. Yet it would surely be shallow not to recognize that the structure of our political system accounts no less for the free society we have." The Founding Fathers, he continues, "Staked their faith that liberty would prosper in the new nation not primarily upon declarations of individual rights but upon the kind of government the Union was to have." No view of the Bill of Rights or interpretation of any of its provisions," the Justice warns, "which fails to take due account of [federalism and separation of powers] can be considered constitutionally sound."[6]

Among the checks against abuse of power, none was relied on with greater confidence than separation of powers. Inherited from Montesquieu, Madison said of it: "No political principle is certainly of greater intrinsic value."[7] To what expedient," Madison asked, "shall we finally resort for maintaining in practice the necessary participation of power among the several departments, as laid down in the constitution?" "The only answer that can be given is," he retorted, "that as all these exterior provisions [dependence on the people, designated the "primary control"] are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. . . . [T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be commensurate to the danger of attack. Ambition must be made to counteract ambition. . . . [T]he constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public rights."[8] Quoting Montesqieu, Madison concluded: "'There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates.'"

Separation of powers, as inherited from Montesquieu, and interpreted by Madison, did not preclude all power blending; this did not mean that the various departments "ought to have no partial agency in, or no control over, the acts of each other." Quite the contrary. "The fundamental principles of a free constitution are subverted," Madison wrote, "where the *whole* power of one department is exercised by the same hands which possess the whole power of another department. . . ."[9]

Structural limits and the Bill of Rights, though essential, do not constitute the primary control. "A dependence on the people," Madison wrote in *Federalist* 51, "is, no doubt, the primary control on the government; but of auxiliary precautions."[10]

The irony of our present situation is that all these checks—structural, bill of rights, "dependence on the people"—are in jeopardy. Separation of powers in war-making, constitutionally shared by Congress and the President, has all but vanished. The President is in complete, unqualified control. Though the Congress may withhold appropriations, it has, for whatever reason, refused to do so. The enormity of our present situation indicates that Congress should seek means of exercising the power the Framers had the wisdom to confer upon it. Even the primary control—"dependence on the people"—is delusive or non-existent. In the last two presidential elections, the voter enjoyed no choice. As to the war-making power, our two party system did not exist. There looms before the voter in 1972 the same Hobson's choice.

The most ominous erosion is that of Bill-of-Rights freedoms. Examples of repressive action occur almost daily. Under "Presidential prerogative," or the inherent powers doctrine, Mr. John Mitchell tells us, that "The President, acting through the Attorney General, may constitutionally authorize the use of electronic surveillance in cases where he has determined that, in order to preserve national security, the use of such surveillance is reasonable." Advice of the Attorney General thus replaces the Constitution. Gone is the Fourth-Amendment mandate against "unreasonable searches and seizures," and the Supreme Court's ruling of 1967 that "Searches conducted outside the judicial processes, without prior approval of judge or magistrate, are *per se* unreasonable under the Fourth Amendment . . ."[11]

The Framers, with deliberate care, made war-making a joint enterprise. Congress is authorized to "declare war"; the President is designated "commander-in-chief." Technology has expanded the President's role, and correspondingly curtailed the power of Congress. Unchanged are the joint responsibilities of the President and Congress. The fact that a congressional declaration of war is no longer practical does not deprive Congress of constitutionally imposed authority in war-making. On the contrary, it is under obligation to readjust its power position. S. 731 and S.J. Res. 59 are encouragingly significant steps in this direction.

The President is under a positive obligation "to take care that the laws be faithfully executed." His power must be adapted to changed and changing conditions. But in fulfilling this responsibility, he must also take into account those principles and provisions of the Consitution which restrict as well as enlarge his powers. As Commander in Chief, he cannot pick and choose the provisions of the Constitution he executes.

Of course the Framers could not have foreseen conditions as they exist today, but the underlying principles of their handiwork is clear. As to war-making, they intended Congress to participate. Early in the Philadelphia Convention debates, Madison observed: "A rupture with other powers is among the greatest national calamities. It ought therefore to be effectually provided that no part of a nation shall have it in its power to bring them [wars] on the whole."[12] Madison was referring to the possibility that individual states might unwittingly involve the country

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Footnotes at end of article.

in war, but his conviction that the war-making power should be shared is clear.

Responsive to changed conditions, Presidents have greater willingness to carry their constitutional powers to the limit (some might say even beyond) than has Congress. Accordingly presidential power expands while congressional influence declines. Would it not seem to follow that as presidential practice diverges from the established course, it is incumbent on Congress to seek ways of maintaining the constitutional partnership? In a dynamic world of instant mobility, the President's consttutional obligation to report on the state of the union is not fulfilled by the Annual Message to Congress or televised talks to the nation. Nor need Congress await presidential initiative. It might utilize more fully its investigative function, streamline its procedures, implement its constitutional share in war-making.

"Taken by and large," the late Professor Corwin wrote, "The history of the Presidency has been a history of aggrandizement." [13] In recognition of vastly changed conditions, Congress itself has endorsed Executive aggrandizement. Presidential power must be enlarged and delegated to meet altered circumstances. By the same token, Congress' share in war-making should also be adapted to unforeseen developments. Otherwise technological evolution alone makes emergence of a totalitarian system inevitable.

Sharing power in this sensitive area was not meant to cripple and impede; it was designed to produce a wiser course of action. Sound in 1787, it is no less so in the 1970's. Walter Lippman puts it this way:

"The executive is the active power in the state, the asking and the proposing power. The representative assembly is the consenting power, the petitioning, the approving and the criticizing, the accepting and refusing power. The two powers are necessary if there is to be order and freedom. But each must be true to its own nature, each limiting and complementing the other. The government must be able to govern and the citizens must be represented in order that they shall not be oppressed. The health of the system depends on the relationship of the two powers. If either absorbs or destroys the functions of the other power, the Constitution is deranged." [14]

American history could be written in terms of an unending series of revolutions—1776, 1787, 1800, the Jacksonian revolution, the Civil War, the Constitutional revolution of the 1890's, the Roosevelt revolution. Revolution. Revolution of varying orientations is the most conspicuous aspect of our time. With one tragic exception—the Civil War—all were peaceful. all have been accommodated by the Constitution. The Civil War demonstrated the limits of reason in politics; the New Deal revolution proved its potentialities.

In the nineteen thirties an awkward impasse between Congress and the President, on the one hand, and the Supreme Court on the other, precipitated F.D.R.'s disingenius Court-packing proposal. In ths conflict, both sides won, both lost. Court-packing was defeated, but the President gained judicial endorsement of his program. The beneficiaries were the American people and their system of free government.

Peaceful change was not a happenstance: the Framers planned it that way. In supporting ratification of the proposed Constitution, Hamilton and Madison argued that, while not turning their backs on our birthright—the moral right of revolution—they insisted that the Constitution of 1787 was designed to reduce the danger of violent revolution to the minimum. They hoped to achieve this happy result by providing within the political system itself the means whereby the grievances of individuals and minorities could be heard and perhaps vindicated.[15] Such a system would, in Jefferson's words, "render unnecessary an appeal to the people, . . . rebellion on every infraction of their rights." [16]

The closest parallel with the constitutional crisis we face today is the Civil War. In this conflict two issues—slavery and the nature of the Union—entangled in economics, ethics, and politics, were at stake. Neither lent itself to resolution by recourse to reason. Two generations of debate in the halls of Congress, in the hustings, in public and private forums were of no avail. Hence resort to force. The parallels today are the Indo-China War and Separation of Powers. Now, as in the Civil War, both moral and constitutional issues agitate public concern. Just as slavery and nature of the Union did not yield to prolonged debate and discussion, so the issue of Vietnam and Separation of Powers appears not to respond to reason. Presidents Johnson and Nixon have made almost a virtue of unresponsiveness. As James Reston put it, both seem determined to perpetuate what the people condemn. Extremes on both sides, therefore, resort to the politics of unreason—force and violent retaliation.[17]

Nor is the President the only organ of our government turning a deaf ear to those who challenge the wisdom and constitutionality of what we are doing in Indo-China. In the crises of the 1860's and the present impasse, one difference stands out sharply—the role of the Supreme Court. In an effort to resolve the slavery-union issue, the Taney Court intervened with disastrous consequences. Twentieth-century Supreme Court Justices are more cautious. On the narrow issue of the President's power to wage war, the Supreme Court has repelled every effort, including one specifically contrived—the Massachusetts Shea Bill—to evoke a decision. The Justices, three dissenting, not only refused to decide the case but also declined to give any reasons for not doing so.[18] Protestors are driven to other forums and solutions.

In the present constitutional crisis, certain Americans find themselves in the unenviable position John Locke postulated in his *Civil Society*. Let no one say the aggrieved have no appeal, Locke reassured. For them, he declared, "the appeal lies nowhere but to Heaven, . . . the injured party must judge for himself when he will think fit to make use of that appeal and put himself upon it." [19]

I have never been quite sure whether *Heaven* in this context is an euphemism for prayer or force. In any case, Locke's solution for those opposing the existing order did not satisfy America. Among the arguments in favor of a Bill of Rights, the one Jefferson singled out as carrying "great weight" was "the legal check it puts in the hands of the Judiciary." [20] In presenting Bill-of-Rights Amendments to the First Congress, Madison invoked Jefferson's argument, declaring that "independent tribunals of Justice will consider themselves in a peculiar manner the guardian of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or the executive. . . ." [21]

In the abstract, our political system provides within itself a forum where alleged invasion of individual and minority rights can be voiced and perhaps remedied. "No government," Chief Justice Marshall declared, "ought to be so defective in its organization as not to contain within itself the means of securing the execution of its own laws against other dangers than those which occur every day." [22] Moreover, through the years, our system has made it possible, with one exception, to accommodate change, drastic transformation, without resort to violent revolution. In the 1970's this vital aspect of free government is challenged as never before.

Three administrations, two headed by Democrats, one by Republicans, embarked on a course which countless citizens, including those of highest competence, consider immoral, barbaric, and unconstitutional. Yet protestors and dissenters are not only faced with an unresponsive government but also humiliated, stigmatized as un-American—Communists, traitors. The penalties they suffer are both physical and psychological. The police club them; hardhats assault them; [23] the National Guard murders them—second degree.

There is another parallel between the present constitutional crisis and that which led to the Civil War. Just as abolitionists were subjected to physical and psychological violence, so today protestors against the Indo-China war suffer the same fate. Paying tribute to the abolitionists, in 1836, William Ellery Channing noted that "the greatest truths are often the most unpopular and exasperating." Continuing, Channing wrote:

"In regard to the methods adopted by the Abolitionists of promoting emancipation, I might find much to censure; but when I regard their firm, fearless assertion of the rights of free discussion, of speech and the press, I look on them with unmixed respect. I see nothing to blame, and much to admire. To them has been committed the most important bulwark of liberty, and they have acquitted themselves of the trust like men and Christians. No violence has driven them from their post. Whilst, in obedience to conscience, they have refrained from opposing force to force, they have still persevered amidst menace and insult, in bearing their testimony against wrong, in giving utterance to their deep convictions. Of such men, I do not hesitate to say, that they have rendered to freedom a more essential service than any body of men among us. The defenders of freedom are not those who claim and exercise rights which no one assails, or who win shouts of applause by well-turned compliments to liberty in the days of her triumph. They are those who stand up for rights which mobs, conspiracies, or single tyrants put in jeopardy; who contend for liberty in that particular form which is threatened at the moment by the many or the few." [24]

Today, as in 1836, there is much to deplore in the methods of those who assert their constitutional rights to oppose and dissent, just as there is much to condemn in the methods of those professing to promote national security, unity in the face of a common danger. Certain protestors against the Indo-China War carry the flag of Hanoi. Certain dissidents, protesting the protestors, display the American flag. Both strike at the jugular vein of a free society.

Judge Learned Hand reminds us that "All discussion, all debate, all dissidence tends to question and in consequence to upset existing convictions and institutions: that is precisely its purpose and justification." [25] Said Justice Holmes "We do not lose our right to condemn either measures or men because the country is at war." [26]

In his State of the Union message, President Nixon called for "a new American revolution" that would direct the flow of power back to the people. Surely this is long overdue. Equally necessary is a reversal of trend, especially in war-making, that would channel the flow of power to Congress. This aspect of a new revolution is all the more urgent in an era in which war has become the normal rather than an abnormal condition.

Lenin used to say that peace is but a pause between two wars. In the foreseeable future no pause is in sight. Even when there is no "actual fighting" there is, as Hobbes observed, "the known disposition thereto, during all the time there is no assurance to the contrary." [27]

In the present constitutional crisis our commitment of 1776, the faith that government could safely rest on reason and con-

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Footnotes at end of article.

sent rather than on coercion and force, is at stake. Looking back in 1825 on this wager, Jefferson called it "the bold and doubtful election we were to make for our country." [28] At home and abroad, the future of free government is still uncertain. One observes an unwitting conspiracy in which extremes, Right and Left (perhaps also "the silent majority") substitute the politics of unreason for the politics of reason and consent. The Right resorts to repression and violence to maintain the status quo; the Left uses violence and sabotage to destroy the so-called Establishment. Both employ the self-defeating means they profess to deplore. Anticipating our dilemma, Dr. Samuel Johnson's philosopher in *Rasselas* observed: "Of all the uncertainties of our present state, the most dreadful and alarming is the uncertain continuance of reason." It would indeed be ironical if in our desperation to save freedom from external forces, it should succumb at our own hands.

FOOTNOTES

[1] John P. Frank, "Review and Basic Liberties," in Edmond N. Cahn, ed., *Supreme Court and Supreme Law* (1954), p. 114.

[2] Quoted in A. T. Mason, *Free Government in the Making* (1965), p. 371.

[3] A. T. Mason, *The Supreme Court: Palladium of Freedom* (1962), pp. 49–51, 55–56.

[4] Mason, *Free Government in the Making*, p. 319.

[5] Earl Warren's characterization in 1947, six years before he became Chief Justice of the United States. H. Christman, ed., *The Public Papers of Chief Justice Earl Warren* (1959), p. 7.

[6] Address of John M. Harlan at the Dedication of the Bill of Rights Room, New York City, Aug. 9, 1964.

[7] E. G. Bourne, ed., *The Federalist*, vol. 1, p. 329.

[8] *Ibid.*, pp. 353–55.

[9] *Ib.*, p. 331.

[10] *Ib.*, p. 355.

[11] Alan Barth, "Wiretapping: Too Much Power to the President," *Los Angeles Times*, Feb. 28, 1971.

[12] Quoted in W. Taylor Reveley, III, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 *Virginia Law Review* (Nov., 1969), pp. 1243–1305, at 1284. See also John J. Abt, *Who Has the Right to Make War: The Constitutional Crises* (1971).

[13] E. S. Corwin, *The President: Office and Powers* (3rd revised edition, 1948), p. 366.

[14] Quoted in Reveley, *op. cit.*, p. 1300.

[15] Mason, *The Supreme Court: Palladium of Freedom*, pp. 40–45 *passim*.

[16] Mason, *Free Government in the Making*, p. 168.

[17] Seymour M. Lipset, *The Politics of Unreason: Right-Wing Extremism in America, 1790–1970 (1971)*.

[18] *New York Times*, Nov. 19, 1970. See, in this connection, Anthony A. D'Amato, "The Massachusetts Antiwar Bill," *New York State Bar Journal*, vol. 421 (Nov., 1970), pp. 639–49, and A. T. Mason, "Judicial Activism: Old and New," 55 *Virginia Law Review* (1969), pp. 406–07.

The Court has not always considered itself powerless in this area. Amid the undeclared Korean war, the Justices blocked President Truman's seizure of the steel mills. Rejecting the familiar argument that national security requires presidential hegemony, Justice Jackson declared that this would justify the President's authority to do "anything, anywhere, that can be done with an army and navy." *Youngstown Sheet and Tube Co.* v. *Sawyer*, 353 U.S. 579, 641–42, Justice Jackson, concurring. See Reveley, *op. cit.*, p. 1277.

[19] Quoted in Mason, *Free Government in the Making*, p. 37.

For America, Locke's constitutionalism was wanting on the institutional side. Parliament being supreme, enjoying both constituent and law-making power, individuals and minorities, alleging that their rights had been invaded, could turn to no forum, within the government itself for protection. Locke does not minimize their plight:

"But if the unlawful acts done by the Magistrate, be maintained (by the Power he has got) and the remedy which is due by Law, be by the same Power obstructed; yet the Right of *resisting*, even in such manifest Acts of Tyranny, *will not* suddenly, or on slight occasions, *disturb the Government*. For if it reach no farther than some private Men's Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the Right to do so, will not easily engage them in a Contest, wherein they are sure to perish; it being as impossible for one or a few oppressed Men to *disturb the Government*, where the Body of the People do not think themselves concerned in it, as for a raving mad Man, or heady Male-content to overturn a well-settled State; the People being as little apt to follow the one, as the other."

Two Treatises on Government, a critical edition, Peter Laslett, ed. (1960), paragraph 208.

[20] Mason, *Free Government in the Making*, p. 323.

[21] *Ibid.*, p. 327.

[22] *Cohens* v. *Va.*, 6 Wheat. 264 (1821).

[23] *U.S. News and World Report*, June 1, 1970, p. 89.

[24] Mason, *Free Government in the Making*, p. 516.

[25] Address before Forty-Eighth Annual Meeting of the American Jewish Committee. *New York Times*, Jan. 30, 1955, p. 68, col. 4. Compare Justice Douglas in *Terminello* v. *Chicago*, 337 U.S. 1, 4 (1949).

[26] *Frohwerk* v. *U.S.*, 249 U.S. 204, 208 (1919).

[27] Thomas Hobbes, *Leviathan* (London, 1651), chapter 13, p. 84.

[28] Mason, *Free Government in the Making*, p. 371.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. One minute remains.

ORDER FOR EXTENSION OF THE PERIOD FOR THE FURTHER TRANSACTION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes with statements therein limited to 3 minutes, that at the end of that time the Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 30 minutes, and at the conclusion of that time the period for the transaction of routine morning business be again resumed, with a 3-minute limitation on speeches, for a period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE SKI TRIPS FOR WELFARE RECIPIENTS

Mr. BYRD of Virginia. Mr. President, it has come to my attention that a number of welfare recipients in New York City have been sent on ski trips to Massachusetts, Vermont, and upstate New York.

Radio station WCBS of New York has revealed that these trips have been financed with funds provided by the Bronx model cities program.

These funds come from hard-working American taxpayers. They are a public trust.

The model cities program is administered by the Department of Housing and Urban Development, and last Thursday I sent a telegram to HUD Secretary George W. Romney asking for the facts in connection with the ski-trip program and for his own views on this matter.

I want to read the text of my telegram to Secretary Romney:

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

WCBS Radio of New York City reports that 150 welfare recipients in N.Y. have been taken on ski trips with funds provided under the Bronx Model Cities program. I understand the program called for expenditure of $30,000 for trips for 600 people.

I would appreciate your advising me:

1. Whether the facts as reported by WCBS are correct;
2. Whether you would regard this as an appropriate use of federal tax funds;
3. Whether tax funds are being used for similar purposes in other areas of the country , and if so, what areas;
4. What action if any your department has taken in connection with the situation in N.Y.C. and any similar situations.

HARRY F. BYRD, Jr.,
United States Senator.

To date I have received no reply from Mr. Romney—and I have again communicated with him.

I have no reason, however, to doubt the authenticity of the information broadcast by WCBS, especially since part of the program consisted of an interview with Mr. Hugh Lewis, director of the Bronx model cities project, who affirmed and defended the ski-trip program.

I ask unanimous consent that at the conclusion of my remarks there be inserted in the RECORD the text of the February 10 broadcasts by WCBS on the subject of the ski trips.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, to use public funds for frills such as ski trips is to take money away from people truly in need.

The New York ski-trip program should be thoroughly investigated.

The rationale of the director of the antipoverty project, Mr. Lewis, is that such trips have a "therapeutic" effect on many family problems.

Undoubtedly true.

But should the taxpayers foot the bill?

What about the "family problems" of the children of the hard-working wage earners who pay the taxes—the children of clerks, taxi drivers, mechanics, policemen, firemen, construction workers, and stenographers?

I hope that the members of the Appropriations Committees of the Congress who pass upon HUD budget requests will look into this matter closely.

In fairness, it must be said that HUD is by no means alone in the practice of squandering tax dollars.

In January a mother and her four children were put up at the Waldorf-Astoria Hotel in New York, at a cost to the txpayers of $76 a day, with the full approval of welfare officials in New York City.

And it has also recently come to light that under a loophole in Pennsylvania laws, a man who earns $21,853 a year qualifies for a monthly cash grant of $250.40 under the welfare program and an additional monthly payment of $26 in food stamps. Both these payments are in part furnished by the Federal Government—which means that taxpayers throughout the Nation are helping to support this man whose income is over $21,000 a year.

I think that the American people are getting fed up with this kind of abuse of trust by public officials—for it is an abuse of trust when officials permit the waste of tax dollars.

Officials in charge of all social welfare programs should keep constantly in mind that their mission is to help those who truly need help.

I want to say that I recognize the obligation of the Government toward those who are physically or mentally incapable of earning a living.

But I also want to say that I oppose turning over the tax dollars of hard-working Americans for such activities as ski trips.

Americans today realize that widespread abuses in welfare programs in any State affect citizens all over the country.

The people are coming to understand that they are paying the bill for shocking mismanagement.

It is time for Congress to heed the sentiment of the people, and to make sure that officials entrusted with tax dollars use them in a responsible way.

If officials charged with direction of social welfare programs continue to fund ski trips and suites at the Waldorf-Astoria, then these programs are going to lose the support of the Congress and the people.

EXHIBIT 1

TRANSCRIPT OF FEBRUARY 10, 1971, BROADCASTS ON WELFARE STORY, WCBS NEWSRADIO 88

Intro. Winter ski trips for welfare families? CBS Newsman Dave Marash says they're part of an experimental program being conducted by a Federal anti-poverty agency in New York City.

Reporter DAVID MARASH. For young people, the summer heat of the ghetto is often relieved by camp, rural experiences provided by private charities, or public welfare money. This winter, the Bronx Model Cities Agency has extended that program to include winter weekend trips for poor families. Hugh Lewis, camp program director for the Federal anti-poverty agency, says families selected by Bronx community organizations have traveled to three New England resorts.

HUGH LEWIS. The winter experiences that most white families have are the thing that black and Puerto Rican families don't ordinarily have. To them it's kind of an inaccessible luxury. And we got very reasonable rates. We did a tremendous amount of research—checking out lodges, camps, that had winter facilities, and in terms of the prices that we're paying, they're about as reasonable as we could possibly find along the Northeast coast—upper Northeast coast, that is.

MARASH. What sort of facilities do these camps offer?

LEWIS. Some of them offer room and board and have recreational game rooms, and then, of course, the outdoor activities: skiing—some skiing. They get two trips—two trips when they're skiing for the first time. And usually it's just sleigh riding, tobogganing, ice skating, hiking.

MARASH. Lewis said the trips have had a therapeutic effect on many family problems. But the program's projected $30,000 expenditure is currently being re-evaluated by Federal officials.

This is Dave Marash.

Intro. A weekend ski trip is a very "in" thing for New Yorkers if they can afford it. But how about people who can't? How about people on welfare? For them it's out! At least it is now. Dave Marash has the story.

Reporter DAVID MARASH. Almost everyone will agree that a weekend in the country away from the tensions and pollutions of city life can be physically, morally and psychologically invigorating. But many New Yorkers don't take such jaunts for one reason or another. In the Bronx, a Federal poverty agency has been providing such trips for some families who cannot afford them; providing them out of Federal OEO funds. The cost of the package projected to provide weekend trips for 600 people is $30,000. Hugh Lewis, director of the program for the Bronx Model Cities Agency, said this represents careful shopping at rock-bottom bargain rates. Lewis says the program is having all the good effects it was hoped to have.

HUGH LEWIS. I can tell you offhand from the reports I've gotten, from the leaders of these trips—especially from families that have gone—that it's been—the weekend program has been a—has done a tremendous amount of work in bringing families together. We've had—It just increases interpersonal communication between families—just having, you know, parents going ice skating and sleigh riding with their kids. And these are the kinds of things black and Puerto Rican people don't ordinarily do and it's—In terms of a social program for improving family relations, it's done—we've just gotten tremendous reports. It's been very successful.

MARASH. Still the program has been challenged both inside and outside the Model Cities organizational structure. Its budget is currently under review and the program itself has temporarily been halted.

This is Dave Marash.

INTRO. A number of welfare families in New York City have been enjoying some new fringe benefits and here to tell us about it, WCBS Newsman Dave Marash.

Reporter DAVID MARASH. For some welfare families in the Bronx this winter has been different from all other winters before. This winter, these selected families have left New York for a winter weekend in snow country. The families were picked by the Bronx community agencies and referred to the Bronx Model Cities Agency. Hugh Lewis, camp program director for the agency, says these weekends are a kind of extension of his summer camp activities.

HUGH LEWIS. We've had four trips so far and it involved about 150 people.

MARASH. Where have these trips gone?

LEWIS. To Pine Hill, New York; to Killington, Vermont, and South Lee, Massachusetts.

MARASH. What are the financial arrangements on this?

LEWIS. The estimated cost is about $14.00 per person per day. The places that have been working with us have given us a considerable discount. In some instances, it's almost half.

MARASH. Lewis says the total budgeted cost of the winter weekend program is $30,000, and that he hopes eventually to involve 600 people. The weekends of family fun and togetherness, Lewis says, have a therapeutic effect—bringing together family members who may have had difficulties in the cramped life of a ghetto apartment.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Chair recognizes the Senator from Tennessee for not to exceed 30 minutes.

THE PRESIDENT'S GENERAL REVENUE-SHARING PROPOSAL

Mr. BAKER. Mr. President, when I introduced President Nixon's general revenue-sharing proposal in the Senate on February 9, I made a determined effort to make it very clear that the President wants a program and not an issue.

I said at that time that "simple arithmetic makes plain the fact that enactment of a revenue-sharing program will require bipartisan support in a Congress controlled by the Democratic Party." I have repeatedly solicited—in public and in private—the support of members of the Democratic Party for the concept of general revenue sharing with State and local governments.

Prior to introducing the administration bill, I sought the cosponsorship of every Member of the Senate. I was extremely gratified by the cosponsorship of the distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. SPARKMAN), and other Democratic Senators who joined with us. But the number is small. And since that time, unfortunately, very little concrete support for the proposal has been forthcoming from the majority party. I am discouraged, I must confess, but not by any means at the point of despair.

In fact, several events and news reports in recent days have given me renewed cause for cautious optimism about the prospects for significant Democratic support for general revenue sharing. Not the least of these is the interest generated by a speech delivered to a special conference of city officials by our distinguished colleague from Maine (Mr. MUSKIE) on March 22.

When I first came to the Senate in 1967, I was assigned to the Committees on Public Works and Government Operations. I sat at that time on two subcommittees chaired by Senator MUSKIE—the Subcommittee on Air and Water Pollution, of which I am still a member, and the Subcommittee on Intergovernmental Relations. It was during those early days of my term that I became familiar with the remarkable work that Senator MUSKIE had done in the area of the complex relationships between Federal, county, and city governments. As a former State legislator and Governor, Senator MUSKIE was well aware of the need for revitalizing our federal system, and he was in the vanguard of efforts to do just that, by providing incentives for the training of State and local personnel, by pressing for uniform relocation assistance, and by becoming an early champion of the concept of sharing Federal revenue sharing with the States. As a member of the Advisory Council on Intergovernmental Relations, Senator MUSKIE had an additional forum from which to pursue his great and creative interest in strengthening the Federal nature of our Republican system of government.

Even in our work on the Subcommittee on Air and Water Senator MUSKIE has pursued a set of policies that emphasizes the primacy of State and local responsibilities. In each of the major programs designed by that subcommittee for pollution abatement and control, it is always the States which are encouraged to act first, to set their own standards and design their own plans for implementation of those standards. Some States have been slower in acting than we had hoped, but the principle of State responsibility is so strong that we have endeavored to preserve it.

It was in light of Senator MUSKIE'S preeminent reputation as an innovative intergovernmentalist that his remarks on March 22 about revenue sharing generated such surprise among the assembled city officials, who had come together for the explicit purpose of supporting the President's proposal.

It has been pointed out—and should be pointed out—that in his speech Senator MUSKIE reiterated his longstanding commitment to the concept of revenue sharing. He said to the city officials:

> I know that many of you support the concept of revenue sharing, and so do I.

He went on to say that he intends to introduce a revenue-sharing proposal of his own, similar to the one that he introduced in the last Congress. I am encouraged by this restatement of his support for the concept itself, and I look forward to seeing his bill. As devoted as I am to the concept of revenue sharing—and as little concerned as I am about who gets credit for its ultimate enactment—I may very well decide to support parts of or all of the Senator's proposal where I find it sound.

There were elements of the Senator's speech that I did not find so encouraging, however. Perhaps most disturbing to me was what appeared to be a surprising misreading of the President's bill. If Senator MUSKIE finds—for substantive or political reasons—that he cannot support the President's proposal, that is most certainly his prerogative. But it is not characteristic of my good friend, ED MUSKIE, to dismiss the bill with sweeping generalities unsupported by a careful analysis of the bill itself.

The Senator dismissed the President's proposal in three short sentences. He said:

> I do not support a revenue sharing plan which would gut essential categorical aid programs. I do not support a revenue sharing plan which fails to allocate funds for the cities that need them most. I do not support a revenue sharing plan which provides inadequate safeguards against the use of funds to perpetuate discrimination.

Now let us take a look at each of these three statements. As to the first—that the President's bill would "gut" essential categorical aid programs—the Senator is perfectly well aware of the fact that no general revenue-sharing proposal would have any effect on categorical grant-in-aid programs. It is certainly true that the President's so-called "special" revenue-sharing proposals would involve grant consolidation. But that is a wholly separate set of policy considerations. The Senator appears to have confused in his own mind the quite different concepts of general and special revenue sharing. Or perhaps he seeks to promote such a confusion in the general mind. But whatever the case, general revenue sharing would have no impact whatsoever on categorical grants-in-aid, unless one wants to argue that the funds proposed to be shared under general revenue sharing could otherwise be spent on existing or new categorical aid programs. And that would be true of any general revenue proposal, presumably even that to be offered by Senator MUSKIE.

On the second point—that the President's bill fails to allocate funds to the cities that need them most—I would make several observations. First, the formula contained in the President's bill providing for direct aid to county and city governments—the so-called "pass-through" provision—was worked out through months of negotiations with representatives of State, county, and city officials of both major political parties. Second, in recognition of the many different fiscal arrangements between the various State, county, and local jurisdictions across the country, the President's bill proposes an imaginative feature called the "local option," which provides a bonus for those States and local governments that can agree on an alternative "pass-through" formula that meets the unique and individual needs of their own internal fiscal interrelationships.

Third, I would suggest that the revenue sharing bill introduced by Senator MUSKIE in the last Congress hardly met his own objection to the President's bill on this point. The Senator's bill in the 91st Congress provided that only some 35 percent of each State's allocation be passed through to the cities and counties, whereas the President's bill requires a passing through of roughly 50 percent of the State allocations. The Senator's bill in the 91st Congress excluded cities and counties with populations of less than 50,000 from the receipt of any funds at all. This could hardly lead to balanced economic growth and an intelligent policy for the development and growth of rural America. The Senator's bill in the 91st Congress provides for local allocation on the basis of revenues raised locally, essentially the same approach taken by the President's bill but without the local option feature to encourage State and local initiative.

As to the Senator's third objection to the President's bill—that it does not provide adequate safeguards against the use of the funds to perpetuate discrimination—I confess a degree of astonishment. Section 1101 of S. 680, the administration bill, establishes the most elaborate defenses against the discriminatory use of the funds, including a cutoff of such funds by direct reference to title VI of the Civil Rights Act of 1964. The Senator's revenue sharing bill in the 91st Congress contained no mention of the discrimination question. Some have even objected to the provision in the President's bill on the grounds that it would greatly extend the Federal jurisdiction under title VI, because of the wide variety of uses that the shared revenues would be put, many of which are now funded entirely by State and local revenues.

It is by no means my intention to argue with my distinguished colleague about the relative merits of various revenue sharing proposals. On the contrary, it is my explicit intention to put such arguments behind us. My most sincere and earnest hope is that those of us who believe deeply in the concept of general revenue sharing can resolve our differences on technical points—as important as they may be—and come together in a great bipartisan effort to enact a revenue sharing bill in this Congress.

I assume that in drafting his new revenue sharing proposal to be introduced next month, Senator MUSKIE will repair the seeming deficiencies of his earlier measure. I look forward to seeing the bill and would even welcome a role in the drafting of it, if he were so inclined.

I want a revenue sharing bill. Senator MUSKIE wants a revenue sharing bill. Senator HUMPHREY wants a revenue sharing bill. Congressman REUSS wants a revenue sharing bill. President Nixon wants a revenue sharing bill. The Governors and mayors and county officials of this country want a revenue sharing bill. George Gallup reports that 77 percent of the American people want a revenue sharing bill. Surely, surely we can have a revenue sharing bill, if only we can come together and work cooperatively toward our common goal.

Senator MUSKIE said in his March 22 speech:

> As a practical matter, I have serious doubts that a meaningful program of revenue sharing has as good a prospect in this session of the Congress as other measures which are also worthwhile. I therefore urge you to consider federal assumption of welfare.

It may well be that Federal assumption of welfare would be good policy. I reserve judgment on that question. But it is not an alternative to general revenue sharing. Welfare assumption—as compared to revenue sharing—would benefit only 11 States and penalize the remaining 39. It would provide virtually no relief to the hard-pressed cities and counties. It is no alternative.

And why must we make the "practical political" judgment that revenue sharing cannot be enacted by the 92d Congress? Must 77 percent of the American people, State and local elected officials, and scores of Members of the Congress bow to the intransigence of a small group of admittedly powerful but mortal men? I will not make this "practical political" judgment, because it only tends to shore up this arbitrary exercise of power on the part of a few, in a situation where the country requires something better.

When I introduced the administration bill on February 9, I said the following:

> No one would be more surprised than the President if this bill were enacted line for line and word for word. If during the course of close congressional examination, improvements are indicated, they should and will be made.

Senator Humphrey is quoted as having said yesterday that he was willing to work out some accommodation with the Nixon proposal and be "willing to call it a Nixon-Humphrey bill." That would be just great, and I hope it can happen.

As far as I am concerned, it does not bother me one iota if it is called a Nixon-Humphrey bill, or a Muskie bill, or a Mills-Byrnes bill. We can call it anything we want to call it, Mr. President, as long as the concept of general revenue sharing is enacted into law by this Congress, to meet the urgent requirements and demands of the elected officials and the population of this country.

I want to cooperate. The President wants to cooperate. Senator Humphrey wants to cooperate. Senator Muskie wants a bill. Let us get going on all of this cooperation and come up with a single bill that we can all agree on, or at least a majority of us, and enact it in this Congress.

I hope that the Senate Committee on Government Operations will hold early hearings on the Humphrey bill or the Muskie bill or both. Such early hearings would provide a useful forum for the airing of all the issues. I have no doubt that support for the concept of revenue sharing at such hearings would overwhelm what little opposition there might be to it.

Mr. President, I have tried as hard as I know how to keep this vitally important issue of bipartisan origin and bipartisan support from becoming a political football in the preliminary skirmishing for the presidential campaign. I confess that I have not been wholly successful in that respect. But it is not too late for the Senate of the United States to say, clearly and unequivocally, "We will respond to the legitimate needs and requirements of the people of this Nation, and to local government in the United States, and we will do it on a bipartisan basis, before it is too late."

It may be later than we think as far as local government at the county and city levels is concerned. I admonish my fellow Senators to realize that it is later than many think, and to recall a quotation attributed to an official in the State of Pennsylvania, in trying to point up the extreme economic exigencies of that State's situation, when he remarked solemnly, "Would the last man out of Pennsylvania please turn out the lights?"

Mr. President, we must do something. This is one of those rare instances in the history of the Republic and the history of the U.S. Senate when we have got to lay aside our native instincts and tendencies to make political capital out of minor variations, and enact the basic proposal. It is time to act, and act now; and I signify my willingness to do my part.

Mr. President, I yield the floor.

SUBMISSION OF COMMITTEE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees be authorized to submit reports during the adjournment of the Senate until 12 o'clock meridian on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY, MARCH 29, 1971

Mr. BYRD of West Virginia. Mr. President, there is only one bill presently on the calendar. That is Calendar Order No. 49, S. 789, a bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

It is hoped that action may be taken on that bill on Monday next. Between now and then, it is hoped that committees will report bills and resolutions which may be taken up on Monday or later next week.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 12 o'clock and 45 minutes p.m.) the Senate adjourned until Monday, March 29, 1971, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 25, 1971:

U.S. CIRCUIT COURT

William E. Doyle, of Colorado, to be a U.S. circuit judge, 10th circuit, vice Alfred P. Murrah, retired.

James E. Barrett, of Wyoming, to be a U.S. circuit judge, 10th circuit, vice John J. Hickey, deceased.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service information officers of class 1:

Darrell D. Carter, of Illinois.
Terrence F. Catherman, of the District of Columbia.
Glenn Lee Smith, of California.

Foreign Service information officers of class 2:

Brian Bell, of Nevada.
Peter F. Brescia, of Maryland.
Dean O. Claussen, of Washington.
Alvin H. Cohen, of Massachusetts.
Gerhard J. Drechsler, of the District of Columbia.
George D. Henry, of Pennsylvania.
Max W. Kraus, of Texas.
Joseph I. Krene, of California.
Edwin C. Pancoast, of California.
Leon Picon, of Maryland.
Roger P. Ross, of California.
G. Frederick Stutz, of Massachusetts.
Paul E. Wheeler, of Maryland.

Foreign Service Information Officers of class 3:

Thomas G. Allen, of New Hampshire.
James M. Ascher, of Illinois.
Bruce Ian Bertram, of Wisconsin.
Robert A. Cattell, of Virginia.
John R. Challinor, of Illinois.
Frank A. Chiancone, of New York.
John D. Clayton, of Oklahoma.
Charles E. Courtney, of California.
Charles H. Dawson, of Tennessee.
Samuel P. Dieli, of Michigan.
Thomas C. Dove, Jr., of North Carolina.
Roburt Andre Dumas, of Pennsylvania.
Robert P. Ebersole, of Florida.
James H. Feldman, of Tennessee.
Frederic A. Fisher, of Michigan.
John P. Foster, of New Hampshire.
Jack W. Gallagher, of Pennsylvania.
Norris D. Garnett, of California.
Robert W. Garrity, of Massachusetts.
Laurence Garufi, of New Jersey.
Robert V. Gildea, of Maryland.
David L. Gray, of Illinois.
Geoffrey Groff-Smith, of Michigan.
Allen C. Hansen, of the District of Columbia.
Howard W. Hardy, Jr., of New Jersey.
James A. Jensen, of Illinois.
Robert F. Jordan, of Maryland.
William R. Lenderking, Jr., of Connecticut.
Frenise A. Logan, of North Carolina.
Miss Margaret F. MacKellar, of California.
Harrington E. Manville, of Colorado.
James D. McHale, of Massachusetts.
Donald E. McNertney, of California.
William F. Miller, of Pennsylvania.
James L. Morad, of California.
Herwald H. Morton, of Illinois.
Edgar E. Noel, of the District of Columbia.
Eugene Frederick Quinn, of California.
John H. Scanlon, of California.
Eugene M. Schaeffer, of Tennessee.
Edward H. Schulick, of New Jersey.
Christopher L. Sholes, of New Jersey.
Edward J. Slack, of South Dakota.
Douglas H. Smith, of the District of Columbia.
William N. Wagley, of Florida.
George G. Wynne, of North Carolina.

Foreign Service Information Officers of class 4:

Bruce Albright, of California.
Robert J. Baker, of the District of Columbia.
Barry E. Ballow, of California.
Charles L. Bell, of Ohio.
Richard A. Boardman, of New York.
Philip C. Brown, of Pennsylvania.
Sigmund M. Cohen, Jr., of Maryland.
George Deligianis, of New York.
Edward J. Donovan, of Florida.
Lawrence D. Estes, of California.

Joel Anthony Fischman, of Massachusetts.

Donald A. Foresta, of New York.

Edward D. Franco, of Colorado.

John D. Garner, of Arkansas.

Ronald L. Humphrey, of Washington.

John M. Keller, of Minnesota.

John F. Kordek, of Illinois.

A. Frank Lattanzi, of Pennsylvania.

John R. Lepperd, of the District of Columbia.

Alan M. Lester, of Louisiana.

Colburn B. Lovett, of Virginia.

Lewis R. Luchs, of Virginia.

Gary G. Morley, of Texas.

Kent D. Obee, of Idaho.

Charles C. Ransom, of New York.

John M. Reid, of Virginia.

Frank W. Scotton, of Massachusetts.

Leon M. S. Slawecki, of Pennsylvania.

Christopher Snow, of Utah.

Elton Stepherson, Jr., of the District of Columbia.

Jon W. Stewart, of Washington.

Miss Marie Louise Telich, of California.

Miss Virginia L. Warfield, of California.

Jan R. Zehner, of Ohio.

Foreign Service Information Officers of class 5:

Sheldon H. Avenius, Jr., of New York.

Robin A. Berrington, of Ohio.

Russell T. Campbell, of Colorado.

Ronald D. Clifton, of Florida.

Donald B. Cofman, of Colorado.

Miss Frances D. Cook, of Florida.

Robert T. Coonrod, of New York.

Miss Victoria R. Cordova, of Washington.

R. Don Crider, of Florida.

Tabor E. Dunman, Jr., of Virginia.

Miss Cynthia J. Fraser, of Texas.

John A. Fredenburg, of New York.

Miss Mary E. Gawronski, of New York.

David D. Grimland, of Texas.

Dell J. Hood, of Texas.

Larry J. Ikels, of Texas.

Seth Robert Isman, of the District of Columbia.

Miss Louise E. Kelleher, of Massachusetts.

Terrence H. Kneebone, of Utah.

Frederick E. V. LaSor, of California.

William U. Lawrence, of Michigan.

Michael K. Lewis, of the District of Columbia.

Jeffrey H. Lite, of Illinois.

Miss Jean Elizabeth Mammen, of New York.

H. James Menard, of California.

Miss Caroline Dunlop Millett, of California.

Steven J. Monblatt, of New York.

Gary R. Nank, of Ohio.

Robert J. Palmeri, of Massachusetts.

Dell F. Pendergrast, of Illinois.

Darryl L. Penner, of Michigan.

Robert Petersen, of Ohio.

Ross E. Petzing, of New Jersey.

Robert David Plotkin, of California.

James C. Pollock, of Pennsylvania.

Miss Ellen L. Robbins, of Illinois.

Christopher W. S. Ross, of the District of Columbia.

Michael R. Saks, of Indiana.

Daniel Scherr, of New York.

E. David Seal, of Missouri.

Arnold J. Silverman, of California.

Miss Mary C. Smith, of California.

Frank C. Strovas, of Colorado.

A. Stephen Telkins, Jr., of Pennsylvania.

Ernesto Uribe, of Texas.

Harvey M. Wandler, of New York.

William J. Weinhold, of Wisconsin.

Michael M. Yaki, of California.

Foreign Service Information Officers of class 6:

Raymond D. Anderson, Jr., of Florida.

Miss Beverly H. Brock, of California.

Miss Elizabeth A. Cain, of Pennsylvania.

Mrs. Susan C. Copin, of Missouri.

James A. Edris, of Pennsylvania.

Miss Katherine Hashmall, of New York.

William H. Maurer, Jr., of Pennsylvania.

Michael Patrick Phelan, of Michigan

Boyd Poush, of Virginia.

Miss Joanne A. Rinehart, of Pennsylvania.

James E. Smith, of Ohio.

Kenneth A. Yates, of Connecticut.

Mrs. Katherine K. Young, of the District of Columbia.

The following-named Foreign Service officers for promotion in the Foreign Service to the classes indicated:

Foreign Service officers of class 1:

John George Bacon, of Washington.

William D. Calderhead, of Texas.

Frank C. Carlucci, of Pennsylvania.

Christian Addison Chapman, of the District of Columbia.

Miss Eileen R. Donovan, of Massachusetts.

Donald B. Easum, of Virginia.

Richard K. Fox, Jr., of Minnesota.

Samuel R. Gammon III, of Texas.

Anthony Geber, of Illinois.

William H. Gleysteen, Jr., of Pennsylvania.

Abraham Katz, of Maryland.

Samuel W. Lewis, of Texas.

John S. Meadows, of Massachusetts.

Francis J. Meehan, of the District of Columbia.

Miss Mary S. Olmsted, of Tennessee.

Mathias J. Ortwein, of Pennsylvania.

Thomas R. Pickering, of New Jersey.

Robert L. Yost, of California.

Foreign Service Officers of class 1 and Consular Officers of the United States of America:

Manuel Abrams, of Florida.

Robert M. Beaudry, of Maine.

Josiah W. Bennett, of Maryland.

Samuel D. Eaton, of New York.

Robert C. F. Gordon, of California.

J. David Linebaugh, of the District of Columbia.

John W. McDonald, Jr., of Illinois.

George F. Muller, of Maryland.

Parker D. Wyman, of Maryland.

Foreign Service Officers of class 2:

Leo Arel, of Maryland.

Julio Javier Arias, of the District of Columbia.

George T. Churchill, of Virginia.

Robert A. Deitchman, of Virginia.

James A. Dibrell, of Texas.

John T. Dreyfuss, of California.

Lawrence S. Eagleburger, of Wisconsin.

Harry H. Pollak, of New Mexico.

Roger A. Provencher, of Colorado.

Miss Nancy V. Rawls, of Georgia.

Foreign Service Officers of class 2 and Consular Officers of the United States of America:

Williams Beal, of Michigan.

Slator C. Blackiston, Jr., of North Carolina.

Roger C. Brewin, of Ohio.

John A. Brogan III, of New Jersey.

Edward R. Cheney, of New Hampshire.

William F. Courtney, of Michigan.

Morris H. Crawford, of Virginia.

Michael J. Dux, of Florida.

Lawrence B. Elsbernd, of North Dakota.

Harry Feinstein, of Georgia.

Thomas W. Fina, of Florida.

Weikko A. Forsten, of Florida.

Norman W. Getsinger, of Michigan.

Lindsey Grant, of Georgia.

Charles M. Hanson, Jr., of New York.

Harry W. Heikenen, of Virginia.

Edward W. Holmes, of Maryland.

Gordon D. King, of the District of Columbia.

Paul H. Kreisberg, of Pennsylvania.

Verne L. Larson, of Washington.

Stephen Low, of Ohio.

George C. Moore, of California.

John A. Moran III, of New Jersey.

Laurent E. Morin, of New Hampshire.

Howard F. Newsom, of Indiana.

Christopher A. Norred, Jr., of the District of Columbia.

Herbert S. Okun, of New York.

Richard W. Petree, of Colorado.

Hugh C. Reichard, of Virginia.

Irving I. Schiffman, of Maryland.

Ray Sena, Jr., of New Mexico.

J. Harlan Southerland, of the District of Columbia.

Francis R. Starrs, Jr., of California.

Theodore A. Tremblay, of California.

Harold C. Voorhees, of Connecticut.

Robert H. Wenzel, of Florida.

Guy A. Wiggins, of the District of Columbia.

Foreign Service Officers of class 3:

Natale H. Bellocchi, of New York.

Harry E. Bergold, Jr., of Florida.

Paul H. Boeker, of Ohio.

Michael P. Boerner, of New Jersey.

Thomas D. Boyatt, of Ohio.

Frederick Z. Brown, of Pennsylvania.

John C. Dorrance, of California.

Robert W. Duemling, of California.

William L. Dutton, Jr., of Iowa.

Raymond C. Ewing, of California.

Robert L. Flanegin, of Illinois.

Robert L. Gingles, of Florida.

John C. Griffith, of Connecticut.

Stanley P. Harris, of Maryland.

Samuel F. Hart, of Rhode Island.

Roy T. Haverkamp, of Missouri.

Henry A. Holmes, of Kansas.

John W. Holmes, of Massachusetts.

Edward E. Keller, Jr., of California.

Edson W. Kempe, of California.

Anthony S. Kochanek, Jr., of New Jersey.

Paul L. Laase, of Virginia.

Clint A. Lauderdale, of California.

Gerard J. Levesque, of South Dakota.

Mrs. Marcia L. Martin, of Florida.

James K. Matter, Jr., of Michigan.

Elwood J. McGuire, of Connecticut.

William H. McLean, of Texas.

J. William Piez, of Colorado.

Samuel M. Pinckney, Jr., of Connecticut.

Richard C. Scissors, of Missouri.

Peter Semler, of Virginia.

Goodwin Shapiro, of Texas.

John P. Shumate, Jr., of California.

Michael B. Smith, of Massachusetts.

James Stromayer, of Illinois.

James L. Tull, of Iowa.

Ronald A. Webb, of California.

Mrs. Melissa F. Wells, of New York.

James W. White, of Florida.

Dawson S. Wilson, of Florida.

Foreign Service Officers of class 3 and Consular Officers of the United States of America:

Edward H. Brown, of Pennsylvania.

Joseph D. Capri, of Florida.

Miss Alice W. Clement, of Pennsylvania.

John G. Day, of New Hampshire.

Stephen A. Dobrenchuk, of Maryland.

Harvey J. Feldman, of Illinois.

George O. Huey, of Illinois.

George W. Jaeger, of Missouri.

Burton Levin, of the District of Columbia.

Anthony F. O'Boyle, of Pennsylvania.

Miss Nancy Ostrander, of Indiana.

Arthur W. Purcell, of Massachusetts.

Denman F. Stanfield, of Texas.

Foreign Service Officers of class 4:

Raymond J. Alvarez, of California.

George Aneiro, of New Jersey.

Merle E. Arp, of Iowa.

Kenneth H. Bailey, Jr., of the District of Columbia.

G. Paul Balabanis, of California.

Bradford Bishop, Jr., of California.

Norman M. Bouton, of Indiana.

Alfred P. Brainard, of Washington.

Kenneth L. Brown, of California.

James A. Budeit, of Nebraska.

Pierce K. Bullen, of Florida.

Miss Ann P. Campbell, of Connecticut.

John W. Campbell, of California.

Thomas J. Carolan, Jr., of Maryland.

George F. Carr, Jr., of Texas.

Louis N. Cavanaugh, Jr., of Pennsylvania.

Timothy W. Childs, of Connecticut.

Harry E. Christie, of California.

William P. Clappin, of Virginia.

Walter S. Clarke, of the District of Columbia.

George W. F. Clift, of California.

Robert P. Coe, of Massachusetts.
Stephen P. Dawkins, of New Jersey.
Wilfred F. Declercq, of Missouri.
Richard A. Dugstad, of Florida.
Charles F. Dunbar, Jr., of the District of Columbia.
Adolph H. Eisner, of Florida.
Charles Edward Emmons, of California.
Henry A. Engelbrecht, Jr., of Virginia.
David Meredith Evans, of Pennsylvania.
Edward M. Featherstone, of Pennsylvania.
David J. Fischer, of Texas.
Patrick E. FitzGerald, of Virginia.
Ronald D. Flack, of Minnesota.
Robert A. Flaten, of Minnesota.
Myles R. René Frechette, of Washington.
Peter F. Frost, of Connecticut.
Roger R. Gamble, of New Mexico.
Paul John Glasoe, of Ohio.
Robert P. Goold, of California.
James J. Gormley, of New York.
Richard C. Graham, of Virginia.
James T. Hackett, of California.
Alan M. Hardy, of Ohio.
M. Charles Hill, of New Jersey.
David Bruce Jackson, of California.
Don C. Jensen, of California.
Philip K. Johnson, Jr., of Ohio.
George Lockwood Kelly, of Georgia.
Edward Kreuser, of Pennsylvania.
John J. LaMazza, of New York.
Melvyn Levitsky, of Maryland.
Matthew T. Lorimer, of New Hampshire.
Hallock R. Lucius, of Ohio.
Edward Marks, of California.
Douglas G. Marshall, of California.
Jim B. Marshall, of Tennessee.
James Richard Matz, of Texas.
John T. McCarthy, of Pennsylvania.
Gerald Joseph Monroe, of New Mexico.
Robert J. Montgomery, of Texas.
Ambler H. Moss, Jr., of Maryland.
Coleman J. Nee, of Massachusetts.
Edward V. Nef, of the District of Columbia.
William V. P. Newlin, of Pennsylvania.
Robert F. Ober, Jr., of Illinois.
F. Pierce Olson, of California.
Allan W. Otto, of Illinois.
Edmund M. Parsons, of Texas.
Robert H. Pelletreau, Jr. Connecticut.
William Polik, of New York.
Ralph C. Porter III, of New Jersey.
Lawrence R. Raicht, of New York,
Walter G. Ramsay, of the District of Columbia.
John E. Reinertson, of Wisconsin.
Thomas J. Roesch, of Ohio.
Alan D. Romberg, of Maryland.
Lawrence D. Russell, of Florida.
Edward Michael Sacchet, of Maryland.
Irving L. Sanders, of Washington.
P. Peter Sarros, of New York.
Norman T. Shaft, of Minnesota.
David G. Shaw, of New York.
Thomas W. Simons, Jr., of the District of Columbia.
Robert R. Strand, of Ohio.
William L. Swing, of North Carolina.
Daniel Taher, of New Jersey.
Maurice M. Tanner, of Utah.
Rush W. Taylor, Jr., of Texas.
George A. Trail III, of Pennsylvania.
George Peter Varros, of Connecticut.
Erwin W. von den Steinen, of California.
Paul V. Ward, of Florida.
Stephen B. Watkins, of Connecticut.
William B. Whitman, Jr., of Illinois.
Frank G. Wisner II, of Maryland.
Wilbur I. Wright, of Michigan.

Foreign Service Officers of class 4 and Consular Officers of the United States of America:

Coradino E. Gatti, of Connecticut.
Marion L. Gribble, of New York.
James E. Kerr, Jr., of the District of Columbia.

Foreign Service Officers of class 5:

Bruce A. Abt, of Massachusetts.
John H. Adams, of California.
John K. Atchley, of Virginia.
Alfred R. Barr, of California.
George T. Basil, of New York.
Dan E. Bean, of Tennessee.
Robert W. Becker, of Maryland.
Charles G. Billo, of New York.
Miss Dorothy Jean Black, of California.
John W. Bligh, Jr., of New York.
David Bloch, of New York.
J. Richard Bock, of Washington.
Richard Thomas Booth, of Michigan.
Thomas J. Burke, of New York.
Albert Peter Burleigh, of California.
David H. Burns, of Massachusetts.
Weldon D Burson, of Texas.
William S. Butcher, of Ohio.
Michael Carpenter, of Virginia.
Robert J. Carroll, of Connecticut.
Leo F. Cecchini, Jr., of Maryland.
Charles O. Cecil, of California.
James H. Cheatham, of Tennessee.
Bruce W. Clark, of California.
Henry L. Clarke, of South Carolina.
James K. Connell, of Connecticut.
Alford W. Cooley, of Connecticut.
Arthur B. Corte, of New York.
Charles B. Cuenod, Jr., of California.
Hilary J. Cunningham, of Michigan.
Miss Mary Teresita Currie, of New York.
Timothy E. Deal, of California.
Rust M. Deming, of the District of Columbia.
Richard N. Dertadian, of California.
Robert S. Driscoll IV, of New York.
Gordon J. DuGan, of the District of Columbia.
John David Forbes, of Pennsylvania.
Galen W. Fox, of Hawaii.
Jon M. Gibney, of New York.
Frank Ralph Golino, of Pennsylvania.
Dennis C. Goodman, of Ohio.
Robert F. Gould, of Ohio.
Larry C. Grahl, of Ohio.
Robert J. Gross, of New York.
Donald A. Guerriero, of New Jersey.
George H. Haines III, of Rhode Island.
Thomas P. Hamilton, of Hawaii.
Thomas M. Harrington, of Rhode Island.
F. Allen Harris, of Texas.
William B. Harris, of California.
Robert Y. Hayashida, of Hawaii.
Donald Furse Herr, of Ohio.
Miss Eleanor Hicks, of Ohio.
Brooke C. Holmes, of California.
Richard A. Holmes, of Michigan.
Michael M. Hornblow, of New York.
William Edwin Humphrey, of Oklahoma.
Stanley R. Ifshin, of New York.
Louis F. Janowski, of Illinois.
Mrs. Jo Ann M. Jenkins, of Massachusetts.
Robert D. Johnson, of Missouri.
Peter Edward Jones, of Maryland.
Raymond C. Jorgenson, of North Dakota.
John J. Kadilis, of Maryland.
Mrs. Arma Jane Karaer, of Minnesota.
Thomas B. Killeen, of Pennsylvania.
Bruce Kinsey, of Illinois.
Harry Kopp, of New York.
Stephen L. Lande, of New York.
Warren A. Lavorel, of California.
Terry Lee Leitzell, of Pennsylvania.
Philip Thomas Lincoln, Jr., of Michigan.
Stuart H. Lippe, of Michigan.
Ralph L. Lowry, of Pennsylvania.
Thomas E. Macklin, Jr., of California.
Nicholas C. H. MacNeil, of New Jersey.
Peter S. Maher, of Illinois.
John F. Maisto, of Pennsylvania.
Gene B. Marshall, of New Hampshire.
Charles A. Mast, of South Dakota.
Miss Lois Jean Matteson, of Virginia.
James N. May, of North Carolina.
Miss Stephanie Mayfield, of California.
Howard L. McGowan, of Ohio.
Richard M. Miles, of South Carolina.
Robert Wesley Miller, of California.
Richard H. Milton, of West Virginia.
Paul D. Molineaux, of New York.
Ned E. Morris, of Tennessee.
Donald E. Mudd, of Florida.
Richard W. Mueller, of Connecticut.
James P. Nach, of New York.
John L. Nesvig, of Minnesota.
David C. Norton, of Florida.
Walter M. Notheis, of California.
Charles T. Owens, of California.
Thomas Parker, Jr., of North Carolina.
B. Lynn Pascoe, of New York.
Miles S. Pendleton, Jr., of Washington.
Philip E. Penninger, of North Carolina.
Robert M. Perito, of Colorado.
B. Donovan Picard, of Alabama.
Charles J. Pitman, of Iowa.
William B. Pogue, of California.
Arnold L. Raphel, of New Jersey.
Jonathan B. Rickert, of Michigan.
Wilson A. Riley, Jr., of Connecticut.
Lionel A. Rosenblatt, of Pennsylvania.
Herman J. Rossi, III, of Washington.
William R. Salisbury, of New York.
Miss Eleanor Wallace Savage, of California.
David L. Schiele, of California.
Thomas A. Schlenker, of California.
Raymond G. H. Seitz, of Texas.
Andrew D. Sens, of the District of Columbia.
Jack M. Seymour, Jr., of Pennsylvania.
Seton Shanley, of New Jersey.
Edric Sherman, of Washington.
Mrs. Katherine H. Shirley, of Illinois.
John F. Simmons, Jr., of the District of Columbia.
Thomas W. Sonandres, of Texas.
Seton Stapleton, of New Jersey.
Robert H. Stern, of New York.
William W. Struck, of Kentucky.
James Tarrant, of California.
J. Clagett Taylor, Jr., of Florida.
James E. Taylor, of California.
Douglas K. Watson, of California.
Donald B. Westmore, of Washington.
Peter D. Whitney, of New York.
Richard H. Williams, of Virginia.
Miss Joanna W. Witzel, of California.
Lacy A. Wright, Jr., of Illinois.

Foreign Service Officers of class 6:

Ward Davis Barmon, of New York.
Clifford Lloyd Brody, of New York.
William Ross Creach, of Missouri.
Thomas P. Doubleday, Jr., of New York.
Miss Katherine M. Durkin, of Virginia.
Richard Lewis Fenton, of New York.
Robert S. Gelbard, of New York.
Daniel V. Grant, of North Carolina.
John Christopher Grigassy, of Texas.
Sherman N. Hinson, of Vermont.
Nicholas R. Lang, of New York.
Harlan Y. M. Lee, of California.
John P. Lyle, of New York.
John R. Malott, of Illinois.
George E. Moose, of Colorado.
John G. H. Muehlke, Jr., of New Hampshire.
Eric David Newsom, of California.
Peter S. Perényi, of Connecticut.
Robert C. Reis, Jr., of Missouri.
Miss Judith Rodes, of Texas.
Miss Barbara L. Schell, of Pennsylvania.
Miss Lange Schermerhorn, of New Jersey.
Miss Barbara Jane Schrage, of Wisconsin.
Robert E. Snyder, of Massachusetts.
E. Michael Southwick, of California.
Edward Richard Stumpf, of New York.
Randolph A. Swart, of Maryland.
Robert A. Tsukayama, of Hawaii.
Matthew P. Ward, Jr., of Pennsylvania.

The following-named person for appointment as a Foreign Service Officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

J. Donald Blevins, of Virginia.

For appointment as Foreign Service Information Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

A. T. Falkiewicz, of Florida.
G. Richard Hopwood, of Vermont.
Leonard L. Lefkow, of Washington.
William Dews Miller, Jr., of North Carolina.

G. Michael Razi, of Maine.

For reappointment in the Foreign Service as a Foreign Service Officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Arthur L. Price, of Illinois.

For appointment as Foreign Service Information Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Louis E. Polichetti, of New York.
Sherman H. Ross, of California.
Raymond L. Spencer, of Virginia.
Norman Ziff, of California.
Herman Zivetz, of California.

For appointment as a Foreign Service Officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Dan J. Thal, of California.

For appointment as a Foreign Service Information Officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Miss Linda A. Buggeln, of Florida.

For appointment as Foreign Service Officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Walter B. Lockwood, Jr., of Connecticut.
Miss Jane Whitney, of Washington.

For promotion from Foreign Service Officers of class 7 to class 6:

Douglas B. Archard, of Wisconsin.
Gary S. Basek, of New York.
Bruce Anthony Beardsley, of Nevada.
Robert W. Beckham, of Florida.
John Elgnus Clark, of Maryland.
James F. Collins, of Illinois.
Louis Creveling, Jr., of California.
Jeffrey Davidow, of Minnesota.
Daniel Linus Dolan, of Maryland.
G. Gene Griffiths, of Tennessee.
Richard W. Hoover, of Ohio.
Robert F. Hopper, of Virginia.
Charles Bowman Jacobini, of Illinois.
Ralph R. Johnson, of Washington.
James D. Lee, of Virginia.
D. Thomas Longo, Jr., of the District of Columbia.
Bruce Malkin, of Pennsylvania.
John Egan McAteer, of West Virginia.
Alan R. McKee, of New Hampshire.
Harold Edward Meinheit, of Illinois.
Joseph Hanthorn Melrose, Jr., of Pennsylvania.
Mark E. Mohr, of New Jersey.
David Richard Moran, of Nebraska.
Miss Alynn Joelle Nathanson, of New York.
V. Edward Olson, of Minnesota.
David A. Pabst, of Washington.
David R. Patterson, of Arkansas.
Anthony Carson Perkins, of the District of Columbia.
John L. Pitts, of Washington.
Mark J. Platt, of Connecticut.
Laurence E. Pope II, of Massachusetts.
Craig Emerson Richardson, of Ohio.
William vanB. Robertson, Jr., of California.
Gerald W. Scott, of Oklahoma.
Douglas K. Stevens, Jr., of Florida.
Richard L. Stevens, of Iowa.
Daniel Anton Strasser, of California.
Lawrence Palmer Taylor, of Ohio.
Albert A. Thibault, Jr., of Pennsylvania.
William H. Twaddell, of Rhode Island.
Stanislaus R. P. Valerga, of Texas.
Miss Mary von Briesen, of Wisconsin.
Paul H. Wackerbarth, of New Jersey.
George F. Ward, Jr., of New York.
Reed T. Warnick,of Colorado.
Geoffrey E. Wolfe, of Maryland.
Frank Joseph Zambito, Jr., of Florida.

For promotion from Foreign Service information officers of class 7 to class 6:

John L. G. Archibald, of the District of Columbia.
Edward J. Hinker, of Minnesota.
J. Michael Houlahan, of Iowa.
David L. Jamison, of Maryland.
Anthony A. Markulis, of Virginia.
Michael J. Nugent, of Maryland.
Roger C. Rasco, of Texas.
Miss Cornelia M. Sheahan, of New York.
Thomas W. Switzer, of Colorado.
David P. Wagner, of Florida.
John David Watt, of Texas.

For promotion from Foreign Service officers of class 8 to class 7:

Paul H. Blackburn, of New Hampshire.
Miss Ann S. Carroll, of the District of Columbia.
Daniel Chester Cochran, of Illinois.
Richard Arthur Coulter, of Oregon.
Jan de Wilde, of Virginia.
Donald Lee Field, Jr., of California.
Allen McDowell Hale, of Virginia.
Albert Lee Halff, of Texas.
Miss Carolee Heileman, of Nebraska.
Frederic William Maerkle III, of California.
William Morris Pollack, of New York.
Clement Laurence Salvadori, of Massachusetts.
Jeffrey R. Siegel, of New Jersey.
Charles B. Smith, Jr., of New York.
James W. Swihart, Jr., of the District of Columbia.

For promotion from Foreign Service information officers of class 8 to class 7:

Michael L. Braxton, of the District of Columbia.
Mrs. Victoria B. Jacqueney, of New York.
Miss Susan Davis Todd, of Virginia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Miss Elizabeth B. Bollmann, of Missouri.
Kenneth W. Chard, of Virginia.
Philip Lawrence Christenson, of Virginia.
Donald R. Cleveland, of Oregon.
Lee O. Coldren, of California.
Michael J. Duffy, of Virginia.
Craig G. Dunkerley, of Massachusetts.
Miss Judith I. Hughes, of Utah.
Mark Johnson, of Montana.
Miss Melinda L. Kimble, of Arizona.
Russell August LaMantia, Jr., of Illinois.
Lann A. Malesky, of North Carolina.
Walter H. Manger, of Pennsylvania.
Edward J. Marcott, of Massachusetts.
Pedro Martinez, of Texas.
Gregory Lynn Mattson, of New Jersey.
Steven McDonald, of Missouri.
Brunson McKinley, of Pennsylvania.
Joseph G. McLean, of Montana.
Clarence M. Nagao, of Hawaii.
John M. O'Brien, of Pennsylvania.
Philip Dudley Oliver, of Alabama.
Gordon Brent Olson, of Washington.
Allen R. Overmoyyer, of the District of Columbia.
William Christie Ramsay, of Michigan.
John W. Salmon, Jr., of North Carolina.
L. Gordon Shouse, of Indiana.
Leo R. Wollemborg, of New York.

For appointment as Foreign Service Information Officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Parker J. Anderson, of California.
Miss Sarah R. Anderson, of West Virginia.
Peter T. Becskehazy, of Ohio.
Fredric A. Emmert, of Michigan.
Richard F. Hayse, of Kansas.
Thomas A. Homan, of Illinois.
William P. Kiehl, of Pennsylvania.
Paul D. Panaccione, of New Hampshire.

For appointment as Foreign Service Officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Marc Allen Baas, of Michigan.
Russell Barbour, of Pennsylvania.
Miss A. Elizabeth Jones, of Maryland.
Brian Michael Patrick McNamara, of Connecticut.
Christopher T. Seaver, of California.
Gregory D. Strong, of Montana.
Arthur M. Weisburd, of Arkansas.

For appointment as Foreign Service Information Officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

George P. Bonjoc, of California.
Theodore A. Boyd, of Ohio.
Miss Sarah S. Bush, of Washington.
Arthur E. Green, of New York.
Hugh H. Hara, of Illinois.
Miss Jeanne M. Rogge, of Minnesota.
Paul J. Saxton, of New York.

Foreign Service Reserve Officer to be a Consular Officer of the United States of America:

Paul V. Harwood, of Pennsylvania.

Foreign Service Reserve Officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

James E. Anderson, of Washington.
Michael E. Berg, of Virginia.
Michael A. Burns, of Connecticut.
John L. Capurso, of Virginia.
Paul H. Clarke, of Maryland.
Melvin F. Collins, Jr., of the District of Columbia.
Raymond Eveland, of Iowa.
Philip F. Fendig, of the District of Columbia.
David W. Herpy, Jr., of Virginia.
Robert L. Hirshberg, of the District of Columbia.
Stanley W. Kylis, of Virginia.
David C. Lamoureux, of Ohio.
Michael McGinnis, of Maryland.
Michael L. Milligan, of New York.
Robert D. Murphy, of the District of Columbia.
Miss Arlene Render, of Ohio.
Joseph I. Saltsman, of Montana.
James M. Senner, of Wisconsin.
Robert Earl Watkins, Jr., of Tennessee.
John F. Webb, of Virginia.
John H. Wilson, of Maryland.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

L. Paul Oechsli, of Virginia.
Raymond A. Warren, of New Jersey.
Miles G. Wedeman, of Maryland.

Foreign Service Staff officers to be consular officers of the United States of America:

Curtis W. Bartholomew, of California.
John F. Charlton, of California.
William E. Handford, of Oregon.
Joseph A. Keaton, of Indiana.
Donald J. Leahy, of Illinois.
Miss Carol A. Roehl, of Texas.
Michael M. Sherman, of California.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1971:

SECURITIES AND EXCHANGE COMMISSION

William J. Casey, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1974.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Stephen Kurzman, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Robert O. Beatty, of Idaho, to be an Assistant Secretary of Health, Education, and Welfare.

EXTENSIONS OF REMARKS

WHAT MY FLAG MEANS TO ME

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HASTINGS. Mr. Speaker, the Allegany County American Legion auxiliary in my district has just concluded its essay contest on the subject, "What My Flag Means To Me."

Students from 11 schools in grades 3 through 9 took part. Sixth-grade winner Joanna Setchel, from Cuba Central School, has grasped the meaning of the flag in a way that could put many of us adults to shame.

Her understanding of what the colors mean gives happy reassurance that despite the few who would desecrate the flag, our Nation, especially its youngsters, still finds strength and hope in it as a symbol of freedom.

I want to commend the American Legion for affording these young people an opportunity to express their views on the flag and I especially compliment Joanna on her prize-winning essay.

It is my desire that my colleagues share her thoughts, and I include it in the RECORD:

WHAT MY FLAG MEANS TO ME

(By Joanna Setchel)

The flag, to me, is more than a piece of material in three different colors, or the latest fashion in color ensembles, "The Patriotism Look."

It means strength, fellowship, and a united people living in a country in which many people sacrified their lives to make America a proud place to display such a work of love.

Recalling the story of Betsy Ross, I am proud that she took time and care with her skilled fingers to produce a lovely banner symbolizing our America.

Also the story in the poem about Barbara Frietchie by John Greenleaf Whittier shows her loyalty to the country and its flag. Do you remember: "Shoot, If you must this old gray head; but spare your country's flag," she said.

If everyone in the United States loved the flag as Betsy Ross and Barbara Frietchie did, would there be so many conflicts about it?

Now I close my eyes and find a mind picture. A vivid red comes flashing to my eyes blending with a brilliant white. Also striking my eyes is a field of blue in an upper left corner spangled with dazzling white stars. And as my brain's picture comes to life, I can see it rippling and rolling in the waves of my brainstorm. Do you notice it in your mind picture? The waves of my brainstorm go all through my body. Oh! Now I feel something gripping my heart. What can it be?

Oh, if I could only explain to you my feelings all over inside me, you would feel it, too. It is a love for a flag meant to honor, not abuse and walk on. It gives me a yearning to climb to the top of the world and yell out to all that would listen, "This is a flag representing the country in which you live! You should love the country with all its mountains, rivers, and people. You, people were meant to live to love it. Do you love it? I do. I honestly do!"

Do the colors of the flag mean anything to you? Well, look at it this way. The stars in the field of blue could represent people, each one standing, allowed to stand by himself in freedom. The color red; I remember the blood shed by our forefathers so that generations to come could live in a free country. White is a color of purity. America was a clean, pure and religious country where clean, pure, religious people lived and still live.

If anyone had anything to say, I would give them a few reasons to love their flag.

As long as our flag flies proudly over cities, homes, and schools, we will live in a free country. Free to worship God in our own ways, free to live where we want to live, and free to write what we feel is needed to be put in writing, like this essay. My flag means a democratic country ruled by the people by their wants and needs. I am sure I would not want to live in a non-democratic country.

Also the American flag symbolizes that our country must and will stay united in times of war, tragedy and emergency as well as in times of peace and tranquility.

There are words that are very hard to describe. Can you describe sweet? Or how about describing love? It is not very easy and I am finding it a bit difficult to describe what my country's flag means to me the way I wish to say it. Motions and gestures might help, but I need words. Words to express my emotions for my flag.

I can use words such as affection, loyalty, warmth, friendliness and compassion. But these words are inadequate to express my deepest feelings about my country's flag.

UNFAIR PROCEDURE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1971

Mr. CHAPPELL. Mr. Speaker, this week two vital pieces of legislation came before the House of Representatives. One of those matters dealt with the limit on our debt ceiling; the other was to increase social security benefits.

I wish to protest the grossly unfair procedure of combining important legislation into one package as the joint committee from the Senate and the House of Representatives did in this instance—and which has too often been the case in the past.

On March 3, 1971, I cast my vote against the increase in our public debt. I feel that $430 billion is excessive; it will eventually mean more tax dollars taken from the public, and I wanted the people of my district to understand how I felt. The people we represent deserve to know our votes and positions on these matters.

At the same time, I have vigorously supported an increase in the social security payments to our elder citizens. The urgency of their plight—of being on fixed incomes during a period of heightened inflation—has been a deep concern to all of us.

By foisting off on the Congress a bill that tied both the debt limit increase and the social security payments increase, many of us who wanted to assert our position on each matter separately, were placed in the position of weighing the damage to our economy by the debt limit increase against the dire need of social security recipients for an increase in their incomes. My concern for our elderly prompted me to vote for this "package."

Mr. Speaker, I reiterate my objection to this type of trick legislation, whereby two unrelated and nongermane pieces of legislation are packaged together so that we are not given a chance to record our votes on each proposition separately. I hope the public is aware of this practice and will join me and other interested Members of Congress in seeking a revision of such regressive customs in our legislative system.

NIXON'S SPECIAL REVENUE SHARING FUND FOR TRANSPORTATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RAILSBACK. Mr. Speaker, I want to say a few words in support of President Nixon's Special Revenue Sharing Fund for Transportation. I represent an urban constituency. For the people of my district this plan focuses on our most basic transportation problem—financing.

Considerable headway has been made in recent months in promoting urban mass transit development. We are aware of our congestion and pollution problems. And we know most of the options available to solve them. Special revenue sharing will help answer the big question: Where will the money come from?

Our area, like many areas in America, is feeling the inflationary forces that have swept the country. And we have some unemployment. It is difficult indeed to plan long-term heavy investments for transportation in this kind of an urban climate. Special revenue sharing, as proposed in the President's message, would give our urban areas the assurance of Federal funding—without the matching funds requirement and without the usual Federal restrictions.

Maximum flexibility in local spending alternatives is an admirable goal in any program. But it is an absolute prerequisite in urban transportation planning. We must be able to decide at the local level whether or not we need highways, buses, subways, rowboats, or whatever.

It is unrealistic to ask urban areas to make objective intermodal choices under the present grant-in-aid system. The choice between dollars for highways and pennies for subways is no choice at all.

Special revenue sharing for transportation would make all modes equal in terms of financing. I support both the concept and program.

REAR WARFARE—REVOLUTIONARY ANTIMILITARISM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SCHMITZ. Mr. Speaker, the following highly informative articles concern two facets of the Communist effort to disintegrate American military forces. The author of these articles, Francis J. McNamara, has had experience in both Army intelligence during World War II and with the House Committee on Internal Security, serving as staff director from 1962 to 1969.

Mr. McNamara's articles deal with the efforts being made by the Communists and other leftist groups to disrupt our Nation's efforts to maintain an effective fighting force by destroying the selective service apparatus and the Reserve Officers Training Corp. Mr. McNamara clearly distinguishes between legitimate and loyal opposition to the draft and the illegal bombing and burning of selective service and ROTC by those who wish to totally destroy our Armed Forces.

Bolshevik antimilitary activity has historically included quite a wide range of targets and operational patterns ranging from industrial sabotage and strikes, to attempts to influence members of legislative bodies to cut necessary programs, to agitation and violence at research institutions connected with the military. The general goal of Bolshevik revolutionary antimilitary activity today would seem to be the lowering of the fighting capability of the main enemy, the United States, while at the same time increasing their own military capability, until a point is reached where Soviet victory becomes probable. The results of Communist operations of this type are felt when the first blow of the Red armed forces, nuclear and nonnuclear, cave in the opposing forces—at least this is the ideal which they strive to bring about.

Antimilitary activity in the enemy country before the battle begins is supposed to pave the way for Soviet victory in the armed struggle which is launched when victory seems more or less assured.

The following two articles appeared in the March 13 and March 20, 1971, edition of Human Events Newsmagazine:

"UNDERMINE AND DESTROY THE ARMY"

The revolutionary or would-be world conqueror who did not try to undercut and subvert the armed forces of his opposition would be a fool. Communists are not fools—either as revolutionaries or world conquerors. No group in history has devoted as much time, thought and debate to the development of a solid body of revolutionary doctrine—and to the field testing of it. In their drive toward world conquest, they have devoted more attention to revolution than to concepts of traditional warfare (though that has been anything but neglected).

Years ago, when Communists were primarily domestic revolutionaries and the idea of world conquest was no more than a distant dream, their 1919 classic *ABC of Communism* (N. Bukharin and E. Preobrazhensky) stated: "It is necessary, above all things, to undermine and destroy the army in order to overcome the bourgeoisie."

It is Establishment dogma that this quotation is completely irrelevant to the U.S. today, at least as far as our internal affairs are concerned. The reason being that communism in the U.S. is washed up, finished discredited as a philosophy and ineffective and powerless as a movement.

Yet, to get a realistic picture of the domestic Communists' ability to influence events in this country and significantly weaken its security, the most productive thing to do is keep the above quotation clearly in mind while taking a hard look at certain matters affecting the readiness of our military services.

Most Americans are aware that there has been a steady escalating attack on the entire U.S. defense organization in recent years. The assault is probably broader, more intensified and varied than at any other time in history.

No aspect of military preparedness has escaped. There is criticism of our admittedly huge defense budget, carping about what are termed excessive U.S. military commitments abroad, extensive publicity about cost overruns for weapons development (but not the Kennedy Cultural Center). Department of Defense research for anything but purely military purposes has been hit—and curtailed. University research cooperation in solving defense problems is refused.

Recruiting for the armed services, the Central Intelligence Agency, and firms engaged in defense production such as General Electric and Dow, is disrupted. ABM and MIRV have been the subjects of extensive propaganda and agitation. ROTC, the draft, and traditional military discipline, along with the system of military justice, are under siege.

All of these issues are, and should be, matters of completely patriotic concern and debate. They are also matters of great interest to subversives, however, and U.S. Communists have been involved in the agitation and debate that has taken place on all of them, sometimes with disturbing success.

The word "Communist" is used here to include not only the Moscow-controlled CPUSA and its youth groups but also the Peking-allied Progressive Labor party (PLP), the Trotskyist Socialist Workers party (SWP) and its youth section, the Young Socialist Alliance (YSA) and the Workers World party and its Youth Against War and Fascism, as well as several smaller Communist "splinter" organizations.

It also includes the two major factions of Students for a Democratic Society which started out in 1962 as a native radical youth movement dedicated to "participatory democracy," barring Communists as members and opposing communism and the USSR (as well as U.S. capitalism). Challenged by their technical exclusion, Communists of all varieties moved into the organization.

In 1965 at an SDS convention attended, according to J. Edgar Hoover, by representatives of "practically every subversive organization in the U.S.," the unenforced ban on Communists was revoked. Not long afterward, SDSers, in submitting papers on various issues to be debated at conventions and national council meetings were openly identifying themselves as "CP" or "PLP." A subsequent step in the communization of SDS came in 1967 when several key national officers of the group openly identified themselves as communists with a small "c".

SDS has since split into three separate groups, all of which have stated their goal is revolution and communism. The Worker-Student Alliance faction is controlled by the openly Communist and revolutionary PLP. The Revolutionary Youth Movement II faction is dominated by CP, ex-PLP and other Communist elements. (The third faction, the Weathermen, is excluded, though its leaders have also proclaimed their goal is communism. They have degenerated into a handful of fanatical, drug-using anarchists whose doctrines and methods of operation violate accepted Communist teachings.)

Finally, the term "Communist" also embraces another element that can be identified only generally and not in any strict organizational sense. They are people, mostly young, who have studied Marx, Engels and Lenin and accept their economic and political doctrines. Their heroes are Mao, Fidel, Ché and Fanon; their spiritual homelands, Algeria, Cuba and Red China. Many subscribe to Mao's doctrine that "Political power grows out of the barrel of a gun."

They are not, however, members of SDS nor of any formally organized Communist party. Some are members of "collectives" and communes, or of small, independent revolutionary groups. Still others are loners. Most participate in "actions" sponsored by SDS and organized Communist groups, in addition to carrying out revolutionary operations of their own.

All the above-mentioned Communist types have been particularly active—and successfully so—on a matter that goes to the very core of our defense capability, the question of the quality and quantity of our fighting men, officers and enlisted. Their assault on the personnel base of our defense organization has been a typical Communist double-pronged attack—undercutting, discrediting and weakening it from without and, at the same time, penetrating and undermining from within.

The external phase of their attack—the subject of this article—has concentrated on two institutions, ROTC and the draft, the object being to deny our defense establishment the personnel needed for effective military operations, either offensive or defensive. In this first installment, the assault on ROTC will be discussed; next week the Communist-supported attacks on the draft will be explored.

THE OFFICER CORPS

The importance of ROTC is obvious. Through the draft and enlistment, the United States could field an army of 10 million men at any given time, but if it did not have the officers to train and lead it in combat, an army of this size—or any other size—could be decimated in short order by a military force one quarter its size, or even smaller. Without officers to lead it, you have no army.

Reserve Officers' Training Corps is the principal supplier of our military officers. Over 100,000 ROTC graduates served as commissioned Army officers in World War II. Gen. George C. Marshall, Army Chief of Staff during the war, said ROTC officers "made the difference between defeat and victory" and that "The most valuable asset we have had in the emergency has been the product of ROTC."

Harold Dodds, when president of Princeton, pointed out that in World War II, "The reserves supplied the backbone of the officer combat personnel. . . . At the end of the hostilities, the majority of Army officers at battalion and company levels were former ROTC students."

Based on his extensive experience in, and study of, World War I, World War II, the Korean War and the Viet Nam war, the noted military analyst, S. L. A Marshall has said of ROTC officers: "We simply could not get along without them. With few exceptions, their quality is amazingly high."

In peacetime, 80 per cent of all new officers entering the active Army are ROTC-trained. Last year DOD informed the Scranton Commission on Campus Unrest that "ROTC is currently supplying over half the regular officers of the combined services and a sizable number of the Reserve Officers."

There were 511 ROTC campus units in the 1969–70 academic year. They turned out over 23,000 officers. By contrast, the service academies—West Point, Annapolis and the

Air Force Academy—produced about 2,300, one-tenth the number.

The message is clear. Hit ROTC and you hit the ability of the U.S. to defend itself.

COMMUNISTS AND ROTC

The Communist party has traditionally opposed ROTC. At its 17th National Convention, held in New York City in 1959, it adopted a "Resolution on the Youth Question" which, in one of its subsections, gave No. 1 priority to:

"Abolition of . . . the ROTC."

Charlene Mitchell, of California, CP candidate for Vice President of the United States in the 1968 elections, gave a report on party youth work to the Southern California District convention which immediately preceded the party's 1959 national convention. She spoke of the recent appearances of "Comrade Dorothy" (Healey) on a number of campuses and stated:

"The poll that was recently conducted on one of the campuses on whether the students were in favor of compulsory ROTC the response was overwhelmingly opposed to the continuation of the compulsory military training on campus. And the stirrings of student organizations has already begun to take initial steps."

In her recommendations for "mass work" by the party, she said:

"We join in every activity around the issues confronting the students to help raise the demands for complete academic freedom on the campuses. For the elimination of compulsory ROTC in the state universities. . . ."

The party's anti-ROTC program was not a roaring success in the early '60s, although it did succeed in staging sporadic campus marches and demonstrations. These were usually engineered by supposedly independent "Marxist Study Clubs" which it controlled. A number of factors contributed to a later, much intensified and much more successful operation. They were:

The emergence of SDS in 1962 and its gradual communization over a period of years.

The 1963 formation of the PLP, a Peking-oriented CP offshoot which attracted the younger, more violence-prone element of Communist-inclined youth.

The formation of the DuBois Clubs in 1964, giving the party an on-campus agency to propagandize and agitate on the issue.

In addition, the Trotskyist SWP had launched a youth group of its own, the Young Socialist Alliance, in 1959 and Youth Against War and Fascism (YAWF) was similarly established in 1962 to serve as the youth arm of the Trotskyist splinter group, the Workers World party.

Some time passed before each one of these groups became operationally effective, but all adopted anti-ROTC stands and despite their factionalism and rivalry, worked together for their common objective of destroying the military readiness of the United States by undermining its officer corps.

When the party's youth front, the anti-ROTC, W.E.B., DuBois Clubs of America, faded out of the picture in 1969, its successor, the Young Workers Liberation League (founding convention, Chicago, February 1970) immediately placed itself in opposition to ROTC.

"The Student Rebellion," a paper distributed at its convention, had been prepared by DuBois Club leaders. The program section of this paper outlined a number of demands the new Communist youth group would make. One of them read:

"First, of course, is the demand for the abolition of ROTC and of military research of all forms on the campuses."

The general resolution adopted at the YWLL convention, in the subsection entitled "College Students," read:

"We will work among youth to . . fight against every manifestation of militarism in the universities (against ROTC, Dow recruiters, war research programs, etc.).

The CP, of course, is still opposing ROTC. The youth section of its "New Program," promulgated in May 1970, said, "We advocate . . . abolition of all military use of schools and colleges, including ROTC and military research."

STUDENT MOBE

A major Communist instrument in promoting campus propoganda and agitation against ROTC, the draft and all other aspects of defense preparation is the Student Mobilization Committee Against the War in Viet Nam. Student Mobe was organized by Bettina Aptheker, a member of the Communist party's National Committee and a professed party member at the time, for the purpose of organizing a nationwide student strike against the war in Viet Nam. It's founding convention was held in Chicago in December 1966. Host for the affair was the Communist-front Chicago Peace Council.

Over 250 delegates attended the convention, representing about 50 colleges and universities and 16 states, Puerto Rico and Canada. Representatives of the Communist party. DuBois Clubs of America, Socialist Workers party, Young Socialist Alliance, Progressive Labor party, and Youth Against War and Fascism, took part in the proceedings.

Other organizations, of course, were also invited—National Student Association, SNCC, SSOC, CORE, SCLC, American Friends Service Committee, Young Christian Students, Methodist Student Movement and, additionally, several Communist fronts. Most of them took the bait.

There were workshops on the draft, campus military recruiting (CIA, Dow and the military services), university "complicity" with the war and military research. All aspects of the party's sabotage-DOD line were covered.

The first day's speakers were Bettina; Sidney Peck, formerly a member of the Wisconsin State Committee of the CP; Marjorie Kinsella, an ex-nun since identified as a party member; Dan Styron of YSA; two SDS representatives, one of them the son of Sam Kushner who has served on CP's national committee; and Eugene Groves, then NSA president; Peter Orris of Harvard SDS, since identified as a CP member, was master of ceremonies.

Not surprisingly, a delegate of the Peking-oriented Progressive Labor party later wrote bitterly that the convention was dominated by the CP, the DuBois Clubs and YSA.

Student Mobe operated more or less as a united front for some time afterward with the DuBois Clubbers and the young Trots in DCA and has been running it ever since. YSA took control of the organization from the DCA and has been running it ever since YSA describes itself as "a nationwide Communist revolutionary organization."

Opposition to ROTC has been a major Student Mobe program since its founding. Promotional literature distributed at the time of the Oct. 15, 1969, Viet Nam Moratorium, for example, described the group in part as follows: "Campus chapters of SMC work to build actions against ROTC, recruiters, war research and the draft."

The YSA "Program for the Campus Revolt," published in its magazine *Young Socialist* last year, contains the following demand: "Abolish ROTC, end all ties between the university and the military. No military recruiters on campus. End cooperation with the Selective Service System, abolish the draft."

The Trotskyist Communist YSA leaders have been boasting recently that they have taken the leadership of the "left wing of the nation's student movement" away from SDS and are today the top-ranking campus activist group.

FBI Director Hoover describes YSA, which still controls Student Mobe, as "the largest and best-organized youth group in left-wing radicalism."

SDS'S ROLE

SDS opposition to ROTC and the intensity of its attacks on the institution have parallelled the communization of the organization. When it first took a stand on ROTC in 1964, it called only for abolition of *compulsory* ROTC. A few years later individual chapters were calling for complete abolition of ROTC, as well as the draft, recruiting and military research.

A House committee report points out that during the 1968 academic year, SDS protests fell into one or more of four broad categories, the first being "war-related issues such as opposition to ROTC military or CIA recruitment on campus, and military research on campus."

"Smash the Military Machine in the Schools (A National Winter-Spring Offensive)" was the title of a paper considered—and rejected—at a December 1968 SDS National Council meeting. It was later approved, however, at a Princeton regional conference in February 1969 (attended by strong Black Panther and PLP contingents) and subsequently by SDS national interim committee.

To implement a nationwide program of mobilizing people to actively "combat" and not merely "resist" imperialism, the paper recommended the adoption of the following demands under the "SMASH" slogan:

"No ROTC.

"No war or counter-insurgency research.

"No military or war recruiting.

"No draft assemblies in high schools.

"No high school sending of names to draft."

In reference to the first demand, the paper explained: "In the case of ROTC, a nationwide attack would severely hurt the military . . . . As a result of VC sharpshooting, the military is experiencing a severe shortage of officers."

The Marxist-Leninist "class warfare" basis of the SDS anti-ROTC struggle was spelled out:

"We must articulate and demonstrate the class nature of these military institutions, as well as their racist nature—that ROTC supplies the officers and high schools supply the GIs for imperialist wars. In talking to GIs about our spring actions we must talk about ROTC as the main producer of the officer class (85 per cent of all second lieutenants, and 45 per cent of all officers on active duty) which most immediately oppresses the enlisted man."

No Communist group conceals its efforts to abolish ROTC. But SWS, *"nouveau riche"* in its revolutionary Marxism-Leninism compared to the others, goes to much greater lengths in spelling out the ideological base for its position.

A University of Maryland SDS flyer entitled "Smash ROTC—Smash Imperialism," distributed on the same day its "action" had taken place, proclaimed that it had "Stopped the Air Force Reserve Officer Training Corps from registering students. We overturned their table and destroyed their papers."

Paragraphs of ranting about U.S. "imperialism" in typically Marxian language followed —and then:

"The ROTC programs foster all the destructive, oppressive capitalist ideologies . . . ROTC plays a vital role in the imperialist system. In fact, ROTC supplies 50 per cent of the Army, 35 per cent of the Navy, and 30 percent of all Air Force officers . . .

"The university serves imperialism through programs like ROTC; it therefore is, and will continue to be, a battleground . . ."

Another SDS flyer circulated on the campus of George Washington University in our Nation's Capital was somewhat more mildly captioned "Abolish ROTC—Fight Capitalism." Its rationale was thoroughly Communist: The war in Viet Nam is not an aberation, an isolated mistake in U.S. policy but the natural result of U.S. capitalist (and hence imperialist) culture. ROTC should be abolished because it is "essential" to the implementation of U.S. imperialist policy in Viet Nam.

Under such subheadings as "ROTC: The Main Source of Officers" and "No Alternative to ROTC," the flyer quoted statements made by the former commanding officer of the Harvard ROTC in his vain efforts to preserve it at that institution in the face of a successful Communist-SDS onslaught:

"The Armed Forces simply cannot function without an officer corps comprised largely of college graduates . . .

"Let it be understood beyond question that there is at present no acceptable alternative source of junior officer leadership if ROTC is driven from the college campus."

The SDSers were clear in their ultimate purpose. Statistics were then cited to prove the truth of the above statements and to demonstrate SDS's point that "a widespread anti-ROTC movement *would* have the desired effect."

By the time its 1969 convention rolled around, the Viet Nam war and "militarism" were the keynote of most SDS activity. It was a far cry from the native radical, anti-Communist organization of 1962 that concentrated almost exclusively on community problems such as poverty and integration and was primarily interested in the lot of the deprived, black or white, in ghettos or the Appalachias. One paper submitted to the convention stated:

"In struggles against the war—such as anti-ROTC struggles—it is crucial to fight in the interests of the international working class. ROTC should go because it provides officers to be used against revolutions abroad, and black rebellions and strikes at home."

When the Workers-Student Alliance (PLP) faction of SDS held its convention in Chicago in December 1970, it adopted a resolution entitled "Fighting ROTC." A workshop was devoted to the subject and the following plan adopted for an intensified offensive against ROTC this spring:

Groups of four or five will enter ROTC classes and disrupt them by asking a barrage of questions. Then larger groups will invade classes and close them down. Picket lines will be thrown up and finally, the SDS-WSAers hope, they will call strikes that will close down universities conducting ROTC programs.

THE TEST ACTION

Words and doctrines are important to Communists. Actions are more so. Did the above positions and statements, repeated, enlarged and reiterated on campuses from one end of the nation to the other by the Communist coalition in speeches, flyers, newspapers, etc., result in action?

Anti-ROTC activities of all kinds mushroomed on campuses across the country—and in Puerto Rico and Hawaii. In the spring of 1965, agitating students forced the cancellation of the annual Navy ROTC awards ceremony at Columbia University by blocking the entrance to the building in which it was to be held. Speakers at this demonstration, in addition to Prof. Staughton Lynd, and Alan Krebs, included Rick Rhodes of PLP, Doug Jennis of YSA and Key Martin, chairman of YAWF.

Similar "demonstrations" were then, and are still, taking place on campuses all over the country. ROTC classes, drills and ceremonies are routinely disrupted by sit-ins, break-ins and other disruptive tactics. Campus recruiting and registering is blocked. ROTC facilities are firebombed and destroyed or damaged by explosives.

Testifying in April 1969 FBI Director Hoover stressed that:

"In September 1968, within a five-day period, three ROTC establishments were sabotaged and a fourth threatened. . . . On Sept. 13, 1968, Callahan Hall, the Naval ROTC building at the University of California at Berkeley was damaged by explosives which caused in excess $25,000 in damage. Two previous attempts were made to firebomb this building in 1968.

"On Sept. 15, 1968, several firebombs were thrown into the ROTC armory at the University of Delaware, damaging or destroying 300 military uniforms and public address system equipment.

"On Sept. 18, 1968, a fire of undetermined origin caused extensive damage in Clark Hall, the Naval ROTC building at the University of Washington in Seattle. Prior to this date, members of SDS at this university had announced the Naval ROTC unit as one of their 'targets.' Furthermore, at the scene of the fire, Robbie Sterns, self-described SDS activist, was observed chanting, 'This is No. 1 and the fun has just begun: burn it down, burn it down!' "

Michael Siskind of Washington University in St. Louis has pleaded guilty to an attempted fire-bombing of the ROTC installation at the university on Dec. 3, 1968.

SDS-sponsored anti-ROTC demonstrations immediately preceded and helped spark the April 1969 riot at Kent State University in which four students were killed.

In the FBI's annual report for 1969, Hoover pointed out that so far in the 1969-70 school year, "52 violent demonstrations have been held against the ROTC program and damage thus far attributed to the demonstrations has amounted to well over $1 million."

The year 1970 saw an escalation of violent attacks on ROTC facilities. A few examples:

At the University of Wisconsin in February, the ROTC headquarters was attacked during a demonstration against GE recruiting. The demonstration was sponsored by YSA, SDS, Student Mobe and the Black Council.

In April, over 100 windows were broken in an anti-ROTC demonstration at Stanford University which followed a speech by Mobe leader Tom Hayden.

At the University of California, also in April, police had to use tear gas and clubs to break up an attack on an ROTC building. One of the key agitational speakers at the rally immediately preceding this attack was Victor Caufield, a leader of the PLP faction of SDS.

Another ROTC protest demonstration at Stanford University on April 24, 1970, turned into a riot and rampage. Appropriately, the protest was scheduled as a celebration of Lenin's birthday. Damage was estimated as high as $150,000. The result—the life work of 10 visiting scholars—was completely destroyed, including a 22-year project on the caste system of India undertaken by a man recognized as one of that country's greatest anthropologists.

The FBI report for the fiscal year 1970 pointed out that:

"ROTC facilities were singled out as a target [of violence] on 182 occasions" and were the subject of 281 attacks in the 1969–70 academic year. Director Hoover has more recently revealed that in the period Sept. 1, 1970 to the end of February 1971, ROTC campus units had been subjected to 49 additional attacks.

The key question: Has this intense anti-ROTC drive hurt U.S. preparedness?

Some facts: In 1968, before the assault had its full impact, 112 colleges and universities had compulsory ROTC. By 1970 the number had dropped to 48.

ROTC enrollment reached its peak in 1961: 303,693. It then began a gradual decline which accelerated sharply in 1966. In 1968 it was down to 202,417. By 1970 it had plummeted to 109,598—the lowest in almost a quarter of a century and only one-third the '61 figure.

Twenty-four major colleges and universities have already dropped, or decided to drop, ROTC. Included are Harvard, Princeton, Yale, Dartmouth, Columbia, Brown, Tufts, Stanford, Bowdoin, Boston U., NYU and Colgate. As a result, about 4,500 officers will be lost to the armed services each year.

US News & World Report recently reported that "The Pentagon is starting for the first time to worry openly about its future supply of officers." The key word there is "openly."

Numbers are not the only concern. In February 1970, in an official report on the status of the country's reserve forces, DOD stated that a further reducting in ROTC enrollment (below the fiscal '69 level) "may lower the quality of the product."

That was over a year ago—before the 1970 drop of over 50,000. In view of the sharp decline that had already taken place, the report stated only that the services "appear" able to meet their fiscal '70 officer production objectives.

The image and repute of ROTC has also been hurt. In June 1969 the Cadet Colonel of the Georgetown University ROTC told a congressional committee:

"It [campus opposition and harassment] has had a very definite effect on the morale, especially the basic Corps of Cadets, which would be freshmen and sophomore cadets.

"They often expressed to me the feeling that they are kind of lost because it seems that there is continual ranting and raving against ROTC and against these fellows for being in the program, but nobody ever seems to back them up, any of the administration. Nobody ever seems to express interest in what I would call dedication, because it is really rough to be in the ROTC nowadays on campus.

"Georgetown is really one of the easiest campuses to be in ROTC. It is really getting rough."

ROTC enrollment had already dropped about 20 percent at Georgetown, in part because fewer freshmen were joining the program than in the past. According to the Cadet Colonel, John Thomas Hoffman:

"I think the seniors coming out of high school today hear so much about the anti-ROTC sentiment on the campus that it is no longer stylish to be in ROTC. . . ."

The fact that most students favor campus ROTC (though they may not be willing to enroll in it) is an indication of how successful this Communist campaign has been. The above results have been accomplished against the will of the majority.

A nationwide Harris poll taken in May 1970 revealed that 70 per cent of students thought ROTC should be permitted on campus (25 per cent of the students polled opposed it). In other polls Dartmouth, Stanford, Boston College and the State University of New York at Buffalo, the majority of students voted against ROTC. It should be pointed out, however, that in some of these polls only a minority bothered to express their opinion.

Physical destruction and dollar damage is also a factor to consider.

A DOD report prepared for the Scranton Commission stated there were 20 acts of violence against Army ROTC units in the 1968–69 academic year. The following year, the number jumped to 126. There had been only five acts of violence against Air Force ROTC units in 1968–69; the number jumped to 56—11 times that figure, in 1969–70. In the case of Navy ROTC units, the increase was from three to 15. ROTC buildings were completely destroyed or substantially damaged on 19 campuses in the 1969–70 year.

So successful have the Communists been in centering hatred on ROTC that during the rioting that swept many campuses in May 1970 following the invasion of Cambodia, 40 ROTC buildings were damaged by fire; 10 of them being totally or partially destroyed.

A General Services Administration report indicates that in the 1968–69 academic year there were 30 "incidents" involving ROTC facilities, resulting in an estimated $208,000 damage to federal property, The following year, 1969–70, the incidents jumped to 277, almost 10 times the number, and the property damage was close to $1.5 million.

More important, destruction and damage to equipment and facilities, along with frequent disruption of classes, drills and ceremonies has meant the loss of many hours of instruction.

On a purely statistical basis it can be argued that U.S. military preparedness has not been impaired by the Communist anti-ROTC campaign. Forty-two educational institutions are on the waiting list for Army ROTC units. The Air Force has requests from 72 institutions to establish ROTC units and the Navy 29. Thus, for every institution that drops a unit, there is another waiting to establish one.

But a new ROTC unit does not turn out a competent military officer overnight—or in one year. And creating new units for those eliminated does not solve the problem of the immense enrollment drop in the old-line continuing units.

DOD is so concerned it has proposed three major steps in an effort to rebuild the seriously lagging ROTC program.

Almost double ROTC scholarships—from 16,500 to 30,000 per year.

Double the subsistence allowance for junior and senior ROTC students from $50 to $100 per month.

Do what has never been done before: Pay institutions with ROTC programs $500 for every officer commissioned.

If approved, this program will cost at least $35 million per year.

The Communists have not completely destroyed ROTC. Obviously they never will. But they have kicked it around, battered it and reduced it to just about the lowest relative state in its history.

Not a small accomplishment for a movement that, Establishment dogma says, exists only in the minds of oddballs who see a Red under every bed!

Just what would the U.S. do if a year or so from now it suddenly faced a full-war crisis and, for its survival, urgently needed the vast number of ROTC-trained officers such an emergency demands?

The Communist Assault on the Draft

Military conscription is unpopular, ancient and apparently necessary for all nations in time of war. The Bible records that two years after leading his people out of Egypt, Moses drafted over 600,000 men into the army to defend the nation of Israel. The early American Colonies, following British custom, used military conscription to man their militia.

George Washington, after his Revolutionary War experience with troops that faded away, urged the very first Congress to adopt a federal draft. It refused his plea. Jefferson and Madison did the same as Presidents, again without results. During the Civil War both the North and the South raised their armies largely through the draft. Conscription was also used during World Wars I and II. Of the almost 15 million men who served in World War II, over 10 million—about 66 per cent—were draftees.

Because of Communist aggression and warmaking we have had draft laws in effect for all of the last 30 years, except for about 12 months in the 1947–48 period.

The present draft law expires on June 30. President Nixon has proposed an all-volunteer Army to eliminate the need for an indefinite continuation of the draft. Congressional committee chairmen with extensive knowledge and experience in the area, and as knowledgeable a pro as Gen. Hershey, say it won't work.

Whether it will or not, the basic consideration for now is that, for the past three decades, it has been the considered judgment of the Congress and of every President that military conscription has been vital to the defense of the United States.

THE COMMUNIST VIEW

When the Soviet Union was our "ally" in World War II, the Communist party favored universal military training, a proposal more drastic than any draft law enacted in this country's history. During all other periods, all Communists have opposed the draft for the simple reason that it has been the decisive instrument in the maintenance of forces adequate to protect this country and defeat attempted Communist aggression and revolutions.

The report to the Youth Panel at the Communist party's 1948 convention stated, "America's youth . . . can be won in the millions . . . for the repeal of the draft." In 1951, speaking at the New York State Convention of the Communist party, Gus Hall stated that the draft was one of the central questions that agitated the youth of America.

In its 1955 report on the Labor Youth League, which was then the Communist party's youth arm, the Subversive Activities Control Board pointed out that both the party and the LYL "urge repeal of the draft." At the party's 17th national convention, in 1959, reports by three topranking party officials—Hyman Lumer, Arnold Johnson and William Albertson—all urged a Communist drive to destroy the draft.

At the 1960 May Day rally in New York City's Union Square, Paul Perlman, then president of Advance, the Communist party's youth group of that period, called for abolition of the draft. At an Advance rally held in New York City the following month, one of the themes was, "End the Draft. Bring Our Boys Back Home." The DuBois Clubs sang the same song during their '64-'69 life.

The newly created Young Workers Liberation League, successor to the DuBois Clubs, put itself on record as opposed to the draft at its founding convention in February 1970.

The general resolution adopted at that convention stated at one point, "We shall work among youth . . . to fight to abolish the draft, for the rights of GIs, and to end militarization of the campus." A document distributed at the convention, "KO Racism, Unite the Working Class," called for a "Fighting Program" that included the objective "End the Draft."

Basically the progress of the Communist anti-draft campaign has paralleled that of the anti-ROTC drive. It moved along at a steady—desultory pace—not too effectively—through the '50s and early '60s. From 1965 on it accelerated rapidly, reaching its climax in 1970.

The reason for this is readily understandable. It is most difficult—even for a strong, smooth-functioning subversive group or coalition—to wage a really effective anti-draft or anti-ROTC campaign in peacetime.

The draftee may not be charmed with the idea of military service, but it means no more than a temporary interruption of his freedom or his life plan, if he has one. It even has attractions of sorts—experiencing a new way of life, getting away from home, perhaps seeing a foreign country, etc. For the poor, it unquestionably means a better way of living.

While an ROTC commission involves some military obligations for a period of years, it is a mark of honor. Technically, it means the holder has the qualities to lead other men, even in combat. Any normal male would be proud of this, though not all desire to be put on that spot or will go out of their way to achieve it.

But when the shooting starts and men start dying, things change. The attractions disappear. The price of military service for both officer and enlisted man becomes much higher. No normal, intelligent young man wants to die or unnecessarily risk his life in combat, even though a sense of duty and honor usually impel most to do so when it is required.

War immediately creates a mass of potential service evaders and resisters—those lacking courage, patriotism, a sense of duty; those overly sensitive to violence, war and killing, etc.

The 1965 commitment of U.S. troops to combat in Viet Nam and the escalating numbers involved in battle there during the next few years created a golden opportunity for the Communists. They were organized and ready, knew what they wanted and exploited the opportunity fully.

THE MARXIST CONTRIBUTION

The CP was not the only Communist organization waging an anti-draft campaign. All those involved in the anti-ROTC drive waged a parallel campaign. Much of the anti-ROTC literature quoted earlier also contained ringing anti-draft declarations and often gave them greater priority because many more young men are affected by the draft than ROTC.

Early in 1964 Phillip Abbott Luce, as an independent revolutionary radical, had drafted one of the first "We Won't Go" statements. Then he joined the May 2nd Movement (M2M), and anti-Viet war front for the Progressive Labor party which took his statement and revised it before circulating it on campus for signatures.

Why the revision? Luce's original declaration said in part: "We understand our obligation to defend our country and to serve in the Armed Forces." It then went on to say that, if drafted, the signers would refuse to serve in Viet Nam.

The PLPers running M2M would not tolerate the above quote. They changed it to read: "We the students of the United States refuse to be drafted. We do not recognize the right of the government to draft our fellow students."

Luce has since left the radical movement.

An M2M document prepared by PLP member Jeff Gordon, dated Oct. 30, 1965, had a subsection entiled: "Anti-Draft Unions." It revealed that at an M2M meeting on October 24,

"The essential decisions were that anti-draft activity should be carried out through the formation of independent Anti-Draft Unions, though some chapters may decide that the situation on their campus calls for the work to be done directly by M2M."

M2M, which had chapters on about 20 campuses at the time, issued a press release on its proposed anti-draft activity. It included suggestions for actions to be taken. Those listed read like a scenario of what has taken place over and over again during the last five or six years:

". . . demonstrations at draft boards when a member of the Union is being forced to go into the Army; similar demonstrations in support of members who refuse to go into the Army; demands on campus that the university cease all cooperation with the draft board—that they hand over no grades or other information to the draft board and that professors refuse to give in grades for this purpose—and that ROTC Get Off the Campus; if these campus demands are not met the Union might consider the organization of student strikes to support the demands; that the Unions approach high school students and tell them about the war in Viet Nam and about the different alternatives open to them on the draft."

In 1965 another PLP front, the Viet Nam Day Committee (which was headed by Jerry Rubin, collected money for the Viet Cong and attempted to halt troop trains carrying personnel and supplies bound for Viet Nam), founded an anti-draft committee in cooperation with SDS.

This committee staged anti-draft demonstrations in Oakland and San Francisco. Among other things, it circulated a document entitled "Brief Notes on the Ways and Means of 'Beating' and Defeating the Draft." Suggestions included: "Be a C.O." "Be 'gay.' Play the homosexual bit." "Be an epileptic." "Play psycho." "Arrive drunk." "Arrive high." "Be an undesirable. Go for a couple of weeks without a shower. Really look dirty. Stink." "Bed-wetting."

The I Wor Kuen is a new Maoist organization. Composed primarily of Chinese-Americans, it was organized in November 1969 and has its headquarters in New York City. It has worked with the Black Panthers, the Young Lords and SDS, the most extreme of the groups on the left. One of the first projects undertaken by the I Wor Kuen in Chinatown, New York, was a draft "counselling" service for the young men of the community.

THE YOUNG TROTS

Student Mobe, the offspring of Bettina Aptheker kidnapped by the Trots, has played a major role in stimulating anti-draft activity in all parts of the nation. At Student Mobe's 1966 founding convention the very first question prescribed for discussion at the workshops on the opening day was:

"How can we effectively build mass opposition to the draft on the campus? Is noncooperation with the Selective Service effective? Is opposition to 2-S a good focal point for student anti-war action? Can a campaign to abolish the draft attract large numbers of students? How should the anti-war movement relate to students already drafted?"

The "Call to Viet Nam Week" adopted at the convention attacked the draft, not in Communist terms but on the grounds that it "perpetuates a system of racism in the United States . . . penalizes the poor" and was used by the government to crush the aspirations of racial minorities. The idea, of course, was to appeal to the blacks and liberal-minded non-Communists in attendance.

The convention also proposed that the forthcoming Viet Nam Week demonstrations focus on four major issues, one of which was "Abolishing the draft, and supporting the right of individuals to refuse to cooperate with the military system."

Viet Nam Week, 1967, was a week of anti-Viet Nam war actions organized by the Spring Mobilization Committee to End the War in Viet Nam and supported by Student Mobe. It culminated in rallies in New York and San Francisco on April 15 of that year, attended by over 200,000 people.

The week was characterized by anti-draft activity of the type suggested at Student Mobe's founding convention: Opposing the sending of draftees to Viet Nam; opposing 2-S; supporting students who refuse to cooperate with the draft; sit-ins at draft boards, the circulation of "We Won't Go" pledges, etc.

Stude Mobe, under both CP and Trot control, has staged "Stop the Draft Weeks" for the last four years.

Mike Zagarell, national youth director of the Communist party and a member of its national committee, was arrested on Dec. 7, 1967, during Student Mobe's violent "Stop the Draft Week" demonstration at the induction center at 39 Whitehall Street, New York City.

Now the education director of the party's new youth front, the Young Workers Liberation League, Zagarell then served on the New York City Coordinating Committee for Stop the Draft Week, as well as the national council of Student Mobe. (A September 1966 Communist party National Youth Conference considered a report by Youth Director Zagarell entitled "End the War—End the Draft" which stressed the importance of party anti-draft work.)

The CP and other Communist parties have given their all-out support to Student Mobe's anti-draft activities. When William Di Vale, an undercover informant for the FBI, testified before the Subversive Activities Control Board in the spring of '69, he described the agenda of a Communist party meeting he attended in West Los Angeles in September 1967 in part as follows: "The second point on the agenda centered around a report and discussion about the coming Stop the Draft Week activities."

The DuBois Clubs of America also played a major role in this type of activity. At a meeting of the National Executive Committee of the DuBois Clubs held on Nov. 5, 1967, there were two main points of discussion, one of them being Student Mobe's upcoming Stop the Draft Week (first week of December 1967). It was decided that DCA would give its full support to the operation.

Actually, the 1967 Stop the Draft Week had been thoroughly discussed by the DuBois Clubs' National Coordinating Committee at a meeting held in Chicago as early as June of that year.

"BIG" MOBE

The adult Mobe group has also played a very important role in the Communist campaign against the draft. "Mobe" originated as the November 8 Mobilization Committee for Peace in Viet Nam, for Human Rights and for Economic Justice. Its purpose was to make Viet Nam an issue in the 1966 elections. It has since operated under the name "Spring," "National" and "New" Mobilization Committee to End the War in Viet Nam.

Mobe, like Student Mobe in its early days, was a coalition or umbrella-type organization. Again, the key roles in the group were played by the CP and the Trots, with the two groups contending for domination. Their uneasy marriage ended in a split last summer. The Trots have now formed their own anti-war front called the National Peace Action Coalition. The other Mobe element, centering around such persons as Rennie Davis, Dave Dellinger, Sidney Peck and Donald Kalish, formed a rival group called the National Coalition Against War, Racism and Repression and then changed its name to Peoples Coalition for Peace and Justice. This group is referred to as "the Stalinist coalition" by the Trotskyists running the NPAC.

Under all its names, however, the adult Mobe group has vigorously pushed the Communist anti-draft campaign.

At a Mobe meeting held in a camp outside Chicago in March 1968 (the first step in planning the Democratic Convention riot that summer), the program adopted included a demand, as its earlier ones had, for an immediate end to the draft.

In September 1968, immediately after the convention riots, a 28-member U.S. delegation organized by Mobe leader and self-identified non-Soviet communist David Dellinger, travelled to Budapest where they met with representatives of North Viet Nam and the Viet Cong to discuss ways in which the U.S. could be undercut and a Communist victory promoted in South Viet Nam. Encouraging draft resistance was one of the steps decided on.

Also that month, on September 24, the administration committee of what was then called New Mobe, met in Washington. One of the items considered was a report from Prof. Donald Kalish of the University of California, which urged continuing pressure on draft boards. A long-time key Mobe activist who has described himself as somewhat to the left of the Communist party, Kalish gave Angela Davis her job at UC, where he heads the Philosophy Department.

One of the last actions of New Mobe before it split in the summer of 1970 was its spring "Stop the Draft Week," held March 15–22 of that year. Announcing the event in February, Mobe stated, "A determined effort will be made to close down as many draft boards and induction centers as possible, through the 'dialogue of confrontation'."

It added that there would be picketing, distribution of leaflets, draft card turn-ins, that its followers would ask draft board employes to resign, invade draft board offices to "dialogue" with employes and, if evicted, block the entrances to prevent board operation. The week was also to feature a march on Selective Service headquarters in Washington.

New Mobe leaders held a press conference in Washington on March 14, 1970. They said their Stop the Draft Week would feature haunt-ins at draft boards, death watches by supporters dressed in black; also comply-ins—harassment by over-compliance with the draft regulation which requires registrants to keep their boards informed of any change in their status.

The idea was to flood the boards with irrelevant, unnecessary information in order to impede their work. For example, have you started working for the telephone company? If so, visit your draft board and present it with a directory. It was their hope, the leaders of New Mobe said, that they would succeed in completely shutting down the entire Selective Service operation for at least one day. (They did not succeed.) They claimed that there would be demonstrations at draft boards, induction and recruiting centers in over 100 cities.

"PARTICIPATORY DEMOCRACY" AT WORK

Students for a Democratic Society has contributed as heavily to the Communist campaign against the draft as it has to the drive against ROTC. Its Peace Research and Education Project urged abolition of the draft in 1964. Following the 1965 SDS convention, there was a meeting of SDS's National Council over the Labor Day weekend. A vigorous anti-draft program was proposed at this meeting which included plans to counsel draft-age youth on how to avoid the draft. Submitted to the SDS membership for approval, it was defeated by a narrow majority. Despite this, SDS announced that each local chapter would make its own decision about undertaking an anti-draft program.

The anti-draft program and the Viet Nam protest movement dominated discussions at the SDS national membership conference held in Urbana, Ill., in December 1965.

SDS sponsored a draft-card burning during the so-called Assembly of Unrepresented People held in Washington in August 1965 to protest the war in Viet Nam and launched an all-out anti-draft campaign in October 1965.

At the 1966 convention, Jeff Segal, who had been indicted for draft evasion (and has since served a prison term for it), was named the SDS national anti-draft organizer. By the end of 1966 SDS was on record for "resistance" as opposed to mere "opposition" to the draft.

The SDS paper on draft opposition, calling for both legal and illegal measures, was written by Vice President Carl Davidson, an open advocate of revolution. He saw opposition and resistance to the draft as promoting opposition to the government itself, to the Viet Nam war and also as something which would hit the U.S. military machine where it was "most vulnerable."

DRAFT "COUNSELING"

With millions registered under a complicated draft law, the spread of draft counseling was inevitable. Many young men cannot figure out all the ins and outs of the law. They don't know if they qualify for deferments, exemptions, etc. They need honest, qualified help.

Churches, service organizations, educational institutions, pacifist and anti-war groups are in the counseling business. Some lawyers specialize in it. Most are beyond criticism and neither want nor accept draft-dodgers as clients.

Some draft counseling, however, both group and individual, is either highly suspect or clearly a Communist operation.

Two cited Communist fronts with many identified Communists as members, the National Lawyers Guild and the National Emergency Civil Liberties Committee, joined forces in June 1968 to form the New York Draft and Military Law Panel. The panel is non-profit, allegedly supported by voluntary contributions. Its members serve without fee, requiring only payment for their out-of-pocket expenses.

The panel is not neutral. It is an attack organization whose members admit they are opposed to the Viet Nam war and sympathize with all kinds of military resisters. Their aim is to challenge every angle of draft and military law. They have handled scores of cases.

It claims over 100 lawyer members and an additional 300 lawyers spread throughout the country who will respond to calls for assistance. Similar groups exist in Boston, San Francisco and Los Angeles.

Communist groups promote business for these panels. The Peace Action Council of California, while headed by identified CP member Irving Sarnoff, published a newsletter called "Counterdraft." This newsletter publicized, for example, the 131 San Francisco lawyers who had formed a panel to defend draft dodgers.

The panel was headed by Aubrey Grossman, who has been identified as a CP member on six different occasions in HCUA testimony. He once served as educational director of the party in San Francisco, was a key official in one of the party's old legal defense agencies, the Civil Rights Congress, and via party papers has instructed the faithful on how not to cooperate when approached by the FBI.

THE WHITEHORN CASE

The case of Erik Whitehorn sheds interesting light on Grossman's draft "counseling" technique. Whitehorn, after serving four months of a four-year term for refusing to be drafted, was released from prison by a federal judge, Gus Solomon, on Aug. 25, 1969—after the judge had received a letter from the jailed Whitehorn and granted him a hearing at which he explained how he had become a draft resister. Here's the story as told in the letter and hearing:

In 1966, at age 16, Whitehorn went to Oakland to visit a girl friend, who talked him into taking part in what turned out to be a violent anti-draft demonstration at the Oakland Induction Center. He was arrested and spent six hours in jail before his mother arrived from their home in Palo Alto to bail him out. He was later given probation and placed in custody of his mother till age 21.

Whitehorn's arrest made him a hero of the left. "I thrived on the limelight and began to believe I had gone to Oakland for a reason other than wanting to be with a girl friend and see some excitement." Eventually "everyone was left with the impression that I was a strong-willed man of conscience. I had a reputation."

As he approached draft age, Whitehorn conceived the idea that his mother could refuse to let him register for the draft because there were various other acts he could not perform legally without her consent. In the summer of 1968 he and his mother went to see Aubrey Grossman after being given his name by the Draft Resistance.

"When we went to see Grossman, one of the first things he talked about was publicity. He had ideas of a defense fund.

Grossman told me that the "Whitehorn Case" was going to be a famous test case and he told us how he would send out lots of publicity. I was excited."

Once he had seen Grossman, he was "programmed" to adopt a position he did not really believe in. From that point on "my destiny . . . was planned by my lawyer and mother."

On Oct. 21, 1968, two days after his 18th birthday, Whitehorn appeared at his draft board with Grossman and his mother. His mother gave the board a letter saying she had denied him permission to register. The group held a press conference. (His mother also left a press release with the dean of students at Erik's high school.) The machine went to work. National publicity followed. Whitehorn was famous.

Doubts arose in his mind and he wavered during his April 1969 trial. He discussed his fear with Grossman.

"Mr. Grossman told me that whatever the outcome of the trial we would appeal, so I lost, or suppressed, my fear. . . . There was so much confidence, so many letters of praise" that Whitehorn did not stop to think through what he was doing (by trial time, his mother claims, she had received over 1,000 letters, all but 20 supporting her).

Whitehorn was convicted on April 4, 1969. Judge Solomon, who had been brought from Portland to conduct the trial because of the publicity given the case, denied bail and also an appeal which, he said, would have "no merit," be "frivolous" and "solely for purpose of delay and to allow him [Whitehorn] to continue his agitation."

The judge added: "This is the first case I've ever tried where I thought the motivation [for draft violation] was political."

After four months in a prison cell and a lot of thinking, Whitehorn wrote a long letter to Judge Solomon, revealing the lies in his trial, the sham nature of the whole case, asking for a modification of his sentence and saying he wanted to register for the draft. He was granted a hearing. Judge Solomon reduced his sentence to time served and placed him on probation for three years, provided he complied fully with the Selective Service law.

Whitehorn told Judge Solomon he had wanted to back out of the case but had been pushed on by his mother and his "fancy San Francisco lawyer," Aubrey Grossman. He added that he believed his mother had been "victimized" by Grossman just as much as he had.

What was Grossman's reaction when informed of Whitehorn's letter to Judge Solomon?

"It breaks my heart. It's a terrible thing that the pressures of prison have changed a beautiful, moral, 18-year-old into a suppliant who has lost all his self-respect. This emphasizes the unfairness of placing the entire burden of opposing the Viet Nam war on 18- and 19-year-olds."

The Whitehorn case helps explain why, when he testified before the House Armed Services Special Subcommittee on the Draft last July, draft director Curtis W. Tarr said:

"The spread of draft counseling is certainly one of the most alarming changes in America as it relates to the draft right now."

It was clear he was not referring to legitimate counseling. He referred to experience he had had.

". . . with people who come up to young men who are about to assume their obligation to the nation and who are pestered, ridiculed, attempts are made to force them into lawlessness, and all this goes on very openly right in front of our eyes . . . it is important for us to set forth to ourselves and to others the grim reality of the degree to which people openly try to undermine what we are trying to do."

William S. Sessions, chief of the Government Operations Section of the Justice Department's Criminal Division, told the same subcommittee about—

"Organizations throughout the nation which are openly advocating defiance of the draft law . . . such activities seem to present nearly insurmountable obstacles to prosecution. Counselors invariably are careful to couch their speeches in contexts of protest against the war so as to come within the 1st Amendment protection."

Individual counselors, he said, " . . . are particularly well versed in the law . . . and are cautious enough to prepare their defense in advance."

THE ATTACK SUCCEEDS

Has the Communist anti-draft campaign paid off? Consider the following facts.

Violent attacks on draft boards were unheard of in the early and mid-'60s. The FBI announced in October 1969 that it was undertaking an investigation of the bombings of draft boards and other federal facilities. In the first nine months of 1970 there were 271 violent attacks on Selective Service facilities.

Selective Service announced in September 1970 that the records and minutes of every draft board in the country had been duplicated in state offices to protect them against destruction by arson, bombing, looting and burglary. Each state now has a "duplicate central locator" of all records that can be checked if those in the local boards are destroyed. Selective Service said it was making this announcement "to forcefully convey the message" that destroying records would not stop inductions.

There were 136 cases of arson, bombing and vandalism in GSA-controlled buildings in fiscal 1970. Damage was estimated at $728,000. Almost one-third of the cases involved Selective Service facilities.

Result: It is increasingly difficult to find office space for draft boards.

GSA General Counsel Hart T. Mankin illustrated the problem when he testified before the McClellan Committee last summer:

Arsonists destroyed the building leased for Selective Service in Lafayette, Ind., on Nov. 17, 1969. The draft board was put in the National Guard Armory until new quarters could be found.

Trying to find new quarters, GSA learned that owners of single-tenancy property would not lease to them because they had been threatened with insurance cancellation if their property was occupied by a draft board. Owners of multiple-tenancy property also refused to lease to GSA for draft boards. They were not willing to risk their property or the lives of other tenants in the buildings.

One owner was finally persuaded to lease his property to GSA. The night before the lease was to be executed, however, a nearby military recruiting office was burned out. The following morning the owner refused to sign a lease.

When Mankin testified, 10 months after the Selective Service building was destroyed by arson, GSA was still trying to find new space for the draft board.

Mankin added: "The Lafayette situation exists as to Selective Service offices in many other locations. Selective Service occupies space, some leased and some government-owned, in 2,631 buildings throughout the country. GSA is having to re-examine its entire program for housing the Selective Service offices."

Harassment and violence have created personnel problems. Selective Service had a low personnel turnover in the early and mid-'60s, particularly considering that the great majority of its workers are volunteers. In 1965 the turnover rate was 6.3 percent. In 1968 it had jumped to 18.6 per cent, roughly a 300 per cent increase in three years.

Another indicator: the number of draft violators serving time in federal prisons. In the early '60s there were only 200. By mid-1968 the number had jumped to 729. Last November a Justice Department official testified: "More Americans are behind prison bars today for refusing military service than any year since 1947."

Indictments for draft law violations follow a similar pattern. In 1969 they had increased 1,000 per cent over a five-year period. In fiscal year 1965 there were only 369 nationwide. In 1966 the number had almost doubled—it was 642. In 1967 it more than doubled over '66—to 1,388. In 1968 it jumped to 1,698. In 1969 there were more than twice the 1968 figure—3,455. Best estimates are that the year 1970 figure will total well over 4,000.

1970 indictments were six times higher, on a percentage basis, than in World War II or Korea. Draft law violations ranked as the fourth highest category of federal crime. In all of World War II, when 15 million men saw service, there were only 5,000 jailed as draft delinquents.

In 1967, 33.7 million men were registered under the draft and some 14,400 were delinquent on one ground or another. In May 1969, with 37.5 million registered, delinquents had jumped to 23,280—almost double the figure of two-and-a-half years earlier.

It would be unrealistic to take the position that the President's decision to recommend an all-volunteer Army in place of the draft was not in some way affected by the Communists' intense anti-draft campaign of the last few years.

Selective Service Director Tarr stated last November that the draft had become so unpopular it was living on borrowed time, and that Congress might soon eliminate the President's power to conscript men for military service.

Other significant changes, and proposed changes, in draft regulations and law attest to the effectiveness of this phase of the Communist effort to undermine U.S. defense preparedness.

On June 16, 1970, President Nixon signed an Executive Order authorizing induction orders for all registrants who had not reported for pre-induction physical examinations. This was done because 60,000 men had failed to show for examinations.

Last December, Tarr urged repeal of the law that requires every male 18 years of age and older to carry his draft card with him at all times, and that registrants be prohibited from changing the location of their induction or physical examination whenever there was evidence it was being done to delay induction.

Finally, there is the fact that the number of draft-dodgers now in Canada is reliably estimated at 30,000, with some claiming the total is as high as 50,000 to 100,000. This means that at least 30,000 men, who would otherwise never have seen military service, have had to don uniforms to replace these draft-dodgers, some of them to die, or be crippled or wounded in Viet Nam.

It is not claimed that every anti-draft and anti-ROTC action of recent years has been conceived, organized and actually led by Communists—or that most of those taking part in them have been Communists or conscientious pro-Communists.

It is claimed, however, that this drive has been overwhelmingly a Communist operation, that Communists have been primarily responsible for it, that it demonstrates their ability to influnce many thousands of people and to inflict serious damage on the U.S. defense posture.

Many non-Communists oppose the draft. Sen. Barry Goldwater, William F. Buckley and Young Americans for Freedom have spoken out against it. The same is true of various anti-Communist liberals. The old-line pacifist groups, such as the War Resisters League and Central Committee of Conscientious Objectors, also fight it.

The important point, however, is that neither the conservative nor the liberal draft critics organize or promote the bombing, burning or "trashing" of draft boards and ROTC facilities.

They do not counsel or support draft evasion, nor do they flood the campuses, high schools and ghettoes with highly inflammatory anti-draft or anti-ROTC literature. They do not harass ROTC or draft board personnel. Their opposition is expressed almost exclusively in airily reasoned arguments, written or spoken, to the public, legislators and appropriate executive branch officials.

The true pacifist groups are inconsequential. Pacifism has never been a politically viable product in America. The power of these organizations can be gauged by the fact that when they have staged anti-war demonstrations completely on their own in recent years, they have been lucky to have 100 people turn out. Success for them has been fabulous when on a few occasions they have had as many as 200.

Concerted, large-scale human action with great geographic spread and with focus on a specific issue, does not occur spontaneously. It requires instigation, organization, planning and promotion. Yet we have seen just such action on the draft and ROTC issues in the United States for the past five years at least. Moreover, it has occurred precisely when it has been obvious to most Americans that these institutions have been vital to the nation's defense.

If the pacifists are not responsible, if the liberals and conservatives aren't, then who but the Communists—who say they want just what has happened—could be?

Domestic communism may deserve a little more attention and concern than it has been getting lately.

RHETORIC IS NOT ENOUGH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DRINAN. Mr. Speaker, I include herewith a thoughtful article on the plight and future of private institutions in America written by Mr. Emanuel Goldberg and published in the March 18, 1971, issue of the Jewish Times, a distinguished Boston weekly.

Mr. Goldberg, a former special assistant to President Sachar of Brandeis University, and now a well-known Boston public relations expert, points in this article the essential and urgent needs of further encouragement at all levels for private institutions in this Nation.

Mr. Goldberg's article follows:

RHETORIC IS NOT ENOUGH

(By Emanuel Goldberg)

I suspect that most Americans don't know who Alan Pifer is and certainly didn't notice, or have already forgotten, his recent pessimistic comments about the future of private institutions in America.

Alan Pifer is president of the prestigious Carnegie Corporation of New York and in the annual report of that foundation, about a fortnight ago, he made some incisive comments of real importance to adult Americans and their children. These are worth underscoring again and again.

Mr. Pifer suggested that the burdensome financial problems of private, non-profit institutions—schools, colleges and universities, museums, private libraries, art galleries, symphony orchestras and civic theatres, voluntary hospitals, welfare oriented organizations now servicing disadvantaged or disabled members of the population—are in danger of virtually dying out in the next generation.

Right now, the first stage of this expiration, financial crisis, is actually underway. It is the moment when the institution, for the first time, shows itself incapable of vigorous response to changed times.

The diagnosis, by the way, though it occurs at the crucial second when remedial steps must be taken, is not entirely financial. There are other fundamental reasons for the sickness.

Certainly to be taken into consideration are the present attitudes and beliefs of the American people, says Mr. Pifer. Millions of our citizens, because of poverty, discrimination or disillusion with the society's values, are alienated. Some of them actually consider private institutions to be like the government: simply part of a rotten system and representative of the status quo.

Ironically, another substantial part of Americans, those who are fearful, insecure, disturbed by the changes that have been taking place, and already inclined to a conservative outlook, are also disenchanted with private institutions—but for entirely different reasons. They feel the latter have gone overboard on the side of "liberalism" and permitted the blacks to be pandered to, the students to be coddled and the law to be ignored while "good people" like themselves are ignored in their legitimate aspirations and taxed to death.

Pifer has recognized four stages of death cycle evolution of private institutions: the first, the aforementioned financial crisis; the second, when the loss "of a cutting edge" undercuts the institution's own self-confidence and the public's confidence in it; the third, when recruitment of capable staff becomes increasingly more difficult and, finally, the fourth when declining income causes curtailment of important activities and reduction of staff.

Institutions don't die quickly. The process may be protracted and inconspicuous for many years. But eventually, it has to close down.

So what?

Pifer answers this by citing four extremely valid reasons for the preservation of this private sphere.

First, the institutions offer special opportunity for concerned citizens, through membership on boards of trustees or by participation in a wide range of voluntary activities, to accept "a significant measure of personal responsibility for the provision to the public of many kinds of essential services . . ." Public authority, in other words, cannot alone solve all of the nation's problems.

Secondly, private service institutions and organizations play a vital role in the safeguarding of academic, professional and artistic freedom. Third is the fact that these institutions do exist and if they ceased to function as a private responsibility, there is no guarantee that the same kinds and quality of service now provided would ever be reinstated at public expense. (Some of the taxation implications are also frightening.)

Finally, Pifer places greatest stress on the importance of private institutions in bringing to our national life "vital elements of diversity, free choice and heterodoxy." Though he didn't say so, it's manifest that the Jewish population traditionally has an enormous stake here.

Heterodoxy and toleration of unconventional ideas and philosophies are a sign of national maturity and self-confidence. Pifer still feels that the average citizen can sort out what is genuine and what is specious. Pifer also recognizes that today's iconoclasm may, as a result of changing conditions, be tomorrow's orthodoxy and that any attempt forcibly to stifle the free play of ideas, however eccentric, may unleash those powerful social forces which can eventually result in violent upheaval.

The president of the Carnegie Corporation of New York especially urges the nation's "top political leaders" to educate the public about the threat to independent institutions "rather than simply mirroring public ignorance and apathy." Rhetoric and sentiment on the part of partisans are no longer enough. There must be a "substantial new effort" to help and understand the private institutions. This means all of us—and it involves, in our region, helping Brandeis, BC and BU, the Boston Symphony Orchestra and the New England Conservatory, the Beth Israel, Deaconess and Faulkner Hospitals, the Museum of Fine Arts and the Institute of

Contemporary Art, the Museum of Science, and all the rest, depending upon an individual's interests, responsibilities and capacity.

Alan Pifer is a name. His message is literally a command.

THE PRISONER OF WAR ISSUE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, during this Week of National Concern for our Prisoners of War in Southeast Asia and Men Missing in Action I think it proper that the Members of this body fully and completely understand the background and the issues at stake; regardless of how they may feel with respect to our involvement in Southeast Asia. One of the best pieces I have seen with respect to the background of the issue and the ramifications of the various treaties to which we are part as well as North Vietnam was the following article prepared by the American Enterprise Institute:

INTRODUCTION

August 5, 1970 was the sixth anniversary of the capture of Lieutenant Everett Alvarez, a Navy pilot, who was the first known United States serviceman to become a prisoner of the North Vietnamese. In the early 1960s when the contingent of United States military advisors in Vietnam was less than 50,000, a few American military men were captured in South Vietnam by the communist forces known as Viet Cong. As the fighting intensified, more American servicemen and civilians serving in diplomatic or other positions were captured by communist forces in South Vietnam, and a number of pilots and aircrewmen were captured after being shot down over North Vietnam. In Laos too by the mid-1960s, aircrewmen were missing and some were known to be in the hands of the Pathet Lao or North Vietnamese communist forces which occupy much of Laos.

Today in December, 1970, approximately 1,600 United States servicemen are missing in Southeast Asia. This figure includes both the men who have been identified by one means or another as being prisoners of the communists and those men who are missing in action and not accounted for.

As of December 5th, the Department of Defense unofficially carried these men as follows:

Missing	
South Vietnam	520
North Vietnam	403
Laos	227
Subtotal	1,150
Believed captured	
South Vietnam	79
North Vietnam	378
Laos	3
Subtotal	460
Total	1,610

In the United States the anxious parents, children, wives, other relatives and friends of the 1,600 missing American servicemen have been waiting in some cases for more than six years for their men to return or to learn whether they have died and will not be returning.

The fact that these men are missing or in captivity raises a multitude of humanitarian, political, social, and moral issues as well as some legal questions. This analysis will concentrate on the rights of military prisoners under international law and compare what is known about the treatment of American prisoners in Southeast Asia with the standard of treatment that international law prescribes.

LEGAL SETTING

For over 60 years international agreements have attempted to formalize the neutral status of prisoners of war. The Hague Conventions of 1907 and the Geneva Conventions of 1929 and 1949 all undertook to address some of the problems created by war and to provide guidance for the treatment of prisoners. The most recent international agreement concerning prisoners of war is the Geneva Convention Relative to the Treatment of Prisoners of War of 1949.[1]

The 1949 Geneva Convention has been ratified or assented to by the following participants in the present conflict in Southeast Asia.

(1) North Vietnam acceded to the Geneva Convention in 1957.

(2) The United States ratified the Geneva Convention in 1955.

(3) South Vietnam agreed in 1965 to be bound by the earlier accession of Vietnam in 1953.

(4) The position of the International Committee of the Red Cross is that the accession by the legitimate government of South Vietnam binds the National Liberation Front (hereinafter Viet Cong) or, in the alternative, North Vietnam's accession binds the Viet Cong.

To a large extent, the 1949 Geneva Convention continues in force the basic principles relating to prisoners of war found in earlier agreements. The Hague Convention of 1907 proclaimed that prisoners of war must be humanely treated. It provided that to kill or wound an enemy who has laid down his arms or surrendered is "especially forbidden," and it established that prisoners of war are the responsibility of the government, not the individuals or military units that capture them. The provisions requiring humane treatment of prisoners of war are touchstones of the subsequent Geneva Conventions. In fact, the humane treatment of prisoners of war is now also a matter of customary international law and supposedly accepted as such by all nations. Another timeless requirement in the Hague Convention is Article 20 which stated that "after the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible."[2]

The earlier conventions had their shortcomings, however, and during World War II the International Committee of the Red Cross (hereinafter ICRC) began drafting new conventions to replace the 1929 Geneva Conventions. Following several meetings after the war ended including a meeting of experts, a diplomatic conference was convened in Geneva in April 1949 by the Swiss Federal Council as the depository of the 1929 Conventions. Fifty-nine states were officially represented by delegates with full powers to discuss the procedures and four countries sent observers. These sessions culminated on August 12, 1949, when a revised draft of the 1949 Conventions was submitted for approval. On that day, 17 of the delegations signed the four conventions of August 12, 1949, and the other representatives signed either at a special meeting called for that purpose on December 8th or subsequently up to February 12, 1950.

Government ratification was required before the conventions came into operation for any of the signing countries, and six months after deposit of ratification the conventions were to become binding. Thus, since October 21, 1950, when the conventions became effective as between Yugoslavia and Switzerland, the first countries to ratify them, these 1949 Conventions have been open to accession by states which were not among the original signatories. By the end of 1958, 75 countries had ratified or acceded to the conventions and by the spring of 1970, 123 countries had ratified or acceded.

The drafters of the 1949 Conventions and, in particular, the ICRC were pleased with the work which had been accomplished and thought that the conventions constituted a positive and great step forward in general humanitarian law. The attitude of the ICRC was summarized at page 10 of the Commentary on this Geneva Convention:

From the Hague Regulations to 1929 Convention, from the 1929 Convention to the present Convention, the "law of prisoners of war" has thus made considerable progress. It is no exaggeration to say that prisoners of war in present or future conflicts are covered by a veritable humanitarian and administrative statute which not only protects them from the dangers of war, but also ensures that the conditions in which they are interned are as satisfactory as possible. Obviously rules as detailed as these were drawn up primarily with a view to lengthy conflicts, such as the last two world wars; but they also have the tremendous advantage of defining, in practice and in relation to certain specific circumstances, the position of the human being as such in the present-day international system.

Basic provisions of the Geneva Convention

The current Geneva Convention consists of six parts and 143 articles. The most important articles and the ones most relevant to the current situation in Southeast Asia are described in some detail as follows:

Part I, General Provision

Article 2 provides that "the present Convention shall apply to all cases of declared war or of *any other armed conflict* which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."[3] This article supports the position of the ICRC that the convention is applicable to the present Vietnam conflict. The United States and South Vietnam have indicated to the ICRC their recognition of the convention's full applicability and their intent to honor its provisions.

Article 3 deals with conflicts not of an international character which occur within the territory of a contracting nation. This article was at one time considered to be especially relevant to the Vietnam conflict. It specifies the minimum standards which should regulate civil wars or rebellions which are essentially of a domestic character. It requires that persons not taking part in the hostilities be treated humanely including those taken as prisoners. However, the fact of the United States' participation, and that of other countries such as the Republic of Korea, Australia, New Zealand, and Thailand, as well as that of North Vietnam would appear to rule out the applicability of this provision of the convention and, instead require the application of the entire remainder of the convention, which is the conclusion reached by the ICRC.

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[1] There were in fact four Geneva Conventions of 1949 which are listed as follows: Convention for the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field; Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention Relative to the Treatment of Prisoners of War; and Convention Relative to the Protection of Civilian Persons in Time of War. Unless otherwise noted, references in this analysis to the Geneva Convention mean the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

[2] Article 20 of the Regulations Annexed to the Hague Convention No. IV Respecting the Laws and Customs of War on Land, October 18, 1907.

[3] Emphasis added.

Article 4 defines the categories of persons who are entitled to prisoner of war status and the treatment that status requires. The basic category of prisoner of war includes "members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces." It includes guerrilla forces or other volunteer bodies if they satisfy certain conditions. The available evidence indicates that every American serviceman who has been captured in Laos, North Vietnam, and South Vietnam was openly a member of the armed forces of a party to the conflict and, in fact, a uniformed regular armed services member. On the other hand, many of the communist guerrilla forces who have been treated as prisoners of war might not satisfy the requirements for prisoner of war status.

Article 5 states that prisoners of war shall have the full benefit of the convention from the moment they . . . fall into the power of the enemy and until their final release and repatriation.

> Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Article 7 declares that "prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention. . . ."

Articles 8 through 11 establish the concept of "protecting powers" that authorizes neutral states or other impartial third party organizations such as the ICRC to oversee the application of the convention in order to safeguard the interests of prisoners and the parties to the conflict.

Part II, General Protection of Prisoners of War

Article 12 declares that prisoners are in the hands of the enemy power, not the hands of the military units which have captured them, and that the detaining power is responsible for the treatment given the prisoners. It authorizes the transfer of prisoners by the detaining power to another party to the convention, but only if the detaining power is satisfied of the willingness and ability of the other power to apply the convention to the prisoners. Although the responsibility for the application of the convention passes to the power accepting them, a residual responsibility remains with the transferring party, and it must take effective measures to rectify any important shortcomings or request return of the men. This is the provision that sanctions the United States' policy of turning its prisoners of war over to South Vietnam and outlines United States' continuing responsibility for prisoners so transferred.

Article 13 is so fundamental that it is quoted below in full:

> Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.
>
> Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.
>
> Measures of reprisal against prisoners of war are prohibited.

Article 15 requires that prisoner receive free maintenance and the medical attention required by their state of health.

Part III, Captivity

Part II extends from Article 17 through 108 in the following 6 sections:

1. Beginning of Captivity.
2. Internment of prisoners of war.
3. Labor of prisoners of war.
4. Financial resources of prisoners of war.
5. Relations of prisoners of war with the exterior.
6. Relations between prisoners of war and the authorities.

(1) *Beginning of Captivity.* Article 17 declares that at the beginning of captivity, every prisoner when questioned is required to give only his name, rank, date of birth, and serial number or equivalent information. This provision requires further that every party send its servicemen to war with appropriate identification. It adds, however, that "no physical or mental torture nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

Article 19 requires that prisoners be evacuated as soon as possible after capture to camps out of the combat zone and that they not be exposed to danger unnecessarily while awaiting this evacuation. Article 20 requires that evacuation of the prisoners shall always be effected with sufficient food and water, necessary clothing, and medical attention.

(2) *Internment of Prisoners of War.* Article 21 recognizes the necessity of internment but cautions that prisoners may not be held in close confinement except when necessary to safeguard their health.

Article 22 requires that prisoners be interned only on land but not in unhealthy areas or where the climate is injurious to them. Similarly, they shall not be separated against their will from fellow prisoners belonging to the armed forces with which they were serving at the time of capture.

Article 23 directs the detaining power to provide information regarding the geographical location of prisoner camps to the prisoners' country.

Article 26 requires that "the basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners." It also requires that sufficient drinking water be provided and outlaws collective disciplinary measures regarding food.

Article 27 requires that sufficient quantities of clothing, underwear, and footwear be provided to the prisoners with due consideration to the prevailing climate.

Articles 29 through 32 place upon the detaining power the responsibility of insuring that internment camps are sanitary and that prisoners have regular, periodic medical attention.

Articles 34 through 38 provide that prisoners may practice their religion, undertake intellectual and educational pursuits, and have the opportunity for physical exercise including "being out of doors."

Articles 39 through 42 deal with discipline in the camps and require proper respect for officers and the posting of the text of the Geneva Convention where it will be available for all prisoners of war to read in a language they can understand.

(3) *Labor of prisoners of war.* Articles 49 through 57 authorize the detaining power to utilize the labor of physically fit prisoners in any of a number of listed categories of nonmilitary work. The detaining power must provide suitable working conditions, including food, clothing, and equipment and the work cannot be dangerous except on a voluntary basis. Excessive or unreasonable labor is prohibited and payment for work shall be fairly fixed.

(4) *Financial Resources.* Articles 58 through 68 treat this subject in great detail. They cover proper payment of prisoners of war for labor performed during captivity and the keeping of financial accounts on their behalf. Article 63 specifies that "prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively."

(5) *Relations of Prisoners of War with the Exterior.* Articles 69 through 77 cover the prisoners' relationship to the exterior. Article 70 establishes the all-important notification of prisoner of war status by requiring that—

> Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp . . . every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71 deals with the correspondence rights and states that "prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly."

Article 72 provides "prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs. . . ." It states that the only limits on these shipments will be those proposed by the protecting power in the interest of the prisoners themselves or by the ICRC because of exceptional strain on transport or communications.

Article 76 states that correspondence should be censored only once and the censorship of other items or packages should be done in the presence of the addressee or a fellow prisoner designated by him.

Article 77 requires a detaining power to provide the necessary facilities for the transmission of instruments, papers or documents intended for prisoners or sent by them, especially powers of attorney and wills.

(6) *Relations Between Prisoners of War and the Authorities.* Article 78 guarantees to prisoners the right to make complaints regarding to conditions of their captivity without any fear of punishment for making a complaint.

Articles 79 and 80 deal with the election or appointment of a prisoners' representative whose duty is to further the physical, spiritual, and intellectual well-being of the prisoners in representing them before the camp authorities.

Articles 82 through 108 cover penal and disciplinary sanctions and provide generally that prisoners shall be subject to the same laws, regulations, orders, penal sentences, and disciplinary sanctions as are members of the armed forces of the detaining power provided that the proceedings or punishments are not contrary to any convention provisions.

Article 84 is a basic due process requirement and decrees that "in no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defense provided for in Article 105."

Article 85 provides that prisoners of war retain their status as such and must be treated as required by the convention even after they have been convicted by the detaining power for acts committed prior to capture. North Vietnam submitted a reservation to Article 85 which is discussed in greater detail in the section of this analysis entitled "The Present Dilemma."

Article 87 forbids collective punishment for individual acts, corporal punishment, imprisonment without daylight and, in general, any form of torture or cruelty.

Articles 89 through 98 deal with disciplinary sanctions which are applicable to prisoners of war. Article 89 provides that "in no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war." Article 90 limits the duration of any single disciplinary punishment to 30 days, and articles 92 and 93 state that attempts to escape shall subject a prisoner only to disciplinary punishment.

Article 98 states that even prisoners undergoing confinement as a disciplinary punishment shall continue to enjoy the benefits and provisions of the convention to the extent that they are not necessarily rendered inapplicable by the fact of confinement. For example, it specifies that prisoners undergoing disciplinary punishment shall continue to send and receive letters, but parcels and money may be withheld until completion of their punishment.

Articles 99 through 108 deal with judicial proceedings for the more serious offenses committed by prisoners of war. Article 99 provides that the prisoner may not be tried or sentenced for an act which is not forbidden by a law of the detaining power or by international law at the time the act was committed. It outlaws moral or physical coercion on the prisoner to induce an admission of guilt.

Article 104 requires the detaining power to notify the protecting power at least three weeks in advance of any judicial proceeding against a prisoner, and Article 105 entitles accused prisoners of war to present a defense with the assistance of a qualified advocate or counsel, an interpreter, a fellow prisoner and with the power to call witnesses. Article 106 gives prisoners a right of appeal.

Part IV, Termination of Captivity

Article 109 requires a detaining power prior to the ending of hostilities, to return willing prisoners of war to their own country if the prisoners are "seriously wounded and seriously sick . . . after having cared for them until they are fit to travel."

Article 110 provides that less seriously wounded or sick prisoners whose recovery is expected within one year may be accommodated in a neutral country.

Article 118 states simply that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." It provides that this should be done with or in the absence of any agreement. The last three paragraphs of Article 119, however, provide for the retention of prisoners of war against whom criminal proceedings for indictable offenses are pending or where the punishment for such offenses has not been completed.

Article 120 provides for wills, death certificates, burial and cremation of prisoners of war who die in captivity in order to ensure proper accountability and record keeping by fully identifying the dead prisoner and by recording the date, place and cause of death, the date and place of burial and sufficient information to identify the graves.

Article 121 requires that every death or serious injury due to an unknown cause or the act of another person shall be the subject of an official inquiry by the detaining power.

Part V, Information Bureaus and Relief Societies for Prisoners of War

Articles 122 through 124 require each detaining power to create an information bureau to cooperate with the Central Prisoners of War Information Agency (authorized by Article 123 and now located in Geneva, Switzerland) in transmitting information regarding the identity, health, address, and status of prisoners of war to their country and relatives.

Article 125 states that "subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers . . . all necessary facilities for visiting the prisoners [and] for distributing relief supplies and material . . ." to the prisoners. In this regard, Article 125 stipulates that "the special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times."

Part VI, Execution of the Convention

Article 126 provides that representatives of the protecting power and delegates of the ICRC shall have access to all premises occupied by prisoners of war and shall be able to interview the prisoners without witnesses. Any restriction of such visitation rights must be a temporary, exceptional measure required solely by imperative military necessity.

Article 129 requires that the parties to the convention undertake to enact any legislation necessary to provide effective penal sanctions for persons committing or ordering to be committed any of the "grave breaches" of the convention.

Article 130 defines "grave breaches" as those involving any of the following acts committed against persons or property protected by the convention:

Wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Articles 133 through 143 are the final provisions of the convention and relate to its applicability and effectiveness. Articles 134 and 135 state that this convention replaces the July 1929 Geneva Convention and complements the Hague Convention Respecting the Laws and Customs of War on Land as to parties to those agreements.

Article 138 states that the convention shall come into force 6 months after at least two instruments of ratification are deposited and thereafter shall come into force for a high contracting party 6 months after its instrument of ratification is deposited. Article 139 provides that any party who has not signed the convention can accede to it after it has come into force. Article 141 waives the waiting period for effectiveness if armed conflict breaks out in the interim.

Article 142 authorizes the parties to denounce the convention in writing to the Swiss Federal Council and this denunciation becomes effective one year thereafter unless the denunciation is by a power then engaged in a conflict. Under such circumstances, it does not take effect until peace has been concluded and the release and repatriation of persons protected by the convention have been completed.

EXPERIENCE IN WORLD WAR II AND KOREA

As mentioned previously, the 1929 Geneva Convention was in existence when World War II began, but neither Japan nor the Soviet Union had ratified it, and both countries largely ignored its provisions for the protection of prisoners of war. Similarly, Germany which had ratified the 1929 Convention did not apply it to Russian prisoners. As between the United States and Germany, both of whom ratified the 1929 Agreement, its requirements were generally observed. Pictet's Commentary recognizes the contributions of the 1929 Geneva Convention:

> During the Second World War, this Convention applied to millions of prisoners of war; it provided the basis for action by the International Committee of the Red Cross in their behalf and made it possible to carry out over 11,000 camp visits, to send relief at the rate of 2,000 freight cars per month from 1943 on and to build up a card index containing 30 million cards.
>
> The 1929 Convention was applied throughout the Second World War and provided prisoners of war with effective protection and treatment far better than that which they had received during the 1914–1918 conflict.
>
> It nevertheless became apparent to those who benefited from it as well as to those who had to apply it, that the 1929 Convention needed revision on a number of points because of changes in the conduct and the consequences of war and even in human living conditions. In particular, it had become necessary to widen the scope of the term "prisoners of war" so as to include members of armed forces following capitulation and in order to avoid the arbitrary loss of that status at any given moment; there was also a need for stricter regulations governing captivity, in view of the increase in work by prisoners of war, assitance received by them or judicial proceedings brought against them. It was necessary to reaffirm the principle of immediate liberation at the end of hostilities; lastly, it was essential to ensure that the agencies responsible for looking after the interests of prisoners of war and seeing that the relevant regulations were respected should, in regard to both their status and their scope, be as independent as possible of the relations between belligerents.[4]

Shortly after the diplomatic conference presented the 1949 Geneva Conventions, the world was confronted with war in Korea. In fact, by its terms, the Geneva Conventions had not even come into force for the first two ratifying countries (Switzerland and Yugoslavia on October 21, 1950) when North Korea invaded South Korea on June 25, 1950, and neither the United States, Communist China nor North Korea had ratified the convention at that time. The North Koreans and their Chinese Communist allies captured over 7,000 American servicemen during the Korean hostilities, and the United Nations command in Korea captured over 120,000 North Korean and Chinese Communist prisoners. Of the Americans believed captured, only 4,428 survived captivity in the hands of the Chinese and North Korean Communists.

Inhumane treatment, torture and execution began for Americans captured in Korea with the so-called "death marches" to the prison camps. Many prisoners never survived these marches. Once in the camps, the facilities, food, and treatment were inadequate and medical care, when available, was poor. The harsh climate added to the ordeal of the prisoners who were not provided with the minimum standards of treatment required by either the 1929 or 1949 Geneva Conventions. The small and seldom provided favors of mail, tobacco, and candy were usually offered as bribes or withheld as a form of punishment. Only a few relief packages were received in the camps and the ICRC was not permitted to visit the camps. Interrogations, attempted indoctrination, mistreatment to secure information were the order of the day for American prisoners of war in Korea, and the United States learned a great deal there about the possibilities for mistreatment of prisoners. The Vietnam conflict, however, has presented the first test of the 1949 Geneva Convention involving the United States.

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[4] Geneva Conventions of 1949, Commentary, Vol. 3, pp. 4–6 (J. Pictet, ed. 1960) (hereinafter cited as *Commentary*).

THE PRESENT DILEMMA

The United States' major involvement in the fighting in Southeast Asia began in 1964 when American ground forces first engaged the enemy in South Vietnam in other than an advisory role. The American prisoner of war problem began even sooner, however, with the capture of the first United States adviser and has grown ever since.

The primary responsibility for captured servicemen and the welfare of their families rests with each of the military services. In the Army, this responsibility resides in the first instance with the Adjutant General; in the Navy, with the Bureau of Naval Personnel; in the Air Force, with the Casualty Division; and in the Marines, with Headquarters Marine Corps.

When the first American was captured by the Viet Cong in the early 1960s, there was in existence an interdepartmental committee on prisoner matters which was chaired by the State Department. This group coordinated American efforts to establish contact with and obtain the release of American prisoners of the Viet Cong and later the North Vietnamese. Membership on this committee included representatives from the office of the secretary of defense, the military services, the joint chiefs of staff and the State Department.

In July 1967, Deputy Secretary of Defense Paul Nitze, appointed Paul C. Warnke, then general counsel and designate assistant secretary of defense for international security affairs, as chairman of the Department of Defense prisoner of war policy committee. This appointment was an attempt to concentrate the various resources available in the Department of Defense to address the growing prisoner of war problem and to establish a single point of contact with other government agencies on prisoner matters. This committee continues to discharge its responsibilities under the chairmanship of assistant secretary for international security affairs, G. Warren Nutter. The committee's charter among other things directs it to coordinate all ongoing prisoner of war programs, to provide assistance and information to families of missing and captured servicemen, and to plan for recovery and repatriation of prisoners of war.

In 1967, when this Defense Department committee was created, the principal government responsibility for prisoner of war matters resided with Ambassador Averill Harriman in the Department of State. Ambassador Harriman had been appointed as President Johnson's personal representative in prisoner matters. He continued this responsibility and his interest in prisoner matters when he assumed the role of chief negotiator in the Paris Peace Talks in 1968.

These individuals and groups within the federal government as well as private groups working on the problem of captive and missing American servicemen have had extremely limited success largely because the communist forces in Southeast Asia have refused to agree that the Geneva Convention applies to American servicemen there and have thus refused to discharge the responsibilities of a detaining power under the Geneva Convention.

Does the Geneva Convention apply?

North Vietnam has argued among other things, that the Geneva Convention is not applicable to any part of the conflict in Southeast Asia because war has not been declared and the state of war has not been recognized by more than one of the parties to the conflict. Consequently, the North Vietnamese have asserted (although they appear to have abandoned this point) that the prerequisites for application of the convention set out in Article 2 remain unsatisfied and the convention does not bind them in this conflict.

The reply of the United States is that Article 2 states that the "Convention shall apply to all cases of declared war or any other armed conflict" between parties to the convention. The qualification in Article 2 concerning the recognition of a state of war cannot be read to require a declaration of war without reading the key phrase "or any other armed conflict" out of the convention, without disregarding the reality of war in Southeast Asia, and without interpreting the convention in a manner contrary to its basic purpose of extending the protection of humanitarian rules to prisoners in the largest possible number of circumstances.

North Vietnam has also asserted that the Geneva Convention does not protect American military men who are shot down and captured in North Vietnam because these men are not prisoners of war but are instead "air pirates" or "criminals" subject to punishment according to its laws.

North Vietnam bases its refusal to afford American aircrewmen prisoner of war status on its reservation to Article 85 of the Geneva Convention. Article 85 reads as follows:

> Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

The reservation that North Vietnam submitted to this article in its French to English translation stated that—

> The Democratic Republic of Vietnam declares that prisoners of war *prosecuted for and convicted* of war crimes or crimes against humanity, in accordance with the principles established by the Nuremberg Tribunal, will not enjoy the benefits of the provisions of the present Convention as provided in Article 85.[5]

Passing the thorny question for legal theorists pertaining to the effect of any reservation to a multilateral treaty we reach the following central issue: Assuming its validity, does this reservation to Article 85 apply to American pilots and servicemen captured in North Vietnam and remove them from the protection of the Geneva Convention?

The North Vietnamese contend that the bombing of North Vietnam without a declaration of war constitutes a war crime.

War crimes may consist of many different offenses. The more common examples are the use of poison weapons; prohibited weapons or missiles; a continuation of fighting after surrenders; the mutilation of bodies; acts of war on places which are not defended and are of no military significance; abuse or violation of the protective red cross emblem; poisoning of springs and water courses; pillaging and wanton destruction; compelling prisoners of war to do prohibited work; execution without trials of spies; or violation of armistice agreements. Crimes against humanity consist of any inhumane acts by authorities of the state or by private individuals against civilian populations, such as murder, extermination, enslavement, or deportation.

Insofar as the servicemen now detained in North Vietnam are concerned, they have been accused of committing war crimes or crimes against humanity rather than crimes against peace. Our government's position is that these charges are not included within the terms of North Vietnam's reservation and are not generally considered applicable to men in combat but instead to national leaders who have the capacity to plan and initiate a war.[6]

North Vietnam has not attempted to establish that any acts committed by American servicemen are indeed war crimes, and it would seem that the bombing reported to have been done in North Vietnam is not inconsistent with military practice since before World War II and that it would be highly unlikely for any independent tribunal to conclude that such bombing was a war crime or a crime against humanity.

Even if North Vietnam could establish some specific war crimes against men it is holding, these prisoners retain under Article 85 (absent the reservation) the full protection of the convention. Article 85 was intended to rectify an omission in the 1929 Convention which contained no provisions concerning punishment for crimes or offensives committed by prisoners of war *prior to their capture*. Articles 45 to 67 of the 1929 Convention have been interpreted as relating only to acts committed during captivity, although acts prior to captivity were not specifically excluded.[7] Even then, however, the ICRC requested that the 1929 Convention guarantees should be applied, for in its view, they constituted only minimum standards recognized by the majority of civilized nations. An excellent discussion of the drafting process for Article 85 of the present convention is contained in the *Commentary* as follows:

> When the International Committee of the Red Cross undertook the revision of the 1929 Convention, it therefore gave immediate attention to introducing provisions which would afford certain guarantees to prisoners of war, even when accused of war crimes, and remove all ambiguity which had resulted from the earlier text.
>
> At the Conference of Government Experts, which met at Geneva in 1947, the International Committee proposed that prisoners of war accused of war crimes should continue to receive all the benefits of the Convention until their guilt was definitively proved. This suggestion received only limited support from the Commission of Experts, which merely suggested that prisoners of war should enjoy the benefits of the Convention until a *prima facie* case was made out against them and they were indicted of war crimes. In particular the Anglo-Saxon Powers were opposed to the maintenance of the benefits of the Convention until a court passed sentence.
>
> The International Committee did not, however, share the view expressed by the Commission of Experts, and in the draft revised Convention which it submitted to the XVIIth International Red Cross Conference at Stockholm, it again proposed that prisoners of war should continue to enjoy the benefits of the Convention until such time as they had been actually judged. At Stockholm the delegations which had formerly opposed the maintenance of the benefts of the Convention until after conviction changed their opinion completely; they proposed—and the Conference agreed—that prisoners of war should continue to enjoy those benefits even after they had been judged. Article 85 was therefore submitted to the Diplomatic Conference in its present form.
>
> Discussion of the Article at the Diplomatic Conference was protracted and often difficult. Most of the opposition came from the USSR Delegation, which considered that prisoners of war convicted of war crimes or crimes against humanity should be deprived of the benefits of the Convention *after con-*

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[5] 274 United Nations Treaty Services 340 (1957) (emphasis added).

[6] For the definitions of war crimes, crimes against humanity, and crimes against peace as established by the Nuremberg Tribunal, see 6 F.R.D. 69, 77–78 (1946).

[7] See *Yamashita* v. *Styer*, 327 U.S 1 (1946).

viction. In other words, that Delegation wished to revert to the text submitted to the Stockholm Conference. The USSR Delegation considered that there was no reason why prisoners of war convicted of such crimes should not be treated in the same way as persons serving sentence for a criminal offence in the territory of the Detaining Power. Those in favour of the text as it now stands pointed out that the object of the Convention was to afford protection to prisoners of war; the few humanitarian rules which it provided for convicted prisoners of war could not in any way jeopardize or hamper the repression of war crimes. This view was finally adopted by the Diplomatic Conference but, as will be seen later, the USSR and several other States entered a reservation in this connection when they ratified the Convention.[8]

The Soviet Union's reservation to Article 85 has received the most publicity and it differs only slightly from North Vietnam's reservation. The USSR reservation reads as follows:

> The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been *convicted* under the law of the Detaining Power, in accordance with the principles of the Nuremberg Trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.[9]

The Soviet Union responded as follows to an inquiry by the Swiss Federal Council to clarify its reservation:

> As may be seen from the text, the reservation entered by the Soviet Union with regard to Article 85 of the 1949 Geneva Convention relative to the Treatment to the Prisoners of War signifies that prisoners of war who, under the laws of the USSR, have been convicted of war crimes or crimes against humanity must be subject to the conditions obtaining to the USSR for all other persons undergoing punishment in execution of judgments by the courts. Once the sentence has become legally enforceable, persons in this category consequently do not enjoy the protection the Convention affords.
>
> With regard to persons sentenced to be deprived of their liberty, protection afforded by the Convention becomes applicable again only after the sentence has been served; thereafter, the persons concerned are entitled to repatriation in accordance with the conditions set forth in the Convention.
>
> Furthermore, account should be taken of the fact that the conditions applicable to all persons serving sentence under the legislation of the USSR correspond to all requirements of humanity and hygiene and that corporal punishment is strictly forbidden by law. Moreover, in accordance with the regulations in force, the prison authorities are required to transmit immediately to the competent Soviet authorities, for further investigation, any complaints by convicted persons concerning their conviction and sentence or requests for a review of their case, as well as all other complaints.[10]

This further explanation by the Soviet Union makes it even clearer that the reservation was intended to take effect only after a prisoner of war was tried and convicted for the offenses designated. The differences between the Soviet reservation and that by the Democratic Republic of Vietnam are quite simple. Some have contended that North Vietnam's use of the phrase "prosecuted and convicted" in place of the Soviet's use of "convicted" means that it would be necessary for only the minimal start of "prosecution" by North Vietnam for the individual to lose his prisoner of war rights. In addition to the obvious practical and legal interpretive problems inherent in this view (i.e., that "and" really means "or"), it also seems apparent that such an interpretation would result in the circumvention of the requirements of the convention. An interpretation requiring only the step of bringing of charges in order to suspend the operation of the convention would make the reservation incompatible with accession to the treaty; in effect this interpretation makes the exception practically as large as the rule.

In fact, North Vietnam has not claimed that it has attempted to begin formal prosecution. In 1966, North Vietnam announced as it paraded captured American servicemen through the streets of Hanoi, that it was going to try these men as war criminals. There was a resounding global outcry and North Vietnam has not indicated that this threat was ever carried out, although from time to time North Vietnam has repeated with some vehemence that the men are subject to the laws of North Vietnam as criminals or air pirates. These threats do not realistically constitute prosecution in a legal sense and there have been no convictions reported.

There is no civilized precedent for a claim that prejudges all captives as criminals and denies protected prisoner of war status to them from the beginning without a hearing. Perhaps, the recent announcements by North Vietnam which refer to the Americans as "captured American military men" or "captured U.S. servicemen" reflect a change from North Vietnam's position that the men are "criminals."

The ICRC has refused to accept the argument that North Vietnam's reservation to Article 85 removes captured American pilots from protected status under the convention and has declared that the captured American servicemen are prisoners of war and entitled to the treatment which flows from that status. On February 6, 1970, J. P. Maunoir, assistant director of the ICRC, wrote to Raymond S. Eaton, vice president of the American National Red Cross concerning North Vietnam's position on captured American servicemen. Maunior stated in part:

> I am therefore in a position to confirm that the International Committee of the Red Cross is of the opinion that all prisoners of war detained by the Democratic Republic of Vietnam should benefit under the said Convention. This is moreover probably one of the reasons why the North Vietnamese authorities have not followed-up the repeated requests we have made to them and which we continue to make on the subject.

Violations of the convention

North Vietnam and its allies in South Vietnam and Laos have persistently refused to provide the ICRC or another neutral and impartial body with an official list of all American servicemen held captive with the information required by the convention as to identification and state of health. Perhaps the recent communications from North Vietnam to Prime Minister Palme of Sweden and to Sens. Fulbright (D., Ark.) and Kennedy (D., Mass.) which contained some information concerning a partial list of Americans, foretells a change in policy. To date, however, it is the position of our government that the information supplied, assuming its authenticity, is inadequate and not in full compliance with the Geneva Convention.

Article 8 of the convention provides for the appointment of a protecting power to aid in the implementation of the Convention. American authorities report that North Vietnam has rebuffed all efforts to satisfy this requirement and has refused to recognize or accept the offers of the services of the ICRC or another humanitarian organization seeking to assume the protecting power's functions.

The record leaves little doubt that North Vietnam has restricted mail privileges for the American prisoners, and that the Viet Cong in the south and Pathet Lao in Laos have virtually denied them. Articles 71 and 76 of the convention authorize the sending of at least two letters and four postcards a month by prisoners of war. Only 620 letters from 103 men in North Vietnam had been received by January of 1969. Since then, approximately 2,000 brief six-line letters have been received from a total of 332 men. Only a single letter has been received from an American captive of the Viet Cong and none from Laos. Although there has been improvement in the flow of mail from North Vietnam to the families within the last year, it seems reasonable to conclude that all of the mail provisions of the convention still are not being honored by North Vietnam. In fact, some letters from prisoners indicate that they are denied incoming mail.

There is a similar record in the instances of personal gift packages which the prisoners are entitled to receive under the convention. In 1966, all Christmas packages sent by families to prisoners in North Vietnam were returned. In 1967, 465 packages were known to have been sent and 457 were returned with the curt marking "refused by the postal service of Vietnam" even though the packages had been correctly addressed and mailed. There was no information indicating that those packages not returned were delivered to the men. In 1968 and 1969, packages were again sent, and for the first time there was confirmation that at least some were received by the men. Only a small number were returned from North Vietnam. Receipt of packages of medicines and personal items is a hopeful sign.

Another example of the current dilemma is North Vietnam's persistent refusal to allow the ICRC or any other neutral intermediaries to enter North Vietnam to visit the prisoners and inspect all their places of detention as required by Article 26 of the convention. Thus without the benefit of impartial inspections, all of North Vietnam's assertions concerning prisoners and their treatment remain unverified.

Hanoi has participated in the sale of films of some American prisoners to news media throughout the world. Interestingly, these films, although released by North Vietnam, sometimes show the extent to which the men are being subjected to humiliation in disregard of the convention's prohibitions. These films and photographs released by North Vietnam have been cited as evidence of isolation and physical abuse and serious loss of weight on the part of the captured men and as evidence that some prisoners are suffering from injuries months and years after capture. Articles 109 and 110 require that the seriously sick or wounded be repatriated as soon as they are fit to travel.

Article 26 requires that food be sufficient in quantity and quality to maintain the good health of the prisoners and prevent weight loss or nutritional deficiencies. It also requires that consideration be given to the native diet of the prisoners. Yet two men released from North Vietnam each lost almost 50 pounds after approximately two years of captivity.

A graphic summary of North Vietnam's mistreatment of prisoners of war in direct violation of the basic tenet of Article 13, that "Prisoners of war must at all times be humanely treated," was provided by Navy Lieutenant Robert Frishman who returned in August 1969, after almost two years of captivity in North Vietnam. At a public news conference following his return, he stated:

> My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so.

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[8] *Commentary*, pp. 415–16.

[9] *Commentary*, pp. 424–25 (emphasis added).

[10] *Ibid.*

The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed and put in solitary, but the North Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell alone for 38 days to think about it. . . .

All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts.

Previously, in January of 1968, North Vietnam announced "humanitarian" release of three American fliers. The first notice that the wife and family of one of these men received that he was alive was when North Vietnam announced that he was being released. Subsequent to the release, North Vietnam announced the release of an additional three pilots. Two of them had been carried by the United States as missing. Their families also learned for the first time with this announcement that they had in fact been captured. Finally, in August of 1969, North Vietnam released three men, all of whom had been carried as captured, but two of whom had spent considerably longer periods of time in North Vietnam than the preceding six who had been released. None have been released from North Vietnam since then.

From time to time since the early days of the conflict, the Viet Cong in South Vietnam have released approximately 20 American servicemen singularly or in small groups. They also are reported to have executed American captives and permitted others to die of starvation in captivity. No inspection of the Viet Cong's prisoner camps has been permitted.

Prisoners captured by the United States

As authorized in Article 12 of the convention, the United States transfers to South Vietnam the prisoners it captures. South Vietnam is therefore responsible for the treatment of these North Vietnamese and Viet Cong prisoners of war subject to the residual responsibility of the United States for the prisoners captured by its men.

To avoid confinement of innocent persons, all captives are initially classified as detainees by the United States and South Vietnam. After subsequent screening and questioning, they are classified as either (1) prisoners of war, (2) civil defendants, (3) returnees or *hoi chanhs* or, (4) innocent civilians. The prisoners of war are transferred to one of the six prisoner of war camps maintained by the South Vietnamese with American advisors. The civil defendants are those found to be spies, saboteurs, or terrorists. They are processed through the South Vietnamese court system. The returnees are processed through *hoi chanh* centers for rehabilitation and assimilation into Vietnamese society. The innocent civilians are released and returned to the place of capture as soon as possible if the locale and circumstances permit their safe return.

The ICRC has assumed the primary functions of the protecting power in South Vietnam and its delegates regularly inspect the six South Vietnamese prisoner of war camps. They also have access to and inspect the collecting points of prisoners captured by United States and South Vietnamese forces.

The largest prisoner of war camp maintained by the army of South Vietnam is located on Phu Quoc Island and contains approximately 8,000 North Vietnamese prisoners of war while some 28,500 Viet Cong prisoners of war are distributed among the six prisoner of war camps in South Vietnam. On at least two occasions, members of the press have visited these camps within the limitations imposed by the Geneva Convention designed to protect prisoners from public curiosity. Visiting pressmen have expressed their general satisfaction with the treatment and conditions of these camps which usually contrast with the less attractive living conditions of people residing near the camps. In fact, the families of the prisoners are permitted to visit them and deliver gift parcels personally. Over 100 sick or wounded prisoners have been returned to North Vietnam and other wounded or infirm Viet Cong prisoners have been released.

EFFORTS TOWARD SOLUTION

On several occasions, President Nixon has publicly recognized the United States' obligation to the men who are missing and captured in Southeast Asia. He has also recognized the country's responsibilities to the families of these men and he has met personally with some of the families. The United States has given the prisoner issue high priority in the Paris talks, and the United States has proposed immediate negotiations concerning the repatriation of all prisoners held by both sides and has even offered to release immediately all communist prisoners of war in exchange for all American and South Vietnamese prisoners held by the other side. Moreover, Secretary of Defense Laird has made it clear that "until the prisoners are released there will be no total and complete withdrawal of the American presence in Viet Nam. . . ."

The Congress of the United States also has recognized its obligations to the men and their families. The House of Representatives held a special order session dedicated to these men in September 1969. The proceedings covered more than 70 pages in the *Congressional Record*. On September 22, 1970, there was an unprecedented joint meeting of Congress devoted exclusively to the prisoner of war problem. Several resolutions expressing concern and outrage over the other side's intransigence on the prisoner issue have been introduced and passed, and a number of proposals have been considered to provide indemnification for missing or captive servicemen and to provide benefits for their dependents. On December 10, 1970 Congress cleared a bill authorizing educational benefits and home loan assistance for dependents of missing or captive servicemen.[11]

Most recently, in early December 1970, the United Nations General Assembly recognized that the treatment accorded to prisoners of war was properly its concern and adopted a resolution which calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war in order to insure humane treatment of all persons entitled to the protection of the convention and to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization such as the ICRC.

This resolution endorses the continuing efforts of the ICRC to secure effective application of the convention and it requests the secretary general to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression.

It also urges compliance with Article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

The families of men who may be prisoners have even organized as the National League of Families of American Prisoners and Missing in Southeast Asia, to ensure that the plight of their men is not forgotten and that all possible efforts to resolve the prisoner of war problem are vigorously pursued.

Despite these undertakings, there has been little progress toward a solution of the prisoner of war problem. The position of North Vietnam is that it will not discuss the release of prisoners of war unless the United States announces a plan for withdrawal of "all its troops and those of the other foreign countries" by June 30, 1971. But President Nixon has pointed out that "indicating when the Vietnamization will be concluded would completely destroy any reason to continue the Paris negotiations" and that we will continue the negotiations in an effort to end the war and solve the prisoner of war problem before the Vietnamization process is completed.

Obviously, any settlement of the Vietnam conflict must take into account the prisoner of war problem. Moreover, the timing of the resolution of the problem is important as the duration of captivity for all prisoners increases and time runs out for a growing number of them.

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MR. FULBRIGHT'S INVESTIGATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DERWINSKI. Mr. Speaker, the junior Senator from Arkansas, chairman of that body's Foreign Relations Committee, has been known for the persistency of his views and the consistent manner in which he disregards evidence or information that might cause him to reappraise a situation.

Therefore, it comes as no surprise that when we keep in mind that the present Greek Government is not acceptable to him that the Senator has refused to reappraise his views on the situation. Recently, the Hellenic News, an independent Greek-American newspaper of New York City, published an article which was first published in Greek on February 11 and then in English on February 25. The article is, I believe, an objective commentary on the situation in Greece and the reference to the junior Senator from Arkansas is consistent with the facts of the matter.

[From the Hellenic News, Feb. 25, 1971]

ON MR. FULBRIGHT'S "INVESTIGATION"

(By Spyros Triantafyllou)

Every so often, Senator Fulbright comes out with his statements in various forms to assert that he is struggling for Greece's return to democratic life, "protecting" thus, in his opinion, the liberties of the Greek people. In this way, Mr. Fulbright justifies his assaults against the Greek Government and the National Revolution of April 21, 1967, as well as his protests to the Nixon Administration to suspend the American aid until Greece pulls back to the parliamentary "normalcy."

Besides Mr. Fulbright, there are some other Senators and Members of the House, as well as some American newspapers—with "The New York Times" first in line—who insistently charge against the Greek Government established by the National Revolution of April 21, 1967, and use repetitiously the rational that they act . . . "in the name of Democracy."

It is, indeed, very . . . touching to see these distinguished American politicians and journalists being concerned about Greece, her Democracy, the freedoms of the Greek people, however distant they may be from the fact that the National Revolution of April 21, 1967, averted the threat of a new Vietnam in Europe, and that without the present Greek Government the Americans and their 6th Fleet would have been thrown out of the Mediterranean and that NATO would have crumbled into pieces.

It is a happy coincidence that the bitter political experience and the prudence of the Greek people, the Revolution's composure and the national responsibility of the present Greek Government did not allow an explosion of the Greek temper to happen as a result of these unjustified insults, and cause an anti-American feeling as exists presently in Turkey.

That is also because the Greeks are still teaching Democracy; because they know better than anyone else what freedom means throughout centuries of innumerable historical examples with their struggle, sacrifice and bloodshed to preserve their freedom and Democracy.

The Greeks have never asked from friendly nations or allies any protection or assistance to secure their political liberties—which they are able to restore and preserve when it becomes necessary. In the past, and particularly during the German occupation, the reaction of the Greek people—the most recent example of Greek mentality—proves that the Greeks would have overthrown the present Revolution if they had not been convinced about its national necessity.

The Greeks are not naive nor cowardly people by letting their Armed Forces interfere, in protecting and restoring their institutions, with no sign of protest. It is simply because, in the past, these institutions were under constant jeopardy and their very existence was threatened by ambitious and ruthless politicians who pursued personal and partisan gains at the expense of national interest. Above any other political, economical or social freedoms the Greeks place their national freedom, which they value as the dearest of all freedoms.

Obviously, the foreign zealots who supposedly "defend" freedom and democracy—and particularly the Americans, whose national freedom was never threatened—ignore this fact. Furthermore, the Greeks know that Democracy and Civil Rights in their Country are protected by the Greek Armed Forces which have been guarding them ever since the new Greek State was constituted after 1821's Revolution.

The Greek Armed Forces, acting within the spirit of preserving Democracy in the Country, often obliged in the past the Crown, bad political leaders or worse politicians to accept the Constitutions on which the Country relied until April 21, 1967, when the National Revolution took over and with the people's consent voted the new Constitutional Chart of 1968. Mr. Fulbright and the others—the few or many American politicians—should therefore know that if they want to restore in Greece the same political chaos with such leaders as Kanellopoulos, Mavros, Papaspyrou, Averof, A. Papandreou, Glezos, Kefallinos and others, and return to the same era, with the Lambraki's gangs and the red or reddish pimps of democracy, they should know that under no conditions will the Greek people accept such "restoration."

In the Greek conscience, the Revolution and the Papadopoulos' Government are, comparatively speaking, a thousand times better than the corrupted prerevolutionary political establishment, even more so, because during this Administration no one was hurt or abused.

These gentlemen should also know that the Greek people have never forgotten the Bloody December of 1944, the nightmarish days of mass executions by the communists, the communist guerrilla war—the so called civil war—and the turbulent era of 1963-1967.

However, Mr. Fulbright and the other American politicians and journalists—who appear to be fighting a good-intentioned battle for a so-called "democratic restoration" in Greece—must know, for if they don't know we are telling them now, that their political tactics and their assaults against the National Revolution and the Greek Government do not promote the cause of Democracy, but rather help and directly support the Soviet policy and propaganda, which for many years have been working to create anti-Americanism in Greece. Where then the Soviet policy and propaganda failed, acting in isolation, to cause corrosion in the Greek-American friendship, this failure is being transformed gradually into a successful accomplishment on Russian account (!) by these American Senators and their press who express Mr. Fulbright's views. For their statements and articles are insults against the Greek self-esteem and patriotism and enrage the Greeks against the United States.

Did Mr. Fulbright ever stop to think what the repercussions would be in the case of Greece's neutrality, or even her participation in the Eastern Alliance?

Because we don't think that the tactics of the Chairman of the Foreign Relations Committee in the American Senate support the Greek-American relations, or serve the American interests . . .

The Greeks have survived through thousands of years, before America was discovered and without . . . American aid, in situations far more critical than today's; and they are now doing their best for their country, even withstanding a slight and insignificant deviation from the parliamentary system, trying to restore everything that was destroyed by the unscrupulous politicians of the past.

By this, we are not referring to the accomplishments made by the National Revolution and the Papadopoulos' Government in improving the standards of living in Greece and fostering a healthy economy with a steady growth. It is not our intention to become advocates, to herald these successes and plead for their stay in Greek Administration. We are limiting ourselves only within the area of national sovereignty, in order to underline the importance of National Revolution's contribution to Greece and the Greeks, who, even with none of these improvements in their lives, would still support the present Government. With no hesitation, the Greeks will be eternally grateful to them because this Government literally saved them from a serious national danger and secured for them their national freedom.

Of course, it is Mr. Fulbright's right to believe in whatever he thinks right, even in matters concerning Greek affairs. But no Greek is responsible for his impatience to reasonably wait and witness the end, the fulfillment of the National Revolution in which the Greeks believe deeply.

As of this moment we don't know the content of the report that Mr. Fulbright's special emissaries are writing on Greece, nor are aware of the Senator's future plans . . . What we know, however, is that the patience of the Greek people, the National Revolution and the Greek Government cannot remain calm forever; their patience has limits which are getting increasingly narrower, because the Senator's rhetoric on a non-existent for the Greeks issue creates a crack in the Greek-American relations, with possible international consequences threatening severely the Free World.

In spite of malicious propaganda, there is no such thing as Fascism, Nazism or Dictatorship in Greece. What we have there is a peaceful Revolution which enjoys the trust and support, not only of the Greek people in the Motherland, but of all around the world, because today's Greek Government is building the future Greek Democracy totally freed from the perils it experienced in the past.

Four million tourists who visited Greece during the last 3 years is very impressive a number to provide the factual evidence and confirmation of the peaceful nature of the National Revolution, even though Mr. Fulbright's special envoys may probably ignore it. But Greece won't get lost in spite of such biased reports. She was not lost when she rejected with contempt the decisions of the "European Coffee-Shop," known as the Council of Europe, and she is still glowing against the ridiculous discussions and the meaningless books by authors such as Mrs. Vlachos and Mrs. Margaret, as well as against Melina's telegenci hysteria . . .

It is a really happy coincidence, for the United States and the Free World, the fact that the U.S. Government and the great majority of the American people look at the so called "Greek issue—which in essence does not exist—in its real dimensions and not from a prejudicial position which characterizes the demagogic attitudes and sophistries of the suspicious "protectors" of democracy in Greece.

ENDING U.S. RELIANCE ON SOVIET CHROME TRADE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. PRICE of Texas. Mr. Speaker, I join my good friend, the distinguished fellow Republican from Texas, Mr. Collins, in introducing legislation to foster a resumption of the Rhodesian chrome trade, and I commend him on the outstanding work he has done on this vital issue.

The entire Rhodesian question is of great concern to me and it is with a continuing sense of deep regret that I witness the ongoing refusal of the Government of the United States to recognize that tiny country. As I have pointed out, Rhodesia has come of age as a nation and has fully met the accepted international legal definition of statehood; namely, it has a permanent population, a defined territory, a working government, and the capacity to enter into international relations. There is no substantive reason why it should not be accorded full recognition.

I have also vocally deplored the fact that as a consequence of our ill-conceived Rhodesian policy, we have stopped buying vitally needed chromium from that country and have turned instead to the Soviet Union for our major purchases.

As a matter of principle, isolating an avowedly friendly nation by trading with a sworn enemy has nothing to recommend it. As a matter of practice, we are getting hoisted on our own petard.

Basically, this is exactly what is happening in the chrome trade. To backtrack for a moment, prior to 1965, the year in which the United States embargoed Rhodesian chrome, Rhodesia was supplying 37 percent of U.S. chrome imports. During that same period the U.S.S.R. was supplying us with 27 percent of our chrome imports by undercutting the Rhodesian market price. Since the 1965 Rhodesian trade embargo went into effect, however, we have been forced to turn to Russia for greater amounts of chromium. As a result the Soviet Union has come to enjoy a sellers market in chrome. And when we handed the Soviet Union this economic windfall, the Communists exploited it by raising their prices on chromium almost triple what they were in the preembargo days. As a consequence, the United States is today purchasing about 60 percent of its chrome from the U.S.S.R. and paying approximately $28 million a year for chrome we could buy in Rhodesia for about $17 million.

In addition to this price diseconomy we suffer on a product quality basis as well. One American company that buys Russian chrome reports that on a ton-by-ton measure, half the company's purchase orders turn out to be comprised of substandard ore. The significance of this fact extends far beyond this particular company's plight. Because if this is happening on an extensive basis, and given the Communist way of doing things I can think of no reason why it is not, the ability of this Nation to utilize high grade chromium in the production of military jet aircraft, guided missiles, and satellites is being significantly impaired. I can just imagine the glee of the Kremlin leaders when they get together and celebrate the fact that they are weakening the national security of the United States and making a handsome profit at the same time.

Mr. Speaker, Department of State officials are not unmindful of this situation. In view, however, they have chosen a very inappropriate way to correct it. The State Department has, without fanfare, recommended to Congress that consideration be given to opening up U.S. chromium reserves and using them as an alternative to heavy American reliance on Russian imports.

Although this idea may sound appealing on the surface, if it is analyzed in terms of its implications, the weakness of it becomes readily apparent. Take the fact that at the present time the U.S.S.R. is supplying about 60 percent of U.S. chromium needs. Couple it with the fact that if just 30 percent of our chromium reserves were used to offset these annual foreign purchases, U.S. reserves would be exhausted in a little more than 3 years, and the weakness of this approach becomes evident.

On the other hand, if we continue to follow the present course, and continue to increasingly rely on Russian imports of chromium as we have since the Rhodesian embargo of 1965, then before the end of this decade this Nation will become almost totally dependent on Russian imports of chromium. I base this statement on the fact that in 1964, the United States relied on the U.S.S.R. for 27 percent of its chrome; while in 1970, just 5 years after the Rhodesian trade embargo, the United States relied on Russia for about 60 percent of its imports.

Obviously Mr. Speaker, both these alternatives are unacceptable. Pursuing either of them would give the Soviet Union a critical influence on the national security of this Nation.

In my judgment, the most economically feasible and politically sound way to end this Nation's excessive reliance on Russian chromium imports would be to reopen trade channels with Rhodesia. This is the goal of the legislation I am sponsoring today. This is a goal I think worthy of support by all Members of Congress who are concerned about maintaining the national security interests of the United States. Moreover, I hope that such resumption of vital trade would quickly lead to full U.S. legal and diplomatic recognition of Rhodesia. As I have stated on an earlier occasion, Rhodesia has earned our respect and our diplomatic recognition. To ignore this fact would be tantamount to ignoring our own heritage.

THE PRESIDENT'S SPECIAL REVENUE SHARING PROGRAM

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. GROVER. Mr. Speaker, the development of transportation in the United States is one of the great technological success stories. In the space of 70 years our primitive roads have been transformed into vast arterial systems unifying the national market and providing unheard of mobility for people and cargo.

During the same time span, in fact, within only 50 years, our system of aerial flyways has grown from the simplicity of the first landing strip with wind socks into a complex electronic network capable of handling 168 million passenger enplanements per year.

At the same time, however, our success has left us with unprecedented problems of localized noise, congestion, air pollution, and declining mass transit. States and communities would like to solve these problems in balance with their true needs but they have lacked the financial resources to do so. The established relationships between the Federal and other governments have proved cumbersome and unyielding.

I am convinced that the President's Special Revenue-Sharing program is the only way out of this impasse. Revenue-sharing will create productive new relationships between government at all levels. It will restore local participation in local decisions. And it will enhance opportunities to achieve a balanced integrated national system of transportation—one built around human needs, not around machines per se.

With revenue sharing we can create the fast, safe, clean, convenient, and comfortable transportation which a sophisticated public now demands.

WHY THE SST IS NOT GOOD BUSINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an excellent article on the supersonic transport—SST—that appeared on the editorial page of the March 23 Wall Street Journal. The author, Allen Ferguson, is a transportation consultant and was formerly coordinator for international aviation in the State Department:

WHY THE SST IS NOT GOOD BUSINESS

(By Allen R. Ferguson)

The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not a good business.

It is economically unsound because it poses a problem that is largely new in aviation. Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engined piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.

With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

COST INCREASES

The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.

This would pose a serious problem of both domestic and international fare policy for the government. A policy that would be both efficient and equitable would require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set 25% to 30% above the corresponding fares of the subsonics, SST passengers would have to pay for the speed advantage, and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares. The advantages of each type of service would be available to passengers in accordance with their willingness to pay. However, aviation experts simply do not believe that to most travelers supersonic speed will be worth what it costs. Consequently a fare policy that made broad economic sense would visit financial disaster on the whole SST venture.

If the SST is eventually produced under federal support it is likely to be impossible for the U.S. government to insist on rational pricing of its services. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, letting the U.S. SST become a financial failure would be, to say the least, politically difficult. Obviously, to retain the appearance that the American taxpayers were recouping their investment in the SST, the government would be under great pressure to force many of them to subsidze the SST through excessive fares.

If, as is to be expected, there were little or no fare differential, travelers would presumably prefer the time-saving and would fly on the SST. Payloads on subsonics would tend to be depressed. Their early retirement from the affected routes would be forced on the industry. A larger and larger proportion of at least the trans-ocean fleets would become supersonic, and hence, to avoid losses, the fares on those services would have to approach the seat-mile costs of the SST. Thus, such a fare policy would almost certainly force fares on virtually all types of aircraft substantially above the level at which they would otherwise rest.

Given the effect of the SST on fares, the implications of "success" of the SST program are not hard to draw. First and most obvious there would be less air travel than otherwise.

If air travel is constricted there will be less employment in the airlines, fewer aircraft will be needed and, hence, eventually perhaps less employment even in the aircraft industry.

DECREASE IN AIR TRAVEL

How much of a decrease in air travel could be expected is impossible to predict with precision, but in 1964, when the most recent sweeping reductions in trans-Atlantic rates went into effect, an average reduction of about 15% was followed by a 40% increase in travel. A major study of the sensitivity of the volume of travel to fares in the North Atlantic indicated that for each one-percent change in fares there had tended to be a two-percent change in travel. If this sensitivity in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic fleet.

These are the obvious direct consequences for the aviation industry of a technically successful SST program. They are at least among the reasons why many airline executives privately—and a few publicly—express reservations about the SST. There are other consequences. Since subsonics would be displaced at a faster rate than would otherwise be the case, the obsolescence of the recently acquired wide-bodied and other subsonics would be accelerated; consequently, depreciation and interest charges or equipment write-offs would be increased, reducing airline profits. The financial problems of the airlines would be aggravated. Their debt is now at historic highs; major carriers are incurring unprecedented losses, such as American Airlines' $10 million loss in the month of February. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems hardly prudent.

There is another serious adverse potential. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this relatively free and expansive arrangement has been increasing in recent years and has accelerated frequently in response to American innovations and to financial difficulties of foreign airlines. The introduction of the SST might induce major restrictions by foreign governments, removing one of the foundations on which American efficiency and pre-eminence in world aviation are based.

But what of the "threat" of foreign supersonics, the British-French Concorde and the Russian TU-144? Will the airlines of the world be forced to replace their American-built fleets with them—as is often alleged? Both these foreign supersonics are ahead of the U.S. SST. Both will probably prove technically operational. But neither is certain. More important, some things about both are certain. Neither will be able to fly even New York-Rome non-stop, to say nothing of Los Angeles-London or San Francisco-Tokyo. Neither will be allowed to fly acros thse U.S. or across Europe at supersonic speeds. Both will be extremely costly to operate: Last November the British Aircraft Corporation announced that the Concorde's expected seat-mile cost would be 36% higher than that of the 747.

There is simply no way that such equipment can penetrate a large segment of the world's aviation market. Whether it penetrates any significant fraction of the U.S.-international market at all depends largely on the policy of the American government. Unless the U.S. government permits fares in international travel (over which it can exert considerable influence) to force travelers on the American-built subsonics to subsidize the Concorde or the TU-144, they will have virtually no markets of significance—even if their remaining technical and operational problems are all solved.

This brings us to the question of American "aviation leadership." Aviation leadership consists of the leadership of our manufacturers and of our airlines.

It is clear that within the aviation community both at home and abroad the U.S. would certainly gain some "prestige" from producing a superior and ultimately dominant SST. Throughout the world there are many aviation authorities afflicted with that form of myopia which prevents their seeing beyond technological elegance to social and economic utility. But many aviation officials also do understand and would resent the economic and financial strains that would be imposed upon their own carriers by artificially premature obsolescence of their American-built subsonic jets, in the interest of U.S. prestige.

The consequencies for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead: The world flies American equipment. The British failed to capture any significant fraction of the market with the technically premature Comet or the luxurious but costly VC–10. The U.S. leadership is soundly based on economic reality, not technological novelty. To jeopardize it with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at least, a most questionable choice.

Similarly, the U.S. airlines enjoy a highly prestigious, traditionally profitable and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elaborately inefficient vehicle is, at best, risky.

What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problems of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.

SUBSIDIES AND UNCERTAINTIES

Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.

Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.

Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive government subsidization.

SUPPORT FOR FEDERAL REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the city of Fond du Lac, Wis., recently approved a resolution supporting the concept of Federal revenue sharing. I concur with their position, and I shall work on the Federal level to show trust in local governing bodies to utilize tax money in a responsible manner.

For the information of my colleagues, and as a record of my own support, I am including the March 18, 1971, letter from the president of the Fond du Lac City Council and resolution 1413 as part of my remarks at this point:

CITY OF FOND DU LAC, WIS.,
March 18, 1971.

Hon. WILLIAM A. STEIGER,
U.S. House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEIGER: I am taking this opportunity to express to you the vital concern of the Fond du Lac City Council in the matter of Federal revenue sharing.

Enclosed is Resolution No. 1413 adopted by unanimous vote at the March 10, 1971, Fond du Lac City Council meeting. This resolution appropriately expresses the Council's position in support of revenue sharing based on the country's current tax structure. We in the State of Wisconsin, and more particularly the City of Fond du Lac, find the level of the local property tax approaching confiscatory levels to all our property owners. Coupled with this is the significant contribution in tax payments by our City's residents to the Federal Government and a relatively low rate of return of funds to our community under the current Federal assistance structure.

The concept of revenue sharing as currently proposed by the Administration would seem to offer a more equitable opportunity for our community's citizens to obtain Federal support for necessary local government functions. I would, therefore, ask that you lend your support toward the adoption of the proposed Federal revenue sharing program.

Sincerely yours,
PAUL W. MICHLER,
President, Fond du Lac City Council.

RESOLUTION NO. 1413

Resolution in support of Federal revenue sharing

Whereas, local revenue sources based primarily on the regressive and unresponsive property tax are inherently weak and do not improve while deficiencies in revenues to pay for city government operations worsen; and

Whereas, the local property tax has become confiscatory to people on low and fixed incomes; and

Whereas, the United States government possesses the prime revenue sources and is the largest and relatively most efficient tax collector; and

Whereas, state and local governments are best equipped to determine local community priorities and administer local programs; and

Whereas, revenue sharing is a matter of basic and lasting relevance to the future vitality of our intergovernmental fiscal structure; and

Whereas, a sound program for sharing of Federal revenues with state and local governments in a broad and unconditional manner has been presented to the Congress of the United States;

Now, therefore, be it resolved, by the City Council of the City of Fond du Lac, Wisconsin, that said legislation be enacted into law at the earliest possible time; and

Be it further resolved, that all Congressional Representatives from the State of Wisconsin be strongly urged to support said legislation; and

Be it resolved, that a certified copy of this resolution be sent to all Representatives and Senators elected from the State of Wisconsin.

Submitted by:
ELLEN B. HUMLEKER,
Councilman.

Attest:
THOMAS LEHMAN,
City Clerk-Treasurer.

MR. MOYNIHAN ON THE PRESS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DERWINSKI. Mr. Speaker, since there has been much criticism and second guessing of the press and that includes, of course, television programing, one could observe at the risk of oversimplifying that "where there is smoke, there is fire."

In its lead editorial Sunday, March 21, the Chicago Tribune commented on the recent remarks of Daniel P. Moynihan relative to the press. Those of us who have observed Dr. Moynihan's career at the White House and who are aware of the trials and tribulations he went through, certainly appreciate this editorial which follows:

[From the Chicago Tribune, Mar. 21, 1971]

MOYNIHAN ON THE PRESS

Daniel P. Moynihan, former White House adviser on urban affairs, has good personal reasons for his criticism of the "elite" liberal press ["The Presidency and the Press"] in this month's issue of Commentary magazine.

His fellow liberals turned against him six years ago when he suggested that their parlor liberalism was doing little to solve the problems of the slums, and they took revenge last year when they got hold of a confidential memorandum in which he proposed "benign neglect" of the issue of race—meaning the "heroics and histrionics" of extremists on all sides. With almost a single voice, the liberal press accused him of advocating neglect of the black community.

Considering this background, Mr. Moynihan's article is commendably restrained and thoughtful.

What led to it was Mr. Moynihan's concern over the gap—credibility or otherwise—which has grown between the White House and the press in the course of the Viet Nam war. He attributes it to five shortcomings of the press: [1] an Ivy League "elitism" which regards federal officialdom as an enemy to be outmaneuvered, [2] the simplistic assumption fostered by the liberal press and television that the President is omnipotent and that anything that goes wrong is therefore his fault, [3] the exploitation by the liberal press of self-serving leaks from dissident bureaucrats, without examining motives or looking for the rest of the story, [4] the tendency to overpublicize demagogs on both sides and thus exacerbate issues, and [5] "the absence of a professional tradition of self-correction" on the part of the press.

The first two of these shortcomings have shown up plainly in the President's press conferences. As we've said ourselves, there is a clique of reporters who seem more interested in trying to prove the President wrong than in eliciting useful information for their readers or listeners. Mr. Moynihan's contempt for journalists who regard the war as an excuse to abandon objective reporting isn't just White House dogma; Mr. Moynihan has opposed the war policies himself.

Mr. Moynihan offers no solutions—and wisely, perhaps, because the problem does not lend itself to arbitrary solutions. Mr. Moynihan does, however, warn against the idea of a national regulatory council, even one formed by the press itself.

"To set up such a council in this country at this time," he says, "would be just the wrong thing to do. There is a statist quality about many of the press councils abroad; often as not they appear to have been set up to ward off direct government regulation.

Freedom of the press is a constitutional guarantee in the United States; how that freedom is exercised should remain a matter for the professional standards of those who exercise it."

Freedom of the press is like freedom of competition. It doesn't guarantee perfection [if there is such a thing], but it is the surest way man has found to guarantee the public the greatest variety of opinion and the least irresponsibility. In time, it tends to bring to heel those who abuse it?

True, it can be strengthened. Mr. Moynihan suggests more competence on the part of reporters, and this is being achieved. Today's reporters are vastly better and more broadly trained than yesterday's. Mr. Moynihan also suggests a greater readiness on the part of officials to criticize individual newspapers and on the part of newspapers to criticize one another and themselves. This should go with a free press. Mr. Moynihan is certainly doing his part. We are trying to do ours.

Mr. Nixon is trying to end the war, which did so much to bring on the present crisis in journalism, and to cut down the enormous federal bureaucracy and the confusion and back biting which it entails. In time, we are sure, this activist press will do its part and get back to reporting the news instead of trying to make it.

"AN EPITAPH OF THE LAOTIAN INVASION"

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RIEGLE. Mr. Speaker, in this morning's New York Times, there appears a poignant and provocative article written by Mr. Tom Wicker concerning the consequences of the invasion into Laos. While ostensibly the purpose of this invasion is to save American lives, the paradox, as aptly drawn by Mr. Wicker, is that these lives were saved only at the expense of the dead Indochinese now laying on the battlefields. Mr. Wicker also points out that the present policy is only a continuation of a decade of destruction in Indochina, and he grimly concludes that there is no relief in sight for the people in Southeast Asia. I would like to draw Mr. Wicker's perceptive remarks to my colleagues' attention, a copy of which follows:

KICK THEM OFF THE SKIDS

(By Tom Wicker)

WASHINGTON, March 22.—Some South Vietnamese soldiers, in the retreat from Laos, have been clinging to the landing skids of American helicopters. Some have been falling to their deaths from these precarious perches, and in addition, "we just have to kick some of them off," an American pilot has reported. "We have to think about ourselves, too. You just cannot lift this bird with fifteen guys clinging to it."

Let that stand as the epitaph of the Laotian invasion, as it comes to an end so much less than glorious that even those who claim great things for it do not sound as if they have convinced themselves. It is an appropriate epitaph, for if the invasion had any rational purpose at all it was, in the familiar incantatory words of the Nixon Administration, "to save American lives."

This is not a purpose any American can oppose, but how high a price must the rest of the world, particularly the Indochinese, pay to rescue Americans from a decade of blunders? In the Laotian operation alone, taking Saigon's figures at their dubious face value, more than 12,000 North Vietnamese and 1,031 South Vietnamese have been killed; in addition, 219 South Vietnamese are missing and 3,985 were wounded. When North Vietnamese wounded and missing are considered, these figures suggest that perhaps 25,000 Indochinese military casualties have been suffered. (At least 59 American helicopted crewmen have been killed, 68 wounded and twenty are missing.)

What were the civilian casualties produced by this meatchopper of an operation? It is a safe bet that no one can say, because no one in Washington or Saigon, any more than in Hanoi, bothers to make such estimates before launching big military strikes, and it is only weeks or months later that the refugees and the wounded and the dead begin to make their miserable marks. Thus, it was only last week that semi-official figures were obtained from Senator Kennedy's subcommittee on refugees: 125,000 to 150,000 civilian casualties from military action by both sides in South Vietnam in 1970, with 25,000 to 35,000 civilians killed.

These figures have not so far been disputed here or in Saigon. They do not include civilian casualties in Cambodia or Laos. They *are* included in the estimated 1.1 million civilian casualties, including 325,000 deaths, in South Vietnam since 1965, when Americans entered the war in force; of the total of those casualties, about a third are thought to have been children under thirteen.

Aside from the bloodshed, once more a military operation was heavily oversold in advance as a decisive action, one that proved the South Vietnamese "can give an even better account of themselves than the North Vietnamese" (General Abrams via Mr. Nixon's news conference).

No doubt this hardsell will cause Mr. Nixon domestic political problems. It is more important that, once again, the American command made the old familiar error of assuming that when it made a move, the other side would have no answer; in this case, the answer was at least partially a mass of heavy tanks. Moreover, since the President himself predicted that the North Vietnamese would fight and fight hard, it is also clear that the fighting abilities of the South Vietnamese Army were overrated. All of that suggests a continuing underestimate of the power and determination of Hanoi and the people it commands, a repeated overestimate of Saigon's ability, with or without American help, to match the effort from the North, and another mistaken effort at a quick, winning blow in a war that will not permit such a blow.

It would probably be a mistake, nevertheless, to think that the Laotian repulse will lead Mr. Nixon to a significant change of policy. If he accedes to the request General Abrams probably will make for a slowdown in American withdrawal, the President will wreck domestic political stance; and he is more likely than ever to think that pulling out at a faster rate would open both Saigon and any remaining American forces to disastrous attack.

Nor is there any reason to believe that the expulsion of the South Vietnamese from Laos signals anything but even wider and more destructive aerial warfare "to protect American lives." The heavy series of air attacks on North Vietnam at this time can be read in no other way than as Mr. Nixon's defiant message to Hanoi that he still has the will and the means to carry on the fight, if only by air.

So the long, costly, shabby policy of withdrawing while propping up Saigon and ravaging Indochina probably will go on, without any new attempt to negotiate an end to the slaughter. It is a policy of kicking them off the skids so the American bird can fly.

THE PRESIDENT'S LEGAL BRIEF ON CROSS-FLORIDA BARGE CANAL TERMINATION REVEALS HE WAS MISLED ON THE LAW

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BENNETT. Mr. Speaker, one of the architects of our democracy, James Madison, wrote in the Federalist Papers—No. 47:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

The President, in halting construction of the Cross-Florida Barge Canal, one-third complete, authorized for national defense reasons, and said by the Congress to be justified economically and ecologically, acted in an unconstitutional manner when he issued his stop edict on January 19, 1971.

The President has the constitutional responsibility to take care that the laws be faithfully executed. Section 3 of article 2 of the Constitution.

He was misled by his lawyers in the legality of stopping "permanently" the Cross-Florida Barge Canal and should he not amend this edict it will break a contract between the U.S. Government and the State of Florida, and without authority repeal duly enacted laws of our country.

On March 23, 1971, I submitted a statement and brief to the Subcommittee on Separation of Powers of the Senate Judiciary Committee on the President's action on this needed national and very worthwhile project. The statement as I prepared it follows herewith:

STATEMENT OF CONGRESSMAN CHARLES E. BENNETT OF FLORIDA, BEFORE SUBCOMMITTEE ON SEPARATION OF POWERS SENATE JUDICIARY COMMITTEE, TUESDAY, MARCH 23, 1971

Mr. Chairman, I deeply appreciate this opportunity to appear before your Committee on "impoundment of funds." This is an important subject because it is timely and goes to the roots of our form of government; and I congratulate the Chairman and Committee for considering it.

A learned lawyer, applying for admission to the New York bar in December, 1963 wrote:

"The principles underlying the government of the United States are decentralization of power, separation of power and maintaining a balance between freedom and order.

"Above all else, the framers of the Constitution were fearful of the concentration of power in either individuals or government. The genius of their solution in this respect is that they were able to maintain a very definite but delicate balance between the federal government and state government, on the one hand, and between the executive, legislative and judicial branches of the federal government, on the other hand."

This same learned lawyer, who, incidentally, was admitted to the Bar of the State of New York and was later elected President of the United States in the 1968 elections, recently completely abrogated his thesis in the 1963 paper with an edict not unlike a Catherine de Medici decision of the 16th century.

He destroyed the "delicate balance between the federal government and the state government" by cavalierly breaking a contract between the United States government and the State of Florida, and he also dictatorially repealed an authorized law of Congress by "permanently" halting the Cross-Florida Barge Canal. He did not even give notice to the public or to Congress that he was going to do it, much less allow any objective presentation of views on the subject.

The 18th century French writer Montesquieu wrote in *The Spirit of the Laws* on the Constitution of England: "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner."

Later, Justice Brandeis said the "doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power."

In the recent case of the Cross-Florida Barge Canal, the President both promoted inefficiency in government by stopping a vital and worthwhile national project, one-third complete, and creating great uncertainty and loss of taxpayers' funds and predictable damage to the environment, but he also acted in an unconstitutional and arbitrary manner.

This brief discusses the President's edict to terminate the Cross-Florida Barge Canal and shows that he was misled on the law backing his decision, just as he was misled by his environmental advisors, to the detriment of the seven million citizens of Florida and the 23 million annual visitors to our state and the economy and national security of America.

The canal case is a current classic in the "impoundment of funds" field.

The responsibility of the President of the United States is as stated in Section 3 of Article 2 of the Constitution to "take care that the laws be faithfully executed." He has the power of veto in the process of enactment or repeal of a law (Section 7 of Article 1); but after a bill is signed into law and appropriations are made he cannot repeal the law himself without Congressional repealing; and the President must execute or carry out the duly enacted law. He can, of course, recommend that the law be repealed. No principle of American constitutional government is more fundamental than this to our heritage or more clearly stated in our Constitution.

The keystone of our government is its division into the three separate branches: legislative, executive and judicial. One of our founding fathers, President James Madison expressed it well in the Federalist Papers (No. 47) when he wrote: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

So in defining the powers of the new president our forefathers wrote into our Constitution: "He shall take care that the laws be faithfully executed."

The Cross-Florida Barge Canal was specifically authorized n 1942 by Public Law 77–675. Although its value to the defense needs of our country were recognized in its authorization, the shortage of manpower for its construction during World War II postponed the appropriations needed for its commencement. But the appropriations have been made continuously ever since 1964 and now total $60 million; and the project is now more than a third complete.

Last year in the House Report on the appropriations bill the following statement was made: "The committee has included in the bill the $6,000,000 including carryover funds, proposed in the budget to continue construction of the project . . . the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete . . . Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area."

It is not proposed to discuss here the merits of the canal; but only the legality of a Presidential edict to terminate the project. The merits which amply justify the project, will be discussed in another presentation. However, the facts are that about $50 million have been spent on this canal (1) which the Joint Chiefs of Staff supported to provide an additional and shorter line of communication between the Gulf Coast and the East Coast" that would "reduce exposure of shipping to submarine attack" and (2) which several independent studies found to be justified for economic and job producing reasons, and (3) which many geologists and ecologists, and all Congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds.

On January 19, 1971 the President issued a press release in which he said, "I am today ordering a halt to further construction of the Cross-Florida Barge Canal."

After repeated requests to the White House, on February 25, 1971 the White House staff furnished the following statement on the legal authority of the President to terminate the Cross-Florida Barge Canal without Congressional approval, reciting that this was the opinion of the Department of Justice.

"An appropriation of funds for a particular project or activity is ordinarily regarded as permissive in nature and not as equivalent to a direction that such projects or activity be undertaken or that such funds be spent. See 42 Ops. A. G. No. 32, p. 4 (1967); *McKay* v. *Central Electric Power Cooperative*, 223 F.2d 623, 625 (C.A.D.C. 1955)."

The only court decision cited to uphold the quoted conclusion was *McKay* vs. *Central Electric Power Cooperative* (an R.E.A. Cooperative). This case does not in any way support the President's action on the canal; because, unlike the canal which was specifically authorized and specifically appropriated for, the R.E.A. contracts in the McKay case depended—solely for any specific performance on such contracts—upon the language of a general appropriations law for electrical transmission facilities, while the law made no reference whatsoever to particular projects or particular contracts. In fact, the legislative history of the law in the electrical case indicated an intent to exclude the contracts sought to be performed; but this was not relied upon in the appellate decision, but only the fact that the legislation was silent on the specific project and the specific contracts involved. The court observed that the claimants might, despite the court's ruling on specific performance of the contracts, sue the government for breach of contract in another suit.

Clearly, the above cited case is not only no authority for the President's action on the canal matter; but it is in fact authority against the President having such authority when the project involved, such as the canal, is both authorized and appropriated for by specific provision of law. This would be true whether a suit is for specific performance or for breach of contract.

The only other authority relied upon by the Administration for its position was the 1967 opinion of Attorney General Ramsey Clark upholding the power of the President to impound Federal-Aid Highway funds before they had been obligated by approval of a specific qualifying project. This impoundment was not to end any project but only to temporarily reduce the level of spending to curb inflation. No contractual obligations of the United States were involved in any way. Clearly that decision is not analogous in any way to the President's order to terminate completely a project duly and specifically authorized and funded by legally enacted law. The Attorney General said:

"It is my conclusion that the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State.

Moreover, since the purpose of action here is not to reduce the total amount of the funds to be devoted to the Federal-Aid Highway Program but merely to slow the program for a limited period, hopefully it will have no adverse effect on the completion of the program 'as nearly as practicable' by the end of the period envisaged in 23 U.S.C. 101 (b)."

The Attorney General in the above opinion stated:

"The Courts have recognized that appropriation acts are of a fiscal and permissive nature and do not in themselves impose upon the executive branch an affirmative duty to expend the funds. *Hukill* v. *United States*, 16 C. Cl. 562, 565 (1880); *Campagna* v. *United States*, 26 C. Cl. 316, 317 (1891); *Lovett* v. *United States*, 104 C. Cl. 557, 583 (1945), affirmed on other grounds, 328 U.S. 303 (1946); *McKay* v. *Central Electric Power Cooperative*, 223 F. 2d 623, 625 (C.A.D.C. 1955)."

The Library of Congress Reference Service paper "Impoundment by the Executive of Funds which Congress Has Authorized It to Spend or Obligate" at page 15 observes of the above Attorney General's opinion that the cited cases do not "sustain the broad proposition for which they were cited."

In the Hukill case, above cited, the United States had enacted an appropriations law which would pay postal employees for services rendered in the South during the Civil War, under certain circumstances; and then provided that any unexpended balance would be turned over to the Treasury in two years. After the two years expired, Hukill attempted to enforce the payment terms of the appropriations law. Although holding against Hukill because he had not shown that he had not theretofore been paid for the same services by the Confederacy, the Court also held that if he had not been so previously paid he could have recovered under the above statute. In deciding this, the Supreme Court said:

"An appropriation by Congress of a given sum of money, for a named purpose, is not a designation of any particular pile of coin or roll of notes to be set aside and held for that purpose, and to be used for no other; but simply a legal authority to apply so much of any money in the Treasury to the indicated object.

Every appropriation for the payment of a particular demand, or a class of demands, necessarily involves and includes the recognition by Congress of the legality and justice of each demand, and is equivalent to an express mandate to the Treasury officers to pay it. This recognition is not affected by any previous adverse action of Congress; for the last expression by that body supersedes all such previous action."

The Hukill case is clearly not a case that supports as legal the action of the President in the canal matter. To the extent that it is in point, it would support the continuation of the canal under the duly enacted appropriation laws even if there were no prior authorization law. However, the canal has no deficiency in authorization and does not need to rely on the Hukill case.

The Campagna case, above cited, is a case in which a Marine Band musician sued for a salary of $23 per month as distinguished from a rate of $17 since the appropriations statute involved provided for "thirty musicians at forty dollars, eight at twenty-six dollars, and fifteen at twenty-three dollars per month each, nine thousand dollars." After observing that Congress was confronted with paying musicians whose pay varied because of longevity, etc., the Court held as follows:

"An appropriation is per se nothing more than the legislative authorization prescribed by the Constitution that money may be paid out at the Treasury. Frequently there is coupled with an appropriation a legislative indication that the designated amount shall be paid to a person or class of persons, and from such an appropriation a statutory right arises upon which an action may be maintained. Occasionally an appropriation act goes still further, and expressly or by necessary implication changes preexisting law so as permanently to increase or diminish the compensation of an officer, agent, or employe of the Government. (*Faris Case,* 23 Stat. L., 374)."

The above case is no authority whatsoever for the termination of any project. Insofar as there was a project in the Campagna case—the hiring of musicians—there was no interruption of it. Only the amount of wages was ruled adverse to the claimant and even this was upon an interpretation of a particular statute, as affected by legislative intent.

In the Lovett case, the only case cited above that has not already been discussed, the plaintiffs sued for their wages as employees of the U.S. Government for a period of time after November 15, 1943, Congress having enacted in July of 1943 a law which provided that no Federal funds should be expended to pay them for any services rendered after November 15, 1943, unless prior to such date the President should have appointed them "with the advice and consent of the Senate." They were never so appointed, but they served beyond the November 15 date under less formal appointments. The Court ruled that the statute did not destroy the obligation of the Government to pay for services rendered and therefore, did not prevent a judgment in favor of the plaintiffs for the wages involved even for services after the November 15 dates. In the opinion of Justice Madden in this case, the following statement was made:

"It may well be that under our Constitution, and under any constitution which might be devised for a free people, one branch of the Government could, temporarily at least, subvert the Government. The Judges might refuse to enforce legal rights or convict criminals. The President might order the Army and Navy to surrender to the enemy. Congress might refuse to raise or appropriate money to pay the President or the Justices of the Supreme Court and the other courts. But any of these imagined actions would not be taken pursuant to the Constitution, but would be acts of subversion and revolution, the exercise of mere physical power, not lawful authority. And conduct by any branch of the Government less ruinously subversive, but, so far as it goes, equally unconstitutional, is likewise an exercise of physical power rather than lawful authority."

It is clear than the authorities relied upon by the Justice Department in advising the White House, do not give any support at all to the action taken. In no such case was there specific authorization and specific appropriation for a project that was terminated; and the cases clearly deny, rather than support, the Administration's position. In fact, the decisions could not hold otherwise in view of the specific Constitutional mandate that the President "shall take care that the laws be faithfully executed." The same memorandum which revealed the Department of Justice recitation of cases above referred to also observed:

"The Department of Justice advises us that since the funds presently available for construction of the canal have been appropriated without fiscal year limitation, no further legislative action would be necessary to make such funds available for a resumption of construction. Whether a reauthorization would be necessary as a basis for future appropriations is a matter for Congress to decide."

In making the above statement, the Justice Department has in fact conceded that the President cannot repeal a law; and since the laws that authorized and appropriated for the canal still exist they must admit, if they are to be logical, that the Constitution requires these laws to be carried out by the President until they are legally repealed.

In view of the Constitutional provision which binds the President to execute and carry out the law, and in view of the fact that the Department of Justice has produced no authorities to support the President's power to terminate the canal (which it obviously could not do in the face of the Constitution), only a few leading cases will now be discussed which the Justice Department failed to mention but which clearly show that the President has no power to terminate the canal unless and until the laws providing for the project are duly repealed. The President does, of course, have the right to veto a bill; but once it is passed with Presidential consent or by another vote overriding the veto he must carry out the laws of the land. Otherwise, as Justice Madden said, above, the deed would be one of physical rather than of lawful authority.

"Under our system of government it is the legislative branch which is to make and decide policy. The executive branch is supposed to carry out the policies declared by Congress. (31 Cong. Dig., No. 1, p. 1, at 2 (1952).) (See MacLean, President and Congress: The Conflict of Powers, 61 (1955).)"

The following comments rely heavily on the excellent article by Gerald W. Davis in the October, 1964, edition of "Fordham Law Review.

Whether the Constitution in directing the President to "take care that the laws be faithfully executed vests in him discretion as to the execution of laws was argued in *Kendall* v. *United States ex rel. Stokes.* (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not impowered to dispense with the operation of law upon a subordinate executive officer:

"When Congress imposes upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. . . .

"To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible."

To avert a nationwide strike of steelworkers in April, 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these events to Congress, but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that "the order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President"

Mr. Justice Black, who delivered the opinion of the Court, noted:

"In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent or equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.' "

Mr. Justice Douglas, in a concurring opinion, noted:

"The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, Section 3, also provides that the President 'shall take care that the laws be faithfully executed.' But . . . the power to execute the laws starts and ends with the laws Congress has enacted."

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power . . .

"2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system."

"In the canal matter, the President has taken a step such as Justice Jackson describes in the third situation above, that is one incompatible with the intention of Congress in duly enacted laws. Therefore, "he can only rely upon his own constitutional powers, minus any constitutional powers of Congress."

The weight of authority is against the existence of an inherent presidential power to impound appropriated funds—Goostree. The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be responsible for their faithful execution—Report of the President's Committee on Administrative Management at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

"The Congress and the Executive should function within their respective spheres . . . The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of Pres. Comm. on Admin. Mgt. at 15.)"

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government at 12–13 (1955).

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies a directive that such funds be expended to effect the purpose indicated.

"Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations . . .

The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (*Spaulding* v. *Douglas Aircraft Co.,* 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)"

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, ***United States*** v. ***Louisville*** (169 U. S. 249 (1898); ***United States*** v. ***Price,*** 116 U. S. 43 (1885); compare 2 Ops. Att'y Gen. 295 (1902).)

The cases cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statutory law gives no substance to that argument. There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? There have been no suits on recent impounding of funds for defense objectives, such as for the advanced bomber, as far as I know. There may be many reasons for this; but perhaps the most conclusive one has been the lack of standing of one to sue to enforce the Constitution in a particular case. In the matter of the Cross-Florida Barge Canal there may well be such ability to sue however; because not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. The Canal Authority of the State of Florida, the official body for this project in the state, has filed suit in the Federal Court in Jacksonville asking that the President's order be declared to be of no effect, illegal and constitutionally void. Other official governmental bodies involved have also entered this suit, including the Jacksonville Port Authority and perhaps other outside organizations and individuals have joined them by now.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasons for the President's action seem to have overlooked the fact that the Oklawaha can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal these being the grounds relied upon in the President's press release.

It would be very appropriate and helpful if the committee could look into the constitutionality of the President's action on the canal matter and express an opinion thereon.

A BALANCED TRANSPORTATION SYSTEM FOR OUR CITIES AND STATES

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. FREY. Mr. Speaker, the purpose of the special revenue-sharing fund for transportation is to enable the Governors and mayors of our Nation to restore in the States and cities a balanced transportation system. What we are seeking is a system in which the various transportation tasks are performed by the most efficient mode. It takes no efficiency expert to recognize that mile long lines of cars—each bumper to bumper and each carrying an average of one and a fraction of a passenger—represents an inefficient use of our automobiles and our highways.

It is obvious that an obsession with the private car plus a heavy concentration of Federal dollars in highway construction have furthered the cause of the automobile to the detriment of sound transportation planning—particularly in urban areas. Transportation revenue sharing will help correct this inbalance.

The transportation revenue-sharing fund will permit local officials to meet their special local transportation needs. They know best their requirements. They should make the decisions.

The present system of dispersing Federal transportation funds to the States and cities virtually rules out any choice by local officials. These Governors and mayors are aware that under existing laws, if the transportation decision is in favor of highways, $1 of State funds will earn $9 of Federal funds. If, on the other hand, these officials turn to mass transit, they discover $1 of State funds will get them only $2 of Federal money. In this present era of restricted State budgets, it is obvious the decision will go in favor of more highways. Yet, many States even now—and many others in the years to come—will have no need for more highways, but will have a desperate need for urban mass transit improvements.

The special revenue-sharing fund for transportation is designed to help these officials make the efficient decision—not the expedient decision. One of the key features of this fund is that no matching dollars are required by the States or local authorities. The decisions then can be made solely on the basis of what will best resolve local transportation problems.

GIVE RURAL AMERICA A CHANCE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MYERS. Mr. Speaker, it is said that "hope springs eternal in the human breast." That truism was never more real than when applied to the people of rural America. A vast area of even more vast potential has been chafing at the bit for a long time, eager to join the mainstream of the Nation's economic forward thrust.

Too many segments of 2,600 counties in this country which are largely rural have stood still or retrogressed for no real reason except that the opportunity has been siphoned off by unrealistic Government policies. Its people have been forced into the burdened cities to gain equality with their urban counterparts.

It is also true that the Congress has attempted in hundreds of ways to offer pump-priming services to rural communities. Billions of dollars have been spent but most of them have trickled in and gushed out because there was little means provided for using local initiative. At the same time, the tax money that could have assisted local, county, and State planners flowed in a steady stream to the Central Government. Too little of it came back to the source, except for certain projects in isolated areas. The projects required approval of an insulated bureaucracy often unaware of local needs or unable to apply proper action because of restrictive laws which fail to take into account varying situations and conditions.

Congress now has been presented with a bill, rural development special revenue sharing, which I believe can change rural America to help meet the changing requirements of the entire Nation. Under this program, $1.1 billion would be allocated to the States to be used as the people, through their elected officials and the legislature, determine to be the best means of revitalizing the Nation's great storehouse of economic and social advancement.

Again, it is true that this initial funding will not be sufficient as a full-blown resurgence of rural America gets underway. But it should prove adequate to start people enthusiastically planning and beginning in rural areas. The local resources will add to the Federal revenue-sharing funds many times over. As the program proves itself, there should be minimal trouble increasing financial assistance. Success feeds success.

I urge my colleagues to seize this opportunity to give rural America a running chance to lift itself by the great energies and potential available in an area comprising 91 percent of the Nation's land area. We have tried many less promising programs. Let us give this one a quick and honest chance to succeed.

HON. BARBARA M. WATSON ADDRESSES INTERNATIONAL AVIATION CLUB

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RODINO. Mr. Speaker, on February 16, 1971, the Honorable Barbara M. Watson addressed the International Aviation Club regarding the impact of international travel on consular operations.

Miss Watson is no stranger to the Hill, having ably testified many times before the House Committee on the Judiciary, and I feel that her speech should be included in the RECORD to bring home to all the import of her work as Administrator of the Bureau of Security and Consular Affairs of the Department of State.

Miss Watson has worked long and hard as Administrator and this is evidenced by the expansion and modernization which the Bureau has undergone under her able leadership. Presently, with increasingly large numbers of world travellers, the Consular service has continued to streamline its operation in order to cope with its important responsibilities and this is accurately described in Miss Watson's speech, the text of which follows:

IMPACT OF INTERNATIONAL TRAVEL ON CONSULAR OPERATIONS

This past year I have heard many reports of near-empty commercial aircraft and resort hotels. I will not dwell on this point, which may be painful to some of you. Nor will I attempt to theorize on its causes, something you can do much more intelligently than I. I must, however, confess that I am puzzled because our statistics and the reports from our Embassies and Consulates abroad indicate that the travel explosion is continuing unabated.

Ten years ago our passport agencies in this country and our foreign service posts abroad issued some 800,000 passports. In 1970 the figure topped 2 million, an increase of almost 300%. And, in 1970, in contrast to the usual 10 to 12 percent annual increase, passport issuances increased some 20 percent over 1969.

According to the Immigration and Naturalization Service citizen departures in 1970 were up 27% over 1969.

This great flow of international travellers is not, of course, one-way; nor is it confined to Americans. The increase in issuance of nonimmigrant visas by our Embassies and Consulates abroad to foreign visitors rose from 670,000 in 1960 to almost 2 milion in 1970, an increase of almost 300%.

These remarkable increases have obvious economic implications for the travel industry as well as other enterprises whose well-being depends principally or in part on international travel. It also has significant financial implications for the operations of the Department of State both in this country and abroad. You are more familiar than I with the benefits to the travel industry that result from this increased flow of people between countries and continents. For the Department of State, however, the benefits are mostly intangible. The tangible results are mainly problems.

I do not mean to suggest that the benefits to our foreign relations are not important because they are intangible. We firmly believe that travel abroad by American citizens and travel to this country by foreign nationals serves the United States national interest in a very important way. Our policies and procedures with respect to the issuance of passports to U.S. citizens and visas to foreign nationals spring from this belief. I admit that we have our aberrations. Occasionally, we deny a visa or a passport for what appears to be no good reason. But when we are wrong, our errors are usually pointed out to us rather quickly by the press or in more leisurely fashion by the courts. On the whole, I think our administration of the laws relating to passports and visas is faithful to the basic premise that this travel flow, in both directions, should be encouraged and facilitated.

Unlike most other areas of the Department of State, the activities and responsibilities of our world-wide consular operations are largely governed by Federal statute. As a result, the measures we can take to facilitate international travel and to meet the problems resulting from increased travel often depend on our ability to obtain Congressional enactment of our legislative proposals. Our success in this regard has been mixed. On the passport side we obtained enactment of legislation in 1968 to make passports valid for five years rather than for three years renewable for two years. That same legislation also made it possible for persons who have previously held passports to apply for and obtain their passport entirely by mail under certain circumstances.

On the visa side we have sought—unsuccessfully so far—authority to eliminate the visa requirement entirely for nationals of certain countries who want to come to the United States for business or pleasure for a period of up to ninety days.

There are measures that do not require legislation that we have taken. One of the major problems on the domestic side of our passport operations has been the overburdening in the past few years of our passport application and processing facilities. This has resulted in long lines at our passport agencies and at those federal and state courts that accept passport applications. It has also resulted, at some periods, in substantial delays in processing and issuing passports. To meet this problem we instituted, with the cooperation of the Post Office Department, a pilot project in Houston, Texas; Detroit, Michigan and eight cities in Connecticut whereby passport applicants could apply for passports at post offices. The results of the pilot project have, on the whole, been extremely encouraging. It now seems likely that the use of post offices to accept passport applications will be expanded nationwide to some 500 cities by the end of 1971 and ultimately to some 4,000 first-class post offices.

On the visa side we instituted, in 1962 a procedure whereby, under certain circumstances, foreign nationals could obtain visas for the United States entirely by mail. This program has been expanded to the point where at present a substantial percentage of visitor visas issued by some of our posts are done by mail. For example, 80 percent of all such visas issued by our Embassy at London are issued by mail. In France the figure is 70 percent.

In 1967 we authorized an indefinite validity or so-called life-time visa to be issued in certain cases—principally to foreign nationals who are clearly not prospective immigrants and who have occasion to visit the United States frequently.

I should point out that in the vast majority of cases obtaining a visa to visit the United States is not a difficult or time-consuming chore for the foreign national. From that point of view, the visa-by-mail procedure, the life-time visa and even the elimination of the visa requirement may not be significant travel inducements. However, the visa requirement does represent a psychological barrier to a significant number of foreign nationals. For the most part, we have stopped asking the prospective foreign visitor such embarrassing questions as: "do you seek to enter the United States to engage in any immoral sexual act?" But we have reason to believe that the visa requirement itself creates an air of suspicion that is resented by many foreign nationals, particularly if their own country does not require Americans to obtain visas to visit his country. In this sense, therefore, the measures we have taken are helpful and, we believe, enactment of the legislation to eliminate the visa requirement entirely in certain circumstances would be an important step in encouraging travel to this country.

The third important area of our consular operations on which the increase in travel abroad by U.S. citizens has had its greatest impact is in the area of protection of and assistance to U.S. citizens abroad. Although we can and do take various measures to help our citizens abroad, many Americans seem to have a number of misconceptions about what our consuls are authorized to do. Unfortunately, they often have great difficulty explaining to their compatriots that the consul is not authorized to cash checks or change money, lend money to Americans temporarily out of funds, serve as a travel agent, as an employment agent or help in obtaining work or residence permits in the foreign country, act as an attorney, renew drivers' licenses, search for missing luggage or settle disputes with hotels, or perform marriages.

The disgruntled American often interprets such explanations as merely another example of bureaucratic negativism. However, the limits on the consul's functions are set by U.S. law, the law of the host country and international practice. Nevertheless, in practice the consul does assist Americans abroad in many ways above and beyond the formally prescribed limits of his responsibilities.

The protection function is a traditional one and fulfilling it is not a new problem by our consuls abroad Recently, however, we have been hard-pressed to perform this and related assistance functions adequately because of cut backs in our personnel abroad, the increased number of American citizens travelling abroad and the attendant increase in the number of Americans arrested abroad, particularly for narcotics offenses. The basic responsibility of our consular officers in cases of American citizens who are arrested abroad is to try to insure that the American citizen receives fair treatment. This does not mean fair treatment by American-due-process standards but rather by a somewhat vague standard of accepted international practice.

The consul helps the arrested American obtain a lawyer and communicate with his family in this country. He usually visits him in jail and often attends his trial to determine whether he receives fair treatment.

In addition to some misconceptions about the functions of our consuls generally, many Americans seem to have some similar misconceptions as to the applicability to them of foreign laws. Americans abroad are, of course, subject to the laws of foreign countries in which they find themselves. This comes as a shock to many Americans some of whom seem to believe that because they are Americans they should be immune from arrest when they violate a foreign law, particularly when there is no similar law in this country. They are often surprised to learn that very likely they will not be entitled to a trial by jury or to confront witnesses against them or to exercise various other rights that are basic under our legal system. There has been much controversy recently in this country about investigative arrests and lack of speedy trial. The American who runs afoul of the law while abroad may well find himself detained for many months without bail while his case is being investigated and before formal charges are lodged. On the other hand, once the investigation is completed, he may well find that his trial is much too speedy for his taste. He may, in fact, have only a few days to prepare his defense.

His trial will rarely last more than one day any appeal he takes will probably be decided within the week. In fact, if he is acquitted or receives a light sentence, he may be surprised to learn that the prosecution has appealed his acquittal or the lightness of his sentence.

Having said this, I must also say that generally Americans do receive equal or better treatment at the hands of foreign courts than the nationals of that country and, frequently, other aliens. They often receive lighter sentences and their jail accommodations are usually much less unpleasant. This continues to be the case despite the intensive crackdown on drug violators that most foreign countries have instituted.

Prior to 1968 the percentage of Americans detained abroad on drug charges was miniscule. By October 1970, however, of some 1100 Americans in foreign jails, 700 were being detained for drug offenses.

At first it appeared that one of the inducements that foreign travel offered to many young and not so young Americans was the opportunity to escape from what they considered the unreasonable restrictions of American society, particularly its attitude toward drugs. Stories of a day's supply of marijuana for five cents in Kabul or Katmandu sounded both economical and exciting, whether they just wanted to experiment or had a consistent habit. They heard that you could finance a long Eurasian holiday by driving a car loaded with concealed hashish from Asia to Europe and selling them there. The premium price one could get for the car was a small bonus.

However, it was not long before these innocents and not so innocents discovered that it was not quite that easy. They began to hear and, unfortunately, to experience that in Turkey mere possession of a pipe-full of hashish brought a minimum of three year's imprisonment. Other countries started dealing with this problem in a similarly harsh manner. In Iran drug convictions have brought death by hanging to several, fortunately none of them Americans.

We have tried in many ways to warn Americans going abroad that rather than a narcotic nirvana, several years in an ancient and crowded prison may await them. We have tried to do this without moralizing. If they are arrested we try to assist them and insure that they receive fair treatment regardless of any opinion we may form of their guilt or innocence.

A little over a year ago a young American woman was arrested in Greece and charged, along with a young Englishman, with attempted drug smuggling. Our consular officers immediately got in touch with her relatives here, helped her get an attorney, and visited her in prison on numerous occasions. We even received calls from attorneys in this country asking if they could help in some way. To me this was a fine example of both the basic humanitarian concern of the American legal profession and the best traditions of our Foreign Service. And my opinion was not fundamentally changed when I subsequently learned that only a few weeks before the accused had appeared quite prominently in one of our more popular magazines as Playmate of the Month.

I cannot guarantee that with the increase in international travel and the attendant increase in consular services that Americans will require we will be able to fulfill our responsibilities with the same zest and enthusiasm demonstrated in that case. But I can assure you that we will try.

THE BUSINESS OF BUILDING CITIES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MORSE. Mr. Speaker, on page 2909 of the February 17 CONGRESSIONAL RECORD, there appears the text of a speech delivered by David Rockefeller chairman of the board of the Chase Manhattan Bank, before the Regional Plan Association in New York, in which he has proposed the formation of a private or quasi-public corporation and a new Federal agency which would work together in developing new cities.

For those of my colleagues who have not seen it, I call their attention to it, for it offers what I consider to be an urgently needed and most practical approach to dealing with the present urban crisis, and reducing the pressures on existing urban centers and suburban areas.

I am also pleased to bring to the attention of my colleagues the following editorial from the Christian Science Monitor of February 18, which speaks most persuasively to the relevance and the urgency of Mr. Rockefeller's recommendation for action:

THE BUSINESS OF BUILDING CITIES

At long last American private enterprise is beginning to talk in realistic dollar terms about its responsibilities and commitment to solving the nation's snowballing urban crisis.

David Rockefeller, chairman of the Chase Manhattan Bank and as close to being "the" voice of American business as any single man can claim, has called for a $10 billion corporation to start building 110 new cities.

The figure of 110 new cities comes from a report made by the bipartisan National Committee on Urban Growth back in 1969.

A proposal was drawn up in legislative form, but it never got into the congressional hopper because President Nixon opposed it for cost reasons.

Mr. Rockefeller proposes now that a private or quasi-public corporation take on the job. It would be capitalized by banks, insurance companies, pension funds and similar institutions seeking long-term investment opportunities.

Alongside the private corporation, Mr. Rockefeller proposes a national public corporation, with powers of land acquisition similar to New York's State Urban Development Corporation.

There is no reason why a national urban development corporation should not be set up to do a similar job.

We would caution, however, that such an agency be subject to the control of a national planning body. President Nixon has already indicated his interest in national land use planning.

New towns and cities cannot be made arbitrarily to grow out in the grassy plains or on the sides of mountains, any more than tulips can be grown on the tundra or edelweis in the desert.

Probably most new towns and cities should be located on the edges of existing metropolitan areas, close by transportation and communication networks, and close in to where most of the 75 million new Americans expected by the year 2000 will want to live.

Many of these new towns and cities would probably most naturally form around existing nuclei—such as small towns or regional subcenters.

These are problems for a competent national planning agency to decide. They are too important to be left to the speculative ventures of profit-oriented developers. Down that road, as American urban history dismally shows, lies formlessness, sprawl, and uglification of the countryside.

18-YEAR-OLD VOTE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I have been asked by my good friend and constituent, Mr. Benjamin Ginzburg, 5550 Columbia Pike, Arlington, Va., to insert into the Congressional Record a circular letter his organization is distributing to the State legislatures regarding the 18-year-old vote issue. Since this matter will be brought to the attention of the various legislatures of our States, Mr. Ginzburg felt it would be fitting and proper to make the contents available to the Members of Congress.

The letter follows:

Committee for
Constitutional Integrity,
Bethesda, Md., March 19, 1971.

Dear Mr. State Legislator: The Committee for Constitutional Integrity is a non-partisan group that has been formed to implement the deep concern felt by all responsible and informed Americans for the defense of the U.S. Constitution and for the protection of constitutional processes of government in the States as well as in the Nation.

The Committee wishes to address to you, and to each of the more than 7,000 members of the State legislatures in all 50 States, this urgent report concerning the grave crisis that has arisen in our country as a result of the 18-year vote action taken by Congress last year. This report will, we are confident, demonstrate to you the imperative need for strong affirmative action by the State legislatures, acting in their high sovereign capacity as the natural protectors of the people, to preserve intact the integrity of our Constitution and to safeguard our freedom against the usurpation which now threatens them. We entreat you to read—indeed study carefully—this report in view of the gravity of the crisis.

We hold it to be the duty of all citizens, and particularly of legislators sworn to defend the Federal Constitution and the constitutions of their respective States,

(1) to insist upon the repeal of the Congressional statute (Section 302 of the Voting Rights Act Amendments of 1970) in order to prevent that statute from becoming a precedent justifying acts of usurpation in the future, and

(2) to urge their respective State legislatures to defer any action on any proposed constitutional amendment dealing with the 18-year vote until that constitutionally offensive statute is repealed, so that the legislators will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the mess created by the Congressional usurpatory legislation.

To begin with, we emphasize that our group is taking no stand on whether 18-year-olds should or should not have the right to vote. Our interest is solely that the decision should be made in accordance with constitutional processes.

The Congress of the United States is rushing through a proposed amendment to the U.S. Constitution which it will shortly submit for ratification by the state legislatures, granting the vote at 18 both in State and Federal elections. The leaders of the drive for this amendment hold that an emergency has been created by the action of the Supreme Court in validating (by a 5 to 4 vote) the statute passed last year granting the vote at 18 in Federal elections, but invalidating that section of the law which granted the vote at 18 in State elections. They hold that dual voting lists and the difficulty of distinguishing in many situations what is a State and what is a Federal election (*e.g.*, voting for delegates to a State convention that will nominate party candidates for both State and Federal offices) will create endless confusion, legal snarls, and a heavy financial burden for the State election boards which administer all our elections, Federal as well as State. They have therefore started a panic campaign to get you and your fellow state legislators to ratify this proposed amendment in a sight unseen manner so that a mess in 1972 will be avoided.

We hold that the leaders behind the amendment drive not only do not come to you with clean hands but are asking you to participate in a rape of constitutional processes. The facts are that these same leaders last year chose to circumvent the U.S. Constitution and got the Congress, by a usurpation of authority, to enact the 18-year vote (in both Federal and State elections) by simple statute. The plain words of the Constitution leave to the individual States the power to set voting qualifications not only in their own elections but in Federal elections as well. The State-set qualifications can, of course, be overriden by duly ratified amendments to the U.S. Constitution, and this has been done several times in our history. But at no time, until the episode of last year, did any responsible constitutional authority venture to suggest that Congress could override the constitutional provisions for State-set age qualifications by simple statute.

In the debates on last year's statute, the leaders in Congress made it clear that they had no hope of bringing about an 18-year vote by the process of proposing a constitutional amendment and getting it ratified by three quarters of the States. They resorted to the technique of usurpation—granting to 18-year-olds what was not in the power of Congress to grant—in definance of the advice given by George Washington in his Farewell Address never to be tempted to accomplish even a good purpose by violating the Constitution.* They hoped that the Supreme Court (which in recent years has exhibited a great tendency to validate Congressional actions with which individual justices were in political sympathy) would validate the 18-year voting provisions.

The hopes of the Congressional leaders were almost fulfilled—but not quite. By a vote of 5 to 4, the Supreme Court upheld the vote at 18 in Federal elections but by another vote of 5 to 4 (with Justice Black supplying the swing vote) the Court held the statute unconstitutional as appling to State elections. It is highly significant that Justice Stewart (with the concurrence of the Chief Justice and Justice Blackmun) noted that the opinions supporting the 18-year vote "contain many pages devoted to a demonstration of how beneficent are the goals of this legislation," and that "a casual reader might get the impression that we are being asked . . . whether or not we think allowing people 18 years old to vote is a good idea."

In short, Justice Stewart plainly hinted that the pro-vote-at-18 justices had acted to validate their political predilections rather than to disinterestedly consult the Constitution as to whether Congress had authority to enact the vote at 18.

When the proposed constitutional amendment is before your legislature, you, the legislators, will be in effect serving as a jury to determine whether the amendment should be adopted or rejected. Now just as a jury cannot function properly in an atmosphere of panic and political pressure from the outside, so we believe that you the legislators cannot exercise your judgment wisely and properly in the atmosphere of panic and pressure which has been created by the ill-conceived Congressional statute and its half validation and half invalidation by the Supreme Court.

The enactment of a constitutional amendment providing for an 18-year vote is no simple matter that can be decided at a moment's glance. It involves complex questions affecting the political life of the Nation. By way of illustration, we call your attention to an article in the New York Times of February 6, which cites the concern in many quarters that an 18-year vote may enable students in university towns to take over the town governments and in the manner of carpetbaggers raise local taxes irresponsibly and unconscionably. In many university towns students (over 21) are now allowed to vote regardless of their lack of permanent residence; in other places the right of students to vote is expected to be granted by the trend of court decisions. With the enormous inflation of the student vote that would be brought about by a lowered voting age, problems that are now minor or negligible could develop serious proportions.

We do not ask you to vote against the 18-year amendment on this ground or on any other ground. We simply say that this problem and other problems that are below the surface of the 18-year vote issue be properly studied and appraised in a calm atmosphere before making a decision pro or con on the question. The people of the State which chose you and others as legislators on their behalf expect you not to vote in haste (for them to repent in leisure) and to consider all aspects of the question.

It seems to us—as it will no doubt seem to you when you consider the matter—that in order to carry out your duty properly and conscientiously on the proposed 18-year amendment, the present atmosphere of panic and pressure will have to be removed. And it can be removed only by an action of Congress repealing the 18-year vote statute and thus restoring the normal atmosphere which existed before the passage of the ill-fated legislation.

In the interest of all citizens of this great Nation—and in your interest as conscientious legislators fulfilling your responsibilities to the people who elected you—we appeal to you to have your legislatures join forces with Virginia, whose General Assembly has passed a joint resolution memorializing Congress to repeal the 18-year voting statute. The resolution should make it clear that your State will take no action on any amendment proposed by Congress until the constitutionally offensive statute is repealed.

We trust that you will give this communication the earnest attention which is demanded by the gravity of the questions we have discussed.

Respectfully,
Francis G. Wilson,
Chairman.
Franz O. Willenbucher,
Vice Chairman.
Benjamin Ginzburg,
Secretary.

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* If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Note concerning the signers of this communication. Francis G. Wilson, Ph.D. (Stanford), is Emeritus Professor of Political Science, University of Illinois, and is the author of several books and numerous articles on political science, including *The American Political Mind* (McGraw-Hill). Franz O. Willenbucher, Captain USN (Ret.) is an Attorney at Law, whose doctorate in jurisprudence from Georgetown University was awarded largely on the basis of studies in constitutional interpretation. Benjamin Ginzburg, Ph.Dd (Harvard), is a former Research Director of the Subcommittee on Constitutional Rights of the Judiciary Committee of the U.S. Senate, and author of *Rededication to Freedom,* (Simon & Schuster).

A CONDENSED COPY OF VIRGINIA HOUSE JOINT RESOLUTION NO. 66

Memorializing the Virginia members of the Congress to initiate and support the enactment of legislation to repeal Section 302, of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

Offered February 11, 1971.

Patrons—Messrs. Phillips (and 36 other patrons).

Referred to the Committee on Privileges and Elections.

Whereas, the Congress by the enactment of Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314), attempted through legislation, to usurp power not delegated to the Congress by the Constitution but reserved by the Constitution to the States in Article I, Section 2, Article II, Section 1, and by the Tenth and Seventeenth Amendments thereof; and

Whereas, on December twenty-one, nineteen hundred seventy, the Supreme Court in Oregon v. Mitchell, rendered what purported to be a 5–4 decision in which it held the Congress to be without power to fix voting age qualifications for persons to vote in State and local elections, but on irrational and unsupportable grounds held the Congress possessed of power to establish such qualifications for persons to vote in national elections; and

Whereas the said usurpatory statutory provision can remain effective only until repealed and the Supreme Court's decision valid only until overridden; and

Whereas, as George Washington in his farewell address, as President of the United States declared, "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed"; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the members of the Congress of the United States from Virginia are hereby memorialized to initiate, and support the enactment of legislation to repeal Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

(*Condensed to eliminate certain references to the enactment of a proposed constitutional amendment by Congress now no longer pertinent.*)

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE ALASKAN CORPS OF ENGINEERS' REPORT — GOVERNOR EGAN'S RESPONSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ASPIN. Mr. Speaker, today I am including in the Record a news release from the distinguished Governor of Alaska, William Egan. The release, sent to me by a friend in Alaska, concerns the report of the Alaskan District Corps of Engineers on the Interior Department's Environmental Impact Statement. I placed that report in the Congressional Record of March 10th. As of that date the District Corps report was still in the Pentagon and had not yet been made public.

I include this news release in today's Record both in the interest of balance and in order to help keep my colleagues informed of the issues involved in the proposed trans-Alaskan pipeline.

I would add that the comments which I made concerning the Alaskan District Army Corps of Engineers' report were based almost entirely on the contents of the report itself. This news release notwithstanding I believe my statements on this report were fully accurate and that the best evidence of what the District Corps report says is the report itself.

Governor Egan's news release follows:

OFFICE OF THE GOVERNOR,
Juneau, Alaska, March 11, 1971.

JUNEAU.—The head of the Army Corps of Engineers in Alaska has told Governor William A. Egan the Corps believes the trans-Alaska oil pipeline "can be built safely and the environment protected at the same time."

Last week, Representative Les Aspin, of Wisconsin, made public a Corps of Engineers' report which called the Interior Department's environmental impact statement on the pipeline "quite vulnerable to challenge" and pointed out that permits are required from the Corps for pipeline crossings of navigable streams.

It was speculated that the Corps report could become ammunition for stalling the pipeline from Prudhoe Bay to Valdez.

In a letter to Governor Egan, Lt. Col. Paul Bazilwich, Jr., acting district Corps engineer in Alaska, said publicity concerning the report "does not, in some instances, correctly reflect important facts that should be understood." In some cases, he said, there were "unwarranted conclusions."

"This District," Colonel Bazilwich said in his letter, "has for a long time expressed the opinion in our many deliberations with others that the pipeline can be built safely and the environment protected at the same time. The project is not a simple one and will require a most careful review and control of the engineering and construction procedures."

The district Corps chief said:

"The Corps of Engineers and other federal agencies are required by the National Environmental Policy Act to review and offer commentary on such impact statements prior to their final submission.

"It is present Corps policy for District office comments to be submitted to our higher authority for review prior to release to the responsible agency.

"This procedure insures comprehensive analysis by the Corps of Engineers. The Alaska District followed this procedure in the instant case.

"Our comments were objective and candid, and were intended primarily to point out emphatically and in a comprehensive manner the legal difficulties that could develop by not meeting all requirements of the Act as we understand it.

"None of our comments were concerned with, nor were they intended to develop judgment on, the need or advisability of not constructing the project."

Governor Egan commented: "I am appreciative of Colonel Bazilwich's courtesy in informing me on this matter, because it shows the Corps' report was not intended to be a negative approach to the matter of issuance of a pipeline construction permit."

ARMY PLANS TO ELIMINATE CAPTAIN FINLEY BUT NOT SUBVERSIVES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RARICK. Mr. Speaker, according to a report of columnist Jack Anderson, Army records contain the names of 343 Army personnel regarded as subversive. They are assigned duty at Army posts around the world, with one being stationed in the Army's supersecret communications command in Washington, D.C.

During World War II, the last war the United States fought to win and—as a consequence—was victorious, a soldier or any other member of the Armed Forces who was considered subversive would have been tried by court martial and, if found guilty, would have been summarily punished and given a dishonorable discharge. Not so in the new Army.

Yet, Capt. Jerry L. Finley, a young southern Army officer of the Judge Advocate General's Corps, was summarily suspended from his duties as a legal officer in Okinawa and has been recommended for an administrative separation from the service because, in exercising his constitutional right of freedom of association, he refrained from shaking hands with another officer at an officers' club on Okinawa.

Today, in the Army of the new American revolution, being subversive apparently is not grounds for separation from the service, but exercising one's first amendment constitutional right of freedom of association is considered sufficient grounds for removal.

Freedom must now be the enemy—not subversion—in the new Army.

I insert a newsclipping to follow my remarks:

[From the Washington Post, Mar. 17, 1971]

ARMY LISTS ONLY 343 SUBVERSIVES

(By Jack Anderson)

After all their snooping into people's private lives, Army gumshoes have accumulated millions of dossiers but have found only 343 bona fide subversives on the Army rolls.

The Army's confidential records refer to them as "known dissenters." Another 106 "suspected dissenters" have been added to the confidential subversive list, which is known inside the Pentagon as the RITA file. The initials stand for "Resistance in The Army."

The number of resident radicals in the Army, incidentally, declined from 527 at the beginning of 1970 to only 389 at the end of the year. The figure continued to dwindle last month to the present 343 level.

With the added 106 suspects, those whom the Army now tends to regard as subversives total 449. They are scattered at Army posts around the world. There is even one in the Army's supersecret Strategic Communications Command in Washington, D.C.

There are 110 alleged subversives in the Pacific, 42 in Europe, eight in Alaska and two in Latin America. The rest are stationed at 47 Army installations throughout the U.S.

The most subversives at a single base, according to the confidential records, are found at Ft. Bragg, N.C., which has 43 names in the RITA file. There are also an extraordinary number of radicals in Texas—18 at Ft. Hood, 14 at Ft. Bliss and 13 at Ft. Sam Houston.

The Army's subversives list also shows the following at area or nearby installations: seven at Ft. Eustis, Va., six at Ft. Jackson, S.C.; six at Ft. Meade, Md.; five at Edgewood Arsenal, Md.; four at Ft. Belvoir, Va.; four at Aberdeen Proving Grounds, Md.; four at Ft. Holabird, Mr.; two at Ft. Myer, Va.; two at Valley Forge General Hospital, Pa.; one at Vint Hills Farm Station, Va.

Meanwhile, the Army has derogatory information on millions of loyal Americans in its snoop file. Other government agencies have also compiled dossiers and blacklists, which are freely exchanged between federal agencies. The traffic in unproven allegations has been promiscuous. Not only are the dossiers widely circulated but most of them carry a low security classification. This gives an alarming number of government employees access to derogatory details about their fellow citizens.

TRANSPORTATION SPECIAL REVENUE SHARING

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SHOUP. Mr. Speaker, transportation special revenue sharing makes sense to me. It puts the decisionmaking where the problems are. It places responsibility for these decisions on the people who know the problems most intimately. And it gives them a flexibility they don't have now in matching the money with the most urgent needs.

The problems of New York City and States like Wyoming and Montana are almost completely reversed. Our great metropolises have too many people trying to move too often on too little space. Many of our Western States have too few people to support the expense of highway contruction through vast areas.

This brings me to a potential in this proposal that particularly appeals to me. Most of us have been deluged with mail from constituents and communities who are concerned that they will be severely handicapped by cessation of rail passenger service. As I understand it, this legislation provides the needed latitude so that some of the funds could be used to subsidize such service where that appears to be the most economical and convenient answer to a local problem.

I believe our States and communities should have this right of decision. I support the special revenue sharing fund for transportation.

KNOWLEDGE JUSTIFIES SPACE PROGRAM

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MILLER of California. Mr. Speaker, this Nation accepted the exciting challenge of exploring space for peaceful purposes and for the benefit of all mankind. Our space program began with a fund of knowledge that had been generated by the National Advisory Committee for Aeronautics and also with the very important ingredients of faith and hope. Twelve years later we now have an enormous inventory of scientific and technical knowledge that has been produced by the stunning success this Nation has achieved.

That knowledge which now resides within the science community and industrial complex of the United States has been, and will continue to be, invaluable to the progress and the welfare of the United States.

An editorial recently appeared in the Oakland Tribune, which is published by our former colleague in the Senate, William Knowland, that focused attention upon the knowledge the space program has produced. The article is so stimulating that I believe the Members of the House will greatly benefit from the provoking ideas and convictions expressed by the well-known author, Mr. Isaac Asimov. I now offer the editorial for inclusion in the RECORD:

"KNOWLEDGE JUSTIFIES SPACE PROGRAM"

(By Isaac Asimov)

When man first walked on the moon, people doubted: "Aren't there greater priorities? Couldn't the money be spent on somethink else more worthwhile?" Dr. Isaac Asimov, scientist, educator, author of more than 100 books and a star in the science-fiction hall of fame, has a cogent rebuttal to put forward. Already we are reaping dividends from the exploration of outer space . . . among them a new science called astrochemistry. That there's a treasure chest out there is not in doubt. The crime may be in delay, the delay of knowledge that may lead perhaps to such benefits as cancer's cure. The question may well be, not can we afford to explore space now, but rather can we afford not to?

Charity, they say, begins at home, and the bluebird of happiness is to be found in one's own backyard. So it may be, but knowledge is indivisible and can be found anywhere.

It has no boundaries. It may be that information concerning the moon can arise out of a careful consideration of a cliffside just outside of town—or information concerning your body out of a careful analysis of radio waves arriving from dust clouds lightyears away in space.

In fact, let us hope that space science will enlighten our biological investigations, for living cells are infuriatingly complex. They are so complex that some scientists now fear the techniques of physics and chemistry will be forever inadequate to penetrate their intimate workings.

Yet, unless and until we tease out the details of those intimate workings, we may never truly understand such diseases as cerebral palsy or cancer; we may never be able to handle genes in such a way as to improve and elevate the human machinery; worst of all, we may never be able to comprehend the workings of the brain in either its normal or abnormal aspect.

It wouldn't be so bad if we had something simple to work with as a start. That is what we do in the case of the many problems in which physics and chemistry have been successful. Simplified situations are studied in the laboratory and from these studies general rules are evolved. With the understanding of those rules fixed clearly in the mind, more and more details can be added, until we find ourselves working with quite complicated systems.

Newton's laws of motion were based on Galileo's experiments with balls sliding down slanting grooves; they ended up sending rockets to the moon. Dalton's atomic theory began with simple experiments involving atom-combinations ("molecules") made up of merely two or three atoms each; it ended up helping chemists to analyze the exact structure of protein molecules made up of thousands of atoms, and to put together brand new molecules that had never existed in nature before.

Put it this way—what we deal with when we look at the universe is a vast panoramic picture of enormous detail. If we try to study it directly, we are lost in complications and can make nothing of it. But suppose we find, or can construct, the artist's initial concept: the few basic lines and curves on which he built the panorama. That can give us our foundation and, if we add to it, little by little, additional items here and there, we can end up understanding large sections of the picture in detail.

In biology, we can't seem to do that. We are stuck with the complexity. There seems no way we can tackle the living cell by starting with something simple. We might move down to creatures simpler than a man, even much simpler—but they only seem simpler because they have fewer cells, less intricately arranged. The cell itself, even the single cell of a tiny bacterium, is always complicated; as complicated as that of a man.

Long ago, billions of years ago, before the first modern cell developed, there must have been sub-cells in existence, forms of life far simpler than the simplest we know today. If we had those forms to work with we might have something like the "basic concept" of life to which we could add, little by little, until we finally understood the modern cell. Unfortunately, those sub-cells are long gone. No trace remains.

Of course, we can take modern cells apart, but as soon as we do, they are no longer alive. We can study the nonliving parts, but even these are enormously complicated and how to go from the parts to the whole, as far as the intimate nature of all are concerned, is as yet beyond us.

We might study viruses, which are far smaller than cells, but they only do their work after they have invaded cells and, once within a cell, they are lost to our view.

But if nature will not supply us with the basic concepts of life and show us the artist's original guidelines, so to speak, then perhaps we can construct our own. Astronomers have worked out a chemical structure of the ocean and the atmosphere of the earth as it may have been billions of years ago before there was any life in our planet.

The simple atoms and molecules of the beginning, in the presence of the energy of sunlight, ought to come together to form more complicated molecules. Perhaps this can be tested in the laboratory.

Back in the middle 1950s, chemists began to try to duplicate what must once have happened on the earth. A mixture of common small molecules was exposed to energy in the form of ultraviolet light or electric sparks. After a week or so, the material was analyzed and small amounts of new and more complicated molecules were found.

The next step was to begin with a mixture of the small molecules and to add to them considerable quantities of one or more of the more complicated molecules that had been formed. After a while, still larger molecules were formed.

If the process was repeated over and over, chemists ended up with amino acids, which are the building blocks of proteins; nucleotides, the building blocks of genes; rings of atoms related to the coloring matter in plants and in blood.

In 15 years of trying to duplicate the conditions of the early earth, chemists haven't gotten anywhere near actual living things, but at least all the substances they form in this way point in the direction of life. The more complicated the molecules they form, the more closely connected they are with the giant molecules of living tissue.

It would look as though chemists are on the right track. They seems to be repeating the process that actually took place on the sterile earth billions of years ago, the process that ended by filling the planet with life. If they continue long enough, will they build a picture of the basic guidelines of life and guide us to an understanding of the biological problems that seem beyond us now?

Or are the chemists kidding themselves?

Do they really know what the earth was like four billion years ago? Are they really duplicating the original conditions? Perhaps, knowing what they want to end with, they are unconsciously designing the conditions of the experiment in such a way as to end there. If only there were some way of checking the chemists' deductions about the conditions on the very early earth.

Suppose we look out in space and find matter before it has formed planets. Maybe the composition of that matter can tell us something about what the earth was like when it first came into being.

All through our galaxy of over a hundred billion stars there are clouds of dust and gas with some sort of chemical makeup. There are reasons for thinking that these clouds consist chiefly of a few different elements such as hydrogen, oxygen, carbon, nitrogen. The gas is so thinly spread out, however, that chemists and astronomers both guessed it would consist entirely of single atoms.

Occasionally, of course, two atoms might come together and cling. In the 1930s, astronomers were able to tell from the type of light arriving from those clouds that there were carbon-hydrogen combinations (CH) and carbon-nitrogen combinations (CN) present. But nothing further was discovered. The light radiations couldn't be analyzed in enough detail.

Since then, however, astronomers have learned to receive and analyze radio waves from space. Radio waves can be studied in far greater detail than light waves can. Every atom and every molecule puts its mark on those radio waves and can be identified by its "fingerprint" so to speak.

In 1963, radio waves from certain dust clouds were analyzed by radio astronomers of the Massachusetts Institute of Technology, and were found to indicate the presence of combinations of oxygen and hydrogen atoms (OH). It would not have been detected through ordinary light waves.

Astronomers were not very surprised by these two-atom combinations but, to them, it seemed quite unlikely that more than two atoms would come together in one place and stick there; not with the atoms originally being so far apart.

Wrong! Beginning in late 1968 at the University of California, the radio-wave "prints" of a number of more-than-two-atom molecules were discovered. The first was ammonia with molecules made up of one nitrogen atom and three hydrogen atoms ($NH3$). Then there was water ($H2O$) and hydrogen cyanide (HCN).

In March 1969, came a real surprise. Using the radio telescope at Green Bank, W. Va., astronomers located signs of formaldehyde in the gas and dust of outer space. Formaldehyde molecules are made up of a carbon atom, two hydrogen atoms, and an oxygen atom ($CH20$). No one had expected that. Then came cyanoacetylene ($C3HN$), formic acid ($CH2O2$) and methyl alcohol ($CH40$). The molecule of methyl alcohol is made up of six atoms.

Astonished astronomers found they had a new science on their hands, "astrochemistry," the chemistry of the thin matter of outer space. What's more, the molecules they were detecting might also be on the high-road to life. They were beginning to point in the same direction as that shown by the chemists working with their made-up primitive mixtures in the laboratory.

It looked as though the chemists might not be kidding themselves.

Did that mean that, if we looked harder and in more detail, we might find such important compounds as amino acids, the building blocks of proteins?

In December, 1970, a team of American scientists under Cyril Ponnamperuma analyzed a meteorite which had fallen in Australia on September 28, 1969, and found it to contain traces of five amino acids—each one of which is common to all proteins.

There is a chance then that the guidlines to an understanding of life may exist after all—if we can only study those gas clouds of outer space closely enough.

If they are not the guidelines themselves, they may well give us enough information to enable scientists to build those guidelines with confidence.

How can we make our studies of the gas clouds more detailed? For one thing, we have to get out from under our atmosphere, which obscures so much. We must get away from earth's distracting radio noise.

If we could build an observatory on the moon, or place one on a space station circling the earth, or even just launch a telescope in orbit (two attempts to do the last have failed) we might be able to get enormously sharper and clearer pictures of the radio waves coming from those clouds.

And it is just possible that if we increase our knowledge of those distant gas clouds, we may end up with a cure for cancer, or an understanding of the nature of genius. (If would be like going from Galileo's timing of rolling balls to rockets reaching the moon).

Knowledge, you see, is wherever we find it, and it would be foolish to inhibit the search for knowledge in any direction.

The use we make of knowledge is another thing. One or another particular application of new knowledge may seem useless, wasteful, or even downright harmful. People may rightly regret the building of hydrogen bombs, the collecting of bacterial toxins, the indiscriminate use of insecticides and detergents. To avoid such evils, it would be wise to agree to use our knowledge with greater care and discrimination—but it would certainly be criminally foolish to deprive ourselves of knowledge altogether, lest we might use it wrongly.

We may use a knife to prepare a meal or to kill a man. To avoid killing, must we abolish all knives—or cut off all the hands that might hold knives?

And what about the expense of gaining knowledge? Space exploration is expensive and there is no guarantee that it will show an immediate profit. Still, it gathers knowledge and no amount of expense in gaining knowledge is equal to the expense of not gaining it.

As short a time as two and a half years ago, not one astronomer would have dreamed his science was on the threshold of the development of an exciting field of deep-space chemistry.

Amino acids in metorites had been reported before, but they were dismissed as contamination; now, with the knowledge of what is going on in clouds, they are taken seriously. Chemists building their way toward life-chemicals in the laboratory were working in a vacuum, wondering if it all meant anything; now radio waves from light-years away are backing them up.

Even if men were willing to give up the excitement of science, the sheer adventure of following on the track of knowledge wherever that might take us, would anyone be willing to give up the great good it will surely bring all of us—if only man can somehow gain the wisdom to match his knowledge?

SGT. HAROLD M. SNODDY DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BEGICH. Mr. Speaker, on March 12, 1971, the Governor of Alaska, William A. Egan, proclaimed that day as Sgt. Harold M. Snoddy Day in Alaska. Sergeant Snoddy is 29 years old and lives in Wrangell, Alaska. On that day Sergeant Snoddy received the Distinguished Service Award for his act of heroism performed in connection with military operations involving conflict with an armed hostile force in Vietnam.

It was on May 12, 1969, during an enemy rocket attack followed by a ground assault on Landing Zone Grant that Sergeant Snoddy performed so heroically. Almost immediately after the attack began, a contingent of sappers managed to overtake four perimeter bunkers. Sergeant Snoddy, who had volunteered to join the reaction force, quickly moved toward the threatened area to repel the assailants. As he made his way through the hail of enemy fire, he observed several hostile soldiers just outside the berm preparing to launch a B-40 rocket. Unleashing a salvo of rifle fire, he eliminated the positions.

Sergeant Snoddy resumed his advance on the enemy-held bunkers, and despite being thrown to the ground again and again by the concussion of satchel charges, he succeeded in recapturing a perimeter bunker by killing the enemy with hand grenades thrown into a nearby fortification, routing the enemy. He then pursued the retreating soldiers as they withdrew to another bunker. In spite of sustaining a fragmentation wound, Sergeant Snoddy continued to advance and kill two of the enemy before they reached the bunker.

Fearing that the position contained injured American personnel, Sergeant Snoddy refrained from employing grenades, and single-handedly charged the bunker to silence the remainder of the enemy force. Inside the bunker, Sergeant Snoddy discovered a wounded comrade whom he treated and evacuated to safety.

I wish to offer to Sergeant Snoddy and his wife Carole my congratulations upon winning this high honor and I wish to express my gratitude to Sergeant Snoddy for serving our country with valor and distinction.

OPPOSITION TO CLOSING OF PUBLIC HEALTH HOSPITALS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. O'NEILL. Mr. Speaker, recently I had the pleasure to address a group of young men from the Harry Lundberg School of Seamanship in Piney Point, Md., at the AFL–CIO Maritime Trades Department luncheon. Because many of my colleagues sponsored House Concurrent Resolution 151 to express congressional opposition to the closing of public health hospitals, I suggest all those interested in keeping the hospitals open, read the following statement which I delivered at the luncheon:

OPPOSITION TO CLOSING OF PUBLIC HEALTH HOSPITALS

(By Hon. THOMAS P. O'NEILL, Jr.)

It seems to be characteristic of this age that most people at one time or another feel powerless. The youth in particular complain about this inability to influence change, but it is not just young people or the poor or minority groups who feel this frustration. It is often members of Congress and sometimes the Congress as a whole, particularly when we are thwarted by an administration whose ideology is so different from that of the Democratic Congress and by a President who doesn't seem to have the same view of the balance of powers or checks and balances that we in the Congress see.

When we are dealing with matters relating to the sagging economy: when we see unauthorized invasions and excursions into other countries and when we see the virtual destruction of vital domestic programs, we often feel that the President has more power than the Congress.

He should not, and constitutionally he does not, and there are many of us in the Congress and in the leadership who intend to reassert the powers and prerogatives of the Congress of the United States.

In mentioning these very important and weighty issues, you may be somewhat surprised by my topic this afternoon—the Public Health Service hospitals of our Nation. However, this issue in itself is important, for it matters whether or not we keep open hospitals and clinics to offer medical service and health care. But it is also important because it is indicative of the administration's priorities, the Congress response and the cooperation between Congress and representatives of American workers. For I think that in the issue of the Public Health Service hospitals, the Congress may be achieving a victory and at this time, even small victories are greatly cherished.

A few months ago, this administration let it be known that it intended to get rid of the last eight remaining Public Health Service hospitals—that it was going to put an end to a system of medical service which has endured in this country since the First Congress established the Marine hospitals.

This disclosure brought a response from the maritime community—from management and labor, alike.

It brought protests from community leaders—mayors, city councilmen, health authorities.

It produced an immediate reaction on Capitol Hill from Members of both parties and from all sections of the country who recognize that this Nation needs more, not less, medical facilities to meet its growing medical needs.

Of course, those of us who have Public Health Service hospitals in our district and know of the great good they accomplish were personally concerned. But so were many other Members who knew of the much needed work these hospitals accomplished.

In a sense it seemed almost unbelievable that at the present time, when every individual in the Nation knows of the great need for health care and extended health service, that this administration would attempt to close the Public Health Service hospitals.

In the state of the Union message, President Nixon even listed the great health care needs of the Nation as one of his great goals. Yet at the same time, his budget message carried no funds for the Public Health Service hospitals in fiscal year 1972.

On December 21 of last year, I personally wrote to Elliot Richardson, Secretary of the Department of Health, Education, and Welfare, protesting the proposed closing of the Public Health Service hospitals and clinics. At that time, I said "It seems to me that this is one of the worst times to consider closing medical facilities. In what is acknowledged to be a severe health crisis throughout the Nation, it is ironic that your Department should be considering such a move."

Dozens of my colleagues did likewise, and in the new Congress even more members joined in opposing this senseless step.

The Maritime Trades Department, the Seafarers International Union and other members of the seafaring community urged the Congress to protect these hospitals against liquidation. As a result of your urging, for which I commend you heartily, well over a majority of the members of the House of Representatives sponsored resolutions demanding that these hospitals be kept open. Committees of both the House and the Senate called public hearings to get to the bottom of this issue and today before the Interstate and Foreign Commerce Committee, the Comptroller General of the United States is rendering his opinion and that opinion, of which he informed the committee previously, is that the DHEW has no power to close the eight remaining hospitals.

I am delighted at the Comptroller General's ruling.

It sustains an opinion which he handed down several years ago—namely that the secretary of HEW had no authority to liquidate all of these hospitals at one time. Unfortunately, bureaucrats—regardless of which administration they work for—are very adept at the art of cat-skinning.

A few years ago, when the Comptroller General said that HEW did not have the authority to liquidate all of the PHS hospitals. HEW responded by liquidating some of them.

There, of course, can be, and I am afraid there might be some chicanery within this framework.

Does this administration intend to close these hospitals on a piecemeal basis, picking off Boston perhaps this year, Baltimore next and so on. I do not mean to be a pessimist or a cynic about the intentions of the administration, but the Congress has in the past two years the extremely sad and frustrating experience of authorizing funds for certain projects, appropriating funds for those purposes and then having the president refuse to spend those funds or instructing the bureau of the budget to put a hold on those expenditures.

So we in the Congress have kept up our pressure on the administration to keep these hospitals open so that they may perform the service for which they were intended.

Secretary Richardson has retreated from his original position and now he is telling us that he never intended to shut down the public health service hospitals; that instead he would just like to turn them over to some other authorities, such as individual communities, medical schools or universities.

The incentives the department has been offering to these institutions in order to convince them to take over these public health service hospitals have been phenomenal.

These hospitals were built and authorized to provide medical care to the American seafarer. The tradition of the maritime hospital is nearly 2 centuries old and was created for a reason and still has a function.

What we need now in America is more hospitals, more and better health care that will extend to all segments of our population. It is not the time to be closing health care facilities or to transfer a hospital to an institution or organization that does not want it nor could afford to maintain it.

Secretary Richardson, although backing down from his original proposal, does not yet fully seem to understand that the basic character of these hospitals is both relevant today and provide for health care assistance to many factions of the community.

The secretary had considered transferring the PHS Hospitals to the Veterans Administration or to the Community Health Facilities and asking them to be responsible for the medical care of American seamen.

Maritime, labor and management, as well as the Congress, have rejected this scheme. It seems that the Administration too often refers to the PHS Hospitals as outdated. Therefore, I would like to tell you something about the PHS Hospital we have in Boston—The Brighton-Marine Hospital.

During Fiscal 1970, this hospital treated 17,000 people. In addition, it cared for more than 58,000 in need of out-patient care.

The Boston facility is old. It was constructed in 1799—A year after the public health service was founded: indicating that while John Adams was a conservative, he also saw the need to serve his home-town constituents.

Among those treated in Boston were American seamen, members of the Coast Guard and other military personnel and their dependents, and patients referred to the hospital by the Bureau of Employee compensation. But thousands more received benefits from the Boston Hospital.

Like other public health service facilities, the Boston Hospital works closely with the community in all facets of health care. For example, the Boston Hospital now conducts three family planning clinics each week—with special services for low-income citizens.

It conducts a college mental health infirmary that provides inpatient care for participants in the plan.

Coast guardsmen receive intensive care in a rehabilitation program fostered by the hospital. Research by its pharmacists has resulted in a new program of drug distribution and a modification of the unit-dose system that is serving as a prototype for all public health service hospitals.

The hospital works closely with several universities and technical schools in the area in the training of medical laboratory assistants, dental assistants, physical therapists, medical record technicians and medical students.

On the job training programs are conducted for a vast array of skills—skills that are in strong demand across the Nation.

Professionals in the Boston hospital work with those wishing to become radiology technicians, nursing assistants, operating room technicians, medical secretaries, pharmacy assistants, physical therapy aides and a number of other professional and semi-professional jobs that are unique to the medical field.

So in a very real sense, the Boston hospital has become an integral part of the community and its people. And it has performed all of its functions—care, research, community activity and training at a cost of less than $58 per patient day.

I know of no voluntary or private hospital that can come close to that mark—either in service or in cost.

What we are asking for, and why we are opposing the closing of these hospitals is not special privilege and special treatment. We in the Congress are merely saying that it is foolish, inefficient and callous to close hospitals at a time when a national health care program and new and additional facilities are most needed.

Hospitals provide care that is greatly needed. We have kept these hospitals operating so far and with your support and continued interest we will keep them open in the future.

Thank you.

THE AMERICAN WORKER—SCAPEGOAT FOR ECONOMIC BLUNDERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BADILLO. Mr. Speaker, one of the most urgent tasks which faced the new administration 2 years ago was to reverse the tide of inflation and restore stability to our economy. During the better part of 1969 it seemed reasonable to counsel patience, to give the new administration time for its policies and programs to take hold. But 1969 ended with no improvement and so has 1970. Today, 26 months since the Nixon administration took office, what is the picture?

Unemployment continues at an unacceptably high level of 6.2 percent.

Prices, not counting food, are up over 7 percent.

The gross national product shows an actual decrease in real growth for the first time since 1958.

This continued stagnation in our economy is cause enough for alarm. But of equal concern is the increasing tendency for this administration to make the American working man and woman the scapegoat for its own economic failures.

By refusing to use the prestige of the White House to "jawbone" industry into holding the line on prices, the administration caused an 11-percent rise in the Consumer Price Index. Its policies, while failing to enlist the aid of big business, the banks and Wall Street in the fight against inflation and unemployment actually made it easier for blue-chip corporations to find easy credit for conglomerate takeovers and investments in foreign subsidiaries. The administration found funds to reward inefficient and wasteful industries such as Lockheed Aircraft and the Penn Central Railroad with loan guarantees and other subsidies but opposed Democratic initiatives aimed at relieving inflation without bankrupting the workingman.

Among these initiatives were legislation giving the President powers to establish temporary wage and price controls, legislation controlling exorbitant interest rates and a new, far-reaching program of public service jobs. A strong occupational health and safety bill, initiated by Democratic leaders in Congress, was opposed by the administration, responding to pressure from the U.S. Chamber of Commerce. The President went so far as to threaten vetoes of two bills containing Federal employees pay and health benefits and convinced a majority of House Republicans to opposed one bill and try to weaken another. And the administration has declined invitations even to testify on legislation to raise the minimum wage to $2 an hour and to extend coverage of the Fair Labor Standards Act.

It was interesting to note, during last fall's campaigning, that the Republican Party made a concerted effort to convince workers that the Democrats had forgotten them. The fact is that the administration opposed emergency compensation for black lung victims, opposed a tough job safety bill, opposed wage and health benefits for Federal employees, opposed Federal unemployment compensation minimums, and stood silent while 81 percent of the House Republicans voted to deny unemployment compensation to hundreds of thousands of farmworkers.

The administration's latest economic initiative has been to suspend the Davis-Bacon Act provisions requiring payment of prevailing area wage rates on Federal construction projects—a step which can only further jeopardize thousands of workers and their families.

It is interesting to note that not a word of criticism has come from the administration regarding the exorbitant profits the banking community has enjoyed at the expense of the average family. Who can name one group of workers for whom 1970 was as good as it was for J. P. Morgan & Co., with net operating profits of 21.9 percent, or First National Bank of Dallas with 19.2 percent profits, or Chase Manhattan Bank with profits of 16.1 percent?

AFL–CIO President George Meany recently presented to the Joint Economic Committee a wide ranging program aimed at improving conditions for American workers and for the economy in general. Among Mr. Meany's proposals were modernization of the Fair Labor Standards Act to extend its coverage and raise the wage floor, full funding of Federal grant-in-aid programs, creation of public service jobs through grants to State and local governments, Federal assumption of welfare costs, further tax reform, enactment of a health security program such as that I have sponsored with Senator Edward Kennedy, Congresswoman Martha Griffiths and others, and establishment of a new Federal mechanism for meeting the current urban financial crisis through long-term, low-interest loans to States and cities—a proposal that is my current top legislative priority.

The Nixon administration's attitude toward these and other initiatives will be the true hallmark of its concern for the American worker and his family. This administration can no longer ask for time to work out its "game plan." Time has already run out for the 5.4 million unemployed in America. Let the White House be on notice: rhetoric will no longer be accepted as a substitute for action.

DEFOLIANT USE IN VIETNAM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. JACOBS. Mr. Speaker, I commend to this House the following articles written by Mr. Bryce Nelsen of the Los Angeles Times.

[From the Los Angeles Times, Dec. 31, 1970]

Deaths of 90 Viet Children After Use of Defoliant Told

(By Bryce Nelson)

Chicago.—Ninety infants and young children reportedly died in a four-month period in a Montagnard refugee hamlet in South Vietnam that had been sprayed with a defoliant, it was learned Wednesday at the American Assn. for the Advancement of Science meeting here.

The group's herbicide assessment commission, which visited the hamlet in August, 1970, is trying to determine if there is a link between the deaths and spraying in 1969.

The commission is now examining hair samples of mothers from the hamlet and others near the scene of the spraying. It has not yet made any determination about whether the spraying of herbicide near that hamlet actually caused the deaths of the 90 children.

The hamlet, the name of which is not available, originally had a population of about 350. It is located in Quang Ngai province.

DEATHS NOT MENTIONED

The commission issued a report on the effects of the military use of herbicides in South Vietnam on Wednesday, but made no mention of its investigation of whether herbicides were causing the deaths of humans.

The spraying, which was believed to have been done with the herbicide "Blue" which contains arsenic, was designed to kill crops being grown on nearby hillsides. But some apparently reached a nearby pond from which villagers take their water.

The Army spraying program in South Vietnam has gone on intensively for the last five years to eliminate forest cover and to destroy crops believed to be used to feed the Viet Cong or Viet Cong sympathizers.

The U.S. government has consistently maintained that these defoliants affect plants only.

In a not-yet released commission document on interviews prepared with those in Vietnam who believe themselves affected by spraying, the following notation is found: "Ninety people (20% of the population) have died here in four months, most of them in the period of last September to last December, from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplanes flew over here spraying directly in this village. People were affected even though they carefully boiled the water . . . but the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the reasons that the commission did not make any judgment on this case is that the group also received reports from Vietnamese who were not adversely affected by direct applications of herbicides.

Wednesday the 530-man AAAS council, with six dissenting votes, passed a resolution calling for the immediate discontinuation of all herbicides in Vietnam.

[From The Village Voice, Jan. 28, 1971]

TU MY'S CHILDREN: DEATH BY DEFOLIATION?

(By Bryce Nelson)

Ninety infants and children in the South Vietnamese hamlet of Tu My are reported to have died in the autumn of 1969 after U.S. aerial spraying of the herbicide "Blue" on the hamlet and the pond from which the villagers drew their water supply.

The Herbicide Assessment Commission for the American Association for the Advancement of Science (AAAS) visited the hamlet in August of 1970 and ascertained that children had died in the hamlet. The Commission is currently conducting scientific studies of hair from mothers in the hamlet to determine if arsenic (the main active ingredient of "Blue") is present. The U.S. military continues extensive use of the herbicides "Blue" and "White" in South Vietnam and Laos.

Since the Commission has made no scientific determination yet whether the herbicide spraying actually caused these deaths, it did not mention this incident in its widely publicized report on the military use of herbicides which it presented at the AAAS meeting in Chicago in late December. But the facts that the Commission is conducting such an investigation and that a large group of children may have been killed by U.S.-applied herbicides are largely unreported by the press.

Tu My is a Montagnard refugee camp located a few miles from Quang Ngai in an area controlled by the South Vietnamese government in Quang Ngai province (the same unfortunate province which contains My Lai). The spraying is believed to have been ordered to kill crops grown on adjacent hillsides.

The Army has sprayed intensively in South Vietnam for the past half dozen years to eliminate forest cover and to destroy crops which are believed to be used by the Vietcong or Vietcong sympathizers. The U.S. government has long asserted that the defoliants affect only plants, not humans, and has not given credence to NLF claims that 200 South Vietnamese are killed annually by herbicides.

A not yet released Commission document containing interview material with Vietnamese contains the following notation: "Ninety people (20 per cent of the population) have died here in four months, most of them in the period of last September to last December, from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplane flew over here spraying directly in this village. People were affected even though they carefully boiled the water. . . . But the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the Commission members who visited the affected hamlet, Harvard Medical School Professor John Constable, points out that "from a political point of view, it is of great importance that people in Vietnam think their friends and relatives have been killed by herbicides, even if it is not scientifically provable."

The Quang Ngai hospital ordinarily admits only a couple of persons a month from the Tu My area, Constable said, but in November and December of 1969 it admitted 36 children; at least 10 of these are believed to have died. Constable rules out the possibility that the children were suffering from dengue. The children were admitted to the hospital with such diagnoses as gastric disorders, pneumonia, infection, malaria, diarrhea, and anemia. Tu My residents told the Commission that people and animals drinking the water and animals eating grass (such as water buffalo) were affected after the spraying. Constable said the Commission was not able to find other evidence of large group epidemics which might be related to herbicides, although the Commission did receive reports of adverse effects on small numbers of individuals in other locations. One of the reasons the Commission did not make any judgment on the Tu My deaths is that it also received reports that applications of herbicides had not affected humans in some other locations. Constable noted that the Commission had tried to be "very cautious" in stating its scientific conclusions. (Reactions to herbicide spraying could depend on a variety of factors, including the agent used, the size of the dosage, the method of ingestion, and individual tolerance to the chemical.)

In the Commission document, prepared from interview material, are several comments from Vietnamese who believed that spraying caused deaths in their villages. One mother stated "Two of my children died after eating manioc exposed to herbicide, which went gradually into their livers and blood." Another said, "My son was three years old and died in November. He seemed drunk because of the medicine sprayed by an airplane." In another location, Vietnamese stated: "Two people died here from drinking water contaminated by a herbicide two years ago."

The Commission was hampered in assessing the actual damage done because the areas most affected by herbicides are under Vietcong influence and thus unsafe to visit. In the Commission's report, Dr. Constable pointed out that the rate of stillbirths among humans in Tay Ninh province (which the Commission did visit) was much higher than that reported elsewhere in Vietnam. Tay Ninh province has been heavily sprayed with Agent "Orange," one component of which is 2,4,5-T. The U.S. government banned use of "Orange" in Vietnam in April, six months after it was publicly revealed that large doses of 2,4,5-T caused much higher incidences of birth defects in mice and rats. The Commission report noted that the highest rate of stillbirths in Vietnam was in 1967, the year of maximum herbicide spraying.

The Commission report pointed to an unusual increase in two birth defects—cleft palate and spina bifida (incompletely enclosed spinal cord)—recorded at a Saigon hospital. The Commission said there was no scientific proof that herbicides had caused such defects but urged further study of possible causal connections including a "careful autopsy of monsters and other stillborns" and of those with congenital abnormalities who died.

Without being informed by the Commission of the possibility that herbicides may be connected to the deaths of humans in Vietnam, the 530-member Association for the Advancement of Science Council still passed, with only six dissenting votes, a resolution recommending immediate discontinuation of the use of all herbicides in Indochina. It would have been unthinkable for the AAAS Council, a cautious and conservative body, to have passed such a resolution a couple of years ago. The resolution stated that "there is now strong evidence that the anti-plant chemicals used for defoliation and crop destruction in Vietnam have seriously damaged the ecology of that country and may be a serious threat to the health of the Vietnamese people and particularly to the health, livelihood, and social structure of Vietnam's hill tribes (Montagnards)."

It now seems clear that the U.S. military began large-scale defoliation in Vietnam without knowing much (or perhaps caring) about the effect of massive applications of herbicides on humans, on other animals, or even on forests and crops. There has been some indication that the White House will order a halt to spraying in Vietnam when existing stocks are depleted, but this is hardly soon enough for the Vietnamese civilian who feels his family's health will be ruined by continued spraying.

The only way the United States can escape the repeated charges that its use of herbicides is killing Vietnamese children and is doing catastrophic harm to the ecology of Vietnam is to stop spraying *now*.

WIVES OF MINNESOTANS MISSING-IN-ACTION TESTIFY FOR ANTI-WAR BILL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. FRASER. Mr. Speaker, March 9, the Minnesota Senate passed 43 to 21 a bill aimed at preventing Minnesota servicemen from serving overseas, against their will, in a war undeclared by Congress.

Hearings on a companion bill were held before the Minnesota House Judiciary Committee, Friday, February 26, 1971. The wives of three Minnesotans missing in Southeast Asia testified at these hearings.

Two of these courageous women are constituents of mine: Mrs. David Winn whose husband disappeared over North Vietnam in 1968 and Mrs. Richard Walsh. Mrs. Walsh's husband disappeared in early 1969 over Laos. The third woman, Mrs. David Everson, comes from Coon Rapids, Minn.

Mr. Speaker, Mrs. Walsh has sent me a copy of her testimony before the committee of the Minnesota Legislature. I include this testimony and a St. Paul Pioneer Press report of the hearing in the RECORD. Each gives a good indication of the severe pressures felt by some unsung heroes of this tragic war—the families of POW's and MIA's:

TESTIMONY BY MRS. RICHARD WALSH

Mr. Chairman, and members of this committee, my name is Sharon Walsh and I live in Minneapolis. My husbands' name is Lt. Col. Richard A. Walsh, United States Air Force. He is missing in action over Laos since February 15, 1969. My husband grew up in St. Paul, Minnesota and is one of our native sons. He graduated from St. Thomas Military Academy and volunteered at age 17 to serve with the United States Marine Corps during the last year of World War II. He then received a senatorial appointment to the United States Naval Academy after which he chose his commission in the United States

Air Force and went to pilot training to fulfill a wish to fly.

My husband wore the uniform of his country for over twenty years. He was a dedicated believer in supporting his president and our nation. I never recall him doubting the reasons for our presence in Asia, but I think if he were here today he would question our involvement in that poor country. At any rate, I must speak out from my personal anguish and support and urge the passage of this resolution we are discussing here today.

Last March, I left Minnesota to go to Cambodia, Laos, and Vietnam to attempt to learn about my husband's fate. I had previously written many letters to the North Vietnamese and Pathet Lao requesting information about my husband's accident. All of these many letters remained unanswered. Finally, in an issue of The Far Eastern Economic Review, a magazine published in Hong Kong, there appeared an article about Sot Pethrasi, a Neo Lao Hak Sat Representative, the political arm of the Pathet Lao insurgent party of Laos. In this article M. Pethrasi stated that he had received many letters from families about their missing men. He said he had shoe boxes full of these letters in a closet and that he made no attempt to pass them on. I decided then to go and talk to him and the North Vietnamese in Laos. I wrote and sent cables asking to see them. When I arrived in Vientiane, the capitol of Laos, I went first to the North Vietnamese Embassy and asked the first minister if my husband were a prisoner in North Vietnam. He removed a slip of paper from his pocket and looked at it, and then at me, saying, "your husband is not a prisoner of war in North Vietnam." I then went to see M. Petharsi who is held a virtual prisoner in his villa in the center of the city. After going through two sets of guards with machine guns, I was able to wait in M. Pethrasi's parlor for him to come and keep our appointment. My interpreter, a Canadian missionary, spoke both Lao and French. M. Pethrasi asked if anyone else in the room spoke French. I indicated, "yes." At this, he said "We will speak in Lao". The summation of the three hour meeting with M. Pethrasi was that nothing, I repeat *nothing* would be communicated about the almost three hundred men who are missing in Laos, until the American forces stop bombing his country. He did say that he thought they are holding about one hundred pilots. He was firm and adamant in saying that when we cease bombing, then and only then would there be an accounting of the men missing in Laos.

The number of men missing in Laos is ever increasing. Not one letter from any American has ever come out of Laos. Not one American man is listed as a prisoner in Laos—all 267 are listed as M.I.A.—missing in action.

Gentlemen, the war has gone on too long, the bombing has gone on too long. I believe the Pathet Lao and North Vietnamese to be rigidly inflexible in this regard. They mean what they say when they say there will be no man released until we *set a date* for complete withdrawal of *supportive and combative* troops from South Vietnam. Therefore, I was very depressed to read last night's headline stating President Nixon's refusal to withdraw until the prisoners were released. This is a stalemate with the other side holding the trump card—the men themselves. Why is the President saying this at this time? I am sad to say that I question his motives. Could he be attempting to state a case for his present enlargement of the war into Laos and Cambodia? I do not know. Several months ago I wrote some of my thoughts on paper. I would like to read them to you now, but I would ask for your understanding of the anguish that caused these bitter feelings.

The Vietnam War? Nine men prosper while the tenth goes off to war. Are wars inevitable? The mark of Cain? The men who make them and the men who fight them, are they mutually allied? Unfortunately the men who make them rarely must fight them. They do not put their lives in jeopardy, their bodies in the path of a bullet. Let it be a requirement for our policy wizards to at least view an anti-war film, where phoney blood flows from young men's wounds, or should they wish reality, let them visit orphanages where bomb deformed children wait to die. Let them immerse themselves and the ones they love in the horrors of war.

Many unanswerable questions are always there as he will never again be able to come home to me, but he was a man of such integrity, self-discipline and courage who met the ultimate challenge of his life in keeping with the manner in which he lived.

We as humans are all of us trapped in the scheme of things and few of us have the myth of free will. The dice are pretty well loaded from the beginning. I think my husband's sacrifice will help his three sons and other young men, but not in sustaining the communist-paranoia-mentality that brought us, as America, to this personal and national tragedy. We must never again try to underwrite another nation's determination to defend itself with treaties that cost much too much.

When it is all over, some day, what will we have learned? What will it have told us about America and the world, Anthony Lewis, the journalist asks. About the relationship between political ends and military means. I would also say to the President of the United States that for a political end of modest significance, we have caused military destruction beyond belief and now it enlarges itself like a spreading cancer into Cambodia and Laos. In the name of morality, we must stop. Cease arousing fear among others and revulsion and dissension among ourselves. Please do not sacrifice my sons too.

In conclusion, I would like to read an essay written by our thirteen year old son, Michael:

"THE CARD

"On Thursday I got the Card. I looked with horror at it, shivering at every glance. I would go through hell and come out, or I would be wasted, and thrown away. Other people got cards too, and they were thinking as I. Then I went to a hot place on the coast, I sweated and worked to learn, learn what other men had learned when they went to the hell away from home. Six weeks later, I was done. I was to go to the place which I didn't think about before.

"I was in the jungle walking in a grassy field. I had killed, but for a commitment . . . Now it was my turn. I stepped into the undercover. Then I ran. Bang! I lay still, for I had been wasted. My life was over, but for the commitment I died, and I died fifty years before my time. I had been drafted."

[From the St. Paul (Minn.) Pioneer Press, Feb. 27, 1971]

POW WIVES TESTIFY FOR ANTIWAR BILL

(By Lee Egerstrom)

"I'm sorry, I just don't think I can do this," the wife of a Minnesotan missing in Vietnam told a House committee Friday stopping short her testimony for an antiwar bill before the Minnesota Legislature.

Mrs. David Everson, Coon Rapids, joined two other women whose husbands are apparent prisoners of war in Indochina in speaking for the bill at the House Judiciary hearing.

Mrs. Everson, a sister-in-law of former Rep. Ronald Everson, Conservative-Wadena, identified herself before the committee and said her husband's plane was shot down over North Vietnam in 1967. But then she stopped, saying she couldn't continue.

The dramatic flair was the latest segment in moving war issues from the streets to the halls of the state legislature.

The next step comes Monday, when the leaders of the Senate's Conservative and Liberal caucuses join hands to introduce a bill to establish an interim committee for studying a conversion "from a war to peacetime socioeconomic condition."

Majority Leader Stanley Holmquist and Minority Leader Nicholas Coleman will ask for a 10-member committee to form a state policy "for correcting the inevitable consequences resulting from cutbacks in defense spending."

The House has two antiwar resolutions before it that are still waiting for committee hearings. One calls on Congress to prepare a constitutional amendment restricting the use of servicemen abroad except in declared wars, after attacks on the U.S., and to voluntary assistance to foreign governments. The other is a resolution stating the legislature's objections to the country's current involvement.

The wife of a St. Paul pilot missing in Laos asked the Judiciary Committee to approve the bill it was hearing Friday, her voice breaking from emotional strain.

Supporters of the bill appeared at the hearing, and opponents will be scheduled to testify when the bill is taken up again, likely next Friday. The bill directs the state attorney general to begin a class action suit for Minnesota servicemen fighting in the undeclared war in Southeast Asia.

A Senate committee approved the bill a week ago, and it may reach the Senate floor late next week.

Rep. William Ojala, Liberal-Aurora, and the chief sponsor of the House bill, brought St. Paul attorney Kenneth Tilsen to the hearing to answer legal questions, and the three POW wives among the bill's speakers.

Mrs. Richard Walsh, Minneapolis, told the committee of a trip to Laos she took to try and learn if her husband was being held by the Pathet Lao.

She was told about 100 American pilots are prisoners in Laos, but the Communists won't say if her husband, a St. Paul native, is among them until the U.S. quits bombing their country.

"This is a stalemate with the other side holding the trump card," Mrs. Walsh said. "We must never again try to underwrite another country's determination . . ."

Mrs. David Winn, Minneapolis, told the committee she could see "a possibility in the bill you have drafted," but she asked the legislature to also create an ad hoc committee to study what Minnesota can do for prisoners of war. She said her husband disappeared over North Vietnam in 1968.

Ojala and Tilsen were asked by committee members how long it would take for a court test of the constitutionality of sending state servicemen to an undeclared war. Tilsen said the attorney general could start action on the case "within weeks" after the bill's enactment, and oral arguments could be made to the U.S. Supreme Court, if necessary, within 12 months.

Rep. Gary Flakne, Conservative-Minneapolis, and an officer in a military reserve legal branch, asked Tilsen how litigation might affect the status of the state's servicemen.

Tilsen said he doubted their status would change while the case was in the courts, but it is possible Minnesotans might get a restraining order against being sent to Vietnam. He doubted, however, that a court would consider a motion from anyone already overseas.

MRS. MARY D. CAIN NAMED TO DACOWITS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. RARICK. Mr. Speaker, Mrs. Mary D. Cain, of Summit, Miss., editor-publisher of the Summit Sun, and the Woman Constitutionalist has been appointed by Secretary of Defense, Melvin Laird to serve a 3-year term on the Defense Advisory Committee on Women in the Services—DACOWITS.

Miss Mary is an outstanding American patriot and one of the prominent women leaders of the South. Certainly this appointment could not have gone to a more able or dedicated American.

I include a related newsclipping at this point:

[From the Summit (Miss.) Sun, Mar. 18, 1971]

MRS. CAIN NAMED TO DACOWITS

Secretary of Defense Melvin R. Laird has appointed 22 new members to serve a three-year term on the Defense Advisory Committee on Women in the Services (DACOWITS).

Mrs. Mary D. Cain, editor-publisher of the SUN and The Woman Constitutionalist, is among the 22 named.

Established in 1951 by the Secretary of Defense and limited to a membership of 50, DACOWITS is composed of "prominent civilian women who are selected on the basis of their outstanding reputations in business, the professions or public service and their records of civic leadership. Members serve as individuals, not as official representatives of any group or organization with which they are affiliated," Laird's news release said.

The 1971 DACOWITS chairman is Mrs. Helen K. Leslie, Executive Vice-President, K&W Supply House, Inc., Co-Owner and Sec.-Treasurer, Krauss Air Conditioning, Inc., Krauss, Inc., Krauss Roofing Co., Inc., Stone & Clay Products Corp., St. Petersburg, Fla. Mrs. Richard A. Sutter of St. Louis, Mo., a civic leader, is vice-chairman.

The Committee meets semi-annually, normally in Washington, D.C. Following the business sessions, members visit a key military installation.

Purposes of the Committee are to interpret to the public the need for and the role of women in the services and to promote public acceptance of military service as a career field for women; to advise the Department of Defense on policies relating to women in the services; to recommend measures to insure effective utilization of their capabilities, and to make appropriate recommendations pertaining to their general welfare.

In her particular field of interest and geographical area, each DACOWITS member endeavors to increase public acceptance of the concept of military service for women as a facet of good citizenship. The Committee develops and carries out a continuing and unified education program about Women in the Services. It seeks to promote an understanding and awareness of the need for womanpower as an essential adjunct to manpower.

In Mississippi, news of Mrs. Cain's appointment was released by State Republican Chairman Clarke Reed, who said the Pike County newspaperwoman "has a distinguished record of patriotic service to her community, state and nation. The appointment could not have gone to a more dedicated woman."

Mrs. Cain, chairman of the Congress of Freedom, is past president of Miss. Press Women, Women for Constitutional Government at both state and national levels, and past president of the Miss. Federation of Business and Professional Women's Clubs. She is a member of the International Platform Association, a member of the Mississippi Folklore Society and the Mississippi Poetry Society. In 1937 she published "Clowns Remember", a book of her lyric poems, and she has contributed to several anthologies and poetry journals.

In October Mrs. Cain was named "Woman of the Year" by the McComb BPW Club, of which she is a past president. She is listed in Who's Who Among American Women, Personalities of the South, Foremost Women in Communications, and the Dictionary of International Biography.

She is also a member of the Governor's Commission on the Status of Women, chaired by Mrs. Mildred Norris of Hattiesburg.

COMMON CAUSE AND ITS CAUSES

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ROUSSELOT. Mr. Speaker, I would like to insert in the RECORD a column by Kenneth Crawford entitled "Common Cause and Its Causes," which appeared in the Washington Post on March 19, 1971.

It will be noted that in one of his observations about this movement Mr. Crawford states:

> Common Cause is, if one accepts its self-appraisal, as universal as the common cold, and some Members of Congress, who feel that they already have enough pressures bearing down on them, think it may turn out to be a rather worse affliction.

The column follows:

COMMON CAUSE AND ITS CAUSES

(By Kenneth Crawford)

Common Cause, the latest in a long succession of do-right Washington lobbying organizations, claims to have enlisted 110,000 members paying a minimum of $15 apiece and to be gaining more at the rate of 5,000 a week. There is no reason whatever to doubt its claim. Its chairman is John Gardner, former Secretary of the Health, Education and Welfare Department, a man of distinction, integrity and impeccable establishment credentials. His associates may not be as eminent but they are honorable men all.

But for the imposing respectability of its provenance, Common Cause could be and probably would be challenged on several counts.

Consider its own description of itself in some of the high-powered literature it has circulated to well-chosen lists of potential contributors. It has called itself "a lobby in the public interest," concerned only with the good of "the people," and "neither left, nor right, nor center," but promoting "an agenda for all Americans—for the poor, the comfortable, the city dweller and the farmer, for men and women." Gardner is a master of the glittering generalization.

Common Cause is, if one accepts its self-appraisal, as universal as the common cold, and some members of Congress, who feel that they already have enough pressures bearing down on them, think it may turn out to be a rather worse affliction.

What is good for the poor is necessarily good for the comfortable? What is good for the young is good for the old? What is good for the farmer is also good for the city dweller? It has always been assumed that high prices for the farmer, for example, were bad news for the city consumer. Past lobbies, even so-called public-service lobbies, have usually conceded that they represented some particular segment in the rivalries common to any free people expressing themselves through the democratic process.

No so Common Cause. It is for everybody when it is soliciting members. But when it goes into action, as it now is in a tentative way, what is it for and what is it against? It is for ending the war in Vietnam now. It is against the SST, against the ABM, against the congressional seniority system and Senate filibuster rules, for "drastic reduction" in defense spending, and for limiting campaign expenditures.

One may agree or disagree that these are common causes—believed in by all good citizens with $15. There is much to be said for the kind of congressional reforms advocated by Gardner's organization. But there are a few arguments against them, too. Actually, Congress started reforming its seniority practices on its own initiative at the start of its current session, before Common Cause was really functioning. Since then the Senate has refused to modify its filibuster rules. Gardner's suit to enjoin the major parties from violating legal limits on campaign expenditures is still pending.

Whether Congress will provide the funds needed for further development of the SST is still uncertain. The aerospace industry is lobbying for it, arguing that the United States must catch up with the Soviet Union and the British-French partnership, already well ahead in the production of supersonic vehicles, if it is not to opt out of international competition in the air travel of the future. Opponents of the SST contend that it is impractical, a waste of funds better spent elsewhere and ecologically hazardous. As usual, one man's cause is another man's poison.

Secretary of Defense Laird has just asked Congress for a modest increase in ABM installations, warning that the Russians will get too far ahead in nuclear weaponry, destroying the present balance, unless more defensive missiles are added to the U.S. system or unless these weapons are limited by agreement. Congress will debate this question, too. There will be persuasive arguments for as well as against. Where the public interest lies will not be as easy to detect as Common Cause suggests.

As for getting out of the war in Vietnam now—or by the end of this year—the argument has been going on for a long time and is familiar to almost everyone. Here Common Cause may well speak, if not for everyone, at least for a majority. The polls say it does. But President Nixon thinks the country can be persuaded to tolerate a flexible plan for withdrawal. Anyway, Gardner's recently acquired habit of speaking for the American people—most if not all—is less presumptuous in this area than in others. Where public opinion settles down will depend in large measure on the outcome of the battles now being fought in Laos.

The point is that Common Cause's are not what everybody considers to be in the public interest—not even everybody who has contributed $15. It is in danger of being regarded as sort of auxiliary of the left wing of the Democratic Party, if its causes are the causes of Sen. George McGovern, Sen. Harold Hughes, Sen. Edward Kennedy and, to a greater or less degree, of all the Democratic presidential hopefuls except Sen. Henry Jackson, who refuses to join the chorus.

Judged by the positions it has taken, it is hard to detect any great difference right now between Common Cause and Americans for Democratic Action, long the Democratic Party's ally on the liberal flank. There the similarity ends, however. ADA is democratically run. Its membership decides its positions on the issues after lengthy and often hot debate whereas Gardner seems to speak for Common Cause without let or hindrance.

He has a board and advisers but is now, to all intents and purposes, Common Cause itself.

Gardner quit the Johnson cabinet because of a dispute with the President over domestic policy, though it was assumed at the time that his real distress was over the war, an assumption he neither discouraged nor encouraged. His emphasis since Common Cause became operational has been against the war. He has surrounded himself with able veterans of that cause, among them Morton Halperin and Peter Edelman. Some of Gardner's lesser associates speculate that he has been "radicalized" by his determination to "live down" his association with LBJ.

Jack Conway, close associate of the late Walter Reuther, will join the Common Cause staff soon. He is knowing and experienced in the ways of congressional and presidential politics. To some, his acquisition by Gardner means that the organization wants to shed some of the soft fuzz of idealism for a hard shell of third-force politics that will command respect from Congress, candidates and party leaders. If and when this happens, some of the $15 contributors may wonder how Common Cause became too politically common.

THREE MORE NEW YORK COMMUNITIES SUPPORT REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KEMP. Mr. Speaker, the following communications indicate that three more New York communities have endorsed revenue sharing.

Only if the friends of revenue sharing can join forces is there hope of getting this crucial program of aid to financially strapped States and localities.

In New York we are making some progress and I hope my colleagues continue to call notice to the actions of the communities in their own districts.

At this point I include three letters, the third with a resolution:

VILLAGE OF LANCASTER,
Lancaster, N.Y., March 1, 1971.

Assemblyman JACK F. KEMP,
Longworth House Office Building,
Washington, D.C.

ASSEMBLYMAN KEMP: The Board of Trustees of the Village of Lancaster, in the name of all the property owners, has gone on record urging your support of the Federal Revenue Sharing Program.

As you are aware the property tax rate is reaching the bounds of endurance subject to the ever increasing prices and wage allotments as well as the mandated spending incurred by State Commissions, School Districts, Welfare Recipients and many others too numerous to mention.

Your people, the people you represent, need the revenue and urge your conscientious support.

Sincerely,

LINUS G. ECK,
Village Clerk-Treasurer.

TOWN OF MARILLA,
Marilla, N.Y., March 12, 1971.

Hon. JACK F. KEMP,
Congressional Office Building,
Washington, D.C.

DEAR CONGRESSMAN KEMP: May this letter serve to inform you that at the regular meeting of the Marilla Town Board, held on March 1, 1971, an informal resolution was unanimously passed favoring revenue sharing.

Very truly yours.

DOROTHY E. PROBST,
Town Clerk.

CAYUGA COUNTY BOARD OF SUPERVISORS,
Auburn, N.Y., February 19, 1971.

Congressman JACK F. KEMP,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KEMP: Please find enclosed a copy of a resolution adopted by our Board of Supervisors on February 16, 1971.

I believe the resolution is self-explanatory.

Thanking you for your consideration, we remain,

Very truly yours,

KENNETH D. BURGDORF, *Clerk,*
Cayuga County Board of Supervisors.

RESOLUTION NO. 32—CAYUGA COUNTY BOARD OF SUPERVISORS SUPPORT OF THE PRESIDENT'S POSITION ON REVENUE SHARING

Whereas, President Nixon has proposed a general Revenue-Sharing Plan of federal revenues with the States and localities, known as "General Revenue-Sharing Act of 1971", and

Whereas, it appears that this plan if adopted would return several million dollars to New York State, which in turn would be distributed to local governments pursuant to certain formulas, and

Whereas, it appears that under this plan local governments within Cayuga County would receive a share of these funds, now therefore be it

Resolved, that this Board of Supervisors goes on record favoring President Nixon's Revenue-Sharing Plan, and further that a certified copy of this Resolution be sent to Congressman John H. Terry and United States Senators Jacob K. Javits and James Buckley.

COMPULSORY RETIREMENT OF REPRESENTATIVES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BROOMFIELD. Mr. Speaker, I have introduced today a measure which would require the retirement of a Representative at age 65. The business community, the Catholic Church, and the executive branch have all recently moved in this direction, conscious of the need for fresh ideas and leadership. Our own need for both these qualities is no less than theirs was—indeed, it is probably greater.

My bill would encourage younger men to seek congressional seats that open up with the retirement of Members who have reached the age of 65. In doing so, it would increase public confidence in an institution that would truly be open to all Americans.

I believe two details of my bill deserve brief explanation: First, the retirement would be effective upon the adjournment of the Congress in which the Representative reached the age of 65. The membership, therefore, would not be subject to abrupt midterm changeovers. Second, this measure would not affect those currently holding office who have reached the age of 65.

Mr. Speaker, I believe this reform is long overdue. I urge that it receive the most careful consideration of the Congress.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. NATCHER. Mr. Speaker, it is again a pleasure for me to call attention to the approaching annual observance of National Future Homemakers of America Week. This important week will begin on March 28 and extend through April 3, and certainly this year's theme, FHA Cares, briefly but clearly describes one of the many fine and significant reasons why this well-structured organization was founded June 11, 1945.

The Future Homemakers of America is the largest organization for youth in the secondary schools and the national membership of approximately 600,000 high school home economics students in over 12,000 local chapters throughout the United States and its territories cares a great deal about what is happening to their country today and about their own preparation for the future.

This national partnership, which is not confined to an all girl organization but now has some 4,000 male members, provides numerous opportunities for the development of individual and group initiative in formulating and carrying forward many worthwhile programs pertaining to the home and the community. Clearly it illustrates the remarkable results that can and do stem from the coordinated efforts, talents, and determination of these young people, thus shortening considerably the road to their overall goal "to help individuals improve personal, family, and community living."

Mr. Speaker, I have two very good reasons to be particularly interested in and proud of the FHA—Kentucky has the enviable distinction of being the original charter association in the National Future Homemakers of America organization, and I am privileged to hold an honorary membership in this organization.

At the present time in Kentucky there are 250 chapters with a membership of approximately 17,000 and I can assure you that tremendous progress is being achieved in the Second Congressional District and my home State as a whole. An example of this progress lies in the fact that in Kentucky last year vocational home economics education programs served over 48,000 youths and adults, and certainly such training is bound to contribute effectively to the employability of both youths and adults in the dual role of homemaker and wage earner.

During the forthcoming National FHA Week special projects and activities will be sponsored to focus attention upon what 600,000 teenagers are doing in a most constructive manner to seek the answers to many of our present-day problems in preparation for a better life in the future.

Mr. Speaker, for all of these varied and worthy endeavors, past, present, and those to come, I want to express my sincere congratulations and appreciation and to wish all of these splendid young people continued success as they proceed to meet the challenges that lie ahead.

MAYOR RICHARD LUGAR OF INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BRAY. Mr. Speaker, it is regrettable but true that all too often the image presented to the American public of big-city mayors is not of the best. There are various reasons—sometimes beyond the control of the mayor concerned—and I do not wish to go into them now..

Considerable national attention has been focused in recent months on Mayor Richard Lugar, of Indianapolis, as an excellent example of what the chief executive of a city can be, and also of the type of leadership, foresight, and intelligence so badly needed in the Nation's urban areas today.

I am happy and proud to insert into the Record the most recent article, from the Wall Street Journal of March 19, 1971:

Meet the Mayor: Indianapolis' Lugar: A Friend at the White House

(By Monroe W. Karmin)

Indianapolis.—The month of May is always merry for this Hoosier capital, host to the Memorial Day 500-mile auto racing championship. This coming May, however, will be sublime—both in terms of sport and politics.

Not only is the race expected to draw its largest crowd ever, but President Nixon may attend. So may Vice President Agnew, other Nixon Cabinet members, hundreds of city and county officials, delegations from 14 North Atlantic Treaty Organization countries, and possibly a couple of foreign heads of state.

But auto racing will be merely pastime for those guests. Their business in Indianapolis will be to attend an International Conference on Cities, and to pay homage to the man who presides over this flatlands city exactly in the middle of Indiana: 39-year-old Richard Green Lugar (pronounced luger, like the German pistol).

Mayor Lugar, as he likes to remind everyone, is President Nixon's "favorite" mayor, a friendship that began during the 1968 Nixon campaign and ripened after Mr. Nixon entered the White House. Indianapolis has been visited by more national dignitaries and blessed by more federal aid over the past couple of years than at any time in its history. The love affair, now well-known regionally, will be proclaimed nationally, and internationally for that matter, at the mass meeting in May. The political timing is perfect for Mayor Lugar: he's running for reelection.

The reason for the Nixonian interest also is understandable. Enlarged by Mayor Lugar, Indianapolis now is the nation's tenth largest city in population, and the only city among the ten to be governed by a bona fide Republican. (New York City's John Lindsay, though a registered Republican, is not considered a party member in good standing by the White House.)

Thus, Indianapolis is to President Nixon what New Haven, Conn., under Democratic Mayor Richard Lee, was to the Kennedy-Johnson administrations: an urban laboratory in which to test new approaches to coping with the problems of the cities. "The administration feels there's a genuine need for some strong success stories on the urban scene," Mayor Lugar explains. "Indianapolis is a very good city in which to demonstrate new urban thrusts that the President and the Cabinet wish to attempt."

And new urban thrusts initiated here by Mayor Lugar bear a striking resemblance to those initiated by Mr. Nixon in Washington. Each Chief Executive is seeking to reform governmental institutions, both to improve efficiency and to make them more responsive to the needs of the people. Mayor Lugar's instrument of change is Unigov, the merger of Indianapolis and surrounding Marion County into a consolidated city.

Unigov, which went into effect January 1, 1970, enlarges Indianapolis from 82 square miles with 520,000 residents to 388 square miles with 750,000 residents. As such, it is a major attempt at metropolitan government, a form that Mr. Nixon's urban chieftain, George Romney, has been praising for some time.

By reorganizing and simplifying local government, Unigov has assigned some 40 former city and county agencies to six new departments, not unlike Mr. Nixon's Washington reorganization plan that would shrink seven federal departments into four. Unigov is also proving to be a convenient vehicle for another Nixon innovation, the consolidation of federal grants to reduce red tape and duplication. Indianapolis applied for, and received, the first federal bloc grant ($1.3 million, including one-third matching local funds) for planning aid, covering 16 different federal programs and saving an estimated $600,000 in first year costs.

Implicit in Unigov is an attempt to demonstrate the competency of local officials, a belief deeply held by Mr. Nixon and crucial to his proposals to share federal revenues with state and local governmental authorities. "Federal officials were surprised to find such a good track record as we in Indianapolis already had going," Mayor Lugar says.

A GOOD TRACK RECORD

Perhaps the biggest surprise is that it is Indianapolis that has the "good track record" in how to use federal funds. Historically, the city has been a bastion of conservatism, a brand that regarded federal aid as wicked. State law actually prevented the city from accepting federal housing and urban renewal funds until 1965, when Democrats won repeal.

Now Mayor Lugar wants as much federal money, albeit Republican-style with as few strings attached as possible, as he can get his hands on. "The old saw that federal aid means federal control has no validity anymore," he declares. "We have given up no sovereignty here."

What Indianapolis has given up is the "we-can-do-it-ourselves" ideology. Though the state has had a public housing law, using local funds only, since 1934, the capital city had built just one project of 748 units before 1965. Much-publicized "self-help" housing projects are conceded to have had only "minimal" impact on the city's problems over the years. And, though the state preceded Washington by enacting an urban renewal law in 1945, again using local funds, Indianapolis had put just 1,000 acres of land under redevelopment before 1965.

But taking up where his democratic predecessor left off, Mayor Lugar, elected in 1967, is charging forward to remake the face of Indianapolis much as Mayor Lee attempted to do to New Haven during the '60s.

At the end of last year the number of public housing units built and occupied totaled 2,409. This year 553 units will be occupied, and 800 more will be under construction. Two years ago. Mr. Lugar brought in the city's first federal urban renewal funds, about $11.2 million to renew 155 acres. Since then, Indianapolis has received a wide variety of federal aids, including Model Cities money, code enforcement, demolition grants.

The future will be even more spectacular. Some 4,000 acres of urban renewal land will be put under rehabilitation and construction this spring. By 1973, it's figured, 12,000 acres will be in some stage of renewal, at a total cost of $112 million, of which about $60 million will be put up by the federal government. The ultimate result, says David Meeker, the mayor's director of metropolitan development, will be to generally renew "the entire inner city through a combination of federal and private urban renewal."

What may not be apparent to the casual eye, however, are some other consequences of Mr. Lugar's Unigov.

Politically, Unigov greatly enhances Republican prospects to continue to control Indianapolis by bringing Marion County's Republican suburbanities into the consolidated city to vote for mayor. "It's my greatest coup of all time," exults Keith Bulen, the Republican Party power here, "moving out there and taking in 85,000 Republicans."

The enlarged city also means that the Indianapolis black population will not come to power soon. Under the old city boundaries, the black population was estimated at 23%, which gave it one seat on the old nine-member city council and one seat on the old five-member county council. Under the new consolidated city arrangement, the black population is estimated at about 18%, which is expected to give it four or five seats on the new 29-member city-county council to be elected this fall.

Dr. Frank P. Lloyd, vice president of the Metropolitan Development Commission and a black leader here, views Unigov as a "dilution" of black voting power in more ways than one. Not only do the blacks lose strength citywide, he contends, but they are less effective within the Democratic Party because it, too, must now go after more whites. (But, the Methodist Hospital doctor adds, "We didn't have a helluva lot to lose"; he thinks the Democratic Party took black votes but never gave blacks "a real voice in party policy.")

Another intriguing fact about Unigov is that it's not all that "uni." Still not included in the consolidation are the various local police departments, fire departments, the schools, the health and hospital corporation and the airport district, as well as three communities that asked to be excluded.

The exclusions were necessary to navigate the proposed unification through stormy opposition in 1969. The reasons for excluding schools are bound up in this city's past, which saw the birth of the John Birch Society in Marion County and the activities of the northern branch of the Ku Klux Klan during the 1920s.

RAISING A SPECTER

To have included schools in Unigov would have raised the specter of racial integration of a desegregation suit brought by the National Association for the Advancement of Colored People, joined by the Justice Department, already is pending in court here—and would have meant instant death for the plan.

"We cooperated with the mayor by not killing Unigov," explains the Rev. Landrum Shields, the black president of the school board. "And I don't think Mayor Lugar is planning to attempt to include the school board in Unigov any time soon."

Mr. Shields is probably right. Though the state legislature is currently in session, Mayor Lugar has not yet proposed any new additions to Unigov. Indeed, the political solons here believe that the mayor, rather than courting the blacks, this year must concentrate on reassuring the whites—much as President Nixon is doing at the national level. And that's the kind of campaign Mr. Lugar seems to have in mind.

At a kick-off Republican fund-raising dinner the other evening, the mayor stressed the accomplishments of his administration in curbing pollution. In the months to come, Mr. Lugar is sure to lay emphasis on redevelopment progress, law enforcement innovations and Unigov's cost-cutting benefits that have permitted the mayor to lower the property tax (though increased assessments by non-Unigov authorities have actually raised the property-owner's tax bill).

The Democrats, for their part, will try to bully Mr. Lugar into errors. John Neff, a young lawyer who is a strong contender to be the Democratic choice, is eager to poke at the holes in Unigov. "We've been sold a bill of goods that we have metropolitan government when we don't," he argues. "It's a paper organization run by public relations to perpetuate Mayor Lugar in power and propel him to national attention. He doesn't really care about Indianapolis. He wants to move on."

Others in the community disagree with at least part of Mr. Neff's charge; they believe Mayor Lugar cares about his city. Most people here, however, do believe Mr. Lugar has higher ambitions. The speculation is that should President Nixon decide to dump Vice President Agnew, which is considered possible but unlikely, he might tap the mayor. Mr. Lugar has ruled out an attempt for the Indiana governorship. So, that leaves an appointment to the Nixon Cabinet, possibly to replace Secretary Romney, at some point, or a shot at Democrat Birch Bayh's Senate seat in 1974.

The mayor, himself, won't join in the speculation. Sitting in his office with a silver clasp autographed by Richard M. Nixon keeping his tie in place, Mr. Lugar does relish reciting the history of his relationship with the President dating to the primary of 1968, when Mr. Lugar introduced Mr. Nixon at a high school rally.

In the automobile, and later in the Nixon suite, Mr. Lugar recalls, he and the candidate engaged in "very animated conversation" covering urban affairs, race relations and the abilities of local government. Later Mr. Lugar helped to represent Indiana at the 1968 GOP convention in Miami Beach, and became a Nixon member of the platform committee.

FREQUENT PRESIDENTIAL CONTACT

During the 1968 campaign, and after Mr. Nixon ascended to the White House, he and Mr. Lugar have been in frequent contact. Mr. Lugar has been called to the White House to consult on urban problems and has been appointed to numerous advisory groups; Mr. Nixon in February of last year decided to hold his first out-of-Washington domestic affairs council meeting in Indianapolis.

It was there that the President asked Mayor Lugar whether he would accompany presidential counselor Daniel P. Moynihan to an April conference of the NATO countries in Brussels to speak on the problems of the cities. Mr. Lugar accepted and, he recalls, was introduced to the NATO assemblage as "the person selected especially by the President" to discuss urban affairs.

Mayor Lugar used that speech to issue the invitation to the International Conference on Cities to be held in Indianapolis this year. "The people there were in consternation," he smiles. "Why Indianapolis? Where is Indianapolis?"

Come May many members of that NATO audience not only will know the location of Indianapolis, they will be here, along with thousands of other important visitors. Most important of all will be President Nixon. As the mayor discusses the event, it's evident that, in his mind's eye, he envisions a battery of national television cameras zooming in on an excited President cheering on the racing drivers. At his side, equally excited, will be Richard Green Lugar.

FEDERAL AND STATE GRANT-IN-AID PROGRAMS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. EILBERG. Mr. Speaker, Mayor James H. J. Tate disclosed today that the city of Philadelphia is participating in Federal and State grant-in-aid programs totaling more than a half-billion dollars.

Tate said these programs are "fiscal lifesavers" for Philadelphia and big cities across the Nation which cannot raise sufficient financial resources locally to cope with their needs.

He pointed out that Philadelphia has fared better than other urban centers in obtaining such funds, citing that the city ranks No. 1 in the Nation, per capita, in urban renewal, followed by Detroit, Chicago, New York, and Los Angeles.

The per capita allotment of Federal funds to Philadelphians is $168, compared to Detroit, which follows at $68.

As president of the U.S. Conference of Mayors, Mayor Tate has been active in lobbying for increased Federal funds for the Nation's cities and has encouraged members of his administration to work closely with Federal departments in order to take advantage of maximum Federal funding.

As a result, operating departments of the city government, and quasi-public agencies in which the city has representation have been awarded or have applications being processed for a total of $347,854,937 in Federal funds, and $84,348,505 in State funds.

These totals are augmented by the city's share of $123,271,009 in matching grants, for a grand total of $555,474,451.

The mayor said this spreads across 158 different categorical aid programs.

Mayor Tate noted that the city has some 25 applications presently pending approval in Washington and Harrisburg. These would produce an additional $124,273,209 in Federal funds and $33,458,000 in State funds, supplemented by $52,864,523 in city matching grants.

Furthermore, Mayor Tate said:

> There are a multitude of existing programs for which we will be requesting many millions of dollars in renewal or refunding when this year's appropriation is expended.

Philadelphia will press for continuing funds for the rat control program, which has been acclaimed the Nation's finest, the mental health and mental retardation program, the solid waste management program, law enforcement assistance, child welfare services, urban renewal, model cities, and antipoverty funds.

Mayor Tate stressed that the city's tax rate has been kept low specifically because of "our outstanding successes in securing Federal and State support in many fields." He said:

> However, meeting the matching requirement for categorical grants forces many communities to take funds away from other basic services. We must get more of the voters' tax money back to the electorate.

The Federal Government collects 91 percent of the income tax, the fastest growing tax source, Mayor Tate said. State and city governments have to depend on less progressive taxes. Mayor Tate said:

> The result has been that local and State Governments have not been able to fulfill the aspirations of the voters simply because of a lack of revenues.

Mayor Tate will meet with President Nixon in Washington tomorrow, Tuesday, March 23, along with members of his Legislative Action Committee of the U.S. Conference of Mayors, and the National League of Cities in an effort to obtain additional funding commitments.

The mayor has been a forceful advocate of general revenue sharing which would funnel unrestricted grants to cities:

> We are continually searching for new sources of Federal revenues to make us better equipped to cope with the multi-faceted urban problems and the municipal overburden.

Mayor Tate also mentioned the totals of Federal and State funds administered through Philadelphia's quasi-public agencies such as the Philadelphia Housing Authority, the Redevelopment Authority, Model Cities, and the Philadelphia Antipoverty Action Commission.

PAAC is responsible for the disbursement of $16,774,110; Model Cities for $25.2 million; Redevelopment Authority $39,025,000; and the Housing Authority for $100 million.

One aspect of the Housing Authority's total represents a $70 million program currently providing low-income housing on a scattered site basis. Philadelphia's public housing program has been lauded as the best in the Nation today, and our rehabilitation funding level has placed us first in the Nation.

Philadelphia was the first city in the Nation to receive a $19 million grant for "Project Rehab," which provides the potential for home ownership to low- and moderate-income families while converting the remaining units to supplement the public housing stock.

Some specific projects in operation through city departments include: Concentrated employment program, $652,082; highway safety program, $4,403,630; Federal basic water and sewer facilities grant program, $8,521,000; air pollution control, $2,860,990; maternity and infant care, $2,735,761; subway system-market street reconstruction, $7,540,000; child welfare services, $19,290,410; neighborhood renewal program, $17,455,505; and traffic operations program to increase capacity and safety, $800,890.

The mayor also listed approvals for $2,718,380 from Law Enforcement Assistance Administration 1970 funds, and has also submitted applications for an additional $1,124,243 in 1970–71 funds.

He said the city of Philadelphia is entitled to $4,834,170 in 1971 State action funds and $480,000 in "big cities" Federal categorical discretionary funds under LEAA.

Pending projects include an interim assistance program for the streets department and licenses and inspections of $935,259; a Philadelphia prisons drug abuse program, $455,455; center city commuter connection, $87,500,000; and two methadone treatment units, $419,755.

WHAT PATRIOTISM MEANS TO ME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ZWACH. Mr. Speaker; it is most refreshing to hear our young people talking about patriotism and love of country.

Recently, the Republican Women's Club of Cokato, in our Minnesota Sixth Congressional District, conducted an essay contest on the subject, "What Patriotism Means to Me."

Mr. Speaker, it is a pleasure for me, with your permission, to insert the three winning essays of this contest into the Congressional Record where they may be enjoyed by my colleagues and the many other people who read the Record:

What Patriotism Means to Me

(By Kathy Hermann)

To me patriotism means the love for my country and the freedom I have in my country. It also is the feeling that I belong to this great land, to have a membership within. But to be a good citizen means to be loyal and have a desire that shows willingness and eagerness to serve whenever and wherever I can. By voting in the elections to elect the right men to office that will serve my country the best.

The people who participate in draft card burning, protesting, rioting and other disturbing actions each lack concern for their country. Rather than doing these actions, we should be patriotic by making good laws and obeying them. We should pray to God for peace, humility, honor, love, kindness and goodness so that our country remains strong.

What Patriotism Means to Me

(By Kathy Chaffins)

In my heart patriotism means a great deal. Loyalty to our country is everyone's job. And everyone should be thankful that they have a great country to live in like ours. Every country doesn't have freedom of speech, freedom of religion and freedom of enterprise. Some people want to rebel against the rules of our country and just take advantage of the modern facilities we have. If they only stopped to think they would realize there has been a great deal of manpower in everything our country has. There also has been many lives that have been spent to make our country as great and powerful as it is. And most of all there has been a lot of prayers. Without the great Christian men and their prayers this country wouldn't have been able to win the wars and disputes it's had. We have a great deal to be thankful for and I hope soon all people will realize it and cherish the thoughts of having a great country to live in.

What Patriotism Means to Me

(By Danny Carlson)

Patriotism is a big word and it involves many important things. To me, it chiefly involves the love for my country. The United States of America is the greatest country in the world through my eyes. We may have crime, the problem of pollution and a war going on, but I still like it. The war is to stop communism and many people are working on the crime and pollution problems. People are working on these problems to make our country a better place to live in. Freedom is another thing that makes me love my country. We can say, do and worship as we please. Of course we have laws to follow, but without them, well, just think what life would be without law and order. The United States is too great a country to express the way you feel about it in words. So as I grow up, I am going to express my feeling in actions. I will do all I can for my country and my community. This truly is the land of the free and the home of the brave. I'm going to try to keep it that way.

THE POLL'S MESSAGE TO WASHINGTON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. Edwards of California. Mr. Speaker, the following is an editorial describing the result of a poll on Vietnam policy conducted by the Palo Alto Times. The message in the poll is unequivocal. As the editorial says, "Even so, the main lines of sentiment are undeniable. Most midpeninsula people want the war closed out this year. They want no more United States moves, by official word or deed, by air or land, that could broaden it. They want to get the hell out, and they want Congress to see that we do, whether the President is willing or not."

[From the Palo Alto (Calif.) Times, Mar. 15, 1971]

The Poll's Message to Washington

The results of the Times poll on Vietnam policy are in, thanks to the persistent efforts of League of Women Voters tallying crews. They are worthy of attention not only in Midpeninsula homes but in Congress and the White House.

To begin with, the volume of the response was substantial. Questionnaires were clipped from approximately one of every seven copies of the Times circulated on March 9, and were marked and mailed or delivered to the newspaper office. By direct mail survey standards, that return is impressive.

What's more, comments related to the poll bore witness that in many homes the issues involved, and how the household's one ballot was to be used, were matters for every serious discussion—sometimes hot dispute.

The poll was not scientifically controlled. But it gives a fair indication of how persons in this area who are very concerned about the war in Indochina feel about certain key questions. There will, incidentally, be a check of sorts on the accuracy of the poll as a reflection of the electorate's opinions after City of Palo Alto voters cast their ballots May 11. That election will include a test of whether they are satisfied with the Nixon administration's handling of the withdrawal from the conflict, or would prefer a greatly accelerated pullout.

Midpeninsulans voting in the Times poll strongly favored a U.S. military withdrawal by the end of this year—the alternative presumably being that the pullout may drag on for a year or two beyond that. The yes vote on that question was about 72 percent—close to the 73 percent favor on that same point projected in a recent Gallup Poll.

More than two out of three voting in the Times poll supported action by Congress to cut off funds for the war by year's end. About seven out of eight rejected the idea of a U.S. declaration of war on North Vietnam, which likely would involve wider, bloodier and possibly longer fighting.

What is worthy of attention in the White House is the high discontent with presidential management of the American role in Indochina. More than seven respondents out of 10 felt that it should not be left to the President to determine what to do—the alternative clearly being congressional action to limit the U.S. role and public pressure on federal elected officials.

Even more remarkable, about 48 percent—nearly half of those participating—felt such despair about the President's actions in Indochina that they considered a discussion of his possible impeachment justified.

This is not to say that so many want him impeached, for that is a more extreme question. It is to say that, despite the traditional respect of Americans for the President and the presidency, they are willing to approve a harsh and unusual way of communicating to him the strength of their feeling.

It is true that a majority opposed an impeachment debate—the stand the Times itself took last month. It is also true that those who believed the President should be unhampered in his conduct of the war felt that very strongly—some of them refused to vote on the other questions.

Even so, the main lines of sentiment are undeniable. Most Midpeninsula people want the war closed out this year. They want no more United States moves, by official word or deed, by air or land, that could broaden it. They want to get the hell out, and they want Congress to see that we do, whether the President is willing or not.

WHATEVER HAPPENED TO NATURAL FOOD?

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MINISH. Mr. Speaker, the Sunday, March 21, edition of the Washington Post contained a most thoughtful article concerning food additives. It was written by Mrs. Ruth Winter, former science editor of the Newark Star-Ledger.

Mrs. Winter in her candid appraisal of chemical food additives has performed a most valuable public service. Since I have recently prepared and introduced legislation to phase out the so-called generally recognized as safe list, I include the article as follows:

Whatever Happened to Natural Food?

(By Ruth Winter)

When Eve handed Adam the apple, it may have had a worm in it, but it didn't have any pesticides, wax coloring or chemical fertilizer. We all know the consequences of taking a bite of the first apple, but what about the after effects of today's fruit?

The proof that people are worried about it is the pheonomenal growth within the past year of health food stores across the country where people are paying from two to three times as much for an "unadulterated" apple as they would for one from the corner supermarket.

For a long time after Eden—in fact, until the Swiss first shipped DDT to the United States in 1942—most food was generally free of chemical pesticides, herbicides and fertilizers, though certainly not entirely free of chemicals. Ever since man learned that by adding salt to his food it would last longer, he has experimented with things to doctor it, sometimes with dire results. He has, however, never quite gone about it with such zeal as today's food processer.

The use of deliberately added chemicals to food has soared from 419 million pounds in 1955 to more than 800 million today. Each of us eats more than three pounds of food additives a year.

Added to these intentional chemicals, there are unintentional chemicals that get into food from pesticides, herbicides, fertilizers, packaging materials, water and air pollution and animal feeds.

A FUNCTION OF MODERNITY

What happened to Eve's apple? Why have we gone into the use of chemicals in such a big way?

In the first place, most people have moved away from the farm. They can no longer transfer food from the field to the table. It may take days, weeks—some say even years—to get the food from the farm to the supermarket to the dinner table.

Land and labor costs have risen tremendously and the number of farms has decreased. Nevertheless, overall farm production has increased 40 percent since 1950, thanks in large part to farm chemicals.

The working wife and the lack of domestic help have increased the demand for convenience foods. As a result, last year Americans passed the 50-50 mark in buying processed versus fresh foods. Of the more than $100 billion spent on foods annually, an estimated $60 billion now goes for processed and convenience foods, snacks and franchised foods.

In addition, advertising has caused Americans to expect their food to look like the ads on TV and in magazines. They also expect it to come in many varieties. Therefore, instead of the 1,500 items we had on the supermarket shelves right after World War II, we now have 8,000, many of them dressed with chemical "cosmetics." These cosmetics include preservatives, stabilizers, colorings, flavorings and antifoamers.

What has been the result? Pretty packages, convenience—and perhaps a great deal of harm.

Of the 3,000 chemicals deliberately added, a number were never scientifically tested but were put on a generally-recognized-as-safe (GRAS) list in the late 1950s. The Food and Drug Administration figured that if they didn't kill your grandfather, they won't kill you.

Because of the recent furor over cyclamates, monosodium glutamate and other controversial additives, the FDA asked for public comment on the GRAS list. The closing date for such opinions was Jan. 21. After mulling over the comments, the FDA intends to make recommendations on certain additives.

The artificial sweetener cyclamate is a good example of how weak our current protection is against potentially harmful additives. As far back as 1958, the FDA was warned by its own scientists that cyclamate caused a significantly high rate of cancer in animals. In 1969, when it was finally banned, 175 million Americans—from kids chewing bubble gum to adults fighting fat—were swallowing cyclamates in large doses. One of the FDA's own, Dr. Howard L. Richardson, a pathologist who brought to light the previously ignored early warning, was demoted.

Critics of food safety do tread on emotional ground. Take the Cornell Medical School professor who said accusingly to me: "If one diabetic dies because he couldn't get cyclamates . . . if one person dies of malaria because DDT was banned—that's more than have been killed by cyclamates or DDT!"

The professor, a pediatrician working on malnutrition in South America, was explaining why he was refusing to appear on the same New York educational TV program with me. During rehearsal he had heard me object to sodium nitrite being added to baby food.

"How do you know the minute amount of sodium nitrite added to baby food is harmful?" he stormed.

"How do you know it's not?" was my reply, as it always is to those who deride consumer concern about the safety of food additives.

The National Academy of Sciences, in its latest publication on food protection, "Evaluating the Safety of Food Chemicals," admits that current methods of testing are not completely accurate and that the "uncertainty must be balanced against the benefit to be gained from the proposed use of the substance."

What about the nitrite in baby food meats?

A joint Harvard-University of Nebraska study showed that nitrites and nitrates used as food preservatives and in fertilizers, when combined with amines in the intestinal tract, turn into cancer-causing compounds. Similar findings have been reported in England and Israel.

Dr. Barry Commoner, the ecological gadfly from Washington University in St. Louis, has warned that nitrate contamination of baby food vegetables and drinking water from nitrate fertilizers was rising high enough to affect the ability of a baby's blood to carry oxygen from the lungs to other tissues. Deaths from nitrate-contaminated drinking water have been well documented by government agencies. Nitrates turn into nitriles in babies' intestines.

All this still doesn't prove that the minute amounts of nitrites deliberately added to baby meats to color them pink is harmful. (Nitrates and nitrites are also added to processed meats for adults, and to dog foods, to keep meat looking red.)

But since babies have a poorly developed sense of taste and couldn't care less about the color of their meat, is adding sodium nitrite to baby meats worth the risk? (Dogs are color-blind, so they don't know the difference either.)

A GENETIC PERIL

There are a number of food additives in addition to nitrites and cyclamates that are carcinogens, capable of causing cancer. The same chemicals that can cause cancer are probably capable of causing genetic defects.

Dr. James Crow, for instance, of the Nobel prize for his work in genetics, said at a recent science writers' conference in New York: "Americans are very casual about what they do to their genes." He pointed out that we carelessly introduce chemicals into our environment without knowing their long-term effect. His belief is shared by many other geneticists.

Dr. James Crow, for instance, of the University of Wisconsin, chief of the National Institutes of Health's Genetic Study Section, said that exposure of a large number of people to chemical mutagens could cause a "genetic disaster." He included among the potential mutagens certain pesticides and food additives.

Recent United States and Canadian studies indicate that at least 25 per cent of human conceptions are now ending in intrauterine deaths. Among these spontaneous abortions, chromosomal anomalies can be found in 30 per cent, and in 8 per cent of all conceptions.

I first became interested in food safety in 1968 when my small daughter suffered from a severe, intractable case of the hives. After all else had failed to turn up the cause, the allergist said: "Perhaps it's the penicillin in the milk."

"Penicillin in the milk? What's it doing in milk?" I asked, and from that point I began an investigation into the denaturing of food.

Farmers, I found, do not need a prescription to buy antibiotics to treat sick animals. They minister to the cows and other livestock themselves. They are supposed to throw away the milk from penicillin-treated cows for several days after therapy, but since most milk is pooled today, it is very difficult to tell who put the penicillin in the pool.

Antibiotics, I learned, are deliberately added to the feed of livestock prophylactically and, for some unknown reason, because they add weight. Farmers are required to stop the antibiotic feed several days before animals are sent to market, but since payment is on the basis of the health and weight of the animals . . .

The U.S. Food and Drug Administration has received reports that antibiotic feeds may be contributing to the buildup of antibiotic-resistant bacteria. As a result human patients are resistant to antibiotics administered for bacterial infections, a potentially life-threatening situation. Furthermore, there is a percentage of the public—like my daughter—which is allergic even to the minute doses of antibiotics found in food.

BRITISH ARE AHEAD

FDA Commissioner Charles C. Edwards appointed an 11-member committee last May to review all aspects of the use of antibiotics in animal feeds. The task force "will also study the total impact of restricting the veterinary use of antibiotics and consider methods of implementing their recommendations."

The British curbed antibiotics in feed in 1969 after studies in that country found possible hazards to human health. The British also curbed cyclamates before we did and they look, as citizens of other Western countries do, with a jaundiced eye at our abundant use of food chemicals. One wry British official pointed out that if the British were cannibals, they would not be able to eat Americans since the body tissues of Americans now contain more DDT than the permissible limits set by the British government for foodstuff.

What about DDT and the other 12 pesticides we may consume with our meals? We know what DDT has done to the bald eagle and certain fish, but what about us?

No one really knows, but a University of Miami study of pesticide concentrations in fat tissue at human autopsies revealed that twice the amount of DDT, DDE, DDD and dieldrin were in the fat of patients who died of liver or central nervous system disease when compared to that in persons who died accidental deaths.

In addition to pesticides and antibiotics which find their way into our meats, cattle and poultry growers deliberately administer hormones to the animals to add weight. DES (short for diethylstibestrol) is an artificial hormone given to an estimated 75 per cent of the 40 million cattle slaughtered annually, and to an untold number of poultry. It is a known carcinogen. Meat packers complained in 1970 that the meat was soft and mushy because of the hormone. The hormone is supposed to be stopped several days before the animals reach the market, but because growers are paid by the weight of the cattle and poultry . . .

What about the other chemicals in our meat—mercury, for instance? The first alarm about it came not from fish but from meat eaten by the children of a New Mexico family. Their brains were damaged because they ate hogs fed mercury-treated seed. Then seven beef carcasses were stopped in Oregon because of mercury contamination.

THE BATTERED FDA

There are some 7,500 veterinarians and food inspectors, including intermittent and part-time staff, checking our U.S. Department of Agriculture stamped meat supply. The states still have varying degrees of meat inspection.

The presence of mercury, hormones, antibiotics and other chemical contaminants can really be proven only in the laboratory, and only if that laboratory has been given the specimen to examine.

The FDA, the battered political football of the health services, has a total budget of approximately $89 million this year, less than half of what we spend a year for airport development and a minute fraction of what we spend for a single Apollo spacecraft. Only an estimated 35 per cent of that $89 million is spent on food protection services.

Two years ago, there were 800 FDA inspectors for the nearly 100,000 food, drug and cosmetic plants in the United States. The latest figures given me for this article were 649 inspectors, including 91 supervisors and 33 import inspectors. They are responsible for checking the food, drug and cosmetic industries doing in excess of $130 billion worth of business a year.

If that shocks you, what about fish inspection? The Bureau of Fisheries has a staff of 60 inspectors, yet there are 4,200 fish processing plants. According to James Brooker, head of the Division of Fisheries Inspection, the staff checks only 40 processors and then at the request and expense of the processors.

Seventy-three per cent of all the fish eaten in the United States is uninspected by any regulatory agency. Repeated attempts to get mandatory fish inspection legislation passed have met with failure.

What effect does mercury have in humans in the amounts found in fish, and perhaps meat? Large doses are known to cause brain and nerve damage and genetic defects, but no one really knows the effect of small doses over long periods of time.

What else is there in the fish that swim in chemically as well as bacterially contaminated waters? Should we worry about it?

There are more questions than answers about the intentional and unintentional additives in our food. For instance:

Sodium bisulfate, a widely used foor preservative and bleaching agent: It has been found by New York University researchers in preliminary tests to interfere with nucleic acids, the genetic controls of cells.

Carboxymethylcellulose, a cotton by-product used in soft drinks, ice creams, jellies, chocolate drinks, icings, in some candies and baby foods. According to the National Cancer Institute's journal, it causes cancer in animals.

Red Number 4, a dye used to color maraschino cherries: The FDA once attempted to take it off the market because it caused cancer in animals, but left it on "temporarily" after an outcry from food processors.

Noridhydroguaiaretic acid (NGDA), used to keep fat from going rancid. It was banned by the Canadian Food and Drug Directorate in October, 1967, as a potential hazard to health. It is still being used in the United States in shortenings, cake mixes and soft drinks.

Caffeine: It has shown to have an adverse effect on diabetes-prone pregnant women and heart patients. It is given to very young children in cola drinks, and this has many researchers worried.

All these question-mark additives may be quite harmless, as those with vested interest maintain. Then again they may not be.

The Food and Drug Administration has concentrated on protecting us from harmful and useless drugs. Most of us do take drugs occassionally. However, we all eat—every day of our lives. Nothing should be more important than adequate study and effective protection of our food supply.

WHY THE SST IS NOT GOOD BUSINESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HUNGATE. Mr. Speaker, the following article from the Wall Street Journal of March 23, 1971, sets forth some cogent arguments concerning the SST from a business standpoint:

WHY THE SST IS NOT GOOD BUSINESS

(By Allen R. Ferguson)

The question that the Senate will settle tomorrow afternoon is not whether there should someday be an American SST, but whether one should be developed and built before the private sector is prepared to finance it, and hence whether the taxpayers should be required to pay for its development.

The basic economic fact about the U.S. SST is that if it were expected to be economical, there would be no need to subsidize it. Its advocates argue that the investment is too large and too risky for the private sector, but it is obvious that the private capital market could raise the $1.3 billion the administration plans to put into the development. Last year the capital market provided American industry with more than $30 billion in new debt and equity money. That the large financial institutions resist financing the prototype development simply indicates that the SST is not a good business.

It is economically unsound because it poses a problem that is largely new in aviation. Until the SST, innovation has typically combined greater speed, comfort and range with reduced costs per seat-mile. Since World War II, with the introduction first of the large four-engined piston aircraft and then with the jets, the American aircraft industry has dominated the airways of the world. This dominance has been based on designing and producing technically and economically superior aircraft that could be operated at lower unit cost than their foreign rivals. The consequent secular decline in the costs of air travel and shipment has, of course, been the major force behind three decades of spectacular growth in commercial aviation.

With the SST the situation is different in a crucial way. Whereas the SST would offer many technical advances and be a monument to the sophisticated design and production capabilities of American industry, it is expected, even by its most enthusiastic supporters, to be more costly per seat-mile than the subsonic jets it is intended to replace.

COST INCREASES

The FAA has estimated that ideally the seat-mile costs of the SST would approximate those of present subsonic jets at maximum range, but they would be higher at shorter ranges and, of course, over populated areas where, according to present regulations, it would have to fly at subsonic speeds. Thus, its average cost, even by FAA estimates, would exceed those of present jets. However, in the eight to ten years before the SST was in extensive service, there will be improvements in the new wide-bodied subsonic jets that will reduce their operating costs. Further, clearing up the remaining technical problems and imposing any additional restrictions on its use, such as restricting airport operations at night, would probably raise its operating costs further. The SST is expected to cost one-quarter to one-third more per seat-mile than the then-existing fleet of subsonic jets.

This would pose a serious problem of both domestic and international fare policy for the government. A policy that would be both efficient and equitable would require a fare premium reflecting the cost differential between the supersonic and the subsonic vehicles. If the fares were set at 25% to 30% above the corresponding fares of the subsonics, SST passengers would have to pay for the speed advantage, and travelers at subsonic speeds would not have to subsidize SST operations through excessive fares. The advantages of each type of service would be available to passengers in accordance with their willingness to pay. However, aviation experts simply do not believe that to most travelers supersonic speed will be worth what it costs. Consequently a fare policy that made broad economic sense would visit financial disaster on the whole SST venture.

If the SST is eventually produced under federal support it is likely to be impossible for the U.S. government to insist on rational pricing of its services. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, letting the U.S. SST become a financial failure would be, to say the least, politically difficult. Obviously, to retain the appearance that the American taxpayers were recouping their investment in the SST, the government would be under great pressure to force many of them to subsidize the SST through excessive fares.

If, as is to be expected, there were little or no fare differential, travelers would presumably prefer the time-saving and would fly on the SST. Payloads on subsonics would tend to be depressed. Their early retirement from the affected routes would be forced on the industry. A larger and larger proportion of at least the trans-ocean fleets would become supersonic, and hence, to avoid losses, the fares on those services would have to approach the seat-mile costs of the SST. Thus, such a fare policy would almost certainly force fares on virtually all types of aircraft substantially above the level at which they would otherwise rest.

Given the effect of the SST on fares, the implications of "success" of the SST program are not hard to draw. First and most obvious, there would be less air travel than otherwise.

If air travel is constricted there will be less employment in the airlines, fewer aircraft will be needed and, hence, eventually perhaps less employment even in the aircraft industry.

DECREASE IN AIR TRAVEL

How much of a decrease in air travel could be expected is impossible to predict with precision, but in 1964, when the most recent sweeping reductions in trans-Atlantic rates went into effect, an average reduction of about 15% was followed by a 40% increase in travel. A major study of the sensitivity of the volume of travel to fares in the North Atlantic indicated that for each one-percent change in fares there had tended to be a two-percent change in travel. If this sensitiviy in the future is only half its estimated level in the past, a 20% increase in overall fares would cause a 20% drop in travel compared to what it would be with a more efficient, subsonic fleet.

Those are the obvious direct consequences for the aviation industry of a technically succesful SST program. They are at least among the reasons why many airline executives privately—and a few publicly—express reservations about the SST. There are other consequences. Since subsonics would be displaced at a faster rate than would otherwise be the case, the obsolescence of the recently acquired wide-bodied and other subsonics would be accelerated; consequently, depreciation and interest charges or equipment write-offs would be increased, reducing airline profits. The financial problems of the airlines would be aggravated. Their debt is now at historic highs; major carriers are incurring unprecedented losses, such as American Airines' $10 million loss in the month of February. To burden present operations and financing with the prospect of billions of dollars of additional investment for a basically inefficient vehicle seems hardly prudent.

There is another serious adverse potential. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this relatively free and expansive arrangement has been increasing in recent years and has accelerated frequently in response to American innovations and to financial difficulties of foreign airlines. The introduction of the SST might induce major restrictions by foreign governments, removing one of the foundations on which American efficiency and pre-eminence in world aviation are based.

But what of the "threat" of foreign supersonics, the British-French Concorde and the Russian TU–144? Will the airlines of the world be forced to replace their American-built fleets with them—as is often alleged? Both these foreign supersonics are ahead of the U.S. SST. Both will probably prove technically operational. But neither is certain. More important, some things about both are certain. Neither will be able to fly even New York-Rome non-stop, to say nothing of Los Los Angeles-London or San Francisco-Tokyo. Neither will be allowed to fly across the U.S. or across Europe at supersonic speeds. Both will be extremely costly to operate: Last November the British Aircraft Corporation announced that the Concorde's expected seat-mile cost would be 36% higher than that of the 747.

There is simply no way that such equipment can penetrate a large segment of the world's aviation market. Whether it penetrates any significant fraction of the U.S.-international market at all depends largely on the policy of the American government. Unless the U.S. government permits fares in international travel (over which it can exert considerable influence) to force travelers on the American-built subsonics to subsidize the Concorde or the TU-144, they will have virtually no markets of significance—even if their remaining technical and operational problems are all solved.

This brings us to the question of American "aviation leadership." Aviation leadership consists of the leadership of our manufacturers and of our airlines.

It is clear that within the aviation community both at home and abroad the U.S. would certainly gain some "prestige" from producing a superior and ultimately dominant SST. Throughout the world there are many aviation authorities afflicted with that form of myopia which prevents their seeing beyond technological elegance to social and economic utility. But many aviation officials also do understand and would resent the economic and financial strains that would be imposed upon their own carriers by artificially premature obsolescence of their American-built subsonic jets, in the interest of U.S. prestige.

The consequences for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead: the world flies American equipment. The British failed to capture any significant fraction of the market with the technically premature Comet or the luxurious but costly VC–10. The U.S. leadership is soundly based on economic reality, not technological novelty. To jeopardize it with a speculative program whose economics are so unpromising that the private sector eschews its opportunities to participate fully would be, at least, a most questionable choice.

Similarly, the U.S. airlines enjoy a highly prestigious, traditionally profitable and socially functional position in international aviation. This, too, is based more on superior economic efficiency than on any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elaborately inefficient vehicle is, at best, risky.

What would be appropriate policy, in the real interests of U.S. aviation? First, the aerospace industry is facing its present serious problems, not because of any developments in the civil air market but because of shifts and reductions in the nature and level of defense expenditures, particularly the secular decline in the procurement of strategic weaponry (and space equipment). No policy concerning civil aviation can solve its problem. It is clearly not appropriate to undertake half measures to try to help some aircraft companies at the expense of the taxpayers or American aviation interests in general. The problems of unemployment in the aerospace industry can only be addressed effectively through a national policy of maintaining generally high levels of employment and through suitable manpower programs.

SUBSIDIES AND UNCERTAINTIES

Second, appropriate policy on the SST for most U.S. aviation interests would involve opposing the present program to subsidize the SST. The SST should be allowed to develop in due course as technological advances in various areas and changes in air transport markets reduce the costs and uncertainties now associated with it—or produce other developments that obviate the "need" for the SST.

Third, aviation interests should press for an early statement that American policy on fares will not permit discrimination either against foreign-built vehicles or, more particularly, against travelers using subsonic equipment—a policy in the interest of air travelers of all nationalities and in the interest of most foreign as well as U.S. airlines.

Fourth, once the U.S. SST is stopped, the U.S. should pursue an international agreement to discontinue subsidization of SST development.

In general the self-interest of U.S. airlines and most manufacturers is served by policies that play to their established economic superiority, rather than to the unstructured game of competitive governmental subsidization.

NEW YORK STATE OSTEOPATHIC SOCIETY ANNUAL CONVENTION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MURPHY of New York. Mr. Speaker, there is no doubt that modern technology has contributed to great advances in every field, and through these advances has made life easier, more enjoyable, and more fulfilling.

Nowhere has progress in technology been felt more strongly than in the field of health care. The American people are living longer, healthier lives than ever before.

Because of the dynamic technology strides, physicians must work tirelessly to stay abreast of new developments.

To the physician, this means a constant education process. This includes attendance at seminars and scientific meetings where the latest strides in health care are discussed.

I believe that in this regard, it is important to note the dedication and resourcefulness of the New York State Osteopathic Society, which soon will celebrate its 73d anniversary. Since its inception the society has carried on a constant campaign to place the latest advances and technological developments in health care before its membership.

I believe the New York State Osteopathic Society should be commended for its educational endeavors on behalf of its membership as reflected in the theme of its forthcoming annual convention to run from April 29 to May 2. The theme will be "The Impact of New Technological Advances and the Government on Medicine and the Doctor."

This is indeed a praiseworthy topic, since many physicians are concerned over prospects for "pushbutton medicine" in the future.

Physicians are aware of these dynamic changes in technology that are already affecting the practice of medicine.

In view of physicians' concern about the future of health care and how modern technology will affect their practice and the well-being of their patients, and to explore the latest advances, the New York State Osteopathic Society will bring together an outstanding group of guests at its annual meeting to give their views on the theme of the event.

The guests include: Ralph Nader, attorney and well-known advocate of consumer protection; Senator ABRAHAM RIBICOFF, former Secretary of Health, Education, and Welfare; Scientist-Astronaut Dr. F. Story Musgrave; W. E. Kerr, manager of the Medical Industries Department of IBM; Dr. Martynas Ycas, professor of microbiology, Syracuse Medical School; Dr. John L. S. Holloman, leading advocate of national health insurance; and Richard K. Eamer, chairman of the Board of National Medical Enterprises.

I believe that this distinguished guest list, as well as the forward thinking theme of the New York State Osteopathic Society convention could very well serve as model for other organizations, both in the health disciplines and outside of them, who wish to prepare their members for technological advances that will make startling changes in their professional lives and in the lives of the public at large.

FREEDOM—OUR HERITAGE

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MATHIAS of California. Mr. Speaker, the California winner of the Veterans of Foreign War's Voice of Democracy contest is a young lady from my district, Miss Joy Huff of Tehachapi. She is a 16-year-old high school sophomore and the daughter of Mr. and Mrs. David M. Huff.

Joy's winning speech, "Freedom—Our Heritage," shows imagination and a clear understanding of the principles on which America was founded and has prospered for nearly 200 years. She acknowledges the fact that freedom is a cherished privilege and that it requires a devotion to duty if it is to be maintained and enhanced.

This is an excellent speech which I insert in the RECORD for the attention of my colleagues:

FREEDOM—OUR HERITAGE

While on a trip to the east coast where I had explored Valley Forge, visited Independence Square, stood in Constitution Hall, trod the streets of Washington, D.C. and New York, and climbed the stairs of the Statue of Liberty, I suddenly found myself in the emergency ward of a large city hospital. Under the deliriums of high fevers, I dreamed that I was Liberty—the American dream of democracy. As I lay there dreaming, I dreamed that the Statue of Liberty was suddenly there handing me her flaming torch.

"But, but why give it to me?" I asked.

"Because we need young people to carry this torch."

"But why not someone wiser, someone more talented?" I implored.

"You!" replied the Statue. "Freedom is your heritage, your responsibility."

As I reluctantly accepted the torch it became like a magic wand in my hands turning back the clock of time. I could see ships coming into the harbors carrying people from every nation of the world—people whose dream was the dream of democracy. As I moved the torch again, I saw a group of fiery patriots signing the Declaration of Independence. With one more sweep of the torch I heard Lincoln so eloquently proclaim that government of the people, by the people and for the people shall not perish from the earth. With that, the Statue of Liberty reclaimed her torch for a moment and then she handed it back to me.

"Now, look!" she exclaimed.

The time was the present, the setting was one of our large American cities. She directed my attention to a crowded newsstand overflowing with pornographic material.

"Is this what you have let happen to our freedom of the press?" she asked.

From another busy street corner came the angry cries of rioters and picketers.

"Have you, today's Americans, let the right of freedom of speech degenerate to this?" she asked.

"But what can I do?" I cried.

"Freedom is your heritage; all that is necessary for the triumph of evil is that good men do nothing," quoted the Statue.

And she vanished from my dream.

Later, as I was winging my way back across the United States, I found myself still pondering what the Statue had told me—looking for answers as to how I could help. Perhaps we can invent a Bill of Duties to protect our Bill of Rights. For example, I have the right to worship as I choose, but I have the duty to allow others the same privilege. I enjoy freedom of speech but it is my obligation to be fair and temperate in all that I say. In my own high school, I can help by participating in student government—not just by holding offices, but by helping those who do, by working with them and for them. On the problem of narcotics and moral issues, I can be encouraged to make my stand even stronger. To fulfill the challenge of freedom, we must first re-build the fiber of our national life so we can be a nation whose strength is in her obedience to the moral law of God.

As we flew over the brownish polluted waters of our Great Lakes, I resolved to continue to participate in my school ecology club helping to re-seed our mountains, recycling our school papers, becoming aware myself and helping others to become aware of the problems of our environment. We want to preserve this land of ours so we can enjoy it. But to be able to enjoy it, we must have freedom.

Now as I think back on my dream, I want to accept that torch the Statue has handed me and say, "Yes, our forefathers fought for democracy and I want to strive to keep it."

ART AND ACADEMICS: SUNY AT PURCHASE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. REID of New York. Mr. Speaker, one of the newest units of the State University of New York is the College at Purchase, in my own home town. Scheduled to open next fall, the College at Purchase will be unique among institutions of higher learning in its combination of academics and the arts. Eighty percent of the college's students will be in liberal arts programs and the other 20 percent will be enrolled in autonomous professional schools of the visual and performing arts.

This unusual emphasis on the arts at the college level is a most welcome one and I am proud that this fine experiment will begin in Westchester County. A recent article in the Woodrow Wilson Fellowship Newsletter of February 1971 describes SUNY at Purchase in more detail, and I would like to share it with my colleagues:

ART AND ACADEMICS: SUNY AT PURCHASE

"A natural place for the arts to flourish," suggested State University of New York Chancellor Samuel Gould in 1966, "is on the university campus." When SUNY decided to establish a campus for the liberal and fine arts, Dr. Abbott Kaplan, an Associate Dean of Fine Arts and Professor of Theatre Arts at UCLA, was consulted and then chosen as President of the new college at Purchase, which is scheduled to open in the fall of 1971 and will be SUNY's center for the visual and performing arts.

So far the arts have not flourished on many college campuses. What would seem to be a natural mating process between art and academics has not occurred, much less led to marriage, because universities have insisted on dominating the relationship, imposing academic criteria on artists to whom such criteria are meaningless and useless. The arts, if they are accepted by a university at all, are relegated to the outskirts of academic life and treated as troublesome, scatter-brained females.

The College at Purchase will offer its students the best features of conservatory training alongside liberal arts programs in the humanities, natural sciences, and social sciences. Eighty per cent of the College's students will be in liberal arts programs. The other twenty per cent, in autonomous professional schools of the visual and performing arts, are to be chosen on the basis of talent rather than academic background. Placing art schools on campus should enable committed artists (and not necessarily rich ones: Purchase's low tuition—$400 for New York State residents, $600 for students from out of state—will make professional training possible for many who could not afford to attend expensive, private conservatories) to draw upon the various intellectual and academic resources of the university. Amateurs will be discriminated against in this arrangement: a liberal arts student may use the facilities of the art schools, and study the history of drama or the psychology of the creative process in painting, but drama and painting will be left to the professionals.

The Purchase campus is located on five hundred acres of what used to be a millionaire's cattle farm in Westchester County about twenty miles from Manhattan. What was the master bedroom in the estate's main house is now the office of the College's Vice President for Academic Affairs, Frank W. Wadsworth (WWF, 1946–47; Member Regional Selection Committee, 1954–63; at various times Chairman of Regional Committee, member National Selection Committee, National Representative; and now Chairman of the Friends of the Woodrow Wilson National Fellowship Foundation).

The liberal arts program has a lower profile than the fine arts but will, according to Dr. Wadsworth, be quite unusual. The faculty intends to break away from the four-year, credit-counting structure of education and let students move at their own paces through seminar work, independent study, and tutorials, using an honors/pass grading system without the dimension "fail." During the first two "general education" years, work will be problem-oriented and multidisciplinary, with no required courses. In the latter two years students will be encouraged to become involved in their own work and in faculty research.

Variety of experience and interest appears to be the chief criterion for Purchase's selection of faculty. Faculty members are being hired whose research will interest students, and all the school's administrators will be teachers. Dr. Kaplan, President of the College, whose Ph.D. is from Columbia in Industrial Relations and who has served as a labor arbitrator, brought the first professional theatre company to a university campus (UCLA). Michael Hammond, Dean of Music, was a Rhodes Scholar in Classics from Lawrence University in Wisconsin; at Oxford he became interested in neurophysiology, which he was teaching at Marquette University when he decided that his real love was music. He was Director of the Wisconsin Conservatory of Music and Conductor of the Milwaukee Symphony Orchestra before coming to Purchase. Dr. Rene Dubos, University Professor and Director of Environmental Studies, author, lecturer, microbiologist, and, experimental pathologist, won the Pulitzer Prize in 1969 for *So Human An Animal,* and has been at Rockefeller University in New York.

Art and academics are a sexy combination, and their liaison at Purchase is generating a good deal of interest and curiosity. Instead of the traditional subjugation of the arts to lordly reason, and instead, too, of a youthful affair in which both parties lose their identities trying to jump into an interdisciplinary bed, the directors of SUNY at Purchase propose a relationship of proximate separateness, in which the arts and the liberal arts may communicate and cross-fertilize but remain essentially distinct, rooted in their respective disciplines.

THE NIXON DOCTRINE IN ACTION

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. SKUBITZ. Mr. Speaker, the operations by the Armed Forces of South Vietnam against North Vietnam-occupied sanctuaries in Cambodia and Laos that border South Vietnam illustrate the Nixon doctrine in action. We are providing air support to the South Vietnamese as they fight on the ground for the security of their country. We do so—not only to help South Vietnam—but to save American lives in Vietnam, enhance the progress of Vietnamization, and to make it possible to return home additional thousands of American men from that area of the world.

President Nixon through his Vietnamization policy has begun bringing our forces home and we are now within sight of the time when only one American serviceman will remain in Vietnam for every two who were there when President Nixon took office. As administration spokesmen have said, the number of Americans in Vietnam will continue to decline in the months that follow. Secretary Laird has pointed out how other measurements of U.S. involvement such as casualties and budget costs are also down.

Last May—to enhance the program of Vietnamization, to bring about further reduction of casualties, to speed the process of bringing our troops home—American and South Vietnamese forces disrupted North Vietnam-occupied sanctuary areas within Cambodia. Because of these operations in Cambodia, American lives were saved and more Americans are coming back home. The southern regions of South Vietnam, which up to that time were under constant threat from the sanctuaries in Cambodia have achieved a far greater measure of stability and tranquility than they had known in several years.

Now, another operation is in progress—this time to disrupt other occupied sanctuaries in Laos and in Cambodia. There is a difference, however, as we have been assured that no American ground combat forces are or will be involved.

The current South Vietnamese operation in areas of southern Laos occupied and used as sanctuary areas by the North Vietnamese invaders is called Lamson 719. It was undertaken by the Armed Forces of South Vietnam to disrupt the North Viet flow of supplies and personnel into South Vietnam. We are supporting Lamson 719 with air and artillery from South Vietnam to enhance Vietnamization so that more American troops can be brought home and so that those who remain will be subjected to less danger. In my opinion, such actions are not a reversal of our policy of winding down the war, of reducing American troop levels, and of phasing out of combat activities in Southeast Asia. Rather, they will shorten the war in the absence of a successful negotiated end to the conflict and allow us to continue to cut American troop strength and casualties. In a few months, we will have turned over the ground combat responsibility of American Forces in South Vietnam—and it is only inside South Vietnam that our ground combat forces are deployed—to the South Vietnamese.

Let me emphasize the action against the Vietcong-held territory in Laos is limited. It is limited in two ways.

First. The ground combat forces are limited to South Vietnamese forces.

Second. It is limited to certain areas in the southern part of Laos which have been plainly under enemy control for years and which have been used for the storage of supplies and movement of North Vietnamese troops and supplies into South Vietnam and Cambodia.

WHITE HOUSE PROUD OF ITS FIGHT FOR BLACKS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. VEYSEY. Mr. Speaker, I would like to call attention to a well-documented column by Victor Riesel which might well cause carping critics of the administration to take a new look at its accomplishments. In this instance Mr. Riesel discusses, among other things, what the administration has done for blacks, and he concludes that the record is worth looking at.

Says Riesel:

> There has been no Nixon alchemy for instant gold in every ghetto. But there is a record. There is a gold flow in the hundreds of millions of dollars; there are fewer hungry children; lots more housing; far more infighting to get black workers into high-paying skilled construction workers unions; more black banks, more black businessmen, more black building contractors, more black college students.

The text of the column follows under the title "White House Proud of Its Fight for Blacks."

I include the article as follows:

WHITE HOUSE PROUD OF ITS FIGHT FOR BLACKS

(By Victor Riesel)

WASHINGTON.—At Camp David last weekend President Nixon's thoughts were as much on the bleak tobacco roads and asphalt jungles of America as on the bloody trails of jagged Laos. The poverty war at home was as much with him as the conflict abroad.

And as every realist, every insider here knows, there is a war within a war in the war on poverty. There is a Black Caucus, led by such articulate militant congressmen as New York's Shirley Chisholm, Michigan's John Conyers, Jr., Missouri's William Clay and California's Ron Dellums. They're stalking the President, anxious to see him inside the White House, eager to rip him politically outside. There was a meeting set for the week of March 21. But the gathering has been postponed.

The President and his special aides, facing a possible overheated summer, take an Al Smith posture and say, look at the record. And, comes the summer, this could be a burning question. It's worth looking at the record.

There has been no Nixon alchemy for instant gold in every ghetto. But there is a record. There is a gold flow in the hundreds of millions of dollars; there are far fewer hungry children; lots more housing; far more infighting to get black workers into high-paying skilled construction workers unions; more black banks, more black businessmen, more black building contractors; more black college students.

Attempts at profundity can be counterproductive, especially among us amateurs. Look for a moment at the untold story of the special White House task forces which have hit this nation's tobacco roads.

These are small teams, organized by Robert Brown, special assistant to the President. For almost two years now they have gone into the backroad communities in the South, in Appalachia, in Illinois, and West Virginia—wherever there are small towns, heavily populated by the poor, almost out of the money economy, missed by all the programs and unnoted by the previous poverty fighters.

In these "communities" exist anywhere from 10,000 to 15,000 folk, often hungry, jobless and almost always hopeless. But some 20 of the towns have been visited by Bob Brown's teams—made up of specialists from the Agriculture Dept.'s food section, from Housing and Urban Development (HUD) from the Dept. of Health, Education and Welfare (HEW) and the Labor Dept.

"We went into Roosevelt City (sic)," says Mr. Brown, "and found 10,000 black people. They had no recreational facilities and let's not talk of the sewage. And we went into Hobson City, Ala. We found no clean drinking water. Well, in the first town we got them grants for their needs in less than 10 days. In Hobson we got them drinking water facilities, and a lot more, in 30 days.

"Just look at a town called Robbins, Ill. They had the same problems there—sewers, no jobs, hopelessness. We went in. We got them a grant for 200 jobs. We got them a $2 million loan back-up and they're now working on water and sewage installation."

Point is that $50 million can be put into some central city and there'll be nothing for five years. But now put $10,000 to $50,000 into some small community and you get results—in human values—as well as sewer sociology in a month.

There's still lots of rot out on those tobacco roads of Appalachia, says Mr. Brown. But at least there's less of it. And there will be less and less.

There are other fronts—jobs, for example. Virtually unnoticed on March 1, the Philadelphia Plan was revisited. James Hodgson's Labor Dept. ruled that any federal contractor having private construction work in the area—meaning Philadelphia or any one of the 100 cities in which a black job goal and timetable for absorption is set—must go out and find black workers for his private enterprise as well as for those which get federal dollars.

This means that in 100 cities—and more soon—a contractor constructing an aircraft carrier at one end of the dock, and a shiny pizza pie oven in a plant at the other end, must go out and affirmatively hire black workers for both projects. This concept is revolutionary though its impact hasn't yet been felt.

Furthermore, on another front—the work front—there are quotas, a word which pains the White House and the Labor Dept., or goals, which is more euphemistic. There are definite numbers of jobs and very definitive timetables set for putting blacks to work in private industry. Also the Labor Dept. is moving towards taking over full control of apprentice programs and on-the-job training—which means the government will not need permission of the unions to cut the length of the training or increase the number of blacks and other minorities in the pipeline.

Furthermore, the government has increased by 1300 per cent the placement of procurement contracts with black firms. The dollar value is up from $7.6 million to $37.4 million. There now is $100 million flowing into black banks. More blacks are in high-level positions inside the government than ever before despite the resignation of the eloquent Jim Farmer.

And to pick at random from the White House record—in May 1969, food for the needy reached 6.9 million of our hungry and wretched. Today relief does get to 12.3 million. Early in 1969, there were more than 400 counties without food stamps or commodity programs. Now there are only 10 such counties in America.

Certainly there's a fight to be made. But let it be fought for the hungry, the ill-housed and ill-clothed.

Let there be reason. Ban the political bomb.

OPERATION LAMSON 719 HAS A DISRUPTIVE EFFECT IN SOUTHERN LAOS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DEVINE. Mr. Speaker, for a number of reasons, we sometimes stand too close to the trees to see the forest. This was true for some of us when United States and South Vietnamese troops finally broke North Vietnam's stranglehold on Cambodia last May and June. As the months have passed, proving President Nixon's arguments to be correct, most of us now see the Cambodian operation in clearer perspective. Never again can the planners in Hanoi rely on Cambodian sanctuaries. The North Vietnamese can never be sure the stockpiles they build up on territory seized from a sovereign government will be available for their efforts to seize control of South Vietnam.

Operation Lamson 719 has now had this same disruptive effect in southern Laos, and I am pleased to say there are far fewer of us who are missing the forest for concentrating on the trees. North Vietnam's lifelines to its forces in South Vietnam and Cambodia have been cut. Not permanently, for there was never any intent to occupy and control southern Laos as the North Vietnamese have done for years. Instead, as President Thieu made clear when Lamson 719 began, the intent was to disrupt. In an operation limited both in time and in scope, the aim of the South Vietnamese was to upset Hanoi's timetable for aggression in the south, and to introduce a factor of uncertainty with which North Vietnamese planners have never had to cope. Just as in Cambodia since last June, the leaders in Hanoi can never again be sure their stockpiles—in fact, their entire supply system developed with such painstaking care outside North Vietnam—will be available to support aggression against their neighbors in Southeast Asia.

True enough, South Vietnam's success in Laos has not been cheaply bought. These were in fact lifelines that were being cut, and the North Vietnamese reacted strongly. On occasion, and especially at first, South Vietnamese casualties were numerous and our own losses—mainly in aircraft crews and their aircraft—reflected the bitter fighting. But the toll exacted from the North Vietnamese was far, far higher, even though that fact has not been always so well publicized. I have no doubt that the final results of Lamson 719 will be reflected only in part in the widely disparate losses for each side. Just as in Tet 1968, when North Vietnamese losses among their combat leaders were so staggering but the crippling effect took time to become evident, and in Cambodia last year, when the disruption of enemy supply lines to South Vietnam took time for us to be sure of our success, the real impact of Operation Lamson 719 will only become clear as we approach next year's dry season. It will be then that we confirm what shows every sign of being true today—that the disruption caused by Operation Lamson 719 has seriously upset Hanoi's plans for aggression in the South.

As the operation moves now into its final stages, we can only imagine the frustration of the North Vietnamese as they face the oncoming wet season with their logistic system shredded in key locations, knowing that the lid has been ripped off the last of their crucially important sanctuaries in the territory of their neighbors.

Once again, the South Vietnamese, with our help, but this time only in a supporting role, have gained time in their fight to determine their own future without interference from outside. I applaud their bold stroke, and hope the success of Operation Lamson 719 moves us closer to the day when a negotiated settlement brings peace to Indochina.

"IT'S TIME TO REORGANIZE"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. CONTE. Mr. Speaker, I would like to call the attention of my colleagues to an editorial on March 8, 1971, in the Boston Herald Traveler which notes that the President's recent proposals to reorganize the Federal Government have met a rather cool response on Capitol Hill.

The editorial calls Mr. Nixon's program long overdue, says it makes sense and concludes that it should be getting more serious attention and support from Congress than it has received to date.

I insert in the RECORD the full text of the editorial.

IT'S TIME TO REORGANIZE

President Nixon's recent proposals to *reorganize* the federal government, including a reduction in the number of Cabinet departments from 12 to eight, have met a rather cool response on Capitol Hill, and sharp opposition from several special interest groups.

The proposed reorganization, however, not only makes sense; it is long overdue. Despite the fact that the federal government's responsibilities have changed and expanded rapidly in recent years, there has been no major overhaul of its organizational structure in decades, and there has never really been a good shake-up from top to bottom.

In less than 20 years, three new departments have been added to the Cabinet, the number of major independent agencies has increased from 27 to 41, domestic programs have multiplied from barely more than 100 to approximately 1,400 (no one seems to know the exact number any more), 600,000 employes have been added to the civilian payroll and the federal budget has gone from $42 billion to over $200 billion.

Any private business which had experienced such phenomenal growth without examining and reorganizing its executive structure from time to time would probably have gone bankrupt long before now.

It is simply asking too much to expect departments and agencies—many of which were created over half a century ago to deal with the problems and administer the programs of a simpler era—to cope efficiently with problems and programs that exist today.

Under the existing set-up, for example, one Cabinet department is in charge of federal parklands and another department handles federal forest lands, though there is often no real distinction between the two. One department is in charge of wilderness areas, but another handles recreational areas, though the two functions might easily be combined. Programs involving health and nutrition are administered by separate agencies, and so are educational and job training projects, to cite a few of the many additional examples which prove the same point.

If there were ever good reasons for Washington to operate in this fashion, we can't think of a single one to justify continuing the practice any longer.

Nor can we think of any good reason why the President's proposed reorganization should be opposed on an ideological partisan basis.

The President's proposals were wholeheartedly endorsed recently by *Joseph A. Califano Jr.*, a Democrat who served as a special assistant to President Johnson in the last administration. Writing in the New York Times, Mr. Califano said that the Nixon reorganization plan "should make abundant good sense to conservatives and liberals alike." Conservatives should applaud it, he noted, because it offers "opportunities to eliminate overlapping programs and for more efficient operation and cost reduction." For liberals, he said, the reorganization could mean "a long step forward in our ability to convince the American taxpayer that we are providing government machinery capable of giving them something for the taxes they are paying."

Surely a plan proposed by a Republican president, endorsed by Mr. Califano and other prominent Democrats which is appealing to both conservatives and liberals should be getting more serious attention and support from Congress than it has received to date.

TOWARD A MORE RESPONSIVE REGULATORY STRUCTURE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. GETTYS. Mr. Speaker, recently the Conference of State Bank Supervisors—CSBS—published the results of a year-long study conducted by a special committee of that organization. The study is entitled "Toward a More Responsive Regulatory Structure."

As the title suggests, this resource document has as its objective a critical examination of our present decentralized banking and bank regulatory structure and the presentation of recommendations designed to improve the efficacy of the Federal and State bank supervisory agencies as well as to provide better banking in the public's interest. It is a thought-provoking presentation and deserving of our careful consideration.

The sponsor of this study, the Conference of State Bank Supervisors, has as its regular members the public officials in each State who are charged with the responsibility for overseeing the more than 9,000 State-chartered banks that make up the State banking segment of our dual banking system.

There were three general principles followed by the CSBS special committee in its recommendations concerning Federal regulation and law that affect State banks and State banking departments. These basic principles can be summarized as follows:

First. All supervisory authority over banks presently vested in the Federal Reserve Board and unrelated to monetary policy should be, to the extent that this authority is continued at all, transferred to the Federal Deposit Insurance Corporation. The Federal Reserve Board should concentrate its attention on monetary policy, and whatever additional authority it needs should be granted the Board in order that it might most effectively implement monetary policy.

Second. The Federal Deposit Insurance Corporation is the only Federal agency which properly should have any supervisory authority over State banks, and that authority should be limited to the management of its insurance risk. Additionally, the FDIC should be authorized to make a finding that a particular State banking department has adequate supervisory and examining capacities and to exempt its State-chartered banks from the supervision of the FDIC other than reporting rquirements which would permit the Corporation to assess its insurance risk. Of course the FDIC would be able to resume active supervisory authority over any insured bank in the event continued exemption raised serious problems in connection with the management of its insurance risk.

Third. Regulatory powers and activities of the Federal Reserve Board and the Federal Deposit Insurance Corporation that are not related to monetary control or insurance risk, respectively, should, in most instances, be reassigned to other agencies at the Federal and State levels.

There are other recommendations proposed in the CSBS study, which document I understand has been transmitted to the Federal Reserve Board, the Federal Deposit Insurance Corporation, other pertinent governmental agencies, and also to the Presidential Commission on Financial Structure and Regulation.

Naturally, some of the proposals are controversial and will meet with opposition from various sources but this should not deter careful consideration of changes which could produce a banking and bank regulatory system better able to serve us. This study is the product of much research and consideration by officials who are daily confronted with the problems of providing an innovative and efficient regulatory climate that will permit the banks under their supervision to provide in a sound manner for the increasing credit needs of our country. It is unique in that it contains not only recommended changes in the present regulatory structure but the procedures to accomplish these changes.

Mr. Speaker, I would like to include in the RECORD the introductory chapter of the study to which I have referred, inasmuch as this chapter summarizes in a clear manner the objectives and recommendations of the special committee appointed by the CSBS to report on our bank regulatory structure. I commend all chapters in this informative study to your attention. A copy of the study may be obtained at a nominal cost by writing to the Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C., 20036.

The material follows:

TOWARD A MORE RESPONSIVE REGULATORY STRUCTURE

BACKGROUND

Banking, to meet public needs and convenience most effectively, must not only have skilled, ambitious and creative management, but must also have meaningful, efficient, and flexible regulation. This is especially important in the period ahead when it seems likely that the nation faces a chronic shortage of capital and the banking industry will face demands requiring significant change. An improved bank regulatory structure can appreciably benefit the public during this forthcoming period.

The Conference of State Bank Supervisors' (CSBS) Special Committee on Restructuring the Bank Regulatory System was formed in December 1969, but its genesis goes back much further. In 1965, the Conference (then NASSB) decided to delay further recommendations regarding the federal bank regulatory structure until research had been carried out to determine what constituted adequate bank supervision at both the state and federal level and a program launched to assist state banking departments which currently might not be meeting such standards of adequacy. Initial research carried out in 1968 and 1969 resulted in the publication of a major resource document, *The Supervision of State Banks: Purposes, Standards, and Responsibilities* in June 1969. Immediately thereafter the Conference began a self-evaluation program in state banking departments designed to identify weaknesses and to obtain data needed for developing meaningful standards of supervisory performance.

Progress with the above-mentioned prerequisites as well as recurring talk of a Federal Banking Commission, the trend toward increasing federal control over all banks with a concomitant decreasing reliance upon state law as the standard for both state and national banks (e.g. Truth-in-Lending Act, Bank Protection Act), and the prospect that a Presidential Study Commission might be appointed, led the Conference in December 1969 to appoint the Special Committee. The Committee was charged with thoroughly examining the existing bank regulatory structure, assessing its strengths and weaknesses, and recommending changes that would benefit the public, produce supervisory parity, and reduce unnecessary supervisory duplication.

A. NATURE AND SCOPE OF THE STUDY

The Committee's concern was with the ability of state-chartered banks and state banking departments to serve the public. While the following analysis and recommendations are not without significance to banking as a whole, attention is focused on those features of federal banking agency regulation which apply to state-chartered banks. The problems and issues of importance in banking today are many—bank powers, nonbank competitors, bank structure, credit flows, the regulatory framework—but this study deals only with the last of these: problems and issues related to the bank regulatory structure.

While such a study should not (and this one does not) ignore state regulation, the focus is on the federal regulatory structure. This is perhaps necessary because state regulation must in part be a reflection of the role played at the federal level. In addition, this study builds not only upon a close familiarity with the nation's state banking departments but also upon careful attention to the comprehensive program currently being conducted by CSBS to produce a standardized self-evaluation by each state banking department and to develop model guidelines or standards for adequate supervision.

This study examines in detail the existing regulatory structure and its evolution, and discusses the principal functions of the Federal Reserve Board and the Federal Deposit Insurance Corporation (FDIC) and the circumstances that brought them into bank supervision. It then looks at the need for restructuring with emphasis on an evaluation of the decentralized nature of the present system. Prior to examining specific powers of federal agencies, the study recommends a framework for an improved working relationship between state banking departments and the FDIC and suggests changes in the administrative structure of the FDIC. Specific recommendations are then made regarding needed changes in the allocation of monetary, insurance, and other powers now carried out by the Federal Reserve Board and the FDIC.

B. OBJECTIVES AND PRINCIPLES

The objectives of this study were twofold:

1. to explore the development and assess the benefits of a decentralized banking and bank regulatory system; and
2. to recommend changes in the regulatory framework which would increase regulatory efficiency, preserve the advantages of decentralization, increase the efficacy of monetary policy, provide greater consistency in regulatory decisions. They would enable banking in the public interest.

The changes recommended would reduce duplication and resulting conflicts and delays in regulatory decisions, and provide better the Federal Reserve System to more effectively concentrate on maintaining a generally healthy economy and give the Federal Reserve Board additional powers to carry out that function. These changes would reduce the inconsistencies which now attend some merger decisions and make more uniform the application of laws that apply to other business firms as well as banks. Finally, they would increase the flexibility and adaptability of the banking system by providing for regulation more responsive to changing public needs by being more market or community oriented.

There were three principles followed by the Committee in recommending changes in federal law and regulation applicable to state banks which can be summarized as follows:

1. The Federal Reserve Board should concentrate its attention on monetary policy, and federal functions relating to the supervision of state banks should be concentrated in a single agency if more responsibility is to be assigned to the states. Accordingly:

a. all supervisory authority presently vested in the Federal Reserve Board that is unrelated to monetary policy should be, to the extent it is continued at all, transferred to the FDIC;

b. additional authority should be granted the Federal Reserve Board to the extent needed to effectively implement monetary policy.

2. The FDIC is the only federal agency which should have any supervisory authority over state banks and that authority should be limited to the management of its insurance risk. Recognizing, however, that it exercises supervisory authority over state banks in some states which could not currently carry out that responsibility alone were supervisory authority of the FDIC drastically curtailed, a first step should be to institute a system of exemption to permit those states able to "go it alone" to move immediately into a more independent position, with other states achieving exempt status upon meeting corresponding standards. Accordingly:

a. supervisory authority of the FDIC over state-chartered banks should be limited to those activities which directly relate to insurance risk;

b. an agency or body should be authorized to make a finding that a particular state banking department has adequate supervisory and examining capacities and to exempt its state-chartered banks from supervision of the FDIC other than reporting requirements which would permit the FDIC to assess its insurance risk;

c. this agency or body would be authorized to recommend "reentry" into active supervision by the FDIC in the event continued exemption raised serious problems of management of insurance risk.

3. Regulatory powers and activities of the Federal Reserve Board and the FDIC not related to monetary control and insurance risk should, in most instances, be reassigned to other agencies at the federal and state levels. Included are such regulatory activities as merger approvals, truth-in-lending, securities regulations, etc. Specific recommendations are summarized in Table 1.

C. SUMMARY OF RECOMMENDATIONS

The Committee made recommendations of three general types: (1) those transferring or eliminating a federal regulatory activity; (2) those clarifying or providing additional regulatory authority to the Federal Reserve to carry out monetary policy; and (3) those affecting the administrative relationship between the FDIC and state banking departments.

1. Recommended transfer of regulatory authority

Table 1 below summarizes the recommendations for transfer of regulatory authority. In some cases, these transfers would give the recipient totally new responsibility, in others they merely consolidate already existing authority in a single agency which previously shared responsibility. Items 10 and 11 in the Table deserve some comment regarding the role of the FDIC. The Committee's recommendation is that the FDIC accept condition and examination reports in lieu of their own from "certified" state banking departments. In other states and in cases of special data needs or bank difficulties, regular and special examinations would continue to be conducted as needed by the Corporation.

TABLE 1.—RECOMMENDED TRANSFER OF REGULATORY AUTHORITY

Authority over	From	To
1. Consolidation, merger and purchase of assets	FRB and FDIC	States[1]
2. Holding companies	FRB	FRB
3. Consumer credit protection	FRB	FTC
4. Deposit interest advertising	FRB and FDIC	FTC
5. Lottery participation	FRB and FDIC	Justice
6. Stock certificate representations	FRB	SEC
7. Securities Exchange Act	FRB and FDIC	SEC
8. Branch authorization (domestic)	FRB and FDIC	States
9. Capital requirements	FRB and FDIC	States and FDIC
10 Reports of condition	FRB and FDIC	States (FDIC)
11. Examination	FRB and FDIC	States (FDIC)
12. Affiliate transactions	FRB	FDIC
13. Real estate loan sales; trust powers	FRB	States
14. Dealing in securities, etc	FRB	FDIC
15. Investment in bank premises	FRB	States
16. Bank service arrangements	FRB	FDIC
17. Interlocking directorates	FRB	FDIC
18. Protective devices	FRB	FDIC
19. False check certification	FRB	FDIC
20. Interest on deposits	FRB and FDIC	FRB

[1] The Department of Justice would retain existing control under the antitrust laws.

If the recommended transfers took place, the most significant initial impact would, of course, be on the Federal Reserve Board. Coupled with other recommendations discussed below, the Board, with no diminution in data or access to reports and records, would be able to concentrate to a far greater extent than at present on monetary policy and general economic conditions. State member banks would find themselves subject in terms of supervision, to more nearly the same rules and conditions as their non-member counterparts, and all state-chartered banks would come far closer to supervisory parity with federally chartered banks. State banking departments would have authority consistent with their responsibility and the opportunity and incentive to achieve full parity with the federal chartering agency. In addition, duplication of effort and conflicting decisions or opinions between state banking departments and the Federal Reserve Board or state banking departments and the FDIC would be largely eliminated.

A regulatory matter which applied to all business, not merely commercial banks, would be administered by a single agency thus increasing the consistency of decisions. The FDIC would have, where the management of insurance risk was involved, the necessary authority over all insured banks, but would no longer be involved in management decisions divorced from insurance (e.g. branches) or related to monetary policy (e.g. interest on deposits). All the above mentioned would benefit the public by increasing the efficacy of public policy in general economic and banking matters and providing greater scope for flexibility in bank regulation.

2. Recommendations for new regulatory authority

The Committee had no intention of restricting Federal Reserve Board access to data. Accordingly, it strongly recommends that the Board be given clear and unquestioned access to the condition, dividend, and examination reports of the states, the Controller of the Currency, and the FDIC. In addition, the Board should have the authority, upon a finding that such is necessary for monetary policy and not available from other sources, to conduct such research, studies, and inquiries as needed involving any insured bank. Such authority would serve further to assure for the Board a continued voice in helping to determine the questions to be included in the report forms used by the other agencies.

To assure uniformity of treatment and to strengthen monetary policy, control over foreign branches and the acquisition of stock in foreign banks should be retained exclusively in the Federal Reserve Board and extended to all insured banks.

Provisions relating to the control over the speculative use of credit should be strengthened by making them applicable to all insured banks.

To assure that the authority of the Federal Reserve Board in the pursuit of monetary policy is neither implicit nor indirect, references to "state member banks" in the Federal Reserve Act should be amended to read "all member banks."

Without making specific recommendations, the Committee also strongly urges careful study of the necessity for control over reserve requirements and interest payments on deposits. It also believes that equity and efficacy suggest the need to examine the desirability of extending Federal Reserve authority to insured financial institutions other than member banks.

3. Recommendations affecting the administrative relationship between the FDIC and State banking departments

The Committee recommends a revision in the administrative structure of the FDIC to provide for a president who would serve as the chief executive officer of the Corporation and as chairman of a reconstituted board of directors. The president would have essentially those powers of the present board (except those transferred as per Table 1), but capital adequacy, cease and desist, and insurance termination would be powers transferred to the reconstituted board of directors.

The Committee recommends that the reconstituted board be given power to promulgate and issue regulations and have a discretionary appeals capacity regarding decisions by the chief executive officer of the Corporation.

Finally, the reconstituted board would have the responsibility for "certification" of fully qualified state banking departments, such certification resulting in FDIC acceptance of condition and examination reports from those states in lieu of their own and in automatic insurance of new banks chartered by those states. Certification would be based upon a recommendation of a "visiting evaluation team" which would appraise state banking departments upon request. The Committee recommends that the FDIC work with CSBS in their present Self-Evaluation Project to determine standards of acceptable supervision and to develop a satisfactory procedure for appraisal and certification.

A certification process would allow the FDIC to devote more time to problem banks, would provide incentives to states to improve their state banking departments, would eliminate duplication and conflicting decisions, and would speed up the regulatory process especially in the matters of new charters and branch approval.

CAPITOL HILL POLICE FORCE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. JACOBS. Mr. Speaker, since the recent bombing of our Capitol, I have heard several references made to the alleged incompetence of the Capitol Hill Police Force. I feel that it is time that this false impression be corrected. The Capitol Police are performing a difficult but necessary function here, and they do it professionally and well. In a time when cries for law and order are common, we have the Capitol Police to thank for the degree of law and order that exists on Capitol Hill.

Recently I have learned that our thanks to these men are inadequate. These past few weeks, when working double time was not uncommon, the Capitol Police Force has not received any overtime pay. These men are professionals and they deserve our full gratitude for the fine job they are doing. Yet they are one of the few police forces in the country that does not receive any extra pay for working overtime.

There is no way that we can be completely insulated from the danger of irrational violence. Nothing can prevent acts such as the recent bombing, unless we institute such security measures as personal searches or visits by authorized personnel only.

These measures would be unfortunate. We are approaching the peak tourist season in Washington, when many people come to see their Government in action. The Capitol has always been open to its visitors and we have the excellent work of the Capitol Police and the good will of the American people to thank for the extraordinary record of safety here.

I suggest that we show our gratitude in a tangible way, rather than with pleasant words alone. Reforms should be made, allowing the Capitol Hill Police to receive wages in accord with the laws applying to others that we have passed on minimum wages and maximum hours. Since these men are doing such an excellent job, let us return their service by correcting their unjust pay system.

THE GLOBAL SOVIET NAVAL CHALLENGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HOGAN. Mr. Speaker, I must reiterate the necessity of building up our seapower. While the Soviet Union continues to develop an extremely powerful navy, we appear to be practically standing still in comparison.

In the December 7, 1971, Washington Report, appeared an article written by Dr. Anthony T. Bouscaren, a political science professor at LeMoyne College. Entitled, "The Global Soviet Naval Challenge," this article pointed out the tremendous strides being made by the Russian Navy. Dr. Bouscaren presented some very sobering statistics which I wish to insert for my colleagues' perusal:

THE GLOBAL SOVIET NAVAL CHALLENGE

Despite the tremendous technological progress made in air transportation and strategic weapons systems in this century, free use of the seas—which cover three-fourths of the earth's surface—continues to be essential to the security of this country, whether to defend ourselves or our allies. Ninety-seven percent of all the material sent to Vietnam has gone by sea.

Fully cognizant of our dependence on seaborne transportation, the Soviet Union has developed a naval strategy aimed at interdicting our sea lanes. Since World War II they have placed increasing priority on submarines, aware of the fact that the last two world wars were almost lost because of the Allied problem in keeping the sea lanes open.

EXPANDED ROLE OF THE SUBMARINE

With the rapid advancement of technology since the end of World War II, the role of the submarine in naval warfare has expanded. Nuclear power, long range missiles, sophisticated electronics, computers—all combine to make the submarine many times more potent and versatile than before. The nuclear-powered ballistic missile submarine has become our most viable deterrent strategic weapon. The Soviets are presently engaged in a massive construction program to build a fleet of similar submarines, and a part of this fleet is now on station off our coasts. Present projections indicate that by mid-1974 their ballistic missile submarine fleet will equal ours. The Soviets are also building large numbers of high-speed, torpedo-firing nuclear-powered submarines which can fire long-range cruise missiles, capable of being armed with conventional or nuclear warheads. Ships of the Soviet Navy are systematically present in all oceans, challenging the Allied control of the seas.

SOVIET CONSTRUCTION PROGRAM EXCEEDS OURS

Starting with 200 diesel-powered submarines at the end of World War II, the Soviets embarked on the largest "peace-time" submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period we built 105 submarines. In two years alone—1955 and 1956, the Soviets completed 150 submarines, one and one-half times the total number of submarines produced in this country during the past 25 years. The Soviets now possess the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States. In addition, ten times as many naval architects and marine engineers are graduating in the U.S.S.R. than in the U.S. According to the latest unclassified data the Soviets now have between 355 and 363 submarines, all built since 1945, with at least 75 being nuclear-powered. The total U.S. force is 147, of which 88 are nuclear-powered. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically by the end of this year.

One of the new Soviet sub designs is the YANKEE class nuclear-powered ballistic missile boat, introduced in 1968. These submarines are very similar to our ETHAN ALLEN Polaris submarine, and are capable of launching 16 ballistic missiles submerged. The Soviets now have 13 of the YANKEE class operational and they are building 12 a year. It is estimated that they will surpass our Polaris fleet by mid 1973.

SOVIET NAVY A WORLD-WIDE FORCE

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used in support of foreign policy in many areas of the world. During the recent large-scale naval maneuvers that included over 200 ships in both Atlantic and Pacific Oceans and nine adjoining seas, the Soviets deployed a large number of nuclear submarines away from their home bases, supplied by large sea-going tenders capable of remaining at sea for six months, servicing and repairing submarines while underway. Commenting on these maneuvers, Soviet Admiral Gorshkov, Commander-in-Chief of the Soviet Navy declared: "Whereas until quite recently some areas of the world's oceans were considered restricted areas in which the navies of the imperialist powers ruled supreme and where our ships seldom ventured, now there are no such areas."

The Soviets are pulling ahead both in the speed of their submarines and in submarine weaponry. They possess a torpedo capability comparable to our own, and they have also successfully developed and put to sea some 65 submarines capable of firing long-range cruise missiles. These boats represent a threat to our world-wide surface shipping, our naval surface forces, and our free use of the seas. We do not possess a comparable weapons capability.

By the end of 1975, when we put into operation the last submarine currently authorized, the United States will have a total of 109 nuclear submarines. During the same period the Soviets will probably add at least 70 nuclear subs for a total of between 145 and 153—giving them a numerical superiority of fifty percent in nuclear submarines. We are building only three submarines a year, while the Soviets are building ten to twelve.

Admiral Hyman Rickover, among others, have recommended that the current high speed attack submarine (SSN 688 Class) building program be increased from three to at least five per year. He also recommends commencing on a new design high-speed submarine capable of firing long-range submarine-to-surface cruise missiles. To increase the invulnerability of the Polaris submarine, Admiral Rickover advocates increasing the range of the missile—thus providing greater ocean areas to hide in. This means pushing ahead with the development of the Underseas Long Range Missile System (ULMS).

There is some evidence that the Soviets have developed a base in Cienfuegos, Cuba, which can service its submarine fleet in this part of the world. One of the many advantages of the base would be a facility for the repair and adjustment of ballistic missiles carried by the YANKEE class sub. The development of this base provides the Soviets with an additional option for offensive strategy.

With the achievement of superiority in ICBM's, the development of space weapons, the rapid build-up on the seas and the elaborate and sophisticated support given to subversive movements in this hemisphere, the Soviets would appear to be on the threshold of a major break-through, far exceeding the temptation of 1962 which led to the Cuban missile crisis.

SEA-BASED ESPIONAGE

For some time now, the Soviets have been conducting an elaborate program of espionage against our military and space installations all along the Atlantic coast. The port of Charleston is one of the bases for our Polaris nuclear submarines. Soviet spy ships have been repeatedly sighted near the harbor waters at Charleston, sometimes anchoring right by the harbor buoy at the entrance to the port, to record the "sonic signatures" of the Polaris submarines and other U.S. naval vessels entering or leaving the port. A notorious case concerns the activities of the Soviet trawler *Laptev*, in its efforts last July and August to monitor the test firings of the Posiedon missile from the U.S.S. *Madison*, based at Charleston. The harassment by the *Laptev* actually caused the postponement of the Poseidon test launch, and almost involved a serious accident at sea.

The *Laptev* is a Soviet intelligence collection ship—AGI—and only nominally a trawler. Designated as the *Khariton Laptev*, this vessel is listed by Jane's[1] as an oceanographic survey ship of the *Nikolai Zubov* class. The Soviet Union has deployed intelligence collection ships in electronic surveillance operations against U.S. naval and land targets since the end of the Korean war. Soviet AGI's have operated along the east coast of the United States with patrols lasting about two months. Their main area of interest has been the Virginia Capes, amphibious training areas off the North Carolina littoral, naval operating areas off Charleston, and Cape Kennedy. Such patrols also cover the Puerto Rico naval operating areas and U.S. space vehicle recovery areas. Soviet AGI's which have operated off the east coast during the past year are as follows: *Teodolit* (12 Aug. 1969 to 1 Nov. 1969), *Krenometr* (28 Oct. 1969 to 3 Jan. 1970), *Lotlin* (20 Jan. 1970 to 2 April, 1970), *Teodolit* (31 March, 1970 to 13 June, 1970), and *Laptev* (2 June, 1970 to present).

THE CARIBBEAN

With respect to the Cienfuegos submarine base, when it becomes fully operational, the Soviets will have the capability not only of reaching our south, southwest and midwest, but also the Panama Canal and much of central and South America. Nuclear missiles fired against the United States from a Caribbean launching area would, of course, outflank our IBM defenses in Montana and the Dakotas. Thus all the more urgency to place part of our IBM defenses at sea in the Navy's mobile SABMIS[2] system.

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[1] Jane's Fighting Ships, 1970.

[2] SABMIS—Seaborne Anti-Ballistic Missile Intercept System.

The threat of Soviet subs in Cienfuegos is not limited to that posed by YANKEE class missile boats. The Caribbean is our principal highway for transportation of South American strategic raw materials to this country; it is also the Atlantic approach to the Panama Canal, as well as the route that tankers must traverse to move Venezuelan oil to the United States and Europe.

Those who forever argue against any strengthening of our armed forces to meet Soviet escalation have said: "How can we blame the Russians for the Cienfuegos base if we have Polaris bases in Scotland and Spain?" One answer is that Holy Loch (Scotland) and Rota (Spain) are a thousand miles from the U.S.S.R. while Cienfuegos is but 150 miles from the United States. In 1962 the doves equated our belated response to the Soviet build-up in Cuba to the initial placement of IRBM's[3] in that country. They fail to distinguish between the use of force for offensive and defensive purposes.

THE MEDITERRANEAN

Of almost equal concern is the Soviet naval build-up in the Mediterranean the Soviet fleet has port facilities at its disposal in Port Said, Alexandria and Latakia (Syria). It has also made use of facilities in Algeria. Thus far Soviet fleet activities appear to have primarily political and intelligence objectives. But there are situations where the Soviet fleet could threaten vital communications routes of the three southern flank countries—Greece, Italy and Turkey—which depend on sea routes to carry the great bulk of their imports and exports. The Soviet fleet is in a position to hinder British, French and American submarines and the Sixth Fleet. The presence of landing vessels in the Soviet fleet gives it the capability of carrying out operations which could adversely affect Albania, Yugoslavia, Israel and Lebanon. Finally, increased Soviet activity in the Persian Gulf and in the Middle East oil-producing states and the presence of the Soviet fleet in the Mediterrean could be viewed as part of a long-term strategy aimed at establishing a major influence in the oil-producing states.

Soviet activity in the Mediterranean has not been confined to the build-up of a permanent fleet. Soviet technicians and military advisers have been placed in Egypt, Syria, Algeria, and perhaps Libya as well. The post-1967 build-up in Egypt has led to the present crisis, including the Egyptian violations of the cease-fire. The strategic naval base of Mers-el-Kebir could be used by Soviet submarines and naval vessels to track the passage of western submarines and naval vessels between the western Mediterranean and the Atlantic.

Soviet naval expansions in the Mediterranean is part of a new Soviet global naval strategy, which encompasses the North Atlantic, Caribbean and Indian oceans and the Persian Gulf. Soviet naval strength has changed in recent years from being primarily a defensive fleet to being a more aggressive one, particularly in view of the greater emphasis on long-range submarines, landing craft and the introduction of Helicopter carriers.

Soviet Fleet Admiral Gorshkov said recently: "The pride of our navy is atomic submarines, which are fitted out with missiles of various purposes which can be launched from under water. The submarines, together with naval missile-carrying and anti-submarine aviation having high-speed, long-range airplanes, are the basis of the striking might of the Navy."

The Soviet challenge is there for all to see. What will our response be?

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[3] IRBM's—Inter-mediate Range Ballistic Missiles.

JIM WIEGHART OF NEW YORK DAILY NEWS REPORTS ON INDOCHINA WAR—I

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1971

Mr. REUSS. Mr. Speaker, Jim Wieghart, formerly a reporter for the Milwaukee Sentinel, and now military affairs reporter for the New York Daily News, recently spent several weeks in Vietnam and wrote a series of perceptive articles on U.S. involvement in the war which continues to rage in Indochina. I commend the first of his articles to my colleagues:

BUNKER EYES THE FUTURE OF VIETNAM

(By James Wieghart)

Saigon, Jan. 27—American Ambassador Ellsworth Bunker said today that the fact that the South Vietnamese lunar new year turned out to be just another quiet work day for him is evidence of the "real progress" that allied forces have made in the long, bitter war against the Communists.

He recalled that on this holiday three years ago, the Viet Cong and North Vietnamese were able to launch a nationwide series of attacks on major South Vietnamese cities, including an intense seven-hour assault on the United States embassy in the heart of this city.

Today, in an hour-long interview, Bunker outlined the military, political and economic progress made by the allies.

He spoke with cautious optimism of the future—a future in which the last of the U.S. forces would be withdrawn and the war's full burden would be carried by Saigon under the Vietnamization program.

"I think there is good reason to believe they (the South Vietnamese) will come through in great shape after the American redeployment," Bunker said. "Then, of course, the war will be over for us, but not for the South Vietnamese. Given continued economic assistance, they will be able to handle it.

A POWERFUL MILITARY ORGANIZATION

"The South Vietnamese now have the most powerful military organization in this part of the world. As we redeploy, our costs will go down by the billions of dollars per year, and the South Vietnamese costs will go up by the millions, so continued economic assistance will be relatively cheaper."

Bunker believes that the toughest test facing Saigon this year will be a political, not a military one. Elections for the lower house and the presidency this fall make 1971 a critical year for the government headed by President Nguyen Van Thieu.

"The constitutional process will be tested," Bunker said, "and I think there is good reason to believe the South Vietnamese will meet the test, as they did during the 1967 elections."

He pointed out that in 1967, when the Viet Cong controlled a much larger chunk of the country than they do today, they failed to discourage widespread participation in elections through a campaign of terror.

Because this tactic has failed, and voter turnouts of up to 80 and 90% have been registered in that and subsequent local and provisional elections, Bunker expects the Communists to take a different approach this fall.

PEACE CANDIDATE

"I think they will try to create disorder," he said. "They will try to use dissidents and student activists to stir up trouble, and they may try to support a 'peace candidate' or someone they feel they can deal with."

With the presidential elections more than nine months away, the campaign has not yet gotten underway. But it appears certain that Thieu will be opposed by Big Minh—former Maj. Gen. Duong Van Minh—and possibly one or two other candidates.

Bunker will give President Nixon a report on the Vietnamization program when he visits Washington for routine consultations next week. He plans to stop off in Paris for meetings with the U.S. peace negotiations team headed by Ambassador David K. E. Bruce on his way back to Saigon.

A MAJOR FACTOR

Bunker's report will be a major factor in Nixon's decision on further U.S. troop withdrawal after the pullback of 150,000 by May 1 is completed. By May 1, the U.S. troop level will be about 285,000, which is about 265,000 below the peak level of 549,000 when Nixon took office.

On the intensifying war in Cambodia, where North Vietnamese regular forces appear to be striking at will around Phnom Penh, Bunker was cautious.

Considering the fact that the Cambodians had only a token force of about 35,000 relatively untrained men when the Communist onslaught began last year, he said, "they (the Cambodians) have done better than we had any right to expect." If the Lon Nol government can get through the dry season of February, March and April, it will have a "good chance" for survival, he said.

Looking fit and tanned from a recent sailing trip aboard a Navy sloop in the South China Sea and appearing much younger than his 74 years, Bunker concluded the interview by brushing away the rumor that he plans to retire soon.

WAR IS NOW A SCATTERED THING

Camp Edwards South Vietnam, Jan. 29—"Bravo Company reports its forward platoon under small arms fire from an unknown number of enemy, sir."

The radio operator's urgent call brought Col. David E. Grange back into the operations center just as he was leaving to conduct a visiting reporter on a tour of the underground bunker used as his headquarters for the 3d Brigade, 101st Army Airborne Division.

"They report the enemy has withdrawn, contact broken off and ask for urgent medivac for six casualties," the operator added, "and medivac says its choppers are standing by ready to go."

"You tell those choppers to stand fast until I find out how serious those wounds are," Grange replied. "I'm not going to risk four lives trying to get a chopper into those mountains with zero visibility for simple gunshot wounds that can be treated there by the corpsmen."

EAGER-BEAVER CHOPPER HOPPERS

Then, to the reporter, Grange explained: "Those chopper pilots are fearless. They'll fly anywhere. Lost a four-man crew last week trying to bring out a boy with a flesh wound.

When after a few minutes he learned that none of the wounds was serious, Grange ordered the medivac held up until the rain and fog lifted.

Camp Edwards is 20 miles northwest of Hue and 40 miles south of the North Vietnamese border. Most of the brigade's troops work out of remote mountain fire-bases, muddy clearings hacked out of the towering forest. In several months, when the monsoon rains lift, the firebases will be moved westward, deeper into the mountains along the Laotian border used by the North Vietnamese as a supply and infiltration route.

Flying over the brigade's sector in his helicopter, Grange, 45, of Lake Ronkonkoma, L.I., said: "We take most of our casualties now from small, hit-and-run attacks and booby traps. The Viet Cong main force units and North Vietnamese have pulled back into the mountains, and into Laos."

BATTLES NOW ARE HUNT AND SEEK

This wasn't the case during Grange's first two tours in Vietnam, when pitched battles involving battalion and even regiment-size units were fought in heavily populated areas along the coastal plain. Now, the populated areas have been cleared, and the U.S. and Vietnamese forces hunt an increasingly elusive enemy who has melted away into the mountains and valleys to the west.

Like most American officers, Grange has overcome an initial skepticism about the withdrawal of U.S. forces under the Vietnamization program and now supports it enthusiastically.

"The South Vietnamese army has come a long way," he said. "Some of their units, like the 1st Division, are every bit as good as ours. In a little bit of time, I think they will be able to handle the war alone."

A PROBLEM IN THE FAMILY

The war became much more personal to Grange several weeks ago when his only son, Lt. David L. Grange, 23, was seriously wounded in a booby-trap explosion that killed two other men in the 3rd Brigade and wounded a battalion commander, Lt. Col. Joseph Bellochi, of the Bronx.

"He is coming along fine, though," the colonel said of his. "He's recovering in a Navy hospital in Guam from a broken left arm and shrapnel wounds in the legs, chest and face.

"I hate those damned booby traps. It's the kind of thing that makes you itch to catch up with those guys."

MIDNIGHT AND MIDDAY COWBOYS THRIVE IN SAIGON

Saigon, Jan. 30—It's just a few minutes before the 1 a.m. curfew and a slightly tipsy middle-aged American construction worker hurries down Nguyen Hue, a main downtown thoroughfare, to get to his hotel.

Suddenly, he is jumped by a gang of club-wielding Vietnamese youths who beat him, tear off his watch and grab his camera and billfold.

Their mission completed, the 10 or more cowboys as they are referred to scornfully by GIs here—continue to whale away at the bewildered, futilely struggling U.S. civilian, apparently for pure sadistic pleasure. Hearing the scuffle, this reporter and another American run to the scene and the cowboys run off into the night, laughing.

WRITER'S GLASSES STOLEN

On still another day, a young Vietnamese boy stole the bifocals off the face of a startled American correspondent. Practically blind without his glasses, the correspondent asked for help from a Vietnamese policeman. The policeman offered to obtain return of the glasses for 1,000 piasters (about $3.60), and the correspondent readily agreed. In a few minutes the policeman returned with four pairs of glasses. One of them belonged to the relieved correspondent.

Ten days ago, my first full day in Vietnam, my pocket was picked by two smiling Vietnamese boys and a girl while I was sightseeing in broad daylight on a busy downtown street.

Luckily, I was able to catch the girl who, unfortunately did not have my billfold. I turned her over to the Vietnamese police and after a two-hour delay and after I agreed that the girl could be released if my billfold was returned, it mysteriously appeared at the USO office, minus $123 and about 10,000 piasters. Asked about the missing money, the police professed ignorance of the entire matter.

SAIGON HAS DEEPEST SCARS

These incidents are significant only because they illustrate one of the many ironies of this seemingly endless and paradoxical war which has raged up and down South Vietnam for more than 25 years.

Saigon has become basically a parasitic city and much of its teeming population of 2.5 million is made up of refugees, orphans and crippled war victims—displaced homeless and occupationless people.

They—the young and the old, male and female—must live by their wits. The honest and physically incapacitated ones beg on street corners or try to eke out a living shining shoes or performing menial services for Americans or the more affluent Vietnamese. The pretty young girls sell themselves, operating from streets, downtown taverns or the string of second-rate hotels that cater to GIs in town on leave.

The wily, the healthy and the strong find more lucrative pursuits—they rob, peddle dope or sell black market merchandise, usually stolen from the American PX or military supply depots.

Whichever means these thousands of displaced war victims settle on to make their living, they are everywhere visible in downtown Saigon.

It is impossible for an American to walk for several blocks without being besieged by beggars, propositioned by black marketeers seeking to trade piasters for dollars at almost double the official 275-to-$1 rate, or solicited by prostitutes.

A SYMBOL OF THE WAR

What is more, they have become increasingly anti-American and their hostility seems almost electric. To them, the overwhelming American presence of the last few years has become a symbol of the war and their own plight. And Americans, both civilians and servicemen, are increasingly reacting in kind, frequently regarding all Vietnamese with a suspicion, sullenness, belligerence and cynicism, which only worsens the problem.

American and South Vietnamese authorities are aware of the problem and admit privately that they are seriously concerned. To help relieve the growing tension, the U.S. Military Command has removed all major American units from the Saigon area, leaving behind only the logistics, communication and headquarters personnel needed to keep the command functioning.

In a recent interview, U.S. Ambassador Ellsworth Bunker said the Saigon government was taking steps to crack down on crime, black marketeering and corruption and to dispel anti-American sentiments.

CALLS IT NATURAL DEVELOPMENT

To Bunker, the situation here is similar to the wave of "Yankee-go-home" sentiment that swept Britain and much of Europe after World War II. He believes it is a natural development that will dissipate as the U.S. withdrawal continues.

But many of the GIs, most of whom were not yet born in 1946, are not so philosophical about the situation. One young Army infantry sergeant made this observation as he was returning to the field after a weekend in Saigon:

"This is a crummy place and they are crummy people. We come over to help them, risk getting shot and they show their appreciation by robbing us blind. We should just get the hell out of here and let them fight their own lousy war."

MONTAGNARDS A VIET HEADACHE

PLEIKU, January 31.—Three times South Vietnamese provincial and American advisory teams moved an isolated community of about 200 Montagnards from their ancestral hamlet in Viet Cong-controlled territory into a more secure area nearby, with good water and well constructed shelters.

Each time most of the young men slipped off, electing to stay behind. And each time, after a month or so in their new quarters, the resettled Montagnards drifted back to their old lands and into the hands of the Viet Cong, who promised to provide security in exchange for a rice tax and recruitment of the community's men of fighting age.

AREA A KEY POINT

Now the community has been resettled by the American-South Vietnamese provincial advisory team for a fourth time left unanswered is the question of whether this resettlement will be successful.

The resettlement of this community and dozens of similar ones with populations total- about 20,000 will be a key factor in determining the success or failure of the pacification program in this highland province lying along the Cambodian border at the foot of the Ho Chi Minh infiltration trail from North Vietnam.

The Saigon government has pinned its hopes for eventual victory in the 25-year-old struggle with the Communists on the program aimed at winning the allegiance of the people, providing them with assistance for their security and development and enlisting them in the struggle to destroy the Viet Cong.

For the Americans, who changed the name from pacification to Civil Operations and Rural Development, support after early progress of the program was virtually wiped out during the 1968 Communist Tet offensive. The program is a vital element in the phased withdrawal of U.S. forces under the Vietnamization program.

The director of the program, William E. Colby, refuses to make extravagant claims for success in the program, despite the fact that the Saigon government last week reported that it now exercises control over 95.1% of the approximately 18 million people living in the nation's 44 provinces, a 7.2% increase over last year and a whomping 35% increase since the pacification program was revamped after the 1968 Tet offensive.

"I like to get away from statistics." Colby said explaining his weekend visit to Pleiku. "Once a week I spend the night in one of the provinces to look around and talk to the people working in the field—that's the best way to get a real feel for how we're doing and what the problems are."

In Pleiku, which ranks last or 44th among the provinces in terms of security and government control, he found the problems many and difficult.

Basic is the fact that Pleiku, the scene of some of the biggest battles of the war and still a Viet Cong stronghold, abuts on Cambodian border areas which serve as a sanctuary for enemy forces. In addition, the Montagnards, which make up a vast majority of the province's population, have been victimized by discrimination from the more advanced and aggressive Vietnamese for decades and consequently are hostile to both sides in the conflict.

What is more, CORDS' chief goal—involvement of the local people in organizing their own political structure, development and security programs—is greatly complicated in Pleiku by the cultural backwardness of the primitive Montagnards. Their deep attachment to ancestoral lands, for instance, poses a serious problem to resettlement.

On this point, Colby's instructions to the American province team were explicit: "Look, some of the resettlements have been successful and some have not. Find out why the ones that worked were successful and follow that pattern. We're not going to give up on this."

A HERO HAS HAD HIS FILL OF WAR

CA MAU, SOUTH VIETNAM, February 5.—"I'm trying to resign my commission so I can go home and be a pacifist and raise my children to be pacifists. I don't understand what I'm doing here any more."

The tall young man who uttered that

statement with obvious sincerity is Capt. Alexander L. Posluszny, who just several months ago was awarded the Silver Star for heroism and a Purple Heart for wounds suffered during a Nov. 8 action in An Xuyen province, at the southern tip of South Vietnam.

Posluszny, 27, of Philadelphia, now well into his second "tour" in South Vietnam, serves as an American military adviser on tactics to the crack 21st South Vietnamese Infantry Division.

His disenchantment is significant. Many other talented young officers have decided to leave the military services for the same or similar reasons. Military commanders across Vietnam have conceded privately that the anti-Vietnam war backlash has created a morale problem in the officer corps every bit as serious as the more publicized problems of narcotics and racial friction.

THEY DID THEIR JOB WELL

During his first "tour" in 1967–68, when the bulk of the fighting was being done by Americans, Posluszny commanded a U.S. Army infantry company that fought in the highlands farther north. During that period, 18 of the captain's 126-man company were killed and many more were wounded.

"They were great men," he recalled. "They were highly motivated and they did their job well. We killed a lot of the enemy for the casualties we took."

"But," he added, "I came here to win a victory, not to kill a bunch of people."

And this is the crux of Posluszny's problem—he is unable to justify the deaths of 44,000 Americans in a conflict that will remain unresolved after the United States withdraws and to rationalize the killing of many more thousands of the enemy in a war that some of his countrymen call immoral.

When Posluszny was graduated from Alfred University in upstate New York seven years ago and was given a regular army appointment as a second lieutenant—an honor reserved only for the upper third of the ROTC graduates—he fully expected to make the Army a career.

"It seemed like an opportunity for public service," he said quietly. "It was a job that could be challenging and there was a certain prestige attached to being a career officer."

Posluszny won prompt promotions. On his return from his first Vietnam tour, his outstanding Army record won him assignment to a leadership training course to prepare junior officers for field grade rank. But his return also coincided with the growing wave of antiwar feeling which was sweeping the country.

THERE SEEMED TO BE A STIGMA

"I was shocked to find out that I was no longer welcome at the homes of some of my old friends," the captain recalled bitterly. "There seemed to be a stigma attached to my uniform and I found I had to be on the defensive about my war service."

At first, Posluszny was angered by the antiwar sentiments, but later, particularly after it was clear that the U.S. would withdraw while the war was still on, he began to have doubts of his own.

"I was miserable," he said. "I knew I would have to come back here and I did everything I could think of to stall it off. I was afraid of getting killed for nothing—not afraid for myself, but afraid for my family, a wife and two small boys."

But when his name came up for a second tour last June, Posluszny returned to Vietnam. And on Nov. 8, as the citation for his Silver Star reads, "Capt. Posluszny fearlessly exposed himself to enemy fire" in order to direct air strikes on an enemy force which had the South Vietnamese battalion he worked with pinned down.

The enlisted men and officers who serve with Posluszny rate him an "outstanding" officer and many of them, particularly his superiors, have tried to change his mind about resigning.

A seasoned major who works closely with Posluszny observed wryly: "It's a real tragedy to see so many outstanding young officers like him leaving the Army. Sure, many of them are staying on, but some of the best are getting out."

Although he is moved by these appeals, Posluszny is adamant about getting out. He hopes only to continue doing his job well and staying alive until his resignation can be acted upon in the Pentagon.

Asked what he will do then, the captain shook his head and replied sadly, "I don't know—I don't know. I'm not prepared for anything. I've been graduated from college and served in the Army for seven years. What do you think I can do?"

Find Morale Good at Border

On the Laotian Border, Feb. 10—Morale problems among United States troops waiting for withdrawal from Vietnam seem to disappear in the northwest combat zone along strategic Highway 9 from Quang Tri through Khe Sanh and Lang Vei and right up to the Laos border.

The 9,000 Americans, many of them volunteers, have been drawn from nearly every U.S. unit in South Vietnam to protecting the invasion route used by the 20,000 South Vietnames and to provide air cover. The GIs have a sense of purpose that is lacking in some of the garrison units in more secure areas in the country.

During the last 10 days, these GIs have worked 24 hours a day to reopen the narrow, winding dirt road that snakes through the rugged mountains of this long-time Communist stronghold. And they labored mightily to establish supply points, refueling depots and gun positions along the way in preparation for Monday's push into Laos.

HIS ROLE AT THE BORDER

For Capt. John C. Garlinger, 24 of East Meadow, L.I., the Dewey Canyon 2 operation was over at 7 a.m. Feb. 8, when the first South Vietnamese unit to cross into Laos dropped him short of the border river crossing, at a sign marked, "Warning! No U.S. personnel beyond this point."

Garlinger, who has served as a U.S. adviser to the South Vietnamese assault troops, was prohibited by law from accompanying his allies into Laos, so he will return to his American unit at Dong Ha.

"I think they will do okay in there," Garlinger said. "I wish I could have gone in with them. It will be a big help if we can destroy their (the North Vietnamese) supply and infiltration routes in Laos."

But for the other GIs—the tank crews, artillerymen, helicopter crews and supply and logistics personnel—Dewey Canyon 2 will last from 60 to 90 days longer, probably until the monsoon rains begin to turn the Ho Chi Minh infiltration route in the Laotian mountains into a quagmire this spring.

Enemy activity on the Vietnamese side of the line indicates that it will not be a quiet three months. Within several hours of the border crossing, U.S. tank and gun crews who ate cold C rations and waved at the invading South Vietnamese troops, were firing salvo after salvo of artillery fire at enemy bunkers in Laos.

And they began to dig their own bunkers deeper as the North Vietnamese began launching rocket, mortar and small-arms fire attacks on U.S. positions along the Highway 9 supply link.

Most of the U.S. units, particularly those close to the border, are living on C rations with only hot soup and coffee to ward off the night chill. But field kitchens are springing up and in the rear areas there will be hot showers shortly.

FOXHOLE LIFE IN HOSTILE COUNTRY

The prospect, however, of living in foxholes and bunkers in hostile country seven days a week for the next few months without movies, beer halls or other diversion does not appear to dampen the morale of the troops.

Army Capt Raymond Smith, 23, of Orlando, Fla., offered this explanation while at the same time giving fire orders to his artillery company.

"Our people feel like they are doing something here. When they are firing those big guns, they know they are helping out some poor grunt (infantryman) who is under enemy fire. That's your answer. When we're not using those guns, then there is no reason for us to be over here and we might as well go home."

Morale Problem Gets Study

Saigon, Feb. 12.—Concerned over reports that American troops morale has slipped badly in recent months, the U.S. command has ordered an in-depth study of the morale problem, it was learned today.

The study, begun quietly about two months ago and still several months from completion, is designed to find the extent of any morale slippage and the underlying causes.

It will also seek to determine if there are any key indicators a commander can look to for signs of a morale turndown among his troops before the problem becomes too severe.

SOME OBVIOUS INDICATORS

Although attacks on officers, racial friction and excessive drug use—the three areas most often spotlighted in press accounts of morale problems here—may not be listed specifically among the study's key indicators, they are certain to be taken into account under such broad headlings as "breaches in discipline" or "military offenses," along with other obvious indicators like the rate of accidents, Awols, and venereal diseases.

A military official, who was willing to discuss the study on a background basis, insisted that the fact that such a study is under way should not be interpreted as an admission by the military command that a serious morale problem does indeed exist here.

"Any military unit anywhere has to work hard to keep peak morale," he said. "The problem of lagging morale always comes up in a withdrawal. It happened after World War II and after the Korean War—everyone wanted to be first on the list to go home."

The official said the same kind of problem exists here now, complicated by the fact that the withdrawal is going on while the war is still under way. His point was clearly this—no one wants to be the last American killed in Vietnam.

On the several recent widely publicized instances of enlisted men trying to kill superiors whom they felt were too enthusiastic about entering combat, a practice called "fragging" because fragmentation grenades have been used in some cases, the official pointed out that such things also happened with probably similar frequently toward the end of the Korean War, World War II and perhaps all wars.

He conceded that in two areas—racial friction and excessive drug use—the Vietnam experience differed from the past. "But keep in mind," he added, "that we didn't develop these problems in the services. They came to us from our society and home, and we're doing our best to cope with them."

The value of the current morale study, the official said, is not in seeking to measure the morale level as such, but to try to find if there are any statistical indicators that bear a relationship to morale.

"We don't know whether there is any validity to this approach or not," he said. "But we are trying to find out."

Laos: Lady Luck's Reject

Vientiane, February 19.—Everything depends on you Americans," the high Laotian official said. "If you let us die, then we will die. But if you send allies and tell us to fight, then we will fight."

The statement, made by a former general who is now a member of neutralist Prime Minister Souvanna Phouma's cabinet, was uttered sadly, but without rancor.

The official added without the slightest trace of animosity that he understood that the United States policy in Southeast Asia must be based on its own interests, even if it meant helping the South Vietnamese carry their war against the North Vietnamese into Laos.

The official's appraisal sums up accurately the cruel position this sparsely populated land-locked kingdom finds itself in after suffering nearly 20 years as a pawn in the relentless struggle between North and South Vietnam.

Throughout that period, despite international agreement that Laos should remain neutral in the conflict, the country has been wracked by warfare between North Vietnamese-backed Pathet Lao Communists and French and U.S.-supported rightist and conservative forces.

Now, as the bitter war between North and South Vietnam appears to be reaching some sort of climax, it has become increasingly likely that Laos could be the battleground for what may be the decisive engagement.

In the southern panhandle of Laos, about 15,000 South Vietnamese troops, backed by heavy U.S. air support continue their thrust to sever the Ho Chi Minh Trail, the last North Vietnamese supply route for the 200,000 Communist troops in Cambodia and South Vietnam.

There is a growing fear here that the up to 70,000 North Vietnamese troops guarding the trail will seek to avoid a major battle with the Saigon invasion force by moving south and west, deeper into Loas, overrunning Laotian forces around the Boloven Plateau area and seizing rich rice lands along the Mekong River by Pakxe.

Meanwhile, in the north of Laos, roads have been clogged with tens of thousands of Meos and other hill people fleeing in long refugee columns from the Sam Thong-Long Cheng area, where up to a division of North Vietnamese appears to be girding for a full-scale attack aimed at wiping out Gen. Vang Pao's CIA-trained army of 8,000 Meo tribesmen.

If successful, the attack would cut off the royal capital of Vientiane, thereby rendering both vulnerable to a Commmunist takeover.

Thus, while both sides profess to prefer a neutral Laos, both are pursuing policies that appear destined to make the country the focal point of the struggle.

U.S. Ambassador to Laos, G. McMurtrie Godley conceded in an interview that American policy of supporting the South Vietnamese incursion into Laos runs counter to Laotian interests.

But he defended the action as a vital step in carrying on the war against the Communist troops in Cambodia and South Vietnam, Unfortunately, the war in Laos cannot be separated from the wars in Vietnam and Cambodia, he added.

"One of the great tragedies of the debate over the war has been that some people have viewed them as separate conflicts," Godley said. "They are not separate. We are fighting one enemy—Hanoi. The Pathet Lao doesn't amount to anything; he is a tool for the North Vietnamese."

However, Godley said Laos should not join in any united anti-Communist alliance with South Vietnam and Cambodia. "The statement here," he said, "has to be negotiated on a neutralized basis," since neither Communist China, which borders on Laos to the north, nor North Vietnam, which shares its eastern border, would tolerate a militant anti-Communist state as a neighbor.

But Godley could not say how sweeping Laos into the midst of the Indochina war as a virtual client of the United States would succeed in winning the kingdom a peaceful settlement as a neutral state.

THE MAYORS VIEW THE BUDGET

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, on February 11, 1971, the Conference of Mayors published a study, "The Mayors View the Budget," on the budgetary proposals of the Nixon administration. This study examined the budget from the perspective of what does this budget do for urban areas?

President Nixon has expressed on numerous occasions his commitment to the cities; but the test of any commitment is not the rhetoric but the dollar expenditures. Is more money available? Has support for programs increased?

At the time of the study, the proposals of the Nixon administration fell about $5.7 billion short of the needs of urban areas. Since the publication of the study, the administration has changed some of its directions and increased its program support for the cities. To a certain extent, it has released already appropriated funds, it has changed the methods in the calculations of special revenue-sharing funds, it has reinstituted the model cities program, it has proposed a 2-year authorization for the Office of Economic Opportunity.

The Conference of Mayors, as a follow-up to these changes, will publish selected analysis of the various special revenue-sharing measures. Beginning today, I plan to place both the followup publications and the original analysis in the RECORD. I believe that these statements will show exactly where the Nixon administration has stood in the past on aid to urban areas and exactly what they plan for the future. The original report provides a benchmark against which changes this administration will make in programs and rhetoric can be measured.

I am placing the original study in the RECORD in two parts. Part 1 covers analysis up to and including Housing and Urban Development. Part 2 begins with manpower and ends with the Office of Economic Opportunity. The followup reports will be placed in the RECORD as I receive them. I recommend these reports to my colleagues:

"THE MAYORS VIEW THE BUDGET"

PART I. SUMMARY

The President's 1972 $229.2 billion unbalanced Budget acknowledges urban and municipal needs but falls far short of meeting them.

On the plus side, the Budget makes the case for revenue sharing with state and local governments, accepts a full-employment approach to the economy, and joins the chorus for environmental protection.

On the minus side, the Budget falls at least $5.7 billion short of meeting the State and municipal revenue gap, is misleading about the actual amount of new money the President is asking for, raises more questions than it answers about how the special revenue sharing process will be reconciled with the present management of programs it will embrace, and reveals the Administration's intention to persist in holding back spending already appropriated funds in the *current* fiscal year for critical urban programs—$200 million each for Urban Renewal and Water and Sewer grants, $192 million in unobligated public housing contract authority, and a staggering $732 million in cumulative unobliated balance for Model Cities.

The President's revenue sharing proposals boil down to this:

General Revenue Sharing (Federal funds to be made available to State and local units of general government to spend as they see fit): $5 billion in the first full year, starting October 1, 1971. This translates into a budget request for $3.75 billion in FY 72.

Special Revenue Sharing (Grant Consolidation) (Federal funds to be made available to State and local governments for community development, elementary and secondary education, manpower training, law enforcement, and transportation): $10.2 billion in outlays the first full year, starting January 1, 1972, but only $269 million in new outlays for FY 72 in the second six months.

The Administration's special revenue sharing—i.e., block grants to cities and grant consolidation—proposes to reduce the number of categorical programs to give city governments more control, more discretion, and more resources—a goal long advocated by the National League of Cities and U.S. Conference of Mayors. The issue is not "whether?" but "how?" and "how much".

With that as background, here are the other highlights of the attached analyses of various parts of the 72 Budget:

Housing and Urban Development—Next year's budget is inflated by carryovers from current and prior fiscal years.

The Urban Renewal carryover is $200 million, the FY 72 appropriation request is $600 million, the FY 72 estimated obligations are $800 million—and the backlog of urban renewal applications at HUD totals $3 billion.

The Model Cities carryover is $575 million in unobligated balances plus $157 million which lapses 6/30/71. The Administration is requesting no new appropriations for Model Cities in FY 72 and will allow $505 million more to lapse on 6/30/72. Instead, this valuable program is to be "folded into" special revenue sharing without any evident proposal for compensating for the loss of human resources funds, which have constituted 80% of Model Cities money in the past.

The public Housing carryover is $192 million in contract authority from FY 71 to FY 72, and $210 million from FY 72 to FY 73.

Congressional authorizations available for FY 72 for Community Development, Urban Renewal, Model Cities, and Water and Sewer grants total $3.75 billion. Yet the Administration's total appropriation request for these four programs, plus the new block grant program, in FY 72 is only $1.64 billion. The total unobligated HUD appropriations for FY 71 is $1.3 billion; for FY 72, that figure will be $815 million.

The Administration is breaking new ground with the grant consolidation Community Development Program as a feature of special revenue sharing. Despite its obvious importance to cities, the Administration's plans for this program, which involves many of the tools needed to rebuild America's cities, are not yet clear.

As for the 235, 236, and Rent Supplement Programs, the FY 72 budget proposes increases over FY 71 levels, but falls short of Congressional authorizations.

Manpower—The major increases for manpower training in FY 72 would go to State-managed, rather than locally-sponsored, programs.

Despite widespread and rising unemployment, Manpower programs slated to be "folded into" special revenue sharing show a decrease of $21.5 million from FY 71 to FY 72.

In an exercise in "reverse" revenue sharing, the Administration proposes to raise the local share for summer youth programs from 10 percent to 20 percent.

Environment—The picture is brighter here. The new Environmental Protection Agency seeks $2 billion in FY 72—twice its FY 71 appropriation—for waste water treatment facilities.

Budget requests for other water quality programs, air pollution control, and Outdoor Recreation are up, too. But the Administration seeks only one-eighth of the funds Congress authorized for resource recovery from solid wastes.

Law Enforcement Assistance—The Administration is asking nearly $700 million in FY 72 for this fast-growing program—up $170 million from FY 71.

Transportation—FY 72 budget requests for urban mass transit are the same—$600 million—as the level of obligation authorized by Congress in FY 71. Projected FY 71 obligations are about half the authority granted by Congress. Commitments for urban highways will increase from $362 million in FY 71 to $525 million in FY 72, while the Interstate System continues at $3 billion a year.

Education—The Administration is asking $300 million more for education in FY 72 than in FY 71, with most of the increase for higher education. Requests to fund existing elementary and secondary education programs are down $50 million from this year.

Welfare—The Administration seeks $11.4 billion in FY 72, up almost one-third over funds already appropriated for FY 71, to meet rising welfare caseloads and payments.

Health—Maternal and child health programs will go up by $71 million over FY 71, but medical facilities construction will go down by $77 million. Other urban health programs will be boosted.

Office of Economic Opportunity—The Administration proposes to strip OEO of most programs, leaving it as the government's poverty program research, development and evaluation agency. For the time being, the Community Action Program (CAP) will remain under OEO's roof, although ultimately it is to be housed with Community Development. The FY 72 request for CAP is down $22 million from FY 71 obligations, and localities are to be asked to make up the difference by raising their share from 20% to 25%—another instance of "reverse" revenue sharing.

SELECTED BUDGET ITEMS AFFECTING URBAN AREAS

[Dollars in millions for fiscal years indicated]

Program	Fiscal year 1971		Fiscal year 1972	
	Appropriation	Obligation	Budget request	Estimated obligation
Community development—HUD:				
Urban renewal	1,200	1,000	600	[1] 800
Model cities	575	[2] 375	0	[3] 70
Water and sewer grants	350	150	0	[4] 100
Rehabilitation loans	35	35	40	40
Community development grants			[5] 1,000	[6] 1,000
	Authorization	Appropriation	Authorization	Appropriation
Open space	75	75	[5] 109	200
Neighborhood facilities	66	40	76	40
Comprehensive planning	105	50	[5] 85	100
Housing—HUD:				
Homeownership (235)	130	130	225	175
Rental assistance (236)	135	135	225	175
Rent supplements	168	55	153	[7] 60
	Contract authorizations available	Obligations	Contract authorizations available	Obligations
Public housing	394	201	417	207
Manpower—Department of Labor:				
OJT private sector	261	....	60	....
OJT public sector	136	....	126	....
MDTA—Institutional	335	....	325	....
Job Corps	156	....	196	....
NYC—In school	64	....	70	....
NYC—Postschool	166	....	166	....
Summer youth program	198	....	166	....
Concentrated employment (CEP)	178	....	173	....
Computer job placement	22	....	22	....
Program support	71	....	62	....
Environmental protection:				
Water quality:				
Operations, facilities research	117	....	138	....
Construction grants	1,000	[8] 1,185	2,000	[8] 1,905
Solid waste: Operations, facilities research	17	....	19	....
Air pollution: Operations, facilities research	103	....	119	....
Land and water conservation fund:				
Aid to State and local governments	185	[8] 85	280	[8] 125
Clean Air Act and Environmental Protection Agency	13	....	85	....
Law enforcement assistance	[9] 532	....	698	....

Program	Fiscal year 1971		Fiscal year 1972	
	Appropriation	Obligation	Budget request	Estimated obligation
Education—HEW:				
Elementary and secondary:				
(ESEA I) Educationally deprived	1,500	....	1,500	....
(ESEA II) Library resources	80	....	80	....
(ESEA III) Supplementary services	143	....	143	....
(NDEA III) Equipment and remodeling	50	....	0	....
(ESEA VII) Bilingual education	25	....	25	....
(ESEA VIII) Dropout prevention	10	....	10	....
Federally affected areas	551	....	440	....
Planning and evaluation	9	....	4	....
Other:				
Handicapped	105	....	110	....
Vocational and adult	505	....	476	....
Libraries and educational communications	85	....	29	....
Research and development	98	....	105	....
Transportation—DOT:				
Urban mass transit		179	....	464
Highways:				
Interstate system		3,145	....	3,000
Extensions of primary and secondary		266	....	275
TOPICS program		96	....	200
Urban highways				50
Airports:				
Planning grants		10	....	15
Construction grants		170	....	205
SST (outlay)				
Welfare—HEW:				
Public assistance grants to States	8,652	....	11,412	....
Social Security Administration	2,600	....	2,465	....
Food stamp program	1,416	....	1,996	....
Juvenile delinquency	15	....	10	....
Health—HEW:				
Medical facilities construction	185	....	109	....
Comprehensive health planning	247	....	252	....
Maternal-child health	256	....	326	....
Rehabilitation services-facilities	570	....	605	....
Family planning services	34	....	91	....
Office of Economic Opportunity:				
Programs to remain:				
Research, development evaluation	115	....	74	....
Community action	389	....	346	....
Health and nutrition	195	....	159	....
Legal services	61	....	61	....
VISTA	36	....	33	....
Programs transferred:				
Headstart (HEW)	360	....	376	....
Followthrough (HEW)	69	....	60	....

[1] For 1st half fiscal year 1972 includes $400,000,000 for amendments to conventional projects, $300,000,000 for existing NDP's, and $100,000,000 for new NDP's. No new conventional projects will be approved.

[2] $157,000,000 of model cities authority lapses June 30, 1971.

[3] $505,000,000 of model cities authority lapses June 30, 1972.

[4] $100,000,000 of water and sewer grant authorization remains unused.

[5] Requires additional legislative authorization.

[6] This program is to absorb the 4 listed above it; funds to be obligated during 2d half of fiscal year 1972.

[7] $210,000,000 of public housing authorization remains unused

[8] Includes $525 supplemental appropriation requested.

OUTLAYS VS. NEW OBLIGATIONAL AUTHORITY

In discussing the Budget, there is an underlying political and semantic tension between the Federal and the local governments because of a different point of view on what dimension of the Budget is most important.

From the Administration's point of view, *outlays* are the thing. The budget is outlay oriented because the Administration is concerned, above all, with inflation.

From the point of view of Mayors and other local officials, new obligational authority is the thing, because it sets the limits on new projects that can be undertaken in any given time period.

New obligational authority does not necessarily involve expenditures next year. Therefore, it does not necessarily have an inflationary impact.

New obligational authority however, does relate to priorities on two levels: the Federal level, because it reveals the importance the Administration attaches to a given program; and the local level, because it establishes for a community a sense of emphasis and direction on matters it considers to be important.

These distinctions and considerations should be borne in mind in reading the analyses of key program components of the Budget on the following pages. Where there is a significant difference between them, outlays and new obligational authority both are presented.

NATIONAL PRIORITIES AND URBAN NEEDS

The President's Budget Message opens with this statement: "In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, we spent more to meet human needs than we spent on defense." The Budget Message goes on to say that next year, the defense portion of the budget will continue to go down . . . to 34 percent of the budget, and the human resources share of the budget will continue to go up . . . to 42 percent of the budget.

We genuinely welcome this reordering of

priorities. But we feel it is most important for the American people to understand that the relative changes in defense and human resource spending do not necessarily mean that the Federal government is responding to all of the actual needs of the cities and other urban areas.

In the first place, half of the 42 percent of the budget described as human resources outlays is actually for Social Security, Medicare, and other forms of social insurance, which are being financed, in the main, from special taxes on American workers.

In the second place, the re-allocation of other slices of the budget pie from defense and space and rural programs works to the advantage of programs for natural resources, health, public assistance, veterans, general government, and debt service. But other programs that also concern city officials are not growing fast enough, or are actually falling behind in allocations of the Federal budget dollar. These programs include education, manpower, community development, and housing.

REVENUE SHARING AND REVENUE GAPS

The President's State of the Union Message and his 1972 budget make a forceful case for revenue sharing. The reasoning is that state and local governments need more control, more discretion and more resources to meet their pressing needs.

The budget goes so far as to say: "In 1971, states and localities face a revenue gap of $10 billion."

On the face of it, the public might conclude that the President proposes to more than close that gap because he talks in terms of sharing $16.4 billion with state and local governments. This is a misleading figure, for two reasons:

1. The $16.4 billion figure is for the first *full year* of revenue sharing. General revenue sharing is not scheduled to begin until October 1, 1971, and special revenue sharing will not start until January 1, 1972. For next *fiscal year*, therefore, the amount of *new* outlays for revenue sharing will be only $4 billion (3.75 for general revenue sharing, the rest for special revenue sharing).

2. All but a small portion of the money promised for special revenue sharing is merely a re-labeling of funds already being transferred to state and local governments for categorical programs. For those programs that are to be folded into special revenue sharing, the President proposes an overall increase of only $839.5 million over this fiscal year.

Thus, for FY 72, the budget offers $3.75 billion in general revenue sharing, $839.5 million in new money for ongoing programs within special revenue sharing, and an additional $269 million to "sweeten" the special revenue sharing pot. The total of all new revenue to be shared, then, in FY 72 will be $4.876 billion.

Applying the annual inflationary increment of 5.6 per cent identified in the President's latest Economic Message to the 1971 $10 billion state and local revenue gap described in his Budget, we can project a state and local revenue gap for 1972 of at least $10.56 billion.

So, it turns out that in FY 72 the Administration is prepared to reduce a projected $10.6 billion state and local revenue gap by only $4.9 billion in revenue sharing. *That leaves an actual gap of at least $5.7 billion.*

The President's Budget section on revenue sharing concludes with "the hope that in some states and localities taxes may be reduced, or that the rising cost of government can be met without raising taxes."

The Administration's own figures reveal that to be a vain hope for 1972.

Now, let's take a closer look at the fiscal aspects of special revenue sharing:

If one compares the 1970 and 1971 *outlays* for the programs that will be folded into special revenue sharing packages with the requested 1972 outlays, one finds that next year's increase will be less than half of the 1971 gain over 1970.

Specifically, outlays for all programs under special revenue sharing increased 23.6 per cent in 1971 over 1970. The proposed 1972 increase over 1971 outlays is only 9.8 per cent.

Leaving aside rural community development programs, the other programs under special revenue sharing—which have urban impacts—increased 24.3 percent in 1971 over 1970. The proposed increase in 1972 over 1971 is 10.7 percent.

The accompanying table show the breakout by type of program in the revenue sharing package that will have some impact on cities.

HOUSING AND URBAN DEVELOPMENT

In analyzing the HUD Budget it is important to resist the temptation, so clearly offered by the Administration, to use *outlay* figures as a measure of the Federal government's commitment to deal with the problems of our urban areas. For many of the major HUD programs, such as Urban Renewal, Model Cities, Public Housing, and Sections 235 and 236, outlays are best described as the payment of bills on commitments that were made during some previous fiscal year.

Instead, in viewing this budget, there are two primary figures to look for. For the rest of the current FY 71, one must study the Administration's statement of *estimated obligations* for each program and compare them to the total amounts appropriated by Congress. As will be suggested in a moment, the Administration's total planned obligation for FY 71 is over 15 percent less than the total Congressional appropriation for HUD.

In viewing the FY 72 figures, a different approach must be taken. The key amounts are the total budget requests (or *appropriation requests*). While the actual obligation levels may be (and in several cases, are) higher, the true measure of the Administration's commitment to the adequate funding of critical urban oriented programs is the quantity of new appropriations sought from Congress. As will be seen below, the total FY 72 appropriation *requests* fall substantially below the *actual* FY 71 appropriations.

Because of the introduction of a "special revenue sharing" or grant consolidation package and because of the difficulty in comparing the budget figures of all major HUD programs due to important differences in financing mechanisms, the following analysis of the HUD budget has been broken into three major sections: the first deals with the Community Development Grant/Special Revenue Sharing proposals; the second, with the Public Housing Program; and the third, with the balance of the major HUD programs, including assisted housing, open space, and comprehensive planning.

The Administration's proposals for grant consolidation are extremely unclear as to specifics at this point, but it is at least obvious that, if approved by Congress, they would have important short-range and long-range effects upon existing programs. Since the details have not been spelled out, we are not able to take a position on the precise merits of the new program. We have long supported the general concept of grant consolidation in-so-far as it will serve to streamline the process of getting needed money to the cities and to increase local participation in determining priorities. However, more important than the concept of block grants or grant consolidation is the question of whether these vital HUD programs will be adequately funded—and whether the level of funding will grow to keep pace with the rising demand.

Table A details the proposed budget levels for the four programs that are to be "folded into" the new Community Development Grant Program by January 1, 1972. The projected levels of program obligations for the balance of the current fiscal year are wholly inadequate. Of the $1.2 billion appropriated by Congress for the Urban Renewal Program, the Administration intends to obligate only $1 billion this year and to carry the remaining $200 million over to next year. This contrasts with a backlog at HUD of urban renewal applications from local governments totaling $3 billion.

TABLE A

[In millions of dollars]

	Fiscal year 1971			Fiscal year 1972		
	Appropriation (actual)	Estimated obligations	Estimated carryover appropriation	Appropriation requests	Estimated obligations	Estimated carryover appropriation
Urban renewal	$1,200	$1,000	$200	$600	[1] $800	0
Model cities	575	375	[2] 732	0	70	[3] $505
Water and sewer grants	350	150	200	0	100	100
Rehabilitation loans	35	35	0	40	40	0
Community development grants				[4] 1,000	[5] 1,000	0
Subtotals	2,160	1,560	(6)	1,640	[7] 2,010	(6)

[1] Includes $400,000,000 for amendments to conventional projects, $300,000,000 for existing NDP's and $100,000,000 for new NDP's. No new conventional projects will be approved.

[2] $157,000,000 lapses June 30, 1971.

[3] $505,000,000 lapses June 30, 1972.

[4] New authorization required.

[5] Amount for the community development grant program—which is to absorb the above 4 programs—is to be obligated during the 2d half of fiscal year 1972.

[6] Not available.

[7] Amounts indicated for urban renewal, model cities, water, and sewer grants, and rehabilitation loans are to be obligated during the 1st half of fiscal year 1972

The Water and Sewer Grant Program is facing the same crisis. Where the Congress has appropriated $350 million for FY 71, the Administration plans to obligate only $150 million and to carry the balance of $200 million over to next year.

The budget demonstrates the Administration's lack of commitment to the Model Cities Program. Congress appropriated $575 million for the current year. The Administration intends to obligate only $375 million. Of the unspent funds, $157 million will lapse on June 30, 1971. Meanwhile, of the 147 cities participating in the program, 19 have yet to receive *any* first year action money. During FY 72, the Administration proposes to phase out Model Cities and allow an additional $505 million to lapse on June 30, 1972.

Thus, there are at least two facts that are clear from Table A.

First, there is $1.1 billion currently available in Community Development funds ($200 million each for Urban Renewal, and Water and Sewer programs and $732 million for Model Cities) that will not be obligated during this fiscal year.

Second, the Administration's proposed appropriation request for FY 72 for the four existing programs, plus the new Community Development grant program, is $500 million *less* than the total moneys appropriated by Congress for this fiscal year for the four existing programs alone. To illustrate this disparity further, the total *authorization available* for FY 72 for these four programs is $3.75 billion. The Administration's total appropriation request for FY 72 for these four programs plus the new block grant program is $1.64 billion.

The Community Development Grant Program (grant consolidation, alias "special revenue sharing") is the primary substantive proposal in the HUD budget. As Table A indicates, the four categorical programs listed would be funded separately during the first six months of FY 72. By January 1, 1972, assuming Congressional approval, the new program would begin. The Administration projects an annual obligation level of $2 billion with the following functions being "folded into" the new, single grant program: Urban Renewal, Model Cities supplementary grants, basic Water and Sewer facilities grants, Certified Areas, Code Enforcement, Demolition grants, Housing Rehabilitation loans and grants, and Interim Assistance for Blighted Areas. The details about this new program have not been made public, nor has the Administration discussed any of its plans for this new approach to community development with representatives of the city officials' organizations.

A great many questions need to be answered. Why must the new program begin in the middle of the fiscal year? What will be the mechanism for distributing funds? Will there be a formula, similar to the one planned for general revenue sharing, which will serve to dilute the already meager pot of funds among a larger number of communities? How will the Urban Renewal program be "phased" into the new program?

In presenting arguments for consolidating grants in this fashion, the Administration has stated that it is motivated, in part, by a desire to extend the benefits of the Model Cities process to all HUD community development programs. However, the Budget and HUD Secretary Romney in his recent comments to the press specify that only those aspects of Model Cities that constitute physical community development activities would be preserved under this new block grant. Planning functions would be absorbed under the new Office of Community Planning, and all other nonphysical development activities would have to be funded through other departments, such as Labor and HEW.

Thus the Administration demonstrates it does not understand what Model Cities is all about. The Model Cities process involves the creation of a comprehensive plan by a locality for the total social, economic and physical development of a specified section of the community. Because the original Model Cities area within each community frequently overlapped existing urban renewal projects and because there has been a startling lack of cooperation by other Federal agencies with the Model Cities process, over 80 percent of the total amount of Model Cities money has gone into human resource (that is, *non-physical*) development. Fifty percent has gone specifically into areas of health and education. Therefore, to separate the comprehensive planning component from program implementation and to eliminate nonphysical development as an eligible activity under the supplemental grant mechanism is to abolish all major elements of Model Cities as we know it today. It should also be pointed out that this action constitutes a net loss to the cities in terms of their ability to get Federal dollars to support human resource development, for there is no evidence elsewhere in the Budget that there has been any increase in funds to pick up this effort.

Table B depicts the budgetary plans for the Public Housing Program.

TABLE B

[In millions of dollars]

	Contract authority available	Fiscal year 1971 estimated obligations	Estimated carryover authorization	Contract authority available	Fiscal year 1972 estimated obligations	Estimated carryover authorization
Public housing	394	201	192	[1] 417	207	210

[1] Includes $192,000,000 carryover plus $225,000,000 in new contract authority.

For the Public Housing Program, there are three important figures to be compared—the total amount of contract authority available each year; the total amount of obligations the Administration intends to commit from the available contract authority; and the resulting unused contract authority (if any) that is carried over to the next year for possible use. Table B demonstrates that out of a total of $394 million in contract authority available for FY 71, the Administration plans to obligate only $201 million, leaving a carry-over of $92 million in contract authority. Next year, out of the total $417 million in available contract authority, only $207 million will be obliged in FY 72, leaving a $210 million carry-over authorization for FY 73.

The Administration's decision to obligate only about 50 percent of the total contract authority available in each year comes at a particularly difficult time for the Public Housing Program across the country. Total new starts for FY 71 will thus remain at 90,000 units already approved—more than 100,000 units short of even the most conservative estimates of the annual number of low rent units we should be building nationally. Meanwhile, dozens of public housing authorities are facing literal bankruptcy as a result of rising operating deficits spurred on by mounting inflation. In fact, the decision not to utilize the $192 million currently available for this program brings to over $1.3 billion (including the unobligated monies for Urban Renewal, Model Cities, and Water and Sewer grants) the total amount of funds in the community development and housing fields that this Administration plans to withhold from urban areas.

Table C sets forth the budget for the six remaining HUD programs of importance.

TABLE C

[In millions of dollars]

	Fiscal year 1971		Fiscal year 1972	
	Authorization	Appropriation	Authorization	Appropriation
Sec. 235	130	130	[1] 225	175
Sec. 236	135	135	[1] 225	175
Rent supplements	168	55	153	60
Open space	75	75	[2] 109	200
Neighborhood facilities	66	40	76	40
Comprehensive planning (S. 701)	105	50	[3] 85	100

[1] Includes $200,000,000 in new fiscal year 1972 authorization plus $25,000,000 carryover authorization from fiscal year 1971. Such was approved in the HUD Act of 1970 (Public Law 91-609, signed Dec. 12, 1970).

[2] Requires additional authorization of $91,000,000.

[3] Requires additional authorization of $15,000,000.

The first three times—Section 235 (Home Ownership), Section 236 (Rental), and Rent Supplements—constitute the balance (along with public housing) of the housing assistance programs. Though the FY 72 appropriation requests for Sections 235 and 236 are higher than those for FY 71, they remain $50 million below the authorized ceiling for each program. The Administration also seeks an inadequate level of funding for Rent Supplements: For the appropriation requests for both fiscal years run well behind the total authorizations available.

The only apparent positive signs evident from the entire HUD budget are found in the Open Space and Comprehensive Planning programs. The Administration is calling for increases of $125 million and $50 million respectively in FY 72 appropriations.

The Administration's special revenue sharing proposal hopes to provide additional outlays for these programs in FY 72. Yet, even if the proposed amount of $153 million is appropriated by Congress, the total increase in outlays for FY 72 would still fall far short of the increases achieved for this fiscal year.

Since special revenue sharing is, in reality, just another name for block grant distribution, the Administration must first consolidate existing categorical manpower programs into a single funding authority. Indeed, the Administration has indicated that it will submit legislation for this purpose and to achieve these essential manpower reforms:

(1) Decentralization of the planning and operation of programs to State and local governments; and

(2) Achievement of broad program flexibility to allow local sponsors to respond to individual and community needs.

Even more than reform, however, most commnuities urgently need some form of job creation program like Public Service Employment (PSE). In recognition of this, several members of Congress already have introduced PSE legislation. Each measure includes authorizations for substantial increases in the current budget request.

EDWARD H. HOLMES SOON TO RETIRE AFTER 43 YEARS OF SERVICE IN FEDERAL-AID HIGHWAY PROGRAM ENGINEERING, RESEARCH AND PLANNING

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 24, 1971

Mr. RANDOLPH. Mr. President, after 43 years of Federal Government service—the entirety of it performed with the U.S. Department of Transportation's Federal Highway Administration and its predecessor agencies—Edward H. Holmes will retire April 2, 1971.

The Committee on Public Works, and particularly those of us with lengthy service on its Subcommittee on Roads, are well aware of the capabilities and the exemplary performance of Mr. Holmes, who has served in numerous capacities in the agencies which have had direct responsibility for the Federal-aid highway program. Currently, he is associate administrator for Planning in the Federal Highway Administration.

We who know Mr. Holmes and the nature and quality of his performance are ambivalent as we contemplate his departure from active duty. I sense a feeling of sadness that the Nation will lose the expertise of this man who has made invaluable contributions to the advancement of traffic engineering, highway research, and transportation planning. We recognize, however, that his years of dedicated service have earned for him the rights and entitlements of retirement.

Mr. Holmes joined the U. S. Bureau of Public Roads in 1928 after graduating from Massachusetts Institute of Technology with a bachelor's degree in civil engineering. He was awarded a fellowship for study in traffic research at Harvard University and received his master's degree from that institution in 1930. From 1956 to 1962, he was the Bureau's Director of Research and from 1962 to 1967, he was Director of Planning. In 1967 he was appointed Director of Policy Planning for the Federal Highway Administration, and last August was named to his present position.

Mr. Holmes was responsible in large measure for the planning, adaption, and design of equipment and scientific techniques for the measurement of traffic characteristics. He performed a major role in establishing statewide highway planning surveys which linked land use to highway planning.

He gave direction and counsel to the series of studies and reports which led to the enactment in 1956 of the Federal-aid program for construction of the Interstate Highway System. In the 1960's, he guided the development in urban areas of transportation planning processes designed to relate highways to total urban requirements.

Many honors came to Mr. Holmes during his years of Federal service. They included the Theodore M. Matson Memorial Award for outstanding contributions to the advancement of the science and profession of traffic engineering; the Highway Research Board's Roy W. Crum Award for distinguished service; and the Thomas W. MacDonald Award for outstanding service presented by the American Association of State Highway Officials.

When the Bureau of Public Roads was an agency of the Department of Commerce, Mr. Holmes received the Department's Meritorious Service Award in 1950, and the Department's Gold Medal Award for exceptional service in 1962.

Mr. Holmes is a man of extraordinary ability who exemplifies the finest in Federal service. He performed a major role in improving the lot of his fellow man by helping to provide the highway facilities a mobile society demands. He has left an indelible mark on the Nation's highway program.

BYELORUSSIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BROOMFIELD. Mr. Speaker, March 25, 1971, marks the 53d anniversary of Byelorussian independence. On this same day in 1918, the Byelorussian people for a brief period enjoyed freedom and the right to govern themselves in a free and democratic manner.

Prior to World War I, the Byelorussian people had been ruled by the Russians, but through their own initiative began to develop a culture and a language of their own.

It was during World War I that the non-Russian peoples in the czar's empire began to establish their own national cultures and identities. The Byelorussians, along with the Estonians, Latvians, Lithuanians, and Ukrainians continued during the German occupation of Russia to make plans for political independence.

A democratic constitution was developed in 1918 and on March 25 of that year, the Byelorussians declared their independence and established a seat of government at Minsk. With the end of the war and the retreat of the German armies, the Red army seized Minsk and the rest of Byelorussia on December 10, 1918.

Today, there are more than 8 million Byelorussians behind the Iron Curtain, denied of all rights of freedom and expression.

It is my fervent hope that the Byelorussian people now subjugated by the Communist regime will regain their freedom and once again enjoy the blessings of a democratic government.

THE QUIET VOICES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD at this point the text of an editorial appearing in the March 18, 1971, issue of the Journal of Commerce entitled "The Quiet Voices":

THE QUIET VOICES

When issues are complex, the desire for an overly simple solution becomes almost irresistible. Transportation policy issues have become tightly knotted. Times are difficult; the simple-sounding solutions seem attractive. "Off with his head," must often have given the absolute ruler of ancient times great personal satisfaction. At least the irritant was temporarily removed.

And so today we have strident voices speaking to us about transportation policy. Abolish the ICC and remove rate regulation, nationalize the railroads, create a super-regulatory agency, put transportation under the antitrust laws. We do not suggest that these proposals are all without merit. For many years, we have advocated more use of basic antitrust principles in the regulation of transportation.

But these are all very radical changes. There is formidable opposition from shippers and from the transportation industry to the abolition of the ICC. Nationalizing the railroads, in our view, is a counsel of despair. The super-regulatory agency may have merit, but it would require the complete rewriting of transport regulatory law—a herculean task and not one likely to be accomplished in this session. Applying antitrust laws inevitably means both the abolition of rate bureaus, which are popular with many shippers, and amending the Robinson-Patman Act so that it applies to services as well as goods—an arduous procedure.

Many of these long range suggestions may, in part or in whole, come true in time, but the urgent need is for prompt relief today. Because quick answers are needed, the simple-sounding drastic solution to complex problems are counter-productive. Many of these suggestions are diverting attention from practical goals more easily attainable and more productive.

We hear most of all about poor management in transportation; there is some of that undeniably, but also a lot of superior management. On the whole freight rates have risen much less than prices in the unregulated segment of the economy, a tribute both to cost-saving innovations by transport management and vigilant regulation. Nationalization would not produce half as good management. There is regulatory inequity.

Undeniable. There are regulatory lags, no question about it, but often brought on more by the litigants than the regulatory agency. There is local tax discrimination. Many carriers are forced to operate services which the public does not patronize; there is too much of that. The carriers have no adequate defense against the inroads of inflation; the goods they buy and the labor they pay for goes up in price much faster than the rates. That is undeniable and perhaps the single most important problem.

There has, up to now, been lack of unity of approach to common problems among the various modes of transportation. Railroads, motor carriers and water carriers have seemed intent, not on improving the position of the industry generally, but on cutting down each other.

Last year that seemed to be changing. One observed the totally unprecedented sight of water carriers and railroads working together to solve a water carrier problem, the legalization of mixing of regulated and unregulated commodities in a single river tow. At the same time both sponsored amendments designed to achieve more equity in regulation between the modes. The truckers approved. The DOT now has two years to make recommendations in this area of equitable regulation.

Truckers, railroads and farm cooperatives also worked together to close a legal loophole which would have created a great many phony farm cooperative transport companies. Water carriers and truckers have both taken a "hands off" approach to railroad mergers, and new tax incentives and government loans for railroads.

Now the time appears to have come for more detailed common action. John A. Creedy, president of the Water Transport Association, representing the ICC-certificated water carriers, in a speech in Louisville last week suggested that the issues before the transportation industry be divided into three categories. The first would embrace issues which, if resolved, would benefit all forms of transportation. The second would benefit one, but not hurt any other. The third are the frankly controversial issues on which one mode believes its economic interests are adverse to another. Mr. Creedy said let's get going in a united effort to solve the first two types of issues, and the very act of working together may produce progress on the controversial issues. He urged that particular attention be given to modernizing the ICC's approach to cost justification so that the inroads of inflation may be properly taken into account.

Speaking in Chicago, William A. Bresnahan, president of the American Trucking Associations, also called for all modes to get together on the solutions of transport problems for the common good. He urged better ground rules for the abandonment of service, and argued that the carriers should not have to provide services at less than cost. He also suggested that the government, the largest shipper of them all, should pay the same tariff rates as any other shipper, not "Section 22" rates, which are much lower.

These are quiet voices calling attention to major issues all carriers have in common which could be settled promptly if the transport industry would unite in common action.

We hope such common sense suggestions of the water carriers and the truckers in the interest of all transport modes and of the public, will not be ignored by the railroads. If transportation does not suggest its own cures, other cures will be thrust upon them which may not meet the problems. If their reasonable requirements are not met, expansion of capacity will be insufficient to meet the needs of the economy and the public interest will suffer severely. The alternative is chaos leading to government-ownership and far less efficient transport service than now exists.

DEMOLAY'S 52D ANNIVERSARY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KEMP. Mr. Speaker, in my 39th Congressional District of New York and throughout the Nation, last week marked the completion of the observance of International DeMolay Week.

Allow me to make the observation that this character-building organization of young men from 14 to 21 years of age, now in its 52d year, contributes week in and week out to the welfare and character of other young men in Erie County, N.Y., and in other commmunities throughout the Nation.

By so doing, they are developing the traits of leadership and other fine qualities of responsible citizenship for themselves and their fellows.

It is fitting that all of us salute this worthwhile organization for its deeds, past, present, and future.

A NEW LIFE FOR THE COUNTRY

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, March 24, 1971

Mr. PEARSON. Mr. President, I recently had the opportunity to read a statement delivered by Mr. Claude W. Gifford, of Farm Journal magazine, which was given before the annual meeting of the Farmers Cooperative Council of North Carolina earlier this year. I thought this to be a very perceptive speech. Mr. Gifford's knowledge of farm and small town America is extensive, and he has effectively outlined a program for rural development and countryside growth.

Because of the significance of this statement, I invite the attention of the Senate to it and insert it in the Extensions of Remarks:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A NEW LIFE FOR THE COUNTRY

(By Claude W. Gifford)

36TH ANNUAL MEETING, FARMERS COOPERATIVE COUNCIL, RALEIGH, N.C., JANUARY 27, 1971

If there is a theme to this concern that I would like to share with you briefly, it is that life as we have known it—family life, economic life, societal living and physical living conditions themselves—are in the grip of circumstances both in rural areas, and in the cities, that threaten to strangle the kind of living that you and I hold dear. And the time is upon you and me to respond to this threat and build "A New Life for the Country" while we can still do it within reason and with dignity.

If you want to visualize the shape that the rural countryside is in, just let your mind conjure up these dimensions of Miss Rural America in Playboy fashion if you will: She is a 33–50–60. Miss Rural America has 33% of the nation's people; 50% of the nation's poverty; and 60% of the nation's poor housing. Now you and I cannot contemplate a shape like that without feeling real compassion. And well we should.

But let's save some of our feelings for Miss Urban America. She is a distressing 66–3–85. Miss Urban America has 66% of the nation's people; only 3% of the nation's land; and 85% of the nation's crime.

FOUR MODERN PLAGUES

These dimensions of urban America, with the resulting compaction of human beings into a seething, noisy mass on only 3% of the land, has led to four plagues of modern cities. These plagues are just as debilitating to the people and the society of our times as were the medieval plagues of an earlier era. These modern plagues are the plagues of pollution, blighted housing, crime and transportation paralysis.

Pollution, as you and I know, is simply the inability of nature's cleansing processes, and of our manmade systems, to stay ahead of the outflow of wastes of human activity.

We heat our water, put gook in it, mix chemicals in it, flush it with raw sewage, then we treat it to drink. We pour smoke into the air out of our smokestacks and belch fumes into the faces of people from the exhausts of our vehicles. We produce and toss aside almost indestructible boxes, bottles, metal cans and plastic containers. We seed chemicals in our atmosphere. And, as you know, all sorts of dire consequences are predicted for us if we don't alter our ways with some haste and urgency.

The second plague of modern cities is blighted housing. We find deteriorating housing in our cities in great concentrations, row on row, back to back, elbow to elbow—with the blighted housing pouring its inhabitants onto narrow asphalt streets leaving some of them to vent their frustrations and lack of home and community pride upon each other, and upon surrounding areas, in sometimes violent outbursts.

Crime is the third plague of modern cities. Crime and gangs come creeping into the fractured society where too many people have lost their pride in self, home and community—leaving people, families and communities to erode physically, socially and morally. Pride, as we know, is the chief glue that holds together and drives the individual, families, societies and nations. And without pride—and cause for pride—they each come unstuck.

If there should be any doubt, the reality strikes when you find you can't walk on the streets of the nation's capital tonight unless you want to invite these frustrations of compacted living to be vented upon you in a violent manner. The daily listings of the previous day's crime in the Washington, D.C. newspapers is a shameful indictment of our society in the showcase city of our nation. Obviously, the glue of behavior is coming unstuck to a distressing—yes, an alarming—degree.

The fourth modern plague of compacted cities is transportation paralysis. A city, as you know, is a unique social and economic organism which is alive and lives and breathes just like the people in it. You can see and sense this life in a city. The transportation arteries pulse with the flow of its life's blood: People going to work. Deliveries being made. Food and goods flowing into and out of stores. People moving about shopping—and performing and receiving services.

Without this flow of social and economic activity through the transportation arteries of our cities, life in the city stagnates. The cities become uneconomic; costly; ungainly; unmanageable. And can't you see that happening right before your eyes in today's cities?

You and I can witness that the transportation avenues of our compacted big cities are developing a bad case of hardening of the arteries: Slow flow of economic and social blood. Huge bottlenecks. In city after city, the hearts of these living social organisms are suffering angina pains from coronary conditions that leave whole areas atrophying in the central cities.

This picture that we see in our cities is very disturbing. And it is not just something that is happening afar in New York City, or Chicago, or Philadelphia, or Washington, D.C. It is happening in Raleigh, Greensboro, Winston-Salem and in Charlotte.

The great threat that now faces us is that the social and economic ills of the nation's inner cities may worsen and spread over entire urban areas, infecting even the entire national structure unless we act together to prevent it. Even the present cost to us in terms of lost human resources and in tax loads is staggering.

As we look ahead at what we can do about this, there is both good news and bad news.

You'll recall the story about the embattled cavalry forces on the early prairie that had been hemmed in their fort by the Indians. It was winter time and the food in the fort was running out, and it appeared that it may be another 30 days before the spring thaws would enable other cavalry to come to their aid. The Captain called the men together one day and said, "Well, I have both good and bad news for you."

They said, "Give us the bad news first."

The Captain said, "Well, I'm sorry to tell you this, but in three days the only food that we will have left is buffalo chips."

They said, "Now give us the good news."

The Captain said, "The good news is that we have 15 tons of it."

POPULATION PROSPECTS

As we look at what lies ahead for our cities and our way of life, let's look at the bad news first: Our population experts tell us that unless our habits change we are very likely to have 100 million more people to add to our compaction in just 30 years when we reach the magic year 2000. I'll leave it to you to contemplate whether such a habit so ingrained is likely to change materially in that period of time.

The mathematics of it is that this increase in population in 30 years is one additional person for every two that we have now to be accommodated in the same space. Or look at it this way: The increase in population will be as many people as now live in 41 of our 50 states. It means adding each year for 30 years the equivalent of two-thirds of the state of North Carolina to our population and to our productive economic activity. Or visualize it this way:

In order to accommodate the coming growth in population we will have to erect a new city the size of Asheville each week. Imagine the frenetic activity of building an Asheville every seven days for the next 30 years. And if we want a day of rest in our week, we will have to do the building in six days.

That is the bad news. Now what is the good news?

The good news is that unless we also change this historic pattern of the past that these people will try to crowd into metropolitan areas that are already overcrowded, uneconomic, unmanageable and afflicted with the four modern plagues: pollution, blighted housing, crime and transportation paralysis.

Facing that prospect, we inevitably cast about for what we can do. We are almost as distraught as the hard-scrabble farmer in Western Dakota who lived 30 miles from town. His wife was soon to give birth and he stopped off one day when he was in town to see what the doctor would charge for delivering the baby. The doctor told him that it was a long drive out to his farm and with the cost of everything going up that he'd have to charge him $100. The farmer, who had been thinking more in terms of $50, let the doctor know that things were plenty tough on the farm, too, and that he couldn't pass his farm costs on, and that he'd just deliver the baby himself and save $100.

In due time, the doctor got a phone call from the farmer who said, "Hello, Doc. I've just delivered one fine boy; saved $100. Ha." And he hung up.

An hour later, the doctor got another phone call from the farmer: "Hello, Doc. I've just delivered two fine boys; saved $200. Ha, ha." And he hung up.

A half hour later, the phone rang again. It was the farmer: "Hello, Doc. I've just delivered two fine boys and a girl. Say Doc? How do you shut this dang thing off?"

HOW TO BE HAPPIER AND HEALTHIER

Well, there is something that we can do to shut off the flow of people into compacted cities. We have the ability to help Miss Rural America do something about her 33–50–60 and simultaneously help Miss Urban America with her 66–3–85.

If this is to be a happier and healthier nation in the years ahead, our growing industry and our increasing population must spread out—across the countryside—instead of continuing to pile people and industrial plants into compacted areas. And our rural countryside—your countryside—must have a greater share of the economic activity of the nation if it is to deal with its problems of housing, education, health care and jobs in the countryside. This is the challenge of Rural Development and Countryside Growth.

We easily arrive at the conclusion, I believe, that the potential of this nation does lie in its countryside. It is there that we have the clean air, clear water, living space, outdoor recreation, scenic beauty, transportation potential, tranquility, inspiration and the opportunity for man to live more in harmony with nature. And we can make this a more livable country—for countryside and city together—if we have the good sense to plan, and zone and build sensibly in countryside areas so that man can live more in harmony with himself and with nature. This means that rural people will want to stir themselves and have a hand in modern planning and zoning to create the proper conditions for enlightened economic growth. Otherwise, we may merely create more slums, and more compaction, and more pollution out in the Countryside from the same lack of planning that has led to so many of our problems in the cities.

Unless we change, and use more foresight, the sheer cost of correcting our mistakes may lock us into an economic morass similar to some of the unfortunate emerging countries of the world. Already, it is estimated that it would cost $100 billion annually for 10 years of corrective surgery to rebuild and remodel our big cities. And ask yourself whether we can bear such a burden even now, let alone if the circumstances should worsen.

FARM AND RURAL ADJUSTMENT

The most logical solution to this dilemma will also help our countryside rural areas, which have been undergoing a revolutionary adjustment. Our farmers have become so superbly efficient that they have worked themselves right out of their jobs. Instead of one man, 40 acres and a mule, it has become one man, 300 acres and a tractor.

In the last 10 years, more than one-fourth of our farms have disappeared—they have been consolidated into larger farms, and these larger units even then can hardly carry the capital costs of today's kind of scientific farming. Farmers' productivity and labor efficiency have been increasing three times faster than in industry. This farm productivity has helped counteract inflationary high prices more than is commonly understood or appreciated. Even though it is costing more and more to move food from the farm to your table, agricultural efficiency is such that farmers are producing food so cheaply that we spend only 14% of our national before-tax personal income for food. This is the lowest in history, and the lowest for any civilization ever known—and we are doing it with fewer than 5% of our population on farms.

This amazing agricultural efficiency is a chief reason for our national affluence. The fact that we can spend 86¢ out of each dollar of personal income for things other than food allows us to support a wide range of consumer goods and services and releases 95% of our people for other economic activity. We can pour money and people resources into education, the arts, household appliances, automobiles, sports, housing, highways, airplanes, electric power and the like. Should anyone not think that this is a vital key to our affluence, let him look at economic conditions in any country where agricultural productivity is such that it employs most of the people and most of the national income goes for food.

But the irony in this country is that farmers have not shared equally in this national affluence. Farmers have been too busy painfully adjusting to their own phenomenal productivity.

Two things about this should not escape our attention this evening: First, rural areas have sent 25 million people to metropolitan areas since World War II. Think of that, in the short while since the signing on the battleship Missouri, we have witnessed the greatest migration of people in all history—and often have thought too much about it.

Many of the rural people that we have sent to the cities have been well-trained and ready to step into positions in business, education and government. Many of them have been rural young people who are the flower of the countryside—vibrant, trained, resourceful, filled with a dream of achievement, and fired with an ambition to succeed. They have stoked the fires of industry; managed the board rooms of commerce; stood with you in the legislative halls; and have risen to prominence in the arts, education, law and government.

But realistically, some of the rural migrants—too many, we must confess—have been poorly trained, inadequately prepared, have added to the welfare rolls of the cities, and have compounded to compaction and the metropolitan plagues.

The second point is that while this change on farms was galloping along at break-neck speed, rural towns that serve farm communities were also undergoing a painful adjustment. As the farm population shrinks, there are fewer people for rural towns to serve. Small town businesses suffer and towns shrink in opportunity and vitality.

And this is why we have 50% of the poverty and 60% of the poor housing in rural areas.

What we must do in order to meet the needs of our increasing population; and to solve our pressing problems of the cities; and to reverse the four plagues; and to build the new life we want; is to revitalize our rural countryside.

How do we do that and achieve desirable countryside growth?

HOW TO GET COUNTRYSIDE GROWTH

First, we should decide what we want to do—have a goal, if you will. Then we can set up the machinery for getting to that goal. Next, we can develop the specific projects for that machinery to achieve that goal. Let's touch those lightly since this is the heart of what we are saying, and above all else I hope that we can agree on these simple, but vital points:

1. The goal of Rural Development, or Countryside Growth, I think we would agree, is to create job opportunities, community services, a better quality of living, and an improved social and physical environment in the small cities, towns, villages and farm communities in rural America. We should have a national policy that encourages new industries and new population growth to spread out. And we should start by locating more of our government office buildings and installations in or near smaller cities.

As we encourage expansion in rural areas, we should keep in mind our future needs for cropland and not merely cover our best cropland with roads, streets, shopping centers, factories, houses and airports. Would it surprise you to know that of the four major uses of land, our nation's cropland is the smallest of the four? If the nation's land were shrunk to a model only 100 acres in size, 34.6 acres would be in pasture and grazing; 26 acres would be forest and woodlots; 19.8 acres would be roads, railroads, wasteland, farmsteads and cities; and 19.6 acres would be cropland.

2. The *aim*, I think we would agree, is to create job opportunities through private enterprise, accompanied with education and

job training to better fit rural people for these jobs—plus one more ingredient: bringing the jobs and the job-seekers together. We are not talking about merely transplanting existing established industries. After all, if we are going to duplicate two-thirds of the economy of North Carolina each year, that's considerable new industry in itself—not even accounting for the inevitable increased pace of the future.

At the same time, this will help farmers. It will create larger markets near-by. It will offer part-time work. It will create job opportunities for farm young people so that they won't have to move to some far-off city. And it will create better schools, better services, better recreation and a wider selection of better goods in their communities.

3. The plan is to build self-sustaining, expanding economic bases in rural areas that can provide these rural community services without resorting to perpetual government subsidies or welfare. We should remind everyone that jobs are created by the ingenuity and ambition of private enterprise. No one should feel that we can pull jobs out of the air or that the government can manufacture jobs. We should be agreed that wealth is created by job-holding citizens and self-employed persons producing goods and services; that wealth is what you and I produce for others to use and enjoy. It follows then, that the most effective Rural Development Countryside Growth program is job development through private industry.

4. And last we should do this locally where we can use local energy, local interest and local good judgment. If not, it will fail. The proper role of State and Federal Government in this venture is to help local areas with their planning—to share ideas, to offer credit, to establish national growth policies, train people, and use tax incentives to stimulate countryside growth. I don't know how you feel about it, but I hope that you agreed with me as I silently applauded last Friday night when the President said in the State of the Union address that he rejected the idea that government in Washington is more wise and more efficient than government at the local or state level. I reject entirely the idea that government in Washington is half as wise and efficient as local government.

And I believe that we should adhere to that philosophy in our Rural Development Countryside Growth efforts. The President's Task Force on Rural Development puts it about right, I think, in its report entitled "A New Life for the Country." It says: "Rural Development as a community-wide action program cannot start unless the local people want it, and it cannot succeed unless local leaders aggressively promote it." It says, "Vibrant, progressive communities don't just happen, nor are they beyond the reach of any of us." It says further: "If a community lacks leadership, if it lacks local concern, if it isn't convinced that it should become a better place to live—then perhaps it shouldn't."

But with you, I believe that many of our rural communities are ready and that they do have that spark—and we should join them in spirit and with our support.

THE SPARK OF GREATNESS

Now we have arrived at that point we have all been waiting for. I take leave of you with this simple thought:

The answer to whether we will have that better life for ourselves and our children will be in our response. That sounds so simple. Yet Arnold Toynbee, who has spent a lifetime studying the history of nations and of mankind, has not come up with an answer any more complicated than that. Nations rise and fall in direct relation to their response to challenges.

Some nations fail to see the challenge; others fail to respond adequately. In either case, their star falls from the firmament of world greatness.

Nation's as we know, are the sum of their people. The national response to challenge is the sum of the many responses within the nation—the response of citizens, the response of industry, the response of our schools, the response of our political parties, the response of our government, the response of legislators, if you will.

So what we do together—what you do as legislators, what you do as cooperative leaders, and what I do as an editor—will add, or subtract from the national response to this enormously important challenge, and it will help decide—affirmatively or negatively—whether we can really have "A New Life for the Country."

THE NATIONAL WEEK OF CONCERN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ANDERSON of California. Mr. Speaker, I was proud to cosponsor the joint resolution authorizing the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War—Missing in Action."

The observance of this "National Week of Concern" provides an opportunity for the expression of national feeling at every level. I am privileged to add my voice to those who share the concern on all our people for the plight of over 1,600 Americans now listed as prisoners of war or as missing in action in Southeast Asia.

To be meaningful and effective, we must channel our concern into constructive activities which will arouse public opinion in this Nation and throughout the world.

Within the civilized community of nations, certain rules and procedures have developed over the centuries to mitigate the brutality of war and to introduce some humane element into conflict. Many of these rules center around the rights of prisoners and captives. Today we see these basic principles flagrantly violated in Southeast Asia. We are determined to do all in our power to end mistreatment of our captive servicemen and, ultimately, to effect their release.

Here is a concern which transcends all partisan prejudice or ideological passion, a concern which cries out for the wholehearted support of every American. It is a concern which should be shared by all men of good will in every nation throughout the world. At stake are the lives of helpless prisoners as well as certain basic principles of humanity honored at all times and in all places.

Let this week of concern mark a renewal of dedicated effort by all the men of this land in behalf of our men captured or missing in Southeast Asia. Above all, let us unite in prayer for a just and enduring peace founded on unshakable principles of right. The humanitarian provisions of the Geneva Convention embody the humane sentiments of man, refined through long centuries of struggle. May this week of concern inspire in us all a deeper sense of unity, not only with our fellow Americans held captive in a foreign land, but with all who, under God, care for the cause of human decency.

PRISONERS OF WAR

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DEL CLAWSON. Mr. Speaker, perhaps the most stirring aspect of the observance of this week of concern for U.S. prisoners of war is the unity of purpose displayed by Americans of all shades of political thought, of all points of view regarding U.S. foreign policy in Southeast Asia and elsewhere. The issue is so clearcut—whether the minimum requirements of international law will be recognized by the government of Hanoi, that there can be no misunderstanding of our position.

Meeting with the brave families of our prisoners of war who have been living in a twilight world of worry, despair, and occasional faint hope, some with no tangible knowledge of missing members of their families for many long years, you can only respect and admire the tenacity of purpose and the quiet courage these families display. It is as though they seek to match the record of stoic endurance by their missing members held in Hanoi's prisons.

If the leaders of North Vietnam had supposed that as the years drag by there would be a lessening of national concern, a gradual withering away of national resolve to free our prisoners, or obliteration of their memories among friends and relatives, let it be noted that our concern has increased and strengthened. I have mentioned previously the personal friends of the Clawson family who have been in the forefront of the effort to secure humane treatment and release of U.S. prisoners. From these friends I have received insight into the heartbreaking problems which face a family deprived of a husband, son, father, held interminable years in a foreign prison. The ordinary decisions of daily living are complicated by uncertainty regarding the fate of the head of the family. What possible military advantage can accrue to the government of Hanoi in holding these men prisoner for so many years contrary to the requirements of the Geneva convention? The President, in his proclamation setting aside this week of national concern, has made it perfectly clear that we do not intend to forget our prisoners of war and that our efforts to secure their freedom will continue. The subsequent national outpouring of concern must surely make itself felt. A grim anniversary is celebrated this week. On March 27, it will be 7 years since the first U.S. serviceman was imprisoned in Southeast Asia. Our efforts must increase to focus the attention of the civilized world on this outrage so that, God willing, it will not be necessary to observe another sombre anniversary next year.

PRISONERS OF WAR: A MORAL OBLIGATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. FORSYTHE. Mr. Speaker, this week we are expressing concern for some 460 American soldiers who are known to be held prisoners of war in Southeast Asia. We are expressing concern for some 1,143 men missing in action there.

It is right that our Nation should join in a unified expression of horror and protest against the atrocities committed against American fighting men.

But it is absolutely essential that we continue pressing as a Nation for the fair and humane treatment of our prisoners of war and soldiers missing in action.

It is not enough that we rest with recognizing the plight of these brave men for a week, with speeches and ceremonies. For this will not result in freedom. This will not result in fair treatment. This will not result in the North Vietnamese Government changing its tactics and abiding by provisions of the Geneva Convention.

I was pleased to join in sponsoring the bill designating this week as "National Week of Concern for Prisoners of War/Missing in Action."

I am convinced that a joint effort on the part of all Americans; a unified show of support for our men is required. But, I also assert that President Nixon must take heed of this grassroots concern and press his efforts toward obtaining fair treatment and freedom for these Americans who have so visibly demonstrated their devotion to their country.

The President, I am certain, realizes the need for a revitalized effort in this area. Earlier this month he pledged his own firm commitment to win the release of all prisoners.

This country has tried political exchanges of prisoners. It has tried to win the release of information concerning prisoners. It has tried to counter North Vietnam's approach with public protest of unfair treatment.

Recently, American soldiers raided prisoner of war camps, only to find them evacuated.

Despite these efforts, American men languish in Communist prison cells. Some who have been released have reported isolation, inadequate food and medical care, denial of mail from home, and outright torture.

The resolution, cosponsored by many of my colleagues in this House, protesting treatment of POW's and MIA's, should be passed by Congress.

But we must not expect that this one act will win fair treatment. The administration must continue and intensify its efforts—both diplomatically and any other possible means—to win the release of these brave Americans.

For we must not allow our men to ever doubt that their Nation is behind them and working for their release.

PIONEER SPIRIT IN AMERICAN FARMERS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. FINDLEY. Mr. Speaker, one of the great downstate Illinois newspapers, the Illinois State Journal, last week editorially saluted the American farmer calling him a person who has "the spirit of the pioneer."

Many of my colleagues in the House will agree, I am certain, that farmers truly are people who must have a pioneer spirit of bravery and confidence in their ability to produce food for which there will be a profitable market.

The Illinois State Journal editorial details well the problems farmers face and the debt all peoples of the world owe them. I am pleased to include it as part of my remarks:

AMERICA'S PIONEER SPIRIT LIVES IN FARMERS

Farming has traditionally been regarded as one of the most hazardous occupations of man.

But it would seem that in this uncertain spring of 1971 the Midwest farmer who sows a crop is battling the longest set of odds in agricultural history.

Just about every conceivable factor—the weather, world conditions, the economy, politics—seems to be against him. One need not even mention the corn blight which almost ruined him last year and could finish the job in 1971.

To plant his corn crop is going to cost him more than a year ago. If he needs to replace a tractor or other farm equipment he will find himself paying a considerably higher price than he did a year or so ago.

If he escapes the corn blight and the weather turns favorable, especially in terms of rainfall, he may have a crop to sell. Then he needs only hope that the bottom has not fallen out of the market.

With the corn outlook as risky as it is, it is no wonder that some surveys indicate that farmers will be planting more land in soybeans than is generally the case.

The only drawback is that the more farmers who plant more acres in soybeans the more soybeans will be harvested and this could depress the price. The situation could be even worse if those warnings about a possible transocean trade war came true and foreign nations retaliate against U.S. exports. Illinois, the leader of all the states in soybean exports, would feel this in a hurry.

It is enough to make any man lose faith in the soil and his country. But fortunately for all of us the American farmer is a hardy breed. The spirit of the pioneer lives in him. His life is still an uncertain, hard and demanding one and he faces his array of problems without a whine.

He may complain now and then, and indeed, who has more right. But his plea is not for a handout, a comfortable life supplied by government largess. All he asks is some fair share in the immense contribution he makes to the nation's economy through the sweat of his brow and through knowledge and skill won through long hours at work and at war with nature.

There are fewer farmers today than in the past. It is the farmer's own proficiency as much as anything that has reduced his numbers. Fewer farmers produce much more.

But farming remains a vital segment of the nation's economy and, even more important, of American life itself. It must remain so if this country is to prosper and retain a meaning for existence.

Soon now all across Illinois the tractors will be chugging across the fields late into the twilight, reaffirming a faith in a way of life and a country whose lasting values are, perhaps, more clearly recognized by those close to the soil than anywhere else in society. It will be a welcome sound.

RURAL ELECTRIFICATION ADMINISTRATION AND RURAL TELEPHONE SERVICE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BEGICH. Mr. Speaker, Rural Electrification Administration loans to telephone cooperatives in rural areas have for 35 years helped such cooperatives to bring better telephone service to their subscribers. This federally subsidized 2-percent loan program has made rural service improvements possible and is the main reason that 83 percent of the farmers in the United States now have telephone service of some type. REA loans to the Matanuska Telephone Association of Palmer, Alaska, and the Copper Valley Telephone Association of Glenallen, Alaska since 1954 total $5.25 million. Over 5,000 subscribers enjoy the REA backed telephone service in Alaska, and REA financing made it possible for Valdez to use the first jointly buried electric/telephone lines in the United States, installed after the 1964 earthquake forced the town's relocation.

There are 878 REA telephone borrowers; 642 commercial companies and 236 cooperatives. Their needs for low interest loans are growing, as REA noted when they reported that they had to meet $551 million in new and pending loan applications with only $125 million in lending authority in 1970. Existing borrowers aren't the only ones who need the loan program, though. Some Alaskans do not have access to a phone system of any kind, while others rely on a restricted radio-phone hook-up made available to them at certain hours of the day by the armed service bases. To insure that these citizens will not be denied the telephone service they deserve, the amount of capital available for loans must be increased. At the same time, the Federal Government should not, and cannot afford to, completely subsidize this loan program with public money forever.

The proposed rural telephone bank of House Resolution 7 offers a way that private money market funds can supplement Federal capital for these low interest loans. It also offers the rural telephone cooperatives increased available capital for loans, and the chance to eventually own and control the institution handling those loans. Federal money investments will prime the pump, and will be repaid out of loan repayments to the bank. Private investors and borrowers themselves purchase stock in the bank, taking full private control of the bank when investments equal two-thirds of the total outstanding stock. Like the Federal Land Bank system on which it is based, the rural telephone bank will free the lending program from reliance on Federal financing, thereby freeing that money for other uses. The excellent repayment history of past loans insures that the Federal money will be repaid.

The proposed loan schedules mean that those cooperatives that can afford to pay interest will do so, and those who cannot will be eligible for low interest loans that have been in use under section 201 of the Rural Electrification Act of 1936. Intermediate loans made to June 1985 will carry an interest rate reflecting the current market rate, or 4 percent whichever is lower. By 1985 those companies whose assets allow it will pay the going market rate for loans, while those new companies will be eligible for the low interest loans. The 2 percent loan program of section 201 is a vital part of the development of rural telephone service, and must not be removed from the bill.

In the interest of developing the rural telephone system to its fullest extent, so that all citizens have telephone communication service, I will vote for House Resolution 7, and urge my colleagues to do likewise.

GEN. OMAR BRADLEY—MILITARY MAN WHO LOATHES MILITARISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Gen. Omar Bradley, one of the great generals in American military history, is also a great humanitarian.

In an article in the Sunday Star, Associated Press writer Jules Loh provides an interesting insight into the character and life of General Bradley.

It was my great honor and privilege to serve under General Bradley in the European theater of operations in World War II. My immediate commanding general, Gen. E. C. McNeil, once described to me General Bradley as "the greatest general in World War II."

General McNeil described Gen. George Patton as "dashing, daring, and colorful," but said in his opinion General Bradley was a "brilliant strategist" whom in a tight situation, was the greatest general of the war, assuring victory.

General Bradley later became Administrator of the Veterans' Administration where he served with great ability and distinction—an able administrator.

Because of the interest of my colleagues and the American people in General Bradley, I place the article from the Star in the RECORD herewith.

The article follows:

BRADLEY: MILITARY MAN WHO LOATHES MILITARISM

(By Jules Loh)

LOS ANGELES—Ten miles north of Bastogne on a green hillside in the Belgian Ardennes lies the village of Houffalize, two rows of tidy stone cottages, a sawmill, a church, a few shops.

For years, centuries perhaps, the village was of little concern to any except the families who lived there, or to the occasional travelers who stopped to refresh.

In the bloody winter of 1944, though, quiet Houffalize took on an importance it never sought and would forever regret.

It was the misfortune of the village that it sat astride the intersection of two roads, running north-south and east-west. The desperate armies warring across Belgium that winter found it strategically critical to control those roads. For that reason Houffalize was destroyed.

A generation later an old soldier who fought in that war, General of the Army Omar N. Bradley, returned to the scenes of its great battles to attend ceremonies marking the 25th anniversary of the invasion of Normandy. While there, he made room on a crowded schedule for a private trip to Houffalize.

"I had always wanted to go back," Gen. Bradley said.

"When I ordered Houffalize bombed the Germans held the village." He took a long, slow drink of ice water and set the glass down empty. "You see, there was no way I could warn the citizens."

Telling about his visit to Houffalize one got the impression that something more compelling than curiosity sent Omar Bradley back. He seems to have felt it was a journey he had to make, a personal matter, and that, having made it, he had tied up a last loose end and was free of an old burden.

"There were no visible scars," he said. "In fact, they were prospering. And," he added, brightening, "they were genuinely glad to see me. Gave me a grand welcome."

AN ARMY OF MEN

Those who served under Gen. Bradley back then remember him as one who regarded his armies as men, not digits. It was characteristic of him, that, at a time when other Americans are fretting over loss of identity in an increasingly computerized society, he should still be concerned 25 years later with the fortunes of an insignificant Belgian village and its people.

"There is no reason people should worry about losing their individuality," he said, "Machines haven't made us surrender anything as humans that we are unwilling to surrender.

"I see it the other way around: Machines have expanded human opportunities. One obvious example is that now we have the opportunity, because of technology, to go to the moon if we want to. That's a gain for the individual, not a loss."

Omar Bradley, America's last living five-star military officer—there have been only nine—is by a nature a private man, yet he dedicated his life to public service.

He led in the field the largest armed force history has made record of, led it to victory over a clear and present tyranny that might have engulfed the world. That done, "the GI's general," as he became known because of his compassion for his men, took over the Veterans Administration—a job he did not want but did not refuse—at a time when 14 million men were returning to pick up threads of sundered lives. Then he served as chief of staff and later as chairman of the Joint Chiefs of Staff during a new and vague sort of war in which Americans fought under a United Nations banner and there was, perforce, a "substitute for victory."

Today, at 78—his birthday was Feb. 12—the old soldier still stands straight as a cadet, still walks with a light, athletic gait, still socks a golf ball far and true, still outfigures the horse handicappers and still outlasts hunting companions in long walks over rough country. Age has lined his face it remains the familiar Bradley countenance—a gaze of mellow benevolence squeezed between a great hairless brow and heavy jaw.

Though waging a minor battle with a waistline bulge he is remarkably fit, and busy, at his desk and out of doors. And he is the first to say he thoroughly enjoys his present life. At long last he is heeding nobody's trumpet except his own.

But there is no doubt Omar Bradley would put aside his own pleasures and pursuits if asked to shoulder again the responsibility that he says belongs to every American.

Just last year the White House notified him one morning that the President wished to speak to him by phone at 4:30 p.m. All morning and into the afternoon the general paced his home stewing over what the President could possibly want. By 4:30 he had prepared himself, as he had so many times in the past, for another abrupt change in his life.

TIME TO THINK

He needn't have worried. Richard Nixon wanted anticlimactically, only to thank him for a message—one the general had forgotten he had sent—saying he regarded America's incursion into Cambodia as a sound military move. But had the President's call been yet another summons to service, it did not occur to Omar Bradley that he might decline.

"I don't think anyone can ever say 'I've done enough,'" Gen. Bradley said.

"In fact somebody ought to make more use of retired people. A retired man has the time to put his feet up on the radiator and think. When I was chief of staff I never seemed to have the time to think. I should have asked some retired officers to sit back and think and let me know their thoughts."

Omar Bradley is not, strangely enough, a retired officer. Other tribes may have once put aside the old warriors when they could no longer throw a spear, but Americans reward their five-star generals with "active duty" status for life, while at the same time permitting them to pursue their own interests.

When Gen. Bradley left his Pentagon post in 1953 he went with the Bulova Watch Co., and today is its board chairman. Once a month he flies to New York for a board meeting. He also periodically visits his Pentagon office where a full-time secretary keeps busy with a surprisingly large load of daily correspondence.

Between trips, he enjoys the serenity of a home stop at a 1,232-foot crag in Beverly Hills, with a view of the blue Pacific from the veranda, a place where he can wear old clothes and put his feet up on the radiator.

Omar Bradley is not the deep, philosophical sort, however. His wisdom represents rather the advantage of simple, absolute honesty; his success the triumph of men of good will. He was born in an era of national innocence and never lost faith in the verities asserted in America's seminal documents or in the sermons of his Campbellite Sunday school teacher in Moberly, Mo.

Moreover, he has an uncanny instinct for separating the trivial from the significant, the transitory from the lasting.

CURIOUS WORDS

It is a sense of balance which did not desert him even in the heady postwar years, an era when movies and pulp magazines were tirelessly hailing conquering heroes and the two-finger V signs, as popular then as now, had an entirely different meaning. America was invincible!

America was also in need of perspective. Gen. Bradley, one of the most decorated and confettied heroes of them all, provided it.

The occasion could not have been more appropriate for the usual ringing rhetoric of the day: a Memorial Day speech at the grave of a Medal of Honor winner. Instead, Gen. Bradley's theme was sobering:

"For every man in whom war has inspired sacrifice, courage and love," he told his audience, "there are many more whom it has degraded with brutality, callousness and greed."

Curious words for a professional warrior.

War, not peace, brought Omar Bradley fame and propelled him to the topmost echelon of his trade. Had he, as had certain of history's other generals, welcomed the chance to perform that which he had rehearsed so long?

"I certainly did not welcome war," he said. "That goes without saying. I would have much preferred to have served out my years in a peacetime army and retire quietly as a colonel. Once war came, I did welcome the opportunity to do what I was trained to do and paid to do."

Gen. Bradley draws a careful distinction between military men and militarists—"those who serve their country professionally, under civilian control, as opposed to those who put themselves in a separate caste above their government with a code of their own"—and is himself decidedly antimilitarist.

Chatting with him in his living room, his twin miniature poodles romping on the rug, leaping into his lap ("Their names are Omaha and Utah; the tough one is Omaha,") the Army's highest ranking officer seems as "civilian" as anyone could get. There is none of the stiff protocol peculiar to the military, none of the pomp of a MacArthur or the swagger of a Montgomery. With Bradley, a visitor feels more inclined to drape a leg over the chair arm than to jump up and salute.

Omar Bradley always has taken his job more seriously than himself, a virtue often attributed to great men but rarely seen in practice. In his foyer is a glass cabinet, containing row upon row of foreign decorations.

"Did you ever wear all those medals, general?"

"Lord, no. You never wear those things." He laughed. "Unless you're a Patton."

Inspecting the display closet, one notices with amusement that between the ornate Order of Suvorov, the award from a grateful Russia, and the elaborate Grand Cross of Ouissam Alaouite, from a grateful Morocco, rests the key to Atlantic City, U.S.A.

During the war Gen. Bradley never made a formal speech to his men, never issued a personal order of the day. In attire, he was probably the least affected general since Zachary Taylor, who wore a straw hat. Generals were allowed to design their own uniforms, as witness the Eisenhower jacket, the Patton jodphurs, the MacArthur hat; Bradley was satisfied with stock GI issue. When he was head of the VA he forbade use of military titles on office doors or in letters to discharged soldiers.

The fact is, Gen. Bradley's own choice of the military as a career came about quite by accident.

His father, a farmer and rural Missouri school teacher, died when Omar Bradley was 14. His mother moved from the country to Moberly, a town of 10,000, so that her son could go to high school and she could take in sewing. After high school Omar—named for a family friend—got a job at the Wabash Railroad repair shops to help make ends meet at home and to save money for college.

"The family was pretty hard pressed," Gen. Bradley recalled. "But I don't remember ever being unhappy. At least my boyhood experience gave me a sense of responsibility. If I didn't cut the firewood, we didn't have firewood. If I didn't clean the lamps, we didn't have clean lamps.

"One trouble with modern living is that children don't have that opportunity. The furnace goes on automatically and you flip a switch to get light. If a child doesn't learn responsibility by having responsibility, first of all to his own family, how will he ever develop a sense of responsibility to his community and his country?

"In any event, I knew I would go to college but I didn't know when. I had in mind going to the University of Missouri and studying law."

Instead, his Sunday school teacher, John Crewson, who knew the Bradley financial situation, suggested that Omar apply for an appointment to West Point, explaining that it was a chance for a free education. To young Omar's surprise, he was notified of his selection as an alternate candidate.

He had been out of school a year and thought little of his chances in the competitive examination—so little that he wouldn't have bothered to go to St. Louis to take it had he not been given an employe's free railroad pass.

TROUBLE WITH MATH

The exam was as difficult as he had expected. Especially the math, his best subject.

"I puzzled over it for two hours," he said. "Then I just gave up. I took my paper to the front of the room where the proctor was sitting at a desk, reading. When I got closer I discovered the fellow was asleep. I thought it would be a shame to wake him, so I took my paper back—and worked out all the problems."

He graduated in the West Point class of 1915. Following custom, Cadet Omar Nelson Bradley's personality sketch for the yearbook was written by a classmate.

"His most prominent characteristic is 'getting there,'" wrote Cadet Dwight David Eisenhower, "and if he keeps up the clip he's started, some of us will some day be bragging to our grandchildren that 'sure, General Bradley was a classmate of mine.'" Eisenhower also included an anonymous quotation: "True merit is like a river. The deeper it is the less noise it makes."

Bradley's career was one of steady, noiseless excellence.

"I never thought about promotions," he said, but "schemed" is what he meant. "I tried to do my job a little better than was expected of me, to study a little harder than was expected of me. I have never regretted making a career of the military. I have found it to be an honorable profession, and an essential one."

And, he feels, one that must never be regarded as an end in itself; he regards civilian control of the military under an elected government as one of the more critical safeguards of the American Constitution.

So as not to threaten that relationship, he believes strongly that military men should stay out of politics, even after they retire. For his part, he turned down an offer from Democratic leaders to run for the Senate in California in 1954.

"If a tradition started in this country of generals moving on into politics," he said, "their usefulness as generals would be hurt."

WHY SHOUT?

"For example, top military men have to testify frequently before congressional committees. Now, if the congressmen have to wonder whether the testimony might be colored by the man's future political ambitions, the testimony loses its value. The military's objectivity should never be put in jeopardy."

Omar Bradley was never one to equivocate. When he was chief of staff he received a long, sad "Dear Brad" letter from a classmate who had failed to be promoted. An aide drafted a long, soothing reply. Bradley tore it up.

He wrote: "A board of seven votes on promotions to lieutenant general. Five votes are necessary. You didn't get five votes. Sincerely, Brad."

Those close to Gen. Bradley over the years say they have never known him to raise his voice. "When your position is such that no one can answer back," he shrugged, "why shout?"

His normal voice is so low a listener must strain to hear; when angry, it drops even lower. Moreover, he has such consummate inner cultivation that politeness is instinctive. During the war an aide accidentally fired off a pistol as he was handing it to Gen. Bradley.

"For God's sake, Chet," the general said, almost in a whisper, "would you put that damn thing down. Please."

This characteristic of Bradley's has led some to equate geniality for softness. What folly. As veterans administrator, the general once denounced the national commander of the sacrosanct American Legion and did it at a Legion convention with the commander present. Another time he ordered a hospital to be built many miles from the site a certain Illinois congressman had publicly selected but where the general's own research showed it ought to be.

"What will I tell my constituents?" the congressman wailed.

"Tell 'em Bradley said no soap."

No mincing of words there. "When I first went to work in the Veterans' Administration," Gen. Bradley recalled, "I was puzzled for a long time why my letters to people in foreign governments took so long to arrive. I came to find out they were being sent over to the State Department for rephrasing."

Omar Bradley delights in a well told story, especially one on himself. Indeed he is planning a book of anecdotes collected during his military career. "Ike called his book 'At Ease.' I guess I'll have to call mine 'Parade Rest.'"

TIME PRECIOUS

Finding the time to put the book together is the problem. "At my age," Gen Bradley said, "time becomes precious." His daily schedule reflects a conviction that life is not all beer and skittles but that beer and skittles must form a good part of any full life. He spends long hours of correspondence and corporate duties but takes time, precious time, to read several books at once and to golf and hunt and go to the races and swim in his pool with his vivacious wife, Kitty, whom he married in 1966 after his first wife died.

"Right now I'm reading Irving Stone's book on John and Abigail Adams, 'Those Who Love.' I'm also rereading Creasy's Fifteen Decisive Battles of the World,' a book my father gave me when I was a boy. I just finished Donald Brownlow's 'The Accused' and I have a stack of books waiting to be read. Dean Acheson's, for one! I can't wait to get into it."

Gen. Bradley's own book, "A Soldier's Story," was a best seller when it came out in 1951 and was easily the most readable of all the World War II Memoirs.

"Well, I tried to make it readable," Gen. Bradley said. "I remembered falling asleep reading Gen. Pershing and I didn't want some young officer inflicted with Bradley to be bored. I cut the manuscript from 500,000 words to about 100,000."

If Omar Bradley's personal heroes do not include John J. Pershing they do, understandably, tend toward military figures: "Washington, Lee, Grant, Marshall—I think George C. Marshall was the greatest man this country has produced in the past century. He could walk into a room of strangers and everybody would notice there was somebody else in the room.

"Gen. Marshall had the qualities of greatness: character, human understanding, a thorough knowledge of his job, a certain stubbornness.

"President Truman has those qualities. So had President Lincoln. So had my father . . . just a country school teacher. A man doesn't have to hold high rank or office to be a great man."

Looking back on his life from the high hill of age, Omar Bradley can see nothing in his own performance to regret.

"I did my best," he said. "I don't believe I could do it any better or would do it any differently if I had it to do again. Yet, I believe I would approve. I believe I would."

PRESERVATION OF ICC AS INDEPENDENT AGENCY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a letter to Members of the 92d Congress regarding preservation of the Interstate Commerce Commission as an independent regulatory agency signed by Paul Rodgers, general counsel of the National Association of Regulatory Utility Commissioners and that organization's Resolution No. 8 regarding preservation of the Interstate Commerce Commission as an independent regulatory agency.

As one who from time to time in the past, and I suspect in the future, has found real reason to be critical of the ICC, I feel this communication merits careful consideration by the Congress and by persons interested in good government everywhere.

The solution to the problems of the ICC lies in part in the hands of that agency. On its own the ICC could do much to convert its sometimes lax, lackadaisical and inadequate performance of times past. The solution to ICC problems lies also in the hands of the Congress of the United States which has permitted a takeover of the ICC and other administrative agencies by the Office of Management and Budget.

Vigorous action by the Congress of the United States to restore independence to that agency by eliminating the dead hand of the OMB is urgently needed. The OMB flagrantly restricts the ICC in the proper carrying out of its function not only from a budgetary standpoint but also from a policy standpoint. Legislation to emancipate the regulatory agencies from the improper, unjust, unwise, unnecessary and counterproductive hand of the Bureau of the Budget now pends in the Congress under sponsorship of myself and other Members of this body.

One must come to the conclusion that those who seek to abolish the ICC as an independent agency do so either to eliminate free and independent adjudication of important questions of national policy, or because they are frustrated with the inadequacy of the performance of that agency and other regulatory agencies and so would throw out the baby with the bath water.

The letter and the enclosed resolution merit careful consideration:

NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS,
Washington, D.C., March 16, 1971.

To the Members of the
Ninety-Second Congress

Re: Preservation of the Interstate Commerce Commission as an Independent Regulatory Agency

GENTLEMEN: The National Association of Regulatory Utility Commissioners (NARUC), which includes the agencies of the fifty States engaged in the regulation of carriers and utilities, adopted on November 19, 1970, at its Eighty-second Annual Convention the enclosed resolution supporting the preservation of the Interstate Commerce Commission as an independent regulatory agency.

The NARUC Executive Committee on February 24, 1971, reaffirmed this resolution and directed that a copy of it be furnished to each member of the Congress.

Your consideration of this resolution is deeply appreciated.

With warm regards and best wishes, I am

Sincerely yours,

PAUL RODGERS,
General Counsel.

Enclosure.

RESOLUTION RE PRESERVATION OF THE INTERSTATE COMMERCE COMMISSION AS AN INDEPENDENT REGULATORY AGENCY

Whereas, The National Association of Regulatory Utility Commissioners was established in 1889 and is dedicated to serving the public by engaging in the study and discussion of subjects concerning the regulation of public utilities and carriers, promoting the uniformity of their regulation among jurisdictions, encouraging cooperation among the Federal and State governmental members of the Association, and advocating causes to improve the quality and effectiveness of public regulation in America; and

Whereas, Certain members of the Congress of the United States are now giving consideration to the abolishment of the Interstate Commerce Commission through the transfer of its regulatory functions to the Department of Transportation or to a single Federal transport regulatory agency to exercise jurisdiction over air, surface and maritime transportation; and

Whereas, The Interstate Commerce Commission was established by the Interstate Commerce Act in 1887 and is the oldest of the several independent Federal regulatory agencies; and

Whereas, The Interstate Commerce Commission, as an arm of the Congress of the United States, is insulated from political influence to the maximum extent practicable; and

Whereas, The basic concept of the regulation of surface transportation in the public interest, as defined by the National Transportation Policy and the Interstate Commerce Act and as administered by the Commission, has proven to be sufficiently flexible to meet the needs of both consumers and regulated industry; and

Whereas, the Interstate Commerce Commission has advanced the welfare of people in all parts of the Nation and has strengthened and unified the economy of the various regions of the Nation by preventing or eliminating unreasonable preferences and advantages to any persons, points, regions or commodities; and

Whereas, the preservation of this regulatory function is vital to the future growth of the Nation and to the continued promotion of economic opportunity to people in all parts of the Nation; and

Whereas, the users of surface transportation in particular have benefited from the Commission's ability to maintain transport rate levels significantly below the general indexes measuring the inflationary spiral of our expanding economy, with some rates today being below comparable levels of the 1950's; and

Whereas, the transfer of the regulatory functions of the Interstate Commerce Commission to a massive bureaucratic organization would adversely affect the public interest because the welfare of the users of surface modes of transportation and the modes themselves would receive less consideration and promotion in the government process; now, therefore, be it

Resolved, That the National Association of Regulatory Utility Commissioners, assembled in its Eighty-second Annual Convention in the vicinity of Las Vegas, Nevada, hereby supports the continuation of the Interstate Commerce Commission as an independent regulatory agency exercising jurisdiction over surface transportation, and hereby opposes legislation or other proposals to transfer its regulatory functions to another Federal agency, or to significantly diminish the Commission's regulatory authority over surface transportation; and be it further

Resolved, That copies of this resolution be furnished by the General Counsel of the Association to the President of the United States, to the Leadership of the Congress of the United States, to the members of the Committee on Commerce of the Senate and of the Committee on Interstate and Foreign Commerce of the House of Representatives of the Congress, and to the members of the Interstate Commerce Commission.

Adopted November 19, 1970.

IN SUPPORT OF REVENUE SHARING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. ANDERSON of California. Mr. Speaker, I rise today to express my support for the concept of revenue sharing. As I have said many times, I believe that this program is a possible means of easing the tremendous economic problems in our cities, counties, and States, and I feel that we have the obligation to aid them by adopting some form of revenue sharing.

We all know the problem is that the costs of providing public services—police and fire protection, public transportation, schools, welfare, pollution control, et cetera—are climbing more rapidly than the State and local governments can raise the revenue to pay for them. Property taxes, especially, have reached the limit of public toleration.

In addition to the great need for additional sources of revenue, I feel the local problems can best be solved by those most familiar with the situation. Federal dictates, bureaucratic ineptness and waste, and redtape must be replaced with local control, supervision, and participation. For too long, Washington has dictated specific allocations of Federal funds. I feel that we must reduce Federal controls in the distribution of Federal dollars at the local level.

I know that there is opposition to revenue sharing from segments of both parties, and I know that the Democratic-controlled Congress needs Republican support if the dream of revenue sharing is going to become a reality. But, I feel that those opposing revenue sharing have an obligation to come up with an alternative to solve the problem of the ever-rising costs of providing local services.

While I favor the concept of revenue sharing, I feel that the administration's proposal needs much improvement.

For example, the formula by which the moneys are allocated needs revision. Torrance, Calif., a city with over 136,000 residents paying $9.5 million in local taxes, would receiv $1,015,296 under the administration's proposal, while Montgomery, Ala., a city with approximately

129,000 residents paying $9.5 million in local taxes, would receive $1,269,389 under revenue sharing. It seems to me that cities with the same population and the same tax effort should receive the same amount of Federal funds.

A larger inequity exists when one compares the revenue to be received by the rich communities with the revenue to be received by the poorer communities. In Los Angeles County, Beverly Hills, a prosperous community with a rich tax base, would receive $811,871, in revenue sharing funds, while Compton, with a poor tax base, would receive only $398,012—less than half of what Beverly Hills receives—yet, Compton has well over twice the population to serve than Beverly Hills. In effect, Compton would receive $5.10 per person and Beverly Hills would receive $24.40 per person.

Examples of this type abound. Lomita, with 19,784 residents, would receive $1.60 per person, while El Segundo, serving 15,620 residents, would receive $19.20 per person. Homewood, Ala., with 20,958 residents, would receive $5.90 per person, and Lawndale, Calif., population 24,825, would receive $1.90 per person.

I would suggest that the formula for allocating funds be revised to include other factors. We should encourage efficiency in government. We should insure that the moneys go to areas where the need is greatest. We should aid in the tax relief of the local property owner.

The administration's suggestion rewards those cities that are fortunate enough to have a wealthy tax base, while the cities with a poor tax base are not rewarded. Obviously, a community with a low tax rate on a wealthy enterprise or a valuable home can collect more taxes than a community with a high tax rate on the individual homeowner—yet the needs of both communities are the same or, in many cases, the poorer community has greater needs. For example, the city of Commerce, an industrial community in Los Angeles County, with a population of 10,418 would receive $503,444—$48 per person—to spend as they like, whereas Gardena—with seven times the population of Commerce, and I assume, seven times the number of students, and seven times the need for police and fire protection—would receive less funds—$279,634—than Commerce.

Therefore, I would suggest that the revenue-sharing formula be revised to take into consideration the property tax rate of a community. I feel that an efficiently governed community, that is taxing at the maximum rate where the burden on the property owner is greater should receive priority over a community that is taxing at a lower rate.

A final comment, Mr. Speaker, deals with the individual communities within a large metropolitan city such as Los Angeles City. I feel that an automatic passthrough provision should be incorporated to insure that the funds allocated to large cities reach the local communities. The district that I am proud to represent contains several communities such as Harbor City, San Pedro, and Wilmington, that are parts of Los Angeles City. I would like to insure that the funds allocated for Los Angeles City filter down to these local communities in an amount equal to other comparable portions of the city.

Mr. Speaker, a number of alternatives have been suggested, and I look forward to committee hearings on these proposals. I feel that we vitally need a program such as revenue sharing, which would ease the painful financial squeeze that is now pressuring our States and localities.

CABLE TV: TUNE IN ON NEW WORLDS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MILLER of California. Mr. Speaker, I recently assisted in judging the "New Worlds" poster contest for schoolchildren, which was sponsored during February by the National Cable Television Association and its members CATV systems throughout the country.

The theme of the week-long observation this year was "Cable TV: Tune in on New Worlds." The industry is bringing new horizons in television services and holds much promise for the future, in much the same fashion as has space exploration in vastly improving our technological know-how and capabilities.

As chairman of the Science and Astronautics Committee of the House, I was particularly interested in the NCTA's poster contest, which asked school-age children to depict their image of the "New Worlds" to be found in space. Hundreds of children offered their ideas in local competition, and the best of these were forwarded for judging at the national level.

Our choice was not a easy one. My fellow judges, Gib Crockett, Pulitzer prize-winning editorial cartoonist for the Evening Star, Jack Hammond, executive secretary for the National Art Education Association, Sculptor Rockne Krebs, and I had a difficult time in selecting three finalists. The posters submitted by children from elementary, secondary, and high school levels, showed a great deal of imagination and talent.

After considerable deliberation we selected as grand-prize winner, the poster submitted by David Millman, 15, of Carson City, Nev., which depicted the lunar golf shot of Astronaut Alan Shepard. Runners-up were Steven Risley, 10, and Timothy Kiesling, 14, both of Dixon, Ill. Steven drew scampering "Moon Mice," and Timothy painted an imaginary planet scene. Other children, who participated in the contest and were awarded honorable mention certificates were:

Roger McKean, Northport, Ala.
Haven Burton, Kenneth Washington, Tuscaloosa, Ala.
Timothy Gibson, Johnny McConnell, Sheffield, Ala.
David Meiner, Diane S. Tranter, Prescott, Ariz.
Eddie Bustamante, Percy Glover, Bakersfield, Calif.
Mike Rocha, Santa Susana, Calif.
Niall Kelly, Don Stalker, Simi, Calif.
Henry Neil Laydol, Libby Mize, Snow (?), Lakeland, Fla.
Mark Tecco, Lewiston, Idaho.
Tom Anderson, Dixon, Ill.
Thomas Chuller, Jr., Sheila Conzeit, Douglas J. Kruse, Dubuque, Iowa.
Gary Jacobson, Spencer, Iowa.
David Gallagher, Pascal Jokinen, Limestone, Maine.
Michael Duplessis, Presque Isle, Maine.
Theresa Bonato, Mike Sodervick, Ironwood, Mich.
Charlotte Conte, Iron Mountain, Mich.
Glenn Lilley, Tom Morgensen, Brainerd, Minn.
Beth Brooks, Tim Desley, Ricky McGrath, Rochester, Minn.
Paul Eric Miller, Winona, Minn.
Autumn Tysko, Great Falls, Mont.
Eileen Gueths, Laviston, Mont.
Lisa Lariee, Hudson, N.H.
Earl Weeks, Merrimack, N.H.
Joani George, Absecon, N.J.
Rocco Disciascio, Ocean City, N.J.
John Harrold, Ventnor, N.J.
Paul Scully, Wildwood, N.J.
Harold Browning, Denny O'Latne, Lovington, N. Mex.
Gary Smith, Tucumcari, N. Mex.
Leslie Teeter, Dryden, N.Y.
Carol Dashner, Elmira, N.Y.
Trent Coombs, Horseheads, N.Y.
David E. Bernhardt, Steve Spraque, Jamestown, N.Y.
Michael Grady, McGraw, N.Y.
Steve Ross, Oswego, N.Y.
Dennis Richards, Rick Tanner, Reno, Nev.
Mike O'Del, McDermott, Ohio.
Howard Barber, Jr., Stephanie Newman, Portsmouth, Ohio.
Jerry Farber, Sherry Shaner, Altoona, Pa.
Chris Gorzelsky, Beth Hammond, Becky Plummer, Johnstown, Pa.
Mark De Pumpo, South Waverly, Pa.
Mickey Rabb, Michael Rice, Erwin, Tenn.
Randy Creasman, Greenville, Tenn.
Karen Toeve, Moshum, Tenn.
Vivian Elizabeth Smyrl, Commerce, Tex.
Randy Meade, Honey Grove, Tex.
Carla Callowan, Amy Douglas, Becky Morris, Palestine, Tex.
Wendy Stewart, Reston, Va.
John Guide, Mark Martin, Fairmont, W.Va.
Davey Barnes, Benton City, Wash.
Debby Floyd, Bill Petrak, David Wright, Jeff Wright, Julie Wright, Kennewick, Wash.
Terry Dronen, Pasco, Wash.
Jeff Threes, Kim Winegardner, Richland, Wash.
Carol Jonn, Jean Zacher, Wenatchee, Wash.
Helen D. Grivas, Sandy Messer, Beloit, Wis.
Julie Mickschl, Kris Pelan, Kelly Wurzel, La Crosse, Wis.
Dan McIntyre, Mercer, Wis.
Melva Davy, Marcia Sanchez, Al Smyder, Casper, Wyo.

COATINGS SERVICE DEPARTMENT OF UNION CARBIDE IN INDIANAPOLIS HONORED FOR OUTSTANDING PERFORMANCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BRAY. Mr. Speaker, industrial excellence in many fields has long been a hallmark of the American industrial machine overall. I was pleased to note that the Coatings Service Department of Union Carbide, in Indianapolis, was named an "Outstanding Quality Contributor" by the General Electric Co.'s

Aircraft Engine Business Group for the month of December 1970. They had received a previous such honor in November of that year.

General Electric informs me they are considered a dependable and valued supplier to GE's jet engine operation, and their record of service and performance is certainly commendable and worthy of note.

TRIBUTE TO BLUECOATS, INC., OF CUYAHOGA COUNTY, OHIO

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MINSHALL. Mr. Speaker, when a law enforcement officer or fireman in Greater Cleveland gives his life in line of duty, a magnificent organization, Bluecoats, Inc., moves in swiftly to ease the burdens of the bereaved family.

Founded 15 years ago in Cuyahoga County, Bluecoats has spent more than half a million dollars assisting survivors of these courageous public servants, helping pay mortgages on homes, educating children, and easing other financial hardships.

The Herald Sun, which ably serves the Chagrin Falls area which I have the honor to represent, pays beautiful tribute to Bluecoats, Inc., in its March 18 edition. I wish to commend Ruth Wirtz on her excellent article summarizing the work being done by this outstanding organization:

BLUECOATS, INC., TERMED "MOST REWARDING" CHARITY

(By Ruth Wirtz)

The men in blue in Cuyahoga County can feel secure knowing that, come what may, their families will be financially secure—thanks to an organization known as Bluecoats, Inc.

Since Bluecoats was founded in 1956—the deathbed dream-come-true of the late Gordon Stouffer—41 policemen and firemen have died in the line of duty.

And 41 times, Bluecoats has stepped in to ease the burden in every way possible for a stricken widow and children—providing immediate financial help and continuing with long-range care and concern to "be" a father and carry out his dreams for his family.

Bluecoats has spent more than $500,000 to aid the families of these men. At the present time, Bluecoats is "father" to 72 children, including seven in college with the financial backing of Bluecoats.

The youngest Bluecoats "son" is Joseph P. Tracz Jr., who was born Oct. 29, a month after the death of his Cleveland policeman father. He won't be ready for college until 1988, but the opportunity will be there waiting for him.

Bluecoats has never had a fund campaign, public or private. It has no office or paid staff and no headquarters, but it does have an address—5750 Harper Rd., Solon—headquarters of the Stouffer Frozen Foods Division of Litton Industries.

The work of Bluecoats is financed by $250 annual membership fees paid by 250 leading Cuyahoga County business, industrial and banking executives.

Such is the fame of Bluecoats that hardly a week goes by that unsolicited donations—from crumpled dollar bills to hundreds of dollars worth of blue chip stocks—don't pass across the desk of Bluecoats' energetic executive secretary, Wayman H. Thomasson, 31880 Woodsdale Lane, Solon. Thomasson also serves as Stouffer's vice president of public affairs.

Bluecoats was the dream of the late Gordon Stouffer, who had been a member of the Hundred Club in Detroit, the first organization in the country to come to the aid of widows and policemen and firemen killed in the line of duty.

Stouffer took preliminary steps in the spring of 1956 to establish a similar organization in Cuyahoga County and asked Thomasson to go with him to a meeting of the Detroit club.

A few days before the meeting, Stouffer suffered a heart attack and on his deathbed asked his brother Vernon and his friend Frederick C. Crawford, retired chairman of TRW Inc., to make his dream a reality.

Thomasson went to the Detroit meeting and Bluecoats was on its way. Gordon Stouffer died two days later.

"We sent letters to 112 persons asking them for $250 each to get Bluecoats started," Thomasson recalled. "And 97 of them responded with $250 checks.

"During the interval before we got our charter, two policemen were killed," he continued. "At our first meeting at the Pepper Pike Country Club, we voted to make the benefits retroactive to include those two families."

Death in the line of duty has come to 15 Cleveland policemen, 20 Cleveland firemen, four suburban policemen and two suburban firemen since 1956.

What does Bluecoats do when death strikes a man-in-blue in the line of duty?

First, a Bluecoats' official goes immediately to the widow with a check for $1000 for immediate expenses—plus some cash in the pocket to buy groceries.

"We learned that from experience," said Thomasson. "A check for $1000 doesn't do much good if it's a weekend and there's no money in the house for food. We know that many of these young policemen and firemen live from pay check to pay check."

The first $1000 check visit is standard procedure and most readers are familiar with it. But there's a great deal more.

Bluecoats pay special attention to the three cornerstones of family life—freedom from debt, home ownership and education of the children.

If there's a mortgage on the home, all or a major part of it is paid off by Bluecoats, depending on the financial condition of the family.

Funeral expenses and all outstanding bills are paid and then Bluecoats goes to work on things such as medical and dental care, home repairs and children's clothing.

"We don't wait for the widow to ask us for something, although she's welcome to ask for our help at any time. We investigate what needs doing—and we do it," Thomasson said.

Special educational needs of all kinds are provided. Bluecoats even takes over the paper work faced by the widow the go-here, go-there details that bewilder a woman in the lonely anguish of bereavement.

"Each family's case is different," Thomasson said. "But in all cases, we try to do for the family what the father would have done had he lived.

"We have a boy in college studying for the Lutheran ministry—that was his father's dream for him. One of our girls has needed psychiatric care for five years—she's getting it."

And the families are under no obligation whatsoever to Bluecoats.

"We've had two or three cases where the widow has remarried and not needed our help for the children any more," said Thomasson. "One widow married a well-to-do man and left the city. When they sold their house, they turned the money over to Bluecoats. But this isn't a typical case and we don't expect that."

In many cases, Bluecoats has provided not only the necessities, but the dreams as well.

In 1958, a Cleveland Policeman was slain by a prowler the day after he and his wife had decided to buy a "dream home" in Parma. Bluecoats carried out the dream and provided the $8000 for the down payment.

Bluecoats has a three-man advisory committee which provides the liaison between the family and the organization. The committee checks back with the family yearly to go over the financial situation.

Recently the committee noted that the driveway at one of the widow's home needed repaving, the well wasn't working and the children's teeth needed straightening. All are now being taken care of by Bluecoats.

Bluecoats has $660,000 in its fund for the college educations of the 72 children on its rolls at the present time. It's now a million-dollar organization whose value to the men-in-blue in Cuyahoga County can't be measured in dollars and cents.

Thomasson calls Bluecoats "the most rewarding, satisfying charitable endeavor you can possibly imagine."

"The second man killed after we started Bluecoats was Patrolman Garner Robertson of Valley View," said Thomasson. "We helped his widow and then a few years later we discovered she was going blind from cataracts.

"We arranged the operation that saved her sight. As soon as she could see well enough, she sent for a Bluecoats letterhead, got a pattern made of our shield and wove a rug for me," Thomasson continued.

"That rug has been hanging on my office wall ever since—and I told her no feet would ever walk on it," Thomasson concluded.

SENATOR NELSON ON THE ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. OBEY. Mr. Speaker, the events of the past year have made it evident that the environmental issue has become a national concern. The tremendous outpouring of support for the first Earth Day last April as has burgeoned into a full-scale national effort to save the environment. In both State legislatures and this Congress a myriad of environmental protection legislation has been introduced.

The House vote this past week discontinuing funds for the development of the SST is evidence that the environmental issue has become a national political force. The problem now before us is to direct our efforts toward establishing a national program to protect the natural environment while providing the necessities of life to all our citizens.

Many may consider the vote on the SST the beginning of the national fight to save the environment, but actually some individuals have been fighting to save the environment for years. One of these persons is my eminent colleague, Senator GAYLORD NELSON of Wisconsin. He has been an active environmentalist for over 20 years.

Recently, the Chippewa Herald-Tribune of Chippewa Falls, Wis., ran a special environmental edition which included an excellent article about the activities of Senator NELSON. As the writer pointed out, Senator NELSON sponsored many successful pieces of environmental legislation, such as the Apostle Islands

National Lakeshore Act and the National Wild and Scenic Rivers Act, long before the ecology issue became a national concern.

Early in this session of Congress, Senator NELSON introduced 24 bills and resolutions concerning the environment. Presently, he is sponsoring a resolution to expand the Earth Day idea, which he proposed in 1969, into a week of activity designated Earth Week, to take place nationally in the third week of April.

In recognition of the Senator's many contributions to the protection and enhancement of the environment, I include the article in the RECORD:

EARTH DAY LAUNCHED ENVIRONMENT ISSUE

(By Ronnie Jill Kweller)

WASHINGTON.—Sen. Gaylord Nelson (D.-Wis.) thinks that the environment is an issue whose time has come.

Nelson introduced 24 bills and resolutions about the environment shortly after Congress convened last month. He sees passage of this kind of legislation as a growing trend for the next several years.

Some of his bills, like that controlling strip mining, have been introduced before. Although the strip mining bill "never got a hearing before," he anticipates that this year "a strip mining bill will come out of committee and be passed."

He added that "it has taken four or five years of putting that bill in to finally get some attention to the problem."

Nelson first introduced a bill setting detergent pollution standards seven years ago. But the issue "didn't get visibility and interest, nationwide and publicly, until the last two or three years," he said. "I anticipate this year or next year we'll pass a detergent control bill."

"Of the 24 bills and resolutions on the environment that I introduced, all of them, for all practical purposes, will pass in the next four or five years," he said.

Earth Day, April 22, 1970, heralded the coming of age of the environment as an issue in American politics, Nelson said. And this was necessary before any concrete achievements could be made.

On Earth Day, when 2,500 colleges and universities, 10,000 high schools and grade schools and about 2,500 community groups participated in a national environmental teach-in, the environment "became part of the political dialogue of the country," Nelson said.

"The great demonstration of interest" in the environment shown on Earth Day "thrust the issue strongly into the political arena where an issue has to be if it is going to be settled," he said.

Suddenly all political types—"candidates for office, the whole Congress, most of the Governors, city council members—began to include the environmental question as an issue to which they addressed themselves in their campaigns," he said. They recognized that "the issue is important on its merits and that it has political interests" as well.

Vietnam teach-ins inspired the idea of a similar activity directed at the ecology issue, Nelson said. He was on an environmental speaking tour, traveling from Santa Barbara, Calif., following the oil spill there, to Berkeley in the summer of 1969. En route, he read a news story about the Vietnam teach-ins on college campuses, and "it occurred to me" that a nationwide environmental teach-in could bring the issue to public attention and mobilize support.

"So I proposed the idea in a speech in Seattle," he said, "and it got a rather spectacular response."

An aide to Nelson said that the idea "struck a responsive cord." Once Nelson had proposed Earth Day, he said, news articles appeared, followed by letters of support from all parts of the country and from people of all ages. The great response prompted more news stories, which again brought a deluge of letters.

Nelson who now supports the idea of a National Earth Week, said that those who said Earth Day was the zenith of the environmental issue, not the beginning, "don't know anything about the issue and aren't familiar with what's going on around the country.

"The environment can't be a passing fancy," he said, "because it is with us and is deteriorating every day. It's going to get worse and as it gets worse, it's going to become more of an issue.

"The real test," he said, "was the Vote on the SST." Last December, the Senate for the first time voted down government funding of the supersonic transport plane, 51 to 42. "The important point," Nelson said, "is that it was defeated on environmental grounds."

A number of environmental measures that Nelson worked for in the Senate have gone through the Interior Committee, of which he was a member until this year. With his appointment to the Finance Committee, he gave up his seat on Interior. But this switch should not hinder his work in the environmental field, he said, because "most of the environmental legislation I've introduced doesn't go to the Interior Committee anyway."

He said that legislation creating parkland has to originate either from the President or from a representative of the state in which the park will be located.

"So from this standpoint, there is nothing of any major consequence that I can do for Wisconsin for years to come. More parks legislation has been passed for our state in the past two or three years, I think, than for any other state in the nation," he said.

Furthermore, he predicted that the Finance Committee "will have an increasingly important role" in environmental issues. Bills concerning tax deductions for pollution control measures, or the financial aspects of municipal assistance for pollution control or rapid acceleration write-offs for the cost of pollution control devices would all be under Finance jurisdiction, he said.

Nelson said he would soon be introducing a bill dealing with automobile exhaust control for older cars, already on the highway, which will be under Finance jurisdiction. "There is substantial responsibility on Finance for just about any of these environmental issues which involve federal financing," he said, "and there will be quite a bit of that."

A Nelson aide said that Finance will hopefully take a role in "making pollution control a part of doing business" with its taxation responsibility. He said that the Finance Committee may well find itself "in the midst of the environmental controversy.

"Nelson has always been at the forefront of this issue," he said, and so he must think that the Finance Committee is the right place to be.

While Earth Day might have been the beginning of a national interest in ecology, Nelson has been interested in the subject "from the time I started planting trees in my home town when I was in grade school."

From the legislative and political standpoint, he said, he has been an environmentalist for about 20 years, since his political career began in 1948 when he was elected a Wisconsin State Senator. In 1958 he became Governor of Wisconsin, and in 1962, he was elected to the U.S. Senate where he is now in his second term.

He said that "the most important single environmental measure" for whose passage he worked while Governor was a "$50 million program for parks, wetlands and wildlife habitat acquisition" called the ORAP program. This was passed in 1961.

As for important environmental legislation for Wisconsin passed during his Senate career, he named the Apostle Islands National Lakeshore Act, which has finally been signed by the President after its passage in the 91st Congress. This act creates a national lakeshore in northern Wisconsin.

Another important environmental measure on which Nelson worked was the National Wild and Scenic Rivers Act, passed in 1968. This act, which designated little-developed rivers around the country for permanent protection of their wild or scenic and recreational values, includes the Upper St. Croix, Namakegan and Wolf Rivers in Wisconsin.

A FATHER'S CONCERN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHWENGEL. Mr. Speaker, recently I received a letter from a constituent. It was not an ordinary letter. It was from a father, concerned about his country and about his sons.

He raises difficult questions, not easily answered. His views, I believe, are shared by many Americans. This is why I feel it would be helpful to bring this letter to the attention of the House:

Hon. FRED SCHWENGEL,
Arlington, Va.

DEAR SIR: To get right to the point, this letter is being written to get something off my mind that has been "bugging" me for some time. Some of the things I am going to say, you have undoubtedly heard many times over. You see, Mr. Schwengel, I'm very much afraid that I'm beginning to do a thing I've always preached against, namely, lose faith in my country due to the direction I feel it may be heading.

I am the father of three sons and one daughter, a responsible business man, Vice Pres. of my small corporation located in this city and Des Moines, and active in the youth program of St. John's United Methodist Church here in Davenport. One lone tax-paying citizen with no nest to feather. It is because of my deep love and concern for the young people I work with that I am writing this.

Many of us are deeply concerned with our government's action with regard to the Southeast Asian war of late. The part we are taking can surely lead to further involvement in this war. To stand up and say otherwise is to imply in the like, that the driver of a get-away car in a bank robbery is not an actual participant since his feet were not inside the bank and, therefore, should not be considered guilty.

We are, if I follow the news and my interpretation is correct, piloting helicopters into the country of Laos with South Viet Nam combat troops aboard. This is as close as we can come, short of sending our own foot soldiers. Now we are also sending Marines BACK into the area of the DMZ. My older son served with the combat Sea-Bees in this very area for a total of two tours at Khe Sahn and Con Thein. He was given a weapon and told not to shoot unless fired upon. Two of his closest friends were killed right next to him. One shot by a woman civilian and the other grenaded by a young boy on a bicycle.

We have "marked time" in a war which seems to me to be meaningless. Were my son killed, we feel that he no more would have died for our country than the "man in the moon". He would have died for premier Ky.

At the outset, I sincerely felt, as my son did when he enlisted, that we were stopping the spread of Communism. Then it was discovered first hand that we are not allowed to win or lose but only to remain at a very costly stalemate. Why can't we admit a mistake and get out?

The greatest things our young people have going for them are what we older men could use. Honesty, sincerity, and to "be ourselves" before the world and not try to maintain an image.

The Senator from South Dakota was correct when he made the statement that "wars are instigated by old men for young men to fight and die".

Can you justify to me, please try, why we are on our present course? Is it, as some say, to maintain our inflationary economy? Is it to save the world from Communism? Is it because North Viet Nam constitutes a menace to the United States? Why? You see, Mr. Schwengel, I must justify the picture to my next son who is a senior in high school and may soon face a possible plunge into this cauldron.

Goodness know, we have enough problems here in our own country that demand the attention of freedom-loving men. The latest cloak-and-dagger spying on civilians by the military, the wire-tap, and the no-knock law are some examples. If Washington's army would have spied on the civilian population, Congress would have demanded his resignation. When you consider that if I, an upper-middle-class member of the establishment decide to publicly declare my opposition to our "antics" in S. E. Asia by participating in a *peaceful* demonstration, I run the risk of having my picture taken by a member of our Iowa B.C.I. and a folder started on me for future surveillance. It all smacks of a police state in the making. Yet in my sincere criticism of my country, I do so out of love as a father fears for the well-being of his son.

With it's many troubles, America is still the best place for me! I don't want to have the ways of other nations imposed on me, and I think that my country should stop trying to re-make the world in our image by imposing our ways on others.

Seems as though I've taken up enough of your valuable time by rambling on as I have, Mr. Schwengel. If some of my adult friends and business associates could see this letter they might be prone to do what many of us older people have a tendency to do, namely, put a "label" on me such as protester, trouble-maker, hippie (I have long side-burns). I am at the stage where this doesn't really matter.

I love *people!* Even the "bad guys" in the world who may be that way because they feel they aren't needed and loved by others or haven't had the breaks that I've had. As I see it, *everyone* matters and is important.

Sir; this is in no way meant to imply that you alone are responsible for the problems mentioned above, I guess we all are. Your presence as my representative has caused this letter to be sent to you. Any attention you may give to it will be greatfully appreciated. Your reply will receive my earnest attention. I have respect for the fine job you do for all of us here in this area.

DISABLED VETERANS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mrs. CHISHOLM. Mr. Speaker, on Wednesday, March 3, 1971, time was set aside in the House to commemorate the 50 years of service of the Disabled American Veterans.

The Disabled American Veterans was organized for the very worthy purpose of providing for the welfare of the service-connected disabled veteran and his dependents. To this end, the DAV has traditionally been a front-runner in promoting programs that benefit all disabled veterans. Special attention has been given to stimulating legislative measures for the protection of disabled veterans.

All of us are well aware of the increased numbers of Vietnam casualties. One reason given for the increase is that battlefield medical technology has improved immensely; however, the problem seems to be that once the serviceman is evacuated from the battlefield, efficiency begins to break down by degrees. The DAV is perhaps more attuned to this than any other service organization. They have, to a great extent, emphasized representing disabled servicemen in all military hospitals where physical evaluation boards are held to insure that all wounded, or otherwise disabled, servicemen receive all benefits to which they are legally entitled. Special attention has been given to disability retirement, disability severance monetary benefits, plus hospitalization and outpatient medical treatment and commissary and post exchange privileges.

Disabled veterans fall into many categories, based on the nature of the disability. Each group has special interests and needs. Because of salary and personnel restrictions placed upon the Veterans' Administration and the continued use of the GS ratings for paramedical personnel, the Veterans' Administration cannot compete with the private sector hospitals. Doctors' and nurses' salary levels must be reviewed and upgraded if the staffing problems are to be corrected.

To continue its effectiveness, the DAV must encourage the participation of the younger veteran. Vietnam war veterans have registered the complaint that many service organizations are not relevant to their needs in today's vastly changed and continuously changing society. This change is particularly pertinent when it applies to many of our returning minority veterans. Part of the problem has been the lack of visibility of some service-oriented programs in minority neighborhoods. It is not enough to say, programs like these are open to everyone; there must be serious follow-up to guarantee that all citizens have an opportunity to participate and take advantage of the organization's benefits.

I am pleased to see younger disabled veterans being considered for official positions in the DAV. The organization's academic and on-the-job training program for serious disabled veterans of the Vietnam conflict is aimed at bringing qualified younger veterans in as National Service Officers.

Mr. Speaker, it is with great satisfaction that I have the opportunity to pay tribute to the Disabled American Veterans on their 50th anniversary. The job they are doing is worthy of recognition by all Members of the Congress. My most sincere hope is that the DAV can continue to be relevant to all disabled veterans. From my vantage point it is not possible to do too much for our disabled veterans.

AS I SEE IT

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MILLER of Ohio. Mr. Speaker, today there is much discussion throughout our Nation about our environmental problems and how we should solve them. However, often these discussions begin by placing our technological and environmental interests at opposite poles and assuming the gulf between is irreconcible. Somehow modern science is portrayed to be the villain of society and its future application is no longer compatible with our ecological concerns. It seems to me that if there is any hope of cleaning up our world and preserving it for generations to come we must allow for a more rational approach to these problems and attempt to wield a workable partnership between our great technological potential and our environmental needs.

Dr. Roy M. Kottman, dean of the College of Agriculture and Home Economics at Ohio State University, director of the Ohio Agricultural Research and Development Center, and director of the Ohio Cooperative Extension Service, participated in a recent landmark seminar on agriculture and the environment. As always, Dr. Kottman's presentation is of great interest to those of us interested in the future of American agriculture and its role in our environmental programs. I would like to share Dr. Kottman's challenging remarks with my colleagues of the House:

AS I SEE IT

(By Roy M. Kottman)

I am pleased to have this opportunity to participate on this short course program. You folks in Landmark have done, and are doing, a most commendable job in utilizing the best information available relative to sales and service for the whole range of agricultural chemicals.

All of us in the Ohio Cooperative Extension Service, the Ohio Agricultural Research and Development Center and the College of Agriculture and Home Economics have appreciated the opportunity of working with you in years past, and look forward to the privilege and pleasure of continuing the fine relationships which we have always enjoyed. We hope that you will always feel free to call on us whenever you believe that we can be of assistance.

I don't need to tell you folks that there is a good deal of public interest in and concern about agriculture's role in maintaining the quality of our environment. I am sure that much of the present concern, and certainly all of the hysteria about our environment, seem just a little far fetched to those of you in this room who have given countless hours and tremendous amounts of your energy to make sure that the agricultural chemicals which you sell here in Ohio are being used in accordance with all of the regulations of both federal and state government and in keeping with the recommendations of the manufacturer.

As I look at the new legislation which applies to pesticide application here in Ohio, I do not see any serious deterrence to the wise use of agricultural chemicals. We will, necessarily, have to work closely together as we interpret the new laws and comply with them. We must always keep in mind that we are dealing with chemicals which if misused can be harmful and we should be prepared to handle them accordingly.

I, for one, do not see any threat to our future use of agricultural chemicals. The facts of world food needs dictate that we will be using ever-larger quantities of agricultural chemicals. Likewise, the facts of environmental concern on the part of the American public dictate that we will be using agricultural chemicals with ever-greater care and with reasonable restrictions which will have to be arrived at on the basis of facts as we now know them or as they may be revealed to us through scientific research. The point to remember is that our modern world cannot live without pesticides. The challenge, then, is to learn how to live with them We must do so if we are to avoid world-wide famine. Having said that, I want to assure you that I am not one who believes that the human race is in imminent danger of world-wide famine on either a transitory or long-term basis. Having had the good fortune of traveling twice around the world and observing first-hand the agricultural potential of many countries, I am optimistic about mankind's ability to feed not only the six billion people who it is estimated will be living on this planet by the year 2000, but several times that number, and being able to provide abundant food for all of them.

My optimism on this point is clouded by my concern that a well-meaning but inadequately informed public may become so exorcised about the problems of pollution, either real or imagined, that public policy will force us into irrational action that will neither enhance our environment nor make it possible for us to develop our resources for producing the abundant food and fiber which a considerably larger population will require. Our world may, indeed, endure hunger pangs by the year 2000, but if it does it will not be because the resources of our planet are inadequate to feed twice the current population of the world, but because our attention and energies will have been misdirected toward the attainment of a balance of nature, as nature now exists, or toward some hypothetical balance of nature which supposedly existed at an earlier date. Such endeavors would drain our energies and lead only to disappointment because the biosphere upon which life depends is, in itself, a dynamic and constantly changing entity. The forces acting upon the earth and its biosphere are both external and internal. The external forces exerted by the solar system are so much greater than the internal forces exerted by man that it is certainly open to conjecture as to whether the efforts of man himself really count for very much in terms of determining the direction of the gross environmental regime within the biosphere. But even so, man does have a rather substantial capability to influence his immediate environment and as conscientious "world citizens," we must strive to understand the consequences of our actions and respond with rational action to prevent deterioration of the environment insofar as we have the capability to affect what happens on our planet.

Whatever the long range effects of our concern about the environment and our concern about population control, it is quite clear that all of us in agriculture are faced with the opportunity and challenge of feeding more and more people with the limited amount of arable land that is available. We can meet these challenges and opportunities of the future in one of three ways: (1) increase per acre yields of crops and per unit yields of livestock and livestock products; (2) find new sources of food from the oceans or from fossil fuels; (3) reduce the rate of population growth as quickly as we can and hope that population will stabilize at some future date at which time we are able to balance the demand for food and fiber with our capabilities to produce.

While I am hopeful about bringing the level of education, on a world-wide basis, to a point that population can be stabilized at some multiple of our present world population, I do not see possibilities of population control becoming markedly effective short of a world population at least four times as large as the present world population of slightly more than 3.2 billion people. If one accepts that premise, then the future of agriculture is filled with opportunity. Our task in agriculture will be to make each acre tremendously more productive than it has ever been in the past and to do this within the context of avoiding environmental deterioration. Hopefully, we should be able to improve our environment as we increase our capability to produce food and fiber. That won't be easy but I believe it can be done. Most of the soil and water conserving practices which we have put into effect here in the United States over the past 40 years have, indeed proved to be helpful in boosting production.

I am convinced that we are on the threshold of seeing agriculture in Ohio and throughout our nation and the world become very much more sophisticated than it has been in the past. This means that all of us are going to have to become better students and better scholars. It means, also, that investments in all segments of agriculture from the soil to the ultimate consumer are going to be higher—much higher! Opportunities for success in agriculture are going to be greater, and so are the opportunities for failure! These things mean that we must do a better job of marshalling facts and utilizing those facts in exposing and refuting the misinformation which continues to be circulated relative to agriculture's role in improving the quality of our environment. We must work harder to overcome the accusations that agriculture is careless or negligent in its use of modern production inputs.

For those of you who did not have an opportunity to see it, I would recommend that you obtain a copy of the Ohio Farmer magazine for September 5, 1970, and read Earl McMunn's editorial entitled "Let's Reason Together" from which I have taken the following quotation:

"Some people call for a ban of all pesticides as the way to cut down on pollution. They don't know how much farm chemicals have contributed to our high-quality, low-cost food supply. Or even that a host of safeguards already surround the use of chemicals in food production.

"But we have reached a time when people are making a great many demands all in the name of improving the environment. They want instant answers. They aren't even much concerned about facts.

"But facts we must have, and must use, if the welfare of all the people is to be protected. This is not the time to let emotion replace reason. You can't support many people in a sterile environment. It might be clean, but it wouldn't feed people."

Dr. Philip Handler,[1] President of the National Academy of Sciences said much the same thing in his talk at the dedication of the Loeb Building at the Marine Biological Laboratory at Woods Hole, Massachusetts, last June, and I quote:

"The growing wave of public concern for the quality of the environment has been aroused, in large measure, by scientists who exaggerate the all-too-genuine deterioration of the environment: who, seemingly, seek to have national policy made by reiteration of horror stories—when what is required is quantitative, scientific evaluation of the real, but as yet unknown, dimensions of these problems. Through their efforts, science is thought (in the minds of others) to have contributed to the deterioration of the quality of life; science is equated with technology and both are judged to be immoral. What *should* be made clear instead is that we have embarked upon the painful transition from a society where almost all judgments were made in a market economy to a society which is learning to make its major decisions in the public sector, where the government must learn to weigh hazard against benefit, usually not to the same groups, to weigh the costs of public improvements against the price of inaction. In a democracy, such decisions come hard and we are not yet competent in this art. Witness the plethora of national problems with which neither Congress nor the Administration has learned to cope. Meanwhile, the *manner* of directing attention to these problems has turned both our decision-makers and our youth against science. This nation may yet pay a dreadful price for the public behavior of scientists who depart from fact and reason to indulge themselves in hyperbole.

"Alarmed voices advocate retreat from our technological civilization, as if life had been better in some bygone age when our ancestors lived closer to nature than do we, desiring a return to 'good old days' that never were. For my part, I much prefer that we attempt to manage our technological civilization yet more successfully, remedying the errors of the past, building the glorious world that only science-based technology can make possible."

In all of the furor about DDT people seem to forget, if they ever knew, that in 1950 there were 200 million people in the world suffering from malaria and two million of them died each year. Now, twenty years later, 40 percent of the world's population live in malaria free areas. Another 40 percent live in areas protected by currently active DDT control programs. In India alone there were 75 million cases of malaria reported in 1953. In 1967 there were fewer than 100,000 cases of malaria in India. That's one case in 1967 for every 750 cases that there were 14 years earlier. And even that number has been going down every year. The pitiful part of all this is that we do not yet have on record a single human death caused by intake of DDT in normal food consumption.

Without pesticides our agricultural exports of $7.4 billion (which was the value of agricultural exports for 1967) and which amounts to 24 percent of our total export income would be entirely eliminated simply because pesticides have accounted for at least 20 to 30 percent of our increased crop yields during the past three decades and without that increased production there would be no agricultural products available for export. When something like Maize-Dwarf-Mosaic comes along, as it did in 1961, or when we are hit with a devastating disease like Southern Corn Leaf Blight, as we have been this year, we find out rather quickly that our agricultural surpluses, which represent only four percent of our agricultural output, are none too great. It is how we isolate our surpluses from the market, or what we do about them in terms of our farm programs, that is the important matter. Unless we have a sizeable surplus at all times, somebody will inevitably go hungry when disaster strikes. Our concern, if it is to be realistic, should involve the maintenance of a reasonable surplus at all times and assurance on the part of our government that the farmers' interest will be considered in both the stockpiling and the subsequent sale of vitally needed surpluses.

It would seem to me that our fellow citizens should be comforted in knowing that no pesticide can be used in the United States of America until that pesticide has received approval of the several federal agencies whose duty it is to work with state governments in protecting our food supply. Concerns of the Food and Drug Administration as well as those of the Department of the Interior and the United States Department of Agriculture are all represented in the recently established Environmental Protection Agency. As in the past, our citizens will continue to have assurance that not only is their food supply protected but so also is their interest in fish and wildlife and in the total quality of the environment.

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[1] Handler, Philip, 1970. Science's Continuing Role. BioScience. October 15, 1970, vol. 20, No. 20: 1101–1106.

As you folks know so well, our State Agricultural Experiment Stations and the United States Department of Agriculture are heavily committed to a continuing program of research relative to pesticide effectiveness, to pesticide safety, and to a concern for elimination of deleterious effects on the environment.

Pesticides are extremely important to agricultural production in the United States. They rank second only to fertilizer in terms of their dollar return per dollar invested. A 1968 study [2] indicated that, on the average, fertilizer returns $4.50 for every dollar invested in it. Pesticides return $4.16. Machinery returns $2.43 for every dollar invested in it.

At least some of the current hysteria about pesticides would be ludicrous were not the consequences of unwise action growing out of that hysteria so deeply involved with the well-being of literally millions upon millions of our fellow human beings all around the globe. We take it for granted that modern drugs save millions of lives. We know, also, that some people have died through careless use or overdose of commonly-used medicinal drugs. It is paradoxical, therefore, that nobody wants to ban penicillin because penicillin (the allergic reaction to it) kills a great many more people each year than pesticides. Automobiles kill 55–60,000 people a year and they remain thousands more than that. Yet we seem to accept the fact that because the automobile has led to a better way of life for all of us, we will tolerate this rather high rate of mayhem on the highways. The point I would like to make is that *we must learn to balance benefits against risks*, whether we are dealing with pesticides, automobiles, penicillin or any other element of our environment. The fact of the matter is that aspirin annually kills several times as many people as the most dangerous of our pesticides. Aspirin killed ten times more people in 1961 than did parathion, and parathion is a dangerous pesticide in terms of human health for those who handle the product. Most of our insecticides, herbicides and fungicides are quite safe to handle and the dosage required for injury to human health is not only very high but the incidence of human death from those pesticides is very, very low.

A sizeable part of our present-day pollution problem stems from individual irresponsibility. This is documented by the fact that our Federal Government expects to spend $21.6 million during the current fiscal year just to clean up litter left by U.S. citizens on federal lands, notably the national parks. The deterioration of our environment will not be checked until all of our people realize that quality of the environment starts and stops with the actions of the individual citizen. It may make headlines to castigate automobile manufacturers or chemical companies, but pollution control and environmental quality are largely the outgrowth of what you and I and our fellow citizens do in our day-to-day living patterns. The automobile manufacturers and chemical companies are providing goods and services because society demands them. What each one of us must do is to recognize that there are problems of environmental quality in our land. Having recognized the problem, we must all share responsibility for it rather than seek scapegoats. The only approach that makes sense is for all of us to join hands, and as men of good will, to alleviate and correct the problems of pollution which beset us. The recent efforts spent in creating awareness and in sensitizing our citizens can now best be devoted to the sincere and serious seeking of solutions to our problems in a spirit which to paraphrase Abraham Lincoln will hold malice toward none and be charitable to all.

While I would certainly be the last to advocate a lack of concern about the need to make pesticides ever-safer, or to advocate leniency in enforcement of pesticide regulations, I would nonetheless wish to make it abundantly clear that man has been upsetting the balance of nature since he first set foot upon this earth. Most of that upset must have been in the right direction or we would not have increased life expectancy by one percent per year over each one of the past fifty years. The point I would emphasize is that we *are* moving in the right direction! Conscientious people *are* working diligently at making life on our planet more pleasant and more healthful. We *have* accomplished miracles and near miracles in improving the lot of human beings in these United States of America and throughout the world! We must not—we dare not—let the detractors of our system of government—those who would destroy us—convince us of anything else.

You and I have seen, time and time again, what intelligent, well-intentioned men can do through close cooperation and hard work. I happen to believe that we can develop and utilize science and technology in ways which will give us clean air, pure water, abundant wildlife and an attractive countryside capable of producing the food, fiber and forest products that we want and need. For example, here in Ohio, we have been accused of using too much nitrogen for our crops. As a matter of fact, if we used the nitrogen fertilizer that we ought to be using, we could in many cases *decrease* pollution arising from phosphorus and potassium in that the improved crop production would actually assist in decreasing soil erosion and thereby retain the phosphorus and potassium in its original field location. If we were to follow all of the presently recommended practices of soil and water conservation our losses from erosion would be substantially reduced. The admonition to "follow recommended practices" applies to almost anything and everything we do! Anything done to excess, whether driving an automobile too fast, or taking an overdose of aspirin—or whatever the excess may be—tends to sow the seeds of trouble. We know that nitrogen fertilizers, when properly used, will actually decrease pollution from other fertilizer elements, be they natural or commercial in origin. It makes no difference whether the nitrogen, or the potassium, or the phosphorus be derived from so-called natural sources or whether they come in a bag. They are chemically the same. They change from one form to another, and they react the same in the soil substrait regardless of source. We don't need to apologize for using commercial fertilizers any more than we need to apologize for using pesticides! We should be thankful that we have them to use.

The point I would stress is that all of us must work diligently to be sure that we exercise utmost care in our use of fertilizers, pesticides, or whatever, regardless of whether we obtain our recommendations from the Ohio Agricultural Research and Development Center, the Ohio Cooperative Extension Service, from industry representatives or any other reliable source. All of us who are proud to be a part of our nation's largest and most vital industry must deal with precise information and we must "go the second mile" in making just as sure as it is humanly possible to be sure that the "instructions on the label" are understood and followed by those whom we serve.

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[2] Headley, J. C., 1968. Estimating the Productivity of Agricultural Pesticides. Am. J. Agri. Econ. 50(1): 13–23.

WOMEN'S EQUALITY ACT OF 1971

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. PEPPER. Mr. Speaker, it was my privilege to submit a statement today to the House Judiciary Committee's Subcommittee No. 4 on behalf of equal rights for women. I feel that we should move swiftly to eliminate sex-based discrimination in our law and in our society.

I insert my statement in the RECORD at this point:

STATEMENT OF HON. CLAUDE PEPPER

Mr. Chairman, I am proud to submit a statement to this distinguished Subcommittee on behalf of equal opportunities for the women of America.

I have joined the gentlewoman from Michigan, Mrs. Griffiths, in sponsoring a constitutional amendment to provide equal rights for men and women. This is a cause in which I have long been enlisted and my resolution in this Congress, House Joint Resolution 497, expressed the commitment which I have set forth in other resolutions in previous Congresses.

I feel strongly that this legislation, adopted by the House last year, should be speedily reported to the Floor for action again this year. Amendments to assure women equal rights under the law have been introduced in each Congress since 1923. Its passage by the Congress and ratification by the States is now long overdue.

I do not believe, however, that passage of this amendment is enough. I am pleased, therefore, to be a cosponsor of H.R. 916, the Women's Equality Act of 1917, to provide specifically for the elimination of sex discrimination in many areas of American life.

This legislation would (1) prohibit sex discrimination in public accommodations, (2) elminate sex discrimination in public facilities and public education, (3) extend the jurisdiction of the Civil Rights Commission to include sex discrimination in federally assisted programs, (5) insure equal employment opportunity in the hiring of State and local government employees, (6) remove the exemption of educational institutions from equal employment opportunity laws, (7) provide the Equal Employment Opportunity Commission with cease and desist powers, (8) prohibit sex discrimination in the sale, rental, or financing of housing or in the provision of brokerage services, (9) apply equal pay provisions of the Fair Labor Standards Act to women in executive, administrative and professional positions, (10) authorize the Secretary of Health, Education, and Welfare to make matching grants to States for the establishment of commissions on the status of women, (11) require the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of the sexes under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act, and (12) require the Commissioner of Education to conduct a survey and report to Congress on the denial of equal educational opportunity because of sex and make recommendations to eliminate such denial.

Mr. Chairman, we need both the equal rights amendment and the women's equality act. As Professor Leo Kanowitz said before the Senate Committee on the Judiciary last May, the passing of the equal rights amendment would "demonstrate an unshakable intention to eliminate every last vestige of sex-based discrimination in American law." The women's equality act, implementing the recommendations of the President's Task Force on Women's Rights and Responsibilities, would move positively to erase many existing inequities in some of the most vital areas of life.

Much of this discriminatory legislation and practice dates from an era when women were in a highly dependent status in need of special protection. Today, nearly 40 percent of our work force consists of women and one-eighth of these working women serve as the sole heads of households. I believe the only true protection for them and all women in our time is full, legal, enforced equality for women, and the best way to insure the establishment of that equality under law is for us to adopt the equal rights amendment and the Women's Equality Act of 1971 at the earliest possible date.

NATIONAL WEEK OF CONCERN FOR PRISONERS/MISSING IN ACTION

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mrs. HANSEN of Washington. Mr. Speaker, no American has ever been imprisoned by an enemy power for a longer period than many of our citizens now suffering in Southeast Asia. It will be 7 years this Friday that one American captain will have spent in the hands of the Vietcong. Can you remember what you were doing 7 years ago? What your children looked like then? What the political situation was? That was the America this particular POW remembers. He knew little of how far our involvement in Vietnam would go, or what was in store for him, or realized that his captors were capable of containing him for 7 years.

Far too long, the American public was not aware of prisoners of war. Now that the people of the United States do know something about the situation, there is more attention being paid and the week of concern was passed in both Houses of Congress without a dissenting vote.

Now that the problem is out in the open, however, we find that there are untruths or half-truths to fight. especially the belief that the end of U.S. involvement automatically will bring all our families together again. The facts are that the North Vietnamese promised in 1968 to discuss the prisoners of war if we halted bombing raids over the north. The raids stopped and 1,600 men are still incarcerated.

They are imprisoned in solitary confinement in French concrete prisons, seldom, if ever, catching sight of another American. They are imprisoned in bamboo cages in South Vietnam jungles—yes, South Vietnam—suffering from filth and diseases beyond our imagination. They are forced to survive—if, indeed, they have—in 20-feet deep pits in Laos and Cambodia.

Now comes an even more diabolical disclosure.

Mrs. Joan Vinson, national coordinator of the National League of Families of American Prisoners and Missing, and whose husband, Col. Bobby Vinson, has been missing since 1968 in Southeast Asia, reports that North Vietnam has cut off the mail—as sparse, censored and full of propaganda as it was.

Of course, that Army captain we mentioned at first, who was captured by the Vietcong on March 26, 1964, has never been heard from. In fact, only one family has ever received mail—one letter—from a husband or son held prisoner by the Vietcong, the Pathet Lao or by Communists in Cambodia. And the 828 men missing in these areas have never been identified by their captors. Only 339 of the 780 men missing or held captive in North Vietnam have been identified. And Hanoi, with great fanfare, announced a year ago that they would be allowed to write their families at least once a month. During 1970, mail from some of these men did come through. But not one letter arrived in January or February, and none have reached their families so far this month.

CAREY CRONEIS—DISTINGUISHED SCIENTIST, EDUCATOR, AND HUMANITARIAN

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. CASEY of Texas. Mr. Speaker, in Texas and in Houston, we point with sincere and justifiable pride to the many great men who are leading our State to greatness in their respective fields of endeavor.

None, however, surpasses the many contributions made by my longtime friend, Dr. Carey Croneis, chancellor of Rice University.

A distinguished scientist, educator, and humanitarian, the respect and admiration with which he is regarded in our city and our State is equally reflected in national and international educational and scientific communities. A few days ago, on March 14, this great American educator celebrated his 70th birthday. Because so many of my colleagues know Carey Croneis personally, and many have children attending the great Rice University in my district in Houston, I am pleased to bring to their attention, and to his many friends in our land, an excellent article on this distinguished American authored by an outstanding writer, Nathan Broch, for the Rice University Review:

THE CHANCELLOR

(By Nathan Broch)

One notable facet of the many lives of Carey Croneis is that of them, with almost inexorable logic, seemed to lead to the Rice campus, to Houston, to Texas.

The Rice Community, the City of Houston, and the State of Texas—almost taking turns—have honored Croneis for projects he helped to completion for services he willingly and selflessly rendered.

When confronted with the weighty list of honors that have come to him since his arrival at Rice in 1954, he waves them all aside, "I have had more recognition than I deserve. The point is that Houston is a city which is not meager with plaudits for people who come here from other towns, other parts of the country." And with a smile, "A less typical Texan than I am you couldn't possibly conjur up. Yet, the fine people here have made my wife and me feel like authentic Texans and thus we both have been very much at home with them."

So speaks the man from the Great Lakes area of America, looking back to his small hometown of Bucyrus, Ohio, where he was born March 14, 1901. On his father's side, the family (originally Kroneisen) came from near Wiesbaden, Germany, not far from the banks of the Rhine. From there, his paternal grandfather, a lad of some 17 at the time, sailed aboard a schooner to America during the upheavals of the 1840's. He joined an uncle who operated one of the earlier flour mills in Ohio, now an historical site.

Grandfather Croneis died in 1927, aged 96. A man of modest means he nevertheless remembered his grandson Carey in his will with $250. This was a completely unexpected windfall which promptly went into partial payment of a $400 bill for the typing of the latter's all too bulky Ph.D thesis at Harvard.

On his mother's side we encounter the Rice Chancellor's Irish antecedent, Grandfather Will Garner, who had come from Ireland to Ohio via Pennsylvania to marry one of the state's earliest female merchants, a rather unusual woman who insisted on driving her own car well into her eighties when life behind the wheel was quite an adventure even for the males of the species. She was Carolyn Bergdorf whose forebears hailed from the Swiss village of Bergdorf. It was Grandmother Croneis, however, who was the superb cook in the family. Young Carey was a frequent and appreciative visitor to her kitchen.

The Garner set of grandparents provided some of the boy's earliest contacts with books and meaningful conversation. This atmosphere was enriched considerably when Frederick William Croneis, father of the future Chancellor, found the sale's pitch of traveling purveyors of books irresistible and invested beyond his means in multi-volume editions of Poe, Milton, Shakespeare, and Jules Verne, to name just a few. There was also a set of the ninth edition of the Encyclopedia Britannica. All of this added up to a small but well-stocked private library for the times. It is also fair to say that Croneis' ever-deepening love for the English language is at least partly rooted in this library so judiciously acquired by his father. Before he even entered high school, Croneis had run through most of these books, including goodly portions of the Britannica.

Writing inevitably followed reading. Some of the earliest Croneis efforts in poetry were published in local sheets. His feel for the language would sharpen and ripen with the years. Ultimately, this mastery of the most basic communication tool would play a significant role in making Croneis into an outstanding scientist-humanist.

Of near-equal importance in shaping the scientist-humanist was the boy's home environment. In 1913, at the age of 12, he started driving the primitive Ford truck of the Cronies Brothers grocery and pop "bottling works." He also developed an impressive clientele among homeowners whose lawns needed the attention of a manually-operated mower. His customers included Bucyrus Mayor Valentine, a Croneis neighbor and owner of an imposing carriage house and stables. The Valentine's driveway was covered with glacial gravel that aroused the curiosity of the future geologist Croneis. In the gravel, as the young boy found to his fascination, were fragments of many kinds of rocks and minerals. In addition, Father Croneis had collected fossils from some of the quarries in the Bucyrus area. Many of these were exquisite specimens. The elder Croneis, who did not fully understand their geological significance, did know, and pointed out, that they were remains of ancient organisms, and not "sports of nature." Probably also of considerable influence was the fact that Mother Nell Croneis was greatly interested in "geography" and maps.

The boy's day would start with a first delivery round at the wheel of the truck at 6 a.m. He would finish up in time to make it to school. After school more chores awaited him. At the time, he felt he was working too hard. Yet, the boy's work was not a very important contribution to the family's economic life. "I did not work in order to survive, but because my father said, 'Everyone must learn to work'," the Chancellor recalls.

Still, mowing lawns and driving the delivery truck of the family business were decidedly non-glamorous activities. True adventure was lived only by those boys privileged to join railroad gangs during vacations. Finally Croneis persuaded his father to let him work on the railroad during some school holidays. He also spent one summer working for an Ohio utility company. While doing that he devised a simple method of quickly stenciling the utility poles instead of employing a freehand lettering system then in use. For some reason nobody had thought of that before—at least in that particular part of the country. Young Croneis ended up perhaps the key figure in a crew of appreciative older men who could leisurely make their daily quota of numbered poles for the company.

His teachers at Bucyrus considered him a bright boy but thought his interests too widespread. He was fortunate in having surprisingly good science instructors in the Bucyrus public schools of that day. But best remembered is Miss Ursula Mills, a brilliant young woman who taught Latin and advanced English composition. Miss Mills was a disciplinarian and the frequent target of student as well as parental criticism that usually turned into awe and admiration with the progress of time and the acquisition of knowledge by the overly-protected offspring.

"Miss Mills was truly a 'master teacher.' She was an intellectual, out of her time, out of her place," Croneis remembers. "She remained in Bucyrus the rest of her life."

On June 7, 1918, Miss Mills sent Croneis a congratulatory note on the occasion of his graduation from high school. She wrote in a stately, steady hand that Croneis had done his work well and predicted, quietly, that he would continue to do well.

And he did.

From Bucyrus he moved to Denison University at Granville, Ohio, less than 100 miles from his hometown. There he joined Phi Delta Theta. That fraternity had several members in Bucyrus who had influenced him to attend Denison, where he majored in physics and chemistry. (In 1968 the fraternity would honor Croneis by naming him Phi Delta Theta's national "Phi of the Year.") He did not take a "real course" in geology until the second semester of his junior year. That was the time Kirtley Mather returned to Denison from a geological expedition to South America.

"I had scarcely known of him before," says Croneis. "But when I did meet Mather for the first time, I was instantly charmed. He was a tremendous teacher. I suppose I'd have to rate him right close to the unsung Ursula Mills in effectiveness as an educator. I was not the only one to recognize the quality of his work. Shortly after I was graduated from Denison, Mather was called from that small liberal arts college in Ohio to a professorship at Harvard."

In that relatively short time at Denison Croneis had become one of Mather's proteges. Because of this, Mather recommended Croneis to Raymond C. Moore, also a fellow Denisonian, and another of America's great geologists, who was then head of the geology department at the University of Kansas at Lawrence. On obtaining his B.S. at Denison in 1922, Croneis joined Moore to work toward his M.S. which he received in 1923. Moore was already a nationally-known figure. He had been impressed with friend Mather's recommendation of the young Denison graduate and wanted to help him beyond the $500 scholarship that had made Croneis' enrollment at Kansas possible. Such help, however, required the solution of a rather complex problem: Moore only had available $1,400 a year for one instructor. But he needed two. Moore therefore suggested that Croneis split the $1,400 stipend with Harold Hoots. This gave each a salary of $700 for that academic year—plus the unorthodox and newfangled academic designation of "assistant instructor." Hoots went on to become a principal officer of what is now the Atlantic-Richfield Oil Company, as well as an important factotum in the development of Stanford's earth science activities.

That year at Kansas marked the start of Croneis' teaching career and the genesis of a university experience that would span all known academic titles—except Dean!—and at least one that possibly had never been heard of before—"assistant instructor." The $700 salary that went with the "assistant instructorship" helped Croneis survive his work on, and completion of, his master's thesis. Even at that things would have been even more lean had it not been for the culinary skill of Mrs. Hoots. Every so often the Hootses would manage to have their fellow "assistant instructor" over to their small attic apartment for king-sized helpings of "a big slumgullion stew that nourished my spirits while helping me keep alive." (Kansas and Moore would remember Croneis in 1962 with that university's Distinguished Alumni Award—the Kansas equivalent of an honorary doctorate.)

In the summer of 1923 Croneis began work with the State Survey of Kansas, generally acknowledged to be one of the best in the nation at that time. While Croneis was working on this assignment, Mather, from his vantage point at Harvard, heard of an opening on the faculty at the University of Arkansas at Fayetteville where he himself had taught in his younger days and where he was rather well remembered. Mather also enlisted the support of Moore and between the two of them they made a strong case for the hiring of Croneis, at the tender age of 22, as a full-fledged instructor of geology at the University of Arkansas starting September 15, 1923.

This turned out to be a rather momentous date on the calendar of the young man from Bucyrus—and his childhood sweetheart from the same town. It was the day Grace Williams became Mrs. Carey Croneis. They had grown up together in Bucyrus, had shared the incisive teaching talents of Miss Mills and the by no means minimal academic and cultural offerings of Denison University. Now, as she started on her life as Mrs. Croneis, the young lady from Bucyrus decided to complete her education by enrolling as a senior at the University of Arkansas where her husband, with the official title of instructor, was actually carrying a work load normally assigned to associate professors, including lectures to large classes.

At Arkansas Croneis established a rapport with two men who would loom large on the American political horizon in years to come: He informally coached J. William Fulbright for his Rhodes scholarship examinations while the future senator was on the verge of entering the university's then embryonic law school. (Croneis also coached the University of Arkansas tennis team!) Additionally he was a faculty colleague of Claude Pepper, a future senator from Florida who had just left Harvard to teach law at Arkansas. Croneis effectively organized popular tours of certain Arkansas caves and lectured and wrote on their geological significance. Pepper participated in some of these excursions, and the picnics of younger faculty members, and on occasion would candidly outline his future political plans.

Croneis remained at Arkansas for two years. All this time, Mather had kept his eye on him from Harvard and finally was able to offer him financial aid. Croneis accepted gladly and became one of Mather's assistants at Harvard.

Mather was not only one of the best-known geologists of his day but he was also a world leader in cultural and church affairs. Additionally he was one of the most accomplished and polished lecturers at Harvard. It was said of him that he had an entrancing way of "performing" his geology course rather than merely teaching it. Students usually applauded Mather's presentations by stamping their feet and whistling. On some occasions Croneis had to take over Mather's large lecture course. His, to put it mildly, was a hard act to follow. Still, Croneis, too, rated the applause of Harvard men on not a few occasions. On a more regular basis his students included the girls from Radcliffe who would move into a lecture room the moment the boys had vacated the place. During his last year at Harvard Croneis also lectured to a class of some 20 Wellesley girls. Economically all of this amounted to three different sources of income—from Harvard, Radcliffe and Wellesley. Therefore, when Croneis with his Ph.D. from Harvard accepted an offer to join the faculty of the University of Chicago in 1928, he took quite a financial loss. He went to Chicago as an assistant professor at an annual salary of $2,700, mindful of the fact that his two major mentors—Mather and Moore—held their Ph.D.'s from Chicago which at that time had one of the most distinguished geology departments in the world.

His move to Chicago brought Croneis into the charmed circle of the famed Round Table of the university's Quadrangle Club. In time he became president of the Club. As vice president he had authored one or two of that organization's more notable Christmas Revels. Croneis' Chicago period also marked the beginnings of the fine art collection he and Mrs. Croneis—an artist in her own right—were able to assemble.

Chicago also marked Croneis' final and decisive commitment to geology, as teacher, researcher and academic administrator. It also firmed up his lifelong association with American higher education, resisting the temptation to enter the corporate and potentially highly profitable arena of the oil business. In time, he would find that geology had become an ideal intellectual vehicle "in the Lyellian and Darwinian sense" because it allowed him to retrace their footsteps, enter the places they had known and probe their thoughts.

The man who in all probability could have become a novelist or playwright—or both—has never tired of the ceaseless drama the earth sciences present. When he made the curtain rise over his own concept of what geology is or should be, he never failed to be awed by the revelation of "the enormity of time and the inevitability of change." This dual concept he came to consider as his guiding light in geology's relentless probing toward the dawn of the earth and the beginnings of man. "This," says Croneis, "is what it is all about."

In this spirit he created the Geology Section of the Chicago Museum of Science and Industry, founded by Julius Rosenwald. Inscribed around the base of the museum's center dome are some of its most frequently quoted words: "Science Discerns the Laws of Nature; Industry Applies Them to the Needs of Man." Used without crediting their author, these words were written by Croneis in a brochure for the 1933–34 Chicago World Fair for which, in 1934, he also served as director of the Hall of Science.

Croneis remained in Chicago until 1944, his tenure spanning the Great Depression and the entry of the U.S. into World War II. Early in the war he was called upon to join the National Defense Research Council. He was occupied with certain aspects of chemical warfare—and the exploration of possibilities of throwing a smoke camouflage curtain over the coastlines of the United States. In the course of this project, Croneis actually walked a goodly portion of the country's Pacific coast—and directed experiments on Padre Island, Texas.

His wartime service also took him to Ecuador and its Galapagos Islands where he landed aboard one of the first airplanes ever to put down on a newly constructed landing field. In the course of this expedition, Croneis also took the first Kodachrome aerial photographs of the Galapagos group. He did so in a primitive jerry-rigged harness after removing the cabin door from the DC–2 in which he was flying. Perhaps the most important contribution Croneis made during the war was his selection, in cooperation with Colonel Robert D. McLeod, of the San Jose proving grounds in the Republic of Panama for use by the U.S. Chemical Warfare Service. These extensive Panamanian proving grounds remained in use until about a decade ago.

Despite his youth, Croneis had been considered for the presidency of a number of universities during his tenure at Chicago. He was not seriously interested—until he was approached by Beloit College in Wisconsin. Founded in 1846, the college was heavy on tradition and substance— particularly in the earth sciences. Two of the world's most noted geologists had taught there, T. C. Chamberlin and Rollin D. Salisbury. Chamberlin had moved from Beloit to become President of the University of Wisconsin and later to be the organizing head of the Department of Geology at Chicago; and Salisbury later became Dean of the famed Ogden Graduate School at that university.

The Beloit origins of these two men helped induce Croneis in 1944 to become the school's fifth president in almost 100 years. Although long by today's standards, the 10-year Croneis tenure at Beloit was one of the shortest in the school's history. Yet, the ties he and his family established with the Beloit community proved to be most enduring. Both Croneis daughters, the future Mrs. (William C.) Christine Sayres and Mrs. (Theodore) Catherine Alfred, graduated from Beloit with Phi Beta Kappa honors during their father's presidency. Mrs. Sayres, an artist in whose honor the Christine Croneis Sayres Fund has been established at Rice, died several months ago. The Croneises have four grandchildren. In February, 1971, the Chancellor and members of his family were among the guests of honor at Beloit's 125th anniversary celebration. The honor was well deserved. Beloit had suffered considerably during World War II. The college's structure as on outstanding academic institution needed rebuilding and Croneis accepted the assignment. He lived up to the Beloit challenge and only with some reluctance resigned from the college's presidency to accept another challenge, that is, to become Rice's Provost and Harry Carothers Weiss Professor of Geology in 1954.

He had already been quite aware of Rice during his Chicago tenure. He had occasionally visited Houston for geological conferences and reunions with his very good friend, the noted Houston geologist and oil and gas expert John S. Ivy, a Rice Trustee who now a Trustee Emeritus. Ivy once even showed Croneis the Rice campus from the air aboard a private plane.

The first time Croneis actually set foot on the Rice campus was during the 1930's as Ivy's guest at a football game. Some 20 years later—in 1953—the Rice leadership officially approached the President of the American Geological Institute to design a plan for the creation of a Geology Department at Rice. The President of the American Geological Institute at the time was Carey Croneis. In an attempt to be helpful to his science, Corneis reduced to writing his concept of how a Rice Geology Department might best be organized, aware that adequate funds from the Wiess family probably would be made available for that purpose. A nationwide search for a man to put the Corneis design into operation was undertaken with the help of such famed geological greats as Wallace Pratt, Everette Lee DeGolyer, William Wrather (then director of the U.S. Geological Survey) and others. The search continued until someone thought of asking the author of the plan to come to Rice and make his concept a working reality.

That's how Croneis came to the campus. His motivation was quite simple. He believed that Houston, as the center of the oil industry, would encourage the development of a distinguished Geology Department at Rice, a department animated by searching for, and possibly even creating, new ideas, backed by a faculty of high quality. In addition to the Wiess Professorship, Croneis was given the title of Provost "by way of acknowledgement that I had held an administrative post." His duties on campus, however, were at first not primarily in administration but centered rather on the creation of the Geology Department. That was exactly what he had proposed to do.

Following his own blueprint for the department, Croneis cast about for young men to work with him on this new and exciting enterprise. The men he had in mind would be strong in the basic sciences and "real geologists" to boot. The two men first to meet these requirements were John A. S. Adams whom he had known at Chicago and John J. W. Rogers of the California Institute of Technology. With Adams and Rogers to start with, Croneis proceeded to build the department's faculty, assembling a staff of Ph.D's from the nation's prestige universities—Chicago, Caltech, Harvard, Yale, Princeton and California. The people he attracted to Rice were young, modern in their training. His concentration on the prestigious schools was an exercise in simple logic since he was committed to the building of an outstanding department at Rice and the so-called prestige schools happened to have the finest departments of geology at the time.

After starting to assemble the faculty Croneis was confronted with the problem of funding a building for his creation. He was about to launch a major drive to raise a building fund when his valued friend, the ever-generous Mrs. Harry C. Wiess announced that she and her daughters would finance the structure for the new Geology Department. Croneis worked closely with George Pierce, the architect, in developing the plans for the geology building which was completed in 1958. The design of the building—highly flexible and serviceable—won an architectual award.

Had Croneis only founded the Geology Department at Rice, that contribution alone would have secured for him a notable place in the University's history. However, his services went far beyond the campus hedge.

There are those in Houston who say that Croneis was largely responsible for the establishment of the Manned Spacecraft Center in this area. However, Croneis himself insists that the germ of the idea for the MSC location originated with his friend John Ivy around 1956. It is a matter of history, however, that both Ivy and Croneis broached the Clear Lake land idea to the board of the Houston-based Humble Oil and Refining Company. As a result mainly of these efforts, the Humble board, then headed by Morgan Davis (a close friend not only of Croneis but also of Ivy and Rice Board Chairman George R. Brown), gave a portion of the West Estate to Rice—the very acreage on which the MSC was to rise. In 1961 Croneis saw the time ripe to sharpen his own efforts to bring MSC to this area.

In near-whodunit fashion, Croneis "accidentally on purpose" ran into NASA Director James Webb in Washington in 1961 at the office of Hugh Odishaw, then head of the International Geophysical Year observances. Competition for the MSC site was fierce. Among strong competitors were St. Louis and Boston. After St. Louis was practically eliminated from the contest, Boston continued to press its cause, strengthened by the presence of Harvard and M.I.T. And behind all this academic prestige there loomed the not inconsiderable punch of finely-honed political power—ancient, practiced and shining with the glamor of gilded tradition.

On Houston's side were the persuasive powers of Albert Thomas, George Brown, Carey Croneis and many others—plus the warm Gulf Coast climate. The NASA people whisperingly hoped for a milder-than-Boston climate to test equipment on a year-round basis. Just as Croneis had practically but quietly "guaranteed" year-round serenity and warmth, Hurricane Carla roared its destruction onto the Gulf Coast.

The Bostonians were sure that Carla had done irreparable damage to Houston's chance of ever housing the MSC. Did Carla not prove beyond doubt that any space-age facility along the moody Gulf could be drowned in torrential hurricane waters?

Not so, Croneis and others argued. And to back up this rejoinder the top NASA brass was flooded with photographic evidence assembled by Rice Vice President James R. Sims, then Professor of Civil Engineering, demonstrating clearly that the Rice acreage had remained high and dry while Carla was doing its worst.

Significantly, on Tuesday, September 19, 1961, the *Houston Press* devoted most of its front page to what it headlined as a "$60 Million Man-to-Moon Lab Center for Houston." That same front page, above the masthead, also invited readers to subscribe to the paper's own pictorial record of Hurricane Carla. In addition, the front page carried the pictures of four men the *Houston Press* considered most responsible for the location of the MSC: Croneis, then Rice Chancellor; Kenneth S. Pitzer, then President of Rice; the late U.S. Representative Albert Thomas '20 and Humble's Davis. Characteristically Croneis says, "There are many others who should have received credit." Of course, some of Croneis' most rewarding activity in the MSC matter occurred during his tenure as Rice's Acting President in 1960. After the appointment of Dr. Pitzer to the Rice Presidency Croneis was named Chancellor and continued in that capacity to press for the Houston location of the MSC.

Locating the MSC here led to the creation of the nation's first university Space Science Department on the Rice campus—again influenced by Croneis who suggested the appointment of A. J. Dessler as the new department's founding chairman.

As he looks back over the years since the creation of the Space Science Department and the MSC, Croneis readily concedes that "things have progressed much more rapidly than I anticipated. I had hoped we would eventually get some material from the moon to be analyzed here; but I am frankly surprised that we got our samples of lunar rock and dust in such a short period of time and that Rice ended up playing as large a role in the space program as we finally did—and still are playing. After all, there are right now three separate operating scientific packages on the moon, designed and developed on this campus through the talents of scholars such as John W. Freeman, Jr., David Reasoner, F. Curtis Michel and their associates. Not only did they design the equipment, but Rice also has the people of the high-level competence to analyze in a most fruitful way the material brought back from the moon. One of these men is Principal Investigator Dr. Dieter Heymann who holds a joint appointment in Geology and Space Science."

Croneis is particularly pleased that Houston's National Space Hall of Fame "memorializes in perpetuity something vital and important that links this community to man's very first venture into outer space."

Croneis' quiet "summitry" in Washington that helped bring the MSC to these parts accented his true dimension as a civic asset.

This brought, in due course, his appointment to the chairmanship of the Houston City Charter Committee. His deep involvement with civic enterprises led in 1969 to his designation as "Key Houstonian of the Year." His contributions to the region were recognized when he was appointed a member of the Texas State Charter Revision Commission, a blue-ribbon body that tackled the complex task of making recommendations for needed changes in the Texas Constitution. Texas honored him further by making him a charter member of the Academy of Texas.

In Houston, he made major contributions to the city's standing on the international scene by accepting the founding presidency of the Houston Council on World Affairs and of the Gulf Universities Research Corporation. He also served as Chairman of the Board of Directors of the Contemporary Art Association and as a board member of the Houston Chamber of Commerce, the Houston Museum of Natural Science, the Kinkaid School, the Southwest Center for Advanced Studies and the American Society for Oceanography.

His past presidency of the American Geological Institute has already been noted. He is also a past president of the National Association of Geology Teachers and of the Society of Economic Paleontologists and Mineralogists. He has served with distinction on the Scientific Manpower Panel of the President's Scientific Advisory Committee, the Academic Board of the U.S. Naval Academy and the National Advisory Committee on Graduate Education. He is now a member of the Science Information Council of the National Science Foundation, and is currently President of the Philosophical Society of Texas.

In 1936 Croneis published his popular book *Down to Earth* (with William C. Krumbein), a lucid introduction to geology, typically "dedicated with affection to those who tried to teach us and to those who teach us without trying." The book had gone through 18 American editions by Spring, 1971. It has been translated into several foreign languages, with Hindi the most recent translation. In addition to this highly successful work—cited as one of the 50 most significant books of 1936—Croneis has authored and co-authored a large number of scientific articles and reviews. He has served as Chairman of the Board of the United Educators in Chicago He is also editor of the many volumes in Harper & Row's Geoscience Series. In addition to his significant output as a writer, Croneis pioneered in the production of educational films in the sciences during his Chicago tenure.

By Spring, 1971, Croneis had received a total of nine honorary doctorates—including two from Beloit!

Significantly, the "real world" of geology also kept a constant eye on Croneis' contribution to its own ranks and to its own development. In April 1967 at the Golden Anniversary Meeting of the American Association of Petroleum Geologists in Los Angeles, he was awarded the coveted Sidney Powers Gold Memorial Medal: *"In recognition of unparalleled success in welding geology, education and administration; major contributions to Mid-Continent geology; service to the Association as Editor and otherwise; building the Rice Geology Department to eminence in a decade; inspirational influence on many eminent geologists; and popularizing petroleum geology through civic and professional activities."*

Columbia University also recognized Croneis' "distinguished service in geology" by awarding him its Kemp Gold Medal in 1969. Another national honor came to him in 1970 when he was appointed a member of the American Museum of Natural History Centennial Committee of 100.

In 1967 the Association of Rice Alumni awarded Croneis its Gold Medal for distinguished service to the University. The award moved him deeply. It came from a place and from people he had come to cherish as his very own. Croneis also has been awarded the Founder's Medal of Austin College.

In March 1970 Croneis was voted the year's Scholarship Foundation Award by the American Federation of Mineralogical Societies. As the 1970 awardee Croneis selected the colleges and universities that received grants in his name to assist five graduate students for two years in pursuing work toward master's or Ph.D. degrees in one of the earth sciences. Among the many congratulatory messages Croneis received on announcement of this honor was a letter from Bob Parks, President of the Rice Student Association. He wrote: "I can think of no more fitting way to recognize a lifetime of productive dedication to both research and teaching in the earth sciences than by the establishment of graduate scholarships for those who will hopefully follow in some of the paths you have helped to lay . . . I feel that they have a very fine model in the life of the honoree of the AFMS Scholarships."

Since 1954 the Rice campus, the Rice community have become deeply woven into all phases of Croneis' life. Much-traveled long before he ever came here, the campus became the base from which Croneis covered numerous areas of a troubled world. He and Mrs. Croneis had shared their first overseas journey to Europe in 1928 and have tried since then to "go somewhere almost every year." In the course of their journeys they were received by prominent leaders, including some heads of state, among the latter the Presidents of Guatemala and India and Emperor Haile Selassie. In 1959, Croneis was in Ethiopia where he presented the key to the City of Houston to Crown Prince Assefa Wassen. During the Croneises' visits to Nepal and to the headwaters of the Amazon, native customs and the untamed environment provided most of the drama. In August 1968 the Chancellor and Mrs. Croneis occupied perilous ringside seats in Prague with their old friends, Morgan and Veta Davis. They were present as Russian troops invaded Czechoslovakia. From a hotel window, Croneis calmly photographed some plucky Czechs setting fire to Soviet tanks.

Croneis has had significant encounters with a number of U.S. Presidents, beginning with Herbert Hoover. Most memorable of these are his meetings in Houston with the late Presidents Eisenhower and Kennedy in 1960 and 1963 respectively. The Chancellor served as toastmaster for President Kennedy's last dinner speech in the Sam Houston Coliseum here, November 21, 1963, the evening before his assassination.

Earlier that year, in the Spring of 1963, there had been some casting about to establish a second endowed chair in geology at Rice. On this matter, a prophetic suggestion came from Wallace Pratt, one of the great geologists of our times: "When a second chair of geology is established at Rice it should be distinguished, in my judgment, with the name of the remarkable geologist and scholar who, starting from scratch, established and developed at incredible speed, the present outstanding Department of Geology around the Harry Carothers Wiess Chair endowed by Olga Wiess. His service to Rice deserves to be commemorated. . . ."

Eight years later, in the Spring of 1971, the suggestion of Wallace Pratt was finding tangible resonance in efforts to create a Carey Croneis Chair in Geology at Rice.

Throughout his career Croneis has been in heavy demand as a writer and speaker. Scattered through countless journals and reports are his highly-quotable observations on the human condition, on the future of the world and on the men capable of running or ruining it.

Immediately after the end of World War II Croneis delivered a major address before the Beloit Rotary Club. He and the rest of the world were trying to assess the effect of the atomic bombs that had just been dropped on Hiroshima and Nagasaki. Said Croneis: "Atomic energy is no more a potential cause of war than steam, gasoline, or electric power; nor, as some have claimed, is research in the subject equivalent to tampering with the prerogatives of the Almighty any more than were earlier investigations with steam and electricity. The real cause of war lies not in scientific discoveries, but in men's hearts. Scientists won this war—they did not plan it. Their most spectacular discovery, which terminated the conflict, may now be used to perpetuate the peace."

In the succeeding quarter of a century few men have put the challenge of the ages in more cogent terms.

TEACHING WITHOUT LECTURES

(By A. J. Dessler)

Lecturing is an uncertain art. The successful lecturer is able to present the course material to the class in a way that is interesting, even entertaining. At the same time he conveys information at a satisfying level and rate. Lecturing may be as much a theatrical performance as it is an intellectual exercise. If we look at lecturing in these terms we at once can understand the paradox of the brilliant scholar who is regarded as a mediocre lecturer and the indifferent scholar who is extremely popular with the students because of his lectures. The stage presence that is so important to the successful lecturer is not a valid measure of scholarly ability. In my opinion, all the faculty at Rice have good command of the material they teach, and most of them work hard preparing their lectures. Yet, outstanding lecturers are rare on this (or any other) campus.

As seen from the students' point of view, the transfer of information during a lecture is a risky thing at best. The lectures are presented at a time and place dictated by a relentless schedule. The lecturers are of uneven quality, and even a good lecturer has bad days. No account is taken of special pressures or distractions from other quarters. The pace through the course is an unyielding lock-step established to fit the mythical "average student." But the average student, too, has his good and bad days, days in which his attention span is shortened by, say, the last-minute effort to prepare for an examination in another course, or even by illness. And, what of the student who has latent ability but who comes into a course with some minor deficiencies in background material? Without special tutoring of some sort, he falls even further behind as the lecturer alludes to and builds on knowledge common to the majority of the class. The student is not apt to know why he is not learning the material. His plight is not usually apparent to the lecturer until the student is in trouble, and that is sometimes too late.

The students, at times, react to the ineffectiveness of the transfer of knowledge by the lecture method in a rather direct manner. A professor, after giving what he thinks is an especially lucid and significant lecture, his eyes sparkling with excitement generated by the beauty of his subject, will be approached by a contingent of students, the spokesman asking something like, "Are we really going to be held responsible for all that stuff?

I had often felt, more from a sense of frustration than rational thought, that there must be a better way.

Almost two years ago, while spending a year in Washington, D. C., I learned of a better way while attending a symposium on communications. One of the speakers (Professor Charles Ferster of American University in Washington, D. C.) described a new teaching method, generally called the Keller method, that had been developed by Professor Fred S. Keller and a team of psychologists working to apply what they had learned from laboratory studies of "reinforcement theory" to teaching. It all seemed so obvious. I could hardly wait to get back to Rice to try out the new teaching method Ferster had described.

There is no unique description of the Keller method; there seems to be an infinite number of variations in its application. The principal features of the Keller method are (1) self-paced study, (2) personalized or programmed instruction, and (3) concentration on student motivation.

During one brief visit here during my year in Washington, I discussed the Keller method with the late Professor Zevi Salsburg, truly one of the finest teachers on the Rice faculty. He too was intrigued by the teaching technique, and he introduced it during the spring semester of 1970 in his junior-level class in quantum chemistry. In later conversations, he told me he was satisfied that the Keller method was a definite improvement in teaching, but he had encountered some difficulties. He was planning to use the Keller method again this academic year, but with modifications to obviate the problems of last year. Since we had kept in touch, I was aware of Professor Salsburg's plans and have thus been able, to a large extent, to avoid similar problems.

I am presently using the Keller method to teach an introductory astronomy course that is directed primarily toward providing a science elective at the sophomore level for humanities majors. The course is taught at a descriptive, non-mathematical level, which makes it a relatively easy science elective. It should be one of the most interesting subjects a student could study in college. Astronomy, held by some to be the Queen of the Sciences, opens for the student a view of the awesome grandeur and spectacle of the universe, of which our solar system is but a miniscule part.

If one walks into my astronomy class, he will see what on first glance appears to be a state of disorder. There is a general conversational hum in the room, as at a cocktail party. A few students are reading; a few are moving around. There is some traffic in and out of the room. This appearance is quite deceiving, however. As we shall see, the course is highly structured.

The class operates as follows: Each student receives a written study guide that details his reading, problem, and laboratory assignments. The study guide also presents both helpful clarifications of the text material and supplementary material that is not in the assigned text. If I were to lecture, my lectures would cover much of what was in the text and supplement or highlight certain parts. Now, instead of giving a lecture, I endeavor to write the material into the study guides to add to or comment on important points and to note interesting features.

The subject matter for this course is divided into units, each unit having a separate study guide that covers one chapter of the basic text. There is supplementary reading assigned from a second book. A third, highly-mathematical text is available for those students who have an adequate background in mathematics and physics and who wish more than the descriptive treatment.

The student, following the study guide, reads the text material and works the assigned problems, usually outside of class hours. The student then lectures (or explains) to one other student on what he learned and how he worked the problems. Thus, the student "lectures," not the professor. These "lectures" (or oral exercises as they are called) may be performed only in the classroom.

The purpose of the oral exercise is to reinforce the reading and to expose weaknesses in understanding. Haven't we all had the experience of starting to explain something to someone, and suddenly we realize that there is a serious flaw in our understanding? Or the converse, we go to someone for help with a problem, and in the very process of explaining what it is that we can't understand, the light dawns. We usually depart thanking the bewildered listener who never did quite understand even what our question was.

Professors are quite aware of this process. Most of them talk glowingly of the intellectual stimulation that comes from teaching. It is often said that if you want to understand a subject, teach it. It has also been argued that it is our use of words, either written or spoken, that unlocks our ability to reason.

The duties of the student who listens to the oral exercise are simply to sit and listen attentively. He is encouraged not to interrupt the "lecturer". The listener may, however, comment after the presentation. His primary function is to provide an "audience" for the lecturer. Few people can talk to themselves with enthusiasm; a listener is usually necessary for us to speak our thoughts. Thus, the student learns by reading, working, and explaining—he learns by doing. The passive role he plays when he is the listener is a useful part of the learning process, but commonly it is a relatively minor one.

The class is divided into sections. Each section contains 10 students and has one tutor assigned to it. The tutor is ideally an undergraduate who completed the course satisfactorily the year before. The tutor administers the written exercises, keeps progress records for each student in his section, finds a listener when a student is ready to present an oral exercise, and answers questions that arise from students in his section. Often a student will discover during his lecture that he doesn't quite understand some of the material. Help is immediately available from his tutor. If the tutor has trouble answering the student's questions, either the tutor or the student can come to me for help. I make it a point to be present at nearly all the class meetings, primarily to help the tutors, but also to make personal contact with the students.

After the required oral and laboratory exercises are completed, the student takes a closed-book written exercise with which he can demonstrate his mastery of the unit material. These written exercises differ from the usual tests in several significant ways. Only two scores are possible—Perfect or Incomplete. A score of Perfect is required before the student is allowed to go on to the next unit. An Incomplete means only that more study is required. There is no penalty associated with an Incomplete. Since mastery at a specified level is required, a score of Incomplete serves simply to reveal some weakness. After an analysis of the weakness, the student is sent back to some specific material for more study, after which he may try again on a new written exercise. (There are usually four different written exercises available for each unit.) The written exercises, which are an additional reinforcement of the reading, problem solving, laboratory exercises, and oral exercises, may be administered outside of class hours if arrangements are made with the tutor. They are usually taken during class hours, however.

Each student proceeds at his own pace through the course. His mastery of the material is checked constantly. The average student is tested for mastery of the material approximately twenty times each semester. Some work diligently to finish early. Other students work at a slow steady pace, finishing the last unit on the last day of class. Others work sporadically, getting ahead or falling behind according to the demands on their time from other activities.

An award was presented to the first student to complete the first semester syllabus, and another award to the student who maintained the most steady pace through the units to finish on the last day of classes. Henceforth, these awards will bear the names of their respective first winners: The Stephen G. Dvorak Award and The William R. Coley Award.

Grades are determined by how many units a student completes. The standards of performance are set by the instructor and announced the first time the class meets. Each student's progress is shown graphically on a chart that he sees each time he completes a unit. The individual student knows, therefore, at all times where he stands. The responsibility for learning thus rests with the student. The instructor is responsible for overall course direction, maintenance of standards, and (with his tutors) teaching.

A student who does not earn a semester grade of 1 (or A) will not have read all the material. For example, to earn a 3— (or C—), the student must master slightly more than half the syllabus. In the conventional teaching technique, the student with a grade of 3—might have been exposed to all the material but only learned part of it. In a terminal course such as introductory astronomy I believe it is a moot point whether there is any advantage to learning some of all the material or all of some of the material. In any case, with this application of the Keller method, it is clear that a 3— student learns all of some of the material.

To avoid the problem of the student who procrastinates unduly, an early deadline is set for completion of Unit 1 to assure that everyone at least gets off to a good start. The only other prod is a one-hour, open-book mid-term examination covering the first few units. The mid-term exam does not count toward the student's final grade but rather serves as a recheck of his mastery of these units. A grade of less than 70% requires that he retake the mid-term after more study and redoing certain of the units. There is no final examination.

The Keller method is probably best applied to the more elementary courses in which some definite knowledge or specific skill is to be taught. Science and mathematics courses are ideal since each element of the subject is often prerequisite for the next step. The complete mastery of each step leads to greater student motivation and interest. It eliminates the possibility of losing a student at some critical point and leaving a gap in his knowledge that will hound him through the discussion of the related material. With the Keller method, he must demonstrate mastery of each step before being allowed to proceed. If he is having trouble, he receives personalized instructions from his tutor. He is programmed back for more study in just the areas where he has shown the need for greater strength.

The able students go through the course using little help. The available manpower is automatically concentrated on the student who is trying but is having some difficulty. Special treatment can be afforded students with exceptionally weak or exceptionally strong backgrounds. The fast student is not held back, nor is the slow student left behind. Yet, standards are easily maintained. The lines of responsibility between student and teacher are clearly drawn. Lecturing skill and stage presence are no longer factors in the teaching process.

The Keller method is becoming a relatively popular educational experiment; it is being applied to a variety of courses at several universities throughout the nation. At Rice, Professor G. K. Walters has produced a novel variation of the Keller method for use in his junior-level quantum-physics course. Professors F. R. Brotzen and R. L. Sass are considering use of the Keller method in their physical science course. And, the Keller method is being evaluated for possible use in both freshman physics and freshman chemistry courses. Within a few years, there may well be a significant mix of standard and Keller-method courses offered at Rice.

The Keller method changes the principal role of the teacher from that of the classroom expositor to that of one who makes it possible for students to learn how to teach themselves. This may well be the ultimate goal of the educator. A student who emerges from a Keller method course should feel that he has mastered at least some aspect of a subject. He further should eventually feel confident that he is able to learn any subject that someone else has written down in a book.

With the Keller method, the teacher does not serve as an intermediary in the transmission of knowledge. He becomes more of a scholar-administrator who decides what aspects of a subject the students are to learn, what written material they need to properly employ the text, and what standards of excellence are to be maintained. The teacher who utilizes the Keller method must be prepared to spend additional time on his course. He must organize the course, recruit and supervise his tutors, write both the study guides and written exercises, and evaluate student progress on a student-by-student basis. In addition, he should be in the classroom during the regularly assigned class hours even though he does not lecture. The tutors need assistance or guidance, the students expect to see the instructor and to interact with him occasionally, and the instructor needs the feedback that can come only from firsthand observation.

One might expect that after the first year, when the study guides and written exercises are available from the previous year, the instructor's job would be minimal. Such is not the case. For example, I have learned much from the experiences of this year that will enable me to improve the study guides. Most will be rewritten or modified. New written exercises will have to be prepared regularly to keep the course work current and vital.

The Keller-method instructor can no more be replaced by written material than a lecturer can be replaced by a movie projector and tape recorder. The job of education remains; it is only the emphasis that is changed.

The conventional lecture method, which has reached its present state of refinement after centuries of evolution, is certainly not in any danger of losing its prime position. The Keller method will, for many years to come, be a useful adjunct to the lecture method. The degree of acceptance achieved by the Keller method will, of course, ultimately be determined by its utility and by its effectiveness.

A RESPECTED CONSTITUENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. WOLFF. Mr. Speaker, it is with pride that I point out to the Members that the Chairman-designate of the Securities and Exchange Commission, William J. Casey, is a constituent and personal friend of mine.

I am certain that my colleagues noticed that the Banking and Currency Committee in the other body has reaffirmed its support of Mr. Casey's nomination after a complete inquiry and thorough open hearing. This is consistent with my own personal knowledge of Mr. Casey who has always in my dealings with him adhered to the highest standards of integrity. I have similar reports of Mr. Casey's honesty, frankness, and community spirit from many of our mutual friends and neighbors in the Third Congressional District of New York.

Moreover, I would call to the Members' attention that Mr. Casey has a long record of public service at the local, State, and Federal levels—he is no newcomer to public office.

I trust that the full membership of the other body will follow the recommendations of its own Banking and Currency Committee and confirm my own high regard for Mr. Casey.

PRECIOUS NATURAL RESOURCES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BROOMFIELD. Mr. Speaker, our lakes are surely among our most precious natural resources. Not only are they primary sources of water, but recreational outlets and wildlife preserves as well. They are basic to the life balances on which our existence depends.

Yet, we find all over this Nation an increasing number of lakes destroyed or deteriorating as a result of our own carelessness. Where once they were sparkling and clear, now they are green and murky. Where once children swam and splashed, now only garbage, algae and silt remain. Nowhere in this Nation is the crisis more evident than in Michigan—in the Great Lakes and in the hundreds of fresh water lakes that dot our countryside. Oakland County, my own area, has suffered as much from pollution as any county in the Union.

I am pleased at the strong steps taken by the State to counter the destruction of our lakes. They are as stringent and effective as any State pollution laws in the country. I am pleased, too, with the growth of Federal action in the environmental area.

But more can and must be done. I am cosponsoring today two bills which would greatly improve the weapons we are using to fight the deterioration of our lakes. I am confident, Mr. Speaker, that they will receive the most thorough consideration by this body.

The problem which confronts us has arisen from a complex and interlocking set of abuses.

Municipal sewage, filled with human wastes and phosphorus materials from detergents, is often dumped untreated into nearby lakes. There is evidence that it may take up to 35 years for an urban lake to return to natural equilibrium after the influx of sewage is ended.

Moreover, industries usually find it convenient to locate adjacent to lakes where they can pump their chemical discharges.

But by far the most serious harm to our lakes results from soil erosion. Overflows contaminated with pesticides, herbicides, and fertilizer residues wash into their waters. Construction projects on lake shore areas cause increased runoff of soil and vegetation.

Since lakes, unlike moving rivers, have very slow flushing systems, these elements remain for years, causing the water to be enriched past its capacity. These elements—with their nutrients—serve as fertilizer for algae, which, in turn, creates an increasing demand on the oxygen in the water. Without oxygen the lake's natural cleansing process is seriously impaired—sludge and debris are allowed to build up uncontrolled.

Clearly, our attack on this problem must be two-pronged: First we must restore the lake to its proper condition and, second, we must insure against its future deterioration.

While the Federal Government and the State of Michigan have begun the first part of this operation for the Great Lakes, there has been very little action to prevent future deterioration. The first of my two bills would correct this situation.

It would establish a regional program of soil conservation in the Great Lakes Basin; the program would encourage agricultural practices designed to keep nutrients out of the lakes and on the land, where, of course, they support vital crop growth. It would be patterned after the Great Plains conservation plan, which has operated successfully for 15 years.

Under my bill the Secretary of Agriculture would enter into voluntary contracts with farmers, ranchers, and other landowners to pay for whatever changes in cropping systems or land uses they make to prevent erosion. The program would run for 10 years with an authorization of $150 million.

But while we insure the health of the Great Lakes, we cannot ignore our smaller, fresh water lakes. These have not received as much attention as they deserve, though their condition is as bad, if not worse, than that of the Great Lakes. As yet, no steps have been taken to recover the hundred thousand smaller lakes all over the country. That would be the purpose of my second bill.

The measure would provide technical and financial assistance to the States and municipalities in carrying out a comprehensive program of pollution control for smaller lakes. This would include the use of harmless chemicals to destroy unwanted algae, the dredging of lake bottoms to remove decayed sludge, the recovery of algae and trash from the surface and the improvement of lake shores. The bill authorizes $900 million over 4 years for this program and another $600 million to improve waste treatment facilities. Finally, the bill provides measures to enforce water quality standards for lakes subject to the entire program.

Both of these bills are essential, Mr. Speaker, if we are ever to recover our sadly deteriorating lakes. To delay action is to risk losing one of our most precious natural resources. I urge that these bills be approved.

DIVERGENT VIEWPOINT

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. PETTIS. Mr. Speaker, as an ardent believer in the principle of free speech as the cornerstone of our democracy, I have long deemed it vitally necessary that opinions of all types be granted access to the public forum. Too often recently have I heard the words, "The system doesn't work", and "I can't get a hearing for my views". This must not become a familiar cry if we are going to preserve our free society.

In order to stimulate debate, and provide access to divergent viewpoints, I commend the following letter to my colleagues. I do not necessarily espouse all the opinions included therein, but I champion his right to express them to as wide an audience as possible.

The letter follows:

SAN BERNARDINO, CALIF.,
March 4, 1970.

U.T.U. News,
Cleveland, Ohio

DEAR SIR: I am writing this letter in regards to your request asking members to write to help in the AFL–CIO campaign to enact National Health Security, the compressive national health insurance program.

After some 24 years, Engineer Santa Fe Railroad Company, because of an accident I lost my left leg, I haven't worked since October 1964 I am only 62 years old, born October 17, 1908 I have had no help financially from the so called Santa Fe Railroad Company.

Here are the true facts, after months in the hospital, loss of wages, hospital, nurses, drugs many other expenses, we were forced to sell our home, thank God we had it almost paid for, after paying all our expenses, using up all the cash equity, we still owed money we had to pay.

We are, and have been since 1965 completely broke, I had to lose my insurance, and hospitalization, as I could not pay the premiums, result no medical or hospital care, because of my age, I could not qualify for Medi-care, or Medi-cade, I still can't qualify because of my age, Oh yes I applied for Welfare, but was turned down, so wife and I do without many things in order to survive. I receive $199.35 a month on Railroad Retirement disability, Starting last October 1970 I started receiving $66.80 a month under Social Security Benefits, a total of $266.15 a month, you try and live on this amount. It took me 6 years to save up $650.00 to buy a prosthesis, (Leg) which I am just now trying to learn to walk.

There have been many times, I seriously needed medical care, and drugs, but with no money, or insurance, a person could die, and no one would care, In fact I need medical care now, but can't get it.

If this very worth while legislation is passed, I doubt very much if it will help me, as I wont be around long enough waiting for our Congress with lead in their pants, to take action. But it will I am sure help some one or other poor soul, like me who can't get help because not being 65 years old.

(Special note) What? happened to the .10% increase in benefits we were supposed to get. What? is the matter with Congress, and the various committees. I am well aware of the get their ——— in the chairs, until they voted, and immediately received a very handsome raise.

This raise wasn't .05% or .10% or even .15% but was many thousands of dollars. Their bellies are full so the hell with people really in need.

From the tone of this letter, you can see I am a very disappointed man, and feel I am justified in my opinion.

Congress did nothing last year, but draw a big fat salary, with a out of this world pension. and it appears this Congress after two months will also do nothing constructive, except bicker with one another.

I hope this letter will get through to some one who cares, and that the time spent by me will do a little good, and bring a little results.

Sincerely,

HERMAN W. ROWE.

CONGRESS AND THE DRAFT

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MANN. Mr. Speaker, this House will soon confront the issue of the extension of the draft. Accordingly, we welcome expressions of opinion from all areas of our country and all segments of our society. In that connection, I believe the House will be interested in the following editorial from the Greenville, S.C., News, of March 19, 1971:

SOME FORM OF DRAFT NECESSARY

Congress is going to have a tough problem on its hands when it gets down to considering the draft question within the next few weeks. A decision will be made because the draft law expires this year.

Congressmen face a host of questions, including whether to abolish Selective Service entirely and rely on all-volunteer military forces. A concerted effort is under way to repeal the 1967 Selective Service Act as of December 31, 1971.

Although the goal of an eventual all-volunteer service is desirable, from some standpoints, world conditions require at least a stand-by draft for the foreseeable future. The fact is that it would be next to impossible to maintain troop levels at required minimums without some form of compulsory military service.

In addition there is the question of whether a free nation can afford with safety to maintain an all-professional military establishment of the size required by the United States. The danger of a non-civilian-oriented military to democratic institutions cannot be discounted. There is much to be said for a military force many of whose members expect to be civilians after relatively-short tours of duty.

Another question is whether an all-volunteer military would be composed chiefly of members of economically and culturally deprived sectors of the population, to the exclusion of the middle and upper American sectors. This has all sorts of social, political and economic implications.

Considerable study is required to determine the effect of draft repeal upon the vital military reserve and National Guard forces. These units must be maintained and strengthened as the size of the standing forces is reduced in the years ahead.

In addition to these broad questions Congress must consider numerous other issues involved in the draft. The Supreme Court posed a new one recently with its ruling that the present law prohibits a person from claiming conscientious objector status on grounds that a particular war is unjust—in this case the Vietnam War.

The court specifically pointed out in the ruling that Congress could write a law permitting a person to avoid military service in any war to which he objects, while not objecting to war in general. That could lead to chaos in which national policy could not be made effective.

But Congress probably will be subjected to pressure to permit selective conscientious objection because of implications involved in the Nuremberg and My Lai trials that the individual soldier must answer to his own conscience, instead of to higher military authority, as to what is morally acceptable in warfare.

That is a question in which the separate concerns of national interest and individual responsibility are almost incompatible. It's the old philosophical argument of the welfare and rights of the group versus those of the individual.

All sorts of details involving exemptions, deferments and priorities are tied up in the draft question and may cause considerable debate before the matter is resolved.

At the moment the safest and most nearly equitable course for Congress would be to extend the Selective Service law, with whatever improvements can be worked out, in hopes that fairly soon the military establishment can be maintained with a zero or near-zero draft.

Some form of stand-by draft is essential. The only other safe alternative would be a universal national service law, which appears to be politically impossible now.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. CLEVELAND. Mr. Speaker, This week has been proclaimed "National Week of Concern for Prisoners of War/Missing in Action," in accordance with House Resolution 16, of which I was a cosponsor. Now is an appropriate time to focus attention on one of the most disheartening aspects of the war in Southeast Asia.

Nearly 1,600 Americans are either missing in action, or being held prisoner in North Vietnamese or Vietcong prisons. In the 7 years since the first American became a prisoner of war in North Vietnam, the world has witnessed a display of contempt for civilized opinion which has been seldom matched in recent years. The North Vietnamese have acted without regard for either the men being held prisoner or for their families. Mail has been kept from the prisoners, and the families have been denied mail and usually even knowledge that their husband or father is alive or dead, or in good health or bad.

In recent months, as attention has become focused on these unfortunate men, we have learned from such sources as the Christian Science Monitor of the barbaric conditions in which they exist. We have seen the callous refusal to disclose all of their names. We have witnessed so-called antiwar groups use these men as pawns in their efforts to discredit the United States. We have learned of the deaths of a number of these prisoners, long after they died, in cold disclosures which ignore the feelings of their families, and without any offer to repatriate their bodies to their home country.

Mr. Speaker, we have witnessed all of this at the same time when the United States is withdrawing troops from Vietnam pursuant to an announced plan to end U.S. involvement in the war there. The time has long since come for the North Vietnamese to honor the Geneva Convention regarding treatment of prisoners of war.

Mr. Speaker, it is now apparent that North Vietnam will not begin to give humane treatment to those men held prisoner until the world demands it. Only when public opinion is aroused will they react positively. Indeed, with many of their actions directed primarily to public opinion, it is in this area that they are vulnerable.

Hanoi must be told in clear terms that the time has come for humane treatment of all American prisoners of war.

FOOD STAMP SHORTCOMINGS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. FULTON of Tennessee. Mr. Speaker, recently the Nashville Tennessean carried a rather comprehensive series of articles on the food stamp program. Such an indepth study would be, by nature, controversial and draw varied comment.

One of those who wrote the Tennessean concerning the series was Mr. Horace M. Woodruff who's letter appeared in the Letters to the Editor column of the Tennessean.

I include the letter by Mr. Woodruff in the RECORD at this point:

FOOD STAMP SHORTCOMINGS

TO THE EDITOR: Under the by-line of Sherry Carter, a series of articles were published recently in the Nashville Tennessean highlighting the short-comings in the local Food Stamp Program. To an exaggerated degree, the reporter, by repeated statements, sought to place much of the blame on the increasing number of food stamp recipients and an overworked, under-staffed operating personnel.

Being a food stamp recipient myself, and in all respect to Miss Carter, whose writing ability is unquestioned, I feel I must take issue with her on certain facts in this matter. She made one point however that deserves attention: "Lack of space." Why not solve this problem by using schools and churches—plus all the free, competent help needed? The cramped food stamp branch in East Nashville (So. 7th St.) is a 20-by-15-foot room. Imagine what it's like when seventy-five or a hundred or more people are jammed in such a small place! (Most of these people are old and sick and disabled).

As for the paid employees who handle this phase of the welfare program (food stamps) they are neither overworked nor understaffed. In fact, if the same people were employed by any private business organization—everyone would be fired for laziness and incompetence! A good example of their incompetence is found in a complete lack of crowd-control or discipline at these food stamp stations. Being conscious of this weakness results in frustration, which is manifested in veiled threats and deliberate, malicious stalling.

But more important than any of these things is the negative attitude shown by the general public towards the whole welfare system. Admittedly, there are pros and cons in every phase of the welfare picture. Unbridled abuses tend to alienate the helped from the helper, the tax-paying public.

Continually ignoring the whole program, however, is no excuse whatever for wanting to abandon the food stamp program, as many are now advocating. The only practical alternative, it seems to me, is to administer these various welfare programs on solid business principles. Defending the present system and all its shortcomings under the false pretense of a humane philosophy is neither fair to the overburdened taxpayers of this country nor practical from the standpoint of administration.

HORACE M. WOODRUFF.

REMEDIES NEEDED FOR NLRA

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, an excellent discussion of some of the shortcomings of the Labor Act recently appeared in the AFL–CIO American Federationist. The article was written by Thomas E. Harris, the associate general counsel of the AFL–CIO, and I would like to include it in the RECORD for the information of my colleagues.

Mr. Harris' analysis is especially timely because of the growing concern in many quarters, including the National Labor Relations Board itself, that the remedies available under the Labor Act are in many cases neither adequate nor timely.

Although the basic Labor Act was first passed in 1935, NLRB Chairman Miller only recently commented that the number of unfair labor practice discharge cases still coming before the Board was astonishingly high. The lengthy delays within the Board and at the judicial review level have been widely criticized, and the caseload crunch facing the Board threatens to produce, in the words of Chairman Miller, "a jamming of our machinery".

Mr. Harris's article analyzes these problems and offers some interesting solutions. The article follows:

[From the AFL–CIO American Federalist, February, 1971]

SOME REMEDIES FOR AN AGING NLRA

(By Thomas E. Harris)

(NOTE.—*Thomas E. Harris is the associate general counsel of the AFL–CIO. This article is based on a presentation he made to the Southwestern Legal Foundation's annual institute on labor law.*)

More and more informed, if not dispassionate, observers seem to be concluding that the principal federal labor relations laws—the National Labor Relations Act and the Railway Labor Act—are not working and that something dire needs to be done.

As long as conservatives don't score an election sweep such as that in 1946 we can disregard the fulminations of employers who are adamantly, though never openly, opposed to unionization and of their ilk at the bar and in the Congress. Proposals for a labor court such as that by Sen. John Tower (R-Texas) are meant not to improve the administration of the NLRA but to keep it from working at all.

Recently, however, Charles J. Morris and Florian Bartosic, two distinguished attorneys who have long represented unions, have called for revisions of NLRA procedures and there is growing doubt among union officials and among congressmen who support the NLRA's objectives that its supposed protections of the rights to organize and bargain collectively are being effectively implemented by the National Labor Relations Board.

While the diagnosticians agree that the patient is ill, there is divergence as to what the disease is. Professor Morris, who represented unions for many years and now teaches at Southern Methodist University, seems to believe that the basic, or at least original, purpose of the NLRA has been achieved, in that most employers recognize and accept that their employes have the right to join a union and bargain collectively.

In a 1969 article in the Journal of Air Law and Commerce, Morris states: "Cooperation (between labor and management) might be attained if it were widely recognized and accepted that the basic structure of collective bargaining in American labor law is already firmly established—a conclusion I believe to be valid." While Morris details numerous shortcomings in the administration of the act, he apparently regards these as relatively minor matters calling for non-controversial procedural reform, rather than as an indication of a major breakdown in NLRA enforcement.

If I understand Morris correctly, I disagree with him. I think the act is chiefly important in recognition disputes; that collective bargaining is not accepted in some major industries or some major geographic areas; that the act is woefully ineffectual in those industries and areas; and that that is why the act needs to be overhauled.

Morris is, of course, correct that unions and collective bargaining are now accepted in some basic industries where unionization was bitterly fought a generation ago. The point is, however, that for those industries the NLRA and the NLRB no longer have major importance.

In the late 1930s and early 1940s, when the basic steel companies were still fighting unionization, the steel companies were much involved in labor board proceedings and they were violent in their attacks upon the act and the board. These days, however, virtually no NLRB cases arise in the steel industry. The same thing is true of other industries that were once bitterly embroiled with the NLRA and the NLRB, such as automobile manufacturing. As former NLRB Chairman, Frank McCulloch has stated: "The bulk of (the NLRB's) unfair labor practice caseload arises out of organizing and election situations." Once a union is recognized and accepted, NLRB cases are rare and of peripheral significance.

There do, however, remain important industries and areas where collective bargaining has never been accepted; and it is here that the NLRA should be operative, but has become virtually a dead letter. A House subcommittee concluded in 1968, on the basis of extensive hearings, that not only are the law's supposed protections of the right to join unions and to bargain collectively being flouted on a broad scale, but that this situation is getting worse.

NLRB statistics likewise support this pessimistic conclusion. In 1958, there were 4,649 charges filed against employers for discharging or otherwise discriminating against employes for union activity and 1,039 charges against employers for refusing to bargain collectively. Ten years later, the totals were 8,129 and 4,097 in those two categories—a decisive increase in each. Moreover, the indications are that a larger percentage of the charges were meritorious in 1968 than in 1958.

Many union officials have concluded that the act's supposed protections of the right to organize are worthless, at least in certain milieus. The Textile Workers union has been seeking to organize the textile mills in the southeastern states for more than 30 years. It has, of necessity, looked to the procedures and protections of the NLRA. At this point, it does not have under contract a single mill in the southeastern states belonging to any of the big three textile chains—Burlington, J. P. Stevens and Deering-Milliken—even though the union has sometimes won NLRB elections at such plants. It is the experience of this union that the act's supposed protection of the right to organize is illusory, at least in the southeastern states.

NLRB and court cases involving J. P. Stevens & Co. serve as a good case history for anyone who is interested in learning just how an unscrupulous employer, who has the support of the local establishment, can make a mockery of the labor act. Since 1953, when TWUA initiated an organizing campaign in its plants, complaints have been issued against the company on 10 successive rounds of unfair labor practices. The company has lost many a case, including one which cost it $654,573 in back pay; but it hasn't yet signed a contract with the union and shows no sign of abandoning its illegal anti-union campaign. The support the local establishment gives such firms as J. P. Stevens prompted Harry Golden to say of Charlotte, N.C., that "They elect Cassius Clay mayor if he would promise no unions and no collective bargaining."

The leaders of the United Farm Workers Organizing Committee have likewise concluded that the protections of the labor act are more than outweighed by the restrictions it imposes on unions. Although the union previously had supported proposals to extend NLRA coverage to farm workers. President Cesar Chavez said in April 1969 that while the union would welcome coverage under the provisions of the original Wagner Act, it would forego that pleasure if it meant coverage also by the Taft-Hartley and Landrum-Griffin amendments. Chavez' judgment may well have been right: his union has recently made significant breakthroughs without benefit of the NLRA.

In assaying the value of NLRA's protections of the right to organize, it is surely significant too that the fastest growing AFL-CIO affiliates are unions of government employes, who are not covered at all by the NLRA. And while federal employes have a right by executive order to form unions, many states and localities accord no such legal protection and some even undertake to bar public employes from joining unions. Nevertheless, such unions as the State, County and Municipal Employes and the Teachers have grown much more rapidly in recent years than those under the supposedly protective umbrella of the NLRA.

Morris' enumeration of the deficiencies of the National Labor Relations Act and board likewise seems to me only partially on target.

The top items on his list are that NLRB doctrines tend to change with national administrations because of the five-year terms of board members, so that the resulting "uncertainty in the law . . . makes voluntary acceptance of the board's decisions harder to achieve," and that the board has been repeatedly criticized over the years for overruling prior decisions. Morris' cure for this deficiency (and others) is a labor court whose members would have life tenure.

Obviously, however, discriminatory discharges for union activity, which comprise much of the largest category of unfair labor practice cases, do not stem from "uncertainty in the law." If, as the Textile Workers union believes, the three big chains have an understanding that none of them will ever sign a contract with a union in the southeastern states, that unlawful conspiracy does not stem from "uncertainty in the law." The deliberate corporate policy of J. P. Stevens & Co. to engage in any violations of the act necessary to block unionization does not stem from "uncertainty in the law." Nor has J. P. Stevens shown any greater respect for the decisions and orders of courts than it has for those of the NLRB.

Indeed the more vitriolic critics of the NLRB are no less frenetic about Supreme Court decisions on labor law. The Supreme Court opinion that a corporation which takes over a plant must continue to deal with the union there was written for a unanimous court by scholarly and conservative Justice John M. Harlan, yet it still evoked abundant employer froth, as have Supreme Court holdings in numerous other cases. It is thus, in my view, naive to suppose that voluntary acceptance and compliance with the act could be achieved in any important degree if NLRB or labor court members had life tenure, with consequent fewer changes in doctrine.

Oddly enough, when Morris gets to his exposition of the supposed advantages of his labor court, he declares that the present low level of voluntary compliance with the act is principally due to the ineffectiveness of the remedies available to the board. He states:

". . . The NLRB is not a court; it cannot issue temporary restraining orders, temporary injunctions or any orders, including final decisions on the merits, that are automatically enforceable. This lack of instant process—and process enforceable by its own contempt power—appears to be the principal cause of the low incidence of voluntary compliance with the act."

Morris is of course absolutely right that the board's process is too slow and that apart from cases in which the board can seek a temporary restraining order from a district court, the act provides no quick and sure relief. These two deficiencies are closely interrelated: Because employers know that any decree eventually issued against them is unlikely to hurt them or help the union much, they feel free to violate the act and to stall unfair labor practice proceedings; and these deliberate violations and delays add to the board's case load, cause additional delay, and render proceedings under the act even more ineffectual. It is this vicious circle that must be broken.

The most important step that can and should be taken is to provide for equal and effectual remedies against employer unfair labor practices. It has long been evident that Congress is not going to eliminate temporary injunctions, issuable in advance of a board decision, against some types of unfair labor practices by unions. That being so, equal protection for unions and employes can be achieved only by providing for temporary injunctions against comparable unfair labor practices by employers. Yet the labor movement has been notably inhibited about seeking any such revisions of the act.

In 1947, at the hearings on what became the Taft-Hartley Act, William Green, president of the AFL, denounced the one-sidedness of the injunction proposals: ". . . One set of sanctions is to be invoked against employers for their violations of federal labor laws and another and greatly more drastic set of sanctions invoked against labor organizations and employes."

But Green did not ask for injunctions against employers; rather he denounced this restoration of the labor injunction as "viciously arbitrary retrogression" and as violating the constitutional guarantee against involuntary servitude. Philip Murray, for the CIO, was much less excited about the restoration of labor injunctions, probably because the secondary boycott was less useful to industrial than to craft unions. When asked about secondary boycotts, Murray flatly told the committee, "My union is not concerned in that."

The result was that the Taft-Hartley Act provided for extensive and summary use of injunctions to stop union unfair labor practices pending board hearing and decision, but with no correlative use of injunctions against employers. The act provided, and still provides, for two kinds of injunctions. First, the NLRB is required to secure injunctions, in advance of hearing and decision, whenever it has reasonable cause to believe that a union has engaged in a specified type of unfair labor practice, such as a secondary boycott. These injunctions, known as mandatory injunctions, are issued only against unions, never against employers, and are very common. The second type of injunction, known as a discretionary injunction, may be sought by the board against either a union or employer in any case after issuance of a complaint. However there is no requirement that the board invoke this provision, and discretionary injunctions are relatively rare.

In 1949, following Harry Truman's upset victory in 1948, the AFL and CIO made a mayor joint effort to repeal and revise Taft-Hartley. They united behind the Thomas-Lesinski bill, which confined the boycott ban to jurisdictional controversies and abolished both mandatory and discretionary injunctions.

This bill was rejected by the Senate in favor of a substitute by Sen. Robert A. Taft (R-Ohio) which somewhat relaxed the restrictions against boycotts and provided for discretionary but not mandatory injunctions. This bill passed the Senate and undoubtedly could have been enacted if the federations had supported it, but instead they dropped their drive for Taft-Hartley revision. Additional factors were of course involved in the labor opposition to the Taft bill, such as its retention of section 14(b).

In 1954, the labor movement had another opportunity to equalize NLRA enforcement, but again ended with a stalemate. President Eisenhower's 1954 labor message proposed and the committee bill provided for the repeal of the mandatory injunction provisions. However, the committee Democrats, reflecting the union position, declared in their minority report: "We welcome the repeal of (the mandatory injunction section). . . . However, we are opposed to any use of temporary restraining orders and preliminary injunctions in labor disputes . . . We think the Congress should restore the Norris-La Guardia Act."

In the Senate, the Administration bill was sent back to committee on a straight party line vote. In 1959, the Landrum-Griffin Act actually exacerbated the inequality of remedies, by adding to the provisions enforceable by mandatory injunctions. There was considerable union opposition to some of these changes but no specific separate opposition to the expansion of the mandatory injunction provisions and no union proposal to apply injunctions to employers.

Such a proposal was made at about the same time, however, by an advisory panel to the Senate Labor Committee, which included Arthur Goldberg and two other union lawyers. This panel, after summarizing the act's provisions on injunctions, declared:

"Two changes should be made in these statutory provisions. First, it is unfair to discriminate against employes and labor unions by giving priority to charges filed against unions, thereby delaying the investigation of charges filed against employers. The injury caused by an employer's unfair labor practice may be as irreparable as any damage caused by unlawful picketing.

"Second, the worse consequences of the present delay in reaching a final decision in unfair labor practice cases should be mitigated by making interlocutory relief available in appropriate cases against unfair labor practices interfering with the rights of employes guaranteed by Section 7. . . ."

Thus the panel did not recommend any reduced use of injunctions against unions, but rather sought their equal use against employers.

During the 10 years since the panel report, the provisions on injunctions have been unchallenged. The time has come for the labor movement to recognize that it is not able to abolish injunctions and that equality of remedy can be obtained only by providing interim injunctive relief against employers in appropriate cases.

It is true that that would represent some further restoration of "government by injunction," in that the role of the district courts would be enlarged. That is one reason unions have always been so reluctant to press for such a change. However, assuming that, as I advocate, this change is made within the framework of the present act, and not as part of a district court or labor court package, this enlarged district court role would continue to be subject to the partial safeguard that interim injunctions could be sought only by a supposedly impartial government official and not by private litigants. And it benefits unions not at all to protect employers from government by injunction when unions are subject to it.

Surprisingly, Sen. Tower's labor court bill would improve the present situation in regard to equality and effectiveness of remedy. It would, in part, preserve the present imbalance in remedies by requiring that the United States attorneys (who would supplant the NLRB Office of General Counsel) give priority to secondary boycott charges over all other charges. However, the bill would at least abolish mandatory injunctions and instead provide for discretionary injunctions against both employers and unions. The Tower bill, however, would permit private litigants to seek such relief. The latter proposal would open the door wide for a return of ancient abuses.

There are two other statutory changes that surely should be made to speed the NLRB's disposition of unfair labor practice cases. Teamsters counsel Florian Bartosic, in a 1970 article in the Georgia Law Review, advocated these changes:

One: Trial examiner decisions should be made final, subject to discretionary review by the NLRB. The Landrum-Griffin Act sanctioned somewhat comparable delegation of authority to the regional directors with respect to representation proceedings, and this delegation has greatly speeded up the disposition of these proceedings and has occasioned virtually no criticism. However, a reorganization plan (No. 5), which authorized the board to give finality to decisions of trial examiners, subject to discretionary review by the board, was rejected by the House of Representatives in 1961. Under any such amendment the decisions of trial examiners would, if final, be subject to judicial review in the same fashion as board decisions.

Two: Board decisions should automatically become legally effective after a short period, unless a respondent files a petition for review. (And the same would be true of trial examiner decisions if proposal No. 1 were accepted.) At present, the board must petition for review if a respondent does not and this requirement certainly produces additional delay and almost certainly additional litigation. This suggested change is in line with the Federal Trade Commission Act, under which commission orders become final unless a respondent files for review within 60 days.

All of these proposals I advocate to reduce delay and aid enforcement could be accomplished within the framework of the present law. Are there, however, other valid arguments for a labor court? I think not.

As explained, Professor Morris' claim that a labor court would have wider acceptance and thus greater voluntary compliance does not persuade me. Moreover, while I agree that the board has been overready to rewrite doctrine, and the short five-year term for board members is of course not sacrosanct, I believe that life tenure would produce a rigidity of doctrine not desirable in so changing a field as labor relations. Bartosic, on the other hand, argues for a seven-year board term, and points out, curiously, that the ICC FTC and FCC all have seven-year terms. The real purpose of these examples must be to remind his readers that the NLRB is, at least compartively, a pretty effective agency.

Moreover, Morris' labor court would probably accentuate rather than reduce delay. As he says, the organization of his court would resemble that of the Court of Claims. That anyone would model anything after that tortoise of tribunals is indeed startling. The Court of Claims, for good reason, publishes no figures, but court officials say that from filing of complaint to decision usually takes about four years. Under Morris' proposal, commissioners would replace hearing examiners—surely not a change of significance—with review of their decisions by a labor court of 11 judges. Presumably these judges would sit in panels, which would result either in conflicting decisions or in numerous rehearings en banc, which would be more productive of delay than the present system.

Also, both the Tower bill and Morris would retain an NLRB to handle representation proceedings, while transferring unfair labor practice cases to the district courts or a labor court. However, the two types of proceedings are sometimes so interrelated that they are consolidated for hearing and decision. Even when that is not the case, doctrines developed in unfair labor practice cases are often relevant in the determination of representation proceedings, and vice versa, so that it is highly desirable that a uniform and coordinated body of doctrine be developed and applied to the two types of proceedings.

Perhaps the most appealing aspect of Morris' proposal to lawyers is that he would centralize in one tribunal a mass of labor litigation now scattered hither and thither. His labor court would not only handle unfair labor practices under the NLRA, but also would take over enforcement of the Railway Labor Act from the federal district courts. It would also handle injunctions in national emergency disputes and suits under Taft-Hartley. Under Morris' proposal, an emasculated NLRB would handle representation proceedings under both the NLRA and the RLA. Bartosic would prefer simply to repeal the Railway Labor Act in toto. He doesn't say whether he would bring railroads and airlines under the NLRA.

Morris is correct as to the parallelism of the substantive provisions of the NLRA and the RLA. But that resemblance should not becloud the fact that the purposes of the two acts, the roles of the two boards and the principal failures of the two acts are all different.

The main role of the NLRA, aside from its basic guarantees of the right to organize and bargain collectively, is to regulate the tactics which employers and unions may employ in organizing campaigns. The board's main job is to see that these rules are observed. That is also where it has failed.

The RLA, on the other hand, does not have the same focus on controversies between employees and unions over organizing. According to one version the RLA was the product of a consensus already reached between the carriers and the unions. At all events, the rail carriers, with, of course, the exception of the Florida East Coast Railway Co., have not in recent years shown any great zeal for union busting. Hence, the substantive provisions of the RLA, and their administration, have been of relatively little importance. That is why it has been possible to leave their enforcement to the district courts and any need for change in that stems more from disputes involving the airlines than the rail carriers.

The substantive provisions of the RLA are of relatively little importance, not only as compared with those of the NLRA but as compared with other provisions of the RLA. For the RLA establishes elaborate machinery—involving notices, bargaining by the parties, mediation by the National Mediation Board, awards by emergency boards, etc.—which is supposed to eventuate in the peaceful negotiations of collective bargaining agreements. It is the asserted failure of these dispute settlement mechanisms, and not controversy over the substantive terms of the RLA, or their administration, which has led the Nixon administration to propose extensive revision of the RLA.

If the RLA has failed in this respect (which the rail unions do not concede) it is because, as President Nixon put it in his Feb. 27, 1970, message to Congress, "The disputants . . . know that the nation will not tolerate a damaging railroad strike. . . ." While I will not be so eccentric as to defend the NMB, it is unlikely that any agency will have total success at mediating disputes when the employers are confident that the unions will not be allowed to strike. At all events, neither Morris' nor Bartosic's proposal is relevant to the main focus of controversy under the RLA.

If suggestions for a labor court are unpersuasive, proposals to transfer unfair labor practice cases to the federal district courts are blatantly foolish. Any such proposal is subject to at least the following objections:

The district courts are, as a whole, even slower than the NLRB and are getting worse, with the worst delays in the very districts in which the largest numbers of unfair labor practice cases arise. In 1969, the median time from issue to trial in the Southern District of New York, in non-jury cases, was 35 months, while in the Eastern District of Pennsylvania it was 44 months. The addition of unfair labor practice cases to the present work load of these district courts would of course somewhat worsen the present situation.

The transfer of unfair labor practice cases to the district courts would restore many of the evils of government by injunction. It will be recalled that during the years between the Debs case (1895) and the Norris-LaGuardia Act (1932), the issuance of injunctions in labor disputes led to a series of bitter confrontations between working men and the federal courts, which completely undermined the confidence of workers in the administration of justice. Indeed the instinctive opposition of unions to anything called a labor court and the deep aversion of unions to injunctions, even against employers, stem from this period when the federal judges intervened in labor disputes in strike after strike at the behest of employers. It should not be forgotten that the criticism leveled at the federal courts in those days was as bitter as any ever leveled at the National Labor Relations Board. To put the federal courts back into the business of government by injunction would be a disservice not only to workers and unions, but also to the federal courts.

The NLRB should and does have an expertise which several hundred district judges in 86 different districts could never be expected to match. Many of those judges would never have enough cases under the NLRA to develop any familiarity with it.

The NLRB, of course, applies its doctrines uniformly throughout the country, whereas decisions by hundreds of different district judges would produce conflicting rulings to the point of chaos. My observation over the years is that trial judges, both federal and state, tend in general to be more sympathetic to unionism in the major industrial areas where unions are strongest, and less sympathetic to unionism in the areas where employers have blocked their employes from organizing and where unions are weakest. To oversimplify, unions get the worst treatment from the trial courts where they need the best. This situation would be greatly accentuated if district courts handled unfair labor practice cases. District court decisions would be subject to appellate review, but appellate review is confined to issues of law and never reaches a wide area of trial court discretion.

As already explained, it is undesirable to separate the handling of unfair labor practice cases and representation proceedings by assigning the former to the district courts and leaving the latter with a board. It would be equally unsatisfactory to assign representation proceedings to the district courts or a labor court. As Bartosic has pointed out: "The NLRB has established an efficient administrative apparatus for handling representation cases and elections quickly and fairly. That a court could, or should, become involved in a function which is almost exclusively administrative in nature borders on the absurd."

In sum, there are several steps that can and should be taken to improve the administration of the NLRA. None of these steps requires or would even be facilitated by transferring jurisdiction under the act to a labor court or the district courts. Those who advocate such a step are, in my judgment, simply playing into the hands of employers and employer lawyers who reject unions and collective bargaining.

POW'S

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. PETTIS. Mr. Speaker, during this week designated as a "National Week of Concern for Prisoners of War/Missing in Action" it is imperative that all the American people be reminded of the status of these valiant men. So we must overtly exhibit our concern for their well-being and our determination that we will not cease our efforts to bring about their release.

I accompanied Dick Capen, the assistant to the Secretary of Defense, on a recent trip to Sacramento where he addressed a joint session of the California State Legislature. I wish my colleagues to know that the people of California and their representatives are fully behind all endeavors to secure proper treatment of these men, and will support whatever steps that are necessary to insure their freedom. If Americans continually express their concern for these unfortunate individuals, and if we appeal to the conscience of the world, world opinion may force the North Vietnamese to cease their inhumane treatment and negotiate their release. Support for these men by our Congress and all our people will demonstrate to them that they are not forgotten.

NATIONAL WEEK OF CONCERN FOR POW'S/MIA'S

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DELANEY. Mr. Speaker, as one of the sponsors of the resolution designating this week as "National Week of Concern for Prisoners of War/Missing in Action" I pay tribute to these men and to their families.

Today there are some 1,600 Americans missing in action or being held prisoner in North Vietnam, Laos, Cambodia, or South Vietnam. For each of these men there are wives, children, brothers and sisters, friends, and parents, who are deeply concerned with his fate and well-being.

Both the American government and private individuals have tried to get an accurate list of prisoners, to get the sick and wounded released, to make contact with the prisoners, to devise a prisoner of war exchange, to secure simple humane treatment for these men—but all to no avail.

Our Ambassadors in Paris have repeatedly raised the prisoner of war question. We have tried to discuss this issue through the United Nations, through direct appeals by the President to the North Vietnamese, by visits of Congressmen to foreign capitals, by petitions, letters, telegrams, and demonstrations—but all of these attempts and overtures have been ignored. We have not even been able to obtain the simple humanitarian information of who is held captive and their condition.

In 1957 North Vietnam acceded to the Geneva Convention relative to the treatment of prisoners of war. Since that time the North Vietnamese have ignored both the letter and spirit of even the most basic humanitarian principles contained in the Geneva Convention.

North Vietnam claims that the prisoners of war are merely brigands and war criminals, hence, not subject to the international laws pertaining to prisoners of war. But the International Committee of the Red Cross has repeatedly refused to accept this position and has declared that American servicemen are POW's and entitled to the treatment provided for by the Geneva Convention. Further, the 21st international convention of the Red Cross in September, 1969, adopted without dissent a resolution calling upon the combatants to respect the Geneva Convention. Both the governments and the Red Cross societies of the Soviet Union, Poland, Czechoslovakia, Yugoslavia, from among Hanoi's sympathizers, voted for it.

North Vietnam claims that the POW's are receiving humane treatment, but they refuse to allow verification by impartial inspections of the POW camps. The few released prisoners and escapees have described the prison conditions—inadequate food, torture and beatings, solitary confinement, attempted brainwashing, and executions.

Upon his release from North Vietnam in August, 1969, Navy Lt. Robert F. Frishman stated:

> My intentions are not to scare the wives and families, but Hanoi has given the false impression that all is wine and roses, and it isn't so.
>
> I don't think solitary confinement, forced statements, living in cages for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing the exchange of mail to prisoners of war are humane.

This is the real face of Hanoi, and it is the face which should be exposed for all the world to see.

The simple truth of the situation is that Hanoi has never been guided in its treatment of our POW's by humanitarian precepts or by the Geneva Convention to which it acceded. The North Vietnamese have constantly tried to portray themselves a small nation involved in a heroic struggle for freedom and justice against great odds. All the while North Vietnam has cynically and inhumanely attempted to use our POW's and the anguish of their families to reinforce antiwar opinion in this country and to blackmail this Government into military and diplomatic concessions.

The shameful treatment of U.S. POW's by North Vietnam should be made a political liability in the eyes of world opinion, and the capitals of the world should be made aware, even as we are aware in this capital, of the plight of these POW's and their families.

Mr. Speaker, the years of suffering by our POW's/MIA's and their families is an international disgrace. All freedom-loving nations should unite and demand humane treatment for these prisoners.

A CALL FOR PEACE AND RELEASE OF POW'S

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. LINK. Mr. Speaker, of the 1,600 prisoners and missing in action in Southeast Asia, at least seven are from my State of North Dakota.

The North Dakota State Legislature expressed its concern about securing the safe release of all our prisoners of war by approving House Concurrent Resolution No. 3073, on March 8, 1971.

On February 15, Representative Arthur Raymond of Grand Forks, N. Dak., made an eloquent statement on behalf of the resolution in the North Dakota House of Representatives. That statement from the journal of the North Dakota House follows:

> Mr. Speaker: When the bell of freedom peals across this land, our men held captive in Indo-China do not hear;
>
> When you and I celebrated Thanksgiving, there was no Thanksgiving in the stark prison camps of North Vietnam;

When many in the world arose in joy on Christmas Day, joy was not a gift which these prisoners were able to cherish;

When the New Year dawned bright and clear with a new hope for us, hope was but a word without meaning to our men.

Hanoi, the Viet Cong and Pathet Lao have blatantly disregarded humane treatment of Americans held prisoner. The enemy has said there is no war and these men are criminals. They have refused to abide by International Red Cross rules and they have totally disregarded the Geneva Accords.

All men of the war rate their own contribution to war by their exposure to danger; by their degree of isolation; by their exposure to physical discomfort, and by the length of their separation from loved ones.

By any or all of these standards, the 1,500 American men missing in action or held prisoner have given beyond that measure which we call sacrifice.

This nation owes them a debt of gratitude of such magnitude that we shall never repay it. But we can try. When the world counts those who stood on behalf of our men, let them count us as standing with them. And standing with them, we owe them more than gratitude. Gratitude alone cannot repay their wives and their children or their widows and orphans, as the case may be. We must here dedicate ourselves to a unified effort to bring them back.

We ask that this body join in pending national legislation to set aside the week of March 21–26 as the "Week of Concern" for our fighting men missing or held prisoner in Southeast Asia war action. But more than that we ask the President of the United States and the Governor of the State of North Dakota to set aside Sunday, March 21, as a Day of Prayer when as a God-believing nation we shall gather each in his own way, to pray for the safety and release of these men.

The words of Air Force Capt. Cliff Cushman seem to be especially fitting at this time. Cushman, from Grand Forks, was shot down in Vietnam action in 1966. He is listed as missing in action and believed a prisoner of war. He was one of the greatest athletes to come out of Grand Forks. He won a silver medal in the 1960 Olympic hurdles. In try outs for the 1964 team, his foot hit the fifth hurdle and he sprawled ingloriously to the track. In the aftermath of that fall, he wrote a letter to the youth of Grand Forks. The words stand like sermons in stone:

"Do not feel sorry for me. I feel sorry for some of you. I would much rather fail knowing I had put forth an honest effort than never to have tried at all. Unless your reach exceeds your grasp, how can you be sure what you can attain? I know I may never make it. The odds are against me but I have something in my favor—desire and faith.

"I dare you to look up to the stars, not down at the mud, and set your sights on one that, up to now, you thought was unattainable. Who knows? You may be surprised at what you can achieve with sincere effort. I dare you." Cliff Cushman.

So: For Capt. Loren Torkelson and for Major Keith Hall, prisoners of war, we ask your support of this resolution. We ask your support for men listed as missing in action: Capt. Clifford Cushman, Major Martin Steen, Lt. J.G. Bill Christianson, Lt. Glen Belcher, Lt. William Potter and others whose names have not come to our attention.

The resolution explains our stand. We ask you to stand with us.

Mr. Speaker, during the past year, an organization of the wives and mothers of these men has worked ceaselessly at folding letters, inserting flyers in church bulletins, sharing their tragedies with audiences, and writing letters to leaders in Congress and throughout the world—all, with the driving motivation to one day see, hear, and touch their loved ones again.

These women are members of the National League of Families who daily confront the anguish of not knowing whether their loved ones are alive, where they might be, or what kind of treatment they are receiving. With these uncertainties in mind, they spend their energies to seek compliance with the rules of the Geneva Convention that guarantee the rudiments of human decency with respect to prisoners of war.

The National League of Families deserves much credit for focusing attention on this tragic situation at local, State, national, and international levels.

I believe innovative plans to insure North Vietnam's compliance with the rules of the Geneva Convention and the safe return of these men to their families should receive top priority. One such plan is "proportional repatriation," which calls for the return of prisoners in proportion to the percentage of our military troops withdrawn. I believe this accomplishes two things. No. 1, it would provide for the safe return of our prisoners of war. And, No. 2, it would provide a means to end our involvement in Southeast Asia.

I join the families and friends of our prisoners and missing in the hope that this will be the last year we will need a "National Week of Concern."

THE UNITED STATES AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DERWINSKI. Mr. Speaker, a new book on U.S.-U.S.S.R. relations has just been published with arguments, evidence and data that sharply contradict those who pose the illusion of détente with Moscow. The new work is titled "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University. We will doubtlessly hear and read more of this work in the course of this year. Barry Farber interviewed the author on his show in New York on March 17, and others are in the offing. The New York Sunday News issue of March 14 referred to it in its editorial on "After the War—What?" And the book is being widely publicized in ethnic circles as indicated by the report in the Ukrainian Weekly Sovboda. These two items are indicative of the nature of the work, and I introduce them in the hope that our perspective concerning the U.S.S.R. will become a balanced one; namely, that our chief enemy resides there in an overextended empire.

[From the New York Sunday News, Mar. 14, 1971]

After the War—What?

Secretary of Defense Melvin R. Laird rendered his annual report to Congress a few days ago, and we'd call it a realistic and statesmanlike document.

It blueprinted the course the Nixon administration hopes the nation will take in the next five years as regards national defense.

Our participation in the Vietnam war should end long before the five-year period is up. Where do we go from there?

Some well-meaning folks want us to pull in our horns from all around the civilized world (meaning the free world), cut the Defense Department and the armed forces to Thom Thumb size or thereabout, and spend the money thus saved on homefront goodies and giveaways.

Things aren't going to be that simple when this cruel war is over. Soviet Russia, barring unforeseen upsets, is going to be still determined on world conquest.

Georgetown University's noted Prof. Lev Dobriansky in his new book "U.S.A. and the Soviet Myth" (Devin-Adair Co., Old Greenwich, Conn.; 274 pages, $6.50), calls "Soviet Russian imperio-colonialism" our chief enemy.

Secretary Laird therefore outlines a program for keeping our powder dry indefinitely and ample powder on hand.

We are happy to note that he wants a mix of offensive and defensive weapons—the most up-to-date of both.

Put our trust and tens of billions of our dollars into devices meant solely for defense against surprise attacks, and we're all too likely to acquire what, since World War II, has been called the Maginot Line state of mind.

France thought its hugely expensive Maginot Line would keep out the Germans—who proceeded to snake around its Belgian end in 1940 in overwhelming numbers. By the same token, some scientific enemy breakthrough could make a shambles of a U.S. magic-defense setup.

We must have the will to defend ourselves, and the capacity—plus a full complement of offensive weaponry, on the principle that the best defense often is a good offense.

This is not a cheery prospect, true. But that is the way the world shapes up as of now, and we've got to adjust and stay adjusted to these facts of 20th century life. If we don't, it will be Farewell Freedom sooner or later.

[From the Ukrainian Weekly Svoboda, Mar. 6, 1971]

Dr. Dobriansky Publishes "U.S.A. and the Soviet Myth"

New York, N.Y.—An incisive, 274-page study on the prevalence of what the author calls "myths" about the nature and political objectives of the USSR, was published last month by Dr. Lev E. Dobriansky, professor of economics at Georgetown University and President of the Ukrainian Congress Committee of America.

Titled "U.S.A. and the Soviet Myth," the book was published by the Devlin-Adair Company of Old Greenwich, Conn.

FALSE NOTIONS EXPOSED

The notion of what is commonly called in the U.S. the "Russian people," the false assumption that the USSR is a homogeneous nation, the rather misleading idea that it is communism which is the sole enemy of freedom and democracy—these are some of the "myths" analyzed and exposed by Dr. Dobriansky in his most recent book.

"The enemy is not a vague evil known as communism, but a very real threat . . . Soviet Russian imperio-colonialism," asserts the author in the book.

The introduction to this study was written by the Hon. William G. Bray, member of the U.S. Congress from the 6th District in Indiana, himself author of a book, titled "Russian Frontiers: From Muscovy to Khrushchev."

The 259 pages of text are subdivided into the following chapters: Is It A Lost Cause?; Seeing "Russia" in Toto; The Russian Problem; Nations, Peoples and Countries in the USSR; The ABC's on Russia and the USSR; Captive Nations Week: Ten Years and Beyond; U.S. Illusions on the Captive Nations; The Decade of Confetti Diplomacy; The Russian Trade Trap; An American Organization at Work.

BIBLIOGRAPHY

A selected list of recent works relating to the subjects discussed by Dr. Dobriansky is compiled in seven pages of print, and a six-page index is appended at the end.

The book, priced at $6.50, can be obtained at Ukrainian bookstores, at Svoboda, and at the UCCA headquarters in New York.

PUBLIC EMPLOYEES DESERVE TAX BREAK

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. STEELE. Mr. Speaker, it is my pleasure to introduce today a bill to provide equitable tax treatment to elderly Americans whose retirement income is derived from sources other than social security.

Under present law, social security cash benefits are paid to millions of Americans each year. For many of these citizens, these benefits are their only substantial and continuing income, and Congress has exempted such benefits from Federal income tax liability.

The bill I introduce is necessary because, while social security benefits are tax free, retirement income from other pension plans is taxable.

There are, however, thousands of teachers, policemen, firemen, and other public employees who are not covered in their employment by social security, and who belong instead to local or State retirement systems. These retirement systems are generally adequate to meet the needs of these citizens in their retirement years, but because benefit payments under these systems are taxable, these public employees are in a disadvantageous position. To alleviate this unfairness, the retirement income tax credit was introduced in 1954. Its purpose was to extend approximately the same tax treatment to retired public employees as is due regular social security beneficiaries.

Present law provides a retirement income credit of 15 percent of eligible retirement income up to a maximum of $1,524 for a single person and $2,286 for married couples where each is fully eligible in his or her own right. The credit is designed to provide comparable tax treatment for those who receive tax-exempt social security benefits and those who receive taxable pensions. Consequently, the maximum base for the credit is reduced by social security benefits received and by earnings in excess of $1,200—a reduction of 50 cents for each dollar of earning between $1,200 and $1,700 and dollar for dollar for earnings in excess of $1,700.

Because of increases in social security benefits since the present maximum base for the credit was established, my bill increases the base for the credit to more closely approximate the current levels of social security benefits. It increases the $1,524 to $1,872 and the $2,286 to $2,808. It raises the maximum credit from $228.60 to $228.80 for single persons and from $342.90 to $421.20 for married couples. In addition, the amount that can be earned without reducing the base for the credit is raised from $1,200 to $1,680 and the range within which the base is reduced 50 cents for each dollar of earnings is raised from $1,680 to $2,880.

Mr. Speaker, by updating the retirement income credit we will restore long-overdue equivalency of treatment for public employees with the over 20 million people who regularly draw social security benefits.

TRIBUTE TO THE LATE WHITNEY M. YOUNG

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BOGGS. Mr. Speaker, last week, with the tragic passing of Whitney M. Young, our country lost a courageous and effective leader. Whitney Young was a voice of reason. He was a steadfast leader of his people in a time of social turmoil. He made his contribution to America, and we are the richer for his having done so. I am inserting editorial tributes paid to him by the Times Picayune and the New Orleans States Item and calling them to the attention of my colleagues:

[From the New Orleans Times-Picayune]

WHITNEY M. YOUNG

Whitney M. Young, executive director of the National Urban League who died last week, once talked about his feelings as he took a train to work in New York City.

"I think to myself: Should I get off this train this morning and stand on 125th St., cussing out Whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes?"

The choice for him was obvious; his goal was to help blacks make economic gains while they were surmounting barriers of discrimination. And he dwelled heavily on responsibilities as well as rewards.

Counseling against rioting and violence, he explained his position this way: "It isn't a question of moderate versus militant, but of responsibility against irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness."

Many New Orleanians had the opportunity to meet and know Mr. Young, for he was a frequent visitor, speaking on campuses, attending conferences, making plans for the Urban League which laid claim to his services for most of his adult years.

His voice was calm and respected in years when reason was at a premium; his achievements for his nation and his race were considerable.

[From the New Orleans States-Item]

DEATH OF WHITNEY YOUNG A TRAGIC LOSS FOR THE NATION

The death of Whitney M. Young, Jr. at 49 is a tragic loss for the nation.

Mr. Young, who died yesterday while swimming off the coast of Lagos, Nigeria, was executive director of the National Urban League. He was regarded by many as the most articulate spokesman for Negroes who continue to believe that racism can be overcome through traditional political methods.

He devoted his adult life to the elimination of racism, which he held to be imperative if the United States is to endure.

In his book, "Beyond Racism," Whitney Young asserted:

"Nothing will change until millions of white Americans, in the loneliness of their own consciences, face the truth about this country and begin to change their attitudes, from the inside out . . ."

Black militants often voiced contempt for Whitney Young. To them he was an Uncle Tom. Among national white leaders he was a "moderate," a term he disliked.

"It isn't a question of moderate versus militant," he once remarked, "but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness."

Effectiveness to Whitney Young meant such tangible things as more and better jobs. He had no use for posturing or rhetoric. He believed in equality and he worked for it.

Mr. Young, well known in New Orleans, held an honorary degree from Xavier University.

Black and white Americans have lost a very good friend, a far better friend than many Americans may yet realize.

THE SHINING KNIGHT

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1971

Mr. SPRINGER. Mr. Speaker, as Dean Rusk once told me when he was Secretary of State:

> Frances Knight has perfected the Passport Office.

He told me that he did not believe the Passport Office could be made more efficient. She had reached the zenith of effectiveness. Frances Knight has tried to keep the Passport Office in that condition and she has done a marvelous job.

I attach herewith an article by James J. Kilpatrick, from the Washington Star of Sunday, March 21, 1971, in which he explains not only what Frances Knight has done, but also what some of those who have selfish interests would like to destroy.

In the past, some so-called heavyweights have tried to take her on and have proved to be lightweights in getting the job. The worth of any public servant is the kind of service that is rendered. Frances Knight is rendering that kind of service which is so needed in this country in her direction of the Passport Office.

It has often been said that behind the work of every great man is a good woman. I might also add that Frances Knight has been supported in trying times by a husband who believes in her—Wayne Parrish. Wayne Parrish grew up in Decatur, Ill., in my district, and I am happy to acknowledge Frances and Wayne as my constituents. I wish I had many more like them.

The article follows:

THE FLAP OVER MISS KNIGHT'S "LOOKOUT" FILE

(By James J. Kilpatrick)

The best-known Knight in Washington, unlike the paragon of Chaucer's tale, may be "verray parfit" but she is not the least bit "gentil." Miss Frances Knight, director of the U.S. Passport Office for the past 16 years, is a hard-boiled egg, well seasoned with salt and pepper, and she is an absolute delight.

This weekend finds Miss Knight down in Florida with her millionaire husband, publisher Wayne Parrish, puttering around the retirement home they have in mind at Hobe Sound. The prospect that the lady may even be contemplating retirement will gladden a few hearts in the State Department and on the Hill, but it will depress the legions of Miss Knight's admirers. One is inclined to encourage an outpouring of letters to Frances: "Say it isn't so."

She was in a low when I lunched with her a few days ago, and this was sadly out of character. Ordinarily she flies as high as a flag on a windy day. An attack in The New York Times had her spirits drooping, but her foes should not be too encouraged. By the time she got back to her office, she was in full fighting form.

The Times was giving her a hard time for its belated discovery last month that "Passport Office Has Secret File." The gist of the story was that Miss Knight's office maintains what is known as a "lookout file," now comprising some 243,000 names. To the Times, this was "Raw Material for Snoopers."

In point of fact, the lookout file is not new. It has been maintained, in one form or another, for many years. Its existence never has been a secret; and until the Times began heaving and howling, about the only public criticism had come from the Warren Commission on the assassination of John Kennedy. In the matter of Lee Oswald, said the commission, the system was "obviously deficient."

In the maintenance of this common-sense lookout, the Passport Office functions in an administrative capacity only: It places a flag on names sent to it by the courts, the FBI, the CIA, and the Secret Service, and when one of the names turns up on a passport application, that fact is reported to the agency concerned. The Passport Office maintains no dossiers, undertakes no surveillance, and routinely issues passports unless it finds compelling reason not to.

Many of the names in the lookout file have been inserted by the FBI as "known or suspected Communists or subversives." This troubles the New York Times, which cherishes the breathless illusion that all men must be considered innocent until proved guilty in court, but it will not trouble persons who live in the real world. Of course law enforcement agencies must keep an eye on suspects; they would be derelict if they didn't.

The lookout file also contains names of persons whose U.S. citizenship is doubtful. The list embraces fugitives from justice, draft dodgers, and those sought by courts for desertion or failure to maintain child custody. Still another category takes in persons who have threatened the life of the President. Miss Knight sees nothing wrong in the service her office renders to law enforcement. I am as apprehensive as any man at computerized invasions of privacy, but I see nothing wrong in this either.

The Times and the lookout file are the least of Miss Knight's troubles. Her office is struggling to maintain its outstanding performance record against a formidable increase in foreign travel. Last year saw 2 million passports issued; the number will be much larger this year. Instead of increasing efficiency, a new system under which certain post offices handle passport applications has produced additional paperwork.

But it is the sheer obsidian nature of bureaucracy that is beginning to get to her. Miss Knight finds herself arrayed, much of the time, against her superiors in the State Department. She is pelted with memoranda from her boss. She has proposed some bold innovations in the whole business of issuing passports, but she is getting nowhere with them. A deserved raise in grade and pay, long overdue, still is denied her. But quit? Not yet. Over her desk is a familiar Latin motto. Loosely translated, it reads: "Don't let the bastards grind you down." It's great advice for a doughty Knight whose armor gets more battered all the time.

BOB CASEY EXPECTS SPACE PROGRAM TO BECOME WHIPPING BOY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. TEAGUE of Texas. Mr. Speaker my good friend and colleague, the Honorable BOB CASEY has been interviewed recently by the staff of the Houston Chronicle with respect to the future of our Nation's space program. Mr. CASEY formerly served with me on the House Committee on Science and Astronautics and is eminently qualified to speak on this subject. I include the text of this interview which appeared in the Houston Chronicle for March 14:

"WHIPPING BOY": SPACE PROGRAM VIGILANCE URGED TO STAY IN ORBIT

(By Bill Lee)

WASHINGTON.—The nation's space program, its budget drastically cut from the glory years when everyone was interested in beating the Russians to the Moon, might think hard bottom has been hit.

But if its advocates aren't vigilant, the program might find the bottom has fallen out.

The assessment comes from Rep. Bob Casey of Houston, a Democrat whose credentials for judging are three-fold. He is a member of the House Apporpriations Committee, which originates the bills making money available for the federal programs. He is a former member of the House Science and Astronautics Committee, which oversees the space program. And, not least, he is vitally interested in the space program because the Manned Spacecraft Center is in his district.

As an immediate, and tentative, outlook, Casey sees President Nixon's $3.27 billion in new budget authority for fiscal year 1972 being slightly reduced by Congress.

Casey emphasizes this is a tentative assessment and, "If we don't watch out, the space program could be a whipping boy," for congressmen perturbed over the huge overall budget deficit contemplated by the Nixon administration in the new fiscal year.

Because it might backfire and create opposition to the program, he would be reluctant "to stir up a debate" in the House by making speeches urging more money for space, Casey said.

SHOWS ECONOMY

"If it appears you have a bill made, you don't want to stir up a debate on the floor and risk losing it," Casey said.

Casey said it would be unrealistic to expect Congress to appropriate more money for space this year than the President requested.

Congress almost never exceeds a President's budget request unless a program has broad "nationwide, man-in-the-street type support" such as is now enjoyed by education and health programs but not by the space program, Casey said.

"On other programs, Congress always tries to show its economy by appropriating a little less than the President asks," Casey added.

He said that basically the only strong support for increasing the space budget request would come from congressmen and senators representing areas with space facilities or space-related industries, such as Texas, California and Florida.

Because these men provide the nucleus of support for the space program, the budget faces less serious attack in the House than in the Senate, Casey said. Areas with such facilities and industries are mostly heavily populated and thus better represented in the House, whose membership is based on population, than in the 2-members-to-a-state Senate.

As a long-range outlook, the space program and its advocates must undertake a better job of explaining, convincing and selling to the public-at-large if it wants to recover some of its previous luster or even avoid further downgrading, Casey said.

In recent years, Casey has been a frequent critic of the National Aeronautics and Space Administration officialdom for what he regards as a failure to present the space program to the public in a manner to kindle enthusiasm.

PUBLIC ENTHUSIASM

Unlike some congressmen, Casey declined to directly blame NASA Public Affairs Chief Julian Scheer, who resigned last month under pressure. "I'll just say it hasn't been done," Casey said.

Casey said the general public must be convinced of the value of the space program because members of Congress, where the money is appropriated, tend to reflect the enthusiasm or lack of enthusiasm of their constituents.

Casey does not regard all the cuts in the space program as resulting from a communications gap with the general public.

Some reductions, he said, were inevitable, resulting from pressure to reorder priorities in the changing times that included the war in Vietnam, new welfare concerns and social and racial unrest.

The NASA budget at its height several years ago almost reached $6 billion.

What must be gotten across to the public, Casey said, is the practical benefits—in such fields as medicine, engineering, international politics and day-to-day—living that result from the multitude of activities involving the space program.

"Out of the space program has come technology that otherwise would have been years in developing," Casey said.

Casey said NASA must also stress the possibilities of future space exploration, possibilities so sweeping that they are now only dimly envisioned by the scientists themselves.

Another thing that should be done to gain public support, Casey said, is the adoption of clearcut, definite goals for future space exploration.

In manned space flight, the only definite objectives now are the construction of an orbiting space station and a space shuttle to travel between the station and the Earth, Casey said.

Casey said the space program needs goals to shoot at because "the man-in-the-street wants to know where you're going, in language he can understand."

In late 1969, a task force headed by Vice-President Spiro Agnew recommended three new options, including putting a man on Mars, to the President as post-Apollo space exploration goals. But the President never acted on the recommendations.

Casey said the space program must also receive more enthusiastic support from the President himself if it is to regain a position of preeminence.

Nixon did not even mention the space program in his State of the Union address, Casey said.

ADMINISTRATION FUND FREEZE: THREAT TO POWER SEPARATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. EVINS of Tennessee. Mr. Speaker, as you know, we are all concerned over the arbitrary and unreasonable freezing, withholding, and impounding of funds appropriated by the Congress by the Office of Management and Budget.

In this connection the Oak Ridger, an excellent daily newspaper in Oak Ridge, Tenn., recently published an editorial concerning actions by the Bureau of the Budget which thwart the mandate of the Congress and the will of the people.

Because of the interest of my colleagues and the American people in this most important subject, I place this editorial in the RECORD herewith.

The editorial follows:

ADMINISTRATION FUND FREEZE: THREAT TO POWER SEPARATION?

Three days of hearings will open in Washington on Tuesday in which Oak Ridge will have quite a stake. And they are not before the Joint Committee on Atomic Energy, as most hearings of special local interest are. Senate Judiciary Subcommittee on Separation of Powers of which Sen. Sam J. Ervin, Jr., Democrat of North Carolina, is chairman.

The hearings will deal specifically with the Nixon administration's refusal to spend $8 billion which the Congress, in recent sessions, has appropriated. And included in the $8 billion are many millions that might have been spent here in Oak Ridge on the local nuclear establishment:

Like $3 million during fiscal year 1970 for the continuation of the Molten Salt Reactor Experiment at Oak Ridge National Laboratory, which instead was put into a much-reduced state of activity with the experimental reactor itself shutdown;

Like $16.5 million to begin the Cascade Improvement Program at Oak Ridge Gaseous Diffusion Plant which would markedly increase the capacity of this local plant to produce much-needed enriched uranium;

Like $600,000 to begin design of the new AEC technical information center and new building for the American Museum of Atomic Energy on the site designated at South Tulane and South Illinois Avenues;

Like who knows how many millions for what else for which Congress might have provided funds except for the clear indication that the Office of Budget and Management was not going to authorize spending.

Historically, it has been thought to be one of our national checks and balances that, although it is up to a President to administer the administrative offices, Congress holds considerable power over their operation by virtue of control of the purse strings. And usually this has meant that Congress could deny funds for projects of which it did not approve.

Since the assumption of the presidency by President Nixon, the reverse has been generally true. Congress has been providing money for projects and the Administration has been refusing to spend it, therefore frustrating the majority Congressional will that these projects move forward. The fact of a Democratic Congress and a Republican president is, of course, at the roots of it all—with the Administration justifying its refusal to spend or the ground of attempting to cool the inflationary trend and the Democratic majority of Congress accusing the Administration of adding to joblessness and a general depressed economy by holding such tight reigns on government spending.

Sen. John J. Sparkman, Democrat of Alabama, has joined with Sen. Ervin in calling for the hearings. He issued a blast at the Administration on March 3, calling its refusal to spend the $8 billion "a serious breach of faith" with Congress. He pointed out that municipal officials have said that withholding of funds for housing, public works and other urban programs is placing an added burden on already beleaguered cities.

U.S. Rep. Joe Evins, our local congressman and chairman of the powerful House Appropriations Subcommittee on Public Works, which includes authority over the AEC appropriation, followed up last week with a similar accusation against the Administration. He suggested outright violation of the spirit of the Constitution by the President.

And so the scene is set for hearings that will examine a really basic question. "What concerns me," said Sen. Ervin in scheduling the hearings, "is the use of the impounding practice to avoid or nullify Congressional intent."

The exercise of the power of the purse "constitutes the core legislative process—underpinning all other legislative decisions and regulating the balance of influence between the legislative and executive branches of government," writes Richard F. Fenno, Jr., in "The Power of the Purse." Congress wields this power under a constitutional provision which states: "No money shall be drawn from the Treasury but in consequence of appropriation by law."

Although generally in the past it has been a case of an administration wanting to spend and a Congress not willing to appropriate the money, the current reverse situation is not entirely without precedent.

In 1949 Congress approved a 58-group Air Force rather than the 48-group force sought by President Truman. He simply refused to spend the extra money appropriated. Two years later he ignored a rider to an appropriations bill providing for a loan to Spain. (President Truman, a Democrat, had a Republican Congress his last two years in office.) During the Kennedy and Johnson years, Congress provided funds for exotic new weapons systems opposed by Defense Secretary Robert S. McNamara and in some cases he refused to deploy them.

Constitutionally, the President does not have an item veto on appropriations. That is, he must sign or veto a whole appropriations bill—he can't pick and choose. Those who now oppose President Nixon's refusal to spend the $8 billion in projects now being withheld say that he has, by refusing to spend, simply made an item veto for himself. But supporters of the President, and there are some of them in Congress too, simply return to the argument that a Congressional appropriation does not carry with it a mandate that the money be spent.

Writing in the Stanford Law Review, Sen. Frank Church, Democrat of Idaho, calls the executive impounding of funds a threat to the separation of powers. "Once it is widely recognized that a project may be entombed by the executive branch," he wrote, "— the American people will sense the futility of appealing to their elected representatives."

Perhaps the hearings this week, in calling attention to the situation, can lead to some sort of understanding or compromise.

It would be unfortunate indeed if it turned into a situation where a congressman would threaten to block some appropriation vital to the national welfare until he got assurances that previously-appropriated but withheld funds for some dam or postoffice in his home district were released. The nation can ill afford this kind of power play political bargaining.

SAC: FIREPOWER AND PEACE POWER

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. McCOLLISTER. Mr. Speaker, this week I attended the silver anniversary celebration of the Strategic Air Command in Omaha, Nebr. The occasion was a tribute to the men who envisioned SAC, those who fashioned it, and those who have maintained it.

A dinner at the celebration was hosted by members of Omaha's business community, both in honor of the job the Command has done and in appreciation of the good neighbor SAC has always been. Leo A. Daly was chairman of the dinner committee, and V. J. Skutt was master of ceremonies.

Others serving on the SAC Consultation Committee were Edd H. Bailey, John H. Becker, Robert B. Daugherty, John F. Davis, John D. Diesing, A. F. Jacobson, Peter Keiwit, Edward W. Lyman, Morris F. Miller, Jacob R. Riefschneider, Robert F. Runice, A. V. Sorenson, Arthur C. Storz, Sr., Willis A. Strauss, and Richard W. Walker.

The dinner in honor of SAC was a tribute that is fitting and well deserved. In the face of continuing Soviet arms build-up, the strength of America's strategic forces has never been more vital. Continually advancing technology and weapon systems are needed if we are to maintain our credible position among world powers. There must be no misunderstanding about our readiness and intent to use our fire power if it should ever be necessary.

The safeguarding we are provided with today through SAC got its start when an ambitious but obvious mandate became clear to military planners at the end of World War II: The future security and freedom of the United States could only be insured through the development of a force so powerful that potential aggressors could not possibly entertain thoughts of world domination.

Today, after 25 years of growth and development, SAC stands out clearly as the most powerful force for peace in man's history—a mixed force of bombers and missiles that comprise more than 70 percent of the free world's nuclear firepower.

From its beginning with 36,000 men and 250 World War II bombers, SAC has grown to a force of 161,000 men and women on 45 bases around the world. From headquarters at Offutt Air Force Base near Omaha, the combat-ready bombers and intercontinental ballistic missiles at all 45 bases would be instantly notified to launch against an enemy once an order to strike was given.

The webwork of detail SAC manages so efficiently is amazing. Through the most advanced and extensive communications system in existence, SAC's commander and battle staff have complete control over every aircraft and missile and combat crew. About 40 percent of the SAC bomber-tanker force is in constant readiness, poised to respond to the alert signal.

A steady stream of information gathered by the worldwide communications system flows into Offutt daily. Computers and people screen and analyze it and spew back such things as target lists, combat plan changes, budgets, weather forecasts, and a wide variety of other things. A person could not begin to scratch the surface in relating the many matters which are handled at the sophisticated center.

Now, after 25 years, SAC can look back at the years of hard work and dedication and be satisfied in accomplishing its mission. Though the men and machines have changed, its original purpose has remained the same: to deter all-out nuclear war and if that fails, then maintain a capability to destroy the enemy's will to fight.

Daniel Webster once said that God grants liberty only to those who love it and are always ready to grant and defend it. Herein should be our Nation's concern with preparedness and with the importance of strategic deterrence.

SAC is, in itself, a formidable weapon of war. And, in being that, is also a means of peace.

PRESIDENT'S PLAN TO BRING FEDERAL SERVICE AGENCIES UNDER ONE UMBRELLA

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DEL CLAWSON. Mr. Speaker, I would like to add my support for the President's plan to bring existing Federal service agencies under one umbrella and provide the American people with expanded, challenging opportunities for contributing their talents toward building a better America and a better world.

We as a people have a proud tradition of freely and generously helping our neighbors at home and abroad. The new agency will have the machinery to reach right to the very heart of America, to enable our next door neighbors who are eager for either full-time or part-time volunteer work to do so right in their neighborhoods. They will be able to address themselves to community problems in a personal, intimate way with considerations for local sensitivities.

This is truly the way to progress. This is truly the way to address ourselves to our most critical problems. I am confident that as the movement for volunteer service gains momentum among our citizens, this will herald a new and richer life for us all.

VOLUNTEER ARMY

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mrs. CHISHOLM. Mr. Speaker, my statement to the House Armed Services Committee deals primarily with the allegation that a voluntary army would be an all-black and poor army. The real concern of many opponents is that there is a possibility of having an exceedingly large number of blacks trained in the art of killing. Attention must be given to the matter of bringing about a military service concept to replace the current draft system. In my opinion, the voluntary army is the answer. My statement follows:

STATEMENT OF REPRESENTATIVE SHIRLEY CHISHOLM

Gentlemen, as you know, I am a co-sponsor of the Voluntary Military Manpower Procurement Act. I joined with my colleagues on both sides of the aisle in introducing this legislation because I feel that the draft is an inherently undemocratic method of fulfilling our country's military manpower needs.

The glaring inequities of the draft system are especially evident today when young men are sent to fight and die in an unpopular and undeclared war.

There are those who argue that the very existence of the draft somehow democratizes the military. I say that the draft has produced just the opposite effect. It has legitimatized the Army's inclinations and actions. Members of Congress who have abdicated their constitutional responsibility to declare war whine that they are against the war but they just can't do anything. When one suggests that they register their opposition by voting against appropriations for the military, they look aghast and say "But these are our boys; we can't vote against our boys!"

I submit that if we had had a volunteer army rather than a draft system that we never would have gotten involved in Vietnam in the first place. In order to beef up a small professionalized volunteer army either through increased appropriations or a temporary draft, it would have been necessary for us to have a full and complete discussion of the situation and a declaration of war. If this had taken place in 1965, I do not believe we would be in Indo-China today. Instead, gradually, without realizing what was happening, we have been sucked into the Vietnam conflict.

There are also those who argue against the volunteer army because they hold that it would become an army of the poor and the Black. I for one am rather skeptical of this kind of concern for poor Blacks. A volunteer army would be just that a *volunteer* army. Young men and women, both black and white, would be able to make the choice. All of us are cognizant of the fact that black re-enlistments are decreasing, not increasing. The black re-enlistment rate in 1965 was 22.3%. In 1969 it was down to 11.8%. Black soldiers have found that racism is just as prevalent in this army as it is in civilian life. The same complaints about training opportunities, promotions, assignments, and police brutality exist in Da Nang and Fort Bragg as they do in Main Street, U.S.A. Indeed, if you talk to any of the military caseworkers in the Black offices here on the hill, you will find that many of the young brothers feel that the authoritative atmosphere of the military environment increases the probability of as they put it: "getting hassled".

In my mind, all this talk about a volunteer army being poor and black is not an indication of "concern" for the black and the poor, but rather of the deep fear of the possibility of a Black army. Very few people desire to verbalize the underlying fear and anxiety of a large number of Black men trained in the military sense in a nation where racism is rampant. Individuals who are upset over Black Power rhetoric really shudder at the idea of a whole army of black men trained as professional soldiers.

In point of fact, the whole draft system as it exists today is a beautiful example of how institutional racism functions. As Professor Paul T. Murray of Fisk University points out in an excellent paper, "Local Board Composition and Institutional Racism", the draft system provides escape hatches for middle class whites that simply don't exist for poor whites or blacks.

First, student deferments favor the white middle class. Poor whites and blacks, both because of inadequate preparation and lack of money, for the most part never make it to college. They can't cash in on that four year deferment.

Secondly, Blacks are far less likely to be able to secure a medical deferment. Indeed the medical rejection rate for whites runs about twice that for Blacks . . . the 1970 figures are 34.6% and 24.5% respectively.

This fact usually startles most people who assume that because medical services and medical care is less available to those who are poor and black, they would therefore have the higher rate of rejection. It is a cruel joke but the lack of adequate health care helps to contribute to the Black man's inability to get a medical deferment because he is less aware of physical ailments, and he does not have the medical records on which many medical deferments are based. He is also less sophisticated about the medical standards for deferment. Interestingly, there is a direct correlation between educational achievement and medical deferment. The rate of medical disqualification increases in direct proportion of the educational level of the men examined.

This lack of sophistication shows up in other ways. White middle class students are far more likely to be aware of their rights to appeal their induction on the grounds of hardships, dependency and conscientious objection and are more likely to be able to pay a lawyer to help them appeal their case. Although only a small portion of selective service registrants are C.O.'s, they are overwhelmingly white. First because most of the traditional pacifist churches are predominantly white and second, because there is an almost complete lack of draft counseling facilities on Black campuses and in Black communities. That student deferment also affords middle class students the opportunity to develop the philosophical and procedural sophistication needed to gain C.O. status.

The student deferment has another benefit. Because of his education and training, the college graduate has a far greater chance of being placed in a technical back up position behind the lines than the young man just out of high school. This is one of the principal reasons there has been a disproportionate number of Black and Spanish surnamed boys in combat zones.

As Professor Murray notes, under Project 100,000, which increased the military manpower pool by lowering educational and medical standards, over 37% of those recruited were assigned to combat zones. Among Negroes recruited under Project 100,000 the percentage assigned to combat zones reached 45%. In fact, Project 100,000 shows perhaps more clearly than any other factor, how our present system discriminates against the poor and blacks.

Project 100,000 was originally trumpeted as the Defense Department's contribution to the poverty program. Robert McNamara explained that this plan was an attempt to "salvage" young men who might otherwise never have a chance in the outside society. "The poor of America", he said, can be given an opportunity to serve in their country's defense and they can be given an opportunity to return to civilian life with skills and attitudes which for them and their families will reverse the downward spiral of human decay." The program was supposed to provide these men with training which could be used when they returned to civilian life. But most of the training turned out to be in combat specialties which are not adaptable to civilian life. Now the typical Black veteran without a high school diploma is out on the street with an 18.7% unemployment rate staring at him. The main thing Project 100,000 seems to have done was to ease the pressure of the draft among the white middle class.

In summary I believe that the present draft system is far more unfair to the black and the poor than a volunteer army would be. This is obviously not the only reason I support the volunteer army concept, but I have dealt at length with the race issue today because I feel that it is very important to refute this criticism of the volunteer army.

CHURCH UNIT BARS AWARD TO BOB HOPE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. GOLDWATER. Mr. Speaker, the recent decision by the New York Council of Churches to cancel its "Family of Man" award to Bob Hope is a sad commentary on the tactics employed by the antiwar groups in this country. The council had previously agreed and, in fact, made the arrangements for Bob Hope to receive this award but then changed its mind because a majority of the members felt that Mr. Hope was too identified with support for the President's policy in Indochina. Through some obscure reasoning, the New York Council of Churches feels that going ahead with the award to Bob Hope would have implied that they support the Government's policy.

In this life we all make contributions in different ways. Bob Hope has chosen to make his by bringing pleasure and entertainment to millions of Americans. For more than 20 years he has given up his Christmases to entertain our troops in the field. He has also worked tirelessly over the years to raise countless millions of dollars for charities, particularly hospitals and churches.

To slap this man in the face by announcing that you are going to give him an award and then announcing that you are rescinding the award because you do not agree with his political views, is a mean and petty thing to do. I do not quarrel with the right of the antiwar groups to oppose the Government's policy. I do quarrel with the gutter tactic of setting a man up and then slapping him down. Perhaps the antiwar faction within the New York Council of Churches counts this as a victory. I can only hope there are enough other decent people on this council who realize that their action has degraded the organization and not Bob Hope.

I include an article on this sad affair, which appeared in the Washington Post on March 18, 1971, into the RECORD:

CHURCH UNIT BARS AWARD TO BOB HOPE

(By George W. Cornell)

NEW YORK.—An upheaval in New York City's Council of Churches has forced it to cancel plans to give its annual "Family of Man" award to comedian Bob Hope.

Objections to his selection were said today to have centered partly on claims that he was identified with the military establishment and the Vietnam war.

The conflict emerged Monday night at the council's assembly, its representative governing body.

"There was a long debate, and it finally was decided that even with all the embarrassment it might cause, the choice should be withdrawn," said the council's executive director, the Rev. Dan Potter.

The assembly directed that the award instead go posthumously to the late civil rights leader Whitney M. Young Jr., who died last Thursday in Africa.

Following reversal of the decision, Dr. Potter said: "We've been in touch with (Hope's) office again and he understands and has no hard feelings. That in itself marks him as a pretty great guy."

The award previously has gone to President Nixon, former Presidents Johnson, Kennedy and Eisenhower, and other world figures, mostly in the political field. It is made for major contributions to mankind at large.

This time, Dr. Potter said, Hope originally was chosen because "his life has been devoted to bringing laughter and good will on a world level, and among men in the armed forces, whatever the war and wherever they might be." Hope has made several trips to Vietnam to entertain troops. The conflict over the award plan, however came on a surge of and might imply support for the war effort.

NATIONALIZING OUR RAILROADS IS NO ANSWER

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD this insightful editorial from the Clinton, S.C. Chronicle of March 11, 1971. It accurately paints a picture of the pitfalls of nationalizing our country's railroads. Not only would such a move set a dangerous precedent for other industries, but it would be prohibitively costly. We know, too, from studying the tottering economies of other Western countries which have switched from a capitalist to a Socialist economy, that it would sound the deathknell for American prosperity. We must look for other alternative ways of propping our faltering railway industry if we are not to jump from the frying pan of a single industry's troubles into the fire of general economic instability and stagnation.

The editorial follows:

NATIONALIZATION NO PANACEA

As everyone knows by now, free-wheeling competition from other forms of transport, archaic regulation and improportionately high taxation in some areas have hamstrung the railroads to the point where their future as self-supporting, tax-paying private enterprises hinges upon prompt and far-reaching alterations in public policy and laws. The alternative is ultimate nationalization.

Anyone who thinks this would be the "easy" solution to solving the problems of this most basic element of the transportation system would do well to consider the findings of a study that reveal the cost of nationalism "as high as $60 billion merely to acquire privately-owned railroad facilities." In addition, taxpayers would be faced with the mounting capital needs of the industry, which the study places at $36 billion between now and 1980. Still, all of this would be just a beginning judging by experience both here and abroad. In World War I, the U.S. government took over the railroads. They lost about $2 million a day. In World War II, the railroads remained under private ownership, they handled 95 percent of all organized military traffic, met civilian freight and passenger needs and paid the government more than $3 million a day in taxes.

In foreign countries, the performance of railroads under government ownership is also unimpressive. They operate at heavy deficits, and taxpayers make up the loss. Even more significant is the fact that once the basic segment of the transportation industry is nationalized, others follow—such as airlines and motor carriers. Nationalization is no panacea. But, time is running out for the development of balanced treatment of the nation's transportation facilities in a realistic statutory and regulatory atmosphere.

FOOD STAMP REFORM AND MEAT INSPECTION ENFORCEMENT

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. FOLEY. Mr. Speaker, The Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, has been a principal supporter of progressive social legislation, including meat inspection and food stamp reform. The union's legislative representative, Arnold Mayer discussed these two pieces of legislation recently in a radio interview.

Mr. Mayer reported that 3 years after passage of the hard-won Federal meat inspection law, nearly one-third of the States still fail to measure up to Federal standards. He added that "experience will tell" how well the Wholesome Meat Act of 1967 is working and whether or not further strengthening is needed.

Mr. Mayer charged that the new food stamp legislation was a "disgrace." He was particularly critical of the new "must work provision" which requires an individual to take any job offered at pay below the minimum wage. He expressed the hope however, that with bipartisan congressional support and widespread public concern the present food-stamp program can be improved and reformed in the current Congress.

Mr. Mayer has given the closest attention to these issues in the past and his views on enforcement of the Federal meat inspection law and his hope for food stamp reform deserve the most careful consideration.

I would like at this time to place in the RECORD the transcript of Mr. Mayer's interview:

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Arnold Mayer, legislative representative for the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

Strong federal meat inspection legislation was a major consumer breakthrough in the 1967 congressional session. Yet, because implementation of the meat inspection law at the state and local level has lagged, much of the badly-needed protection for consumers is not yet a reality. Here to question Mr. Mayer about what can and should be done to fully implement the federal meat inspection law, and the expected renewal in the current Congress of the drive to expand and improve the federal food stamp program with the goal of wiping out hunger in America, are Marjorie Hunter of the New York Times' Washington bureau, and Robert Walters of the Washington Evening Star. Your moderator, Frank Harden.

And Now, Mr. Walters, I believe you have the first question?

Walters. Yes. Mr. Mayer, you were a leader in the legislative fight several years ago for a tough federal meat inspection program. The states had three years to bring themselves up to the federal level. Those three years have come and gone. A number of states aren't in compliance. There have been allegations that the Agriculture Department is dragging its feet in bringing those states into compliance by taking over their programs. Can you tell us what the status is?

Mayer. Well, Mr. Walters, it's more complicated than that.

The Wholesome Meat Act of 1967 provided two years for the states to have programs which were at least equal in protection to the federal program. Very few states—only three—met that provision in 1969. The others were given an additional year, under the Act.

When the Department finally acted—in December 1970—on the program, it allowed still another month. They then decided that 35 states had programs that were at least equal, that 15 did not, and those 15 were put under federal inspection.

Now, that is what the Act provides—that those states which did not meet the provisions of the Act, by being at least equal to the federal program, be put under the federal inspection program.

Walters. Is this sort of approach satisfactory to you and the other people who worked on the legislation?

Mayer. Well, our union has felt all along, frankly, that the federal program was probably the best program.

Also, it leads to having one set of standards.

We were part of passing the Act. We approved the Act as it was passed. It was a compromise between the groups—which we were a part of—the consumer groups—and the other side.

Yes, this is a satisfactory provision.

However, there have been some questions as to whether the states that have been declared at least equal—some question whether their programs are up to par. Only experience will tell whether they are really at least equal to the federal program.

Hunter. I'd like to shift for a moment to the Food Stamp program which passed Congress last year. It was a three-year program, as I remember. And, I believe that your organization and others have been very disappointed with the way the bill went through Congress. What kind of amendments would you like to see Congress enact this year to remedy some of the defects of last year's bill?

Mayer. Miss Hunter, it's putting it midly that our union was disappointed.

It was actually a disgrace that passed Congress.

The Congress and the Administration not only did not improve the Food Stamp program, as the Senate bill had, but the bill which became law also has a vicious work povision that causes all sorts of problems to presently employed people.

Hunter. What sort of problems?

Mayer. First of all, that work provision is vicious in that if any adult member of the household—be it an uncle, or an aunt, or what-have-you—refuses to take a job, then the whole family is wiped off food stamps.

In other words, the kids are taken off food stamps because some adult member refuses to work, no matter what the relationship of that adult member in the household is to the kids.

The second thing is, the jobs that they are required to take need not have any bearing whatsoever to their work experience. As long as that job pays $1.30 an hour, the person on food stamps has to take it. That means that if a trained, skilled butcher is laid off because of the recession and is forced to go on food stamps, and if he were assigned to a job as a dishwasher at $1.30 an hour, he could not refuse it. If he did, his whole family would be taken off food stamps.

Now the result is rather obvious.

In a labor market where there are so many unemployed—it would start another cheap labor group—another group that can be easily exploited—a group that is almost a captive labor force.

Walters. How would these jobs be offered? Are we talking about people who are on unemployment and go to the state employment service and ask for work of some sort?

Mayer. Many of these people, Mr. Walters, either don't have any unemployment insurance, or have used up their unemployment insurance.

What we're talking about here is this; a family applies for food stamps—or is getting food stamps under the present program—under the new law, the adult members—other than mothers of small children—would have to get a job. That job could be anything at all, as long as it paid $1.30 an hour—thirty cents below the minimum wage.

Hunter. Has the Nixon Administration taken any stand on the bill that went through? I believe they did not want it to begin with—in the shape that it came out.

Mayer. Well, the Nixon Administration played a very funny game, Miss Hunter.

On the one hand, the Nixon Administration introduced a bill two years ago which had some improvements in the Food Stamp program. We wanted reforms that went further, but it was a move in the right direction.

The Senate passed a very good reform bill—a bill sponsored by Senator George McGovern (D.-S. Dak.)—passed it over the objections of his Agriculture Committee. The Administration opposed that bill—sharply opposed it. In the House, the Administration also opposed a watered-down version of that bill, even though it had bi-partisan sponsorship. The main sponsors, as you remember, were Congressmen Foley, a Democrat of Washington, and Congressman Quie, a Republican of Minnesota. The Administration opposed that bill.

When the House passed the monstrosity bill which it did, the Administration wrung its hands at press conferences and said, "isn't it awful, isn't it too bad," but it went along.

Walters. You're saying that the Administration didn't do very much lobbying on the Hill to do something about that House bill?

Mayer. It not only didn't do much lobbying against that House bill, Mr. Walters, it also lobbied against the reform bills that would have improved the present Food Stamp program.

The reason given was the usual one—it costs too much money.

Unfortunately, hunger has only a specified amount of money, and the Administration doesn't want to spend any more than that.

Hunter. Mr. Mayer, because Senator McGovern is now an avowed presidential candidate, is there some chance that the fact that he is seeking the presidential nomination perhaps might jeopardize any food reform in this Congress—because the Nixon Administration certainly would not care to see Senator McGovern get credit for improving the Food Stamp program?

Mayer. Well, I don't know, Miss Hunter, that could be a problem.

But the fact is, Senator McGovern has pioneered this food legislation for quite a few years. You will remember that it was upon his suggestion that a resolution passed Congress setting up a Select Committee on Nutrition and Human Needs. He's the chairman of that committee.

So, there may be some political by-play, but he was involved in this legislation—strongly involved in it—long before he was a presidential candidate.

Hunter. Well, not only Senator McGovern being so interested in the Food Stamp bill, but, what are the real chances of doing anything in the House, as long as you have the Agriculture Committee make-up you've got? As you know, the chairman of the committee, Mr. Poage of Texas, was the one who insisted on this "must work" provision in the bill. As long as he is chairman of that committee, is there any prospect that you can get anything more out of it?

Mayer. Well. Miss Hunter, obviously, it's going to be a very tough fight—obviously, the people who are responsible for the disgrace that the House passed are in positions of power today—specifically, the chairman of the Agriculture Committee, Mr. Poage.

However, Mr. Poage, and the others are not unmindful of political realities.

If we can put together the necessary bipartisan group again, and if we can show that there is widespread feeling in the House and in the nation that reform of this program is necessary. I think Mr. Poage and the committee will hold hearings and we can move.

Also, if we can't put together the necessary political strength, there are other ways of going about it in the House—very difficult ways, like a discharge petition or Calendar Wednesday. There are ways of doing it.

We have to do it in the Senate too, although it will probably be easier there.

I can't predict victory in this thing. But, we sure are going to try, and there are ways of doing it.

It does require strength—and it does require public concern and interest.

Walters. Mr. Mayer, on another feature of the Food Stamp bill, during the debate last year, Senator McGovern talked about a bare minimum of $1.65 billion needed in the legislation. Does this match up with your estimate? How much money are we going to have available this year for the program?

Mayer. Well, the Senate did not pass the $1.65 billion, but with a supplemental appropriation, it probably will put that together this year.

But, Mr. Walters, that's based on what the program allows today.

Only a fraction of the poor—only a fraction of the people eligible for food stamps—currently apply for them. There are all sorts of ways in which local people discourage poor people from applying for food stamps.

Also, there are aspects of the law which discourage many from applying.

This is one of the reasons why reform is necessary. Once that reform is enacted, unfortunately, the cost will go up. That is why the Nixon Administration is afraid of having a really thorough-going reform.

WALTERS. Your reference to local governments in the administration of the program at the local level brings up another point. Agriculture Department officials talk in terms of this program and others, saying they'd like to do more, but can't. A good deal of local initiative is required—local governments have to make a lot of very important decisions. As we know, a lot of local governments are less than enthusiastic about food stamp legislation and get a number of other programs. How do you get around that particular problem?

MAYER. Well, the reform legislation would have gotten around that.

In the first place, the reform legislation would have required local governments to come under the program—to participate in the Food Stamp programs. There is currently no requirement of that kind. The Department and the Administration—on this, the Administration has done a very good job—they have tried very hard to persuade local governments to participate—counties and so on.

But, if the persuasion doesn't work, it is too bad. One of the points of the legislation that did not pass was that there had to be universal coverage—a requirement of universal coverage—and if the local governments wouldn't handle it, then the federal government or a non-profit agency would handle it in that county.

The second point is, one of the reasons some local governments are concerned about it is they're up against it financially. They haven't got the money to do the administrative work. The Foley-Quie bill—the reform bill in the House, which failed by only two votes—would have permitted the Secretary of Agriculture to subsidize the local governments in the administrative costs.

There were various ways in which there were both "carrots and sticks", so that the local government would participate, and more local governments would participate.

HUNTER. What was your union's stand on the free stamp provisions of the bill? As I recall, the Senate bill—as it passed the Senate—provided free food stamps for families with total income less than $60 a month. As it passed—as it cleared Congress—the income level was set at $30. What is your union's stand on it? And further, how many people would have anything as low as $30 a month total income?

MAYER. Well, Miss Hunter, we thought that $60 was a better figure.

Frankly, what is an income of $60 a month? How can a person live on that? We thought it ought to be higher.

People who have incomes as low as that really don't have incomes at all. It really doesn't permit for paying out even the 50¢ per person, which was required under the old law.

Apparently, there are quite a few people—I don't have the statistics with me—but apparently, there are quite a few people who do have incomes that low, or have no incomes at all.

HUNTER. As low as $30?

MAYER. As low as $30 a month.

One of the factors we have to remember is that there are many families in this country in which there are a lot of children and only a mother, no father. These are the families that have virtually no income. Those are the families in which there is hunger—where there is all the deprivation you can possibly think of.

WALTERS. While we are talking about food stamps, Mr. Mayer, there is a good deal of discussion in Washington about the Food Stamp program and a number of others being "stop-gaps." The White House is pushing for the Family Assistance Plan. Democrats are talking about some sort of guaranteed income. Is the Food Stamp program, in your mind, a "stop-gap" measure? Are there not inherent problems in this whole patchwork of federal welfare programs that can't be surmounted by some sort of broad, unified federal welfare program?

MAYER. Well, Mr. Walters, I think we're talking in definitional terms here—I think the problem is one of definition.

Yes, there is a patchwork of programs.

But on the other hand, when we talk about a new uniform welfare program, are we talking about a program that provides $1,600, or $1,600 plus the cashing out of food stamps? You know, you're still going to need other programs, because that hardly puts a person anywhere near even a marginal standard of living.

I think that as long as there is hunger—as long as we waste our resources on so many other areas that don't deal with our domestic problems—as long as we don't have any decent programs for welfare—and as long as we have unemployment like we have—continuing and increasing unemployment—I think we are going to need programs like that.

Don't forget, our problems of poverty and our problems of welfare have been made all the worse by the increasing unemployment which currently exists:

HUNTER. Does the minimum amount of food stamps allow, say, a family of four, adequate food for a decent diet? I believe it's something like what $105 a month, in that neighborhood.

MAYER. Somewhere around $106 to $108 a month—it goes up somewhat with the cost-of-living increases, Miss Hunter.

I don't know—I would be inclined to doubt it, judging from my own family's experience. Our family is not on food stamps. What we pay for our groceries is certainly a lot more than that.

Home economists say that it provides a decent diet.

Others say that it provides a very marginal diet.

Again, under the food stamp reform legislation, that amount would have been increased. Under the Senate bill it would have been increased to about $130 a month. Under the House bill—the House reform bill—which was a watered-down version of the Senate bill—it would have been increased to 120 and some dollars—I think, $121.50.

My own feeling is, that is not adequate—that you can't have a decent diet on that.

Obviously, it's better than nothing—it's better than hunger.

Unfortunately, we still have an awful lot of hunger. This is what we're talking about—we're talking about a program to end hunger in this country.

WALTERS. Let me ask you—while we're talking about Administration proposals—we were a minute ago—the Administration's revenue-sharing plan also, theoretically, assumes that more money would be available to state and local governments for programs like this. Would the revenue-sharing program help a county government, for example, provide more money for the Food Stamp program?

MAYER. Mr. Walters, the problem with that is, would the county use it for its food stamp programs? The thing I worry about with those "no-strings-attached-programs" like revenue-sharing is, what are they going to use it for? There was a story in the papers recently about how Alabama used its funds for the anti-crime bill. It was quite a hair-raising story.

The fact is that first of all, the state would not have to pay attention to many of the measures passed by Congress recently—on civil rights, on labor standards, and so on.

Secondly, the question is, how would the state and county governments use it? The federal bureaucracy is ultra-efficient, compared with those bureaucracies—and ultra-competent.

HUNTER. How about food stamps for strikers? Do you foresee any problems in the future on that issue?

MAYER. I think there will be a lot of problems in Congress on it, Miss Hunter, in this respect; we won on that in the House. As you remember, that was one of the few provisions we did win on—we defeated an effort to take strikers out of food stamps.

Legislation has again been introduced in the House and in the Senate.

Senator Thurmond (R-S.C.) has introduced a bill to take strikers out of food stamps.

Efforts will probably continue, on the part of various conservatives, to take strikers out.

It's rather ironic. These are the very same people who, when they attack welfare and poverty programs, talk about the people who work hard, and how they don't get any help out of this.

Yet, when it comes to a provision relating to workers who have helped pay for the food stamp program, they want to take them out.

HARDEN. Thank you, Miss Hunter, and thank you, gentlemen. Today's Labor News Conference guest was Arnold Mayer, legislative representative for the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO. Representing the press were Robert Walters of the Washington Evening Star, and Marjorie Hunter of the New York Times' Washington bureau. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

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NATIONAL WEEK OF CONCERN

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, I join with my colleagues and all men of good will to express my concern for those Americans missing in action in Vietnam and held prisoner by the North Vietnamese. I applaud the designation of this week as a National Week of Concern, and hope that Americans everywhere will pause with us to reflect on the plight of so many brave fighting men.

Surely there is no excuse for the continued refusal of the North Vietnamese to make available an official list of the names of those Americans who are being held captive in North Vietnam. Such a refusal, of no possible military or political benefit to the North Vietnamese themselves, only serves to exacerbate the mistrust which has made meaningful negotiations so difficult. The release of such a list would be a show of good faith that our Government could not ignore.

Yet clearly a list of names is no substitute for the men themselves. While such a list would ease the terrible uncertainty of those who wait at home, it will not ease the misery of the courageous men who languish in prisoner-of-war camps, thousands of miles from their loved ones. Only an exchange of prisoners will accomplish that. In addition to the 1,600 American prisoners of war, unknown thousands of North and South Vietnamese have been held captive for years in the camps, compounds, and jails of their enemy. Neither side benefits from this; a one-for-one exchange would certainly be in the interests of our common humanity.

But ultimately, Mr. Speaker, the tragedy of the American prisoners of war cannot be separated from the greater tragedy of this war. It matters very little how we limit our involvement in Vietnam; as long as we allow American troops to remain there we shall see additions to that list of men missing in action. The only certain way to assure the safe return of our American prisoners of war, and of all the brave men who continue to fight in Vietnam, is for America to commit itself to an unequivocal withdrawal of all forces by a specified date. I urge the President to take the initiative for such a commitment, which will put an end to this war, and bring our men home.

"NATIONAL WEEK OF CONCERN FOR POW'S"

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MURPHY of Illinois. Mr. Speaker, there are few issues today which engender unanimous approval by Congressmen, Senators, or constituents back home. The Indochina war is one example of an issue which divides the country as well as families and friends. There is presently a growing feeling among Members of Congress that our recent incursions into Laos and Cambodia are questionable, if not indefensible. On the other hand, some Members persist in calling these activities necessary and responsible.

There is one area, however, which is free of dissent and disapproval and it is related to this same war which divides us so. It is the plight of Americans held prisoner by North Vietnam. All recognize the hardships these men have been subjected to, all understand the anguish of their families, and, more importantly, all are aware of the need for North Vietnam to provide the names of all POW's in accordance with the Geneva Convention.

I am participating in Foreign Affairs subcommittee meetings this week to express my support for efforts to secure the release of our prisoners. Testimony today by Col. Frank Borman, special representative of the President for prisoner of war affairs, noted the sophistication of the North Vietnamese Government and its apparent "immunity" and "insulation" from mobilized world public opinion concerning POW's. These remarks were most disturbing but further indicate the need for decisive action on our part to guarantee results in our dealings with the enemy.

The wives and mothers of our prisoners are participating in this National Week of Concern for Prisoners of War/Missing in Action, which was approved by Congress. Every week is a week of concern for these brave women, however, who work continuously in behalf of their men. These women travel around this country and abroad in the hope that every effort will be expended for the POW's.

This constructive use of their time may have a "therapeutic effect" on them personally and psychologically but this effect is hardly their goal. They are seeking answers from all of us, and they demand and deserve honest ones from both the Congress and the administration.

CROMWELL HIGH—CHAMPS AGAIN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. STEELE. Mr. Speaker, with the NCAA and the NIT basketball championships sharing the limelight, the heroics of the Nation's high school basketeers sometimes get the back-page treatment in the sports section. Not so in Connecticut, however. I call attention to the spread in the Middletown, Conn., Press on the fantastic feat of the Cromwell Panthers in winning an unprecedented fifth consecutive State championship. Under the leave to extend my remarks in the RECORD, I include the following article by Fred J. Post, the Press sports editor, on the frenzy created by this high school championship game:

DEFENSE, DETERMINATION WON FIFTH FOR PANTHERS

The Big D won it for Cromwell. Or is it correct to say the Big D's won it for Cromwell? That is the true story behind Cromwell High School's fifth consecutive state championship, a feat never before accomplished in the 49-year history of the Connecticut Interscholastic Athletic Conference sponsored tournaments.

It was Defense, which no other high school team practices as well as the Panthers, and Dogged Determination that gave the Panthers their 40–39 come from behind victory over Nonnewaug in the state championship encounter before more than 3,100 paying customers in the huge University of Connecticut fieldhouse Monday night.

Nonnewaug, a team of giants, had intimidated all its opponents in the western part of the state, scoring in the 80's and 90's throughout the season.

But the Chiefs averaged less than 10 points per quarter over the 32 minute stretch in dropping its first decision of the season to the Panthers.

Steve McAllister, a 6-5 performer who has scored more than 1,600 points in his career, was held to 14 points, 13 of them in the first half. McAllister got exactly one point in the final 16 minutes as Cromwell's Ed Murphy, who turned in the finest game of his career, teamed with Al (Junior) Weston to box the 6-5 star out. Murphy and Weston also kept the 6-5 Rick Hunter away from the boards.

Hunter, who has also scored well over 1,000 points in his career, scored four points, two in each half as the Cromwell defense was excellent.

SECOND-HALF KEY

Coach Jake Salafia, who set Connecticut high school basketball history, said: "It was definitely our defense that turned the trick.

UNSUNG HERO

Salafia thought Jeff Skaanning was "our unsung hero."

"He was our leading rebounder and he's only six feet," said Salafia. "I think he helped turn the game around for us with his hustle on making key plays. I'll admit we got a few breaks in the closing minutes, but Jeff helped force those breaks," was the way Jake summed it up.

The record-setting coach didn't think his club's offense was that good Monday night. "We didn't move the ball very well and our shooting was poor," claimed Salafia.

Statistics bear out that contention, the Panthers shooting only 32 per cent from the floor, hitting on 16 of 50 goal attempts. However, Cromwell was much better at the foul line, converting eight of 10 for 80 per cent.

"We had to have that little miracle to pull this one out," opined Salafia. "We didn't penetrate well or move the ball as I would have liked, but we've won the close ones all year and we did it again.

"Actually," Jake said, "we had no real inside attack this season, but when we needed it, Weston was there.

"Our defense didn't permit them to run and shoot as they pleased. That's the way they'd been winning all year. We knew we had to prevent that.

"Hunter and McAllister were getting the early rebounds and tapping in easy shots. They looked extremely strong in the first half and we went into the locker room knowing that we had to put more pressure on them.

"That's exactly what Ed Murphy and Al Weston did in the second half. McAllister got only four rebounds while Hunter had six in the second half," said Salafia.

A recheck of the charts showed Nonnewaug outrebounded Cromwell, 26–10, in the first half. Final figures gave Nonnewaug a 41–26 advantage, meaning the Panthers played the Chiefs even, 15 each, in the last half.

"The second half key," claimed Salafia, "was the way Murphy and Weston boxed out."

"It was poetic justice that Al Weston got off that last shot. It wasn't lucky because Al has been doing it all year. Every game he was putting in buzzer shots.

"He's not lucky. Al Weston has the classic shot. When he went over top of Hunter for the winning shot from 20 feet out, it's something that no other player does any better. His jumping and his mechanics on that type shot is what every player should copy. They may not be able to do it as well, but they will become better ball players because of his style."

FIVE MEN PLAYED

Cromwell went with five men all the way.

Paul Harrington continued his fine tournament play. Jake thought Harrington played "his best floor game ever. He had no turnovers and he was always back in time to prevent their fast break. Paul was ready for this game. And don't forget he had a great tournament."

And then there was Pete Amenta, just recently out of a cast, who got 13 points and picked off four rebounds. He was also playing under the pressure of four personal fouls in the final quarter.

Salafia said it was the "Little Miracles," and who can dispute him.

THE HIGH COST OF BAD SPENDING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. WOLFF. Mr. Speaker, for some time now the Congress has scrutinized with a growing degree of concern the faulty spending habits of the Pentagon—the waste, poor management, and inefficient planning—all paid for by the taxpayers.

Mr. Speaker, I have continuously spoken out against unnecessary spending of Federal funds, and I have worked to institute safeguards to prevent waste in the Government from continuing.

I submit today for the benefit of my colleagues evidence of growing public feeling that Pentagon spending must be more closely investigated by the Congress. This editorial from the Long Island Press, ably edited by David Starr, correctly points out the growing danger we face by failing to call the military to account for its poor record in contract management. It is my sincere hope that we in the Congress will provide the guidance to bring military spending into line with this country's needs and priorities, without shortchanging those programs which are truly associated with our Nation's defense.

The editorial follows:

THE HIGH COST OF BAD SPENDING

Reports of astronomic overruns in the cost of weapons systems and of widespread inefficiency and waste in defense work should provoke an impetus for reform and not ust another mindless attack on our defense system.

According to the Washington Post, the General Accounting Office has prepared a report on major weapons systems being produced or developed which discloses cost overruns totaling $33.4 billion. The extra costs were blamed on "deliberate underestimating" and "unanticipated development diculties, faulty planning, poor management, bad estimating," inflation and the desire to exploit new technology.

In another study, launched under the prodding of Sen. William Proxmire, the Wisconsin Democrat, the GAO looked into defense industry profits and came up with a disquieting picture of waste resulting from the reliance of defense contractors on government capital rather than their own.

As Sen. Proxmire pointed out, the most significant finding was that a study of 146 completed defense contracts, involving $4.3 billion of government spending, revealed a return to industry of 56.1 per cent. This compares with 21.1 per cent return on equity for all manufacturing industries in the U.S. This means that under the Pentagon system of supplying the contractors with capital—taxpayers' money—they can make profits, according to Sen. Proxmire's estimate, nearly three times the annual rate for all manufacturing corporations.

Relieved of the risks and responsibilities involved in putting up their own money, as do other manufacturers, these defense contractors have been given what appears to be a bottomless well on which to draw for their capital. No wonder there is widespread inefficiency and disregard for costs. It is essential that hearings by Sen. Proxmire's Joint Economic Committee come up with answers about what's been going on and how to correct it.

These reports come on top of a barrage of fire to which the Pentagon has been subjected for military snooping on civilians, the PX scandals, the My Lai tragedy, the war and the draft. This has seen the emergence of two simplistic camps—one that seizes on any and all criticism to undermine the very institution of defense itself, and the other that refuses to admit the Pentagon can do any wrong.

Between these poles of dangerous nonsense are responsible, troubled Americans who recognize world political realities and wholeheartedly back a strong American defense system. But they feel this must not also mean accepting Pentagon abuses nor the sacrifice of vitally needed domestic programs.

There is, indeed, serious danger to public confidence in the drumfire of criticism against the defense establishment. But there is also great danger from the failure of the Pentagon to correct manifest abuses. It is necessary to resist phony moralists who would end defense research, abolish the ROTC and unilaterally scuttle our defense capability. But it is also necessary to end the waste, inefficiency and cozy deals with industry that not only produce no more nor better guns, but consume the public money that is so scarce and so necessary to meet vital domestic needs.

TRANSPORTATION REVENUE SHARING

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. RAILSBACK. Mr. Speaker, the President has taken a bold step in proposing transportation revenue sharing. In one dramatic move he proposes to return to the people the responsibility for transportation development within their own cities and States. The President proposes, and I agree, that more money and more regulations cascading out of Washington will not alone solve our transportation problems. Experience, that stern teacher, has taught us that local problems are best understood, and best solved, at the local level.

The President's revenue sharing proposal is the best approach to achieving what has eluded us for so long—a balanced national transportation system. It will create new Federal, State, and local governmental relationships, thereby restoring local participation in governmental decisions.

The automobile is at once a blessing and a plague; it increased individual mobility to the point where our cities are drowning in a sea of cars. Urban mass transit has been engulfed in a tidal wave of individual cars, usually carrying one or two persons. Magnificent ribbons of concrete tie our cities together in an intricate net that is a modern wonder of the world and the envy of all mankind. But, 25 percent of our people, the young, the poor, and the handicapped—are stranded, they have no cars. For them, the American transportation system is a total failure. Revenue sharing will do something for these people.

The airplane is hailed as a technological triumph, and rightly so, as are the ingenious electronic navigation aids which guide it safely from coast to coast in almost complete defiance of the weather. People speak nonchalantly of "catching the plane" for a journey of thousands of miles when only recently flying was for daredevils.

While the automobile and the airplane became the commonest modes of travel, public transit declined from 87,000 vehicles carrying 13.8 billion passengers in 1950 to 62,000 buses carrying only 6.6 billion riders in 1967.

The airplane and the automobile have unwittingly combined to strangle all attempts at a balanced transportation system.

The country is changing, and the President's revenue-sharing plan is a sensitive, responsive reaction to the changing needs of the people. It is an American reaction to challenge—where a problem exists, Americans seek a solution, not alibis. Solution is the American way, and the President's revenue sharing plan is at once a diagnosis of our transportation ills and a prescription on how to cure them. This is participatory democracy in the best sense—and it makes sense.

SHOOTING DOWN THE SST

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. KEATING. Mr. Speaker, I would like to share with my colleagues an editorial which appeared in the Cincinnati Post and Times Star, a Scripps-Howard newspaper, on March 20, 1971, after the House voted down the SST project:

SHOOTING DOWN THE SST

Whatever claim the United States has had to future world aviation leadership may have been shot down Thursday in the House of Representatives.

The House voted to cut off all new funds for the proposed supersonic transport (SST) plane—a project which already has cost the taxpayers $864 million, most of it wasted if the SST is abandoned now.

It is still possible, of course, that the Senate will approve the SST appropriation. But even if it does, there is no guarantee that the two houses could get together on compromise financing.

This means the 11 years of planning and engineering that have gone into the 1800-mile-an-hour, 300-passenger plane could well be sacrificed before a prototype of the SST ever gets off the ground.

Meanwhile, the British and French, working as a team, and the Soviet Union already are test-flying supersonic transports of their own.

The depressing thing about the anti-SST campaign is that it's based on highly disputable arguments—arguments which, so far at least, have not been convincing.

The arguments rang from the unproved assertion that a fleet of SST's could erode the ozone and cause thousands of cases of sun-induced skin cancer to the unlikely assertion that supersonic travel simply won't sell on the world market.

What the nay-sayers seem to forget is that none of the ecological and environmental issues can be finally resolved until we actually build an SST, fly it and try to produce it commercially.

Certainly there is no danger in building two prototypes—yet the alarmists cry that even this would be going too far.

Whether the SST can be saved at this point is hard to say. There is some talk of new private financing in addition to what the contractors and the airlines already have spent.

And it may be that a limited form of federal aid can be arranged just to keep the project alive.

To simply walk away from the SST after so much time and money has been spent would be a mistake that even the skeptical could live to regret.

EVIDENCE OF CITIZEN ACTION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mrs. GRASSO. Mr. Speaker, we are experiencing a period of national consciousness on the need to conserve our national and industrial resources. The world, we now realize, though still abundant, is blessed with only finite quantities of the materials necessary to maintain the quality of life which we have achieved. As our population expands we will require greater amounts of natural resources and will have to take care to utilize these resources to their fullest extent and with a minimum of waste.

I am proud to bring to the attention of my colleagues the admirable spirit and initiative of citizens of the town of Simsbury in my district who are participants in a recycling program aimed at relieving the sanitary landfill operation. The Hartford Courant reported on February 17 that civic groups and young people in Simsburg are rallying around town Administrative Assistant John Case in his efforts to start a recycling program. The Boy Scouts, the League of Women Voters, conservation and environmental groups, and others are circulating petitions, collecting paper and glass, and soliciting town government help in setting up a recycling system which will benefit their environment.

Government alone will never solve the problems of our Nation. To find solutions to our problems, especially the complex environmental ones, will take the sustained efforts of an active citizenry. The people of Simsburg are providing the Nation with an excellent example of responsible, effective community action. Their actions stand in the best tradition of American democracy.

The following is the article in the Courant further explaining this marvelous evidence of citizen action:

GROUPS, YOUNGSTERS SUPPORT RECYCLING PROGRAM

(By Kirk G. Hatsian)

SIMSBURY.—Civil groups and youngsters are backing plans for a town recycling program aimed at taking a load off the sanitary landfill operation.

The recycling movement first got its start when civic-minded organizations approached Town Administrative assistant John W. Case and expressed their desire to do something for the town.

They didn't know just what to do, so they left it up to Case.

"I thought that recycling of waste materials would be a good project for all concerned and suggested it to them," said Case.

The reaction was spontaneous and encouraging.

The Town Beautification Committee got behind it.

The town conservation group backed it.

The Junior Woman's Club endorsed it.

Boy Scout Troop 171 said okay.

The League of Women Voters gave the nod.

And there are other groups, too.

Last weekend, the Junior Woman's Club conservation committee circulated a petition in the principal shopping centers, seeking signatures to give the Board of Selectman an idea of how many residents are for recycling.

Case got interested in recycling after being made aware of the program by a state conservation organization last summer.

The organization referred to a bottle recycling plant at Dayville which could take bottles and broken glass and recycle them for re-use in another form.

Case reproduced articles sent by the state Conservation Group and sent them to local youth groups, including Boy Scouts and Girl Scouts.

"I thought it would be an ideal involvement for the youths of Simsbury," said Case.

REACH CAPACITY

The sanitary landfill on Wolcott Road, if it keeps at the present rate, will reach its capacity in five to eight years, according to Case.

"The Land fill area could have a longer life if we could find a way to separate newspapers, magazines, and other paper products along with bottles and send them to a recycling plant," said Case.

The answer is recycling.

But it's not that easy, said Case.

"The key to the whole thing is cooperation—cooperation from residents and cooperation from the various groups that have volunteered their services," Case added.

For one thing, the residents have got to pitch in. They can do this by separating bottles and paper products.

Papers and bottles would have to be separated someplace, the newspapers tied in a bundle and kept until a pickup is scheduled by one of the volunteer organizations.

"If the people are not willing to do this much, then the whole thing will be a flop," said Case.

So cooperation from residents is the key.

Then, he said, a program has to be set up to decide which groups will make the pickups—and how often.

Case believes six groups would be sufficient with each making two pickups a year. Pickups would be once a month.

CENTRAL COLLECTION

Also to be decided is where to have a central collection point and where to have satellite collection depots.

Waste paper and bottles would be left at the satellite depots, then taken to the central collection station, and from there by trucks to a recycling plant.

Where would a recycling plant be located?

This hasn't been determined yet.

The Capitol Region Council of Governments has the authority and capability for implementing a solid waste program which would give Simsbury and 28 other communities an opportunity to reclaim and recycle low grade waste paper.

Case said organizations such as the Boy Scouts and the First Church of Christ have been holding paper drives during the year.

But the recycling program will be the first time several organizations will join in a concerted effort to alleviate the load at the landfill operation and at the same time get rid of eyesores around town.

"The waste paper recycling phase will be a pilot program for Simsbury," said Case. "We want to determine by the amount of paper collected each month whether the whole project is worth the effort."

In other words, said Case, just how much paper can Simsbury generate once a month.

The answer lies with the residents.

The Junior Women's Club's conservation committee stresses the need to "establish on a permanent basis a system of separation, reclamation and recycling of recoverable low grade waste paper" now left at the sanitary landfill area.

NO VOLUNTARY SYSTEM

The committee was reported to be against a voluntary system or collections because, as one put it, "People go away on vacations in the summer and they would not be around to pick up waste paper and bottles and other items for the recycling program."

"We must realize," said Case, "that if the town is to provide an extra service, for example having our highway trucks pick up the paper and bottles earmarked for recycling, then the taxpayers are going to have to pay for it."

If the recycling program does not work out, said Case, there is another possibility in taking the load off the sanitary landfill area.

And this is the possibility of purchasing a shredder.

The shredder, which could cost as much as $1 million, grinds garbage along with papers, bottles, cans and even parts of junk cars.

The end product is a dust-like substance which can be poured into a hole and may not need to be filled in, said Case.

What's more, the end product has no nutrient value and does not attract vermin, he added.

Last week, Case spent considerable time with a representative of a firm which is establishing a shredder in another Connecticut town.

PIPE MILL WORKS AGAIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. GAYDOS. Mr. Speaker, early this month the United States Steel Corp.'s electric weld mill in McKeesport, Pa., which manufactures large diameter pipe, resumed production after a 7-month shutdown. It closed last August, and one of the primary reasons given for the curtailment was the deep penetration made by foreign imports into the domestic market.

The fact the mill is working again, however, should not be construed as a sign the import danger is over. The news article which announced the plant's reopening made it clear this was due to an increase in orders from customers in the petroleum and natural gas industries, not from any drop in import tonnage.

As a matter of fact, import growth in this area of our domestic steel industry has been nothing short of spectacular, resulting in a 40- to 50-percent loss of the available market in 1970. Imports of this type of specialty product totaled 255,000 tons in 1968; 388,000 tons in 1969; and a stunning 720,000 tons last year. I might add these figures do not reflect the large-diameter pipe shipped by Japan for use on the trans-Alaskan pipeline. Japan has consistently refused to count this tonnage toward her import quota and from January–November in 1970, this tonnage amounted to 350,000 tons valued at $52 million.

I insert the above mentioned news article, which was written by Mrs. Donald R. Cooper, business editor for the Daily News of McKeesport, into the RECORD and invite the attention of my colleagues to it:

LARGE-SIZE PIPE MILL WORKS AGAIN

New demand for large diameter pipe has returned the submerged arc electric weld mill to service at the National plant here. It had been idle since last August.

J. P. Ely, general superintendent of National-Duquesne Works, said the mill, remodeled during its downtime, has resumed production due to an increase in orders from customers in the petroleum and natural gas industries.

Mr. Ely said huge growth in foreign importation of large-diameter pipe over the past three years was an influence in sidelining the mill last summer.

The electric mill is designed to produce pipe with outside diameters of 24 to 36 inches.

The renovation included installation of a new stacking crane that feeds steel plate into the mill by a unique vacuum-handling process that eliminates scratching, sliding and marring of the product. A new planer for edging the plates from which the big pipe is made and a new edge crimper ahead of the forging presses also are included in the overall mill improvement.

Mr. Ely said the problem of foreign importation remains critical in the large diameter pipe market.

He said 255,000 tons of the type of specialty turned out by the McKeesport mill were imported by domestic users during 1968. The import tonnage rose to 388,000 in 1969 and soared to 720,000 tons last year, he said.

"This means foreign producers have taken an estimated 40 to 50 per cent of the available market for this product in 1970," he added.

AMERICA MUST UNIFY TO FREE POW/MIA'S

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. VEYSEY. Mr. Speaker, the effort to bring our prisoners of war home is one behind which all Americans can unite. As one of the original authors of the legislation declaring this week "National Week of Concern for Prisoners of War/Missing in Action," I appeal today to each Member of this Congress and to the Nation's thought leaders to encourage an outpouring of American opinion so united and so intensive that the North Vietnamese Government cannot afford to further use American prisoners for propaganda purposes.

Time and time again we have seen the North Vietnamese employ our disagreement and division over the war to their own advantage. They constantly seek to further this division, and to date, the incarceration of Americans in North Vietnam prison camps has been used to that end.

Our responsibility to those American men, soldiers and civilians alike, who are POW/MIA's, demands that we, as a nation, stand firmly—solidified and determined in our resolve to bring those 1,600 American men home from the North Vietnamese prisons.

The POW/MIA represents distinguished service in the cause of freedom. He represents all races, all social and economic levels, and all political entities in America. He represents every small town and every large city, every farming area and every mining community. Here at home, he has parents, or a young family, a brother and sister or a girl who waits for him. The POW/MIA is America in every respect.

The enemy has made it clear: as long as there is any chance that they can use our imprisoned young men to spread discontent throughout America—they will never free them.

It is our solemn duty to make this week the beginning of an international campaign to secure freedom of our POW/MIA's—a campaign that accelerates without diversion until the North Vietnamese are forced to bow to world-wide opinion, and set free every imprisoned American.

NATIONAL WEEK OF CONCERN FOR POW'S

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. CARNEY. Mr. Speaker, in a world too often disrupted by war and rumors of war, the observance of a National Week of Concern for Prisoners of War/Missing in Action can truly raise our sights, bringing all men of good will together in a common concern for the fate of some 1,600 American POW's held in North Vietnam. I pledge my support for every effort to alleviate their condition and to obtain their safe release as quickly as possible.

In the words of the highly respected Christian Science Monitor.[1]

I echo the call for prayer which can unite all Americans in a new spirit as we explore every avenue of hope for a just and lasting peace. Our immediate task is to rouse and marshal public opinion in this Nation and throughout the world in behalf of those humane ideals and principles which are the hallmark of the civilized community. May our voices be heard and the depth of our concern be felt around the globe not only during this week of concern but through the days to come. To our captives and to their loved ones, we pledge our unending endeavor to win for them that humane treatment which is their right.

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[1] Editorial of March 20, 1971.

For their sake and for the sake of their families, this should be a week of deep and conscientious national soul-searching. It can be the occasion to lift thought up and out of the bitterness that has so deeply divided the nation. . . .

SAVING OUR INDEPENDENT SCHOOLS—AND KEEPING THEM INDEPENDENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHMITZ. Mr. Speaker, a Government monopoly of education threatens America.

Monopolies of any kind are alien to the American spirit and the tradition of our country, where competition has flourished. And since all children must be educated, a monopoly of education—particularly by Government—bears within it the seeds of tyranny.

Years ago when our Government schools were truly local, reflecting the actual character, needs, and resources of the individual communities which built and maintained them, this danger was not immediately apparent. But in our age of a growing—and to many, deeply disturbing—sameness in the curriculum, manner of instruction and products of school systems throughout the land, it can no longer be ignored.

The fight to save our public schools from those who would take them over to use them as agents of "social change" and ideological agitation should go on. But, valiant as are the contenders for the teaching of morality, patriotism, and lasting values in the public schools, we dare not rest all our hopes upon the success of their efforts. The forces arrayed against them are too strong.

It is essential to keep alive an alternative to Government schools, to fall back upon in any area where the fight for a decent public school is lost. That means saving our independent schools—and keeping them independent.

An independent school may be church-connected or nonsectarian. It may share the evils afflicting many Government schools, or shake them off or keep them out. It does not guarantee a good education. But it does guarantee the enduring opportunity to provide a good education in harmony with the wishes of the parents whose children attend the school.

Independent schools of all kinds are now in serious trouble. The huge increases in budgets and salaries in the Government schools have made it all but impossible for most independent schools to compete financially. More and more of them are closing their doors. And each one that closes immediately shifts almost the entire burden of educating its former students to the back of the much beleaguered taxpayer.

Some still regard the independent school as a luxury patronized for reasons of religious belief or prestige, which could be dispensed with at no real loss. But if all our independent schools were to close down in the near future, the increased cost to the taxpayers—at the $600 and more per year it costs to educate a child in California public schools today for example—would be staggering.

Others, considering this issue, are still fighting old religious wars. They fear Government support of churches. But the great danger today is not that Government will support the dogma of any church, but that Government's busy and highly paid apostles of secular humanism will undermine and destroy all churches which profess and practice faith in a transcendent Creator. Orthodox Christians and Jews of every denomination should be able to see this clearly by now.

Any form of Government grants of money to independent schools, in the present climate, brings with it grave danger of increasing Government influence and control, depriving the school of its independence. This danger is most obvious where the Government gives money directly to the school. It also exists, although to a somewhat lesser degree, in the "voucher plan" whereby Government grants are made to the parent for use by the school which his children attend.

The best solution is tax credits for tuition payments. By providing such tax credits, the Federal Government would leave more money in the hands of the people who are saving their fellow taxpayers the cost of educating themselves or their children by patronizing independent schools. The threat of Government interference would be reduced to a minimum by this arrangement, since no money would actually be coming to the schools from Government. Yet the citizen would then have a new incentive to use, and to continue to use independent schools.

On February 4, Congressman Lawrence Coughlin, Republican of Pennsylvania, introduced H.R. 3612, to provide a tax credit of 100 percent on the first $200 spent on higher education, 25 percent on expenses from $200 to $500 for this purpose, and 5 percent of expenses from $500 to $1,500. I am one of many cosponsors of this bill. On March 15 I introduced H.R. 6061 to provide the same tax credits for money spent by parents on primary and secondary education for their children in independent schools.

CONCERN ABOUT AMERICAN POW'S

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, I can vividly recall as a boy growing up during World War II hearing and reading about the thousands of people across the Nation who used to turn out for those campaigns they called war bond drives to get people to contribute money for our war effort. The enthusiasm was electric; hardly anyone shirked their responsibility as an American citizen to help out in some small way, either by donating money or by volunteering to serve in some other capacity.

Today, every American has an equal opportunity to help shoulder a responsibility in another cause—that of convincing the tyrannical regime of Communist North Vietnam to immediately cease their inhumane treatment to American prisoners of war, many of whom have managed to survive more than 5 years of imprisonment. The method of contributing to this cause is simple. It does not require a donation of money and it does not require volunteering to serve in some capacity. All that is necessary is the simple act of signing your name and address to a card or letter and mailing one or the other to the North Vietnamese Government in Hanoi.

Whatever our differences may be about U.S. involvement in Southeast Asia, there remains little question that mentally, at least, we are all united in our concern over treatment of our prisoners of war.

As elected public servants, Mr. Speaker, it is our task to help recruit all Americans to pursue their expression of sentiment in behalf of these unfortunate men. Such action on our part is long overdue.

COMMITTEE FOR CONSTITUTIONAL INTEGRITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHMITZ. Mr. Speaker, yesterday on the House floor, in the course of the debate on the amendment to the Constitution of the United States to require all States to lower the voting age to 18, I mentioned the Committee for Constitutional Integrity which will carry on the fight against ratification of this amendment by the State legislatures. Since then I have had numerous inquiries about the nature and work of this committee.

Therefore, I insert in the Record at this point copies of the letter sent by the Committee for Constitutional Integrity to every State legislator in all of the 50 States, and of their letter to the Governor of each State, together with a column by Willard Edwards in the Chicago Tribune describing the formation and activities of the Committee for Constitutional Integrity:

Committee for Constitutional
Integrity,
Bethesda, Md., March 19, 1971.

Dear Mr. State Legislator: The Committee for Constitutional Integrity is a nonpartisan group that has been formed to implement the deep concern felt by all responsible and informed Americans for the defense of the U.S. Constitution and for the protection of constitutional processes of government in the States as well as in the Nation.

The Committee wishes to address to you, and to each of the more than 7,000 members of the State legislatures in all 50 States, this *urgent* report concerning the grave crisis that has arisen in our country as a result of the 18-year vote action taken by Congress last year. This report will, we are confident, demonstrate to you the imperative need for strong affirmative action by the State legislatures, acting in their high sovereign capacity as the natural protectors of the people, to preserve intact the integrity of our Constitution and to safeguard our freedoms against the usurpation which now threatens them. We *entreat* you to read—indeed study carefully—this report in view of the gravity of the crisis.

We hold it to be the duty of all citizens, and particularly of legislators sworn to defend the Federal Constitution and the constitutions of their respective States,

(1) to insist upon the repeal of the Congressional statute (Section 302 of the Voting Rights Act Amendments of 1970) in order to prevent that statute from becoming a precedent justifying acts of usurpation in the future, and

(2) to urge their respective State legislatures to defer any action on any proposed constitutional amendment dealing with the 18-year vote *until that constitutionally offensive statute is repealed*, so that the legislators will be able to deal with the proposed amendment as free and deliberative men and not as men stampeded into action by the mess created by the Congressional usurpatory legislation.

To begin with, we emphasize that our group is taking no stand on whether 18-year-olds should or should not have the right to vote. Our interest is solely that the decision should be made in accordance with constitutional processes.

The Congress of the United States is rushing through a proposed amendment to the U.S. Constitution which it will shortly submit for ratification by the state legislatures, granting the vote at 18 both in State and Federal elections. The leaders of the drive for this amendment hold that an emergency has been created by the action of the Supreme Court in validating (by a 5 to 4 vote) the statute passed last year granting the vote at 18 in Federal elections, but invalidating that section of the law which granted the vote at 18 in State elections. They hold that dual voting lists and the difficulty of distinguishing in many situations what is a State and what is a Federal election (*e.g.*, voting for delegates to a State convention that will nominate party candidates for both State and Federal offices) will create endless confusion, legal snarls, and a heavy financial burden for the State election boards which administer all our elections, Federal as well as State. They have therefore started a panic campaign to get you and your fellow state legislators to ratify this proposed amendment in a sight unseen manner so that a mess in 1972 will be avoided.

We hold that the leaders behind the amendment drive not only do not come to you with clean hands but are asking you to participate in a rape of constitutional processes. The facts are that these same leaders last year chose to circumvent the U.S. Constitution and got the Congress, by a usurpation of authority, to enact the 18-year vote (in both Federal and State elections) by simple statute. The plain words of the Constitution leave to the individual States the power to set voting qualifications not only in their own elections but in Federal elections as well. The State-set qualifications can, of course, be overridden by duly ratified amendments to the U.S. Constitution, and this has been done several times in our history. But at no time, until the episode of last year, did any responsible constitutional authority venture to suggest that Congress could override the constitutional provision for State-set age qualifications by simple statute.

In the debates on last year's statute, the leaders in Congress made it clear that they had no hope of bringing about an 18-year vote by the process of proposing a constitutional amendment and getting it ratified by three quarters of the States. They resorted to the technique of usurpation—granting to 18-year-olds what was not in the power of Congress to grant—in defiance of the advice given by George Washington in his Farewell Address never to be tempted to accomplish even a good purpose by violating the Constitution.[1] They hoped that the Supreme Court (which in recent years has exhibited a great tendency to validate Congressional actions with which individual justices were in political sympathy) would validate the 18-year voting provisions.

The hopes of the Congressional leaders were almost fulfilled—but not quite. By a vote of 5 to 4, the Supreme Court upheld the vote at 18 in Federal elections but by another vote of 5 to 4 (with Justice Black supplying the swing vote) the Court held the statute unconstitutional as applying to State elections. It is highly significant that Justice Stewart (with the concurrence of the Chief Justice and Justice Blackmun) noted that the opinions supporting the 18-year vote "contain many pages devoted to a demonstration of how beneficent are the goals of this legislation," and that "a casual reader might get the impression that we are being asked . . . whether or not we think allowing people 18 years old to vote is a good idea."

In short, Justice Stewart plainly hinted that the pro-vote-at-18 justices had acted to validate their political predilections rather than to disinterestedly consult the Constitution as to whether Congress had authority to enact the vote at 18.

When the proposed constitutional amendment is before your legislature, you, the legislators, will be in effect serving as a jury to determine whether the amendment should be adopted or rejected. Now just as a jury cannot function properly in an atmosphere of panic and political pressure from the outside, so we believe that you the legislators cannot exercise your judgment wisely and properly in the atmosphere of panic and pressure which has been created by the ill-conceived Congressional statute and its half validation and half invalidation by the Supreme Court.

The enactment of a constitutional amendment providing for an 18-year vote is no simple matter that can be decided at a moment's glance. It involves complex questions affecting the political life of the Nation. By way of illustration, we call your attention to an article in the New York Times of February 6, which cites the concern in many quarters that an 18-year vote may enable students in university towns to take over the town governments and in the manner of carpetbaggers raise local taxes irresponsibly and unconscionably. In many university towns students (over 21) are now allowed to vote regardless of their lack of permanent residence; in other places the right of students to vote is expected to be granted by the trend of court decisions. With the enormous inflation of the student vote that would be brought about by a lowered voting age, problems that are now minor or negligible could develop serious proportions.

We do not ask you to vote against the 18-year amendment on this ground or on any other ground. We simply say that this problem and other problems that are below the surface of the 18-year vote issue be properly studied and appraised in a calm atmosphere before making a decision pro or con on the question. The people of the State which chose you and others as legislators on their behalf expect you not to vote in haste (for them to repent in leisure) and to consider all aspects of the question.

It seems to us—as it will no doubt seem to you when you consider the matter—that in order to carry out your duty properly and conscientiously on the proposed 18-year amendment, the present atmosphere of panic and pressure will have to be removed. And it can be removed only by an action of Congress repealing the 18-year vote statute and thus restoring the normal atmosphere which existed before the passage of the ill-fated legislation.

In the interest of all citizens of this great Nation—and in your interest as conscientious legislators fulfilling your responsibilities to the people who elected you—we appeal to you to have your legislatures join forces with Virginia, whose General Assembly has passed a joint resolution memorializing Congress to repeal the 18-year voting statute. The resolution should make it clear that your State will take no action on any amendment proposed by Congress until the constitutionally offensive statute is repealed.

We trust that you will give this communication the earnest attention which is demanded by the gravity of the questions we have discussed.

Respectfully,
Francis G. Wilson,
Chairman.
Franz O. Willenbucher,
Vice Chairman.
Benjamin Ginzburg,
Secretary.

(Note concerning the signers of this communication. Francis G. Wilson, Ph.D. (Stanford), is Emeritus Professor of Political Science, University of Illinois, and is the author of several books and numerous articles on political science, including The American Political Mind (McGraw-Hill). Franz O. Willenbucher, Captain USN (Ret.) is an Attorney at Law, whose doctorate in jurisprudence from Georgetown University was awarded largely on the basis of studies in constitutional interpretation. Benjamin Ginzburg, Ph.D. (Harvard), is a former Research Director of the Subcommittee on Constitutional Rights of the Judiciary Committee of the U.S. Senate, and author of Rededication to Freedom (Simon & Schuster).)

A CONDENSED COPY OF VIRGINIA HOUSE JOINT RESOLUTION NO. 66

Memorializing the Virginia members of the Congress to initiate and support the enactment of legislation to repeal Section 302, of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314)

Offered February 11, 1971. Patrons—Messrs. Phillips (and 36 other patrons). Referred to the Committee on Privileges and Elections:

Whereas, the Congress by the enactment of Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314), attempted through legislation, to usurp power not delegated to the Congress by the Constitution but reserved by the Constitution to the States in Article I, Section 2, Article II, Section 1, and by the Tenth and Seventeenth Amendments thereof; and

Whereas, on December twenty-one, nineteen hundred seventy, the Supreme Court in Oregon v. Mitchell, rendered what purported to be a 5–4 decision in which it held the Congress to be without power to fix voting age qualifications for persons to vote in State and local elections, but on irrational and unsupportable grounds held the Congress possessed of power to establish such qualifications for persons to vote in national elections; and

Whereas the said usurpatory statutory provision can remain effective only until repealed and the Supreme Court's decision valid only until over-ridden; and

Whereas, as George Washington in his farewell address, as President of the United States declared, "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed"; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the members of the Congress of the United States from Virginia are hereby memorialized to initiate, and support the enactment of legislation to repeal Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

(Condensed to eliminate certain references to the enactment of a proposed constitutional amendment by Congress now no longer pertinent.)

Committee for Constitutional Integrity,
Bethesda, Md., March 23, 1971.

As its chairman, it is my duty and pleasure to transmit the solemn and unanimous request of the Committee for Constitutional Integrity that you urge the legislature:

(1) To withhold action on the proposed 18-year-old constitutional amendment, shortly to be presented by Congress to the States for ratification, until Section 302 of the Voting Rights Act Amendments of 1970 which attempted to grant such vote by statute is repealed, and

(2) To join in the recent similar action of the Virginia General Assembly by memorializing the delegation of your State in the Congress to initiate and support legislation to repeal that usurpatory statute.

The Committee wishes to emphasize that it takes no stand on whether 18-year-olds should be accorded or denied the right to vote.

The Committee, in cooperation with deeply concerned citizens and organizations, is striving to prevent permanent damage to the amending processes, contained in Article V of the Constitution, which will inevitably result if the above-mentioned constitutionally offensive statute is left unrepealed.

A brief statement of the views of the Committee in the form of a copy of a letter which it has sent to each of the more than 7500 members of the 50 State legislatures is enclosed.

The Committee is urging all States to refrain from taking any action on the proposed 18-year-old amendment, unless and until the statute is repealed in order that State legislators, when they consider the proposed amendment, will act as free men, not under compulsion to avoid threatened disaster to our election processes. This threatened disaster was caused *initially* by the constitutionally usurpatory act of Congress—one which it can readily cure by removal of the cancerous statute by repeal.

It is apparent that Congress is not now disposed to recognize its own blunder, concerning which all informed citizens are now fully aware, and forthwith to correct it.

It is therefore for the people in their high sovereign capacity, through their legislatures as their true protectors against usurpation of their constitutional rights, to demand adherence to those rights, lest constitutional representative government is no longer to be guaranteed them by our Constitution and, instead, is to become a mere memory in the United States.

Respectfully,
Francis G. Wilson,
Chairman.

[From the Chicago Tribune, Mar. 20, 1971]

CONGRESS SHUFFLES 18 VOTE TO STATES

(By Willard Edwards)

Washington, March 19—Congress is about to thrust upon the states responsibility for extricating the nation from a nightmarish prospect on election day, Nov. 7, 1972.

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[1] "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

To the other imponderables of next year's Presidential campaign, already looming as one of the most exciting in history, will be added this question:

Will 38 of the 50 states [the necessary three-fourths] ratify, in time, an amendment to the Constitution granting the vote at 18 in both state and federal elections?

Lacking that action, an estimated 11,500,000 voters, 18 to 21, must be herded apart from other citizens in exercising their franchise for the first time.

They can vote for President, Vice President and members of Congress but in most states not for governor, state legislator, mayor or local officials. This absurdity will necessitate dual voting machines or separate paper ballots; special supervisory personnel and clerks; dual sets of books.

The prospect has been aptly described as chaotic, productive not only of confusion and disorder but of potential fraud. It will cost an estimated extra $20 million.

Congress created this mess last June. It was so anxious to get on the record in favor of lowering the voting age that it adopted a legislative shortcut to achieve that goal. It amended the Voting Rights Act of 1970, spurning warnings that a constitutional amendment was the proper procedure.

In December, the Supreme Court, in a 5 to 4 decision, upheld the lowered voting age for Presidential and congressional elections but ruled the change unconstitutional as it applied to state and local elections.

Now, happily washing its hands of responsibility for the consequences of its haste, Congress is scheduled to endorse next week the constitutional amendment it should have approved nine months ago and sent to the states. The delay has drastically shortened the time remaining to act before next year's elections.

Another threat to ratification has emerged in a movement to defer it until the 18-year voting rights measure has been repealed.

A newly formed Committee for Constitutional Integrity, headed by Francis G. Wilson, emeritus professor of political science, University of Illinois, is sending letters to each of more than 7,500 members of the legislatures of all 50 states, urging such a delay.

A number of noted constitutional scholars, including Franz O. Willenbucher and Benjamin Ginzburg, former research director of the Senate constitutional rights subcommittee, have joined Wilson in warning state legislatures of the danger of precipitate action.

Virginia, they noted, has already acted by petitioning Congress to repeal the 18-year voting act, which it described as "an act of usurpation"—a granting of powers by Congress not within its authority and standing as a precedent for future usurpatory legislation if not removed from the statute books. Every state, they argue, should make clear to Congress that it will not ratify the constitutional amendment until the constitutionally offensive statue is repealed.

Three states [Alaska, Georgia and Kentucky] already allow 18-year-olds to vote. Ten states in the last two years have rejected a lowered voting age. Others [Indiana and Kansas among them] are reported bidding for the honor of being first to ratify the 26th Amendment to the Constitution.

If precedent prevails, the number of ratifying states will mount rapidly as the months pass. Then the pace will slow as the magic number of 38 is approached.

Ratification before November, 1972, is deemed a "realistic possibility" by some observers; doubtful by others. This one could prove a cliffhanger in a period already fraught with political uncertainties.

THE ADMINISTRATION PROPOSAL WOULD CRIPPLE HIGHER EDUCATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mrs. MINK. Mr. Speaker, the legislative authority for many of our basic student aid programs expires this year. Instead of extending and expanding these time-tested programs which have enabled millions of deserving young people to obtain a college education, the administration seeks to revise the basic concepts so that different groups of students are assisted.

I support the goal of giving benefits to more students. The administration bill would ostensibly benefit 800,000 to 900,000 college students not now receiving aid and 100,000 high school graduates who would not otherwise go to college. But it would also deprive some 300,000 students of Federal aid which they have been receiving under existing programs. These 300,000 students presumably would be forced to finance their college education without any assistance from the Federal Government if the President's new bill is enacted into law.

The Federal Government presently has two major loan programs, and both would be adversely affected by the President's proposals. The first is the national defense student loan program, under which direct cash loans are made to students. The second is the Federal guaranteed student loan program, under which the Federal Government guarantees educational loans made by private lenders, and subsidizes interest payments.

The defense loan program is based on student financial need, and enables participants to finance their education at the lowest possible cost by deferring repayment and limiting student-paid interest to 3 percent. The loan guarantee program is available regardless of need, and interest subsidies are available to families with incomes as high as $15,000 a year.

Experience has shown that these two programs have performed with great effectiveness in enabling thousands of young people to obtain a college education at minimum cost. Under the Nixon administration proposals, the programs would be changed drastically and their benefits to middle-class families sharply reduced.

Under the President's proposal, a family of four with income over $10,000 and one child in college would no longer be eligible for assistance, except for guaranteed loans at the full private market interest rate. This reduction in help to thousands of average families of America, who are already suffering financial hardships due to the high cost of sending their children to college, demonstrates a lack of appreciation of the current crisis in higher education and the mounting costs thereof.

Overall, the proposal is designed to shift the support of higher education from the Government to private banking interests whose record in support of education is anything but commendable. There would be no further appropriations for National Defense Education Act direct loans to students. New loans would be permitted only from repayments of existing loans, thereby diminishing the impact of this program. In addition, the benefits would be reduced through elimination of the present loan forgiveness for teaching, military service, Peace Corps, and similar public services. This approach, aside from its adverse effect on higher education, would detract from our efforts to achieve a voluntary army and volunteer public service.

As the NDEA program is reduced, the administration plans to shift higher education loan funding to the private capital market through a National Student Loan Association. This would be another private corporation chartered by the Government, and would attempt to raise funds by issuing its own obligations for sale in private capital markets. The proceeds would be used to buy student loan paper from colleges, banks, or other lenders. The intended purpose is to increase the flow of private funds into student loan "markets."

What the administration fails to realize, however, is that education is not a "business" like selling automobiles or houses, and our students are not a "market" to be exploited. The proposed bill would eliminate the existing ceiling of 7 percent on guaranteed loan interest payable by students, thereby allowing lenders to charge whatever the "market" would bear. Moreover, the Government would cease paying interest on loans to students from families with income over $10,000. The special allowance for banks would also be eliminated. All of these steps could reasonably be expected to reduce the availability of subsidized Federal guaranteed student loans to most students.

The proposal seems to envision the Government becoming a mere bystander in the student loan field, serving as a detached "warehouse" for commercial lenders, and having no special responsibility to insure that our young people are able to afford an education without accruing an extremely burdensome debt.

When the loan ceiling is repealed, lenders will be free to charge as much as the interest rate for other types of loans—which has been as high as 10 percent annual interest under the current administration. The typical student, if forced to borrow several thousand dollars a year at such rates, could be faced with a staggering debt of up to $20,000 upon graduation.

This "solution" to the student aid problem is nothing more than a bonanza for banks. I pledge to the people of Hawaii that I will work for extension of our existing programs with additional funding so that more students may be assisted, and so that no student now receiving aid will be jeopardized.

Finally, another damaging aspect of the administration proposal is the conspicuous absence of general support funds for colleges, other than a modest amount for developing institutions. No prospect is held forth for prompt institutional aid to the hundreds of American colleges and universities that are now in dire financial straits—and at a time when they are being called upon to enlarge as well as improve educational opportunity.

Unless general assistance in increasing amounts can be provided, tuition costs which are already excessively high will continue to soar. Institutions have been forced to charge ever increasing amounts for tuition, and this trend has imposed a great burden on most families with children in college. Further increases, especially if coupled with reductions in student aid, may well preclude the continued pursuit of college educations by large numbers of our most deserving students.

In view of these factors, the administration proposals for higher education are misdirected and likely to do more harm than good. There appears little sound justification for tampering with the workable existing programs, other than to reduce next year's budget deficit by shifting the financing of education more toward private interests. The result of any such shift, predictably, will be new burdens on our hard-pressed students and their families.

I cannot support a program which would cause such additional hardships.

PRISONERS OF WAR

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. O'NEILL. Mr. Speaker, this week has been designated as National Prisoners of War Week/Missing in Action. I wish to join my colleagues, the Nation, and the families of the men now being held captive in North Vietnam in paying tribute to the brave fighting men of this Nation.

Although not all of us here in Congress believe that the war is justified or necessary, I believe we are unanimous in our support of the soldiers who have fought and been captured by the enemy. The problem of the prisoner of war has always been with us. However, the inhuman and cruel treatment which American boys have received at the hands of the North Vietnamese represents a hitherto unknown atrocity against prisoners of war.

This week is dedicated to the men who are no longer involved in combat. It is based on the strong belief that we are still responsible for and committed to the fate of these men. This week should inspire us to redouble our efforts to secure the safe return of these men to their homeland. We must continue to mobilize world indignation against the treatment of our men. Pressure from the administration, from our negotiators in Paris, from the State Department, and from this Congress must be strenuously applied in a conscientious effort to insure that the fundamental rights for our prisoners abroad and their families at home are upheld.

I wish to express my thanks for having the opportunity to participate in this week of national concern and tribute.

PRISONERS OF WAR

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BLACKBURN. Mr. Speaker, I would like to join today with the rest of my colleagues in commenting upon the barbaric and inhumane treatment accorded to American prisoners of war being held by the Vietcong and North Vietnamese.

The first American prisoner of war, who is still being held by the enemy, was captured in South Vietnam on March 26, 1964. On the seventh anniversary of this date, we find that over 1,600 of our men are considered missing in action, and of those, approximately four hundred are estimated as being held captive by the Communist forces.

North Vietnam, South Vietnam and the United States are all parties to the Geneva Convention on the treatment of prisoners of war. Whereas the Governments of the United States and South Vietnam have been extremely careful to comply with the tenets of this convention and to see that Vietcong and North Vietnamese prisoners captured in South Vietnam, Cambodia or Laos are treated in a fair and humane manner, the North Vietnamese Government, to date, has refused to comply with these tenets. It is shocking indeed to the whole world that the basic humanitarian standards long established by international law and custom are not being followed by North Vietnam and the Vietcong.

In view of the Communists' continuing disregard for this convention and for the basic standards of humanity exemplified through their refusal to identify all of the Americans being held, their refusal to permit the impartial inspection of their camps, their refusal to release the seriously sick and wounded prisoners, their refusal to provide the prisoners with humane treatment, and their refusal to permit the prisoners to correspond regularly with their families—and in view of their adamant refusal to consider negotiations regarding the release of prisoners, the Congress of the United States has passed a resolution designating this week as the "National Week of Concern for Prisoners of War/Missing in Action." I join with a number of my colleagues in sponsoring this joint resolution.

It is incumbent upon us all to do everything within our power to focus world attention upon the barbaric treatment being given our American fighting men. These brave men living in untold misery extending for years without hope are continuing to serve in the finest tradition of the American military. We applaud heroics on the field of battle, but we owe an equal obligation to applaud the heroics of those who suffer in silence as prisoners. I would urge the administration to continue with unrelenting efforts to secure the release of our fellow citizens.

Should our Nation fail in this hour of her history to protect the rights of those who have answered her call to duty, then this will be, indeed, a dark hour for our Nation's honor. We cannot fail, we must not fail if our country is to hold its head high as a nation of courage and honor.

I would hasten to remind the Government of North Vietnam and its allies that the American servicemen whom they hold prisoners are not forgotten by their fellow citizens and their Government. They will not be forgotten. Our obligation to our most devoted and loyal citizens will not falter. The leaders of North Vietnam would do well to consider that a nation of proud people, always desiring peace, but not at the price of liberty, can be provoked into a nasty mood should their reasonable requests be constantly ignored or openly flaunted. Our demands for fair treatment and return of our prisoners are just, are humane and are in the highest tradition of humanitarian civilization. Further delay from Hanoi in assuming a reasonable posture relative to our prisoners can only irritate an increasingly tense atmosphere.

U.N. SECRETARY GENERAL CALLS FOR WAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. RARICK. Mr. Speaker, those Americans who still regard the U.N. as a peaceful mission should have been shocked by Secretary General U Thant's call for a redoubled world effort to dislocate South Africa's economic structure as a means of combating apartheid.

An economic boycott is an act of war; and who can suffer more in South Africa than those whom U Thant would claim to help? Clearly, U Thant's call for an escalation must be regarded as a grave danger to the cause of peace and security to the world community.

At most, his warmongering call must be regarded as retaliation for the failure of the U.N. Security Council to prove its case before the International Court of Justice on the question: What are the legal consequences for States of the continued presence of South Africa in Nambia—that is, South-West Africa—notwithstanding Security Council Resolution 276 1970?

I include a newsclipping and a newsletter from South Africa, as follows:

[From the Washington Post, Mar. 23, 1971]

U THANT URGES WORLD EFFORT

UNITED NATIONS.—Secretary General U Thant called yesterday for redoubled world effort to dislocate South Africa's economic structure as a means of combatting apartheid.

Thant's unusually strong statement came at a special meeting of the General Assembly's apartheid committee commemorating the international day for the elimination of racial discrimination.

He termed the policies and actions of the South African government "a grave danger to the cause of peace and security of the African continent."

This language went beyond anything the Security Council has been willing to say so far in resolutions dealing with South Africa.

[From News from South Africa,
Mar. 19, 1971]

South Africa's Opening Argument at the World Court

On July 29, 1970, the United Nations Security Council requested the International Court of Justice to furnish it with an Advisory Opinion on the question: "What are the legal consequences for States of the continued presence of South Africa in Namibia (i.e. South West Africa) notwithstanding Secretary Council resolution 276 (1970)?"

In view of the special interest on the part of many of our readers in the present proceedings at the World Court in The Hague, we are pre-empting space in our newsletter this week for a synopsis of the opening argument on February 16, 1971, by Advocate D.P. de Villiers, S.C., who heads the South African legal team:

(1) *Summarizing the Case Against South Africa.* South Africa stands charged by her critics in the Court with living in the past, operating in a legal world that was not that of 1971 but of 1945 and even 1920, relying on concepts of fifty years ago in its promotion of the moral well-being of the inhabitants of South West Africa. The South African approach to the international order and the humanitarian problems of our times was one of intransigence and so-called "legal nicety," which paid overmuch attention to literal text of documents without sufficient consideration of the basic objects and purposes of the international organizations, such as the United Nations.

Mr. De Villiers replied that the case against his country was without foundation and that the answer thereto, in proper context, briefly follows.

(2) *Commitment of South Africa to an International Order.* South Africa is firmly committed to the maintenance and development of an international order of the highest possible quality, in the political, the economic, and the social and judicial sphere. However, this international order has been brought into mortal danger by a series of legal propositions advanced in the Court by the opponents of South Africa. The implications of these propositions can be summed up as "the doctrine of implied powers" (see paras. (6) and (7)) and are simply enormous, not just for South Africa but for all states which cherish their sovereignty.

(3) *The United Nations as a Super-State.* Today, the United Nations, whatever its origins may have been, is laying claims to acting as a super-state or parliament of the world. Is this what the Charter Members of the Charter had agreed to when they joined the United Nations? Is there anything in the Charter which permits this extraordinary development of powers by the United Nations to make determinations of law and fact binding on non-consenting members? The answers lie by examining both the League of Nations and the United Nations.

(4) *The League Covenant—the Protection of the Unanimity Rule in League Procedure.* The Mandate of South West Africa came into legal being in 1920 under a mandate agreement entered into between the League of Nations and the Union of South Africa for the Mandate of South West Africa.

During the League years there was no controversy between South Africa and the League, for the League operated within the framework of law based on the rule of unanimity in the Council and respect for the views of the Mandatory State. As the World Court itself declared as short a time ago as 1966: ". . . it was never the intention that that Council (of the League) should be able to impose its views on the various mandatories—the system adopted was one which deliberately rendered this impossible."

(5) *The United Nations Charter.* The innovations of the Charter included the abandonment of the unanimity rule in the General Assembly in favor of an arrangement of a two-thirds majority for important questions and a bare majority for others, but the basic design of this change was that the powers of the General Assembly were limited, as was simply and clearly stated by the U.S. Secretary of State Edward R. Stettinius, Jr., in his report to the President of the United States on the results of the San Francisco Conference: ". . . to discuss, debate, reveal, expose, lay open—to perform, that is to say, the healthful and ventilating functions of a free deliberative body, without the right or duty to enact or legislate."

The power of the Security Council for coercive action is confined to Chapter 7 of the Charter; otherwise the Security Council also merely discusses and recommends. Nonconsenting States are only bound in the event that the Security Council acts under Chapter 7. Moreover, the Security Council has the additional safeguards of the veto of the five permanent members and the requirement that a state which is not a member of the Council be invited to sit with the Council (without vote) where its interests are directly affected.

(6) *Arguments by the Secretary-General: The United Nations Has the Powers of a Super Parliament Binding Even on the World Court.* The Secretary-General of the Security Council has argued forcefully to the Court that the General Assembly has power to act for the United Nations and to bind nonconsenting member states as a result thereof, sustaining the validity of the resolution of the General Assembly purporting to terminate South Africa's Mandate for South West Africa. This will have serious consequences not only for South Africa and South West Africa, which are the areas directly concerned by this resolution, but as a precedent in international law it will have very serious consequences for all states, large and small. For the United States, a socialistic policy could be prescribed or dictated, for the Soviet Union a capitalistic one, by appropriate majority decisions of the General Assembly. There could be prohibition of space flights. The economically underdeveloped countries, who are far in the majority in the General Assembly, could impose international obligations on the developed countries to pay an annual contribution to development aid, or exact an obligation from the developed countries to floor prices for raw products (from the underdeveloped countries) and maximum prices for manufactured goods (from developed countries). In the social sphere, majority decisions of the General Assembly could prohibit State religions, whether Christian, Hindu, or Moslem or any other religion; enforce equal rights for women in Moslem countries or provide that the King of England may be a non-Anglican, and that the Pope, as Head of the Vatican State, may be a non-Catholic; the United States could be required to adopt different policies for Negroes and Indians; Estonia, Lithuania, or Latvia could be declared independent, or subject to a plebiscite. The General Assembly in the event of disputes can act as a kind of court of law and without special submission to its jurisdiction by the sovereign states concerned, the Assembly, by majority vote can make findings of fact and of law binding in such a way as not to be questioned in the World Court, which is called upon to accept these resolutions of the General Assembly as absolute.

Under a United Nations Trusteeship, as the World Court said in 1955: ". . . there is no legal obligation on the part of the Administrating Authority to give effect to a recommendation of the General Assembly to adopt or depart from a particular course of legislation or any particular administrative measure."

Yet the Secretary-General contends the contrary: The General Assembly has the power to issue binding directives to the administering authorities of a trust or a mandated territory. No provision of the Charter cited, no legal argument is even offered in support. The propositions simply stated to this Court as if they were dogma of the world of 1971.

(7) *The Doctrine of Implied Powers: Specific Instances in this Case.* The common point of the argument of the opposition is the "doctrine of implied powers" with enormous implications and extent. These propositions rest upon a basis which is not to be found anywhere in the text of the Charter or in the Mandate Agreement and therefore have to be implied in some way or the other. These implied powers include:

(a) A power of unilateral termination or revocation of a mandate by the League.

(b) Transfer of supervisory powers from the League to the United Nations General Assembly.

(c) A power in the General Assembly to adopt resolutions (outside of procedural and budgetary matters) which bind non-consenting states.

(d) A power in the General Assembly to make binding determinations on questions of fact or law or both.

(e) A power on the part of the Security Council to adopt resolutions (outside of procedural and budgetary matters) which bind non-consenting states, despite the fact that the matter does not fall under Chapter 7.

(f) A power on the part of the Security Council to make binding determinations generally on questions of law and fact and particularly on whether a resolution has been validly adopted, whether a matter is a dispute or a situation, or whether the Security Council itself is properly constituted.

(g) A power in the General Assembly and the Security Council to do in combination what is beyond these powers of each acting separately.

If the Court were to accede to the contentions of the world of 1971, as sought by the Secretary-General of the United Nations and several other participants before the Court, virtually every one of the powers in this list would have to be implied by the Court. In other words, in order to put South Africa in its place, as it were, all the members of the United Nations would now be told on the authority of this Court that the interpretation and application of the Charter and associated instruments are subject to a doctrine of implied powers. This Court is asked to act not on a juridical basis, but upon a basis which is essentially non-juridical and really legislative.

One could hardly imagine a combination of circumstances which would be more likely to frighten off States from international organizations generally, from voluntary participation in the proceedings of the United Nations and from voluntary submission of their disputes to the judicial processes of this Court.

(8) *Tendency of the United Nations Majorities to Exceed the Constitutional Limits of Their Particular Organ.* In the case of "Certain Expenses of the United Nations", member States of the United Nations of all shades of political opinion agreed upon one thing—that the root cause of the difficulties into which the organization had run at that stage was the tendency of majorities to exceed the constitutional limits of their particular organ. Prominent States will not take kindly to a surreptitious process of developing the General Assembly into a legislative body by freely importing implied powers into the Charter. If that should happen through this Court, States will hardly be keen to submit international disputes to adjudication by this Court.

(9) *Special Rules for South Africa.* The implied powers are specifically designed to hit at South Africa. The general idea of international law is to make the rules for all and not to make some rules for one and other rules for others. But direct action

taken against a particular State may have importnt legal consequences, for various other States. In any case, if any legally unjustified process is once begun to get South Africa, how does one know where the rot is going to stop?

(10) *Even Implied Powers are Under Discipline. South Africa does not argue* against all implied powers, for there is a well established basis in law and in logic for importing an implied provision into a contract. The implied term must be consistent with all the relevant facts and a necessary inference from those facts, in the sense that all other reasonable alternative inferences are excluded and no other reasonable inferences can be drawn. That is a considerable discipline to apply, and rightly so, to a suggestion that a term is to be implied in a contractual instrument, particularly in multilateral conventions, where certain States agree upon the convention and others come in later by accession. But this approach has not been applied here in this Court.

(11) *Argument of Necessity.* The argument of our opponents:—if the implication is not made, it will not be possible to force the situation along the lines desired by the majorities in the United Nations organs against the will of South Africa. Moreover, this Court should show its solidarity with the other United Nations organs. This approach is wholly unfounded in law.

(12) *Solution of the Problem of South West Africa: Discussion, Understanding and Dialogue.* Humanitarian and other problems of South West Africa can be resolved only along the road which was wisely indicated by the authors of the Mandate System and the Trusteeship: a process of discussion, understanding and dialogue. The solution lies not in the process of trying to force a situation upon an authority and upon a people that do not want that particular remedy for their situation.

Circumstances in South West Africa, as in South Africa, are concededly not perfect—nobody could claim that for any particular country. But at the same time, they are not static, they are evolving in the direction of better understanding and better accommodations.

Meanwhile, South Africa has continued within the Territory with spectacular developments in the political field, in the economic, social, education, health and other spheres. It has done so in close consultation with, and with the cooperation of the peoples involved.

It is in these circumstances that South Africa seeks and invites dialogue and discussion, criticism if necessary, and let us proceed and see where we can get from there. There are encouraging signs from Black Africa today, not only in the neighboring states, but states farther afield where there are responsible leaders who seek contact and dialogue with South Africa, even though reserving the vehement differences of opinion and attitudes about domestic policies. South Africa looks forward to the day when the Organization of African Unity will no longer be an organization hostile to it in the forums of the world, or the practical everyday business of developing Africa; that it will be an ally and a friend in the development of the true potential of the great African continent.

There are, regrettably, some who still seem to be bent on a collision course with South Africa, particularly in regard to South West Africa. They have endeavoured to spur the Security Council to coercive action and they are here in this Court with a renewal of the old charges and in the hope that these proceedings may be a spur to coercive action. This is very much to be regretted but it is part of the reality and it is necessary to test their approach. The complete hollowness of that approach is demonstrated best by their reaction to the proposal of South Africa for a plebiscite.

(13) *The Plebiscite Proposal and Its Opposition.* The proposal for a plebiscite has so far met with complete and utter rejection, coupled with flimsiest pretense at technical and legal objections and excuses—"legal nicety" in reverse.

There are:

(a) The question of the competence of the Court. The plebiscite proposal was made on the basis that the Court finds it necessary to investigate and pronounce upon the factual issues which have been squarely raised. What possible doubt could there exist about the Court's competence to avail itself of an offer to provide the Court with probably the best and most relevant, and potentially the most crucially significant evidence—what the inhabitants themselves say about it. The Court may appoint a committee of independent experts under Article 50 of the Court's Statute.

(b) Next, a point that was raised as to relevancy of the plebiscite. Our opponents are very loud in accusing, even condemning, South Africa of violations, but pleading that, although South Africa consistently denied them, and still does, this Court must not pronounce upon the issues because they have been finally determined in the United Nations and the Court must simply rubberstamp those findings. The line relies on allegations of fact against South Africa but says that this Court must please not determine them.

(c) South Africa's so-called "standing" to organize the plebiscite. This is begging the very question at issue in this Court: is South Africa there legally or illegally? South Africa, in making the plebiscite proposal, does not beg that question; the fact is that South Africa is in *de facto* control of the Territory at the moment, and the plebiscite proposal merely proceeds from that practical basis.

(d) The question: "To whom would the experts report? Who would be the judge of their findings? Obviously, the report will be made to the Court and this Court will presumably give other participants an opportunity for comment and it will then decide what significance it should attach to the plebiscite for the purposes of the Court's opinion in these proceedings and for no other purpose whatsoever.

(e) Lastly, it is contended that the Court may become "embroiled" in the political matter—the most sardonic touch of all. If the Court is likely to become embroiled in a political matter it is because of the nature of the question which has been put before it. The plebiscite proposal does not create a situation of political overtones, it merely suggests a form of very pertinent evidence for resolving the factual disputes now before the Court.

South Africa's leading accusers have now run into rather serious trouble about these accusations of fact that they have presented to the world. They demonstrate here their aversion to having the factual issues investigated by the Court. They show an equal or stronger aversion to hearing the views and wishes of the inhabitants of South West Africa, whose cause they profess to champion.

(14) *What the World Court is Asked To Do.* The Court is asked in effect to betray its official function and to indulge in a legislative rewriting of the Charter, with the most dire consequences for international organization in general and for international adjudication in particular. Yet, if the Court should decline to do what is urged upon it, there can hardly be any doubt about the kind of pillory which is likely to be heaped upon the heads of its Members again, as we so shockingly experienced in 1966: racism, colonialism, bribery, corruption and so forth.

(15) *The Best Way is the Hardest Way.* That way is a firm rejection on their merits of every one of the revolutionary and essentially non-juridical propositions urged upon the Court under the guise of legal interpretation. In particular, this is a rejection of all notions that the organs of the United Nations are now clothed with extensive "implied power" to bind non-consenting member States, where such power either contemplated by the Charter, or subsequently created by regular processes of amendment. Furthermore, it calls for the refusal of this Court to indulge in judicial legislation.

These results would be favorable to South Africa, and for that reason there would no doubt be a public outcry. The more responsible members of the international community would have to stand firm against such an outcry, but nevertheless one knows, and one says this with warm appreciation, the consequences for the individual judges could be very unpleasant.

However, such a firm adherence to basic values and disciplines must in the long run make their mark, not the least amongst those who may temporarily be disappointed as a result of being kept in check by these disciplines.

In municipal legal systems, experience shows that it is exactly by the fearless and impartial administration of justice, regardless of the popularity or the unpopularity of its verdicts, that a court of law wins the confidence and respect of the public which it serves. And so it must be too, in the international sphere, and the winner will not be South Africa, but mankind.

The great Roman, Cicero, in an oration on the Roman law delivered more than two thousand years ago, posed the question rhetorically: "What sort of thing is the civil law?" And he answered: "It is of a sort that cannot be bent by influence, or broken by power, or spoiled by money." Such, Mr. President, is the heritage, one of the proudest of mankind, which it is this Court's duty and privilege to preserve and to enhance.

VOLUNTEER SPIRIT GIVEN A MORE EFFECTIVE CHANNEL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BOB WILSON. Mr. Speaker, the volunteer spirit has always been a part of the American tradition. In recent years, we have been sending volunteers to many lands throughout the world to help improve the lives of people less fortunate than those who have offered to serve. And we have also been sending volunteers among our own people to help in the ghettos of our cities and the pockets of poverty in our rural areas.

Now, the volunteer spirit is being given a new and more effective channel. Instead of the welter of helter-skelter volunteer programs now found throughout the Federal Government, President Nixon is proposing a new, single agency which will pull together all of our dedicated American volunteers and give them fresh and more unified direction. The result will be to provide more opportunities for service at a time when the requests for help both at home and abroad are growing. And it will give local communities a better sense of their own involvement in America's volunteer effort.

Beyond this, the new agency will seek new and innovative ways to confront many of our old and festering problems. Under the leadership of its director, Joe Blatchford, I am confident that it will succeed. I commend the President for his action and am pleased to support it.

HORTON PRAISES BISHOP KEARNEY "AMBASSADORS"

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. HORTON. Mr. Speaker, very often we hear of the things Americans traveling abroad do which damage not only their personal reputations but also the image of the United States in the eyes of the host countries. I would like to single out for my colleagues in the House an example of a group of young people who have recently helped to foster good relations between the United States and several countries overseas.

The Marching Band of Bishop Kearney High School, of Rochester, N.Y., in the district I represent, has just returned from a weeklong trip during which they appeared in the St. Patrick's Day parade in Dublin, Ireland, where they won an award for the most colorful band. In addition, they appeared in London, England, and gave four concerts, one at the famous Gaumont Theater and performed with the London Philharmonic.

Since the Marching Kings Band was organized in 1965, it has become internationally famous. The band marched in and won the St. Patrick's Day parade in Dublin both in 1969 and 1970. They were chosen by the Irish Government to participate in these events out of 150 groups that marched in the 1968 New York City St. Patrick's Day parade.

The school which this outstanding band represents is under the direction of the Irish Christian Brothers and the School Sisters of Notre Dame. The band director is Raymond J. Shahin.

The following members of the Bishop Kearney High School Marching Band represented the United States during St. Patrick's Day activities in England and Ireland this Year:

MARCHING KINGS

BAND

Carla Africano.
Peter Alano.
Claudia Aman.
Santo Benteviegna.
Carol Anne Bianchi.
Marie Bianchi.
Sue Boden.
Mark Bonsignore.
Mark Borton.
Margaret Borton.
Ellen Bossert.
Jim Britt.
Greg Burke.
Andy Calabrese.
Lorraine Calcagno.
Anne Ceranowicz.
Aland Chard.
Bill Coffey.
Linda Cooper.
Gail Correnti.
Steve DeBusk.
Kevin Dincher.
Rich Di Salvo.
Barb Doohan.
Kathy Dowling.
Rick Duncan.
Tom Erb.
Dan Flanigan.
Chris Florack.
Mike Foley.
Mary Jo Frumusa.
Peg Galante.
Pat Gasbarre.
Laurie Gefell.

MARCHING KINGS—Continued

BAND—continued

Mike Hauck.
Charles Hauser.
Diane Healey.
Eileen Hickey.
Marie Hickey.
Joe Holland.
Bob Kaesser.
Mary Anne Keefe.
Lisa Kilburne.
Milton Kilpatrick.
John Koetter.
Edward Kraseski.
Joe Kraus.
Marilyn Krowl.
John Kuras.
Chris Laragy.
Mike Laragy.
Rich Mahany.
Marg Marcille.
Dan McAlpin.
Kenneth McAlpin.
Mary McLaughlin.
Thomas McLaughlin.
Dave Nesser.
Karen O'Brien.
Tom Olejarski.
Beth O'Neill.
Rich Oppenheimer.
Dan Parker.
Dan Phillips.
Jean Reisinger.
Louis Rotondo.
Mike Rotondo.
Mike Rotolo.
Jim Scarpulla.
Gail Schlemitz.
Barb Schreiber.
Fred Schubert.
Jim Scott.
Mark Shahin.
John Shepard.
Greg Smith.
Anne Stevens.
Mike Tersegno.
Bill Trybulski.
Tom Vollmer.
Beth Vorndran.
Bob Walsh.
Steve Walsh.
Tom Walsh.
Ron Watro.
Flo Wilczewski.
Mark Suess.

MAJORETTES

Cheri Sloight.
Patti Kubus.
Sue Forstbauser.
Debbie DeClerk.
Karen Hadden.
Pat Seidewant.
Pat Sanger.
Barb Herbst.
Debbie Neary.
Ann Sien.
Diane Inzinna.
Diane Pellegrino.
Bridgit Sullivan.

COLOUR GUARD

Candy Johnson.
Ellen Adamski.
Joyce Magin.
Kathy Kiersblick.
Sue Richard.
Katie O'Brien.
Nancy Sisler.
Nancy Walla.
Pat Travis.
Mary Rita Fischer.
Elaine Pacitto.
Sharen Passaro.
Besty Locke.
Debbie Stahura.
Jeannine Van Curran.
Cheryl Basso.
Kathy Haehl.

Accompanying the Marching Kings were Mr. Raymond J. Shahin, Brother John Heathwood, Brother Patrick Fox, Mr. Martin LaFica, Sister Mary Ignatius, Sister Miriam, Sister Yvonne, Mrs. William Clements, Miss Doris Britt and Mr. Andrew Korts.

The fine young people in the Marching Kings exemplify the qualities of dependability, grace and talent—qualities to be admired by us all. We can be proud that the Bishop Kearney High School Marching Band represented the United States in St. Patrick's Day activities in England and Ireland this year.

THREAT TO THE PRESERVATION OF MINNESOTA'S FORT SNELLING STATE PARK

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. FRENZEL. Mr. Speaker, I am usually reluctant to take up valuable space in the RECORD with matters which may be considered to have only local concern. However, in Minnesota we have a situation now which has implications for every area throughout the country which seeks to protect its recreational spaces from Federal encroachment, or seeks to control its own development.

The Post Office Department recently requested from the GSA 68 acres of land in the Fort Snelling State Park area of the Twin Cities for the purpose of constructing and operating a bulk mail facility.

Mr. Speaker, my purpose in bringing this matter to the attention of the entire House is to emphasize the direct threat which this request poses to the preservation of the historic and recreational development of Minnesota's Fort Snelling State Park. The land in question has been designated by the Minnesota Legislature for inclusion within the park, but, the congressional delegation and the local community have fought one battle after another with Federal agencies who have sought to build facilities on the site.

Just this morning, I, along with other members of the Minnesota congressional delegation, met with representatives of the Postal Service in an effort to make clear our bipartisan determination to preserve this land for park development and to urge that other more suitable Federal lands be considered for the postal facility.

In addition, I have met with representatives of the GSA and have written to other key governmental officials urging that requested land transfer be held up at least until an opportunity is given for the local interests to be heard. Any exposure to public opinion should very quickly persuade the Postal Service to withdraw its request for this land transfer and to seek an alternative site.

No municipality, nor our areawide planning agency, the metropolitan council, would permit commercial encroachment on this recreational and historical land. No planning unit would allow a commercial operation similar to that proposed by the Post Office at this location because of traffic congestion in this already busy intersection.

But the Postal Service has not cleared its plans with the metropolitan council as apparently required by law. The Postal Service has scheduled no hearings. There seems to be one standard for the Postal Service and a different one for everyone else.

Minnesota will resist this encroachment both on its land and its local prerogatives with every weapon available to it. Every other State could have a stake in the outcome.

At this point in the RECORD I insert my correspondence with various Federal officials on this subject together with a sample of letters from groups and individuals in Minnesota who oppose the transfer of these lands to the Postal Service:

THE AMERICAN LEGION,
St. Paul, Minn., March 9, 1971.

Hon. WILLIAM FRENZEL,
Longworth Office Building,
Washington, D.C.

DEAR MR. FRENZEL: Thank you for your thoughtfulness in providing me a copy of your letter to Postmaster General Winton Blount about the plans to locate the Twin City bulk mail facility at Fort Snelling.

It appears that the proposed plans have stirred up considerable interest and controversy but we are most grateful to you for your leadership in expressing opinions and demanding an opportunity to discuss the matter thoroughly.

You are aware that the Minnesota American Legion supports your views and does, in fact, oppose the use of the polo grounds for the construction of the bulk plant on that site.

Should you need further support, feel perfectly free to call on us for whatever assistance might possibly be forthcoming.

With kindest regards, I am

Sincerely yours,

FRANK C. MOMSEN,
Department Adjutant.

FORT SNELLING STATE PARK ASSOCIATION,
Saint Paul, Minn., March 9, 1971.

Hon. WILLIAM FRENZEL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FRENZEL: There is enclosed a copy of a resolution expressing our Association's complete opposition to use of the Polo Field-Parade Ground area at Fort Snelling for any other than recreational or historic purposes.

We do appreciate the concern you have already expressed over the latest threat to this area, and look forward to working with you and other members of the Minnesota delegation in not only stopping this threat, but in saving the area for all time. Perhaps the answer is appropriate legislation for its transfer to the State for permanent inclusion in Fort Snelling State Park.

Sincerely,

S. AXEL VON BERGEN,
President.

STATEMENT REGARDING POLO FIELD-PARADE GROUND AREA AT FORT SNELLING, MINNESOTA

The Executive Committee of the Board of Directors of Fort Snelling State Park Association at a meeting today adopted the following statement:

The Fort Snelling State Park Association has just learned of new threats to the preservation of the 140-acre Polo Field-Parade Ground area at Fort Snelling, which has long been planned for due inclusion as a part of Fort Snelling State Park.

Ever since the Minnesota Legislature in 1961 established Fort Snelling State Historical Park this key area has been included within the statutory boundaries of the park and in all plans for the restoration and preservation of old Fort Snelling.

Several years ago, when it was proposed to place the new GSA-VA Building on the Parade Ground, our entire congressional delegation, the Governor of Minnesota, and countless citizens working together persuaded the GSA to relocate its building outside of the Fort Snelling State Park boundaries. In fact the Fort Snelling State Park Association itself contributed some $12,000 of its funds to make possible this relocation by paying the Minnesota Trunk Highway Fund for the retransfer to the Federal Government of certain lands needed for the relocated GSA-VA Building site.

With current citizen and governmental concern for preservation of natural, recreational and historic areas, and with the passage in December 1970 of Public Law 91-485 authorizing the Federal Government to make free transfers of surplus lands for recreational as well as historic purposes, the State of Minnesota through its Department of Natural Resources has filed a new application for the transfer without consideration to the State for park purposes of the polo field-parade ground area.

We have just learned that possible plans of the Postal Corporation and perhaps other federal agencies pose a critical threat to the preservation of this historic area.

In view of the decade of effort that has now gone into the (so far) successful preservation of the Polo Field-Parade Ground for eventual inclusion in Fort Snelling State Park, the time has come for action to be taken, which will insure the preservation, for all time, of this unique historic piece of open space. The congressional determination through enactment of PL 91-485, that land such as this should be made available for park purposes without cost and as a matter of policy, and the vital interest of all concerned citizens both within and without government for the protection of one physical environment and historic heritage, demonstrate how deeply concerned we all are. We must end these threats to the Park's integrity once and for all.

The Fort Snelling State Park Association is asking for the wholehearted cooperation and support of all concerned.

MINNEAPOLIS, MINN., *March 10, 1971.*

Mr. ROBERT L. KUNZIG,
General Services Administration,
Washington, D.C.

DEAR MR. KUNZIG: I am writing you as a citizen of Minnesota and an active member of the Fort Snelling State Park Association who is greatly concerned that the polo grounds at Fort Snelling may be desecrated by using it for a postal mail handling facility for the United States Postal Department.

The State of Minnesota and our volunteer organization worked very closely with the General Services Administration some seven years ago in avoiding this when the new GSA building was being located in Minnesota, and now we have a new threat of an even more serious nature.

While your office has responsibility for the economical operation of our government, I am sure it is not your intent to ride rough shod over the wishes of the citizens of Minnesota, nor to ignore the significant historic and scenic aspects of the area which would be violated by building a modern warehouse facility near the Old Fort and on the enlarged Fort grounds.

As a former resident of Minnesota, I am sure you are familiar generally with the Fort Snelling area, and I appeal to you to use your good offices to help us keep it available for eventual transfer to the state working with us in the meantime, to find a suitable site for the postal mail handling facility.

Yours very truly,

RAYMOND D. BLACK.

MINNESOTA HISTORICAL SOCIETY,
St. Paul, Minn., March 12, 1971.

Hon. WILLIAM FRENZEL,
U.S. House of Representatives,
Washington, D.C.

DEAR BILL: I urge you to exert all the influence you can to prevent the United States Postal Service from erecting a bulk-mail facility on the Parade Ground-Polo Grounds at Fort Snelling.

This action by the United States Postal Service reveals a callous and even flagrant disregard for the very environmental values President Nixon has pledged his Administration to protect.

There are at least 9 compelling reasons why this action should be rejected.

1. Fort Snelling was designated as a National Historic Landmark by the Secretary of Interior in 1960.
2. This area is a part of the foremost historic site in Minnesota—Fort Snelling.
3. The area is an important part of the Fort Snelling Historic District, listed by the Secretary of the Interior on the National Register of Historic Places.
4. The area is within the authorized boundaries of Fort Snelling State Park, established 10 years ago by the State of Minnesota.
5. The area has been enjoyed by the American people for 150 years as open space. It should remain dedicated to this purpose.
6. The proposed facility would introduce an undesirable visual intrusion into an area whose long recognized paramount values are historical. Its effect would seriously damage those values.
7. The proposed facility would introduce an undesirable audible intrusion into the area and thus further impair its environmental qualities.
8. It is ironic that the United States Postal Service recognized the historic values of Fort Snelling with the issuance of a United States Commemorative stamp in October, 1970. Less than six months later, it ventures forth with a proposal that would destroy the very values commemorated by its own stamp.
9. In opening much of the Great Northwest to settlement, Fort Snelling laid the foundations for five states (Minnesota, North Dakota, South Dakota, Wyoming and Montana).

The logic and merit of preserving it for historical purposes is beyond dispute.

Best regards,

RUSSELL W. FRIDLEY,
Director.

DISABLED AMERICAN VETERANS,
MINNEAPOLIS CHAPTER NO. 1, INC.,
Minneapolis, Minn., March 12, 1971.

Hon. WILLIAM E. FRENZEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRENZEL: The Minneapolis Chapter of Disabled American Veterans, consisting of 3500 members, has unanimously gone on record opposing the erection of a postal service building on the Fort Snelling grounds.

This land is of historical interest and has been set aside for recreational purposes of our citizens. Therefore, we request your support in maintaining Fort Snelling as a strictly historical site, which is now classified as a state park.

Sincerely yours,

F. A. HOWARD,
Adjutant.

MARCH 3, 1971

Hon. WINTON BLOUNT,
Postmaster General, Post Office Department,
Washington, D.C.

DEAR MR. BLOUNT: Information has come to me from various sources including the Minneapolis newspapers that the Postal Service plans to locate its Twin Cities bulk mail facility on the Fort Snelling polo grounds located within my congressional district.

I strongly recommend that the various interests in the community and their congressmen be given an opportunity to be heard on the site issue before any final decision is made. Local groups, including those interested in Fort Snelling State Park and employees of the Veterans Administration have reservations with regard to this site and would welcome an opportunity to discuss the matter with you.

I think a meeting with these groups, and then perhaps a public hearing, is indicated.

Your very truly.

Bill Frenzel,
Member of Congress.

March 10, 1971.

Mr. Robert L. Kunzig,
Administrator General Services Administration, Washington, D.C.

Dear Mr. Kunzig: It has come to my attention that a G.S.A. form #1334, for interagency transfer of land, has reached the Regional G.S.A. office in Kansas City concerning sixty-eight acres of property on the Fort Snelling polo field and parade grounds, and that the Postal Service is considering building a central postal handling facility on this property.

On March 3, 1971, I wrote to Postmaster General Winton Blount requesting that the various interest groups in the Twin City area be given an opportunity to be heard on the site issue before any final decision is made.

I am again requesting that such a meeting be held with the Fort Snelling State Park, State of Minnesota Department of Natural Resources, and other interested citizen groups

Your response to this letter will be greatly appreciated.

Best regards,

Bill Frenzel,
Member of Congress.

March 15, 1971.

Mr. William D. Ruckelshaus,
Environmental Protection Agency Washington, D.C.

Dear Mr. Ruckelshaus: I am deeply concerned by persistent reports that the General Service Administration is about to transfer 68 acres of the Fort Snelling polo field and parade grounds to the Postal Service for the purpose of constructing a bulk mail facility.

This area has long been planned for inclusion as a part of Fort Snelling State Park. This is an area of unusual historic interest. Earlier efforts to locate a GSA-VA facility on the parade ground were defeated but this now appears to have been but a skirmish and the battle is not yet won.

I have asked Postmaster General Winton Blount and GSA Administrator Robert Kunzig to hold up any final decision on this site until the various interest groups in the Twin City area are given an opportunity to be heard.

As your agency reviews this proposed land transfer, it would be very helpful if you would use your influence with the respective agencies to insure that public hearings are held.

Best regards,

Bill Frenzel,
Member of Congress.

March 15, 1971.

Mr. Russell E. Train,
Council on Environmental Equality, New Executive Office Building, Washington, D.C.

Dear Mr. Train: I am deeply concerned by persistent reports that the General Services Administration is about to transfer 68 acres of the Fort Snelling polo field and parade grounds to the Postal Service for the purpose of constructing a bulk mail facility.

This area has long been planned for inclusion as a part of Fort Snelling State Park. This is an area of unusual historic interest. Earlier efforts to locate a GSA–VA facility on the parade ground were defeated but this now appears to have been but a skirmish and the battle is not yet won.

I have asked Postmaster General Winton Blount and GSA Administrator Robert Kunzig to hold up any final decision on this site until the various interest groups in the Twin City area are given an opportunity to be heard.

As your agency reviews this proposed land transfer, it would be very helpful if you would use your influence with the respective agencies to insure that public hearings are held.

Best regards,

Bill Frenzel,
Member of Congress.

March 15, 1971.

Hon. Rogers C. B. Morton,
Secretary of the Interior, Interior Building, Washington, D.C.

Dear Rog: I am deeply concerned by persistent reports that the General Services Administration is about to transfer 68 acres of the Fort Snelling polo field and parade grounds to the Postal Service for the purpose of constructing a bulk mail facility.

This area has long been planned for inclusion as a part of Fort Snelling State Park. This is an area of unusual historic interest. Earlier efforts to locate a GSA–VA facility on the parade ground were defeated but this now appears to have been but a skirmish and the battle is not yet won.

Since you are an acknowledged leader in efforts to protect and preserve our park lands, I would urge that you use your influence to prevent this land transfer and second, to help insure that the various interest groups in the Twin City area are given an opportunity to be heard on the site issue.

Thank you for your assistance.

Best regards,

Bill Frenzel,
Member of Congress.

March 16, 1971.

Hon. Winton M. Blount,
Postmaster General, Post Office Department, Washington, D.C.

Dear Mr. Postmaster General: In my March 3 letter to you I strongly recommended that the various interests in the Twin City area of Minneapolis and St. Paul be given an opportunity to be heard on the proposed site for the new bulk mail facility.

I would, at this time, like to reiterate my strong opposition to the selection of the Fort Snelling Parade Ground area.

The plans of the Department to build the bulk mail facility on the Fort Snelling Parade Grounds raises very serious questions with regard to the historical nature of the area. In 1960 the Secretary of Interior designated Fort Snelling as a National Historic Landmark. The Secretary has also placed the area on the National Register of Historic Places.

Ten years ago Minnesota established the Fort Snelling State Historical Park, which some day hopes to encompass the Parade Ground area.

It should also be pointed out that the Post Office Department recognized the historical significance of the area in October, 1970, with the issuance of a United States Commemorative Stamp. This most recent action hardly seems in keeping with that commemoration.

I sincerely hope you will have the appropriate personnel in the Department review this decision and seek alternate site possibilities which I am sure can be found in the airport area, which I understand is a key factor in site selection. You may be assured that I will do everything I can to assist you in your efforts to find another site.

The Twin Cities are unique in the fact that we have an outstanding historical and recreational area like Fort Snelling located in the midst of a heavy population. I sincerely hope it can be preserved in its present state.

Thank you for your attention to this matter.

Sincerely,

Bill Frenzel,
Member of Congress.

PUBLIC OUTCRY OVER DEFECTION HURTS AGENCY'S GOOD NAME

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DOWNING. Mr. Speaker, the publicity which resulted from the unfortunate incident of the Lithuanian seaman who wanted to defect to this country last fall somewhat obscured the splendid record that the Coast Guard has established in aiding thousands of refugees who have wanted asylum in the United States in recent years. The March 1971 issue of the National Fisherman contains an article which brings proper attention to that record of service. I am pleased to include it in the Record:

Public Outcry Over Defection Hurts Agency's Good Name

(By William O. Foss)

The tragic error made by the Coast Guard in refusing to give asylum to the Lithuanian seaman who tried to escape from his Russian masters off Martha's Vineyard last November has tarnished the good name of the U.S. Coast Guard.

It was a regrettable mistake, and those involved have suffered for their error. However, looking back on the events that followed the Coast Guard's failure to help the escaping sailor, one cannot but feel that the nation was suddenly caught up in a moment of mass hysteria.

Overnight the Coast Guard, which for more than 180 years has been saving lives, was publically damned from the President down to the man in the street who got his first-hand information from slanted news stories and self-righteous editorial writers.

Some Congressmen and Senators thundered in Washington and demanded sacrificial goats—which they got—and which further compounded the errors made by the Coast Guard.

One Congressman promised to introduce a bill in the 92nd Congress to rename the Coast Guard cutter Vigilant, the Simas Kudirka, after the victimized Lithuanian sailor, as if this would further punish the Coast Guard.

Through all of the hysteria, the State Dept., which was more worried about finer points of a fishing treaty than in providing the Coast Guard with firm guidance in a life-or-death matter, remained aloof and appeared to have suffered no ills from the tragic event.

SILENCE

It is regrettable, but during those days of public and governmental hysteria last November and December, few persons recalled (or if they did, they failed to speak up) the Coast Guard's remarkable record of saving human lives—often at great risk of their own.

Who can forget how the Coast Guard went to the aid of the 14,631 refugees who fled their homes in Cuba for freedom in the United States. Most Cubans fled their homeland in small boats, to be rescued by the Coast Guard who kept a constant watch over their troubled waters.

Then—as if there is any need to be reminded—there is the matter of everyday rescues performed by the Coast Guard. During fiscal year 1970, for example, the Coast Guard responded to some 50,000 requests for assistance, aided about 125,000 persons and saved the lives of 3,764 persons who were in peril on the seas and coastal waters.

We would do well to recall the motto of Coast Guard rescuers:

"You have to go out, but you don't have to come back."

THE LEGAL RECOGNITION OF RED CHINA WOULD WEAKEN AMERICA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. WYMAN. Mr. Speaker, I am amazed that a Member of Congress, even in the other body, would publicly propose that the United States recognize Red China as a lawful, law abiding, de jure nation. It is no such thing. Such recognition can only hurt the United States of America and all still free nations. Any Member with a brain in his head cannot help but know this. Why then, would no less a person than a candidate for President of the United States state his intention to offer a resolution of recognition of Red China? Surely he would not sacrifice the national security on the alter of political notoriety?

Recognition, for example, means diplomatic recognition. This, in turn, means diplomatic immunity to spy and plot and plan for the overthrow of the Government of the United States right inside the United States in privileged sanctuaries called embassies, with messengers in cars carrying diplomatic plates, sending the most vital classified secrets in diplomatic pouches that cannot be inspected. Ours is an open society. Theirs is ironclad controlled. There is no mutuality in the exchange of diplomatic representatives in such a situation.

Mr. Speaker, there is no letup, no change in the objective of Communist nations of the world to dominate the world by force if necessary. Red China's actions in recent years demonstrate beyond doubt the utter enmity of communism for all things free and open.

In this connnection some recent developments in Mexico are significant. These are outlined in the following interesting report by Evans and Novak appearing in today's Washington Post:

SOVIET BACKFIRE IN MEXICO

(By Rowland Evans and Robert Novak)

Quite apart from the vast effrontery of the Soviet Union's aborted attempt to plant highly trained Mexican agents and provocateurs inside Mexico, the sudden exposure of the eight-year-old plot may have a profound anti-Soviet reaction throughout Latin America.

Moscow's diplomatic probing with traditionally anti-Communist governments in the hemisphere, just on the verge of success, is now endangered by the Soviet cloak-and-dagger maneuver. The facts of that maneuver, breathtaking in its audacity, are just now coming into focus.

In 1963, under auspices of the Mexican-Soviet cultural exchange agreement, the Soviet-Mexican Cultural Institute in Mexico City chose the first batch of promising left-wing Mexican students for a four-year scholarship at Moscow's Patrice Lumumba Institute. The central figure selecting these first 10 students was the second secretary of the Soviet Embassy in Mexico City (one of the five Soviet "diplomats" now expelled by the Mexican government).

After the four-year university course, during which they underwent indoctrination in Communist Party and revolutionary tactics, the 10 students asked for field training in antigovernment subversion. They formed themselves into the Revolutionary Action Movement.

But Moscow would not provide this revolutionary training in the Soviet Union itself. If discovered, the Mexican government would instantly retaliate.

To keep Soviet hands clean, the students were sent by rail to East Germany, where they acquired North Korean passports. They returned to Moscow and then flew, via Soviet Aeroflot Airline, to Pyongyang, capital of North Korea.

In Korea, they were given six months' training in guerrilla tactics, at a location far from the prying eyes of diplomats. Their training completed, they threw away their passports, flew back to Moscow and returned to Mexico on their Mexican passports. It is unthinkable that all this could have been accomplished without Soviet complicity.

Two more groups, totaling 19 Mexican students, followed the precise course of the first 10. Back in Mexico, they set up eight clandestine training centers, most in remote provincial towns, and started recruiting. Mexican counterintelligence agents uncovered the plot and arrested approximately one-third of the revolutionary students 10 days ago.

The official reaction of the Mexican government, probably the most sophisticated in Latin America, was highly unusual public indignation. Five Soviet diplomats were declared personna non grata and sent home. Beyond that, the affair raises serious questions about Soviet standing throughout the hemisphere—as in Venezuela.

Venezuela has been a key Soviet target for subversion, financed partly through Soviet aid to Communist Cuba, partly through Eastern European Soviet satellites. Attempting to warm relations with Caracas by exchanging diplomatic delegations, Moscow finally reached agreement last December after tortuous negotiations conducted intermittently for almost 20 years.

That agreement limits Soviet personnel in the new embassy to 15, including cooks and chauffeurs. So far, only three Soviet diplomats have actually taken up residence. With the explosive Soviet subversion against Mexico now surfaced, Venezuela will undoubtedly clamp additional restrictions on the new Russian embassy.

In Costa Rica, a 30-year ban on Soviet diplomatic activity was lifted several months ago, but no Russians have yet arrived. Against the Mexican backdrop, Costa Rica—a traditional democratic bastion in Central America—may have second thoughts (despite January ratification of a surplus coffee-purchase agreement with Moscow).

Likewise, the Russians have been making strenuous efforts to sign a cultural agreement with Colombia, which renewed diplomatic relations with the Soviets in 1968. The agreement was signed last summer but it has not yet been ratified by the Colombian parliament.

All these careful diplomatic probes by Moscow are now endangered by Moscow's patronage of the aborted Mexican affair. Just how much they are endangered is evident in the formal Soviet response to Mexico's expulsion of the five Soviet diplomats. Unable to deny the facts, the Russians blamed the embarrassing affair on "powers"—that is foreign countries—"that are opposed to Soviet-Mexican relations."

What powers? What motivation? The Russians can't answer that question.

MANEUVERS OF UNION CARBIDE CORP. IN REACTION TO FEDERAL AIR POLLUTION DIRECTIVES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. WALDIE. Mr. Speaker, R. L. Osborn, of the Oil, Chemical & Atomic Workers Union has recently written me concerning the maneuvers of Union Carbide Corp. in reaction to Federal air pollution directives. I commend Mr. Osborn for his courageous and public-minded statement concerning the exploitation of workers' fears by the company. I would like to share his remarks with my colleagues in the House.

His statement follows:

OIL, CHEMICAL AND ATOMIC
WORKERS INTERNATIONAL UNION,
Martinez, Calif., March 17, 1971.

MR. JEROME R. WALDIE,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: Under orders by the Federal Government to reduce air pollution from its power generating plant at Marietta, Ohio, Union Carbide Corporation has threatened to reduce its work force by approximately 125 persons in the near future and by another 500 next year in the power plant and its adjacent ferro-alloys and plastics plants.

The company asserted that it would be forced to curtail operations to this degree in order to comply with the government orders.

We view this threat by Union Carbide Corporation as a cruel exploitation of the security fears of working people.

Carbide is a corporation with assets of nearly $3.5 billion, with 1969 sales of $2.9 billion and with 1969 net profits of $186.2 million.

It has been asked to make technically feasible adjustments to its power plant facilities in order to reduce the outpouring of sulfur oxides and fly ash into the environment.

Instead of using a small portion of these assets to improve its facilities in a spirit of good citizenhip, Carbide threatens to terminate the work of approximately 625 breadwinners in a time of serious unemployment. Whether Carbide actually intends to curtail its profitable operations in Marietta to this extent or if it voices this threat only as a political ploy to bring community pressure against the Federal order, we do not know. In either case, it represents another example of corporate attempt to force the working

people to bear the burden of sacrifice whenever sacrifice is necessary in the public interest.

It would be easy for this union and its members to yield to this pressure from the company and to join with the company in opposing the air pollution reduction orders in order to assure the job security of its members. We refuse, however, to yield to this pressure. As a matter of both good citizenship and of self respect, we condemn this threat by Union Carbide. We ask the entire labor movement to join us in this posture. We solicit the support of all people of good will.

With rare exceptions—and certainly the Marietta facilities of Union Carbide are not exceptions—environmental pollution can be sharply reduced or eliminated in existing plants. The option is not to pollute or to shut down; the third and sensible option is to clean up existing facilities and to continue operating them.

Very truly yours,
R. L. Osborn,
Secretary-Treasurer.

FEDERAL FUNDING OF "AIR WAVE POLLUTION"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHMITZ. Mr. Speaker, one of the most incredible Federal grants it has been my misfortune to witness since coming to Washington was made in February of this year by the educational broadcasting facilities program of the Department of Health, Education, and Welfare, which gave $35,480 to Pacifica Foundation station KPFK in Los Angeles.

While a State senator in California, I received numerous complaints about the broadcasting practices of both KPFK and KPFA in San Francisco, the other Pacifica Foundation station in California. Many citizens deeply resented the use of the public air waves for broadcasting material which they considered both obscene and detrimental to the public interest. They will surely find it almost unbelievable that the Federal Government is now funding station KPFK with their tax money.

Upon checking with the director of the Educational Broadcasting Facilities Branch, Raymond J. Stanley, who authorized this grant, we found that Mr. Stanley's office had not checked the complaint files at the Federal Communications Commission, nor was his office aware of the hearings which the Senate Internal Security Subcommittee held on the Pacifica Foundation in 1963.

Mr. Stanley promised to peruse the Senate hearings. But after doing so, he informed us that his acquaintance with the material contained in the 1963 Senate report had not altered his views as to the propriety of the grant to KPFK and had, in fact, made him more favorably disposed toward the station's application. This is astounding.

The Senate hearings established that the Pacifica Foundation stations, at the time KPFK, KPFA, and WBAI in New York—a fourth one has subsequently been added in Houston—regularly carried commentaries by members of the Communist Party of the United States. Radio KPFK regularly featured Dorothy Healey, at that time southern California chairman of the CPUSA, while the Pacifica station in San Francisco carried Steve Murdock, a writer for the Communist west coast paper People's World. WBAI in New York featured Herbert Aptheker, long-time Communist Party functionary and theoretician. All three stations carried Soviet expert William M. Mandell who has been identified under oath as a Communist Party member and took the fifth amendment when given the opportunity to refute this charge. This is but a sample.

The Pacifica policy of using the public air waves in the United States to carry the line of an organization officially found by the Congress to be directed by the Soviet Union and operating primarily to advance the objectives of the world Communist movement, was explicitly stated by Trevor Thomas, then acting president of the Pacifica Foundation, under questioning by Jay Sourwine, chief counsel for the Senate subcommittee:

> Mr. Sourwine. You offer a platform for every point of view including members of a conspiracy to overthrow the Government of the United States.
>
> Mr. Thomas. Including members of the Communist Party.

During these same hearings the then executive vice president of the Pacifica Foundation, Jerome Shore, took the fifth amendment over 90 times when questioned about his own Communist Party affiliation.

Today Pacifica stations continue to make essentially the same use of the public air waves as they did in 1963.

It is hard to see how any reasonable man can doubt that taxpayers' dollars should not be used to subsidize these stations. The $35,480 grant to KPFK was a clear misuse of Federal funds. Since the three other Pacifica stations have now also applied for Federal grants, I would suggest that those not wishing their tax dollars to be used to support this type of broadcasting make their feelings known to their Representatives in Congress.

A MIDEAST PEACE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. WOLFF. Mr. Speaker, one of my constituents, Mr. Moses Krivis of Westbury, N.Y., has sent me a copy of a very thoughtful letter he recently wrote to the President. I was so impressed by Mr. Krivis' letter, and his analysis of our involvement and interest in the Middle East, that I insert it at this point in the Record for the information of my colleagues:

New York, N.Y.,
March 19, 1971.

The President Richard M. Nixon,
White House, Washington, D.C.

Dear Mr. President: I respectfully submit that you are about to make one of the great blunders of your administration in imposing a Mideast peace on Israel. The Secretary Rogers terms that will compel Israel to withdraw to indefensible borders in return for a worthless piece of paper signed by Arab rulers who may be temporarily in power, is storing up future trouble for either you or your successor in office. (I remember a similar piece of paper which Chamberlain waved aloft at a British airport just before Munich led to World War II).

The U.N. guarantees of indefensible Israel borders are worthless, when enforcement thereof will depend on Russian-French presence in the police forces set up to guard these borders. The argument presented by Secretary Rogers that American troops will be physically stationed in that police force in order to guard against Arab-Russian-French treachery overlooks the realities which will face any future American President when attacks are made across these indefensible borders.

Your fears of American-Russian confrontation will be realized on a day-to-day basis as American soldiers will be obliged to cross these indefensible borders in pursuit of Arab marauders and terrorists who will continue, with Russian connivance and help, to terrorize Israeli kibbutzim and civilian centers. The Berlin airlift that resulted from Russian confrontation with American soldiers in Berlin illustrates the danger into which you are heading. The constant crossing of Israeli borders by Al Fatah forces, at the present time, illustrates the other danger into which you are heading.

A projection into the near future is in order. What other choice would be open to you other than to convene a Security Council meeting which will result in a Russian veto of any resolution that would not meet with their approval of condemnation of the Arab marauders? Our recent memories of Federenko's thwarting of a simple resolution in the Security Council, calling for endorsement of U. Thant's mission to contain Nasser, before June 5, 1967, is vivid in all of us.

If such a non-resolution of the peace violations were to result, how could you, in American conscience, deter the Israelis from crossing these indefensible borders in pursuit of the Arab peace breakers? You, or any other American President, would be faced with one of a few choices:

(1) The use of American physical force against the Israelis to prevent them from crossing these indefensible borders, or

(2) Withdrawal of American forces from the American-Russian confrontation scene, or

(3) Order American soldiers to join the Israelis in a war to kill Arabs, Russians, French or whoever might resist the Israeli crossing of these indefensible borders.

Thus you will have one of three events taking place (a) Fratricide—Americans killing Israelis and vice versa, (b) a Munich like abandonment of Israel in its sale down the Nile, (c) Americans and Israelis killing and being killed by Arabs and their Russian allies.

Under the last stated situation you may have the start of World War III, about which Secretary Rogers has recently been talking. The inevitable conclusion is that the Rogers peace plan of withdrawal to indefensible borders has to surely result in direct American-Russian confrontation. By facing Russian soldiers in a peace keeping force with American soldiers the actual physical confrontation will take place. A spark might ignite actual killing. No sweeping under the rug of that actuality will make it disappear. Such an actuality is being urged by Secretary Rogers. Mr. President, you should take pause and consider the consequences of forcing Israel to indefensible borders before it is too late.

The historical evolution of your policy vis-a-vis Israel started with (1) tipping the balance of power in favor of Israel, before your election, (2) the even-handedness report of your appointed emissary, Mr. Scranton, (3) no imposition of peace terms on Israel, (4) support of Secretary Rogers' proposal of Israeli withdrawal to indefensible borders, (5) finally, withdrawal to the pre-1967 borders (with inconsequential changes) which we all know are indefensible and which led to the Six-day War and (6) the unspoken referral to Israeli arm-twisting, despite Mr. Sisco's denials, leading to an imposed peace which Israel must accept, or else the U.S. will withdraw its support of Israel.

If Israel is strong enough to resist any "or else" dictation by Messrs. Rogers and Sisco, your Administration will be saved from repeating the blunders of President Eisenhower and Secretary Dulles in 1957, when they, under threat of sanctions, imposed their wills on Israel to withdraw from the very same territory now held by Israel. That 1957 Israeli withdrawal, reluctantly made by Ben Gurion, lead directly to the 1967 Six-day War. The fact that both President Eisenhower and Secretary Dulles admitted, after the fact, that they had grievously blundered, should cause you to take pause and ask yourself "am I blundering now?"

Your emphasis on withdrawal is sighted on the wrong withdrawal. I respectfully submit that your policy should be (1) a phased withdrawal of *Russian* presence in Egypt, as advocated by Senator Jackson, (2) accompanied by an Israeli withdrawal to defensible borders. The first should be a condition precedent to the second.

The American people and the entire world knows that the only reason why peace has not been established in the Mideast is the Russian presence there. If Russia had not intervened in 1956 there would have been a permanent, viable peace between Israel and the Arabs at this time. More and more west bank Arabs are unofficially urging Israel not to withdraw. They do not want substitution of Jordanian or Al Fatah rule for that of Israel.

The 1956 Eisenhower-Dulles intervention against Britain and France and against Israel unwittingly performed for Russia what she least expected—American unofficial confirmation of Russia's presence in the Mideast. The succeeding events in the next 15 years has lead to an increasing Russian presence in the area, which has already assumed the proportion of a permanent Russian naval confrontation with our 6th Fleet in the Meditteranean.

Your present Mideast course has brought the American position around 360 degrees to the Eisenhower-Dulles blunder. Any ifs, ands and buts tied into "UN guarantees", "Four Power Guarantees", "International Police Forces" beg the real and positive question—is the U.S. warding off or accelerating an American-Russian confrontation in the Mideast. I respectfully submit that your present policy will accelerate that confrontation.

The lightning-like 1967 Israeli military victory saved President Johnson from the embarrassment of explaining away his administration's ineptness in enforcing the Eisenhower-Dulles guarantees of Israeli naval passage through the Straits of Tiran. A continuation of your present course which has to lead to an imposed "peace settlement" will result in embarrassment for you or some future American President to explain away to the entire world that America is a paper tiger which does not stand by its friends. Any undermining of Israeli strength is an undermining of America's strength with the concomitant strengthening of Russia, which if she is not our enemy, certainly is not our friend.

I am proud to live in a country where its lowliest citizen can speak to its President and show his disagreement with him, while at the same time honoring the man and the position he holds. May the Lord give you wisdom and watch over all of us.

Yours sincerely,

MOSES KRIVIS.

QUAKER OATS LAUDED FOR LINCOLN FILM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. McCLORY. Mr. Speaker, on February 8 the Illinois congressional delegation sponsored a bipartisan tribute to Abraham Lincoln by hosting the world premiere of a documentary film, shown at Ford's Theatre.

The film, produced by David L. Wolper, was entitled "They've Killed President Lincoln!" The premiere was attended by more than 250 Members of the House and 22 Members of the Senate, and the film was so well received that it became necessary to schedule four showings—two at Ford's and two at Fort Leslie J. McNair.

These days we hear much about the vapidity of television and the lack of aesthetic concerns by businesses which transform much of commercial television into a wasteland. Some of these criticisms are, unfortunately, true. But the other side of the coin shows that some businesses view their television responsibilities as part of their social obligations. In the forefront of these firms is the Quaker Oats Co., of Chicago, which financed the Lincoln production as one of a series of excellent television offerings. Mr. Robert D. Stuart, Jr., is the president of Quaker Oats and Kenneth Mason, a group vice president, had major responsibilities for the program.

In addition to the Quaker Oats Co., the Illinois delegation is indebted to Ralph Newman, president of the Abraham Lincoln Book Store of Chicago, who is chairman of the Ford's Theatre Society, and who served as master of ceremonies; and to Mrs. Don Hewitt, president of the Ford's Theatre Society, who cooperated in securing this distinguished theatre for the evening.

In addition to financing and sponsoring the Lincoln film, the Quaker Oats Co., distributed to 86,000 schools—ranging from elementary to college, including public, private, and parochial—a study guide. The guide was beautifully written and serves as an excellent introduction to a sophisticated study of one of our greatest Presidents. Portions of the study guide include the following:

Aim: To explore the mystery of Abraham Lincoln. To understand how the rule of law guarantees that "government of the people, by the people and for the people shall not perish from this earth."

SUGGESTED ACTIVITIES BEFORE VIEWING

When lilacs last in the dooryard bloom'd,
And the great star early dropp'd in the western sky in the night,
I mourn'd, and yet shall mourn with ever-returning spring.

—*Walt Whitman.*

"On May 4 of this year 1865 anno Domini," Carl Sandburg wrote: "A procession moved with its hearse from the state capitol to Oak Ridge Cemetery. . . . Bishop Matthew Simpson in a moving oration spoke as an interpreter and foreteller: 'There are moments which involve in themselves eternities. There are instants which seem to contain germs which shall develop and bloom forever. Such a moment came in the tide of time to our land when a question must be settled, affecting all the powers of the earth. The contest was for human freedom. Not for this republic merely, not for the Union simply, but to decide whether the people, as a people, in their entire majesty, were destined to be the Governments or whether they were to be subject to tyrants or aristocrats, or to class rule of any kind. This is the great question for which we have been fighting, and its decision is at hand, and the result of this contest will affect the ages to come!' "

Read the story of the "long, bony, sad man" who was to affect the ages to come, who "floated down the Sangamon River in a frail canoe in the spring of 1831. Like a piece of driftwood," his law partner and biographer, Herndon, later wrote, "he lodged at last, without a history, strange, penniless and alone."

"But suppose," Edgar Lee Masters asks, "there had been no dam, no village of kind and hearty people up the hill, no Rutledge Inn, no fiddlers, no Bowling Green, no Jack Kelso, no Hannah Armstrong with whom to mingle what was kindred in him with their lives and with the dreams of Indian Creek and Sandridge? Suppose the people of the village had turned the wanderer away, instead of taking him into their hospitality. Suppose they had not sustained him economically, and sent him to the Illinois legislature, and given him leisure to read Blackstone under the oak trees. . . ?" If he had not spent those six years in New Salem, "where Jack Kelso fished and hunted for a living, where Harvey Ross brought the mail on horseback from Springfield on his way to Lewistown and the Spoon River country, where the Clary's Grove boys rode into town and assembled at the grocery store for drinks and talk . . . without these people, without what they were to Lincoln," would the future of Abraham Lincoln have been the same?

What had his boyhood been like before he arrived at New Salem?

"I induced my husband to permit Abe to read and study at home as well as at school," Abe's stepmother Sarah Bush Lincoln said in 1865. "At first he was not easily reconciled to it, but finally he too seemed willing to encourage him to a certain extent. Abe was a dutiful son to me always, and we took particular care when he was reading not to disturb him—would let him read on and on till he quit of his own accord."

"The books within his reach were few, Hamilton Wright Mabie points out, but they were among the best. First and foremost was that collection of great literature in prose and verse, the Bible. . . . This literature Lincoln knew intimately, familiarly, fruitfully; as Shakespeare knew it in an earlier version, and as Tennyson knew it and was deeply influenced by it."

How old was Abe Lincoln when he opened his first copy of Blackstone's *Laws?*

At the age of 29, the promise and the problems of self-government concerned Abe Lincoln deeply. Read his address before the Young Men's Lyceum of Springfield, as early as 1838, in which he urged: ". . . let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty." Why did he stress that bad laws should be repealed, but while on the books they should be "religiously observed"?

In the October 1858 debate with Stephen Douglas Lincoln said: "They are the two principles that have stood face to face from the beginning of time and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that said, 'You work and toil and earn bread, and I'll eat it.' No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle . . ."

But on April 14, 1876, Frederick Douglass said: "He was preeminently the white man's President, entirely willing at any time during the first years of his administration to deny, postpone, and sacrifice the rights of humanity in the colored people. . . To protect, defend, and perpetuate slavery in the states where it existed Abraham Lincoln was not less ready than any other President to draw the sword of the nation. . . Our faith in him was often taxed and strained to the uttermost, but it never failed."

Read Abraham Lincoln's own words, spoken as the President of the United States. How do you explain the seeming inconsistencies of which Douglass speaks? Why were Douglass and his people, despite the fact that their faith was "often taxed and strained to the uttermost," able to believe Abe Lincoln? Read the First Inaugural Address of March 4, 1861, in which Lincoln said: "I declare that 'I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.' "

Why did Lincoln believe he had "no lawful right" to interfere with the institution of slavery in the states in which it existed? Why did he write Horace Greeley: ". . . If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that. . . . I have here stated my purpose according to my view of official duty, and I intend no modification of my oft-expressed personal wish that all men, everywhere, could be free"?

Read his speech at the Cooper Union in February, 1860, in which he stated: "It is surely safe to assume that the thirty-nine framers of the original Constitution . . . understood this question just as well and even better than we do now. [Let us] speak as they spoke, and act as they acted upon it . . . as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guaranties those fathers gave it be not grudgingly, but fully and fairly maintained."

What relationship do you see between Lincoln's view of his "official duty," as President of the United States, despite his "oft-expressed personal wish" and the views of the the 29 year old Lincoln, when he stated ". . . let every man remember that to violate the law is . . . to tear the charter of his own and his children's liberty"—that bad laws should be repealed, but while on the books they should be "religiously observed"?

". . . we were . . . willing," Douglass said, "to allow the President all the latitude of time, phraseology, and every honorable device that statesmanship might require."

Do you believe Frederick Douglass understood, with Abraham Lincoln, the importance of the rule of law if all men were to be free?

SYNOPSIS

History is untidy. It obscures as much as it shows. Looking at the assassination of Abraham Lincoln 105 years later, we are still faced with incomplete answers and unanswered questions. On Lincoln's birthday, February 12, they've killed President Lincoln!, a television special of exceptional authenticity reexamines the events that historians still dispute.

In a unique innovation, modern documentary techniques recreate what newsreel cameras might have recorded had they existed a century ago, when violence was substituted for law and the man who might have depolarized a divided nation was dead.

FOR FURTHER EXPLORATION

Carl Sandburg, when interviewed on NBC by Edward Stanley, said of Abraham Lincoln: "He's a titanic character with mystery attaching to him—all the mystery that attaches to the word 'democracy' and that other phrase, 'The American Dream.' It's there in him more than in any other one man. Jefferson had it greatly, Washington too. But some how or other Lincoln is closer to the people and he's closer to storm—a kind of storm that we're going through now. In a certain sense there's a global Civil War going on now and he was the mastermind of an awful Civil War—a war of brothers. . . . I think Lincoln is valued on account of more than a million words that he wrote and spoke and that wonderful record of his—more than a million words and all of it holds good for this present hour . . . I think Lincoln understood the balances required in a democracy between freedom and that other word 'responsibility.' He loved and spoke that word 'responsibility' nearly as often as he did the word 'freedom,' and you can't have one without the other. Too many forget that. I think of one of his sentences in a message to Congress in 1862: 'In times like the present men should utter nothing for which they would not willingly be responsible through time and eternity.' "

Read some of the "more than a million words" Abraham Lincoln wrote and spoke. Which of them do *you* find most meaningful for "times like the present"? How does his heritage live on for you?

THE PITFALLS OF USING CLOSED-CIRCUIT TELECASTS FOR PROFIT IN THE FIELD OF SPORTS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. TIERNAN. Mr. Speaker, the press has been replete in the past few weeks with articles regarding the Ali-Frazier fight. Of special note are those articles which point out the implications of using closed-circuit telecasts for profit in sports endeavors. I ask permission to place three articles in the RECORD today which deal with the pitfalls of such programing.

James Reston hits the nub of the problem when he points out that there clearly are dangers concerning "high priced closed-circuit sporting spectaculars." Mr. Reston says:

> What the closed-circuit system does is to increase the revenues while reducing the number of people who can afford to see the event.

Mr. Speaker, the problems are clear but the solution is quite another story. The Congress has the duty to make certain that the "TV medium once opened to all, regardless of station . . ." does not become a restricted instrument. James Reston argues this can be done by "fair legislation, that will avoid the repetition or spread of the practice." Lindley H. Clark, Jr., argues:

> One legislative step that isn't needed, however, is to bar professional sports from pay television.

I believe the solution is somewhere in between. We in Congress must guarantee that Americans will continue to receive the usual sports events, such as professional football, basketball, baseball, and hockey, free of charge. We should also guarantee that those who wish to pay to see a professional fight or other event on subscription television should have this opportunity. What seems clear is that we must prevent a recurrence of the use of closed-circuit technology aimed solely at putting cash in the coffers of greedy promoters who could care less about the general public and its entertainment needs.

The article follows:

[From the New York Times, Mar. 10, 1971]

THE GREEDY SPORTS PROMOTERS

(By James Reston)

WASHINGTON, March 9.—The Joe Frazier-Muhammad Ali heavyweight championship fight is over, but the battle over the greedy promoters is just beginning. If they can sell their performers to the highest bidders, and black out home television for the poor folk why not the same grab for the pro football Super Bowl, the World Series and all other big sports and theatrical productions?

Congress and the Supreme Court have had trouble with the regulation of professional sports ever since the days of "Kenesaw Mountain" Landis, and have bent the antitrust laws to protect the semimonopoly structure of professional football and baseball, but now they have a new problem to think over.

The courts and the Congress have been comparatively lenient with the pro football and baseball promoters on the ground that they were not merely a business but a sporting enterprise, where the rights of the player to sell his services to the highest bidder had to be restricted and the rights of the club owners to black out local television areas when the team was playing at home should be protected.

But in the Frazier-Ali fight, the promoters demanded and got unrestricted rights to sell their product at prices ranging from $150 for a seat in Madison Square Garden to $15–$30 for closed television seats in theaters and hotels all over the country. Thus, total proceeds not counting movie and free television re-runs, amounted to about $20 million—$17 million from the closed-circuit gate receipts and $3 million from the rest.

The promoters not only kept the fight off the television and radio networks of the United States and Canada, but even tried by legal action to restrict the right of news agencies to file blow-by-blow accounts of the fight to their newspaper, radio and television clients. In fact, when the officials of COMSAT, which was sending the pictures of the fight overseas by satellite, tried to invite a few friends into their office to see the picture, Jack Kent Cooke, one of the two promoters of the fight, gave his permission only on condition that they also invite the Federal Communications Commissioners and the members of the two Congressional Commerce Committees, who regulate broadcasting, to attend the showing as his personal guests.

Okay, so it was a business bonanza, and maybe all legal too, but if professional sport is to be judged solely as a business, using interstate commerce facilities and selling tickets in interstate commerce, then it can be argued that it should henceforth be subject to Federal interstate commerce regulation in the public interest.

Anybody who saw the crowds of blacks around Madison Square Garden in New York, and around the Hilton Hotel in Washington, where the closed-circuit seats were selling at $30 apiece, could even believe that there is a question of public safety involved in this monopoly.

This time it was a case of "let the buyer beware," but next time, if there is a re-match under the same high-priced closed-circuit setup, the security problem for the promoters and their well-heeled guests may be formidable indeed.

Even the networks with their high-priced advertising cannot hope to compete with the closed-circuit receipts from spectacular events like a heavyweight championship fight or a pro football Super Bowl game. The pro football leagues collected $2.5 million for the television rights to the last Super Bowl in Miami. But a closed-circuit network showing in theaters in all the pro football cities might easily bring in ten times that much, and the only people left out again would be the poor.

It may be, of course, that pay-as-you-see television is the coming thing, and there are some critics who believe that it will eventually increase the variety and quality of American television programs. Thus, it is argued that by transferring the cost of programs from the advertiser to the viewer, enough people may be willing to pay to see a good play or concert to make it profitable for national distribution.

But the dangers of high-priced closed-circuit sporting spectaculars are fairly obvious. Sport in America gains its power from mass audiences, and what the closed-circuit system does is to increase the revenues while reducing the number of people who can afford to see the event.

In fact, not since the invention of television has any championship fight in America taken in so much money or been seen by so few people in this country as the Frazier-Ali battle. It is true that heavyweight championship fights are regarded by the courts as monopoly enterprises, but it was never anticipated that they would be governed by the predatory practices that controlled this one.

One argument for professional sport in America is that it occasionally diverts the whole nation from its normal preoccupations and provides the people with a common interest for at least a few hours. The closed-circuit system threatens to change all that: it is sport for the rich, like polo and yacht racing, with the poor outside the gate. And since the poor outnumber and outvote the rich, the possibilities of fair legislation to avoid the repetition or spread of the practice are fairly obvious.

[From the Wall Street Journal,
Mar. 15, 1971]

Pay Television Is the Villain Again

(By Lindley H. Clark, Jr.)

Last week's heavyweight championship fight demonstrated that a great many people will pay outrageous prices to watch such a spectacle on a television screen. They will, at any rate, if the screen is theater-size.

The promoters aren't able to provide precise figures, but one of them estimates that revenue from all sources will come to $20 million, with the bulk of that representing the take from closed-circuit theater showings in 362 U.S. and Canadian cities. Prices in some cities ranged as high as $30 a seat.

In the wake of this showing some observers are predicting that closed-circuit TV soon will convert all big-time sports into entertainments only for the wealthy. On free home television sets, the reasoning goes, no one will be able to watch boxing, professional baseball, football, basketball or hockey.

The forecasts are reminiscent of those about pay television, which if it ever gets rolling is supposed to kill off free TV completely. Is pay television actually such a villain?

Pay TV in the home still has a long way to go even to prove that it's economically viable, let alone a serious threat to any other facet of the entertainment business. With the restrictions imposed on it by the government, sharply limiting what it can present, there isn't much reason to think that it will destroy its free-TV competition.

Free TV actually isn't free, of course; the advertisers pay the bills. The combination of a business recession and the outlawing of cigaret commercials for a while was making advertisers relatively hard to find. Last week, however, a story in this newspaper indicated that things were changing, and distinctly for the better.

"March didn't come in like a lion," says John M. Otter, sales vice president for National Broadcasting Co. "It came in like a bull."

Times could easily change again. For the foreseeable future, though, it's hard to envision the promoters of major sports events, dramas or anything else taking their chances on the very chancy returns for home pay TV in preference to the high prices they can and are getting from free television's sponsors.

Sports promoters especially should be getting a little nervous about just how much more they can charge for their presentations, whatever the type of TV. Last week's Joe Frazier-Muhammad Ali fight sold out many theaters in larger cities, but elsewhere theaters sometimes sold half or less of their seats.

The fight, moreover, was the sort of event that won't often be duplicated. Both Ali and Frazier were undefeated, and both had at least some claim to the title before the fight. Because of Ali's refusal of military service, the fight even had political overtones. A rematch between the two fighters, or a fight between Frazier and anybody else, couldn't possibly draw the same interest.

There is a lesson there for businessmen in other sports. Outside New York City, for instance, professional basketball still resorts to double-headers to try to draw respectable crowds. Any dreams its promoters may have of huge TV revenues are still dreams.

Baseball's World Series and football's Super Bowl obviously are salable commodities, but both are probably doing better on free television than they could on any pay-to-watch setup, either in homes or in theaters. Regular-season games seem a highly remote possibility for theater television and, from the sports promoters' standpoint, a huge gamble as attractions for pay TV in the home.

Before the promoters start hunting pay television dollars perhaps they should, in their own interest, give a little more thought to what they've been doing to their product. In their eagerness to tap the growing spectator sports market they have been expanding rapidly in recent years.

There's nothing wrong with expansion, to be sure, provided that you have something reasonably attractive to offer in all the new markets. Boxing promoters presumably were most enthralled by the reports of the Ali-Frazier TV bonanza, but the shortage of new opponents for the heavyweight champion isn't their only problem.

Among the recognized boxing champions listed in the handy World Almanac are Carlos Monzon and Niccolini Loche of Argentina, Ken Buchanan of Scotland and three Japanese gladiators, Hiroshi Kobayashi, Sho Saijyo and Masao Ohba. They may be heroes in their own lands, but their names are not household words in the U.S., where those pay TV rewards supposedly are to be found.

Baseball, football, basketball, hockey and other sports have expanded right ahead, even though the names of most of their new players aren't household words either. When interest lags in one city, the franchise is shifted elsewhere in the hope of finding more gullible customers. The product is being diluted.

The product is being altered by existing free television, too, and certainly not often for the better. In one Super Bowl football game, for instance, one team was forced to kick off a second time because a commercial prevented the cameras from covering the first kick. If the other team had returned the special-for-TV kick for a touchdown, the people watching on television and in the stands would have had every right to feel cheated.

Meanwhile, major sports insist that they shouldn't be treated like ordinary business, especially in regard to such troublesome matters as the federal antitrust laws. Most of them act in highly monopolistic ways, refusing for example to allow even high-school athletes to sell their services to the highest bidder.

Perhaps professional sports do need some special antitrust status to survive. It should be clear by now, though, that they've grown so large that their antitrust position at least needs to be defined. Congress has made passes in that direction, but the situation remains highly confused.

One legislative step that isn't needed, however, is to bar professional sports from pay television, a move that some current critics appear to favor. More sports events probably will show up on pay TV, in the homes or in the theaters, but the chance that the medium will take over all such events is slim indeed.

Pay television in its various forms provides new marketing channels for packagers of various forms of entertainment. Just what products will prove salable in those channels should be decided by consumers, through the workings of competition. Competition may hurt someone, but it almost always benefits the general public.

[From the New York Times, March 8, 1971]

The Fight: TV Fan Counted Out

(By Jack Gould)

The impact of the Joe Frazier-Muhammad Ali fight on the world of communications will extend far beyond tonight. The effect thus far of the closed-circuit presentation already bears out many contentions of broadcasters who have opposed pay-as-you-see TV on economic and public service grounds. The electronic life is going to change. Even if every seat in 350 theaters and an unknown number of hotels, motels and cable systems is sold out, the TV audience in the United States will be one of the smallest in the history of the medium. The total number of persons watching the fight live is unlikely to exceed two million or so, a figure of minuscule proportions in comparison with the audience for an old movie on free TV.

DIFFERENT ECONOMICS

The rich few will be able to afford the astronomical prices asked by theaters but millions of the poor will be left with only nostalgic memories of Joe Louis, Jersey Joe Walcott and Kid Gavilan on their 12-inch screens. The TV medium once opened to all, regardless of station, is becoming a restricted instrument, and the fight may be the handwriting on the wall for the future of much entertainment and big sports.

The different economics of closed-circuit TV and advertiser-sponsored TV turn all video statistics upside down. An audience of 150 million might tune in if a handful of advertisers footed the bill for free TV. But the fight promoters are shooting for a vastly greater gross by having two million fight fans as their "sponsors" through purchase of tickets to closed showings of the match.

The old rule of show business is back: Who cares about 148 million freeloaders? Only the 2 million with cash in hand warrant tender, loving care. Advertisers count noses of prospective customers; promoters only count dollars from those checking in.

And if in coming decades this country and then the world are wired up for pay TV in the home, the wild statistics surrounding the Frazier-Ali fight will be penny ante stuff.

One development is certain. The $2.5 million guarantees to Frazier and Ali are not being ignored by Hollywood's top stars. If that kind of money is around by staying off free TV and going the closed-circuit or cable route, there'll be many a second thought about the appeal of the existing homes medium. A prize fight admittedly is unique in its international attraction. But a film star might not be adverse to a modest $500.000 guarantee plus a percentage of the gross paid by 30 million homes, half the potential in this country.

Broadcasters for expedient reasons have repeatedly said that the day may come when viewers would have to pay for what they once watched without charge. Even to think of charging anything for much that is now shown would seem a colossal conceit. But serious students of communications are not devoid of genuine worries over erosion of the free air waves.

Only time—perhaps a very long time—will tell what will be the impact of closed-circuit TV on free TV's economic ability to offer news and information to rich and poor alike, carry political addresses and provide other services not returning a profit. A broadcaster is required to provide a balanced service; a closed-circuit promoter is not.

LIMITED SERVICE TO G.I.

A vivid example of the social consequences of shifting from free broadcasting to closed-circuit broadcasting has come with the fight. Instead of having the military circuits blanketed as usual with blow-by-blow accounts of the fight, G.I.'s overseas will have a sharply limited service designed to avoid conflict with the overseas commercial contracts of the promoters. In South Vietnam there will be no pictures, only the commentary. Many men in uniform will hear only news bulletins.

Tonight's fight is far more than just an unusual sporting event. Most TV viewers will not see TV's biggest attraction because the medium's economics are not up to meeting the new competition for the dollar. And, in the process, radio has also been squeezed out.

Distribution of the fight on closed-circuit is being handled by Management Television Systems, which is headed by E. William Henry. By the way of an ironic touch, Mr. Henry also had a previous job: the chairmanship of the Federal Communications Commission, the agency that will be making decisions on all forms of TV in coming years.

PUBLIC DISCLOSURE OF WELFARE RECIPIENTS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. LANDGREBE. Mr. Speaker, a constituent and good friend of mine, Mr. Leslie Casbon of Valparaiso, Ind., recently wrote me a letter which contains an intriguing solution to the problem of welfare chiseling. Mr. Casbon's idea at first seems far-fetched, but when you think about it, the idea is not only fair, it may also be worth a try. I commend his suggestion to the attention of my colleagues.

The letter follows:

FEBRUARY 26, 1971.

DEAR EARL: A recent article in U.S. News & World Report of (February 8) and on the program "Face the Nation" (Feb. 21) relative to the poverty issue triggered this letter.

Understandably the program is necessary but quite difficult to administer fairly and equitably. It is common knowledge that some (probably many) are receiving aid who are not deserving or needing it.

All salaries and expenses of public officials except those on relief are publicized, as are contracts and public expenditures of all kinds. It seems to me that a little publicity as to where relief money goes would be proper and in the best interest of all.

To see well dressed, prosperous people buying all kinds of groceries with food stamps, then paying cash for liquor, etc., doesn't do the food stamp program any good.

The law negating the public disclosure of relief recipients should be reviewed. A crusade to make public these expenditures surely would meet the approval of many, many voters.

Sincerely,

LESLIE CASBON.

CREDIBILITY GAP IN REVERSE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. ARCHER. Mr. Speaker, it has been suggested in this body that the U.S. Government is perpetuating the war in Vietnam because American oil companies want to develop offshore oil properties in Vietnam.

An editorial this week in the Christian Science Monitor appraises this theory for just what it is: "A hoax." I would suggest that all of our colleagues read this editorial lest they get taken in by this nonsense which is being advanced by some antiwar group in California.

I include an editorial entitled "Credibility Gap: In Reverse" from the Christian Science Monitor of March 22, 1971, in the RECORD:

CREDIBILITY GAP: IN REVERSE

A California-based anti-Vietnam war group recently started a letter-writing campaign alleging there was some suspicious relationship between the U.S. presence in Vietnam and plans for offshore oil exploitations.

Some 10,000 letters were received by Senator Fulbright's Foreign Relations Committee requesting a hearing on the matter. Other senators have found their mailboxes crammed with the oil hoax letters.

What are some of the facts in the matter, as seen from a South Vietnam point of view? They look something like this, according to Washington specialists in the subject:

South Vietnam is an oil importing nation. It spends $30,000,000 every year for petroleum products on the commercial market, quite apart from the war. It is extremely anxious to find oil. At the moment, three oil-distributing companies—Shell, Caltex, and Esso supply the Vietnam market from their refineries in the Persian Gulf and Singapore. There are no refineries in Vietnam.

With its countryside devastated by war, and since the Green Revolution has made exporters of many rice importing countries, South Vietnam cannot hope to reenter the rice export market for years. It will need a substitute export, like oil.

Geological surveys by private companies and by the United Nations Economic Commission for the Far East (ECAFE) have shown that there is a geologic potential for oil off Vietnam. But no oil has been found. No drilling has yet taken place. Only one American oil company has expressed concrete interest in the offshore oil potential.

Actually, U.S. commercial interests have a total investment in Vietnam of only about $10,000,000, about one-tenth of the total foreign investment in the country. In all of the mainland of Southeast Asia, the total American investment is less than 1 percent of U.S. private investment abroad, the bulk of it being in Canada, Latin America, and Europe.

Even if there were to be an oil boom in Vietnam five years from now, it would help Vietnam's economy. The government has just passed a petroleum law, promulgated in Dec., 1970, governing and controlling exploration, if it ever comes, and providing large tax profits to Vietnam.

This hardly sounds as if the U.S. Army is in Vietnam to protect a huge American investment there, present or potential.

It suggests rather that some of the antiwar groups have made a specious argument on the basis of flimsy evidence, and attempted to associate the war in Vietnam with economic fantasies.

This compounds the credibility gap, but in a reverse fashion, for leftist and antiwar groups.

SUPPORT FOR COMBINING FEDERAL SERVICE AGENCIES

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. GROVER. Mr. Speaker, in adding my voice of support to the President's plan of gathering existing Federal service agencies under one authority, I would like to recall the accomplishments of the Peace Corps, which is to become the overseas arm of the new agency.

Surely, the individual and collective contributions of the more than 50,000 Peace Corps volunteers who have served over the past decade in some 70 countries around the world represent one of our proudest chapters. The Peace Corps has often and quite rightly been described as perhaps the best thing that America has going for it overseas.

Now, the Peace Corps, along with a number of other volunteer agencies specializing in domestic as well as overseas service will be able to pool their talents, their experience, and their resources to launch a new and more extensive campaign against the critical ills that beset us.

Throughout America, and in many parts of the world, the new agency will enable citizens who are truly interested, as individuals or in small groups, to take meaningful action against whatever problems confront them. This is the path to a better and more hopeful tomorrow.

THE FLAG

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BAKER. Mr. Speaker, Flag Day at Anna B. Lacey School in Chattanooga, Tenn., was proclaimed by official proclamation of Gov. Winfield Dunn on Friday, February 26, 1971. I presented a U.S. flag to the school. Joe Prebul, a fifth-grade student at the school, wrote this poem in celebration of the event. I am convinced our Nation is awakening to respect for the flag as well as building a meaningful pride in our national heritage. I commend Joe and his generation for their loyalty to America and understanding of our proud history. I am happy to place his inspirational thoughts on freedom in the RECORD:

THE FLAG

(By Joe Prebul)

The flag is used in all the states,
It even is used in U.S. debates.
It means freedom in every way,
And we should salute it every day.

Men are fighting in Vietnam,
We don't know how they got in that jam.
They try their best to salute the flag,
And keep it clean, without a snag.

We should keep the heritage of Betsy Ross,
When she made the flag out of cloth.
And when the men saw the flag she made,
With the freedom they wanted, they all prayed.

Now we have freedom, freedom for all,
And we should stand up brave and tall.
We salute the flag with all our heart,
But it seems to be that it will never part.

Now when you see the red, white, and blue,
You can imagine what our men went through,
So as long as you live in the land of the free,
You can be what ever you want to be.

REPORT TO THE PEOPLE OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—XXIV, PART II

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, I am pleased to submit the second and final portion of my 24th annual report the people of the Eighth Congressional District of Wisconsin on my voting and attendance record in the House of Representatives.

The report I am issuing today includes all rollcall votes in the second session of the 91st Congress since September 30, 1970. I issued the first portion of my voting record in October in order to make it available to my constituents for their evaluation before the election. I believe it is my responsibility to furnish this information as I do not believe my constituents should be deprived, through the sheer difficulty of getting the facts, of knowing how I voted on the issues.

The descriptions used in the report were prepared by the Library of Congress and are for purposes of identification only; no attempt was made to describe the legislation completely or to elaborate upon the issues involved. This word of caution is given in view of the fact that the descriptions used were, for the most part, taken from the titles of the bills which do not always reflect the nature or true purpose of the legislation.

Upon request, I will be pleased to furnish more complete information concerning any particular bill as well as a summary of the issues involved and the reasons for my vote.

In addition to the votes shown in this report, there were 53 quorum calls in the House which are omitted to conserve space. This accounts for the nonconsecutive numbering of the rollcalls. I was absent for four quorum calls and I was present for 49 quorum calls.

My record follows:

Roll-call No.	Date	Measure, question, and result	Vote
326	Oct. 5	H. J. Res. 1388: To provide for continuing appropriations of $600,000,000 for fiscal 1971. Motion to suspend rules and pass. (Passed 284 to 9; 2/3 vote required).	Yea
327	Oct. 5	S. 1461: To provide for public defender organizations to represent defendants in Federal criminal cases who are financially unable to obtain adequate counsel. Motion to suspend rules and pass. (Passed 277 to 21; 2/3 vote required)	Yea
329	Oct. 6	H.R. 14685: To amend the International Travel Act to alter the balance of payments by further promoting travel to the U.S. Staggers motion to recede and concur in Senate amendment to reduce funds by $500,000. (Passed 254 to 93)	Yea
330	Oct. 6	H.R. 15424: To amend the Merchant Marine Act to create a construction subsidy program to build 300 merchant ships by 1980. Adoption of conference report. (Passed 343 to 4).	Yea
332	Oct. 7	S. 30: Organized Crime Control Act of 1970. On passage. (Passed 341 to 26)	Yea
337	Oct. 8	H.R. 19590: To make appropriations of $66,806,561,000 for the Department of Defense for fiscal 1971. Riegle recommittal motion. (Failed 46 to 264, "present" 1)	Nay
338	Oct. 8	H.R. 19590: On passage. (Passed 274 to 31, "present" 2)	Yea
340	Oct. 13	H.R. 17604: To authorize appropriations of $1,667,154,000 for military construction for fiscal 1971 and $33,586,000 in prior year authorizations. Adoption of conference report. (Passed 316 to 20)	Yea
341	Oct. 13	H.R. 18546: Agriculture Act of 1970. Adoption of conference report. (Passed 191 to 145, "present" 1)	Yea
347	Oct. 14	H.R. 16408: To authorize $373,000 for fiscal 1971 for the American Revolution Bicentennial Commission. On passage. (Passed 304 to 1).	Yea
349	Nov. 16	S. 2455: To authorize appropriations of $3,400,000 for the Civil Rights Commission. Motion to suspend rules and pass. (Passed 272 to 59; 2/3 vote required)	Yea
350	Nov. 16	S. 3785: To authorize educational and home loan assistance to dependents of armed forces personnel missing in action or captured. Motion to suspend rules and pass. (Passed 331 to 0; 2/3 vote required)	Yea
351	Nov. 16	H.R. 19318: To alter the coordination of family planning services and population research activities of the Federal government. Motion to suspend rules and pass. (Passed 298 to 32; 2/3 vote required)	Yea
352	Nov. 16	H. J. Res. 1355: To define the war powers of Congress and the President. Motion to suspend rules and pass. (Passed 288 to 39, "present" 4; 2/3 vote required)	Yea
355	Nov. 17	H.R. 19519: Manpower Act of 1970. Scherle recommittal motion to refer to Committee on Education and Labor. (Failed 80 to 275)	Nay
357	Nov. 18	H. Res. 1225: To provide for the consideration of H.R. 18970 to amend the tariff and trade laws of the U.S. Previous question on closed rule under which the bill was considered. (Failed 189 to 204)	Yea
358	Nov. 18	H. Res. 1225: Gibbons amendment to permit amendments deleting provisions from the bill. (Failed 192 to 201).	Nay
359	Nov. 18	H. Res. 1225: On passage. (Passed 203 to 187).	Yea
361	Nov. 19	H.R. 18970: Collier recommittal motion. (Failed 172 to 207, "present" 3)	Nay
362	Nov. 19	H.R. 18970: On passage. (Passed 215 to 165; "present" 3)	Yea
365	Nov. 24	H.R. 16785: Occupational Health and Safety Act of 1970. Steiger-Sikes amendment in nature of substitute authorizing a presidentially-appointed board to set standards and an appeals commission to enforce standards. (Passed 220 to 173).	Yea
366	Nov. 24	H.R. 16785: On passage. (Passed 384 to 5, "present" 1)	Yea
367	Nov. 24	H.R. 19830: To make appropriations of $17,709,525,300 for Independent Offices and the Department of Housing and Urban Development. On passage. (Passed 375 to 10)	Yea
368	Nov. 24	H. Res. 1267: To provide for the consideration of H.R. 19504, Federal-Aid Highway Act of 1970. On passage. (Passed 287 to 60)	Yea
371	Nov. 30	H.R. 18884: To permit projects for paid advertising under marketing orders; to provide for potato research; and to provide for the extension of restrictions on imported commodities. Goodling recommittal motion. (Failed 130 to 187).	Yea
373	Dec. 1	H.R. 19333: To create a Securities Investor Protection Corporation and an insurance fund to protect customers against losses due to broker insolvency. On passage. (Passed 359 to 3, "present" 1)	Yea
374	Dec. 1	H.R. 19599: To provide for grants to medical schools and hospitals to assist in establishing departments and programs in the field of family medical practice. On passage. (Passed 346 to 2).	Yea
376	Dec. 2	H. Res. 1270: To increase telephone, telegraph, and radio-telegraph allowances of Members of the House. On passage. (Passed 187 to 164).	Nay
377	Dec. 2	H. Res. 1271: To provide for the consideration of H.R. 19436 to provide for the establishment of a national urban growth policy and to amend laws relating to housing and urban development. On passage. (Passed 344 to 22)	Yea
381	Dec. 3	H.R. 19436: On passage. (Passed 328 to 30, "present" 1)	Yea

Roll-call No.	Date	Measure, question, and result	Vote
383	Dec. 3	H.Res. 1147: To alter medical allowances for former Members of the House of Representatives. On passage. (Failed 89 to 192, "present" 1).	Nay
385	Dec. 7	To dispense with further proceedings under the call of the House. (Passed 312 to 28)	Yea
387	Dec. 7	H. Res. 1282: To express support for the November 21 military expedition to rescue American prisoners of war incarcerated in North Vietnam. On passage. (Passed 347 to 15, "present" 1).	Yea
389	Dec. 8	H.R. 17755: To appropriate $2,453,923,605 for the Department of Transportation and related agencies for fiscal 1971. Boland motion to table Yates motion to instruct conferees to agree to Senate amendment to strike $289.9 million for development of the SST. On passage. (Passed 213 to 175, "present" 1)	Nay
390	Dec. 8	H. Res. 1290: To provide for the consideration of S. 3070 to provide for the development of novel varieties of sexually reproduced plants. On passage. (Passed 331 to 27)	Yea
392	Dec. 9	H. J. Res. 1413: To provide for a temporary prohibition of railway strikes or lockouts. Staggers amendment: to increase the pay of all employees subject to the resolution's first section by 5 percent effective January 1, 1970, and by 32 cents per hour effective November 1, 1970, which amounts may be changed by agreement. (Passed 203 to 184)	Nay
393	Dec. 9	H. J. Res. 1413: On passage. (Passed 220 to 167)	Yea
394	Dec. 9	H.R. 19911: To provide for supplemental foreign aid authorizations. On passage. (Passed 249 to 102).	Yea
397	Dec. 9	H. J. Res. 1413: Adoption of conference report. (Passed 198 to 131).	Yea
399	Dec. 10	H. Res. 1303: To waive points of order against H.R. 19928, making supplemental appropriations for fiscal year 1971. On passage. (Passed 331 to 28).	Yea
400	Dec. 10	H.R. 19928: To provide $1,525,365,538 in supplemental appropriations for fiscal year 1971. On passage. (Passed 344 to 21, "present" 1).	Yea
401	Dec. 10	S. 3867: To authorize $5 billion for various manpower training programs; to reorganize those programs; and to authorize $4.5 billion for public service jobs. Adoption of conference report. (Passed 177 to 159)	Nay
403	Dec. 11	H. Res. 1296: To consider H.R. 19868 to accelerate estate and gift tax collection and to continue car and communication service excise taxes. On passage. (Passed 242 to 22)	Yea
405	Dec. 11	H.R. 13956: To authorize additional appropriations to the Smithsonian Institution. On passage. (Passed 215 to 53, "present" 3).	Yea
407	Dec. 14	H. Res. 1306: To assert House privilege to publish an Internal Security Committee report on campus speakers. Stokes motion to lay on table ordering of the previous question. (Failed 55 to 301).	Nay
408	Dec. 14	H. Res. 1306: On passage. (Passed 302 to 54)	Yea
409	Dec. 14	H.R. 19885: To provide additional revenue for the District of Columbia. On passage. (Passed 272 to 58).	Yea
411	Dec. 15	H.R. 17755: To appropriate $2,608,134,605 for the Department of Transportation and related agencies for fiscal year 1971. On ordering previous question on motion to recommit conference report. (Passed 205 to 185)	Nay
412	Dec. 15	H.R. 17755: Adoption of conference report. (Passed 319 to 71)	Yea
413	Dec. 15	H.R. 6114: To provide relief for Elmer M. Grade. On motion to disagree with and ask for conference on Senate amendment providing the Mississippi steamboat Delta Queen a 3-year exemption from existing safety standards until a replica might be built. (Passed 295 to 74, "present" 1).	Yea
414	Dec. 16	H.R. 17867: To appropriate $2,534,310,000 for foreign assistance and related programs for fiscal year 1971. Adoption of conference report. (Passed 199 to 152)	Yea
415	Dec. 16	H.R. 19590: To appropriate $66,595,937,000 for the Department of Defense for fiscal year 1971. Adoption of conference report. (Passed 328 to 30, "present" 2).	Yea
416	Dec. 16	H.R. 6778: To amend the Bank Holding Act of 1956 to extend Federal regulation of multibank holding companies to those controlling just one bank. Adoption of conference report. (Passed 366 to 4, "present" 7).	Yea
418	Dec. 16	H.R. 18582: To amend the 1964 Food Stamp Act. On Foley of Washington substitute amendment as amended by Abbitt of Virginia substitute: To change the committee bill by banning food stamps to strikers, postponing the State sharing provision one year, preventing unspent funds from being available from one year to the next, and making eligible migratory workers who are U.S. citizens. (Failed 172 to 183).	Yea
419	Dec. 16	H.R. 18582: On passage. (Passed 290 to 68)	Yea
420	Dec. 17	S. 1181: To amend the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to provide for the extension of restrictions on imported raisins, olives, and prunes. On motion to ask for a conference. (Passed 214 to 145)	Nay
421	Dec. 17	S. 2193: To authorize the Secretary of Labor to set industrial health and safety standards; to encourage State participation; to provide for research, information, education and training. Adoption of conference report. (Passed 308 to 60)	Yea
422	Dec. 17	H.R. 17809: To provide a system for fixing and adjusting the pay scales of Federal wage board employees. Adoption of conference report. (Passed 271 to 89)	Nay
426	Dec. 18	To dispense with further proceedings under the call of the House. (Passed 307 to 10)	Yea
430	Dec. 18	H.R. 19504: Federal-Aid Highway Act Amendments of 1970. Adoption of conference report. (Passed 319 to 11)	Yea
432	Dec. 19	H.R. 19436: To provide for a national urban growth policy emphasizing new community and inner city development; to extend and amend housing and urban development laws. Adoption of conference report. (Passed 168 to 104)	Nay
433	Dec. 19	S. 578: To include firefighters within Code provisions on retirement of Government employees engaged in certain hazardous professions. On passage. (Passed 158 to 104).	Nay
435	Dec. 21	H.R. 14233: To exempt .22 caliber rimfire ammunition from recordkeeping requirements of the 1968 Gun Control Act. On motion to suspend rules and pass. (Passed 246 to 59; 2/3 vote required)	Yea
436	Dec. 21	H. Res. 1308: To provide for consideration of H.J. Res. 1146 authorizing $20 million to defray part of the cost of expanding the U.N. headquarters. On passage. (Passed 189 to 107)	Yea
438	Dec. 21	H.J. Res. 1146: Gross motion to recommit with instructions that no funds be appropriated until all U.N. members' delinquent dues and assessments have been paid in full. (Failed 124 to 168)	Nay
439	Dec. 21	H.J. Res. 1146: On passage. (Passed 152 to 135)	Yea
441	Dec. 21	H.R. 19446: To assist school districts to meet special desegregation problems, and to provide funds to improve education in racially impacted areas. On Perkins motion to resolve into Committee of the Whole House on the State of the Union. (Passed 147 to 84)	NV[2]
442	Dec. 21	H.R. 19446: On striking enacting clause. (Failed 109 to 130)	Yea
443	Dec. 21	H.R. 19446: On passage. (Passed 159 to 77)	Nay
446	Dec. 22	To dispense with further proceedings under the call of the House. (Passed 278 to 9).	Yea
447	Dec. 22	H. Res. 1238: A resolution providing staff and office allowances for the Speaker of the House in the Ninety-first Congress after his retirement. On passage. (Passed 218 to 69)	Nay
448	Dec. 22	H. Res. 1315: To provide for the consideration of H.R. 19953 to authorize the Interstate Commerce Commission to provide funds to certain railroads to preserve essential rail services. On passage. (Passed 263 to 30, "present" 1)	Yea
449	Dec. 22	H.R. 19953: On passage. (Passed 165 to 121, "present" 2)	Yea
450	Dec. 29	H.R. 14984: To provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians. On concurring in Senate request for the return of the bill. (Passed 235 to 20).	Yea
451	Dec. 29	S. 1181: To amend the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to provide for the extension of restrictions on raisins, olives, and prunes. Adoption of conference report. (Passed 159 to 93).	Nay
452	Dec. 29	H.R. 19590: To appropriate $66.6 billion for the Department of Defense. Adoption of conference report. (Passed 234 to 18)	Yea
454	Dec. 30	H.R. 18582: To amend the 1964 Food Stamp Act. On ordering previous question on motion to recommit conference report. (Passed 148 to 126, "present" 2)	Yea
455	Dec. 30	S. 4268: To amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, and to exclude Bank receipts and disbursements from the budget of the United States Government. On motion to suspend rules and pass. (Failed 161 to 102; 2/3 vote required)	Yea
457	Dec. 31	H.R. 13000: To implement the Federal employee pay comparability system, and to establish a Federal Employee Salary Commission and a Board of Arbitration. On motion to suspend rules and agree to conference report. (Passed 183 to 54; 2/3 vote required)	Yea
458	Dec. 31	H. Res. 1337: To provide for the consideration of H. J. Res. 1421 making continuing Department of Transportation and related agencies appropriations for fiscal 1971. On ordering previous question on agreement. (Passed 145 to 76, "present" 2).	Yea
459	Dec. 31	H. J. Res. 1421: On passage. (Passed 180 to 37, "present" 1)	Yea

[1] Absent. If present, would have voted "yea".

[2] Absent. If present, would have voted "nay".

A PROPOSAL FOR A COMPREHENSIVE PLAN TO END DRUG ABUSE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SCHEUER. Mr. Speaker, narcotics addition and the "pill culture" are literally destroying our youth and our cities. This epidemic is turning our children into physical and psychological cripples. It is the cause of perhaps one-half of our street crime—particularly violent crimes against people—and is overwhelming our police, clogging our judicial machinery, and turning our cities into jungles.

Despite these stark facts, the Congress and Presidents of both parties have utterly failed to establish a high-priority comprehensive national program to meet the awful ravages of drug abuse, let alone deal with its causes. While all of us have become experts in describing the gravity and extent of the problem and its disastrous effects, our efforts to control it are comprised of more rhetoric than resources, more posturing than planning.

At home, the programs which we have devised are unrelated and disjointed in design, largely unevaluated and of doubtful efficacy, poorly led, and starved for resources.

Drug education, law enforcement, and rehabilitation programs, taken individually, can only be viewed as neutral at worst, and minimally effective at best.

No reliable study has indicated that drug education programs effectively prevent potential drug abusers from experimenting with narcotics or pills. Although we are beginning to realize that dramatic overstatements in the forms of slogans such as "Marijuana—the Killer Drug," are not only ineffective but treated as jokes by the people they are designed to "educate," we have not even begun to design programs which will reach and persuade sophisticated college students as well as knowledgeable ghetto youths who have lived in an atmosphere permeated with the drug culture for their entire lives.

Law enforcement experts admit that their efforts account for a 20-percent reduction in supply at best, and that this attrition is easily compensated for by suppliers who simply load another 20 percent into the pipeline at the other end as a modest cost of doing business.

Knowledgeable law enforcement professionals are doubtful that reductions much beyond this level can be achieved without personal searches at our borders of the most intimate variety, involving inspections of all major body orifices, and other such techniques which go far beyond what a free society will tolerate.

With the single possible exception of methadone, no current addict rehabilitation method demonstrates any real hope for permanently turning drug abusers away from narcotics and the criminal activity which is required in order to support a habit.

Our methadone maintenance programs, which do show some promise of reducing the crimeogenic attributes of drug addition, and of permitting addicts to lead almost normal lives, are inadequate in scope. With the exception of Washington, D.C., few cities have begun a large-scale methadone program. New York City, for example, with an addict population of 150,000 to 200,000, conducts a methadone program which reaches only 2,000 members of this population. While the city has recently proposed increasing the size of the program to reach 9,000 patients, clearly this is still an inadequate allocation of resources to a program which promises to make a definite contribution to a massive reduction in violent personal crime.

Our efforts to deal with the international aspects of the problem have also failed miserably. The countries responsible for the growth of the illicit opium which ultimately reaches our borders are well known. The routes over which this opium travels on its way to factories where it is refined into morphine and heroin have been traced time and time again. Yet, we have failed to develop even a single element of a multifaceted national program of interdicting the flow of drugs from its source to the veins of a 7-year-old child in the South Bronx.

We have not developed a sophisticated coordinated program of technical assistance for the poppy producing countries. Although we have made some effort to provide Turkey with law enforcement assistance, 80 percent of the illegal heroin which reaches our borders still originates in the plains of Anatola. We have made no concentrated effort to provide Turkey and the other poppy-producing countries with police training and law enforcement technology, administrative expertise for licensing inspection of poppy culture, aid in crop diversification, or the means and the provision of providing alternative sources of employment.

We have made only a bare beginning in the effort to put opium refiners out of business. Because we have not sufficiently encouraged the use of paid informants and because we have failed to adequately employ legitimate sources of leverage, refiners in Marseilles, the location of most refiners of opium, have been able to pursue their activities without great fear of arrest. The demand for hard drugs on our campuses and in our slums is being met totally and without interruption.

Mr. Speaker, I had the privilege of attending the recently concluded United Nations Conference on Psychotropic Substances in Vienna as a result of your appointment of me as a congressional adviser to the United States delegation. During the 91st Congress, I twice traveled abroad, at my own expense, to confer with elected representatives and law enforcement officials in London, Paris, Rome, The Hague, and Turkey. I have conferred with the President, the Secretary of State, top White House officials, the Director of the Federal Bureau of Narcotics and Dangerous Drugs, and many experts both within the Government and in the private sector.

These consultations have convinced me that our efforts to stem the tide of drug abuse have resulted in gross inadequacy and failure at every point in the spectrum of required controls. This failure is not the result of the policies of any one administration or any one Congress. Instead, it has been a national failure of imagination and perspective which cuts across party lines and the executive, legislative, and judicial branches of Government.

Our failure results from our persistence in viewing drug abuse as a series of isolated phenomena involving production, smuggling, addiction, and rehabilitation. This approach has caused us to fragment our efforts, placing law enforcement in both the Department of Justice and the Treasury Department, research and rehabilitation in the Department of Health, Education, and Welfare, and international drug-control activities in the Department of State. These scattershot, uncoordinated efforts have resulted in overlapping, inconsistent, and unrelated programs, bureaucratic infighting, and a not always efficient allocation of resources and energy.

We must begin to look at drug abuse as the result of a system which begins high in the plains of Anatola—or Southeast Asia or a factory here or abroad—and then moves on to Marseilles—or Mexico or Canada—into the United States and through our cities, our slums, our schools, and our homes. We must trace the problem of drug addiction just as we traced the common beef tapeworm from food to cattle to human host to waste material to food.

To do this, Mr. Speaker, we must move immediately to charge a high-level official of great intelligence, leadership qualities, and administrative and organizational abilities with the specific responsibilty of developing a multifaceted, multidisciplinary program involving research, education, domestic and foreign law enforcement, crop diversification programs in Turkey, Iraq, Pakistan, Laos, Burma, and Thailand, and rehabilitation clinics in the South Bronx, Harlem, Westchester, Los Angeles, San Francisco, Palm Beach, and Butte, Mont. Then, we must give him enough authority and resources to effectively implement this comprehensive program of coordinating or controlling new and existing research efforts and action programs.

To implement this proposal, I have joined with a number of my colleagues in introducing legislation which would establish, within the Executive Office of the President, an Office of Drug Abuse Control, specifically directed to develop and implement a program such as I have outlined. The Office would possess its own budget and its own appropriation. The Director would report directly to the President and through him to the Congress. He would possess the authority to employ the experts he required either from the private sector or by loan from Federal departments or agencies. Finally, the Director would be granted complete authority to coordinate the entire Federal effort in this area, and where, in his judgment it is necessary, to recommend to the President that the Office be vested with direct operational authority over new and existing programs.

One of the most important features of the proposed legislation empowers the Director to make recommendations to the President with respect to the expenditure of funds by Federal departments or agencies for programs related to drug abuse control including programs located in the Departments of Defense, Agriculture, Labor, Commerce, Justice, Treasury, Health, Education and Welfare, Housing and Urban Development, and State. This budgetary power will guarantee the ability of the Director to influence the programs conducted by these departments and will thus ensure his ability to develop a coordinated, comprehensive, and truly effective program.

Mr. Speaker, I believe that the creation of an office such as I have described will enable us to make great progress in the field of drug abuse control. A man with great administrative ability and leadership potential would be able to utilize all of the resources at the command of the Federal Government including programs involving agricultural economies, law enforcement technology, medical and educational research, crop diversification techniques, industrial development assistance, and technical information which are now located in such Federal departments and agencies as Agriculture, Defense, Justice, Treasury, Health, Education and Welfare, State, Labor, Commerce, Housing and Urban Development, NASA, and OEO.

In addition, such a man would be able to overcome the comparable fragmentation on Capitol Hill which results in consideration of the drug abuse problem by at least nine different committees, including Foreign Affairs, Agriculture, Judiciary, Education and Labor, Interstate and Foreign Commerce, Armed Services, Banking and Currency, Government Operations, Science and Astronautics, and Appropriations. In short, such a man would serve as the focus for a sophisticated, coordinated, and comprehensive attack on the problem.

Mr. Speaker, I believe that the Director of this Office should possess the flexibility required to exercise initiative and imagination as well as the ability to adapt to changing needs and increasing progress in developing a solution. However, a number of essential elements of our initial comprehensive plan can be specified. Accordingly, my legislation contains a number of specific items which may be included in the basic beginning program if, in fact, upon detailed examination they appear to be as effective as I believe them to be.

These specific program items would include many of the following elements:

RESEARCH EFFORTS

The Director's comprehensive plan may include the stimulation of expanded research to develop:

First. A synthetic analgesic substitute which is nonaddictive, to replace opium and its derivatives, morphine and codeine, in medical usage.

Synthetic analgesics are already in limited use as pain killers. None of these, however, induce the euphoria for which opium products are noted and which many physicians seem to value in their practices. In addition, existing substitutes possess undesirable addictive properties.

Government-sponsored research must be conducted to improve these substitutes and to eliminate their addictive nature. The American Medical Association and it counterparts abroad must encourage the members of the medical profession to use these replacements.

Successful implementation of this program would permit a complete international ban on opium production—ultimately, the most feasible method of ending heroin addiction.

Second. A longlasting blocking or antagonistic drug to treat heroin addiction.

Methadone is one drug which is being widely used to halt heroin addiction. Although an addict becomes as dependent upon methadone as a diabetic is dependent upon insulin, regular daily doses of methadone can block an addict's craving for heroin for up to 8 hours and thereby permit him to pursue a normal life instead of a life of crime.

We must develop a drug or device which, with dosage units administered at long intervals or by subcutaneous implantation, would cancel heroin's euphoric effect and end the craving for narcotics for 8 days, 8 weeks, or 8 months, rather than 8 hours.

Third. A detoxification agent which when administered breaks the physical addiction of a heroin user without the unpleasant physical side effects of "cold-turkey" withdrawal.

Fourth. Effective utilization of chemical or radioactive tracers to aid in law enforcement efforts.

Heroin can be easily smuggled into this country because small amounts, worth a great deal, can be hidden so easily. If poppies in the field could be sprayed with chemical or low-grade radioactive tracer elements, the detection of smugglers would be greatly facilitated and, by utilizing slightly different tracers for different areas, it would become a relatively simple task to locate fields from which opium was being illegally produced or diverted.

Fifth. Effective utilization of Department of Defense and NASA high-altitude and/or satellite surveillance techniques to detect illegal poppy culture or to monitor licit poppy crops to prevent diversion into illicit channels.

Sixth. Effective drug-abuse prevention programs. Some time ago, many of us became very enamored with the use of driver education as a means of reducing automobile accidents. Several recent studies have cast doubts upon the contribution of driver education to a reduction in the accident rate. I suggest the same may well prove to be true about drug-abuse prevention education.

We must develop a truly effective education program or programs which will utilize techniques that will reach all potential drug abusers, from affluent suburbanite to ghetto youth.

DOMESTIC ACTION PROGRAM

The Director's plan for a comprehensive domestic action program may include the development of:

First. A large-scale, national program of methadone or advanced substitute treatment, with proper supportive services, in a variety of community-based models appropriate to the needs of various user groups.

A massive nationwide program of methadone treatment, with appropriate supportive services, can make a definite contribution to a great reduction in violent personal street crime. We must move immediately to establish a program sufficient to treat every willing addict.

Second. A plan for the control of the production and distribution of psychotropic substances—amphetamines, barbiturates, and tranquilizers. This plan will no doubt include the utilization of computers to monitor the manufacture, distribution, and, perhaps, the dispensing of all mind-altering drugs.

According to the House Select Committee on Crime, the United States produces nearly 8 billion amphetamines annually—enough to supply nearly 40 doses to every American citizen—when the medical need is estimated at 0.05 pills per person per year. This must be stopped.

The Comprehensive Drug Abuse Control Act of 1970 must be expanded to regulate medical journal advertising of these products and to require manufacturers, wholesalers, jobbers, and druggists to make computer-compatible reports on all transactions involving these drugs. The computer would then cross-check all reports and immediately notify law enforcement investigators of any suspected illegal production or distribution.

Prescriptions for mind-altering drugs have been increasing at an alarming rate. In 1970, pharmacists filled more than 225 million prescriptions for these drugs compared with 166 million in 1965. This 37-percent increase compares with a 32-percent increase for all prescription drugs during the same period.

The medical profession must be urged to subject prescription practices to scrutiny and review and to conduct postgraduate seminars on the dangers of overprescription. If they fail to do so, Government intervention must be considered as a serious possibility.

Third. Legislative proposals for bringing the Comprehensive Drug Abuse Prevention and Control Act of 1970 into conformity with the requirements of the new Convention on Psychotropic Substances when it is ratified and enters into force.

On February 21, 1971, 20 nations signed a new Convention on Psychotropic Substances designed to control the international traffic in all manmade synethtic mind-altering drugs. Hopefully, the President will submit this new treaty to the Senate for its advice and consent in the very near future and the Senate will complete the formal procedures as rapidly as possible.

After ratification, we should examine our own law to insure complete conformity with the treaty.

INTERNATIONAL ACTION PROGRAM

First. The Director must propose amendments to strengthen the enforcement provisions of the 1961 Single Convention on Narcotic Drugs, the principle international instrument designed to control dangerous narcotic drugs.

The 1961 Single Convention on Narcotic Drugs is the successor to 10 previous treaties aimed at controlling leakages into illegal channels of lawfully produced narcotic drugs adopted by the nations of the world since 1912. That control has been developed. The 1,100 tons of opium required to meet the legitimate medical and scientific needs of the world community are well regulated.

However, at the same time, illicit production and illegal trafficking has increased to the point where an additional 1,200 to 1,400 tons are produced annually outside the law. This development was not surprising since only a small handful of professionals were charged with overseeing the entire world problem and their enforcement powers were limited.

Increasing the number of international civil servants to enforce the 1961 Single Convention would not be sufficient, however. New methods and new sanctions are required. The United States should take the lead in proposing amendments to the Single Convention, or, perhaps in calling a conference to develop an entirely new treaty.

When this is accomplished and when the new Convention on Psychotropic Substances designed to control the synthetic mind-altering drugs takes its place beside the 1961 Single Convention, a sound international juridical framework for the control of drug abuse will have been constructed. It will then be necessary to build upon this framework to create a truly complete system of controls.

Second. The Director should develop effective means of cooperation with international institutions such as United Nations Division on Narcotic Drugs, the United Nations Special Fund for Drug Abuse Control, the World Health Organization, the Food and Agricultural Organization, Interpol, and the international lending agencies such as the World Bank, the United Nations Development Plan, and the International Development Association.

An effort to build upon the existing international framework for the control of the international traffic in drugs was begun in November 1970, when, at the urging of our State Department, the United Nations established a Special Fund for Drug Abuse Control. Designed to provide new resources for integrated international action against drug abuse, the fund will be used to establish pilot programs which would provide training and equipment for law enforcement and government officials involved in drug control programs; stimulate and develop crop diversification programs, including the development and distribution of the necessary seed, fertilizer, and farm equipment and the organization, if necessary, of farm cooperatives, and the development of roads and the provision, if necessary, of such equipment as refrigerated trucks for a farm-to-market distribution system; and develop new techniques of addict rehabilitation.

Turkey provides an example of the potential utility of the special fund. Although Turkey has been a party to the 1961 Single Convention on Narcotic Drugs since 1965, the international community has been justifiably increasingly dissatisfied with Turkey for not fulfilling its obligation to enact a poppy culture licensing system.

Turkey has reduced the area of poppy cultivation by 50 percent from what it was in 1964 and has reduced the number of opium farmers from 200,000 to 80,000. However, yields per hectare have been increased so greatly that total production in 1968 was 50 percent higher than it was in 1964. Obviously, even if outright prohibition is not possible at present, some form of control is essential as a start to bringing the production under control.

Although the fall of the Demirel government may change the situation somewhat, in the past Turkey has bristled at American diplomatic and political pressure designed to stimulate it to tighten its controls. Leftwing critics of the Government have consistently demagoged what they characterized as American interference in Turkey's internal affairs. Thus, a licensing law which has been before the Turkish Parliament for some time has yet to be enacted and Turkey continues to supply an estimated 80 percent of the illegal heroin which reaches the United States.

The special fund can obviously serve as a multilateral channel for aid and pressure, thus disarming critics of U.S. foreign policy. It is essential, therefore, that the special fund operate effectively and efficiently. An indecisive, undirected organization with insufficient resources, will be almost as bad as no international agency at all.

Despite the fine initiative displayed by the United States in encouraging the establishment of the special fund, American financial support has been fainthearted and parsimonious. The United States has pledged an initial first-year contribution of only $2 million. Given the importance of narcotics control to the United States, other nations took this small pledge as a depressingly clear signal of American lack of interest and confidence in the fund.

Moreover, the United States only 1 month ago—while the Vienna Conference on Psychotropic Substances was still in progress—indicated that it was willing to release only a mere $100,000 of its $2 million pledge. This, again, was taken as a signal of lack of urgency, purpose, and priority and has greatly impaired American credibility concerning its desire to solve the problem. While the State Department has, since the conference, agreed to release $1 million—the harm was done.

Finally, the $2 million American contribution has impaired the effectiveness of the fund. As a general rule, the United States contributes approximately 35 percent of the budget of international agencies. Using this rule, the American pledge of $2 million means that the fund will initially possess resources of only approximately $5 million when the fund should have resources of $25 to 50 million per year.

The cost of not spending millions abroad is measured in a cost of billions in our cities. It is no exaggeration to use a multiple of 1,000 in relating failure to spend abroad with cost at home.

Therefore, the actions of the United States must be corrected. The American contribution should have been, and, in the future, must be much greater. We must evidence a clear and credible intent to solve the drug problem now.

The World Health Organization conducts medical research and disseminates public health information. Clearly, our efforts must be coordinated with this organization.

The Food and Agricultural Organization has 2,300 agents spread throughout the world who possess the expertise required to develop crop diversification programs. Again, if poppy culture is to be eliminated, this valuable expertise must be utilized. No initiative has yet been made to harness FAO expertise, available manpower in the field, and its widespread credibility and popularity with the underdeveloped nations.

The international lending agencies, such as the World Bank, the International Development Association, and the United Nations Development Program must be involved in a well designed program to make their resources available for hard and soft loans to fund economic diversification programs to shift poppy farmers to the production of other cash crops or into other employment.

In anticipation of the potential control over poppy culture in Turkey and processing in Marseilles, the organized criminal syndicates are already shifting opium, morphine base, and heroin production from Turkey to such other countries as Afghanistan, Burma, Laos, and Thailand. If we are to halt this shift we must obviously move quickly before it becomes well established.

This will not be easy. Many of the countries I have mentioned lack effective administrative control over their remote poppy growing areas. Roads must be built, administrative and control infrastructures developed, seed for such crops as sunflowers, fertilizer, and farm equipment provided and technical expertise made available. The international lending agencies can be invaluable in providing the variety of financial aid that is required in order to close all the holes in the dikes and create a seamless web of controls over opium production.

Third. The Director should offer technological assistance to international organizations and foreign countries, including:

Advanced computer technology. The need for such assistance is clearly illustrated by the current plight of Interpol. This international organization deals primarily in information and criminal intelligence which it provides for member governments around the world. Yet, it currently has a budget of only $800,000, less than the police budget of Fargo, N. Dak. Clearly, the organization should have a larger budget which would enable it to utilize advanced computer technology for its information gathering, storing and disseminating functions.

Sophisticated administrative and law enforcement techniques must be made available to opium-producing countries for use in licensing or halting opium production.

Agricultural expertise for use in crop diversification. The most effective method of ending heroin addiction in this country involves a total prohibition of poppy culture. This must be our goal.

Poppy farming is a very labor intensive occupation which, to the farmer, is not very remunerative. For example, the average Turkish poppy farmer earns less than $100 per year from his opium crop. Thus, countries such as Yugoslavia have found it relatively easy to move farmers from poppy cultivation to the production of other more financially rewarding crops. Expertise in crop diversification must be made available for this purpose.

COORDINATION AND OPERATIONAL CONTROL

First. Obviously, to accomplish his task, the Director will be required to effectively coordinate programs which are presently located in other Federal departments and agencies. These programs include:

Domestic law enforcement programs which are located within the Department of Justice and border control activities which are located in the Treasury Department;

Medical research and treatment programs located within the Department of Health, Education, and Welfare and the Office of Economic Opportunity;

Technological research conducted by the Department of Defense and the National Aeronautics and Space Administration;

Agricultural research and technical assistance programs located within the Department of Agriculture and operated by AID;

Local treatment programs to reach large numbers of potential drug abusers such as those located within the Department of Housing and Urban Development—(Model Cities; the Office of Economic Opportunity—(Community Action programs; the Department of Health, Education, and Welfare—(Office of Education, Office of Child Development; the Public Health Service — (community based health clinics;

International programs developed or implemented by the Department of State, including the relevant programs under the jurisdiction of the Agency for International Development; and

Relevant technical assistance programs available through the Department of Labor—for example, manpower training for new skills for farmers—and commerce—for example, light industrial development.

Second. In some instances, coordination of existing programs will not be sufficient. Therefore, when, in his judgment it will best serve the aim of drug-abuse control, the Director is empowered to recommend to the President that existing programs be transferred to the direct control of the Office for continued operation or consolidation. In addition, under the same conditions, the Director may recommend to the President that the Office be empowered to develop directly an entirely new program.

Mr. Speaker, drug abuse is not a partisan problem. It is a serious national problem which involves all regions of the country, urban and rural, north and south, east and west. It is attacking affluent youth in our suburbs, poor youth in our slums, students on our college campuses, pupils in our elementary and secondary schools, men in our workshops, and executives in our corporate headquarters.

Similarly, our failure to solve the problem has not been the failure of one party or one administration. It has been a national failure over many years to develop programs and apply resources even marginally commensurate with the appalling scope of the problem.

We can stop the illicit traffic in dangerous drugs if we are willing to call a moratorium in rhetoric and join across party lines to devote the thought, the resources and the energy that are required to mount a total and coordinated effort to end the scourge of addiction.

My proposal to establish an Office of Drug Abuse Control represents an effective and feasible means of conquering this dreaded epidemic. In the past, when we have wished to accomplish a task, we have utilized high quality personnel to develop a sophisticated grand design for action. We have created an Office of Consumer Affairs when we wished to develop a program of consumer protection. We have established a National Aeronautics and Space Administration when we wished to send men to the moon and a Manhattan Project when we wished to split the atom. Surely, drug abuse control is as important a national challenge as consumer affairs, space flight, and atomic energy.

Admittedly, these organizations were not perfect. But they provided the organizational framework to do the job. They used highly sophisticated, multidisciplinary methods to develop programs which applied imagination, initiative, centralization, coordination, operational control, and major resources to accomplish their tasks. We can do the same for drug-abuse control if we have the will and the energy.

Finally, Mr. Speaker, my proposal is a short-term measure only. It deals with a symptom—drug abuse—rather than the disease. While we must move, and move quickly, to correct the symptom because of the disastrous effect it is having upon our society, we should not permit these efforts to diminish our search for a cure of the disease. History will judge us harshly if we fail to end drug abuse. But the judgment will be even more severe if we fail to end the alienation, the bitterness, and the despair which are the root causes of the abuse of drugs. Therein lies the true solution. That should be our ultimate goal.

Mr. Speaker, the following is the full text of the bill:

H.R. 6731

A bill to establish the Office of Drug Abuse Control within the Executive Office of the President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT

SECTION 1. There is established in the Executive Office of the President an office to be known as the Office of Drug Abuse Control (hereafter referred to in this Act as the "Office") which shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The President shall also appoint, by and with the advice and consent of the Senate, a Deputy Director.

DUTIES OF THE DIRECTOR

SEC. 2. (a) The Director shall carry out the following:

(1) DOMESTIC DRUG CONTROL PROGRAM.—The Director shall prepare for the President a comprehensive program for the control of drug abuse in the United States. Such program may provide for—

(A) stimulation of an expanded research program to create a synthetic analgesic to replace opium and its derivatives in medical use;

(B) stimulation of an expanded research program into the development and dissemination of a long-lasting blocking or antagonistic drug for treatment of drug addiction;

(C) stimulation of expanded research into the development of a detoxification agent which, when administered, will ease the physical effects of withdrawal from heroin addiction;

(D) development of a large-scale, national program of methadone maintenance, with appropriate supporting services, or similar program for any methadone substitute, if and when developed; and

(E) development of programs for the control of the production and distribution of psychotropic substances including a program for the development of a computer capability to monitor their manufacture, distribution, and dispensing;

(F) development and evaluation of drug abuse prevention education programs.

(2) INTERNATIONAL DRUG CONTROL PROGRAM.—The Director shall prepare for the President a program for the effective use of facilities and personnel of governmental and international organizations in controlling drug abuse. Such program may provide for

(A) the offer to international organizations or foreign countries of technological assistance including—

(i) advanced computer technology,

(ii) high-altitude and satellite surveillance photography,

(iii) the use of infra-red sensors and radioactive and chemical tracer elements,

(iv) sophisticated administrative techniques, and

(v) agricultural expertise for use in crop diversification; and

(B) effective cooperation with international institutions (such as the World Health Organization, the Food and Agricultural Organization, Interpol, and international lending agencies) for the development, implementation, and financing of crop diversification programs, alternative employment opportunities for persons engaged in drug production and distribution, and methods of controlling the international traffic in drugs subject to abuse.

(3) COORDINATION OF FEDERAL PROGRAMS.—The Director shall prepare for the President a plan for the coordination of the programs carried out by departments and agencies of the Federal Government to control drug abuse, including—

(A) law enforcement programs of the Department of Justice and the Treasury Department:

(B) medical research and treatment programs of the Department of Health, Education, and Welfare and the Office of Economic Opportunity;

(C) technological research conducted by the Department of Defense and the National Aeronautics and Space Administration;

(D) agricultural research and technical assistance programs of the Department of Agriculture;

(E) programs utilized to reach large numbers of potential drug abusers such as those located in the Offices of Education and Child Development in the Department of Health, Education, and Welfare, in the Department of Housing and Urban Development, and in the Office of Economic Opportunity; and

(F) international programs developed or implemented by the Department of State or the Agency for International Development.

(b) Upon approval by the President of a plan submitted under subsection (a), the Director shall carry out such plan. The President shall take such administrative action, and shall submit to Congress requests for such legislation, as may be necessary to enable the Director to effectively carry out each such approved plan.

(c) The President shall transmit to each House of Congress each approved plan prepared by the Director and every six months after a plan is transmitted to Congress the President shall make a report to each House of Congress describing the activities undertaken pursuant to the plan and any revisions made in the plan.

(4) The Director may, from time to time, make recommendations to the President, with respect to:

(1) the expenditure of funds by Federal departments and agencies for programs related to drug abuse control including, but not limited to, the fields of agriculture, education, training, health and welfare, defense, foreign affairs, law enforcement, commerce, border control, and manpower.

(2) Such additional, Federal, State, and local legislation as the Director deems necessary to further the purposes of this Act.

ADMINISTRATIVE PROVISIONS RELATING TO DIRECTOR, DEPUTY DIRECTOR, AND STAFF OF THE OFFICE

SEC. 3. (a) DIRECTOR AND DEPUTY DIRECTOR.—The Director shall be paid at a rate not to exceed the rate for level III of the Executive Schedule and the Deputy Director shall be paid at a rate not to exceed the rate for level IV of the Executive Schedule.

(b) STAFF.—The Director may appoint and fix the compensation of such personnel as he deems desirable.

(c) APPLICABILITY OF CIVIL SERVICE AND CLASSIFICATION LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive compensation in excess of the annual rate for grade GS-18 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Director to assist it in carrying out his duties under this Act.

(f) OBTAINING OFFICIAL DATA.—The director may secure directly from any department or agency of the United States information necessary to enable him to carry out this Act. Upon request of the Director, such department or agency shall furnish such information to the Director.

WEEK OF CONCERN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BINGHAM. Mr. Speaker, I want to commend the gentleman from Indiana (Mr. MYERS) for arranging this special order on the distressing situation of our prisoners of war and missing in action in North Vietnam. Further discussion and reflection on this matter is particularly in order this week, which the President has officially proclaimed a Week of Concern. I know that the gentleman from Indiana and other Members of the House were instrumental in securing this proclamation, for which we are all grateful.

As I see it, the prisoner of war problem is now really two problems. There is, first, the problem of the treatment of our prisoners by the North Vietnamese and, second, there is the problem of obtaining their early release.

With regard to the matter of treatment, I have said before and I say again that I deplore and condemn the failure of North Vietnam to observe the Geneva Convention with regard to these prisoners. I voted for the resolution passed by the House December 15, 1969, protesting the treatment of our servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam and calling on them to comply with the requirements of the Geneva Convention. I am introducing a similar resolution today to point out that no progress has been made and to reemphasize the need for release by North Vietnam of the names of all our prisoners, repatriation of the sick and wounded, impartial inspection of prison facilities, and regular mail services.

The force of sympathetic national and worldwide public opinion is the best hope we have for more humane treatment of our prisoners. But sympathetic world public opinion is extremely difficult to mobilize when our leaders continue to widen the war and step up the bombing, as they have in recent months. The Sontay raid probably made conditions more difficult for the prisoners. The President, by refusing to preclude future Sontay-like raids, perpetuates that extra hardship.

So far as obtaining the release of the prisoners of war is concerned, the President's policies and actions have been even more misguided and inept. Hanoi has offered to negotiate with regard to the release of the prisoners if this country will set a date for total withdrawal of U.S. troops—a move 73 percent of the American people desire and support. I believe there is only one course open to us to obtain the release of these men, and that is the course of scheduled withdrawal to be completed by a preannounced date, provided the prisoners are released. As the Vietnam Disengagement Act (H.R. 4100), the McGovern-Hatfield bill which I had the honor to introduce in the House with 64 cosponsors, makes clear: In light of all considerations, the solution which offers the best likelihood for the return of U.S. prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all U.S. Armed Forces from Vietnam.

I urge all those in this Congress and across the Nation who are deeply concerned, as I am about the prisoners to support this course, which the President so far has refused to take.

AMERICAN PRISONERS OF WAR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. WYMAN. Mr. Speaker, it is with a heavy heart and a marked sense of frustration that I join with my colleagues in observing the National Week of Concern for Prisoners of War and Those Missing in Action. Seven years ago, on March 26, 1964, the first American was taken prisoner by North Vietnam. Today those Americans taken prisoner or listed as missing in action number approximately 1,600. Of these 460 have been confirmed as prisoners by the Department of Defense, with the fate of the remaining men known only to North Vietnam. At best, these seemingly forgotten men are languishing ill-fed in a cell in a North Vietnamese camp with little or no contact with home.

In an effort to reduce man's inhumanity to man, the United States has joined with other nations, including North Vietnam, in signing the Geneva Convention of 1949 seeking to guarantee humane treatment for prisoners of war. Unlike North Vietnam, however, this Nation is honoring its commitment under the Convention. Make no mistake, this is no great concession on our part; it is simple human decency. Identifying all prisoners held, allowing impartial inspection of camps, permitting free exchange of mail between prisoners and their families, releasing seriously sick or injured prisoners, and negotiating seriously for the release of all prisoners—these are provisions contained in the Convention which North Vietnam ratified in 1957. Compliance cannot conceivably jeopardize any nation's security or interests. Yet North Vietnam continues to ignore them.

On October 7, 1970, President Nixon made an offer—which is still standing—to exchange 8,200 North Vietnamese prisoners of war for those Americans held by North Vietnam. To date, North Vietnam will not even discuss the matter. Can this attitude truly reflect a culture supposedly civilized? Yet this is the position of Communist North Vietnam?

It is frustrating, to say the least, not to be able to directly assist those Americans who are prisoners of war or listed as missing in action. The 90th, the 91st, and now the 92d Congresses have strongly deplored the barbaric insensitivity displayed by North Vietnam. Although regretably meager, the only method of assistance available is to place the spotlight of world opinion on the actions of North Vietnam. As more and more people realize the full extent of that nation's inhumanity, we can hope Hanoi will rsepond to the diplomatic appeals from other nations. Until then we must make every effort to demonstrate to North Vietnam the wisdom of adhering to the responsibilities they incurred by signing the Geneva Convention in 1957.

I pray these efforts are successful.

ECOLOGICAL DESTRUCTION IN VIETNAM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. KASTENMEIER. Mr. Speaker, I would urge my colleagues to read two recently published articles describing the ecological and genetic hazards of the U.S. defoliation and crop-destroying practices in South Vietnam.

The articles, the first by Arthur H. Westing in the March 1971 issue of Natural History, and the second by Terri Aaronson in the March 1971 issue of Environment, discuss the consequences of the deliberate and massive attack upon the ecological system of South Vietnam. The two authors, as well as many other persons, including myself, fear that the ecological disruption of South Vietnam will endure long after the causes of the current conflict are forgotten. The signs of lasting ecological damage are becoming increasingly apparent, and because of the interrelationship of all life in an ecological system, such destruction could also have long range effects on animals and humans as well.

Any person who is interested, even to the slightest degree, in the future of man and his environment has to be horrified and saddened by this willful destruction of the home environment of another people. The American conscience will be haunted for years to come by this brutal action.

Mr. Speaker, the articles follow:

[From the Natural History, March 1971]

ECOCIDE IN INDOCHINA

(By Arthur H. Westing)

All wars raise havoc with the land on which they are fought. However, our war in Indochina has been, and continues to be, particularly disruptive of the environment.

The country is largely rural, and the enemy is dispersed in the fields and forests, in the mountains and swamps. This enemy matches his numbers and concealment and persistence against our wealth and technology and persistence. They hide and we seek.

In an attempt to cope with that elusive enemy, dispersed and hidden in the wild stretches of Vietnam, the United States military employs two major tactics: bombing on a staggeringly unprecedented scale and laying bare vast stretches of terrain. Both tactics are enormously disruptive of the ecology (and economy) of Vietnam.

When an area is found to contain—or is even suspected of containing—Vietcong, it is subjected to intensive aerial bombardment. Hundreds of bombing sorties are flown each day. Some three million bombs are dropped annually, for a total now of more than ten million tons, and the program is being intensified daily. In flying over the country, as I did last August, one is overwhelmed by the endless craters, each 20 or 30 feet deep and 30 to 40 feet across. These ubiquitous craters are (at least during the rainy season) usually filled with water and provide an ideal breeding habitat for malarial mosquitoes. The long-term ecological effects, possibly for centuries, of this massive intrusion of the environment have attracted little attention.

The other massive ecological disturbance is our program of defoliation: the destruction of vast stretches of vegtation in order to deny cover and sanctuary to the enemy. This is done in two major ways. One rather straightforward approach is to bulldoze the countryside. Using giant tractors equipped with sharpened Rome-plow blades, we have now cleared a 1,000- to 2,000-yard strip along most major transportation routes. Most of these swaths—often scraped down to the infertile subsoil—are barren and subject to erosion. The remainder are largely weed-choked wastelands. They will be difficult to reclaim and rehabilitate after the war.

In addition to roadside clearing, large contiguous areas of countryside are Rome-plowed to deny them to the enemy. At least one-half million acres of forest were cleared through 1969, according to information released by the Army. This program continues unabated. In the words of the commanding officer of this operation, "The B-52 bomber is the battle-ax of this war, and our plow is the scalpel."

The second and much more extensive means we have devised for denying wild land cover and sanctuary to the other side is the aerial application of plant poisons, or herbicides. This aspect of the war drew me to Indochina twice, most recently in August 1970, as director of the Herbicide Assessment Commission of the American Association for the Advancement of Science (AAAS). There is no precedent for the massive use of herbicides in a tropical environment and thus no way of reliably predicting the full extent and seriousness of the damage being inflicted upon the ecology of Vietnam. The likelihood of serious long-term damage to the environment has been a major concern of many scientists in this country and elsewhere. In December 1970, the Council of the AAAS resolved to urge the United State to renounce the military use of herbicides.

War against the plants of Vietnam began in late 1961 and, according to a recent Department of Defense news release, was inflicted upon some 5½ million acres through 1969. Since the program continues to this day, the current figure can be estimated to be in excess of 6½ million acres. (A half million or more acres classified as agricultural have been sprayed.) All told, one acre in six in South Vietnam has now been sprayed.

To illustrate the extent of environmental disruption more graphically: South Vietnam approximates the size of New England; the area sprayed is larger than Vermont; the area bulldozed almost that of Rhode Island. While none of Vietnam's 43 provinces has escaped, some have been attacked herbicidally with particular intensity and frequency. Among these are the Rung Sat region in Gia Dinh Province southeast of Saigon, Tay Ninh Province (War Zone C), which is northwest of Saigon, and Long Khanh Province (War Zone D) northeast of Saigon—the last previously contained major stands of South Vietnam's magnificent virgin tropical forest.

Most forest spraying has been done with a 1:1 mixture of 2,4-D and 2,4,5-T, Agent Orange in military terminology; some with a 4:1 mixture of 2,4-D and picloram, or Agent White; and small amounts with dimethyl arsenic acid, Agent Blue. The use of Agent Orange was discontinued in early 1970, largely in favor of Agent White. Agent Orange was applied at the rate of 25 pounds of active ingredients per acre; Agent White at 8 pounds; and Agent Blue at 9.

When an upland forest is attacked with herbicide, the leaves drop after two or three weeks and the trees remain bare for several months. Sunlight, able to reach the forest floor following defoliation, promotes the growth of a luxuriant understory in which certain herbaceous grasses and shrubby bamboos dominate. A tropical forest has an enormous diversity of species, some more sensitive to the spray than others. When refoliation of the trees occurs, about one out of ten trees fails to survive the treatment, perhaps more. This has occurred on more than 5 million acres in Vietnam. The repeated spraying of an additional million acres or so of upland forest has caused even more serious damage. In such areas the proportion of trees killed rises dramatically, as much as 50 percent to 80 percent of higher, depending upon the number of applications, the type of spray, and the local mix of species. An estimated 6½ billion board feet of merchantable tropical timber have been destroyed, plus an indeterminate amount of fuel wood, charcoal wood, and other forest products.

In flying over these hard-hit areas, I was impressed by the widespread invasion of cogon grass (*Imperata*) or, even worse, a variety of low-growing scrub bamboos. These species are aggressive colonizers and prevent the re-establishment of the former high forest. The resultant grass savannas and bamboo brakes have a reduced biomass and an impoverished fauna. Commercially worthless, they will be extremely difficult to eradicate. These vegetational wastelands will remain one of the legacies of our presence for decades to come.

Additional, less obvious ecological damage is likely to occur in a sprayed upland forest. In a tropical forest ecosystem (like those of temperate zones) the major fraction of the total nutrient budget is in its biotic component (largely in the leaves and small twigs). Following defoliation, a significant fraction of the leaf-stored nutrients is probably lost permanently in the water runoff. It takes decades for a tropical ecosystem to restore its former productivity following such nutrient dumping.

Herbivorous insect, bird, and bat populations are bound to decline markedly and with them, their pollinating function, which is so important in a tropical forest where individual plants of the same species are usually widely scattered. In the replacement community, particularly following multiple herbicidal attacks, the original set of animal populations will be replaced by a less diverse set. A large number of species will be eliminated and the replacement community will have higher numbers of fewer species, many of them new to the area. In addition, the miles of borders (or ecotones) between divers vegetational types is being greatly increased. Such a fringe habitat supports its own animal community. For example, the scrub typhus mite appears to be restricted to such a niche.

The chemicals used for defoliation missions (largely 2,4-D, 2,4,5-T, and picloram) are potent herbicides but are supposedly not toxic to animals. These chemicals have their main effect on terrestrial animals (both large and microscopic) indirectly via the dependence of these animals on plants for food and shelter. However, at least one of the herbicides, 2,4,5-T, contains dioxin as an impurity. Dioxin is both highly toxic and enormously teratogenetic (causing birth defects) to mammals. Vietnam's countryside has been drenched over the years with some 47 million pounds of 2,4,5-T, with an estimated dioxin concentration of 25 parts per million. This means that more than one thousand pounds of dioxin have been introduced into Vietnam's environment. Dioxin's environmental stability, mobility, and possible points of concentration in the ecosystem are not yet known.

In a different ecological situation, more than one million acres of Vietnam's southerly coastal regions are subject to daily flooding at each high tide. This tidal zone supports a characteristic biotic community known as mangrove swamp. It is an inhospitable region used mainly as a source of charcoal and as sanctuary for the ubiquitous Vietcong. More subtly, it is a crucial breeding and nursing ground for a great variety of ocean fishes and crustaceans and some river fishes.

To date, more than one-quarter of Vietnam's mangrove association has been sprayed and killed. I say *killed* because, through some quirk of nature, one herbicidal attack of this tidal zone literally kills all the plant life that grows there. Moreover, for unknown reasons, the plants do not regenerate. The utter devastation that results is eerie to behold and also frightening because I could find no indication of how soon, if ever, recovery would occur. Tens of thousands of acres sprayed years ago still have no sign of green on them. The web of life on these vast stretches has been destroyed, with ecological ramifications—and even geologic ones via marine erosion—not yet possible to fathom. Whether or not the recent disappearance of the freshwater tarpon, which breeds among the mangroves, from the Mekong Delta is the result of this destruction remains to be determined.

My focus has been on the strictly ecological impact of the military use of herbicides in a tropical setting. What must be left for another time is the impact of this program on human ecology—on the 17 million semidestitute Vietnamese peasants and primitive hill tribesmen inexorably enmeshed in the vagaries of the war. This unfortunate aspect of the problem has incredibly serious economic, public health, and social welfare dimensions.

Whatever one's political and moral views may be toward the war in Indochina, one has to assume that the war will end some day and that the surviving population must have a natural resource to support itself. The natural resource is the base upon which an underdeveloped country must build its future.

In December the White House announced a "phasing out" of the use of herbicides. It is my hope that a second statement is imminent announcing the immediate cessation and abrogation of such use of herbicides. I hasten to add that I have little against the discriminate civil use of many herbicides; I am only against their massive and indiscriminate use by the military. One cannot destroy a nation in order to save it.

[From the Environment, March 1971]

A Tour of Vietnam

(By Terri Aaronson)

The extensive U.S. military defoliation and crop destruction program in South Vietnam has caused many scientists to fear long-lasting ecological damage and human health hazards in that country. In the past nine years, defoliation has affected more than one-seventh of the land area of South Vietnam. In December of 1969, the American Association for the Advancement of Science (AAAS), after at least three years of internal discussion, appointed Mathew Meselson, professor of biology at Harvard University, to develop a plan for an indepth study of the effects of herbicide use on the ecology of Vietnam and on human welfare. During 1970, Meselson and a group of scientists he gathered to assist him (comprising the Herbicide Assessment Commission) studied the background of the use of herbicides—chemicals which either kill plants or affect their natural growth patterns—in South Vietnam and made a study tour of South Vietnam during the summer. Because so little information has been available on the ecological consequences of military use of herbicides, and because of reports in Vietnamese newspapers claiming that herbicides caused horrible birth defects, many people were anxious to hear the preliminary report of the Herbicide Assessment Commission (HAC), presented at the annual AAAS meeting held in Chicago in December 1970. There was also official interest in the report, and three days before the commission was to address the AAAS the White House, which had received advance notice of the contents of the report, announced that herbicide use in Vietnam will be phased out; policies governing use of herbicides in Vietnam will, in the meantime, conform to U.S. regulations; and herbicides will be used only on the perimeters of fire-bases and U.S. installations and in remote unpopulated areas.

Chemicals that are used in the defoliation program in South Vietnam go under the names of Agent Orange, Agent White, and Agent Blue. Orange, the most widely used herbicide, consists of a 50: 50 mixture of 2,4,5–T and 2,4–D. White is a 80: 20 mixture of 2,4–D and picloram, and Blue is cacodylic acid, an arsenic compound. These herbicides have been used in the United States for about twenty years as effective weedkillers; however, their use here has been in much lower concentrations. Last spring the U.S. government announced that 2,4,5–T and/or its contaminents were capable of producing birth defects in mice and rats, and that registration for certain uses of 2,4,5–T in this country was suspended. In April, President Nixon announced that Agent Orange, which contains 2,4,5–T, would no longer be used in Vietnam. Despite orders, Agent Orange was used in two northern provinces of South Vietnam throughout the summer.[1]

No restrictions were placed on the use of 2,4–D, which has also been implicated in the production of birth defects in mice and rats.[2]

Picloram is a persistent chemical in soils and has not been authorized for use on any American food crop. Cacodylic acid may be used in the United States on food crops under certain Department of Agriculture restrictions. However, the concentration of Agent Blue used in Vietnam is seven and one-half times the concentration permitted in this country for weed killing.[3] Agent Blue is used primarily to destroy rice crops in Vietnam.

DEFOLIATION OF FORESTS IN SOUTH VIETNAM

Forest areas cover about 25 million acres, or 60 to 70 percent of the total land area of South Vietnam. Defoliation is aimed at denying the National Liberation Front (NLF) protective cover and uncovering NLF supply routes through forest areas. Four million acres are estimated to have been sprayed once; one million acres are estimated to have been sprayed at least twice. (These estimates were made by the Herbicide Assessment Commission on the basis of open literature, interviews with South Vietnamese witnesses of spraying, and personal assessment during visits to South Vietnam. The U.S. Department of Defense has refused to declassify information concerning exact numbers of missions flown, locations of missions, and the type of herbicide sprayed on each mission. Such data will be necessary for any complete scientific study of herbicide effects.) Forest defoliation was accomplished primarily by Agent Orange until its ban in April. Since then Agent White has been used as the main herbicidal agent. Agent Blue has been used very little for forest spraying. Arthur Westing, professor of biology, Windham College, Putney, Vermont, whom Meselson appointed to direct the HAC, suggested that over 60,000 tons each of 2,4,5-T and 2,4-D and 1,000 tons of picloram have been dumped on the forests of South Vietnam. Both 2,4,5-T and 2,4-D degrade rapidly in the environment, that is, they last only several weeks or a few months at most. Picloram, on the other hand, may remain in the soil, influencing vegetation for as long as several years.

Agents Orange and White, when sprayed on forests at standard active ingredient rates of 25.5 pounds per acre and 7.6 pounds per acre respectively, cause leaf fall in approximately two to three weeks after spraying. The trees remain bare for several months following spraying. Previous studies by B. R. Flamm of the U.S. Forest Service and F. H. Tschirley of the U.S. Department of Agriculture's Agricultural Research Service, concluded that with a single spraying one out of every eight to ten trees is killed. Aerial examination by HAC seemed to indicate that a much greater percentage of trees are killed outright. For those areas sprayed more than once, 50 to 80 percent of the trees are killed.

Approximately 35 percent of the dense jungle, which comprises half of South Vietnam's total forest land, has been defoliated. When trees are stripped of their leaves, sunlight reaches the ground, encouraging growth of some kinds of bamboo and pioneer grass, which have little economic value. If the defoliated trees regenerate their leaves, the grasses and bamboo may be killed by lack of sunlight. If, on the other hand, the trees are killed by herbicides, the grasses and bamboo stands may become predominant in the area. Larger trees then may take years or decades to reestablish themselves. If hardy grass types, particularly *Imperata cylindrica,* become established, previous forestland may be transformed to semipermanent savannah. Westing commented that forests in Sumatra have been shown to crowd out *Imperata* over a period of ten to sixteen years. However, bamboo stands may resist forest crowding for decades. HAC made particular note of the fact that lumbering is a major industry and timber the most promising economic resource in South Vietnam.

Even when trees are not killed, spraying has drastic consequences on dense tropical forest land. Most of the nutrients contained in South Vietnam's jungles are, at any one time, in the leaves and twigs of the trees. Very few nutrients are found in the soil. Ordinary leaf loss is fairly continuous, and leaves degrade very rapidly in the warm, humid climate. When defoliation causes all the leaves to fall at one time, they are all quickly decomposed and many nutrients are lost to the immediate ecosystem by leaching, runoff, and erosion. HAC has christened this phenomenon "nutrient dumping." and Westing surmises that it will take a minimum of a decade for a defoliated area to regain its total nutrient budget.

Because of wartime conditions it has been impossible for anyone to make a detailed ground study of any defoliated area. However, Westing pointed out that it is reasonable to assume that animal populations have suffered because of defoliation; moving to contiguous, unsprayed areas does not ease animal hardships, because each jungle area is normally filled to capacity. Rather, Westing foresees that the only animals to thrive in a defoliated area will be termites. Although Agent Orange, in particular, is known to have toxic effects, at the present time there is nothing to indicate that herbicides have directly affected animal populations. This must be interpreted, however, in light of severely limited field observations.

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[1] *New York Times*, October 24, 1970.

[2] Epstein, Samuel S., "Family Likeness," *Environment*, July/August 1970.

[3] Whitesade, Thomas, *Defoliation*, Ballantine/Friends of the Earth, New York, 1969, p. 7.

Again, because of the limitation on ground research, observation of the soil in defoliated areas is difficult. However, HAC lists erosion as the major impact of defoliation on the soil. Erosion would be most severe in mountainous terrain, or following fire in a defoliated area.

Mangrove forests grow well in marshlands where they are often subject to saltwater tides. South Vietnam has in excess of one million acres of mangrove forest, consisting of both true and so-called "rear" mangrove. Because the mangroves grow along coastlines, they have been the target of U.S. defoliation missions in an attempt to secure waterways for safe passage of military and commercial vessels. More than 20 percent of the mangrove forests have been defoliated. Unlike the species in dense forest, 100 percent of the mangroves appear to be killed by a single spraying of herbicides, and all other vegetation on the sprayed site is killed. Up to six years following spraying no regrowth on mangrove sites has been observed. Rather than speculate on why mangrove sites did not regenerate, Westing suggested that on-site experimentation and land rehabilitation begin as soon as possible.

Mangroves are particularly useful as firewood and as a source of charcoal. The swamps where mangroves thrive are also very rich breeding grounds for a wide variety of aquatic organisms. When the mangroves are destroyed, the nutrients which they ordinarily lose continuously to the surrounding area no longer available to these organisms. Westing and Meselson suggested that the effects of destruction of mangrove forests on fish and crustaceans (such as shrimp) be studied. The AAAS scientists firmly believe, despite reports to the contrary and a lack of direct evidence, that the number of aquatic organisms must have declined. The scientists pointed out that fish catches have indeed increased in recent years, but attribute increases to advanced fishing techniques which would mask actual depletion in the fish population.

The HAC also noted the potential threat of coastline erosion as dead mangrove roots rot away. Up to this time, however, no erosion has been observed.

Westing dismissed one estimate that mangrove forests will regenerate in twenty years. Although mangroves destroyed through means other than spraying an indeed regenerate fairly rapidly, Westing believes that such timetables do not apply to sprayed areas.

Defoliation programs in South Vietnam are concentrated on the dense forests and the mangrove forests. Westing claimed that rubber plantations in South Vietnam are carefully avoided by spray planes, although some damage to rubber has occurred from spray drift and from accidental sprayings. He did note, though, that no attempt has been made to protect rubber plantations in Cambodia. However, an NLF film given to Dr. Egbert Pfeiffer of the University of Montana (see accompanying article), shows extensive damage to rubber plantations thought to be in South Vietnam. Rubber is a major commodity in both Cambodia and South Vietnam.

Along with rubber, rice has been a major export item in South Vietnam. HAC suggests that timber could also be an important export. Over one-half of South Vietnam's forests are appropriate for commercial use. If the forests were put to commercial use they could provide an adequate supply for the South Vietnamese plus afford a considerable amount for export. Westing has calculated that the defoliation program in Vietnam has destroyed approximately 6,500 million board feet of timber—with an approximate monetary loss of close to one-half billion dollars. This figure must be seen, though, in light of the very limited timber industry presently operating in South Vietnam.

HEALTH EFFECTS OF HERBICIDES

The lack of knowledge of the effects of herbicides used in Vietnam on human health was one of the major reasons for the creation of HAC. Laboratory studies in 1968 to 1969 showed 2,4,5-T and/or its contaminants to be teratogenic (causing birth defects) in mice and rats.[4] Naturally, it was feared by the AAAS scientists and others that the 60,000 tons of 2,4,5-T sprayed in South Vietnam might have drastic consequences on children born since the spraying began. Scientific concern was increased by reports in the Vietnamese press that defoliants were causing monstrous birth defects. Although 2,4-D has been as widely used in Vietnam as 2,4,5-T and is now the most often used military herbicide, it has never received as much publicity for its teratogenic possibilities as its cousin, 2,4,5-T.

John Constable, professor of surgery at Massachusetts General Hospital, led HAC's study of health effects. Constable and HAC found no evidence of drastic abnormalties, such as occurred from thalidomide, in the South Vietnamese population. Interviews with leading doctors in South Vietnam tended to confirm HAC's evidence. However, this does not eliminate the possibility that major abnormalities are occurring but are simply going unnoticed. Laboratory studies indicate that 2,4,5-T may cause gastrointestinal or urinary tract changes. These, or biochemical abnormalities in the body, may not be observed in the South Vietnamese population, but may have a definite effect on life expectancy. Abnormalities can sometimes result in spontaneous abortion or stillbirth, and the rate of stillbirth in South Vietnam for the period of defoliant spraying may be revealing. There are, however, many variables to consider before drawing conclusions from stillbirth rates.

Because most areas defoliated by 2,4,5-T and 2,4-D were quite remote, only a limited population was directly exposed. Since few people were directly exposed, to study the prime effects of these herbicides it is important to know whether they enter the food chain. In order to assess increases or decreases in the stillbirth rate it is necessary to be aware of any changes in the quality of health care and in the manner and accuracy of reporting birth figures. And it is valuable to have autopsies performed on a number of stillbirths to discover any pattern of abnormality. All of these considerations are suggested by HAC for future study.

The major problem in obtaining figures on the number of stillbirths in South Vietnam is that many children are born not in large hospitals but at home or in village or district dispensaries. These dispensaries are staffed by a midwife and/or a rural health worker. HAC found general agreement among Vietnamese doctors and midwives that records kept by midwives (who attend most of the births in South Vietnam) are accurate in reporting the birth of a child, the sex and weight of the baby, and whether the child survived. There are great discrepancies in reporting congenital abnormalities, however. For the most part, if abnormalities are recorded at all, only gross malformations are reported by midwives at the village or district levels. Causes of stillbirths are almost never reported. Provincial and large city hospitals are somewhat more reliable in their reporting of abnormalities and are generally more sophisticated in their medical care. The large hospitals normally report more stillbirths and obstetrical difficulties than do village and district dispensaries because the referral of difficult cases to the large hospitals is prescribed by the Ministry of Health.

A study of congenital abnormalities, hydatiform moles (placental tumors), and stillbirths in the Republic of Vietnam from 1960 to 1969 was made for the U.S. Department of the Army and the Vietnamese Ministry of Health under the direction of Dr. Robert T. Cutting. The study was made public in December shortly before the AAAS meeting. In some respects HAC has drawn significantly different conclusions from similar data than did Cutting's group.

Cutting reported that in the past decade there was a slight decrease in the rate of stillbirths reported in South Vietnam. However, Constable pointed out that approximately 60 percent of the birth figures Cutting used came from Saigon—where the most modern medical facilities in the country exist, and where the medical staff of at least one hospital attributed the decreased rate to improved medical care. If, Constable claimed, the Saigon figures were subtracted from Cutting's totals, the rate of stillbirths in the rest of the country would no longer show a decrease. Constable was not willing to attribute this fact to use of herbicides. He presented data from Tay Ninh City Hospital on the stillbirth rates from 1968 to 1970, but declined to draw conclusions.

Tay Ninh province has been heavily defoliated in its northern section. Although few people live at the site of defoliation, many persons in Tay Ninh province do eat fresh fish from rivers which filter through the defoliated forests. Constable's group studied the daily record book kept at Tay Ninh City province hospital for the years 1968 to 1970. They found that "a higher rate of stillbirths was shown from these records in Tay Ninh than recorded anywhere else by Cutting and his group." Earlier records for Tay Ninh are not available, and Cutting did not report seeing the daily record book for 1968 to 1970.

Constable found that nearly complete records were available for all of the districts and villages in Tay Ninh province as well as for the provincial hospitals for a period of four months in 1970. These figures, representing an estimated 70 percent of births, showed that outlying districts reported a stillbirth rate of 8.7 per thousand (based on 2,281 births); at the same time Tay Ninh City provincial hospital reported a rate of 58 stillbirths per thousand live births (based on a total of 1,028 births). Combining these figures, the overall rate of stillbirths for Tay Ninh province was 24 per thousand. Although smaller facilities are supposed to refer probable stillbirth cases to the larger hospitals, HAC could not explain the very large discrepancy between figures from Tay Ninh City provincial hospital and outlying facilities. Saigon's major maternity hospital, which receives numerous referrals of difficult cases, might be expected to have a stillbirth rate similar to that of Tay Ninh City provincial hospital. However, the Saigon hospital had rates of 26 per thousand and 20 per thousand for 1968 and 1969 respectively.

HAC also looked briefly at records from medical facilities in the Rung Sat area, southeast of Saigon. This area has experienced massive defoliation of mangrove forests. However, the major hospital in the area, Vung Tau hospital, which also receives referrals of difficult obstetrical cases and has a monthly birth rate similar to that of Tay Ninh City provincial hospital, showed very low levels of stillbirths—10.5 per thousand in 1968 and 12.8 per thousand in 1969. HAC was hesitant to draw conclusions from these data, but noted that inhabitants of the Rung Sat area do not eat fish from streams running through the defoliated mangrove forests, as do the people of Tay Ninh. HAC claimed that until more research was done and more exact data were available, the high rates of stillbirth in Tay Ninh City provincial hospital could not be interpreted.

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[4] Courtney, K. Diane, D. W. Gaylor, M. D. Hogan, H. L. Falk, R. R. Bates, I. Mitchell, "Teratogenic Evaluation of 2,4,5-T," *Science*, 168(3933):864, May 15, 1970.

Figures on the number of congenital malformations which did not cause stillbirths are very difficult to obtain in South Vietnam for reasons stated above—many midwives don't record this information. Even some provincial hospitals do not bother to record congenital abnormalities; for example, Tay Ninh City provincial hospital reported 2,551 consecutive births with no recorded congenital malformations. When interviewed by HAC, midwives admitted seeing a number of deformities. Similarly, Vung Tau hospital reported 6,198 births in 1968 and 1969, but no congenital abnormalities were recorded; it is extremely unlikely that there were none.

The most valuable and accurate information on congenital malformations was available to HAC from the Saigon Children's Hospital. There, Dr. Le Anh has kept a complete record of all 4,002 cases of congenital abnormalities seen from 1959 to 1968. The hospital, though, receives a specific kind of patient. Saigon Children's Hospital has no obstetrical unit and accepts only those children whose defects can be helped by surgery. Furthermore, the affected child must survive long enough to be transferred to Saigon Children's.

Although most patients at Saigon Children's came from the area surrounding Saigon, patients from throughout the country are seen. Unfortunately, Dr. Le Anh does not have records of where individual patients are from. This, of course, severely limits the effectiveness of Dr. Le Anh's data in examining the relationship of defoliation to birth defects. Therefore, HAC felt that the best use of the data would be to look at it for changes in relative frequency of abnormalities. In two cases such changes seem significant.

In 1967, the year of heaviest herbicide spraying, Saigon Children's Hospital saw thirteen cases of spina bifida, a malformation of the spinal column. In the previous year only one case was seen and in the previous two years a total of seven cases were seen. In 1968 the figure remained relatively high, at twelve cases.

The second abnormality to increase during the time of spraying was pure cleft palate. Two cases were seen in 1964, two cases in 1965, and twelve cases in 1966. The number increased to twenty-three cases of cleft palate at Saigon's Children's in 1967, and twelve cases were recorded in 1968.

The increase in spina bifida might be explained by increased detection of it as a result of an improved x-ray technique, although HAC reported that this was denied by Vietnamese doctors. The increase in cases of pure cleft palate seen at Saigon Children's might be a result of rural medical personnel more frequently opening the mouths of new borns. HAC noted in relation to this, though, that a new medical facility at Cho Ray had repaired 180 cleft palates from 1968 to 1970; however, this high figure might be a result of grouping pure cleft palates with cleft lips or combinations of both. Again, it will be important in the future to study the provincial origins of deformed children. Until that time, HAC will draw no conclusions about the connection between extensive use of herbicides and seeming increases in certain types of congenital abnormalities.

CROP DESTRUCTION PROGRAM

Crop destruction has occured in Vietnam on a much smaller scale than forest defoliation. HAC estimates that from 1962 to 1969, 530,000 acres of cropland were sprayed with herbicides in a program of denying food to the enemy. Whether or not the enemy is indeed harmed by crop destruction by herbicides has been sharply debated. HAC declared the crop destruction program to be a total failure, charging that 95 percent of the crops destroyed were intended for civilians. Types of crops sprayed were not defined by HAC, but are assumed to consist primarily of rice.

Agent Blue, cacodylic acid, is the agent most used in the crop destruction program. It acts to dry out vegetation in a few days and is extremely effective in preventing the maturation of rice. It is therefore sprayed just before harvest time. Agent Orange apparently has been used against some food crops, but most likely in very small quantities. There is no evidence that Agent Blue is capable of causing birth defects.

Most of the crop destruction which has taken place was in the central highlands of South Vietnam. While the cropland area sprayed represents approximately 5 percent of all cropland in South Vietnam, its productivity is relatively poor, so that the percentage of food destroyed would be somewhat less. However, the crops destroyed were in territory inhabited largely by Montagnards—a separate minority culture of about 1,000,000 people existing primarily in the central highlands. HAC suggested that enough food for 600,000 people has been destroyed.

Interviws by HAC indicated that the lives of the Montagnards have been deeply affected by the spraying, although much of the effect may have been psychological and some of the response may have been to insecticidal rather than herbicidal spray. For example, Westing reported that villagers told him chickens died from the herbicide spray. Upon returning to his laboratory Westing devised a crude experiment in which he subjected chickens to Agents Orange, White, and Blue. None of Westing chickens, admittedly not identical to Vietnamese species, suffered the effects described by villagers. However, the effects described were like those suffered by a chicken sprayed with malathion, which is used extensively in Vietnam to control malaria. Nevertheless, Montagnards did feel their livestock were adversely affected by herbicides. Additionally, because many felt that the sprayed land was cursed, they would not go back and farm the same plot. In extreme cases, Montagnards felt it necessary to sacrifice their water buffaloes, their main wealth.

Physical effects of herbicides on the health of Montagnards are more difficult to assess. Some of the villagers interviewed had been wetted by the herbicide spray while working in the fields. Some of those wetted felt they had been affected by the spray, suffering weakness and other symptoms. Others felt unaffected. HAC was unable to identify any definite health hazards of spraying food crops, but did identify that area as in need of further study.

CONCLUSIONS AND DISCUSSION

The HAC scientists concluded that a great deal more research needs to be done in South Vietnam. They saw a need to examine that part of the population exposed to Agent Orange; to perform careful autopsies on stillborns and babies that die from gross abnormalities; to study further incidence of spina bifida and cleft palate; to review stillbirth data in relation to areas sprayed; to learn of possible spray exposure of parents of children born with defects; and to seek for deformities of the type reported by the press as resulting from 2,4,5-T exposure. Finally, HAC most strongly recommended that studies begin immediately on how the Vietnamese people could repair the damage done by spraying. The group emphasized that Vietnamese scientists were able and eager to conduct these further studies.

Following the formal presentation of the HAC report at the AAAS meeting, discussion served to add greater dimension to an understanding of the problems associated with the military defoliation program. Herbert Scoville, Jr., chairman of the discussion and the director of the Arms Control Program, Carnegie Endowment for International Peace, in his opening remarks disdained the December 26 White House announcement of an "orderly yet rapid phaseout of herbicide operations" in Vietnam. Certainly, he stated, if the decision was made to stop using herbicides, their use could be stopped immediately, not after the present supply runs out. Further, Scoville was scornful of the claim that during the phaseout herbicides would be used in the field only in "remote, unpopulated areas." The broad wording allows the destruction of Montagnard crops to continue unabated. Later, one of the panelists explained that, according to military practice, all inhabitants of a suspected Viet Cong area would be told to leave, the area would be classified as zero population, and later sprayed. No notice is taken of farmers who do not desire to become refugees or who are forced to stay behind.

The harshest treatment any panelist received from the audience was directed at Brigadier General William Stone, recently retired director of Chemical and Nuclear Operations, U.S. Army, who defended the military use of herbicides and explained their effectiveness. Undoubtedly, defoliation has helped save American lives in South Vietnam, although Meselson claimed that personal information he received from at least one military source declared defoliation to be a total failure. General Stone, in his presentation, left himself open to hostile comments. Claims that defoliated areas along roads were being cleared and used for farming turned out to be more of a hope for the future than actual practice. Reassurances that herbicides are used in Malaysia to kill rubber trees so that new ones may be planted were found to be reports of experiments that failed miserably. Affirmation that the U.S. crop destruction program was hurting the enemy was refuted.

Samuel Popkin, assistant professor of government at Harvard University and research associate, Center for International Affairs, charged that evidence conclusively showed that only 3 to 5 percent of the crops destroyed in Vietnam were indeed destined for the Viet Cong. This AAAS commission also found evidence that crops destroyed belonged to Montagnards, not Viet Cong. Meselson and his group flew over a valley in the central highlands that had been defoliated some days before as part of the crop destruction program. Army personnel explained that there were no civilian inhabitants of the valley, and that was how it appeared to HAC. But when photographs taken by HAC were enlarged, approximately 900 Montagnard huts were identified, along with neatly terraced fields no larger than ones photographed five years previous. HAC concluded that contrary to Army intelligence, the crops destroyed quite obviously belong to Montagnards.

Popkin, in interviews with South Vietnamese villagers living close to a sprayed forest area, found that farmers were profoundly affected, at least psychologically, by herbicide spraying. The farmers attempted to adjust to spraying by such methods as harvesting their crops early. If the crops were actually damaged from spray drift, farmers rarely applied for reparation from the government, a process that is long, costly, and generally discouraging. Few claims are actually paid. Spraying generally puzzled the villagers. Popkin claimed that people tend to understand bombing better than defoliation. Particularly, in light of knowledge of extensive Viet Cong supply routes, the villagers could understand no military reason for the defoliation. Rather, they seemed to assume that defoliation was an American attempt to destroy the economy and make South Vietnam dependent on the United States.

Although South Vietnam may not always be dependent on the United States, the effects of our defoliation program will be long lasting. F. H. Tschirley, of the Agricultural

Research Service, U.S. Department of Agriculture, and author of a report on the effects of herbicides on vegetation in Vietnam, is more optimistic about regeneration of defoliated areas than members of HAC. However, Tschirley, a discussion panel member, expressed surprise that mangroves still had not regenerated. He told one reporter, "I had assumed regeneration would be taking place." [5]

Tschirley otherwise did not seem to share the fears of HAC members concerning hazardous effects of herbicides. Presenting new data, Tschirley reported that although dioxin (a contaminant of 2,4,5-T which has definitely been shown to cause birth defects at exceedingly low doses—see *Environment*, July/August 1970) may be fat soluble, allowing it to be concentrated by the food chain, it is rapidly decomposed when exposed to light. However, Tschirley also found that dioxin is persistent in soil for at least 160 days and that soy beans and oats pick up trace amounts of dioxin when grown in soil heavily contaminated with the chemical. Tschirley's findings will be useful in studying crops in areas definitely known to have been sprayed. This, again, hinges on the declassification of the Army's files of exact spray data.

The Department of Defense has said that the spray data will be declassified if a full-scale study of the herbicide program is undertaken. Such a study is currently being planned by the National Academy of Sciences. The AAAS preliminary study has paved the way for a more thorough one. Many of the recommendations of the HAC surely will be considered by any researchers studying defoliation in Vietnam in the future. Perhaps it is best to hope, though, that the final recommendation proposed by Dr. Meselson be the one first undertaken by any new group—a study of how the Vietnamese can rebuild their ravished land.

PRISONER OF WAR WEEK

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. ARCHER. Mr. Speaker, I wish to commend the action of the Congress in establishing this week National Week of Concern for Prisoners of War/Missing in Action. I am proud to have been a sponsor of the resolution in the House.

There must be a continued consciousness among Americans about the plight of our 1,600 captured soldiers in Southeast Asia. Though the Government of North Vietnam is a signatory of the 1949 Geneva Convention, it has consistently ignored the provisions about humane treatment of prisoners of war. The North Vietnamese have continued to disregard United States protests and world public opinion.

Setting aside a week to demonstrate our deep national concern for these men, as we have now done, will further focus world attention on the treatment of the prisoners and, hopefully, pressure the North Vietnamese into becoming more responsive to the needs of the prisoners and their families.

I feel certain this will help. There have been indications, such as the increased number of letters from prisoners to their families, that the Communists may be yielding—ever so little—to recent increased public pressure.

Let this National Week of Concern mark the beginning of a more concerted effort by all the American people to attain better treatment for American prisoners and to seek more information about those reported as missing.

EVICTION OF SENATORS FROM R. F. K. UNDER STUDY

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MARTIN. Mr. Speaker, listed below is a news item from the Washington Evening Star of Friday, March 12, in regard to the fact that Bob Short, owner of the Washington Senators baseball team, is $133,000 in the arrears in his payments to the District of Columbia Armory Board for last year's operations.

The statements attributed to Mr. Short in this article are incredible and unbelievable, as he is quoted as saying that he "had no intention of paying the back rent because he does not have the money." "I was counting on the new lease when I signed Curt Flood for $110,000, otherwise I never would have signed him."

The first year of operation of the Washington Senators under Mr. Short's ownership, he greatly expanded the number of box seats and the reserved seat section, increased admission prices in all sections, which according to the Washington press, doubled his take for a single game if the stadium was filled.

The Senators have continued to maintain their consistent position as last in the American League, and the quality of the baseball played is minor league.

Mr. Short is reported to be a millionaire. As a businessman, he most certainly should know that he should honor his commitments. He reportedly owes the District of Columbia Armory Board $133,000 for last year's operation, and he should be made to pay this amount in full.

The operation of a baseball team is private enterprise, operated for a profit, and he should not be given a rent-free lease on the stadium now or at any time in the future.

The Evening Star story by Morris Siegel is listed below:

EVICTION OF SENATORS FROM RFK UNDER STUDY

POMPANO BEACH, FLA.—The prospect of eviction from RFK Stadium faces Bob Short, owner of the Senators whose 1970 rent payments are long overdue.

Short disclosed last night he has received notice from Francis Kane, chairman of the D.C. Armory Board, that eviction action is being considered unless Short pays up before the season opens April 5. The ball club reportedly is $133,000 in arrears.

Contacted at his Washington home this morning, Kane said "an informal letter" had been sent to Short last week and that eviction had been mentioned. However, he emphasized that the board at this time is merely considering such action, adding that the letter to Short was not intended as a threat.

Before leaving Pompano Beach for his Minneapolis home last night, Short said he had no intention of paying the back rent because he does not have the money.

He also said the amount owed is chiefly for "lights and police protection which the stadium ought to pay for in the first place."

Short had hoped that his plea to Congress for a new lease agreement might have been acted on by now.

He presented his case to a House District Committee group last fall, but no action was taken before the session ended. A committee hearing was scheduled today but was postponed because of the illness of Dutch Bergmann, who manages the Stadium for the Armory Board.

Short said he still believes Congress can act by opening day. He has petitioned for the Interior Department to take over the stadium and negotiate a new lease with him—a "Milwaukee-type lease." This would give him the ball park almost rent-free until attendance reaches one million. That has happened only once in the history of the Senators—in 1946.

"I was counting on the new lease when I signed Curt Flood for $110,000, otherwise I never would have signed him," Short said.

He is hopeful, he added, that the Interior Department, if and when it takes over the Stadium operation from the District of Columbia, will cancel his indebtedness.

He estimates the Senators, through earlier payments on rent, concessions and other income, already had contributed "about $400,000" to the Armory Board in 1970.

A bigger financial crisis looms for Short Oct. 31. On that date he must pay the American Security Bank $2 million. Half of this is for a note which was due last Jan. 12, which the bank extended through October. The other million is due Jan. 12, 1972, but the bank wants it in October.

"If we drew two million people I couldn't make enough to pay them," Short said. "But I think we'll be able to work out something."

BROTHERHOOD WEEK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. KEMP. Mr. Speaker, we are all familiar with the quotation "and a little child shall lead them." I recently received correspondence from some youngsters in Buffalo, N.Y., who are outstanding examples of this phrase.

These children, of the second grade class of Room 102, School 63, sent me their letters written during Brotherhood Week expressing their hope for peace and brotherhood in the world.

At a time when much of what we hear in the news concerns violence and dissent, these children are, by their expressions of hope, setting an example for all of us to follow.

Mr. Speaker, I would like to share with my colleagues a selection of these letters:

FEBRUARY 22, 1971.

DEAR MR. JACK KEMP: I wish you could help the world be peaceful, and I wish you could help people get along better. I'm doing my best. Thank you for trying.

Sincerely,

MICHAEL KRAMER.

FEBRUARY 22, 1971.

DEAR MR. JACK KEMP: Please help stop the war and bring peace to the country. Help the people that, need jobs. I'll try not to fight, and I'll try to be kind.

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[5] Boffey, Philip, "Herbicides in Vietnam: AAAS Study Finds Widespread Devastation," *Science*, 171(3966):46, January 8, 1971.

Sincerely,

Maria D. Wagenheim.

February 19, 1971.

Dear Mr. Jack Kemp: I would like to know what you are doing about Brotherhood. I'm trying my hardest to do my part for Brotnerhood. I'm trying my hardest to be fair, to share, to be honest, to keep a smile on people's faces.

Sincerely,

Anthony Marzullo.

February 18, 1971.

Dear Mr. Jack Kemp: Will you help stop wars and bring peace to earth? Please help poor families. I'll try to do my part and I hope you'll do your part too. Bring peace to earth.

Sincerely,

Salvatore D.

February 22, 1971.

Dear Mr. Kemp: This week we are celebrating Brotherhood Week in our school. We should practice Brotherhood all the time, not just one week of every year. I wish you would make Love and peace.

Yours truly,

Mark Longo.

VETERANS OF FOREIGN WARS, OUR BOY'S POST NO. 4684

REMARKS

OF

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. KLUCZYNSKI. Mr. Speaker, it is with great pleasure that I insert in today's Record a resolution adopted by the Veterans of Foreign Wars, Our Boy's Post No. 4684, Chicago, Ill. I commend both the resolution and the members of this post to my colleagues:

Whereas, the Our Boy's Post #4684 of the Veterans of Foreign Wars of the U.S. was founded 25 years ago by Leonard J. Kay for servicemen returning home from overseas assignments in World War II, and

Whereas, Post #4684 has served the Back of the Yards veterans faithfully for a quarter century, offering a meeting place for fellowship, an organization for counsel and advice concerning veterans benefits and the adjustment to civilian life, and an assembly of concerned veterans desiring to serve their community and country; and

Whereas, Throughout its history, the Post has served its membership faithfully, sustained the ideals and principles of the National organization of the Veterans of Foreign Wars and served as a vigorous force for the good of the Back of Yards; and

Whereas, Highlights of its service to the Back of the Yards include organization of a Crusade for safety, girls and boy drill teams, little league baseball, cancer, and blood donor drives, military honors for returned war dead and other community social and civic events; and

Whereas, Post #4684 was officially instituted and its officers installed 25 years ago in January; now therefore

Be it resolved, that we the members of the Congress of the United States in session on the 24th day of March 1971, do hereby congratulate the Our Boy's Post 4684, its members and its Ladies' Auxiliary, for faithful and devoted service to the Back of the Yards servicemen and to the community itself on its Silver Jubilee.

SOCIAL SECURITY JUSTICE FOR MARRIED WORKING COUPLES

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. PATTEN. Mr. Speaker, I have reintroduced into the 92d Congress legislation which would permit a working couple to add together their social security earnings if it would give them a higher monthly payment. In addition, where the combined earnings of the couple exceed the maximum earnings that one person can have, additional benefits, based on the higher earnings, would be payable.

My bill, H.R. 6500, is identical to H.R. 6500 which I introduced in the 91st Congress, and H.R. 17532 which I introduced in the 90th Congress. I have been encouraged by the number of my colleagues who have shown an interest in this legislation, and I have received letters from working wives all over America urging its passage. There is much talk in the United States today about equality for women, and I believe this is a very good example of an area where equality should be achieved.

Mr. Speaker, the present problem is an accidental result of a change in the law that came about not long after the original Social Security Act was enacted. The original 1935 act provided for the payment of retirement benefits only. There were no dependents or survivor's benefits. Before any monthly benefits were paid, however, the law was changed in 1939 so as to provide dependent's and survivor's benefits. In this way, it was thought that meaningful income protection could be provided at a reasonable cost to single workers, to married workers and their wives and their families. In general this system has worked out fairly well. But, as more and more married women have worked and earned significant retirement benefits in their own right, the shortcomings of the present system in providing some married couples with a meaningful return for their social security taxes has become apparent.

As long ago as 1963, the social security problems of working women were recognized by the President's Commission on the Status of Women. In a report to the Commission, its Committee on Social Insurance and Taxes said:

> In many cases a married woman who is potentially eligible for benefits on both her husband's and her own earnings feels that she receives little or no return from her contributions to the program. If she had not worked and made contributions to the program, she nevertheless would get a wife's or widow's benefit based on her husband's earnings, and it might be as high as the benefit she gets as a result or her own work, or higher. Basically, the feelings of married working women that they do not get enough of a return for their contributions arises from such situations.

This situation is bad enough but there is an even worse situation in which a husband and a working wife can pay the same amount in social security taxes as a husband whose wife never worked and get less benefits than the couple where the wife never worked. For example, the benefit paid to a person with average monthly earnings of $200 is $101.60; thus when the husband and wife both have average earnings of $200, the total monthly payment is $203.20. On the other hand, the monthly benefit payable to a man with average monthly earnings of $400 is $153.60 and his wife who has never worked can be paid an additional benefit equal to one-half of that amount—$76.80—making a total monthly payment to the couple $230.40, or $27.20 a month more than is paid when the same amount was earned equally by a husband and his wife.

Mr. Speaker, H.R. 6500 is intended to correct these situations which come about because of the way social security benefits are computed. When a husband and wife both have earnings covered under the social security program, the husband is paid a retirement benefit based on his own earnings; if the wife has worked long enough to be entitled to a benefit based on her own earnings she is, in effect, paid the higher of the wife's benefit based on her husband's earnings or the retirement benefit based on her own earnings.

Mr. Speaker, I have had a table prepared which shows additional examples of how the present law works to pay more in benefits if the wife has not worked than if she has. I insert the table in the Record at this point in my remarks:

TABLE I.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW

Average monthly earnings [1] [2]	Total monthly benefits for couple: If husband and wife have equal earnings [1]	Total monthly benefits for couple: If benefit is based on husband's earnings [2]
$50	$110.00	$82.50
$100	110.00	107.30
$200	143.00	152.40
$300	176.80	190.70
$400	203.20	230.40
$500	230.00	266.30
$600	254.20	306.00
$650	268.60	[3] 323.00
$800	307.20	
$1,000	355.00	
$1,200	408.00	
$1,300	436.00	

[1] Earnings of husband and wife are each equal to one-half of the amounts shown in first column.

[2] Husband's earnings are equal to amounts shown in first column.

[3] Maximum amount payable under present law is based on average monthly earnings of $650. Husband's benefit is $218 and wife's benefit is limited to $105 when one-half of the husband's benefit exceeds amount.

To eliminate this situation H.R. 6500 would provide that, for the purpose of computing the benefits paid to a husband and his wife, their earnings may be combined if the total payments to the couple would be increased. In order to qualify for this computation, the husband and wife must be living together or, if they are not, both the husband and wife must agree to have their benefits combined under the alternative procedure. If the husband's and the wife's earnings are combined, a benefit would be computed, as it is under present law, on the basis of average earnings up to the maximum amount, currently $450, that could be credited to a single person who retires in the same year that the couple's benefit is computed.

If the couple's combined earnings exceed the highest amount of earnings that a single person could have, a special rule would apply to those earnings above the single person maximum and up to twice that amount. In that case an additional amount equal to 28.43 percent of the excess would be computed and added to the amount described earlier. The reason for using the 28.43 percent factor is to be found in the present formula for determining social security benefits. Although benefits under the present law are determined by a table in the law, the table is based on the following formula: 71.16 percent of the first $110 of average monthly earnings, plus 25.88 percent of the next $290, plus 24.18 percent of the next $150, plus 28.43 percent of the last $100. Since 28.43 percent is the factor used in present law at the top of the formula, it seems logical to extend it to the amount of combined average earnings in excess of the amounts used in computations under the present law.

Under any new alternative computation, the benefit paid to a husband and his wife would be 75 percent, each, of the benefit computed in the way I have outlined. Because the benefit paid to a wife is 50 percent of the amount paid to her husband, the alternative benefit computation guarantees that when a husband and his wife both work, they will be paid an amount which is at least equal to the amount which would have been paid to them had the husband's earnings been equal to the combined earnings. Also, where the husband and wife have worked and paid social security taxes which are in excess of the maximum amount that could have been paid by an individual retiring in the same year, the couple will get an additional amount related to the additional earnings.

Mr. Speaker, I have had four additional tables prepared which compare the social security benefits payable to a married couple under present law and under H.R. 6500. I will include the tables in the RECORD immediately following the conclusion of my remarks.

Table II shows how the provisions of H.R. 6500 would be applied to the benefits of a husband and wife and contrasts the benefits paid to a husband and wife under present law and under H.R. 6500. In making this table, it was assumed that the husband and wife both retire at age 65 in 1969 and that their average monthly earnings are equal. In every case, except where the minimum benefit provisions of present law apply, the benefits under H.R. 6500 are greater than those paid under present law. At the lower earnings levels, the increased payment would be the smallest, and at the highest level, it would be the largest.

Table III, also, is based on the assumption that the husband and wife retire at age 65 in 1969. However, the husband is assumed to have the maximum possible earnings, $450, while the wife's average earnings vary from $25 to $450. Here too, the total payments to the couple under H.R. 6500 are shown to be higher than under present law in every case in which the wife has any earnings. Where the wife has no earnings, the total payment is the same under both present law and under H.R. 6500. It is worth noting that under present law the wife's earnings have no effect on the total payment to the couple until the benefit paid on her own earnings exceeds the wife's benefit paid on the husband's earnings. Where the husband has average earnings of $450, this point is not reached until the wife's average earnings are $151 a month. At this level, the benefit based on her own earnings is $89.50 a month, $2 a month more than the wife's benefit based on the husband's earnings.

In this connection I might point out that in 1969, a woman who works and earns $150 a month pays social security taxes of $86.40 a year and her employer pays an equal amount. And, for these taxes they get nothing, if the husband happens to have paid the highest possible amount in social security taxes.

As bad as the situation is under present law, it will gradually grow worse until in 2006, when creditable earnings will have grown so that average monthly earnings can be as much as $650, a woman whose husband has maximum possible earnings will need average earnings of at least $212 a month before the couple will get any increased benefits because of her work. Then the increase would be 20 cents a month. If her average earnings are only $210 a month, the couple will get nothing for the extra social security taxes paid on her earnings. And, under the present law the tax paid by the wife on $210 a month will rise from the present $120.96 a year to $172.68 starting in 1987; the employer will, of course, pay an equal amount.

Tables IV and V are similar to tables II and III except that they illustrate the effects of H.R. 6500 in the year 2008, the first year in which a man retiring at age 65 can receive the highest benefits contemplated by the present law.

Mr. Speaker, I feel that justice and equity call for a change in the social security laws along the lines proposed in H.R. 6500. If we are going to require married working women to pay the same social security taxes as a single or married man, and that is what we require, then we should also guarantee them some return for their taxes. I find the situation I have outlined intolerable. Therefore, I urge the Committee on Ways and Means to look carefully at H.R. 6500 during their present deliberations on changes in the social security system.

TABLE II.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500

Average monthly earnings of husband and wife, each [2]	Total monthly benefit for couple [1]	
	Present law	H.R. 6500
$25	$11.00	$110.00
$50	110.00	110.00
$100	143.00	152.40
$150	176.80	190.80
$200	203.20	230.40
$225 [3]	215.40	247.60
$250	230.00	268.80
$300	254.20	311.60
$350	$280.80	$354.20
$400	207.20	396.80
$450	330.00	439.00

Footnotes at end of table.

[1] Assumes that husband reaches age 65 in 1970; the highest possible average monthly earnings for such a man is $450.

[2] The combined earnings of the couple are twice the amounts shown.

[3] Highest amount to which regular computation applies. Above this amount the 24.18 percent factor is used.

TABLE III.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500 WHERE HUSBAND HAS AVERAGE MONTHLY EARNINGS OF $450,[1] AT VARIOUS LEVELS OF WIFE'S EARNINGS

Average monthly earnings of wife	Total monthly benefit for couple	
	Present law	H.R. 6500
	$247.50	$247.50
$25	247.50	258.20
$50	247.50	269.00
$100	247.50	290.20
$150	253.40	311.60
$200	266.60	332.80
$250	280.00	353.20
$300	292.10	375.60
$350	305.40	396.80
$400	318.60	418.20
$450	330.00	439.60

[1] Maximum average possible for a man who retires at age 65 in 1970.

TABLE IV.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND H.R. 6500

Average monthly earnings of husband and wife, each [2]	Total monthly benefit for couple [1]	
	Present law	H.R. 6500
$25	$110.00	$110.00
$50	110.00	110.00
$100	143.00	152.40
$150	176.80	190.80
$200	203.20	230.40
$250	230.00	266.40
$300	254.20	306.00
$325	268.60	327.00
$350	280.80	348.40
$400	307.20	391.00
$450	330.00	433.80
$500	355.00	476.40
$600	408.00	561.60
$650	436.00	604.20

[1] Assumes that husband reaches age 65 in 2006, the first year in which average monthly earnings of $650 is possible for a man retiring at age 65.

[2] The combined earnings of the couple are twice the amounts shown.

TABLE V.—HUSBAND'S AND WIFE'S SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER H.R. 6500 WHERE HUSBAND HAS AVERAGE MONTHLY EARNINGS OF $650,[1] AT VARIOUS LEVELS OF WIFE'S EARNINGS

Average monthly earnings of wife [2]	Total monthly benefit for couple [1]	
	Present law	H.R. 6500
	$232.00	$323.00
$25	327.00	337.80
$50	327.00	348.40
$100	327.00	369.80
$150	327.00	391.00
$200	327.00	412.40
$250	333.00	433.80
$300	345.10	455.00
$350	358.40	476.70
$400	371.60	497.60
$450	383.00	519.00
$500	395.50	540.40
$600	422.00	583.00
$650	436.00	604.20

[1] Maximum amount possible under present law. This amount will not be payable to a man who retires at age 65 until the year 2006.

[2] The present law limitst he wife's benefit to a maximum of $105. Thus, the husband's benefit is $218 and the wife's $105 rather than $109.

ONE RESULT OF THE MELLOWING THEORY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHMITZ. Mr. Speaker, an excellent analysis of several of the pertinent factors brought forth in the case of Simas Kudirka, the Lithuanian seaman who was turned back to the Soviets when he sought asylum aboard a U.S. Coast Guard ship last November, appeared in the December and January issues of Tactics magazine.

Mr. Edward Hunter, the editor of Tactics, took the time to read the testimony taken at the Coast Guard's formal board of investigation into this matter, and excerpted passages which are of great significance. One of the most striking features of the entire shameful episode is the testimony given by Rear Adm. William B. Ellis, the Commander of the First Coast Guard district, for whom, along with Capt. Fletcher W. Brown, the Coast Guard's formal board of investigation recommended court martial.

The following portion of his testimony is extremely revealing:

Rear Admiral William B. Ellis, commander of the first Coast Guard district, was asked at the inquiry about his final conversation with Capt. Fletcher Webster Brown, Jr., his chief of staff, at 7.28 p.m. that fateful day:

"Answer: The principal information which Capt. Brown presented to me at that time, that he had received from Commander [Ralph W.] Eustis was that the man stated he was in fear of his life, his life was in danger.

"Question: That was a fact that you had not heard before?

"A.: This was new information. I told—in discussing this with Capt. Brown, I know I said there was no reason to believe this had actually happened, that they would kill this man and that I am quite sure I said, 'Eustis, they are not barbarians.'

"Q.: Sir, why do you feel that he had no reason to be afraid?

"A.: I don't say that I had no reason—that he did not have reason to be afraid. I think that any man in that circumstance would plead for his life. I didn't and I still don't feel there is any facts that the Russians go around killing people.

"Q.: Sir, do you recall the Berlin Wall in the early fifties with respect to defectors from East Germany?

"A.: This is 1970."

The question is, where did Admiral Ellis pick up his ideas concerning the Soviets? Had the year after year repetition of cliches wrapped in volumes of erudition by our preferred experts on policy and the Soviet Union impressed themselves on Admiral Ellis's mind to the point where his action in this case were determined by utterly unreal conceptions as to the nature of the enemy we face? Had Admiral Ellis come to believe the myths we hear repeated day after day that "the Soviets are mellowing," "the cold war ended in 1962," "the Soviet Union is simply another great power with legitimate aspirations and national interests like any other nation," "there are no Communists in the Soviet Union, only Russian nationalists," "the Soviets are simply slightly paranoid and if not offended are quite reasonable," and so forth.

Had the well documented history of continuing Communist atrocities committed in the name of their pantheistic God masquerading as matter not been brought to the admirals attention? Had the admiral forgotten, or simply not been informed about, what the Soviet Union did in the Ukraine, Latvia, Lithuania, Estonia, and the rest of Eastern Europe? What Stalin's epigone, Mao Tse Tung, had done to the Chinese people? What Ho Chi Minh had done to the North Vietnamese people, to the South Vietnamese people, and what his successors continue to do today in Southeast Asia?

Perhaps it is possible to trace the admiral's lack of understanding of the Communists back to the early sixties when the extent of political suppression of material which revealed the reality of communism to our Armed Forces was brought forth by the Senate Preparedness Subcommittee of the Committee of the Armed Services.

Whatever the case, it is apparent that one of the factors revealed by this episode was the lack of understanding of communism and Communists by one of those who should have had the greatest knowledge of the enemy with which he must deal. We must never forget the undeniable truth that ideas are real things in that they influence the course of events and that it is necessary for ideas and concepts which are officially disseminated concerning subjects such as communism to coincide with reality and not the wishful thinking of those moral cowards who lack the courage to face up to the fact that the Communists have not mellowed, show no signs of mellowing, and, in fact, have no reason whatsoever to forswear their oft repeated goal of global conquest as long as the United States continues its equivocal, uncertain, and self defeating approach to the most powerful enemy we have ever faced.

All voting citizens should, and all men working for the Federal Government must, have a basic understanding of one of the factors which helps in determining the present-day course of events—the Soviet Union and the Communist parties of the world whose objective is the destruction of our civilization. If the image in the minds of men responsible for activity directly related to the survival of the nation does not correspond to the reality of the external world we will not be able to control this reality and act within it in such a manner as to assure the survival of our Nation.

I would highly recommend that all my colleagues take the time to read at least part II of the following article which details exactly what took place aboard our Coast Guard cutter:

CASE OF SIMAS KUDIRKA, FREEDOM SEEKER

If Simas Kudirka has not already been beaten and tortured to death, what remains for him is a living death. He was the radio operator aboard the Soviet mother ship, Sovetskaya Litva, of a fleet of spy and fish trawlers off our New England coast. He thought he had gained refuge in a free society when he reached the deck of the U.S. Coast Guard cutter Vigilante on Nov. 23. He had every reason and right to believe so.

This was an American ship, within American waters. He couldn't possibly be handed back, because this would run counter to our proudest tradition, would have broken an international convention on refugees signed by us, and in addition, would have violated the first and fundamental, common law on which civilization is based. This is the concept, that extends back into immemorial times, that assures a haven and a refuge to whatever stranger knocks at our door and asks escape from the storm, whether the storm be nature's work or the hostility of man or beast.

But we tread all of this underfoot. We perpetrated what without possibility of contradiction was as heinous and shameful a crime as has ever stained our flag. We stood by and watched, in the manner of those despicable persons, related some time ago in news stories, who watched and listened as a girl was being raped and murdered, without bothering to go to the telephone and phone the police. Coast Guard officers similarly watched as Soviet goons came aboard their U.S. ship in U.S. waters, chased, seized and beat up the refugee seaman.

The three red cutthroats then complained that they were unable to subdue the Lithuanian, and asked to send for help. So the Americans gave permission for three more Communist goons to come to the American ship to join the party. The red squad finally ferreted out the Lithuanian, who, smashed and bleeding, had managed to get out of their grasp and hide. He was thrashed unmercilessly, while rolled helplessly in a blanket.

Simas was now obviously more than just a refugee; he was a martyr to freedom, and a sacrifice that should alert the American people to the depths of decadence and submission to which we have fallen. He also was a symbol of the United States of America, for he represented all who came to our shores for refuge and freedom. Significantly, the craven scene took place not far from Plymouth, close to the day that Thanksgiving should represent.

POINT-BY-POINT ANALYSIS

Simas also was a symbol of the United States of 1970, and what we are being softened up for. In capsule form, he is our country and ourselves when we have sufficiently dropped our alert and corrupted our character so the Kremlin can deal with us as it dealt with Simas.

What this sickening incident should demonstrate in living color—blood color—is the inevitable consequence of the pacifism and permissiveness of the day. The so-called "peace" symbol, its cross broken and turned down, is its sign, and let no man who carries it not know precisely this that he is doing, no matter with what doubletalk and doublethink he seeks to confuse and conceal it, even from himself.

This editor has engaged in an in-depth reportorial and analytical study of the Simas Kudirka case, its setting and ramifications. Here are some of the basic points that showed up:

1. The authorities involved, or rather those who possessed the power and position, were not making any "error in judgment," so far as their decision to block the attempted defection was concerned. They were following orders . . . adhering to policy. A long-standing agreement, tacit or written, exists with Soviet Russia under which we seek to forestall or prevent—the official term used is "to discourage"—such defections. Of course, this is a scandalous arrangement of the usual one-way-road type.

2. The affair did not merely "appear" to be "very poorly handled," as the White House spokesman also declared; it was disgracefully mishandled by all involved. Their tacitly understood task was to get rid of the freedom seeker secretly, without the American people finding out. But policy was mishandled in its conception. The mishandling

was in its basic illegality. Once again, as in the case of Stalin's daughter, Svetlana, we used all our influence first to "discourage" escape from Soviet Russia, and when this failed, either to employ any recourse to force the person to return, or to blunt the impact of the successful flight. This is secret policy.

3. What made the Simas case an American disgrace and an international scandal was the fact that it cut through the secrecy exercised over such shocking affairs, and gained the attention of the public. It was not the first such defection attempt foiled with the collaboration of the American authorities, and will not be the last, unless much more definitive action is taken than presently indicated. Pious words only lull the public.

4. The explanation for the utter callousness shown by the Coast Guard officers is to be found in the more intensive purge and anti-anti-communist indoctrination in the Coast Guard and its academy than in the military services. All services, nonetheless, have had their training programs revised and promotions determined in accordance with the policy outlined in the secret Fulbright memorandum at the start of the Kennedy Administration, and implemented in the Pentagon by Robert Strange McNamara as defense secretary, with Robert F. Kennedy as attorney general attending to enforcement in government generally.

5. One of the long-standing deceits in which the State Department indulges is its recognition of Lithuania, Latvia and Estonia, which is sabotaged just as is "captive nations week." Except for formalities required to perpetrate the hoax, the Soviet desk at the State Department handles everything relating to these three nations. In effect, we recognize the ruthless conquest by Communist Russia of those three countries. The same policy is followed as regards the Ukrainians, Armenians and other non-Russian peoples within the borders of the USSR. The satellite lands are handled more or less the same way. The limitations are those of secrecy

6. Although the Nixon Administration is plagued by "leaks," sabotage by holdovers and SDS-type cliques in government, and the President is "set up" for embarrassments and opposition by these elements in collaboration with similarly motivated segments of radio-television and the press, the "speaking with one voice" policy instituted by President Kennedy has not been completely eliminated. The White House enforced a hush-hush on the case that shut the mouths of all departments of the Administration except for its own and State Department briefings. Our military secrets are hardly guarded any tighter.

OUR GLIBLY VIOLATED INTERNATIONAL COMMITMENT

Here is a translation of the text of the "Convention relating to the status of refugees," signed at Geneva on July 28, 1951, which we have callously violated:

Article 33. Prohibition of expulsion or return (Refoulement).

(1) No contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion;

(2) The benefit of the present provision may not, however, be claimed by a refugee for whom there is reasonable ground for regarding as a danger to the security of the country in which he is, or who having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of said country.

America's voice, that is critically needed at this time in history, is blunted by being made to appear as if purely opportunistic and hypocritical by such incidents. If ever a policy became self-defeating, it generally is that of the State Department. Nixon supporters are heard frequently nowadays, and with justification, saying the State Department now is worse than it was under Dean Rusk and the Democrats. Its cynicism shows up more.

We should not be put into the embarrassing position of being the subject of a protest on such a matter. But Prince Sadruddin Aga Khan, high commissioner for refugees, telegraphed Secretary of State Rogers concerning the Simas case, and expressed his dismay verbally to Charles W. Yost, U.N. delegate, on Nov. 30.

The Lithuanian Legation in Washington, D.C., supposedly recognized by the United States, was pointedly ignored and lied to by the State Department on this case. Diplomatic courtesy, if nothing else, would have required that the legation at least be informed on such a matter by the State Department. The legation is in a lovely, little house (2622 16th St. N.W., Washington, D.C. 20009), barely furnished and pathetically equipped—its "Who's Who" is for 1958! The staff consists of Josef Kajeckas, charge d'affaires, and Dr. Stasyo Backis, counselor. Its improvishment is carried proudly.

Kajeckas went to the State Department to inquire after being informed by a Lithuanian-American by phone from New York City. He was told that the State Department knew nothing of the case, and before it found out, the refugee had been returned to the Soviet ship. Under questioning by correspondents later, this was proven to be a lie. What actually happened was that the Coast Guard phoned at once—to the Soviet Russian desk, of course—and was given as guidance the information, diplomatically worded, that we "discourage" defections. Exactly as government employes are told that a request is an order when made by a high level officer, so the interpretation of this guidance translates in practice to mean, "prevent by every possible means." The intent was that the crime be committed under wraps, without anyone finding out about it.

A pattern exists for such incriminating actions, so that the Secretary of State or other key officials are not publicly involved. The dissembling verbiage and doubletalk, as "discourage" for "prevent," is only part of the pattern. Subordinates implement policy that is kept secret, or is contrary to what Congress and the nation are led to believe. So it was with the no-win policy, and so it is with the long-standing effort to recognize Peking. The lower echelons have as their task the furtherance of such sub rosa policy without involving top offices.

Instead of the State Department being reformed, as Nixon pledged when running for President, the occasion is being taken of a Republican Administration to attempt quietly to give the State Department even more power to operate secret policy. A sly maneuver failed in the last Administration to slip through Congress a bill that would have deprived State Department employes generally of civil service protection, and put all of them under foreign service jurisdiction. This was exposed in time, and William J. Crockett, who as undersecretary for administration handled the maneuver, had to resign.

Now, with another experienced conniver, William B. Macomber, Jr., given this top post, a new effort is being made to achieve the same objective, only without asking Congress for permission. The classified civil service simply would be absorbed administratively into the foreign service, whether a man ever had served abroad, or ever would. The foreign service is set up by rank, not type of work, so a man can be assigned any position, whether library clerk or ambassador, and so long as he continues receiving his level of salary, cannot object. The tactic used is to then admit he is doing a fine job as, say library clerk, but that he is getting an enoromus salary for it. As no other post is made available, he is "selected out"—fired! Neat, isn't it?

Thus, no Otto F. Otepka case ever could hit the headlines, and the analyst who warned that Algiers would become the seat of anti-American conspiracy could simply have been fired, instead of being put through the squeezer, as was done. (See TACTICS of Nov. 20, 1970.) Macomber's maneuver had not yet been surfaced at the time this is being written, but was ready for imminent announcement. Congress would be put into a position of having to take the offensive, in order to overrule the underhanded action. Actually, it is illegal, but so is much that is taking place in the Administration, continuing practices of the past couple of Administrations.

"THIS HAPPENS ALL THE TIME!"

A Washington correspondent on learning of the Simas case late in the day called a Coast Guard press officer at his home. The response he got was highly revealing. "This is no story," he was told. "The local papers don't even consider it a story. This happens all the time."

"This happens all the time!" Except this time Robert M. Brieze, of Fairhaven, at the edge of New Bedford, Mass., was on the cutter as representative of the Seafood Producers Association, the fishing boat owners, and he had been a refugee himself. He had fled from Latvia with his wife on a trawler after the Russians seized his parents and shipped them to Siberia. He had wanted to intervene on behalf of the Lithuanian, but had been told he would be forcibly prevented. When he came off the ship, he told what he had seen. Heaven knows how many other cases have never become public knowledge for lack of a witness with sufficient honor left in him to talk.

Even so, if it had not been for publication of what he said in the local press of Boston, the case would have been brushed off by the sort of Tass-like coverage that John Chancellor gave it in his evening news coverage on NBC. Chancellor is handling the news even more propagandistically than his predecessor, and that takes some doing! The so-called "liberal" press either ignored the story or played it down until several days later, when it became evident that suppression would not work. The N.Y. Times was one of those that came in late, but its contribution was decisive, by referring to the State Department's actual role in the affair.

The State Department had been getting away with its patent lie that it had not heard of the affair until after the unhappy man had been returned to the Soviet ship. The N.Y. Times in a Washington dispatch published on No. 29, signed by Robert D. McFadden, pointed out: "This was contradicted yesterday, however, by a spokesman for the First Coast Guard District in Boston, which had jurisdiction over the cutter in the authorized but unusual conference with the Russians." He said "both the State Department and the Coast Guard commandant in Washington had been appraised of the situation 'early in the afternoon of the 23d,' the day the incident took place."

The Lithuanians had forced the story out by demonstrations and forcible protests in a number of cities. The time was——years back——when the press broke such stories, as one of the responsibilities of a free press. But this only happens now when pressure is exerted that cannot be ignored, or when Marxists and pro-reds benefit. The time has come, with guerrilla warfare already expanding in American communities, when the press must return to objective reporting. The tactic at present is to build up enemy propaganda under this guise.

TRANSCRIPT OF SOME WHITE HOUSE AND STATE DEPARTMENT BRIEFINGS

Only a few members of the Washington press corps have the background and the ethics to ask hard questions at the daily news briefings in the White House, the Pentagon and the State Department, and it is remarkable how much in-depth information they can elicit. What is really shocking is the small amount of this publicly provided news ever gets printed in most papers; much less that is vital ever gets on radio and television.

Usually, a great deal of pressing and rewording and new approaches is needed to bring out some revealing detail. Other times blunt and plain speaking that borders on rudeness is required. There is no alternative. The transcripts of these briefings and their give and take are available to the accredited press for publication, but are just too wordy except for a phrase or a sentence, or perhaps a paragraph here and there. The spokesman at times goes "off the record" for "background" information, to clarify some point, and this material cannot be made public. At least, not from this source. Frequently, the same information is derived elsewhere, and then is freely disseminated.

Extensive excerpts, sufficient to disclose to an observer or analyst the mechanism of the official press briefings, especially on a single subject, have rarely been published. One valid reason is the work and time involved. At the White House, for instance, in the part of the press section—the erstwhile swimming pool area—occupied by Administration staff concerned with news, there is a most modern duplicating machine. A page can be copied in a few moments.

But this equipment is not made available to non-governmental people, perhaps in order to reduce the number of fringe and even kook requests that most certainly would result. After all, the same transcripts contain both the texts that become public property and "background" that is not for publication. Briefing officers, who are called on to talk off the top of their heads, understandably want as little legalistic-type hemming and hawing over what they meant as possible. So far as White House reporters are concerned, while this simply is speculation, if such duplicating equipment were available, some of the very economy-minded syndicates and publications simply would send over a copy boy to get the transcripts of the briefings. This really would not be coverage of the White House.

Whatever the rationale for a duplicating machine not being installed in the working press section of the White House, in a wing effectively cut off from the rest of the place, this writer spent hours copying the texts of briefings on this Simas case into his notebook. A dual purpose was to fathom the contradictions in the case as deeply as possibly from official sources that were being almost unprecedentedly limited, and to provide an informative sample of such press briefings. After all, they constitute a great portion of what appears daily in all communications media, under every guise from outright reporting to the supposedly exclusive material of columnists. Many a supposed "scoop" or "exclusive" has been gleaned from briefing material.

TAKE STATE DEPARTMENT, FOR EXAMPLE

A briefing began at the State Department at 12.48 p.m. on Nov. 30, a Monday, for example. A reporter asked the chronology of the case of the Lithuanian defector. He was told the State Department was informed by the Coast Guard at 2.30 p.m. on the preceding Monday, Nov. 23. "The Coast Guard at that point was told that we would not want to encourage a defection and that a provocation might be involved. The Coast Guard was asked, however, to keep the Department informed of developments.

"At approximately 3.30 or an hour later another telephone discussion took place, again with the Coast Guard in Washington, in which the Coast Guard informed us that it appeared no actual attempt at defection had been made, but that the Coast Guard officer would keep the State Department involved."

The press officer giving the briefing was the veteran, Robert J. McCloskey. "No actual attempt?" he was asked. Answer. "Excuse me?" Question. "Yes." Question. "As of 3.30?" Answer. "Nothing further was heard from the Coast Guard until 7.45 p.m."

The briefing continues. (Quotation marks will be dispensed with, and remarks paraphrased to save space will be put in parenthesis. Interpolations, if any, by this editor, will go in brackets.)

Q. Is this following the 3.30 thing? A. Right, 7.45 p.m., when the Department was told by telephone that defection had in fact occurred and that the seaman had been released to his ship. The Department was further told that the Soviet ship was being escorted out of United States territorial waters. Now, that is the chronology. Q. Bob, I'm sorry. That a defection had occurred and what?

A. And that the seaman had been returned to his ship. Further we are told that the Soviet vessel was being escorted out of United States territorial waters. Q. By "further" you mean in that same 7.45?

A. Right. (Some background material here was provided, specified as such, meaning "off the record.")

(Some U.S. seamen of the Coast Guard cutter Vigilante went to the mother ship of the Soviet fleet, where a man "whom we know only as Simas told one of the sailors he might want to defect.")

A. The Coast Guard talked to someone in the Soviet Affairs office [of the State Dept.] at 2.30. The State Department man told the Coast Guard that we would not want to encourage a defection. (Questioned whether the Department had said it did not want the discussion on fisheries upset by a defection.) A. I have no record that anything that specific was said. But keep in mind that this meeting of these vessels was arranged because of the fishing issue. It was not arranged in order to encourage defections.

(Questioned how long Simas actually was on the U.S. cutter. Told up to five hours, couldn't say for sure.)

Q. Was he beaten up? A. [Evasion, then:] We did not give advice that the man should be returned or that the Soviet crewmen should be permitted to come aboard to return him. (Asked whether Coast Guard shouldn't have been told what to do in case of defection. Response refers to hindsight.) Q. Was any attempt made to rescue this poor guy (before the Sovetskaya Litva left U.S. waters)? A. No, to my knowledge, there was none.

Q . . . any attempt to get him back? A. No. (Discussion on how many hours elapsed before the defector was returned. A reporter said it appeared to add up to 9½ hours. The spokesman had no explanation. He stated that U. Alexis Johnson, undersecretary for political affairs, and the secretary of transportation, that now has jurisdiction over the Coast Guard, met that morning and will try to outline more effective procedures to deal with this if it should happen again. Johnson and the transportation secretary, John A. Volpe, would continue to confer, the spokesman said.) Q. And what authority does any captain of an American vessel at sea have to allow Soviet seamen to come on and take somebody off his ship? A. I will have to take the question. I don't know the answer to that. I don't know whether there is authority.

Q. And Bob, at the time of the 2.30 and 3.30 calls, as I understand it, it was not even the Soviet desk officer who was involved, but somebody below him. Did that individual get his instructions higher, or did he operate on his own? A. Well, his first advice was given on his own judgment, and I must say that that was sound advise. We were not encouraging a defection by seamen from these vessels. Q. But that advice was that you did not want a defection encouraged and that you wanted no provocation? A. Yes.

Q. But did the 7.45 call indicate or say specifically that this man had been taken off by force by the Russians? Did they just say he has been returned, or did they say he was dragged away screaming and kicking?

A. There is nothing in the information I have that detailed the circumstances of the other men coming aboard the Vigilante while Simas was aboard. Q. Bob, don't you have anything that indicates that he was removed against his will? A. Well, are you asking now? Oh, yes, now, of course. Q. No, at the time.

A. At the time I cannot certify that we had that information. (The Coast Guard officer who spoke to State was a captain.) Q. Bob, who made the decision in the Coast Guard to return the man? A. The commander of the vessel. Q. On his own? A. Yes. Q. On his own. Do you plan to have a full and corrected chronology of events made available? A. Well, I don't know about corrected. But I hope to have a fuller chronology. I don't feel that there is any need. I don't think anything I have said so far needs to be corrected. It may need to be added to.

Q. Well, sir, this 7.40 breakaway of the two vessels, it rung counter to witnesses who assure those who talked to them about this that this did not occur, they didn't go overboard with the body—I mean with the unconscious man—until nearly midnight. A. That is what you say, and that is what—Q. No, sir, it is not what I say. What I say is that I was told by two people who observed the situation. A. Well, as I say, I am perfectly prepared to add to what I have given you when I have more information. And it is possible. I think I have allowed for there being some inconsistencies—but certainly there is incomplete information.

"NATURALLY AND DEEPLY REGRET—"

Q. You said, "We naturally and deeply regret that this incident occurred." What incident? What specifically do you deeply regret? A. That clearly there was a deliberate effort by a seaman from a Russian or another Eastern European vessel to defect to the United States, that he was returned to the Soviet vessel, and in a way that apparently ran counter to his own desires. I cannot confirm the extent of mistreatment which he apparently or reportedly received at the hands of his own fellow seamen. And that is what we regret.

The United States record, I think, on providing asylum and refuge to the people from various countries who want to come to the United States is in my judgment impressive and I think the record will support that. We have been in all cases in my experience completely sympathetic. And this incident is the more regrettable because of the previous tradition of the United States government.

A. I would like to come back to a point that I think has been implicit in certain of the questions on this matter of saying that we did not wish to encourage a defection, simply to say that the United States, where official meetings on whatever subject with the Soviet Union are held, does not enter them with the desire to stimulate and encourage defections. I am not, by saying that, arguing obviously that all could have been done in this case was done. It wasn't. I will leave it at that.

A. The officer who handles the calls with the Coast Guard is Edward Killham, who is one of the officers on the Soviet desk, in the Office of Soviet Affairs. Q. Well, who gave him advice or guidance? A. I said that his advice was based on his own judgment, and

I would support that advice at that time. Q. Except that it leaves unanswered what seems, I think to some of us, to be a logical question. Suppose it is not a provocation. Suppose the man does do what he indicated he would do, he does defect. What do we do then? I mean all the subsequent developments grew out of that possibility. Was that question not raised or answered by the State Dept.?

A. I have no record that it was raised or answered. Q. Are there procedures to cover that on the seas?

A. There will be, yes. Q. Were there at the time? You say it might have been handled differently had the State Department actually known there was a defection. Are there rules that cover this? Are there regulations that cover it as of now? A. Well, I don't know about rules and regulations, but I can invoke one of our favorite words of the current period, there ought to be understanding to avoid this kind of incident.

Q. Bob, this kind of incident is unprecedented, is it not, in sort of our allowing the officers of a foreign power to come aboard what amounts to American property to take back one of their people? A. Well, unprecedented, I suppose, is the specific incident we had here. But remember I told you that when a Russian or someone from, as has happened in the past, another Eastern European country comes and approaches an American embassy or as has happened in the past, the State Department saying that he wishes to defect, either to come into or remain in the United States, that a certain procedure is invoked which calls for at one point an officer of his own government, and we use the word "confronting" the subject, again to ascertain, and if my memory serves me there has been a situation in which a possible defector was encouraged by his own fellow officials not to carry out the act, in which case the United States said, "Well, then, you are free to return" to whatever country. Q. I'm sorry; my question was to describe the forcible removal of a defector from our territory.

A. Yes, I know of no previous incident identical to this one, given the fact that it was aboard a ship, given not the fact but reportedly there was mistreatment, would say that this is the first occasion of that kind that I know of. Q. Does the Department of State disapprove of the forcible return of this man? A. Yes. Q. Do you have the rank and name of the officer who made the decision, the captain of the Coast Guard vessel?

A. Commander Ralph E. Eustis. Q. The whole burden of this thing, which so far as I know is today's national story, puts the total responsibility for what is obviously a highly unpopular act on one guy with a relatively low rank. Isn't there a question here of fairness to this man? A. Well, then, let me say on the record that the Department of State, pending a complete investigation in which it will join with the Department of Transportation, is not pointing the finger of blame at any one individual, or any other agency of the government.

Q. Bob, just for your information, on Saturday [Nov. 28] the Coast Guard, asked the same question, the Coast Guard spokesman said the decision was made by an Adm. Ellis [Rear Adm. W. B. Ellis], the first Coast Guard District commander, in Boston. That was their on-the-record statement on Saturday. A. Well, I wasn't aware of that statement and I am glad I said what I said.

TAKE THE WHITE HOUSE, FOR EXAMPLE

A briefing by Ronald L. Zeigler, press secretary, began in the White House at 12.50 p.m. on Friday, Dec. 4.

Q. Ron, does the White House plan to release today the reports that the White House received from the State Department and the Transportation Department on the defection attempt? A. We are still looking at the reports as I said yesterday, very carefully. We have a desire to make sure that we have the facts completed in an orderly way. There are some inconsistencies between the two reports. There are some additional facts we have called for. We expect to have these submitted to us very soon and when the report is complete and those additional questions have been answered, the information with the exception, of course, of those portions that could be considered classified, or would prejudice the formal investigations that are going on, will be made public. I suspect that that will be complete by the first of next week.

I would like to say again today, however—I see reports to the contrary—that the White House at no time said to any department that they should not testify on the Hill. I said that yesterday afternoon at the 4 o'clock briefing. I will say it again today. Any department is free to testify before any Congressional Committee on this particular incident at any time they would like.

Q. Ron, in that connection, of course the House Foreign Affairs Committee, Dr. [Albert C. F.] Westphal, the staff member, said that the White House has frozen government officers against testifying on the Hill. And they asked Macomber to come. [William B. Macomber, Jr., undersecretary for administration] Of course, he didn't show up Friday. They have invited him to come Monday. Are you all going to give him a little push and tell him to go on then? A. We haven't given him a non-push. We haven't even addressed the question. All I am saying again today—you can quote me on that (laughter) is what I said yesterday. Any official of any department can testify. A. In other words, if Macomber doesn't go, it is because his boss, [Secretary of State] Rogers, told him not to? A. I don't know what his reason would be.

Q. Back to this business of the Russian defector, did the White House issue any sort of an order to the Executive departments that they should not discuss this at all until the final determination was made? A. Sarah, the only order which we made quite clearly to the various departments was that we wanted the report giving us the full details of what happened.

Q. I would like to tell you what they are doing. They are really putting an iron curtain down on this thing. The Coast Guard, State, Treasury, Transportation—not Treasury—everybody has put their curtain down saying we have been told we can't talk until the thing is over. But you all didn't tell them to do that?

A. From the standpoint of the Coast Guard they have a formal investigation going. I don't know what the motivation would be at the State Department except to say that no doubt they are concerned about providing us the additional facts we have asked for.

"FUTILITY OF SUCH A REQUEST"—FOR SEAMAN'S RETURN

Here are excerpts from the White House briefing by "Ron" Ziegler at 4:14 p.m. on Dec. 3:

Q. This morning, in response to a question here, did I understand you to say that the President or the administration had not requested that the Soviet Union return the seaman involved in this incident or take steps to insure his safety and that of his family? Was that your response to this question?

A. My response was that I knew of no formal request to the Soviet Union to return the seaman. I think I left the impression that that would be relatively moot. Q. . . the question is whether you are in a position to deny that any approach has been made, an official approach by the Nixon Administration, to the Soviets to return that sailor? A. I can say to the best of my knowledge, and I think I am relatively current on the matter, that a protest such as that has not been made because of what could be considered the futility of such a request.

Q. Ron, was there any thought given to requesting the Soviet Union to show the man, so that the world could see whether or not he is still alive? A. Sarah, this incident that has occurred, I think everyone agrees, based upon the information that is available, that this was an extremely unfortunate incident. Before you take that step you have to think of what the response would be or what indeed the result of that request would be. We have not made such a request, again to the extent of my knowledge, because, as I said, what we consider the futility of such a request. We have not made a formal request.

Q. Have we protested at all the action of the Soviets? A. No, we have not. Q. Did the White House request that William Macomber of the State Department not testify today? A. Absolutely not. I think the point has been made, and I will make it again this afternoon—I think the facts are relatively clear—that a Soviet seaman boarded a Coast Guard ship requesting asylum. After a series of events took place, the seamen from the Soviet vessel came on board the Coast Guard ship and physically removed the seaman from the Coast Guard vessel and returned him to the Soviet vessel.

What we are trying to do, what we have done, based upon the reports that the President has received, is to take steps to assure that this does not occur again. Our motivation is to proceed with an orderly compilation of the facts and the circumstances that surround the whole matter. That is what is taking place. But in terms of providing information to Congress, there would be no reason that we would have not to provide to the Congrss on this matter.

CIVILIAN EYEWITNESSES TO THE ATROCITY

Q. Ron, does the President plan to talk to the eyewitnesses, the American citizens who were not in the Coast Guard who saw this? A. We have received, Sarah, as a part of the reports that the President has asked for, information from those who were on board the Coast Guard cutter. Q. Ron, did you mean to include the Russians among those you said everyone agreed that this was an unfortunate incident? A. No. I was referring to the United States government and I think most of the United States. I can't speak for the Soviet Union.

Q. You said that everyone thought it was an unfortunate event. Does the man think it was an unfortunate event who gave the order for him to be sent back? A. Sarah, there is no way for me to answer that question.

Q. You did ask Macomber not to go up (before Congress) until after you got the report? A. No. Q. That is what he told them on the Hill. A. I don't know if he told them that specifically. But this is a question we have not addressed here in the President's office or in any of our discussions today. Q. Could anyone at the White House have told Macomber that? A. I don't believe so. We talked about the desirability of compiling further information in an orderly way about what occurred to round out the information that we had. But that is the extent of our discussion on that matter.

Q. Ron, do you plan to make public the ultimate set of guidelines and procedures that result from all of this on handling of defectors? A. Much of it we put forth to you this morning, the interim steps. I pointed out at that time that one of the significant things of that was that there is full dissemination of the steps that should be followed by various agencies, by agencies that could be involved in this, and the communications are being improved.

Q. Did you say this morning how these guidelines differed from those that were standard before the incident? A. I stated the general concept. There had been some additions. But the main thing that has taken place is that over the years apparently these have not been disseminated as thoroughly as they should be. That has been taken care of. People are now clear in all of the agencies as to what action they would take and what procedure they should follow as these things occur on a case by case basis. You really can't on these matters make a general statement that will cover every incident that may occur, because every one, of course, has its peculiarities. Q. I thought you told us Monday [Nov. 30] that the President was calling for a full, complete report which was presented to him yesterday. A. Yes. Q. Do we not have already a full, orderly compilation of the facts as they took place? A. Yes, we do.

Q. What is the holdup on the testimony? A. Let me answer your question before you state a question. We have a very thorough rundown on what took place, the timing and what we consider to be a very thorough report of what took place. We are in the process of reviewing and checking that to see what effect that report may have on the formal investigation that is going on. That is the process we are going through. But, yes, we did receive quite a complete report. Q. Are you satisfied with the report now in rechecking it? A. No, we have received a thorough report. We are in the process of checking it. [End of quoted excerpts from briefings.]

Thus, the daily briefings take place. So-called guidelines were announced in detail in the morning briefing on Dec. 3. (Excerpts from text of that briefing are provided separately, on Page 2.)

Certainly nothing more sickening than the case of Simas Kudirka has ever come to public attention. The reason is that other despicable cases have been successfully kept secret. Indeed, they go back to the ending of World War. Provisions of the Yalta agreements were implemented by the Americans and the British in a more thorough and more atrocious manner than even Stalin anticipated. Hundreds of thousands were trapped this way, if they were claimed as Russian nationals. Only after thousands of scenes similar to what took place on the American cutter, and suicides of entire families rather than be returned to the USSR, did the ghastly facts leak out. Public indignation overcame the hush-hush efforts of American and British authorities, and put an end to this mass atrocity that we perpetrated.

Defections continued without cease after the conclusion of World War II. This embarrassed both the Soviet Union and the appeasers and opportunists among us at that time. Moscow was even more concerned over the vital information that some of the defectors were bringing with them from communist areas. We sacrificed this tremendous source of basic data as well as the psychological warfare advantage involved and made some sort of an agreement to discourage or prevent such defections so far as we were able. Marxists and red agents on our side obviously were involved in this one-sided, inhumane and stupid deal, that was treasonable in effect.

Nonetheless, it has been an open secret that a tacit agreement of this kind exists, and nothing that has happened during the present scandal over the Lithuanian specifically and officially puts an end to it. Pious words merely lull the American people in once again suppressing whatever capacity for indignation remains in us. Nixon can talk until he is blue in the face, with genuine horror, that such things happen, but they will continue unless and until he orders their stoppage, with all the authority of the President.

Even so, he will have to eliminate the saboteurs, opportunists and reds in the State Department in the reform of it that he promised before a halt, in fact, it put to such undercutting of our interests and our honor.

As this is being written, a so-called "reform" of the State Department by itself is being publicized. It would make it impossible for a President to check sabotage of White House policy by State Department personnel. The only safeguard, the ability of a career officer to protest through other government channels, is being removed. Of course, the Secretary of State knows about this, for else Macomber would not be working so hard on this sly maneuver.

The functionary on the Soviet desk reacted the way he did without involving any superior because otherwise he would not be holding that job in the State Department. If he had acted any differently, now or in the past, he would not have advanced that far. The mechanism is set up this way, squeezing out anyone not reacting as the State Department establishment wants.

Simas may have sacrificed himself to save countless others.

EXCERPTS FROM SIMAS HEARINGS—PART II

Exhibit #1, attached to transcript, U.S. Coast Guard's "formal board of investigation into allegations of improper conduct in connection with recent defection attempt of Soviet crewman to Vigilant near Martha's Vineyard, Mass., on 23 Nov. 1970."

Lt. Kenneth N. Ryan, duty officer, Boston, and Coast Guard headquarters officer, phoned conversation:

"How do you want to handle the press? It's leaked somehow . . . Say, hey, I hear there's a Russian defector out there, you know and we denied all knowledge . . . If I do get any calls I'm going to say 'no comment' or I am unable to make any statement at this time, or something else like that, okey, goodby."

Exhibit #2. Between Rear Adm. William B. Ellis, on convalescent leave, and Commander Ralph W. Eustis, of Vigilant.

Eustis: We have a man aboard who has defected from Soviet Union . . . I believe the political situation is such that today has been very successful other than events that have occurred in the last hour . . .

Ellis: Does the ship know that he has come aboard your ship? If not, I think they should know that . . . In view of nature of present arrangements with them, and in the interest of not fouling up our arrangements as far as the fishing fleet is concerned, I think they should know this. If they choose to do nothing, keep him on board. Otherwise put him back . . .

Eustis: If they desire to recover him, will have them return man to mothership . . .

Ellis: If the man jumps into the water give the Russian ship the first opportunity to pick him up. Don't let him drown. Go get him if they are not going to retrieve him. . . . Well, make sure that you don't preempt them in taking action.

"HIS LIFE IS PROBABLY IN JEOPARDY"

Exhibit #3. Between Captain Fletcher W. Brown, Jr., chief of staff, acting district commander, Boston, and Cmdr. Eustis.

Eustis: Defector is definitely in fear of life . . . Only person that has had closest communication with potential defector is myself. Four Soviet officers on U.S. ship as part of general group that was invited . . . They indicated they aware of defector. Defector came with group invited to visit ship.

Brown: This is a situation that is going to have to be resolved by State Department.

Exhibit #4. Another conversation between Brown and Eustis.

Eustis: Believe if we direct them to return abroad vessel with subject, I believe his life is probably in jeopardy . . . Understand if the Soviet master desires return of individual to Soviet vessel we will do so . . .

Brown: You are ordered to take all necessary precaution to preclude any type incident from recurring from your vessel. . . . I think you misunderstood what your last order was. You are to take all precautions to prevent the incident from occurring. Do you understand? All precautions to prevent an incident from occurring.

Brown: Vigilant, this is Boston again. We will do it this way. There must be a formal request. There must be a specific request by the master, by the master of the Russian vessel that the individual be returned, that the individual be returned. That is point #1. Point #2. If the master specifically requests that the individual be returned to his ship, you will return the individual to the Russian ship, you will return him. The individual will be returned and placed in the custody of the master of the Russian ship. At this point, at this point, you may break contact with the Russian vessel and continue your surveillance and continue patrol, continue your escort surveillance and continue patrol. You will assure that no incident occurs during the transfer of the individual from your vessel to the Russian vessel. Do you understand?

Exhibit #5. Another conversation, Brown and Eustis.

EUSTIS: I have official request in writing for return of alleged defector, in writing. Present intentions are to return defector to the Soviet officers that are aboard Vigilant, have him depart vessel in custody Soviet officers. . . . Vigilant to depart Soviet vessel and escort Soviet vessel out of U.S. territorial seas . . . If defector, potential defector, departs Soviet vessel Vigilant will stand clear and make no attempt to pick up defector until life in jeopardy.

Exhibit #6. Statement by David R. Santos, engineman, third class. [Stbd. taft rail means starboard vertical railing.]

The first time I seen the man he was already in process of climbing over the Stbd. taft rail in preparation to jump into the water. Myself and someone else off the Vigilant grabbed him, one by each wrist to prevent him from jumping. Within 10 or 15 seconds a Russian climbed over the top of us and grabbed the man by the head and started to drag him back aboard. In no time another Russian grabbed him, and myself and the other big sailor stepped out of the way. The man put up a good struggle, but two more Russians jumped in, totaling four in all and beat this man viciously. Upon bringing the restrained man up the ladder on the fantail one man grabbed the 1JV phone talker's cord and was going to wrap it around the defector's neck, when the phone talker pulled the cord away. While the incident with the cord was happening another man was beating the defector's head against the rail of the ladder. A short time after that they had him on the flight deck. I did not go onto the flight deck but watched from the fantail. And the men did not stop the continuous beating. It was about this time that the Vigilant pulled away and the Stbd boom from the mothership ripped down the port side of the Vigilant, tearing off the whip antenna. After that I had to go below deck.

Exhibit #7. By Richard P. Maresca, boatswain's mate, third class. (On removal to Russian ship, in a U.S. boat.)

The way the Russian crew members were allowed to beat and stomp the defector gave me doubts of my own security in the boat. Once the word was given that an officer was going, we, the Vigilant crew, entered the boat. At that time I saw the defector completely tied up and thrown into the boat by the Russian crew members being handled like nothing more than a log . . . I acted as coxswain . . . While riding to the Russian ship, one Russian crew member sat on the defector's head and kept punching him for the entire ride. Once we arrived alongside the Russian vessel they lowered the net and the first mate went up first. The other Russian members then threw the defector from aft to amidship, then again threw him into the net when lowered. They then gave us the

Vigilant mooring lines and we left for the Vigilant.

[John F. Hughes, ensign, boat officer, was in charge of the boat on the trip.]

GUIDANCE BEFOREHAND REFUSED BY STATE DEPARTMENT

Exhibit #14. "Chronological summary of events." 23 Nov. 1970. [CGC means Coast Guard cutter.]

1400. Contacted Capt. David A. Webb, USCG liaison officer, State Department, for names of State Department personnel who should be contacted regarding the possible defection.

1415. Received names of Mr. Morton, U.S. State Dept., SYS/SAS and Mr. Adolph Dubs, Soviet desk, as contacts with State Dept. 1450. Contacted Mr. Killham, tel, 22071, at Soviet desk, in absence of Mr. Dubs. He advised that he would call me back later after he had digested CGC Vigilant message. 1520. In contact with Mr. Killham, who advised that until man was on board CGC Vigilant, State Department could offer no helpful instructions.

Exhibit #15. By Lt. JG Douglas A. Lundberg; operations officer. [XO means executive officer.]

I had Latvian neighbors at my last duty station who had been in Russian Concentration Camp. I had watched some of their crew draw their finger across their throat when members of our ship jokingly asked them to come aboard. The man also stated to me that he would be killed if returned. Between 1615 and 1630 the man suddenly appeared on our bridge. He was all smiles and almost hysterical with happiness. I immediately grabbed him by the arm and placed him inside stick. [Isolated portion of the bridge.]

Not long after he came aboard I saw several Russians pointing forward and could tell someone had seen him come to our ship. I told the XO right away. I was not present for the conversation but when I first learned that he was to be sent back, I was completely horrified and thought that some points must not have been passed to the district office. One was that the man had gained access on his own initiative with no Coast Guard assistance, two, that he said he would be killed and would not go back without being overpowered or killed; three, that he had repeatedly requested political asylum.

[On phone talk.] Capt. Brown's reply was: Cmdr. Eustis, you have no discretion in this matter whatsoever, you have a direct order from the Admiral and are to return the man to the Russian vessel using Russian or Coast Guard force as necessary, the only requirement being a written request from the Soviet Captain for the subject man.

"LOOKED AT ME AND I JUST SHRUGGED"

Exhibit #32. Chronology by Lt. Cmdr. Paul E. Pakos, executive officer.

About 1630 most of the Soviet naval officers had left. There may have been two or three remaining on the flight deck ready to be carried back to the Soviet vessel. The crew member who wanted to defect showed up on the deck opposite the bridge wing and just looked at me and stared at me intently. I looked down at our Foc'sle and looked down at our port boat, trying to indicate that if he was going to jump, I suppose that these two places were the most reasonable places to jump. He looked at me and I just shrugged my shoulders.

The next thing I knew (probably within five minutes) he was on the Vigilant's bridge. I was very surprised. He apparently jumped across from the main deck and grabbed on the Vigilant's rail, and had come aboard. He embraced me immediately and called me comrade and embraced the operations officer, called him comrade, and I ordered him out of sight immediately and notified the Captain down in the Captain's cabin. The Captain ordered him taken to a place where he would not be detected and we took him to the watchstander's head [washroom for bridge watchers].

With the man aboard, we went to the mooring stations immediately as we wanted to depart as soon as possible. About the same time, the interpreter from the State Department who was part of the delegation came up to us in the Cabin and having been informed that the man was aboard, his first reaction was, "he had to leave because he would ruin all the work that we had accomplished during the day." The Captain went down and spoke to the defector himself, spending the better part of an hour inside the watchstander's head speaking to him . . . One thing did come through very clear, and that was that the man under no circumstances wanted to be returned to the Soviet vessel . . . Finally about 2030 the interpreter brought up a formal request in Russian for the return of the defector to the Soviet vessel.

Included in the formal request were some charges that the man had stolen some money aboard the Soviet ship . . . There was some discussion and Mr. Gordon [William C., of National Marine Fisheries Service, Department of Commerce) wanted to put a phone patch into someone he knew at State, he tried but no one was home. There was also discussion, which I was a participant, in the legality of the order, whether or not such an order to return a man who had been pleading with the Captain not to be returned and who feared obviously for his life. I questioned if such an order was legal. We felt that there was a real possibility or a probability that the man would be killed if returned and certainly a major part of his life would be affected by being put in a concentration camp or being put in a prison in the Soviet Union and I joined the discussion of the Neuremburg [Nuremberg] Trials.

The impact of all that was a very, very heavy burden on the Captain Eustis. We discussed how if we decide or if he decided to disobey the order, how he would perhaps be a hero in the eyes of the United States public, but be disobedient in the eyes of the Coast Guard. Whereas if he obeyed the Coast Guard order, he would be true to the Coast Guard but in the eyes of the United States public would have done something considered improper.

BUT SOVIETS KNEW THEY WERE IN A BOX!

The decision process was very heavy on the Captain. However, having heard from Admiral Ellis to the point once, from Capt. Brown twice, he decided that he would obey the order. He told the Soviet officers that the man would be returned to them. Up to this point the Soviet officers knew they were in a very, very difficult position. They were inside the territorial waters of the United States, and we could within all respects legally keep the man and have them return to their vessel while we would retain custody. However, when Capt. Eustis informed them that the man would be returned to them, several of the officers went up and spoke to the defector.

This conversation took place for a half hour to 45 minutes. It was a very heated and animated conversation with the defector insisting that he did not want to return and refusing to return to the Soviet vessel. At approximately 2130 we were still moored alongside the Soviet vessel and the Russians had been unable to talk the defector into leaving peacefully the Vigilant and going back to the Soviet vessel. They apparently at this point were reluctant to use force . . . The time now is about 2200. Capt. Brown was advised of this situation, he again reiterated that we were directed to remove the man from the Vigilant and return him to the Soviet vessel.

When Capt. Eustis mentioned that the Soviets were apparently reluctant to use force, we were directed to use whatever force was necessary to get the man back including Coast Guard force. We had in previous conversations discussed the aspect of the man trying to jump into the water and at that time earlier, Capt. Brown told us that we should make every effort to see that the man does not attempt to jump into the water while he is being delivered to the Soviet vessel.

If subsequently to his delivery to the Soviet vessel he jumped over the side, then we should give the Soviets every opportunity to recover before we moved in to recover the individual. At this point it was a very clear to Capt. Eustis and to me that these were direct orders. Capt. Brown was explicit and said, there is no discretion allowed here. We decided that we would just have to comply with this order. Capt. Eustis therefore told the Soviets that he would again attempt to get the man back to the Soviet vessel. We were reluctant to use Coast Guard force to transfer him back for obvious reasons.

FOUR RED GOONS NOT ENOUGH! TWO MORE CALLED!

Capt. Eustis tried to talk the man into going back but the man got down on his knees and pleaded and begged. He begged not to be returned to the Soviet vessel and kept crying, "Please Captain, please Captain, don't send me back. Don't send me back. "Capt. Eustis was unsuccessful again in trying to talk him into going back peacefully. The Russian officers came up and again tried to talk him into going back and he constantly refused and would not move. All of this conversation with the defector took more time and I was up on the bridge and suddenly I saw four of what I would term "heavies" being transferred from the Soviet vessel to the Vigilant.

When they came aboard, they immediately started running up the port side of the flight deck. I yelled down and ordered my crew members to stop them which they did and ordered them to be kept there on the flight deck unless the Captain specifically asked for them or unless I specifically asked for them. I informed Capt. Eustis of the situation. Conversations with the defector continued to prove fruitless. He asked for a knife from us, that he could kill himself. We, of course, did not provide him with any kind of weapon to harm himself with.

Finally, Capt. Eustis decided that they, the Russians, would have to take him by force. When the Russian officers were told that we would agree to them taking the defector by force they didn't seem to waste much time getting organized to come over. The four "heavies" were allowed to come up to the man and there naturally was an ensuing struggle.

Apparently the four men could not restrain the defector so they called for two more men. Two more men did come over and now six men were struggling with the defector trying to drive him down the ladder from the 02 deck to the 01 deck. When they got to the flight deck level, there was much pandemonium. They were all struggling, the Soviets on the Russian ship saw what was going on. Many of them started screaming. They were all at the rail yelling and screaming. There were a lot of Soviets on the Russian ship apparently anxious to get over to help and suddenly the man broke loose and someone saw him go over the side, our port side, and in between the two ships. Someone yelled, "Manoverboard." We dropped the life-ring in between the two ships, immediately started slipping our mooring lines because we wanted to get out of there. There was about three feet in between the two ships and we thought the man was trapped in there. We shined our searchlights down in the water between the ships and couldn't see him.

We had our mooring lines belayed on the Soviet vessel and no one was standing by so we slipped the lines we could and cut with an ax the lines that we couldn't. We had been previously prepared to cope with this situation. In trying to get out of there rapidly, a boom from the Soviet vessel caught our communications antennae on the port side and tore them down, knocked down our port whip antenna, and we bent or lost three or possibly four stanchions on the port side of the Vigilant. Fortunately, no one on Vigilant was hurt with these antennae coming down.

As we were backing away still not completely clear of the Soviet vessel, there was more commotion on the fantail and someone later told me that the man never did get into the water. He was able to grab a hold and somehow swing from the Ol deck to the main deck and had been running down the main deck. This is all unconfirmed. I do know there was a commotion on the fantail when six Soviets caught up to the defector and they were beating him. [The next sentence was written in handwriting, then the typing resumed.] Accordingly to what I told. Emotion was running very high among our crew members. The Soviets grabbed the man and hauled him back up the flight deck but could not get him over to the Soviet vessel because we had been backing clear and the antennae were falling down and we ended up clear of the stern of the Soviet vessel and there was pandemonium on the Vigilant.

SIX GOONS WRAP DEFECTOR INSIDE BLANKET

However, things quickly cooled down. We got a count of the number of Russians who were still aboard. We still have perhaps three officers in the cabin during the incident plus the six men who were overcoming the defector. I told ENS Hughes [John F., ensign, boat officer] to get all the Russians on the Messdeck. I later (but before they left) found out that the six men took the defector inside the Vigilant's helicopter shack. They wrapped him with a blanket. They tied him up from his head all the way down. I saw them jab him in his back once. I, through the direction of Capt. Eustis, put in an immediate phone patch to Capt. Brown and informed him of the situation and told him that we were going to attempt the transfer by small boat from the Vigilant to the Soviet vessel.

Capt. Brown asked if the weather would make the transfer hazardous. I said no. The Captain ordered the small boat lowered. The Soviet people were all put aboard along with two or three of Vigilant's crew. [Next sentence handwritten.] I went up to the bridge prior to the time the boat was loaded. The man, the defector, was literally thrown into the boat. They sat on him. I saw them poke him in the back once or twice. The Soviets and the defector were taken aboard the Soviet ship and the boat crew returned to Vigilant and then the Soviet vessel got underway and departed the waters.

Exhibit #35. [Text of formal request as asked for by American authorities. Such accusations are part of the act.]

[On stationary of] Lithuanian Fisheries Administration . . . Klajpeda Base of the Refrigerator Fleet . . . Mothership Sovetskata Litva . . . Nov. 23, 1970. To the Leader of the U.S. Delegation of Fishery Representatives . . . To the Captain of Coast Guard Cutter Vigilant. . . . During our meeting of November 23, 1970, the radio operator Kudirka penetrated into my stateroom, forced the safe, took money from the safe in the amount of 3,000 rubles, jumped over the fender and hid on your vessel. Request you conduct a search and return him to the vessel. I lodge a maritime protest on the matter . . . [s] Popov . . . Captain of Mothership . . . Sovetskaia Litva.

MEMO FOR NIXON SANITIZED BY HEAVY VERBIAGE

Exhibit No. 42. Memorandum for the President . . . Dec. 2, 1970.

[Long, legalistic document, does not reflect the heart-rending, life-and-death nature of the struggle on the Vigilant. This weighty, colorless "memorandum" requested by President Nixon, is signed by John N. Irwin II, of the office of the Undersecretary of State, as acting for Secretary of State William P. Rogers.]

Exhibit No. 42. By Capt. Ralph W. Eustis, commanding officer.

. . . The defector had put up a desperate struggle for his life, and could not have been restrained without considerable force. . . .

Exhibit No. 46. [Conversation between Lt. Kenneth N. Ryan, of First Coast Guard District, and Adm. William B. Ellis, his chief, district commander, "on convalescent leave," and Capt. Fletcher W. Brown, Jr., acting district commander.]

ADMIRAL. But this uh could get a little hairy. I don't know—

RYAN. Yes, sir. It sounds like it.

ADMIRAL. The problem was that they should never have let him on board in the first place.

RYAN. Uh huh. . . .

BROWN. Keep the thing out of the press until we can find out how they want the press handled on this thing.

Observations by TACTICS editor. These appendixes, made up of conversations and memorandums by participants at the time, provide a living representation of the tragic affair, out of which all the official reports and conclusions are derived. The formal hearings themselves could only clarify and amplify these. This editor's study of the transcript confirmed this, and brought out no refutal or contradiction of what was contained in the appendixes.

Obviously, the Soviets were encouraged into reacting as they did by American hesitancy and fear of provoking their displeasure. They realized their untenable position, on a U.S. ship in U.S. waters. Under even this slight pressure. American communications and policy determination either was dangerously interrupted or broke down. In our anxiety to please, we abandoned our national traditions and our basic principles. Those in highest posts displayed a trusting attitude toward the communists that reflected a continued, no-win, anti-anticommunist indoctrination.

The documentation in the Simas Kudirka case includes a voluminous amount of interrogation by the "formal board of investigation" convened by the Coast Guard. The "Verbatim Report of Proceedings" covers hearings at Cambridge, Mass., on Dec. 1 through 4, 1970, in Washington, D.C. on Dec. 8–10, and again at Cambridge on Dec. 16. The most unthinking, insensitive piece of testimony ever by an American to come to this writer's attention is contained in this testimony. No people on earth has demonstrated as much feeling for others as have Americans, all down their history.

The first sessions were held at the Transportation Systems Center at Cambridge, when the following exchange took place:

The witness told what he saw. "A man came running out without his shirt on. He looked very nervous." A ruckus had taken place on the flight deck, between 10 and 10.15 p.m. The defector looked like "a fairly strong guy for his size, something like a 140-pound wrestler if you can imagine what that would be. I know he didn't have on any shirt. . . . They got on the ladder. They had the man horizontal as they were trying to bring the man up the ladder. One man had his legs.

"Question. Bringing him up the ladder to where?

"Answer. To the flight deck, I presume that's where they were going. One man was in the middle and the other man still had him in a headlock. He seemed still to have strength. He was still fighting. He was making noises. He was trying to talk. He was just moaning.

"Q. Was it the kind of a moan when a man is being hurt?

A. "Yes, he was being hurt. The man who had him in a headlock was hitting his head against the rail of the ladder.

"IT'S NOT REAL HEAVY STEEL"

"Q. Against the ladder?

"A. Against the railing of the ladder.

"Q. That's steel, isn't it?

"A. It's not real heavy steel. I don't believe it's real heavy steel. . . ."

Read that last part over again, real slow. Let it penetrate. The description was of Russian communist treatment of Russia's nationals. The atrocity perpetrated against the Lithuanian radio operator presented us once again, this time in capsule form, inescapably visible to all, incontrovertible evidence of the barbaric nature that is characteristic of any communist state. The despotism inherent in the Marxist system makes this inevitable in the socialist-communist approach. Each time the wishful thinkers come forth with the discovery that the reds have become just, something always happens that cannot be hushed up, that shows the mellowing to have been a Machiavellian tactic. And it pulls us down!

But the Simas affair has an even greater significance for Americans. What it cruelly demonstrates is that you can deal with criminals only on their terms, for they cannot survive otherwise, and this means you must close your eyes to or participate in criminal practices. In order for so simple a civilized practice as a fisheries agreement to be possible, we had to participate in an atrocity. We had to adopt a criminal approach, too. There is no alternative to maintenance of one's standards and principles when confronted by the barbaric throwback that constitutes totalitarianism. Democratic and Republican administrations alike, in their sincere efforts to get along with all peoples, have not learned the lesson this teaches, and by one unilateral concession after the other, from Panmunjom to Paris, at the U.N. and in Geneva, have so weakened the United States, without achieving any tangible results, that we have brought into question the survival of our nation under Communist pressure. Herein lies the major vulnerability of the complex Horatio Alger that is Nixon.

"JUST NOT TO GET INVOLVED"

A man in the position of, say the President, has a dual function in reading such testimony. That is, if he does read it, instead of having "a briefing" prepared for him on it, either verbally or in writing. The efficiency of the latter has passed the line of diminishing returns. All meaning except narrow legalisms are squeezed out by it. Such firsthand testimony brings out character and practice at the grassroots. A Nixon in the White House, therefore, fulfills his role only by adopting at all times a short-range and a longrange approach, studying each problem for its immediate, right-wrong perspective, and for its overall portrayal of national approaches and developing trends. With this in mind, for in a free society each voter has a similar responsibility, no matter how reduced in scope, let us continue with this testimony.

"Question: But did you think at this time that you should go help the individual? Answer: Yes.

"Q. Why did you not?

"A. Well, word had been passed and not from the bridge, but word had been passed . . . I presume it was rumor, that everybody stand back.

"Q. Stand back, from the fight or any altercation?

"A. Nobody knew anything at all, just not to get involved."

A $500,000 government grant to study public attitudes and how they are brought about would not give us a more instructional and helpful final paper, no matter how wordy and thick, than the above question and answer colloquy could provide for an administrator or sovereign. The testimony in its entirety gives us an in-depth picture of America now, its weaknesses, vulnerabilities and in-depth drift away from the standards and principles that until a generation or so ago characterized the United States, and was why people from everywhere came here. They still seek to come, as did Simas Ionovich Kudirka, but because they still think of the America during its time of growth and greatness. The job of a Nixon, and of every wisely motivated American, is thus laid out for him. The Europeanization of our country, and its lowering of standards generally, whether in building machines or character, must be halted, so we can raise our eyes and lift up our heads once again.

Robert M. Brieze, who himself had fled from Latvia by a small boat, was a cilivian witness called to testify. His role abroad ship had been as representative of the New Bedford Sea Food Producer's Association. Brieze (of 10 Jarvis Ave., Fairhaven, Mass 02719) declared, "as to my opinion there is two different crews on [Soviet] ship. Master and the political persons involved, those two." He referred to "Russian commissar and his interpreter," saying, "I noticed from pilot house that the Russian commissar and his interpreter was not going back to the ship at that time. They were still on Vigilant."

The commissar went to speak to the American captain, and it was he who finally produced the letter accusing the defector of theft. Brieze testified: "I told Capt. Eustis usually Russia is making criminal to get the man back. This happened after the Russian commissar got a telephone call to Russian embassy. This would be time about 9 o'clock in the evening. . . . I was very upset, I told Capt. Eustis, you know what is going to happen to this man. He said he knows he can be punished very hard, maybe with death. 'But I got to fulfill my higher officer's command.'"

A man who is sure of himself, and willing to accept responsibility for his decisions, does not have to take refuge in the easy alibi, "But I got to fulfill my higher officer's command." One such was Gen. Douglas MacArthur. This confidence and character differentiate the great general from the run-of-the-mill officer. Americans used to expect such traits. They ceased to be the accepted pattern with the implementation of the secret Fulbright memorandum in 1961, that destroyed the civilian-military seminars on red tactics, set up after the Korean War.

These traits bear only a superficial similarity to the anarchy of today's dissent. They are intended to fulfill national interest, not destroy the nation. Their spirit is obedience, not disobedience.

"THEY ARE NOT BARBARIANS," HE SAID

Rear Admiral William B. Ellis, commander of the first Coast Guard district, was asked at the inquiry about his final conversation with Capt. Fletcher Webster Brown, Jr., his chief of staff, at 7:28 p.m. that fateful day:

"Answer: The principal information which Capt. Brown presented to me at that time, that he had received from Commander [Ralph W.] Eustis was that the man stated he was in fear of his life, his life was in danger.

"Question: That was a fact that you had not heard before?

"A.: This was new information. I told—in discussing this with Capt. Brown, I know I said there was no reason to believe this had actually happened, that they would kill this man and that I am quite sure I said, 'Eustis, they are not barbarians.'

"Q.: Sir, why do you feel that he had no reason to be afraid?

"A.: I don't say that I had no reason that he did not have reason to be afraid. I think that any man in that circumstance would plead for his life. I didn't and I still don't feel there is any facts that the Russians go around killing people.

"Q.: Sir, do you recall the Berlin Wall in the early fifties with respect to defectors from East Germany?

"A.: This is 1970."

One cannot help but be amazed and even perplexed over the evident fact that this man in ultimate authority in the Boston area obviously still believed, after what happened to the defector, that he had not tragically underestimated the evil inherent in communism. What sort of intelligence had he been given? He was indoctrinated, not informed. This is why our security systems have been crippled, and the anti-communist, not the communist, made the security risk.

PIN DOWN THE ISSUES

The paramount issues that should stand out in the Simas Kudirka case can be discovered in findings of the Coast Guard's formal board of investigation, headed by Vice Adm. Thomas R. Sargent, who serves in Washington under Adm. Chester R. Bender, commandant, in the latters approval or disavowal of these opinions, and in the final judgment of John A. Volpe, secretary of transportation. A courtmartial was asked by Adm. Sargent for Capt. Fletcher W. Brown, Jr., who was acting commander of the first Coast Guard district, headquartered in Boston. Bender concurred, but said he would not call for a trial if Brown retired at once. The board's findings follow:

"Opinion 1: Capt. Brown, although counseled by his principal staff officers that the defector should have been retained aboard Vigilant until State Department could arrange disposition, failed to properly utilize or rely upon their expertise. In referring a matter of important decision to Rear Adm. Ellis, and in acceding to, and accepting or adopting instructions provided by Rear Adm. Ellis, Capt. Brown failed to exercise his command powers and accept his command responsibilities as the Acting District Commander of the First Coast Guard District. Furthermore, Capt. Brown failed to keep Coast Guard Headquarters informed of important changes in the case, even though he was asked to do so by Headquarters authorities, and was required to do so as a matter of general policy within the Coast Guard. It should be noted that although Capt. Brown asked Lt. (Kenneth R.) Ryan to call Headquarters about the case, he effectively rescinded that order without ever verifying whether or not Headquarters had been informed.

"Recommendation 1. That Capt. Brown be awarded a General Courtmartial for trial on charges of Dereliction of Duty for his failure to inform the Commandant of the progress of the case and for his failure to retain the defector aboard the Vigilant until having advice from proper authority."

The commandant concurred in both the opinion and the recommendation, with this comment: "In spite of the fact that Capt. Brown should have exercised independently his authority as Acting District Commander, I am convinced that he was markedly influenced in his course of action by the forceful advice he had received from Rear Adm. Ellis. There is little doubt that regardless of the results of a trial Capt. Brown's performance during this entire incident has seriously impaired his effectiveness as a senior captain on active duty. For these reasons, if Capt. Brown immediately submits a request for retirement, I shall accept it and not refer the charge for trial, but rather will issue a Punitive Letter of Reprimand under Article 15 of the Uniform Code of Military Justice."

The inquiry board did not request a court-martial for Rear Adm. Ellis, but the commandant ordered one, not to be called if Ellis retired. Secretary Volpe ordered both courtmartial charges to be withdrawn. The pertinent documents:

"Opinion 2. Rear Adm. Ellis, although he was reluctant to offer advice while not in command, should have known that Capt. Brown and Cmdr. Eustis were treating his remarks not as advice but as orders. Instructing these men as he did, Rear Adm. Ellis infringed improperly upon the command prerogatives of the Acting District Commander. Furthermore, Rear Adm. Ellis gave instructions on complicated and sensitive issues having obvious national and international import without first apprising himself of established national policy."

The Coast Guard document signed by Adm. Bender, dated Dec. 18, 1970 and entitled, "Action of the Convening Authority," went on:

"Opinion No. 2 is concurred in as expressed. However, in addition to the matters set forth, it is apparent that Rear Adm. Ellis assumed authority not possessed by anyone in the Coast Guard to make a final determination as to the denial of political asylum in the United States to a person seeking it. The determination was properly the function of the State Department."

The statement by Volpe rejecting the proposed courtmartials was dated Dec. 21 and read:

"APPRECIATE THEIR ERROR OF JUDGMENT"

"I do not concur in the award of the court-martial in the case of Rear Adm. William B. Ellis, USCG, and Capt. Fletcher W. Brown, Jr., USCG. It is my considered view that no purpose would be served by subjecting either Rear Adm. or Capt. Brown to a court-martial. There is no doubt that both of these officers now appreciate fully their serious error of judgment in this case. It is also clear that they have been subjected to most extreme castigation from many quarters in this nation. This, indeed, is a severe indictment for which both they and their families have already suffered.

"For these reasons, you are directed to withdraw court-martial charges of any sort against Rear Adm. Ellis and Capt. Brown. However, I do fully concur in the issuance of Punitive Letters of Reprimand to both officers. In taking this action, I have taken note of the fact that both officers are submitting requests for immediate retirement and that these requests will be accepted."

Volpe had no alternative, for he is a Cabinet member, and a courtmartial might very well have involved government policy, and the role of the State Department, in a manner that could have been most embarrasing to the Administration. The paramount issue is government policy. Volpe reacted politically. His unequivocal statement, "There is no doubt that both of these officers now appreciate fully their serious error of judgment in this case," is at best doubletalk, and actually untrue. The unanticipated indignation aroused, particularly among ethnic groups that take our traditions and principles most seriously, was being lulled.

The fat was tossed into the fire at a House Foreign Affairs subcommittee hearing, headed by Wayne L. Hays, Ohio Democrat. An Associated Press article of Dec. 29 was headlined by the Baltimore Sun the next morning as follows:

"Admiral Felt He Was Right. . . . Thought Superiors Backed Soviet Defector's Return."

He had practically every reason to feel this way, which constitutes the main issue, of longrange significance.

So long as government policy remains anti-anticommunist, so long as the primary channel for that appeasement line remains an unchanged State Department, so long as its personnel, for the most part, remains those who have been the designers of our tragically wrong foreign policy, men of lifelong service to the nation are caught in a trap. The buck is passed to them; they are wrong if they do, and wrong if they don't! The no-win policy, with its pathological obsession with what is called "escalation," damns everything it touches. This is what President Nixon was supposed to change, and the first requirement was fulfillment of his campaign pledge to reform the State Department. The State Department now, under a conniving operator with a sorry background, is at least as bad as it ever was, and probably worse. Nixon has changed neither this policy of his immediate precedessors in the White House, nor the direction of the State Department.

This is the basic issue. Until our anti-anticommunist policy is discarded, all our foreign policy remains tainted. Brown and Ellis are being penalized not for failing to fulfill high policy, but for being caught at it.

"CAN NEVER OCCUR AGAIN"

The Department of Transportation's news release, accompanying announcement of its final decision on the accused, quoted John A. Volpe as declaring: "I have today taken action with respect to the case in which the Lithuanian seaman aboard the Soviet fishing vessel attempted to seek asylum aboard the U.S. Coast Guard Cutter Vigilant. I regret very deeply that a young man had to lose his chance for freedom in order to bring to light the deficiencies in government procedures for welcoming victims of oppression to American soil. Also, I regret that the proud history of the U.S. Coast Guard which has given shelter to hundreds of political refugees was not upheld in this tragic incident.

"But the errors in procedure have now been corrected. We now can give assurance to the world that an incident such as that which occurred on Nov. 23 can never occur again and that America remains the haven for the oppressed."

More than rhetoric is required to change a situation that begin with "Operation Keelhaul" at the end of World War II, when we brutally took men of Russian background out of their American uniforms, and forcibly shipped them to Soviet Russia. No, not exactly. We just handed them to the Russian communists, who did the shipping, much as the pattern was repeated on the U.S. Coast Guard cutter *Vigilant*.

This was the Yalta agreement, which Dwight D. Eisenhower promised to cancel if elected President, but which still is in effect. The issue now, too, is a clandestine understanding—a tacit agreement—that this writer was told about several Administrations ago, under which our policy was to "discourage" defections, meaning prevent if possible. This obviously was the situation, as understood at the State Department, when it was asked about Simas. The White House should make it quite clear that no such "understanding" exists, and that we no longer will observe it. Only then can the new promises obtain a sufficient measure of credibility.

ISSUE OF SECRET FULBRIGHT MEMORANDUM

The Coast Guard officers acted in accordance with the re-education, so-called, of our military brought about by implementation of the recommendations made at the start of the Kennedy administration in the secret Fulbright memorandum. This remains the indoctrination. The time has come for Nixon to honor one of the finest deeds of the Eisenhower administration by reinstituting the program of civilian-military seminars on communist tactics. Otherwise, our officers are likely to remain as naive—as dangerously misled—about Moscow actions as Ellis showed himself to be.

Again we are forced back to the anti-anticommunist policy that prevents serious study of communist tactics. Surely we should have been provided discussion and study in depth of the Simas case by our newspaper editors and columnists, and by our radio-television commentators. If anyone has come across anything approximating this, this editor would like to be informed about it. He has not seen or heard anything except an initial brush-off, and when insistence by our ethnic communities forced attention in the press, some momentary, pious expressions of great indignation, all of it ignoring the basic issues that were responsible for the atrocity happening in the first place. The usual tactic is to hush up the subject as "McCarthyism," and to accuse those who bring it up of being "nasty," "hysterical"—"reprehensible."

Another vital issue brought to the surface by the Simas case—all the issues brought out by it are important—is the confusion and inefficiency, in spite of the finest equipment on earth, that characterizes our reaction nowadays to an emergency. The documentation in this affair frequently refers to a breakdown in communications. The cause either was a failure in equipment, or inability to contact the right man at the right place when critically needed. Too often, this is an obvious excuse, to cover up fear of accepting responsibility—the most un-American trait of all—and one that more than anything else could lead to national collapse through the pressures of "psywar" or all-out war. President Nixon has a mission above all others, and that is to restore American forthrightness, for our survival's sake.

"INORDINATE DELAYS, EQUIPMENT INOPERATIVE"

Herein lies the reason for such inexcusable scandals as that of our allowing the U.S.S. Pueblo to be captured—officers and crew, the most secret electronic equipment, and secret documents and files—by a peanut naval force of North Korea. The Kremlin would be more than human not to be tempted to try an all-out aggression against us if we give such example after example of crippling hesitancy, fear of responsibility, and eagerness to back down.

Read this, from the findings of the Coast Guard as a consequence of the inquiry:

"Opinion 5: Coast Guard communications were deficient in that: (a) there were inordinate delays in operational immediate messages due to failure in equipment, (b) telephone conversations of great importance were not confirmed by written messages, and (c) recording equipment in Flag Plot at Coast Guard Headquarters was inoperative. Although not conclusive, a more efficient communications procedure may have affected the outcome.

"Opinion No. 5 is concurred in with the observation that clause (b) applies to each participating echelon including Coast Guard Headquarters.

"Recommendation 5. That immediate steps be taken to repair the telephone recording equipment in Flag Plot at Coast Guard Headquarters with automatic time recording equipment, and that competent engineering personnel review the communications difficulties experienced by CGC Vigilant and the office of Commander, First Coast Guard District, to determine what changes, if any, may be necessary. . . . Recommendation No. 5 is concurred in."

The "changes," to be effective, must start with training procedures and character. Especially character! Permissiveness is a psychological warfare weapon of the enemy, and must be rooted out of our society, along with that other Marxist weapon against us, the teaching that there are no absolutes. A return to our system of checks and balances is needed to keep all concepts in balance.

The commandant's instructions, made part of the inquiry findings, concludes: "Although not mentioned in the opinions or recommendations, hindsight indicates that more aggressive actions on the part of Coast Guard Headquarters might have altered the prosecution of this incident. Specifically, Coast Guard Headquarters might well have insisted on more definite guidance from State Department."

Opinion 3 points out that Cmdr. Eustis "was not in sympathy with the orders he had received to return the defector. Having the opportunity, Cmdr. Eustis would have avoided or refused to return the defector." Adm. Bender, as commandant, condemned the permission given by Eustis or "any commanding officer" to nationals of another country "to exercise authority on board of Coast Guard vessel. . . . His error in judgment reflects an inadequate understanding of the underlying principle of the sovereignty of a United States naval vessel."

How can one expect otherwise, though, when the White House even permits flags of the enemy—the Viet Cong and North Korea—to be paraded and flaunted in front of its windows? The example must be set at the top. Let us insist on it.

GEORGE J. LEBER'S HISTORY OF THE 1821 GREEK WAR OF INDEPENDENCE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BRADEMAS. Mr. Speaker, today is the 150th anniversary of the beginning of the war for Greek independence.

George J. Leber, executive secretary of the Order of Ahepa, an international organization for people of Greek descent, has compiled a very valuable account of this momentous time in Greek history for this occasion.

Mr. Leber pays careful attention to the role America played in supporting the Greek patriots in their fight for freedom, underscoring the long friendship between the people of Greece and America.

Mr. Speaker, I ask unanimous consent that Mr. Leber's article, which appears in the January–February 1971 edition of the Order of Ahepa's publication, Ahepan be printed in the Record.

The text of the article follows:

THE 1821 GREEK WAR OF INDEPENDENCE

(By George J. Leber)

I. THE BACKGROUND AND EVENTS LEADING UP TO THE REVOLUTION

The fall of Constantinople

On May 29, 1453, Constantinople finally fell before the onslaught of the Turkish armies, and this date also marks the beginning of virtual slavery for Greece, for a period of nearly four hundred years.

During the early years following the Fall of Constantinople, the Greek Orthodox Church did not suffer greatly at the hands of the Turk, however, during the two centuries preceding the Revolution, bans were put on the Church, and cruelties to the priests and followers became common. Small outbreaks among the Greeks resulted in reduced liberties, slavery to women and children, and oftentimes, wholesale murders and massacres. The Greek Orthodox Church held its place and its power throughout Greece and the Near East mainly because of the constant energetic fight of the Patriarchs, who never relaxed ther vigilance, and who carried on their struggle for maintenance of their faith.

The Phanariotes

The Phanariotes were men of great learning, taught in Phanari in Constantinople, under the Patriarchate. They kept alive the Greek language both in the Church and in the communities of all Greece. These men, because of their learning, gained rank in Turkish diplomatic and business circles. The Phanariotes were given ambassadorial and diplomatic positions to all parts of Europe. They rose to high positions, and secured lands, and titles for their families, which placed them in strategic positions for the revolution to come.

With the fall of Constantinople, the scholars in Greece immediately fled to the other parts of Europe, taking refuge in Holland, England and France. This left little source of learning for the people, for soon the schools themselves were closed for lack of teachers and because of Turkish pressure. Finally, in the 18th Century the prosperous Greek community of traders and merchants in Venice started its own small Greek school and Church. The Black Sea communities followed suit, and then the program was broadened to include schools in Athens, with aid from these outside communities. Schools were also established in Giannena, Levadia, Patmos, etc. Among the teachers who carried on this work were Eugenios Voulgaris, Nikeforos Theotokis, Constantinos Economos, Vamvas, Georgios Gennathios, and others. These teachers not only taught their pupils the Greek language, but also taught the hope of freedom, someday, for Greece. They preached a greater and free Hellas for the future.

Adamantios Koraes

The greatest of these Greek teachers was Adamantios Koraes, of Chios. However, he never actually taught in a school as an instructor. Through his writings, he did more to instill the thought of freedom and of the glory of the Greek language and name in the mind and heart of the Greek, than any other person. He brought back all of the deeds of ancient Greece—informed these Greeks that they were descendants of these great men—and that slavery was never meant for them. He is credited with giving new life to the Greek language, for he took the work of the ancients and explained them in his writings, using them as a means of portraying the action he believed that the modern Greek should follow. He did much to bring out a Greek language now bereft of the many dialects and instrusive tongues it had acquired throughout the centuries under various overlords. He died in 1833, at 85.

Regas O Fereos

Regas O Fereos was born in 1757 in Velestino, Thessaly. He studied and became a teacher in Bucharest. At this time, the French Revolution had begun, and Regas begun to think of freedom for his country, Greece. He began writing letters to all influential men in Greece, urging freedom for the country, asking them to work towards that end. He also wrote many poems and songs of the greatness of Greece, and of freedom—hoping to instill within the hearts of his countrymen more than an ordinary desire for freedom. These spread over all of Greece. He also wrote to Napoleon, and arranged for an audience with him. On the way, he was stopped by the Austrians, searched, and incriminatory papers were found on him which caused his return to Vienna, and later, he was turned over to the Turkish authorities in Belgrade. There, he died in prison, but his memory lived forever after in Greece, where he was a hero, and his songs and poems lived on, feeding the flame of revolt.

Philiki Etairia

The great national secret society, which was international actually in scope, was the Philiki Etairia. This society was formed by three Greek merchants of Odessa—Skoufas, Tsakaloff, and Xanthos. The membership was secret for it would mean death at the hands of the Turks to be known as a member of the society. Headquarters were established in Constantinople, and the movement officially opened for freedom for Greece. Alexander Ypsilanti, a general in the Russian army, was chosen the leader of the Philiki Etairia. (June, 1820)

On Easter Day, at the close of the services in the Greek Orthodox Churches, Turkish soldiers forced their way into the Greek Patriarchate in Constantinople, and showed papers to the Patriarch, which stated that he had been evicted from his post as Patriarch by the sultan. The soldiers then put the Patriarch in prison, where he remained for some time. The Patriarchate was given orders by the sultan, on pain of death, to select another Patriarch.

Finally, the Patriarch was taken from his prison, to the Patriarchate, and there hanged from the Inner Gate. His body was left there for three days, while all Christians hid in their homes for fear of their lives, as the Turkish soldiers roamed the city, searching for Greek Christians. Those that they found, were slaughtered. Then, the body of the Patriarch was taken down, weighted with a heavy stone, and thrown into the sea, by the Turks. However, a Greek ship captain, several days later, sighted the floating body, which had come to the surface, brought it aboard his ship upon recognition, and carried it immediately to Odessa in Russia. There, the Czar gave the Patriarch the honor due him, with a state funeral, and great mourning. After fifty years, the body was exhumed and taken to Athens, where it lies today.

II. MEN AND EVENTS OF THE REVOLUTION . . .

In 1821, through the efforts of the Philiki Hetairia, the secret society, some semblance of organization and planning had been brought about, and in March of that year, under the leadership of such men as Theodore Kolokotronis, Petrompes Mavromichalis, Andreas Zaimis, Andreas Lontos, the Metropolites Palaion Patron Germanos, Gregorios Papaflesas—the revolution opened in Greece.

Kolokotronis arrived at Mani, in January of 1821, and his very presence in Greece was enough to arouse the spirit of the patriots, for his name was already known throughout the country, as a fearless patriot, and leader. In 1818, the Turks had evicted him from the Morea, or Peleponnesus, because of his aggressiveness and rebellious spirit.

On March 21, 1821, the patriots besieged the city of Kalavrita, and in five days had taken the town. On the 22nd, Mavromichalis and his Maniates, with Kolokotronis and others, besieged Kalames and took it on the 25th. In Patras, the Metropolites Palaion Patron Germanos, with Andreas Zaimis, Lontos and others, struck the colors for freedom, on March 25, which date is recognized as the official beginning of the Revolution. With their force, these leaders besieged the town of Patras. At the same time, Lala, Corinth, Monemvasis, Navarino, Argos, and Nauplion were besieged by the patriots.

The revolution was raised in *sterea* Hellas by Panourgias at Amphissa, by Thanasis Diakos at Levadia, and by Diovouniotis at Voudounitsa.

A large Turkish force, under Kioshe Mehmet and Omar Vrionis, advanced upon the Greeks in Sterea Hellas, and dispersed the force that came to meet them—all except for forty patriots and Thanasis Diakos, who decided to hold at Thermopylae. They were finally all dead except Diakos, who was taken prisoner and taken to Lamia. There, the two Turkish leaders asked him to join with them for they both admired and feared his bravery. He cursed them instead of agreeing, and he was consequently spitted upon a large stake by the Turks, where he died, pierced the length of his body by the stake.

Oddesseas Androutsos heard of the death of his friend Diakos, but it only spurred him on. He stationed himself at the pass of Amplianis, with 129 others, in a log shelter, or fort, fortified with large stones. The Turks defeated the main Greek force, then turned their attention to the fort, but were met by volley after volley of fire, and were hurled back. When night fell, the Turks brought cannon from Lamia to bombard the fort, but during the night, Diakos and his men broke out of the fort, and escaped through the Turkish lines, into the hills. After this, the Turks retreated to Attica, where they raised the siege of the Greeks on the Acropolis. On August 20, the Greeks defeated the enemy at Vasiliki, for their second great victory of the revolution, the first being at Valtatsiou. The Turkish forces left Tripoli following this defeat, and the city fell to the Greeks.

The revolution opened on May 20 in northern Greece. Because of the heavy Turkish forces in that section, the struggle did not meet with any success. In Thessaly, the uprising was quickly downed by the Turks who massacred and destroyed as they went through the countryside. In Macedonia, the heavy Turkish forces spelled defeat for the Greeks there, also. In Crete, in the south of Greece, the Greeks arose in revolution, but had to flee to the hills for safety where they remained for the duration of the struggle, fighting for their lives.

In the islands, lay the greatest wealth of Greece, because of trading and commerce which they carried on. The islands joined with the rest of the country in the revolt, and on April 3, the Spetses Isles revolted, sending 58 ships to besiege Nauplio from the sea. Hydra, Psara, and Spetses bore the brunt of the revolution among the islands, since they led them in importance. Shortly after, Samos, the Cyclades, and the Dodecanesa, except for Rhodes, also joined in with the revolutionists.

THE FIRST GOVERNMENT

The first government of the revolutionary forces was formed at Epidaurus. A committee was selected to rule, with Alexandros Mavrokordatos as the president, and leader. From this seat, the revolution was directed, and the forms of attack were planned. However, shortly thereafter, at Peta, the Greeks suffered their first great loss, losing 3500 men, being routed from the field, to Missolonghi, where the survivors took refuge while the Turkish forces besieged the city. The siege lasted for years, resulting in hardships and suffering for those in the city. It was here at Missolonghi that Marco Bozzaris first sprang into fame for his bravery and leadership.

Kolokotronis

During these dark days, it was Kolokotronis who saved Greece from being taken again by the superior forces of the Turks, for time and again, through his strategy and leadership, he constantly harried the enemy, keeping them at bay, and worrying them, keeping them disorganized. Kolokotronis asked the other Greek leaders to follow his plan, for he realized that the Turks would march towards Corinth, instead of retreating as the other leaders insisted. They scoffed at him, but he took up his position in the hills, and when the Turks did appear, on the way to Corinth, he was the actual saviour of Greece, for he engaged them with his small force, until aid came from the other leaders.

Konstantinos Kanaris

Konstantinos Kanaris is renowned for his feats of daring and bravery on the sea, of which he had gained control over the Turks, with his Samians. On one occasion, the Turkish fleet had two giant warships anchored at Chios. Kanaris came into the harbor with his small boats, unseen. Kanaris succeeded in tying the kegs of gunpowder to an open gun-turret of one ship, but his companions failed to secure their kegs to the other ship. They rowed away, while the fuse burned, and finally the kegs exploded, setting fire to the one ship. The fire reached the powder rooms, and the entire warship went into the air, with a loss of 2,000 lives to the Turkish fleet.

Marcos Bozzaris

Marcos Bozzaris has been immortalized by an American poet (Halleck) for his bravery. He did not care for honors, but only liberty for Greece. While the various other leaders fought amongst themselves for medals and honors, and credit for victory, he sought only to do his work, unmolested.

Bozzaris was the leader of the Souliotes, described as the most-feared fighters among the patriots. He conceived the daring plan of attacking a force of Turks, 4,500 in number, as they were encamped during the night. He took with him only 350 of his Souliotes, and they attacked the camp, and were well on the road to a complete rout and massacre of the Turkish force, when a stray bullet struck Bozzaris in the head, killing him. His Souliotes then took his body and fled to the hills, leaving behind them over 2,000 dead of the enemy! His loss was one of the greatest of the war, to the patriots.

Internal troubles

Two factions appeared within the government itself—one demanding that Kolokotronis became the leader of all the forces, and the other which demanded Mavrokordates as leader. There were now two governments among the revolutionary forces—one headed by Petrompes and the other by Koundouriotes. The government of Koundouriotes won out, and Kolokotronis was imprisoned by the government at Hydra, at the monastery of the Prophet Elias. Oddesseus Androutsos bitterly complained of the treatment given Kolokotronis, and was himself consequently accused of being in alliance with the Turks. Cauras was sent after him with a force—he was seized and imprisoned on the Acropolis, in Athens. However, within a few days his body was found at the bottom of the slope, broken on the rocks. The mystery of his death was never solved. At this point, the Greeks were saved from their own foolishness and jealousy through aid from the rest of Europe. The various nations were attracted to the scene and offered their aid.

European Philhellenism

When news of the Greek Revolution spread throughout Europe, the great scholars on the continent saw once again the rise of the Glory of Ancient Greece. With this ideal before them, they began the campaign for aid to Greece, which led, ultimately, to financial and material aid in soldiers and ships, to the patriots. The little country had not been heard from for over 1,000 years, and the magic of the word "Greece" and "Hellas" brought immediate aid. In Switzerland, France, and Germany societies were formed to aid the patriots. The government of England was not in favor of the revolution at the first, however after constant pressure from internal groups, she was forced to accede to their demands of the English, and favor swung towards aid for Greece. It was Lord Byron who raised his voice and power to bring material and financial aid to Greece, and he went so far as to expend his own personal fortune in aiding the patriots, and died in Greece, at Missolonghi, during the siege, of fever.

Naval Battles

In 1824, the Turkish fleet sailed to Samos, to attack the island and to punish the populace, however they were met by the Greek fleet, under Kanaris and were forced to flee, retreating to Ko.

In August of that year, the Egyptian fleet reached the islands, and with an additional 56 warships, and 150 smaller ships, the Turkish-Egyptian fleet sailed against the Greeks again, but in two battles, at Geronta and at Samos the Greeks were again the victors, although they had to fight against overwhelming odds. Miaoulis was the naval hero in these two engagements. However, now the Greek fleet was in sad need of repairs, and they returned to Hydra for the winter, believing that the Egyptians and Turkish fleets would not engage in activity for the rest of the winter. However, in February, 1824, Ibrahim, the Egyptian leader landed 4,000 soldiers on the Peloponnesus, with 500 cavalry, at Methonis, from 50 ships.

In the Peleponnesus

The entire Peleponnesus now clamored for the freedom of Kolokotronis, still in prison. The government would not listen, even though Papaflesas, himself, asked for his release. Consequently Papaflesas with his 1,000 Roumeliotes took the stand against the Turks, and although they fought bravely, they were slain to the last man. Now, the government seeing disaster before it, freed Kolokotronis and his friends, who had been imprisoned because of jealousy and political reasons, for the patriots needed a good leader now, if ever they had.

The news that Kolokotronis, O GEROS TIS MOREAS, was free spread like wildfire over the Peleponnesus, and his name drew thousands of patriots to the fight, under him, as their leader.

Kolokotronis was faced with the problem of meeting the Turks in battle whose superior fighting forces, in numbers, could not be easily met in open battle on the field. Consequently, he fell back to the Kleftiko method—with lightning thrusts at night or day, from the hills, upon the enemy, furious fighting that demoralized the Turks, then back into the hills would sweep the patriots until the next opportunity. He constantly harried them with this guerrilla warfare for it was Greece's only way out.

At this time, the siege of Missolonghi was underway in earnest and he was called to go to the aid of the Turkish troops besieging the city. After months, finally the Turkish forces had worn down the resistance of the Greeks, and they determined to break through, to safety. However, almost to safety, fear overtook the patriots, and half of them turned back to the city, while the other half continued on to freedom in the hills. Those who had turned back were followed closely by the enemy, who broke into the city, and began the massacre that alarmed all of Europe. When they had finished, Missolonghi was nothing but a smoking ruins. The fall of Missolonghi, now named the Holy City, (IERA POLIS) because of the massacre, also spelled the downfall of the revolutionary government in power, and a new one arose, with Zaimis as president. Kioutahis was in command of the Turkish troops in central Greece at the time, while Ibrahim returned to the Peleponnesus where he began laying waste the countryside, killing as he drove relentlessly onward. Koutahis meanwhile advanced into Attica, and laid siege to the Acropolis.

Karaiskakis

Karaiskakis, the leader in the central Greek front, was a small, sickly man, who was described as having the "heart of a lion." It was his strategy and bitter defense that was of such aid to the patriots. He was given command of the Greek forces in central Greece by the government. In July, 1826 he went to Salamina where he gathered together 3,500 patriots, among whom were Kriezotis, Vasos, Panourias, and others, and a force that had been gathered together by the Frenchman, Faviero. This force was defeated by the Turkish cavalry at Haidari, near Daphni of Attica, but shortly thereafter, Kriezotis with 500 men under him, broke through the Turkish lines and reinforced the small group of patriots who were defending the Acropolis. Their leader, Gouras, had been killed shortly before.

Then, Karaiskakis decided to gather as large a force as possible, in order to trap Koutahis, and his forces, in Attica, where they were besieging the Acropolis. He sent Kouletis by sea to Atalanta to take Dombrina, and Ibrahim sent a force under Mustapha Bey to oppose him, and Kouletis was forced to leave without victory. Karaiskakis then guessed that Mustapha Bey and his Arvanites would go to Salona, so he sent Griva, the Gardikiotis, to Arahova, to take that position, which he held, so that when the Turks arrived, they found him there. Griva engaged the Turks and thus gained time for Karaiskakis to put his plan into effect. Karaiskakis then sent other troops against Mustapha Bey and his Arvanites. The Greeks closed in, scoring a decisive victory—only 300 of the Arvanites escaping their vengeance. This victory was made at Parnassus, in November, 1826. After this the patriots scored other victories and retook all of central Greece with the exception of Vonitsa, Missolonghi and Naupakto. The Turks retired to Phaleron, where the big engagement would take place on April 23.

Aid from the European powers

At this moment, when the revolution seemed doomed to failure, the European powers entered the picture, officially. England, France, Russia and Austria had previously lent no governmental aid to Greece, nor sanctioned the revolt, because of fear of international complications. France, England, and Russia met in London in 1827 and signed a secret treaty, agreeing to support the revolutionary government of Greece, and to rid Europe of Turkey.

England, France and Russia immediately sent their fleets to Greek waters, and ordered the Egyptian and Turkish commanders to take their troops and their ships and vacate the Peleponnesus and its waters. The Turks refused, upon further orders from Constantinople. In the meantime, the Greek forces had taken new heart upon the good news, and the revolution sprang up anew. Ibrahim then began anew to scourge the Peleponnesus sweeping through Messenia, Arcadia and Laconia. Following this action, the French, Russian and English ships swept into Navarino and gave final orders for the Turkish-Egyptian fleets to leave the waters of the country at once. The Turkish fired and sank a smaller English boat. Following this action, Codrington, the English commander, gave orders to start firing. Within four hours, only 20 of the original 120 Turkish-Egyptian ships remained afloat on the water. All the rest had been sunk. This destroyed Turkey's power in Greece forever. French soldiers were then landed in the Peleponnesus, and Ibrahim was forced to flee the country with his Egyptians, back to Egypt. Finally, on September 12, 1829, all of central Greece and the Peleponnesus had been cleared of Turkish forces.

Recognition and freedom

John Capo D'Istrias was elected as governor of Greece by the nations and the revolutionary government. He had been striving since 1822 to influence the Czar of Russia to aid Greece without success, and then had gone shortly after to Switzerland to try to raise funds for the patriots. He had been quite influential in Russia, within the government there. In 1828 he arrived in Greece.

It was decided by the three powers, England, France and Russia, that Prince Leopold of Coburg should become ruler of Greece. It was their wish to establish a monarchy in Greece. Capo D'Istrias also had the same idea and upon the eviction of the Turks from the land, he dissolved the legislative chamber of the revolutionary government, and took charge of all the affairs. This action by Capo D'Istrias caused internal dissension and strife, for the men who had led in the revolution, and had risen to power, now found themselves without power and without positions, and unrecognized, in a sense—or so they felt. They also regarded Capo D'Istrias, as an opportunist, who wished to make himself king, which was not the case. Capo D'Istrias wished to prepare the government to receive the monarchy, and he believed his action the best in the way of preparation. Finally, things became so bitter that on September 27, 1831, Capo D'Istrias was assassinated.

Immediately following the assassination, violent civil war broke out in Greece, and the three European powers looked on with alarm. Leopold had refused to accept the throne of king, because he learned of the destitute condition of the country following the effects of the revolution, and the powers then selected Prince Othon of Bavaria, son of Ludovici, king of Bavaria, to rule as the monarch of Greece.

Othon, only seventeen years of age, assumed the crown as King of Greece on January 25, 1832, and peace reigned in the land for the first time in almost four hundred years. The people welcomed him as a saviour for now they were united, as a recognized nation of the world. And freedom came to Hellas, again.

THE BEGINNING OF AMERICA'S INTEREST IN GREECE

On May 25, 1821, Petros Mavromichalis, Director General of the Messenian Congress at Kalamata, wrote a letter addressed to the people of the United States, in which he asked for America's help.

This letter reached the attention of American Ambassador to France Albert Gallatin, Secretary of State John Quincy Adams, and Dr. Edward Everett of Harvard University. A letter to Everett was also sent from Paris, and Adamantios Koraes was one of the signers, asking for assistance from America. Dr. Everett published these letters in his North American Review, and through his personal efforts, the Greek War of Independence received wide publicity in America, resulting in widespread support from the American people.

Adamantios Koraes wrote to Thomas Jefferson, from Paris, on July 10, 1823, asking for America's help, and support, and Jefferson replied with fervent hope for Greece's success, and his support, and with suggestions. In addition, there was correspondence from Lafayette to Jefferson urging American recognition of the Greek stand for independence.

AMERICAN PHILHELLENES IN THE GREEK WAR OF INDEPENDENCE

Although we hope to briefly recount the story of the American Philhellenes who assisted Greece during her War of Independence, tribute must first be paid to the great English poet Lord Byron, who called the attention of the world to Greece's desperate struggle for freedom and existence.

Lord Byron arrived at Missolonghi on December 24, 1823, where he was warmly welcomed by the Hellenes. He delighted in wearing the Greek foustanella. With his own money, he supported 500 Souliotes soldiers, and gave greatly of his own wealth for the cause of Greece. However, illness struck on April 6, 1824, and on April 7, 1824, he died, at 37 years of age, with these words on his lips: "Greece, I gave you everything that any one man can give. I gave you my wealth—my every hour—my health, and now—my very life. My sacrifice is for your salvation."

Monuments now stand to his memory in Missolonghi, and also at the Zappeion in Athens.

Sons of Pericles memorial

These monuments include a memorial erected by the Order of Sons of Pericles, the Junior Order of Ahepa, in 1939, and placed there in memory of the American Philhellenes.

This 10-foot-high monument erected by the Sons of Pericles was dedicated and unveiled in the Garden of Heroes at Missolonghi on June 25, 1939, in the presence of representatives of the Sons, Ahepa, and the American and Greek governments. The Congress of the United States passed a unanimous Joint Congressional Resolution which read: "The President be authorized and requested on behalf of the Order of Sons of Pericles, the Junior Order of Ahepa, a national fraternity of youthful Americans of Hellenic descent, to provide through the American Minister to Greece for the presentation to the people of Greece of the monument recently erected in the Garden of Heroes at Missolonghi, Greece, the shrine of Greek Independence, as a tribute to and in commemoration of those patriotic Americans who, aided by the moral and material support and assistance of the entire American people, gave their services, their fortunes, and their lives to the cause of Greek Independence in the Greek Revolutionary War of 1821."

YPSILANTI, MICHIGAN

Ahepa erected statue of Demetrius Ypsilanti in Ypsilanti, Michigan on August 29, 1928

Harvey C. Colburn in his book "The Story of Ypsilanti, Michigan" says:

"Among the notable world events of the time was the Greek revolution. In the splendid struggle of the Greek people against Turkish tyranny, appeared an outstanding heroic figure, Demetrius Ypsilanti.

"Judge Woodward proposed that the name of the new city be Ypsilanti—and Ypsilanti it was. (1826.)

"It was a wise providence that guided the good judge in his remarkable suggestion.

"In the city hall hangs a fitting portrait of the Greek general. The cause of human freedom is largely indebted to him, and besides, he left us a good name."

PRESIDENT JAMES MONROE

On December 3, 1822, President James Monroe included the following words in his Message to Congress: "The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed, and so long hidden as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth."

Daniel Webster of Massachusetts, U.S. House of Representatives

U.S. Representative Daniel Webster of Massachusetts introduced a resolution in the House of Representatives during the 1823–1824 Congressional 18th Session that: "That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent, or commissioner, to Greece, whenever the President shall deem it expedient to make such an appointment."

In speaking for his resolution, Webster said: "This people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. It has been as truly, as beautifully said, that "The Turk has now been encamped in Europe for four centuries. Yes, sir—it is nothing else than an encampment. They came in by the sword, and they govern by the sword. . . .

"Does not the land ring from side to side with one common sentiment of sympathy for Greece, and indignation towards her oppressors? Sir, while we sit here deliberating, her destiny may be decided. . . . They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are now struggling for what we can now so ably enjoy? . . ."

Henry Clay of Kentucky, U.S. House of Representatives

U.S. Representative Henry Clay of Kentucky spoke in the same Session of Congress in support of the resolution introduced by Daniel Webster, as follows:

"Are we so low, so base, so despicable, that we may not express our horror, articulate our detestation, of the most brutal and atrocious war that ever stained earth, or shocked high Heaven, with the ferocious deeds of a brutal soldiery set on by the clergy and followers of a fanatical and inimical religion, and rioting in excesses of blood and butchery, at the mere details of which the breast sickens?

"Go home, if you dare; go home, if you can, to your constituents, and tell them that you voted it down—meet, if you dare, the appalling countenances of those who sent you here (I mean no defiance) and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescrible apprenhension, some indefinable danger, affrighted you—that the spectres of scimetars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feeling prompted by religion, by liberty, by national independence, and by humanity."

JOHN QUINCY ADAMS

President of the United States, annual message, Dec. 4, 1824

"The sympathies which the people and Government of the United States have so warmly indulged with the cause of Greece have been acknowledged by their government in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress. We hope that they will obtain relief from the most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned, and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood."

HENRY W. DWIGHT

Member of the House of Representatives from Massachusetts

No, sir, not to England, but to America, did Greece appeal from the Senate of Calamata, in language we cannot refuse to hear, "That having deliberately resolved to live or die for freedom, they were drawn by an irresistible sympathy to the people of the United States."

DANIEL P. COOK

Member of the House of Representatives from Illinois

On these principles (of the Declaration of Independence) Greece has dared to act; she has broken her chains, and set up for herself an independent Government; in recognizing that Government, we break no international law.

PATRICK FARRELLY

Member of the House of Representatives from Pennsylvania

We are not sending an agent to Greece to excite her to begin a rebellion against the Turk; that is begun already, and more than half finished too, sir. For one, I believe they are able to maintain their independence, and well maintain it; they will not forget their ancestors. And, as a confirmation of this opinion, I pray you, sir, look at the last news from there. The coincidence of their modern and their ancient spirit is striking indeed, sir, the selfsame act has now been performed in Attica that was done two thousand five hundred years ago—the inhabitants of Athens have all migrated to Salamis, to avoid subjection.

SUPPORT FROM CITY COMMITTEES

Sentiment was expressed in popular assemblies which drew up resolutions of sympathy for Greece and urged Congress to do likewise. Philadelphia was among the leading cities to champion the Greek cause.

On December 11, 1823, in the City of Philadelphia, a committee sent a resolution to the Congress of the United States urging it to recognize Greek independence in the following words:

"Having read the appeal of the Messinian Congress to the United States, can we any longer shut our hearts to such an appeal? No! No!

On January 18, 1824, in Philadelphia, the Reverend Gregory T. Bedell of Saint Andrew's Church, appealing to his congregation for aid to Greece, said:

"The struggle of the Greeks finds a defender in our hearts, since it is connected with reminiscences of our own history."

The resolution from Washington City, typical of the rest, is:

"Praying Congress to assure the people of Greece of the deep interest felt by the people of this country in their contest for emancipation and freedom, and of the sincere good wishes of the Congress of the United States for the ultimate success and triumph of their cause."

DR. SAMUEL GRIDLEY HOWE

Dr. Samuel Gridley Howe, who completed his medical studies at Harvard University in 1824, departed that same year for Greece, to observe the struggle for independence and to assist the Greeks.

He was the author of a book, "An Historical Sketch of the Greek Revolution," which was published upon his return to America, and which received wide readership. The Howe book has been reprinted by Dr. George C. Arnakis of the Center for Neo-Hellenic Studies of Austin, Texas. (1010 W. 22nd St., Austin, Texas.)

Dr. Howe stayed in Greece from his arrival at the close of the year 1824, until November 13, 1827, when he departed for the United States. On November 12, 1828, he arrived back in Greece at Aegina, and stayed until June of 1830, when he returned to America to continue his professional career as a doctor.

While in America between the trips to Greece, he spent almost all of his time campaigning for Greek relief, lecturing in behalf of the many Greek communities in the United States, and working on his book for publication.

During his first years in Greece he was a surgeon in the Greek armed forces and was given the title of "Surgeon-in-Chief" by the Greek government. Dr. Howe also took part in several engagements, wore the *foustanella* on some occasions, and gave invaluable service to the Greek forces.

On his second trip to Greece in 1828 he escorted a large supply of American aid materials, which he distributed to the Greek war refugees, with the assistance of Jonathan P. Miller and George Jarvis.

Dr. Howe again visited Greece in 1844 for a brief time, and in 1867 he returned to Greece with his family, at a time when the Cretans were fighting for freedom from Turkey.

The following excerpt is taken from one of Dr. Howe's letters:

"Greece is my idol, and the sufferings and privations I have endured in her cause have rendered her fate and her future to be more interesting. I can say sincerely that I have found the Greeks kindly, affectionate, truthful, grateful and honest. There is a spark left of the spirit of ancient Greece which four hundred years of slavery has not been able to blot out."

In 1939, the Order of Ahepa dedicated the Dr. Samuel Gridley Howe Flag Mast on the campus of Brown University, Providence, R.I., as a memorial to the contributions of this American Phihellene to the Greek War of Independence.

COL. JONATHAN P. MILLER

In 1824, Colonel Jonathan P. Miller of Vermont was sent to Greece by the Greek Committee of Boston, to observe conditions of the war, and he made the long voyage which took 45 days.

Speaking of Colonel Miller, Dr. Howe says in a letter to his father, dated March, 1825:

"Captain Miller you have seen. He is as brave a man as ever stepped foot in Greece; has the most sterling integrity, and an entire devotion to the cause of liberty. You would laugh to see him; he has his head shaved, has on the Greek *floccata*, and petticoat trousers, and with his pistols and dagger stuck in his belt, and his musquet on his shoulder, cuts a most curious figure. He serves as a captain, and if his life is spared, he will be of the greatest use to the cause."

Upon his return to America, Colonel Miller brought with him two Greek orphans, a boy and a girl. He adopted the boy, whom he named Lucas Miltiades Miller. Lucas Miltiades Miller became the first American Congressman of Greek descent, when elected to the U.S. House of Representatives in 1891. He was a resident of Oshkosh, Wis., at the time of his election.

WAR ORPHANS FROM GREECE

Under the auspices of the various Greek Committees in the United States, and individuals, several war orphans of the 1821 Greek War of Independence were brought to the United States.

Fotios Kavasalis, age 14, and Anastasios Karavelis, age 11, arrived at Salem, Mass., in 1823.

Two brothers, Stephanos and Pantelis Galatis, 16 and 12 years of age, arrived here in October, 1823, and were sent to the United States by a theologian named Temple.

Konstantinos and Pantias Rallis, 16 and 14 years of age, arrived here in May 1824.

Nicholas Petrokokkinos came to America also in 1824 at 16 years of age.

Alexander Paspatis arrived here in 1824 at age 12.

Three young Greeks, Nicholas Prassas, age 16, Nicholas Vlassopoulos, age 22, and Gregorios Perdicaris, age 22, arrived in Boston in June, 1826 on board the ship *Romulus*, under shipmaster John M. Allen.

Other young Greek orphans who came to the United States were: Konstantinos Fountoulakis, Christos Stamatis, Epaminondas I. Stratis, Christos Vangelis (Vangale), and Ioannis Zachos.

Athanasios Kolovelonis was born in 1815 in Missolonghi, and was brought to New York sometime in the latter part of the war by shipmaster Nicholson of the ship *Ontario*.

George Mousalas Calvocoressis was brought to Baltimore, Maryland, with other Greek orphans on board the ship *Margarita*.

Ioannis Kilivergos Zachos was brought to America by Dr. Samuel Gridley Howe in about 1828.

Christoforos Kastanis also arrived in the United States at the same time as John Zachos.

In the book, "The Greek Exile," by Kastanis, he mentions that about forty (40) Greek orphans were brought to the United States by American Philhellenes, and that they studied at Yale University, Amherst, Princeton, Hartford, Athens, Ga., Kenyon College of Ohio, Easton College, Pa., and at Knoxville, Tenn. He stated that these 40 young Greek lads were from Chios, Eipiros, Athens, Macedonia, and Asia Minor, and that most of them returned to Greece after completing their studies in the United States. He also says that in 1839 three young students came from Eipiros to study at Princeton University.

Another young Greek who studied at Yale College in 1840 was Vasilios Argyros.

Evangelinos Apostolides Sophocles came to America in 1828, at 24 years of age, at the invitation of theologian Josiah Brewer.

LUCAS MILTIADES MILLER

When Colonel Jonathan P. Miller of Vermont returned to America after serving so courageously with the Greek forces, he brought with him two orphans, a boy and a girl. The girl was adopted by the Winthrop family of Massachusetts (and we assumed this was Governor Winthrop of Massachusetts), and Miller adopted the boy, giving him the name Lucas Miltiades Miller.

The boy was born in Levadia in 1824. He was educated in Vermont, and at 21 years of age became an attorney. Lucas Miltiades Miller moved to Oshkosh, Wisconsin, in 1846, and in 1891 was elected to the U.S. Congress as a U.S. Representative from Wisconsin. Insofar as we know, Lucas Miltiades Miller was the first member of the U.S. Congress of Greek descent.

LIEUT. GEN. GEORGE JARVIS

George Jarvis, an American from Massachusetts, was the first American to join the Greeks in their struggle for freedom.

He went to Denmark, where he was born, and from there to Greece in early 1822. Along with Jonathan P. Miller, Jarvis fought with the Greeks in the defense of Nauplia against the Egyptians (who were allies of the Turkish forces) in 1825, as well as in other battles.

Also with Miller, Jarvis helped Dr. Samuel Gridley Howe in the distribution of American food, clothes and medicines which were sent to Greece from the United States, and also helped in the establishment of a hospital, created by Dr. Howe, for Greek veterans. Jarvis also originated the idea of a model agricultural settlement for the war refugees, which Howe established at Hexamilia, and which was named "Washingtonia." Thirty-six families were established at this settlement.

Lieutenant General George Jarvis was the son of an American diplomat stationed in Germany. He fought with the Greeks against the Turks for almost seven years. He died of illness at Argos, Greece, on August 11, 1828.

Speaking of Lieutenant General Jarvis in a letter written to his father in March, 1825, Dr. Samuel Gridley Howe says:

"General Jarvis has been in Greece three years, has been in many engagements, has become a complete Greek in dress, manners, and language; he is almost the only foreigner who has uniformly conducted himself with prudence and correctness; and he has reaped his reward. He has gained the confidence of the Greeks, he has rendered great service to their cause and now is made Lieutenant General. He is a man I am proud to own as a countryman."

OTHER AMERICAN PHILHELLENES

Among other American Philhellenes in Greece were:

George Wilson, from Providence, Rhode Island, who served with the Greek naval forces.

James Williams, from Baltimore, a Negro, who also served with the Greek naval forces.

Estwick Evans, from New Hampshire.

John M. Allen, shipmaster, who had previously served in the American naval forces, and who was a close friend of Lafayette.

William Washington, who died at the battle of Palamidiou.

Also Christ Bosco, John Getty, Alexander Ross, John Villen.

Intensive research on the subject would no doubt bring other names to light, and the subject should be pursued further.

AMERICAN & EUROPEAN PHILHELLENES

According to available figures, about 450 Philhellenes from Europe and America went to Greece during the 1821 Greek War of Independence, to assist the Greek cause.

Germany, alone, was represented by about 150 men, and the other 300 were from America, Italy, Poland, England, Switzerland, Denmark, Sweden, Finland, Russia, Holland, Belgium, Hungary, Portugal and France.

WHAT ARE A NEWSMAN'S RIGHTS?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BRAY. Mr. Speaker, safeguarding the source of information is one of the most important and cherished rights of the field of journalism. The Legislative Reference Service of the Library of Congress, with its usual high standards of accuracy and excellence, has prepared a special report on "A Constitutional Newsman's Privilege," which I am happy to include in the RECORD:

A CONSTITUTIONAL NEWSMAN'S PRIVILEGE

(By Johnny H. Killian)

(An Inquiry Into the Background, Development, and Possible Implications of the *Caldwell* case as a Result of Which Newsmen May Achieve the Privilege to Safeguard the Confidentiality of Their Information Gathering Activities.)

INTRODUCTION

In *Caldwell* v. *United States,* No. 26,025 (C.A. 9, November 16, 1970), *petition for certiorari pending,* No. 1114 OT 1970, the United States Court of Appeals for the Ninth Circuit reversed a judgment of civil contempt imposed on a reporter for the *New York Times* upon his refusal to appear before a federal grand jury. The appellate court held that the First Amendment to the United States Constitution accords newsmen a qualified privilege to refuse to answer questions of a grand jury and even to refuse to appear at all if answering or appearing might so destroy or harm his relationship with a news source that he would no longer be able adequately to cover that source for his employer. The privilege could be defeated, the court further held, only if the government could demonstrate a compelling need for the newsman's presence or testimony.

Important issues are raised by this case. First Amendment freedoms of speech and press are balanced against the power of government to inquire into the possible commission of crimes. To what extent the First Amendment imposes on government the duty not to do certain things which have only indirect effects on the freedoms there guaranteed is in question. Whether the traditional open-ended power of grand juries—as well as legislative committees—can be bounded by constitutional claims of witnesses in advance of appearing is of no small significance.

The following report deals with these issues in its consideration of the opinion of the Court of Appeals and its implications. The treatment is suggestive and summary rather than an in-depth analysis, since many of the implications can only be perceived in outline. If the Supreme Court reviews and decides the case more extensive analysis will be forthcoming.

THE DUTY TO TESTIFY

"For more than three centuries it has now been recognized as a fundamental maxim that the public . . . has a right to every man's evidence. When we come to examine the various claims of exemption, we start with the primary assumption that there is a general duty to give what testimony one is capable of giving, and that any exemptions which may exist are distinctly exceptional, being so many derogations from a positive general rule." [1]

The rule is firmly settled with regard to federal grand juries, *Blair* v. *United States,* 250 U.S. 273, 281 (1919), and to congressional committees. *United States* v. *Bryan,* 339 U.S. 323, 331 (1950). "The duty . . . is subject to mitigation in exceptional circumstances; . . ." *Blair* v. *United States, supra,* 281. The exceptions generally relate to the duty to give testimony rather than to the duty to appear in response to the summons of the inquiring body.

Inability to attend because of illness or some other sufficient ground has normally been the only excuse for nonattendance when a witness is properly summoned, although a few jurisdictions by statute have accorded the privilege to certain persons, such as public officials and in a few instances women.[2] A privilege to decline to testify once one has appeared is the more usual exception to the general rule.

Among the privileges commonly recognized the most notable has perhaps been the privilege against self-incrimination.[3] A number of other testimonial privileges have been divided between privileged topics, such as trade secrets, official secrets, political votes, and the like,[4] and privileged communications. The latter are those made by persons holding a certain confidential relationship—husband and wife, attorney and client, fellow-jurors, priest and penitent, being the most common—which government has decided should not be subject to compelled disclosure and should be protected.[5]

Wigmore states that there are four fundamental conditions which are necessary to the establishment of a privilege against the disclosure of communications between persons standing in a given relation.[6] They are:

"(1) The communications must originate in a *confidence* that they will not be disclosed;

"(2) This element of *confidentiality must be essential* to the full and satisfactory maintenance of the relation between the parties;

"(3) The *relation* must be one which in the opinion of the community ought to be sedulously *fostered;* and

"(4) The *injury* that would inure to the relation by the disclosure of the communication must be *greater than the benefit* thereby gained for the correct disposal of litigation."

Much of the discussion regarding whether there is a newsman's privilege or if there should be has taken place in the context of these principles.

The Newsman's Privilege

Many news stories obtained by newsmen will be received in whole or in part from informants who desire to remain anonymous and who may well insist on a promise to conceal their identities as a condition of divulging information. Yet, if a court or legislative committee decides that it wants the name of the informant or information about him, the newsman wishing to honor his promise has had to go to jail for contempt because the courts have steadfastly refused to recognize a common law journalist's or newsman's privilege.[7] Newsmen have fruitlessly argued over many years that there should be such a privilege and have attempted to shape the privilege to bring it within Wigmore's four fundamental conditions.

Thus, it is argued, (1) the informant's identity was made known to the newsman on the understanding that it would not be disclosed, (2) concealment of the identity was a prerequisite to disclosure of the information because the newsman could not otherwise have dealt with the informant, (3) the community interest in fostering the widest dissemination of news and discovery of materials of public interest, which fostering must take into account the desire of the informer for anonymity, and (3) the disruption of the relation between informer and newsman by compulsory disclosure will injure the community through deprivation of news more than the disclosure of some informers' identities could possibly benefit the community.[8]

But, as we have indicated, the courts have never accepted these arguments for the privilege. At least fifteen States have by statute provided for some degree of protection of newsmen from compulsory disclosure of their sources,[9] but even here the courts have generally construed the privilege narrowly, as a derogation of the common law.[10]

In summary, then, we have seen that ordinarily it is the duty of everyone to appear and testify when properly summoned before a court, grand jury, or legislative committee and that exceptions to the duty are limited and narrowly construed. There is no common law newsmen's privilege to refuse to name an informant. Further, the claims for the existence or creation of such a privilege have been limited to an assertion of the right not to name an informant; they have not normally extended to assertions of a right not to reveal information learned from the informant.

During the last several years, some newsmen have urged on the courts a new ground for the privilege. They have urged the First Amendment as the source of a limited or absolute refusal to testify and it is to that we turn.

THE FIRST AMENDMENT

"Congress shall make no law . . . abridging the freedom . . . of the press . . ." This prohibition of the First Amendment applies to the entire Federal Government as well as to Congress [11] and applies to the States through the Fourteenth Amendment.[12] The primary function of the free press clause has been to protect newspapers, radio and television, book publishers, pamphleteers, and others from prior restraints on their right to publish [13] and from direct or indirect punishments directed at their right to publish.[14] The Amendment is not limited to protecting the right from "any particular way of abridging it," *Grosjean* v. *American Press Co.,* 297 U.S. 233, 249 (1936), and it reaches abridgments that may not be direct restraints, *American Communications Assn.* v. *Douds,* 339 U.S. 382, 402 (1950), or that may be unintended restraints, *NAACP* v. *Alabama ex rel. Patterson,* 357 U.S. 449, 461 (1958).

But the greatest number of freedom-of-the-press cases are far removed from supporting any argument relating to a constitutionally-required newsman's privilege. Compulsory disclosure of sources is not designed to abridge news gathering or to operate as a prior restraint on publishing or to punish the news media for disseminating certain materials; the effect of such compelled disclosure is no doubt problematical in these regards. And inasmuch as many of the cases proceed upon the basis that newsmen and their employers are guaranteed certain basic rights in carrying on their business the imposition of a duty to testify which is in the main applicable to all other persons seems no more than the placing of a burden on them which all of us share.

In any event, the courts to which such an argument was presented uniformly rejected it.[15]

But a number of recent cases have ap-

Footnotes at end of article.

peared to read the First Amendment in a somewhat different fashion than the older cases did; whereas the older cases in the main read the Amendment as containing a series of "thou shalt nots" directed to government, the newer cases have also included suggestions that the Amendment contains a series of "must do" commands directed at government and through it to private persons.[16] In good part, these cases reflect a philosophy that what the First Amendment guarantees is not the freedom of the news media and other disseminators of information and entertainment to carry on their business as they choose but rather the right of the people to be informed about those things which affect them.

Though the idea may be found in older cases, it comes more to the front in recent ones. In *Lamont* v. *Postmaster General*, 381 U.S. (1965), the Court held that the First Amendment protects the right to receive information. In *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 266 (1964), the Court held entitled to freedom of press protection a paid advertisement relating to matters of public interest. "Any other conclusion would discourage newspapers from carrying 'editorial advertisements' of this type, and so might shut off an important outlet for the promulgation of information and ideas by persons who do not themselves have access to publishing facilities—who wish to exercise their freedom of speech even though they are not members of the press. . . . The effect would be to shackle the First Amendment in its attempt to secure 'the widest possible dissemination of information from diverse and antagonistic sources.' "

In *Office of Communication of the United Church of Christ* v. *FCC*, 359 F. 2d 994 (C.A.D.C. 1966), the court, in an opinion by then-Judge (now Chief Justice) Burger, held that the listening public, or a portion of it, had standing before the Federal Communications Commission to contest the renewal of a license to a television station which had conspicuously failed to present any programming representative of a substantial minority of the community and to give voice to any views unrepresentative of the prevailing ethos of the community.[17]

But it was in *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969), that a unanimous Court presented a rationale which clearly bestowed affirmative voice to the First Amendment. *Red Lion* involved attacks on the Commission's "fairness" and "opportunity to reply" doctrines which compelled radio and television stations, when they presented views on a topic or when someone was attacked or unfavorably cited over the air, to afford the opportunity for opposing views to be presented and for the attacked person to respond. The broadcasters contended that the imposition of these rules violated their First Amendment rights of speech and press.

The attack was rejected. "[T]he people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. . . . It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here."[18] *Supra*, 390.

It can be seen, then, that once a concept of the First Amendment protection of freedom of the press, as well as of speech, is expanded from its context of assuring freedom of action on the part of newspapers and broadcasters to ensuring that the public is adequately informed, the balance which might be drawn between the duty of everyone to testify and the privilege of newsmen to conceal their sources might well be differently weighed. If compelled testimony might in certain cases so injure the ability of newsmen to inform the public, then a privilege might be recognized in those cases.

Certainly, the obligation which *Red Lion*, *supra*, 393–94, recognized as resting on the government, the obligation to ensure that broadcasters at least "give adequate and fair attention to public issues," may not simply be fulfilled by a facially neutral attitude that indirectly inhibits the performance of the newsman's duty. In *New York Times Co.* v. *Sullivan*, *supra*, 278–79, the Court rejected the argument that allowance of the defense of truth in "public figure" libel cases was adequate to protect freedom of the press. "A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions . . . leads to a . . . 'self-censorship.' Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred." Thus, the Court recognized that an indirect constraint could operate to abridge a constitutional freedom.

Nothing in the foregoing is meant to suggest that there is now or is developing a certain privilege for newsmen founded on the First Amendment. It merely suggests that with the development of an affirmative obligation on government to ensure in some instances that the people are not deprived of the information necessary to the functioning of the polity a principled argument can be made for the recognition of such a privilege.

This argument has now been accepted by the panel of the Ninth Circuit.

THE CALDWELL CASE—DISTRICT COURT

Caldwell is a black reporter for the *New York Times* who had become something of a specialist in covering the Black Panther Party. Upon the convening of a federal grand jury charged with investigating the activities of the Panthers, Caldwell was subpoenaed to appear and testify with regard to a number of things he had written in his articles which appeared in the *Times*.[19] Caldwell moved the District Court to quash the subpoena on the ground that his appearance at the secret grand jury inquiry[20] would be interpreted by the Panthers as a breach of confidence and would destroy his effectiveness in obtaining news from them. Alternatively, he requested the District Court to enter a protective order prohibiting grand jury interrogation concerning any confidential interviews or information which he had obtained exclusively by confidential interviews.

The District Court declined to quash the subpoena but did issue the protective order. 311 F. Supp. 358 (D.C.N.D. Calif. 1970). The court relied on *Blair* and *Bryan*, cited supra, p. 2, for authority that a person properly summoned must appear. However, the judge found that Caldwell had developed a relationship of trust and confidence with the Panthers, that this relationship was indispensable to Caldwell's ability to gather, analyze, and publish the news, and that the First Amendment protected this right and ability to gather and disseminate news. Thus, Caldwell was entitled to a protective order precluding inquiries into subjects which would destroy the relationship of trust and confidence with the Panthers unless the Federal Government could make a clear showing of a compelling and overriding national interest that could not be served by alternative means.

Caldwell refused to appear as directed by the subpoena and the District Court thereupon ordered him committed to jail until he agreed to appear.[21]

THE CALDWELL CASE—COURT OF APPEALS

The citation for contempt was reversed by a panel of the Court of Appeals which held that in addition to the qualified privilege to refuse to testify about certain things there was a First Amendment qualified privilege not to appear if the appearance would destroy the relationship of trust and confidence.

The Government had not appealed the District Court's protective order but the Court of Appeals decided it must first pass on the questions there presented. Having done so, it agreed with the District Court.

"If the Grand Jury may require appellant to make available to it information obtained by him in his capacity as news gatherer, then the Grand Jury and the Department of Justice have the power to appropriate appellant's investigative efforts to their own behalf—to convert him after the fact into an investigative agent of the Government. The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference; and that they should be able to protect their investigative processes. To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them. To do so where the result is to diminish their future capacity as news gatherers is destructive of their public function. To accomplish this where it has not been shown to be essential to the Grand Jury inquiry simply cannot be justified in the public interest. Slip opinion, at 7."

Thus, the court ruled, the grant of a qualified privilege by the District Court was proper and appropriate. The question then was whether Caldwell could claim a similarly qualified privilege to refuse to appear at all.

The court reviewed the briefs and affidavits filed by newsmen in support of Caldwell and Caldwell's own supporting papers. It appeared to the court that Caldwell had established a tenuous and unstable relationship with the Panthers based on his discretion in the handling of information gained from his contacts with them. This relationship permitted Caldwell to interpret the Panthers to his readers and report on things which most other reporters found themselves barred from learning. But the trust and confidence imposed in Caldwell was subject to constant re-examination on the basis of what the Panthers thought he was doing with what he learned of, from, and about them.

Grand jury proceedings are secret. No one outside the witness, the grand jurors, and the government agent directing the inquiry knows or can know what went on. For persons who uneasily maintain a confidence in someone, the possibility that a confidence has been betrayed by the pressures of a secret interrogation may seem very real. The supporting briefs indicated clearly to the court that the Panthers were extremely likely to respond this way. Therefore, it could be assumed with some certainty, Caldwell's appearance would destroy his relationship with the Panthers and his ability effectively to gather news about them.

But if there were a sufficient government need to know, that need could override the public's interest in maintaining Caldwell's news gathering ability. The Government apparently, however, did not controvert Caldwell's assertion "that there is nothing to which he could testify (beyond that which he has already made public and for which, therefore, his appearance is unnecessary) that is not protected by the District Court's order." Slip opinion, at 12. Accepting that as true, the court could see no interest, of the Government which would outweigh the injury to the public interest by the calling of Caldwell. It concluded:

"In light of these considerations we hold that where it has been shown that the public's First Amendment right to be informed

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Footnotes at end of article.

would be jeopardized by requiring a journalist to submit to secret Grand Jury interrogation, the Government must respond by demonstrating a compelling need for the witness's presence before judicial process can issue to require attendance. *Ibid.*"

THE CALDWELL CASE—SUPREME COURT

On December 16, the Government through the Solicitor General filed a petition for a writ of certiorari to review the Ninth Circuit decision. Caldwell has thirty days in which to file a brief opposing the Government's petition if he chooses to do so.[22]

The Government's appeal is limited to the question of requiring Caldwell's appearance before the grand jury. It does not contest the District Court's protective order, though it does not concede that newsmen have a privilege; the brief asserts, however, that the point is unlikely to arise "since the Department of Justice, as a matter of policy, does not seek confidential information in the absence of an overriding need." *Pet. for Writ of Cert., United States* v. *Caldwell,* No. 1114, at 6. Rather, the Government attacks the holding that there is a qualified privilege to refuse to appear.

Assuming, the Government argues, that there is a privilege for a newsman to refuse to disclose information received in confidence, there is no reason the privilege should extend to non-confidential information communicated to him for the purpose of publication, especially where he has published it. In this case, Caldwell had written of Panther threats to take up arms and to lead an "armed struggle." The Panther leader, Hilliard, who was so quoted by Caldwell, was at the time under indictment for threatening to kill the President. Thus, the argument continues, in light of a grand jury's plenary power to inquire into whether grounds exist for criminal proceedings, Caldwell should at least be required to testify with regard to the accuracy of the things quoted in his articles, that he did hear them said, and that they were said either seriously or in jest.

The fear that his mere appearance will destroy his relationship with the Panthers is an inadequate ground for assertion of any privilege by Caldwell, the Government contends. Although the Panthers may not be able to assure themselves that he will not break a confidence in the secret session, they cannot now assure themselves that he may not already have spoken about them to law enforcement officials or that he may not in the future. "Their faith in him must therefore be under constant re-examination without regard to his grand jury appearance. Where, as here, he has explicit protection against disclosure of confidential information by virtue of a court order, there is no reasonable basis for fear that confidences will be betrayed." *Id.*, 9.

PROSPECTS AND IMPLICATIONS

We cannot yet tell whether or not the Court will agree to hear the appeal. Nor at this stage is it possible to foresee with any degree of assurance how the arguments will develop in the give-and-take between the parties. Nevertheless, certain things can be said at this point.

The argument presented by the Government is extremely narrow. It deals only with the requirement that Caldwell appear and testify about things which are not confidential. It does not contest the finding of a limited First Amendment privilege with regard to the testimony, though it does not accept it either except as a matter of governmental grace, and therefore does not require the Court to consider the existence of such a privilege. Under the usual rules of constitutional interpretation, the Court will not decide the question of the testimonial privilege, leaving the Government free to argue the matter another day, if it chooses, under perhaps more auspicious circumstances, if the Government prevails with regard to the issue of the duty to appear. If the Court should decide against the Government's position on this issue, however, it would appear almost to be compelled to decide the existence of the testimonial privilege as a prerequisite to the existence of the privilege not to appear.

Thus, the decision of the Government to contest only part of the decision below, and that only the narrowest part, would seem calculated to preclude a broad constitutional ruling in this field by the Court. That is, if the questions were appropriately presented, it would not be surprising, though it would not be a foregone conclusion either, to find the Court enunciating some form of First Amendment privilege in this regard; but in view of the extent of precedent about the duty to appear and the narrow scope of the privilege not to appear, the likelihood of a Court decision sustaining the privilege granted below, especially in the context of the Government's acquiescence as a matter of grace in the protection of confidential communication, would not appear to be substantial.

The implications flowing from this case are of course substantially dependent upon the nature of the privilege finally judicially established. But even if the privilege is only the testimonial one found to exist by the District Court, there are profound implications for both judicial and legislative inquiries.

First, the scope of inquiry of both judicial and legislative inquiries will be narrowed.[23] Witnesses who have been defeated in the past in attempts to establish some form of First Amendment limitations upon investigation, especially congressional investigation, will have a beachhead established and more efforts will no doubt be made.[24] But aside from the efforts to broaden the privilege, a class of persons will be able to resist official inquires into certain subjects.

Second, almost by implication the propriety of courts acting in advance of inquiries, judicial and legislative, to limit the scope of inquiry would seem to have been established. The general rule is that with regard to both judicial and legislative investigations witnesses must appear and must decline at that point to answer certain questions; if pressed or ordered to answer, they must refuse, be cited for contempt, and defend at trial or on appeal the propriety of their refusal. The rule, of course, presents such witnesses with the prospect that if they guess wrong about their rights they can go to jail.

Here, the District Court entered a protective order. Witnesses who intend to assert this newsman's privilege in the future will no doubt also seek protective orders. There may well be appellate proceedings with regard to whether such orders may or should be granted but assuming that their propriety is established it would appear that their issuance might become routine in proper cases. The effect might be limited in cases of grand juries since they are after all under the direction of the court; but what is to be said in the case of congressional investigations?

A separation of powers problem immediately arises. If a witness who has been cited for contempt for refusing to answer the questions of a committee has properly, in the view of the trial court or an appellate court, refused to answer, he can be acquitted of the charge of contempt since the question is, under the statute, a legal question for the court to decide.[25] But if a witness intending to assert the newsman's privilege appears before a court and seeks a protective order in advance of his appearance before a congressional committee, how can the judge issue an effective protective order? He may not enjoin Members of Congress not to ask certain questions[26] and an order directed only to committee counsel or other committee perhaps proper,[27] would be ineffective. A dismissal of a subsequent, contempt citation issued for a refusal to answer questions proscribed by the judge might be an effective way to enforce such a protective order. But in that event, the committee might assert the inherent power of Congress to imprison a witness for contempt without seeking judicial process.[28]

It might well be, then, that protective orders in the case of congressional investigations would not be issued with regard to testimonial privileges, even though they might be founded on the Constitution; but if a privilege not to appear were recognized, the power of courts to restrain the appearance would certainly be placed in issue.

Other problems also intrude. If a prospective witness raises the privilege, either to withhold certain information or to decline to appear at all, is there to be a hearing at which the Government may contest the contention? Is there to be a full-scale evidentiary hearing or a proceeding on papers with or without oral argument? How is the claimant to establish that denial of the privilege would harm his confidential relationship? How is the Government to controvert it? If the requisite showing is made, what is the "compelling need" that the Government must show if the privilege is to be disregarded? Is there to be a hearing on this point too?

There problems arise because unlike the other common-law privileges, and unlike a statutory newsman's privilege, the claimed privilege arises not out of a certain relationship which need only be asserted by the claimant but stems from a result which is claimed would flow from the act of testifying or appearing, a result which must be shown to be a likely possibility or probability, and which may yet be disregarded if the Government's interest is strong enough. Thus, each claim of the privilege might give rise to extensive litigation.

We do not attempt to answer these problems. They are raised merely to indicate the possible ramifications of a recognition of even a limited newsman's privilege. The problems do not mean that no privilege will be recognized, but their existence indicates that judicial caution will be observed.

CONCLUSION

We have seen that the asserted common-law privilege allowing a newsman to protect the identity of confidential informants has been generally rejected by the courts. Legislation in fifteen States has been enacted creating such a privilege and legislation has been proposed in other States and in Congress to recognize such a privilege. After being rejected by the courts in similar fashion to the common-law evidential privilege, a First Amendment privilege founded on the public interest in being informed about matters of general and particular interest has been recognized by the District Court in this case; the Court of Appeals thereafter recognized a much broader privilege founded on the same ground: that reporting of public-interest matters will be hindered to the detriment of the public if the privilege is not recognized. Both the testimonial privilege and the privilege not to appear are in themselves much broader than the privilege earlier claimed in that the privilege now is said to apply not only to concealing the identity of informants but to concealing as well all information gained on a confidential basis which a newsman chooses not to report.

It is unlikely that one Supreme Court decision, whether in this case or in another, will be adequate to explore the contours and confines of such a developing doctrine.

Footnotes at end of article.

FOOTNOTES

[1] 8 Wigmore on *Evidence* (3d ed. 1940), § 2192.

[2] Id., §§ 2197–2207.

[3] Id., §§ 2250–2284. This privilege is, of course, guaranteed against governmental abridgment by the Fifth Amendment to the Constitution. It is also protected against state abridgment through the due process clause of the Fourteenth Amendment. *Malloy* v. *Hogan*, 378 U.S. 1 (1964).

[4] Wigmore, *op. cit.*, n. 1, §§ 2210–2224.

[5] *Id.*, §§ 2285–2369.

[6] *Id.*, § 2285. It should be noted that with regard to congressional committee investigations, observance of the common-law evidentiary privileges, if done, is entirely a matter of grace. *Infra*, n. 23.

[7] The leading case is *People ex rel. Mooney* v. *Sheriff of New York County*, 269 N.Y. 291, 199 N.E. 415 (1936); see cases cited, *In re Goodfader's Appeal*, 45 Hawaii 317, 332–33, 367 P. 2d 472, 482 (1961). See generally, Semeta, "Journalist's Testimonial Privilege," 9 Clev.-Mar. L. Rev. 311 (1960); Comment, "Compulsory Disclosure of a Newsman's Source: A Compromise Proposal," 54 Nw. U.L. Rev. 243 (1959); Beaver, "The Newsman's Code—The Claim of Privilege and Everyman's Right to Evidence," 47 Ore. L. Rev. 243 (1968).

[8] Cf. Guest & Stanzler, "The Constitutional Argument for Newsmen Concealing Their Sources," 64 Nw. U.L. Rev. 18, 26–27 (1969).

[9] *Id.*, 20 n. 13. New Mexico and New York have since joined the list cited.

[10] E.g., *State* v. *Donovan*, 129 N. J. L. 478, 486, 30 A. 2d 421, 426 (1943); *Branzburg* v. *Pound*, 39 Law Week 2322 (Ky. Ct. App. November 27, 1970).

[11] There is no citation to a precise holding but it is evident from the Court's decision. But cf. *De Jonge* v. *Oregon*, 299 U.S. 353, 364 (1937): "The First Amendment of the Federal Constitution expressly guarantees [free press and free speech] against abridgment by Congress. But explicit mention there does not argue exclusion elsewhere. For the right is one that cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all civil and political institutions. . . ."

[12] *Gitlow* v. *New York*, 268 U.S. 652 (1925); *Whitney* v. *California*, 274 U.S. 357 (1927); *Fiske* v. *Kansas*, 274 U.S. 380 (1927); *Near* v. *Minnesota*, 283 U.S. 697 (1931).

[13] E.g., *Near* v. *Minnesota*, *supra*, n. 12 (voiding an injunction against publication of a "malicious, scandalous and defamatory newspaper").

[14] E.g., *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964) (placing strict limitations on libel recovery by public officials); *Mills* v. *Alabama*, 384 U.S. 214 (1966) (voiding a law penalizing the publication of an election-related editorial on election day).

[15] *Garden* v. *Torre*, 259 F. 2d 545 (C.A. 2), *cert. den.*, 358 U.S. 910 (1958); *In re Goodfader's Appeal*, 45 Hawaii 317, 367 P 2d 472 (1961); *In re Taylor*, 412 Pa. 32, 193 A. 2d 181 (1963); *State* v. *Buchanan*, 436 P. 2d 729 (Ore. 1968), *cert. den.*, 392 U.S. 905 (1968). The arguments for a constitutional privilege are presented and analyzed in Guest & Stanzler, *op. cit.*, n. 8.

[16] The terminology is from Leon Duguit: "Any system of public law can be vital only so far as it is based on a given sanction to the following rules: First, the holders of power cannot do certain things; second, there are certain things they must do." *Law in the Modern State* (Laski trans. 1919), 26. Most American constitutional law emphasizes the former; for a divining of the latter in some recent cases, see Miller, "Toward a Concept of Constitutional Duty," 1968 Sup. Ct. Rev. 199 (Kurland ed.).

[17] On remand the FCC adhered to its former decision to renew the license; on review this time the court itself ordered that the license not be renewed but awarded to someone else. *Office of Communication of United Church of Christ* v. *FCC*, 425 F. 2d 543 (C.A. D.C. 1969).

[18] For an elaboration of the meaning of *Red Lion* in line with that here, see Barron, "Access—The Only Choice for the Media?" 48 Texas L. Rev. 766 (1970); for a pre *Red Lion* development of the argument relying on *Church of Christ*, see Barron, "Access to the Press—A New First Amendment Right," 80 Harv. L. Rev. 1641 (1967).

[19] It appears from the opinions of the lower courts that the subpoena was the usual general one with no specification of the line of inquiry. The Solicitor General's Supreme Court brief, however, purports to limit the scope of the inquiry to his published articles. *Infra*, p. 16.

[20] Grand jury inquiries are uniformly conducted in private, even to the point of excluding the witness's attorney. It will be noted that the District Court order specifically directed that Caldwell at all times be permitted to consult with counsel. 311 F. Supp., 362. Denial of counsel in grand jury proceedings, at least to persons who are the object of the inquiry and in danger of indictment, is under attack in a pending Supreme Court case. *Piccirillo* v. *New York*, No. 97.

[21] It is the function of civil contempt not to punish but to coerce. That is, a person imprisoned under charge of civil contempt can be held only until he decides to cooperate or until the term of the grand jury expires and cooperation becomes impossible.

[22] Caldwell's options lie between opposing the petition for certiorari or filing his motion of concurrence that certiorari should be granted and opposing the Government on the merits. Choice may be dictated by whether Caldwell wishes merely to win his point here or whether he feels the time is auspicious to establish a broad principle through a Supreme Court ruling.

[23] That only judicial inquiries would be bound by a constitutional ruling is out of the question; though congressional committees may be free to honor or to reject ordinary evidentiary privileges, they are not free to disregard constitutional privileges. Cf. Moreland, "Congressional Investigations and Private Persons," 40 So. Calif. L. Rev. 189, 253–68 (1967).

[24] Cf. *United States* v. *Rumley*, 345 U.S. 41 (1953); *Barenblatt* v. *United States*, 360 U.S. 109 (1959). The matter is sharply raised in the action of the District Court in the District of Columbia enjoining publication and distribution of a committee report on First Amendment grounds. *Hentoff* v. *Ichord*, CA No. 3028–70 (D.C.D.C. October 28, 1970, *appeal pending*, No. 24,761 (C.A.D.C.). In two recent decisions dismissing actions against congressional committee proceedings, two appeals panels have indicated that the constitutional considerations were substantial but that the likelihood of harm to petitioners was so slight, because of intervening events, that the "case and controversy" requirement of jurisdiction was not satisfied. *Davis* v. *Ichord*, No. 23,426 (C.A.D.C. August 20, 1970); *Cole* v. *McClellan*, No. 23,424 (C.A.D.C. November 6, 1970).

[25] U.S.C. §§ 191–95. See generally Moreland, *op. cit.*, n. 23.

[26] The speech and debate clause of the Constitution, Art. I, § 6, cl. 1, precludes either injunctive relief or actions for damages against Members of Congress. *Powell* v. *McCormack*, 395 U.S. 486, 501–06 (1969); *Stamler* v. *Willis*, 415 F. 2d 1365 (C.A. 7, 1969), *cert. den.*, 399 U.S. 929 (1970).

[27] *Stamler* v. *Willis*, *supra*, n. 26; *Dombrowski* v. *Eastland*, 387 U.S. 82 (1967).

[28] *Moreland, op. cit.*, n. 23, 190–201.

PAINTING THE BEWILDERING VAULT OF HIGHER EDUCATION

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. MANN. Mr. Speaker, not everyone, needless to say, is born to follow in the path of Michelanglo. Not everyone is meant, that is to say, to paint the ceiling of the Sistine or any other chapel. The same might be said about higher education.

Not everyone has either the kill or the inclination to work out the problems of nuclear physics or novel-writing for himself. But many can do very well at arranging the scaffolding for the artist so that he might better perform these tasks. I am only saying the obvious: Perhaps what is really wrong with higher education is that too many with neither art nor creativity are being allowed, even encouraged, to paint on the ceiling—and they neither enjoy the work nor do they do it very well. Why are they up there? Because this culture and this Nation lay such a great stress on higher education and because manual labor, by contrast, is demeaned. This should not be so. We must once again praise, encourage, and uplift the alternatives to higher education; we must once again, that is to say, raise to their former value, the concepts of work and self-help. Not everyone can be a Michelangelo, that is true; but there is a meaningful task in life for everyone and we, as a people, must provide a system that will not promote frustration, but will contribute toward realization, by each person, of his potential in the schema of our Nation's life.

Making just these points, though in a more general way, is the following insightful editorial from the Greenville, S.C., Piedmont of March 20, 1971:

NOT ENOUGH HOLES, MUCH LESS FOR "SQUARE PEGS"

Yet another analysis of what's wrong with this country's system of higher education is at hand.

The conclusion reached by a panel set to its task by Robert H. Finch when he was secretary of Health, Education, and Welfare, is that colleges are not meeting the needs of most of their students.

It could as conclusively be said that most students are not meeting the needs of higher education. Deciding which to fault first or foremost would be futile.

Clearly, both students and colleges could do better. To its credit the Finch-instigated panel contributes some cogent suggestions.

For a starter, it would shake loose the old concept that college and university should follow secondary-school education in uninterrupted progression.

Keeping open the institutions of higher learning to students of all ages, with equal access to degree-producing programs at any time in their lives, is recommended as a basic renovation.

So, too, is recognition that a formal routine of classroom lecture and prescribed "homework" is at best a limited means of becoming educated.

Value should be given to work experience and independent study.

As postscript, it might be added that, for all the prescribed remedies, none really gets at the basic malady extant in so-called higher education today.

This is the continued attempt to ingest great numbers of students into academic programs for which they are unsuited by ability or inclination.

Manual and technical training has been sorely neglected in this country.

Given higher status it could absorb many youths into a rewarding and contributive life without the frustrations that go with trying to progress by the warped standards of status that have been allowed to evolve out of so-called "higher learning."

THE LOST TRIBE OF ISRAEL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HOGAN. Mr. Speaker, this week I joined 46 other Members of the House in sponsoring a resolution, House Concurrent Resolution 220, calling upon President Nixon to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jews.

The oppressive conditions under which Jews in the Soviet Union are forced to live have been a matter of great concern to me ever since they were dramatically brought to our attention last year with the trial and sentencing of nine Jews in Leningrad for allegedly planning to hijack an airplane in an attempt to leave the Soviet Union.

Although Soviet officials, apparently induced by world opinion, did commute the death sentences of the nine "hijackers," the continuing persecution and repression which the Soviet Jews are experiencing have not abated. It appears that the more than 3 million Jews in the Soviet Union are undergoing an organized and purposeful effort on the part of the Soviet Government to extinguish their Jewish culture and religion and as a result they are very well in danger of becoming what some of my colleagues have termed as "the lost tribe of Israel."

Estimates are that 300,000 or more Jews have applied for exit visas from the Soviet Union. We also know that upon taking this action they are being subjected to increased pressures and harassment.

I recently had the opportunity to listen to two ladies who were permitted to leave the Soviet Union tell firsthand of the vicious discrimination against Soviet Jews and the suppression of the Jewish identity and religion by the Soviet Government. They stated that the only thing which influences the Soviets and will help the Jews in that country is world opinion.

Therefore, I am cosponsoring this resolution and urging the House to act affirmatively thereon in order that our President and other world leaders, including the Soviets, will know of the Congress' earnest concern and plea for more humane treatment of the Jewish people by the Russian Government, including relaxation of emigration policies for those desiring to leave the country.

TELEPHONES FOR RURAL SOUTH DAKOTA

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. DENHOLM. Mr. Speaker, yesterday Members of the House of Representatives approved by a large margin a bill to set up a new financing source for telephone systems to serve rural areas of this Nation. I supported that measure because it is an excellent bill that deserved the support that it received.

The issues concerning that bill are not new. The question was—Were we willing to enact legislation beneficial to rural America? The bill, H.R. 7, provides for self-help to people of rural America that are willing to help themselves. The bill provides, not for a loan, not for a grant, but for an investment—an investment in a rural telephone bank which is an investment in our country. It is an investment in ourselves.

I want to briefly answer some of the arguments that were advanced against the bill when it was being debated on the House floor. The gentleman from Pennsylvania (Mr. GOODLING), submitted certain figures in support of his contention that the REA systems have cost the Government large sums of money and continue to be a burden, with recent loans reaching a per capita cost of $1,461 per consumer. The gentleman from Pennsylvania stated the cost of Federal Government is so large that computed interest on the national debt is accumulating at the rate of $38,000 per minute. I agree that such mathematical computations are shocking, traumatic and staggering to the mind of any reasonable man.

I submit, however, that the staggering proportions of the national debt are not caused by or directly related to the Federal funding of the REA and RTA systems. The fact is that if the Federal expenditures were all made with the equal experiences of financial return—in the same measure of sound fiscal wisdom equal to the investments in the REA and RTA systems this country would be substantially free of debt by all reasonable and acceptable standards of public accounting. The history of the REA programs are almost entirely free of default and financial disaster. In all or most all instances the borrowers have a record of advance payment on indebtedness. It is a record—a commendable record of performance with a superb benefit-cost ratio in public financing.

The provisions of this bill, H.R. 7, provide for an actual purchase of stock in a bank with a guarantee of 2 percent return on the investment. To those who have historically objected to 2-percent money to rural America in support of the REA and RTA systems—and to all of them, I ask, how much interest does the Government receive on grants to the great urban centers of this country? What comparative analysis have you made on a cost-benefit basis?

While I supported the establishment of this new supplemental source of financing for the rural telephone cooperatives of this Nation I want to make it clear that establishment of this new credit source should not be interpreted as an excuse or rationale to phase out or limit the present 2-percent loan program for those providing telephone service in the rural areas.

In South Dakota, providing modern telephone service is a costly business. In the more sparsely populated areas of my State it is necessary to build a mile of telephone line to serve just one customer. The typical rural telephone system has two customers per mile. This low density of consumers, coupled with the hazards of severe winters, makes it much more costly for South Dakota rural telephone systems to provide service than is the case in almost all of the other States.

Officials of these telephone cooperatives have emphasized to me that unless they put into effect substantially increased rates that they must continue to have the 2-percent loan program available to them.

The farm families of South Dakota cannot afford any increase in their operating costs. A telephone is an absolute necessity, not only for farm operation and management, but in times of crisis. It is critical, therefore, that the 2-percent loan program be continued for these sparsely populated areas of the Nation.

Establishment of this new credit source for those better qualified to pay higher interest rates will make possible use of these 2-percent loans under the existing program for systems less qualified to pay these higher interest rates—such as all of the systems serving rural South Dakota.

THE NEW VOLUNTEER AGENCY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. RHODES. Mr. Speaker, the new design for voluntary action presented Congress by President Nixon provides all Americans an opportunity to contribute to our Nation's search for the quality life. His proposal is both idealistic, in that it will appeal to a spirit of selfless public service, and it is also practical in that it appeals to a natural American impulse to get things done. In that sense, the new volunteer agency is uniquely American.

We can be confident that such an agency will work. We have seen that Americans by the thousands will leave these shores and spend 2 years and more to help others. We can surely expect that many more thousands will help other Americans.

Until now, all that has been lacking has been the superstructure to support a desire to be of service. With his proposal for a new volunteer agency, the President has offered a way of turning that desire into action. I believe Americans are eager to answer his call.

THE BIA AND URBAN INDIANS: TIME TO END THE "HANDS OFF" POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. FRASER. Mr. Speaker, each year the Bureau of Indian Affairs spends over $1.8 million to operate a 65-man office in Minneapolis. This rather sizable expenditure benefits very few of the 10,000 American Indians living in the Minneapolis-St. Paul area, however, because of the Bureau's refusal to aid "nonrelocated" urban Indians.

The BIA claims that the only function of its Minneapolis office is to oversee the operation of reservation programs in Minnesota, Iowa, Wisconsin, and Michigan. Unless a Minneapolis Indian has recently been relocated to the city by the BIA, the Minneapolis office staff is not authorized to help him find a job or a home or to put him in touch with other local agencies that can help him adjust to city living.

This same story can be repeated in Chicago, in Los Angeles, and in more than 20 other cities where the Bureau maintains an area office or an employment assistance office.

Now that close to half of this country's 900,000 American Indians live in cities, the time has come for the Bureau of Indian Affairs to reassess this "reservation only" policy.

Off-reservation Indians do not need or expect to receive the same Bureau services available to Indians living on trust land but they do not deserve to be ignored entirely by a Bureau of Indian Affairs that encouraged them to come to the cities in the first place. Certain Bureau services can and should be made available to all urban Indians—particularly in those communities like Minneapolis where the BIA already operates a local office.

Recently I wrote to Interior Secretary Rogers Morton outlining a plan for new urban resource centers to be operated by the BIA. I am including a copy of that letter with my remarks:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 18, 1971.

Mr. ROGERS MORTON,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: Now that the Bureau of Indian Affairs is likely to be reorganized, I want to urge you to reconsider the Bureau's relationship to off-reservation Indians.

I am aware of the Bureau's traditional policy of limiting its services to those Indians living on or near Indian land held in trust by the federal government. As you know, however, there is no legal basis for this policy. With the exception of some ambiguous language in a 1951 Senate appropriations report, no congressional mandate specifically restricts Bureau services to reservation areas.

The Bureau claims that its mission is to serve only reservation Indians but, in fact, it does aid non-reservation Indians through the employment assistance and adult vocational training programs. Thus, the first link to trust land has already been broken.

I can appreciate your department's concern about the development of a major new urban program that would have a significant impact on the Bureau's budget. There are ways, however, that the Bureau can extend aid to off-reservation Indians without a major increase in the expenditure of federal funds.

In Minneapolis, the Bureau maintains an area office that oversees the operation of Bureau programs in Minnesota, Wisconsin, Iowa and Michigan. This office has a staff of 65 and an annual budget of $1.8 million.

The Minneapolis area office has always been a sorepoint with the 10,000 American Indians who live in the Minneapolis-St. Paul area. Unless they have recently been relocated to the city by the BIA, these Indians are not technically eligible to receive services from the Minneapolis office.

The distinction between a "relocated" and a "non-relocated" Indian is in part artificial, however. Even the former area director has admitted that non-relocated Indians can "sneak in the back door" from time to time to see the employment counselors.

According to the reorganization plan announced by former Secretary Hickel in November, the ten area offices including the one in Minneapolis will be revamped. These regional agencies will no longer have direct authority over reservation programs. Instead, they will become technical service centers for BIA programs that operate at the grass roots level.

If the Bureau still intends to implement the reorganization plan, this would be an ideal time to establish an urban resources center in the Minneapolis area office.

This center could serve several important functions:

It could provide technical assistance to urban Indian organizations that are developing a wide range of housing, employment and recreation projects.

It could assist an area-wide Indian coordinating organization such as the Urban Indian Federation of Minnesota.

It could provide direct service staff to expand the employment, housing and legal aid programs operated by private Indian organizations in the Minneapolis-St. Paul area.

This re-orientation of the area office could occur with little or no increase in its budget. Currently the office has a staff of 15 employment counselors housed in a downtown office building. It seems only reasonable that these counselors be assigned to the Indian centers in the Indian neighborhoods.

Now that the office may no longer have direct authority over reservation programs, some of the 65-man staff could be freed to help the Indian groups prepare funding applications for other public and private agencies.

Many of us were extremely pleased with the new new concern for urban Indians expressed in President Nixon's July 8 message to Congress. The new urban social services program proposed by President Nixon is an important step forward. The seven new centers to be funded through this program are now being developed under the direction of a federal inter-agency team in Washington.

I know that the Minneapolis area office could play a useful role in the establishment of the new Minneapolis center. Similar assistance could be given in the six other cities—particularly in coordinating the new centers with reservation-based programs.

Creation of new BIA urban resources centers could fill a particularly important need in those communities where BIA field offices are now located but where the new model social service centers are not scheduled to be established.

I hope we might have an opportunity to discuss this plan at some point during the next few months.

With best wishes.

Sincerely,

DONALD M. FRASER.

NATIONAL HEALTH INSURANCE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. VANIK. Mr. Speaker, recent interest and controversy on the subject of national health insurance has generated a lot of comment from many directions. Among the most knowledgeable in this field is Sam Pollock, who has long been associated with the labor movement and has been deeply involved in developing meaningful group practice programs throughout the Nation.

Mr. Pollock is a constituent living in my congressional district upon whom I have depended for counsel and advice in my work on this critical subject in the Committee on Ways and Means. I commend to the attention of this House a fine article on "Prepaid Group Health Practice" written by Mr. Pollock which was printed recently.

The article is as follows:

UNIONS PAVE THE WAY: PREPAID GROUP HEALTH PRACTICE

(By Sam Pollock)

In health care the United States' position relative to the rest of the advanced industrial nations is poor and getting worse.

If such a statement about the richest nation in the world seems unbelievable, the facts show otherwise. People in 15 other industrial countries live longer. The U.S. ranks 14th in infant mortality. Indices of overall health care in the world show that the U.S. has dropped below at least six countries and is likely to slip four notches within five years.

These figures are a part of the alarm currently being sounded by national health agencies, medical schools and concerned professionals. The state of the nation's health service is also the concern of trade unions, consumer groups, and other institutions which have taken on the job of making some sense out of America's non-system of medicine.

We don't like to be 15th or 14th—or even second. When the Russians seemed to have an edge on us in space exploration, we threw all our resources into the race for the first foothold on the moon. In the arms race competition where every human being can now be bombed to death several times over, we stand second to none in weaponry production.

The American people, during the past few years, have developed a new sense of priorities. Faced with day-by-day experiences of polluted air and water, urban decay, and poorer health service which ironically costs more each year, the American people are beginning to place greater importance upon these issues.

While the American Medical Association floods waiting rooms with literature calling us lucky to have escaped the "regimented" health service of other lands, organizations more attentive to reality strive hungrily for a small measure of the "regimentation." Almost anything seems preferable to the pampered and cherished chaos that forces Americans to pay more for medical care than any other people, with tangible benefits running far behind. It is estimated that the American people will have spent $70 billion or more for health service during 1970.

What's being done to prohibit an approaching health blackout? The insurance industry, including Blue Shield and Blue Cross, while showing more awareness of the problem is moving at an oxcart pace to deal with the crisis.

Trade unions are assuming a major role in attempting to drag organized medicine into the world of Today. More and more doctors are joining in the effort for a better health care delivery system. At the bargaining table more unions are negotiating for dual choice, where the alternate to insurance is prepaid group practice direct service plans.

Long aware that gains won in negotiations may be torn apart in the cost-of-living stampede, with hospital-medical costs pacing the inflationary gallop, unions began demanding agreements which yielded more than a few perishable raises in pay. Early breakthroughs included a program of employer-paid hospital insurance. That helped to initiate Blue Cross and Blue Shield.

Organized medicine fought that idea at first. When it finally accepted the idea, it then virtually took it over. The Blues became a simple system for paying hospital and medical bills. Medical costs, however, continued to soar as did insurance premiums and the amounts billed patients above coverage levels.

Although few Americans paid actual cash for their $100-a-day hospital beds, adequate health care was still a long way from realization. The Blues maintained no control over fees, in some ways even causing them to rise from higher assured bases. The average family could ill afford services which were not covered.

Better answers were still needed. A few unions began to negotiate contracts that established health care and diagnostic plans around health centers funded by employer contributions. Among the pioneers were Amalgamated Local 88 in St. Louis, Local 100 in Chicago, Local 195 in Philadelphia as well as local unions in other national unions.

Most significant was the health program of Henry Kaiser to provide medical care to his employes on the West Coast more than a quarter of a century ago. The Kaiser program grew into a full-service, prepaid health plan with well-staffed health centers complete with hospital and surgical facilities. The program now serves the community on a non-profit basis.

This new group prepaid health concept was quickly and strongly promoted by unions. The Amalgamated's Meat Cutters District Union 427 sparked the formation of the Community Health Foundation in Cleveland, Ohio where such a health program went into operation in the summer of 1964.

The labor sponsored and founded Community Health Foundation of Cleveland opened its membership to the community at large. It grew to a membership of 33,000. In 1969, CHF reached out for national identity in merger with the Kaiser Health Foundation organization. This further stimulated growth, bringing new facilities and economic resources. Now, following Kaiser's California lead, Cleveland's Community Health Foundation is establishing its own hospitals in a move to offer total medical service. The first such hospital located in Northwest Ohio now provides a full array of services for acute care.

What labor started is snowballing into a force that may effectively break the American health barrier. It may turn back the trend which has placed the United States among the less favored advanced nations in health care.

Since 1953, as a result of a merger between Labor's Health Association and the Group Health Association along with the emergence of the Group Health Association of America, the advocates of prepaid group practice were in a position to speak with a united voice. Labor assumed a key role by merging its lonely identity into a broader consumer community movement.

Already several Amalgamated local unions are in the development stage toward establishing prepaid group health service programs. They are Locals 590 in Cincinnati, Ohio, 328 in Providence, R.I., and 448 in Phoenix, Ariz. A number of Amalgamated Locals on the West Coast are already enrolled in the Kaiser Foundation plan.

Insurance companies, once thought to have a vested interest in the old inefficiencies, have now begun making serious studies of the successful prepaid group health programs on the West Coast, Cleveland, and elsewhere. They conclude that health is what investors call a "growth industry."

The day when a medic took his professional life in his hands if he entered group practice is fading fast. Even the entrenched AMA is responding under the weight of the evidence.

While their ancient association rushes in with a "national health program" of its own (a Tax-credit ploy which would actually do nothing to upset the existing fee-for-service, solo practice, non-system beyond making sure the government paid doctor bills for the poor), individual doctors recognize the pressure to modernize. They collect in "medical center" buildings, spreading their various specialties along the sterile white to pastel corridors. Down the hall you can find an internist, a colleague who works on heart, another who knows genitourinary problems, and so on. But each doctor is king of the domain; each still bills on a fee-for-service basis.

If you are rich, or at least well-to-do, you share the great American dream of a personal doctor-patient relationship, provided you don't try to call your doctor before 1 p.m., after 5 p.m., Wednesday afternoon, or any time Sunday.

Under group practice, however, every member has full access to medical service 24-hours a day, every day of the year. Although each family chooses its own doctor from among the many in the group, every specialty is at the member's disposal.

More than that, the member is encouraged to come in for regular physical checkups. Thus, instead of catching patients only at the peak of emergency, group practitioners apprehend troubles and correct them early. The result is patients who, although they have round-the-clock access to medical and hospital services, actually use those services no more than the average American. This is an effective answer to those who argue that if medical care were available on simple demand, doctors and their facilities would be swamped with hypochondriacs and maligners.

Not only are top-rated physicians, surgeons, and technicians changing to group practice; even some long-held bastions of medical conservatism have become aware of the need.

American industrial leaders who have had to solve their own problems in the heat of competition are getting tired of making apologies for an industry growing fat and inefficient in a non-competitive setting.

Fortune Magazine, long cherished by the business leadership, recently broke an article indicting the medical establishment for delivering only a fraction of its capability. Fortune went out of its way to hail group practice as the hope of the future.

But change comes slowly. The AMA, particularly the affiliated local societies, continue to resist and most doctors, whatever their personal feelings, are loath to rock the AMA boat.

The burden rests where it did 20 years ago, with consumer organizations willing to apply the needed pressure. That's labor's challenge.

Of unions answering the challenge, none are more vocal or active than the Amalgamated Meat Cutters. In its 22nd General Convention, the Amalgamated passed a resolution endorsing "the Group Health Association of America's project to expand and develop group health prepayment plans" and pledging support to GHAA's drives for federal and private funds to implement its program. It also supports meaningful National Health Insurance legislation.

The resolution called for five steps to encourage local unions as well as the International Union, to cooperate with group health movements and, where such movements do not exist, to help organize them. Above all, the Locals are asked to press for group health through collective bargaining, at least giving members options in the selection of health plan coverage.

The myths about the excellence of American medical care are still passed around, but they are effectively challenged now by truth which has grown angry. The American medical care fee for service non-system itself is now waiting in the out-patient room for a remedy and the American public is the doctor. The problem has been diagnosed and a cure proposed. Action is now needed.

THE SELLING OF THE PENTAGON

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HÉBERT. Mr. Speaker, yesterday on the floor of the House, I promised I would expose the CBS handling of the criticisms of the discredited program, "The Selling of the Pentagon."

There is nothing more for me to say other than to show you what they did.

I am inserting in the RECORD a copy of the transcript as sent by CBS to every Member of Congress yesterday afternoon with the most impressive stamp, "uncorrected proof."

My observation of that classification, "uncorrected proof," is that it is designed to carry the impression that CBS is trying to give out the facts without altering them.

Lt me show you how they cut me up. First I will insert that portion of the CSB "uncorrected copy" transcript which will give you verbatin quotes of the section dealing with me.

Then I will insert the complete transcript of the interview I had with CBS news in toto, and this, too, is an "uncorrected copy."

You will note how they "edited" my remarks. A better description would be how they "gutted" my remarks. The portions which were edited out are in italic in the full transcript.

I direct your attention to that part, and it becomes obvious why they deleted it, and that is because it destroys their house of sand.

After reading the two versions, you can well understand why CBS is crying now. As you read, you can picture CBS with jelly on its face and its hand in the cookie jar.

What more proof of perfidy is needed? The script follows:

SCRIPT No. 1

After the rebroadcast tonight of CBS Reports: "The Selling of the Pentagon," CBS News presented statements by three critics of the broadcast, Vice President Spiro T. Agnew, Secretary of Defense Melvin R. Laird and House Armed Services Committee Chairman F. Edward Hébert (D., La.) and one by CBS News President Richard S. Salant. Following is a transcript of the statements as broadcast on the CBS Television Network:

ROGER MUDD. The next 20 minutes are by way of postscript to the broadcast you have just seen. The reaction to the original presentation of The Selling of the Pentagon on CBS, February 23, was immediate and nationwide. Phone calls, mail and telegram response were unusually high—and predominantly favorable. Reactions of the professional television critics were even more so. However, there was also a good deal of adverse criticism—much of it sharp and angry—and some of it from high places. Since we decided, in the public interest, to rebroadcast The Selling of the Pentagon, we have decided it would be appropriate, too, to broadcast and rebroadcast the most notable official criticism and, briefly, the CBS response to it. The most prominent critics have been Vice President Agnew, Secretary of Defense Melvin Laird and F. Edward Hébert, Chairman of the House Armed Services Committee. Bob Schieffer interviewed Hébert on the CBS Morning News.

SCHIEFFER. Mr. Chairman, what did you think of the program, The Selling of the Pentagon?

HÉBERT. I haven't got the time to tell you. I think it was the most horrible thing I've seen in years. The most—the greatest disservice to the military I've ever seen on television. And I've seen some pretty bad staff.

SCHIEFFER. Why do you think it was so bad?

HÉBERT. Well, it's very easy to tell why it was so bad. It was, I think, one of the most professional hatchet jobs, and a splendid professional hatchet job. For instance, this is an old technique—that you know as well as I know—this is nothing new to us, but to the unsuspecting viewer it's something that they accept as being fact.

SCHIEFFER. Well, now, it might be new to me, so you just go right ahead——

HÉBERT. No, I'm sure . . . no, no, you're well-experienced. I didn't say you're guilty, I said you're experienced. Now, what they did in the full basis of the film: They took clips of certain things that happened, which were facts and did happen. OK. Now that standing alone is a factual thing. But the script that's in the commentator's hands absolutely destroys what has just been seen by the use of nice little words. For instance, there's a firepower demonstration, as I recall it, or something. And it's a terrific looking firepower thing and it says, "That's the way our wars are being fought"—I'm recalling from memory—"That's the way our wars are being fought but not in front of grandstands." Why, that little word, that's a very cute word. The use of these little words and innuendoes are the things that are the vicious, the devious things. And that's what I objected to. For instance, they presented me—in the clip on me—that clip was obtained under false representation it was to be used as a POW documentary. And it turns up here, in this film as though the Pentagon had used me as a patsy to take major rowe. As a matter of fact, the Pentagon didn't even know this film was being made. The film was part of a show—and I use the word "show" advisedly—for presentation of a bimonthly program that I've had in New Orleans over WWL for years and years and years—and WWL pays for it. The Pentagon doesn't pay for it. The station pays for it, as a public service. And they extracted this to make it look—and the words they use there, the commentator reading the script handed to him, says, in effect—again, I can't quote verbatim because I don't have the script in front of me, but he does say this: "Then in turn the Pentagon gets pro-Pentagon politicians and makes war heroes available to them." Now, this is the damnest lie and the damnest misrepresentation of a fact that I've ever seen. And it is a misrepresentation. That's what I object to. And this is true through the whole film.

SCHIEFFER. Well, is there a propaganda machine over there these days, Mr. Chairman? Is there a Pentagon propaganda machine, you said you found one one time. Is it still operating?

HÉBERT. I think the Pentagon is trying to sell the best bill of goods it can. And, what do you want them to sell, Communism? Do you want these people to go over there and tell you that Hanoi's right?

SCHIEFFER. Mr. Chairman, you're not trying to tell me, are you, that this documentary, the making of this documentary, was an un-American act that was performed, this documentary, do you?

HÉBERT. Wittingly or unwittingly, however done, consciously or unconsciously, deliberately, it is one of the most un-American things I've ever seen on the screen—on the tube. I'm not saying they did this deliberately. I can't read a man's conscience. I can't know what's in a man's mind. I'm not saying that. All I can do is judge the product. And the product was a non-American activity. That's what I'm saying. (End of Hébert Segment)

SCRIPT 2

Voice of John Hart at beginning of broadcast. In a couple of minutes the Chairman of the House Armed Services Committee is going to say what he didn't like about a broadcast that CBS put on recently on the Pentagon.

Bob Schieffer talked yesterday with the Chairman of the House Armed Services Committee, Edward Hébert. The subject was the CBS news report "The Selling of the Pentagon." Hébert did not like it.

SCHIEFFER. Mr. Chairman, what did you think of the program, "The Selling of the Pentagon?"

HÉBERT. I haven't got time to tell you. I think it was the most horrible thing I have seen in years, and the greatest disservice to the military I've seen on television—and I've seen some pretty bad stuff.

SCHIEFFER. Why do you think it was so bad?

HÉBERT. Well, it was very easy to tell why it was so bad. I think it was one of the most professional hatchet jobs—and a splendid professional hatchet job. For instance—this is an old technique that you know as well as I know—this is nothing new to us, but to the unsuspecting viewer, it's something they accept as being fact.

SCHIEFFER. It might be new to me, so you just go right ahead.

HÉBERT. No, no, no, you're well experienced. I didn't say you are guilty, I said you are experienced. Now, what they did in the whole basis of the film, they took clips of certain things that happened, which were facts and did happen. Okay, Now, that standing alone, is a factual thing, but the script that's in the commentator's hands absolutely destroys what they have just been seeing by use of nice little words. For instance, there's a fire power demonstration, as I recall it, or something, and it's a terrific looking fire power thing. "That's the way our wars are being fought" (I'm recalling from memory). "That's the way our wars are being fought, but not in front of grandstands." Why now, that's a very cute word. The use of these little words and innuendos are the things that are the vicious, the devious things—and that's what I objected to. For instance, they presented me, in the clip on me. That clip was obtained, under false representation, from my office here. It was obtained under the representation that it was to be used as a POW documentary, and it turns up here in this film as though the Pentagon had used me as a patsy to take Major Rowe. As a matter of fact, the Pentagon didn't even know this film was being made. The film was part of a show (and I use the word show, advisedly) for presentation of a bi-monthly program that I have had in New Orleans over WWL for years and years and years. And WWL pays for it, the Pentagon don't pay for it. The station pays for it, as a public service. And they extracted this to make it look . . . and the words they used there, the commentator reading the script handed to him says, in effect (again I can't quote verbatim as I don't have the script in front of me) but he does say this, that in turn the Pentagon gets pro-Pentagon politicians and makes war heroes available to them. Now, this is the damnedest lie, and the damnedest misrepresentation of a fact that I've ever seen. And it is a misrepresentation. That's what I object to. And this is true, practically, through the whole film.

SCHIEFFER. *Well, now, how is it a misrepresentation, though, Mr. Chairman, I mean, you're known as a friend of the Pentagon, aren't you sir?*

HÉBERT. *Why certainly, I'm known as a friend, but I am also known as a critic of the Pentagon. I'll dare say there isn't a man in the Congress who's been more vocal in his criticism of the Pentagon. So don't show. . . . Why don't they show both critic and friend? And the connotation of that dirty, filthy word "politician, politician". That's what they use—those kinds of words. Oh, listen me . . . it, it, it arouses me when I see these things being done, because I know how they are done.*

SCHIEFFER. Well, is there a propaganda machine over there these days, Mr. Chairman? You say you found one one time, is it still operating?

HÉBERT. I think the Pentagon is trying to sell the best bill of goods it can. What do you want them to do, sell Communism? Do you want these people to go over there and tell you that Hanoi is right? *Do you want a man in uniform to go around the country saying, "My country shouldn't be in this war?" What do you want? See, like I used the word "politician," you can do the same thing with the word propaganda. This brings me up to another thing that I object to, in subsequence, because I am trying to keep CBS a little honest, if I can. It's difficult, I admit, but I am doing my best. Here, they devote all this time—all this time to denouncing this nefarious thing that the Pentagon has done. This horrible thing! This sinful, immoral thing they've done in foisting these things on the people at the taxpayers' expense. They keep saying the taxpayers' money, the taxpayers' money, the taxpayers' money, paying for this so-called propaganda. Well, the CBS is going to get a million, three hundred thousand dollars for a real propaganda program from the Army in three months time, and this is propaganda, and justified propaganda. The Army is going all out to stimulate the all-volunteer Army—is going all out to try to induce people to come in and join the Army. It is going to set its best foot forward, and the CBS is going to get a million three hundred thousand dollars. Well now, they sold.*

SCHIEFFER. *That means they are going to buy advertising on CBS—is that what you're telling me?*

HÉBERT. *They are going to pay, they are going to pay CBS to run this thing that CBS denounces. Now, I want to help CBS keep their conscience clean, because I don't want to accuse CBS of putting filthy lucre money above their principle. And it certainly would seem to me it would be a reversal if they take money and submerge their principle. Now, I don't think those people want to do that.*

SCHIEFFER. *While we are on the subject of money, the program asserted that the Pentagon spends thirty million dollars a year on public relations. They said there were some private surveys that said that cost went even over a hundred million dollars. Do you think, Mr. Chairman, that the Pentagon is spending too much money? Isn't that a lot of money to spend . . . ?*

HÉBERT. *If that is an accurate figure. I have no documentation that it is an accurate figure—only the statement that was made on that CBS program, and after what I saw, then I'd accept nothing as being the truth until I investigated it myself. And, incidentally, spending that money—you know that it is an interesting thing (you ought to know this too) ten months the Pentagon cooperated with CBS to put that show on? I think 735 manhours of the Pentagon were used up. Those 735 manhours, if that's the figure—around that—at a reasonable rate of $5.00 an hour (they are paid by the taxpayer) was utilized to contribute to the program for CBS, amounting to $3,200, and I don't think the Pentagon has seen a check yet from CBS for that $3,200. It was perfectly alright for them to spend the taxpayers' money to help CBS put a program on that was going to attempt to destroy the military. But that's a different thing, you know, that's perfectly alright. I think they paid for a maintenance man or a janitor, one day, or something—picked up or bought a cup of coffee—I don't know what they did, but they never paid, never attempted, up to now, they may have now. Maybe they re-examined their conscience, but as of now, I have no knowledge that CBS has offered to reimburse the Pentagon for any expense it went to in their ten months cooperation with CBS to put on this program.*

SCHIEFFER. *Well now, let's say you were the Pentagon public relations man, or whatever the term is for that fellow that handles that sort of thing, and CBS came to you and said we want to do this program. Would you say don't cooperate with them?*

HÉBERT. *No! I'd cooperate. Oh, definitely, I'd cooperate, and then when they did what they did to me, I'd scream to high heaven—like I'm screaming now—because of what they did to me. I cooperated with them under false pretense—or rather their false presentation. I cooperated fully. If they had used that document in a Prisoner of War document—then, alright. But they did not do it and then they release a letter that my Press Secretary wrote them (a cover-all) saying I told them they could use it in any way. Sure, he told them that—and properly so—in the context of the discussion. And only as of today I am releasing the entire memorandum, whereby my Press Secretary cooperated to the extent of hustling on the Hill for them to get members of Congress who had talked to prisoners of war. Now, if he was talking to get them to talk prisoners of war, what do you think they . . . they, they are preparing a film for how to play dominoes or how to play checkers? They are talking about prisoners of war.*

SCHIEFFER. *And you are convinced that the CBS people who arranged this program came to you and just under false pretenses got . . . but they didn't tell you it was about a public relations program.*

HÉBERT. *They did not tell my Press Secretary—I didn't handle it. My Press Secretary did, and between the choice of who's telling the truth, I'll take my Press Secretary.*

SCHIEFFER. Mr. Chairman, you are not trying to tell me, are you, that this documentary, the making of this documentary, was an un-American act, that was performed—this documentary, do you?

HÉBERT. Wittingly, or unwittingly—however done—consciously or unconsciously—deliberately or not deliberately—it is one of the most un-American things I have ever seen on a screen—on a tube. I am not saying they did this deliberately. I can't read a man's conscience. I can't know what's in a man's mind. I'm not saying that. All I can do is judge the product. And the product was an un-American activity. That's what I'm saying.

SCHIEFFER. The views of F. Edw. Hébert, Chairman of the House Armed Services Committee.

POLLUTION CONTROL IN INDIANA AND THE NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HAMILTON. Mr. Speaker, pollution control is a major concern for Hoosiers. I am often asked: How are we doing in our efforts to improve the quality of the environment? In answer to this question, I have prepared the following status report which briefly suggests the progress and the problems, both statewide and within the Ninth Congressional District:

INDIANA: WATER POLLUTION

Funding: The Federal government spent more than twice as much in Indiana in fiscal year 1970 than it did in fiscal year 1969 for construction grants for waste treatment works. In dollar amounts, the jump was from $5.3 million to $13.5 million.

The government could spend that much, however, only because the State combined two years' appropriations (1970 and 1971) into one. Even this compression left Indiana eligible for only two-thirds of the $20 million allotted to it by the Federal government for fiscal year 1970.

In an encouraging development, the Indiana Legislature is expected to budget the full amount—$12 million—requested in State matching funds by the State Stream Pollution Control Board for waste treatment works for each of the fiscal years 1971, 1972, and 1973.

Staffing: There are currently only twenty-six full-time State personnel working on water pollution control. The State Board of Health has requested funds for ten new positions, but is apt to receive appropriations for only six of them. This reduction of forty percent could be a critical factor in the fight against water pollution.

Quality standards: The Federal Environmental Protection Agency announced on February 25, 1971, full approval of proposed interstate water quality standards submitted by Indiana. Indiana was one of the first ten states to receive such approval. These standards serve as guidelines for industries and municipalities in their waste treatment efforts, and can be used by appropriate State agencies and the Justice Department in enforcement proceedings against polluters.

Enforcement: Since January, 1970, forty-seven water pollution control enforcement actions have been initiated by the State Stream Pollution Control Board against twenty-five municipalities and twenty-two industries. Of these sixteen cease and desist orders have been issued, or stipulations ratified, concerning eight municipalities and eight industries.

Several enforcement actions have been resolved without recourse to an order or stipulation. Failure to comply with a pollution control deadline set by the order or stipulation can result in court action by the State Attorney General. I am advised that his office is about to initiate action against a fuel company in Madison, where run-off from a salt pile is polluting the Ohio River.

Needs: Only 2.8 million of Indiana's roughly 5.2 million citizens are served by sewers and sewage treatment facilities. Thus, almost half of the population still dumps raw waste into Indiana's waterways because of inadequate or non-existent municipal treatment plants.

Total abatement of industrial water pollution is also an enormous problem. Statewide, several hundred million dollars will be required for this effort to succeed, including $75 million in Lake County alone.

INDIANA: AIR POLLUTION

Funding: Total Federal spending in Indiana for air pollution control decreased by over $100,000—from $565,000 to $458,000—from 1969 to 1970. The bulk of the reduction was in grants to support the State agencies operating in this field. Indiana spent only $206,000 in the last two years on its air pollution control program.

Staffing: The State has seven people assigned to air pollution control. Funds for eleven additional positions were requested from the 1971 Legislature, of which only six are apt to be appropriated.

Quality standards: The state-wide air quality sampling network, consisting of stations maintained by Federal, State, and local agencies, has been expanded. Data is being collected for dust, sulfur oxides, and corrosion rates. Over three dozen Hoosier cities are covered, including Lawrenceburg and New Albany.

Twelve air quality control regulations have been adopted by the State Air Pollution Control Board. They affect open burning, particulate emissions, and sulfur dioxide emissions, among other practices.

Enforcement: Since January, 1970, the air quality program has issued four cease and desist orders, or accepted stipulations instead of orders, and has four actions pending.

Needs: The State's air pollution control task is still largely unfulfilled. Some of the major obstacles are these:

Last year, Indiana spent 1.9 cents per capita on air pollution control, which is the lowest per capita expenditure of the Midwest states. The Federal government recommends that each state appropriate forty cents per capita—twenty times the expenditure of Indiana.

While all model automobiles produced after 1966 are required by Federal law to be equipped with air pollution control devices, approximately 60 percent of all autos titled in Indiana are of a pre-1967 variety, and thus have no pollution devices at all.

State motor vehicle inspection laws still do not require that pollution control devices be checked to see that they are operating efficiently.

NINTH CONGRESSIONAL DISTRICT: WATER POLLUTION

The Federal government last year spent only $680,000 on water pollution control in the Ninth Congressional District of southeastern Indiana. To give some conception of the need, contrast this amount with the recommendation of the National League of Cities and U.S. Conference of Mayors, which showed that New Albany alone needed $15 million for treatment facilities and sewer construction.

Pollution of the Ohio River has decreased in certain cases. There are less oil and solid wastes in the river, and drinking water coming from it does not have the taste and odor characteristics it previously contained.

These improvements are offset, however, by continued high levels of bacteria, residual chemicals, and detergent and fertilizer wastes. These pollutants have increased in volume without a corresponding increase in the degree of treatment provided for them.

The State's contribution to this pollution can be controlled if construction of Indiana waste treatment projects proceeds promptly.

Cities on the White River, such as Columbus, Seymour, Brownstown, and Bedford, while not polluting the river to the extent that Indianapolis and Anderson do, need improvements in their treatment facilities if the pollution is to be held even, much less decreased.

The Indiana Stream Pollution Control Board reports that Bedford, Brownstown, and Seymour will be required to provide a higher degree of waste treatment, including phosphorus removal, to reduce the effects of their pollution downstream.

Similarly, secondary treatment facilities and/or plant expansion is necessary for Columbus, Brookville, Connersville, Madison, Lawrenceburg-Greendale, New Albany, Jeffersonville, Salem, Scottsburg, Sellersburg, and Versailles.

NINTH CONGRESSIONAL DISTRICT: AIR POLLUTION

The implementation and enforcement of ambient air quality standards in the counties of southeastern Indiana await action by the Federal Environmental Protection Agency. That agency must adopt national standards, which it is now in the process of doing, before the states can apply them. The new standards should be in effect in early 1972.

The power plant at Madison, currently the source of numerous complaints, has been requested by the State Air Pollution Control Board to bring its particulate and sulfur dioxide emissions into compliance with State regulations. The Board has not yet set a deadline for compliance, but will require a reduction in pollution levels in accordance with a schedule now being worked out between the Board and the plant operators.

Air quality at Lawrenceburg is monitored bimonthly for particulate emissions from the power plant and distilleries. The companies are investigating their problems and are working with the Board to reduce them.

Complaints have also been registered because of violations of State air pollution regulations in Brookville, Columbus, Jeffersonville, and New Albany. The violations usually involve smoke, particulate, and/or hydrocarbon emissions. The violators have either brought their practices into compliance with the regulations, or are in the process of doing so.

NATIONAL VOLUNTEER PROGRAM

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. ERLENBORN. Mr. Speaker, President Nixon's timely and welcome endorsement of a national volunteer program encourages us to believe that, even in these complex and troubled times, the individual American is still considered the best vehicle for change.

The President's proposal is not to create a weighty bureaucracy which would frustrate those who wish to do something meaningful. Rather, it is a challenge to revitalize individual initiative and restore the confidence of Americans in their ability to work together on problems of mutual concern.

The new agency will channel these energies into productive projects in any number of ways—through full- and part-time service, and through bold and imaginative approaches to solving problems. It will plant seed money so good ideas do not fall on barren ground. In short, Mr. Nixon has responded creatively to an urgent need to involve Americans in reestablishing a sense of national purpose. Such a program, with all that it could mean to America today, deserves our unqualified support.

SOUTH DAKOTA LEGISLATURE EXPRESSES ITS CONCERNS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ABOUREZK. Mr. Speaker, the people of South Dakota are deeply concerned about the future of American agriculture, and rightly so. One manfestation of that concern is a House concurrent resolution adopted by the State legislature. This resolution protests both the changing of the agricultural conservation program—ACP—to the rural environmental assistance program—REAP—and the administration's proposal to eliminate the U.S. Department of Agriculture from its present Cabinet-level status. This is a resolution with which I strongly concur, and I would like to call it to your attention:

HOUSE CONCURRENT RESOLUTION NO. 522

A concurrent resolution, Memorializing the Secretary of Agriculture to reconsider the changes in policy placed in effect by the United States Department of Agriculture with the adoption of the 1970 Agricultural Act and protesting any possible action to eliminate the United States Department of Agriculture from its Cabinet-level status.

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the changing of the Agricultural Conservation Program (A.C.P.) to the Rural Environmental Assistance Program (R.E.A.P.) may cause the present program to lose its identity; and

Whereas, consideration is being given to the elimination of the Cabinet-level status of the United States Department of Agriculture and combining its functions with another department, which would be very detrimental to the interests and needs of agricultural states such as South Dakota:

Now, therefore, be it resolved, that the Legislature of South Dakota hereby vigorously protests any possible action to eliminate the United States Department of Agriculture from its present Cabinet-level status; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Secretary of Agriculture and the Congressional Delegation of the state of South Dakota.

Adopted by the House March 10, 1971.
Concurred in by the Senate March 12, 1971.

Mr. Speaker, the concerns of the South Dakota State Legislature are not limited to rural areas. The quality of urban life is of definite interest to the dedicated men and women who serve in that body. A second resolution passed by my State's legislature reflects that interest by calling for a feasibility study of waterline construction from the Missouri River Reservoirs or other sources to the municipalities and other areas which are in need of increased supplies of water that is fit for human consumption. Again, I think this idea has great merit, and I would like to call it to your attention. It follows:

HOUSE CONCURRENT RESOLUTION NO. 508

A concurrent resolution, Citing the need for and the state Legislature's interest in preparation of feasibility studies for the construction of water lines, from reservoirs on the Missouri River, or other suitable sources, to areas of South Dakota that need an increased supply of water fit for human consumption.

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, many towns and areas of South Dakota have an acute shortage of water fit for human consumption; and this shortage contributes to a lack of human comfort and retards economic development; and

Whereas, adequate water supplies are available in the reservoirs on the Missouri River;

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, to respectfully request the United States Congress to direct the Department of Interior, Bureau of Reclamation, or other appropriate agency to conduct feasibility studies on the construction of water lines, to transport water to muncipalities and rural areas to be used primarily for domestic, municipal and industrial purposes.

Be it further resolved, that copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of South Dakota to the Secretary of Interior and to each member of the South Dakota Congressional Delegation. Adopted by the House: February 19, 1971. Concurred in by the Senate: March 15, 1971.

FUTURE HOMEMAKERS OF AMERICA SALUTED WEEK OF MARCH 28 THROUGH APRIL 3

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. POAGE. Mr. Speaker, I wish to call attention to the fact that March 28 to April 3 has been designated as National Future Homemakers of America week.

I salute this fine organization composed of some 600,000 teenagers who are looking for and learning constructive solutions to today's perplexing social problems. In my own State of Texas alone there are 76,000 members who belong to 1,600 chapters between the Red River and the Rio Grande.

The very motto of the Future Homemakers indicates the challenge it provides to those who join its ranks; it is these three meaningful words: "Toward New Horizons." FHA activities focus on individual growth, the family, education, development of occupational competencies, preparation for marriage and careers, and on youth's role in society and the world.

The future of our Nation rests in the hands of today's youth, and we indeed are fortunate that we have the Future Homemakers of America and similar organizations to train the leaders of tomorrow.

SOVIET JEWS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. LENT. Mr. Speaker, for the past several months world attention has been focused on the plight of Soviet Jews desiring to emigrate to Israel. A Moscow-directed anti-Zionist campaign in 1970 has led an estimated half a million Jews to seek permission to leave the Soviet Union. The fierceness of their desire has given rise to unprecedented acts of desperation among their numbers. Sit-ins at government office buildings, public demonstrations in defiance of Soviet police, and confrontations with Central Commission officials mark their efforts to obtain freedom from religious persecution, harassment, and repression.

In recent weeks Soviet authorities have permitted an increasing number of Jews to emigrate to Israel. The reasons for that government's permissive action is open to speculation; however, some sources believe that it is intended to curtail demonstrations by Jews during the weeks that Western Communist Party leaders will meet in Moscow for the 24th Communist Party Congress on March 30. If that is the case, then we may be sure of two things—that the Soviet Union is sensitive to world opinion, even among its Communist allies, and that the recent civil treatment of Jews is only temporary—to last only until such time as the glare of adverse publicity is subdued.

Mr. Speaker, the American people must be made aware that in coming months many of the thousands denied passports to emigrate, and many thousands more who have been identified among the demonstrators may well find themselves victims of retaliatory acts by the KGB or government officials.

To forestall further suffering by Jews in the Soviet Union, the United States as a world leader must ensure that world attention remain focused on the plight of our religious brothers. Further, Members of Congress must encourage their constituents to express their protest of the repression and persecution of Soviet Jews, for in the words of Bishop Jonathan G. Sherman, Episcopal bishop of Long Island, speaking at a rally sponsored by the Long Island Committee for Soviet Jewry:

> Of all races and nationalities, it can be said: we are what our brothers are and we and they stand and fall together. One faith, one flesh and blood, one story, one stripe, one glory. This is the underlying secret of humanity.

Mr. Speaker, at this point I insert in my remarks the text of House Concurrent Resolution 222, of which I am a cosponsor, calling upon the President of the United States to express this Nation's commitment to the safety and freedom of Jews living in the Soviet Union:

H. CON. RES. 222

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, persons of Jewish faith residing in the Soviet Union have long suffered persecution, oppression, and discrimination in their daily lives at the hands of the government of that country; and

Whereas, the authorities in the Soviet Union have suppressed, discouraged and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshiping freely and in accordance with the traditions of their age-old faith; and

Whereas, the Soviet Union has consistently denied the right of Jewish people freely to emigrate from that country to Israel or to any country of their choosing;

Resolved, that the Congress of the United States respectfully requests the President of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking appropriate affirmative action to persuade the Soviet Union to revise its official policies in the following manner:

(a) to terminate its practice of depriving Soviet jewry of the opportunity of worshiping in a free manner and in accordance with age-old Jewish traditions; and

(b) to grant to the Jewish minority the same rights of preserving its cultural identity as the government grants to other Soviet minority groups; and

(c) to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation.

I am writing, Mr. Speaker, to the churches and synagogues in my congressional district, asking concerned citizens to circulate petitions adopting the language of this resolution. If they send such petitions to me, I will arrange to present them to the Ambassador of the Soviet Union, the Honorable Anatoly F. Dobrynin. I would suggest to my colleagues that they, too, might adopt such a program, as it is one positive and possibly productive course of action that Americans can take to bring about a change in the Soviet Union's policy toward its Jewish citizens.

REORGANIZATION OF OUR VOLUNTEER SERVICE SYSTEM

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SHOUP. Mr. Speaker, with his message on the reorganization of our volunteer service system, the President has taken the first step—but it is a giant step—toward progress. Progress not only in the sense of promoting a more efficient and economical operation—but of better using our vast national human potential to solve human problems.

By bringing together under one roof the present proliferation of Government volunteer programs, the new volunteer agency would serve to bring us together as a people.

Communication between all kinds of volunteers should be facilitated by this closer working relationship. The experience of years and the innovation of youth, skills and energy, vision and wisdom—can each make their contribution.

With the opportunities for voluntary service immeasurably broadened, a rich, cultural cross-pollination should occur. Both the giver and the receiver of services stand to gain from this tapping of previously unused resources.

RHODE ISLAND GOVERNOR URGES FULL FUNDING OF MASS TRANSIT PROGRAM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. KOCH. Mr. Speaker, the matter of the $200 million cutback in mass transit commitments are of great concern, not only to many of us in Congress, but also the Governors and mayors of this country who are most immediately pressed by the transportation crisis in their States and cities. Earlier this week, a group of mayors met with the President and among the topics raised was that of the Office of Management and Budget's cutback in mass transit commitments.

I have received a copy of a letter addressed to the President by Rhode Island's Governor, Frank Licht, which aptly expresses the urgency felt by the States for going forward with the full level of mass transit commitments this year. Governor Licht's letter follows:

STATE OF RHODE ISLAND &
PROVIDENCE PLANTATIONS,
Providence, R.I., March 16, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have just learned that the Administration is cutting back by one-third the Federal commitments for mass transit capital programs in fiscal year 1971. While I understand the economic conditions that were considered in reaching this decision, I am concerned that this cutback comes at the very time we should be intensifying and not pulling back on our commitment in this area. Our nation has only recently recognized the need for a national commitment to urban mass transportation to alleviate the transportation crisis so prevalent in our major urban areas, and I would hope that we could move ahead on this commitment.

A cutback of one-third means that the $600 million authorized by Congress will be reduced to $400. The severity of this cutback, however, is all the more apparent when one realizes that now pending before the Urban Mass Transportation Administration are applications for well-over two and one-half billion dollars for urban mass transportation programs in many of our major metropolitan areas.

I would urge therefore that the Administration commit itself to utilization of the full $600 million authorized by Congress for mass transit capital programs.

Kind regards.
Sincerely,

FRANK LICHT,
Governor.

CRISIS IN INTERNATIONAL TRADE

HON. JOHN O. PASTORE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Thursday, March 25, 1971

Mr. PASTORE. Mr. President, in this time of turmoil in international trade, when thousands of textile workers in the United States are faced with the loss of their jobs because of the gigantic influx of foreign textile products into the American marketplace, I think the historical analysis of this crisis by Howard D. Samuel, the vice president of the Amalgamated Clothing Workers of America, AFL–CIO, CLC, makes very interesting and provocative reading.

Mr. Samuel delivered these remarks last month before the Mid-America World Trade Conference. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

YESTERDAY AND TODAY: THE CHANGING FACE OF INTERNATIONAL TRADE, MID-AMERICA WORLD TRADE CONFERENCE, CHICAGO, ILL., FEBRUARY 24, 1971

(By Howard D. Samuel)

Most of us grew up in a climate of free trade. The spirit of Cordell Hull reigned supreme, and the philosophy of David Riccardo, centering on the theory of comparative advantage, still held firm, 100 years after it was formulated. Riccardo and Hull both believed that each nation could identify and develop its own economic strengths, yielding its areas of weakness to imports of other nations.

In theory it was a logical and nicely balanced system, and it probably responded quite fairly to the condition of the world 150 years ago, and to a lesser extent 40 years ago. There were a number of backward nations, endowed with natural resources but without technology or a skilled labor force, which could best build their economies around agriculture or mining. And there were also a number of moderately developed nations, which could only accommodate themselves to a few rudimentary manufacturing processes, such as basic textiles or metals. And finally, there were a few advanced nations, endowed with both technology and a skilled labor force, which could handle the more complex fabricating processes. The higher wage levels of the advanced nations were protected naturally, by technological and capital strength.

For more than 100 years, this formula for free trade made considerable economic sense, and although many nations refused to accept it in practice, in theory it was hard to refute.

For the past several decades, however, the conditions which gave rise to the theory of comparative advantage have been steadily eroding—until today the world economic picture has been so drastically altered that the theory is almost meaningless.

The main factor which has changed has been the world-wide spread of technology. Although many countries still must be classified as under-developed, technological processes have been so rationalized and refined that almost any country can produce almost anything it wants to—so long as it has the necessary capital. The unschooled girls of Taiwan can do just as well assembling complex TV components as can the high school graduates of New Jersey. The untrained workers of African or Asian nations can be taught to produce complex products, ranging from tiny transistors to giant turbines, as readily as the skilled workers of Pennsylvania or the West Coast. And the depressed inhabitants of the most squalid slums of the Far East can be taught to make specialty steel products just as well as the experienced workers of Pittsburgh.

Nor is there a shortage of international capital. For the other changing factor has been the spread of multi-national corporations—giant companies, most of them based in the United States, others in Europe and Japan, which have set up subsidiaries all over the globe. As one economist has described it, "through the use of modern means of communication and transportation, through the operation of foreign, subsidiary plants and other facilities, and through license, patent and other arrangements with foreign companies, these U.S. based multi-nationals juggle production, distribution, shipping and sales of parts and components, as well as assembled finished products across national frontiers."

This is not a minor part of our trade pattern in 1971. In one way or another, more than half our total trade is the result of the operations of these multi-national companies, beyond the reach of normal competitive transactions between Americans and nationals of other countries.

These new factors have transformed the shape of international trade. Neither Riccardo nor Cordell Hull would recognize the normal pattern of trade today, which is not the regular and easy flow of raw materials and manufactured products between nations, but the convulsive moves and countermoves of corporations closing up plants in one nation to open up in another. Comparative advantages still remain, but the exercise of comparative advantage is likely to be controlled not by individual nations choosing their own future destinies, but of corporate chief executives living on another continent. And in most cases the principal comparative advantage which remains to distinguish one country from another is workers' wages.

Technology, capital, skills all can and do cross national boundaries. The only factor which is still anchored fast is the wage level. And in the competition between wage levels, the advanced nations—particularly the United States—will always come out the loser.

There are few industries in the United States which are immune to the new formulation of comparative advantage among nations. It is not just a question of high wage nations giving up the labor intensive industries, such as textiles and apparel. Complex electronic products, machinery, automobiles, chemicals, metal products—all these industries find themselves vulnerable to increased imports, from nations which we used to call undeveloped, but which now have technology and capital—as well as low wages.

Technology, capital, invention, skills—nothing can give us the natural protection which was once afforded us, in theory and in fact. If the process continues unabated, the final irony is that we could be reduced to the posture of the backward nations of the 19th Century, depending on the sales of agricultural products—we are already a major exporter of soybeans—in order to buy the manufactured products turned out by the low-wage nations of Africa and Asia. From shirt-sleeves to shirt-sleeves, in a half-dozen generations—on a global basis!

Does this mean that we should tear down the machinery of trade, close up our ports and retreat behind an impenetrable wall of tariffs and quotas to protect our industrial sector? Of course not. No sensible observer has even made the suggestion. But it does mean that we are going to have to recast the economic philosophies of the last century in 1971 terms, to develop new formulas to meet new conditions. If we continue to depend on theories which kept us afloat 150 years ago the whole economy will soon be drowned.

Peculiarly enough, the direction in which we should be heading has already been well chartered by many of the same academicians and theorists who today appear to resist any change in our trade policies. For the past 40 years, liberal economists have come to realize that laissez faire—the theory that governed all economics for much of the 19th Century—can no longer be supported in the complex world of today. For a variety of reasons, natural economic laws have lost their effectiveness as automatic regulators and controls of the economic system. Over the years, as natural economic laws have proved ineffective in assuring a stable economy and a reasonable standard of living, society has been replacing them with government regulations affecting almost every area of our life.

Finance and banking, utilities, advertising practices, the manufacture of drugs, food and many other products, safety standards, merchandising practices, and a host of other areas are regulated by government—and society generally is demanding more controls, not fewer, to assure ourselves that the fruits of our labor are shared more equitably and used more productively.

Surprisingly, international trade is one area where the economists still believe in a large measure of laissez faire. Now it's true that international trade—contrary to some claims—does not play an overwhelmingly important part in our standard of living, since it comprises only about 5 percent of our gross national product. But because its effects are confined to the industrial area, the damage caused by unregulated trade can be fairly intensive. The fact is that we can no longer afford unregulated international trade, any more than we can afford unregulated security markets or drug manufacturing or food packaging. Regulation of trade, designed to soften the impact of concentrated imports from other nations with lower wages standards (and all nations are lower than the United States to some degree), has become an absolute necessity it we are to avoid growing disruption, loss of job opportunities, and astronomical rises in our costs of job training and public assistance.

Some economists insist that some form of adjustment assistance will solve the dislocations caused by international trade. Adjustment assistance has some limited usefulness, when dislocations can be measured in terms of an isolated factory or shop, or even in terms of a small industry, employing only a few thousand workers. But today the growing tide of imports threatens whole segments of the economy. Based on the number of firms and workers in the textile-apparel industry, for example, if only 3 percent a year needed adjustment assistance, it would cost the federal budget several billion dollars a year—for only a small slice of only one industry. Obviously adjustment assistance is not the road to a secure trade policy, even though it still has its uses in certain cases.

Even in terms of the labor-intensive industries, which might be the first to feel the effects, it doesn't make sense for the nation to support wholesale disruption. In our age of technology, labor-intensive industries offer a last refuge for the low-skilled, inadequately educated worker, of whom the United States still has millions. Not all these workers can be directed into the service trades—there aren't enough jobs in restaurants and discount stores and motels to accommodate them. An industry like textile-apparel offers almost 2½ million jobs, many of them requiring minimal entry skills, and wholesale failures would have a catastrophic effect on our manpower policies.

Some commentators claim that we should

put a lid on our wage levels, presumably so we could some day compete with other nations. This suggestion is wildly unrealistic. Many of the principal exporters to the United States—in the Far East and in South America—have wage levels that are so low that it would take generations for them to catch up even if we stood still. South Korea, which is a large exporter of textiles and apparel and other products, pays its industrial workers at the level of about 10 cents an hour. In Hong Kong and Mexico, average wages are around 35 cents an hour. There is little that can be done in the near future to moderate the differential.

Furthermore, there is a real moral and social question as to why workers have to subsidize American industry to assure our competitive position in the world. This is a problem involving the entire nation, not just working people—who are the least able to afford competitive pressures—and the solution must come through national policies involving all interests.

Finally, it is questionable whether it would be useful for the nation to try to hold back our wage levels. We have built the highest living standard the world has ever seen, not by keeping wages low, but by allowing all segments of the community to share in our wealth. The process has been far from perfect, but our goal should be to improve the equity of our distribution policies, not reduce it.

The answer to our international trade problems is not adjustment assistance, or reduced wages. The answer is to apply to foreign trade the same degree of regulation and controls that we take for granted in our domestic transactions.

These controls will assure foreign nations their proper—and properly growing—share of the domestic market, at the same time affording breathing time for domestic industry to adjust to changing market conditions. We have already seen the need for such controls in a few industries, such as cotton textiles, oil, and sugar, and in general our experience has been that we were able to safeguard the ability of domestic producers to meet the challenge of imports, at the same time to provide us with whatever benefits the imports themselves afford. Today we should apply the same approach to all imports, to give us the benefit of a steadily growing level of products from abroad, but fending off the paralyzing effects of cyclonic increases. Free trade, unregulated trade, once may have made sense—a century ago. I think that even Cordell Hull would agree that today it is a blueprint for disaster.

CONFIDENCE IN PRESIDENT'S PLAN FOR FEDERAL SERVICE AGENCIES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. DUNCAN. Mr. Speaker, when we talk about America as a rich country, we usually are referring to our wealth in natural resources. But our richest resource is the spirit of the American people.

It is this spirit which is being recognized today in the executive reorganization creating a new volunteer agency by President Nixon. Down through our history, it has been a uniquely American characteristic to help one's neighbor as well as oneself. Now it may become possible for all Americans to look upon themselves as neighbors in the broadest sense.

The President's action in forming a consolidated agency to channel the spirit of voluntarism toward the most urgent problems of our society is highly commendable.

I have every confidence that the new agency will hold a strong appeal to the millions of young peaple seeking to serve in a worthy cause as well as the millions of older people who still have so much to contribute.

AMERICA'S HEALTH CARE CRISIS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PATTEN. Mr. Speaker, in a newsletter being sent to some of my constituents, I am charging that a crisis exists in health care and that Congress should pass legislation in this field that is both adequate in coverage, and reasonable in cost.

Despite growing emphasis on the importance of improved health care, America ranks poorly with less resourceful countries in providing effective health care.

Although health care is not easy to measure, it is known that America ranks first among industrial nations in what is spent for health, but continues to trail in providing effective health care. This anomaly arouses deep concern.

In 1959, for example, the United States ranked 13th in male life expectancy and is now 18th. Female life expectancy is also poor, ranking 10th in 1965, and our infant mortality rating is higher than in 13 other nations. It is obvious that compared to many other countries, America is lagging behind in health care. This is not only shocking, but is, in a sense, disgraceful.

Mr. Speaker, another serious problem faced by most Americans is the skyrocketing cost of medical care. Costs are so high, it seems that only the wealthy can afford to get seriously ill in this country. The cost of a major illness is so high, 90 percent of Americans suffer financial disaster when it strikes.

In the past 10 years, the Nation's health bill increased by 170 percent, and health care is the fastest rising item in the Consumer Price Index.

The crisis in health care is so severe, former HEW Secretary Robert H. Finch warned:

> This Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector.

Personally, I am convinced that action must be taken soon by Congress and the executive branch, or the Nation will, indeed, face the breakdown predicted by Mr. Finch. The crisis is real.

I'm studying and analyzing the various bills introduced in Congress with deep interest, because a realistic and fair solution to the serious health care problem must be found without further delay. We must pass a health care program that will satisfy human needs. This is indicated by the many people who speak to me about their health care problems. They are greatly concerned about inadequate coverage and mounting costs.

Mr. Speaker, as far back as the 17th century, Izaak Walton warned:

> Look to your health . . . value it next to a good conscience.

And every President from Truman to Nixon has urged improved health care for our people. We are the wealthiest nation, but we should achieve the greatest blessing and become the healthiest as well.

MARYLAND DAY

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, March 25, 1971

Mr. BEALL. Mr. President, today marks the 337th anniversary of the arrival of Maryland's first settlers. Since its founding, Maryland has played an integral part in the growth and development of our great Nation.

Mr. President, in order to enlighten the Members of the Senate of our State's proud heritage and many contributions, I ask unanimous consent that the text of the publication "Maryland at a Glance" be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

MARYLAND AT A GLANCE

THE STORY OF MARYLAND

Maryland, one of the thirteen original colonies, was founded on March 25, 1634, when the first settlers arrived at St. Clement's Island in the Potomac River. An English proprietary colony, Maryland was established under a charter granted on June 20, 1632 by King Charles I to Lord Baltimore, the ranking member of the Calvert family. The colony was named by Charles I for his wife, Queen Henrietta Maria.

The first colonists sailed from the Isle of Wight in November, 1633 on the "Ark" and the "Dove," under the command of Leonard Calvert, Maryland's first colonial governor. The first settlement was established at St. Mary's City, where the colonists were blessed with a bounty of natural resources, a temperature climate, and friendly Indians. Soon prospering, the earliest Marylanders and their descendants made spectacular progress with a brisk trade in tobacco, corn, and wheat.

Maryland, known today as the "Free State," was the first civil regime in history to legislate freedom of religion. In 1649 the General Assembly passed "An Act Concerning Religion," making a founding principle a Maryland law. The original settlers, Catholic, Protestant, and Jewish, all practiced religious tolerance, reflecting the strong convictions of George Calvert, the first Lord Baltimore, who planned the Maryland colony.

St. Mary's City served as the colony's first capital, where a replica of the original Maryland State House of 1676 stands today. In 1694 the capital was transferred to Annapolis, where some of America's first public services were introduced. Annapolis was the first colonial town to sponsor a circulating library, the first to establish a postal service, and the first to found a free school, King Williams. The State's first newspaper, *The Maryland Gazette*, was launched in 1727, and is the country's oldest newspaper in circulation. Annapolis grew and prospered as the social and cultural center of the colonies, and was known abroad as the "Athens of America."

The Revolutionary period fostered outstanding Maryland statesmen. Charles Carroll of Carrollton, Samuel Chase, William Paca, and Thomas Stone all signed the Declaration of Independence. Under the Articles of Confederation in 1781, John Hanson was the first "President of the United States in Congress assembled" to serve a full term. Thomas Johnson nominated George Washington as Commander-in-Chief of the Continental Forces, and was later elected the first governor of the new state of Maryland.

Maryland is honored as the "Old Line State" for its brave soldiers who fought in the Revolutionary War. An outstanding example of their valor occurred in the Battle of Long Island.

Surrounded by British troops, General Washington called upon the Maryland Line to cover his withdrawal. Major Mordecai Gist, with 404 soldiers, held off the British, and safeguarded Washington's retreat. Only 96 men survived, the rest buried where they fell in the hour Washington said was "more precious to American liberty than any other in its history." Today the courage of those "Old Line" soldiers is perpetuated in the 175th Infantry of the Maryland National Guard, which has fought in every major war in American history.

The "Star-Spangled Banner," our national anthem, was written by Maryland's Francis Scott Key during the Battle of Baltimore, in the War of 1812. A gigantic 42′ by 30′ flag, flying through the night, over the embattled Fort McHenry, had been made by Baltimore citizens to express their outrage and defiance of the British. For Francis Scott Key, the banner symbolized a profound patriotism to which he responded with the words all America now sings.

Three centuries of American history record the names of outstanding Maryland citizens: Vice President of the United States Spiro T. Agnew; the 17th century's Margaret Brent, America's first woman attorney and suffragist; the "Financier of the Revolution," Robert Morris; architects William Buckland and Benjamin Henry Latrobe; naval heroes Winfield Scott Schley and Stephen Decatur; Chief Justice of the United States Supreme Court Roger Brooke Taney; Supreme Court Justice Thurgood Marshall; national sports figure, Babe Ruth; painter Charles Wilson Peale; actor Edwin Booth; entertainer Gary Moore; philanthropist Johns Hopkins; writers Edgar Allan Poe, H. L. Mencken, Ogden Nash, Rachel Carson, and John Barth; scholar-diplomat, Frederick Douglass; co-discoverer of the North Pole, Matthew A. Henson; and the "Moses of her people," Harriet Tubman.

MARYLAND TODAY

Location: Maryland, the northernmost of the South Atlantic states, is often described as "The Gateway to the South." It is, nevertheless, also characterized as a "border state," even though it is separated from Pennsylvania and Delaware by the famous Mason-Dixon Line, below which the South traditionally lies. Additionally, it is bounded by the Atlantic Ocean to the east, West Virginia to the west, and Virginia to the south. The present District of Columbia, carved out of Maryland territory on the Potomac River, was donated by the State to the federal government in 1791.

Government: Maryland functions under the 1867 revision of its original State Constitution, adopted in 1776. The Chief Executive of the State is the Governor, who may succeed himself to only one consecutive four-year term. The legislative body is the General Assembly, divided into the House of Delegates with 142 members, and the Senate with 43 members. The judicial branch is led by the Court of Appeals.

Growth: Maryland today, outpacing most other states, is growing vigorously. Its population has increased 62% since 1950, and now stands at 3,800,900. * * * Maryland is one of the nation's major science centers, with more than 500 research-oriented firms, and with over 100,000 employees in the Maryland-Washington, D.C. science-industry complex. The State is constantly improving its highway system with new roads, beltways, and expressways, connecting Maryland with the great commerce centers of the growing East Coast megalopolis. Maryland's new "National Freeway," in Western Maryland, is a State project in the Appalachian Regional Development Program, a federally-supported, twelve-state enterprise, initiated by Maryland. The State's cultural life, centered in Baltimore and Washington, D.C., is strongly supported by community cultural activities. Vast recreational opportunities in Maryland create the appropriate balance of a "work-and-play" world. Maryland today then is a thriving area of growth, opportunity and achievement.

THE MARYLAND ECONOMY

Manufacturing: A leading manufacturing state, Maryland's major industries include primary metals, transportation equipment, chemicals and allied products, electrical equipment and supplies, fabricated metal products, processed foods, apparel, printed materials, and the production of space satellites. Maryland industries will help produce the first American-made supersonic, 300-passenger jets transports, scheduled for the 1970's. The growth of service industries in the State is also increasingly important to the Maryland economy.

Science-Oriented: Since the 1950's, science-oriented industries have burgeoned in Maryland. The Washington-Baltimore area is now rated as one of the nation's five major science centers. Maryland research and development firms are advancing the fields of data processing, medical and biological science, and space experimentation and exploration.

Agriculture and Seafood: Maryland, with its 24 major types of soil, produces a wide variety of agricultural products, including corn, tobacco, tomatoes, vegetables, soya beans, as well as dairy products, fancy broilers, and broadbreasted turkeys. Oysters, crabs, fish, and soft-shell clams are the mainstays of its extensive seafood industry.

United States Government: Many federal installations, contributing to the economy, are located in Maryland because of its proximity to Washington, D.C. Representative of the governmental institutions are: The Atomic Energy Commission; NASA, Goddard Space Flight Center; the National Institutes of Health; the U.S. Army Chemical and Development Laboratories; the National Security Administration; the U.S. Bureau of Standards; National Social Security Headquarters.

Travel and Tourism: The travel and tourist business is one of the State's largest enterprises. "The Delightsome Land," as Captain John Smith described Maryland in 1608, welcomes visitors to its many land and water recreation areas, festivals, sporting events, fishing tournaments, and nationally significant historic landmarks.

EDUCATION IN MARYLAND

Education in Maryland began officially in 1696 when King Williams, later St. John's College, was founded as the first free school. During the 1750's, St. John's and Chestertown's Washington College evolved as Maryland's first liberal arts colleges. The University of Maryland sprang from the College of Medicine, founded in 1808. The University later absorbed the first school of dental surgery, which opened in Baltimore in 1840, and the College of Agriculture, founded in 1856. Johns Hopkins University grew from its hospital and medical school origins of 1893. In 1902 Maryland became one of the first states to pass a compulsory education law. Today it has a total of 50 accredited higher educational institutions, including the United States Naval Academy. Goucher, Hood, and Notre Dame are representative of the State's seven women's colleges. The opening of thirteen community colleges, and many college and university expansions have helped Maryland meet the demands of the country's increasing college-bound populations.

LEISURE IN MARYLAND

Maryland's extensive water resources, and its beautiful forests and mountains, complemented by a temperate climate, offer its citizens and visitors every recreation. Its sports receive worldwide attention from both participants and spectators. It is home to the 1966 World Series Champions, the Baltimore Orioles, and the NFL's Baltimore Colts. It is the scene of the bi-annual sailing classic, the Annapolis-Newport Race. It presents the world's finest thoroughbred race horses at Pimlico, Laurel, and Bowie, highlighted by the Preakness and the Washington, D.C. International races. It is the site of the National Indoor Tennis Championships at Salisbury, an annual international competition. Spectators flock to annual art festivals, crab derbies, clam festivals, horse shows, hunt meets, fishing tournaments, boat and auto races, sailing regattas, lacrosse and basketball games, and to the excitement of jousting—the State's official sport.

SOUTHERN MARYLAND

Southern Maryland, composed of Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, is predominantly an agricultural region. Tobacco is the chief crop, but truck gardening, dairy farming, sport fishing, seafood production, and recreation at the Chesapeake Bay beaches, contribute substantially to the economy. The increasing complement of private research and development firms, joining the federal scientific, experimental and military installations, indicate a new growth trend. Prince Georges and Anne Arundel Counties are the sites of popular, suburban Washington, D.C. residential communities. Southern Maryland is the seat of "traditional" Maryland, its three centuries of customs and mores originating with the first English settlers. A wealth of Registered National Historic Landmarks measures Southern Maryland's significance in American history.

Annapolis, in Anne Arundel County, is a unique state capital, with national and international attention centering on its one-square mile "Olde Towne" district. As a municipality, a county seat, and Maryland's capital city, it is, of course, a governmental center. But it is also the home of the United States Naval Academy, and St. John's College, with its Great Books program. One of the leading yachting centers in the East, it is also home port for a commercial fleet of fishing, oyster, and clam boats. It is one of the country's few Registered National Historic Districts, preserving some of the nation's finest examples of Colonial and Federal architecture—the Hammond-Harwood House; the Chase-Lloyd House; Ogle Hall, now the Naval Academy Alumni House; Reynolds Tavern, frequented by George Washington, and now an administrative building for the county library; and the Old Treasury Building, one of the oldest public buildings in the thirteen original states. The Maryland Hall of Records, a repository for the State's priceless documents, included volumes from Colonial America's first circulating library, founded in Annapolis.

Dominating the city is the Maryland State House, the oldest capitol still in legislative use. Completed in 1779, it is distinguished today as a Registered National Historic Landmark. During the ten-month period Annapolis served as the capital of the United States, the State House was the scene of two historic events. In 1783 General George Washington resigned his commission as Commander-in-Chief of the Continental Army before Congress, in the Old Senate Chamber. On January 14, 1784, considered the "real" birthday of the United States, the American Revolution officially ended, as Congress ratified the Treaty of Paris, and the United States of America became a sovereign nation. More than 135,000 tourists annually visit the State House, the only state capitol in which Congress has ever convened. The sole surviving official American flag known to have been carried in the American Revolution, is on display there with other historic documents, paintings, and Maryland memorabilia.

THE EASTERN SHORE

"The Shore," as it is called, is a picturesque flatland of fine farming country, fishing, villages, lovely old towns, magnificent country estates, and a seaside summer resort. It is composed of nine counties—Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester, which are part of the famous Delmarva Peninsula.

For three-hundred years, "The Shore" was an insular area, almost entirely waterlocked by the Chesapeake Bay and the Atlantic Ocean. In 1952 the Chesapeake Bay Bridge, now renamed the William Preston Lane Memorial Bridge, connected Maryland's eastern and western shores in a 4.03 mile span across the Bay. The "longest all-steel bridge over salt water in the world" has opened the entire area to new residents, new industry, and many more tourists. Intensifying shore traffic has dictated planning for an additional bridge facility.

Seafood, agricultural products, and Ocean City, one of the country's most popular summer resorts, are the area's strongest economic supports, but complementary industrial growth is now underway. Fancy poultry, printed materials, canned and frozen foods, pleasure boats, pumps, pine pilings, and electronic components are produced in the Easton-Cambridge-Salisbury area. An international seaport, at Cambridge, the second largest in the State, has opened "The Shore" to world-wide commerce.

A prime tourist and recreation area, "The Shore" attracts both amateur and professional sportsmen to its rivers, marshes, and ponds, to its islands, bay, and ocean. Visitors flock to its quaint fishing villages, historic landmarks, antique shops, and quiet inns. Great crowds attend its many festivals and sailing regattas. The Chesapeake Bay Maritime Museum at St. Michael's attracts both tourists and marine historians.

Ocean City, welcoming 150,000 summer residents to its many fine restaurants and excellent accommodations, lies on a ten-mile stretch of white Atlantic seashore beach. Its three-mile boardwalk, replete with fine specialty shops and amusements, overlooks an "ocean" of water sports, including the newly popular surfing. With excellent deep sea, surf, and bay fishing, the "White Marlin Capital of the World," in 1968 registered 1,735 white marlin, boated or released.

Assateague Island lies several miles south of Ocean City. Actually a wildly beautiful barrier reef, it is being developed into the finest camping and fishing site on the East Coast by the National Park Service and the Maryland Department of Forests and Parks.

THE UPPER CHESAPEAKE BAY AREA

The upper Chesapeake Bay region includes Harford and Baltimore Counties. The area is noted for its thoroughbred horsebreeding, and as the world's largest producer of snow skis. It is also the site of the seventh largest city in the United States—Baltimore.

The State's chief commercial city, Baltimore, ranks as the fourth largest foreign trade tonnage port in the United States. It is the largest financial center in the Southeast, and is rated among the top five research and development centers in the country. Forming a metropolitan triangle with Washington, D.C. and Annapolis, Baltimore is only a 45-minute drive from the State and national capitals. The city is serviced by excellent rail, port, and highway facilities, and by Friendship International Airport twenty minutes from downtown.

The economic hub of the State, Baltimore manufactures ships, missiles, steel, electronic devices, and transportation equipment. It is noted for its textiles, clothing, spices, processed foods, and alcoholic beverages. Baltimore is the site of the worlds largest steel mill. Some of the nation's largest producers of tin cans, bottle caps, electric hand tools, high tension insulators, gas equipment, copper sulphate, straw hats, venetian blinds, paint brushes, weather instruments, long distance cables, and super phosphates are based in Baltimore. The world's most extensive processors of copper and bichromate are located there.

The "National Anthem City," as Baltimore is called, had the country's first commercial railroad, telegraph line, public bank, and umbrella factory. America's first Catholic Cathedral, began in 1806, is located in Baltimore. The city's historic landmarks include the Washington Monument, Mount Vernon Square, Fort McHenry, Old Shot Tower, Flag House, Hampton House, Mt. Clare Mansion, and the house and grave of Edgar Allan Poe. The first commissioned warship of the United States Navy, launched in Baltimore in 1797, is the U.S. Frigate Constellation, now an attraction of the port.

Baltimore enriches the State's cultural life with a wealth of nationally respected institutions such as: the Baltimore Symphony Orchestra, Peabody Conservatory of Music, Maryland Institute, Walters Art Gallery, Enoch Pratt Free Library, Maryland Historical Society, Baltimore & Ohio Railroad Transportation Museum, Peale Museum, Baltimore Streetcar Museum, Baltimore Museum of Art, and the Maryland Academy of Sciences. The Baltimore Science Center is planned to provide extensive conference and educational facilities for students, teachers, and scientists. Baltimore's newly constructed Charles Center, the Baltimore Civic Center, and the Morris Mechanic Theatre are among the first completed projects of a twenty-year $900 million dollar revitalization program now in effect on 2,400 downtown acres.

WESTWARD TO THE MOUNTAINS

The Piedmont Plateau area is the site of four central Maryland counties—Frederick, Howard, Carroll, and Montgomery. The State's three westernmost counties, Allegany, Garrett, and Washington, in the Allegheny mountain range, comprise Maryland's Appalachian region.

The seven counties of both Central and Western Maryland, as a geographic unit, compose a scene of expanding industry, and steady agricultural production. Milk, poultry, and grains, all of which are processed in the area, and vast quantities of excellent apples and peaches, are grown in the region's many orchards.

The area is especially attractive to tourists, sportsmen, and naturalists who are drawn to its forests, parks, rivers, lakes, rapids, and trout streams. Its beautiful mountain area is particularly noted for the wild bloom in early summer of exquisite rhododendron, and for a fall burst of magnificent color, celebrated as "Autumn Glory Time."

The seven-county area is the site of many of America's most significant historic landmarks. The Civil War battlefields of Antietam, South Mountain, and Monocacy are found there. The first National Road, begun in 1808, stretched from Cumberland to the Ohio Valley. It is followed today by U.S. Route 40. The National Road Toll House; the Hager House, a museum of early frontier life; and Fort Frederick, the sole surviving French and Indian Wars fort in America, are some of the area's many outstanding historic landmarks.

Montgomery County, adjoining the northwest sector of the District of Columbia, contains some of Washington's most popular suburban communities. Rockville, the county seat, particularly reflected Montgomery County's spectacular population increase of over 100% during the 1950–65 period. The County boasts an impressive concentration of resident scientists, technicians, and professional people, a fact coinciding with its growth as a major scientific research and development center. Frederick, the State's fifth largest city, and the seat of Frederick County, manufactures a variety of products. It is also the site of important science-oriented research and development firms. Francis Scott Key and United States Supreme Court Justice Roger Brooke Taney resided there. John Greenleaf Whittier created a national legend for Frederick when he wrote the poem, "Barbara Fritchie."

Westminster, in Carroll County, produces clothing and shoes, and is the major distribution center for one of the nation's leading publishing houses. The Farm Museum, near Westminster, and the historic Shriver Homestead Museum, at Union Mills, are major tourist attractions.

Hagerstown, seat of Washington County, produces aerospace and aircraft equipment, lumber, furniture, textiles, apparel, printed materials, leather goods, and the world's largest pipe organs. It was the first American city to implement bookmobiles and educational television. The Washington County Museum of Fine Arts symbolizes the area's cultural life.

Cumberland, the State's third largest city, is an important industrial community. Historically a major transportation hub, Cumberland is the seat of Alleghany County. It produces synthetic yarns, electronic components, plate glass, tires, and railroad equipment, and is expanding industrially with new research and development firms.

Garrett County, Maryland's mountain playground, is highlighted by the attractions of the Deep Creek Lake resort area, offering year-round sports and recreation. Cottages, ski lodges, camp sites, and motels provide visitor accommodations on or near the 65-mile lake shoreline. WISP, a recently developed, fully appointed ski resort, with 8½ miles of slopes and trails, is one of the most attractive ski areas in the East.

BEGIN WITH MARYLAND: SO MUCH OF AMERICA DID

Maryland is a land of delightful contradictions. It is one of the oldest parts of the country; yet it houses some of the most important developments of the space age. It still has huge areas that are wholly rural with only a few signs of human occupation; yet it is a center of great industrial development, that includes the world's largest steel mill. It's one of the smallest States; yet it has one of the largest areas of water. This means all kinds, too—salt water of the Atlantic; from salt to brackish in its inland sea, the Chesapeake Bay; rivers that are 1, 5, to 10 miles wide; a fresh water mountain lake with 65 miles of shore line, surrounded by high peaks; a wealth of forest-bordered, fish-filled ponds.

Maryland is a Southern State—but it has fine winter sports. It offers vacation resorts by the sea, and less than two-hundred miles away, it offers vacation resorts in the mountains.

Maryland is the center of a great science-industry complex; but its landscape is a museum of past history. Historic 17th and 18th Century churches are everywhere, still in use. Covered bridges span some streams; hand-operated ferries cross others. Water-turned mills, 250 years old, are still in business. The original stones of the 200 year old Mason-Dixon Line stand along two of the Maryland boundaries . . . lichen covered but still bearing decipherable carvings. The shore line is dotted with quaint fishing villages only a short distance from Baltimore, a sophisticated metropolis of culture, industry, and commerce. Many rural areas are still provincial; yet, in Maryland are found some of the leading institutions of culture in the United States.

Marylanders cordially invite you to come and discover their delightsome land.

MARYLAND STATISTICS

Population—3,803,900.

Population Rank—20th state.

Area in Square Miles—Total, 12,303; land, 9,874; inland water, 703; Chesapeake Bay, 1,726.

Size Rank—42nd state.

Distances—Longest East-West, 198.6 miles—Fairfax Stone to Delaware Line. North-South, 125.5 miles—Pennsylvania line to Virginia line at Smith's Point on south-shore mouth of the Potomac River. Shortest North-Shore, 1.9 miles—Pennsylvania line to south bank of Potomac River, near Hancock. Farthest points northwest corner to southeast corner at Atlantic Ocean, 254.7 miles.

Geophysics—Maryland is composed of three chief regions: the Appalachian Area, the Piedmont Plateau, and the Coastal Plain. Maryland gradually rises from its ocean shoreline to 3,360 feet above sea level, the peak of Great Backbone Mountain in Western Maryland's Garrett County.

Climate—Generally moderate, the climate varies from mild to hot in summer and in winter from moderate in the east and south to very cold in the mountainous region. Average annual rainfall, 41.65''; average annual snowfall, 26.70''; temperature average, 64.4° F. maximum, 43.7° F. minimum, and 54° F. mean.

Chief Rivers—Potomac, Wye, Patuxent, Susquehanna, Choptank, Nanticoke, Elk, Magothy, Patapasco, Sassafras, South, Severn, Gunpowder, Tred Avon, Bush, Miles, Chester, Northeast, Wicomico, Pocomoke, and Great Bohemia.

State Recreation Areas—The State's eleven forests, one nursery, and forty parks cover 166,000 acres. Parks are located in forests, mountains, and on a number of ocean, bay, and river waterfronts. Cottages and camp sites are provided. State forests offer licensed hunting in season. There are 39 public hunting grounds, covering 180,000 acres. Sixty-eight ponds, lakes and reservoirs comprise the State's fresh water fishing area. Over 75 public boat launching ramps dot Maryland's tidal and inland waters.

Chesapeake Bay—This great inland sea is 195 miles long and from two to twenty-two miles wide. Navigable to ocean-going ships, the Chesapeake Bay opens to the Atlantic Ocean between the Virginia Capes and through the Chesapeake and Delaware Canal, a fifteen-mile toll-free waterway for ships bound from Baltimore to Philadelphia and the North Atlantic. There are 300 marinas on the Bay to serve boatmen. The Chesapeake Bay is the main source of the State's seafood industry. Every year over 125,000 pleasure boatowners use Bay waters for cruising, fishing, sailing, racing and other marine-oriented recreational activities.

Port of Baltimore is a 45 mile waterfront installation with the lowest tidal range of any seaport—just 13 inches. It accommodates ships to 70,000 tons in 82 covered and open piers with a normal capacity for loading or unloading 151 vessels simultaneously. Annually an estimated 4,500 ships from 47 nations call at the Port, and 108 steamship lines list 272 monthly sailings to 291 coastal, intercoastal and foreign ports.

Chief Cities—(Incorporated) Baltimore, 917,750; Rockville, 39,000; Hagerstown, 37,300; Cumberland, 33,415; Annapolis, 32,000; Frederick, 23,123; Takoma Park, 16,799; Salisbury, 16,302; Hyattsville, 15,168; Cambridge 12,7150; Ocean City, 125,000 (summer); (Unincorporated) Silver Spring, 66,348; Bethesda, 56,527; Wheaton, 54,635.

THE 53D ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PATTEN. Mr. Speaker, last Saturday I met with some very wonderful people in my district office. This group of Americans of Byelorussian heritage had come to talk with me about the continuing crisis in their former homeland.

We had a ceremony presided over by Mr. Thomas Suprun, president of the Byelorussian-American Association in New Jersey, and Mrs. Tamara Janusz, chairman of the women's division of this association. I was presented with a photo album made in Byelorussia and containing mementos of our efforts to free the Byelorussian Nation from Soviet rule.

Mr. Speaker, today marks the 53d Anniversary of what should have been the independence of Byelorussia. On March 25, 1918, the Byelorussians declared their independence and attempted to establish a democratic regime. The leaders adopted a provisional constitution which was very advanced for their day. It called for: First, a direct and secret ballot open to all; second, freedom of speech, press, and assembly; third, national and cultural autonomy of all minorities; fourth, an 8-hour workday and the right to strike; fifth, all guarantees of human rights.

The history of this tiny nation goes back many centuries. Through all the centuries of tribulation the Byelorussians have remained a strong and proud people. While it is predominantly an agricultural country, Byelorussia has industrialized greatly in the last three decades. She is also rich in resources which are needed by a nation to support a stable economy, so it is no wonder that the Soviet Union has kept a strong hold over Byelorussia. But the Byelorussian people want to be free, and I know that the free world would like to see them free.

Mr. Speaker, as I sat talking with my wonderful Byelorussian friends last Saturday, I once again felt their passion to see their loved ones in Byelorussia attain the freedom and independence that they have come to know in America. I would like to take this opportunity to urge my colleagues to join in the fight for the independence of Byelorussia, and I hope that they will take every opportunity to make this plea to our officials in the administration.

In closing, I would like to place in the Congressional Record an article I recently read in a pamphlet published by the Byelorussian Publishers and Arts Club. It truly expresses the nature of the Byelorussian people and the difficulty of their struggle.

I include the article as follows:

BYELORUSSIA

The poets called her blue-eyed and innocent, ever-enduring and heroic; her people are of the purest Slavic stock, one of the most hospitable on the continent. She adopted a cornflower, found abundantly in her rye and wheat fields, as a symbol of modesty and beauty. She blossomed and prospered among her neighbors, her people's life based on the stability of Christian principles.

She was free and her star shone bright, until the "Big Brother" flexed his muscles: On her vast plains and gentle rolling hills invaders have crossed their swords. She had contributed to the defeat of the mighty Tartars and Muscovites, Teutonian Knights and Hitler. On her soil lay buried the warriors of most European and Asian nations. Her people were brought to their knees repeatedly.

Somehow they have endured and prevailed: In 1517, her famous son Francisak Skaryna from Polack printed and published the first book in Byelorussian—the Bible—almost half a century ahead of the first printed Russian book. His pioneering endeavors ushered the flow of Culture into the Eastern Europe. When Skaryna took his books to Moscow, they were labeled as heretic, seized and burned in the public square. Yet he brought the barbaric Muscovy on the threshold of printing and education.

His country was later overrun by Moscow but his people have endured and prevailed: Her fertile soil nourished the roots of the ancestors of Dostoyevsky and Mickiewicz, of Glinka and Moniuszka, of Kasciuszka and Kalinowski, of Bahushevich and Kupala, and numerous other political, cultural and economic giants. Driven away from their mother's soil by "Big Brother's" oppression, her countless sons and daughters settled around the world and contributed to the cultural, scientific, political and economic achievements of hospitable nations.

They have endured and prevailed: Overpowered and annexed by Russian colonial empire, she became the source of natural and human raw materials, the most backward province of that monstrous prison of nations. They chained her and chanted her requiem and forbade her name to be mentioned among the living. They closed her schools and national institutions, took over her churches and deported her best minds to Siberia.

Somehow her people have endured and prevailed: In 1863, her favorite son, Kastus Kalinowski raised the entire nation against Moscow colonial despots and proclaimed in his testament: "Byelorussians, my dear brothers. Facing Muscovite gallows, I proclaim: then and only then will you gain freedom and happiness, when Muscovite rules you no more".

Kalinowski perished so that his people would endure and prevail: Through the centuries, Moscow "Big Brother" endeavoured to assimilate her people, annihilate her glorious past, tarnish her traditions, discriminate against and make extinct her language, suppress her culture.

Her people and their spiritual heritage have endured and prevailed: In 1918, she proclaimed her independence, granting the most advanced democratic rights to all peoples within her boundaries. The newly-found freedom was short-lived. "Big Brother" chained her more securely than ever. Today, she is one of the fifteen most industrialized nations in the world; but, the standard of living of her people is below that of Portuguese colony Angola. Although she is a member of the United Nations, her so-called representatives speak not for her people but for the "Big Brother" in the Soviet Union.

The name of the country? Byelorussia. No, let's get that straight: Canada is not the United States, Germany is not England and Byelorussia is not Russia. Never was and never will be, for her people will endure and prevail!

ABOUT THOSE CHANGES IN THE STATE DEPARTMENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SCHMITZ. Mr. Speaker, a very interesting article appeared in the March 20, 1971, edition of Tactics magazine dealing with some of the goings on inside the Department of State. Since this article deals with the reform program being carried on within the Department of Government responsible for our foreign policy and since one of the arguments being used by the State Department to justify certain changes in its personnel policy seems to be that the Congress is aware of these changes and has not voiced any objection, I would like to insert this article into the RECORD to insure that all my colleagues are familiar with the proposed modifications in personnel policy which are under consideration.

The article follows:

TUMULT INSIDE STATE DEPARTMENT

The state of chaos and demoralization that exists among the personnel of the State Department and its associated foreign affairs agencies is unprecedented. Responsible officers are asking whether anyone in authority is able to distinguish between reality and illusion. Under the leadership of William P. Rogers and William B. Macomber, Jr., his deputy undersecretary of state for administration, the State Department is plunging headlong into a personnel administrative system designed to remove any objective control by the Congress, the White House and the American people over the foreign affairs bureaucracy.

The State Department is pushing an "action program" designed to force career, civilian, domestic employes into the foreign service category where they will be totally under the control of personnel immune from any kind of accountability. They will not have to account for their actions to Congress, the Civil Service Commission or the courts if they fire anyone for any reason whatsoever, whether for a legitimate reason or because the employe has discovered gross negligence or subversive behavior, and has refused to collaborate in it.

The so-called reorganization would preserve an Alger Hiss, or an American Kim Philby, in his post, and hush up or eliminate any Otto F. Otepkas without their having any recourse. Security, in the Orwellian manner, would consider anti-communists, not communists, as the "security risks" who would have to be kept out of State Department jobs.

What this boils down to is preparation by the State Department of a purge program of the few, remaining persons who consider loyalty to the nation more important than covering up for the failures or transgressions of the State Department.

WATERFRONT-LIKE BRAWLING

Scenes of turmoil such as one might expect on the waterfront are occurring within the offices of the department. The situation has become so tense that in spite of every effort to hush up the news, at least three reporters have given accounts of the breakdown in decorum and morale. On Feb. 11, in the tabloid Washington Daily News, the hush-hush was broken by a Scripps-Howard writer who does not cover the State Department ordinarily.

He was Dan Thomasson, who disclosed that top State Department officials, including Theodore L. Eliot, Jr., executive secretary reporting directly to Rogers, and John Ray, of the European section, "blew their diplomatic aplomb and wrestled for the microphone amid screams of 'shame,' 'fascism,' and 'is this the kind of democracy we're trying to export?' "

Reporters regularly assigned to the State Department were present, and although this unprecedented affair was indisputably news, they collaborated with State Department officials in the effort at censorship. At least, Russian reporters who cover the foreign ministry in Moscow have the excuse they are not allowed to report certain news. But what alibi have the American newsmen assigned to the State Department? This is a press scandal that editors throughout the country should look into. Why should so-called reporting in-depth, with a few, heroic exceptions, be limited in Washington to what is to be advantage of the reds? This is the double standard presently being observed.

AMERICAN SURVIVAL IS INVOLVED

The wrestling match took place over what on the surface was a minor issue, union representation of State Department employes. Actually, the passions reflected a simmering into public notice of the greatest crisis in American diplomatic organization since the formation of our republic.

The basic issue is whether the State Department and other foreign affairs agencies are subject to the control of Congress and the American people, or is the State Department to run foreign policy in secret, implementing unwritten "understandings" with the USSR and Red China, totally free of any kind of accountability within or outside the government? The State Department is asking for no less than the kind of special status possessed by the CIA, despite the disparity in their roles.

The key lies in the basic attitude toward government of William P. Rogers. History may well record his influence on President Nixon as unfortunate as that of Harry Hopkins and Col. House on other comparatively recent occupants of the White House.

Rogers has developed the doctrine of executive privilege in so extreme a manner as to make it indistinguishible from enlightened despotism. Under this doctrine, Rogers holds that Congress and the American people are not entitled to any information developed within the executive branch unless it decides to release it. The inevitable result is secret government.

Rogers, as a "pragmatist," has come up with a technique for dealing with the pesty Congress and the inquisitive public. The procedure is based on the thesis that the public has no right to this information, but insists on being told, so that it has to be satisfied in some such manner as an image is devised for a public figure that will gain approval, but not really change the man's character.

Under this technique, the executive branch has to maintain a constant flow of information to the Congress and the public, to satisfy this hunger but not to disclose the essential facts. The enemy, that has its own means of finding out what it wants to know, therefore is better informed than the American people—and the Congress—on our policies. The Kim Philbys, in such an Orwellian complex, are not our security risks; the Otepkas are! This tactic, too, by generating a news-managed flow of selected data, can inspire hearings on the Hill that have the effect of destroying the credibility of members of the Congress.

The procedures and philosophy behind this resemble, in the Anglo-Saxon world, the conflicts between the Stuart kings and the British parliament. The result was the destruction of both the executive and the legislative branches, and the creation of the heavy-handed, Cromwell dictatorship.

COULD BECOME ELECTION ISSUE

On Feb. 28, 1971, in an unusually long comment in the Washington Sunday Star, Philip Shandler, a reporter on federal employee matters, stated that the issues at the State Department already have "embroiled top administration officials in an intensive debate, the outcome of which could become an issue in next year's presidential election."

The article, that warranted news space but was limited to Shandler's "The Federal Spotlight" column, dealt only with the issue of "how much freedom should the State Department have—in contrast to other government agencies—to assign its employes? Executive Order 11491 issued by Nixon little over a year ago, provided for grievance appeals by employes to a third party, the Labor Department.

"The State Department last fall, however, requested exemption from the order for foreign service employes . . . The department sought to preserve the present system of in-house appeals to a board of high-level department officials."

What Macomber wants is to block any sort of review of personnel policies outside the department. Otepka had the right of appeal to the Civil Service Commission, and there also is the Department of Labor. By exempting the foreign service from the executive order, the labor department would be excluded. By converting Civil Service employes to foreign service status, the Civil Service would be excluded. Only Rogers and Macomber would decide who was hired, fired, transferred, promoted, downgraded or reassigned.

Not only the present foreign service, but the entire State Department would be converted into a new CIA-type organization, with no ties to Congress, other executive departments, the courts or the American people. All of this would be put across without any act of Congress!

Originally, Macomber tried to carry out this operation by direct appeal to the Federal Labor Relations Council, on Oct. 14, 1970, asking it to approve exemption of the entire foreign service from the executive order when it was next revised.

The alert intervention of the American Federation of Government Employees (AFGE), which demanded a public hearing by the council, blocked this quickie operation from succeeding. A public hearing took place on Nov. 16, when the AFGE and other groups marshalled a set of Constitutional, legal, administrative and political arguments that overwhelmed those presented by Macomber.

On Jan. 30, the Federal Labor Relations Council sent the White House its opinion on the request indicating the options available to the President, and recommending that he reject it. This would not affect other changes in the executive order that would add efficiency and precision. Nixon is said to want this done.

Macomber was informed by "an unimpeachable source" at the White House of the council's adverse action. He was told that if he could get agreement within 48 hours from the American Foreign Service Association, which the State Department controls and uses as a front, he might salvage or even recoup his losses. On the Jan. 30–31 weekend, Macomber and members of the AFSA board worked out a paper agreement to this end.

The AFSA board had no right to make such an agreement because its rank and file members at a meeting on Nov. 4 had specifically resolved that the board hold no secret meetings with Macomber.

"DEAR BILL" LETTERS EXCHANGED

Therefore, to conceal violation of this order, Macomber on Feb. 1 wrote a "Dear Bill" letter to William C. Harrop, AFSA board chairman, proposing the agreement they already had negotiated. On the same day, Harrop called an extraordinary meeting of the entire board and informed it that Macomber needed an affirmative, written reply within 24 hours, to transmit to the White House if the Secretary of State and the State Department were not to be discredited.

The board agreed, and Macomber received it the next day, Feb. 2, which he sent at once to the White House, saying this created a new situation, showing the employes themselves were in favor of the Rogers-Macomber project, which in turn was only a rehash of the bill that Congress rejected in 1966, when it was pushed by Macomber's predecessor, William P. Crockett. (See Jan. 20 Tactics.)

Thus we are presented an example of the extent to which the State Department will go in trying to put over one of its schemes, including even the White House among the victims of its deceits. If only this skill would be exercised against our communist enemies!

Since the agreement was unauthorized by the grassroots membership, the AFSA board immediately sought to convince the board of the Junior Foreign Service Officers Club (JFSOC), a constituent subsidiary of AFSA, also to acquiesce. The club stands close to the grassroots, and its officers refused to concur, claiming the AFSA board had exceeded its powers.

Thereupon, the five-member JFSOC board drafted a letter of protest to Macomber, calling AFSA's agreement null and void, and asking that Macomber notify the White House accordingly. On Feb. 3, two members of the JFSOC board delivered the letter to Macomber's secretary, who immediately rushed it to him.

MACOMBER CALLS THEM "TRAITORS"

The two junior foreign service officers (FSO's) were walking down the corridor to take the elevator back to their offices when Macomber came running out of his office. He caught up with them, took them by the arm, and led them back to his office.

There, for 70 minutes, he swore at them, berated them, and called them "traitors" because they had drafted a letter for further communication to the White House. He said they were disloyal to the foreign service, for not solving all differences within its confines.

What transpired during these dramatic 70 minutes presented, in personal terms, the basic issue involved in "organizational loyalty" as contrasted with national loyalty. This was the crux of the Otepka case. The issue is whether the foreign service is answerable, in actual practice, to Congress and the President, or only to its senior members.

After berating the two, Macomber turned on the charm and assured them that any problem they or other officers encountered always could be resolved in a friendly fashion. His door always would be open so there never was any need to go anywhere else in Washington to make a point or present a grievance.

Then Macomber said, I just won't accept your letter. So far as I am concerned, it doesn't exist. I hope, now that you understand the situation, you will pick it up and take it away, and we will forget the whole incident.

The two bullied FSO's picked up the letter and took it away with them. Thus, a formal note to the State Department and the President became a non-event, and ceased to be part of the record.

Macomber, to avoid charges of unfair labor practices by the AFGE, that had not been consulted, sent it a letter written along the same lines as the Feb. 1 letter to Harrop. AFGE, however, received it only on Feb. 3, the day after Macomber had already delivered the AFSA reply to the White House, thus attempting to create a fait accompli.

UNFAIR LABOR PRACTICE CHARGE

On Feb. 4, AFGE replied, and distributed 3,000 copies of its letter at the State Department, Civil Service Commission, USIA and AID. The letter to Macomber declared: "We cannot in good conscience encourage Foreign Service personnel to participate in a system which calls for review of management decisions by the Board of the Foreign Service—a management appointed, management controlled body . . .

"I am sure that you can appreciate our concern over the events of the last four days and why we are therefore requesting our National Headquarters to review the facts for the possible service of a formal unfair labor practice charge against the Department of State."

The letter, on the stationery of the AFGE unit at the State Department, #1534, was signed by John G. Kenney, president of the chapter. While expressing "distress" over the State Department's conduct, it "unequivocally" rejected the proposal.

Macomber wrote JFSOC a similar letter as sent AFGE. The junior foreign service officers in reply reasserted their previous stand. When handed to Macomber, the new letter was accepted this time without any outburst.

Then, on Feb. 8, the American Foreign Service Association held a so-called "informational meeting" in the State Department auditorium. The AFSA board told the membership of the events of the past week, leaving out the secret meetings with Macomber on Jan. 30 and 31 and Macomber's tirade against the two FSO's on Feb. 3, when he called them "traitors."

This, of course, was a revealing as well as an upside-down use of the word, treason.

The meeting was chaired by Theodore L. Eliot, Jr., a top management, "old school tie" officer from Boston, who informed the members that no motions would be accepted from the floor and no resolutions passed. Consequently, the meeting was without power, he said, to instruct the board regarding the Feb. 1 agreement with Macomber.

This cavalier position naturally infuriated the rank and file members, as well as many others, who stamped with their feet, and cried, "Fascism . . . shame!" John Ray, of the European bureau, insisted on introducing a resolution instructing the board to withdraw its letter of agreement. Eliot ruled it out of order, whereupon Ray went to the podium to ask for a vote.

Eliot blocked his passage, pushing him away. Ray then eluded Eliot and dashed to the microphone.

The two thereupon wrestled for the microphone while the audience of more than 700 diplomats broke into pandemonium, as if at a boxing match.

Observers recalled nothing in the history of the foreign service approaching this scene in passion and violence. Yet this was an audience only of foreign service officers, all of whom had passed difficult written and oral examinations and had been appointed by the President and confirmed by the Senate, and again whenever promoted. This was of very special significance. Of equal significance was the almost complete failure of the press and the complete failure of the radio-television media to report this important news. Publishers and editors throughout the country might want to inquire of their syndicates why this was not reported.

WHERE FOREIGN POLICY IS MADE

This scene represented a protest of the deepest concern to every American worried about conditions under which foreign policy is made. The protest, by responsible and sober, highly educated experts in their fields is an index to the degree to which the State Department has deteriorated. The present control by Rogers and Macomber simply continues the maneuvers in past administrations to cover up by every possible means the insecure way in which our foreign policy is devised and manipulated. How foreign agents must love it!

The reasons for covering up are evident. Foreign policy today is being made in the State Department by a secret clique whose interests are not tied to the Congress and to the American people, but to similar elements in foundations, universities and large international interests which pursue their own goals without the knowledge and inspection by the President and the Congress.

While these bizarre events were occurring, Macomber asked Rogers to intervene directly at the White House to reverse the findings of the Federal Labor Relations Council. The proposals they now are offering are a so-called compromise that still would exempt the foreign service from the executive order.

The White House, under this Rogers-Macomber pressure, has instructed the Council to study the "compromise," but not to reveal its terms to anyone, not even in Congress. Conesquently, a veil of secrecy has again fallen over the affair.

Simultaneously, Macomber has intensified his campaign to exclude the Civil Service Commission as an appeals body. There would be no Civil Service employes in the State Department. All would be foreign service personnel, even those who never went overseas.

The State Department argues that this operation is legal, not because it was approved by the Congress, but because Congress had heard of it and had not acted adversely. This was an even greater extension of the Rogers doctrine on executive privilege, because it asserts that any department can make law simply by administrative trespass. If the busy Congress does not catch on, or not find the time to react, it would be interpreted as approval.

WHAT LINE IS BEING USED ON NIXON?

Why would a President, such as Nixon, who is concerned about reducing government power, tolerate such an unprecedented and dangerous situation? Unquestionably, he has been told that these powers would be used by Rogers and his henchmen to cleanse the State Department of the unreliables and holdovers.

Even if so, Congress still would have reason for alarm over why it is kept in the dark. But as history repeatedly shows, practically every such move is designed not to clean out the wrongdoers, but to cover over their secrets and prevent their being held to account, while additional questionable personnel are being infiltrated into the organization.

Nobody who has the best interests of the nation at heart opposes a reform of the State Department. But it is clear from the record of the present State Department management that this is not the goal of the "reorganization" and "reform." Under this, a Hiss could become undersecretary of state and in charge of national security. Indeed, this was the trend that already was underway at the time that Hiss held a topmost State Department post.

The new recommendations would accelerate the process.

The unprecedented tumult of Feb. 8 in the State Department's auditorium, therefore, had every reason for breaking out. The issues were not the comparatively minor ones of management-labor relations, but the survival of the nation.

Involved were the right of the people, maintained by Congress, and our capacity as a great power to meet the challengers of the 1970s.

Yes, this could be an election issue!

AGNEW'S SPRING OFFENSIVE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BOGGS. Mr. Speaker, spring has arrived, and with it, the administration's spring offensive. Democrats can expect a new barrage of Republican propaganda as we move down the road.

The terrain ahead was mapped out in a column by Messrs. Rowland Evans and Robert Novak in this morning's Washington Post. I am inserting it in the RECORD and calling it to the attention of my colleagues:

[From the Washington Post, March 25, 1971]

AGNEW'S SPRING OFFENSIVE

The gripping fact of Vice President Agnew's spring offensive against the communications media in last week's Boston speech is that the shift came without direction from or even significant consultation with the White House.

The attack on CBS, a potentially fateful change in strategy, was strictly the product of the Vice President's office—written by staffers Vic Gold and Herb Thompson with finishing flourishes supplied by Agnew himself. The Vice President consulted one White House aide close to him, who suggested Agnew had nothing more to gain politically from this line. But the speech was not distributed in advance to the senior White House staff or to President Nixon.

What makes this remarkable is that the Boston speech flagrantly violated advice to Agnew from Mr. Nixon's political advisers after the 1970 election: Get your head down; be constructive; talk about Nixon progressive legislation, such as health care and revenue sharing; lay off the strong stuff. Implicit in the advice was a warning that Agnew cannot be on the 1972 ticket unless he rehabilitates himself.

Nobody is more aware of this than Ted Agnew, who has spent hours since the 1970 election brooding whether he would help or hurt Mr. Nixon in 1972. Why, then, make a speech in Boston that the President's political men privately agree only stirs up Agnew-haters in the Republican Party?

The answer stems partly from rising fear inside Agnew's office, present ever since the White House suggested he change course, that hawking progressive legislation would undercut him with his conservative constituency. Indeed, letters and telephone calls have been asking whether the Vice President has been muzzled.

Moreover, the transformation of Agnew into a blandly constructive do-gooder is not quite working. His speechmaking for revenue sharing gets little publicity and scarcely placates old enemies Private national polling by Oliver Quayle shows Agnew's 51 per cent favorable job rating, steady for months, declined to 49 per cent during February.

Those who know Agnew best, however, divine less practical factors. After Monday's congressional leadership meeting at the White House, Agnew's first appearance there since the Boston speech, one presidential aide whispered to another: "The Vice President is happy again. He's doing what he loves."

Besides making him happy, the Boston speech satisfied Agnew's need to reassert his independence. He takes orders from Richard Nixon but nobody else at the White House. Since the President has not flatly instructed Agnew to ignore the media (which would be out of character with Mr. Nixon's indirect methods), Agnew feels utterly untethered.

But the overriding point lies in the fact that Agnew has become an ideologue regarding the media. He believes deeply that television coverage distorts the war and disturbs the country and says so to top administration officials. When it comes to blasting the networks, he would rather be right than vice president.

All this emphasizes a key fact: Agnew is no conventional politician. His Boston trip was a golden opportunity to mend fences with the liberal Massachusetts Republican Party, which in its bankrupt state was drooling over the prospect of Agnew hosting a $1,000-a-head fund-raising cocktail party. Grumbling about Gov. Francis Sargent's criticism that his revenue-sharing salesmanship hurt the cause, Agnew refused. A personal appeal from Sen. Edward Brooke, who maintains more amicable White House relations than Sargent, was no help. In Boston, Sargent's efforts to be nice to Agnew were met by icy disdain.

Agnew has been able to get away with treating Republican governors so cavalierly for one reason: his big conservative constituency. But public criticism by party moderates is intensifying. Hugh Scott of Pennsylvania, Senate Republican leader, in a recent interview with the Newhouse Newspapers made clear that Agnew's place on the 1972 ticket depends on a "face lift," the Vice President sticking "to the achievements of the administration and his part in it."

Privately, key figures in this administration agree. The way the Nixon White House operates, a word of over criticism for the CBS speech is unlikely. Those who advise the President are watching intently to see whether and how often Agnew's Boston performance will be repeated.

BYELORUSSIAN INDEPENDENCE

HON. JAMES L. BUCKLEY

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, March 25, 1971

Mr. BUCKLEY. Mr. President, today, March 25, 1971, marks the 53d anniversary of the declaration of national independence by the Byelorussian people. The Byelorussian people's struggle for independence resulted in a number of difficult wars from the 13th to the 18th century. The struggle was successful for a long period until the late 1700's when the Russians conquered the Byelorussian lands. During this time of Russian occupation the people were forced to endure economic, political, and social repression.

The will toward freedom cannot be so easily suppressed. Anti-Russian uprisings occurred during the 19th century and, in December 1917, the All-Byelorussian Congress was called and proclaimed the Byelorussian Democratic Republic, March 25, 1918.

Independence was short-lived; Russia invaded the Byelorussian lands and again subjected the people to its rule. As in the past, there were uprisings but to no avail. Today the Russians attempt to present to the world an image of freedom in Byelorussia but we recognize this for what it really is—merely a facade.

TRADE POLICY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HARRINGTON. Mr. Speaker, one of the recurring misfortunes of the Nixon years has been the on and off quality of presidential leadership.

Now the Nixon alternating current has been unhappily applied to our international trade.

And he has made a mess of it.

On the one hand, the President's refusal last year to support protective legislation killed the House approved trade bill.

On the other hand, the President's insistence this year on protective action over and beyond the recommendations of Ways and Means Chairman WILBUR MILLS suggests the very strong likelihood that no new trade bill will be passed.

As a result, the country will probably get neither 1970's protective tariffs nor the broadening trade reforms which would have been possible in 1971.

We are left with a big zero.

The shoe and textile industries, both of which need Government assistance to alleviate the pockets of great disruption caused by imports, do not have the bilateral agreements or the import quotas which could restrict imports.

Nor do they have the expanded means of obtaining prompt adjustment assistance which could have been and would have been part of any trade bill passed by Congress.

That is not all.

The President has lost his statutory authority to lower tariffs. It expired in 1967. Without that authority, the President's international trade bargaining power is severely curtailed. But without a trade bill, that authority will not be renewed.

The prospects of introducing needed measures to protect domestic manufacturers from dumping and other unfair international trade practices also must be regarded as minimal in 1971 since they too belong with a general trade bill.

It is a disappointing picture.

The country is left in the grip of a trade bill passed nearly a decade ago to meet needs of a previous time. That the Trade Act of 1962 does not fit the economic realities of today is no small wonder. That it did not foresee how adjustment assistance must be enlarged and made easier to obtain is not a fault of 1962 when the bill was passed, but a fault of 1971 when the country's trade leadership is confused and self-defeating.

Regrettably the indecisive pattern which characterizes the administration's leadership on the trade bill is repeated in the decisions made by the administration for the shoe industry, a matter of particular concern to me since my district has a concentration of shoe manufacturers.

Nearly 2 years ago on June 12, 1969, a congressional petition went to the President calling attention to the threat of shoe imports to the domestic industry. The President promised to look into the problems.

It took the President until September 1969 to order an industry investigation by a special task force representing various Federal agencies.

But even more distressing, it was not until June of 1970 that the President released the task force report and acted upon its recommendations.

At that time, the President said he would initiate an escape clause investigation of the shoe industry. That was June 24. It was almost a month later that the President's request was delivered to the Tariff Commission a few blocks away.

Within the statutory limit of 6 months, the Tariff Commission completed its investigation and issued a split decision. That was on January 15. The President has still not acted to break that deadlocked vote and it is now the middle of March. He is, I believe, hiding behind a legal technicality to avoid the 60-day statutory limit for Presidential action. This despite the fact that he has at his command the resources of a task force, his own in-house economic council, and a wealth of background information developed by the Tariff Commission.

Surely one has to conclude that the President's indecisive, alternating current attitude has to be ascribed to greater interest in political manipulation than concern for the workers and manufacturers of the shoe industry. Else he would have acted.

And my criticism does not stop there.

When the President last June 24 announced his plans for Government assistance to areas of economic distress resulting from shoe imports, he called for a variety of programs within different Federal agencies to help the shoe industry and to coordinate relief for impacted communities.

But the words, which once again were full of glitter, have not been translated into effective programs which could benefit the distressed manufacturers or the unemployed workers.

The President on June 24 called for special footwear programs within the existing manpower retraining and development legislation. Nothing has happened.

The President on June 24 asked EDA to develop programs to attract other industries to communities heavily dependent on shoe production. But EDA has not proposed any new criteria designed specifically to aid the impacted areas. The standard EDA measurement of "abrupt rise" in unemployment over a large population base is being used as a yardstick. While 150 counties across the Nation have been reviewed as being substantially dependent upon shoe employment, only 15 counties—none in Massachusetts—are being listed as areas which might qualify for special EDA attention. And none of these have yet qualified, even though unemployment is endemic in the shoe industry and more than 40 plants have closed in the last year and a half. EDA's program obviously is a paper program.

The President also said on June 24 that EDA should give special consideration to requests for financing necessary public services and to make direct loans to new businesses in impacted areas. Nothing has happened.

The President said the Department of Transportation should provide, upon request, financial assistance in helping with commuter facilities to improve transportation between areas of substantial unemployment and neighboring areas where job opportunities exist. Nothing has happened.

The President said the Secretary of Commerce would undertake consultations with the footwear industry to develop any further measures of assistance found to be necessary. Two meetings have been held, but no recommendations or action have resulted.

In general, the President suggested utilizing the enormous resources of the various agencies in a coordinated program to help affected shoe areas. And this has not happened.

And so the Nation does indeed face a discouraging picture.

The alternating current of President Nixon's leadership has started and stopped virtually every constructive effort to solve the trade problems in both the textile and the shoe industries.

I do not think the country can afford to stand by without a new trade bill and with continued reliance on expired authority and outdated statutes.

But it will take a more sustained and direct current from the White House than has yet been evident in order to deal maturely, wisely and effectively with the problems of our international trade. Let us hope Mr. Nixon turns on soon.

PRESIDENT NIXON PROPOSES AN ALLIANCE OF GENERATIONS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. ARENDS. Mr. Speaker, when President Nixon spoke at the University of Nebraska in January, he talked of forging an "alliance of generations" which would help close the gaps in our society between rich and poor, black and white, blue collar and white, young and old by bringing them together in a common assault on our national problems.

Today, he has submitted for our consideration a plan to do just that. It is a blueprint for a national volunteer agency. But it could well be the charter for a new moral resurgence in our society.

It is time we resurrected our national purpose and redefined what it is to be an American. We are not a people to sit idly by while our collective destiny is under challenge. This is not the time to smother our natural impulse to get on with the job to be done. Mr. Nixon's proposal gives us the tools. We must see to it they are put into the hands of those who will use them.

LET AMERICANS BE HEARD IN BEHALF OF THE POW'S

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KUYKENDALL. Mr. Speaker, the National Week of Concern for American Prisoners of War/Missing in Action is set aside as a time for all of us, all over America, to remember those hundreds of American men held prisoner in North Vietnamese prisons, and the hundreds more women and children who do not know when, or if, their husbands, fathers, and sons are coming home.

Every week is such a week of concern to me, and I know to every Member of this House. The focus of this special week is not so much a reminder to ourselves, than as it is an effort to bring world attention to the plight of these men and loved ones, in the hope that the People's Democratic Republic of Vietnam is listening and watching, and that the message will come through to them, loud and clear. Only through such efforts can we have any expectation of getting our message across, and having it heard.

Mr. Speaker, I can personally attest to the suffering that is brought about by not knowing. It was many years after the close of World War II before my mother finally accepted the fact that my brother was not coming home. I can think of no more heartless, coldblooded action on the part of our foes than the deliberate prolonging of this kind of misery. It is not enough to say that it is a violation of the terms of the Geneva Convention, to which the People's Democratic Republic of Vietnam was a signatory. It is a violation of every tenet of decency known to the human race—of which the leaders of the People's Democratic Republic of Vietnam are members.

Yes, we must continue to negotiate for the release of these men, and yes, all of us know that the Geneva Convention says nothing about them being released before the end of hostilities. But let us not lose sight of their plight as we wrangle among ourselves about the rightness or the wrongness of the Vietnam war. This is too close a parallel to the auto driver who had the right-of-way, but is just as dead as if he had run the stop sign.

CONCERN FOR POW'S AND MIA'S

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HÉBERT. Mr. Speaker, during this week of national concern for American prisoners of war and those missing in action in Southeast Asia, I am pleased to see that Reader's Digest has published another article about the plight of these men.

It was on March 26, 1964 that the first U.S. military man was captured by the Vietcong. Seven years have passed since then, and hundreds of our men continue to languish in Communist prison cells.

Perhaps we will never know what it is really like to be a prisoner of war under the conditions imposed upon our men for long years. But the Digest article, "Inside the Prisons of Hanoi," provides chilling insight. The reader cannot escape the oppression of the barren cells, the unsavory odors, the sounds of prison life, the boredom and monotony of isolation, the taste of the unpalatable food. As he reads, he will ache with the discomfort of the concrete and wood bunks, shiver with cold under the thin blankets. The story puts each of us inside these cells. And it is not a pleasant experience.

Nevertheless, the unpleasantness is something we need to be reminded of constantly until these men are set free.

There has been a great deal of loose talk to the effect that prisoners of war have never been guaranteed their freedom until a war is over. This assertion was made again just a few days ago.

Yet, article 109 of the Geneva Convention makes it mandatory for countries engaged in a conflict—regardless of whether it is a declared war—to repatriate the sick and wounded. And the Convention also prescribes procedures for the repatriation or internment in a neutral country of those who have been confined for long periods of time.

The Digest article makes a special appeal for these two groups.

We know that many of our men who are held by the Communists are in ill health and that many have suffered serious injury. There can be no excuse for the fact that they have not been repatriated. We know that many others have been held captive for 4, 5, 6, and even 7 years. Obviously, their future health can only be jeopardized by continued confinement. They, too, should either be sent home or transferred to a neutral country where they would at least have a fighting chance for recovery.

The Digest appeals to the public to urge such action, through the American Red Cross. I hope all Louisianans and millions of other citizens throughout the land will read this article and respond to the appeal.

And, too, we must not forget that there are other provisions of the Geneva Convention that continue to be ignored by the other side. All of the POW camps maintained by North Vietnam, the Pathet Lao, the Vietcong and the Communist forces in Cambodia should be opened to neutral inspection, all of the prisoners should be properly and officially identified, and all of the men should be allowed full communication with their families.

These are not demands that have to await the resolution of a conflict. They are procedures demanded by the Geneva Convention.

Some people have a tendency to forget—or else deliberately push out of sight—the fact that only 339 of the 780 men missing in North Vietnam, and less than 100 of the 828 others missing on this side of Hanoi's borders, have been identified as prisoners. And none through channels established by the Geneva Convention.

The nations of the world who signed the Convention should insist that North Vietnam abide by these basic humanitarian rules.

We all owe a debt of thanks to Reader's Digest for constantly reminding us that much remains to be done to help these unfortunate men and their families. I believe this is at least the fourth or fifth time this great American publication has publicized the prisoner issue.

And I should note, too, that the Digest could not have picked a better writer to tell the story of life "Inside The Prisons of Hanoi" than the author of this article, Mr. Louis Stockstill.

Lou Stockstill is well known to many of the senior Members of both the House and the Senate. He spent many years here on Capitol Hill, as a newsman covering congressional activities affecting the Armed Forces. And during that period, he earned an outstanding reputation as a fair-minded, objective and thoroughly honest reporter.

A Defense Department spokesman testifying before the Armed Services Committee last year commented that Mr. Stockstill "knows more about the prisoner problem than perhaps many of us in the Government." The truth of that statement is evident in the depth of understanding that permeates his article in the April issue of Reader's Digest.

I commend the article to all of my colleagues and ask that it be printed in the RECORD at this point. The article follows:

INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors double-time him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,[1] its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking daylight will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

Now it is winter, bringing the cold he detests and fears most. He had wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

GONGS AND JUDAS HOLES

Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gong," a metal ring periodically assaulted by a metal rod. It echoes and reechoes. And as it fades, he strains to hear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judas Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the

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Footnotes at end of article.

American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a washday, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guard shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guard slams open the Judas Hole to check.

BODY AND SOUL

As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is a recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding, he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

SHATTERED RULES

How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatened with each passing day. Some of the POWs have already died.[2] Others face almost certain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases, their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "showcase" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

FOOTNOTES

[1] There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

[2] North Vietnam has told U.S. anti-war groups and Senators that 23 prisoners have died. But the lists cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. There is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

But conditions are still deplorable. You can show your concern over Hanoi's treatment of our prisoners-of-war by signing the statement below (adding a personal message if you wish) and sending it at once to: "Help Our POWs," American Red Cross, P.O. Box 1600, Washington, D.C. 20013. The Red Cross will tabulate the responses and see that your message gets to the government of North Vietnam. Millions of protests from indignant Americans cannot fail to have impact, even in Hanoi. Don't wait. Sign and mail your letter right now, then call a friend and ask him or her to do the same. The one hope these prisoners have is that their fellow Americans will not forget them.

WE WANT PROOF, NOT PROPAGANDA

President TON DUC THANG,
Democratic Republic of Vietnam, Hanoi, c/o American Red Cross, "Help Our POWs," Box 1600, Washington, D.C. 20013.

MR. PRESIDENT: You have claimed repeatedly that American citizens held in your "detention camps" are being treated humanely. But you offer no proof of this. Except under the most restricted circumstances, you will not even allow foreign observers to enter these camps.

Proof of your sincerity would be the immediate repatriation of all sick and wounded captives and the release (or transfer to some neutral nation) of all prisoners whose health has been jeopardized by long confinement. By doing so, you could perhaps end some of the uncertainty and dismay your policies have created throughout the community of nations. I join with millions the world over in urging you to take these steps.

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Name and Address

If you wish up to ten more of these coupon letters for friends and family, contact your local Red Cross chapter or write to Reprint Editor (POW), The Reader's Digest, Pleasantville, N.Y. 10570.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HEW SHOULD ASCERTAIN IF LAETRILE IS EFFECTIVE FOR TREATMENT OF CANCER

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. FOUNTAIN. Mr. Speaker, in testimony on June 9, 1970, before the Intergovernmental Relations Subcommittee, of which I am chairman, the Commissioner of Food and Drugs stated that the McNaughton Foundation of California was not given an investigational use exemption—IND—to conduct clinical tests with the drug Laetrile—amygdalin—for the treatment of cancer patients because of serious deficiencies in the sponsor's application. Although there have been numerous meetings between representatives of FDA and the McNaughton Foundation during the past 9 months, the status of this drug remains unchanged: It cannot legally be sold in the United States, and no physician is authorized to investigate in cancer patients whether or not Laetrile is of value.

Mr. Speaker, I have no basis for judging whether or not this drug is safe and effective for the treatment of cancer, nor do I know if the McNaughton Foundation has provided FDA with adequate data to warrant clinical testing with Laetrile.

I do know, however, that a great many Americans believe that they, or members of their families, have been helped by Laetrile treatments obtained in Mexico or elsewhere. I know this from letters sent me from all parts of the country and from the numerous inquiries I have received from Members of both Houses of the Congress.

For the information of my colleagues who are concerned with this matter, I am including with my remarks a letter which I have sent to Health, Education, and Welfare Secretary Elliot L. Richardson. In that letter I have urged Secretary Richardson to arrange for an impartial review and evaluation by cancer experts of the patient records for the approximately 1,000 cases in which the McNaughton Foundation claims Laetrile has already been used successfully in the treatment of cancer. I have also proposed that the National Cancer Institute perform further animal tests with Laetrile, inasmuch as this drug apparently has shown some activity in the tests sponsored by the McNaughton Foundation.

An immediate and objective evaluation of the recent clinical experience with Laetrile, particularly in Mexico and Germany, is imperative in my judgment both to give the American people the facts about this drug and to strengthen public confidence in our Government. Unfortunately, the Food and Drug Administration's handling of this matter, as my letter to Secretary Richardson indicates, has created the impression in some quarters that our Government is party to a conspiracy to suppress an effective and inexpensive anticancer drug.

Mr. Speaker, the responsibility is clearly the Department of Health, Education, and Welfare's to resolve whether or not Laetrile has any value in the treatment of cancer and to make the facts available to the American people.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The President has requested 100 million in special cancer research funds for fiscal year 1972, in addition to a larger regular appropriation for the National Center Institute. A study group sponsored by a Senate Committee has proposed spending many times that amount.

Unquestionably, the America people would support expenditures of any magnitude if such expenditures offered promise of a cure or prevention for cancer. The sad truth is that over a period of years the Federal Government has spent vast sums on cancer research and the results of this effort have been rather meager.

It is with this perspective that I strongly urge your Department to make an objective evaluation of the demonstrated efficacy claimed for and the potential of the drug Laetrile (Amygdalin) as an anti-cancer agent. The use of this drug for cancer therapy has been banned in the United States for a number of years.

I and many other Members of Congress have received a large volume of mail from individuals who claim they or members of their families have benefited from Laetrile treatments, and from people who believe the Government is party to a conspiracy to suppress an inexpensive, non-toxic, and effective anti-cancer drug. Whatever the merits of these claims, public confidence in our Government has not been strengthened by the highly unusual actions of the FDA in first advising the sponsor of IND 6734 on April 20, 1970 that clinical studies with Laetrile could be initiated, and then terminating this authorization on April 28, 1970. Copies of these FDA letters are enclosed.

According to the McNaughton Foundation of California, the sponsor of IND 6734, Laetrile (Amygdalin) has already been used successfully in the treatment of cancer by 10 physicians and cancer researchers in approximately 1000 cases. The McNaughton Foundation states that the most recent clinical work with Laetrile has been done by Dr. Ernesto Contreras in Mexico, and Dr. Hans A. Nieper in Hanover, Germany.

In view of this background and the deeply held conviction of a large number of Americans that they are being forced by their Government to leave the country in order to obtain therapy with a drug that is both safe and effective for the control of cancer, I believe it imperative that HEW take immediate steps to review the clinical records of patients by Doctors Contreras and Nieper. This review should be done by cancer experts who have no conflicting interests and who are able to evaluate the evidence objectively. There is precedent for a retrospective study of patient histories in the evaluation of Krebiozen cases some years ago under the auspices of the National Institute of Health. The cost of such a study would be relatively small. Also, the Food and Drug Administration has the organization and the experience in gathering of patient case history records to assist in this undertaking.

In addition, there would appear to be merit in the National Cancer Institute's performing further animal tests with Laetrile. I note that in writing to Congressman Edwin W. Edwards on January 26, 1971, Dr. Carl G. Baker Director of the National Cancer Institute, stated that the preclinical data provided by the McNaughton Foundation does indicate some activity for Laetrile in animal tumor systems. While I understand that the Cancer Institute at one time did conduct studies with Amygdalin in a small number of tumor-bearing mice, it is alleged by Dr. Dean Burk of the Cancer Institute that these animals were tested at inadequate concentrations of a drug of questionable orgin and chemical authenticity. In the light of the tremendous sums of money that have been spent with relatively little productivity in the Cancer Chemotherapy Program, I find it very surprising that the Cancer Institute has not sought on its own initiative to do further animal testing with this drug which apparently has shown some activity in the tests sponsored by the McNaughton Foundation.

It should be clearly understood that I am not endorsing Laetrile (Amygdalin), since I have no basis for judging whether or not it is safe and effective for the treatment of cancer. However, the public has a right to know if any of the therapeutic claims made for this drug are justified. I am sure you are fully aware of the anguish and desperation experienced by those persons who are given no hope for the cure of cancer through conventional means, and the great temptation for them to try unorthodox remedies which are said to be non-toxic. In the fight against cancer we surely cannot afford to ignore any leads, whatever their source.

Your Department can render an important public service by arranging for a thorough investigation of the recent clinical experience with Laetrile. I hope you will agree with me that an appropriate study should be initiated without delay.

Sincerely,

L. H. FOUNTAIN,
Chairman, Intergovernmental Relations Subcommittee.

APRIL 20, 1970.

Attention: Andrew R. L. McNaughton.

GENTLEMEN: We acknowledge receipt of your Notice of Claimed Investigational Exemption for a New Drug submitted pursuant to section 505(i) of the Federal Food, Drug, and Cosmetic Act for the following:

Sponsor: The McNaughton Foundation of California.

Name of Drug: Amygdalin.

Date of Notice: Undated (Cover letter dated April 6, 1970).

Date of Receipt: April 7, 1970.

Please identify all future communications concerning this Notice with the IND number shown above.

All submissions should be forwarded in triplicate.

As sponsor of the clinical study proposed in this exemption, you are now free to obtain supplies of the investigational drug and to initiate clinical studies. If deficiencies are found during our review of the information you have furnished, you will be notified and invited to make corrections.

The use of the assigned IND number may assist you in obtaining shipment of the drug from your supplier or in clearing import shipments through U.S. customs.

The interstate distribution of this drug for investigational use is subject to all of the applicable provisions of the Act and regulations. This includes the immediate reporting of any alarming reaction in either animal or human studies and submission of progress reports at intervals not to exceed one year. A copy of the Investigational Drug Regulations is enclosed for your information.

Sincerely yours,

EARL L. MEYERS, Ph.D.,
Director, Division of Oncology and Radiopharmaceuticals, Office of New Drugs, Bureau of Drugs.

APRIL 28, 1970.

Attention: Andrew R. L. McNaughton.

GENTLEMEN: Reference is made to your Notice of Claimed Investigational Exemption for a New Drug submitted pursuant to section 505(i) of the Federal Food, Drug, and Cosmetic Act of Amygdalin, IND 6734, and our telegram of April 27, 1970, requesting immediate cessation of all clinical investigations.

The Notice has been reviewed and I find that under parts 130.3(d) (1), (2), (3), (6), and (9) of the New Drug Regulations, it fails to contain sufficient data to support a conclusion that it is reasonably safe to continue the clinical investigations with the drug.

The following deficiencies in your Notice are presented for your consideration:

Your Notice fails to contain complete information on the methods, facilities, and controls used for the production of the new drug substance and for the processing of the final dosage form to establish and maintain appropriate standards of identity, strength, quality, and purity as needed for safety and to give significance to clinical investigations made with the drug.

In particular, the manufacturing controls are unsatisfactory because:

(1) The method of preparation of the new drug substance fails to describe the oil extraction process of the apricot kernels in appropriate detail.

(2) The final dosage form, in lyophilized form, does not have a melting point specification or any stability studies to indicate the stability of the lyophilized or reconstituted material.

The preclinical data are unsatisfactory because:

(1) The "Notice" fails to establish whether the same formulation to be employed clinically was also employed in the preclinical studies by Bio-Research.

(2) In order to evaluate the six month dog study we must have an indication as to what chronic human dosage is intended.

(3) We recommend that coagulation studies be performed in animals receiving amygdalin at high dosages.

(4) Documentation of the enzymatic mode of antitumor action should be submitted. Unless such documentation is received, references to this suggested mechanism of action should be removed from the informational brochure.

(5) It is recommended that valid evidence of *in vivo* antineoplastic effect be presented. Reference alluding to such an effect in the Walker 256 system should be removed from the informational brochure. All data received from Scind Laboratories concerning tumor screening must be omitted.

(6) The informational brochure should contain a standard pregnancy warning, stating that the drug not be used in women who are or may become pregnant unless possible benefits outweigh potential risks.

(7) There should be full disclosure of the reported two month toxicity studies in mice and metabolic fate of amygdalin in man said to be in reports held by Dr. Dean Burk.

Our medical review has disclosed the following deficiencies:

(1) Your clinical protocol fails to inform on the physical locations of and facilities available for the proposed clinical investigations, as well as on any institutional preclearance where applicable.

(2) You should furnish all the data on the "Metabolic Fate of Amygdalin in Man" report by Dr. Dean Burk, briefly mentioned under Section 7, page 385.

(3) Past clinical experiences with Amygdalin are presented in the form of published references. In our opinion, these references do not constitute a valid scientific basis for the Phase-III type of investigations you propose for antineoplastic "efficacy evaluation" on an unspecified number of patients and for an undetermined duration.

(4) Also, it appears that these references have reported such "pharmacological" responses as "palliative," "analgesic," "sedative" and "anti-tussive" actions. Since these actions may play a significant but confusing role in the evaluation of antitumor treatment results, we believe that these poorly characterized "symptomatic" properties should be scientifically assessed via an acceptably designed Phase-I study (Clinical pharmacology) *prior* to any antitumor efficacy investigation (Phase II–III). As you are aware, the findings of a full and comprehensive clinic pharmacological appreciation (Phase–I) of a new substance constitute, an indispensable prerequisite in determining the safety and/or relevance of further clinical investigations.

The above listed deficiencies constitute the basis for our action communicated to you in our April 27, 1970, telegram, requesting immediate cessation of clinical investigations proposed in this IND for anticancer study.

You are invited to provide the data necessary to correct the above inadequacies within 10 days of the receipt of this letter. Otherwise the exemption may be terminated.

Sincerely yours,

HENRY E. SIMMONS, M.D.,
Director, Bureau of Drugs.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. POWELL. Mr. Speaker, it is my sincere wish that all Americans will continue to observe the National Week of Concern for Prisoners of War/Missing in Action. This is a way of dramatizing the plight of the American servicemen held prisoners by Hanoi. My desire is that Americans will recognize the importance of this week and voice their concern for our men in the year round. Hanoi's refusal to release information concerning POW's and failure to comply with the terms of the Geneva Convention becomes more significant with the passing of each day.

We must remember that our job in behalf of these men is not over until every door has been opened—until every effort has been made—until the nearly 1,600 American prisoners of war are released and those missing in action are accounted for.

We cannot know what actions we take affect the thinking of Hanoi. Therefore, every effort must be made with increased dedication and an even greater commitment.

Our men are paying a high price for those of us who enjoy the privileges of this great Nation. We must not forget them or our responsibilities to them. We dare not forget them.

INVOLVEMENT IN VIETNAM

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. MITCHELL. Mr. Speaker, our senses are dulled. We no longer see the mangled bodies of Vietnamese citizens and American soldiers on the dinner-hour TV news. We no longer think about the human beings behind the "body count." We do not flinch when we hear of new bombing raids in North Vietnam, and when we read that "the Ho Chi Minh Trail has withstood more bombs than allies dropped on Nazi Germany in World War II"—UPI, Saigon report, Washington Daily News, February 2, 1971.

We are so used to hearing Defense "Department-ese" that we do not question the reality behind those stony faces telling us about "protective reaction," "Vietnamization," "defoliation," and "orderly retreat." What do these words mean? They are facile, obfuscating euphemisms for repression, senseless killing, destruction of precious natural resources, and human suffering beyond comprehension.

We are so conditioned by the self-serving rhetoric used by the Pentagon to cover the facts of our criminal and inhumane policy in Asia that we have lost touch with our sense of balance and our moral core.

We must shake ourselves from our stupor. The following article severed this purpose for me and I commend it to my colleagues. It is an excerpt from an article by Edmund O. Stillman of the Hudson Institute which appeared in the February 22, 1971, issue of I. F. Stone's biweekly. I found it profoundly disturbing because its cold "pragmatic" language somehow sounds not so different from that used by Pentagon officials to describe the latest operation in Laos, Cambodia, or Vietnam. Is the realization of such a scenario an outrageous impossibility? I fervently wish to believe so. And yet, until we curb the foreign policymaking role of the military we cannot be sure. As a beginning, and only a beginning, we must demand an immediate and unilateral withdrawal of all American troops from Southeast Asia. Only then can we start to deal with the fundamental issues of controlling the military and rebuilding our society on democratic principles instead of militarism.

The article follows:

A MORALLY IMBECILE "SCENARIO" FROM HERMAN KAHN'S UNTHINKABLE THINK TANK

(By Edmund O. Stillman)

Unable to solve its dilemmas in South Vietnam and Cambodia, the United States invades North Vietnam with an amphibious force of four to five divisions. The intention is to seize the Hanoi-Haiphong area, driving the North Vietnamese government from its capital and thereby destroying its prestige as a legitimate government in the North and as the sponsor of a "winning" insurrection in the South. The invasion succeeds beyond expectations and the authority of the North

Vietnamese government begins to disintegrate. The Communists Chinese, led by a militant faction, intervene. As in Korea, the Chinese score important successes in the initial phase, and U.S.-South Vietnamese forces suffer major reverses.

A ONE-MEGATON BOMB OVER PEKING

The United States considers alternative policies. Because of the prevailing political climate in the United States and the weight of man-power and material needed, the alternatives of fighting a localized conventional campaign against the Chinese in Vietnam or of a conventional invasion of China itself are rejected. United States conventional air power is judged (rightly or wrongly) insufficient wholly to interdict logistics into North Vietnam or to wipe out Chinese industry. Instead, the United States detonates a one-megaton weapon at 500,000 feet above Peking as a demonstration, together with limited nuclear attacks on selected military targets. Simultaneously the United States begins round-the-clock broadcasts and drops leaflets proclaiming that Chinese nuclear facilities and air defenses have been destroyed.

With such attacks, the United States is primarily disarming the enemy capacity to harm the United States and targeting the morale of the Chinese people, in an attempt to unhinge Chinese society. It is felt that, subjected to these attacks, the Chinese people may bring irresistible pressure against the regime to compromise with the United States; or, alternatively, acting out of fear, destroy the regime; or, finally, destroy the regime not so much through purposeful revolution as simply by withdrawing support, Chinese society dissolving into anarchy. The assertion that nothing stands between the Chinese people and annhilation but U.S. self-restraint is intended to demonstrate the helplessness of the leaders and, thus, to destroy any charismatic authority of the Communist party—which is perhaps thereby shown to have lost whatever it has left of the "Mandate of Heaven."

The United States then announces the forthcoming destruction (within, say, 48 hours) of one of ten (named) cities, simultaneously announcing sanctuary areas. The announcement of ten likely cities is intended to augment the quality of terror and to drive large segments of the population into motion, disrupting or contributing to the disruption of the governmental structure and authority. The announcement of sanctuary areas is intended both as a humanitarian measure and as an important contribution to U.S. peace of mind in the aftermath.

BYELORUSSIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HOWARD. Mr. Speaker, on this day, 53 years ago, the Byelorussian people threw off the yoke of Russian domination which had encumbered them for 3½ centuries and proclaimed the Byelorussian National Republic. Our joy in observing this great event is tempered, however, by the sobering realization that the republic set up by the Byelorussians was not only tragically shortlived, but provided the only period in history when this culturally unique national group was able to enjoy the right of self-determination.

The Byelorussians, who had always been linguistically and culturally independent from the Russian people, developed a strong national identity during the latter 19th and early 20th centuries. The outbreak of the First World War provided an opportunity for national self-determination for all the non-Russian peoples residing on the borderlands between the Russian Empire and Europe proper, and the Byelorussians were one of several national groups to take advantage of this situation.

During the war, the leaders of the new Byelorussian National Republic were able to carry on politically. The country made significant advances in the fields of education, culture, and social welfare.

But after the war ended, the peaceful Byelorussian National Republic was unable to protest itself against its newly constituted Bolshevik neighbor. In 1918, the Red Army occupied Minsk, the capital. In 1921, Byelorussia was partitioned, and most of the population fell back under Soviet domination.

There are currently many captive peoples in the world who desire to become free and independent. Today, however, is a special day for those citizens of our Nation of Byelorussian origin. Today, they ponder not only the anniversary of what was 53 years ago, but the possibility of what once again may be. I think it appropriate today, that we join them, not only in sadness for what has been lost, but in hope that perhaps someday, the Byelorussian people may again attain the free and autonomous status which they so commendably seek.

BYELORUSSIAN INDEPENDENCE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. DELANEY. Mr. Speaker, 53 years ago on March 25, 1918, the Byelorussian people proclaimed their independence and ended three and one-half centuries of foreign domination. Unfortunately, the Byelorussian Democratic Republic was allowed only a brief period of freedom before being invaded and overrun by the Soviet Bolshevik Army.

Today Byelorussia, in the form of the Byelorussian Soviet Socialist Republic, exists as an economic and political colony of Moscow. The policy of Moscow has been to exploit the great natural resources of this country and to destroy the national identity of Byelorussia in order to promote the Soviet Russian empire.

However, as the recent events in Poland and Czechoslovakia have shown, the rule of fear and exploitation cannot be maintained forever. The Byelorussian people and their cultural identity have endured and prevailed. Their spirit is strong and they maintain their national identity and their desire for freedom.

The fight for Byelorussian independence is a fight for the emergence of all captive nations, a necessary prerequisite for a lasting world peace. We have not forgotten their plight and we remain dedicated to the principle of self-determination for all peoples. I look forward to the day when liberty will be their birthright as well as ours.

WASHINGTON MUST BE SAFE FOR VISITORS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BAKER. Mr. Speaker, in exercising our responsibilities under the Federal Constitution to exercise exclusive legislation over the District of Columbia, Members of Congress should study Senate Report 91-564 on the last District of Columbia appropriations bill. From the report we read:

> Every American should be able to look upon Washington, the Nation's Capital, with a personal sense of pride in its beauty and dignity.

Later on in the report, it is stated:

> The level of crime in the Nation's Capital is a national disgrace and the recommended 1970 appropriation for the District of Columbia reflects the resolve of this committee to deal with the problem as a matter of the utmost importance.

The population of the District of Columbia in 1971 is only about 765,000 persons, which is significantly less than the population was 20 years ago in 1950, with 802,000 persons calling Washington home. But crime, instead of keeping pace with the population, has skyrocketed. This year the District of Columbia is spending nearly $85 for each person in the District as an expense of operating the Police Department. This is 2½ times the cost in Milwaukee, for example, a city with the same population. We have in the Nation's Capital almost seven policemen per 1,000 of population, whereas Milwaukee has less than three. I would hope that law enforcement and the machinery of the courts in the District is rapidly geared up to restore law and order.

I cannot disagree with the statement from the report that "The level of crime in the Nation's Capital is a national disgrace." We can do better and we must do better. If the Mayor and City Council of Washington cannot do the job, then Congress must put some other agency on the job. We owe it to ourselves and to the Nation to make Washington reasonably safe for the 20 million visitors who come here each year from across the country and around the world.

CONCURRENT RESOLUTION ON PRISONERS OF WAR

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RIEGLE. Mr. Speaker, last week the Michigan State Legislature passed a concurrent resolution which I would like to insert in the RECORD. This resolution again shows us the desperate need and desire of our country to immediately obtain the release of all our men held prisoner by the opposition forces in Southeast Asia. The Michigan Legislature is requesting Congress to take such necessary actions to obtain the identification of POW and MIA personnel and ascertain the well-being of those held prisoner. It is my privilege to share this resolution with my colleagues. A copy of the resolution follows:

A CONCURRENT RESOLUTION ON PRISONERS OF WAR

Whereas, The Unknown Soldier is not solely represented among the dead, where for generations those unknown sacrifices to their countries' service have been publicly and ceremoniously honored and great monuments are erected to their memory. During this decade and now, there has been a return to barbarism in the treatment of many hundreds of unknown soldiers among the living; and

Whereas, Known prisoners of war and many "Missing In Action" who are unknown prisoners of war are daily, hourly, suffering and dying of cruel and barbarously inhumane treatment by their North Vietnam captors in contemptuous violation of the articles of the Geneva Convention—which Hanoi signed in 1957 as solemn pledge of agreement to provide humane treatment to all captives taken in wartime; and

Whereas, Proof has been obtained of these extreme cruelties practiced daily; and for the thousands of relatives and friends of such living sacrifices, these facts bring a never-ending anguish. Not only are barbarities of extreme abuse and corrosive public ridicule inflicted, but Hanoi thus far refuses to release any listing of prisoners of war, deliberately spreading anguish among families of American service personnel and thereby compounding Communist barbarities; and

Whereas, Although the contention as to whether America should continue her presence in Southeast Asia is currently dividing this Nation, that contention should neither divert nor delay the compelling need for immediate action concerning American prisoners of war. By any civilized standard, by any claim to human decencies, this Nation, through her public, demands humane treatment and release of American prisoners of war; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That hereby the Congress of the United States is memorialized, requesting that immediate and effective measures be taken to obtain identification of POW and MIA personnel; to compel treatment for such prisoners according to Hanoi's signatory with the Geneva Convention articles with humane treatment; to impose impartial inspection by authorized agencies of prison facilities; to effect immediate repatriation of the sick and wounded prisoners; and without exception, to establish and sustain the right of communication between prisoners and their families; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of each of the sister State Legislatures; and to the President of the Senate, the Speaker of the House of Representatives and to each Member of the Michigan delegation to the Congress of the United States.

SELF-DETERMINATIONS OF PEOPLES?

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. KING. Mr. Speaker, the captive nations are a reminder to the entire free world of the tragic injustices to our fellow men in Eastern Europe. We cannot help but react with sadness at the deteriorating plight of so many nations who are still under the oppressive thumb of the Communists. One-third of the people of the world have seen their freedom and rights shattered and usurped and they have witnessed a grave threat to their own existence. The fear, the strangulation and the anguish would be almost impossible to bear, if these people did not know that there are those in the free world who are working for their right of self-determination.

Because I believe that we in Congress should offer, whenever possible, encouragement to the millions of freedom-loving people who endure the domination of communism, I would like to include an article by David Lawrence, the distinguished editor of the U.S. News & World Report, which appeared in the March 29 issue of his magazine. I fully agree with the sentiments expressed by Mr. Lawrence with respect to the captive nations and I firmly believe that the only basis for our commitment in Vietnam is to allow the people of this small country to select their own form of government.

Mr. Lawrence's article follows:

SELF-DETERMINATION OF PEOPLES?

(By David Lawrence)

The basic principle behind our participation in the Vietnam war is that peoples should have the right to determine their own form of government and to be free from intervention in their affairs.

The whole world, including the United States, has applauded the formation of independent republics in Africa. European powers have relinquished their control of that continent, and the United States respects the sovereignty of nations in North and South America.

In Europe and Asia, however, the freedom of small countries is insecure. The Southeast Asia Treaty was designed as a means of protection through collective action. The North Atlantic Treaty was signed by the principal governments of Western Europe in the hope that all allied force could be brought into instant operation against an aggressor.

But the simple fact which stands out today is that, while Western Europe is free, most of Eastern Europe is ruled by a single dictatorship in Moscow.

Nearly 30 years have gone by since the small nations of Eastern Europe lost their independence, but, strangely enough, the world powers have not made any moves to restores freedom to them. The drive by the dictatorship of Hitler against those same nations initiated World War II. When that conflict was over, the dictatorship of the Kremlin took its place.

Today countries that should have long ago been given their freedom are held in bondage. Take, for example, the Baltic States of Lithuania, Latvia and Estonia. Many of their former citizens and descendants live in the United States and have been pleading for help for the people of these three countries. They had been independent since 1918, but, after the second world war, the situation changed. The Kremlin incorporated them in the Soviet Union, while taking a tight hold on Polland, Czechoslovakia, East Germany, Hungary and Bulgaria.

The principle of self-determination of peoples was no longer honored. The rest of the world, while occasionally voicing protests, made no positive effort to interfere with the virtual seizure of the countries in Eastern Europe by the Soviet Union.

Thus, the people of Eastern Europe have been deprived of their right of self-determination. The Kremlin dominates the governments, and Russian troops are at hand to squelch any resistance.

But what about world opinion? If a long and expensive war like that which has been fought lne Vietnam could be waged in order to protect the right of self-determination for the South Vietnamese people, why should the same right for the peoples of Eastern Europe be disregarded?

More than four years ago, both houses of Congress, by a unanimous vote, adopted a resolution urging the President "to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples." The resolution says in part:

"The subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation. . . .

"All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development."

The answer to the problem is not another war. The peoples of the Soviet Union can be made aware of the significance of the right of self-determinataion. Although they aren't permitted to exercise it themselves, widespread publicity on the whole subject would be bound to have an effect. This is not something that is going to be accomplished overnight, but the end result is likely to be the recognition by the rulers in the Kremlin that the time has come to give up the authority they hold over Eastern Europe.

It will be recalled that Russia was an ally of Hitler at the outbreak of World War II, but later was saved from invading Nazi armies when the United States entered the conflict and fought in alliance with the Russians. After the war no other country grabbed control of territory outside its borders. The purpose of the peace agreement was to prevent any totalitarian government from repeating the kind of aggression that started the war. Unfortunately, the Soviets not only built up their own military power but also, in effect, took possession of Eastern Europe.

The time has come for the whole world to demand that the principle of self-determination be respected and that the nations of Eastern Europe, too, shall be free from domination and be permitted to choose their own form of government. For that is what self-determination really means.

A LOW, SLOW ALTERNATIVE TO THE SST

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BOB WILSON. Mr. Speaker, now that the fight over the SST has subsided, I hope we can turn our attention to another problem in air transportation. I am speaking about the need for networks of commuter airlines to connect our growing suburbs with each other and provide fast efficient transportation to downtown areas or to major airports.

DOT and particularly FAA are studying the problems involved, and I believe a breakthrough is near.

The military is now paying more attention to short takeoff and landing aircraft—STOL. The new Defense budget calls for an Air Force R. & D. program for a light transport. It seems to me this type of development could provide dual answers for military and civilian needs.

I include a timely article on STOL as a part of my remarks. This is an article from the March 10 issue of the Wall Street Journal, written by Harvey E. Foster, a well-known management consultant specializing in the aviation industry:

A Low, Slow Alternative to the SST

(By Harvey E. Foster)

The year 1970 was not a good one for airline profits. New equipment increased seat-miles and labor settlements increased costs, while a slowed economy reduced growth. The results were heavy losses for most of the nation's carriers, in spite of an actual growth in both passengers and freight last year. As Secor Browne, chairman of the CAB, so aptly put it, "The airlines had more seats than bottoms to cover them."

Many people are gravely concerned. The industry itself, the stockholders and responsible citizens who know the need for economic health in our prime people-transportation system. But what kind of rhetoric fills our news? Do we see solutions offered to the airline dilemma?

No, it's the SST that seems to have captured all our attention.

Not that the SST shouldn't be discussed. It should, and a decision must be made. But the more pressing problem is to get more people to travel by air, not to move a few of them twice as fast.

Less than 1% of the freight moved in this country goes by air. The automobile still far exceeds the airplane as both the long- and short-haul passenger choice.

Early railroad history gives a clue to where we should look for a solution—improve the short-haul transportation system. Early railroads encouraged the building of roads as a means of bolstering the short-haul system, which routed payload to the railroads for the more profitable long-haul.

Short-haul travel today is by rails and highways. Each system unfortunately is expensive to build and difficult to relocate and consumes huge quantities of expensive real estate. An uncrowded expressway connecting centers of commerce would perform the short-haul task well if it remained uncrowded. The truth is, however, that if the road is located where it can serve a short-haul need, it is invariably so crowded as to restrict traffic to a crawl. The railroads have practically lost their short-haul ability. Connecting city center to city center, they offer little more than slum to slum connections.

THE STOL

The airplane, on the other hand, is not encumbered by such impediments. It is the most flexible vehicle existing today; it uses a small amount of real estate, and this only at the terminals. With short take off and landing, or STOL, it becomes still more flexible and needs even less land. STOL planes make possible a new transportation system, a third-level airline network connecting new sources of airline payload with existing terminals.

Where are these new sources of payload? They won't be found in the city center, where with few exceptions, the decay continues its irreversible pattern. The greatest potential for new airline payload is in the suburbs.

Most major cities today are bypassed by a beltway, a natural consequence of the interstate highway system. Along these prime transportation arteries, centers of industry and commerce are springing up. Shopping centers and industrial parks, including much new office space, are taking over the functions formerly performed by the city center. Thus they represent the source and destination of most of the future airline payload. Stolports close to or in these centers would link them to existing air routes.

This is by no means the first recognition of the need for STOL to complete the transportation complex, but is a plea that we consider carefully where these stolports are located. Much press has been given to recent attempts to locate stolports near the city center. Even better coverage has been given to the vigorous and emotional protests of citizens living near these proposed new facilities. Attempts to extoll the virtues of STOL to these citizens are severely hampered by the fact that these protestors are not likely customers for STOL service, nor is there presently an operating system that can exemplify its advantages. It therefore follows that if a downtown stolport is ever to exist, (and it could be a valuable factor in reversing city decay), it must first be proved in some other location.

The suburbs, adjacent to the beltways, or at intersections of interstate highways, are the ideal place to start STOL. Not only is it the source of much potential airline payload, it is also a place not likely to arouse the citizen objection. This latter point is particularly true if the stolport is in a new shopping center built over an abandoned general aviation airport. This would not only avoid citizen protest, but would salvage the facility for continued aviation use.

Stolports could be added to most shopping centers with little difficulty. For example, locating the STOL strip on the roof of the shopping mall would make it handy to the traveler, and would also elevate the approach and departure paths, thus reducing the neighborhood noise problem. The parking lot surrounding the shopping mall would serve as an additional buffer. Noise could be further reduced by routing the flight over the highways. People don't mind working near an airport, but object vigorously to sleeping in the landing pattern.

What about the other end of this new airline system, the airport terminal? With many airports already at or near saturation, won't STOL traffic just add to the problem? Not if we utilize the unique capability of the STOL plane. Steep angles of climb and descent, combined with a short runway—1,500 to 2,000 feet—would permit separation of STOL and conventional flight patterns at most terminals, allowing completely independent operations.

What does this do for the average traveler? Improved load factors mean improved airline profits, which might reduce fares, or at least delay rises. But more important, the service offered the public would be greatly improved. The missing link in our transportation system would be finally fitted into place, offering fast, efficient public transportation to the 50-300 mile traveler.

Unfortunately this missing link in transportation will not just happen. The equation is far too complicated; too many different and only slightly related factors are involved for the system to develop naturally in time to address the need. The federal government, with help from state and local authorities, must act to bring the system into being. To succeed, the federal government must accept the lead. Fortunately, both the FAA and the CAB have written into their charters a requirement for stimulating growth in civil aviation. Never before was that stimulation more sorely needed.

History shows that the federal government did not shrink from shaping the future of railroads. By huge federal land grants, the roadbeds were sent across unprofitable routes and supported the railroads until the routes profited.

SOME SUGGESTIONS

This does not mean that subsidies in any form are proposed for building the STOL system. Instead, the federal assist would include:

Define and publicize the advantages of STOL and the consequences of no STOL.

Halt, or at least slow, destruction of general aviation airports; many have already been turned into shopping centers without provision for STOL.

Bring airframe manufacturers and airlines together to develop the new equipment required.

Stimulate architects and city planners to develop ways to include STOL in their plans.

Develop the economics of the short-haul STOL operation for the potential operators.

Inform land developers of the urban dispersion possible with the aid of a STOL network.

Last year vividly illustrated what a slight economic recession does to airline profits: a loss currently estimated at $123 million. Growth that heretofore was considered normal by the airline industry has created an environment responsive to innovative ideas and courage to make huge investments. Setbacks as were felt by the industry last year, and as are forecast for 1971, could destroy this spirit of optimism and seriously stifle the industry's future growth. We would all suffer if this spirit of confidence were destroyed.

A STOL airline network performing the short-haul task could do much to restore economic health to the airline industry, and complete the public transportation complex.

Just possibly, if we lowered our SST voices, we could hear a small STOL voice saying, 'The way to solvency is low and slow, not high and fast."

SEVENTH ANNIVERSARY OF THE FIRST AMERICAN CAPTURED BY THE NORTH VIETNAMESE

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ZION. Mr. Speaker, tomorrow marks an unusual anniversary. It is the seventh anniversary for an American being held captive by the North Vietnamese. This man is beginning his eighth year as a prisoner of war. He and some 1,600 other Americans are sharing the horrors of the physical and mental limbo their captors have chosen for them.

The families of these men also share a limbo. It is that of not knowing if the one they love is alive, dead, or in some kind of agony. It is only fitting that we, the governing body of the United States, use this means to remind the world of the obligation one nation has seen fit to forget.

DEFENSE DEPARTMENT RETIRES GENERAL POLK—A RACIST IN HIGH COMMAND

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. CLAY. Mr. Speaker, I noticed in a recent news release that the Defense Department has announced the early retirement of Gen. James Polk, commander in chief, U.S. Army, Europe.

The armed services have been plagued for years by the same problems that we find in our civilian society. Not the least of these problems is racism promoted and preserved by racists in high positions. In Europe, charges of rampant racism have been leveled by black GI's for years and until recently, they obviously had fallen on unsympathetic ears. Ever since I took office in Congress 2 years ago, I have been getting letters and petitions and complaints from black soldiers alleging unfair arrests, transfers in the middle of the night, unequal punishments issued to blacks and whites for the same alleged crimes, unequal opportunity for decent housing, and discriminatory practices by biased German landlords, often with the encouragement and approval of high military officials. At no place were these reports more numerous than in General Polk's area of command. It is common knowledge among black GI's that General Polk is a bigot as exemplified by his actions and off-the-record statements on many occasions. Had General Polk used the powers he had, he could have eliminated many of the problems that existed thus lessening the animosities and hostilities between black and white troops and between black soldiers and biased German businessmen.

Secretary Laird, at a year-end press briefing, stated that the Defense Department was going to lead the way in providing equal opportunity for all of its personnel. I would like to commend Secretary Laird on his obvious intent to make good on his promise to cure an illness that has been reflected in our armed services too long without relief for minorities.

It was obvious to all of us that the racial situation would never improve in Germany as long as General Polk was in command. While I commend the Secretary's actions in this case, I feel that part of the deterrent value has been lost because the Army permitted General Polk to retire instead of filing formal charges. The Defense Department should have the courage to point out that General Polk is resigning under pressure because he adamantly refused to carry out the established regulations and policies of the military. The Defense Department sent a fact-finding commission to General Polk's area to investigate racial unrest and they found General Polk's failure to implement existing directives was the crux of the problem.

Tough new implementing directives went out requiring among other things placing establishments, including public housing facilities, off limits that refused to rent to black servicemen.

General Polk reacted with typical temporary, token compliance by placing several housing units off limits for a few weeks. This was discovered by a special NAACP legal team which went over later to see how the command was dealing with the directives from the Department of Defense.

In an obvious attempt to deceive, an Army official briefed this team to the effect that a certain German housing complex—that had been one of the major offenders—was off limits. Subsequent investigation showed that this complex had already been placed back on limits prior to the briefing with no adequate corrective action on the part of the biased landlord. A Stars & Stripes reporter had the courage to write a factual account of this exercise in futility.

General Polk obviously was not interested in correcting the situation. He only paid the usual lipservice and used token screening actions in lieu of positive corrective action. Insuring equal opportunity for all U.S. personnel is the responsibility of every commander. Those in charge of major commands outside the United States of America should be especially responsive to this requirement.

The army should have publicized the real reason behind the retirement of General Polk, making it loud and clear to all other bigots within the armed services that such practices will not be tolerated. Secretary Laird, who is attempting to set new standards in equality, is to be commended. I say, it's a good start, Mr. Secretary, but there are still more practicing bigots of the Polk mold, and until you make it plain as you remove them that they cannot expect to go out with a clean record the problem will not be totally solved. Lower ranking GI's are punished and jailed when they violate military laws. The perpetrators of crimes against the guaranteed rights of their troops should be dealt with accordingly, regardless of rank. This is the only way to make sure that equal opportunity becomes a fact of life.

There is absolutely no justifiable excuse for not continuing an effort to insure basic rights and justice for all of our servicemen who must live with the requirement to give their lives for their country at any time.

Some have suggested a Medal of Honor for General Polk. I strongly recommend a general court martial.

I commend the following article that appeared in the Stars & Stripes to my colleagues:

BLACK SERVICEMEN PROTEST: BAN LIFTED ON HOUSING AGENT

(By Mary Neth)

When a black U.S. soldier tries to rent an apartment on the German economy and runs into discrimination, what happens?

Is it futile, being in a foreign country, for him to protest?

Is his only recourse to continue house hunting and keep quiet?

That's pretty much the case, say a number of black servicemen.

Absolutely not, states the military.

POLK'S ACTIONS

Early in December of last year, Gen. James H. Polk, USAREUR commander-in-chief, took action.

He ordered the Army to place off-limits to all U.S. servicemen apartments and other economy accommodations where landlords practice racial discrimination. The idea was that the military should promote racial equality and make it clear to German real estate agents and landlords that white and black Americans stand together.

The first move against a German realtor accused of discrimination took place almost immediately.

On Dec. 30, Mrs. Edith Wetzmuller, an agent in Frankfurt, was informed by USAREUR headquarters that her rentals no longer would be carried on the local American housing referral lists.

The action came following a complaint submitted in November by Maj. Washington C. Hill, a doctor at 97th General Hospital, who claimed that Mrs. Wetzmuller refused to rent to him because he is black.

RESTRICTION LIFTED

One month later, however, the restriction imposed on Mrs. Wetzmuller was lifted—the banning reversed.

Maj. Hill is strongly protesting this overruling of the off-limits sanction.

He and Capt. Curtis R. Smothers, an Army lawyer in Frankfurt, have filed a complaint against the European Command with the Secretary of the Army. They had already petitioned Stanley R. Resor, the Army Secretary, for a court of inquiry into "the failure of the European command to guarantee their rights under existing Army regulations."

They see the decision to put the agent's rental listings back on the American housing referral list as further proof of their contention that "off-limit sanctions against landlords practising racial discrimination are not being enacted."

They believe such action is urgently needed.

Says Smothers, "I have learned from an unimpeachable source that 90 per cent of the landlords now listed with Hessen Support District's Family Housing Office indulge in discrimination. I'm sure this situation isn't limited to just this area of Germany either."

TASCOM REPLIES

An official of the chief of public affairs office, TASCOM headquarters, denies this stand.

"A review of the case revealed there was not sufficient positive proof that the agent was discriminatory," he states, when asked why the Wetzmuller apartments were placed back on limits.

"How can this be?" Hill asked in anger. "There was a month-long investigation before the off-limit sanction was imposed.

"Maj. Frank Dillard of the Equal Opportunity Office in Frankfurt checked the statement made by me from beginning to end.

"As I see it, they are taking the German women's word over mine—that's all."

TASCOM notes that the German real estate woman did have a few words to say. She protested strongly when informed of the discrimination charge, and removal of her name from the housing lists.

She countered with her own charge of prejudice saying the letter imposing sanctions discriminated against her and her business.

"In connection with her protest action," says the TASCOM representative, "she volunteered to put her position in writing."

She was offered a family housing information form—statement of non-discrimination—to sign, and she did so.

By signing the form, according to TASCOM, she agrees that her rentals will be open to all military personnel without regard to race, sex, creed, or national origin.

The TASCOM spokesman further notes that the "case received considerable publicity," and that because of the publicity "the investigation of it was understandably, conducted as swiftly as possible." In other words, it is seemingly felt that the decision against the woman was arrived at too hastily.

"Following conclusion of the investigation, additional information modified some of the conclusions presented," he continues.

"For example, there was evidence that the agent concerned had a record of having done business in the past with black U.S. personnel.

"Further, the investigation had been conducted through an interpreter, with the result that there was doubt, due to the language barrier, as to the true nature of the agent's position."

Maj. Hill is in no way appeased.

"There was no re-investigation, as, according to military regulation, there is supposed to be.

"As I take it this means any German landlord who says he'll be a good boy—never, never discriminate—is in free."

TASCOM openly admits "a second formal investigation was not conducted," but adds "the agent was consulted by competent military authority and additional statements were obtained."

"I've seen those additional statements," notes a seething Hill, "They add up to calling me a liar."

When asked if in the future any agent or landlord can reverse an off-limits sanction by merely signing a statement of intent not to discriminate, TASCOM replied:

"It's unlikely that restrictive sanctions will be imposed in the future unless there is positive evidence that a landlord or agent is discriminatory."

It also notes that "failure to sign a form will not be accepted as conclusive evidence that an agent or landlord is discriminatory.

"It may be that the agent or landlord does not understand what the ramifications of discrimination are and what his refusal to sign may mean.

"Our personnel will use tact and diplomacy in explaining our program and will use persuasion as a means to obtain signatures.

"If this fails, then more senior military personnel will intervene, if necessary, with the agent or municipal authorities," continues the TASCOM official.

"The objective is to increase the number of housing units available to all U.S. personnel, not to construct an impressively long list of sanctioned units."

"This seems in direct contradiction with what TASCOM said in December," notes Smothers. "Now it appears that a German landlord doesn't even have to sign a non-discrimination form in order to be listed with the housing referral offices."

Smothers and Hill also feel that the investigation of racial discrimination complaints is not being handled as it should be.

BETTER METHOD

"Certainly, it could be done in a better fashion," says Hill. Black and white Americans should be sent to the agent's office—or the landlord's apartment. Then you'd get a true idea if the landlord only has apartments for rent, for example, when a white person appears.

"I'll agree, the first investigation of Mrs. Wetzmuller was not conducted as it should have been, a more thorough investigation would have left absolutely no chance for her to deny the accusations," he adds.

Here the TASCOM official notes that "formal investigation proceedings have not yet been prescribed," but that "headquarters TASCOM is currently staffing a detailed procedure for conduction of investigations which will provide all the pertinent guidance necessary to ensure a full and impartial investigation."

The procedure is to be published within the next 30 days.

COURT CASE NEEDED, SAYS REALTOR

"There is no doubt that there is discrimination when it comes to renting in Germany," says Wilfried P. Vollmerhaus, a Frankfurt realtor, who notes that many landlords now refuse to deal with him because he has black clients.

"The discriminatory practices are felt most by black people, but they also extend to foreign workers here," he continues. "Ads in newspapers which state 'Germans only' are common and there are even a few restaurants that post 'No Foreigner' signs."

Vollmerhaus believes that there should be a "test case" to set precedents and do away with such practices.

He says that some Frankfurt lawyers have expressed interest in representing such a case.

"Under the German constitution (Article 3) all people are guaranteed equal rights," notes Vollmerhaus. "It's stated that there cannot be discrimination or preference for reason of race, religion, gender, political or religious beliefs.

"In the past year, German newspapers and TV have aired the problem of prejudice here. There is concern. However, unless someone really takes a case of discrimination to court, the constitutional statement of rights means little—not much more than the paper they are written on."

A BILL TO AMEND THE FAIR PACKAGING AND LABELING ACT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mrs. GRASSO. Mr. Speaker, I am today introducing a bill to amend the Fair Packaging and Labeling Act. This amendment will require the retailer to advise the customer of the unit price of a commodity as well as the price of the particular package.

This bill is designed to aid the household shopper in the supermarket who has been victimized for many years by the proliferation of sizes of commodities, sizes which do not indicate on their face the true price of the commodity by weight.

For example, I have often entered a supermarket and found laundry soap in containers marked "regular size", "economy size", "giant size", and "family size". In each instance I have been led to assume that the price per ounce of the product was less if purchased in a larger package. This is not always the case, and unless the shopper carries her own computer, it is difficult to determine the true cost of the product.

This legislation is very simple. It merely requires the retailer to prominently display on the shelf, not only the cost of the product as packaged, but also the cost per weight measure of the particular commodity. In most cases the weight measure would be listed in terms of ounces. This, of course, is an administrative detail best left to the Department of Agriculture which would administer the law.

In any case, Mr. Speaker, it is time that the consumer not only knew what he was purchasing, but also the true cost of these products.

The free market economy can only exist so long as the buyer can make an intelligent choice among the myriad of products offered by the seller.

I call on all my colleagues to support this legislation and urge its early consideration.

VICTORY WILL STILL CRITICS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SCHMITZ. Mr. Speaker, the following column by renowned columnist Holmes Alexander appeared in the Manchester Union Leader of March 8, 1971. Mr. Alexander advances the interesting thesis that the best method of silencing the critics of allied efforts to stem the North Vietnamese Communist conquest of Indochina is to win the war.

Mr. Alexander points out that:

> There is precedent for believing that it (victory) would provide the one unanswerable rebuttal to the Senate peacemongers. The War of 1812 had its peacemongers, even its New England secessionists, until Andrew Jackson won the big battle at New Orleans and shut them up.

The term "victory" in this case means that the enemy's ability to carry on his war effort is denied to him by serious use of our fighting forces. The incursion into Cambodia and the South Vietnamese advance into enemy-controlled areas of Laos are good examples of operations designed to do just that. However, it is the belief of many, including Mr. Alexander and myself, that it will be necessary to eliminate the basic sinews of war which are now operating under sanctuary privilege in the enemy rear.

The Soviets, supposedly because they are caught in an embarrassing position, but actually because they have the United States caught in a vise, continue to pump war materials into North Vietnam through Haiphong Harbor so that their allies can continue fighting. Why not close Haiphong Harbor? The stock comeback to this course of action seems to be that we might sink a Soviet ship and then the Soviets might retaliate by initiating a nuclear strike on the United States. This line of reasoning is so far-fetched that it is not really worthy of discussion, but since it seems to have caught the public fancy let us analyze it.

Say the United States sinks a Soviet ship because it runs into one of our mines or attempts to force its way through our Naval blockade. Is this an automatic trigger for a nuclear war? Do the Soviets have a contingency plan which reads "if ship is sunk initiate nuclear war which we will probably not survive?" Does anyone really think that the Soviets are thin-skinned enough to bring their empire crashing down for the sake of one ship or even several ships? All those familiar with Leninist thought understand perfectly well that avoidance of provocation, that is being drawn into a battle one does not have a good chance of winning, is a cardinal tenet. The other half of this approach to battle enjoins armed struggle when victory seems probable and whether or not we sink a ship is beside the point.

The Soviet war doctrine does not demand provocation as a reason for beginning a war that has already been declared by mysterious historical forces. The doctrine does however demand that no war be initiated if there is not a very good chance of success. No action on the United States outside of a direct attack on the Soviet heartland would be considered the signal to begin a central nuclear war, which the Soviets do not feel they can win. When they feel that they can win a central nuclear war, they will initiate one no matter what the United States may be doing at the time.

Dr. Henry Kissinger seems to recognize the fact that the Soviets will not start a general war with the United States over anything we might do in Southeast Asia. In a background briefing last June, Dr. Kissinger plainly stated that:

> I would have to say that if there is the danger of a general war in this Administration, I do not believe, and we do not believe, that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

I highly recommend to all my colleagues the following article by Holmes Alexander:

U.S. Should Use War Plane Advantage—Air Strikes in North Vietnam Key to Victory

(By Holmes Alexander)

Washington.—President Nixon has got an air war going on two fronts now—in Southeast Asia and the U.S. Senate. That's good.

It never made any sense to fight a disadvantageous ground war against Asian hordes, whether in Korea or Vietnam. The air weapon, land-launched or ship-launched, is what makes us superior, and we have never since World War II drawn maximum use from the warplane. Had we done so, we would have come home in triumph from Korea and long ago from Vietnam.

To do justice to those in combat and those at home, President Nixon will have to give orders that Truman did not give to McArthur and Johnson did not give to Westmoreland. The President must steel his mind to send the planes where the targets are. The targets are at the industrial area of Hanoi, at the port of Haiphong, at the Red River dikes in North Vietnam. Unless he lays waste these targets, he is wasting American lives.

As to the air war of verbosity in the Senate, the President can win that one too, if he acts with audacity. Nothing is going to succeed better than a smashing series of victories with the ground troops of South Vietnam and Cambodia, spearheaded by U.S. airpower. From all reports of any credence, such a victory seems to be a glowing probability.

There is precedent for believing that it would provide the one unanswerable rebuttal to the Senate peacemongers. The War of 1812 had its peacemongers, even in New England secessionists, until Andrew Jackson won the big battle at New Orleans and shut them up. Mr. Nixon is now on the track to throttle his war critics, and to scuttle the lingering no-win policy that has dominated our strategies for too long. All the President has to do on Indochina is give orders to keep 'em flying.

VICTORY BONUS

Another bonus awaits Mr. Nixon's joint victory over the Asian Communists and Senate defeatists. His plans for Family Assistance, national health insurance, and for carrying on most of the discredited Great Society schemes have separated him from the Silent Majority of conservatives who claim to have put him in office.

There is hardly a publication or writer or commentator of the political right that has not quarreled with Mr. Nixon in the past three months. His revelation that he is planning huge welfare spending on a deficit budget has driven former Nixon Persons from him in droves.

But nothing would bring them back faster, or would so swell their ranks with new recruits, than the firm and simple proof that the President intends to lead America to a victorious conclusion of the Indochina war. It may not be that conservatives are any more patriotic than liberals, but it is beyond all doubt that they are most anti-Communist.

The common characteristics of all liberal front-liners is that they were—and are—quite willing to do terrible things to emperor-worshippers, South African race-supremacists and Spanish monarchists, but are unwilling to harm socialists and Communists. It just happens that the facts of international life make this liberal attitude downright absurd if not insane. The only present threat to our country is leftist radicalism at home and abroad, and the stronger Mr. Nixon gives battle to it the more he's attracting the Silent Majority to his support on all matters.

I take it that the Former Nixon Persons would forgive him all his red-ink programs in return for one red-blooded victory over the Reds.

NATIONAL POISON PREVENTION WEEK

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. CARNEY. Mr. Speaker, the week of March 21 through 27 has been set aside, by Presidential proclamation, as the 10th annual National Poison Prevention Week, to aid in encouraging the American people to learn the dangers of accidental poisoning and to take preventive measures.

Every year a million people accidentally swallow and are poisoned by medications, cleaning fluids, polishes, household detergents, turpentine, and pesticides. Because these products are generally found in every home, people tend to ignore, or at least to be unaware of, their potential hazards. Even with rather extensive educational campaigns, warnings on labels, and unpleasant experiences with the misuse of these products, reports continue to come into poison control centers throughout the country. Most often, the victims are preschool children, unable to read the labels of the poisons they ingest.

It therefore is incumbent upon us, as a people concerned for the fate of humankind in general, and children in particular, to call to the attention of the country the growing danger of poisons available in everyday life.

The only way to crush the growing poison epidemic is to keep all poisons out of the reach of children and to inform and supervise our children sufficiently to guarantee their freedom from the dangers of the poisons that afflict our way of life.

CHALLENGE AWAITS ACTION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HARRINGTON. Mr. Speaker, the death of a great man inspires a rash of eulogies by those whose commitment to his principles are not necessarily reflected in their words. Only time and events can adequately test the sincerity of his mourners.

The death of Whitney Young provided such an occasion. America, particularly black America, will watch to see if those sentiments so eloquently expressed at his grave site will be transformed into deed or will remain hollow phrases, left to mock the memory of his commitment.

Carl Rowan, having demonstrated through his own life the commitment to racial justice which Whitney Young exemplified, writes of our debt to such individuals and of the magnitude of our loss. I recommend his column to my colleagues:

Whitney Young's Challenge Awaits Action

(By Carl T. Rowan)

This is a society that devours its leaders.

"If you want something done, ask a busy man to do it" is a rule of life that throws man-killing burdens on those who illustrate by deed that they care about this nation and their fellowman.

The burdens and responsibilities are piled on mercilessly when it is a black man who cares, who is selfless, articulate, intelligent.

It is a speech here tonight, a breakfast meeting there tomorrow; it is a seminar here in the forenoon, a presidential commission meeting on some burning issue in the afternoon, assistace for some charity drive or attendance at some benefit in the evening.

With tragic frequency, the big-hearted men who take on these burdens find their hearts giving out too soon.

And that is how this troubled nation has drained life away from Whitney Young at the untimely age of 49.

Young drove himself beyond the point of survival because he had commitment; he felt a compulsion to do those things that, left undone, would leave both the nation and mankind poorer.

It is so typical that the Urban League leader's heart gave out while he was on a mission to improve relations between Africans and Americans. He sensed, as many Americans do, that in American governmental and private circles, Africa is back-burner, whether it comes to aid or attention.

Whitney Young was one of my oldest friends. I often saw him bone-weary, but I never heard him complain about how much he had to go and go, give and give. I only heard him express fear that, even after so much sacrificing and struggling by himself and others, the nation still would not rise up to its great social challenges.

He watched his old friend, Roy Wilkins, executive director of the NAACP, sacrifice days on the Kerner Commission, trying to show the nation the path away from civil strife. Then Americans turned in petulance and ignored the commission's recommendations.

Young himself devoted much of his time and energy to helping the Pentagon wipe out racial discrimination in the armed forces.

Young pointed the way and he got promises, but the bold steps were never taken, and racial antagonisms are today a festering cancer inside the armed forces.

There were many reasons why Young might have given up the faith and turned to the rhetoric of anger and despair that would have caused newspapers to cease referring to him as a "moderate" and left him with a bigger hero's mantle among alienated blacks.

But Young clung to the belief that there had to be a major ingredient of intellect, of articulation, of persuasion if the black man ever was to achieve first-class citizenship in America.

Some months ago, when Young was honored by the Four Freedoms Foundation, I said: "What caught my attention even 22 years ago was Young's ability to tell the American power structure the unpalatable truth and make that power structure listen. For two decades now Whitney Young has said this to those white Americans who have the capacity to change things:

All right, sit on your derrieres and ignore the black man's grievances and frustrations; count on the police force, the National Guard, to put down the black revolution; on a white backlash to suppress and oppress black people when the chips are down. Do you know who will wind up losing in the long run? You of the white power structure! You, who have the most to lose because you possess the most of all that is deemed good in this affluent society!

Obviously, not enough Americans listened to Young. If they had, we would not face the mess that our urban areas are in today.

But Young's warning is a legacy, a lasting challenge to "the establishment."

And this wise and perceptive leader has also left a vital legacy to young blacks. He exemplified a new measure of manhood. He helped them to understand that it may not take nearly as big a man to stand in the street and curse whitey as it does to walk into the White House or the board rooms of great corporations and speak eloquently those truths that the leaders of government and industry would rather not hear.

Yes, we weep at this loss of a good friend and great leader. And we weep for a nation that needed him so desperately—but still seems unable to comprehend the wisdom of his counsel.

U.S. PRISONERS OF WAR

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DE LA GARZA. Mr. Speaker, this Congress, representing all the people of the United States, must make it clear to the world that the members of the U.S. Armed Forces held captive in North Vietnam are not forgotten.

With other Members, I sponsored a resolution strongly protesting the failure of the Government of North Vietnam to abide by the provisions of the Geneva Convention concerning treatment of prisoners of war.

North Vietnam and the National Liberation Front of South Vietnam have refused to identify the prisoners they hold. They have not allowed impartial inspection of prison camps. They will not permit free exchange of mail between prisoners and their families. They have refused to release seriously ill or injured prisoners. And they will not enter into negotiations for the release of all prisoners.

I urge favorable consideration of the resolution calling upon North Vietnam to comply with the requirements of the Geneva Convention. We must lose no opportunity to direct worldwide attention to that country's unconscionable failure to do so.

MAYORS IN THE ROUGH

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BOGGS. Mr. Speaker, on the editorial page of this morning's Washington Post, there appears an exceptionally thoughtful and perceptive column by Mr. Joseph Kraft.

Mr. Kraft's topic is the urban crisis—a subject of no little controversy these days—and he makes some telling points about the erosion of strength in government on the municipal level.

I am inserting it in the Record and commending it to the attention of my colleagues:

Mayors in the Rough

(By Joseph Kraft)

The fickle finger of fate seemed to be overdoing it when a Federal grand jury indicted Mayor Joseph Alioto of San Francisco for illicit fee-splitting only a couple of hours after Mr. Alioto and a group of other big city mayors emerged from a White House meeting with President Nixon. But there was a logic in the coincidence.

For the visit of the mayors here showed once more that the urban base of political power in the country is crumbling. And Mr. Alioto was only the most dramatic case of a visiting mayor in the political rough back home.

Consider for example, Carl Stokes, the articulate black leader now serving his second term as Democratic mayor of Cleveland. Mr. Stokes has alienated the white ethnic majority in his town to the point where they have twice voted down referenda that would have increased the city income tax.

He has fallen out with the big newspapers that originally backed him. He is at odds with the progressive new Democratic governor of Ohio, John Gilligan. Benjamin Davis, the black former Air Force general brought in to head the police force, quit in a huff. So it is not easy to see how Mr. Stokes can be nominated again—at least as a Democrat.

Then there is James Tate, the mayor of Philadelphia. Mayor Tate is stepping down this year with his party almost total disarray. Police Chief Frank Rizzo, whom the mayor is backing as his successor, is vastly unloved by the large black population. He is opposed by one of the brightest young men in the Congress, William Green. And though two reformers in the race are likely to draw from Mr. Green's vote, it is still not clear that the mayor can carry his own man through a primary in the Democratic Party he is supposed to boss.

Finally there is John Lindsay of New York. Mr. Lindsay would plainly like to be President. But he can't leave his own town for political purposes without something catastrophic happening in the way of a strike or a power blackout that makes him look very bad.

Neither can he figure out what party to join. Democratic leaders are not begging him to run for the White House on their ticket. President Nixon stands in the way on the Republican side. For the time being, the mayor is reduced to urging Congressman Pete McCloskey of California to have a go at the President in the Republican primaries—a gesture which Mr. Lindsay himself acknowledges is futile.

No doubt other mayors are in better shape politically, and most of those with wounds won them in honorable combat. But the fact is that the mayors are losing political clout. And that fact was reflected everywhere the mayors showed up in Washington during their recent visit.

The White House used to be a major ally for City Hall, and this time the mayors came to town determined to support President Nixon's version of revenue sharing. But they only got in to see Mr. Nixon after giving assurances Mayor Lindsay would not make any nasty sounds. And the White House still felt no compuction about blackballing Wes Uhlman, the mayor of Seattle, apparently because he was persona non grata to one of the President's aides, John Ehrlichman.

Mayors also used to stand tall in the House of Representatives, with its large big city delegations. But the Democratic leadership of the House stood against the mayors on the President's revenue sharing proposals. And it wasn't only the leadership. Democrats in the Pennsylvania delegation, despite intense pressure from Mayor Tate and Peter Flaherty of Pittsburgh, refused to bind themselves in favor of revenue sharing.

The unkindest cut of all came from one of the mayor's best friends. In a thoughtful speech, Sen. Edmund Muskie expressed some doubts about both the merits and political viability of the President's version of revenue sharing. The mayors were so up-tight on the issue that they lashed out furiously at the front-runner for the Democratic presidential nomination.

Perhaps the mayors visit was not altogether in vain. They may be able to get the President to speed up disbursal of moneys voted for urban renewal, mass transit, and public housing. They may be able to get some special consideration in revenue-sharing legislation.

But the basic fact is that the cities are a force on the wane in national life. The answer to urban problems does not lie mainly in funding existing urgan governments. It lies in moving outside these structures—in getting money directly to individuals so they can disperse from the central cities; in expanding municipal authority to include over-all metropolitan districts; in regional approaches. In one way or another, in other words, the way out of the urban crisis lies in putting the cities and the suburbs in the same bag.

CONFERENCE ON GI CIVIL RIGHTS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RIEGLE. Mr. Speaker, I rise today to draw my colleagues' attention to a little known event that has the potential of becoming a significant new dimension in the civil rights movement.

Under the sponsorship of the Student Bar Association of the Georgetown University Law School, a national conference will be held on April 17 and 18 at Georgetown Law School to focus attention on the legal problems faced by enlisted men in the military service.

The goal of the conference will be to establish several legal aid offices manned by civilian attorneys and law students near military bases which will begin to operate this summer and later evolve into a nationwide organization. Preliminary plans include a 4 to 6 week course in military law to be taught by qualified attorneys followed by the formation of a network of GI legal services groups to be set up near large military installations. These groups will provide free legal service to any serviceman who requests it.

This initiative is consistent with insuring the constitutional rights of all our citizens, and I commend the Student Bar Association of Georgetown University Law Center for its efforts to secure equal justice within our system of Constitutional Law.

CAUGHT IN AMBUSH—ARMY SERGEANT KILLED IN VIETNAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. DUNCAN. Mr. Speaker, today I would like to pay tribute to the memory of an outstanding soldier from my district who was killed in Vietnam. Sgt. 1/C Thomas M. Kennedy of Knox County was caught in an ambush just a month after his return to Vietnam for a second tour of duty.

Sergeant Kennedy was a handsome young man who had served in the Navy before joining the Army in 1960. He served his country faithfully and with honor and, in fact, had received many awards and citations for outstanding contributions.

To his parents, Mr. and Mrs. Enoch B. Kennedy, his wife, his sons and daughter, and to all of his family and friends I express deepest sympathy on this great loss.

The following news story from the Knoxville, Tenn., News-Sentinel reviews the highlights of his career and life:

Caught in Ambush—Knox Army Sergeant Killed in Vietnam

(Note.—Today's report of the death of a Knox County serviceman brings to 86 the number of Knox Countians killed in the war in Indo-China since Nov. 17, 1965.)

Sgt. 1/C Thomas M. Kennedy, a 30-year-old regular Army man from Knox County, was killed in an ambush in Vietnam, his family has been informed.

Sgt. Kennedy, Woodby Rd., had returned to Vietnam only a little more than a month ago for a second tour of duty. He was killed Friday, the Defense Department informed his wife, Mrs. Emma Faye Hurst Kennedy. He was wounded during his first tour of duty in Vietnam, in 1968–69.

He received the Army Commendation Medal and a later Oak Leaf Cluster for it, the Purple Heart, a Bronze Star and other medals.

Sgt. Kennedy attended Carter High School before he entered the Navy in 1957. He later received his high school diploma while in the service. He joined the Army in 1960 and had remained in ever since. In addition to his duty in Vietnam, he served in Korea and at several bases in this country.

Besides his wife, he leaves his parents, Mr. and Mrs. Enoch B. Kennedy, Woodby Rd., two sons, Dwayne and Allen; a daughter, Lisa Ann Kennedy; two sisters, Mrs. Charles Poore and Miss Wilma Kennedy, and two brothers, Enoch, Jr., and Riley, all of Knoxville.

The body is expected to arrive in a few days. Roberts will be in charge of services.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ZION. Mr. Speaker, Donald E. Johnson, Administrator of the Veterans' Administration, recently issued a statement to the 175,000 employees of the Veterans' Administration, throughout the United States regarding "National Week of Concern for Prisoners of War/Missing in Action." It is particularly significant that the agency responsible for the administration of the benefits for our returning servicemen would recognize this "week of concern" and call for the participation of its many employees. I commend Mr. Johnson for his thoughtful statement and hereby present his comments for inclusion in the Record:

The President and Congress have designated this week as a "National Week of Concern for Prisoners of War or Missing in Action."

I urge all of our Veterans' Administration installations and our more than 170,000 employees across the land to give full and active support to the President's call "upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men. To inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end."

I know that the President in his proclamation speaks for all his countrymen when he says of the 1,600 Americans missing in action or known to be captured, "Even in captivity, they continue to serve our nation in the highest sense of honor and duty to country. We owe them in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandom them."

The Veterans' Administration has a special interest in these men. When they return they will need specialized health care and rehabilitative services. It will be our privileged responsibility, undertaken with thanks for their return, to aid them in their transition back to full participation in the mainstream of American life.

And, not only this week, but every week, the Veterans' Administration has a signal opportunity to translate the compassion of all America into benefits action on behalf of the families of these brave men.

Under recent law, the Veterans' Administration has been able thus far to provide educational training for more than 90 wives. Some 60 college age children have been assisted in continuing their schooling, and over 30 families are being assisted in securing Veterans' Administration home loan guarantees.

I call on all Veterans' Administration Field Stations to continue giving prompt and dedicated attention to the needs of the families of these men we honor, and to accelerate these programs where possible. I urge you to seek out each of those families residing in your area to apprise them of the rights they now have under law, and to provide all possible assistance.

Although Veterans' Administration financial aid cannot begin to compensate for the pain of separation from their loved ones, we can and we must try to ease the burden these families must bear by providing all possible Veterans' Administration assistance.

HANOI'S PAWNS—U.S. POW'S/MIA'S

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. HICKS of Washington. Mr. Speaker, time after time at the Paris talks North Vietnam has doggedly claimed that it treats our captured men humanely. The record, unfortunately, indicates otherwise.

Is it humane to keep hundreds of families in agonizing doubt by refusing to identify prisoners or release information regarding their condition?

Is it humane to refuse impartial organizations, such as the International Committee of the Red Cross, to inspect prisoner of war facilities?

Is it humane to refuse to release sick and wounded prisoners, many of whom we know have died in prison cells?

The truth is, Hanoi has failed in virtually every respect to treat prisoners of war decently. It has flouted its legal obligations as a party to the Geneva Convention Relative to the Treatment of Prisoners of War, and has flouted our Nation's grave concern for its men.

As you know, Mr. Speaker, this past October our Government offered to release 36,000 prisoners, including over 8,000 North Vietnamese soldiers, in return for probably less than 5,000 Americans and South Vietnamese held captive. To date, their response to this offer has been totally negative, indicating to me that they have very little concern for their prisoners of war.

In December, the United Nations General Assembly by an overwhelming majority adopted a resolution on prisoners of war calling upon "all parties to any armed conflict to comply with the terms of the 1949 Geneva Convention." To this, Hanoi has answered cynically that American servicemen captured in North Vietnam are "war criminals" not entitled to protection under the Convention's rules.

Mr. Speaker, as you are aware, during the 91st Congress 404 Members of the

House signed a letter to the President of North Vietnam urging him to abide by the guidelines established at Geneva; many of us in Congress have sponsored resolutions urging North Vietnam to treat our captured men in accordance with internationally recognized codes; we have enacted legislation calling for the humane treatment of all prisoners in Vietnam; and, of course, many of us have spoken out individually against Hanoi's treatment of our men.

But, thus far, any gestures of humanity toward our prisoners by North Vietnam seem to have been motivated more by the desire for bargaining advantages at Paris than by humanitarianism. Hanoi has clearly chosen to use these men as pawns to help them achieve their political objectives.

And if the record regarding our men captured or missing in North Vietnam is bad, it is even worse with regard to those captured or missing in South Vietnam. Except for a few propaganda broadcasts from the Vietcong, we have received no information whatsoever on the fate of these men. The State Department advises me that during the past 10 years exactly one letter has been received from a member of our Armed Forces captured in South Vietnam. We know that many have been brutally murdered, and we can only fear the fate on many more.

Mr. Speaker, it is my sincere hope that the observation of National Prisoners of War/Missing in Action Week throughout our country will convince Hanoi and the Vietcong in unmistakable terms that we in Congress and in this Nation are solidly unified in our resolve to secure humane treatment and the early release for our captured men. These men and their families deserve nothing less.

MSGR. ANTHONY DI LUCA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RODINO. Mr. Speaker, too often those individuals who have contributed so selflessly in making the lives of so many of us more meaningful go unsung. And, for this reason I wish to note the 89th birthday of an exceptional individual and dear friend, Rt. Rev. Msgr. Anthony Di Luca of the Holy Family Church in Nutley, N.J.

He is a gentleman who has enriched the church community, educational institutions and orphans programs to which he has given his unstinting devotion. Our community is the richer for his service. And, on the occasion of this milestone I congratulate and applaud Monsignor Di Luca. His example will always live in the hearts and minds of all those who have had the privilege, as I have had, to know him. And, I wish for him in the years ahead, the continued enjoyment of life's blessings.

LET US KEEP IT ROLLING

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. FINDLEY. Mr. Speaker, again in April the Farm Journal magazine has published what I consider an excellent analysis of the stake the American farmer has in foreign trade.

This leading farm publication in its monthly editorial expresses well why a growing number of farmers is convinced serious problems could befall them if we should approve a program to establish artificial trade barriers to protect domestic industry.

The editorial is included as part of these remarks:

LET US KEEP IT ROLLING

We are enjoying a boom in our sales of farm products overseas. It is putting real money in farmers' pockets, and the future can be even brighter. But we'll have to step lively to keep it that way. *First, the good news:*

At the USDA's Farm Outlook Conference, Ray Ioanes, head of the Foreign Agricultural Service, announced that farm exports in the current fiscal year ending June 30 will set a new record of about $7.4 billion. And $6.4 billion will be for hard dollars of commercial sales—a new high for "cash on the barrelhead."

What that means back on the farm is clearer when we look at it this way:

1. The value of farm exports from the state of Texas averaged $2279 per farm last year. Exports from North Carolina averaged $2605 per farm; for Iowa, $3632; for Illinois $5242; and for California, $9921.

That can be an eye-opener when you stop to think what it might mean on your own place.

2. This year, we will export the production from about 70 million farm acres. We will export the output from 24 million acres of wheat; 23 million acres of soybeans; 7 million acres of corn; 4 million acres of cotton; 3 million acres of sorghum, and over a million acres of rice.

The dairy products that we export will account for the crop output from 2 million acres; pork shipments will equal the crop output from more than 1 million acres.

Combined, this is the production of nearly one harvested acre out of four. *The significance of that sinks in if you visualize that every fourth or fifth farm you pass is in business to sell overseas—and if it weren't, its output would be competing on markets here at home.*

3. Still another measure of what exports mean to farmers is the size of the export market for some of our crops. For instance, we are exporting the following amounts of our production of these commodities:

	Percent
Rice	58
Soybeans	50
Cattle hides	45
Wheat	41
Tobacco	36
Tallow	36
Cotton	29
Nonfat dry milk	24
Sorghum grain	16
Corn grain	13

Just imagine what shape we'd be in if we didn't have an export market for that portion of each of these items.

That picture ought to lay to rest the idle talk of those who suggest that we should close our borders to imports and live within our own rich market. That sounds enticing if we could just shut out competing food imports and keep shipping our exports. But the people who raise food abroad just don't seem to like the idea of closing off their shipments to us while we continue shipping to them. Any wonder? Besides, both sides gain when they trade.

Still, there are enough people who don't see the whole picture so that the idea of trade protectionism and "self-sufficiency" is running rampant here and abroad.

That is the bad news, because no one stands to lose as much as American farmers if the tide of increased protectionism wins the battle. We're No. 1 in farm exports.

If our export farm markets were cut off, we'd have to idle another 20% of our cropland to hold farm prices fairly even. That would be on top of the 19% "diverted" by farm programs last year at a cost of $3.8 billion. Does anyone think that Congress would put up another $4 billion or so for farm programs?

Any part of our exports lost because of protectionist trade restrictions hurts us. And it hurts worst of all in future sales. Nobody can produce as many quality farm products as efficiently as we can, and therefore has as much natural advantage to "cash in" on future sales from growing world populations and rising levels of diet.

A "liberal" attitude toward trade doesn't mean that we have to open our borders to every "Hans, Igor or Philippe" who wants to send us cut-rate, subsidized food imports. Nor do we have to acquiesce to any country which wants free access to our markets without opening its own gates. And it doesn't mean that when another country imposes trade restrictions on us we have to stand back passively for fear that too loud a protest will upset our foreign policies. We've done too much of that already.

We can still be "liberal" by taking firm action to protect our markets against imports that make inroads by unfair, non-competitive means—rather than with quality farm products produced efficiently and priced fairly.

Liberalism does call for a willingness to negotiate lower trade barriers when we can get equal concessions for what we give up. It also demands the highest kind of responsibility, understanding and world statesmanship on our part as American farmers. What else can we do if we accept the fact that our market is a world market?

MSGR. JOSEPH C. FEGHALI CELEBRATES SILVER JUBILEE

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. JAMES V. STANTON. Mr. Speaker, this Sunday Msgr. Joseph C. Feghali, pastor of St. Maron's Catholic Church in Cleveland, will be honored at a banquet marking his silver jubilee in the ministry.

At Sunday morning mass the monsignor will be elevated to chor bishop by Bishop Francis M. Zayek of the Maronite Church of the United States. Monsignor Feghali will serve as auxiliary vicar to to the bishop of the Maronite Diocese of the Lebanon Syrian Church.

For 25 years Monsignor Feghali has given of himself with unreserved generosity to his parishioners and the people of Cleveland. He is a true son of Lebanon. His concern for the well-being of Cleveland is as great as his love for his homeland.

I have known him as a friend for many years. He is a rare man, a devoted pastor, and a fine human being. I congratulate him on the occasion of his 25 years in the ministry and his elevation to chor bishop. May he have many more years to serve the people of Cleveland with all the dedication of a true man of God.

TRANSPORTATION AND THE ICC

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. WYATT. Mr. Speaker, several bills have been introduced in the Congress aimed at either modifying or completely abolishing the Interstate Commerce Commission.

At a meeting March 11 of the Portland, Oreg., Freight Traffic Association Board of Directors, A. R. Allen, association general manager, outlined briefly the history of transportation regulation and presented a very thoughtful and cogent analysis of the various bills. At Mr. Allen's recommendation the directors unanimously adopted a recommendation to "vigorously oppose" any attempts to modify or do away with the ICC.

Mr. Allen in a subsequent letter stated that while truckers and other long-distance haulers have not always agreed with the decisions of the Commission, at least we feel we have had our day in court. He added that we as a group would be dead if the ICC were abolished with an ultimate deregulation of all modes of transportation.

I found Mr. Allen's remarks most thoughtful and commend them to my colleagues:

Portland Freight Traffic Association

WHITHER TRANSPORTATION REGULATION?

The continual battle over whether transportation should be more stringently regulated or deregulated appears to be building to the point where a major decisions affecting regulation may be made this year. In February, Senator Mike Mansfield (D.-Mont.) introduced a bill (S. 649) to abolish the Interstate Commerce Commission; the President's Advisory Council on Executive Reorganization recommended that the Interstate Commerce Commission, the Federal Commission and the Civil Aeronautics Board be abolished and their regulatory responsibilities combined in a new Transportation Regulatory Agency; and Senator Howard Baker (R.-Tenn.) introduced a bill (S. 784) that would establish a commission on transportation regulatory agencies to make a three-year study of those bodies. Introduction of similar additional bills can be expected.

For a long time, the railroads have strongly advocated deregulation including the right of one company to own all modes of transportation. For just as long, the motor carriers have favored regulation as necessary for their survival, because of the greater financial strength of the railroads.

WHY REGULATION?

Whoever controls transportation controls each person's livelihood as well as the necessities of life. Biafra proved that the control of transportation is the control of life itself.

The unequivocal standards of non-discriminatory treatment in the provision of transportation services were defined in NYNH &H v. I.C.C., 200 U.S. 361, by the Supreme Court as:

"The great purpose of the Act to Regulate Commerce, whilst seeking to prevent unjust and unreasonable rates, was to secure equality of rates as to all and to destroy favoritism, those last being accomplished by requiring the publication of tariffs, and by prohibiting secret departures from such tariffs, and forbidding rebates, preferences, and all other forms of undue discrimination."

Thus, the basic purpose is to make the transportation system, as a whole, function as an impartial service agency for the national economy. Neither rates nor standards of service are to be used by government or by private enterprise as a means of advancing the interests of one region or sector of the economy to the prejudice or disadvantage of any other.[1]

Congress has determined that it is unsound to depend upon unrestricted price competition as the arbiter of economic survival of transport agencies, and that it is equally unsound to determine the adequacy of transportation supply by unrestrained competition.[2] Therefore, from the point of view of public policy and public interest, it is important not only that the administrator of regulation should not improperly encroach on private right, but also that he should effectively discharge his statutory obligations. Excessive favor of private interest may be as prejudicial as excessive encroachment.[3]

It is difficult to understand why so many want to leave "men" out of transportation and then condemn regulation on pure economic theory. Congress was given the power to regulate transportation in 1787 with the adoption of the Constitution, 100 years before the Interstate Commerce Act.

The Supreme Court stated in *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196, 203, that regulation of interstate commerce is ". . . the power to prescribe the rules by which it shall be governed, that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duties and other exactions."

Just as the Constitution broadly pertains to the conduct of men in the governing of the nation, the Commerce Clause thereof, and more specifically, the Interstate Commerce Act, pertains to the conduct of men engaged in interstate commerce. Of course, if there were only angels in the business, there would be no need for any rules of conduct.

Whether transportation is regulated or not, rates and standards of service may become a means of advancing the interests of one region or sector of the economy to the prejudice or disadvantage of another. Who then is to decide when a rate or practice is unreasonable, or preference and prejudice undue? Who is to decide when additional service is required by the public convenience and necessity and if the potential supplier is fit, willing and able to provide the service?

Such questions need to be answered before the fact, not afterward. This is why reliance on the Sherman Antitrust Act for the regulation of transportation would be the same as "locking the barn after the horse is stolen."

A primary strength of the Interstate Commerce Act is Section 15(7), whereby anyone may seek relief before rather than after an injurious rate becomes effective. Rate suspension is an important part of rate investigation. Both must be preserved.

No economy, such as that of the United States, that is based fundamentally on mass production and distribution of products throughout a continental market can continue to prosper without a transportation system that is dynamic, efficient, and capable of delivering goods and people with safety, expedition, with a high degree of dependability, and at the lowest cost in the expenditure of manpower and other scarce resources.

Historically, these requirements have been met most satisfactorily by common carriers, who by statute are charged with the heavy obligation to serve all individuals and shippers alike to the extent of their physical capacities, on known schedules at published rates, and without discriminations.

The availability of this type of stable and dependable service is of equal importance in the day-to-day business operations, production and market planning of large and small business alike. Moreover, in a broader sense, the availability of this type of transportation system is essential to the orderly and healthful operation of a peace time economy and is indispensable to the national security in time of war.[4]

Thus, it is seen that transportation is the arteries through which the materials for mass production are assembled and its products distributed. The value of common carriage for-hire as a supplier of the service is that anyone having a commodity to ship from any part of the United States to another, can do so without having to go into the transportation business himself in order to obtain the service.

If anyone doubts the value of such service to his particular business and to himself and his family, let him be without common carriage for-hire for only 48 hours. Not only would his business be affected, but also he and his family would be seriously wondering from where the food for their next meal would be coming. Whoever controls transportation controls the necessities of life, as well as each one's livelihood.

THE MONOPOLISTIC MYTH

Having seen that the control of transportation carries with it the control of the civilized world, and that federal regulation has as its basic purpose to make the transportation system, as a whole, function as an impartial service agency for the national economy, it is somewhat disconcerting to read such statements as:

"Paradoxically, the underlying concept of this [intensified] regulation has continued to be based on the historic assumption that transportation is monopolistic, despite the fact that the power of individual transportation enterprise to exercise monopoly control has been rapidly eliminated by the growth of pervasive competition."[5]

True, Congress first moved against monopoly in transportation, but only because it interfered with the free flow of interstate commerce. When shippers gained too great a control over transportation because their volume of traffic allowed them to dictate rates at very low and even non-compensatory levels, which also impeded the free flow of commerce, Congress again acted.

Thus, the first step taken to strengthen regulation was carrier sponsored and resulted in the Elkins Act of 1903. It provided that tariffs must be observed, strengthened the law against rebating, made shippers liable for receiving rebates, and gave the courts power to enjoin such violations of the law.[6]

The demand for federal regulation of motor vehicle transportation for-hire came from several sources. It arose in states whose authorities had felt the urgency of some control over the use of their highways and the inadequacy of state measures. It developed strongly in the course of time in the minds of railroad officials who sought to sub-

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Footnotes at end of article.

ject their motor vehicle competitors to regulation similar to that under which they functioned.

It found advocates in the motor vehicle industry itself on the part of operators dissatisfied with the chaotic condition resulting from uncontrolled competition. It was voiced by some shippers, who preferred an ordered transportation system to the unstable and uncertain conditions which had developed in motor carrier transportation. Also, it was advocated by the Interstate Commerce Commission and by the Federal Coordinator of Transportation after exhaustive studies.[7] Again, Congress acted to preserve the free flow of interstate commerce.

TECHNOLOGY AND REGULATION

The 1955 Presidential Advisory Committee On Transport Policy and Organization concluded that the public interest requires the maintenance of a sound and vigorous common carrier transportation service by all of the available means of transport, each operating within its respective capabilities and developing in accordance with the indicated demand for its services. It also concluded that such common carrier service is indispensable, yet the financial position of some of the major common carriers is precarious and they lack the means to offer superior service and to apply technological advances with desirable rapidity.[8]

Despite such pessimism, in a little more than 10 years, transportation has experienced a technological revolution within all modes. A partial listing of the changes, by modes, includes:

Air; development of the jet engine, which made possible the building of giant subsonic transports and extensive experimentation with supersonic airplanes; vertical lift aircraft manufacture including helicopters, short-takeoff-and-landing aircraft and convertiplanes.

Highway; development of the diesel engine and extensive testing of turbine engines; multiple-trailer operations; building of specialized trailers including cryogenic tankers and pneumatic-pressure trailers.

Pipeline; petroleum pipelines have been replaced with larger diameter pipe and automated; slurry lines developed for moving gilsonite, limestone, sulphur and coal; experimentation is being done on woodchip, urban waste and container pipelines.

Rail; development of the diesel engine, ribbon rail and automatic train control has led to the building of more special purpose cars such as jumbo freight cars, auto-racks, trailer and container cars; unit trains for the movement of coal, chemicals, grain, flowable bulk commodities as well as other products; experimentation with integral and land bridge trains; high-speed turbine and electric intercity passenger trains.

Water; more powerful towboats resulting in larger integrated tows on inland waterways; better communication and navigation aids; container-ships, roll-on, roll-off ships and barge-carrying ships for ocean transport.[9]

With little or no relaxation of government regulation of transportation, all of the aforementioned technological improvements have taken place since 1955. Whenever regulation is alleged to hinder technological progress, it is usually being used as a rationale for deregulation.

MODAL MONOPOLIES

Experts forecast that the gross national product will double within 15 years.[10] This means that passenger and freight transportation capacity will have to expand at least as fast in order for the supply to equal or exceed demand and thereby allow the buyer of the service to continue to control the market. This expansion, however, is already being accomplished by fewer carrier companies that are rapidly becoming specialized haulers.

In 1968 the airlines provided 70 percent of all the intercity commercial passenger transportation in the United States.[11] While there were no major airline mergers at that time comparable to rail and motor carrier unifications, since then some local air carriers have found it advantangeous to unite with others or a major trunk line.

Motor carriers predominate in the handling of regulated small shipments traffic. Although there are exceptions, nevertheless from the standpoint of known tonnage, it is obvious that truckers carry many more small shipments than the railroads, the forwarders, the airlines, REA express and all other carrier groups combined. The sole exception to this complete domination in the handling of shipments under 10,000 pounds is in the small parcel weight category of 50 pounds and under.[12]

In 1957, there were 6,449 general commodity carriers in the under $5,000,000 groups, accounting for $1,835.9 million in revenues, compared to 5,547 such carriers in 1964 with $1,884.3 million in revenues. This amounts to a reduction of some 900 carriers.[13]

Additional end-to-end mergers have added to the number of long-line motor carriers.

It has already been noted that railroads have not only developed special purpose cars but also special purpose trains to become the leader in the movement of bulk commodities. Car shortages, however, can make railroads appear "monopolistic" to the shipper in need of equipment to move his products, regardless of the commodity to be shipped.

The U.S. Department of Transportation has stated that over the twelve year course of the current railroad merger wave, about thirty mergers of all kinds have been approved by the Interstate Commerce Commission. Nearly every great road has been involved. Even if no more mergers were to be proposed or approved, the Department adds, the effect of the railroad merger wave on the nation's transportation net work would be profound.[14]

What effect will the development of such modal monopolies have on the stability of rates, and service? Will intramodal competition be enough to sustain the stability, even under regulation? What will be the effect of this trend if there is more deregulation? Who controls such situations is all the more important as long as the carriers consider general rate increases as the only answer to rising labor costs and inflation. There is also the question as to the basic reason for the existence of common carriers—to provide service or to make a profit?

Hopefully, some of the most critical weaknesses in the transportation system attributable to defects in the policy and administrative organization of the national government of which Dearing and Owen complained in 1949 have or are in the process of being strengthened. Ostensibly, the Department of Transportation was organized to coordinate both transportation promotion and planning.

Fault is also to be found with carriers and shippers as well as the public. Private carrier management has been guilty of ill advised expansion, failure to achieve maximum economy, and lack of alertness to the possibilities of the newer forms of transportation. Communities and other interested groups have multiplied these problems in numerous ways; for example, by tenaciously resisting the abandonment of obsolete plant and service. Removal of these and other drags on progress will of course, be necessary if the desirable volume and quality of transport service at the lowest possible cost are to be achieved.[15]

THE CURRENT PROPOSALS

Senate bill 649 would abolish the Interstate Commerce Commission 18 months after the date of its enactment. Until such time as the ICC is abolished, a special committee would be given the opportunity to consider phasing out the Commission and the appropriate transfer of its duties to one or more existing authorities.

Key recommendation in the 125-page report of the President's Advisory Council On Executive Reorganization is a plan to abolish most of the multi-member commissions in favor of one-man administrators to head a proposed Transportation Regulatory Agency, a Federal Power Agency, a Securities and Exchange Agency, and a Federal Trade Practices Agency. The administrators, appointed by the President, without fixed terms, would be subject to Senate confirmation.

Senate bill 784 would establish "The Commission on Transportation Regulatory Agencies" and would mandate such commission to undertake a three-year study of the Interstate Commerce Commission, Civil Aeronautics Board and Federal Maritime Commission. The proposed study could result in a recommendation for merger of the three agencies or, alternatively, in sweeping revisions of the regulatory laws administered by those agencies.

Senator Mansfield's bill, S. 649, must be opposed because he has offered no satisfactory alernative. Merger of the ICC, FMC, and CAB into a single new regulatory agency may have merit, but there is certainly no pressing need for such consolidation. Senator Baker has expressed sound reasons for a study of the transportation regulatory agencies, and set definite time limits for the completion of that study.

Because there are always too many "cooks" in transportation, there is always much "chaff" to be winnowed from the "wheat". This must be done to avoid having someone inadvertently throw out the baby with the bathwater.

CONCLUSION

After stating that, "If it be true that law draws its juices from life and is not a system of stagnation, we must not expect consistency in detail or the unfolding of sterile logic in its development; . . ."[16], Mr. Justice Frankfurter says of Mr. Chief Justice Waite:

"He knew that legislation derives from fact, and that in ascertaining the existence of doubt regarding the validity of legislation, the basis of judgment is not some abstract presupposition of rights, but an awareness of the situation which confronted the legislature. Waite insisted that it was the duty of the Court to indulge every assumption that there were facts justifying the legislation; . . .[17]

Who controls transportation will depend upon how well shippers and carriers as well as government regulatory agencies inform Congress of the facts of the situation.

FOOTNOTES

[1] Charles L. Dearing and Wilfred Owen, "National Transportation Policy," (Washington, D.C., The Brookings Institution, 1949), p. 2.

[2] Charles L. Dearing and Wilfred Owen, op. cit. p. 246.

[3] S. Doc. 8, 77th Cong., 1st sess., 1941, p. 76.

[4] "Revision Of Federal Transportation Policy", report proposed by the U.S. Presidential Advisory Committee on Transport Policy and Organization. Released April 15, 1955, pp. 1–2.

[5] "Revision Of Federal Transportation Policy," op. cit., Introduction, p. 1.

[6] Marvin L. Fair, John Guandolo, "Tedrow's Regulation of Transportation," (Dubuque, Iowa; Wm. C. Brown Co., Inc., 1954) p. 37.

[7] Parker McCollester and Frank J. Clark, "Federal Motor Carrier Regulation," (New York, The Traffic Publishing Co., 1935), p. 81.

[8] "Revision Of Federal Transportation Policy," op. cit., p. 3.

[9] See "Trends In Transportation Technology, A State-of-the-act Report From TAA", Handling & Shipping, Vol. 10, No. 1, Jan. 1969, pp. 49–86.

[10] J. W. Hershey, "Competing for Capital", Pacific Air and Truck Traffic, Feb., 1969, p. 16.

[11] "Trends In Transpotration Technology", op. cit., p. 52.

[12] I.C.C. Bureau of Economics Statement No. 67-2, Washington, U.S. Government Printing Office, 1967, p. 31.

[13] Alexander Volotta, "The Impact of Federal Entry Controls on Motor Carrier Operations," (The Pennsylvania State University, Center for Research of the College Business Administration, 1967), p. 122.

[14] "Western Railroad Mergers", Washington, U.S. Department of Transportation, Jan. 1969, p. 2.

[15] Charles L. Dearing and Wilfred Owen, op. cit. p. 351.

[16] Report from the Secretary of the Treasury on "The Removal of the Public Deposites from the Bank of the United States," Sen. Doc. 2, 23rd Cong., 1st Sess. (1833), Vol. 1, p. 20 as quoted by Felix Frankfurter, "The Commerce Clause Under Marshall, Taney and Waite." (Chapel Hill, The University of North Carolina Press, 1937), p. 66.

[17] Ibid, pp. 84-85.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. STAFFORD. Mr. Speaker, I cannot but believe that all Americans, regardless of other divergent views, have compassion in their hearts for our prisoners of war and missing in action.

The treatment being afforded prisoners of war by North Vietnam, the uncertainties surrounding even the most fundamental question of whether a soldier is being held prisoner or not, the impasse in trying to negotiate an exchange of prisoners, the utter inhumaneness with which the North Vietnam Government has treated the prisoner of war question and those most directly affected—all of these matters are incredulous even to those of us who have unfortunately experienced four wars in our relatively short lifetime.

The plight of American prisoners of war and of their families will not be forgotten, nor will this Nation's concern be confined to a single week. It is indeed proper, however, that this National Week of Concern for Prisoners of War/Missing in Action be observed so that the attention of the world, the Communist-governed portion included, can be focused on this problem.

World opinion is a powerful weapon, and one which can be properly used to see that right prevails. It is a weapon which should be used in this case so that North Vietnam will realize that it must move toward the repatriation of all prisoners.

Each of us should do everything possible to assist in mobilizing world opinion on this prisoner-of-war issue. We cannot sit by and allow the wives and families of our prisoners of war/missing in action to carry on this burden alone. The burdens they carry are already too great.

"THE OLD AMERICANS" STILL FIGHT THE SEAS—AND WIN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. KEITH. Mr. Speaker, just 3 short weeks ago this very night, a nearly unbelievable story of drama, daring, unsung heroism, and selfless dedication unfolded on the bleak, wind-whipped waters off Martha's Vineyard Island, Mass. About 125 miles from land, the fishing vessel *Gannet* out of New Bedford, tossing on 20-foot seas and buffeted by hurricane-force winds, lost power to run her pumps, gradually began taking water and started to sink.

The men of the *Gannet*, really young "bold Americans," Capt. Ronald Johnson, and crewmen Ernest Benevide, Richard Menard, Kevin Allen, Ted Wirczwski, and Norman Viera, may be the heroes of the dramatic episode. Forty hours without sleep, they bailed, not as if, but because their lives depended on it.

Or perhaps the heroes are Coast Guard Lt. Comdr. Hugh Huleatt and the four men who volunteered to fly with him in the *Sikorsky Pelican*, into the black hurricane of Thursday night: Lt. Marvin Grier, and crewmen John Petersen, Walter Winship, Rex Barton. Barton was not even a member of the crew; he went along because he thought he could help.

But you will not find any heroes if you talk to these men. To Captain Johnson and his crew it is the job that has to be done, their way of life. To chopper pilot Huleatt is was a sense of responsibility, of dedication to helping the other guy. As he said:

> I'd like to think that, if I was out there, somebody was coming after me.

Mr. Speaker, we need heroes today that are not necessarily out on a real battlefield. And we have those heroes. In an industry that is sad, and sick, and beleaguered at home and abroad—our fishing industry—we have the brave men of the *Gannet*. In our Coast Guard, continually criticized and occasionally condemned, we have the brave men of the search-and-rescue chopper. And so, Mr. Speaker, in order that more men may know of their gallant deeds, I would now like to add to the RECORD the fine account by David B. Wilson, who wrote the story of the rescue of the *Gannet*. It appeared in the Boston Sunday Globe on March 14, 1971, as follows:

LAST OF "OLD AMERICANS" STILL BATTLE SEAS—AND WIN

(By David B. Wilson)

(NOTE.—The writer lived six days aboard the Fairhaven lobster dragger *Gannet* through a hurricane-force January storm off Nantucket Shoals in 1966, and almost didn't get back. A week ago this morning, the *Gannet*, under tow from the U.S. Coast Guard *Hornbeam*, returned to port after surviving a similar storm in the same waters.)

FAIRHAVEN.—They may be the last of the old Americans—the hell-for-leather, buffalo-hunting, take-a-chance free men who seized a continent and made it pay—these casually brave New Bedford fishermen who invade the winter ocean to wrest wealth from its depths.

The new Americans are soft-handed, neurotic, dyspeptic, short-winded, systematized, epicene. They worry about whether their machines will work or their wives won't, cholesterol and sharp corners on children's toys. They worry about their children smoking marijuana in dormitories, the television glaze in the children's faces and their daughters running off to New York to get rid of the unwanted baby.

If New Bedford fishermen worried about anything, which they don't much, they would worry about dying. But that would spoil it.

There are few sexual identity crises on draggers. If you are not a man, you don't go.

Some 50 miles south of Nantucket lightship is the 100-fathom line, the true beginning of the great ocean, the edge of the continent. Beyond it, the towering seas rush in all directions, like crazed horses, and the storm wind groans with a menacing resonance.

At this invisible boundary between the sweetness and predictability of land and the stark, dark chaos beyond, the *Gannet*, 86 feet of Gammage-built oak, launched a quarter-century ago at South Bristol, Maine, was sinking with six men on board in the pre-dawn darkness of Friday, March 5.

In the wheelhouse, Capt. Ronald J. Johnson, 32, lowered the snow-blinded window on the lee side to scan the blackness for the helicopter from Otis Air Force Base. He figures the wind to have been 90–100 miles an hour, with the seas house-high above the masts, pumps dead, engine out, generator dead, batteries dying.

Below, in the engine room, the water had risen from the bilges to knee-deep above the deck plates. Electricity crackled and smoked, threatening shock and fire, and five men bailed for their lives with five-gallon oil cans.

A dragger goes down by turning turtle. As the hull fills, the ship rolls more slowly and rights herself more slowly. When she fills to a certain point, she lies on her side or, God forbid, goes all the way, keel up, and then down, a half-mile down to the sea-canyon bottom.

The men in the engine room knew this, but had no time to ponder it, with the deadly bilge climbing the bulkheads and washing down over their oilskinned bodies. Forty hours without sleep, they bailed, not as if, but because, their lives depended on it.

For the record, here are their names: Ernest S. Benevide, 57, engineer; Richard D. Menard, 25, mate; Ted Wirczwski, 47, cook; and Kevin P. Allen, 24, and Norman Viera, 30, fishermen. All live in New Bedford save the cook, whose home is in North Dartmouth. All will go to sea again, all but two in the Gannet.

Maybe it was Ron Johnson, young for a captain, bearded and cool, who held it together when things looked hopeless.

Did he ever think they wouldn't get back? "It passed my mind," he says. "But we were too busy bailing to worry much, and, besides, there wasn't really very much we could do."

Very possibly it was Coast Guard Lt. Cmdr. Hugh Huleatt, 37, of Braintree, who flew his Sikorsky HH3F Pelican into the black hurricane of Thursday night when he didn't really have to and perhaps it was the four men who volunteered to fly with him.

They are Lt. Marvin L. Grier, the co-pilot, who clocked winds of 72 knots as the 'copter dipped to 20 feet over Gannet's orange masts, and crewmen John S. Petersen, Walter A. Winship and Rex E. Barton. As the skipper tells it, Barton isn't even a member of the crew; he went along because he thought he could help.

According to Lt. Cmdr. Huleatt, Search and Rescue headquarters at the John F. Kennedy Building in Boston called Otis earlier Thursday night to brief flight personnel. A Greek tanker was aground at Newport and Rhode Island State Police had closed the Mt. Hope Bridge because of the wind. Big chunks of tarpaper roofing were blowing off the helicopter hangar at Otis, and the coffeepot was on in the snug Ready Room.

"The RCC (Boston) coordinator asked my orinion, 'Will you launch?' and I said, 'It depends on what for. We'll have to take each case on its individual merits'," Huleatt says.

"They called back around 11 o'clock and gave us the information that there were six men out there on a sinking boat, and I took one heckuva big gulp and said, 'We'll go'."

Why did he do it, what with the wind gauge flirting with 100 miles an hour in gusts, with the darkness full of blinding snow squalls and the sea so cold a man cannot live in it five minutes?

"I'd like to think that, if I was out there, somebody was coming after me," he said.

To decide against going, to refuse to risk the aircraft and lives of five men, under the circumstances, would have been justifiable and even regarded as prudent. And there would be six new widows in New Bedford this morning.

Johnson, the dragger captain, remembers how the white chopper came over the wavetops like an angel of deliverance.

"I seen that little red light on his bottom, and it looked pretty good," he said. "We were at our lowest point, and it looked like morning wasn't ever going to come.

"I yelled down to the mate, 'The helicopter will be here in a few minutes. Tell the guys they can take it easy'."

But it wasn't easy. Nine times, Huleatt made passes over Gannet's deck, and nine times the cruel, mischievous wind whipped a weighted, 1500-pound-test drop line away from the straining hands of the Gannet crew and murderously close to the helicopter's tail rotor.

Ship and aircraft were in radio contact, but Gannet's signal was fading as the batteries died.

"Our fuel was running low," the Coast Guard pilot recalls. "I told him (Johnson) if we don't start heading home pretty quick, we're going to be down there with you."

The portable pumps the Coast Guard drops to sinking vessels are enclosed in watertight cans. They weigh 94 pounds, but they float. As the needle on the 'copter fuel gauge dropped sickeningly, Petersen and Winship rigged a nylon line 200 feet long between two of the pumps and then heaved them, one by one, through the roaring wind into the sea in the dragger's lee. At the same time Barton, who had gone along for the ride and was not a regular member of the crew, dropped a phosphorous flare as marker.

The pilot believes that if Barton had not come along, it might not have been possible properly to mark the floating pumps and line, what with the heavy pump drums bucking around the helicopter floor and the other two crew members, harnessed in gunners' lines, wrestling to get them out the door at precisely the right moment.

Without the flare, Gannet would never have seen the pumps in the water.

Kevin Allen snaked the pump line out of the sea with a grappling hook after a number of unsuccessful tries. One of the pumps didn't work, damaged in the drop. The other did. It was that close.

Gannet did not get a line aboard her for hours after. Huleatt's helicopter had to run for land, the wind at its back this time. Another 'copter arrived at first light and snapped a winch line in Gannet's superstructure. It eventually got two more pumps aboard.

The cutter Hornbeam steamed 125 miles into the teeth of the wind and sea to rendezvous with Gannet Friday around noon, as Johnson remembers it. But it was not until Saturday morning that a hawser tow line could be gotten aboard the dragger.

Repeatedly, Hornbeam fired light lines by rifle to the wallowing Gannet. And repeatedly, the sea snapped them. All night long Friday, Hornbeam stood by, keeping the now-darkened dragger in sight with searchlights. The cutter had lost its radar.

The tow was secured Saturday morning. The Hornbeam, by then joined by the cutters Active and Chase, pulled the dragger home, around Cuttyhunk and Buzzards Tower and across the bay to the New Bedford hurricane dike and MacLean's Wharf.

Gannet had been at sea a week. There was $400 worth of lobster in her tanks, fruit of some Tuesday-Wednesday dragging, before the wind rose. For crew and boat, the latter owned by Rep. William Q. MacLean Jr., (D-Fairhaven), the trip was a dead loss.

The fishery may be dying, this last or nearly last of the last frontiers. It is one of the few places left on earth where a man with a limited education can earn $15,000 a year on courage, strength and will. Machines are ruining the fishing, some say. Russian, Japanese and Scandinavian factory ships scour the ocean bottom for their lion's share. Gannet cannot compete in this kind of fish killing. The haddock, cod and groundfish generally, are getting scarce and the yellowtail flounder, they say, are fewer.

Last week, workmen were rewiring and replacing Gannet's switchboard, repairing rigging and gear and overhauling the pumps whose failure put her in such deep trouble two weeks ago.

Johnson is looking for a good sea cook, somebody like Bernie Dompierre, who made deep-fried doughnuts in a January hurricane on Gannet when she was storm-tossed south of the Ship five years ago.

He thinks she ought to be ready to steam through Quick's Hole, under Gay Head and beyond Noman's by Monday or Tuesday. All the crew but Viera and Wirczwski will be on board.

"Hell," he says, "we wanted to go Saturday, but we couldn't get her ready in time."

What sends, drives, lures them back. It is not the money, although the money is good. It is no Masefield mystique about the sea; poetry is rare on draggers. It is not because they have to do it; there is other work.

What draws them back is freedom, the thirst and need for it. Johnson put it this way:

"Nobody can tell me what to do. I'm my own man. I can go or stay as I please. There's plenty of work for a man who wants it."

For the new Americans, that is not quite so important any more as they shuffle their papers in their glass boxes.

Did you wake in the night that Friday morning and hear the wind, tearing at the cornices and thrashing among the trees? Next time it happens, remember Gannet and the Coast Guard before you snuggle down again into warm sleep.

BYELORUSSIAN INDEPENDENCE DAY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. GALLAGHER. Mr. Speaker, on March 25, we commemorate a brief moment in 1918 when the Byelorussian National Council declared independence. That flame of freedom flickered out quickly in the homeland of Byelorussia, extinguished by the naked power of the Red Army. Rebellions have demonstrated that the people of that proud land still cherish self-determination, but it is an unfortunate fact that today we cannot look to an independent Government in Byelorussia. The torch bearers are the many natives which continue to cherish that instant of freedom while not having the privilege of returning to a free homeland.

We may take justifiable pride in the fact that many American Presidents have vigorously advocated the cause of self-determination. I think particularly of that son of New Jersey, President Wilson, who is remembered as a leading advocate of free government. And so it is very fitting that today we recall the bravery of the Byelorussian people in 1918 and we commend those who keep their spirit of freedom alive in our country by reminding us that Soviet aggression has a long and dismal history.

Mr. Speaker, the plight of the peoples whose territories have been annexed by the Russian Communist State should not be forgotten by those of us who enjoy the blessing of democracy. They stand as an everlasting warning to us; I hope and pray that we may be an inspiration to them in their struggle to revive self-determination.

TEXAS DOES NOT NEED SENATOR BIRCH BAYH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial which appeared in the Dallas Times Herald for Sunday, March 21, 1971, which echoes my sentiments completely. I believe the Senator from Indiana has sufficient problems at home to take his time and he should keep his presence out of problems over which he knows nothing about nor can do anything to help. If he feels he has won any support or friends within my State in his quest for a position of leadership within the party or the country, he is sadly mistaken. It would behoove the Senator to take the necessary steps to both issue an apology to the city of Dallas and to retract his letter to the Attorney General.

The editorial follows:

SENATOR BAYH'S CHARGES BRUTALLY ILL-ADVISED

(By Felix R. McKnight)

Sen. Birch Bayh's incredibly irresponsible indictment of Dallas law enforcement officers, issued from his Senate sanctuary 1,500 miles away, must give concern to other communities.

His coldly shallow charge of "wanton shootings by police" and "terrorizing" of a minority community, tossed off in a letter to Atty. Gen. John N. Mitchell, hits a city where it hurts.

It stirs emotions and polarizes a community. It is incendiary—and a dangerous game to play with the life of someone else's city. It weakens and retards meticulously planned programs to promote better understanding between all peoples of a city.

It is something to ponder when an Indiana Senator, far removed from the sensitive happenings Dallas has undergone—the mass murders of three police officers and a tense manhunt in a shocked community—acts on outside information without contact with enforcement authorities.

Such ill-advised, ill-informed action by a politician—prominently mentioned as a possibility for the 1972 Democratic ticket—is destructive. It compounds the undocumented, stereotyped charges of police brutality that have become a must item in a protester's propaganda kit.

If there be police brutality in Dallas, and there could be questionable instances, it should be responsibly hunted down, eradicated and proper punishment given to the offenders.

But to play, via long distance, with law enforcement in Dallas on the urgings of Ed Polk, controversial and recently resigned head of the Dallas Legal Services Project, and others, is inexcusable.

Sen. Bayh, in urging Atty. Gen. Mitchell to open an investigation that had already been under way in the Justice Department for some time, used correspondence and telephone calls to insinuate that "police officers of Dallas County have 'terrorized' large segments of the Mexican-American population."

That is unadulterated irresponsibility. It simply is not true.

Police officers of Dallas County do not go out looking for package lots of Mexican-Americans, whites or blacks to "terrorize." If they did the community would throw them out of office—and this newspaper would lead the way.

Sen. Bayh, and his informants, must follow facts in this case.

Two Mexican-Americans were identifiable suspects in the execution slaughter of three sheriff's deputies—three officers tied with ropes and never given the chance to resist. In cold blood—murdered. A horrible end for the three officers, including one Mexican-American, from the gun barrel of suspects who acted in the depravity of heroin addicts.

Normal police procedures dictate that, in search for suspects not yet apprehended, minute descriptions are given in the all-points bulletin to law enforcement agencies. It could just as well have been, as it has in hundreds of other cases: "Wanted: Two white males, five feet, 10 inches; 170 pounds, one wearing blue cap, red shirt and dark pants, etc."

Patrolling officers would stop, and question, all white males wearing a blue cap, red shirt, dark pants and with comparable physical measurements. Some Mexican-Americans undoubtedly were stopped for questioning because two of their people were being sought as suspected sadistic killers.

It is to be hoped that no citizen would be mistreated under such conditions. This newspaper, this community would not condone such violation of citizen rights. But it is difficult to accept, as Bayh charges, that "large segments of the Mexican-American community" were terrorized.

The FBI, the civil rights division of the Justice Dept. and others are conducting an investigation, including the shooting of Mr. and Mrs. Thomas Rodriguez, wounded when officers entered their apartment while searching for the suspects in the same building area. Officers contend they identified themselves and that Rodriguez shot at them when they forced entry. He has been charged with assault with intent to murder.

Bayh's letter to Atty. Gen. Mitchell also said he had received complaints "alleging wanton shootings by police in Brownsville, Pharr, San Antonio and now Dallas, in which Mexican-Americans have been innocent victims."

If "wanton shootings" have occurred in Dallas, the orderly processes of investigations now underway will reveal it. Sen. Bayh could have followed the much sounder line of Gus Calderon, president of the Latin American Action Group, who has handed the FBI and local police complaints on four specific cases. None, however, involve "wanton shootings."

The Mexican-American community in Dallas is a good one that contributes much to the life of the city. It is our objective for all colors to live and work together—not to be punched apart by a politician's ill-advised shaft.

RARICK ON POW'S

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RARICK. Mr. Speaker, today I testified on the crucial plight of our POW's.

I include my statement in the RECORD:

STATEMENT BY JOHN R. RARICK

Mr. Chairman, members of Committee, as author of H. Con. Res. 66 and co-author of H. Con. Res. 116, I urge their early and unanimous adoption—not that they will relieve the situation nor free any of our captive men, but as a public gesture of our determination to see that they are not forgotten Americans.

We hear much these days of priorities—pollution, cities, and poverty, but I am convinced that along with national defense the number one priority must be our POW's and whatever efforts are necessary to regain their freedom.

The American people can do anything they want to if they have leaders who will lead. Men who have repeatedly gone to the moon can most certainly get our men out of Communist POW camps in North Vietnam or wherever they are held—that is if they want to and if they are convinced the people understand this. How any American can sleep with an untroubled conscience or enjoy his freedom and affluence so long as there is one American POW mistreated and held prisoner is inconceivable.

Our past POW release activities have accomplished nothing. We need to change our tactics.

In the history of our country, American men have fought many wars and, as a consequence of battle, many fighting men have been captured and held prisoners of war. But in every past war that was fought for freedom and not for peace, these captured fighting men were freed or released on orders of the Commander in Chief because the war was either won or the men were rescued by military force. The exceptions to this rule started with the United Nations peacekeeping mission in Korea which, because it was not ended, continues to this day.

The war in Vietnam has been accompanied by another first in the history of our Nation. Never before have we Americans had to sit back and watch in disgust and utter disbelief as the wives, children, mothers, sweethearts, and loved ones are urged, if not forced, to enter into international negotiations on behalf of their sons, fathers, brothers, and sweethearts who are held prisoners of war in Vietnam.

Never before in the history of our country have so much public opinion and interest been unleashed upon such a disgrace and travesty against the American people when they have paid for and still enjoy the prestige of being the world's strongest and most powerful people.

The President of the United States as Commander in Chief, has made numerous overtures of conciliation to pacify the affected Americans, but otherwise has done little or nothing to end the war in such a manner as to assure the release and recovery of our captured fighting men.

Many well-meaning people seeking worthwhile causes have accepted the prisoner-of-war relief leadership because of the vacuum existing due to inaction by our own elected leader. In fact, the present resident of the White House seems most satisfied to have someone else carrying the ball, thus taking the pressure off his inactive leadership and unproductive policy.

Foremost in such people-mobilization projects is the program to encourage American citizens to write to Communist dictators in Russia, North Vietnam, and even the Secretary of the United Nations, appealing in a courteous, nonpolitical manner for humane treatment of our captured fighting men in Vietnam. Frequently, from the American friends of Hanoi, as reported in the media, these activists even take strength in the thought that the Communist prison-keepers might be making some slight concession as a result of the outpouring of deep sympathy and compassion by Americans over their fellow countrymen who suffer in stinking Red prisons.

But the great weight of the evidence is that the tons of letters and tremendous activity by concerned Americans can never accomplish anything because Americans do not understand the thinking of Communists and they refuse to understand Communist goals.

Any understanding of the Oriental personality should convince our fellow countrymen that to the Oriental, weakness is to be treated only with contempt and scorn. Therefore, at most, the Communist dictators who have already been assured that our military does not seek an end to the war in conventional methods can but consider the millions of letters and direct appeals from our well-meaning citizens as a sign of national weakness—a loss of control by those in positions of authority in our country. As such, contrary to accounts in the news media, we but encourage the government of North Vietnam to forever delay any formal peace talks. We but reassure Hanoi that our Nation is now weak, divided, and leaderless. All that remains is to wait for the masses to demand that the weak leaders remove all U.S. troops and support. Then the Communist goals are satisfied.

In World War II, who would ever have thought of writing or petitioning Adolf Hitler or Emperor Hirohito for the humane treatment or release of American POW's?

History is replete that a nation which does not win its wars loses its captured fighting men—all the proposed peace talks, well-intentioned correspondence and POW publicity programs notwithstanding. We are reaching our people but not the enemy.

The men held prisoners in North Vietnam, estimated as high as 1,600, are Americans who have risked their lives while we have enjoyed peace and prospered. These are men who were willing to sacrifice for a progressive nation that now appears to be unwilling to risk anything in order to regain for them their freedom. If we as a people will not fight for them and make the POW issue one of the top priorities in our national goals we are undeserving of the freedom we so take for granted. If we ever do regain our POW's, it will only be after they have suffered the deadly rot of mind, body, and soul—that indescribable diseased condition of a living death known only by saddened and broken men who have experienced being abandoned by their country.

As a former prisoner of war in Europe, I know all too well the desolate feeling of loneliness in imprisonment. However, those of us held prisoner in Europe never experienced total despair. We were confident that our countrymen at home supported us 100 percent; that we were not forgotten and that the leaders of our Government would never rest until we were freed and restored to our homeland. We knew that never in the history of the United States had Americans ever been deserted by their country.

We could hear the sounds of military action from our troops, the distant rumblings of artillery, the frequent bombing of the enemy in his base of operations, and we knew America had the will and the positive leadership to win. But most of all our morale was bolstered with the confidence that we would never be abandoned or deserted by our country. As prisoners of war in Europe, we were always heartened and reassured by the knowledge that freedom was only a matter of time.

Life in a prison camp in Germany was not pleasant—no man takes pleasure at the loss of his freedom—but as prisoners we were at least treated within the minimum standards—with isolated exceptions—prescribed by the Geneva Convention. Further, we were captives of a nation which had not made it their national policy to mistreat prisoners of war.

How much more dismal and grim the condition of our men held captive in North Vietnam, Korea, and China. They can detect no evidence of impending rescue. Their only contact with the outside world is through enemy propaganda. And in that propaganda they hear and see films of leaders of their own country, supporting the position of the enemy and referring to their activities as war crimes.

Some of our well-meaning citizens feel that we must mobilize world public opinion in support of our captured men. I am not concerned about influencing world public opinion. I'm concerned about what we Americans think of each other—especially what our POW's think of us.

Well-meaning words, phrases, and platitudes just won't get it. If they would, the peace talks and negotiations would have already accomplished some relief or freedom for our POW's.

There is but one person in our entire government who holds the authority as well as the responsibility for regaining the freedom of our captured prisoners of war. He is the President of the United States, the Commander in Chief, under whose orders these military men went into battle, were engaged when captured, and under whose orders they remain as prisoners.

It is the President of these United States and not the head of North Vietnam who should be receiving the petitions, wires, and letters. Even if he did not see them, the aides would know the volume of the public outpouring—which is more than can be said of the Red dictators.

If the American people want to regain our prisoners of war, they would have far greater effect and success if they would direct their appeals not to the unresponsive Communist dictators, but to Honorable Richard M. Nixon, President of the United States and Commander in Chief of all U.S. military forces.

WHAT TO DO WITH THE DRAFT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BINGHAM. Mr. Speaker, I would like to include in the RECORD at this point two recent editorials broadcast here in Washington by WRC-TV, channel 4, concerning the draft. The first was broadcast on March 16 and 17 and the second was broadcast on March 17 and 18. The editorials follow:

CONCERNING THE DRAFT

No one loves the draft. Too often it is unjust, inequitable and places too great a burden on the poor and the uneducated.

There are proposals to change all that. Many lawmakers on Capitol Hill want to abolish the draft entirely not only because of the inequities but as a means to end a President's ability to involve the United States in dangerous and costly foreign entanglements.

WRC-TV opposes abolishing the draft, not because we believe the President should have a free hand, but because it would leave the nation without the machinery and hence the ability to defend itself in the event of a real and present danger to its security.

The administration has asked for the establishment of an all volunteer military force with draft calls at zero level.

WRC-TV is opposed to an all volunteer military force. The cost would be enormous, but more important such a force would be made up of underqualified candidates without the necessary leavening of men from civilian life who are brought into the service temporarily via the draft.

A large highly paid, all volunteer force bordering on the mercenary and led by an officer caste could be a menace to the general welfare. This nation has never had that type of military establishment and never should have. The best reason we can think of is the military dictatorships that abound in the world today.

There is a viable alternative to the present draft system.

We will discuss it tomorrow.

CONCERNING THE DRAFT

In an editorial yesterday WRC-TV opposed an end to the draft and the concept of an all volunteer military force. There is an alternative which WRC-TV supports in even stronger form than its sponsors have proposed.

Congressman Jonathan Bingham of New York and others have offered legislation to set up a limited National Service system to replace the present draft law. It would offer young men a choice of going into the military, or selecting a program such as the Peace Corps, Vista or a special civilian service focusing on inner city problems or conservation.

If he did not choose one of those he could take his chance with the present draft lottery. Under the Bingham proposal the conscientious objector status would be abolished thus ending one of the thorniest problems faced by the government.

WRC-TV suggests that the National Service Act be extended to cover women as well as men. In addition, everyone who wants to serve his country either in a military or civilian capacity be given that opportunity. There is plenty of work to be done to upgrade the level of life in this nation.

We urge the Congress to approve and extend the Bingham proposal quickly. Some way must be found to change the attitude of—how can you escape your duty to how can you best serve your country.

SAN JUAN'S 450TH ANNIVERSARY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BADILLO. Mr. Speaker, I am very pleased to introduce today a resolution commemorating the 450th anniversary of San Juan, P.R. This is a very significant event as the capital of Puerto Rico, founded in 1521, is the oldest city of the United States.

Long the vacation mecca of millions of American tourists from the mainland, San Juan has a rich historical and cultural heritage. This lovely city also plays an important and unique role in Inter-American affairs and has been instrumental in bringing the peoples of the Western Hemisphere together.

Gateway to "La Isla Verde," San Juan maintains a very special relationship with the American republics. The San Juan metropolitan area reflects to a great extent and is symbolic of the whole range of social and economic problems of Puerto Rico and Latin America. While it is confronted with many of the pressing problems of our urban areas—housing, education, employment, community development, and health—great progress has already been made and the officials of San Juan and Puerto Rico are on the road to taking meaningful and effective action to cope with these urban difficulties.

The resting place of the great Spanish conquistador and discoverer of Puerto Rico—Ponce de Leon—and the site of the world-renown Casals Festival, San Juan can take justifiable pride in its four and a half centuries of existence. I am pleased to honor the capital of my homeland and to join in saluting this great city on its anniversary.

I insert herewith, for inclusion in the RECORD, the text of my resolution and urge our colleagues to join in paying tribute to San Juan:

H. CON. RES. —

Whereas the city of San Juan, capital of the Commonwealth of Puerto Rico, commemorates this year the 450th anniversary of its founding on the same site where it is presently located;

Whereas its founding in the year 1521 makes it the oldest city in the United States;

Whereas our fellow citizens in Puerto Rico, and the citizens of the United States generally, feel justly proud of the rich historical and cultural heritage contributed by the city of San Juan to the gigantic melting pot of different races, peoples and customs that comprise our great American nations; and

Whereas the citizens of San Juan, headed by the Governor of Puerto Rico, Hon. Luis A. Ferre, and the city mayor, Hon. Carlos Romero Barcelo, jubilantly celebrate the historical date: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States congratulates the citizens of the municipality of San Juan, and joins them in the joyful celebration of their 450th anniversary.

IN COMMEMORATION OF THE PROCLAMATION OF INDEPENDENCE OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ROE. Mr. Speaker, I join with you and our colleagues in the Congress today in observance of Byelorussian Independence Day and in tribute to the courage, fidelity, and dedication to the principles of representative democracy manifested by the long struggle and pioneering efforts of the Byelorussian people.

The Byelorussians' interest in their national culture and their historic manifestation and action in seeking release from political servitude during the 19th and early 20th centuries evolved into the proclamation of independence of the Byelorussian Democratic Republic on March 25, 1918. It is the 53d anniversary of this historic event that is being commemorated today.

As a nation comprised of people of all nations, many of whom are descendants of, or have personally experienced oppression and tyranny in foreign lands, our United States of America is deeply sympathetic to the plight of the Byelorussians. At the very threshold of our shores stands a great lady known to all as the Statue of Liberty or the "Mother of Exiles" whose torch of imprisoned lightning flames in silent testimony to the principles upon which our Nation was founded—for life, liberty, and the pursuit of happiness. Our Constitution is the cornerstone and "Rock of Gibraltar" upon which our Government and our individual freedoms and liberties are predicated and preserved.

These two historic national treasurers are tangible evidence of the culmination of the peoples of many nations' long and bitter hardships and struggles for freedom and independence. May they continue to serve to encourage and provide renewed hope to the Byelorussians and all peoples of oppressed and captive nations in their pursuit of freedom and happiness.

We applaud the Byelorussians' sincerity of purpose in continuing to seek educational and cultural enrichment, maintain the dignity of man, restore their individual national recognition among all countries and achieve their independence.

As we all know, the independence of the Byelorussian Democratic Republic and their approximately 8 million people, was shortlived. History reveals that Byelorussia was divided in 1921 when the Treaty of Riga ended the war between Poland and Bolshevik Russia. At that time two-thirds of Byelorussia with a population of approximately 5 million was placed under Soviet control.

The Byelorussian people have been strongly supported and their cause for equality and justice kept alive and vibrant by many Americans. I take this opportunity to particularly commend on the pages of this congressional journal of history the great contribution that the Byelorussian-American Association has made to this noble effort over these many years. In today's anniversary observance of the Independence Day of Byelorussia, I am indeed proud and honored to join with President Walter Stankievich of the National Chapter of the Byelorussian-American Association, who is a distinguished resident of my Eighth Congressional District, and all of the members of the association in renewing our devotion to the heritage of our national resolve and deep desire that the courageous people of Byelorussia may soon achieve their national goal and share the just and rightful endowment of our free world which they so richly deserve.

WE ARE STILL SCARED

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. GRIFFIN. Mr. Speaker, most Americans are concerned people when it comes to their Government. Mississippians share this concern and cherish it as one of the prime duties of their citizenship.

I recently saw one of the most cogent and illuminating expressions of this concern in an editorial by Mr. Sam W. Warren in the Northside Sun, March 18, 1971, published in Jackson, Miss.

I commend it to the attention of all Members of the House:

WE ARE STILL SCARED

We're still scared.

Several years ago we summed up our views on the condition of this country in an editorial entitled "We're Scared." And we're still scared.

Nixon now has joined his predecessors in taking the easy way out: deficit spending. With a nation of spoiled people, where everyone must live on a scale that only a small per centage earn, it is hard to get reelected by sticking to good economics. Nixon made strides in this direction before copping out in the interest of keeping the people happy with financial policies this country can ill afford.

If the federal government still has to puzzle over the inflation spiral they're bigger idiots even than they seem.

Base an upward spiral on a programmed increase in minimum wage (which a grade school economist can see will increase all wages above it and the price of all products involved.) Add to this a Social Security Deduction (matched by employees) which now represents 5.8% of the income of a man making $7,800 per year.

(The true way to figure this is that he is making $8,250 and that the per centage for Social Security is 10.9 of the $8,250 as his employer must match—in his name—all that is deducted.)

None of these above drains produce a product.

Then throw a budget deficit into the picture. Any time an economy spends more than it is producing, it will bring about a scarcity and therefore higher prices.

Put this all together. Add a postage increase; 33⅓% on first class; a doubling of Second Class (newspapers and magazines), spread over five years; and approximately 30% on Third Class (also spread over five years).

Private enterprise couldn't make it in Railroads. (Partially due to the generous federal subsidizing of its competitors.) So a government agency is set up to operate those railroads in trouble.

A government agency. Great!

The government agency Post Office couldn't make it thanks to being operated as are most government agencies, so a non-government type postal corporation is set up to get it on its feet.

Its first move? Just like the federal boys operate. They can't make it on the present income, so raise prices. More efficiency? Competition for jobs? Nope. Just raise prices and continue to drag along on the present inefficient system.

Welfare folks in a New England state have sued the 'system' for the right to get divorces without paying the usual costs. Say they can't afford it. In the old days, welfare folks were said to be on "relief" which had a temporary ring. They would have borrowed the money or gotten divorced on credit, expecting some day to be in better shape. Today, they figure welfare as a way of life, forever and forever.

If welfare payments do not meet the standard of living they desire, they protest and demonstrate.

The only economically sound reason for wages to increase is that of scarcity of labor. Artificial increases simply bring a wave of higher prices which offset the worker's increase. When minimum wages were applied to a wider scope of businesses a few years ago, businessmen pointed out that it would make many marginal workers lose their jobs. These are some of the ones today drawing welfare to the point of putting some states on the verge of bankruptcy.

The harried pace of these pressures to make ends meet, produce more working wives, more time spent in business pursuits and less time to communicate with children. This is meeting head on with a greater need for such communication.

The younger generation—many of its members at least—already has adopted new life styles. Their elders have more problems of communication than previously, and less time to devote to it.

Militants speak of a revolution. Conservatives have stopped saying they prefer the status quo. Some liberals are beginning to realize that they have brought about the changes they sought to the limit of possibilities (we hope.)

The direction in which we are headed are not likely to succeed.

TRANSPORTATION: A FAILURE OF MIND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PICKLE. Mr. Speaker, on occasions which are becoming more and more frequent, I sometimes view this Government's approach to a balanced, integrated national transportation system as being very much like a balloon filled with hot air and let loose to travel wildly and dramatically and finally land spent—never having gone anywhere at all.

We are at the edge of technological sophistication with exotic devices called tracked air cushions, linear induction, monorails, STOL, VTOL, et cetera, et cetera.

Yet, the truth is—very little evidence is available which indicates these various modes of transportation are being looked at on a national basis with the same pair of governmental eyes.

We are rushing ahead pellmell with technology.

But without a plan.

A modern-day philosopher has put thoughts along these lines together in an article in the New York Times. Although I cannot totally agree with Lewis Mumford, I do think he nails the problem: we need to consider the machines a servant of man—an admitted reversal of present status—and look toward transportation systems which will comfort mankind as well as move him across space. I, therefore, ask you to read the following article:

[From the New York Times, Mar. 15, 1971]

TRANSPORTATION: "A FAILURE OF MIND"

(By Lewis Mumford)

CAMBRIDGE, MASS.—Many people who are willing to concede that the railroad must be brought back to life are chiefly thinking of bringing this about on the very terms that have robbed us of a balanced transportation network—that is, by treating speed as the only important factor, forgetting reliability, comfort and safety, and seeking some mechanical dodge for increasing the speed and automation of surface vehicles.

My desk is littered with such technocratic fantasies, hopefully offered as "solutions." They range from old-fashioned monorails and jet-propelled hovercraft (now extinct) to a more scientific mode of propulsion at 2,000 miles an hour, from completely automated highway travel in private cars to automated vehicles a Government department is now toying with for "facilitating" urban traffic.

What is the function of transportation? What place does locomotion occupy in the whole spectrum of human needs? Perhaps the first step in developing an adequate transportation policy would be to clear our minds of technocratic cant. Those who believe that transportation is the chief end of life should be put in orbit at a safe lunar distance from the earth.

The prime purpose of passenger transportation is not to increase the amount of physical movement but to increase the possibilities for human association, cooperation, personal intercourse, and choice.

A balanced transportation system, accordingly, calls for a balance of resources and facilities and opportunities in every other part of the economy. Neither speed nor mass demand offers a criterion of social efficiency. Hence such limited technocratic proposals as that for high-speed trains between already overcrowded and overextended urban centers would only add to the present lack of functional balance and purposeful organization viewed in terms of human need. Variety of choices, facilities and destinations, not speed alone, is the mark of an organic transportation system. And, incidentally, this is an important factor of safety when any part of the system breaks down. Even confirmed air travelers appreciate the railroad in foul weather.

If we took human needs seriously in recasting the whole transportation system, we should begin with the human body and make the fullest use of pedestrian movement, not only for health but for efficiency in moving large crowds over short distances. The current introduction of shopping malls, free from wheeled traffic, is both a far simpler and far better *technical* solution than the many costly proposals for introducing moving sidewalks or other rigidly automated modes of locomotion. At every stage we should provide for the right type of locomotion, at the right speed, within the right radius, to meet human needs. Neither maximum speed nor maximum traffic nor maximum distance has by itself any human significance.

With the over-exploitation of the motor car comes an increased demand for engineering equipment, to roll ever wider carpets of concrete over the bulldozed landscape and to endow the petroleum magnates of Texas, Venezuela and Arabia with fabulous capacities for personal luxury and political corruption. Finally, the purpose of this system, abetted by similar concentration on planes and rockets, is to keep an increasing volume of motorists and tourists in motion, at the highest possible speed, in a sufficiently comatose state not to mind the fact that their distant destination has become the exact counterpart of the very place they have left. The end product everywhere is environmental desolation.

If this is the best our technological civilization can do to satisfy genuine human needs and nurture man's further development, it's plainly time to close up shop. If indeed we go farther and faster along this route, there is plenty of evidence to show that the shop will close up without our help. Behind our power blackouts, our polluted environments, our transportation breakdowns, our nuclear threats, is a failure of mind. Technocratic anesthesia has put us to sleep. Results that were predictable—and predicted!—half a century ago without awakening any response still find us unready to cope with them—or even to admit their existence.

THE 100TH ANNIVERSARY OF THE BIRTH OF PRINCE JONAH KUHIO KALANIANAOLE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mrs. MINK. Mr. Speaker, I rise today to pay tribute to a great American who worked in this very Chamber as a nonvoting delegate from Hawaii from 1902 until his death in 1922. Few here today will remember him, but all Hawaii tomorrow celebrates the 100th anniversary of his birth. Prince Jonah Kuhio Kalanianaole, born on March 26, 1871, was a true prince and hero for Hawaii and her native people. Each year on March 26 Hawaii celebrates his birth with a State holiday, but this year's observance will be the most historic of all.

There is no doubt that had the monarchy in Hawaii prevailed, Prince Kuhio would have become king one day. He was the only prince of royal blood who ever served in the Congress of the United States.

Prince Kuhio was born on the Island of Kauai as the second son of the High Chief, Kahalepouli Piikoi, and Princess Kinoiki Kekaulike. He became "hanai" or an adopted son of his aunt, Queen Kapiolani and King Kalakaua. Later, Princess Liliuokalani, King Kalakaua's sister, named him heir to the throne.

In the early days following the annexation of Hawaii there was much bitterness among the native Hawaiian people. Two years after the overthrow of the monarchy Prince Kuhio participated in an uprising to reinstate the Queen. For his part in this revolution he was sent to prison for 1 year.

Prince Kuhio was reluctant to become a delegate to Congress for he did not want to be so far removed from his people. But he became convinced that this was the way that he could do the most to protect his people, their way of life, their land, and their heritage. And so he served with dedication and deep commitment for nearly 20 years. He was a great orator, beloved and respected by his people and became the architect of laws which have contributed to Hawaii's growth and development into statehood.

The most remarkable achievement which was Prince Kuhio's was his conversion of the people of Hawaii to embrace the concepts and ideals of America despite their personal pride and devotion to their queen whose reign had been ended by outside intervention.

Prince Kuhio knew deeply the grave injustice suffered by his people and he worked long and effectively to help restore and rehabilitate them. He was a man with a dual mission, both of which he saw accomplished before his death. One, the greater Americanization of Hawaii and, two, the greater protection of the land and rights of his people.

When Hawaii was annexed the Crown lands became a part of the lands of the United States. Much of the best lands had been turned over to the sugar and pineapple companies. Little was left to the native Hawaiian. Prince Kuhio knew that the very survival of his race depended on what he could do to provide necessary lands for homesites and for cultivation. He originated the Hawaiian Homes Commission Act which became law in 1921 and which is still regarded by all native Hawaiians today as their congressional bill of rights.

We, of Hawaii, are proud of Prince Kuhio, of his many accomplishments, and of his life which he gave so unselfishly for the benefit of his people. In this spirit we all celebrate his 100th birthday anniversary.

JOHN C. SEVERINO

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, Clarence Petersen, television editor of the Chicago Tribune, recently profiled ABC vice president and general manager of Chicago's WLS–TV, John C. Severino.

I thought that my colleagues might be interested in what a member of the working press has to say about the goals, ambitions, and frustrations of a modern television station executive.

The profile follows:

JOHN C. SEVERINO

At the age of 34, John C. Severino, vice president and general manager of WLS–TV, is the youngest TV station manager in Chicago and one of the youngest in any major city. But far from being intimidated by the responsibility, he calls it a "super job."

Severino became manager of the ABC-owned station a year ago, taking his seat behind the big semi-circular desk that dominates his 10th floor corner office in the State-Lake building, and it was a fairly super job even then.

The network, once known for its interminable copies of 77 Sunset Strip, each with an interchangeable cast of bland-faced beachboys, and for its breathtaking shuffles of executive personnel, had begun some healthy experimentation with new programming ideas that were proving successful, often as not, in the important 70 markets where most of the nation's population and money are concentrated.

WLS–TV, once termed by Variety as "Chicago's back of the yards television station," no longer protested the characterization, preferring instead to rejoice in the contrast with the station's new image.

Richard A. O'Leary was the general manager who turned WLS–TV around, making it the talk of the town largely thru his success in assembling and promoting the station's Eyewitness News team of Fahey Flynn, Joel Daly, Bill Frink and John Coleman. Not only did Eyewitness News confront NBC's Floyd Kalber with his first serious challenge in 10 years, but it was the first channel 7 newscast in a decade to have any success at all.

Having thus put WLS–TV on a sound footing, O'Leary last March went on to his just reward, the presidency of ABC's owned stations division, and Severino was brought in from Detroit to succeed him.

It was Severino's fourth promotion in four years and his third job with ABC in Chicago. He started here as an account executive in March, 1966, moved to New York 15 months later as an account executive for the network there, returned to Chicago seven months later as sales manager for WLS–TV, and 18 months after that became general sales manager of WXYZ, the ABC-owned station in Detroit. He was there just eight months before he was sent back to Chicago to take over WLS–TV.

Now that his elder son, Mark, who will be 7 next month, is in school and his younger son, David, nearly 5, will soon begin, Severino hopes to stay in Chicago a bit longer than has been his habit. His wife, Sally, whom he married when both were graduate students at the University of Connecticut 10 years ago, wouldn't mind staying awhile either. Settled in Deerfield now, they sold their last house in Detroit only two weeks ago.

And besides, Severino has that "super job."

It starts at 7 a.m. in the bathroom at home, where Severino watches himself shave with one eye and watches Kennedy & Co. on a small TV set with the other. It continues at breakfast, where another of the family's seven sets is aglow, and it continues in his car as he drives into the Loop, with an audio receiver bringing in Channel 7 as if it were radio.

He arrives in his office, where four TV sets monitor channels 2, 5 and 9 (in black and white) and channel 7 (in color). For the rest of the day he is either on the phone or at a meeting. He takes about 75 calls a day, he says. There are not quite so many meetings: usually three major meetings with heads of the programming, news, sales, business, legal and advertising and promotion departments, and perhaps 50 of what he calls "mini-meetings," which may last only a few minutes and consist of nothing more than someone sticking his head in the door to ask, "Hey, Sev, what about this?"

On the desk are pertinent clippings from newspapers and trade journals and a sampling of the mail, including complaints. He does not see all the complaints, but he likes to know what viewers are angry about. His most memorable letter contained two small strips of metal and plastic. The viewer said they were the components necessary to tune in channel 7 on his television set and he wouldn't be needing them any more.

"I took them down to engineering," recalls Severino, "and, by God, that's exactly what they were!"

He rarely leaves his desk until 6:30, at the close of the 6 o'clock edition of Eyewitness News. "Usually there are a bunch of us in here watching it," he says, "and criticizing everything from the color of the blazers to the operation of the weather map."

Severino's bunch does not, he says, mess with the content of the news. But the Eyewitness Newscasts at 5, 6 and 10 p. m. are channel 7's hottest property and the best thing that ever happened to the ABC-owned stations in New York, Detroit, San Francisco and Los Angeles too. Best, that is, depending on your point of view.

The informality of the newscasts has been widely and seriously criticized as a plot to beguile the viewers with fun at the expense of keeping them informed of the gravity of events in the news.

The Alfred I. du Pont-Columbia University Survey of Broadcast Journalism for 1969–70 found it "chilling to reflect [on] a trend toward yuk-it-up happy-talk news [in which] sometimes important stories are glossed over to get a laugh."

Severino flatly denies the implications of the report, which led to similar appraisals in several national magazines. And he can argue persuasively that WLS–TV is no more superficial in its news coverage than any of its rivals.

In fact, WLS–TV has expanded its early evening local news coverage from 30 minutes to an hour, separated at midpoint by the network's 30-minute Howard K. Smith-Harry Reasoner newscast. Some, but not all, of the stories reported by John Drury at 5 are repeated by Flynn-Daly at 6.

In any event, Severino says, Flynn, Daly, Coleman and Frink—"guys who like their jobs are guys you like to watch"—liked their jobs and each other before Chris Duffy, the station's advertising and promotion manager, discovered it and turned it into a slogan.

Where the style has spread [even beyond the ABC-owned station complex], the claim to spontaneity rings false—except in the sense that off-camera horseplay is nothing new in the broadcast newsroom; letting the viewer see a bit of it is.

Broadcast newsmen, ruefully aware that their personalities are as important to their success as their competence, are reluctant to applaud any enhancement of that unhappy fact, but as television news has become saleable it has won them more time. The principal enemy of broadcast news has always been the clock.

Establishing the WLS–TV newscasters as strong personalities established the station itself as a living, breathing and identifiable entity where it had little or no personality before. Severino sees his mission as continuing the development of that personality.

When Howard Miller substituted as host of the midnight Chicago show and the telephone and mail response "told us that there was actually someone out there." Severino lost no time in hiring Miller as permanent host. In the morning, Kennedy & Co., a youthful and energetic version of Today with first-string guests and with the telephone lines open to audience participation, recently succeeded in catching NBC's Today in an ARB telephone coincidental survey.

Such surveys, based on a small sample, are not worth much, Severino admits, but he was pleased with the implications of that one.

To attract younger viewers, Kennedy & Co. is experimenting with kiddie calls. Week day children's programming is otherwise nonexistent on WLS-TV, one of the objections of the trio of broadcast watchdog groups, which has thus far succeeded in delaying FCC approval of WLS-TV's license renewal application.

Severino is impatient with the watchdogs. Of their complaint that the station has not hired minorities in proportion to their representation in the Chicago area, he agrees that the station operates in compliance with the civil rights acts. "We have always been an equal opportunity employer," he says, "and as for serving the community, we do more local live broadcasting than channel 2 and 5 combined."

More to the point, it is probably a myth that minorities are not served by many of the same programs that the majority prefers to watch, including news and sports as well as entertainment programs.

Black on Black with Daddy-O Daylie may not by itself fulfill channel 7's obligation to focus on the special concerns of Chicago's black population, but good as it is, it by no means attracts black viewers the way Marcus Welby does. Nor could it expect to do so were it seen in prime time, a possibility when the three-hour rule takes full effect next fall.

"It is time," says Severino, "for a new definition of 'the public interest.' It ought to mean, 'what the public is interested in.'"

By that standard WLS-TV might seem to have it made, having learned a great lot in the last two years about what interests the public. But Severino is realistic enough to know how quickly things can change.

"Chicago is the most competitive market in the United States," he says. "Here we have three strong network stations [WBBM-TV is a sleeping giant, soon to awaken] and probably the strongest independent station, WGN-TV, in the country. Nobody rests easily here."

IKE'S ROLE IN OPERATION KEELHAUL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RARICK. Mr. Speaker, the "Operation Keelhaul" atrocity was "a coldbloodily planned and executed British-American operation, carried out under the aegis of General, later President, Dwight (Ike) Eisenhower." So charges Columnist John B. Gardiner in his recent Far Eastern Corner.

Such serious charges expressly naming former President Eisenhower with the gun point repatriation of thousands of liberated Communists back behind the Iron Curtain following World War II may supply the answer why President Nixon refuses to make public the Operation Keelhaul files.

It may also explain why the British are conveniently being used as the scapegoat for keeping the files top secret at the Pentagon.

Is the top secret the involvement of Ike?

Now that the story is out, it would seem that if untrue, President Nixon would want to release the Keelhaul files to clear Ike's name and reputation—if innocent. And if the administration continues its secrecy and buck passing to the British, the effect may well be considered as proving Mr. Gardiner's charges—and the files may even reveal deeper implications.

I insert Mr. Gardiner's article at this point:

[From the Manchester Union Leader
Mar. 10, 1971]

JOKERS IN IKE'S PACK

(By John P. Gardiner)

When Professor Julius Epstein of the highly-respected Hoover Institute for Peace and War, around a year ago, sought to have the Top Secret documents relating to "Operation Keelhaul" declassified, the liberal Establishment's Washington component told him that his request for information on this 25-year-old mystery could not be granted without the approval of the British government.

In our column, a couple of weeks ago, captioned "Establishment Triple-Locked Closets," our readers may remember that we identified the three as Republican, Democrat and bureaucrat. Professor Epstein's exemplary persistence obviously had the liberal Establishment backed into the tightest of tight corners. The normal bureaucratic Washington old run-around, "It ain't us, it's the other guy" didn't go with him. In apparent desperation, the liberal Establishment attempted to slip out of its boxed position by placing responsibility for continued secrecy on a foreign government. This slippery ploy, brought to light what is, in effect, a fourth lock which would obviously be more difficult for Professor Epstein to crack than those of the domestic variety. As of this writing Professor Epstein and the millions of American citizens who share his interest in this shocking liberal Establishment atrocity perpetrated in their name, must admit themselves temporarily stymied.

"Operation Keelhaul" was the operational name for a series of classified documents captioned, "The Repatriation of Displaced Soviet Citizens." "Operation Keelhaul" in today's parlance could quite properly be termed "Operation Super Kudirka" because the same basic policy was multiplied by the thousands of equally helpless freedom-seeking men, women and children. It differs only in that the bumbling by various segments of our government, apparent in the shocking episode which took place on the Coast Guard cutter "Vigilant" last November, was not present in "Operation Keelhaul." This was a cold-bloodily planned and executed British-American operation, carried out under the aegis of General, later President Dwight David ("Ike") Eisenhower.

Since "Operation Keelhaul" was a combined American-British operation, the logical place to look for its genesis and for directives relating to its implementation would be among the papers of the Combined Chiefs of Staff, which during World War II, was located in Washington. But when, according to the reliable "U.S. News & World Report" "thousands of its papers" were declassified a few weeks ago by Washington and London, no trace of "Operation Keelhaul" was uncovered. Note that the U.S. News story did not, repeat not, say "all of its papers" but "thousands" of them. This Washington-London wild card offers two important possibilities. Either the liberal Establishment intends to more firmly secure its lock on "Operation Keelhaul," assuming that the Combined Chiefs had anything to do with it or (and this is of the greatest importance) it may have been planned somewhere else. Where?

Among the recently-declassified papers of the Combined Chiefs of Staff were some in which, according to the U.S. News and World Report issue of Jan. 25, 1971 were some indicating that "General Dwight D. Eisenhower, Supreme Allied Commander in Europe, is shown to have sometimes acted on his own in communications with Soviet Premier Joseph Stalin, for example, when he gave Russia a green light for the capture of Berlin while the Western Allies halted at the Elbe River." U.S. News goes on to state that "Ike" took this action contrary to the wishes of the Combined Chiefs in Washington on which his boss, General of the Armies George Catlett Marshall was represented. So, let's shift our focus to London where "Ike" was located at the time, to see what clues to his action can be located there.

It was very fashionable in wartime Washington to wear two or more "hats." We were no exception to this rule in the course of our service in the Department of State. We at the same time were a member of the secretariat of the forerunner of the present National Security Council, the then-prestigious State-War-Navy Coordinating Committee, in which the Japanese surrender terms were formulated, and Assistant Secretary General of the Far Eastern Commission, a multinational organization established to issue policy directives to the Supreme Commander for the Allied Powers (SCAP) General of the Armies Douglas MacArthur in his occupation of a defeated Japan. In addition to those powers such as Britain, the Netherlands and France which had been at war with Japan since 1941, the ominous Johnny-come-lately Soviet Union, was also represented by her then-Ambassador to Washington. Because of our two "hats," referred to above, especially as the policy positions taken by General McCoy, the U.S. representative of the Commission were formulated by the State-War-Navy Coordinating Committee in intimate collaboration with the American Joint Chiefs of Staff, we knew our way around pretty well in what for most Americans, even today, still constitutes an inexplicable labyrinth.

The Far Eastern Commission obviously had nothing to do with "Operation Keelhaul" which was strictly European operation, and to the best of our recollection after the elapse of some 25 years, we don't think that the State-War-Navy Coordinating Committee (SWINK) or its immediate successor on whose secretariat we also served, the State-Army-Navy Airforce Coordinating Committee (SANAC) had anything to do with it either. So with this caveat, let's move over to London where "this" politico-military throne was located.

Among the plethora of international committees spawned in the course of World War II was one in London, The European Advisory Commission. This body on which all nations at war with Hitler's Germany were represented, was established for the purpose of providing political guidance—to whom? Why, to none other than General Dwight David Eisenhower. In structure and in operational techniques, the European Advisory Commission closely resembled the Far Eastern Commission to which we have referred above. On the European Advisory Commission, the Soviet Union was, of course, represented. Thereby hang some intriguing possibilities, not only as they may relate to "Operation Keelhaul", "Ike's" seemingly independent "green light" to Stalin on Berlin, but also why no formal Soviet agreement was sought on any number of important issues such as ingress and egress to four-power controlled Berlin from the German zones occupied by France, Britain and the United States.

During the life of the Commission, it is now a matter of record that since the German invasion of June 22, 1941 Stalin had been bending every effort at all levels of the British and American governments to force a cross-Channel invasion of German-occupied France in order to relieve German pressure on his own armies on the Eastern Front. There is no reason to believe that our then-Ambassador to the Court of St. James did not constitute a highly-important "point d'appui" of Stalin's comprehensive politico-military offensive. The American Ambassador, ex-Governor of New Hampshire, John G. Winant, had as his opposite Soviet number on the European Advisory Commission, the astute, wiley Soviet Ambassador, Ivan Maisky with whom the former was on most friendly personal and even political terms, generally espousing the Soviet point of view. By this observation we are not, repeat not, suggesting that Ambassador Winant, a near total illiterate in the field of international intrigue, knew that he was acting contrary to the best interests of his own country but rather that he was but so much putty in the hands of a subtle, highly-trained Communist operative.

In conclusion, we are inclined to feel that the answers to many still unanswered questions concerning Ike's "independent" actions, including "Operation Keelhaul" may be located in London rather than in Washington. For this reason we feel that Professor Epstein might well hit pay dirt, were he to extend his "digging" in that direction.

PRESIDENT URGED TO RESTORE MASS TRANSIT FUNDS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. KOCH. Mr. Speaker, today 64 Members of this House are writing to the President urging that he restore the $200 million cut from the urban mass transportation program's budget for this fiscal year. Our letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1971.

RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to urge that you restore the $200 million cut from the Urban Mass Transportation program's budget for this fiscal year.

The cutback in mass transit funds comes at a most critical time when we should be intensifying our efforts to revitalize mass transit systems, not reducing them. Last year the Congress, with your support, passed the Urban Mass Transportation Assistance Act which, as you stated last week in your Transportation message, "helped to create a significant momentum for the rejuvenation of public transit systems." The most important aspect of this Act is the new authority it gives the Department of Transportation to enter into long term obligations that will be met with cash in later years. It is this level of commitment (not the cash flow from the Treasury this year) that is at stake in the cutback. Our cities are in critical need of these commitments so they can get underway with necessary transit development. Many localities already have secured the local commitment necessary to begin, but have been unable to move forward because of the lack of federal funds.

Now, in the program's very first year when we should be expending every effort to get these projects started, we find federal commitments being cut back by one-third. What your cutback means is that $200 million worth of projects will once again be delayed in the face of construction costs mounting at a rate of 10% a year. It means the "momentum" catalyzed by the passage of the Urban Mass Transportation Act will be stalled.

Presently, the Urban Mass Transportation Administration has $2.7 billion worth of applications pending. Last year, UMTA Administrator Carlos Villarreal came before the Appropriations Committees and stated that as of April, 1970 he had $1 billion worth of applications pending and that in FY 1971 he would be in a position to commit $850 million. Applications have increased almost three-fold in the past year making it even more essential that $600 million in commitments be made so we don't get any further behind in meeting our transit needs.

One final thought, and this centers on the concern we all share for the high unemployment and under-utilization of capital investment in the aerospace industry. We would suggest that the mass transit industry is closely related to the aviation industry—and that it is a field into which some of the aviation industry's unused resources can be directed. Furthermore, the Urban Mass Transportation Act of 1970 instructed the Secretary of Transporation to encourage industries adversely affected by reductions in federal government spending on space, military, and other federal projects to compete for mass transit contracts. But of course, the federal commitments first have to be made to expand mass transit development.

Sincerely,

Edward I. Koch, Leonor K. Sullivan, Henry S. Reuss, Thomas L. Ashley, William S. Moorhead, Fernand St Germain, Henry B. Gonzalez, Richard T. Hanna, Frank Annunzio, Thomas M. Rees, Frank Brasco, Parren J. Mitchell, Dan Rostenkowski, Thomas O'Neill, James A. Burke, Charles Vanik, Donald Fraser, Bradford Morse, Seymour Halpern, and Don Edwards.

Lionel Van Deerlin, Hugh Carey, John

Moss, Peter Rodino, James Fulton, Frank Thompson, John Brademas, Alphonso Bell, Charles Wilson, Benjamin S. Rosenthal, Joseph Addabbo, James Howard, James Scheuer, Robert Tiernan, Phillip Burton, Claude Pepper, William J. Green, Ralph H. Metcalfe, Joshua Eilberg, and John Dingell.

Robert Nix, Bertram Podell, Patsy Mink, Jonathan Bingham, Lester Wolff, William Hathaway, William F. Ryan, Louis Stokes, James Symington, Abner Mikva, Mario Biaggi, William Clay, Shirley Chisholm, Michael Harrington, John Dow, Bella Abzug, Louise Day Hicks, Herman Badillo, Ella Grasso, Charles Rangel, Ronald V. Dellums, Nick Begich, Stewart McKinney, and Robert Drinan.

DESPERATE SEARCH

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of my colleagues to an outstanding article, "Desperate Search," which was written by Sue Ann Wood and appeared in the St. Louis Globe-Democrat on Wednesday, March 17, 1971.

The article concerns the agonizing efforts of the Karl Rundberg family to secure medical treatment when Mrs. Rundberg suffered a cerebral hemorrhage. The plight of this woman and her family graphically illustrates the chaotic state of health care delivery in the United States. It may serve to alert the Members of the Congress to the fact that health care delivery and manpower distribution are matters deserving our immediate attention. The Subcommittee on Public Health and Welfare of the Interstate and Foreign Commerce Committee, on which I serve, will give prompt and effective consideration to legislation dealing with the health care crisis.

Mr. Speaker, I insert in the RECORD at this point the article entitled "Desperate Search":

DESPERATE SEARCH: FAMILY RECALLS NIGHTMARE OF SEEKING MEDICAL AID FOR CRITICALLY ILL WOMAN

(By Sue Ann Wood)

The problem of "delivery of medical care" —that is, getting medical care to the people who need it—is one that bothers many physicians and others in the medical profession these days.

However, it usually is considered a problem mainly in the ghetto or rural areas where physicians are few and far between.

Few realize that it also can be a problem in the so-called affluent suburbs, in a metropolitan area noted for the excellence of its medical care facilities and personnel.

But this true story shows that getting proper care for a critically ill St. Louis suburban resident can be a nightmarish problem in circumstances that conceivably, could happen to anyone.

The acrid odor of burning electrical wires marked the start of a crisis that was to grip the family of Karl and Lynette Rundberg, of Maryland Heights, for the next two months.

It was on a Saturday afternoon, last Nov. 28, when the burning odor drifted upstairs from the basement and Mrs. Rundberg, 30, the mother of two small children, hurried down to investigate. She screamed for her husband when she found the electrical fuse box spewing out smoke.

While her husband poked into the smoking fuse box, she ran upstairs to telephone a friend who is an electrician. Suddenly she stopped and gave a cry of pain.

As she described it when her husband came to see what had happened, she felt as if "all the fluid in my spine ran up and exploded inside my head."

Physicians later were to marvel that Mrs. Rundberg didn't lose consciousness, or even die, because what had happened to her was so serious that many never survive it. She had suffered a brain hemorrhage.

However, that diagnosis was not to come for some time. Mrs. Rundberg remained conscious, suffering from nausea and an excruciating headache. She lay down with a damp washcloth on her forehead, assuring her worried husband that she probably would feel better soon.

"She thought maybe she had twisted her neck sharply and had hurt her spine," Rundberg said, as he talked about the ordeal in a recent interview.

Like many American families, the Rundbergs no longer have a "family doctor" and rarely think of the need for a physician until illness strikes.

Although Rundberg grew up in the St. Louis area, he had lived in California in recent years, returning here in 1966 with his wife and small son. He is a public relations consultant with the Drake Partnership, an architectural firm that specializes in hospital planning.

Not realizing his wife was ill enough to need immediate hospitalization, Rundberg decided to get in touch with a doctor who might be able to help her. The only one Mrs. Rundberg had seen in St. Louis was the obstetrician who delivered their daughter in 1968. That kind of physician hardly seemed the one to call now, Rundberg thought.

With his wife's theory about a twisted neck in mind, he looked up names of doctors he believed specialize in muscular problems. He telephoned one with an office fairly near their home. The doctor was out of town, he was told, and all calls were being referred to an associate.

When he called the associate, he was told the doctor was not in but to leave a number for him to return the call. Rundberg did. The call came several hours later. Meanwhile, Mrs. Rundberg's headache had gotten worse and the nausea was causing wracking spells of sickness.

When the doctor heard this description of her symptoms, he suggested that Rundberg take her to a private hospital in St. Louis County suburb where he would meet them. It was a 15-mile trip by car to the hospital.

Leaving the two children, age 5 and 2, in the care of a helpful neighbor, Rundberg drove his sick wife to the hospital's emergency room but the doctor failed to show up. Without a doctor to authorize hospital admission, the staff in the emergency room gave Mrs. Rundberg a prescription for pain-relief medication and sent her back home.

The pills, Rundberg said, seemed to do her no good at all. She spent a wretched night. The next day he noticed a definite worsening of her condition.

"She was less lucid," he said, "and retching constantly, complaining of terrible pain."

He decided to call the only physician familiar with his wife's medical history, the obstetrician. Since it was Sunday, he reached the physician at home and was told to bring his wife to the doctor's office at 10 a.m. the next day.

Another agonizing day and night passed. At 9:30 a.m. Monday, Rundberg bundled his wife into the car and, lacking a babysitter, took the children along to the obstetrician's office.

When they arrived, the doctor was rushing out to deliver a baby at a suburban hospital. He stopped long enough to ask Mrs. Rundberg a few questions and suggested, since the "twisted neck" was mentioned, they should see an orthopedic surgeon.

The surgeon's office was 10 miles away from the obstetrician's, Rundberg said, and they arrived at the second office about 11 a.m. His wife was so ill the office nurse hustled her immediately into an examining room to lie down.

For the first time since she was stricken, Mrs. Rundberg finally was examined by a physician. He then called in Rundberg and said he could find nothing wrong with her neck.

"He said in his opinion," Rundberg said, "she had suffered a cerebral hemorrhage and suggested she see a doctor specializing in internal medicine."

Not aware of the seriousness of this tentative diagnosis, Rundberg took wife and children home and began trying to locate an internist, preferably one on the staff of a hospital near their home.

He called the Medical Exchange, a service that provides names of physicians to St. Louis area residents, and was given a list of names and telephone numbers. One doctor suggested Rundberg bring his wife to his office the following afternoon.

"That wasn't soon enough," Rundberg said. "I was feeling desperate now, so I finally gave up trying to call a doctor and took my wife to the emergency room of a nearby hospital."

It was then 3:30 p.m. Monday, more than 48 hours since Mrs. Rundberg had been stricken. At the hospital, Rundberg asked if the obstetrician familiar with his wife's case was present. He was and the specialist was called to the emergency room.

Although the obstetrician had talked with the orthopedic surgeon who suggested a brain hemorrhage, he still favored the twisted-neck theory, Rundberg said, so Mrs. Rundberg again was sent home with a pain-pill prescription and advice to put a heating pad on her neck.

There had been a brief discussion about admitting her to the hospital, Rundberg said, but no rooms were available at that time.

He remembers the next two days as "a nightmare." With friends and relatives volunteering for nursing and babysitting duty, he went to work on Tuesday and Wednesday, returning to find his wife in worse condition each day.

"By Wednesday evening, she was having hallucinations, talking wildly, her eyes glassy," Rundberg said. "I called the OB at his home and begged him to help me get in touch with an internist."

The obstetrician agreed to contact one and told Rundberg to take his wife back to the hospital. She arrived at 7 p.m. and, at last, an internist was there to examine her. She was admitted to the hospital, although it still was so crowded the only available bed was in a unit devoted to care of burn patients.

Told that tests were to be made, Rundberg went home to await a call from the internist with a report on results of the various examinations.

"He called at 11:30 that night," Rundberg said, "and told me a spinal tap indicated Lynette had suffered a cerebral hemorrhage."

Then he used words that staggered Rundberg: "I'm sure she'll live through the night."

Did he mean she might not live longer than that, Rundberg managed to ask. Well, he was told, a neurosurgeon was being called in immediately for consultation.

A long series of examinations began the next day, including the taking of bilateral carotid arteriograms to pinpoint the location of the hemorrhage in the brain. These tests also indicated a blood clot was present.

Armed at last with a full and accurate diagnosis of her condition, all the resources of modern medicine went to work to save Lynette Rundberg.

On Monday, Dec. 7, she went through five hours of brain surgery in which two aneurysms were found and repaired and a massive blood clot was removed. Doctors cautiously advised Rundberg she had a 50-50 chance of survival after the operation.

For the next 10 days, she was alive but partially paralyzed and physicians refused to make any predictions about her recovery. Six more weeks in the hospital were to come, including a period of deep post-operative depression requiring additional specialized treatment. Therapy gradually diminished the effects of the post-operative paralysis.

The medical bills, still coming in two months later, so far have totaled about $7,000, partially covered by insurance, Rundberg reported.

But all the pain, anxiety and expense were forgotten on the day, several weeks ago, when Lynette Rundberg walked out of the hospital door, a bit weak and wobbly but with a wide smile on her face.

Oh yes—that burning fuse box was repaired, too, by an electrician who told Rundberg he was lucky the house hadn't burned down. That, Rundberg assured him, would have been a minor disaster compared with what did happen that fateful day.

WELCOME TO NATION'S CAPITOL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BIAGGI. Mr. Speaker, Northern Ireland continues to be a source of many problems for international peace. Recent activities there have led to a further deterioration of an already very serious situation. Although many believe the problems are strictly religious in nature, the truth is they are much more than that.

The Political Action Committee of the Irish American Club of Washington, D.C., recently placed a welcome notice in the Washington Post to Hon. John Lynch, Prime Minister of Ireland. The points raised in this notice I feel will be of special interest to my colleagues in the House who would like to see an end to the conflict in those embattled six Irish counties. The notice is as follows:

A Welcome to the Nation's Capital to Hon. John Lynch—Prime Minister of Ireland

> The members of the Irish American Club of Washington, D.C. wish you a most enjoyable visit and pray that your discussions with President Nixon prove fruitful. We hope that you will call to the President's attention the following injustices being perpetrated on your fellow countrymen by the British subsidized puppet "government" of "Northern Ireland."
>
> (a) The rampant discrimination practiced by that "government," which systematically denies housing and employment to the Catholic population and thereby forces an extremely high percentage of its youth to emigrate. For example, the current unemployment rate in the ghetto of Ballymurphy, Belfast has now reached the staggering rate of 44 percent among the male population while the emigration rate among the Catholic male population of Dungannon, County Tyrone is 47 percent in the 18-28-year age bracket.
>
> (b) The total denial of equal justice under law to minority citizens. Under the "Special Powers Act," innocent people are subject to arrest and imprisonment for up to 10 years without the benefit of a trial or, for that matter, without any formal charges being made against them.
>
> (c) The blatant use of gerrymandering tactics to contemptuously manipulate constituency boundaries in a manner which will assure a Unionist majority. The most glaring example of these methods is the city of Derry where a Unionist minority of 32 percent elects 12 Members of the City Council while the Catholic majority of 68 percent can only elect 8 Members to that body. Historically, the Province of Ulster consists of nine counties. Of these nine, five and a half are predominantly Catholic and three and a half Protestant. If all five and a half Catholic counties had been detached from Ulster, what remains would not have justified the existence of a separate government in Belfast. So the border was devised assigning the Counties of Donegal, Monaghan, and Cavan to the Republic of Ireland while retaining Fermanagh, Tyrone and South Down for rule by the government of "Northern Ireland," which, under these circumstances, would always have an artificial Protestant majority. If there was ever a case of gerrymandering, surely this is it.
>
> It is sad that Britain has not learned from her experience in Cyprus, India, Nigeria, and every other Colony which ever flew the Union Jack. It is tragic that she should insist on maintaining a "paper" government in Ulster which in the long run has not got a snowball's chance in Hell.
>
> It is imperative that you, Mr. Prime Minister, seek the full support of President Nixon and the enormous influence of his Office to help achieve the following objectives:
>
> (1) The immediate withdrawal from the six counties of all British troops, whose very presence there only serves to increase tensions with the resultant senseless loss of lives on all sides;
>
> (2) The establishment of a neutral United Nations peace keeping force which your Government has already endorsed;
>
> (3) The holding of a free and open plebiscite in a true democratic fashion by the people of all Ireland, under United Nations supervision, to exercise their right of National Self-Determination.
>
> We believe that the above proposals are a basic pre-requisite to the creation of a just and lasting peace among all the people of Ireland, North and South, Catholic & Protestant.
>
> Respectfully,
>
> James D. Hagan,
> *Chairman, Political Action Committee, Irish American Club of Washington, D.C.*

NATIONAL WEEK OF CONCERN FOR POW/MIA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. DORN. Mr. Speaker, this week has been declared by the Congress to be a special week of national concern over the plight of our men who are prisoners of war or missing in action in Indochina.

The American people and the Congress are concerned over this latest example of cruel barbarism by the Communists. We all feel a compassion for those in captivity and for their brave loved ones at home who sometimes do not know the fate of a husband, a father, or a son. The American people are united in a demand that the Communists at least release a list of captives' names, and grant early release to the sick and wounded.

Mr. Speaker, we do not know what, if any, effect the appeal of the civilized world will have on the Communists in Indochina. They have so far flaunted every standard of decency, every principle of international law, including of course the Geneva Convention. But we do have an obligation to speak out against this tragic example of inhumanity; and where possible, we have the obligation to act. We must act militarily where feasible to effect the release of these men, and we must act at home to provide a measure of relief to those who wait. Our Committee on Veterans' Affairs acted in the last Congress to pass legislation which will provide GI Bill benefits for families of servicemen missing, captured, or interned. This is of small comfort to those whose loved ones are missing, but it does give a measure of relief.

Mr. Speaker, I have also sponsored legislation that would express the outrage the American people and the Congress feel over this issue, and am today proud to state my complete agreement with the aims of the National Week of Concern. We must maintain our efforts to win the release of our men through the influence of world opinion. But from the cruel and illegal treatment of captured Americans we must also draw the proper conclusions about the nature of the enemy and about how best to deal with them.

HORTON SALUTES BYELORUSSIAN INDEPENDENCE DAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HORTON. Mr. Speaker, 53 years ago today on March 25, 1918, the Byelorussian pepole proclaimed their national independence from the Russian czars.

The great Byelorussian Rada, the self-declared national representative of the Byelorussian people, decreed:

> Today, we the Rada of the Byelorussian National Republic, cast off from our country the last chains of the political servitude that had been imposed by Russian tsarism upon our free and independent land. From now on, the Byelorussian National Republic is to be a free and independent power.

Despite the determination of the Byelorussian people to govern themselves in a democratic way, that dream, 53 years later, still has not been realized. With the Treaty of Riga in 1921, ending the war between Poland and Bolshevik Russia, Byelorussia was divided: Poland received one-third of the country, while the remainder, with the exception of the part falling to independent Latvia, came under Soviet control.

Today, the country, in the form of the Byelorussian Soviet Socialist Republic, remains an economic and political colony of Moscow. Despite the country's abundant natural resources and rapid industrialization within the last three decades, Moscow's centralized government and colonial administration in Miensk keeps the Byelorussian people in economic and cultural poverty.

But the Byelorussian people continue to struggle for their freedom. On this day, commemorating the short-lived Byelorussian independence 53 years ago, I join with my colleagues in the House and the thousands of Americans of Byelorussian descent to recognize the resistance of the Byelorussian people to Soviet oppression and their decades-long struggle for independence. We look forward to the day when the hopes of the Byelorussians are realized.

THE CENSUS BUREAU SENDS A LETTER—AND A PATRIOT DRAWS THE LINE

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, I wish to draw the attention of my colleagues to an excellent article which appeared in the Philadelphia Inquirer of March 24, 1971. It is entitled, "The Census Bureau Sends a Letter—And a Patriot Draws the Line," and its author is Mr. Michael Pakenham, assistant managing editor of that distinguished journal.

I hope that the readers of this article will not be misled by its whimsical tone. It is in dead earnest. As a former chairman of the Subcommittee on the Census of the Committee on Post Office and Civil Service of this body, I am well aware of the conflict between the individual's interest in privacy and the Government's interest in collecting data. The question is one of priorities. My concern is that we are moving in the direction of favoring prying over privacy. That trend is wrong, and the sooner we reverse it, the better.

I insert the text of Mr. Pakenham's article:

THE CENSUS BUREAU SENDS A LETTER—AND A PATRIOT DRAWS THE LINE

(By Michael Pakenham)

Last night I opened a letter from my government. It caused me, for the first time in my life, to decide that I must conscientiously break the law. To my recall I have never before said that this is the law of the United States and I am not going to obey it, and in that full knowledge, acted on the decision. Today, I must do that. It angers me.

By present standards, I am rather conservative. I can and at the slimmest encouragement, do—talk by the hour about due process and Constitutional guarantees and about the great American political and legislative traditions of middle-ground adaptation. Radicals, I've felt, like firecrackers on the Fourth of July, are amusing and usually harmless in their time and place. But I don't sleep easily with them under my bed. The inconveniences of obeying the law are minor irritants, small prices, I have argued, for the dividends of stability which they regularly return.

But last night I read this letter and its inclosure. And I am profoundly depressed because I find I am morally unable to do what my government legally demands of me. A charm has been broken; an enchantment, a conviction, has been destroyed. In a few minutes of reading a government form, I am an outlaw.

The letter, first:

"U.S. Department of Commerce Bureau of the Census, Washington, D.C. 20233. Office of the Director," the letterhead says. (From 70H–18 5–70).

It begins: "Dear Sir: As a part of the 1970 Census of Housing, the Census Bureau is collecting information about the financing of homeowner properties in the United States. The data compiled in this survey are needed by your government and private industry to make policy decisions on residential financing . . ."

The letter ends: "Response to this survey is required by law, Title 13, United States Code . . . Please complete and return this questionaire within five days. Thank you for your cooperation. Sincerely, George H. Brown, Director, Bureau of the Census 2 Enclosures."

One inclosure is an envelope. Not addressed to Mr. Brown, but to "Director, Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana, 47130."

The other inclosure is "Form 70–H (1–5–70), O. M. B. No. 41–S69099; Approval Expires September 1971."

It's got 29 numbered question elements. There are 149 boxes or spaces demanding specific numbers, names or Xs—plus some 20 square inches for "Remarks."

Mr. George H. Brown, you won't get a completed form from me, in Washington or in your country retreat in Jeffersonville, Indiana. You won't get a letter of protest, beyond what I am writing here. You may come to me—you know my address—girded with Title 13, United States Code, with a subpoena duces tecum in your mighty right hand and a flaming writ of mandamus in your left, and, perhaps, you may, with phalanx of FBI agents, carry me off to prison.

Nor shall you determine from me—under any duress—the date, amount, financer, rate of payment of "principal, interest, real estate taxes, property insurance, and other (specify)" of the first, second and third mortgages (Items 11 a, b and c), which may becloud the threshold of my house. Nor, as you demand in full force of the law, shall you ever find out the "name, address (number and street), city, state, ZIP code and mortgage account number" of the holders of those three or more mortgages—if they exist (Item 11).

Throughout time, you shall live in ignorance of the expenses, in my house, "during the past year for—a. Real estate taxes . . . Special assessments . . . property insurance . . . electricity . . . gas . . . oil, coal, wood, kerosene, or other fuel. . . . water sewer, trash removal . . . ground rent." (Item 24).

You may bring against me the power and the might and the glory of the Federal government and its 3 million employees, but never shall you discover if "the principal owner of this property" is "A. 1. White? 2. Negro or Black? 3. Other? b. 1. Male 2. Female? 3. Husband and wife?" (Item 25).

Oh, yes, I read the comforting "your individual report can be used only for statistical purposes."

But I also read, some two weeks before, the testimony of Assistant Secretary of Defense Robert R. Froehlke to a Senate subcommittee, Mr. Froehlke conceded, under oath, that the United States military establishment maintains files of personal data on 25 million Americans. Nearly one out of every eight men, women and infants drawing breath in the United States today.

I've been a newsman too long to cherish illusions about the universal saintliness of government employees. On the whole, probably, men in government act on more decent motives than do those in business. But men they still are and susceptible to greed and vindictiveness and power lusts.

For a time I was a reporter in Washington. Directly, I knew that many in the Senate and the House were fools or knaves, or both. But I could never once walk the corridors of the Capitol of the United States without feeling an almost ecstatic awe for the form and beauty of the government they enduringly contained.

I love America. More, I suppose, than I love my mother—if there were any meaning in such a superficially sentimental comparison. But I wouldn't give my mother the answers to the questions in Form 70H–10 1–5–70, O. M. B. No. 41–S69099. Nor, to my certain knowledge, would she give them to me.

I have few secrets. It is not the keeping of them, but the confidence that I do not have to, that makes life bearable.

Privacy, like dignity and trust, is a mysterious, fragile thing. And so—I discovered last night—is lawfulness. Intuitively, I had lived 38 years in the confidence that, for all the bungling, the law of the United States of America was on my side.

A preemptory letter from my government shattered, last night, that confidence, that intuition. It makes me very angry. Worse, it makes me very much afraid.

CONCERN FOR PRISONERS OF WAR

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KEITH. Mr. Speaker, I am happy to join my colleagues during this National Week of Concern for Prisoners of War and Missing in Action. I share our Nation's sympathy for the unfortunate men now imprisoned in Southeast Asia.

Since the first man was captured in 1964, over 1,600 other men have been lost. About 450 of them are believed to be prisoners of war, and by now many of those captured have been held longer than any other POW's in American history. We know too little about the conditions under which these men are imprisoned, but the information that we do have indicates that they are not even treated according to elementary standards of human decency.

Allowed to receive only an infrequent letter from home, at best, the men are reportedly even denied the consolation of association with their fellow prisoners. Suffering as they do from malnutrition, poor medical care, isolation, and boredom, how can these men bear up under the strain? Yet they have the courage to continue to pray for their future and to write messages of hope to their families.

The families themselves are innocent victims of Hanoi's inhumanity. Two-thirds of the families know only that their husband, son, or father is listed as "missing," and have received little further information from the other side about his fate. Even the families of men believed captured seldom know if their letters and parcels get through. They never know if each letter will be a prisoner's last, or under what conditions he is forced to live. They are unable to make long-term plans for their own futures because North Vietnam refuses to recognize that this is a humanitarian issue that should be immediately negotiated, and persists in cruelly exploiting the prisoners for political benefit.

I add my voice to those who demand that North Vietnam adhere to the Geneva Convention on prisoners of war and allow adequate food and medical care and free flow of mail for the prisoners, as well as inspection of the camps. I call on Hanoi to release the sick and wounded prisoners, in accordance with the Geneva Convention, and to immediately negotiate the release of the remainder. I support our Government in its efforts to secure the release of the prisoners, and urge the President to continue to take all necessary steps to remedy this tragic waste of American men.

DISCOVER AMERICA—START WITH MARYLAND

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HOGAN. Mr. Speaker, I would like to ask my colleagues to join today with the Marylanders in this body in celebrating Maryland Day. We Marylanders are today celebrating the 337th anniversary of the founding of our State and we hope our neighbors throughout the country will join in our celebration.

Within the next few months many Americans will come to visit their Nation's Capital. I would like to extend an invitation that they come to Maryland—a State which is rich in historical traditions and landmarks. Marylanders are proud to claim for their home a State which was one of the Original Thirteen Colonies and we have worked hard to maintain our historical sites and interests.

Mr. Speaker, the Maryland Department of Economic Development has prepared a short summary of some of Maryland's attractions which should be of interest to any of our constituents who may be visiting the Washington area during the Cherry Blossom Festival or later in the spring. I am inserting the short preview in the RECORD at this point:

WASHINGTON'S CHERRY BLOSSOM FESTIVAL OFFERS CHANCE TO DISCOVER MARYLAND

Visitors to the Washington, D.C. area for all the festivities that have become part of the annual blossoming of the Japanese Cherry trees have come to discover many unexpected bonuses in Maryland, which is never more than a short drive away.

For instance, the first peacetime capital of the United States, Annapolis, sits in all its original colonial charm beside the Chesapeake Bay only a little more than a half hour's drive away via dualized U.S. Route 50. As a matter of fact, some of the same beautifully pink Japanese cherry blossoms that will be decorating the Tidal Basin in Washington March 30-April 4 (these are the official dates of the Cherry Blossom Festival, but the trees usually retain their blossoms for several days following the conclusion of the Festival) may be seen in the garden of the Georgian-style mansion of Maryland's Governor in Annapolis.

The historic Maryland State House in Annapolis is open and hostesses are on hand to conduct tours seven days a week. The old Senate Chamber, where George Washington resigned his commission as commander of the Continental Army and where the Congress of the United States ratified the treaty which formally ended the American Revolution, has been restored to precisely its appearance during that historic Congressional session of 1783–84.

There are unusual restaurants and shops, a historic brick Inn and a new waterfront hotel beside the Annapolis harbor, which is still a forest of spars. Annapolis has never ceased being one of the great sailing ports of the world. And, there are numerous examples of 18th and early 19th century architecture still in use, as in the State House, along Annapolis' brick-walk, tree-lined streets that radiate from State and Church circles. Of course, more than a million visitors every year come to Annapolis to see the United States Naval Academy at the mouth of the Severn River.

But the easily accessible surprises of Maryland are more than Annapolis or even the Chesapeake Bay, with her sailing oystermen, her quaint little fishing villages, her legends, and her fascinating folkways.

Extending north and west right from the heart of Washington is the nation's newest and perhaps most unique national park—the Chesapeake and Ohio Canal National Park. This canal and its bikeable, hikeable towpath extends for more than 180 miles along the Potomac River to Cumberland, Maryland, linking the Allegheny Mountains, the rolling Piedmont Plateau region, suburbia, and inner city. Just ten miles from the District of Columbia limits via MacArthur Boulevard is one of the more spectacular panoramas along the Canal, the Great Falls of the Potomac.

Eight miles northeast of the Great Falls is Rockville, Maryland, where early arrivals for the Cherry Blossom Festival might want to visit an unusual junior art show (works of artists from 4 years old to college age will be exhibited) Sunday, March 28, in the city's beautiful old Civic Mansion.

Just fifteen miles north and west of Rockville at Boyds, Maryland, is Al Marah, the largest Arabian horse breeding farm in the world. This is always a great time to visit a horse farm, when the Spring foals are being dropped. But Al Marah is interesting at any time of year. The farm always welcomes visitors and even offers an Arabian horse museum.

Less than five miles north of the District line at Wheaton, Maryland, is Wheaton Regional Park, with tennis courts, an unusual variety of swings and things for the kids, and plenty of room for a Spring picnic. Right nearby is the National Capital Trolley Museum, with vintage street cars from all over the world which may be ridden along more than a mile of track on Saturdays and Sundays in Spring from noon until 5 p.m.

Just west of Indian Head Highway seven miles south of the District of Columbia, visitors may want to climb over the ramparts of Forth Washington as it perches at the juncture of the Potomac River and Piscataway Creek where is was built in 1815 to protect the Capital. Nearby is the National Colonial Farm at Accokeek, which employs traditional farming methods to preserve the various agricultural strains that fed our Colonial forebears.

Antique buffs may want to time their cherry blossom visit to Washington so that they can attend the 17th annual antique show in LaPlata, Maryland, 18 miles southeast of the Capital via Branch Avenue, Maryland Route 5, and U.S. Route 301. Dealers from all over the country will participate in this show, which opens Friday, March 26, at noon and runs through Sunday, March 28, at 6 P.M. Of course, there are many interesting antique shops scattered over the Maryland countryside and a cluster of 21 shops at New Market, on Interstate 70n, just east of Frederick, Maryland, less than an hour's drive from Washington.

Families visiting the Cherry Blossom Festival as campers, might be interested to know that Greenbelt National Park, just off the Baltimore-Washington Expressway six miles north of the District, offers 178 Class A campsites.

LETTERS TO POSTMASTERS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. SCHERLE. Mr. Speaker, the right of citizens to petition Congress is one of the most precious rights guaranteed by the Constitution. That is why Postmaster General—or whatever he calls himself under the new regulation—Winton Blount's recent edict forbidding postal employees to contact Congressmen on matters involving the Postal Service is so repugnant. This gag rule on postal employees is to be mandatory.

The latest decree by the new postal czar, who is no longer answerable to Congress, but instead need only please a small clique called the Postal Corporation, directly contradicts his sworn testimony last year before the House Post Office and Civil Service Committee. On at least four different occasions, Blount reaffirmed the postal employees' right to contact Congress as they always had.

I will personally continue to welcome comments from any citizen—and that most assuredly includes postal workers—on any subject, including the Postal Corporation. No American loses his citizenship by going to work for the Government. Even "Red" Blount cannot muzzle democracy.

Enclosed is a copy of a letter which I have sent to all the Postmasters in my district.

DEAR POSTMASTER: Please post this letter on your bulletin board in order that all employees of your post office can be made fully aware of their constitutional right to petition Congress for any grievance that they may have.

Despite any rumors, postal employees are still allowed the same rights as any American citizen to contact Members of Congress. Additional protection is granted these employees by the enactment in 1912 of the Lloyd-LaFollette Act which assures that they may continue to have their full Constitutional rights to communicate with Congressmen. Postmaster General Winton Blount has reaffirmed, under oath, to a Congressional Committee that there is nothing in the new Postal legislation which repeals the Lloyd-LaFollette Act or the Constitution.

Therefore, my office in Washington, D.C., or in Council Bluffs, Iowa, stands ready to assist any postal employees about any matter including the Post Office.

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress.

CRIME—PUNISHMENT—PROBATION?

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PICKLE. Mr. Speaker, all too often too many people are guilty of considering crime as a two-dimensional problem: punishment fits crime like bacon goes with eggs.

I agree to a point.

But I think we must go two steps in different directions when we consider crime and punishment. First, we must take a step backward, before the crime, and see what steered the individual in that terrible direction. Then, we must take a giant step forward, beyond punishment, and see how we might rehabilitate that individual who has committed the crime.

Prison is not an end in itself. Rehabilitation back into society is more—it is a beginning.

Mr. Speaker, in my district, we have one of the more progressive probation programs in the Nation. I was proud to read that this program. which operates in Travis, Hays, Caldwell, and Comal Counties have been cited for their excellence.

Our Adult Probation Office program in those counties was designated and funded as a pilot project by the U.S. Department of Justice and thereafter received further funding from the Moody and Hogg Foundations of Texas.

A compelling argument in favor of taking a close look at wider application of this program is that these counties have found the cost of probation to be much less than jailing—60 cents a day as opposed to $2.60, and that, conversely the rehabilitation record achieved is much, much better. It would be noted that probations are not granted across the board to all, but applied on a case-by-case basis to those showing strong potential for community living. These, chiefly, are first offenders.

Therefore, Mr. Speaker, in the hopes that others might profit by the example of the adult probation program centered in Travis County, I commend for reprinting in the RECORD the initial results as reported by Candy Lowry in the March 7 edition of the Austin American.

CRIME: PUNISHMENT OR PROBATION?

(By Candy Lowry)

Crime requires punishment, but recent exposés of prison life have shown there's often little or no profit in imprisonment.

What has proven more effective is probation, a sentence which permits offenders usually first-time ones, to remain in the community under the supervision and guidance of a probation office.

It is a legal status creation by the court of criminal jurisdiction and, according to the definition provided by the probation office, "it usually involves a judicial finding of guilt, the imposition of conditions upon his continued freedom, and the provision of means for helping the offender meet these conditions." Probation thus implies much more than indiscriminately giving the offender another chance.

The conditions of probation are demanding and the status is temporary—it can be revoked without proving "guilt beyond a shadow of a doubt."

District Judge Mace Thurman believes that granting probation in certain cases is a cruelty. "There are simply some people to whom such status would prove more severe punishment than a term in the penitentiary. There are also people who just need custodial care, who simply are not deserving of a second chance."

But in many cases, especially those involving first offenders, probation is strongly recommended if the guilty party shows strong potential for community living and rehabilitation.

Figures show that his chances for rehabilitation are much greater if he's permitted to remain in the community. Also, it is much sounder economically. (The cost of supporting a probationer is 60 cents a day in contrast to the $2.60 if he is sent to jail or to the penitentiary).

And who can judge the difference that it must make to the offender's self-esteem?

But how is a judge or a jury to know if the guilty party is worthy of the risk? The jury, which can judge only in the case of first offenders, is hampered because it must rely on the arguments presented by the lawyers on either side.

But in counties where there is an established probation office, the judge, whose instinct is often sounder and more consistent than a jury's, can base his decision on the pre-sentence report which is compiled for him by the probation office.

"This information is of inestimable assistance in determining a verdict," said Judge Thurman who believes that if such services were rendered in more counties that more offenders would be given a chance to rehabilitate themselves in the community instead of in jail.

Some counties in Texas have recognized the need for such a system. It has been provided for successfully in Travis, Hayes, Caldwell and Comal counties by an Audit Probation Office whose services have been consistently so exemplary that it was designated and funded as a pilot project, initially by the U.S. Justice Department and later by the Moody and Hogg Foundations.

But in counties which haven't the funds or foresight to establish such an office, the probationer has slim hope for any kind of community rehabilitation.

He has, in fact, little hope of anything but a trip to jail, or for the still more unfortunate, a term in the penitentiary.

BYELORUSSIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PEYSER. Mr. Speaker, today, commemorates the 53d anniversary of the Declaration of Independence of the Byelorussian people. On this date, 53 years ago, we remember the courageous but short-lived efforts of a freedom-loving people to establish the prerogative to choose and to guide their own destinies.

In commemorating this day, we wish to exalt the right of self-determination and the hopes of freedom-loving people everywhere who are still held subject to oppression and ruthless domination. The 1918 constitution of the Byelorussian Democratic Republic embodied rights which men all over the free world hold most dear—freedom of individual conscience, freedom of nations, freedom of religion. In these beliefs the citizens of the United States are one with the Byelorussian people, and today we offer a heartfelt salute to these courageous people, that the force of liberty for all mankind shall stand.

WHOSE FAULT?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ROSENTHAL. Mr. Speaker, auto insurance has become a major problem and a national scandal. It is nobody's fault that automobile use rapidly became virtually universal in America, that nobody anticipated that accident litigation would now occupy 11.4 percent of judge time in Federal district courts, and 17 percent in State courts, that Americans will pay $1.1 billion in legal fees for litigation arising from 1969 accident claims—one-fourth of the legal profession's total income for that accident year—that despite this disproportionate cost to us as taxpayers and citizens, rising premiums do not pay off in proportionate compensation for serious injury—but it is time for Congress to do something about it.

While auto insurance is traditionally a problem for State legislation, it has clearly become Congress concern. Its urgency and complexity are such that the Federal Government, willy-nilly, is concerned.

Consumers Union, in its publication Consumer Reports, has performed a public service in a recent article which defines the major problem areas and identifies the reform plans currently under consideration which deal with them. The article follows:

INSURANCE: THE ROAD TO REFORM

Automobile insurance is by now probably the most thoroughly studied of all consumer problems. The verdict of investigators from the insurance industry, government, the legal profession and consumer groups is unanimous. Something must be done to make insurance do a better job of paying the cost of highway injuries. Something must be done to stop the runaway price of insurance. Something must be done to make sure the right kind of insurance is available to every car owner, and at a fair price.

The time has come for consumers to unite in a crusade for auto-insurance reform. Everyone else is getting into the act. The three major auto-insurance industry trade groups are sponsoring plans. Even the American Trial Lawyers Association, traditional foe of any change that might detract from the fees its members earn by representing accident victims, has drafted legislation in the name of reform. Actually, it's a last-ditch effort to patch up the present liability-insurance system.

Reform is already under way in Puerto Rico, where a government-run plan insures every accident victim for his full medical expenses and a modest amount of wages while he's disabled. Massachusetts inaugurated this year a compulsory medical and wage-loss policy and eliminated most liability claims for less than $2000 of injury expenses.

Many states are now debating reforms based on three pioneering plans: The Keeton-O'Connell Plan, the American Insurance Association Plan (developed by one group of insurance companies), and the New York State Plan. All three would de-emphasize the role played by liability insurance, and the AIA Plan would do away with it entirely. Legislation patterned on the AIA Plan has a good chance of adoption this year in Minnesota.

Meanwhile, Senator Philip A. Hart has introduced in Congress a bill that would require every state to adopt a uniform kind of automobile insurance embodying principal features of the three preceding plans and some additional features contributed by the Senator himself. The Hart Plan contains much that consumers can support, although some important details remain to be worked out. Still awaited (as this issue goes to press) is the recommendation for insurance reform being developed by the Secretary of Transportation as the product of a study ordered by Congress.

There is no single, perfect plan. Some students of the problem even doubt that the system of privately sold insurance can be salvaged. They look toward government insurance. Certainly, the problem is made less critical by state-administered health-insurance and medical-care plans in those countries that have them. Then, at least, there is never a question of availability of medical care for all victims regardless of ability to pay and regardless of whether they are victims of automobile accidents, other accidents or illness.

CU believes that this country's automobile insurance should be revamped with a view to the universal health insurance that appears to be somewhere on the horizon. With that in mind, we present on page 225 a 14-point set of objectives that we think are required in a reform designed in the best interests of consumers as policeholders and as claimants.

To place those objectives in an understandable framework, let's first take a look at what's gone wrong with the present system.

At issue is liability insurance and the legal doctrine that makes it necessary. The law says a motorist whose bad driving kills or injures someone or damages his property must pay for the damage. Bad driving, the law says, includes not only recklessness but also carelessness. Almost everybody makes mistakes behind the wheel, and sometimes mistakes cause accidents costing many thousands of dollars in medical bills and lost wages. Liability insurance is designed to protect the financial assets of car owners from those possibly overwhelming obligations to people they may injure. The insurance company pays what its policyholder would otherwise have to pay his victims.

Society invents laws for a purpose. One idea behind liability law is to deter people from carelessly hurting other people. Automobile insurance, though, relieves individual motorists of heavy financial penalty by spreading the risk among all insured motorists. Little or no financial risk means little or no deterrent to carelessness. But the liability doctrine of deterrence wasn't very sound anyway. The instinct for survival is doubtless a far stronger incentive to safe driving.

The main social purpose of liability law is to see that innocent victims are paid their losses. Hence, every state either compels or puts heavy pressure on car owners to buy automobile insurance. One of the intolerable things about it is that the system works out unfairly. People with minor losses tend to be overpaid, while people with severe losses are likely to be underpaid. Here are some things a Department of Transportation study found out about seriously injured traffic victims who collected on liability-insurance claims:

People who suffered less than $500 injury costs collected an average of four times their losses.

People who suffered from $10,000 to $25,000 injury costs collected an average of half their losses.

People who suffered more than $25,000 injury costs collected an average of only about 15 per cent of their losses.

The study counted only the kinds of costs that took money from the victims' pockets; it made no estimate of the costs of pain and suffering. Insurance payments were measured after subtracting lawyers' fees, which cost victims an average of 25 per cent of their benefits.

Only about 45 per cent of seriously injured people in auto accidents collect any money from liability insurance. There is obviously no such right of payment for victims of one-car accidents or for those whose careless driving led to their own injury. Most state laws call for no liability payment if both drivers made mistakes. There is no auto-insurance liability payment, either, where no one is to blame for the accident or where a defective car or a defective highway is to blame. There is many a crash that embroils its victims in deadlocked argument over who was to blame.

Other kinds of insurance help to fill the gap in accident expenses left when there is no liability claim or when liability insurance underpays. But the Department of Transportation study found again that those most severely hurt are often left in financial straits. When a highway accident takes more than $10,000 from the victim's pocket, only three victims in 10 recover more than half their losses—and that's counting payments from sick-leave plans, social security, collision coverage and so forth.

RISING PREMIUMS

The steeply rising cost of automobile insurance makes the poor delivery of its benefits all the more deplorable. In the 10 years to 1970, Senator Hart has noted, premiums went up faster than even the soaring cost of car repairs and medical care.

Automobile liability insurance fails to put the money where it's most needed. About 56 cents of every dollar spent on liability insurance pays for insurance-company expenses and lawyers' fees. Half the remaining 44 cents pays claims for pain and suffering, as opposed to actual out-of-pocket expenses. An additional 8 cents pays for expenses already covered by other kinds of insurance. That leaves about 14 cents to pay for medical costs and lost wages that otherwise would not be recovered by the victim.

In short, what has come to be called the fault system of auto insurance has broken down; yet law and public policy force almost all car owners to buy fault insurance from private companies. Besides misdirecting consumer expenditures, the fault system puts a heavy and costly burden on the time and facilities of the civil courts. Those who must pursue their claims in court sometimes wait as long as five years for a verdict, and the average claim takes 16 months to settle. The delay and uncertainty of liability-insurance benefits throws part of the medical cost of auto accidents on the shoulders of the general public through higher taxes and higher hospital bills.

Worst off are the victims. The Department of Transportation study translated hardships into numbers. When serious injury occurs on the highway, 5 per cent of the stricken households have to send other members of the family out to work; 3 per cent have to move to cheaper housing; 20 per cent have to take money from savings or the sale of property; 12 per cent miss debt payments.

THE GOALS OF AUTO-INSURANCE REFORM

In CU's view, the following 14 objectives should be met by any reform plan:

1. Medical care. All people injured in car accidents should receive, at first mainly from private insurance but soon, we hope, from a Federal health plan, the expenses of complete medical care, including rehabilitation. Automobile medical-insurance benefits, like other medical insurance, should be paid to all who are hurt, regardless of who caused the accident, including drunk drivers and drugged drivers. Such people must be kept from driving. But depriving them of medical care won't keep them off the road; it will only visit hardships upon their families.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No, it limits no-fault benefits to $10,000 per person.

American Insurance Association Plan—Yes.

New York State Plan—Yes.

Hart Plan—Yes.

2. Wage replacement. All disabled victims who cannot work should receive the equivalent of their take-home pay, their earning capacity if they are students or unemployed, or their services to their families—all such payments to be limited to an amount adequate to sustain a decent standard of living in their community. No one should receive more money than he was taking home before being injured, however. Social security pays some wage loss already to disabled persons. It should be expanded to do the full job.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No, it limits wage replacement to $750 per month and counts that as part of the $10,000 maximum no-fault benefits.

American Insurance Association Plan—No, it limits wage replacement to $750 per month but does pay it indefinitely.

New York State Plan—Yes, it goes beyond the objective by paying unlimited wage losses.

Hart Plan—No, it limits wage replacement to a total of $30,000 but does provide up to $1000 per month, enough for an adequate living standard at present price levels.

3. Periodic payment. Auto-accident-insurance benefits should be paid to victims month by month as expenses and wage losses occur.

Do the major reform plans meet this objective? Yes.

4. Other insurance. Auto insurance should take care of paying only what less-costly insurance plans do not cover. Most plans, including social security, group hospital and medical policies, Blue Cross, and individual health policies now return a far larger percentage of the premium to the policyholders than auto insurance does.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—Partly. Though it does away with duplicate payments for the same loss, it might leave automobile insurance as the primary source of benefits, at least until there is a government health-insurance system.

American Insurance Association Plan—No. Same as Keeton-O'Connell.

New York State Plan—Yes.

Hart Plan—Yes.

5. Group auto policies. State laws and administrative rules obstructing the sale of group automobile insurance should be overruled by Federal law. Many states have been persuaded by auto-insurance agents to hamper group sales and such mass-marketing devices as insuarnce for a company's employees on the payroll-deduction plan.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No. But the plan itself would encourage group selling.

American Insurance Association Plan—No. Same as Keeton-O'Connell.

New York State Plan—Yes, in that New York has no law against group insurance.

Hart Plan—Yes.

6. Cancellation. Auto-insurance policies must be non-cancelable, guaranteed renewable, and available in the open market to all eligible consumers. Everyone licensed to drive or able to register a car should be eligible as long as he pays the premiums. The situation now is that 14 per cent of motorists have had their insurance canceled, and when one company cancels, others tend not to accept you. From 8 to 10 per cent of car owners must now buy through assigned-risk plans because no company will deal with them voluntarily; yet an eight-state analysis of assigned-risk policyholders found that 53 per cent of them had had no accidents or convictions for traffic violations. The price of being an assigned risk is very high—sometimes double the standard rate. In most states the most insurance you can buy as an assigned risk is the minimum liability coverage required by the state.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No.

American Insurance Association Plan—No.

New York State Plan—No.

Hart Plan—Yes.

7. Pain and suffering. The number of claims for pain and suffering should be greatly curtailed, leaving only the most serious ones. Most such claims today are paid to victims of minor injuries rather than to the seriously hurt. The average person with medical expenses of less than $100 and with a lawyer to press his claim receives six times his loss. With the elimination of petty claims for pain and suffering, the insurance system might be able to pay, in addition to out-of-pocket losses, at least some compensation to seriously disfigured and permanently disabled victims. Preferably, every such victim should be paid. If that makes insurance too costly, it may be necessary to preserve his right to sue a negligent driver.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—Yes, by means of a $5000-deductible liability claim against a faulty driver.

American Insurance Association Plan—No.

New York State Plan—No.

Hart Plan—Yes, by means of a liability claim against a faulty driver for permanent disability and disfigurement.

8. Property damage. Damage done by automobiles to property other than automobiles should be repaired with money from the car-owner's automobile insurance even if the accident was not his fault.

Do the major reform plans meet this objective?

Yes, except that the Hart Plan makes such coverage optional.

9. Compulsory coverage. Every car owner should have to carry the basic no-fault automobile insurance. Companies could offer all kinds of optional extra coverages: higher benefits for pain and suffering, higher wage benefits, etc.

Do the major reform plans meet this objective? Yes.

10. Automobile damage. The consumer should have three choices of automobile damage insurance: 1) no collision insurance, 2) today's type of collision insurance, which pays for damage regardless of fault, 3) insurance that pays damage done to his car if the driver of another car caused the accident. The third choice should be offered in fairness to owners of cars with too little value to merit full collision insurance. Collision premium rates should be scaled, as some companies scale them now, to encourage construction of damage-resistant cars. Fire, theft and comprehensive insurance should be optional, as now.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—Yes, it originated the three-choice idea.

American Insurance Association Plan—No. It offers full collision insurance or nothing.

New York State Plan—Same as AIA.

Hart Plan—No. Same as AIA. But this is the only plan that would require premiums based on damageability of the car.

11. Premium rates. They must be held down and, if possible, reduced. A system that pays benefits without attempting to establish blame can redirect to premium savings or improved benefits at least 25 percent of the cost of today's liability insurance. Elimination of automobile-insurance payments for losses already covered by cheaper insurance will cut the premium further. Elimination of pain-and-suffering claims for minor injuries will cut costs even more.

Do the major reform plans meet this objective? Yes, all claim to. But there is disagreement on the savings. The Keeton-O'Connell Plan puts a $10,000 limit on no-fault medical and wage benefits because its actuary could not otherwise foresee reduced premiums.

12. Price comparisons. The driver-rating system should be standardized. A person's age, sex, where he lives, the car he drives, and how much he uses his car do appear to have a real bearing on his chances of having an accident. With no-fault insurance, companies should also design their rates around the size of the family, its other insurance and its income—in other words, those factors that would determine compensation in the event of an injury-causing accident. The important thing is for each company to use the same rating standards, including identical geographic rate zones. Companies should compete on the basic price from which all rates would be figured by percentage increases or decreases. Shoppers would then find it relatively easy to compare prices.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No.

American Insurance Association Plan—No.

New York State Plan—No.

Hart Plan—Yes, it originated the idea.

13. Claims service. Insurance companies should report regularly to a Government agency their claims-paying practices, and the agency should publish data indicating how well each company satisfies its claims. CU's recent survey of claims experiences showed significant differences in the way companies handled their claims (CONSUMER REPORTS, June 1970). Full knowledge of the quality of a company's service is essential to the consumer's rational choice of a company.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No.

American Insurance Association Plan—No.

New York State Plan—No.

Hart Plan—Yes, it originated the idea.

14. Industry regulation. Automobile insurance should be regulated by a Federal agency instead of by each individual state. It would be appropriate for the motoring public to finance the agency with a tax on insurance policies. Present law exempting insurance companies from the antitrust laws should be repealed. Prices should be regulated by the market under surveillance of the new Federal agency. Few states can hire the professional staffs needed to cope with their regulatory obligations. A single Federal agency could afford highly competent attorneys, accountants and actuaries and could use their services efficiently in the public interest. The American population is mobile. It travels on interstate highways, and it changes residence frequently from state to state. Americans need uniform motor-vehicle laws and uniform automobile insurance.

Do the major reform plans meet this objective?

Keeton-O'Connell Plan—No.

American Insurance Association Plan—Does not specify.

New York State Plan—No.

Hart Plan—No. Insurance regulation would remain with the states in consultation with a Federal administrator.

"THE CONDITION OF OUR CONDITION"; NIXON'S GAME PLAN

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. MURPHY of New York. Mr. Speaker, there is an old chestnut that goes "figures don't lie, but liars figure." This can apply to those statisticians in the Nixon administration who have for months tried to explain to a disbelieving American public that the administration's economic policies were a "roaring success."

Speaker of the House McCormack was right when he said a year ago that the only way President Nixon could hide our economic debacle from the American people was to not make the figures available at all.

Apparently, the White House has seen fit to defer to the wisdom of the former Democratic Speaker. If there is no news at all, then there cannot be any bad news, the reasoning seems to go.

However, this is certainly no comfort to the millions of Americans who have irretrievably lost their life savings, their homes, their children's futures, and any hope of recouping their financial losses in a lifetime. The fiscal policies of the Nixon administration have done irreparable damage to America and the silencing of the Bureau of Labor experts who had the responsibility of giving us the bad news every month will do nothing to restore confidence in our Government and its fiscal failures.

The change in Mr. Nixon's "game plan" to spoon feed the American people its own partisan version of how well off we all are and the possible self-defeating results of all of this were brilliantly interpreted by Eileen Shanahan in the New York Times of March 22, 1971.

I include Miss Shanahan's column in the RECORD and ask that Members of both aisles read it because if history repeats itself, which I am convinced it will, the Congress will have to ultimately take up the task of restoring the confidence of the American people in this country as it was forced to do under the Hoover and Eisenhower administrations.

[From the New York Times, Mar. 22, 1971]

REPORTING ON ECONOMY—END OF BRIEFINGS ON JOB FIGURES AND PRICE INDEX MAY BRING NEW PROBLEMS

(By Eileen Shanahan)

WASHINGTON, March 22.—The Nixon Administration's decision to make fundamental changes in the time-tested system for informing the public of major developments in the economy appears likely to bring on some serious new problems without necessarily solving what are alleged to be the old ones. The decision, announced and put into effect last week, was simply to cancel, permanently, the briefings for the press that were formerly given each month on the two most widely watched of all the basic economic indicators—the unemployment figures and the Consumer Price Index. The briefings have been held regularly for two decades by the career technicians in the Labor Department's Bureau of Labor Statistics, which puts out the unemployment and price figures.

The career civil servants who conducted the news conferences were there to guide reporters through the ever-more-complex refinements of the figures, made possible by modern computer technology; to help with analyses of which month-to-month changes were purely seasonal and which were fundamental, and why; to point out fluke developments that had nothing to do with basic trends that might be at work on a given month's figures, and so on.

INTEGRITY UNQUESTIONED

That these Government career men never served any master but the truth has never been questioned by anyone who dealt with them or their product, and it is not being questioned now.

In fact, it was in the name of protecting the integrity of these career technicians that Secretary of Labor James D. Hodgson announced on Friday that their press briefings were to be terminated.

The new procedure for the release of these figures will be limited to written news releases plus comments by officials, such as Mr. Hodgson himself, who are clearly identified partisans of the Administration.

This, according to the Labor Department's announcement, will "avoid the awkwardness of subjecting the professional staff of the Bureau of Labor Statistics to questions with policy implications."

The technicians will still be available to reporters, on an individual basis, "to help with technical questions," the announcement continued.

A DIFFICULT DISTINCTION

But who is going to determine which is a "policy" question that is out-of-bounds for the career experts and which a "technical" question that they have permission to answer?

The recent conflicts of interpretation between the technicians and the political appointees illustrate the difficulty of drawing the distinction.

In November, the dispute centered on just what portion of the increased unemployment in that month was attributable to layoffs in other industries that were caused by the General Motors strike. The career experts said that it was something less than the entire rise; the White House press secretary, Ronald L. Ziegler, implied that the President's Council of Economic Advisers had discovered that it was all G.M.-related.

In January, when the unemployment rate dropped a bit, the chief career expert on the unemployment figures, Harold Goldstein, described the change as "marginally significant," whereas Mr. Hodgson said it had "great significance." The point to bear in mind here is that the word "significant" in statistics is not a matter of the-feel-on-the-back-of-your-neck but, rather has a precise mathematical definition.

In February, another decline in the unemployment rate, produced not by an increase in the number of jobs so much as by an unusually large decline in the number of persons who said they were looking for work, drew similarly mixed interpretations from Mr. Goldstein and Mr. Hodgson. Interestingly enough, a comment by Secretary of the Treasury John B. Connally Jr. seemed closer to Mr. Goldstein's view.

It seems clear enough that whether a change is statistically significant, whether another is related to a strike and whether still another is related to the mystery of why unemployed people decide to start or to stop actively looking for jobs are all "technical" questions. Equally clearly, they are all questions the answers to which raise "policy implications."

A decade ago, a group of distinguished economists of all political persuasions, drawn from the universities, from business and from organized labor, made a detailed study of the employment and unemployment statistics and come forth with a unanimous report proposing improvements. Most of their recommendations dealt with the substance of the statistics themselves, but a special section was devoted to the method of announcing the figures.

NONPOLITICAL CONTEXT

The group, known as the Gordon Committee from its chairman, Prof. R. A. Gordon of the University of California (Berkeley), concluded that "the need to publish (the unemployment statistics) in nonpolitical context cannot be overemphasized."

While proposing that a "sharp line" be drawn between the actual release of the figures and their analysis, on the one hand, and "comments on the policy implications," the committee also spoke of the "obligation" of the experts to "offer analytical, interpretive comments that will assist the users of the data to assess the significance of the changes."

Secretary Hodgson invoked the name and conclusions of the Gordon committee in making his announcement of the change, but Professor Gordon disagrees.

He said, in a telephne interview, that the new policy was "not in the spirit of what we recommended, and I regret it."

COMMITTEE'S ORIGIN

One of the reasons behind the creation of the Gordon Committee, which was named by President Kennedy, was the political uses that were made of the unemployment figures in the final years of the Eisenhower Administration.

General Eisenhower's Secretary of Labor, James P. Mitchell, would sometimes announce the figures before the Bureau of Labor Statistics could. And he—and President Eisenhower himself—were strikingly inconsistent about their use of seasonally adjusted or not seasonally adjusted figures (usually emphasizing those that looked most favorable).

Some similar things are occurring now as policymaking officials increasingly comment on the various economic statistics.

It seems possible that few members of the current Administration recall the ultimate consequences of the public relations policy of the Eisenhower Administration toward economic statistics.

The consequences were that many informed individuals across the nation began to doubt the accuracy and integrity of the statistics themselves—to such a point that both the Gordon Committee and the Joint Economic Committee of Congress felt it necessary to issue public statements affirming their belief that the figures were honest.

BYELORUSSIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. DINGELL. Mr. Speaker, the Byelorussians are one of the lesser known Slavic peoples. This is partly because they have been intermingled with more numerous other Slavic peoples, and partly because they have been subjected to the oppressive rule of foreign regimes. For centuries Russians have done all in their power to assimilate them, and have tried to represent them to the world as Russians. But history shows that the Byelorussians—the White Russians, or Ruthenians, as they are sometimes called—formed a distinct national group in their homeland, east of Poland and west of Moscow, long before the formation of the modern Russian state. However, early in modern times it was brought forcibly under the Russians and became part of the Russian empire.

Czarist Russian rule could not wipe out the Byelorussians as an ethnic group. The more they were oppressed by their Russian masters, the more Byelorussians clung to their ethnic and national ideals, and longed for the day of their freedom. This came about early in 1918, after the overthrow of the czarist regime in Russia. On March 25 of that year the Byelorussian National Republic was proclaimed, with its capital in the historic city Minsk. Soon it was recognized by the governments of several countries, and it looked as if the new state was to maintain its sovereignty in historic Byelorussia. Unfortunately the independence thus proclaimed did not last long. Russian Communists attacked and overran the country, and in March of 1921, Byelorussian independence vanished.

Since then, for 50 years, some 10 million Byelorussians have been living under the oppressive Soviet regime. But they have not abandoned their ultimate goal for national political independence. There in their historic homeland they work hard under all sorts of hardships and they ardently look to the day of their liberation. On the observance of their Independence Day let us all hope that they will soon attain their goal in their homeland.

PRISONERS OF WAR

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. KOCH. Mr. Speaker, I am honored to join with my colleagues in support of a resolution setting aside the period of March 21 to March 27 as the National Week of Concern for Prisoners of War/Missing in Action. It was on March 26, 7 years ago, that the first American was taken prisoner in Vietnam. War, we must all agree, too often involves shameful acts. But governments have an even greater responsibility for their actions, and are required under international law to respect the rights of prisoners of war. There can be no excuse for a government to engage in violations of the Geneva Convention which protects prisoners of war. The North Vietnamese Government has violated that Convention. Whatever one's position is with respect to the military involvement of our country in Southeast Asia, and I am one of those who opposes that involvement, surely we must all agree that the physical comfort and very lives of prisoners of war ought not be used by the country holding them to gain political and military concessions. The North Vietnamese by engaging in acts violating the Geneva Convention have not helped their cause by embittering Americans of all political persuasions as a result of their treatment of the young men of our country held captive by them. It is my understanding and I hope it to be true that the cries of outrage by the citizens of this country as well as the voices raised in other countries throughout the world have caused a perceptible change in the manner and method of treatment of these prisoners of war, but we cannot cease our protests until all of the protections of the Geneva Convention are accorded our young men, and we cannot rest until they are returned to their wives, mothers, and children.

SESAME STREET—EXPERIMENT IN MISEDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RARICK. Mr. Speaker, while acclaimed by some educators, the controversial children's TV program, "Sesame Street," has come under severe criticism by other persons.

Miss Helen L. Beck, a preschool specialist, author, and social worker in an address to the American Orthopsychiatric Association claimed:

> Aldous Huxley's "Brave New World" seems indeed to have obtained reality in our living rooms as the young are being drugged into a semi-waking stage by the onslaught of visual and audio stimuli which appeal to the more primitive aspects of the child's personality.

Miss Beck presented the following objections to "Sesame Street":

It prevents development of creative activities by children from low-income families.

It discourages development of attention span in young children.

It commits "oral aggression" upon young viewers.

It stresses rote learning.

Adults and children in programs are emotionally and psychologically deficient.

Other criticism comes from a concerned parent, Mrs. Babs Minhinnette, of Baton Rouge, La., who after doing much research on the program has submitted the following derogatory evaluation of Sesame Street:

> Sesame Street was banned from the Mississippi public educational television system because of its "highly integrated" cast, according to an article that appeared in the New Orleans Times Picayune.
>
> The program may not be interrupted for commercial advertisement, because its sponsors do not want to interrupt the train of thought (hypnotic trance) of the youngsters.
>
> Sesame Street is funded by the Office of Education, Carnegie, and Ford. Some of the other subversive and revolutionary groups that Ford funds are Bryn Mawr College which employs the Communist Party's chief theoretician, Herbert Aptheker, as head of its Black Studies program—Angela Davis was one of his students—Siecus; Pacifica Foundation which operates four far-out-left radio stations and has many communists and revolutionaries as regular guests; the National Students Association which is a militant group of left-wing students who are causing much disruption in our colleges and universities; the American Friends Service Committee which has openly worked with the communists and Viet Cong—they have sent blood and medical suppies to the Viet Cong—Le Roi Jones who is the author of the "Toilet"—a filthy, anti-American and anti-white play; the National Council of Churches and many others. The name of the yacht belonging to Henry Ford II is the Black Panther.
>
> Sesame Street is harmful to the minds of children. It can cause mental confusion and brain washing as it makes extensive use of psychedelic colors and rapidly flashed pictures. According to a study made by the Subliminal Projection Company of New York City, conditioning of the minds of viewers was obtained by showing "unseen" advertising messages lasting only 1/3000th of a second, interspersed with the regular film program. The study proved, beyond doubt, the dangerous potentials of this new weapon against the mind.
>
> The teachers on Sesame Street, as well as the children, use many slang expressions and make repeated grammatical errors. One does not learn to speak correctly by being instructed by those who speak incorrectly. Examples of grammatical errors on this week's programs are "these here rocks", "Mama going to town—maybe she buy me something", dis (this), dat (that), dem (them), and dos (those).
>
> The program does not portray the history and traditions of our nation truthfully. An educated person is one who has been taught truth, not lies. The program animalizes humans and humanizes animals.
>
> The communist revolutionary expression "right on" is frequently chanted on this program by both students and teachers. Sexually suggestive and primitive dances are frequently performed by the actors.
>
> Sesame Street is dangerous to the physical well being of children. On a recent program it was stated that people on Mars stuff cookies in their ears. Parents are irate over this dangerous idea being implanted into the minds of their children. On this same program, all of the parts of the body were incorrectly labeled.
>
> The program, rather than being educational, is actually subversive and contrary to our Christian heritage and traditions.
>
> The program promotes race mixing: race mixing is genocide to the white race.

I insert two news clippings to follow my remarks:

[From the Washington Evening Star, Mar. 24, 1971]

"SESAME STREET" RAPPED BY PRESCHOOL SPECIALIST

(By John Mathews)

"Sesame Street," the popular children's television program, has brought into American living rooms the atmosphere of Aldous Huxley's futuristic novel "Brave New World" with its programmed people responding to electronic controls.

So contends Helen L. Beck, a preschool specialist, author and social worker in a paper presented today at a session of the annual conference of the American Orthopsychiatric Association.

Her paper represents perhaps the most critical view to date of the program which has generally been praised by educators since its debut on educational TV stations a year and a half ago.

Miss Beck, who was associated in Europe with child psychiatrist Anna Freud, indicts the program as being both educationally and psychologically harmful to young children.

FEARS DAY-CARE USE

She also expressed fears that wide use of "Sesame Street" in day-care centers will prevent the development of creative activities in the rapidly expanding facilities, especially in those used by children from low-income families.

Educationally, Miss Beck says, "Sesame Street" does not encourage the development of attention span in young children—a constant concern of teachers in the early grades—because of its "choppy, fragmented presentation of material, its jumpiness of segments."

Letters and numbers constantly "jumping out" of the television screen amount to "oral aggression" committed upon the young viewer. The "pleasure-fear reactions" created by noisy, fast-paced film techniques are just as objectionable, she continued, as the commercials and cartoons from which the techniques have been adapted.

The learning approach on the program stresses "mechanical memory training" and rote learning which are generally a "dead end" as far as educational and social development are concerned, Miss Beck said.

Miss Beck summed up her view of the programs approach by saying: "Aldous Huxley's 'Brave New World' seems indeed to have obtained reality in our living rooms as the young are being drugged into a semi-waking stage by the onslaught of visual and audio stimuli which appeal to the more primitive aspects of the child's personality."

The critic currently is employed as a social worker in Westport, Conn., public schools. She finds "Sesame Street," in addition, emotionally and psychologically deficit, particularly in the models of adults and children it presents.

"MORE LIKE PROPS"

The children on the program, she said, "seem more like props than live children who have their own fascinating ideas and logic." And the adults "do not seem to respond to children's remarks if these do not follow the prepared lesson."

Miss Beck said that other television programs such as "Misterogers Neighborhood" are more appropriate for the social and educational development of preschoolers. Fred Rogers, the program's originator and main performer, deals with information keyed to the child's age level, discusses feelings such as shyness and works at a leisurely pace with which the young can identify.

Generally, Miss Beck aligns herself with the theory that preschoolers should not be pressured into the early learning of reading, arithmetic and other skills.

Funds to develop children's programs stressing early reading instruction would be better spent, she said, on teaching parents how to more deeply involve themselves with the emotional and intellectual growth of their children.

[From the New Orleans Times Picayune]

SESAME STREET SAID BANNED BY BOARD IN MISSISSIPPI

NEW ORLEANS.—"Sesame Street," a nationally syndicated program for preschool children, has been banned on Mississippi's public educational television system because of its "highly integrated" cast, The Times-Picayune said today.

In a dispatch from its Jackson, Miss., bureau, the newspaper said the Mississippi Commission for Educational Television reportedly voted 3 to 2 against the program.

The story quoted a commission member, who asked to remain unidentified, as saying, "Some of the members of the commission were very much opposed to showing the series because it uses a highly integrated cast of children."

The same source, the newspaper reported, said the objections were "mainly that we are not ready for it."

HOW NOT TO CURE POVERTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SCHMITZ. Mr. Speaker, the following very interesting article by Mr. Henry Hazlitt which appeared in the February 1971 edition of Freeman magazine makes some very good points about how not to cure poverty.

Mr. Hazlitt reminds us that—

> All schemes for redistributing or equalizing incomes or wealth must undermine or destroy incentives at *both* (emp. added) ends of the economic scale.

He also points out that—

> Competition always tends to bring about the least-cost method of production—in other words, the most economical and efficient method of production.

These concepts are rather basic to understanding the free market economy and why it has produced the highest standard of living in the world which we today enjoy in the United States. I highly recommend it as food for thought to all my colleagues.

The article follows:

FALSE REMEDIES FOR POVERTY

(By Henry Hazlitt)

From the beginning of history sincere reformers as well as demagogues have sought to abolish or at least to alleviate poverty through state action. In most cases their proposed remedies have only served to make the problem worse.

The most frequent and popular of these proposed remedies has been the simple one of seizing from the rich to give to the poor. This remedy has taken a thousand different forms, but they all come down to this. The wealth is to be "shared," to be "redistributed," to be "equalized." In fact, in the minds of many reformers it is not poverty that is the chief evil but inequality.

These direct redistribution schemes (including "land reform" and "the guaranteed income") are so immediately relevant to the problem of poverty that they warrant separate treatment. Here I must content myself with reminding the reader that all schemes for redistributing or equalizing incomes or wealth must undermine or destroy incentives at both ends of the economic scale. They must reduce or abolish the incentives of the unskilled and shiftless to improve their condition by their own efforts, and even the able and industrious will see little point in earning anything beyond what they are allowed to keep. These redistribution schemes must inevitably reduce the size of the pie to be redistributed. They can only level down. Their long-run effect must be to reduce production and lead toward national impoverishment.

The problem we face here is that the false remedies for poverty are almost infinite in number. An attempt at a thorough refutation of any single one of them would run to disproportionate length. But some of these false remedies are so widely regarded as real cures or mitigations of poverty that if I do not refer to them, I may be accused of having undertaken a comprehensive analysis of the remedies for poverty while ignoring some of the most obvious.

What I shall do, as a compromise, is to take up some of the more popular of the alleged remedies for poverty and indicate briefly in each case the nature of their shortcomings or the chief fallacies involved in them.[1]

UNIONS AND STRIKES

The most widely practiced "remedy" for low incomes in the last two centuries has been the formation of monopolistic labor unions and the use of the strike threat. In nearly every country today this has been made possible to its present extent by government policies that permit and encourage coercive union tactics and inhibit or restrict counteractions by employers. As a result of union exclusiveness, of deliberate inefficiency, of featherbedding, of disruptive strikes and strike-threats, the long-run effect of customary union policies has been to discourage capital investment and to make the average real wage of the whole body of workers lower, and not higher, than it would otherwise have been.

Nearly all of these customary union policies have been dishearteningly shortsighted. When unions insist on the employment of men that are not necessary to do a job (requiring unneeded firemen on Diesel locomotives; forbidding the gang size of dock workers to be reduced below, say, 20 men no matter what the size of the task; demanding that a newspaper's own printers must duplicate advertising copy that comes in already set in type, etc.) the result may be to preserve or create a few more jobs for specific men in the short run, but only at the cost of making impossible the creation of an equivalent or greater number of more productive jobs for others.

The same criticism applies to the age-old union policy of opposing the use of labor-saving machinery. Labor-saving machinery is only installed when it promises to reduce production costs. When it does that, it either reduces prices and leads to increased production and sales of the commodity being produced, or it makes more profits available for increased reinvestment in other production. In either case its long-run effect is to substitute more productive jobs for the less productive jobs it eliminates. Yet as late as 1970, a book appeared by a writer who enjoys an exalted reputation as an economist in some quarters, opposing the introduction of labor-saving machines in the underdeveloped countries on the ground that they "decrease the demand for labor"![2] The natural conclusion from this would be that the way to maximize jobs is to make all labor as inefficient and unproductive as possible.

OVERTIME RATES

A similar judgment must be passed on all "spread-the-work" schemes. The existing Federal Wage-Hour Law has been on the books for many years. It provides that the employer must pay a 50 per cent penalty overtime rate for all hours that an employee works in excess of 40 hours a week, no matter how high the employee's regular hourly rate of pay.

This provision was inserted at the insistence of the unions. Its purpose was to make it so costly for the employer to work men overtime that he would be obliged to take on additional workers.

Experience shows that the provision has in fact had the effect of narrowly restricting the length of the working week. In the ten-year period, 1960 to 1969 inclusive, the average annual work-week in manufacturing varied only between a low of 39.7 hours in 1960 and a high of 41.3 hours in 1966. Even monthly changes do not show much variation. The lowest average working week in manufacturing in the fourteen months from June, 1969 to July, 1970 was 39.7 hours and the highest was 41 hours.

But it does not follow that the hour-restriction either created more long-term jobs or yielded higher total payrolls than would have existed without the compulsory 50 per cent overtime rate. No doubt in isolated cases more men have been employed than would otherwise have been. But the chief effect of the overtime law has been to raise production costs. Firms already working full standard time often have to refuse new orders because they cannot afford to pay the penalty overtime necessary to fill those orders. They cannot afford to take on new employees to meet what may be only a temporarily higher demand because they also have to install an equivalent number of additional machines.

Higher production costs mean higher prices. They must therefore mean narrowed markets and smaller sales. They mean that fewer goods and services are produced. In the long run the interests of the whole body of workers must be adversely affected by compulsory overtime penalties.

All this is not to argue that there ought to be a longer work week, but rather that the length of the work week, and the scale of overtime rates, ought to be left to voluntary agreement between individual workers or unions and their employers. In any case, legal restrictions on the length of the working week cannot in the long run increase the number of jobs. To the extent that they can do that in the short run, it must necessarily be at the expense of production and of the real income of the whole body of workers.

MINIMUM WAGE LAWS

This brings us to the subject of minimum-wage laws. It is profoundly discouraging that in the second half of the twentieth century, in what is supposed to be an age of great economic sophistication, the United States should have such laws on its books, and that it should still be necessary to protest against a nostrum so futile and mischievous. It hurts most the very marginal workers it is designed to help.

I can only repeat what I have written in another place.[3] When a law exists that no one is to be paid less than $64 for a 40-hour week, then no one whose services are not worth $64 a week to an employer will be employed at all. We cannot make a man worth a given amount by making it illegal for anyone to offer him less. We merely deprive him of the right to earn the amount that his abilities and opportunities would permit him to earn, while we deprive the community of the moderate services he is capable of rendering. In brief, for a low wage we substitute unemployment.

But I cannot devote more space to this subject here. I refer the reader to the careful reasoning and statistical studies of such eminent economists as Professors Yale Brozen, Arthur Burns, Milton Friedman, Gottfried Haberler, and James Tobin, who have emphasized, for example how much our continually rising legal minimum wage requirements have increased unemployment in recent years, especially among teen-aged Negroes.

THE MOUNTING BURDEN OF WELFARE PLANS AND TAXES

In the last generation there has been enacted in almost every major country of the world a whole sackful of "social" measures, most of them having the ostensible purposes of "helping the poor" in one respect or another. These include not only direct relief, but unemployment benefits, old-age benefits, sickness benefits, food subsidies, rent subsidies, farm subsidies, veterans' subsidies—in seemingly endless profusion. Many people receive not only one but many of these subsidies. The programs often overlap and duplicate each other.

What is their net effect? All of them must be paid for by that chronically forgotten man, the taxpayer. In perhaps half the cases, Paul is in effect taxed to pay for his own benefits, and gains nothing on net balance (except that he is forced to spend his earned money in other directions than he himself would have chosen). In the remaining cases, Peter is forced to pay for Paul's benefits. When any one of these schemes, or a further expansion of it, is being proposed, its political sponsors always dwell on what a generous and compassionate government should pay to Paul; they neglect to mention that this

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Footnotes at end of article.

additional money must be seized from Peter. In order that Paul may receive the equivalent of more than he earns, Peter must be allowed to keep less than he earns.

The mounting burden of taxation not only undermines individual incentives to increased work and earnings, but in a score of ways discourages capital accumulation and distorts, unbalances, and shrinks production. Total real wealth and income is made smaller than it would otherwise be. On net balance there is more poverty rather than less.

But increased taxation is so unpopular that most of these "social" handout schemes are originally enacted without enough increased taxation to pay for them. The result is chronic government deficits, paid for by the issuance of additional paper money. And this has led in the last quarter-century to the constant depreciation of the purchasing power of practically every currency in the world. All creditors, including the buyers of government bonds, insurance policy holders, and the depositors in savings banks, are systematically cheated. Once more the chief victims are the working and saving families with moderate incomes.

Yet everywhere this monetary inflation, eventually so disruptive and ruinous to orderly balanced production, is rationalized by politicians and even by putative economists as necessary for "full employment" and "economic growth." The truth is that if this monetary inflation is persisted in, it can only lead to economic disaster.

PRICE AND WAGE CONTROLS

Many of the very people who originally advocate inflation (or the policies which inevitably lead to it), when they see its consequences of raising prices and money wages, propose to cure the situation, not by halting the inflation, but by having the government impose price and wage controls. But all such attempts to suppress the symptoms enormously increase the harm done. Price and wage controls, to precisely the extent that they can be made temporarily effective, only distort, disrupt, and reduce production—again leading toward impoverishment.

Yet here again, as with the other false remedies for poverty, it would be an unjustifiable digression to spell out in detail all the fallacies and evil consequences of special subsidies, improvident government spending, deficit financing, monetary inflation, and price-and-wage controls. I have myself dealt with these subjects in two previous books: *The Failure of the New Economics*[4] and *What You Should Know About Inflation;*[5] and there is, of course, an extensive literature on the subject. The chief point to be reiterated here is that these policies do not help to cure poverty.

Another false remedy for poverty is the progressive income tax, as well as a very heavy burden of capital-gains taxes, inheritance taxes, and corporate income taxes. All of these have the effect of discouraging production, investment, and capital accumulation. To that extent they must prolong rather than cure poverty.

OUTRIGHT SOCIALISM

We come now to the final false remedy for poverty to be considered in this article—outright socialism.

Now the word "socialism" is loosely used to refer to at least two distinct proposals, usually but not necessarily tied together in the minds of the proposers. One of these is the redistribution of wealth or income—if not to make incomes equal, at least to make them much more nearly equal than they are in a market economy. But the majority of those who propose this objective today think that it can be achieved by retaining the mechanisms of private enterprise and then taxing the bigger incomes to subsidize the smaller incomes.

By "outright socialism" I refer to the Marxist proposal for "the public ownership and control of the means of production."

Now one of the most striking differences between the 1970's and the 1950's, or even the 1920's, is the rise in the political popularity of Socialism Two—the redistribution of income—and the decline in the political popularity of Socialism One—government ownership and management. The reason is that the latter, in the last half-century, has been so widely tried. Particularly in Europe there is now a long history of government ownership and management of such "public utilities" as the railroads, the electric light and power industries, the telegraph and telephone. And everywhere the history has been much the same—deficits practically always, and in the main poor service compared with what private enterprise supplied. The mail service, a government monopoly nearly everywhere, is also nearly everywhere notorious for its deficits, inefficiency, and inertia. (The contrast with the performance of "private" industry is often blurred, however, in the United States, for example, by the slow strangulation of the railroads, telephone, and power companies by government regulation and harassment.)

As a result of this history, most of the socialist parties in Europe find that they can no longer attract votes by promising to nationalize even more industries. But what is still not recognized by the socialists, by the public, or even by more than a small minority of economists, is that present government ownership and management of industries, not only in "capitalist" Europe but even in Soviet Russia, works only as well as it does because it is parasitic for accounting on the world market prices established by private enterprise.

TOO MUCH TAKEN FOR GRANTED

We are so accustomed to the miracle of private enterprise that we habitually take it for granted. But how does private industry solve the incredibly complex problem of turning out tens of thousands of different goods and services in the proportions in which they are wanted by the public? How does it decide how many loaves of bread to produce and how many overcoats, how many hammers and how many houses, how many pins and how many Pontiacs, how many teaspoons and how many telephones? And how does it decide the no less difficult economical and efficient methods of producing these goods?

It solves these problems through the institutions of private property, the free market, and the existence of money—through the interrelations of supply and demand, costs and prices, profits and losses.

When shoes are in deficient supply compared with the marginal cost of producing them, their price, and therefore the margin of profit in producing them, will increase in relation to the price and margin of profit in producing other things. Therefore, the existing producers will turn out more shoes, and perhaps new producers will order machinery to make them. When the new supply catches up with existing demand, the price of shoes, and the profit of making them, will fall; the supply will no longer be increased. When hats go out of fashion and fewer are worn, the price will decline, and some may remain unsalable. Fewer hats will be made. Some producers will go out of business, and the previous labor and salvageable capital devoted to producing hats will be forced into other lines. Thus, there will be a constant tendency toward equalization of profit margins (comparative risks considered) in all lines. These yearly, seasonal, or daily changes in supply and demand, cost and price, and comparative profit margins, will tend to maintain a delicate but constantly changing balance in the production of the tens of thousands of different services and commodities in the proportions in which consumers demand them.

THE COMPETITIVE ROLE

The same guide of comparative money prices and profits will also decide the kinds and proportions of capital goods that are turned out, as well as which one of hundreds of different possible methods of production is adopted in each case.

In addition, within each industry as well as between industries, competition will be taking place. Each producer will not only be trying to turn out a better product than his competitors, a product more likely to appeal to buyers, but he will also be trying to reduce his cost of production as low as he possibly can in order to increase his margin of profit—or perhaps even, if his costs are already higher than average, to meet his competition and stay in business. This means that competition always tends to bring about the least-cost method of production—in other words, the most economical and efficient method of production.

Those who are most successful in this competition will acquire more capital to increase their production still further; those who are least successful will be forced out of the field. So capitalist production tends constantly to be drawn into the hands of the most efficient.

But how can this appallingly complex problem of supplying goods in the proportions in which consumers want them, and with the most economical production methods, be solved if the institutions of capitalism—private ownership, competition, free markets, money, prices, profits and losses—do not exist?

THE BAFFLING PROBLEM OF ECONOMIC CALCULATION

Suppose that all property—at least in the means of production—is taken over by the state, and that banks and money and credit are abolished as vicious capitalist institutions; how is the government to solve the problem of what goods and services to produce, of what qualities, in what proportions, in what localities, and by what technological methods?

There cannot, let us keep in mind, be a hundred or a thousand different decisions by as many different bureaucrats, with each allowed to decide independently how much of one given product must be made. The available amount of land, capital, and labor is always limited. The factors of production needed to make A are therefore not available for B or C; and so on. So there must be a single unified over-all decision, with the relative amounts and proportions to be made of each commodity all planned in advance in relation to all the others, and with the factors of production all allocated in the corresponding proportions.

So there must be only one Master Production Plan. This could conceivably be adopted by a series of majority votes in a parliament, but in practice, to stop interminable debate and to get anything done, the broad decisions would be made by a small handful of men, and the detailed execution would probably be turned over to one Master Director who had the final word.

How would he go about solving his problem?

We must keep in mind that without free competitive markets, money, and money-prices, he would he helpless. He would know, of course (if the seizure of the means of production has only recently occurred), that people under a capitalist system lived in a certain number of houses of various qualities, wore a certain amount of clothing consisting of such and such items and qualities, ate a certain amount of food consisting of such and such meats, dairy products, grains, vegetables, nuts, fruits, and beverages. The director could simply try to continue this pre-existing mix indefinitely. But then his

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Footnotes at end of article.

decisions would be completely parasitic on the previous capitalism, and he would produce and perpetuate a completely stationary or stagnant economy. If such an imitative socialism had been put into effect in, say, the France of 1870, or even of 1770, or 1670, and France had been cut off from foreign contacts, the economy of France would still be producing the same type and per capita quantity of goods and services, and by the same antiquated methods, as those that had existed in 1870, or even in 1770, or 1670, or whatever the initial year of socialization.

It is altogether probable that even if such a slavishly imitative production schedule were deliberately adopted it would overlook thousands of miscellaneous small items, many of them essential, because some bureaucrat had neglected to put them into the schedule. This has happened time and again in Soviet Russia.

WHAT SHALL BE PRODUCED?

But let us assume that all these problems are somehow solved. How would the socialist Planners go about trying to improve on capitalist production? Suppose they decided to increase the quantity and quality of family housing. As total production is necessarily limited by existing technological knowledge and capital equipment, they could transfer land, capital, and labor to the production of more such housing only at the cost of producing less food, or less clothing, or fewer hospitals, or schools, or cars, or roads, or less of something else. How could they decide what was to be sacrificed? How would they fix the new commodity proportions?

But putting aside even this formidable problem, how would the Planners decide what machines to design, what capital goods to make, what technological methods to use, and at what localities, to produce the consumers' goods they wanted and in the proportions they wanted them?

This is not primarily a technological question, but an economic one. The purpose of economic life, the purpose of producing anything, is to increase human satisfactions, to increase human well-being. In a capitalist system, if people are not willing to pay at least as much for the consumer goods that have been produced as was paid for the labor, land, capital equipment, and raw materials that were used to produce them, it is a sign that production has been misdirected and that some of these productive factors have been wasted. There has been a net decrease in economic well-being instead of an increase.

There are many feasible methods—crucible, Bessemer, open hearth, electric furnace, basic oxygen process—of making steel from iron. In fact, there are today a thousand technically feasible ways of making almost anything out of almost anything. In a private enterprise system, what decides which method will be used at a given place and time is a comparison of prospective costs.

And this necessarily means costs in terms of money. In order to compare the economic efficiency of one productive method with another the methods must be reduced to some common denominator. Otherwise numerical comparison and calculation are impossible. In a market system this common denominator is achieved by comparisons in terms of money and of prices stated in money. It is only by this means that society can determine whether a given commodity is being produced at a profit or a loss, or at what comparative profits or losses any number of different commodities are being produced.

"PLAYING" CAPITALISM

In recent years even the most doctrinaire communist countries have become aware of this. They are going to be guided hereafter, they say, by profit and loss. An industry must be profitable to justify itself. So they fix money prices for everything and measure profit and loss in monetary terms.

But this is merely "playing" free markets. This is "playing" capitalism. This imitation is the unintended flattery that the communists now pay to the system they will ostensibly reject and denounce.

But the reason why this mock-market system has so far proved so disappointing is that the communist governments do not know how to fix prices. They have achieved whatever success they have had when they have simply used the quotations they found already existing for international commodities in the speculative markets—i.e., in the capitalist markets—in the Western world. But there are a limited number of such grains and raw materials with international markets. In any case, their prices change daily, and are always for specific grades at specific locations.

In trying to fix prices for commodities and the multitudinous objects not quoted on these international markets the communist countries are at sea. The Marxist labor theory of value is false and therefore useless to them. We cannot measure the value of anything by the number of hours of "labortime" put into it. There are enormous differences in the skill, quality, and productivity of different people's labor. Nor can we, as suggested by some Soviet economists, base prices on "actual costs of production." Costs of production are themselves prices—the prices of raw materials, of factories and machinery, rent, interest, the wages of labor, and so on.

OUR DIFFERENCES GUIDE US

And nowhere, in a free market, are prices for long exactly equal to costs of production. It is precisely the *differences* between prices and costs of production that are constantly, in a free market economy, redirecting and changing the balance of production as among thousands of different commodities and services. In industries where prices are well above marginal costs of production, there will be a great incentive to increase output, as well as increased means to do it. In industries where prices fall below marginal costs of production, output must shrink. Everywhere supply will keep adjusting itself to demand.

Where prices have been set arbitrarily, real profits and losses cannot be determined. If I am a commissar in charge of an automobile factory, and do not own the money I pay out, and you are a commissar in charge of a steel plant, and do not own the steel you sell or retain the money you sell it for, and we are each ordered to show a profit, the first thing each of us will do is to appeal to the Central Planning Board to set an advantageous price (to him) for steel and for automobiles. As an automobile commissar, I will want the price of the cars I sell to be set as high as possible, and the price of the steel I buy to be set as low as possible, so that my own "profit" record will look good or my bonus will be fixed high. But as a steel commissar, you will want the selling price of your steel to be fixed as high as possible, and your own cost prices to be fixed low, for the same reason. But when prices are thus fixed blindly, politically, and arbitrarily, who will know what any industry's real profits or losses (as distinguished from its nominal bookkeeping profits or losses) have been?

DECENTRALIZED CHAOS

The problems of centralized direction of an economy are so insuperable that in socialist countries there are periodically experiments in decentralization. But in an economy only half free—that is, in an economy in which every factory is free to decide how much to produce of what, but in which the basic prices, wages, rents, and interest rates are blindly fixed or guessed at by the sole ultimate owner of the means of production, the state—a decentralized system could quickly become even more chaotic than a centralized one. If finished products *m, n, o, p,* and so on are made from raw materials *a, b, c, d,* and so on in various combinations and proportions, how can the individual producers of the raw materials know how much of each to produce, and at what rate, unless they know how much the producers of the finished products plan to produce of the latter, how much raw materials they are going to need, and just *when* they are going to need them? And how can the individual producer of raw material *a* or of finished product *m* know how much of it to produce unless he knows how much of that raw material or finished product others in his line are planning to produce, as well as relatively how much ultimate consumers are going to want or demand?

An economic system without private property and free-market price guides must be chaotic. In a communistic system, centralized or decentralized, there will always be unbalanced and unmatched production, shortages of this and unusable surpluses of that, duplications, bottlenecks, time lags, inefficiency, and appalling waste.

In brief, socialism is incapable of solving the incredibly complicated problem of economic calculation. That problem can be solved only by capitalism.[6]

FOOTNOTES

[1] I have examined most of these schemes in more detail elsewhere (chiefly in my *Economics in One Lesson* and in *Man vs. the Welfare State*) and must refer the interested reader to these and other sources for more extended discussion.

[2] Gunnar Myrdal, *The Challenge of World Poverty* (Pantheon Books, 1970), pp. 400–401 and *passim.*

[3] *Man vs. the Welfare State* (Arlington House, 1969), pp. 23–25.

[4] (Princeton: D. Van Nostrand, 1959.)

[5] (Princeton: D. Van Nostrand, 1960, 1965.)

[6] For the fuller discussion of the problem of economic calculation, see my novel, *Time Will Run Back* (originally published by Appleton-Century-Crofts in 1951 as *The Great Idea,* and republished under the new title by Arlington House in 1966). And see especially the discussion by the great seminal thinker who has done more than any other to make other economists aware of the existence, nature, and extent of the problem, Ludwig von Mises, in his *Socialism: An Analysis* (London: Jonathan Cape, 1936, 1951, 1953, 1969), and in his *Human Action* (Chicago: Henry Regnery, third revised edition, 1963), pp. 200–231 and 698–715. See also *Collectivist Economic Planning,* edited by F. A. Hayek (London: George Routledge, 1935), and *Economic Calculation in the Socialist Society,* by T. J. B. Hoff (London: William Hodge, 1949).

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

OPEN INVITATION TO ALL DEMOCRATIC PRESIDENTIAL CANDIDATES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. MURPHY of New York. Mr. Speaker, all Democratic presidential candidates are invited to appear as guest speakers at the National Democratic Club of New York City.

An engraved invitation to appear is not necessary. As chairman of the lecture and forum committee, I invite interested parties to contact me.

Every President since Andrew Jackson has been a guest speaker before our organization—which should serve as an inducement to anyone who wants to be President of the United States.

The luncheon forum meeting is held every Monday at noon.

Former Attorney General Ramsey Clark has already spoken and his appearance was SRO. Senator George McGovern will speak on March 29, 1971, and I am sure this appearance will also bring in a full audience.

On behalf of William H. Prendergast, president of the National Demorcatic Club of New York City, its secretary, Jim Driscoll, and myself, I urge Democratic aspirants to the Presidency to accept this open invitation to present their views to hundreds of fellow Democrats.

A LETTER TO THE PRESIDENT—RE: OUR POW'S

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RARICK. Mr. Speaker, I have just received a copy of a letter written by one of my constituents, Mr. Chris Dumestre III, to the President of the United States concerning POW's.

Chris is an 11-year-old fifth grader from Baton Rouge, La. If his understanding of politics and world issues is exemplary of his generation, we should lower the voting age to 11.

I insert Chris' letter following my remarks:

March 1, 1971.

Dear Mr. President: My name is Chris Dumestre, III. I am eleven years old. I share my birthday with George Washington on the twenty-second of February, and I am in the fifth grade at Episcopal High School. My teacher suggested that we write to the President of North Vietnam, to beg him to treat our prisoners properly. Mr. Nixon, I decided to write to you instead. I think the war and the prisoners are now your responsibility. It seems to me, as strong as our country is, you could end the war quickly. Give them a warning to stop the fighting and return our men in one week. If they don't, hit them with everything we have.

Respectfully yours,

Chris Dumestre III.

P.S.—If you can't do it, we'll get someone who can.